Telegraph Connects Coalition
c/o Jennifer McDougall
300 A&E Building
Berkeley, CA 94720-1381

October 4, 2013

Jeffrey Egeberg
City Engineer
City of Berkeley
2120 Milvia Street
Berkeley, CA 94704

Re: Application for Encroachment Permit, "Telegraph Connects" Telegraph Avenue Light Arch

Dear Mr. Egeberg:

The Berkeley Design Advocates, the Telegraph Business Improvement District, the City of Berkeley Office of Economic Development, a number of University of California offices including planning, police and residential student services offices, plus the Graduate Assembly and ASUC External Affairs offices, together submitted a request to the Chancellor's Community Partnership Fund to develop a decorative lighting scheme for Berkeley's Telegraph Avenue business district. As you know we have been working on this project for over a year. Since any decorative lighting would be influenced by the existing fixed street lighting, one outcome of our effort has been a City initiative, which we understand is proceeding, to replace the existing sodium lighting on the Avenue with whiter LED lighting, improving nighttime ambience, safety and visibility.

Today the decorative lighting project has evolved into a proposal for a single decorative lit archway near the intersection of Dwight and Telegraph.

The archway would emphasize and celebrate aspects of the four blocks of Telegraph between Dwight and Bancroft that distinguish it from Oakland's Temescal and Berkeley's downtown: here, where the width of Telegraph narrows, we can establish a special sense of entry and place. During dark winter months, when the deciduous trees on Telegraph have lost their leaves, the new archway will be readily visible and draw pedestrians the length of Telegraph. Those who arrive from the south will see their arrival is something to celebrate. The new archway will help to balance the Avenue. The new student center at the north end of the Avenue is expected to be a 24 hour destination for students; a new lit arch at Dwight and Telegraph will be an attractive beacon and signal that the whole business district is a welcoming place.

CRITERIA FOR ENCROACHMENT

The arch as proposed for permitting would encroach into the right of way. We expect to install poles as specified in the attachments, in the sidewalk in the furnishings zone (per the City's Pedestrian Master Plan) on the west and east side of Telegraph Avenue, north of the intersection with Dwight.

We note that the east and west sides of Telegraph Avenue are at different elevations. The height of the pole at the west side of the street would therefore be slightly taller than the pole on the east side. An element would connect the two poles the width of the street. Lights and acrylic elements would be

hung from the top element to establish a concatenated arch across the bottom. Please see attached drawings.

The project would meet criteria for approval of encroachment under the Berkeley Municipal code, section 16.18.080, using the following criteria:

A. The applicant will be substantially damaged by the refusal to grant the permit as requested.

The applicant is a coalition of groups coming together to support change on Telegraph Avenue. Metrics of health for the Avenue, as compiled by the City's Office of Economic Development (May, 2013), are indicative of conditions that warrant new initiatives. Retail sales have declined 56% since 1990. While there are a great number of potential resident shoppers near the district, retail density and sales are greater closer to campus. The proposed arch brings a unique new element to the street that will attract neighbors and visitors. As noted in the May 2013 report (page 13), "New planned decorative lighting and other streetscape improvements contemplated for the area could also improve the District's retail potential. They offer the prospect of a more pedestrian and visitor friendly experience that will likely improve the area's appeal to both visitors and shoppers ."

B. No other reasonable method of obtaining the desired results is available except as proposed by the applicant.

The applicant has explored a number of alternative designs, including use of existing street light poles that would have reduced the need for new pole encroachments in the street. This appears to be the only reasonable method of providing decorative lighting that crosses Telegraph in a distinctive permanent installation, distinguishable from temporary holiday lighting.

C. The granting of the permit will not be materially detrimental to the public interest, safety, health and welfare or injurious to the other property.

Risk of falling elements is addressed with submittals in the attachments from a registered structural engineer.

D. The applicant has complied with the City of Berkeley's public works specifications.

Compliance with such specifications would be a required element of the project.

E. No major or minor encroachment into a sidewalk may be granted unless a minimum clear space of six feet remains open for public use in the sidewalk area. For the purpose of determining the clear space, poles, parking meters, fire hydrants, regulatory signs and other such objects (street hardware) may not be considered as part of the minimum horizontal clear space reserved for public use. Except for subsurface encroachments of tiebacks and soil nails, in no event may a minor encroachment extend farther than two feet from the property line into the public right-of-way.

The project, with encroachment, maintains full clear space of six feet in the sidewalk area on all sides.

F. All encroachments, except for structures below the walkway such as basement vaults and sidewalk elevators, shall have a minimum height of twelve inches and no portion shall project beyond the base projection of the encroachment unless at a height of eight feet or more above the sidewalk.

The project complies with this requirement.

G. There should be clear color differentiation between the sidewalk paving and objects placed or installed in the sidewalk area. (Ord. 6998-NS, 09/18/07: Ord. 5514-NS § 1, 1983)

The poles would have a clear color differentiation.

Please see attachments.

Sincerely,

cc: Telegraph Connects coalition

ATTACHMENTS