



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

FOR BOARD ACTION  
AUGUST 10, 2023

## 2813 Eighth Street

Use Permit #ZP2022-0109 for an addition to an existing one-story 3,217 square feet laboratory building to convert it to a two-story (26 feet) 3,111 square-foot warehouse and a two-spaced parking garage.

### I. Background

#### A. Land Use Designations:

- General Plan: MU - Manufacturing Mixed Use
- Zoning: MU-R Mixed Use-Residential

#### B. Zoning Permits Required:

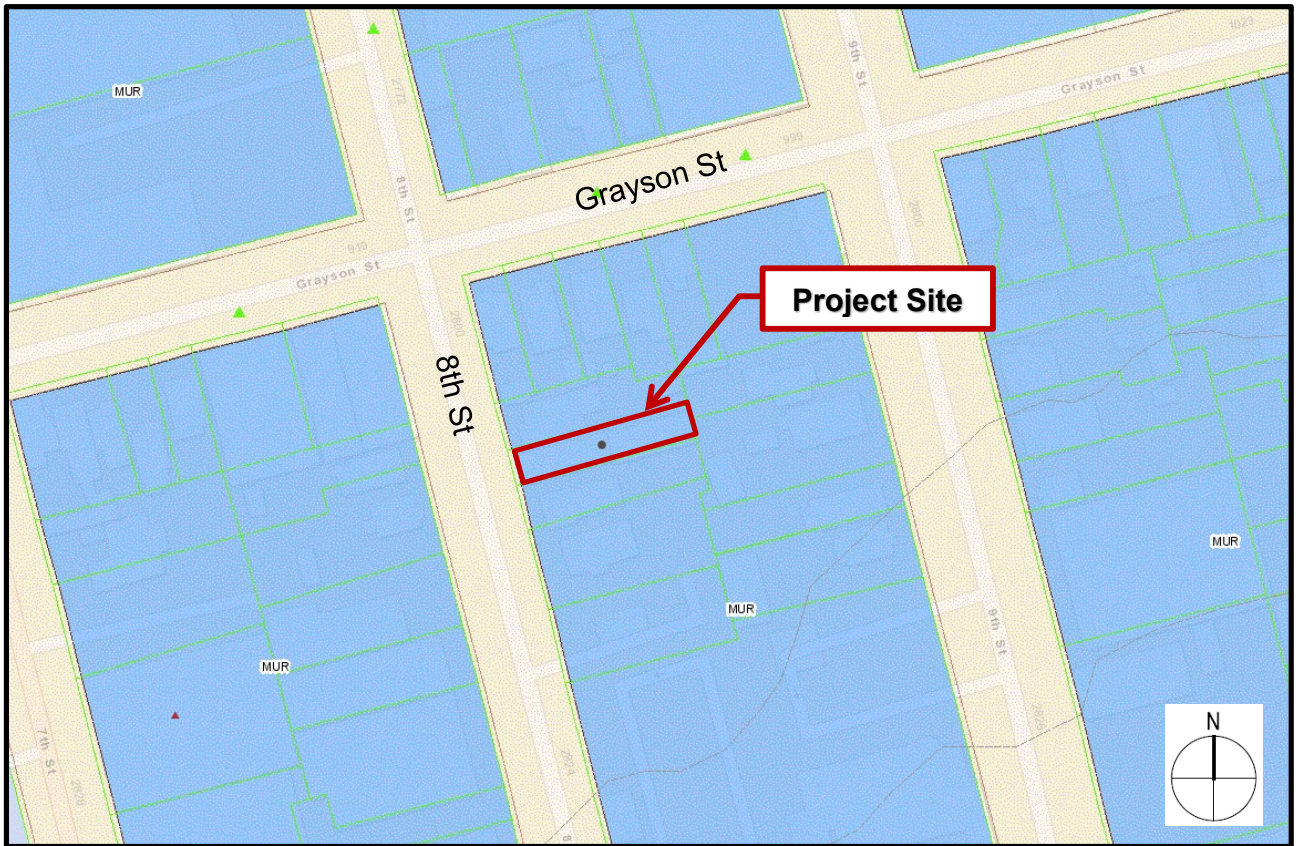
- Use Permit under Berkeley Municipal Code (BMC) Section 23.206.020 to establish a Warehouse Use.
- Administrative Use Permit (AUP), under BMC Section 23.324.050(D)(2)(a) to alter and vertically extend a portion of the building which encroaches into the non-conforming front, sides and rear setbacks.

**C. CEQA Recommendation:** It is staff's recommendation to Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. The determination is made by ZAB.

#### D. Parties Involved:

- |                   |                                |
|-------------------|--------------------------------|
| a) Applicant      | Brian Carter/Studio KDA        |
| b) Property Owner | Greg Solberg and Lisa Pongrace |

Figure 1: Vicinity Map



Legend  
MUR: Mixed-Use Residential

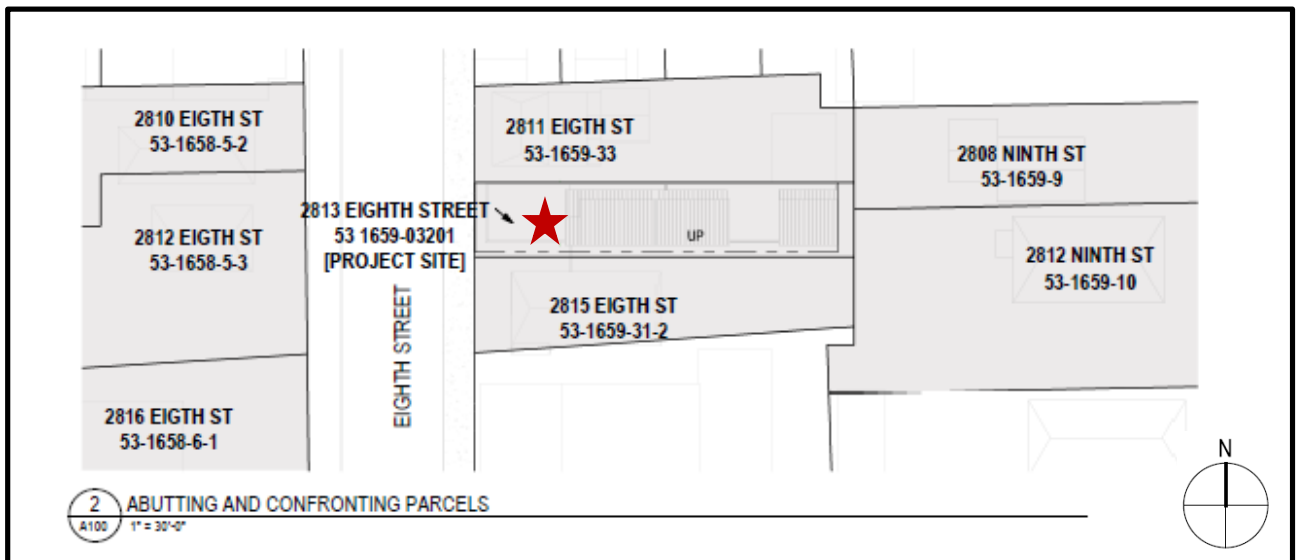


Figure 2: Existing Site/Floor Plans

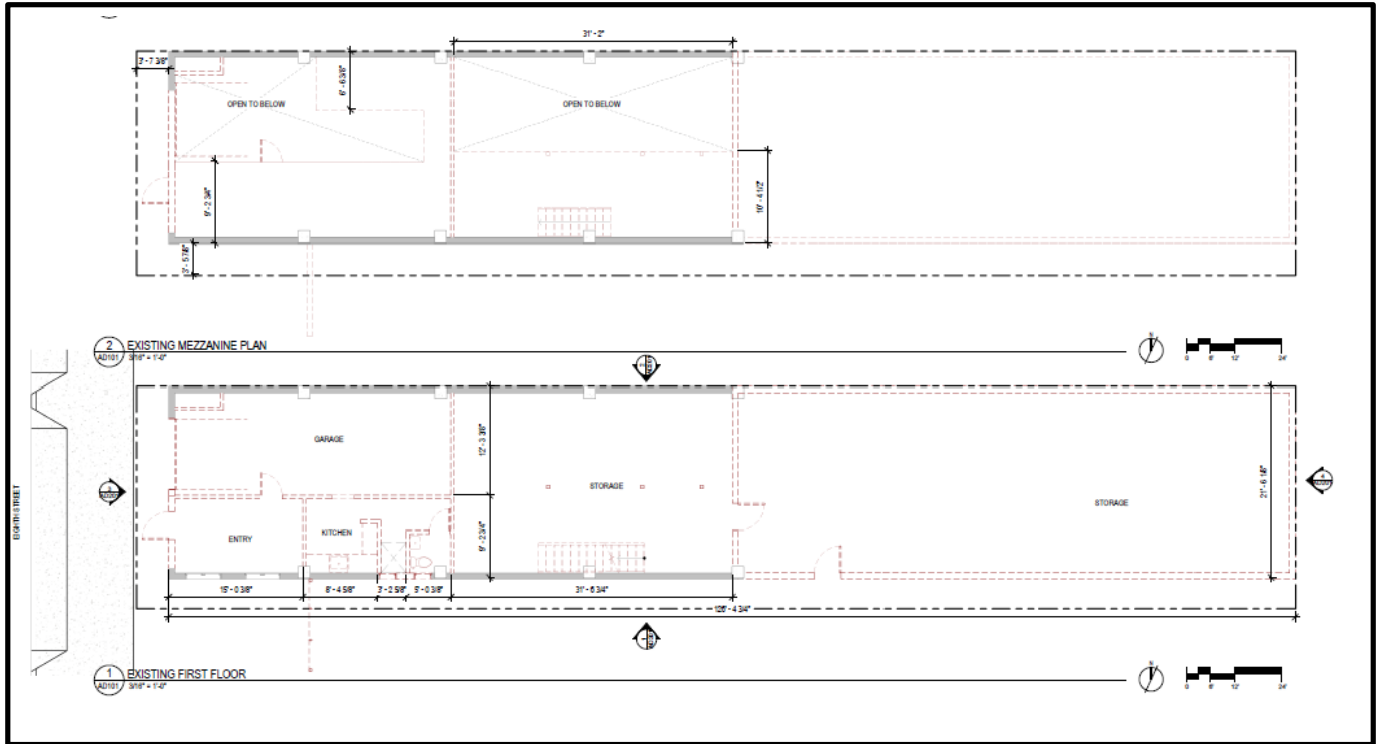


Figure 3: Proposed Site/Floor Plans

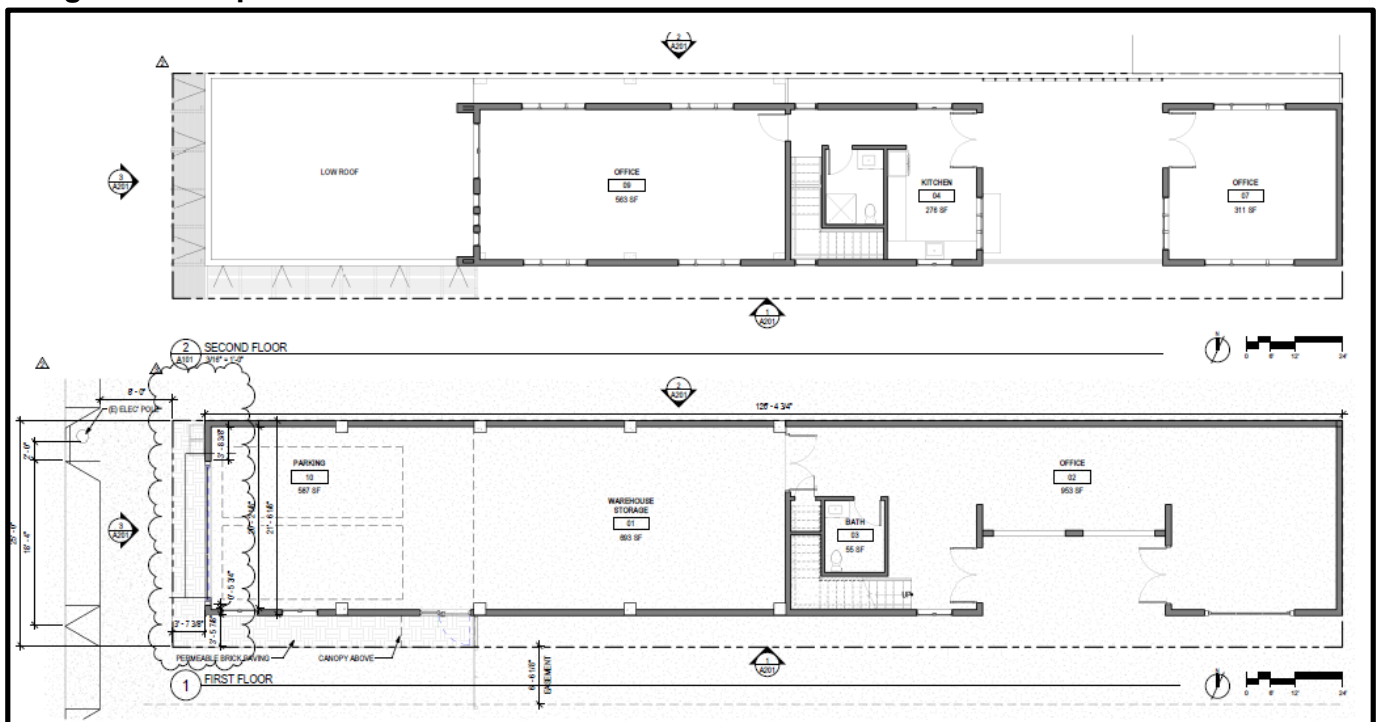


Figure 4: Existing Elevations

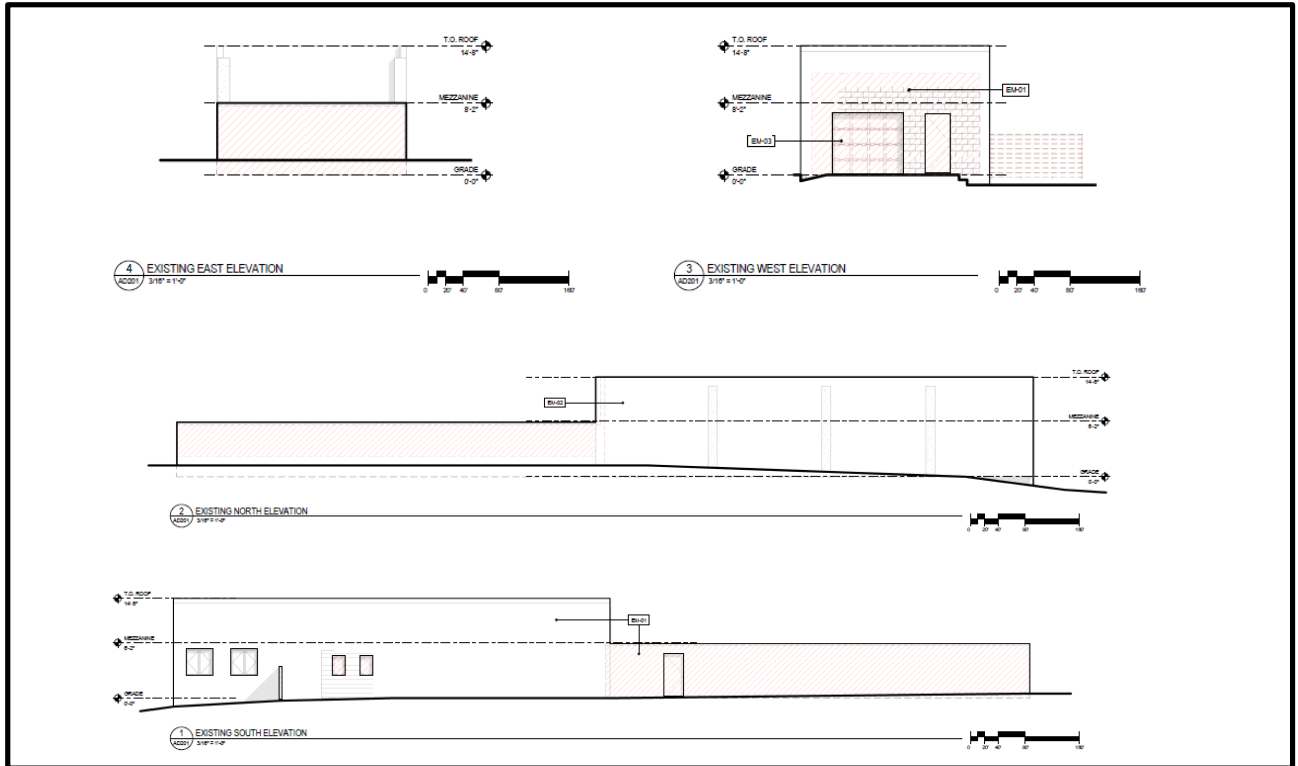
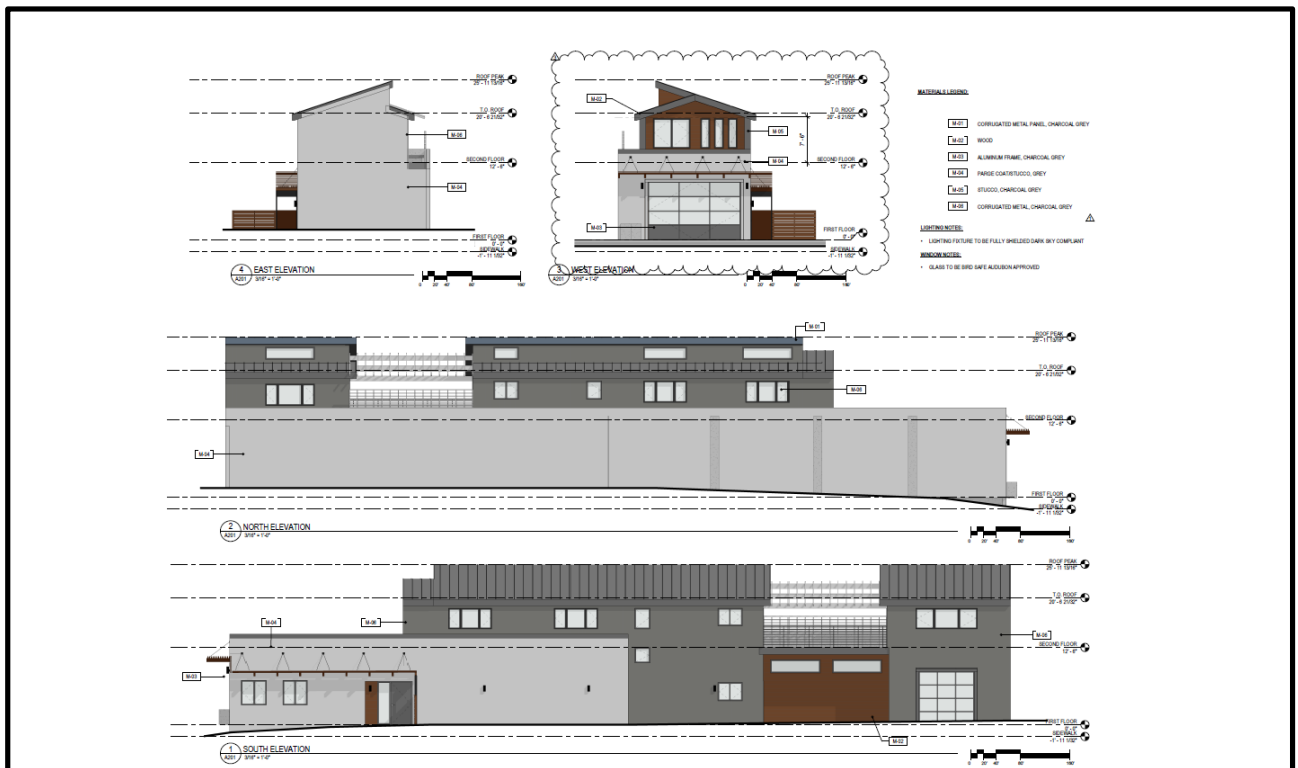


Figure 5: Proposed Elevations



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Laboratory Building	MU-R	Manufacturing Mixed Use
Surrounding Properties	North	Two-story, Single Family Dwelling		
	South	Two-story, Single Family dwelling and a two-story, Single Family dwelling with a detached single-story accessory dwelling unit		
	East	Two-story, Single Family dwelling		
	West	Two-story, Single Family dwelling		

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to projects with more than 7,500 square feet of net new nonresidential gross floor area. The proposed project includes 3,142 square feet of nonresidential gross floor area. Therefore, the project would not be subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	
Affordable / Inclusionary Housing Requirements (BMC 23.328)	No	The project is not a housing development project, as defined in BMC 22.65.020 <sup>1</sup> , and these provisions are not applicable.
Creeks	No	No creeks within 40 feet of project site.
Natural Gas Prohibition (Per BMC 12.80.020)	No	This project would not result in the construction of a new building and is therefore not subject to the natural gas prohibition.
Historic Resources	No	The project site is not designated as a Landmark by the City and has not previously been surveyed individually for historical significance under local, state, or federal historic significance criteria.
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	The proposed project is a warehouse and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>2</sup> . The Housing Accountability Act and the Housing Crisis Act of 2019 do not apply.
Housing Crisis Act of 2019 (SB330)	No	
Oak Trees	No	There are no oak tree is located on this site.
Rent Controlled Units	No	There are no existing residential units on this site.

<sup>1</sup> 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.

<sup>2</sup> 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.

Residential Preferred Parking (RPP)	No	The existing and proposed uses are non-residential.
Seismic Hazards (SHMA)	Yes	Geotechnical investigations were submitted as part of this application and peer-reviewed by the City's geotechnical consultant. Geotechnical peer review letter dated April 18, 2023 recommended the completion of a supplemental geotechnical investigation. The supplemental geotechnical peer review of July 25, 2023, recommended geotechnical approval of the land use permit application subject to Geotechnical Plan Review and Construction Inspection conditions. Additional Conditions of Approval imposed by the Zoning Officer and standard Conditions of Approval will be included in this permit to address construction in a liquefaction zone.
Soil/Groundwater Contamination	No	The project site is located in the City's Hazards Management Area. However, the site is not on any list maintained pursuant to the Cortese List. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	This site is served by the by Alameda County (AC) Transit Line 36 on the Seventh Street one block to the west of the project side

**Table 3: Project Chronology**

Date	Action
September 11, 2022	Application submitted
October 11, 2022	Application deemed incomplete
November 22, 2022	Revised application submitted
December 12, 2022	Application deemed incomplete
March 28, 2023	Revised application submitted
April 26, 2023	Application deemed incomplete
June 2, 2023	Revised application submitted
July 2, 2023	Application deemed incomplete
July 3, 2023	Revised application submitted
July 26, 2023	Application deemed complete
July 27, 2023	Staff Level Design Review Decision posted
July 27, 2023	Public hearing notices mailed/posted
August 10, 2023	ZAB hearing

**Table 4: Development Standards**

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
BMC Sections 23.206.090					
Lot Area (sq. ft.)		3,251	No change	No change	N/A
Gross Floor Area (sq. ft.)		3,217	-106	3,111	N/A
Floor Area Ratio		0.98	-.03	.95	N/A
Dwelling Units	Total	0	No change	No change	N/A
Building Height	Maximum (ft.)	14'-8"	11'-4"	26' - 0"	35 max
	Stories	1	1	2	max
Building Setbacks (ft.)	Front	3'-8"	No change	No change	5' min
	Rear	0	No change	No change	10 min
	Left Side	0	No change	No change	10 min
	Right Side	3'-6"	No change	No change	10 min
Lot Coverage (%)		84%	-6%	78%	100 max
Parking	Automobile	1	1	2	N/A
	Bicycle	0	2	2	1/2000 sq. ft. min

## II. Project Setting

**A. Neighborhood/Area Description:** The project site is located in West Berkeley near the corner of Eighth and Grayson Streets. As detailed in Table 1 above, the abutting properties to the north, south and east are single-family residences. The confronting properties to the west consist of residential and light industrial uses. The area around the site is characterized by a diverse mix of uses, including residential, office, warehouse and light manufacturing. Berkeley Bowl West is one block south, on Heinz Avenue, and the Ecole Bilingue school campus lies southeast of the site at Ninth Street and Heinz Avenue. San Pablo Avenue, which is in the West Berkeley Commercial Zoning District, is three blocks east of the site.

**B. Site Conditions:** The subject property is a generally flat, narrow, 3,251 square-foot rectangular parcel, 25 by 127 feet, developed with a two-story, laboratory building with office space built in 1955, and remodeled and expanded for additional laboratory area in 1962. The laboratory use ceased in early 1980s and the property was used to store automobiles and art related products until 2014. As illustrated in Table 4 above, it has lawfully non-conforming front, rear, left (north) and right (south) side setbacks, and there is a driveway for the entire width of the street frontage along Eighth Street.

### III. Project Description

The project is to convert an existing one-story (14 feet 8 inches) 3,217 square feet laboratory to a two-story (26 feet) 3,111 square feet warehouse within the same footprint while keeping more than 50 percent of the existing walls and the roof. The building will be used as warehouse storage for a furniture staging business. The project includes a two-car garage and a bathroom on the ground floor and a kitchen and a second bathroom on the second floor. The width of the nonconforming driveway would be reduced from 25 feet to 18 feet, 4 inches. The second story building mass includes a void in the rear that allows for the passage of sunlight and air to the north and south abutting neighbor lots. The separated building volume is connected via an outdoor walkway on the second floor. Additionally, a small reduction of 250 SF is proposed along the south side to create a courtyard adjacent to the proposed warehouse support spaces.

### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant invited the abutting and confronting neighbors to a neighborhood meeting. The meeting was held on June 30, 2022 and attended by six people (meeting minutes are included as Attachment 5). Later, a pre-application poster was erected by the applicant in July 2022. On July 27 2023, the City mailed public hearing notices to property owners and occupants to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.

**B. Committee Review:**

On September 7, 2022, the applicant applied for design review. The Design Review Committee Chair concurred with staff's recommendation for Staff Level Design Review. Staff reviewed the project (Design Review #DRSL2022-0013) and posted the Notice of Staff Level Design Review Approval with conditions at the site on July 27, 2023. The noticing period for that approval ends at 4:00 p.m. on August 10, 2023. The Staff Level Design Review approval included standard design review conditions. Design Review staff concluded that the project would be compatible with its mixed-use residential neighborhood from a design standpoint.

### V. Issues and Analysis

**A.** Per BMC Section 23.206.100(A) in order to approve any Use Permit in the district, the Board must make the following findings:

1. Is consistent with the following purposes of the district (BMC Section 23.206.090(A));

- a) Support the continued development of a mixed-use district which combines residential, live/work, light industrial, arts and crafts and other compatible uses;
  - b) Provide a transitional district between the Residential Districts to the east of the district and the Manufacturing Districts to the west of the district;
  - c) Encourage light manufacturers and wholesalers which are compatible with a mixed use-residential district;
  - d) Support the development of businesses of all types which contribute to the maintenance and improvement of the environment;
  - e) Protect residents from unreasonably detrimental effect of nonresidential uses, such as noise, vibration, odors, smoke, fumes, gases, dust, heat and glare, to the extent possible and reasonable within a mixed-use West Berkeley context;
  - f) To the extent feasible, protect industrial uses, particularly light industrial uses, from unreasonable intrusions on their ability to operate lawfully; and
2. Is compatible with the surrounding uses and buildings;
  3. Complies with the adopted West Berkeley Plan; and
  4. Meets any applicable performance standards for off-site impacts.

The proposed project would convert a nonconforming laboratory use to a conforming warehouse use which is compatible with the West Berkeley Plan in supporting a full range of land uses and economic activity and meets any applicable performance standards for off-site impacts. The proposed use would not generate off-site impacts such as noise, glare, dust, or vibration, which are typically associated with manufacturing or industrial activities. Potential short-term construction related impacts would be addressed by standard conditions of approval as set forth in the Findings and Conditions of this permit and the design is compatible with the exterior design of commercial, industrial, and residential buildings in their area.

**B.** Per BMC Section 23.206.100(B)(3), in order to approve any Use Permit in the MU-R district, the Board must make the following findings:

- (a) Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and
- (b) Is designed to be supportive of the character and purposes of the district.

According to the Applicant Statement, the proposed building would be used as warehouse storage for a furniture staging business. The proposed use supports the continued development of a mixed-use district which combines residential and other manufacturing compatible uses in this area.

**C. Expansion of a building that is non-conforming for front and side setbacks:** BMC Section 23.324.050(D)(2) allows for the type of alteration/expansions proposed by the applicant through issuance of Administrative Use Permit, as long as a non-detriment

finding can be made, the use is conforming, and that the proposed changes would not exacerbate the non-conforming conditions. Staff believes the required findings could be made as the proposed vertical expansion of non-conforming setbacks would not further reduce non-conforming setbacks nor exceed the maximum MU-R District height limits.

**D. General Non-Detriment:** Pursuant to BMC Section 23.406.040(E), the Board may approve an application for a Use Permit if the proposed project meets the findings of non-detriment. A discussion of the project's potential impact to sunlight, air or views follows:

**1. Sunlight/Shadow Impacts:** The proposed two-story building maximum height will be approximately 26 feet. Shadow studies submitted by the applicant document the existing and proposed shadow angles during the summer and winter solstice. The incremental increase on the neighboring properties are as follows:

- a) During winter solstice, at two hours after sunrise, bedroom and living room windows along the east elevation of the abutting neighbor building to the north of the project at 2811 Eighth Street would be shaded due to the proposed project. Given that the zoning district that permits a maximum height of 35 feet and the site's close proximity to a residential building, any addition would increase shadow impacts on the dwelling units to the north and west. While the proposed two-story building would be taller than the existing and abutting buildings, the shadow impacts would occur for a limited time during the year, and only for a few hours of the day. Therefore, these shading impacts are not deemed detrimental.
- b) Air: Staff believes the proposal would be consistent with the existing development and building-to-building separation pattern – or air – in this MU-R neighborhood because the addition would be within the same footprint as the existing building and would maintain the same separation to the neighbor buildings as before.
- c) Views: The proposed project would not result in additional obstruction of significant views in the neighborhood because there are limited significant views as defined in BMC Section 23.502.020 (Defined Terms) available to residences in the area. The area is generally flat, developed with one- to two-story buildings which provides visual screening.

**E. General Plan Consistency:** The project site is designated as Warehouse use in the General Plan (2002). The Plan describes this designation as:

These areas are intended to maintain and preserve areas of the city for lighter manufacturing and industrial uses and allow for additional uses where determined appropriate by zoning, and only if the use will not weaken Berkeley's manufacturing and industrial economy. Appropriate uses for these areas are identified in the West

Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 1.5.

The proposed project would not remove industrial uses nor introduce new residential uses where land use conflicts could jeopardize industrial or manufacturing uses. The West Berkeley Plan identifies the Mixed Use-Residential areas as among the plan's designations. Finally, the proposed project is consistent with the specified FAR (which would be approximately 0.95)

Further, 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-33-West Berkeley Plan. Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan:
  - i. Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.
  - ii. Maintain the ethnic and economic diversity of West Berkeley's resident population.
  - iii. Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers. (Also see Economic Development and Employment Policy ED-2).
4. Policy UD-16 Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
5. Policy UD-17 Design Elements: In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.
6. Policy UD-19 Visually Heterogeneous Areas: In areas that are now visually heterogeneous, a project should be responsive to the best design elements of the area or neighborhood.
7. Policy UD-24 Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

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

Staff Analysis: The project would meet the FAR, height, and off-street parking standards of the MU-R District. The proposed warehouse use would be considered compatible with the nearby light industrial uses to the extent expected in West Berkeley where this mix of uses is common. The project has been found by design review staff to be compatible with the neighborhood. As illustrated in Sheet G006 of Attachment 2, shading impacts on nearby properties would be minimal. In addition, the project would include Soil and Groundwater Management Plan in case of excavations deeper than five feet, thereby improving the environmental quality of the site and parcels downstream.

**F. West Berkeley Plan Consistency**: The West Berkeley Plan, adopted in 1993, also has several policies applicable to this project:

1. Land Use Goal 1: Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the area.
2. Land Use Goal 2: Channel development – both new businesses and residences and the expansion of existing businesses – to districts various which are appropriate for the various existing elements of the West Berkeley land use mix.
3. Urban Design Goal 4: Development in locations where there is a juxtaposition of uses and building scales – particularly where concentrations of residential uses are adjacent to more intense uses – should be sensitive to the character of both the less intense and more intense uses.
4. Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic physical needs of the development.

Staff Analysis: The proposed project would be sensitive to the abutting and confronting residential structures by proposing warehouse building, far below the District height limit. Also, the proposed project was carefully reviewed by the DRSL, and is recommended for approval by the ZAB.

5. Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.

Staff Analysis: The proposed project would create a warehouse building suited to West Berkeley's physical environment. The building's design is compatible with and appropriate to its surroundings, and provides visual interest for pedestrians. The project would contribute to the economic vitality of West Berkeley. Staff believes ZAB can find that the project meets the goals and policies of the West Berkeley Plan.

## VI. Recommendation

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

APPROVE ZP2022-0109 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, received June 2, 2023
3. Design Review Required Conditions
4. Notice of Public Hearing
5. Neighborhood Meeting Minutes

**Staff Planner:** Nilu Karimzadegan, [nkarimzadegan@berkeleyca.gov](mailto:nkarimzadegan@berkeleyca.gov), (510) 981-7430

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

AUGUST 10, 2023

### 2813 Eighth Street

**Use Permit #ZP2022-0109 for an addition to an existing one-story 3,217 square feet laboratory building to convert it to a two-story (26 feet) 3,111 square-foot warehouse and a two-spaced parking garage.**

#### PERMITS REQUIRED

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- Use Permit under Berkeley Municipal Code (BMC) Section 23.206.020 to establish a Warehouse Use.
- Administrative Use Permit (AUP), under BMC Section 23.324.050(D)(2)(a) to alter a portion of the building which encroaches into the non-conforming front, sides and rear setbacks.

#### I. CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### II. FINDINGS FOR APPROVAL

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1. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

The proposed project conforms to the applicable provisions of the Berkeley Municipal Code including FAR, height and density. The proposed warehouse will alter and extend the non-conforming front (west), side (north), rear (east) and side (south) setbacks. The proposed project will not remove industrial uses nor introduce new residential uses where land use conflicts could jeopardize industrial or manufacturing uses.

While the proposed two-story building will be taller than some of the existing buildings surrounding it and will cast new shadows on a residential building to the north, this shading impact will occur for a limited time during the year, and only for a few hours of the day, and therefore these shading impacts are not deemed detrimental.

Due to the relatively flat slope of this neighborhood and its low elevation above sea level, the project will not obstruct or significantly reduce any prominent views of surrounding neighbors. Prominent views are generally considered to be views such as the East Bay Hills, Golden Gate or Bay Bridges, the Downtown San Francisco skyline, the bay, and Treasure Island. Although the project could further obstruct views of the East Bay Hills or Golden Gate or Bay Bridges from nearby two-story structures, such views are already partially obstructed and will not be substantially degraded.

Due to the project site's location in a mixed area of non-residential, residential and industrial development and because the project's density will be within the range of the surrounding development, no substantial land use conflicts are expected from the project. The project will not result in substantial aesthetic, privacy, or health and welfare concerns. The proposed design will fit within the architectural context; there is sufficient separation from the neighboring residences; and the addition will be below the maximum allowable height for the MU-R District.

**2. Pursuant to BMC Section 23.204.110(E) the ZAB finds that the proposed project is:**

A. Is consistent with the following purposes of the district (BMC Section 23.206.090(A));

- a) Support the continued development of a mixed-use district which combines residential, live/work, light industrial, arts and crafts and other compatible uses;
- b) Provide a transitional district between the Residential Districts to the east of the district and the Manufacturing Districts to the west of the district;
- c) Encourage light manufacturers and wholesalers which are compatible with a mixed use-residential district;
- d) Support the development of businesses of all types which contribute to the maintenance and improvement of the environment;
- e) Protect residents from unreasonably detrimental effect of nonresidential uses, such as noise, vibration, odors, smoke, fumes, gases, dust, heat and glare, to the extent possible and reasonable within a mixed-use West Berkeley context;
- f) To the extent feasible, protect industrial uses, particularly light industrial uses, from unreasonable intrusions on their ability to operate lawfully; and

B. Is compatible with the surrounding uses and buildings;

C. Complies with the adopted West Berkeley Plan; and

D. Meets any applicable performance standards for off-site impacts.

The proposed project supports a compatible warehouse use, is compatible with the West Berkeley Plan in supporting a full range of land uses and economic activity and meets any applicable performance standards for off-site impacts. The proposed use will not generate off-site impacts such as noise, glare, dust, or vibration, which are typically associated with manufacturing or industrial activities. Potential short-term construction related impacts will be addressed by standard conditions of approval as set forth in the Findings and Conditions of this permit and the design is compatible with the exterior design of commercial, industrial, and residential buildings in their area.

**3. Per BMC Section 23.206.100(B)(3), in order to approve a Use Permit in the MUR District, the ZAB finds that the project:**

(a) Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and

(b) Is designed to be supportive of the character and purposes of the district

The proposed building will be used as warehouse storage for a furniture staging business. The proposed use supports the continued development of a mixed-use district which combines residential and other manufacturing compatible uses in this area.

4. Per BMC Section 23.324.050(D)(2), the ZAB finds that the expansion of a building that is non-conforming for front, rear and side setbacks is allowed because the proposed warehouse is a conforming use and changes will not exacerbate the non-conforming conditions. The proposed vertical expansion of non-conforming setbacks will not further reduce non-conforming setbacks nor exceed the maximum MU-R District height limits.
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### III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

**1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

**2. Compliance Required (BMC Section 23.102.050)**

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

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

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

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

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

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

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

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

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

**7. Permit Modifications (BMC Section 23.404.070)**

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

**8. Permit Revocation (BMC Section 23.404.080)**

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

**9. Indemnification Agreement**

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

**IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**Prior to Submittal of Any Building Permit:**

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

**Project Liaison** \_\_\_\_\_  
Name Phone #

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

- 11. Demolition.** Demolition of the existing building (if applicable) cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 12. Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 13. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old\*) shall be submitted to TMD for developments for:
    - All new commercial, industrial and mixed-use developments and all large improvement projects.
    - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
    - EMA is available online at: [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
  - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
  - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify

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

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

C. Building Materials Survey:

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

D. Hazardous Materials Business Plan:

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

**Prior to Issuance of Any Building (Construction) Permit:**

14. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
15. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

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.
2. Geotechnical Plan Review. The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading including removal and replacement/treatment of expansive soils, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations, temporary shoring excavation and installation, etc.) to ensure that their recommendations have been properly incorporated. The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.
3. Geotechnical Construction Inspections. The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

#### **Prior to Demolition or Start of Construction:**

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.
2. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
  - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action

within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

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

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

6. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the

MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

7. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
  - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
  - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
  - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
  - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
8. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
9. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction,

excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

10. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
  
11. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
  - A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
  - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

- F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
  - G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
  - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - I. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
  - 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.
- 12. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 13. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 14. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 15. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

16. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
17. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

18. The existing curb cut must be reduced to no more than 18 feet, 4 inches in width, as approved by Public Works.
19. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
20. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 2, 2023, except as modified by conditions of approval.

**At All Times:**

21. 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.
22. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
23. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
24. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
25. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
26. Bike Parking. Secure and on-site bike parking for at least 2 bicycles shall be provided for the life of the building.
27. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or

assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.

- 28.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
-

# ACM01

2813 Eighth St.  
BERKELEY, CA



510.841.3555 | studiokda.com

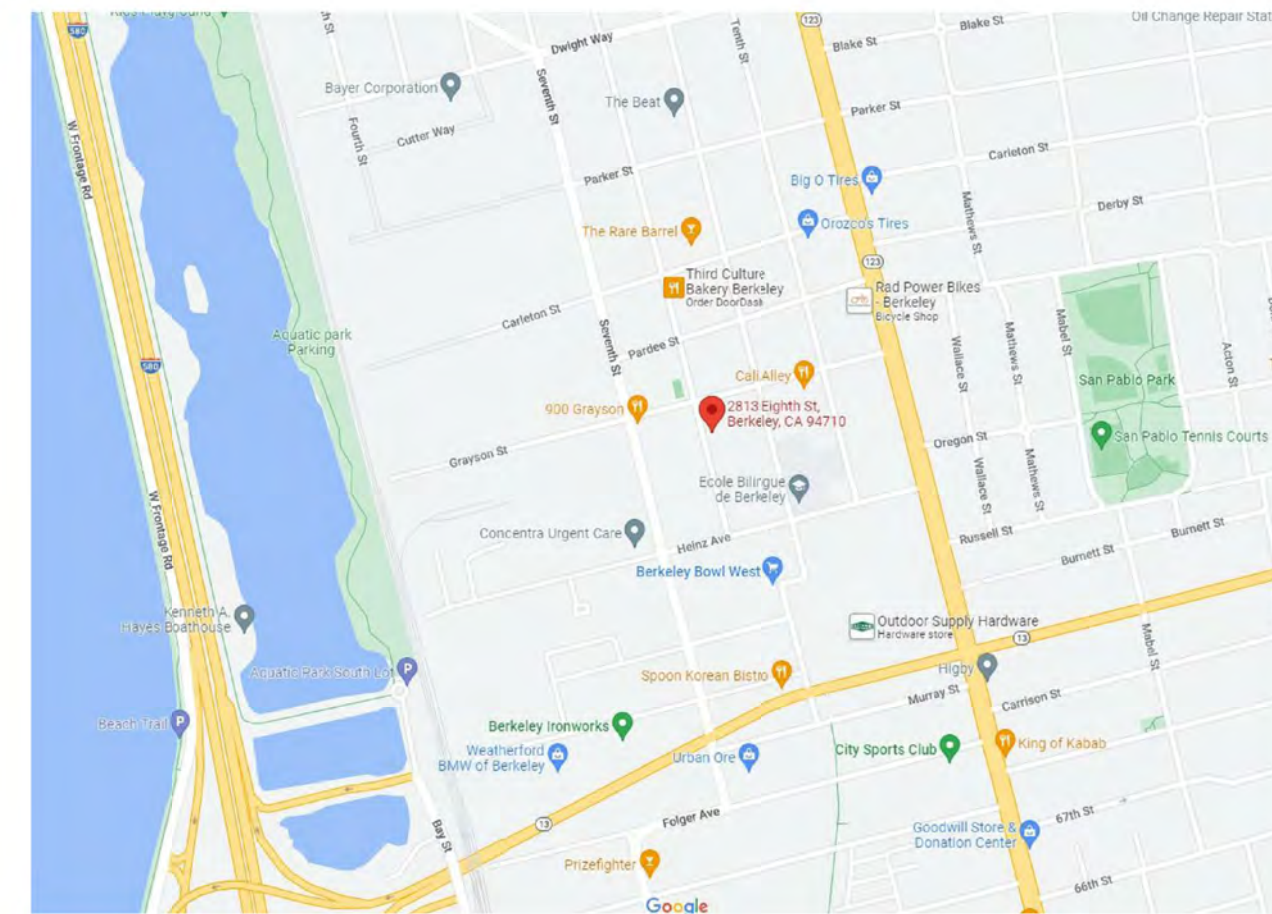
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2813 Eighth St.  
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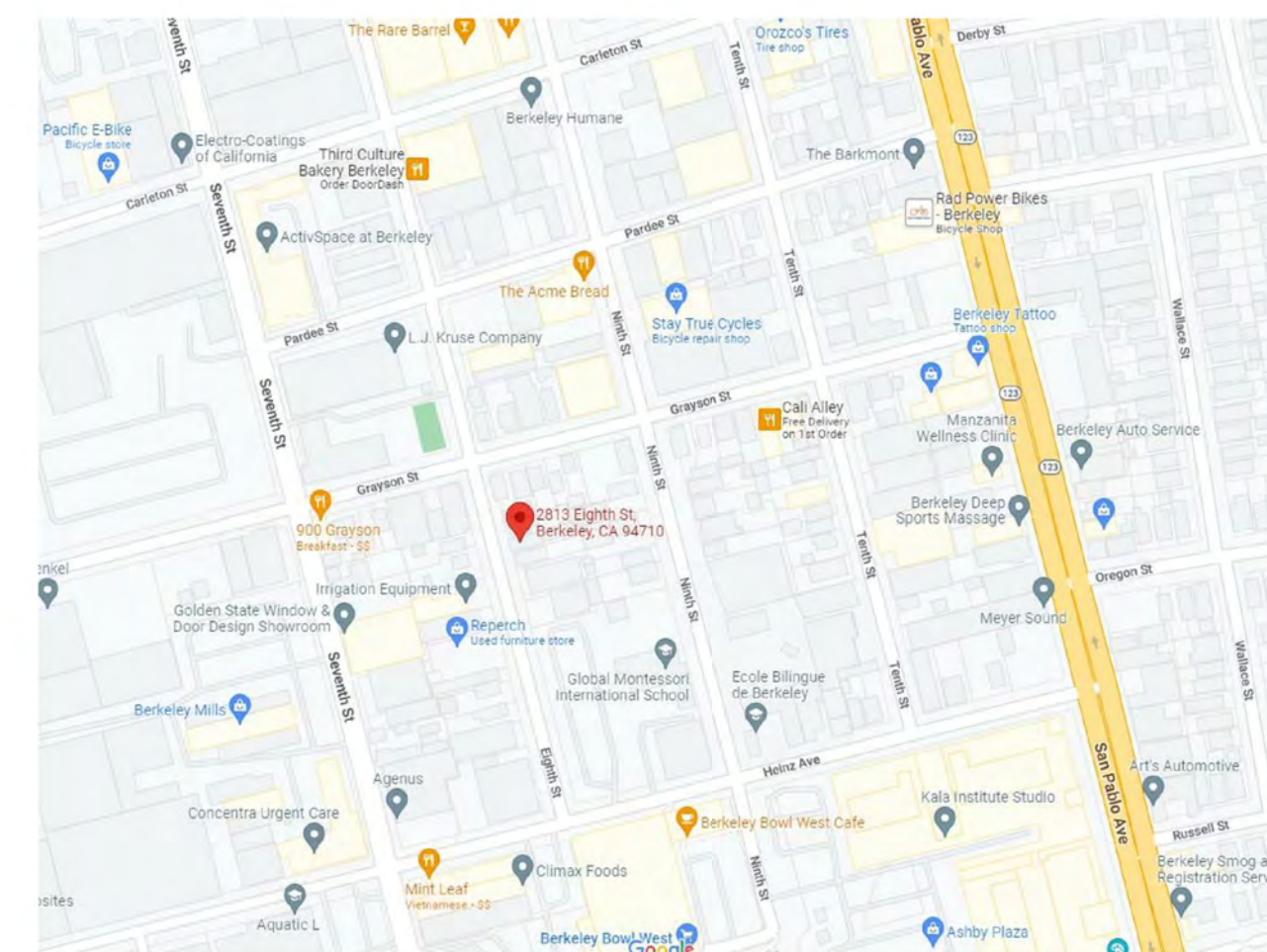


ENTITLEMENTS

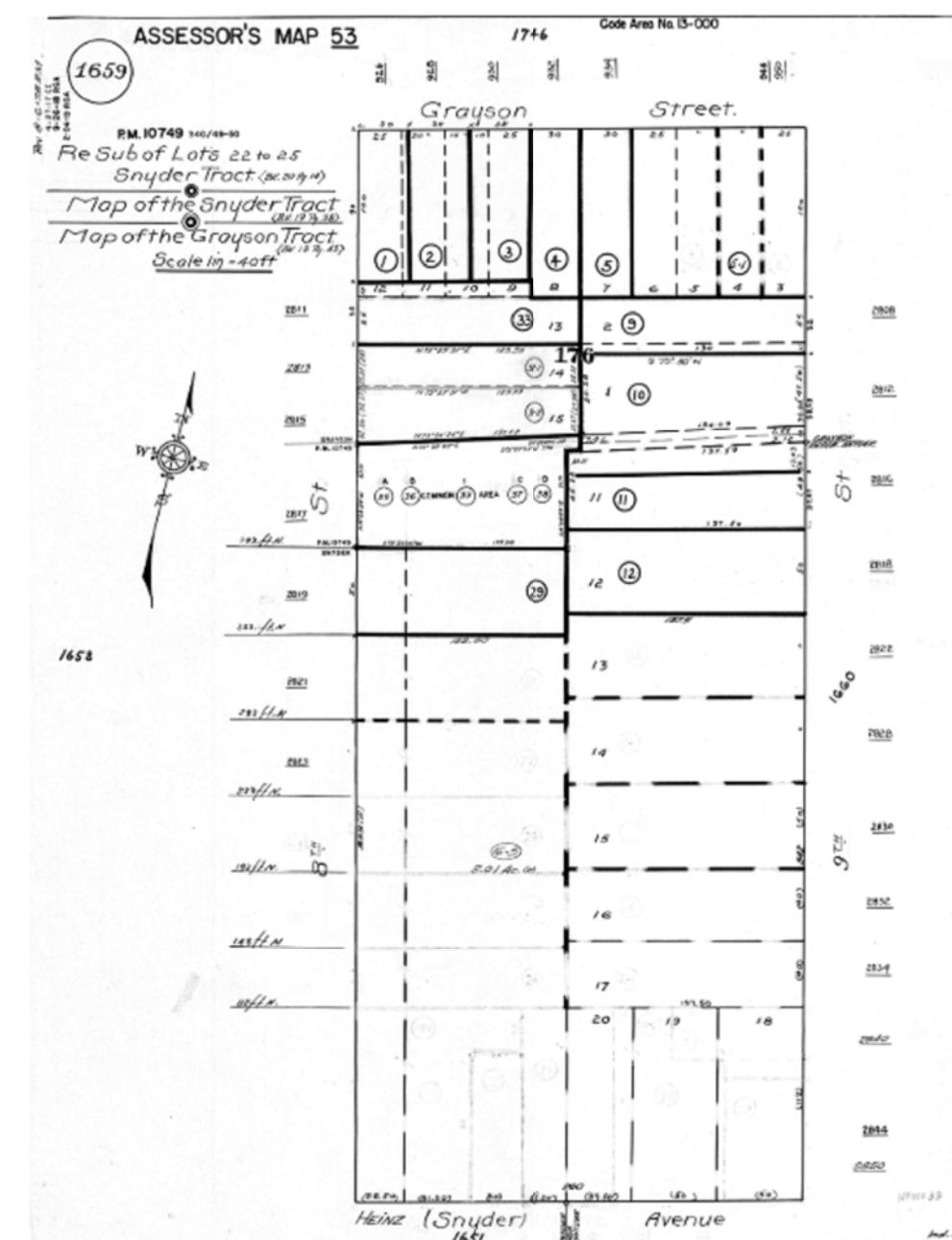
## ACM01 - ENTITLEMENTS - 06/01/23



4 VICINITY MAP  
G000 6" = 1'-0"



3 LOCATION MAP  
G000 6" = 1'-0"



5 PARCEL MAP  
G000 12" = 1'-0"

ZONING TABULATION				NOTES
<b>SITE INFORMATION</b>				
ADDRESS	2813 8TH STREET			
APN	053 165903200			
ZONING DISTRICT	MUR			
<b>SEISMIC SAFETY</b>				
ALQUIST-PRIOLO	NO	LIQUEFACTION	YES	
LANDSLIDE	NO	UNREINFORCED MASONRY	NO	
<b>HISTORIC PRESERVATION</b>				
LANDMARK	NO	STRUCTURE OF MERRIT	NO	
<b>ENVIRONMENTAL SAFETY</b>				
CREEK BUFFER	NO	FIRE ZONE	1	
ENVIRONMENTAL MGMT	YES	FLOOD ZONE	NO	
<b>PROJECT INFORMATION</b>				
	EXISTING	PROPOSED	PERMITTED / REQUIRED	NOTES
<b>BUILDING AND LOT</b>				
LOT AREA (SF)	3,251	3,251		
BUILDING FOOTPRINT (SF)	2,719	2,543		
LOT COVERAGE	84%	78%	100%	
<b>BUILDING AREA &amp; USE</b>				
USE	LABORATORY	WAREHOUSE		
GROSS FLOOR AREA (SF)	3,217	3,111		
BUILDING FOOTPRINT	2,719	2,543		
USABLE OPEN SPACE		N/A		
<b>HEIGHT</b>				
STORIES	1	2	2	23.206-14
AVERAGE HT	14'-8"	23'-2 1/2"	-	
MAX HT	14'-8"	25'-10 21/32"	35 FT*	*23.206-14 ALL OTHER USES
<b>SETBACKS</b>				
FRONT	EXISTING	PROPOSED	PERMITTED	23.206-14
SIDE	3'-7 1/2"	3'-7 1/2"	5'	
REAR	3'-6"	3'-6"	NO MIN.	
	0	0	NO MIN.	

**SECTION REFERENCE** [Symbol] SECT. NO. [Symbol] SHEET NO.

**DETAIL SECTION REFERENCE** [Symbol] DETAIL NO. [Symbol] SHEET NO.

**ELEVATION REFERENCE** [Symbol] ELEV. NO. [Symbol] SHEET NO.

**INTERIOR ELEVATION REFERENCE** [Symbol] ELEV. NO. [Symbol] SHEET NO.

**ENLARGED PLAN / DETAIL REFERENCE** [Symbol] DETAIL NO. [Symbol] SHEET NO.

**GRAPHIC SYMBOLS**  
1/8" = 1'-0"

**NORTH ARROW** [Symbol] PROJECT NORTH / TRUE NORTH

**REVISION CLOUD** [Symbol]

**KEY NOTE:** SEE LEGEND ON DRAWINGS FOR EXPLANATION OF EACH NOTE

**WALL, FLR/CLG, AND ROOF TYPE** [Symbol]

**DOOR SYMBOL** [Symbol]

**WINDOW SYMBOL** [Symbol]

**PLUMBING FIXTURE / APPLIANCE SYMBOL** [Symbol]

**FINISH REFERENCE** [Symbol]

**DIMENSION TO FACE OF STUD. UNO** [Symbol] 10'-0"

**DIMENSION TO CENTERLINE** [Symbol] 10'-0"

**DIMENSION TO FACE OF FINISH** [Symbol] 10'-0"

**ALIGN FACE OF FINISH** [Symbol]

**DATUM REFERENCE: ELEVATION, WORK, OR CONTROL** [Symbol]

**ELEVATION CHANGE: CEILING OR FLOOR LEVEL** [Symbol]

**SPOT ELEVATION** [Symbol]

Sheet Number	SHEET NAME	Submitted 08/31/22	Zoning Comments Response #1 11/2/22	Zoning Comments Response #2 03/28/23	Zoning Comments Response #3 05/10/23
<b>GENERAL</b>					
G000	PROJECT INFORMATION				
G002	EXISTING SITE PHOTOGRAPHS				
G003	STREET STRIP ELEVATION				
G004	LOT COVERAGE DIAGRAM				
G006	SHADOW STUDY - DEC. 21				
G007	SHADOW STUDY - JUNE 21				
G008	SHADOW STUDY - MAR. 1				
G012	EXISTING GROSS FLOOR AREA				
<b>ARCHITECTURAL</b>					
A100	SITE PLAN				
A101	FLOOR PLANS				
A102	ROOF PLAN				
A201	PROPOSED EXTERIOR ELEVATIONS				
AD101	EXISTING/DEMO PLANS				
AD201	EXISTING/DEMO ELEVATIONS				

THE SCOPE OF THE WORK FOR THIS BUILDING REMODEL APPLICATION IS TO:

- PARTIAL DEMO OF REAR WALL AND ROOF
- REMOVE AND REPLACE GROUND FLOOR SLAB AT DRIVEWAY AND INSTALL NEW GARAGE DOORS
- REINFORCE EXISTING BUILDING COMPONENTS TO REMAIN.
- BUILD 2ND STORY ADDITION ON EXISTING WALLS
- INSTALL NEW LANDSCAPING AND PAVING

**OWNER:**  
GREG SOLBERG & LISA PONGRACE  
2902 BUENA VISTA WAY  
BERKELEY, CA 94708  
TEL: (510) 697-1610

**ARCHITECT:**  
KAHN DESIGN ASSOCIATES  
1810 6TH ST.  
BERKELEY, CA 94710  
TEL: (510) 841-3555  
FAX: (510) 841-1225

**STRUCTURAL:**  
COMPANY NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
TEL: (XXX) XXX-XXXX  
FAX: (XXX) XXX-XXXX

**CONTRACTOR:**  
CONTRACTOR COMPANY NAME  
CONTRACTOR STREET ADDRESS  
CONTRACTOR CITY, STATE, ZIP  
CONTRACTOR TEL: (XXX) XXX-XXXX  
CONTRACTOR FAX: (XXX) XXX-XXXX

**SURVEYOR:**  
COMPANY NAME  
STREET ADDRESS  
CITY, STATE, ZIP  
TEL: (XXX) XXX-XXXX  
FAX: (XXX) XXX-XXXX

**CONTACT, TITLE**  
email@emailaddress.com  
CONTACT

**LICENSE # XXXXXXXX**  
email@emailaddress.com  
CONTACT

2 PROJECT TEAM  
G000 1" = 1'-0"

1 PROJECT DESCRIPTION  
G000 1" = 1'-0"

PROJECT ISSUE RECORD:		
1	11/22/22	PLANNING REV. 1
3	05/01/23	PLANNING REV. 3

PROJECT #: ACM01  
ISSUE DATE: 09/12/2021  
PROJECT INFORMATION

# G000





















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ONLY BY WRITTEN AGREEMENT WITH STUDIO KDA.

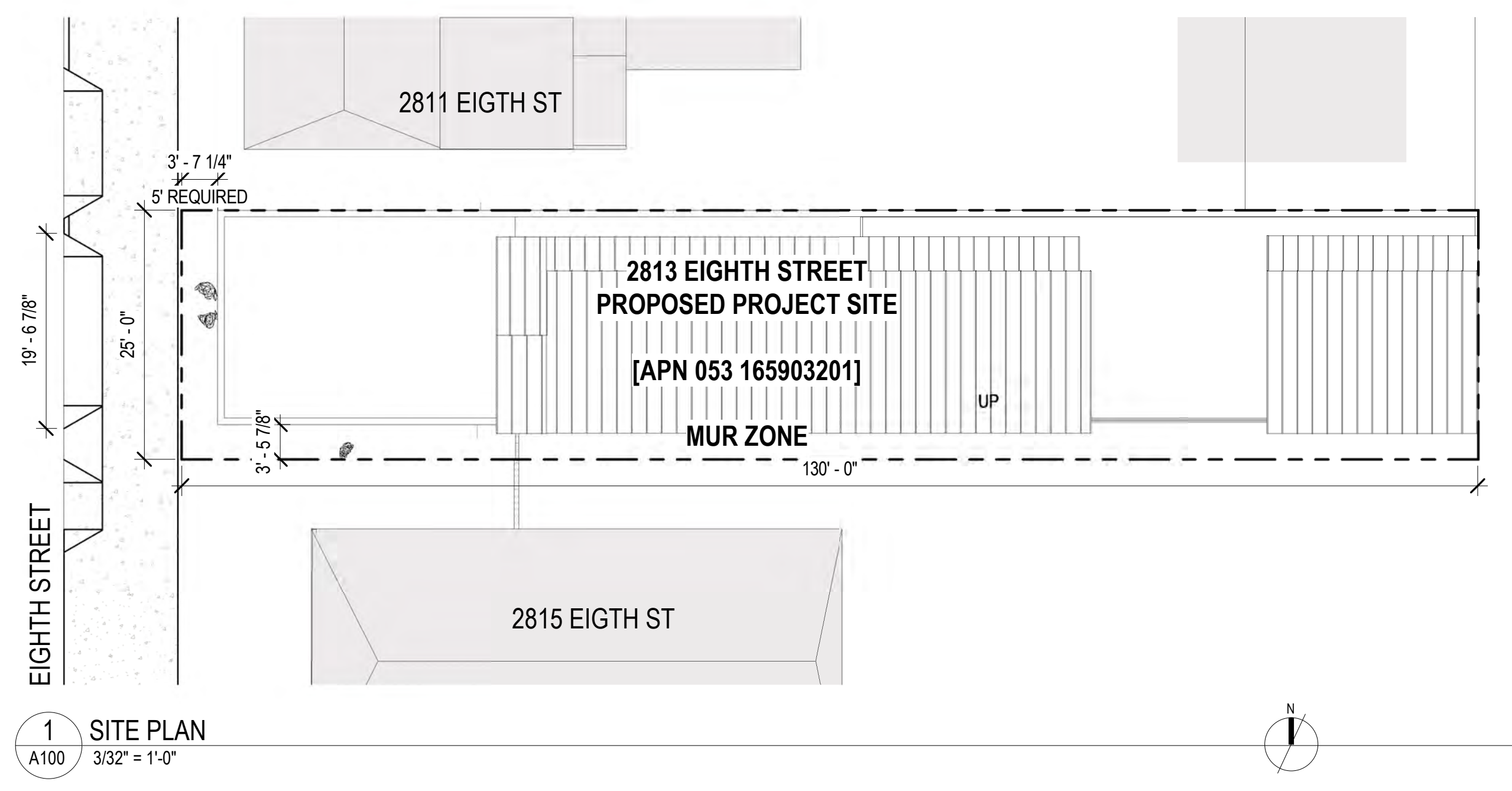
ACM01

2813 Eighth St.  
BERKELEY, CA

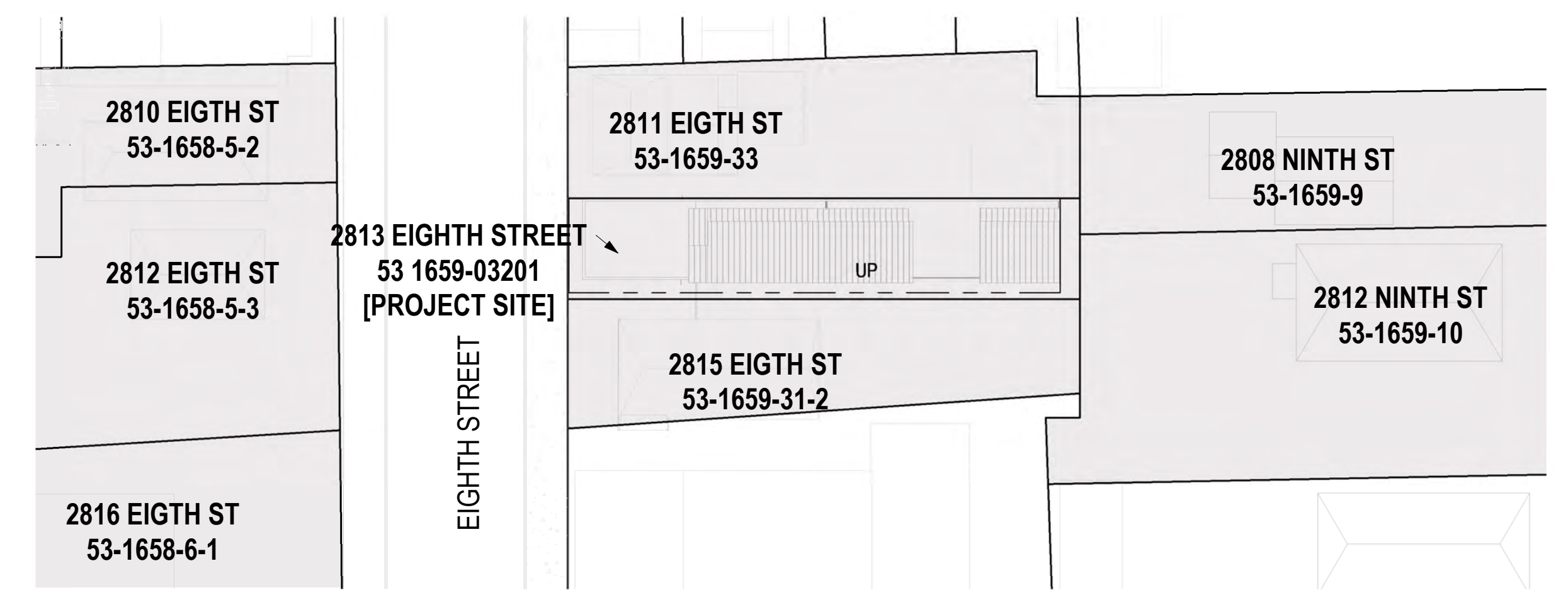


ENTITLEMENTS

I HAVE REVIEWED THE PLANS FOR THE PROPOSED REMODEL OF THE WAREHOUSE AT 2813 EIGHTH STREET							
NAME...	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	NO OBJECTIONS...	NO COMMENT...	COMMENTS OR OBJECTIONS...
Richard Birch	<i>[Signature]</i>	2815 8th	Owner	7-30-22	No	No	
David Rowinski	<i>[Signature]</i>	2812 8th St	11	11			
Clara	<i>[Signature]</i>	2810 8th	Owner	6-30			
Tim Wood	<i>[Signature]</i>	2810 - 8TH ST.	BERKELEY	6-30-22			
Tim Fuenberg	<i>[Signature]</i>	930 Grayson	Bubly	6-2-22			
Anna	<i>[Signature]</i>	2812 9th St	Berkeley	11/20/20			



1 SITE PLAN  
A100 3/32" = 1'-0"



2 ABUTTING AND CONFRONTING PARCELS  
A100 1" = 30'-0"

PROJECT ISSUE RECORD:		
1	11/22/22	PLANNING REV. 1

PROJECT #: ACM01  
ISSUE DATE: 12/2/2016  
SITE PLAN

A100







Public

2813 Eighth Street/ DR# DRSL2022-0013  
Page 2 of 4

## REQUIRED CONDITIONS:

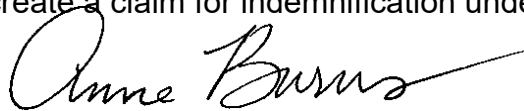
- 1) The proposed mixed use renovation and addition is approved as shown on the drawings dated “received 06/02/2023” subject to the following conditions.
- 2) No changes can be made to these approved plans without Design Review approval.
- 3) **COLORS** Prior to Design Review sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Design Review Staff.
- 4) **CLEAR GLASS** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, or includes signage, shall be indicated on all drawings, and shall be reviewed for approval by design review staff
- 5) **DETAILS** Prior to Design Review sign-off of the Building Permit set of drawings, the applicant shall submit canopy, roof, window, and garage door details for review and approval by the Design Review Staff.
- 6) **ROOF EQUIPMENT** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
- 7) **SIGNAGE** Applicant shall submit a separate application for design review of the signage. It is not included in this permit.
- 8) **LIGHTING** Prior to Design Review sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
- 9) **LANDSCAPE PLANS** Prior to Design Review sign-off of the Building Permit set of drawings, the applicant shall submit specific landscape information for the planter on the Eighth Street frontage, including the number, location, and species of all proposed plantings. The applicant shall provide irrigation for all landscaped areas or provide drought tolerant plant palette. This shall be called out on the building permit drawings.

Public

2813 Eighth Street/ DR# DRSL2022-0013  
Page 3 of 4

- 10) **USE PERMIT** Design Review approval is contingent upon use permit approval.
- 11) The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
- 12) The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Design Review Staff, which may modify or impose additional conditions, or revoke the design review approval.
- 13) All building permit drawings and subsequent construction shall substantially conform to the final design review plans as outlined in Condition #1. Any modifications must be reviewed by the Zoning Officer or his designee to determine whether the modification requires approval.
- 14) The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ATTEST:



\_\_\_\_\_  
Anne Burns, Senior Planner - Design Review  
(510) 981-7415



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

## 2813 Eighth Street

**Use Permit #ZP2022-0109 for an addition to an existing one-story 3,217 square foot laboratory building and convert it to a two-story (26 feet) 3,111 square-foot warehouse with a two-spaced parking garage**

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.

**When:** Thursday, August 10, 2023, 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: MU - Manufacturing Mixed Use
- Zoning: MU-R Mixed Use-Residential

**B. Zoning Permits Required:**

- Use Permit under Berkeley Municipal Code (BMC) Section 23.206.020 to establish a Warehouse Use
- Administrative Use Permit (AUP), under BMC Section 23.324.050(D)(2)(a) to alter a portion of the building which encroaches into the non-conforming front, sides and rear setbacks

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“(Existing Facilities)”).

**D. Parties Involved:**

- Applicant Brian Carter/Studio KDA
- Property Owner Greg Solberg and Lisa Pongrace

**Further Information:**

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.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, Nilu Karimzadegan, at (510) 981-7430 or [NKarimzadegan@berkeleyca.gov](mailto:NKarimzadegan@berkeleyca.gov)

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at [zab@cityofberkeley.info](mailto:zab@cityofberkeley.info).

**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@cityofberkeley.info](mailto:zab@cityofberkeley.info). 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, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** 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@cityofberkeley.info](mailto:zab@cityofberkeley.info)) 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 fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, 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.

**Neighborhood Meeting**  
**Proposed Project at 2813 Eighth Street Renovation**  
**Thursday June 30, 2022, 7:00pm-8:00pm**

**You are invited to learn more about the proposed renovation of the existing warehouse at 2813 Eighth Street.**

**Please stop by anytime between 7:00pm and 8:00pm to review drawings and discuss the proposed project with us.**



If you have any questions regarding the proposed project or are unable to attend the meeting, please contact Brian Carter [brian@studiokda.com](mailto:brian@studiokda.com) or call StudioKDA at Studio KDA at (510) 841-3555.



**PHOTOS FROM NEIGHBORHOOD MEETIN 6/30/22**

## 2813 EIGHTH STREET WAREHOUSE

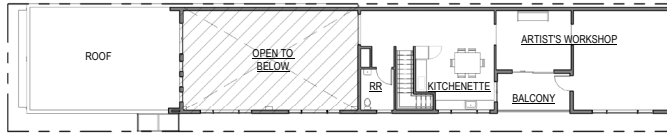
### PROJECT DATA

EXISTING GROSS FLOOR AREA: 3,222 sqft

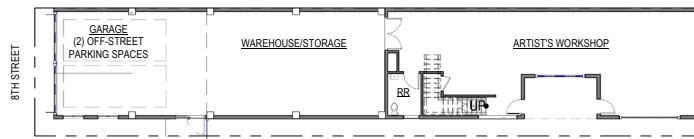
PROPOSED GROSS FLOOR AREA: 3,514 sqft

### PROJECT DESCRIPTION

THE PROJECT PROPOSES TO RENOVATE AN EXISTING SINGLE STORY WAREHOUSE, ADDING A SECOND STORY LOFT-STYLE ADDITION. THE PROPOSED SITE COVERAGE WILL LARGELY REMAIN THE SAME AS THE EXISTING STRUCTURE. THE BACK STRUCTURE WILL BE PARTIALLY REMOVED TO ACCOMMODATE THE NEW CONSTRUCTION. ADDITIONALLY A SMALL REDUCTION OF 250 SF IS PROPOSED ALONG THE SOUTH SIDE TO CREATE A COURTYARD ADJACENT TO THE PROPOSED ARTIST WORKSHOP AREA. TWO OFF-STREET INTERIOR PARKING SPACES ARE PROPOSED, SERVED BY NEW GARAGE DOORS AT THE STREET FACADE. THE REMAINING SPACE WILL BE USED AS STORAGE AND ARTIST WORKSHOP. THE SPACE WILL INCLUDE TWO RESTROOMS AND A KITCHENETTE. THE EXISTING DRIVEWAY ALONG THE SOUTH SIDE OF THE LOT WILL BE MAINTAINED AND REPAVED.



**2 SECOND FLOOR**  
 A01 1/16" = 1'-0"



**1 GROUND FLOOR**  
 A01 1/16" = 1'-0"



**A01**

NEIGHBORHOOD MAILER

SCALE: 1/16" = 1'-0"  
 ISSUE DATE: 05/25/22

**ACM01**  
 2813 Eighth St.  
 BERKELEY, CA

studio **KDA**

1810 SIXTH STREET, BERKELEY, CA 94710 PH: 510.841.3555

## INFO SHARED DURING NEIGHBORHOOD MEETING

## NOTES FROM NEIGHBORHOOD MEETING

### SEVERAL IMMEDIATE NEIGHBORS ATTENDED INCLUDING:

- KAVA MASSIH, OWNER OF 2811 TO THE IMMEDIATE NORTH. ARCHITECT AND DEVELOPER.
- RICHARD FINCH, OWNER OF 2815 TO THE IMMEDIATE SOUTH. SON OF THE BUILDER OF 2813 AND WORKED IN THE ADVANCED LIGHTING LAB FOR WHICH THE BUILDING WAS CREATED. AMONG OTHER PROJECTS, THEY DEVELOPED AND TESTED THE REFLECTIVE MATERIAL USED ON ROADS FOR NIGHT DRIVING.
- DAVID ROWINSKI, OWNER OF 2812 DIRECTLY ACROSS FROM THE PROJECT
- CAMERON WOO, OWNER OF 2810 ACROSS THE STREET, MEMBER OF THE BERKELEY DESIGN REVIEW COMMITTEE
- CLAUDIA KAWCZYOOK, 2810 8TH STREET
- NICK AUERBACH, 930 GRAYSON

### DISCUSSION POINTS:

- INTRODUCTION OF THE CLIENTS AND THEIR INTENDED USE OF THE BUILDING AS A WAREHOUSE/ ART STUDIO
- DESCRIPTION OF EXTERIOR MATERIAL SELECTIONS
- DISCUSS PARKING NEEDS FOR THE PROJECT AND EXPLAIN THAT THERE ARE TWO OFF-STREET PARKING SPACES PROVIDED IN THE DESIGN.
- EXPLAIN THE LIKELY CONSTRUCTION PHASING.

### QUESTIONS FROM NEIGHBORS:

- WOULD THE VINING PLANTS ON THE NORTH WALL BE PRESERVED?
- WOULD THERE BE A HOUSING COMPONENT?
- WHAT ARE THE STREET PARKING NEEDS FOR THE CLIENTS?
- HOW WILL THE CONSTRUCTION AFFECT NEIGHBORING PROPERTIES?
- WILL THE REDWOOD TO THE SOUTH BE PRESERVED?

### OTHER:

- AT THE END OF THE MEETING AT 2813, KAVA INVITED US TO HIS BACKYARD AT 2811. FROM THIS PERSPECTIVE WE WERE ABLE TO DISCUSS THE PROPOSED DESIGN AS IT RELATED DIRECTLY TO HIS BACKYARD. IT WAS HELPFUL TO THE DESIGN DEVELOPMENT TO SEE THE SITE FROM THAT PERSPECTIVE,

## NOTES FROM NEIGHBORHOOD MEETING