



Office of the City Manager

PUBLIC HEARING
September 26, 2023

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jordan Klein, Director, Planning & Development Department
Subject: ZAB Appeal: 1598 University Avenue, Use Permit #ZP2022-0099

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the decision of the Zoning Adjustments Board to approve Use Permit ZP#2022-0099, to demolish a non-residential structure and construct a 127,492 square foot, eight-story (89 feet-2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and a 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus Law, subject to revised conditions of approval.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On January 26, 2022, Trachtenberg Architects (the Applicant) submitted a complete Senate Bill (SB) 330 preliminary housing development project application and was directed to submit a Use Permit Application, vesting the project to the zoning, design, subdivision and fee requirements in effect as of that date.

On July 7, 2022, the Applicant submitted an SB 330 application for a Use Permit (ZP2022-0099) to demolish a non-residential structure and develop a mixed-use residential building utilizing State Density Bonus.

On January 23, 2023, after three rounds of comments from staff, the application was deemed complete.

On May 5, 2023, the Applicant submitted a revised, complete SB 330 preliminary housing development project application that superseded the previous application, vesting the project to the zoning, design, subdivision and fee requirements in effect as of that date.

On May 11, 2023, staff provided the Zoning Adjustments Board (ZAB) a supplemental memorandum that included changes to the conditions of approval related to Affordable Housing Provisions and Street Trees (Attachment 4).

On May 11, 2023, the ZAB conducted a public hearing for the use permit application. After hearing public comments and holding discussion, the ZAB approved the use permit with revised and added conditions of approval by a vote of 9-0-0-0 (Duffy, Gaffney, Kahn, Lunaparra, O’Keefe, Sanderson, Thompson, Tregub, Yung).

On May 18, 2023, a Notice of Decision of ZAB’s approval was issued, which established a 14-day appeal period (Attachment 3).

On June 1, 2023, Elizabeth Kowal, a neighbor at 1523 Addison Street, filed an appeal of the ZAB’s decision with the City Clerk to City Council.

On September 12, 2023, staff posted the public hearing notices near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area. This public hearing is required to resolve the appeal.

BACKGROUND

The project site is located within the University Avenue Specific Plan (UASP)¹ area in a local-serving avenue node with existing neighborhood services. The project site is located at the corner of University Avenue and California Street, two blocks south of Ohlone Park. The project site is located at an intersection that is composed of one to three story mixed-use and commercial buildings and associated surface parking. Compared to both the eastern and western ends of the UASP area, the site is located within an underdeveloped section of the plan area. The rear of the site abuts the Restricted Two-Family Residential District (R-2) which is characterized by single-family, two-family, and multifamily residential buildings. The site project site is proximate to several bus lines and is within half a mile of the North Berkeley Bart Station.

The project site spans three rectangular, contiguous lots. The 28,936 square foot site maintains about 180 feet of frontage along University Avenue and about 138 feet of frontage along California Street. The western portion of the site area is partially developed with a Chinese language school and the eastern portion of the lot with a restaurant. The majority of the site is dedicated to off-street surface parking. The site is accessed along University Avenue at three separate curb cuts and at one curb cut along California Street. The following entitlements were previously obtained for the site:

- 1951 (UP #767) – To operate a service station
- 1991 (ZP #A1047) – To operate a restaurant

¹ [University Avenue Specific Plan \(1996\)](https://berkeleyca.gov/sites/default/files/2022-03/University-Ave-Plan_Cover_Summary.pdf), https://berkeleyca.gov/sites/default/files/2022-03/University-Ave-Plan_Cover_Summary.pdf

- 1996 (UP #A2434) – To allow beer and wine service at the existing restaurant

The proposed project is a Density Bonus Project and would demolish the existing commercial buildings and construct a new eight-story residential building with 207 dwelling units and 5,943 square feet of commercial space.

The project is eligible for a density bonus under Government Code Section 65915, by including 21 Very Low-Income units (15 percent of the 138-unit base project), and qualifies for a 50 percent density bonus, or 69 units, resulting in a 207-unit density bonus project, with a concession to reduce useable open space, and waivers to reduce the ground floor commercial use area, minimum ground floor area for a commercial use, the rear setback, both side setbacks, and to increase the building height, number of stories, and the floor area ratio.

At the hearing on May 11, the ZAB discussed the proposed development and found the project to be compliant with all vested and applicable, objective general plan and zoning standards, without specific adverse impact on public health or safety, and approved it with conditions without reductions to the project's density, pursuant to the State Housing Accountability Act (HAA), Government Code Section 65589.5(j).² The conditions added by the ZAB took into consideration comments from the public, ensuring additional engagement between the applicant and neighborhood members and a modification of the plans to more accurately depict elevations, prior to the issuance of a building permit.

For additional project background, please see the supplemental memo to ZAB and the ZAB staff report for this project, Attachments 4 5, respectively,.

Staff recommends two revisions to the conditions of approval (COA). (Attachment 1, Exhibit A) The first is to include COA 27 – Toxics, in addition to the standard conditions related to toxics management (COA 28). Although the conditions of approval currently require coordination with the Toxics Management Division to submit a Soil and Groundwater Management Plan and a hazardous building materials survey, the new COA 27 requires clearance by an external agency (e.g., Department of Toxic Substances Control, Regional Water Quality Control Board, or Alameda County Local Oversight Program) to ensure that vapor does not require additional mitigation. The added condition of approval is consistent with the comments provided to the applicant in a letter issued by staff on October 20, 2022 (Attachment 6).

² The Housing Accountability Act (HAA), Government Code Section 65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that the development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The second revision corrects an error in the Findings and Conditions that were attached to the May 18, 2023 NOD. Because the project vested to the zoning, design, subdivision and fee requirements in effect on May 5, 2023, the project is subject to the affordable housing provisions that took effect April 1, 2023. In addition to new provisions related to affordable housing, the adopting ordinance also repealed the Affordable Housing Mitigation Fee. Conditions of Approval 31 and 65 were removed by ZAB and replaced the applicable condition (COA 41). The Affordable Housing Mitigation Fee COA 31 and COA 65 were erroneously left in on the NOD, which is corrected in the revised conditions (Exhibit A to the Resolution).

RATIONALE FOR RECOMMENDATION

The neighbors filed an appeal of the ZAB's decision during the 14-day appeal period. The issues raised in the appellant's letter and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety; refer to the appeal letter (Attachment 2) for full text. The issues raised do not discuss specific components of the project, but take issue with City processes.

Issue 1: Meeting was not scheduled between the applicant and neighbors prior to the ZAB hearing

The appellant asserts that staff failed to coordinate a meeting between the applicant and neighbors near the project prior to the ZAB hearing, as required by the Design Review Committee.

Response 1: Per the Zoning Project Application Submittal Requirements³, for projects of community or neighborhood interest (i.e., Density Bonus projects, a project in a non-residential district three or more stories, etc.) pre-application neighborhood outreach is required prior to the submittal of use permit application. The project applicant satisfied this requirement by holding a community meeting about the project on March 30, 2022, prior to submittal of the use permit application. Apart from the pre-application meeting, although additional meetings may be recommended, the applicant is not required to have an additional neighborhood meeting prior to the ZAB hearing. The ZAB did add a condition requiring the applicant to organize a neighbor-applicant meeting to "discuss additional project considerations" prior to the submittal of a building permit (COA 16).

Issue 2: Concerns were not addressed by ZAB

The appellant asserts that neighborhood concerns and objections that were shared were not addressed by ZAB.

³ [Zoning Project Application Submittal Requirements](#) describes all the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division.

Response 2: As stated in the [Berkeley Commissioners' Manual](#)⁴, public hearings are subject to minimum standards of receiving testimony. The general public have the option to attend commission meetings or may also send written correspondence via mail or email to be included in the commission agenda packet, in accordance with publication deadlines. During a hearing, commissioners may briefly respond to comments made during the public comment period or to communications received prior to the meeting during their discussion and deliberations on the project.

At the hearing on May 11, 2023, the ZAB discussed the proposed development after receiving written comments, presentations and public testimony. The majority of the communications expressed concerns about the scale of the project and potential impacts to sunlight, traffic, and parking. Modifying the project to fully address concerns or without incorporating the approved waivers and concessions would result in the reduction of project density. For instance, according to the applicant, compliance with the FAR, stories, and height requirements of the underlying district would reduce the project by 42,536 square feet. Because the proposed housing development is consistent with the HAA – meaning it complies with all applicable, objective general plan and zoning standards – the City can only deny the project or approve a lower density project based on the following findings:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

Although the ZAB was unable to make the above described findings, they approved the project with additional conditions to revise the floor plans to reflect the step back illustrated in the renderings and that the applicant meet with the neighbors to discuss additional project considerations.

Issue 3: Inadequate information about the project

The appellant asserts that the development plans and staff did not provide adequate or accurate information about the density and affordability of the project to the ZAB and general public.

Response 3: The applicant submitted plans and materials that adequately met the City's submittal requirements for permit applications. Land use planning

⁴ Berkeley Commissioners Manual <https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf>

submittal requirements include: site plans, floor plans, sections, and elevations that are drawn to scale by a licensed architect, street elevations, and photo simulations from at least four angles. Additionally, projects that create five or more new dwellings and utilize State Density Bonus Law (SDBL) must also provide a housing affordability statement, density bonus eligibility statement, and transparent density bonus calculations that show consistency with SDBL. Staff reviewed these materials and determined that they were consistent with SDBL and the affordable housing requirements. Additional information on how SDBL is applied in Berkeley can be found in the [Implementation of State Density Bonus guidelines](#), available to the public online.

There is no applicable dwelling units per acre or density standard specific to the University Commercial District (C-U). As such, the base project density is determined by configuring the largest project allowed on the site that is fully compliant with district development standards, including any use and administrative use permits.⁵ Section 3b (“Project Description: Base Project and Density Bonus Project”) of the May 11 staff report describes the City’s density bonus procedures and how the base project determines the proposed development, or the density bonus project. The percent of affordable units is calculated from the base project density, not the proposed density bonus project. The base project density is 138 units. By providing 21 Very-Low Income (VLI) below-market rate units on site (15 percent of the 138- unit base density), the project is eligible for a 50 percent density bonus or 69 units, per SDBL. The applicant proposes 69 additional units above the base density for a total of 207 dwelling units. The project is consistent with SDBL.

Under the inclusionary housing provisions that went into effect on April 1, 2023 (BMC 23.328), there are multiple options for meeting affordable housing requirements, including: construct 20 percent of the base project residential units as affordable on site, pay an in-lieu fee, or provide a combination of affordable units on site and an in-lieu fee. The project would comply with these provisions by providing 15 percent of the base project as VLI units, and pay a remainder in-lieu fee prior to first occupancy.

Issue 4: Lack of sufficient neighborhood and city-wide planning

The appellant remarks on the lack of neighborhood planning specific to the Mid-University Avenue area and provides recommendations for more

⁵ City of Berkeley State Density Bonus Procedures:
<https://berkeleyca.gov/sites/default/files/documents/State%20Density%20Bonus%20-%20Procedures.pdf>

pedestrian-friendly street scape. The appellant also cites concerns about the lack of affordable housing included in the project.

Response 4: The project site is located within the University Avenue Strategic Plan (UASP) area. Adopted in 1996, the UASP contains several policies and goals related to the revitalization and redevelopment along University Avenue, encouraging more dense, mixed-use environs, and providing more housing and commercial opportunities.

The proposed project is consistent with the UASP policies as it is a higher density infill development that proposes 207 new dwelling units, with 21 units affordable at the VLI level, that will count towards the City's share of regional housing needs allocation (RHNA). The number of affordable and market-rate units included in the project is consistent with State and local regulations.

Compared to both the eastern and western ends of the UASP area, the site is located within an underdeveloped section of University Avenue. The project will redevelop the site, which currently maintains single-story commercial buildings and off-street, surface parking, with commercial and residential amenities on the ground floor and housing on the upper levels. Consistent with the UASP, the infill project establishes a dense residential, mixed-use development that is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents, which encourages more pedestrian and multimodal oriented activities.

Issues 5+6: Assessment of development impacts and California Environmental Quality Act (CEQA)

The appellant asserts that negative impacts in the neighborhood were underestimated with regard to environmental and safety concerns, parking burdens, noise, shadowing, privacy, and the valuation of property. The appellant also asserts that a categorical exemption should not apply because of the size of the project.

Response 5+6: Section 21084 of the Public Resources Code requires the CEQA guidelines to have a list of projects that have been determined not to have a significant effect on the environment, and are therefore exempt from the provisions of CEQA. Based on the recommendation from staff, ZAB found that the project qualifies for the Class 32 (Infill Development Project) categorical exemption (Section 15332 of the CEQA Guidelines).

To be considered an infill development project, the Guidelines stipulate that the project must meet the following conditions -

- 1) The project is consistent with the applicable general plan designation, policies, and the zoning district regulations.
As noted on page 16 of the May 11 Staff Report (Attachment 5), the project is consistent with the Avenue Commercial General Plan land use designation, University Commercial zoning district.
- 2) The project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses
As noted on page 3 and 9 of the May 11 Staff Report (Attachment 5), the project is located within the city limits and is located on a 28,936 square foot lot, which is less than five acres.
- 3) The project site has no value as habitat for endangered, rare or threatened species.
As noted on page 10 of the May 11 Staff Report (Attachment 5), the project site is located in a developed, urban area along University Avenue and has no value as a habitat for endangered, rare or threatened species.
- 4) Approval would not result in any significant effects relating to traffic, noise, air quality or water quality.
Standard COAs and project specific COAs 19, 66-67 (Attachment 1, Exhibit A) will mitigate and reduce project impacts related to traffic, noise, air quality or water quality.
- 5) The site can be adequately served by all required utilities and public services.
As noted on page 10 of the May 11 Staff Report (Attachment 5), the project site is located in a developed, urban area along University Avenue that is currently served by all required utilities and public services.

The proposed project satisfies all of the above conditions of an infill development project.

Additionally, none of the exceptions in CEQA Guidelines Section 15300.2 apply because: (a) the project will not “impact an environmental resource of hazardous or critical concern”; (b) there are no cumulative impacts because there have not been successive projects of this type in the same place; (c) there is not a “reasonable possibility that the [Project] will have a significant effect on the environment due to unusual circumstances”; (d) the project is not located near a scenic highway; (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5; and (f) the project would not affect any historical resource because there are no landmarks or structures of merit at the project site.

Although additional CEQA review is not required, the standard and revised conditions of approval ensure supplementary coordination and review amongst the applicant, the City's Toxics Management Division, and external governmental agencies concerning toxics handling prior to and during the construction of the development.

Traffic impact analysis is not required for projects located within a quarter mile of a "high-quality transit corridor"⁶ or a half mile from a "major transit stop."⁷ Because this site is within a quarter mile of a high-quality transit corridor, no traffic impact analysis is required for the City's review and consideration prior to entitlement. That said, consistent with input from the City's Traffic Engineer, the project includes the following conditions to mitigate traffic and safety impacts:

- Traffic Study (COA 19) – Provide a traffic memo analyzing traffic operations along University Avenue to revise the signal timing at this intersection, updating pedestrian crossing times.
- Crosswalk (COA 66) – The project shall restripe north and south crosswalks at University/ California intersection with white continental crosswalk striping, per Caltrans standard.
- Bulb Out (COA 67) – The project shall establish southwest corner concrete sidewalk bulb out at the University/ California intersection extending onto the University roadway, with bidirectional curb ramps. Existing conflicting right pocket striping to be removed by the project.

Further, the project is subject to the ZAB standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the neighborhood.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project approved by the ZAB is in compliance with all state and local environmental requirements.

ALTERNATIVE ACTIONS CONSIDERED

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

⁶ Defined in Public Resources Code 21155 as corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

⁷ Defined in CEQA Section 21064.3 as a site containing a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Action Deadline:

Pursuant to BMC Section 23.410.040(I), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Alene Pearson, Deputy Director of Planning, (510) 981-7489
Katrina Lapira, Project Planner, (510) 981-7488

Attachments:

- 1: Resolution
 - Exhibit A: Findings and Conditions – Revised, dated September 26, 2023
 - Exhibit B: Project Plans, received May 3, 2023
- 2: Appeal Letter dated June 1, 2023
- 3: ZAB Notice of Decision, dated May 18, 2023
- 4: ZAB Supplemental Memorandum, dated May 11, 2023
- 5: ZAB Staff Report, dated May 11, 2023
- 6: Incomplete Letter to Applicant, dated October 20, 2022
- 7: Index to Administrative Record
- 8: Administrative Record
- 9: Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF USE PERMIT # ZP2022-0099 TO DEMOLISH A NON-RESIDENTIAL STRUCTURE AND CONSTRUCT A 127,492 SQUARE-FOOT, EIGHT-STORY (89 FEET- 2 INCHES) MIXED-USE RESIDENTIAL BUILDING CONTAINING 207 DWELLING UNITS (21 VERY LOW – INCOME) AND 5,943 SQUARE FOOT COMMERCIAL SPACE, WITH 39 AUTOMOBILE PARKING SPACES AND 92 BICYCLE PARKING SPACE, UTILIZING STATE DENSITY BONUS LAW, AND DISMISSING THE APPEAL

On January 26, 2022, Trachtenberg Architects (the Applicant) submitted a complete SB 330 preliminary housing development project application and was directed to submit a Use Permit Application.

On July 7, 2022, the Applicant submitted an SB 330 application for a Use Permit (ZP2022-0099) to demolish a non-residential structure and develop a mixed-use residential building utilizing State Density Bonus.

On January 23, 2023, after three rounds of comments from staff, the application was deemed complete.

On May 5, 2023, the Applicant submitted a revised, complete SB 330 preliminary housing development project application that superseded the previous application, vesting the project to the zoning, design, subdivision and fee requirements in effect as of that date.

On May 11, 2023, the Zoning Adjustments Board (ZAB) conducted a public hearing for the use permit application. After hearing public comments and holding discussion, the ZAB approved the use permit with revised of approval by a vote of 9-0-0-0 (Duffy, Gaffney, Kahn, Lunaparra, O'Keefe, Sanderson, Thompson, Tregub, Yung).

On May 18, 2023, a Notice of Administrative Decision approving the application was issued by the ZAB, which established a 14-day appeal period.

On June 1, 2023, Elizabeth Kowal, a neighbor at 1523 Addison Street, filed an appeal of the ZAB's decision with the City Clerk to City Council.

On or before September 12, 2023, staff posted the public hearing notices near the site and mailed notices to property owners and occupants within 300 feet of the project site and to all registered neighborhood groups that cover this area.

WHEREAS, on September 26, 2023, 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 the Council hereby adopts the findings made by the ZAB in Exhibit A, affirms the decision of the ZAB to approve Use Permit #ZP2022-0099, adopts the conditions in Exhibit A and the project plans in Exhibit B, and dismisses the appeal.

Exhibits

A: Findings and Conditions, dated September 26, 2023

B: Project Plans, received May 3, 2023

Attachment 1, Exhibit A

Findings and Conditions

SEPTEMBER 26, 2023

1598 University Avenue

Use Permit #ZP2022-0099 to demolish a non-residential structure and construct a 127,492 square-foot, eight-story (89 feet-2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus.

PERMITS REQUIRED

- **Use Permit** to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a mixed-use residential building, under BMC Section 23.204.020
- **Use Permit** to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(A)
- **Use Permit** to establish residential uses on the ground floor, under BMC 23.204.060(B)(3)
- **Use Permit** to reduce the rear setback (interior) to provide greater privacy along the side setback (south) that abuts residential district, under BMC 23204.060
- **Administrative Use Permit Administrative Use Permit** for projections that exceed the maximum building height limit, under 23.304.050(A)

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- **Concession** to allow for a reduction in open space to 10,365 square feet, where 41,400 square feet is required under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
- **Waiver** to reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
- **Waiver** to increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

1598 UNIVERSITY- USE PERMIT #ZP2022-0099
September 26, 2023

FINDINGS & CONDITIONS
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I. CEQA FINDINGS

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

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable general plan designation, policies, and the zoning district regulations.
As noted on page 16 of the May 11 Staff Report (Attachment 5), the project is consistent with the Avenue Commercial General Plan land use designation, University Commercial zoning district.
- B. The project occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses
As noted on page 3 and 9 of the May 11 Staff Report (Attachment 5), the project is located within the city limits and is located on a 28,936 square foot lot, which is less than five acres.
- C. The project site has no value as habitat for endangered, rare or threatened species.
As noted on page 10 of the May 11 Staff Report (Attachment 5), the project site is located in a developed, urban area along University Avenue and has no value as a habitat for endangered, rare or threatened species.
- D. Approval would not result in any significant effects relating to traffic, noise, air quality or water quality.
Standard COAs and project specific COAs 19, 66-67 (Attachment 1, Exhibit A) will mitigate and reduce project impacts related to traffic, noise, air quality or water quality.
- E. The site can be adequately served by all required utilities and public services.
As noted on page 10 of the May 11 Staff Report (Attachment 5), the project site is located in a developed, urban area along University Avenue that is currently served by all required utilities and public services.

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

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (A) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (B) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B. Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable

impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
 - A. Under the City's methodology for implementing density bonuses, the "base project" consists of 138 units;
 - B. The project will provide at least 21 qualifying units in the 138-unit "base project", as more fully set forth in Condition 39;
 - C. The project is entitled to a density increase of 50 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus three concessions or incentives. This equates to a density bonus of 69 units above the Base Project, for a total of 207-units.
2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concession in order to provide for affordable housing costs:
 - A. To allow for a reduction in open space provided to 10,365 square feet, where the requirement is 41,400 square feet under BMC Section 23.204.060(D)(1); and
3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - To reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
 - To reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
 - To increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
 - To increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
 - To increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
 - To reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
 - To reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)
 - To reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

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

5. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers would not be contrary to State or Federal law.

IV. FINDINGS FOR APPROVAL

6. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The project is a higher-density development in proximity to entitled and in-progress mixed uses of a comparable density along University Avenue, transit, commercial districts, and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the C-U commercial district, within the UASP. The project provides 207 new dwelling units sized from studios to two-bedroom units. Twenty-one of the units will be restricted as affordable housing units for very-low-income residents. Over 5,000 square feet of commercial space will be provided primarily along California Street, accompanied by a pedestrian oriented on-site public plaza. The proposal also includes a 9,165 square foot open space feature at the ground floor. The ground floor also includes residential amenities like a club room, fitness center, and long-term bicycle parking room. The project site is well served by public transportation, with several AC transit bus stops along University Avenue, BART within a half-mile, and several bicycle share kiosks within a half-mile radius. The project adds additional dwelling units, new commercial floor area, and an at-grade garden on the ground floor, furthering the mixed-use uses that are compatible purposes of the district and not detrimental to neighborhood-serving commercial uses;
 - B. New shadows will be cast on existing residential and commercial buildings throughout the year. During the summer months new shadows will shade existing residential units to the west, south, and east of the project (1632 University, 2091 California, 2020 California, 1543 Addison, 1537 Addison, 1528 University, and 1530 University). New shadows shall also be cast existing residential units north and west (1597 University, 1587 University, 1535 University, and 1530 University) of the project during the winter months. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and

will not persist for extended periods throughout the year. Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-U district, which allows heights of up to 48 feet without a use permit and roof top projections beyond the base height with an administrative use permit; and

- C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

V. OTHER FINDINGS FOR APPROVAL

7. As required by Section 23.326.070 of the BMC, to approve the demolition of non-residential buildings, the ZAB must find that the demolition is required for the development of a new building and will not be materially detrimental to commercial needs of the impacted neighborhood. The proposed demolition of the existing non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops underdeveloped lots that are primarily used for surface parking with a new mixed-use building, with ground floor commercial that is compatible with existing development patterns along University Avenue. The project is aligned with the UASP goals and district's objectives to promote appropriate new mixed-use infill development that is compatible with the commercial and residential areas within C-U district.
8. As required by Section 23.204.060(E) of the BMC, to approve a Use Permit for a project in the C-U district, the ZAB must find that the proposed use or structure is compatible with the purpose of the district, the surrounding uses and buildings, and does not interfere with the continuity of retail and service facilities at the ground level.
 - A. The project infills an underutilized site with a mixed-use building with ground floor commercial space fronting California Street, residential services (i.e. leasing office, lobby, bike storage, fitness center, club room) on the ground floor along University, and 207 dwelling units on the upper floors;
 - B. The project is consistent with the UASP and C-U district and will revitalize the corridor with additional housing and creates a service-oriented and commercial street-wall along both University Avenue and California Street.; and
 - C. With respect to the existing residential uses that abut the rear of the site, the project breaks down the massing by including an open-air courtyard on the ground floor, which results in a rear average setback of 57 feet, and stepping back the building with balconies at floors seven and eight.
9. As required by Section 23.204.060, a Use Permit for the reduction of rear setback within a commercial district, provided that the reduction enhances privacy or improved amenities in the Residential District. In the Base Project, the rear setback (interior) is reduced from a 20- foot average to 0 feet. This reduction allows for the massing of the building to move away from the Southern property line and results in 20-foot average setback that confronts the R2-A district. The reduction also allows for more useable open space on the ground floor, a residential

amenity. Generally, this reduction improves privacy along the southern property line, between the commercial and residential districts.

10. As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space.
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VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions 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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

- 6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
- 7. Permit Modifications (BMC Section 23.404.070)**

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
- 8. Permit Revocation (BMC Section 23.404.080)**

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
- 9. Transparency Acknowledgement (BMC Section 13.104.030)**

Prior to the issuance of a building permit for any Project subject to this Chapter:

 - A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
 - B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.
- 10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)**

Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.
- 11. Posting of Ordinance (BMC Section 13.104.050)**

Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including

office address, telephone number, and email address of the Labor Commissioner of the State of California.

12. Conditions of Approval (BMC Section 13.104.060)

The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under Chapter 23B.60.

13. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney’s fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney’s fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant’s expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

VII. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040(E), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

14. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

Project Liaison _____
Name Phone #

15. Plan Revision. Submit revised floor plans that reflect the step back at the facade that were illustrated in the renderings.

16. Neighbor- Applicant Meeting. The applicant shall provide documentation showing that they have met with neighbors to discuss additional project considerations.
17. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.
18. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
19. Traffic Study. Provide a memo analyzing existing and existing plus project traffic operations at University Avenue / California Street. Project shall use findings to revise the signal timing at University Avenue /California Street, updating pedestrian crossing times and implementing a leading pedestrian interval.
20. Construction Noise Reduction Program. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
 - A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.
21. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis

shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

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

- 22. Tree Protection.** Tree protection fencing shall be shown on all demolition, site, landscaping, grading, and utility plans, and shall be installed prior to demolition, grubbing, or grading around the five existing Crepe Trees located along California Street. Fences shall be 6 feet in height, composed of chain link with posts sunk into the ground. Fences are to remain until all grading and construction is completed.
- 23. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

24. 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.
25. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
26. Construction and Demolition Diversion. Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
27. Toxics. The applicant shall provide documentation verifying approval/ clearance from either Department of Toxics and Substances Control, the Regional Water Board, or Alameda County Local Oversight Program will be required to ensure vapor from the historic gas stations does not need to be better addressed with additional sampling or a soil vapor barrier.
28. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify

procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.

- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

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

D. Hazardous Materials Business Plan:

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

Prior to Issuance of Any Building (Construction) Permit

29. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
30. Percent for Public Art: Consistent with BMC §6.13 the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
- ~~31. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.~~
31. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and

cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

32. 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.
33. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
34. Electric Vehicle (EV) Charging. At least 5 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations, at least 25 percent shall have installed low power Level 2 EV charging receptacles (20 amp), and at least 20 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions.
35. Nonresidential Electric Vehicle (EV) Charging. At least 10 percent of project parking spaces for nonresidential use shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations and/or DC Fast Charging Stations, and least 40 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements, as specified by the Berkeley Green Code (BMC Chapter 19.37). EV charging station installations and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions.
36. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.

37. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.
38. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
39. 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.
40. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."
41. Affordable Housing Requirements. Project shall comply with BMC Chapter 23.328 Inclusionary Housing, effective April 1, 2023 and Resolution 70,698-N.S¹. Adopting Regulations for Voucher Program and Establishing an In-Lieu Fee to Support the Provision of Affordable Housing Pursuant to Berkeley Municipal Code 23.328 and Rescinding Resolution 70,668-N.S.

Prior to Demolition or Start of Construction:

42. 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:

43. Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
44. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice

¹ Resolution 70,698-N.S

shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

- 45. 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.
- 46. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- 47. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project’s on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or

- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

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

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

48. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
49. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
50. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

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

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

51. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
52. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

- 53. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 54. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 55. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 56. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to

the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

- C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G. All private or public projects that create and/or replace 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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:

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

64. 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 May 3, 2023, except as modified by conditions of approval.
- ~~65. Number of Below Market Rate Units. Should the Applicant elect to provide BMR units prior to receiving a building permit for the Project, they are entitled to eliminate or receive a proportional reduction in the AHMF consistent with BMC Section 22.20.065. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; 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. Any additional BMR units the applicant may choose to provide must also conform with these conditions.~~
65. Transportation-Crosswalk. Project shall restripe north and south crosswalks at University/California with white continental crosswalk striping, per Caltrans standard
66. Transportation – Bulb Out. Project shall establish a SW corner concrete sidewalk bulb out at University/California extending onto the University roadway, with bidirectional curb ramps. Existing conflicting right turn pocket striping to be removed by the Project.
67. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.
- A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s).
- B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit.
 2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.
- C. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

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

At All Times:

68. Tree Protection – Inspections. Inspections by the City’s consulting arborist may be conducted throughout demolition and construction to ensure compliance with tree protection measures.
69. Transportation Demand Management Compliance. The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
70. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
71. 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.
72. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
73. 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.
74. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
75. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
76. 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.
77. Electric Vehicle (EV) Charging. Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use.

78. Nonresidential Electric Vehicle (EV) Charging. Required Level 2 charging stations and DC Fast Charge stations, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in *good working condition and made available for building occupant and/or visitor* use.
79. Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
80. 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.
- A. 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
81. Transit Subsidy Condition. If 10 or more employees, the business operator shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.

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

1598 UNIVERSITY

1548-1598 University Ave
Berkeley, CA

- 01.21.2022 SB-330 APPLICATION
- 03.03.2022 DESIGN STUDIES
- 03.18.2022 REVISED BASE PLANS
- 04.01.2022 ZONING APPLICATION
- 07.20.2022 ZONING APPLICATION
- 09.06.2022 ZONING RESUBMISSION
- 10.28.2022 ZONING RESUBMISSION
- 12.19.2022 ZONING RESUBMISSION
- 04.20.2023 DRC
- 05.11.2023 □AB HEARING SET

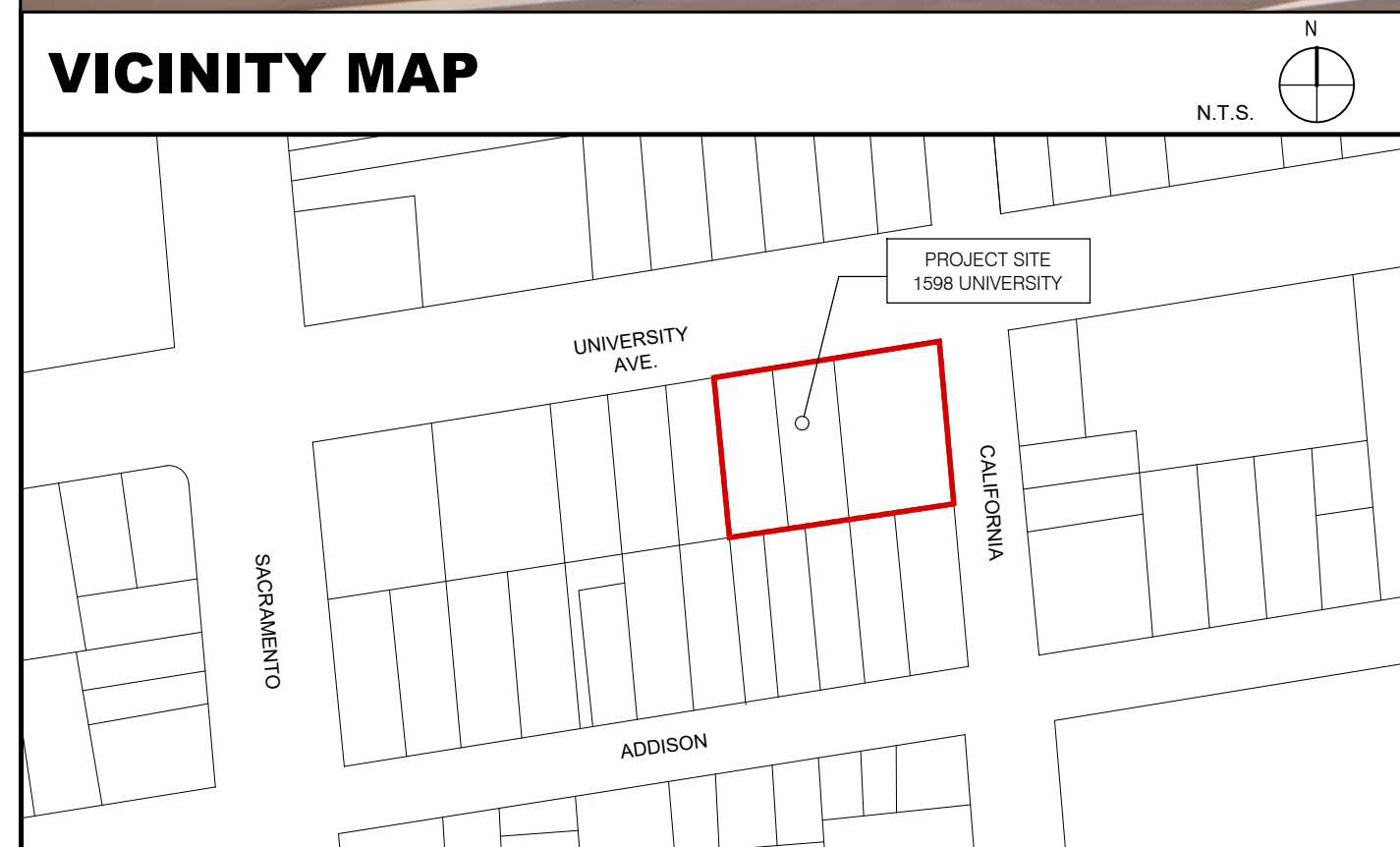
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2030

SHEET:

GENERAL
INFORMATION

A0.0

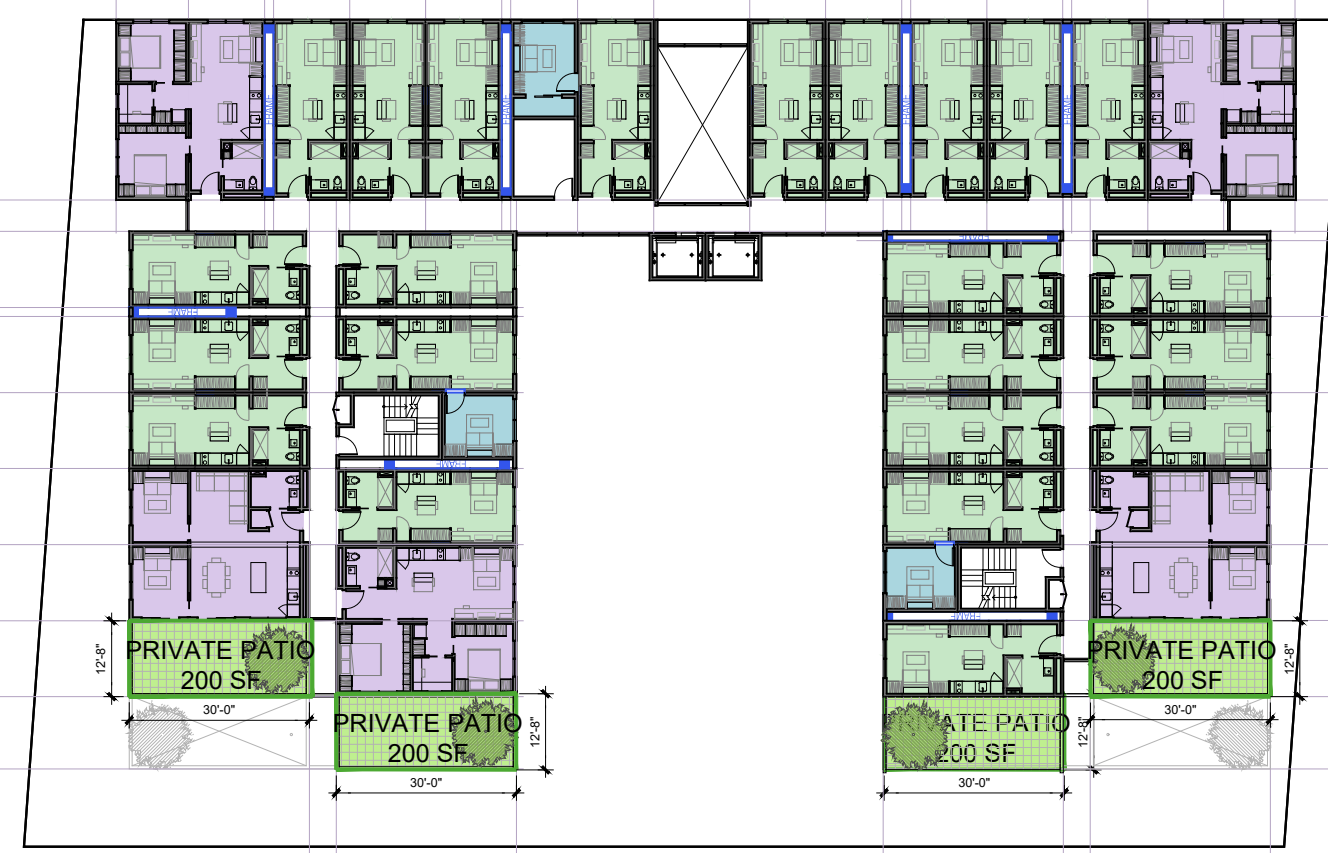


PROJECT DIRECTORY
<p>OWNER/APPLICANT: 1598 University Avenue, LLC NK VENTURES 1958A University Ave Berkeley, CA 94704</p> <p>ARCHITECT: David Trachtenberg, Principal TRACHTENBERG ARCHITECTS 2421 Fourth Street Berkeley, CA 94710 510.649.1414 www.TrachtenbergArch.com</p>

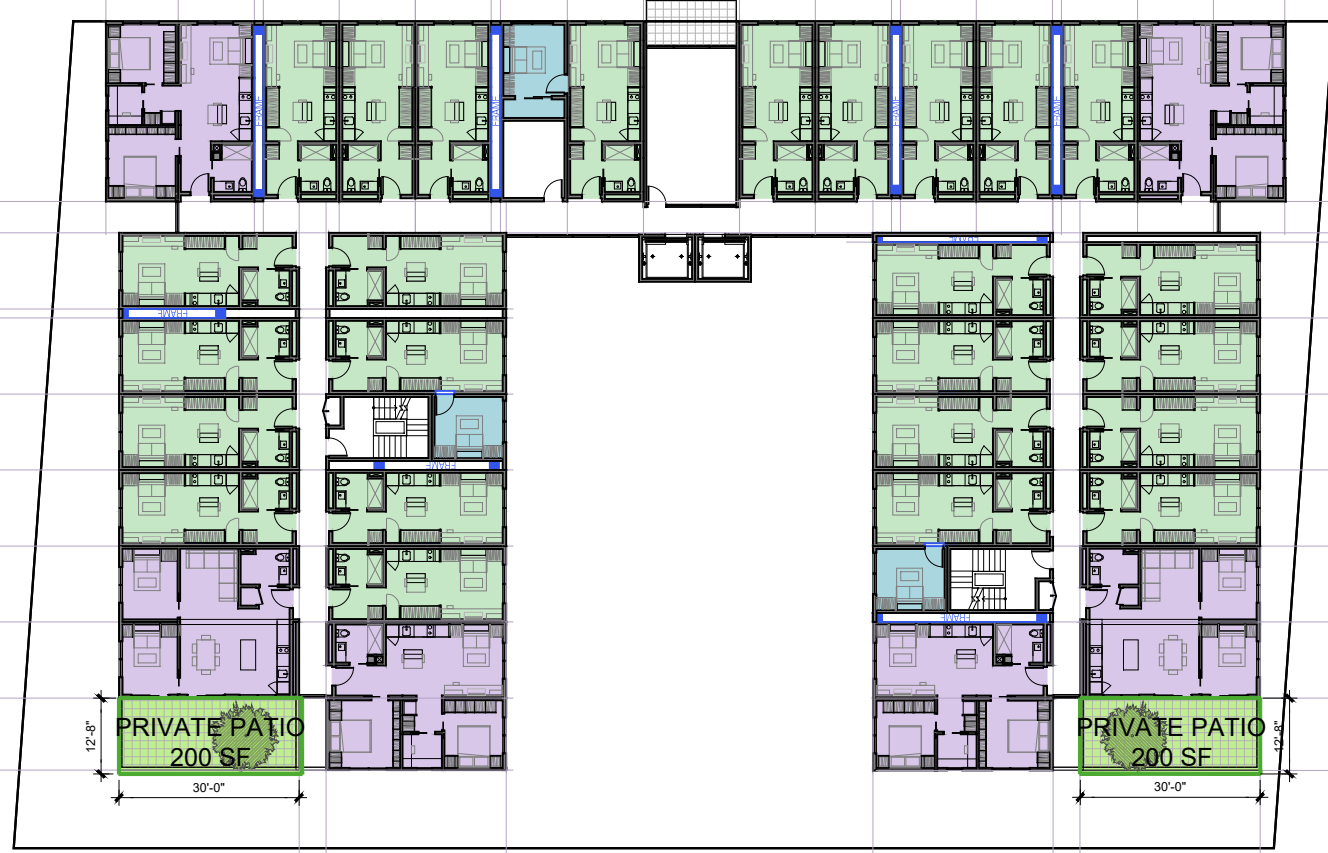
PROJECT DESCRIPTION
<p>PROJECT ADDRESS: 1598 University Ave, Berkeley, CA 94703 (APN: 056 200300100) (056 200302500) (056 200302401)</p> <p>SCOPE OF WORK: REMOVAL OF TWO EXISTING 1 STORY COMMERCIAL STRUCTURES & CONSTRUCTION OF A NEW 8-STORY MIXED-USE BUILDING WITH 207 DWELLING UNITS, GROUND LEVEL LOBBIES, COMMERCIAL SPACE, AND PARKING GARAGE WITH STATE OF CALIFORNIA DENSITY BONUS.</p>

DRAWING LIST
<p>A0.0 GENERAL INFORMATION</p> <p>A0.1 ZONING INFORMATION & DIAGRAMS</p> <p>A0.3A DENSITY BONUS DIAGRAMS</p> <p>A0.4A SHADOW STUDIES</p> <p>A0.4B SHADOW STUDIES</p> <p>A0.4C SHADOW STUDIES</p> <p>A0.5 SITE CONTEXT PHOTOS</p> <p>A0.6 VICINITY MAP</p> <p>A1.1 SURVEY</p> <p>A1.2 SURVEY</p> <p>A2.1 FLOOR PLAN</p> <p>A2.2 FLOOR PLAN</p> <p>A2.3 FLOOR PLAN</p> <p>A2.4 FLOOR PLAN</p> <p>A2.5 FLOOR PLAN</p> <p>A2.6 ROOF PLAN</p> <p>A3.1 BUILDING ELEVATIONS</p> <p>A3.2 BUILDING ELEVATIONS</p> <p>A3.3 BUILDING ELEVATIONS</p> <p>A3.4 BUILDING ELEVATIONS</p> <p>A3.5 STREETSCAPE ELEVATIONS</p> <p>A3.6 PHOTO CONTEXT VIEWS</p> <p>A3.7 PHOTO CONTEXT VIEWS</p> <p>A3.8 CONCEPTUAL RENDERING</p> <p>A3.9 CONCEPTUAL RENDERING</p> <p>A3.10 CONCEPTUAL RENDERING</p> <p>A3.11 CONCEPTUAL RENDERING</p> <p>A3.12 CONCEPTUAL RENDERING</p> <p>A3.13 CONCEPTUAL RENDERING</p> <p>A4.1 BUILDING SECTION</p> <p>A4.2 BUILDING SECTION</p> <p>MAT MATERIAL BOARD</p> <p>LANDSCAPE SHEETS</p> <p>L1.0 COURTYARD LANDSCAPE CONCEPT PLAN&SITE FEATURES</p> <p>L2.0 LANDSCAPE SITE PLAN</p> <p>L2.1 COURTYARD LANDSCAPE PLAN</p> <p>L3.0 COURTYARD SITE IMPROVEMENT IMAGERY</p> <p>L3.1 COURTYARD PLANTING IMAGERY</p> <p>I1.0 IRRIGATION PLAN</p> <p>I2.0 IRRIGATION NOTES, LEGEND, SCHEDULES, CALCS.</p> <p>I2.1 IRRIGATION DETAILS</p> <p>I2.2 IRRIGATION DETAILS</p>

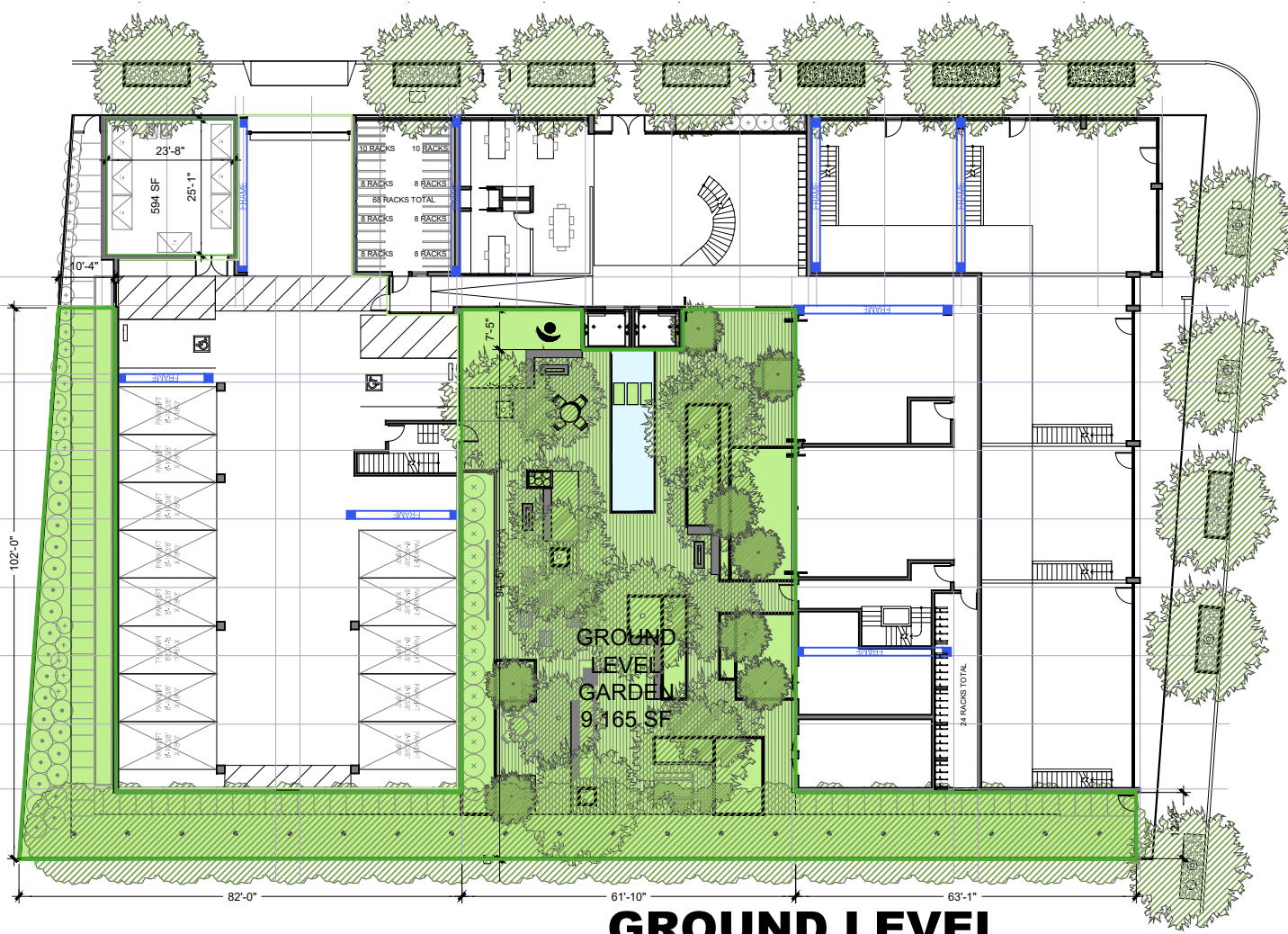
OPEN SPACE DIAGRAMS



LEVEL 8

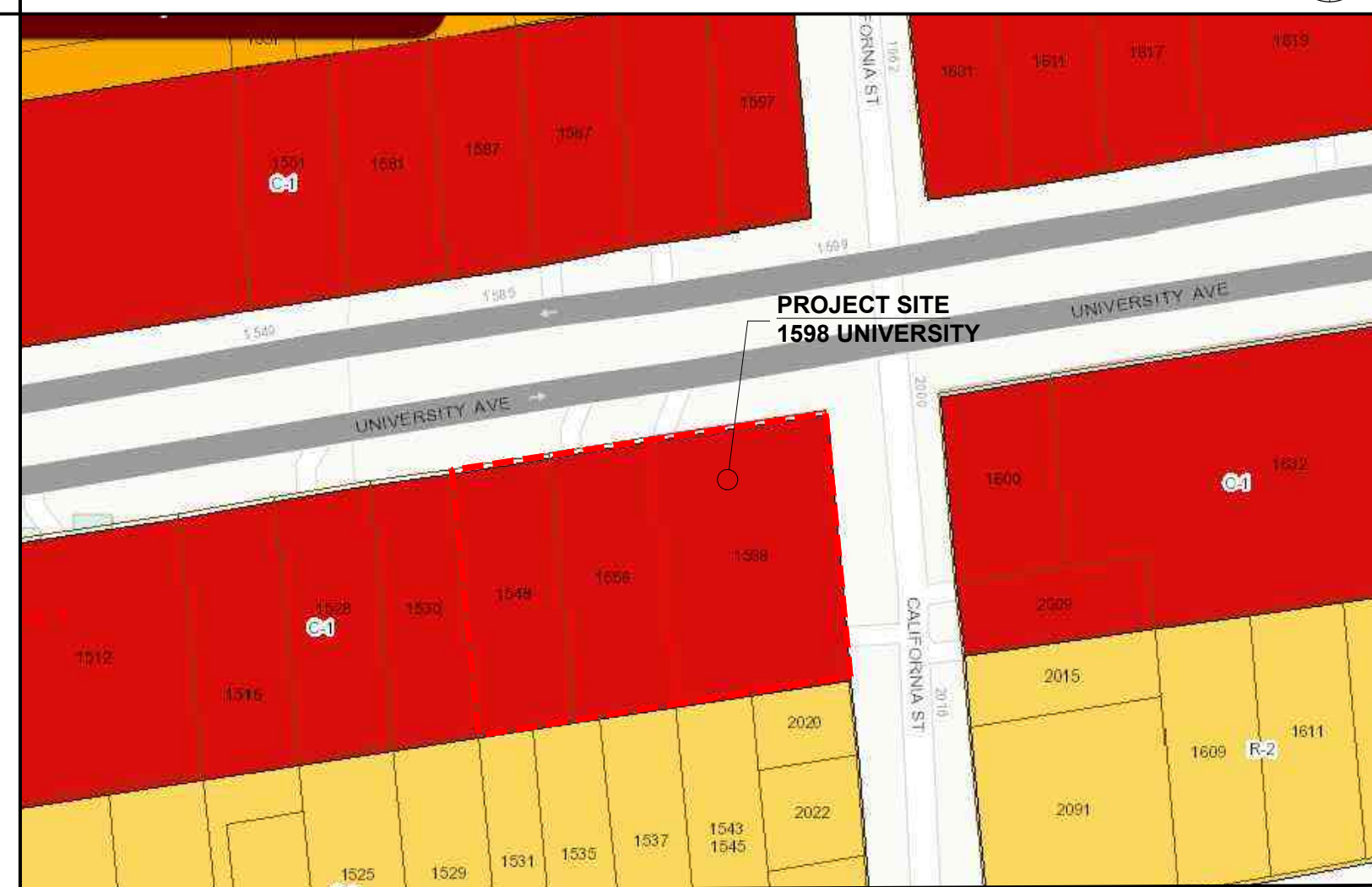


LEVEL 7

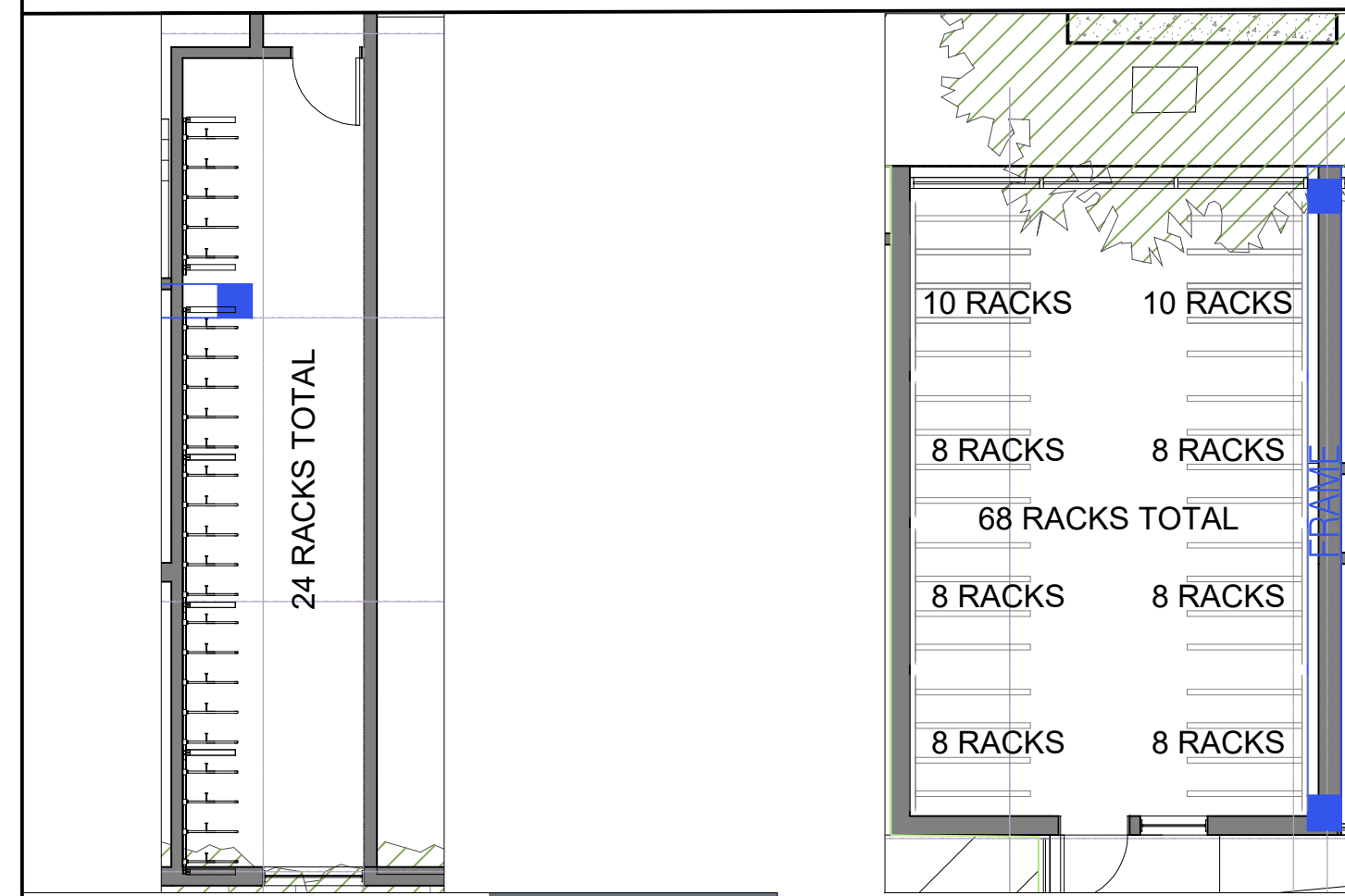


GROUND LEVEL

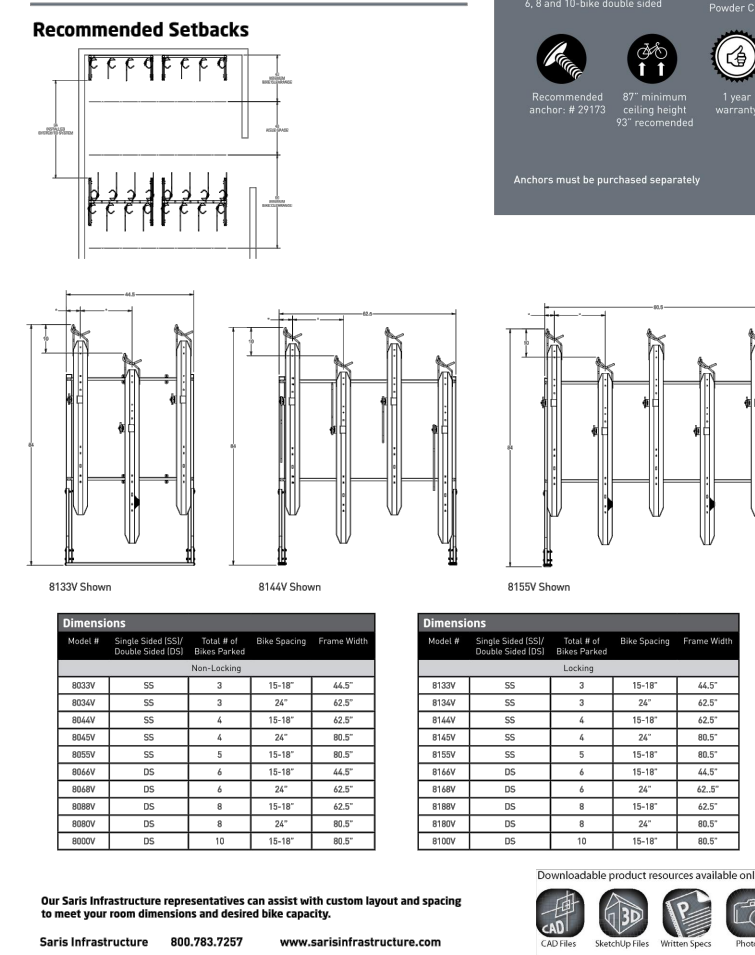
ZONING MAP



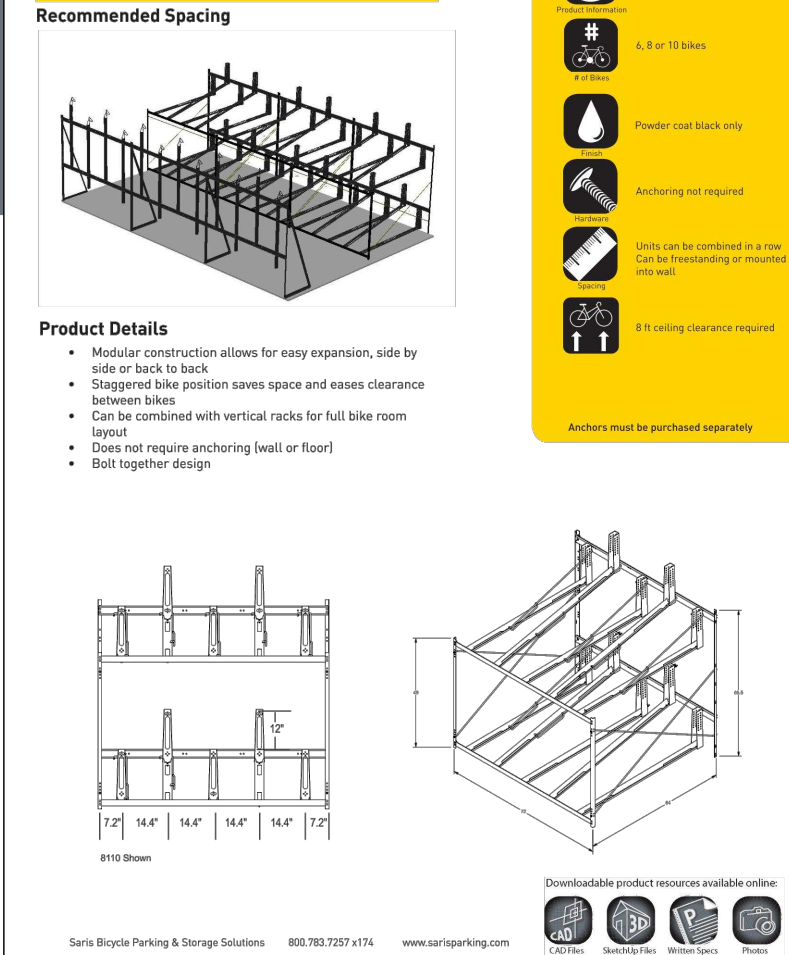
BIKE ROOM 92 BIKE RACKS TOTAL



Vertical Rack



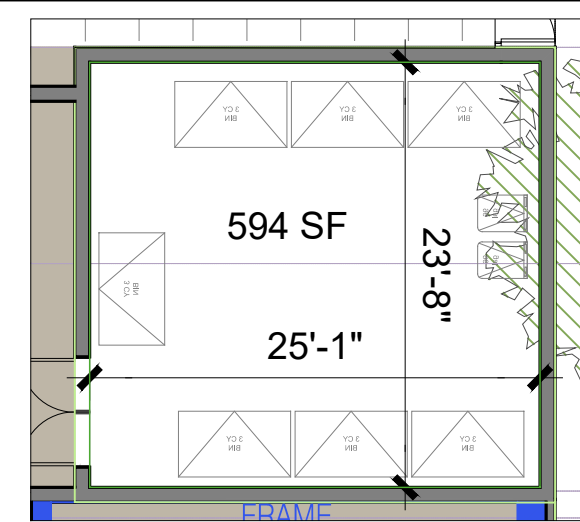
Stretch Rack



REFUSE AND RECYCLING

Waste and Recycling Calculation

# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3)	Waste (40%)	Recycling (40%)	Organics (20%)
245	1.00	245	20.42 cy	8.17 cuft	1,633 gal	817 gal
Space Calculation			Container Quantities	Space Required	150% Additional	
			Waste	Recycling	Organics	
3 cy bin (606 gal)	3	3	1	28 sf	196 sf	
96 gallon cart			2	7 sf	14 sf	
64 gallon cart				6 sf	sf	
Total capacity	1818 gal	1818 gal	798 gal	210 sf	315 sf	594



ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS

ZONING	STANDARD ZONING	ALLOWABLE W/ UP'S & AUP'S	PROPOSED W/ DENSITY BONUS	COMPLIANCE
ZONING	C-U UASP NODE OVERLAY			
LOT AREA	28,936	28,936	28,936	
LOT AREA (ACRES)	0.66	0.66	0.66	
NUMBER OF DWELLING UNITS	N/A	N/A	207	
FRONT YARD SETBACK (CALIFORNIA)	NO MIN.	NO MIN.	5'-8" AVG.	COMPLIES
REAR YARD SETBACK (ABUTS COMMERCIAL&RESIDENTIAL)	20' AVG.	NO MIN.	5'-5" TO 17'-7"	COMPLIES W/WAIVER
STREET SIDE YARD SETBACK (UNIVERSITY)	2' AVG.	2' AVG.	0'	COMPLIES W/WAIVER
INTERIOR SIDE YARD SETBACK (ABUTS RESIDENTIAL)	NO MIN.	NO MIN.	37'-1" AVG.	COMPLIES
BUILDING HEIGHT	48'	48'	89'-2"	COMPLIES W/WAIVER
BUILDING STORIES	4	4	8	COMPLIES W/WAIVER
LOT COVERAGE	100%	100%	65%	COMPLIES
BUILDING FOOTPRINT	28,936	28,936	18,839	COMPLIES
FAR	3.0	3.0	4.41	COMPLIES W/WAIVER
TOTAL GSF	86,808	86,808	127,492	COMPLIES W/WAIVER
USABLE OPEN SPACE (SEE TABLE)	200sf / unit	modifiable with UP	SEE TABLE	COMPLIES W/ CONCESSION
PARKING	0	0	SEE TABLE	COMPLIES
BIKE PARKING	SEE TABLE	SEE TABLE	SEE TABLE	COMPLIES
UASP - COMMERCIAL AREA (MIN. % SITE AREA)	30%	30%	21%	COMPLIES W/ CONCESSION
UASP - COMMERCIAL AREA (MIN. GSF)	8,681	8,681	5,943	SEE ABOVE
UASP - COMMERCIAL MIN. FRONTAGE (UNIVERSITY)	75%	35% W/UP	35%	COMPLIES W/ CONCESSION
UASP - OPEN SPACE ENHANCING ENTRY	10%	10%	10%	COMPLIES
UASP - MIN. AREA OF PEDESTRIAN PLAZA OPEN SPACE	1%	1%	3%	COMPLIES

PROPOSED FLOOR AREA WITH DENSITY BONUS

	COMMERCIAL	RESIDENTIAL	TOTAL	REF. PARKING
LEVEL 8		15,235	15,235	
LEVEL 7		17,216	17,216	
LEVEL 6		17,649	17,649	
LEVEL 5		18,018	18,018	
LEVEL 4		17,649	17,649	
LEVEL 3		18,018	18,018	
LEVEL 2		10,816	10,816	
GROUND LEVEL	5,943	6,948	12,891	6,561
TOTAL FLOOR AREA W/ DENSITY BONUS	5,943	121,549	127,492	6,561

UNIT COUNTS

UNIT TYPE	STUDIO	1-BED	2-BED	TOTAL
LEVEL 8	20	3	5	28
LEVEL 7	22	3	6	31
LEVEL 6	24	3	6	33
LEVEL 5	24	3	6	33
LEVEL 4	24	3	6	33
LEVEL 3	24	3	6	33
LEVEL 2	11	2	3	16
GROUND LEVEL	0	0	0	0
TOTAL UNITS	149	20	38	207
PERCENT OF TOTAL	72%	9%	18%	
TOTAL BEDROOMS	149	20	76	245

OPEN SPACE TABLE

	UNITS	RATIO	TOTAL	LANDSCAPE AREA (40%)
REQUIRED OPEN SPACE	207	200	41,400	
TOTAL CONCESSION REQUESTED			31,035	
TOTAL AREA PROVIDED			10,365	4,537
GROUND LEVEL GARDEN			9,165	4,537
PRIVATE PATIOS	6	200	1,200	NA

BIKE PARKING CALCULATIONS

	UNITS/SF	SPACES	PER	TOTAL REQ	PROPOSED
NEW COMMERCIAL	5,943	1	2000	3	3
RESIDENTIAL (LONG TERM) (PER BEDROOM)	245	1	3	82	82
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	245	1	40	7	7
TOTAL BIKE PARKING				92	92

PARKING TABLE

	UNITS/SF	SPACES	PER	TOTAL REQ	PROPOSED
RESIDENTIAL	207	0	0	0	27
COMMERCIAL	5,943	2	1000	12	12
TOTAL					39

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

AVERAGE AREA	1593
TOTAL AREA OF ROOFTOP ELEMENTS	5.1
% AREA OF ROOFTOP ARCH. FEATURES	3.6
ALLOWABLE % (PER 23E.04.020C)	15.0%

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ZONING DATA

A0.1

DENSITY BONUS TABLE

Base Project	Base # Units	Base # Units (rounds up)	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
sq. ft. - see calculation below	base project area / base unit size	Units/Max. Residential Density (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			% Bonus x Base # Units (rounded up)	% Bonus x Base # Units (rounded up)	
80,952	138	138	15%	20.70	21.00	50.0%	69,000	69	207

Base Project Res. Area	Floor	Proposed Project Res. Area	#VLI	%VLI	%DB	#DB	#Concessions
	Eighth	15,235	7	5%	20.0%	166	1
	Seventh	17,216	9	6%	22.5%	170	1
	Sixth	17,649	10	7%	25.0%	173	1
	Fifth	18,018	12	8%	27.5%	176	1
21,726	Fourth	17,649	13	9%	30.0%	180	1
21,726	Third	18,018	14	10%	32.5%	183	2
21,726	Second	18,018	16	11%	35.0%	187	2
1,247	Mezzanine	10,816	17	12%	38.75%	192	2
14,527	Ground	6,948	18	13%	42.5%	197	2
80,952		121,549	20	14%	46.3%	202	2
			21	15%	50.0%	207	3

Base Project # of Units	Floor	Proposed Project # of Units
	Eighth	28
	Seventh	31
	Sixth	33
	Fifth	33
41	Fourth	33
41	Third	33
41	Second	16
15	Ground	
138		207
Average Unit Size: 587 sf		Average Unit Size: 587 sf

Proposed Area: **121,549**
 Proposed Units: **207**
 Average Unit Size: **587**

BASE PROJECT ZONING COMPLIANCE TABLE

ZONING	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	CODE SECTION	PROPOSED BASE PROJECT	ZONING COMPLIANCE
TOTAL LOT SIZE (SQ. FT.)		C-U UASP OVERLAY			
TOTAL LOT SIZE (ACRES)		28,936			
LOT COVERAGE	100%	100%		75%	COMPLIES
FLOOR AREA RATIO (FAR)	3.00	3.00		3.00	COMPLIES
HEIGHT - FEET	48'-0"	48'-0"		48'-0"	COMPLIES
HEIGHT - STORIES	4	4		4	COMPLIES
SETBACK - FRONT (UNIVERSITY)	2' AVG.	2' AVG.		2' AVG.	COMPLIES
SETBACK - REAR	10 feet or 10% of the lot depth	10 feet or 10% of the lot depth		10 feet or 10% of the lot depth	COMPLIES
SETBACK - STREET SIDE (CALIFORNIA)	2' AVG.	2' AVG.		2' AVG.	COMPLIES
SETBACK - INTERIOR SIDE	0'	0'		5'	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA		138	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		149	COMPLIES
RESIDENTIAL BEDS	NA	NA		149	COMPLIES
RESIDENTIAL PARKING (SEE TABLE)	0	0		7	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	12	11		12	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	50	50		52	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	4	4		4	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	3	3		3	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	27600	0	23.204.060.D.3.(a)	6536	COMPLIES
COMMERCIAL OPEN SPACE (SEE TABLE)	n/a	0	23.204.060.D.3.(a)	0	COMPLIES
UASP - COMMERCIAL AREA (MIN. % SITE AREA)	30%			30%	COMPLIES
UASP - COMMERCIAL AREA (MIN. GSF)	8680.8			8681	COMPLIES
UASP - COMMERCIAL MIN. FRONTAGE (UNIVERSITY)	75%			75%	COMPLIES
UASP - OPEN SPACE ENHANCING ENTRY	10%	10%		10%	COMPLIES
UASP - MIN. AREA OF PEDESTRIAN PLAZA OPEN SPACE	1%	1%		1%	COMPLIES

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL	138	0.5 MAX	1	0	7
COMMERCIAL	5787	2.0	1,000	12	12

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER BEDROOM	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM)	149	1	3	50	52
RESIDENTIAL (SHORT TERM)	149	1	40	4	4
COMMERCIAL (SHORT TERM)	5787	1.0	2,000	3	3

OPEN SPACE CALCULATIONS

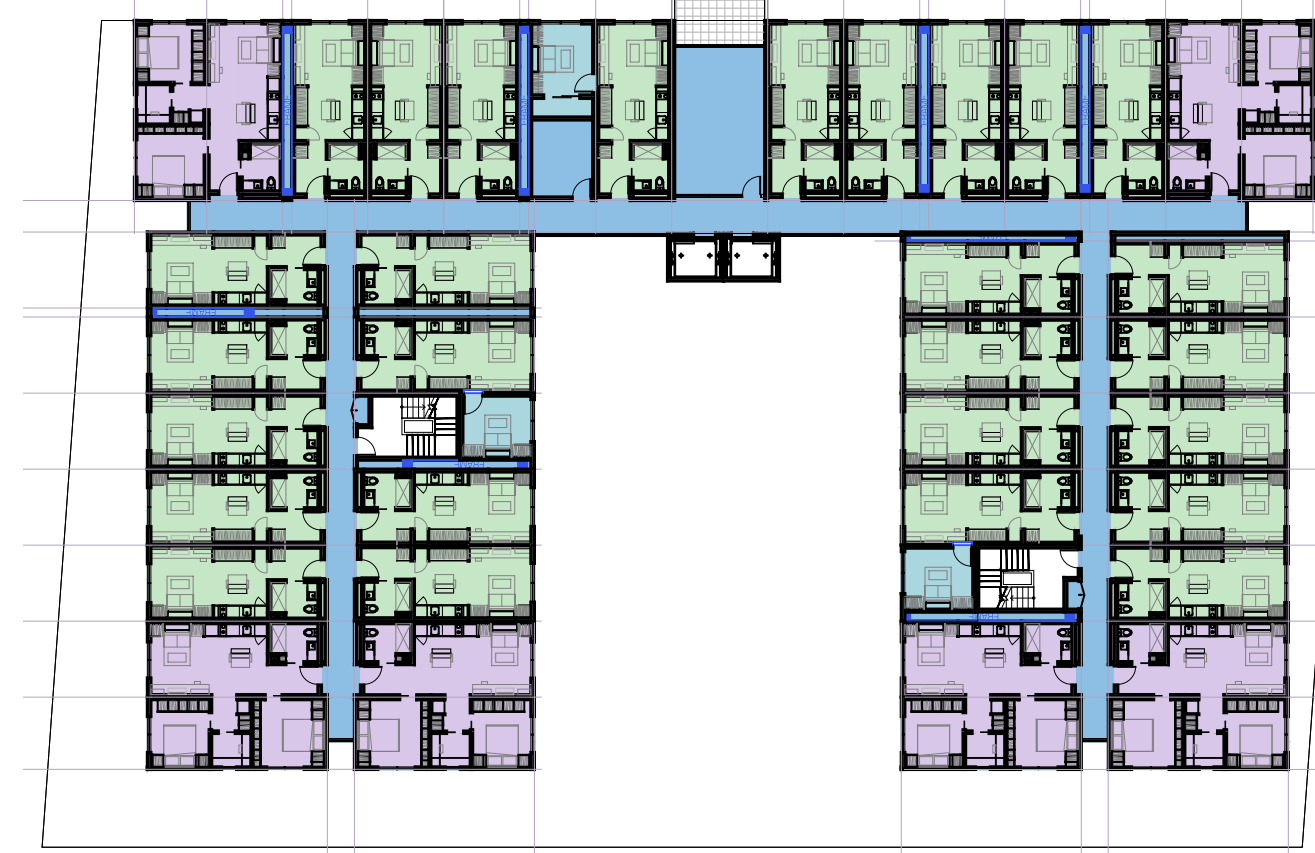
	UNITS	SF / UNIT	TOTAL REQ'D
RESIDENTIAL REQUIREMENT	138	200	27,600
TOTAL PROVIDED			6,536

AREA TABLE

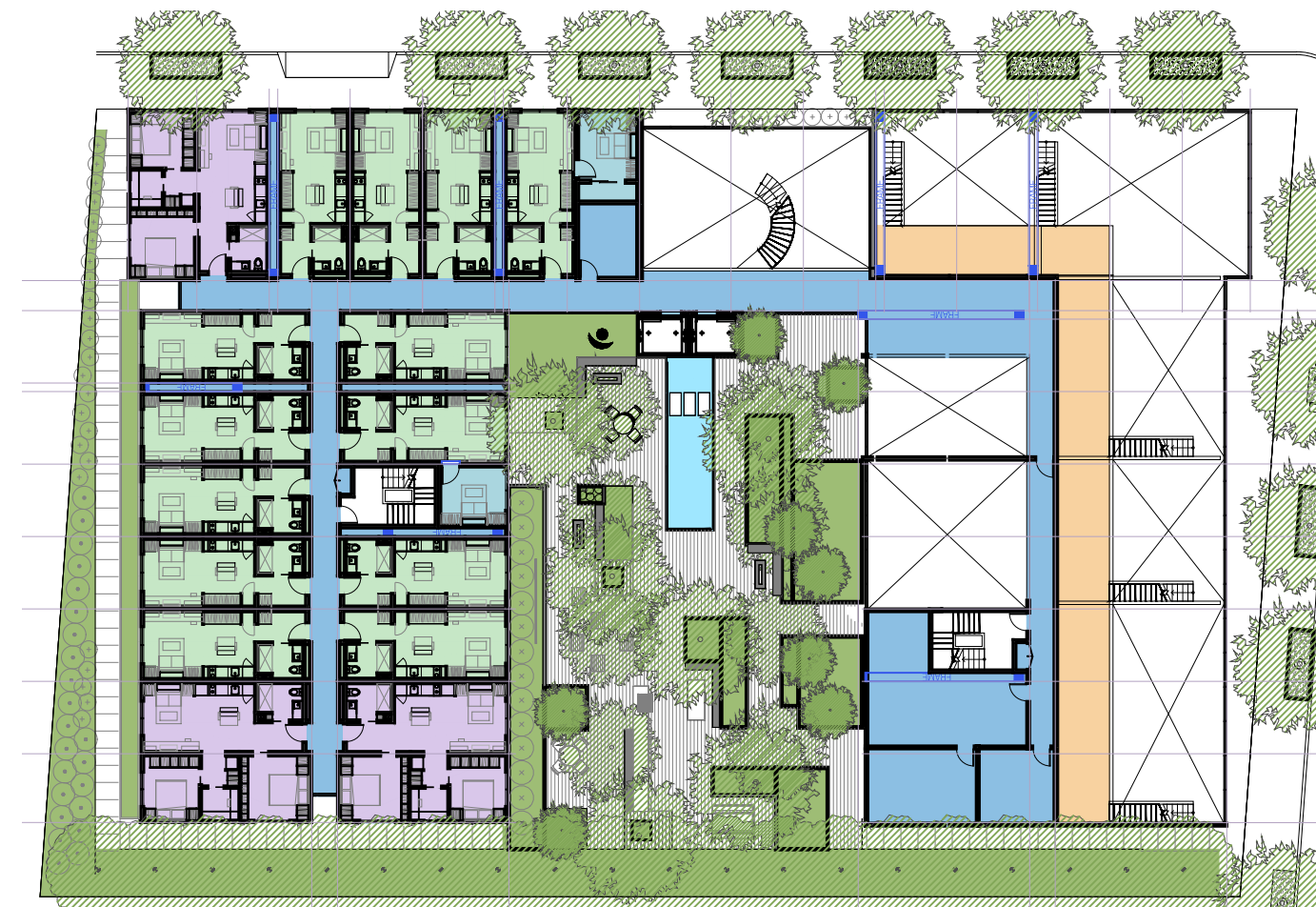
	RESIDENTIAL	COMMERCIAL	TOTAL
ROOF			
LEVEL 4	21,710		21,710
LEVEL 3	21,710		21,710
LEVEL 2	21,710		21,710
GROUND LEVEL	15,915	5,787	21,702
TOTAL	81,045	5,787	86,832

DWELLING UNIT TABLE

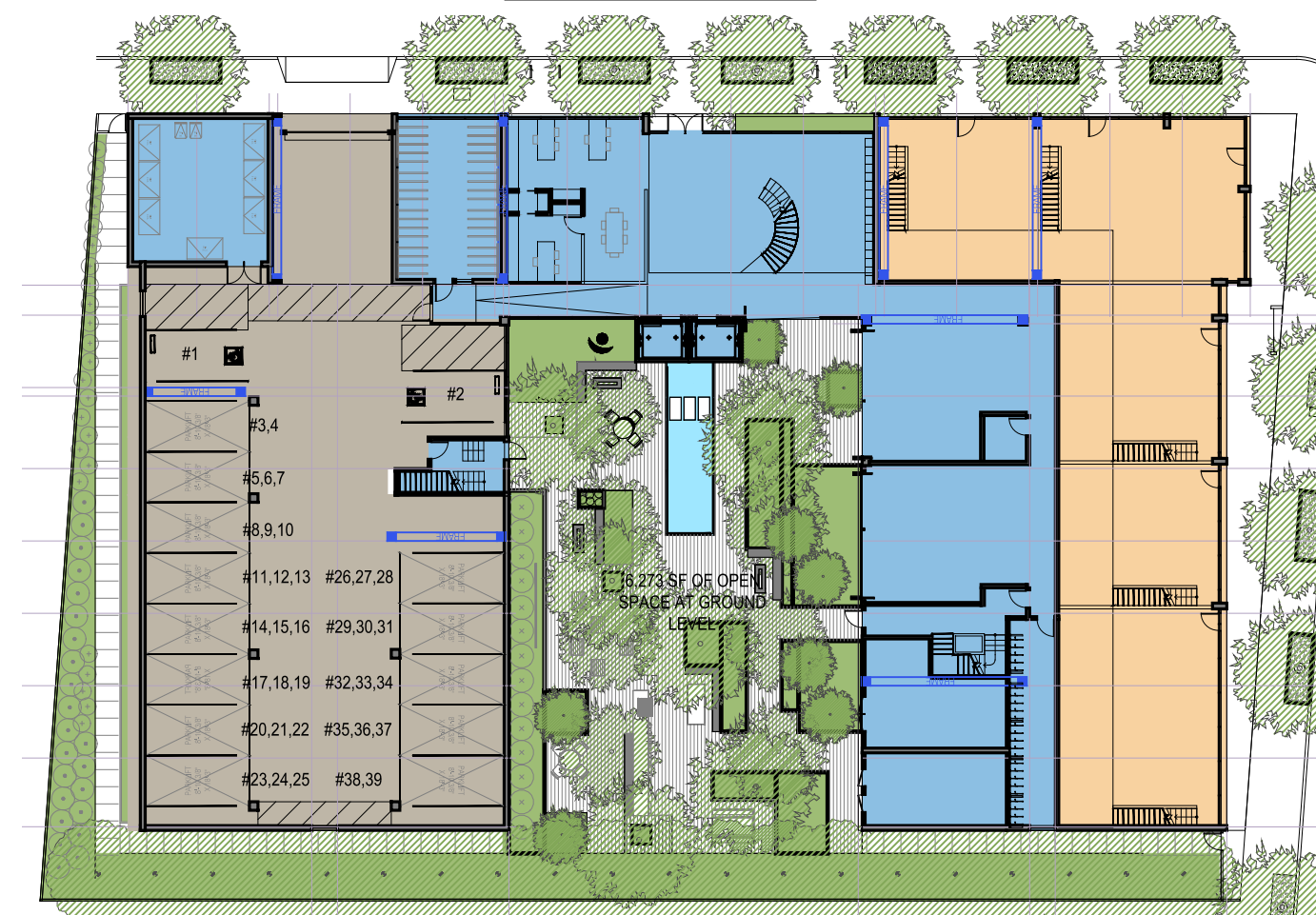
	STUDIO	1-BR	2-BR	TOTAL
ROOF				
LEVEL 4	16	22	3	41
LEVEL 3	16	22	3	41
LEVEL 2	16	22	3	41
GROUND LEVEL	3	10	2	15
BASEMENT				
TOTAL UNITS	51	76	11	138
BEDROOMS / UNIT	1	1	2	
TOTAL BEDROOMS	51	76	22	149
BEDS / UNIT	1	1	2	
TOTAL BEDS	51	76	22	149



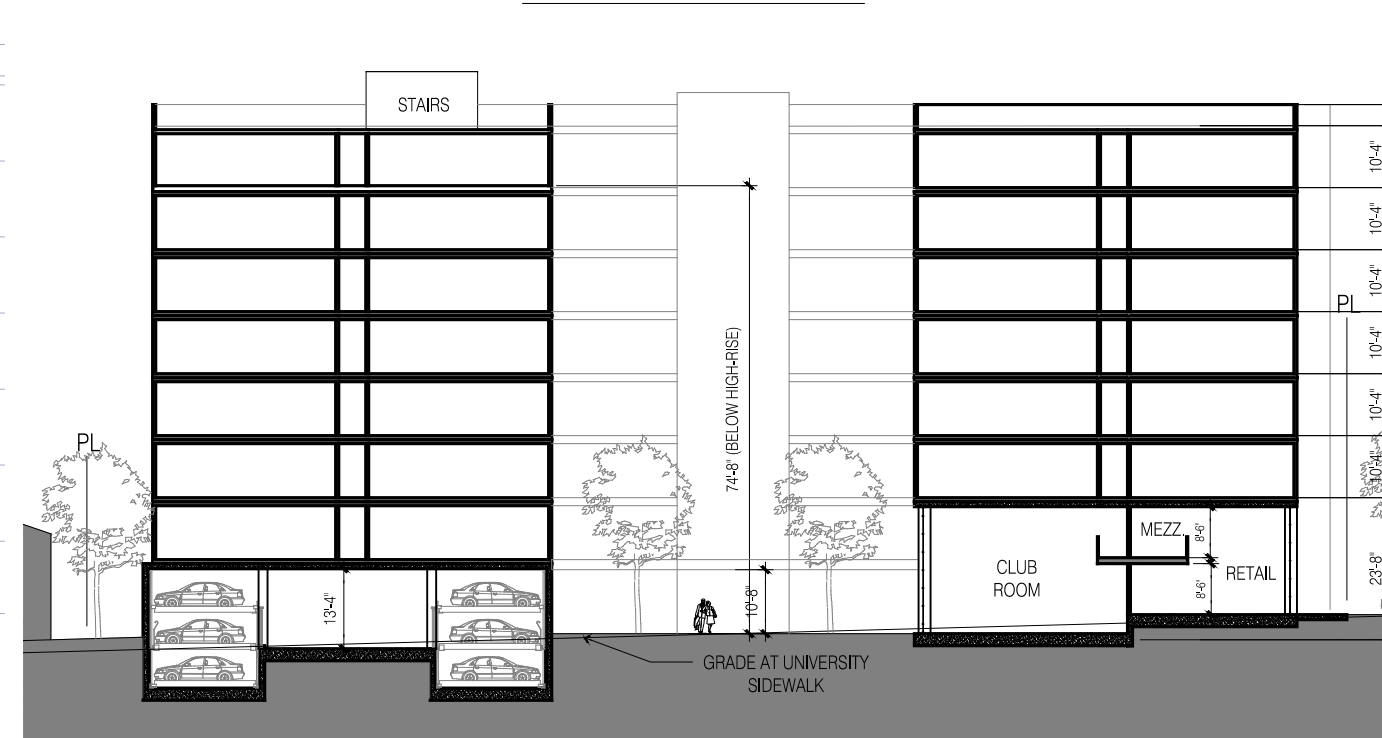
PLAN AT LEVELS 3-6



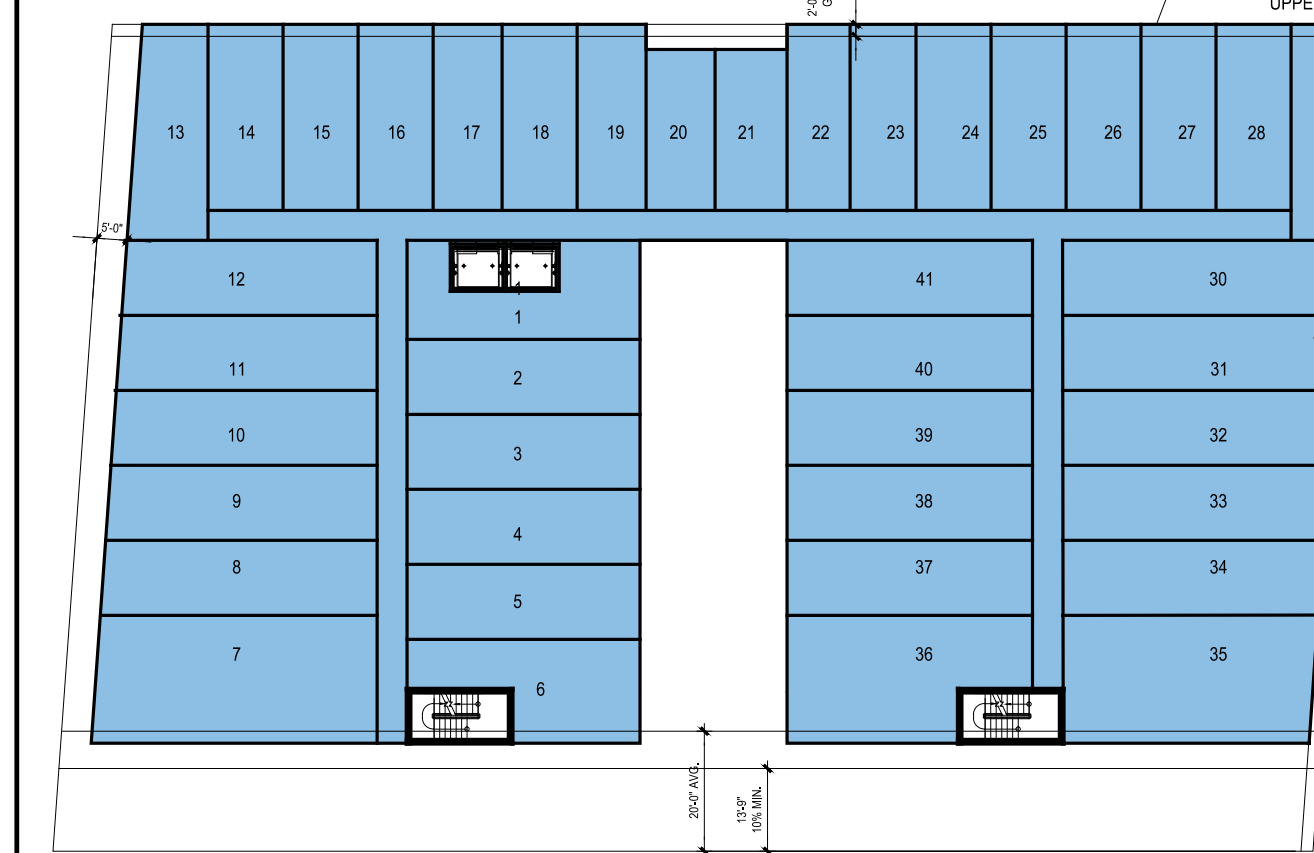
PLAN AT LEVEL 2



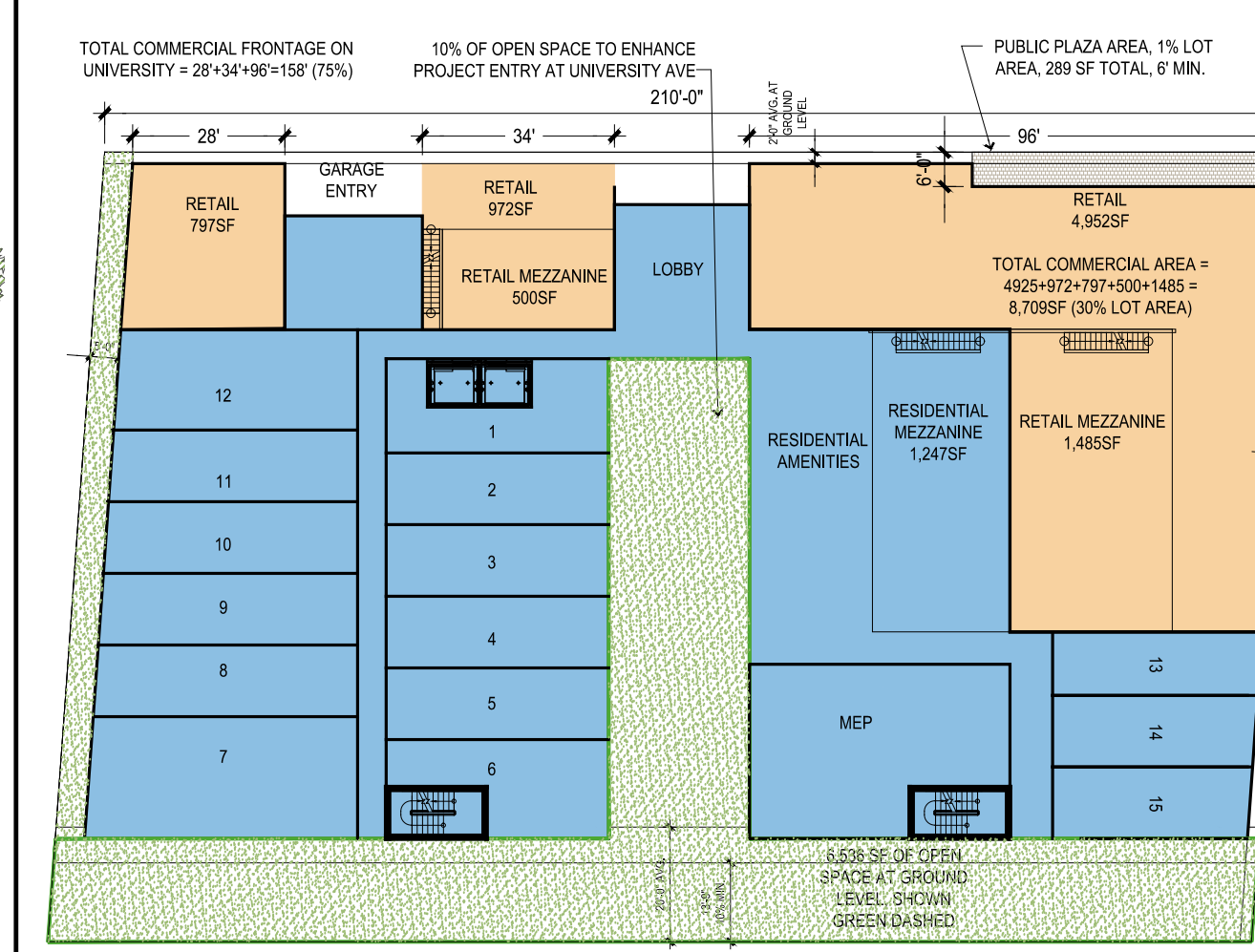
PLAN AT GROUND



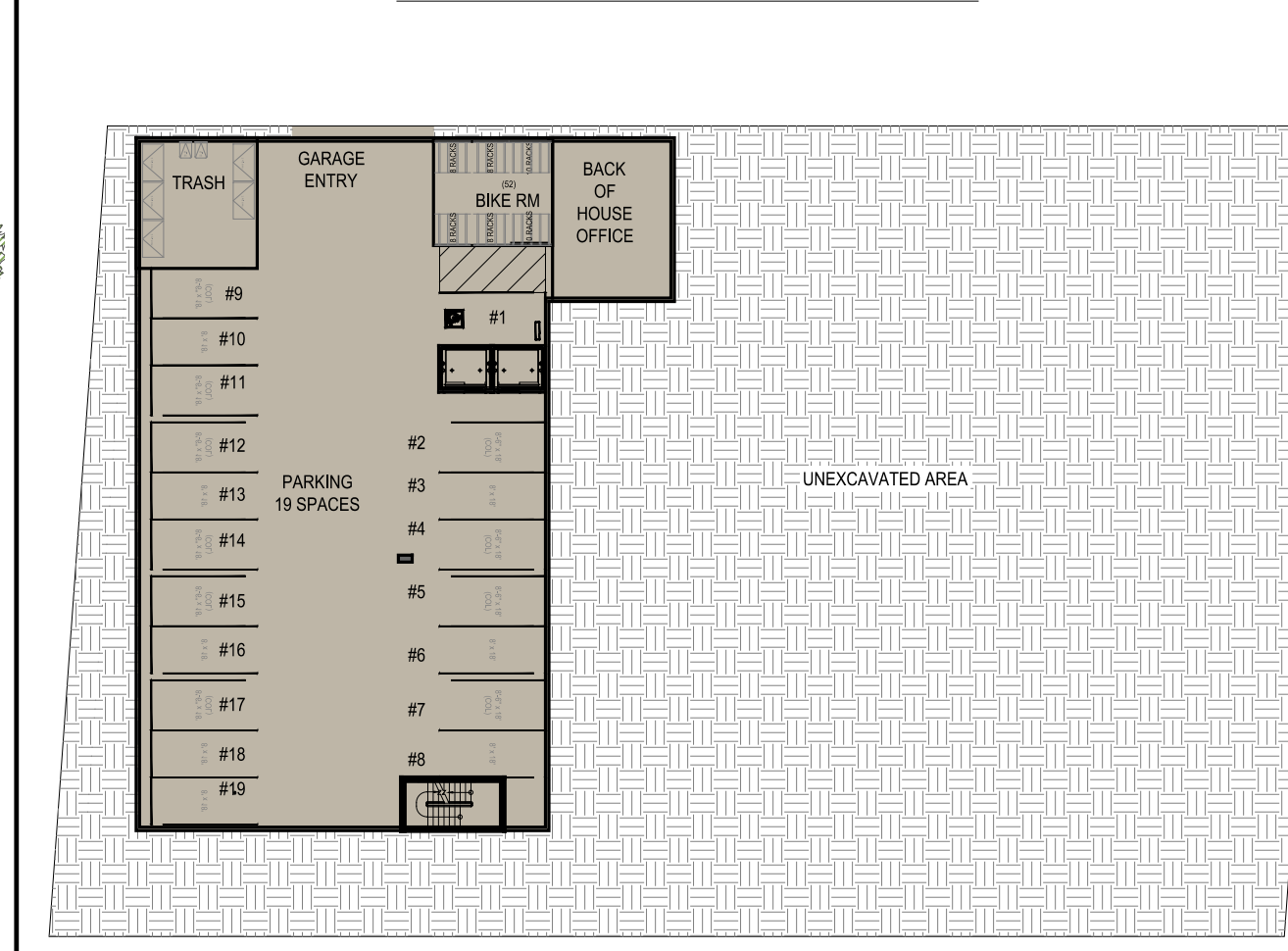
PROPOSED DENSITY BONUS PROJECT



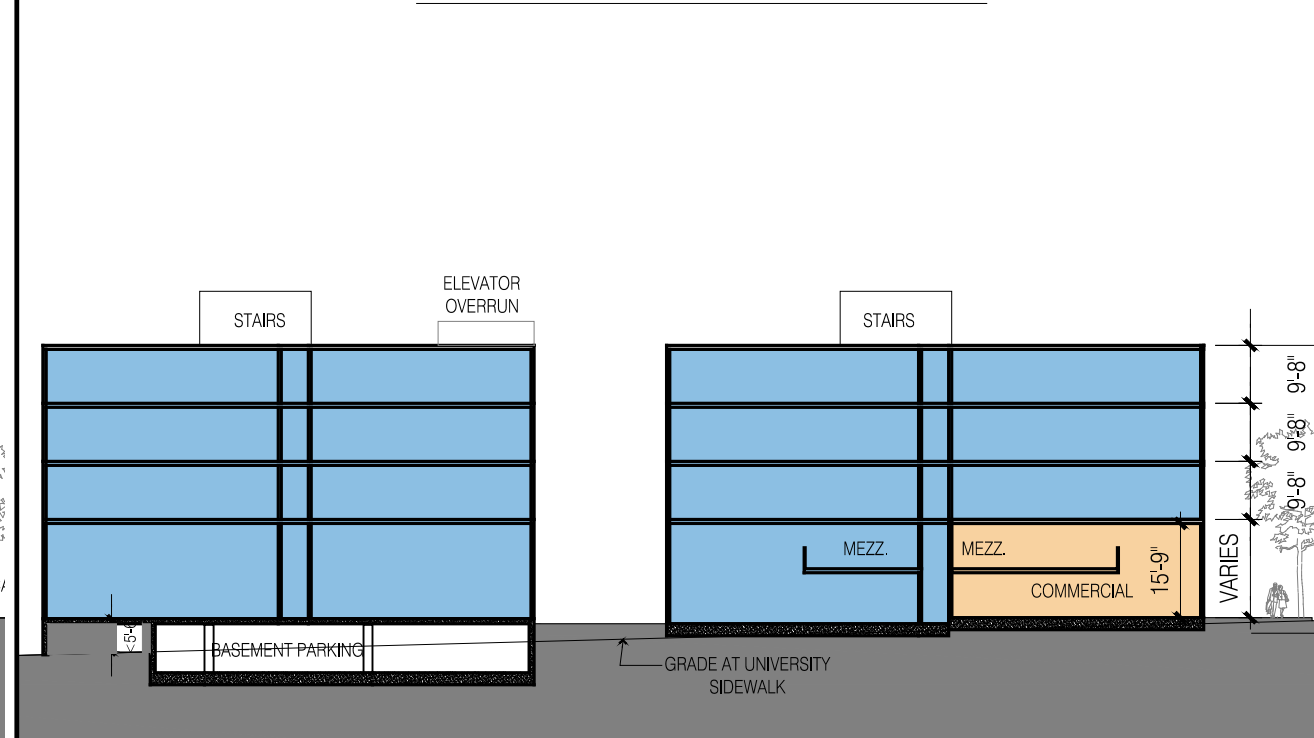
PLAN AT LEVELS 2-4



PLAN AT GROUND / MEZZANINE



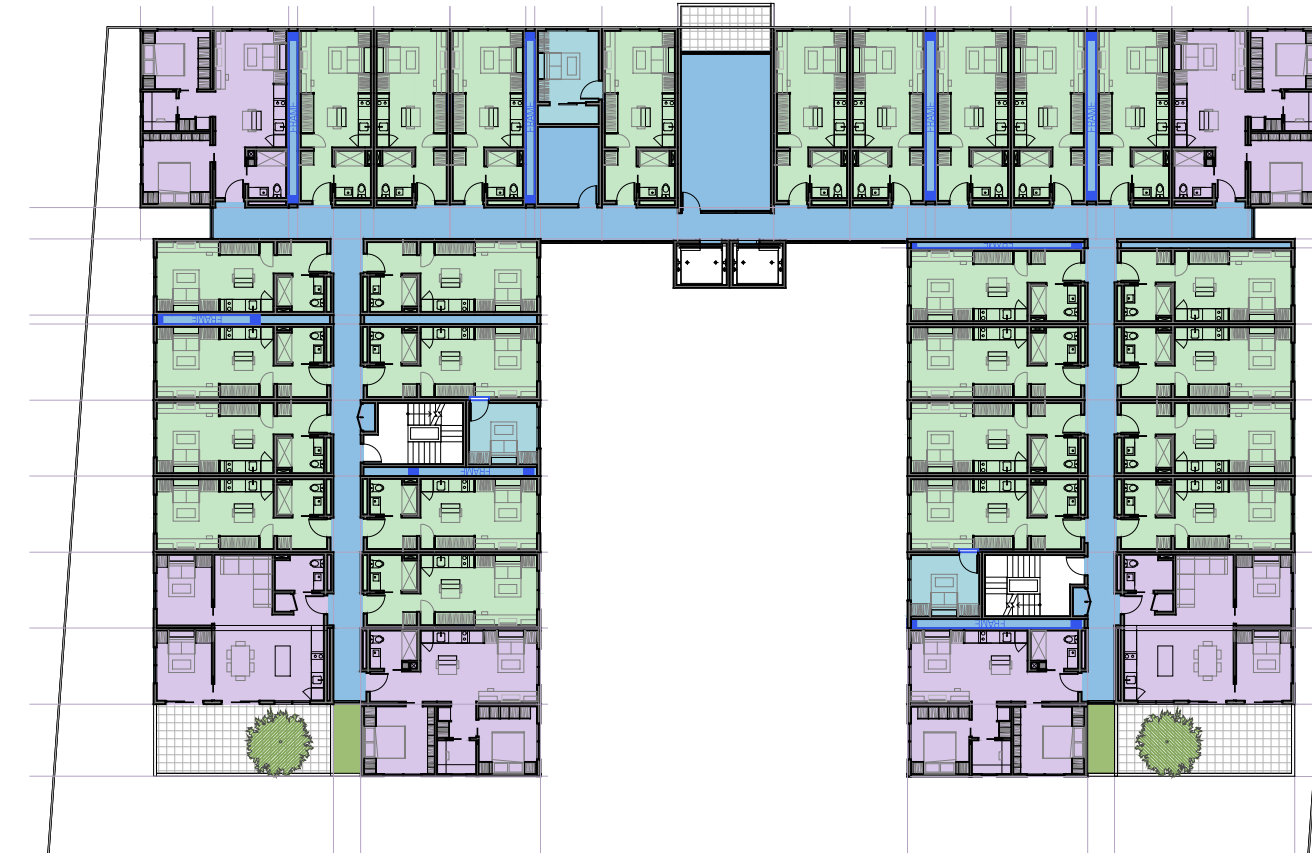
PLAN AT BASEMENT PARKING



BASE PROJECT



PLAN AT LEVEL 8



PLAN AT LEVEL 7

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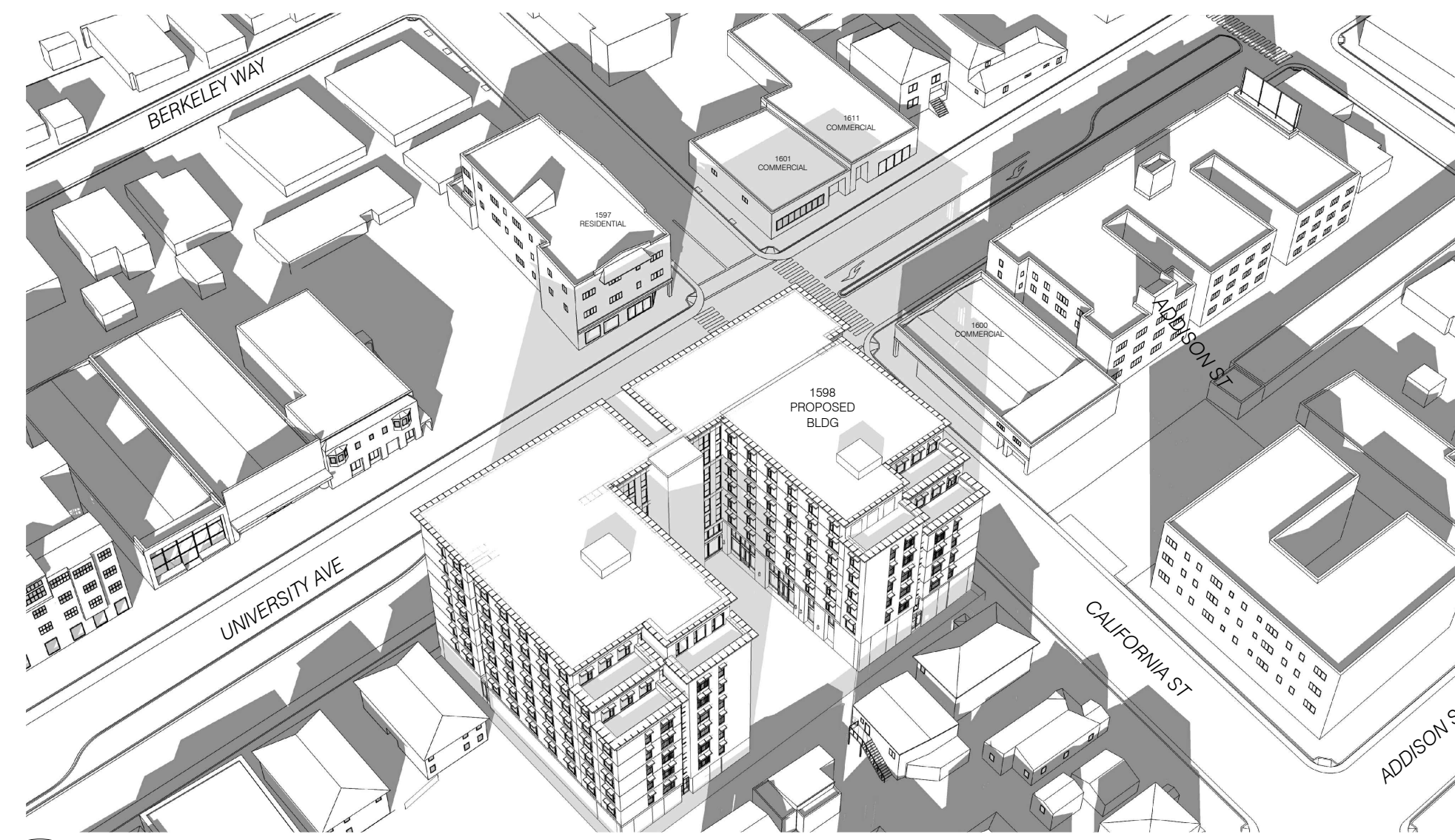
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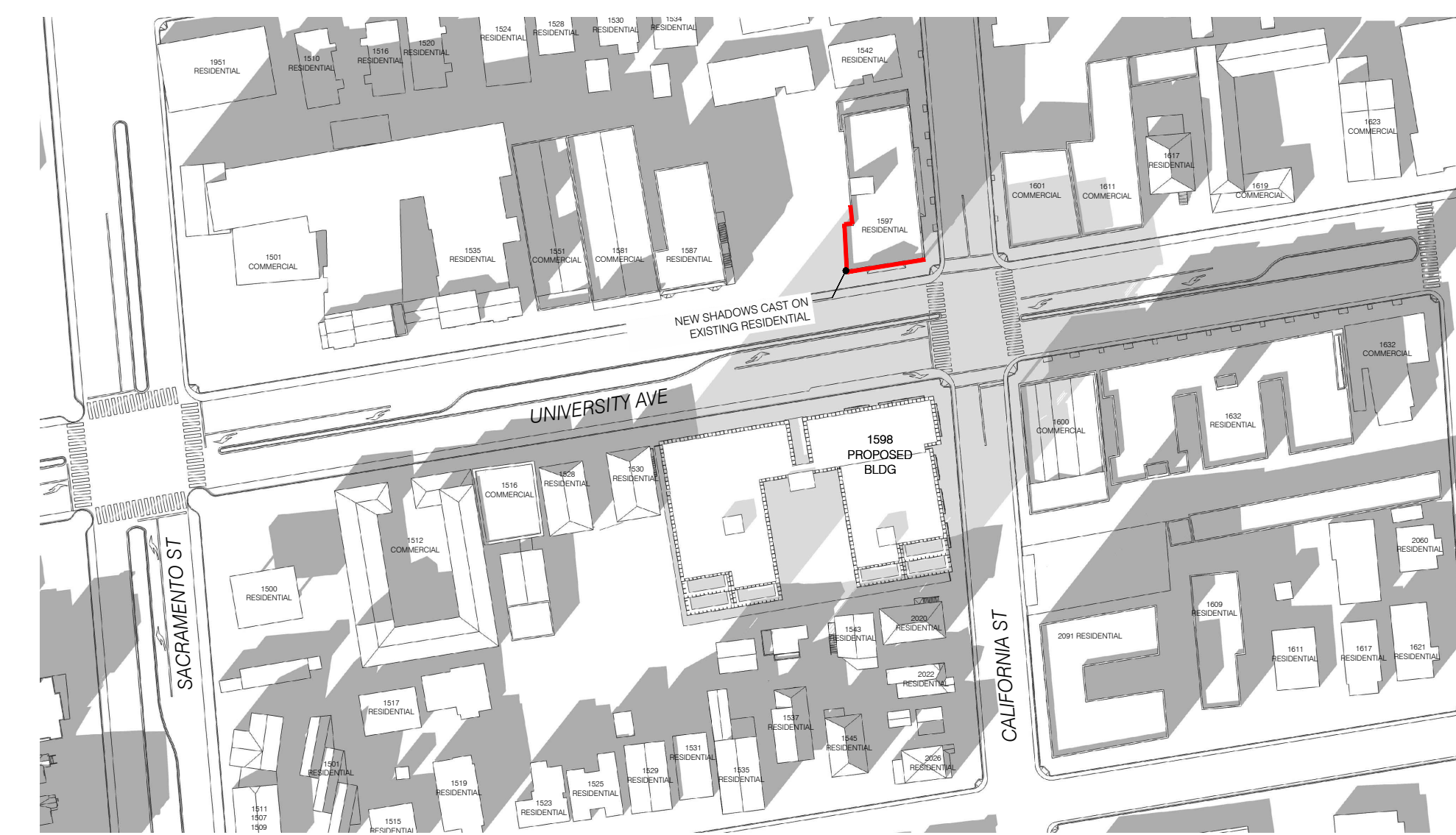
WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

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

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM
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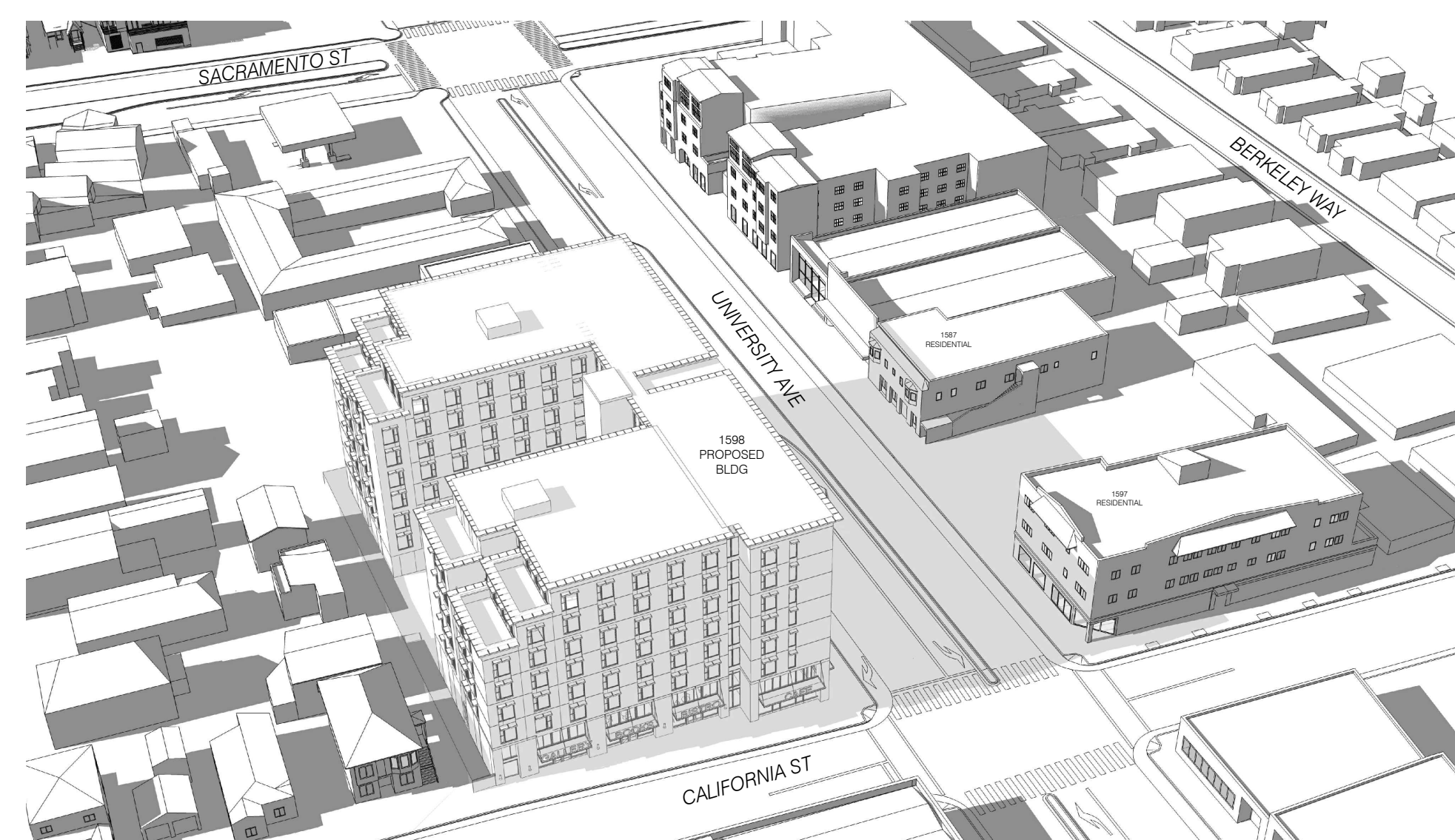
5 SHADOW STUDY - PM
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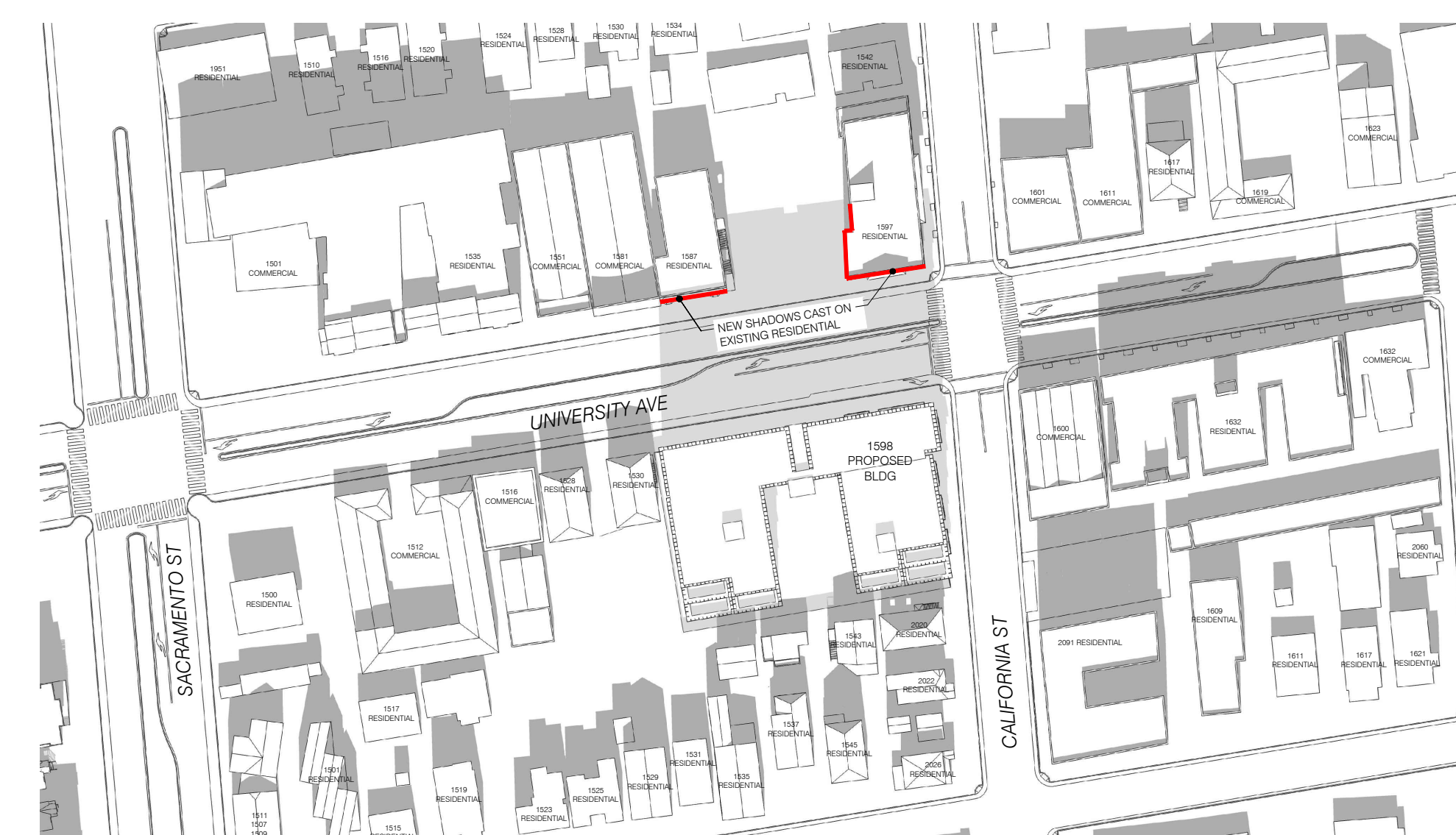
WINTER SOLSTICE
DEC 21ST:
NOON

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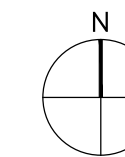
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4 SHADOW STUDY AXONOMETRIC - NOON
 N.T.S.



3 SHADOW STUDY - NOON
 1:160 @ 11X17 1:80 @ 24X36



WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

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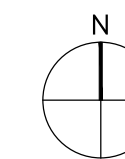
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2 SHADOW STUDY AXONOMETRIC - AM
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1 SHADOW STUDY - AM
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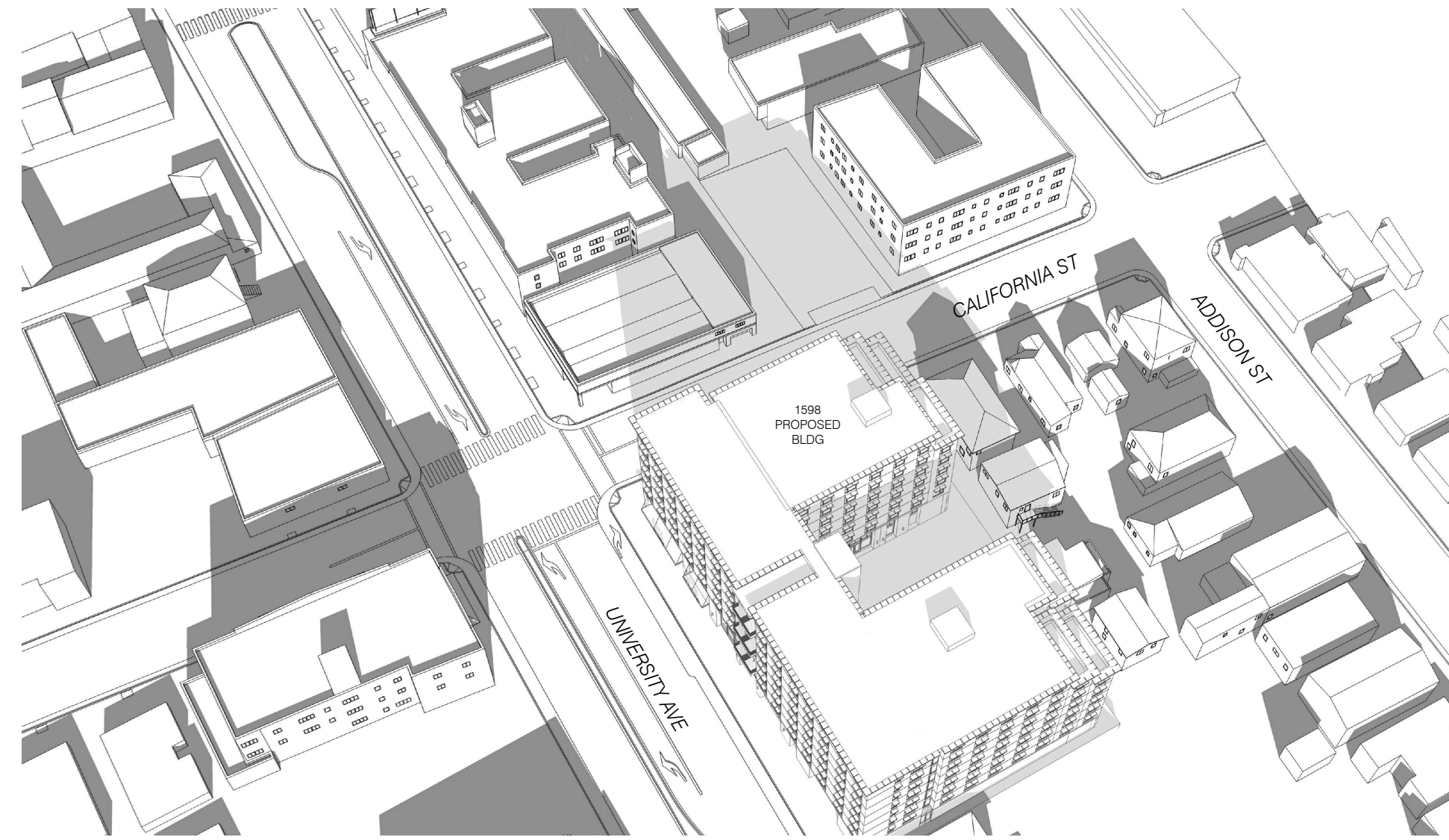
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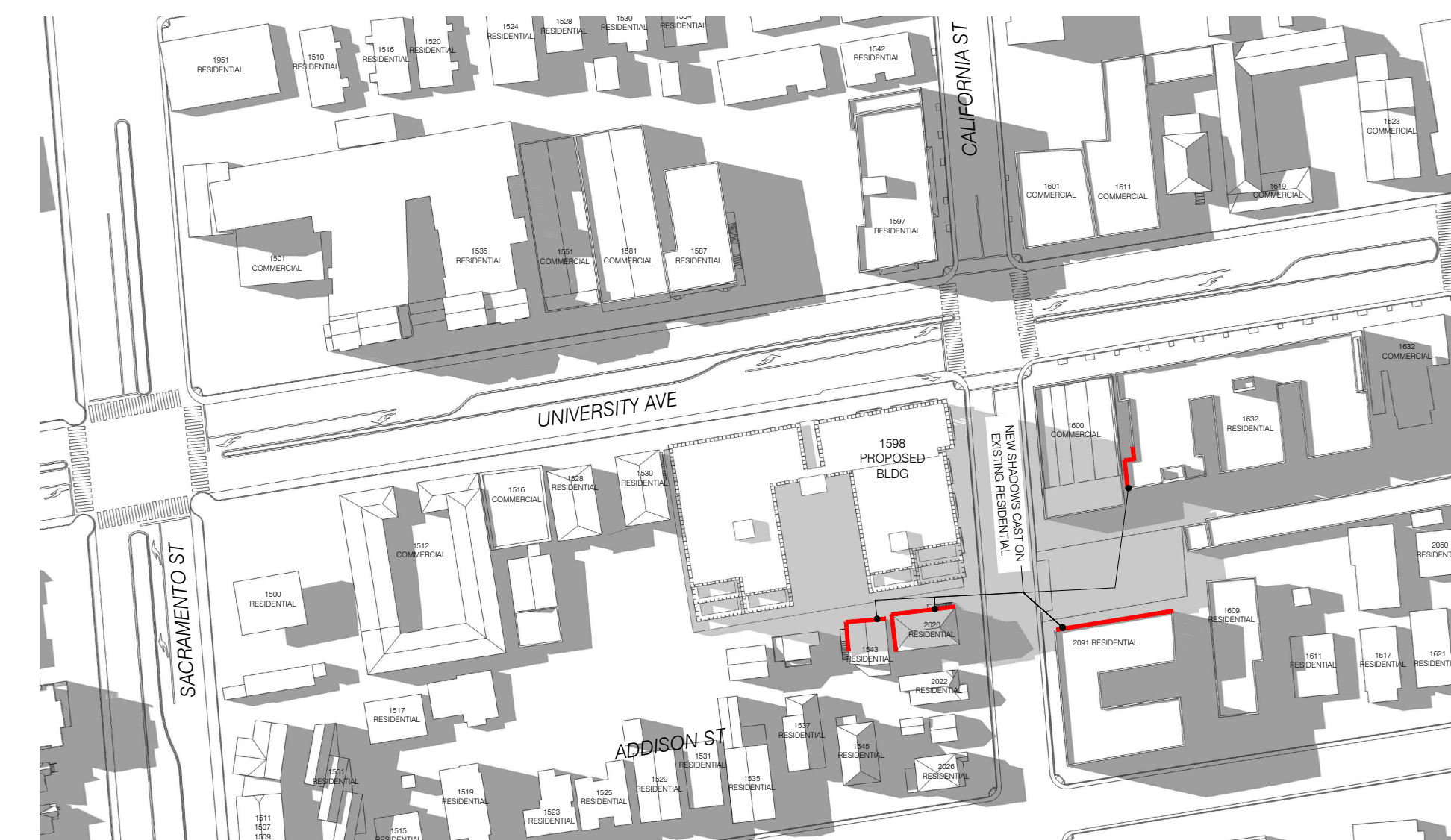
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SUMMER SOLSTICE
JUN 21ST:
2-HRS BEFORE SUNSET (PM)

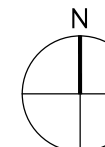
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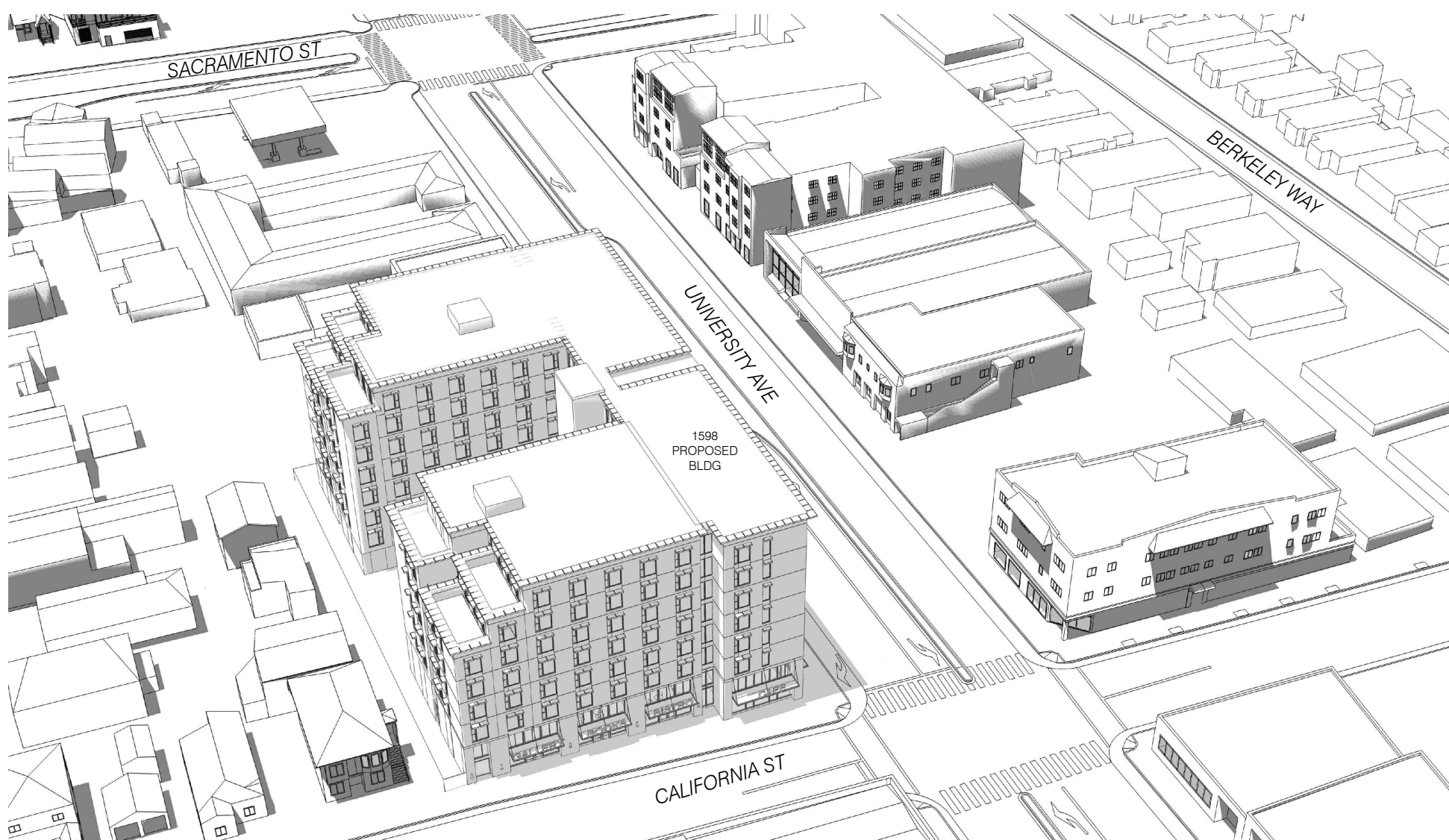


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SUMMER SOLSTICE
JUN 21ST:
NOON

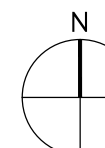
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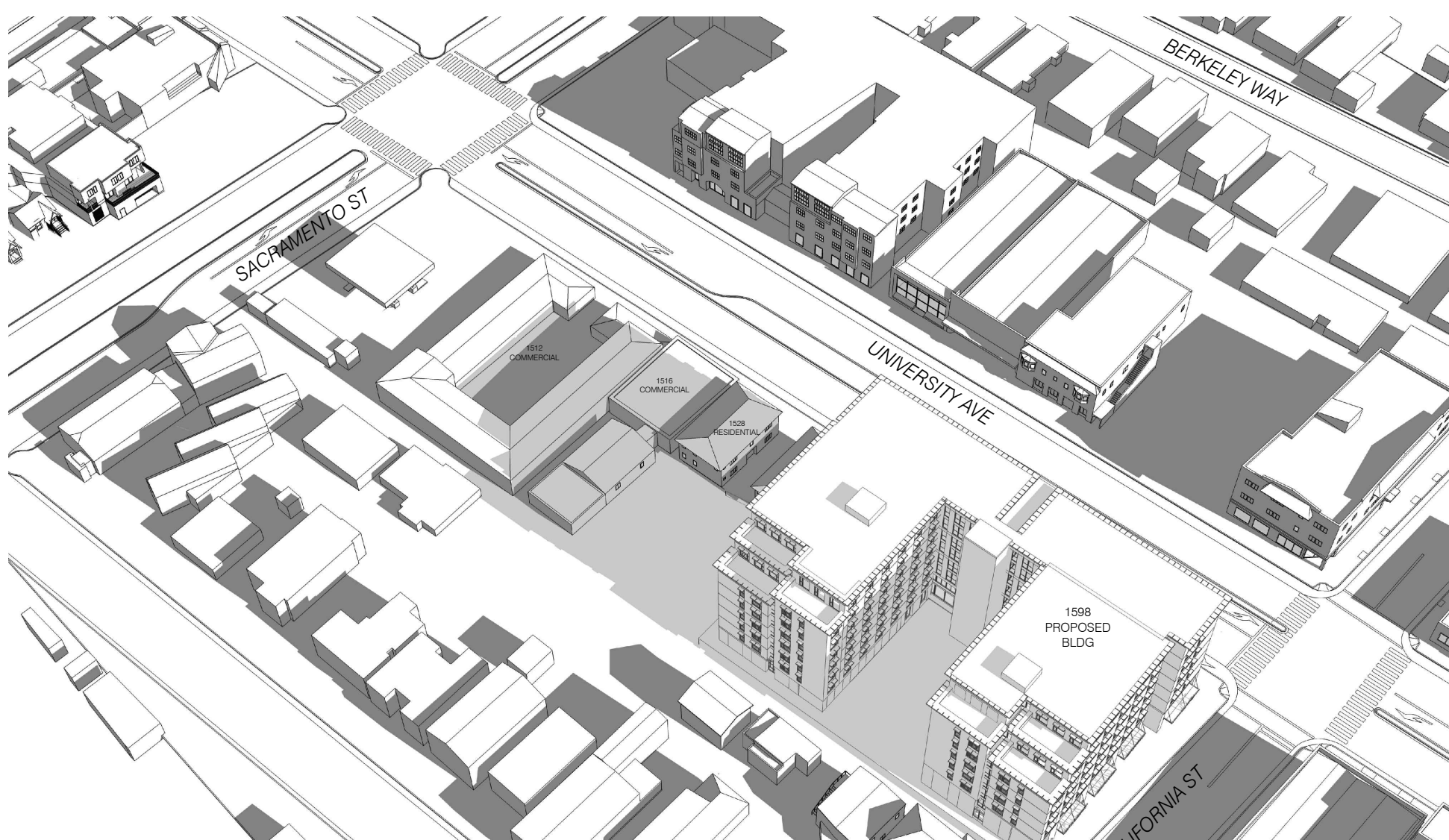


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SUMMER SOLSTICE
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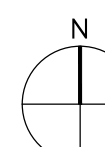
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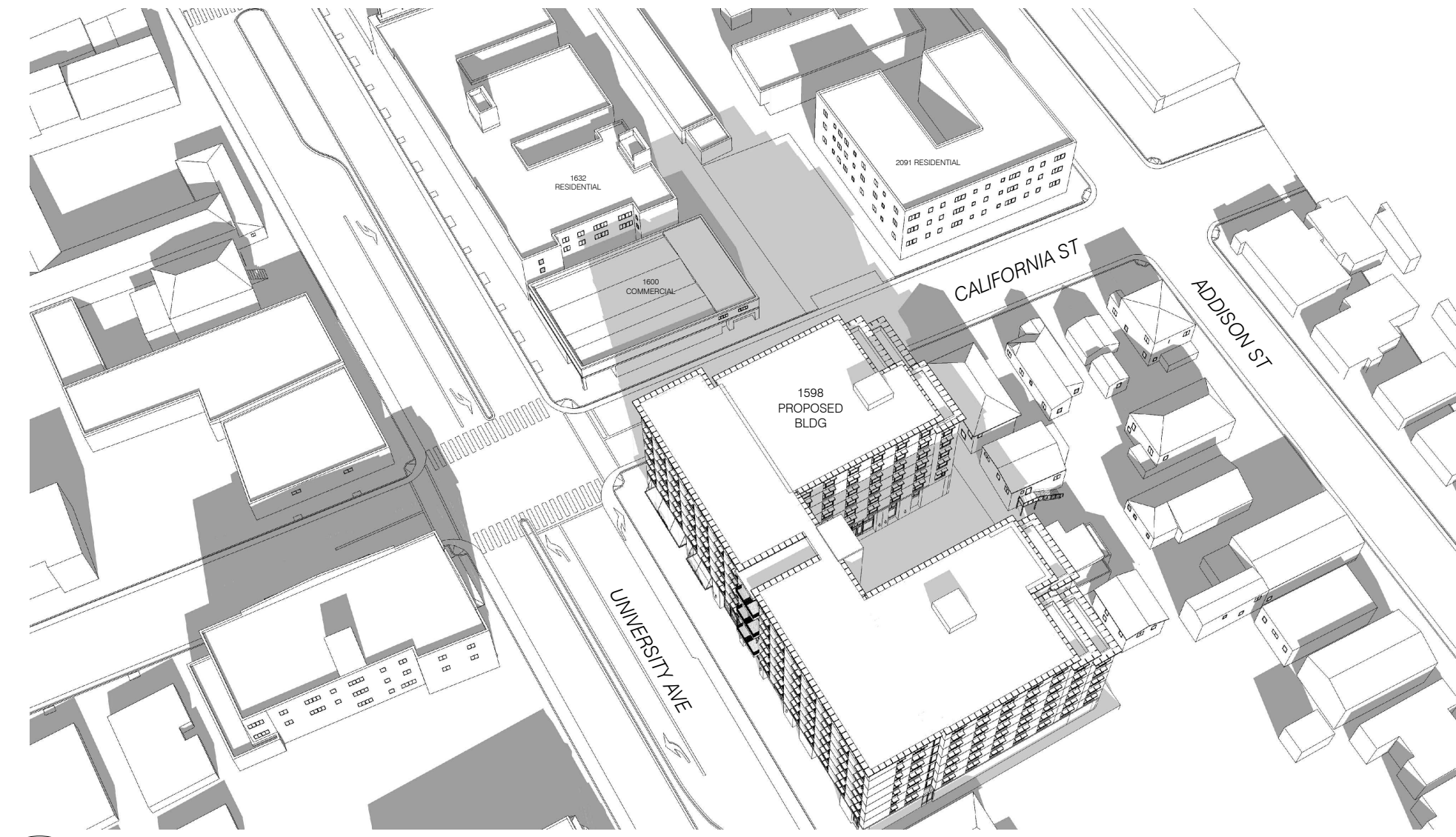
SHADOW STUDIES
 JUNE 21ST

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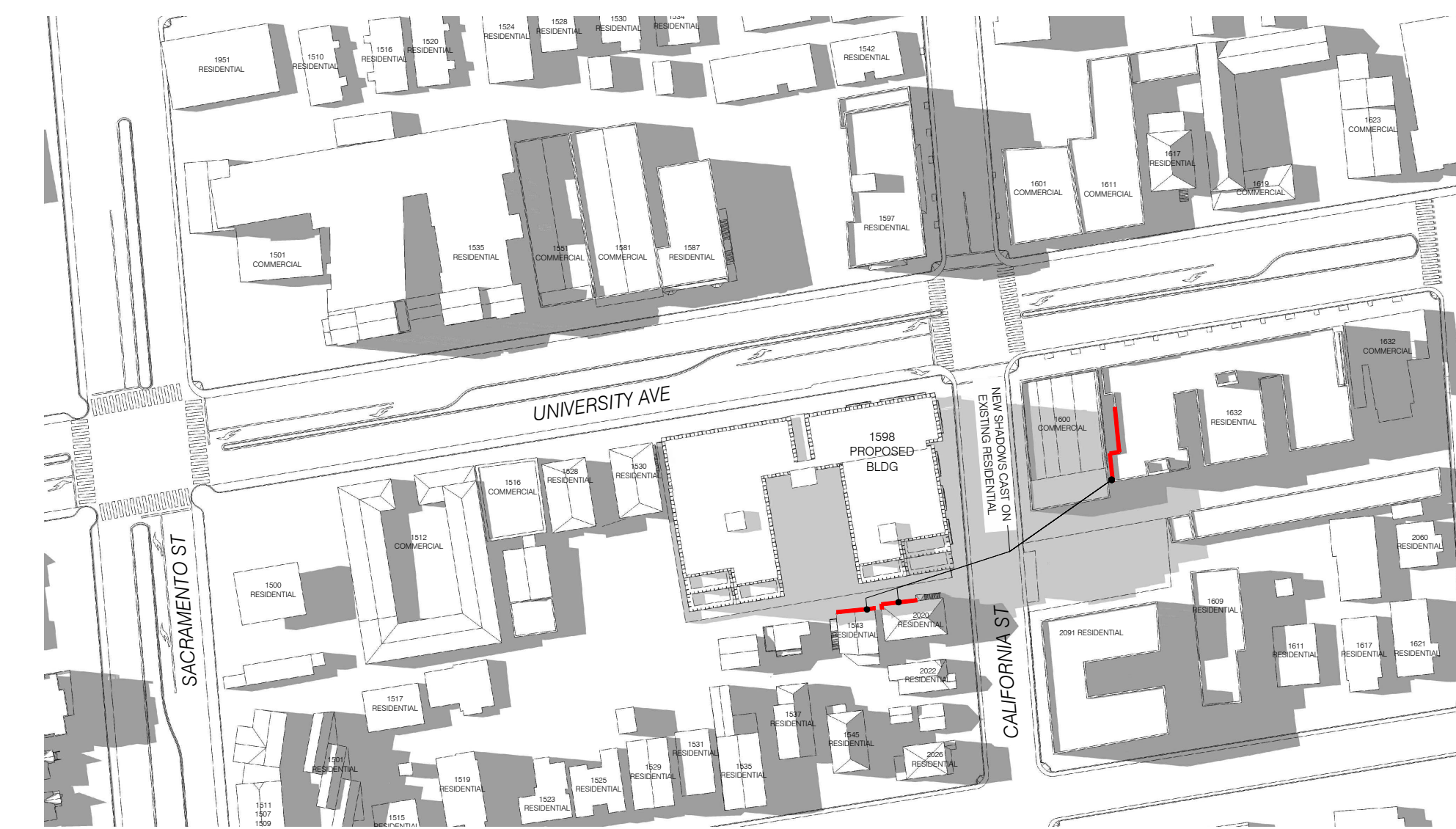
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N.T.S.

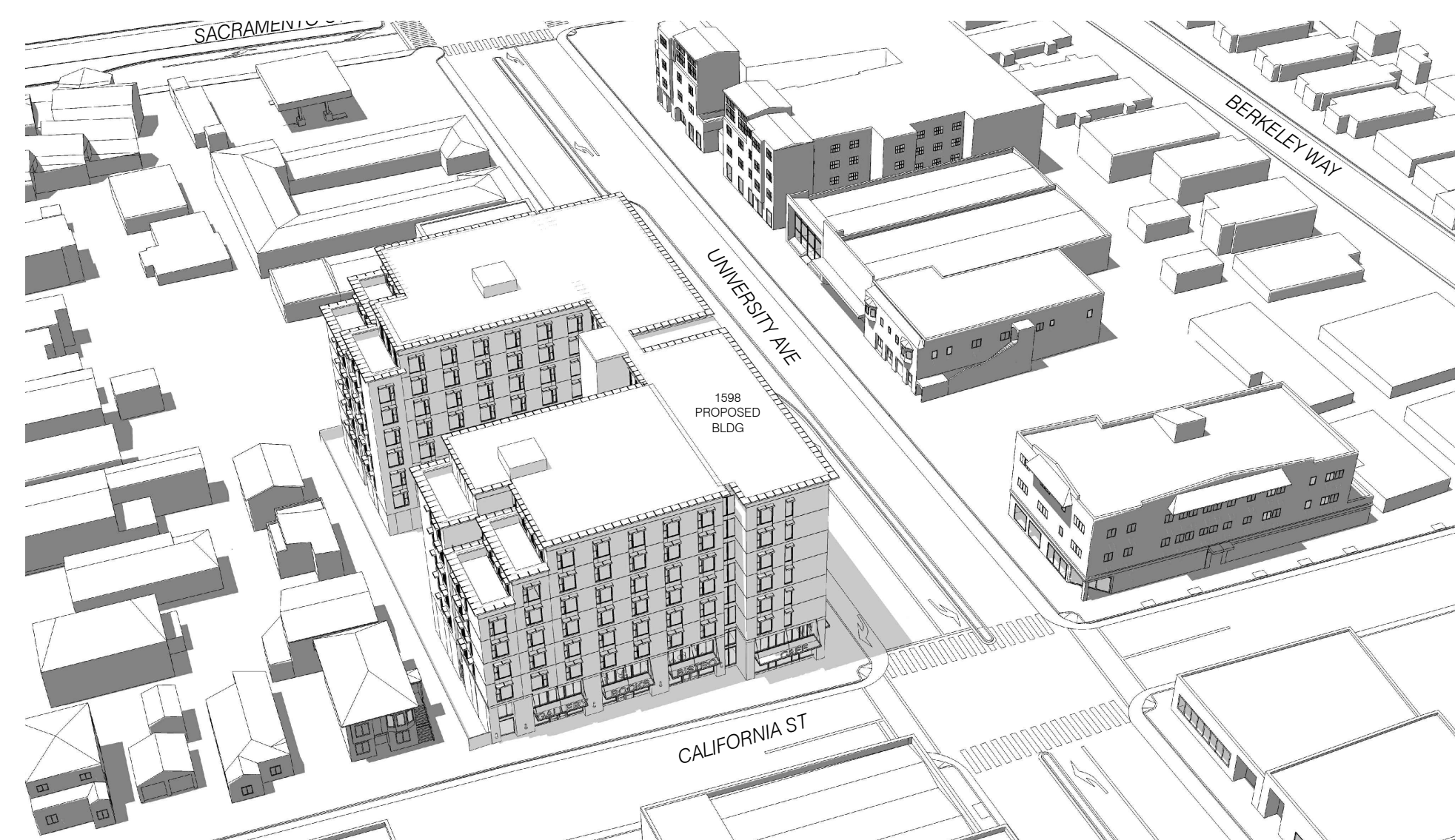


5 SHADOW STUDY - PM
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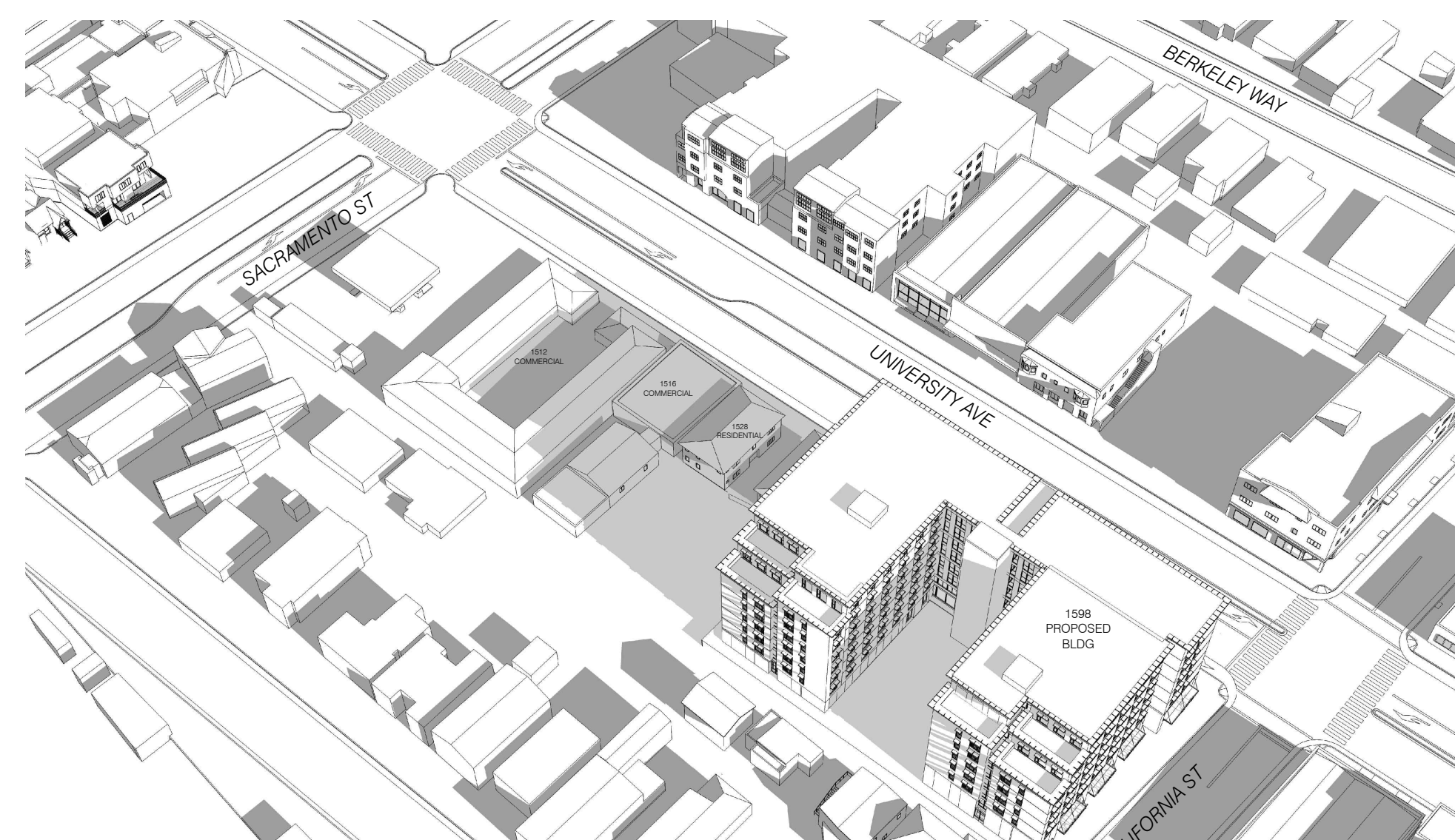


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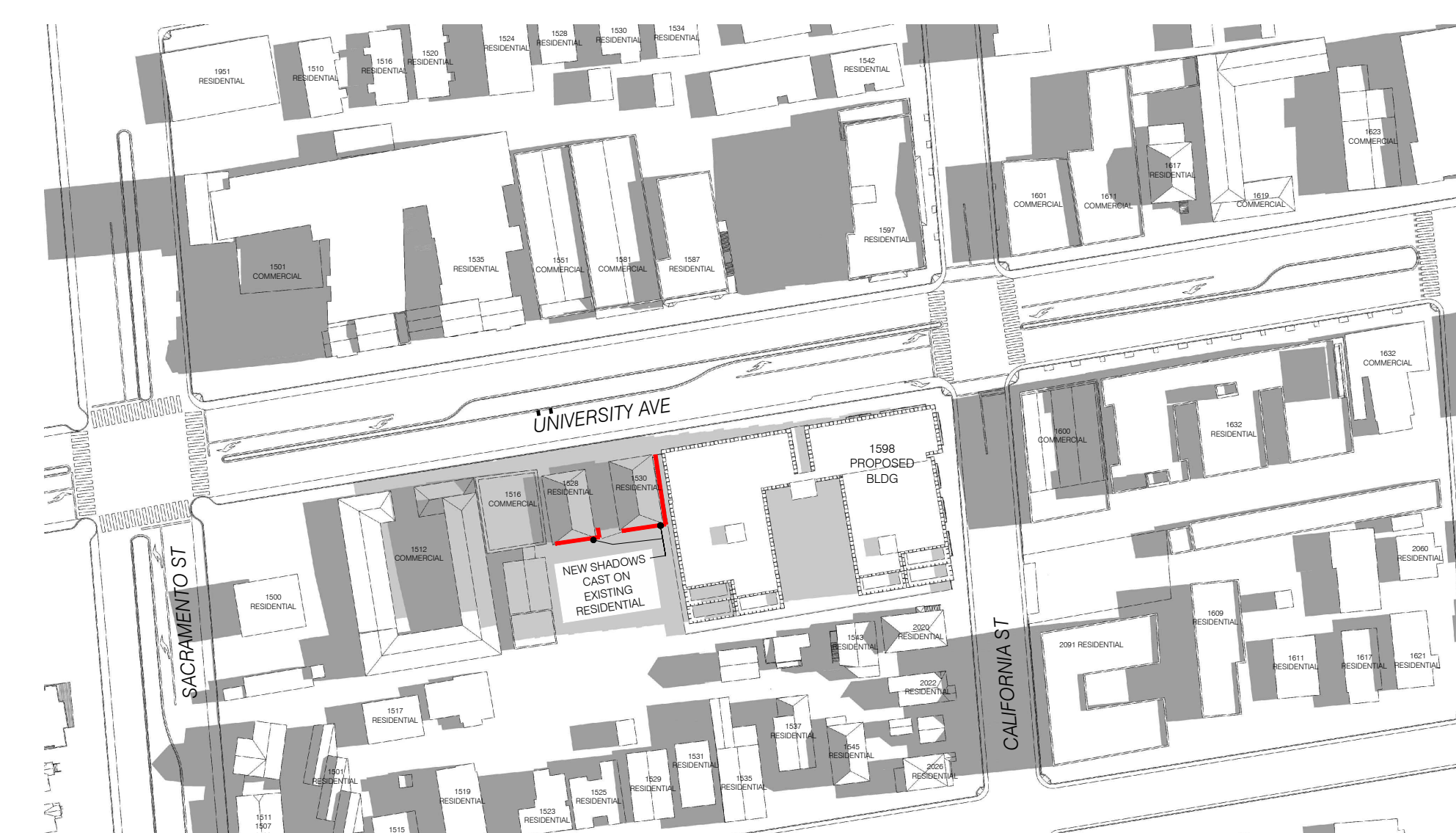
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JOB: 2030

SHEET:

SHADOW STUDIES
MAY 11TH

A0.4C

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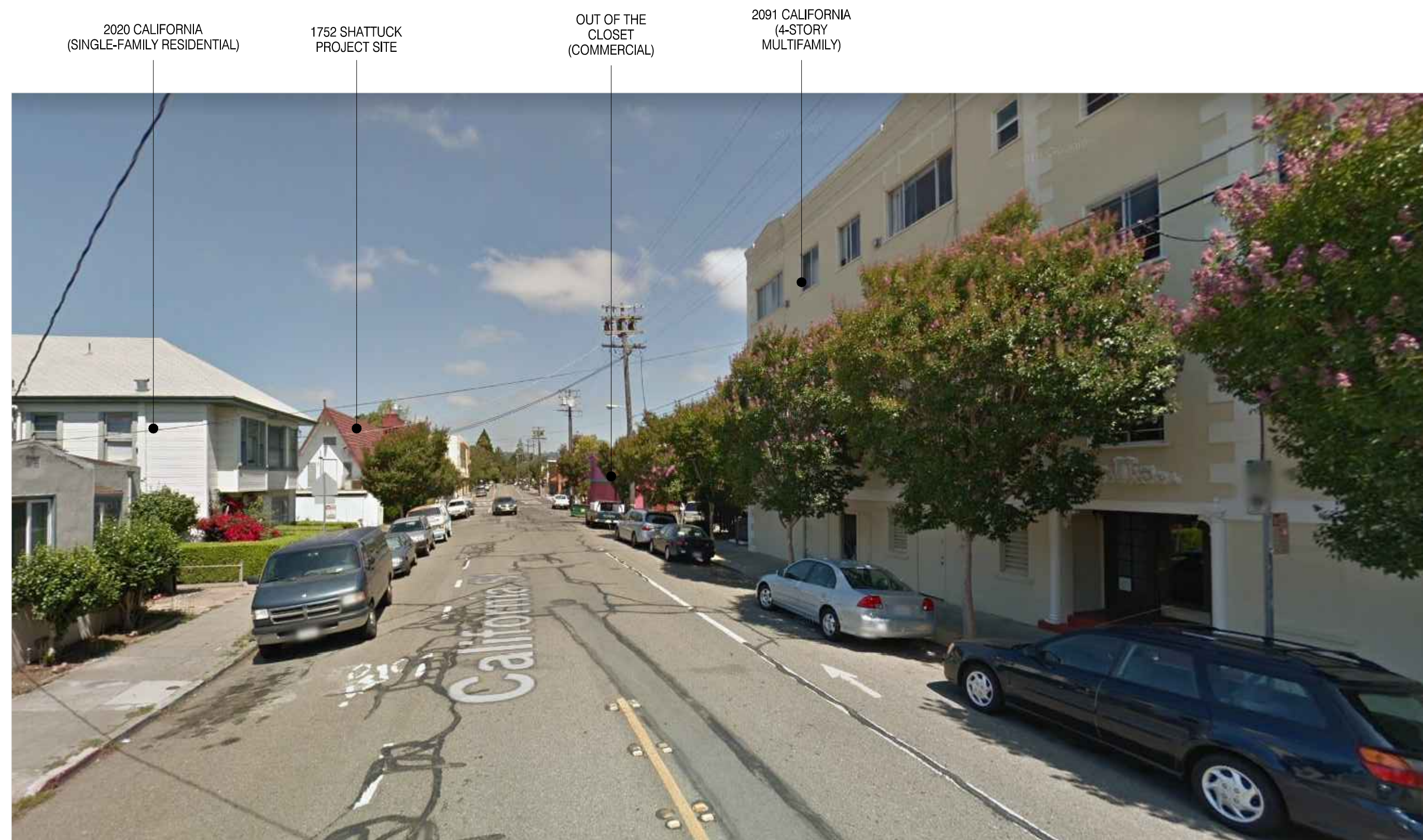
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JOB: 2030

SHEET:

SITE CONTEXT PHOTOS

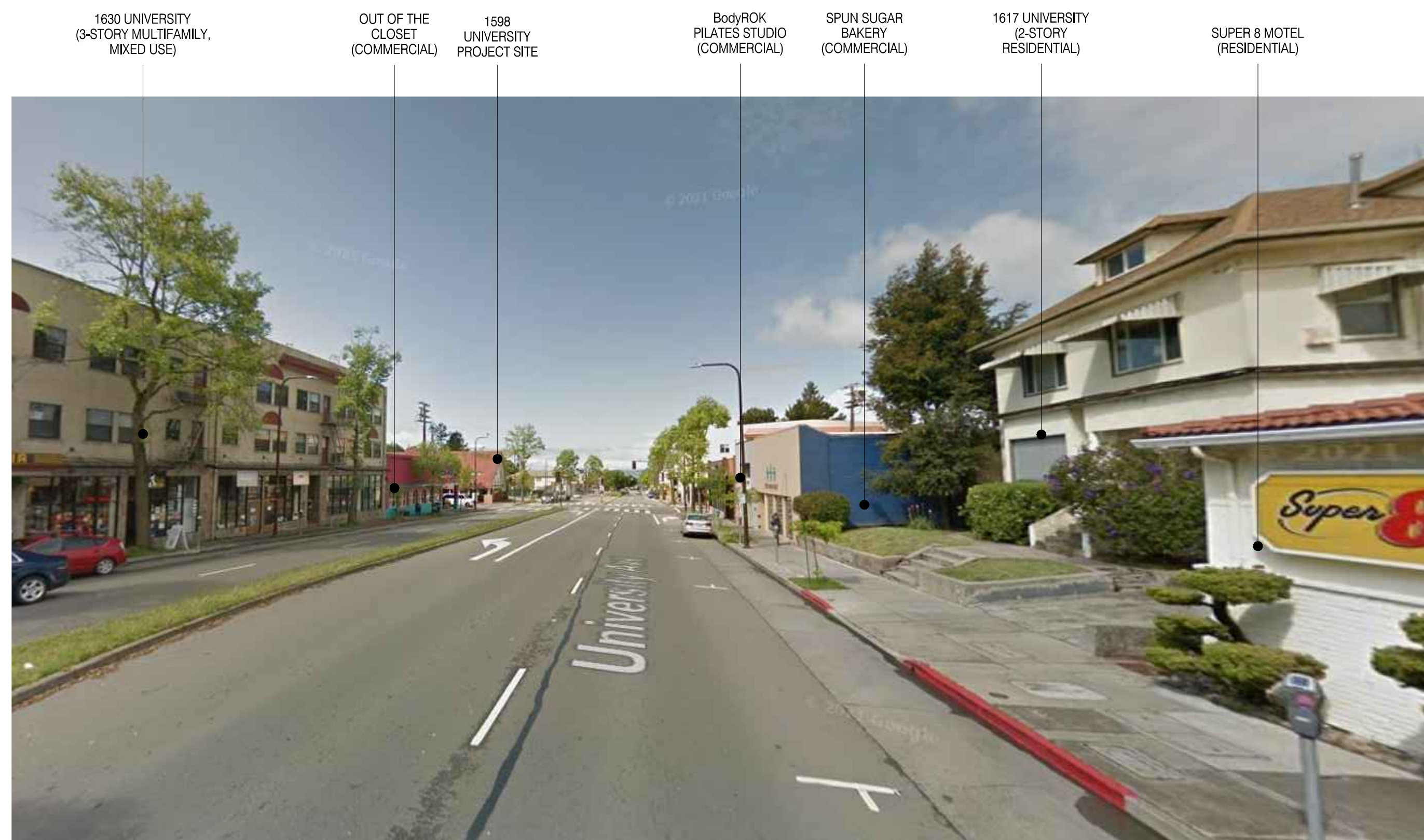
A0.5



4 VIEW FROM CALIFORNIA LOOKING SOUTH



2 VIEW FROM UNIVERSITY AVE. LOOKING EAST



3 VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW



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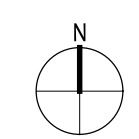
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JOB: 2030

SHEET:
VICINITY MAP

1
 -
 NTS
VICINITY MAP



A0.6

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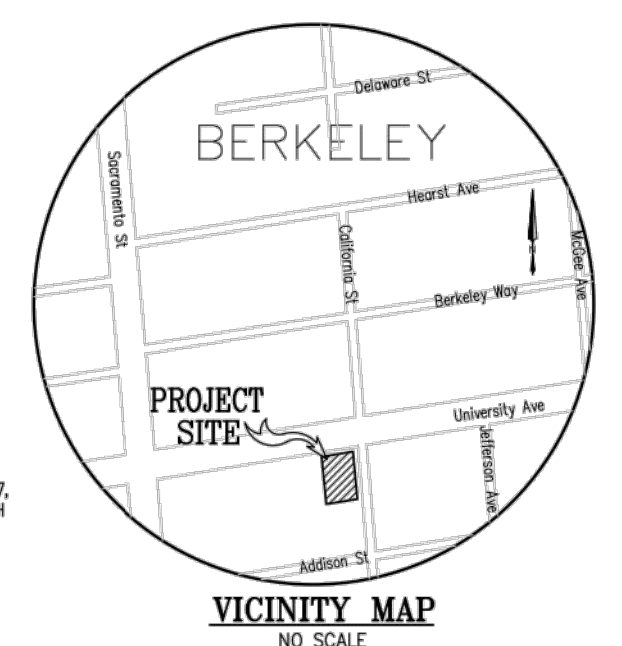
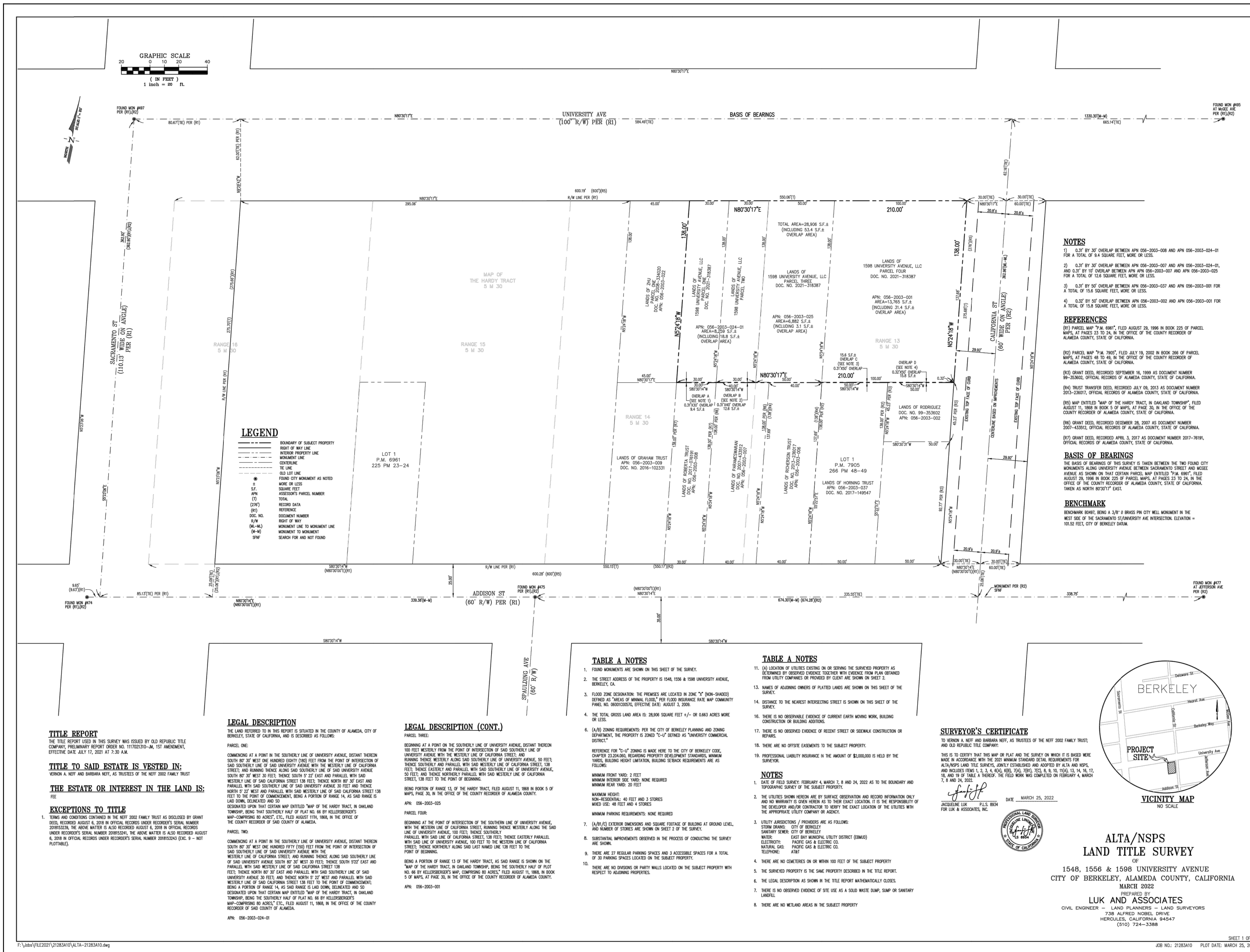
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JOB: 2030

SHEET:

SURVEY

A1.1



SURVEYOR'S CERTIFICATE
 TO VERNON A. NEFF AND BARBARA NEFF, AS TRUSTEES OF THE NEFF 2002 FAMILY TRUST;
 AND OLD REPUBLIC TITLE COMPANY:
 THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, PREVIOUSLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES THENCE 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B), 7(C), 8, 9, 10, 11(A), 12, 13, 14, 15, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 4, MARCH 7, 8 AND 24, 2022.

JACQUELINE LUK P.L.S. 8934
 FOR LUK & ASSOCIATES, INC.

DATE: MARCH 25, 2022

NOTES
 1. DATE OF FIELD SURVEY: FEBRUARY 4, MARCH 7, 8 AND 24, 2022 AS TO THE BOUNDARY AND TOPOGRAPHIC SURVEY OF THE SUBJECT PROPERTY.
 2. THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREON AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
 3. UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:
 STORM DRAIN: CITY OF BERKELEY
 SANITARY SEWER: CITY OF BERKELEY
 WATER: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)
 ELECTRICITY: PACIFIC GAS & ELECTRIC CO.
 NATURAL GAS: PACIFIC GAS & ELECTRIC CO.
 TELEPHONE: CABLECOM
 4. THERE ARE NO CENTER LINES OR WITHIN 100 FEET OF THE SUBJECT PROPERTY
 5. THE SURVEYED PROPERTY IS THE SAME PROPERTY DESCRIBED IN THE TITLE REPORT.
 6. THE LEGAL DESCRIPTION AS SHOWN IN THE TITLE REPORT MATHEMATICALLY CLOSES.
 7. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
 8. THERE ARE NO WETLAND AREAS IN THE SUBJECT PROPERTY.

ALTA/NSPS LAND TITLE SURVEY
 OF
 1548, 1556 & 1598 UNIVERSITY AVENUE
 CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
 MARCH 2022
 PREPARED BY
LUK & ASSOCIATES
 CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS
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 HERCULES, CALIFORNIA 94547
 (916) 724-3368

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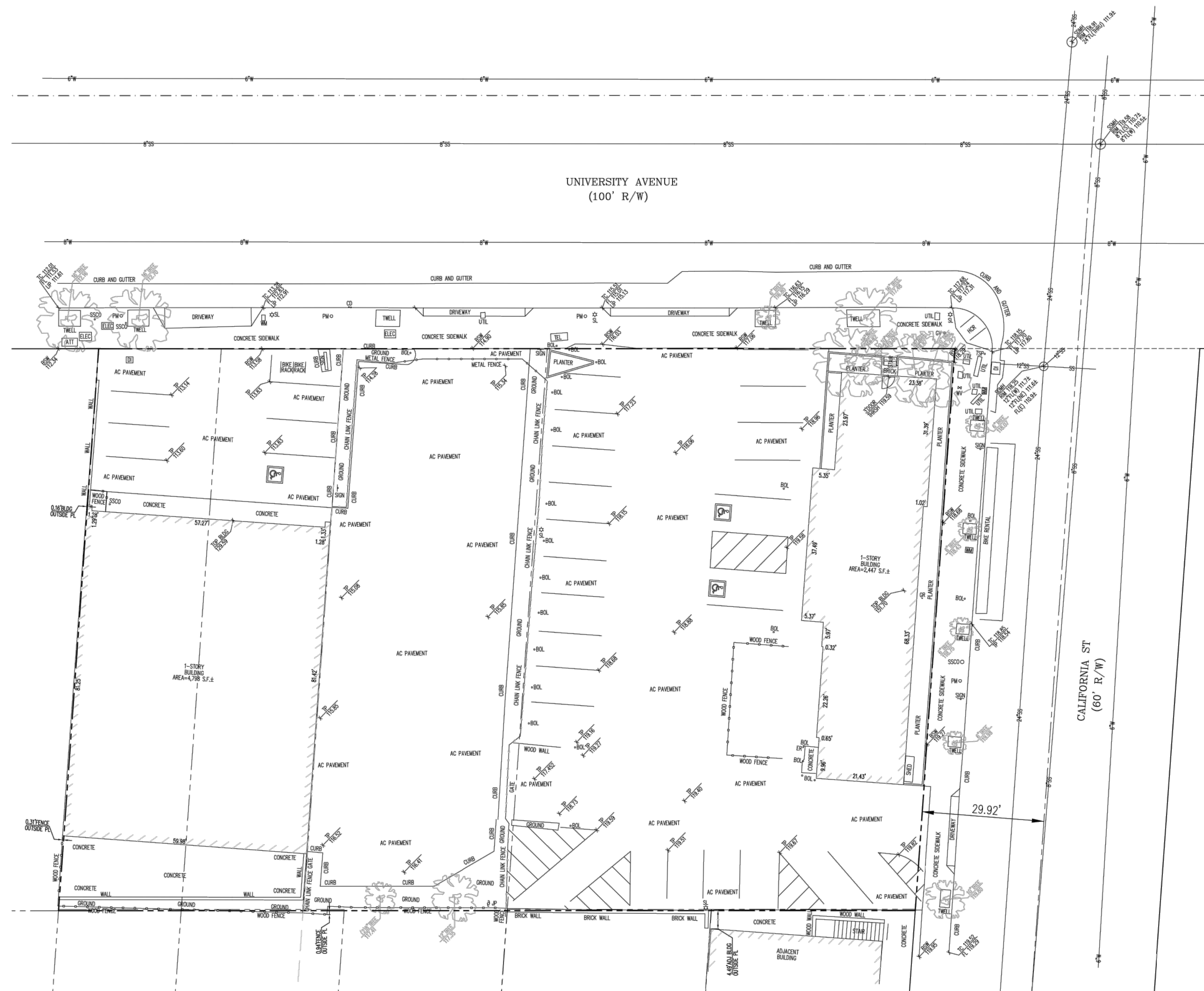
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JOB: 2030

SHEET:

SURVEY

A1.2



LEGEND

SYMBOLS	DESCRIPTION
---	BOUNDARY OF SUBJECT PROPERTY
---	RIGHT OF WAY LINE
---	INTERIOR PROPERTY LINE
---	MONUMENT LINE
---	CENTERLINE
---	TRAIL LINE
---	OLD LOT LINE
---	AC PAVEMENT
---	UTL
---	UTILITY BOX
---	PM
---	PARKING METER
---	HCR
---	HANDICAP RAMP
---	TSP
---	TRAFFIC SIGNAL POLE
---	SL
---	STREET LIGHT
---	GR
---	GAS RISER
---	WV
---	WATER VALVE
---	TWELL
---	TREE WELL
---	WM
---	WATER METER
---	SSOO
---	SANITARY SEWER CLEAN OUT
---	DI
---	DRAIN INLET
---	GV
---	GAS VALVE
---	TEL
---	TELEPHONE BOX
---	BOL
---	BOLLARD
---	SSMH
---	SANITARY SEWER MAN HOLE
---	SDMH
---	STORM DRAIN MAN HOLE
---	CD
---	CURB DRAIN
---	ELEC
---	ELECTRIC BOX
---	ADJ
---	ADJACENT
---	PL
---	PROPERTY LINE
---	BACK OF SIDEWALK ELEVATION
---	LIP OF GUTTER ELEVATION
---	TOP OF CURB ELEVATION
---	TOP OF PAVEMENT ELEVATION
---	FLOW LINE ELEVATION
---	TREE
---	SANITARY SEWER LINE
---	WATER LINE
---	STORM DRAIN LINE

ALTA/NSPS
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JOB: 2030

SHEET:

EXISTING
SITE PLAN

A2.0

UNIVERSITY AVE

1556 SAN PABLO
EXISTING PARKING LOT

EXISTING BUILDINGS TO
BE DEMOLISHED,
SHOWN DASHED

C-W
(RESIDENTIAL USE
IN COMMERCIAL
DISTRICT)

C-W
(RESIDENTIAL USE
IN COMMERCIAL
DISTRICT)

EXISTING BUILDINGS TO
BE DEMOLISHED,
SHOWN DASHED

1550 UNIVERSITY
EXISTING COMMERCIAL
USE

1598 UNIVERSITY
EXISTING COMMERCIAL
USE

3 PARCELS TO BE
MERGED INTO A SINGLE
LOT, SHOWN RED

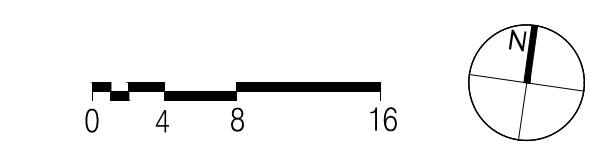
R-2
(RESIDENTIAL USE)

R-2
(RESIDENTIAL USE)

R-2
(RESIDENTIAL USE)

CALIFORNIA ST

1
EXISTING SITE PLAN
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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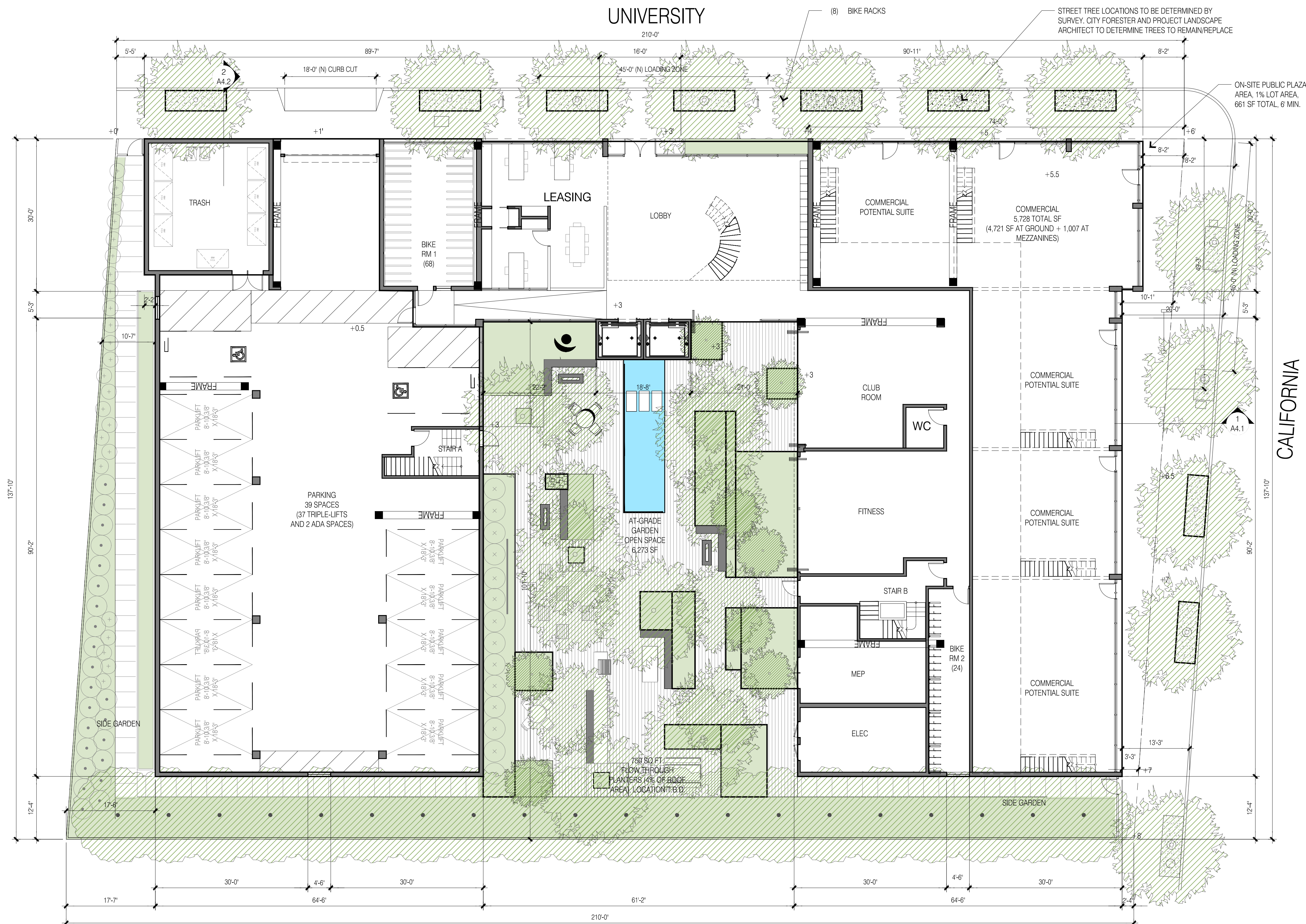
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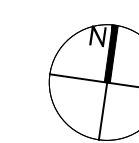
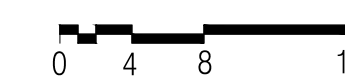
SHEET:

GROUND LEVEL FLOOR PLAN

A2.1



1 GROUND LEVEL PLAN
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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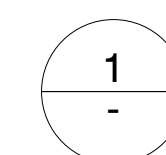
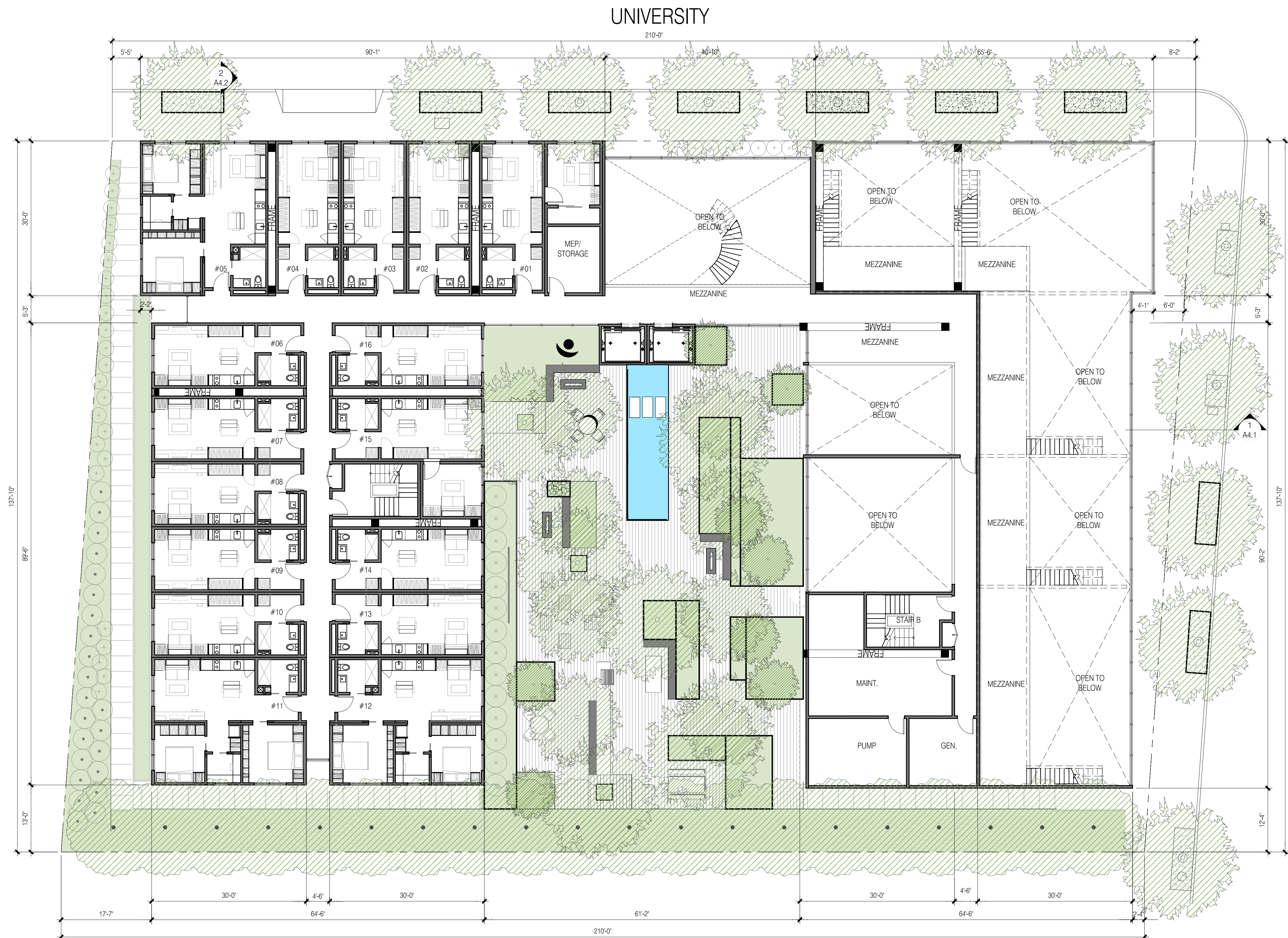
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SHEET:

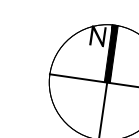
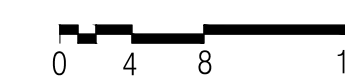
LEVEL 2
FLOOR PLAN

A2.2



PLAN AT LEVEL 2

3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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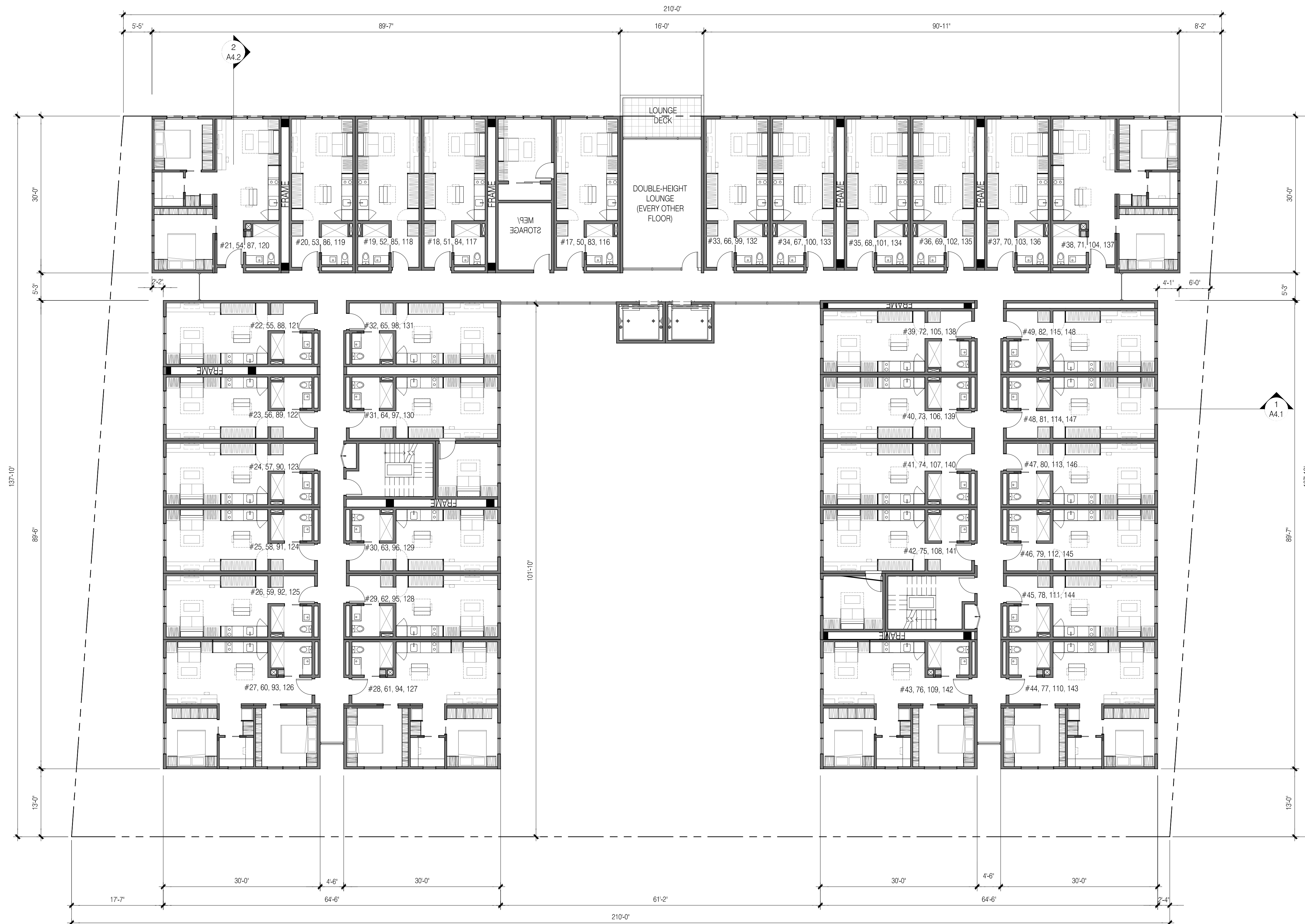
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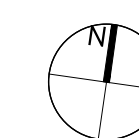
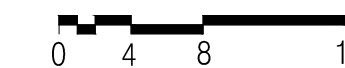
JOB: 2030

SHEET:

LEVELS 3-6
FLOOR PLANS



1 PLAN AT LEVELS 3-6
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



A2.3

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JOB: 2030

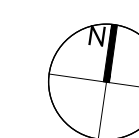
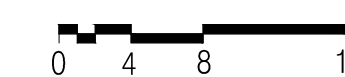
SHEET:

LEVEL 7
FLOOR PLANS

A2.4



1 PLAN AT LEVEL 7
 3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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JOB: 2030

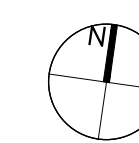
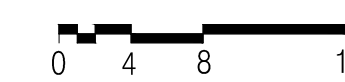
SHEET:

PLAN AT
LEVEL 8

A2.5



1 PLAN AT LEVEL 8
 3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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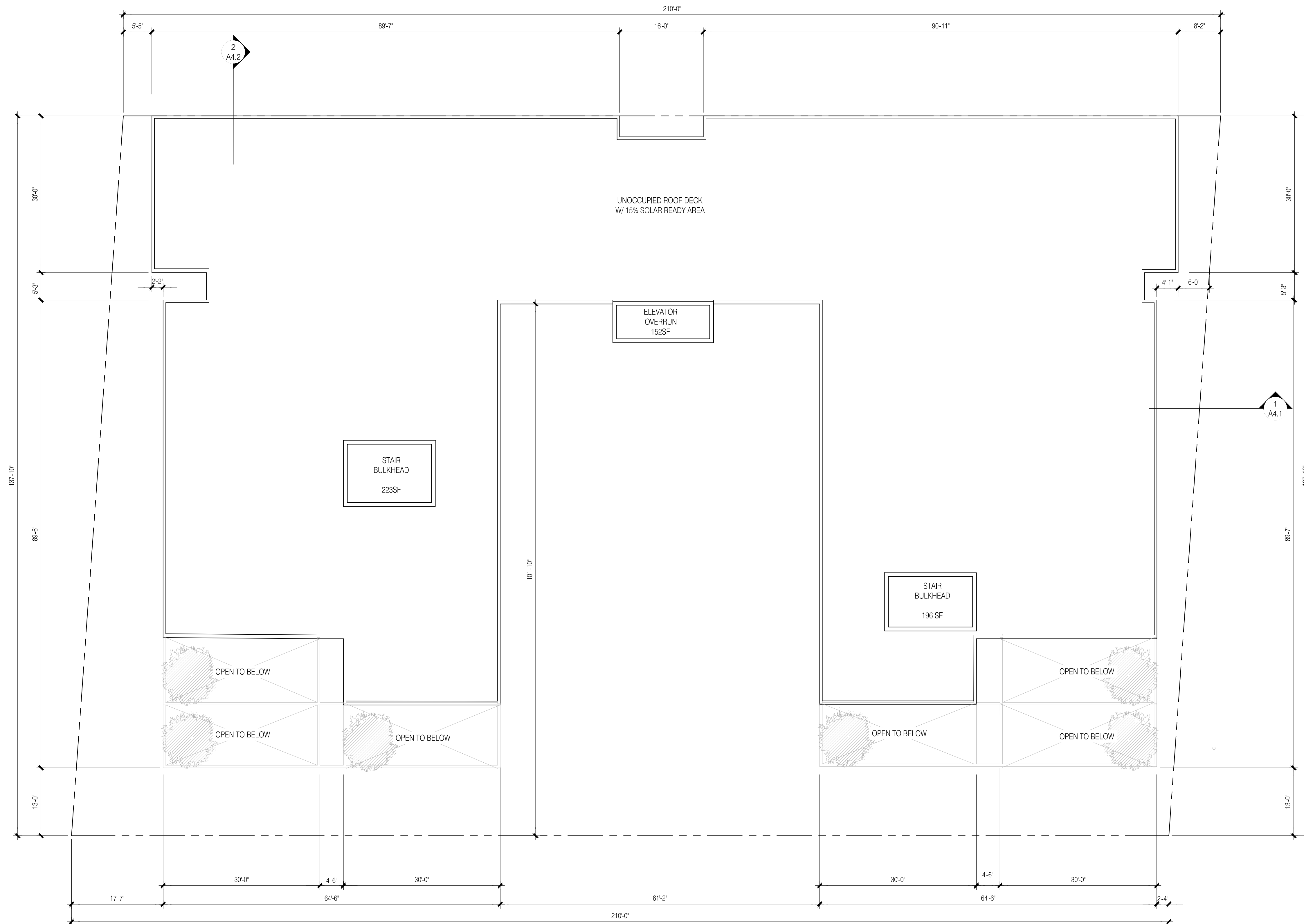
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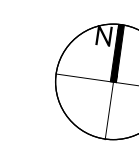
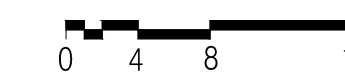
SHEET:

ROOF PLAN

A2.6



1 PLAN AT ROOF
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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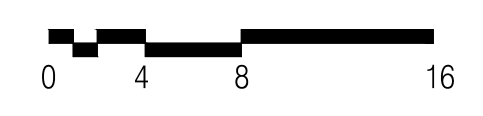
SHEET:
BUILDING ELEVATIONS

A3.1



(UNIVERSITY AVE.)

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



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JOB: 2030

SHEET:
BUILDING ELEVATIONS

A3.2



METAL INFILL PANEL

INSULATED METAL PANELS

DECORATIVE METAL SCREEN

ALUMINUM WINDOWS

INSULATED METAL PANELS

STAIR ROOF
5'-6"
PARAPET
3'-6"
ROOF
10'-4"
LEVEL 8
10'-4"
LEVEL 7
10'-4"
LEVEL 6
10'-4"
LEVEL 5
10'-4"
LEVEL 4
10'-4"
LEVEL 3
10'-4"
LEVEL 2
VARIES
AVG. GRADE

(CALIFORNIA ST.)

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



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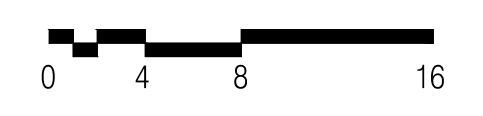
SHEET:

BUILDING ELEVATIONS

A3.3



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



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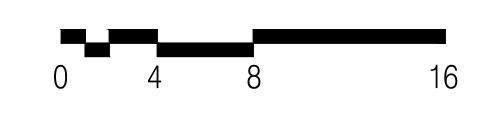
JOB: 2030

SHEET:
BUILDING ELEVATIONS

A3.4



1 SOUTH ELEVATION
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JOB: 2030

SHEET:

STREET STRIP ELEVATIONS

A3.5



2 STREET STRIP ELEVATION @ UNIVERSITY AVE

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

0 4 8 16 32



1 STREET STRIP ELEVATION @ CALIFORNIA ST

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

0 4 8 16 32



4 CALIFORNIA LOOKING NORTH - AFTER



2 CALIFORNIA LOOKING SOUTH - AFTER



3 CALIFORNIA LOOKING NORTH - BEFORE



1 CALIFORNIA LOOKING SOUTH - BEFORE

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JOB: 2030

SHEET:

PHOTO CONTEXT VIEWS

A3.6



4 UNIVERSITY LOOKING EAST - AFTER



2 UNIVERSITY LOOKING WEST - AFTER



3 UNIVERSITY LOOKING EAST - BEFORE



1 UNIVERSITY LOOKING WEST - BEFORE

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JOB: 2030

SHEET:

PHOTO CONTEXT
VIEWS

A3.7

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.8



1 PERSPECTIVE VIEW - UNIVERSITY LOOKING WEST

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.9



1 PERSPECTIVE VIEW - UNIVERSITY AND CALIFORNIA

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.10



1 SIDEWALK VIEW - CALIFORNIA AND UNIVERSITY

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.11



1 SIDEWALK VIEW - ACROSS UNIVERSITY

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.12



1 SIDEWALK VIEW - CAFE ENTANCE

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.13



1 PERSPECTIVE VIEW - CALIFORNIA LOOKING NORTHWEST

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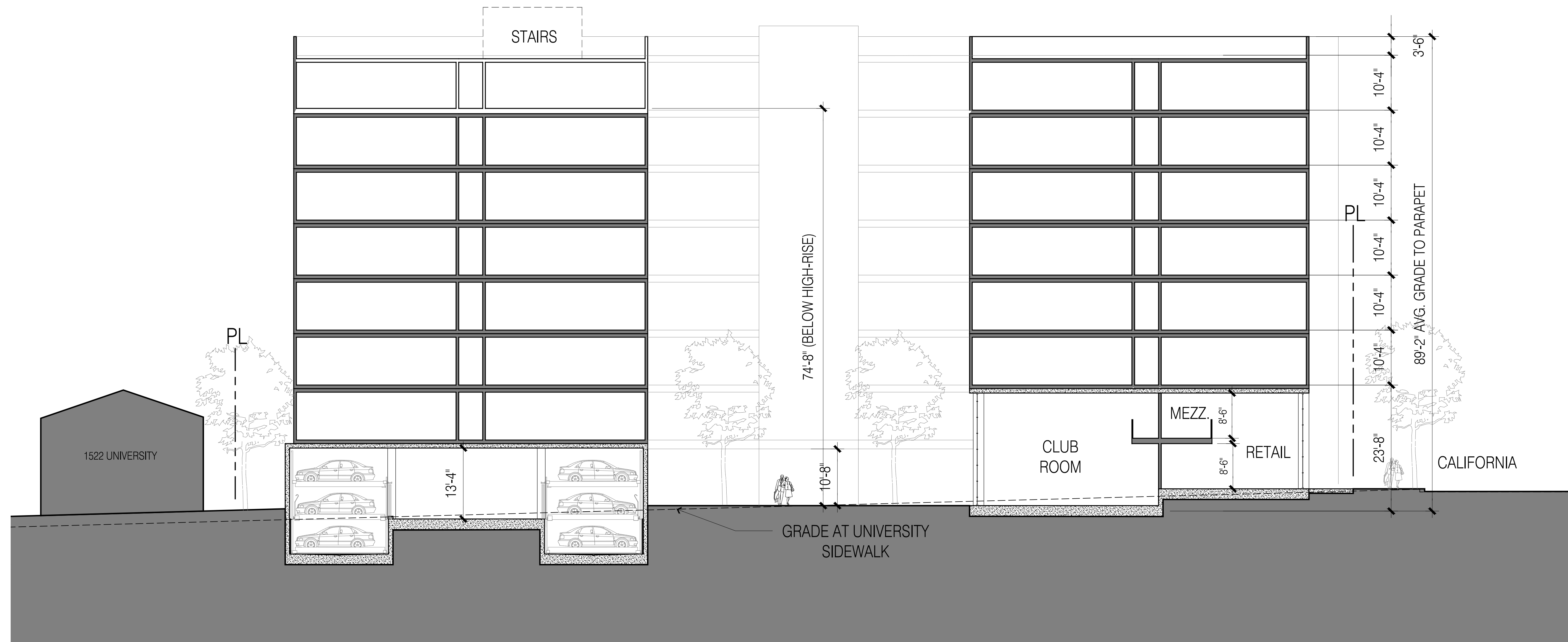
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JOB: 2030

SHEET:

BUILDING SECTION

A4.1



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

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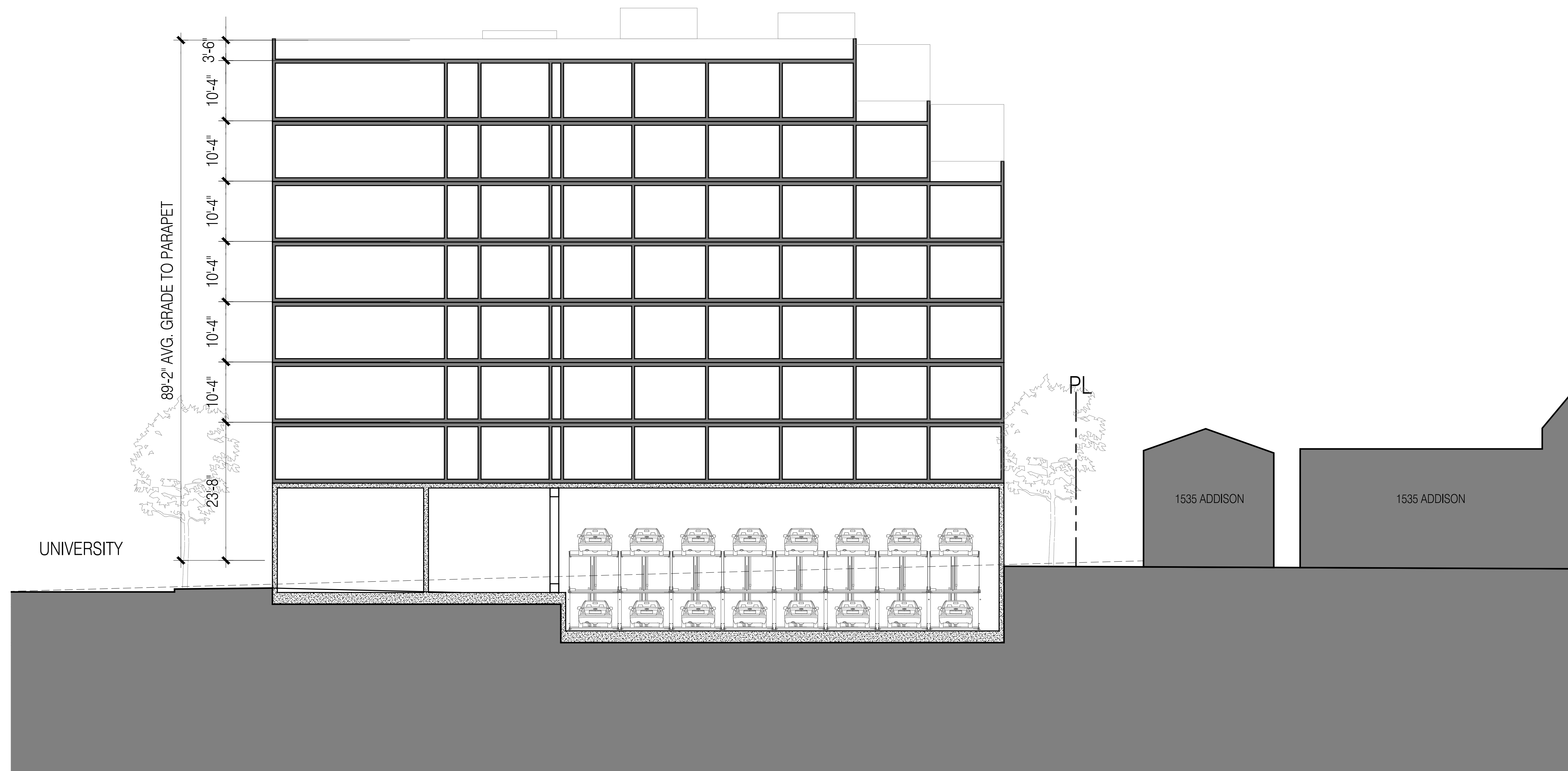
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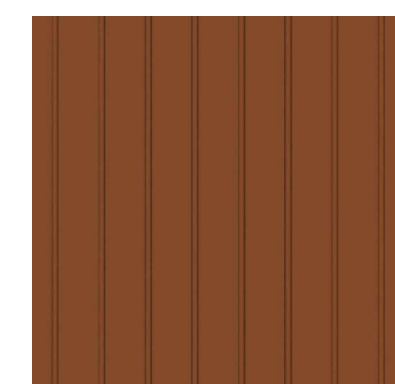
BUILDING
SECTION

A4.2

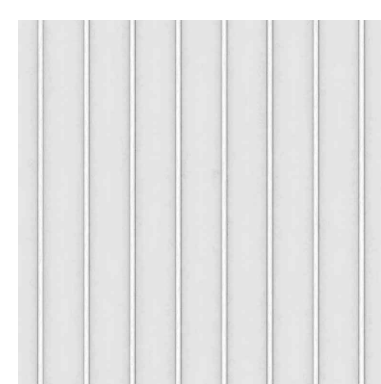


1 BUILDING SECTION
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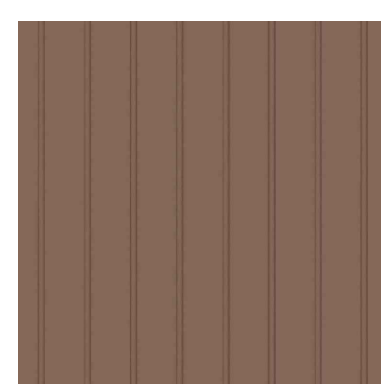
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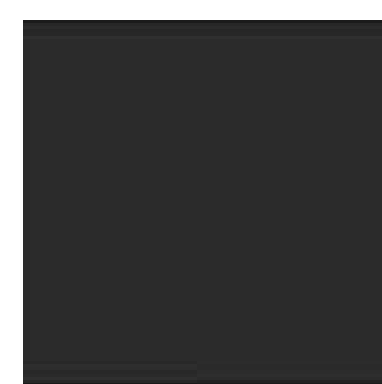
INSULATED METAL PANELS



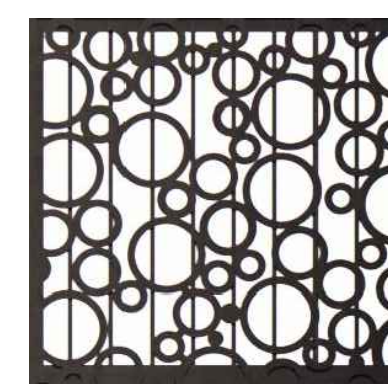
INSULATED METAL PANELS



INSULATED METAL PANELS



METAL INFILL PANEL



DECORATIVE METAL SCREEN

DECORATIVE METAL SCREEN

INSULATED METAL PANELS

ALUMINUM WINDOWS

METAL INFILL PANEL

DECORATIVE METAL SCREEN

INSULATED METAL PANELS

DECORATIVE METAL SCREEN



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MATERIAL BOARD

MAT

1 NORTH ELEVATION
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- 05.11.2023 DAB HEARING SET



STORMWATER CALCULATIONS

C3 APPLICABILITY	
TOTAL SITE AREA	28,936
C3 THRESHOLD	10,000
C3 REGULATED PROJECT	NO

REQUIRED FLOW-THROUGH PLANTERS

LOCATION	GROSS SF	SELF-TREATING AREA	TREATMENT AREA	%	TOTAL TREATMENT AREA	TOTAL PROVIDED PLANTER AREA	PERVIOUS PAVING	FILTER VAULT
MAIN ROOF	16022	0	16022	4%	641			
8TH LEVEL ROOF DECKS	1680	148	1532	4%	61			
7TH LEVEL ROOF DECK	817	74	743	4%	30	1310		
TOTAL	18519	222	18297		732	1310		

PROVIDED TREATMENT PLANTERS

LEVEL	PLANTER AREA	FILTER VAULT
GROUND LEVEL STORMWATER PLANTER	1310	
TOTAL PLANTERS	1310	

SPECIAL PROJECTS

(Appendix K)

CRITERIA FOR CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) SPECIAL PROJECTS

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

LOCATION CREDITS

% of the C.3.d Amount of Runoff that May Receive Non-LID	Project Site Location	QUALIFIES
50%	50% or more of the site is located within a 1/4 mile radius of an existing or planned transit hub	YES
25%	50% or more of the site is located within a 1/2 mile radius of an existing or planned transit hub	N/A
25%	100% of the site is located within a PDA	N/A

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JOB: 2030

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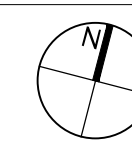
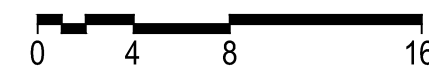
PRELIMINARY STORMWATER MANAGEMENT PLAN

SW-1

2

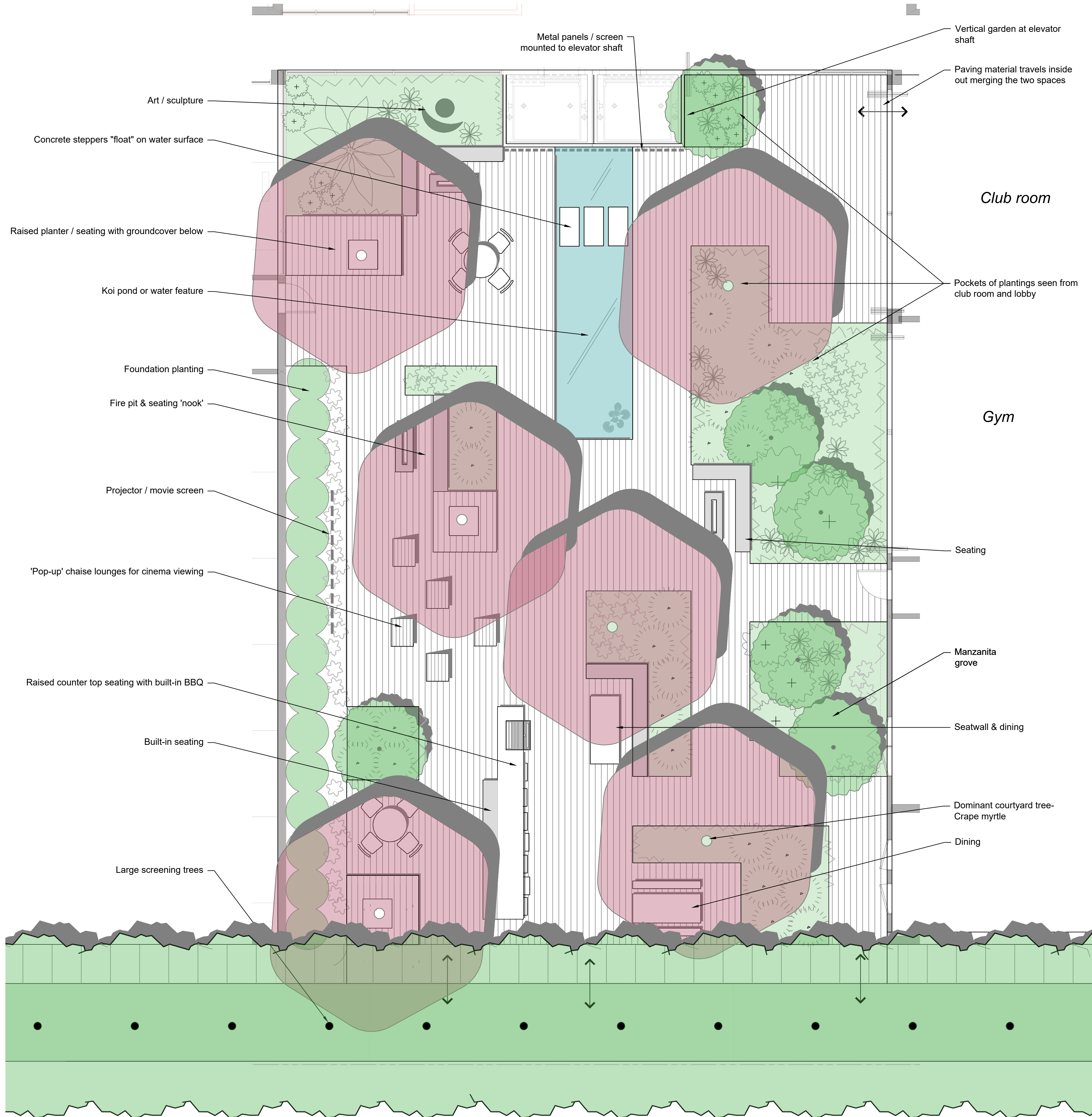
PRELIMINARY STORMWATER MANAGEMENT PLAN

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



1

STORMWATER MANAGEMENT DATA



**CITY OF BERKELEY
DESIGN REVIEW COMMITTEE
HEARING SET 04.20.2023**

LANDSCAPE SHEET INDEX

- L1.0 Courtyard Concept and Site Features
- L2.0 Landscape Plan at Streetscape
- L2.1 Courtyard Landscape Site Plan; Plant List
- L3.0 Courtyard Site Improvements Imagery
- L3.1 Courtyard Planting Imagery
- L3.2 Screening Tree Options
- I1.0 Irrigation Plan
- I2.0 Irrigation Notes, Legend, Schedules & Calcs.
- I2.1 Irrigation Details
- I2.2 Irrigation Details

NOTES

1. CONTRACTOR SHALL VERIFY ALL GRADES, EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. ALL DISCREPANCIES OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR RESOLUTION. REDIRECT WORK TO AVOID DELAY.
2. ALL CURVES AND ALL TRANSITIONS BETWEEN CURVES AND STRAIGHT EDGES SHALL BE SMOOTH
3. TAKE ALL DIMENSIONS PERPENDICULAR TO ANY REFERENCE LINE, WORK LINE, FACE OF BUILDING, FACE OF WALL OR CENTERLINE.
4. S.A.D. FOR ALL INFORMATION ON WATERPROOFING, DRAINAGE & GRADING ON STRUCTURES.

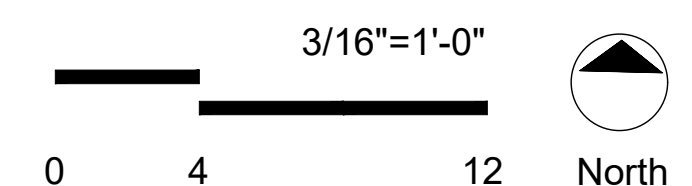
SEE L2.1 FOR GENERAL PLANTING NOTES.

STREET TREE PROTECTION NOTES:

1. ALL TREE PROTECTION REQUIREMENTS AND RESTRICTIONS SHALL BE INCLUDED IN THE CONSTRUCTION NOTES AND PRINTED ON ALL COPIES OF THE PLANS.
 - a) INCLUDE THE NAME AND PHONE NUMBER OF THE PARTY THAT WILL MONITOR THE SITE AND ENSURE THE TREE PROTECTION MEASURES ARE BEING FOLLOWED; AND WHAT THE MONITORING SCHEDULE WILL BE: **NAME / PHONE / SCHEDULE**
 - b) INSTALL 6 FOOT CHAIN-LINK FENCING TO PROTECT THE AREA WITHIN THE DRIP-LINE OF ANY PROTECTED TREE IN THE DEVELOPMENT AREA. FENCING SHALL BE MOUNTED TO POSTS THAT ARE DRIVEN INTO THE GROUND. WHERE THIS IS NOT POSSIBLE BECAUSE OF EXISTING STRUCTURES, TREE ROOTS, OR OTHER OBSTACLES, CHAIN-LINK PANELS MOUNTED TO STANCHIONS AND CONNECTED TO EACH OTHER MAY BE APPROVED. IN AREAS WHERE DIFFICULT TERRAIN MAKES THIS IMPRACTICAL, ORANGE CONSTRUCTION FENCING MAY BE APPROVED.
 - c) ALL FENCING SHALL HAVE SIGNAGE STATING THE REQUIREMENTS AND RESTRICTIONS, AND THE CONTACT INFORMATION FOR THE PROJECT ARBORIST.
 - d) WHEN ANY APPROVED CONSTRUCTION ACTIVITY WILL OCCUR WITHIN THE DRIP LINE OF A PROTECTED TREE THAT IS NOT SURROUNDED BY PROTECTIVE FENCING, THE TRUNK SHALL BE PROTECTED BY WRAPPING IT WITH STRAW TUBES (WATTLE) OR VERTICAL WOOD SLATS (EX. 2X4), UP TO A MINIMUM OF 8 FEET FROM GRADE (SEE FIGURE 1, PAGE 6). SLATS SHALL BE ANGLED TO PROTECT THE ROOT FLARE AT THE BASE OF THE TREE; AND CLOSED CELL FOAM OR EQUIVALENT MATERIAL SHALL BE USED TO PROTECT THE TRUNK OF THE TREE WHERE IT CONTACTS THE SLATS. LATERAL BRANCHES BELOW 8 FEET SHALL ALSO BE PROTECTED. IN ADDITION, THE AREA SHALL BE COVERED WITH A 6 INCH LAYER OF MULCH TOPPED WITH 3/4 INCH PLYWOOD THAT IS FASTENED TOGETHER. IF ANY LARGE OR MOTORIZED EQUIPMENT (MINI EXCAVATOR, BOBCAT, POWERED WHEELBARROW) WILL TRAVEL OVER THIS AREA, THE PLYWOOD MUST BE A MINIMUM OF 1 INCH AND ADEQUATE FOR THE WEIGHT OF THE EQUIPMENT THAT WILL TRAVEL OVER IT. IF LARGER EQUIPMENT (BACKHOE, TRACTOR) WILL BE USED, CONSULT THE CITY ARBORIST. **CONSTRUCTION ACTIVITY REFERS TO ANY MOVEMENT OF PEOPLE, TOOLS, OR EQUIPMENT; OR STORAGE OF ANY TOOLS, EQUIPMENT, OR SUPPLIES.**
 - f) LOCATE AND EXPOSE ANY ROOTS 2 INCHES IN DIAMETER OR GREATER THAT MAY NEED TO BE PRUNED TO FACILITATE THE PROJECT. THIS INCLUDES ANY TRENCHING THAT WILL BE DONE AS PART OF FOUNDATION OR UTILITY INSTALLATION. CONTACT THE CITY ARBORIST IN ADVANCE TO LESSEN THE AMOUNT OF TIME THAT THE ROOTS WILL BE EXPOSED. IF ROOTS MUST BE LEFT EXPOSED FOR MORE THAN THREE DAYS, CONSULT THE CITY ARBORIST. **NOTE: THE 2 INCH DIAMETER THRESHOLD FOR ROOTS IS A GUIDELINE THAT MAY BE ADJUSTED BY THE CITY ARBORIST DEPENDING ON THE SIZE AND CONDITION OF THE TREE, AND THE LOCATION OF THE ROOTS. THE CITY ARBORIST MAY INCREASE THE TPZ, OR IMPOSE OTHER RESTRICTIONS, WHEN THE DRIPLINE OF A TREE HAS BEEN ALTERED BY PRUNING OR UNUSUAL GROWTH PATTERNS.**
 - g) NO STORAGE OF BUILDING MATERIALS, REFUSE, EXCAVATED SPOILS, OR DUMPING OF POISONOUS MATERIALS, IS PERMITTED WITHIN THE DRIP LINE OF ANY PROTECTED TREE. POISONOUS MATERIALS INCLUDE, BUT ARE NOT LIMITED TO, PAINT, PETROLEUM PRODUCTS, CONCRETE OR STUCCO MIX, DIRTY WATER, OR ANY OTHER MATERIAL WHICH MAY BE DELETERIOUS TO TREE HEALTH.

STREET TREE PLANTING NOTES:

1. FOR NEW PLANTING:
 - a. THE CITY ARBORIST SHALL BE NOTIFIED, BY CALLING (510) 981-6660, PRIOR TO THE DELIVERY OF THE TREES FOR INSPECTION OF THEIR SIZE AND STRUCTURE.
 - b. EACH TREE SHALL BE PROPERLY PLANTED AT OR JUST BELOW GRADE (<1"). SOIL AMENDMENT IS NOT RECOMMENDED. NO CONSTRUCTION RUBBLE OR NON-ORGANIC MATERIAL SHALL BE WITHIN THE TREE WELL.
 - c. THE SURROUNDING SOIL OUTSIDE THE CONTAINER (ROOT BALL) SHOULD BE LIGHTLY COMPACTED TO ABOUT 4 INCHES BELOW GRADE WITH THE ROOT BALL HIGHER THAN THAT.
 - d. 2 TO 2.5 INCHES OF BASE ROCK SHOULD BE APPLIED AROUND THE ROOT BALL LEAVING 1.5 TO 2 INCHES LEFT FOR THE MATERIAL.
 - e. 15G CONTAINERS ARE APPROXIMATELY 15-16 INCHES IN DIAMETER AND THE MATERIAL SHOULD BE APPLIED TO THE APPROXIMATE EDGE OF THE ROOT BALL WITH THE TOP GRADE OF THE ROOT BALL UP TO 1 INCH BELOW THE TOP OF THE MATERIAL THAT WILL BE APPLIED.
 - f. EACH NEW TREE SHALL HAVE AUTOMATIC IRRIGATION INCLUDING TWO TREE BUBBLERS THAT CURVE OVER THE TOP OF THE TREES' ROOT BALL AND PROVIDE A MINIMUM OF 20 GALLONS PER WEEK BETWEEN MARCH 15 AND OCTOBER 15 FOR THE FIRST THREE YEARS. LARGER TREES MAY REQUIRE ADDITIONAL BUBBLERS. THE BUBBLERS SHOULD BE LOCATED ON TOP OF THE ROOT BALL WITHIN THIS 15-16 INCH CIRCLE AND NOT BE COVERED WITH MATERIAL.
 - g. TREES THAT DIE WITHIN THE FIRST THREE YEARS MUST BE REPLACED AT THE PROPERTY OWNER'S EXPENSE.



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JOB: 2104

SHEET:

**COURTYARD CONCEPT
AND SITE FEATURES**

L1.0

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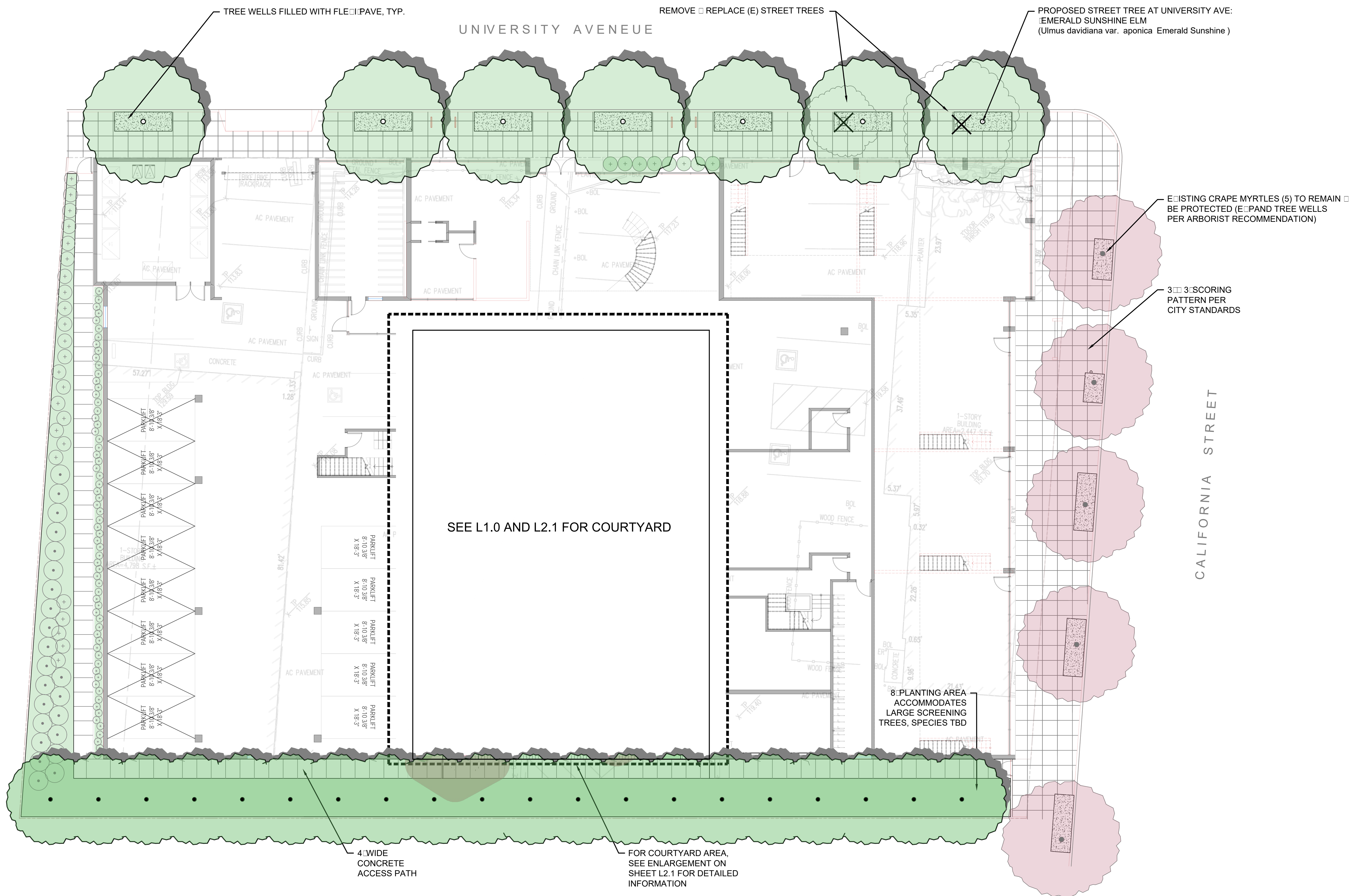
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JOB: 2104

SHEET:

LANDSCAPE PLAN AT STREETScape

L2.0



- NOTES:
1. SEE L1.0 FOR STREET TREE PROTECTION AND PLANTING NOTES.
 2. PROPOSED STREET TREE SPECIES, LOCATION, AND CONDITIONS SUBJECT TO ONGOING REVIEW AND APPROVAL BY THE CITY OF BERKELEY'S MANAGING CONSULTING URBAN FORESTER AND ARBORIST. PROPOSED STREET TREES ARE CURRENT WITH EXISTING UTILITIES AS OF 03.01.2023 AND WILL BE SUBJECT TO ADDITIONAL REVIEW AFTER PROPOSED UTILITIES ARE FINALIZED.



Plant List

Index	Latin Name	Common Name	Size	Spacing	WELO	Notes	CA Native
Trees							
AH	Arctostaphylos densiflora 'Dr Hurd'	Dr. Hurd Manzanita	15 gallon	As Shown	L	Courtyard tree	X
CC	Cotinus coggygria	Smoke Tree	15 gallon	As Shown	L	Courtyard accent	
DA	Dicksonia antarctica	Tasmanian Tree Fern	5 gallon	As Shown	H	Shade accent	
LC	Lagerstroemia indica 'Watermelon Red'	Watermelon Grape Myrtle	24" box	As Shown	L	Courtyard tree	
UD	Ulmus davidiana var. japonica 'Emerald Sunshine'	Emerald Sunshine Elm	24" box	As Shown	L	Courtyard tree	
TBD	Pinus canariensis / Cupressus sempervirens / Sequoia sempervirens / Calocedrus decurrens	TBD	24" box	As Shown	TBD	Screening tree	TBD
Shrubs							
AD	Asparagus densiflora 'Myers'	Foxtail Fern, Asparagus Fern	1 gallon	30"	M		
AK	Anigozanthos hybrids	Kangaroo Paw	1 gallon	36"	L		
AS	Asparagus densiflora	Myer's asparagus	1 gallon	30"	M		
BA	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Blue Grama Grass	1 gallon	36"	L		X
BG	Blechnum gibbum 'Silver Lady'	Silver Lady Fern	5 gallon	as shown	M		
EC	Epilobium canum 'Coral Canyon'	Coral Canyon California Fuchsia	1 gallon	24"	L		X
CP	Carex pansa	Sand Dune Sedge	1 gallon	24"	M		X
CS	Calandrinia spp	Rock Purslane	1 gallon	36"	L	Accent	
DO	Daphne odora	Winter Daphne	5 gallon	36"	L		
HB	Hebe buxifolia	NCN	5 gallon	30"	M		
HG	Heuchera sanguinea	Coral Bells	1 gallon	18"	M		X
HM	Heuchera micrantha	Heuchera	1 gallon	36"	M		X
HP	Heuchera x 'Paprika'	Paprika Coral Bells	1 gallon	18"	M		X
HQ	Hydrangea quercifolia	Oakleaf Hydrangea	5 gallon	4'-0"	M		
JP	Juncus patens 'Carman's gray'	Carman's Gray Rush	1 gallon	24"	L	Flow-through-planter vegetation	X
CS	Cornus sericea 'Hedgerow Gold'	Hedgerow Gold Redtwig Dogwood	5 gallon	60"	H		X
FC	Festuca californica	California Fescue	1 gallon	24"	L		X
MC	Muhlenbergia capillaris 'Lenca'	Pink Muhly Grass	1 gallon	36"	L		X
MR	Muhlenbergia rigens	Deer Grass	5 gallon	42"	L		X
PC	Phormium tenax 'Chocolate'	New Zealand Flax	5 gallon	48"	L		X
PM	Polystichum munitum	Western Sword Fern	1 gallon	24"	M		X
RC	Rhamnus californica 'Eve Case'	Eve Case Coffeeberry	5 gallon	60"	L		X
MB	Mimulus bifidus 'White'	White Monkeyflower	5 gallon	30"	L		X
Groundcover							
ID	Iris douglasiana	Douglas Iris	1 gallon	as shown	L		X
EK	Erigeron karvinskianus	Fleabane	4" pots	12"	L		
FX	Festuca glauca x 'Cool as Ice'	Cool as Ice Fescue	4" pots	12"	L		
FS	Festuca idahoensis 'Siakyou Blue'	Siakyou Fescue	1 gallon	24"	L		X
LC	Leymus condensatus 'Canyon Prince'	Canyon Prince Blue Wild Rye	1 gallon	36"	L		X
FR	Fragaria chiloensis	Beach Strawberry	4" pots	12"	M		X
SA	Salvia 'Bee's Bliss'	Bee's Bliss Sage	1 gallon	36"	L	Accent	X
SB	Stachys byzantina	Lamb's Ear	1 gallon	12"	M		
SM	Senecio mandraliscae	Blue Finger	1 gallon	24"	L		
SP	Stipa pulchra	Purple Needle Grass	1 gallon	12"	L		X
CG	Ceanothus griseus horizontalis 'Carmel Creeper'	Carmel Creeper California Lilac	1 gallon	36"	L	Accent	X
VC	Vitis californica	California Grape	1 gallon	36"	L		X

Note: all plantings will be watered by an automated irrigation system compliant with the City of Berkeley code. As plans develop, water calculations will be documented and submitted to City for review. The proposed planting shall be WELO compliant.

Note: approximately 80% of specified plants are California native and wildlife-supporting.

Note: all landscape lighting will comply with the City of Berkeley Dark Skies ordinance and Bird Safe requirements.

GENERAL PLANTING NOTES

6. SOIL PREPARATION: The Landscape Contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted.

The Landscape Contractor shall incorporate soil preparation amendments into planting areas as noted below. Where not possible, incorporate soil amendments into top 6 inches with hand tools. After installation of irrigation system, all planting areas are to be graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1 inch in diameter removed.

7. SOIL PREPARATION AMENDMENTS AND BACKFILL: The Landscape Contractor shall amend existing soil per the soils report.

8. TREE PLANTING: Trees shall be planted per detail on plan. Trees shall typically be located a minimum of 3-12 feet from curbs, walks, headers, buildings, and overhead structures within the project. Backfill per soils report. Thoroughly water trees immediately after planting.

9. SHRUB PLANTING: The shrubs shall be spotted as per plan, spotted at the shown locations, and approved by Landscape Architect prior to the drilling of the holes. Shrub backfill shall be per soils report. Thoroughly water shrubs immediately after planting. Do not plant any shrub within 2 feet of any building wall.

10. MAINTENANCE: The Contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivation, weeding, mowing, repair, thinning, stakes and ties, restoration of basins, provision of supplemental water by hand in addition to irrigation system is required as

necessary. No pre-emergence herbicides shall be applied. Hand remove weeds. Only organic fertilizers shall be applied such as those specified. Install per manufacturer's recommendations. At the end of the 90 day maintenance period all areas are to be weeded and all plant material shall be in a healthy, thriving condition. Integrated pest management practices shall be implemented.

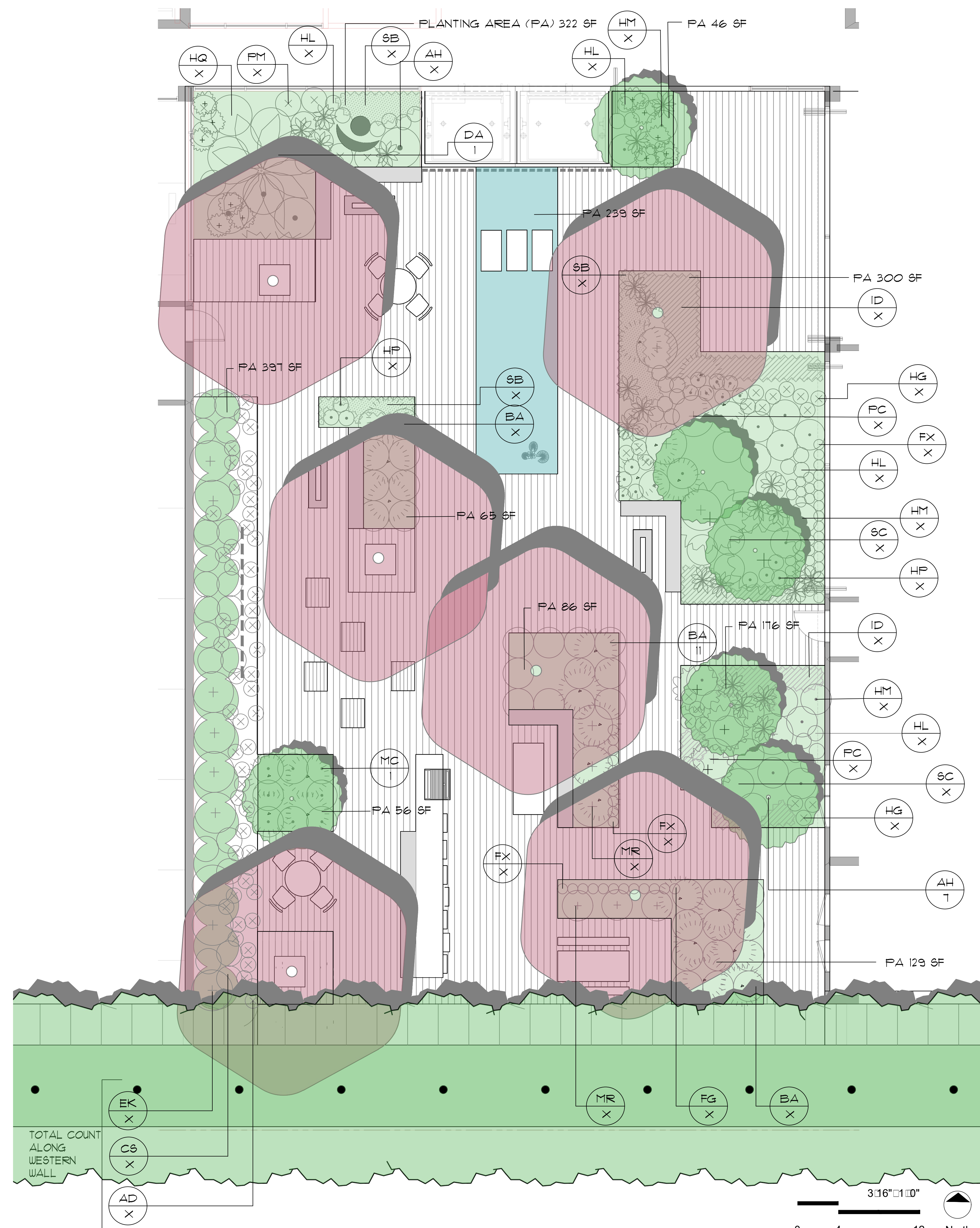
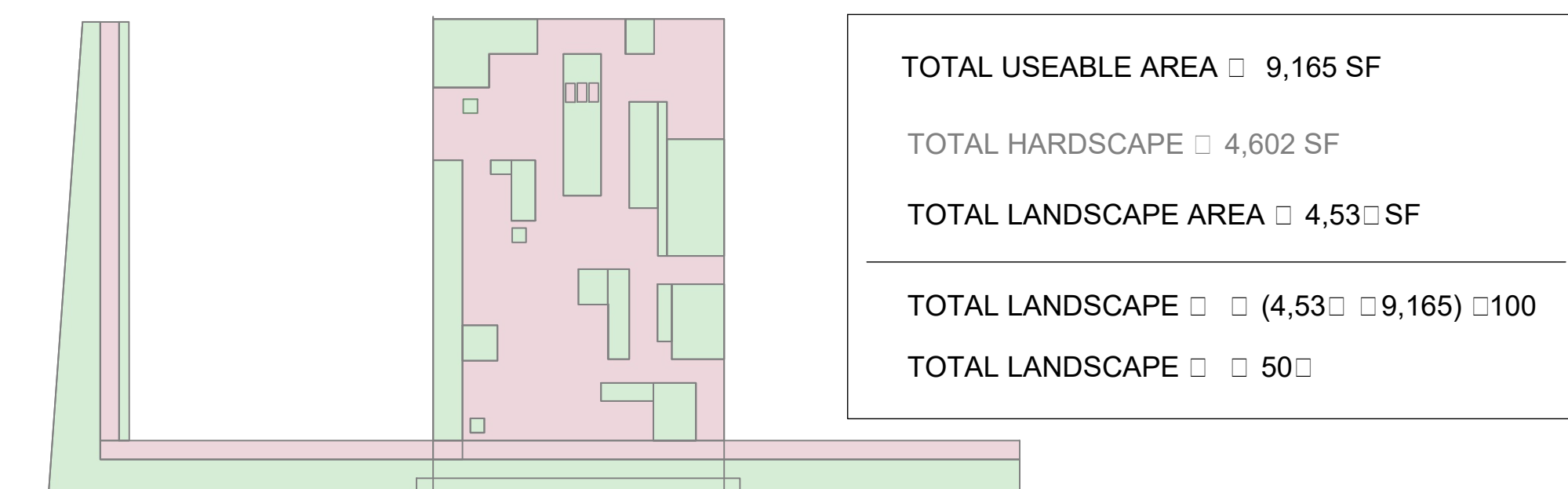
11. SUBSTITUTIONS: Requests for plant substitutions shall be made to the Landscape Architect within 15 days after signing of contract.

12. GUARANTEE: All construction, trees and shrubs by the Landscape Contractor and/or subcontractors shall be guaranteed for (1) one year after start of maintenance period. The contractor shall replace, at no expense to the Owner, any and all landscape materials that are in an unacceptable condition or time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition, within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The Contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the Contractor, his agents and employees.

13. CLEAN UP: At the end of each work day, at the inspection or substantial completion, and before acceptance of project, paved areas that are dirtied or stained by construction operations by sweeping or washing, and remove de-a-cements and stains. Remove construction equipment, excess materials and tools. Haul from Owners property any debris resulting from construction, and dispose of it legally. Remove remaining temporary protection at time of acceptance by Owner unless otherwise agreed.

14. FERTILIZERS: Available from California Organic Fertilizers, Inc. 1.800.269.5690 www.organic.com.

1598 University Hardscape / Softscape Breakdown



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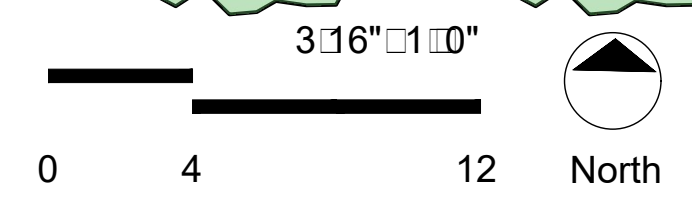
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JOB: 2104
SHEET:

COURTYARD LANDSCAPE SITE PLAN

L2.1



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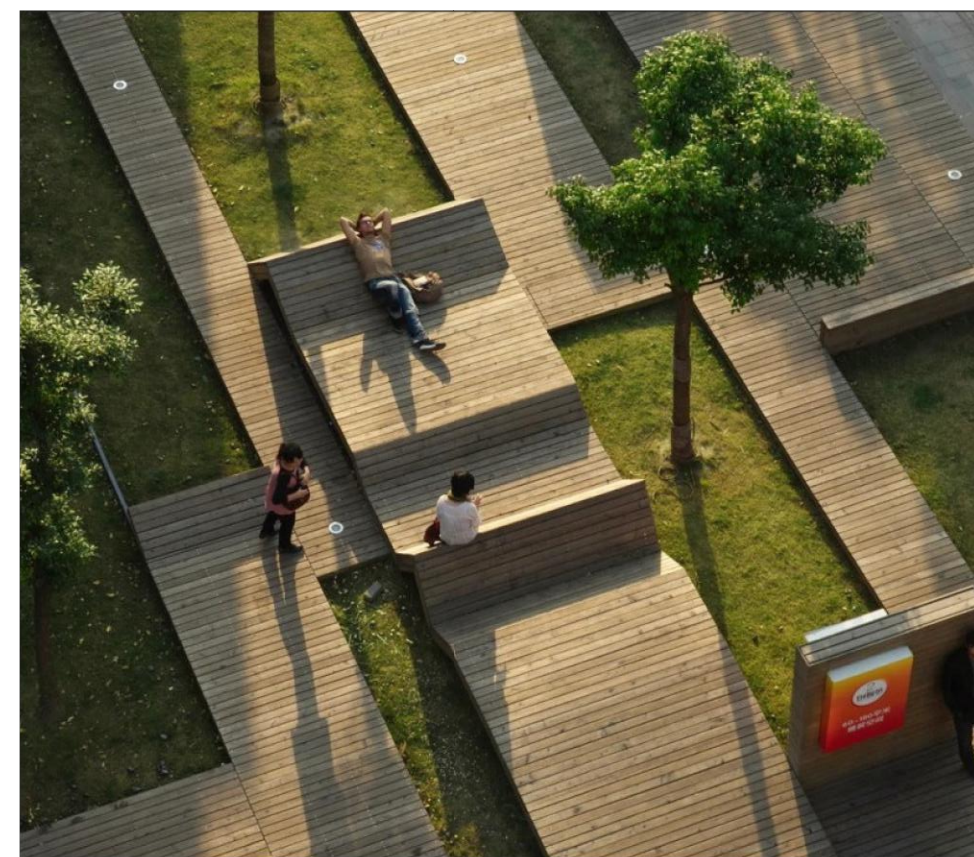
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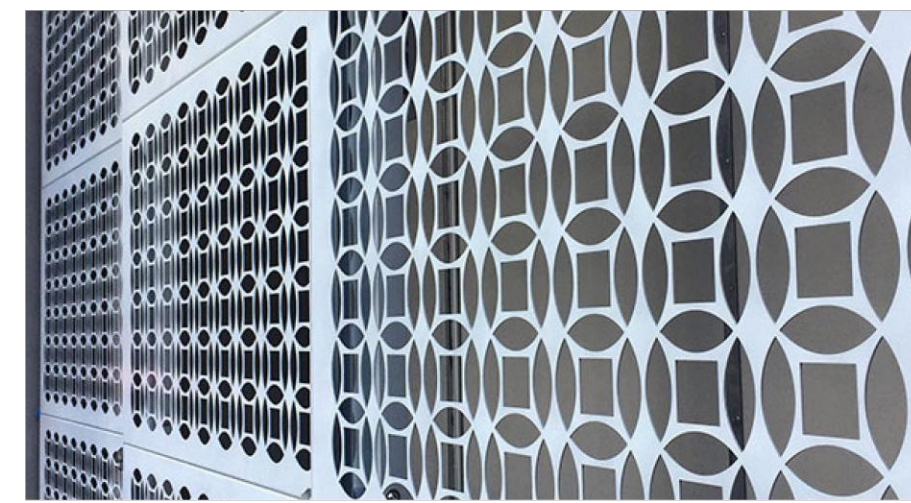
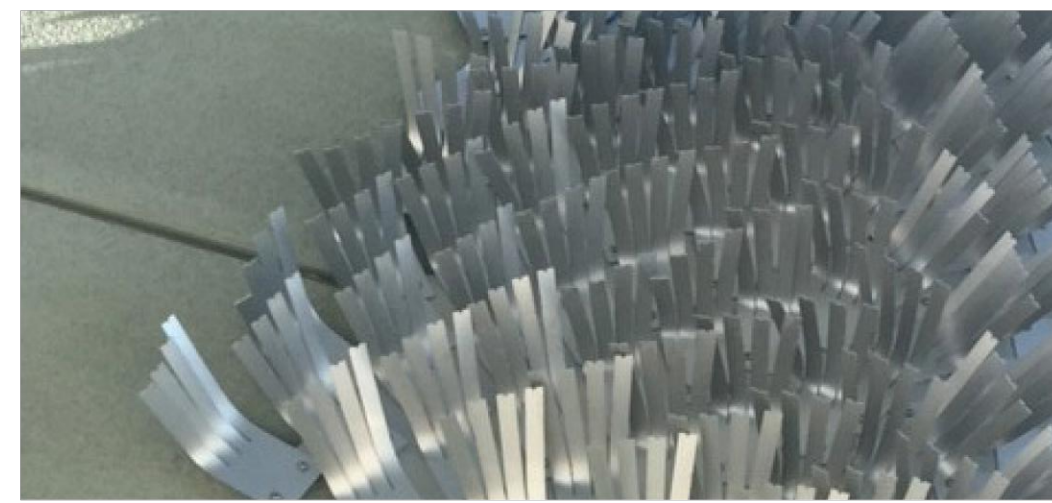
SHEET:

COURTYARD
SITE IMPROVEMENTS
IMAGERY

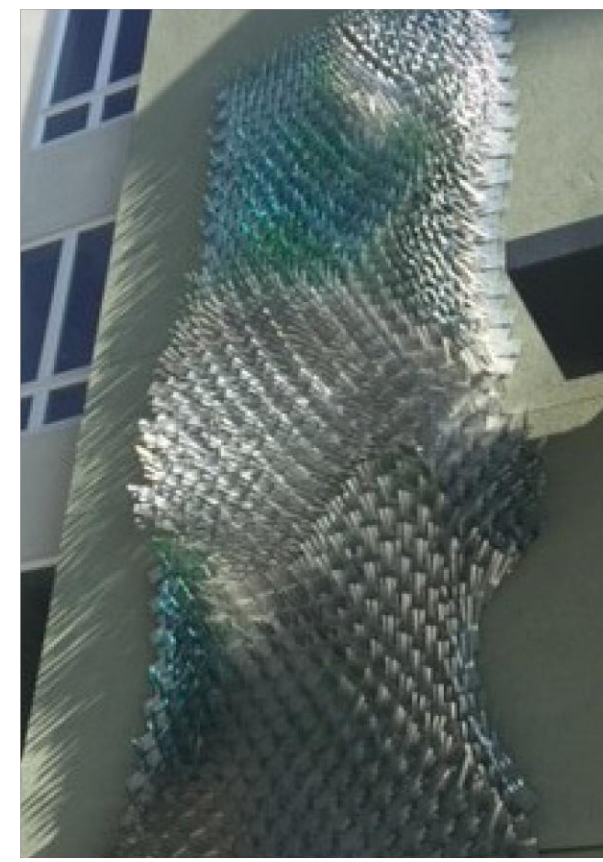
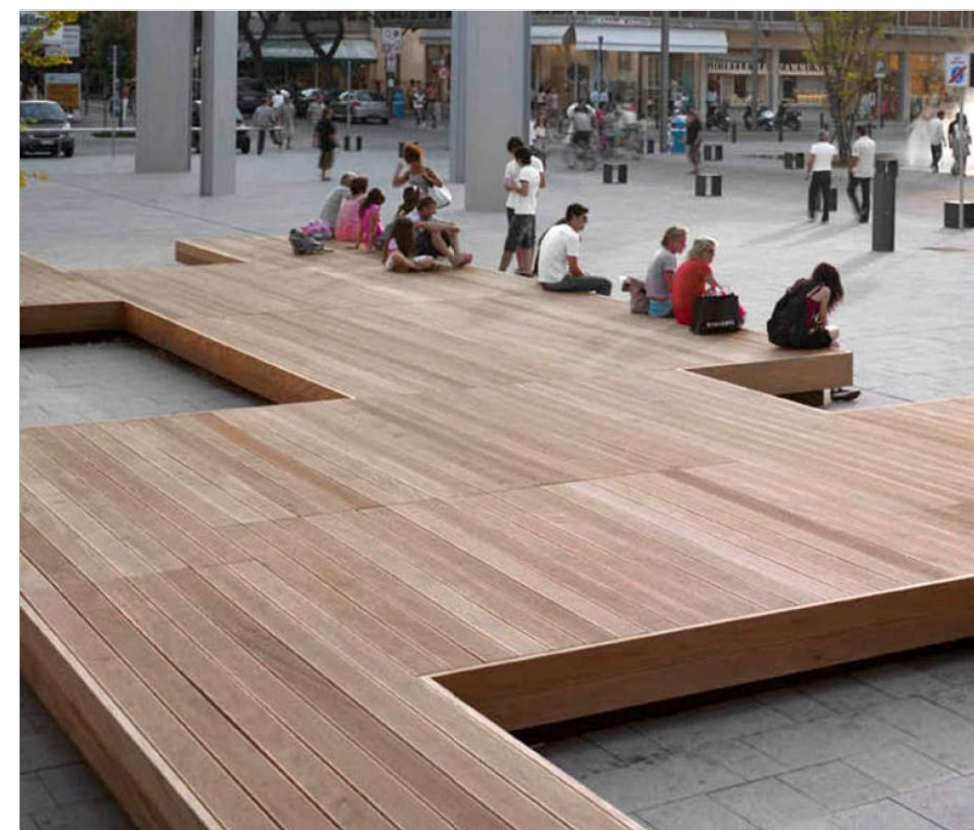
L3.0



SEATING - Overview



SEATING - Detail

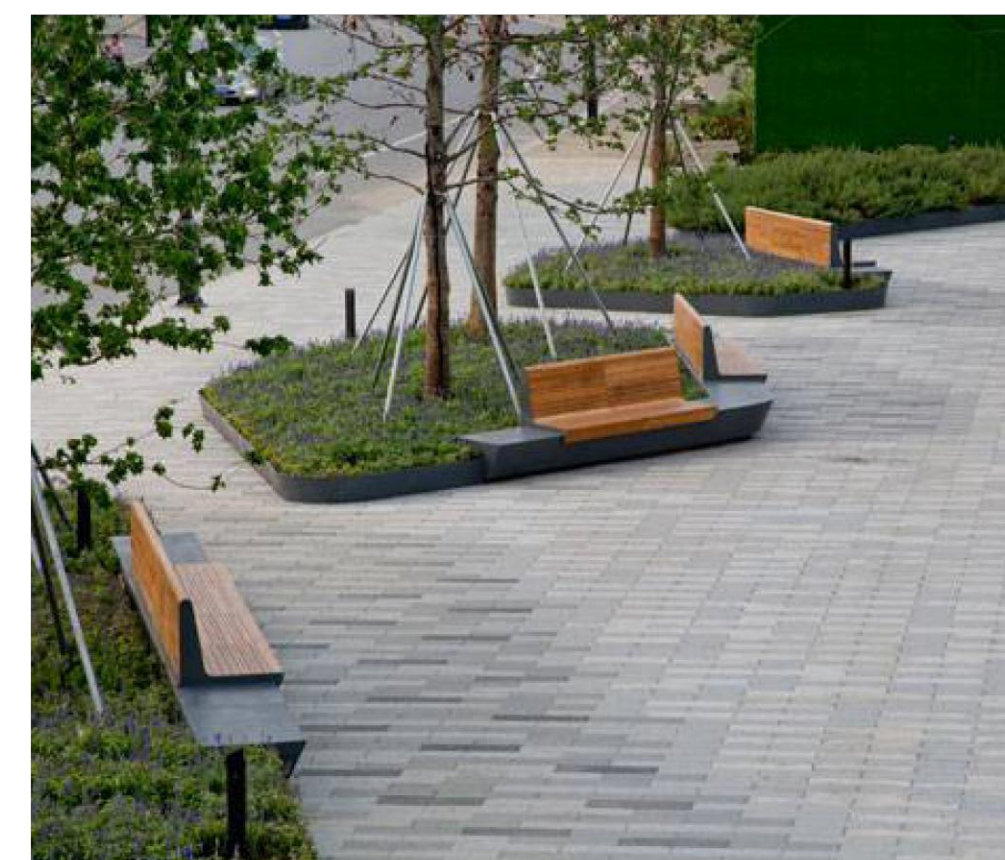
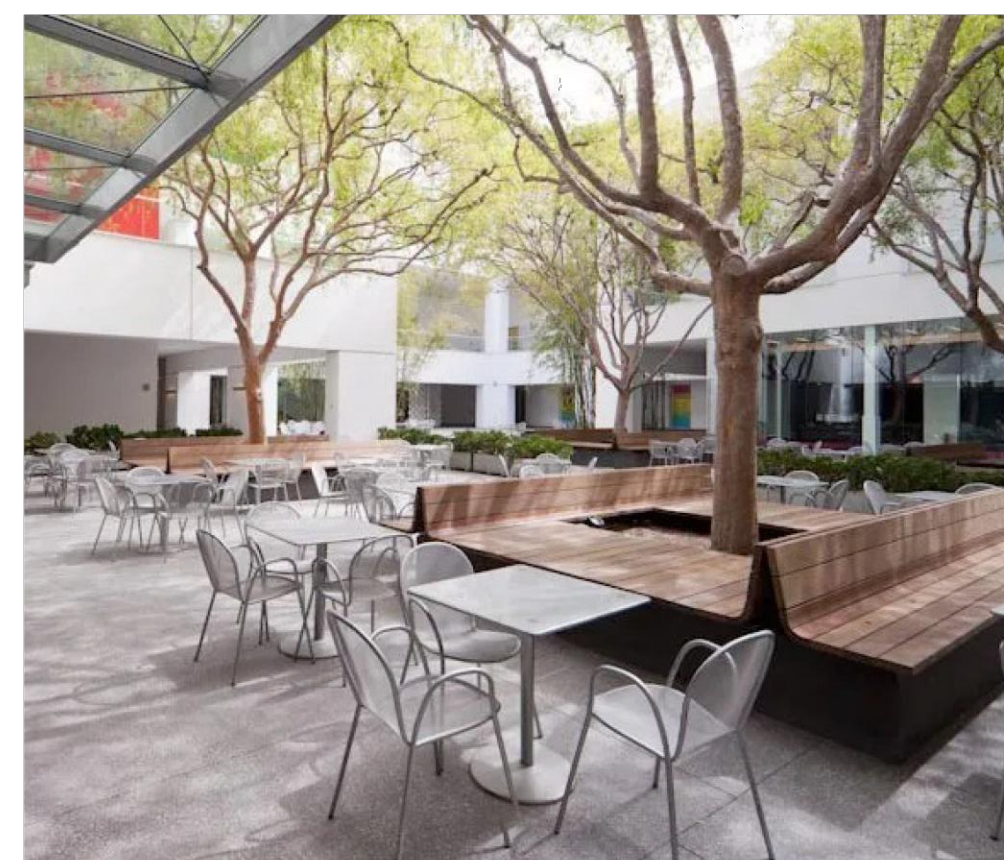


VERTICAL KOI SCREEN - Echoes long pond below, att. to elevator shaft



LIGHTING - TBD; koi screen, under seating, around outdoor cinema, paths as needed

STREET TREES - Emerald Sunshine Elm Ulmus davidiana var. japonica Emerald Sunshine



CONCEPTS - Meandering geometric spaces, layered canopy, built-in and flexible seating, long rectangular reflecting pool, subtle paving pattern

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SHEET:

COURTYARD
PLANTING IMAGERY

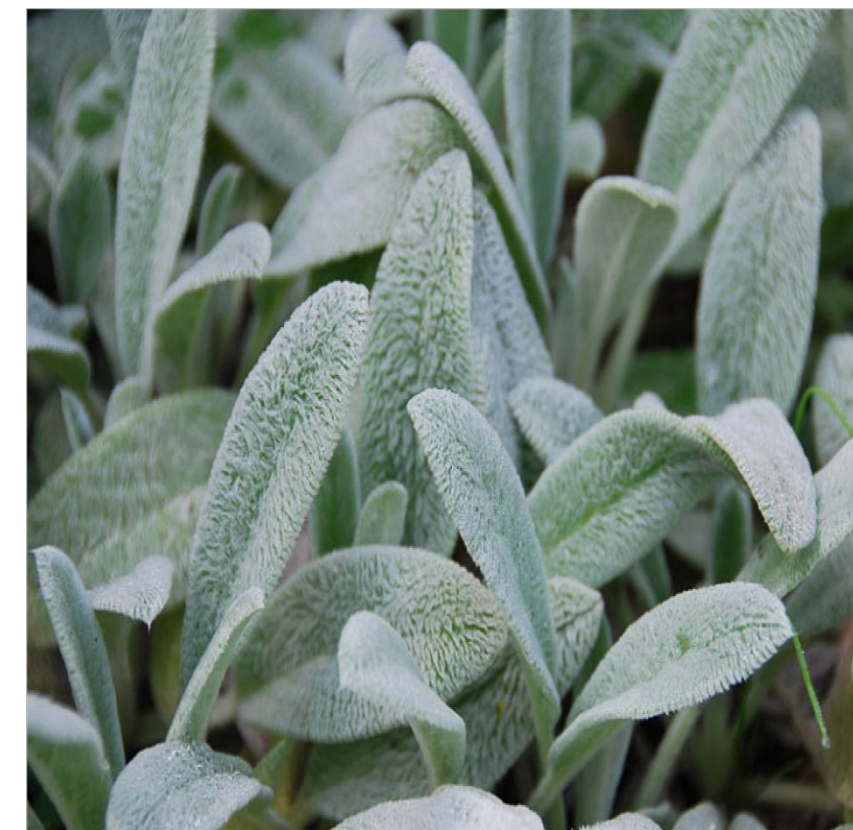
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MEDIUM - Tasmanian Tree Fern, Dr. Hurd Manzanita



FLOWERING SHRUB - Hebe Buxifolia, Oakleaf Hydrangea

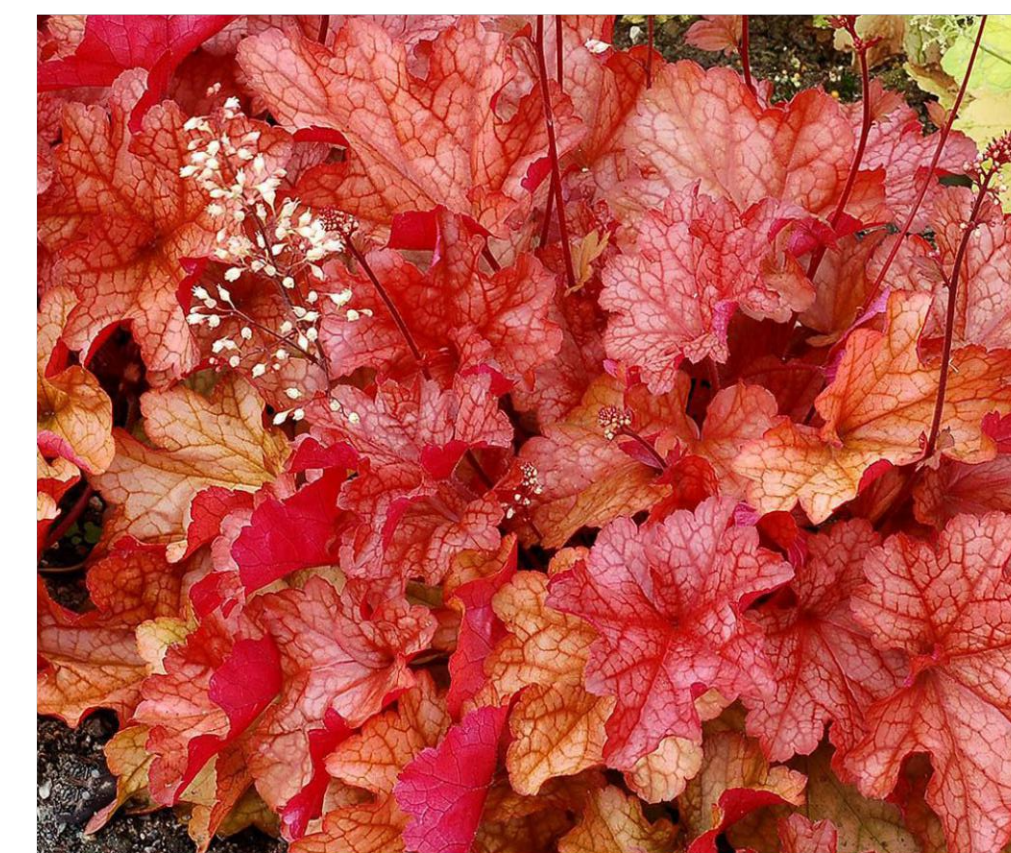
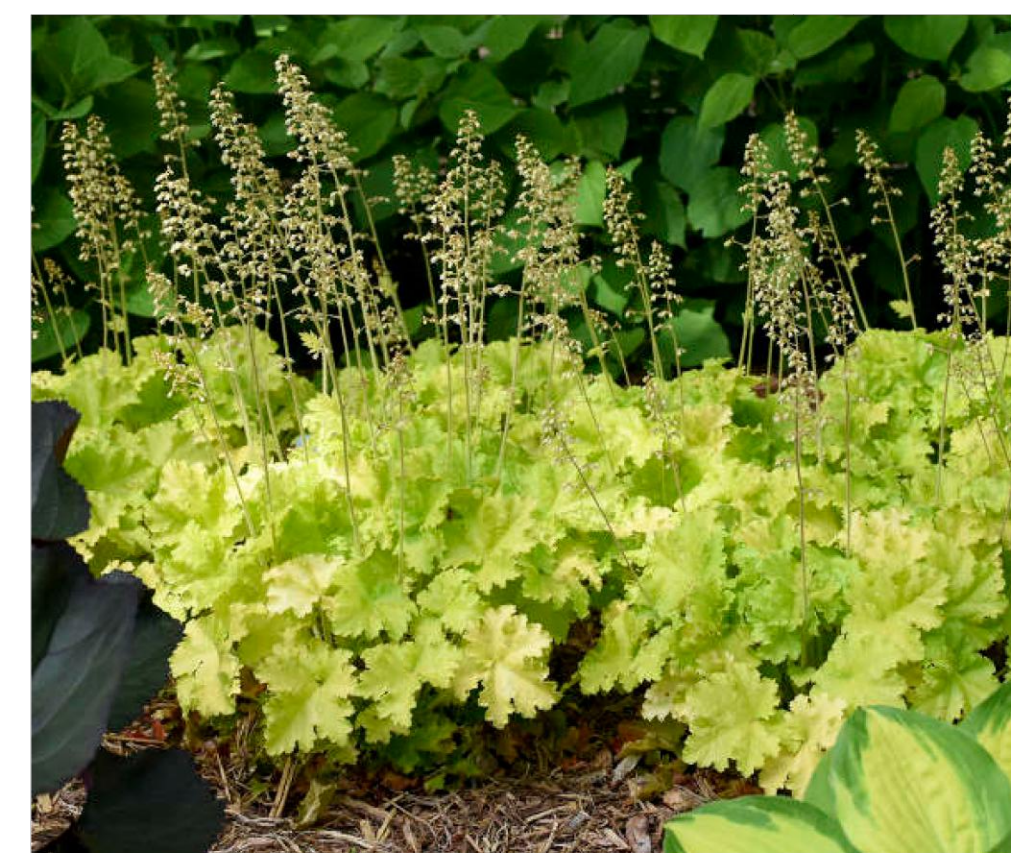
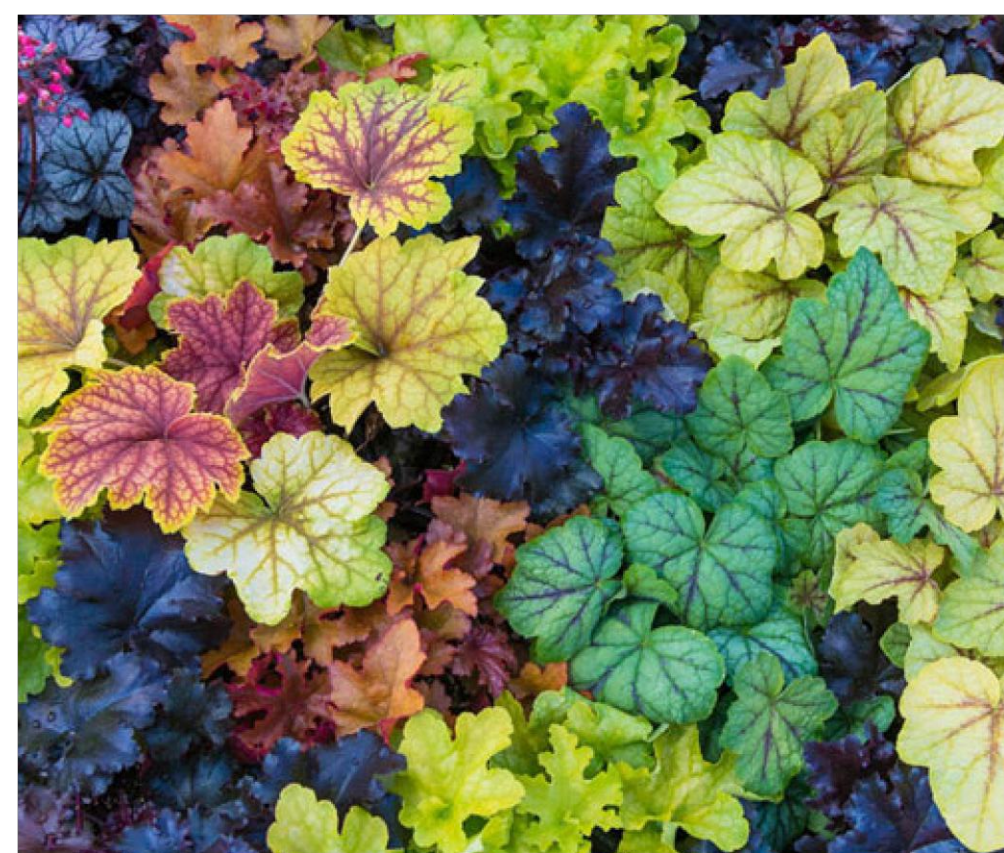


LARGE - Crape Myrtle 'Watermelon Red'

GROUND - 'Cool As Ice', Blue Oat Grass, Lamb's Ear, Bellflower



SHRUB AND ACCENT - Phormium Tenax 'Chocolate', California Coneflower, Pink Muhly Grass, Celestial Blue Sage, Blonde Ambition Blue Grama Grass, Western Sword Fern, Kangaroo Paw



GROUND ACCENT - Coral Bells Mix, including Sanguinea, 'Electric Lime', Micrantha, and Paprika

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SHEET:

**SCREENING TREE
OPTIONS**

L3.2



Canary Island Pine (Pinus canariensis)

- Mature size: 50-80 ft tall, 20-35 ft wide
- Growth rate: Fast
- Water use: Low
- For 1598 University: Space at 12 ft apart on center



California Incense Cedar (Calocedrus decurrens)

- Mature size: 5-90 ft tall, 10-15 ft wide
- Growth rate: Moderate
- Water use: Moderate
- For 1598 University: Space at 8 ft apart on center



Italian Cypress (Cupressus sempervirens)

- Mature size: 40-60 ft tall, 5-10 ft wide
- Growth rate: Moderate
- Water use: Low
- For 1598 University: Space at 5 ft apart on center



Coast Redwood (Sequoia sempervirens)

- Mature size: 0-100 ft tall, 20-30 ft wide
- Growth rate: Very fast
- Water use: High
- For 1598 University: Space 10 ft apart on center

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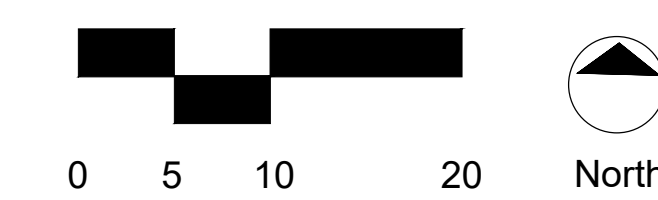
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SHEET:

IRRIGATION PLAN

11.0



IRRIGATION CALCULATIONS SCHEDULES

Reference	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Evapotranspiration (Eto) Amounts:	1.50	1.50	2.80	3.90	5.10	5.30	6.00	5.50	4.80	3.10	1.40	0.90
Total Yearly Eto:	41.80 inches											

Station	Plant Factor	Irr Type	sq ft area	ppt	Efficiency	GPM	Run Days	Cycle/Day
A1	0.2	RWS	10	1.00	81%	10.00	2	1
A2	0.5	Drip - 18"	1,799	0.43	81%	9.00	2	4
A3	0.2	RWS	12	1.00	81%	12.00	2	1
A4	0.5	Drip - 18"	2,160	0.43	81%	10.80	2	4
A5	0.2	RWS	10	1.00	81%	10.00	2	1
A6	0.2	Drip - 18"	270	0.43	81%	1.40	2	2
A7	0.2	Drip - 18"	307	0.43	81%	1.50	2	2
A8	0.2	RWS	7	1.00	81%	7.00	2	1

Establishment Irrigation Schedule														
Station	Run Days per week	Cycles (Start times)	Minutes per Cycle											
			Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
A1	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A2	2	4	5	5	9	13	16	17	19	18	16	10	5	3
A3	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A4	2	4	5	5	9	13	16	17	19	18	16	10	5	3
A5	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A6	2	2	4	4	7	10	13	14	16	14	12	8	4	2
A7	2	2	4	4	7	10	13	14	16	14	12	8	4	2
A8	2	1	3	3	6	9	11	12	13	12	11	7	3	2

NOTE:
FOR THE ESTABLISHMENT PERIOD, THE CONTRACTOR IS TO SELECT THE APPROPRIATE 90 DAY PERIOD (I.E. MAY, JUNE, JULY) FROM THE ANNUAL SCHEDULE PROVIDED

Established Irrigation Schedule														
Station	Run Days per week	Cycles (Start times)	Minutes per Cycle											
			Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
A1	2	1	3	3	5	7	9	10	11	10	9	6	3	2
A2	2	4	4	4	8	10	14	14	16	15	13	8	4	2
A3	2	1	3	3	5	7	9	10	11	10	9	6	3	2
A4	2	4	4	4	8	10	14	14	16	15	13	8	4	2
A5	2	1	3	3	5	7	9	10	11	10	9	6	3	2
A6	2	2	3	3	6	8	11	11	13	12	10	7	3	2
A7	2	2	3	3	6	8	11	11	13	12	10	7	3	2
A8	2	1	3	3	5	7	9	10	11	10	9	6	3	2

California Water Efficient Landscape Worksheet - 1598 University - P.O.C. 'A'									
Reference	Evapotranspiration (ET _a)	Plant Factor	41.8	Project Type	Residential	ETAF x Area	Estimated Total Water Use (ETWU) ¹	0.55	
Hydrozone # / Planting Description ²	Irrigation Method ³	Plant Factor (PF)	Irrigation Method ³	Efficiency (IE) ⁴	ETAF (PF/IE)	Area (Sq. Ft.)	Area		
Regular Landscape Areas									
HZ 1 - BUBBLER - L	0.2	Drip		0.81	0.25	10	2	64	
HZ 2 - DRIP - M	0.5	Drip		0.81	0.62	1,799	1110	28780	
HZ 3 - BUBBLER - L	0.2	Drip		0.81	0.25	12	3	77	
HZ 4 - DRIP - M	0.5	Drip		0.81	0.62	2160	1333	34555	
HZ 5 - BUBBLER - L	0.2	Drip		0.81	0.25	10	2	64	
HZ 6 - DRIP - L	0.2	Drip		0.81	0.25	270	67	1728	
HZ 7 - DRIP - L	0.2	Drip		0.81	0.25	307	76	1964	
HZ 8 - BUBBLER - L	0.2	Drip		0.81	0.25	7	2	45	
HZ 9 - WATER FEATURE	1			1	1.00	213	213	5520	
HZ 10 - NON-IRRIGATED				0.75	0.00	363	0	0	
				0.75	0.00			0	
Totals						5151	2809	72796	
Special Landscape Areas									
					1			0	0
					1			0	0
					1			0	0
					1			0	0
Totals						0	0	0	0
ETWU Total								72796	
Maximum Allowed Water Allowance (MAWA)⁵								73421	

ETAF Calculations	
Regular Landscape Areas	
Total ETAF x Area	2809
Total Area	5151
Average ETAF	0.55

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.
Total Landscape Area: 5,151 SQ. FT.

PRESSURE LOSS CALCULATIONS POC A

VALVE	A3
GPM	12.0 GPM
WATER METER (3 4" ASSUMED)	
	2.6
BALL VALVES (1 1 2")	1.0
BACKFLOW PREVENTER (1")	12.0
FLOW METER (1")	1.0
MASTER VALVE (1 1 2")	1.5
VALVE	3.0
MAINLINE (185 1 1 2")	1.0
LATERAL LINE (5.0 MA)	(5.0 MA)
ELEVATION CHANGE (UP GRADE 0)	0.0
FITTING LOSS (10)	2.
TOTAL PRESSURE LOSS	29.8
MINIMUM OPERATING PRESSURE	30
DESIGN PRESSURE RE UIRED	59.8
AVAILABLE PRESSURE (P.O.C.)	66.0 (ASSUMED)
RESIDUAL PRESSURE REMAINING	6.2 (10.4)

Contractor shall verify the static water pressure with supplier prior to installation. If different from PSI noted above, Contractor to notify Owner or instructions. Failure to do so will result in contractor being responsible or changes that must be made.

IRRIGATION NOTES

DIAGRAMMATIC PLAN
THIS SYSTEM IS DIAGRAMMATIC. ALL PIPE, VALVES, ETC. SHOWN WITHIN PAVED AREAS ARE FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS AND JOINT TRENCHES WHEREVER POSSIBLE.

SPRINKLER ADJUSTMENT RE UIRED
THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS FOR OPTIMUM PERFORMANCE AND PREVENT OVERSPRAY ONTO WALKS AND ROADWAYS AS MUCH AS POSSIBLE. THIS SHALL INCLUDE SELECTING THE BEST DEGREE OF ARC TO FIT THE EXISTING SITE CONDITIONS. CONTRACTOR TO USE PRESSURE COMPENSATING SCREENS WHEN RADIUS IS REDUCED MORE THAN FIFTY PERCENT (50%).

INSTALL NECESSARY CHECK VALVE IN HEADS THAT EXHIBIT TENDENCIES FOR LOW HEAD DRAINAGE.

INSTALL ALL HEADS A MINIMUM OF 18" AWAY FROM BUILDING WALLS A MINIMUM OF 12" AWAY FROM ALL STUCCO SURFACES.

FIELD CONDITIONS
DO NOT WILLFULLY INSTALL THE IRRIGATION SYSTEM AS INDICATED ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN OBSTRUCTIONS OR GRADE DIFFERENCES EXIST AND SHOULD BE BROUGHT TO THE ATTENTION OF THE CONTRACTING OFFICER. IN THE EVENT THAT THIS NOTIFICATION IS NOT PERFORMED, THE CONTRACTOR MUST ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS REQUIRED.

SWING JOINTS
INSTALL ALL HEADS WITH DOUBLE OR TRIPLE SWING JOINTS, USING STREET ELLS, AS PER DETAIL.

MINIMUM PRESSURE AND MAJORITY GALLONS RE UIRED
THE SPRINKLER SYSTEM DESIGN IS BASED ON A MINIMUM OPERATIONAL PRESSURE AND A MAJORITY DEMAND AT THE POINT OF CONNECTION, AS NOTED ON THE PLAN. BEFORE INSTALLING THE SYSTEM, CHECK POINT OF CONNECTION AND IMMEDIATELY NOTIFY CONTRACTING OFFICER IF PRESSURE IS NOT AS NOTED OR THE REQUIRED GALLONS PER MINUTE IS NOT AVAILABLE.

WATER LINE UNDER PAVING
ALL MAINLINE UNDER PAVING SHALL BE INSTALLED 24" DEEP. ALL LATERAL LINES UNDER PAVING SHALL BE SCH 40 PVC AND INSTALLED 24" DEEP.

SYSTEM COVERAGE
THE IRRIGATION CONTRACTOR IS TO ADJUST HEAD LOCATIONS IN THE FIELD IN ORDER TO GUARANTEE 100% COVERAGE. CONTRACTOR TO CONTACT THE CONTRACTING OFFICER PRIOR TO ANY MAJOR CHANGE(S) RESULTING IN ADDITIONAL COST TO THE OWNER.

Irrigation System Maintenance Procedures

While the system is designed to operate automatically, a regular maintenance schedule is necessary to prevent and address failures in the system as well as ensure that the system operates in a manner that meets or exceeds the MAWA values provided.

Any broken or malfunctioning irrigation system components should be replaced with the same components, or an equal or superior equivalent.

Upon completion of the project, the following measures should be performed by property management at intervals noted below:

Weekly:
During weekly landscape maintenance operations, the maintenance personnel should look for signs of runoff, erosion, and plant die off due to irrigation system failures. If issues are detected, they should be brought to the attention of the maintenance supervisor and property management for timely correction.

All overhead spray heads shall be inspected to ensure clear operation and in order to identify and repair any damaged equipment.

Monthly:
All irrigation and master valves shall be visually inspected by a property management representative while the valve is under operating conditions. All control valves and filters should be visually inspected and cleaned as required and in accordance with manufacturer specifications. All leaks shall be promptly reported to a landscape maintenance representative so that the valve may be repaired or replaced in a timely fashion with the minimum amount of leaking water exposed to open air.

All Root Watering Systems are to be visually inspected to insure that all locking gates are being reasonably kept free of debris. All grates that are not kept reasonably free of debris are to be reported to a landscape maintenance representative. All Root Watering Systems that have their locking gates damaged or missing are to be reported to a landscape maintenance representative so that the locking grate may be repaired or replaced in a timely fashion.

MAINTENANCE LOG
Keep a log of all inspections and maintenance performance on the irrigation system (Updated copy to be provided to Property Manager on a monthly basis)

Overall Landscape Maintenance Procedures

At a minimum, the following items should be addressed on a regular basis as required per city code:

Weekly
Pruning, weeding and maintenance of turf areas should be done on a weekly basis

Monthly
Dead, dying and diseased vegetation should be replaced with equivalent plant material w/ similar hydrozone requirements, provided that the replaced vegetation does not result in mixing higher water use plants with low water use plants in the same hydrozone.

Invasive plant species should be eradicated as required.

Plant material should be maintained in order to avoid obstruction of motorist views.

Annually
Mulch should be replenished in order to maintain appropriate soil moisture levels.

Soil amendments consistent with the agronomic soils report for this project should be applied in the manner prescribed in order to support and maintain healthy plant growth.

Lawns should be fertilized in a manner consistent with best management practices

IRRIGATION LEGEND

SYMBOL	MFG.	MODEL NO.	DESCRIPTION	RAD	GPM	PSI	PR
	HUNTER	(2) RWS 3650 CV	ROOT ONE WATERING SYSTEM	1	0.50 (1.0)	0.0	30
	HUNTER	HDL 06 18 500 CV (SPACE DRIPLINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30
	HUNTER	HDL 06 18 500 CV (SPACE DRIPLINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30
	HUNTER	HDL 06 18 500 CV (SPACE DRIPLINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30
	HUNTER	HDL 06 18 500 CV (SPACE DRIPLINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30

DRIP IRRIGATION NOTES

THE CONTRACTOR WILL NEED TO FIELD LOCATE HUNTER PLD ARV AIR RELIEF VALVE KIT (SEE DETAIL) AT THE HIGHEST LOCATIONS ON EACH DRIP LINE SYSTEM

AT THE EXHAUST HEADER OF DRIP SYSTEM, THE CONTRACTOR SHALL INSTALL HUNTER PLD BY FLUSH VALVE W/ BALL VALVE AND A HUNTER ECO INDICATOR AT EACH DRIP SYSTEM AT OPTIMAL FURTHEST POINT FROM CONTROL ONE KIT (SEE DETAILS).

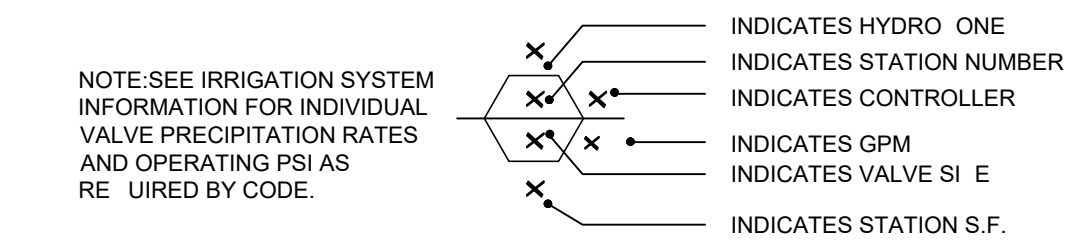
- WATER METER BY OTHERS
- 1" WILKINS 35 L BACKFLOW PREVENTER W/ 1" S/L WYE STRAINER LOCATED IN V.I.T. STRONGBOX SBBC 30SS STAINLESS STEEL ENCLOSURE OR EQUAL
- 1 1/2" HUNTER IBC 151G FS NORMALLY CLOSED MASTER VALVE RELAY TO CONTROLLER
- 1" HUNTER FCT 100 FLOW SENSOR IN PVC HOUSING RELAY TO CONTROLLER.
- NIBCO T 580 BALL VALVE LINE SIZE
- HUNTER, UICK COUPLER, H 22DLRC WITH LOCKING CAP.
- AUTOMATIC CONTROLLER PAVING SEE NOTE ON THIS SHEET
- WEATHER SENSOR LOCATION SEE NOTE ON THIS SHEET
- HUNTER ICV 101G FS AS ADJ SERIES REMOTE CONTROL VALVE SIZE INDICATED.
- HUNTER IC 101 40 1" CONTROL ONE KIT WITH PVC BALL VALVE FOR FLOW 2.0 TO 20 GPM.

POTABLE LATERAL LINE
PVC SCH. 40 LATERAL LINE 1/2" COVER IN PLANTING AREAS, 24" COVER UNDER PAVING. SIZES INDICATED.

MAINLINE INSTALL 1/2" COVER IN PLANTING AREAS, 24" COVER UNDER PAVING. SIZES INDICATED.
Mainlines (pressure) 1 1/2 inch and smaller shall be Schedule 40 solvent weld P.V.C., Mainlines (pressure) 2 inch thru 18 inch shall be Class 315 solvent weld P.V.C., with thrust blocks per detail.

PVC SCH 40 MAIN AND LATERAL LINE SLEEVE 2 DIA. OF PIPE ENCASED. PROVIDE SLEEVES UNDER ALL PAVING.

PVC SCH 40 WIRE SLEEVE SIZE TO BE MIN. 2" AND DETERMINED BY THE CONTRACTOR. MUST BE OVERSIZED LEAVING AMPLE ROOM FOR FUTURE WIRE ADDITIONS OR REPAIRS. PROVIDE SLEEVES UNDER ALL PAVING.



CONTROLLER NOTE

CONTRACTOR TO INSTALL A (12) STATION HUNTER IC 600 M INTERIOR CONTROLLER W/ (1) ICM 600 MODULES IN METAL WALL MOUNT LOCATED IN THE ELECTRICAL ROOM. CONTRACTOR TO INSTALL AN HUNTER WSS SEN WIRELESS SOLAR SYNC LOCATED DIRECTLY ABOVE CONTROLLER AND ATTACHED TO TOP STORY ROOF EAVE OR GUTTER PER MFG. SPECS. IN AN AREA FREE OF OVERHEAD OBSTRUCTIONS. IRRIGATION SYSTEMS ARE DESIGNED TO OPERATE AT A MAJORITY OF 12.0 GPM. CONTRACTOR TO PULL 24V WIRES AND CONNECT TO A MASTER VALVE, FLOW SENSOR AND REMOTE CONTROL VALVES AT THE APPROPRIATE LOCATIONS AS SHOWN AS REQUIRED. CONTRACTOR TO PROVIDE 120V CONTINUOUS POWER TO THE CONTROLLER. COORDINATE THESE LOCATIONS WITH OWNER DEVELOPER AND SHALL BE LOCATED WITHIN 800' AWAY FROM FLOW SENSOR.

POINT OF CONNECTION NOTE

CONTRACTOR TO LOCATE A WATER METER, INSTALL A REDUCED BACKFLOW PREVENTER, A MASTER VALVE AND A FLOW SENSOR AT THE APPROPRIATE LOCATION AS SHOWN. ALL POC APPURTENANCE MUST BE INSTALLED IN PLANTING AREA. COORDINATE THESE LOCATIONS WITH OWNER DEVELOPER. CONTRACTOR TO RELAY MASTER VALVE FLOW SENSOR TO CONTROLLER.

AVAILABLE PRESSURE:	66.0 PSI (ASSUMED)
DESIGN PRESSURE:	59.8 PSI
MAJORITY DEMAND:	12.0 GPM

COMPLIANCE STATEMENT

I HAVE COMPLIED WITH THE CRITERIA OF THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND HAVE APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.

JOHN PENNELL PHILLIPS 04 13 2023
DATE

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

INSIDEOUT

landscape architecture
6000 Harwood Ave
Oakland CA 94618
www.aboutinsideout.com

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1598 University Ave
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JOB: 2104

SHEET:

IRRIGATION
NOTES, LEGEND,
SCHEDULES CALCULATIONS

12.0

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

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landscape architecture
6000 Harwood Ave
Oakland CA 94618
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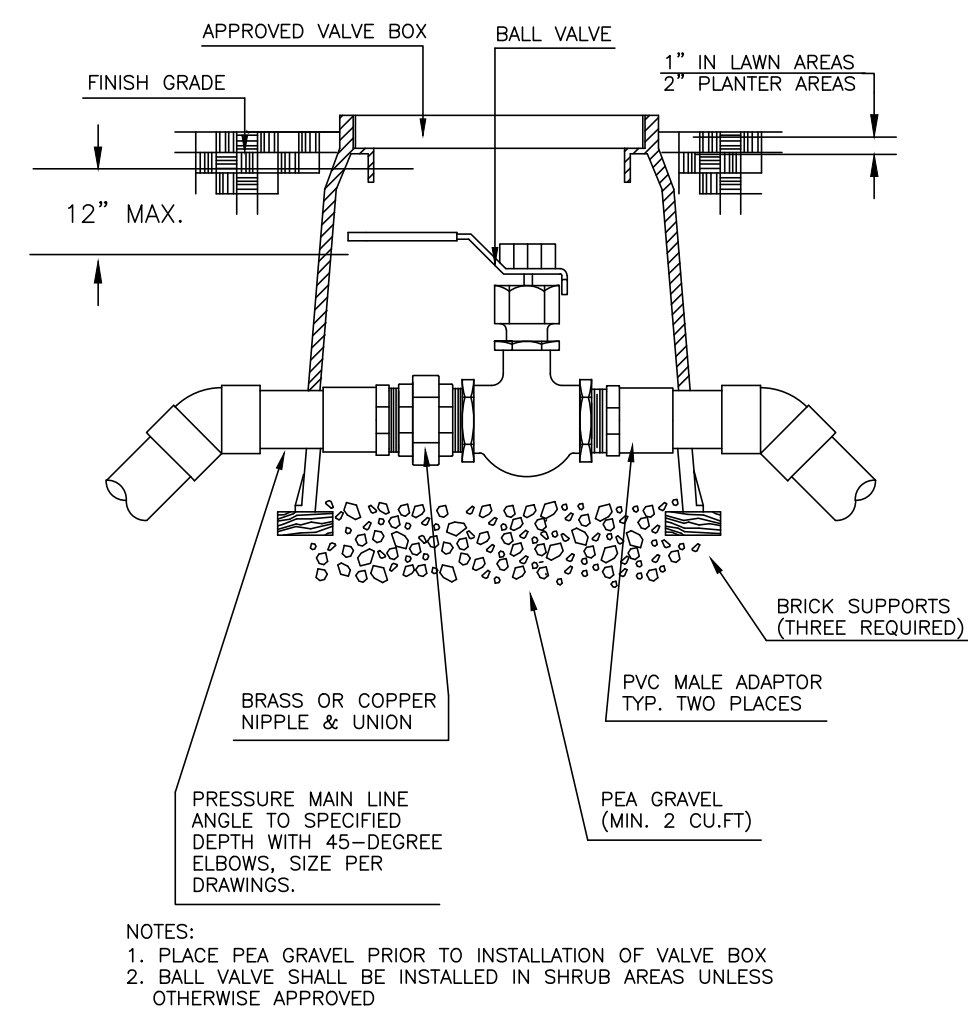
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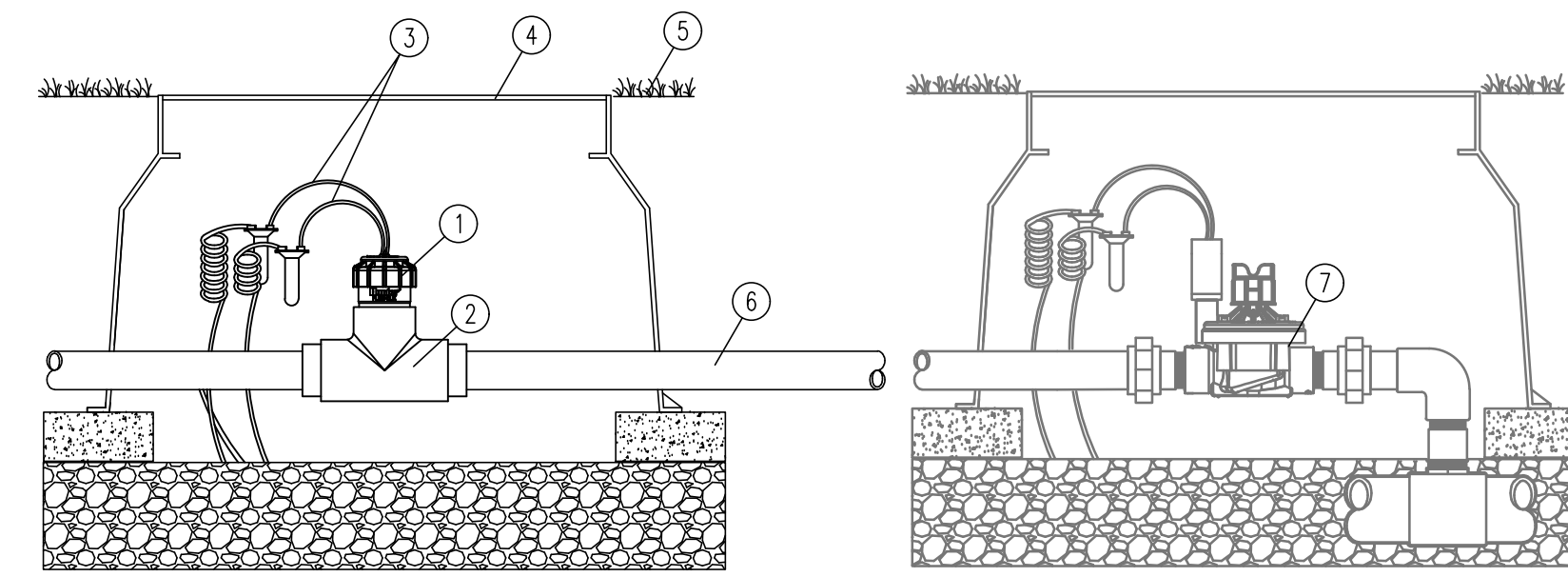
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IRRIGATION DETAILS

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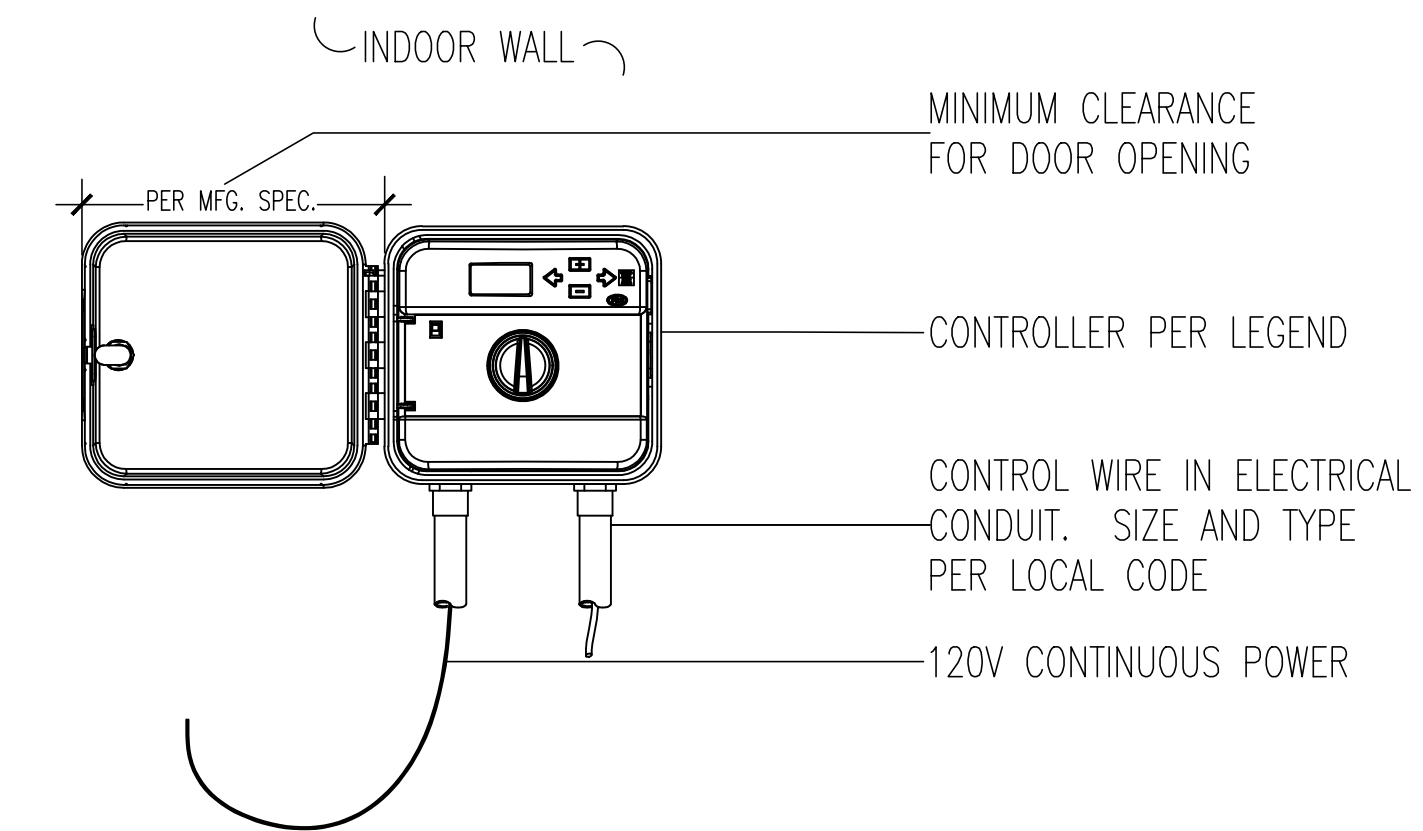


NOTES:
1. PLACE PEA GRAVEL PRIOR TO INSTALLATION OF VALVE BOX
2. BALL VALVE SHALL BE INSTALLED IN SHRUB AREAS UNLESS OTHERWISE APPROVED



NOTE INLET PIPE LENGTH OF SENSOR MUST BE MIN. 10X PIPE DIA. STRAIGHT, CLEAN RUN OF PIPE, NO FITTINGS OR TURNS. OUTLET PIPE LENGTH OF SENSOR MUST BE MIN. 5X PIPE DIA. OF STRAIGHT CLEAN RUN OF PIPE, NO FITTINGS OR TURNS.

- ① FLOW SENSOR - SEE LEGEND FOR SPEC.
- ② PVC HOUSING
- ③ MIN. 18/2 WIRE TO ACC POWER MODULE. MAXIMUM WIRE DISTANCE RUN OF 1,000'
- ④ STANDARD VALVE BOX
- ⑤ FINISH GRADE
- ⑥ MAIN LINE PIPE
- ⑦ MASTER VALVE



G. BALL VALVE

D. FLOW SENSOR

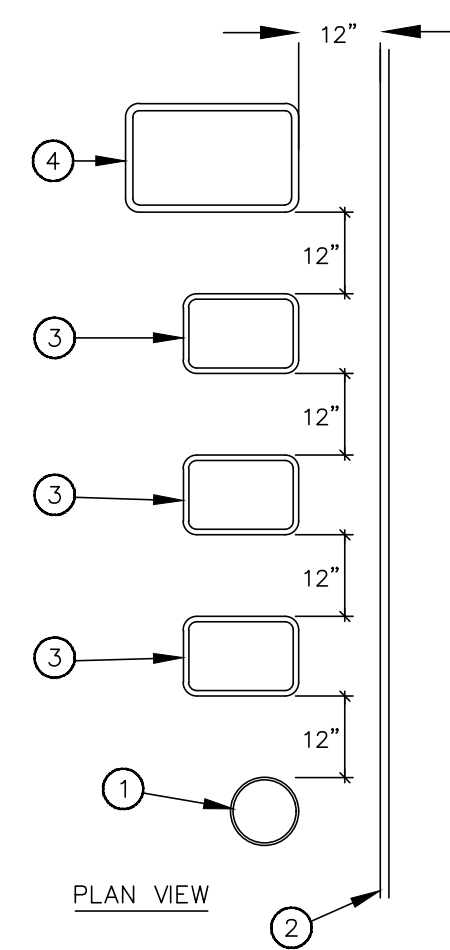
A. AUTOMATIC CONTROLLER

VALVE BOX LABELING NOTE:

HEAT BRAND ALL VALVE BOX COVERS IN 2" HIGH LETTERS PER EQUIPMENT LOCATED WITHIN VALVE BOXES.
LABEL "BV" FOR ALL BALL VALVES
LABEL "QC" FOR ALL QUICK COUPLING VALVES
LABEL "MV" FOR ALL MASTER VALVES
LABEL "VSTATION" FOR ALL CONTROL VALVES
LABEL "FM" FOR ALL FLOW MASTER VALVES
LABEL "AR" FOR ALL AIR RELIEF VALVES
LABEL "FV" FOR ALL FLUSH VALVES

LEGEND - USE CARSON VALVE BOXES OR EQUAL.
1. 10" DIAMETER CIRCULAR VALVE BOX.
2. EDGE OF LAWN, WALK, FENCE, CURB, ETC.
3. 14" x 19" RECTANGULAR VALVE BOX.
4. 13" x 24" RECTANGULAR JUMBO VALVE BOX.

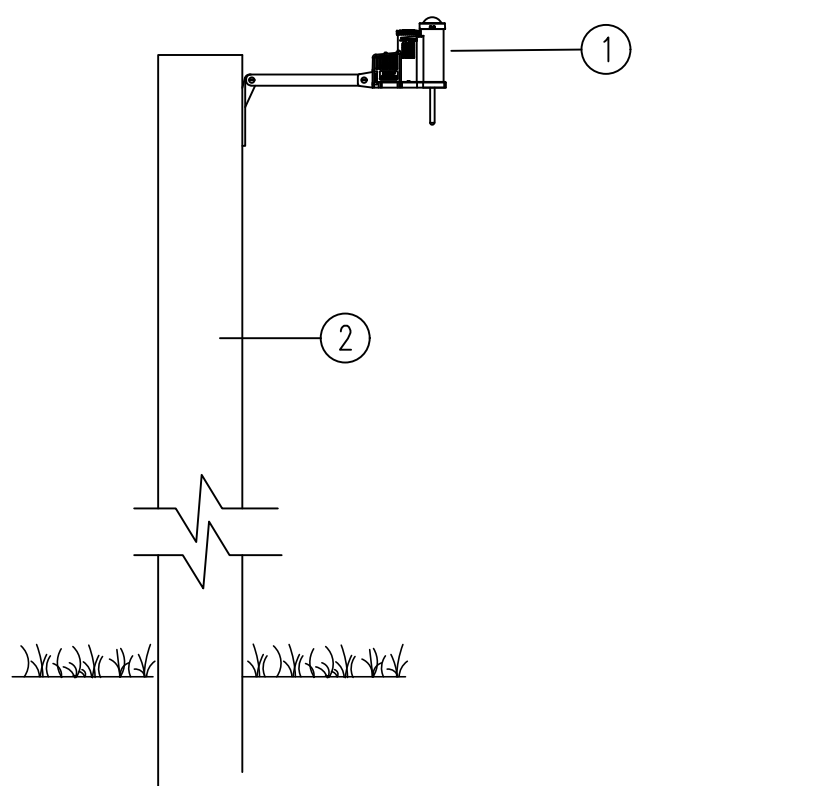
- NOTES
- A. CENTER VALVE BOX OVER VALVE TO FACILITATE SERVICING OF VALVE.
 - B. SET VALVE BOXES 2" MAXIMUM ABOVE GRADE IN MULCH COVER OR GROUND COVER / SHRUB AREAS - SET FLUSH WITH FINISH GRADE IN TURF AREAS.
 - C. SET VALVE BOX AND VALVE ASSEMBLY IN GROUND-COVER / SHRUB AREA WHERE POSSIBLE - INSTALL IN TURF ONLY IF THERE IS NO ADJACENT GROUND-COVER.
 - D. SET VALVE BOXES PARALLEL TO ONE ANOTHER AND PERPENDICULAR TO EDGE.
 - E. AVOID HEAVY COMPACTION OF SOIL AROUND VALVE BOXES TO PREVENT THEIR DEFORMATION/COLLAPSE.
 - F. CONTRACTOR TO USE GREEN VALVE BOX & LID.



H. VALVE BOX INSTALLATION

E. TYPICAL TRENCHING

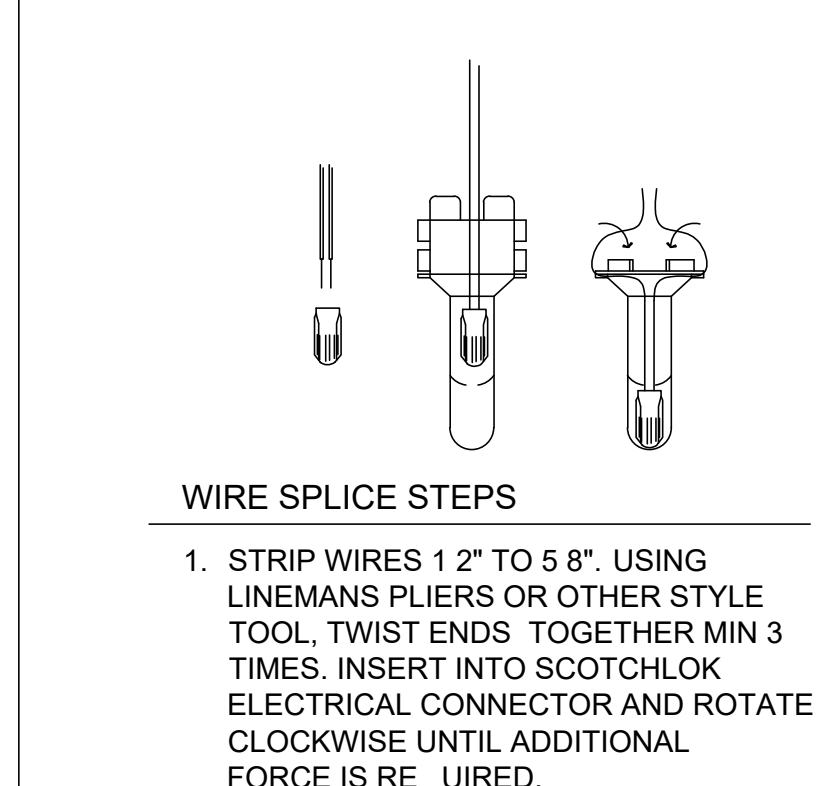
B. BACKFLOW PREVENTER



① WEATHER SENSOR PER LEGEND
② SUITABLE POST, POLE, OR GUTTER MOUNT. MOUNT IN LOCATION WHERE SENSOR CAN RECEIVE FULL SUN, IS OPEN TO RAINFALL AND OUT OF SPRINKLER SPRAY PATTERN

NOTES:
- CONTRACTOR TO PROVIDE TORO SMART CONNECT PLUG-IN RECEIVER INSIDE OF CONTROLLER

J. RAIN SENSOR

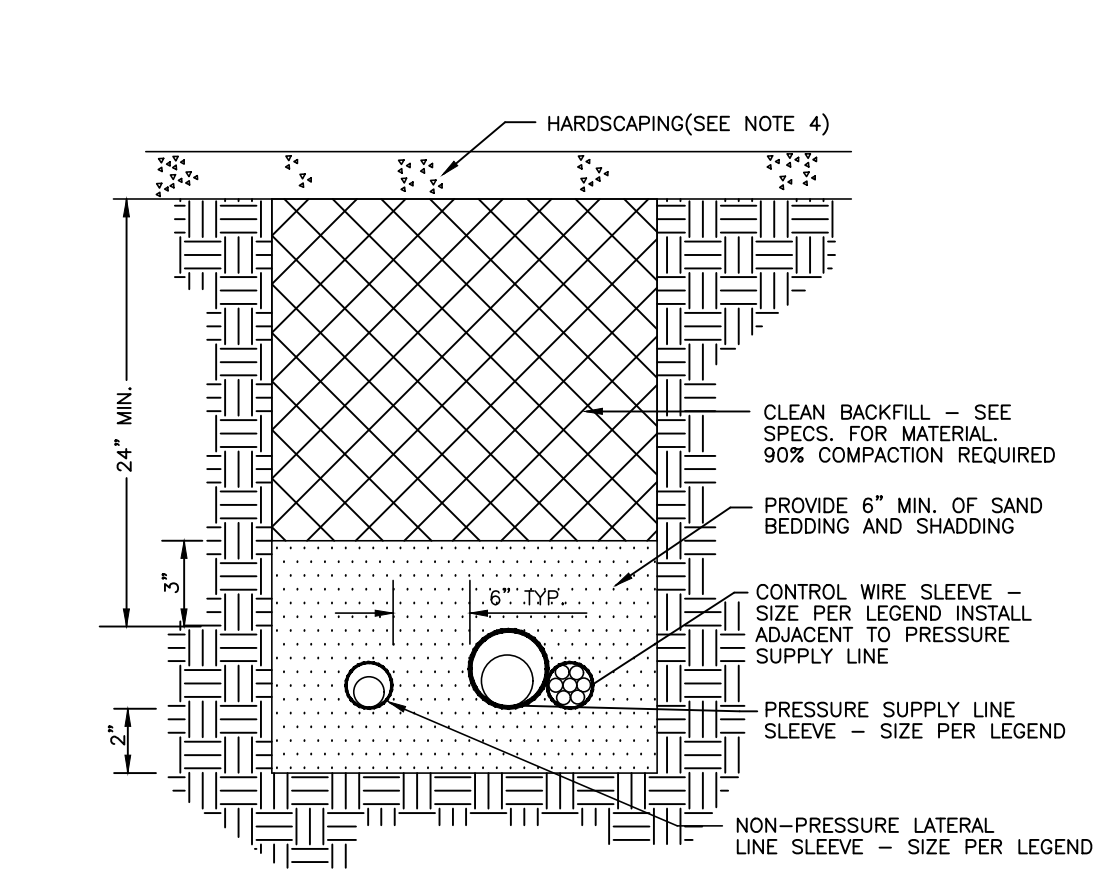


WIRE SPLICE STEPS

1. STRIP WIRES 12" TO 5/8". USING LINEMANS PLIERS OR OTHER STYLE TOOL, TWIST ENDS TOGETHER MIN 3 TIMES. INSERT INTO SCOTCHLOK ELECTRICAL CONNECTOR AND ROTATE CLOCKWISE UNTIL ADDITIONAL FORCE IS REQUIRED.
2. INSERT THE SPLICE INTO THE GEL FILLED INSULATOR TUBE. PUSH PAST THE LOCKING FINGERS TO HOLD THE SCOTCHLOK CONNECTOR IN PLACE.
3. POSITION WIRE CHANNELS AND SNAP INSULATOR TUBE COVER CLOSED.

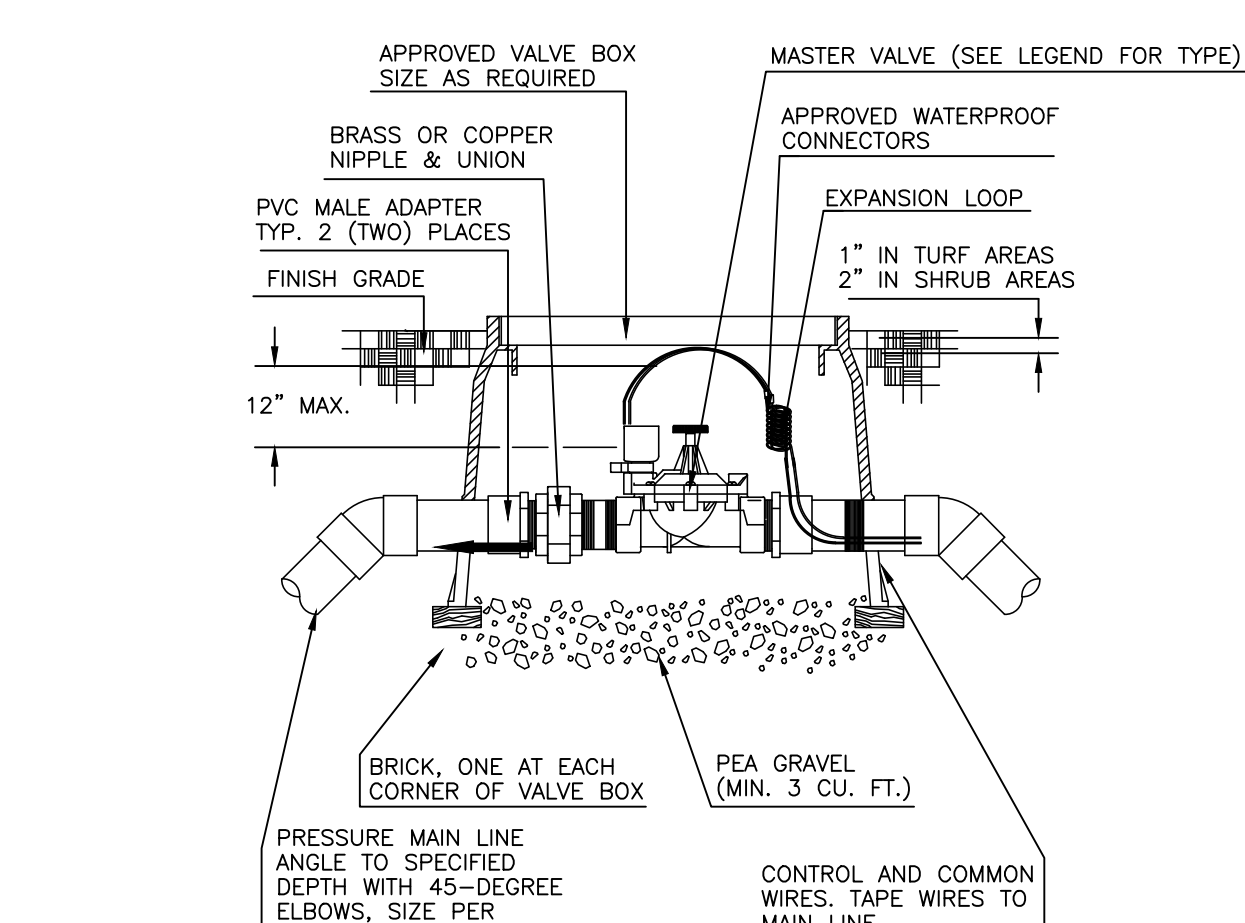
WIRE CONNECTORS TO BE DBR Y 6 BY 3M OR E UAL

I. WIRE CONNECTOR



NOTES:
1. ALL SLEEVES TO BE SCH 40 PVC.
2. EXTEND ALL SLEEVES 12" BEYOND EDGE OF HARDSCAPING AT BOTH ENDS.
3. ROUTE SLEEVING AROUND HANDICAP RAMPS.
4. PIPING UNDER PAYEMENT SUSCEPTIBLE TO TRAFFIC LOADS REFER TO CITY STANDARDS. (24" MIN. TO 36" MAX DEPTH TO TOP OF PIPE BELOW HARDSCAPE SURFACE.

F. TYPICAL SLEEVING



NOTES:
1. PLACE PEA GRAVEL PRIOR TO INSTALLATION OF VALVE BOX.
2. PLACE BOXES AT RIGHT ANGLES TO HARDSCAPE OR STRUCTURES.
3. PIPE UPSTREAM OF VALVE ASSEMBLY IS EQUAL IN DIAMETER TO DOWNSTREAM PIPING OF VALVE ASSEMBLY. IF NECESSARY, ADD REDUCE-BUSHING TO BRING PIPING DIAMETER TO VALVE SIZE.
4. MASTER VALVES 4" AND LARGER TO BE PROVIDED WITH FLANGED CONNECTIONS IN LIEU OF UNIONS.

C. MASTER VALVE

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

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landscape architecture
6000 Harwood Ave
Oakland CA 94618
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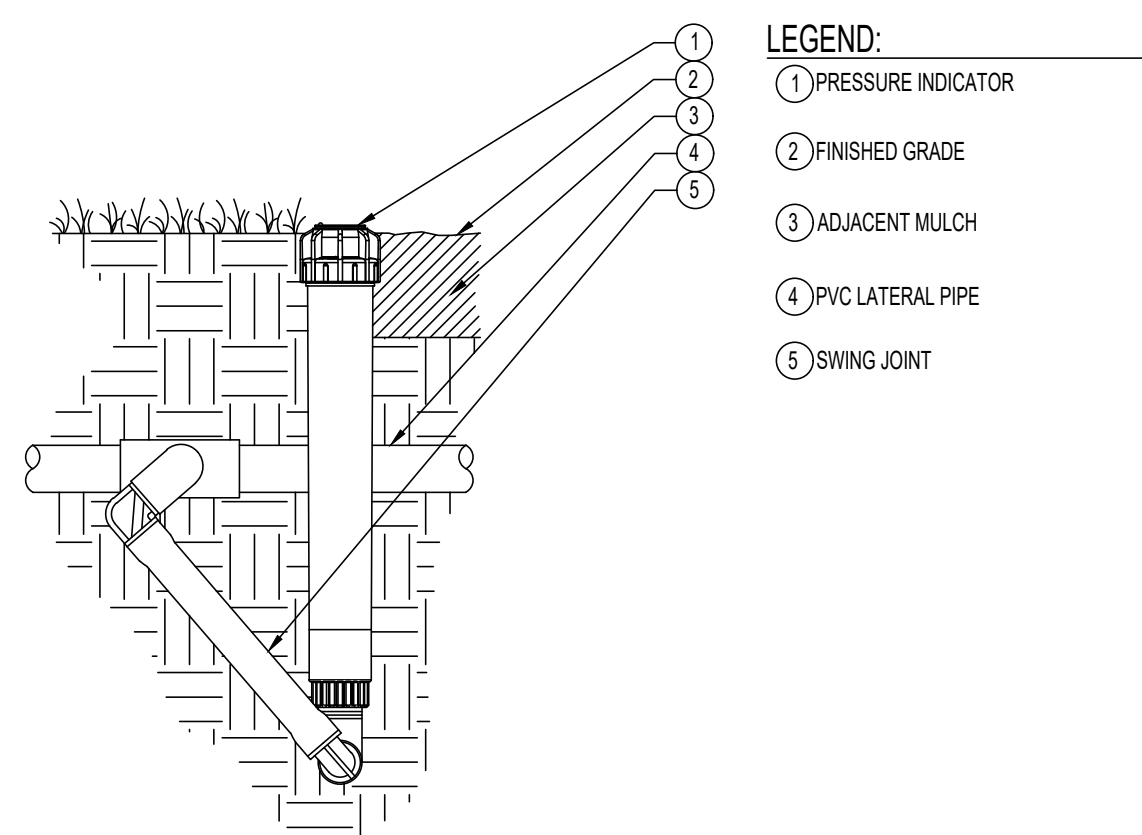
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SHEET:

IRRIGATION DETAILS

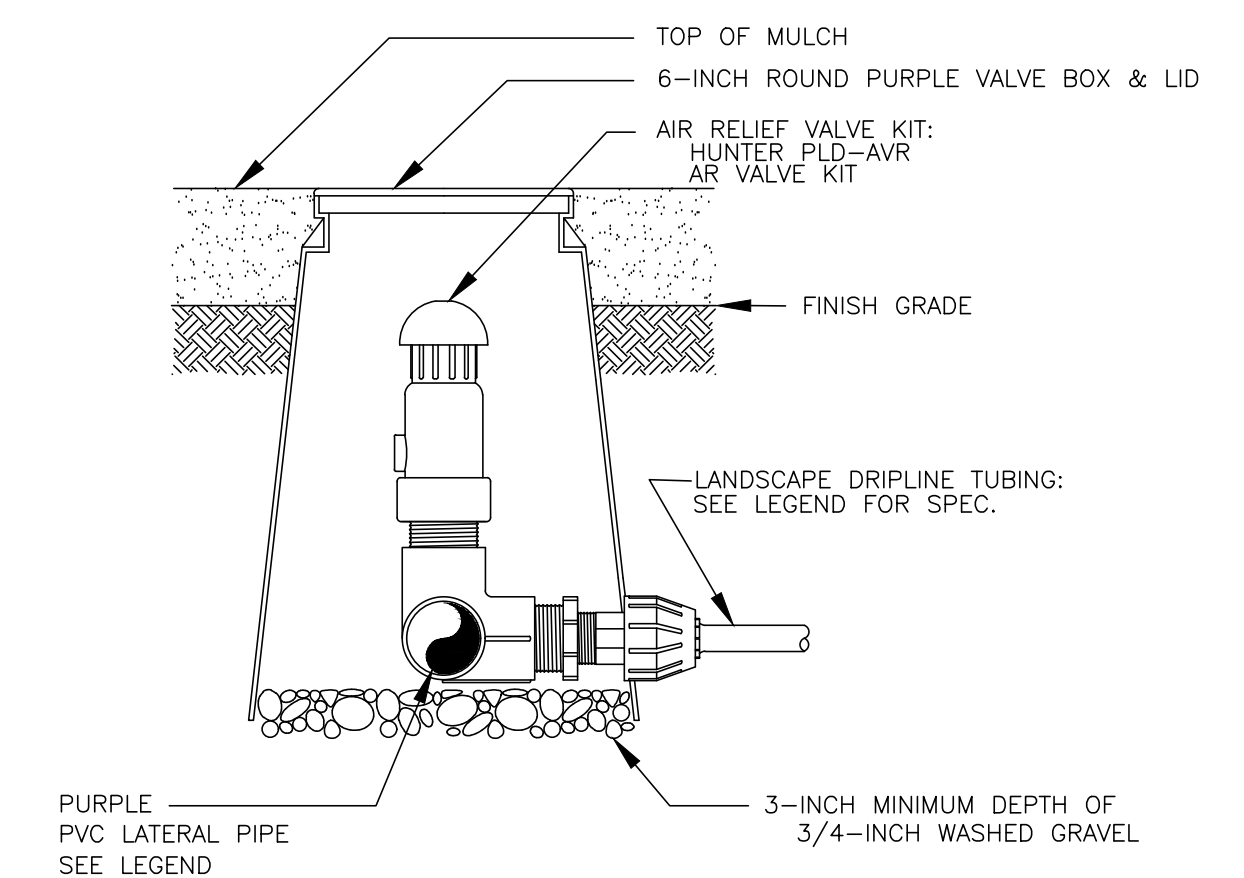
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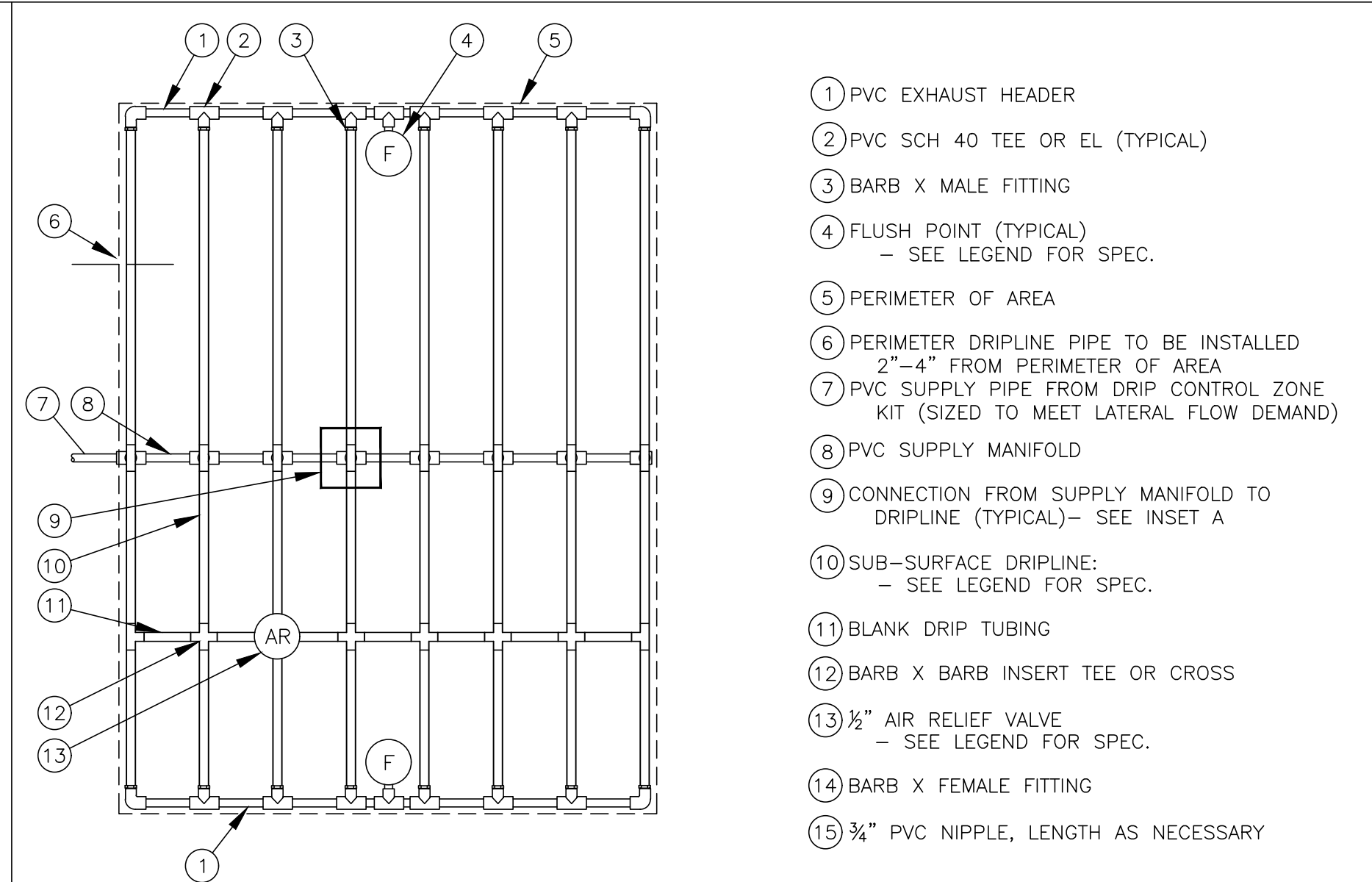
- LEGEND:**
- 1 PRESSURE INDICATOR
 - 2 FINISHED GRADE
 - 3 ADJACENT MULCH
 - 4 PVC LATERAL PIPE
 - 5 SWING JOINT

G. PRESSURE INDICATOR

NOTE:
PLACE ALL AIR RELIEF ASSEMBLIES AT HIGHEST SPOTS IN THE FIELD.



H. AIR RELIEF VALVE

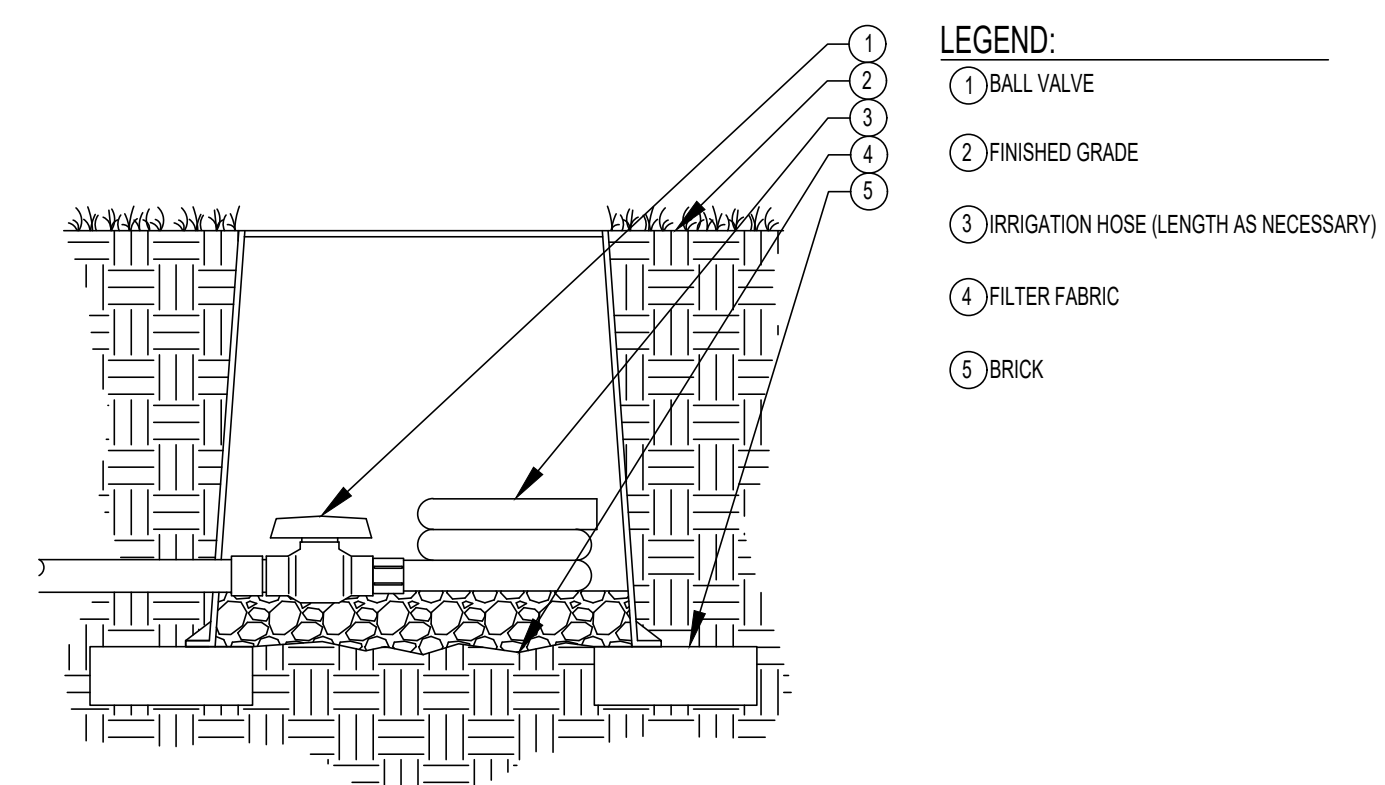
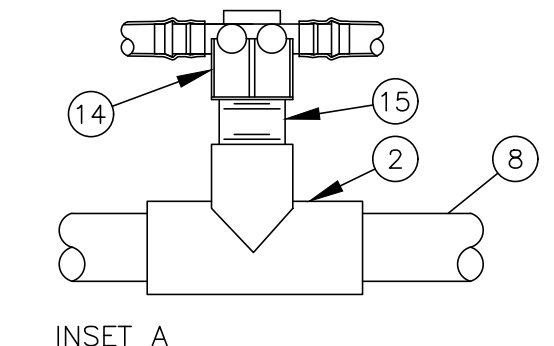


- 1 PVC EXHAUST HEADER
- 2 PVC SCH 40 TEE OR EL (TYPICAL)
- 3 BARB X MALE FITTING
- 4 FLUSH POINT (TYPICAL) - SEE LEGEND FOR SPEC.
- 5 PERIMETER OF AREA
- 6 PERIMETER DRIPLINE PIPE TO BE INSTALLED 2"-4" FROM PERIMETER OF AREA
- 7 PVC SUPPLY PIPE FROM DRIP CONTROL ZONE KIT (SIZED TO MEET LATERAL FLOW DEMAND)
- 8 PVC SUPPLY MANIFOLD
- 9 CONNECTION FROM SUPPLY MANIFOLD TO DRIPLINE (TYPICAL)- SEE INSET A
- 10 SUB-SURFACE DRIPLINE: - SEE LEGEND FOR SPEC.
- 11 BLANK DRIP TUBING
- 12 BARB X BARB INSERT TEE OR CROSS
- 13 1/2" AIR RELIEF VALVE - SEE LEGEND FOR SPEC.
- 14 BARB X FEMALE FITTING
- 15 3/4" PVC NIPPLE, LENGTH AS NECESSARY

NOTES:

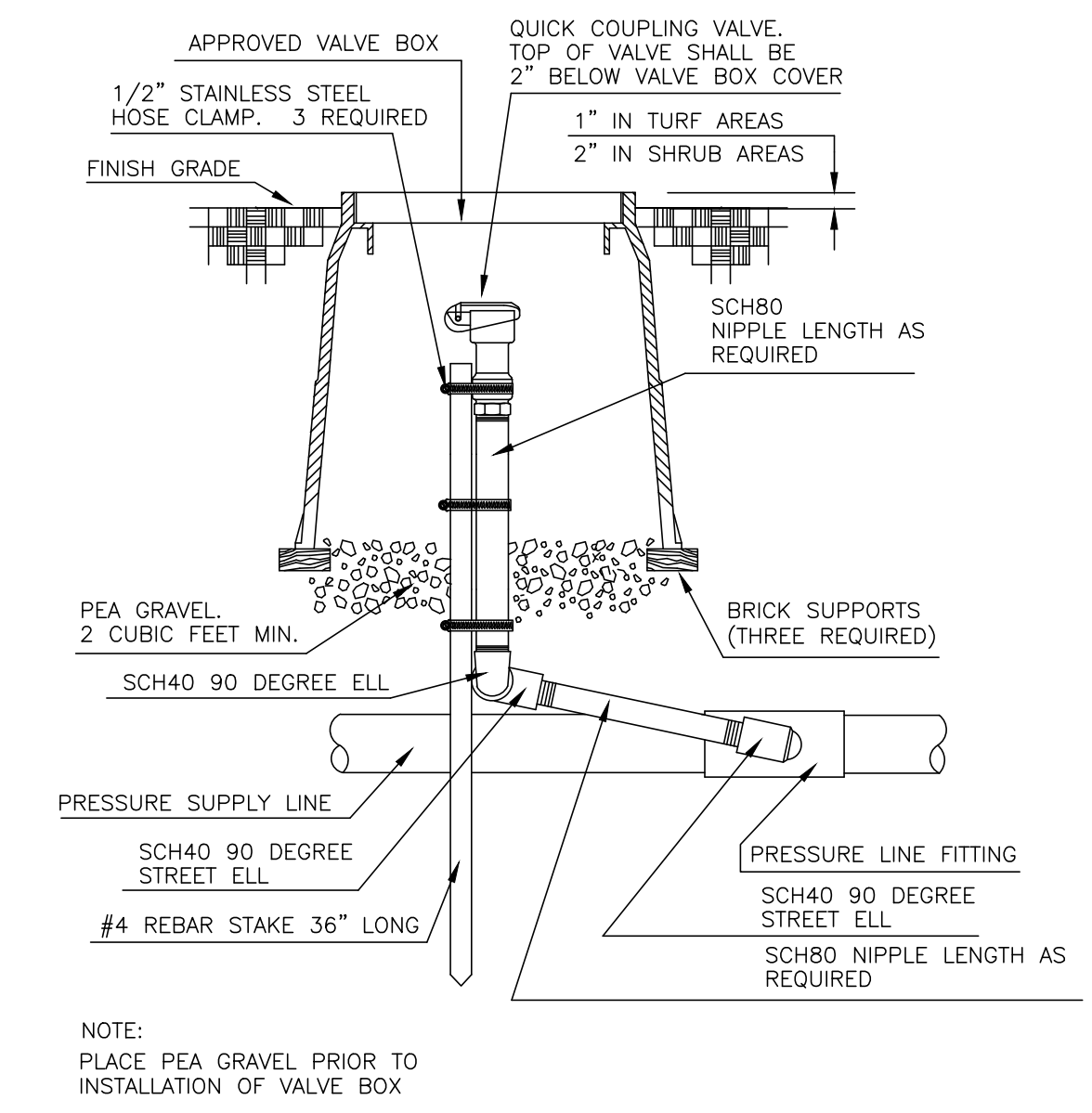
1. LENGTH OF LONGEST DRIPLINE LATERAL SHOULD NOT EXCEED THE MAXIMUM LENGTH RECOMMENDED BY MANUFACTURER.
2. AIR RELIEF VALVE INSTALLED IN VALVE BOX AT OPTIMAL HIGHEST POINT FROM CONTROL ZONE KIT. MULTIPLE AIR RELIEF VALVES MAY BE NEEDED TO ACCOMMODATE DIFFERENCES IN GRADE.
3. WHEN USING 17MM INSERT FITTINGS WITH DESIGN PRESSURE OVER 50PSI, IT IS RECOMMENDED THAT STAINLESS STEEL CLAMPS BE INSTALLED ON EACH FITTING.
4. PRESSURE INDICATOR TO BE INSTALLED AT OPTIMAL FURTHEST POINT FROM CONTROL ZONE KIT IN CLEAR VIEW WHEN POPPED UP.
5. FLUSH POINT TO BE INSTALLED AT OPTIMAL FURTHEST POINT FROM CONTROL ZONE KIT TO ALLOW FOR MAXIMUM DEBRIS FLUSH IN SYSTEM.

D. DRIP LINE LAYOUT

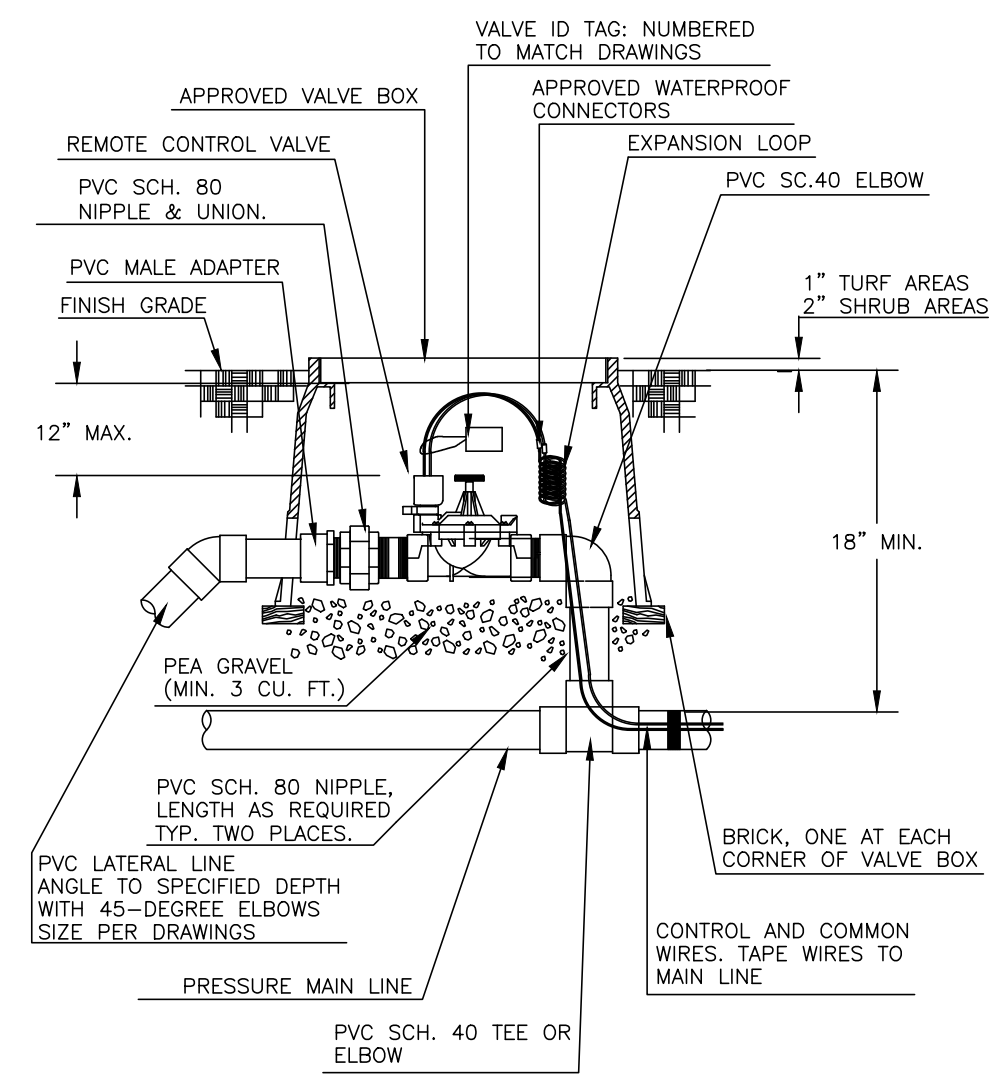


- LEGEND:**
- 1 BALL VALVE
 - 2 FINISHED GRADE
 - 3 IRRIGATION HOSE (LENGTH AS NECESSARY)
 - 4 FILTER FABRIC
 - 5 BRICK

E. FLUSH VALVE ASSEMBLY

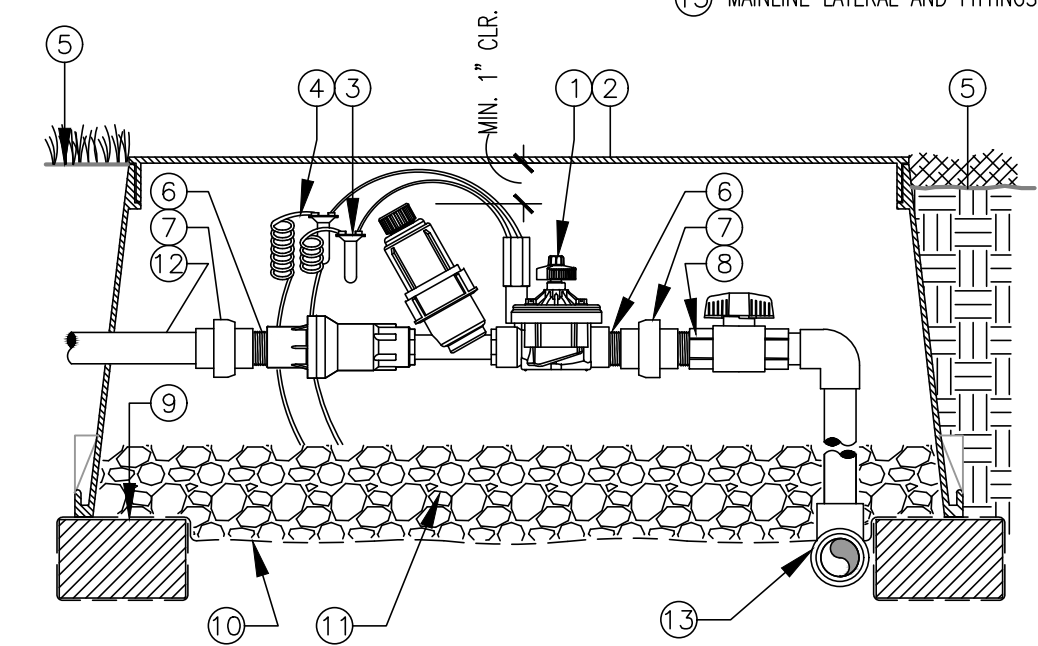


A. QUICK COUPLER

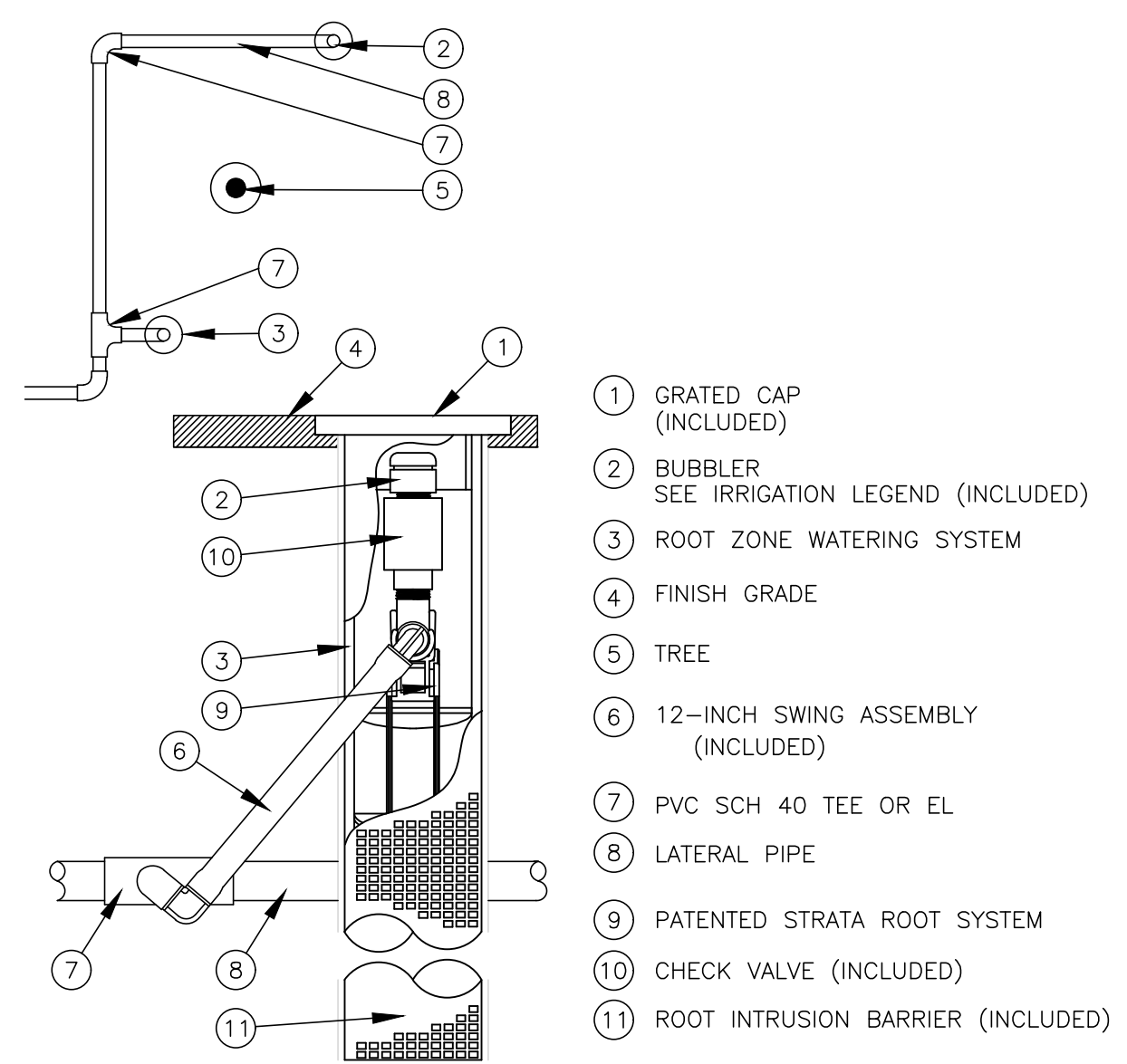


B. REMOTE CONTROL VALVE

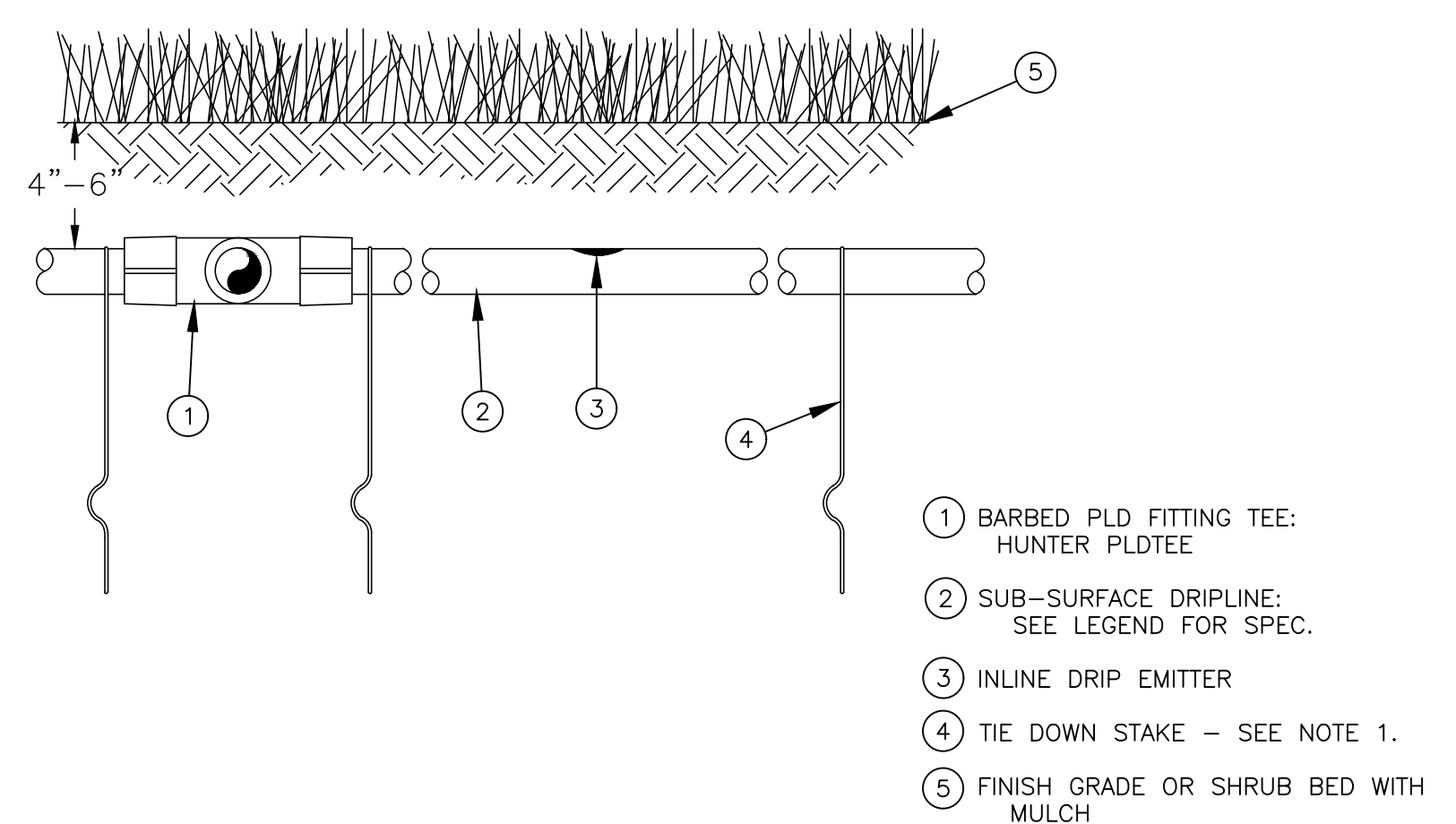
- LEGEND**
- 1 HUNTER REMOTE CONTROL VALVE (ICZ) WITH FILTER REGULATOR
 - 2 IRRIGATION VALVE BOX: HEAT STAMP LID WITH "RCV" IN 2" LETTERS
 - 3 WATERPROOF CONNECTORS (2)
 - 4 18"-24" COILED WIRE TO CONTROLLER
 - 5 FINISH GRADE AT ADJACENT SURFACE (TURF OR MULCH)
 - 6 SCH. 80 CLOSE NIPPLE, MATCH SIZE TO VALVE
 - 7 PVC SLIP X FPT UNION
 - 8 ISOLATION VALVE, SIZE AND TYPE PER PLAN
 - 9 BRICK SUPPORTS (4)
 - 10 FILTER FABRIC - WRAP TWICE AROUND BRICK SUPPORTS
 - 11 3/4" WASHED GRAVEL - 4" MIN. DEPTH
 - 12 IRRIGATION LATERAL
 - 13 MAINLINE LATERAL AND FITTINGS



C. CONROL ZONE KIT



J. ROOT ZONE WATERING SYSTEM



- LEGEND:**
- 1 BARBED PLD FITTING TEE: HUNTER PLDTEE
 - 2 SUB-SURFACE DRIPLINE: SEE LEGEND FOR SPEC.
 - 3 INLINE DRIP EMITTER
 - 4 TIE DOWN STAKE - SEE NOTE 1.
 - 5 FINISH GRADE OR SHRUB BED WITH MULCH
- NOTES:**
1. PLACE TIE DOWN STAKES EVERY THREE FEET IN SAND, FOUR FEET IN LOAM, AND FIVE FEET IN CLAY.
 2. AT FITTINGS WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TEES OR ELBOWS, USE TIE-DOWN STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.
 3. INSERTION PLOW AND TRENCHED INSTALLATIONS DO NOT REQUIRE TIE DOWN STAKES.

F. SURSUFACE DRIP LINE



Production Copyworld <production@copyworldinc.com>

Fwd: Appeal for ZAB decision on 1598 University Ave

1 message

Elizabeth Kowal <kowalathome@msn.com>
To: "artwork@copyworldinc.com" <artwork@copyworldinc.com>

Thu, Jun 1, 2023 at 2:58 PM

CITY OF BERKELEY - CITY CLERK
2023 JUN 1 PM4:24

Sent from my iPhone

Begin forwarded message:

From: Elizabeth Kowal <kowalathome@msn.com>
Date: June 1, 2023 at 2:18:26 PM PDT
To: Elizabeth Kowal <kowalathome@msn.com>
Subject: Appeal for ZAB decision on 1598 University Ave

June1, 2023

Dear City Council Members:

This an appeal of the May 11, 2023 decision by the Zoning Adjustments Board ("ZAB") to issue a Use Permit for 1598 University Avenue, Permit # ZP2022-0099.

My name is Elizabeth Sharada Kowal, and I live at 1523 Addison Street. I am filing this appeal with the support and agreement of the 1598 University Tower Neighborhood Group, we have been meeting on this project since March, 2022. Attached are signatures of neighbors who want to appeal and who live within 300 feet of the site.

Below is a list of reasons for our appeal:

1. NO MEETING: Staff failed to set up a meeting between the neighbors and the developer before the ZAB meeting as required by the Design Review Committee

2. CONCERNS NOT ADDRESSED BY ZAB: Neighborhood concerns and objections were submitted to the DRC, ZAB and City Council Members in letters, emails, filings, a submission by East Bay Residents for Responsible Development and a petition signed by 90 neighbors. These were not addressed by ZAB or were addressed incompletely. We were encouraged to submit letters and informed that letters and petitions sent to the BDR would also be put in the ZAB packet or forwarded to committee members.

3. INADEQUATE INFORMATION: The development plans and staff failed to inform ZAB and the public of facts related to density and affordability that include but are not limited to the following. **Density standards.** University Avenue zoning does not have commonly used density standards measured in dwelling units/acre, which the state density bonus law assumes. The City uses a peculiar implementation methodology which is not transparent and has never been adopted as a density bonus implementation ordinance. The Adeline Corridor Specific Plan is the only major development corridor with density standards that max out at 240 du/ac with an affordable unit incentive of 50% (Table B.3). The density of the base project of 1598 UA is 208 du/ac (138 units/.664 acre), and the density of the bonus project is 312 du/ac (207 units/.664 acre) including only 10 % affordable units (21VLI). Staff should have calculated the densities, so that ZAB and the public can compare them with the Adeline Corridor standards and see that the densities are excessive and inequitable and the level of affordability inadequate.

Solution: the City should institute commonly used density standards of du/ac consistent with the Adeline Corridor to ensure equitable densities on all the major corridors and ensure adequate affordable units to meet RHNA goals and the needs of the public.

Unit size. Staff did not require the developer to inventory the unit size per square feet nor illustrate and describe the kitchen appliances for the studios to show whether they are regular studios or efficiency units, which have lesser such amenities.

During the ZAB meeting, a committee member brought up the possibility of raising the percentage of affordable units to 20%. The follow-up discussion included inaccurate information including: The amount of affordable housing in the building was over-reported as 15%. The possible number of individuals living in the 10 subsidized apartments was misrepresented as 40 individuals. This does not match up with the apartment sizes, many of which are studios or one bedroom. We would advocate for more apartments to meet the needs of families, but this information was not accurate as related to the current plan.

4. Lack of Sufficient Neighborhood and Citywide Planning Leading to Results that Oppose Current City of Berkeley Policies and Goals.

A. DIVERSITY AND AFFORDABILITY: The ZAB did not address the following priority concerns shared by all of the neighbors in our group, and expressed in multiple formats including letters, statements, and petitions.

We oppose the fact that Berkeley is approving many more market-rate new housing units while allowing affordable units to be deferred with in-lieu fees for future less inclusive projects.

This is an emergency crisis! We are rapidly losing important members of our community and of the racial, ethnic, income and age diversity that made up the core spirit of this close-knit neighborhood.

Berkeley is a city that has been in the forefront of integrating and diversifying city services and public schools, (even at additional costs) To be consistent with this major Berkeley policy Berkeley must plan and ensure that all of the neighborhoods getting new SB330 developments include a substantial amount of affordable housing (min. 20%) ON SITE. Many opportunities for inclusion have already been missed. We don't separate our schools by income, why are we separating our new buildings this way? We oppose the idea of putting affordable units in separate buildings!!

Examples of relevant materials submitted to DRC, ZAB, City Council Members from members of our neighborhood group:

-

1. Excerpt from the Change.Org petition signed by 92 neighbors and sent, with attached comments, to DRC and ZAB:

“ Let’s Welcome New Neighbors, Not New Towers!”

Lack of Affordable Housing: 90% of units will be high-priced market-rate! We don't need another Tower, what we need is more affordable housing to protect and re-build the diversity of our historic neighborhood and meet the needs of current and new residents.

change.org/1598 University

2. “Excerpt from letter submitted on 4/11/23, by Addison Street neighbors Elizabeth Kowal and Constantine Philipides on the 1598 proposed building project:

Dear Members of the City of Berkeley Design Review Committee and The Berkeley City Council,

Overview:

Hundreds of neighbors have been speaking for over a year, and most of us share strong ideas about the proposed project at 1598 University Avenue. Our neighborhood petition opposing the current project design has 88 signatures.

Our neighbors want new, affordable, inclusive housing so that teachers and city workers can keep living here! This proposed project includes approximately 90% market rate apartments. We don't want you to allow (and even encourage) developers to pay an in-lieu fee to avoid placing additional inclusive affordable housing here, in this location. We are fighting to preserve our historically diverse neighborhood. We want to welcome and enable working class families to continue to be members of our community. Most of our longer-term residents could not afford to move into the neighborhood today.”

3. Excerpt from document submitted to ZAB by East Bay Residents For Responsible Development:

“THE PROJECT IS INCONSISTENT WITH THE CITY’S HOUSING ELEMENT

The Project proposes to construct an eight-story residential building containing 207 dwelling units (21 Very Low-Income unit).³⁹ The Project is seeking a 50% Density Bonus by providing 15% of the base project units as affordable to very low-income households. More affordable units must be provided for the Project to be consistent with the City’s Housing Element and state law.

The Regional Housing Needs Assessment is the California State-required process that seeks to ensure cities and counties plan for enough housing in their Housing Element cycle to accommodate all economic segments of the community.⁴⁰ Accordingly, the Housing Element of the City’s General Plan identifies the City’s housing conditions and needs, evaluates the City’s ability to meet its Regional Housing Needs Allocation (“RHNA”), establishes the goals, objectives, and policies of the City’s housing strategy, and provides an array of programs to create mixed-income neighborhoods across the City.⁴¹ The Housing Element, which was amended April 20, 2023 Page 10

on February 17, 2023, states that “the City has a remaining RHNA of 5,033 units (1,923 very low income; 852 low income; 1,227 moderate income; and 1,031 above moderate income units)... The City must identify adequate site capacity for this remaining RHNA.”⁴² Accordingly, Policy H-1 – Extremely Low, Very Low, Low and Moderate-Income Housing – provides: “Increase the number of housing units affordable to Berkeley residents with lower income levels.”⁴³ Because the City has not produced and is not expected to produce enough affordable housing to meet its RHNA, projects that do not contribute to the City’s RHNA are inconsistent with the City’s Housing Element, a primary goal of which is to meet the RHNA.

Berkeley Municipal Code Section 23.328.010 provides that residential housing projects constructing five or more dwelling units must include at least 20 percent of the total number of dwelling units within the project as inclusionary units. As an alternative to providing inclusionary units required in an ownership project, the applicant may elect to enter in an agreement with the City to pay fees in-lieu of providing below-market rate units.⁴⁴

Here, the Project fails to provide the recommended 20% affordable units. Although the Project will likely have to pay an in-lieu fee, the Project would not be consistent with the Housing Element because it places the burden on the City to identify adequate sites to construct affordable housing, and the record lacks evidence demonstrating that the City will utilize the in lieu fee to supply the Project's allocated affordable units in the timeframe necessary to meet its RHNA.⁴⁵

³⁹ https://berkeleyca.gov/sites/default/files/documents/2023-03-16_DRC_Item%20VII.1_1598%20University_SB330%20Project%20Plans.pdf

⁴⁰ Cal. Gov. Code Section 65580 – 65589.9; see City of Berkeley, Adopted 2023-2031 Housing Element, available at https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf.

⁴¹Id. 6031-009

B. Developing a Mid-University Avenue Neighborhood Plan:

In our neighborhood letters and statements, we have asked for neighborhood participation in creating a design that is pedestrian, bicycle, and wheelchair friendly. This location on University Avenue and California Street is already an important and established city-wide hub and pedestrian corridor connecting to the North Berkeley BART station, Ohlone Greenway, and the North Berkeley Senior Center. With much of the BART parking being converted to housing, we need a pedestrian-friendly cityscape more than ever. It is not safe to cross at University and Sacramento Streets with multiple turn lanes, trucks, and busses. The light at California Street is the only nearby safe crossing for children, seniors, and everyone else.

To encourage people to get out of their cars we need to have a welcoming cityscape with benches and shade to allow seniors, parents with small children and disabled community members to rest as needed. We don't want this 8 story building narrowing and shadowing sidewalks. We are asking for more setbacks, open space, and trees for pedestrians and for neighboring homes directly abutted by this tall building.

We are pleased that the proposed building plan has been adjusted to include additional trees and a setback to address some of our neighborhood concerns. We are glad that the developer has agreed to meet with neighbors

to work together to find solutions. We are appealing the ZAB decision because we were not given the time to have this meeting and come to agreements. We cannot afford to miss this unique opportunity to make an improvement that can transform mid-University into a walkable community with trees and public space to meet with neighbors enroute to various locations, including BART. The walkability and retail economic viability of mid-University hinges on this project and is long overdue.

5. PROTECTION FOR NEIGHBORS: The negative impact on neighbors was underestimated, including environmental and safety concerns, parking burdens, noise, shadowing, privacy, and the devaluation of property.

- a. We are disappointed that you have not done the work necessary to come up with the mandated objective standards that would determine reasonable shadowing limits for the immediate neighborhood.
- b. Unlike the housing development at North Berkeley BART, whose neighbors asked for a 7-story height limit across the road from their houses, this 8 -story building will directly abut the yards of single story houses. This will cause issues with shadowing, privacy, noise, and environmental concerns. This concern is causing some of our neighbors to consider moving from their rental units or selling their property.
- c. This is a neighborhood that wants more affordable housing that will address a full spectrum of below-market priced housing needs. To build an eight-story development with 90% market-rate housing, a majority of which are studios or small apartments, does not help to restore us to a vibrant, diverse community of individuals and families. The building is taking away many elements of the day to day quality of life for current neighbors, such as reasonable parking, sunlight, and a neighborhood with an integrated scale and design without including the positive changes we need, such as access for city workers and teachers to afford to live here, and open space for a more pedestrian-friendly landscape that encourages community interaction.

“Excerpt from letter submitted on 4/11/23, by Addison Street neighbors Elizabeth Kowal and Constantine Philipides on the 1598 proposed building project:

“ Summary of Requests:

- *Affordable housing in the building, appropriate for working class families!*
- *Complete the required Objective Shadow-Study and publish city-wide objective policy and rules to inform construction design.*
- *Create a pedestrian safety and parking safety plan for the immediate neighborhood which includes a school, a church, and many senior residents with disabilities.*
- *Include an indoor loading and unloading dock so that trucks do not cause a dangerous double-parking problem.*

- Change design to include open space and setbacks for pedestrians and residents. Consider eliminating the ineffective interior proposed courtyard designed just for residents and add open space to benefit the whole community in this important city-wide hub.
- Increase parking to accommodate seniors and residents with disabilities.
- Demand that the original sized, mandated retail space be move-in ready for an appropriate business such as a restaurant/café.
- Include neighborhood participation in tree selection, bird safe glass, position of any balconies, etc.”

6. NEED FOR CEQA ENVIRONMENTAL REVIEW: This is a much bigger building in height and width than any that has been built in our neighborhood, including all of the new housing developments west on University Avenue to the freeway. A bigger building will need a bigger infrastructure, a longer construction time, etc. The decision whether this project is exempt from CEQA cannot be made on the same level of concerns associated with smaller projects. In order protect our citizens, we need to do a careful environmental review, before subjecting at-risk individuals to harmful elements.

Excerpt from document submitted to ZAB by East Bay Residents For Responsible Development:

“The DRC meeting staff report includes a recommendation that the Zoning Adjustments Board find the project categorically exempt from the provisions of CEQA1 pursuant to Section 15332 of the CEQA Guidelines (“Infill Development Project”).² As discussed herein, the City cannot find the Project exempt from CEQA due to the Project’s potentially significant impacts of air quality, noise, traffic, and public health. Since the City has not released any analysis on the Project’s environmental impacts, the staff recommendation that the Project is exempt from CEQA is not supported by substantial evidence. Rather, the Project’s substantial size, 24-month construction period, and its proximity to sensitive receptors indicate that the Project’s impacts may be potentially significant. As a result, an environmental impact report (“EIR”) must be prepared to adequately analyze and mitigate these impacts.

Further, the Project’s design is inconsistent with the neighborhood context due to its massing and lack of adequate parking. The Project is also inconsistent with the City’s affordable housing and workforce goals. EBRRD respectfully requests that the DRC not recommend approval of the Project until these flaws have been resolved.”

We ask the ZAB either to deny the issuance of a Use Permit, or to delay issuance of such Use Permit until these and all other related concerns are appropriately addressed by the city of Berkeley, as required by applicable city and state law. Thank you for your consideration.

Sincerely,

Elizabeth Kowal,

Elizabeth Kowal 1523 Addison St.

THE FOLLOWING NEIGHBORS SUPPORT THE APPEAL OF THE ZAB APPROVAL OF A USE PERMIT FOR 1598 UNIVERSITY AVENUE.

May, 2023

Summary:

- **NO MEETING:** Staff failed to set up a meeting between the neighbors and the developer before Design Review as required. Our objections submitted in a petition by 90 neighbors were not addressed.
- **INADEQUATE INFORMATION:** City staff failed to inform ZAB and the public of complete facts about unit size and type nor provide adequate calculation of the density bonus and affordable housing mitigation fee.
- **PROTECTION FOR NEIGHBORS:** The negative impact on neighbors was underestimated, including environmental and safety concerns, noise, shadowing, privacy, and the devaluation of property.
- **INADEQUATE PUBLIC AMENITIES:** The sidewalk plan fails to provide trees, meeting space and benches for this important pedestrian route to BART and parks.

Signature	Print Name	Address	Email (Optional)
	Barbara Loften	1534 Addison St.	b.loften@comcast.net
	Elizabeth Kowal	1524 Addison	kowalathome@msn.com
	CONSTANTINE PHILIPIDES	1523 ADDISON	CONTACT@BERKELEYWOODWORKS
	GIES SAMARASINGHE	1526 ADDISON ST	GIESSENG@YAHOO.COM
	James W. Venable	1526 Addison St.	jwvenable@yahoo.com
	Paul Landon Manland	2102 California St. Apt 10	
	Rachel Crawley	2020 California St Apt A	rcp@crawley@gmail.com
	LARRY MANDELLA	1543 Addison St	larry.mandella@comcast.net
	Nancy Richerson	1537 Addison St	krollydollyn@gmail.com
	Thomas Wood	1535 Addison St.	tomwood663@gmail.com
	RICHARD GRAHAM	1529 ADDISON	rghram@comcast.net
	Peter Fisher	1519 Addison St	pcfisher@berkeley.edu

THE FOLLOWING NEIGHBORS SUPPORT THE APPEAL OF THE ZAB APPROVAL OF A USE PERMIT FOR 1598 UNIVERSITY AVENUE.

<i>Rie</i>	Rie Yamaska	1515 Addison St Berkeley, CA 94703	rie .yamaska.rie@gmail.com
<i>Lani S</i>	LANI SIMPSON	1517 Addison Berkeley, CA	DoctorLani@gmail.com
<i>Valeria R. C</i>	Valeria Ramirez	1509 Addison	vramirezrc@gmail.com vramirezrc@berkeley.edu
<i>H. Hornig</i>	H. HORNING	1545 ADDISON	HHORNING222@gmail.com
<i>Lucia C. Rodriguez</i>	L. Rodriguez	2020 California St. lu corner	hotmail.com
<i>Luis C. Rodriguez</i>	Luis Rodriguez	2020 Califo	lizcaltenco@yahoo.com
<i>Mona Lisse Mot</i>	Mona Lisse Mot	2026 California St	netfe_426@yahoo.com
<i>Mona Lisse Mot</i>	Mona Lisse Mot	2026 CALIFORNIA ST	MONALISSE@GMAIL.COM
<i>Muhammad</i>	Muhammad	2100 California St	erlongyadafant@gmail.com
<i>Chi KAO</i>	Chi KAO	2117 California St.	Z.GAU.GEE@gmail.com
<i>Michael Riemer</i>	Michael Riemer	1602 Addison St	riemor@ce.berkeley.edu
<i>Kris Albert</i>	Kris Albert	2115 California	Krisberk@yahoo.com
<i>Deepak</i>	Deepak Jimmy Pwckunnnd	2113 California St	deepakflowerhill@gmail.com
<i>Tanya Paul</i>	Tanya Paul	2113 Califom St	tanya.s.paul@gmail.com
<i>Jan Lord</i>	Jan Lord	1516 Addison	JanL@sbcglobal.net
<i>Josh Sene</i>	Josh Sene	1507 Addison	josh.sene@gmail.com
<i>Audrey Martin</i>	Audrey Martin	1517 Addison St.	audreymartin52@gmail.com
<i>Lani Simpson</i>	LANI SIMPSON	1517 ADDISON ST.	doctorlani@gmail.com
<i>Jim Van Boven</i>	Jim Van Boven	1531 Addison St.	jvanbov@gmail.com
<i>Maha Parameswaran</i>	Maha Parameswaran	1535 Addison St	mahaparam@gmail.com
<i>Bentley Drake</i>	Bentley Drake	1535 Addison St	bentley.drake@veeva.com



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

DATE OF BOARD DECISION: May 11, 2023

DATE NOTICE MAILED: May 18, 2023

APPEAL PERIOD EXPIRATION: June 1, 2023

EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)¹: June 2, 2023

1598 University Avenue

Use Permit #ZP2022-0099 to demolish anon-residential structure and construct a 127,492 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

A. Zoning Permits Required:

- **Use Permit** to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a mixed-use residential building, under BMC Section 23.204.020
- **Use Permit** to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(A)
- **Use Permit** to establish residential uses on the ground floor, under BMC 23.204.060(B)(3)
- **Use Permit** to reduce the rear setback (interior) to provide greater privacy along the side setback (south) that abuts residential district, under BMC 23204.060
- **Administrative Use Permit Administrative Use Permit** for projections that exceed the maximum building height limit, under 23.304.050(A)

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

¹ Pursuant to BMC Section 23.410.050(C), the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

- a. **Concession** to allow for a reduction in open space to 10,365 square feet, where 41,400 square feet is required under BMC Section 23.204.060(D)(1)
- b. **Waiver** to reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
- c. **Waiver** to reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
- d. **Waiver** to increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
- e. **Waiver** to increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
- f. **Waiver** to increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
- g. **Waiver** to reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
- h. **Waiver** to reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

ZONING: University Commercial District (C-U), Node Area – South Side of University Avenue

APPLICANT: Isaiah Stackhouse, Trachtenberg Architects, 2421 Fourth Street, Berkeley CA 94710

PROPERTY OWNER: 1598 University Avenue, LLC, 2343 Stuart Street, Berkeley CA 94705

INTERESTED PARTY: Sienna Shankel, Adams Broadwell Joseph & Cardozo, 601 Gateway Blvd., Ste. 1000, So San Francisco CA 94080, sshankel@adamsbroadwell.com

ENVIRONMENTAL REVIEW STATUS: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Project").

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent	Recused
DUFFY	X				
KAHN	X				
YUNG	X				
O'KEEFE	X				
LUNAPARRA	X				
SANDERSON	X				
THOMPSON	X				
GAFFNEY	X				
TREGUB	X				
BOARD VOTE:	9	0	0	0	0



ATTEST:
Samantha Updegrave, Zoning Adjustments Board
Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23.404.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: <https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx> or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23.410 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
 - A. The fee for persons other than the applicant is \$1500. This fee may be reduced to \$500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
 - B. The fee for all appeals by Applicants is \$5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

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

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 11, 2023

1598 University Avenue

Use Permit #ZP2022-0099 to demolish a non-residential structure and construct a 127,492 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus.

PERMITS REQUIRED

- **Use Permit** to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a mixed-use residential building, under BMC Section 23.204.020
- **Use Permit** to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(A)
- **Use Permit** to establish residential uses on the ground floor, under BMC 23.204.060(B)(3)
- **Use Permit** to reduce the rear setback (interior) to provide greater privacy along the side setback (south) that abuts residential district, under BMC 23.204.060
- **Administrative Use Permit** for projections that exceed the maximum building height limit, under 23.304.050(A)

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- **Concession** to allow for a reduction in open space to 10,365 square feet, where 41,400 square feet is required under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
- **Waiver** to reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
- **Waiver** to increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

I. CEQA FINDINGS

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

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
 - B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
 - C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
 - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
 - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (A) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (B) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B. Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
 - A. Under the City’s methodology for implementing density bonuses, the “base project” consists of 138 units;
 - B. The project will provide at least 21 qualifying units in the 138-unit “base project”, as more fully set forth in Condition 39;
 - C. The project is entitled to a density increase of 50 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use

Element, under the requirements of Government Code Section 65915(b) and (f), plus three concessions or incentives. This equates to a density bonus of 69 units above the Base Project, for a total of 207-units.

2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concession in order to provide for affordable housing costs:
 - A. To allow for a reduction in open space provided to 10,365 square feet, where the requirement is 41,400 square feet under BMC Section 23.204.060(D)(1); and
3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - To reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
 - To reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
 - To increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
 - To increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
 - To increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
 - To reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
 - To reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)
 - To reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

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

5. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the

California Register of Historical Resources; and 3) approval of the requested waivers would not be contrary to State or Federal law.

IV. FINDINGS FOR APPROVAL

6. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The project is a higher-density development in proximity to entitled and in-progress mixed uses of a comparable density along University Avenue, transit, commercial districts, and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the C-U commercial district, within the UASP. The project provides 207 new dwelling units sized from studios to two-bedroom units. Twenty-one of the units will be restricted as affordable housing units for very-low-income residents. Over 5,000 square feet of commercial space will be provided primarily along California Street, accompanied by a pedestrian oriented on-site public plaza. The proposal also includes a 9,165 square foot open space feature at the ground floor. The ground floor also includes residential amenities like a club room, fitness center, and long-term bicycle parking room. The project site is well served by public transportation, with several AC transit bus stops along University Avenue, BART within a half-mile, and several bicycle share kiosks within a half-mile radius. The project adds additional dwelling units, new commercial floor area, and an at-grade garden on the ground floor, furthering the mixed-use uses that are compatible purposes of the district and not detrimental to neighborhood-serving commercial uses;
 - B. New shadows will be cast on existing residential and commercial buildings throughout the year. During the summer months new shadows will shade existing residential units to the west, south, and east of the project (1632 University, 2091 California, 2020 California, 1543 Addison, 1537 Addison, 1528 University, and 1530 University). New shadows shall also be cast existing residential units north and west (1597 University, 1587 University, 1535 University, and 1530 University) of the project during the winter months. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year. Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-U district, which allows heights of up to 48 feet without a use permit and roof top projections beyond the base height with an administrative use permit; and
 - C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

V. OTHER FINDINGS FOR APPROVAL

7. As required by Section 23.326.070 of the BMC, to approve the demolition of non-residential buildings, the ZAB must find that the demolition is required for the development of a new building and will not be materially detrimental to commercial needs of the impacted neighborhood. The proposed demolition of the existing non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops underdeveloped lots that are primarily used for surface parking with a new mixed-use building, with ground floor commercial that is compatible with existing development patterns along University Avenue. The project is aligned with the UASP goals and district's objectives to promote appropriate new mixed-use infill development that is compatible with the commercial and residential areas within C-U district.
 8. As required by Section 23.204.060(E) of the BMC, to approve a Use Permit for a project in the C-U district, the ZAB must find that the proposed use or structure is compatible with the purpose of the district, the surrounding uses and buildings, and does not interfere with the continuity of retail and service facilities at the ground level.
 - A. The project infills an underutilized site with a mixed-use building with ground floor commercial space fronting California Street, residential services (i.e. leasing office, lobby, bike storage, fitness center, club room) on the ground floor along University, and 207 dwelling units on the upper floors;
 - B. The project is consistent with the UASP and C-U district and will revitalize the corridor with additional housing and creates a service-oriented and commercial street-wall along both University Avenue and California Street.; and
 - C. With respect to the existing residential uses that abut the rear of the site, the project breaks down the massing by including an open-air courtyard on the ground floor, which results in a rear average setback of 57 feet, and stepping back the building with balconies at floors seven and eight.
 9. As required by Section 23.204.060, a Use Permit for the reduction of rear setback within a commercial district, provided that the reduction enhances privacy or improved amenities in the Residential District. In the Base Project, the rear setback (interior) is reduced from a 20-foot average to 0 feet. This reduction allows for the massing of the building to move away from the Southern property line and results in 20-foot average setback that confronts the R2-A district. The reduction also allows for more useable open space on the ground floor, a residential amenity. Generally, this reduction improves privacy along the southern property line, between the commercial and residential districts.
 10. As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space.
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VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions 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. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Transparency Acknowledgement (BMC Section 13.104.030)

Prior to the issuance of a building permit for any Project subject to this Chapter:

- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)

Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.

11. Posting of Ordinance (BMC Section 13.104.050)

Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including

office address, telephone number, and email address of the Labor Commissioner of the State of California.

12. Conditions of Approval (BMC Section 13.104.060)

The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under Chapter 23B.60.

13. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney’s fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney’s fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant’s expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

VII. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040(E), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

See conditions of approval # 15, 16, 22, and 41 – below.

Prior to Submittal of Any Building Permit:

14. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

Project Liaison _____
Name Phone #

15. Plan Revision. Submit revised floor plans that reflect the step back at the facade that were illustrated in the renderings.

16. Neighbor- Applicant Meeting. The applicant shall provide documentation showing that they have met with neighbors to discuss additional project considerations.
17. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.
18. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
19. Traffic Study. Provide a memo analyzing existing and existing plus project traffic operations at University Avenue / California Street. Project shall use findings to revise the signal timing at University Avenue /California Street, updating pedestrian crossing times and implementing a leading pedestrian interval.
20. Construction Noise Reduction Program. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
 - A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

- 21. Damage Due to Construction Vibration.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

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

- 22. Tree Protection.** Tree protection fencing shall be shown on all demolition, site, landscaping, grading, and utility plans, and shall be installed prior to demolition, grubbing, or grading around the five existing Crepe Trees located along California Street. Fences shall be 6 feet in height, composed of chain link with posts sunk into the ground. Fences are to remain until all grading and construction is completed.
- 23. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable

measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

- 24. 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.
- 25. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 26. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 27. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
[http://www.cityofberkeley.info/uploadedFiles/IT/Level_3 - General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants

and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.

- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

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

D. Hazardous Materials Business Plan:

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

Prior to Issuance of Any Building (Construction) Permit

28. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
29. Percent for Public Art: Consistent with BMC §6.13 the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
30. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
31. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets

or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

32. 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.
33. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
34. Electric Vehicle (EV) Charging. At least 5 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations, at least 25 percent shall have installed low power Level 2 EV charging receptacles (20 amp), and at least 20 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions.
35. Nonresidential Electric Vehicle (EV) Charging. At least 10 percent of project parking spaces for nonresidential use shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations and/or DC Fast Charging Stations, and least 40 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements, as specified by the Berkeley Green Code (BMC Chapter 19.37). EV charging station installations and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions.
36. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
37. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The

building permit plan set submission shall include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.

38. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
39. 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.
40. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."
41. Affordable Housing Requirements. Project shall comply with BMC Chapter 23.328 Inclusionary Housing, effective April 1, 2023 and Resolution 70,698-N.S. Adopting Regulations for Voucher Program and Establishing an In-Lieu Fee to Support the Provision of Affordable Housing Pursuant to Berkeley Municipal Code 23.328 and Rescinding Resolution 70,668-N.S (attached).

Prior to Demolition or Start of Construction:

42. 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:

43. Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
44. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
45. 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.
- 46. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- 47. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project’s on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

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

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

48. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

49. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.

50. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

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

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

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the

surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

51. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
52. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
53. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of

the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

- 54. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 55. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 56. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff.

When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

- D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G. All private or public projects that create and/or replace 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.
57. 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.
58. 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.
59. 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.
60. 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.
61. 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.
62. 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:

63. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
64. 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 May 3, 2023, except as modified by conditions of approval.

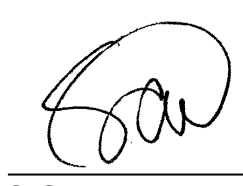
- 65. Number of Below Market Rate Units.** Should the Applicant elect to provide BMR units prior to receiving a building permit for the Project, they are entitled to eliminate or receive a proportional reduction in the AHMF consistent with BMC Section 22.20.065. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; 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. Any additional BMR units the applicant may choose to provide must also conform with these conditions.
- 66. Transportation-Crosswalk.** Project shall restripe north and south crosswalks at University/California with white continental crosswalk striping, per Caltrans standard
- 67. Transportation – Bulb Out.** Project shall establish a SW corner concrete sidewalk bulb out at University/California extending onto the University roadway, with bidirectional curb ramps. Existing conflicting right turn pocket striping to be removed by the Project.
- 68. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.
- A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s).
- B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit.
 2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.
- C. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- D. Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

69. Tree Protection – Inspections. Inspections by the City’s consulting arborist may be conducted throughout demolition and construction to ensure compliance with tree protection measures.
70. Transportation Demand Management Compliance. The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
71. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
72. 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.
73. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
74. 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.
75. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
76. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
77. 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.
78. Electric Vehicle (EV) Charging. Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use.
79. Nonresidential Electric Vehicle (EV) Charging. Required Level 2 charging stations and DC Fast Charge stations, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in *good working condition and made available for building occupant and/or visitor* use.

- 80. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
- 81. 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.
- A. 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
- 82. Transit Subsidy Condition.** If 10 or more employees, the business operator shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD


 SIGNATURE

May 11, 2023
 DATE

* Findings and Conditions Attached

**TRACHTENBERG
ARCHITECTS**

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

1598 UNIVERSITY

1548-1598 University Ave
Berkeley, CA

- 01.21.2022 SB-330 APPLICATION
- 03.03.2022 DESIGN STUDIES
- 03.18.2022 REVISED BASE PLANS
- 04.01.2022 ZONING APPLICATION
- 07.20.2022 ZONING APPLICATION
- 09.06.2022 ZONING RESUBMISSION
- 10.28.2022 ZONING RESUBMISSION
- 12.19.2022 ZONING RESUBMISSION
- 04.20.2023 DRC
- 05.11.2023 ZAB HEARING SET

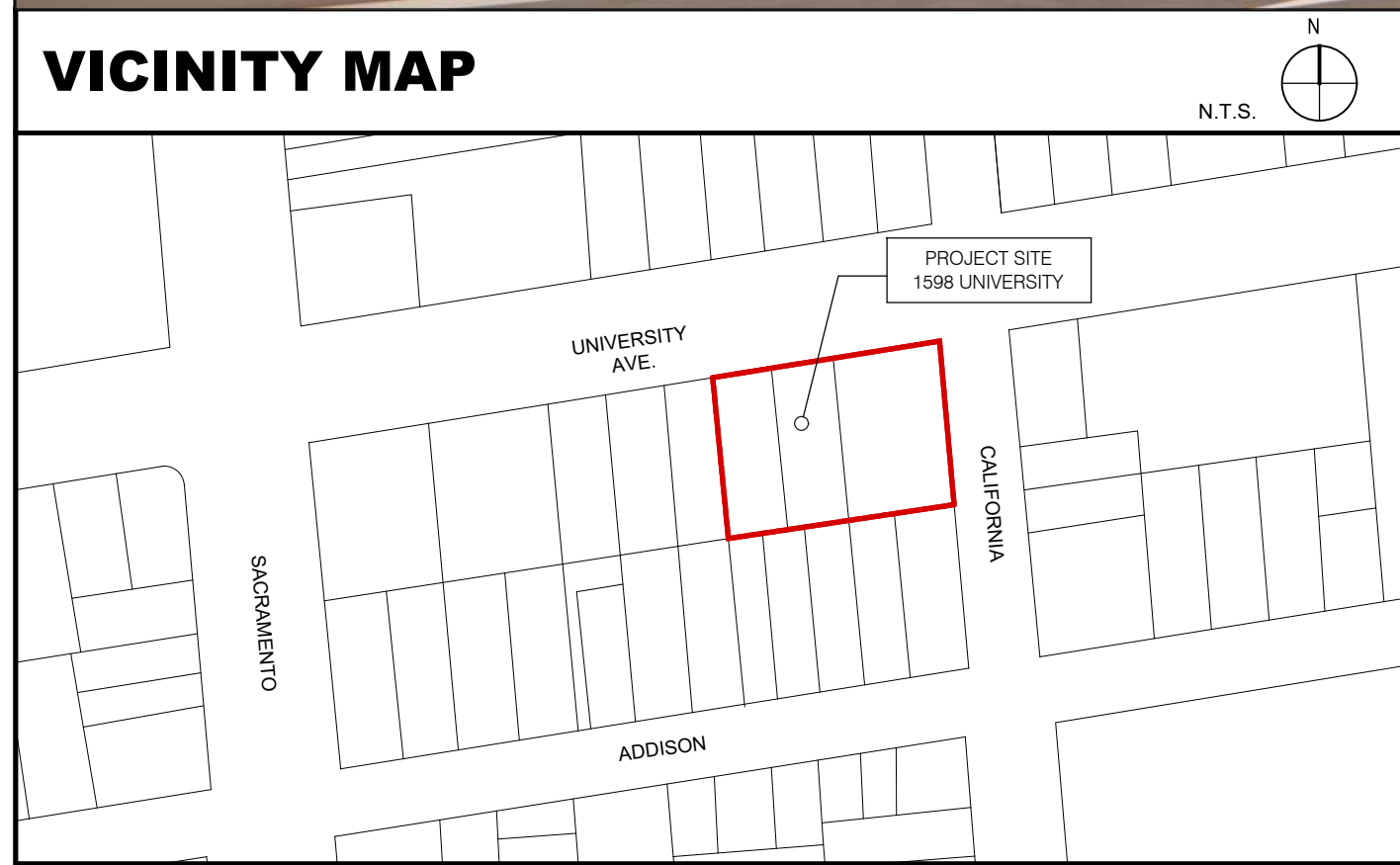
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2030

SHEET:

GENERAL INFORMATION

A0.0



PROJECT DIRECTORY

OWNER/APPLICANT:
1598 University Avenue, LLC
NK VENTURES
1598A University Ave
Berkeley, CA 94704

ARCHITECT:
David Trachtenberg, Principal
TRACHTENBERG ARCHITECTS
2421 Fourth Street
Berkeley, CA 94710
510.649.1414
www.TrachtenbergArch.com

PROJECT DESCRIPTION

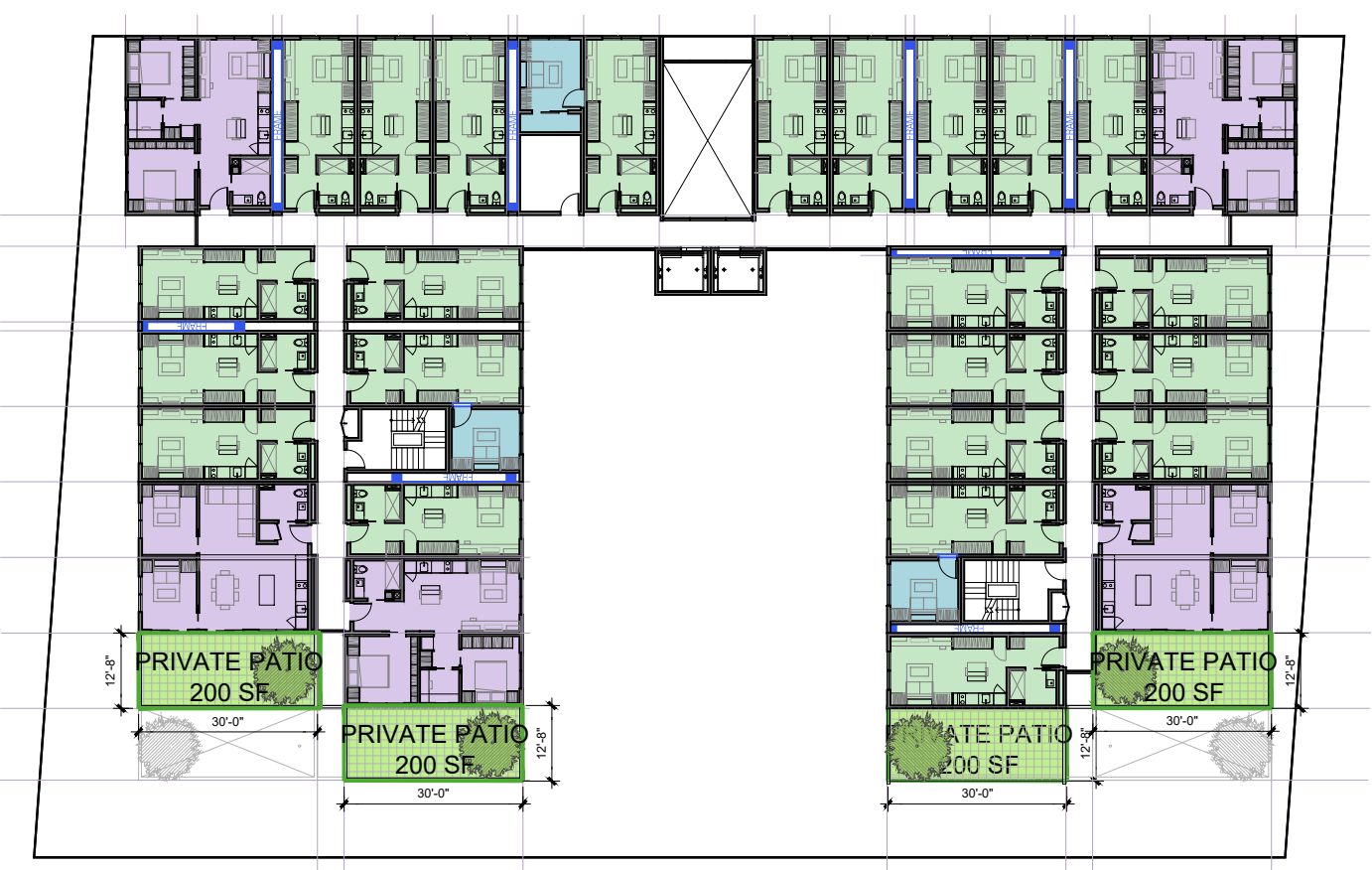
PROJECT ADDRESS: 1598 University Ave. Berkeley, CA 94703
(APN: 056 200300100) (056 200302500) (056 200302401)

SCOPE OF WORK:
REMOVAL OF TWO EXISTING 1 STORY COMMERCIAL STRUCTURES & CONSTRUCTION OF A NEW 8-STORY MIXED-USE BUILDING WITH 207 DWELLING UNITS, GROUND LEVEL LOBBIES, COMMERCIAL SPACE, AND PARKING GARAGE WITH STATE OF CALIFORNIA DENSITY BONUS.

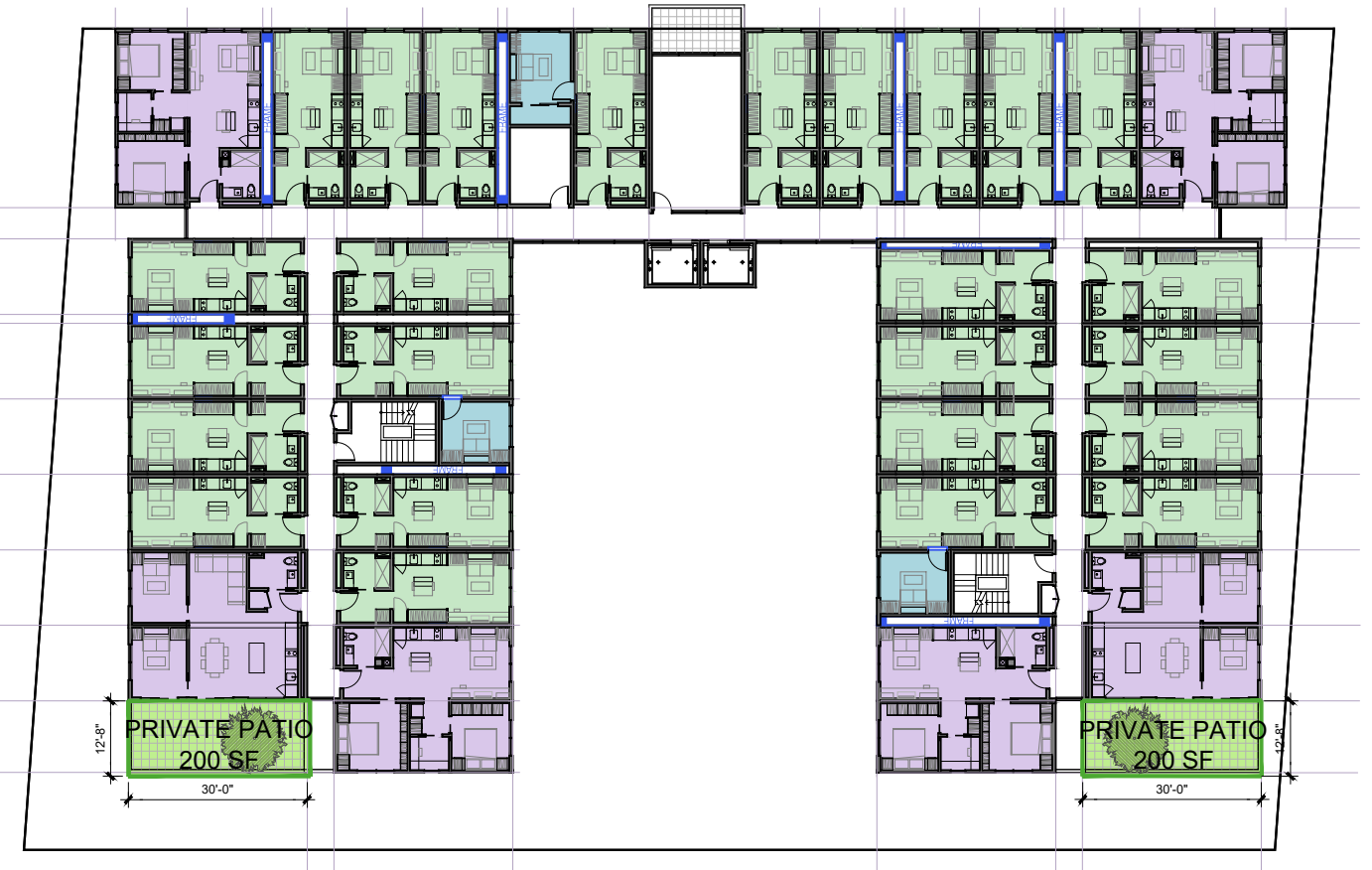
DRAWING LIST

A0.0 GENERAL INFORMATION	A3.4 BUILDING ELEVATIONS	L3.1 COURTYARD PLANTING IMAGERY
A0.1 ZONING INFORMATION & DIAGRAMS	A3.5 STREETSCAPE ELEVATIONS	H1.0 IRRIGATION PLAN
A0.3A DENSITY BONUS DIAGRAMS	A3.6 PHOTO CONTEXT VIEWS	I2.0 IRRIGATION NOTES, LEGEND, SCHEDULES, CALCS.
A0.4A SHADOW STUDIES	A3.7 PHOTO CONTEXT VIEWS	I2.1 IRRIGATION DETAILS
A0.4B SHADOW STUDIES	A3.8 CONCEPTUAL RENDERING	I2.2 IRRIGATION DETAILS
A0.4C SHADOW STUDIES	A3.9 CONCEPTUAL RENDERING	
A0.5 SITE CONTEXT PHOTOS	A3.10 CONCEPTUAL RENDERING	
A0.6 VICINITY MAP	A3.11 CONCEPTUAL RENDERING	
A1.1 SURVEY	A3.12 CONCEPTUAL RENDERING	
A1.2 SURVEY	A3.13 CONCEPTUAL RENDERING	
A2.1 FLOOR PLAN	A4.1 BUILDING SECTION	
A2.2 FLOOR PLAN	A4.2 BUILDING SECTION	
A2.3 FLOOR PLAN	MAT MATERIAL BOARD	
A2.4 FLOOR PLAN		
A2.5 FLOOR PLAN		
A2.6 ROOF PLAN	LANDSCAPE SHEETS	
A3.1 BUILDING ELEVATIONS	L1.0 COURTYARD LANDSCAPE CONCEPT PLAN&SITE FEATURES	
A3.2 BUILDING ELEVATIONS	L2.0 LANDSCAPE SITE PLAN	
A3.3 BUILDING ELEVATIONS	L2.1 COURTYARD LANDSCAPE PLAN	
	L3.0 COURTYARD SITE IMPROVEMENT IMAGERY	

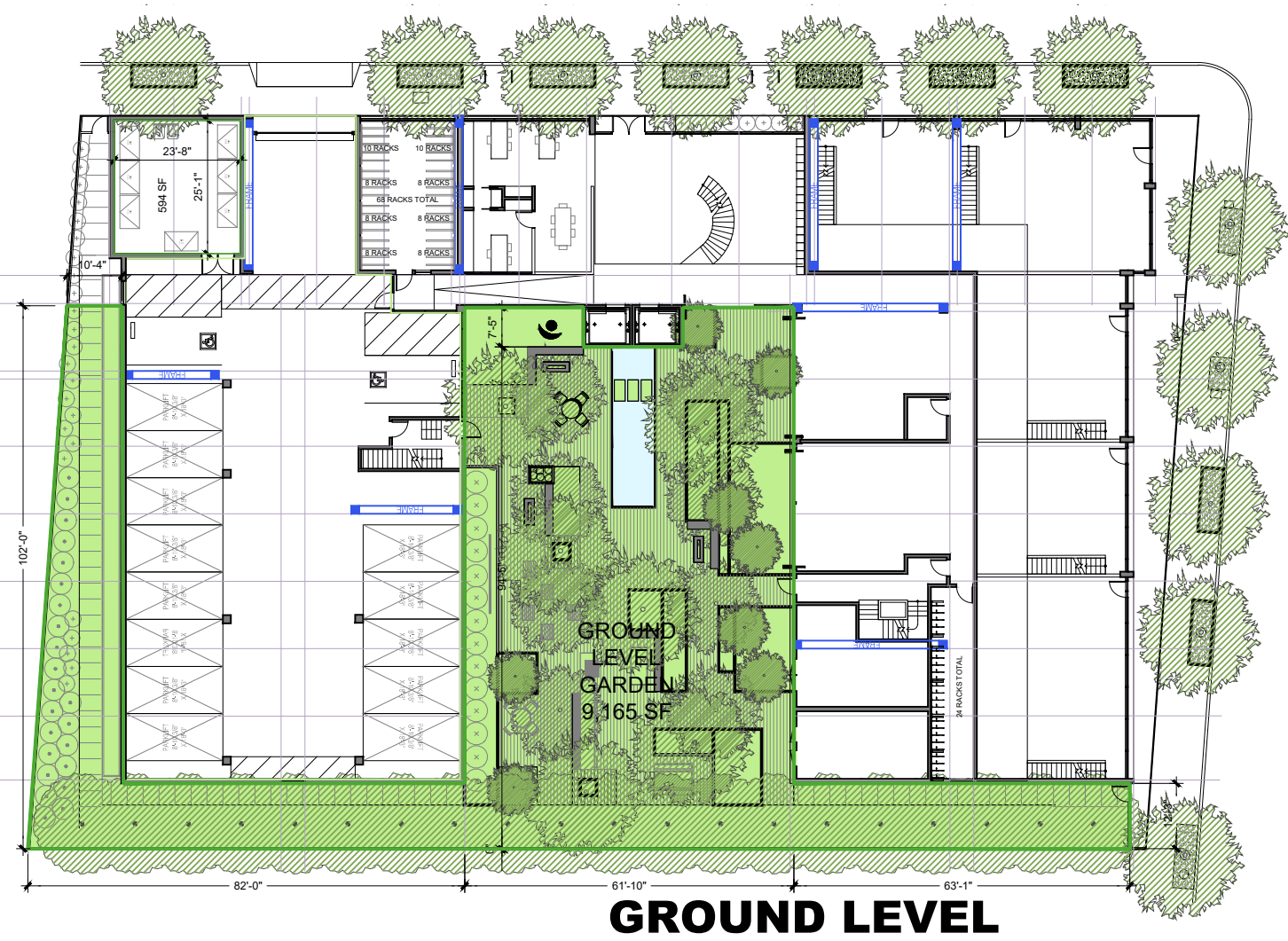
OPEN SPACE DIAGRAMS



LEVEL 8

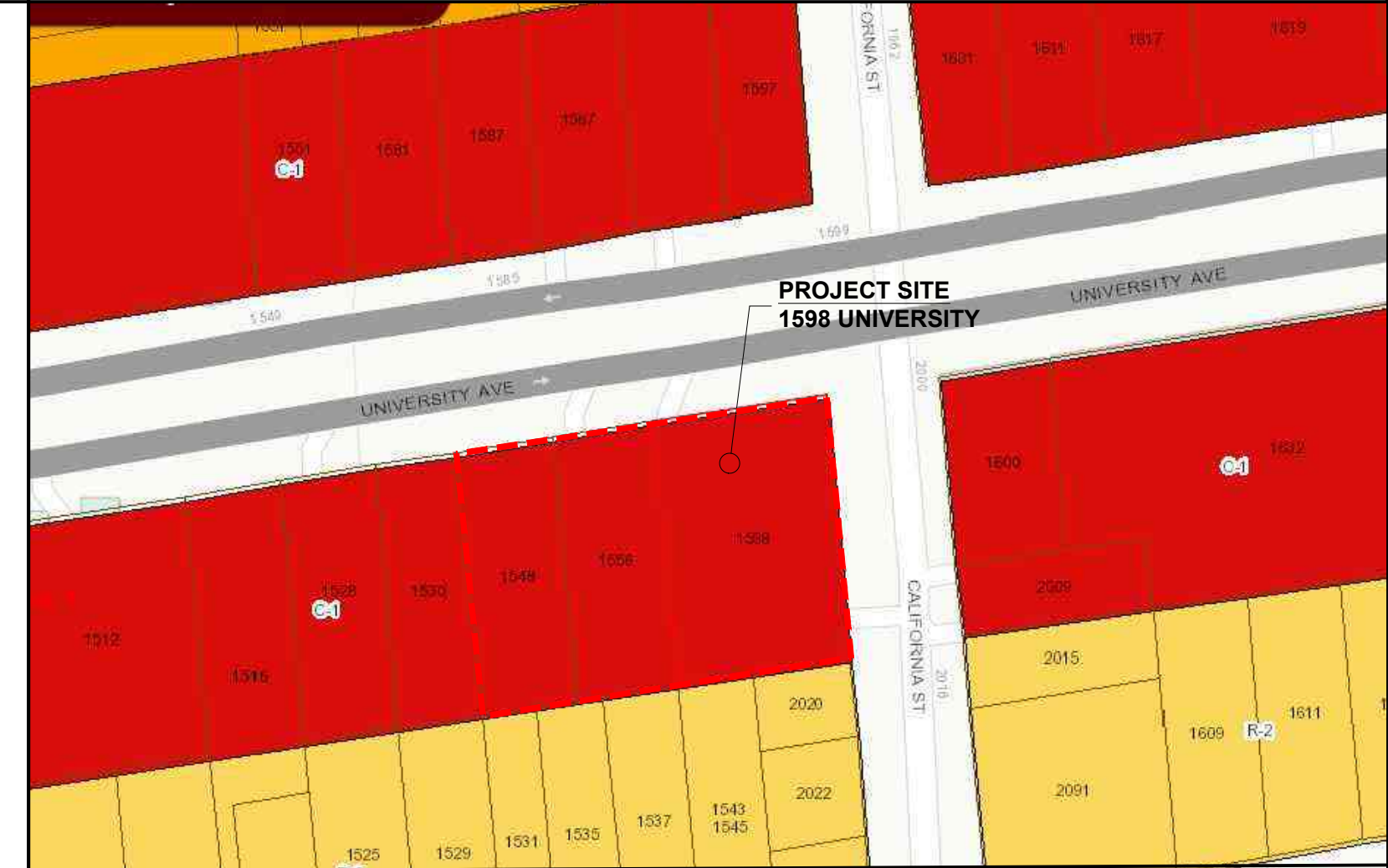


LEVEL 7

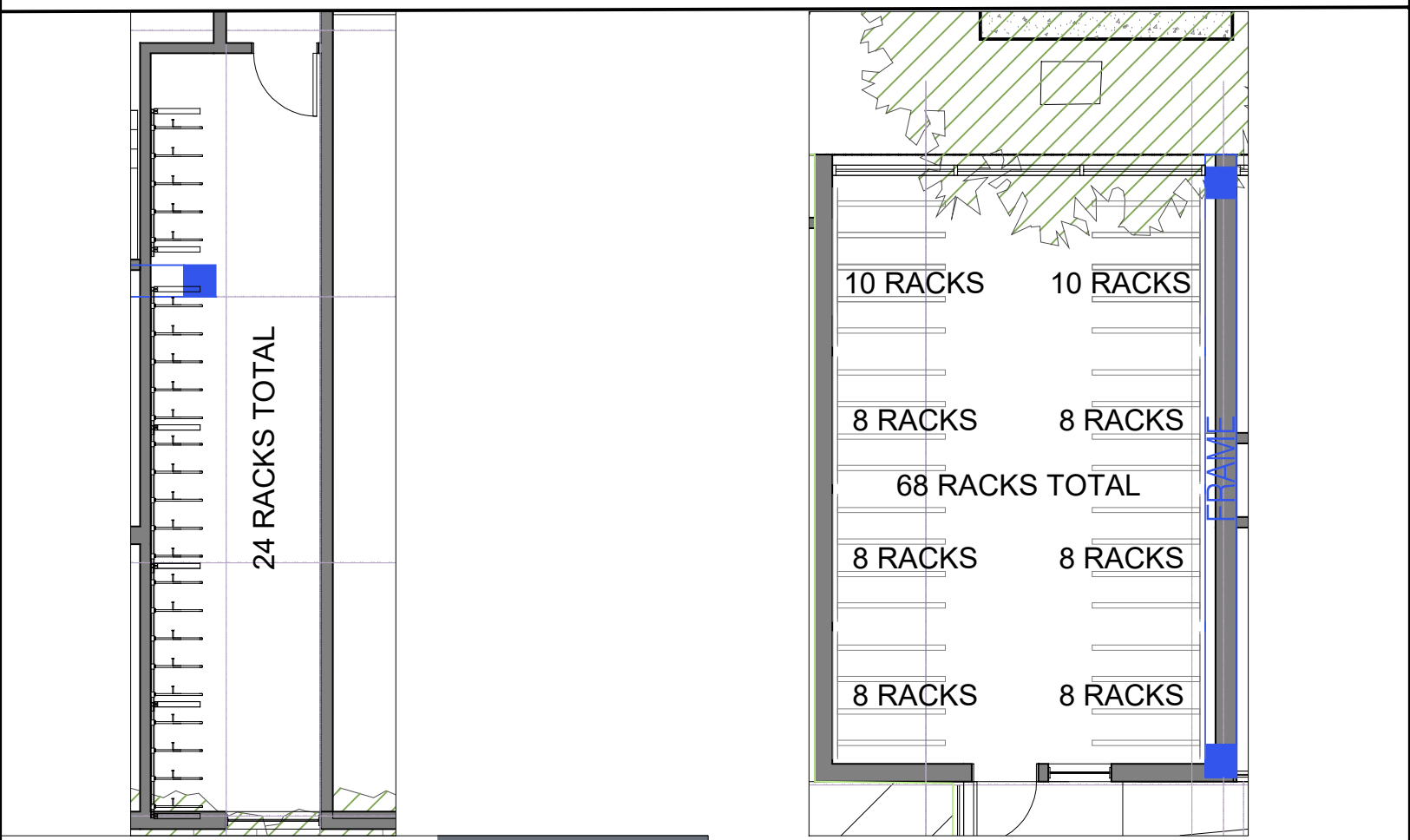


GROUND LEVEL

ZONING MAP



BIKE ROOM 92 BIKE RACKS TOTAL



Vertical Rack

Recommended Setbacks

Stretch Rack

Recommended Spacing

Product Details

- Modular construction allows for easy expansion, side by side or back to back.
- Staggered bike position saves space and eases clearance between bikes.
- Can be combined with vertical racks for full bike room layout.
- Stacks are designed to interlock for easy installation and removal.
- Stacks are designed to be used together.

ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS

	STANDARD ZONING	ALLOWABLE W/ UP'S & AUP'S	PROPOSED W/ DENSITY BONUS	COMPLIANCE
ZONING	C-U UASP NODE OVERLAY			
LOT AREA	28,936	28,936	28,936	
LOT AREA (ACRES)	0.66	0.66	0.66	
NUMBER OF DWELLING UNITS	N/A	N/A	207	
FRONT YARD SETBACK (CALIFORNIA)	NO MIN.	NO MIN.	5'-8" AVG.	COMPLIES
REAR YARD SETBACK (ABUTS COMMERCIAL&RESIDENTIAL)	20' AVG.	NO MIN.	5'-5" TO 17'-7"	COMPLIES W/WAIVER
STREET SIDE YARD SETBACK (UNIVERSITY)	2' AVG.	2' AVG.	0'	COMPLIES W/WAIVER
INTERIOR SIDE YARD SETBACK (ABUTS RESIDENTIAL)	NO MIN.	NO MIN.	37'-1" AVG.	COMPLIES
BUILDING HEIGHT	48'	48'	89'-2"	COMPLIES W/WAIVER
BUILDING STORIES	4	4	8	COMPLIES W/WAIVER
LOT COVERAGE	100%	100%	65%	COMPLIES
BUILDING FOOTPRINT	28,936	28,936	18,839	COMPLIES
FAR	3.0	3.0	4.41	COMPLIES W/WAIVER
TOTAL GSF	86,808	86,808	127,492	COMPLIES W/WAIVER
USABLE OPEN SPACE (SEE TABLE)	200sf / unit	modifiable with UP	SEE TABLE	COMPLIES W/ CONCESSION
PARKING	0	0	SEE TABLE	COMPLIES
BIKE PARKING	SEE TABLE	SEE TABLE	SEE TABLE	COMPLIES
UASP - COMMERCIAL AREA (MIN. % SITE AREA)	30%	30%	21%	COMPLIES W/ CONCESSION
UASP - COMMERCIAL AREA (MIN. GSF)	8,681	8,681	5,943	SEE ABOVE
UASP - COMMERCIAL MIN. FRONTAGE (UNIVERSITY)	75%	35% W/UP	35%	COMPLIES W/ CONCESSION
UASP - OPEN SPACE ENHANCING ENTRY	10%	10%	10%	COMPLIES
UASP - MIN. AREA OF PEDESTRIAN PLAZA OPEN SPACE	1%	1%	3%	COMPLIES

PROPOSED FLOOR AREA WITH DENSITY BONUS

	COMMERCIAL	RESIDENTIAL	TOTAL	REF. PARKING
LEVEL 8		15,235	15,235	
LEVEL 7		17,216	17,216	
LEVEL 6		17,649	17,649	
LEVEL 5		18,018	18,018	
LEVEL 4		17,649	17,649	
LEVEL 3		18,018	18,018	
LEVEL 2		10,816	10,816	
GROUND LEVEL	5,943	6,948	12,891	6,561
TOTAL FLOOR AREA W/ DENSITY BONUS	5,943	121,549	127,492	6,561

UNIT COUNTS

UNIT TYPE	STUDIO	1-BED	2-BED	TOTAL
LEVEL 8	20	3	5	28
LEVEL 7	22	3	6	31
LEVEL 6	24	3	6	33
LEVEL 5	24	3	6	33
LEVEL 4	24	3	6	33
LEVEL 3	24	3	6	33
LEVEL 2	11	2	3	16
GROUND LEVEL	0	0	0	0
TOTAL UNITS	149	20	38	207
PERCENT OF TOTAL	72%	9%	18%	
TOTAL BEDROOMS	149	20	76	245

OPEN SPACE TABLE

	UNITS	RATIO	TOTAL	LANDSCAPE AREA (40%)
REQUIRED OPEN SPACE	207	200	41,400	
TOTAL CONCESSION REQUESTED			31,035	
TOTAL AREA PROVIDED			10,365	4,537
GROUND LEVEL GARDEN			9,165	4,537
PRIVATE PATIOS	6	200	1,200	NA

BIKE PARKING CALCULATIONS

	UNITS/SF	SPACES	PER	TOTAL REQ	PROPOSED
NEW COMMERCIAL	5,943	1	2000	3	3
RESIDENTIAL (LONG TERM) (PER BEDROOM)	245	1	3	82	82
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	245	1	40	7	7
TOTAL BICYCLE PARKING				92	92

PARKING TABLE

	UNITS/SF	SPACES	PER	TOTAL REQ	PROPOSED
RESIDENTIAL	207	0	0	0	27
COMMERCIAL	5,943	2	1000	12	12
TOTAL					39

ROOFTOP ARCHITECTURAL ELEMENTS CALC

AVERAGE AREA	1593
TOTAL AREA OF ROOFTOP ELEMENTS	5
% AREA OF ROOFTOP ARCH. FEATURES	3.6
ALLOWABLE % (PER 23E.04.020C)	15.0%

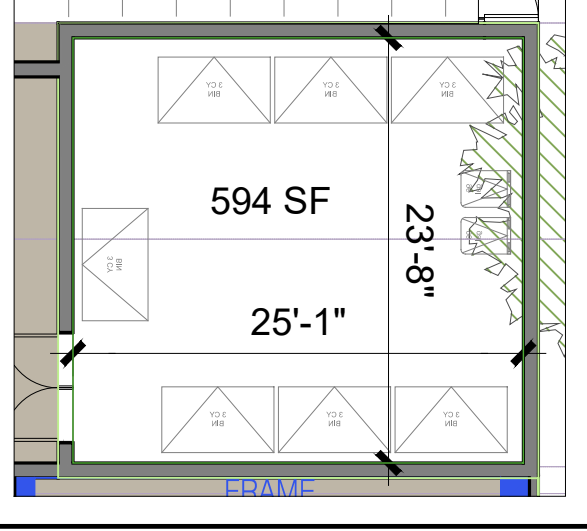
REFUSE AND RECYCLING

Waste and Recycling Calculation

# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3)	Waste (40%)	Recycling (40%)	Organics (20%)
245	1.00	245	20.42 cy, 4,083 gal, 8,17 cuft	1,633 gal	1,633 gal	817 gal

Space Calculation

Container Quantities	Space Required	150% Additional
Waste	Factor/container	Space/Container
3 cy bin (606 gal)	3	3
96 gallon cart	1	2
64 gallon cart	1	2
Total capacity	1818 gal	1818 gal



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ZONING DATA

A0.1

DENSITY BONUS TABLE

Base Project	Base # Units	Base # Units (rounded up)	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
sq. ft. - see calculation below	138	138	15%	20.70	21.00	50.0%	69.0000	69	207

Base Project Res. Area	Floor	Proposed Project Res. Area	#VLI	%VLI	%DB	#DB	#Concessions
	Eighth	15,235	7	5%	20.0%	166	1
	Seventh	17,216	9	6%	22.5%	170	1
	Sixth	17,649	10	7%	25.0%	173	1
	Fifth	18,018	12	8%	27.5%	176	1
	Fourth	17,649	13	9%	30.0%	180	1
	Third	18,018	14	10%	32.5%	183	2
	Second	10,816	16	11%	35.0%	187	2
	Mezzanine	1,247	17	12%	38.75%	192	2
	Ground	6,948	18	13%	42.5%	197	2
	Ground	6,948	20	14%	46.3%	202	2
	Ground	6,948	21	15%	50.0%	207	3

Base Project # of Units	Floor	Proposed # of Units
	Eighth	28
	Seventh	31
	Sixth	33
	Fifth	33
	Fourth	33
	Third	33
	Second	16
	Ground	15
Total Units:		207
Average Unit Size:		587sf

BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	CODE SECTION	PROPOSED BASE PROJECT	ZONING COMPLIANCE
ZONING				
C-U UASP OVERLAY				
TOTAL LOT SIZE (SQ. FT.)	28,936			
TOTAL LOT SIZE (ACRES)	0.66			
LOT COVERAGE	100%	100%	75%	COMPLIES
FLOOR AREA RATIO (FAR)	3.00	3.00	3.00	COMPLIES
HEIGHT - FEET	48'-0"	48'-0"	48'-0"	COMPLIES
HEIGHT - STORIES	4	4	4	COMPLIES
SETBACK - FRONT (UNIVERSITY)	2' AVG.	2' AVG.	2' AVG.	COMPLIES
SETBACK - REAR	10 feet or 10% of the lot depth	10 feet or 10% of the lot depth	10 feet or 10% of the lot depth	COMPLIES
SETBACK - STREET SIDE (CALIFORNIA)	2' AVG.	2' AVG.	2'	COMPLIES
SETBACK - INTERIOR SIDE	0'	0'	5'	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	138	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	149	COMPLIES
RESIDENTIAL BEDS	NA	NA	149	COMPLIES
RESIDENTIAL PARKING (SEE TABLE)	0	0	7	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	12	11	12	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	50	50	52	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	4	4	4	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	3	3	3	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	27600	0	23,204.060.D.3.(a)	COMPLIES
COMMERCIAL OPEN SPACE (SEE TABLE)	n/a	0	23,204.060.D.3.(a)	COMPLIES
UASP - COMMERCIAL AREA (MIN. % SITE AREA)	30%		30%	COMPLIES
UASP - COMMERCIAL AREA (MIN. GSF)	8680.8		8681	COMPLIES
UASP - COMMERCIAL MIN. FRONTAGE (UNIVERSITY)	75%		75%	COMPLIES
UASP - OPEN SPACE ENHANCING ENTRY	10%	10%	10%	COMPLIES
UASP - MIN. AREA OF PEDESTRIAN PLAZA OPEN SPACE	1%	1%	1%	COMPLIES

PARKING CALCULATIONS	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL	138	0.5 MAX	1	0	7
COMMERCIAL	5787	2.0	1,000	12	12

BICYCLE PARKING CALCULATIONS	QNTY	BIKES	PER BEDROOM	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM)	149	1	3	50	52
RESIDENTIAL (SHORT TERM)	149	1	40	4	4
COMMERCIAL (SHORT TERM)	5787	1.0	2,000	3	3

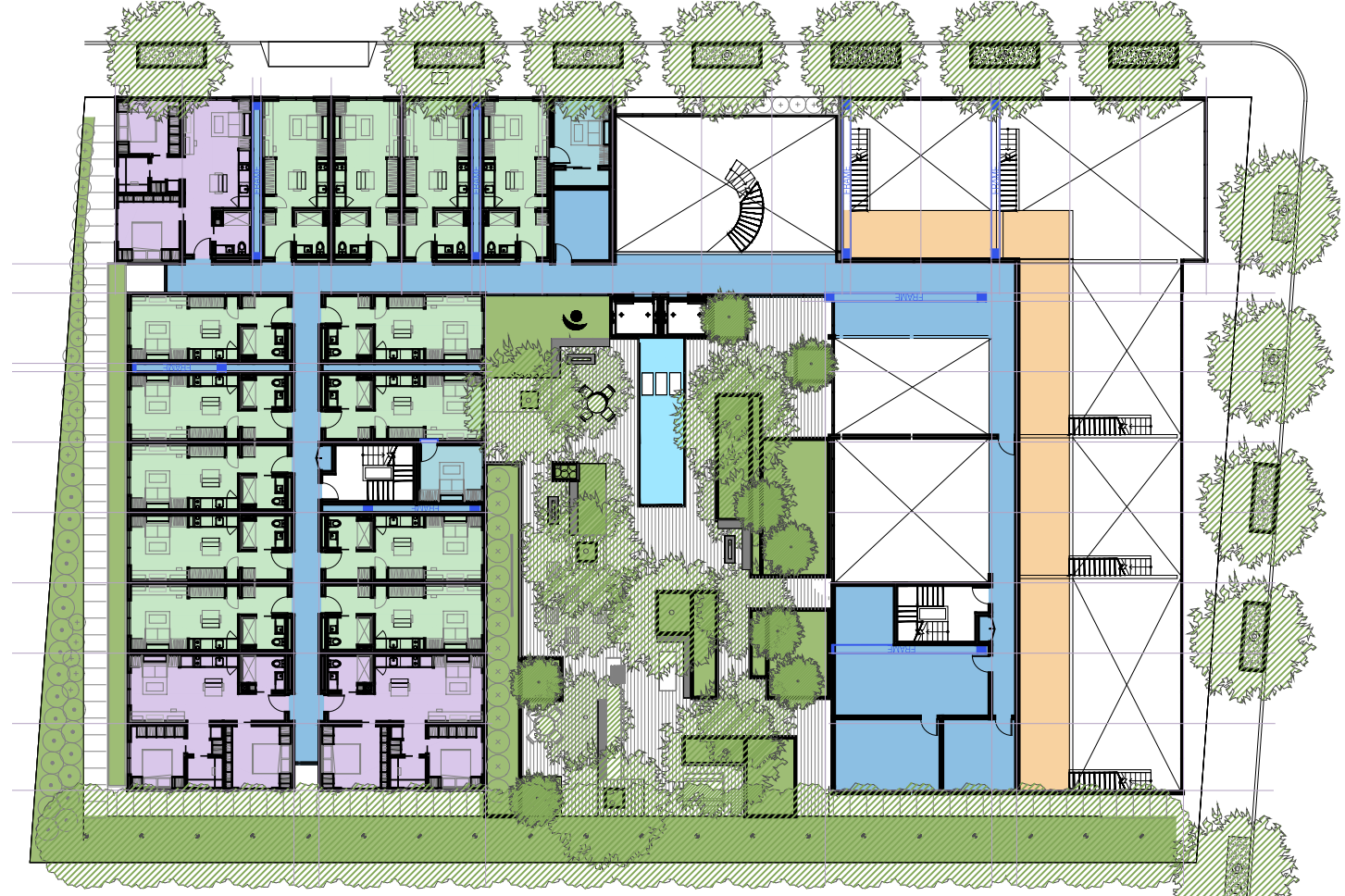
OPEN SPACE CALCULATIONS	UNITS	SF / UNIT	TOTAL REQ'D
RESIDENTIAL REQUIREMENT	138	200	27,600
TOTAL PROVIDED			6,536

AREA TABLE	RESIDENTIAL	COMMERCIAL	TOTAL
ROOF			
LEVEL 4	21,710		21,710
LEVEL 3	21,710		21,710
LEVEL 2	21,710		21,710
GROUND LEVEL	15,915	5,787	21,702
TOTAL	81,045	5,787	86,832

DWELLING UNIT TABLE	STUDIO	1-BR	2-BR	TOTAL
ROOF				
LEVEL 4	16	22	3	41
LEVEL 3	16	22	3	41
LEVEL 2	16	22	3	41
GROUND LEVEL	3	10	2	15
BASEMENT				
TOTAL UNITS	51	76	11	138
BEDROOMS / UNIT	1	1	2	
TOTAL BEDROOMS	51	76	22	149
BEDS / UNIT	1	1	2	
TOTAL BEDS	51	76	22	149



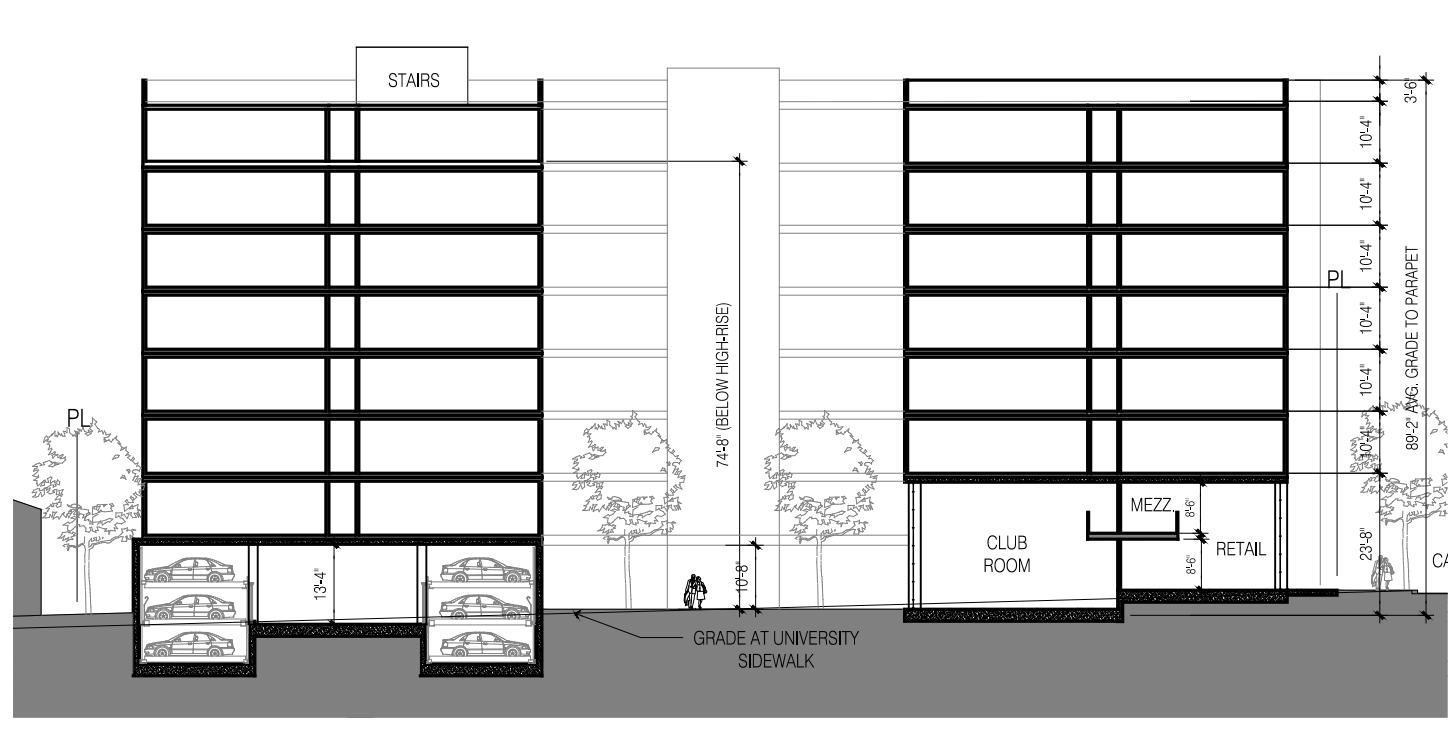
PLAN AT LEVELS 3-6



PLAN AT LEVEL 2



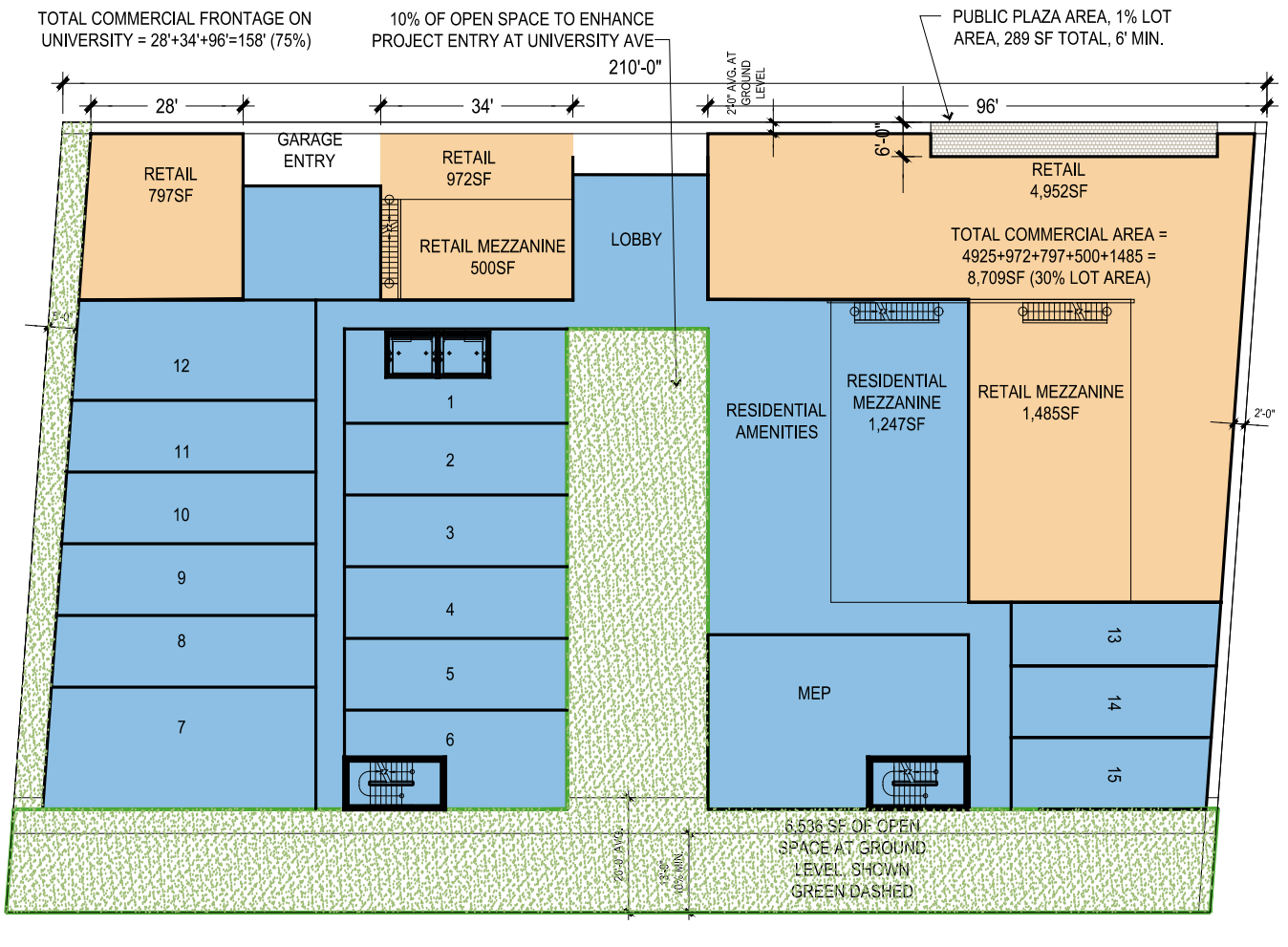
PLAN AT GROUND



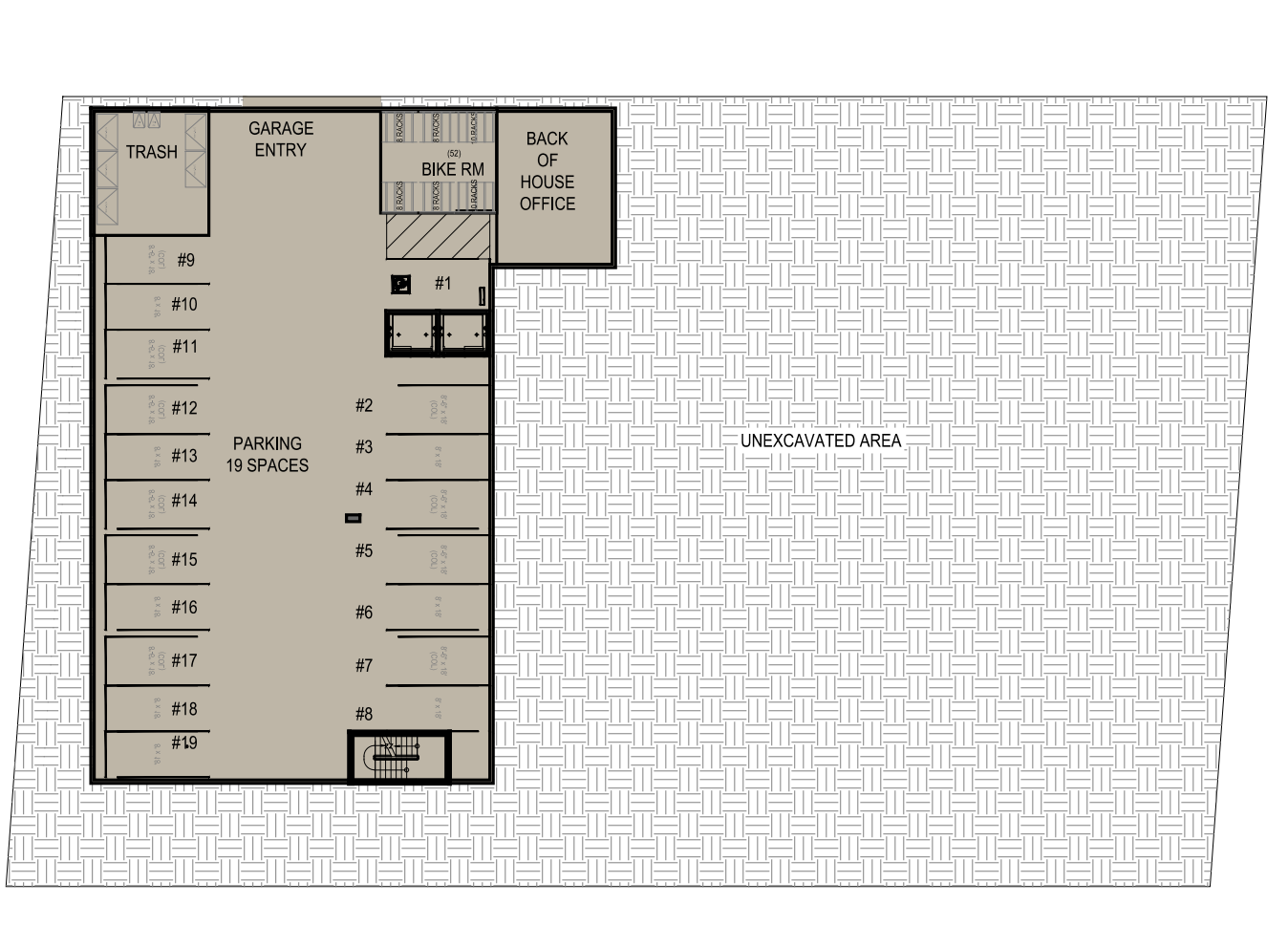
PROPOSED DENSITY BONUS PROJECT



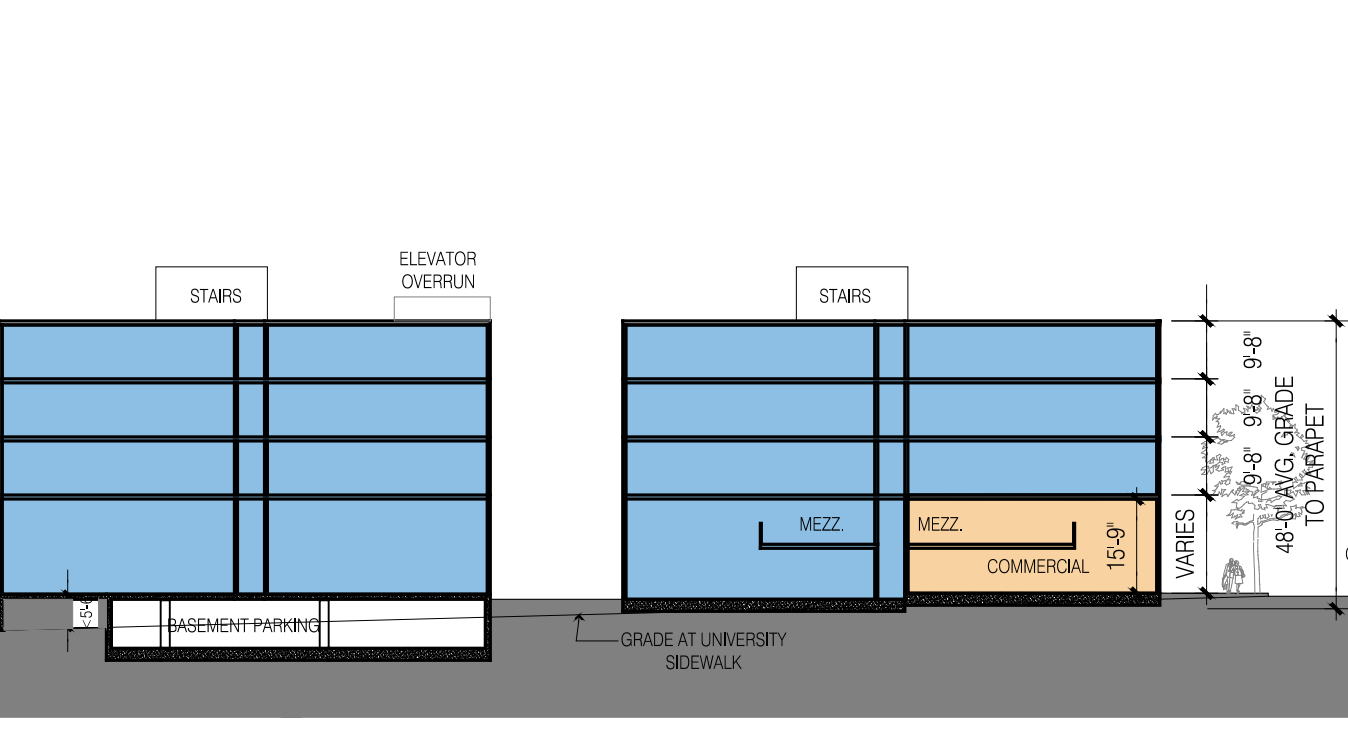
PLAN AT LEVELS 2-4



PLAN AT GROUND / MEZZANINE



PLAN AT BASEMENT PARKING



BASE PROJECT



PLAN AT LEVEL 8



PLAN AT LEVEL 7

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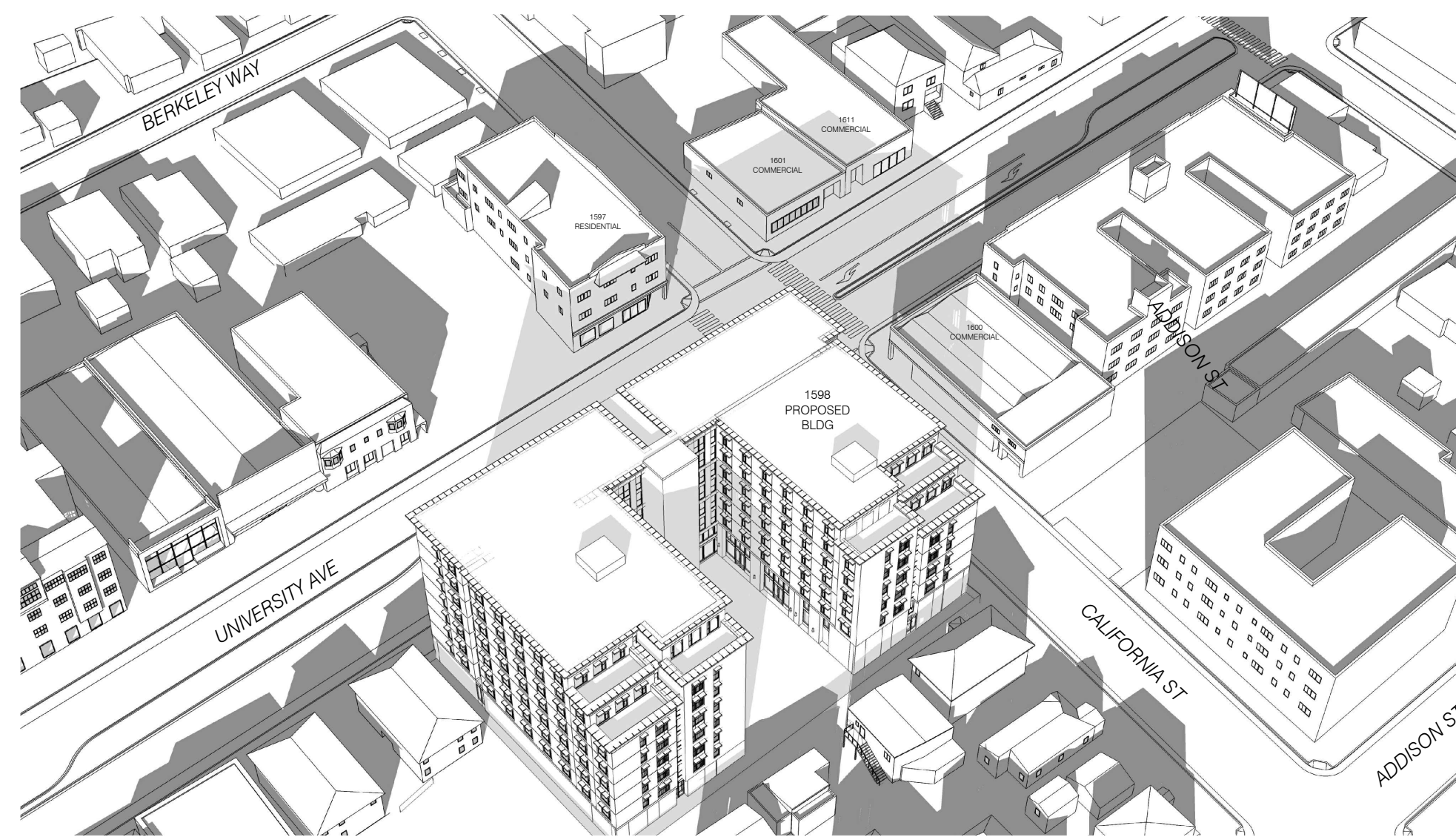
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DENSITY BONUS DIAGRAMS

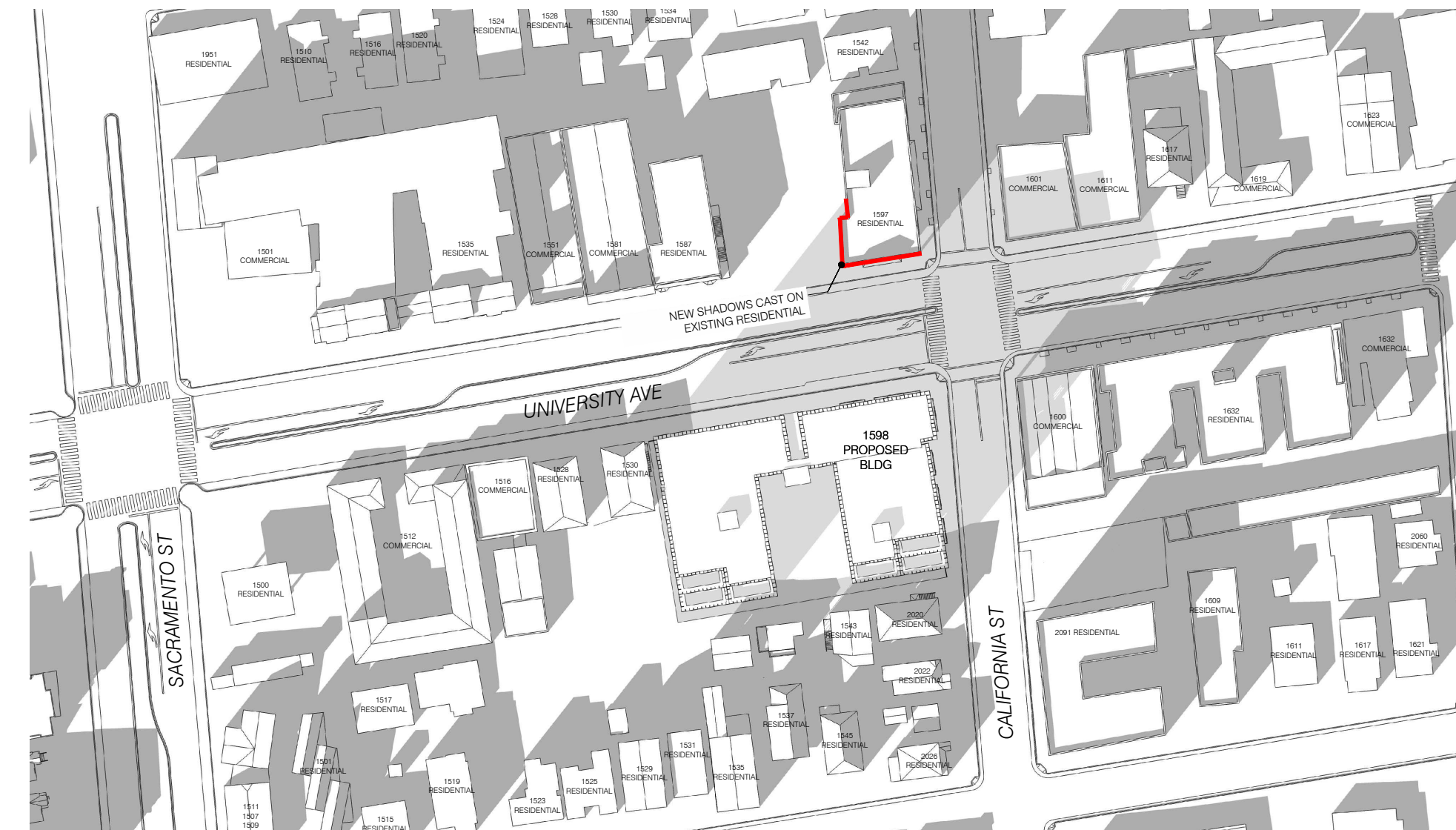
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WINTER SOLSTICE
DEC 21ST:
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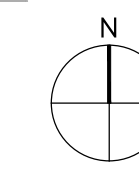
 DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 NEW SHADOW AT RESIDENTIAL BUILDING
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS






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

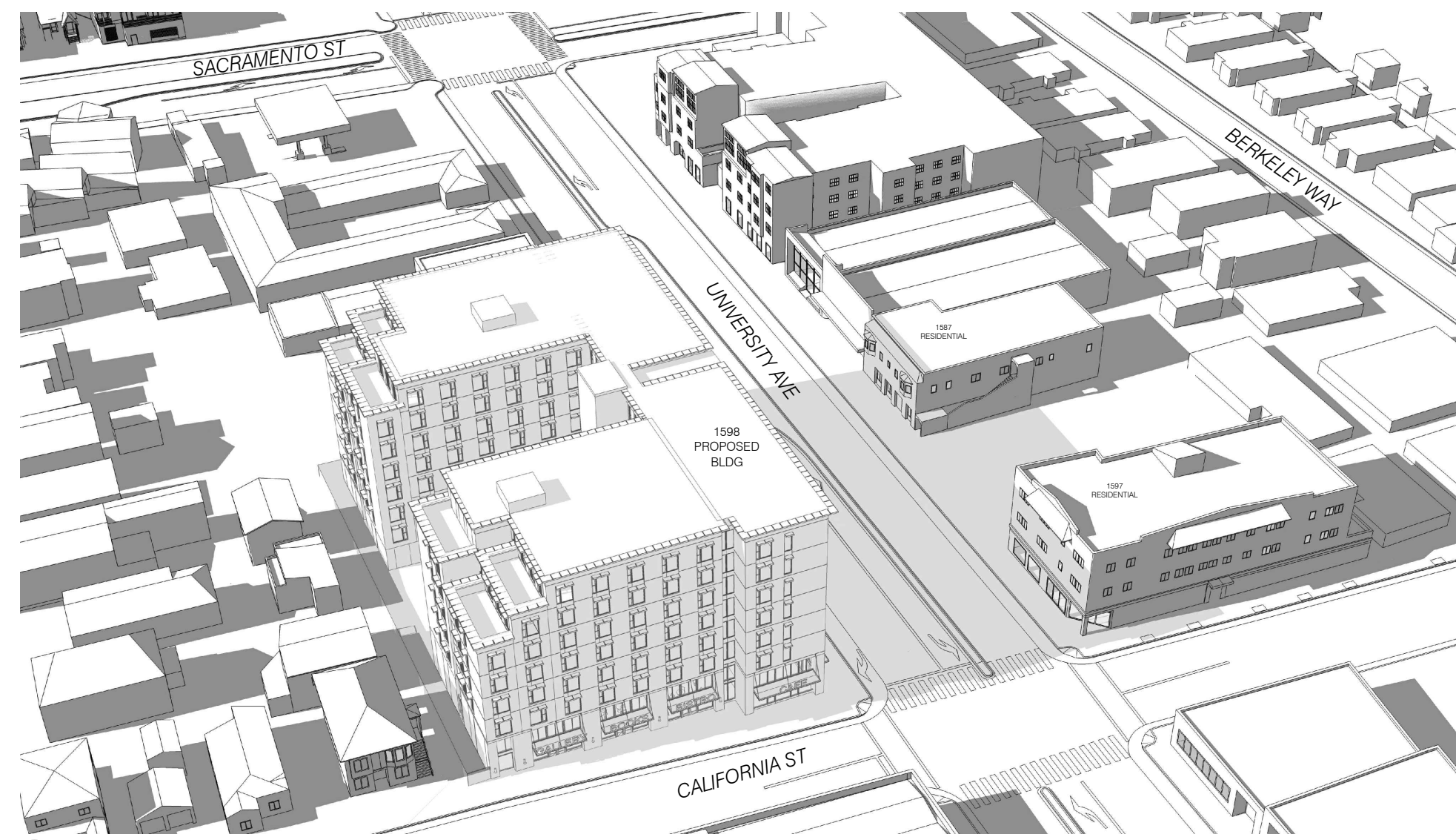


5 SHADOW STUDY - PM
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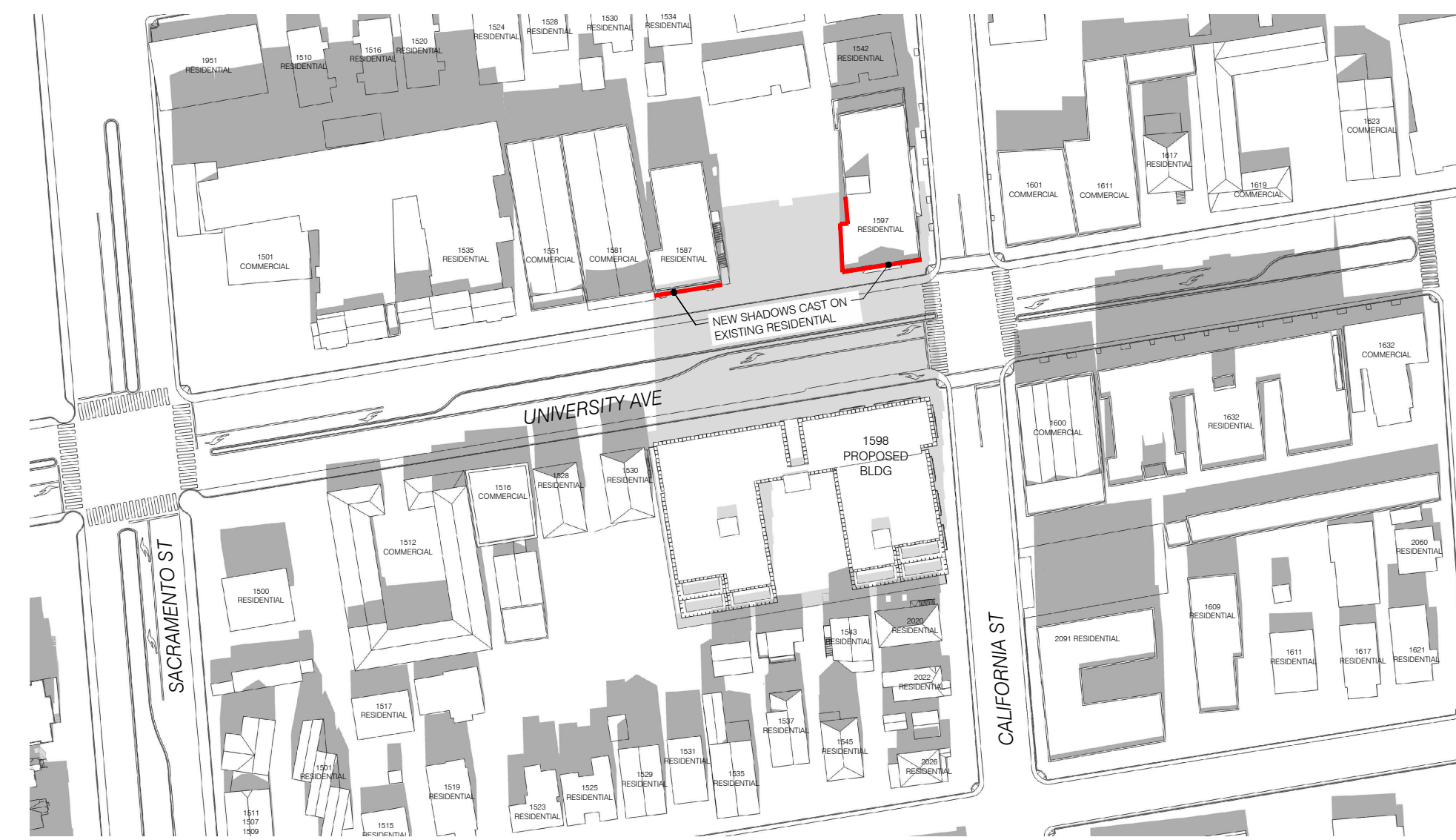


WINTER SOLSTICE
DEC 21ST:
NOON

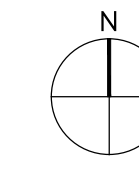
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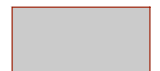

4 SHADOW STUDY AXONOMETRIC - NOON
N.T.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36



WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

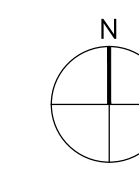
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2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36



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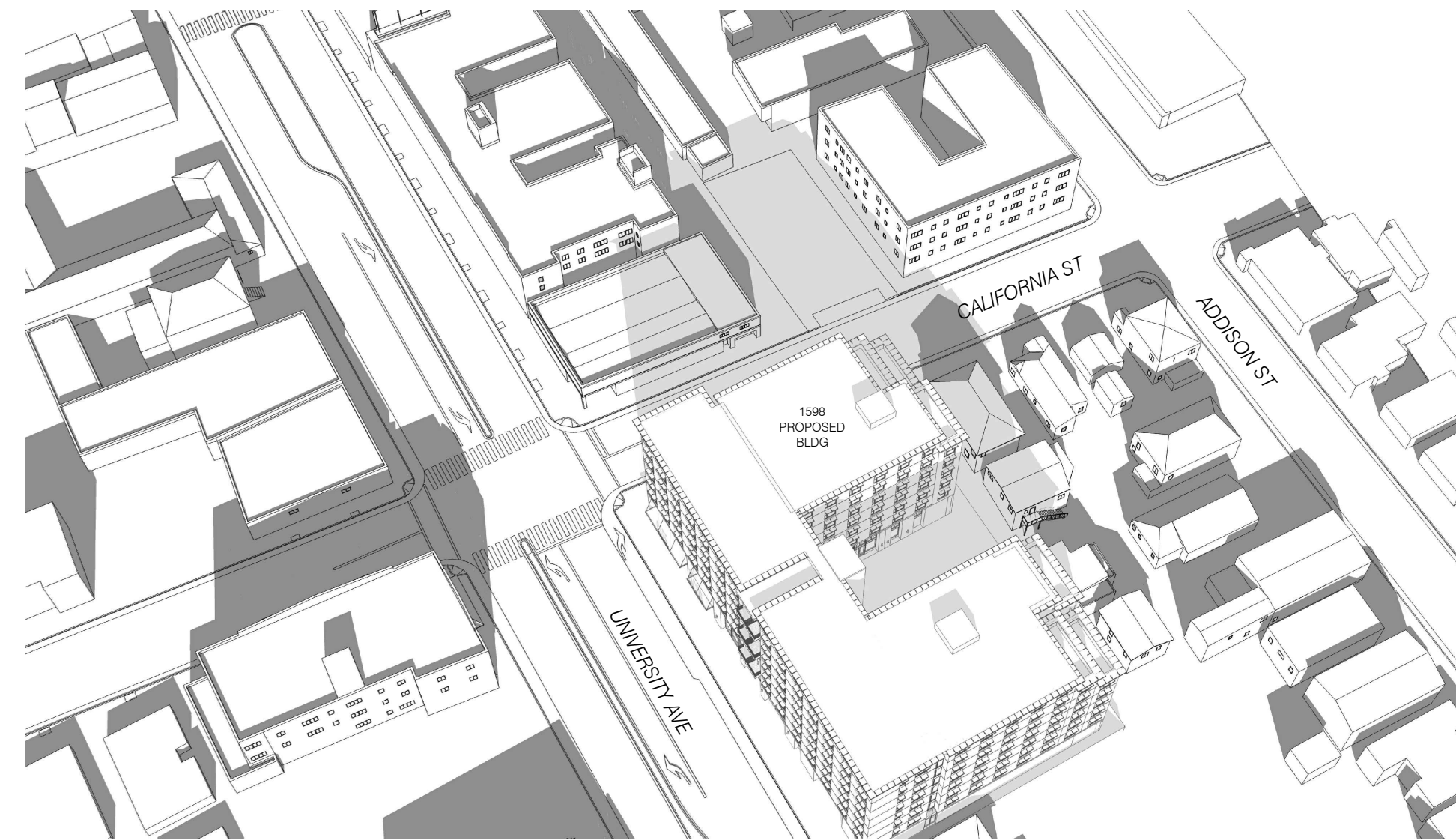
SHADOW STUDIES
DECEMBER 21ST

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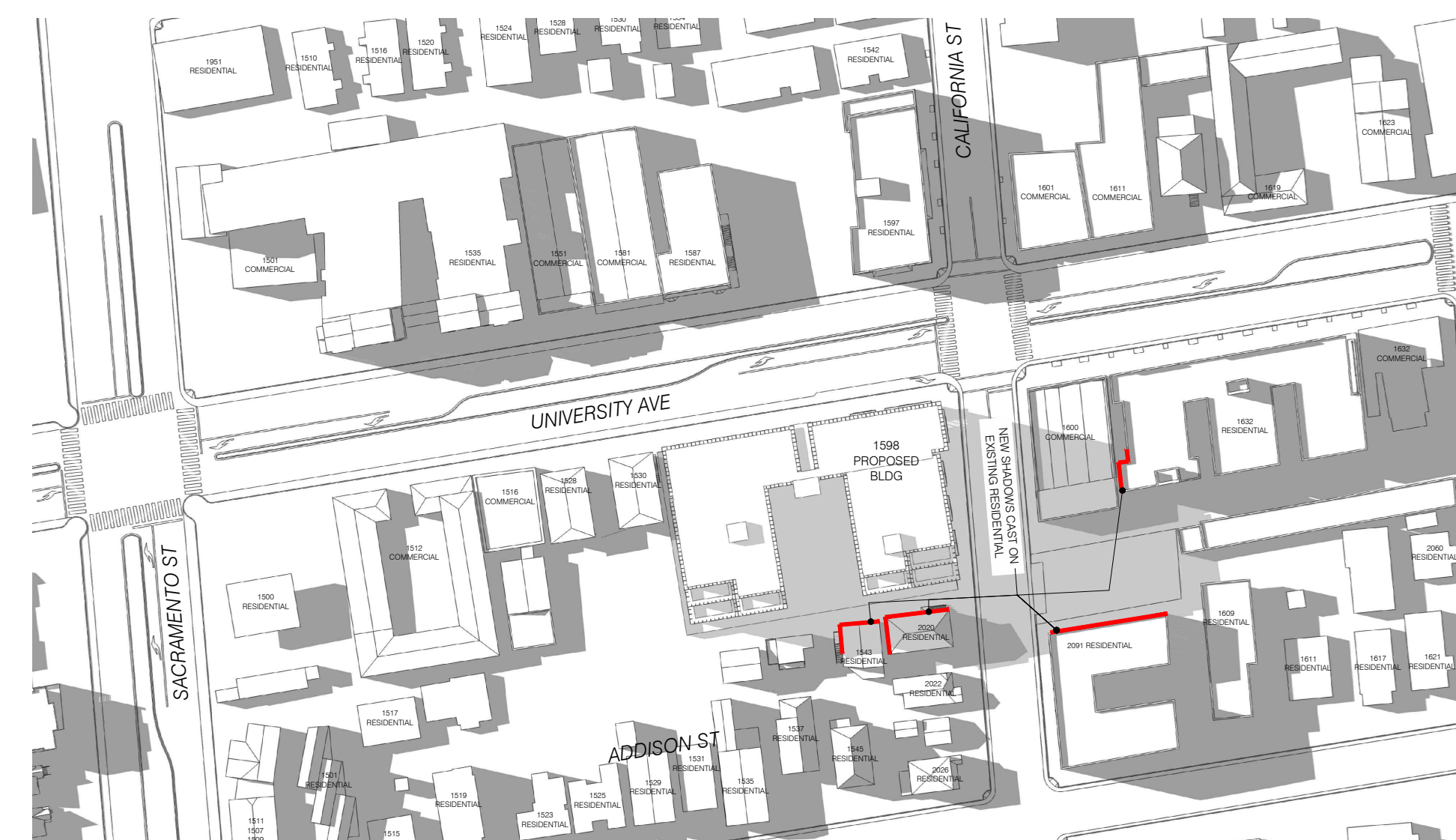
SUMMER SOLSTICE
JUN 21ST:
2-HRS BEFORE SUNSET (PM)

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

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS






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

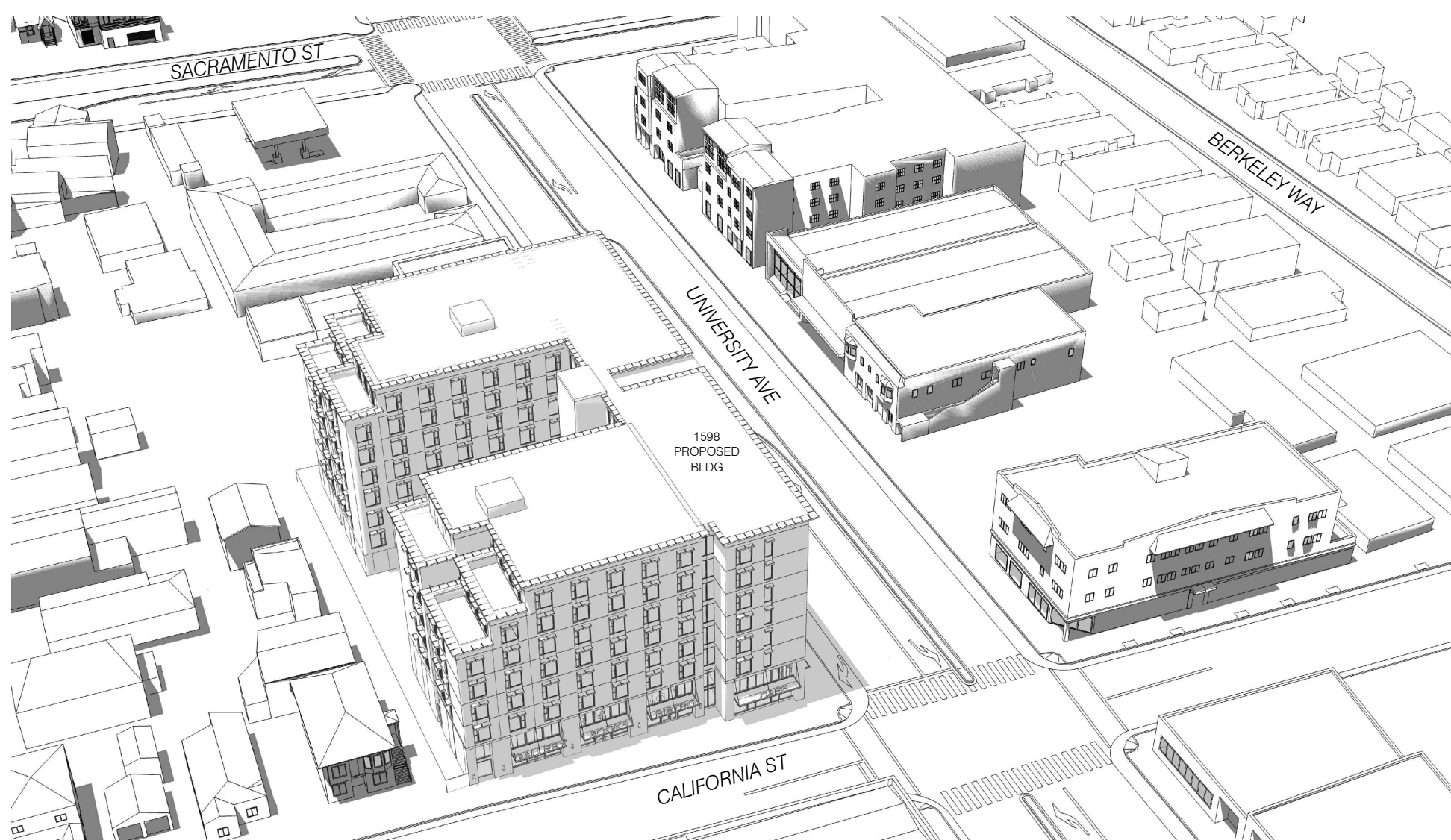


5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

SUMMER SOLSTICE
JUN 21ST:
NOON

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

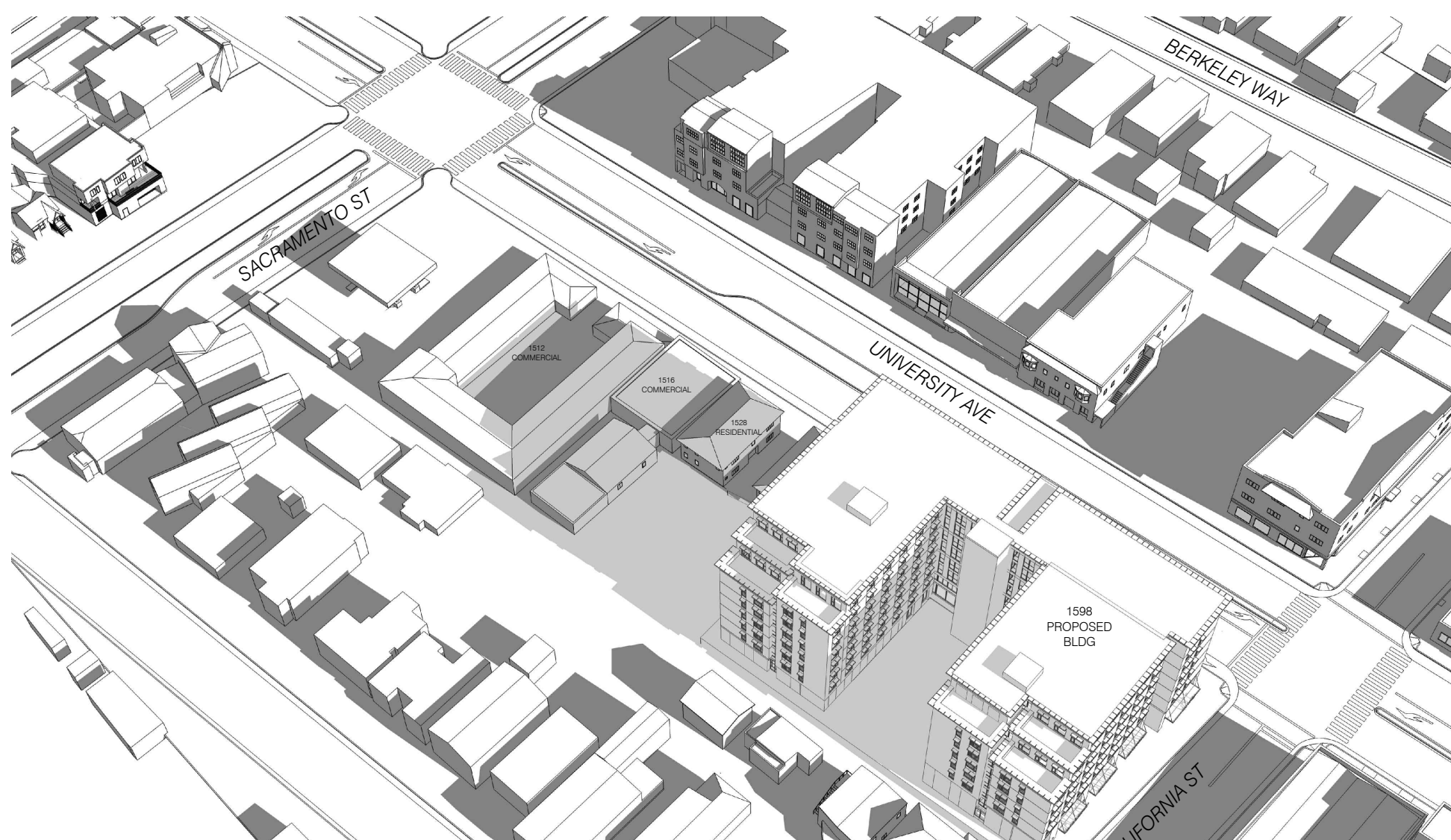


3 SHADOW STUDY - NOON
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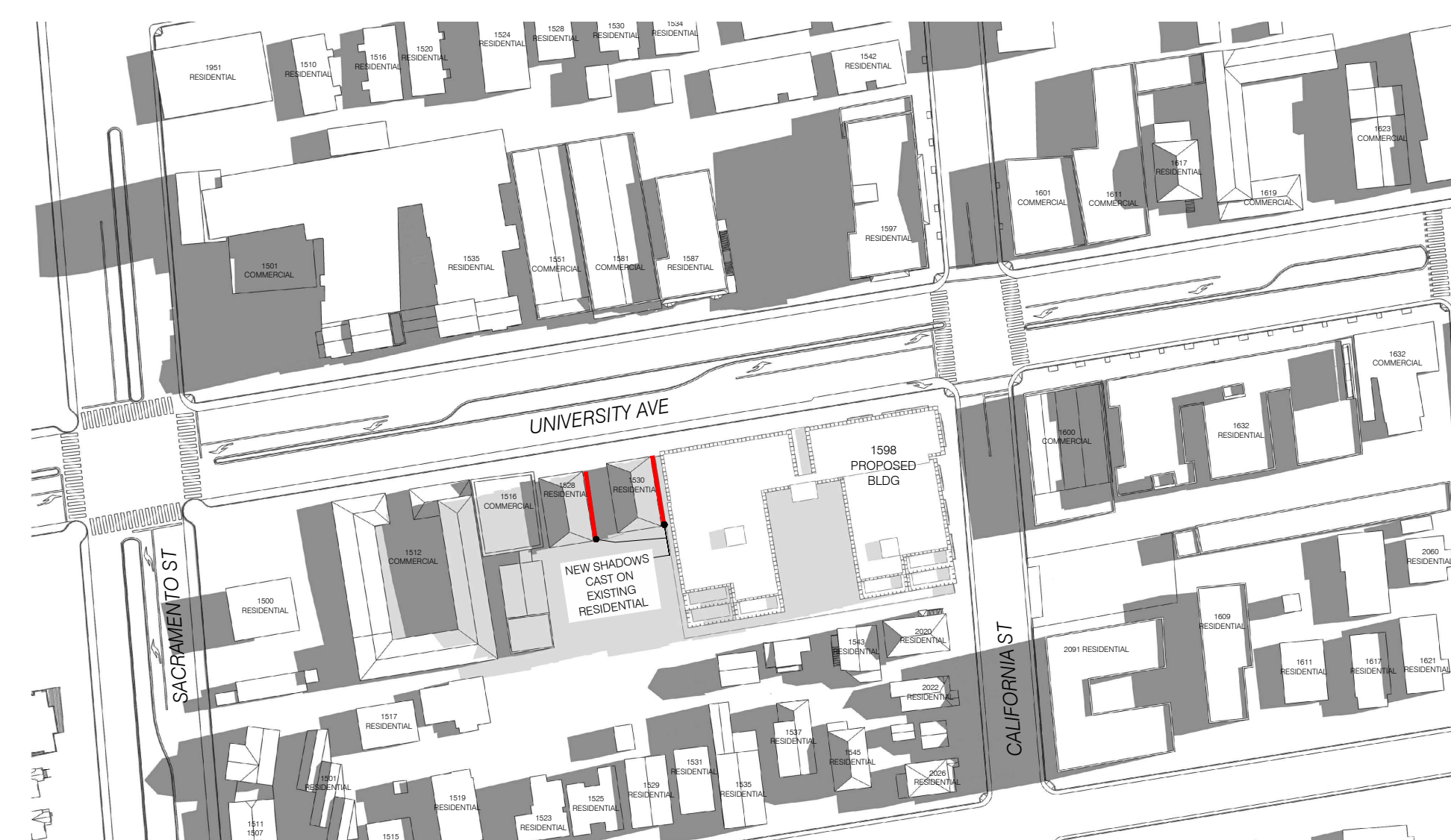
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2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
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JOB: 2030

SHEET:

SHADOW STUDIES
JUNE 21ST

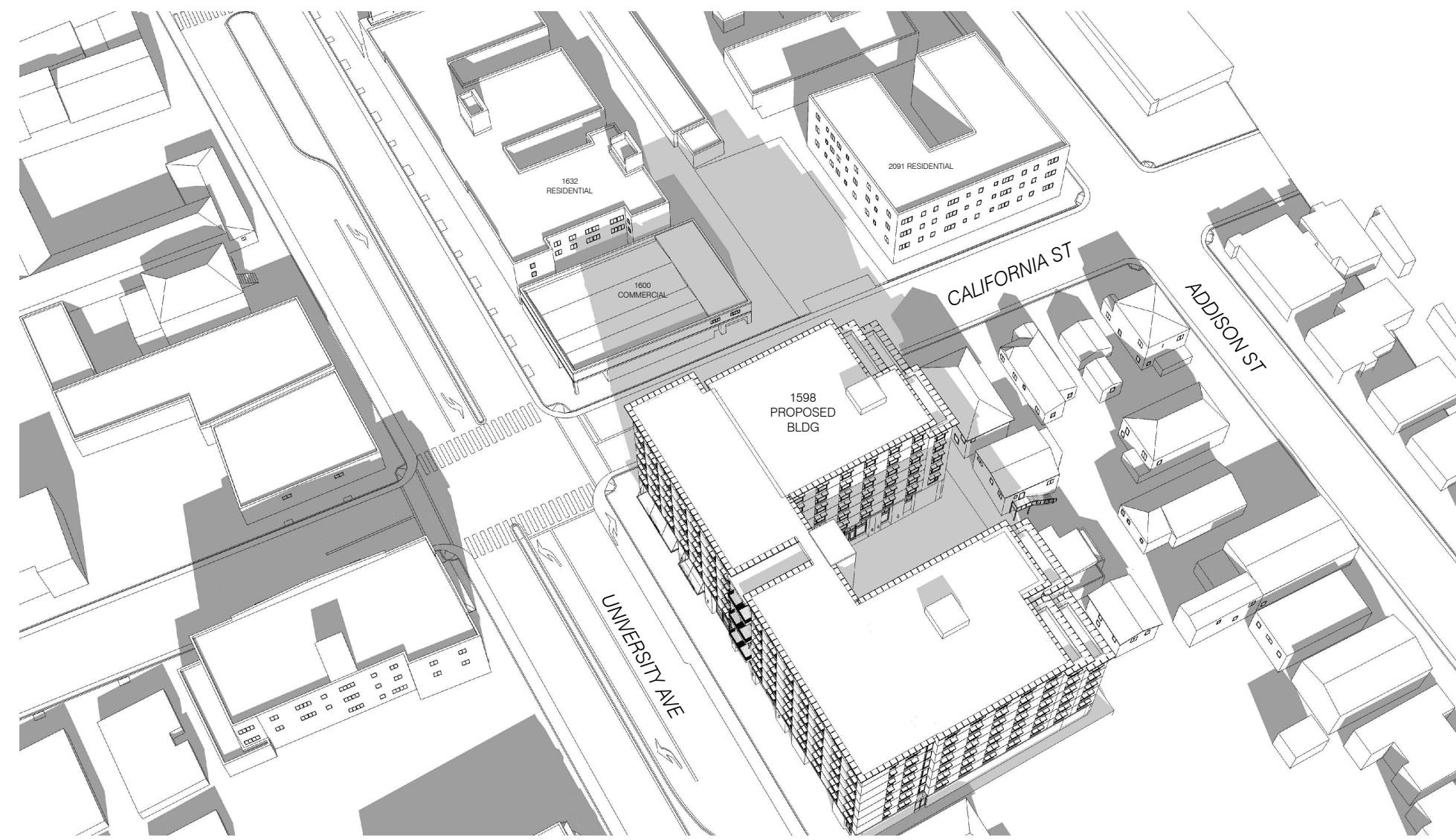
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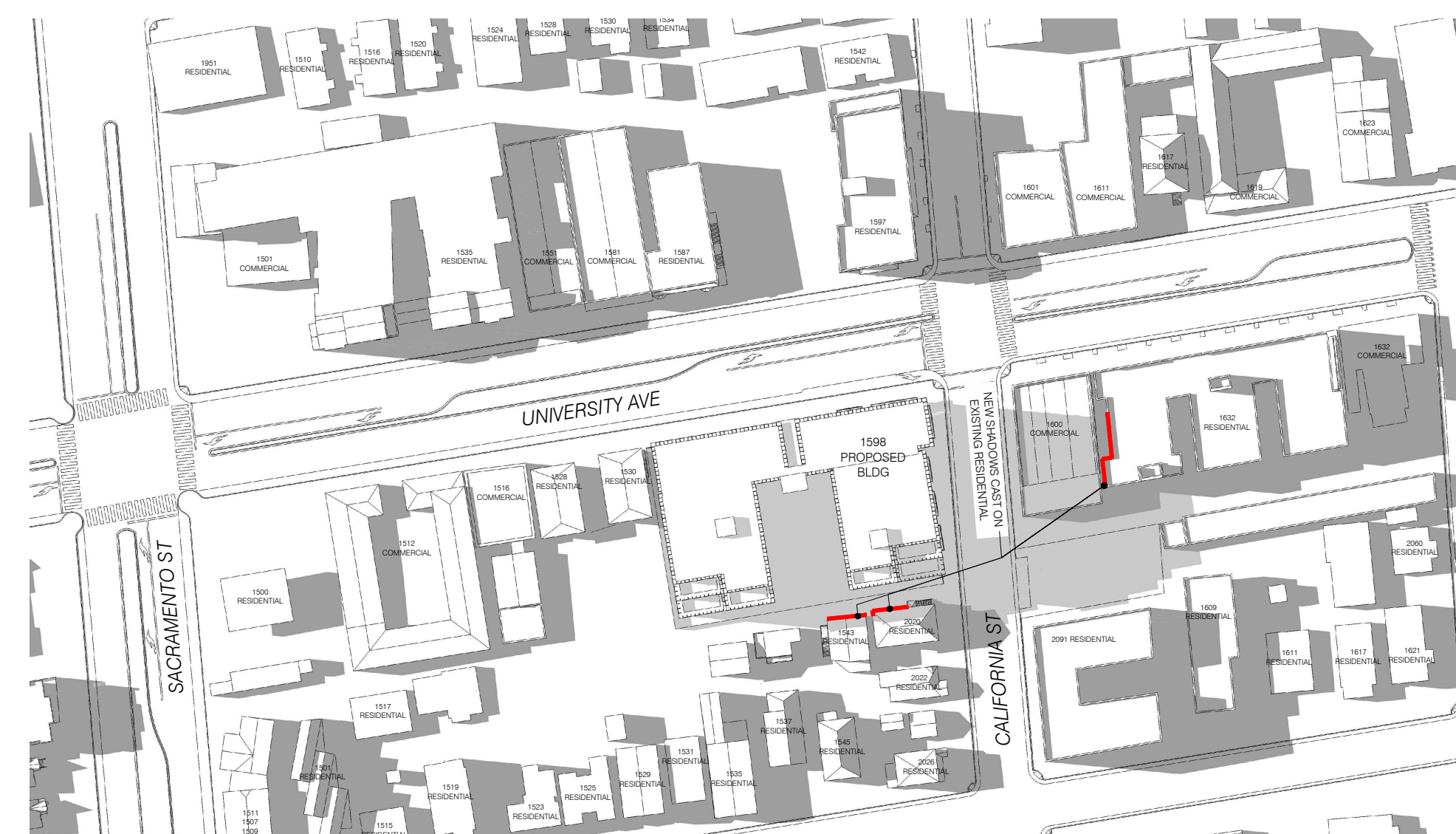
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CURRENT
MAY 11TH:
2-HRS BEFORE SUNSET (PM)

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



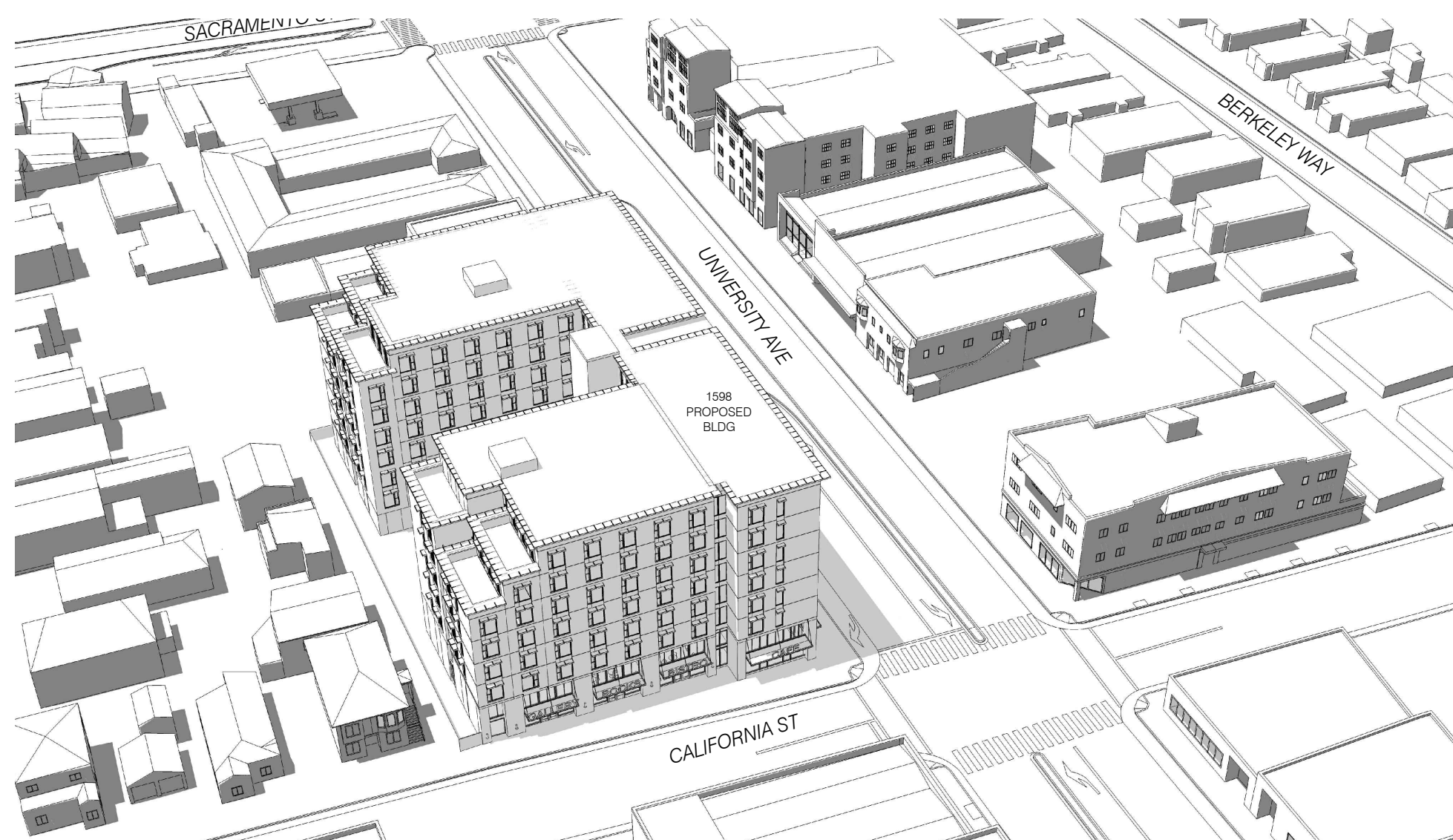
6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.



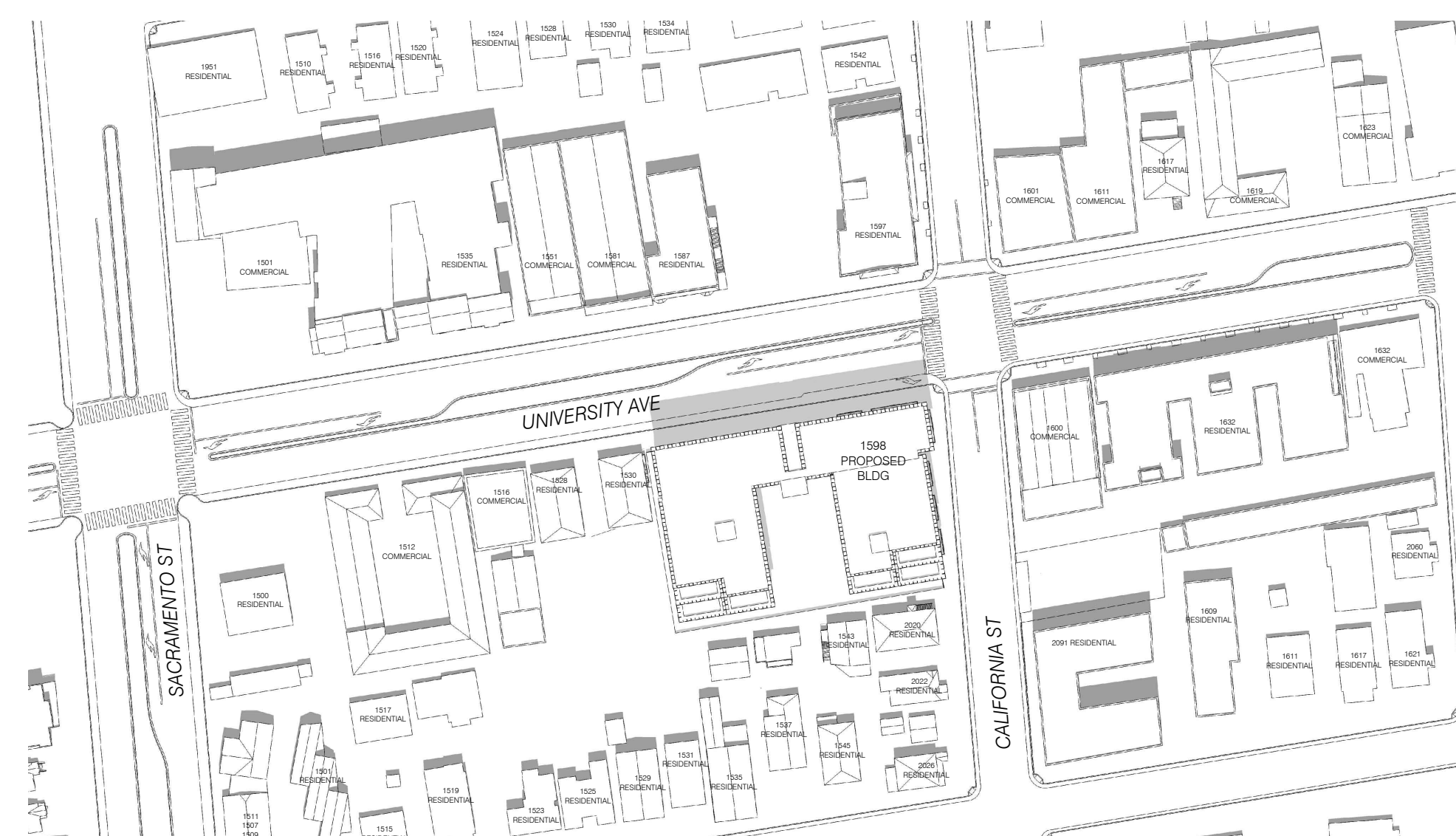
5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

CURRENT
MAY 11TH:
NOON

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



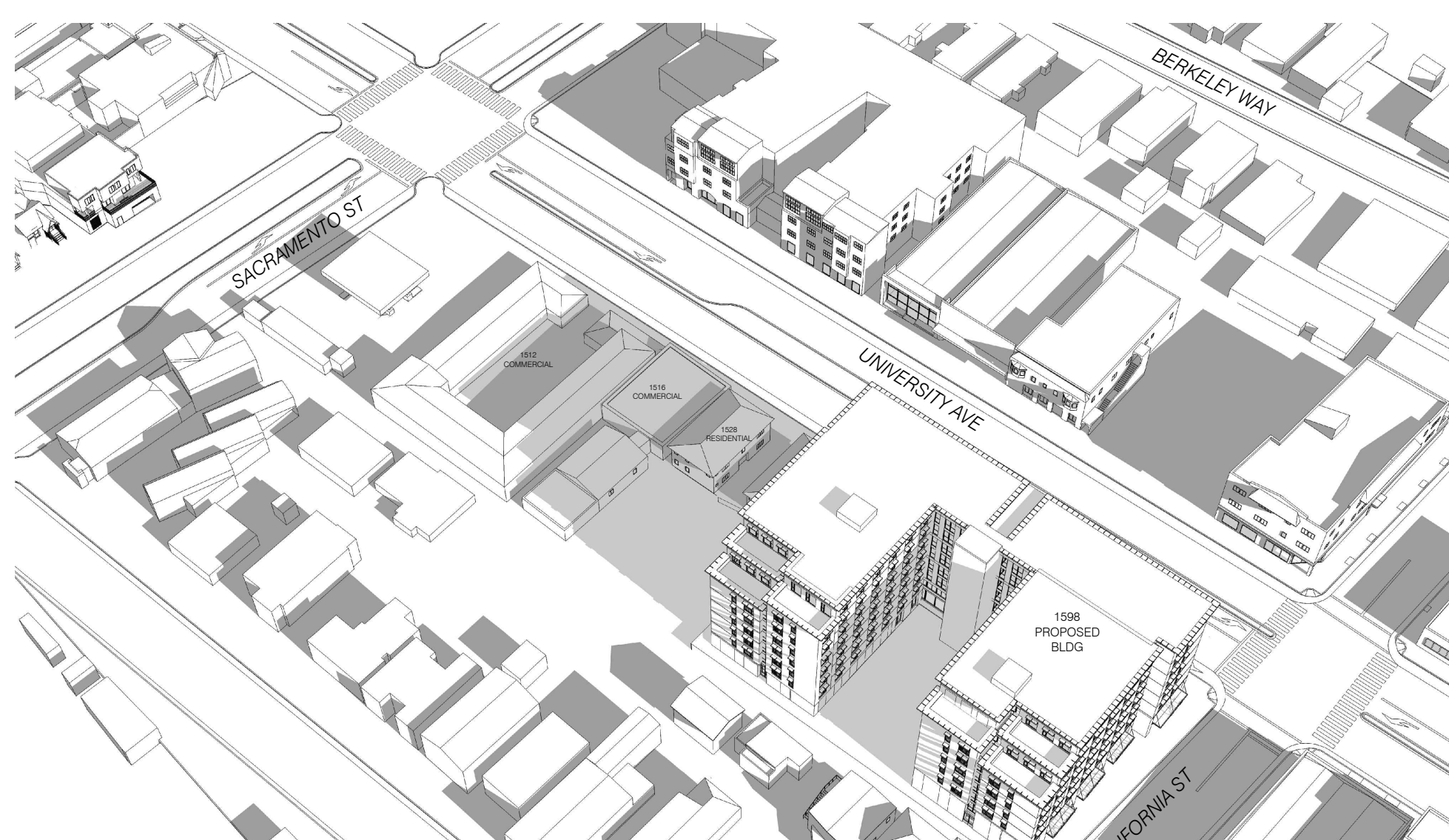
4 SHADOW STUDY AXONOMETRIC - NOON
N.T.S.



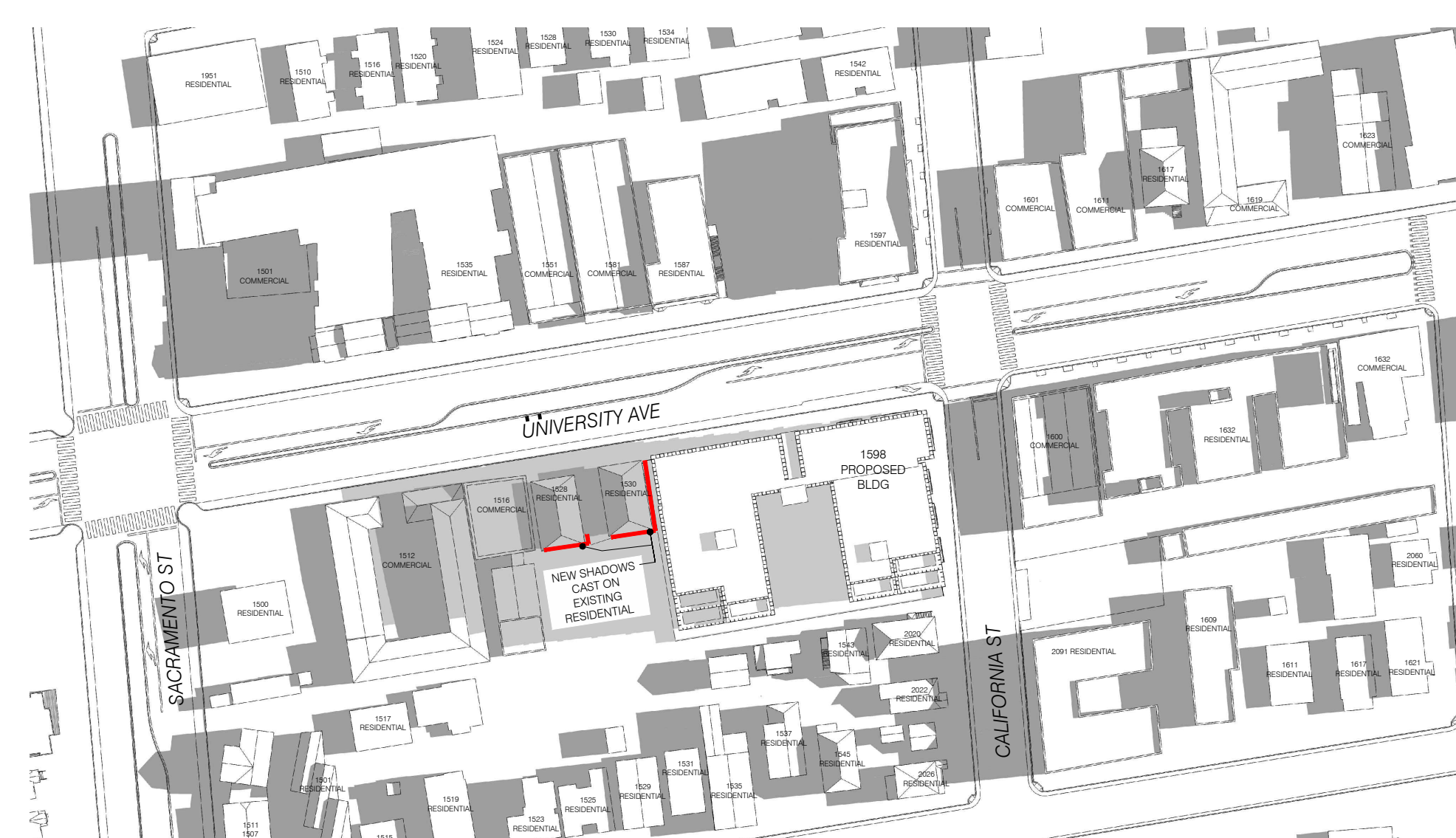
3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

CURRENT
MAY 11TH:
2-HRS AFTER SUNRISE (AM)

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



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



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

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JOB: 2030

SHEET:

SHADOW STUDIES
MAY 11TH

A0.4C

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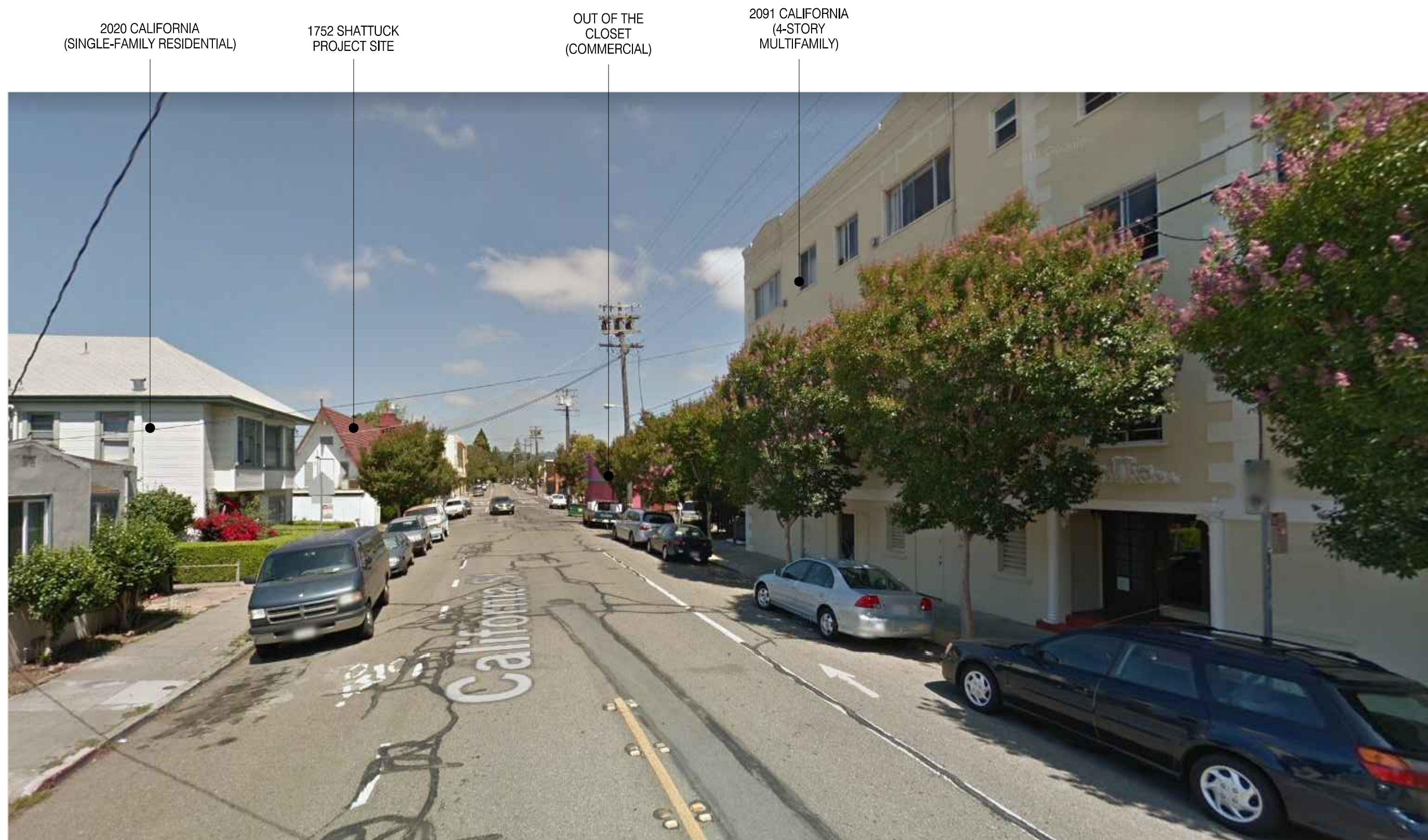
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JOB: 2030

SHEET:

SITE CONTEXT
PHOTOS

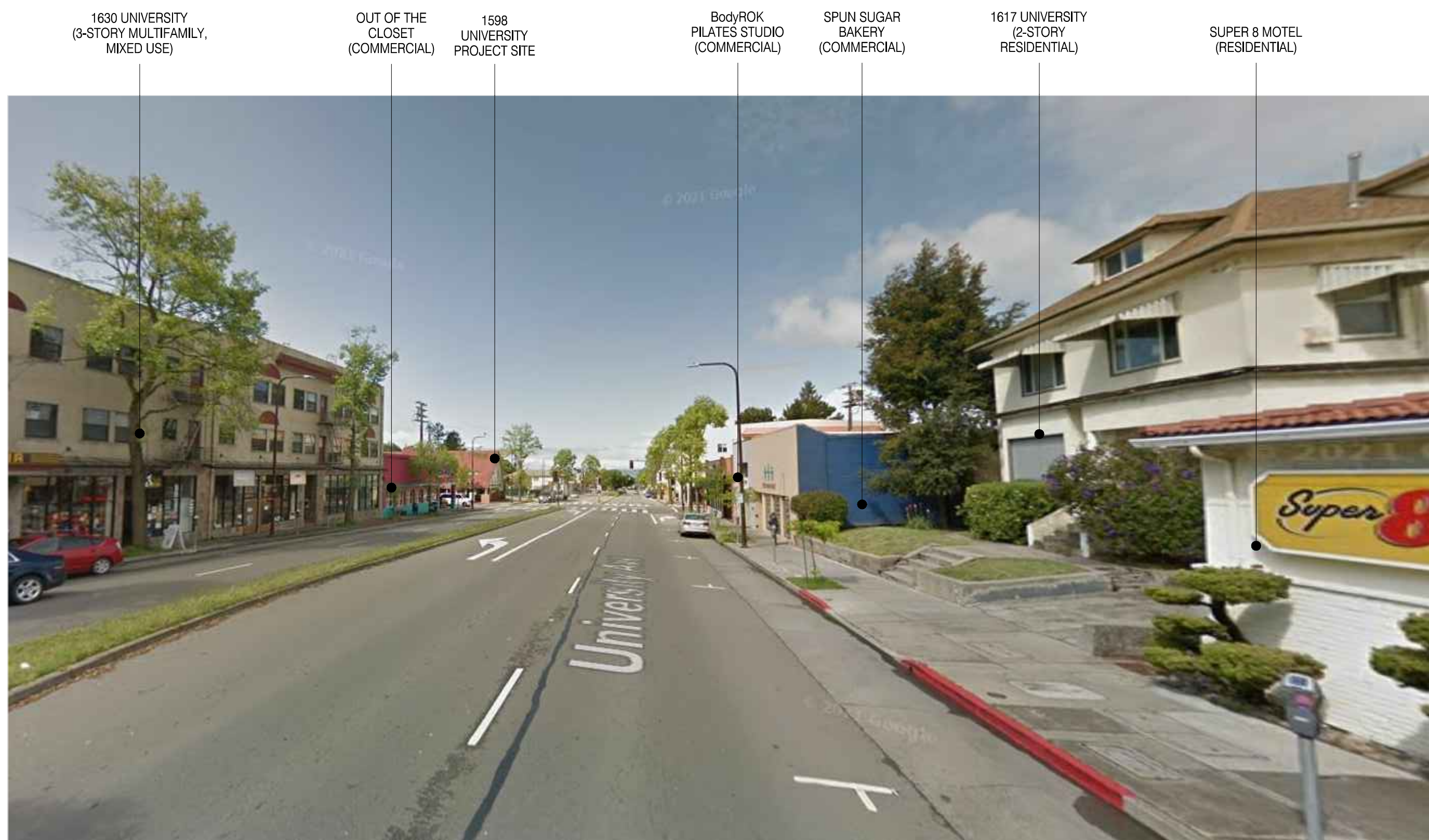
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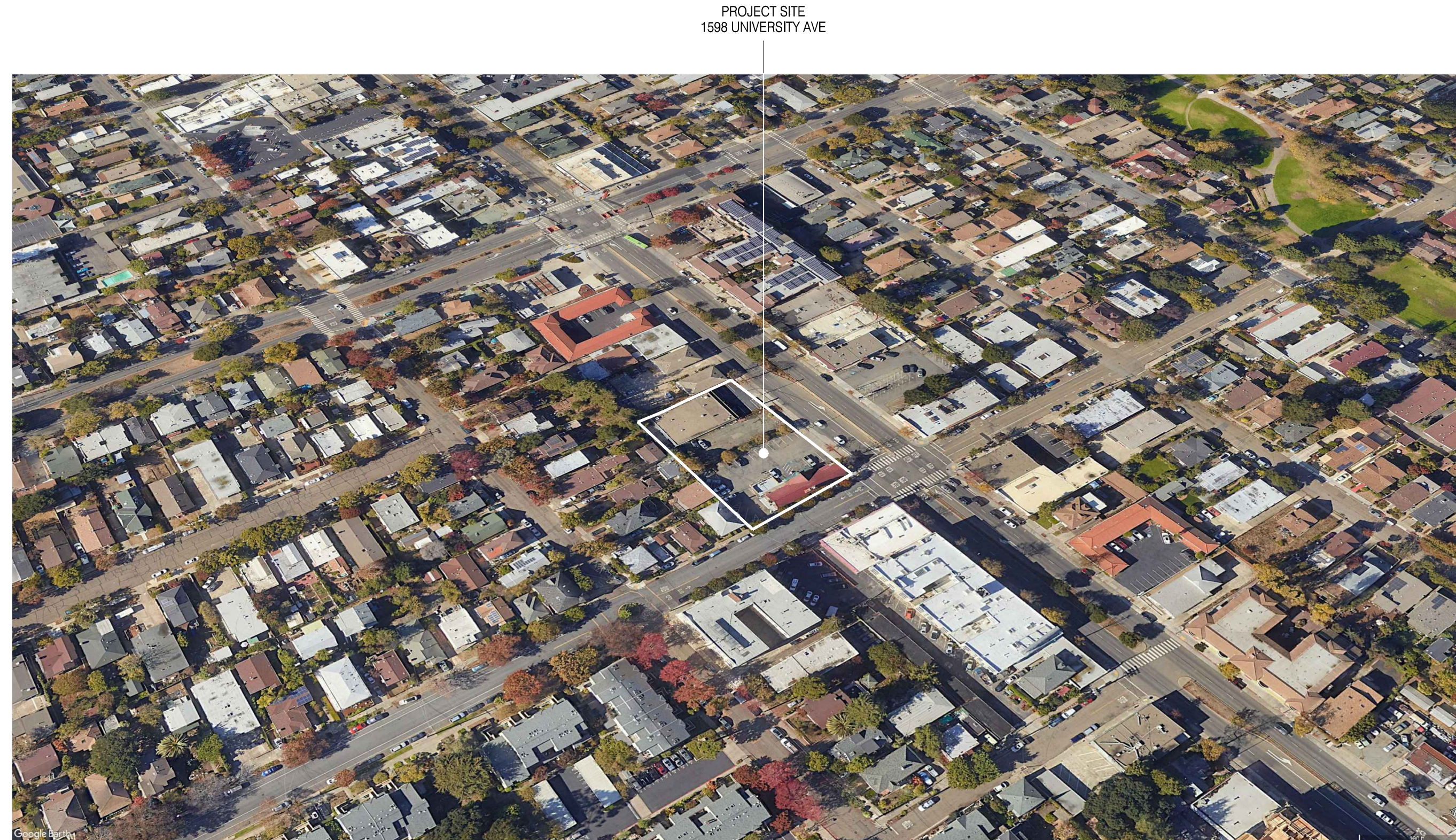
4 VIEW FROM CALIFORNIA LOOKING SOUTH



2 VIEW FROM UNIVERSITY AVE. LOOKING EAST



3 VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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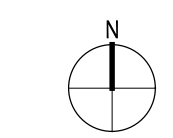
JOB: 2030

SHEET:
VICINITY MAP

A0.6



1
-
NTS
VICINITY MAP



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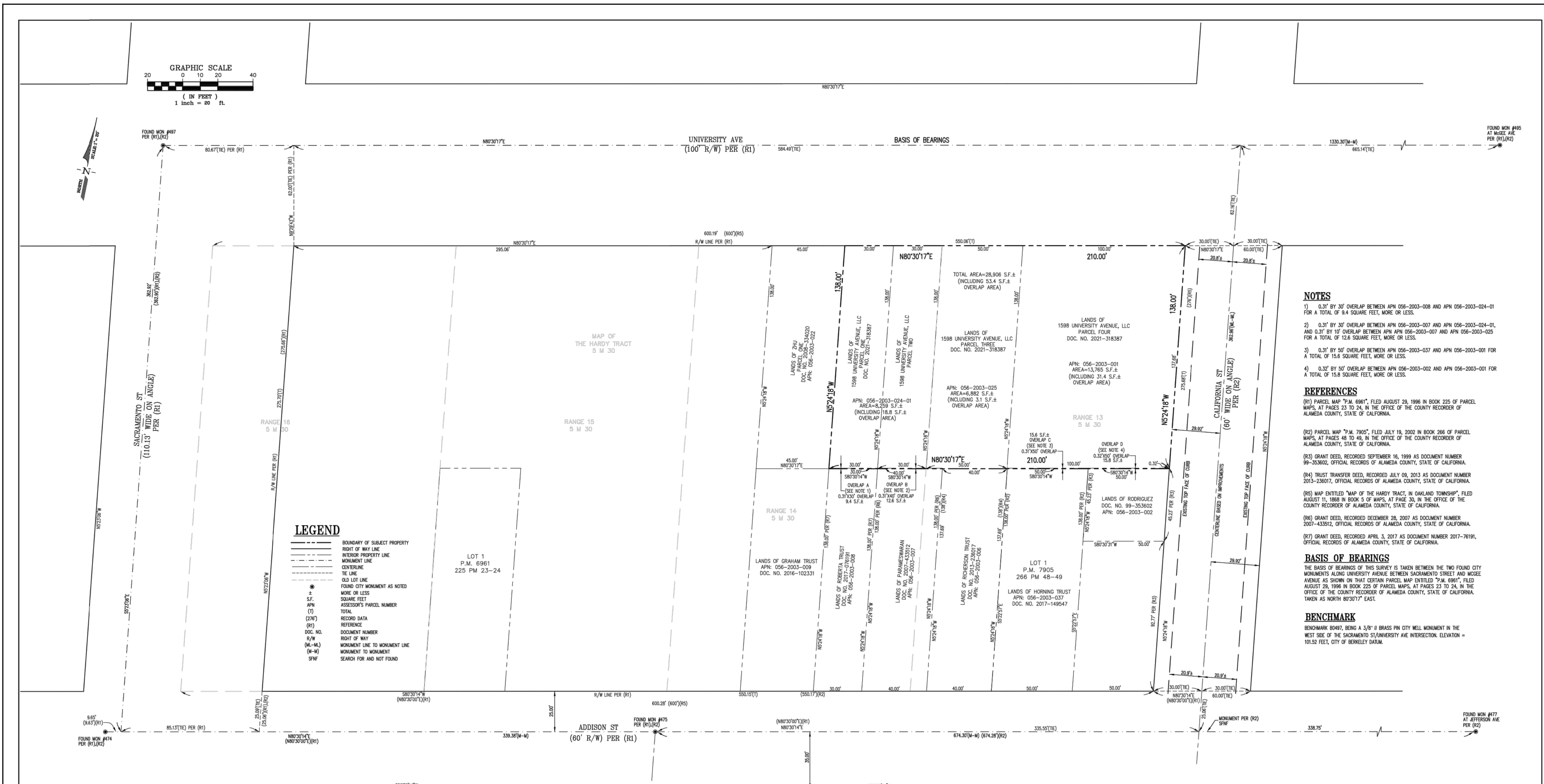
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JOB: 2030

SHEET:

SURVEY

A1.1



NOTES

- 0.31' BY 30' OVERLAP BETWEEN APN 056-2003-008 AND APN 056-2003-024-01 FOR A TOTAL OF 9.4 SQUARE FEET, MORE OR LESS.
- 0.31' BY 30' OVERLAP BETWEEN APN 056-2003-007 AND APN 056-2003-024-01, AND 0.31' BY 10' OVERLAP BETWEEN APN 056-2003-007 AND APN 056-2003-025 FOR A TOTAL OF 12.6 SQUARE FEET, MORE OR LESS.
- 0.31' BY 50' OVERLAP BETWEEN APN 056-2003-037 AND APN 056-2003-001 FOR A TOTAL OF 15.8 SQUARE FEET, MORE OR LESS.
- 0.32' BY 50' OVERLAP BETWEEN APN 056-2003-002 AND APN 056-2003-001 FOR A TOTAL OF 15.8 SQUARE FEET, MORE OR LESS.

REFERENCES

- PARCEL MAP "M. 6961", FILED AUGUST 29, 1996 IN BOOK 225 OF PARCEL MAPS, AT PAGES 23 TO 24, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- PARCEL MAP "M. 7905", FILED JULY 18, 2002 IN BOOK 266 OF PARCEL MAPS, AT PAGES 48 TO 49, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- GRANT DEED, RECORDED SEPTEMBER 16, 1999 AS DOCUMENT NUMBER 99-353602, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- TRUST TRANSFER DEED, RECORDED JULY 09, 2013 AS DOCUMENT NUMBER 2013-236017, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- MAP ENTITLED "MAP OF THE HARDY TRACT, IN OAKLAND TOWNSHIP", FILED AUGUST 11, 1888 IN BOOK 5 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- GRANT DEED, RECORDED DECEMBER 28, 2007 AS DOCUMENT NUMBER 2007-433912, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- GRANT DEED, RECORDED APRIL 3, 2017 AS DOCUMENT NUMBER 2017-76191, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND CITY MONUMENTS ALONG UNIVERSITY AVENUE BETWEEN SACRAMENTO STREET AND WISCEE AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "M. 6961", FILED AUGUST 29, 1996 IN BOOK 225 OF PARCEL MAPS, AT PAGES 23 TO 24, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA, TAKEN AS NORTH 80°30'17" EAST.

BENCHMARK

BENCHMARK 80497, BEING A 3/8" Ø BRASS PIN CITY WELL MONUMENT IN THE WEST SIDE OF THE SACRAMENTO ST/UNIVERSITY AVE INTERSECTION. ELEVATION = 104.52 FEET, CITY OF BERKELEY DATA.

- ### LEGEND
- BOUNDARY OF SUBJECT PROPERTY
 - RIGHT OF WAY LINE
 - INTERIOR PROPERTY LINE
 - MONUMENT LINE
 - CENTERLINE
 - THE LINE
 - OLD LOT LINE
 - FOUND CITY MONUMENT AS NOTED
 - MORE OR LESS
 - SQUARE FEET
 - ASSESSOR'S PARCEL NUMBER
 - TOWN
 - RECORD DATA
 - REFERENCE
 - DOCUMENT NUMBER
 - RIGHT OF WAY
 - MONUMENT LINE TO MONUMENT
 - MONUMENT TO MONUMENT
 - SEARCH FOR AND NOT FOUND

TABLE A NOTES

- FOUND MONUMENTS ARE SHOWN ON THIS SHEET OF THE SURVEY.
- THE STREET ADDRESS OF THE PROPERTY IS 1548, 1556 & 1598 UNIVERSITY AVENUE, BERKELEY, CA.
- FLOOD ZONE DESIGNATION: THE PREMISES ARE LOCATED IN ZONE "X" (NON-SHADED) DEFINED AS "AREAS OF MINIMAL FLOOD" PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 98001C05076, EFFECTIVE DATE: AUGUST 3, 2009.
- THE TOTAL GROSS LAND AREA IS: 28,906 SQUARE FEET +/- OR 0.663 ACRES MORE OR LESS.
- (A) ZONING REQUIREMENTS: PER THE CITY OF BERKELEY PLANNING AND ZONING DEPARTMENT, THE PROPERTY IS ZONED "C-U" DEFINED AS "UNIVERSITY COMMERCIAL DISTRICT".

TABLE A NOTES

- (A) LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLAN OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT ARE SHOWN ON SHEET 2.
- NAMES OF ADJOINING OWNERS OF PLATTED LANDS ARE SHOWN ON THIS SHEET OF THE SURVEY.
- DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON THIS SHEET OF THE SURVEY.
- THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THERE ARE NO OPPOSITE EASEMENTS TO THE SUBJECT PROPERTY.
- PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 IS HELD BY THE SURVEYOR.

SURVEYOR'S CERTIFICATE

TO VERNON A. NEFF AND BARBARA NEFF, AS TRUSTEES OF THE NEFF 2002 FAMILY TRUST; AND TO REPRODUCE THE COMPANING
THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2001 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES FEES 1, 2, 3, 4, 5(A), 6(B), 7(A), 7(B), 7(C), 8, 9, 10, 11(A), 12, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 4, MARCH 7, 8 AND 24, 2022.
JACQUELINE LUK P.L.S. 8534
FOR LUK & ASSOCIATES, INC.



ALTA/NSPS
LAND TITLE SURVEY
OF
1548, 1556 & 1598 UNIVERSITY AVENUE
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
MARCH 2022
PREPARED BY
LUK AND ASSOCIATES
CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388

TITLE REPORT

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 111702030-3M, 1ST AMENDMENT, EFFECTIVE DATE: JULY 17, 2021 AT 7:30 A.M.

TITLE TO SAID ESTATE IS VESTED IN:

VERNON A. NEFF AND BARBARA NEFF, AS TRUSTEES OF THE NEFF 2002 FAMILY TRUST

THE ESTATE OR INTEREST IN THE LAND IS:

SEE

EXCEPTIONS TO TITLE

- TERMS AND CONDITIONS CONTAINED IN THE NEFF 2002 FAMILY TRUST AS DISCLOSED BY GRANT DEED, RECORDED AUGUST 6, 2018 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201853232, THE ABOVE MATTER IS ALSO RECORDED AUGUST 6, 2018 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201853234. THE ABOVE MATTER IS ALSO RECORDED AUGUST 6, 2018 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201853243 (E.C. 9 - NOT PLOTTABLE).

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:
PARCEL ONE:
COMMENCING AT A POINT IN THE SOUTHERLY LINE OF UNIVERSITY AVENUE, DISTANT THEREON SOUTH 80° 30' WEST ONE HUNDRED EIGHTY (180) FEET FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE OF SAID UNIVERSITY AVENUE WITH THE WESTERLY LINE OF CALIFORNIA STREET; AND RUNNING THENCE ALONG SAID SOUTHERLY LINE OF SAID UNIVERSITY AVENUE SOUTH 80° 30' WEST 30 FEET; THENCE SOUTH 5° 22' EAST AND PARALLEL WITH SAID WESTERLY LINE OF SAID CALIFORNIA STREET 138 FEET; THENCE NORTH 80° 30' EAST AND PARALLEL WITH SAID SOUTHERLY LINE OF SAID UNIVERSITY AVENUE 30 FEET; AND THENCE NORTH 5° 22' WEST AND PARALLEL WITH SAID WESTERLY LINE OF SAID CALIFORNIA STREET 138 FEET TO THE POINT OF COMMENCEMENT; BEING A PORTION OF RANGE 14, AS SAID RANGE IS LAD DOWN, DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED "MAP OF THE HARDY TRACT, IN OAKLAND TOWNSHIP, BEING THE SOUTHERLY HALF OF PLAT NO. 68 BY KELLOGG'S MAP-COMPRISING 80 ACRES," ETC., FILED AUGUST 11, 1888, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF ALAMEDA.
PARCEL TWO:
COMMENCING AT A POINT IN THE SOUTHERLY LINE OF UNIVERSITY AVENUE, DISTANT THEREON SOUTH 80° 30' WEST ONE HUNDRED EIGHTY (180) FEET FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE OF SAID UNIVERSITY AVENUE WITH THE WESTERLY LINE OF CALIFORNIA STREET; AND RUNNING THENCE ALONG SAID SOUTHERLY LINE OF SAID UNIVERSITY AVENUE SOUTH 80° 30' WEST 30 FEET; THENCE SOUTH 5° 22' EAST AND PARALLEL WITH SAID WESTERLY LINE OF SAID CALIFORNIA STREET 138 FEET; THENCE NORTH 80° 30' EAST AND PARALLEL WITH SAID SOUTHERLY LINE OF SAID UNIVERSITY AVENUE 30 FEET; AND THENCE NORTH 5° 22' WEST AND PARALLEL WITH SAID WESTERLY LINE OF SAID CALIFORNIA STREET 138 FEET TO THE POINT OF COMMENCEMENT; BEING A PORTION OF RANGE 14, AS SAID RANGE IS LAD DOWN, DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED "MAP OF THE HARDY TRACT, IN OAKLAND TOWNSHIP, BEING THE SOUTHERLY HALF OF PLAT NO. 68 BY KELLOGG'S MAP-COMPRISING 80 ACRES," ETC., FILED AUGUST 11, 1888, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF ALAMEDA.
APN: 056-2003-024-01

LEGAL DESCRIPTION (CONT.)

PARCEL THREE:
BEGINNING AT A POINT ON THE SOUTHERLY LINE OF UNIVERSITY AVENUE, DISTANT THEREON 100 FEET WESTERLY FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE OF UNIVERSITY AVENUE WITH THE WESTERLY LINE OF CALIFORNIA STREET; AND RUNNING THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF UNIVERSITY AVENUE, 50 FEET; THENCE SOUTHERLY AND PARALLEL WITH SAID SOUTHERLY LINE OF UNIVERSITY AVENUE, 138 FEET; THENCE EASTERLY AND PARALLEL WITH SAID SOUTHERLY LINE OF UNIVERSITY AVENUE, 50 FEET; AND THENCE NORTHERLY AND PARALLEL WITH SAID SOUTHERLY LINE OF UNIVERSITY AVENUE, 100 FEET TO THE POINT OF COMMENCEMENT.
BEING A PORTION OF RANGE 13, OF THE HARDY TRACT, FILED AUGUST 11, 1888 IN BOOK 5 OF MAPS, PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.
APN: 056-2003-025
PARCEL FOUR:
BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF UNIVERSITY AVENUE WITH THE WESTERLY LINE OF CALIFORNIA STREET; RUNNING THENCE WESTERLY ALONG SAID LINE OF UNIVERSITY AVENUE, 100 FEET; THENCE SOUTHERLY PARALLEL WITH SAID LINE OF CALIFORNIA STREET, 138 FEET; THENCE EASTERLY PARALLEL WITH SAID LINE OF UNIVERSITY AVENUE, 100 FEET TO THE WESTERLY LINE OF CALIFORNIA STREET; THENCE NORTHERLY ALONG SAID LINE NAMED LINE 138 FEET TO THE POINT OF BEGINNING.
BEING A PORTION OF RANGE 13 OF THE HARDY TRACT, AS SAID RANGE IS SHOWN ON THE "MAP OF THE HARDY TRACT, IN OAKLAND TOWNSHIP, BEING THE SOUTHERLY HALF OF PLAT NO. 68 BY KELLOGG'S MAP-COMPRISING 80 ACRES," ETC., FILED AUGUST 11, 1888, IN BOOK 5 OF MAPS, AT PAGE 30, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.
APN: 056-2003-001

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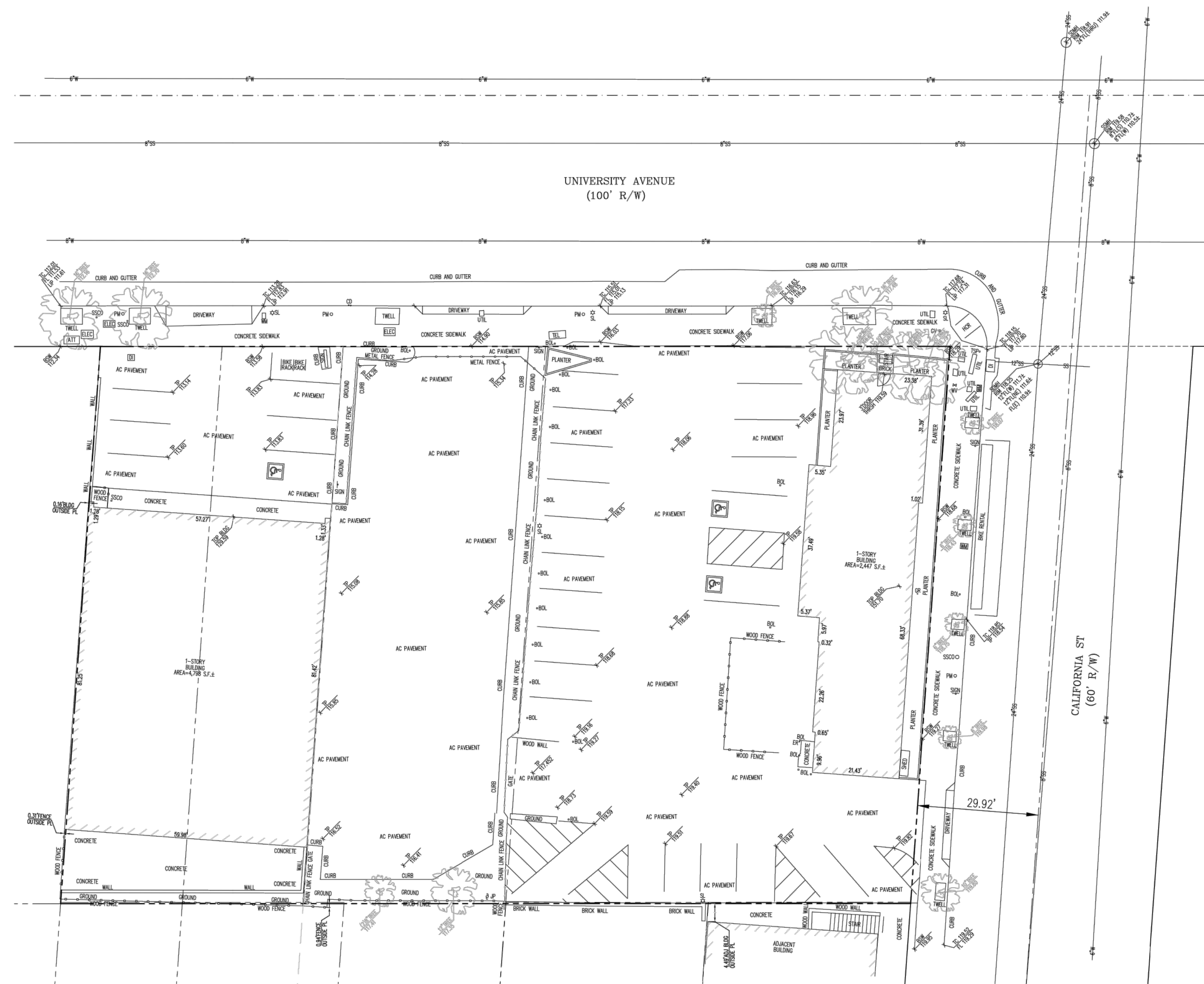
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JOB: 2030

SHEET:

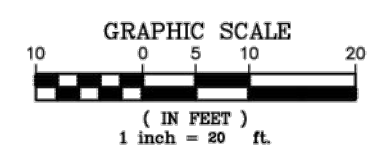
SURVEY

A1.2



LEGEND

SYMBOLS	DESCRIPTION
---	BOUNDARY OF SUBJECT PROPERTY
---	RIGHT OF WAY LINE
---	INTERIOR PROPERTY LINE
---	MONUMENT LINE
---	CENTERLINE
---	TE LINE
---	OLD LOT LINE
---	ASPHALT CONCRETE
---	UTILITY BOX
---	PARKING METER
---	HANDICAP RAMP
---	TRAFFIC SIGNAL POLE
---	STREET LIGHT
---	GAS RISER
---	WATER VALVE
---	TREE WELL
---	WATER METER
---	SANITARY SEWER CLEAN OUT
---	DRAIN INLET
---	GAS VALVE
---	TELEPHONE BOX
---	BOLLARD
---	SANITARY SEWER MAN HOLE
---	STORM DRAIN MAN HOLE
---	CURB DRAIN
---	ELECTRIC BOX
---	ADJACENT
---	PROPERTY LINE
---	BACK OF SIDEWALK ELEVATION
---	LIP OF GUTTER ELEVATION
---	TOP OF CURB ELEVATION
---	TOP OF PAVEMENT ELEVATION
---	FLOW LINE ELEVATION
---	TREE
---	SANITARY SEWER LINE
---	WATER LINE
---	STORM DRAIN LINE



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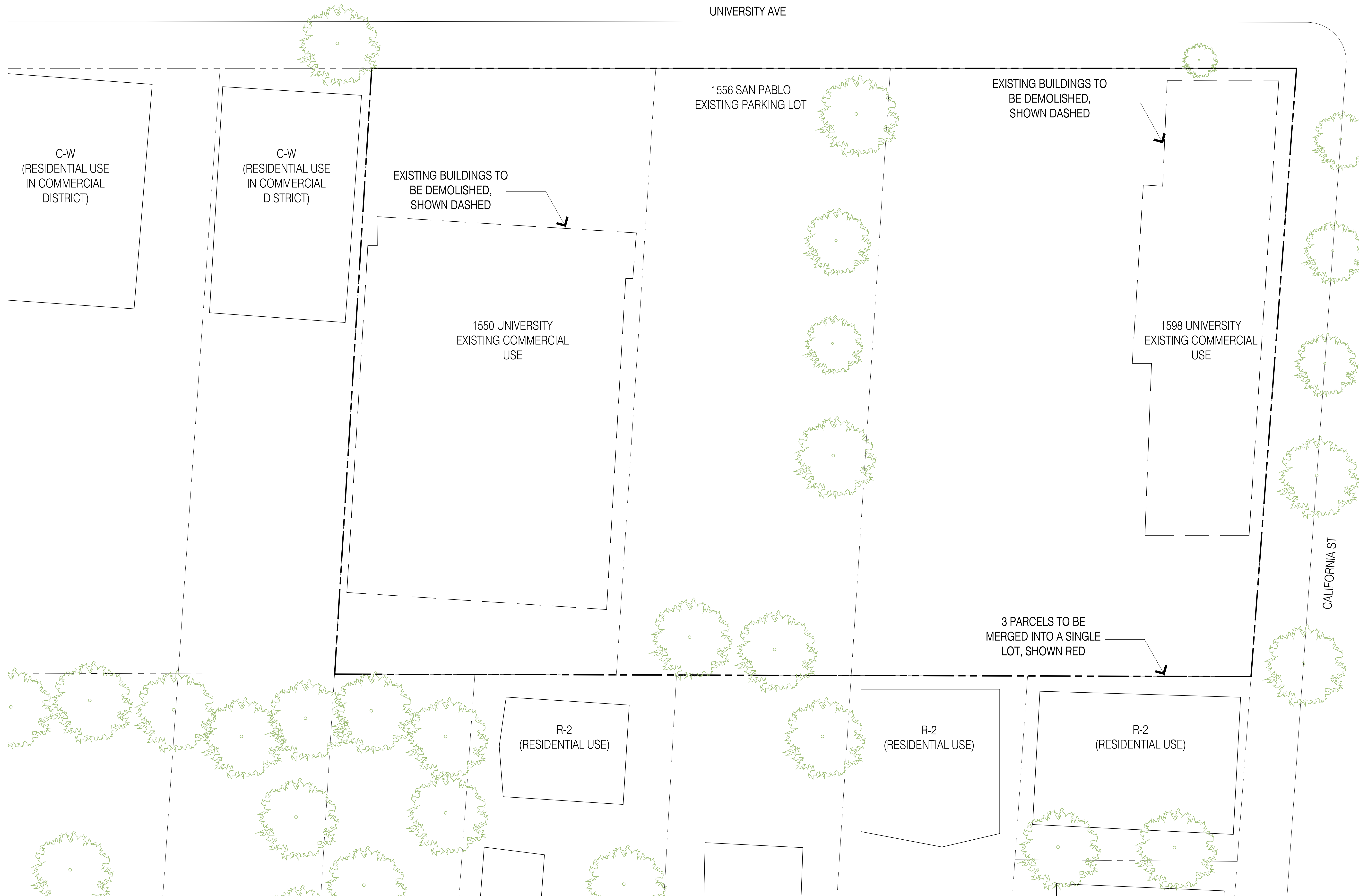
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JOB: 2030

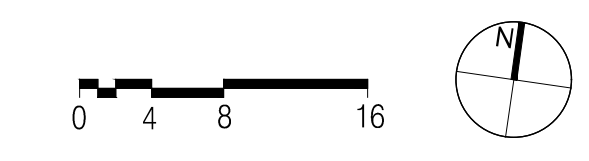
SHEET:

EXISTING
SITE PLAN

A2.0



1
EXISTING SITE PLAN
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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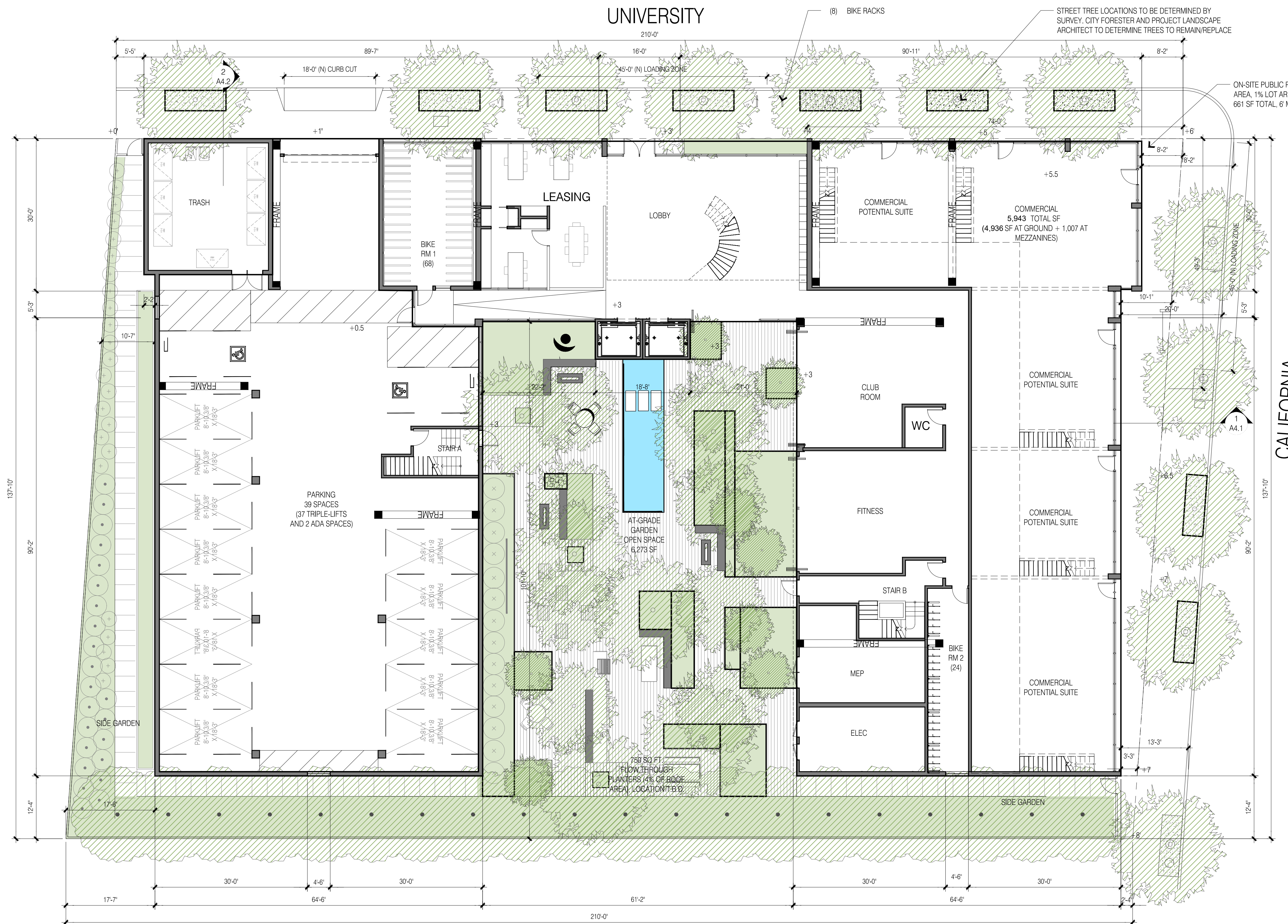
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JOB: 2030

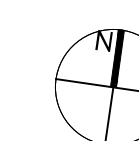
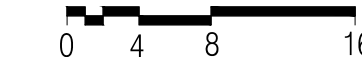
SHEET:

GROUND LEVEL
FLOOR PLAN

A2.1



1 GROUND LEVEL PLAN
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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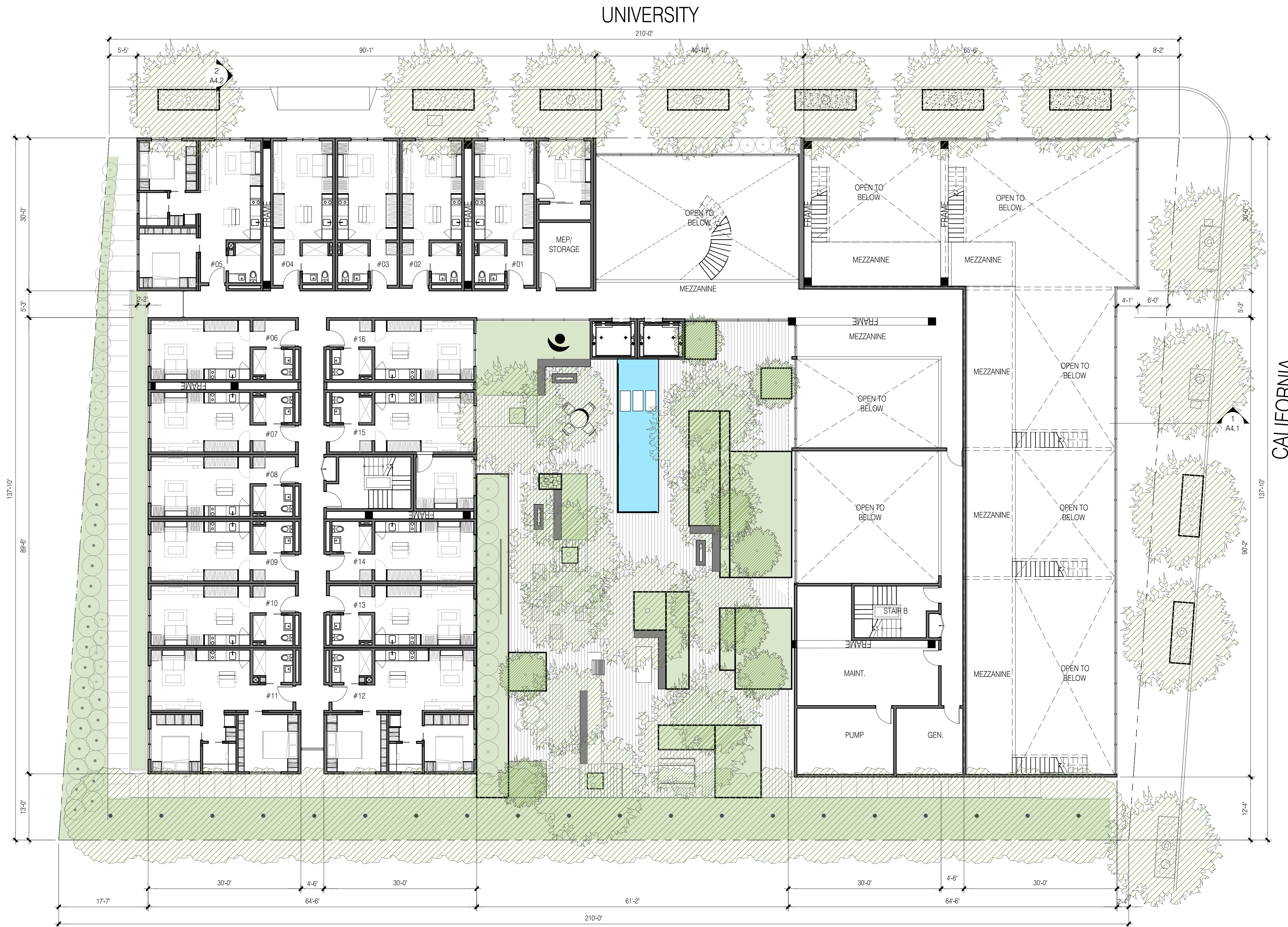
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JOB: 2030

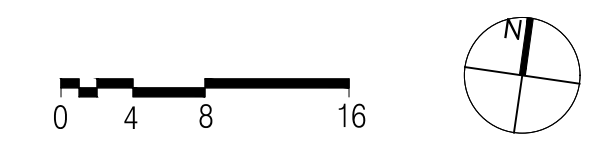
SHEET:

LEVEL 2
FLOOR PLAN

A2.2



1 PLAN AT LEVEL 2
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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JOB: 2030

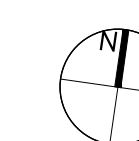
SHEET:

LEVELS 3-6
FLOOR PLANS

A2.3



1 PLAN AT LEVELS 3-6
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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JOB: 2030

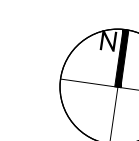
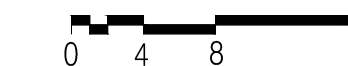
SHEET:

LEVEL 7
FLOOR PLANS

A2.4



1 PLAN AT LEVEL 7
 3/64" = 1'-0" @ 11x17 3/32" = 1'-0" @ 24x36



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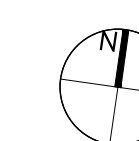
SHEET:

PLAN AT
LEVEL 8

A2.5



1 PLAN AT LEVEL 8
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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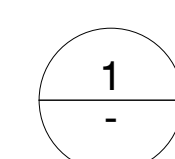
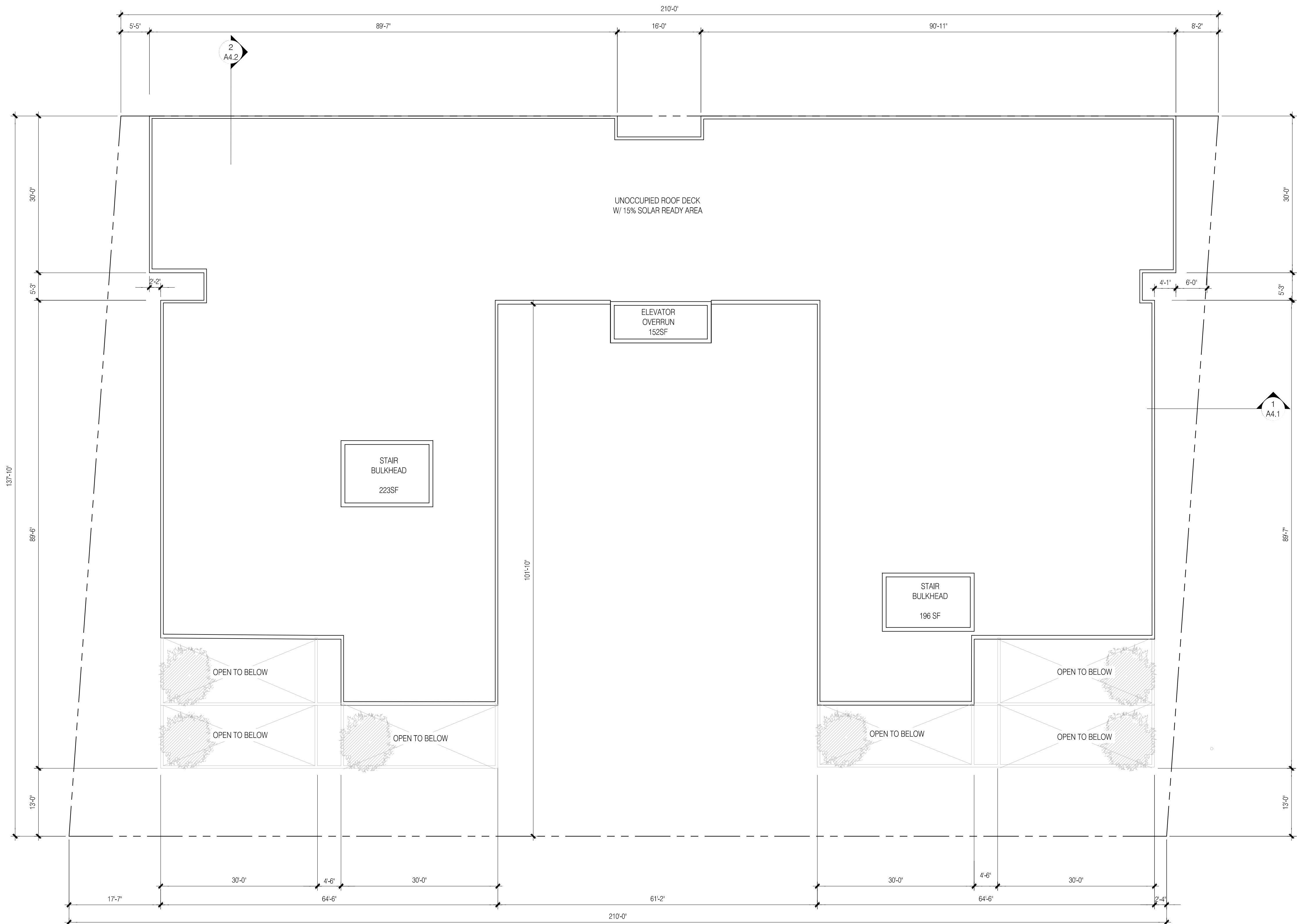
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JOB: 2030

SHEET:

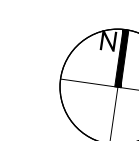
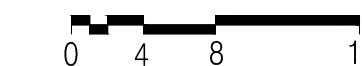
ROOF PLAN

A2.6



PLAN AT ROOF

3/64" = 1'-0" @ 11x17 3/32" = 1'-0" @ 24x36



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JOB: 2030

SHEET:

BUILDING
ELEVATIONS

A3.1

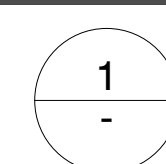
ALUMINUM
WINDOWS

INSULATED METAL
PANELS

METAL INFILL
PANEL

INSULATED METAL
PANELS

DECORATIVE
METAL SCREEN



EAST ELEVATION

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



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JOB: 2030

SHEET:

BUILDING
ELEVATIONS

A3.2



METAL INFILL
PANEL

INSULATED METAL
PANELS

DECORATIVE
METAL SCREEN

ALUMINUM
WINDOWS

INSULATED METAL
PANELS

- STAIR ROOF
- PARAPET
- ROOF
- LEVEL 8
- LEVEL 7
- LEVEL 6
- LEVEL 5
- LEVEL 4
- LEVEL 3
- LEVEL 2
- AVG. GRADE

(CALIFORNIA ST.)

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



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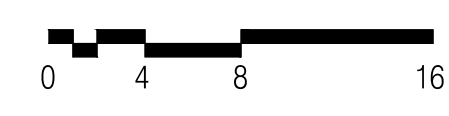
SHEET:

BUILDING
ELEVATIONS

A3.3



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



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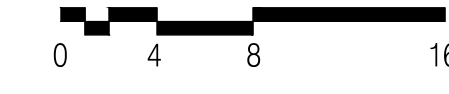
SHEET:

BUILDING
ELEVATIONS

A3.4



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



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2 STREET STRIP ELEVATION @ UNIVERSITY AVE
1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36



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JOB: 2030

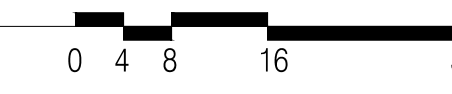
SHEET:

STREET STRIP
ELEVATIONS

A3.5



1 STREET STRIP ELEVATION @ CALIFORNIA ST
1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36





4 CALIFORNIA LOOKING NORTH - AFTER



2 CALIFORNIA LOOKING SOUTH - AFTER



3 CALIFORNIA LOOKING NORTH - BEFORE



1 CALIFORNIA LOOKING SOUTH - BEFORE

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JOB: 2030

SHEET:

PHOTO CONTEXT
VIEWS

A3.6



4 UNIVERSITY LOOKING EAST - AFTER



2 UNIVERSITY LOOKING WEST - AFTER



3 UNIVERSITY LOOKING EAST - BEFORE



1 UNIVERSITY LOOKING WEST - BEFORE

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JOB: 2030

SHEET:

PHOTO CONTEXT
VIEWS

A3.7

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.8



1 PERSPECTIVE VIEW - UNIVERSITY LOOKING WEST

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.9



1 PERSPECTIVE VIEW - UNIVERSITY AND CALIFORNIA

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.10



1 SIDEWALK VIEW - CALIFORNIA AND UNIVERSITY

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.11



1 SIDEWALK VIEW - ACROSS UNIVERSITY

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.12



1 SIDEWALK VIEW - CAFE ENTANCE

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- 05.11.2023 ZAB HEARING

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JOB: 2030

SHEET:

CONCEPTUAL
RENDERING

A3.13



1 PERSPECTIVE VIEW - CALIFORNIA LOOKING NORTHWEST

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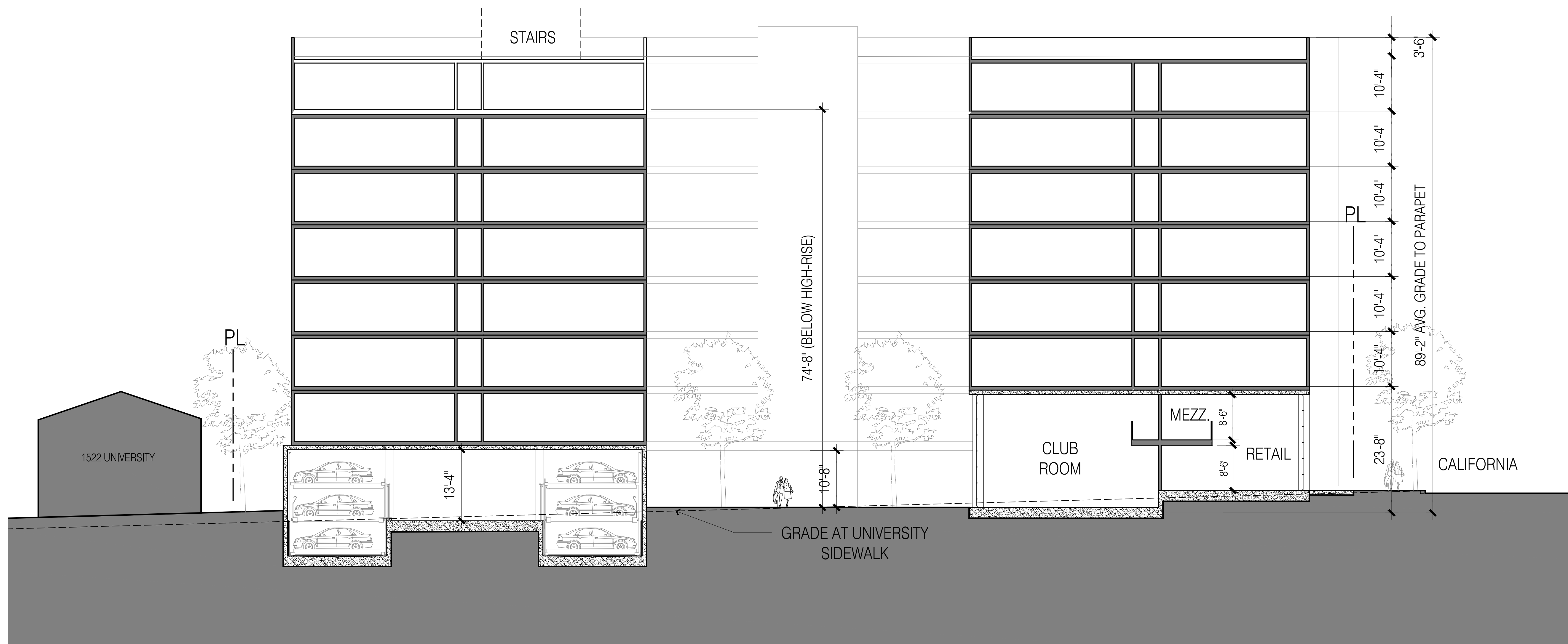
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SHEET:

BUILDING
SECTION

A4.1



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

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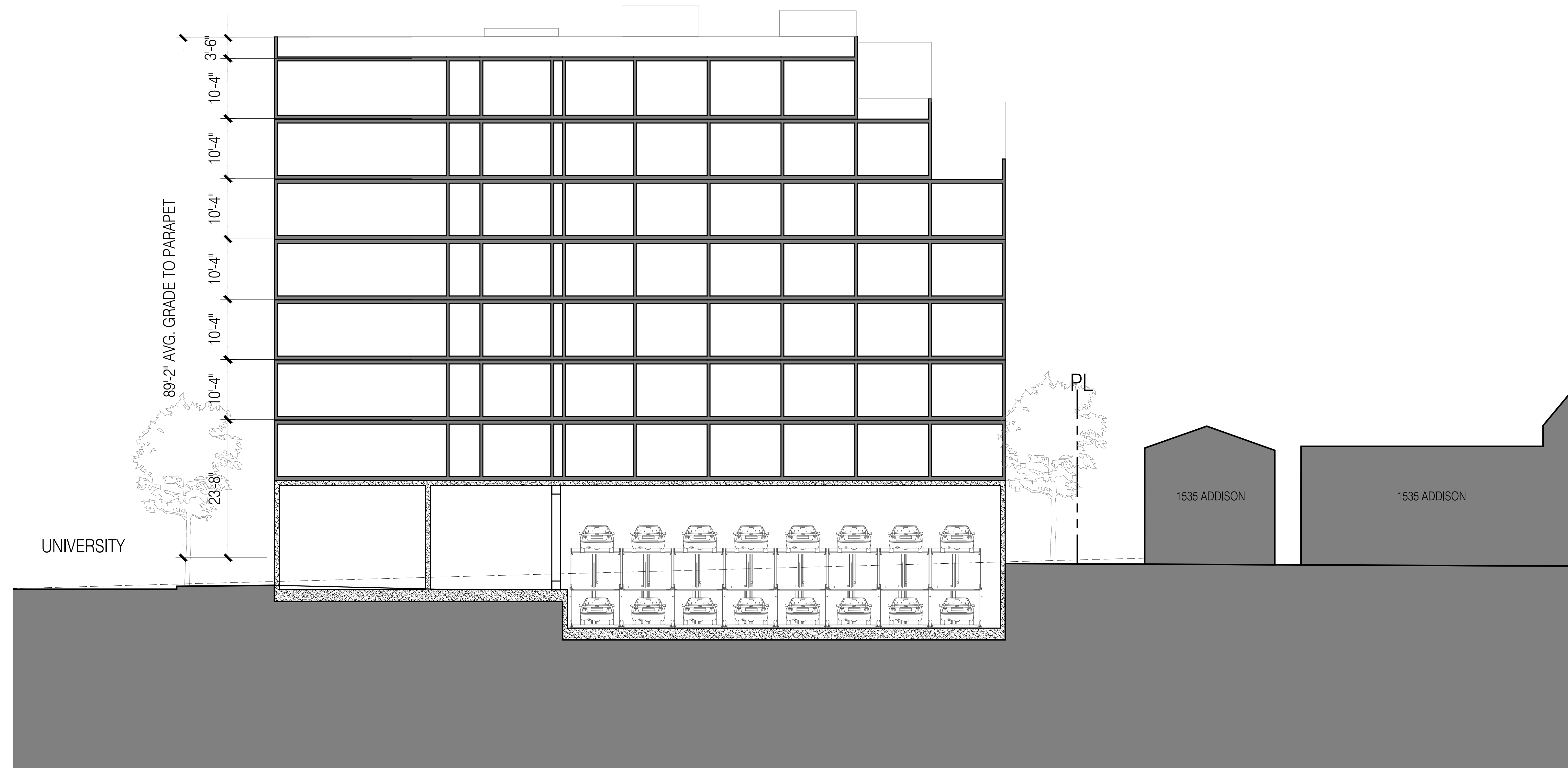
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JOB: 2030

SHEET:

BUILDING
SECTION

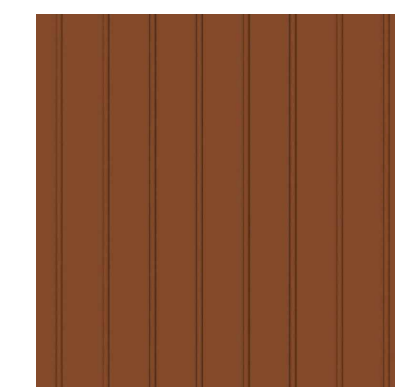
A4.2



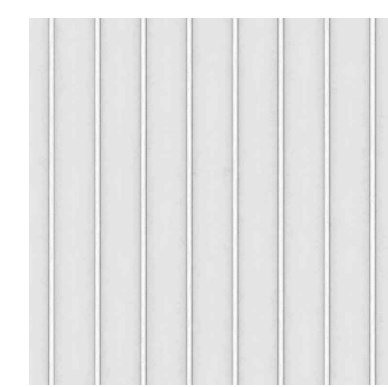
1 BUILDING SECTION
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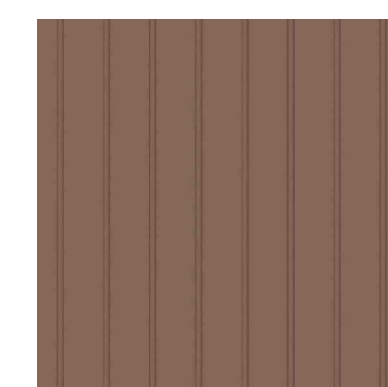
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INSULATED METAL
PANELS



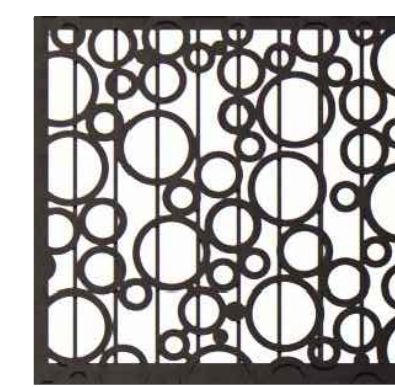
INSULATED METAL
PANELS



INSULATED METAL
PANELS



METAL INFILL PANEL



DECORATIVE
METAL SCREEN

DECORATIVE
METAL SCREEN

INSULATED METAL
PANELS

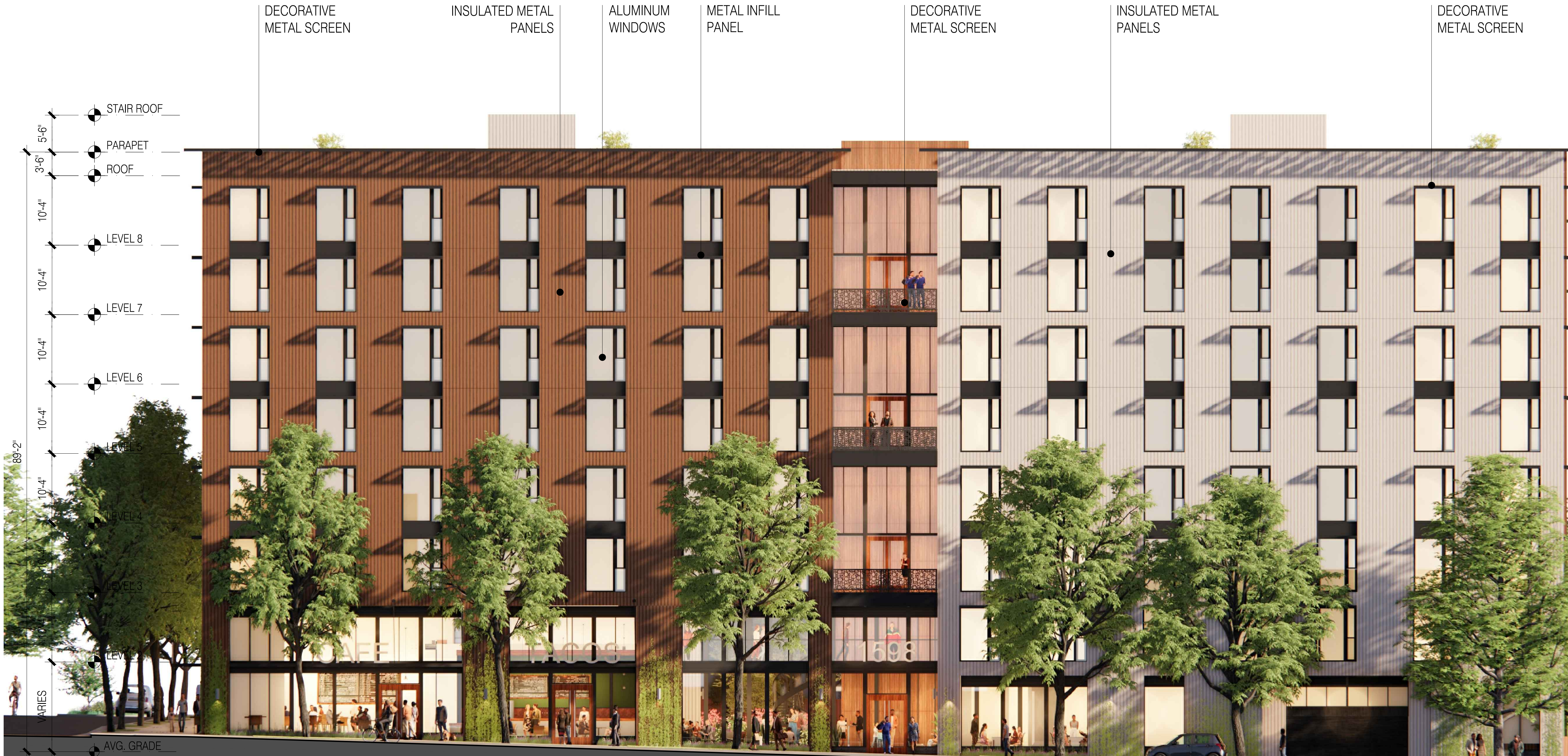
ALUMINUM
WINDOWS

METAL INFILL
PANEL

DECORATIVE
METAL SCREEN

INSULATED METAL
PANELS

DECORATIVE
METAL SCREEN



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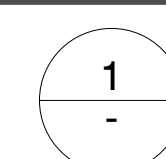
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JOB: 2030

SHEET:

MATERIAL
BOARD

MAT



NORTH ELEVATION

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



(CALIFORNIA ST.)

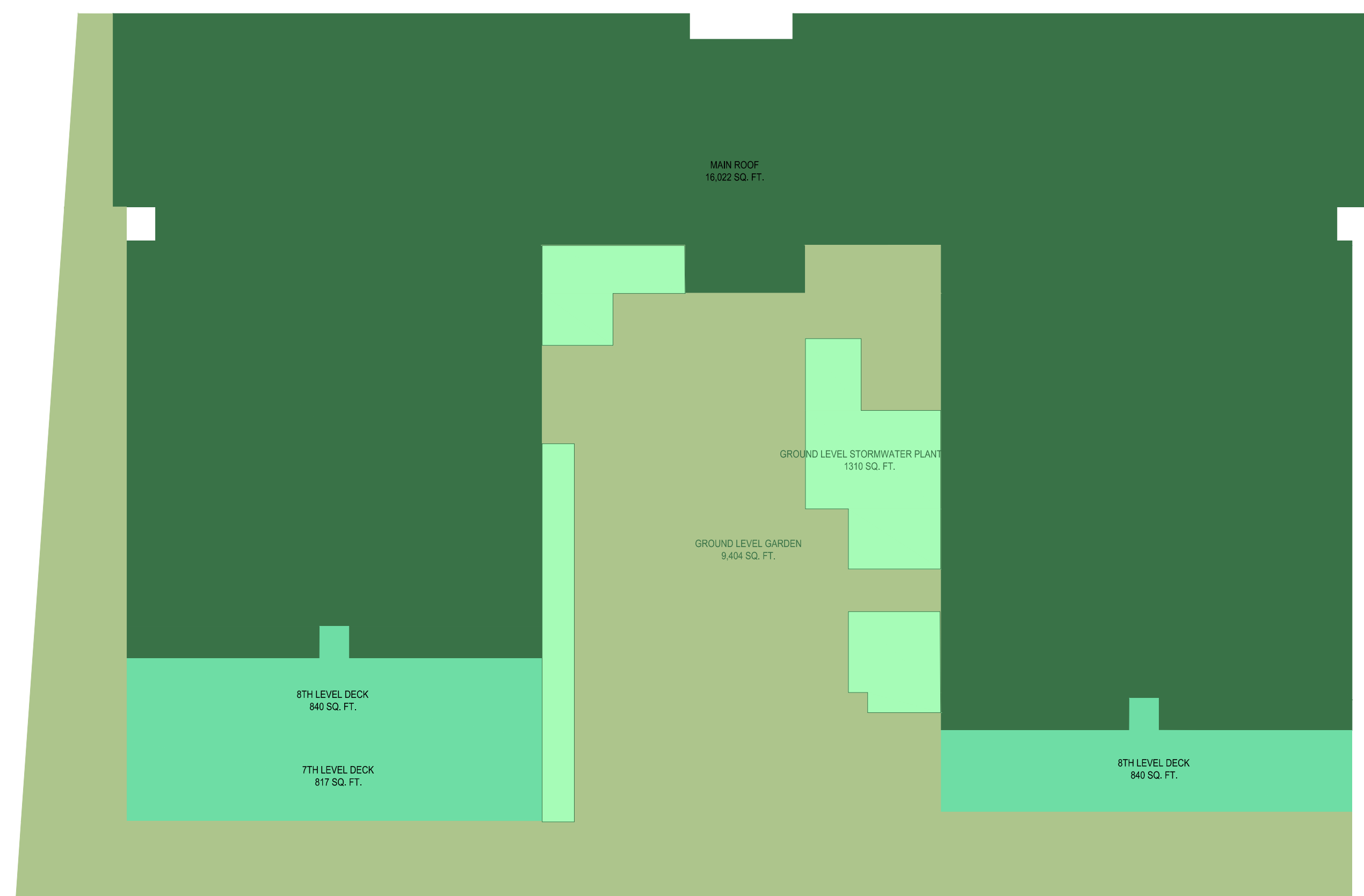
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STORMWATER CALCULATIONS

C3 APPLICABILITY	
TOTAL SITE AREA	28,936
C3 THRESHOLD	10,000
C3 REGULATED PROJECT	NO

REQUIRED FLOW-THROUGH PLANTERS

LOCATION	GROSS SF	SELF-TREATING AREA	TREATMENT AREA	%	TOTAL TREATMENT AREA	TOTAL PROVIDED PLANTER AREA	PERVIOUS PAVING	FILTER VAULT
MAIN ROOF	16022	0	16022	4%	641			
8TH LEVEL ROOF DECKS	1680	148	1532	4%	61			
7TH LEVEL ROOF DECK	817	74	743	4%	30	1310		
TOTAL	18519	222	18297		732	1310		

PROVIDED TREATMENT PLANTERS

LEVEL	PLANTER AREA
GROUND LEVEL STORMWATER PLANTER	1310
TOTAL PLANTERS	1310

SPECIAL PROJECTS (Appendix K)

CRITERIA FOR CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) SPECIAL PROJECTS

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

LOCATION CREDITS

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

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JOB: 2030

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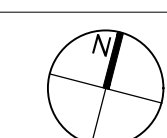
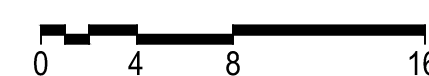
PRELIMINARY
STORMWATER
MANAGEMENT
PLAN

SW-1

2
-

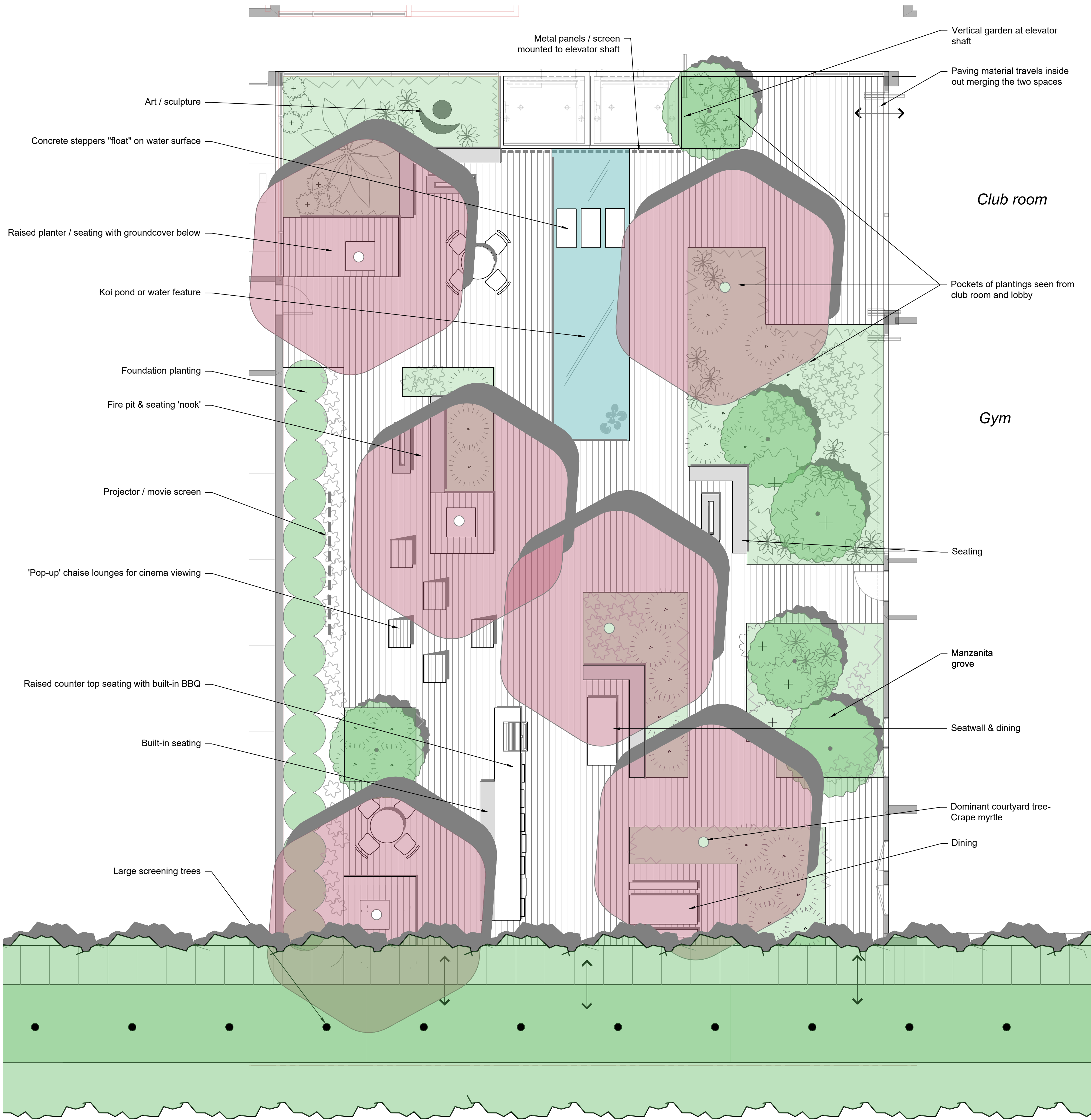
PRELIMINARY STORMWATER MANAGEMENT PLAN

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



1
-

STORMWATER MANAGEMENT DATA



**CITY OF BERKELEY
DESIGN REVIEW COMMITTEE
HEARING SET 04.20.2023**

LANDSCAPE SHEET INDEX

- L1.0 Courtyard Concept and Site Features
- L2.0 Landscape Plan at Streetscape
- L2.1 Courtyard Landscape Site Plan; Plant List
- L3.0 Courtyard Site Improvements Imagery
- L3.1 Courtyard Planting Imagery
- L3.2 Screening Tree Options
- I1.0 Irrigation Plan
- I2.0 Irrigation Notes, Legend, Schedules & Calcs.
- I2.1 Irrigation Details
- I2.2 Irrigation Details

NOTES

1. CONTRACTOR SHALL VERIFY ALL GRADES, EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. ALL DISCREPANCIES OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR RESOLUTION. REDIRECT WORK TO AVOID DELAY.
2. ALL CURVES AND ALL TRANSITIONS BETWEEN CURVES AND STRAIGHT EDGES SHALL BE SMOOTH.
3. TAKE ALL DIMENSIONS PERPENDICULAR TO ANY REFERENCE LINE, WORK LINE, FACE OF BUILDING, FACE OF WALL OR CENTERLINE.
4. S.A.D. FOR ALL INFORMATION ON WATERPROOFING, DRAINAGE & GRADING ON STRUCTURES.

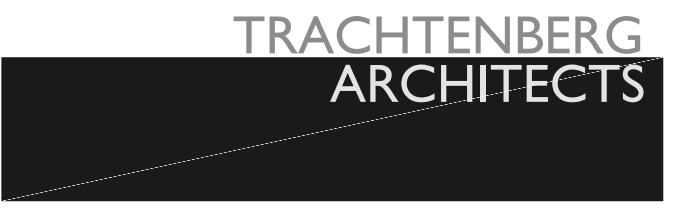
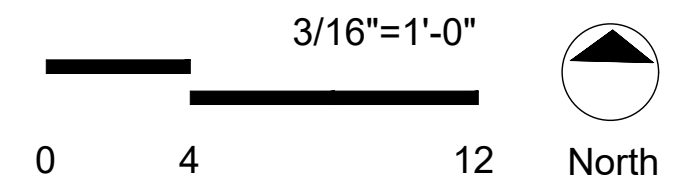
SEE L2.1 FOR GENERAL PLANTING NOTES.

STREET TREE PROTECTION NOTES:

1. ALL TREE PROTECTION REQUIREMENTS AND RESTRICTIONS SHALL BE INCLUDED IN THE CONSTRUCTION NOTES AND PRINTED ON ALL COPIES OF THE PLANS.
 - a) INCLUDE THE NAME AND PHONE NUMBER OF THE PARTY THAT WILL MONITOR THE SITE AND ENSURE THE TREE PROTECTION MEASURES ARE BEING FOLLOWED; AND WHAT THE MONITORING SCHEDULE WILL BE: **NAME / PHONE / SCHEDULE**
 - b) INSTALL 6 FOOT CHAIN-LINK FENCING TO PROTECT THE AREA WITHIN THE DRIP-LINE OF ANY PROTECTED TREE IN THE DEVELOPMENT AREA. FENCING SHALL BE MOUNTED TO POSTS THAT ARE DRIVEN INTO THE GROUND. WHERE THIS IS NOT POSSIBLE BECAUSE OF EXISTING STRUCTURES, TREE ROOTS, OR OTHER OBSTACLES, CHAIN-LINK PANELS MOUNTED TO STANCHIONS AND CONNECTED TO EACH OTHER MAY BE APPROVED. IN AREAS WHERE DIFFICULT TERRAIN MAKES THIS IMPRACTICAL, ORANGE CONSTRUCTION FENCING MAY BE APPROVED.
 - c) ALL FENCING SHALL HAVE SIGNAGE STATING THE REQUIREMENTS AND RESTRICTIONS, AND THE CONTACT INFORMATION FOR THE PROJECT ARBORIST.
 - d) WHEN ANY APPROVED CONSTRUCTION ACTIVITY WILL OCCUR WITHIN THE DRIP LINE OF A PROTECTED TREE THAT IS NOT SURROUNDED BY PROTECTIVE FENCING, THE TRUNK SHALL BE PROTECTED BY WRAPPING IT WITH STRAW TUBES (WATTLE) OR VERTICAL WOOD SLATS (EX. 2X4), UP TO A MINIMUM OF 8 FEET FROM GRADE (SEE FIGURE 1, PAGE 6). SLATS SHALL BE ANGLED TO PROTECT THE ROOT FLARE AT THE BASE OF THE TREE; AND CLOSED CELL FOAM OR EQUIVALENT MATERIAL SHALL BE USED TO PROTECT THE TRUNK OF THE TREE WHERE IT CONTACTS THE SLATS. LATERAL BRANCHES BELOW 8 FEET SHALL ALSO BE PROTECTED. IN ADDITION, THE AREA SHALL BE COVERED WITH A 6 INCH LAYER OF MULCH TOPPED WITH 3/4 INCH PLYWOOD THAT IS FASTENED TOGETHER. IF ANY LARGE OR MOTORIZED EQUIPMENT (MINI EXCAVATOR, BOBCAT, POWERED WHEELBARROW) WILL TRAVEL OVER THIS AREA, THE PLYWOOD MUST BE A MINIMUM OF 1 INCH AND ADEQUATE FOR THE WEIGHT OF THE EQUIPMENT THAT WILL TRAVEL OVER IT. IF LARGER EQUIPMENT (BACKHOE, TRACTOR) WILL BE USED, CONSULT THE CITY ARBORIST. **CONSTRUCTION ACTIVITY REFERS TO ANY MOVEMENT OF PEOPLE, TOOLS, OR EQUIPMENT; OR STORAGE OF ANY TOOLS, EQUIPMENT, OR SUPPLIES.**
 - f) LOCATE AND EXPOSE ANY ROOTS 2 INCHES IN DIAMETER OR GREATER THAT MAY NEED TO BE PRUNED TO FACILITATE THE PROJECT. THIS INCLUDES ANY TRENCHING THAT WILL BE DONE AS PART OF FOUNDATION OR UTILITY INSTALLATION. CONTACT THE CITY ARBORIST IN ADVANCE TO LESSEN THE AMOUNT OF TIME THAT THE ROOTS WILL BE EXPOSED. IF ROOTS MUST BE LEFT EXPOSED FOR MORE THAN THREE DAYS, CONSULT THE CITY ARBORIST. **NOTE:** THE 2 INCH DIAMETER THRESHOLD FOR ROOTS IS A GUIDELINE THAT MAY BE ADJUSTED BY THE CITY ARBORIST DEPENDING ON THE SIZE AND CONDITION OF THE TREE, AND THE LOCATION OF THE ROOTS. THE CITY ARBORIST MAY INCREASE THE TPZ, OR IMPOSE OTHER RESTRICTIONS, WHEN THE DRIPLINE OF A TREE HAS BEEN ALTERED BY PRUNING OR UNUSUAL GROWTH PATTERNS.
 - g) NO STORAGE OF BUILDING MATERIALS, REFUSE, EXCAVATED SPOILS, OR DUMPING OF POISONOUS MATERIALS, IS PERMITTED WITHIN THE DRIP LINE OF ANY PROTECTED TREE. POISONOUS MATERIALS INCLUDE, BUT ARE NOT LIMITED TO, PAINT, PETROLEUM PRODUCTS, CONCRETE OR STUCCO MIX, DIRTY WATER, OR ANY OTHER MATERIAL WHICH MAY BE DELETERIOUS TO TREE HEALTH.

STREET TREE PLANTING NOTES:

1. FOR NEW PLANTING:
 - a. THE CITY ARBORIST SHALL BE NOTIFIED, BY CALLING (510) 981-6660, PRIOR TO THE DELIVERY OF THE TREES FOR INSPECTION OF THEIR SIZE AND STRUCTURE.
 - b. EACH TREE SHALL BE PROPERLY PLANTED AT OR JUST BELOW GRADE (<1"). SOIL AMENDMENT IS NOT RECOMMENDED. NO CONSTRUCTION RUBBLE OR NON-ORGANIC MATERIAL SHALL BE WITHIN THE TREE WELL.
 - c. THE SURROUNDING SOIL OUTSIDE THE CONTAINER (ROOT BALL) SHOULD BE LIGHTLY COMPACTED TO ABOUT 4 INCHES BELOW GRADE WITH THE ROOT BALL HIGHER THAN THAT.
 - d. 2 TO 2.5 INCHES OF BASE ROCK SHOULD BE APPLIED AROUND THE ROOT BALL LEAVING 1.5 TO 2 INCHES LEFT FOR THE MATERIAL.
 - e. 15G CONTAINERS ARE APPROXIMATELY 15-16 INCHES IN DIAMETER AND THE MATERIAL SHOULD BE APPLIED TO THE APPROXIMATE EDGE OF THE ROOT BALL WITH THE TOP GRADE OF THE ROOT BALL UP TO 1 INCH BELOW THE TOP OF THE MATERIAL THAT WILL BE APPLIED.
 - f. EACH NEW TREE SHALL HAVE AUTOMATIC IRRIGATION INCLUDING TWO TREE BUBBLERS THAT CURVE OVER THE TOP OF THE TREES' ROOT BALL AND PROVIDE A MINIMUM OF 20 GALLONS PER WEEK BETWEEN MARCH 15 AND OCTOBER 15 FOR THE FIRST THREE YEARS. LARGER TREES MAY REQUIRE ADDITIONAL BUBBLERS. THE BUBBLERS SHOULD BE LOCATED ON TOP OF THE ROOT BALL WITHIN THIS 15-16 INCH CIRCLE AND NOT BE COVERED WITH MATERIAL.
 - g. TREES THAT DIE WITHIN THE FIRST THREE YEARS MUST BE REPLACED AT THE PROPERTY OWNER'S EXPENSE.



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JOB: 2104

SHEET:

**COURTYARD CONCEPT
AND SITE FEATURES**

L1.0

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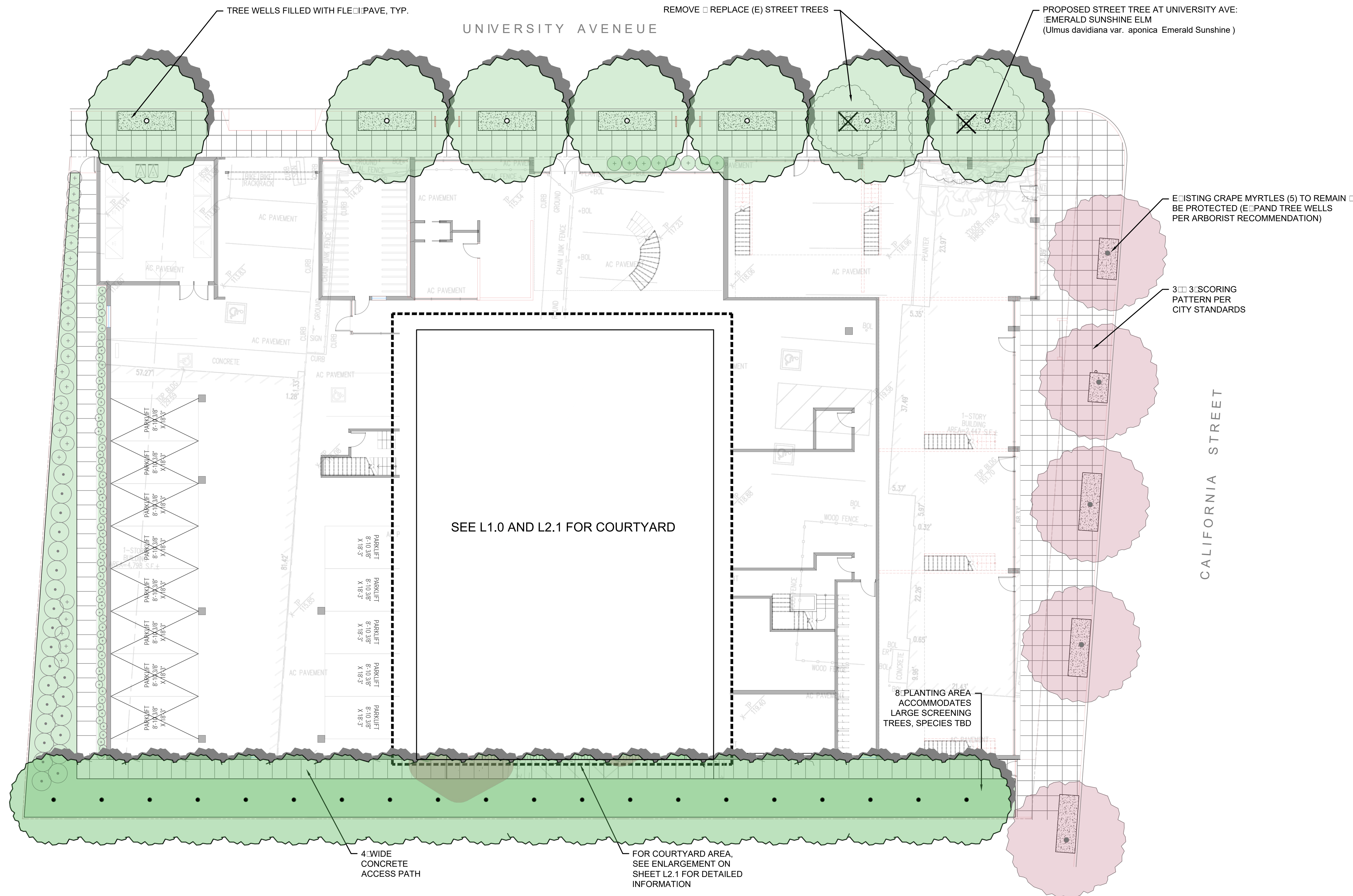
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SHEET:

LANDSCAPE PLAN AT STREETSCAPE

L2.0



- NOTES:
- SEE L1.0 FOR STREET TREE PROTECTION AND PLANTING NOTES.
 - PROPOSED STREET TREE SPECIES, LOCATION, AND CONDITIONS SUBJECT TO ONGOING REVIEW AND APPROVAL BY THE CITY OF BERKELEY'S MANAGING CONSULTING URBAN FORESTER AND ARBORIST. PROPOSED STREET TREES ARE CURRENT WITH EXISTING UTILITIES AS OF 03.01.2023 AND WILL BE SUBJECT TO ADDITIONAL REVIEW AFTER PROPOSED UTILITIES ARE FINALIZED.



Plant List

Index	Latin Name	Common Name	Size	Spacing	WELO	Notes	CA Native
Trees							
AH	Arctostaphylos densiflora 'Dr Hurd'	Dr. Hurd Manzanita	15 gallon	As Shown	L	Courtyard tree	X
CC	Cotinus coggygria	Smoke Tree	15 gallon	As Shown	L	Courtyard accent	
DA	Dicksonia antarctica	Tahitian Tree Fern	5 gallon	As Shown	H	Shade accent	
LI	Lagerstroemia indica 'Watermelon Red'	Watermelon Creeper Myrtle	24" box	As Shown	L	Courtyard tree	
UD	Ulmus davidiana var. japonica 'Emerald Sunshine'	Emerald Sunshine Elm	24" box	As Shown	L	Courtyard tree	
TBD	Pinus canariensis / Cupressus sempervirens	TBD	24" box	As Shown	TBD	Screening tree	TBD
TBD	Sequoia sempervirens / Calocedrus decurrens						
Shrubs							
AD	Asparagus densiflorus 'Myers'	Foxtail Fern, Asparagus Fern	1 gallon	30"	M		
AK	Anigozanthos hybrids	Kangaroo Paw	1 gallon	30"	L		
AS	Asparagus densiflorus	Myer's asparagus	1 gallon	30"	M		
BA	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Blue Grama Grass	1 gallon	36"	L		X
BG	Blechnum gibbum 'Silver Lady'	Silver Lady Fern	5 gallon	as shown	M		
EC	Epilobium canum 'Coral Canyon'	Coral Canyon California Fuchsia	1 gallon	24"	L		X
CP	Carex panicea	Sand Dune Sedge	1 gallon	24"	M		X
CS	Calandrinia spp	Rock Purslane	1 gallon	36"	L	Accent	
DO	Daphne odora	Winter Daphne	5 gallon	36"	L		
HB	Hebe buxifolia	NCN	5 gallon	30"	M		
HG	Heuchera sanguinea	Coral Bells	1 gallon	18"	M		X
HM	Heuchera micrantha	Heuchera	1 gallon	36"	M		X
HP	Heuchera x 'Paprika'	Paprika Coral Bells	1 gallon	18"	M		X
HQ	Hydrangea quercifolia	Oakleaf Hydrangea	5 gallon	4'-0"	M		
JP	Juncus patens 'Carmen's gray'	Carmen's Gray Rush	1 gallon	24"	L	Flow-through-planter vegetation	X
CS	Cornus sericea 'Hedgegrow Gold'	Hedgegrow Gold Redtwig Dogwood	5 gallon	60"	H		X
FC	Festuca californica	California Fescue	1 gallon	24"	L		X
MC	Muhlenbergia capillaris 'Lenca'	Pink Muhly Grass	1 gallon	36"	L		X
MR	Muhlenbergia rigens	Deer Grass	5 gallon	42"	L		X
PC	Phormium tenax 'Chocolate'	New Zealand Flax	5 gallon	48"	L		X
PM	Polystichum munium	Western Sword Fern	1 gallon	24"	M		X
RC	Rhamnus californica 'Eve Case'	Eve Case Coffeeberry	5 gallon	60"	L		X
MB	Mimulus bifidus 'White'	White Monkeyflower	5 gallon	30"	L		X
Groundcover							
ID	Iris douglasiana	Douglas Iris	1 gallon	as shown	L		X
EK	Eriogonum karwinskianus	Fliebane	4" pots	12"	L		
FX	Festuca glauca x 'Cool as Ice'	Cool as Ice Fescue	4" pots	12"	L		
FS	Festuca idahoensis 'Siakyou Blue'	Siakyou Fescue	1 gallon	24"	L		X
LC	Leymus condensatus 'Canyon Prince'	Canyon Prince Blue Wild Rye	1 gallon	36"	L		X
FR	Fragaria chiloensis	Beach Strawberry	4" pots	12"	M		X
SA	Salvia 'Bee's Bliss'	Bee's Bliss Sage	1 gallon	36"	L	Accent	X
SB	Stachys byzantina	Lamb's Ear	1 gallon	12"	L		X
SM	Senecio mandraliscae	Blue Finger	1 gallon	24"	L		X
SP	Stipa pulchra	Purple Needle Grass	1 gallon	12"	L		X
CG	Ceanothus griseus horizontalis 'Carmel Creeper'	Carmel Creeper California Lilac	1 gallon	36"	L	Accent	X
VC	Vitis californica	California Grape	1 gallon	36"	L	Vine	X

Note: all plantings will be watered by an automated irrigation system compliant with the City of Berkeley code. As plans develop, water calculations will be documented and submitted to City for review. The proposed planting shall be WELO compliant.

Note: approximately 80% of specified plants are California native and wildlife-supporting.

Note: all landscape planting will comply with the City of Berkeley Dark Skies ordinance and Bird Safe requirements.

GENERAL PLANTING NOTES

6. **SOIL PREPARATION:** The Landscape Contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted. The Landscape Contractor shall incorporate soil preparation amendment into planting areas as noted below. Where rotation is not possible, incorporate soil amendments into top 6 inches with hand tools. After installation of irrigation system, all planting areas are to be graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1/2 inch in diameter removed.

7. **SOIL PREPARATION AMENDMENTS AND BACKFILL:** The Landscape Contractor shall amend existing soil per the soils report.

8. **TREE PLANTING:** Trees shall be planted per detail on plan. Trees shall typically be located a minimum of 3'-2 feet from curbs, walks, headers, buildings, and overhead structures within the project. Backfill per soils report. Thoroughly water trees immediately after planting.

9. **SHRUB PLANTING:** The shrubs shall be spotted as per plan, spotted at the shown locations, and approved by Landscape Architect prior to the digging of the holes. Shrub backfill shall be per soils report. Thoroughly water shrubs immediately after planting. Do not plant any shrub within 2 feet of any building wall.

10. **MAINTENANCE:** The Contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, weeding, mowing, repair of irrigation stakes and ties, restoration of basins, provision of supplemental water by hand in addition to irrigation system is required as necessary. No pre-emergence herbicides shall be applied to hand remove weeds. Only organic fertilizers shall be applied such as those specified. Install per manufacturer's recommendations. At the end of the 90 day maintenance period all areas are to be weeded and all plant material shall be in a healthy, thriving condition. Integrated pest management practices shall be implemented.

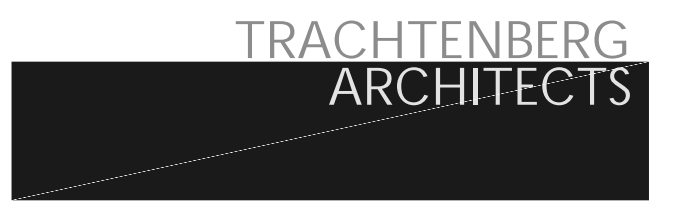
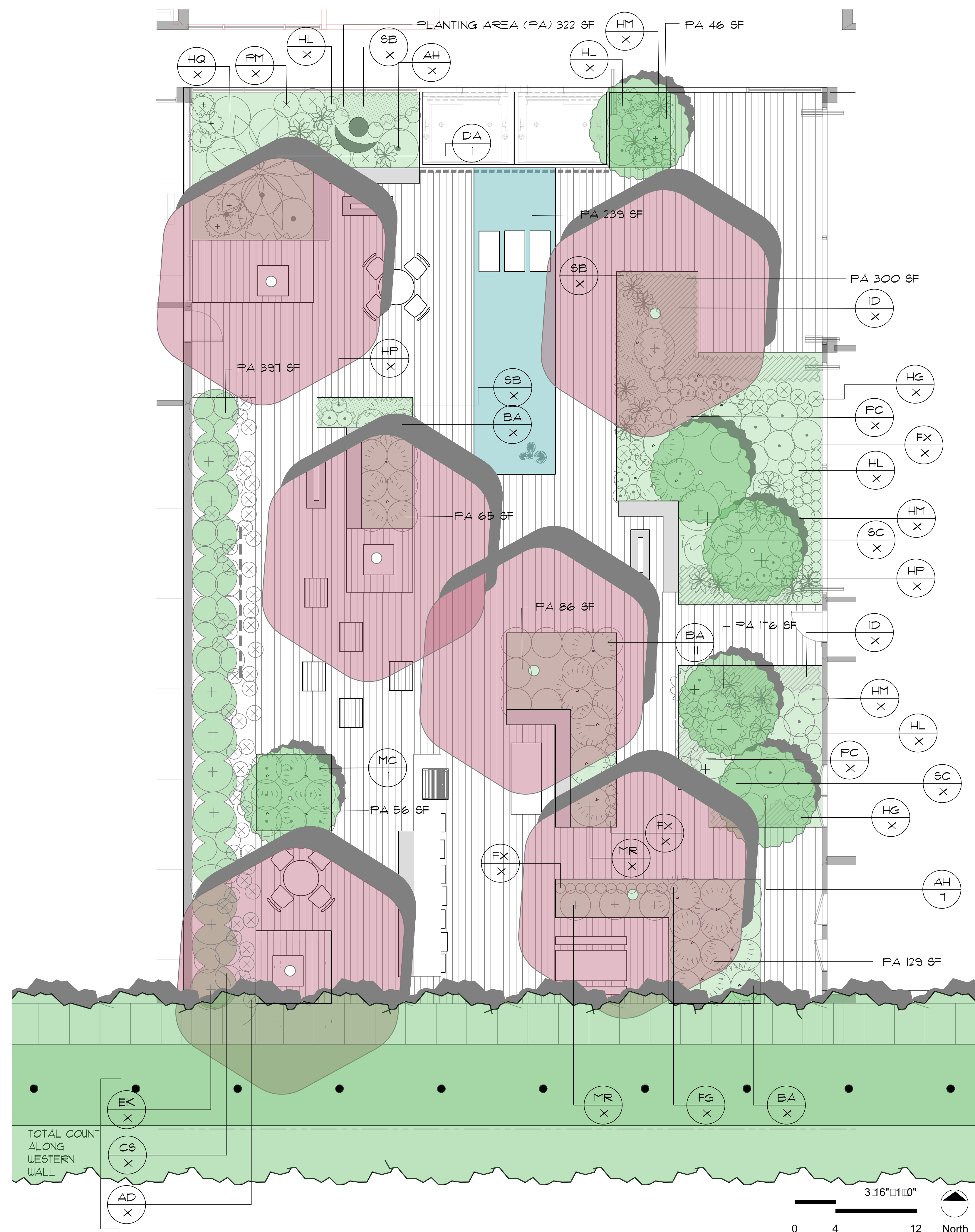
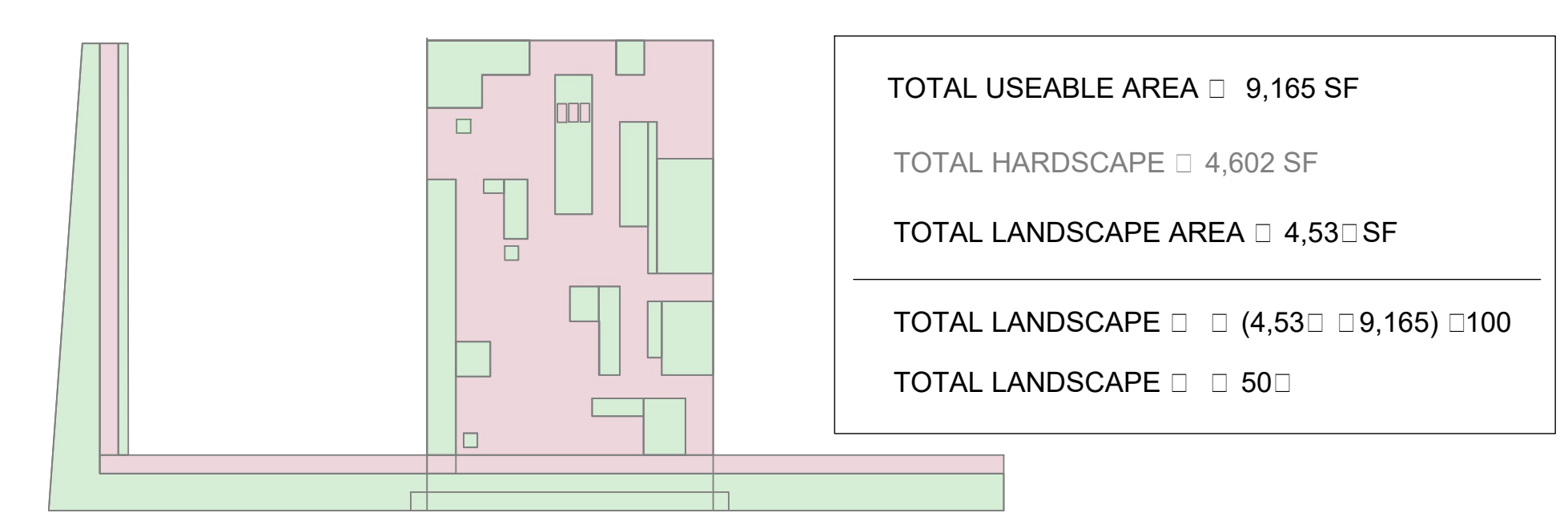
11. **SUBSTITUTIONS:** Requests for plant substitutions shall be made to the Landscape Architect within 15 days after signing of contract.

12. **GUARANTEE:** All construction, trees and shrubs by the Landscape Contractor and/or subcontractors shall be guaranteed for (1) one year after start of maintenance period. The contractor shall replace, at no expense to the Owner, any and all landscape materials that are in an unacceptable condition or time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition, within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The Contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the Contractor, his agents and employees.

13. **CLEAN UP:** At the end of each work day, at the inspection or substantial completion, and before acceptance of project, clean paved areas that are dirtied or stained by construction operations by sweeping or washing, and remove de-ice materials and stains. Remove construction equipment, excess materials and tools. Haul from Owners property any debris resulting from construction, and dispose of it legally. Remove remaining temporary protection at time of acceptance by Owner unless otherwise agreed.

14. **FERTILIZERS:** Available from California Organic Fertilizers, Inc. 1.800.269.5690 www.organic.com.

1598 University Hardscape / Softscape Breakdown



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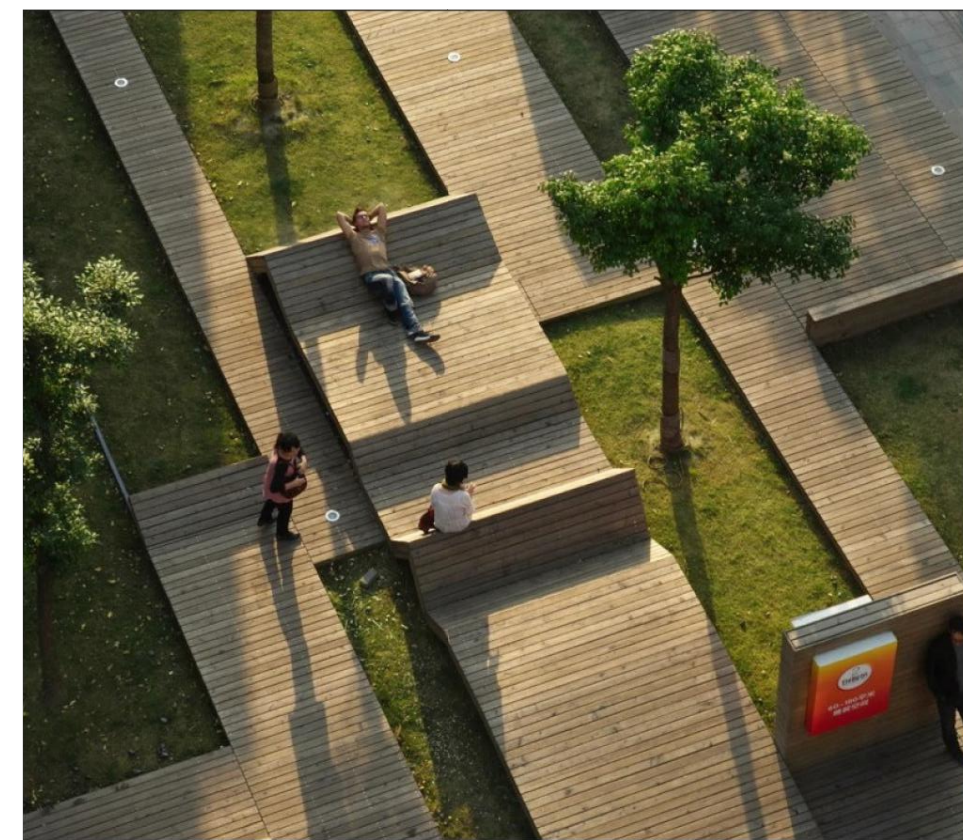
JOB: 2104

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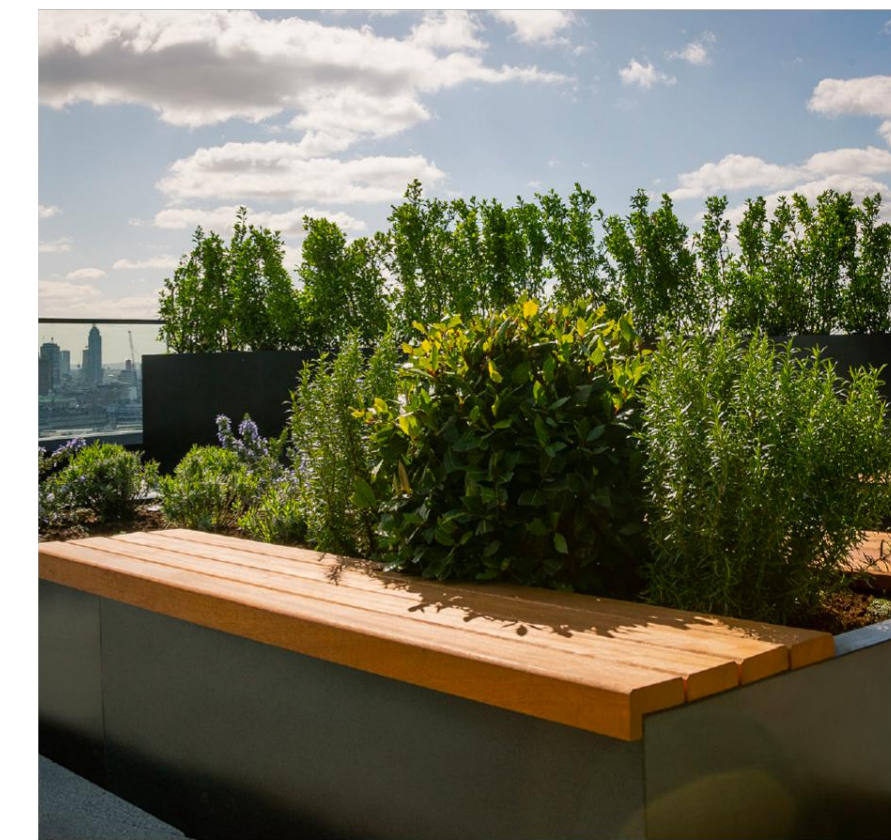
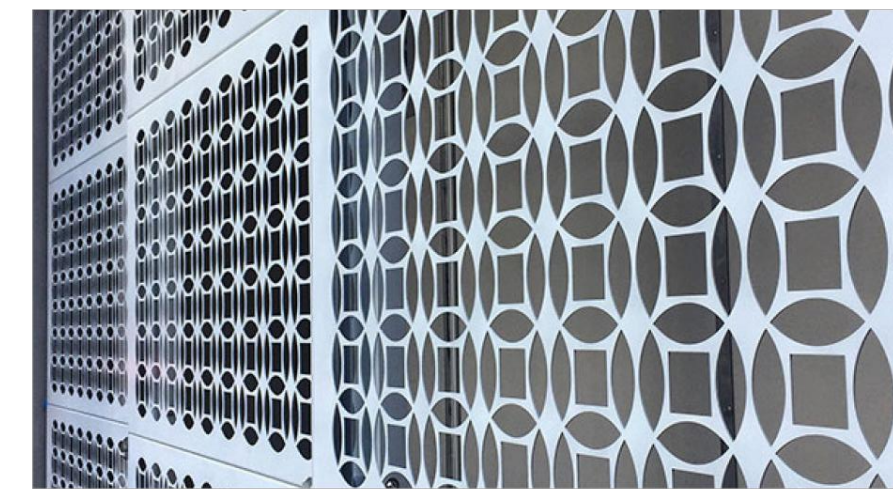
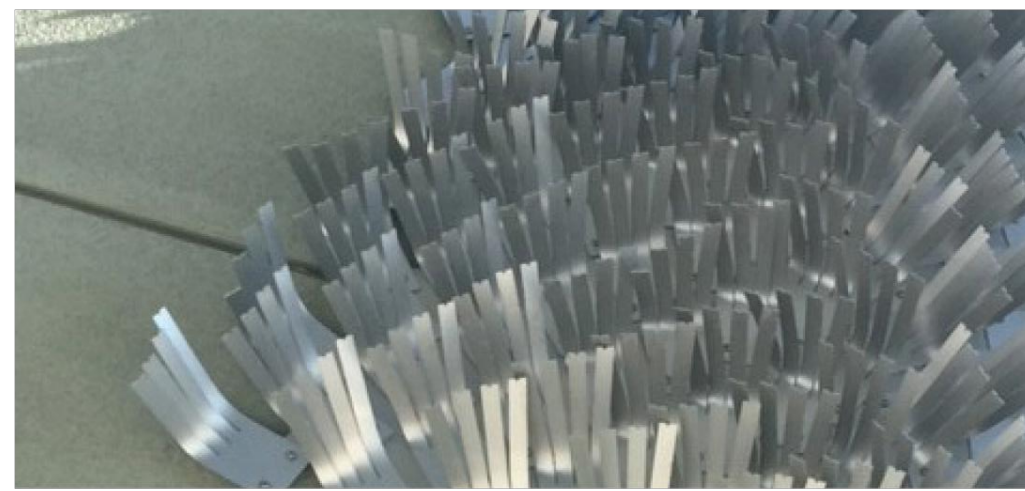
COURTYARD LANDSCAPE SITE PLAN

L2.1

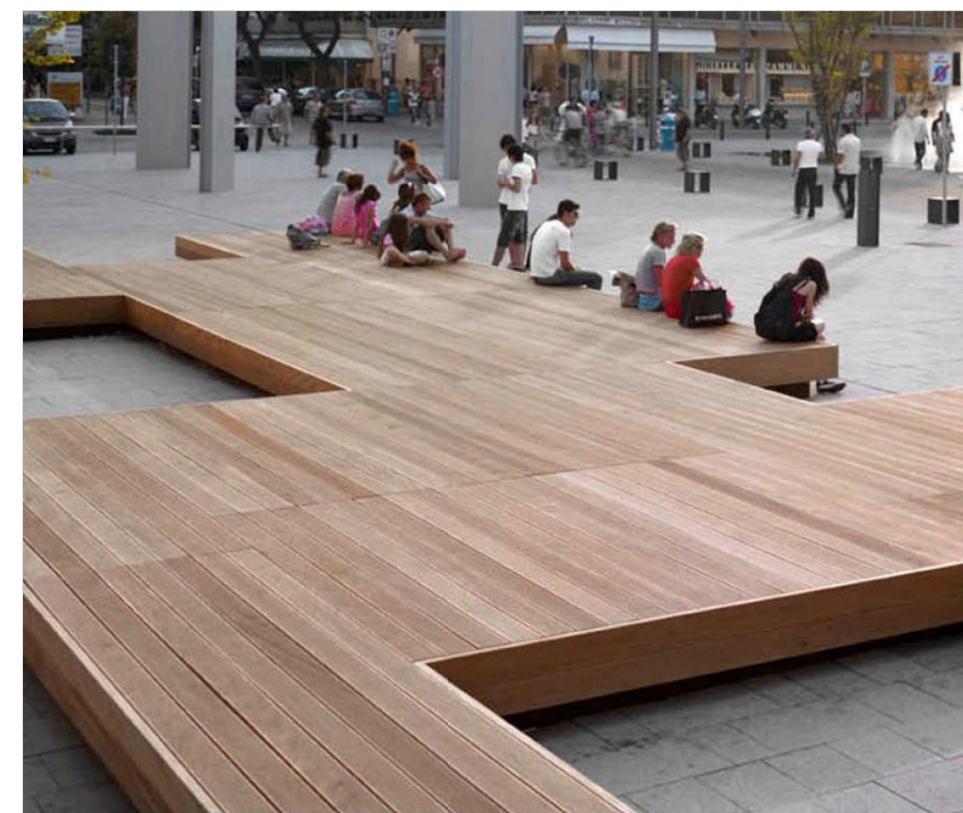




SEATING - Overview



SEATING - Detail

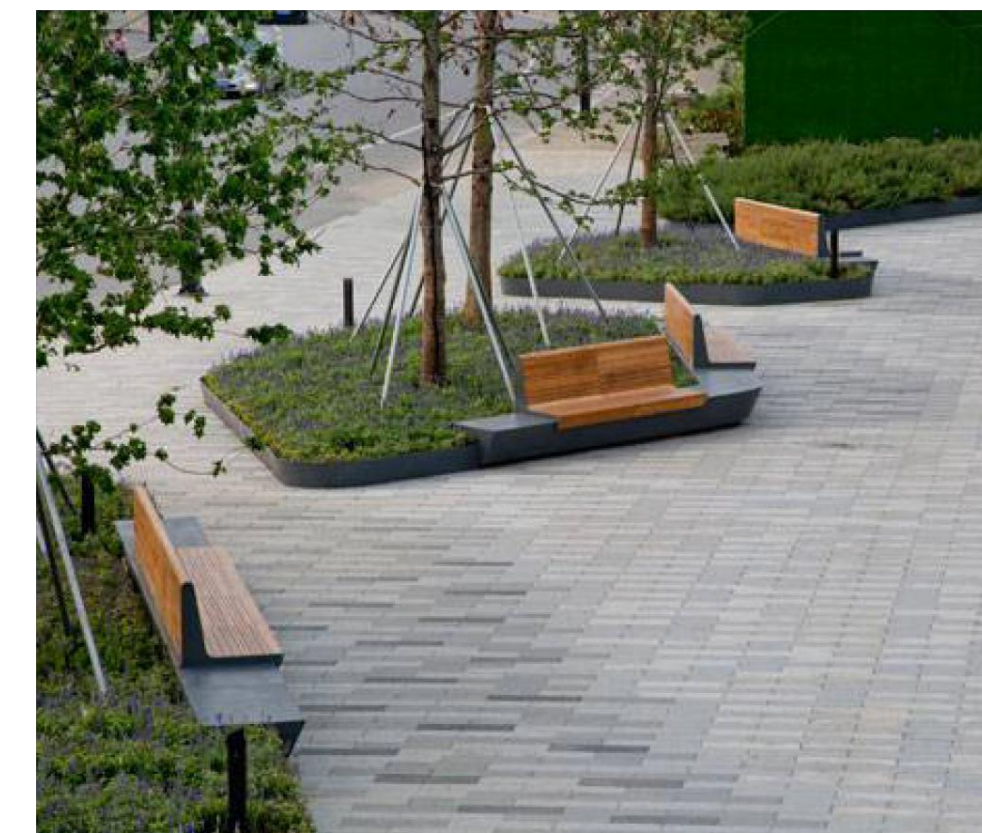
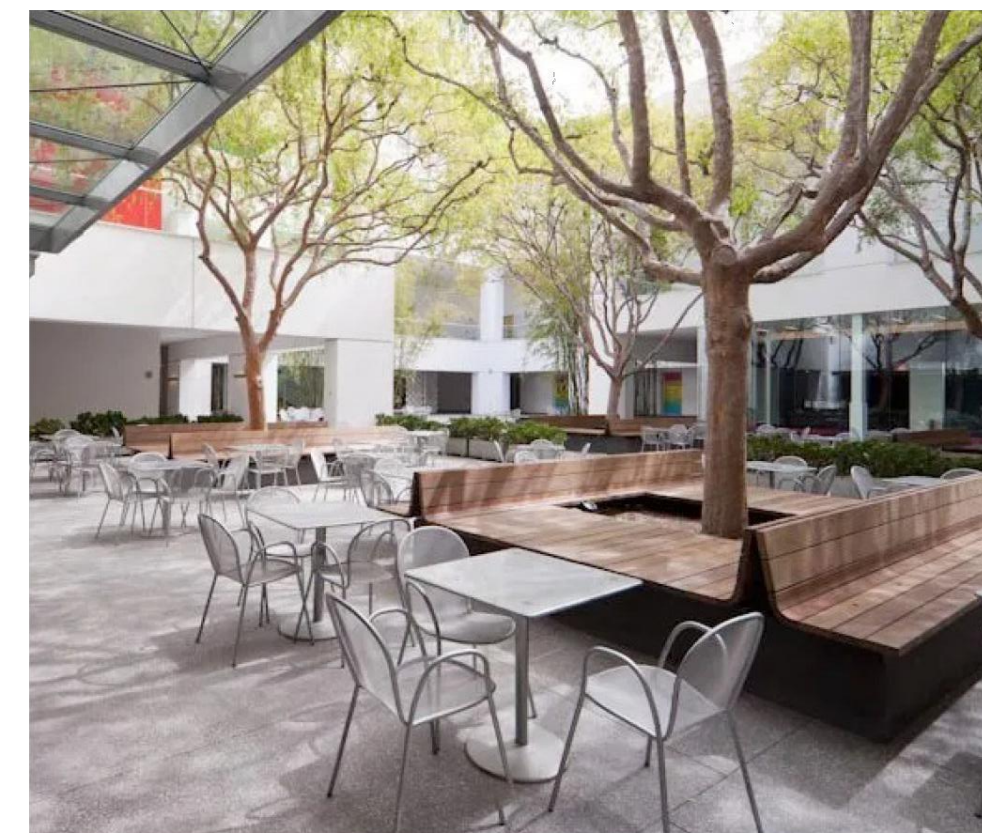
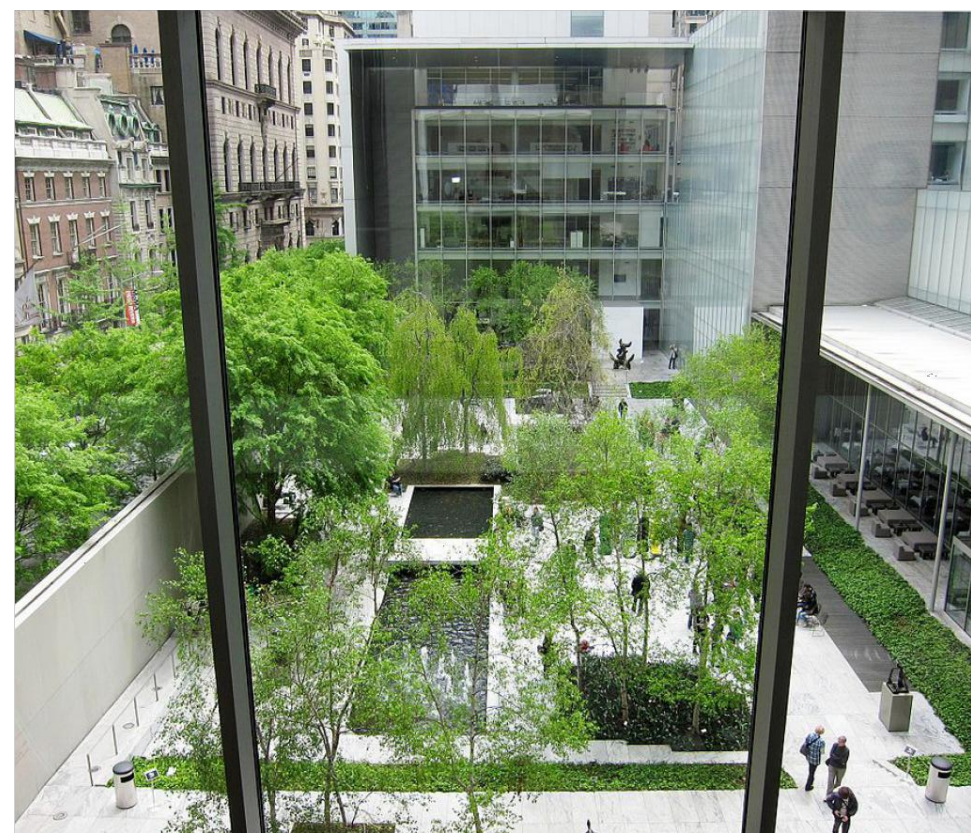


VERTICAL KOI SCREEN - Echoes long pond below, att. to elevator shaft



LIGHTING - TBD; koi screen, under seating, around outdoor cinema, paths as needed

STREET TREES - Emerald Sunshine Elm Ulmus davidiana var. japonica Emerald Sunshine



CONCEPTS - Meandering geometric spaces, layered canopy, built-in and flexible seating, long rectangular reflecting pool, subtle paving pattern

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SHEET:

COURTYARD
SITE IMPROVEMENTS
IMAGERY

L3.0

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MEDIUM - Tasmanian Tree Fern, Dr. Hurd Manzanita



FLOWERING SHRUB - Hebe Buxifolia, Oakleaf Hydrangea

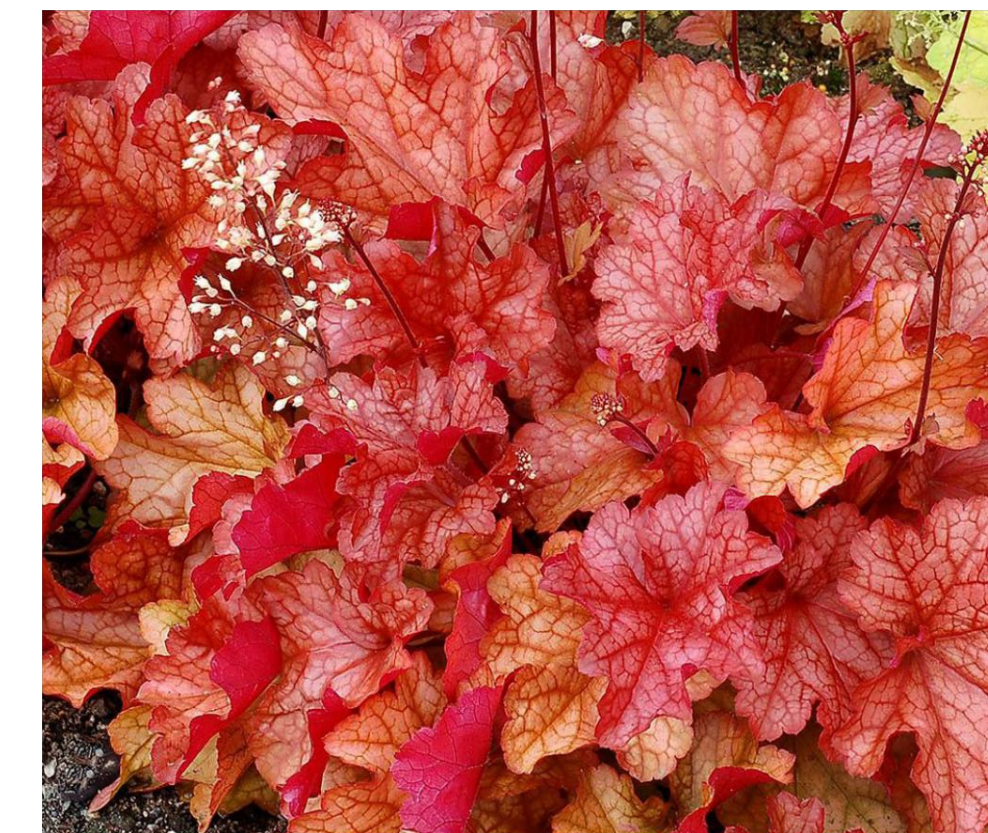
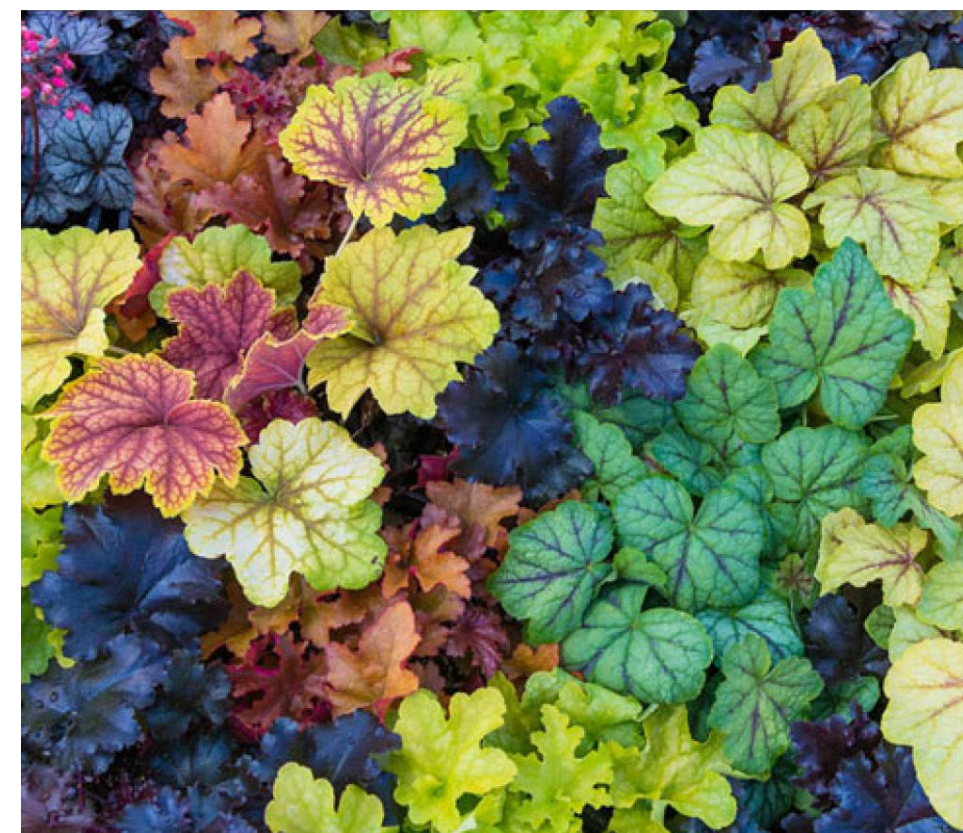


LARGE - Crape Myrtle 'Watermelon Red'

GROUND - 'Cool As Ice', Blue Oat Grass, Lamb's Ear, Bellflower



SHRUB AND ACCENT - Phormium Tenax 'Chocolate', California Coneflower, Pink Muhly Grass, Celestial Blue Sage, Blonde Ambition Blue Grama Grass, Western Sword Fern, Kangaroo Paw



GROUND ACCENT - Coral Bells Mix, including Sanguinea, 'Electric Lime', Micrantha, and Paprika

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SHEET:

COURTYARD
PLANTING IMAGERY

L3.1



Canary Island Pine (Pinus canariensis)

- Mature size: 50 80 t tall 20 35 t wide
- Growth rate: Fast
- Water use: Low
- For 1598 University: Space at 12 t apart on center



California Incense Cedar (Calocedrus decurrens)

- Mature size: 5 90 t tall 10 15 t wide
- Growth rate: Moderate
- Water use: Moderate
- For 1598 University: Space at 8 t apart on center



Italian Cypress (Cupressus sempervirens)

- Mature size: 40 60 t tall 5 10 t wide
- Growth rate: Moderate
- Water use: Low
- For 1598 University: Space at 5 t apart on center



Coast Redwood (Sequoia sempervirens)

- Mature size: 0 100 t tall 20 30 t wide
- Growth rate: Very fast
- Water use: High
- For 1598 University: Space 10 t apart on center

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SHEET:

SCREENING TREE
OPTIONS

L3.2

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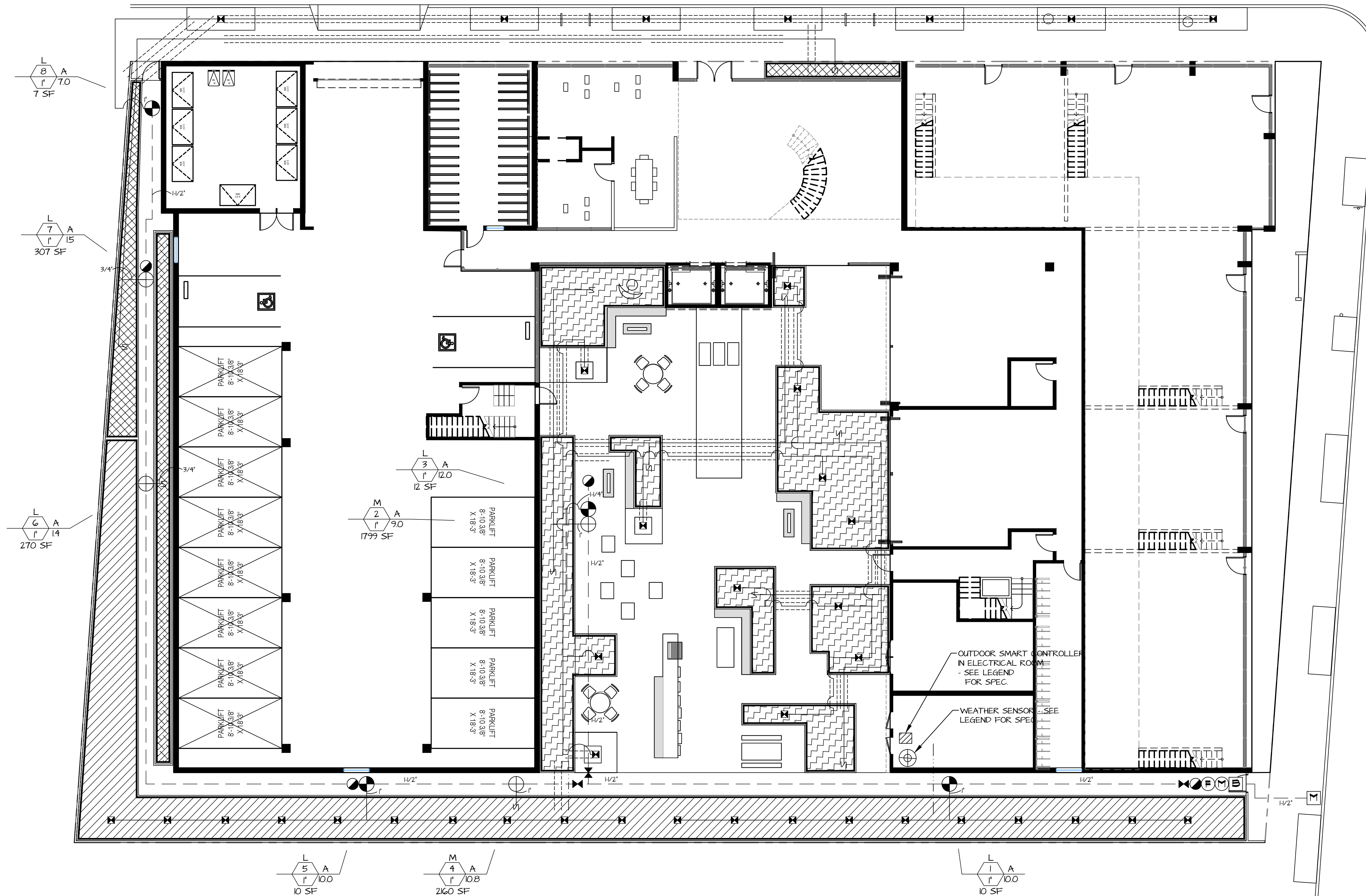
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SHEET:

**IRRIGATION
PLAN**

11.0



IRRIGATION CALCULATIONS SCHEDULES

Reference Evapotranspiration (Eto) Amounts:

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
	1.50	1.50	2.80	3.90	5.10	5.30	6.00	5.50	4.80	3.10	1.40	0.90

Total Yearly Eto:													41.80	inches
-------------------	--	--	--	--	--	--	--	--	--	--	--	--	-------	--------

Irrigation System Information:													
Station	Plant Factor	Irr Type	sq ft area	ppt	Efficiency	GPM	Run Days	Cycle/Day					
A1	0.2	RWS	10	1.00	81%	10.00	2	1					
A2	0.5	Drip - 18"	1,799	0.43	81%	9.00	2	4					
A3	0.2	RWS	12	1.00	81%	12.00	2	1					
A4	0.5	Drip - 18"	2,160	0.43	81%	10.80	2	4					
A5	0.2	RWS	10	1.00	81%	10.00	2	1					
A6	0.2	Drip - 18"	270	0.43	81%	1.40	2	2					
A7	0.2	Drip - 18"	307	0.43	81%	1.50	2	2					
A8	0.2	RWS	7	1.00	81%	7.00	2	1					

Establishment Irrigation Schedule														
Station	Run Days per week	Cycles (Start times)	Minutes per Cycle											
A1	2	1	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
A2	2	4	3	5	9	13	16	17	19	18	16	10	5	3
A3	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A4	2	4	5	5	9	13	16	17	19	18	16	10	5	3
A5	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A6	2	2	4	4	7	10	13	14	16	14	12	8	4	2
A7	2	2	4	4	7	10	13	14	16	14	12	8	4	2
A8	2	1	3	3	6	9	11	12	13	12	11	7	3	2

NOTE:
FOR THE ESTABLISHMENT PERIOD, THE CONTRACTOR IS TO SELECT THE APPROPRIATE 90 DAY PERIOD (I.E. MAY, JUNE, JULY) FROM THE ANNUAL SCHEDULE PROVIDED

Established Irrigation Schedule														
Station	Run Days per week	Cycles (Start times)	Minutes per Cycle											
A1	2	1	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
A2	2	4	3	5	9	13	16	17	19	18	16	10	5	3
A3	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A4	2	4	4	4	8	10	14	14	16	15	13	8	4	2
A5	2	1	3	3	6	9	11	12	13	12	11	7	3	2
A6	2	2	3	3	6	8	11	11	13	12	10	7	3	2
A7	2	2	3	3	6	8	11	11	13	12	10	7	3	2
A8	2	1	3	3	6	9	11	12	13	12	11	7	3	2

California Water Efficient Landscape Worksheet - 1598 University - P.O.C. 'A'							
Reference Evapotranspiration (ET _e)	41.8			Project Type	Residential	ETAF	0.55
Hydrozone # / Planting Description*	Plant Factor (PF)	Irrigation Method ^a	Irrigation Efficiency (IE) ^c	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU) ^d
Regular Landscape Areas							
HZ 1 - BUBBLER - L	0.2	Drip	0.81	0.25	10	2	64
HZ 2 - DRIP - M	0.5	Drip	0.81	0.62	1,799	1110	28780
HZ 3 - BUBBLER - L	0.2	Drip	0.81	0.25	12	3	77
HZ 4 - DRIP - M	0.5	Drip	0.81	0.62	2160	1333	34555
HZ 5 - BUBBLER - L	0.2	Drip	0.81	0.25	10	2	64
HZ 6 - DRIP - L	0.2	Drip	0.81	0.25	270	67	1728
HZ 7 - DRIP - L	0.2	Drip	0.81	0.25	307	76	1964
HZ 8 - BUBBLER - L	0.2	Drip	0.81	0.25	7	2	45
HZ 9 - WATER FEATURE	1		1.00		213	213	5520
HZ 10 - NON-IRRIGATED			0.75	0.00	363	0	0
			0.75	0.00		0	0
Totals					5151	2809	72796
Special Landscape Areas							
					1	0	0
					1	0	0
					1	0	0
					1	0	0
Totals					0	0	0
						0	0
ETWU Total							72796
Maximum Allowed Water Allowance (MAWA) ^f							73421

ETAF Calculations	
Regular Landscape Areas	
Total ETAF x Area	2809
Total Area	5151
Average ETAF	0.55

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.
--

Total Landscape Area: 5,151 SQ. FT.

All Landscape Areas	
Total ETAF x Area	2809
Total Area	5151
Average ETAF	0.55

IRRIGATION NOTES

DIAGRAMMATIC PLAN
THIS SYSTEM IS DIAGRAMMATIC. ALL PIPE, VALVES, ETC. SHOWN WITHIN PAVED AREAS ARE FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS AND JOINT TRENCHES WHEREVER POSSIBLE.

SPRINKLER ADJUSTMENT REQUIRED
THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS FOR OPTIMUM PERFORMANCE AND PREVENT OVSERSPRAY ONTO WALKS AND ROADWAYS AS MUCH AS POSSIBLE. THIS SHALL INCLUDE SELECTING THE BEST DEGREE OF ARC TO FIT THE EXISTING SITE CONDITIONS. CONTRACTOR TO USE PRESSURE COMPENSATING SCREENS WHEN RADIUS IS REDUCED MORE THAN FIFTY PERCENT (50%).

INSTALL NECESSARY CHECK VALVE IN HEADS THAT EXHIBIT TENDENCIES FOR LEAK HEAD DRAINAGE.

INSTALL ALL HEADS A MINIMUM OF 18" AWAY FROM BUILDING WALLS A MINIMUM OF 12" AWAY FROM ALL STUCCO SURFACES.

FIELD CONDITIONS
DO NOT WILLFULLY INSTALL THE IRRIGATION SYSTEM AS INDICATED ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT UNKNOWN OBSTRUCTIONS OR GRADE DIFFERENCES EXIST AND SHOULD BE BROUGHT TO THE ATTENTION OF THE CONTRACTING OFFICER. IN THE EVENT THAT THIS NOTIFICATION IS NOT PERFORMED, THE CONTRACTOR MUST ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS REQUIRED.

SWING JOINTS
INSTALL ALL HEADS WITH DOUBLE OR TRIPLE SWING JOINTS, USING STREET ELLS, AS PER DETAIL.

MINIMUM PRESSURE AND MAINTENANCE GALLONS REQUIRED
THE SPRINKLER SYSTEM DESIGN IS BASED ON A MINIMUM OPERATIONAL PRESSURE AND A MAINTENANCE DEMAND AT THE POINT OF CONNECTION, AS NOTED ON THE PLAN. BEFORE INSTALLING THE SYSTEM, CHECK POINT OF CONNECTION AND IMMEDIATELY NOTIFY CONTRACTING OFFICER IF PRESSURE IS NOT AS NOTED OR THE REQUIRED GALLONS PER MINUTE IS NOT AVAILABLE.

WATER LINE UNDER PAVING
ALL MAINLINE UNDER PAVING SHALL BE INSTALLED 24" DEEP. ALL LATERAL LINES UNDER PAVING SHALL BE SCH 40 PVC AND INSTALLED 24" DEEP.

SYSTEM COVERAGE
THE IRRIGATION CONTRACTOR IS TO ADJUST HEAD LOCATIONS IN THE FIELD IN ORDER TO GUARANTEE 100% COVERAGE. CONTRACTOR TO CONTACT THE CONTRACTING OFFICER PRIOR TO ANY MAJOR CHANGE(S) RESULTING IN ADDITIONAL COST TO THE OWNER.

Irrigation System Maintenance Procedures

While the system is designed to operate automatically, a regular maintenance schedule is necessary to prevent and address failures in the system as well as ensure that the system operates in a manner that meets or exceeds the MAWA values provided.

Any broken or malfunctioning irrigation system components should be replaced with the same components, or an equal or superior equivalent.

Upon completion of the project, the following measures should be performed by property management at intervals noted below:

Weekly:
During weekly landscape maintenance operations, the maintenance personnel should look for signs of runoff, erosion, and plant die off due to irrigation system failures. If issues are detected, they should be brought to the attention of the maintenance supervisor and property management for timely correction.

All overhead spray heads shall be inspected to ensure clear operation and in order to identify and repair any damaged equipment.

Monthly:
All irrigation and master valves shall be visually inspected by a property management representative while the valve is under operating conditions. All control valves and filters should be visually inspected and cleaned as required and in accordance with manufacturers specifications. All leaks shall be promptly reported to a landscape maintenance representative so that the valve may be repaired or replaced in a timely fashion with the minimum amount of leaking water exposed to open air.

All Root Watering Systems are to be visually inspected to insure that all locking grates are being reasonably kept free of debris. All grates that are not kept reasonably free of debris are to be reported to a landscape maintenance representative. All Root Watering Systems that have their locking grates damaged or missing are to be reported to a landscape maintenance representative so that the locking grate may be repaired or replaced in a timely fashion.

MAINTENANCE LOG
Keep a log of all inspections and maintenance performance on the irrigation system (Updated copy to be provided to Property Manager on a monthly basis)

Overall Landscape Maintenance Procedures

At a minimum, the following items should be addressed on a regular basis as required per city code:

Weekly
Pruning, weeding and maintenance of turf areas should be done on a weekly basis

Monthly
Dead, dying and diseased vegetation should be replaced with equivalent plant material w/ similar hydrozone requirements, provided that the replaced vegetation does not result in mixing higher water use plants with low water use plants in the same hydrozone.

Invasive plant species should be eradicated as required.

Plant material should be maintained in order to avoid obstruction of motorist views.

Annually
Mulch should be replenished in order to maintain appropriate soil moisture levels.

Soil amendments consistent with the agronomic soils report for this project should be applied in the manner prescribed in order to support and maintain healthy plant growth.

Lawns should be fertilized in a manner consistent with best management practices

IRRIGATION LEGEND

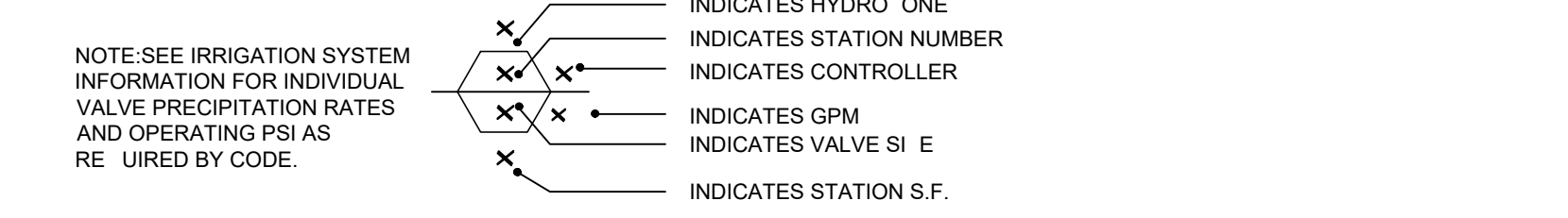
SYMBOL	MFG.	MODEL NO.	DESCRIPTION	RAD	GPM	PSI	PR
▢	HUNTER	(2) R WS 36 50 CV	ROOT ONE WATERING SYSTEM	1	0.50 (1.0)	0.0	30
▨	HUNTER	HDL 06 18 500 CV (SPACE DRIP LINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30
▩	HUNTER	HDL 06 18 500 CV (SPACE DRIP LINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30
▧	HUNTER	HDL 06 18 500 CV (SPACE DRIP LINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30
▦	HUNTER	HDL 06 18 500 CV (SPACE DRIP LINES 18" O.C.)	DRIP LINE SYSTEM	18"	0.5 Per 100 S.F.	0.43	30

DRIP IRRIGATION NOTES
THE CONTRACTOR WILL NEED TO FIELD LOCATE HUNTER PLD ARV AIR RELIEF VALVE KIT (SEE DETAIL) AT THE HIGHEST LOCATIONS ON EACH DRIP LINE SYSTEM

AT THE MAIN HEADER OF DRIP SYSTEM, THE CONTRACTOR SHALL INSTALL HUNTER PLD BY FLUSH VALVE W BALL VALVE AND A HUNTER ECO INDICATOR AT EACH DRIP SYSTEM AT OPTIMAL FURTHEST POINT FROM CONTROL ONE KIT (SEE DETAILS).

- ☑ WATER METER BY OTHERS
- ▤ 1" WILKINS 3 5 L BACKFLOW PREVENTER W 1" S L WYE STRAINER LOCATED IN V.I.T. STRONGBOND SBCC 30SS STAINLESS STEEL ENCLOSURE OR EQUAL
- Ⓜ 1 1/2" HUNTER IBC 151G FS NORMALLY CLOSED MASTER VALVE RELAY TO CONTROLLER
- Ⓣ 1" HUNTER FCT 100 FLOW SENSOR IN PVC HOUSING RELAY TO CONTROLLER.
- ⊕ NIBCO T 580 BALL VALVE LINE SIZE
- ⊖ HUNTER QUICK COUPLER H 22DLCR WITH LOCKING CAP.
- ⊗ AUTOMATIC CONTROLLER LOCATION SEE NOTE ON THIS SHEET
- ⊗ WEATHER SENSOR LOCATION SEE NOTE ON THIS SHEET
- ⊗ HUNTER ICV 101G FS AS ADJ SERIES REMOTE CONTROL VALVE SIZE INDICATED.
- ⊕ HUNTER IC 101 40 1" CONTROL ONE KIT WITH PVC BALL VALVE FOR FLOW 2.0 TO 20 GPM.

- POTABLE LATERAL LINE
- PVC SCH. 40 LATERAL LINE 12" COVER IN PLANTING AREAS, 24" COVER UNDER PAVING. SIZES INDICATED.
- MAINLINE INSTALL 18" COVER IN PLANTING AREAS, 24" COVER UNDER PAVING. SIZES INDICATED.
Mainlines (pressure) 1 1/2 inch and smaller shall be Schedule 40 solvent weld P.V.C.
Mainlines (pressure) 2 inch thru 18 inch shall be Class 315 solvent weld P.V.C., with thrust blocks per detail.
- PVC SCH 40 MAIN AND LATERAL LINE SLEEVE 2 DIA. OF PIPE ENCASED. PROVIDE SLEEVES UNDER ALL PAVING.
- PVC SCH 40 WIRE SLEEVE SIZE TO BE MIN. 2" AND DETERMINED BY THE CONTRACTOR. MUST BE OVERSIZED LEAVING AMPLE ROOM FOR FUTURE WIRE ADDITIONS OR REPAIRS. PROVIDE SLEEVES UNDER ALL PAVING.



CONTROLLER NOTE

CONTRACTOR TO INSTALL A (12) STATION HUNTER IC 600 M INTERIOR CONTROLLER WITH (1) ICM 600 MODULES IN METAL WALL MOUNT LOCATED IN THE ELECTRICAL ROOM. CONTRACTOR TO INSTALL AN HUNTER WSS SEN WIRELESS SOLAR SYNC LOCATED DIRECTLY ABOVE CONTROLLER AND ATTACHED TO TOP STORY ROOF EAVE OR GUTTER PER MFG. SPECS. IN AN AREA FREE OF OVERHEAD OBSTRUCTIONS. IRRIGATION SYSTEMS ARE DESIGNED TO OPERATE AT A MAINTENANCE DEMAND OF 12.0 GPM. CONTRACTOR TO PULL 24V WIRES AND CONNECT TO A MASTER VALVE. FLOW SENSOR AND REMOTE CONTROL VALVES AT THE APPROPRIATE LOCATIONS AS SHOWN AS REQUIRED. CONTRACTOR TO PROVIDE 120V CONTINUOUS POWER TO THE CONTROLLER. COORDINATE THESE LOCATIONS WITH OWNER DEVELOPER AND SHALL BE LOCATED WITHIN 800' AWAY FROM FLOW SENSOR.

POINT OF CONNECTION NOTE

CONTRACTOR TO LOCATE A WATER METER. INSTALL A REDUCED BACKFLOW PREVENTER, A MASTER VALVE AND A FLOW SENSOR AT THE APPROPRIATE LOCATION AS SHOWN. ALL POC APPURTENANCES MUST BE INSTALLED IN PLANTING AREA. COORDINATE THESE LOCATIONS WITH OWNER DEVELOPER. CONTRACTOR TO RELAY MASTER VALVE FLOW SENSOR TO CONTROLLER.

AVAILABLE PRESSURE:	66.0 PSI (ASSUMED)
DESIGN PRESSURE:	59.8 PSI
MAINTENANCE DEMAND:	12.0 GPM

COMPLIANCE STATEMENT	
I HAVE COMPLIED WITH THE CRITERIA OF THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AND HAVE APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.	
	04 13 2023
JOHN PENNELL PHILLIPS	DATE

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

INSIDEOUT

landscape architecture
6000 Harwood Ave
Oakland CA 94618
www.aboutinsideout.com

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1598 University Ave
Berkeley, CA

05.11.2022 PROGRESS PLANS

04.20.2023 DRC HEARING

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JOB: 2104

SHEET:

IRRIGATION
NOTES, LEGEND,
SCHEDULES CALCS.

12.0

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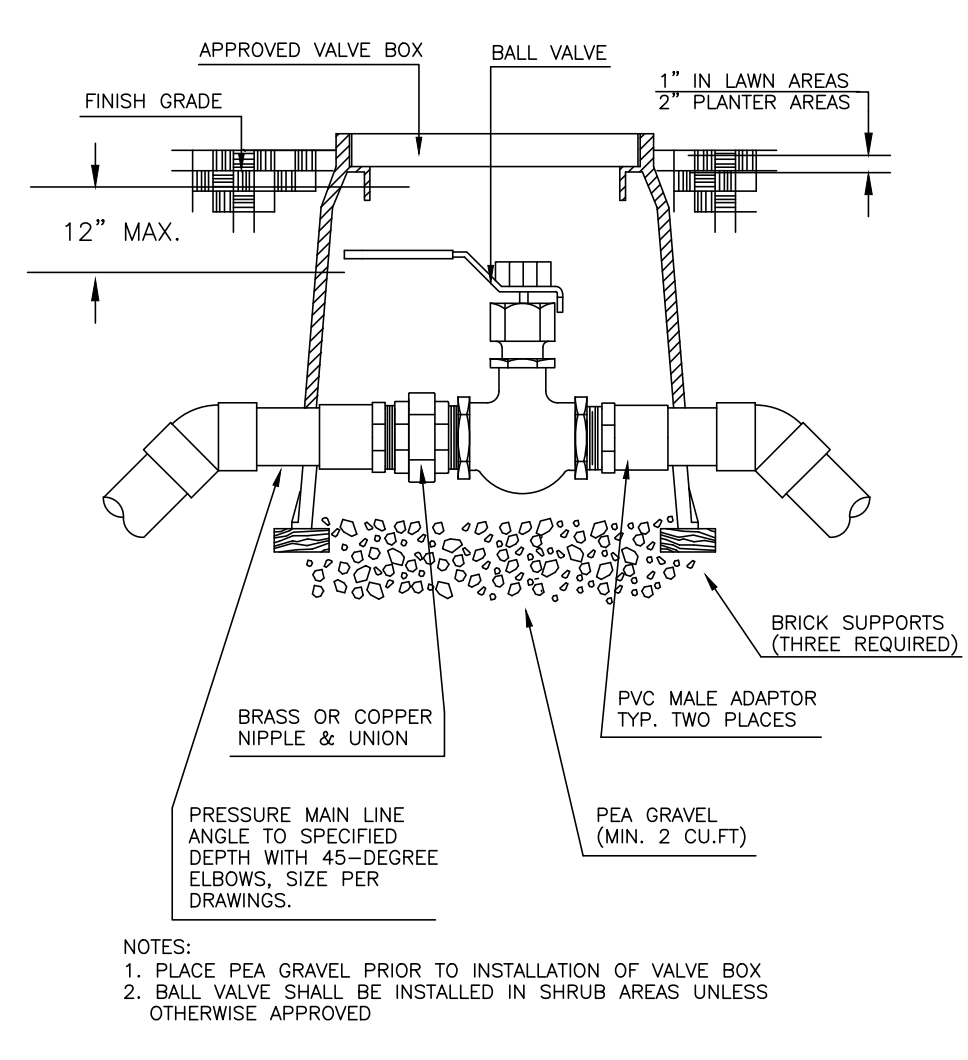
04.20.2023 DRC HEARING

JOB: 2104

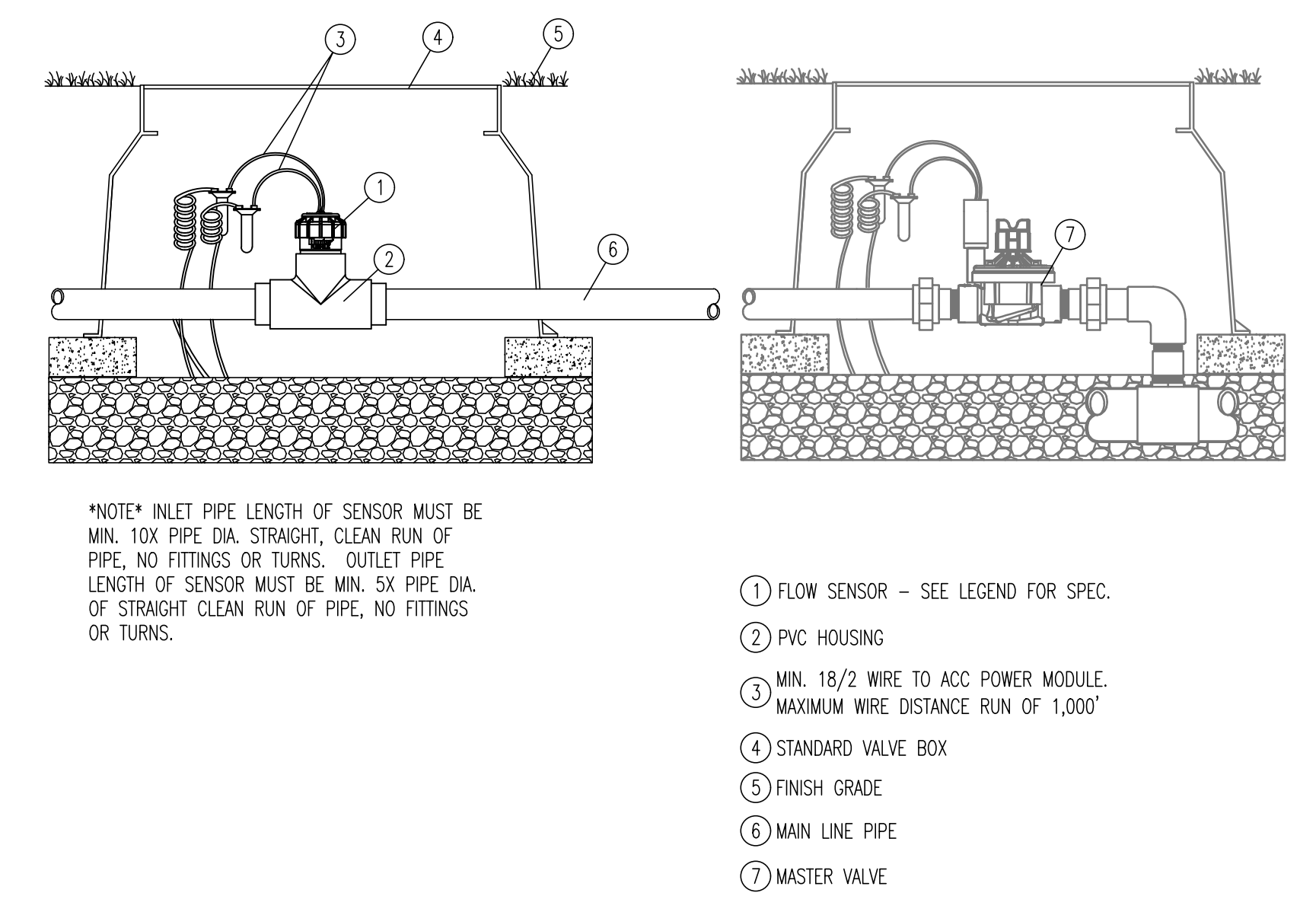
SHEET:

IRRIGATION
DETAILS

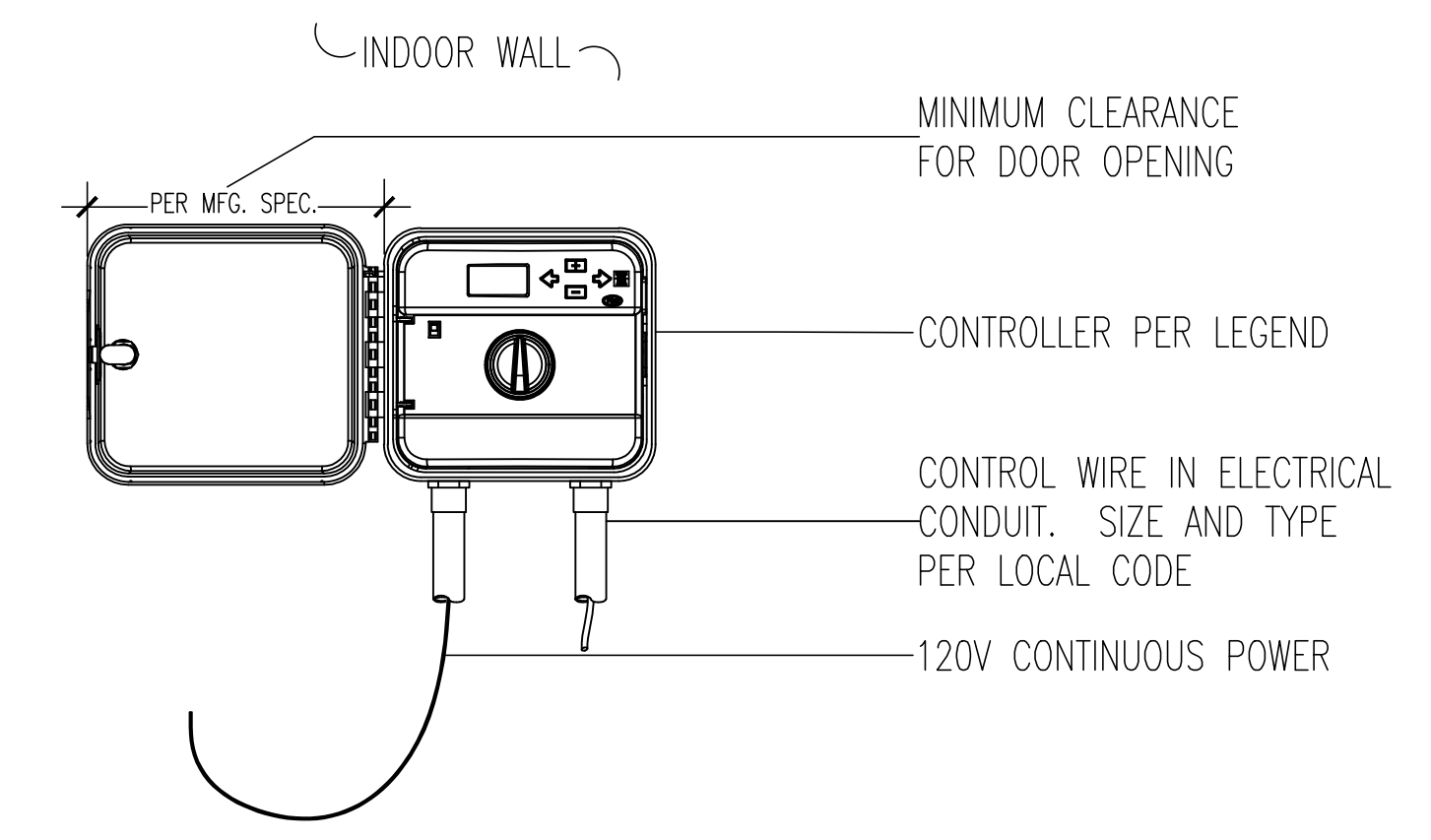
12.1



G. BALL VALVE



D. FLOW SENSOR

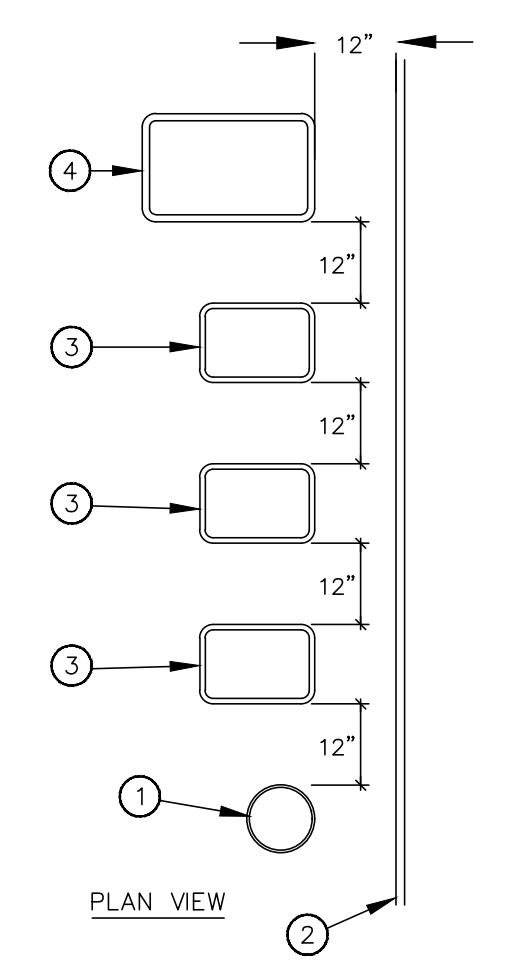


A. AUTOMATIC CONTROLLER

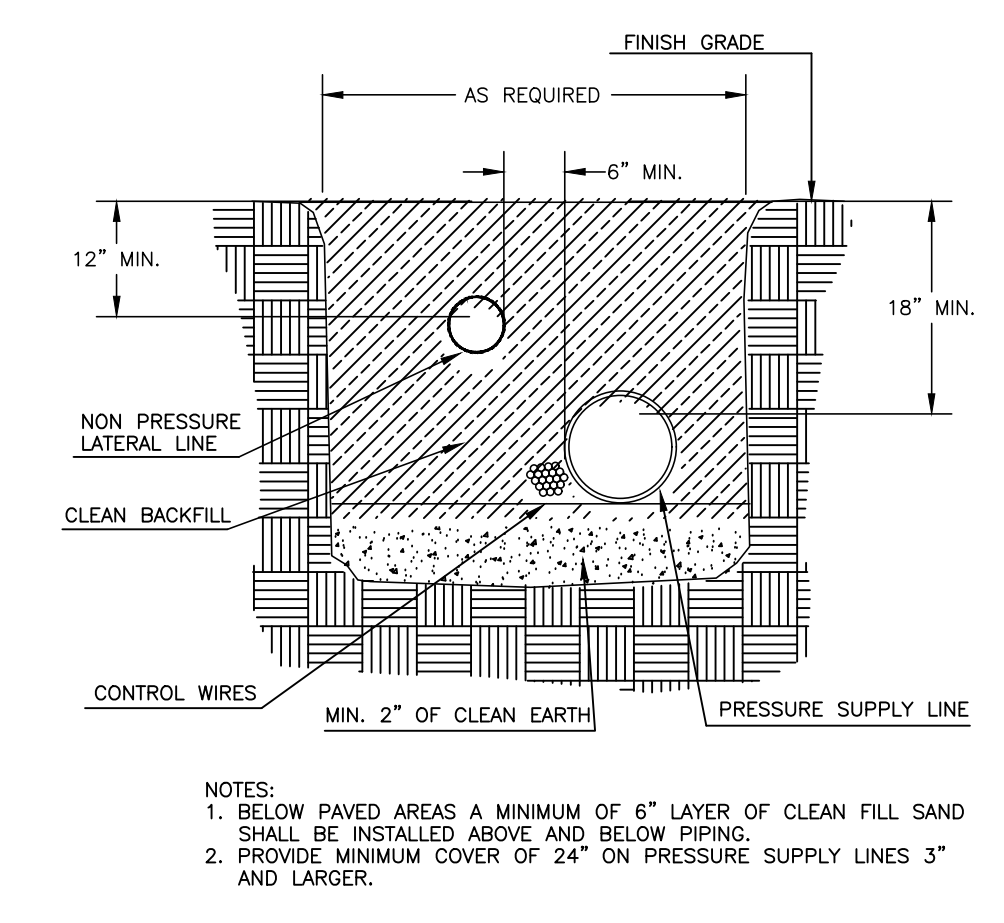
VALVE BOX LABELING NOTE:
HEAT BRAND ALL VALVE BOX COVERS IN 2" HIGH LETTERS PER EQUIPMENT LOCATED WITHIN VALVE BOXES.
LABEL "BV" FOR ALL BALL VALVES
LABEL "QCV" FOR ALL QUICK COUPLING VALVES
LABEL "MV" FOR ALL MASTER VALVES
LABEL "VALVE STATION" FOR ALL CONTROL VALVES
LABEL "FM" FOR ALL FLOW MASTER VALVES
LABEL "AR" FOR ALL AIR RELIEF VALVES
LABEL "FV" FOR ALL FLUSH VALVES

LEGEND - USE CARSON VALVE BOXES OR EQUAL.
1. 10" DIAMETER CIRCULAR VALVE BOX.
2. EDGE OF LAWN, WALK, FENCE, CURB, ETC.
3. 14" x 19" RECTANGULAR VALVE BOX.
4. 13" x 24" RECTANGULAR JUMBO VALVE BOX.

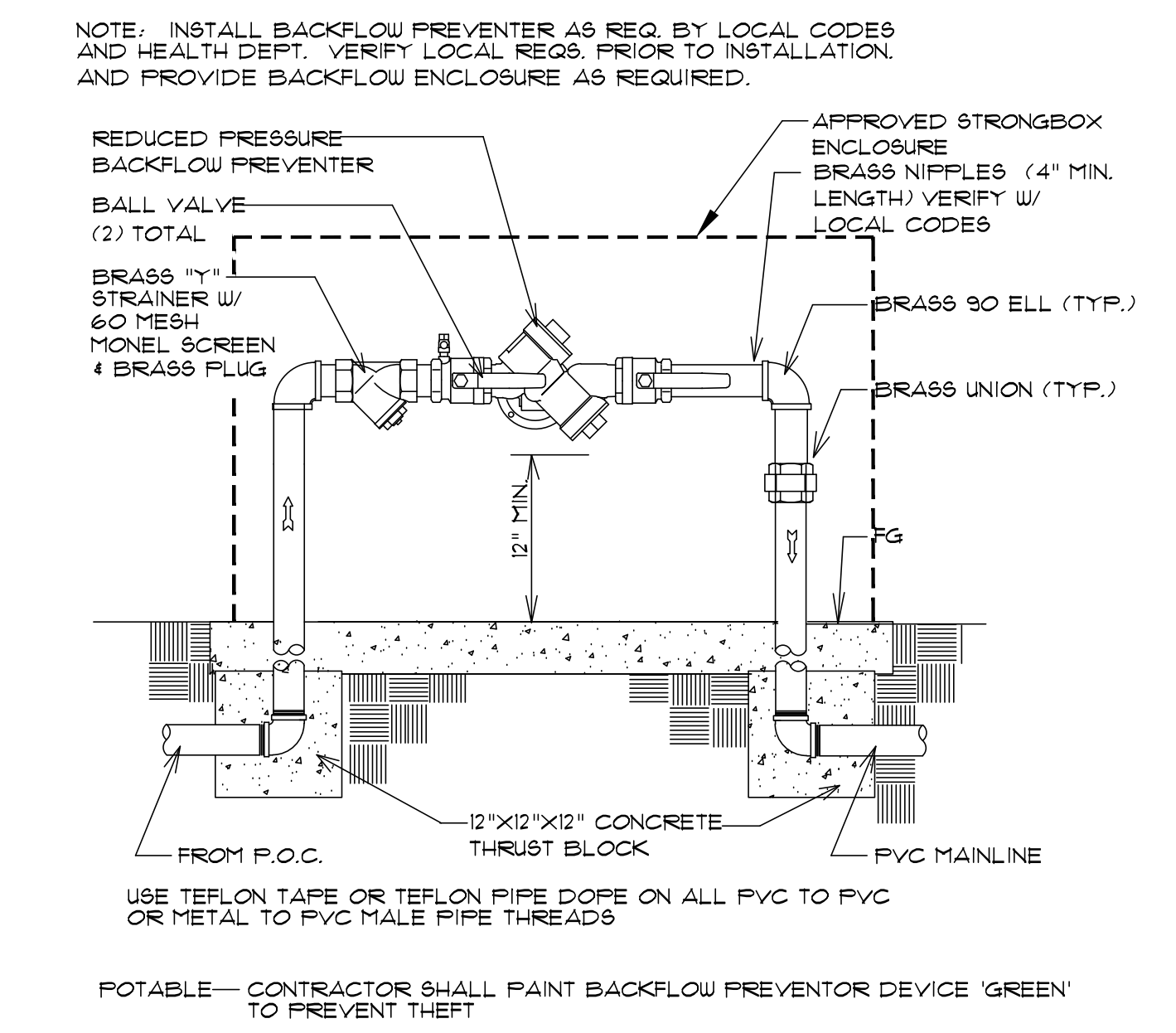
NOTES
A. CENTER VALVE BOX OVER VALVE TO FACILITATE SERVICING OF VALVE.
B. SET VALVE BOXES 2" MAXIMUM ABOVE GRADE IN MULCH COVER OR GROUND COVER / SHRUB AREAS - SET FLUSH WITH FINISH GRADE IN TURF AREAS.
C. SET VALVE BOX AND VALVE ASSEMBLY IN GROUND-COVER / SHRUB AREA WHERE POSSIBLE - INSTALL IN TURF ONLY IF THERE IS NO ADJACENT GROUND-COVER.
D. SET VALVE BOXES PARALLEL TO ONE ANOTHER AND PERPENDICULAR TO EDGE.
E. AVOID HEAVY COMPACTION OF SOIL AROUND VALVE BOXES TO PREVENT THEIR DEFORMATION / COLLAPSE.
F. CONTRACTOR TO USE GREEN VALVE BOX & LID.



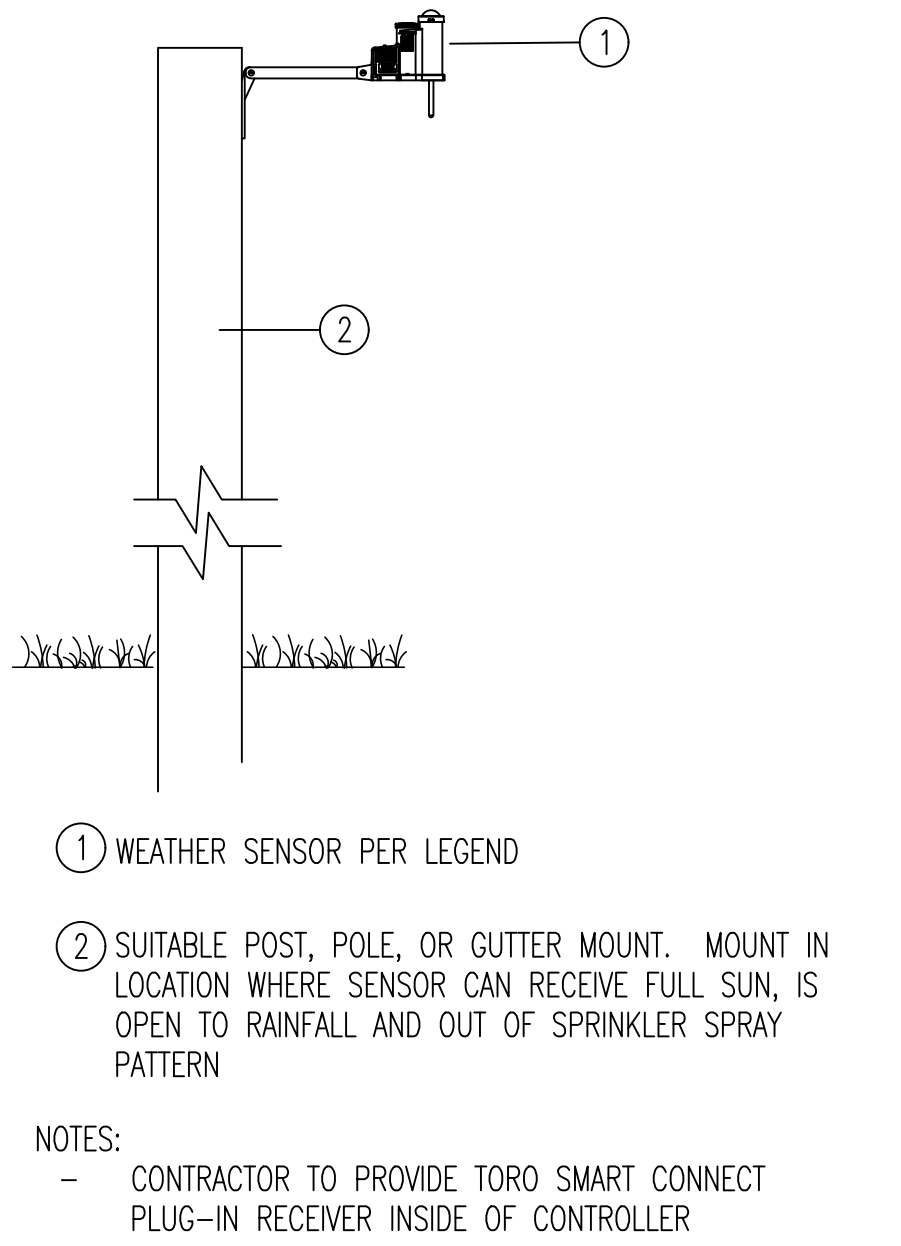
H. VALVE BOX INSTALLATION



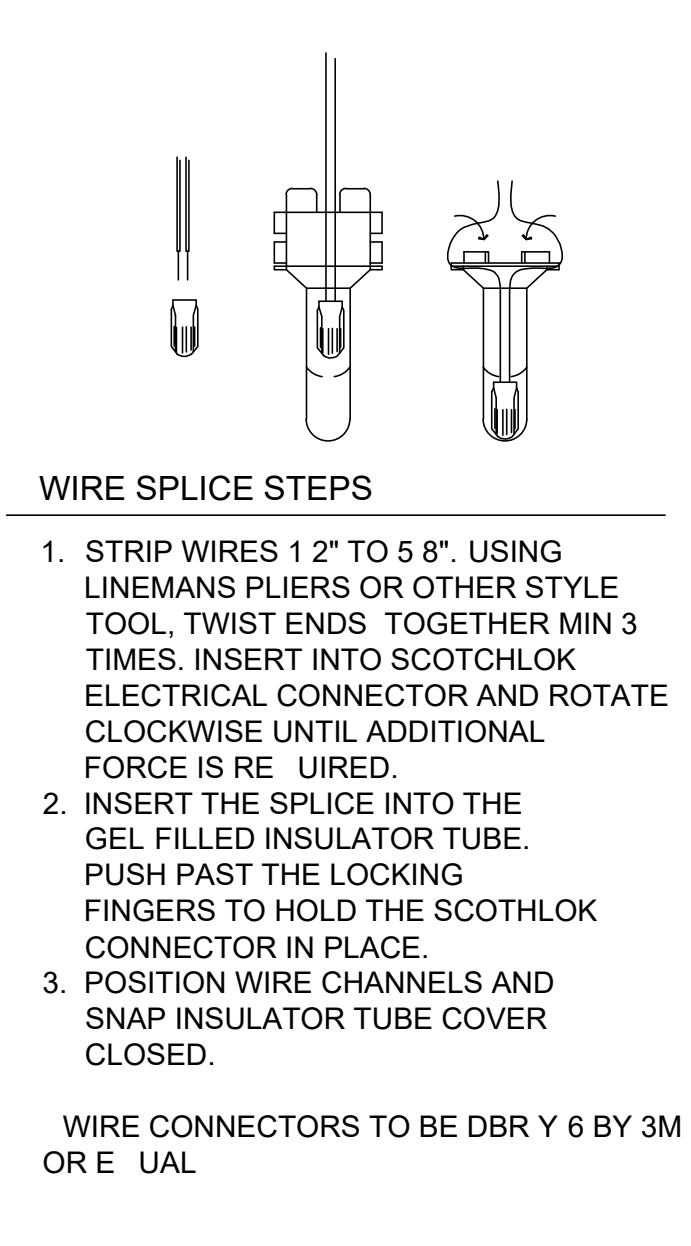
E. TYPICAL TRENCHING



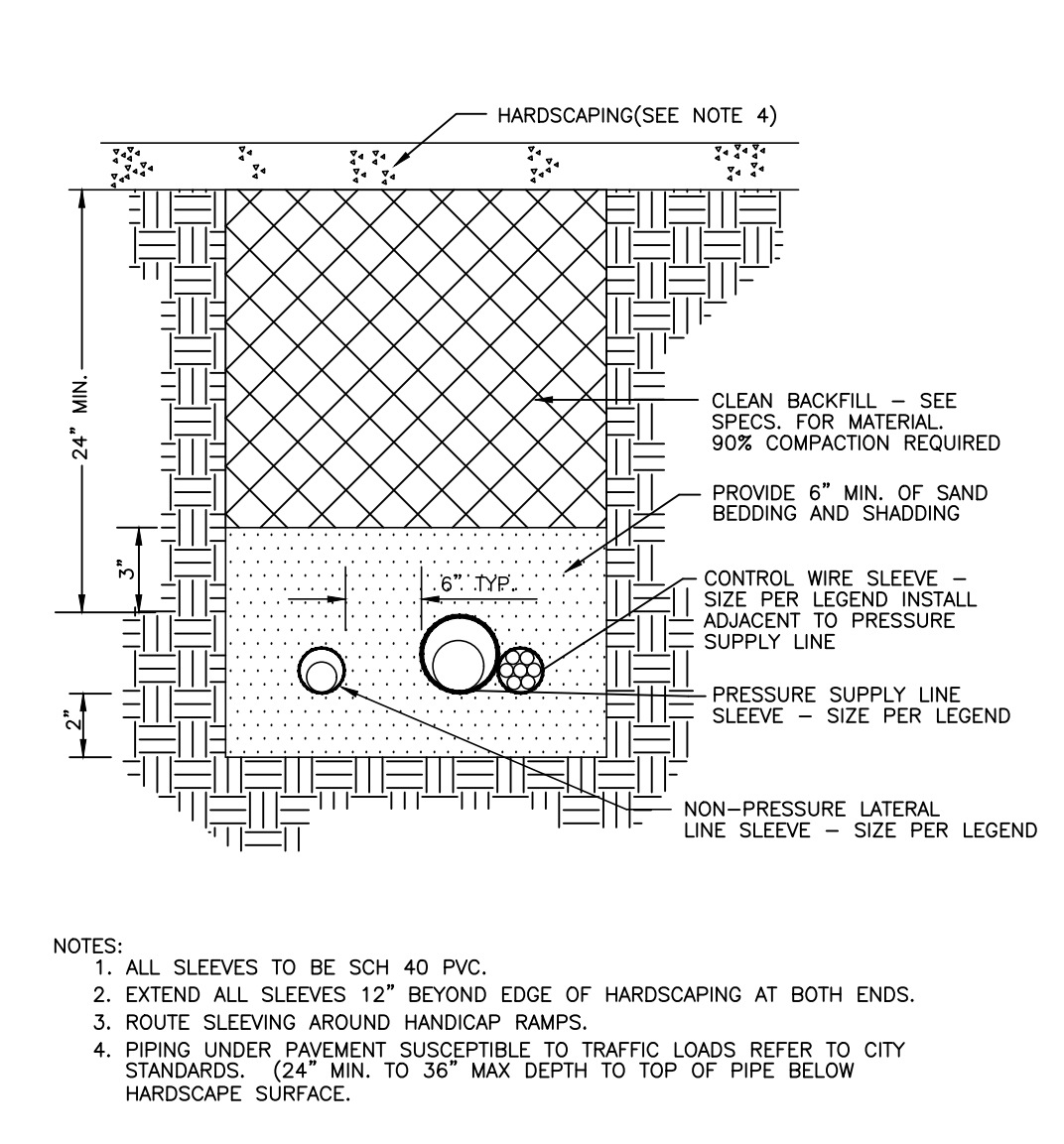
B. BACKFLOW PREVENTER



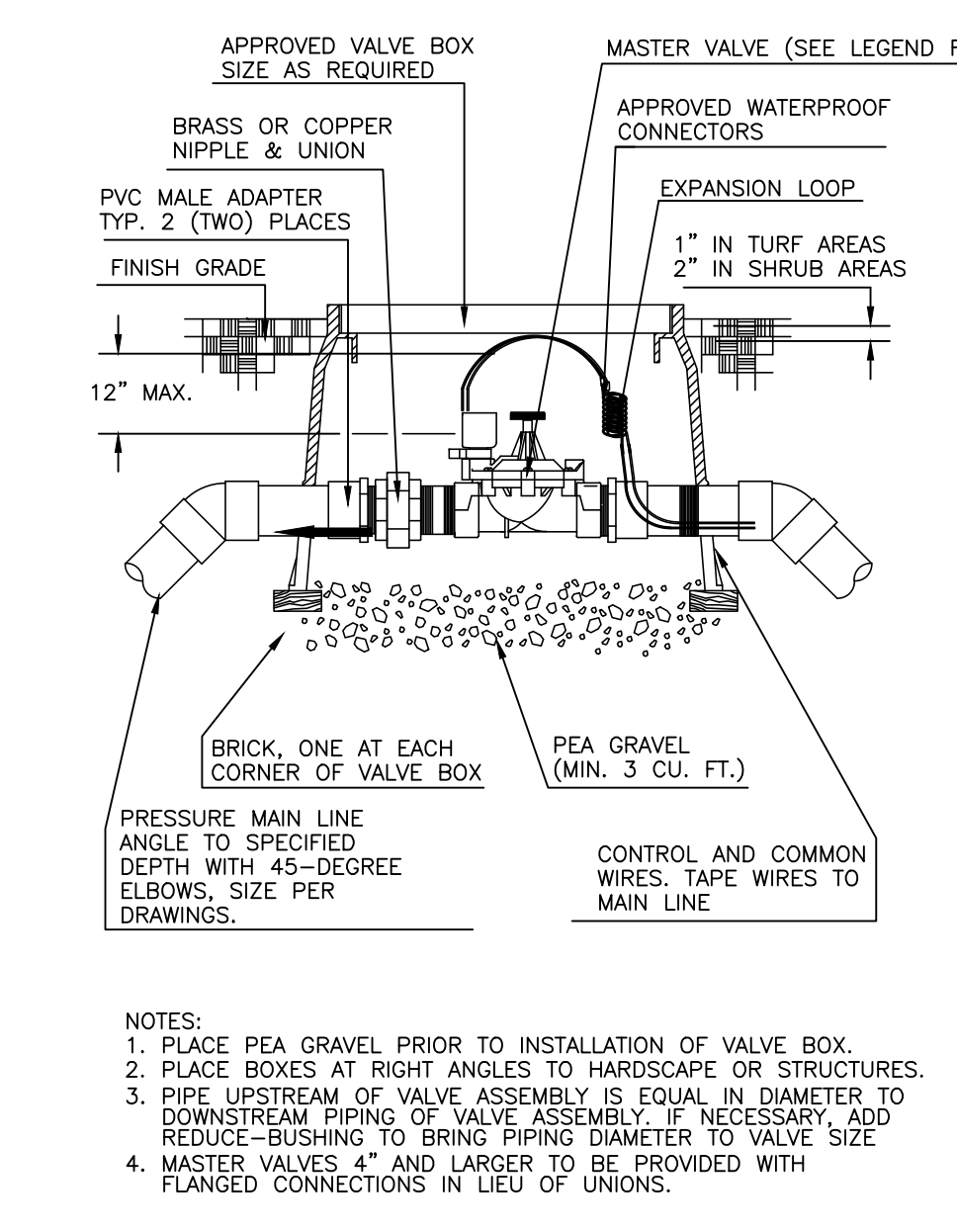
J. RAIN SENSOR



I. WIRE CONNECTOR



F. TYPICAL SLEEVING



C. MASTER VALVE

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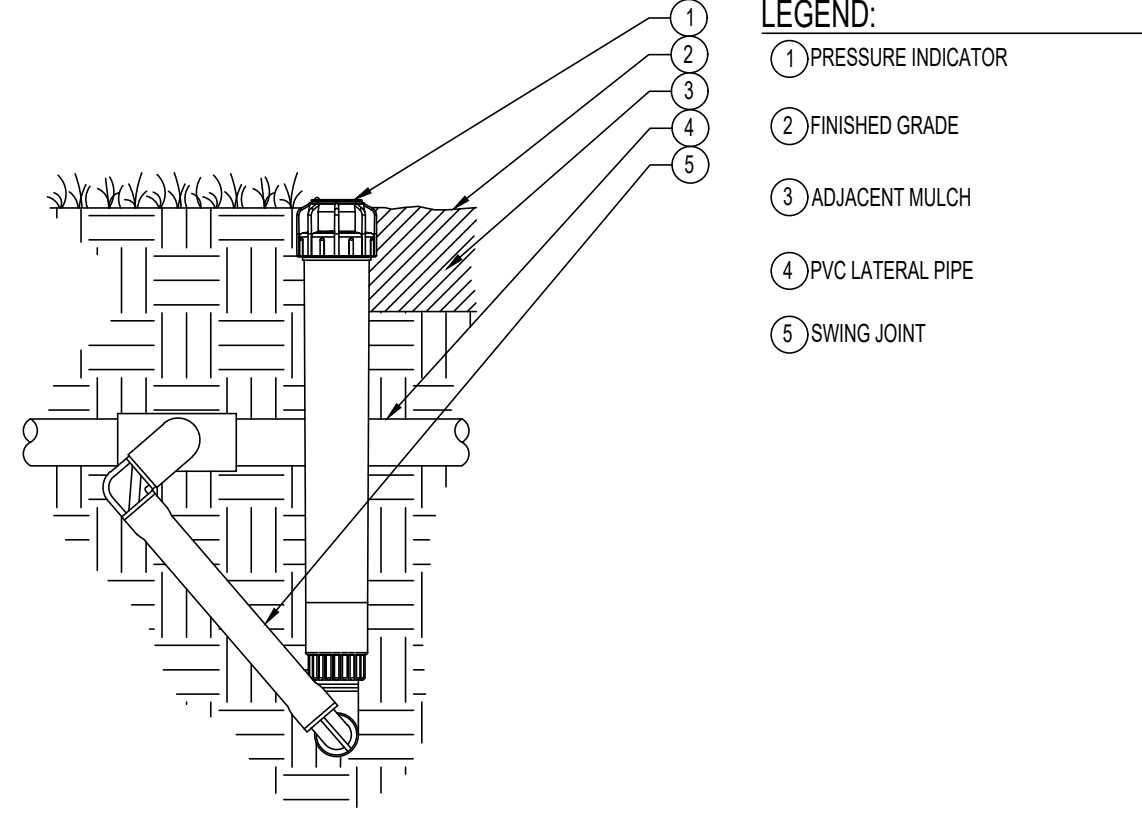
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JOB: 2104

SHEET:

IRRIGATION
DETAILS

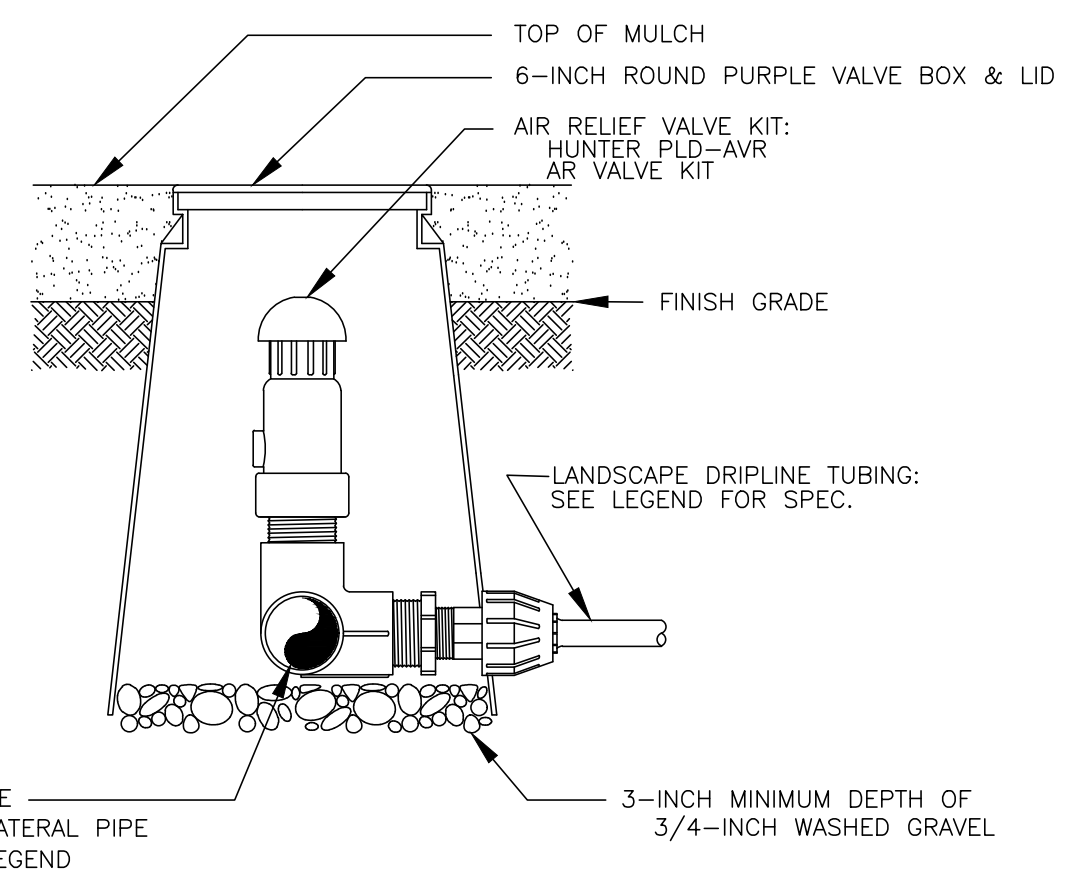
12.2



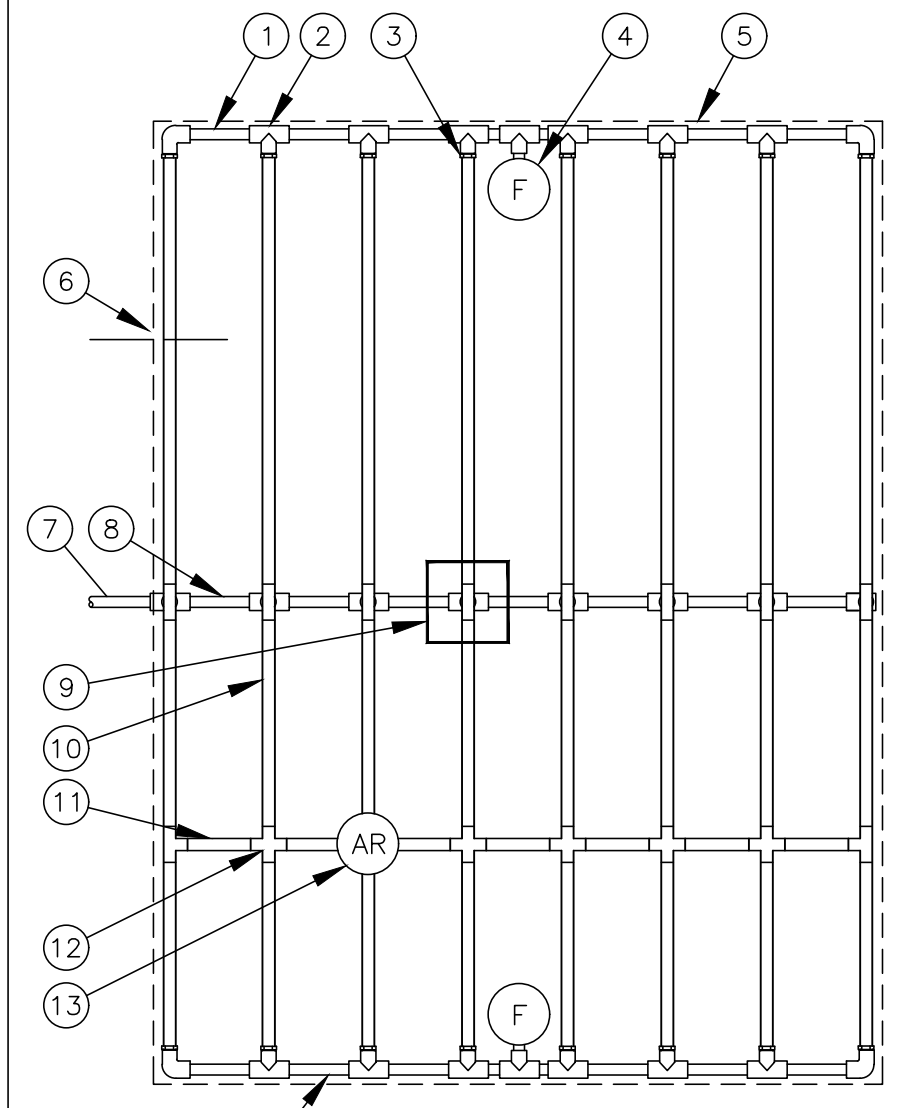
- LEGEND:**
- ① PRESSURE INDICATOR
 - ② FINISHED GRADE
 - ③ ADJACENT MULCH
 - ④ PVC LATERAL PIPE
 - ⑤ SWING JOINT

G. PRESSURE INDICATOR

NOTE:
PLACE ALL AIR RELIEF ASSEMBLIES
AT HIGHEST SPOTS IN THE FIELD.



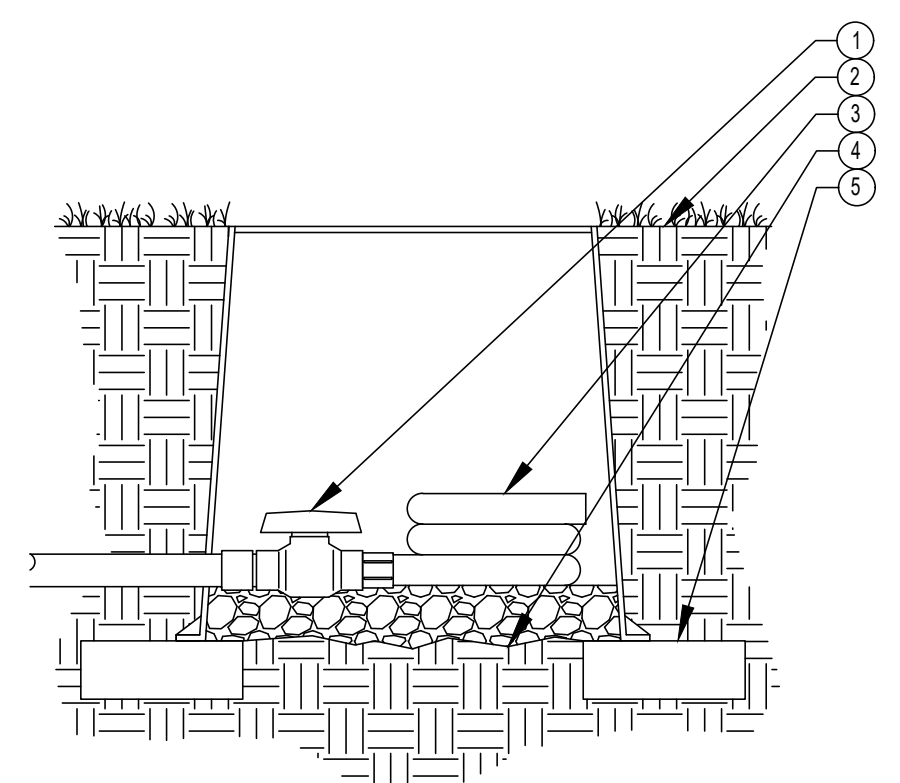
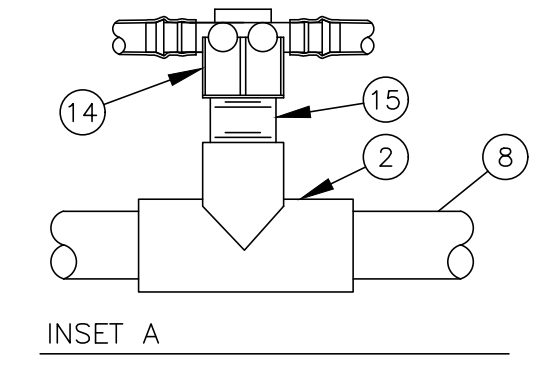
H. AIR RELIEF VALVE



- ① PVC EXHAUST HEADER
- ② PVC SCH 40 TEE OR EL (TYPICAL)
- ③ BARB X MALE FITTING
- ④ FLUSH POINT (TYPICAL)
- SEE LEGEND FOR SPEC.
- ⑤ PERIMETER OF AREA
- ⑥ PERIMETER DRIPLINE PIPE TO BE INSTALLED
2"-4" FROM PERIMETER OF AREA
- ⑦ PVC SUPPLY PIPE FROM DRIP CONTROL ZONE
KIT (SIZED TO MEET LATERAL FLOW DEMAND)
- ⑧ PVC SUPPLY MANIFOLD
- ⑨ CONNECTION FROM SUPPLY MANIFOLD TO
DRIPLINE (TYPICAL) - SEE INSET A
- ⑩ SUB-SURFACE DRIPLINE:
- SEE LEGEND FOR SPEC.
- ⑪ BLANK DRIP TUBING
- ⑫ BARB X BARB INSERT TEE OR CROSS
- ⑬ 1/2" AIR RELIEF VALVE
- SEE LEGEND FOR SPEC.
- ⑭ BARB X FEMALE FITTING
- ⑮ 3/8" PVC NIPPLE, LENGTH AS NECESSARY

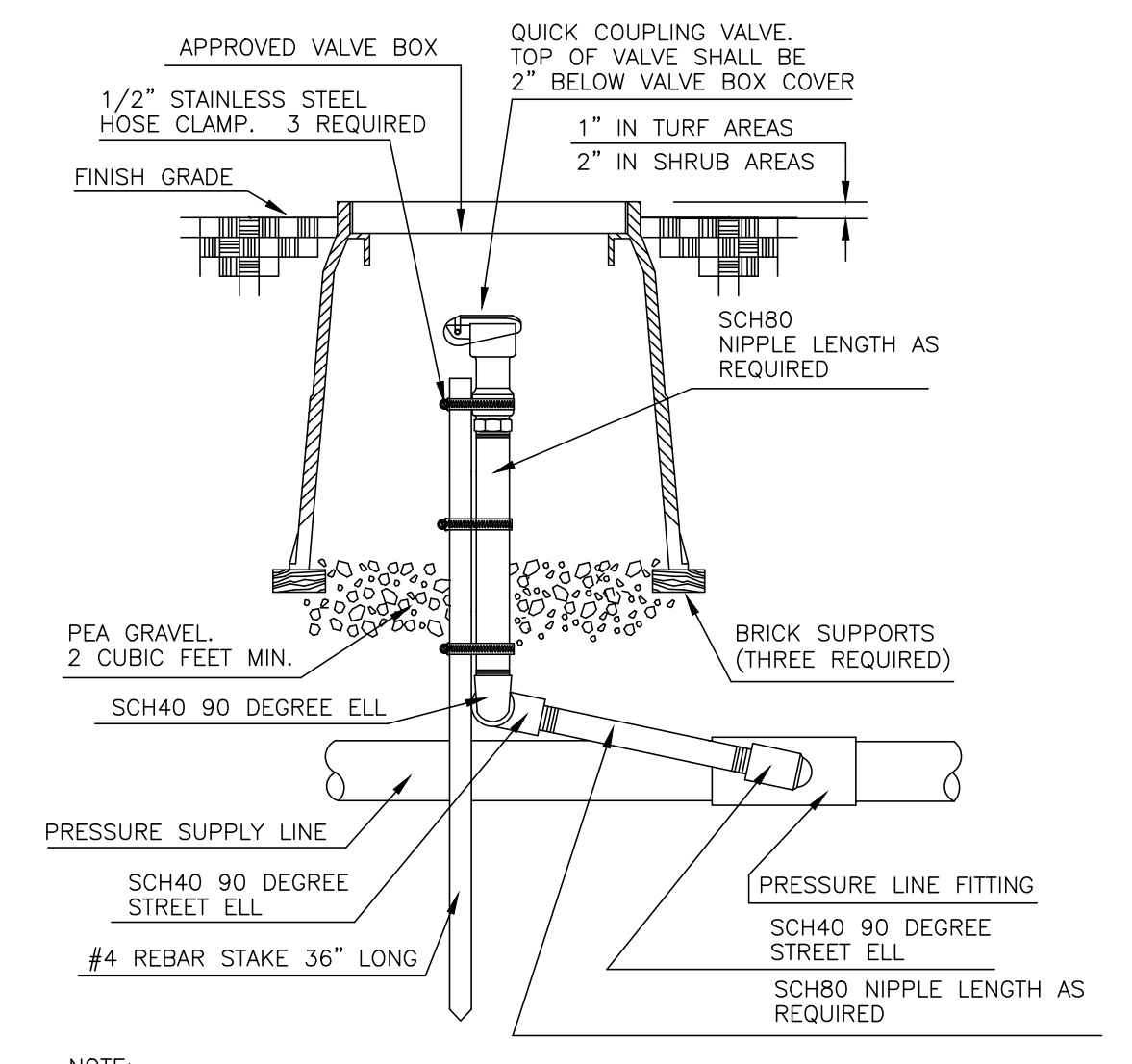
- NOTES:**
- LENGTH OF LONGEST DRIPLINE LATERAL SHOULD NOT EXCEED THE MAXIMUM LENGTH RECOMMENDED BY MANUFACTURER.
 - AIR RELIEF VALVE INSTALLED IN VALVE BOX AT OPTIMAL HIGHEST POINT FROM CONTROL ZONE KIT. MULTIPLE AIR RELIEF VALVES MAY BE NEEDED TO ACCOMMODATE DIFFERENCES IN GRADE.
 - WHEN USING 17MM INSERT FITTINGS WITH DESIGN PRESSURE OVER 50PSI, IT IS RECOMMENDED THAT STAINLESS STEEL CLAMPS BE INSTALLED ON EACH FITTING.
 - PRESSURE INDICATOR TO BE INSTALLED AT OPTIMAL FURTHEST POINT FROM CONTROL ZONE KIT IN CLEAR VIEW WHEN POPPED UP.
 - FLUSH POINT TO BE INSTALLED AT OPTIMAL FURTHEST POINT FROM CONTROL ZONE KIT TO ALLOW FOR MAXIMUM DEBRIS FLUSH IN SYSTEM.

D. DRIP LINE LAYOUT



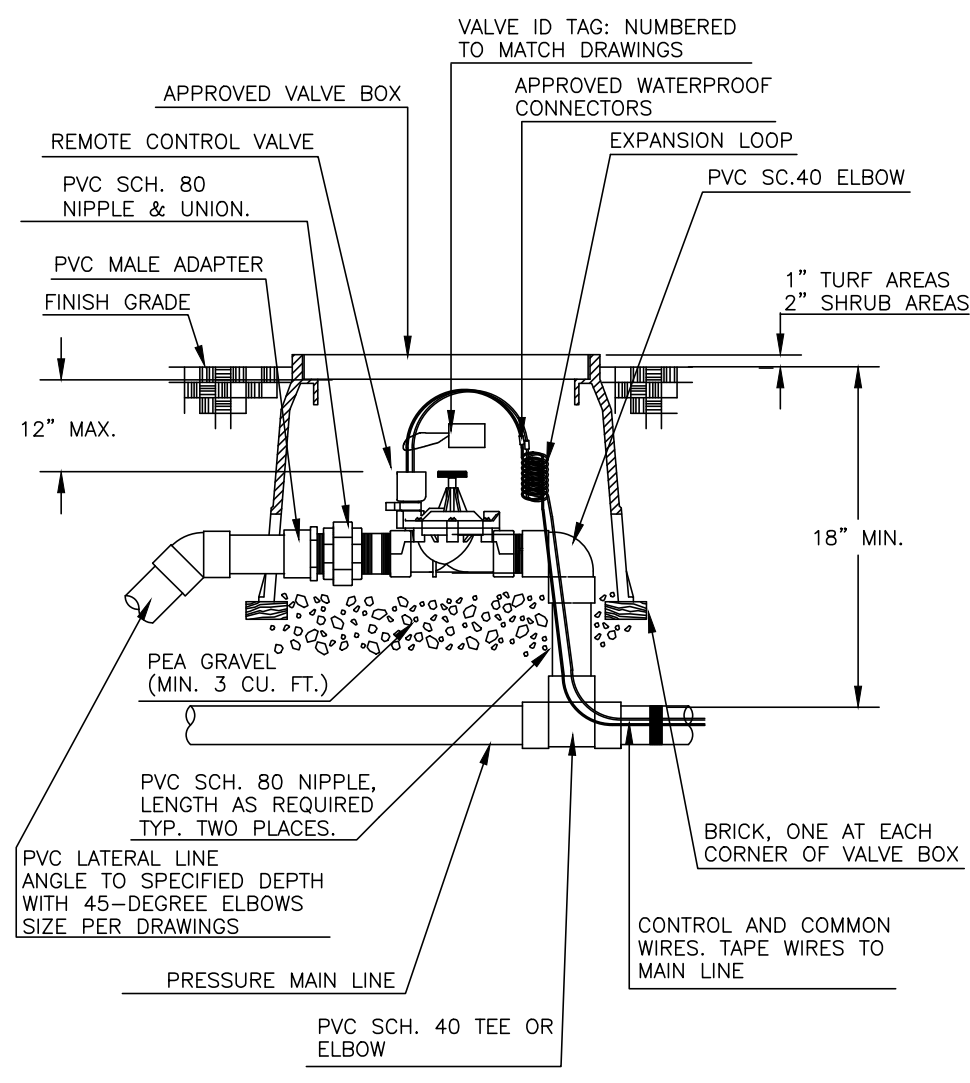
- LEGEND:**
- ① BALL VALVE
 - ② FINISHED GRADE
 - ③ IRRIGATION HOSE (LENGTH AS NECESSARY)
 - ④ FILTER FABRIC
 - ⑤ BRICK

E. FLUSH VALVE ASSEMBLY



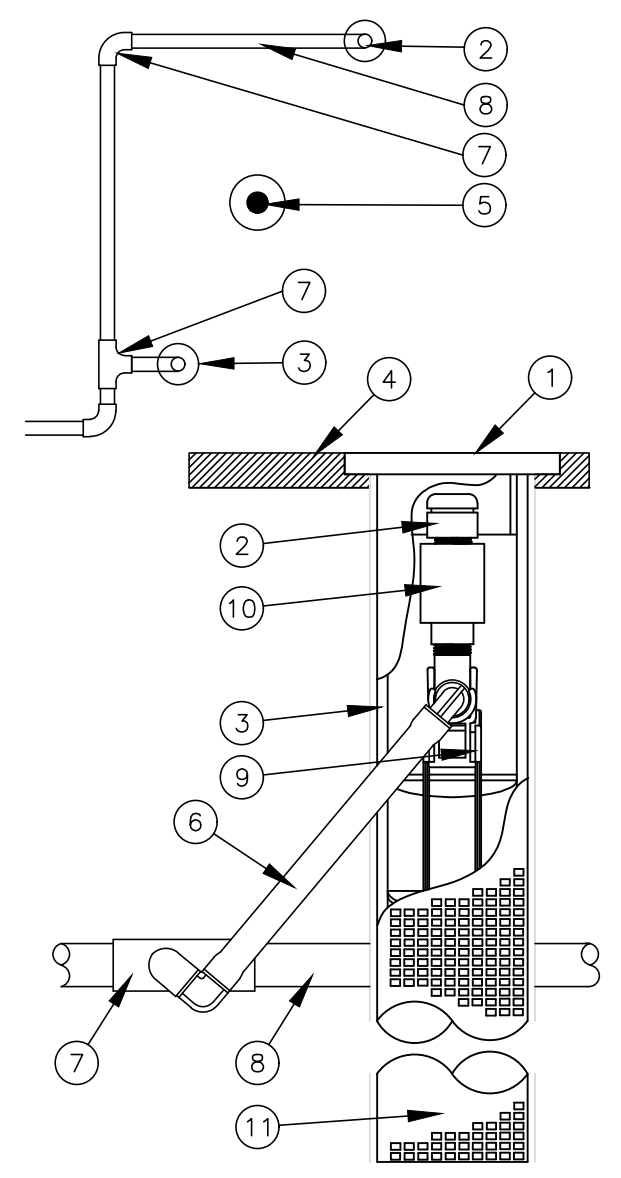
NOTE:
PLACE PEA GRAVEL PRIOR TO
INSTALLATION OF VALVE BOX

A. QUICK COUPLER



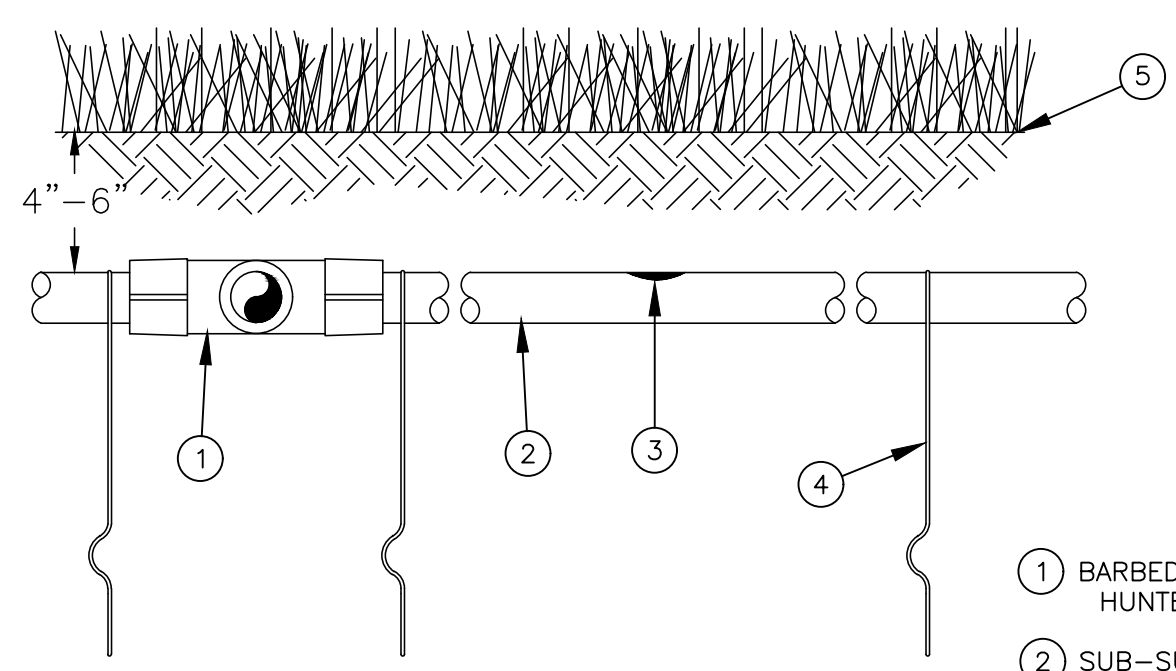
- NOTES:**
- INSTALL CONTROL AND VALVES MINIMUM 2' APART, 2' FROM STRUCTURES OR HARDSCAPE IN SHRUB AREAS.
 - PLACE PEA GRAVEL PRIOR TO INSTALLATION OF VALVE BOX.
 - PLACE BOXES AT RIGHT ANGLES TO HARDSCAPE OR STRUCTURES.
 - PIPE UPSTREAM OF VALVE ASSEMBLY IS EQUAL IN DIAMETER TO DOWNSTREAM PIPING OF VALVE ASSEMBLY. IF NECESSARY, ADD REDUCE-BUSHING TO BRING PIPING DIAMETER TO REMOTE CONTROL VALVE SIZE. REFER TO IRRIGATION CONSTRUCTION DOCUMENTS FOR PIPING SIZE.

B. REMOTE CONTROL VALVE



- ① GRATED CAP (INCLUDED)
- ② BUBBLER
SEE IRRIGATION LEGEND (INCLUDED)
- ③ ROOT ZONE WATERING SYSTEM
- ④ FINISH GRADE
- ⑤ TREE
- ⑥ 12-INCH SWING ASSEMBLY
(INCLUDED)
- ⑦ PVC SCH 40 TEE OR EL
LATERAL PIPE
- ⑧ PATENTED STRATA ROOT SYSTEM
- ⑨ CHECK VALVE (INCLUDED)
- ⑩ ROOT INTRUSION BARRIER (INCLUDED)

J. ROOT ZONE WATERING SYSTEM

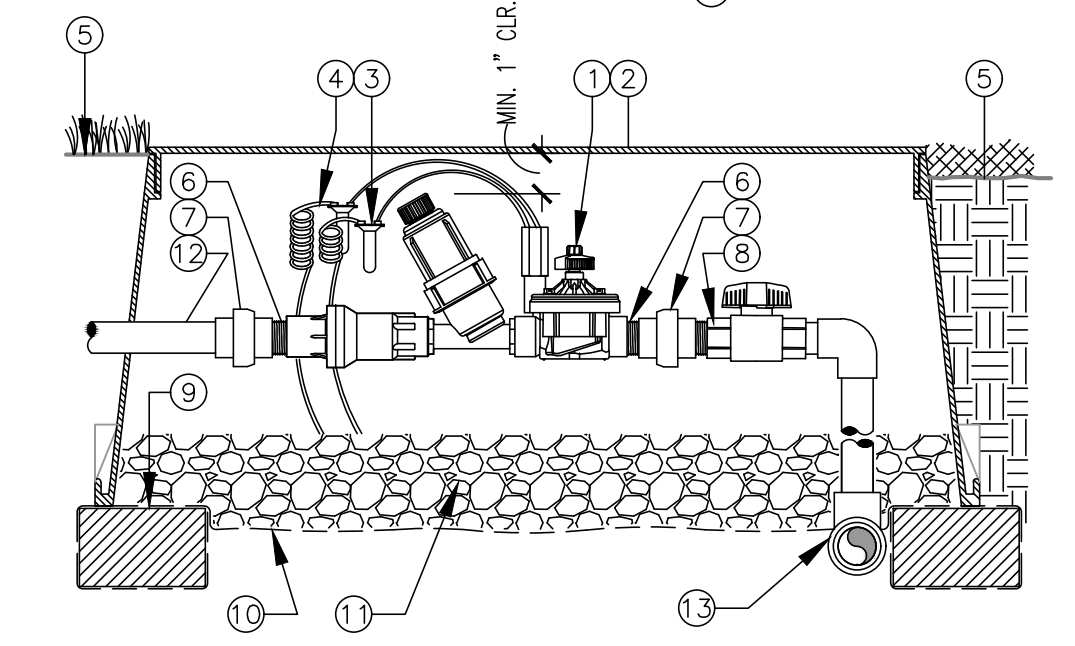


- ① BARBED PLD FITTING TEE:
HUNTER PLDTEE
- ② SUB-SURFACE DRIPLINE:
SEE LEGEND FOR SPEC.
- ③ INLINE DRIP EMITTER
- ④ TIE DOWN STAKE - SEE NOTE 1.
- ⑤ FINISH GRADE OR SHRUB BED WITH
MULCH

- NOTES:**
- PLACE TIE DOWN STAKES EVERY THREE FEET IN SAND, FOUR FEET IN LOAM, AND FIVE FEET IN CLAY.
 - AT FITTINGS WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TEES OR ELBOWS, USE TIE-DOWN STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.
 - INSERTION PLOW AND TRENCHED INSTALLATIONS DO NOT REQUIRE TIE DOWN STAKES.

F. SURSURFACE DRIP LINE

- LEGEND**
- ① HUNTER REMOTE CONTROL VALVE (RCV) WITH FILTER REGULATOR
 - ② IRRIGATION VALVE BOX: HEAT STAMP LID WITH 'RCV' IN 2" LETTERS
 - ③ WATERPROOF CONNECTORS (2)
 - ④ 18"-24" COILED WIRE TO CONTROLLER
 - ⑤ FINISH GRADE AT ADJACENT SURFACE (TURF OR MULCH)
 - ⑥ SCH. 80 CLOSE NIPPLE, MATCH SIZE TO VALVE
 - ⑦ PVC SLIP X FPT UNION
 - ⑧ ISOLATION VALVE, SIZE AND TYPE PER PLAN
 - ⑨ BRICK SUPPORTS (4)
 - ⑩ FILTER FABRIC - WRAP TWICE AROUND BRICK SUPPORTS
 - ⑪ 3/4" WASHED GRAVEL - 4" MIN. DEPTH
 - ⑫ IRRIGATION LATERAL
 - ⑬ MAINLINE LATERAL AND FITTINGS



C. CONROL ZONE KIT



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

M E M O R A N D U M

FOR BOARD ACTION
 MAY 11, 2023

1598 University Avenue

Use Permit #ZP2022-0099 to demolish a non-residential structure and construct a 127,492 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus

RE: Changes to Conditions of Approval related to Affordable Housing Provisions and Street Trees

New SB 330 Preliminary Development Project Vesting Date

On May 2, 2023, the project applicant contacted staff to submit a new SB 330 preliminary development project application, superseding the preliminary housing development project application submitted in January 2022. The new preliminary application presents a project that is the same as the project before CAB. The number of units or the size of the project has not changed. Staff invoiced the applicant for the new preliminary application, and the invoice was paid on May 5, 2023. Submittal of all the information listed in the pre-app form and payment of the permit processing fee fees fees and development standards as of May 5, 2023, unless exceptions per Government Code § 65889.5(o) are triggered.

PLANNING ADJUSTMENTS BOARD
May 11, 2023

1598 UNIVERSITY AVENUE
Page 2 of 5

Table 3: Project Chronology

Date	Action
January 26, 2022	SB 330 complete preliminary housing development project application submitted
July 1, 2022	SB 330 Use Permit Application submitted
August 24, 2022	Application deemed incomplete
September 22, 2022	Application resubmitted
October 20, 2022	Application deemed incomplete
November 1, 2022	Application resubmitted
December 1, 2022	Application deemed incomplete
December 23, 2022	Application resubmitted
January 23, 2023	Application deemed complete
February 2, 2023	LPC hearing
April 20, 2023	DRC hearing
May 3, 2023	Plans Resubmitted
May 4, 2023	Public hearing notices mailed/posted
May 5, 2023	SB 330 complete preliminary housing development project application submitted (supersedes previous)
May 11, 2023	LAB hearing

The new vesting date affects the affordable housing mitigation fee and inclusionary housing requirements, Berkeley Municipal Code (BMC) 22.20.065 and 23.328, respectively. The Findings and Conditions will be revised to remove reference to BMC 22.20.065, which was repealed. The affordable housing conditions will be revised to require full compliance with all applicable provisions of BMC Chapter 23.328, Inclusionary Housing, and Council Resolution 0,698 (both are attached to this memo), which include elements such as a regulatory agreement, income requirements, approval of a final Affordable Housing Compliance Plan prior to issuance of a building permit, and timing of any required in-lieu payments.

BELOW MARKET RATE UNITS

- ~~1. Affordable Housing Mitigation Fee (AHMF): Consistent with BMC 22.20.065 and fee resolution No. 68,041 N.S., the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the time frame for payment of the AHMF, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,041 N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.~~
- ~~2. Number of Below Market Rate Units: The project shall provide 1 (Very Low Income) below market rate rental dwelling units ("BMR Units"), which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project to be of the same size and contain, on average, the same number~~

HOUSING ADJUSTMENTS BOARD
May 11, 2023

1598 UNIVERSITY AVENUE
Page 3 of 5

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.

3. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to affordablehousing@cityofberkeley.in for review and approval.
4. Affordable Housing Below Market Rate Program. In addition, the following provisions shall apply:
 - A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health and Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
 - C. BMR units will be provided for the life of the project under Section 22.20.065.
5. Determination of Area Median Income (AMI).
 - The "AMI" (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.

- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility or occupancy of an inclusionary unit) shall be determined in accordance with the following table:

<u>U N I T</u> <u>S I Z E</u>	<u>AMI Standard</u>
Studio unit	AMI for a one person household
One bedroom unit	AMI for a two person household
Two bedroom unit	AMI for a three person household
Three bedroom unit	AMI for a four person household

6. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the core provisions.
7. Affordable Housing. Nothing in conditions 24-32 shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the core provisions.
8. Affordable Housing. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328.
 - A. Residential housing projects for the construction of five or more Dwelling Units.
 - B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter.
 - C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.
9. Affordable Housing – Density Bonus. If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(b)(4) that are needed to support the bonus that was granted.

Affordable Housing Requirements

10. Project shall comply with BMC Chapter 23.328 Inclusionary Housing, effective April 1, 2023 and Resolution 0,698 N.S. Adopting Regulations for Voucher Program and Establishing an In-Lieu Fee to Support the Provision of Affordable Housing Pursuant to Berkeley Municipal Code 23.328 and Rescinding Resolution 0,668 N.S (attached).

Conditions of Approval – Street Trees

ZONING ADJUSTMENTS BOARD
May 11, 2023

1598 UNIVERSITY AVENUE
Page 5 of 5

Pursuant to BMC Section 23.204.060(12), the project shall provide sidewalk amenities necessary to comply with current city standards. Improvements may include pedestrian-scaled lighting, street trees, benches and bicycle racks. In consultation with the City's consulting arborist, the following conditions have been added to ensure the protection of existing street trees throughout the construction of the building. The memo from the City's consulting arborist is attached.

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

□□. **Tree Protection.** Tree protection fencing shall be shown on all demolition, site, landscaping, grading, and utility plans, and shall be installed prior to demolition, grubbing, or grading around the five existing Crepe Trees located along California Street. Fences shall be 6 feet in height, composed of chain link with posts sunk into the ground. Fences are to remain until all grading and construction is completed.

At All Times:

□□. **Tree Protection – Inspections.** Inspections by the City's consulting arborist may be conducted throughout demolition and construction to ensure compliance with tree protection measures.

Attachments:

- Council Resolution No. 0,698 NS
- Berkeley Municipal Code Chapter 23.328 Inclusionary Housing
- Arborist Memorandum – May 5, 2023

Staff Planner: Katrina Lapira, klapira@cityofberkeley.info, (510) 981-488

RESOLUTION NO. 70,698-N.S.

ADOPTING REGULATIONS FOR VOUCHER PROGRAM AND ESTABLISHING AN IN-LIEU FEE TO SUPPORT THE PROVISION OF AFFORDABLE HOUSING PURSUANT TO BERKELEY MUNICIPAL CODE CHAPTER 23.328 AND RESCINDING RESOLUTION 70,668-N.S N.S.

WHEREAS, Berkeley Municipal Code (“BMC”) Chapter 23.328 establishes a requirement that 20% of Residential Units (as defined) in market-rate developments be offered for rent or sale at affordable rents or prices, as defined (“Affordable Units”); and

WHEREAS, BMC Chapter 23.328 authorizes the City Council to establish by resolution preferences for renting Affordable Units offered for rent to tenants receiving assistance under the Section 8 Program (42 U.S.C. Section 1437f), the Shelter Plus Care Program (42 U.S.C. Section 11403 *et. seq.*), or similar state or federally funded rent subsidy programs; and

WHEREAS, BMC Chapter 23.328 authorizes developers of market-rate housing to pay a fee in lieu of complying with the requirement to provide on-site affordable housing (“In-Lieu Fee”); and

WHEREAS, BMC Chapter 23.328 authorizes the City Council to establish the In-Lieu Fee by resolution, and further authorizes the Council to differentiate among types, classes, and locations of Housing Development Projects to the extent permitted by law; to establish separate fees and criteria for the provision of units that are affordable to Very Low Income Households and units that are affordable to Low Income Households; and to establish the method for calculating the In-Lieu Fee; and

WHEREAS, the City retained Street Level Advisors to provide analysis and recommendations for updating the City’s affordable housing requirements, the scope of which included a financial feasibility study of the City’s affordable housing mitigation fees; and

WHEREAS, Street Level Advisors prepared a Financial Feasibility Analysis dated April 27, 2021, which determined that an In-Lieu Fee of \$45 per square foot of the residential Gross Floor Area (as defined in BMC Section 23.106.030) would be financially feasible; and

WHEREAS, Street Level Advisors recommended certain modifications to the fee that would not adversely impact the financial feasibility of housing development projects, such as charging a lower / tiered fee for smaller projects; and

WHEREAS Street Level advisors identified an equivalent rate if the In-Lieu fee were to be calculated based on an assumed 80/20 ratio of gross and net square feet of residential area in typical housing development projects of \$56.25 per square foot of Residential Unit Floor Area.

WHEREAS, this Resolution supersedes Resolution No. 70,668-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

1. All Affordable Units shall be offered to tenants in accordance with Council-adopted eligibility preference criteria. All Very Low-Income Units, comprising a portion of the Affordable Units authorized and provided for by BMC Chapter 23.328, must be offered to tenants receiving assistance under the Section 8 Program (42 U.S.C. Section 1437f) or the Shelter Plus Care Program (42 U.S.C. Section 11403 *et. seq.*) before being marketed to other income-eligible households. The allocations shall be divided equally between the Section 8 Program (50%) and the Shelter Plus Care Program (50%). The majority of the Very Low-Income units shall be designated for the Shelter Plus Care Program when there is an uneven number of units.
2. The initial In-Lieu Fee authorized and provided for by BMC Chapter 23.328 shall be \$56.25 per square foot of the Residential Unit Floor Area) of a Housing Development Project (as defined in BMC Chapter 23.328) and shall be automatically increased biennially based on changes to the California Construction Cost Index unless otherwise provided for by BMC Chapter 23.328 or by this Resolution.
3. Housing Development Projects subject to BMC Chapter 23.328 may provide less than the required number of Affordable Units in the Housing Development Project and pay a proportionately reduced In-Lieu Fee, calculated as follows: the fee per square foot multiplied by the total Residential Unit Floor Area of a Housing Development Project, multiplied by the percentage of the applicable requirement remaining after accounting for any on-site Affordable Units provided. Projects that provide no on-site Affordable Units will have an applicable requirement multiplier of one.
4. For Housing Development Projects of less than 12,000 square feet of Residential Unit Floor Area, the In-Lieu Fee shall be calculated as follows:

Residential Unit Floor Area	Fee per Square Foot
≥12,000	\$56.25
11,000-11,999	\$53.75
10,000-10,999	\$51.25
9,000-9,999	\$48.75
8,000-8,999	\$46.25
7,000-7,999	\$43.75
6,000-6,999	\$41.25
5,000-5,999	\$38.75
4,000-4,999	\$36.25
3,000-3,999	\$33.75
2,000-2,999	\$31.25
1,000-1,999	\$28.75
<1,000	\$26.25

BE IT FURTHER RESOLVED, Resolution No. 68,074-N.S. is hereby rescinded and is of no force or effect on any Housing Development Project that obtains a building permit after the effective date of this resolution, but shall continue to apply to those projects that were approved and subject to its provisions or the provisions of predecessor resolutions and ordinances addressing the same subject matter.

BE IT FURTHER RESOLVED, the rescission of Resolution No. 70,668-N.S and this Resolution shall be effective upon the effective date of contemporaneously adopted amendments to BMC Chapter 23.328.

The foregoing Resolution was adopted by the Berkeley City Council on February 14, 2023 by the following vote:

Ayes: Hahn, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: Harrison.

Abstain: Bartlett.

Absent: None.



Jesse Arreguin, Mayor

Attest:



Rosé Thomsen, Deputy City Clerk

Chapter 23.328

INCLUSIONARY HOUSING

Sections:

- 23.328.010 Findings and Purpose.**
- 23.328.020 Definitions.**
- 23.328.030 Affordable Housing Requirements.**
- 23.328.040 Waiver or Modification of Affordable Housing Requirements.**
- 23.328.050 Implementation.**

23.328.010 Findings and Purpose.

- A. The State of California has established a Regional Housing Needs Allocation (RHNA) process under which it allocates a "fair share" of the regional housing need, updated periodically, to each local jurisdiction. The "fair share" allocated to Berkeley increased significantly based on the regional housing needs determination finalized in late 2021. The sixth cycle of the RHNA for the San Francisco Bay Area allocates to Berkeley a "fair share" that calls for adequate sites for 8,934 housing units for the period from 2023 to 2031, including sites for 2,446 Very Low Income units, 1,408 Low Income units, and 1,416 Moderate Income units.
- B. The Bay Area suffers from a shortage of affordable housing. As the Bay Area region experiences increased economic growth and a high demand for housing, housing prices continue to rise, which leads to displacement of low income residents and exacerbates the shelter crisis that has led to unacceptably high rates of homelessness in the City of Berkeley and the Bay Area region.
- C. In 1990, the City established the Housing Trust Fund program to pool available funding for affordable housing development. The Housing Trust Fund program is funded by federal, state, and local revenues, including by in-lieu and mitigation fees paid by developers of market-rate housing projects under the City's existing affordable housing ordinances.
- D. The City Council hereby finds that there is a legitimate public interest in the provision of affordable housing to address the crises of displacement, homelessness, and lack of housing affordability in the City, and that there is a significant and increasing need for affordable housing in the City to meet the City's regional share of housing needs under the California Housing Element Law.
- E. The City Council further finds that the public interest would best be served if new affordable housing were integrated into new market-rate residential developments to facilitate economically diverse housing, while also providing alternative options to the on-site construction of affordable housing such as the payment of fees to replenish the City's Housing Trust Fund program and allowing for the construction of affordable housing on land dedicated by market-rate housing developers.

F. The City Council intends that this Ordinance be construed as an amendment to the City's existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project. (Ord. 7853-NS § 2, 2023)

23.328.020 Definitions.

- A. "Affordable Unit" means a Residential Unit that is in perpetuity affordable to Very Low Income Households or Lower-Income Households, as defined in California Health and Safety Code sections [50052.5](#) and [50053](#).
- B. "Affordable Housing Compliance Plan" means an enforceable commitment by an Applicant to comply with the requirements of this Chapter that identifies the number and type of Affordable Units, the amount of In-Lieu Fees, and/or the parcels of land (or portions thereof) that will be provided and/or paid by the Applicant to comply with those requirements.
- C. "AMI" means the area median income applicable to the City of Berkeley, as defined by the U.S. Department of Housing and Urban Development, or its successor provision, or as established by the City of Berkeley in the event that such median income figures are no longer published by the U.S. Department of Housing and Urban Development.
- D. "Applicant" means any individual, person, firm, partnership, association, joint venture, corporation, entity, combination of entities or authorized representative thereof, who applies to the City for any Housing Development Project.
- E. "Housing Development Project" means a development project, including a Mixed-Use Residential project (as defined in [23.502.020\(M\)\(13\)](#)), involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.
- F. "Housing Trust Fund" means the program to finance low and moderate-income housing established by Resolution No. 55,504-N.S., or any successor fund established for the same purpose.
- G. "Lower-Income Household" means a household whose income does not exceed the low-income limits applicable to Alameda County, as defined in California Health and Safety Code section [50079.5](#) and published annually pursuant to Title [25](#) of the California Code of Regulations, Section [6932](#) (or its successor provision) by the California Department of Housing and Community Development.
- H. "Regulatory Agreement and Declaration of Restrictive Covenants" means, for the purposes of this Chapter, a legally binding agreement recorded against the property to codify the requirements and conditions of a Housing Development Project providing Affordable Units.
- I. "Residential Unit" means, for purposes of this Chapter, any Dwelling Unit, any Live/Work Unit, or any bedroom of a Group Living Accommodation (GLA) except a GLA in a University-recognized fraternity, sorority or

co-op; provided, however, that for purposes of this Chapter, "Residential Unit" shall not include any Accessory Dwelling Unit or Junior Accessory Dwelling Unit.

J. "Residential Unit Floor Area" means, for the purpose of this Chapter, the floor area of the Residential Unit(s) of a Housing Development Project.

1. Residential Unit Floor Area shall be measured from the interior of the walls of each unit. The Residential Unit Floor Area shall exclude areas that are not habitable residential square footage such as:

- (a) Balconies, whether private or open to all residents
- (b) Storage lockers not located within residential units
- (c) Vehicular (e.g., automobile or motorcycle) and bicycle parking areas that are separate areas from the residential unit
- (d) Other qualifying areas that are not associated with residential units, upon approval of the Zoning Officer.

2. For Residential Units consisting of Group Living Accommodations, Residential Unit Floor Area shall also include common rooms/lounges and supporting facilities such as kitchens and restrooms.

K. "Very Low Income Household" means a household whose income is no more than 50% of AMI, as defined in California Health and Safety Code section [50105](#). (Ord. 7853-NS § 2, 2023)

23.328.030 Affordable Housing Requirements.

A. *Requirement to Construct Affordable Units.*

1. Except as otherwise provided in this Chapter, no permit for the construction of any Housing Development Project shall be issued unless at least 20% of the Residential Units are Affordable Units. When the calculation results in a fractional unit, an Applicant will round up to the nearest whole unit. The Affordable Units shall have the same proportion of unit types (i.e., number of bedrooms) and average size as the market rate units (provided, however, that no Affordable Unit may have more than three bedrooms).

2. In lieu of providing Affordable Units pursuant to Paragraph 1, an Applicant may propose an alternative mix of unit-types to comply with this Chapter by providing Affordable Units that comprise at least 20% of the Residential Unit Floor Area of the Housing Development Project in order to achieve a mix of Affordable Units including two-bedroom or three-bedroom units. The City Manager or their designee may approve the proposed alternative mix of unit- types that meet the requirements of this section.

3. Affordable Units shall be (a) reasonably dispersed throughout the Housing Development Project; and (b) comparable to other Residential Units in the Housing Development Project in terms of appearance, materials,

and finish quality. Residents of Affordable Units shall have access to the same common areas and amenities that are available to residents of other Residential Units in the Housing Development Project.

4. The City Manager or their designee shall adopt rules and regulations (a) establishing the affordable sales price or affordable rent for each Affordable Unit, consistent with the requirements of Health and Safety Code sections [50052.5](#) and [50053](#); and (b) ensuring that Affordable Units are sold or rented to Very Low Income and Lower Income Households, consistent with the requirements of this Chapter.

5. *Rental Units.*

(a) At least 50% of the required Affordable Units in the Housing Development Project shall be offered at a rent that is affordable to Very Low Income Households, up to a maximum requirement of 10% of the total units in the Housing Development Project if the project provides more Affordable Units than are otherwise required by this Chapter.

(b) In determining whether a unit is affordable to Very Low Income or Low Income Households, maximum allowable rent for any affordable unit shall be reduced by an amount equal to the value of the City-published utility allowance provided for Tenant-paid utilities and any other mandatory fee imposed by the property owner as a condition of tenancy.

(c) Any percentage increase in rent of an occupied Affordable Unit shall not exceed the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending the previous December 31, or 65% of the percentage increase in AMI for the same calendar year. In no event, however, shall the allowable annual adjustment be less than zero (0%) or greater than seven percent (7%).

(d) Affordable Units designated for Very Low Income Households shall be offered for rent to tenants receiving assistance under the Section 8 Program (42 U.S.C. Section 1437f), the Shelter Plus Care Program (42 U.S.C. Section 11403 et. seq.), or any similar state or federally funded rent subsidy program prior to being offered to other potential tenants. The Council may establish related program requirements by resolution.

(e) The owner of any Affordable Unit offered for rent must report to the City annually the occupancy and rents charged for each Affordable Unit, and any other information required pursuant to rules and regulations adopted by the City Manager or their designee.

6. *Ownership Units.* Inclusionary units in ownership projects shall be sold at a price that is affordable to an appropriate-sized household whose income is no more than 80 percent of the AMI.

7. All Affordable Units shall be subject to a recorded affordability restriction requiring in perpetuity that each Affordable Unit be sold at an affordable sales price or offered for rent at an affordable rent, as defined in this Chapter.

8. Affordable Live/Work Units shall be proactively marketed by the Applicant and/or owner to income-eligible persons performing a work activity permitted in the district where the project is located whose type of work causes them to have a requirement for a space larger in size than typically found in residential units.

9. An Affordable Unit that is constructed to qualify for a density bonus under Government Code section [65915](#) that otherwise meets the requirements of this Chapter shall qualify as an Affordable Unit under this Chapter.

B. *Option to Pay In-Lieu Fee.*

1. In lieu of providing some or all of the Affordable Units required under this Chapter (including any fractional units), an Applicant may elect to pay a fee, the amount of which the City Council may establish by resolution ("In-Lieu Fee"). The City Council may by resolution differentiate among types, classes, and locations of Housing Development Projects to the extent permitted by law; may establish separate fees and criteria for the provision of units that are affordable to Very Low Income Households and units that are affordable to Low Income Households; and may establish the method for calculation of the In-Lieu Fee.

2. In-Lieu Fees shall be applied to the Residential Unit Floor Area of a Housing Development Project. For Live/Work units, the In-Lieu Fee shall be applied to the Residential Unit Floor Area that is designated as non-workspace in the zoning permit approvals consistent with BMC section [23.312.040](#).

3. In-Lieu Fees shall be estimated as part of the preliminary Affordable Housing Compliance Plan and finalized at the time of building permit issuance, consistent with the final Affordable Housing Compliance Plan.

4. In-Lieu Fees shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the initial occupancy of the Housing Development Project.

5. Up to 15% of In-Lieu Fees collected may be used to pay for administration of the In-Lieu Fee or the Housing Trust Fund program. At least 85% of In-Lieu Fees collected shall be deposited into the City's Housing Trust Fund program.

C. *Option to Dedicate Land.*

1. At the discretion of the City Manager or their designee, the requirements of this Chapter may be satisfied by the dedication of land in lieu of constructing Affordable Units within the Housing Development Project if the City Manager or their designee determines that all of the following criteria have been met:

(a) Marketable title to the site is transferred to the City, or an affordable housing developer approved by the City, prior to issuance of building permit of the Housing Development Project pursuant to an agreement between the Applicant and the City.

(b) The site has a General Plan designation that authorizes residential uses and is zoned for residential development at a density to accommodate at least the number of Affordable Units that would otherwise be required under Paragraph A.

- (c) The site is suitable for development of the Affordable Units, taking into consideration its configuration, physical characteristics, location, access, adjacent uses, and applicable development standards and other relevant planning and development criteria including, but not limited to, factors such as the cost of construction or development arising from the nature, condition, or location of the site.
 - (d) Infrastructure to serve the dedicated site, including, but not limited to, streets and public utilities, are available at the property line and have adequate capacity to serve the maximum allowable residential density permitted under zoning regulations.
 - (e) The site has been evaluated for the presence of hazardous materials and for the presence of geological hazards and all such hazards are or will be mitigated to the satisfaction of the City prior to acceptance of the site by the City.
 - (f) The value of the site upon the date of dedication is equal to or greater than the in-lieu fee that would otherwise be required under Paragraph A. The value of the site shall be determined pursuant to the program guidelines approved by the City Manager or their designee.
2. The City shall solicit proposals from affordable housing developers to construct restricted income units on the site dedicated to the City, but if the City is unable to obtain a qualified affordable housing developer to construct a viable affordable housing development on the property within two years of its solicitation or to commence construction within five years, the City may sell, transfer, lease, or otherwise dispose of the dedicated site for any purpose. Any funds collected as the result of a sale, transfer, lease, or other disposition of sites dedicated to the City shall be deposited into a fund designated for use in the City's Housing Trust Fund program. (Ord. 7853-NS § 2, 2023)

23.328.040 Waiver or Modification of Affordable Housing Requirements.

- A. The City Manager or their designee may waive or modify up to fifty percent of the requirements of this Chapter at their sole discretion where any of the following conditions are established:
- 1. A project providing low- or moderate-income housing is funded in whole or in part by the City's Housing Trust Fund program;
 - 2. The implementation of the requirements of this Chapter would violate the rights of any person under the California or United States Constitutions, any federal law, or any state law governing a matter of statewide concern and applicable to a charter city; or
 - 3. The benefits of the project to the City outweigh the detriment of foregoing the provision of Affordable Housing or the contribution of In-Lieu fees to the Housing Trust Fund program. In weighing the benefits and detriment to the City, the following factors may be considered:
 - (a) The impact of the requirements of this Chapter on the feasibility of a Housing Development Project;

- (b) Other economically beneficial uses of the Applicant's property;
 - (c) The burdens the Housing Development Project places on the City in terms of increased demand for affordable housing, childcare, public facilities or amenities, or other impacts which reasonably may be anticipated to be generated by or attributable to the Housing Development Project; and
 - (d) The impact on the Housing Trust Fund program of foregoing the payment of any In-Lieu fee that would otherwise be made.
- B. Waivers or modifications greater than fifty percent of the amount which otherwise would be required by this Chapter shall be subject to the approval of City Council.
- C. The Applicant shall bear the burden of proof to establish eligibility for a waiver or modification of the requirements of this Chapter. (Ord. 7853-NS § 2, 2023)

23.328.050 Implementation.

- A. The Applicant for any Use Permit or Zoning Certificate for a Housing Development Project shall submit a preliminary Affordable Housing Compliance Plan to the Zoning Officer at the time of application. The preliminary Affordable Housing Compliance Plan shall be incorporated as a condition of approval of any Use Permit or Zoning Certificate issued to the Applicant. No building permit may be issued for the project until the final Affordable Housing Compliance Plan is approved.
- B. The Applicant must execute a Regulatory Agreement and Declaration of Restrictive Covenants to regulate all Affordable Units provided in a Housing Development Project. No building permit may be issued for the project until the Regulatory Agreement and Declaration of Restrictive Covenants are executed.
- C. The Affordable Housing Compliance Plan and/or Regulatory Agreement and Declaration of Restrictive Covenants may be amended administratively, provided that the Zoning Officer finds them to be in full compliance with the provisions of this ordinance and State law, prior to issuance of Certificate of Occupancy.
- D. The City Manager or their designee may promulgate additional rules and regulations consistent with the requirements of this Chapter.
- E. The City Council may by resolution establish fees for the implementation and administration of this Chapter and may establish administrative penalties for violations of this Chapter.
- F. *Exemptions.* The following types of Housing Development Projects and Residential Units are exempt from this Chapter:
1. A Housing Development Project for which either a building permit was issued on or before April 1, 2023 or a preliminary application including all of the information required by subdivision (a) of California Government Code section [65941.1](#) was submitted on or before April 1, 2023 shall be subject to this Chapter's requirements that were in place as of the preliminary application's submittal date but shall otherwise be

exempt from this Chapter. This exemption shall expire upon the occurrence of any of the circumstances defined in paragraphs (2), (6), or (7) of subdivision (o) of California Government Code section [65589.5](#) or in subdivision (d) of California Government Code section [65941](#).

2. A Housing Development Project with 5,000 square feet or less of Residential Unit Floor Area, unless it is part of a larger Housing Development Project. This exemption shall expire on April 1, 2025, or at such time as the City Council modifies or repeals this exemption, whichever date is sooner.
3. A Residential Unit that replaces a unit existing as of April 1, 2023 that has been destroyed by fire, earthquake or other disaster, or that was previously subject to a mitigation fee or inclusionary housing requirement.
4. A Residential Unit existing as of April 1, 2023 that is expanded, renovated, or rehabilitated. (Ord. 7853-NS § 2, 2023)

The Berkeley Municipal Code is current through Ordinance 7854-NS, and legislation passed through February 28, 2023.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company, A General Code Company](#)



MEMORANDUM

Planning and Development Department

DATE: May 5, 2023

TO: Katrina Lapira, Associate Planner

FROM: Darya Barar, Consulting Urban Forester

SUBJECT: 1589 University Ave. – Arborist Comments

I reviewed Insideouts Landscape Architecture’s landscape plan dated March 16, 2023. Based on my review of the plans I recommend the applicant be required to preserve the five crepe myrtle street trees growing along California Street.

Trees should be protected for the entire construction period with fencing. Fencing shall completely enclose the TREE PROTECTION ZONE and shall be erected prior to demolition, grubbing, or grading (Figure 1). Fences shall be 6 ft chain link with posts sunk into the ground. Fences are to remain until all grading and construction is completed.

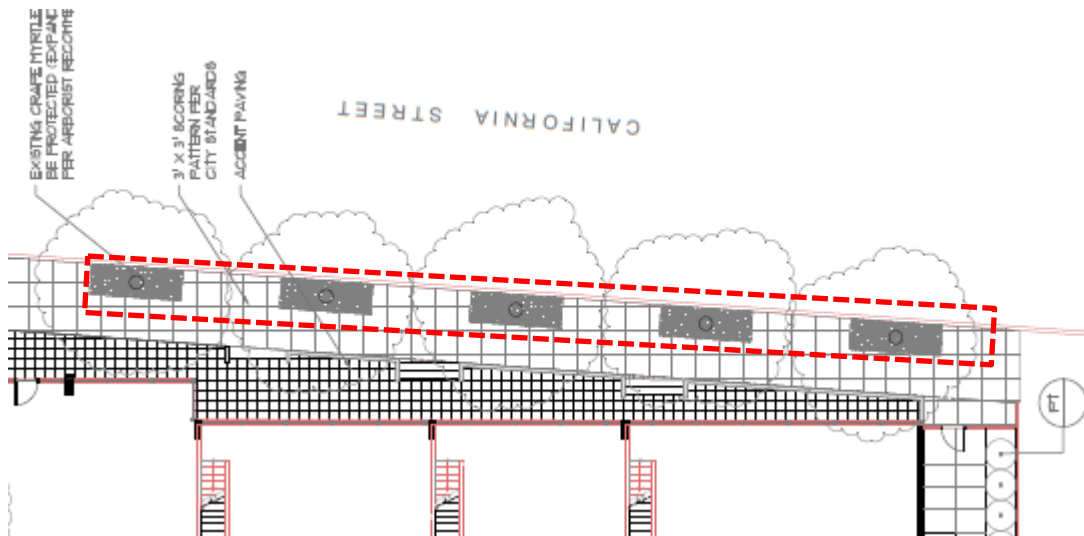


Figure 1. Fence trees to be preserved with 6 ft chain link with posts sunk into the ground for the duration of construction.

The current plans show seven trees to be planted on University Avenue. Trees should be planted in accordance with the City’s tree planting standards. Fleckpave shall be used instead of tree crates. Irrigation is required to be placed in the tree wells. No root barriers shall be used.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1598 University Ave

From: Larry Mandella <larry.mandella@comcast.net>
Sent: Tuesday, May 9, 2023 4:56 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1598 University Ave

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Members of the Zoning Adjustments Board,

My comment concerns the project at 1598 University Ave.

I have lived in Berkeley since 1968 and our family has lived in our current home since 1974 on Addison St., directly behind the proposed project.

My primary concern is the impact of an eight story building adjacent to the houses just south of the project. The current plan has a step down from 8 to 7 to 6 stories on the West wing of the U-shaped building. On the East wing, the step down is only 8 to 7 stories.

I strongly would like to see the developers match the East wing step-down to the one on the West Wing, thus making them both 8 to 7 to 6 stories. The height and mass of this project will greatly impact those of us living the closest to it. I believe it would make a significant difference for the walls nearest us to be as low as possible.

Thank you for your consideration in your deliberations.

Larry Mandella,

1543 Addison St., Berkeley

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Agenda Item No. 4: 1598 University Mixed-Use Project (6031)
Attachments: 6031-010j - 1598 University Ave ZAB Comments.pdf

From: Lorrie J. LeLe <ljlele@adamsbroadwell.com>
Sent: Tuesday, May 9, 2023 4:37 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>; Lapira, Katrina <KLapira@cityofberkeley.info>
Cc: Aidan P. Marshall <amarshall@adamsbroadwell.com>
Subject: Agenda Item No. 4: 1598 University Mixed-Use Project (6031)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

On behalf of East Bay Residents for Responsible Development, we submit the attached comments on Agenda Item No. 4.

We are also providing you with a Dropbox link which contains the referenced documents for your convenience.

<https://www.dropbox.com/scl/fo/rk2jxl8nmnu56xdn64ukt/h?dl=0&rlkey=hajtr9f6bjaod5ng8z8twv4r8>

If you have any questions, please contact Aiden Marshall – amarshall@adamsbroadwell.com

Thank you,

Lorrie LeLe

Legal Assistant

Adams Broadwell Joseph & Cardozo

520 Capitol Mall, Suite 350

Sacramento, CA 95814

ljlele@adamsbroadwell.com | Phone: 916.444.6201 Ext. 10 | Fax: 916.444.6209 |

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ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

amarshall@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

May 9, 2023

Via Email and Overnight Mail

Yes Duffy, Chairperson
Kimberly Gaffney, Vice Chairperson
Igor Tregub, Member
Michael Thompson, Member
Holly Scheider, Member
Shoshana O’Keefe, Member
Charles Kahn, Member
Brandon Yung, Member
Debra Sanderson, Member
Zoning Adjustments Board
Planning and Development
1947 Center Street, 2nd Floor
Berkeley, CA 94704
Email: zab@cityofberkeley.info

Via Email Only

Katrina Lapira, Associate Planner
Email: klapira@cityofberkeley.info

Re: Agenda Item No. 4: 1598 University Mixed-Use Project (File No. DRCP2022-0008; ZP2022-0099)

Dear Chairperson Duffy, Vice Chairperson Gaffney, Members: Tregub, Thompson, Schneider, O’Keefe, Kahn, Yung, Sanderson, and Ms. Riemer:

We are writing on behalf of East Bay Residents for Responsible Development (“East Bay Residents” or “EBRRD”) to provide comments on the 1598 University Mixed-Use Project (File No. DRCP2022-0008; ZP2022-0099) proposed by 1598 University Avenue, LLC/NX Ventures/Trachtenberg Architects (“Applicant”). The City of Berkeley (“City”) Zoning Adjustments Board (“ZAB”) will consider approval of the Project at the May 11, 2023, ZAB meeting. The ZAB will consider approval of the following Use Permits:

- Use Permit to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- Use Permit to establish a mixed-use residential building, under BMC Section 23.204.020

6031-010j

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- Use Permit to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(A)
- Use Permit to establish residential uses on the ground floor, under BMC 23.204.060(B)(3)
- Use Permit to reduce the rear setback (interior) to provide greater privacy along the side setback (south) that abuts residential district, under BMC 23204.060.
- Administrative Use Permit for projections that exceed the maximum building height limit, under 23.304.050(A)

The Project consists of the demolition of an existing non-residential structure and construction of a 134,409 square-foot, eight-story mixed-use residential building containing 207 dwelling units (including 21 very low-income units) and 5,787 square foot commercial space, with 39 parking spaces and 92 bicycle parking spaces. The Project is seeking a 50% Density Bonus by providing 15% of the base project units as affordable to very-low income households. The Project site is located at 1598 University Ave., Berkeley, CA 94703 (APN 056 200300100).

The staff report for the ZAB hearing includes a recommendation that the ZAB find the Project categorically exempt from the provisions of the California Environmental Quality Act¹ (“CEQA”) pursuant to CEQA Guidelines Section 15332 (“Class 32” or “Infill Development Project”).² But, as explained herein, and in comments East Bay Residents submitted in advance of the Project’s Preliminary Design Review,³ the City cannot rely on the Class 32 exemption due to the Project’s potentially significant impacts of air quality, noise, traffic, and public health. Since the City defers its own analysis of the Project’s environmental impacts until after Project approval, the staff recommendation that the Project is exempt from CEQA is not supported by substantial evidence and fails to comply with CEQA. Rather, the Project’s substantial size, 24-month construction period, and its proximity to sensitive receptors indicate that the Project’s impacts may be potentially significant, precluding reliance on the Class 32 Exemption. As a result, an environmental impact report (“EIR”) must be prepared for this Project.

Additionally, the Project Applicant has not made a commitment to ensure the Project is built with local skilled and trained workforce, or provide workforce benefits for City of Berkeley or East Bay residents. The Project thus fails to demonstrate consistency with the workforce and economic requirements of the City

¹ Pub. Resources Code (“PRC”) §§ 21000 et seq.

² 14 Cal. Code Regs. (“CCR” or “CEQA Guidelines”) §§ 15000 et seq.; Staff Report.

³ Letter from East Bay Residents re: Comments on Agenda Item IV.2 – Preliminary Design Review for the 1598 University Mixed-Use Project (File No. DRCP2022-0008; ZP2022-0099) (April 20, 2023).

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of Berkeley General Plan (“General Plan”). Inconsistency with applicable General Plan and local plan workforce policies precludes reliance on the Class 32 Exemption, which requires that projects be consistent with the applicable general plan designation and “all applicable general plan policies.”⁴

The ZAB also lacks the evidence necessary to approve the Project’s requested Use Permits. As required by BMC Section 23.406.040(E), the ZAB must find that the proposed structure will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons and adjacent properties to approve the Use Permits. But because the City has deferred environmental review until after approval of the Use Permits, the ZAB lacks substantial evidence to support a conclusion that the Project is exempt from CEQA and will not be detrimental to the general welfare.

East Bay Residents respectfully requests that the ZAB remand the Project to staff to prepare an environmental impact report (“EIR”) pursuant to CEQA. The EIR must contain the necessary supporting analysis to fully disclose and mitigate the Project’s adverse impacts, including but not limited to construction and operational air quality and public health impacts, hazardous materials, noise, and land use impacts. The Project should also incorporate workforce standards which are consistent with the City’s General Plan and Specific Plan workforce goals and policies.⁵

I. STATEMENT OF INTEREST

East Bay Residents for Responsible Development (“ERRBD” or “East Bay Residents”) is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated with Project development. The association includes the UA Plumbers and Pipefitters Local 342, International Brotherhood of Electrical Workers Local 595, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, and their members and their families who live and/or work in the City of Berkeley and Alameda County.

The individual members of East Bay Residents live, work, and raise their families in the City of Berkeley and Alameda County. They would be directly affected by the Project and its impacts. The organizational members of Residents

⁴ 14 CCR 15332(a).

⁵ We reserve the right to supplement these comments at later hearings and proceedings on the Project. Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield (“Bakersfield”)* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

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also have an interest in enforcing public interest, health and safety, labor and environmental laws that encourage sustainable development and ensure a safe working environment for its members. East Bay Residents' members are also concerned about projects that are built without providing opportunities to improve local recruitment, apprenticeship training, and retention of skilled workforces, and without providing lifesaving healthcare expenditures for the construction workforce.

II. LEGAL STANDARD

CEQA has two basic purposes, neither of which the City has satisfied in this case. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental impacts of a project before harm is done to the environment.⁶ The EIR is the “heart” of this requirement,⁷ and has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”⁸ To fulfill this purpose, the discussion of impacts in an EIR must be detailed, complete, and “reflect a good faith effort at full disclosure.”⁹ An adequate EIR must contain facts and analysis, not just an agency’s conclusions.¹⁰

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring imposition of mitigation measures and by requiring the consideration of environmentally superior alternatives.¹¹ CEQA imposes an affirmative obligation on agencies to avoid or reduce environmental harm by adopting feasible project alternatives or mitigation measures to address all potentially significant impacts identified in the agency’s CEQA analysis.¹² Without an adequate analysis and description of feasible mitigation measures, it would be impossible for agencies relying upon an EIR or other environmental document to meet this obligation.

⁶ Cal. Code Regs., tit. 14, § 15002, subd. (a)(1) (“CEQA Guidelines”); *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal.App.4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁷ *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.

⁸ *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁹ CEQA Guidelines, § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 721-722.

¹⁰ *See Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 568.

¹¹ CEQA Guidelines, § 15002, subd. (a)(2) and (3); *Berkeley Jets*, 91 Cal.App.4th, at p. 1354; *Laurel Heights Improvement Ass’n v. Regents of the University of Cal.* (1998) 47 Cal.3d 376, 400.

¹² Pub. Resources Code, §§ 21002-21002.1.

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Under CEQA, mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.¹³ A CEQA lead agency is precluded from making the required CEQA findings to approve a project unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved. For this reason, an agency may not rely on mitigation measures of uncertain efficacy or feasibility.¹⁴ This approach helps “insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.”¹⁵

Following preliminary review of a project to determine whether an activity is subject to CEQA, a lead agency is required to prepare an initial study to determine whether to prepare an EIR or negative declaration, identify whether a program EIR, tiering, or other appropriate process can be used for analysis of the project’s environmental effects, or determine whether a previously prepared EIR could be used with the project, among other purposes.¹⁶ CEQA requires an agency to analyze the potential environmental impacts of its proposed actions in an EIR except in certain limited circumstances.¹⁷ A negative declaration may be prepared instead of an EIR when, after preparing an initial study, a lead agency determines that a project “would not have a significant effect on the environment.”¹⁸

III. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT A CEQA INFILL EXEMPTION

The City improperly determined that the Project qualifies for Infill Exemption under CEQA Guidelines Section 15332. CEQA is “an integral part of any public agency’s decision making process.”¹⁹ It was enacted to require public agencies and decision makers to document and consider the environmental implications of their actions before formal decisions are made.²⁰ CEQA requires an agency to conduct adequate environmental review prior to taking any discretionary action that may significantly affect the environment unless an exemption applies.²¹

¹³ CEQA Guidelines, § 15126.4, subd. (a)(2).

¹⁴ *Kings County Farm Bureau v. County of Hanford* (1990) 221 Cal.App.3d 692, 727-28 (a groundwater purchase agreement found to be inadequate mitigation because there was no record evidence that replacement water was available).

¹⁵ *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.

¹⁶ CEQA Guidelines, §§ 15060, 15063, subd. (c).

¹⁷ See, e.g., Pub. Resources Code, § 21100.

¹⁸ *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597; Pub. Resources Code § 21080(c).

¹⁹ Pub. Resources Code § 21006.

²⁰ *Id.*, §§ 21000, 21001.

²¹ *Id.*, § 21100(a); see also CEQA Guidelines § 15004(a).

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Thus, exemptions must be narrowly construed and are not to be expanded beyond the scope of their plain language.²²

CEQA requires an agency to analyze whether a project conforms with the applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.²³ Here, the Project fails to conform with the General Plan.

A. The Infill Exemption

Section 15332 of the CEQA Guidelines provides an exemption from CEQA for projects characterized as in-fill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The infill exemption requires a lead agency provide “substantial evidence to support [their] finding that the Project will not have a significant effect.”²⁴ "Substantial evidence" means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.²⁵ If a court locates substantial evidence in the record to support the City's conclusion, the City's decision will be upheld.²⁶

²² *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257.

²³ CEQA Guidelines Appendix G, XI Land Use and Planning.

²⁴ *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.

²⁵ CEQA Guidelines § 15384.

²⁶ *Bankers Hill Hillcrest*, 139 Cal.App.4th at 269.

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The Project fails to meet the requirements of Section 15332(a) and (d) because, as discussed below, the Project is likely to result in inconsistencies with the Berkeley General Plan and may result in potentially significant impacts to public health, air quality, and noise. The record demonstrates that neither the City nor the Applicant have provided substantial evidence demonstrating that the Project qualifies for the infill exemption. By contrast, there is substantial evidence supporting a fair argument that the Project would result in potentially significant environmental effects that require preparation of an EIR.

B. The City Lacks Substantial Evidence to Conclude that the Project Satisfies the Infill Exemption Criteria

i. The City Lacks Substantial Evidence to Support a Conclusion that the Project Will Not Result in Significant Noise and Vibration Impacts

The City failed to provide substantial evidence that the Project will not result in significant noise and vibration impacts. Instead, the Project's proposed conditions of approval propose to require improperly deferred analysis of the Project's noise and vibration impacts after the Project is approved, in violation of CEQA.

First, the Staff Report provides no information regarding the baseline noise levels against which to determine the significance of noise from Project construction and operation. The City thus does not have substantial evidence in the record to support a determination that noise and vibration impacts are less than significant.

Second, the Findings and Conditions in Attachment 1 of the Staff Report provide that the Project applicant "shall submit screening level analysis prior to, or concurrent with, demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment)... This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls."²⁷ This condition represents improperly deferred analysis. "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process."²⁸ The City requires the Applicant to analyze noise and vibration impacts after project approval. This contravenes the purposes of

²⁷ Staff Report, Attachment 1, pg. 9 of 25.

²⁸ *Sundstrom* (1998) 202 Cal.App.3d 296, 305.

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CEQA, which requires environmental review at the earliest feasible stage in the planning process. The City must prepare an EIR to adequately analyze and mitigate potentially significant noise and vibration impacts.

ii. Substantial Evidence Supports a Fair Argument that the Project Will Result in Significant Noise Impacts

Substantial evidence supports a fair argument that the Project’s noise impacts would exceed the City’s noise significance thresholds. Section 13.40, Community Noise, of the Berkeley Municipal Code establishes the City’s standards for on-site operational noise and construction noise. Section 13.40.050 sets limits for exterior noise generated on a property, as measured at any other property. Table 13.40-1²⁹ shows the City’s exterior noise limits that cannot be exceeded for more than 30 minutes in any hour.

Table 13.40-1. EXTERIOR NOISE LIMITS

(Levels not to be exceeded more than 30 minutes any hour)

Zoning District	Time Period	Noise Level (dBA)
R-1, R-2, R-1A, R-2A, and ESR	7:00 a.m. – 10:00 p.m.	55
	10:00 p.m. – 7:00 a.m.	45
R-3 and above	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	55
Commercial	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	60
Industry	Anytime	70

Exterior noise generated on a property also cannot exceed the following limits for shorter periods of time in a given hour:

- The noise standard for that land use as specified in Table 13.40-1 plus 5 dBA for a cumulative period of more than 15 minutes in any hour; or
- The noise standard for that land use as specified in Table 13.40-1 plus 10 dBA for a cumulative period of more than 5 minutes in any hour; or

²⁹ Berkeley, Municipal Code Section 13.40.050.

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- The noise standard for that land use as specified in Table 13.40-1 plus 15 dBA for a cumulative period of more than 1 minute in any hour; or
- The noise standard for that land use as specified in Table 13.40-1 plus 20 dBA for any period of time.

Section 13.40.060 of the Berkeley Municipal Code sets interior noise limits for multi-residential uses as shown in Table 13.40-2. These standards apply within dwellings with their windows in normal seasonal configurations.

Table 13.40-2. INTERIOR NOISE LIMITS

Zoning District	Time Interval	Allowable Interior Noise Level (dBA)
All	10:00 p.m. – 7:00 a.m.	40
	7:00 a.m. – 10:00 p.m.	45

Section 13.40.070 of the Berkeley Municipal Code sets standards for construction noise. This section prohibits construction activity between the hours of 7:00 PM and 7:00 AM on weekdays, and between 8:00 PM to 9:00 AM on weekends and holidays, such that the resulting noise creates a noise disturbance across a residential or commercial property line. Table 13.40-3 (“Maximum sound levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment”) lists the City’s maximum sound levels for mobile equipment that apply to construction activity “where technically and economically feasible” during permitted hours of construction (Section 13.40.070.B of the Berkeley Municipal Code).

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Table 13.40-3.

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	60	65	70

Table 13.40-3 lists the City’s maximum sound levels for stationary equipment that apply to construction activity “where technically and economically feasible” during permitted hours of construction (Section 13.40.070.B of the Berkeley Municipal Code).

Table 13.40-4.

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	60 dBA	65 dBA	70 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	50	55	60

The Project would likely exceed the construction noise thresholds set forth above. Noise from temporary construction activity can be estimated using the Federal Highway Administration’s Roadway Construction Noise Model (RCNM). The model applies a typical list of equipment used in multi-story residential developments during each phase of construction. Impact or sonic pile drivers, if used to install foundations, would be the loudest individual noise source. This equipment can generate noise levels exceeding 100 dBA within 50 feet.³⁰ Pile

³⁰ City of Berkeley, Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project, Draft Environmental Impact Report SCH#2020110320, October 2021, pg. 4.8-10, available

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drivers are most often used to set pile foundations for new concrete buildings that are at least six stories in height. Since the proposed Project would allow a building up to eight stories tall, it is reasonably foreseeable that pile drivers could be used in construction.

The aforementioned noise impacts would not be substantially attenuated by distance, as sensitive residential receptors are located adjacent to the Project site:³¹



As a result, construction noise impacts on these residential receptors could potentially reach 100 dBA, depending on the construction equipment used. The Project’s construction noise impacts would thus potentially exceed significance thresholds in BMC Section 13.40.070, and the City’s record lacks any evidence that noise levels would not exceed these levels. Therefore, substantial evidence demonstrates that a Class 32 exemption is inapplicable and the City lacks substantial evidence to support the exemption.

iii. The City Lacks Substantial Evidence to Support a Conclusion that the Project Will Not Result in Significant Air Quality and Public Health Impacts

The City lacks substantial evidence to support the conclusion that the Project will not result in significant air quality and health risk impacts because the City

at https://files.ceqanet.opr.ca.gov/266033-3/attachment/EyFhr7s1b9vpYiN2os0U2JXH1_Z1NDR1zkMAQg4tNWn7pnT65Bisli6o1b3px8VW1r5aRigVUN_t7OF40

³¹ DRC Meeting Staff Report, Figure 1: Vicinity Map, pg. 3, available at https://berkeleyca.gov/sites/default/files/documents/2023-04-20_DRC_Item%20IV.2_1598%20University.pdf.

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failed to conduct a health risk analysis. Absent a health risk analysis, the City cannot conclude that air pollution and public health impacts are less than significant to support reliance on a Class 32 Infill Exemption. Moreover, readily available facts demonstrate that the Project is likely result in significant air quality and health risk impacts requiring preparation of an EIR.

As explained in EBRRD's prior comments, the City failed to prepare a health risk analysis ("HRA") to quantify the health impact of the Project's construction and operational emissions on sensitive receptors located near the Project site, violating CEQA's requirement to disclose the health impacts of a project. In *Sierra Club v. County of Fresno*, the California Supreme Court affirmed CEQA's mandate to protect public health and safety by holding that a CEQA document fails as an informational document when it fails to disclose the public health impacts from air pollutants that would be generated by a development project.³² As the Court explained, "a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact."³³ The Court concluded that the county's EIR was inadequate for failing to disclose the nature and extent of public health impacts caused by the project's air pollution. As the Court explained, the EIR failed to comply with CEQA because after reading the EIR, "the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin."³⁴

Here, by failing to produce any analysis of the Project's health risk, the City fails to disclose the Project's potential health risks. These risks are potentially significant – the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines recommend a formal health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.³⁵ In an HRA, lead agencies must first quantify the

³² (2018) 6 Cal.5th 502, 518–522.

³³ *Id.* at 519, citing *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 514–515.

³⁴ *Id.* at 518. CEQA's statutory scheme and legislative intent also include an express mandate that agencies analyze human health impacts and determine whether the "***environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.***" (Public Resources Code § 21083(b)(3) (emphasis added).) Moreover, CEQA directs agencies to "take immediate steps to identify any critical thresholds for the ***health and safety of the people*** of the state and take all coordinated actions necessary to prevent such thresholds being reached." (Public Resources Code § 21000(d) (emphasis added).)

³⁵ Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18;

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concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of the chemicals of concern.³⁶ Following that analysis, then the City can make a determination of the relative significance of the emissions. Here, the Project is located in close proximity to residential receptors, and construction is expected to last for over two months. Without the requisite analysis of the Project's health risk impacts, a finding that impacts would be less-than-significant and that the Project is exempt from CEQA would not be supported by substantial evidence.

The City may argue that standard conditions of approval in the staff report would ensure health risk and air quality impacts would be less than significant. However, CEQA requires the assessment of the severity of a project's impacts prior to mitigation, not after mitigation.³⁷ Therefore, that argument would be a red herring.

Moreover, even when the standard conditions of approval are considered, they are not adequate to ensure that construction emissions and the health risk posed by exposure to construction TAC emissions would be less than significant. The staff report includes the condition that the Project will either prepare an HRA prior to issuance of the building permits, or "[a]ll construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB).³⁸ But the requirement to use "Tier 2 or higher" construction equipment fails to ensure that the Project's construction TAC emissions will be reduced to levels of insignificance because Tier 2 equipment provides far lower emissions reductions than the most effective emissions-reducing currently on the market – Tier 4 Final equipment.

The United States Environmental Protection Agency's ("USEPA") 1998 nonroad engine emission standards were structured as a three-tiered progression. Tier 1 standards were phased-in from 1996 to 2000 and Tier 2 emission standards were phased in from 2001 to 2006. Tier 3 standards, which applied to engines from 37-560 kilowatts (kW) only, were phased in from 2006 to 2008. The Tier 4 emission

<https://oehha.ca.gov/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

³⁶ *Id.*

³⁷ *Lotus v. Dept of Transportation* (2014) 223 Cal. App. 4th 645, 651-52.

³⁸ Staff Report, Attachment 1, Findings and Conditions, pg. 17 of 25.

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standards were introduced in 2004, and were phased in from 2008 – 2015.³⁹ The Tier 4 emission standards—phased-in from 2008 through 2015—introduce substantial reductions of NOx (for engines above 56 kW) and PM (above 19 kW), as well as more stringent HC limits. CO emission limits remain unchanged from the Tier 2-3 stage.⁴⁰

The City's reliance on Tier 2 construction equipment to reduce the Project's construction DPM and other TAC emissions to less than significant levels is not supported by substantial evidence due to the limited efficacy of Tier 2 equipment and because the Condition does not obligate the Applicant to use the more effective Tier 4 equipment mentioned in the Condition.

iv. The City Lacks Substantial Evidence to Support a Conclusion that the Project Site Will Conform with the General Plan

CEQA requires an agency to analyze whether a project conforms with the applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.⁴¹ The Housing Accountability Act ("HAA") also requires a showing of substantial evidence demonstrating that a housing project is consistent, compliant, and in conformity with applicable plans, programs, policies, ordinances, standards, requirements, or other similar provisions in order to be deemed consistent with those land use policies.⁴²

The Project is inconsistent with the General Plan Economic Development & Employment Element, and thus cannot be approved, or deemed consistent with the General Plan, until consistency is demonstrated with substantial evidence.⁴³ The General Plan Economic Development and Employment Element Policy (ED-1) (Employment and Training) provides that the City must "[i]ncrease the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement."⁴⁴ Further, the General Plan provides that the City

³⁹ Emission Standards, Nonroad Diesel Engines, *available at:*

<https://www.dieselnet.com/standards/us/nonroad.php#tier3>

⁴⁰ <https://www.dieselnet.com/standards/us/nonroad.php#tier3>.

⁴¹ CEQA Guidelines Appendix G, XI Land Use and Planning.

⁴² Govt. Code § 65589.5(f)(4).

⁴³ SB 330 requires conformance with applicable, objective general plan and zoning standards. Gov. Code § 65905.5. (a).

⁴⁴ Berkeley General Plan Economic Development and Employment Element, p. ED-5. Available at: https://berkeleyca.gov/sites/default/files/documents/12_Economic%20Development%20and%20Employment%20Element-FINAL.pdf.

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intends to “[w]ork with job training programs and encourage training for life skills, job readiness, and specific target industries.”⁴⁵ The Project does not include any commitment to provide local construction jobs to Berkeley or East Bay residents, and the record does not contain any evidence demonstrating that the Applicant proposes to contribute to apprenticeship or other construction job training programs, or take any other measures to comply with these General Plan policies in relation to the Project’s construction workforce. The Project is therefore inconsistent with those policies.

Housing development projects in the City must also implement the goals and policies of the General Plan, including the following:

- 1) Ensure that Berkeley has an adequate supply of decent housing, living wage jobs, and businesses providing basic goods and services.
- 2) New housing will be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.⁴⁶

The City has determined that “it is in the City of Berkeley’s economic interest to support a pipeline of skilled workers to accomplish the construction objectives and policies of the Berkeley General Plan.”⁴⁷ The Project should support this goal by including community benefits such as local hire and healthcare and workforce benefits for its construction workers. Without specific commitments from the Applicant to ensure compliance with these policies, the Project is likely to be detrimental to the general welfare, violates the General Plan, and should not be approved. Since the record is devoid of substantial evidence demonstrating compliance with these General Plan policies, the Project therefore also fails to meet the facial requirements for a CEQA Class 32 exemption.

IV. THE PROJECT MAY BE DETRIMENTAL TO THE GENERAL WELFARE OF THE CITY, RESIDENTS, AND WORKERS

In order to approve the Project’s requested Use Permits, under Berkeley Municipal Code Section 23.406.040, the Zoning Adjustments Board must find that

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ City of Berkeley, Agenda and Staff Report, Berkeley City Council, Council Consent Item 14 Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards (HARD HATS), <https://berkeleyca.gov/sites/default/files/city-council-meetings/2022-09-20%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf> (“HARD HATS Staff Report”) (Sept. 20, 2022) p. 7.

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the proposed project:

- i. Will not be detrimental to the health, safety, peace, morals, comfort, or **general welfare** of persons residing or visiting in the area or neighborhood of the proposed use; and
- ii. Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

And BMC Section 23.204.060(E) requires certain findings to be made to approve an AUP or Use Permit for a project in the C-U district:

To approve an AUP or Use Permit for a project in the C-U district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:

1. Is compatible with the purpose of the district;
2. Is compatible with the surrounding uses and buildings;
3. Does not interfere with the continuity of retail and service facilities at the ground level; and
4. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

Further, the ZAB may approve a Use Permit for demolition of a non-residential building or structure only if the ZAB finds that “demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley”⁴⁸

A. The Project May Be Detrimental to the General Welfare Due to Potentially Significant Environmental and Public Health Impacts

As shown above, the Project may result in potentially significant air quality, public health, and noise impacts which may pose a detriment to the health, safety, and general welfare of the City of Berkeley. Regarding noise, the Project’s potentially significant noise and vibration impacts contravene the City’s Municipal Code which provides that “[c]ertain sound levels and vibrations are detrimental to the public health, welfare, safety, and quality of life, and are contrary to the public interest.”⁴⁹ Significant noise impacts from Project construction and operation may be “detrimental to the health, safety, peace, morals, comfort, or general welfare of

⁴⁸ *Id.* at § 23.326.070(D)(1).

⁴⁹ BMC § 13.40.010.

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persons residing or visiting in the area or neighborhood of the proposed use.”⁵⁰ In order to approve a Use Permit, under Berkeley Municipal Code Section 23.406.040, the ZAB must find that the proposed project is not detrimental to the health or general welfare of the City’s residents. Here, because the Project’s noise and vibration impacts were not analyzed or mitigated and are potentially significant, the City cannot make the necessary non-detriment finding.

Absent disclosure and mitigation of the Project’s potentially significant impacts in an EIR, the City lacks the evidence necessary to support the non-detriment findings required to approve the Use Permits.

B. The Project May Exceed the Amount and Intensity of Use that Can Be Served By the Available Traffic Capacity and Potential Parking Supply.

To approve the Project’s Use Permits, BMC Section 23.204.060(E) requires the ZAB to find that the Project does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply. But the City has not supplied evidence to support this finding, and the staff report’s draft Findings and Conditions do not address this determination.

Here, the proposed use may not be adequately served by the available traffic capacity and potential parking supply due to the Project’s inadequate parking facilities. The Project proposes an eight-story mixed-use residential building with 207 dwelling units and 5,787 square foot commercial space, but only provides 39 parking spaces (27 residential, 12 commercial) and 92 bicycle parking spaces. This design will leave many residents without parking, and lead them to seek street parking in the neighborhood.⁵¹ This impact will unduly burden parking supply in the neighborhood. This type of impact is described in the University Avenue Strategic Plan: “the University Avenue Study Area must provide for the needs of visitors, as well as the merchants and residents working and living in the area... Most merchants in the University Avenue area, though, perceive a parking shortage and consider it a disadvantage to be located there.”⁵² The City must gather evidence that the parking supply will not be exceeded before the ZAB can approve the Use Permits.

⁵⁰ BMC § 23.406.040.

⁵¹ See City of Berkeley, University Avenue Strategic Plan (1996), pg. x (Immediate Action Item 3 – Expanding Parking Opportunities: “New mixed-use infill development will also generate increased parking demand, which could most effectively be met through a couple of strategically located parking sites”), available at https://berkeleyca.gov/sites/default/files/2022-03/University-Ave-Plan_Cover_Summary.pdf.

⁵² *Id.* at 60.

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C. The Project May Be Detrimental to the General Welfare for Failing to Provide Adequate Employment Training and Placement Facilities and Amenities

Municipal Code Section 22.20.020 defines detrimental impacts to include, *inter alia*, increased demand for workforce housing, training, and benefits: “The increased demand for affordable housing, child care and public services, ***adequate employment training and placement facilities and amenities***, and the other impacts generated by development projects, unless mitigated, are detrimental to the City’s public health, safety and general welfare.”⁵³ Under Section 22.20.020, a detriment to the general welfare occurs when the City fails to mitigate the impacts of a development project, including the increased demand for housing, workforce training, and public services that may result from the Project.⁵⁴ Pursuant to Municipal Code Section 22.20.020, the Project’s impacts to the general welfare for failure to provide employment training, placement facilities, and amenities, require mitigation.⁵⁵

As explained above, the ZAB may approve a Use Permit for demolition of a non-residential building or structure only if the ZAB finds that “demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley”⁵⁶ Here, the ZAB cannot make the necessary findings that demolition of the existing structure and construction of the Project is in the public interest, because the Applicant has not provided any evidence demonstrating that Project construction will provide “adequate employment training and placement facilities and amenities” for its construction workforce. In contrast, the addition of community and workforce benefits related to Project construction would promote the general welfare.

Housing projects that are constructed with low-wage or uninsured construction workers are detrimental to the health, safety, peace, morals, comfort, and general welfare of their communities. If the Project were constructed with low-wage or uninsured construction workers, it would be similarly detrimental to persons residing or visiting the City and the Project’s Downtown neighborhood, as well as to the general welfare of the City. The City should request the Applicant

⁵³ BMC § 22.20.020(G) (emphasis added).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* at § 23.326.070(D)(1).

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voluntarily include community benefits in the Project's conditions of approval, including local hire provisions and healthcare standards and benefits in order to promote, and avoid detriment to, the general welfare of the City.

Examples of such conditions were recently adopted for the 2065 Kittredge Street Project, an eight-story, mixed-use building at 2065 Kittredge Street with 187 dwelling units, 4,993 square feet commercial space and 43 parking spaces. On January 31, 2023, the City Council voted unanimously to affirm the Zoning Adjustments Board's decision to approve the project's Use Permit with modified conditions of approval. In approving the 2065 Kittredge Street Project, the Berkeley City Council determined that failing to implement General Plan policies ED-1 (Employment and Training), ED-5 (Element Objectives), and ED-12 (Promoting Berkeley) related to Project construction could result in a detriment to the general welfare. The Applicant for the 2065 Kittredge Project voluntarily agreed to add the following language to the project's findings and conditions of approval:

1. The applicant shall evaluate the feasibility of implementing one or more of the following workforce programs for construction of the Project, but is not required to implement any said program:
 - a. Participate in a joint labor-management apprenticeship program for each trade engaged in construction of the Project;
 - b. Participate in an apprenticeship program approved by the State of California Division of Apprenticeship Standards that has a graduation rate of 50% or higher and has graduated an average of thirty (30) apprentices annually for the five (5) years immediately preceding the Covered Project. The applicant will also maintain at least the ratio of apprentices required by California Labor Code section 1777.5 for the duration of the project; or
 - c. Make and require its subcontractors to make hourly contributions to the California Apprenticeship Council ("CAC") for every apprenticeable craft hour worked on the Project of at least the apprenticeship contribution rate for the classification of "plumber, pipefitter, steamfitter" in Alameda County.
 - d. The applicant shall evaluate the feasibility of making Health Care Expenditures of twenty (20) percent to or on behalf of each construction worker working on the Project in addition to their regular hourly wages during the period of employment. The Health Care Expenditures may be made to a health plan in which the construction worker is enrolled, to the construction worker's health savings account, and/or to the construction worker in the form of cash. Prior to the issuance of a certificate of occupancy, the applicant shall submit a report to the City Manager all steps taken to comply with this condition, as well as the results of the applicant's feasibility

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evaluation, and which, if any, program is implemented for the Project, whether Health Care Expenditures are implemented for the Project, and the number of construction worker recipients of Health Care Expenditures for the Project.

2. The applicant shall make a good faith effort to attempt to meet a thirty (30) percent goal of all workers on the Project construction site be residents of living within ten (10) miles of the Project site and that, if the applicant fails to achieve such goal, documentation showing good faith efforts made to achieve the goal must be furnished to the City of Berkeley. This paragraph does not negate the requirement by the applicant to meet any other applicable requirements required by law.
3. The applicant shall, before obtaining a certificate of occupancy for the Project, furnish an affidavit to the City of Berkeley disclosing the number of union workers for each craft, apprentices, contractors, contractors' business addresses, number of local workers living within ten (10) miles of the Project site, and Berkeley residents working on the construction workforce for the Project.⁵⁷

The City Council concluded that the inclusion of these voluntary workforce conditions were consistent with General Plan policies ED-1 (Employment and Training), ED-5 (Element Objectives), and ED-12 (Promoting Berkeley). In this case, such conditions would be consistent with the same General Plan policies, as well as with the Municipal Code general welfare requirements. The City should confer with Applicant about the feasibility of incorporating these or similar voluntary construction workforce conditions into the Project to bring the Project in closer conformance with General Plan and Specific Plan.

D. The Project May Be Detrimental to the General Welfare for Failing to Hire Locally

Absent evidence demonstrating that the Applicant has committed to hire locally, the Project may be detrimental to the general welfare of Berkeley residents. Local hire commitments are a critical way not only to hire local residents, but to use

⁵⁷ Berkeley City Council, Annotated Agenda (January 31, 2023)

[https://berkeleyca.gov/sites/default/files/city-council-meetings/2023-01-31 Annotated Agenda - Council.pdf](https://berkeleyca.gov/sites/default/files/city-council-meetings/2023-01-31%20Annotated%20Agenda%20-%20Council.pdf).

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project hiring needs to target opportunities to low-income residents and people of color who might not otherwise benefit from new development.⁵⁸

Empirical studies demonstrate that local hire programs help address the fragmentation inherent in the development process, establishing better communication among developers, employers, community organizations, local job training resources, and the workforce development system that can provide job readiness and job retention support services.⁵⁹ Here, the Project Applicant has not made a commitment to ensure the Project is built with a local skilled and trained workforce. The Project may therefore be detrimental to City goals and the Berkeley community – particularly to its highly qualified construction workforce, who may not have the opportunity to build much-needed housing in their own community. In order to assess the Project's compliance with Municipal Code general welfare standards and General Plan policies, the City should ask the Applicant to provide evidence related to its proposed local hire percentage for the construction workforce, and inquire whether the Applicant would consider a specific local hire percentage as a community benefit for the Project.

E. The Project May Be Detrimental to the General Welfare for Failing to Provide Healthcare to Construction Workers

The City has several local workforce policies intended to promote the health and viability of its workforce, including payment of livable wages, health benefits, and paid sick leave for certain workers,⁶⁰ and is in the process of considering an ordinance related to construction workforce benefits, including healthcare.⁶¹

While providing construction worker healthcare is not a binding requirement for the Project, providing workforce healthcare promotes the health, safety, and general welfare of local workers and is consistent with the City's values and policies. The Project has not committed to provide healthcare standards or benefits for the construction workers building the Project. This may result in a detriment to

⁵⁸ Kathleen Mulligan-Hansel, *Making Development Work for Local Residents: Local Hire Programs and Implementation Strategies that Serve Low-Income Communities*, (July 2008). Available at: https://s3.amazonaws.com/proggov21-uploads/uploads/asset/asset_file/Making_Development_Work_Local_Residents_Mulligan-HanselPWF2008.pdf.

⁵⁹ *Id.*

⁶⁰ See City of Berkeley Workforce Standards and Enforcement, available at <https://berkeleyca.gov/doing-business/operating-berkeley/workforce-standards-and-enforcement> (last visited 4/26/23).

⁶¹ See HARD HATS Staff Report, <https://berkeleyca.gov/sites/default/files/city-council-meetings/2022-09-20%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf>.

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the general welfare of the City and its residents, including in particular, to its construction worker residents. If the Project does not provide healthcare for its construction workers, the Project leaves the responsibility of providing for the health, safety, and welfare of the workers and the community on the workers themselves, or on taxpayer-funded public assistance, thus externalizing the cost of construction. This may perpetuate existing income and healthcare inequities for construction workers, potentially causing a detriment to the general welfare by failing to provide for the health and safety of its workers. The City should inquire as to whether the Applicant would provide healthcare benefits to its construction workers as a community benefit of the Project.

F. The City Lacks Substantial Evidence to Support Land Use and Non-Detriment Findings

Project construction will increase the local demand for a construction workforce. The Project's lack of workforce standards and worker healthcare may exacerbate the existing demand for local affordable housing and public services by construction workers that currently receive low pay without benefits. Without mitigation, these impacts may remain significant and the ZAB would be unable to make the necessary findings that the Project complies with the General Plan and zoning code. To comply with the General Plan Economic Development and Employment Element, the City must ensure that new housing developments provide jobs that go to Berkeley residents and provide job training programs and job readiness.

Moreover, the Municipal Code provides that the "Zoning Ordinance establishes *minimum* requirements to promote the public health, safety, and general welfare."⁶² The Municipal Code also provides that, "[t]o the extent possible, it is the government's responsibility to balance the responsibility to ensure the health, safety, and general welfare of the public at large in a fiscally and environmentally sustainable manner."⁶³ It is therefore the responsibility of the Zoning Adjustment Board to promote the general welfare beyond the minimum required by law. Here, the ZAB must require the Project to include community benefits like those detailed herein, otherwise, the Project contravenes the Municipal Code and General Plan.

⁶² BMC § 22.104.030.

⁶³ *Id.* at § 2.09.020.

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V. THE PROJECT IS INCONSISTENT WITH THE CITY'S HOUSING ELEMENT

The Project proposes to construct an eight-story residential building containing 207 dwelling units (21 Very Low-Income unit).⁶⁴ The Project is seeking a 50% Density Bonus by providing 15% of the base project units as affordable to very low-income households. More affordable units must be provided for the Project to be consistent with the City's Housing Element and state law.

The Regional Housing Needs Assessment is the California State-required process that seeks to ensure cities and counties plan for enough housing in their Housing Element cycle to accommodate all economic segments of the community.⁶⁵ Accordingly, the Housing Element of the City's General Plan identifies the City's housing conditions and needs, evaluates the City's ability to meet its Regional Housing Needs Allocation ("RHNA"), establishes the goals, objectives, and policies of the City's housing strategy, and provides an array of programs to create mixed-income neighborhoods across the City.⁶⁶ The Housing Element, which was amended on February 17, 2023, states that "the City has a remaining RHNA of 5,033 units (1,923 very low income; 852 low income; 1,227 moderate income; and 1,031 above moderate income units)... The City must identify adequate site capacity for this remaining RHNA."⁶⁷ Accordingly, Policy H-1 – Extremely Low, Very Low, Low and Moderate-Income Housing – provides: "Increase the number of housing units affordable to Berkeley residents with lower income levels."⁶⁸ Projects that do not contribute to the City's RHNA are inconsistent with the City's Housing Element, a primary goal of which is to meet the RHNA.

Further, Berkeley Municipal Code Section 23.328.010 provides that residential housing projects constructing five or more dwelling units must include at least 20 percent of the total number of dwelling units within the project as inclusionary units. As an alternative to providing inclusionary units required in an ownership project, the applicant may elect to enter in an agreement with the City to pay fees in-lieu of providing below-market rate units.⁶⁹

⁶⁴ https://berkeleyca.gov/sites/default/files/documents/2023-03-16_DRC_Item%20VII.1_1598%20University_SB330%20Project%20Plans.pdf

⁶⁵ Cal. Gov. Code Section 65580 – 65589.9; see City of Berkeley, Adopted 2023-2031 Housing Element, available at https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf.

⁶⁶ *Id.*

⁶⁷ *Id.* at 107.

⁶⁸ *Id.* at 15.

⁶⁹ Effective July 1, 2022, the fee is set at follows: Paid at Certificate of Occupancy: \$46,185 per rental unit; or Paid at building permit: \$43,185 per rental unit.

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However, the City has failed to meet its RHNA in previous cycles. Under the 5th RHNA Cycle from 2015-2023, Berkeley was required to plan for 2,959 units.⁷⁰ This includes 532 at very low income, 442 at low income, 584 at moderate income, and 1,401 at above moderate income. The Housing Element states that 3,742 units have been built, or 126% of the target. However, the targets for affordable housing were missed, with 309 very low income (58%), 130 low income (29%), and 106 moderate income (18%) units completed. 3,197 units of above moderate, or market rate housing was built, which was 228% of the goal.

Here, the Project fails to provide the recommended 20% affordable units, contributing to the City's pattern of overproducing market-rate housing but underproducing affordable housing. Only 15% of the base Project would be affordable, and only 10% of the total density bonus Project would be affordable. Although the Project will likely have to pay an in-lieu fee, the Project would not be consistent with the Housing Element because it places the burden on the City to identify adequate sites to construct affordable housing, and the record lacks evidence demonstrating that the City will utilize the in-lieu fee to supply the Project's allocated affordable units in the timeframe necessary to meet its RHNA.⁷¹ Further, it is unclear whether merely paying an in-lieu fee would result in the necessary affordable housing development the City needs to meet its RHNA. The City adopted the affordable housing mitigation fee on June 28, 2011 (Ordinance 7,192-N.S.), well before 2015-2023 RHNA cycle commenced, yet the City's RHNA was not met.⁷² Therefore, the Project must provide the recommended affordable units in order to be consistent with the City's Housing Element and state law.

The Project is one of several other projects proposed by the Applicant, which similarly fail to contribute an adequate percentage of affordable units. The Applicant also proposes to construct the 2900-2920 Shattuck Avenue Project,⁷³ a ten-story residential building containing 221 dwelling units (22 Very Low-Income unit).⁷⁴ The 2920 Shattuck Avenue project is seeking a 46.25% Density Bonus by providing only 14% of the base project units as affordable to very low-income

⁷⁰ City of Berkeley, Adopted 2023-2031 Housing Element, pg. D-8.

⁷¹ *Id.* at 107.

⁷² 2015-2023 Berkeley Housing Element, pg. 62, available at https://berkeleyca.gov/sites/default/files/documents/2023-05-11_ZAB_Item%204_1598%20University_Combined%20Staff%20Report%20and%20Attachments.pdf; see Resolution 68,074 – N.S.

⁷³ Use Permit #ZP2022-0116 (APN: 053 159000501).

⁷⁴ City of Berkeley, Zoning Project Application, 2920 Shattuck Ave. Berkeley CA 94705, APN 053 159000501, (Sept. 4, 2022), https://www.dropbox.com/s/528twax3fw4fw9p/2022-09-04_APP_PCKT_2920%20Shattuck.pdf?dl=0 (“Application Packet”), pdf pg. 2108 of 2143.

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households.⁷⁵ The Applicant also proposes the 3000 Shattuck Avenue Project, a 10-story (114 feet) mixed-use building utilizing a Density Bonus, with 166 dwellings, including 17 Very Low-Income units, and 1,043 square-feet of commercial space.⁷⁶ By proposing 17 Very Low Income (VLI) Below Market Rate (BMR) units on site (15 percent of the 111-unit base density), the 3000 Shattuck project is eligible for a 50 percent density bonus, or 56 additional units.⁷⁷ In sum, these projects each offer only 10% of the total units as affordable. These projects' inadequate provision of affordable housing – well below the recommended 20% – is a cumulative issue that the City must address before considering approval of this Project.

VI. CONCLUSION

As is discussed herein, the City lacks substantial evidence to rely on a Class 32 Infill Exemption for Project approval due to potentially significant environmental and public health impacts. The Project does not conform with the Berkeley General Plan for failing to support the general welfare through workforce and labor standards, and affordable housing. As a result, the Project cannot be approved until the City complies with CEQA and prepares an initial study and EIR for the Project.

Thank you for your attention to these comments. Please include them in the record of proceedings for the Project.

Sincerely,



Aidan P. Marshall

APM:ljl

⁷⁵ City of Berkeley, Zoning Project Application, 2920 Shattuck Ave.

⁷⁶ May 11, 2023 ZAB Agenda, available at https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-05-11_ZAB_Agenda_Linked.pdf.

⁷⁷ 3000 Shattuck Avenue May 11 ZAB Staff Report, pg. 12, available at

https://berkeleyca.gov/sites/default/files/documents/2023-05-11_ZAB_Item%205_3000%20Shattuck_Combined%20Staff%20Report%20and%20Attachments.pdf.

Communications

From: David Kellogg <david.kellogg@gmail.com>
Sent: Monday, May 8, 2023 11:33 AM
To: Zoning Adjustments Board (ZAB)
Cc: Lapira, Katrina
Subject: Public Comment: Original submission date questions & CEQA violations - #ZP2022-0099

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear ZAB,

Please be aware that I will be submitting this project to HCD's Housing Accountability Unit for the following issues as, unfortunately, the planner and the Planning Department failed to respond to my request for information (copied below).

1. The record contains conflicting information about the original submission date.

As you may know, the original submission date is a critical date with legal significance. It is important that the actual submission date be acknowledged, so that the timelines of state housing law can be properly measured.

The initial incompleteness letter (dated 8/24/22) from the planner includes a claim that the initial submission date was "July 25, 2022" (a Monday). However, the City's Accela system includes multiple indicia, including filenames and fee receipts, that indicate the actual submission date was the preceding Friday, July 23, 2022. Moreover, there are no indicia (other than the incompleteness letter) that support the 7/25/22 date.

If July 23, 2022 is the actual submission date, the project would have been deemed completeness and the initial incompleteness letter barred by state law.

While it is possible there is an innocent explanation behind this apparent discrepancy, neither the planner nor the Planning Department generally has responded to my inquiry for clarification on the submission date.

Because I have not received any response, I intend to forward this issue to HCD's Housing Accountability Unit for further investigation.

I suggest ZAB also investigate.

2. Planning/ZAB have violated PRC 21080.1/.2, even when applying the City's admitted completeness date (which may be incorrectly late, see above).

The staff report for the ZAB hearing indicates this project was deemed complete in January 23, 2023 and that staff *recommends* this project be found to be exempt from CEQA (as an "infill development project").

More than 30 days have passed since 1/23/23, and the lead agency (ZAB) has still not complied with PRC 21080.1 by issuing a *determination* that the project is in fact exempt from CEQA. Thus, the deadline of PRC 21080.2 has been violated.

Sincerely,
David Kellogg

----- Forwarded message -----

From: **David Kellogg** <david.kellogg@gmail.com>

Date: Fri, Apr 28, 2023 at 11:57 AM

Subject: Question on original submission date - #ZP2022-0099

To: <klapira@cityofberkeley.info>, <isaiah@trachtenbegarch.com>

Dear Katrina Lapira,

Since the online records are inconsistent, I am writing to clarify the original submission date of #ZP2022-0099.

1. In accella, the initial fees paid date is listed as 7/22/2022.
2. In acella, the filename for the initial submission is "2022-07-22_APP_PCKT_1598 University.pdf". Dates within that PDF appear to either match or predate the 7/22/2022 date.
3. In your August 24, 2022 incompleteness letter, there is a statement that the application was "submitted on July 25, 2022."

Since the submission date is a critical date with legal significance, it is important that it be properly listed. As an example, if 7/22/2022 were the proper date, then the August 23, 2022 incompleteness letter would have been improper, as the project would have been deemed complete a few days prior.

Best,
David Kellogg

Communications

From: Elizabeth Kowal <kowalathome@msn.com>
Sent: Sunday, May 7, 2023 10:13 PM
To: Harrison, Kate; Lapira, Katrina
Cc: David Ushijima; Ching/Battles; Toni Mester; Steven F; John Dalrymple; Christopher Kroll
Subject: CONCERN ABOUT UPCOMING ZAB MEETING Re: 1598 University Ave.
Attachments: letter to DRC and Berkeley City Council 41123.docx; 6031-009 Agenda IV.2 1598 University DRC Comments.pdf; DRC 1598 University Apr. 20th 2023.pdf

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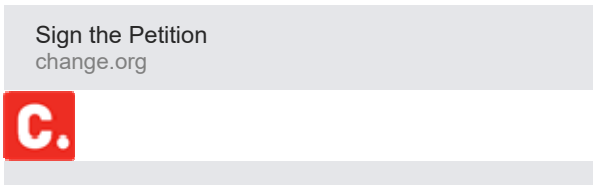
Hello,
I'm very concerned about the upcoming ZAB meeting planned for May 11, 2023. I do not have experience working with this process and I'm not sure to whom I should be addressing these concerns. I'm hoping you can help me with these questions.

I did not think that the 1598 University Project Proposal would be brought up in front of the ZAB committee until there was follow through on the conditions and design recommendations brought forward by the Design Review Committee on April 20th, including setting up a meeting with neighbors regarding their strong concerns about privacy, shadowing, trees, step backs, safety, etc. Neighbors have not had the time to prepare for this meeting, when we thought this follow-up was coming first.

I especially do not understand how this project could be placed on a Consent Calendar when these serious concerns have not yet been addressed!

The 1598 proposed building project came up in front of the Design Review Committee on April 20th. Our neighborhood group had been meeting for the year prior and many of us attended the meeting and participated. Many other neighbors sent letters and comments. Letters were sent from members of other groups also, including the East Bay Residents for Responsible Development and members of the Berkeley Neighborhood Council.

A copy of our Change.Org Petition, "Let's Welcome New Neighbors Not New Towers" was also submitted. It is signed by 90 neighbors objecting to the project as it is being proposed. We included the name and email addresses of the signers and some of their comments.



I have emailed Anne Burns to make sure all of these letters have been included in the ZAB packet. I was told that the DRC is part of ZAB, and the materials would be included. Neighbors who wanted to address the ZAB committee directly have not had time to send in their comments.

Have the DNC recommendations been placed as conditions on the developer? How does this accountability work?

Thank you for your time and attention.

I look forward to hearing from you as soon as possible.

Sincerely,
Elizabeth Sharada Kowal

p.s.

Many serious concerns have been communicated by Berkeley residents, including the lack of inclusive affordable housing so that teachers and city workers can continue living in this historically diverse neighborhood; the lack of a city wide plan on the implementation of the density bonus, the inappropriateness of building this project at this important location, an established pedestrian and wheelchair hub and pathway to Ohlone Park, BART, NB Senior Center; the need for a review to make sure the project is in full compliance with CEQA, inadequate parking impacting nearby seniors and residents with disabilities, street safety concerns, privacy concerns for immediate neighbors, lack of objective standards to set policy protecting all Berkeley residents and specific design recommendations including building configuration changes to allow for more open space and benches for pedestrians en route to BART.

I'm including a few letters that were submitted to the DRC committee that I have available. Hopefully the others will be included also.

From E. Kowal:

From John Dalrymple:

David Ushijima
Neighborhood D4 Resident:

4/11/23

Dear Members of the City of Berkeley Design Review Committee and The Berkeley City Council
Comments concerning the proposed project at 1598 University which will be reviewed at the
DRC meeting on 4/20/23.

Overview:

Hundreds of neighbors have been speaking for over a year, and most of us share strong ideas about the proposed project at 1598 University Avenue. Our neighborhood petition opposing the current project design has 88 signatures.

Our neighbors want new, affordable, inclusive housing so that teachers and city workers can keep living here! This proposed project includes approximately 90% market rate apartments. **We don't want you to allow (and even encourage) developers to pay an in-lieu fee to avoid placing additional inclusive affordable housing here, in this location. We are fighting to preserve our historically diverse neighborhood. We want to welcome and enable working class families to continue to be members of our community. Most of our longer-term residents could not afford to move into the neighborhood today!**

We are disappointed that you have not done the work necessary to come up with the mandated objective standards that would determine reasonable shadowing limits for the immediate neighborhood.

Design Review Issues:

We are asking for neighborhood participation in creating a design that is pedestrian, bicycle, and wheelchair friendly. This location is already an important and established city-wide hub and pedestrian corridor connecting to the North Berkeley BART station, Ohlone Greenway, and the North Berkeley Senior Center. With much of the BART parking being converted to housing, we need a pedestrian-friendly cityscape more than ever. It is not safe to cross at University and Sacramento Streets with multiple turn lanes, trucks, and busses. The light at California Street is the only nearby safe crossing for children, seniors, and everyone else.

To encourage people to get out of their cars we need to have a welcoming cityscape with benches and shade to allow seniors, parents with small children and disabled community members to rest as needed. We don't want an ugly sheer wall narrowing and shadowing sidewalks. We are asking for more setbacks, open space, and trees for pedestrians and for neighboring homes directly abutted by this tall building.

Please stop the developer from decreasing the size of the original retail space plan. We need a practical retail area that is move-in ready to meet the needs of this quickly expanding community.

This building design will lead to a parking crisis for the many seniors and individuals with disabilities living nearby. 36 spaces for 245 bedrooms will not even cover the expected handicapped parking spaces needed. Even with new residents not qualifying for neighborhood parking passes, parking will be greatly impacted leading to hardship for some existing residents. We are asking you to move towards your goal of minimizing cars in Berkeley while also protecting vulnerable residents.

Summary of Requests:

- Affordable housing in the building, appropriate for working class families!
- Complete the required Objective Shadow-Study and publish city-wide objective policy and rules to inform construction design.
- Create a pedestrian safety and parking safety plan for the immediate neighborhood which includes a school, a church, and many senior residents with disabilities.
- Include an indoor loading and unloading dock so that trucks do not cause a dangerous double-parking problem.
- Change design to include open space and setbacks for pedestrians and residents. Consider eliminating the ineffective interior proposed courtyard designed just for residents and add open space to benefit the whole community in this important city-wide hub.
- Increase parking to accommodate seniors and residents with disabilities.
- Demand that the original sized, mandated retail space be move-in ready for an appropriate business such as a restaurant/café.
- Include neighborhood participation in tree selection, bird safe glass, position of any balconies, etc.

Thank you for your time and attention,
Elizabeth Sharada Kowal and Constantine Philipides, Addison Street
(Long term residents, small business owner and public-school parents)
kowalathome@msn.com

ADAMS BROADWELL JOSEPH & CARDOZO

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
ANDREW J. GRAF
TANYA A. GULESSERIAN
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080
TEL: (650) 589-1660
FA: (650) 589-5062
amarshall@adamsbroadwell.com

SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814
TEL: (916) 444-6201
FA: (916) 444-6209

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDO

April 20, 2023

Via Email and Overnight Mail

Janet Tam, Chair
Kimberly Gaffney, Vice-Chair
Members Steve Finacom, Charles Kahn, Lillian Mitchell
Diana Pink, Cameron Woo
c/o Secretary of the Committee, Anne Burns
City of Berkeley Design Review Committee
1947 Center Street, 3rd Floor,
Berkeley, CA 94704
Email: aburns@cityofberkeley.info

Email Only

Jordan Klein, Director Planning and Development Department
Email: jklein@cityofberkeley.info
Katrina Lapira, Associate Planner Planning and Development Department
Email: klapira@cityofberkeley.info

Re: Comments on Agenda Item IV.2 – Preliminary Design Review for the 1598 University Mixed-Use Project (File No. DRCP2022-0008; ZP2022-0099)

Dear Chair Tam, Vice-Chair Gaffney, Mr. Finacom, Mr. Kahn, Ms. Mitchell, Ms. Pink, and Mr. Woo:

We are writing on behalf of East Bay Residents for Responsible Development (“East Bay Residents” or “EBRRD”) to provide comments on the 1598 University Mixed-Use Project (File No. DRCP2022-0008; ZP2022-0099) proposed by 1598 University Avenue, LLC/NX Ventures (“Applicant”). The City of Berkeley (“City”) Design Review Committee (“DRC”) will conduct Preliminary Design Review of the Project at the April 20, 2023 DRC meeting.

The Project consists of the demolition of an existing non-residential structure and construction of a 134,409 square-foot, eight-story mixed-use residential building containing 207 dwelling units (including 21 very low-income units) and 5,787 square foot commercial space, with 39 parking spaces and 92 bicycle parking spaces. The Project is seeking a 50% Density Bonus by providing 15% of the base
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project units as affordable to very-low income households. The Project site is located at 1598 University Ave., Berkeley, CA 94703 (APN 056 200300100).

The Project seeks the several Use Permits:

- Use Permit to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- Use Permit to establish a mixed-use residential building, under BMC Section 23.204.020
- Use Permit to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(A)
- Use Permit to establish residential uses on the ground floor, under BMC 23.204.060(B)(3)
- Administrative Use Permit for projections that exceed the maximum building height limit, under 23.304.050(A)

The DRC meeting staff report includes a recommendation that the Zoning Adjustments Board find the project categorically exempt from the provisions of CEQA¹ pursuant to Section 15332 of the CEQA Guidelines (“Infill Development Project”).² As discussed herein, the City cannot find the Project exempt from CEQA due to the Project’s potentially significant impacts of air quality, noise, traffic, and public health. Since the City has not released any analysis on the Project’s environmental impacts, the staff recommendation that the Project is exempt from CEQA is not supported by substantial evidence. Rather, the Project’s substantial size, 24-month construction period, and its proximity to sensitive receptors indicate that the Project’s impacts may be potentially significant. As a result, an environmental impact report (“EIR”) must be prepared to adequately analyze and mitigate these impacts.

Further, the Project’s design is inconsistent with the neighborhood context due to its massing and lack of adequate parking. The Project is also inconsistent with the City’s affordable housing and workforce goals. EBRRD respectfully requests that the DRC not recommend approval of the Project until these flaws have been resolved.

¹ Public Resources Code § 21000 et seq., and California Code of Regulations, Section 15000, et seq.

² Staff Report, pg. 8, available at https://berkeleyca.gov/sites/default/files/documents/2023-04-20_DRC_Item%20IV.2_1598%20University.pdf.

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I. STATEMENT OF INTEREST

East Bay Residents for Responsible Development is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential impacts associated with Project development. The association includes the UA Plumbers and Pipefitters Local 342, International Brotherhood of Electrical Workers Local 595, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, their members and families, and City and Alameda County residents.

The individual members of East Bay Residents live, work, and raise their families in the City of Berkeley and Alameda County. They would be directly affected by the Project and its impacts. The organizational members of Residents also have an interest in enforcing public interest, health and safety, labor and environmental laws that encourage sustainable development and ensure a safe working environment for its members. Residents' members are also concerned about projects that are built without providing opportunities to improve local recruitment, apprenticeship training, and retention of skilled workforces, and without providing lifesaving healthcare expenditures for the construction workforce.

II. THE CITY MUST COMPLY WITH CEQA

The staff report includes a recommendation that the Zoning Adjustments Board ("ZAB") find the Project categorically exempt from the provisions of CEQA³ pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Project").⁴ East Bay Residents requests and urges the City to comply with CEQA by preparing an environmental impact report ("EIR") for the Project.

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an EIR, except in certain limited circumstances.⁵ The EIR is the very heart of CEQA.⁶ "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."⁷

³ Public Resources Code § 21000 et seq., and California Code of Regulations, Section 15000, et seq.

⁴ Staff Report, pg. 8, available at https://berkeleyca.gov/sites/default/files/documents/2023-04-20_DRC_Item%20IV.2_1598%20University.pdf.

⁵ See, e.g., PRC § 21100.

⁶ *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

⁷ *Communities. for a Better Env. v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 ("CBE v. CRA"). 6031-009

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CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.⁸ “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’”⁹ The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”¹⁰

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures.¹¹ The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.”¹² If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”¹³

Under CEQA, mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments.¹⁴ A CEQA lead agency is precluded from making the required CEQA findings to approve a project unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved. For this reason, an agency may not rely on mitigation measures of uncertain efficacy or feasibility.¹⁵ This approach helps “ensure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.”¹⁶

⁸ 14 Cal. Code Regs. § 15002(a)(1).

⁹ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

¹⁰ *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“*Berkeley Jets*”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

¹¹ 14 CCR § 15002(a)(2) and (3); see also *Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at pg. 564.

¹² 14 Cal. Code Regs. §15002(a)(2).

¹³ PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

¹⁴ CEQA Guidelines, § 15126.4, subd. (a)(2).

¹⁵ *Kings County Farm Bureau v. County of Hanford* (1990) 221 Cal.App.3d 692, 727-28 (a groundwater purchase agreement found to be inadequate mitigation because there was no record evidence that replacement water was available).

¹⁶ *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935. 6031-009

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CEQA identifies certain classes of projects which are exempt from the provisions of CEQA, called categorical exemptions.¹⁷ Categorical exemptions apply to certain narrow classes of activities that generally do not have a significant effect on the environment.¹⁸ “Thus an agency’s finding that a particular proposed project comes within one of the exempt classes necessarily includes an implied finding that the project has no significant effect on the environment.”¹⁹ “It follows that where there is any reasonable possibility that a project or activity may have a significant effect on the environment, an exemption would be improper.”²⁰

CEQA exemptions must be narrowly construed and are not to be expanded beyond the scope of their plain language.²¹ They should not be construed so broadly as to include classes of projects that do not normally satisfy the requirements for a categorical exemption.²² Erroneous reliance by a lead agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA.²³ “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.”²⁴

To qualify for a categorical exemption, a lead agency must provide “substantial evidence to support [its] finding that the Project will not have a significant effect.”²⁵ “Substantial evidence” means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency.²⁶ If a court locates substantial evidence in the record to support the

¹⁷ PRC § 21084(a); 14 CCR §§ 15300, 15354.

¹⁸ PRC § 21084(a); 14 CCR §§ 15300, 15354; *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 380.

¹⁹ *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 115.

²⁰ *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1191 (“*Azusa Land Reclamation*”), quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 205–206.

²¹ *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257.

²² *Azusa Land Reclamation* (1997) 52 Cal.App.4th 1165, 1192.

²³ *Azusa*, 52 Cal.App.4th at 1192.

²⁴ *Dunn-Edwards Corp. v. Bay Area Air Quality Mgmt. Dist.* (1992) 9 Cal.App.4th 644, 656).

²⁵ *Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.

²⁶ CEQA Guidelines § 15384.

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agency's conclusion, the agency's decision will be upheld.²⁷ If, however, the record lacks substantial evidence, as here, a reviewing court will not uphold an exemption determination.

Section 15332 of the CEQA Guidelines provides an exemption from CEQA for projects characterized as in-fill development meeting the conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

CEQA also contains several exceptions to categorical exemptions. In particular, a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to "unusual circumstances,"²⁸ or where there is a reasonable possibility that the activity will have a significant effect on the environment, including (1) when "the cumulative impact of successive projects of the same type in the same place, over time is significant."²⁹ An agency may not rely on a categorical exemption if to do so would require the imposition of mitigation measures to reduce potentially significant effects.³⁰

Here, the City has presented no evidence supporting its assumption that a Class 32 Exemption or any other CEQA exemption are inapplicable to the Project. Moreover, the Project's size and scope indicate that the Project may have potentially significant effects on air quality, health risk, traffic, and noise – impacts which disqualify the Project from a Class 32 exemption.³¹

²⁷ *Bankers Hill Hillcrest*, 139 Cal.App.4th at 269.

²⁸ 14 CCR § 15300.2(c).

²⁹ 14 CCR § 15300.2(b).

³⁰ *Salmon Pro. & Watershed Network v. County of Marin* ("SPAWN") (2004) 125 Cal.App.4th 1098, 1198-1201.

³¹ The Project's potentially significant effects also create exceptions to an exemption under 14 CCR § 15300.2(b), (c).

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A. Health Risk

The City lacks substantial evidence to support its reliance on an exemption without analyzing the health risk impacts of Project construction and operation to workers and nearby sensitive receptors.

CEQA requires analysis of human health impacts. CEQA Guidelines Section 15065(a)(4) provides that the City is required to find a project will have a significant impact on the environment and require an EIR if the environmental effects of a project will cause a substantial adverse effect on human beings.³² The Supreme Court has also explained that CEQA requires the lead agency to disclose the health consequences that result from exposure to a project's air emissions.³³

The Project's construction would likely increase health risks in the surrounding community by contributing Toxic Air Contaminants ("TACs") such as Diesel Particulate Matter ("DPM") during construction.³⁴ During the Project's construction, heavy equipment and diesel trucks would emit DPM, and during operations, a backup generator, if proposed, would emit DPM. DPM has been linked to a range of serious health problems including an increase in respiratory disease, lung damage, cancer, and premature death.³⁵ The Project's emissions of DPM would impact numerous sensitive receptors, including residents in residential buildings located adjacent to the Project site.

For development projects like this one, the Office of Environmental Health Hazard Assessment's ("OEHHA") risk assessment guidelines recommend a formal health risk analysis ("HRA") for short-term construction exposures to TACs lasting longer than 2 months and exposures from projects lasting more than 6 months should be evaluated for the duration of the project.³⁶ In an HRA, lead agencies must first quantify the concentration released into the environment at each of the sensitive receptor locations through air dispersion modeling, calculate the dose of each TAC at that location, and quantify the cancer risk and hazard index for each of

³² 14 CCR § 15065(a)(4); PRC § 21083(b)(3), (d).

³³ *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 516, 523.

³⁴ 39655 of the California Health and Safety Code; California Air Resources Board, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

³⁵ California Air Resources Board, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>.

³⁶ Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; <https://oehha.ca.gov/air/crnrr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

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the chemicals of concern.³⁷ Following that analysis, then the City can make a determination of the relative significance of the emissions.

Here, the Project is located in close proximity to residential receptors, and construction is expected to last for 24 months. Without the requisite analysis of the Project's health risk impacts, a finding that impacts would be less-than-significant and that the Project is exempt from CEQA would not be supported by substantial evidence.

B. Noise

Regarding noise, the Project's construction and operation may generate noise impacts that exceed applicable significance thresholds, making a CEQA exemption inapplicable. Further, the Project includes several sources of potential sleep-disturbing operational noise sources, including mechanical equipment, open space areas, balconies, and roadway traffic noise. Noise from these sources would likely have an acute impact on the sensitive residential receptors located adjacent to the Project site. Without analysis of noise from the Project's construction and proposed operations, the City lacks substantial evidence to find the Project exempt.

In sum, since the City has not prepared analysis on the Project's environmental impacts, the staff recommendation that the Project is exempt from CEQA is not supported by substantial evidence. Rather, the scale of development proposed by the Project and its proximity to sensitive receptors indicate that the Project's impacts are potentially significant. As a result, an EIR must be prepared to adequately analyze and mitigate these impacts.

III. THE PROJECT IS INCONSISTENT WITH THE NEIGHBORHOOD CONTEXT

The DRC staff report states that the DRC will consider the Project in the "neighborhood context."³⁸ The Project proposes a 134,409 square-foot, eight-story mixed-use residential building in a neighborhood containing 1-3 story residential and commercial structures. Despite being located adjacent to 1-3 story residential buildings, the Project's design fails to include any step-backs on its north, west, and east sides.

³⁷ *Id.*

³⁸ Staff report, pg. 6.

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The Project design also fails to include adequate parking facilities. The Project proposes 207 dwelling units and a 5,787 square foot commercial space, but the current design only provides 39 parking spaces (27 residential, 12 commercial) and 92 bicycle parking spaces. This design will leave many residents without parking, and lead them to seek street parking in the neighborhood. This impact will unduly burden parking supply in the neighborhood.

Per Berkeley Municipal Code Section 23.204.060(E), to approve a use permit for a project in the C-U district, the review authority must find that the proposed use or structure “[d]oes not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.” This provision indicates that compatibility with the neighborhood’s parking supply is essential for a project to be consistent in the neighborhood context. Since the Project’s current design would only provide parking for a small percentage of its residents, the design is incompatible with the neighborhood. Thus, the Design Review Committee should not recommend approval of the Project’s design to the Zoning Adjustments Board.

IV. THE PROJECT IS INCONSISTENT WITH THE CITY’S HOUSING ELEMENT

The Project proposes to construct an eight-story residential building containing 207 dwelling units (21 Very Low-Income unit).³⁹ The Project is seeking a 50% Density Bonus by providing 15% of the base project units as affordable to very low-income households. More affordable units must be provided for the Project to be consistent with the City’s Housing Element and state law.

The Regional Housing Needs Assessment is the California State-required process that seeks to ensure cities and counties plan for enough housing in their Housing Element cycle to accommodate all economic segments of the community.⁴⁰ Accordingly, the Housing Element of the City’s General Plan identifies the City’s housing conditions and needs, evaluates the City’s ability to meet its Regional Housing Needs Allocation (“RHNA”), establishes the goals, objectives, and policies of the City’s housing strategy, and provides an array of programs to create mixed-income neighborhoods across the City.⁴¹ The Housing Element, which was amended

³⁹ https://berkeleyca.gov/sites/default/files/documents/2023-03-16_DRC_Item%20VII.1_1598%20University_SB330%20Project%20Plans.pdf

⁴⁰ Cal. Gov. Code Section 65580 – 65589.9; see City of Berkeley, Adopted 2023-2031 Housing Element, available at https://berkeleyca.gov/sites/default/files/documents/Berkeley_2023-2031%20Housing%20Element_02-17-2023v2_0.pdf.

⁴¹ *Id.*

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on February 17, 2023, states that “the City has a remaining RHNA of 5,033 units (1,923 very low income; 852 low income; 1,227 moderate income; and 1,031 above moderate income units)... The City must identify adequate site capacity for this remaining RHNA.”⁴² Accordingly, Policy H-1 – Extremely Low, Very Low, Low and Moderate-Income Housing – provides: “Increase the number of housing units affordable to Berkeley residents with lower income levels.”⁴³ Because the City has not produced and is not expected to produce enough affordable housing to meet its RHNA, projects that do not contribute to the City’s RHNA are inconsistent with the City’s Housing Element, a primary goal of which is to meet the RHNA.

Berkeley Municipal Code Section 23.328.010 provides that residential housing projects constructing five or more dwelling units must include at least 20 percent of the total number of dwelling units within the project as inclusionary units. As an alternative to providing inclusionary units required in an ownership project, the applicant may elect to enter in an agreement with the City to pay fees in-lieu of providing below-market rate units.⁴⁴

Here, the Project fails to provide the recommended 20% affordable units. Although the Project will likely have to pay an in-lieu fee, the Project would not be consistent with the Housing Element because it places the burden on the City to identify adequate sites to construct affordable housing, and the record lacks evidence demonstrating that the City will utilize the in lieu fee to supply the Project’s allocated affordable units in the timeframe necessary to meet its RHNA.⁴⁵

A. THE PROJECT IS INCONSISTENT WITH GENERAL PLAN WORKFORCE GOALS AND MAY BE DETRIMENTAL TO THE GENERAL WELFARE OF THE CITY, RESIDENTS, AND WORKERS

The Berkeley General Plan’s Economic Development and Employment Element includes a number of policies and actions that are intended to support job training, a local workforce, increase social and economic equity, and gather economic and demographic information pertaining to the Berkeley economy.⁴⁶

⁴² *Id.* at 107.

⁴³ *Id.* at 15.

⁴⁴ Effective July 1, 2022, the fee is set at follows: Paid at Certificate of Occupancy: \$46,185 per rental unit; or Paid at building permit: \$43,185 per rental unit.

⁴⁵ *Id.* at 107.

⁴⁶ Berkeley General Plan Economic Development and Employment Element, GP Policies ED-1, ED-5, ED-12.

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The record lacks evidence demonstrating that the Project Applicant has made a commitment to build the Project using a local skilled and trained workforce, to provide apprenticeship training opportunities, or to provide healthcare for its construction workforce. These shortcomings render the Project inconsistent with Berkeley's General Plan policies and goals which seek to ensure that Berkeley has an adequate supply of decent housing and living wage jobs. Unless these inconsistencies are mitigated,⁴⁷ Project construction would be detrimental to the general welfare of the City, its residents, and its workers, in violation of the City's zoning code.⁴⁸

The Berkeley General Plan Economic Development and Employment Element provides that it is the Policy (ED-1) of the City to "Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement."⁴⁹ Further, the General Plan provides that the City intends to "[w]ork with job training programs and encourage training for life skills, job readiness, and specific target industries."⁵⁰

Additionally, housing development projects in the City must implement the goals and policies of the General Plan, including promoting:

- 1) Availability of basic goods and services that are affordable to local residents.
- 2) Employment for local residents at living wages.⁵¹

Policy ED-1 (Employment and Training) provides that it is the Policy of the City to "**Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement** through the following actions:

A. Work with job training programs and encourage training for life skills, job readiness, and specific target industries, including industrial companies in West Berkeley.

⁴⁷ Gov. Code § 65905.5. (a).

⁴⁸ BMC §§ 23.406.040(E)(1); 22.20.020.

⁴⁹ Berkeley General Plan Economic Development and Employment Element, pg. ED-5. Available at: https://berkeleyca.gov/sites/default/files/documents/12_Economic%20Development%20and%20Employment%20Element-FINAL.pdf.

⁵⁰ *Id.*

⁵¹ *Id.* at Policy ED-4, p. ED-7.

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B. Provide labor market information from data sources and industry sectors to local educational institutions and training agencies for adults and youths.

C. Coordinate City employment and job training programs with the University of California, Vista College, and other local educational institutions.

D. Encourage the University to hire Berkeley residents.

E. Encourage the Berkeley Unified School District to provide education and job skills appropriate to jobs in Berkeley and the region.

F. Create a collaborative process among the City, employers, and local disability/minority organizations to provide access to economic and artistic opportunities and development services for all people through education, technical assistance, and economic incentives.

G. Develop and implement employment programs to assist citizens with temporary and permanent employment.

H. Establish agreements with major employers to provide job training for Berkeley youth similar to the Bayer biotech agreements.

I. Strengthen and improve the administration and performance of the First Source Program, and establish better links between the First Source Program and the Office of Economic Development.

J. Consider development of an ordinance that requires that a percentage of Berkeley residents be hired for publicly funded construction jobs.⁵²

The Berkeley General Plan Economic Development and Employment Element Objectives provides the following City development objectives:

1. Provide a variety of jobs with varied skill levels for residents of Berkeley.

2. Promote community and neighborhood values.

3. Support businesses that are independent, locally owned, and neighborhood-serving.

4. Encourage environmentally sustainable business.

5. Promote revitalization in neighborhoods and communities that have historically higher-than-average rates of unemployment.

6. Promote a strong industrial base as a vital foundation of a stable economy.

7. Increase social and economic equity in land use decisions.

⁵² Berkeley General Plan Economic Development and Employment Element, Policy ED-1, pg. ED-5 (emphasis added).

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8. Support culture and the arts in Berkeley.
9. Promote general retail businesses and a variety of cultural, recreational, entertainment, and public sector activities in the Downtown to ensure that the Downtown will remain a vital, attractive, and unifying center for the city.⁵³

Policy ED-12 (Promoting Berkeley) requires the City to promote Berkeley as a location for appropriate business, visitor, and conference destination through specific actions, including “[d]evelop, maintain, and distribute economic and demographic information pertaining to the Berkeley economy.”⁵⁴

Insofar as the Project does not include any commitment to provide construction jobs to local Berkeley or East Bay residents and does not contribute to any apprenticeship or other construction job training programs, or healthcare expenditures, the Project fails to demonstrate consistency with these General Plan policies. Providing a local skilled and trained workforce would implement the policies laid out in the General Plan Economic Development and Employment Element, which the City enacted to promote the general welfare.

V. CONCLUSION

The design of this Project is inconsistent with the neighborhood due to its massing and inadequate parking. The Project must also be approved in full compliance with CEQA, which is necessary to inform the public about the Project’s effects on the environment, and to eliminate or substantially lessen all significant effects on the environment where feasible. To adequately analyze and mitigate this Project’s potentially significant environmental impacts, the City should require an EIR to be prepared for this Project. Without providing local construction workforce standards, the Project is also inconsistent with workforce goals of the General Plan’s Economic Element, and is contrary to the general welfare.

This Project should not be recommended for approval until the City is presented with substantial evidence demonstrating that the Project will comply with CEQA, the zoning ordinance and General Plan.

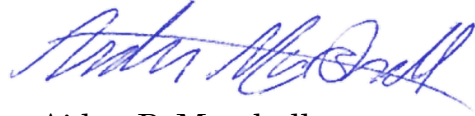
Thank you for considering our comments. Please place this comment letter in the record of proceedings for this matter.

⁵³ Berkeley General Plan Economic Development and Employment Element, Element Objectives, pg. ED-5 (emphasis added).

⁵⁴*Id.* at Policy ED-12(C), pg. ED-10.
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Sincerely,



Aidan P. Marshall

To: City of Berkeley, Design Review Committee
Cc: Councilmember Kate Harrison, Mayor Arreguin, University Business Association
From: David Ushijima
Date: April 11, 2023

Re: Apr. 20th, DRC review of 1598 University Ave. project

The intersection of University and California Avenues is a key node along the major Western entrance to the city as identified in the University Ave. Strategic Plan.¹ That plan, which was adopted by Council in 1997, was extensively developed with merchants and residents over several years. It emphasized the need **to focus efforts on activating the key commercial nodes along University Ave, a corridor that has long suffered from lack of planning oversight and neglect.**

I urge the DRC members to **treat the review of 1598 University as a once-in-a-generation opportunity to improve what can be a vital mid-University Ave. corridor.** Currently the project as submitted requires multiple improvements in the ground floor design in order to improve the quality of life not only in this mid-University Ave. community but along the major corridor leading to the Downtown district and UC Berkeley.

The five blocks along this stretch of University (beginning at the entrance to the Santa Fe/Ohlone pedestrian and bicycle path near Acton St., and proceeding East on University through the Sacramento St. intersection and then through the intersections at California St. and McGee Streets) currently are experiencing some of the highest retail vacancy rates in the city. (12.8% in 2022)².

With the development of North Berkeley BART station and other new developments coming online, **the city's planners have a once-in-a-generation opportunity to influence new project designs and activate the key commercial nodes along this corridor in order to improve both the commercial and the neighborhood environments along University Ave. for generations to come.**

The proposed project is also critically located on the most important bicycle and pedestrian pathway connecting the Western Downtown residential communities south of University and east of Sacramento St. to the Ohlone Greenway and the North Berkeley BART station. The entire East side side of the project will front the major bicycle boulevard (California St.) that is a key part of Berkeley's Bicycle/Pedestrian plan³. The California St. Bicycle Boulevard also is a

¹ University Ave. Strategic Plan:

<https://berkeleyca.gov/your-government/our-work/adopted-plans/university-avenue-strategic-plan>

² <https://www.berkeleylive.org/2023/04/07/shop-talk-barberella-inspired-hair-salon-has-moved>

³ <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan> ;

key part of BART's North Berkeley BART Access Plan and the Berkeley-El Cerrito Corridor Access Plan⁴. As such **the streetscape along the California side of the project should be made more amenable to both pedestrian and bicycle travelers.**

While this project is being portrayed by the developers and architects as encouraging community engagement and enriching the streetscape, in actuality, in terms of street level project design, it falls far short of that goal.

I urge the DRC members to require ground-level improvements to the proposed design which will improve, activate, and enhance the surrounding streetscape, community, and key commercial node located near the corner of University Ave. and California Street. The building's ground floor design should be revised to be more welcoming and accommodating to both pedestrian foot traffic and bicycle and other multi-modal forms of transportation.

In looking at the proposed plans as submitted to the DRC, I urge the DRC to consider the following improvements:

- **The public art that is portrayed on the East-facing wall (Dwg. A0.0, A 3.1) needs to be re-thought.** It was not selected with any input from the residential and retail community. None of the nearly 100 signees of the 1598 University Ave. neighborhood petition likes the artwork that is illustrated in the drawings.
- **The narrow "on-site public plaza area"** shown along the north-east side of the building in the Ground Level Floor Plan (Dwg. A.1), **should be widened and extended.** It is far too narrow to benefit passing pedestrians. If possible, the sidewalk along this side should be widened to encourage pedestrian patronage of the proposed retail businesses. Also a **loading zone that has been positioned to block the northeast corner of that plaza area should be moved,** as it will discourage any casual gathering of neighbors and community members at that key corner of the building.
- **While the ground-level columns on the East and North sides of the building are shown covered with ivy or other vine-like plant growth to enhance the green appearance of the street-level façade (Dwg. A 0.0, A 3.9, Dwg MAT), the Landscape Site Plan (Dwg. L 2.0) or the plant list does not include the requirement for vine-like plants.** The vine-like plants should be a requirement.
- Both the California St. and University Ave. ground level frontages are shown as having tenant-supplied movable **tables and chairs for seating** (Conceptual Rendering Dwg. A 3.9). To avoid having streetside seating being solely dependant on securing a restaurant

⁴ www.bart.gov/beccap

tenant for the retail space, **permanent built-in bench seating should be built along the street frontage** similar to that used in the interior courtyard. While extensive attention is paid to the interior courtyard for residents, **equal attention should be given to the streetscape seating which will affect the entire community.**

- **The street trees along the University Ave.** frontage of the building which are labeled on the Ground Level Floor Plan “*to be determined by survey, city forester, and project landscape architect*” (Dwg. A 2.1) need to be specifically **selected to create a rich, green streetscape environment friendly to pedestrians and bicyclists.**
- **The existing trees that are illustrated on the East elevation** (Dwgs. A3.1, A3.8, A3.9) and the **North elevation** (Dwg. A3.2) **are not adequate to provide shade or attractive greenery** to the pedestrians and bicyclists traveling along California St. or University. The Landscape Site Plan (Dwg. L 2.0) calls for the “existing Crepe Myrtles” on California St. to be protected. However those trees are deciduous and do not provide a rich, green streetscape all year round, nor do they provide shade or shelter to pedestrians along the sidewalk. They should be replaced with taller, fuller evergreen perennial trees that provide a much richer, more welcoming streetscape environment.

5/8/23, 3:56 PM

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88 have signed. Let's get to 100!

At 100 signatures, this petition is more likely to be featured in recommendations!

At 100 signatures, this petition is more likely to be featured in recommendations!

Recent signers



Barbara Loften signed this petition

laurel hunter signed this petition

Take the next step!

5/8/23, 3:56 PM

Petition · Let's Welcome New Neighbors, Not New Towers! · Change.org



Say NO to a 210-Unit Tower at 1598 University; tell the City we don't want 8-story buildings lining University Avenue, overwhelming neighborhoods!

A private developer—already applying for permits to build more Towers abutting Berkeley neighborhoods—has asked the City to approve an 8-story, 210-unit tower on the SW corner of University and California. **Let's put the needs of neighborhoods first, not the needs of developers!**

The building would be much taller than anything in this part of the city:



Numbers are building over 3 stories: Green are existing, Red is this proposed one.

Parking Crisis: Only 36 spaces provided for 245 bedrooms!! A major hardship for seniors and neighbors with disabilities. This will have a severe impact on the neighborhood! A traffic safety concern for neighbors, nearby churches and schools, and kids playing in the street.

Unfair Shadowing: This building will block sunlight on surrounding homes, yards, and solar panels for hours daily. **Tell the City Council to agree on objective shadowing standards that would give neighborhoods a voice on new state mandates!** Councilmembers are willfully avoiding this; tell them our vote depends on it! Sunlight is crucial for healthy living things.

Lack of Affordable Housing: 90% of units will be high-priced market-rate! We don't need another Tower, what we need is more affordable housing to protect and re-build the diversity of our historic neighborhood and meet the needs of current and new residents!

Who to contact, NOW—don't wait, comments needed ASAP!

Contact Katrina Lapira in the City Planning Department: KLapira@cityofberkeley.info , 510-981-7488, 1947 Center Street, 2nd Floor, Berkeley, CA 94704

Contact Councilmember Kate Harrison: KHarrison@cityofberkeley.info

Ask that "1598 University Avenue" be redesigned to preserve solar access and neighborhood life.

Mailing list for organizing opposition to this building: To subscribe, if you have a Google account, go to <https://groups.google.com/d/forum/1598universitytower> and click on "Ask to join group". (If you're not offered "Ask to join group" but are offered "For access, try logging in" click that to log in to Google, after which you should see "Ask to join group"). If you want to subscribe but also want to not have a Google account (which means you will receive emails but won't be able to use the Web interface to the 1598universitytower forum), please send an email to 1598universitytower+managers@googlegroups.com with a Subject Line like "1598universitytower Subscribe Request" from the email address you wish to subscribe.

Take the next step!

Name	City	State	Postal Code	Country	Signed On
California Street at University Avenue Neighbors				US	2022-07-29
Mark Van Valkenburgh	Berkeley	CA	94703	US	2022-08-06
Judy Caldeira	Elk Grove	CA	95624	US	2022-08-06
Bill Kristy	Berkeley	CA	94703	US	2022-08-07
Kevis Goodman	Berkeley	CA	94703	US	2022-08-09
M.E. Lawrence	Berkeley	CA	94710	US	2022-08-10
Nancy Richerson	Berkeley	CA	94702	US	2022-08-13
Mahalakshmi Parameswaran	BERKELEY	CA	94703	US	2022-08-13
Bentley Drake	Gualala	CA	95445	US	2022-08-13
Keshav Lincoln	Annapolis		21401	US	2022-08-13
Shelbi Lane	Dallas		75270	US	2022-08-14
Sydni Cutburth	Belton		64012	US	2022-08-14
Lillian Holtgrave	Springfield		62702	US	2022-08-14
Demontez Stimage	Hammond		70401	US	2022-08-14
Thomas Wood	Berkeley	CA	94703	US	2022-08-14
Ruth Dart	Berkeley	CA	94703	US	2022-08-14
Lucia Rodriguez	Berkeley	CA	94703	US	2022-08-15
Laura Brainard	Inverness	CA	94937	US	2022-08-21
ed valenzuela	Berkeley	CA	94702	US	2022-08-26
Roberto Miranda	Berkeley	CA	94703	US	2022-08-26
Kiki Calenzuela	Berkeley	CA	94703	US	2022-08-26
Mary Richerson	Berkeley	CA	94702	US	2022-08-26
kathleen richerson	Alameda	CA	94501	US	2022-08-27

David Ushijima	Berkeley	CA	94703	US	2022-08-27
Barbara Shayesteh	Berkeley	CA	94702	US	2022-08-27
Elizabeth Arenas	Berkeley	CA	94707	US	2022-08-27
Cheryl Chinn	Berkeley	CA	94702	US	2022-08-28
Wanie Biggs	Berkeley	CA	94702	US	2022-08-28
Linda Banks	Bellmawr		8031	US	2022-08-28
Adam Kaluba	Burleson		76028	US	2022-08-28
Laurie Rolfe	Berkeley	CA	94703	US	2022-09-08
Daisy White	Michigan City		46360	US	2022-09-08
anet Daniel				US	2022-09-08
Kalvin Yuwen				US	2022-09-08
Alejandro Beltran	Lubbock		79414	US	2022-09-08
Tobie Lurie	Berkeley	CA	94702	US	2022-10-14
Charlene Woodcock	Berkeley	CA	94709	US	2022-10-14
Harvey Smith	Berkeley	CA	94703	US	2022-10-14
Marcia Poole	Berkeley	CA	94703	US	2022-10-14
Isabelle Gaston	Berkeley	CA	94707	US	2022-10-14
Barbara Fisher	Berkeley	CA	94702	US	2022-10-14
Art Goldberg	Carmel-by-the-Sea	CA	93923	US	2022-10-14
Larisa Cummings	Berkeley	CA	94703	US	2022-10-21
Aurora Maramag	Berkeley	CA	94703	US	2022-10-29
Margaret Fauchier	Berkeley	CA	94703	US	2022-10-29
Elizabeth Kowal	Berkeley	CA	94703	US	2022-11-01
Jose Ramirez	Berkeley	CA	94703	US	2022-11-02

Jeanette Badal	Berkeley	CA	94703	US	2022-11-04
Zhen Yang	Berkeley	CA	94703	US	2022-11-05
Cymbre Potter	Berkeley	CA	94702	US	2022-11-14
John Ruiz	Berkeley	CA	94702	US	2022-11-14
Serina Garst	Berkeley	CA	94703	US	2022-11-16
Erica Garcia	Lancaster		93535	US	2022-11-16
Trista Thomas	Lexington		60629	US	2022-11-16
Summer Brenner	Berkeley	CA	94703	US	2022-11-16
Anne-Lise Francois	Berkeley	CA	94703	US	2022-11-16
lynn adler	Berkeley	CA	94708	US	2022-11-16
Susan Moon	Berkeley	CA	94707	US	2022-11-16
M.I. Lawrence-Smail	Berkeley	CA	94703	US	2022-11-16
Michael Weber	Berkeley	CA	94703	US	2022-11-16
nora shourd	berkeley	CA	94703	US	2022-11-16
Marilyn Mulford	Berkeley	CA	94703	US	2022-11-16
Melissa Riley	berkeley	CA	94703	US	2022-11-17
Ivan Avila	Modesto		95354	US	2022-11-17
Lois Yuen	Berkeley	CA	94707	US	2022-11-17
Julian Amado	Berkeley	CA	94703	US	2022-11-17
Deon Jackson	Ta		33603	US	2022-11-17
Taha Saffarniya	Dallas		75270	US	2022-11-17
Rick Adams	Cincinnati		45211	US	2022-11-17
Steven M	Brandon		39047	US	2022-11-17
Aidan VanDuyne	Channahon		60410	US	2022-11-17

Alana Shindler	Berkeley	CA	94705	US	2022-11-17
Shirley Carrie Brewin	Berkeley	CA	94704	US	2022-11-17
Antonia Langenhoff	Berkeley	CA	94703	US	2022-11-18
Nicholas Phelps	Berkeley	CA	94702	US	2022-11-20
Ariel H	California	CA	94702	US	2022-11-21
James Whitta	Berkeley	CA	94703	US	2022-11-23
Richard Graham	Berkeley	CA	94707	US	2022-12-09
Gregory Williams	Memphis		38126	US	2022-12-09
Soo Hey	Clifton		7014	US	2022-12-09
Ryan Thacker	Beckley		25801	US	2022-12-09
Foresha Benton	Rochester		14610	US	2022-12-09
Michal Elnadav	Brooklyn		11230	US	2023-02-05
G. Diane Matthews-Marcelin	Carson		90746	US	2023-03-14
laurel hunter	san francisco	CA	94111	US	2023-04-05
Barbara Loften	Berkeley	CA	94703	US	2023-04-05
Nina Fairles	Berkeley	CA	94707	US	2023-04-05
Susan Korbelt	Berkeley	CA	94703	US	2023-04-06



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

FOR BOARD ACTION
MAY 11, 2023

1598 University Avenue

Use Permit #ZP2022-0099 to demolish anon-residential structure and construct a 127,492 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus.

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial (AC)
- Zoning: University Commercial District (C-U), Node Area – South Side of University Avenue
- Specific Plan: University Avenue Specific Plan

B. Zoning Permits Required:

- **Use Permit** to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a mixed-use residential building, under BMC Section 23.204.020
- **Use Permit** to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(A)
- **Use Permit** to establish residential uses on the ground floor, under BMC 23.204.060(B)(3)
- **Use Permit** to reduce the rear setback (interior) to provide greater privacy along the side setback (south) that abuts residential district, under BMC 23.204.060
- **Administrative Use Permit Administrative Use Permit** for projections that exceed the maximum building height limit, under 23.304.050(A)

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

- **Concession** to allow for a reduction in open space to 10,365 square feet, where 41,400 square feet is required under BMC Section 23.204.060(D)(1)

ZONING ADJUSTMENTS BOARD
May 11, 2023

1598 UNIVERSITY AVENUE
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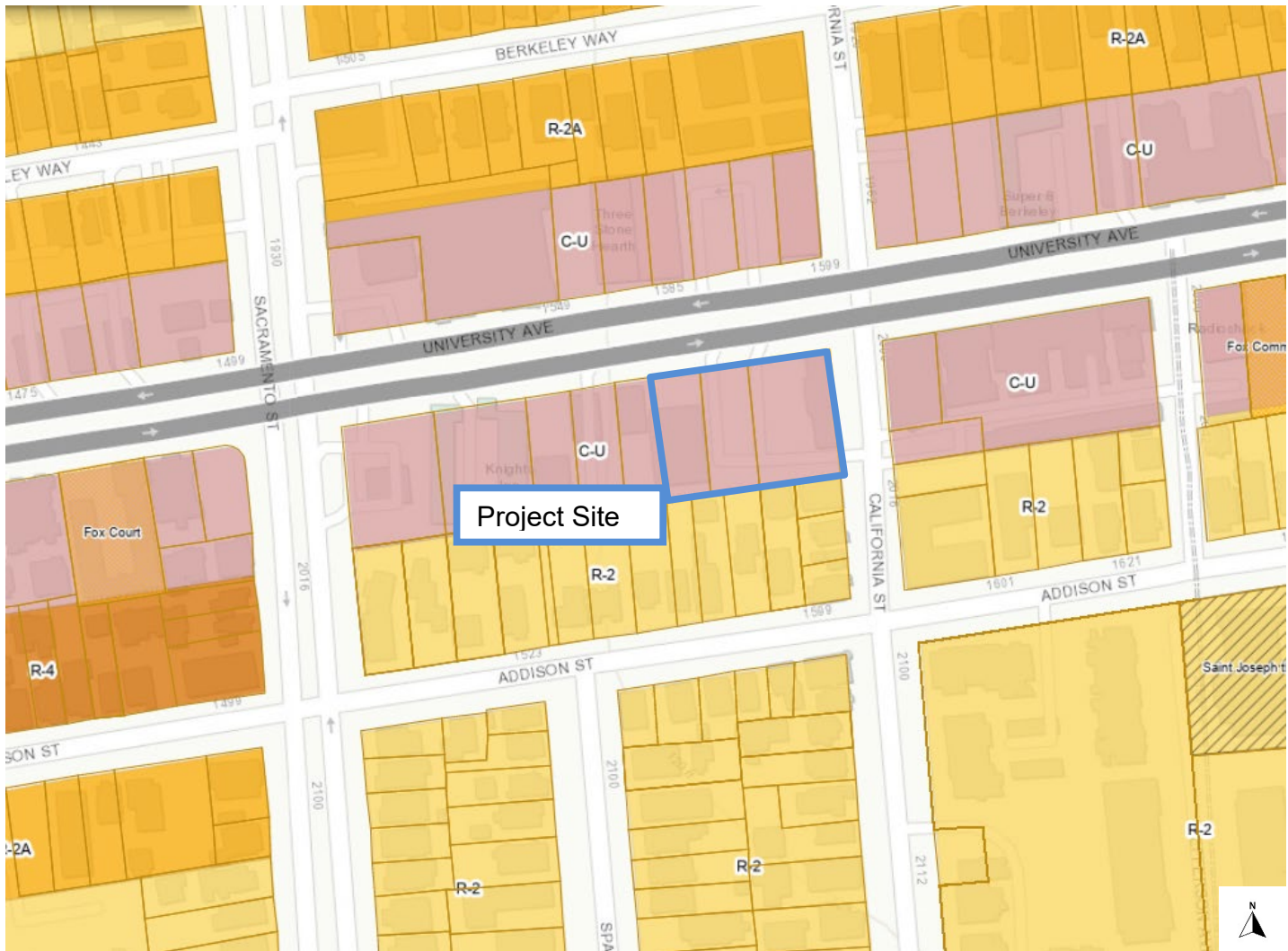
- **Waiver** to reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
- **Waiver** to reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
- **Waiver** to increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

D. CEQA Recommendation: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Project").

A. Parties Involved:

- Applicant Isaiah Stackhouse, Trachtenberg Architects, Berkeley CA
- Property Owner 1598 University Avenue, LLC, Berkeley CA

Figure 1: Vicinity Map



*Map not to scale.

Map Key

- C-U : University Commercial District
- R-2: Restricted Two-Family Residential District
- R-2A : Restricted Multiple-Family Residential District
- R-4 : Multi-Family Residential District

Figure 2: Site Plan

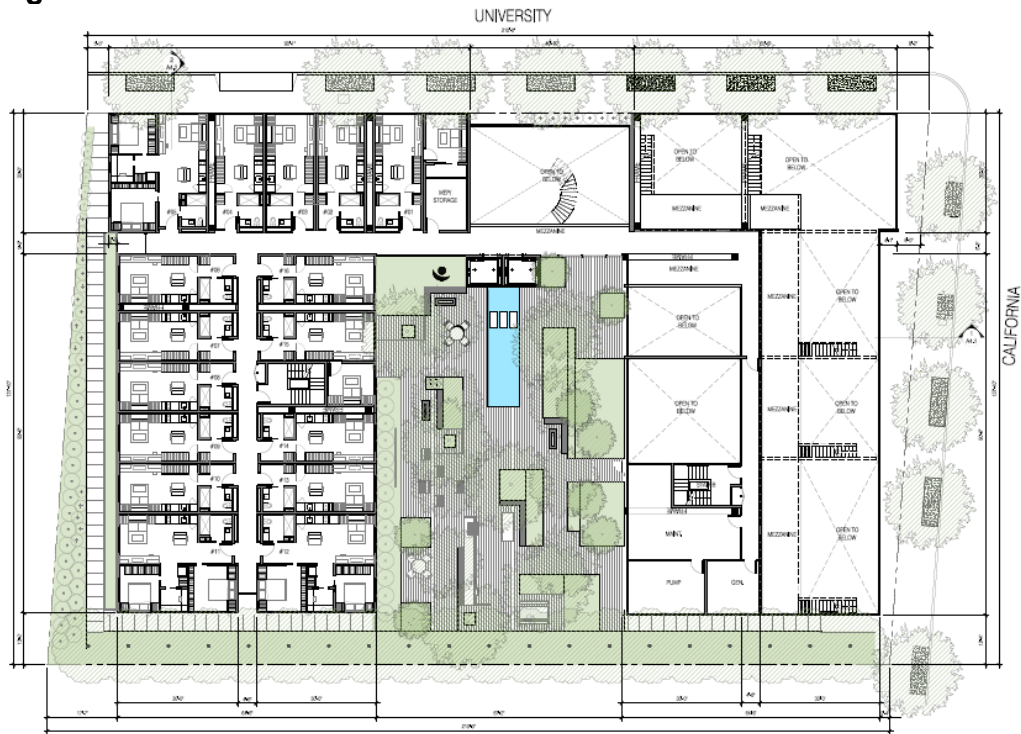


Figure 3: North Elevation (facing University)



Figure 4: East Elevation



Figure 5: West Elevation



Figure 5: South Elevation



ZONING ADJUSTMENTS BOARD
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Page 7 of 19**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Properties		Restaurant (commercial); Chinese language school (group class instruction)	C-U	University Avenue
Surrounding Properties	North	Mixed-use building (residential- commercial)		
	West	Multifamily building		
	East	Thrift store (commercial)		
	South (Rear)	Duplex	R-2	Low Medium Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net new nonresidential floor area over 7,500 square feet. The proposed project is provides 5,943 square feet of commercial space and is therefore not subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065 ¹)	Yes	Project would provide 21 Below Market Rate (BMR) units at the Very Low-Income (VLI) rate, and pay a fee to satisfy the requirements of BMC Section 22.20.065 (See discussion below).
Creeks	No	The site is not near a mapped creek or a creek culvert.
Density Bonus	Yes	The proposed project qualifies for a 50% density bonus under State Density Bonus law.
Historic Resources	No	The existing building is more than 40 years old. Given its age, the project was forwarded to the Landmarks Preservation Commission (LPC) for review (BMC Section 23.326.070(C)). On February 2, 2022 the LPC took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition. See Section IV.B for discussion.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project is a mixed-use development in which at least two-thirds of the square footage is designated for residential use and meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ² . The base project also meets the criteria for a housing development project and complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act

¹ Project vested under SB 330 prior to effective date of new inclusionary housing requirements.

² Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.

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		applies and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)		The project is a mixed-use project with at least two-thirds of the square-footage residential. See Section V of this report for additional discussion on the sections of SB330 that apply to the project.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	This project is an application for new construction and was submitted after January 1, 2020, and is therefore subject to the Natural Gas Prohibition.
Oak Trees	No	There are no Coast Live Oak trees on the project site.
Rent Controlled Units	No	There are no existing residential units on the site.
Residential Preferred Parking (RPP)	No	The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The site is not located in a landslide/ liquefaction/ fault zone.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites). The project site is within the City's Environmental Management Area. The applicant has submitted a Phase I report. No further investigation is recommended. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The site is located at the intersection of University Avenue and California Street. University Avenue is serviced by Alameda-Contra Costa Transit District (AC) Transit Lines 51B, 52, 88, 604 67, and 800. The site is also located less than half a mile from the North Berkeley BART Station and over a mile from the Downtown Berkeley BART Station. Additionally, there is a Bay Wheels station adjacent to the site, along the eastern property line within the public-right-of-way.

ZONING ADJUSTMENTS BOARD
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Page 9 of 19**Table 3: Project Chronology**

Date	Action
January 26, 2022	SB 330 complete preliminary housing development project application submitted and deemed complete
July 7, 2022	SB 330 Use Permit Application submitted
August 24, 2022	Application deemed incomplete
September 22, 2022	Application resubmitted
October 20, 2022	Application deemed incomplete
November 1, 2022	Application resubmitted
December 1, 2022	Application deemed incomplete
December 23, 2022	Application resubmitted
January 23, 2023	Application deemed complete
February 2, 2023	LPC hearing
April 20, 2023	DRC hearing
May 3, 2023	Plans Resubmitted
May 4, 2023	Public hearing notices mailed/posted
May 11, 2023	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23.204.020				
Lot Area (sq. ft.)		28,936	No change	5,000 min
Gross Floor Area (sq. ft.)		7,884	127,492	N/A
Floor Area Ratio		0.27	4.63	3 max
Dwelling Units	Total	0	207	N/A
	Affordable	0	21	21 min
Building Height	Minimum / Maximum (ft.)	26'	89'-2"	30' min / 48' max
	Stories	1	8	2 min / 4 max
Building Setbacks (ft.)	Front (California)	1'-7"	5'-8" avg.	0 min
	Rear	3'-10"	5' avg.	20' avg. min
	Left Side (University)	2'-10"	0'	2' avg.
	Right Side	15'	57'-1" avg.	0 min

Lot Coverage (%)		27	63	100 max
Usable Open Space (sq. ft.)		N/A	10,365	41,400 min
Parking	Automobile	33	39	0 min ³
	Bicycle	0	92	92 min
UASP Commercial Area (%)		100	21	30 min
UASP Commercial Area (sq. ft.)		7,884	5,943	5,787 min
UASP Commercial Frontage Along University Avenue (%)		N/A	31.8	75 min
UASP Open Space Entry (%)		10	10	10 min
UASP Pedestrian Open Space (%)		N/A	3	1 min
<p>■ = Waiver or Concession requested to modify the district standard</p> <p>Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent avg. = average; UASP = University Avenue Specific Plan (node)</p>				

II. Project Setting

A. Neighborhood/Area Description: University Avenue is situated between West Berkeley and Downtown Berkeley – regional commercial centers. The project site is located within the University Avenue Specific Plan (UASP)⁴ area in a local-serving avenue node with existing neighborhood services. The project site is located at the corner of University Avenue and California Street, two blocks south of Ohlone Park. The project site located at an intersection that that is composed of one to three story mixed use and commercial buildings and associated surface parking. Compared to both the eastern and western ends of the UASP plan area, the site is located within an underdeveloped section of the plan area. The rear of the site abuts a residential district which is characterized by single-family, two-family, and multifamily residential buildings. The site project site is proximate to several bus lines and is within half a mile of the North Berkeley Bart Station.

B. Site Conditions: The project site spans three rectangular, contiguous lots. The 28,936 square foot site maintains about 180 feet of frontage along University Avenue and about 138 feet of frontage along California Street. The western portion of the site area is partially developed with a Chinese language school and the eastern portion of the lot with a restaurant. The majority of the site is dedicated to off-street surface parking. The site is accessed along University Avenue at three separate curb cuts and at one curb cut along California street.

³ [AB-2097](#), effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses

⁴ [University Avenue Specific Plan \(1996\)](#)

III. Project Description

A. Proposed Project: The proposed project would demolish an existing commercial building and construct a new eight-story residential building with the following primary components:

- 1) 207 dwelling units (38 two-bedroom, 20 one-bedroom, and 149 studios) for a total of 245 bedrooms
- 2) 82 long-term bicycle parking spaces onsite and seven short-term spaces
- 3) 39 automobile parking spaces in a ground-level garage
- 4) 9,165 square foot garden/ open space on the ground floor
- 5) Communal facilities on the ground floor (i.e. club room and fitness center)
- 6) Communal lounges and decks located on every other floor
- 7) 5,943 commercial floor area located along California Street and at the corner of University Avenue and California Street

B. Base Project and Density Bonus Project: The applicant has requested a density bonus under the State Density Bonus Law. Under the City’s density bonus procedures, the “base project”⁵ includes 138 residential units and eight stories. By providing 21 Very-Low Income (VLI) BMR units on site (15 percent of the 138-unit base density), the project is eligible for a 50 percent density bonus, or 69 units. Therefore, the applicant proposes 69 additional units above the base density for a total of 207 dwelling units. The Density Bonus calculations are provided in more detail, below:

Table 5: Density Bonus

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
138	21 VLI (15% of BP)	50%	69 (50%x138)	207

*Per Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.
Abbreviations: % = percent; BP = base project

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants within 300 feet of the project to a project preview meeting. The meeting was held on March 30, 2022, and attended by 10 people (meeting minutes are included as Attachment 4). Later, a pre-application poster was erected by the applicant in March 31, 2023. On April

⁵ Per the City’s Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, Section 65915(f).

27, 2023, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, 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 several communications regarding the project. The majority of the communications expressed concerns about the project's height (scale) and its potential impacts to sunlight, traffic, and parking. Some communications expressed support of the project, citing the need for more housing supply (Attachment 5).

- B. Landmarks Preservation Commission (LPC):** The project would demolish commercial buildings that are over 40 years in age. Per the Historic Resource Evaluation prepared by Page & Turnbull, Inc on May 2, 2022, the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on February 2, 2023, and took no action.
- C. Design Review Committee:** The project is located in the non-residential district and therefore, requires design review, pursuant to BMC Section 23.406.070(B)(1)(a). On April 20, 2023, the Design Review Committee (DRC) reviewed the current project design for the project, gave a favorable recommendation on the design as presented, and provided the following conditions and recommendations for Final Design Review (FDR):

Conditions

- Refine Public Plaza on California.
- Resolve privacy and heat gain issues on south windows.
- Resolve any sound issues in the courtyard and present at FDR.
- Cornice and window shelves are too thin and should be further developed.
- Consider mural relocation for better integration in the building design.
- Consider an alternate material to the metal panels at FDR.

Recommendations

- Plaza should be wider, and better relate to the retail and sidewalk levels; recommend pushing the massing west and south to achieve this.
- Consider more articulation at the ground floor storefront.
- Consider reducing ceiling heights for the club and fitness rooms to reduce overall height/mass.
- Consider breaking the horizontal banding at the main entrance.
- Look carefully at gate and garage door details.
- Recommend bird safe glazing wherever possible.
- Add more interest to color palette at FDR.
- Provide strong parapets on rear façade, including lower portions.
- Consider different design accents – not so symmetrical and uniform.

ZAB Issues

- Consider live work units on south side of the California ground floor frontage.
- Photo documentation to be given to local historic societies.

V. Issues and Analysis

A. SB 330 – Housing Crisis Act of 2019: The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. Housing development is defined as a project that is residential units only, a mixed-use project with at least two-thirds of the square-footage residential, or for transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with §65920)).

The May 11, 2023 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold up to two additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code §65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in an historic resource evaluation prepared for the property in May of 2022, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. The demolition referral was heard at the February 2, 2023 Landmark Preservation Commission Agenda, and no action was taken. Therefore, it was determined the site is not a historic resource. Further, standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on January 23, 2023. Should ZAB determine the application is categorically exempt from CEQA at the May 11, 2023 public hearing, the application must be approved or disapproved by July 11, 2023.

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

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The Base Project includes Use Permits and/or Administrative Use Permits to modify the use, floor area, height, and rear setback to comply with applicable, objective general plan and zoning standards. Further, Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduced the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the Base Project or the density bonus units. All findings discussed below are subject to the requirements of Government Code Section 65589.5.

As described in Table 4 above, the project complies with the applicable general plan and zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings. The ZAB still has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

C. Density Bonus Concessions and Waivers: The project is entitled to three concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

Concessions: A concession is a modification of a development standard that reduces the cost of providing affordable housing. The applicant is requesting the following

concessions from regulatory measures that result in identifiable and actual cost reductions:

- To allow for a reduction in open space provided to 10,365 square feet, where the requirement is 41,400 square feet under BMC Section 23.204.060(D)(1)

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

Waivers: A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The applicant is requesting eight waivers from the following development standards shown in the table below:

- **Waiver** to reduce the ground floor commercial use feature street frontage along University Avenue from 75 percent to 31.8 percent, under BMC Section 23.204.060(D)(6)
- **Waiver** to reduce the minimum ground floor area for a commercial use feature from 20 percent to 19.8 percent, under 23.204.060 (D)(6)
- **Waiver** to increase the building height to 89'-2 where the requirement is 48' under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the number of stories to eight where the maximum is four under BMC Section 23.204.060(D)(1)
- **Waiver** to increase the FAR to 4.47, where the maximum is 3 under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the rear setback to a 5-foot average where the requirement is a 20-foot average, under BMC Section 23.204.060(D)(1)
- **Waiver** to reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)
- **Waiver** to reduce the side setback (University) to 0 feet where the requirement is a 2-foot average, under 23.204.060(D)(1)

VI. Other Considerations

The project is consistent with the following 2002 General Plan and UASP goals and policies. This information is provided for informational purposes only, to provide context. They are not required because the proposed project is HAA-compliant.

- A. Demolition of Non-Residential Buildings:** Pursuant to BMC Section 23.326.070 the demolition of main non-residential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs of the impacted neighborhood and if the demolition is required to allow a proposed new building

amongst other findings. Staff finds that the proposed demolition of the existing non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops underdeveloped lots that are primarily used for surface parking with a new mixed-use building, with ground floor commercial that is compatible with existing development patterns along University Avenue. Staff finds that the project is aligned with the UASP goals and district's objectives to promote appropriate new mixed-use infill development that is compatible with the commercial and residential areas within C-U district.

E. General Non-Detriment Findings: As required by BMC Section 23.406.040(E), the Zoning Adjustments Board (ZAB) must find that the proposed structure will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons and adjacent properties for any Use Permit in the C-U.

- 1) The project is a higher-density development in proximity to entitled and in-progress mixed uses of a comparable density along University Avenue, transit, commercial districts, and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the C-U commercial district, within the UASP. The project provides 207 new dwelling units sized from studios to two-bedroom units. Twenty-one of the units will be restricted as affordable housing units for very-low-income residents. Over 5,000 square feet of commercial space will be provided along California Street, accompanied by a pedestrian oriented on-site public plaza. The proposal also includes a 10,365 square foot open space feature at the ground floor. The ground floor also includes residential amenities like a club room, fitness center, and long-term bicycle parking room. The project site is well served by public transportation, with several AC transit bus stops along University Avenue, BART within a half-mile, and several bicycle share kiosks within a half-mile radius. The project adds additional dwelling units, new commercial floor area, and an at-grade garden on the ground floor, furthering the mixed-use uses that are compatible purposes of the district and not detrimental to neighborhood-serving commercial uses.
- 2) Shadows: According to the shadow studies submitted for the project (see plans, Attachment 1), new shadows would be cast on existing residential and commercial buildings throughout the year. During the summer months new shadows will shade existing residential units to the west, south, and east of the project (1632 University Avenue, 2091 California Street, 2020 California Street, 1543 Addison Street, 1537 Addison Street, 1528 University Avenue, and 1530 University Avenue). New shadows shall also be cast existing residential units north and west (1597 University Avenue, 1587 University Avenue, 1535 University Avenue, and 1530 University Avenue) of the project during the winter months. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year.

Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-U district, which allows heights of up to 48 feet without a use permit and roof top projections beyond the base height with an administrative use permit. The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff believes that shadow impacts from the project would be reasonable and not detrimental.

- 3) Also, the project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

B. C-U Specific Findings: As required by 23.204.060(E), to approve a Use Permit for a project in the C-U district, the ZAB must find that the proposed use or structure is compatible with the purpose of the district, the surrounding uses and buildings, and does not interfere with the continuity of retail and service facilities at the ground level. The project infills an underutilized site with a mixed-use building with ground floor commercial space fronting California Street, residential services (i.e. leasing office, lobby, bike storage, fitness center, club room) on the ground floor along University, and 207 dwelling units on the upper floors. The project is consistent with the UASP and C-U district as it would revitalize the corridor with additional housing and creates a service-oriented and commercial street-wall along both University Avenue and California Street. With respect to the existing residential uses that abut the rear of the site, the project breaks down the massing by including an open-air courtyard on the ground floor, which results in a rear average setback of 57 feet, and stepping back the building with balconies at floors seven and eight.

C. Reduction of Rear Setback: BMC Section 23.204.060 requires a Use Permit for the reduction of rear setback within a commercial district, provided that the reduction enhances privacy or improved amenities in the Residential District. In the Base Project, the rear setback (interior) is reduced from a 20-foot average to 0 feet. This reduction allows for the massing of the building to move away from the Southern property line and results in 20-foot average setback that confronts the R2-A district. The reduction also allows for more useable open space on the ground floor, a residential amenity. Generally, this reduction improves privacy along the southern property line, between the commercial and residential districts.

D. Rooftop Projections: BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors, and cannot be used as habitable space or for commercial purposes. The project proposes a staircase/elevator penthouse, totaling 571 square feet that extends 5 feet

6 inches over 89-foot- 2 inches -maximum height. The penthouse represents about 3.4 percent of the 16,756-square-foot average of all the floor areas. The projection is, therefore, permissible.

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

1. Policy LU-3 – Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City’s share of regional housing needs.
3. 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.
4. Policy H-12 – Transit-Oriented New Construction: Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
5. Policy T-16 – Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.
6. Policy T-43 – Bicycle Network, Action C: Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.
7. Policy T-16-Access by Proximity: Improve access by increasing proximity of residents to services, goods, and employment centers.

Staff Analysis: The proposed project is consistent with the above general plan policies as it is a higher density infill development that proposes 207 new dwelling units that will count towards the City’s share of regional housing needs. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

A. University Avenue Specific Plan Consistency: The UASP Area Plan, adopted in 1996, also contains several policies applicable to the project, including the following:

- Goal 3: Revitalize the University Avenue Corridor through appropriate economic development and housing.
 - Provide incentives for new mixed-use infill.
- Goal 4: Encourage more pedestrian-oriented development and an appropriate mix of uses to improve neighborhood identity.
 - Encourage infill development

Staff Analysis: The proposed project is consistent with the above general plan policies as it is a higher density infill development that proposes 207 new dwelling units that will count towards the City’s share of regional housing needs.

ZONING ADJUSTMENTS BOARD
May 11, 2023

1598 UNIVERSITY AVENUE
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Compared to both the eastern and western ends of the UASP plan area, the site is located within an underdeveloped section of the plan area. The project will redevelop the site, which currently maintains single-story commercial buildings and off-street, surface parking, with commercial and residential amenities on the ground floor and housing on the upper levels. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

VII. Recommendation

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

- A. **APPROVE** Use Permit pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received May 3, 2023
3. Notice of Public Hearing
4. Project Community Meeting Notes – March 30, 2022
5. Correspondence Received

Staff Planner: Katrina Lapira, klapira@cityofberkeley.info, (510) 981-7488



Planning and Development
Land Use Planning Division

October 20, 2022

Sent via email to:
isaiah@trachtenberarch.com

Isaiah Stackhouse
Trachtenber Architects
2421 Fourth Street
Berkeley, CA 94710

Re: Application for Use Permit #ZP2022-0099 for 1598 University

Isaiah Stackhouse,

The Land Use Division has reviewed the above referenced application, submitted on September 21, 2022 to demolish an existing non-residential structure and construct a 134,409 square foot, eight-story mixed-use residential building containing 20 dwelling units (21 Very Low-income unit) and 5,88 square foot commercial space, with 39 parking spaces and 92 bicycle parking spaces. This the project is seeking a 50% Density Bonus by providing 15% of the base project units as affordable to very low income households. Staff has determined that the application is incomplete and cannot take further action on the project until all the items listed below are corrected and/or submitted.

Application – The application includes the following approval requests:

1. **Use Permit** to demolish two non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.010
2. **Use Permit** to establish a mixed-use residential building, under BMC Section 23.204.020.
3. **Use Permit** to create 5,000 square feet of new floor area in the University Commercial District, under BMC Section 23.204.030(B).
4. **Use Permit** to establish residential uses on the ground floor, under BMC 23.204.060(B)(3).
5. **Use Permit** to reduce the commercial ground floor area in a node overlay area to 20%.

Waivers

The application requests site waivers to modify the following development standards:

Development Standard	Requirement	Proposed
Average building height	48'	89' 2"
Building stories	4	8
FAR	3	4.4%
Front setback	2' average	0'
Side setback (California)	2' average	3' average
Rear setback	20' average	12' 4" average

See comment 4 below.

Concessions Two concessions permitted, per Government Code 65915(d)(2)

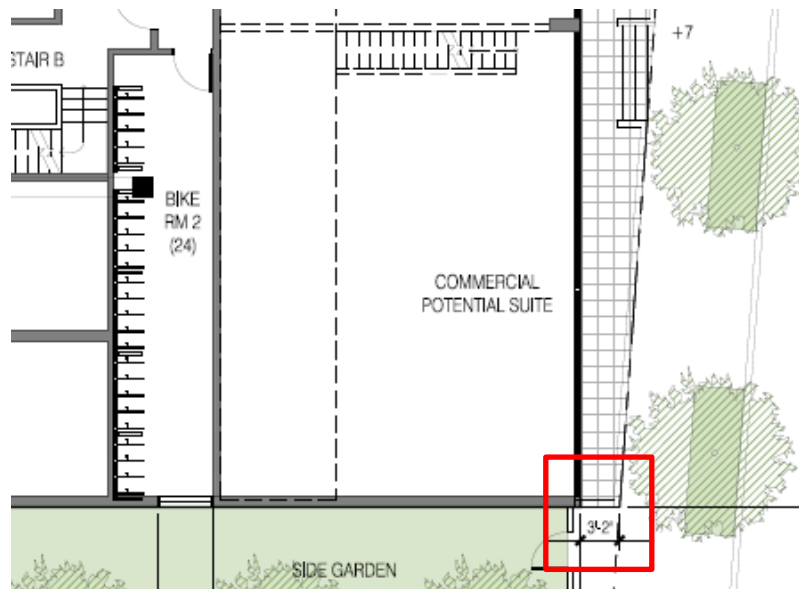
- Reduce the open space requirement from 41,400 square feet to 10,444 square feet to eliminate the costs of constructing an additional roof deck.
- Increase the height limit to allow for basement spaces in the Base Project to move to the ground level of the proposed project, thereby eliminating the cost of the basement.

Staff has determined that the application is incomplete. Please review the comments below, as well as the list of items required to complete the application. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

Items Required for Submittal or Correction- The following required items were missing from the application submittal, and must be submitted for application completeness, per the Online Project Submittal Requirements:

Items Required for Submittal or Correction:

- 1) **General Comment – Resubmittal:** To reflect any project modifications, revise and resubmit the tabulation form and other descriptive project materials for internal consistency.
- 2) **Tab Form:** There are a number of inconsistencies between the Online Code data table on Sheet A0.1, plan sheets, and the information on the tab form. Some fields include the provided open space and the total gross floor area of the project. Review and correct for consistency.
- 3) **Density Bonus Statement Waivers and Concessions:** For each concession, explain how the meeting the related development standard will actually result in an identifiable and actual cost reduction.
- 4) **Average Setbacks:** For the proposed project, calculate the average rear and side setback (California). Per BMC Section 23.204.060 waivers may not be required for the proposed setbacks.
- 5) **Average Unit Size:** The provided average unit size is shown as 138 square feet. When measured, using the provided scales, the studios are over 300 square feet. Correct or confirm the average unit size and dimension the various unit types. This metric is applicable to both the base and proposed density bonus project.
- 6) **CU Open Space Features:** Per [BMC Section 23.204.060\(D\)\(10\)](#), projects with 100 feet or more of frontage along University Avenue must provide a pedestrian-oriented open space feature totaling 1% of the project land area. The majority of the public plaza located at the corner of University and California may not qualify as usable open space, because such space must have a minimum width and length of 6 feet. Configure the project to comply with this requirement.



-) Open Space Diagrams vs Ground Floor Level Plan: There are inconsistencies amongst the informational sheets diagrams and tab form referenced. Confirm the provided open space and the amount of open space being waived.

The area of the open space garden on sheet A2.1 differs from the total shown on the open space diagram on sheet A0.1. Amend sheet A2.1 to reflect the correct total.

- 8) Bicycle Parking: The residential bicycle parking calculations shown on A0.3A are incorrect. Per BMC Section BMC 23.322.090 is based on the number of bedrooms, not units. Amend the applicable calculations tables and diagrams.
- 9) Car Parking: The commercial car parking calculations shown on sheet A0.3A are incorrect. Per BMC Section 23.322.030(B), the requirement for all commercial districts apart from the CDMU is 2 per 1,000 square feet. Amend the applicable calculations tables and diagrams.
- 10) Proposed Project Floor Plans: Labels provide residential unit count on all floor plan sheets. The resubmitted floor plans duplicate unit numbers throughout Sheets A2.3-A2.5. Once numbered, each unit should have a unique number, with the last unit being numbered as 20.
- 11) Public Works-Stormwater Comments:

- I.B. The Table of Impervious and Pervious Surfaces: roof areas for columns "a" and "b" are off. There is more existing impervious surface to be replaced than there are pre-project (existing) impervious surface. That doesn't make sense to me.
- II.F.1 indicates this is a Special Project but does not indicate the Non-LID treatment to be used. Is this project proposing to treat all the stormwater runoff with flow-through planters? Special Project status allows for some of the runoff to be treated using Non-LID measures and if the project decides to go that route they need to complete the Special Project Worksheet and provide Narrative Discussion of the feasibility and infeasibility of 100% LID treatment measures such as bioretention or flow-through

planters. Looks to me they are saying the project qualifies as a Special Project but they are going to use flow-through planters to treat 100% of the runoff.

Advisory Comments

- **Toxics – Phase I and Phase II Reports:** Toxics Management Division has reviewed the Phase I and Phase II for 1598 University and neighboring properties, and finds the reports to be acceptable. A Soil and Groundwater Management Plan will be required for any excavation on this site. Clearance from either DTSC, the RWQCB, or Alameda County Local Oversight Program will be required to ensure vapor from the historic gas stations does not need to be better addressed with additional sampling or a soil vapor barrier. A hazardous building materials survey will be required prior to any demolition of structures on this property, to identify hazardous materials and plan for their proper disposal. Please contact Meridith Lear at mlear@cityofberkeley.info with any follow up questions.
- **Public Art Declaration:** Civics Arts Program staff is guiding the applicant through the public art declaration approval process.
- **Design Review Application:** The following comments are on the associated Design Review Application. Contact Anne Burns at aburns@cityofberkeley.info for clarification or more information.
 - We continue to recommend including details to show windows, material transitions, and any architectural elements that help to show the quality and scale of the proposed design. We understand that this will come after you receive further feedback from Planning and other City Divisions, but this is an important item in the information that will go to the DRC.
 - Provide more detailed information about any proposed bird safe measures, as well as any dark sky measures. As with the item above, this is an important item in the information that will go to the DRC.
 - We note one additional item after also reviewing the list of Planning incomplete items – we encourage any design changes that will allow more visibility of the ground floor courtyard landscape to be viewed from the sidewalk and beyond.

Please be aware that under SB330 (Government Code Section 65941.1(a)(d)(2)), the applicant must submit the information in this incomplete letter within 90 days of the date of this letter. If the applicant does not submit this information within the 90 days period (November 22, 2022), then the preliminary application shall expire and have no further force or effect.

Revised submittal items should be submitted in electronic form (uploaded to the project folder on Bo.com). Please submit responses to **all** requested items at once, and not incrementally. Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,



Katrina Lapira (she/her)
Associate Planner
klapira@cityofberkeley.info



Administrative Record

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
<http://www.berkeleyca.gov>

NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL

ZAB APPEAL: 1598 UNIVERSITY AVENUE, USE PERMIT #ZP2022-0099

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, SEPTEMBER 26, 2023 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to **APPROVE Use Permit #ZP2022-0099 to demolish a non-residential structure and construct a 127,492 square-foot, eight-story (89 feet- 2 inches) mixed-use residential building containing 207 dwelling units (21 Very Low-Income) and 5,943 square foot commercial space, with 39 automobile parking spaces and 92 bicycle parking spaces, utilizing State Density Bonus Law.**

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of September 18, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Katrina Lapira, Project Planner, (510) 981-7488 or klapira@berkeleyca.gov. 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@berkeleyca.gov for further information.

Mark Numainville, City Clerk

Mailed: **September 12, 2023**

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 by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.

