Office of the City Manager

PUBLIC HEARING
June 4, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Director, Planning & Development Department

Subject: ZAB Appeal: 2113-15 Kittredge Street, Use Permit #ZP2022-0144

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board decision to approve Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space, and dismiss the appeal.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On October 26, 2022, Christian Cerria submitted a Preliminary Application to vest rights pursuant to Senate Bill (SB) 330, the Housing Crisis Act of 2019 (Government Code Sections 65941.1 and 66300), for a housing development project.

On October 31, 2022, staff received from Christian Cerria an application for Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story, mixed-use building with 211 dwelling units, and a 24,273-square-foot live theater space ("Project"). On the same day, staff also received a Landmark Structural Alteration Permit (SAP) #LMSAP2022-0011 from the applicant for the alteration of a City Landmarked site.

On March 31, 2023, the use permit application was deemed complete. On April 28, 2023, staff recommended to the ZAB a determination that the Project be categorically exempt from CEQA, pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects").

On July 6, 2023, the Landmarks Preservation Commission (LPC) conducted a public hearing for LMSAP2022-0011, and continued the discussion to a second hearing. On October 5, 2023, the LPC conducted a second hearing, approved the SAP for

demolition and new construction at the landmark site with a categorical exemption from CEQA pursuant to Section 15331 (“Historical Resource Restoration/Rehabilitation”), and conditioned the permit approval with further refinements to be presented at Final Design Review before the LPC.

On January 11, 2024, the Zoning Adjustments Board (ZAB) conducted a public hearing for the use permit application. After hearing public comments and holding discussion, the ZAB approved the use permit by a vote of 5-0-1-3 (Yes: Duffy, Plese, Sanderson, Blackaby, Gaffney; No: None; Abstain: Tregub; Absent: Kahn, O’ Keefe, Lunapara).

On January 22, 2024, staff issued a Notice of Decision for the ZAB approval.

On February 5, 2024, the City Clerk received an appeal filing from Adams, Broadwell Joseph and Cardozo, on behalf of East Bay Residents for Responsible Development.

On or before May 21, 2024, staff posted the public hearing notice at the site and three nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal.

BACKGROUND

The project site is located on the north side of Kittredge Street, within the Downtown Mixed-Use District (C-DMU), Core Sub-Area, as identified in the City’s Downtown Area Plan (DAP). The project site is surrounded by commercial, institutional and mixed-use commercial/residential buildings ranging in height from one to seven stories. The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, one-half block west of the site, and is one block away from the Downtown Berkeley Bay Area Rapid Transit (BART) Station. The site is two blocks away from the University of California at Berkeley Shuttle, and a bike share station at the Shattuck Avenue and Center Street intersection.

The project site is associated with addresses 2113 and 2115 Kittredge Street and Assessor’s Parcel Number 57-2030-9. The 13,500-square-foot (0.31-acre) project site is a rectangular parcel that is occupied by an approximately 10,880-square-foot, movie theater (California Theater) that was originally constructed in 1914 as a live performance venue, but operated primarily as a movie theater until it closed in the fall of 2021.

The Project proposes to demolish the commercial building on the landmarked site (preserving the front façade), and construct a mixed-use building that utilizes the State Density Bonus. The Project is eligible for a density bonus under Government Code Section 65915, by including 22 Very Low-income units (15 percent of the 141-unit base project), and qualifies for a 50 percent density bonus, or 71 bonus units, of which 70 are utilized, resulting in a 211-unit density bonus project. The Project requests concessions to reduce the usable open space and landscaped open space requirements, and

waivers for height (maximum height and rooftop projections), setbacks, diagonal width, and short-term bike parking.

The project site is located within the City's Environmental Management Area; however, it is not listed on the Cortese List. Consistent with guidelines published by the Bay Area Air Quality Management District (BAAQMD)[1], the City requires a development project that includes both demolition and construction to substantiate a categorical exemption by providing an air quality assessment that indicates compliance with criteria air pollutant screening thresholds. An air quality assessment report[2] was prepared and submitted by the applicant's consultant anticipating no significant air quality impact from project construction pollutants, in support of the categorical exemption.

A Phase I Environmental Site Assessment[3] was submitted by the applicant which indicated Recognized Environmental Conditions (RECs) on the site and exceedances of residential environmental screen levels. The exceedances were determined to be minor in the Phase II Subsurface Investigation report[4], and the report concluded that the project site meets the standards for mixed-use development without incorporation of environmental mitigation into the final design. The City also included in the permit a Condition of Approval (COA) that requires oversight of this site condition by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). The applicant has entered into an Oversight Agreement with the SFBRWQCB to oversee further study of potential water contamination at the project site to determine the Project's impact to groundwater. Also, standard COAs related to hazardous materials would apply to the Project.

The LPC approved the Structural Alteration Permit (LMSAP 2022-0011) on October 5, 2023 with an exemption from CEQA under Section 15331 ("Historical Resource Restoration/Rehabilitation"), because it meets the requirements for rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

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[1] Bay Area Air Quality Management District. 2022. California Environmental Quality Act Air Quality Guidelines. Available at: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

[2] Use Permit ZP2022-0144, Zoning Project Application materials – Air Quality Assessment, dated November, 2023. ***Application materials available at: https://aca.cityofberkeley.info/CitizenAccess/Default.aspx. Click on Zoning tab; enter permit number, i.e., "ZP2022-0114"; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials.***

[3] Use Permit ZP2022-0144, Zoning Project Application materials – Phase I Environmental Site Assessment, dated May 27, 2022.

[4] Use Permit ZP2022-0144, Zoning Project Application materials – Summary of Phase II Subsurface Investigation, dated November 8, 2022.

The ZAB determined that the Project is categorically exempt from CEQA, pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects"), found the Project to be compliant with all vested and applicable, objective General Plan and zoning standards, without specific adverse impact on public health or safety. The ZAB approved the project on January 11, 2024 without reductions to Project's density, pursuant to the State Housing Accountability Act (HAA), Government Code Section 65589.5(j).[5]

For additional project background, please see Attachment 3, the January 11, 2024 ZAB staff report for this project.

RATIONALE FOR RECOMMENDATION

The issues raised in the Appellant's letter and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the appeal letter (Attachment 2) for the full text.

Issue 1:

The Appellant argues that the infill categorical exemption from CEQA is not applicable for three reasons: A) Appellant argues that the Project would have significant air quality impacts, and thus does not qualify for the infill exemption. B) Appellant argues that the Project would have other significant impacts, including impacts to historic resources, and thus triggers two exceptions to the infill exemption. C) Appellant argues that the City has relied on "mitigation measures" to reduce the Project's impacts to a level of insignificance in order to rely on categorical exemptions, in violation of CEQA.

Response:

A. The Project qualifies for the infill development exemption (CEQA Guidelines § 15332).

   CEQA provides a categorical exemption for infill development projects meeting the following conditions:

   (a) The Project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

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

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) The project site has no value, as habitat for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
(e) The site can be adequately served by all required utilities and public services.[6]

This categorical exemption is subject to several exceptions, including if "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances" and if the project may cause a substantial adverse change in the significance of a historical resource.[7]

Under CEQA, the Secretary of the Natural Resources Agency is charged with the duty to designate classes of projects found not to have significant effects on the environment and thus are exempt from further environmental review under CEQA.[8] Public agencies may not require EIRs for projects that are categorically exempt under these designations, unless an exception to the categorical exemption applies.[9] If a project is subject to a categorical exemption, no formal environmental evaluation is required. Some projects may be subject to more than one categorical exemption.[10]

Staff, the Landmarks Committee, and the ZAB have reviewed the proposed project and determined that it satisfies the conditions for the infill development categorical exemption. The Project is consistent with the applicable general plan designation (DT – Downtown) and all applicable general plan policies, as well as with applicable zoning designation (C-DMU – Downtown Mixed-Use Commercial District) and regulations.[11] The Project is proposed within city limits on a site of 0.3 acres, i.e., less than five acres, substantially surrounded by urban uses (i.e., downtown Berkeley). The project site is already developed and thus has no value as habitat for endangered, rare or threatened species.[12] The site can be adequately served by all required utilities and public services – the Project is located in the downtown, and

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[6] CEQA Guidelines § 15332.
[7] CEQA Guidelines § 15300.2.
[8] Public Resources Code § 21084 and Guidelines § 15300.
[9] CEQA Guidelines 15300.4.
[10] The Appellant asserts that CEQA requires the City to demonstrate, based on substantial evidence, that there are no "significant effects" of the project on the environment in order rely on a categorical exemption. See, e.g., Appeal Letter at 17. This is incorrect. The City may rely on a categorical exemption if it concludes that the project meets the conditions of that exemption and there is substantial evidence to support that conclusion. At that point, the burden shifts to a challenger to demonstrate that an exception to the exemption applies.
[11] See Section V, Issues and Analysis of Attachment 3, January 11, 2024 ZAB Staff Report. ZAB Staff Report for an analysis of project's consistency with the General Plan and Zoning.
[12] SB 330 Preliminary Application PLN2022-0067, application materials – Critical Habitat for Threatened and Endangered Species (USFWS) Map.

there is no reason to believe that will-serve letters from public utilities won't be issued for the site.

Lastly, the Project will not result in any significant effects relating to traffic, noise, air quality, or water quality:

- Traffic: The Project is consistent with the City's Vehicle Miles Traveled (VMT) Criteria and Thresholds[13], as demonstrated in the VMT Screening document submitted with the use permit application.[14] The document provides evidence that the Project is located within a Transit Priority Area, and in an area where VMT per resident is 15% below the average Bay Area resident. The project site is served by multiple bus lines (local, rapid, and transbay) that operate along Shattuck Avenue, one-half block west of the site, and is one block away from the Downtown Berkeley BART Station.
- Noise: The City requires projects to be consistent with the construction noise and community noise requirements in BMC Chapter 13.40. Additionally, COA #13 in the use permit requires the applicant to prepare a Construction Noise Reduction Program that is consistent with the BMC.[15]
- Air Quality: The Bay Area Air Quality Management District's (BAAQMD) 2022 CEQA Guidelines[16] (BAAQMD Guidelines) identifies preliminary screening criteria for construction and operation activities. The BAAQMD Guidelines are designed to provide BAAQMD-recommended procedures for evaluating potential air quality and climate impacts during the environmental review process that are consistent with CEQA requirements. It the City's practice to use these guidelines for determining the appropriate CEQA pathway for development projects.

  According to Chapter 4, Screening for Criteria Air Pollutants and Precursors (Section 4.1.1, Construction Criteria) of the BAAQMD Guidelines, construction projects that include demolition do not meet the screening criteria and cannot be considered to result in a less-than-significant impact related to criteria air pollutants and precursors. Therefore, the applicant was required to prepare an air quality assessment that indicates whether they can comply with criteria air pollutant screening thresholds. As noted in the Air Quality Assessment prepared by ESA, the Project is below BAAQMD's thresholds for criteria air pollutants.[17] The Project was not required to prepare

[13] https://berkeleyca.gov/sites/default/files/2022-02/VMT-Criteria-and-Thresholds.pdf
[14] Use Permit ZP2022-0144, Zoning Project Application materials – VMT Screening document
[15] See Findings and Conditions (Attachment 1, Exhibit B).
[16] https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines
[17] Use Permit ZP2022-0144, Zoning Project Application materials – Air Quality Assessment, dated November, 2023.

an operational air quality assessment because it is below the size standards outlined in BAAQMD Guidelines Section 4.1.2, Operational Criteria.

- Water Quality: The Project is located on a fully-developed site, and would be required to comply with the following COAs:
  - #41 requires the applicant to submit to the City documentation of compliance from the SFBRWQCB of compliance with the SFBRWQCB oversight agreement (Oversight Letter) prior to any ground-disturbing activity.[18]
  - #51 requires the applicant to comply with the City's stormwater requirements and National Pollution Discharge Elimination System permit.

Given these facts, the City may conclude that the infill development exemption applies.

The Appellant has argued that this exemption should not apply because the Project will have significant air quality and water quality impacts, and thus cannot satisfy all of the conditions for this exemption.

With respect to air quality impacts, the Appellant cites an analysis prepared by "SWAPE" attached to their appeal, which states that:

1. The Project results in an excess cancer risk over the course of a residential lifetime (30 years) of approximately 107 in one million from operation emissions.
2. Construction of the Project over 37 months or 1,125-days will result in a significant health risk impact requiring mitigation.

However, this analysis is inconsistent with the air quality assessment submitted by the applicant and prepared by ESA, which concluded that there would be no significant impacts. ESA modeled construction-related criteria air pollutant emissions and compared the data to the Bay Area Air Quality Management District (BAAQMD) thresholds of significance. All construction criteria pollutant emissions were found to be below their respective thresholds. The report concluded that the Project would not result in a significant air quality impact associated with construction criteria pollutants. As stated previously, the Project was not required to prepare an operational air quality assessment because it is below the size standards outlined in BAAQMD Guidelines Section 4.1.2, Operational Criteria. As long as the City has substantial evidence to support its conclusion that the Project would not have significant air quality impacts, it may rely on the CEQA exemption.

[18] See SFBRWQCB Oversight Letter, dated November 16, 2023, Attachment 5 to the January 11, 2024 ZAB Staff Report. Available at: https://berkeleyca.gov/sites/default/files/documents/2024-01-11_ZAB_Item%204_2113-15%20Kittredge_Staff%20Report%20and%20Attachments.pdf

The Appellant also asserts that the City was required to prepare a health risk assessment. However, if an exemption applies, no further environmental review is required.

With respect to water quality impacts, the Appellant cites the SFBRWQCB Oversight Letter on the Geotracker database, which is an agreement with the Applicant that the SFBRWQCB will oversee the investigation and cleanup of the site that also provides instructions on cost recovery for SFBRWQCB oversight work. The letter indicates that SFBRWQCB will require adequate investigation, and cleanup of any contamination found on the site as a result, before any construction-related ground disturbance is allowed.

B. The Appellant has not demonstrated that any exception to the infill development exemption applies.

The Appellant next asserts that two exceptions to the categorical exemption for infill development apply: the exception for when "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances" and the exception for when the project may cause a substantial adverse change in the significance of a historical resource.[19]

The first exception does not apply because there are no "unusual circumstances" resulting in significant effects. The proposed project is a mixed-use, infill project in downtown Berkeley, surrounded by other mixed-use developments. Similar projects have been approved and constructed in the downtown area that have had comparable construction durations to the 2113 Kittredge project: the 12-story, mixed-use project at 1951 Shattuck (ZP2018-0137) and the mixed-use project with two eight-story buildings at 2352 Shattuck (ZP2018-0135). Both were approved in 2019 and both were determined to have no significant impacts that required further study in a project EIR. The 2113 Kittredge project is not substantially different from these projects such that the "unusual circumstances" exception would apply.

The Appellant has not shown that there will be significant adverse impacts. As noted above, the ESA report concludes that there will not be any significant air quality impacts. There is also no evidence that the Project is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would create a significant hazard to the public or the environment. A Phase II Subsurface Investigation was prepared by Terraphase Engineering, dated November 8, 2022, which included collection and analysis of soil and soil vapor samples to address the RECs and data gaps identified in the Phase I Environmental Site Assessment. The Phase II investigation led to the conclusion

[19] CEQA Guidelines § 15300.2.

that the project site meets the standards for mixed-use development without incorporation of environmental mitigation into the final design.

Potential greenhouse gas impacts cannot be used to disqualify a project from an otherwise applicable exemption where the project is consistent with adopted, applicable regulations to implement statewide, regional, or local plans for the reduction of greenhouse gases.[20] Here, the Project is consistent with the City's climate action plan ("CAP").[21] It will achieve LEED Gold certification at minimum, as required by the zoning district development standards[22], and a Condition of Approval will be added to the permit requiring the applicant to submit a report of projected GHG emissions prior to applying for building permits. The Project must also comply with State Title 24 building energy efficiency standards, and BMC Chapter 19.81, which requires energy performance reports and assessments (annual and every five years) for large buildings. The appellant has not shown that the project will cause significant greenhouse gas impacts.

The Appellant has not provided any evidence suggesting that the Project "may cause a substantial adverse change in the significance of a historical resource."[23] The Project was not found to cause an adverse change to the California Theater historical resource because it proposes to retain the architectural design and details that characterize its historical significance as an Art Deco theater within the context of early 20th century Downtown development. It was further assessed and found to comply with the Secretary of the Interior's Standards for the Treatment of Historical Properties. Owing to this analysis, the proposal was exempt from further environmental review pursuant to the Class 31 categorical exemption for Historical Resource Restoration/Rehabilitation.

C. <u>The Project's conditions of approval are not necessary to reduce the Project's impacts to a level of insignificance, and thus are not "mitigation measures</u>."

The Appellant also asserts that the City relied on "mitigation measures" to find that the Project qualifies for an exemption and/or that the Project is not subject to any of the exceptions to the categorical exemption. The Appellant states that the City cannot rely on COA #40, which requires future preparation of a health risk assessment or use of Tier 3 or VDECS-equipped off-road construction equipment, to support the claimed categorical exemption; in addition, the condition constitutes "deferred mitigation." The Appellant states that "[t]he City has acknowledged that the site's soil contamination impact is significant and has included mitigation in the Project's conditions of approval which require site cleanup." In particular, the

[20] Public Resources Code § 21084(b); Guidelines § 15183.5.
[21] City of Berkeley Climate Action Plan, p. 59. Available at: https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan
[22] See Greenpoint Rated Multifamily Checklist, Sheet G011 (Attachment 1, Exhibit B).
[23] CEQA Guidelines § 15300.2.

conditions of approval require preparation of a "Soil and Groundwater Management Plan" in the future. The Appellant refers generally to measures required by the Landmarks Preservation Commission, claiming that these measures were necessary to avoid the CEQA guideline that says a categorical exemption "shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."

COAs are necessary to ensure compliance with City and external agency regulations for development. Conditions are applied independent of the CEQA review and infill development exemption. As discussed above, the Project would have less-than-significant air quality and water quality impacts, and COA #40 and the requirement to prepare a Soil and Groundwater management Plan are not mitigations, due to the lack of impact. Similarly, the Project would preserve and rehabilitate the façade of the California Theater – which contains the character-defining features of the historical resource – and therefore would not cause a substantial adverse change to the resource. The Appellant has provided no supporting evidence regarding the risk of impacts to the historic resource. The COAs adopted by the Landmarks Commission for approval of the Structural Alteration Permit mirror the City's standard COAs for alteration projects, which ensure that all alteration projects are executed with due consideration and retention of historic features and align with best practices in preservation. These COAs are also not "mitigations," nor are they necessary to avoid the CEQA guideline prohibiting the use of a categorical exemption when the project could cause a substantial adverse change in the significance of a historical resource."[24]

Issue 2:

The Appellant asserts that the Project may result in nonconformance with the General Plan and Zoning. Specifically, the Project has not demonstrated conformance with General Plan workforce policies such as General Plan Economic Development and Employment ("ED") Policy ED-4 (Provide programs and services to assist neighborhood and avenue commercial districts), Policy ED-1, (Employment and Training), and Policy ED-12 (Promoting Berkeley). The Appellant recognizes that the Project is not required to comply with BMC Chapter 13.107, Establishing Healthcare and Apprenticeship Standards for Private Development (HARD HATS Ordinance), due to its effective date, but nevertheless, recommends that the Project include voluntary commitments to the ordinance provisions.

[24] A "historical resource" is defined under CEQA Guidelines § 15064.5(a)(2) as "a resource included in a local register of historical resources as defined in section 5020.0(k) of the Public Resources Code." Here, the subject property was designated as a Berkeley City Landmark and listed on the local register effective July 27, 2022.

Response:

As the Appellant acknowledges, Berkeley Municipal Code (BMC) Chapter 13.107 (HARD HATS Ordinance) is not applicable to the Project due to the vesting under SB 330 provisions.[25] The Project applicant submitted a Preliminary Application pursuant to SB 330 to vest in ordinances, policies, and standards in effect on October 26, 2022, when the application was determined to be complete, for the pendency of the project approval. The HARD HATS Ordinance became effective on January 1, 2024, after the vesting date of the Project's Preliminary Application. Since HARD HATS Ordinance does not apply to the Project, compliance with provisions contained in the ordinance would be voluntary.

The ZAB determined the project compliant with all vested and applicable objective General Plan and C-DMU Zoning District standards.

Issue 3:

The Appellant asserts that the Project is inconsistent with the Downtown Area Plan because it fails to provide "significant community benefits" as required by the Plan.

Response:

The DAP goals and policies broadly guide development in the downtown zoning district and are not objective standards. The project site is located in the C-DMU, Mixed Use Commercial District, where pursuant to BMC 23.204.130(E)(2)(c), a "community benefits" package (that includes a Project Labor Agreement) is required for buildings which apply for a use permit to exceed 75 feet in height. However, the Project is not subject to this requirement because its density bonus "base project" height does not exceed 75 feet.

Pursuant to Government Code Section 65915, the base project in a density bonus project is the objective standards-compliant project that represents the maximum allowable density on the site before adding the density bonus units. The density bonus units are conferred by right if the minimum amount of below-market-rate units are included in the Project, and requested waivers and concessions granted to allow the full density bonus project on the site. The Project includes 22 Very Low-income units or 15 percent of the 141-unit base project, to obtain a 50 percent density bonus or 70 bonus units, for a 211-unit density bonus project. The Project includes a waiver to exceed the 75-foot district height limit to be 203 feet tall, with 8-foot, 4-inch parapet.

[25] Pursuant to Government Code § 65589.5 (o)(1), "Subject to paragraphs (2), (6), and (7), and subdivision (d) of Section 65941.1, a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted".

The ZAB determined that the Project is consistent with this policy in the Downtown Area Plan.

Issue 4:

The Appellant asserts that the Project is detrimental to the general welfare and inconsistent with the zoning ordinance.

Response:

The BMC's non-detriment findings are not objective standards. Pursuant to Government Code, Section 65589.5(j), a non-objective standard cannot provide a basis for denial of or reduction in density for a housing project. Pursuant to the HAA, the City cannot deny or reduce the density of a housing development that is compliant with objective standards, unless it can meet the strict finding of specific adverse impact[26] on public health or safety – a level of impact which the State Department of Housing and Community Development considers to be rare and infrequent.[27]

The ZAB determined the Project is compliant with all vested and applicable objective general plan and zoning standards, that the findings for specific adverse impact on public health or safety in order to deny (or reduce) the Project could not be made, and approved the Project in accordance with SB 330 and the HAA.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The project approved by the ZAB is compliant with all applicable State and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

ALTERNATIVE ACTIONS CONSIDERED
Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB. The June 4, 2024 City Council appeal hearing represents the fourth public hearing for the Project, pursuant to Government Code Section 65905.5(a). The City can hold one additional public hearing.

Action Deadline:
Pursuant to BMC Section 23.410.040(I), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council

[26] Per Government Code § 65589.5(d)(2), a "specific, adverse impact" means "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."
[27] Housing Accountability Act Technical Assistance Advisory (Government Code § 65589.5), p. 20; State Department of Housing and Community Development. Available at: https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf

(not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Sharon Gong, Senior Planner, (510) 981-7429

Attachments:

1. Draft Resolution
    - Exhibit A: Findings and Conditions
    - Exhibit B: Project Plans, received November 8, 2023
2. Appeal Letter, dated received February 5, 2024
3. January 11, 2024 ZAB Staff Report
4. Index to Administrative Record
5. Administrative Record
6. Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD APPROVAL OF USE PERMIT #ZP2022-0144 TO DEMOLISH THE COMMERCIAL BUILDING ON A LANDMARKED SITE (PRESERVING THE FRONT FAÇADE), AND CONSTRUCT AN 18-STORY (203 FEET, WITH 8-FOOT, 4-INCH PARAPET), 160,734-SQUARE-FOOT, MIXED-USE BUILDING WITH 211 DWELLING UNITS (INCLUDING 22 VERY LOW-INCOME DENSITY BONUS QUALIFYING UNITS), AND A 24,273-SQUARE-FOOT LIVE THEATER SPACE, AND DISMISS THE APPEAL

WHEREAS, on October 26, 2022, Christian Cerria ("applicant") submitted a Preliminary Application to vest rights pursuant to Senate Bill (SB) 330, the Housing Crisis Act of 2019 (Government Code Sections 65941.1 and 66300), for a housing development project; and

WHEREAS, on October 31, 2022, Christian Cerria submitted an application for Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story, mixed-use building with 211 dwelling units, and a 24,273-square-foot live theater space ("project"); and also submitted an application for Landmark Structural Alteration Permit #LMSAP2022-0011 for the alteration of a City Landmarked site; and

WHEREAS, on March 31, 2023, staff deemed this application complete; and

WHEREAS, on April 28, 2023, staff determined that the level of California Environmental Quality Act ("CEQA") review would be categorically exempt, pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects"); and

WHEREAS, on July 6, 2023 and October 5, 2023, the Landmarks Preservation Commission (LPC) conducted public hearings for Structural Alteration Permit LMSAP2022-0011, approved the SAP for demolition and new construction at the landmark site with a categorical exemption from CEQA pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation"), and conditioned the permit approval with further refinements to be presented at Final Design Review before the LPC; and

WHEREAS, on December 21, 2023, staff mailed and posted a Notice of Public Hearing for the project at the site and two nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

WHEREAS, on January 11, 2024, the Zoning Adjustments Board (ZAB) conducted a public hearing for the Use Permit. After hearing public comments and holding discussion, the ZAB approved the Use Permit by a vote of 5-0-1-3 (Yes: Duffy, Plese, Sanderson, Blackaby, Gaffney; No: None; Abstain: Tregub; Absent: Kahn, O' Keefe, Lunapara); and

WHEREAS, on January 22, 2024, staff issued the notice of the ZAB decision; and

WHEREAS, on February 5, 2024, the City Clerk received an appeal filing from Adams, Broadwell Joseph and Cardozo, on behalf of East Bay Residents for Responsible Development; and

WHEREAS, on or before May 21, 2024, staff mailed and posted a Notice of Public Hearing at the site and two nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

WHEREAS, on June 4, 2024, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings made by the ZAB in Exhibit A to affirm the decision of the ZAB to approve Use Permit #ZP2022-0144, adopts the conditions of approval in Exhibit A; adopts the project plans in Exhibit B; and dismisses the appeal.

Exhibits
- Exhibit A: Findings and Conditions
- Exhibit B: Project Plans, received November 8, 2023

Attachment 1, EXHIBIT A

Findings and Conditions

JUNE 4, 2024

2113-15 Kittredge Street

Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space.

PERMITS REQUIRED

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.204.020(A) to construct a theater (live)
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right)
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district
- Use Permit under BMC Section 23.04.130(E)(3)(b) to modify side and rear setback requirements
- Use Permit under BMC Section 23.310.020(B) to commence alcoholic beverage service of distilled spirits
- Use Permit under BMC Section 23.310.030(A) for alcoholic beverage service, including distilled spirits, when incidental to a food service
- Administrative Use Permit under BMC Section 23.302.020(E)(4) to allow outdoor uses in a commercial district not abutting a residential district

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession to reduce Usable Open Space (residential) requirement – to provide 12,539 square feet, where 16,880 square feet is required
- Concession to reduce landscaped Usable Open Space requirement – to provide 5 percent, where 40 percent is required
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 203 feet to roof and 211 feet, 4 inches to parapet (8-foot, 4-inch-high parapet), where 75 feet is the limit (plus 5-foot parapet by right)
- Waiver of BMC Section 23.204.130(E)(3) to reduce the front, sides and rear setbacks (see Plan Set)

- Waiver of BMC Section 23.204.130(E)(3) to increase front setback maximum to five feet, four inches, where five feet maximum is required, at 0-20 feet building height
- Waiver of BMC Section 23.204.130(E)(3) to exceed the diagonal measurement limit of the building above 120 feet height – to be 152 feet, three inches, where 120 feet is required
- Waiver of BMC Section 23.322.090(A) to provide zero commercial short-term bicycle parking, where 12 is required

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

The project meets the requirements under CEQA Guidelines Section 15331 for rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

The project meets the requirements under CEQA Guidelines Section 15332, as follows:

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

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

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:

A. Under the City's methodology for implementing density bonuses, the "base project" consists of 141 units;
B. The project will provide at least 22 Very Low-Income (VLI) qualifying units in the 141-unit "base project";
C. The project is entitled to a density increase of 50 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use

Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 70 units (71 units maximum) above the Base Project, for a total of 211 units (212 units maximum).

2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
   A. Concession to Usable Open Space (residential) requirement – to provide 12,539 square feet, where 16,880 square feet is required
   B. Concession to reduce the landscaped Usable Open Space requirement – to provide 5 percent, where 40 percent is required

3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concession is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession will result in identifiable and actual cost reduction; 2) approval of the concession will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) will not be contrary to State or Federal law.

4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
   A. Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 203 feet to roof and 211 feet, 4 inches to parapet (8-foot, 4-inch-high parapet), where 75 feet is the limit (plus 5-foot parapet by right)
   B. Waiver of BMC Section 23.204.130(E)(3) to reduce the front, sides and rear setbacks (see Plan Set)
   C. Waiver of BMC Section 23.204.130(E)(3) to increase front setback maximum, where five feet maximum is required, at 0-20 feet building height
   D. Waiver of BMC Section 23.204.130(E)(3) to exceed the diagonal measurement limit of the building above 120 feet height – to be 152 feet, three inches, where 120 feet is required
   E. Waiver of BMC Section 23.322.090(A) to provide zero commercial short-term bicycle parking, where 12 is required

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

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

III. FINDINGS FOR APPROVAL

6. The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:

A. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and

B. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

The project includes construction of 211 dwelling units. Because the base project would comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff.

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

A. The project is consistent with all applicable C-DMU District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915;

B. New shadow impacts will occur 1) in the summer months and fall months around noon and in the hours before sunset on the mixed-use residential building at 2134 Allston Way to the north and the mixed-use residential buildings at 2220-40 Oxford and 2165-77 Kittredge Streets to the east; and 2) in the winter months in the hours before sunset on the mixed-use residential buildings at 2161 Allston Way and 2173-75 Allston Way to the northeast. All other new shadows will impact commercial buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas is not unreasonable for a development in the dense, downtown district that allows building heights up to 60-foot, with zero to five-foot setbacks from property lines, by right.

C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring that the project meets the non-detriment finding.

IV. OTHER FINDINGS FOR APPROVAL

8. As required by BMC Section 23.326.070(A), in order to approve a Use Permit to demolish a commercial structure, the Zoning Adjustments Board finds that:

A. The proposed demolition of the existing landmarked movie theater building will not be materially detrimental to the commercial needs and public interest of the neighborhood because the proposed project will replace the eliminated commercial floor area with a mixed-use building that has more commercial space than the existing building, and will provide a significant amount of new dwelling units, to bring more diversity of services to residents and workers in the vicinity and new housing to the neighborhood and the City at large.

B. The existing structure to be demolished is a 10,880-square-foot movie theater. This commercial use will be replaced by a 24,273-square-foot live theater facility, 211 units of

new residential units, and two new parklets directly in front of the building, in the public right-of-way on Kittredge Street. The demolition is required in order to allow the proposed mixed-use project to be built.

C. The proposed demolition referral and Structural Alteration Permit were approved by the Landmarks Preservation Commission (LPC) on October 5, 2023.

9. As required by BMC Sections 23.310.020(B) and 23.310.030(A), in order to approve permits to commence distilled spirits alcoholic beverage sales or service when incidental to food service, the Zoning Adjustments Board finds that:

A. There are 40 existing Alcoholic Beverage Control (ABC) Type 47 (On-Sale General-Eating Place) licenses issued to establishments within 1000 feet of the project site.

B. The Findings of Public Convenience or Necessity can be made because:

1. The allowance of distilled spirits sales and service with theater concessions in the project will provide a wider range of alcoholic menu options to theater patrons that are customarily available to live theatrical venues. Such expanded menu choices will contribute to the economic success of the theater over a concessions menu that only offers beer and wine. The addition of distilled spirits to the concessions offerings will also increase business revenue, resulting in increased tax revenue for the City.
2. The project site is within 1,000 feet of Berkeley High School, at Allston Way and Milvia Street, and Constitution Square, on Shattuck Avenue between Center Street and Allston Way, which is well-used by the public and patrons of the nearby food establishments for gathering and eating. The Berkeley Police Department has reviewed the proposal and noted that there are no alcoholic beverage violations against the property owner, that the proposed mixed-use project appears to fit within the general character of the existing uses in the neighborhood, and that the project will not likely increase crime or calls for service in the area.

C. The project will be subject to alcohol service standards included in the Conditions of Approval, and must operate as a bona fide eating place, as defined by the ABC.

10. As required by Section 23.204.130(I) of the BMC, the Zoning Adjustments Board finds that the proposed use or structure:

A. *Is compatible with the purposes of the district to implement the vision and goals of the Downtown Area Plan (DAP)*:

1. Environmental Sustainability and Access: The project will be a high-density development with no vehicular parking, in proximity to regional transit, shops and amenities, and will provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project is designed to achieve a LEED Platinum rating. The project will comply with the State's Model Water Efficient Landscape Ordinance (MWELO), and will feature a number of native plant species in its landscape palette.
2. Land Use, Housing and Community Health and Services, Economic Development: The project will introduce 211 new residential units, in a mix of unit sizes – studio, two-bedroom and four-bedroom units – and 22 very low-income units to the neighborhood, to help broaden the range of household incomes in the area and contribute to diversifying housing opportunities for households of different ages, incomes, varying sizes, and abilities in the Downtown.

The project features a 24,273-square-foot live theater facility that will contribute to the Downtown's appeal as a major destination for the region, with a unique concentration of housing, jobs and cultural destinations near transit, shops and amenities, enhancing the area's vitality, livability, sustainability, and character while preserving the character of the Downtown Historic neighborhood.

3. Historic Preservation and Urban Design: The LPC evaluated the project design's consistency with DAP Design Guidelines and its impact to the Shattuck Avenue Downtown Historic District resource, and conditioned the project approval to provide further design refinements and to implement site/historic preservation measures, in order to enhance compatibility of building design with the Historic District.
   Streets and Open Space: The project's 24,273-square-foot live theater facility, 211 residential units, and two public parklets on Kittredge Street will increase the number of residents in the neighborhood and will provide a new destination for both local and non-local patrons, helping to improve the Downtown neighborhood's livability and to foster an exceptional sense of place. The project will provide 12,539 square feet of private open space for residents that will comply with the State's MWELO requirements. In addition, the project would be required to contribute to the Streets and Open Space Improvement Plan (SOSIP) fund via Condition of Approval.

B. *Is compatible with surrounding uses and buildings:* The project site currently contains a movie theater that ceased operations in 2021. Uses on the surrounding properties include retail, an art center, an event venue public parking, restaurant, and multi-family residential. The project features a live theater facility and multi-family residential units, a similar mixture of uses that already exists on the site and in the vicinity. Thus, the project will not introduce new land uses that do not already exist in the Downtown, and will further the vision and goals of the DAP. The LPC approved the project with conditions for further design refinement and historic preservation requirements, and deemed the project consistent with DAP design guidelines.

11. As required by Section 23.304.050(A) of the BMC, the Zoning Adjustments Board finds that:

A. The project proposes stair and elevator elements (non-habitable, by definition) on the roof of the Base Project that represent less than the 15 percent threshold, as shown in the base project diagrams on sheet G002.A.

B. A Wind and Comfort Impact Analysis was prepared in March, 2022 for an approved use permit at 2190 Shattuck, a site that is one block to the east of the subject site, for a 25-story building proposal with zero to five-foot setbacks up to 268 feet in height, that concluded that the building will not cause significant additional wind impact on the street level at Shattuck Avenue and Allston Way. The Project, which consists of an 18-story building with similar setback reductions up to 203 feet in height, will similarly not result in significant changes to wind patterns on the sidewalk at the site along Kittredge Street.

V. 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. 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.

VI. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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 #

11. Final Design Review at Landmarks Preservation Commission (LPC). The Project requires approval of a Final Design Review application by the LPC.

12. Projected GHG Emissions. The Applicant shall submit a report of projected operational GHG emissions for the project to Land Use Planning for review prior to the submittal of any building permit.

13. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned 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.

14. Construction Noise Reduction Program. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
E. Prohibit unnecessary idling of internal combustion engines.

F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

15. Damage Due to Construction Vibration**.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall

- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
- include written descriptions and photographs.

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

16. Compliance with Conditions of Approval and Environmental Mitigations. The building permit application is subject to verification of compliance of these Conditions of Approval and the Downtown Area Plan Mitigation Monitoring and Reporting Program (ZAB staff report Attachment 7). The applicant shall be responsible for demonstrating compliance with all conditions of approval per the timeline set forth by this use permit. The applicant shall deposit $10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring

compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

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

17. Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

18. Construction Phases. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

19. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

20. 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.

21. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments:

1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
   - All new commercial, industrial and mixed use developments and all large improvement projects.
   - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
   - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf

2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:
1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

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

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

Prior to Issuance of Any Building (Construction) Permit

22. Percent for Public Art: Consistent with Chapter 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

23. Affordable Housing Mitigation Fee: Consistent with BMC 22.20.065 and fee resolution No. 68,074-N.S., the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,074-N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.

24. 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.

25. 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.

26. Streets and Open Space Improvement Plan: Street Frontage Improvements. Streets and Open Space Improvement Plan: Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along Kittredge Street, to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works and Fire Departments, and constructed prior to certificate of occupancy.

27. Streets and Open Space Improvement Plan: Impact Fee: As required by BMC Section 23.204.130.F, the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.502, less any existing Gross Floor Area removed as part of the project.

28. Green Building Certification. The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement

from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

29. Affordable Housing. As required by Resolution No. 66,617-N.S., adopted June 3, 2014, Applicant shall offset the estimated impacts of the project on affordable housing according to the following formulas:

USE	AFFORDABLE UNITS or FEE	
Office, Research + Development, Restaurant/Retail, Hotel	1 unit per 52,859 gross square feet	$6.06 per gross square foot
Industrial/Manufacturing, Warehouse/Storage (except "self-storage"	1 unit per 105,719 gross square feet	$3.03 per gross square foot
Self-Storage	1 unit per 54,432 gross square feet	$5.88 per gross square foot

The requirement may be satisfied by:

Housing Production - Applicant shall cause to be constructed in the City of Berkeley no less than 0 additional housing affordable to households with income at 30 percent of the SMSA median income. Applicant must have site control and Use Permit approval for the required Affordable Housing project prior to receipt of the building permit for this non-residential project, and must secure an Occupancy Permit for the required Affordable Housing project no later than 18 months from the receipt of the Occupancy Permit for this non-residential project.

-OR-

In-Lieu Fee - Applicant shall pay an equivalent in-lieu impact fee in the amounts and according to the schedule listed below (13,393 net gross square feet x $6.06 = $81,161.58 total fee):

Prior to Building Permit	$27,054
Prior to Occupancy Permit	$27,054
1 Year from Occupancy Permit	$27,054

The final payment shall be appropriately secured by the City, e.g., by a letter of credit, bond, Promissory Note, Deed of Trust or another appropriate form of security. Some payments carry interest from the date they would normally be due. Applicants may request reductions to these fee amounts, under the provisions of BMC Sections 22.20.070 or 22.20.080 relating to lower levels of impact, infeasibility, or overriding benefit to the City.

Applicants may request reductions to these fee amounts, under the provisions of BMC Sections 22.20.070 or 22.20.080 relating to lower levels of impact, infeasibility, or overriding benefit to the City.

30. Child Care. As required by Resolution No. 66,618-N.S., adopted June 3, 2014, Applicant shall offset the estimated impacts of the project on affordable child care according to the following formulas:

USE	FEE
Office, Restaurant/Retail	$1.68 per gross square foot
Industrial/Manufacturing	$1.01 per gross square foot
Hotel/lodging	$2.02 per gross square foot
Warehouse/Storage	$0.83 per gross square foot
Research & Development	$1.08 per gross square foot

In-Lieu Fee. Applicant shall pay a fee into the City's Child Care Operating Subsidy account in the amounts and according to the schedule listed below (13,393 net gross square feet x $1.68 = $22,500.24 total fee:

Prior to Building Permit	$7,500
Prior to Occupancy Permit	$7,500
1 Year from Occupancy Permit	$7,500

The final payment shall be appropriately secured by the City, e.g., by a letter of credit, bond, Promissory Note, Deed of Trust or another appropriate form of security. Some payments carry interest from the date they would normally be due.

Applicants may request reductions to these fee amounts, under the provisions of BMC Sections 22.20.070 or 22.20.080 relating to lower levels of impact, infeasibility, or overriding benefit to the City.

31. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.).

32. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

33. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall include a cover sheet declaration: "Natural Gas-Free Design as required by BMC Chapter 12.80."

34. 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).

35. 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.

Prior to Demolition or Start of Construction:

36. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

37. 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.

38. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

39. Project Construction Website. The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:

- Contact information (i.e. “hotline” phone number, and email address) for the project construction manager
- Calendar and schedule of daily/weekly/monthly construction activities
- The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

40. 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.

41. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:

A. The project applicant shall prepare a health risk assessment that demonstrates the project’s on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
B. Consistent with the assumptions included in the *Air Quality Assessment* prepared by ESA on November 2023, all off road equipment shall be equipped with Tier 4 engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

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

42. Soil/Groundwater Contamination. The project proponent shall provide documentation of from compliance from the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) with the SFBRWQCB Oversight Agreement, dated November 16, 2023, prior to the commencement of any ground disturbing activity. (See ZAB staff report, Attachment 5.)

43. 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.

44. 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.

45. 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.

46. Construction / No Parking Permits. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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 private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
J. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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:

59. 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.

60. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit, subject to any minor reductions in unit count and net square footage that may be required to ensure building code compliance, as approved by the Building and Safety Division. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **November 8, 2023**, except as modified by conditions of approval.

61. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in this section:

A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

B. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.

C. For new structures or additions over 20,000 square feet, the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living

accommodation resident, one unlimited local bus transit service pass for units with one to two bedrooms, and two unlimited local bus transit service passes for units with three bedrooms or more; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).

62. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will it happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

BELOW MARKET RATE UNITS

63. Number of Below Market Rate Units. The project shall provide **22 Very Low-Income** rental dwelling units ("BMR Units"), which are required to comply with the State Density Bonus Law (Government Code Section 65915) as well as to comply with the Affordable Housing Mitigation Fee, BMC Section 22.20.065.D. The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.

64. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low-income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.

65. Affordable Housing: Below Market Rate Program. In addition, affordable units must adhere to the administrative guidelines for the City's Below Market Rate program. These guidelines can

be found online at https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/below-market-rate-rental-information-owners-and.The guidelines are updated annually by HHCS and posted online. Please note the following key provisions from the guidelines:

A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
C. BMR units will be provided for the life of the project under Section 22.20.065.

66. Determination of Area Median Income (AMI).

- The "AMI" (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	**AMI Standard**
Studio unit	AMI for a one-person household
One-bedroom unit	AMI for a two-person household
Two-bedroom unit	AMI for a three-person household
Three-bedroom unit	AMI for a four-person household

67. Nothing in these conditions shall be interpreted to prohibit or to require modification of the Use Permit or Regulatory Agreement to allow the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

68. Affordable Housing. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328 in effect on March 31, 2023. (A) Residential housing projects for the construction of five or more Dwelling Units; (B) Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four-unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter; (C) Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

69. Affordable Housing – Density Bonus. If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

At All Times:

70. Transportation Demand Management Compliance. A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).

71. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

72. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

73. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Landmarks Preservation Commission approval.

74. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

75. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

76. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.

77. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.

78. Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

79. Transit Subsidy Condition. If 10 or more employees, the business operator shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.

ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

80. The Food Service Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).

81. Alcoholic beverage service shall be "incidental" to the primary food service use, as defined in Zoning Ordinance 23.502. An incidental use shall not exceed twenty-five percent (25%) of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of 33 percent of the gross receipts generated by the primary use.

82. Alcohol beverage service shall be only be allowed as part of a "bona fide eating place" making "actual and substantial sales of meals," and stringently enforces this requirement as determined and required by the ABC.

83. The service of alcohol shall be limited to normal meal hours (per ABC) during the restaurant's hours of operation. Patrons may only purchase food or finish drinks already purchased within the approved service hours. The Zoning Adjustments Board shall approve any change in the hours of restaurant operations and/or alcohol service (except decreased hours in compliance with applicable ABC regulations). Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.

84. During operating hours, 100 percent of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.

85. The sale of alcoholic beverages for consumption off the premises is prohibited.

86. There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.

87. All alcoholic beverages served to patrons must be served in durable restaurant tableware (i.e. cups or glasses). No beer or wine may be distributed in its original bottle or can, or in any other potentially disposable container.

88. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.

89. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

90. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.

91. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.

92. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

93. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.

94. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.

95. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

96. At no time shall the operator rent the restaurant space to a third-party promoter.

97. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

98. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.

99. 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.

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

GDC01 - USE PERMIT - 11/08/23

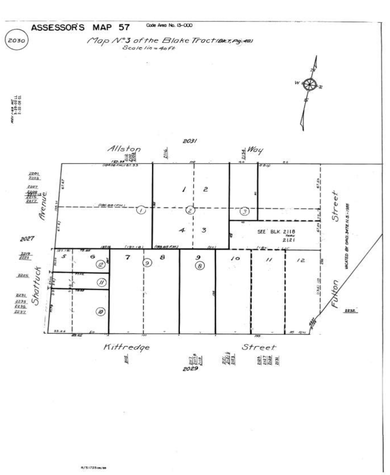
PROJECT LOCATION

5 G000 LOCATION MAP
NOT TO SCALE

PROJECT LOCATION

4 G000 VICINITY MAP
NOT TO SCALE

For Assessment Use Only



3 G000 ASSESSOR'S PARCEL MAP
12" = 1'-0"

ZONING CODE INFORMATION					
SITE INFORMATION					
ADDRESS	2115 KITTREDGE ST BERKELEY, CA				
APN	057-2030-009				
ZONING DISTRICT	C-DMU				
OVERLAY / SPECIAL DISTRICT					
SEISMIC SAFETY					
ALQUIST PRIOLO	NO		LIQUEFACTION ZONE	NO	
LANDSLIDE ZONE	NO		UNREINFORCED MASONRY	NO	
HISTORIC INFO					
HISTORIC PRESERVATION					
LANDMARK / STRUCTURE OF MERIT	YES				
ENVIRONMENTAL SAFETY					
CREEK BUFFER	NONE		FIRE ZONE	1	
ENVIRONMENTAL MGMT AREA	YES		FLOOD ZONE	NO	

BUILDING DATA PER PLANNING CODE					
	EXISTING	PERMITTED / REQUIRED	NEW BASE PROJECT CALCULATION	NEW PROPOSED PROJECT CALCULATION	NOTES / CODE REFERENCE
BUILDING / LOT INFO					
LOT AREA	13,500 SF	-	NO CHANGE	NO CHANGE	
BUILDING FOOTPRINT	8,680 SF	-	12,972 SF	12,016	
LOT COVERAGE	64%	-	96%	89%	
AREAS					
COMMERCIAL FLOOR AREA	10,880 SF		20,591 SF	24,273 SF	
RESIDENTIAL FLOOR AREA	0 SF	-	91,100 SF	136,461 SF	
GROSS FLOOR AREA	10,880 SF	-	111,691 SF	160,734 SF	
COMMERCIAL USABLE OPEN SPACE	0 SF	20,591 SF / 50 SF = 412 SF	457 SF	-	1 SQ.FT / 50 SF
		24,473 SF / 50 SF = 489 SF	-	712 SF	BMC TABLE 23.204-40
RESIDENTIAL USABLE OPEN SPACE	0 SF	146 UNITS X 80 SF = 11,680 SF	11,680 SF	-	80 SF/UNIT
		211 UNITS X 80 SF = 16,880 SF	-	12,539 SF	BMC TABLE 23.204-40
					DENSITY BONUS CONCESSION REQUESTED
LANDSCAPED OPEN SPACE	0 SF	40% OF 16,880 = 6,752 SF		5% OF 17,369 = 910 SF	***DENSITY BONUS CONCESSION REQUESTED***
IMPERVIOUS SURFACE AREA	100%	-	100%	100%	
HEIGHT					
# STORIES	2	-	8	18	
MAX BLDG HEIGHT	60'-0" +	75'-0"	75'-0"	211'-04"	BMC:23.204-38: C-DMU
					DENSITY BONUS WAIVER REQUESTED
SETBACKS					
FRONT YARD SETBACK	0'-0"	0 - 20'-0" BLDG HT= NO MIN.	0'	MIN 0' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= NO MIN.	0'	MIN 0' VARIES	
INTERIOR EAST	8'-4.5"	0 - 20'-0" BLDG HT= NO MIN.	0'	MIN 3' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= 0' - 5'-0"	3'	MIN 3' VARIES	***USE PERMIT - 23.204.130B***
INTERIOR WEST	11'-8.5"	0 - 20'-0" BLDG HT= NO MIN.	0'	MIN 3' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= 0'- 5'-0"	3'	MIN 3' VARIES	***USE PERMIT - 23.204.130B***
REAR YARD SETBACK	2'-8"	0 - 20'-0" BLDG HT= NO MIN	0'	MIN 0' VARIES	BMC: TABLE 23.204-39
		21' - 75' BLDG HT= 5'-0"	3'	MIN 3' VARIES	***USE PERMIT - 23.204.130B***
UNITS					
RESIDENTIAL DENSITY (UNIT COUNT)					
UNIT COUNT					
STUDIO	0	-	-	133	
2-BEDROOM	0	-	-	66	
4-BEDROOM	0	-	-	12	
TOTAL	0	-	-	211	
BELOW MARKET RATE UNITS	0			22	15% OF BASE PROJECT UNITS ARE AFFORDABLE FOR VLI = ELIGIBLE 50% DENSITY BONUS (SEE...
PARKING					
RESIDENTIAL CAR PARKING	0	0	0	0	BMC 23.322-1
COMMERCIAL CAR PARKING	0	0	-	0	***NONE REQUIRED PER AB 2097***
ADA PARKING	0		0	0	
BIKE PARKING (COMMERCIAL)	0	24,273 SF / 2,000 SF = 12	-	0	***DENSITY BONUS WAIVER REQUESTED***
BIKE PARKING (SHORT TERM RESIDENTIAL)	1	313 / 40 = 8	-	8	2, OR 1 PER 40 BEDROOMS,WHICHEVER IS GREATER
BIKE PARKING (LONG TERM RESIDENTIAL)	2	313 / 3 = 105	-	105	1/3 BEDROOMS, BMC TABLE 23.322-90

UNIT MIX:
15% VLI FOR 50% DENSITY BONUS =
15% VLI OF 141 (BASE UNITS) = 21.15 = 22

	MR	BMR	TOTAL
STUDIO:	119	14	133
2-BEDROOM:	59	7	66
4-BEDROOM:	11	1	12

6 G000 UNIT MIX
NOT TO SCALE

PER BMC SECTION 12.80.040 NATURAL GAS INFRASTRUCTURE SHALL BE PROHIBITED IN NEWLY CONSTRUCTED BUILDINGS.

1 G000 PROJECT DESCRIPTION

THE PROPOSED PROJECT AT 2115 KITTREDGE WILL RETAIN THE ORGINAL PRIMARY SOUTH FACADE OF THE BUILDING AND CONSTRUCT A 18-STORY MIXED-USE BUILDING WITH APPROX. 160,000 SF WITH ADDITIONAL BASEMENTS. THE PROPOSED BUILDING WILL INCLUDE A THEATRE OF APPROX. 24,000 SF AT THE GROUND AND SECOND FLOORS, AND (211) DWELLING UNITS. THIS SB330 DENSITY BONUS PROJECT WILL HAVE 22 AFFORDABLE UNITS. THERE WILL BE AMENITY USABLE OPEN SPACES FOR THE RESIDENTS ON THE SECOND, 16TH, 17TH, AND 18TH FLOORS.

2 G000 PROJECT TEAM

OWNER:
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ktgy Project Number GDC01
Contact Elwin Wong
Email ewong@ktgy.com
Principal Jessica Musick
Designer

Gilbane
Developer
GILBANE
DEVELOPMENT
COMPANY
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5th Floor
San Francisco, CA
94105

2115 KITTREDGE ST
2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL
	11/08/2023	ZAB SUBMITTAL

Client is responsible for notifying architect in writing for any discovered errors or omissions in the plans and specifications during construction of the project. Failure for Client to notify Architect of any known errors or omissions in the plans or specifications, and proceeding with constructing the portion of work shown in the plans or specifications containing known errors or omissions shall be a waiver by Client for any liability of Architect for such known errors or omissions. Client releases Architect for any liability for such portions of work, and Architect shall not be liable for any delay damages, change orders, repair costs, removal or demolition costs, or replacement of any such portions of work.

NOT FOR CONSTRUCTION

PROJECT INFORMATION

G000

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ABBREVIATIONS

&	AND
@	AT
Ø	DIAMETER OR ROUND
ABV	ABOVE
A/C	AIR CONDITIONING
AC	ASPHALTIC CONCRETE
ACC	ACCESSIBLE
ACOUS	ACOUSTICAL
ACT	ACOUSTICAL CEILING TILE
AD	AREA DRAIN
ADA	AMERICAN W/ DISABILITIES ACT
ADDM	ADDENDUM
ADJ	ADJACENT OR ADJUSTABLE
AFF	ABOVE FINISHED FLOOR
AGG	AGGREGATE
AL or ALUM	ALUMINUM
ALT	ALTERNATE
L or <	ANGLE
A.P.	ACCESS PANEL
APPROX	APPROXIMATE
ARCH	ARCHITECT(URAL)
ASPH	ASPHALT
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
BB	BULLETIN BOARD
BD	BOARD
BF	BRACE FRAME
BITUM	BITUMINOUS
BLDG	BUILIDNG
BLK	BLOCK
BLKG	BLOCKING
BLKHD	BULKHEAD
BM	BEAM
BN	BULLNOSE
BO	BOTTOM OF
BOH	BACK OF HOUSE
BOT	BOTTOM
BS	BOTTOM OF STAIR
BUR	BUILT-UP ROOF
BW	BOTTOM OF WALL
BDRY	BOUNDARY
CAB	CABINET
CAP	CAPACITY
CB	CATCH BASIC
CBU	CEMENTITIOUS BACKER UNIT
CEM	CEMENT
CER	CERAMIC
CG	CORNER GUARD
CIP	CAST-IN-PLACE
CJ	CONTROL JOINT
C	CENTER LINE
CLG	CEILING
CLO	CLOSET
CLR	CLEAR
CMU	CONCRETE MASONRY UNIT
CO	CLEANOUT OR CASED OPENING
COL	COLUMN
CONC	CONCRETE
CONST	CONSTRUCTION
CONT	CONTINUOUS
CORR	CORRIDOR
CPT	CARPET
CT	CERAMIC TILE
C.T.	COLLAR TIE
CTRL	CONTROL
CU FT	CUBIC FOOT (FEET)
CU YD	CUBIC YARD(S)
CW	COLD WATER
D	DRYER
d	DEGREE
DBH	DIAMETER AT BREAST HEIGHT
DEMO	DEMOLITION
DEPT	DEPARTMENT
DET	DETAIL
DF	DRINKING FOUNTAIN
D.F.	DOUGLAS FIR
DIA	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DISP	DISPENDER
DIV	DIVISION
DR	DOOR
DS	DOWNSPOUT
DSP	DRY STANDPIPE
DWG	DRAWING
E	EAST

ABBREVIATIONS

(E)	EXISTING
EA	EACH
EIFS	EXTERIOR INSULATION AND FINISH SYSTEM
EGSB	EXTERIOR GYPSUM SHEATHING BOARD
EJ	EXPANSION JOINT
EL	ELEVATION
ELEC	ELECTRICAL
ELEV	ELEVATOR or ELEVATION
ELEVS	ELEVATIONS
EMER	EMERGENCY
ENCL	ENCLOSURE
EOS	EDGE OF SLAB
EP	ELECTRICAL PANEL BOARD
EQ	EQUAL
EQUIP	EQUIPMENT
EST	ESTIMATE
EXCAV	EXCAVATE
EXF	EXTERIOR FINISH SYSTEM
EXH	EXHAUST
EXP	EXPANSION
EXT	EXTERIOR
FA	FIRE ALARM
FBO	FURNISHED BY OTHERS
FD	FLOOR DRAIN
FDC	FIRE DEPARTMENT CONNECTION
FDMPR	FIRE DAMPER
FDN	FOUNDATION
FDR	FIRE DOOR
FE	FIRE EXTINGUISHER
FEC	FIRE EXTINGUISHER CABINET
FF	FACTORY FINISH, FINISH FACE, FINISH
FLR	
FG	FINISHED GRADE
FHC	FIRE HOSE CABINET
FIN	FINISH (ED)
FL	FLOOR
FLEX	FLEXIBLE
FLUOR	FLUORESCENT
FO	FACE OF
FOC	FACE OF CONCRETE
FOF	FACE OF FINISH
FOS	FACE OF MASONRY
FR	FACE OF STUD
FRPF	FIRE RATED
FRP	FIRE PROOF
FRT	FIBERGLASS REINFORCED STEEL
FS	FINISH SLAB
FSEC	FOOD SERVICE QUIP. CONTRACTOR
FSR	FIRE SPRINKLER RISER
FT or '	FOOT OR FEET
FTG	FOOTING
FOH	FRONT OF HOUSE
FURN	FURNITURE
FUT	FUTURE
GA	GAUGE
GALV	GALVANIZED
GC	GENERAL CONTRACTOR
GEN	GENERAL
GFRC	FIBER REINFORCED CONCRETE
GFRG	FIBER REINFORCED GYPSUM
GL	GLAZING
GR	GUARD RAIL
GSB	GYPSUM SHEATHING BOARD
GSM	GALVANIZED METAL SHEET
GYP	GYPSUM
GWB	GYPSUM WALLBOARD
H or HT	HEIGHT
HC	HOLLOW CORE
HCP	HANDICAP
HDR	HEADER
HDWD	HARDWOOD
HDW	HARDWARE
HM	HOLLOW METAL
HMD	HOLLOW METAL DOOR
HORIZ	HORIZONTAL
HR	HOUR or HANDRAIL
HSS	HOLLOW STRUCTURAL SECTION
HVAC	HEATING, VENTILATING, & AIR CONDITIONING
HW	HOT WATER

ABBREVIATIONS

ID	INSIDE DIAMETER or DIMESNION
IN or "	INCH or INCHES
INCL	INCLUDING
INFO	INFORMATION
INSUL	INSULATION
INT	INTERIOR
INV	INVERT
J-BOX	JUNCTION BOX
JS	JANITOR'S SINK
JST	JOIST
KEC	KITCHEN EQUIPMENT CONTRACTOR
L	LENGTH, LONG. ANGLE
LAM	LAMINATE
LH	LEFT HAND
LP	LOW POINT
LT	LIGHT
LTG	LIGHTING
LVL	LEVEL
LVR	LOUVER
LYR	LAYER
MAS	MASONRY
MAT	MATERIAL
MAX	MAXIMUM
MBSM	MODIFIED BITUMINOUS SHEET
MC	MINERAL CORE
MDF	MEDIUM DENSITY FIBERBOARD
MECH	MECHANICAL
MEMB	MEMBRANE
MTL	METAL
MFR	MANUFACTURER
MIN	MINIMUM
MISC	MISCELLANEOUS
MUL	MULLION
MTD	MOUNTED
MWP	MEMBRANE WATERPROOFING
(N)	NEW
N	NORTH
NIC	NOT IN CONTRACT
NO or #	NUMBER
NOM	NOMINAL
NTS	NOT TO SCALE
NR	NON-RATED
O/	OVER
OC	ON CENTER
OCC	OCCUPANCY, OCCUPANT(S)
OD	OUTSIDE DIAMETER or DIMENSION
OFD	OVERFLOWN DRAIN
OH	OPPOSITE HAND
OPNG	OPPOSITE
OPP	OPENING
OPT	OPTIONAL or OPTIMUM
ORD	OVERFLOW ROOF DRAIN
OSCI	OWNER SUPPLIED, CONTRACTOR INSTALLED
OZ	OUNCE
PART BD	PARTICLE BOARD
PBO	PROVIDED BY OWNER
PCC	PRECAST CONCTRETE
PCP	PORTLAND CEMENT PLASTER
PERF	PERFORATED
PL	PLATE or PROPERTY LINE
P-LAM	PLASTIC LAMINATE
PLAS	PLASTER
PLYWD	PLYWOOD
PNL	PANEL
POL	POLISHED
PR	PAIR
PRC	POLYMER REINFORCED CONCRETE
PREFAB	PREFABRICATED
PRKG	PARKING
PSD	PARKING STRUCTURE DRAWINGS
PSF	POUNDS PER SQUARE FOOT
PSI	POUNDS PER SQUARE INCH
PTD	PAINTED
PT	POINT
PTN	PARTITION
PVMT	PAVEMENT
R	RADIUS or RISER
(R)	REMOVE
RA	RETURN AIR
RC	REINFORCED CONCRETE
RD	ROOF DRAIN

ABBREVIATIONS

REC	RECESSED
REF	REFERENCE
REFL	REFLECTED or REFLECTIVE
REG	REGISTER
REINF	REINFORCED
REQD	REQUIRED
RESIL	RESILIENT
REV	REVISION
RH	RIGHT HAND or ROOF HATCH
RM	ROOM
RO	ROUGH OPENING
RTU	ROOF TOP UNIT
RWL	RAIN WATER LEADER
RV	ROOF VENT
S	SOUTH
SA	SUPPLY AIR
SAB	SOUND ATTENUATION BLANKET
SC	SOLID CORE
SCHED	SCHEDULE
SCP	SCUPPER
SD	STORM DRAIN
SECT	SECTION
SEP JT	SEPARATION JOINT
SF	SQUARE FEET
SHT	SHEET
SHTHG	SHEATHING
SHM	SELF HEALING MEMBRANE
SHV	SHELVING
SI or IN²	SQUARE INCHES
SIM	SIMILAR
SKYLT	SKYLIGHT
SLNT	SEALANT
SP	STANDPIPE
SPEC	SPECIFICATION
SQ	SQUARE
SS	STAINLESS STEEL
SED #___	SEE ELECTRICAL DRAWING
SMD #___	SEE MECHANICAL DRAWING
SSD #___	SEE STRUCTURAL DRAWING
STD	STANDARD
STL	STEEL
STN	STAIN
STRUC	STRUCTURAL
SUSP	SUSPENDED
SYMM	SYMMETRICAL
T	TEMPERED
T	TREAD
TA	TOILET ACCESSORY
TBD	TO BE DETERMINED
TD	TRENCH DRAIN
TEL	TELEPHONE
TEMP	TEMPERED
T&G	TOUNGUE AND GROOVE
THK	THICK
THRU	THROUGH
TC	TOP OF CURB
TO	TOP OF
TOC	TOP OF CONCRETE
TOP	TOP OF PARAPET
TOPO	TOPOGRAPHIC
TOS	TOP OF STEEL
TP	TOP OF PAVEMENT
TS	TOP OF STAIR
TV	TELEVISION
TW	TOP OF WALL
TYP	TYPICAL
UBC	UNIFORM BUILDING CODE
UC	UNDER CUT
UFC	UNIFROM FIRE CODE
UL	UNDERWRITER'S LABORATOR
UNF	UNFINISHED
UNO or UON	UNLESS NOTED OTHERWISE
VERT	VERTICAL
VG	VERTICAL GRAIN
VIF	VERIFY IN FIELD
VWC	VINYL WALL COVERING
W	WEST or WIDTH or WASHER
W/	WITH
WC	WATER CLOSET
WD	WOOD
WDW	WINDOW
WH	WEEP HOLE or WATER HEATER
W/I	WITHIN

SHEET LIST

SHEET #	SHEET NAME	ENTITLEMENTS 10/23/2023
GENERAL		
G000	PROJECT INFORMATION	•
G001	DRAWING INDEX, SYMBOLS & ABBREVIATIONS	•
G002.A	DENSITY BONUS CALCS - BASE	•
G002.B	DENSITY BONUS CALCS - PROPOSED	•
G003	LOT COVERAGE, USABLE OPEN SPACE CALCS	•
G004	EXISTING SITE PHOTOS	•
G005	THEATER FACADE PRESERVATION	•
G006	THEATER FACADE LIGHTING PROPOSAL	•
G007	STREET STRIP ELEVATION	•
G008	SHADOW STUDIES - DEC 22	•
G009	SHADOW STUDIES - JUNE 21	•
G010	SHADOW STUDIES - SEPT 22	•
G011	GREENPOINT RATED CHECKLIST	•
G012	TERRACE VIEWS AND PERSPECTIVES	•
G013	PERSPECTIVE CONTEXT RENDERINGS	•
G014	NIGHT RENDERING	•
CIVIL		
C000	NOTES, LEGEND, & ABBREVIATIONS	•
C001	TOPOGRAPHIC SURVEY	•
C100	DEMOLITION PLAN	•
C200	SITE AND GRADING PLAN	•
C201	ROUGH GRADING PLAN	•
C300	UTILITY PLAN	•
C400	STORMWATER MANAGEMENT PLAN	•
C500	CONSTRUCTION DETAILS	•
C501	CONSTRUCTION DETAILS	•
C502	CONSTRUCTION DETAILS	•
C503	CONSTRUCTION DETAILS	•
C600	WATER POLLUTION CONTROL DRAWINGS	•
C601	WATER POLLUTION CONTROL DETAILS	•
LANDSCAPE		
L100	CALGREEN CHECKLIST	•
L101	GROUND FLOOR MATERIALS PLAN	•
L101.1	FEATURE ALTERNATIVE DESIGN OPTIONS	•
L102	2ND FLOOR PLANS	•
L103	16TH FLOOR PLAN	•
L104	17TH FLOOR PLAN	•
L105	18TH FLOOR PLAN	•
L200	PLANTING SCHEDULE	•
L202	2ND FLOOR PLANTING PLAN	•
L203	16TH FLOOR PLANTING PLAN	•
L204	17TH FLOOR PLANTING PLAN	•

SHEET LIST

SHEET #	SHEET NAME	ENTITLEMENTS 10/23/2023
L205	18TH FLOOR PLANTING PLAN	•
L300	IRRIGATION SCHEDULE AND CALCULATIONS	•
L301	GROUND FLOOR IRRIGATION PLAN	•
L302	2ND FLOOR IRRIGATION PLAN	•
L303	16TH FLOOR IRRIGATION PLAN	•
L304	17TH FLOOR IRRIGATION PLAN	•
L305	18TH FLOOR IRRIGATION PLAN	•
L306	IRRIGATION DETAILS	•
ARCHITECTURAL		
A100	SITE PLAN	•
A101	BASEMENT 2 FLOOR PLAN	•
A102	BASEMENT 1 FLOOR PLAN	•
A103	GROUND FLOOR PLAN	•
A104	LEVEL 2 FLOOR PLAN	•
A105	LEVEL 3 FLOOR PLAN	•
A106	LEVEL 4 FLOOR PLAN	•
A107	LEVEL 5,7,9,11,13 FLOOR PLAN	•
A108	LEVEL 6,8,10,12,14 FLOOR PLAN	•
A109	LEVEL 15 FLOOR PLAN	•
A110	LEVEL 16 FLOOR PLAN	•
A111	LEVEL 17 FLOOR PLAN	•
A112	LEVEL 18 FLOOR PLAN	•
A113	ROOF FLOOR PLAN	•
A201	SOUTH EXTERIOR ELEVATION	•
A202	EAST EXTERIOR ELEVATION	•
A203	WEST EXTERIOR ELEVATION	•
A204	NORTH EXTERIOR ELEVATION	•
A205	EXTERIOR ELEVATION MATERIALS	•
A211	SOUTH FACADE LIGHTING & SIGNAGE	•
A212	EAST FACADE LIGHTING & SIGNAGE	•
A213	WEST FACADE LIGHTING & SIGNAGE	•
A214	NORTH FACADE LIGHTING SIGNAGE	•
A215	SOUTH FACADE SIGNAGE	•
A310	BUILDING SECTIONS	•

VIEW NO. ON SHEET / SHEET NO. — VIEW REFERENCE

SECTION REFERENCE

DETAIL SECTION REFERENCE

ELEVATION REFERENCE

INTERIOR ELEVATION REFERENCE

ENLARGED PLAN / DETAIL REFERENCE

PROJECT NORTH / TRUE NORTH — NORTH ARROW

REVISION CLOUD

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

WALL, FLR/CLG, AND ROOF TYPE

DOOR SYMBOL

WINDOW SYMBOL

PLUMBING FIXTURE / APPLIANCE SYMBOL

FINISH REFERENCE

DIMENSION TO FACE OF STUD, UNO

DIMENSON TO CENTERLINE

DIMENSON TO FACE OF FINISH

ALIGN FACE OF FINISH

DATUM REFERENCE: ELEVATION, WORK, OR CONTROL

ELEVATION CHANGE: CEILING OR FLOOR LEVEL

SPOT ELEVATION

GRAPHIC SYMBOLS

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2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL
	11/08/2023	ZAB SUBMITTAL

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NOT FOR CONSTRUCTION

DRAWING INDEX, SYMBOLS & ABBREVIATIONS

G001

DENSITY BONUS TABLE									
Base Project	Base # Units	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Total Units
sq. ft. - see calculation below	base project/avg. unit size	Base Units/Max. Residential Density...	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	base unit + DB Units (rounded up)
91,100	140.82	141.00	15%	21.15	22.00	50.00%	70.50	71	212

Base Project Square Footage	Floor
0	basement 2
0	basement 1
11,664	first
11,348	second
11,348	third
11,348	fourth
11,348	fifth
11,348	sixth
11,348	seventh
11,348	eighth

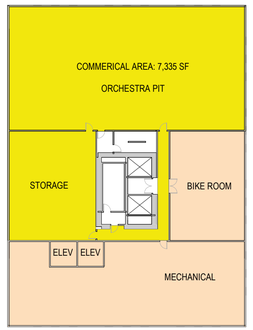
LEGEND:

COMMERCIAL AREA

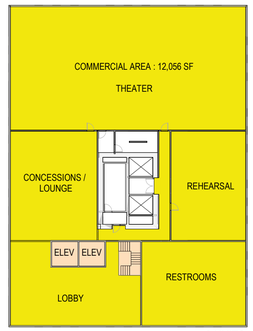
RESIDENTIAL AREA (BASE)

NON-QUALIFYING RESIDENTIAL AREA (BASE)

COMMERCIAL USABLE OPEN SPACE



B2 BASEMENT
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



0 UNITS

B1 BASEMENT
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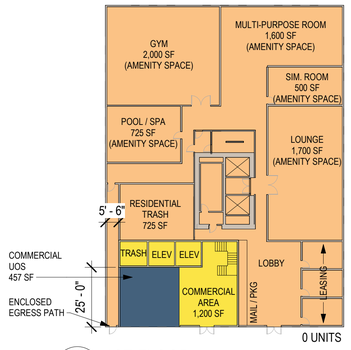

0 UNITS

1 1ST FLOOR
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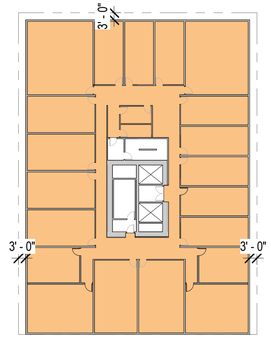
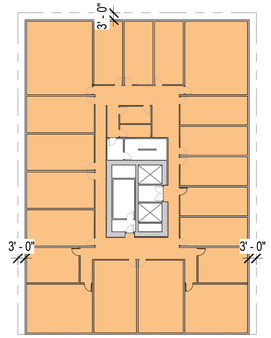


20 UNITS

2 2ND FLOOR
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



20 UNITS

3 3RD FLOOR
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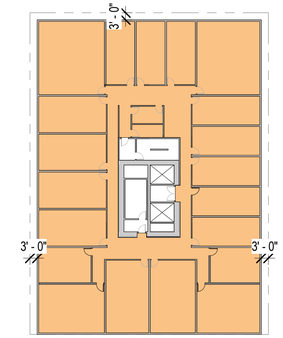

20 UNITS

4 4TH FLOOR
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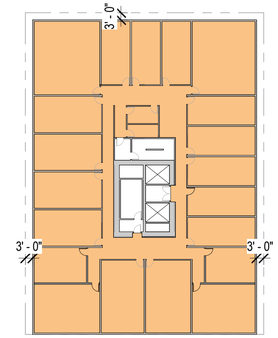
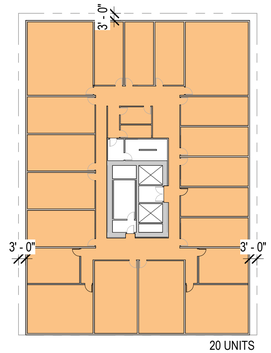


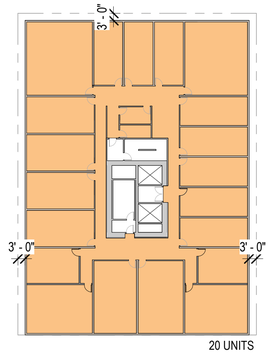
20 UNITS

5 5TH FLOOR
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



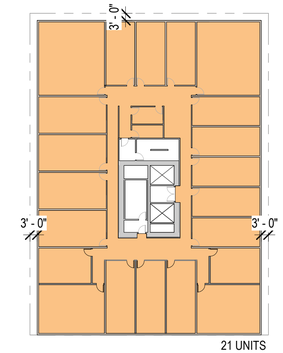
20 UNITS

6 6TH FLOOR
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



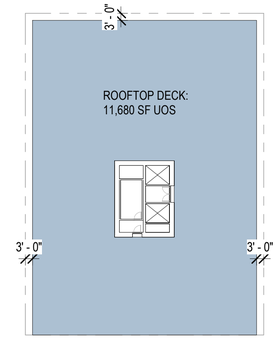
20 UNITS

7 7TH FLOOR
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)

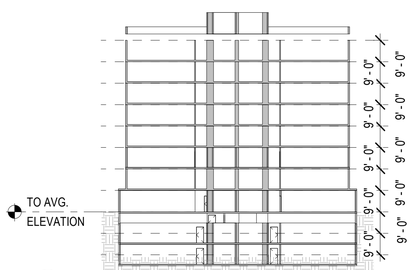


21 UNITS

8 8TH FLOOR
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



9 ROOFTOP DECK
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)



10 Density Bonus Base
G002.A 1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)

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DENSITY BONUS CALCS - BASE

G002.A

DENSITY BONUS TABLE									
Base Project	Base # Units	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Total Units
sq. ft. - see calculation below	base project/avg. unit size	Base Units/Max. Residential Density...	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	base unit + DB Units (rounded up)
91,100	140.82	141.00	15%	21.15	22.00	50.00%	70.50	71	212

LEGEND:

- COMMERCIAL AREA
- COMMERCIAL UOS
- RESIDENTIAL AREA CONFORMING
- RESIDENTIAL AREA NON-QUALIFYING
- PRIVATE UOS
- RESIDENTIAL UOS

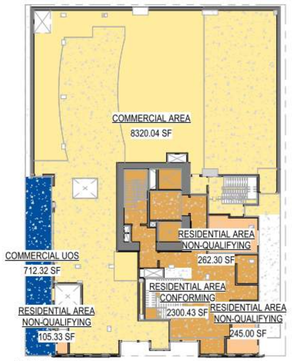
Base Project Square Footage	Floor	Residential Sq. Footage Proposed
0	basement 2	1345
0	basement 1	1798
11,664	first	2301
11,348	second	3417
11,348	third	4707
11,348	fourth	9733
11,348	fifth	9279
11,348	sixth	9269
11,348	seventh	9270
11,348	eighth	9269
	nineth	9270
	tenth	9269
	eleventh	9270
	twelfth	9269
	thirteenth	9270
	fourteenth	9269
	fifteenth	9270
	sixteenth	5363
	seventeenth	3473
	eighteenth	2353
91,100	TOTAL	136,461

Total Square Footage: 136,461

Proposed Units: 211

Average Unit Size: 647

%VLI	%DB
5%	20.0%
6%	22.5%
7%	25%
8%	27.5%
9%	30.0%
10%	32.5%
11%	35.0%
12%	38.75%
13%	42.5%
14%	46.25%
15%	50.0%



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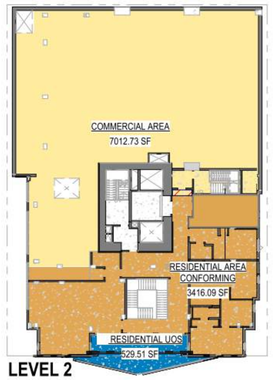

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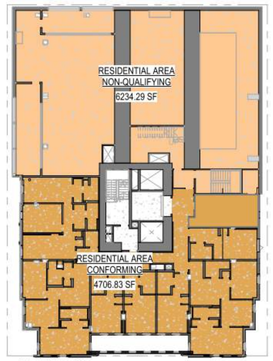

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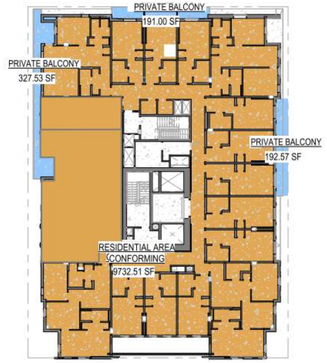

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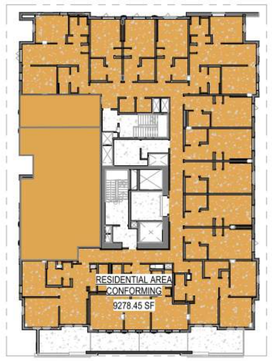

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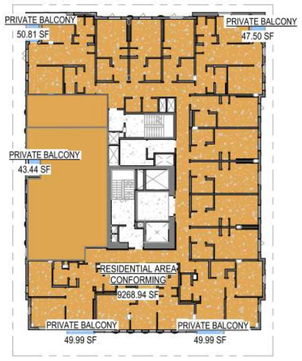

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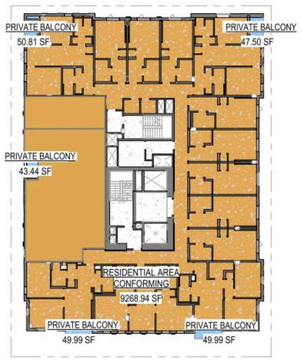

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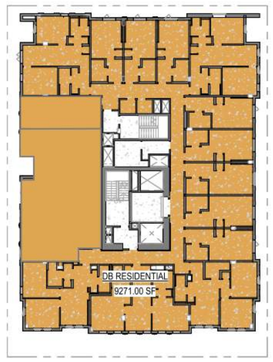

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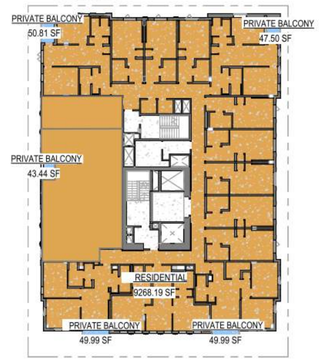

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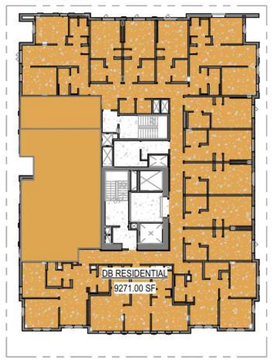

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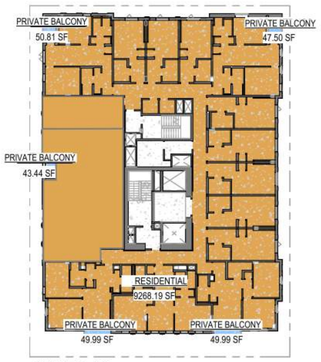

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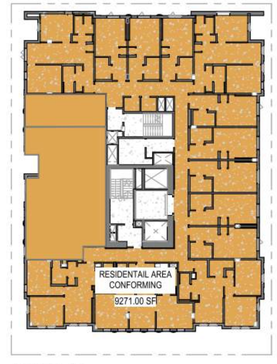

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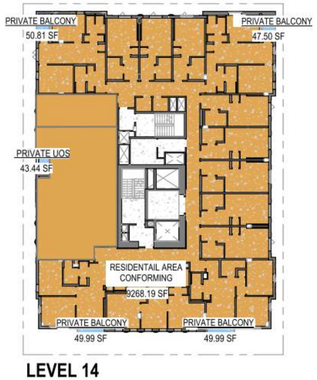

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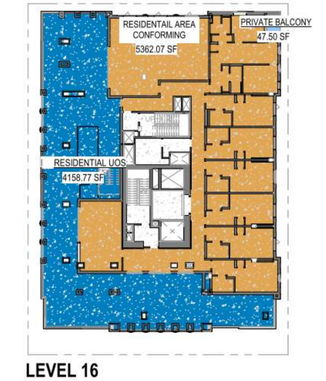
LEVEL 15



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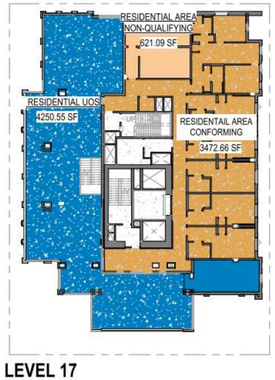

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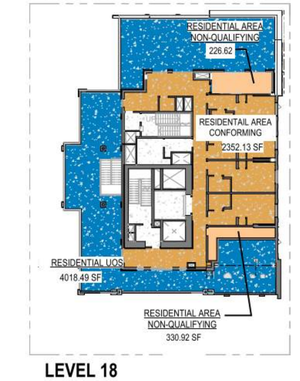

LEVEL 18

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No.	DATE	DESCRIPTION
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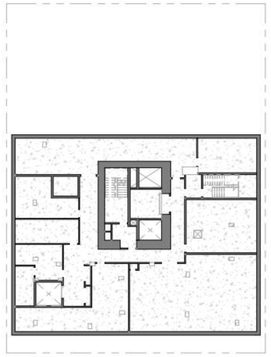
NOT FOR CONSTRUCTION

DENSITY BONUS CALCS - PROPOSED

G002.B



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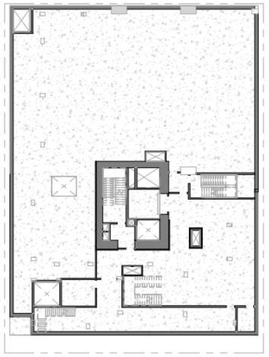

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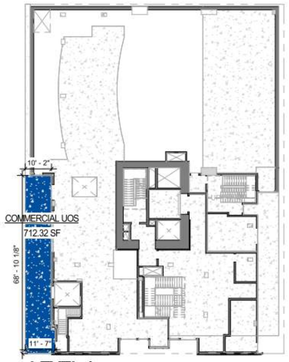

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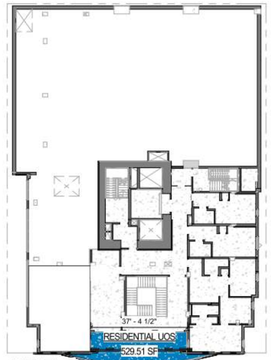

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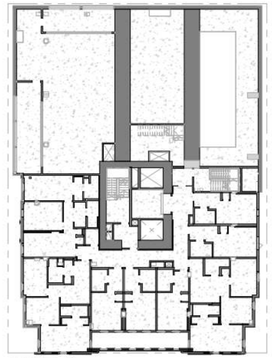

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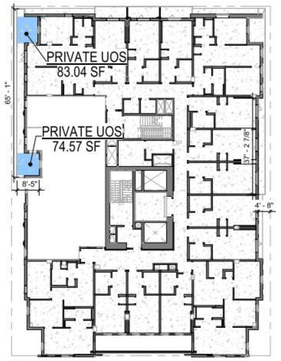

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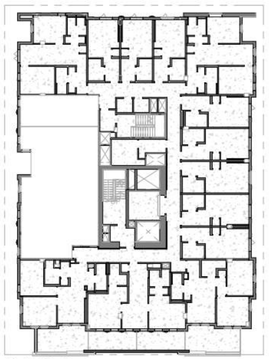

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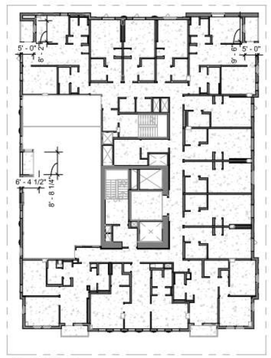

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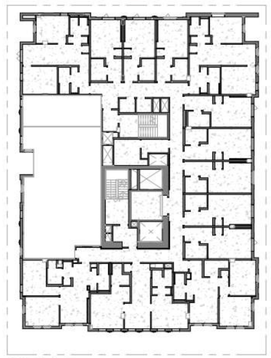

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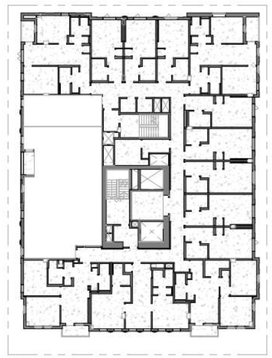

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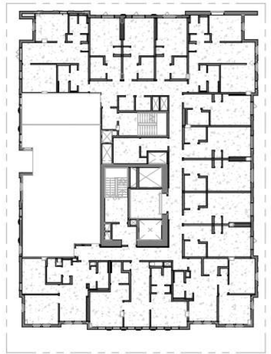

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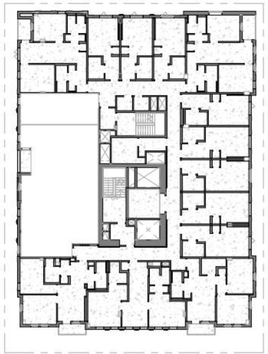

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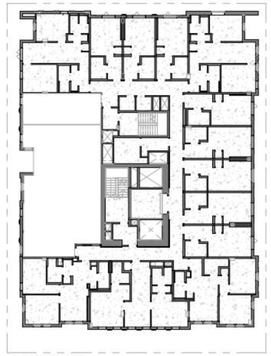

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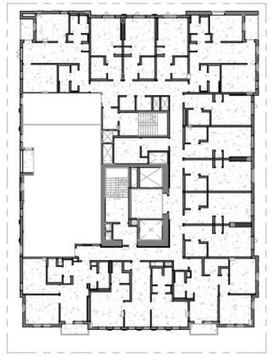

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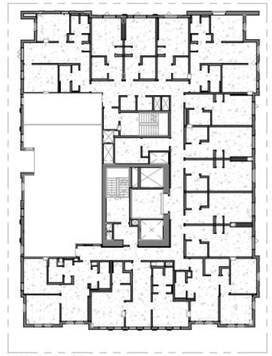

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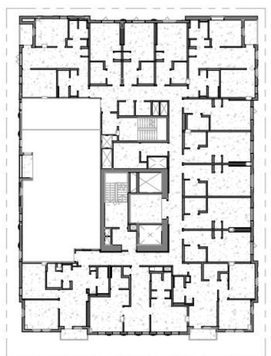

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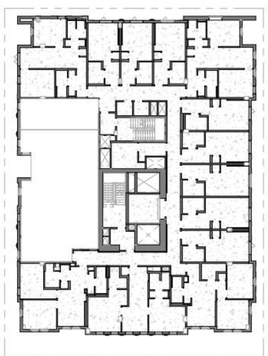

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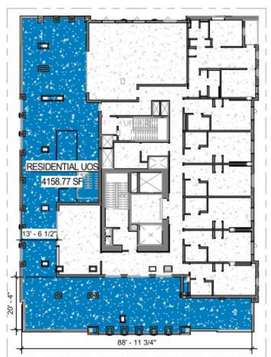
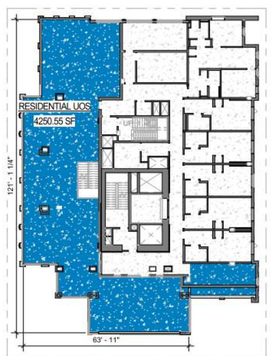
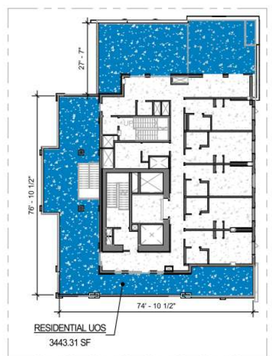


LEVEL 16 LANDSCAPE 163 SF



LEVEL 17 LANDSCAPE 441 SF



LEVEL 18 LANDSCAPE 278 SF

PROJECT DENSITY CALCULATIONS

UOS REQUIREMENTS:

NON-RESIDENTIAL USES:
1 sq. ft. of privately-owned public open space per 50 sq. ft. of commercial floor area.
*Each square foot of usable open space provided as privately-owned public open space is counted as two square feet of required on-site open space.

RESIDENTIAL:
80 FT PER UNIT
NOTE: PRIVATE BALCONIES LESS THAN 6FT IN WIDTH OR DEPTH NOT INCLUDED IN USABLE OPEN SPACE

UOS CALCS

NON-RESIDENTIAL USES
PROPOSED COMMERCIAL = 712 SF

RESIDENTIAL
211 UNITS x 80 SF = 16,880 SF
PROPOSED COMMON = 12,382 SF
PROPOSED PRIVATE = 157 SF
RESIDENTIAL TOTAL = 12,539 SF

LANDSCAPED UOS (RESIDENTIAL)
40% OF COMMON UOS
REQUIRED: 40% OF 12,539 (COMMON) = 5,015 SF
PROPOSED: 7% OF 12,539 (COMMON) = 877 SF

Area Schedule (Project Density Calc) Sorted by Level Commercial Usable Open Space Only

Level	Name	Area
LEVEL 1	COMMERCIAL UOS	712.32 SF
COMMERCIAL UOS TOTAL		712.32 SF

Area Schedule (Project Density Calc) Sorted by Level Usable Open Space Only

Level	Name	Area
LEVEL 2	RESIDENTIAL UOS	529.51 SF
LEVEL 4	PRIVATE UOS	157.61 SF
LEVEL 16	RESIDENTIAL UOS	4158.77 SF
LEVEL 17	RESIDENTIAL UOS	4250.55 SF
LEVEL 18	RESIDENTIAL UOS	3443.31 SF
		12539.74 SF

LOT COVERAGE CALCUALTIONS

MAX. BLDG. BOUNDRY AREA	
11,517 SF + 546 SF	=12,063 SF
LOT SIZE	= 13,500 SF
LOT COVERAGE =12,063/13,500	**= 89%**

1 G003 GROUND FLOOR
1" = 30'-0" ON 24X36 (1"=60'-0" ON 12X18)

BUILDING PROGRAM LEGEND:
- COMMERCIAL UOS
- DB RESIDENTIAL UOS

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Principal Jessica Musick
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2115 KITTREDGE ST

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	11/08/2023	ZAB SUBMITTAL

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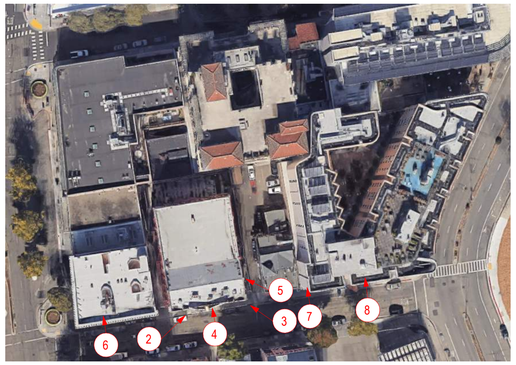
LOT COVERAGE, USABLE OPEN SPACE CALCS

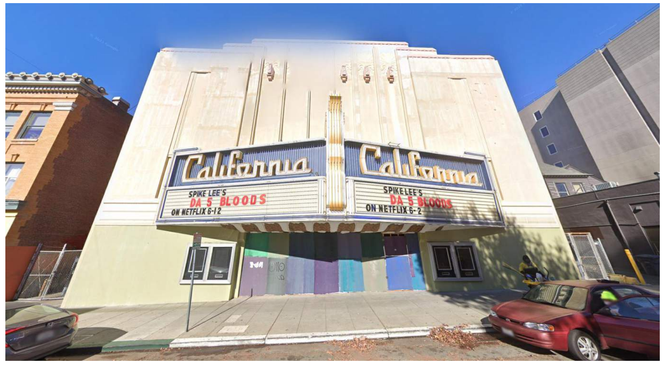
G003



1 2115 KITTREDGE STREET SITE CONTEXT PHOTO KEY
1" = 1'-0"

2 STREET VIEW LOOKING NORTH

3 STREET VIEW LOOKING WEST

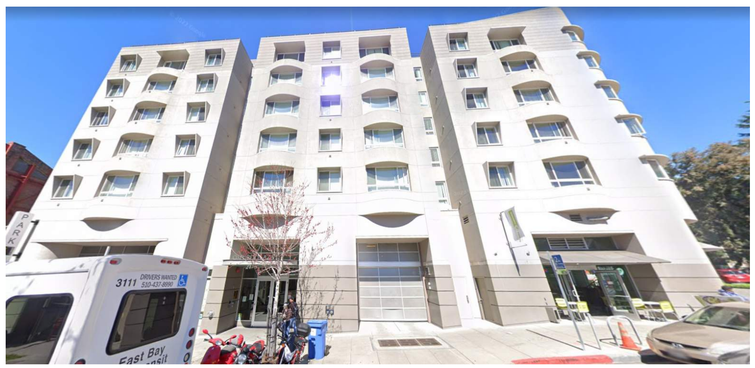


4 STREET VIEW LOOKING NORTHWEST

5 EAST SIDEYARD LOOKING WEST

6 2231 SHATTUCK

7 2115 & 2119 KITTREDGE



8 2165 & 2177 KITTREDGE

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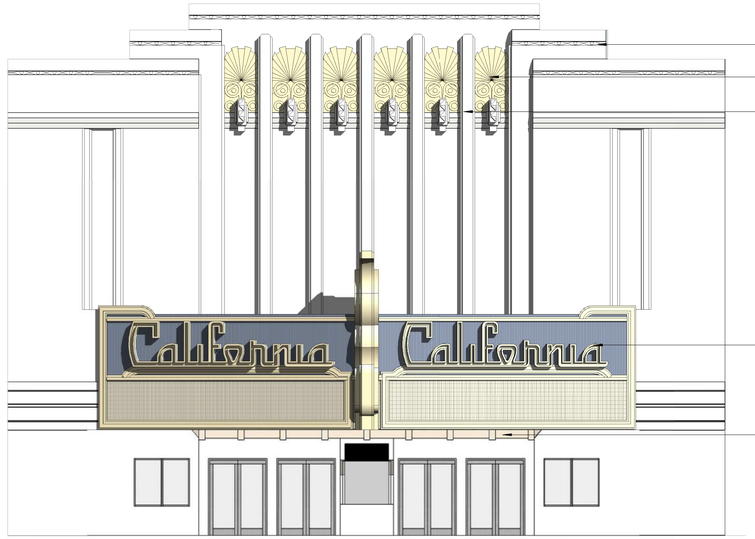
EXISTING SITE PHOTOS

G004

EXISTING THEATER FACADE

HISTORICAL THEATER FACADE



PRESERVE AND RESTORE EXISTING DECORATIVE CORNICE ELEMENTS

PRESERVE AND RESTORE EXISTING DECORATIVE COINS

PRESERVE AND RESTORE EXISTING DECORATIVE PILASTERS

PRESERVE AND RESTORE EXISTING THEATER MARQUEE

REPLACE & RECREATE EXISTING THEATER MARQUEE SOFFIT (REMOVAL REQUIRED FOR CONSTRUCTION)

2 G005 EXISTING THEATER FACADE MODIFICATIONS
1/8" = 1'-0"

ALTERNATIVE RAIL OPTION AT MARQUEE BALCONY

PROPOSED SAWCUT AND WINDOW INFILL AT EXISTING FACADE

PROPOSED SAWCUT AND OPENING AT EXISTING FACADE FOR 2ND FLOOR MARQUEE BALCONY ACCESS

PROPOSED SAWCUT AND WINDOW INFILL AT EXISTING FACADE RECESS

PROPOSED GLASS RAILING WITH BACKLIT EDGE AT MARQUEE BALCONY

PROPOSED MATTE FINISH PROJECTING SIGN. FACE OF SIGN TO BE MAXIMUM 12 S.F.

REPLACE & RECREATE STOREFRONT AT RESIDENTIAL LOBBY, THEATER ENTRANCE AND THEATER TICKET BOOTH

RESTORE EXISTING POSTER DISPLAY WITH NEW WINDOW INFILL

1 G005 PROPOSED THEATER FACADE MODIFICATIONS
1/8" = 1'-0"

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NOT FOR CONSTRUCTION

THEATER FACADE PRESERVATION

G005

EXISTING THEATER FACADE

HISTORICAL THEATER FACADE

NEW LED WASH LIGHTING AT TOP OF EXISTING FACADE

NEW LED WASH LIGHTING ABOVE EXISTING RECESSED PANEL

RESTORE EXISTING MARQUEE NEON WITH ORIGINAL NEON LIGHTING

PROPOSED GLASS RAILING WITH BACKLIT EDGE AT MARQUEE BALCONY

NEW LED BLADE SIGN LIGHTING

RETAIN EXISTING MARQUEE LETTERING WITH ORIGINAL NEON LIGHTING

NEW LED STRIP LIGHTING AT EXISTING HORIZONTAL BAND

1 G006 PROPOSED THEATER FACADE MODIFICATIONS
1/8" = 1'-0"

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THEATER FACADE
LIGHTING PROPOSAL

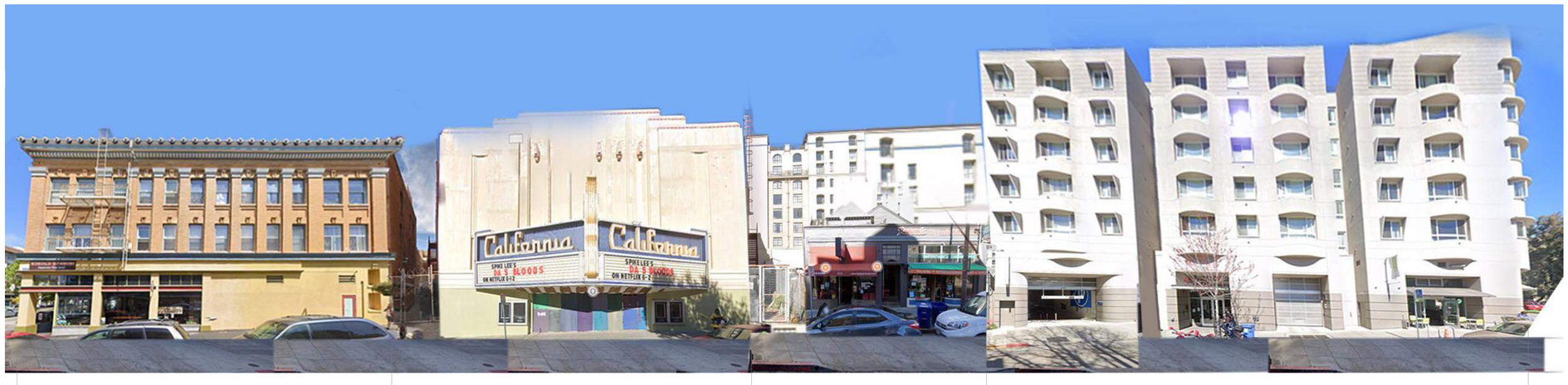
G006

2231 SHATTUCK | 2115 KITGREDGE | 2119 KITTREDGE | 2165 & 2177 KITTREDGE

BUILDING SITE

2 G007 (N) STREET STRIP ELEVATIONS

3/4" = 1'-0"



2231 SHATTUCK | 2115 KITGREDGE | 2119 KITTREDGE | 2165 & 2177 KITTREDGE

BUILDING SITE

1 G007 (E) STREET STRIP ELEVATIONS

NOT TO SCALE

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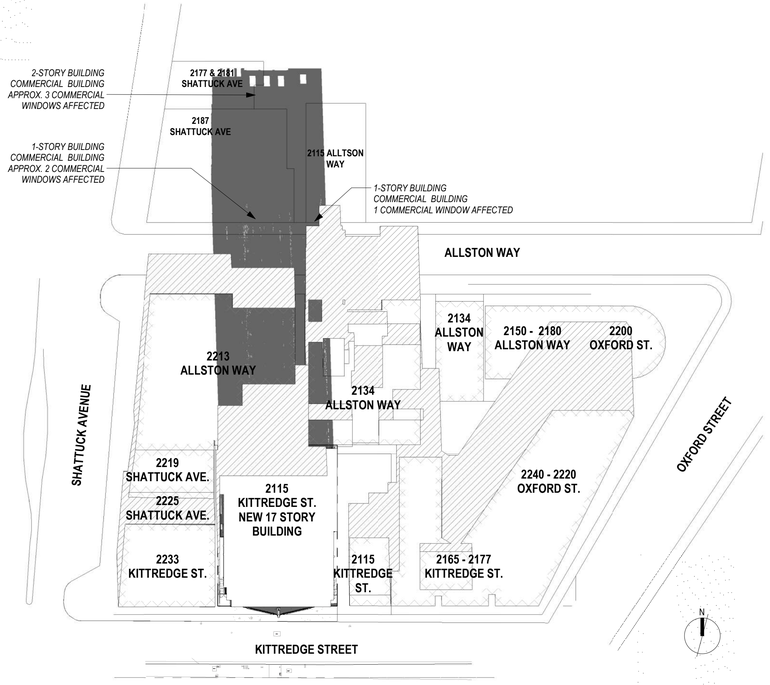
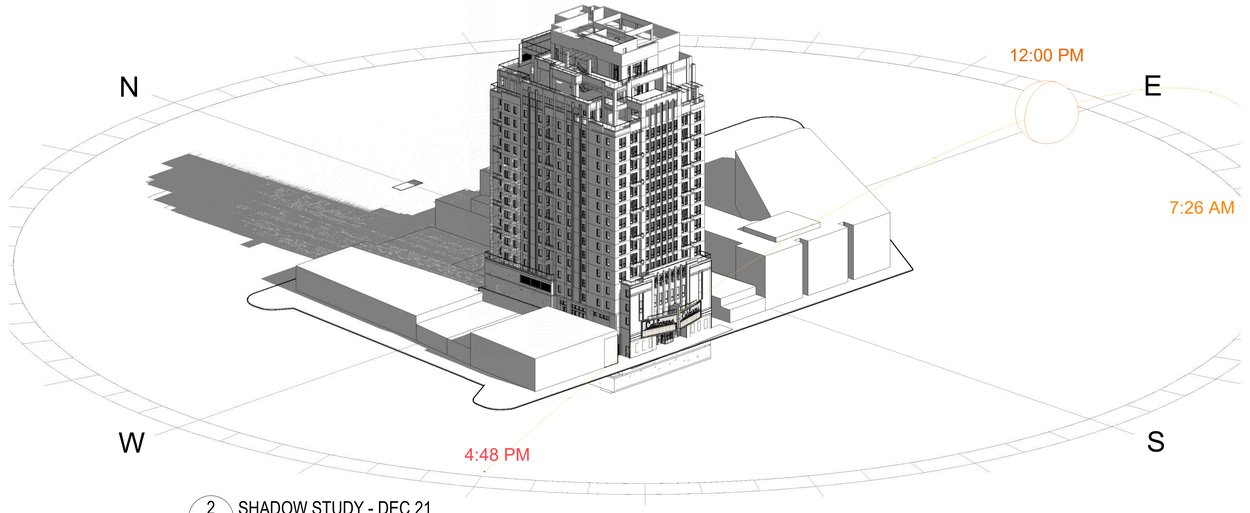
STREET STRIP ELEVATION

G007

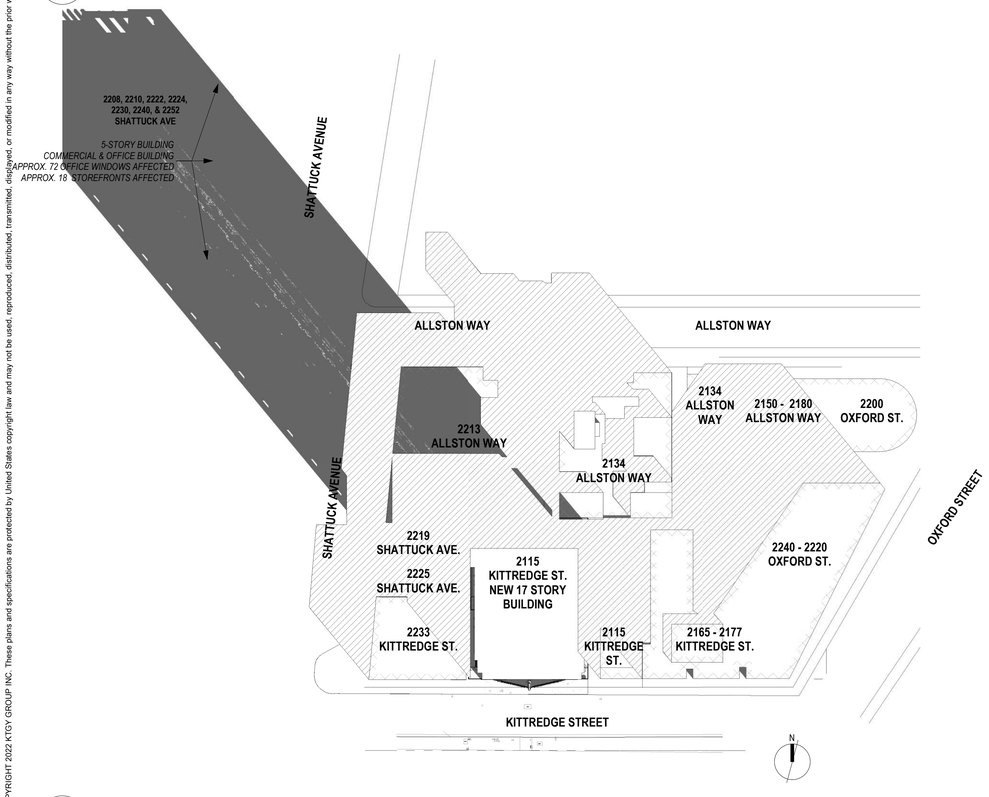


1 G008 12/21 PROPOSED NOON

1" = 60'-0" ON 24X36 (1"=120'-0" ON 12X18)

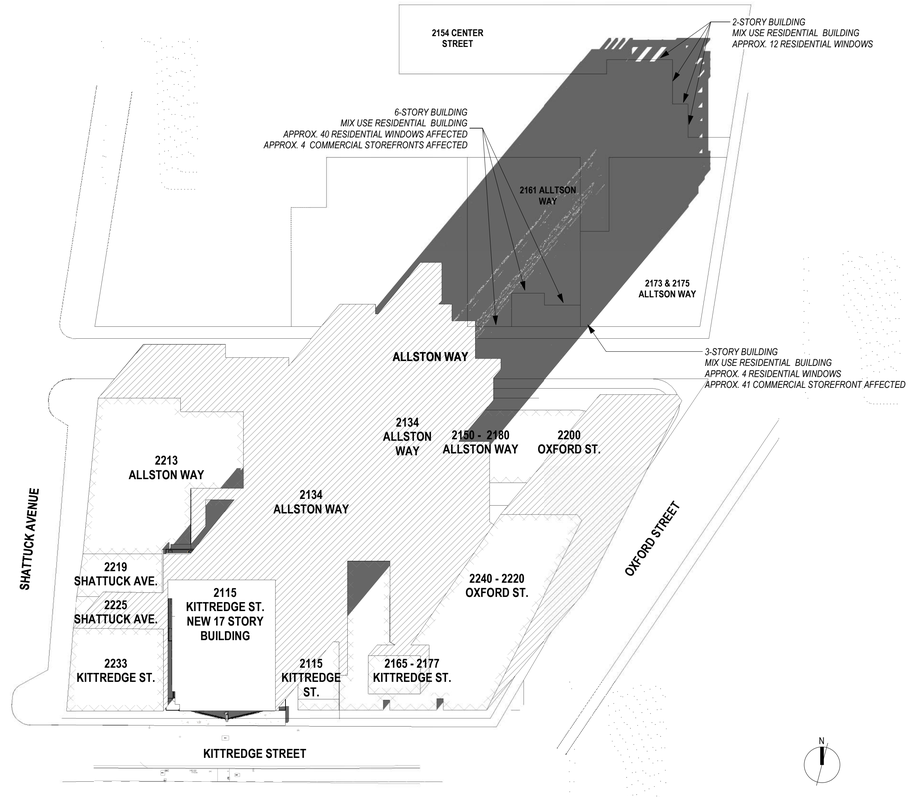


2 G008 SHADOW STUDY - DEC 21



3 G008 12/21 PROPOSED 9 21 AM

1" = 60'-0" ON 24X36 (1"=120'-0" ON 12X18)



4 G008 12/21 PROPOSED 2 54 PM

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ktgy Project Number GDC01
Contact Elwin Wong
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Principal Jessica Musick
Designer

December 21

Gilbane

Developer
GILBANE
DEVELOPMENT
COMPANY
649 Mission Street
5th Floor
San Francisco, CA
94105

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL
	11/08/2023	ZAB SUBMITTAL

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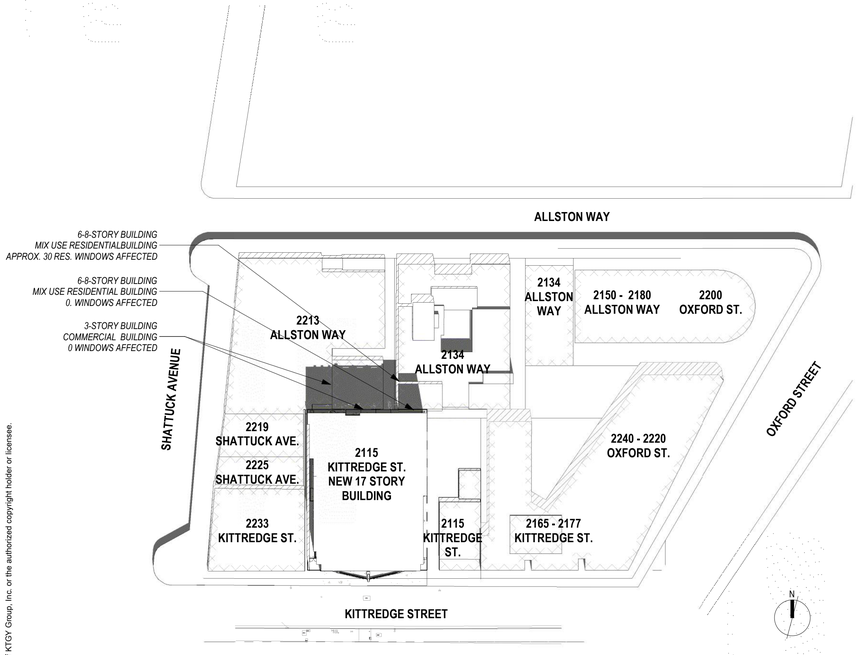
NOT FOR CONSTRUCTION

SHADOW STUDIES - DEC 22

G008



1 G009 06/21 PROPOSED NOON

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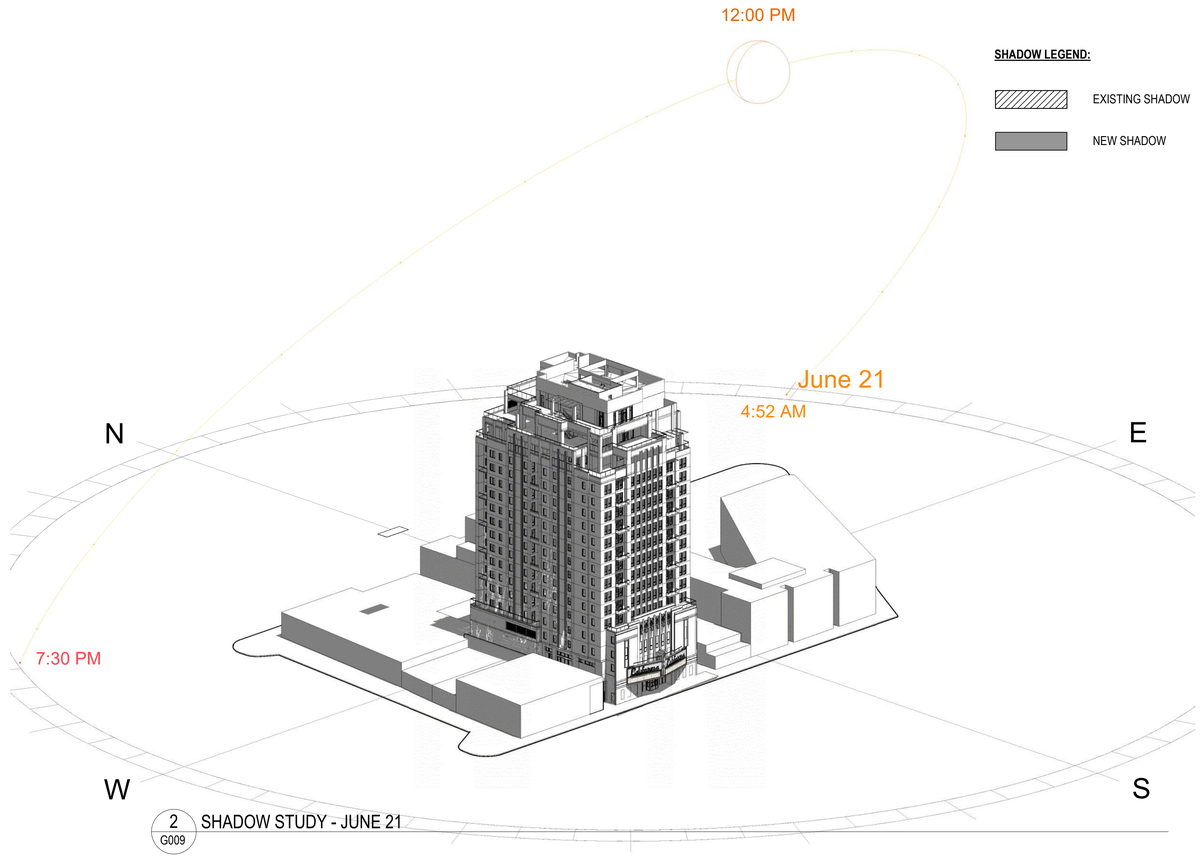
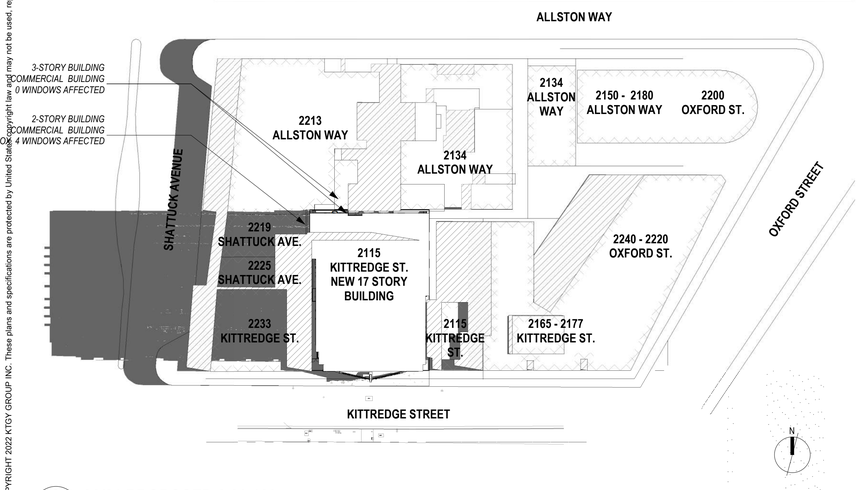


2 G009 SHADOW STUDY - JUNE 21



3 G009 06/21 PROPOSED 8 30 AM

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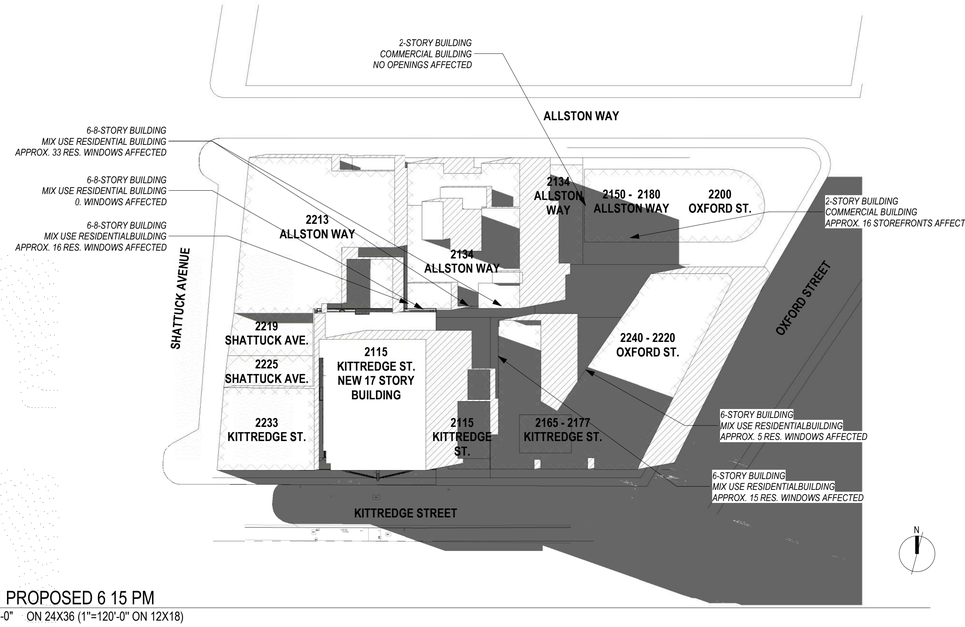

4 G009 06/21 PROPOSED 6 15 PM

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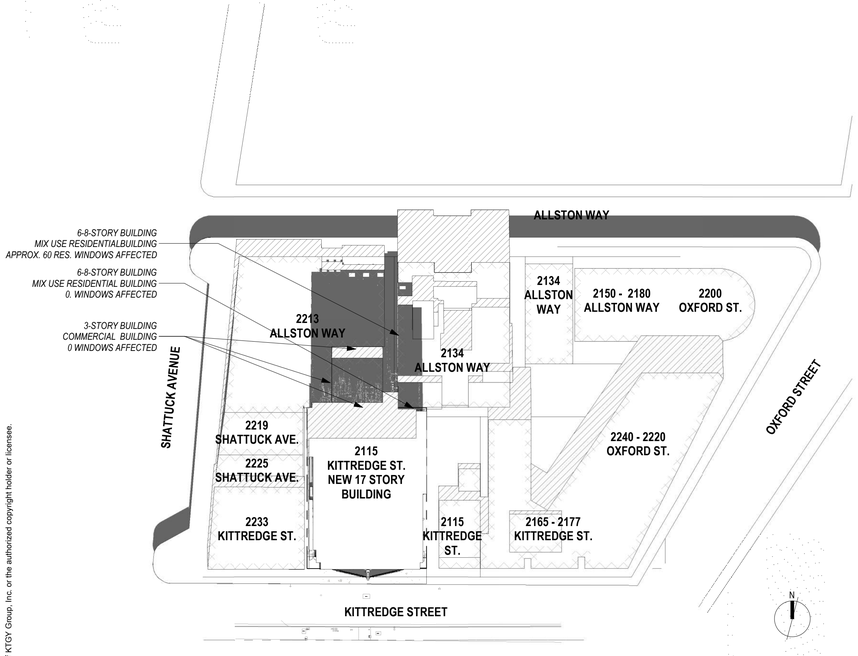
G009



1 G010 09/22 PROPOSED NOON
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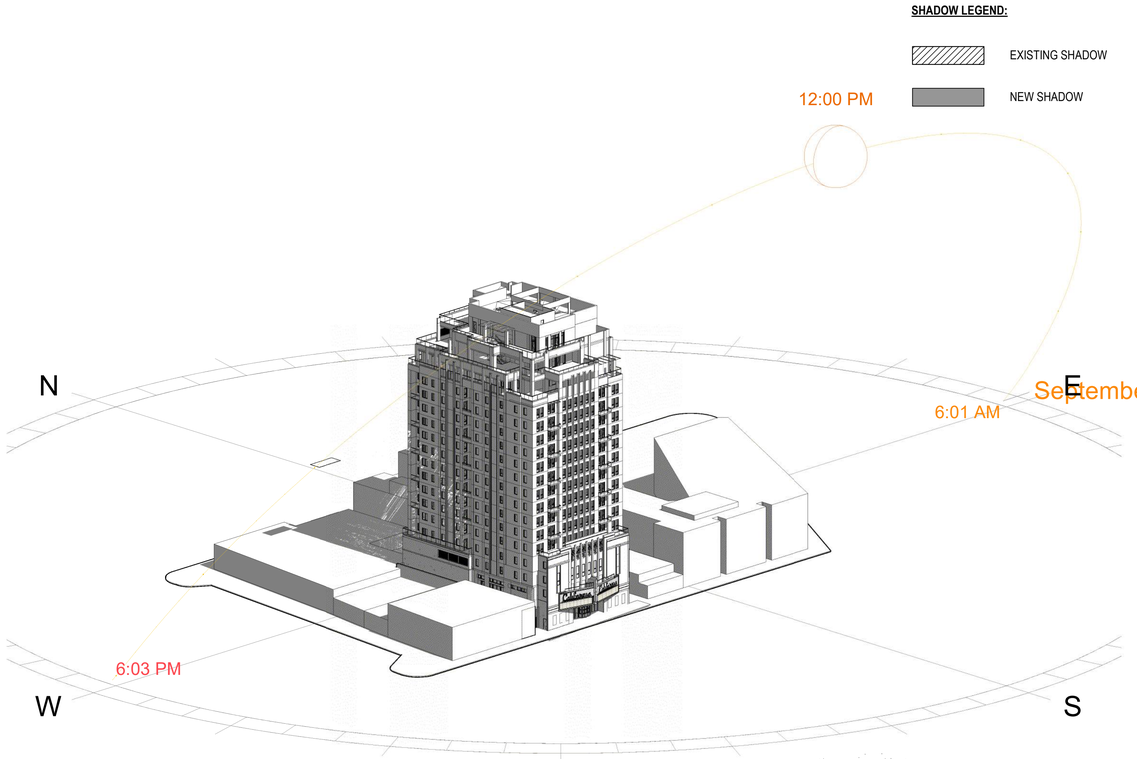
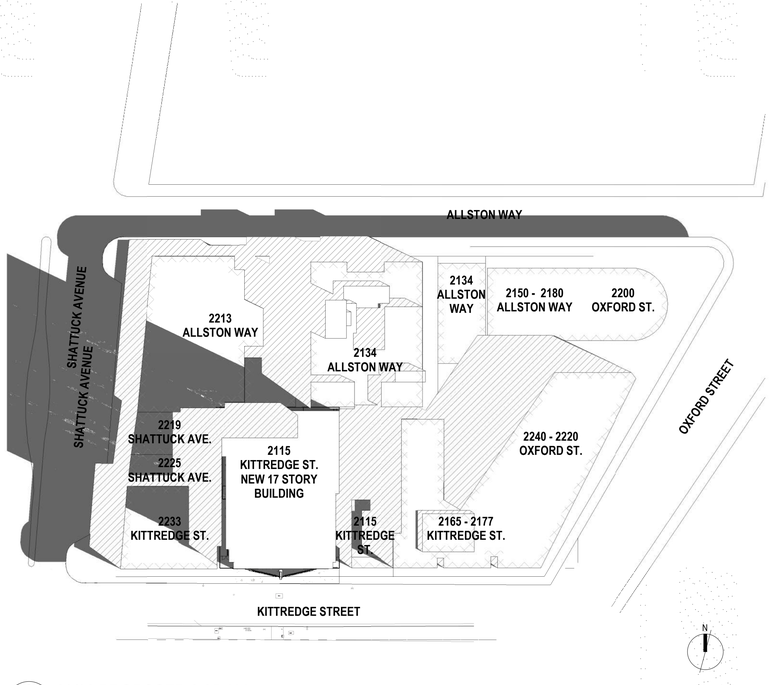


2 G010 SHADOW STUDY - SEPT 22



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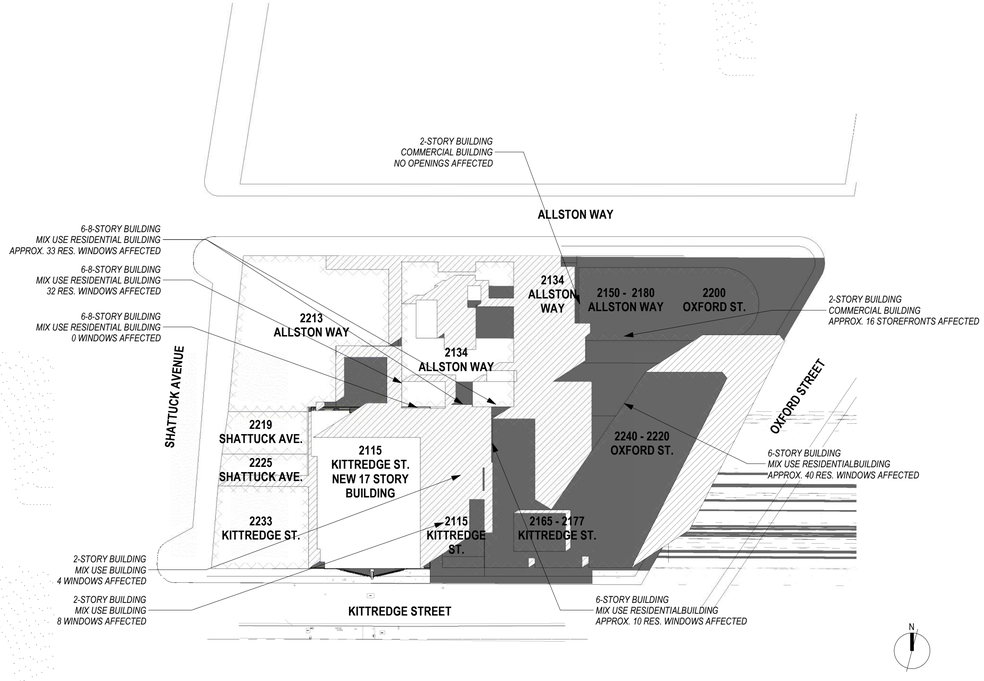

4x G010 09/22 PROPOSED 6 15 PM
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NOT FOR CONSTRUCTION

SHADOW STUDIES - SEPT 22

G010

NEW HOME RATING SYSTEM, VERSION 8.0

MULTIFAMILY CHECKLIST

The GreenPoint Rated checklist tracks green features incorporated into the home. GreenPoint Rated is administered by Build It Green, a non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Community (2) Energy (25), Indoor Air Quality/Health (6), Resources (6), and Water (6); and meet the prerequisites CALGreen Mandatory, ES-3 , HE-1, JE-1, OT-1.

Directions for Use: Column A is a dropdown menu with the options of "Yes", "No", or "TBD" or a range of percentages to allocate points. Select the appropriate dropdown and the appropriate points will appear in the blue "points achieved" column.

The criteria for the green building practices listed below are described in the GreenPoint Rated New Home Rating Manual.
For more information please visit **www.builditgreen.org/greenpointrated**
Build It Green is not a code enforcement agency.
A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.

Points Targeted: 157
Certification Level Targeted: Platinum
Compliance Pathway Targeted: All Electric High-Rise

New Home Multifamily Version 8

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
		Possible Points					
CALGreen							
Yes	**CALGreen Res (REQUIRED)**	4	-	1	1	1	1
A. SITE							
No	**A1. Construction Footprint** (Site Preservation Plan Beyond Local Ordinance (OR 40% of Site Undeveloped and Undisturbed)	0				1	
	A2: Job Site Construction Waste Diversion						
Yes	A2.1 70% C&D Waste Diversion **(including** Alternative Daily Cover)	2				2	
Yes	A2.2 Recycling Rates from Third-Party Verified Mixed-Use Waste Facility	1				1	
No	**A3. Recycled Content Base Material** (Minimum 20% Post-Consumer Content)	0				1	
No	**A4. Heat Island Effect Reduction (Non-Roof)**	0	-	1			
No	**A5. Construction Environmental Quality Management Plan Including Flush-Out**	0			1		
	A6. Stormwater Control: Prescriptive Path						
No	A6.1 Permeable Paving Material	0				1	
No	A6.2 Filtration and/or Bio-Retention Features	1				1	
No	A6.3 Non-Leaching Roofing Materials	1				1	
No	A6.4 Smart Stormwater Street Design	0	1				
No	**A7. Stormwater Control: Performance Path** (Capture and Treat 85% of Annual Runoff Onsite)	0				3	
B. FOUNDATION							
Yes	**B1. Fly Ash and/or Slag in Concrete** (Minimum of 30%)	1				1	
Yes	**B2. Radon-Resistant Construction**	2			2		
Yes	**B3. Foundation Drainage System**	2				2	
No	**B4. Moisture Controlled Crawlspace**	0			1		
	B5. Structural Pest Controls						
No	B5.1 Termite Shields and Separated Exterior Wood-to-Concrete Connections	0				1	
No	B5.2 Plant Trunks, Bases, or Stems at Least 36 Inches from the Foundation	0				1	
C. LANDSCAPE							
6.70%	Enter the landscape area percentage. Points capped at 3 for less than 15%.						
No	**C1. Plants Grouped by Water Needs (Hydrozoning)**	0				1	
No	**C2. Three Inches of Mulch in Planting Beds**	0				1	
	C3. Resource Efficient Landscapes						
Yes	C3.1 No Invasive Species Listed by Cal-IPC	1			1		
Yes	C3.2 Plants Chosen and Located to Grow to Natural Size (Limited Maintenance)	1			1		
Yes	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other Appropriate Species	1				3	
	C4. Minimal Turf in Landscape						
Yes	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide	0				2	
No	C4.2 Turf on a Small Percentage of Landscaped Area	0				2	
No	**C5. Trees to Moderate Building Temperature** (at least 50% of West Facing Glazing and Walls Shaded)	0	1	1		1	
Yes	**C6. High-Efficiency Irrigation System**	0				2	
No	**C7. One Inch of Compost in the Top Six to Twelve Inches of Soil** (with Soil Testing)	0				2	
No	**C8. Rainwater Harvesting System**	0				3	

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
No	**C9. Recycled Wastewater Irrigation System**	0					1	
Yes	**C10. Submeter or Dedicated Meter for Landscape Irrigation**	0					2	
TBD	**C11. Landscape Meets Water Budget**						1	
	C12. Environmentally Preferable Materials for Site							
No	C12.1 Environmentally Preferable Materials for 75% of Non-Plant Landscape Elements and Fencing	0				1		
No	C12.2 Play Structures and Surfaces Have an Average Recycled Content ≥ 20%	0				1		
TBD	**C13. Reduced Light Pollution** (Exterior lighting fixtures shielded and directed downward)		1					
No	**C14. Large Stature Tree(s)**	0	1					
No	**C15. Third Party Landscape Program Certification**	0					1	
No	**C16. Maintenance Contract with Certified Professional** (Bay-Friendly Qualified Professional or Equiv.)	0					1	
No	**C17. Community Garden**	0	2					
D. STRUCTURAL FRAME AND BUILDING ENVELOPE								
	D1. Optimal Value Engineering							
No	D1.1 Joists, Rafters, and Studs at 24 Inches on Center	0		1		2		
No	D1.2 Non-Load Bearing Door and Window Headers Sized for Load	0				1		
No	D1.3 Advanced Framing Measures	0				2		
No	**D2. Construction Material Efficiencies** (Pre-assembled wall and roof framing for at least 80% of project)	0				1		
	D3. Engineered Lumber							
No	D3.1 Engineered Beams and Headers	0				1		
No	D3.2 Wood I-Joists or Web Trusses for Floors	0				1		
No	D3.3 Engineered Lumber for Roof Rafters	0				1		
No	D3.4 Engineered or Finger-Jointed Studs for Vertical Applications	0				1		
No	D3.5 OSB for Subfloor	0				0.5		
No	D3.6 OSB for Wall and Roof Sheathing	0				0.5		
No	**D4. Insulated Headers**	0		1				
	D5. FSC-Certified Wood							
No	D5.1 Dimensional Lumber, Studs, and Timber	0				6		
No	D5.2 Panel Products	0				3		
	D6. Solid Wall Systems							
Yes	D6.1 At Least 90% of Floors	1				1		
Yes	D6.2 At Least 90% of Exterior Walls	2		1		1		
Yes	D6.3 At Least 90% of Roofs	2		1		1		
No	**D7. Energy Heels on Roof Trusses**	0		1				
No	**D8. Overhangs and Gutters**	0		1		1		
	D9. Reduced Pollution Entering the Home from the Garage							
Yes	D9.1 Detached Garage	2			2			No Garage Provided
No	D9.2 Mitigation Strategies for Attached Garage	0			1			
	D10. Structural Pest and Rot Controls							
Yes	D10.1 All Wood Located At Least 12 Inches Above the Soil	1				1		
No	D10.2 Wood Framing Treating With Borates or Factory-Impregnated, or Wall Materials Made From Rot Resistant Species	0				1		
No	**D11. Moisture-Resistant Materials in Wet Areas (such as Kitchen, Bathrooms, Utility Rooms, and Basements)**	0			1	1		
E. EXTERIOR								
Yes	**E1. Environmentally Preferable Decking**	1				1		
No	**E2. Flashing Installation Third-Party Verified**	0				2		
Yes	**E3. Rain Screen Wall System**	2				2		
Yes	**E4. Durable and Non-Combustible Cladding Materials**	1				1		
	E5. Durable Roofing Materials							
Yes	E5.1 Durable and Fire Resistant Roofing Materials or Assembly	1				1		
Yes	E5.2 Roofing Warranty for Shingle Roofing	Y	n	n	n	n	n	
No	**E6. Vegetated Roof**	0	2	2				

Project Name: GDC01
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	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
F. INSULATION								
	F1. Insulation with 30% Post-Consumer or 60% Post-Industrial Recycled Content							
Yes	F1.1 Walls and Floors	0.5				0.5		
Yes	F1.2 Ceilings	0.5				0.5		
	F2. Insulation that Meets the CDPH Standard Method—Residential for Low Emissions							
Yes	F2.1 Walls and Floors	0.5			0.5			
Yes	F2.2 Ceilings	0.5			0.5			
	F3. Low GWP Insulation That Does Not Contain Fire Retardants							
Yes	F3.1 Cavity Walls and Floors	1			1			
Yes	F3.2 Ceilings	1			1			
Yes	F3.3 Interior and Exterior Insulation	1			1			
G. PLUMBING								
	G1. Efficient Distribution of Domestic Hot Water							
Yes	G1.1 Insulated Hot Water Pipes	1		1				
Yes	G1.2 WaterSense Volume Limit for Hot Water Distribution	1				1		increase insulation on pipe
No	G1.3 Increased Efficiency in Hot Water Distribution	0				2		
	G2. Install Water-Efficient Fixtures							
Yes	G2.1 WaterSense Showerheads 1.8 gpm with Matching Compensation Valve	2				2		
Yes	G2.2 WaterSense Bathroom Faucets with ≤ 1.0 gpm	1				1		
≤1.1 gpf	G2.3 WaterSense Toilets with a Maximum Performance (MaP) Threshold of No Less Than 500 Grams 1.28 gpf OR 1.1 gpf	2				2		
TBD	G2.4 Urinals with Flush Rate of ≤ 0.1 gpf					1		possible
No	**G3. Pre-Plumbing for Graywater System**	0				1		
No	**G4. Operational Graywater System**	0				3		
TBD	**G5. Thermostatic Shower Valve or Auto-Diversion Tub Spout**					1		confirm costs w/ rep
Yes	**G6. Submeter Water for Tenants**	2				2		
H. HEATING, VENTILATION, AND AIR CONDITIONING								
	H1. Sealed Combustion Units							
Yes	H1.1 Sealed Combustion Furnace	1			1			all electric - no combustion
Yes	H1.2 Sealed Combustion Water Heater	2			2			heat pump
No	**H2. High Performing Zoned Hydronic Radiant Heating System**	0		1	1			
	H3. Effective Ductwork							
Yes	H3.1 Duct Mastic on Duct Joints and Seams	1		1				
TBD	H3.2 Pressure Balance the Ductwork System			1				testing of each unit (sealed windows & doors)
TBD	**H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified**				1			centralized fan @ roof
	H5. Advanced Practices for Cooling							
No	H5.1 ENERGY STAR® Ceiling Fans in Living Areas and Bedrooms	0	1					
No	H5.2 Operable Windows and Skylights Located to Induce Cross Ventilation in At Least One Room in 90% of Units	0	1					
	H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality							
Yes	H6.1 Meet ASHRAE Standard 62.2-2016 Ventilation Residential Standards	Y	n	n	n	n	n	
No	H6.2 Advanced Ventilation Standards	0			2			
No	H6.3 Outdoor Air is Filtered and Tempered	0			1			
	H7. Effective Range Design and Installation							
No	H7.1 Effective Range Hood Ducting and Design	0		1				
No	H7.2 Automatic Range Hood Control	0		1				
Yes	**H8. High Efficiency HVAC Filter (MERV 16+)**	1			1			min. merv 13
No	**H9. Advanced Refrigerants** (see global warming potential refrigerants)	0			1			
I. RENEWABLE ENERGY								
10.80%	**I1. Onsite Renewable Generation (Solar PV, Solar Thermal, and Wind)**	2		25				
	I2. Low Carbon Homes							
No	I2.1 Near Zero Energy Home (offset at least 80% of annual site energy use)	0		2				

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No	I2.2 Low Carbon Home (meet the CO2e/sq.ft. threshold)	0		4				
No	**I3. Energy Storage**	0		1				
No	**I4. Solar Hot Water Systems to Preheat Domestic Hot Water**	0		4				
≥80% of common area	**I5. Photovoltaic System for Multifamily Projects**	4		8				
J. BUILDING PERFORMANCE AND TESTING								
Yes	**J1. Third-Party Verification of Quality of Insulation Installation**	1			1			
Yes	**J2. Supply and Return Air Flow Testing**	2		1	1			
Yes	**J3. Mechanical Ventilation Testing**	1			1			
Yes	**J4. All Electric or Combustion Appliance Safety Testing**	1			1			
All Electric High-Rise	**J5. Building Energy Performance**							**Option 1: Mixed Fuel** - High Rise: Compliance margin is 10% over T24 or higher. Low Rise: Minimum Delta EDR ranges from 6-10 based on climate zone. Both high-rise and low-rise require pre-wiring requirements: Dryer - conductor rated for 40 amp, Range - conductor rated for 50 amp, PV and storage credit allowed. **Option 2: All Electric Compliance** - Meet Efficiency EDR based on climate zone (0-5). PV and Storage credit allowed. High Rise: meet T24. **Option 3: Annual Energy Use** - Minimum 20% compliance based on annual energy use. PV credit not allowed.
3								Climate Zone Input
8	J5.1 Home Meets or Exceeds Energy Compliance Pathway	41		25+				
0.00%	J5.2 Non-Residential Spaces Outperform Title 24			15				
Yes	**J6. Title 24 Prepared and Signed by a CABEC Certified Energy Analyst**	1		1				
TBD	**J7. Participation in Utility Program with Third-Party Plan Review**			1				savings by design
No	**J8. ENERGY STAR® for Homes**	0		1				
No	**J9. EPA Indoor airPlus Certification**				2			
No	**J10. Blower Door Testing**	0			3			
No	**J11. Compartmentalization of Units** (Minimum unconditioned pathways for indoor air pollutants between units)	0		1	1			
K. FINISHES								
	K1. Entryways Designed to Reduce Tracked-In Contaminants							
No	K1.1 Entryways to Individual Units (Goldenrod hard surface at entrances and permanent assembly for shoe storage)	0			1			
No	K1.2 Entryways to Buildings (Goldenrod hard surface at entrances and built-in, permanent walk-off mat or grill)	0			1			
Yes	**K2. Zero-VOC Interior Wall and Ceiling Paints**	2			2			
Yes	**K3. Low-VOC Caulks and Adhesives**	1			1			
	K4. Environmentally Preferable Materials for Interior Finish							
TBD	K4.1 Cabinets					2		
TBD	K4.2 Interior Trim					2		
TBD	K4.3 Shelving					2		
TBD	K4.4 Doors					2		
Yes	K4.5 Countertops	1				1		
	K5. Formaldehyde Emissions in Interior Finish Exceed CARB							
No	K5.1 Doors	0			1			
No	K5.2 Cabinets and Countertops	0			2			
No	K5.3 Interior Trim and Shelving	0			2			
No	**K6. Products That Comply With the Health Product Declaration Open Standard**	0			2			
No	**K7. Indoor Air Formaldehyde Level Less Than 27 Parts Per Billion**	0			2			
No	**K8. Comprehensive Inclusion of Low Emitting Finishes**				1			
Yes	**K9. Durable Cabinets** (Required for casework and items, wall-hung shower slides, drywall grabs, non-directional solid hinges)	2				2		
No	**K10. At Least 25% of Interior Furniture Has Environmentally Preferable Attributes**	0				1		
L. FLOORING								
≥75%	**L1. Environmentally Preferable Flooring**	3				3		

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TBD	**L2. Low-Emitting Flooring Meets CDPH 2010 Standard Method—Residential**				3			
Yes	**L3. Durable Flooring** (all flooring is hard surfaces)	1				1		
No	**L4. Thermal Mass Flooring**	0		1				
M. APPLIANCES AND LIGHTING								
Yes	**M1. ENERGY STAR® Dishwasher**	1					1	
	M2. Efficient Clothes Washing and Drying							
TBD	M2.1 CEE-Rated Clothes Washer			1			2	
Yes	M2.2 ENERGY STAR® Dryer	1		1				
No	M2.3 Solar Dryer/ Laundry Lines	0		0.5				
>20 cubic feet	**M3. Size-Efficient ENERGY STAR® Refrigerator**	2		2				
	M4. Permanent Centers for Waste Reduction Strategies							
No	M4.1 Built-In Recycling Center	0				1		
No	M4.2 Built-In Composting Center	0				1		
	M5. Lighting Efficiency							
Yes	M5.1 High-Efficacy Lighting	2		2				
Yes	M5.2 Lighting System Designed to IESNA Footcandle Standards or Designed by Lighting Consultant	2		2				
No	**M6. Electric Vehicle Charging Stations and Infrastructure**	0		2				
No	**M7. Central Laundry**	0					1	
Yes	**M8. Gearless Elevator**	1		1				
N. COMMUNITY								
	N1. Smart Development							
Yes	N1.1 Infill Site	2	1			1		
No	N1.2 Designated Brownfield Site	0	1			1		
>35	N1.3 Conserve Resources by Increasing Density	4		2		2		
No	N1.4 Cluster Homes for Land Preservation	0	1			1		
	N1.5 Home Size Efficiency	9				9		
875	Enter the area of the home, in square feet							
2	Enter the number of bedrooms							
	N2. Home(s)/Development Located Near Major Transit Stop							
Yes	N2.1 Within 1 Mile of a Major Transit Stop	1	1					
No	N2.2 Within 1/2 mile of a Major Transit Stop	0	2					
	N3. Pedestrian and Bicycle Access							
	N3.1 Pedestrian Access to Services Within 1/2 Mile of Community Services	0	2					
0	Enter the number of Tier 1 services							
0	Enter the number of Tier 2 services							
Yes	N3.2 Connection to Pedestrian Pathways	1	1					
No	N3.3 Traffic Calming Strategies	0	2					
No	N3.4 Sidewalks Buffered from Roadways and 5-8 Feet Wide	0	1					
Yes	N3.5 Bicycle Storage for Residents	1	1					
Yes	N3.6 Bicycle Storage for Non-Residents	1	1					
TBD	N3.7 Reduced Parking Capacity		2					No parking required
	N4. Outdoor Gathering Places							
Yes	N4.1 Public or Semi-Public Outdoor Gathering Places for Residents	1	1					
Yes	N4.2 Public Outdoor Gathering Places with Direct Access to Tier 1 Community Services	1	1					
	N5. Social Interaction							
No	N5.1 Residence Entries with Views to Callers	0	1					
No	N5.2 Entrances Visible from Street and/or Other Front Doors	0	1					
No	N5.3 Porches Oriented to Street and Public Space	0	1					
	N6. Passive Solar Design							
No	N6.1 Heating Load	0		2				

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

	Measures	Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
No	N6.2 Cooling Load	0		2				
	N7. Adaptable Building							
No	N7.1 Universal Design Principles in Units	0	1		1			
No	N7.2 Full-Function Independent Rental Unit	0	1					
	N8. Resiliency							
TBD	N8.1 Climate Impact Assessment (Cal-Adapt, Fortified Standard, HAZUS, FEMA P58, or Seismic Evaluation)		1		1	1		
TBD	N8.2 Strategies to Address Assessment Findings		1		1	1		
	N9. Social Equity							
TBD	N9.1 Diverse Workforce (Supplier Diversity or Local Hire)		1			1		
No	N9.2 Community Location (Disadvantaged Community)	0	1		1			
	N10. Affordability							
No	N10.1 Dedicated Units for Households Making 80% of AMI or Less	0	2					
Yes	N10.2. Units with Multiple Bedrooms for Households Making 80% of AMI or Less	2	1					
No	N10.3 At Least 20% of Units at 120% AMI or Less are For Sale	0	1					
	N11. Mixed-Use Development							
No	N11.1 Live/Work Units Include a Dedicated Commercial Entrance	0	1					
Yes	N11.2 At Least 2% of Development Floor Space Supports Mixed Use	1	1					
TBD	N11.3 Half of the Non-Residential Floor Space is Dedicated to Community Services		1					
O. OTHER								
Yes	**O1. GreenPoint Rated Checklist in Blueprints**	Y	n	n	n	n	n	
Yes	**O2. Pre-Construction Kickoff Meeting with Rater and Subcontractors**	2		0.5		1	0.5	
No	**O3. Orientation and Training to Occupants—Conduct Educational Walkthroughs**	0		0.5	0.5	0.5	0.5	
No	**O4. Builder's or Developer's Management Staff are Certified Green Building Professionals**	0		0.5	0.5	0.5	0.5	
	O5. Home System Monitors							
No	O5.1 Energy Home System Monitors	0		2				
No	O5.2. Water Home System Monitors	0					1	
	O6. Green Building Education							
Yes	O6.1 Marketing Green Building	2	2					
Yes	O6.2 Green Building Signage	1		0.5			0.5	
Yes	**O7. Green Appraisal Addendum**	Y	n	n	n	n	n	
No	**O8. Detailed Durability Plan and Third-Party Verification of Plan Implementation**	0				1		
No	**O9. Residents Are Offered Free or Discounted Transit Passes**	0	2					
No	**O10. Vandalism Deterrence Practices and Vandalism Management Plan**	0				1		
Yes	**O11. Smokefree Housing**	2			2			
No	**O12. Integrated Pest Management Plan**	0				1		
P. DESIGN CONSIDERATIONS								
	P1. Acoustics: Noise and Vibration Control		1		1			
	Enter the number of Tier 1 practices							
	Enter the number of Tier 2 practices							
	P2. Mixed-Use Design Strategies							
Yes	P2.1 Tenant Improvement Requirements for Build-Outs	2			1		1	
Yes	P2.2 Commercial Loading Area Separated for Residential Area	1			1			
Yes	P2.3 Separate Mechanical and Plumbing Systems	1			1			
	P3. Commissioning							
Yes	P3.1 Design Phase	2		1	1			
Yes	P3.2 Construction Phase	3		2	1			
Yes	P3.3 Post-Construction Phase	1		0	1			
TBD	**P4. Building Enclosure Testing**			1	1	1		

Summary

Project Name: GDC01
Project Street: 2115 Kittredge
Project City: Berkeley
Project Zip: 94704

	Points Achieved	Community	Energy	IAQ/Health	Resources	Water
Total Available Points in Specific Categories	370	46	110	69	91	54
Minimum Points Required in Specific Categories	50	2	25	6	6	6
Total Points Achieved	**157.8**	**11.0**	**66.8**	**29.8**	**36.0**	**15.2**

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2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL
	11/08/2023	ZAB SUBMITTAL

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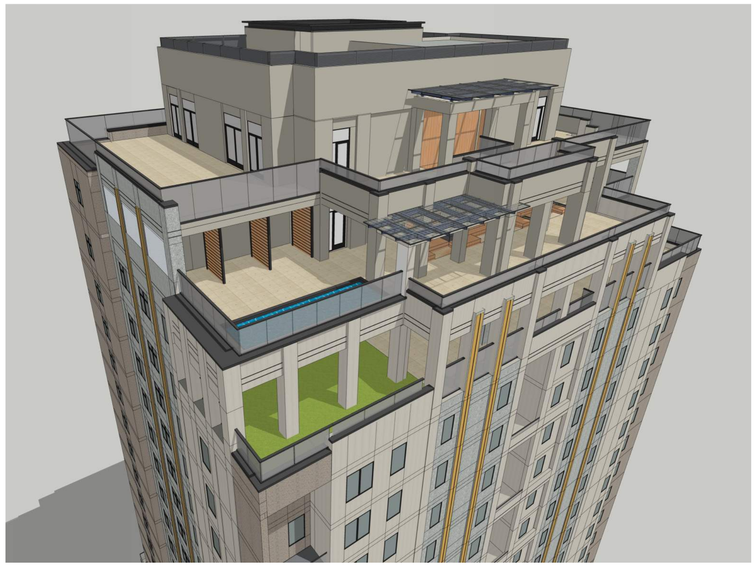
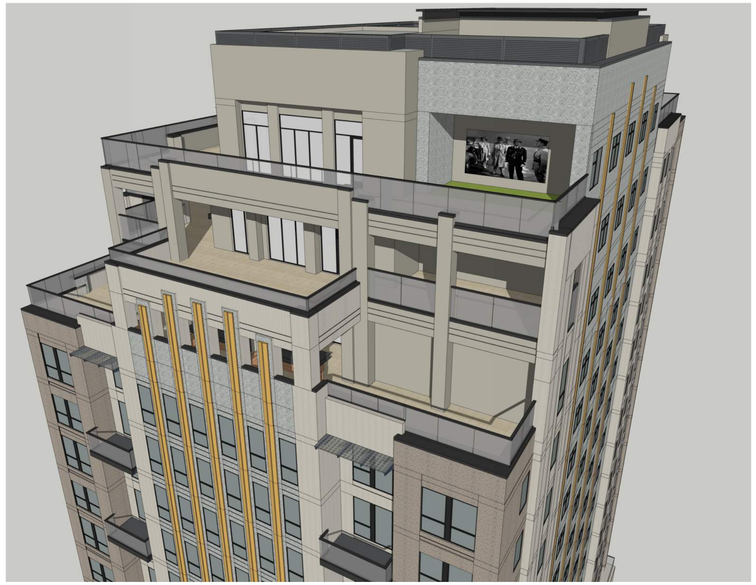
NOT FOR CONSTRUCTION

GREENPOINT RATED CHECKLIST

G011



5 G012 NW TERRACE PERSPECTIVE
NOT TO SCALE



4 G012 SE TERRACE PERSPECTIVE
NOT TO SCALE

3 G012 SW TERRACE PERSPECTIVE
NOT TO SCALE

2 G012 SOUTH TERRACE ELEVATION
NOT TO SCALE

1 G012 WEST TERRACE ELEVATION
NOT TO SCALE

NOTE: THE DESIGN INTENT OF THE TERRACE PERSPECTIVES AND ELEVATIONS IS TO SEE THE TERRACE MASSING AND STEPPING BACK OF THE FACADE AS ONE MOVES UP THE BUILDING. FOR EXTERIOR COLOR AND MATERIALS, PLEASE REFER TO SHEETS G013 AND A205.

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NOT FOR CONSTRUCTION

TERRACE VIEWS AND PERSPECTIVES

G012

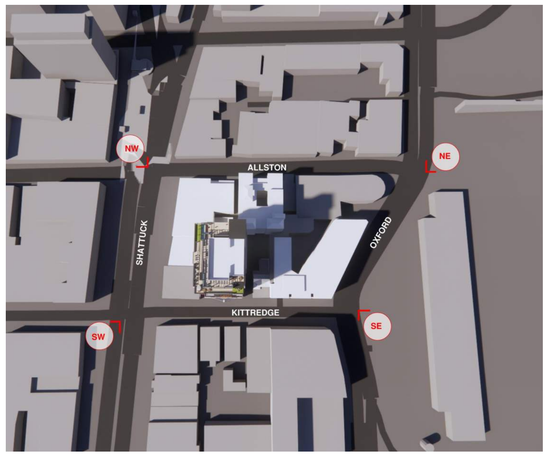
6 G013 NW CONTEXT VIEW
NOT TO SCALE

5 G013 SE CONTEXT VIEW
NOT TO SCALE

4 G013 PEDESTRIAN LEVEL PERSPECTIVE
NOT TO SCALE

3 G013 SW CONTEXT VIEW
NOT TO SCALE

2 G013 NE CONTEXT VIEW
NOT TO SCALE



1 G013 CONTEXT VIEW MAP
NOT TO SCALE

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PERSPECTIVE CONTEXT RENDERINGS

G013

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NOT FOR CONSTRUCTION

NIGHT RENDERING

G014

2115 KITTREDGE STREET

BERKELEY, CA 94704

LEGEND

	EXISTING	PROPOSED
SAWCUT AND CONFORM LINE		
RETAINING WALL		
A.C. PAVEMENT		
CONC. VALLEY GUTTER		
CONC. SIDEWALK OR PAD		
6" CURB & GUTTER		
EDGE OF A.C. PAVEMENT	EP	
6" VERTICAL CURB		
CENTER LINE		
SANITARY SEWER MAIN	8" SS	8" SS
STORM DRAIN MAIN	12" SD	15" SD
PERFORATED PIPE		6" SD
WATER MAIN	6" W	6" W
FIRE WATER MAIN	6" FW	4" FW
DOMESTIC WATER MAIN	6" DW	4" DW
CHILLED WATER MAIN	6" CHW	4" CHW
IRRIGATION LINE	2" IRR	4" IRR
HOT WATER SUPPLY & RETURN	HWS-HWR	HWS HWR
STEAM LINE	ST	ST
TRENCH DRAIN		
CONDENSATE RETURN	CR	CR
FLOW LINE		
CHAIN LINK FENCE	x x	x x
GAS MAIN	G	2" G
ELECTRIC AND SIGNAL DUCT BANK	E	E
OVERHEAD ELECTRIC LINE	OHE	OHE
UNDERGROUND ELECTRIC LINE	UGE	UGE
STREET LIGHT CONDUIT	SL	SL
CONTOUR ELEVATION LINE	85	90 85
SPOT ELEVATION	x 95.94	FG 95.94
DIRECTION OF SLOPE	5.0%	2:1 1%
GAS METER	GM	GM
GAS VALVE	GV	GV
WATER METER	WM	WM
WATER VALVE	WV	WV
FIRE HYDRANT		
BACK FLOW PREVENTOR		
POST INDICATOR VALVE	PIV	PIV
FIRE DEPARTMENT CONNECTION	FDC	FDC
WATER LINE TEE		
CAP AND PLUG END		
AIR RELEASE VALVE		ARV
SIGN		
ACCESSIBLE RAMP		
CONCRETE THRUST BLOCK		
REDUCER		
SANITARY SEWER MANHOLE		
SANITARY SEWER CLEANOUT	SSCO	SSCO
STORM DRAIN MANHOLE		
STORM DRAIN AREA DRAIN		
STORM DRAIN CATCH BASIN	CB	
STORM DRAIN CURB INLET		
STORM DRAIN CLEANOUT	SDCO	SDCO
ELECTROLIER		
JOINT POLE	JP	JP
OVERLAND RELEASE		
CONSTRUCTION DETAIL REFERENCE		15/C5.2 DETAIL REFERENCE / SHEET REFERENCE

ABBREVIATIONS

AB	–	AGGREGATE BASE
AC	–	ASPHALT CONCRETE
AD	–	AREA DRAIN
ADA	–	AMERICANS WITH DISABILITIES ACT
ASB	–	AGGREGATE SUBBASE
BC	–	BEGINNING OF CURVE
BFP	–	BACK FLOW PREVENTOR
BLDG	–	BUILDING CORNER
BLDG	–	BUILDING
BOD	–	BOTTOM OF DOCK
BOL	–	BOLLARD
BOS	–	BOTTOM OF STEP
BOW	–	FG @ BOTTOM OF WALL
BVC	–	BEGIN VERTICAL CURVE
BW	–	BACK OF WALK
C	–	CONCRETE OR CIVIL
C&G	–	CURB AND GUTTER
CB	–	CATCH BASIN
CI	–	COMBINATION INLET
CIP	–	CAST IRON PIPE
CL	–	CENTER LINE OR CLASS
CMP	–	CORRUGATED METAL PIPE
CO	–	CLEANOUT
COI	–	CURB OPENING INLET
CONC	–	CONCRETE
CONST	–	CONSTRUCTION OR CONSTRUCT
CY	–	CUBIC YARD
DCDA	–	DOUBLE CHECK DETECTOR ASSEMBLY
DI	–	DROP INLET
DIP	–	DUCTILE IRON PIPE
DOM	–	DOMESTIC
DW	–	DOMESTIC WATER
DWG	–	DRAWING
E	–	EAST
EC	–	END OF CURVE
EP	–	EDGE OF PAVEMENT
ER	–	END OF RETURN
EVC	–	END VERTICAL CURVE
ELEV	–	ELEVATION
EX., EXIST.	–	EXISTING
FC	–	FACE OF CURB
FDC	–	FIRE DEPARTMENT CONNECTION
FF	–	FINISHED FLOOR
FG	–	FINISHED GRADE
FH	–	FIRE HYDRANT
FL	–	FLOW LINE
FOUND	–	FOUNDATION
FS	–	FINISHED SURFACE
FT	–	FOOT
FW	–	FIRE WATER
G	–	GROUND ELEVATION
GB	–	GRADE BREAK
GV	–	GATE VALVE
HCR	–	ACCESSIBLE RAMP
HP	–	HIGH POINT
INV	–	INVERT ELEVATION
JP	–	JOINT POLE
JT	–	JOINT TRENCH
LIP	–	LIP OF GUTTER
LP	–	LOW POINT
LSA	–	LANDSCAPE ARCHITECT
MAX	–	MAXIMUM
MEP	–	MECHANICAL/ELECTRICAL/PLUMBING
MH	–	MANHOLE
MIN	–	MINIMUM
MPVC	–	MIDPOINT OF VERTICAL CURVE
MON	–	MONUMENT
N	–	NORTH
N.I.C.	–	NOT IN CONTRACT
NO	–	NUMBER
NTS	–	NOT TO SCALE
P	–	PAVEMENT ELEVATION
PCC	–	PORTLAND CEMENT CONCRETE / POINT OF CONTINUOUS CURVATURE
PIV	–	POST INDICATOR VALVE
PL	–	PROPERTY LINE
PMH	–	POWER MANHOLE
POC	–	POINT ON CURVE
PP	–	POWER POLE
PRC	–	POINT OF REVERSE CURVATURE
PVC	–	POLYVINYL CHLORIDE PIPE
R	–	RADIUS
RC	–	RELATIVE COMPACTION
RCP	–	REINFORCED CONCRETE PIPE
RPPA	–	REDUCED PRESSURE PRINCIPLE ASSEMBLY
R/W	–	RIGHT OF WAY
S	–	SLOPE OR SOUTH
S.A.D.	–	SEE ARCHITECTURAL DRAWINGS
SB	–	SEDIMENT BASIN
SD	–	STORM DRAIN
S.E.D.	–	SEE ELECTRICAL DRAWINGS
SF	–	SILT FENCE
SG	–	SUBGRADE
S.L.D.	–	SEE LANDSCAPE DRAWINGS
S.M.D.	–	SEE MECHANICAL DRAWINGS
SMH	–	SIGNAL MANHOLE
S.P.D.	–	SEE PLUMBING DRAWINGS
SS	–	SANITARY SEWER
STA	–	STATION
STD	–	STANDARD
S/W	–	SIDEWALK
TC	–	TOP OF CURB
TD	–	TRENCH DRAIN
TOD	–	TOP OF DOCK
TOE	–	TOE OF SLOPE
TOS	–	TOP OF STAIR
TOW	–	FG @ TOP OF WALL
TS	–	TOP OF SLAB
TYP	–	TYPICAL
UON	–	UNLESS OTHERWISE NOTED
U/G	–	UNDERGROUND
VC	–	VERTICAL CURVE
WM	–	WATER METER
WV	–	WATER VALVE
W	–	WEST
WWF	–	WELDED WIRE FABRIC
W/	–	WITH

CONSTRUCTION NOTES

1. ALL OFF-SITE CONSTRUCTION MATERIAL AND METHODS SHALL COMPLY WITH THE LATEST EDITION OF THE CITY OF BERKELEY STANDARD PLANS & SPECIFICATIONS.
2. CONTRACTOR SHALL LEAVE AN EMERGENCY PHONE NUMBER WITH THE CITY OF BERKELEY POLICE AND FIRE DEPARTMENTS.
3. CONTRACTOR SHALL POST ON THE SITE, EMERGENCY TELEPHONE NUMBERS FOR PUBLIC WORKS, AMBULANCE, POLICE, AND FIRE DEPARTMENTS.
4. CONTRACTOR SHALL NOTIFY ALL PUBLIC OR PRIVATE UTILITY OWNERS 48 HOURS PRIOR TO COMMENCEMENT OF WORK ADJACENT TO THE UTILITY UNLESS AN EXCAVATION PERMIT SPECIFIES OTHERWISE.
5. THE CONTRACTOR SHALL HIRE A STREET CLEANING CONTRACTOR TO CLEAN UP DIRT AND DEBRIS FROM CITY STREETS THAT ARE ATTRIBUTABLE TO THE DEVELOPMENT'S CONSTRUCTION ACTIVITIES.
6. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
7. ALL GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOILS ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTORS EXPENSE.
8. ALL MATERIALS, REQUIRED FOR THE COMPLETE EXECUTION OF THE PROJECT, SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR UNLESS OTHERWISE NOTED.
9. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY DURING THE CONSTRUCTION PERIOD.
10. THE CONTRACTOR SHALL BE RESPONSIBLE TO REPAIR OR REPLACE ANY EXISTING IMPROVEMENTS OF UNDERGROUND FACILITIES DAMAGED DURING THE CONSTRUCTION PERIOD.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL ENCROACHMENT, EXCAVATION, CONCRETE, ELECTRICAL, PLUMBING, ETC. PERMITS NECESSARY PRIOR TO BEGINNING CONSTRUCTION FOR ANY WORK.
12. THE CONTRACTOR SHALL HAVE A SUPERINTENDENT OR REPRESENTATIVE ON SITE AT ALL TIMES DURING CONSTRUCTION.
13. STORAGE OF CONSTRUCTION MATERIAL AND EQUIPMENT ON CITY STREETS WILL NOT BE PERMITTED.
14. CONSTRUCTION EQUIPMENT SHALL BE PROPERLY MUFFLED. UNNECESSARY IDLING OF GRADING CONSTRUCTION EQUIPMENT IS PROHIBITED.
15. CONSTRUCTION EQUIPMENT, TOOLS, ETC. SHALL NOT BE CLEANED OR RINSED INTO A STREET, GUTTER OR STORM DRAIN.
16. A CONTAINED AND COVERED AREA ON-SITE SHALL BE USED FOR STORAGE OF CEMENT BAGS, PAINTS, FLAMMABLE, OILS, FERTILIZERS, PESTICIDES, OR ANY OTHER MATERIALS THAT HAVE POTENTIAL FOR BEING DISCHARGED TO THE STORM DRAIN SYSTEM BY WIND OR IN THE EVENT OF A MATERIAL SPILL.
17. ALL CONSTRUCTION DEBRIS SHALL BE GATHERED ON A REGULAR BASIS AND PLACED IN A DUMPSTER WHICH IS EMPTIED OR REMOVED WEEKLY. WHEN FEASIBLE, TARPS SHALL BE USED ON THE GROUND TO COLLECT FALLEN DEBRIS OR SPLATTERS THAT COULD CONTRIBUTE TO STORMWATER POLLUTION.
18. ANY TEMPORARY ON-SITE CONSTRUCTION PILES SHALL BE SECURELY COVERED WITH A TARP OR OTHER DEVICE TO CONTAIN DEBRIS.
19. CONCRETE TRUCKS AND CONCRETE FINISHING OPERATIONS SHALL NOT DISCHARGE WASH WATER INTO THE STREET GUTTERS OR DRAINS.

DISCREPANCIES

IF THERE ARE ANY DISCREPANCIES BETWEEN DIMENSIONS IN DRAWINGS AND EXISTING CONDITIONS WHICH WILL AFFECT THE WORK, THE CONTRACTOR SHALL BRING SUCH DISCREPANCIES TO THE ATTENTION OF THE ENGINEER FOR ADJUSTMENT BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER FITTING OF ALL WORK AND FOR THE COORDINATION OF ALL TRADES, SUBCONTRACTORS, AND PERSONS ENGAGED UPON THIS CONTRACT.

UTILITY/POTHOLE NOTE

THE TYPES, LOCATIONS, SIZES AND /OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND FACILITIES AND UTILITIES BY POTHOLING PRIOR TO COMMENCING CONSTRUCTION.

DIMENSIONS

ALL DIMENSIONS ON THE PLANS ARE IN FEET OR DECIMALS THEREOF UNLESS SPECIFICALLY CALLED OUT AS FEET AND INCHES.

ENCROACHMENT NOTE:

A SEPARATE ENCROACHMENT PERMIT IS REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY. IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN THIS ENCROACHMENT PERMIT AND FOLLOW ALL CONSTRUCTION RELATED REQUIREMENTS OF SUCH PERMIT.

RECORD DRAWING NOTE

THE CONTRACTOR SHALL KEEP UP-TO-DATE AND ACCURATE A COMPLETE RECORD SET OF PRINTS OF THE CONTRACT DRAWINGS SHOWING EVERY CHANGE FROM THE ORIGINAL DRAWINGS MADE DURING THE COURSE OF CONSTRUCTION INCLUDING EXACT FINAL LOCATION, ELEVATION, SIZES, MATERIALS, AND DESCRIPTION OF ALL WORK. RECORDS SHALL BE "REDLINED" ON A SET OF CONSTRUCTION PLAN DRAWINGS. A COMPLETE SET OF CORRECTED AND COMPLETED RECORD DRAWING PRINTS SHALL BE SUBMITTED TO THE CITY ENGINEER AND DEVELOPER'S CIVIL ENGINEER PRIOR TO FINAL ACCEPTANCE FOR REVIEW AND APPROVAL BY THE CITY ENGINEER.

HAZARDOUS MATERIALS NOTE

THERE MAY BE ASBESTOS CONTAINING PIPE AND PIPE INSTALLATION OR OTHER HAZARDOUS MATERIALS WITHIN THE PROJECT AREA. THE CONTRACTOR WILL PROTECT ALL HAZARDOUS CONTAINING ITEMS DURING THE EXECUTION OF THIS CONTRACT. ADDITIONALLY THE CONTRACTOR WILL COMPLY WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS REGARDING CONSTRUCTION ACTIVITIES NEAR HAZARDOUS MATERIALS.

CONSTRUCTION FENCE

1. CONTRACTOR SHALL PROVIDE A CONSTRUCTION FENCE AROUND THE ENTIRE AREA OF DEMOLITION AND CONSTRUCTION, INCLUDING ALL STAGING, STORAGE, CONSTRUCTION OFFICE AND LAYDOWN AREAS.
2. CONSTRUCTION FENCE SHALL BE A MINIMUM OF A 6' HIGH GALVANIZED CHAIN LINK WITH GREEN WINDSCREEN FABRIC ON THE OUTSIDE OF THE FENCE.
3. CONSTRUCTION FENCE ADDRESSED IN THESE NOTES IS ONLY FOR VISUAL CONFORMANCE OF THIS CONSTRUCTION SITE TO THE CITY OF BERKELEY STANDARDS. CONTRACTOR MAY BE REQUIRED TO PROVIDE ADDITIONAL FENCING, BARRICADES OR OTHER SAFETY DEVICES TO KEEP THE SITE SECURE AND SAFE.

FIRE DESIGN NOTE:

THE CONTRACTOR SHALL DESIGN, PREPARE SHOP DRAWINGS FOR, OBTAIN ALL REQUIRED APPROVALS, AND CONSTRUCT THE FIRE SYSTEM FOR THE PROPOSED PROJECT. CONTRACTOR SHALL HAVE SHOP DRAWINGS STAMPED BY A FIRE PROTECTION ENGINEER AS REQUIRED BY THE LOCAL AUTHORITY.

APPLICABLE FIRE CODE NOTES

APPLICABLE CODES AS OF JANUARY 1, 2023:

2022 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE (PART 1, TITLE 24, CCR)

2022 CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2 (PART 2, TITLE 24, CCR)
(2021 EDITION INTERNATIONAL BUILDING CODE)

2022 CALIFORNIA ELECTRICAL CODE (PART 3, TITLE 24, CCR)
(2020 EDITION NATIONAL ELECTRICAL CODE)

2022 CALIFORNIA MECHANICAL CODE (PART 4, TITLE 24, CCR)
(2021 EDITION UNIFORM MECHANICAL CODE)

2022 CALIFORNIA PLUMBING CODE (PART 5, TITLE 24, CCR)
(2021 EDITION UNIFORM PLUMBING CODE)

2022 CALIFORNIA ENERGY CODE (PART 6, TITLE 24, CCR)

2022 CALIFORNIA ELEVATOR SAFETY ORDERS (CHAPTER 4, TITLE 8, CCR)

2022 CALIFORNIA FIRE CODE (PART 9, TITLE 24, CCR)
(2021 EDITION INTERNATIONAL FIRE CODE)

2022 CALIFORNIA REFERENCED STANDARDS CODE (PART 12, TITLE 24, CCR)

TITLE 19 C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS

PARTIAL LIST OF APPLICABLE REFERENCE STANDARDS AS LISTED AND AMENDED PER 2022 CALIFORNIA FIRE CODE, CHAPTER 80:

NFPA 13 – AUTOMATIC SPRINKLER SYSTEMS – 2016 EDITION
NFPA 14 – STANDPIPE SYSTEMS – 2016 EDITION
NFPA 24 – PRIVATE FIRE MAINS – 2016 EDITION
NFPA 72 – NATIONAL FIRE ALARM CODE – 2016 EDITION
NFPA 20 – STATIONARY PUMPS FOR FIRE PROTECTION – 2016 EDITION
NFPA 99 – HEALTH CARE FACILITIES – 2018 EDITION

UNDERGROUND FIRE SERVICE TO FIRE HYDRANTS REQUIREMENTS:

NFPA 24, SEC. 10.1.1.3: UNLESS THE REQUIREMENTS OF 10.1.1.3 ARE MET, ALL FERROUS METAL PIPE SHALL BE LINED IN ACCORDANCE WITH THE APPLICABLE STANDARDS IN TABLE 10.1.1.1

NFPA 24, SEC. 10.4: THE DEPTH OF COVER OVER WATER PIPES SHALL NOT BE LESS THAN 2-1/2 FEET TO PREVENT MECHANICAL DAMAGE. PIPE UNDER DRIVEWAYS SHALL BE BURIED AT A MINIMUM DEPTH OF 3 FEET. PIPE UNDER RAILROAD TRACKS SHALL BE BURIED AT A MINIMUM DEPTH OF 4 FEET.

NFPA 24, SEC. 10.4.1.1: ALL BOLTED JOINT ACCESSORIES SHALL BE CLEANED AND THOROUGHLY COATED WITH ASPHALT OR OTHER CORROSION-RETARDING MATERIAL AFTER INSTALLATION.

NFPA 24, SEC. 10.4.3: PIPE SHALL NOT BE RUN UNDER BUILDINGS EXCEPT WHERE PERMITTED IN 10.4.3.1 AND 10.4.3.2

NFPA 24, SEC. 10.6.1: THRUST BLOCKS SHALL BE PERMITTED WHERE SOIL IS STABLE AND CAPABLE OF RESISTING THE ANTICIPATED THRUST FORCES. THRUST BLOCKS SHALL BE OF A CONCRETE MIX NOT LEANER THAN ONE PART CEMENT, TWO AND ONE HALF PARTS SAND, AND FIVE PARTS STONE. THRUST BLOCKS SHALL BE PLACED BETWEEN UNDISTURBED EARTH AND THE FITTING TO BE RESTRAINED, AND SHALL BE CAPABLE OF RESISTING THE CALCULATED THRUST FORCES. WHEREVER POSSIBLE, THRUST BLOCKS SHALL BE PLACED SO THAT THE JOINTS ARE ACCESSIBLE FOR REPAIR.

NFPA 24, SEC. 10.6.2.5: CORROSION RESISTANCE. AFTER INSTALLATION, RODS, NUTS, BOLTS, WASHERS, CLAMPS, AND OTHER RESTRAINING DEVICES SHALL BE CLEANED AND THOROUGHLY COATED WITH BITUMINOUS OR OTHER ACCEPTABLE CORROSION-RETARDING MATERIAL.

NFPA 24, SEC. 10.10.2.1.1: UNDERGROUND PIPING, FROM THE WATER SUPPLY TO THE SYSTEM RISER, AND LEAD-IN CONNECTIONS TO THE SYSTEM RISER SHALL BE COMPLETELY FLUSHED BEFORE THE CONNECTION IS MADE TO THE DOWNSTREAM FIRE PROTECTION SYSTEM PIPING. THE FLUSHING OPERATION SHALL BE CONTINUED FOR A SUFFICIENT TIME TO ENSURE THOROUGH CLEANING. THE MINIMUM RATE OF FLOW SHALL BE NOT LESS THAN THAT SPECIFIED IN SECTION 10.10.2.1.3.

NFPA 24, SEC. 10.10.2.2.1: ALL PIPING AND ATTACHED APPURTENANCES SUBJECT TO SYSTEM WORKING PRESSURE SHALL BE HYDROSTATICALLY TESTED AT 200 PSI OR 50 PSI IN EXCESS OF THE SYSTEM WORKING PRESSURE, WHICHEVER IS GREATER, AND SHALL MAINTAIN THAT PRESSURE AT ±5 PSI FOR 2 HOURS.

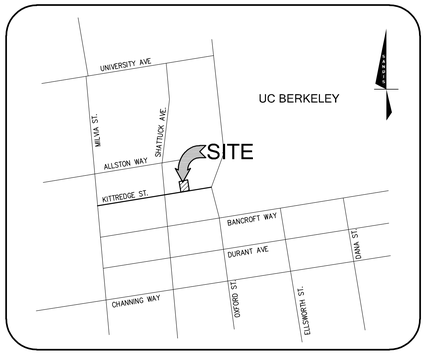
NFPA 24, SEC 10.10.1: THE INSTALLING CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING: (1) NOTIFYING THE AUTHORITY HAVING JURISDICTION AND THE OWNER'S REPRESENTATIVE OF THE TIME AND DATE TESTING IS TO BE PERFORMED; (2) PERFORMING ALL REQUIRED ACCEPTANCE TESTS; (3) COMPLETING AND SIGNING THE CONTRACTOR'S MATERIAL AND TEST CERTIFICATE(S) SHOWN IN FIGURE 10.10.1.

UNDERGROUND WORK CAUTION

CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT FOR LOCATION OF UNDERGROUND UTILITIES AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION. FOR NORTHERN CALIFORNIA DIAL 811 OR (800) 227-2600. FOR OTHER AREAS CALL (800) 642-2444. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO BEGINNING ANY WORK ON THIS SITE.

DUST CONTROL NOTES

1. WATER TRUCKS SHALL BE PRESENT AND IN USE AT THE CONSTRUCTION SITE. ALL PORTIONS OF THE SITE SUBJECT TO BLOWING DUST SHALL BE WATERED AS OFTEN AS DEEMED NECESSARY BY THE CLIENT/INSPECTOR IN ORDER TO INSURE PROPER CONTROL OF BLOWING DUST FOR THE DURATION OF THE PROJECT.
2. ALL PUBLIC STREETS AND MEDIANS SOILED OR LITTERED DUE TO THIS CONSTRUCTION ACTIVITY SHALL BE CLEANED AND SWEPT ON A DAILY BASIS DURING THE WORK WEEK, OR AS OFTEN AS DEEMED NECESSARY BY THE CLIENT/INSPECTOR, OR TO THE SATISFACTION OF THE CITY'S DEPARTMENT OF PUBLIC WORKS.
3. ALL TRUCKS HAULING SOIL, SAND, AND OTHER LOOSE MATERIALS SHALL BE COVERED WITH TARPAULINS OR OTHER EFFECTIVE COVERS.
4. WHEEL WASHERS SHALL BE INSTALLED AND USED TO CLEAN ALL TRUCKS AND EQUIPMENT LEAVING THE CONSTRUCTION SITE. IF WHEEL WASHERS CANNOT BE INSTALLED, TIRES OR TRACKS OF ALL TRUCKS AND EQUIPMENT SHALL BE WASHED OFF BEFORE LEAVING THE CONSTRUCTION SITE.
5. THE CONTRACTOR SHALL DEMONSTRATE DUST SUPPRESSION MEASURES, SUCH AS REGULAR WATERING, WHICH SHALL BE IMPLEMENTED TO REDUCE EMISSIONS DURING CONSTRUCTION AND GRADING IN A MANNER MEETING THE APPROVAL OF THE CONSTRUCTION MANAGER. THIS SHALL ASSIST IN REDUCING SHORT-TERM IMPACTS FROM PARTICLES WHICH COULD RESULT IN NUISANCES THAT ARE PROHIBITED BY RULE 403 (FUGITIVE DUST).
6. GRADING OR ANY OTHER OPERATIONS THAT CREATES DUST SHALL BE STOPPED IMMEDIATELY IF DUST AFFECTS ADJACENT PROPERTIES. THE CONTRACTOR SHALL PROVIDE SUFFICIENT DUST CONTROL FOR THE ENTIRE PROJECT SITE IN ACCORDANCE WITH THE PROJECT SWPPP (IF ONE EXISTS) OR AS APPLICABLE PER LOCAL REGULATIONS AT ALL TIMES. THE SITE SHALL BE SPRINKLERED AS NECESSARY TO PREVENT DUST NUISANCE. IN THE EVENT THAT THE CONTRACTOR NEGLECTS TO USE ADEQUATE MEASURES TO CONTROL DUST, THE CLIENT RESERVES THE RIGHT TO TAKE WHATEVER MEASURES ARE NECESSARY TO CONTROL DUST AND CHARGE THE COST TO THE CONTRACTOR.
7. THE CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL MEASURES AND FOR OBTAINING ALL REQUIRED PERMITS AND APPROVALS. ALL GRADING OPERATIONS SHALL BE SUSPENDED DURING SECOND (OR WORSE) STAGE SMOG ALERTS.



VICINITY MAP
N.T.S.

PROJECT DESCRIPTION

THE PROJECT ENTAILS AN EIGHTEEN LEVEL (AND TWO BASEMENT LEVELS) APARTMENT TOWER WITH A THEATER INCLUDED IN THE LOWER LEVELS. THE CIVIL SCOPE OF WORK INCLUDES: SITE DEMOLITION, SANITARY SEWER BUILDING LATERAL, STORMWATER MEDIA FILTER AND PUMP, AREA DRAINS AND TRENCH DRAIN, FIRE AND DOMESTIC WATER SERVICE LATERALS, CURB AND GUTTER, AND SIDEWALK.

CIVIL SHEET INDEX

C000	NOTES, LEGEND, & ABBREVIATIONS
C001	TOPOGRAPHIC SURVEY
C100	DEMOLITION PLAN
C200	SITE AND GRADING PLAN
C300	UTILITY PLAN
C400	STORMWATER MANAGEMENT PLAN
C500	CONSTRUCTION DETAILS
C501	CONSTRUCTION DETAILS
C502	CONSTRUCTION DETAILS
C503	CONSTRUCTION DETAILS

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

811 Know what's below. Call before you dig.

UNAUTHORIZED CHANGES AND USES

CAUTION: THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THESE PLANS. ALL CHANGES TO THE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THE PLANS.

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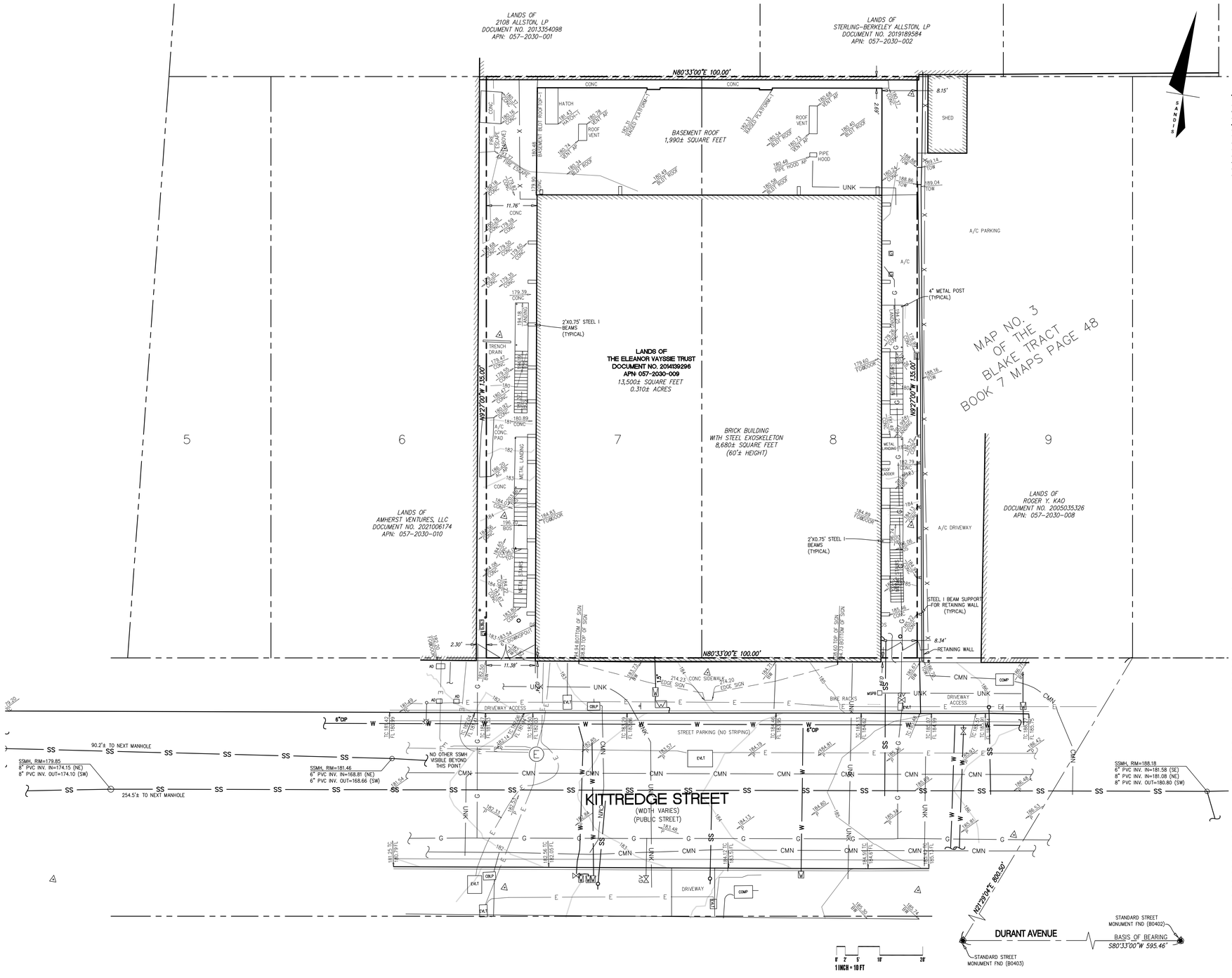
NOTES, LEGEND, & ABBREVIATIONS

C000



LEGEND

- BUILDING LINE
- BUILDING OVERHANG
- CURB LINE
- X — FENCE LINE
- PROPERTY LINE
- 185 — CONTOUR LINES
- 184 — CONTOUR LINES
- CMN — COMMUNICATION LINE
- E — ELECTRIC LINE
- G — GAS LINE
- SS — SANITARY SEWER LINE
- ? — UNKNOWN LINE
- W — WATER LINE

SYMBOLS & ABBREVIATIONS

- AD — AREA DRAIN
- BOL — BOLLARD
- BOS — BOTTOM OF STAIRS
- BW — BACK OF WALK
- CBPB — CABLE PULL BOX
- COMP — COMMUNICATION PULL BOX
- CONC — CONCRETE
- DS — DOWN SPOUT
- E — ELECTRIC MANHOLE
- EVLT — ELECTRIC VAULT
- FL — FLOW LINE
- GM — GAS METER
- GV — GAS VALVE
- MSPB — MISCELLANEOUS PULL BOX
- SIGNS
- SSCO — SANITARY CLEANOUT
- SANITARY MANHOLE
- STREET LIGHT SINGLE ARM
- TC — TOP OF CURB
- TOS — TOP OF STAIRS
- WATER METER
- WATER VALVE

SURVEY NOTES

1. EXISTING TOPOGRAPHIC SURVEY INFORMATION SHOWN HEREON IS BASED UPON TOPOGRAPHIC SURVEYS COMPLETED BY SANDIS, UNDER THE DIRECTION OF LAURA CABRAL, PLS 7756.
2. UTILITIES SHOWN ON THIS SURVEY ARE BASED ON SURFACE OBSERVATIONS. NO WARRANTIES ARE EXPRESSED OR IMPLIED CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OR ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL, OR PUBLIC OWNED.
3. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION AND REPORT BACK TO CIVIL ENGINEER ANY DISCREPANCIES WITH PLAN PRIOR TO COMMENCEMENT OF WORK.
4. TREE LOCATIONS SHOWN HEREON ARE SHOWN SYMBOLICALLY WITH SYMBOL SIZES BASED UPON TRUNK DIAMETER AT CHEST HEIGHT, AT THE LOCATION WHERE THE TREE ENTERS THE GROUND SURFACE. LOCATIONS AND SIZES OF TREE TRUNKS CAN ONLY BE CONSIDERED APPROXIMATE UNLESS OTHERWISE STATED ON THE MAP.
5. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
6. DATES OF FIELD SURVEY: 04/13/2022, 04/15/2022, AND 04/22/2022.

BASIS OF BEARINGS

THE BEARING OF NORTH 80°33'00" EAST ALONG THE MONUMENT LINE OF DURANT AVENUE AS SHOWN UPON THAT CERTAIN MAP ENTITLED PARCEL MAP 9108 RECORDED IN BOOK 296, MAPS, PAGES 60-65, ALAMEDA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN UPON THIS SURVEY.

BENCHMARK

THE ELEVATION REFERENCE FOR THIS SURVEY IS A CITY OF BERKELEY BENCHMARK B3560, DESCRIBED AS 1¼" BRASS DISK IN CONCRETE AT THE NORTH NOSE OF THE MEDIAN ISLAND ON SHATTUCK AVENUE AT THE SOUTH SIDE OF KITTREDGE STREET

ELEV=178.28 FEET (CITY OF BERKELEY DATUM)

UNDERGROUND UTILITY NOTE

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DELINEATE ALL KNOWN UNDERGROUND UTILITIES. HOWEVER, THE ENGINEER CAN ASSUME NO RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF ITS DELINEATION OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT WHICH ARE NOT SHOWN ON THIS SURVEY.

BOUNDARY NOTE

THE PARCEL LINES SHOWN HEREON ARE THE RESULT OF A BOUNDARY SURVEY MADE IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.

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TOPOGRAPHIC SURVEY

C001

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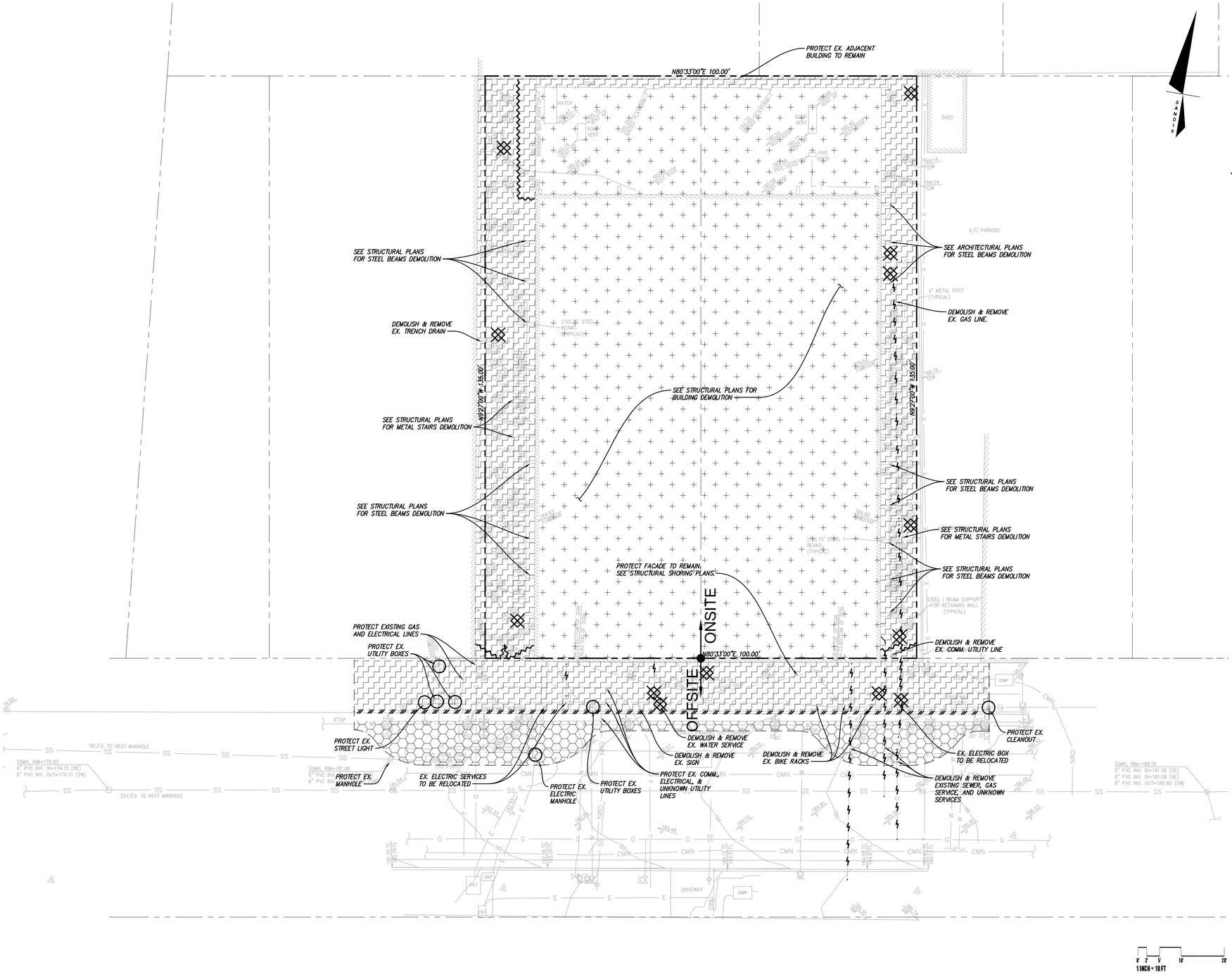

LEGEND

- SAWCUT LINE. CONTRACTOR SHALL SAWCUT WITH A NEAT, CLEAN EDGE. SAWCUT CONCRETE AT NEAREST JOINT TO SAWCUT LINE SHOWN ON PLAN.
- DEMOLISH AND REMOVE CONCRETE INCLUDING ANY ASSOCIATED BASE ROCK AND REBAR. STABILIZE THE EXISTING SUBGRADE, DEMOLISHED MATERIAL MAY BE USED AS BASE ROCK IF APPROVED BY THE GEOTECHNICAL ENGINEER.
- DEMOLISH AND REMOVE EXISTING BUILDING, SEE ARCHITECTURAL PLANS FOR EXTENT OF BUILDING DEMOLITION. STABILIZE THE EXISTING SUBGRADE.
- DEMOLISH AND REMOVE EXISTING CURB AND GUTTER, INCLUDING ANY ASSOCIATED REBAR OR BASE ROCK. SAWCUT WITH NEAT, CLEAN EDGE.
- REMOVE EXISTING WALL OR FENCE INCLUDING ASSOCIATED FOOTINGS. RETURN FENCE TO OWNER.
- DEMOLISH AND REMOVE EX. UTILITY LINE. BACKFILL EMPTY TRENCH WITH APPROVED FILL PER GEOTECHNICAL REPORT.
- DEMOLISH AND REMOVE EX. UTILITY STRUCTURE
- CAP EXISTING UTILITY WHERE SHOWN PER UTILITY OWNERS SPECIFICATIONS AND REQUIREMENTS. IF PRESSURIZED UTILITY CONTRACTOR SHALL HAVE COMPETENT PROFESSIONAL DESIGN PIPE RESTRAINTS.
- PROTECT EXISTING UTILITY TO REMAIN

DEMOLITION NOTES

1. CONTRACTOR IS TO COMPLY WITH ALL GENERAL AND STATE REQUIREMENTS INVOLVING THE REMOVAL AND DISPOSAL OF HAZARDOUS MATERIAL(S).
2. CONTRACTOR'S BID IS TO INCLUDE ALL VISIBLE SURFACE AND ALL SUBSURFACE FEATURES IDENTIFIED TO BE REMOVED OR ABANDONED IN THESE DOCUMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A SITE INSPECTION TO FULLY ACKNOWLEDGE THE EXTENT OF THE DEMOLITION WORK.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS NECESSARY FOR ENCROACHMENT, GRADING, DEMOLITION, AND DISPOSAL OF SAID MATERIALS AS REQUIRED BY PRIVATE, LOCAL AND STATE JURISDICTIONS. THE CONTRACTOR SHALL PAY ALL FEES ASSOCIATED WITH THE DEMOLITION WORK.
5. BACKFILL ALL DEPRESSIONS AND TRENCHES FROM DEMOLITION TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER.
6. REMOVAL OF LANDSCAPING SHALL INCLUDE ROOTS AND ORGANIC MATERIALS TO THE SATISFACTION OF THE GEOTECHNICAL ENGINEER.
7. PRIOR TO BEGINNING DEMOLITION WORK ACTIVITIES, CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES OUTLINED IN THE EROSION CONTROL PLAN & DETAILS AND THE PROJECT SWPPP IF APPLICABLE.
8. THE CONTRACTOR SHALL MAINTAIN ALL SAFETY DEVICES, AND SHALL BE RESPONSIBLE FOR CONFORMANCE TO ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS LAWS AND REGULATIONS.
9. THE CONTRACTOR SHALL PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS FACILITIES AND STRUCTURES WHICH ARE TO REMAIN. ANY ITEMS DAMAGED BY THE CONTRACTOR OR THEIR AGENTS OR ANY ITEMS REMOVED FOR HIS USE SHALL BE REPLACED IN EQUAL OR BETTER CONDITION AS APPROVED BY THE ARCHITECT OR OWNER'S REPRESENTATIVE.
10. COORDINATE WITH ELECTRICAL, MECHANICAL, LANDSCAPING AND ARCHITECTURAL DRAWINGS FOR UTILITY SHUT-DOWN/DISCONNECT LOCATIONS. CONTRACTOR IS TO SHUT OFF ALL UTILITIES AS NECESSARY PRIOR TO DEMOLITION. CONTRACTOR IS TO COORDINATE SERVICE INTERRUPTIONS WITH THE UTILITY OWNER AND ANY AFFECTED PROPERTIES OR BUILDINGS. SEE ARCHITECTURAL PLANS FOR ADDITIONAL DEMOLITION SCOPE OF WORK.
11. THIS PLAN IS NOT INTENDED TO BE A COMPLETE CATALOGUE OF ALL EXISTING STRUCTURES AND UTILITIES. THIS PLAN INTENDS TO DISCLOSE GENERAL INFORMATION KNOWN BY THE ENGINEER AND TO SHOW THE LIMITS OF THE AREA WHERE WORK WILL BE PERFORMED. THIS PLAN SHOWS THE EXISTING FEATURES TAKEN FROM A FIELD SURVEY, FIELD INVESTIGATIONS AND AVAILABLE INFORMATION. THIS PLAN MAY OR MAY NOT ACCURATELY REFLECT THE TYPE OR EXTENT OF THE ITEMS TO BE ENCOUNTERED AS THEY ACTUALLY EXIST. WHERE EXISTING FEATURES ARE NOT SHOWN, IT IS NOT IMPLIED THAT THEY ARE NOT TO BE DEMOLISHED OR RELOCATED. THE CONTRACTOR SHALL PERFORM A THOROUGH FIELD INVESTIGATION AND REVIEW OF THE SITE WITHIN THE LIMIT OF WORK SHOWN IN THIS PLAN SET TO DETERMINE THE TYPE, QUANTITY AND EXTENT OF ANY AND ALL ITEMS. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING THE EXTENT OF EXISTING STRUCTURES AND UTILITIES AND QUANTITY OF WORK INVOLVED IN REMOVING THESE ITEMS FROM THE SITE.
12. CONTRACTOR TO DEMOLISH AND REMOVE ALL IRRIGATION IN LANDSCAPE AREAS WITHIN THE LIMIT OF WORK. IF ANY IRRIGATION LINES OR MAINS ARE IN THE LIMIT OF WORK OR ARE DAMAGED THAT SERVE LANDSCAPE TO REMAIN, CONTRACTOR TO RECONNECT OR RELOCATE AT NO ADDITIONAL COST TO OWNER.
13. PROTECT ALL EXISTING UTILITIES IN PLACE UNLESS OTHERWISE NOTED. REPLACE ANY DAMAGED UTILITY TO REMAIN TO KEEP OPERABLE DURING CONSTRUCTION.
14. ALL UTILITY SHUT DOWNS ARE TO BE AVOIDED. IF SHUT DOWNS ARE NECESSARY, CONTRACTOR TO COORDINATE SHUT DOWN WITH UTILITY OWNER WITH 48 HOUR MINIMUM NOTICE.
15. ALL EXISTING STORM DRAIN, SANITARY SEWER, AND WATER MAINS THAT SERVE EXISTING BUILDINGS MUST REMAIN OPERABLE DURING CONSTRUCTION. CONTRACTOR TO SET UP TEMPORARY SERVICE OR PUMP AS NECESSARY TO ENSURE UNINTERRUPTED SERVICE.

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Designer	Nicholas Chandler

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DEMOLITION PLAN

C100

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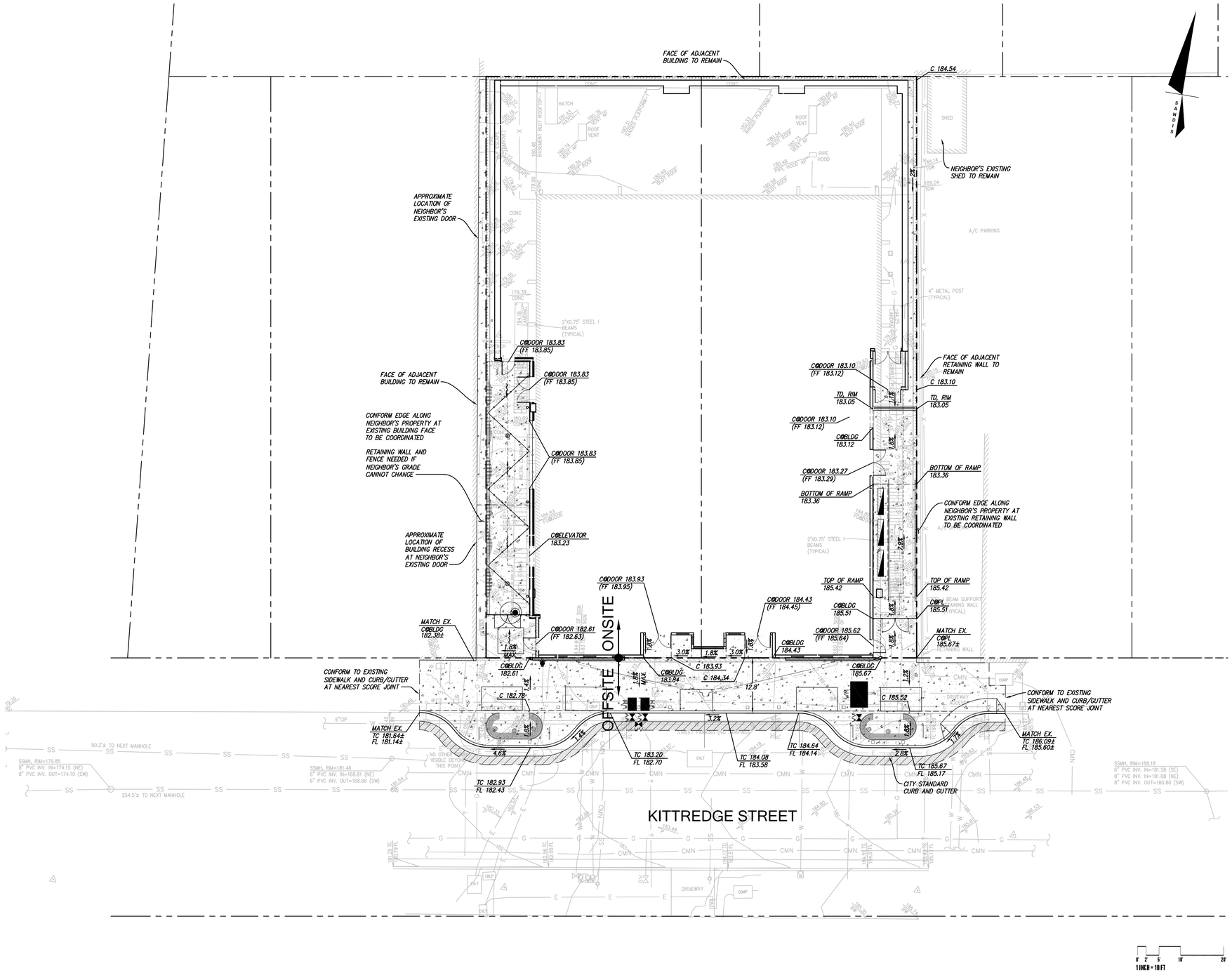

LEGEND

- PROPERTY LINE
- SAWCUT LINE
- GRADE BREAK
- HARDSCAPE, SLD FOR FINISH DETAILS
- LANDSCAPING

SITE AND GRADING NOTES

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND WITH THE AMERICANS WITH DISABILITIES ACT.
2. PATH OF TRAVEL TO BUILDING SHALL NOT EXCEED A SLOPE OF 1:20 (5%) UNLESS RAILINGS ARE SHOWN, IN WHICH CASE THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
3. A 2% MAXIMUM SLOPE LANDING SHALL BE PROVIDED AT PRIMARY ENTRANCES TO THE BUILDING. THE LANDINGS SHALL HAVE A MINIMUM WIDTH OF 60" AND A MINIMUM DEPTH OF 60" WHEN THE DOOR OPENS INTO THE BUILDING, AND 42" PLUS THE WIDTH OF THE DOOR WHEN THE DOORS OPEN ONTO THE LANDING.
4. MAXIMUM CROSS SLOPE ALONG SIDEWALK OR PATHWAY SHALL BE 2% MAXIMUM.
5. THE SIDEWALK SHALL HAVE A 4' MINIMUM CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

GENERAL NOTES

1. CONTRACTOR SHALL VISIT THE SITE PRIOR TO BIDDING ON THIS WORK AND CONSIDER THE EXISTING CONDITIONS AND SITE CONSTRAINTS IN THE BID. CONTRACTOR SHALL BE IN THE POSSESSION OF AND FAMILIAR WITH ALL APPLICABLE GOVERNING AGENCIES STANDARD DETAILS AND SPECIFICATIONS PRIOR TO SUBMITTING OF A BID.
2. ALL WORK ON-SITE AND IN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO ALL APPLICABLE GOVERNING AGENCIES STANDARD DETAILS & SPECIFICATIONS.
3. PRIOR TO BEGINNING WORK, AND AFTER INITIAL HORIZONTAL CONTROL STAKING, CONTRACTOR SHALL FIELD CHECK ALL ELEVATIONS MARKED WITH (E) AND REPORT ANY DISCREPANCIES GREATER THAN 0.05' TO THE ENGINEER.
4. DAMAGE TO ANY EXISTING SITE IMPROVEMENTS, UTILITIES AND/OR SERVICES TO REMAIN SHALL BE RESPONSIBILITY OF THE CONTRACTOR. CONTRACTOR SHALL REPAIR AND/OR REPLACE IN KIND.
5. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT INCLUDING SAFETY OF ALL PERSONS AND PROPERTY THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DEFEND INDEMNIFY AND HOLD THE CLIENT, THE CONSULTING ENGINEER AND THE CITY HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE CLIENT OR THE CONSULTING ENGINEER.

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BERKELEY, CA 94704

No.	DATE	DESCRIPTION
	8/28/2023	100% DD Set

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SITE AND GRADING PLAN

C200

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Plotted By: Nicholas Chandler
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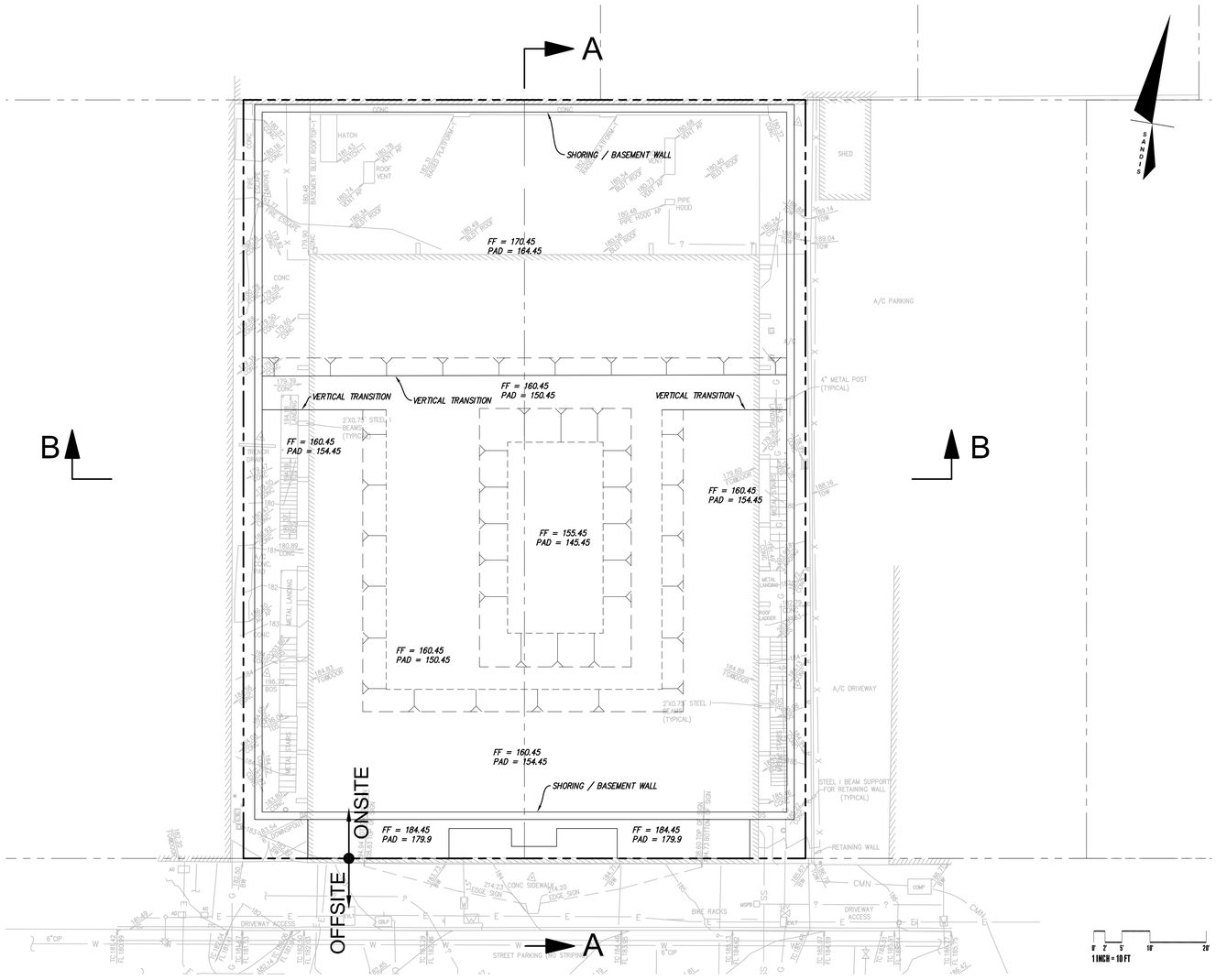
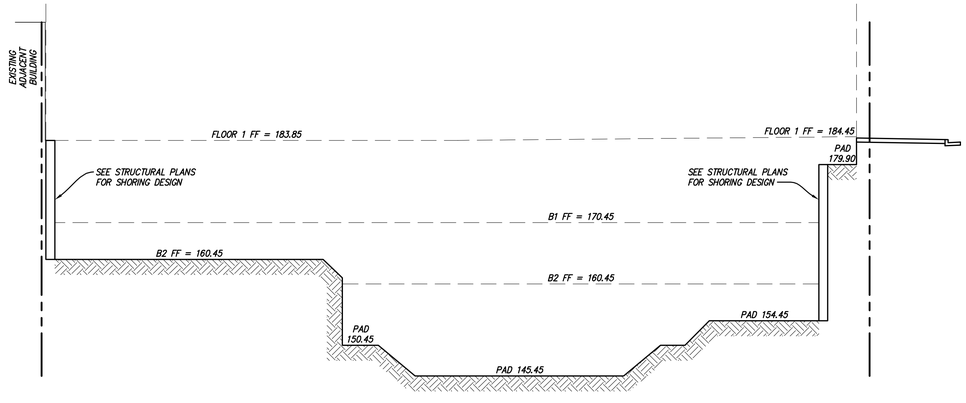


LEGEND

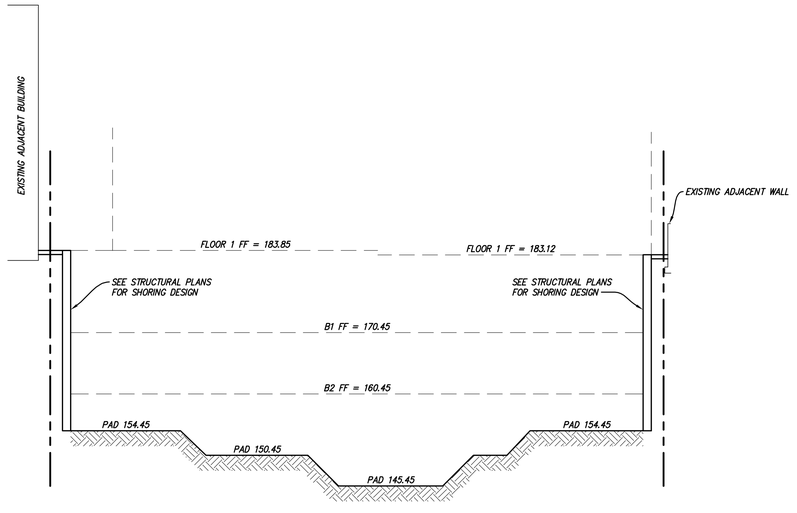
- DIRECTION OF STEEP SLOPE
- FLOW LINE
- TOP OF SLOPE
- TOE OF SLOPE
- 194 / 195 CONTOURS

COORDINATION NOTES

1. WORK WITH STRUCTURAL ENGINEER ON SHORING DESIGN AND LOCATION TO FINALIZE ROUGH GRADING PLAN.
2. WORK WITH ARCHITECT AND STRUCTURAL ENGINEER TO FINALIZE PAD ELEVATIONS.



SECTION A–A
1"=10'



SECTION B–B
1"=10'

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ROUGH GRADNG PLAN

C201

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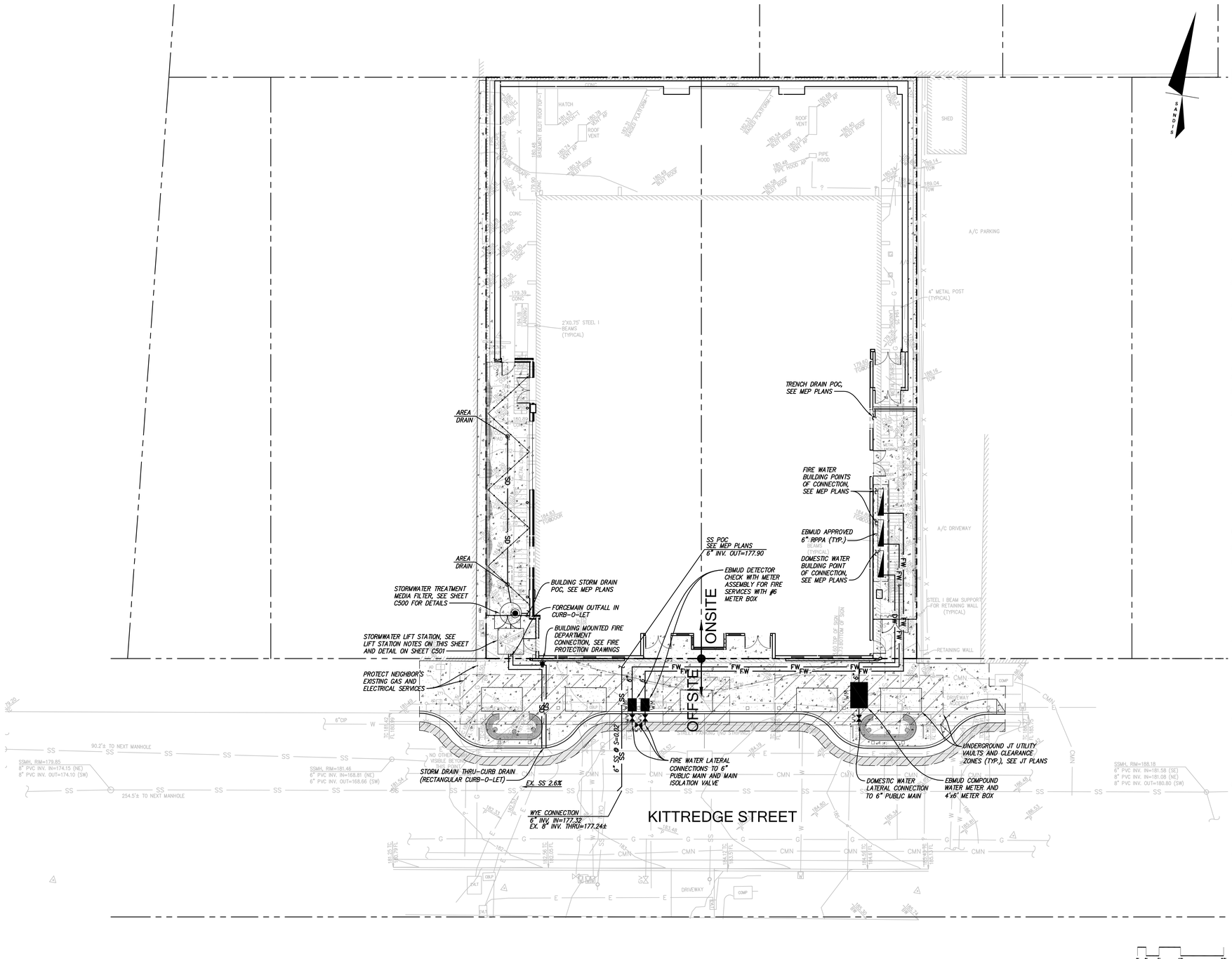

LEGEND

PROPERTY LINE

SAWCUT LINE

UTILITY NOTES

1. ALL AREA DRAINS AND CATCH BASINS GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
2. ALL UTILITY TRENCHES SHALL BE BACK FILLED PER THE SPECIFICATIONS WITH APPROPRIATE TESTS BY THE GEOTECHNICAL ENGINEER TO VERIFY COMPACTION VALUES.
3. POTHOLING IS STRONGLY RECOMMENDED FOR NEW GRAVITY FLOW SYSTEMS TO VERIFY THE DEPTH OF ALL EXISTING CROSSING UTILITIES. POTHOLING CAN ALSO VERIFY THE SIZE AND MATERIAL OF ANY OTHER UTILITIES THE PROJECT IS CONNECTING ONTO.
4. ALL SEWER WORK SHALL BE IN CONFORMANCE WITH THE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT STANDARDS.
5. ALL SEWER LATERALS SHALL HAVE A TWO WAY CLEANOUT AT FACE OF BUILDING.
6. ALL WATER SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE EBMUD STANDARDS.
7. ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER.
8. THRUST RESTRAINTS SHALL BE DESIGNED AND INSTALLED AT ALL TEES, CROSSES, BENDS (HORIZONTAL AND VERTICAL), AND AT SIZE CHANGES.

LIFT STATION NOTES

STORMWATER TREATMENT MEDIA FILTER AND PUMP. THE STORMWATER TREATMENT DESIGN STRATEGY ENTAILS:

1. ALL ROOF AND PAVEMENT RUNOFF IS CAPTURED VIA AREA/ROOF DRAINS AND PIPED TO MEDIA FILTER VAULT.
2. STORMWATER IS TREATED THROUGH THE MEDIA FILTERS DURING A WATER QUALITY RAIN EVENT (IE. 0.2 IN/HR RAINFALL INTENSITY). THE WATER SUBSEQUENTLY HEADS TOWARDS THE OUTLET.
   - 2.1. LARGER STORM EVENTS WILL BYPASS THE MEDIA FILTERS AND HEAD DIRECTLY TO THE OUTLET.
3. STORMWATER LEAVES THE VAULT THROUGH THE OUTLET AND INTO A LIFT STATION SIZED FOR A 100 YEAR STORM EVENT WITH N+1 PUMP REDUNDANCY.
4. THE LIFT STATION FINALLY DISCHARGES INTO A THROUGH-CURB DRAIN WHICH THEN OUTFALLS INTO THE STREET GUTTER PAN.

GENERAL NOTES

1. ALL TRENCHES SHALL BE BACK FILLED PER DETAIL **X**, SHEET **XXX**.
2. CATHODIC PROTECTION SHALL BE REQUIRED ON ALL METALLIC FITTINGS AND ASSEMBLIES THAT ARE IN CONTACT WITH THE SOIL, UNLESS SPECIFICALLY DEEMED UNNECESSARY BY THE GEOTECHNICAL REPORT. CONTRACTOR IS RESPONSIBLE TO FULLY ENGINEER AND INSTALL THIS SYSTEM AND COORDINATE ANODE AND TEST STATION LOCATIONS WITH THE UTILITY OWNER.
3. COMPLETE SYSTEMS: ALL UTILITY SYSTEMS ARE DELINEATED IN A SCHEMATIC MANNER ON THESE PLANS. CONTRACTOR IS TO PROVIDE ALL FITTINGS, ACCESSORIES AND WORK NECESSARY TO COMPLETE THE UTILITY SYSTEM SO THAT IT IS FULLY FUNCTIONING FOR THE PURPOSE INTENDED.
4. UNDERGROUND UTILITIES OR STRUCTURES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS AND EXTENT BASED UPON RECORD INFORMATION. LOCATIONS MAY NOT HAVE BEEN VERIFIED IN THE FIELD AND NO GUARANTEE IS MADE TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN. THE CLIENT, BY ACCEPTING THESE PLANS OR PROCEEDING WITH IMPROVEMENTS PURSUANT THERETO, AGREES TO ASSUME LIABILITY AND TO HOLD UNDERSIGNED HARMLESS FOR ANY DAMAGES RESULTING FROM THE EXISTENCE OF UNDERGROUND UTILITIES OR STRUCTURES NOT REPORTED TO THE UNDERSIGNED; NOT INDICATED ON THE PUBLIC RECORDS EXAMINED, LOCATED AT VARIANCE WITH THOSE REPORTED OR SHOWN ON RECORDS EXAMINED.
5. CONTRACTOR SHALL VERIFY ALL EXISTING INVERT ELEVATIONS FOR STORM DRAIN AND SANITARY SEWER CONSTRUCTION PRIOR TO COMMENCEMENT OF ANY WORK. ALL WORK FOR STORM AND SANITARY SEWER INSTALLATION SHALL BEGIN AT THE DOWNSTREAM CONNECTION POINT. THIS WILL ALLOW FOR ANY NECESSARY ADJUSTMENTS TO BE MADE PRIOR TO THE INSTALLATION OF THE ENTIRE LINE. IF THE CONTRACTOR FAILS TO BEGIN AT THE DOWNSTREAM CONNECTION POINT AND WORK UP-STREAM, AND SHALL PROCEED AT HIS OWN RISK AND BE RESPONSIBLE FOR ANY ADJUSTMENTS NECESSARY.
6. EXISTING UTILITY CROSSINGS OF NEW PIPELINE ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. GAS, WATER AND SEWER SERVICE LATERALS ARE SHOWN ACCORDING TO THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE TYPE, SIZE, LOCATION AND DEPTH OF ALL THE UTILITY CROSSING (BOTH MAINS AND LATERALS) ARE CORRECT AS SHOWN. NO GUARANTEE IS MADE THAT ALL EXISTING UTILITIES (BOTH MAINS AND LATERALS) ARE SHOWN. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN EXCAVATING AND SHALL PROTECT ALL EXISTING UTILITIES (BOTH MAINS AND LATERALS) FROM DAMAGE DUE TO HIS OPERATION.
7. VERTICAL SEPARATION REQUIREMENTS (UNLESS SPECIFICALLY SHOWN OTHERWISE ON PLANS):

   A MINIMUM OF SIX (6) INCHES VERTICAL CLEARANCE, MEASURED FROM OUTSIDE EDGE OF PIPE, SHALL BE PROVIDED BETWEEN CROSSING UTILITY PIPES, EXCEPT THAT THE MINIMUM VERTICAL CLEARANCE BETWEEN WATER AND SANITARY SEWER PIPELINES SHALL BE 12 INCHES AND ALL NEW WATER PIPES SHALL BE TYPICALLY INSTALLED TO CROSS ABOVE/OVER EXISTING SANITARY SEWER PIPELINES.

   WHERE NEW WATER PIPELINES ARE REQUIRED TO CROSS UNDER EXISTING AND/OR NEW SANITARY SEWER PIPELINES, THE MINIMUM VERTICAL SEPARATION SHALL BE 12 INCHES. WATER LINE PIPE ENDS SHALL BE INSTALLED NO CLOSER THAN 10' MINIMUM HORIZONTAL DISTANCE FROM CENTERLINE OF UTILITY CROSSINGS, WHERE FEASIBLE.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING APPROPRIATE UTILITIES AND REQUESTING VERIFICATION OF SERVICE POINTS, FIELD VERIFICATION OF LOCATION, SIZE, DEPTH, ETC. FOR ALL THEIR FACILITIES AND TO COORDINATE WORK SCHEDULES.
9. ANY EXISTING UNDERGROUND UTILITY LINES TO BE ABANDONED, SHALL BE REMOVED FROM WITHIN THE PROPOSED BUILDING ENVELOPE AND THEIR ENDS CAPPED OUTSIDE OF THE BUILDING ENVELOPE.
10. ANY PIPING TO BE ABANDONED IN PLACE SHALL BE FILLED WITH GROUT AND CAPPED.

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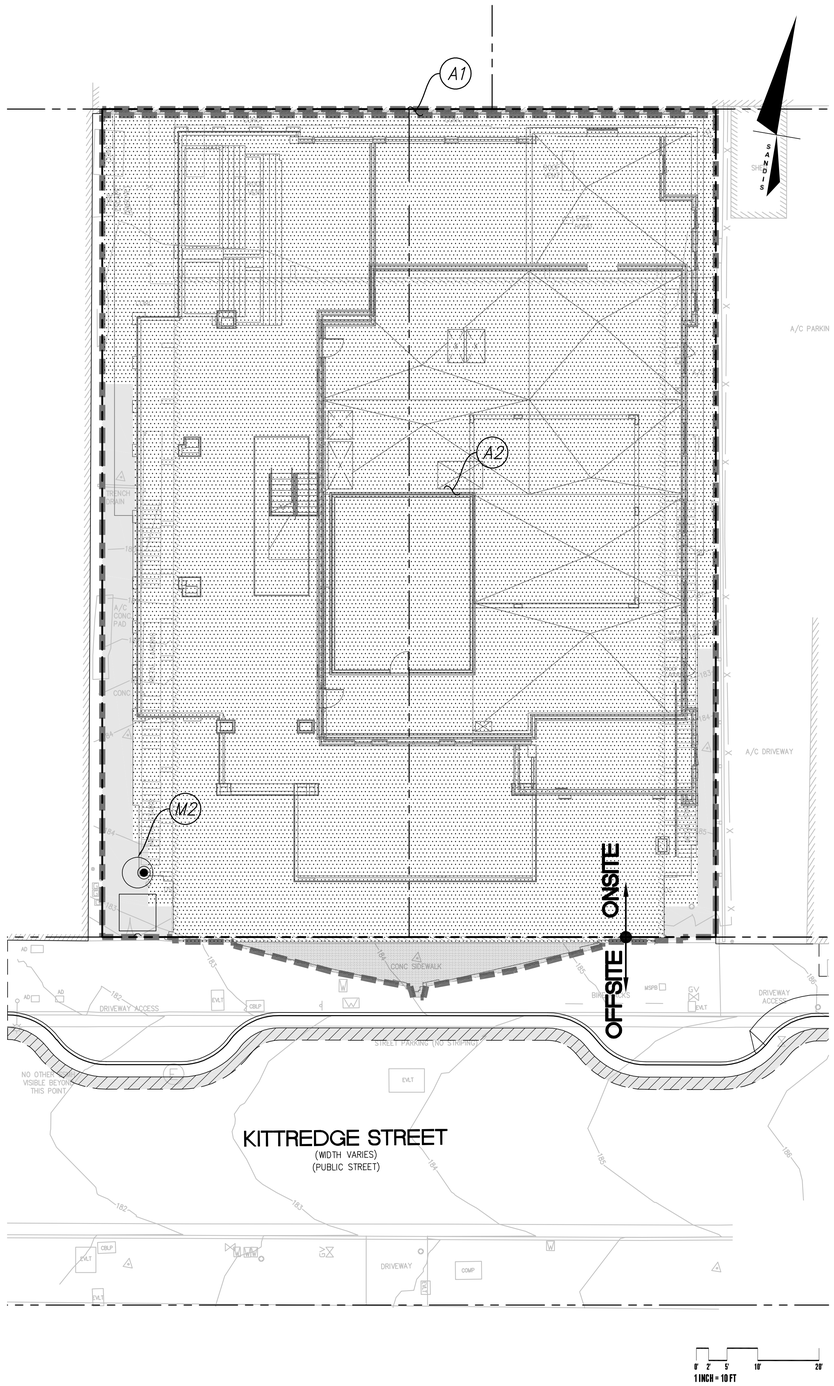
UTILITY PLAN

C300



LEGEND

- PROPOSED HARDSCAPE
- PROPOSED ROOF
- EXISTING ROOF
- DRAINAGE AREA BOUNDARY

STORMWATER MANAGEMENT NOTES:

THE PROPOSED PROJECT WILL INCLUDE MORE THAN 10,000 SQUARE FEET OF IMPERVIOUS SURFACE ADDITION AND REPLACEMENT. GIVEN THAT THE PROJECT SURPASSES THIS THRSHOLD, THE PROJECT IS CONSIDERED A REGULATED PROJECT PER THE REQUIREMENTS OF PROVISION C.3 OF THE MUNICIPAL REGIONAL STORMWATER PERMIT (ORDER NO. R2-2022-0018 AND R2-2015-0049). THIS PLAN PRESENTS THE METHODS AND CALCULATIONS FOR COMPLYING WITH THESE REQUIREMENTS, IN ACCORDANCE WITH THE CITY OF BERKELEY AND ALAMEDA COUNTY STORMWATER PROGRAMS. MOROVER, GIVEN THAT THIS PROJECT IS REPLACING MORE THAN 50% OF THE EXISTING IMPERVIOUS AREA, THE PROJECT MUST TREAT THE ENTIRE SITE.

THIS PROJECT IS CONSIDERED A SPECIAL PROJECT CATEGORY "A" PER THE CHARACTERISTICS LISTED IN ALAMEDA COUNTY'S SPECIAL PROJECTS WORKSHEET:

A. PROJECT IS IN A DOWNTOWN CORE AREA.
B. PROJECT CREATES/REPLACES < ½ ACRE IMPERVIOUS SURFACE.
C. PROJECT INCLUDES NO SURFACE AREA PARKING.
D. PROJECT HAS AT LEAST 85% COVERAGE BY PERMANENT STRUCTURES.

A NARRATIVE IS INCLUDED AS PART OF THE PLANNING SUBMITTAL WHICH DESCRIBES HOW LID TREATMENT IS NOT FEASIBLE ONSITE, AND WHY THE PROJECT MUST USE A MEDIA FILTER TO REGULATE THE QUALITY OF STORMWATER LEAVING THE SITE. THIS TREATMENT DEVICE IS DESCRIBED BELOW:

A. MEDIA FILTER – RUNOFF FROM THE CONTRIBUTING IMPERVIOUS SURFACE FLOWS THROUGH A MEDIA FILTER SIZED TO TREAT THE RUNOFF BASED ON A 0.2 IN/HR INTENSITY (TREATMENT STORM EVENT). THIS IS A NON-LID TREATMENT MEASURE WHICH REMOVES POLLUTANTS FROM RUNOFF THROUGH SCREENING AND FILTER CARTRIDGES MADE UP OF MANUFACTURED MEDIA. THIS TREATMENT DEVICE IS ONLY ALLOWED FOR "SPECIAL PROJECTS". THIS PROJECT QUALIFIES AS A CATEGORY A SPECIAL PROJECT.

C.3 STORMWATER TREATMENT MEASURES

AREA ID	PROPOSED IMPERVIOUS AREA (SF)	EXISTING IMPERVIOUS AREA (SF)	TOTAL AREA (SF)	BMP ID	BMP TYPE
A1	0	75	75	–	IN-LIEU CREDIT[1]
A2	13,461	270[2]	13,731	M2	MEDIA FILTER[3]

TABLE FOOTNOTES:

1. EXISTING UNTREATED IMPERVIOUS SURFACE INCLUDES NEIGHBORING BUILDING ROOF WITHIN PROJECT PROPERTY. EXISTING IMPERVIOUS AREA WITHIN DRAINAGE AREA A2 WILL BE TREATED IN LIEU OF THIS AREA.
2. THIS AREA REPRESENTS THE EXISTING FOOTPRINT OF THE EXISTING MARQUEE SIGN TO REMAIN. 75 SF OF THE OVERALL 270 SF TREATED AREA WILL BE USED AS IN-LIEU CREDIT FOR DRAINAGE AREA A1.
3. SEE EXAMPLE MEDIA FILTER PRODUCT, THIS SHEET. SIZED USING RATIONAL METHOD (Q=CiA):

C=0.85 (ROOF/HARDSCAPE)
i_{treat}=0.2 IN/HR (TREATMENT RAINFALL INTENSITY)
i_{base}=2.05 IN/HR (10 YEAR/10 MIN RAINFALL INTENSITY PER NOAA)
A=0.32 ACRES
Q_{treat}=0.05 CFS
Q_{base}=0.56 CFS

FEMA FLOOD ZONE DESIGNATION

THE PROPOSED PROJECT SITE RESIDES IN FEMA'S FLOOD INSURANCE RATE MAP (FIRM) 06001C0057G, EFFECTIVE AUGUST 3, 2009. THE ENTIRE PROJECT AREA IS LOCATED IN ZONE X, 'OTHER AREAS' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

HYDROMODIFICATION NOTE:

THE PROJECT IS EXEMPT FROM HYDROMODIFICATION REQUIREMENTS PER THE ALAMEDA COUNTY C.3 TECHNICAL GUIDANCE DOCUMENT. THE PROJECT IS EXEMPT FROM HYDROMODIFICATION DUE TO IMPERVIOUS AREA ADDED OR REPLACED BEING LESS THAN 1 ACRE.

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STORMWATER MANAGEMENT PLAN

C400

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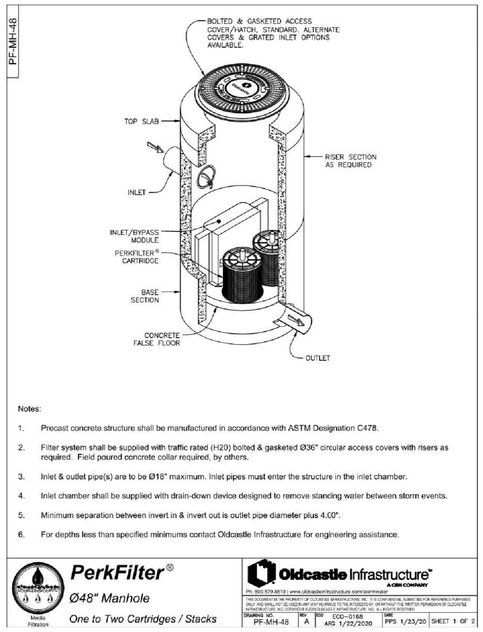

Notes:

1. Precast concrete structure shall be manufactured in accordance with ASTM Designation C478.
2. Filter system shall be supplied with traffic rated (H20) bolted & gasketed Ø36" circular access covers with risers as required. Field poured concrete collar required, by others.
3. Inlet & outlet pipe(s) are to be Ø18" maximum. Inlet pipes must enter the structure in the inlet chamber.
4. Inlet chamber shall be supplied with drain-down device designed to remove standing water between storm events.
5. Minimum separation between invert in & invert out is outlet pipe diameter plus 4.00".
6. For depths less than specified minimums contact Oldcastle Infrastructure for engineering assistance.

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks

Oldcastle Infrastructure
A CRH COMPANY
Ph: 800.579.8519 | www.oldcastleinfrastructure.com/stormwater

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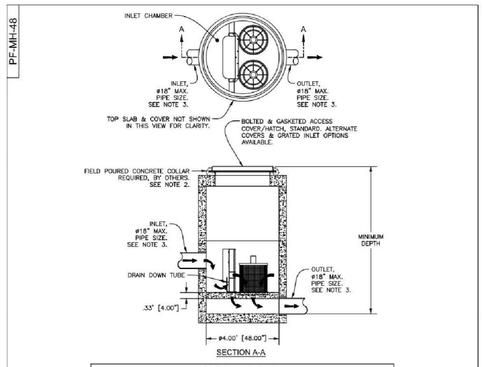

SECTION A-A

Minimum Depth

PIPE SIZE	Ø6"	Ø8"	Ø10"	Ø12"	Ø15"	Ø18"
CARTRIDGE TYPE	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET
12"	3.67" [44.00"]	3.92" [47.00"]	4.17" [50.00"]	4.42" [53.00"]	4.67" [56.00"]	4.92" [59.00"]
18"	4.42" [53.00"]	4.67" [56.00"]	4.92" [59.00"]	5.17" [62.00"]	5.42" [65.00"]	5.67" [68.00"]
12" + 12"	5.17" [62.00"]	5.42" [65.00"]	5.67" [68.00"]	5.92" [71.00"]	6.17" [74.00"]	6.42" [77.00"]
12" + 18"	5.67" [68.00"]	5.92" [71.00"]	6.17" [74.00"]	6.42" [77.00"]	6.67" [80.00"]	6.92" [83.00"]

Ø48" PERKFILTER MANHOLE
TREATMENT FLOW RATES, TOTAL FLOW CAPACITIES & MAXIMUM HEAD LOSS

CARTRIDGE STACK QUANTITY	CARTRIDGE STACK CONFIGURATION					
	12"		18"		12" & 18"	
	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)
1	12 / 0.03	2.47	18 / 0.04	3.95	24 / 0.05	3.45
2	24 / 0.05	2.47	36 / 0.08	3.95	48 / 0.11	3.45
MAXIMUM HEAD LOSS	1.7 FEET		2.3 FEET		2.9 FEET	

		30 / 0.07	3.62
		60 / 0.13	3.62
		3.5 FEET	

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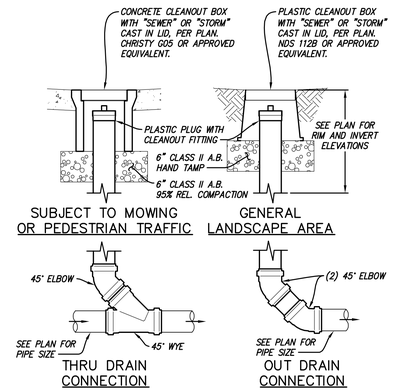
MEDIA FILTER
N.T.S.
1



NOTES:

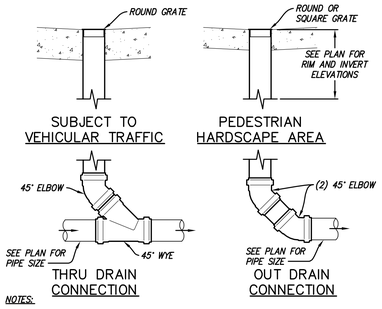
1. RISER DIAMETER SHALL MATCH THRU/OUT PIPE SIZE.

GRAVITY CLEANOUT
1"=1'
2

PIPE SIZE	NDS MODEL NUMBER*		
	PEDESTRIAN		VEHICULAR
	ROUND GRATE (BLACK PLASTIC)	SQUARE GRATE	ROUND GRATE (DUCTILE IRON)
4"	11	4 (BLACK PLASTIC)	N/A
6"	40	970 (BLACK PLASTIC)	D6
8"	10	12DH-WO** (CAST IRON)	D8

*OR APPROVED EQUIVALENT

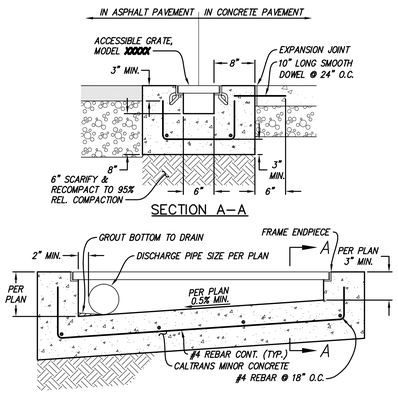
**12" TO 8" REDUCER REQUIRED TO CONNECT TO 8" RISER PIPE



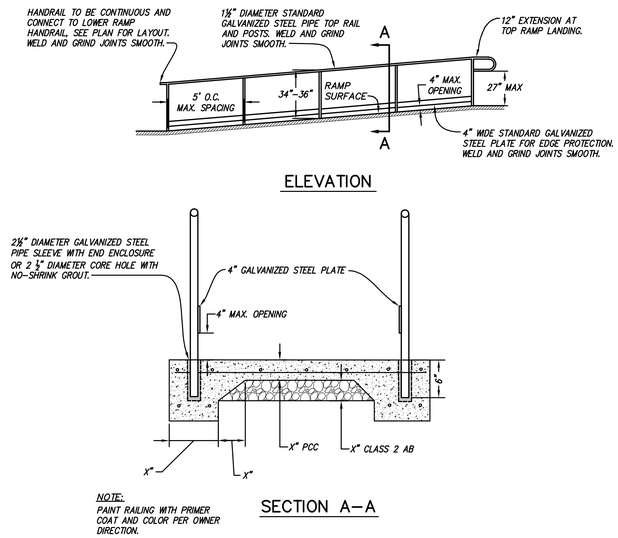
NOTES:

1. RISER DIAMETER SHALL MATCH STORM DRAIN AREA DRAIN SIZE.
2. THRU/OUT PIPE SIZE SHALL BE EQUAL OR GREATER THAN RISER DIAMETER.

HARDSCAPE AREA DRAIN
1"=1'
3



CAST-IN-PLACE TRENCH DRAIN
1"=1'
4



NOTE:
PAINT RAILING WITH PRIMER COAT AND COLOR PER OWNER DIRECTION.

ACCESSIBLE RAMP AND HANDRAIL
N.T.S.
5

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Civil Engineers | Surveyors | Planners
636 9th Street
Oakland, CA 94607
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Sandis Project Number	622032
Contact	Michael Kuykendall
Email	mkuykendall@sandis.net
Principal	Michael Kuykendall
Designer	Nicholas Chandler

Gilbane

Developer
Gilbane Development Company
649 Mission Street
5th Floor
San Francisco, CA
94105 gilbaneco.com

2115 KITTREDGE ST.
BERKELEY, CA 94704

No.	DATE	DESCRIPTION
	8/28/2023	100% DD Set

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CONSTRUCTION DETAILS

C500

File Path:Autodesk Docs://2115 Kittredge/20230223_KITTREDGE
Plotted: Sep 07, 2023 10:57:01
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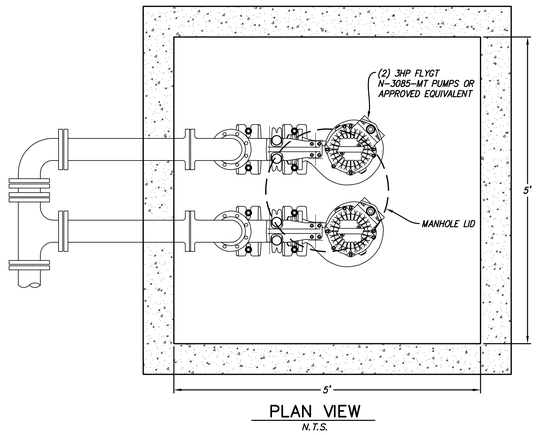
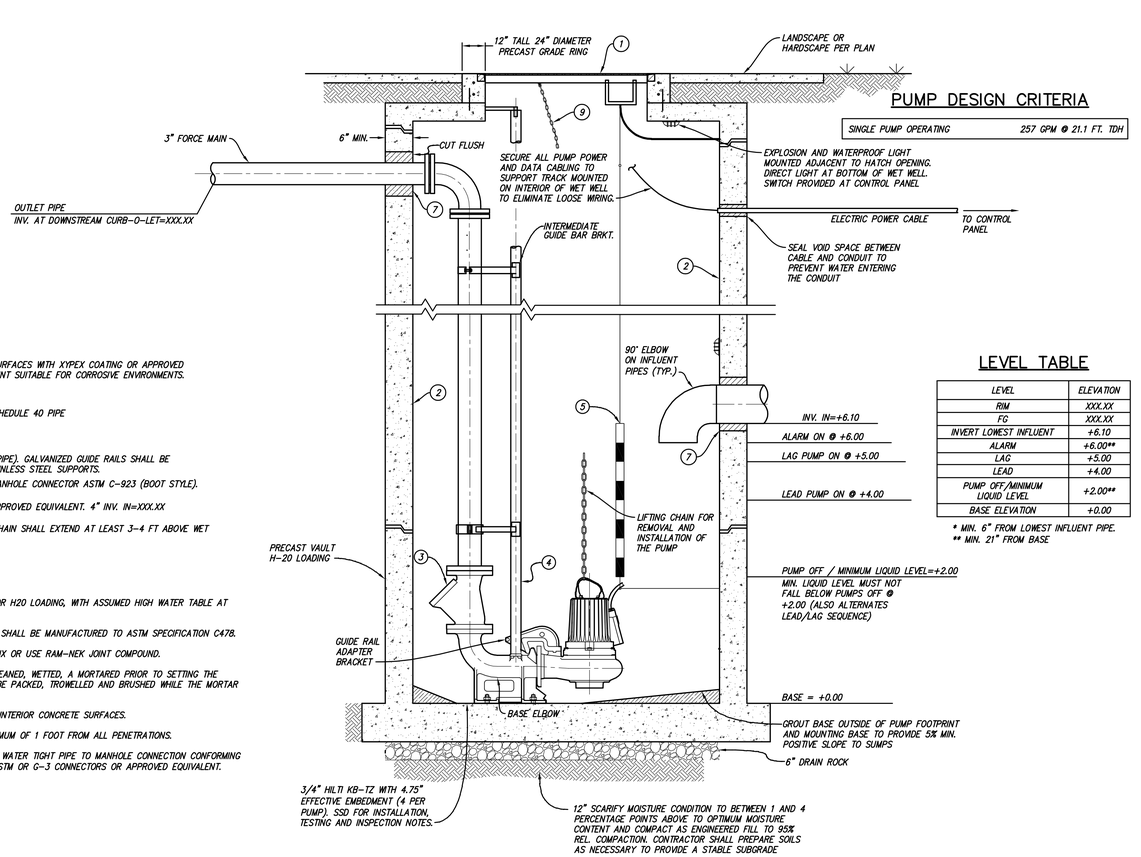


PLAN VIEW
N.T.S.



PUMP DESIGN CRITERIA

SINGLE PUMP OPERATING	257 GPM @ 21.1 FT. TDH

LEVEL TABLE

LEVEL	ELEVATION
RIM	XXX.XX
FG	XXX.XX
INVERT LOWEST INFLUENT	+6.10
ALARM	+6.00**
LAG	+5.00
LEAD	+4.00
PUMP OFF/MINIMUM LIQUID LEVEL	+2.00**
BASE ELEVATION	+0.00

* MIN. 6" FROM LOWEST INFLUENT PIPE.
** MIN. 21" FROM BASE

NOTES:

1. H-20 RATED MANHOLE LID..
2. COAT INTERIOR OF LIFT STATION SURFACES WITH XYPEX COATING OR APPROVED EQUIVALENT. PAINT WITH WHITE PAINT SUITABLE FOR CORROSIVE ENVIRONMENTS.
3. BALL CHECK VALVE.
4. (4) 2" GUIDE BAR, GALVANIZED SCHEDULE 40 PIPE
5. LEVEL PROBE (SEE LEVEL TABLE)
6. (4) 2" GUIDE BAR (SCHEDULE 40 PIPE). GALVANIZED GUIDE RAILS SHALL BE SUPPORTED EVERY 5-FT WITH STAINLESS STEEL SUPPORTS.
7. WATER TIGHT RESILIENT PIPE TO MANHOLE CONNECTOR ASTM C-923 (BOOT STYLE).
8. JOSAM 67724 SWING CHECK OR APPROVED EQUIVALENT. 4" INV. IN=XXX.XX
9. STAINLESS STEEL LIFTING CHAIN. CHAIN SHALL EXTEND AT LEAST 3-4 FT ABOVE WET WELL.

NOTES:

A. PUMP STATION TO BE DESIGNED FOR H20 LOADING, WITH ASSUMED HIGH WATER TABLE AT ELEVATION AT XXX.XX

B. PRECAST PUMP STATION MATERIAL SHALL BE MANUFACTURED TO ASTM SPECIFICATION C478.

C. GROUT JOINTS WITH 1:3 MORTAR MIX OR USE RAM-NEK JOINT COMPOUND.

D. ALL CONCRETE JOINTS SHALL BE LEANED, WETTED, A MORTARED PRIOR TO SETTING THE NEXT SECTION THE JOINTS SHALL BE PACKED, TROWELLED AND BRUSHED WHILE THE MORTAR IS PLASTIC.

E. XYPEX CONCENTRATE COATING ON INTERIOR CONCRETE SURFACES.

F. JOINT LOCATIONS SHALL BE A MINIMUM OF 1 FOOT FROM ALL PENETRATIONS.

G. ALL PIPE PENETRATIONS SHALL BE WATER TIGHT PIPE TO MANHOLE CONNECTION CONFORMING TO ASTM C-923. A-LOK'S Z-LOK STM OR G-3 CONNECTORS OR APPROVED EQUIVALENT.

LIFT STATION 1
N.T.S.

SECTION A-A
N.T.S.

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Sandis Project Number 622032
Contact Michael Kuykendall
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Principal Designer Michael Kuykendall
Nicholas Chandler

Gilbane

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649 Mission Street
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	8/28/2023	100% DD Set

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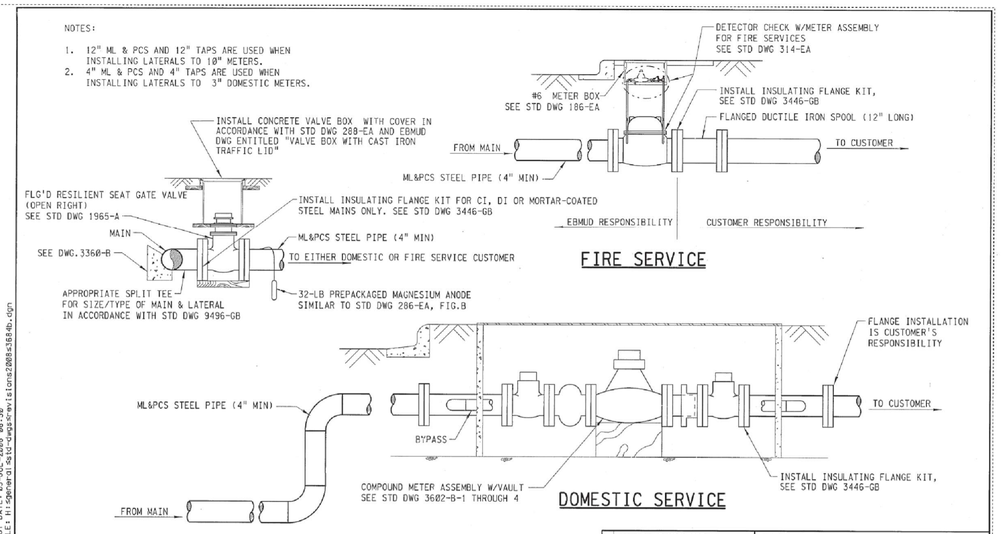
CONSTRUCTION DETAILS

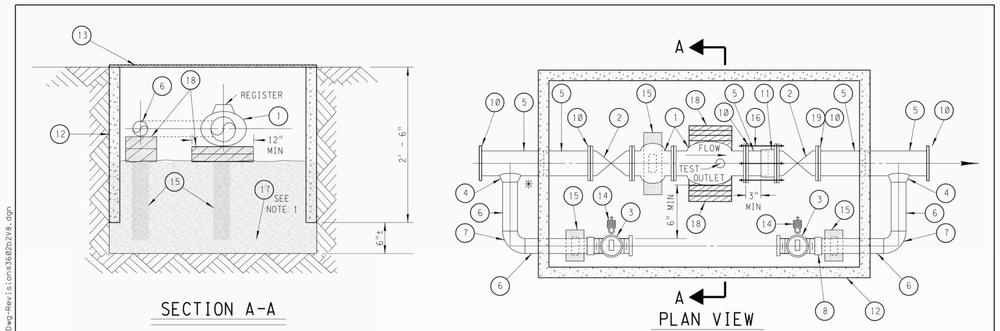
C501

NOTES:

1. 12" ML & PCS AND 12" TAPS ARE USED WHEN INSTALLING LATERALS TO 10" METERS.
2. 4" ML & PCS AND 4" TAPS ARE USED WHEN INSTALLING LATERALS TO 3" DOMESTIC METERS.



		DESIGNED BY D MCINTIRE	EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
		DESIGN CHECKED BY R STANTON		
		DRAWN BY TOM LEE	STANDARD DRAWING	
			MAIN CONNECTION FOR FIRE SERVICES OR 3" AND LARGER DOMESTIC SERVICES	
1	JOANNE/DR	REVISED	RECOMMENDED SENIOR CIVIL ENGINEER R.P.E. NO. C 44055	STRUCTURE OR ZONE DESIGNATION ALL
NO.	DATE	REVISION	BY	APPROVED MGR. OF DESIGN R.C.E. NO. C 39051	SCALE NONE
				DATE	3684-B



ITEM	REQ'D	MATERIAL LIST DESCRIPTION	REMARKS
1	1	COMPOUND METER, 4", PLATE STRAINER, ATTACHED	
2	2	GATE VALVE, 4", 125 LB, FLG'D, NRS, NUT OPERATOR, OPEN RIGHT	
3	2	CURB STOP, 2", 300 PSI WP, NO LEAD BRASS, W/LOCK WING & PLUG	
4	2	WELDOLET, 2" X 4", RUN	
5	4'±	PIPE, 4" DIA, SCH 40, ML&PCS	SEE NOTE 10
6	9'±	PIPE, 2" DIA, SCH 40, TAPE WRAPPED STEEL	
7	2	90° ELBOW, 2", SCH 40, TAPE WRAPPED STEEL	
8	1	INSULATING UNION	
9	-	-	
10	5	SLIP ON FLANGE, 4" AWWA CLASS D, 150 LB DRILLING	SEE NOTE 10
11	1	FLANGED COUPLING ADAPTER, 4", ROCKWELL STYLE 912	SEE NOTE 10
12	1	METER BOX, PANEL VAULT, 5' X 3' X 2.5' DEEP	
13	1	STEEL DIAMOND PATTERN LID OR QUASITE COVER, AS REQ'D	
14	2	DISTRICT SECURITY LOCK (DFAA2)	
15	AS REQD	REDWOOD BLOCK PIPE SUPPORT, SEE ITEM 18	
16	4	TIE RODS	SEE NOTE 10
17	1/4CY±D±	1/4± CUBIC YD ROCK FILL FOR DRAINAGE	
18	AS REQD	2" x 4" REDWOOD BLOCKS TAPEWRAPPED	
19	1	INSULATING FLANGE KIT, 4"	

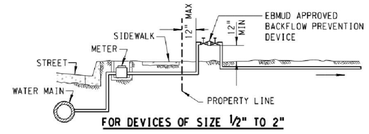
NOTES

1. MINIMUM 3/4" DRAIN ROCK FILL LEVEL TO BE BOTTOM OF BOX.
2. TAPE WRAP ALL BURIED BARE STEEL AND BYPASS PIPING.
3. METER VAULTS FOR 3" AND 4" COMPOUND METERS TO BE 3'X 5'X 2.5' DEEP.
4. BYPASS VALVES MUST BE ACCESSIBLE AND OPERABLE FROM INSIDE VAULT.
5. NO VEHICLE TRAFFIC ON VAULTS.
6. REMOTE READERS SHALL BE INSTALLED ON METERS.
7. ✳ WHEN POSSIBLE, WELDOLETS TO BYPASS PIPING SHOULD BE POSITIONED INSIDE VAULT.
8. IF THE DEVICE LAYOUT AS SHOWN CANNOT FIT IN THE EXISTING METER BOX, THEN CONTACT THE METER SHOP FOR A REVISED LAYOUT.
9. COAT ALL UNCOATED METALLIC SURFACES OF PIPE, FITTINGS, BOLTS AND NUTS WITH PETROLATUM WAX TAPE PER EBMUD STANDARD, SPECIFICATION 09961.1.
10. ITEMS 5,10,11 AND 16 ARE AVAILABLE AS A COMPLETE DISMANTLING JOINT ASSEMBLY.

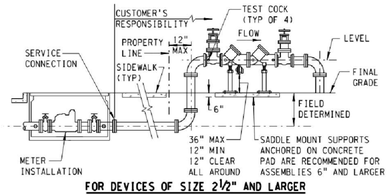
REVISED JUNE 5, 2020 DJB
REVISED JULY 26, 2005 RES

	DESIGNED BY P.A. JOHNSON	EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
	DESIGN CHECKED BY E.J. CARVILLE		
	DRAWN BY W. MCALEER TOM LEE	STANDARD DRAWING	
		4" COMPOUND METER SETTING WITH 2" BYPASS	
		AUTOMATIC METER READING COMPATIBILITY	
	RECOMMENDED SENIOR CIVIL ENGINEER P.A.C. R.P.E. NO. C 36285	STRUCTURE OR ZONE DESIGNATION ALL	
	APPROVED MGR. OF DESIGN D.L.P. R.C.E. NO. C 39051	SCALE NONE	3602-B-2
		DATE 04 DEC 89	

MECHANICAL BACKFLOW PREVENTION INSTALLATION



FOR DEVICES OF SIZE 1/2" TO 2"

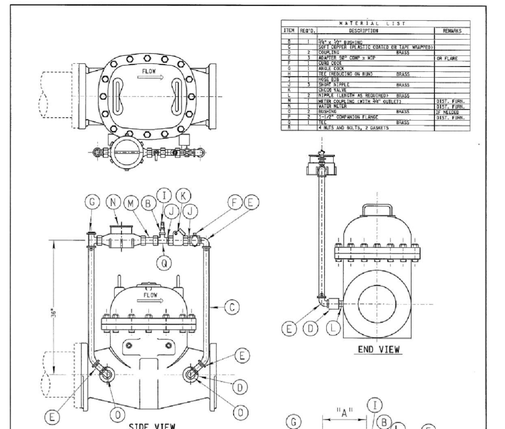


FOR DEVICES OF SIZE 2 1/2" AND LARGER

NOTES:

1. USE ONLY BACKFLOW ASSEMBLIES THAT ARE APPROVED BY THE EBMUD BACKFLOW SECTION.
2. THE SUPPLY SHALL SURFACE AT A DISTANCE OF NO MORE THAT 12 INCHES FROM THE PROPERTY LINE.
3. REDUCED PRESSURE PRINCIPLE (RPs) ASSEMBLIES SHALL BE INSTALLED IN AREAS WITH ADEQUATE DRAINAGE.
4. NO CONNECTIONS WILL BE ALLOWED BETWEEN THE SERVICE CONNECTION (WATER METER) AND THE BACKFLOW ASSEMBLY.
5. HEIGHT OF THE BACKFLOW ASSEMBLY SHALL BE AT LEAST 12" ABOVE GRADE TO THE BOTTOM OF THE ASSEMBLY (A MAXIMUM OF 36" ABOVE GRADE) AND A 12" PERIMETER AROUND THE ASSEMBLY.
6. ALL SERVICES WITH A BACKFLOW ASSEMBLY REQUIRE A PRESSURE RELIEF VALVE (PRV) ON WATER HEATERS.
7. PROTECTION FROM FREEZE DAMAGE OR THEFT MIGHT BE NECESSARY IN EXPOSED AREAS.
8. VAULT INSTALLATION OF DOUBLE-CHECK VALVES (DC) MAY BE USED IN CERTAIN LOCATIONS AND ONLY WITH PRIOR APPROVAL OF THE DISTRICT. SEE STANDARD DRAWINGS 1928-A AND 1930-A.
9. INSTALL DIRECTLY AFTER THE SERVICE CONNECTION AS SHOWN ABOVE. OBTAIN APPROVAL PRIOR TO INSTALLATION IF THERE IS ANY DEVIATION.

	DESIGNED BY EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
	DESIGN CHECKED BY		
	DRAWN BY BK	STANDARD DRAWING	
		MECHANICAL BACKFLOW PREVENTION INSTALLATION METHODS FOR WATER SERVICES	
	RECOMMENDED SENIOR MECHANICAL ENGINEER R.M.E. NO. M24975	STRUCTURE OR ZONE DESIGNATION ALL	
	APPROVED MGR. OF DESIGN R.C.E. NO. C 39051	SCALE NONE	1931-A-1
NO.	DATE REVISION BY REC. APP.	DATE 25 SEP 14	



ITEM	REQ'D	MATERIAL LIST DESCRIPTION	REMARKS
A	1	BODY, CAST IRON	
B	1	CHECK ASSY, RESILIENT SEATED ASB TYPE, MEASUREMENT CONTROL	
C	1	COVER, BODY	BRONZE
D	1	ADAPTER, SWIVEL	
E	1	ADAPTER, SWIVEL	DR FLARE
F	1	UNION, BODY	
G	1	UNION, BONNET	
H	1	SEAT, RESILIENT ON RING	BRASS
J	1	SEAT, RING	
K	1	SPRING, CHECK	BRASS
L	1	STEM, CHECK	
M	1	STEM, R.S. (STEM AS REQUIRED)	BRONZE
N	1	WELDED COUPLING (WITH PIN, CHAIN)	CAST IRON
P	1	PLUG, DRAIN	CAST IRON
Q	1	BUSHING	BRASS
R	1	NUT, 4" COMPRESSION FLANGE	BRASS
S	1	STUD	BRASS
T	4	4 NUTS AND BOLTS, 2 GASKETS	

GENERAL NOTES:

1. THE CHECK VALVE SHALL BE OF HTE AUTOMATIC COMPOUND LEVER TYPE. THE CHECK VALVE SHALL OPERATE ALTERNATELY, AND SHALL OPEN UNDER THE PRESSURE AND FLOW THROUGH THE BY-PASS METER IS FROM 1/5 TO 3/5 FULL.

SHOP NOTES:

1. THE BY-PASS ASSEMBLY SHALL BE CONNECTED IN THE FLOW SEQUENCE SHOWN USING FITTINGS AND PIPING LENGTHS TO SUIT REQUIRED DIMENSIONS AND SHALL BE "RIGHT HANDED" AS SHOWN.

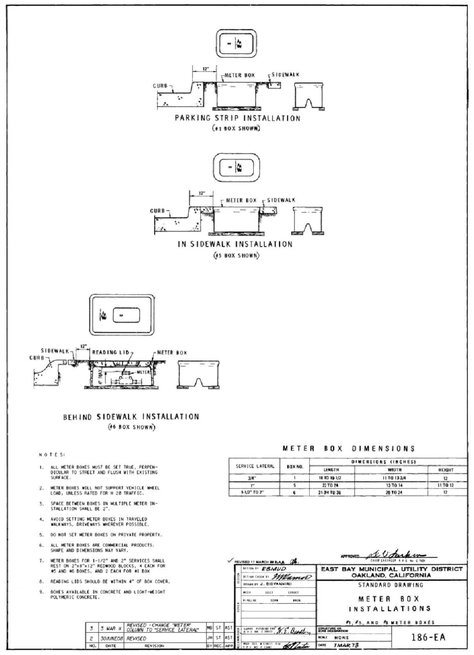
FIELD NOTES:

1. INSTALL WITH B.B.M.U.D. No. 6 METER BOX CODE DWG. 3684-B1.
2. INSTALL FLANGE INSULATION KIT AT MAIN IF MAIN IS METALLIC, OTHER THAN PLASTIC-COATED STEEL.
3. COAT ALL METALLIC PIPE AND FITTINGS WITH MASTIC PER E.B.M.U.D. SPECIFICATIONS.
4. INSTALL PACKAGED 32 LB. ANODE TO LATERAL PER DWG. 286-EA, FIG. B.
5. INSTALLATION PER DWG. 3684-B.

DETECTOR CHECK SIZE	METER SIZE	PIPE SIZE FITTING SIZE	LENGTH "A"	LENGTH "B"
6"	5/8" x 3/4"	3/4"	0	
6"	1"	1"	1"	
10"	1-1/2" FLG.	1-1/2"	a. BETWEEN FITTING ENDS 20" b. BETWEEN FITTING ENDS	

REVISED JULY 26, 2005 RES

	DESIGNED BY EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
	DESIGN CHECKED BY R. RAMOS		
	DRAWN BY J.L. EDMONSON	STANDARD DRAWING	
		DETECTOR CHECK METERS ASSEMBLY	
	RECOMMENDED SENIOR CIVIL ENGINEER R.P.E. NO. C 36285	L.A. MONTEMAYOR	STRUCTURE OR ZONE DESIGNATION ALL
	APPROVED MGR. OF DESIGN R.C.E. NO. C 39051	R.K. ARORA	SCALE NONE
			DATE 09 OCT 74
			314-EA



NOTES:

1. ALL METER BOXES MUST BE SET TRUE, PERPENDICULAR TO STREET AND FLUSH WITH EXISTING SURFACE.
2. METER BOXES WILL NOT SUPPORT VEHICLE WHEEL LOAD, UNLESS RATED FOR H 20 TRAFFIC.
3. SPACE BETWEEN BOXES IN MULTIPLE METER INSTALLATION SHALL BE 2".
4. AVOID SETTING METER BOXES IN TRAVELED WALKWAYS. DRIVEWAYS WHENEVER POSSIBLE.
5. DO NOT SET METER BOXES ON PRIVATE PROPERTY.
6. ALL METER BOXES ARE COMMERCIAL PRODUCTS. SIZES AND DIMENSIONS MAY VARY.
7. METER BOXES FOR 1-1/2" AND 2" SERVICES SHALL BE SET LEVEL WITH THE TOP OF CURB FACE FOR #3 AND #4 BOXES, AND 4" BACK FOR #1 BOX.
8. READING LIDS SHOULD BE WITHIN 4" OF BOX COVER.
9. BOXES AVAILABLE IN CONCRETE AND LIGHT-WEIGHT POLYMERIC CONCRETE.

METER BOX DIMENSIONS

SERVICE LATERAL	BOX NO.	DIMENSIONS (INCHES) LENGTH	WIDTH	HEIGHT
3/4"	1	14 W 19 1/2	11 7/8	12
1"	3	17 1/2 W	12 7/8 H	17 7/8 H
1-1/2" TO 2"	4	21 3/4 TO 26	20 TO 24	12

	DESIGNED BY [illegible]	EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
	DESIGN CHECKED BY [illegible]		
	DRAWN BY R.C. RICHARDSON	STANDARD DRAWING	
		METER BOX INSTALLATIONS	
		#1, #3, AND #4 METER BOXES	
	RECOMMENDED SENIOR CIVIL ENGINEER [illegible]	STRUCTURE OR ZONE DESIGNATION METERS	
	APPROVED MGR. OF DESIGN [illegible]	SCALE NONE	186-EA
		DATE MARCH 73	

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Designer	Nicholas Chandler

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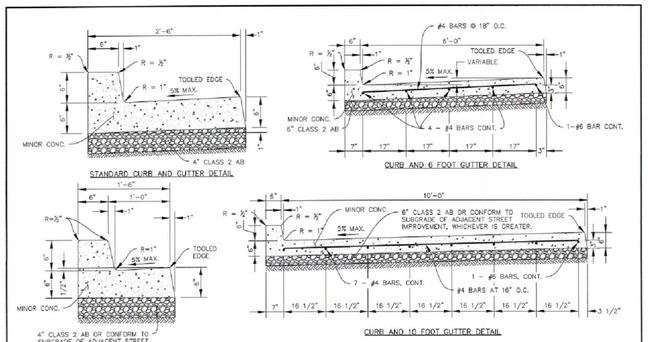
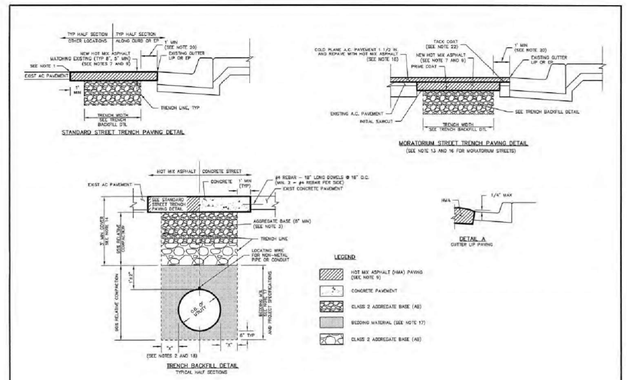
CONSTRUCTION DETAILS

C502



NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL CURB AND GUTTER	SUBMITTED: Dan Zeby, SUPERVISING CIVIL ENGINEER — DATE: 2/27/17, R.C.E. 64582 APPROVED: _____, MANAGER OF ENGINEERING — DATE: 2/28/17, R.C.E. 66014	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS DESIGN: HEI, DRAWN: HEI, CHECK: MS DATE: 01/26/17, SCALE: N.T.S., BOOK: _____ PLAN: 8146, FILE: 208-157, SHEET: 1 OF 1



STANDARD DETAIL TRENCH EXCAVATION AND SURFACE RESTORATION	SUBMITTED: Dan Zeby, SUPERVISING CIVIL ENGINEER — DATE: 7/6/16, R.C.E. 64582 APPROVED: _____, MANAGER OF ENGINEERING — DATE: 7/6/16, R.C.E. 66014	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS DESIGN: HEI, DRAWN: HEI, CHECK: _____ DATE: 06/2016, SCALE: _____, BOOK: _____ PLAN: 8136, FILE: 20-8-155, SHEET: 1 OF 2

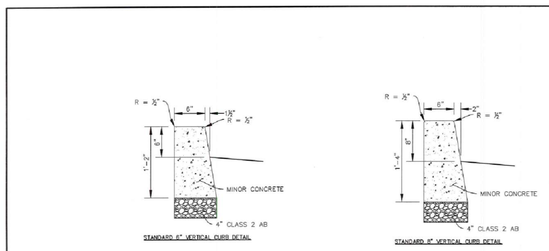
NOTES:

1. TRENCH EXCAVATION IN THE PUBLIC RIGHT OF WAY SHALL CONFORM TO THE CITY OF BERKELEY GENERAL REGULATIONS FOR TRENCH EXCAVATION AND SURFACE RESTORATION IN THE PUBLIC RIGHT OF WAY. CUT THROUGH THE FULL DEPTH OF EXISTING SURFACING TO A NEAT STRAIGHT LINE AT LEAST 1.0 FOOT OUTSIDE THE TRENCH LINE. RECUT PAVEMENT EDGES DAMAGED DURING CONSTRUCTION TO NEAT LINES PRIOR TO PAVING. APPLY PAINT BINDER (TACK COAT) TO ALL VERTICAL SURFACES IN ACCORDANCE WITH THE LATEST EDITION OF CALTRANS STANDARD SPECIFICATIONS.
2. MINIMUM WIDTH OF TRENCH SHALL BE IN ACCORDANCE WITH THE DIMENSION SHOWN ON THE TRENCH BACKFILL DETAIL. DIMENSIONS "X" IS SHOWN BELOW FOR THE UTILITY "O.D."

UTILITY O.D.	"X" MIN
UNDER 1.0'	0.5'
1.0' TO 4.5'	1.0'
OVER 4.5'	2.0'

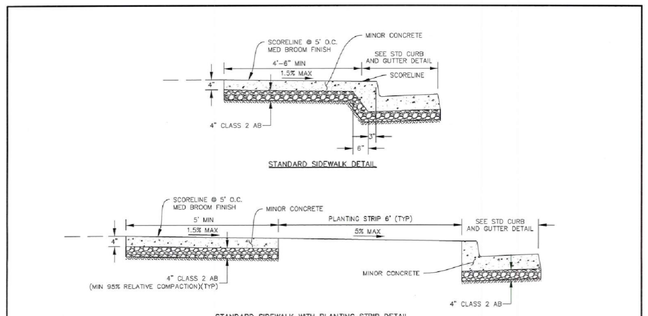
3. CLASS 2 AGGREGATE BASE (AB) SHALL BE INSTALLED IMMEDIATELY BELOW THE PAVEMENT SECTION TO BE REPLACED. THE AB QUALITY, GRADATION AND THE METHOD OF INSTALLATION SHALL BE IN CONFORMANCE WITH SECTION 26 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATION. THE DEPTH OF THE AB SHALL BE IN ACCORDANCE WITH THE TRENCH BACKFILL DETAIL. 95% RELATIVE COMPACTION IS REQUIRED.
4. RELATIVE COMPACTION SHALL BE DETERMINED BY CALIFORNIA TEST NUMBER 231 (NUCLEAR GAUGE) OR APPROVED EQUAL. PERMITTEE SHALL ARRANGE AND PAY FOR THE TEST FOR RELATIVE COMPACTION WHEN ORDERED BY THE ENGINEER. THE TEST SHALL BE PERFORMED BY A QUALIFIED MATERIAL TESTING LABORATORY AND TEST RESULTS BE SUBMITTED TO ENGINEERING FORTY-EIGHT (48) HOURS IN ADVANCE OF PERMANENT PAVING OPERATION.
5. PERMITTEE SHALL PLACE TEMPORARY BITUMINOUS RESURFACING TWO (2) INCHES IN THICKNESS OVER THE COMPACTED BACKFILL AREAS. GREATER THICKNESS MAY BE REQUIRED FOR MAJOR INTERSECTIONS AND OTHER CRITICAL AREAS BY THE ENGINEER AS NECESSARY. STEEL PLATES MAY BE USED AS AN ALTERNATIVE IF APPROVED BY ENGINEER.
6. TEMPORARY BITUMINOUS RESURFACING (CUT-BACK) SHALL BE MECHANICALLY COMPACTED IN PLACE TO A UNIFORM, EVEN SURFACE AND SHALL BE TRUE TO STREET GRADE AND CROSS SECTION. THE PERMITTEE SHALL REGULARLY INSPECT AND MAINTAIN THE TEMPORARY BITUMINOUS RESURFACING UNTIL THE EXCAVATION IS PERMANENTLY PAVED. THE SURFACE SHALL NOT VARY MORE THEN 1/2" FROM THE EDGE OF A 10 FOOT STRAIGHT EDGE. UPON NOTIFICATION, THE PERMITTEE SHALL CORRECT ANY SURFACE DEFECTS WITHIN 48 HOURS. LOOSE ROCKS AND OTHER DEBRIS GENERATED FROM TEMPORARY RESURFACING OPERATIONS SHALL BE IMMEDIATELY REMOVED FROM THE WORKSITE.
7. TEMPORARY BITUMINOUS RESURFACING SHALL BE REMOVED BEFORE PLACEMENT OF FINAL PAVING. FINAL PAVING SHALL BE MINIMUM FIVE (5) INCHES THICK OR SAME AS THE EXISTING PAVEMENT, WHICHEVER IS GREATER. THE PAVEMENT SHALL BE PLACED ON UNDISTURBED PREVIOUSLY COMPACTED BACKFILL AREAS.
8. PAVEMENT OUTSIDE OF SAW FINAL CUT LINE DAMAGED BY THE PERMITTEE'S OPERATIONS SHALL BE REMOVED BY SAW-CUTTING IN LINES PERPENDICULAR OR PARALLEL TO THE ORIGINAL TRENCH LINES. NO DIAGONAL CUTS WILL BE PERMITTED.
9. HOT MIX ASPHALT (HMA) SHALL BE TYPE A IN CONFORMANCE WITH SECTION 39 OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS, UNLESS OTHER WISE SPECIFIED IN THE ENCROACHMENT PERMIT CONDITIONS OR AS DIRECTED BY THE PUBLIC WORKS DEPARTMENT. HMA SHALL BE COMPACTED TO 95% RELATIVE COMPACTION.
10. THE TOP 1 1/2" OF HMA SHALL HAVE A MAXIMUM AGGREGATE SIZE OF 1/2" UNLESS OTHERWISE SPECIFIED. THE HMA BENEATH THE TOP LAYER SHALL HAVE A MAXIMUM AGGREGATE SIZE OF 3/4".
11. UPON COMPLETION OF PAVING OPERATIONS THE PERMITTEE SHALL IMMEDIATELY REPLACE ALL PAVEMENT MARKING AND TRAFFIC STRIPING DAMAGED OR REMOVED BY HIS OPERATIONS. PAVEMENT MARKINGS AND TRAFFIC STRIPINGS SHALL BE REPLACED IN KIND OR WITH SUBSTITUTE MATERIAL APPROVED BY THE ENGINEER.
12. WHEN ANY PORTION OF THE CURB AT A LEGAL PEDESTRIAN CROSSWALK OR ANY PORTION OF THE SIDEWALK IN IMMEDIATE CONTACT WITH SUCH CURB IS REMOVED BY THE PERMITTEE OPERATIONS, THE PERMITTEE SHALL CONSTRUCT, AS PART OF HIS REPLACEMENT OPERATIONS, A CURB RAMP AS SHOWN IN CITY OF BERKELEY STANDARD DETAIL NO. R7B0.
13. EXCAVATION ON STREETS RECONSTRUCTED OR RESURFACED WITHIN THE LAST 5 YEARS WILL NOT BE PERMITTED EXCEPT FOR CONDITIONS ENUMERATED IN THE CITY OF BERKELEY GENERAL REGULATIONS AND FOR TRENCH EXCAVATION AND SURFACE RESTORATION IN THE PUBLIC RIGHT OF WAY.
14. MINIMUM COVER OVER UTILITIES IS GOVERNED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION. UTILITY OWNERS SHALL CONSIDER PLACING THEIR UTILITY LINE AT A GREATER DEPTH TO AVOID FUTURE RELOCATION DUE TO STREET/ROAD RECONSTRUCTION. THE INCREASED DEPTH SHOULD INCLUDE SUFFICIENT CLEARANCE BETWEEN THE UTILITY AND PAVEMENT STRUCTURAL SECTION UPGRADE TO PREVENT DAMAGE BY CONSTRUCTION EQUIPMENT. THE PUBLIC WORKS DEPARTMENT RECOMMENDS A MINIMUM OF 36 INCHES OF COVER BELOW THE PAVEMENT SURFACE IN ROADWAYS AND 24 INCHES BELOW FINISH GRADE IN SIDEWALKS AND OTHER PUBLIC RIGHT OF WAY.
15. RESTORATION OF THE TRENCH EXCAVATION ON CALTRANS RIGHT OF WAY (SAN PABLO AVE., ASHBY AVE., AND TUNNEL RD.) SHALL BE IN ACCORDANCE WITH CALTRANS ENCROACHMENT PERMIT.
16. RESTORE PAVEMENT AS FOLLOWS: FOR TRENCHES PARALLEL WITH THE CENTERLINE OF THE STREET, COLD PLANE AND REPAVE THE LANE IN WHICH THE TRENCH LIES. FOR TRANSVERSE TRENCHES, COLD PLANE AND REPAVE 1/2 LANE WIDTH ON EACH SIDE OF THE TRENCH. FOR DELI MOLES, COLD GRIND AND PAVE 1 LANE WIDTH ON EACH SIDE OF THE EXCAVATION. PRIOR TO COLD PLANING, THE TRENCH SHALL BE PAVED IN 3 INCH MAXIMUM LIFTS TO THE ORIGINAL SURFACE GRADES, TO WITHIN 1 1/2 INCHES OF THE EXISTING SURFACE. IF THE TRENCH SURFACE IS WITHIN 1 1/2 INCHES OF THE EXISTING SURFACE, THE REMAINING 1 1/2 INCHES MUST BE PAVED WITH HOT MIX ASPHALT (HMA). COLD PLANING AND REPAVING SHALL COMMENCE WITHIN 3 DAYS AFTER COLD GRINDING. ALL LOOSE MATERIAL SHALL BE REMOVED FROM THE AREA TO BE REPAVED PRIOR TO REPAVING.
17. BEDDING MATERIAL SHALL BE CLASS 2 AB OR CRUSHED ROCK PER 2015 GREENBOOK, TABLE 200-1.2.1(A), 3/4" SIEVE SIZE. ALTERNATIVE MATERIALS SHALL BE APPROVED BY THE PUBLIC WORKS DEPARTMENT. IN NO CASE SHALL "PEA" GRAVEL BE ALLOWED. A MAXIMUM OF 6 INCHES OF SAND MAY BE USED AS A BEDDING MATERIAL FOR COMMUNICATION, GAS AND ELECTRIC CONDUITS ONLY.
18. FOR GAS, ELECTRIC AND COMMUNICATION CONDUITS WITH AN OUTSIDE DIAMETER EQUAL TO OR LESS THAN 4 INCHES, THE TRENCH WIDTH MAY BE REDUCED TO NO LESS THAN 12 INCHES.
19. UNSUITABLE NATIVE MATERIAL SHALL BE EXCAVATED BELOW THE LIMIT OF EXCAVATION AND REPLACED WITH SUITABLE BACKFILL MATERIAL WHEN DIRECTED BY THE PUBLIC WORKS DEPARTMENT.
20. WHERE THE TRENCH PARALLELS CURB AND THE NEAREST TRENCH LINE IS LESS THAN 3 FEET FROM THE GUTTER LIP, ALL EXISTING HMA SHALL BE REPLACED TO THE GUTTER LIP.
21. SLURRY CEMENT BACKFILL SHALL COMPLY WITH SECTION 19-3.02E OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS.
22. APPLY PAINT BINDER (TACK COAT) TO ALL EXISTING AC AND CONCRETE SURFACES IN ACCORDANCE WITH THE LATEST EDITION OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS.

CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS	STANDARD DETAIL TRENCH EXCAVATION AND SURFACE RESTORATION	
SUBMITTED: Dan Zeby, SUPERVISING CIVIL ENGINEER — DATE: 7/6/16, R.C.E. 64582 APPROVED: _____, MANAGER OF ENGINEERING — DATE: 7/6/16, R.C.E. 66014	DESIGN: HEI, DRAWN: HEI, CHECK: _____ DATE: 06/2016, SCALE: _____, BOOK: _____	PLAN: 8136, FILE: 20-8-155, SHEET: 2 OF 2



NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL VERTICAL CONCRETE CURB	SUBMITTED: Dan Zeby, SUPERVISING CIVIL ENGINEER — DATE: 2/27/17, R.C.E. 64582 APPROVED: _____, MANAGER OF ENGINEERING — DATE: 2/28/17, R.C.E. 66014	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS DESIGN: HEI, DRAWN: HEI, CHECK: MS DATE: 01/26/17, SCALE: N.T.S., BOOK: _____ PLAN: 8146, FILE: 208-158, SHEET: 1 OF 1



NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL SIDEWALK	SUBMITTED: Dan Zeby, SUPERVISING CIVIL ENGINEER — DATE: 2/27/17, R.C.E. 64582 APPROVED: _____, MANAGER OF ENGINEERING — DATE: 2/28/17, R.C.E. 66014	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS DESIGN: HEI, DRAWN: HEI, CHECK: MS DATE: 01/26/17, SCALE: N.T.S., BOOK: _____ PLAN: 8153, FILE: 208-165, SHEET: 1 OF 1

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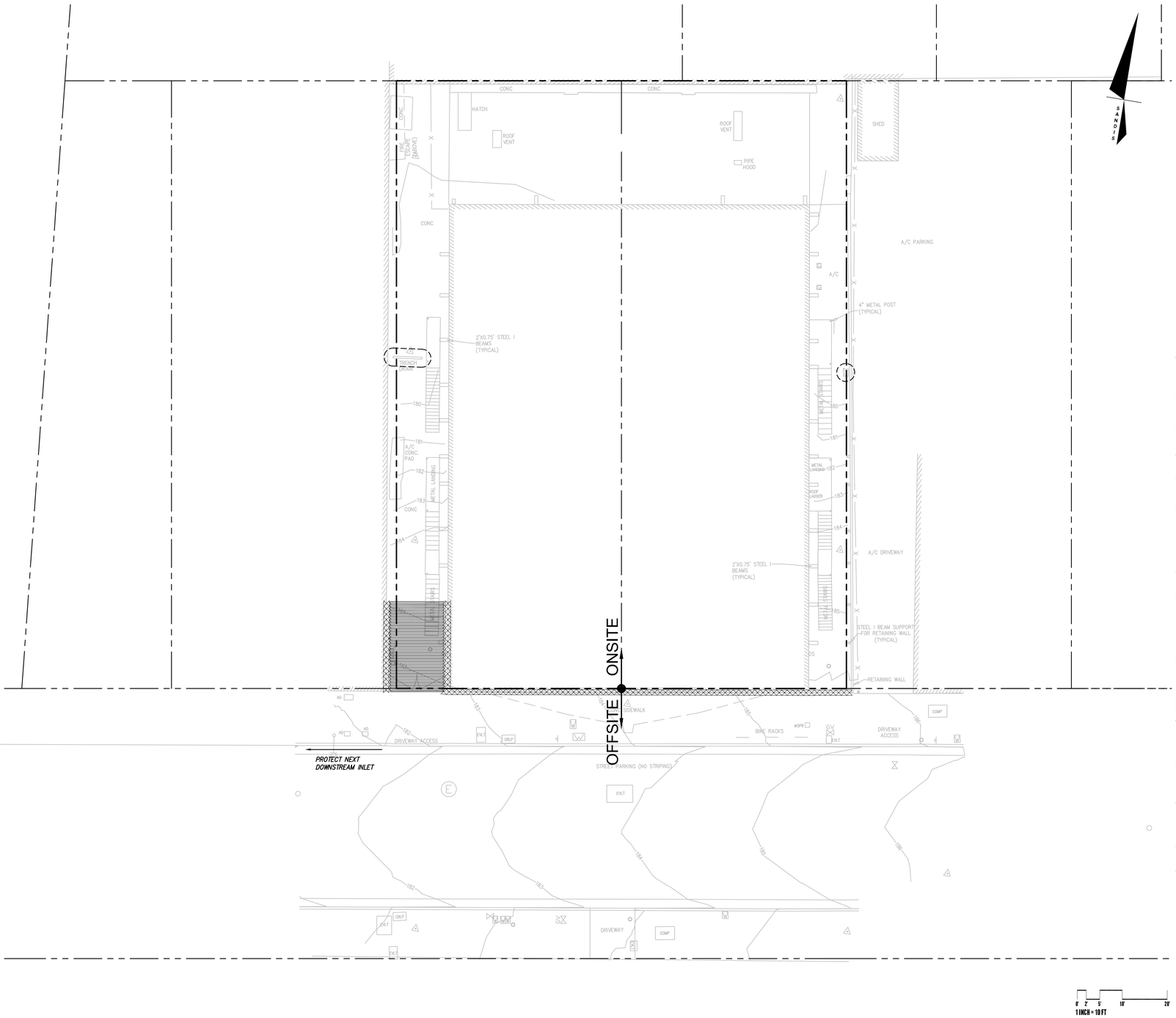
CONSTRUCTION DETAILS

C503



LEGEND

STABILIZED EXIT (4)

FIBER ROLL (3)

INLET PROTECTION (1) (2)

WATER POLLUTION CONTROL NOTES:

A. THIS PLAN IS FOR STORMWATER POLLUTION CONTROL DURING CONSTRUCTION IF NO SWPPP IS REQUIRED. IF A SWPPP FOR THE PROJECT HAS BEEN ISSUED THE PROJECT SWPPP OVERRIDES ANYTHING SHOWN ON THIS PLAN.

B. TEMPORARY CONSTRUCTION ENTRANCE/EXIT LOCATION SHOWN IS APPROXIMATE. CONTRACTOR TO PROVIDE LOCATION WHERE APPROPRIATE.

C. THIS PLAN REPRESENTS POSSIBLE WATER POLLUTION CONTROL MEASURES INCLUDING EROSION CONTROL AND SEDIMENT CONTROL.

D. EXISTING SURFACES SHALL BE UNDISTURBED TO THE EXTENT PRACTICAL.

E. GROUND WATER SHALL NOT BE DISCHARGED WITH STORM WATER. GROUND WATER DEWATERING OPERATIONS SHALL BE COORDINATED AS NEEDED WITH OWNER.

F. CONTRACTOR SHALL PROVIDE EFFECTIVE SOIL COVER FOR AREAS OF CONSTRUCTION ACTIVITY THAT HAVE BEEN DISTURBED AND ARE NOT SCHEDULED TO BE ACTIVE FOR AT LEAST 14 DAYS.

G. ALL EROSION CONTROL AND SEDIMENT CONTROLS TO BE OBTAINED INSTALLED AND MAINTAINED AS REQUIRED IN PROJECT SWPPP.

H. CONTRACTOR TO INSTALL RUN-ON AND RUN-OFF CONTROL MEASURES ACCORDING TO PLANS OR AS NECESSARY TO ENSURE SEDIMENT IS NOT TRANSPORTED FROM SITE.

I. CONTRACTOR TO PROVIDE BACK-UP EROSION PREVENTION MEASURES (SOIL STABILIZATION) WITH SEDIMENT CONTROL MEASURES SUCH AS STRAW WATTLES, SILT FENCE, GRAVEL INLET FILTERS, AND/OR SEDIMENT TRAPS OR BASINS. ENSURE CONTROL MEASURES ARE ADEQUATE, IN PLACE, AND IN OPERABLE CONDITIONS. SEDIMENT CONTROLS, INCLUDING INLET PROTECTION, ARE NECESSARY BUT SHOULD BE A SECONDARY DEFENSE BEHIND GOOD EROSION CONTROL MEASURES.

J. STOCKPILE LOCATION(S) TO BE DETERMINED BY THE CONTRACTOR. COORDINATE WITH SITE QSP.

K. ALL CONCRETE TRUCKS TO USE CHUTE WASH BUCKETS FOR CONCRETE RINSE, ALL CONCRETE PUMPS TO CAPTURE CONCRETE RINSE IN SECONDARY CONTAINMENT AND PROPERLY DISPOSE.

L. STREET SWEEPING SHALL BE CHECKED DAILY TO ENSURE DEPOSITED SEDIMENT AND DEBRIS DOES NOT ENTER THE STORM DRAIN SYSTEM. USE REGENERATIVE VACUUM STREET CLEANER TO MITIGATE AIR AND WATER POLLUTION.

M. RUNOFF THAT HAS CONTACTED AMENDED SOIL AREAS SHALL NOT BE ALLOWED TO LEAVE THE SITE OR ENTER THE STORM DRAIN SYSTEM.

PROJECT SITE MAINTENANCE

1. REMOVE ALL DIRT, GRAVEL, RUBBISH, REFUSE, AND GREEN WASTE FROM STREET PAVEMENT AND STORM DRAINS ADJOINING THE SITE. LIMIT CONSTRUCTION ACCESS ROUTES ONTO THE SITE AND PLACE GRAVEL PADS AT THESE LOCATIONS. DO NOT DRIVE VEHICLES AND EQUIPMENT OFF THE PAVED OR GRAVELED AREAS DURING WET WEATHER.
2. SWEEP OR VACUUM THE STREET PAVEMENT AND SIDEWALKS ADJOINING THE PROJECT SITE AND THE ON-SITE PAVED AREAS ON A DAILY BASIS. SCRAPE CAKED-ON MUD AND DIRT FROM THESE AREAS BEFORE SWEEPING. CORNERS AND HARD TO REACH AREAS SHALL BE SWEPT MANUALLY.
3. CREATE A CONTAINED AND COVERED AREA ON THE SITE FOR THE STORAGE OF BAGS, CEMENT, PAINTS, OILS, FERTILIZERS, PESTICIDES, OR OTHER MATERIALS USED ON THE SITE THAT HAVE THE POTENTIAL OF BEING DISCHARGED INTO THE STORM DRAIN SYSTEM THROUGH EITHER BEING WIND-BLOWN OR IN THE EVENT OF A MATERIAL SPILL.
4. NEVER CLEAN MACHINERY, EQUIPMENT OR TOOLS INTO A STREET, GUTTER OR STORM DRAIN.
5. ENSURE THAT CEMENT TRUCKS, PAINTERS, OR STUCCO/PLASTER FINISHING CONTRACTORS DO NOT DISCHARGE WASH WATER FROM EQUIPMENT, TOOLS OR RINSE CONTAINERS INTO GUTTERS OR DRAINS.

0' 2' 5' 10' 20'
1 INCH = 10 FT

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Sandis Project Number	622032
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Designer	Nicholas Chandler

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BERKELEY, CA 94704

No.	DATE	DESCRIPTION
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WATER POLLUTION CONTROL DRAWING

C600

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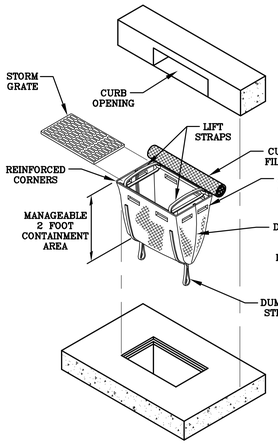


NOTES:

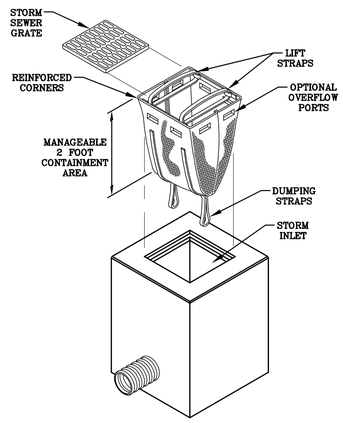
1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS, WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
2. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

DETAIL 1

CURB INLET SEDIMENT SACK

© DANDY CURB SACK

DANDY SACK™



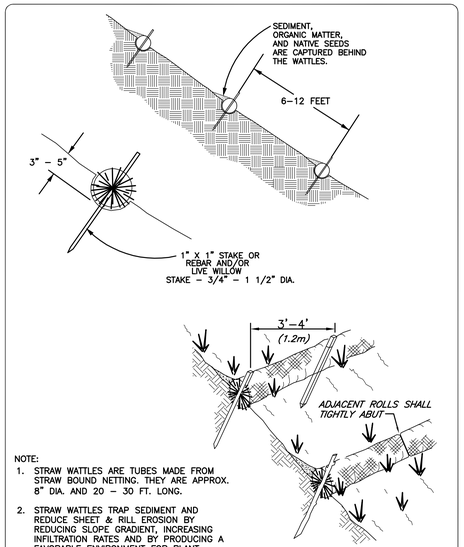
NOTES:

1. DROP INLET SEDIMENT BARRIERS ARE TO BE USED FOR SMALL, NEARLY LEVEL DRAINAGE AREAS. (LESS THAN 5%)
2. EXCAVATE A BASIN OF SUFFICIENT SIZE ADJACENT TO THE DROP INLET.
3. THE TOP OF THE STRUCTURE (PONDING HEIGHT) MUST BE WELL BELOW THE GROUND ELEVATION DOWNSLOPE TO PREVENT RUNOFF FROM BY– PASSING THE INLET. A TEMPORARY DIKE MAY BE NECESSARY ON THE DOWNSLOPE SIDE OF THE STRUCTURE.

DETAIL 2

DROP INLET SEDIMENT BARRIER

© DANDY CURB SACK



NOTE:

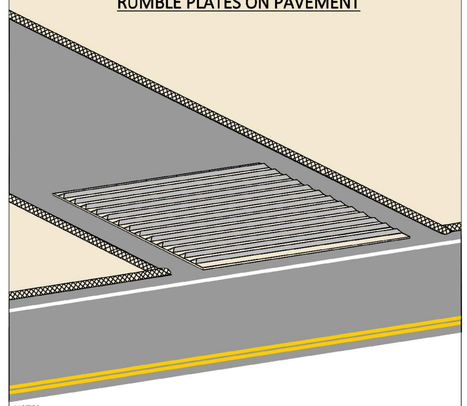
1. STRAW WATTLES ARE TUBES MADE FROM STRAW BOUND NETTING. THEY ARE APPROX. 8" DIA. AND 20 – 30 FT. LONG.
2. STRAW WATTLES TRAP SEDIMENT AND REDUCE SHEET & RILL EROSION BY REDUCING SLOPE GRADIENT, INCREASING INFILTRATION RATES AND BY PRODUCING A FAVORABLE ENVIRONMENT FOR PLANT ESTABLISHMENT.
3. STRAW WATTLE INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE WATTLE IN A TRENCH, 3" – 5" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND WATTLE.

DETAIL 3

STRAW WATTLES

© 1991 JOHN MACCLEAN

RUMBLE PLATES ON PAVEMENT



NOTES:

1. USE CORRUGATED STEEL PLATES ON PAVEMENT TO PROVIDE A STABILIZED ENTRANCE AND EXIT FOR VEHICLES.
2. CLEAN PLATES REGULARLY TO MAINTAIN EFFECTIVENESS.
3. MAINTAIN DUST CONTROL AND IMPLEMENT STREET SWEEPING AND VACUUMING AS NEEDED.

DETAIL 4

RUMBLE PLATES ON PAVEMENT

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WATER POLLUTION CONTROL DETAILS

C601

Bay-Friendly Basics Landscape Checklist

This Bay-Friendly Basics Checklist is for all new construction and renovation of landscapes that are 2,500 square feet of irrigated area or greater and require a permit. The Bay-Friendly Basics represents the 9 required practices from the Bay-Friendly Landscape Scorecard. It is considered a minimum set of practices to improve the environmental performance of the landscape. Projects are recommended to to meet all applicable measures on the checklist. For measures that are not applicable or are not in the project's scope of work, check "N/A" and make a note of why the measure does not apply to the project (attach additional sheets if necessary). For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: www.BayFriendly.org

Project: 2115 Kittredge Street

Address: Berkeley, CA **Date:** 9/23/22

Earthwork & Soil Health

Yes	No	N/A	Measure & Requirement	Documentation	Notes
☑	☐	☐	**1. Mulch** **Requirement** All soil on site is protected with a minimum of 3 inches of mulch after construction. **Recomendation** Use recycled or greenwaste mulch instead of landscape fabric. Trees identified for removal are chipped and used on site as mulch, on-site storage space permitting. **Reference** *Bay-Friendly Landscape Guidelines,* Practice 4.1; *Bay-Friendly Guide to Mulch*, available at www.BayFriendly.org. Provides sources of recycled mulch and proper application of mulch and information on sheet mulching.	• Submit square footage of planting areas as well as cubic yards required to cover planting areas to a minimum three-inch (3") depth. • Submit a delivery ticket or receipt of purchased mulch and/or, • Submit receipts for sheet mulching materials and/or, • (Optional) Submit photos of trees being chipped for mulch (if applicable).	See L2.00 for SF of planting areas and CY of mulch. Remaining information to be submitted during construction.
☑	☐	☐	**2. Amend the Soil with Compost Before Planting** **Requirement** Compost is specified as the soil amendment, at the rates indicated by a soil analysis to bring the soil organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost. If the imported or site soil meets the organic content of 3.5% or more, then the requirement is waived. **Recommendation** Purchase compost from a producer who participates in the U.S. Composting Council's Standard Testing Assurance(STA) program to ensure quality. **Reference** *Bay-Friendly Landscape Guidelines,* Practice 4.1; Model Bay-Friendly Soil specifications, at www.BayFriendly.org; U.S. Composting Council Standard Testing Assurance program explanation and list of participating producers can be found at: www.compostingcouncil.org	• Submit the site soil or imported topsoil analysis. No soils analysis is required if 1" of compost is used. • Submit+H35 compost details from construction documents. • Submit the receipt or delivery ticket for the compost, indicating the amount of the compost delivered/purchased. *If a waiver is requested based on soil organic matter content or the needs of plant palette,* • Submit a completed plant palette with species that need little/no soil organic matter identified, and include the source of information on their soil needs OR • Submit a soils report that indicates the soil has an organic matter content of 3.5% or greater.	Soil analysis to be submitted with building permit application.

Bay-Friendly Basics Landscape Checklist

Yes	No	N/A	Measure & Requirement	Documentation	Notes

Materials

☑	☐	☐	**3. Reduce and Recycle Landscape Construction Waste** **Requirement** Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling. **Reference:** StopWaste.Org, *Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials* and sample Waste Management Plan for recycling C&D materials at www.BuildGreenNow.Org.	• State the percent diversion goal in the design documents. • List specific goals and recycling and reuse requirements in plans and specifications. • Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan. • Prior to construction, complete a construction waste management plan. The City should provide a smaple template, or one can be downloaded at www.BuildGreenNow.org. • After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%).	Percent diversion to be included in project specifications.

Planting

☑	☐	☐	**4. Choose & Locate Plants to Grow to Natural Size** **Requirement** Species will be selected and plants spaced to allow them to grow to their natural size and shape. Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into their planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements. **Reference** *Bay-Friendly Landscape Guidelines* , Practices 2.1, Bay-Friendly Plant lists are available at www.BayFriendly.org; Bronsetin,Carol, David Fross and Bart O'Brien, *California Native Plants for the Garden;* East Bay Municipal Utility District, *Plants and Landscapes for Summer Dry Climates;* Sunset,*Western Garden Book.*	• Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread. • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.	Signed statement to be provided upon completion of construction.

Bay-Friendly Basics Landscape Checklist

Yes	No	N/A	Measure & Requirement	Documentation	Notes
☑	☐	☐	**5. Do Not Plant Invasive Plant Species** **Requirement** None of the plant species listed by CAL-IPC's Don't Plant a Pest as invasive in the San-Francisco, Bay Area are included in the planting plan. **Definition** An invasive speices is defined as a species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likeley to cause economic or environmental harm or harm to human health. Federal Executive Order 1311. **Reference** Bay-Friendly Landscape Guielines, Practice 2.1d; Don't Plant A Pestbrochures for trees and plants available at www.cal-ipc.org; www.cal-ipc.org/ip/inventory/weedlist.php.	• Compare the complete list of plants in the plant palette to the Cal-IPC list of plants that are invasive to the San Francisco Bay-Area. • Submit the complete plant palette. • Submit a statement signed by the Landscape Architect, Designer or Contractor confirming that no invasive species were substituted for specified species.	Signed statement to be provided upon completion of construction.
☑	☐	☐	**6. Grow drought tolerant CA native, Mediterranean or climate adapted plants** **Requirement** A minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established. Species should be adapted to the climate in which they will be planted, as referenced by a published plant reference. If plants are given a range of water needs from "occasional to moderate" for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately. **Recommendation** California native or Mediterranean species are strongly recommended. **Reference** *Bay-Friendly Landscape Guidelines* Practice 4.2; www.owue.water.ca.gov/docs/wucols00.pdf.	• Submit a plant legend that identifies species, number of plants, irrigation requirements (and reference source of the water requirement), total number of drought tolerant plants and total number of non-turf plants. (download a Bay-Friendly plant legend template to facilitate this process at www.BayFriendly.org). • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement.	Bay Friendly plant legend is included in drawing set. Signed statement to be provided upon completion of construction.

Bay-Friendly Basics Landscape Checklist

Yes	No	N/A	Measure & Requirement	Documentation	Notes
☐	☐	☒	**7. Minimize the lawn** **Requirement** A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted. **Reference** *Bay-Friendly Landscape Guidelines,* Practice 4.3; Bay-Friendly Lawn Alternatives plant list at www.BayFriendly.org; Brooklyn Botanic Garden Publications, *Easy Lawns, Low Maintenance Native Grasses for Gardeners Everywhere.*	• Submit calculations of square feet of turf, excluding sports and multiple use fields, and square feet of total irrigated area. • Submit planting plans with sports and multiple use fields identified. Include a statement about the purpose of multiple use fields. • Submit as statement signed by the Landscape Architect, Designer or Contractor that installed turf meets the requirements for this credit.	No turf included in project.

Irrigation

☑	☐	☐	**8. Specify Weather-Based Irrigation Controllers (automatic, self-adjusting)** that Includes a Moisture &/or Rain Sensor Shutoff **Requirement** Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems. **Reference** *Bay-Friendly Landscape Guidelines* , Practice 4.6; EBMUD website has a list of recommended self adjusting controllers at www.ebmud.com.	• Submit the make and model and product sheet of the irrigation controller. • Provide a statement signed by the Landscape Architect, Designer or Contractor that the installed controller is a self-adjusting model and includes shut off capacity.	See sheet L3.04 Signed statement to be provided upon completion of construction.
☑	☐	☐	**9. Sprinkler & Spray Heads are Not Specified for Areas Less Than 8 Feet Wide** **Requirement** Sprinkler and spray heads are not specified in areas less than or equal to 8 feet wide to prevent overspray and runoff. Acceptable alternatives include drip, subsurface drip, bubblers or no irrigation. Bubblers shall not exceed 1.5 gallons per minute per bubbler.	• Submit statement signed by the Landscape Architect, Designer or Contractor verifying that irrigation as installed does not have sprinkler or spray heads in planted areas less than 8 feet wide.	See sheet L3.04 Signed statement to be provided upon completion of construction.

Bay-Friendly Basics: Bay-Friendly Basics represents the 9 required practices in the Bay-Friendly Landscape Scorecard. Landscapes that achieve the Bay-Friendly Basics will achieve significant environmental benefits for the project and community as well as taking the first step toward becoming a Bay-Friendly Rated Landscape. If a project is interested in seeking to qualify as a Bay-Friendly Rated Landscape, it must also earn a minimum of 60 points on the Bay-Friendly Landscape Scorecard and be evaluated by a qualified Bay-Friendly Rater. Please visit www.BayFriendlyCoalition.org to learn more about taking this next step in sustainability. The Bay-Friendly Basics is not a substitute for exercising sound judgment in particular circumstances. Rather, the Bay-Friendly Basics is designed to help local governments raise the minimum environmental requirements for landscape projects that require a permit.

This checklist works well with the Small Commercial Green Building Checklist available at www.stopwaste.org/smallcommercial.

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BERKELEY, CA

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ENTITLEMENTS PHASE

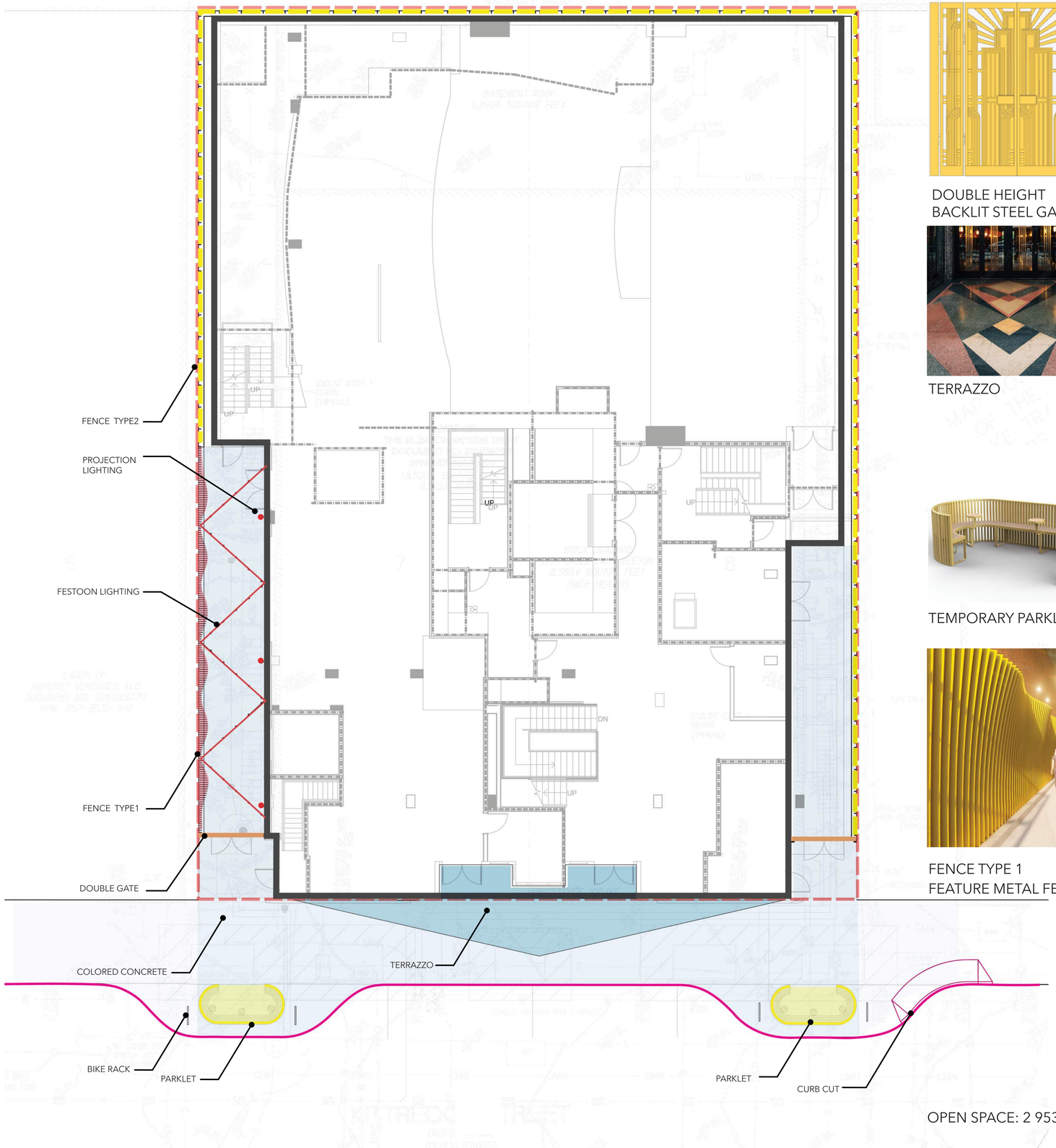
△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

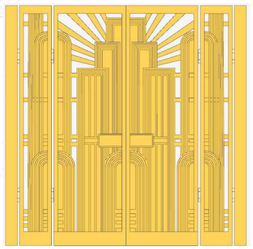
ISSUE DATE: 10/18/23

CAL GREEN CHECKLIST

L100



OPEN SPACE: 2 953 SQUARE FEET

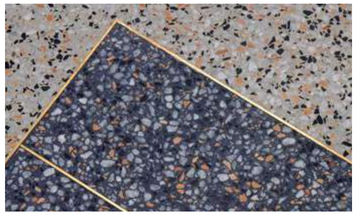


DOUBLE HEIGHT
BACKLIT STEEL GATE

FESTOON LIGHTING

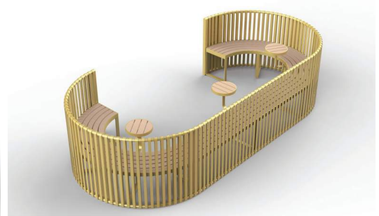
PROJECTION LIGHTING

TERRAZZO



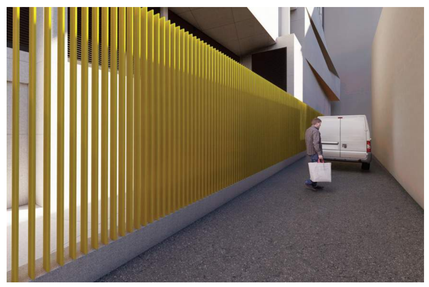
TERRAZZO BRASS JOINT

COLORED CONCRETE WITH
DECORATIVE SCORING AND
SILICA CARBIDE



TEMPORARY PARKLET WITH WOOD SEATING

FENCE TYPE 1
FEATURE METAL FENCE " THE CURTAIN"



FENCE TYPE 2
STANDARD METAL FENCE

NOTES:

MAX. 1.5% CROSS SLOPE AT ALL PAVED AREAS.

N

SCALE 1/8"=1'-0"

0 4 8 12

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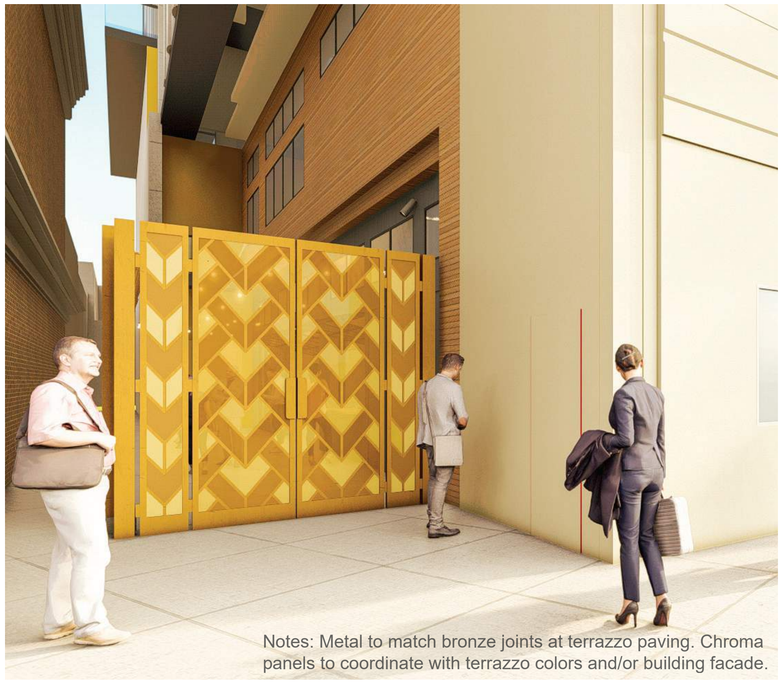
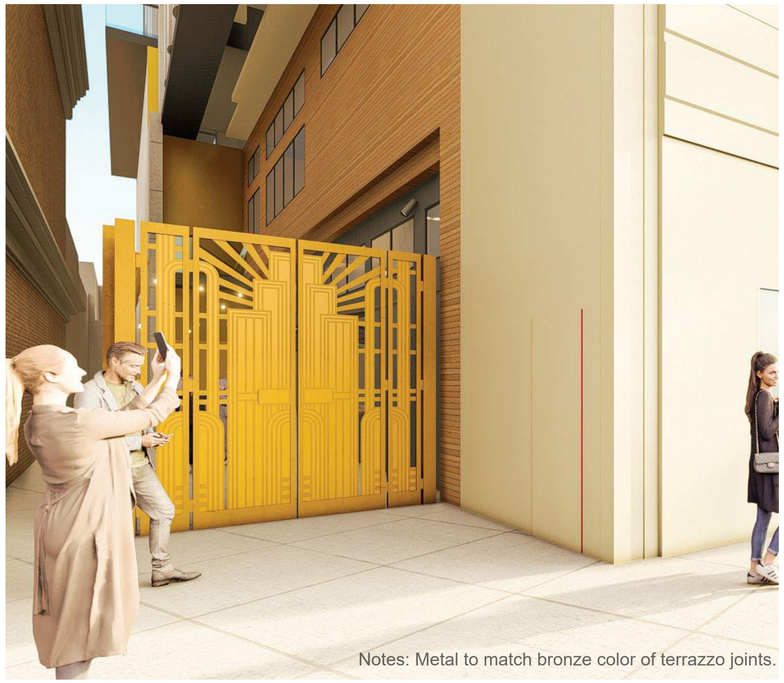
GROUND FLOOR PLANS

L101



GATE ALTERNATIVE DESIGN
METAL FRAME + COLOR PRINT CHROMA



GATE ALTERNATIVE DESIGN
METAL FRAME +LASER CUT METAL SHEET

PARKLET ALTERNATIVE DESIGN
METAL TUBE FRAME + METAL DECORATIVE PANEL

PARKLET ALTERNATIVE DESIGN
METAL FRAME + WOOD

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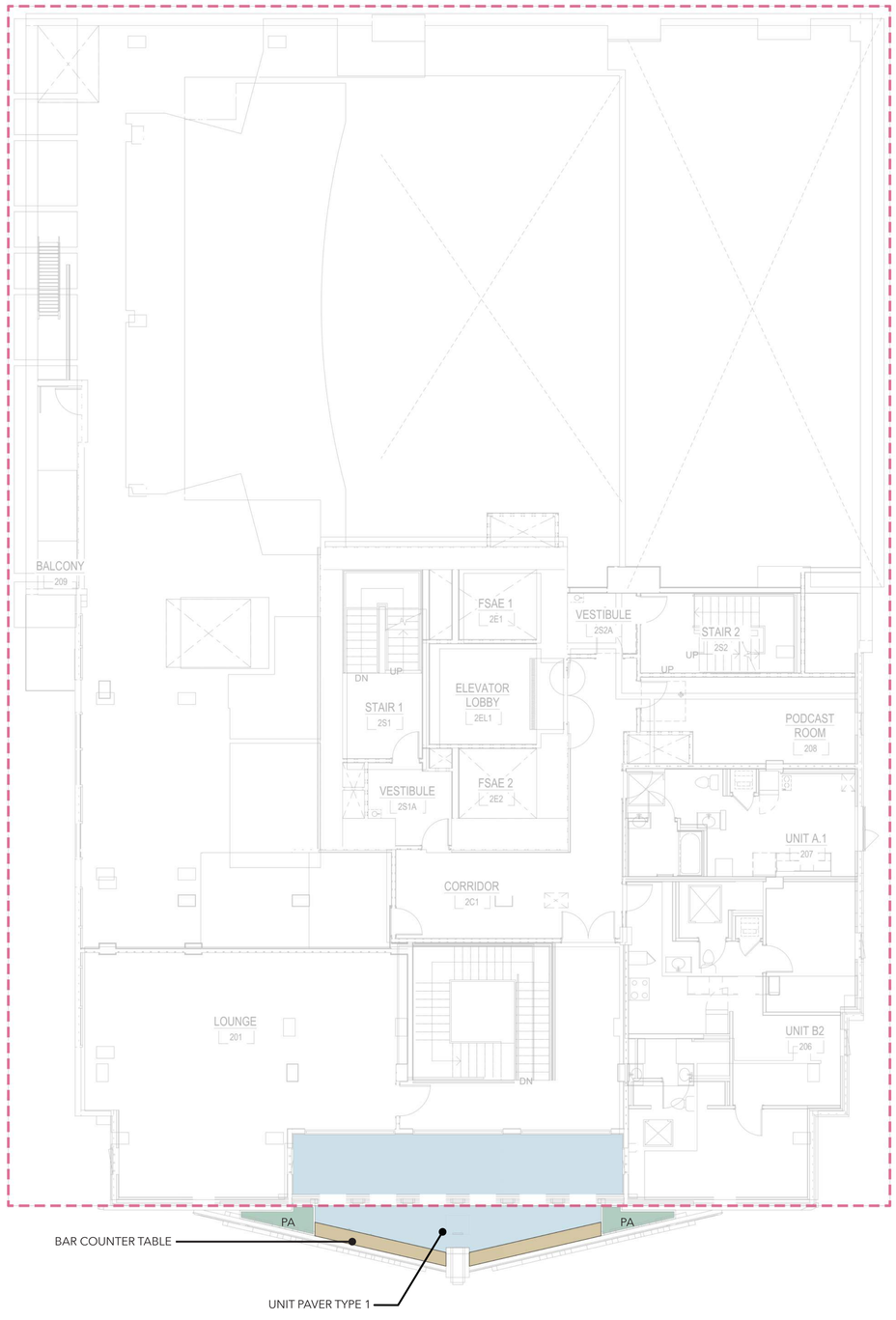
FEATURE ALTERNATIVE DESIGN OPTIONS

L101.1



TERRAZZO BAR TABLE

UNIT PAVER

OPEN SPACE: 360 SQUARE FEET
PLANTING AREA: 28 SQUARE FEET

N

SCALE 1/8"=1'-0"

0 4 8 12

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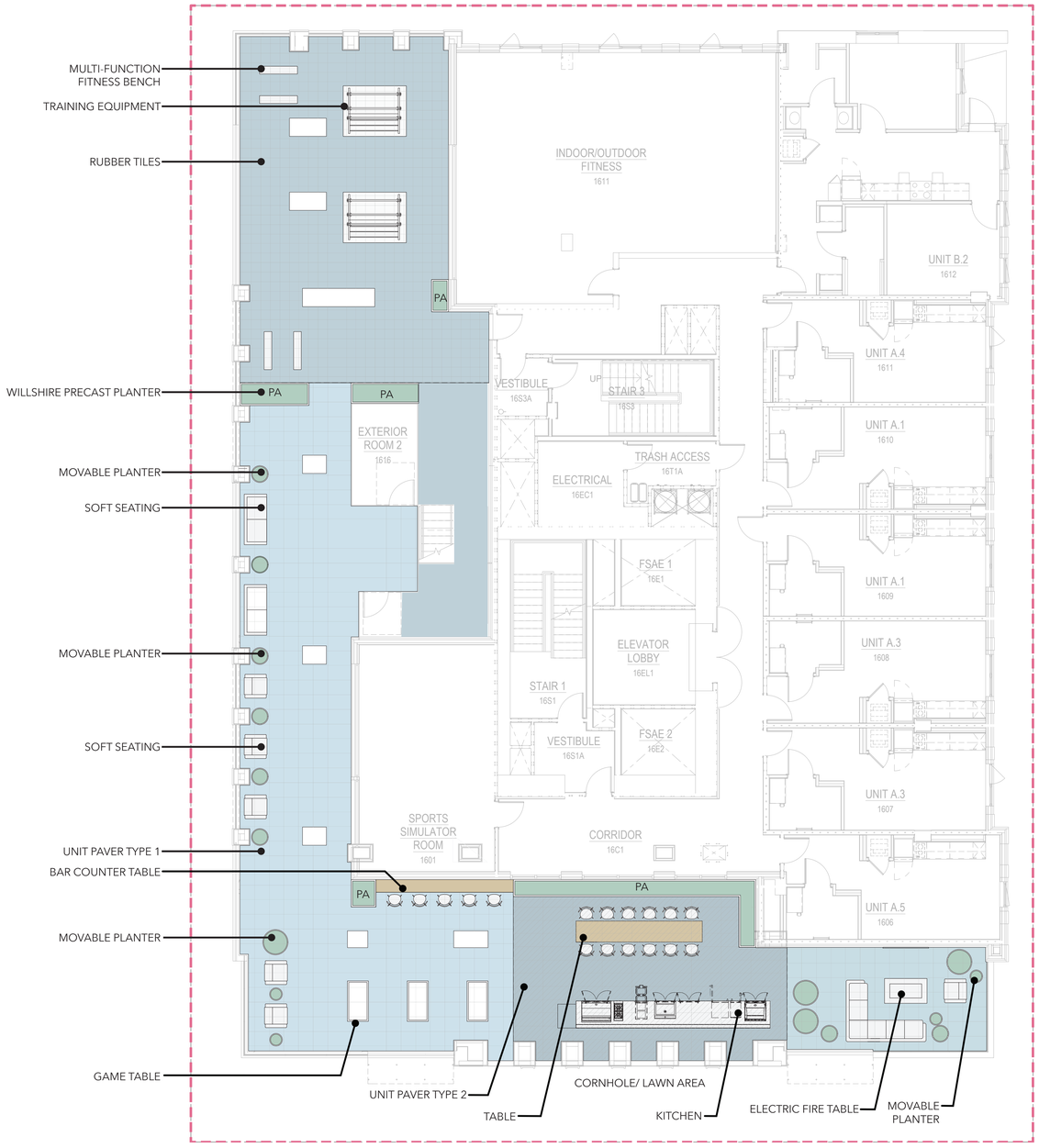
2ND FLOOR PLANS

L102



OPEN SPACE: 3 568 SQUARE FEET
PLANTING AREA: 163 SQUARE FEET

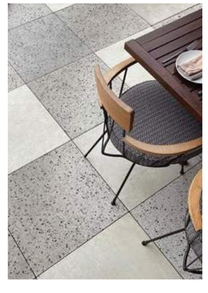
HIIT

CROSSFIT

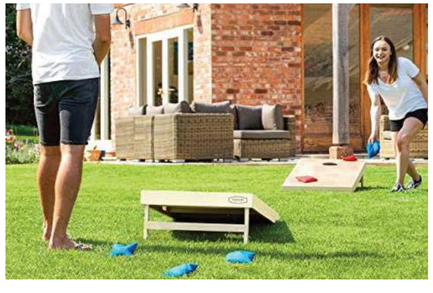
FOOS BALL

FIRE PIT

KITCHEN ISLAND



UNIT PAVER



CORNHOLE

N

SCALE 1/8"=1'-0"

0 4 8 12

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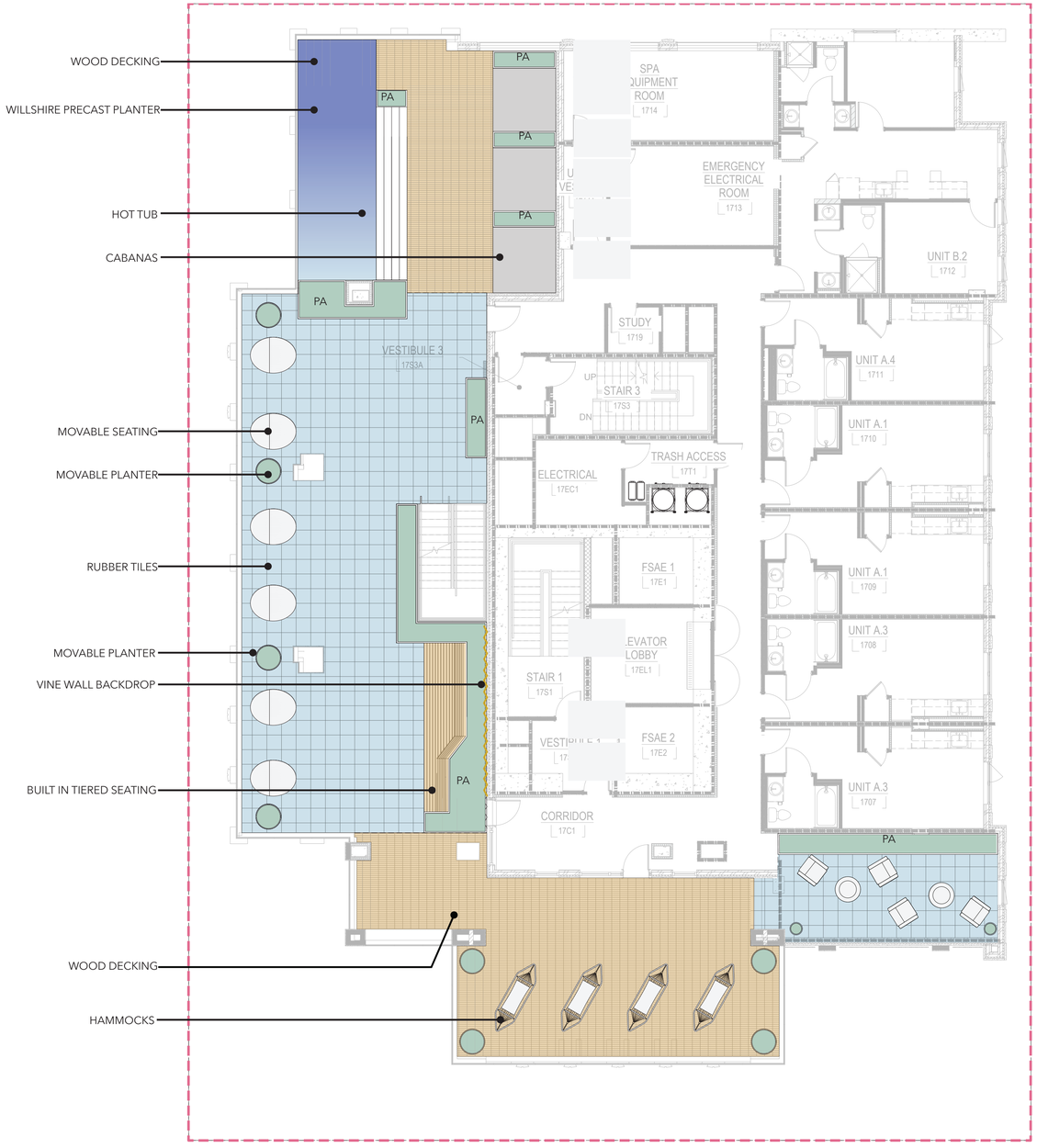
16 TH FLOOR PLANS

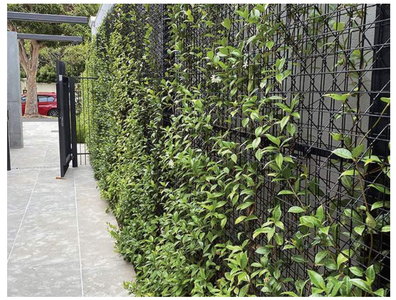
L103



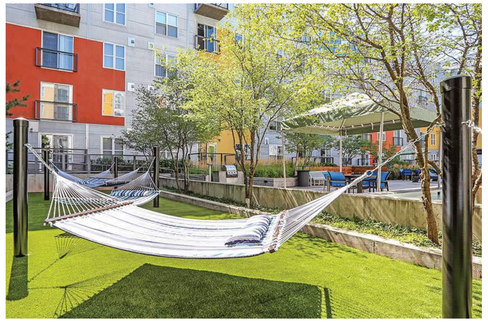
OPEN SPACE: 3437 SQUARE FEET
PLANTING AREA: 441 SQUARE FEET

POOL WITH VIEW

SHADED LOUNGE AREAS



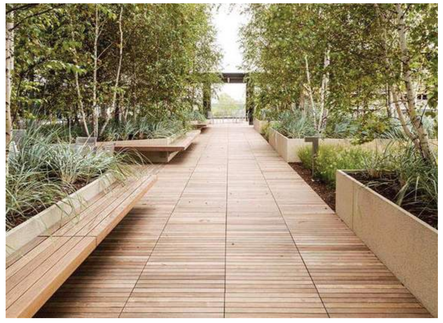
VINE WALL



HAMMOCKS

MOVEABLE SEATING

BUILT IN TIERED SEATING



WOOD DECK ON PEDESTAL

N

SCALE 1/8"=1'-0"

0 4 8 12

studioKDA

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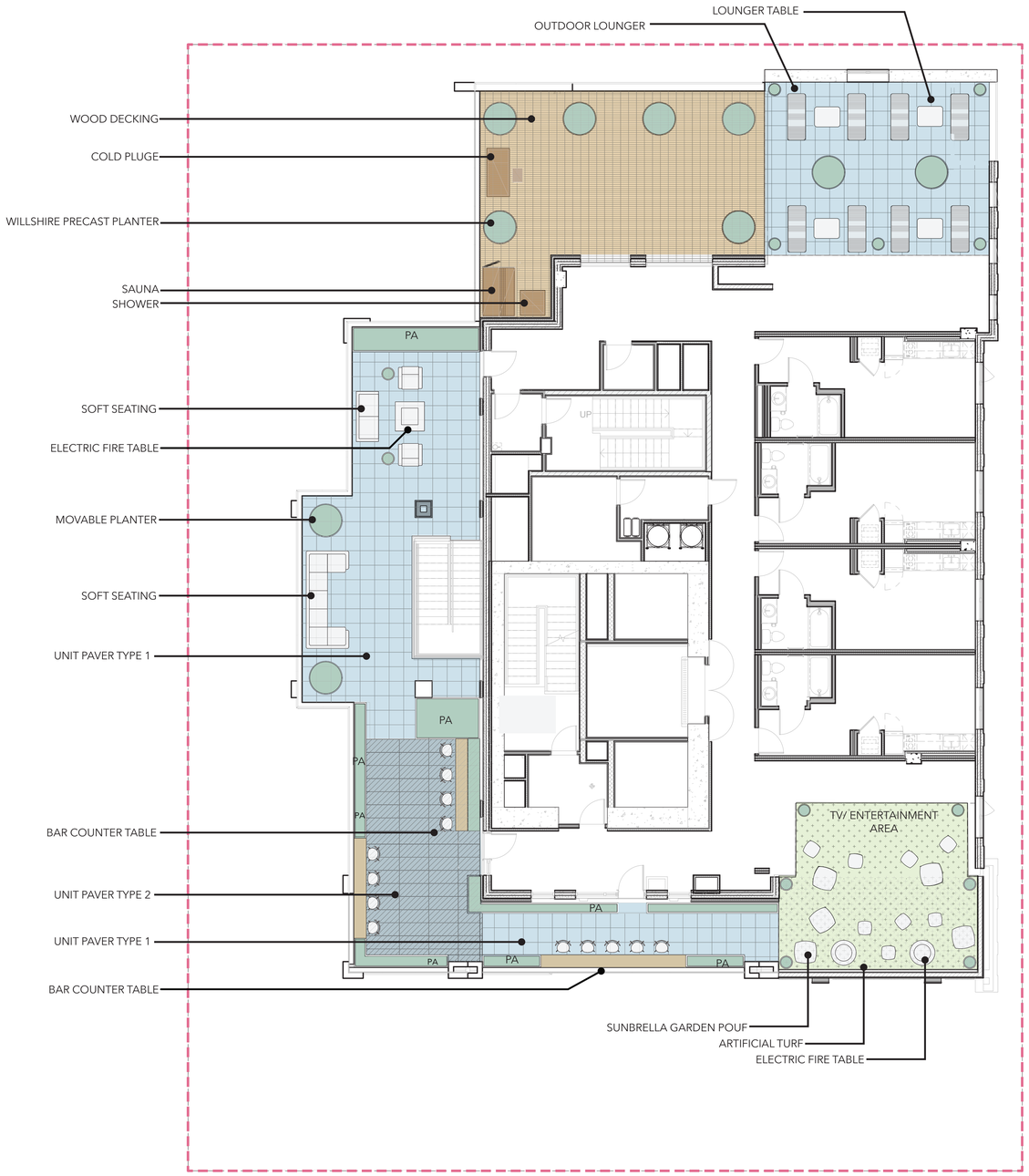
17 TH FLOOR PLANS

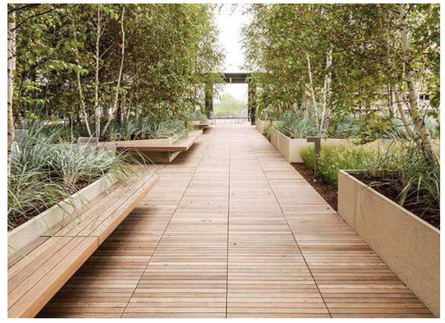
L104



OPEN SPACE: 2 213 SQUARE FEET
PLANTING AREA: 278 SQUARE FEET

TV/ ENTERTAINMENT AREA

MOVEABLE SEATING

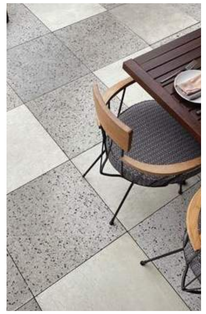


WOOD DECK ON PEDESTAL

OUTDOOR SHOWER

SAUNA

FIRE PIT



UNIT PAVER

OUTDOOR LOUNGER

COLD PLUGE

LOUNGER TABLE

N

SCALE 1/8"=1'-0"

0 4 8 12

studioKDA

GW

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ENTITLEMENTS PHASE

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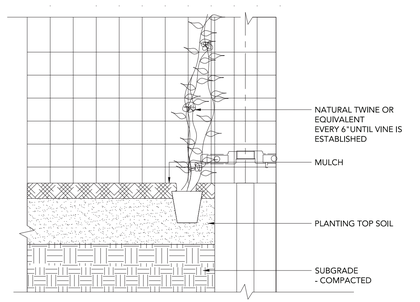
ISSUE DATE: 10/18/23

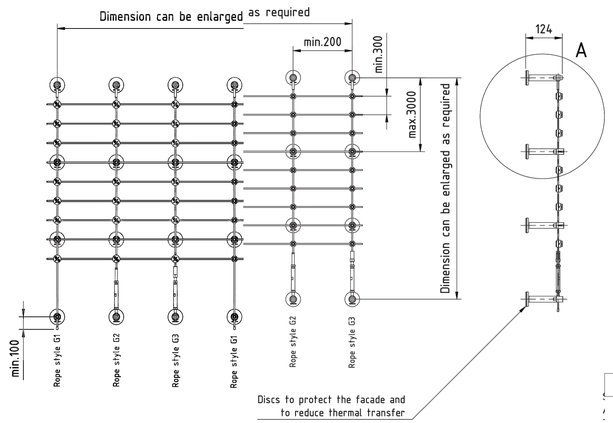
18 TH FLOOR PLANS

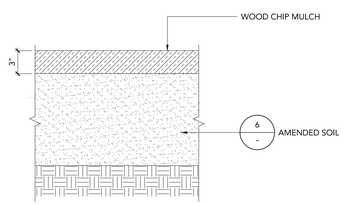
L105

TREES	CODE	BOTANICAL NAME	COMMON NAME	SIZE		QTY	WATER USE	NATIVE	WILDLIFE	SEASON OF BLOOM
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	SEE PLANS	12	MEDIUM	YES	ATTRACTS BIRDS, BUTTERFLIES, MOTHS	MID-SPRING
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	SEE PLANS	9	LOW	YES	ATTRACTS BIRDS, BUTTERFLIES	SPRING
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WATER USE	NATIVE	WILDLIFE	SEASON OF BLOOM
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	1'-0" O.C.	144 SF	LOW	YES	ATTRACTS BUTTERFLIES, MOTHS	SUMMER
	ART PCN	ARTEMISIA PYCNOCEPHALA	BEACH SAGEWORT	5 GAL.	3'-0" O.C.	28 SF	VERY LOW	YES	ATTRACTS BIRDS, BUTTERFLIES, MOTHS, BEES	SPRING, SUMMER
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	10'-0" O.C.	119 SF	LOW	YES	ATTRACTS BIRDS, BUTTERFLIES, MOTHS, BEES	SPRING
	ESC CAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1 GAL.	18" O.C.	62 SF	VERY LOW - LOW	YES	ATTRACTS BIRDS, BUTTERFLIES, BEES	SPRING, WINTER, SUMMER, FALL
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	2'-0" O.C.	113 SF	VERY LOW	YES	ATTRACTS BUTTERFLIES	SPRING, WINTER
	HOR CAL	HORDEUM BRACHYANTHERUM CALIFORNICUM	CALIFORNIA MEADOW BARLEY	1 GAL.	2'-0" O.C.	36 SF	MEDIUM	YES	ATTRACTS BUTTERFLIES	SPRING
	SAL SPA	SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GAL.	3'-0" O.C.	43 SF	VERY LOW	YES	ATTRACTS HUMMINGBIRDS, BEES, BUTTERFLIES	WINTER, SPRING, SUMMER
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	1 GAL.	18" O.C.	146 SF	VERY LOW - LOW	YES	ATTRACTS BUTTERFLIES, BIRDS	SPRING
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WATER USE	NATIVE	WILDLIFE	SEASON OF BLOOM
	LON HOS	LONICERA HISPIDULA	CALIFORNIA HONEYSUCKLE	5 GAL.	2'-0" O.C.	65 SF	VERY LOW - LOW	YES	ATTRACTS HUMMINGBIRDS, BIRDS	SPRING, SUMMER

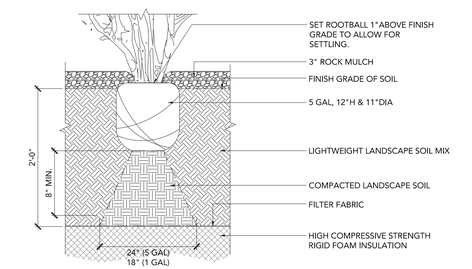


3 VINE PLANTING @ WALL — SCALE: 2"=1' TYPICAL SECTION 0 6" 12" 18"

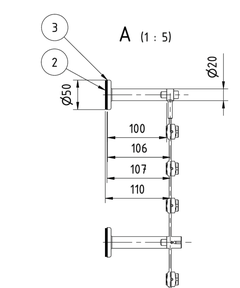


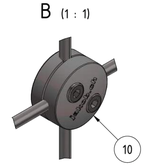


5 WOOD CHIP MULCH — SCALE: 2"=1' TYPICAL SECTION 0 1" 5" 12"



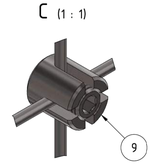
2 SHRUB PLANTING — SCALE: 1 1/2"=1' TYPICAL SECTION 0 1" 1' 2'





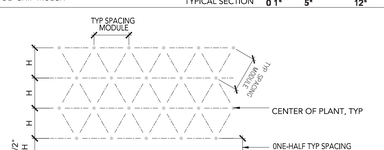
System with plastic cross clamp
30920-0400-02

or



Cross clamp stainless steel
30858-0400

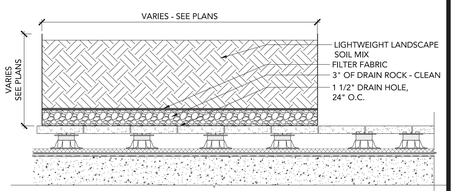
6 JAKOB VINE SISTEM — SCALE: NTS



TRIANGULAR SPACING MODULE	DISTANCE BETWEEN ROWS = H	TOTAL AREA PER PLANT
6"	5"	0.21 SF
8"	7"	0.38 SF
9"	8"	0.50 SF
10"	8 1/2"	0.59 SF
12" (1'-0")	10 1/2"	0.88 SF
15"	13"	1.35 SF
18"	15 1/2"	1.95 SF
21"	18"	2.63 SF
24" (2'-0")	21"	3.50 SF
30"	26"	5.41 SF
36" (3'-0")	31"	7.73 SF
48" (4'-0")	42"	14.00 SF

NOTE:
REFER TO PLANTING SCHEDULE FOR PLANT SPACING.

4 PLANT SPACING DIAGRAM — SCALE: NTS TYPICAL SECTION



1 TOURNESOL STEEL PLANTER — SCALE: 1"=1'-0" TYPICAL SECTION 0 1' 2' 3'

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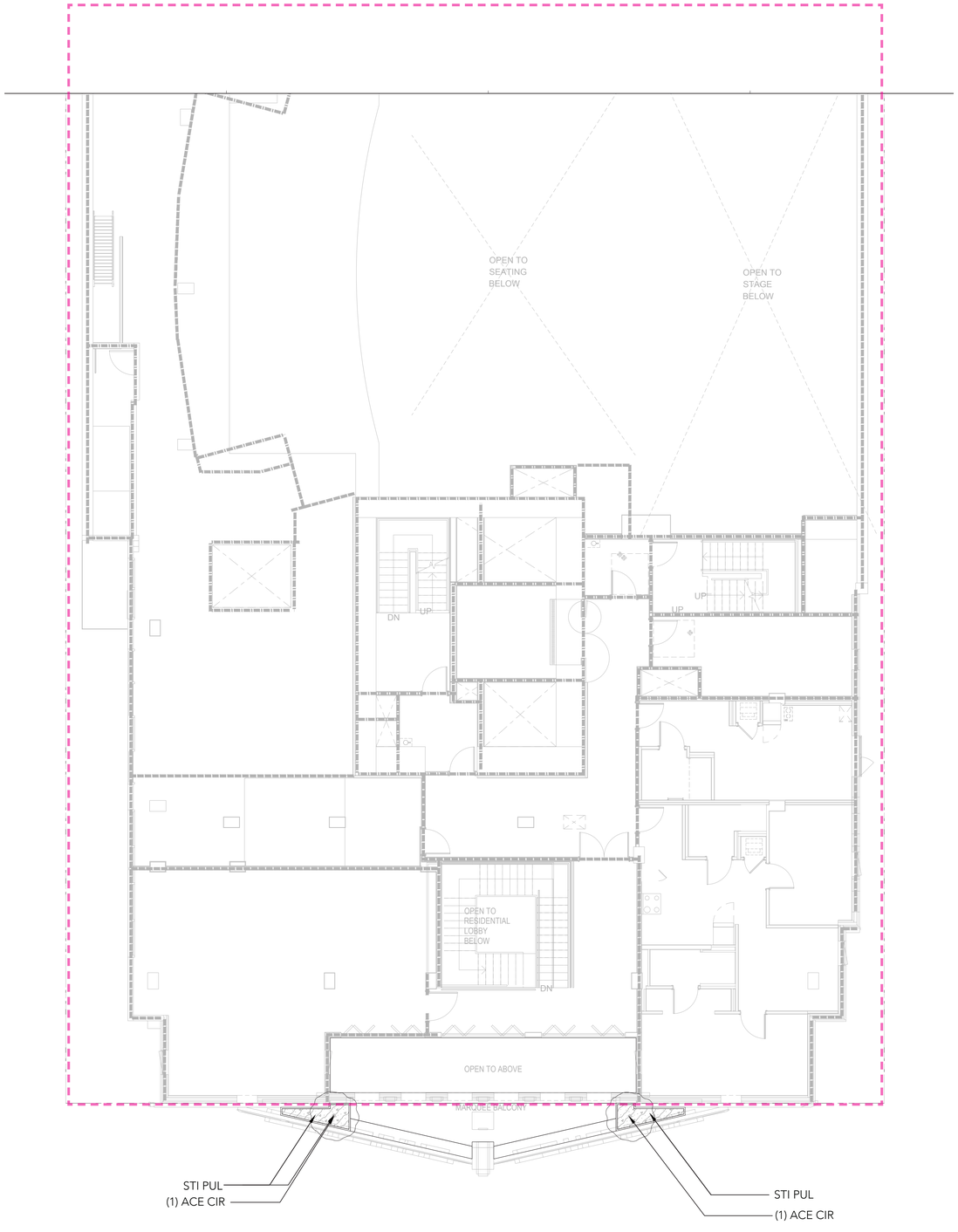
△ PROJECT ISSUE RECORD:

PROJECT #:	GDC01
ISSUE DATE:	10/18/23

PLANTING SCHEDULE

L200



ACER CIRCINATUM

STIPA PULCHRA

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	2
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	5 GAL.	28 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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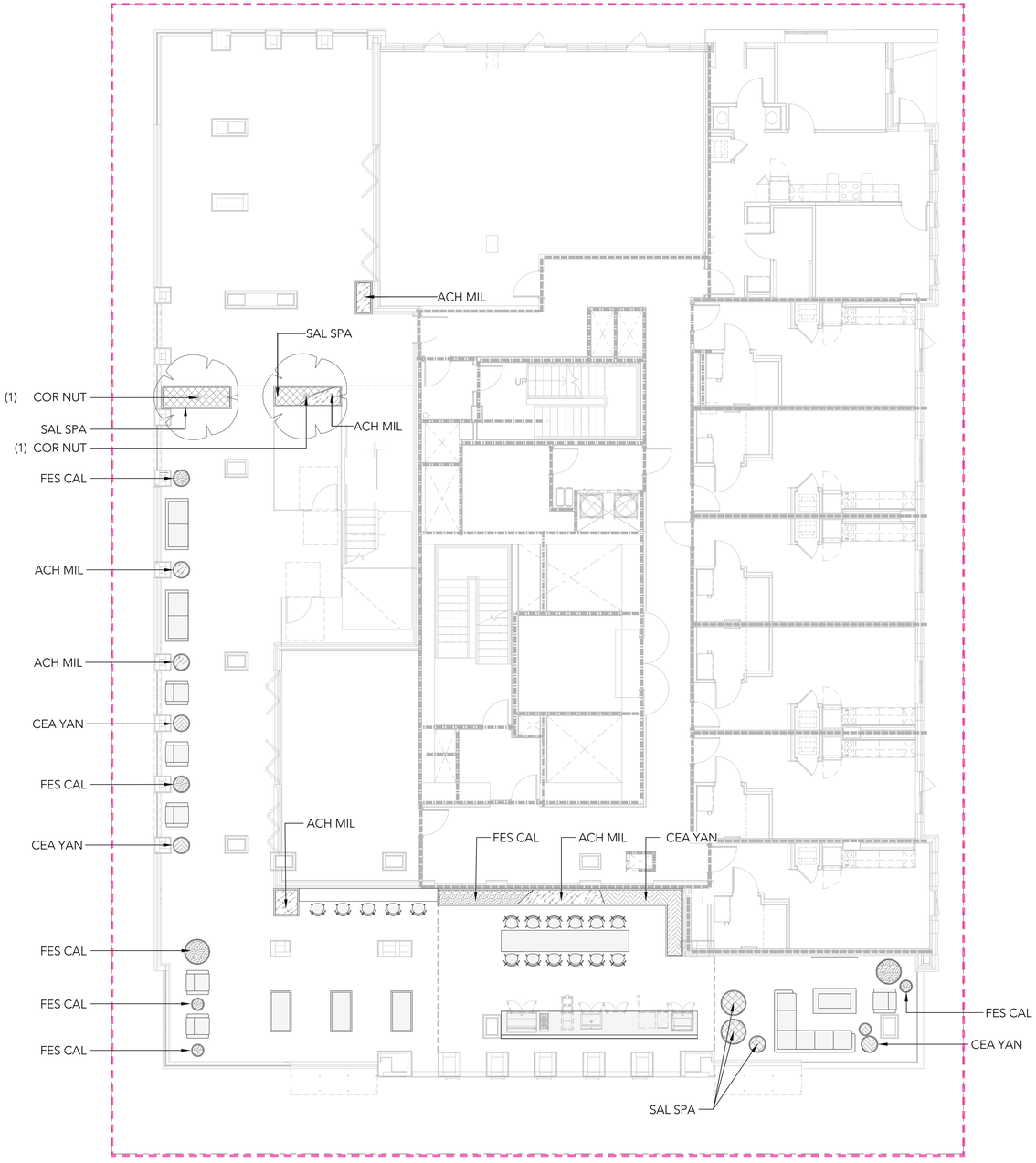
△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

2ND FLOOR
PLANTING PLAN

L202



CORNUS NUTTALLII

ACHILLEA MILLEFOLIUM

CEANOTHUS GRISEUS 'YANKEE POINT'

FESTUCA CALIFORNICA

SALVIA SPATHACEA

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	2
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	48 SF
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	44 SF
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	38 SF
	SAL SPA	SALVIA SPATHACEA	HUMMINGBIRD SAGE	1 GAL.	43 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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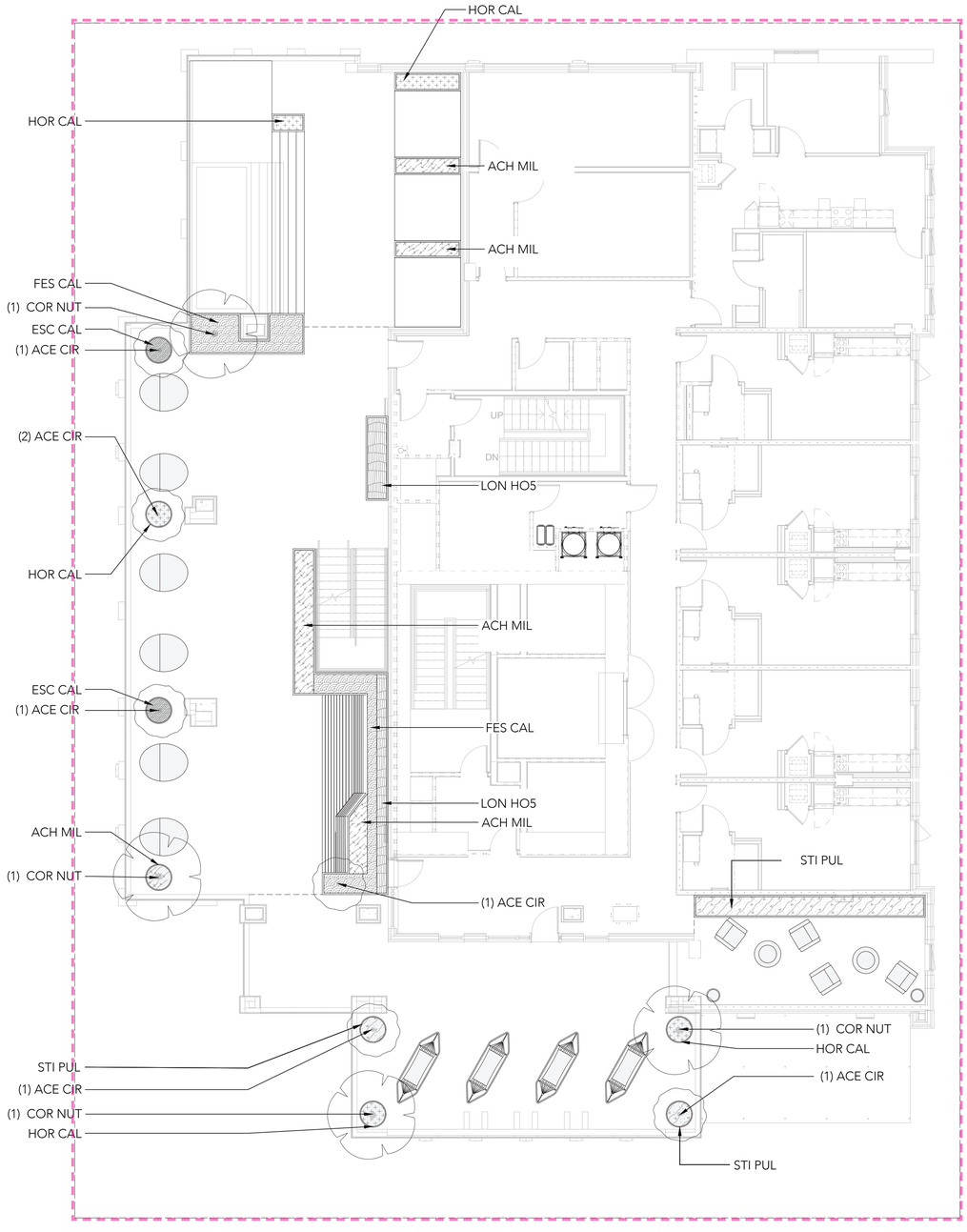
△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

16 TH FLOOR
PLANTING PLAN

L203



LONICERA HISPIDULA

ESCHSCHOLZIA CALIFORNICA

ACER CIRCINATUM

ARTEMISA PYCNOCEPHALA

FESTUCA CALIFORNICA

CORNUS NUTTALLII

CEANOTHUS GRISEUS 'YANKEE POINT'

STIPA PULCHRA

ACHILLEA MILLEFOLIUM

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	4
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	3
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	21 SF
	ART PCN	ARTEMISIA PYCNOCEPHALA	BEACH SAGEWORT	5 GAL.	28 SF
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	75 SF
	ESC CAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1 GAL.	50 SF
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	32 SF
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	1 GAL.	50 SF
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	LON HOS	LONICERA HISPIDULA	CALIFORNIA HONEYSUCKLE	5 GAL.	18 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

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GWO

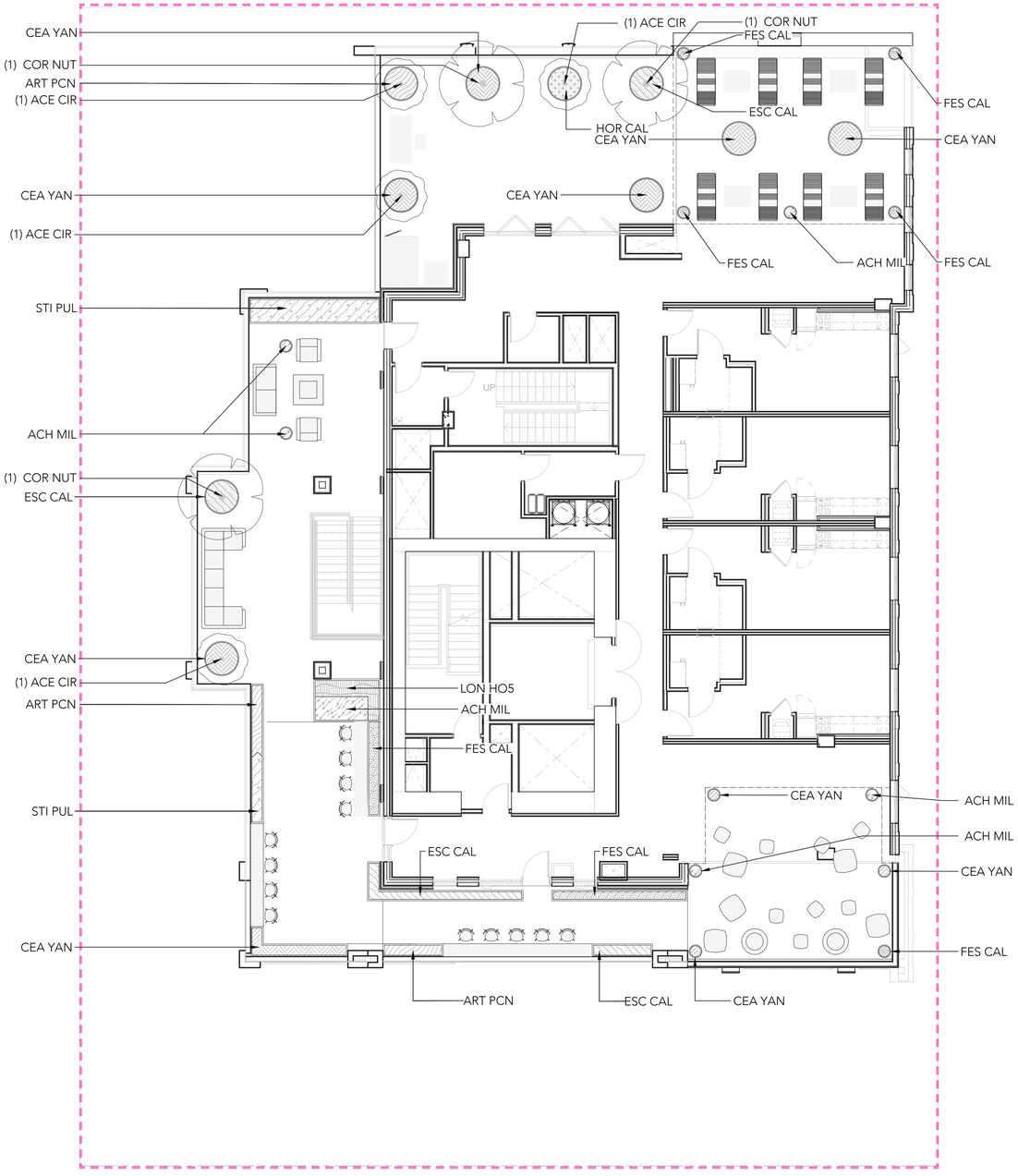
△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

17 TH FLOOR
PLANTING PLAN

L204



LONICERA HISPIDULA

ESCHSCHOLZIA CALIFORNICA

ACER CIRCINATUM

ARTEMISA PYCNOCEPHALA

FESTUCA CALIFORNICA

CORNUS NUTTALLII

CEANOTHUS GRISEUS 'YANKEE POINT'

STIPA PULCHRA

ACHILLEA MILLEFOLIUM

TREES	KEY	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACE CIR	ACER CIRCINATUM	VINE MAPLE	15 GAL.	4
	COR NUT	CORNUS NUTTALLII	PACIFIC DOGWOOD	15 GAL.	3
GROUND COVERS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	ACH MIL	ACHILLEA MILLEFOLIUM	COMMON YARROW	1 GAL.	21 SF
	ART PCN	ARTEMISIA PYCNOCEPHALA	BEACH SAGEWORT	5 GAL.	28 SF
	CEA YAN	CEANOTHUS GRISEUS HORIZONTALIS 'YANKEE POINT'	YANKEE POINT CARMEL CREEPER	5 GAL.	75 SF
	ESC CAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	1 GAL.	50 SF
	FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL.	32 SF
	STI PUL	STIPA PULCHRA	PURPLE NEEDLE GRASS	1 GAL.	50 SF
VINES	CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
	LON HOS	LONICERA HISPIDULA	CALIFORNIA HONEYSUCKLE	5 GAL.	18 SF

NORTH

SCALE 3/16" = 1'-0"

0 1' 5' 10' 15' 20' 25'

studioKDA

GWD

△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

18 TH FLOOR
PLANTING PLAN

L205

IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
DRIP CONTROL ASSEMBLY	–TORO–DZK–700–MF	
DRIP FLUSH VALVE	–SEE DETAIL	
TREE BUBBLER	–RAINBIRD–1401	
IRRIGATION SUPPLYLINE	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
IRRIGATION LATERAL LINE	–1120/CLASS 200 PVC PIPE	–18" COVER
SUBSURFACE DRIPLINE	–NETAFIM–TLCV–6–12	–3" COVER
ELECTRICAL CONDUIT	–1120/SCHEDULE 40 ELECTRICAL CONDUIT	–24" COVER
SLEEVING	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
PIPING UNDER PAVERS/DECKING	–COPPER TYPE L SEAMLESS TUBING	
STUBOUT	–BY MECHANICAL SECTION OF CONTRACT	
PIPING THROUGH STRUCTURE	–BY PLUMBING SECTION OF CONTRACT	
CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	

sta
gpm
size

CONTROLLER STATION NUMBER
GALLONS PER MINUTE THROUGH VALVE
CONTROL VALVE SIZE

WELO
Water Budget and Water Use Calculator

INSTRUCTIONS:

1. Enable macros.
2. Enter values in blue cells. Gray cells will automatically fill.
3. For Eto, refer to Appendix A of the ordinance, available here: https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency
4. Print this sheet and submit with Landscape Document Package for the Comprehensive Performance Compliance Pathway.

Date:	2023.09.08
Project Name:	KITTREDGE - BERKELEY
Project Contact:	Sara Peschel
Project Contact Email:	sara@groundworksoffice.com

Maximum Applied Water Allowance (MAWA)	Project Type	ETo	ETAF	Special Landscape Area (SLA)	Total Landscape Area including SLA	MAWA (gal/yr)	
	Non-residential	39.6	0.45	241	1,131	**15,750**	MAWA =(ETo) * (0.62) *[(ETAF*LA) + ((1-ETAF) * SLA)].

Estimated Total Water Use (ETWU)	ETo	(SF * PF) / IE	SLA	ETWU (gal/yr)	
	39.6	227	241	**11,482**	ETWU =(ETo) * (0.62) *((PF*SF/IE) + SLA)

Difference between MAWA and ETWU **4,268** **Project meets water budget.**

ETWU Calculation (Regular landscape areas)	Zone #	Description	Select Irrigation	Square Feet (SF)	Plant Factor (PF)	Irrigation Efficiency (IE)	(SF * PF) / IE
	1	Second Lvl	Drip	28	0.30	0.81	10
	2	16th Lvl	Drip	173	0.30	0.81	64
	3	17th Lvl	Drip	411	0.30	0.81	-
	4	18th Lvl	Drip	278	0.30	0.81	152
							-
							-
	Landscape area (not including SLA)			**890**			**227**

ETWU Calculation Special Landscape Areas (SLA)	Description	Square Feet (SF)	Plant Factor / Irrigation Efficiency (PF/IE)	(SF * PF) / IE
	Edible planting area		1.0	-
	Multi-use and sports field turf area		1.0	-
	Area irrigated with recycled water		1.0	-
	Pool	241	1.0	241
	Total SLA	**241**		**0**

Total Landscape Area (including SLA) from ETWU Calculation	**1,131**

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△ PROJECT ISSUE RECORD:

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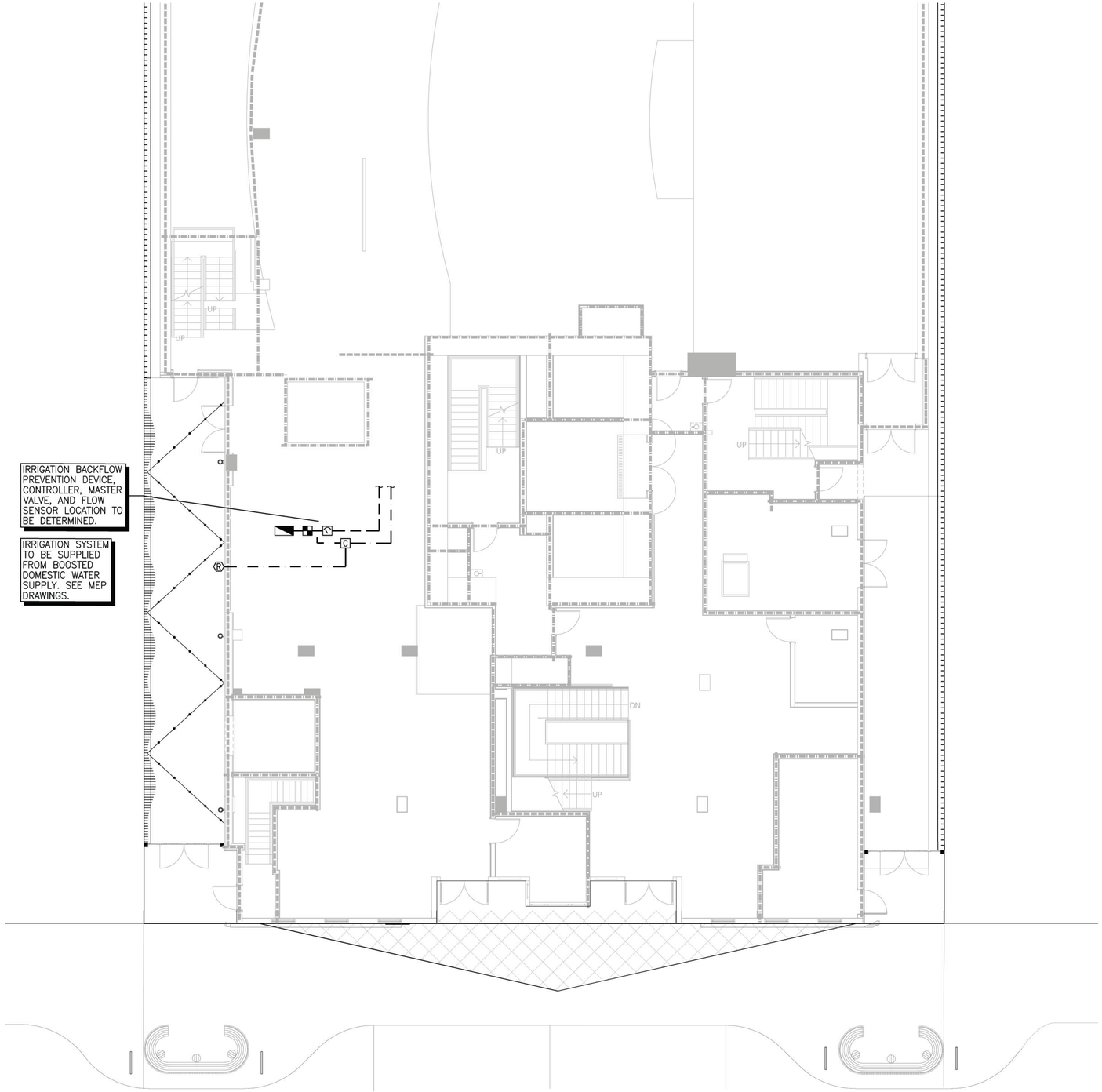
ISSUE DATE: 10/18/23

IRRIGATION SCHEDULE AND CALCULATIONS

L300



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
DRIP CONTROL ASSEMBLY	–TORO–DZK–700–MF	
DRIP FLUSH VALVE	–SEE DETAIL	
TREE BUBBLER	–RAINBIRD–1401	
IRRIGATION SUPPLYLINE	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
IRRIGATION LATERAL LINE	–1120/CLASS 200 PVC PIPE	–18" COVER
SUBSURFACE DRIPLINE	–NETAFIM–TLCV–6–12	–3" COVER
ELECTRICAL CONDUIT	–1120/SCHEDULE 40 ELECTRICAL CONDUIT	–24" COVER
SLEEVING	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
PIPING UNDER PAVERS/DECKING	–COPPER TYPE L SEAMLESS TUBING	
STUBOUT	–BY MECHANICAL SECTION OF CONTRACT	
PIPING THROUGH STRUCTURE	–BY PLUMBING SECTION OF CONTRACT	
CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	
sta gpm size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

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GWO

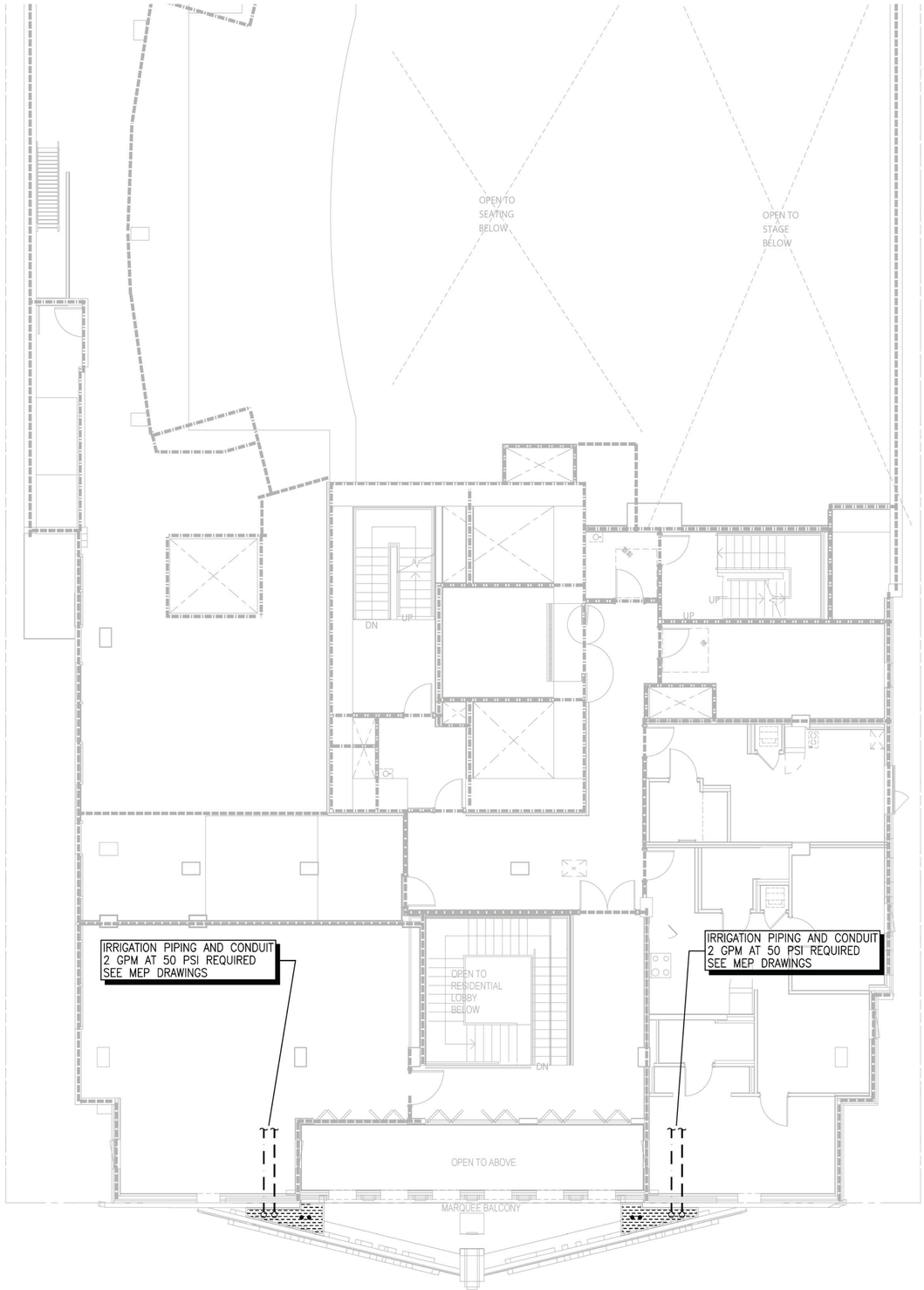
△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

GROUND FLOOR
IRRIGATION PLANS

L301



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
DRIP CONTROL ASSEMBLY	–TORO–DZK–700–MF	
DRIP FLUSH VALVE	–SEE DETAIL	
TREE BUBBLER	–RAINBIRD–1401	
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IRRIGATION LATERAL LINE	–1120/CLASS 200 PVC PIPE	–18" COVER
SUBSURFACE DRIPLINE	–NETAFIM–TLCV–6–12	–3" COVER
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PIPING UNDER PAVERS/DECKING	–COPPER TYPE L SEAMLESS TUBING	
STUBOUT	–BY MECHANICAL SECTION OF CONTRACT	
PIPING THROUGH STRUCTURE	–BY PLUMBING SECTION OF CONTRACT	
CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	
sta gpm size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

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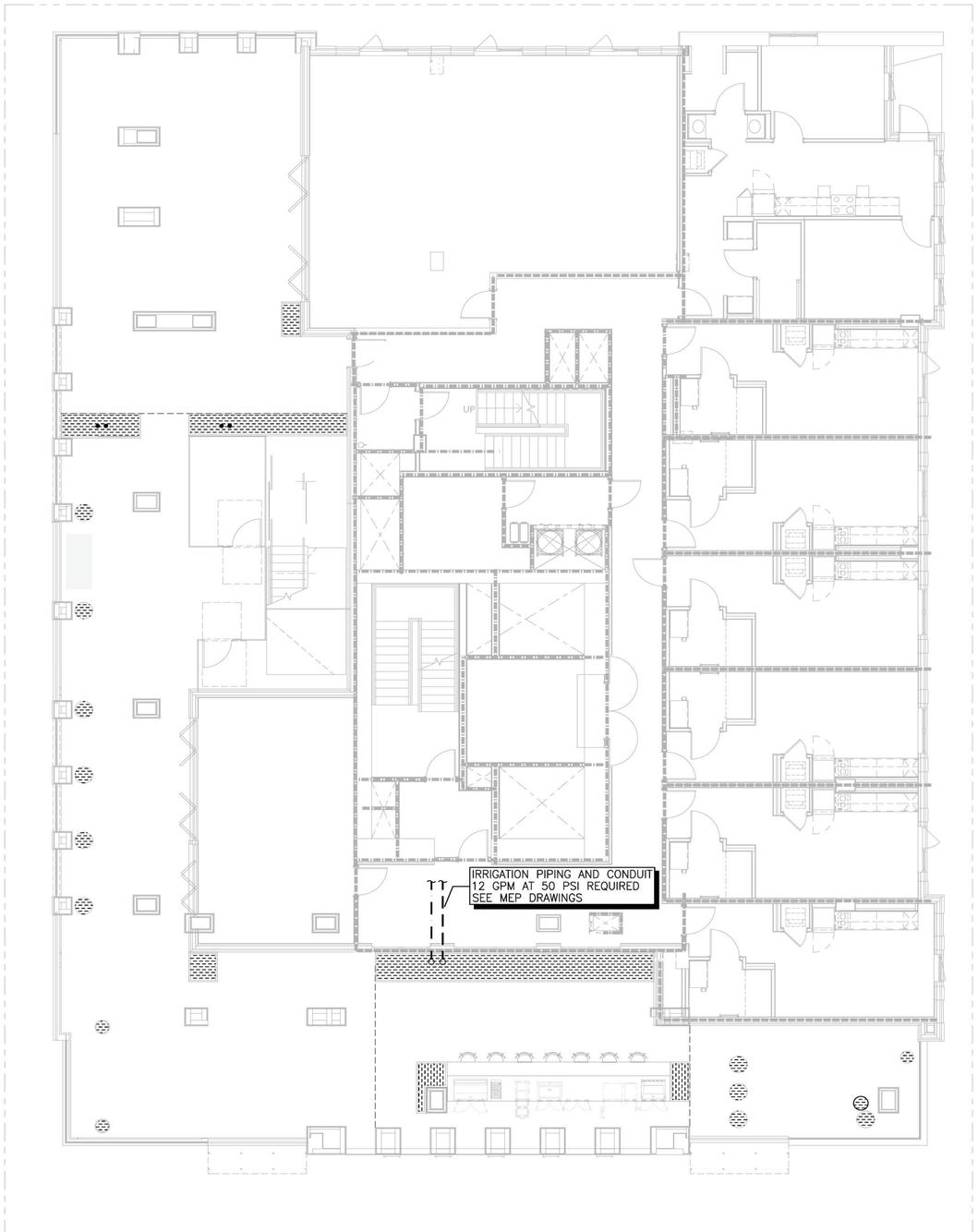
SECOND FLOOR
IRRIGATION PLANS

L302



IRRIGATION SYSTEM LEGEND

	BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
C	CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
R	RAIN SENSOR	–TBD	
S	MOISTURE SENSOR	–BASELINE	
	MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
	FLOW SENSOR	–BASELINE	
	REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
	QUICK COUPLING VALVE	–RAINBIRD–33DRC	
	GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
	DRIP CONTROL ASSEMBLY	–TORO–DZK–700–MF	
	DRIP FLUSH VALVE	–SEE DETAIL	
	TREE BUBBLER	–RAINBIRD–1401	
	IRRIGATION SUPPLYLINE	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
	IRRIGATION LATERAL LINE	–1120/CLASS 200 PVC PIPE	–18" COVER
	SUBSURFACE DRIPLINE	–NETAFIM–TLCV–6–12	–3" COVER
	ELECTRICAL CONDUIT	–1120/SCHEDULE 40 ELECTRICAL CONDUIT	–24" COVER
	SLEEVING	–1120/SCHEDULE 40 PVC PIPE	–24" COVER
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	STUBOUT	–BY MECHANICAL SECTION OF CONTRACT	
	PIPING THROUGH STRUCTURE	–BY PLUMBING SECTION OF CONTRACT	
	CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	
sta gpm size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE		

N

SCALE 1/8"=1'-0"

0 4 8 12

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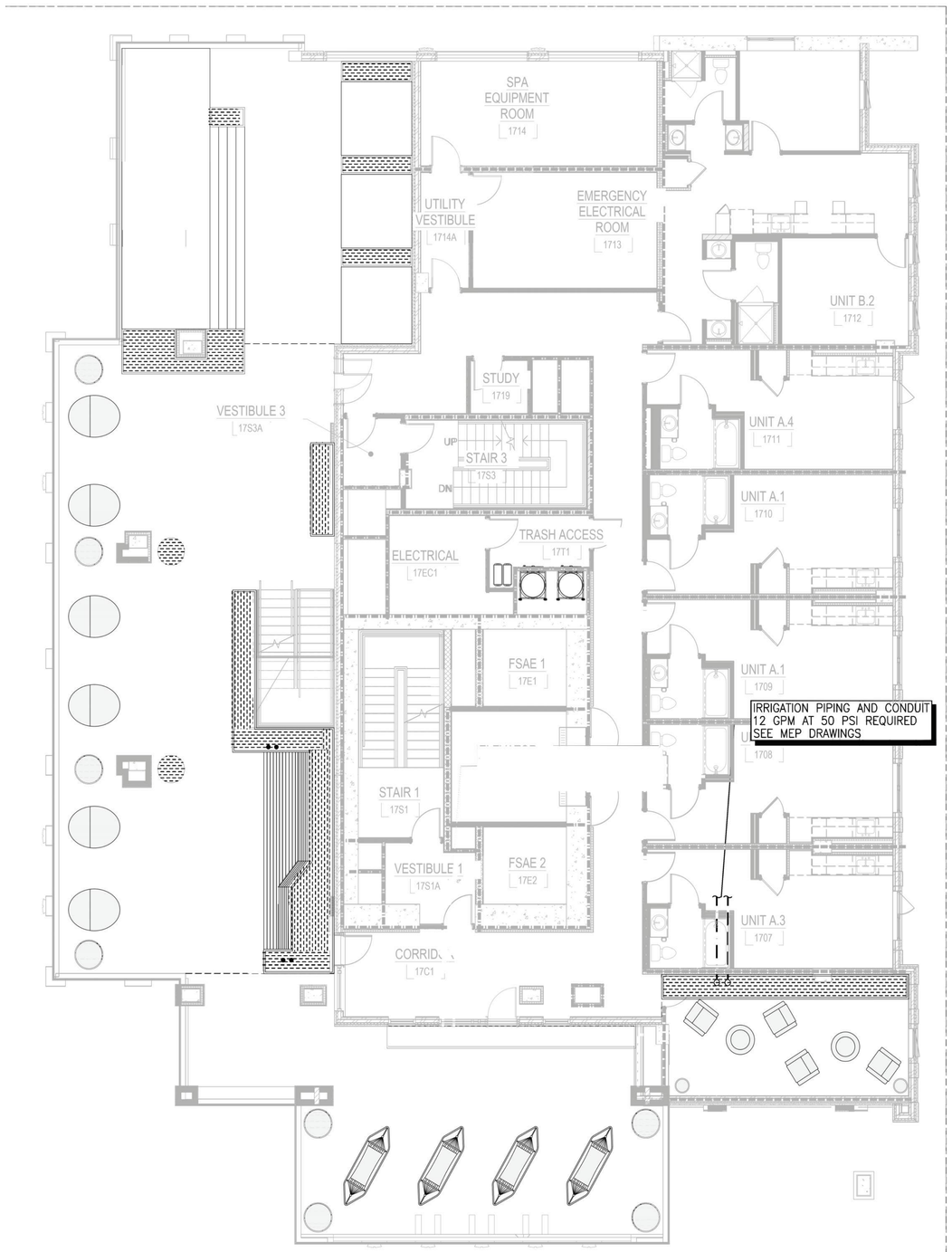
PROJECT #: GDC01

ISSUE DATE: 10/18/23

16TH FLOOR
IRRIGATION PLANS

L303



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
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sta gpm size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

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GW

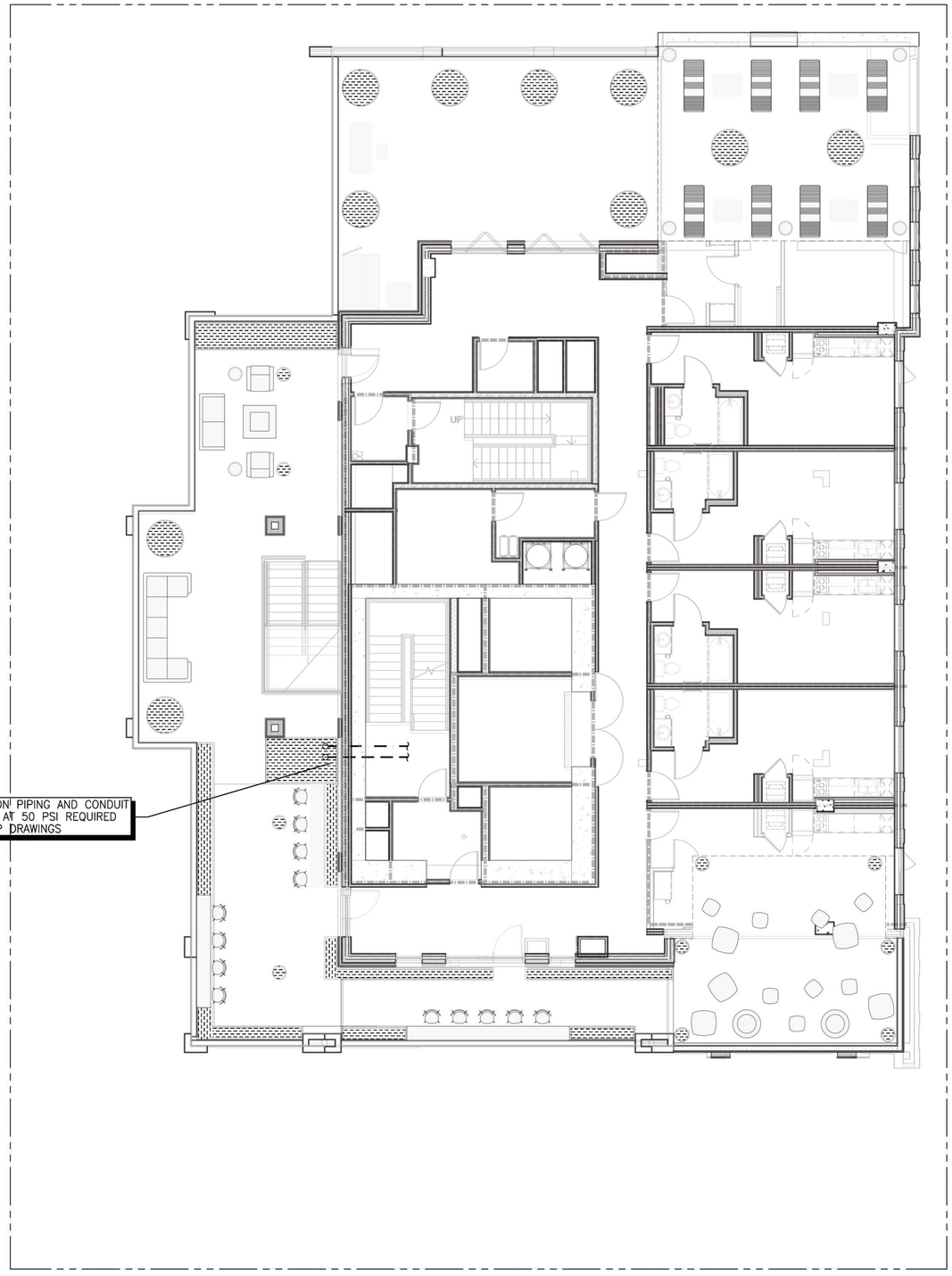
△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

17 TH FLOOR
IRRIGATION PLANS

L304



IRRIGATION SYSTEM LEGEND

BACKFLOW PREVENTION DEVICE	–FEBCO–825Y–1" –SEE CIVIL DRAWINGS	
CONTROLLER ASSEMBLY	–BASELINE SYSTEMS–BL–1000–X	
RAIN SENSOR	–TBD	
MOISTURE SENSOR	–BASELINE	
MASTER CONTROL VALVE	–SUPERIOR–3100–1"	
FLOW SENSOR	–BASELINE	
REMOTE CONTROL VALVE	–IRRITROL–700 SERIES	
QUICK COUPLING VALVE	–RAINBIRD–33DRC	
GATE VALVE	–NIBCO–T113–IRR–LINE SIZE	
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CONDUIT THROUGH STRUCTURE	–BY ELECTRICAL SECTION OF CONTRACT	
sta gpm size	CONTROLLER STATION NUMBER GALLONS PER MINUTE THROUGH VALVE CONTROL VALVE SIZE	

N

SCALE 1/8"=1'-0"

0 4 8 12

studioKDA

GWO

△ PROJECT ISSUE RECORD:

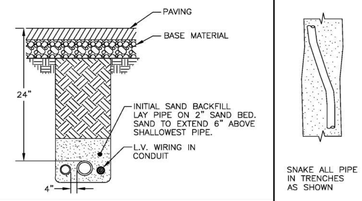
PROJECT #: GDC01

ISSUE DATE: 10/18/23

18 TH FLOOR
IRRIGATION PLANS

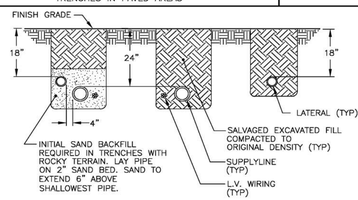
L305

NOTE: ALL PIPING UNDER PAVEMENT SHALL BE INSTALLED IN SCHEDULE 40 PVC SLEEVING.



SNAKE ALL PIPE IN TRENCHES AS SHOWN

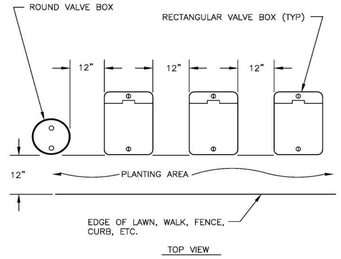
TRENCHES IN PAVED AREAS



TRENCHES IN PLANTING AREAS

A TRENCHING DETAILS
NTS

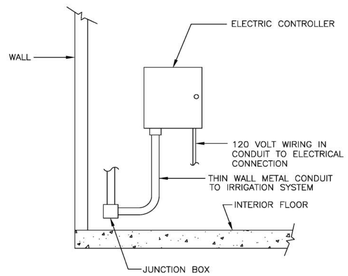
NOTES:
1. CENTER BOXES OVER VALVES.
2. SET BOXES IN GROUND COVER/SHRUB AREA WHERE POSSIBLE.
3. SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE.
4. AVOID HEAVILY COMPACTING SOIL AROUND BOXES TO PREVENT DAMAGING VALVE BOXES.



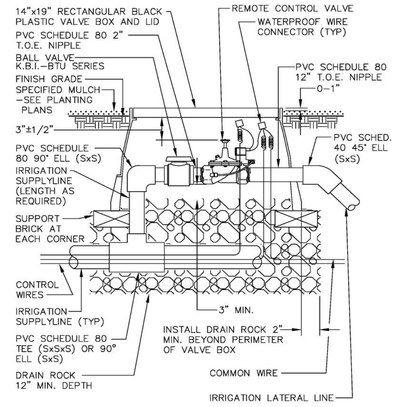
TOP VIEW

B VALVE BOX INSTALLATION DETAIL
NTS

NOTE: ALL CONDUIT SHALL BE RIGID METAL–SIZE AS REQUIRED



B WALL MOUNT CONTROLLER INSTALLATION DETAIL
NTS



C REMOTE CONTROL VALVE INSTALLATION DETAIL
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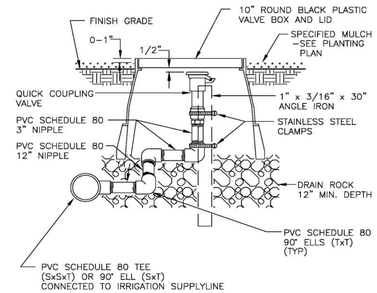
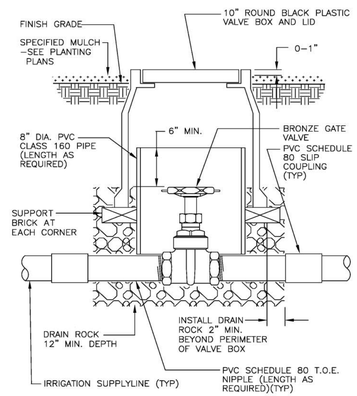
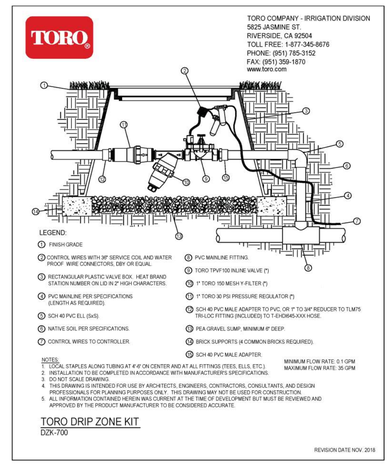
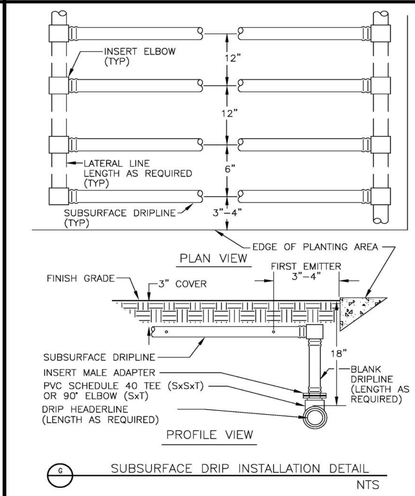


D QUICK COUPLING VALVE RISER ASSEMBLY DETAIL
NTS

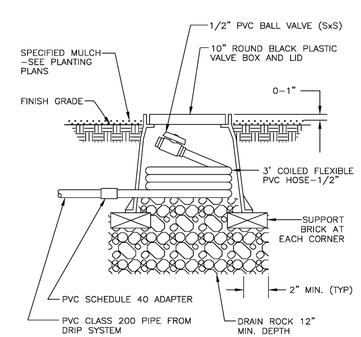


E GATE VALVE INSTALLATION DETAIL
NTS



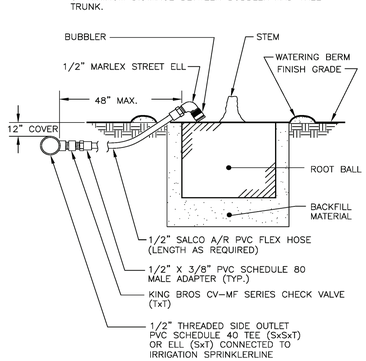


G SUBSURFACE DRIP INSTALLATION DETAIL
NTS



H FLUSH VALVE INSTALLATION DETAIL
NTS

NOTE: INSTALL BUBBLER ABOVE ROOT BALL. INSTALL BUBBLER ON UPHILL SIDE OF PLANT WHERE APPLICABLE. ALLOW 6" MINIMUM DISTANCE BETWEEN BUBBLER AND TREE TRUNK.



I BUBBLER INSTALLATION DETAIL FOR TREES
NTS

△ PROJECT ISSUE RECORD:

PROJECT #: GDC01

ISSUE DATE: 10/18/23

IRRIGATION DETAILS

L306

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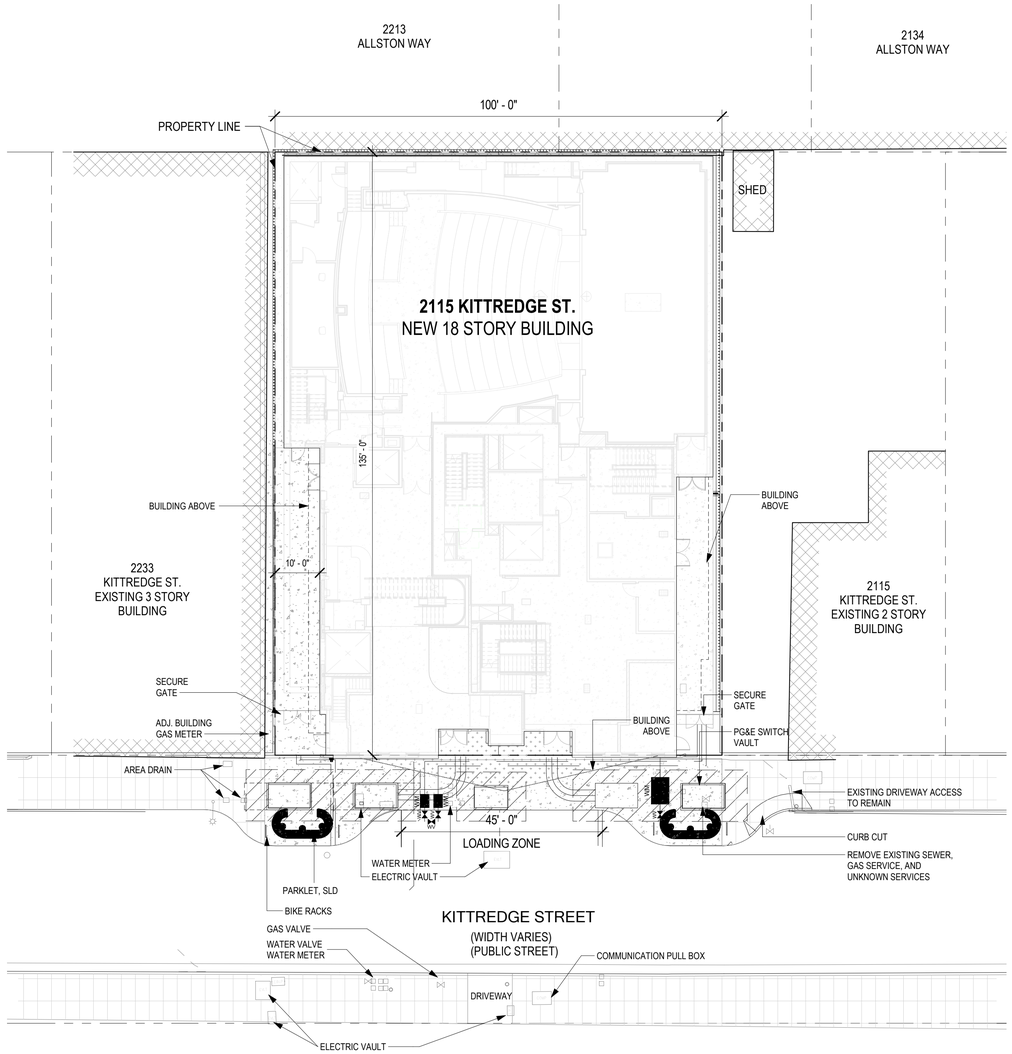
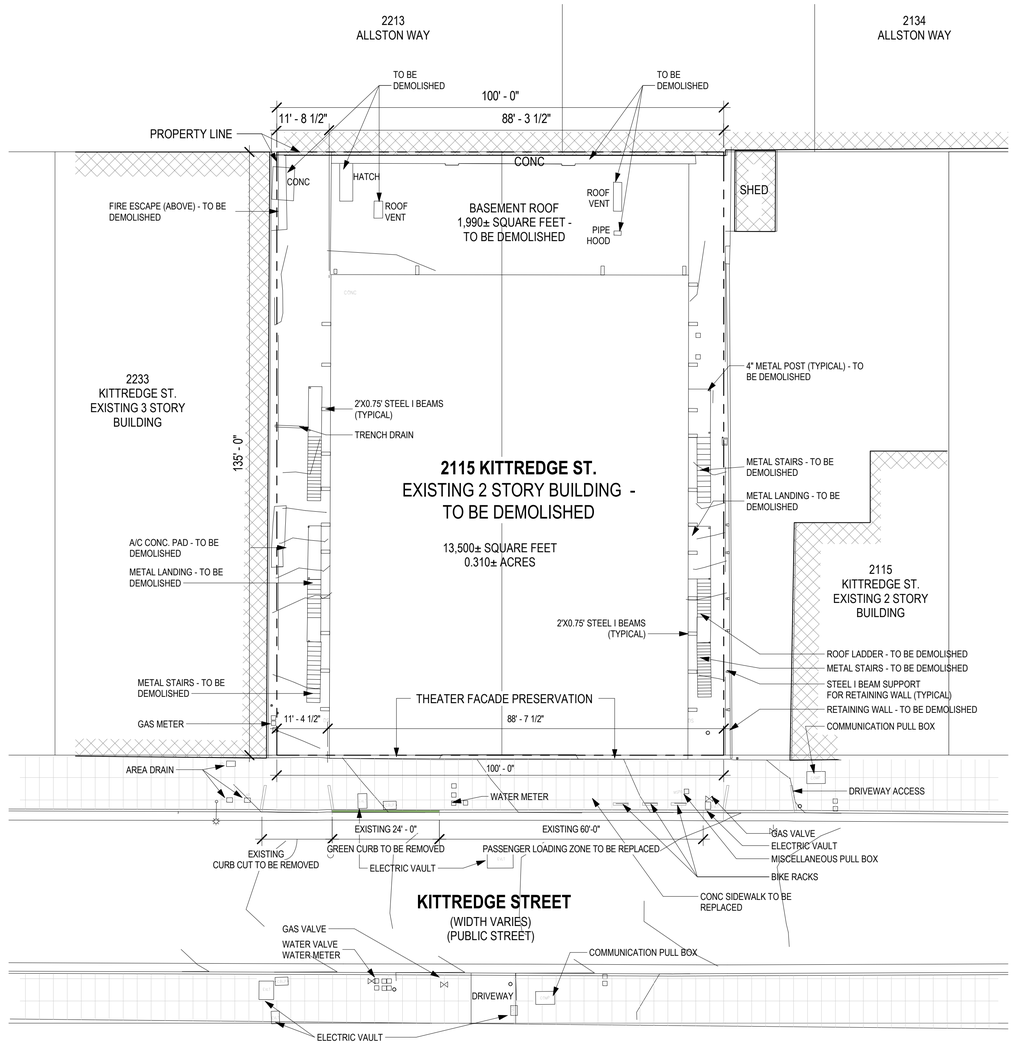


2 PROPOSED SITE PLAN
A100 1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)



1 EXISTING SITE PLAN
A100 1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)

N
0 4' 8' 16'

GENERAL SITE PLAN NOTES

1. SEE CIVIL DRAWINGS FOR SITE AND FINISH SLAB ELEVATIONS.
2. PROVIDE SITE PREPARATION GRADING, FILL, AND COMPACTION PER GEOTECHNICAL REPORT AND STRUCTURAL DRAWINGS.

SITE PLAN LEGEND:

TERAZZO FLOORING, SLD

COLORED CONCRETE W/
DECORATIVE SCORING, SLD

EXISTING CONCRETE SIDEWALK

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Principal	Jessica Musick
Designer	

Gilbane

Developer
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DEVELOPMENT
COMPANY
649 Mission Street
5th Floor
San Francisco, CA
94105

2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL
	11/08/2023	ZAB SUBMITTAL

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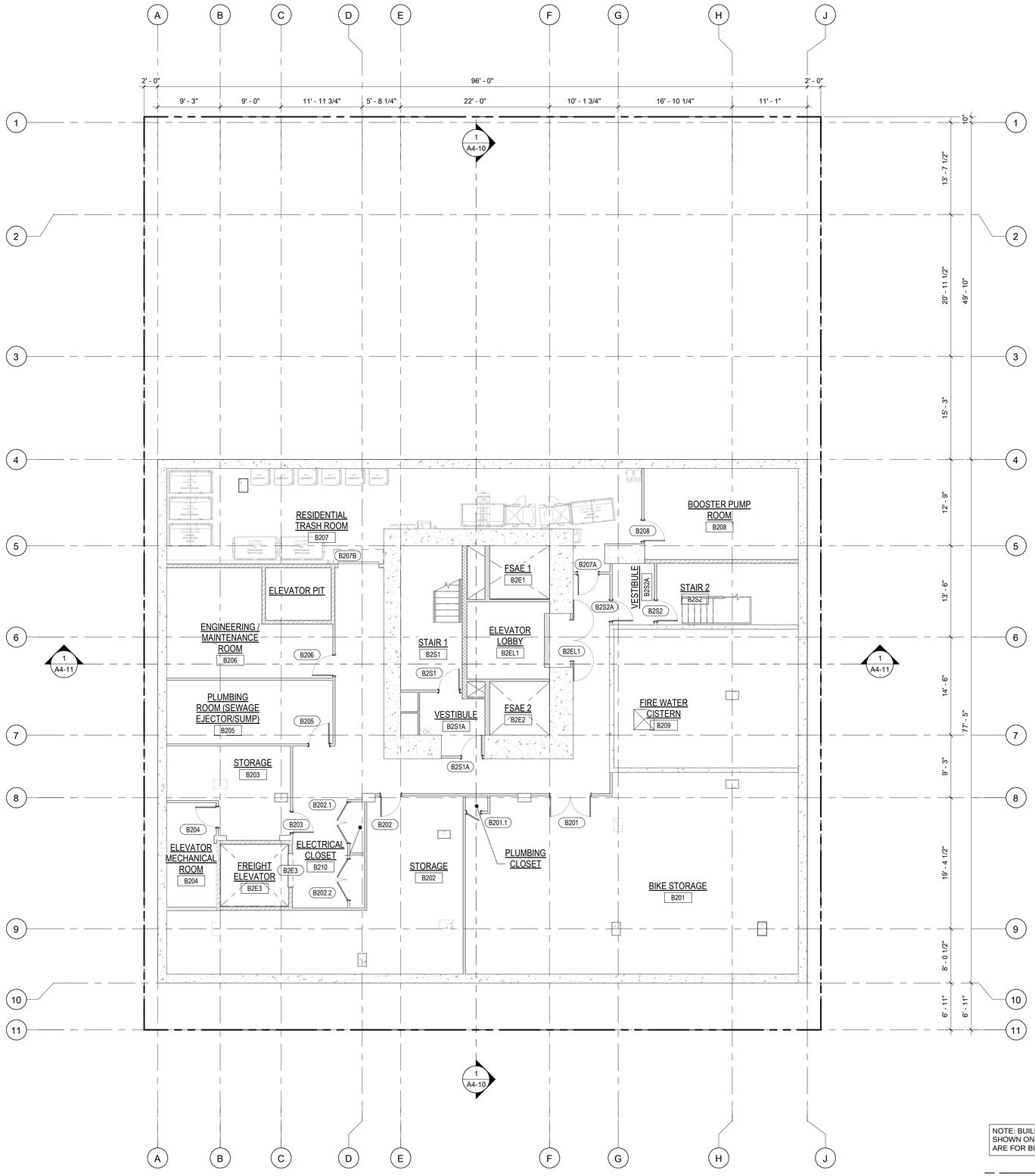
SITE PLAN

A100



NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

BASEMENT LEVEL B2 | 1/8" = 1'-0" | **1**

SHEET NOTES

1. FLOOR ELEVATIONS, WHERE INDICATED, ARE TO TOP OF STRUCTURAL CONCRETE. REFER TO LANDSCAPE DRAWINGS FOR WALKWAY PAVING ELEVATIONS.
2. SOFFITS AND CEILINGS HEIGHTS, ETC., ARE MEASURED FROM FINISHED FLOOR ELEVATIONS, U.O.N.
3. STUD DIMENSIONS INDICATED ARE PROVIDED TO SET MINIMUM WALL WIDTHS. SEE STRUCTURAL DRAWING FOR MINIMUM STRUCTURAL REQUIREMENTS.
4. PROVIDE FIRESTOPPING AT PLUMBING, ELECTRICAL, SPRINKLER AND FLUE PENETRATIONS THROUGH RATED ASSEMBLIES CBC SECTION 712. REFER TO SHEETS AD20 & AD21 & SPECS.
5. REFER TO ELECTRICAL DRAWINGS FOR EMERGENCY EXIT SIGNAGE.
6. DIMENSIONS ARE TO FACE OF FRAMING U.O.N.
7. REFER TO ENLARGED PLANS FOR TACTILE EXIT SIGN LOCATIONS.
8. REFER TO AD32 FOR ELEVATOR ACCESSIBILITY NOTES & DETAILS.
9. PROVIDE ADDITIONAL LAYER OF 5/8" GYPSUM BOARD IN ADDITION TO RATED ASSEMBLY AS REQUIRED TO ALIGN WITH ADJACENT 2 HOUR WALLS.
10. REFER TO SHEET A011 FOR TYPICAL SYMBOLS LEGEND
11. REFER TO EXITING DIAGRAMS ON SHEETS A0-10 THROUGH A0-20 FOR EXITING REQUIREMENTS.
12. REFER TO EBM AND STRUCTURAL DRAWINGS FOR FALL PROTECTION ANCHOR LOCATIONS.
13. DUCT PENETRATION OF SHAFT WALLS SHALL BE PROTECTED WITH COMBINATION SMOKE FIRE DAMPERS.
14. UNLESS OTHERWISE NOTED, REFER TO SHEETS AD60 & AD61 FOR TYPICAL DOOR DETAILS.
15. DIMENSIONS TO CENTER LINE OF COLUMN OR WALL, TYPICAL, U.O.N.
16. FIRE EXTINGUICHER SIZE OF 2A:10B:C TO BE PLACED AT A MAXIMUM TRAVEL DISTANCE OF 75 FEET.
17. FOR DOOR ACCESS REQUIREMENT REFER TO DETAIL 1/AD02
18. WINDOWS AND GLAZED DOORS MUST HAVE LABEL FOR THE "U" AND SHGC" FACTORS THAT ARE REQUIRED BY THE ENERGY DOCUMENTATION. SEE ENERGY COMPLIANCE INFORMATION LOCATED ON T-24 SHEET EN.1 FOR THE REQUIRED VALUES.

KEY NOTES

SYMBOLS LEGEND

- CONCRETE WALL, S.S.D.
- 2-1/2" METAL STUD
- 3-5/8" METAL STUD
- 6" METAL STUD
- 8" METAL STUD
- WALL MOUNTED FIRE EXTINGUISHER CABINET
- F.E.C. SEMI-RECESSED FIRE EXTINGUISHER CABINET
- 1-HR FIRE & SMOKE RATED CORRIDOR
- 1-HR FIRE BARRIER
- 2-HR FIRE BARRIER
- BUILDING OVERHANG ABOVE

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ktgy Project Number 20230223

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Email ewong@ktgy.com
Principal Jessica Musick
Designer

Gilbane

Developer/Owner

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Christian Cerria
7 Jackson Walkway
Providence, RI 02903
571-212-1733

2115 KITTREDGE ST.

BERKELEY, CA 94704

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BASEMENT 2 FLOOR PLAN

A101

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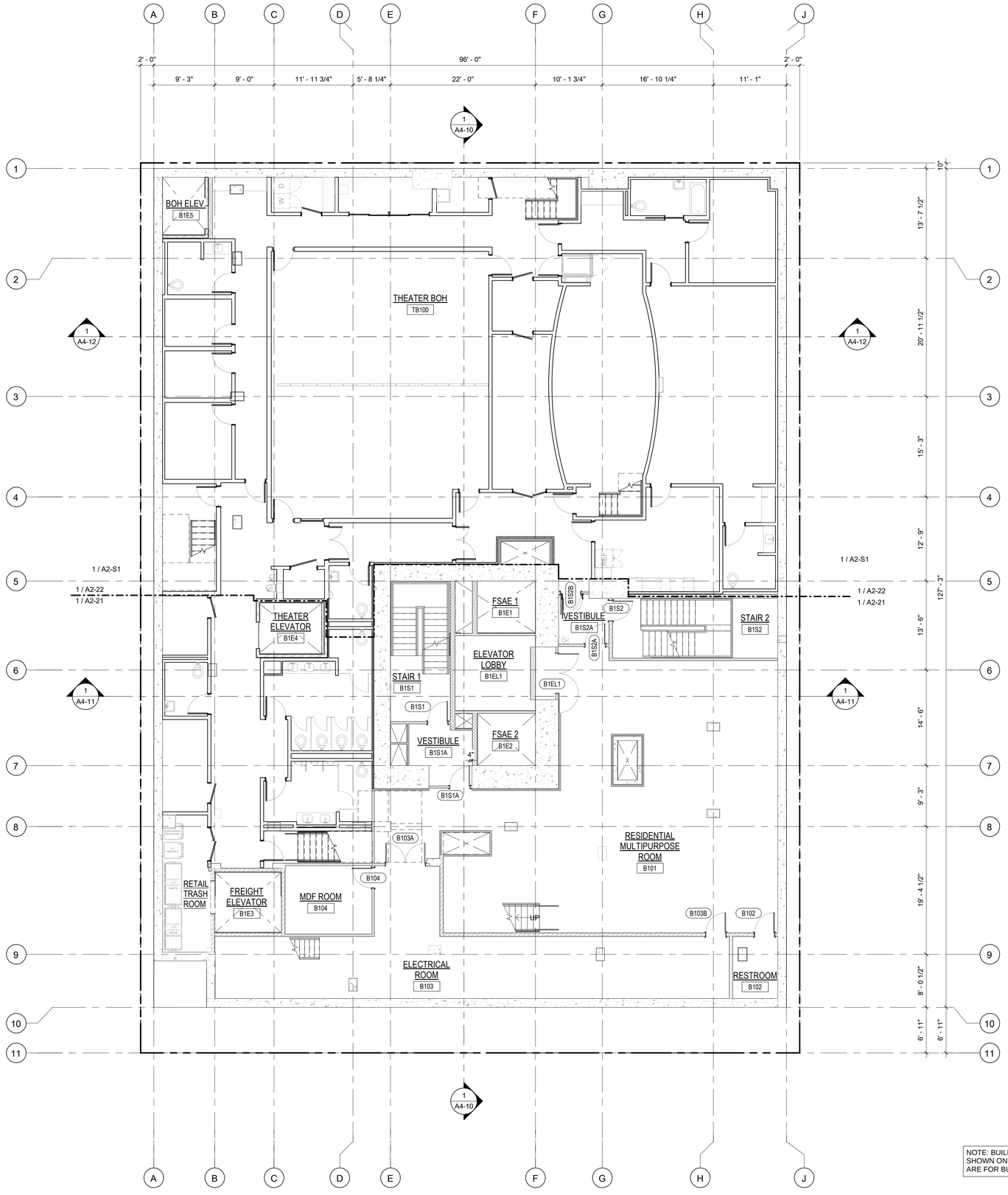

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

BASEMENT LEVEL B1 | 1/8" = 1'-0" | **1**

SHEET NOTES

1. FLOOR ELEVATIONS, WHERE INDICATED, ARE TO TOP OF STRUCTURAL CONCRETE. REFER TO LANDSCAPE DRAWINGS FOR WALKWAY PAVING ELEVATIONS.
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9. PROVIDE ADDITIONAL LAYER OF 5/8" GYPSUM BOARD IN ADDITION TO RATED ASSEMBLY AS REQUIRED TO ALIGN WITH ADJACENT 2 HOUR WALLS.
10. REFER TO SHEET A011 FOR TYPICAL SYMBOLS LEGEND
11. REFER TO EXITING DIAGRAMS ON SHEETS A0-10 THROUGH A0-20 FOR EXITING REQUIREMENTS.
12. REFER TO EBM AND STRUCTURAL DRAWINGS FOR FALL PROTECTION ANCHOR LOCATIONS.
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KEY NOTES

SYMBOLS LEGEND

- CONCRETE WALL, S.S.D.
- 2-1/2" METAL STUD
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- 6" METAL STUD
- 8" METAL STUD
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Designer	

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BASEMENT 1 FLOOR PLAN

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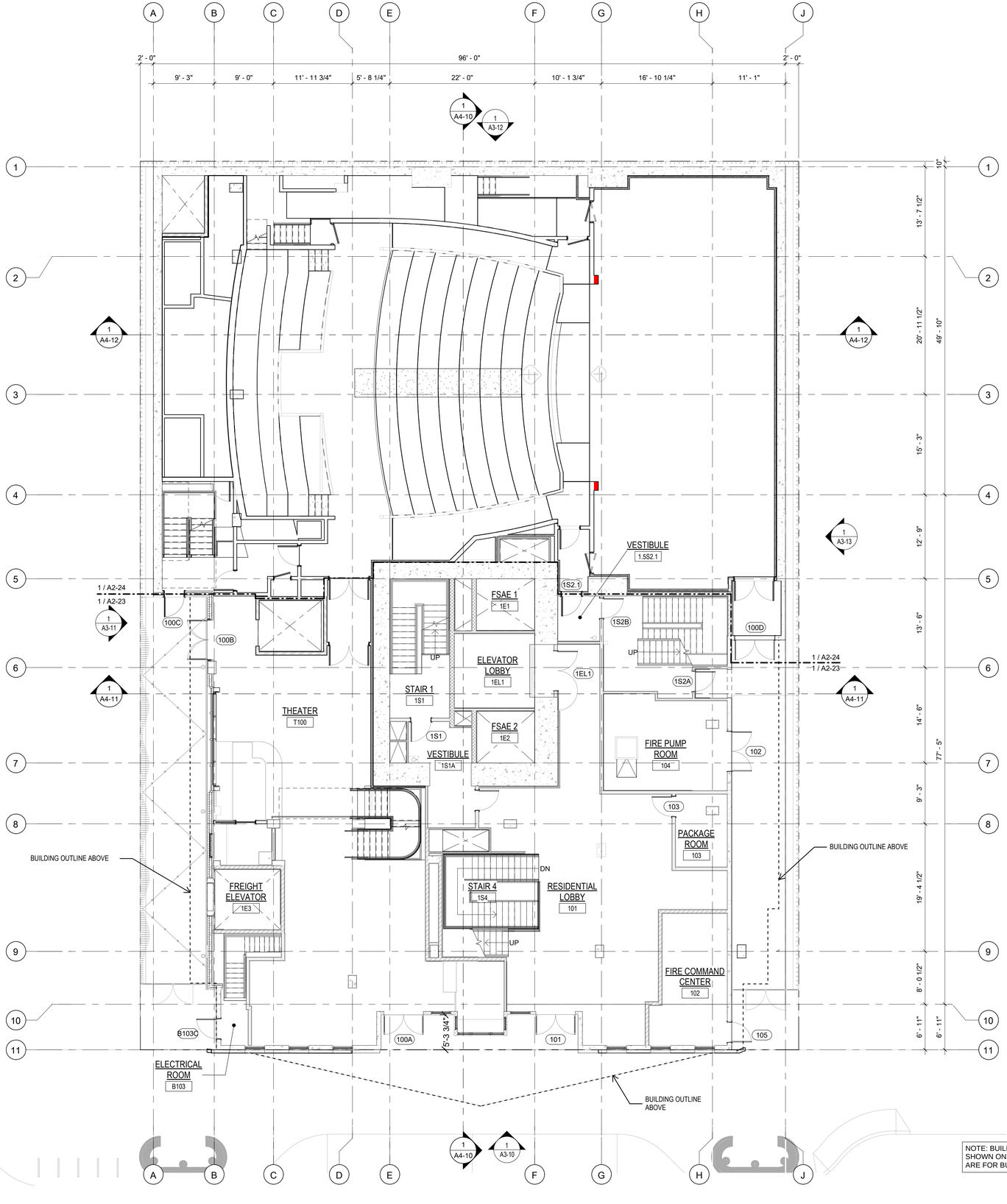

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

LEVEL 1 | 1/8" = 1'-0" | **1**

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KEY NOTES

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GROUND FLOOR PLAN

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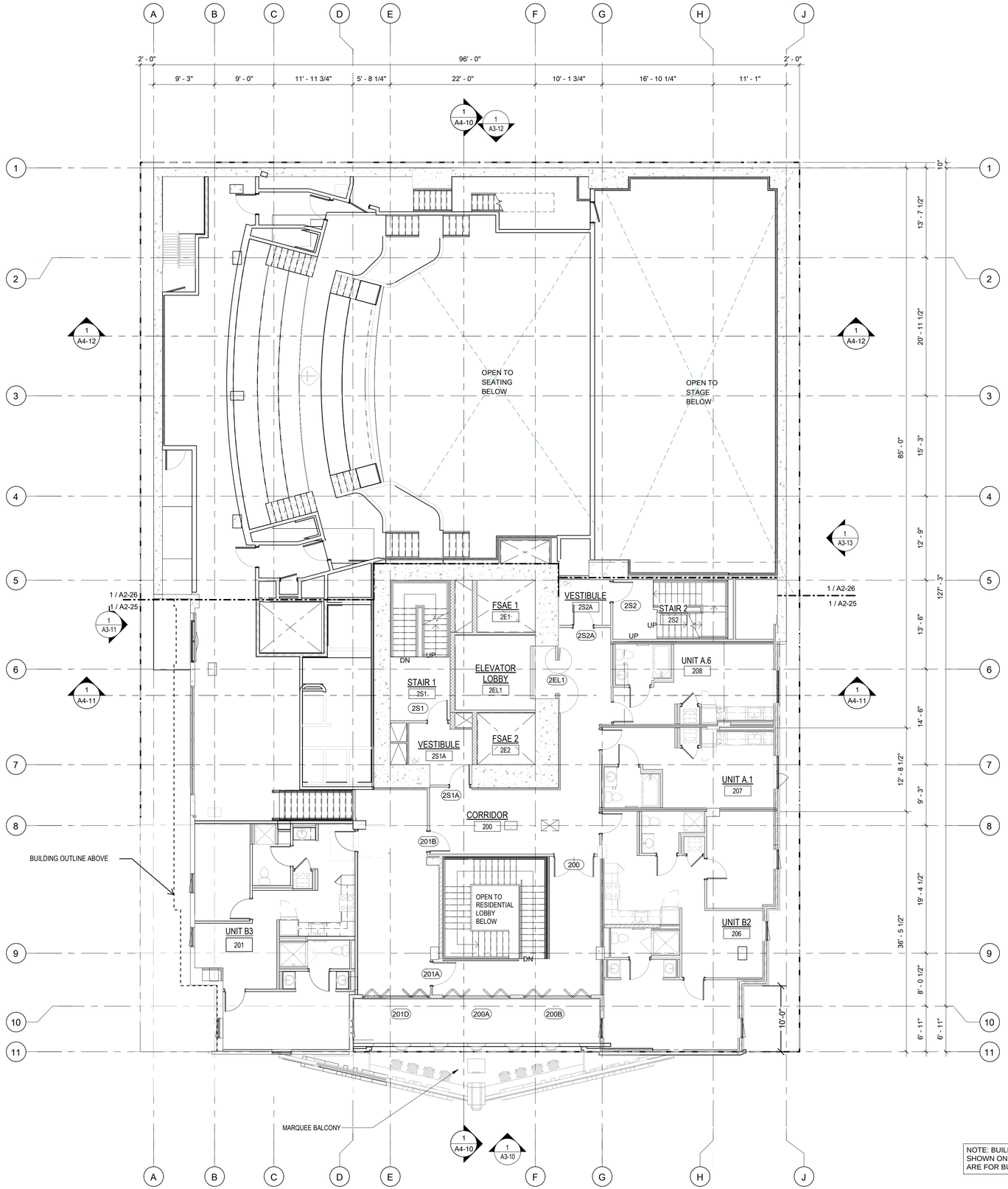

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

LEVEL 2 | 1/8" = 1'-0" | **1**

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16. FIRE EXTINGUICHER SIZE OF 2A:10B:C TO BE PLACED AT A MAXIMUM TRAVEL DISTANCE OF 75 FEET.
17. FOR DOOR ACCESS REQUIREMENT REFER TO DETAIL 1/AD02
18. WINDOWS AND GLAZED DOORS MUST HAVE LABEL FOR THE "U" AND SHGC" FACTORS THAT ARE REQUIRED BY THE ENERGY DOCUMENTATION. SEE ENERGY COMPLIANCE INFORMATION LOCATED ON T-24 SHEET EN.1 FOR THE REQUIRED VALUES.

KEY NOTES

SYMBOLS LEGEND

- CONCRETE WALL, S.S.D.
- 2-1/2" METAL STUD
- 3-5/8" METAL STUD
- 6" METAL STUD
- 8" METAL STUD
- WALL MOUNTED FIRE EXTINGUISHER CABINET
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LEVEL 2 FLOOR PLAN

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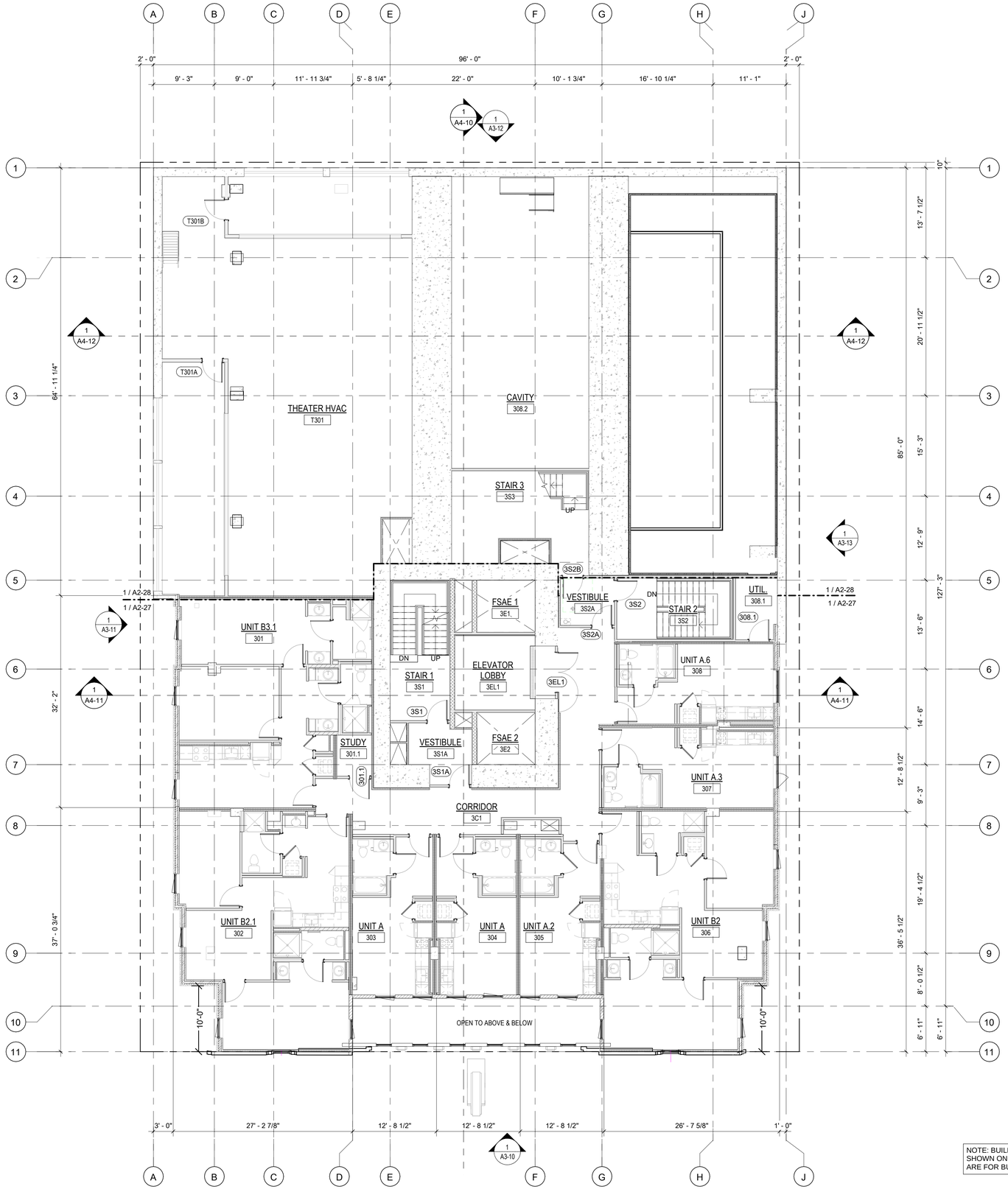

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

LEVEL 3 | 1/8" = 1'-0" | **1**

SHEET NOTES

1. FLOOR ELEVATIONS, WHERE INDICATED, ARE TO TOP OF STRUCTURAL CONCRETE. REFER TO LANDSCAPE DRAWINGS FOR WALKWAY PAVING ELEVATIONS.
2. SOFFITS AND CEILINGS HEIGHTS, ETC., ARE MEASURED FROM FINISHED FLOOR ELEVATIONS, U.O.N.
3. STUD DIMENSIONS INDICATED ARE PROVIDED TO SET MINIMUM WALL WIDTHS. SEE STRUCTURAL DRAWING FOR MINIMUM STRUCTURAL REQUIREMENTS.
4. PROVIDE FIRESTOPPING AT PLUMBING, ELECTRICAL, SPRINKLER AND FLUE PENETRATIONS THROUGH RATED ASSEMBLIES CBC SECTION 712. REFER TO SHEETS AD20 & AD21 & SPECS.
5. REFER TO ELECTRICAL DRAWINGS FOR EMERGENCY EXIT SIGNAGE.
6. DIMENSIONS ARE TO FACE OF FRAMING U.O.N.
7. REFER TO ENLARGED PLANS FOR TACTILE EXIT SIGN LOCATIONS.
8. REFER TO AD32 FOR ELEVATOR ACCESSIBILITY NOTES & DETAILS.
9. PROVIDE ADDITIONAL LAYER OF 5/8" GYPSUM BOARD IN ADDITION TO RATED ASSEMBLY AS REQUIRED TO ALIGN WITH ADJACENT 2 HOUR WALLS.
10. REFER TO SHEET A011 FOR TYPICAL SYMBOLS LEGEND
11. REFER TO EXITING DIAGRAMS ON SHEETS A0-10 THROUGH A0-20 FOR EXITING REQUIREMENTS.
12. REFER TO EBM AND STRUCTURAL DRAWINGS FOR FALL PROTECTION ANCHOR LOCATIONS.
13. DUCT PENETRATION OF SHAFT WALLS SHALL BE PROTECTED WITH COMBINATION SMOKE FIRE DAMPERS.
14. UNLESS OTHERWISE NOTED, REFER TO SHEETS AD60 & AD61 FOR TYPICAL DOOR DETAILS.
15. DIMENSIONS TO CENTER LINE OF COLUMN OR WALL, TYPICAL, U.O.N.
16. FIRE EXTINGUICHER SIZE OF 2A:10B:C TO BE PLACED AT A MAXIMUM TRAVEL DISTANCE OF 75 FEET.
17. FOR DOOR ACCESS REQUIREMENT REFER TO DETAIL 1/AD02
18. WINDOWS AND GLAZED DOORS MUST HAVE LABEL FOR THE "U" AND SHGC" FACTORS THAT ARE REQUIRED BY THE ENERGY DOCUMENTATION. SEE ENERGY COMPLIANCE INFORMATION LOCATED ON T-24 SHEET EN.1 FOR THE REQUIRED VALUES.

KEY NOTES

SYMBOLS LEGEND

- CONCRETE WALL, S.S.D.
- 2-1/2" METAL STUD
- 3-5/8" METAL STUD
- 6" METAL STUD
- 8" METAL STUD
- WALL MOUNTED FIRE EXTINGUISHER CABINET
- F.E.C. SEMI-RECESSED FIRE EXTINGUISHER CABINET
- 1-HR FIRE & SMOKE RATED CORRIDOR
- 1-HR FIRE BARRIER
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- BUILDING OVERHANG ABOVE

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Principal	Jessica Musick
Designer	

Gilbane

Developer/Owner

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Christian Cerria
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571-212-1733

2115 KITTREDGE ST.

BERKELEY, CA 94704

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LEVEL 3 FLOOR PLAN

A105

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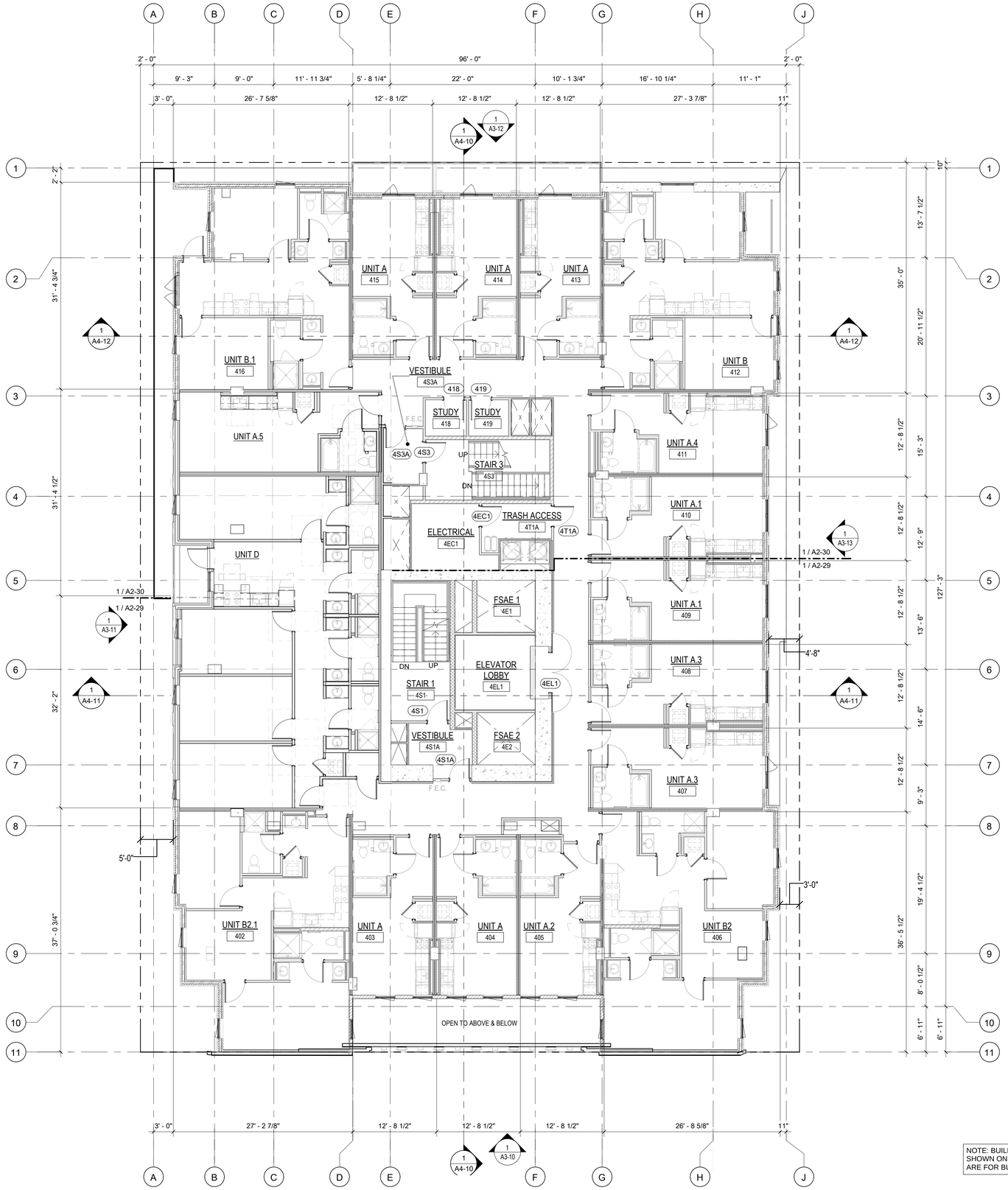

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0 1' 2' 4' 8'

PLAN NORTH

LEVEL 4 | 1/8" = 1'-0" | **1**

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LEVEL 4 FLOOR PLAN

A106

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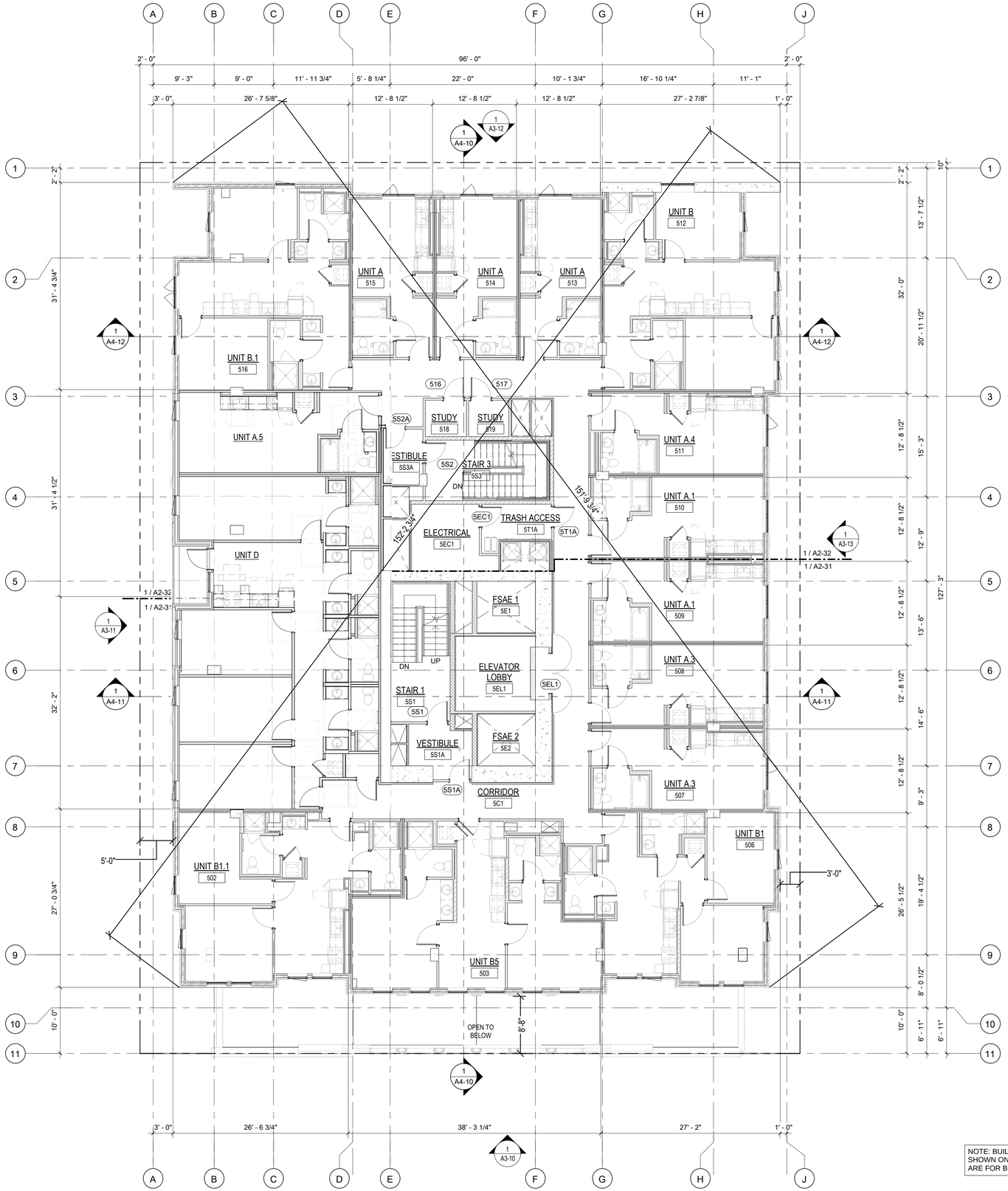

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0 1' 2' 4' 8'

PLAN NORTH

LEVEL 5, 7, 9, 11, 13 | 1/8" = 1'-0" | **1**

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LEVEL 5, 7, 9, 11, 13
FLOOR PLAN

A107

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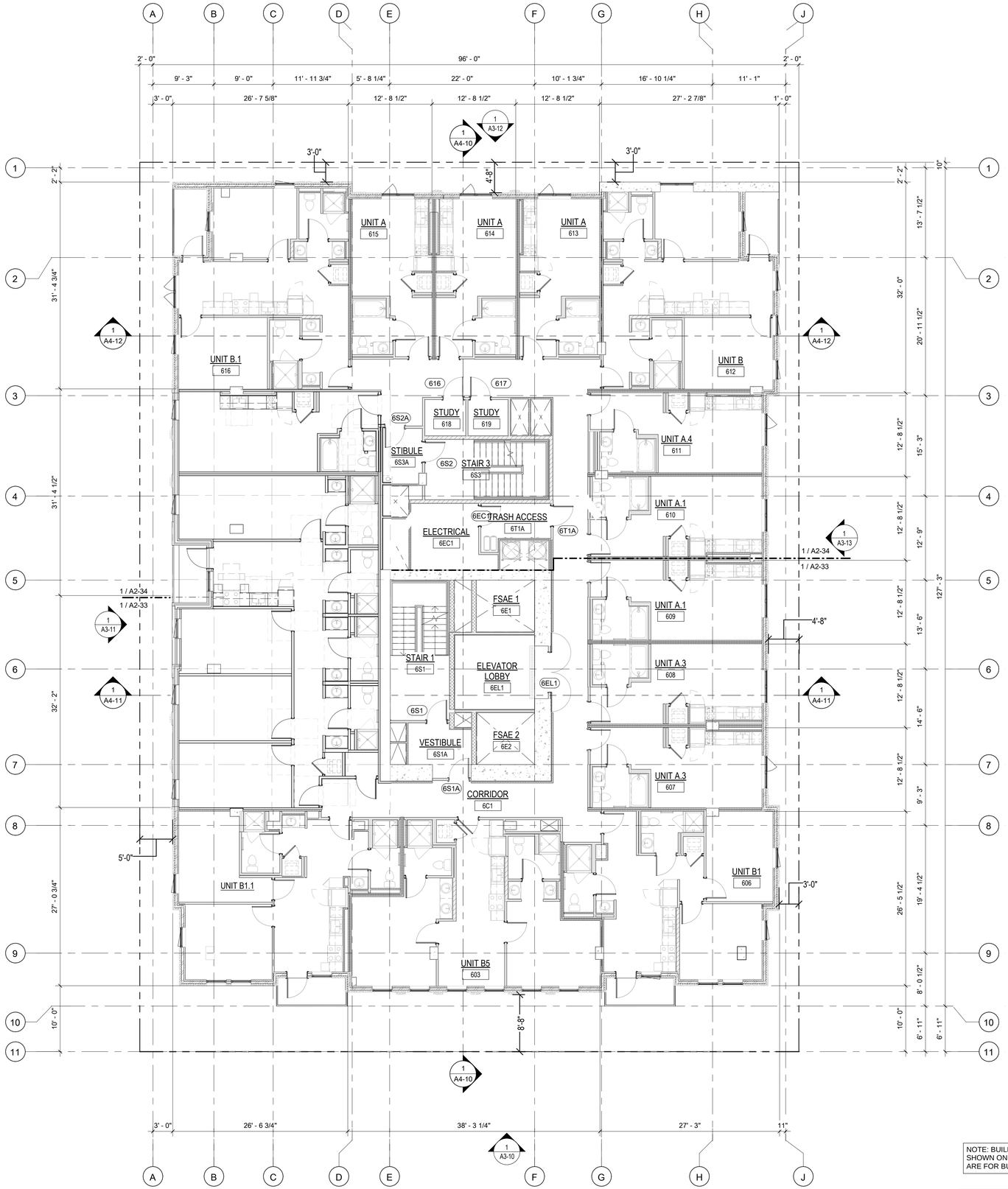
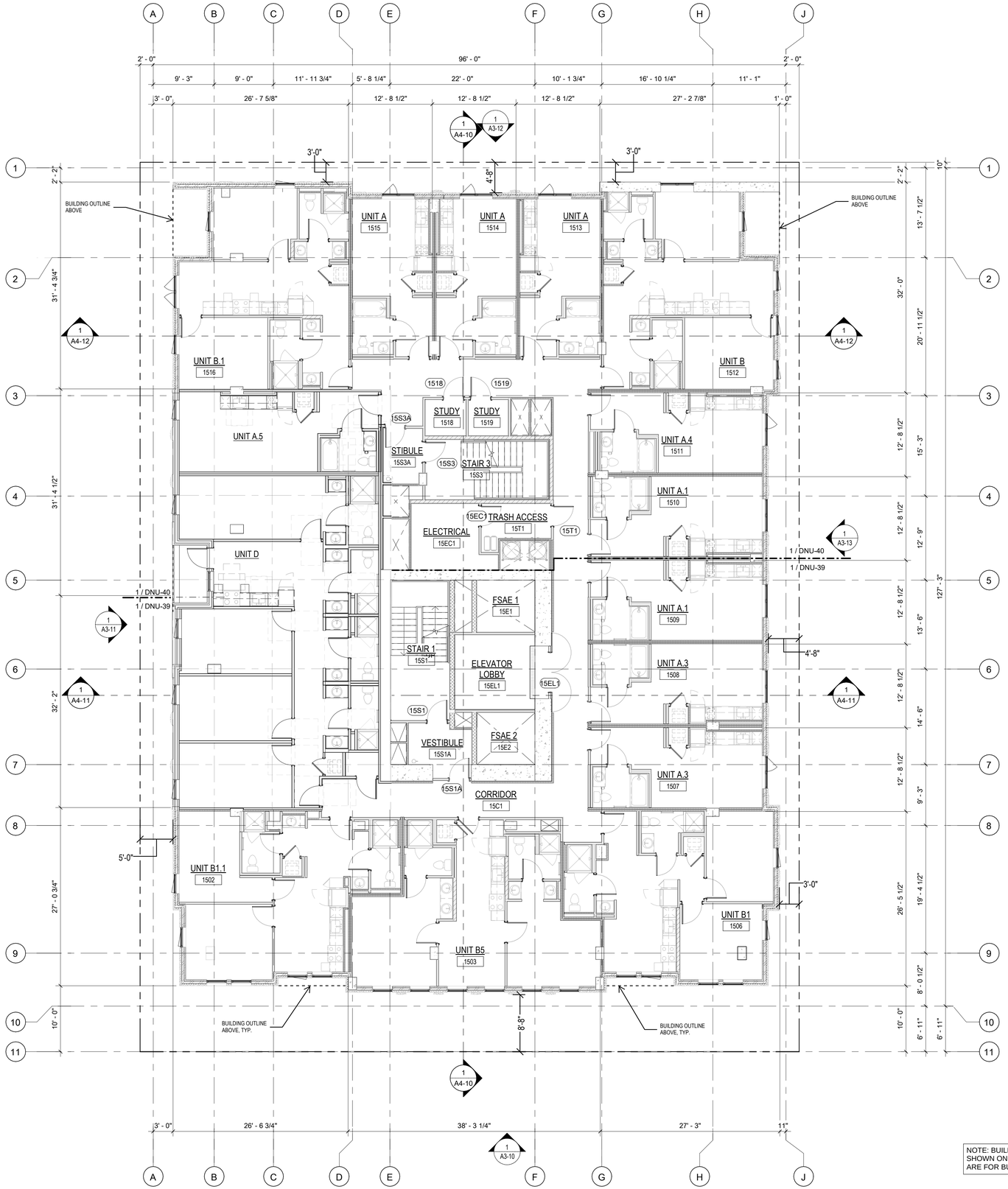

A
B
C
D
E
F
G
H
J
2' - 0"
96' - 0"
9' - 3"
9' - 0"
11' - 11 3/4"
5' - 8 1/4"
22' - 0"
10' - 1 3/4"
16' - 10 1/4"
11' - 1"
3' - 0"
26' - 7 5/8"
12' - 8 1/2"
12' - 8 1/2"
12' - 8 1/2"
27' - 2 7/8"
1' - 0"
1 A4-10
1 A3-12
3'-0"
4'-8"
UNIT A 615
UNIT A 614
UNIT A 613
UNIT B.1 616
UNIT B 612
616
617
STUDY 618
STUDY 619
6S2A
STIBULE 6S3A
6S2 STAIR 3 6S3
UNIT A.4 611
6EC TRASH ACCESS 6T1A
ELECTRICAL 6EC1
6T1A
UNIT A.1 610
1 A3-13
1 / A2-34
1 / A2-33
FSAE 1 6E1
UNIT A.1 609
4'-8"
STAIR 1 6S1
ELEVATOR LOBBY 6EL1
6EL1
UNIT A.3 608
6S1
VESTIBULE 6S1A
FSAE 2 6E2
UNIT A.3 607
6S1A
CORRIDOR 6C1
5'-0"
UNIT B1.1
UNIT B1 606
3'-0"
UNIT B5 603
8'-8"
1 A4-11
1 A4-12
2' - 2"
31' - 4 3/4"
31' - 4 1/2"
32' - 2"
27' - 0 3/4"
10' - 0"
13' - 7 1/2"
32' - 0"
20' - 11 1/2"
15' - 3"
12' - 8 1/2"
12' - 9"
12' - 8 1/2"
12' - 8 1/2"
12' - 8 1/2



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0 1' 2' 4' 8'

PLAN NORTH

LEVEL 15 | 1/8" = 1'-0" | **1**

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LEVEL 15 FLOOR PLAN

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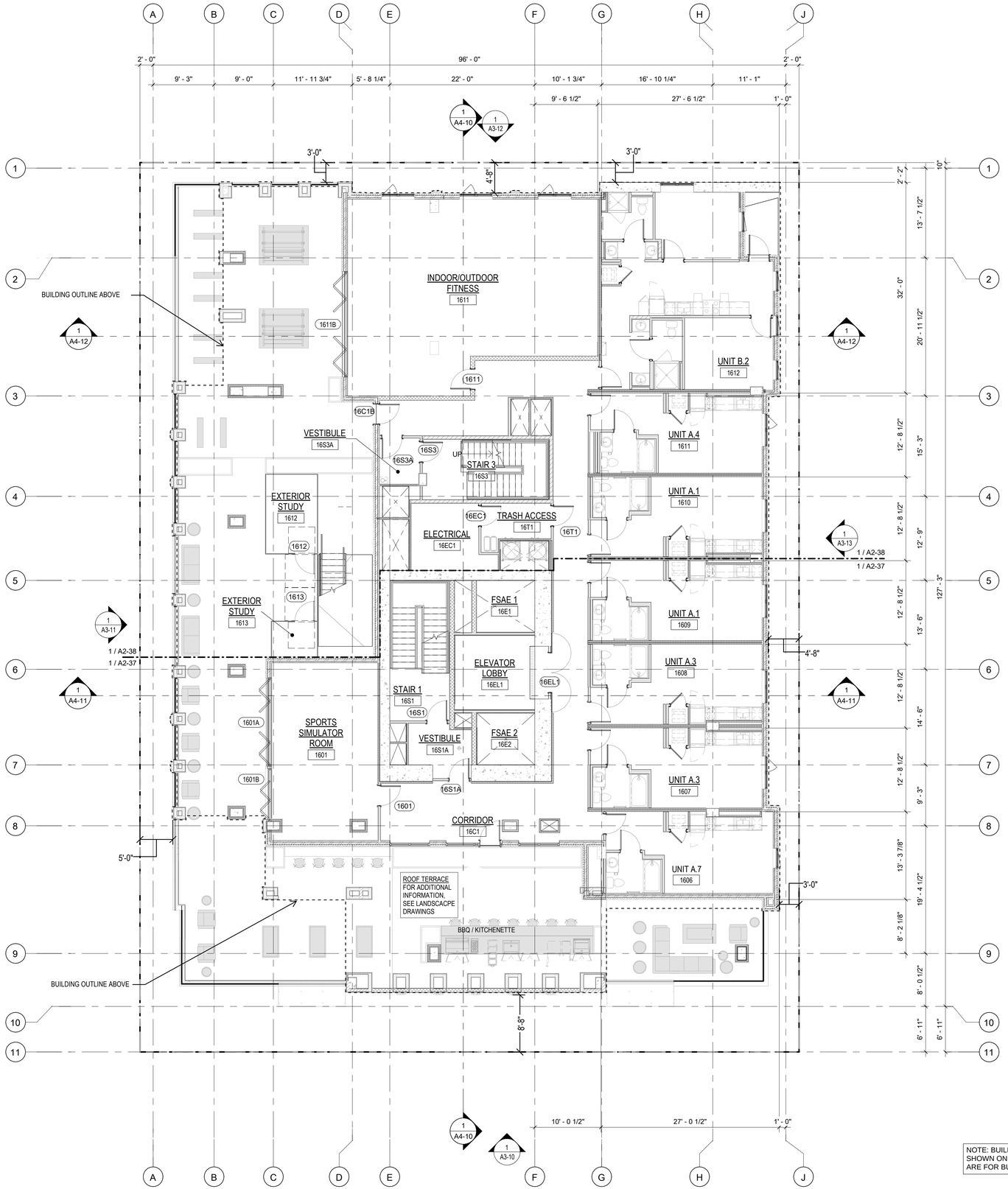

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PLAN NORTH

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LEVEL 16 FLOOR PLAN

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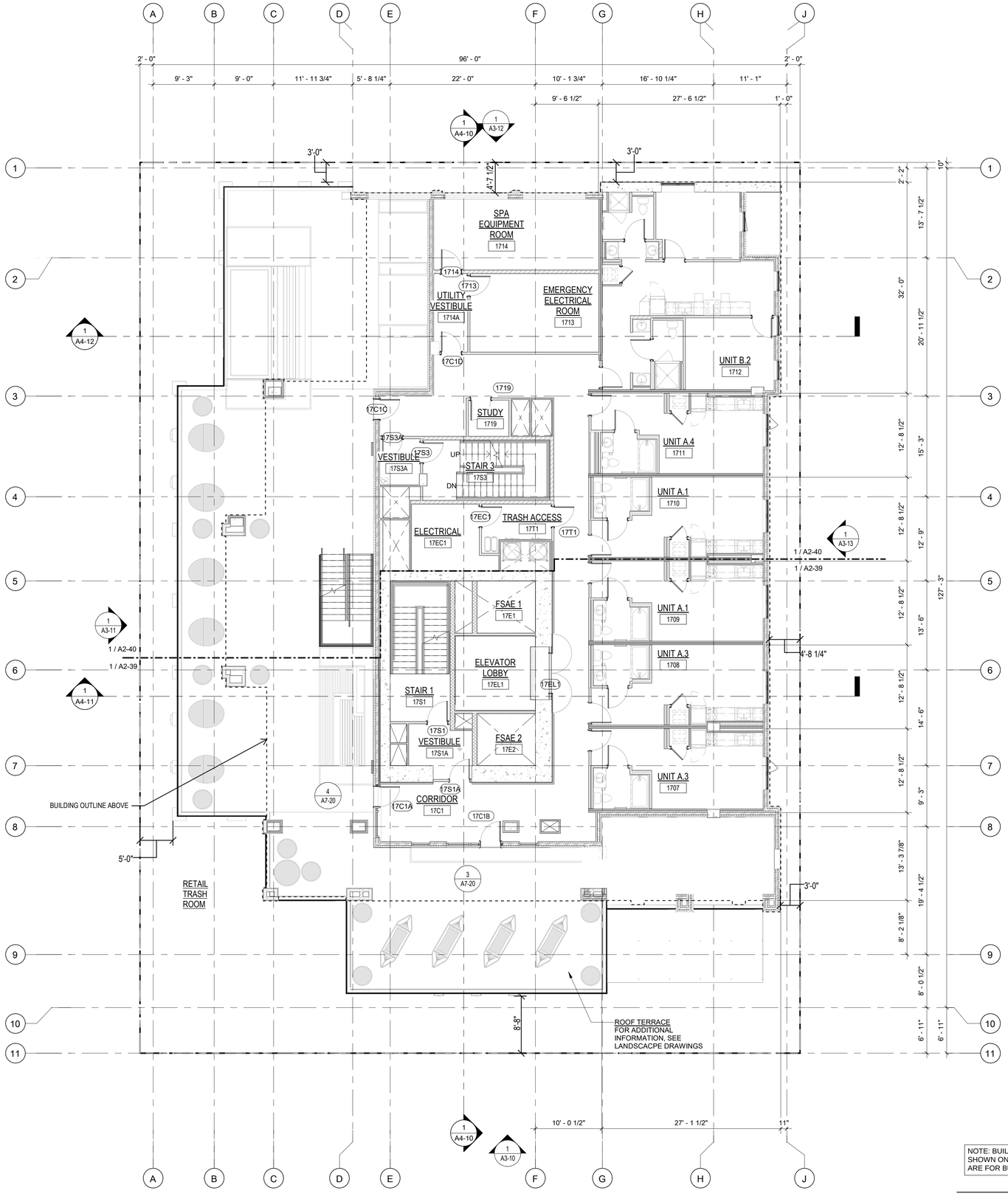

SHEET NOTES

1. FLOOR ELEVATIONS, WHERE INDICATED, ARE TO TOP OF STRUCTURAL CONCRETE. REFER TO LANDSCAPE DRAWINGS FOR WALKWAY PAVING ELEVATIONS.
2. SOFFITS AND CEILINGS HEIGHTS, ETC., ARE MEASURED FROM FINISHED FLOOR ELEVATIONS, U.O.N.
3. STUD DIMENSIONS INDICATED ARE PROVIDED TO SET MINIMUM WALL WIDTHS. SEE STRUCTURAL DRAWING FOR MINIMUM STRUCTURAL REQUIREMENTS.
4. PROVIDE FIRESTOPPING AT PLUMBING, ELECTRICAL, SPRINKLER AND FLUE PENETRATIONS THROUGH RATED ASSEMBLIES CBC SECTION 712. REFER TO SHEETS AD20 & AD21 & SPECS.
5. REFER TO ELECTRICAL DRAWINGS FOR EMERGENCY EXIT SIGNAGE.
6. DIMENSIONS ARE TO FACE OF FRAMING U.O.N.
7. REFER TO ENLARGED PLANS FOR TACTILE EXIT SIGN LOCATIONS.
8. REFER TO AD32 FOR ELEVATOR ACCESSIBILITY NOTES & DETAILS.
9. PROVIDE ADDITIONAL LAYER OF 5/8" GYPSUM BOARD IN ADDITION TO RATED ASSEMBLY AS REQUIRED TO ALIGN WITH ADJACENT 2 HOUR WALLS.
10. REFER TO SHEET A011 FOR TYPICAL SYMBOLS LEGEND
11. REFER TO EXITING DIAGRAMS ON SHEETS A0-10 THROUGH A0-20 FOR EXITING REQUIREMENTS.
12. REFER TO EBM AND STRUCTURAL DRAWINGS FOR FALL PROTECTION ANCHOR LOCATIONS.
13. DUCT PENETRATION OF SHAFT WALLS SHALL BE PROTECTED WITH COMBINATION SMOKE FIRE DAMPERS.
14. UNLESS OTHERWISE NOTED, REFER TO SHEETS AD60 & AD61 FOR TYPICAL DOOR DETAILS.
15. DIMENSIONS TO CENTER LINE OF COLUMN OR WALL, TYPICAL, U.O.N.
16. FIRE EXTINGUICHER SIZE OF 2A:10B:C TO BE PLACED AT A MAXIMUM TRAVEL DISTANCE OF 75 FEET.
17. FOR DOOR ACCESS REQUIREMENT REFER TO DETAIL 1/AD02
18. WINDOWS AND GLAZED DOORS MUST HAVE LABEL FOR THE "U" AND SHGC" FACTORS THAT ARE REQUIRED BY THE ENERGY DOCUMENTATION. SEE ENERGY COMPLIANCE INFORMATION LOCATED ON T-24 SHEET EN.1 FOR THE REQUIRED VALUES.

KEY NOTES

SYMBOLS LEGEND

- CONCRETE WALL, S.S.D.
- 2-1/2" METAL STUD
- 3-5/8" METAL STUD
- 6" METAL STUD
- 8" METAL STUD
- WALL MOUNTED FIRE EXTINGUISHER CABINET
- F.E.C. SEMI-RECESSED FIRE EXTINGUISHER CABINET
- 1-HR FIRE & SMOKE RATED CORRIDOR
- 1-HR FIRE BARRIER
- 2-HR FIRE BARRIER
- BUILDING OVERHANG ABOVE

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

LEVEL 17 | 1/8" = 1'-0" | **1**

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7 Jackson Walkway
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571-212-1733

2115 KITTREDGE ST.

BERKELEY, CA 94704

No.	DATE	DESCRIPTION
	11/08/2023	ZAB SUBMITTAL

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LEVEL 17 FLOOR PLAN

A111

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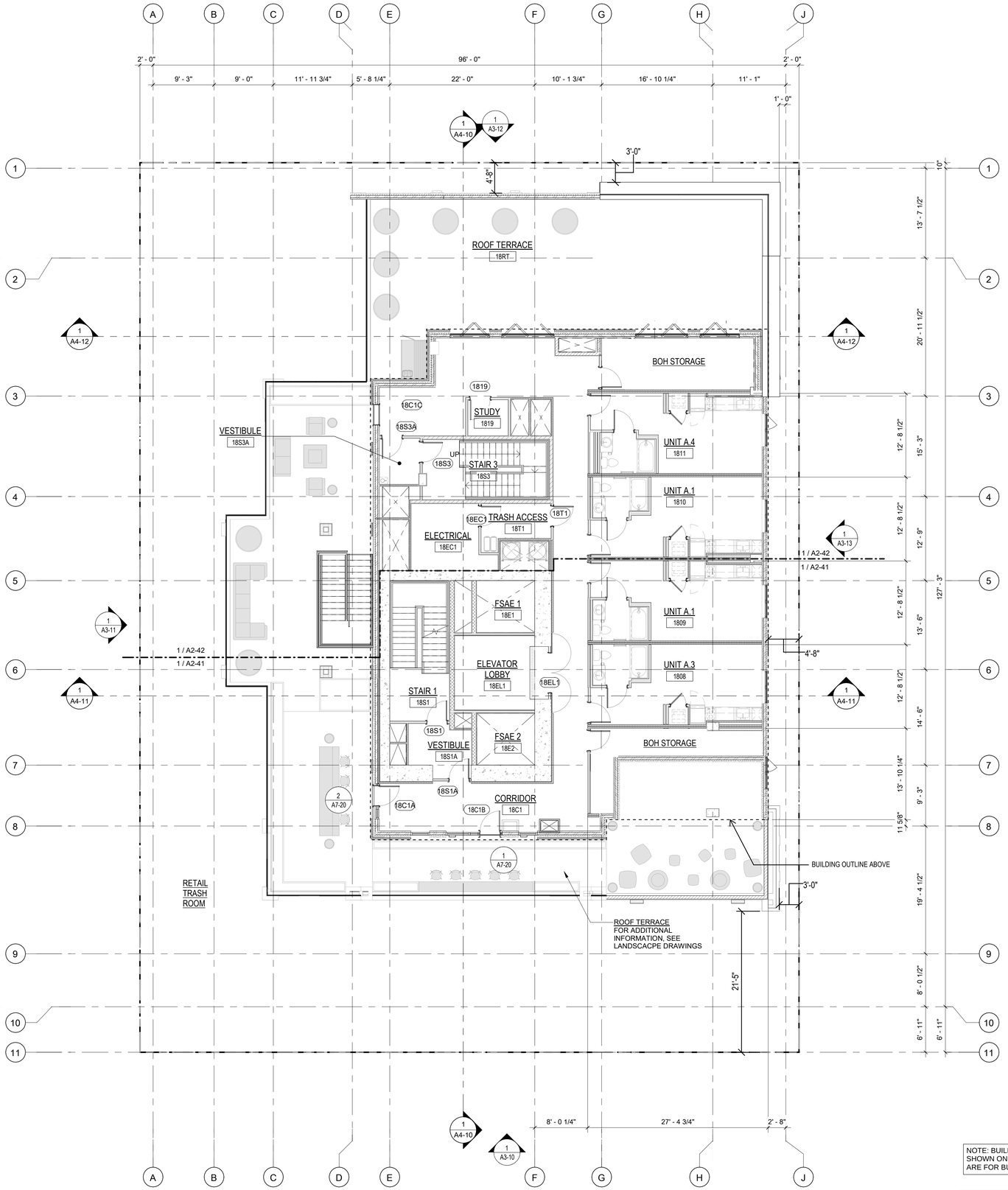

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

LEVEL 18 | 1/8" = 1'-0" | **1**

SHEET NOTES

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6. DIMENSIONS ARE TO FACE OF FRAMING U.O.N.
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KEY NOTES

SYMBOLS LEGEND

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LEVEL 18 FLOOR PLAN

A112

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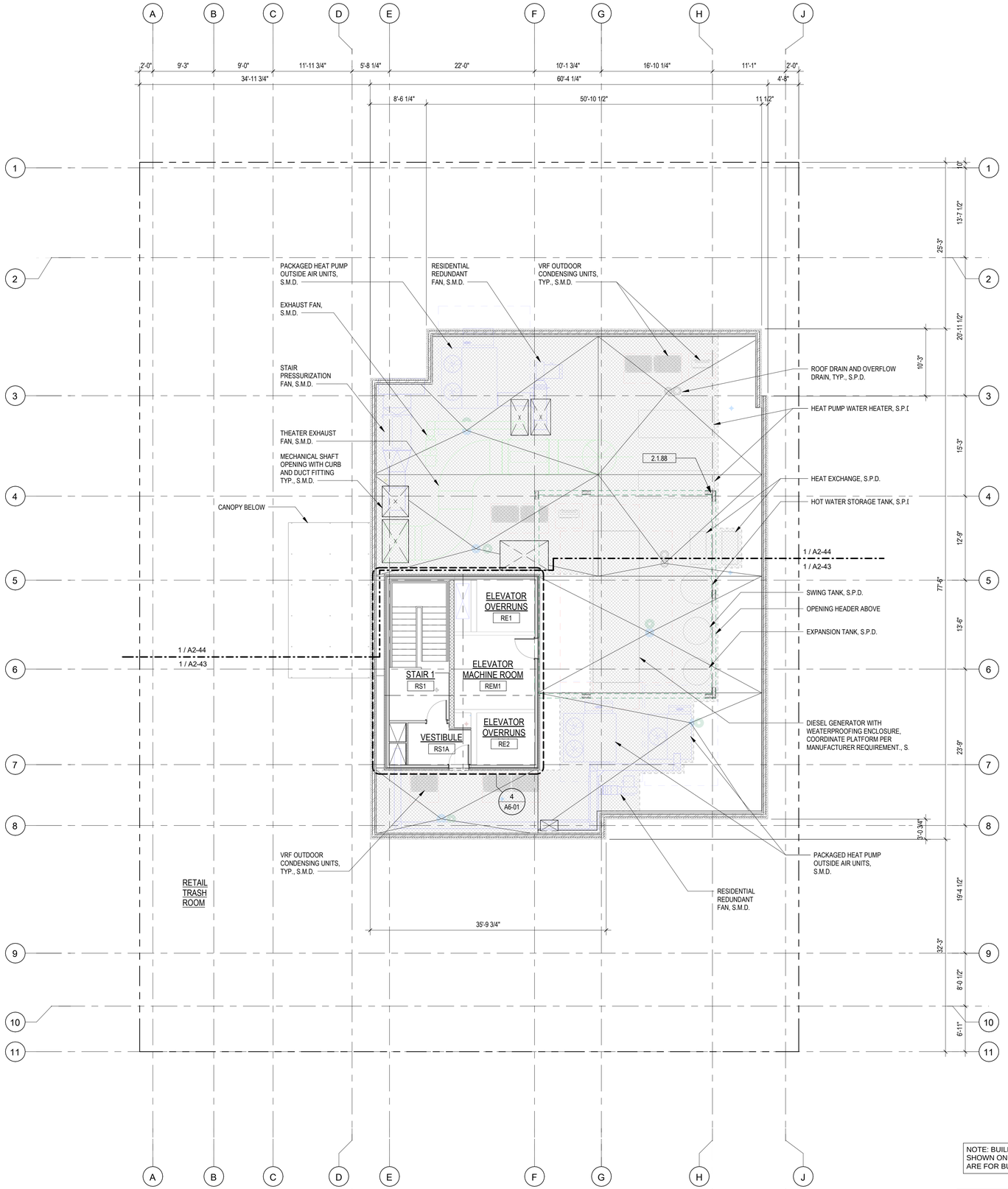

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- 1-HR FIRE & SMOKE RATED CORRIDOR
- 1-HR FIRE BARRIER
- 2-HR FIRE BARRIER
- ROOF ELEMENT AREA - 2804 SF

ROOFTOP ELEMENTS CALCULATION

BUILDING AVERAGE FLOOR PLATE = 9882 SF
BUILDING ROOF AREA = 4,530 SF

9882 SF X 15% = 1,482 SF PERMITTED AREA OF ROOF TOP ELEMENT.

TOTAL ROOFTOP ELEMENTS AREA: 2,804 SF (28% OF AVERAGE FLOOR AREA)

NOTE: ROOFTOP ELEMENTS AREA NOT COMPLIANT WITH BMC 23.304.050 REQUIREMENT TO NOT EXCEED 15% OF AVERAGE FLOOR AREA OF THE BUILDING'S STOREIS. WAIVER REQUESTED.

NOTE: BUILDING AND WALL SECTIONS SHOWN ON PLANS AND ELEVATIONS ARE FOR BUILDING PERMIT USE ONLY.

0 1' 2' 4' 8'

PLAN NORTH

ROOF PLAN 1/8" = 1'-0" **1**

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ktgy Project Number 20230223

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Principal	Jessica Musick
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ROOF PLAN

A113

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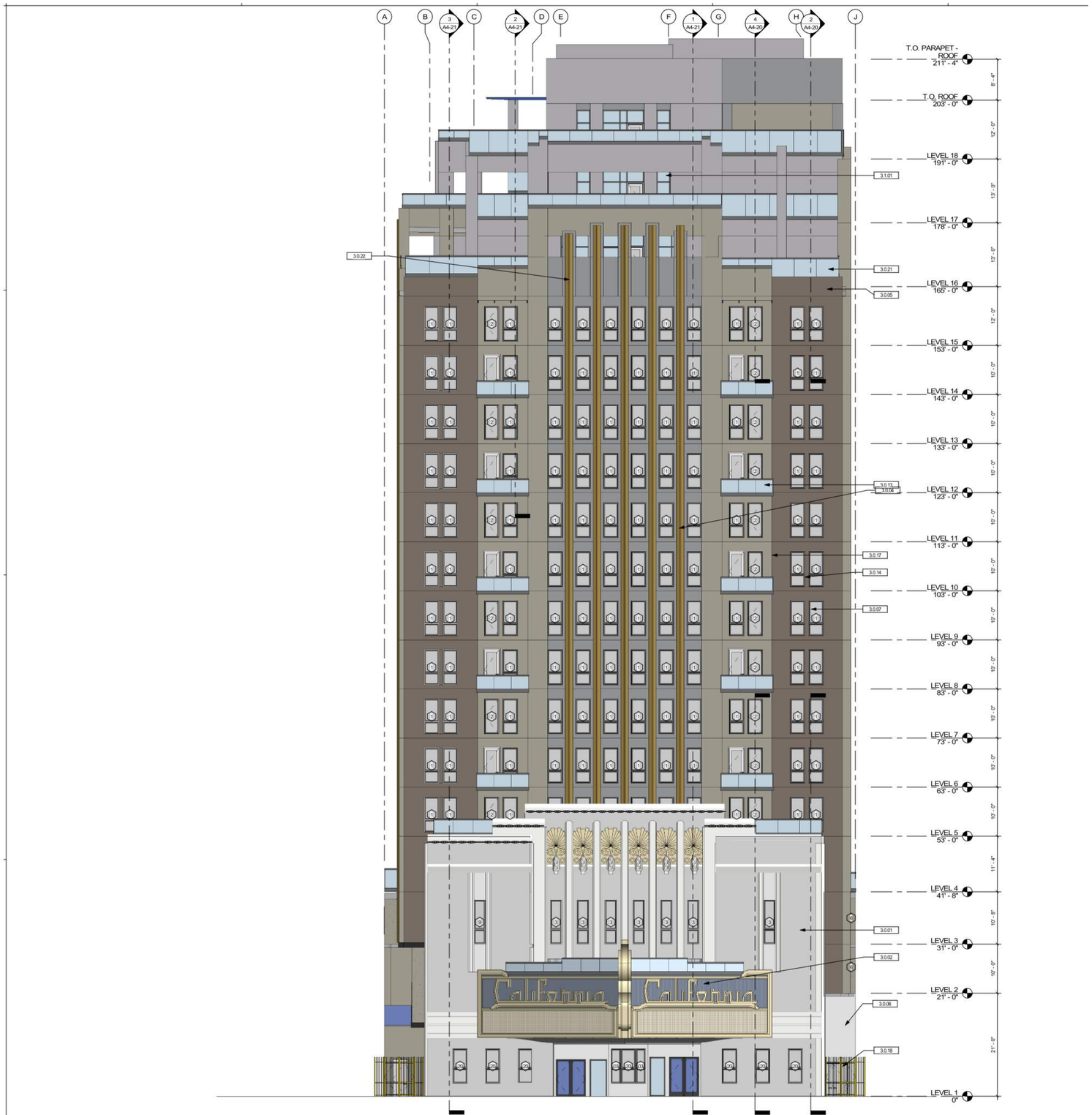
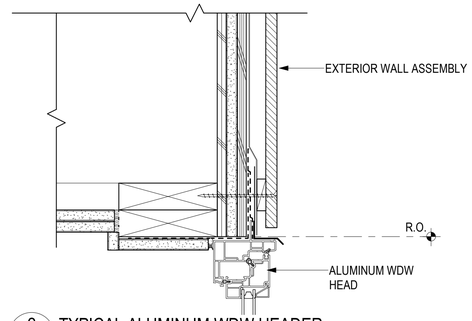


SOUTH ELEVATION 1/8" = 1'-0" **1**



2 A201 TYPICAL ALUMINUM WDW HEADER

3" = 1'-0"

KEYNOTES

3.0.01	HISTORIC FACADE TO REMAIN
3.0.02	HISTORIC MARQUE TO REMAIN
3.0.04	RAISED FLUTING INCOPERATED INTO CONCRETE FACADE SYSTEM
3.0.05	CEMENT PLASTER, SMOOTH FINISH
3.0.06	CONCRETE WALL
3.0.07	CONCRETE COLUMN
3.0.13	GLASS GUARDRAIL WITH METAL CAP, SEE DETAIL X/XX
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL X/XX
3.0.17	SURFACE MOUNTED DECORATIVE METAL LATTICE (DESIGN PENDING), SEE DETAIL X/XX
3.0.18	METAL FENCE & DOUBLE GATE WITH EGRESS HARDWARE. SEE DETAIL X/XX
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL X/XX
3.0.22	FACTORY INSTALLED PROFILE WITH LED LIGHT COVE ON BOTH SIDES, TYP.
3.1.01	ALUMINUM STOREFRONT & GLAZING SYSTEM

NOTE: THE PROJECT WILL ENDEAVOR TO USE A RANGE OF BIRD SAFE STRATEGIES WHICH COULD INCLUDE GLAZING OPTIONS, BUILDING FENESTRATION AND LIGHTING STRATEGIES TO ULTIMATELY REDUCE BIRD COLLISIONS.

FINISH LEGEND

01	**MTL-01** DARK BROWN CONCRETE CLARK PACIFIC 05-13 LIGHT	
02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM	
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT	
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY	
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE	
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W	
07	**MTL-07** STONE LOOK / FIBER CEMENT PANEL CLARK PACIFIC	
08	**MTL-08** LIGHT BEIGE STUCCO SHERWIN WILLIAMS SW 6147 PANDA WHITE	
09	**MTL-09** LIGHT ALUMINUM WINDOW FRAME MARVIN COCONUT CREAM	
10	**MTL-10** GOLDEN ACCENTS PRISMATIC POWDERS SATIN POLY GOLD	

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	11/08/2023	ZAB SUBMITTAL

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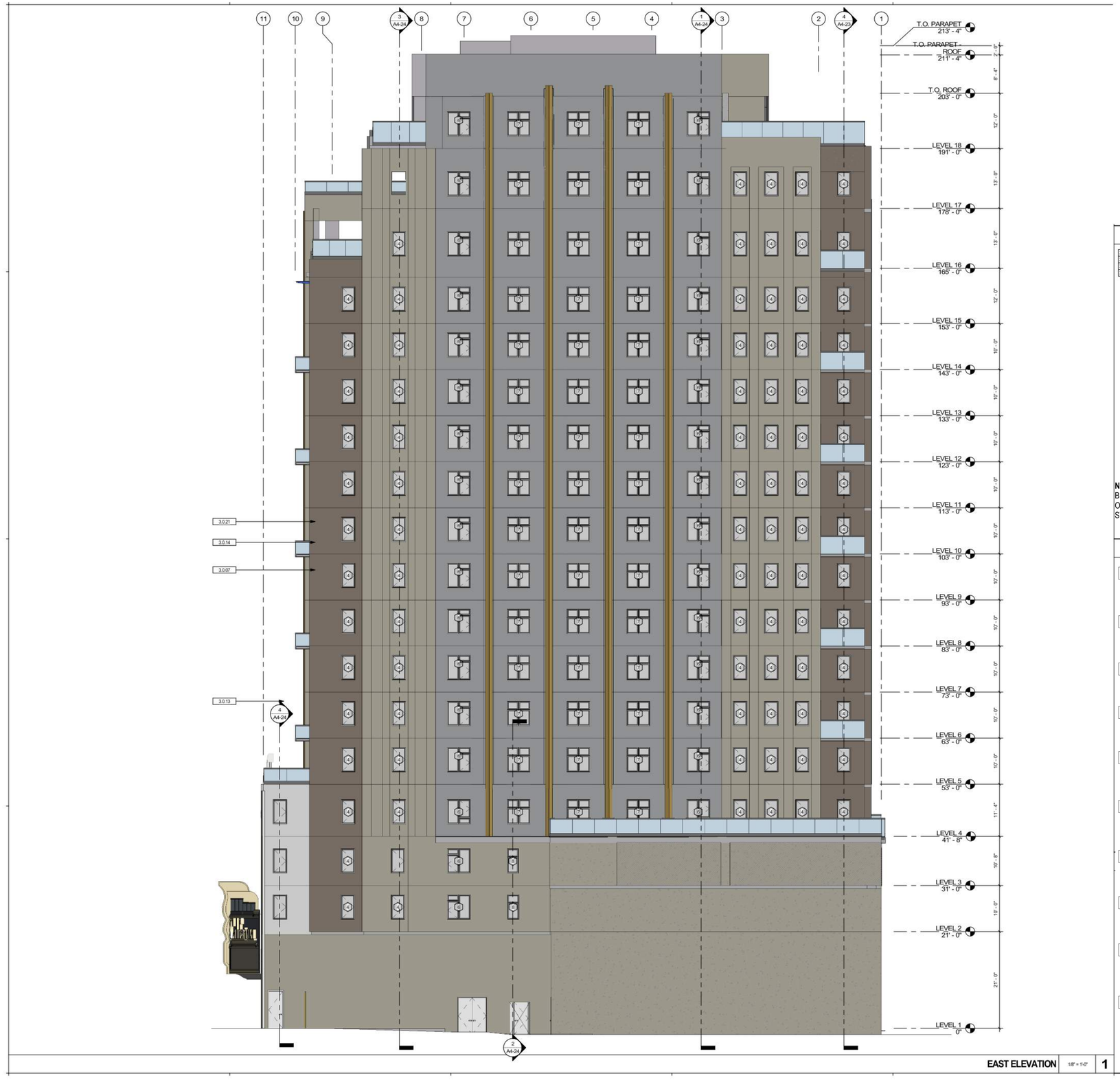
SOUTH EXTERIOR ELEVATION

A201



EAST ELEVATION 1/8" = 1'-0" 1

KEYNOTES

3.0.07	CONCRETE COLUMN
3.0.13	GLASS GUARDRAIL WITH METAL CAP, SEE DETAIL X/XX
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL X/XX
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL X/XX

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02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM	
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT	
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY	
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE	
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W	
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EAST EXTERIOR ELEVATION

A202

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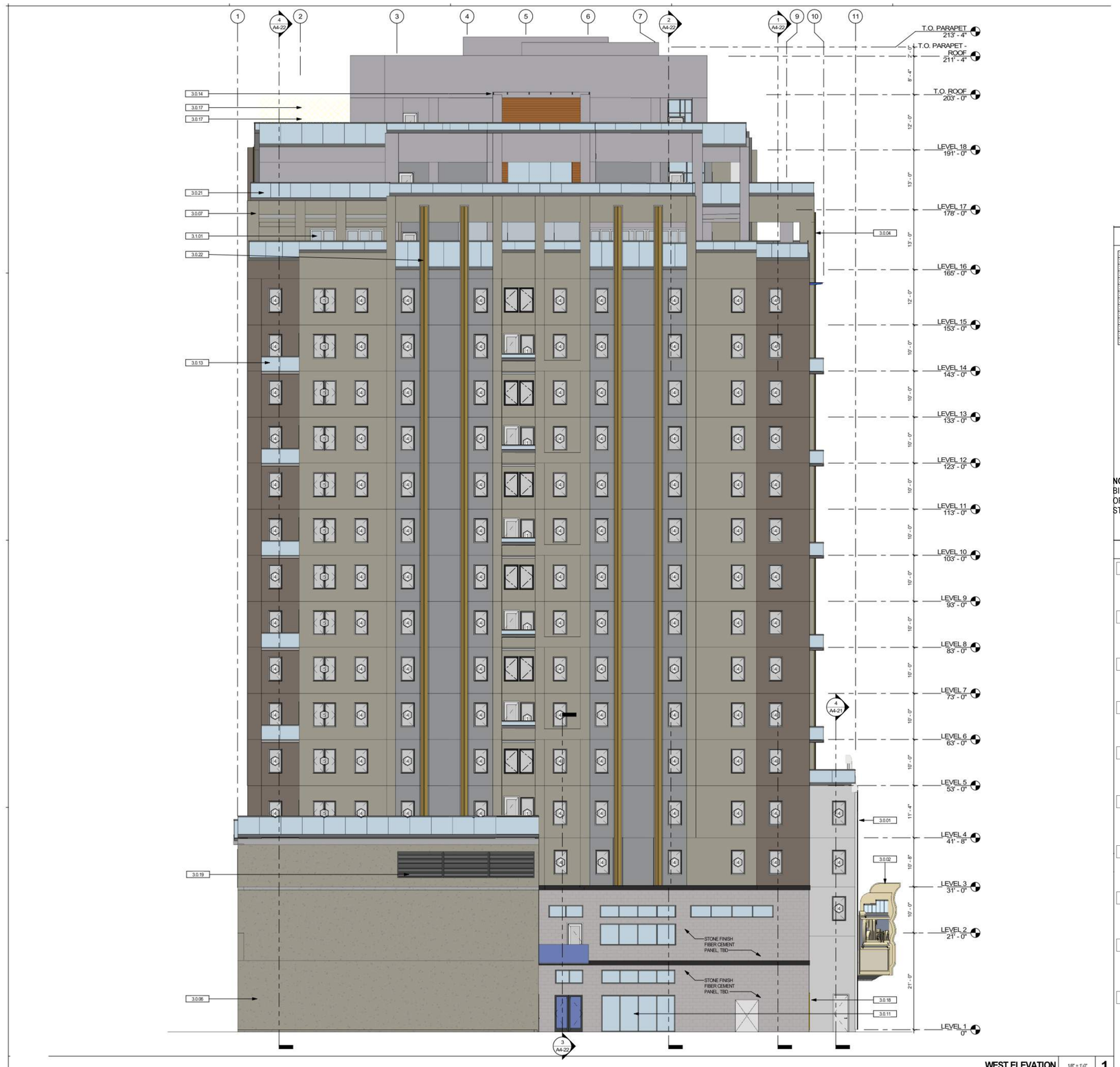

WEST ELEVATION 1/8" = 1'-0" 1

KEYNOTES

3.0.01	HISTORIC FACADE TO REMAIN
3.0.02	HISTORIC MARQUE TO REMAIN
3.0.04	RAISED FLUTING INCOPERATED INTO CONCRETE FACADE SYSTEM
3.0.06	CONCRETE WALL
3.0.07	CONCRETE COLUMN
3.0.11	OVERHEAD GLASS DOOR, SEE DOOR SCHEDULE
3.0.13	GLASS GUARDRAIL WITH METAL CAP, SEE DETAIL XXX
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL XXX
3.0.17	SURFACE MOUNTED DECORATIVE METAL LATTICE (DESIGN PENDING), SEE DETAIL XXX
3.0.18	METAL FENCE & DOUBLE GATE WITH EGRESS HARDWARE, SEE DETAIL XXX
3.0.19	METAL LOUVER, SEE MECHANICAL DRAWINGS
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL XXX
3.0.22	FACTORY INSTALLED PROFILE WITH LED LIGHT COVE ON BOTH SIDES, TYP.
3.1.01	ALUMINUM STOREFRONT & GLAZING SYSTEM

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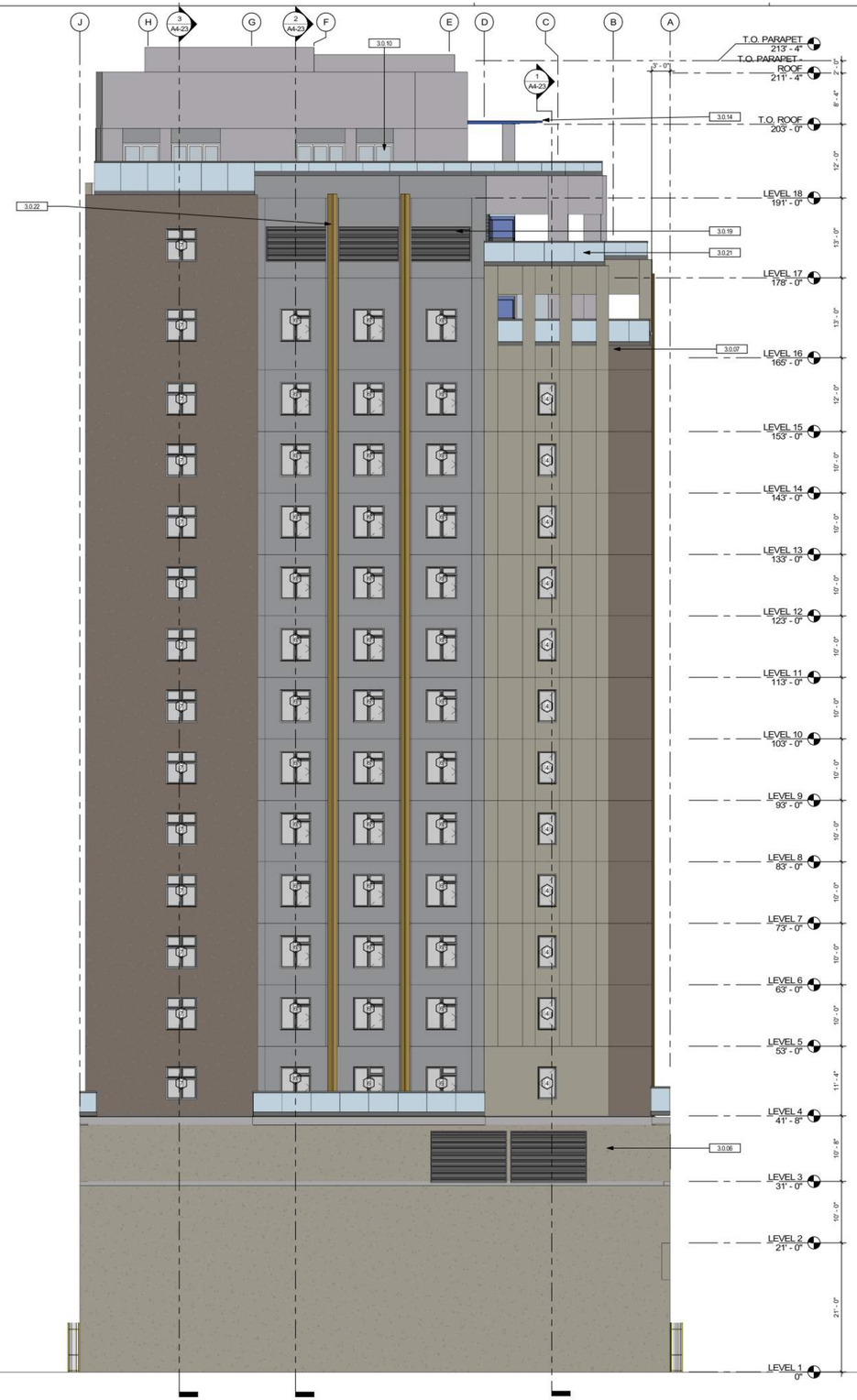
NOT FOR CONSTRUCTION

WEST EXTERIOR ELEVATION

A203



NORTH ELEVATION 1/8" = 1'-0" 1

KEYNOTES

3.0.06	CONCRETE WALL
3.0.07	CONCRETE COLUMN
3.0.10	FOLDING GLASS WALL, SEE DOOR SCHEDULE
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL X/XX
3.0.19	METAL LOUVER, SEE MECHANICAL DRAWINGS
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL X/XX
3.0.22	FACTORY INSTALLED PROFILE WITH LED LIGHT COVE ON BOTH SIDES, TYP.

NOTE: THE PROJECT WILL ENDEAVOR TO USE A RANGE OF BIRD SAFE STRATEGIES WHICH COULD INCLUDE GLAZING OPTIONS, BUILDING FENESTRATION AND LIGHTING STRATEGIES TO ULTIMATELY REDUCE BIRD COLLISIONS.

FINISH LEGEND

01	**MTL-01** DARK BROWN CONCRETE CLARK PACIFIC 05-13 LIGHT	
02	**MTL-02** LIGHT BROWN CONCRETE CLARK PACIFIC 05-01 MEDIUM	
03	**MTL-03** LIGHT CONCRETE CLARK PACIFIC 06-01 LIGHT	
04	**MTL-04** TERRACE ACCENT SHERWIN WILLIAMS SW 7644 GATEWAY GRAY	
05	**MTL-05** DARK ALUMINUM WINDOW FRAME ARCADIA AB-STD DARK BRONZE	
06	**MTL-06** HPL WOOD PANEL PARKLEX PRODEMA RUSTIK / NATURCLAD-W	
07	**MTL-07** STONE LOOK / FIBER CEMENT PANEL CLARK PACIFIC	
08	**MTL-08** LIGHT BEIGE STUCCO SHERWIN WILLIAMS SW 6147 PANDA WHITE	
09	**MTL-09** LIGHT ALUMINUM WINDOW FRAME MARVIN COCONUT CREAM	
10	**MTL-10** GOLDEN ACCENTS PRISMATIC POWDERS SATIN POLY GOLD	

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ktgy Project Number GDC01

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Principal Jessica Musick
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Developer

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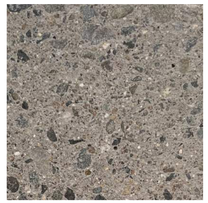
NORTH EXTERIOR ELEVATION

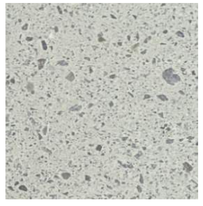
A204

MTL-01
DARK BROWN CONCRETE
CLARK PACIFIC
05-13 LIGHT

MTL-02
LIGHT BROWN CONCRETE
CLARK PACIFIC
05-01 MEDIUM



MTL-03
LIGHT CONCRETE
CLARK PACIFIC
06-01 LIGHT



MTL-04
TERRACE ACCENT
SHERWIN WILLIAMS
SW 7644 GATEWAY GRAY

MTL-05
DARK WINDOW FRAME
ARCADIA
AB-STD DARK BRONZE

MTL-06
HPL WOOD PANEL
PARKLEX PRODEMA
RUSTIK / NATURCLAD-W

MTL-07
STONE LOOK /
FIBER CEMENT PANEL

MTL-08
LIGHT BEIGE STUCCO
SHERWIN WILLIAMS
SW 6147 PANDA WHITE

MTL-09
LIGHT WINDOW FRAME
MARVIN
COCONUT CREAM

MTL-10
GOLDEN ACCENTS
PRISMATIC POWDERS
SATIN POLY GOLD

EXTERIOR ELEVATION MATERIALS ENLARGED
NOT TO SCALE

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Principal	Jessica Musick
Designer	

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EXTERIOR ELEVATION MATERIALS

A205

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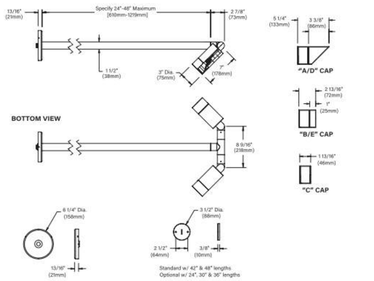
EXT-F3
LED BLADE SIGN
BK - DENALI TWIN STAR

DENALI - TWIN SIGN STAR STYLE "C" LED (INTEGRAL) — IP66 RATED

DATE | PROJECT | TYPE

SIDE VIEW



STANDARD FINISHES

Satin Black (BLP) | Satin Bronze (BZP) | Satin White (WHP) | Satin Aluminum (SAP)
Black Wrinkle (BLW) | Bronze Wrinkle (BZW) | White Wrinkle (WHW) | Verde (VER)

PREMIUM FINISHES

Cascade Mtn. Granite (CMG) | Rocky Mtn. Granite (RMG) | Sierra Mtn. Granite (SMG) | Aleutian Mtn. Granite (AMG) | Textured Forest (TXF)
Black Chrome (BCM) | Beige (BGE) | Weathered Copper (WCP) | Old Copper (OCP) | Hunter Green (HUG)
Cracked Ice (CRI) | Mojave Desert Sandstone (MDS) | Antique Brass Powder (ABP) | Brown Patina Powder (BPP) | Sonoran Desert Sandstone (SDS)
Weathered Iron (WIR) | Clear Anodized Powder (CAP) | Cream (CRM) | Antique White (AQW) | Natural Brass Powder (NBP)

Click Here to view larger, full-color swatches of all available finishes on our website.

B-K LIGHTING | MADE IN THE USA | 559.438.5800 | INFO@BKLIGHTING.COM | BKLIGHTING.COM

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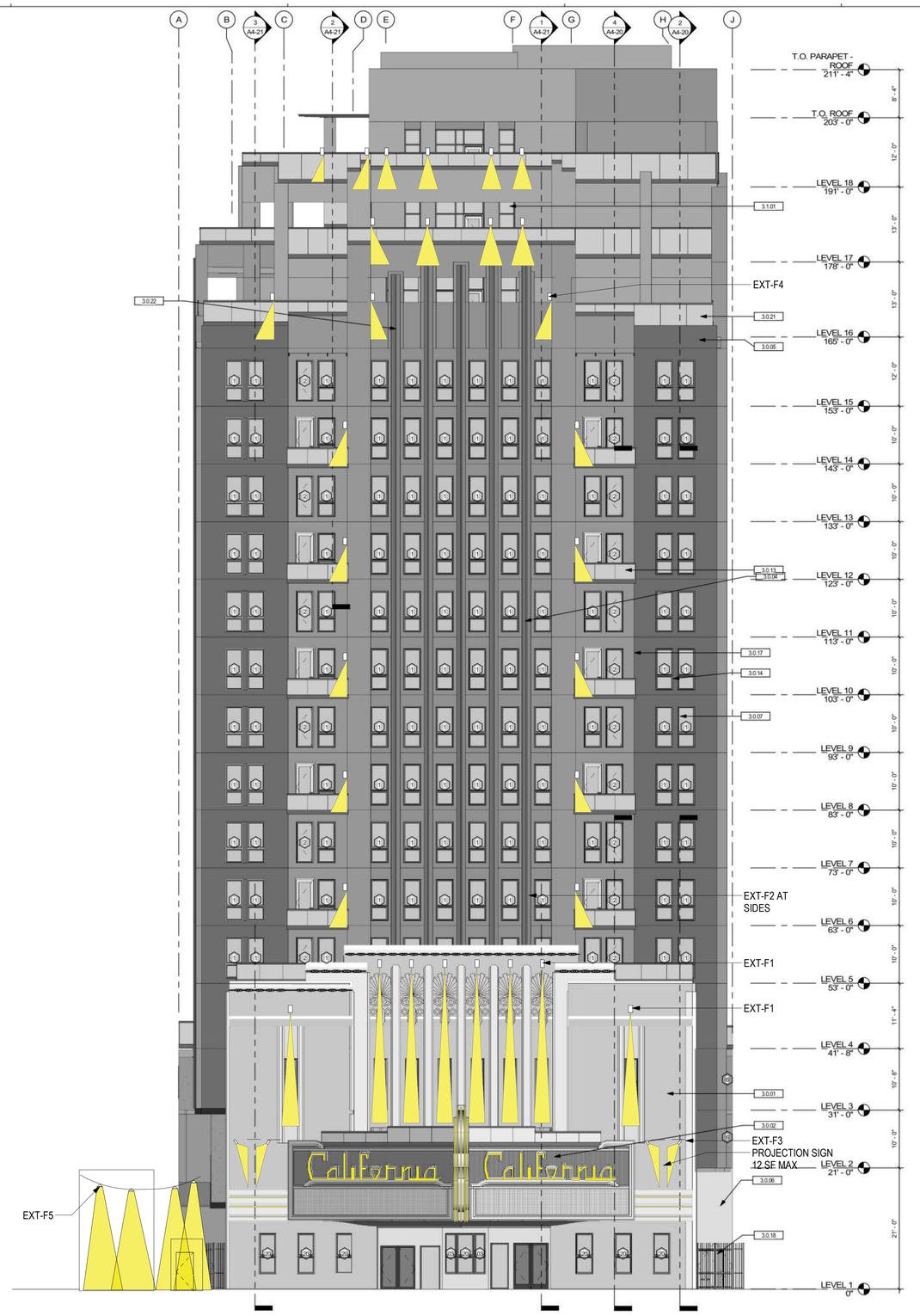
DW-7/26/2023 DWG-1380
SUB-2834-00



EXT-F1
NARROW BEAM WALL WASH
WAC DS-WSOF-U27B-WT

9/22/22, 2:06 PM — Ultra Narrow Beam Wall Mount | WAC Lighting Co.

Tube Architectural - Ultra Narrow Beam Wall Mount
High performance facade LED wall mount light

- IP65 rated, ETL & cETL wet location listed
- Solid aluminum construction
- Universal driver (120V-220V-277V)
- **Power:** 11W
  Delivered Lumens: Up to 155
  CRI: 85
  Dimming : (0-10V) 100% - 20%, (ELV) 100%-10%
  Rated Life : 80,000 hours

Finishes

BK | BZ | GH | WT

Where to buy?

Distribution	Model	Beam	Color Temp	CRI	Light Direction	Finish	Order Number
Single	**DS-WS05** 5", 11W	**U** 6°	**27** 2700K	85	**B** Towards the wall	**BK** - Black	DS-WS05-U27B-BK
	DS-WS06 6", 11W		**30** 3000K	85		**WT** - White	Add to Wish List
			35 3500K	85		**BZ** - Bronze	
			40 4000K	85		**GH** - Graphite	
Double	**DS-WD05** Double, 5", 11x2W	**U** 6°	**27** 2700K	85	**B** Towards the wall	**BK** - Black	DS-WD05-U27B-BK
	DS-WD06 Double, 6", 11x2W		**30** 3000K	85		**WT** - White	Add to Wish List
			35 3500K	85		**BZ** - Bronze	
			40 4000K	85		**GH** - Graphite	

launch.waclighting.com/product/3210 — 1/1

EXT-F2
FLUSH LED LIGHT STRIPS
DIODE LED

diodeled — **NEON BLAZE™** Diffused LED Lighting — Specification Sheet

NEON BLAZE™ 24V
Diffused LED Lighting

Diffused, neon-like LED lighting with top-bending and side-bending options.
Available in static white and colors, and suitable for wet locations (IP65).

Date
Project Notes

FEATURES

- Fully diffused, dotless light
- Top-bending and side-bending options with multiple output levels
- IP65 for wet locations and UV stabilized for outdoor use
- Ideal for coves and other architectural details
- 5 Year limited warranty

ORDERING CODES
Order spools, and components for field assembly

Diode LED	Voltage	Form	Model	CCT	Length
EX					

OPTIONAL ORDERING CODES
Mounting, drivers, and assembly preference

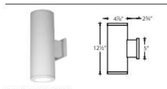
Channels	Finish	Mounting	Driver	Delivery

Model	24V-SE-NBL1	24V-SE-NBL2	24V-SE-NBL4	24V-TE-NBL1	24V-TE-NBL2	24V-TE-NBL4
Voltage	24V	24V	24V	24V	24V	24V
Wattage	1.22 W/ft.	2.44 W/ft.	4.4 W/ft.	1.22 W/ft.	2.44 W/ft.	4.4 W/ft.
2700K	650%	1540%	2390%	460%	1020%	1860%
3000K	650%	1460%	1980%	910%	2190%	2370%
3500K	460%	1310%	1940%	460%	1010%	2160%
4200K	-	1350%	-	-	-	-
Lumens 4000K	580%	1560%	1710%	860%	1450%	3350%
Amber	60%	120%	180%	-	350%	370%
Blue	350%	810%	840%	310%	1070%	1660%
Green	350%	-	750%	860%	1460%	1910%
Pink	110%	620%	630%	280%	860%	1450%
Red	110%	250%	340%	310%	850%	840%
CLO Points	2 in.	2 in.	2 in.	2 in.	2 in.	2 in.
Max Run (ft.)	49 ft.	32 ft.	16 ft.	49 ft.	32 ft.	16 ft.
CRI	80+	80+	80+	80+	80+	80+
Dimensions	0.27 in. x 0.75 in. x ∞ (W x H x L)	0.27 in. x 0.75 in. x ∞ (W x H x L)	0.27 in. x 0.75 in. x ∞ (W x H x L)	0.65 in. x 0.53 in. x ∞ (W x H x L)	0.65 in. x 0.53 in. x ∞ (W x H x L)	0.65 in. x 0.53 in. x ∞ (W x H x L)
Environment	Outdoor / Wet Location (IP65)	Outdoor / Wet Location (IP65)	Outdoor / Wet Location (IP65)	Outdoor / Wet Location (IP65)	Outdoor / Wet Location (IP65)	Outdoor / Wet Location (IP65)
Ambient Temperature	-4 ~ 122°F (-20 ~ 50°C)	-4 ~ 122°F (-20 ~ 50°C)	-4 ~ 122°F (-20 ~ 50°C)	-4 ~ 122°F (-20 ~ 50°C)	-4 ~ 122°F (-20 ~ 50°C)	-4 ~ 122°F (-20 ~ 50°C)
Operating Temperature	-4 ~ 176°F (-20 ~ 80°C)	-4 ~ 176°F (-20 ~ 80°C)	-4 ~ 176°F (-20 ~ 80°C)	-4 ~ 176°F (-20 ~ 80°C)	-4 ~ 176°F (-20 ~ 80°C)	-4 ~ 176°F (-20 ~ 80°C)
Certification	UL Listed 2108	UL Listed 2108	UL Listed 2108	UL Listed 2108	UL Listed 2108	UL Listed 2108
Warranty	5 Year	5 Year	5 Year	5 Year	5 Year	5 Year

Specification Sheet | NEON BLAZE™ Diffused LED Lighting | SS082022 | V3.1
1 of 8

EXT-F4
ROOF DECK (TRELLIS POST & WALL MOUNT)
WAC - TUBE 5"

TUBE ARCHITECTURAL DS-WE05 — WAC LIGHTING
LED Wall Mounts



Fixture Type:
Catalog Number:
Project:
Location:

PRODUCT DESCRIPTION
The latest energy efficient LED technology in an appealing cylindrical profile delivers accent and wall-wash lighting. Comes in various light distribution and beam angle options.

FEATURES
- Single light extended body high-performance exterior rated LED wall mount
- Fixture can install upside down to alter light distribution
- Solid aluminum construction
- 5 year warranty

SPECIFICATIONS
Input: Universal voltage 120V - 277VAC, 50/60Hz
Dimming: Electronic low voltage (ELV): 100% - 5%
0-10V: 100% - 1%
Light Source: High output 3 Step Mac Adam Ellipse COB
Rated life of 60,000 hours at L70
Finish: Electrostatically powder coated, white, black, bronze and graphite
Standards: IP65 rated, ETL & cETL wet location listed,
Energy Star® 2.2 rated. Title 24 JA8-2016 Compliant
Operating Temp: 13°F to 122°F (-25°C to 50°C)

ORDERING NUMBER

Diameter	Watt	Beam Angle	Color Temp	CRI	Reference Output Lumens	Efficacy CBCP	lm/w	Light Distribution	Finish
DS-WE05 / DS-WE0517	5" 25W / 5" 17W	S 16° Straight up or down	927 2700K	90	1825	10050	73		BK Black
			927S 2700K	85	2180	12057	88		WT White
			930S 3000K	90	1895	10427	76		BZ Bronze
			30S 3000K	85	2300	12644	92		GH Graphite
			35S 3500K	85	2350	12937	94		
			40S 4000K	85	2375	13062	95		
		N 25° Straight up or down	927S 2700K	90	1850	5280	72		
			27S 2700K	85	2170	6335	87		
			930S 3000K	90	1880	5478	75		
			30S 3000K	85	2275	6643	91		
			35S 3500K	85	2330	6797	93		
			40S 4000K	85	2350	6863	94		
		F Straight up or down	927S 2700K	90	1900	4515	76		
			27S 2700K	85	2280	5417	91		
			930S 3000K	90	1970	4685	79		
			30S 3000K	85	2290	5681	90		
			35S 3500K	85	2445	5812	98		
			40S 4000K	85	2470	5870	99		
		F Away from the wall N/A	927A 2700K	90	2000	N/A	80		
			27A 2700K	85	2400		96		
			930A 3000K	90	2075		83		
			30A 3000K	85	2520		101		
			35A 3500K	85	2575		103		
			40A 4000K	85	2600		104		
		F Towards the wall N/A	927B 2700K	90	2000	N/A	80		
			27B 2700K	85	2400		96		
			930B 3000K	90	2075		83		
			30B 3000K	85	2520		101		
			35B 3500K	85	2575		103		
			40B 4000K	85	2600		104		

DS-WE05-_____-_____ *Reference output shows 25W output. Multiply by 0.7 to determine output for 17W combinations.

Example: **DS-WE05-F930A-WT**

waclighting.com
Phone (800) 526.2588
Fax (800) 526.2585

Headquarters/Eastern Distribution Center
44 Harbor Park Drive
Port Washington, NY 11050

Central Distribution Center
1600 Distribution Ct
Lithia Springs, GA 30122

Western Distribution Center
1750 Archibald Avenue
Ontario, CA 91760

WAC Lighting retains the right to modify the design of our products at any time as part of the company's continuous improvement program. Sept 2019

SOUTH ELEVATION | 1/8" = 1'-0" | 1

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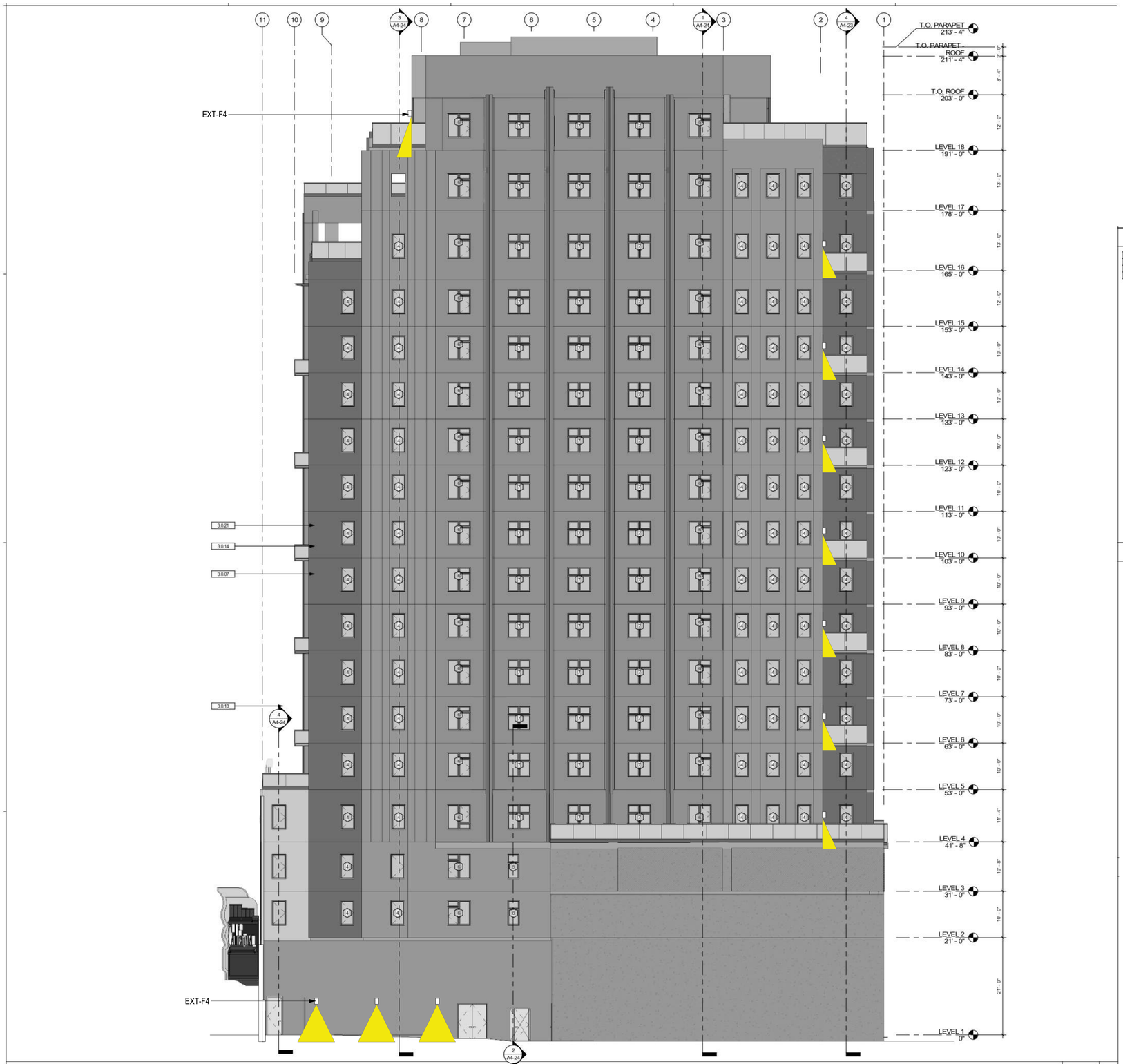
SOUTH FACADE
LIGHTING & SIGNAGE

A211



EAST ELEVATION 1/8" = 1'-0" 1

KEYNOTES

3.0.07	CONCRETE COLUMN
3.0.13	GLASS GUARDRAIL WITH METAL CAP, SEE DETAIL X/XX
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL X/XX
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL X/XX

FINISH LEGEND

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EAST FACADE LIGHTING & SIGNAGE

A212

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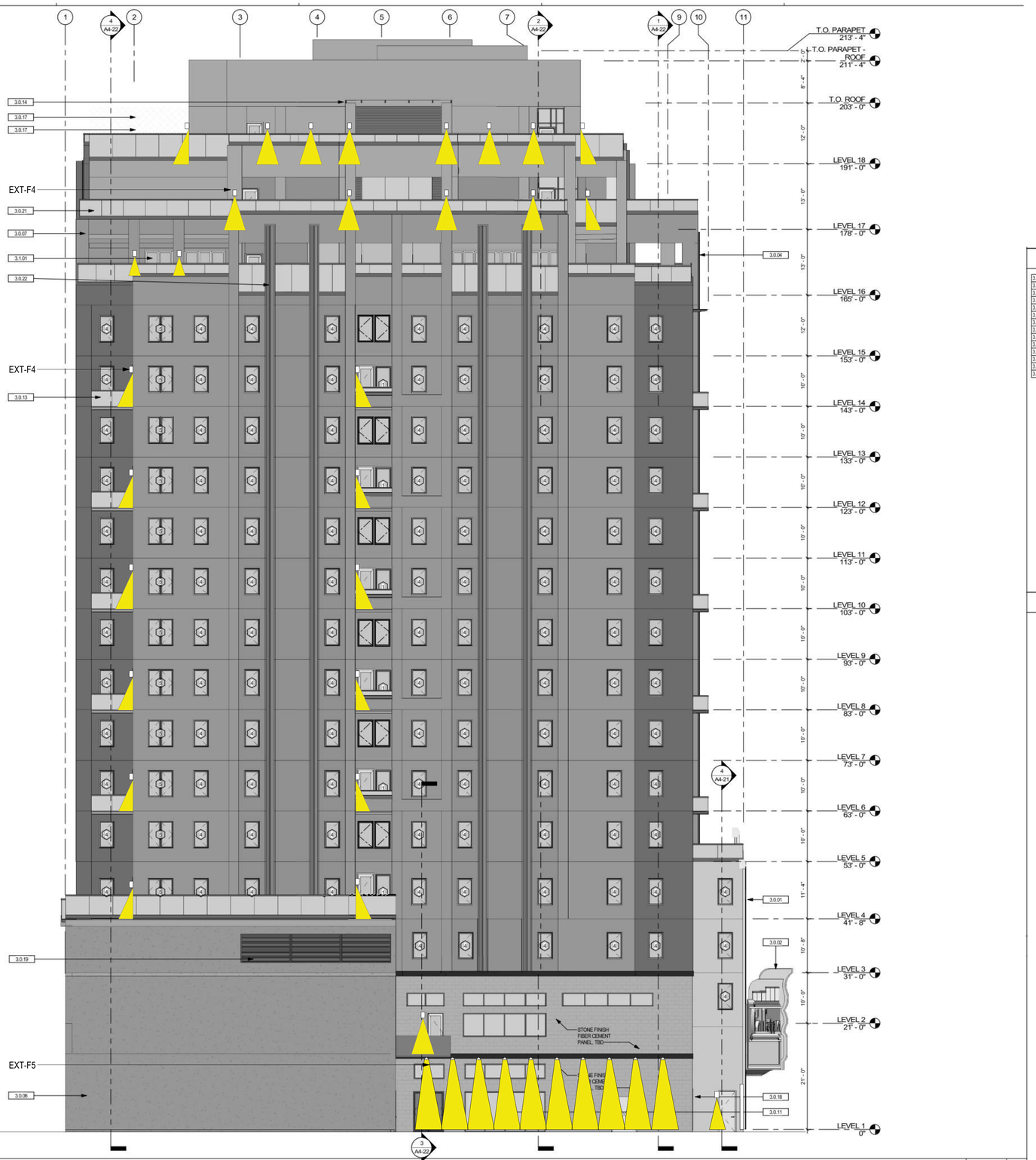


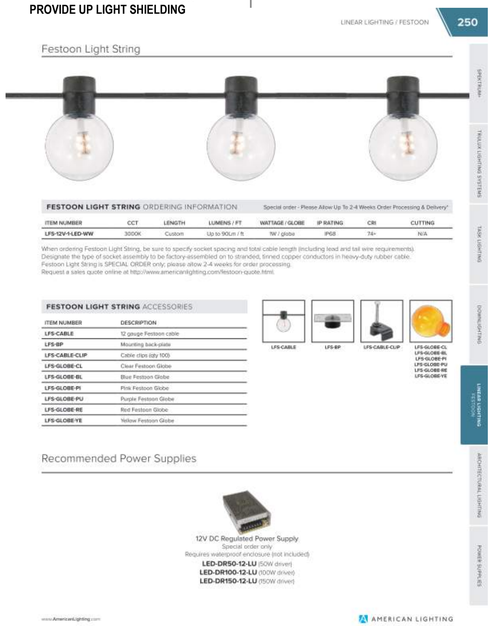
WEST ELEVATION 1/8" = 1'-0" 1

KEYNOTES

3.0.01	HISTORIC FACADE TO REMAIN
3.0.02	HISTORIC MARQUE TO REMAIN
3.0.04	RAISED FLUTING INCOPERATED INTO CONCRETE FACADE SYSTEM
3.0.06	CONCRETE WALL
3.0.07	CONCRETE COLUMN
3.0.11	OVERHEAD GLASS DOOR, SEE DOOR SCHEDULE
3.0.13	GLASS GUARDRAIL WITH METAL CAP, SEE DETAIL X/XX
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL X/XX
3.0.17	SURFACE MOUNTED DECORATIVE METAL LATTICE (DESIGN PENDING), SEE DETAIL X/XX
3.0.18	METAL FENCE & DOUBLE GATE WITH EGRESS HARDWARE, SEE DETAIL X/XX
3.0.19	METAL LOUVER, SEE MECHANICAL DRAWINGS
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL X/XX
3.0.22	FACTORY INSTALLED PROFILE WITH LED LIGHT COVE ON BOTH SIDES, TYP.
3.1.01	ALUMINUM STOREFRONT & GLAZING SYSTEM

FINISH LEGEND

EXT-F5
LED FESTOON / STRING LIGHTING @ COURTYARD
AMERICAL LIGHTING - FESTOON
PROVIDE UP LIGHT SHIELDING



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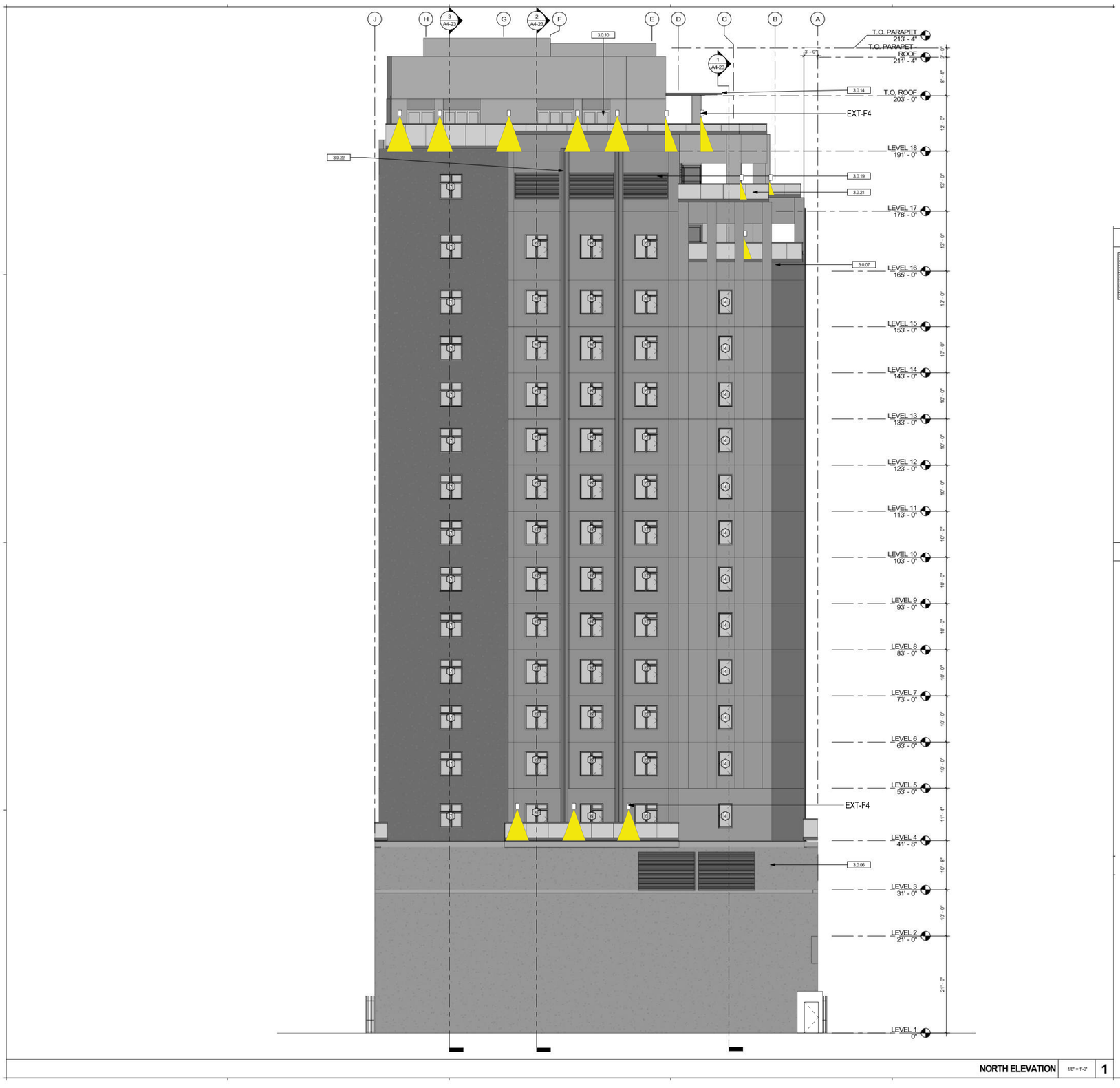
NOT FOR CONSTRUCTION

WEST FACADE LIGHTING & SIGNAGE

A213



NORTH ELEVATION 1/8" = 1'-0" 1

KEYNOTES

3.0.06	CONCRETE WALL
3.0.07	CONCRETE COLUMN
3.0.10	FOLDING GLASS WALL, SEE DOOR SCHEDULE
3.0.14	METAL AWNING AND GLASS CANOPY, SEE DETAIL X/XX
3.0.19	METAL LOUVER, SEE MECHANICAL DRAWINGS
3.0.21	FALL PROTECTION GUARDRAIL @ 6'-0", SEE DETAIL X/XX
3.0.22	FACTORY INSTALLED PROFILE WITH LED LIGHT COVE ON BOTH SIDES, TYP.

FINISH LEGEND

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2115 KITTREDGE ST

2115 KITTREDGE ST
BERKELEY, CA

No.	DATE	DESCRIPTION
	9/26/2023	LPC RESUBMITTAL
	11/08/2023	ZAB SUBMITTAL

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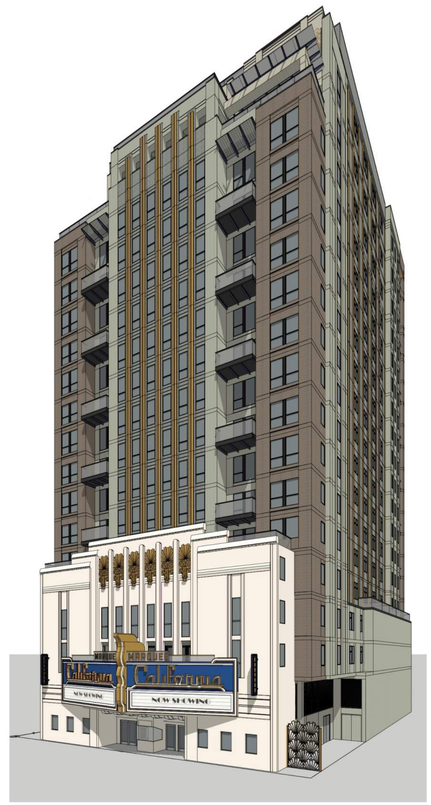
NOT FOR CONSTRUCTION

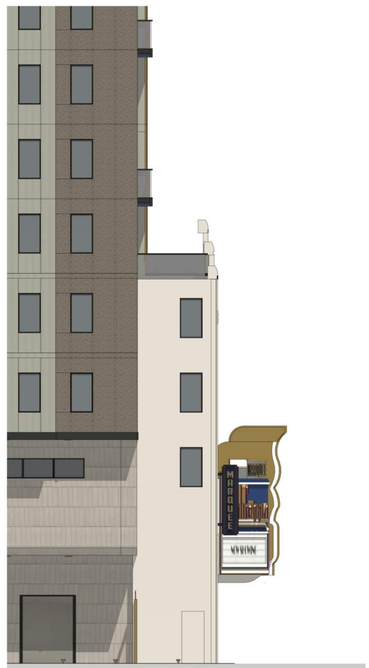
NORTH FACADE
LIGHTING SIGNAGE

A214

1 Partial Illustrated View
Scale: NTS



2 Illustrated View
Scale: NTS



1 Side View
Scale: 1" = 10' (1:120)
@tabloid

2 Front View
Scale: 1" = 10' (1:120)
@tabloid

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2115 KITTREDGE ST
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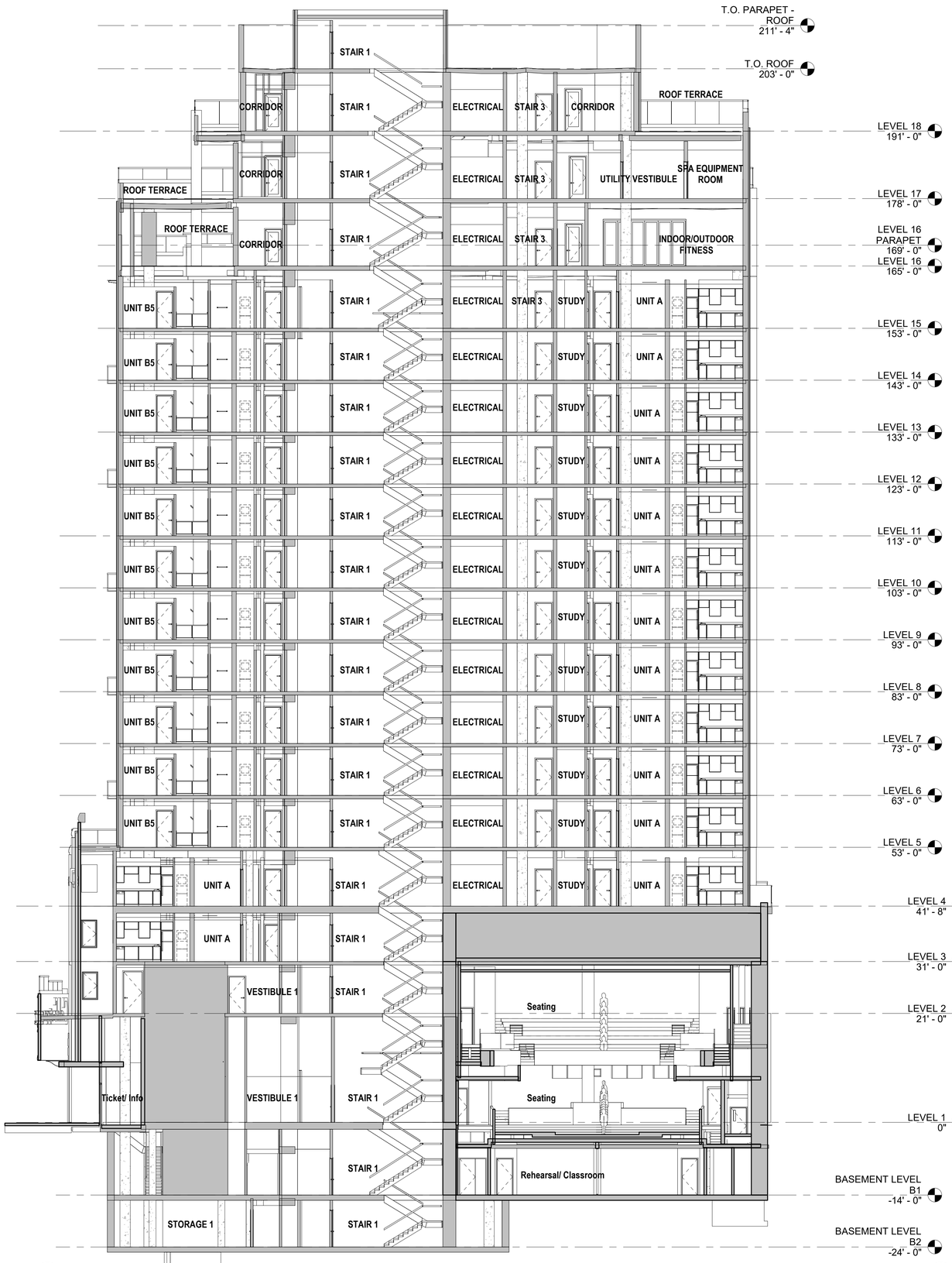
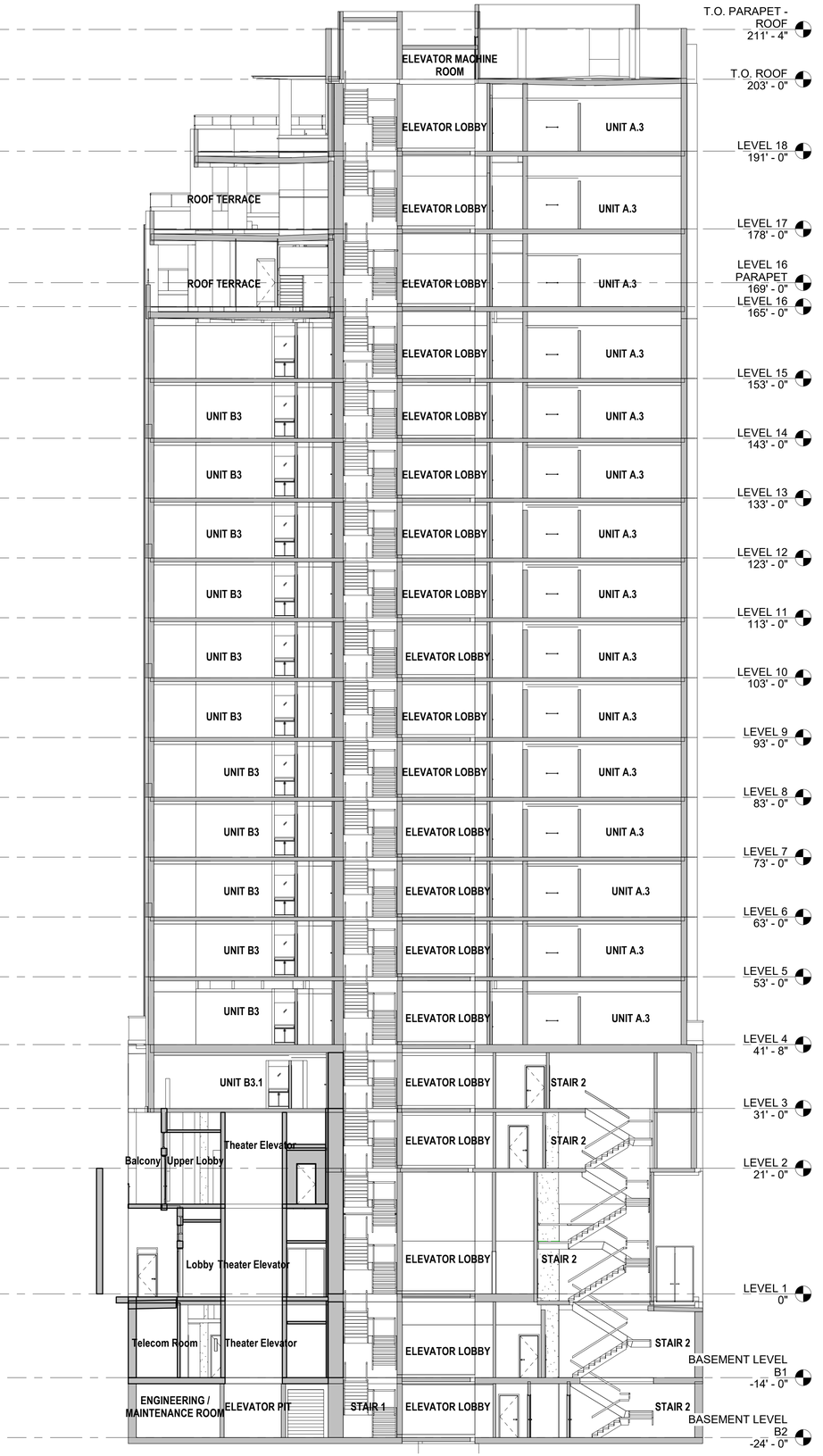
SOUTH FACADE SIGNAGE

A215



2 A310 N-S SECTION
3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



1 A310 E-W SECTION
3/32" = 1'-0"

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NOT FOR CONSTRUCTION

BUILDING SECTIONS

A310

ORIGINAL

CITY OF BERKELEY - CITY CLERK
2024 FEB 5 PM2:04

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DANIEL L. CARDOZO

February 5, 2024

Via Email and Hand Delivery
Mayor Jesse Arreguín
Members: Rashi Kesarwani, Terry Taplin, Ben Bartlett, Kate Harrison, Sophie Hahn, Susan Wengraf, Mark Humbert
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Re: Appeal to City Council re 2113-15 Kittredge Street (Use Permit #ZP2022-0144)

Dear Mayor Arreguín, Members: Kesarwani, Taplin, Bartlett, Harrison, Hahn, Wengraf, Humbert and Mr. Numainville:

We are writing on behalf of East Bay Residents for Responsible Development ("East Bay Residents" or "Residents") to appeal the Zoning Adjustment Board's ("ZAB") January 11, 2024 approval of the 2113-15 Kittredge Street Project (Use Permit #ZP2022-0144; APN057-2030-009) ("Project").[1] Residents submitted comments to the ZAB ahead of the January 11, 2024 hearing on the Project.[2] The

[1] **Exhibit A:** City of Berkeley, Zoning Adjustments Board Notice of Decision, 2113-2115 Kittredge Street Use Permit #ZP2022-0144 (Date of Board Decision: January 11, 2024, Date Notice Mailed): January 22, 2024, Appeal Period Expiration: February 5, 2024, Effective Date of Permit (Barring Appeal or Certification: February 6, 2024)), (hereinafter "Notice of Decision").
[2] **Exhibit B**: Letter from ABJC to ZAB re *Agenda Item No. 4: 2113-15 Kittredge Street Project (Use Permit #ZP2022-0144)* (Jan. 11, 2024).

printed on recycled paper

Project is proposed by Christian Cerria and 2115 Kittredge Street LLC (collectively "Applicant"). The Applicant requested Use Permits from the City of Berkeley ("City") to demolish the commercial building on the landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space with 355 seats, a full stage and backstage, fly area, and practice support spaces. Construction is proposed to take place for 37 months from September 2024 until October 2027. The Project is within 1,000 feet of Berkeley High School within the C-DMU Core Sub-Area and the Downtown General Plan Designation.[3]

This appeal is timely filed within 14 days of the City's January 22, 2024 mailing of the Notice of Decision of the ZAB decision, pursuant to Berkeley Municipal Code ("BMC" or "Municipal Code") Section 23.410-1. This Appeal is taken from the following ZAB actions, and is accompanied by payment of the required appeal fee of $1500:

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building.
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development.
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.204.020(A) to construct a theater (live).
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more.
- Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right).
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district.
- Use Permit under BMC Section 23.04.130(E)(3)(b) to modify side and rear setback requirements.
- Use Permit under BMC Section 23.310.020(B) to commence alcoholic beverage service of distilled spirits.

---

[3] City of Berkeley, Zoning Adjustments Board, Staff Report for Board Action (January 11, 2024) (Item #4 ZAB 2024-01-11) 2113-15 Kittredge Street Use Permit #ZP2022-0144. Available at https://berkeleyca.gov/sites/default/files/documents/2024-01-11_ZAB_Item%204_2113-15%20Kittredge_Staff%20Report%20and%20Attachments.pdf ("Staff Report").

- Use Permit under BMC Section 23.310.030(A) for alcoholic beverage service, including distilled spirits when incidental to a food service.
- Administrative Use Permit under BMC Section 23.302.020(E)(4) to allow outdoor uses in a commercial district not abutting a residential district.
- Determination that the Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects") of the CEQA Guidelines.[4]

This Appeal was prepared with the assistance of air quality and hazardous materials experts Matt Hagemann, P.G., C.Hg and Paul E. Rosenfeld, Ph.D. of Soil Water Air Protection Enterprises ("SWAPE"), whose comments are included in the SWAPE Comments ("SWAPE Comments"). The SWAPE Comments and Mr. Hagemann's and Dr. Rosenfeld's expert curriculum vitae ("CV") are attached hereto as **Exhibit C.**

I. SUMMARY OF REASONS FOR APPEAL

Residents appeal the ZAB's actions pursuant to BMC Sections 23.410.030 and 23.406.040(E) on the grounds that:

1) **The Project may result in significant effects on air quality, public health, hazardous materials/water quality, historic resources and GHG emissions, rendering CEQA exemptions inapplicable and requiring preparation of an environmental impact report ("EIR");**
2) **The City lacks substantial evidence to demonstrate that the environmental effects of the Project are less than significant to support reliance on CEQA Exemptions;**
3) **The Project violates CEQA and the Climate Action Plan for failure to quantify the Project's operational greenhouse gas emissions;**
4) **The City has not demonstrated that the Project is consistent with General Plan policies to promote the welfare of local workers and sustainable economic development.**

[4] Notice of Determination, p. 1-2 of 5.

For the reasons explained herein and in Residents' January 11, 2024 comments to the ZAB[5], the City has not made, and cannot make, the necessary findings to support approval of the Project's Conditional Use Permits or exempt the Project from environmental review under CEQA. The City Council should uphold this appeal and remand the Project to Staff to prepare a legally adequate environmental impact report ("EIR") to remedy the deficiencies detailed herein and to adequately analyze and mitigate the Project's potentially significant environmental impacts before the Project can lawfully be approved.

First, the ZAB's reliance on CEQA exemptions for Project approval was inconsistent with law and unsupported because substantial evidence demonstrates that the Project may result in significant environmental impacts requiring mitigation. If an activity may have a significant effect on the environment, the activity is not categorically exempt from CEQA.[6] Mitigated categorical exemptions are also prohibited by CEQA.[7] "If a project may have a significant effect on the environment, CEQA review must occur and only then are mitigation measures relevant... Mitigation measures may support a negative declaration but not a categorical exemption."[8]

There is substantial evidence demonstrating that the Project's air quality and health risk impacts are significant and require mitigation. The City did not prepare a health risk assessment to quantify the Project's air quality and health risk impacts, in violation of CEQA.[9] Resident's air quality and hazardous materials expert SWAPE conducted a health risk assessment demonstrating significant air quality and health risk impacts.[10] SWAPE's quantitative health risk assessment found that the Project results in an excess cancer risk over the course of a residential lifetime (30 years) of approximately 107 in one million.[11] The infant and lifetime cancer risks exceed the BAAQMD threshold of 10 in one million, resulting in a significant environmental impact.[12]

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[5] See Exhibit B: Letter from ABJC to ZAB re *Agenda Item No. 4: 2113-15 Kittredge Street Project (Use Permit #ZP2022-0144)* (Jan. 11, 2024).
[6] Pub. Res. Code §§ 21080(b)(9); 21084(a); *Salmon Pro. & Watershed Network v. County of Marin ("SPAWN")* (2004) 125 Cal.App.4th.
[7] *SPAWN*, 125 Cal.App.4th at 1102; *Azusa Land Recl. Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App.4th 1165, 1198-1201.
[8] Salmon Protection & Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098, 1102 ("SPAWN").
[9] *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 518–522 (CEQA requires an analysis of human health impacts).
[10] SWAPE Comments, p. 9-10.
[11] *Id.*
[12] SWAPE Comments, p. 9-10; *Comtys. for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 (when impact exceeds significance threshold, agency must disclose in CEQA

Substantial evidence also demonstrates that the Project site has potentially significant impacts from soil contamination that exceed health-based residential environmental screening levels ("ESL") and hazardous waste screening criteria, resulting in a significant impact which precludes reliance on a categorical exemption.[13] Project-specific mitigation is required to clean the contamination to safe levels before the Project can proceed and staff have included the mitigation as a condition of approval, demonstrating that the Project is not exempt from CEQA.[14]

Additionally, the Project results in a substantial adverse change in the significance of the historic resource of the California Theatre, rendering an exemption inapplicable.[15] The measures required by the Landmarks Preservation Commission "that ensure restoration and rehabilitation of the retained portion of the historic structure, as well as documentation and salvage of the property in its current form" constitute mitigation measures under CEQA.[16]

Finally, the ZAB failed to require the Project to demonstrate consistency with City planning documents, including the City's Climate Action Plan, which requires an analysis of the Project's greenhouse gas emissions, the Downtown Area Plan and the General Plan's Economic Development and Employment ("ED") Element, which includes City policies to increase social and economic equity in land use decisions through community and workforce benefits, such as the use of a local skilled and trained workforce.

The Municipal Code prohibits the City from approving a use permit if the project is "detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed

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document that impact is significant); *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960; *CBE v. SCAQMD*, 48 Cal.4th at 327 (impact is significant because exceeds "established significance threshold for NOx ... constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact").

[13] Staff Report, p. 9; Summary of Phase II Subsurface Investigation, Downtown Berkeley Adaptive Reuse Project, 2115 Kittredge Street in Berkeley, California (November 8, 2022), p. 6 of 9. Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5291501700/2023-03_ltr-rpt-PhII%20Investigation-0424-002-001-Final.pdf.(hereinafter "Phase II Subsurface Investigation").

[14] *Id.*

[15] 14 CCR § 14300.2(f) ("[a] categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.").

[16] City of Berkeley Landmarks Preservation Commission Staff Report, 2113 Kittredge Street – California Theater (Oct. 5, 2023), p. 8 of 10. Available at: https://berkeleyca.gov/sites/default/files/documents/2023-10-05_LPC_Item%207_2113-2115%20Kittredge_Combined%20Staff%20Report%20and%20Attachments_2.pdf

use.....or to the general welfare of the City."[17] The Housing Accountability Act also authorizes disapproval of a housing project where the project has a specific, adverse unmitigated impact upon public health or safety,[18] or is inconsistent with the general plan or zoning ordinance in jurisdictions with a current Housing Element,[19] and requires projects to comply with CEQA.[20] The Project's significant environmental impacts with respect to health risk, hazards, and historical resources demonstrate a failure to comply with CEQA and result in a public detriment to the health, safety, comfort and general welfare of the community surrounding the Project. Moreover, the Project's failure to demonstrate consistency with the CAP, Downtown Area Plan and General Plan results in additional public detriment.

In order to approve a Project under CEQA categorical exemptions, the City must demonstrate based on substantial evidence that the Project does not result in significant environmental impacts.[21] The City failed to meet that standard here, because there are several impact areas in which Residents' experts provided substantial evidence of significant impacts, or in which the record contains no evidence to support the City's reliance on the proposed Class 31 or Class 32 exemptions.

For these reasons stated herein, the Project fails to qualify for CEQA exemptions and the ZAB's decision to approve the Project was contrary to law.

II. REQUESTED ACTION ON APPEAL

The City Council should reverse the decision of the ZAB, vacate the Project approvals, and remand the Project to staff to prepare a legally adequate EIR. The City Council may take action on the subject of an appeal or any aspect of an appealed project (de novo review) pursuant to BMC Section 23.410.040(E)(1).[22] The Municipal Code grants the City Council the authority to:

- Modify, reverse, or affirm, wholly or partly, any decision, determination, condition or requirement of the prior review authority; or

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[17] BMC § 23.406.040(E)(1)(a), (b).
[18] Gov. Code § 65589.5(d)(2).
[19] Gov. Code § 65589.5(d)(5).
[20] Gov. Code § 65589.5(e).
[21] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.
[22] Berkeley Municipal Code ("BMC") Section 23.410.040(E)(1).

- For appeals to the City Council, remand the matter to the prior review authority to reconsider the application, and/or any revisions to the application submitted after the review authority's action.[23]

Additionally, the Council should remand the Project to Staff to confer with the Applicant about including voluntary conditions in the Project which implement workforce standards that satisfy zoning code, General Plan and Downtown Area Plan requirements. The conditions should include public benefits such as apprenticeship opportunities, local hire provisions, and healthcare, which promote the general welfare. Such conditions would be consistent with the Municipal Code and would ensure compliance with the General Plan and Downtown Are Plan.

III. STATEMENT OF INTEREST

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

The individual members of Residents live, work, and raise their families in the Berkeley and Alameda County. They would be directly affected by the Project and its impacts. The organizational members of Residents also have an interest in enforcing public interest, health and safety, labor and environmental laws that encourage sustainable development and ensure a safe working environment for its members. Residents' members are also concerned about projects that are built without providing opportunities to improve the recruitment, training, and retention of skilled workforces.

IV. THE ZAB'S RELIANCE ON CEQA EXEMPTIONS WAS CONTRARY TO LAW AND UNSUPPORTED BECAUSE THE PROJECT RESULTS IN SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH REQUIRE MITIGATION

In approving the Project, the ZAB improperly relied on categorical exemptions pursuant to Section 15331 ("Historical Resource Restoration / Rehabilitation") and Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

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[23] *Id.* at 23.140.040(G).

In order to rely on a categorical exemption, the City must determine, based on substantial evidence, that approval of the Project would not result in any significant effects on the environment.[24] Exemptions must be narrowly construed and are not to be expanded beyond the scope of their plain language.[25] An agency may not rely on a categorical exemption if mitigation measures would be necessary to reduce potentially significant effects to less than significant levels.[26] "'An agency should decide whether a project is eligible for a categorical exemption *as part of its preliminary review of the project'* without reference to or reliance upon any proposed mitigation measures."[27] If an activity may have a significant effect on the environment, the activity is not exempt from CEQA, CEQA review must occur, and only then are mitigation measures relevant.[28] The ZAB failed to comply with CEQA by approving the Project in reliance on unsupported exemptions.

A. The Project May Result in Significant Air Quality and Health Risk Impacts Requiring Mitigation

CEQA requires that an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.[29] Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact."[30] A significant environmental impact is defined as a substantial or potentially substantial adverse change in the environment.[31] The environment refers to the physical conditions "existing within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance."[32]

Substantial evidence, as detailed herein and in the SWAPE Comments' health risk assessment, demonstrates that the Project may result in significant air quality and health risk impacts requiring preparation of an EIR to adequately analyze and mitigate such impacts before the Project can lawfully be approved.

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[24] Pub. Res. Code §§ 21080(b)(9); 21084(a); *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269 (lead agency must provide "substantial evidence to support [their] finding that the Project will not have a significant effect.")
[25] *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257.
[26] *SPAWN,* 125 Cal.App.4th at 1102; *Azusa Land Recl. Co.,* 52 Cal. App.4th at 1198-1201.
[27] *Id.* at 1106 (internal citations omitted) (emphasis added).
[28] *SPAWN,* 125 Cal.App.4th at 1107.
[29] PRC § 21151; 14 CCR § 15064(f); *Citizens for Responsible Equitable Envt'l Dev. v. City of Chula Vista* ("*CREED*") (2011) 197 Cal.App.4th 327, 330-31; *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319 ("*CBE v. SCAQMD*").
[30] PRC § 21080(e)(1) (emphasis added); *CREED,* 197 Cal.App.4th at 331.
[31] PRC §§ 21068, 21100(d); 14 CCR § 15382.
[32] PRC § 21060.5.

i. Residents' Expert Health Risk Assessment Found Significant Health Risk Impacts from Project Construction Emissions

Construction of the Project over 37 months or 1,125-days will result in a significant health risk impact requiring mitigation. Residents' air quality expert SWAPE conducted a quantitative health risk assessment, using the emissions data provided by the City, which found significant cancer risks associated with Project construction. Specifically, SWAPE's health risk assessment determined that the Project will result in an excess cancer risk of 102 in one million for infants (0-2). The excess cancer risk over the course of a residential lifetime of 30 years is 107 in one million. The excess cancer risk for children (2-16) exceeds the BAAQMD threshold of 10 in one million. The cancer risk associated with Project construction exceeds BAAQMD threshold of 10 in a million. BAAQMD's 2022 CEQA Guidelines also states that "An excess cancer risk level of more than 10 in a million" results in a cumulatively considerable impact under CEQA.[33] Here, the Project results in a significant air quality and health risk impact for an exceedance of BAAQMD thresholds. If an impact exceeds an established significance threshold, it constitutes a significant impact requiring disclosure and mitigation in a CEQA document.[34]

CEQA requires that an EIR must be prepared, whenever it can be fairly argued on the basis of substantial evidence that the project may have a significant environmental impact.[35] Substantial evidence includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact."[36] Here, substantial evidence from Resident's experts' health risk assessment supports the determination that the Project results in significant air quality and health risk impacts requiring preparation of an EIR before the Project can lawfully be approved.

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[33] Bay Area Air Quality Management District 2022 CEQA Guidelines, p. 5-13. Available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-5-project-air-quality-impacts_final-pdf.pdf?rev=de582fe349e545989239cbbc0d62c37a&sc_lang=en.

[34] *Comtys. for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 (when impact exceeds significance threshold, agency must disclose in EIR that impact is significant); *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960; *CBE v. SCAQMD*, 48 Cal.4th at 327 (impact is significant because exceeds "established significance threshold for NOx ... constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact").

[35] PRC § 21151; 14 CCR § 15064(f); *Citizens for Responsible Equitable Envt'l Dev. v. City of Chula Vista* ("*CREED*") (2011) 197 Cal.App.4th 327, 330-31; *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319 ("*CBE v. SCAQMD*").

[36] PRC § 21080(e)(1) (emphasis added); *CREED*, 197 Cal.App.4th at 331.

ii. The City Failed to Conduct a Health Risk Assessment, in violation of CEQA and Regulatory Guidance

CEQA requires an analysis of human health impacts from exposure to a project's air emissions.[37] The City failed to perform an analysis of the Project's health risk resulting from exposure to the Project's construction and operational emissions, in violation of CEQA. The City's reliance on a condition of approval (Condition 40) to mitigate health risk from construction emissions does not excuse the City of the duty to disclose the severity of the Project's health risk when evaluating whether the Project qualifies for a CEQA exemption.

The City's decision to forego an analysis of health risk impacts is also inconsistent with regulatory guidance on evaluating health risk. The California Office of Environmental Health Hazard Assessment ("OEHHA") recommends a formal health risk assessment for construction exposures lasting longer than 2-months, and "[e]xposures from projects lasting more than 6 months should be evaluated for the duration of the project."[38] Here, Project construction will last longer than 37 months, which is significantly longer than the two-month short-term threshold set by OEHHA to trigger the need for a quantitative health risk analysis ("HRA"). Because Project construction will last more than six months, the OEHHA guidance specifies that cancer exposure from Project construction "should be evaluated for the duration of the project."[39] The City failed to conduct an HRA for the duration of the project as recommended by OEHHA.

The ZAB violated CEQA by approving the Project without evaluating health risk for the duration of the Project. An EIR must be prepared which includes a quantitative HRA.

a. The City's Failure to Prepare a Health Risk Analysis Constitutes Impermissibly Deferred Analysis

CEQA requires disclosure of the severity of a project's impacts and the probability of their occurrence *before* a project can be approved.[40] In *Bozung v.*

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[37] *Sierra Club,* 6 Cal.5th at 518–522.
[38] Office of Environmental Health Hazard Assessment (OEHHA), Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, February 2015 (OEHHA 2015), Section 8.2.10: Cancer Risk Evaluation of Short Term Projects, pp. 8-17/18; https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0.
[39] OEHHA 2015 p. 8-18.
[40] 14 CCR §§ 15143, 15162.2(a); *Cal. Build. Indust. Ass'n v. BAAQMD* (2015) 62 Cal.4th 369, 388-90 ("*CBIA v. BAAQMD*") (disturbance of toxic soil contamination at project site is potentially significant

Local Agency Formation Commission ,the Supreme Court upheld "the principle that the environmental impact should be assessed as early as possible in government planning."[41] A study conducted after approval of a project will inevitably have a diminished influence on decision-making.[42] Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA.[43]

Here, the ZAB relied on compliance with a post-approval condition, Condition 40, to avoid pre-approval disclosure of the Project's health risk impacts from construction emissions (and failed entirely to evaluate the Project's health risk from operational emissions), in violation of CEQA. Condition 40 provides that projects with construction lasting more than 2 months shall either (1) prepare a health risk assessment, or (2) use Tier 3 or VDECS-equipped off-road construction equipment.[44] Both of these actions would occur after Project approval. Thus, any health risk assessment would not be considered by the decision maker or the public prior to Project approval, and would instead be utilized as a "post hoc rationalization" to support the City's past decision to approve the Project. This approach is prohibited by CEQA.

Moreover, Condition 40 provides no certainty that a health risk assessment will ever be prepared and submitted to the Land Use Planning Division. Instead, under Condition 40, the Applicant may just use Tier 4 or VDECs construction equipment to avoid a health risk assessment entirely. Skipping disclosure of impacts and jumping straight to mitigation is a clear violation of CEQA.[45]

The City similarly cannot rely on Condition 40's option to utilize Tier 4 or VDECs construction equipment as a "design feature" of the Project to avoid disclosure of environmental impacts, because disclosure of an impact required by CEQA cannot be collapsed with mitigation.[46] Even if the use of Tier 4 or VDECs

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impact requiring CEQA review and mitigation); *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal. App. 4th 48, 82; *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs. ("Berkeley Jets")* (2001) 91 Cal.App.4th 1344, 1370-71; CEQA Guidelines, Appendix G.

[41] (1975) 13 Cal.3d 263, 282.

[42] *Sundstrom v. County of Mendocino*, supra, 202 Cal.App.3d 296, 307.

[43] *Id.*; *No Oil, Inc. v. City of Los Angeles*, supra, 13 Cal.3d 68, 81; *Environmental Defense Fund, Inc. v. Coastside County Water Dist.* (1972) 27 Cal.App.3d 695, 706.

[44] Staff Report, p. 17 (Condition 40).

[45]. *Lotus v. Dept. of Transportation* (2013) 223 Cal.App.4th 650 (CEQA document may not compress analysis of impacts and mitigation measures into a single issue, and must incorporate all measures designed to reduce potentially significant project impacts into legally binding mitigation plan).

[46] *Id.*

construction equipment were successful to reduce health risk below levels of significance, the City must still disclose to the public and decision makers whether the Project's unmitigated emissions would exceed applicable thresholds of significance. The City failed to perform this necessary analysis and cannot lawfully defer the analysis until after Project approval.

B. The Project's Soil Contamination Results in Significant Hazardous Materials and Public Health Impacts Requiring Mitigation

There is substantial evidence in the City's own studies demonstrating that the Project site has potentially significant impacts from soil contamination that exceed health-based residential environmental screening levels ("ESL") and hazardous waste screening criteria.[47] The Staff Report and soil investigations conclude that mitigation is required to clean the contamination to safe levels before the Project can proceed and staff have included the mitigation as a condition of approval.[48]

The Phase II Subsurface Investigation conducted for the Project identified a number of hazardous contaminants impacts onsite demonstrating a potentially significant environmental impact with respect to public health. **Lead was detected in soil samples, and the concentration in one of the soil samples exceeded the residential ESL** and hazardous waste screening criteria.[49] Additionally, several volatile organic compounds ("VOCs") were detected in each of the soil-vapor samples at concentrations above laboratory reporting limits.[50] **Benzene and bromodichloromethane were detected at concentrations exceeding the residential ESLs**, but below the commercial/industrial ESLs.[51] Chloroform was detected at a concentration above the conservative commercial/industrial ESL.[52]

Residential ESLs are health-protective screening thresholds for subsurface contaminants at project sites intended for residential use. As the Water Board explains:

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[47] Staff Report, p. 9; Phase II Subsurface Investigation, p. 6 of 9.
[48] *Id.*
[49] Phase II Subsurface Investigation, p. 6 of 9.
[50] *Id.*
[51] *Id.*
[52] *Id.*

> Residential Land Use should be used to evaluate sites for unrestricted future land-use. This includes sites to be used for residential developments, hospitals, day care centers and other sensitive purposes (DTSC 2002). ESLs listed under this category incorporate assumptions regarding long-term, frequent exposure of children and adults in a residential setting.[53]

If contamination exceeds a residential ESL for a proposed residential project, it constitutes a significant impact requiring disclosure and mitigation in a CEQA document.[54] The Project's exceedances of residential ESLs constitute a significant environmental impact which require remediation, mitigation, and analysis in an EIR before the Project can be approved. The City cannot rely on a CEQA exemption where, as here, hazardous materials impacts remain significant and require mitigation.

i. Mitigation Precludes Reliance on a CEQA Exemption

The City has acknowledged that the site's soil contamination impact is significant and has included mitigation in the Project's conditions of approval which require site cleanup.[55] The City is therefore precluded from relying on a categorical exemption under *SPAWN*.

The Phase II Subsurface Investigation concluded that "soil remediation may be required during grading."[56] The Conditions of Approval in the Staff Report provide that preparation of a Soil and Groundwater Management Plan is required, but the full remediation plan has not been provided for public review.[57] The site's exceedances of residential ESLs must be remediated to levels that are below residential ESLs before the Project can be approved. The Soil and Groundwater Management Plan will therefore include remediation that constitutes mitigation under CEQA. The fact that Condition 20(b) requires cleanup oversight by the City's

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[53] San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs)* (2019), p. 2-12. available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjs3eyyxNaDAxXoMEQIHa6PCA0QFnoECDgQAQ&url=https%3A%2F%2Fcanvas.eee.uci.edu%2Fcourses%2F35369%2Ffiles%2F14524449%2Fdownload%3Fdownload_frd%3D1&usg=AOvVaw2yRfXhcKKP99AYVFLz6NlC&opi=89978449 (last visited 1/11/24).

[54] *Comtys. for a Better Env't,* 103 Cal.App.4th at 110-111 (when impact exceeds significance threshold, agency must disclose in EIR that impact is significant); *Schenck,* 198 Cal.App.4th at 960; *CBE v. SCAQMD,* 48 Cal.4th at 327 (impact is significant because exceeds "established significance threshold for NOx ... constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact").

[55] Staff Report, p. 9.

[56] *Id.* at 7 of 9.

[57] Staff Report, p. 12 of 28.

Toxic Management Division ("TMD") does not change the underlying fact that the Project site contains contaminations at levels exceeding residential significance thresholds which require mitigation.

A "mitigation measure" is a measure designed to minimize a project's significant environmental impacts.[58] CEQA defines mitigation to include:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
(e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.[59]

Here, the City seeks to rely on standard conditions of approval which it asserts are "requirements of the project and not mitigation."[60] While a citywide requirement to prepare a soil management plan for all projects may be standard, the requirement to implement site-specific measures to reduce a significant contamination impact at a particular project site, as here, is mitigation unique to the project. Under CEQA, the additional remediation of soil contamination in the SGMP would constitute mitigation measures to "rectify[] the impact by...restoring the impacted environment."[61] Moreover, CEQA does not allow the lead agency to compress the analysis of impacts and mitigation measures into a single issue to avoid disclosure of a potentially significant impact.[62]

Agencies are prohibited from relying on mitigated categorical exemptions.[63] The Court in *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster*, held that the CEQA Guidelines does not authorize consideration of mitigation measures in connection with a categorical exemption, and held that if mitigation

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[58] Pub. Res. Code § 21002.1(a).
[59] 14 CCR § 15370.
[60] City of Berkeley, Standard Conditions of Approval, Ordinance No. 12899 C.M.S, (2020) p. 2. Available at: https://cao-94612.s3.amazonaws.com/documents/Standard-Conditions-of-Approval-December-2020.pdf.
[61] 14 CCR § 15370.
[62] *Lotus*, (2014) 223 Cal.App.4th at 656.
[63] *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 CA4th 1098, 1102.

measures are needed to avoid potentially significant impacts, then at a minimum a mitigated negative declaration must be prepared.[64] The court in *SPAWN* similarly held that if there is a reasonable possibility of a significant effect on the environment, then the project must be reviewed under CEQA and mitigation measures may be considered only as part of that CEQA review.[65]

The City's reliance on the standard condition of approval is dissimilar to the *Walters v. City of Redondo Beach* case where the court held that a condition of approval requiring compliance with local noise standards was not a mitigation measure defeating the use of a categorical exemption, when the city found the project would meet those standards and imposed conditions of approval to ensure that it would do so.[66] Here, the standard condition of approval requires the Applicant to conduct additional environmental review in a Soil and Groundwater Management Plan and to potentially conduct additional remediation to mitigate the Project's existing soil contamination. The City cannot escape CEQA review by relying on conditions of approval to conduct its environmental review.

Moreover, the court in *Berkeley Hillside* clarified that "a finding of environmental impacts must be based on the proposed project as actually approved."[67] The SGMP may find additional environmental impacts and require additional remediation. Therefore, the Staff Report's conclusions as to environmental impacts are not based on the proposed Project as approved, but are based on future environmental review and remediation under a Soil and Groundwater Management Plan. Future remediation, mitigation, and environmental review cannot be the basis to support a categorical exemption.

The remediation associated with the SGMP to reduce contamination to levels that do not exceed residential ESLs constitutes mitigation measure, thus precluding reliance on a categorical exemption for Project approval. An EIR must be prepared which includes the analysis of the SGMP, to adequately characterize, analyze, and mitigate the Project's potentially significant hazardous contamination impacts.

C. The Project May Result in Potentially Significant Historic Resources Impacts Which Require Mitigation

The CEQA Guidelines provides that "[a] categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance

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[64] (1997) 52 CA4th 1165, 1200.
[65] 125 CA4th at 1102.
[66] (2016) 1 CA5th 809.
[67] *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.

of a historical resource."[68] Here, the Project may result in a substantial adverse change in the significance of the historic resource of the California Theatre, so an exemption is inapplicable. Moreover, the measures required by the Landmarks Preservation Commission for the Project "that ensure restoration and rehabilitation of the retained portion of the historic structure, as well as documentation and salvage of the property in its current form" constitute mitigation measures under CEQA.[69]

"If a project may have a significant effect on the environment, CEQA review must occur and only then are mitigation measures relevant... Mitigation measures may support a negative declaration but not a categorical exemption."[70] Here, the City is improperly relying on mitigation measures to support approval of the Project under a categorical exemption, in violation of CEQA.

V. THE CITY LACKS SUBSTANTIAL EVIDENCE TO SUPPORT A CEQA EXEMPTION

If an activity may have a significant effect on the environment, the activity is not categorically exempt from CEQA.[71] A lead agency must provide "substantial evidence to support [their] finding that the Project will not have a significant effect."[72] The City failed to meet that standard here, because there are several impact areas in which the record contains no evidence to support the City's reliance on the proposed Class 31 or Class 32 exemptions.

Additionally, the Project fails to meet the facial requirements for a Class 32 exemption. CEQA Guidelines Section 15332 provides an exemption from CEQA for "benign infill projects that are consistent with the General Plan and Zoning requirements" of a municipality and that satisfy the following criteria:[73]

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[68] 14 CCR § 14300.2(f).
[69] City of Berkeley Landmarks Preservation Commission Staff Report, 2113 Kittredge Street – California Theater (Oct. 5, 2023), p. 8 of 10. Available at: https://berkeleyca.gov/sites/default/files/documents/2023-10-05_LPC_Item%207_2113-2115%20Kittredge_Combined%20Staff%20Report%20and%20Attachments_2.pdf
[70] Salmon Protection & Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098, 1102 ("SPAWN").
[71] *SPAWN,* 125 Cal.App.4th at 1107.
[72] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.
[73] 14 CCR § 15332.

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

The Project fails to meet the requirements of Section 15332(a) and (d) because the record lacks substantial evidence that the Project will not result in significant effects to water quality, public health, and air quality. The Project may also result in inconsistencies with the General Plan, CAP, and Downtown Area Plan. For these reasons, the Project fails to qualify for the Infill Exemption or any other categorical exemption.

A. The City Lacks Substantial Evidence to Conclude that the Project Will Not Have Significant Effects from Greenhouse Gas Emissions

The City lacks substantial evidence to support a determination that greenhouse gas ("GHG") emissions impacts are less than significant so as to support a categorical exemption. CEQA requires that in order to qualify for a categorical exemption, the City must demonstrate, based on substantial evidence, that there are no "significant effects" of the Project on the environment.[74] Here, the City has not demonstrated that GHG emissions impacts are less than significant. Therefore, the City lacks substantial evidence to support reliance on the proposed exemptions.

The Staff Report includes analysis of the Project's GHG impacts for construction only, and includes no relevant analysis regarding operational GHG impacts.[75] Moreover, the claim by the Landmarks Preservation Commission that the Project will be "powered sustainably" is not supported by substantial evidence.[76] The record contains no study quantifying GHG impacts, no evidence that the source of energy for the Project is "sustainably" sourced, and does not demonstrate that, if

[74] *Banker's Hill,* 139 Cal.App.4th at 269.
[75] Staff Report, Air Quality Assessment, Appendix A, p. 6 of 45.
[76] Berkeley Landmarks Preservation Commission, Agenda, (Oct. 5, 2023). Available at: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-10-05_LPC_Agenda_Linked_0.pdf.

so, it would reduce the Project's GHG impacts to less than significant levels in order to rely on a CEQA exemption. Moreover, the Landmarks Preservation Commission is the City's historical resource committee, not a qualified expert in analyzing GHG emissions.[77] The Commission's conclusion that the Project's GHG emissions would be less than significant does not constitute substantial evidence.[78]

The record contains no study quantifying operational GHG impacts, no evidence that the source of energy for the Project is "sustainably" sourced, and does not demonstrate that, if so, it would reduce the Project's GHG impacts to less than significant levels in order to rely on a CEQA exemption. The City Council should uphold this appeal and remand the Project to Staff to prepare a legally adequate EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts with respect to GHG emissions.

B. The City Lacks Substantial Evidence to Conclude that the Project Will Not Have Significant Effects on Water Quality

The Project site is listed on the State Water Resources Control Board's Geotracker database as "Pending Review as of 10/20/2023" as the Former California Theatre (Global ID: T10000021433).[79] On November 16, 2023, following the Phase II Subsurface Investigation, the San Francisco Bay Regional Water Quality Control Board advised the Applicant that "[b]ased on the available data, it is unclear if the contamination threatens to adversely affect the beneficial uses of groundwater and/or human health. These beneficial uses include municipal supply, agricultural supply, and industrial service and process supply."[80] Absent additional review and remediation, the City lacks substantial evidence that water quality impacts are less than significant to allow for approval of the Project under a categorical exemption.

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[77] Berkeley Landmarks Preservation Commission, Agenda, (Oct. 5, 2023). Available at: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-10-05_LPC_Agenda_Linked_0.pdf.

[78] PRC 21082.2(c); 14 CCR 15384(b) (substantial evidence includes reasonable assumptions predicated on facts and expert opinion supported by facts).

[79] State Water Resources Control Board Geotracker, Former California Theatre (T10000021433). Available at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000021433.

[80] San Francisco Bay Regional Water Quality Control Board, Site Cleanup Program (SCP) Recovery of Oversight Costs at the Former California Theatre, 2115 Kittredge Street, Berkeley, Alameda County (November 16, 2023). Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9991040885/2023-11-30_CRA%202115%20Kittredge_Executed.pdf

C. The City Lacks Substantial Evidence to Conclude the Project Will Not Have Significant Effects on Air Quality and Public Health

An exemption is improper, where, as here, the Project may result in significant air quality impacts.[81] As discussed above, the Staff Report for the Project does not contain a quantified health risk analysis ("HRA" or "health risk assessment") to evaluate the Project's potentially significant air quality and public health impacts from construction and operation. Absent a health risk assessment, the record does not contain substantial evidence that toxic air contaminants from construction and operation will be reduced to less than significant levels. The City cannot rely on a categorical exemption absent substantial evidence concluding that air quality and public health impacts are less than significant without supporting evidence. The City must prepare an EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts with respect to air quality and public health.

VI. THE CITY FAILED TO ANALYZE GREENHOUSE GAS IMPACTS PRIOR TO ZAB APPROVAL AND THE PROJECT CONTRAVENES THE CITY'S CLIMATE ACTION PLAN

As discussed above, the Staff Report is silent with respect to analysis of the Project's operational greenhouse gas emissions. The City's failure to analyze the significance of the Project's GHG emissions is both a violation of CEQA and of the City's Climate Action Plan.

Pursuant to CEQA Guidelines § 15064.4 subdivision (a), "A lead agency shall make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Quantify greenhouse gas emissions resulting from a project; and/or
(2) Rely on a qualitative analysis or performance-based standards."

Here, the City quantified construction-related GHG emissions, [82] but failed to quantify operational GHG emissions, thus failing to follow the first method. Utilizing the second method, a qualitative analysis, an agency may adopt an area wide plan to reduce greenhouse gas emissions and determine that a project's incremental contribution to climate change is not significant if the project complies

[81] 14 CCR § 15332(d).
[82] Staff Report, Air Quality Assessment, Appendix A, p. 6 of 45.

with the requirements of the previously adopted plan.[83] The City of Berkeley's CAP is the relevant area wide plan for the reduction of GHGs.

Conformance with the CAP requires a new project to "report projected GHG emissions."[84] The Berkeley CAP requires "that new projects achieve a minimum point level on an appropriate green building checklist (e.g., GreenPoint Rated Checklist for residential buildings or LEED checklist for nonresidential) **and report projected GHG emissions**."[85] The Staff Report did not include either a quantified operational GHG analysis or a report of projected operational GHG emissions. Rather, the Air Quality Assessment's Modeling files left the operational greenhouse gas analysis tables for "Operations Emissions Details" completely blank. The City therefore failed to analyze operational greenhouse gas emissions through either quantitative analysis or "report projected GHG emissions," as required by the CAP. This omission is a violation of CEQA and the CAP.

In *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 CA5th 160, 198, the court upheld an EIR's analysis that was based on determining consistency with a locally adopted climate strategy and GHG reduction plan.[86] Here, in order to demonstrate consistency with the Berkeley Climate Action Plan, the Project is required to quantify and "report projected GHG emissions."[87] The City must therefore quantify and report the Project's operational GHG emissions in order to comply with CEQA and the Climate Action Plan. The ZAB failed to require this analysis before approving the Project. The City Council should uphold this appeal and remand the Project to staff to circulate a legally adequate EIR containing an operational GHG analysis before the Project can be reconsidered for approval.

VII. THE PROJECT MAY RESULT IN NONCONFORMANCE WITH THE GENERAL PLAN AND ZONING

The Project has not demonstrated conformance with General Plan workforce policies. Housing development projects in the City must implement the goals and policies of the General Plan, including Policy ED-4, which includes the following:

> 1) Ensure that Berkeley has an adequate supply of decent housing, living wage jobs, and businesses providing basic goods and services.

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[83] 14 CCR § 15183.5, subd. (b).
[84] City of Berkeley Climate Action Plan, p. 59.
[85] City of Berkeley Climate Action Plan, p. 59.
[86] *Mission Bay Alliance v. Office of Community Inv. & Infrastructure* (2016) 6 CA5th 160, 198.
[87] City of Berkeley Climate Action Plan, p. 59.

2) New housing will be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.[88]

General Plan Economic Development and Employment ("ED") Policy ED-1 (Employment and Training) provides that it is the Policy of the City to "**Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement** through the following actions:

A. Work with job training programs and encourage training for life skills, job readiness, and specific target industries, including industrial companies in West Berkeley.
B. Provide labor market information from data sources and industry sectors to local educational institutions and training agencies for adults and youths.
C. Coordinate City employment and job training programs with the University of California, Vista College, and other local educational institutions.
D. Encourage the University to hire Berkeley residents.
E. Encourage the Berkeley Unified School District to provide education and job skills appropriate to jobs in Berkeley and the region.
F. Create a collaborative process among the City, employers, and local disability/minority organizations to provide access to economic and artistic opportunities and development services for all people through education, technical assistance, and economic incentives.
G. Develop and implement employment programs to assist citizens with temporary and permanent employment.
H. Establish agreements with major employers to provide job training for Berkeley youth similar to the Bayer biotech agreements.
I. Strengthen and improve the administration and performance of the First Source Program, and establish better links between the First Source Program and the Office of Economic Development.
J. Consider development of an ordinance that requires that a percentage of Berkeley residents be hired for publicly funded construction jobs.[89]

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[88] Berkeley General Plan (April 23, 2002), p. I-1.
[89] Berkeley General Plan Economic Development and Employment Element, Policy ED-1, p. ED-5 (emphasis added).

General Plan ED Element Objectives provides the following City development objectives:

> **1. Provide a variety of jobs with varied skill levels for residents of Berkeley.**
> 2. Promote community and neighborhood values.
> 3. Support businesses that are independent, locally owned, and neighborhood-serving.
> **4. Encourage environmentally sustainable business.**
> **5. Promote revitalization in neighborhoods and communities that have historically higher-than-average rates of unemployment.**
> **6. Promote a strong industrial base as a vital foundation of a stable economy.**
> **7. Increase social and economic equity in land use decisions.**
> 8. Support culture and the arts in Berkeley.
> 9. Promote general retail businesses and a variety of cultural, recreational, entertainment, and public sector activities in the Downtown to ensure that the Downtown will remain a vital, attractive, and unifying center for the city.[90]

Policy ED-12 (Promoting Berkeley) requires the City to promote Berkeley as a location for appropriate business, visitor, and conference destination through specific actions, including "[d]evelop, maintain, and distribute economic and demographic information pertaining to the Berkeley economy.[91]

Insofar as the Project does not include any commitment to provide construction jobs to local Berkeley or East Bay residents and does not contribute to any apprenticeship or other construction job training programs for the majority of the trades, or healthcare expenditures, the Project fails to comply with these General Plan policies. As proposed, the Project is not required to use apprentices or provide healthcare benefits to its construction workers,[92] and the Applicant has not agreed to use a skilled local construction workforce to construct the Project. The Project may therefore be built with low-wage, out-of-area[93] workers who lack the

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[90] Berkeley General Plan Economic Development and Employment Element, Element Objectives, p. ED-5 (emphasis added).
[91] *Id.* at Policy ED-12(C), p. ED-10.
[92] The Project does not appear to be subject to Berkeley's Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards ("HARD HATS") Ordinance, Berkeley Municipal Code ("BMC") Chapter 13.107, given the Project's SB 330 application.
[93] Statement by Councilmember Hahn, Berkeley City Council Hearing (September 20, 2022 6 PM): City Councilmember Hahn, in favor of the HARD HATS Ordinance, said that the ordinance is necessary because workers are "being bussed in from the Central Valley" which deprives them of

livable wages, health benefits, stability, and basic standard of living that Berkeley has committed to ensuring for all of its workers on all housing developments constructed in the City. If so, the Project would be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City and its residents, especially its local construction workforce, and may fail to comply with General Plan workforce policies.

By contrast, providing a local skilled and trained workforce, including apprenticeship commitments and providing healthcare expenditures for construction workers would implement the policies laid out in the General Plan Economic Development and Employment Element.[94][95]

A. The Applicant Should Consider Including Voluntary Healthcare and Apprenticeship Training Standards in Line with the HARD HATS Ordinance

The Project is not required to comply with the HARD HATS Ordinance due to its effective date. However, East Bay Residents recommends that the Project include voluntary commitments to provide construction apprenticeship training opportunities for Berkeley and Alameda County residents, local hire, and healthcare expenditures for its construction workforce that are in line with the General Plan's workforce goals and consistent with City's new HARD HATS Ordinance.

The Ordinance went into effect on January 1, 2024 to implement apprenticeship program requirements and healthcare security for workers on General Plan area projects. In enacting the HARD HATS Ordinance, the City was striving "**to promote the general welfare.**"[96] Among the many general welfare concerns cited by the City was the detrimental role that the homebuilding industry plays in perpetuating income inequality by using low wage construction workers:

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time with their families and loved ones, and prevents them from being able to take their children to school in the morning.

[94] The City has authority to impose conditions of approval on the Project to ensure consistency with the General Plan's economic and workforce policies. Local agencies have broad discretion to construe general plan policies in light of the plan's purposes, and to weigh and balance general plan policies when applying them. *Eureka Citizens for Responsible Gov. v. City of Eureka* (2007) 147 Cal.App.4th 357, 373-74.

[95] SB 330 projects must be consistent with the general plan and zoning. Gov. Code § 65589.5, subd. (j)(1).

[96] BMC § 13.107.112.

> Homebuilding is supposed to reduce the number of people waiting in line for housing they can afford. But when the homebuilding industry itself generates excessive very low and low wage construction employment, that just increases the number of people needing subsidies from the taxpayer. Low wage employment is in fact a problem in both the residential and commercial construction markets.[97]

The HARD HATS staff report explained that "[t]he creation and utilization of apprenticeship along with the commitments to paid healthcare act to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors."[98] It further provided that "[r]equiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the general plan, and especially that targeted by the Housing Element."[99]

The Applicant has not committed to apprenticeship or healthcare standards for its construction workforce, without which the Project may perpetuate precisely the problems that the City's General Plan workforce standards, general welfare zoning code sections, and the new HARD HATS Ordinance seek to remedy.

B. Utilizing a Skilled Construction Workforce Promotes the Goals Set Forth in the Regional Housing Needs Assessment

One of the main rationales for the HARD HATS Ordinance was to increase the housing supply through the use of a local skilled and trained labor force. Berkeley has been assigned a Regional Housing Needs Assessment ("RHNA") of roughly 9,000 units of housing to produce over an eight year period, or over 1,100 units per year.[100] The City has concluded that Berkeley does not have an adequate supply of construction workers to build over 1,100 housing units per year while also building, altering, and maintaining public and private commercial nonresidential buildings and infrastructure.[101] Only 1,250 construction sector employees lived in Berkeley in 2018.[102] City staff have previously concluded that Berkeley cannot rely on contractors to reliably import surplus skilled construction workers from other cities,[103] and that construction jobs – particularly residential construction jobs -

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[97] HARD HATS Staff Report pp. 4-5.
[98] *Id.*
[99] *Id.*
[100] *Id.* at p. 80.
[101] *Id.*
[102] *Id.*
[103] *Id.*

have lost their competitive edge relative to other jobs in the Bay Area regional economy.[104] To meet its General Plan goals, Berkeley seeks to create working conditions that will help to overcome the construction labor market's failures to make construction jobs attractive enough to recruit and retain productive trade workers.

At the September 20, 2022 hearing on the HARD HATS Ordinance, City Councilmembers explained that there is a "shortage of qualified local construction workers" and that is one reason why it is hard to get housing built.[105] Councilmember Hahn explained that Berkeley should "develop more labor, have working conditions, and pay, and benefits that you need to live in the Bay Area."[106] Councilmember Hahn further asserted that Berkeley needs to expand the available workforce of people who are able to build housing and other projects, and "to ensure they have protections."[107] Mayor Arreguin noted that the "key to addressing the significant shortage of housing is addressing the shortage of a skilled and trained workforce."[108] The Applicant has not demonstrated that the Project will help meet this goal of addressing the housing shortage by utilizing local skilled and trained construction workers.

C. Promoting Jobsite Health and Safety

Berkeley Mayor Arreguin stated in the September 20, 2022 hearing on the HARD HATS Ordinance, that it is "unacceptable to build housing on the backs of low wage workers" and noted that there is exploitation of our construction workforce.[109] The Mayor cited to projects in Berkeley where there is wage theft, OSHA violations, unsafe workplace conditions, and worker exploitation.[110] The Mayor emphasized the importance of enabling the Berkeley construction workforce to access healthcare through the implementation of measures in the HARD HATS Ordinance. The Applicant should consider providing healthcare expenditures to its construction workers to help reduce the risks of injury and illness to construction workers.

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[104] *Id.*
[105] Statement by Councilmember Hahn, Berkeley City Council Hearing (September 20, 2022 6 PM).
[106] *Id.*
[107] *Id.*
[108] *Id.*
[109] *Id.*
[110] *Id.*

VIII. THE PROJECT IS INCONSISTENT WITH THE DOWNTOWN AREA PLAN

The Project does not conform with the Downtown Area Plan because it fails to provide "significant community benefits" as required by the Plan. The Downtown Area Plan provides that "All new buildings *shall* deliver significant community benefits, many of which should be in proportion to building height."[111] The Downtown Area Plan requires projects above 75 feet to include significant community benefits in the form of affordable housing, supportive social services, green features, open space, transportation demand features, job training, and/or employment opportunities.[112] The applicable public benefit requirements are to be included as conditions of approval and the owner shall enter into a written agreement that shall be binding on all successors in interest.[113] This Project has not demonstrated consistency with the Downtown Area Plan for failure to include community benefits as conditions of approval.

IX. THE PROJECT IS DETRIMENTAL TO THE GENERAL WELFARE AND INCONSISTENT WITH THE ZONING ORDINANCE[114]

In order to approve a Use Permit, under Berkeley Municipal Code Section 23.406.040, the ZAB must find that the proposed project:

i. Will not be detrimental to the health, safety, peace, morals, comfort, or **general welfare** of persons residing or visiting in the area or neighborhood of the proposed use; and
ii. Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

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[111] City of Berkeley, Downtown Area Plan (2012) p. LU-12. Available at: https://berkeleyca.gov/sites/default/files/2022-03/Downtown-Area-Plan.pdf (emphasis added).
[112] *Id.*
[113] *Id.*
[114] The Applicant may argue that the zoning code's general welfare standard is not an objective standard within the meaning of SB 330. This is incorrect, as compliance with CEQA, including mitigating or demonstrating the absence of significant, detrimental environmental and public health effects, and compliance with the General Plan, are objective requirements under the Housing Accountability Act. Gov. Code § 65589.5(d)(2) (disapproval authorized where housing project has would have a specific, adverse unmitigated impact on public health or safety); § 65589.5(e) (projects subject to HAA must comply with CEQA); § 65589.5(d)(5) (disapproval authorized where project is inconsistent with general plan or zoning ordinance in jurisdictions with current Housing Element).

The zoning code mandates that use permits for housing projects developed within the City cannot be approved if they are detrimental to the health, safety, peace, morals, comfort, or general welfare of the City, its residents, workers and visitors, to the surrounding neighborhood, or are inconsistent with zoning.[115] The Project is inconsistent with these requirements and fails to meet the City's goals for ensuring a stable and viable construction workforce.

The Municipal Code prohibits the City from approving a use permit if the project is "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.....or to the general welfare of the City."[116] The Housing Accountability Act also authorizes disapproval of a housing project where the project has a specific, adverse unmitigated impact upon public health or safety,[117] or is inconsistent with the general plan or zoning ordinance in jurisdictions with a current Housing Element.[118]

There is substantial evidence demonstrating that the Project's significant environmental impacts with respect to health risk, hazards, and historical resources are likely to result in a public detriment to the health, safety, comfort and general welfare of the community surrounding the Project. The Project's failure to demonstrate consistency with the CAP, Downtown Area Plan and General Plan may result in additional public detriment that the ZAB failed to consider.

The ZAB lacked substantial evidence to support the findings to issue a use permit under the City's zoning ordinance. The City Council should uphold this appeal and remand the Project to staff to prepare an EIR and to require the Applicant to provide substantial evidence demonstrating that the Project will not be detrimental to the City, its residents, and its workers, and that the Project will fully comply with the General Plan and Downtown Area Plan.

X. CONCLUSION

For the reasons stated herein, the City Council should reverse the ZAB's January 11, 2024 decision approving the Project and remand the Project to prepare a legally adequate EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts with respect to hazardous materials, historic resources, water quality, public health, air quality and GHG emissions before the

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[115] BMC § 23.406.040(E).
[116] BMC § 23.406.040(E)(1)(a), (b).
[117] Gov. Code § 65589.5(d)(2).
[118] Gov. Code § 65589.5(d)(5).

Project can lawfully be approved. The Council should also require the Applicant to demonstrate compliance with applicable General Plan and Downtown Area Plan policies.

Thank you for considering this appeal.

Sincerely,

Kelilah Federman

Kelilah D. Federman

Attachments
KDF:acp

EXHIBIT A

ZONING ADJUSTMENTS BOARD

NOTICE OF DECISION

DATE OF BOARD DECISION: January 11, 2024
DATE NOTICE MAILED: January 22, 2024
APPEAL PERIOD EXPIRATION: February 5, 2024
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)[1]: February 6, 2024

2113-15 Kittredge Street

Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space.

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

A. Zoning Permits Required:

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.204.020(A) to construct a theater (live)
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right)
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district
- Use Permit under BMC Section 23.04.130(E)(3)(b) to modify side and rear setback requirements

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

- Use Permit under BMC Section 23.310.020(B) to commence alcoholic beverage service of distilled spirits
- Use Permit under BMC Section 23.310.030(A) for alcoholic beverage service, including distilled spirits when incidental to a food service
- Administrative Use Permit under BMC Section 23.302.020(E)(4) to allow outdoor uses in a commercial district not abutting a residential district

B. **Concessions and Waivers Requested Pursuant to State Density Bonus Law (California Government Code Section 65915):**
- Concession to reduce Usable Open Space (residential) requirement – to provide 12,539 square feet, where 16,880 square feet is required
- Concession to reduce landscaped Usable Open Space requirement – to provide 5 percent where 40 percent is required
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 203 feet to roof and 211 feet, 4 inches to parapet (8-foot, 4-inch-high parapet), where 75 feet is the limit (plus 5-foot parapet by right)
- Waiver of BMC Section 23.204.130(E)(3) to reduce the front, sides and rear setbacks (see Table 4: Development Standards)
- Waiver of BMC Section 23.204.130(E)(3) to increase front setback maximum to five feet, four inches, where five feet maximum is required, at 0-20 feet building height
- Waiver of BMC Section 23.204.130(E)(3) to exceed the diagonal measurement limit of the building above 120 feet height – to be 152 feet, three inches, where 120 feet is required
- Waiver of BMC Section 23.322.090(A) to provide zero commercial short-term bicycle parking, where 12 is required

ZONING: C-DMU (Core) – Downtown Mixed-Use Commercial District – Core Sub-area

APPLICANT: Christian Cerria, 2115 Kittredge Street LLC, 629 Mission Street, 5th Floor, San Francisco, CA 94105

INTERESTED PARTY: Kelilah D. Federman and Christina Caro, Adams Broadwell Joseph & Cardoza, 601 Gateway Blvd., Ste. 1000, South San Francisco CA 94080

PROPERTY OWNER: Robin Lent, 426 Sandhill Circle, Menlo Park, CA 94025

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation) and Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent	Recused
DUFFY	x				
KAHN				x	
PLESE	x				
O'KEEFE				x	
LUNAPARRA				x	
SANDERSON	x				
BLACKABY	x				
GAFFNEY	x				
TREGUB			x		
BOARD VOTE:	**5**	**0**	**1**	**3**	**0**

ATTEST: Claudia Garcia, Zoning Adjustments Board Secretary

PUBLICATION OF NOTICE:

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

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Sharon Gong, at (510) 981-7429 or sgong@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

EXHIBIT B

ADAMS BROADWELL JOSEPH & CARDOZO
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RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. RENGIFO

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

January 11, 2024

Via Email and US Mail
Zoning Adjustments Board
Chairperson Yes Duffy
Vice Chairperson Kimberly Gaffney
Members: Igor Tregub; Michael Thompson; Cecilia Lunaparra
Shoshana O'Keefe; Charles Kahn
Alyssa Please; Debra Sanderson
Zoning Adjustments Board Secretary
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704
Email: zab@berkeleyca.gov

Via Email Only
Sharon Gong
Email: sgong@cityofberkeley.info

Re: Agenda Item No. 4: 2113-15 Kittredge Street Project (Use Permit #ZP2022-0144)

Dear Zoning Adjustments Board Chairperson Duffy, Vice Chairperson Gaffney, Board Members, Ms. Gong:

We are writing on behalf of East Bay Residents for Responsible Development ("East Bay Residents" or "EBRRD") regarding Agenda Item No. 4, the 2113-15 Kittredge Street Project (Use Permit #ZP2022-0144; APN057-2030-009) ("Project") proposed by Christian Cerria and 2115 Kittredge Street LLC (collectively "Applicant").[1] The Applicant is requesting Use Permits from the City of Berkeley ("City") to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater

[1] City of Berkeley, Zoning Adjustments Board, Staff Report for Board Action (January 11, 2024) (Item #4 ZAB 2024-01-11) 2113-15 Kittredge Street Use Permit #ZP2022-0144. Available at https://berkeleyca.gov/sites/default/files/documents/2024-01-11_ZAB_Item%204_2113-15%20Kittredge_Staff%20Report%20and%20Attachments.pdf ("Staff Report").

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space with 355 seats, a full stage and backstage, fly area, and practice support spaces. The project site is located on the north side of Kittredge Street, within the Downtown Mixed-Use District (C-DMU), Core Sub-Area, as identified in the City's Downtown Area Plan ("DAP").

East Bay Residents urges the Zoning Adjustments Board ("ZAB") to continue tonight's hearing and remand the Project to staff due to the City's failure to comply with the California Environmental Quality Act ("CEQA") and the Project's failure to demonstrate consistency with General Plan and DAP workforce standards. The Project proposes to convert a commercial building to a residential, mixed-use development. The staff report recommends that the Project be found categorically exempt from CEQA pursuant to Section 15332 ("Infill Development Projects") and Section 15331 ("Historical Resource Restoration/Rehabilitation") of the CEQA Guidelines. This recommendation is unsupported by the record and should not be adopted.

First, a CEQA exemption is inapplicable to the Project because there is substantial evidence in the record demonstrating that the Project has potentially significant impacts from hazardous materials and on historical resources which require mitigation. Mitigated categorical exemptions are prohibited by CEQA.[2] "If a project may have a significant effect on the environment, CEQA review must occur and only then are mitigation measures relevant... Mitigation measures may support a negative declaration but not a categorical exemption."[3]

With regard to hazards, there is substantial evidence demonstrating that the Project site has potentially significant impacts from soil contamination that exceed health-based residential environmental screening levels ("ESL") and hazardous waste screening criteria.[4] The Staff Report and soil investigations conclude that mitigation is required to clean the contamination to safe levels before the Project can proceed and staff have included the mitigation as a condition of approval.[5]

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[2] *Salmon Pro. & Watershed Network v. County of Marin ("SPAWN")* (2004) 125 Cal.App.4th at 1102; *Azusa Land Recl. Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App.4th 1165, 1198-1201.

[3] Salmon Protection & Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098, 1102 ("SPAWN").

[4] Staff Report, p. 9; Summary of Phase II Subsurface Investigation, Downtown Berkeley Adaptive Reuse Project, 2115 Kittredge Street in Berkeley, California (November 8, 2022), p. 6 of 9. Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5291501700/2023-03_ltr-rpt-PhII%20Investigation-0424-002-001-Final.pdf.

[5] *Id.*

With regard to historical resources, the Project may result in a substantial adverse change in the significance of the historic resource of the California Theatre, rendering an exemption inapplicable.[6] Moreover, the measures required by the Landmarks Preservation Commission "that ensure restoration and rehabilitation of the retained portion of the historic structure, as well as documentation and salvage of the property in its current form" constitute mitigation measures under CEQA.[7]

Second, the City lacks substantial evidence to conclude that the Project would not result in significant effects relating to traffic, noise, air quality, or water quality, or that the Project complies with the General Plan.[8] These are prerequisites for a CEQA exemption and facial requirements for the Class 32 exemption.[9]

With regard to water quality, the City lacks substantial evidence to conclude that the Project will not have significant effects because the site is under active investigation by the San Francisco Bay Regional Water Quality Control Board ("Water Board"), which concluded in November 2023 that "[b]ased on the available data, ***it is unclear if the contamination threatens to adversely affect the beneficial uses of groundwater and/or human health.***"[10] There is no evidence in the record demonstrating that either the Water Board or the City have provided evidence resolving the uncertainty identified by the Water Board that water quality and public health impacts may be significant. Rather, the Phase II soil investigation concluded that "soil remediation may be required during grading,"[11] demonstrating that there may be significant water quality and public health impacts which requires mitigation.

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[6] 14 CCR § 14300.2(f) ("[a] categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.").

[7] City of Berkeley Landmarks Preservation Commission Staff Report, 2113 Kittredge Street – California Theater (Oct. 5, 2023), p. 8 of 10. Available at: https://berkeleyca.gov/sites/default/files/documents/2023-10-05_LPC_Item%207_2113-2115%20Kittredge_Combined%20Staff%20Report%20and%20Attachments_2.pdf

[8] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269 (lead agency must provide "substantial evidence to support [their] finding that the Project will not have a significant effect").

[9] 14 Cal. Code Regs. ("CCR") § 15332(a), (d).

[10] San Francisco Bay Regional Water Quality Control Board, Site Cleanup Program (SCP) Recovery of Oversight Costs at the Former California Theatre, 2115 Kittredge Street, Berkeley, Alameda County (November 16, 2023). Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9991040885/2023-11-30_CRA%202115%20Kittredge_Executed.pdf (emphasis added).

[11] Summary of Phase II Subsurface Investigation, Downtown Berkeley Adaptive Reuse Project, 2115 Kittredge Street in Berkeley, California (November 8, 2022), p. 6-7 of 9. Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5291501700/2023-03_ltr-rpt-PhII%20Investigation-0424-002-001-Final.pdf.

The City also lacks substantial to conclude that the Project will not have significant effects on air quality and public health from the Project's air emissions. The City did not disclose the Project's greenhouse gas ("GHG") emissions and has not prepared a health risk analysis to determine the extent of air contaminants released during Project construction and operation that may impact human health. Absent this evidence, staff's determination that air quality impacts are less than significant to support a Categorical Exemption is not supported by substantial evidence in the record.

Finally, the Project has not demonstrated consistency with General Plan and DAP policies to promote the welfare of local workers and sustainable economic development.

The ZAB should remand the Project to prepare a legally adequate environmental impact report ("EIR") to adequately analyze and mitigate the Project's potentially significant environmental impacts before the Project can lawfully be approved.

I. STATEMENT OF INTEREST

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

The individual members of EBRRD live, work, and raise their families in the City of Berkeley and Alameda County. They would be directly affected by the Project's impacts. Individual members may also work on the Project itself. They will therefore be first in line to be exposed to any health and safety hazards that may exist on the Project site.

The organizational members of EBRRD also have an interest in enforcing the City's planning and zoning laws and the State's environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making it less desirable for businesses to locate and people to live there. Indeed, continued degradation can, and has, caused restrictions on growth that reduce

future employment opportunities. Finally, EBRRD's members are concerned about projects that present environmental and land use impacts without providing countervailing economic and community benefits.

II. THE PROJECT IS NOT EXEMPT FROM CEQA BECAUSE THERE IS SUBSTANTIAL EVIDENCE OF POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS WHICH REQUIRE MITIGATION

To rely on a categorical exemption, the City must determine, based on substantial evidence, that approval of the Project would not result in any significant effects on the environment.[12] Exemptions must be narrowly construed and are not to be expanded beyond the scope of their plain language.[13] An agency may not rely on a categorical exemption if mitigation measures would be necessary to reduce potentially significant effects to less than significant levels.[14] "'An agency should decide whether a project is eligible for a categorical exemption *as part of its preliminary review of the project'* without reference to or reliance upon any proposed mitigation measures."[15] If an activity may have a significant effect on the environment, the activity is not exempt from CEQA, CEQA review must occur, and only then are mitigation measures relevant.[16]

A. The Project's Soil Contamination Results in Significant Hazardous Materials and Public Health Impacts Requiring Mitigation

There is substantial evidence demonstrating that the Project has potentially significant impacts from soil contamination that exceed health-based residential ESLs and hazardous waste screening criteria.[17]

The Phase II Subsurface Investigation conducted for the Project identified a number of hazardous contaminants impacts onsite demonstrating a potentially significant environmental impact with respect to public health. **Lead was**

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[12] Pub. Res. Code §§ 21080(b)(9); 21084(a); *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269 (lead agency must provide "substantial evidence to support [their] finding that the Project will not have a significant effect.")
[13] *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257.
[14] *SPAWN,* 125 Cal.App.4th at 1102; *Azusa Land Recl. Co.,* 52 Cal. App.4th at 1198-1201.
[15] *Id.* at 1106 (internal citations omitted) (emphasis added).
[16] *SPAWN,* 125 Cal.App.4th at 1107.
[17] Staff Report, p. 9; Summary of Phase II Subsurface Investigation, Downtown Berkeley Adaptive Reuse Project, 2115 Kittredge Street in Berkeley, California (November 8, 2022), p. 6 of 9. Available at:
https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5291501700/2023-03_ltr-rpt-PhII%20Investigation-0424-002-001-Final.pdf.

detected in soil samples, and the concentration in one of the soil samples exceeded the residential ESL and hazardous waste screening criteria.[18] Additionally, several volatile organic compounds ("VOCs") were detected in each of the soil-vapor samples at concentrations above laboratory reporting limits.[19] **Benzene and bromodichloromethane were detected at concentrations exceeding the residential ESLs**, but below the commercial/industrial ESLs.[20] Chloroform was detected at a concentration above the conservative commercial/industrial ESL.[21]

Residential ESLs are health-protective screening thresholds for subsurface contaminants at project sites intended for residential use. As the Water Board explains:

> Residential Land Use should be used to evaluate sites for unrestricted future land-use. This includes sites to be used for residential developments, hospitals, day care centers and other sensitive purposes (DTSC 2002). ESLs listed under this category incorporate assumptions regarding long-term, frequent exposure of children and adults in a residential setting.[22]

If contamination exceeds a residential ESL for a proposed residential project, it constitutes a significant impact requiring disclosure and mitigation in a CEQA document.[23] The Project's exceedances of residential ESLs constitute a significant environmental impact which require remediation, mitigation, and analysis in an EIR before the Project can be approved. The City cannot rely on a CEQA exemption.

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[18] Summary of Phase II Subsurface Investigation, Downtown Berkeley Adaptive Reuse Project, 2115 Kittredge Street in Berkeley, California (November 8, 2022), p. 6 of 9. Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/5291501700/2023-03_ltr-rpt-PhII%20Investigation-0424-002-001-Final.pdf.

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] San Francisco Bay Regional Water Quality Control Board, *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs)* (2019), p. 2-12. available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjs3eyyxNaDAxXoMEQIHa6PCA0QFnoECDgQAQ&url=https%3A%2F%2Fcanvas.eee.uci.edu%2Fcourses%2F35369%2Ffiles%2F14524449%2Fdownload%3Fdownload_frd%3D1&usg=AOvVaw2yRfXhcKKP99AYVFLz6NlC&opi=89978449 (last visited 1/11/24).

[23] *Comtys. for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 110-111 (when impact exceeds significance threshold, agency must disclose in EIR that impact is significant); *Schenck v. County of Sonoma* (2011) 198 Cal.App.4th 949, 960; *CBE v. SCAQMD*, 48 Cal.4th at 327 (impact is significant because exceeds "established significance threshold for NOx ... constitute[ing] substantial evidence supporting a fair argument for a significant adverse impact").

1. **The Need for Mitigation of the Site's Soil Contamination Impacts Does Not Support a CEQA Exemption**

The City has acknowledged that the site's soil contamination impact is significant and has included mitigation in the Project's conditions of approval which require site cleanup.[24] The City is therefore precluded from relying on a categorical exemption under *SPAWN*.

The Phase II Subsurface Investigation concluded that "soil remediation may be required during grading."[25] The Conditions of Approval in the Staff Report provide that preparation of a Soil and Groundwater Management Plan is required, but the full remediation plan has not been provided for public review.[26] The site's exceedances of residential ESLs must be remediated to levels that are below residential ESLs before the Project can be approved. The Soil and Groundwater Management Plan will therefore include remediation that constitutes mitigation under CEQA.

A "mitigation measure" is a measure designed to minimize a project's significant environmental impacts.[27] CEQA defines mitigation to include:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
(e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.[28]

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[24] Staff Report, p. 9.
[25] *Id.* at 7 of 9.
[26] Staff Report, p. 12 of 28.
[27] Pub. Res. Code § 21002.1(a).
[28] 14 CCR § 15370.

Here, the City seeks to rely on standard conditions of approval which it asserts are "requirements of the project and not mitigation."[29] While a citywide requirement to prepare a soil management plan for all projects may be standard, the requirement to implement site-specific measures to reduce a significant contamination impact at a particular project site, as here, is mitigation unique to the project. Under CEQA, the additional remediation of soil contamination in the SGMP would constitute mitigation measures to "rectify[] the impact by...restoring the impacted environment."[30]

Agencies are prohibited from relying on mitigated categorical exemptions.[31] The Court in *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster*, held that the CEQA Guidelines does not authorize consideration of mitigation measures in connection with a categorical exemption, and held that if mitigation measures are needed to avoid potentially significant impacts, then at a minimum a mitigated negative declaration must be prepared.[32] The court in *SPAWN* similarly held that if there is a reasonable possibility of a significant effect on the environment, then the project must be reviewed under CEQA and mitigation measures may be considered only as part of that CEQA review.[33]

The City's reliance on the standard condition of approval is dissimilar to the *Walters v. City of Redondo Beach* case where the court held that a condition of approval requiring compliance with local noise standards was not a mitigation measure defeating the use of a categorical exemption, when the city found the project would meet those standards and imposed conditions of approval to ensure that it would do so.[34] Here, the standard condition of approval requires the Applicant to conduct additional environmental review in a Soil and Groundwater Management Plan and to potentially conduct additional remediation to mitigate the Project's existing soil contamination. The City cannot escape CEQA review by relying on conditions of approval to conduct its environmental review.

Moreover, the court in *Berkeley Hillside* clarified that "a finding of environmental impacts must be based on the proposed project as actually

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[29] City of Berkeley, Standard Conditions of Approval, Ordinance No. 12899 C.M.S, (2020) p. 2. Available at: https://cao-94612.s3.amazonaws.com/documents/Standard-Conditions-of-Approval-December-2020.pdf.
[30] 14 CCR § 15370.
[31] *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 CA4th 1098, 1102.
[32] (1997) 52 CA4th 1165, 1200.
[33] 125 CA4th at 1102.
[34] (2016) 1 CA5th 809.

approved."[35] The SGMP may find additional environmental impacts and require additional remediation. Therefore, the Staff Report's conclusions as to environmental impacts are not based on the proposed Project as approved, but are based on future environmental review and remediation under a Soil and Groundwater Management Plan. Future remediation, mitigation, and environmental review cannot be the basis to support a categorical exemption.

The remediation associated with the SGMP to reduce contamination to levels that do not exceed residential ESLs constitutes mitigation measure, thus precluding reliance on a categorical exemption for Project approval. An EIR must be prepared which includes the analysis of the SGMP, to adequately characterize, analyze, and mitigate the Project's potentially significant hazardous contamination impacts.

B. The Project May Result in Potentially Significant Historic Resources Impacts Which Require Mitigation

The CEQA Guidelines provides that "[a] categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."[36] Here, the Project may result in a substantial adverse change in the significance of the historic resource of the California Theatre, so an exemption is inapplicable. Moreover, the measures required by the Landmarks Preservation Commission for the Project "that ensure restoration and rehabilitation of the retained portion of the historic structure, as well as documentation and salvage of the property in its current form" constitute mitigation measures under CEQA.[37] "If a project may have a significant effect on the environment, CEQA review must occur and only then are mitigation measures relevant... Mitigation measures may support a negative declaration but not a categorical exemption."[38] Here, the City is improperly relying on mitigation measures to support approval of the Project under a categorical exemption, in violation of CEQA.

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[35] *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.
[36] 14 CCR § 14300.2(f).
[37] City of Berkeley Landmarks Preservation Commission Staff Report, 2113 Kittredge Street – California Theater (Oct. 5, 2023), p. 8 of 10. Available at: https://berkeleyca.gov/sites/default/files/documents/2023-10-05_LPC_Item%207_2113-2115%20Kittredge_Combined%20Staff%20Report%20and%20Attachments_2.pdf
[38] Salmon Protection & Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098, 1102 ("SPAWN").

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

If an activity may have a significant effect on the environment, the activity is not categorically exempt from CEQA.[39] A lead agency must provide "substantial evidence to support [their] finding that the Project will not have a significant effect."[40] The City failed to meet that standard here, because there are several impact areas in which the record contains no evidence to support the City's reliance on the proposed Class 31 or Class 32 exemptions.

Additionally, the Project fails to meet the facial requirements for a Class 32 exemption. CEQA Guidelines Section 15332 provides an exemption from CEQA for "benign infill projects that are consistent with the General Plan and Zoning requirements" of a municipality and that satisfy the following criteria:[41]

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

The Project fails to meet the requirements of Section 15332(a) and (d) because the record lacks substantial evidence that the Project will not result in significant effects to water quality, public health, and air quality. The Project may also result in inconsistencies with the General Plan. For these reasons, the Project fails to qualify for the Infill Exemption.

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[39] *SPAWN,* 125 Cal.App.4th at 1107.
[40] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 269.
[41] 14 CCR § 15332.

A. The City Lacks Substantial Evidence to Conclude that the Project Will Not Have Significant Effects on Water Quality

The Project site is listed on the State Water Resources Control Board's Geotracker database as "Pending Review as of 10/20/2023" as the Former California Theatre (Global ID: T10000021433).[42] On November 16, 2023, following the Phase II Subsurface Investigation, the San Francisco Bay Regional Water Quality Control Board advised the Applicant that "[b]ased on the available data, it is unclear if the contamination threatens to adversely affect the beneficial uses of groundwater and/or human health. These beneficial uses include municipal supply, agricultural supply, and industrial service and process supply."[43] Absent additional review and remediation, the City lacks substantial evidence that water quality impacts are less than significant to allow for approval of the Project under an Infill Exemption.

B. The City Lacks Substantial Evidence to Conclude the Project Will Not Have Significant Effects on Air Quality and Public Health

An exemption is improper, where, as here, the Project may result in significant air quality impacts.[44] The Staff Report for the Project does not contain a quantified health risk analysis ("HRA" or "health risk assessment") to evaluate the Project's potentially significant air quality and public health impacts from construction and operation. Absent a health risk assessment, the record does not contain substantial evidence that toxic air contaminants from construction and operation will be reduced to less than significant levels.

The Staff Report provides that the Applicant is required to prepare a "health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits."[45] However, this HRA has not yet been prepared, and

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[42] State Water Resources Control Board Geotracker, Former California Theatre (T10000021433). Available at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000021433.
[43] San Francisco Bay Regional Water Quality Control Board, Site Cleanup Program (SCP) Recovery of Oversight Costs at the Former California Theatre, 2115 Kittredge Street, Berkeley, Alameda County (November 16, 2023). Available at: https://documents.geotracker.waterboards.ca.gov/regulators/deliverable_documents/9991040885/2023-11-30_CRA%202115%20Kittredge_Executed.pdf
[44] 14 CCR § 15332(d).
[45] Staff Report, Conditions & Findings, p. 17 of 28.

is not included in the record before the ZAB. Therefore, the City lacks substantial evidence to support a finding that the Project's air quality and health impacts from toxic air contaminants will be less than significant.

The Staff Report fails to adequately analyze the Project's air quality and health risk impacts. The Project may result in significant air quality and health risk impacts which may be only discovered after approval under the exemption. The Project should be remanded to Staff to prepare a legally adequate environmental impact report, including a health risk assessment to analyze the Project's potentially significant air quality and public health impacts before the Project can lawfully be approved.

Condition 40 requires the following measures:

> Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:
> A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
> B. Consistent with the assumptions included in the Air Quality Assessment prepared by ESA on November 2023 (Refer to Appendix X), all off road equipment shall be equipped with Tier 4 engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
> In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
> • An equipment inventory summarizing the type of off-road equipment required for each phase of construction consistent with equipment list included in the Air Quality Assessment, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

• A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.[46]

As discussed above, the fact that a Standard Condition of Approval requires analysis of impacts does not demonstrate that a project has no significant effects. The results of the HRA will demonstrate whether or not there is a significant health risk posed by the Project's air emissions, information required by CEQA.[47] And if those effects are significant prior to mitigation, a CEQA exemption will be inapplicable.

The City cannot rely on a categorical exemption absent substantial evidence concluding that air quality and public health impacts are less than significant without supporting evidence. The City must prepare an EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts with respect to air quality and public health.

C. The City Lacks Substantial Evidence to Conclude that the Project Will Not Have Significant Effects from Greenhouse Gas Emissions

The City lacks substantial evidence to support a determination that greenhouse gas ("GHG") emissions impacts are less than significant so as to support a categorical exemption. CEQA requires that in order to qualify for a categorical exemption, the City must demonstrate, based on substantial evidence, that there are no "significant effects" of the Project on the environment.[48] Here, the City has not demonstrated that GHG emissions impacts are less than significant. Therefore, the City lacks substantial evidence to support reliance on the proposed exemptions.

The Staff Report includes analysis of the Project's GHG impacts for construction only, and includes no relevant analysis regarding operational GHG impacts.[49] Moreover, the claim by the Landmarks Preservation Commission that the Project will be "powered sustainably" is not supported by substantial evidence, nor is the Landmarks Preservation Commission, the City's historical resource

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[46] Staff Report, Conditions & Findings, p. 17 of 28.
[47] *Sierra Club v County of Fresno* (2018) 6 Cal.5th 502, 518–522 (CEQA requires an analysis of human health impacts).
[48] *Banker's Hill,* 139 Cal.App.4th at 269.
[49] Staff Report, Air Quality Assessment, Appendix A, p. 6 of 45.

committee, an expert in analyzing GHG emissions.[50] The record contains no study quantifying GHG impacts, no evidence that the source of energy for the Project is "sustainably" sourced, and does not demonstrate that, if so, it would reduce the Project's GHG impacts to less than significant levels in order to rely on a CEQA exemption.

The City must remand the Project to Staff to prepare a legally adequate EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts with respect to GHG emissions.

IV. THE PROJECT MAY RESULT IN NONCONFORMANCE WITH THE GENERAL PLAN AND ZONING

The Project has not demonstrated conformance with General Plan workforce policies. Housing development projects in the City must implement the goals and policies of the General Plan, including Policy ED-4, which includes the following:

> 1) Ensure that Berkeley has an adequate supply of decent housing, living wage jobs, and businesses providing basic goods and services.
> 2) New housing will be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.[51]

General Plan Economic Development and Employment ("ED") Policy ED-1 (Employment and Training) provides that it is the Policy of the City to "**Increase the number of jobs that go to Berkeley citizens by coordinating economic development efforts with employment placement** through the following actions:

> **A. Work with job training programs and encourage training for life skills, job readiness, and specific target industries**, including industrial companies in West Berkeley.
> **B. Provide labor market information from data sources and industry sectors to local educational institutions and training agencies for adults and youths.**

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[50] Berkeley Landmarks Preservation Commission, Agenda, (Oct. 5, 2023). Available at: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-10-05_LPC_Agenda_Linked_0.pdf.
[51] Berkeley General Plan (April 23, 2002), p. I-1.

C. Coordinate City employment and job training programs with the University of California, Vista College, and other local educational institutions.
D. Encourage the University to hire Berkeley residents.
E. Encourage the Berkeley Unified School District to provide education and job skills appropriate to jobs in Berkeley and the region.
F. Create a collaborative process among the City, employers, and local disability/minority organizations to provide access to economic and artistic opportunities and development services for all people through education, technical assistance, and economic incentives.
G. Develop and implement employment programs to assist citizens with temporary and permanent employment.
H. Establish agreements with major employers to provide job training for Berkeley youth similar to the Bayer biotech agreements.
I. Strengthen and improve the administration and performance of the First Source Program, and establish better links between the First Source Program and the Office of Economic Development.
J. Consider development of an ordinance that requires that a percentage of Berkeley residents be hired for publicly funded construction jobs.[52]

General Plan ED Element Objectives provides the following City development objectives:

1. Provide a variety of jobs with varied skill levels for residents of Berkeley.
2. Promote community and neighborhood values.
3. Support businesses that are independent, locally owned, and neighborhood-serving.
4. Encourage environmentally sustainable business.
5. Promote revitalization in neighborhoods and communities that have historically higher-than-average rates of unemployment.
6. Promote a strong industrial base as a vital foundation of a stable economy.
7. Increase social and economic equity in land use decisions.
8. Support culture and the arts in Berkeley.
9. Promote general retail businesses and a variety of cultural, recreational, entertainment, and public sector activities in the Downtown to ensure that

[52] Berkeley General Plan Economic Development and Employment Element, Policy ED-1, p. ED-5 (emphasis added).

the Downtown will remain a vital, attractive, and unifying center for the city.[53]

Policy ED-12 (Promoting Berkeley) requires the City to" promote Berkeley as a location for appropriate business, visitor, and conference destination through specific actions, including "[d]evelop, maintain, and distribute economic and demographic information pertaining to the Berkeley economy.[54]

Insofar as the Project does not include any commitment to provide construction jobs to local Berkeley or East Bay residents and does not contribute to any apprenticeship or other construction job training programs for the majority of the trades, or healthcare expenditures, the Project fails to comply with these General Plan policies. As proposed, the Project is not required to use apprentices or provide healthcare benefits to its construction workers,[55] and the Applicant has not agreed to use a skilled local construction workforce to construct the Project. The Project may therefore be built with low-wage, out-of-area[56] workers who lack the livable wages, health benefits, stability, and basic standard of living that Berkeley has committed to ensuring for all of its workers on all housing developments constructed in the City. If so, the Project would be detrimental to the health, safety, peace, morals, comfort, and general welfare of the City and its residents, especially its local construction workforce, and may fail to comply with General Plan workforce policies.

By contrast, providing a local skilled and trained workforce, including apprenticeship commitments and providing healthcare expenditures for

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[53] Berkeley General Plan Economic Development and Employment Element, Element Objectives, p. ED-5 (emphasis added).
[54] *Id.* at Policy ED-12(C), p. ED-10.
[55] The Project does not appear to be subject to Berkeley's Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards ("HARD HATS") Ordinance, Berkeley Municipal Code ("BMC") Chapter 13.107, given the Project's SB 330 application.
[56] Statement by Councilmember Hahn, Berkeley City Council Hearing (September 20, 2022 6 PM): City Councilmember Hahn, in favor of the HARD HATS Ordinance, said that the ordinance is necessary because workers are "being bussed in from the Central Valley" which deprives them of time with their families and loved ones, and prevents them from being able to take their children to school in the morning.

construction workers would implement the policies laid out in the General Plan Economic Development and Employment Element.[57][58]

A. The Applicant Should Consider Including Voluntary Healthcare and Apprenticeship Training Standards in Line with the HARD HATS Ordinance

The Project is not required to comply with the HARD HATS Ordinance due to its effective date. However, East Bay Residents recommends that the Project include voluntary commitments to provide construction apprenticeship training opportunities for Berkeley and Alameda County residents, local hire, and healthcare expenditures for its construction workforce that are in line with the General Plan's workforce goals and consistent with City's new HARD HATS Ordinance.

The Ordinance went into effect on January 1, 2024 to implement apprenticeship program requirements and healthcare security for workers on General Plan area projects. In enacting the HARD HATS Ordinance, the City was striving "**to promote the general welfare.**"[59] Among the many general welfare concerns cited by the City was the detrimental role that the homebuilding industry plays in perpetuating income inequality by using low wage construction workers:

> Homebuilding is supposed to reduce the number of people waiting in line for housing they can afford. But when the homebuilding industry itself generates excessive very low and low wage construction employment, that just increases the number of people needing subsidies from the taxpayer. Low wage employment is in fact a problem in both the residential and commercial construction markets.[60]

The HARD HATS staff report explained that "[t]he creation and utilization of apprenticeship along with the commitments to paid healthcare act to both recruit and retain an adequate base of construction workers and to be a pipeline for future

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[57] The City has authority to impose conditions of approval on the Project to ensure consistency with the General Plan's economic and workforce policies. Local agencies have broad discretion to construe general plan policies in light of the plan's purposes, and to weigh and balance general plan policies when applying them. *Eureka Citizens for Responsible Gov. v. City of Eureka* (2007) 147 Cal.App.4th 357, 373-74.

[58] SB 330 projects must be consistent with the general plan and zoning. Gov. Code § 65589.5, subd. (j)(1).

[59] BMC § 13.107.112.

[60] HARD HATS Staff Report pp. 4-5.

supervisors and licensed independent contractors."[61] It further provided that "[r]equiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force available to carry out the construction anticipated by the general plan, and especially that targeted by the Housing Element."[62]

The Applicant has not committed to apprenticeship or healthcare standards for its construction workforce, without which the Project may perpetuate precisely the problems that the City's General Plan workforce standards, general welfare zoning code sections, and the new HARD HATS Ordinance seek to remedy.

B. Utilizing a Skilled Construction Workforce Promotes the Goals Set Forth in the Regional Housing Needs Assessment

One of the main rationales for the HARD HATS Ordinance was to increase the housing supply through the use of a local skilled and trained labor force. Berkeley has been assigned a Regional Housing Needs Assessment ("RHNA") of roughly 9,000 units of housing to produce over an eight year period, or over 1,100 units per year.[63] The City has concluded that Berkeley does not have an adequate supply of construction workers to build over 1,100 housing units per year while also building, altering, and maintaining public and private commercial nonresidential buildings and infrastructure.[64] Only 1,250 construction sector employees lived in Berkeley in 2018.[65] City staff have previously concluded that Berkeley cannot rely on contractors to reliably import surplus skilled construction workers from other cities,[66] and that construction jobs – particularly residential construction jobs - have lost their competitive edge relative to other jobs in the Bay Area regional economy.[67] To meet its General Plan goals, Berkeley seeks to create working conditions that will help to overcome the construction labor market's failures to make construction jobs attractive enough to recruit and retain productive trade workers.

At the September 20, 2022 hearing on the HARD HATS Ordinance, City Councilmembers explained that there is a "shortage of qualified local construction workers" and that is one reason why it is hard to get housing built.[68]

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[61] *Id.*
[62] *Id.*
[63] HARD HATS Staff Report, p. 80.
[64] *Id.*
[65] *Id.*
[66] *Id.*
[67] *Id.*
[68] Statement by Councilmember Hahn, Berkeley City Council Hearing (September 20, 2022 6 PM).

Councilmember Hahn explained that Berkeley should "develop more labor, have working conditions, and pay, and benefits that you need to live in the Bay Area."[69] Further Councilmember Hahn asserted that Berkeley needs to expand the available workforce of people who are able to build housing and other projects, and "to ensure they have protections."[70] Mayor Arreguin noted that the "key to addressing the significant shortage of housing is addressing the shortage of a skilled and trained workforce."[71] The Applicant has not demonstrated that the Project will help meet this goal of addressing the housing shortage by utilizing local skilled and trained construction workers.

C. Promoting Jobsite Health and Safety

Berkeley Mayor Arreguin stated in the September 20, 2022 hearing on the HARD HATS Ordinance, that it is "unacceptable to build housing on the backs of low wage workers" and noted that there is exploitation of our construction workforce.[72] The Mayor cited to projects in Berkeley where there is wage theft, OSHA violations, unsafe workplace conditions, and worker exploitation.[73] The Mayor emphasized the importance of enabling the Berkeley construction workforce to access healthcare through the implementation of measures in the HARD HATS Ordinance. The Applicant should consider providing healthcare expenditures to its construction workers to help reduce the risks of injury and illness to construction workers.

V. THE PROJECT IS INCONSISTENT WITH THE DOWNTOWN AREA PLAN

The Project does not conform with the Downtown Area Plan because it fails to provide "significant community benefits" as required by the Plan. The Downtown Area Plan provides that "All new buildings *shall* deliver significant community benefits, many of which should be in proportion to building height."[74] The Downtown Area Plan requires projects above 75 feet to include significant community benefits in the form of affordable housing, supportive social services, green features, open space, transportation demand features, job training, and/or

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[69] *Id.*
[70] *Id.*
[71] Statement by Mayor Arreguin, Berkeley City Council Hearing (September 20, 2022 6 PM).
[72] *Id.*
[73] *Id.*
[74] City of Berkeley, Downtown Area Plan (2012) p. LU-12. Available at: https://berkeleyca.gov/sites/default/files/2022-03/Downtown-Area-Plan.pdf (emphasis added).

employment opportunities.[75] The applicable public benefit requirements are to be included as conditions of approval and the owner shall enter into a written agreement that shall be binding on all successors in interest.[76] This Project has not demonstrated consistency with the Downtown Area Plan for failure to include community benefits as conditions of approval.

VI. THE PROJECT MAY BE DETRIMENTAL TO THE GENERAL WELFARE AND INCONSISTENT WITH THE ZONING ORDINANCE

In order to approve a Use Permit, under Berkeley Municipal Code Section 23.406.040, the ZAB must find that the proposed project:

i. Will not be detrimental to the health, safety, peace, morals, comfort, or **general welfare** of persons residing or visiting in the area or neighborhood of the proposed use; and
ii. Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

The zoning code mandates that use permits for housing projects developed within the City cannot be approved if they are detrimental to the health, safety, peace, morals, comfort, or general welfare of the City, its residents, workers and visitors, to the surrounding neighborhood, or are inconsistent with zoning.[77] The Project is inconsistent with these requirements and fails to meet the City's goals for ensuring a stable and viable construction workforce.

The Staff Report lacks substantial evidence that the Project would not be detrimental to the general welfare. The ZAB therefore lacks the evidence necessary to support the findings to issue a use permit under the City's zoning ordinance. The ZAB should not approve the Project until the Applicant provides substantial evidence demonstrating that the Project will not be detrimental to the City, its residents, and its workers, and until the Project fully complies with the General Plan and DAP.

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[75] *Id.*
[76] *Id.*
[77] Berkeley Municipal Code Section 23.406.040(E).

VII. CONCLUSION

The record lacks substantial evidence demonstrating that the Project qualifies for a CEQA exemption or that it complies with the General Plan and DAP. The ZAB should remand the Project to prepare a legally adequate EIR to adequately analyze and mitigate the Project's potentially significant environmental impacts with respect to hazardous materials, historic resources, water quality, public health, air quality and GHG emissions before the Project can lawfully be approved.

Thank you for considering our comments. Please place this comment letter in the record of proceedings for this matter.

Sincerely,

/s/

Kelilah D. Federman
Christina Caro

:kdf

EXHIBIT C

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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January 19, 2024

Kelilah Federman
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd #1000
South San Francisco, CA 94080

Subject: **Comments on the 2113-15 Kittredge Street Project**

Dear Ms. Federman,

We have reviewed the January 2024 Staff Report and Notice of Decision ("Staff Report") for the 2113-15 Kittredge Street Project ("Project") located in the City of Berkeley ("City"). The Project proposes to demolish a commercial building and construct 211 dwelling units and a 24,273-square-foot ("SF") live theater space on the 0.310-acre site.

Our review concludes that the Staff Report fails to adequately evaluate the Project's air quality, health risk, and greenhouse gas impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A full CEQA analysis should be prepared to adequately assess and mitigate the potential air quality, health risk, and greenhouse gas impacts that the project may have on the environment.

Air Quality

Incorrect Reliance on Categorical Exemptions, including the Class 32 Categorical Exemption

The Staff Report states that "the project is categorically exempt pursuant to Section 15331 ('Historical Resource Restoration/Rehabilitation') and Section 15332 ('Infill Development Projects') of the CEQA Guidelines" (p. 2). However, CEQA Sections 21080 and 21084 provide that only projects having no significant effect on the environment can be categorically exempt from CEQA review, and according to § 15332 of the CEQA Guidelines, a project can only be characterized as an in-fill development and qualify for a Class 32 Categorical Exemption if "approval of the project would not result in any significant effects

relating to traffic, noise, air quality, or water quality." [1] The Staff Report fails to mention or quantitatively evaluate the Project's health risk impacts. As such, the Staff Report fails to demonstrate a less than significant air quality impact on the environment per CEQA Guidelines § 15332 or to rely on any other categorical exemption. As a result, the Project is ineligible for a categorical exemption, including the Class 32 Categorical Exemption, and a full CEQA analysis should be prepared for three reasons:

(1) The Staff Report fails to evaluate the Project's operational emissions whatsoever;
(2) The Staff Report fails to adequately evaluate diesel particulate matter emissions; and
(3) SWAPE's screening-level analysis indicates a potentially significant health risk impact.

1) Failure to Evaluate Operational Air Quality Emissions

Review of the Staff Report and associated documents reveals that the Project fails to adequately evaluate potentially significant operational air quality emissions. Although the Project demonstrates that construction-related criteria pollutant emissions will not exceed BAAQMD thresholds, the Project fails to demonstrate similar compliance with operational criteria pollutant emissions thresholds (Table 5, p. 7). Further, review of the Project's CalEEMod output files demonstrates that the Project fails to include the operational air quality emissions whatsoever (Staff Report, p. 184). Until the City adequately analyzes any potentially significant operational air quality pollutant emissions, we cannot verify that the Project would not result in a significant air quality impact.

2) Diesel Particulate Matter Emissions Inadequately Evaluated

The Staff Report fails to mention or evaluate the Project's construction-related or operational toxic air contaminant ("TAC") emissions whatsoever. This is incorrect for five reasons.

First, by failing to prepare a quantified construction and operational HRA, the Project is inconsistent with CEQA's requirement to make "a reasonable effort to substantively connect a project's air quality impacts to likely health consequences." [2] This poses a problem because, according to the Air Quality Assessment ("AQ Assessment"), construction of the Project would produce DPM emissions through the exhaust stacks of construction equipment over a duration of approximately 37 months (p. 6). However, the Staff Report fails to evaluate the TAC emissions associated with Project construction and operation or indicate the concentrations at which such pollutants would trigger adverse health effects. Without making a reasonable effort to connect the Project's TAC emissions to the potential health risks posed to nearby receptors, the Staff Report is inconsistent with CEQA's requirement to correlate Project-generated emissions with potential adverse impacts on human health.

Second, the Office of Environmental Health Hazard Assessment ("OEHHA"), the organization responsible for providing guidance on conducting HRAs in California, released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* in February 2015. This

[1] CEQA Guidelines Section 15332, available at: http://resources.ca.gov/ceqa/guidelines/art19.html.
[2] "Sierra Club v. County of Fresno." Supreme Court of California, December 2018, *available at:* https://ceqaportal.org/decisions/1907/Sierra%20Club%20v.%20County%20of%20Fresno.pdf.

guidance document describes the types of projects that warrant the preparation of an HRA. Specifically, OEHHA recommends that all short-term projects lasting at least 2 months assess cancer risks.[3] Additionally, according to OEHHA:

> "Exposure from projects lasting more than 6 months should be evaluated for the duration of the project. In all cases, for assessing risk to residential receptors, the exposure should be assumed to start in the third trimester to allow for the use of the ASFs (OEHHA, 2009)."[4]

As the Project's anticipated construction duration exceeds the 2-month and 6-month thresholds set forth by OEHHA, construction of the Project meets the threshold warranting a quantified HRA under OEHHA guidance and should be evaluated for the entire 37-month construction period. Furthermore, OEHHA recommends that an exposure duration of 30 years should be used to estimate the individual cancer risk at the maximally exposed individual resident ("MEIR").[5] While the Staff Report fails to provide the expected lifetime of the proposed Project, we can reasonably assume that the Project would operate for at least 30 years, if not more. Therefore, operation of the Project also exceeds the 2-month and 6-month requirements set forth by OEHHA and should be evaluated for the entire 30-year residential exposure duration, as indicated by OEHHA guidance. These recommendations reflect the most recent state health risk policies, and as such, an EIR should be prepared to include an analysis of health risk impacts posed to nearby sensitive receptors from Project-generated DPM emissions.

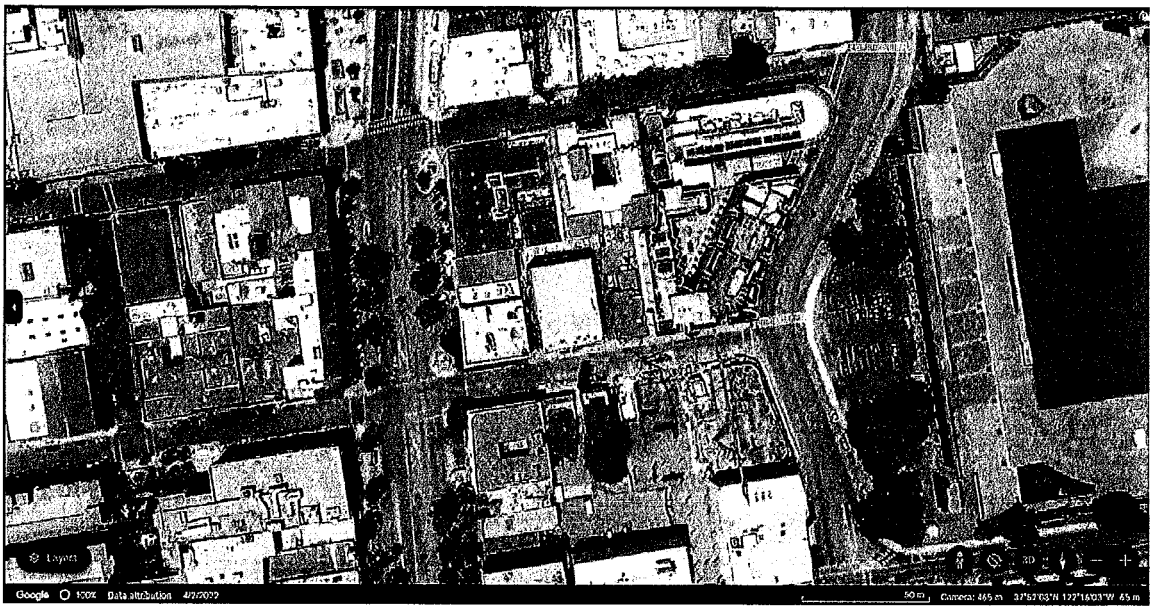
Third, the Bay Area Air Quality Management District ("BAAQMD") requires projects within 1,000 feet of an existing sensitive receptor or source to evaluate the cancer risk associated with Project construction and operation (see excerpt below):[6]

Table 2-1
Air Quality CEQA Thresholds of Significance*

Pollutant	Construction-Related	Operational-Related
Project-Level		
Risk and Hazards for new sources and receptors (Individual Project)*	Same as Operational Thresholds**	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient $PM_{2.5}$ increase: > 0.3 $\mu g/m^3$ annual average Zone of Influence: 1,000-foot radius from property line of source or receptor

[3] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18.
[4] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18.
[5] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 2-4.
[6] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at:* https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 2-2, Table 2-1.

Review of Google Earth demonstrates that there are existing sensitve receptors at residential developments adjacent to the Project site (see screenshot below).



Source, Google Earth, April 2022

As a result, an analysis of the health risk posed to nearby, existing receptors from both Project operation and construction needs to be conducted pursuant to the BAAQMD.

Fourth, by not conducting a quantified construction or operational HRA for nearby, existing sensitive receptors, the Staff Report fails to compare the excess health risk impact to the applicable BAAQMD threshold of 10 in one million.[7] Specifically, regarding the operational TAC emissions threshold, the BAAQMD states:

> "The Lead Agency shall determine whether operational-related TAC and $PM_{2.5}$ emissions generated as part of a proposed project siting a new source or receptor would expose existing or new receptors to levels that exceed BAAQMD's applicable Thresholds of Significance stated below:
>
> - Compliance with a qualified Community Risk Reduction Plan;
> - An excess cancer risk level of more than 10 in one million..."[8]

Regarding the construction-related TAC emissions threshold, the BAAQMD states:

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[7] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 2-5.

[8] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 5-3.

"BAAQMD recommends that the same community risk and hazard Threshold of Significance for project operations be applied to construction."[9]

Pursuant to CEQA, OEHHA, and the BAAQMD, an analysis of the health risk posed to nearby, existing receptors from Project construction and operation should have been conducted.

3) Screening-Level Analysis Demonstrates Potentially Significant Health Risk Impact

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.[10] AERSCREEN is included in the OEHHA and the California Air Pollution Control Officers Associated ("CAPCOA") guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs").[11, 12] A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach should be conducted prior to approval of the Project.

We note, however, that the PM_{10} exhaust values listed in the CalEEMod output files are inconsistent with those listed in the AQ Assessment (Table 5, p.7). Nonetheless, we prepared a preliminary HRA of the Project's construction health risk impact to residential sensitive receptors using the annual PM_{10} exhaust estimates from the Staff Report's CalEEMod output files. Consistent with recommendations set forth by OEHHA, we assumed residential exposure begins during the third trimester stage of life.[13] The Staff Report's CalEEMod model indicates that construction activities will generate approximately 68 pounds of DPM over the 1,125-day construction period.[14] The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by the following equation:

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{67.5\ lbs}{1125\ days} \times \frac{453.6\ grams}{lbs} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} = \mathbf{0.000315\ g/s}$$

Using this equation, we estimated a construction emission rate of 0.000315 grams per second ("g/s"). Subtracting the 1,125-day construction period from the total residential duration of 30 years, we assumed that after Project construction, the sensitive receptor would be exposed to the Project's

[9] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at*: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 8-7.

[10] "Air Quality Dispersion Modeling - Screening Models," U.S. EPA, *available at:* https://www.epa.gov/scram/air-quality-dispersion-modeling-screening-models.

[11] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

[12] "Health Risk Assessments for Proposed Land Use Projects." CAPCOA, July 2009, *available at:* http://www.valleyair.org/transportation/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

[13] "Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, *available at:* https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18.

[14] See Attachment A for health risk calculations.

operational DPM for an additional 26.92 years. However, the CalEEMod output files provided in the Staff Report do not include operational outputs. As such, operational PM_{10} exhaust values were omitted from the calculations. Construction was simulated as a 0.31-acre rectangular area source in AERSCREEN, with approximate dimensions of 50- by 25-meters. A release height of three meters was selected to represent the height of stacks of operational equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution. The population of Berkeley was obtained from U.S. 2022 Census data.[15]

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project Site. The U.S. EPA suggests that the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10% in screening procedures.[16] As previously stated, Google Earth indicates that the nearest sensitive receptors are residential buildings adjacent to the Project site. However, review of the AERSCREEN output files demonstrates that the *maximally* exposed individual receptor ("MEIR") is located approximately 25 meters from the Project site. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 3.669 $\mu g/m^3$ DPM at approximately 25 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.3669 $\mu g/m^3$ for Project construction at the MEIR.

We calculated the excess cancer risk to the MEIR using applicable HRA methodologies prescribed by OEHHA, as recommended by BAAQMD.[17] Specifically, guidance from OEHHA and the California Air Resources Board ("CARB") recommends the use of a standard point estimate approach, including high-point estimate (i.e. 95th percentile) breathing rates and age sensitivity factors ("ASF") in order to account for the increased sensitivity to carcinogens during early-in-life exposure and accurately assess risk for susceptible subpopulations such as children. The residential exposure parameters, such as the daily breathing rates ("BR/BW"), exposure duration ("ED"), age sensitivity factors ("ASF"), fraction of time at home ("FAH"), and exposure frequency ("EF") utilized for the various age groups in our screening-level HRA are as follows:

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[15] "Berkeley." U.S. Census Bureau, 2022, *available at:* https://datacommons.org/place/geoId/0606000.

[16] "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources Revised." U.S. EPA, October 1992, *available at:* http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf.

[17] "California Environmental Quality Act Air Quality Guidelines." BAAQMD, May 2017, *available at:* http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en, p. 56; see also "Recommended Methods for Screening and Modeling Local Risks and Hazards." BAAQMD, May 2011, *available at:* http://www.baaqmd.gov/~/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20Approach.ashx, p. 65, 86.

Exposure Assumptions for Residential Individual Cancer Risk						
Age Group	**Breathing Rate** (L/kg-day)[18]	**Age Sensitivity Factor**[19]	**Exposure Duration** (years)	**Fraction of Time at Home**[20]	**Exposure Frequency** (days/year)[21]	**Exposure Time** (hours/day)
3rd Trimester	361	10	0.25	0.85	350	24
Infant (0 – 2)	1090	10	2	0.85	350	24
Child (2 – 16)	572	3	14	0.72	350	24
Adult (16 – 30)	261	1	14	0.73	350	24

For the inhalation pathway, the procedure requires the incorporation of several discrete variates to effectively quantify dose for each age group. Once determined, contaminant dose is multiplied by the cancer potency factor ("CPF") in units of inverse dose expressed in milligrams per kilogram per day ($mg/kg/day^{-1}$) to derive the cancer risk estimate. Therefore, to assess exposures, we utilized the following dose algorithm:

$$Dose_{AIR,per\ age\ group} = C_{air} \times EF \times \left[\frac{BR}{BW}\right] \times A \times CF$$

where:

$Dose_{AIR}$ = dose by inhalation (mg/kg/day), per age group
C_{air} = concentration of contaminant in air (µg/m3)
EF = exposure frequency (number of days/365 days)
BR/BW = daily breathing rate normalized to body weight (L/kg/day)

[18] "Air Toxics NSR Program Health Risk Assessment Guidelines." BAAQMD, December 2016, available at: https://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en#:~:text=To%20assess%20potential%20inhalation%20exposure%20to%20offsite%20workers%2C%20OEHHA%20recommended,for%20an%20eight%2Dhour%20day, p. 6; see also "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

[19] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-5 Table 8.3.

[20] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 5-24; see also: "Air Toxics NSR Program Health Risk Assessment Guidelines." BAAQMD, December 2016, available at: https://www.baaqmd.gov/~/media/files/planning-and-research/permit-modeling/hra_guidelines_12_7_2016_clean-pdf.pdf?la=en#:~:text=To%20assess%20potential%20inhalation%20exposure%20to%20offsite%20workers%2C%20OEHHA%20recommended,for%20an%20eight%2Dhour%20day, p. 4, 5.

[21] "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 5-24.

A = inhalation absorption factor (default = 1)
CF = conversion factor (1x10-6, µg to mg, L to m3)

To calculate the overall cancer risk, we used the following equation for each appropriate age group:

$$Cancer\ Risk_{AIR} = Dose_{AIR} \times CPF \times ASF \times FAH \times \frac{ED}{AT}$$

where:

$Dose_{AIR}$ = dose by inhalation (mg/kg/day), per age group
CPF = cancer potency factor, chemical-specific $(mg/kg/day)^{-1}$
ASF = age sensitivity factor, per age group
FAH = fraction of time at home, per age group (for residential receptors only)
ED = exposure duration (years)
AT = averaging time period over which exposure duration is averaged (always 70 years)

Consistent with the 1,125-day construction schedule, the annualized average concentration for construction was used for the entire third trimester of pregnancy (0.25 years), the entire infantile stage of life (0 – 2 years), and the first 0.83 years of the child stage of life (2 – 16). The results of our calculations are shown in the table below.

The Maximally Exposed Individual at an Existing Residential Receptor

Age Group	Emissions Source	Duration (years)	Concentration (ug/m3)	Cancer Risk
3rd Trimester	Construction	0.25	0.3669	4.24E-06
Infant (0 - 2)	Construction	2	0.3669	1.02E-04
	Construction	*0.83*	*0.3669*	*5.68E-06*
	Operation	*13.17*	*	*
Child (2 - 16)	Total	14		*
Adult (16 - 30)	Operation	14	*	*
Lifetime		**30**		**1.07E-04**

As demonstrated in the table above, the excess cancer risks for the 3rd trimester of pregnancy, infants, and children at the MEIR located approximately 25 meters away, over the course of Project construction is approximately 4.24, 102, and 5.68 in one million, respectively. The excess cancer risk over the course of a residential lifetime (30 years) is approximately 107 in one million. The child cancer

risks exceed the BAAQMD threshold of 10 in one million, resulting in a potentially significant impact not previously addressed or identified by the Staff Report.

Our analysis represents a screening-level HRA, which is known to be conservative and tends to err on the side of health protection. The purpose of the screening-level HRA is to demonstrate the potential link between Project-generated emissions and adverse health risk impacts. According to the U.S. EPA:

> "EPA's Exposure Assessment Guidelines recommend completing exposure assessments iteratively using a tiered approach to 'strike a balance between the costs of adding detail and refinement to an assessment and the benefits associated with that additional refinement' (U.S. EPA, 1992).
>
> In other words, an assessment using basic tools (e.g., simple exposure calculations, default values, rules of thumb, conservative assumptions) can be conducted as the first phase (or tier) of the overall assessment (i.e., a screening-level assessment).
>
> The exposure assessor or risk manager can then determine whether the results of the screening-level assessment warrant further evaluation through refinements of the input data and exposure assumptions or by using more advanced models."

As demonstrated above, screening-level analyses warrant further evaluation in a refined modeling approach. As our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact, an EIR should be prepared to include a refined health risk analysis which adequately and accurately evaluates health risk impacts associated with Project construction. If the refined analysis similarly concludes that the Project would result in a significant health risk impact, then mitigation measures should be incorporated, as described below in the "Feasible Mitigation Measures Available to Reduce Emissions" section.

Greenhouse Gas

Failure to Adequately Evaluate Greenhouse Gas Impacts

The Staff Report fails to discuss the Project's greenhouse gas ("GHG") emissions whatsoever. As such, we are unable to verify that the Project would not have a significant GHG impact. An EIR should be prepared to include a quantitative GHG analysis which adequately evaluates the Project's emissions. Until such an analysis is prepared, the Project should not be approved.

Furthermore, it is policy of the State that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. Until the feasibility of generating on-site renewable energy production is considered, beyond the construction of a roof with solar readiness, the Project should not be approved.

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

Our analysis demonstrates that the Project may result in potentially significant air quality and health risk impacts that should be mitigated further, and that the City failed to demonstrate that the Project's GHG

impacts are less than significant. As such, in an effort to reduce the Project's emissions, we identified several mitigation measures that are applicable to the proposed Project. Therefore, to reduce the Project's emissions, we recommend consideration of implementing all SCAG's 2020 *RTP/SCS* PEIR's Air Quality Project Level Mitigation Measures ("PMM-AQ-1") and Greenhouse Gas Project Level Mitigation Measures ("PMM-GHG-1") that are not otherwise required under local regulation or Air District rules, as described below: [22]

SCAG RTP/SCS 2020-2045
Air Quality Project Level Mitigation Measures – PMM-AQ-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:
a) Minimize land disturbance.
b) Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.
e) Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.
f) Minimize unnecessary vehicular and machinery activities.
h) Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.
n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
o) Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
r) Projects located within the South Coast Air Basin should consider applying for South Coast AQMD "SOON" funds which provides funds to applicable fleets for the purchase of commercially available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles.
s) Projects located within AB 617 communities should review the applicable Community Emissions Reduction Plan (CERP) for additional mitigation that can be applied to individual projects.
t) Where applicable, projects should provide information about air quality related programs to schools, including the Environmental Justice Community Partnerships (EJCP), Clean Air Ranger Education (CARE), and Why Air Quality Matters programs.
u) Projects should work with local cities and counties to install adequate signage that prohibits truck idling in certain locations (e.g., near schools and sensitive receptors).

[22] "4.0 Mitigation Measures." Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_addendum_4_mitigationmeasures.pdf?1606004420, p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: "Certified Final Connect SoCal Program Environmental Impact Report." Southern California Association of Governments (SCAG), May 2020, *available at:* https://scag.ca.gov/peir.

y) Projects that will introduce sensitive receptors within 500 feet of freeways and other sources should consider installing high efficiency of enhanced filtration units, such as Minimum Efficiency Reporting Value (MERV) 13 or better. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit.

z) Develop an ongoing monitoring, inspection, and maintenance program for the MERV filters.

aa) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities.

bb) The following criteria related to diesel emissions shall be implemented on by individual project sponsors as appropriate and feasible:

- Diesel nonroad vehicles on site for more than 10 total days shall have either (1) engines that meet EPA on road emissions standards or (2) emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%
- Diesel generators on site for more than 10 total days shall be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85%.
- Emission control technology shall be operated, maintained, and serviced as recommended by the emission control technology manufacturer.
- Diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend approved by the original engine manufacturer with sulfur content of 15 ppm or less.
- The construction contractor shall maintain a list of all diesel vehicles, construction equipment, and generators to be used on site. The list shall include the following:
    i. Contractor and subcontractor name and address, plus contact person responsible for the vehicles or equipment.
    ii. Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation.
    iii. For the emission control technology installed: technology type, serial number, make, model, manufacturer, EPA/CARB verification number/level, and installation date and hour-meter reading on installation date.
- The contractor shall establish generator sites and truck-staging zones for vehicles waiting to load or unload material on site. Such zones shall be located where diesel emissions have the least impact on abutters, the general public, and especially sensitive receptors such as hospitals, schools, daycare facilities, elderly housing, and convalescent facilities.
- The contractor shall maintain a monthly report that, for each on road diesel vehicle, nonroad construction equipment, or generator onsite, includes:
    i. Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
    ii. Any problems with the equipment or emission controls.
    iii. Certified copies of fuel deliveries for the time period that identify:
        1. Source of supply
        2. Quantity of fuel
        3. Quantity of fuel, including sulfur content (percent by weight)

cc) Project should exceed Title-24 Building Envelope Energy Efficiency Standards (California Building Standards Code). The following measures can be used to increase energy efficiency:

- Provide pedestrian network improvements, such as interconnected street network, narrower roadways and shorter block lengths, sidewalks, accessibility to transit and transit shelters, traffic calming measures, parks and public spaces, minimize pedestrian barriers.
- Provide traffic calming measures, such as:
    i. Marked crosswalks
    ii. Count-down signal timers
    iii. Curb extensions iv. Speed tables
    iv. Raised crosswalks

v. Raised intersections
vi. Median islands
vii. Tight corner radii
viii. Roundabouts or mini-circles
ix. On-street parking
x. Chicanes/chokers

- Create urban non-motorized zones
- Provide bike parking in non-residential and multi-unit residential projects
- Dedicate land for bike trails
- Limit parking supply through:
  i. Elimination (or reduction) of minimum parking requirements
  ii. Creation of maximum parking requirements
  iii. Provision of shared parking
- Require residential area parking permit.
- Provide ride-sharing programs
  i. Designate a certain percentage of parking spacing for ride sharing vehicles
  ii. Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
  iii. Providing a web site or messaging board for coordinating rides
  iv. Permanent transportation management association membership and finding requirement.

Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1

In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the *State CEQA Guidelines*, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:

b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.

c) Include off-site measures to mitigate a project's emissions.

d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:

i. Use energy and fuel-efficient vehicles and equipment;
ii. Deployment of zero- and/or near zero emission technologies;
iii. Use lighting systems that are energy efficient, such as LED technology;
iv. Use the minimum feasible amount of GHG-emitting construction materials;
v. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;
vi. Incorporate design measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse;
vii. Incorporate design measures to reduce energy consumption and increase use of renewable energy;
viii. Incorporate design measures to reduce water consumption;
ix. Use lighter-colored pavement where feasible;
x. Recycle construction debris to maximum extent feasible;
xi. Plant shade trees in or near construction projects where feasible; and
xii. Solicit bids that include concepts listed above.

e) Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following:

i. Promote transit-active transportation coordinated strategies;
ii. Increase bicycle carrying capacity on transit and rail vehicles;
iii. Improve or increase access to transit;
iv. Increase access to common goods and services, such as groceries, schools, and day care;
v. Incorporate affordable housing into the project;
vi. Incorporate the neighborhood electric vehicle network;
vii. Orient the project toward transit, bicycle and pedestrian facilities;
viii. Improve pedestrian or bicycle networks, or transit service;
ix. Provide traffic calming measures;
x. Provide bicycle parking;
xi. Limit or eliminate park supply;
xii. Unbundle parking costs;
xiii. Provide parking cash-out programs;
xiv. Implement or provide access to commute reduction program;

f) Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network;

g) Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations; and

h) Adopting employer trip reduction measures to reduce employee trips such as vanpool and carpool programs, providing end-of-trip facilities, and telecommuting programs including but not limited to measures that:

i. Provide car-sharing, bike sharing, and ride-sharing programs;
ii. Provide transit passes;
iii. Shift single occupancy vehicle trips to carpooling or vanpooling, for example providing ride-matching services;
iv. Provide incentives or subsidies that increase that use of modes other than single-occupancy vehicle;
v. Provide on-site amenities at places of work, such as priority parking for carpools and vanpools, secure bike parking, and showers and locker rooms;
vi. Provide employee transportation coordinators at employment sites;
vii. Provide a guaranteed ride home service to users of non-auto modes.

i) Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;

j) Land use siting and design measures that reduce GHG emissions, including:

i. Developing on infill and brownfields sites;
ii. Building compact and mixed-use developments near transit;
iii. Retaining on-site mature trees and vegetation, and planting new canopy trees;
iv. Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles; and
v. Measures to reduce GHG emissions from solid waste management through encouraging solid waste recycling and reuse.

k) Consult the SCAG Environmental Justice Toolbox for potential measures to address impacts to low-income and/or minority communities. The measures provided above are also intended to be applied in low income and minority communities as applicable and feasible.

l) Require at least five percent of all vehicle parking spaces include electric vehicle charging stations, or at a minimum, require the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in.
m) Encourage telecommuting and alternative work schedules, such as: i. Staggered starting times ii. Flexible schedules iii. Compressed work weeks
n) Implement commute trip reduction marketing, such as: i. New employee orientation of trip reduction and alternative mode options ii. Event promotions iii. Publications
o) Implement preferential parking permit program
p) Implement school pool and bus programs
q) Price workplace parking, such as: i. Explicitly charging for parking for its employees; ii. Implementing above market rate pricing; iii. Validating parking only for invited guests; iv. Not providing employee parking and transportation allowances; and v. Educating employees about available alternatives.

These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduce emissions released during Project construction and operation.

An EIR should be prepared to include all feasible mitigation measures, as well as include updated air quality, health risk, and GHG analyses to ensure that all potentially significant effects are accurately disclosed, and that all necessary mitigation measures are implemented to reduce emissions to below thresholds. The EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's significant emissions are reduced to the maximum extent possible.

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

Matt Hagemann, P.G., C.Hg.

Paul E. Rosenfeld, Ph.D.

Attachment A: Updated Health Risk Calculations
Attachment B:SWAPE's AERSCREEN Output Files
Attachment C: Matt Hagemann CV
Attachment D: Paul Rosenfeld CV

Attachment A

Construction

2024	
Annual Emissions (tons/year)	0.03
Daily Emissions (lbs/day)	0.164383562
Construction Duration (days)	122
Total DPM (lbs)	20.05479452
Total DPM (g)	9096.854795
Start Date	9/1/2024
End Date	1/1/2025
Construction Days	122
2025	
Annual Emissions (tons/year)	0.01
Daily Emissions (lbs/day)	0.054794521
Construction Duration (days)	365
Total DPM (lbs)	20
Total DPM (g)	9072
Start Date	1/1/2025
End Date	1/1/2026
Construction Days	365
2026	
Annual Emissions (tons/year)	0.01
Daily Emissions (lbs/day)	0.054794521
Construction Duration (days)	365
Total DPM (lbs)	20
Total DPM (g)	9072
Start Date	1/1/2026
End Date	1/1/2027
Construction Days	365
2027	
Annual Emissions (tons/year)	0.005
Daily Emissions (lbs/day)	0.02739726
Construction Duration (days)	273
Total DPM (lbs)	7.479452055
Total DPM (g)	3392.679452
Start Date	1/1/2027
End Date	10/1/2027
Construction Days	273

Total	
Total DPM (lbs)	67.53424658
Total DPM (g)	30633.53425
Emission Rate (g/s)	0.00031516
Release Height (meters)	3
Total Acreage	0.31
Max Horizontal (meters)	50.09
Min Horizontal (meters)	25.05
Initial Vertical Dimension (meters)	1.5
Setting	Urban
Population	118,950
Start Date	9/1/2024
End Date	10/1/2027
Total Construction Days	1125
Total Years of Construction	3.08
Total Years of Operation	26.92

Operation

Emission Rate	
Annual Emissions (tons/year)	
Daily Emissions (lbs/day)	0
Total DPM (lbs)	0
Emission Rate (g/s)	0
Release Height (meters)	3
Total Acreage	0.31
Max Horizontal (meters)	50.09
Min Horizontal (meters)	25.05
Initial Vertical Dimension (meters)	1.5
Setting	Urban
Population	118,950

AERSCREEN 21112 / AERMOD 21112 01/17/24
14:37:17

TITLE: 2113 Kittredge Street, Construction

********** AREA PARAMETERS **********

SOURCE EMISSION RATE:	0.315E-03 g/s	0.250E-02 lb/hr
AREA EMISSION RATE:	0.251E-06 g/(s-m2)	0.199E-05 lb/(hr-m2)
AREA HEIGHT:	3.00 meters	9.84 feet
AREA SOURCE LONG SIDE:	50.09 meters	164.34 feet
AREA SOURCE SHORT SIDE:	25.05 meters	82.19 feet
INITIAL VERTICAL DIMENSION:	1.50 meters	4.92 feet
RURAL OR URBAN:	URBAN	
POPULATION:	118950	
INITIAL PROBE DISTANCE =	5000. meters	16404. feet

********** BUILDING DOWNWASH PARAMETERS **********

BUILDING DOWNWASH NOT USED FOR NON-POINT SOURCES

********** FLOW SECTOR ANALYSIS **********

25 meter receptor spacing: 1. meters - 5000. meters

MAXIMUM IMPACT RECEPTOR

Zo SECTOR	SURFACE ROUGHNESS	1-HR CONC (ug/m3)	RADIAL (deg)	DIST (m)	TEMPORAL PERIOD
1*	1.000	3.669	0	25.0	WIN

* = worst case diagonal

********** MAKEMET METEOROLOGY PARAMETERS **********

MIN/MAX TEMPERATURE: 250.0 / 310.0 (K)

MINIMUM WIND SPEED: 0.5 m/s

ANEMOMETER HEIGHT: 10.000 meters

SURFACE CHARACTERISTICS INPUT: AERMET SEASONAL TABLES

DOMINANT SURFACE PROFILE: Urban
DOMINANT CLIMATE TYPE: Average Moisture
DOMINANT SEASON: Winter

ALBEDO: 0.35
BOWEN RATIO: 1.50
ROUGHNESS LENGTH: 1.000 (meters)

SURFACE FRICTION VELOCITY (U*) NOT ADUSTED

METEOROLOGY CONDITIONS USED TO PREDICT OVERALL MAXIMUM IMPACT

YR	MO	DY	JDY	HR
10	01	10	10	01

H0	U*	W*	DT/DZ	ZICNV	ZIMCH	M-O LEN	Z0	BOWEN	ALBEDO	REF WS
-1.30	0.043	-9.000	0.020	-999.	21.	6.0	1.000	1.50	0.35	0.50

HT	REF TA	HT
10.0	310.0	2.0

********** AERSCREEN AUTOMATED DISTANCES **********
OVERALL MAXIMUM CONCENTRATIONS BY DISTANCE

DIST (m)	MAXIMUM 1-HR CONC (ug/m3)	DIST (m)	MAXIMUM 1-HR CONC (ug/m3)
1.00	2.684	2525.00	0.6673E-02

25.00	3.669	2550.00	0.6584E-02
50.00	1.627	2575.00	0.6497E-02
75.00	0.8872	2600.00	0.6411E-02
100.00	0.5846	2625.00	0.6328E-02
125.00	0.4248	2650.00	0.6246E-02
150.00	0.3281	2675.00	0.6167E-02
175.00	0.2642	2700.00	0.6088E-02
200.00	0.2192	2725.00	0.6012E-02
225.00	0.1859	2750.00	0.5937E-02
250.00	0.1605	2775.00	0.5864E-02
275.00	0.1407	2800.00	0.5793E-02
300.00	0.1247	2825.00	0.5723E-02
325.00	0.1117	2850.00	0.5654E-02
350.00	0.1008	2875.00	0.5587E-02
375.00	0.9155E-01	2900.00	0.5521E-02
400.00	0.8372E-01	2925.00	0.5457E-02
425.00	0.7698E-01	2950.00	0.5393E-02
450.00	0.7113E-01	2975.00	0.5331E-02
475.00	0.6623E-01	3000.00	0.5271E-02
500.00	0.6171E-01	3025.00	0.5211E-02
525.00	0.5769E-01	3050.00	0.5153E-02
550.00	0.5410E-01	3075.00	0.5096E-02
575.00	0.5088E-01	3100.00	0.5039E-02
600.00	0.4798E-01	3125.00	0.4984E-02
625.00	0.4536E-01	3150.00	0.4930E-02
649.99	0.4297E-01	3174.99	0.4877E-02
675.00	0.4080E-01	3199.99	0.4825E-02
700.00	0.3880E-01	3225.00	0.4774E-02
725.00	0.3698E-01	3250.00	0.4724E-02
749.99	0.3529E-01	3275.00	0.4675E-02
775.00	0.3374E-01	3300.00	0.4626E-02
800.00	0.3229E-01	3325.00	0.4579E-02
825.00	0.3096E-01	3350.00	0.4532E-02
850.00	0.2971E-01	3375.00	0.4486E-02
875.00	0.2855E-01	3400.00	0.4441E-02
900.00	0.2747E-01	3425.00	0.4397E-02
924.99	0.2645E-01	3450.00	0.4353E-02
950.00	0.2550E-01	3475.00	0.4310E-02
975.00	0.2460E-01	3500.00	0.4268E-02
1000.00	0.2376E-01	3525.00	0.4227E-02
1025.00	0.2297E-01	3550.00	0.4186E-02
1050.00	0.2222E-01	3575.00	0.4146E-02
1075.00	0.2152E-01	3600.00	0.4107E-02
1100.00	0.2085E-01	3625.00	0.4068E-02
1125.00	0.2021E-01	3650.00	0.4030E-02
1150.00	0.1961E-01	3675.00	0.3993E-02
1175.00	0.1904E-01	3700.00	0.3956E-02
1200.00	0.1850E-01	3725.00	0.3919E-02
1225.00	0.1798E-01	3750.00	0.3884E-02
1250.00	0.1749E-01	3775.00	0.3849E-02

1275.00	0.1702E-01	3800.00	0.3814E-02
1300.00	0.1658E-01	3825.00	0.3780E-02
1325.00	0.1615E-01	3850.00	0.3746E-02
1350.00	0.1574E-01	3875.00	0.3713E-02
1375.00	0.1535E-01	3900.00	0.3681E-02
1400.00	0.1497E-01	3925.00	0.3649E-02
1425.00	0.1461E-01	3950.00	0.3617E-02
1450.00	0.1427E-01	3975.00	0.3586E-02
1475.00	0.1394E-01	4000.00	0.3556E-02
1500.00	0.1362E-01	4025.00	0.3525E-02
1525.00	0.1332E-01	4050.00	0.3496E-02
1550.00	0.1302E-01	4075.00	0.3466E-02
1575.00	0.1274E-01	4100.00	0.3437E-02
1600.00	0.1247E-01	4125.00	0.3409E-02
1625.00	0.1221E-01	4150.00	0.3381E-02
1650.00	0.1195E-01	4175.00	0.3353E-02
1675.00	0.1171E-01	4200.00	0.3326E-02
1700.00	0.1147E-01	4225.00	0.3299E-02
1725.00	0.1125E-01	4250.00	0.3273E-02
1750.00	0.1103E-01	4275.00	0.3246E-02
1775.00	0.1081E-01	4300.00	0.3221E-02
1800.00	0.1061E-01	4325.00	0.3195E-02
1825.00	0.1041E-01	4350.00	0.3170E-02
1850.00	0.1022E-01	4375.00	0.3145E-02
1875.00	0.1003E-01	4400.00	0.3121E-02
1900.00	0.9852E-02	4425.00	0.3097E-02
1924.99	0.9677E-02	4450.00	0.3073E-02
1950.00	0.9507E-02	4475.00	0.3050E-02
1975.00	0.9343E-02	4500.00	0.3026E-02
2000.00	0.9183E-02	4525.00	0.3004E-02
2025.00	0.9028E-02	4550.00	0.2981E-02
2050.00	0.8878E-02	4575.00	0.2959E-02
2075.00	0.8732E-02	4600.00	0.2937E-02
2100.00	0.8590E-02	4625.00	0.2915E-02
2125.00	0.8451E-02	4650.00	0.2894E-02
2150.00	0.8317E-02	4675.00	0.2873E-02
2175.00	0.8186E-02	4700.00	0.2852E-02
2200.00	0.8059E-02	4725.00	0.2831E-02
2224.99	0.7936E-02	4750.00	0.2811E-02
2250.00	0.7815E-02	4775.00	0.2791E-02
2275.00	0.7698E-02	4800.00	0.2771E-02
2300.00	0.7583E-02	4825.00	0.2751E-02
2325.00	0.7472E-02	4850.00	0.2732E-02
2350.00	0.7363E-02	4875.00	0.2713E-02
2375.00	0.7257E-02	4900.00	0.2694E-02
2400.00	0.7154E-02	4924.99	0.2675E-02
2425.00	0.7053E-02	4950.00	0.2656E-02
2449.99	0.6955E-02	4975.00	0.2638E-02
2475.00	0.6859E-02	5000.00	0.2620E-02
2500.00	0.6765E-02		

********** AERSCREEN MAXIMUM IMPACT SUMMARY **********

3-hour, 8-hour, and 24-hour scaled
concentrations are equal to the 1-hour concentration as referenced in
SCREENING PROCEDURES FOR ESTIMATING THE AIR QUALITY
IMPACT OF STATIONARY SOURCES, REVISED (Section 4.5.4)
Report number EPA-454/R-92-019
http://www.epa.gov/scram001/guidance_permit.htm
under Screening Guidance

CALCULATION PROCEDURE	MAXIMUM 1-HOUR CONC (ug/m3)	SCALED 3-HOUR CONC (ug/m3)	SCALED 8-HOUR CONC (ug/m3)	SCALED 24-HOUR CONC (ug/m3)	SCALED ANNUAL CONC (ug/m3)
FLAT TERRAIN	3.697	3.697	3.697	3.697	N/A
DISTANCE FROM SOURCE	26.00 meters				
IMPACT AT THE AMBIENT BOUNDARY	2.684	2.684	2.684	2.684	N/A
DISTANCE FROM SOURCE	1.00 meters				

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist
California Certified Hydrogeologist
Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2104, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal repesentatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE
2656 29th Street, Suite 201
Santa Monica, California 90405
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Paul Rosenfeld, Ph.D.

Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. Journal of Real Estate Research. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K.., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research.* 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research.* 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld.** (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution.* Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust.* Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives.* Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association.* Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum.* Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable.* Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association.* Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association.* Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference.* Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association.* Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings.* Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America.* Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America.* Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University.
Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the Superior Court of the State of California, County of San Bernardino
Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.
Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District
Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington
John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois
Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio
Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern
George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois
Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida
Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida
Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York
Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois
Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois
Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois
Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia
Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois
Joseph Ruepke vs. BNSF
Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska
Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County
James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al.cvs. Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division
Robinson, Jeremy et al vs. CNA Insurance Company et al.
Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS "Conti Perdido" Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi
Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.
Case No. cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama
Jaeanette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants
Civil Action No. CV 2008-2076
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.
Case No. 2:07CV1052
Rosenfeld Deposition July 2009

ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
JANUARY 11, 2024

2113-15 Kittredge Street

Use Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space.

I. Background

A. Land Use Designations:

- General Plan: DT – Downtown; Downtown Area Plan
- Zoning: C-DMU (Core) – Downtown Mixed-Use Commercial District – Core Sub-area

B. Zoning Permits Required:

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.204.020(A) to construct a theater (live)
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(1) to exceed the maximum building height limits, up to 75 feet (plus 5-foot parapet, by right)
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district
- Use Permit under BMC Section 23.04.130(E)(3)(b) to modify side and rear setback requirements
- Use Permit under BMC Section 23.310.020(B) to commence alcoholic beverage service of distilled spirits

- Use Permit under BMC Section 23.310.030(A) for alcoholic beverage service, including distilled spirits when incidental to a food service
- Administrative Use Permit under BMC Section 23.302.020(E)(4) to allow outdoor uses in a commercial district not abutting a residential district

C. Concessions and Waivers Requested Pursuant to State Density Bonus Law (California Government Code Section 65915):

- Concession to reduce Usable Open Space (residential) requirement – to provide 12,539 square feet, where 16,880 square feet is required
- Concession to reduce landscaped Usable Open Space requirement – to provide 5 percent where 40 percent is required
- Waiver of BMC Section 23.04.130(E)(1) to exceed building height limits – to be 203 feet to roof and 211 feet, 4 inches to parapet (8-foot, 4-inch-high parapet), where 75 feet is the limit (plus 5-foot parapet by right)
- Waiver of BMC Section 23.204.130(E)(3) to reduce the front, sides and rear setbacks (see Table 4: Development Standards)
- Waiver of BMC Section 23.204.130(E)(3) to increase front setback maximum to five feet, four inches, where five feet maximum is required, at 0-20 feet building height
- Waiver of BMC Section 23.204.130(E)(3) to exceed the diagonal measurement limit of the building above 120 feet height – to be 152 feet, three inches, where 120 feet is required
- Waiver of BMC Section 23.322.090(A) to provide zero commercial short-term bicycle parking, where 12 is required

D. CEQA Recommendation: It is staff's recommendation that the project is categorically exempt pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects") of the CEQA Guidelines. The determination is made by ZAB. See section V.A for an analysis of the recommendation.

E. Parties Involved:

- Applicant — Christian Cerria, 2115 Kittredge Street LLC, 629 Mission Street, 5th Floor, San Francisco, CA 94105
- Property Owner — Robin Lent, 426 Sandhill Circle, Menlo Park, CA 94025

F. Application Materials, Staff Reports and Correspondence are available on the City's website:
https://aca.cityofberkeley.info/citizenaccess/Default.aspx
https://cityofberkeley.info/your-government/boards-commissions/zoning-adjustments-board

Figure 1: Zoning Map

Legend

	AC Transit Bus Route
C-DMU:	Downtown Mixed-Use District
Core:	C-DMU Core Sub-Area
Buffer:	C-DMU Buffer Sub-Area
Corridor:	C-DMU Corridor Sub-Area
Outer Core:	C-DMU Outer Core Sub-Area
R-5:	High Density Residential District
R-SMU:	Residential Southside Mixed Use District

N

Figure 2: Aerial View of Site

Figure 3: Kittredge Street (Front/South) and Right Side (East) Elevations

Figure 4: Rear (North) and Left Side (West) Elevations

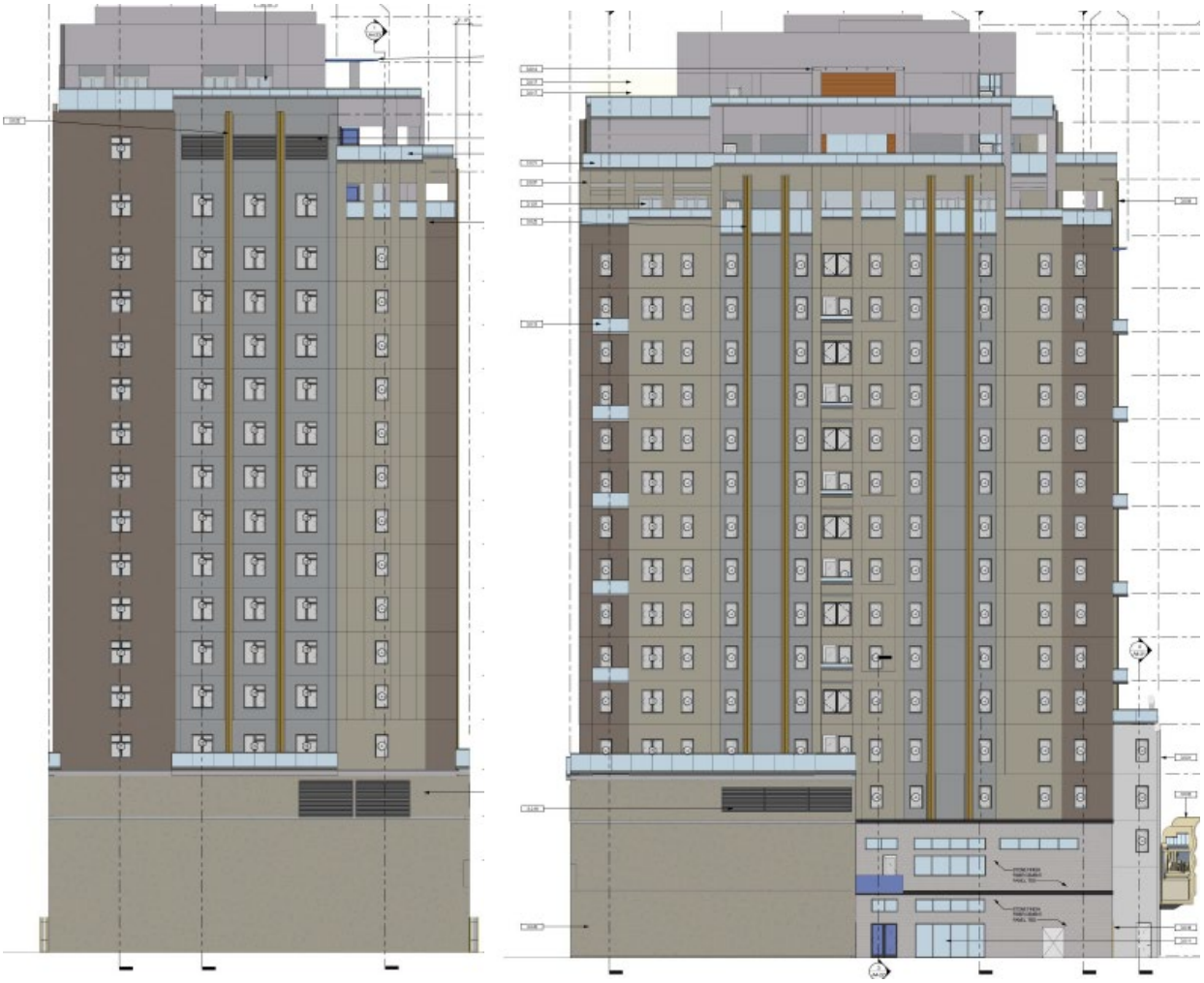

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		California Theater (closed)	C-DMU Core Sub-Area	DT
Surrounding Adjacent Properties	North	Retail / Mixed-use - Art Center and Multi-family Residential		
	East	Restaurant/ Mixed-use Commercial, Residential / Public Parking Garage / Event Center (Brower Center)		
	West	Retail / Restaurant		
	South	Personal Service / Multi-family Residential	C-DMU Outer Core Sub-Area	

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Per Resolutions 66,618-N.S. & 66,617-N.S.)	Yes	These fees apply to projects with more than 7,500 square feet of net new non-residential gross floor area. The project provides 13,393 square feet of net new non-residential gross floor area. Therefore, the project is subject to these fees.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project vested policies in place at the time of submittal of an SB 330 Preliminary Application on October 26, 2022 and is therefore subject to the Affordable Housing Mitigation Fee provisions in BMC 22.20.065 (repealed on April 1, 2023). It is not subject to the Inclusionary Housing provisions of BMC Chapter 23.328. (See below.)
Inclusionary Housing provisions (Per BMC Chapter 23.328)	No	The project vested with an SB 330 Preliminary Application on October 26, 2022. It is not subject to this section.
Alcohol Sales/Service	Yes	The project is proposing distilled spirits, beer and wine service with food in the live theater concessions.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	No	The project site is not within a creek buffer.

Characteristic	Applies to Project?	Explanation
Density Bonus	Yes	The project would provide 22 Very Low-Income units, or 15 percent of the 141 Base Project units, and qualifies for a 50 percent density bonus, or 71 bonus units (70 taken). See Section III.B for discussion.
Green Building Score	Yes	The project is designed to achieve a Leadership in Energy and Environmental Design (LEED) - Gold (or equivalent) rating.
Historic Resources	Yes	The project would involve the demolition of all but the marquee of the California Theater, a designated City Landmark and historic resource. The project is subject to a Structural Alteration Permit (LMSAP2022-0011). See discussion of the Structural Alteration Permit in Section IV.B.
Housing Accountability Act (Govt. Code 65589.5(j))	Yes	The project is a "housing development project" consisting of a mixed-use building, and requests no modifications to development standards beyond waivers and concessions requested under density bonus law. Therefore, the HAA findings apply to this project, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section III.C for discussion.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). See Section V.B of this report for additional discussion on the sections of SB 330 that apply to the project.
Natural Gas Prohibition (BMC Chapter 12.80)	Yes	This project is an application for new construction and was submitted after January 1, 2020, and is therefore subject to the Natural Gas Prohibition.
Public Art on Private Projects (BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects Ordinance. The applicant is electing to provide pay the in-lieu fee (equal to 8% of total building permit valuation) to comply.
Rent Controlled Units	No	The project involves the demolition of non-residential structures and no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	No	The site is located in RPP zone "I". However, newly constructed dwellings would not be eligible to participate in the RPP program.
Seismic Hazards	No	The project site is not located in an area susceptible to seismic hazards, as defined by the State Seismic Hazards Mapping Act (SHMA). No further study is required.

Characteristic	Applies to Project?	Explanation
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area. The project site is not listed on the Cortese List. The applicant submitted Phase I and Phase II reports which indicated Recognized Environmental Conditions on the site, and exceedances of residential environmental screen levels. A Condition of Approval will be included in the permit requiring oversight of this site condition by the San Francisco Bay Regional Water Quality Control Board. In addition, standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, one-half block west of the site and is one block away from the Downtown Berkeley Bay Area Rapid Transit (BART) Station.

Table 3: Project Chronology

Date	Action
October 26, 2022	SB 330 Preliminary Application complete
October 31, 2022	SB 330 Use Permit Application submitted
March 31, 2023	Application deemed complete
April 28, 2023	Level of CEQA review determined by staff – CEQA Exempt
July 6, 2023	Structural Alteration Permit Hearing #1 at LPC
October 5, 2023	Structural Alteration Permit Hearing #2 at LPC
December 21, 2023	Public hearing notices mailed/posted
January 11, 2024	ZAB Hearing

Table 4: Development Standards

C-DMU Standards, Core Sub-Area			Existing	Change	Proposed	Permitted/Required
Lot Area (sq. ft.)			13,500	--	13,500	n/a
Gross Floor Area (s.f.)			10,880	+149,854	160,734	n/a
Commercial Floor Area			10,880	+13,393	24,273	n/a
FAR			0.8	+11.2	12	n/a
Dwelling Units			n/a	+211	211	n/a
Bedrooms			n/a	+313	313	n/a
Building Height[1]	Maximum		60'-0"	+143'	203' (roof) 211'-4" (parapet)	50' min./60' max. (75' max. w/use permit, 180' max. w/use permit, 5' max. parapet by right)
	Stories		2	+16	18	n/a
Building Setbacks[2]	Front (Kittredge)[3]		0' 0' n/a	-- -- --	0' to 5'-4" 0' to 8'-8" 8'-8" to 32'-3"	0'–5' (bldg. ht.≤20') 0' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Rear		2'-8" 2'-8" n/a	-1'-10" -1'-10" n/a	0'-10" 0'-10" 3'	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Interior Left Side (west)	0'-65' from frontage	11'-9" 11'-9" n/a	-6'-9" -9'-9" n/a	5' 2' 5'	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bldg. ht.>120')
		>65' from frontage	11'-9" 11'-9" n/a	-9'-9" -6'-9" n/a	2' 5' 5'	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Interior Right Side (east)	0'-65' from frontage	8'-5" 8'-5" n/a	-6'-5" -5'-5" n/a	2' 3' 3'	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bld1g. ht.>120')
		>65' from frontage	8'-5" 8'-5" n/a	-6'-5" -6'-5" n/a	2' 2' 3'	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Diagonal Dimension (above 120' height)		n/a	n/a	152'-3"	120' max. (bldg. ht.>120')
Lot Coverage (%)			64	+25	89	n/a
Usable Open Space (s.f.)			n/a	+13,533	12,539[4]	16,880 min. (80 s.f./d.u.)
Privately Owned Public Open Space (s.f.)			n/a	n/a	0	489 min. (1 s.f./50 s.f. of commercial)

[1] A use permit to allow height up to 75 feet is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Additional height beyond 75' is being requested as a waiver.

[2] The use permit to allow reduced setbacks up to 75' building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 75' are being requested as waivers.

[3] The existing theater marquee overhangs approximately 17' into the right-of-way.

[4] A Concession is also requested to provide to provide 5% landscaped UOS where 40% is required.

= Waiver requested to modify the district standard.

= Concession, pursuant to State Density Bonus Law, requested to modify the district standard.

Abbreviations: s.f.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height

Table 4: Development Standards (Continued)

C-DMU Standards, Core Sub-Area		Existing	Change	Proposed	Permitted/Required
Parking	Commercial (24,273 sq. ft.)	0	--	0	0 min.*
	Residential	n/a	--	0	0 min./106 max. (0.5 spaces/du max.)
	Carshare	n/a	--	n/a	n/a
	Total	0	--	0	0 min./106 max.
Bicycle Parking	Commercial - Short Term (24,273 sq. ft.)	0	--	0	12 (1 space/2,000 s.f. commercial)
	Residential - Long Term (313 bedrooms)	n/a	+105	105	105 (1 space/3 bedrooms)
	Residential - Short Term (313 bedrooms)	n/a	+8	8	8 (1 space/40 bedrooms, or 2)
	Total	0	+105/8	105/8 (long term/short term)	105/20 (long term/short term)

* Pursuant to Assembly Bill 2097, no parking is required for residential or commercial uses on a site located within ½-mile of public transit.
= Waiver requested to modify the district standard.
Abbreviations: s.f.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height

II. Project Setting

A. Neighborhood/Area Description: The project site is located on the north side of Kittredge Street, within the Downtown Mixed-Use District (C-DMU), Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). The project site is surrounded by commercial, institutional and mixed-use commercial/residential buildings ranging in height from one to seven stories. Along Shattuck Avenue to the west are one- and two- story retail and restaurant uses; a mixed-use, three-story apartment building with ground floor restaurant is directly west. Immediately north is the seven-story, Gaia Building art center and apartments. To the northeast are a one-story restaurant and the four-story Brower Center event space with a ground-floor restaurant. To the east is a one-story restaurant. Further east is a six-story, mixed-use apartment building with ground floor commercial and an underground public parking garage. To the southeast, at 2176 Kittredge, a seven-story, mixed use building with 169 units is under construction. (See Figure 1: Zoning Map and Figure 2: Aerial View.)

The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, one-half block west of the site, and is one block away from the Downtown Berkeley Bay Area Rapid Transit (BART) Station. The site is two blocks away from the University of California at Berkeley Shuttle, and a bike share station at the Shattuck Avenue and Center Street intersection.

B. Site Conditions/Background: The project site is associated with addresses 2113 and 2115 Kittredge Street and Assessor's Parcel Number 57-2030-9. The 13,500-square-foot (0.31-acre) project site is a rectangular parcel that is occupied by an approximately 10,880-square-foot, movie theater (California Theater) that was originally constructed in 1914 as a live performance venue, but operated primarily as a movie theater until it closed in the fall of 2021.

III. Project Description

A. The project proposes to demolish the commercial building on the landmarked site (preserving the front façade), and construct a mixed-use building that utilizes the State Density Bonus with the following main components:

- 18 stories, 203 feet in height, with 8-foot, 4-inch parapet (see Figures 3 and 4: Elevations)
- 211 dwelling units – 133 studios, 66 two-bedroom, 12 four-bedroom
- 313 bedrooms total
- 22 Very Low Income (VLI) units
- 24,273-square-foot live theater space
- 12,539 square feet of usable open space – two private balconies; marquee balcony on level 2; roof decks on levels 16, 17 and 18
- Two parklets, approximately 75 square feet each – in public right-of-way on Kittredge
- 105-space basement bike room and 8 short-term bike parking spaces

B. Base Project and Density Bonus: By committing to provide 22 VLI units, the project is eligible for a density bonus under Government Code Section 65915. Under the City's density bonus procedures, the Base Project was calculated to have 141 units, as the maximum allowable density for the site.[1] The Base Project has an average unit size of 646 square feet in an 8-story building. Twenty-two VLI units, or 15.6 percent of the Base Project, qualifies the project for a 50 percent density bonus or 71 bonus units, of which the project would utilize 70. The resulting proposed project would be an 18-story building with 211 units (out of 212 units maximum), with an average unit size of 646 square feet (see Table 5: Density Bonus).

[1] Per the City's Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

Table 5: Density Bonus – Government Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
141	22 VLI (15.6 percent of BP)	50 percent	70 (71 max.) (50 percent x 141)	211 (212 max.)
*Per Government Code 65915(q), all unit calculations are rounded up to the nearest whole number.				

C. Housing Accountability Act: The Housing Accountability Act (HAA), California Government Code Section 65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

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

The Base Project complies with applicable, objective general plan and zoning standards. Further, Section 65589.5(j)(3) provides that a request for a density bonus "shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the Base Project or the density bonus units. Therefore, Section 65589.5(j) ***does apply*** to the proposed project. All findings discussed in Sections VI and VII are subject to the requirements of Government Code Section 65589.5.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City on October 31, 2022, the applicant installed yellow Proposed Development Project signs at the project site.

On September 26, 2022 a virtual neighborhood outreach meeting was held by the applicant. One member of the public attended and discussed questions about the lack of parking in the project, electric scooters blocking the sidewalk, traffic impact on Kittredge, and noise levels during sensitive hours.

Numerous letters and emails were received by staff during the application review period from neighbors and organizations with concerns for:

- the loss of the California Theater building as a cultural and historic resource
- the lack of room on the sidewalk to accommodate the addition of pedestrian traffic from the project, scooter use of the sidewalk, and impact to access for the disabled
- proper fire department access and safe evacuation for nearby residents with the addition of new residents and theater patrons
- too much student housing and not enough for under-resourced and vulnerable people
- impacts from multiple construction projects in the area, such as reduced safety for disabled people using sidewalks, obstruction of deliveries, dust, gas and water disruptions, noise pollution, adverse health effects, obstruction of nearby resident vehicles
- the loss of use of the "alleyway" on the site by businesses fronting Shattuck

On December 21, 2023, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations, and posted notices within the neighborhood in three locations.

On January 2, 2024, staff received a public comment letter expressing concerns over the excessive density of the proposed building, the exposure of toxic substances from demolition of the existing building, the project's impact on water, electricity and commercial services, and the project's impact on adjacent buildings and their access to the existing alley area on the west property line.

No further communications regarding the project were received as of the writing of this staff report.

B. Landmarks Preservation Commission: In accordance with BMC Section 3.24.200 of the Landmarks Preservation Ordinance and BMC Section 23.406.070 of the Zoning Ordinance, the Landmarks Preservation Commission (LPC) must grant approval of the proposed demolition and complete design review for the new development under a Structural Alteration Permit, because the new construction shares the site with landmarked structures. The project proposes to demolish the existing California Theater building, with the exception of the front façade and marquee.

The property was designated a City Landmark site in 2022, due to its architectural merit, the property's association with historical events (namely the development of Berkeley's Downtown), and its value as contributor to the potential Historic Downtown district. In the designation, the City listed only the building's south-facing façade as the feature to be preserved.

The project was reviewed by the LPC under the Structural Alteration Permit (LMSAP 2022-0011) on July 6, 2023 and October 5, 2023. At the October 5 meeting, the LPC approved the SAP (Vote: 5-1-2-0) with a categorical exemption from CEQA pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") due to the project's consistency with the Secretary of Interior Standards for Rehabilitation, for the demolition of the building while preserving the front façade and the construction of the proposed 18-story building. The LPC conditioned the permit approval with further refinements to be presented at Final Design Review before the LPC. The SAP Findings and Conditions can

be found at this link. (Also see Attachment 3, LMSAP2022-0011 Findings Conditions, October 5, 2023.) Further revisions to the project were made prior to this ZAB hearing based on comments received from the LPC at the October 5 meeting, including revisions to the massing of the top building levels, the relocation of two dwelling units to the top floor, revisions to the unit size distribution and resulting floor area adjustments, and other minor revisions. (See Attachment 2, Plans.) The revisions did not affect staff's recommendation for CEQA exemption.

V. Issues and Analysis

A. CEQA Exemption: The project site is located within the City's Environmental Management Area; however, it is not listed on a Cortese List. Consistent with guidelines published by the Bay Area Air Quality Management District,[2] the City requires development project that includes both demolition and construction to substantiate a categorical exemption by providing an air quality assessment that indicates compliance with criteria air pollutant screening thresholds. An air quality assessment report was prepared by the project consultant anticipating no significant air quality impact from with project construction pollutants, in support of the categorical exemption. (See Attachment 4 – Air Quality Assessment.)

In addition, Phase I and Phase II reports were submitted by the applicant which indicate Recognized Environmental Conditions on the site and exceedances of residential environmental screen levels. Staff is including a Condition of Approval that requires oversight of this site condition by the San Francisco Bay Regional Water Quality Control Board (RWQCB) (See Attachment 1 – Findings and Conditions). The applicant has entered into an Oversight Agreement with the San Francisco Bay RWQCB to oversee further study of potential water contamination at the project site, to determine the project's impact to groundwater. (See Attachment 5 – San Francisco Bay RWQCB Oversight Agreement.) Also, standard Conditions of Approval related to hazardous materials would apply.

The LPC approved the Structural Alteration Permit (LMSAP 2022-0011) on October 5, 2023 with an exemption from CEQA under Section 15331 ("Historical Resource Restoration/Rehabilitation"), because it meets the requirements for rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

The project is also categorically exempt from CEQA under Section 15332 ("Infill Development Projects"). The project meets all of the requirements of this exemption, as follows:

[2] Bay Area Air Quality Management District. 2022. California Environmental Quality Act Air Quality Guidelines. Available: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

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

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.

Therefore, Staff recommends a determination that the project is categorically exempt from CEQA, pursuant to Section 15331 ("Historical Resource Restoration/Rehabilitation") and Section 15332 ("Infill Development Projects").

B. Senate Bill 330 – Housing Crisis Act of 2019: The Housing Crisis Act, also known as Senate Bill (SB) 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development projects. A "housing development project" means a use that is: all residential; mixed use with at least two-thirds of the square footage as residential; or transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code Section 65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act [Chapter 4.5 (commencing with Section 65920)].

   The January 11, 2024 ZAB Hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold two additional public hearings on this project, if needed. One hearing must be reserved for a potential appeal to the City Council.

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is an historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is an historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

   As discussed in Section IV.B, at the time the project was deemed complete, the structure proposed to be demolished was designated a City landmark, and an historic resource. The proposed project was approved by the LPC on October 5, 2023 with conditions of approval for historic resource preservation and requiring further refinements at Final Design Review before the LPC. The project is also required to comply with the City's standard conditions of approval, which instruct construction workers to halt work if any unanticipated discovery of archeological, paleontological, or tribal cultural resources are uncovered on the project site during ground disturbing activities.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on March 31, 2023. If the ZAB determines the application is categorically exempt from CEQA at the January 11, 2024 public hearing, the application must be approved or disapproved by March 11, 2024.

4. Government Code Section 66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished. The project does not propose the demolition of housing units. Therefore, Section 66300(d) does not apply to the project.

C. Density Bonus Waivers and Concessions: The project is entitled to three concessions (or incentives), under Government Code Section 65915(d) for providing at least 15 percent of total units to very low-income households, and an unlimited number of waivers, under Section 65915(e).

Concession. A concession or incentive is a modification of a zoning code requirement that results in identifiable and actual cost reductions to provide for affordable housing costs. The applicant is requesting two concessions: 1) to provide less than the minimum required usable open space, which would eliminate the cost of providing more balconies and roof deck area; and 2) to provide less than the minimum required landscaped usable open space, which would eliminate the cost of providing landscaping, irrigation, and structural reinforcement for the extra weight on the roof deck locations.

The City may only deny the concessions if it finds that the concessions would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact

without rendering the development unaffordable to low income, very low income, and moderate-income households, or if the concession would be contrary to State or Federal law.[3] Staff has identified no basis for making such a finding.

Waiver. A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. Waivers for height (maximum height and rooftop projections), setbacks, diagonal width, and short-term bike parking are requested because they are necessary to physically accommodate the full density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low income, very low income, and moderate income households, or if the waiver would be contrary to State or Federal law. Staff has not identified any evidence that would support such a finding.

D. Use Permit for Demolition of Commercial Structures: Pursuant to BMC Section 23.326.070(A), in order to approve a Use Permit to demolish a commercial structure, the Board must make the findings in BMC Section 23.326.070(D)(2), including the finding that the demolition would not be materially detrimental to the commercial needs and public interest of any affected neighborhood of the City, and if demolishing a building more than forty years old, the LPC, upon review, does not recommend against granting the permit.

The proposed demolition of the existing landmarked movie theater building would not be materially detrimental to the commercial needs and public interest of the neighborhood because the proposed project would replace the eliminated commercial floor area with a mixed-use building that has more commercial space than the existing building, and would provide a significant amount of new dwelling units, to bring more diversity of services to residents and workers in the vicinity and new housing to the neighborhood and the City at large. The existing structure to be demolished is a 10,880-square-foot movie theater. This commercial use would be replaced by a 24,273-square-foot live theater facility, 211 new residential units, and two new parklets, directly in front of the building in the public right-of-way on Kittredge Street. The demolition is required in order to allow the proposed mixed-use project to be built.

Further, as discussed in Section IV.B., the proposed demolition referral and SAP were approved by the LPC on October 5, 2023.

E. Use Permits to Commence Alcohol Sales and Service (Distilled Spirits): The applicant intends to apply for a Type 47 (On-Sale General-Eating Place) license from

[3] A "specific, adverse impact" means "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

the Alcohol Control Board (ABC) to allow beer, wine, and distilled spirts to be served from the theater concessions. Pursuant to BMC Sections 23.310.020(B) (General Requirements Excluding Incidental Beer and Wine Service) and 23.310.030(A) (Alcoholic Beverage Service When Incidental to Food Service), the ZAB may approve use permits to commence distilled spirits alcoholic beverage sales or service. If the proposed use is within a 1,000-foot radius of the site of a use that is in the same category of alcoholic beverage sales or service, ZAB must make the required Findings of Public Convenience or Necessity. The project would also be subject to alcohol service standards included in the Conditions of Approval, and must operate as a bona fide eating place, as defined by the ABC. There are 40 existing Alcoholic Beverage Control (ABC) Type 47 (On-Sale General-Eating Place) licenses issued to establishments within 1000 feet of the project site.

Findings of Public Convenience or Necessity:

1. *The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.*
2. *The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.*
3. *If the applicant has operated a licensed establishment that has been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in Berkeley as verified by the Police Department, such violations do not indicate a high likelihood of further violations and/or detrimental impacts from the proposed establishment. In making this finding, the ZAB may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.*
4. *If the proposed establishment is within 1,000 feet of any public park or public school, the ZAB has taken into consideration the effect of the proposed establishment upon such sensitive public uses.*
5. *The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.*

The allowance of distilled spirits sales and service with theater concessions in the project would provide a wider range of alcoholic menu options to theater patrons that are customarily available to live theatrical venues. Such expanded menu choices would contribute to the economic success of the theater over a concessions menu that only offers beer and wine. The addition of distilled spirits to the concessions offerings would also increase business revenue, resulting in increased tax revenue for the City.

The project site is within 1,000 feet of Berkeley High School, at Allston Way and Milvia Street, and Constitution Square, on Shattuck Avenue between Center Street and Allston Way, which is well-used by the public and patrons of the nearby food establishments for gathering and eating. There are 40 existing ABC Type 47 licenses issued to establishments within 1,000 feet of the project site. The Berkeley Police Department has reviewed the proposal and noted that there are no alcoholic beverage violations against the property owner, that the proposed mixed-use project appears to fit within the general character of the existing uses in the neighborhood,

and that the project would not likely increase crime or calls for service in the area. (See Attachment 6, Berkeley Police Department Alcohol License Recommendation)

Therefore, staff recommends approval of this permit. Alcohol service standards are included in the Conditions of Approval for the permit, and the applicant would be required to meet applicable ABC standards for the license type.

VI. Other Considerations

The analyses of conformance with district purposes, use permit findings for non-detriment, and the Downtown Area Plan (adopted 2012) goals and policies are provided for Board consideration. The proposed project is HAA-compliant. The following permits have been determined by the City to be included in the Base Project of the proposal, and are subject to findings in Section 65589.5(j) of the HAA in order to deny or reduce the density of the project. See section III.D for discussion of the HAA. The C-DMU District permit findings and General Non-Detriment findings discussed in sections VI.A and VI.B are provided for all permits, in addition to specific findings other permits.

A. Findings for Use Permits in C-DMU District: Pursuant to BMC Section 23.204.130(I), in order to approve any Use Permit in the district, the Board must make the findings that the proposed use or structure:

6. *Is compatible with the purposes of the district:*

   The project would include 211 dwelling units, 22 affordable units, 313 bedrooms, a 24,273-square-foot live theater facility, 22,539 square feet of usable open space, no vehicular parking, and 113 bike parking spaces. The project is located in Downtown Berkeley, is within walking distance of the University of California, Berkeley campus, and is well served by transit – the Downtown Berkeley BART station is located one block away from the site, and multiple Alameda County Transit lines run along Shattuck Avenue (approximately 100 feet away).

   The purpose of the C-DMU Downtown Mixed-Use District is to implement the vision and goals of the Downtown Area Plan (DAP). Summarized below are the principal goals of the DAP that are applicable to the project, in each of the main areas of concentration: Environmental Sustainability and Access, Land Use, Housing and Community Health and Services, Economic Development, Historic Preservation and Urban Design, and Streets and Open Space.

   - Environmental Sustainability and Access. *DAP goals: Integrate environmentally sustainable development and sustainability best practices; encourage high density, highly livable development to utilize regional transit and improve the availability of diverse walk-to destinations; promote "green" buildings; promote ecologically beneficial landscaping and stormwater features; minimize waste generated Downtown; improve options that increase access to Downtown on foot, by bicycle, and via transit; provide parking to meet the needs of Downtown,*

while discouraging commuter parking; promote transit as an efficient, attractive choice and as a primary mode of travel.

The project would be a high-density development with no vehicular parking, in proximity to regional transit, shops and amenities, and would provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project is designed to achieve a LEED Platinum rating. The project would comply with the State's Model Water Efficient Landscape Ordinance (MWELO), and would feature a number of native plant species in its landscape palette.

- Land Use. *DAP goals: Encourage a thriving, livable Downtown that is a focal point for the city and a major destination for the region, with a unique concentration of housing, jobs and cultural destinations near transit, shops and amenities; new development contributes fair share toward Downtown improvements; cultivate Downtown as an attractive residential neighborhood with a range of housing opportunities, with an emphasis on affordable housing and family housing; new development enhances Downtown's vitality, livability, sustainability, and character through appropriate land use and design; enhance Downtown as a center for employment and innovative businesses.*

- Housing and Community Health and Services: *DAP Goals: Encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses; offer diverse housing opportunities for persons of different ages and incomes, households of varying size, and persons of varying abilities; preserve existing affordable housing Downtown, and expand the supply of affordable housing to low-income, very low-income and working-class households in Downtown.*

- Economic Development: *DAP Goals: Make Downtown a more attractive regional destination, by building on Downtown's unique blend of cultural, historic, entertainment and by promoting successful retail businesses and other attractions with daytime and nighttime populations to support them; make Downtown more attractive and economically successful, encourage place-making through the preservation of historic buildings, street and open space improvements, and high-quality new construction; Invest in civic improvements (such as streets, open spaces, and community facilities) to enhance Downtown as a place to live, work, and visit; Increase the number of Downtown jobs that go to Berkeley residents, and support the development of job skills for Berkeley residents – especially Berkeley's youth; serve the housing needs of all income groups and provide a growing base of residents who support a broad range of Downtown retail and other business.*

  The project would introduce 211 new residential units, in a mix of unit sizes – studio, two-bedroom and four-bedroom units – and 22 very low-income units to

the neighborhood, to help broaden the range of household incomes in the area and contribute to diversifying housing opportunities for households of different ages, incomes, varying sizes, and abilities in the Downtown.

The project features a 24,273-square-foot live theater facility that would contribute to the Downtown's appeal as a major destination for the region, with a unique concentration of housing, jobs and cultural destinations near transit, shops and amenities, enhancing the area's vitality, livability, sustainability, and character while preserving the character of the Downtown Historic neighborhood.

- Historic Preservation and Urban Design: *DAP goals: Conserve Downtown's historic resources and unique character and sense of place; enhance areas of special character in Downtown, such as clusters of historic resources; provide continuity and harmony between the old and the new in the built environment; improve the visual and environmental quality of Downtown, with an emphasis on pedestrian environments that are active, safe and visually engaging.*

  The LPC evaluated the project design's consistency with DAP Design Guidelines and its impact to the Shattuck Avenue Downtown Historic District resource, and conditioned the project approval to provide further design refinements and to implement site/historic preservation measures, in order to enhance compatibility of building design with the Historic District.

- Streets and Open Space: *DAP Goals: Enhance public open spaces and streets to benefit pedestrians, improve Downtown's livability, and foster an exceptional sense of place; promote watershed health through the use of ecologically beneficial landscaping and other features; adequately fund Streets and open space improvements, maintenance, and cleaning; new development contributes to greenery and open space*.

  The project's 24,273-square-foot live theater facility, 211 residential units, and two public parklets on Kittredge Street would increase the number of residents in the neighborhood and would provide a new destination for both local and non-local patrons, helping to improve the Downtown neighborhood's livability and to foster an exceptional sense of place. The project would provide 12,539 square feet of private open space for residents that would comply with the State's MWELO requirements. In addition, the project would be required to contribute to the Streets and Open Space Improvement Plan (SOSIP) fund via Condition of Approval.

7. *Is compatible with surrounding uses and buildings.*

   The project site currently contains a movie theater that ceased operations in 2021. Uses on the surrounding properties include retail, an art center, an event venue public parking, restaurant, and multi-family residential. The project features a live theater facility and multi-family residential units, a similar mixture of uses that already exists on the site and in the vicinity. Thus, the project would not introduce new land

uses that do not already exist in the Downtown, and would further the vision and goals of the DAP. The LPC approved the project with conditions for further design refinement and historic preservation requirements, and deemed the project consistent with DAP design guidelines.

B. General Non-Detriment Finding: BMC Section 23.406.040 states that before the ZAB approves an application for a Use Permit, it must find that 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.

Shadows: According to the shadow studies submitted for the project (See Attachment 2, Project Plans – Sheets G008 through G010). New shadow impacts would occur 1) in the summer months and fall months around noon and in the hours before sunset on the mixed-use residential building at 2134 Allston Way to the north and the mixed-use residential buildings at 2220-40 Oxford and 2165-77 Kittredge Streets to the east; and 2) in the winter months in the hours before sunset on the mixed-use residential buildings at 2161 Allston Way and 2173-75 Allston Way to the northeast. All other new shadows would impact commercial buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas would not be unreasonable for a development in the dense, downtown district that allows building heights up to 60-foot, with zero to five-foot setbacks from property lines, by right.

Non-Detriment: The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring that the project meets the non-detriment finding.

C. Administrative Use Permit for Architectural Projections to Exceed Height Limit: Pursuant to BMC Section 23.304.050(A) an Administrative Use Permit for architectural elements, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors and cannot be used as habitable space or for commercial purposes. The project proposes stair and elevator elements on the roof of the Base Project that represent less than the 15 percent threshold, as shown in the Base Project diagrams on sheet G002.A.

D. Use Permit to Reduce Setbacks: Pursuant to BMC Section 23.204.130(E)(3), the ZAB may approve a permit to modify setbacks upon finding that the modifications will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

The project requests reduced front, side and rear setbacks above 20 feet in building height in the Base Project. The findings in this section are not applicable to reduced setbacks above 75 feet building height that are requested waivers in the Proposed

Density Bonus Project. The setback encroachment in the Base Project would result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. See section VI.C for shadow study analysis. Thus, the setback reduction the Base Project would not unreasonably limit solar access.

A wind study was not provided to satisfy this finding. However, wind studies have been prepared for projects in the vicinity that are much taller and have similar setback reductions, and which can be used for reference analysis. A Wind and Comfort Impact Analysis was prepared in March, 2022 for an approved use permit at 2190 Shattuck, a site that is one block to the east of the subject site, for a 25-story building proposal with zero to five-foot setbacks up to 268 feet in height, that concluded that the building would not cause significant additional wind impact on the street level at Shattuck Avenue and Allston Way. Staff believes that the proposal at 2113-15 Kittredge for an 18-story building with similar setback reductions up to 203 feet in height, would also result in insignificant changes to wind patterns on the sidewalk at the site along Kittredge Street.

VII. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2022-0144, pursuant to BMC Section 23.406.040.

Attachments:
1. Findings and Conditions
2. Project Plans, received November 8, 2023
3. Findings and Conditions for Landmark application #LMIN2022-0001, October 5, 2023 LPC hearing
4. Air Quality Assessment, dated November, 2023
5. San Francisco Bay RWQCB Oversight Agreement, dated November 16, 2023
6. Berkeley Police Department Alcohol License Recommendation, dated September 29, 2023
7. Downtown Area Plan MMRP
8. Notice of Public Hearing
9. Comment Letter – Everone, received January 2, 2024

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

Attachment 6

NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL

ZAB APPEAL: 2113-15 KITTREDGE STREET, USE PERMIT #ZP2022-0144

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, JUNE 4, 2024** at **6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Zoning Adjustments Board to APPROVE **Zoning Permit #ZP2022-0144 to demolish the commercial building on a landmarked site (preserving the front façade), and construct an 18-story (203 feet, with 8-foot, 4-inch parapet), 160,734-square-foot, mixed-use building with 211 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), and a 24,273-square-foot live theater space.**

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov as of MAY 23, 2024. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Sharon Gong, Project Planner, (510) 981-7429 or SGong@berkeleyca.gov.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@berkeleyca.gov for further information.

_____

Mark Numainville, City Clerk

Mailed by: **MAY 21, 2024**

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.