

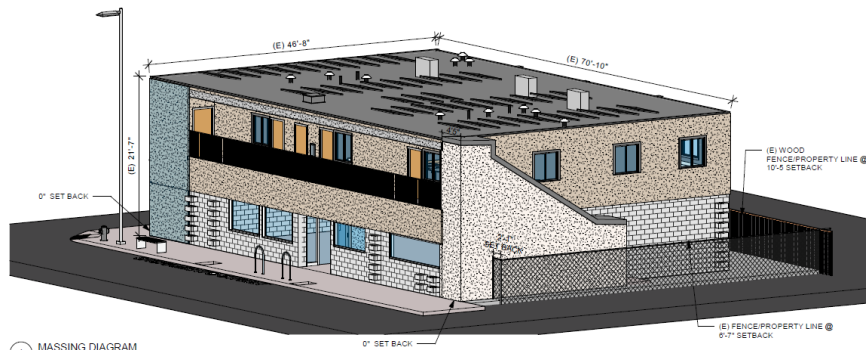


Zoning Adjustments Board Staff Report

APP # ZP2025-0069

August 13, 2026

Use Permit at 3101 Sacramento Street



1 MASSING DIAGRAM

Quick Facts	Project Description:
Applicant: Mike Tran Property Owner: Suheil Khoury Inc. Project Address: 3101 Sacramento St. Site Size: 4,479 sq. ft. GP Land Use: NC, Neighborhood Commercial Zoning: C-SA , South Area Commercial CEQA: Categorically Exempt pursuant to Section 15332 ("In-Fill Development Projects") Date Submitted: July 28, 2025 Date Deemed Complete: December 10, 2025 Project Planner: Vicky Schlepp	The applicant is seeking approval to convert an existing 6,300-square-foot, 2-story commercial building into a mixed-use building with ground floor commercial and three residential units at the second floor.
	Zoning Permits Requested: A Use Permit Public Hearing is required for the following permits: 1. New Use. BMC Section 23.204.020(A), "Allowed Land Uses" to establish a mixed-use development; 2. Modify Standards. BMC Section 23.204.100(D)(3), "Modification for Mixed-Use and Residential Projects" to further encroach into a non-conforming rear setback and to exceed lot coverage; and 3. Setbacks. BMC Section 23.324.050(D)(2) "Nonconforming Setbacks and Height" Administrative Use Permit to alter portions of a building projecting into a minimum required setback.
	Staff Recommendation: Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects") and approve ZP2025-0069 pursuant to Section 23.406.040 (E) (1-5) "Findings for Approval" and subject to the attached Findings and Conditions of Approval.

ZONING MAP



Figure 1: Vicinity and Zoning Districts Map

Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	NC: Neighborhood Commercial	C-SA: South Area Commercial	Mixed-Use Building
South	NC: Neighborhood Commercial	C-SA: South Area Commercial	Mixed-Use Building
East	NC: Neighborhood Commercial	C-SA: South Area Commercial	Residential
West	NC: Neighborhood Commercial	C-SA: South Area Commercial	Residential

AERIAL



STREET ELEVATION



View from Sacramento Street



View from Prince Street

EXISTING FLOOR PLAN, Second floor

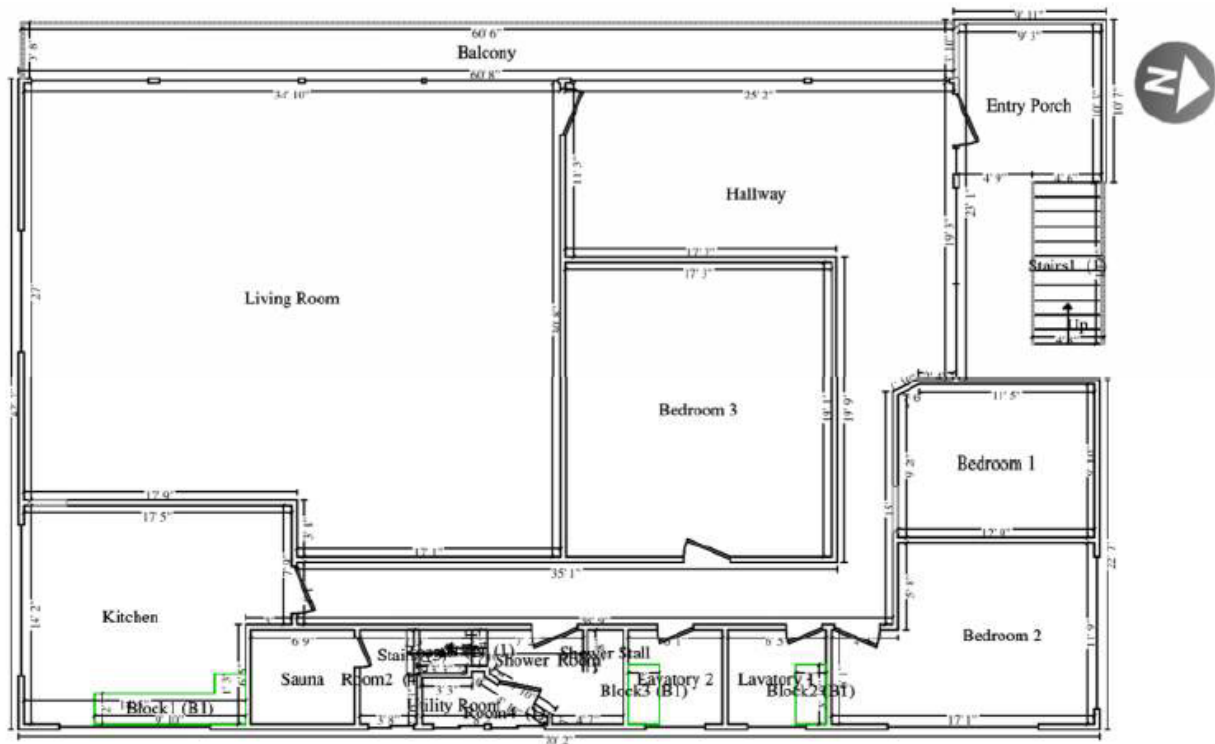


Figure 2: Second floor sketch (provided by Alliance Loss Consultants, LLC)

Source from: Fire Damage Assessment Report

BACKGROUND

Subject Site

The subject site is located at the corner of Sacramento Street and Prince Street. Per BMC definition BMC 23.502.020 "Front Lot Line", Prince Street shall be the front lot line because it is the shorter of the two intersecting lot lines along the rights-of-way of the corner lot. Sacramento Street shall be the street-side property line. The building is constructed up to the front and street-side property lines and is set back 10-feet, 5-inches from the east-side property line and 6'-7" from the rear property line.

The surrounding area along Sacramento Street consists of residential buildings and commercial mixed-use buildings that are one to three stories in height. The commercial uses are small-scale neighborhood serving businesses such as retail, food service, and personal services, located within the ground floor of the mixed-use buildings. The confronting properties across Sacramento Street are residential and the neighborhood surrounding the C-SA district is residential, R-2A Zoning.

The site is well served by public transit. The site is located along a major bus corridor where there is frequent Alameda-Contra Costa Transit (AC Transit) bus service, including a bus stop adjacent

to the building. Ashby Avenue is two blocks north with frequent bus service. The Ashby Bart Station is five blocks to the west, less than a quarter mile, and there is also frequent bus service there.

Site History

The site was developed in 1963 with a one-story commercial building (store). A second story was later added. By 1966 the building was used for a store and offices. The building historically had commercial uses. City records show the ground floor was occupied by Reid's Records from the 1980's till late 2019. The second floor had various commercial uses, including offices, classroom space, and an employment and training agency. In 2021, it was reported that the second floor was potentially being used as residential, without permits. In 2023, a fire caused major damage to a portion of the building. A fire damage report indicated that one unit was established without permits on the second floor (see Existing Floorplan figure above). The building is currently vacant. The Rent Stabilization Board has no rental history for the unit.

Building permit application B2024-01501 was submitted on March 29, 2024, to repair the fire damage. The plans submitted were for a mixed use building with ground floor commercial and three residential units on the second floor, which is inconsistent with City records for a commercial building. Therefore, a use permit application was submitted to establish the residential use in a mixed-use building. The building permit is currently under review; pending approval of this use permit.

ANALYSIS

Project Scope

The proposed project would convert the existing commercial building into a mixed-use development consisting of one ground floor commercial unit for a future tenant and three residential apartments on the second floor. Existing interior walls would be demolished and rebuilt to the new floor plans. The ground floor would have new openings and a modified entry. The existing exterior stairway to the second floor at the front of the building (north side) would be rebuilt and enclosed. A new second enclosed stairway would be added to the rear (south side) of the building. New code compliant windows and doors will be added to the proposed residential units. Usable open space for residents would be added at the interior side setback. No vehicle parking is proposed on the project site. Bicycle parking will be provided for the commercial use.

Because the building is currently vacant and the Rent Stabilization Board has no rental history for the unit, it is not considered a "protected" unit pursuant to the City's Demolition Ordinance and the State Housing Crisis Act of 2019 (SB 330). With the reconfiguration of the second-floor interior, the single unit will be eliminated and replaced with three units by right.¹

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Environmental Review

The proposed project is exempt from the provisions of the California Environmental Quality Act

¹ Pursuant to BMC Section 23.326.030(B)(2) "Demolition of Residential Units", "A Single-Family Dwelling without sitting tenants may be demolished with a Zoning Certificate, if the demolition is part of a development project that would result in a net increase in residential density."

(CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) because:

- 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.
- The project site is within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Additionally, none of the exceptions to eligibility for a categorical exemption as listed in Section 15300.2 of the CEQA Guidelines applies. The cumulative impact of successive projects of the same type in the same place, over time would not be significant; there are no “unusual circumstances” at the project site that would result in significant environmental effects; the project site is not in view of a state scenic highway; the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code; and the project would not result in a substantial adverse change in the significance of a historical resource.

ADVISORY BODY REVIEW

Design Review

Exterior changes in C-SA district are subject to Design Review. Proposed changes were previously approved under Staff Level Design Review DRSL#2024-0004. The only change from the approved design review application is a new enclosed egress stair that is required for the second floor residential units. Staff reviewed this change with the DRC Chair. The Chair agreed with staff that it was a reasonable change to the approved Staff Level Design Review.

POLICY CONSISTENCY

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 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.
3. Policy LU-23-Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above average-transit service.
4. Policy LU-26 Neighborhood Commercial Areas: Maintain and improve Neighborhood Commercial areas, as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

- Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.
- Encourage sensitive infill development of vacant or underutilized property that is compatible with existing development patterns.

5. Policy H-19 – Regional Housing Needs

Encourage adequate housing production to meet the housing production goals for the City's share of regional housing needs.

Staff Analysis: The project would add residential density to a lot developed with a commercial building. The project would maintain the existing building envelope with a minor stairway addition which is compatible with the scale of the neighborhood. The project would be consistent with the Neighborhood Commercial General Plan designation because it would: maintain a ground floor commercial use oriented to the street to encourage pedestrian appeal, adding three new units to contribute to Berkeley's regional housing needs, and activate an underutilized building which would revitalize this area of Sacramento Street and improve the neighborhood quality.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans submitted under SB1214, April 7, 2026
5. Notice of Public Hearing

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
March 29, 2024	Building Permit submitted to repair fire damage
February 7, 2025	Staff Level Design Review approved
July 28, 2025	Application Submitted
August 4, 2025	Application deemed incomplete
November 10, 2025	Application resubmitted
December 10, 2025	Application deemed complete
December 10, 2025 to April 23, 2026	Application processing ^a
July 30, 2026	Public hearing notices mailed/posted
August 13, 2026	ZAB hearing
Notes: a. Application processing reflects the project compliance review after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project includes less than 7,500 square feet of net new commercial space. Therefore, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The project is a housing development project under the inclusionary housing requirements, as defined in BMC 23.328.020 ^a .
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project is less than 10,000 sq.ft. of gross floor area, is less than 35 ft in average building height and does not have high-risk features.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Hard Hats (BMC Chapter 13.107)	No	The project is under 50,000 square feet and does not meet the definition of a "Covered Project" under the Hard Hats Ordinance, therefore these provisions do not apply.

Characteristic	Applicability	Explanation
Historic Resources	No	The project is not a landmark or historic resource.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project proposes a mixed-use residential building, and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b ; the project is mixed-use where residential uses are less than two-thirds of the square footage designated for residential use; the residential square footage is less 54% where 66% is required.
Housing Crisis Act of 2019 (SB 330)	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b .
Rent Controlled Units	No	There are no rent controlled units on this site. There is no rental or tenant history for the site.
Residential Preferred Parking (RPP)	No	The site is located within RPP zone M, however, 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 project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The site is not on the Cortese List. ^d The site is not located within the City's Environmental Management Area.
Transit	Yes	The project site is served by AC Transit bus lines 88, located on the same corner as the project. Line 27 is 2 blocks north and runs along Ashby Avenue. Ashby BART is less than ¼ mile from the project, where there are also multiple bus lines.
Notes: a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project 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. b. 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. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic_hazards/ d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.		

**Table 3: C-SA Zoning District Development Standards BMC Sections 23.204.100 and 23.322
Parking and Loading**

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		4,479	No change	No change	No minimum
Gross Floor Area (sq. ft.)		6,300	+68	6,368 (Residential 3,440 sq.ft. includes stairs)	17,916 max.
Floor Area Ratio		1.41	No change	1.42	4.0
Lot Coverage		77%	+2	79%	50%
Commercial Floor Area		6,300	(-3,372)	2,928	17,916 max.
Dwelling Units	Total	1	2	3	n/a
	Bedrooms	3	3	6	n/a
Building Height (ft. - in.)	Maximum	21'-7"	No change	No change	36' max./ 3 stories
Building Setbacks (ft. - in.)	Front (north) (Prince Street)	0'	No change	No change	15' min.
	Interior Side (east)	10'-6"	No change	No change	4' min.
	Street Side (west)	0'	No change	No change	6' min. – 1 st floor 8' min. - 2 nd floor
	Rear (south)	6'-7"	No change	2'-1"	15' min.
Usable Open Space (sq. ft.)		0	+120	120	120 (40 sq.ft./unit)
Automobile Parking ¹		0	No change	0	No minimum
Bicycle Parking	Commercial (3,367 sq. ft.)	0	+2	2	None required
	Residential – Long Term	0	0	0	None required
	Residential – Short Term	0	0	0	None required
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes:					
¹ AB-2097 , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses located within a 1/2 mile of public transit.					



Zoning Adjustments Board Findings

APP # ZP2025-0069

August 13, 2026

Use Permit at 3101 Sacramento Street

Project Facts	Project Description:
Applicant: Mike Tran Property Owner: Suheil Khoury Inc. Project Address: 3101 Sacramento St. Site Size: 4,479 sq. ft.	The applicant is seeking approval to convert an existing 6,300-square-foot, 2-story commercial building into a mixed-use building with ground floor commercial and three residential units at the second level.
GP Land Use: NC, Neighborhood Commercial Zoning: C-SA , South Area Commercial CEQA: Categorically Exempt pursuant to Section 15332 (“In-Fill Development Projects”) Date Submitted: July 28, 2025 Date Deemed Complete: December 10, 2025 Project Planner: Vicky Schlepp	Permits Requested: A Use Permit Public Hearing is required for the following permits: 1. New Use. BMC Section 23.204.020(A), “Allowed Land Uses” to establish a mixed-use development; 2. Modify Standards. BMC Section 23.204.100(D)(3), “Modification for Mixed-Use and Residential Projects” to further encroach into a non-conforming rear setback and to exceed lot coverage; and 3. Setbacks. BMC Section 23.324.050(D)(2) “Nonconforming Setbacks and Height” Administrative Use Permit to alter portions of a building projecting into a minimum required setback.
	Staff Recommendation Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) and approve ZP2025-0069 pursuant to Section 23.406.040 (E) (1-5) “ Findings for Approval ” and subject to the attached Findings and Conditions of Approval.

CEQA

Categorical Exemption

The project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”).

Evidence: The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or 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 significant cumulative impacts, (c) there are no significant effects 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 will not affect an historical resource.

FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) “Findings for Approval,” the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
 - (a) 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

Evidence: The project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of people residing or visiting the area or neighborhood of the proposed use because the existing two-story building will maintain the existing building shell. The project will activate an underutilized building, provide housing, revitalize a vacant storefront, and bring new residents who may patronize local businesses, which will positively impact the surrounding area.

- (b) 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.

Evidence: The project 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 because changes will occur within the existing building

shell, with only minor exterior modifications. The building height will remain the same and the addition of a stairwell is small in scale, resulting in minimal new shadow or view impacts. The project will revitalize the building, enhance the streetscape along Sacramento Street, provide housing, support commercial activity and is located near public transit. Overall, the project will improve the Sacramento Street frontage and encourage economic activity in the immediate area. In addition, the findings for required discretionary permits are satisfied per the evidence in 2 and 3 below.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

Code Sections

C-SA South Area Commercial District

As required by BMC 23.204.100(B)(2)(b) “*Mixed-Use Permits Required -- Use Permit*” when a project meets criteria that requires a Use Permit, then it is subject to the findings in Section 23.204.100(E) “*Permit Findings*”. To approve an AUP or Use Permit for a project in the C-SA district, the review authority must find that the proposed use or structure:

- A. Is compatible with the purposes of the district;
- B. Is compatible in design and character with the district and the adjacent residential neighborhoods; and
- C. Will not result in the domination of one type of commercial/retail use in any one area of the district.

Evidence:

- A. *District Purpose 2. Provide locations for both community-serving and regional-serving businesses, particularly those which reflect the culture of the surrounding area.*

District Purpose 5. Encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown.

The project is compatible with the above district purposes by retaining the commercial ground floor where a community-serving or regional serving business can be located and providing a mixed-use development on an appropriate site for persons who desire both the convenience of location and more open space than is available in the Downtown.

- B. The project is compatible in design and character of the district and the adjacent residential neighborhood because the height of the building will not change; it will maintain the existing scale and character of the building with only minor changes to the exterior, such as adding windows and doors. The existing stairwell will be enclosed and a second enclosed stairwell will be added on the

opposite side of the building. These modifications are minor in scope, are necessary to meet current Fire code requirements, and will retain the building's overall character.

- C. The project will not result in the domination of one type of commercial/retail use in any one area of the district because this area along Sacramento Street has a mix of commercial, mixed-use and residential-only buildings. Commercial uses are dispersed throughout the street where residential units are the dominant use in the area.

Modifications to Standards

As required by BMC 23.204.100(D)(3) “*Modification for Mixed Use and Residential Projects.*” The ZAB may modify development standards in Table 23.204-27, Table 23.204-28, and Table 23.204-29, and Table 23.204.30--excluding FAR--for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:

- (a) The project encourages utilization of public transit and existing off-street parking facilities in the area of the proposed building;
- (b) The modification allows consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose;
- (c) The modification facilitates the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines; or
- (d) The modification provides consistency with the purposes of the district as listed in Section [23.204.100.A](#) (District Purpose).

Evidence: The project meets finding (b) “The modification allows consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose” because the project will maintain the existing building envelope and footprint, the project cannot meet the required development standards for setbacks; it will maintain the existing setbacks that the property was developed with. The modification is necessary because the existing lot coverage and setbacks (front, street-side and rear) are legal non-conforming. With the addition of a stairwell, it will encroach into the rear setback and exacerbate the lot coverage. The addition of the exit stairwell is required in order to meet Fire code. The existing non-conforming rear setback is 10’-5”. The proposed stairwell addition will be setback 2’-1” where 15’ is required. The existing lot coverage is 77%. The lot coverage will increase to 79% where 50% is required.

Nonconforming Setbacks

As required by BMC Section 23.324.050(D)(2) “Nonconforming Setbacks and Height”, an AUP is required to alter a portion of a building projecting into a minimum setback. The Zoning Officer may approve the AUP only if:

- i. The addition or enlargement does not increase or exacerbate any nonconforming setbacks; and

Evidence:

The addition or enlargement does not increase or exacerbate any nonconforming setbacks because the new windows and doors are within the existing non-conforming walls located within the front, rear and street side setbacks. In addition, the front façade along Prince Street will horizontally extend the wall to enclose the stairwell, the wall fronting Sacramento Street will also horizontally extend to the south, and the existing roof will extend to the corner in order to fully enclose the new rear stairwell. The rear façade is non-conforming and will utilize the “Modifications to Standards” code section to allow the stairwell to encroach further into the setback but the existing wall will be altered with new windows; the wall will not encroach further into the setback. Minor modifications will be made to the commercial frontage along Sacramento Street which abuts the street side property line; the entry will be redesigned, and a new window will be installed. These improvements occur within the existing nonconforming front setback and will not increase or exacerbate the nonconformity.

- ii. The addition or enlargement does not exceed maximum or calculated height limits.

Evidence: The project will not increase the height of the building.

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

- (a) The proposed land use; and

Evidence: The proposed land use is allowed in the C-SA district because it aligns with the purposes of the district and the General Plan; the project will improve a neighborhood commercial area by providing housing and a commercial space.

- (b) The structure or addition that accommodates the use.

Evidence: The proposed project will maintain the existing building shell to accommodate a change in use from commercial to mixed-use. Improvements will be made to the building; a second stairwell will be added to provide egress for residents and new windows and doors will be added.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on April 7, 2026 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



STANDARD CONDITIONS OF APPROVAL APPLICABILITY

Development projects approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions

- A. General Project Conditions
- B. Project Specific Conditions: **Not Applicable**
- C. Final Approval Conditions : **Not Applicable**
- D. On-Going Operational Conditions

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit

- A. Building & Safety/Land Use Planning
- B. Public Works: **Not Applicable**
- C. Toxics
- D. Health Housing Community Services
- E. Rent Stabilization Board: **Not Applicable**

Part V. During Demolition/Construction

- A. Building & Safety
- B. Land Use Planning
- C. Public Works
- D. Toxics: **Not Applicable**
- E. Health Housing Community Services: **Not Applicable**

Part VI. Prior to Final Inspection

Part VII. Prior to Certificate of Occupancy

Part. VIII. Fees



CONDITIONS OF APPROVAL

Property Address: 3101 Sacramento Street
Application Number: #ZP2025-0069

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Project Approval. This Project approval is for 3101 Sacramento Street, as substantially shown and described on the Project plans dated April 7, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on August 13, 2026 (“Approval Date.”). For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	Approval Limited to Proposed Project and Replacement of Existing Uses. This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. 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 shall obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. All land uses and structures in the City of Berkeley shall comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	Other 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.	City of Berkeley BMC Section 23.102.050 (E)	On-Going	Land Use Planning
5.	Conformance with Approved Plans. All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on August 13, 2026 and pursuant to the Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3101 Sacramento Street
Application Number: #ZP2025-0069

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
6.	Permit Modifications. No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board’s policy adopted on May 24, 1978.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	Permit Revocation. 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. 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, or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
8.	Permit Remains Effective for Vacant Property. 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 COA #5 above.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3101 Sacramento Street
Application Number: #ZP2025-0069

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
9.	Exercise and Expiration of Permits 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. 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 Zoning Adjustments Board 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 shall apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3101 Sacramento Street
Application Number: #ZP2025-0069

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
10.	Hold Harmless. The permittee agrees as a Condition of Approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.	City of Berkeley	On-Going	Land Use Planning
11.	Compliance with Conditions of Approval and Environmental Mitigations. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.	City of Berkeley	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3101 Sacramento Street
Application Number: #ZP2025-0069

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Not Applicable.	City of Berkeley BMC Section 23.040.050 (H)		
I. Administrative Conditions C. Final Approval Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Not Applicable.	City of Berkeley BMC Section 23.406.070 (C)(1) (d)		
I. Administrative Conditions D. On-Going Operational Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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 Finance Department, Customer Service Center shall 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.	City of Berkeley BMC Section 14.72.080 (C) (1)	On-Going	Land Use Planning
2.	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.	City of Berkeley	On-Going	Land Use Planning

Property Address: 3101 Sacramento Street
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CONDITIONS OF APPROVAL

Property Address: 3101 Sacramento Street
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4.	Construction and Demolition Diversion. The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 “Berkeley Green Code” including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works
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III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley	At Building Permit Submittal	Public Works
2.	National Pollution Discharge Elimination System (NPDES). The applicant shall demonstrate compliance with 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 areas shall be covered, and no other areas shall drain onto these areas. 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 the East Bay Municipal Utility District (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.	City of Berkeley BMC Section 17.20	At Building Permit Submittal	Public Works



CONDITIONS OF APPROVAL

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	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 shall be conducted prior to the issuance of a building permit. E. All paved outdoor storage areas shall be designed to reduce/limit the potential for runoff to contact pollutants. F. All on-site storm drain inlets/catch basins shall 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 Department. G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City. H. Washing and/or steam cleaning shall be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing shall be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the East Bay Municipal Utility District.			
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CONDITIONS OF APPROVAL

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	I. All loading areas shall be designated to minimize run-on or run-off from the area. Accumulated wastewater 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. J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge. K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.			
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CONDITIONS OF APPROVAL

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IV. Prior to Issuance Building Permit: A. Building & Safety/Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Acoustic Report. 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.	City of Berkeley	Prior to Building Permit Issuance	Building & Safety/Land Use Planning
2.	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. New residential uses in areas over 65dB on General Plan Noise Map (see pg 6)	City of Berkeley	Prior to Building Permit Issuance	Building & Safety/Land Use Planning
3.	Construction Emissions Reduction Measures. Development projects shall comply with the current Bay Area Air District’s basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 Air District CEQA Guidelines), outlined below. 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. 2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. 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. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the	Air Quality District	Prior to Building Permit Issuance	Land Use Planning/ Building and Safety/Air Quality District



CONDITIONS OF APPROVAL

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	maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. 8. 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 number shall also be visible to ensure compliance with applicable regulations.			
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IV. Prior to Issuance of Building Permit: B. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Not Applicable.			



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Property Address: 3101 Sacramento Street
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IV. Prior to Issuance of Building Permit: C. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Demolitions & Renovations – Building Materials Survey. A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division
2.	Asbestos Identified. Pursuant to Bay Area Air District Regulation 11-2-401.3, if asbestos is identified a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors shall follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)	Bay Area Air District	Prior to Issuance of Building Permit	Bay Area Air District
3.	Environmental Site Clearance. Prior to issuance of any building permits, the applicant shall submit to the Toxics Management Division (TMD) an environmental screening clearance to ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Documentation in the form of a letter shall be provided from one of the following external agencies: • San Francisco Bay Regional Water Quality Control Board (RWQCB); • California Department of Toxic Substances Control (DTSC); or • The Alameda County Department of Environmental Health’s Local Oversight Program (LOP).	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division



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IV. Prior to Issuance of Building Permit: D. Health, Housing & Community Services (HHCS)		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Final Affordable Housing Compliance Plan. The final Affordable Housing Compliance Plan (“AHCP”) shall be submitted to the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits shall have the final AHCP certified prior to the issuance of the phase one building permit.	City of Berkeley BMC Section 23.328.050 (A)	Prior to Issuance of Building Permit	Land Use Planning/ Health, Housing and Community Services
2.	Pay Transparency Acknowledgement. Prior to the issuance of a building permit for any Project subject to this Chapter: 1. 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. 2. 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.	City of Berkeley BMC Section 13.104.030	Prior to Building Permit Issuance	Health, Housing & Community Services

IV. Prior to Issuance of Building Permit: E. Rent Stabilization Board (RSB)		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Not Applicable.			



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V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety
2.	Construction Hours Exceptions. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start. The Project shall only be allowed 15 extended working days.	City of Berkeley	During Demolition/Construction	Environmental Health/ Land Use Planning
3.	Construction / No Parking Permits. If “Construction/No Parking Permits” are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.	City of Berkeley	During Demolition/Construction	Building & Safety



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V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Unanticipated Discovery of Paleontological Resources. 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 archeologist (per Secretary of Professional Qualification Standards National Park Service 1983). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The archeologist 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 archeologist 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.	City of Berkeley	During Demolition/Construction	Land Use Planning
2.	Unanticipated Discovery of Tribal Cultural Resources. In the event that Tribal Cultural Resources 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 Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), 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.	City of Berkeley	During Demolition/Construction	Land Use Planning



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V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Debris. 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.	City of Berkeley	During Construction	Public Works
2.	Excavation. 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.	City of Berkeley	During Construction	Public Works
3.	Sandbags. 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.	City of Berkeley	During Construction	Public Works
4.	Fire Hydrant. 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.	City of Berkeley	During Construction	Public Works
5.	Underground Utilities. 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.	City of Berkeley	During Construction	Public Works



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6.	Public Works - Implement Bay Area Air District Recommended Measures during Construction. For all proposed projects, the Bay Area Air District 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 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 Bay Area Air District’s phone number shall also be visible to ensure compliance with applicable regulations.	City of Berkeley/ Bay Area Air District	During Construction	Public Works
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V. During Demolition/Construction: D. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Not Applicable.			

V. During Demolition/Construction: E. Health Housing Community Services		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Not Applicable.			

VI. Prior to Final Inspection		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	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 Permit. The new address(es) shall be assigned in accordance with BMC 16.28.030, and entered into the City’s database after the building permit is issued but prior to final inspection.	City of Berkeley BMC 16.28.030	Prior to Final Inspection	Building & Safety/Land Use Planning
2.	Construction and Demolition Diversion Receipt Reporting. 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 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.			Building & Safety



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VII. Prior to Certificate of Occupancy		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Berkeley	Prior to Certificate of Occupancy	Land Use Planning
2.	Post Construction Review. 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.	City of Berkeley	Prior to Certificate of Occupancy	Building & Safety/Land Use Planning
3.	Transportation Demand Management: Residential Projects that include 99 dwelling units or fewer. The project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit.	City of Berkeley BMC 23.334.030 (B) (2)	Prior to Certificate of Occupancy	Land Use Planning

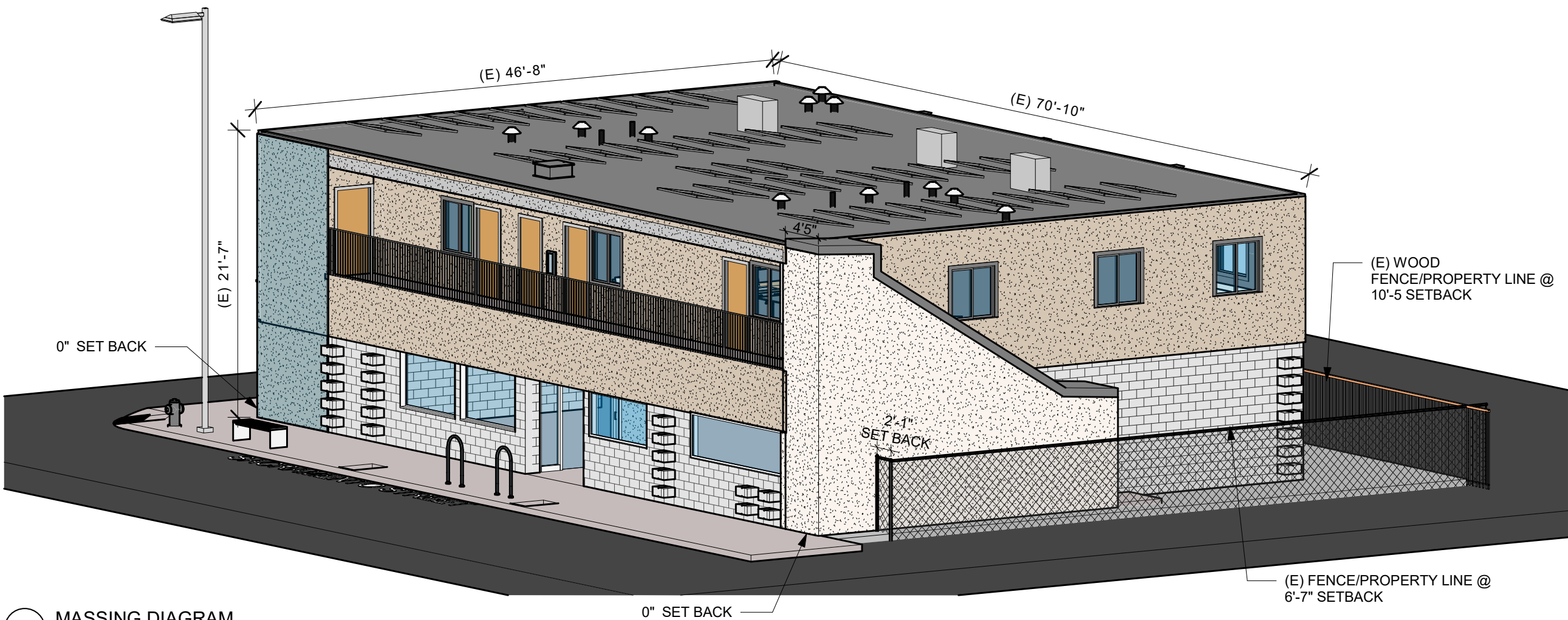
VIII. Fees		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Payment of Affordable Housing In-Lieu Fee. The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is \$0, subject to proration to reflect any affordable units provided. Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project.	City of Berkeley BMC Section 23.328.030 (B)	Prior to Final Inspection	Health, Housing & Community Services



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	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, then are required in the foregoing provisions.			
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1 MASSING DIAGRAM

PROFILE: THIS PROJECT REMODEL AN EXISTING FIRE DAMAGED BUILDING TO CONTINUE A RETAIL USE ON THE GROUND FLOOR AND CREATE THREE HOUSING UNITS ON THE SECOND FLOOR. THE GENERAL PROFILE, BULK, SETBACKS, BUILDING HEIGHT AND SIZE REMAIN ESSENTIALLY THE SAME AS THE EXISTING EXCEPT FOR ADDING AN EMERGENCY EXIT ENCLOSED STAIR AND ENCLOSING AN EXISTING ENTRANCE STAIR.

LOT AREA: 4,481SF
TOTAL GROSS FLOOR AREA: 6,300SF ±
REMODEL AREA:
FIRST FLOOR - 3,293 SF (B-OCCUPANCY)
SECOND FLOOR - 3,007 SF (R-2 RESIDENTIAL)

INTERACTIVE

R E S O U R C E S

INTRES.COM
117 PARK PLACE
POINT RICHMOND
CALIFORNIA 94801
(510) 236-7435 (FAX) 232-5325

SEAL:

PROJECT: REID'S RECORDS -
STRUCTURAL REPAIR AND
TENANTS IMPROVEMENTS
3101 SACRAMENTO STREET

SHEET TITLE: MASSING DIAGRAM

PROJ. NO.	2023-031-01	MT	MT	TKB	PROJ. MGR.	PEER REVIEW	CHECKER	DATE
DRAWN BY	MT	MT	TKB	PROJ. MGR.	PEER REVIEW	CHECKER	DATE	
DESIGNER	MT	MT	TKB	PROJ. MGR.	PEER REVIEW	CHECKER	DATE	
REV				DESCRIPTION	BY	DATE		

SHEET NUMBER:

MD100



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

NOTICE OF PUBLIC HEARING

3101 Sacramento Street

Use Permit #ZP2025-0069 to convert an existing 6,300 square foot, 2-story commercial building into a mixed-use building with ground floor commercial and three residential units at the second floor.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, August 13, 2026, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: NC, Neighborhood Commercial
- Zoning: C-SA – South Area Commercial

B. Zoning Permits Required:

- **New Use.** BMC Section 23.204.020(A), "Allowed Land Uses" to establish a mixed-use development;

- **Modify Standards.** BMC Section 23.204.100(D)(3), “**Modification for Mixed-Use and Residential Projects**” to further encroach into a non-conforming rear setback and to exceed lot coverage; and
- **Setbacks.** BMC Section 23.324.050(D)(2) “**Nonconforming Setbacks and Height**” Administrative Use Permit to alter portions of a building projecting into a minimum required setback.

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).

E. Project Recommendation: Approve Use Permit #ZP2025-0069 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Mike Tran, Richmond, CA
- Property Owner Suheil Khoury Inc., Belmont , CA

Further Information:

All application materials are available online at: <https://aca-prod.accela.com/BERKELEY/Default.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Vicky Schlepp, at (510) 981-7422 or vschlepp@berkeleyca.gov.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, 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 secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 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 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 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, the following requirements apply:
 - 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.