



D E S I G N
R E V I E W
C O M M I T T E E
S T A F F R E P O R T

For Committee Decision
JUNE 16, 2022

2439 DURANT AVENUE

PRELIMINARY DESIGN REVIEW

Design Review #DRCP2021-0018 to demolish an existing two-story commercial building and construct a new seven-story mixed-use building with 7,799 square feet of commercial space, 22 residential units, a roof deck, and indoor bike parking space.

I. Introduction

This project is located in the C-T Telegraph Commercial District on the north side of Durant Avenue near the intersection at Telegraph.

This project is applying under the Housing Crisis Act, SB 330, which 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: all residential; a mixed use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing.

The demolition referral for this project went before the Landmarks Preservation Commission on June 2, 2022 where the Commission took no action. It will be scheduled for a public hearing at an upcoming ZAB meeting.

It is before the Design Review Committee this month for Preliminary Design Review.

II. Background

The seven story, 75' tall mixed use building is intended for student rental housing with continued space for Kips Bar, which is a locally-owned business. The project proposes the following:

- Basement level, ground- and second- floor commercial space (allocated to the continued operation of Kip's Bar)
- Ground floor residential lobby

- Interior bike storage for 36 bicycles
- 22 residential units with private balconies provided for most units
- 1,970 SF roof deck

III. Project Setting

A. Neighborhood/Area Description:

The project is located in the C-T commercial district on the North side of Durante Street within the Southside Plan Area. The site is surrounded by one to four story commercial and mixed-use buildings. To the west is Sather Gate Mall, a two-story retail complex. To the east of the project is a four story mixed use building with ground floor commercial space. Across the street to the South is a five story parking garage, a nine story residence hall.

B. Site Conditions:

The subject parcel is 6,504 sf and is currently occupied by Kip's Bar, a 2 story 10,554 SF commercial building. The project would construct a tri-level commercial space at the basement, ground floor, and second floor with outdoor patio seating at the street that would continue to house the locally owned business.

Figure 1: Vicinity Map

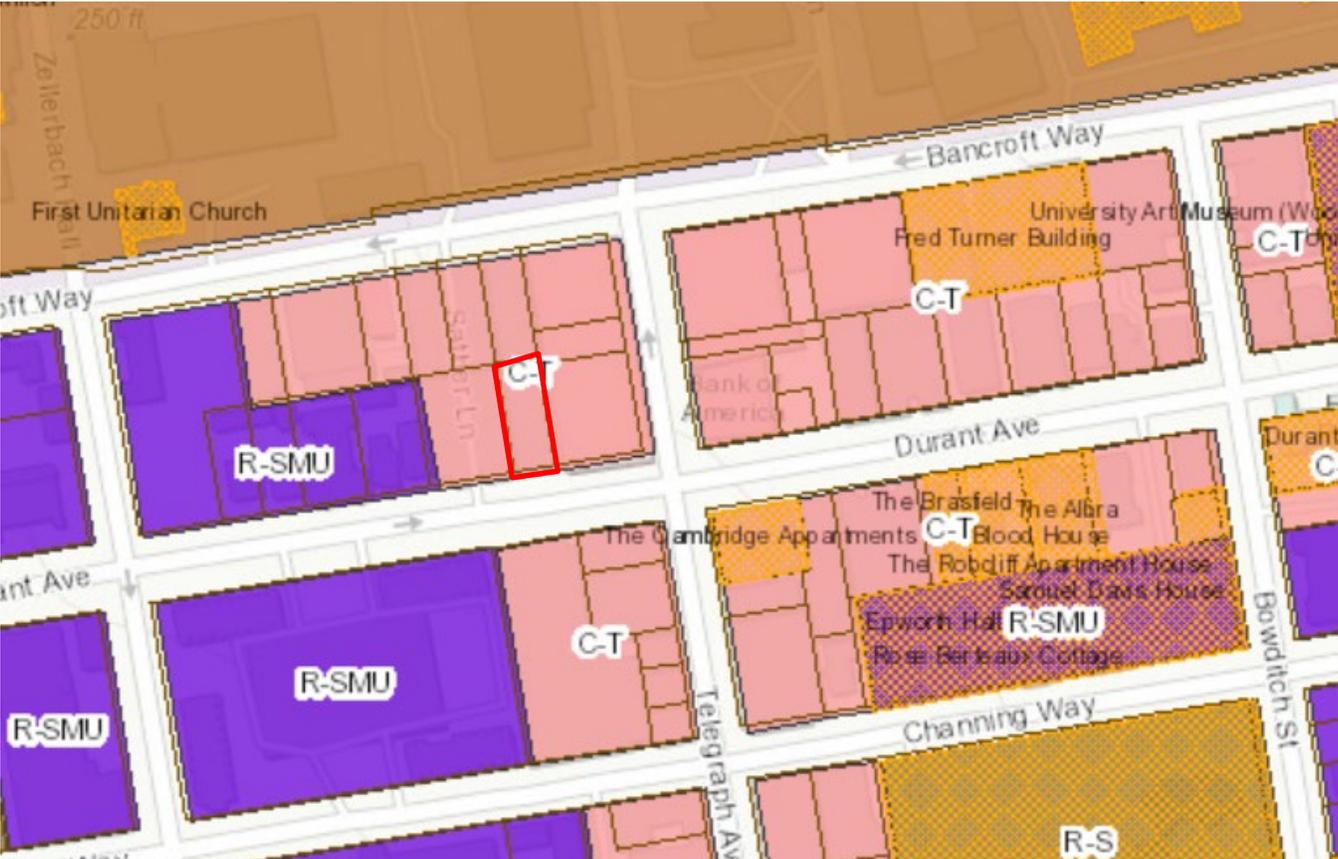


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Food service/bar	C-T	Avenue Commercial
Surrounding Properties	North	Retail (unoccupied)		
	South	Parking/commercial		
	East	Mixed-Use		
	West	Commercial		

Table 2: Development Standards

Standard BMC Sections 23(click and enter #) .070-080		Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)		6,500	No change	N/A
Gross Floor Area (sq. ft.)		10,554	37,735	N/A
Floor Area Ratio		2	6	5
Dwelling Units	Total	0	22	N/A
	Affordable	0	0	N/A
Building Height	Average (ft.)	25	75	65
	Stories	2	7	N/A
Building Setbacks (ft.)	Front	0'	0'	N/A
	Rear	0'	1'	N/A
	Left Side	0'	0'	N/A
	Right Side	0'	1'	N/A
Lot Coverage (%)		100	87	100
Usable Open Space (sq. ft.)		0	3,419	880
Parking	Automobile	0	0	0
	Bicycle	0	36	32

IV. Project Description

A. Requested Use Permits

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070.A to demolish a non-residential building.
- Use Permit pursuant to BMC Section 23.204.020 to add a mixed-use residential building.
- Use Permit pursuant to BMC Section 23.204.110.D.4.a to increase the building height to 75 feet and six stories, and increase the FAR to 6.

B. CEQA Determination

It is staff's recommendation to ZAB that the project is categorically exempt pursuant to Section 15332 ("In-Fill Development Projects") of the CEQA Guidelines. The determination is made by ZAB.

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

- The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- The project would not result in any significant effects relating to traffic, noise, air quality or water quality. Standard Conditions of Approval would address potential impacts related to traffic, noise, air quality, and water quality.
- The site can be adequately served by all required utilities and public services.

Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no 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.

V. Design Review Guidelines

The project is located within the Telegraph Commercial subarea of the Berkeley South Side plan. Mixed Use Guidelines applies to this project and can be found on the City's website.

The design guidelines for this subarea are intended to ensure that new construction respects the existing architectural context of this subarea and complements the scale and character of the rest of the Southside. The design should help unify the neighborhood and create consistent architectural character within the subarea. New construction can be creative but should complement

existing buildings. Additionally, large underused sites create opportunities for contemporary design that respects the historical context.

The following are several key guidelines from our commercial subarea guidelines which relate closely to this project.

Building Mass and Height

- Building heights should respect the general heights in the Commercial Subareas.
- New construction in the Telegraph Commercial Subarea should reflect the scale and massing established by the older three to five story buildings in the subarea.
- During the design phase of project development in the Commercial Subareas, evaluate impacts of proposed buildings exceeding three stories to determine wind corridor and shadow impacts on the shadow impacts on the public sidewalk.
- Maintain a continuous zero front setback at the ground floor except to provide recessed storefront entrances, a special corner feature, or usable open space.

Building Design and Facades

- The proportions, rhythm, and attention to detailing established by the facades of older historic buildings should be reflected and reinforced in new construction.
- Street facades in general and the ground-floor level in particular should include elements of pedestrian scale and interest.
- Architecturally distinguish the floors to form a defined hierarchy of base, middle, and top. Architecturally distinguish the top of the building to provide a visual termination.

Storefronts

- Reflect the traditional storefront rhythm and proportion found throughout the Commercial Subareas. Emulate traditional elements such as large display windows of clear glass, bulkheads below the storefront windows and clerestory windows above, recessed front entries, and appropriate locations for signs and awnings.
- Clearly distinguish entrances to upper floors from storefront entrances through differentiated architectural treatment and materials.

Roof Shape and Lines

- On new buildings, there should be some form of articulation or detailing where the roof meets the wall.

Materials

- Utilize materials that provide a sense of continuity with the existing area structures, such as brick, smooth-faced cement plaster, finished concrete, tile and stone.
- Use high quality durable materials that convey a sense of permanence, are easily cleaned, and cannot be permanently damaged by graffiti or heavy cleaning.

The complete Southside Design Guidelines can be found online in the Southside Plan at: <https://berkeleyca.gov/>

VI. Issues and Analysis

A. Design Review Issues:

Neighborhood Context The project site is located just off of the Telegraph commercial corridor and is surrounded by low- to mid-rise buildings housing primarily commercial and mixed-uses with commercial uses to the East and more residential uses to the West. A four-story mixed-use building is located adjacent to the property to the East with the two-story Sather Lane Mall adjacent to the West. Directly across the street to the South is five- story parking structure and a nine- story residence hall.

Ground Floor Design The ground floor proposes 2,186 square feet of commercial space arranged along the West side of the building with residential services arranged along the East side. The commercial space features a recessed patio at the street with an operable window at the bar area for take-out orders and patio service. The patio is separated from the street by a metal guardrail and green wall feature. The residential entry is recessed from the property line to create an entry court at the Southeast corner of the building. Mail access is included along the Eastern wall of the lobby with a package room. An interior loaded corridor connects these amenities to a bike room, laundry room, and refuse room at the rear of the building.

Streetscape The project proposes the addition of two street trees, along with a planted edge at the property line for the commercial space. New temporary bike storage is proposed at the street and a loading zone is aligned with the residential entry for rideshare drop off, as well as commercial loading.

Setbacks The building meets the property line at all four sides. The ground floor is recessed 14 feet at the Southwest corner to allow for outdoor seating for the commercial space. Additionally, the Southeast corner is recessed 21 feet for the residential entry court.

Encroachments The project proposes a 3 foot encroachment at the second floor of the South façade for a covered patio and balcony extending from the commercial

space overlooking Durant. The applicant has applied for an Encroachment Permit with Public Works for all architectural elements extending over the property line on Durant.

Massing/ Building Design The seven-story massing fronts to the South onto Durant Avenue. The design features recessed entries for both the commercial and residential entries, with a double height entry court at the Southeast corner, and an additional recessed patio at the second floor of the commercial space. Residential units occupy floors two through seven, with recessed balconies breaking up the massing at both the South, West, and North façades. The building steps back at the seventh floor to visually reduce the scale of the building at the street.

Open Space/ Landscape Open space is provided in the form of private patios for most units, as well as a 1,970 square foot roof deck. The roof deck locates a larger open seating area at the South end overlooking Durant Avenue with smaller seating arrangement provided along the center of the building.

Colors and Materials The project proposes Sun Yellow Trespa accent panels at the residential entry and at the balcony recesses on the South facade. A New York Gray Trespa framing element ties the residential entrance to the upper floors, traveling up the Southeast edge of the building and wrapping at the roof to the western edge of the building. Aluminum wood look panels in Driftwood finish are proposed at the ground floor commercial space and in window bands on the South and West facades. Aluminum Wood look panels in Spotted Gum are featured in the balcony recessed on the West façade. Painted windows and stucco are proposed throughout.

B. Issues for Discussion:

- Neighborhood Context
- Building Design
- Ground Floor Design
- Open space Design
- Colors and Materials

VII. Recommendation

Staff recommends that the Committee discuss the issues outlined above and forward a favorable recommendation on to ZAB with conditions as necessary to address any design concerns and specific direction for Final Design Review.

Attachments:

1. Project Plans, received June 3, 2022
2. Landscape Concept Plan, received March 12, 2022
3. Applicant Statement, received October 29, 2021

Staff Planner: Anne Burns, aburns@cityofberkeley.info, (510) 981-7410

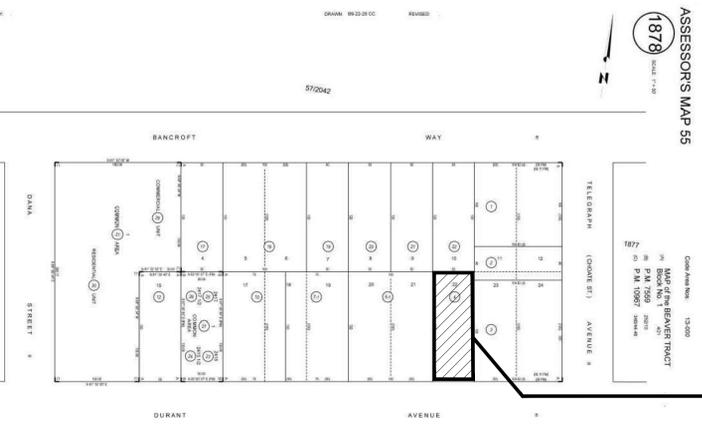


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2439 DURANT AVE
BERKELEY, CALIFORNIA 94704



NEW STUDENT HOUSING APARTMENTS 2439 DURANT AVE, BERKELEY, CA 94704



7 ASSESSORS PARCEL MAP
N.T.S.



6 LOCATION MAP
N.T.S.



5 VICINITY MAP
N.T.S.

DEMOLITION OF A 10,554 S.F., 2-STORY COMMERCIAL BUILDING (EXISTING USE IS BAR & RESTAURANT).
CONSTRUCTION OF A NEW, 37,735 S.F., 7-STORY, 75'-0" TALL, MIXED-USE BUILDING WITH BASEMENT AND ROOF DECK.
BAR/NIGHTCLUB/RESTAURANT USES ON BASEMENT, GROUND, AND 2ND FLOORS; RESIDENTIAL USES ON FLOORS 2-7 & ROOF DECK.
TOTAL COMMERCIAL IS ~8,332 S.F. AND; TOTAL RESIDENTIAL IS ~26,906 S.F. & 22 UNITS.

4 PROJECT DESCRIPTION

<p>HISTORIC REPORT: LEFT COAST ARCHITECTURAL HISTORY P.O. BOX 70415 RICHMOND, CA 94807 TEL: (415) 745-1906 CAITLIN HIBMA caidlin@leftcoastarchitecturalhistory.com</p>	<p>TRAFFIC ENGINEER: STEPHEN ABRAMS ABRAMS ASSOCIATES TRAFFIC ENGINEERING 1875 OLYMPIC BLVD SUITE 210 WALNUT CREEK, CA 94596 TEL: (925) 945-0201 STEPHEN ABRAMS steve@abramsassociates.com</p>	<p>LANDSCAPE: I22 WEST LANDSCAPE ARCH. TEL: (510) 525-9517 CHRISTIAN MACKE cmacke@i22westdesign.com</p>	<p>CIVIL/TOPO: BKF ENGINEERING 1646 N. CALIFORNIA BLVD., SUITE 400 WALNUT CREEK, CA 94596 TEL: (925) 940-2200 MELINDA THOMAS melindathomas@bkf.com</p>	<p>OWNERS: WILSON WONG wongproperties88@gmail.com 2523 PIEDMONT AVE., BERKELEY, CA 94704 (510) 908-1181</p>	<p>ARCHITECT: STUDIO KDA 1810 6TH ST. BERKELEY, CA 94710 TEL: (510) 841-3555 FAX: (510) 841-1225 AUSTIN SPRINGER austin@studiokda.com KIM FISHER kim@studiokda.com CHARLES KAHN charles@studiokda.com</p>
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3 PROJECT TEAM

Zoning Code Information	
Site Information	2439 Bancroft Ave, Berkeley, CA, 94704 APN 55-1878-4 Zoning District C-T Overlay/Special District N/A
Seismic Safety	Earthquake Fault Rupture Zone No Liquefaction Zone No Landslide Zone No Unreinforced Masonry Building Inventory No
Historic Significance	Registered Landmark/Structure of Merit No CEQA Historic Resource (See Historic) No
Environmental Safety	Creek Buffer No Flood Zone No Fire Zone No
Additional Parcel Info	Redevelopment Area No

APPLICABLE BUILDING CODE REGULATIONS:

- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA FIRE CODE (CFC)
- 2019 CALIFORNIA MECHANICAL CODE (CMC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA ENERGY CODE (CBEES)
- 2019 CALGREEN

WHEN APPLICABLE FOR DEFERRED SUBMITTALS:
SPRINKLER SYSTEM: NFPA 13
FIRE ALARM SYSTEM: NFPA 72

APPLICABLE CODES

UNIT TYPE / NAME	SQ. FT.	Building Summary			
		UNIT COUNT	BEDROOMS	BATHROOMS	BALCONY / U.O.S.
A1	1386	7	5	2	82
A2	1448	3	5	2	0
B1	709	7	2	1	64
B2	754	2	2	1	0
B3	606	1	1	1	64
C	556	1	1	1	64
D	1049	1	3	2	299
ROOF DECK	0	0	0	0	1970
TOTAL LEASEABLE	22728	22	73	33	3419
RES. SUPPORT	4178				
TOTAL RESIDENTIAL	26906	TOTAL COMMON EGRESS	1291	TOTAL COMMERCIAL	8332
TOTAL GROSS SE	36529	PLANNING GSF	37735	<i>(Includes Entry Court & Bar Deck)</i>	

3 BUILDING UNIT SUMMARY

ADDRESS	Building Data Per Planning Code			
	EXISTING	PROPOSED	REQUIRED / ALLOWED	NOTES
2439 DURANT AVE	C-T	C-T	N/A	
ZONING	COMMERCIAL / RETAIL	MIXED USE: BARI ENTERTAINMENT VENUE & RESIDENTIAL	USE PERMIT (PUBLIC HEARING) REQUIRED	RESIDENTIAL USES ALLOWED, HOWEVER THERE MUST BE A MIXED USE COMPONENT (23E.56.070.F) BARNIGHTCLUB ALLOWED, REQUIRES USE PERMIT W/ PUBLIC HEARING
USE				
LOT SIZE	6,500	6,500	N/A	
BUILDING FOOTPRINT	6,500	5,643		
FAR	1.62	5.81	5(6)	23E.56.070.A.3, (23E.56.070.B.3) - SEE DIAGRAMS ON SHEET G-20, G-21, G-22 FOR SHADOW STUDY FINDINGS.
GROSS BUILDING S.F. (PLANNING)	10,554	37,735	39,000	PROPOSED PROJECT WILL NOT SIGNIFICANTLY AFFECT SUNLIGHT ALONG THE SIDEWALK OF TELEGRAPH AVE. ALLOWING FAR OF 6, COVERED BALCONIES/OUTDOOR AREA NOT QUALIFYING AS U.O.S. ARE COUNTED TOWARDS GSF PER BMC DEFINITIONS.
GROSS COMMON EGRESS	0	1,291	N/A	
GROSS COMMERCIAL SF	0	8,332	N/A	
GROSS RESIDENTIAL SF	0	26,906	N/A	
GROSS NON-LOGS COVERED SF	0	936	N/A	
HEIGHT (FEET)	25	75	65 (75)	23E.56.070.B.2 (23E.56.070.B.3) - MEASURED TO THE TOP OF PARAPET. 75' ALLOWED IF FINDING IS MADE OF NOT SIGNIFICANTLY AFFECTING SUNLIGHT ON TELEGRAPH SIDEWALKS
HEIGHT (STORIES)	2	7	N/A	
SETBACKS	NONE	NONE	NONE	SHADE STUDY REQUIRED FOR SHADE IMPACTS ON ADJACENT PROPERTIES OR THE PUBLIC RIGHT OF WAY. SEE DIAGRAMS ON SHEET G-20, G-21, G-22 FOR SHADOW STUDY FINDINGS.
USABLE OPEN SPACE UNITS	0	3,419	880	40 S.F. PER DWELLING UNIT - MINIMUM DIMENSION OF 6'-0" (23E.56.070.E.1)
BICYCLE PARKING	0	22	N/A	DENSITY LIMITS OF R-3 DO NOT LIMIT THE NUMBER OF UNITS ON A SITE - ONLY GLAS.
LONG TERM RES.	0	29	25	1 PER 3 BEDROOMS
SHORT TERM RES.	0	2	2	2 OR 1 PER 40 BEDROOMS
LONG TERM COMMERCIAL	0	1	1	1, OR 1 PER 10,000 S.F. GROSS
SHORT TERM COMMERCIAL	0	4	4	2 OR 1 PER 2,000 S.F. GROSS
TOTAL BIKE PARKING	0	36	32	
CAR PARKING	0	0	0	

2 ZONING/BUILDING CODE INFORMATION



SHEET #	SHEET NAME
GENERAL	
G000	COVER SHEET
G002	STREET CONTEXT PHOTOS
G010	RENDERINGS
G011	PERSPECTIVE CONTEXT PHOTO RENDERINGS
G012	PERSPECTIVE CONTEXT RENDERINGS
G013	PERSPECTIVE CONTEXT RENDERINGS
G020	SHADOW STUDY - DECEMBER 21
G021	SHADOW STUDY - JUNE 21
G022	SHADOW STUDY - SEPTEMBER 9
G030	USABLE OPEN SPACE CALCULATIONS
CIVIL DRAWINGS	
I of I	TOPOGRAPHIC AND BOUNDARY SURVEY
C100	EXISTING CONDITIONS PLAN
C200	GRADING AND UTILITY PLAN
LANDSCAPE DRAWINGS	
L-1	LANDSCAPE CONCEPT PLANS
ARCHITECTURAL DRAWINGS	
A010	SITE PLAN - EXISTING
A011	SITE PLAN - PROPOSED
A012	LOT COVERAGE DIAGRAMS
A100	PROPOSED BASEMENT AND GROUND FLOOR PLANS
A101	PROPOSED SECOND AND THIRD FLOOR PLANS
A102	PROPOSED FOURTH THROUGH SEVENTH FLOOR PLANS
A103	PROPOSED ROOF PLAN AND BUILDING SUMMARIES
A200	PROPOSED ELEVATIONS & MATERIALS
A201	PROPOSED ELEVATIONS & MATERIALS
A300	PROPOSED BUILDING SECTIONS

1 SHEET INDEX

PROJECT ISSUE RECORD:	

CITY PERMIT RECORD:	
09/29/2021	CITY SUBMITTAL
03/11/2022	CITY RESUBMITTAL
06/02/2022	DRC UPDATES

PROJECT:	

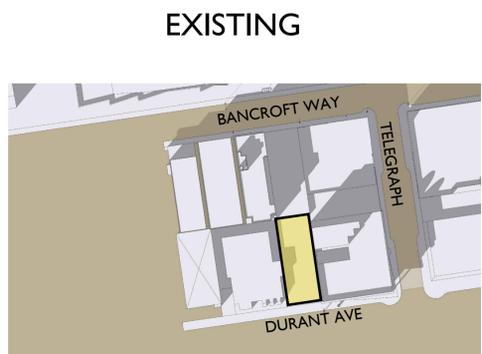
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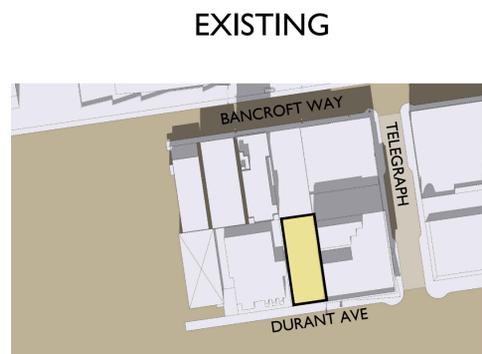
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2439 DURANT AVE

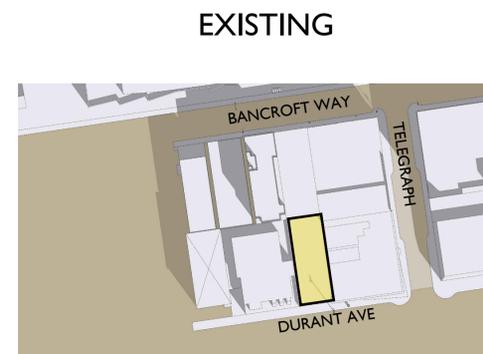
BERKELEY, CALIFORNIA 94704



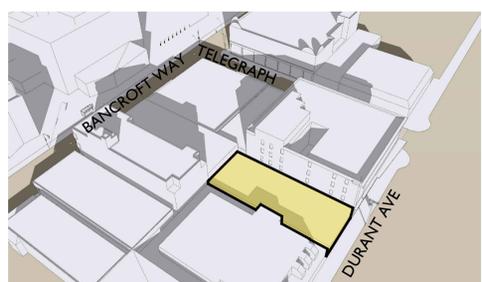
12 12/21 - 2:48 PM SHADOW STUDY
N.T.S.



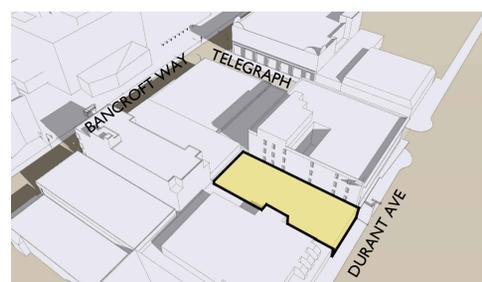
8 12/21 - 12:00 PM SHADOW STUDY
N.T.S.



4 12/21 - 9:27 AM SHADOW STUDY
N.T.S.



11 12/21 - 2:48 PM SHADOW STUDY
N.T.S.



7 12/21 - 12:00 PM SHADOW STUDY
N.T.S.



3 12/21 - 9:27 AM SHADOW STUDY
N.T.S.

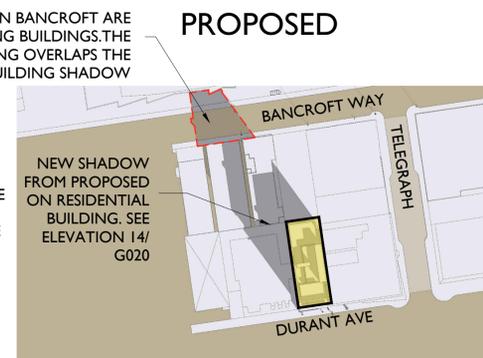
PROPOSED



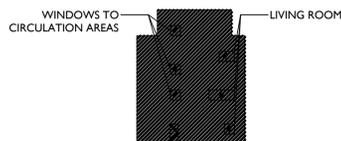
10 12/21 - 2:48 PM SHADOW STUDY
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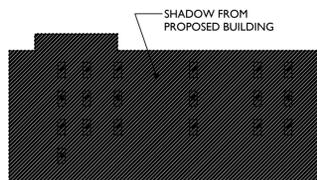
6 12/21 - 12:00 PM SHADOW STUDY
N.T.S.



2 12/21 - 9:27 AM SHADOW STUDY
N.T.S.



14 SOUTH (REAR) ELEVATION: 2468 BANCROFT
1/32" = 1'-0"



* NOTE: OWNER HAS SIGNED AGREEMENT TO SUPPORT THE PROJECT AS SUBMITTED IN EXCHANGE FOR COMPENSATION DUE TO LOSS OF LIGHT AND AIR.

13 WEST ELEVATION: 2340 TELEGRAPH
1/32" = 1'-0"

AREA OF NEW SHADOW ON BANCROFT WAY
SHADOWS CAST ON TELEGRAPH ARE FROM EXISTING BUILDINGS ON TELEGRAPH. THE PROPOSED BUILDING OVERLAPS THE EXISTING BUILDING SHADOW
NEW SHADOW FROM PROPOSED ON RESIDENTIAL BUILDING. SEE ELEVATION 13/G020

NEW SHADOW FROM PROPOSED
SHADOW OVERLAPS WITH EXISTING BUILDING SHADOWS

SHADOWS CAST ON BANCROFT ARE FROM EXISTING BUILDINGS. THE PROPOSED BUILDING OVERLAPS THE EXISTING BUILDING SHADOW

SHADOW OVERLAPS WITH EXISTING BUILDING SHADOWS

NEW SHADOW FROM PROPOSED ON RESIDENTIAL BUILDING. SEE ELEVATION 14/G020

PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

09/29/2021	CITY SUBMITTAL
03/11/2022	CITY RESUBMITTAL
06/02/2022	DRC UPDATES

PROJECT:
WON02

TITLE:
SHADOW STUDIES - DECEMBER 21

SHEET:

G020



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2439 DURANT AVENUE
 LANDSCAPE PLANS
 2439 DURANT AVE, BERKELEY, CA

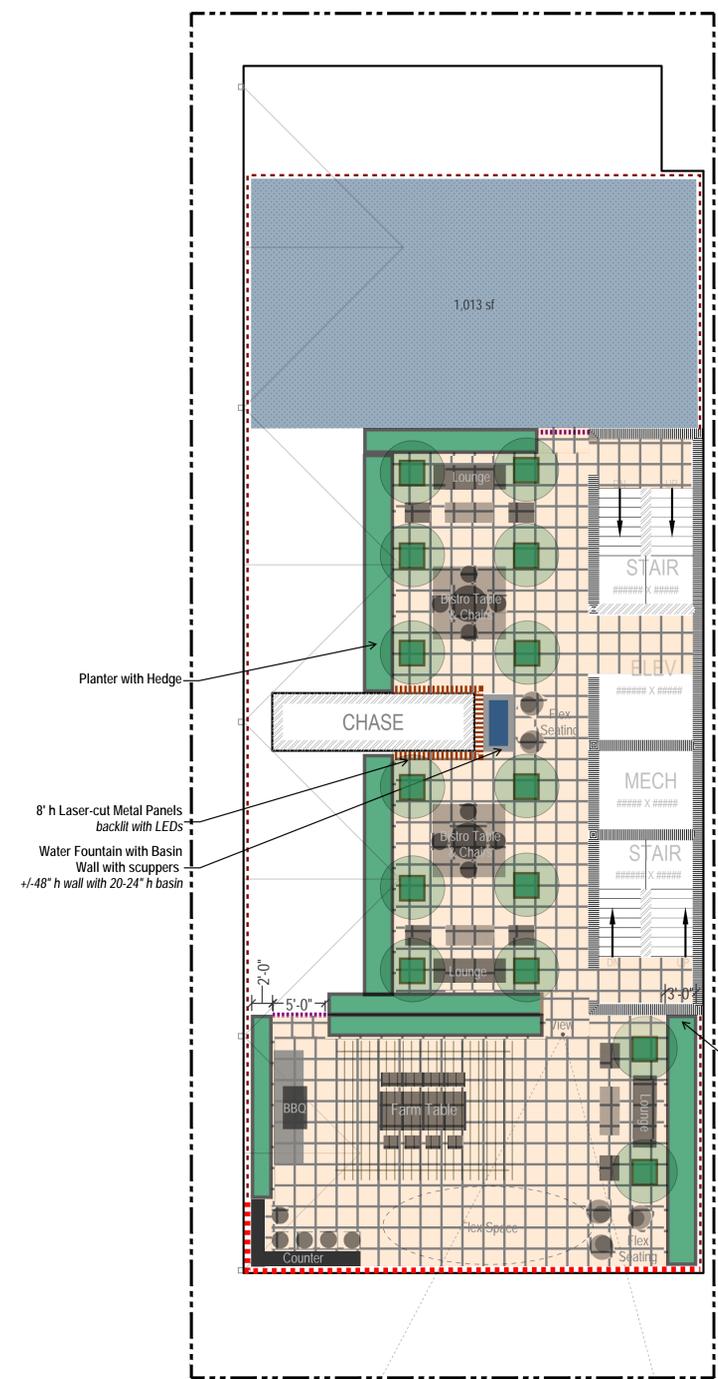
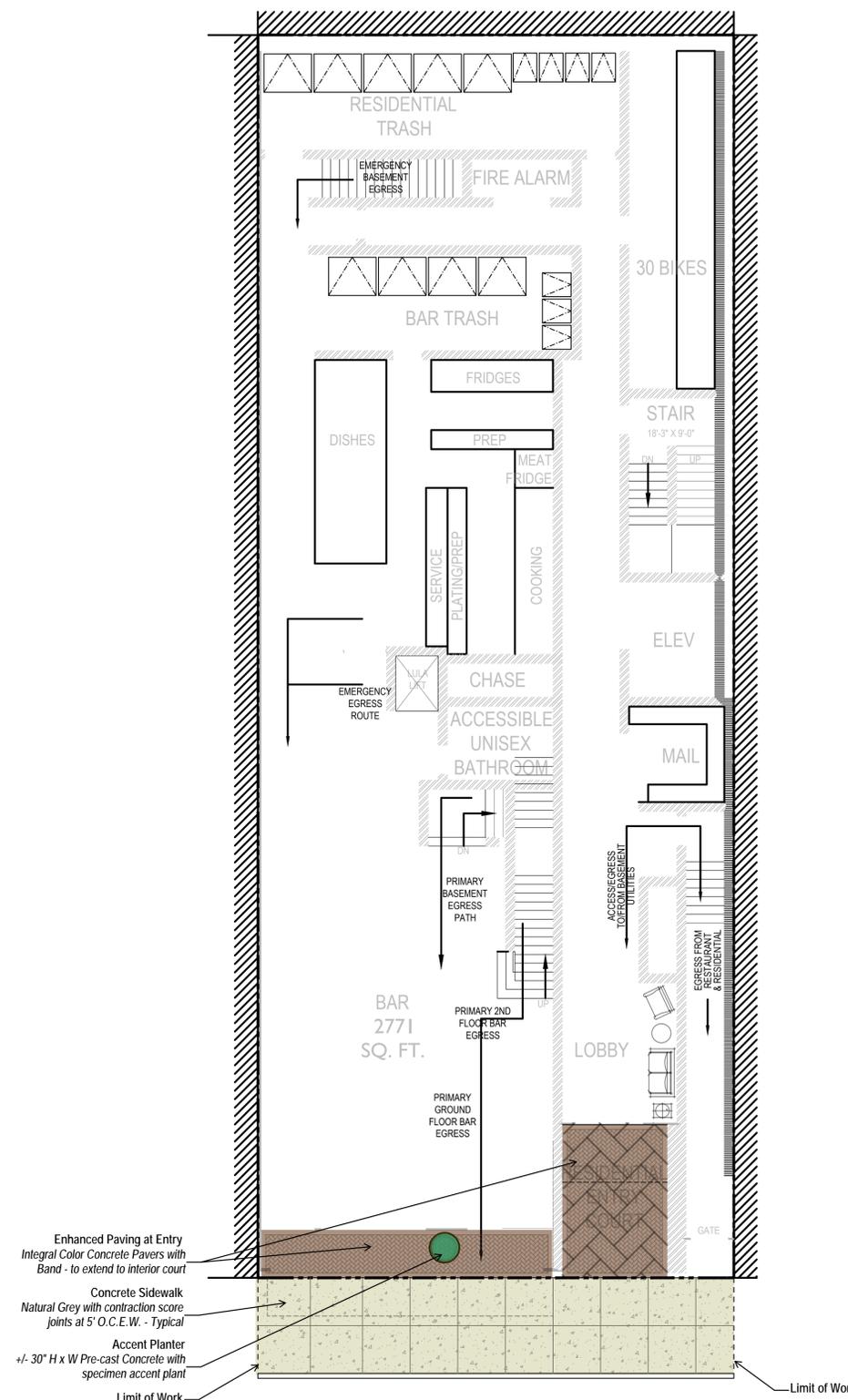
PHASE OWNER REVIEW
 DATE 2/21/2022

REVISIONS

No.	Description	Date

LANDSCAPE
 CONCEPT PLANS

L-1



Conceptual Plant Species Palette

- Trees
 Citrus vars.
 Fern Pine / Privet
 Fig
 Pomegranate
 Bay Laurel
 Strawberry Tree

Shrubs & Perennials

- Autmn Sage
 Cleveland Sage
 Coffeeberry
 California Fuchsia
 Lavender
 Catmint
 Bee Balm
 Rosemary
 Thyme
 African Iris
 Hyssop

Percent of total planting area that will contain native and/or wild-life supporting species: 75%

Total Planting Area Provided
 404 SF

Enhanced Paving at Entry
 Integral Color Concrete Pavers with Band - to extend to interior court
 Concrete Sidewalk
 Natural Grey with contraction score joints at 5' O.C.E.W. - Typical
 Accent Planter
 +/- 30" H x W Pre-cast Concrete with specimen accent plant
 Limit of Work

Roof Deck Landscape Element Legend



Roof Pavers
 Concrete or porcelain unit pavers in a grid pattern over adjustable-height pedestals or gravel as per structural engineer/architect



Mass Planter
 FRP/GRFC/Steel planter on adjustable height pedestals or gravel, 24-30" h, set to restrain paver edges and at parapet wall



Accent Planter
 FRP/GRFC/Ceramic/Steel planter pavers, plumbed for drainage and irrigation, 32-42" h with specimen accent shrub or tree

Planter Edge - Architectural Wall
 Planter build-up layers over architectural waterproofing roof membrane with parapet wall as support
 VS.
 Planter Edge - Freestanding
 Stand-alone planter atop pedestal pavers

- Decorative Guardrail
 Glass/Steel Cable on parapet wall, 42" h from adjacent walkway (FS). Design concept only - to be coordinated with Architect.
- OSHA Guardrail per code requirements.
- Access Control Barricade/Gate
 Maintenance and staff access only guardrail/fence secured to roof

1/8" = 1'-0"



2439 Durant Avenue, Berkeley, CA 94704
Applicant Statement
October 29, 2021

Project Overview

Studio KDA is pleased to present this application for a new 7-story multi-family mixed-use building at 2439 Durant Avenue (APN 55-1878-4), near the intersection of Telegraph Avenue. The project site is within the C-T zone which encourages mixed-use developments of commercial and residential as a permitted use. The proposed project is intended for student rental housing with continued commercial space for Kips Bar, which is a locally owned business.



The site is currently occupied by Kip's Bar, a 2 story 10,554 SF commercial building. The site's redevelopment will include the demolition of the existing building to allow development of the new 7 story, 36,076 SF multi-family mixed-use building. We propose $\pm 7,799$ SF Kip's Bar & Restaurant partially occupying areas on the Basement, Ground and Second floors, with 22 units of multi-family housing. The C-T zone does not require setbacks from the property lines, but the proposed building has setbacks that vary on the east, west and south property lines for light and air. There is no set back proposed from the street frontage except for recessed entries.

Zoning Information

Within the C-T zone, BMC Section 23E.56.070 Development Standards allow a building height of 65 feet and an FAR of 5.0, and an increase to 75 feet maximum and an FAR of up to 6.0 with a Use Permit.

The ground floor will include the aforementioned Kips commercial space as well as a residential lobby, interior bike storage for 30 bicycles, and utility spaces accessed from Durant Avenue. Kips will also expand into the Basement level and to the front half of the 2nd floor with a balcony. No car parking is required or proposed for the project.

The 22 residential units are a mix of 1-, 2-, 3- and 5-bedroom units with Kitchen/Dining/Living room areas. Most units are also provided with a private outdoor balcony qualifying as Usable Open Space (UOS). In addition, there is a 1,970 SF common area outdoor roof deck. Proposed usable open space exceeds the required minimum area of 880 SF.

Project Benefits

The proposed project provides much needed mixed-use development in the Downtown C-T zone. The project location, only one block from the UC Berkeley campus is in an ideal location for new student housing.

The existing locally owned Kip's Bar commercial space will be rebuilt and include area on the Basement, Ground and Second Floors, activating the commercial presence along Durant Avenue. The second floor includes an outdoor balcony overlooking the sidewalk.

We believe this high-quality infill project strengthens the neighborhood and C-T Buffer zone by continuing to provide ground floor commercial space near Telegraph Avenue while increasing housing density within biking and walking distance to local businesses, the UC Campus, and Downtown Berkeley BART station 0.6 miles away. The building siting and massing responds to the existing neighborhood building fabric and is compatible in design and character to the development along Durant and the Telegraph Avenue corridors.

Housing Affordability Statement

The proposed project is not a density bonus project and will comply with the City of Berkeley Affordability requirements by paying In-Lieu fees for the 10% Low-Income and 10% Very Low-Income units otherwise required.

Anti-Discrimination Housing Policies

See attached Fair-Housing Act compliance sheet for Fourtuneworld Inc.

Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code

The proposed project will be all electric, with no reliance upon natural gas infrastructure in compliance with BMC Chapter 12.80. The project is designed to comply with the Berkeley Energy Code, BMC Chapter 19.36 with roof areas solar ready for solar PV systems and installed conduits from roof to electrical panels. The project will comply with Berkeley Green Code, BMC Chapter 19.37 as applicable for reduction in cement use and construction waste management.

Required Use Permit Findings

Section 23B.32.040

This section authorizes the approval of Use Permits upon finding that the establishment, maintenance or operation of the use, or construction of a building, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood 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. Approval of a Use Permit also requires making the findings of the District.

Section 23E.56.090 Findings

- A. In order to approve any Use Permit under this Chapter, The Zoning Officer of Board must make the findings required by **Section 23B.32.040**, as well as the findings required by the following paragraphs of this section to the extent applicable.
- B. A proposed use or structure must:
 - 1. Be compatible with the purposes of the District;
 - 2. Encourage and maintain the present street frontage of the District, will not interfere with the continuity of retail or compatible service facilities at the ground level and will not interrupt a continuous wall of building facades;
 - 3. Be compatible in design and character with the District and the adjacent residential neighborhoods;
 - 4. Not generate traffic or parking demand significantly beyond the capacity of the Commercial District or significantly increase impacts on adjacent residential neighborhoods.
- F. To approve a Permit for increased height or stories, the Zoning Board must find that the project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks.

Response: The construction, establishment, maintenance, and operation of the proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the neighborhood or the City as a whole. The project will redevelop a 2-story commercial building into a 7-story mixed use building compatible in design character and scale appropriate to the neighboring properties. The building has an active sidewalk engagement with the continued Commercial use of Kip's Bar and a new Residential Lobby at the ground floor. The new student housing will be in proximity to a number of educational and employment opportunities, as well as to the goods and services along Telegraph Avenue.

The proposed project is located on the southern side of Durant Avenue and east of Telegraph Avenue. Shadow studies note that the proposed project will not result in any significant reduction in sunlight on Telegraph Avenue sidewalks.

As such, the project fulfills the goals of the City's General Plan and Climate Action Plan. Therefore, the project will not be in any way detrimental to the area or neighborhood or to the City as a whole.

Project Team

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