



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

FOR BOARD ACTION
JUNE 27, 2024

3031 Adeline Street

Use Permit #ZP2018-0156 to demolish a single-story, approximately 1,000-square foot commercial building and an approximately 10,000-square foot surface parking lot, and to construct a seven-story (75 feet), approximately 52,000-square foot mixed-use building comprised of approximately 4,000 square feet of commercial floor area, 60 dwelling units (including eight Very Low-Income and seven Low-Income), and as many as 21 off-street parking spaces

I. Background

A. Land Use Designations:

- General Plan: Adeline Corridor Mixed Use
- Zoning District: Adeline Corridor Commercial District/North Adeline Subarea [C-AC]

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish a commercial building
- Use Permit pursuant to BMC Section 23.204.020 to construct a new mixed-use building and new dwelling units in the Adeline Corridor Commercial District
- Use Permit pursuant to BMC Section 23.204.030(A)(1) to construct a new main building and new dwelling units in the Adeline Corridor Commercial District
- Administrative Use Permit pursuant to BMC Section 23.304.050(A) to project a mechanical penthouse beyond the otherwise applicable maximum building height limit

C. CEQA Recommendation:

It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act

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

D. Parties Involved:

- Applicant/Architect: Moshe Dinar, Dinar & Associates; P.O. Box 70601, Oakland, CA
- Property Owner: Athan Magganas for MAXACO LLC, 2550 Appian Way, #201, Pinole, CA

Figure 1: Vicinity and Zoning Districts Map

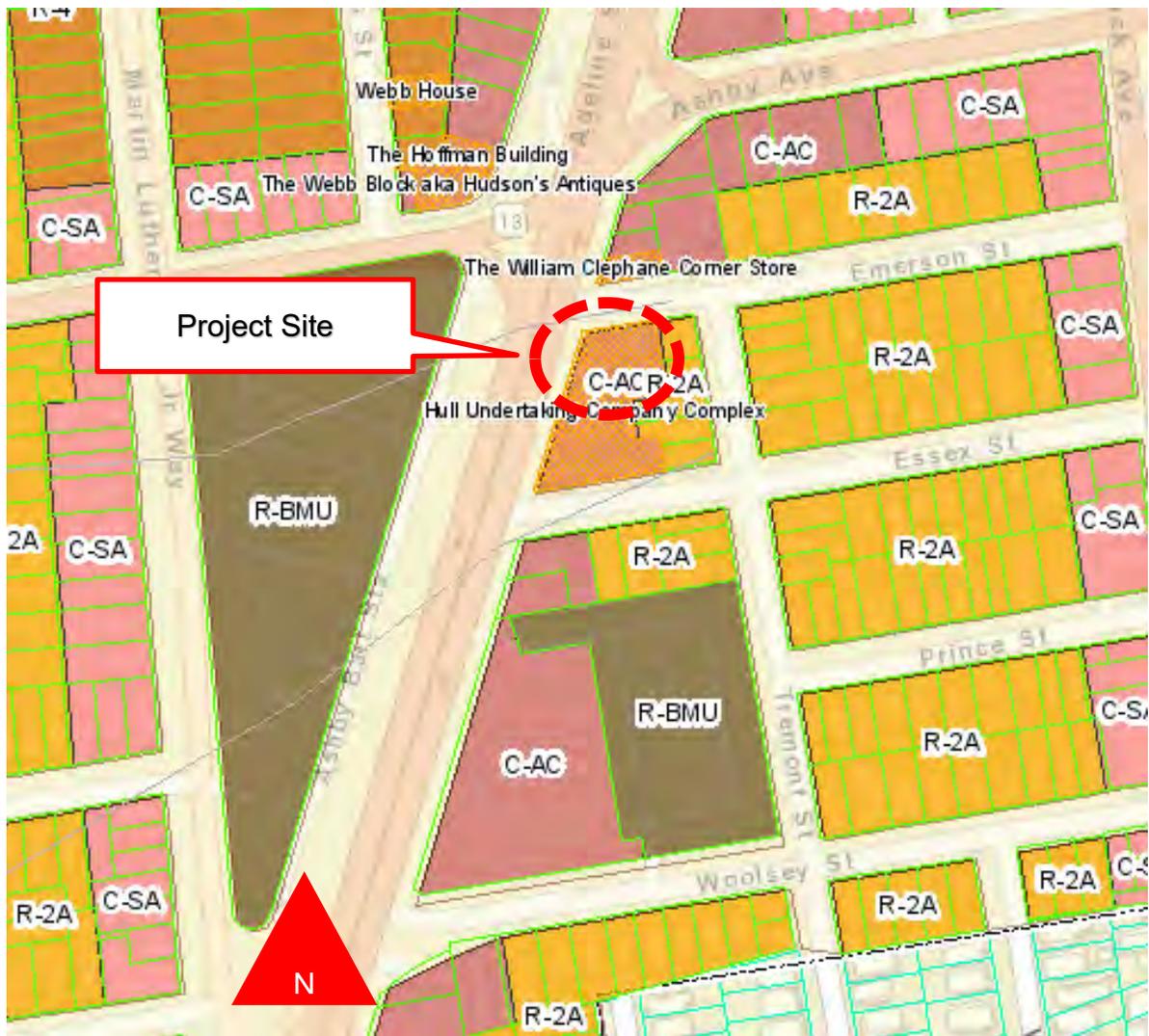


Figure 2: Site Plan

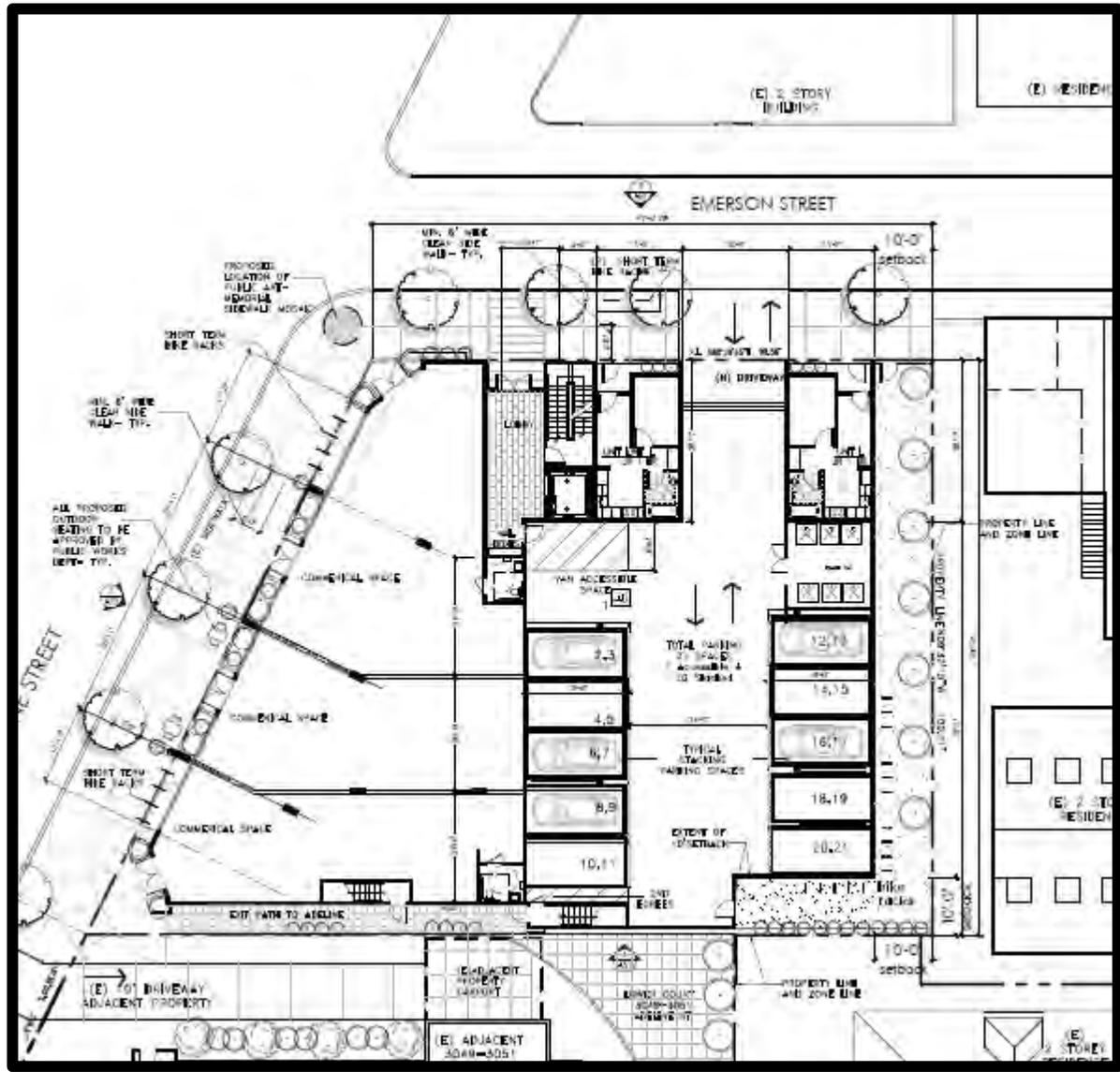


Figure 3: Architectural Rendering – view facing southeast from Adeline Street



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation	Adeline Corridor Specific Plan Designation
Subject Property		Food service and parking lot	Commercial Adeline Corridor (C-AC)	Adeline Corridor Mixed Use	North Adeline
Surrounding Properties	North	Mixed-use commercial/retail and residential			
	South	Mixed-use commercial/office and residential	C-AC Two-Family Restricted Residential (R-2A)	Adeline Corridor Mixed Use Medium Density Residential	
	East	Low- and medium-density residential	R-2A	Medium Density Residential	
	West	Ashby BART Station	C-AC	Adeline Corridor Mixed Use	Ashby BART

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects Per Resolution 66,618-N.S. Affordable Housing Fee for qualifying non-residential projects Per Resolution 66,617-N.S.	No	These fees apply to net newly constructed non-residential gross floor area over 7,500 square feet. The project proposes approximately 4,000 square feet of commercial floor area and, therefore these fees do not apply.
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	Typically, a housing development project as defined in BMC 23.328.020 ^a would provide at least 20 percent of residential units at Below Market Rates (BMR), with an option to provide an in-lieu fee for some or all of the units. This proposal, however, is subject to the provision of not less than 25 percent of the proposed units as onsite BMR (or a total of 15 units) because it is located in the C-AC and proposes to construct a building at the maximum height of seven stories and 75 feet under BMC Section 23.204-44 for Tier 4 development.
Alcohol Sales/Service Public Convenience or Necessity	No	The project proposal does not include a request to establish alcoholic beverage sales or service in the proposed development project.
Coast Live Oak Trees BMC Chapter 6.52	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus Gov't Code Section 65915	No	The applicant has not requested waivers or concessions from the BMC for this project proposal pursuant to the provisions for Density Bonus.
Historic Resources	No	Staff concurs with the results of the historic resource evaluation for the subject building and parking (dated January 2019), which found that the property is not an eligible cultural resource pursuant to CEQA Guidelines Section 15064.1. The subject building and surface parking lot were excluded from the <i>Features to be Preserved</i> when the Landmarks Preservation Commission designated the Hull Undertaking Company Complex as a City Landmark site in 2015. They were omitted because they lack historical and architectural significance. The subject building and parking lot, therefore, are not protected features of the City Landmark, nor are they historical resources.
Housing Accountability Act (HAA) Gov't Code Section 65589.5(j)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . and thus section (j) of the Housing Accountability Act applies, and the project cannot be denied at the density proposed unless the requisite findings for denial can be made. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.

Characteristic	Applicability	Explanation
Housing Crisis Act of 2019 SB 330/Gov't Code Section 66300	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^b See Section V.C of this report for additional discussion on the sections of SB 330 that apply to the project.
Rent Controlled Units BMC Chapter 13.76	No	There are no dwelling units on the project site and, therefore, no units subject to BMC Chapter 13.76 would be affected by this project.
Residential Preferred Parking (RPP)	Yes	The site is located in the RPP zone M, but the block is not eligible although the surrounding neighborhood is. The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) and no permits shall be issued to residents in newly constructed residential units if the project is approved.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The project site is located within the City's Environmental Management Area and is not on the Cortese List. ^d Standard Conditions of Approval related to hazardous materials would apply.
Transit Proximity	Yes	This project site is directly adjacent to the Ashby BART Station, and this South Berkeley neighborhood is served by multiple AC Transit Bus Lines, including local lines 7, 12 and 18, and Transbay Line F.
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p> <p>d. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: Project Chronology

Date	Activity	
July 24, 2018	Use Permit application received	
August 23, 2018	Application deemed incomplete	
February 19, 2019 through September 21, 2021	Application resubmittals received	City Council adopts new Commercial Adeline Corridor (C-AC) zoning ordinance, replacing the old Commercial C-SA provisions. (December 8, 2020)
		Project design receives Favorable Recommendation from Design Review Committee. (January 21, 2021)
October 20, 2021	Application deemed complete and vests under previous Commercial C-SA zoning ordinance provisions	
February 17, 2022 through August 16, 2023	Resubmittals for revised project proposal under new C-AC provisions received	
	Revised project design receives Favorable Recommendation from Design Review Committee. (January 19, 2023)	
September 14, 2023	Revised project application deemed complete	
September 2023 through February 2024	Application review and processing underway; resubmittals received	
April 25, 2024	Public hearing notices mailed/posted	
May 9, 2024	ZAB hearing – CONTINUED to June 27, 2024	
June 13, 2024	Public hearing notices mailed/posted	
June 27, 2024	ZAB hearing resumes	

Table 4: Standards for C-AC/North Adeline Tier 4 Development and Parking & Loading – BMC Sections 23.204.150 and 23.322

Standard BMC Sections 23.204.150 <i>Tier 4 Project with 25% Affordable Units</i>		Existing (Approx.)	Proposed (Approx.)	Permitted/ Required
Lot Area (sq. ft.) ^a		12,250	12,250	Not Regulated
Gross Floor Area (sq. ft.)		1,000	51,900	Max 61,285 sq. ft.
Residential Floor Area		0	42,825	Not Regulated
Commercial Floor Area		1,000	4,000	
Floor Area Ratio		0.10	4.25	Max 5
Dwelling Units	Total	0	60	Max 250 units
	Below Market Rate		7 Low Income	Min 25% of 60 units, or 15 total
			8 Very Low Income	
Building Height	Maximum (ft.)	12	75	75 max
	Projection above roof	-	3	5 max
	Stories	1	7	Max 7 stories with 25% Below Market Rate
Building Setbacks (ft.)	Front (North) Emerson Street	0	0	0 ft. min
	Rear (South) Abuts R-district 1st-3 rd Fl.	-	10	10 ft. min
	4 th -7 th Fl.	Not Applicable	20	20 ft. min
	Street Side (west) Adeline Street	0	0	0 min
	Interior Side (east) Abutting R-district 1 st -3 rd Fl.	-	10	10 ft. min
	4 th -7 th Fl.	Not applicable	20	20 ft. min
Lot Coverage		4%	92%	Max 100%
Usable Open Space (sq. ft.)		Not Applicable	2,460 +	Min. 40 per dwelling Or 2,400
Parking BMC 23.322	Automobile	18	21	N/A
	Bicycle	0	84	Min 1 space per 3 bedrooms Or 24 spaces
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				

II. Project Setting

A. Neighborhood/Area Description

The North Adeline subarea stretches from Adeline Street's northern terminus at Shattuck Avenue/Derby Street to Ashby Avenue. It includes services, small-scale office space, housing, and a number of well-known retail stores, including the Berkeley Bowl grocery. The southern end of this subarea includes the historic Antiques District at the intersection of Ashby and Adeline. The District has been a center of commerce and transit for over a century, featuring the Ashby BART. (Adeline Corridor Specific Plan, page 2.21)

This commercial corridor abuts lower-density, smaller-scaled residential areas with a range of housing types, including single-family homes, duplexes and multi-family, apartment-style developments, with open yard areas and distinct residential character. The neighborhood includes K-12 schools, childcare facilities, a library and sites for religious assemblies.

B. Site Conditions

The subject property is part of a larger development that features the City Landmark Hull Undertaking Company Complex, originally constructed in 1923. The complex includes three buildings: 3031, 3049 and 3051 Adeline Street. The original use endured until the 1970/1980s when the property was converted to other commercial uses, such retail, office and food service.

The Use Permit project site, in particular, is an approximately 10,000-sq. ft. asphalt parking lot with a one-story, approximately 1,000-sq. ft. commercial building located at the northwest corner of the parcel. The subject building (proposed for demolition) was originally an accessory structure for the undertaker complex and housed a florist, but was converted to food service in 1978 (Use Permit #8321, 1978). Most recently the Flacos Tacos restaurant occupied the building.

In accordance with Assembly Bill 2097 (Gov't Code Section 65863.2) which became effective in January 2023, many of the requirements of BMC Section 23.322 for *Required Parking Spaces* have been superseded and are no longer applicable or enforceable. The Zoning Ordinance was also amended and no longer requires parking spaces for new uses or buildings, or an enlargement or intensification of an existing use or structure, that are located within 0.5 miles of a major transit stop (BMC 23.322.020(D) Locational Exemption). The property owner is no longer required to retain or replace the existing, off-street vehicle parking spaces that comprise the surface parking lot.

There are mature trees and vegetation that screen the parking lot along the Adeline (west) and Emerson (north) Street frontages; these features extend to the rear (east) side of the property where it abuts residential developments of varied story heights (one to three stories).

The property is currently vacant.

C. C-AC District Regulatory Context

In the C-AC District, development standards are based on the percentage of affordable units provided onsite as part of all residential and mixed-use projects (BMC 23.204.150(E)(2)). The proposed project would be developed using the Tier 4 Development Standards for the North Adeline Subarea and is required to provide 25 percent of the units as affordable with a mix of 50 percent Very Low-Income and 50 percent Low-Income. The Tier 4 density is authorized as a local density bonus under Government Code Section 65915(n). Projects utilizing a local density bonus are not eligible for concessions and waivers because the development standards allow for higher densities and larger buildings by-right.

III. Project Description

The applicant proposes to demolish the existing, approximately 1,000-square foot commercial building containing a food service use, remove the 10,000-square foot asphalt parking lot covering the majority of the site, and vegetation screening, in order to construct a new mixed-use development.

The proposed, seven-story development project includes a commercial ground floor along the Adeline Street building frontage as well as two dwelling units with entrances on Emerson Street, and a parking garage containing 10 parking stalls where parking lifts would be installed to create as many as 21 total parking spaces. The second through seventh floors would feature dwelling units ranging in size from studio apartments, to one-, two- and three-bedroom residences.

Fifteen of the total 60 dwelling units would be provided at below-market rate (BMR) rents in accordance with BMC Section 23.204.150(E)(2), with seven units for low-income households and eight units for those with very low-incomes.

The proposed commercial floor area of approximately 4,000 square feet is designed to provide at least three modest-sized tenant spaces of approximately 1,200-to-1,800 square feet in area, or to be re-configured into fewer but larger spaces as need to address anticipated demand in the Adeline Corridor.

Landscaped terraces, decks and open space amenities for residential occupants would be provided in both shared and private areas located throughout the proposed development, for a total of approximately 30,000 square feet – surpassing the minimum requirement for Usable Open Space in this district. There is no off-street vehicle parking requirement for this proposal, however the applicant has included 21 parking stalls while also offering 84 bicycle racks were a minimum of 24 are prescribed by the BMC.

As required in the C-AC district, the proposed building design features massing step-backs at the rear (east) elevation where the project site abuts a low-scaled residential neighborhood. Beyond the 75-ft, seven-story building height limit for this district, roof penthouses serving the building elevators and mechanical features are proposed that would adhere to the limits for such projects when their total area is combined.

This development application is subject to the Zoning Adjustment Board's (ZAB) approval for Use Permits for the demolition a commercial building and to a construct

mixed-use building, new dwelling units, and an Administrative Use Permit (AUP) to project mechanical penthouses beyond the maximum building height limit. There are no other regulatory considerations, such as state bonuses or variances from the BMC provisions, under consideration with this proposal.

The applicant is also proposing to subdivide the lot and would file a vesting tentative map with Public Works. After receiving Use Permit approval, the vesting tentative map would be reviewed and acted upon by the Planning Commission.

Proposed project plans and the Applicant's Statement are provided as Attachments to this report; please refer to these documents for project details and further information.

IV. Community Discussion

A. Neighbor/Community Concerns

Prior to submitting this application to the City, the applicant invited interested neighbors within 300 feet of the project site to a project preview meeting. The meeting occurred on December 12, 2017, and 12 individuals signed an attendance sheet. An additional meeting was held on September 20, 2022 – after the initial five-story proposal was revised to seven stories following the City's adoption of C-AC zoning provisions. Via video conference, the applicant team presented the new information and received comments and feedback from several neighbors. The Applicant's meeting records are included as Attachment 5 of this report.

Since this Use Permit application has been under review, the staff has received inquiries from residents of the properties that abut the east side of the project site. These neighbors occupy the one- and two-story dwellings on Tremont Street. They expressed concerns about the overall height and scale of the proposed new building as well as minimum required rear yard setback of 10 feet, which they found insufficient to protect their properties from potential privacy and massing impacts. In response, staff shared information about the applicable zoning ordinance standards for this site and Use Permit review process in general.

Some neighbors requested staff's assistance obtaining updated and accurate information about the proposal, the Use Permit application materials, and the site conditions – including copies of technical reports, such as land surveys and parcel dimensions.

More recently, neighbors have inquired about the anticipated construction duration and potential disturbances, impacts such as noise, and accommodations for construction site workers' parking.

At the ZAB meeting on May 9, 2024, two members of the public addressed the Board and described their concerns about the project's compliance with Bird Safe Building provisions of BMC Section 23.304.150. Others provided written statements that are included in Attachment 8 of this report.

Prior to the meeting on May 9 and again on June 13, 2024, City staff mailed public hearing notices to property owners and occupants within 300 feet of the project site,

and to interested neighborhood organizations. The City also posted notices at the project site and within the immediate neighborhood at four locations.

B. Landmarks Preservation Commission (LPC)

The project involves demolition of a commercial building over 40 years in age and, therefore, otherwise would require a referral to LPC pursuant to zoning ordinance BMC Section 23.326.070(C)(1).

LPC studied the subject building in 2015 when it designated the Hulls Undertakers Complex as a City Landmark 3049-3051 Adeline Street. The building and parking lot were specifically excluded from the designation and the character-defining features of the historic Complex because they lack architectural and historical significance.

The 2015 LPC review satisfies the requirements of zoning ordinance and no further LPC consideration is required for this Use Permit application.

C. Design Review Committee (DRC)

On January 21, 2021, the DRC reviewed an earlier, five-story iteration of the project design for 3031 Adeline Street and gave it a favorable recommendation. On January 19, 2023, the DRC reviewed a modified project design featuring seven stories and concluded their consideration with a favorable recommendation contingent upon the Applicant correcting the proposed rear setback and stepped massing in accordance with the C-AC Tier 4 Development Standards for projects that abut R-districts (BMC Section 23.204.150) prior to ZAB's review, and consideration of the following Conditions prior to Final Design Review:

- Provide all exterior details, including lighting, windows, materials, storefront windows, balconies, trellis, sunshades, and fin.
- Resolve bird safety issues, especially at corners.
- Provide species for the trees at the East property line.
- Provide color information for all elevations, including the side and rear.
- Plans and elevations need to accurately depict the conditions shown in the renderings.

Additionally, the Committee made recommendations that are outlined in Attachment 4 of this report.

V. Issues and Analysis

A. CEQA Approach and Recommendation

The CEQA determination for this Use Permit application will be made by ZAB, which is the City's decision-making body.

It is staff's recommendation that the project qualifies for a Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332 ("Infill Development Projects"). The determination is made by ZAB. Specifically:

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

Further, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place, over time would not be significant; there are no “unusual circumstances” at the project site that would result in significant environmental effects; there are no designated scenic highways in the City of Berkeley; therefore, the project site is not in view of a state scenic highway; and the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code. The project would not result in a substantial adverse change in the significance of the nearby City Landmark Hull Undertaking Complex site, a historical resource, because it would not alter the character-defining features of the building or site.

B. Housing Accountability Act Analysis:

Pursuant to the Housing Accountability Act (HAA), California Government Code Section 65589.5(j), 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 safety¹ 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.

In this case, the proposed project is a “housing development project” consisting of combined commercial and residential uses. As described above in Table 4, the proposal appears to meet the applicable Development Standards and, therefore, staff has recommended favorable action upon conclusion of tonight’s review by the Board.

¹ 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 ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is aware of no specific adverse impacts that could occur with the construction of the of the project.

C. Housing Crisis Act of 2019 – Senate Bill (SB) 330:

The Housing Crisis Act, also known as Senate Bill 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. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and 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 affect 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 May 9, 2024 hearing and tonight’s hearing represent a total of two meetings since the project was deemed completed on September 14, 2023. The City can hold up to three additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a 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 the historic resource evaluation prepared for the subject building and parking lot, these features determined to hold no historical significance and the project site is not considered a historic site.

3. Government Code Section 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 CEQA. Should ZAB determine that the application is categorically exempt from CEQA after tonight’s hearing, then this application must be approved or disapproved by August 26, 2024.

D. Demolition of Nonresidential Buildings and Structures:

Pursuant to BMC Section 23.326.070, non-residential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs and public interest of the impacted neighborhood, and that one of the following findings can be made:

- The proposed demolition is required to allow a new building or other proposed new use.
- The building is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses.
- The building is an un-abatable attractive nuisance to the public; or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

In this case, the applicant proposes to demolish the existing 1,000-sq. ft. commercial building in order to construct a mixed-use building that would create approximately 4,000 sq. ft. of commercial and 60 new dwelling units. By expanding the capacity of commercial activity in the Adeline Corridor, the proposal would be supportive of – and not detrimental to – the commercial needs of the neighborhood.

The proposal appears to meet the findings for demolition and appears to be permissible.

E. General Non-Detriment Finding:

BMC Section 23.406.040(E) 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.

As outlined in Section 1/Table 4 of this report, the proposal adheres to the Development Standards of the C-AC district, thereby complying with the prescribed building parameters for its neighborhood context and location, reflecting the specific physical characteristics of the C-AC Ashby Bart Subarea, and honoring the limits imposed by the District to ensure appropriate development for this area of Berkeley.

The proposal to produce 60 new dwelling units would further the City's housing production goals, respond to the demand for housing to be located within close proximity of transit that is local- and regional-serving, and to make such housing available to households of varied income levels.

The subject parcel is under-utilized with a modest-sized commercial building a superfluous parking spaces; the Applicant's proposal would make better use of this site and activate the A-CA commercial corridor.

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 the project would not be detrimental to the health,

safety, peace, morals, comfort or general welfare of persons residing or working in the area or 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.

F. C-AC District Purposes

In order to take favorable action on this Use Permit request for new development in the C-AC, the Board must find that the proposal is consistent with the Purposes of the C-AC zoning district, prescribed under BMC Section 23.304.150(A) for *District Purposes*.

The proposal aligns with several Purposes of the C-CA district, including Purpose 3 (BMC Section 23.304.150(A)(3)) the imperative to promote equitable access to housing by avoiding the removal of existing housing (where the proposed demolition will not remove or affect existing housing) and producing as many as 60 new dwelling units while offering 15 of these units at below-market-rate rent levels. Consistent with Purpose 4 (BMC Section 23.304.150(A)(4)) the commercial space featured prominently at the proposed ground floor of the seven-story building would provide flexible tenancies for potential South Berkeley residents and business to occupy, thereby fostering economic opportunity for neighborhood stakeholders.

The proposal is not found to be contrary to any of the remaining district Purposes.

For these reasons, this Use Permit application is expected to achieve the goals of C-CA zoning district.

G. C-AC Permitted Uses

In the North and South Adeline Subareas of the C-AC zoning district, residential uses are prohibited on the ground floor along Adeline Street but are allowed along other street frontages; see the Table in BMC Section 23.204-42 for ground floor uses in C-AC. In this case of the subject corner lot at 3031 Adeline Street, the north side of the parcel abuts Emerson Street, where residential uses would not be prohibited on the ground floor. Therefore, the applicant's request to locate two dwelling units on Emerson Street at the first floor is permissible, and staff recommends approval of the units in this location.

H. Administrative Use Permit for Rooftop Projections

BMC Section 23.304.050(A) requires an Administrative Use Permit for rooftop projections, 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 would include a staircase/elevator penthouse totaling approximately 440 square feet that would extend 15 ft. above the proposed building roof, which would reach 75 feet above grade. The penthouses represent approximately 7 percent of the average of all the floor levels, which is less than the 15 percent maximum permitted by the BMC. The projection is, therefore, permissible.

I. Possible Revisions to Proposed Ground Floor

A preliminary review of the proposed building plans revealed that the proposed trash room on the ground floor may be inadequate for the size of the commercial space and number of residential units that are proposed with this Use Permit project. City agents have recommended that the applicant revise the proposal to enlarge the trash room and to ensure sufficient accommodations for the anticipated debris and recycling receptacles that must support the building's proposed occupants. At this time, the applicant has not made such revisions.

Anticipating that this matter will likely arise during building permit review of the project should ZAB approve the Use Permit, staff recommends that ZAB include a Condition of Approval that will respond efficiently to this potential change in the project while also protecting and maintaining the proposed number of dwelling units (i.e., 60 total units) and commercial floor area (approximately 4,000 square feet). Draft Condition of Approval #20 would require the applicant to maintain all approved dwelling units and commercial floor area and, if necessary, to reduce the proposed ground floor parking area in order to increase the trash room dimensions. See Attachment 1, COA #20. Because the proposed on-site parking spaces are not required under the BMC and have been included voluntarily, the potential reduction would not violate nor fall short of any regulatory requirement.

Staff advises ZAB to consider including this Condition if it takes favorable action tonight to approved the project.

J. General Plan Consistency:

The 2002 General Plan contains several policies applicable to the project, including the following:

- **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
- **Policy LU-7 Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- **Policy UD-16 Context:** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
- **Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The proposed new development aligns with the provisions of the C-AC zoning district, which allow for greater dwelling unit density, larger-sized buildings and

more intense development than currently exists in the Adeline Corridor. As the first in-fill project proposal to evoke these new provisions, this development would be the largest building in the immediate area if approved. Its proposed scale and massing have been reviewed and refined through the Design Review process so as to fit its urban context, modulate its mass, and reflex the built environment through the careful use of design details, high-quality materials, and enhanced articulation to the extent possible.

- **Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Staff Analysis: This project site is located in an area with the greatest access to transit service owing to its location immediately adjacent to the Ashby BART Station. The C-AC zoning district provision were codified as recently as 2020 to allow for greater density at this site, as described in this policy.

- **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Staff Analysis: If approved, this project would result in the creation of 60 new dwelling units, thereby furthering the City's housing productivity and advancement toward its regional share goals.

K. Adeline Corridor (AC) Specific Plan Consistency

The AC Specific Plan, adopted in 2020, contains several policies applicable to the project, including the following:

- **3.1 Overall Mix of Uses** – Encourage a unique, diverse mix of community spaces, services, retail, housing, and creative workspaces along the corridor.
- **5.5 New Businesses and Uses** – Attract and encourage new businesses and uses.

Staff Analysis: The proposed project would create a mixed-use building featuring a commercial ground floor and 60 dwelling units, as directed by the AC Specific Plan. The commercial space would total approximately 4,000 square feet, and could be configured into a single tenancy or as many as three separate but smaller units. The proposed ground floor tenancies could accommodate retail, general commercial and service uses as well as community and non-profit organizations.

- **3.2 Development Standards** – Implement site development standards that incentivize the provision of on-site affordable housing.

- **4.2 New On-Site Affordable Housing Incentive** – Increase the share of affordable units included in market rate buildings by creating stronger incentives for on-site development

Staff Analysis: As outlined above in Table 4, the proposal adheres to the development standards for the North and South Adeline Subareas of the C-AC zoning district. This seven-story development proposal was re-designed from an earlier five-story iteration so as to incorporate additional stories, more dwelling units and a greater number of BMR units in response to the affordable housing incentives of the C-AC Tier 4 Development Standards.

- **3.3 Building Design** – Ensure that the massing, articulation, and design of buildings provides visual interest, integrates with the neighborhood, and creates a pleasant, pedestrian-oriented public realm.
- **3.4 Neighborhood Transition** – Ensure that new development provides appropriate transitions in height, bulk, and intensity to adjacent residential neighborhoods along the Adeline Corridor

Staff Analysis: The building features a terraced rear elevation abutting the existing, low-scale residential developments on the east side of the project site along Tremont Street. Within the requisite 10-foot rear setback on the east side of the proposed building, the applicant has identified vegetation and plantings to provide screening and privacy for the abutting residences. The new development would feature various massing breaks along the Adeline and Emerson Street facades as well as the topmost, seventh story, thereby breaking up the horizontal length of the structure. These features respond to the directives of the AC Specific Plan.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance, General Plan and Adeline Corridor Specific Plan, and limited impact to surrounding properties, staff recommends that the Zoning Adjustments Board:

1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development"); and
2. **APPROVE Use Permit #ZP2018-0156** pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. DRAFT Findings and Conditions for Approval
 - Exhibit A: Mitigation Monitoring & Reporting Program for Adeline Corridor Specific Plan (2020)
2. Applicant Statement, dated July 26, 2023
3. Project Plans, dated February 7, 2024
4. Design Review Committee Summary, January 19, 2023

5. Applicant Summary of Community Meetings held December 12, 2017 & September 20, 2022
6. Memorandum to ZAB, dated May 9, 2024
7. Notice of Public Hearing
8. Correspondence Received

Prepared by: Fatema Crane, Principal Planner, fcrane@berkeleyca.gov, (510) 981-7410

Assisted by: Planning Technicians Boshi Fu and Kanah Lee

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 27, 2024

3031 Adeline Street

Use Permit #ZP2018-0156 to demolish a single-story, approximately 1,000-square foot commercial building and an approximately 10,000-square foot surface parking lot, and to construct a seven-story (75 feet), approximately 52,000-square foot mixed-use building comprised of approximately 4,000 square feet of commercial floor area, 60 dwelling units (including eight Very Low-Income and seven Low-Income), and as many as 21 off-street parking spaces.

ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish a commercial building
- Use Permit pursuant to BMC Section 23.204.020 to construct a new mixed-use building and new dwelling units in the Adeline Corridor Commercial District
- Use Permit pursuant to BMC Section 23.204.030(A)(1) to construct a new main building and new dwelling units in the Adeline Corridor Commercial District
- Administrative Use Permit pursuant to BMC Section 23.304.050(A) to project a mechanical penthouse beyond the otherwise applicable maximum building height limit

I. CEQA FINDINGS

- A.** 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 15332 of the CEQA Guidelines (“In-Fill Development Projects”).
- B.** The project meets all of the requirements of this exemption, as follows:
1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
 2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
 3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.

4. The project will 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 will address potential impacts related to traffic, noise, air quality, and water quality.
 5. The site can be adequately served by all required utilities and public services.
- C. 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. Further, the project would avoid and would not affect historical resources located in the immediate vicinity and, therefore, will not cause a substantial adverse change in the significance of those resources and would not be an exception to the exemptions per Paragraph (f).

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A. The Housing Accountability Act, Government Code Section 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: (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.
- B. The project includes construction of a new mixed-use development containing commercial space and 60 dwelling units. Because the proposal complies 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.

III. FINDINGS FOR APPROVAL

- A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, 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:

1. The proposed new development project is found to be favorable for its provision of 60 new housing units that will further the City's Regional Housing Needs Assessment targets and enhance the supply of housing in this high-density neighborhood along Adeline Street. It is permissible and appropriate for this neighborhood context where it achieves and does not exceed the zoning standards for new development at this location in the Commercial-Adeline Corridor (C-AC) zoning district, as prescribed in BMC Sections 23.204-45 (Table of C-AC Development Standards) and 23.204.150(E) for C-AC Development Standards.
 2. The project proposes a new building with a physical profile and mix of uses as envisioned in the 2020 Adeline Corridor (AC) Specific Plan for further development in the neighborhood; the proposal provides for residential and commercial uses along the Corridor and within proximity of a regional transit station, thereby furthering community development, regional connection, and housing production as well as alternative transportation modes.
 3. This project is located in the AC Specific Plan area and, therefore, is subject to the Mitigation & Monitoring Reporting Plan (MMRP), which ensures that potential impacts related to building bulk and massing, and construction are minimized and/or reduce to the extent possible.
 4. The proposed removal of an existing, approximately 1,000-square foot commercial building is not expected to result in a permanent loss of such space because the new development will replace and exceed this amount of commercial floor area three-fold with a total of approximately 4,000 square feet of ground-floor commercial tenant space.
 5. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or 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.
- B.** As required under BMC Section 23.204.030(A)(4) for Additional Permit Requirements for Commercial Districts, the Zoning Adjustment Board finds that the new floor area in the C-AC zoning district is permissible because:

1. The proposed building is compatible with the Purposes of the C-AC district related to implementing policies of the 2000 General Plan (GP) and AC Specific Plan. This proposal is found to encourage housing production to meet the City's share of regional housing needs (GP Policy H-19), and to allow for greater commercial and residential density in an area with direct access to transit (GP LU-23). The proposed rear building elevation features a terraced step-back design adjacent to the abutting residential developments in neighboring R-2A zoning district east of the project site; and the requisite 10-foot rear setback along the east property line will feature vegetation and plantings to provide a privacy screen for rear-abutting residences (AC Specific Plan 3.4). The Adeline Street commercial ground floor will feature active uses, transparent storefronts with ample windows, and visual interest through architectural design, detailing and articulation (AC Specific Plan 3.5).
 2. The proposed building is compatible with the design and character within the District and the adjacent residential neighborhood where it aligns with many City-wide Design Guidelines and AC Specific Plan directives, including its proposed ground floor composition that will feature a successful public realm interface and a terraced rear elevation abutting the existing, low-scale residential developments on the east side of the project site. For these reasons and others not itemized here, it has received a favorable recommendation from the Design Review Committee.
 3. The development of new housing units and commercial floor area immediately adjacent to the Ashby Bart Station will encourage the utilization of public transit by providing a greater population of residents, visitors and additional workers in the area.
 4. This proposal for new development includes the provision of seven on-site below-market rate dwelling units for low-income households and eight for households with very low income, thereby creating affordable housing as defined by the US Department of Housing and Urban Development.
- C. As required by Section 23.204.150(G) (Permit Findings) of the BMC for approval of a Use Permit in the C-AC zoning district, the Zoning Adjustments Board finds that:
1. The proposal is consistent with the BMC 23.204.150(A) Purposes of the C-AC District, as described under the Findings for Approval III.B, above.
 2. The proposed building is also compatible with the design and character within the District and the adjacent residential neighborhood as described under the Findings for Approval III.B, above.
 3. Due to its location and proximity to Ashby BART Station, the project encourages the utilization of public transit as described under the Findings for Approval III.B, above.
 4. As conditioned herein and by the attachment of Exhibit A, the project must comply with the 2020 Mitigation Monitoring and Reporting Plan for the Adeline Corridor.

- D.** As required by BMC Section 23.326.070(D) for Demolition and Dwelling Controls, the Zoning Adjustments Board finds that the proposed demolition of the non-residential building at 3031 Adeline Street will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new building and proposed new use, will remove a building that which is unusable for activities completable with the purpose of the district or infeasible to modify for such uses, will remove a structure that is an inhabitable attractive nuisance to the public, or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The proposed demolition of the non-residential buildings will not be detrimental to the needs of the neighborhood as the project redevelops an underutilized parcel that features a surface parking lot and a small commercial building of only 1,000 square feet in area, with a new mixed-use, multi-family building. The project is aligned with the C-AC zoning district's objectives to promote access to housing and support pedestrian-oriented uses that are compatible with the Adeline Corridor district, as described above.

- E.** As required by BMC Section 23.304.050(A) for General Development Standards, the Zoning Adjustments Board finds that the proposed rooftop penthouses, which project beyond the district building height limit, are permissible because their total area of approximately 800 square feet is less than 15 percent (or 1,200 square feet) of the building's average floors of approximately 8,000 square feet. None of the proposed penthouses will be used as habitable or commercial space.

IV. 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 and Adeline Corridor Specific Plan Mitigation Monitoring and Reporting Program 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.
- 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 re-establish 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 comply 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. Pay Transparency Acknowledgement (BMC Section 13.104.030).** Prior to the issuance of a building permit for any Project subject to this Chapter:
 - A.** A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
 - B.** The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

- 10. Pay Transparency Attestations following Project Completion (BMC Section 13.104.040).** Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.
- 11. Posting of Wage Theft Ordinance (BMC Section 13.104.050).** Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.
- 12. Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060).** The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.
- 13. 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.

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

14. 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 #
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15. 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, except for new buildings on vacant lots, entered into the City’s database after the building permit is issued but prior to final inspection.

16. Bird Safe Building. Prior to submitting any building permit application for construction of this project, the applicant shall revise the project plans to include all features necessary to comply with the requirements of BMC Section 23.304.150 for Bird Safe Building.

17. 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 adopted Mitigation Monitoring and Reporting Program (Attachment 1- Exhibit A). The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures 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)

18. 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.

19. Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.

- 20. Revisions to Approved Project Require ZAB Approval** – The project shall include no less than the total number of approved dwelling units and commercial floor area. If revisions are required to satisfy other applicable permits, code compliance or agency reviews – such as adjustments to the size of the required trash room, for example – then revisions shall not reduce the approved number of dwelling units or commercial floor area without prior approval by the Zoning Adjustments Board.
- 21. 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.
- 22. 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.
- 23. Construction and Demolition Diversion**. Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
- 24. 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. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527)**. A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](#)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.

C. Environmental Site Clearance. The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.

D. Soil and Groundwater Management Plan. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;
- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

E. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.

- ii. 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. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- iv. 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.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

F. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

G. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

- 25. Parcel Merger/Lot Line Adjustment.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit if applicable.
- 26. Percent for Public Art.** Consistent with BMC Section 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.
- 27. 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.
- 28. 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.
- 29. 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.)
- 30. Electric Vehicle (EV) Charging.** At least 5 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations, at least 25 percent shall have installed low power Level 2 EV charging receptacles (20 amp), and at least 20 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

- 31. Nonresidential Electric Vehicle (EV) Charging.** At least 10 percent of project parking spaces for nonresidential use shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations and/or DC Fast Charging Stations, and least 40 percent shall be “EV Capable” equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements, as specified by the Berkeley Green Code (BMC Chapter 19.37). EV charging station installations and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (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 (ET_o) for Berkeley is 41.8.
- 33. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division’s Recycling Program Manager, Julia A. Heath, at jheath@berkeleyca.gov.
- 34. 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.

AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS

- 35. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan (“AHCP”) must be certified by the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.
- 36. Below Market Rate Units.** This project is located in the C-AC zoning district and proposes a building envelope as permitted under the district’s Tier 4 Development Standards, therefore the Below Market Rate (BMR) requirement is 25 percent of the total units proposed with no option for an in-lieu fee, which satisfies the full inclusionary requirement. Seven Low Income and eight Very Low Income rental dwelling units (“BMR Units”) shall be provided in the project. All BMR units are required to comply with the stricter of the State Density Bonus Law (Government Code Section 65915) if applicable and BMC Section 23.328.030(A).

37. Regulatory Agreement. The owner shall enter into a Regulatory Agreement that implements the requirements of BMC Sections 23.204.150 and 23.328.030, and other provisions for BMR units included in 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 Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328. The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

Prior to Demolition or Start of Construction:

38. 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.

39. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

- A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- B. Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;
- C. Provision of exclusive contractor parking on-street; or
- D. Significant truck activity.

Please contact the Office of Transportation at (510) 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 stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

40. Construction/No Parking Permits. Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood.

During Construction:

41. 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.

- 42. 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.
- 43. 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.
- A. Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 - B. Calendar and schedule of daily/weekly/monthly construction activities
 - C. 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.
- 44. 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. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
 - C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
 - i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, 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.

- ii. 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.

45. **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 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.
46. **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 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)
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 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 5,000 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). (Project required to meet applicable code at time of building permit application, if different from above.)
- 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.** All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K.** 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.
- L.** 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.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- 54. 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.

- 55. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 56. 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.
- 57. 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.
- 58. 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.
- 59. Public Works / Building and Safety.** 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:

- 60. Compliance with Conditions and Environmental Mitigations.** 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. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.
- 61.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated February 7, 2024.
- 62. 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 Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in Sections 23.334.030(C) and 23.322.090 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 these sections.
- A.** Consistent with Section 23.334.030(A), all parking spaces provided for residents 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.

- B.** Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- C.** Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

- 63. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 64. 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.
- 65. 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.
- 66. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 67. 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.
- 68. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 69. 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.
- 70. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.
- 71. Required Bike Parking.** Secure and on-site bike parking for at least 24 bicycles shall be provided for the life of the building.
- 72. Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

- 73. Nonresidential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and DC Fast Charge stations, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in *good working condition and made available for building occupant and/or visitor use*. (Project required to **meet applicable code at time of building permit application, if different from above.**)
- 74. 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.
- 75. 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.

Appendix B

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

The Environmental Impact Report (EIR) identifies the applicable mitigation measures that will be implemented to reduce the impacts associated with the Adeline Corridor Specific Plan. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Berkeley departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
AIR QUALITY						
AQ-1: Construction Emissions Measures.						
As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines).	Review of all demolition, grading, and building permits to ensure compliance.	Prior to permit approval and during construction.	City of Berkeley Department of Planning & Development.			
AIR-2: Health Risk Assessments.						
As part of the City's development approval process, the City shall require applicants for future development projects in the Plan Area to implement the Bay Area Air Quality Management District Guidelines and State Office of Environmental Health Hazard Assessment policies and procedures requiring health risk assessments (HRA) for residential development and other sensitive receptors near sources of toxic air contaminants, including freeways and roadways with over 10,000 vehicles per day. Based on the results of the HRA, identify and implement measures (such as air filtration systems, waterproofed caulking on windows and doors, and/or requirements for closed windows) to reduce potential exposure to particulate matter, carbon monoxide, diesel fumes, and other potential health hazards. Measures identified in HRAs shall be included into the site development plan as a component of a proposed project.	Verify HRA completed and measures to reduce TACs have been incorporated into plans as appropriate.	Prior to issuance of building permit.	City of Berkeley Department of Planning & Development.			
BIOLOGICAL RESOURCES						
BIO-1: Special-status Bat Species Avoidance and Minimization.						
For projects in the Plan Area, focused surveys to determine the presence/absence of roosting bats shall be conducted prior to the initiation of demolition of buildings and removal of mature trees large enough to contain crevices and hollows that could support bat roosting. If active maternity roosts are identified, a qualified biologist	If applicable, project plans shall include project-specific mitigation	During individual environmental review	City of Berkeley Department of Planning & Development.			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
shall establish avoidance buffers applicable to the species, the roost location and exposure, and the proposed construction activity in the area. If active non-maternity day or night roosts are found on the project site, measures shall be implemented to passively relocate bats from the roosts prior to the onset of construction activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter. These measures shall be presented in a Bat Passive Relocation Plan that shall be submitted to, and approved by, CDFW.	measures to reduce impacts to bat species.					
GREENHOUSE GAS EMISSIONS						
GHG-1: All-Electric New Construction.						
All new buildings constructed in the Plan Area shall be built as all-electric with no natural gas connection to the building, except where new natural gas connections are permitted under the City's Natural Gas Infrastructure Ordinance (BMC Chapter 12.80). This includes all appliances such as electric cooking, clothes drying, water heating, space heating, and air conditioning. Projects shall not be required to employ methods of construction that exceed the requirements of the California Building Standards Code (inclusive of any local amendments approved for enforcement in the City of Berkeley) or install appliances that exceed standards for energy efficiency established under the federal Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 <i>et seq.</i>	Verify project plans are all-electric, or GHG reduction has occurred through specified means.	Prior to issuance of building permit	City of Berkeley Department of Planning & Development			
GHG-2: Electric Vehicle (EV) Readiness and EV Chargers						
All new development projects in the Plan Area shall conform to the following EV infrastructure requirements or an equivalent City of Berkeley adopted ordinance which meets or exceeds those standards: b. Single Family Homes and Duplexes	Verify project plans meet EV requirements.	Prior to issuance of building permit	City of Berkeley Department of Planning & Development			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▫ At least one parking space per dwelling unit with on-site parking to be equipped with raceway, wiring, and power to support a future Level 2¹ EV charging station <p>C. Multi-Family Buildings</p> <ul style="list-style-type: none"> ▫ 20% of parking spaces to be equipped with raceways, wiring, and power to support future Level 2 EV charging stations ▫ 80% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required) <p>d. Non-Residential Buildings</p> <ul style="list-style-type: none"> ▫ 10% of parking spaces must have Level 2 charging stations installed (a DC Fast Charge station) may be installed in place of 10 required Level 2 stations) ▫ 40% of parking spaces to be equipped with connecting raceways (no additional electric service capacity required) ▫ ¹ Level 2 circuit: 40+ Amp, 208/240v AC (standard household washer/dryer outlet), charges approximately 25-30 mile driving distance per hour 						
GHG-3 Solar Photovoltaic Power.						
All new buildings, with the exception of accessory buildings and structures, proposed in the Plan Area shall install solar photovoltaic energy systems or purchase 100% carbon neutral or renewable energy through an electric utility serving Berkeley. Solar photovoltaic equipment shall be shown on all plans submitted for individual projects in the Plan Area	Verify project plans meet solar requirements.	Prior to issuance of building permit	City of Berkeley Department of Planning & Development			
NOISE AND VIBRATION						
N-2: Construction-Related Noise Reduction Measures.						
Development projects in the Plan Area that involve construction activities shall apply the following measures during construction for the purpose of reducing construction-related noise:	Review and approve site-specific noise reduction program for the project.	Monitoring during construction.	City of Berkeley Department of			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▪ Construction Timing. Construction activities shall be restricted to the daytime hours of between 7:00 AM and 7:00 PM on weekdays, or between 9:00 AM and 8:00 PM on weekends and legal holidays. ▪ Mufflers. Construction equipment shall be properly maintained and all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds, as applicable, shall be in good condition and appropriate for the equipment. During construction, all equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. ▪ Electrical Power. Electrical power, rather than diesel equipment, shall be used to run compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities. ▪ Equipment Staging. All stationary equipment shall be staged as far away as feasible from adjacent noise-sensitive receptors. ▪ Equipment Idling. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use. ▪ Workers' Radios. All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity. ▪ Smart Back-up Alarms. Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction. ▪ Disturbance Coordinator. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to 	<p>Monitor compliance with approved noise reduction program.</p>		<p>Planning and Development.</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
<p>correct the problem be implemented. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</p> <ul style="list-style-type: none"> ▪ Additional Noise Attenuation Techniques. During construction activity that is immediately adjacent to noise-sensitive receptors, temporary sound barriers may be installed and maintained, at the discretion of the City’s Department of Planning and Development. Temporary sound barriers, if installed, shall block line of sight between noise-generating construction equipment and adjacent residential windows and shall be placed as close to the source equipment as feasible. Mobile sound barriers may be used as appropriate to attenuate construction noise near the source equipment. During the building construction phase, temporary sound barriers may be applied to generators and cranes used on-site. 						
N-3: Vibration Reduction Measures.						
<p>Applicants for new development that would involve construction activity in the Plan Area shall implement the following measures to reduce exposure to vibration from construction activities:</p> <ul style="list-style-type: none"> ▪ Best Available Technology. The applicant shall use the best available technology to reduce construction-related vibration on construction sites within 100 feet of institutional land uses that are sensitive to vibration, and within 50 feet of historic buildings, so that vibration levels do not exceed guidelines in the Federal Transit Administration’s <i>Transit Noise and Vibration Impact Assessment Manual</i> for annoyance and damage to fragile structures. Appropriate technology may include, but is not limited to: <ul style="list-style-type: none"> ▫ Drilling of piles instead of pile driving for foundation work ▫ Static rollers instead of vibratory rollers for paving activity ▫ Smaller and well-maintained equipment ▪ Construction Scheduling. The applicant shall coordinate with adjacent institutional land uses that are sensitive to vibration 	<p>Review and approve site-specific vibration reduction program.</p> <p>Monitor compliance with approved noise reduction program.</p>	<p>Monitoring during construction.</p>	<p>City of Berkeley Department of Planning and Development.</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency	Compliance Verification		
				Initial	Date	Comments
and schedule vibration-generating construction activities during less sensitive times of day.						
TRANSPORTATION AND TRAFFIC						
T-2 Signal Warrant Study and Signalization.						
<p>Development projects tiering from the Adeline Street Specific Plan EIR with primary automobile access on one of the following local streets that is currently controlled by a stop-sign at the intersection with a major street shall evaluate traffic operations and the MUTCD signal warrants at the intersection:</p> <ul style="list-style-type: none"> ▪ Shattuck Avenue at Blake, Parker, and Derby Streets ▪ Adeline Street at Stuart, Russell, Essex, Woolsey, Fairview, and Harmon Streets <p>The signal warrant study shall be completed as part of the environmental review process for the development project. If the intersection meets the signal warrants and the development project would add ten or more trips to the critical movement that operates at LOS F during the AM and/or PM peak hour, the study shall identify improvements to mitigate the impact. The improvements may consist of signalizing the intersection, and/or restricting one or more movements at the intersection. The study shall also evaluate the secondary effects of the identified improvement, such as traffic diverted to other streets due to turn restrictions. The development project shall install the identified improvement.</p>	<p>Verify evaluation of signal warrants has occurred. If signal warrant met, verify improvements developed and installed.</p>	<p>Prior to issuance of building permit.</p>	<p>City of Berkeley Department of Planning and Development.</p>			

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Revised and Updated - July 16, 2023

3031 ADELINE ST. - BERKELEY, CA - PROJECT DESCRIPTION AND NARRATIVE

1.0 SITE DESCRIPTION:

The site is located along Adeline Street between Emerson St. to the North and Essex St. to the South and comprises 12,257 SF. The East rear portion of the site is bound by a residential district with single family homes, duplexes, and multi-unit apartment buildings. To the West is the Ashby Bart Station, a major transportation hub in the area. The recently constructed Ed Roberts Campus lies to the South and is connected to Bart below grade.

Adjacent to the property are two existing buildings; 3051 Adeline, built in 1922; and 3049 Adeline built in 1928, as The Chapel of the Flowers, which functioned as a mortuary in the 30's 40's and 50'. The buildings were later converted to commercial and partial residential use. In 1976 Marmot Mountain Works, a retailer of mountain climbing and hiking equipment leased and operated the space until it closed in 2012. Currently, the 3049 Adeline previous chapel space is occupied by Trackers Earth, a popular outdoor education program and retail store for hiking equipment. Zing, a new café' with outdoor seating at the corner of Adeline and Essex, has joined the tenant list. Improvement applications are under review for a new 1,200 SF restaurant at 1909 Essex, and a Conditional Use application to convert the offices on the second floor of 3051 Adeline to residential studio apartments is scheduled for Zoning Adjustment Board review.

Recently approved and landmarked, the structures at 3049-3051 Adeline have been recognized for their significant historical value to the neighborhood and City of Berkeley. The project sponsor, Maxaco LLC, has been diligently working for the past three years to preserve and rehabilitate these structures through adaptive reuse, completion of extensive deferred maintenance, and abatement of existing code violations. These repairs and upgrades are being done concurrently with the proposal for a new building at 3031 Adeline, which is the subject of this application, design documents, and narrative.

1.1 TOPOGRAPHY AND EXISTING CONDITIONS:

The site slopes gently East to West towards Adeline St, and is currently used as a parking lot, with the exception of "Flaco's", a small freestanding café'-lunch restaurant, occupying the corner of Adeline and Emerson Streets. A narrow driveway providing access to 3049 Adeline, adjoins the site to the South.

A few small, poorly maintained trees line Adeline St. and two larger trees are along Emerson St. (See Site Plan and Survey Sheets C-1 A-1.0) The majority of the 12,257 SF lot is covered with asphalt paving draining West.

3031 Adeline St. Project Description and Narrative - Updated 7/16/23. Page 2

2.0 SCOPE OF WORK AND PROGRAM:

This submission is a new seven story mixed use commercial and residential building to replace the parking lot on the corner of Adeline and Emerson. The East (rear) part of the site is designed for 21 mostly stacked parking spaces intended for the residents of the building. The ground level fronting Adeline and Emerson includes retail and commercial spaces intended for shops, restaurants, and general pedestrian oriented activities. Sidewalks are designed to include planters and outdoor seating areas covered by a continuous canopy surrounding the building. 84 bike parking spaces are included.

The upper levels comprise 60 residential units descending from 7 stories at the corner to 3 stories at the end of each wing to respect the height of the existing buildings on both Adeline and Emerson. As the floors step down, landscaped terraces and private balconies are created to allow for abundant light and air for the residents and neighbors.

The central portion of the site features a large landscaped common space that parallels a small court at the rear of 3049/3051 Adeline, thereby creating a larger visual open space for the entire inner block. The residential lobby in proximity to the corner, can be readily and safely accessed from Emerson St. or the parking area.

2.1 PROPOSED PROJECT: The current proposed project is based on the Adeline Corridor Plan adopted 12/8/20 allowing for 7 stories and a height limit of 75 ft. Permitted density is 250 du per acre. A total of 60 units are proposed. Please see Sheet G.0.2 for complete Unit Mix, Floor Areas, and Project Data Outlines. (Also see Table 23.204-45).

2.2 PROJECT SUMMARY:

- **Lot Area12,257 SF**
- **First Floor Parking..... 4,995 SF**
- **First Floor Commercial..... 4,324 SF (Excluding Lobby)**
- **First Floor Residential 760 SF**

- **Second Floor Residential..... 9,852 SF**
- **Third Floor Residential..... 8,442 SF**
- **Fourth Floor Residential..... 7,015 SF**
- **Fifth Floor Residential..... 7,015 SF**
- **Sixth Floor Residential..... 7,015 SF**
- **Seventh Floor Residential..... 6,805 SF**

- **Total Building Floor Area 51,899 SF (Excluding Parking)**
- **Total Number of Units 60 Units**
- **Total Parking Spaces.....21 Spaces**

- **Proposed Lot Coverage.....81% (90% Max.)**
- **Proposed FAR.....4.23 (5.0 Max)**
- **Permitted Height Limit7 stories – 75 ft.**
- **Affordable Units.....25% X 60 = 15 Units..**

(See Housing Affordability Statement attached).

3031 Adeline St.- Project Description and Narrative – Updated 7/16/23 Page 3.

3.0 ARCHITECTURAL AND DESIGN CONSIDERATION

The proposed building is designed in a contextual contemporary style and is articulated both vertically and horizontally to reflect the uses inherent in the project. Living room volumes are projected forward, while bedroom areas are recessed and painted a dark blue color. Balconies are expressed as accent elements with glass, wood or metal finishes. Throughout the building, various areas are accented with color or other materials to provide richness and variety.

The massing starts with a 7 story glazed corner and progressively steps down to 3 stories at the end of each wing to respect the scale of the former Chapel of the Flowers at 3049 Adeline and the residential buildings on Emerson St. The top floor is set back from the floors below and is protected by a continuous horizontal trellis to allow for planting and shade for the upper level units. All construction systems and materials are carefully selected to meet green building standards. Ceiling heights are 9 ft. rather than the usual 8ft., allowing for more natural light and ventilation.

A continuous metal canopy projects out over the street level sidewalk and includes lighting and signage for the commercial tenants and the residential entry lobby. The project sponsor intends to lease the ground level commercial spaces to cafes restaurants, shops and other pedestrian oriented uses. The intent here is to create a series of community activities linking Bart, The Ed Roberts Campus, and the renovated historic structures at 3049-3051 Adeline with the retail and theater district beyond.

4.0 NEIGHBORHOOD OUTREACH

The architect and the project sponsor presented preliminary scheme at well-attended neighborhood meetings held at the chapel space (3049 Adeline). In addition to three neighborhood meetings and a preliminary ZAB hearing, the current proposed 7 story proposal was reviewed by the Design Review Committee in January 2023 and received very positive comments and suggestions. This submission is being presented for final review and approval by ZAB.

Early in the process, the architect and project sponsor met with Berkeley Design Associates, a highly respected group of architects, planners and developers providing important feedback and advice on urban design and planning. The project received wide support, positive suggestions and recommendations for a density increase by adding stories. Based on the latest Adeline Corridor Plan, Tier 4, we are adding two floors and increasing number of units to 60, which will assure the project's financial feasibility and provide 25% much needed affordable housing.

3031 Adeline St. – Project Description and Narrative - Updated 7/16/23 Page 4

5.0 HEIGHT AND DENSITY AND ZONING CONSIDERATIONS:

- 5.1** In our meetings with Economic Development and Planning representatives, the project sponsor outlined the need to build a new structure with enough units to provide a source of revenue to restore, upgrade and enhance the historically landmarked adjoining buildings. Based on expenditures to date, the projected budget for renovating 3049 / 3051 Adeline and 1915 Essex is in excess of \$2,000,000. This figure is likely to rise with new tenant improvements, ADA, and life safety upgrades. The permitted lot coverage, height limit, and low density in the current zoning for the property, do not provide the necessary number of units and income required to construct the new building and renovate the existing historic structures
- 5.2** It is critical to view both new construction and renovation work as part of an overall urban improvement strategy for the block and the neighborhood. By allowing 7 stories in Tier 4, The Adeline Plan improves the financial pro forma of the project and contributes to the upgrading and renovating the historically landmarked former Chapel of the Flowers.
- 5.3** Adeline is a very wide street and the 7 story massing is primarily located along the corner. The upper floor is set back does not impact the lower buildings in the vicinity. It is important to note that both Adeline and Shattuck are major streets characterized by many 5 to 10 story buildings and even taller. The current design fits well in the neighborhood and is contextually sensitive to its surroundings. Unlike many blocky residential structures, 3031 Adeline provides stepped levels, articulated elevations, and varied massing.
- 5.4** Lot coverage is not exceeded, and a substantial portion of the floor area is devoted to open space; including a large central court, terraced areas at the ends of the stepped wings, and ample decks set back from the residential buildings to the East and West. The current design proposal features a significant percentage of public private open space exceeding zoning requirement.
- 5.5** Along the East Property Line, adjoining a residential district, a ground level setback of 10 ft. is provided, followed by a 20 ft. setback above the 3rd Floor (Floors 4 to 7); meeting current zoning and The Adeline Corridor Plan.

3031 Adeline – Project Description and Narrative Updated 7/16/23 Page 5

6.0 REQUIRED FINDINGS FOR USE PERMIT APPROVAL (Sect. 23E.52.090)

6.1 Be compatible with the purposes of the building:

The proposed residential and commercial uses, the design of the building, the provision of both private and common open space are compatible with the purposes of the district. The project replaces an incompatible asphalt parking lot with a new structure that links various pedestrian oriented uses in the district.

6.2 Be compatible in design and character with the district and residential neighborhoods:

The proposed building is designed in a contemporary contextual style. The ends of each wing step down from 7 to 3 stories to acknowledge and respect the scale of the existing historic structures and residential buildings. Various architectural elements and materials are scaled to the proportions of adjoining buildings. Ground level retail areas are articulated with continuous canopy and outdoor seating areas, enhancing pedestrian scale and urban experience.

6.3 Not result in the domination of one type of commercial/residential use:

The unit mix includes a variety of unit types and sizes appropriate for families, couples, and single individuals. The commercial space along Adeline and Emerson can be subdivided into a number of sizes to attract a variety of retail, restaurant, and commercial tenants. None of the proposed uses will dominate the area.

7.0 REQUIRED FINDINGS FOR RESIDENTIAL USE (Sect. 23E.52.070)

7.1 To encourage utilization of public transportation:

Given the proximity of the site to Adeline St. and Ashby Bart Station, public transportation is readily available for residents and visitors, including bus, rail, shuttle, and bicycle. The entire area functions as a transit village where reduced parking requirements are justified, especially for the smaller Studio and Junior One-Bedroom units. The project sponsor has expressed willingness to abide by a TDM plan, including provision of additional bicycle spaces, bus passes for residents, zip car parking, and other such mitigations.

7.2 To permit consistency of building setbacks: The included setbacks meet current zoning, The Adeline Corridor Plan, and allow for decks and balconies in many locations.

7.3 To facilitate construction of affordable housing:

The project sponsor will comply with required percentage of affordable units as per guidelines of Department of Housing and Urban Development.

3031 Adeline – Project Description and Narrative Updated 7/16/23 Page 6

8.0 CONCLUSION:

For over four years now, the project sponsor has been striving to provide new life to the existing historically valuable structures by renovating tenant spaces, improving accessibility, abating existing code violations, and establishing a maintenance program for both interior and exterior. A new group of tenants has joined the building, including; Zing Café at the corner of Adeline and Essex; Trackers Earth, a very popular children’s educational organization; and Terra’s Temple, a successful wellness center. The neighbors have welcomed the new arrivals and are excited about future prospects for the building.

This renovation and adaptive reuse work are integrally linked to the feasibility of the new building at 3031 Adeline. If we view the Ashby Bart area as a transit village with public spaces and transit oriented development, the proposed project delivers an ideal mix of uses, properly articulated architecture, and a financial base that allows the existing buildings to receive the improvements they deserve and the new building to provide much needed housing within walking distance to public transportation.

The proposed 7 story building will provide a higher percentage of affordable housing, 25%, totaling 15 units, and fully meeting the Adeline Corridor Plan.

Project Description by Moshe Dinar, AIA, NCARB
Dinar & Associates, Architects
July 16, 2023

dinararch@sbcglobal.net
510-759-2133

ADELINE STREET DEVELOPEMENT

3031 ADELINE STREET, BERKELEY, CA

3031 ADELINE ST.
BERKELEY, CALIFORNIA



DINAR
& ASSOCIATES

architecture • planning • interiors

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VIEW FROM ADELINE STREET

DESIGN REVIEW SUBMISSION
UPDATE- DEC 15, 2022
ZAB SUBMITTAL- FEBRUARY 7, 2024

G.0

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VIEW FROM EMERSON STREET TOWARDS ADELINE STREET

DESIGN REVIEW SUBMISSION
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G.0.1a

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VIEW FROM ADELINE STREET AT FORMER 'CHAPEL OF THE FLOWERS'

DESIGN REVIEW SUBMISSION
UPDATE- DEC 15, 2022
ZAB SUBMITTAL- FEBRUARY 7, 20

G.0.1b

**3031 ADELINE ST.
BERKELEY, CALIFORNIA**

**DINAR
& ASSOCIATES**

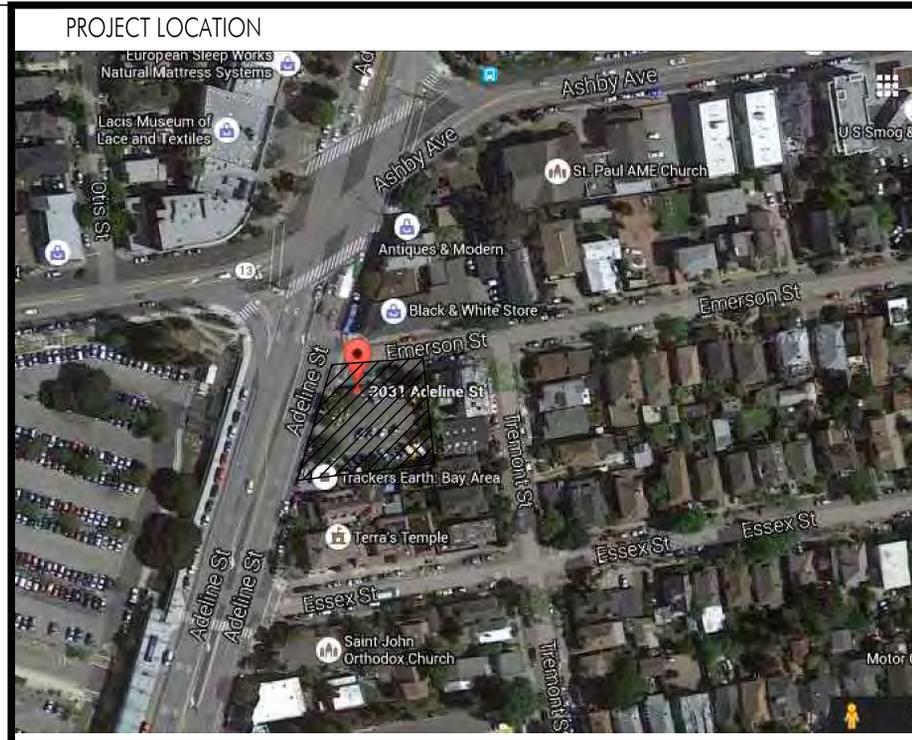
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UNIT MIX SUMMARY				
FLOOR	UNIT	TYPE	NO. OF UNITS	AREA (EA) SF
1ST FLR	L	1 BR	2	380 SF
2 UNITS @ 1ST FLR				
2ND FLR	A	1 BR	4	740 SF
	A2	1 BR	1	548 SF
	B	2 BR	1	742 SF
	C1	STUDIO	1	356 SF
	D	1 BR	1	724 SF
	E	2 BR	1	1025 SF
	K	STUDIO	1	817 SF
	J	STUDIO	1	642 SF
11 UNITS @ 2ND FLR				
3RD FLR	A	1 BR	4	740 SF
	A2	1 BR	1	549 SF
	B	2 BR	1	742 SF
	C1	STUDIO	1	356 SF
	D	1 BR	1	724 SF
	E	2 BR	1	1036 SF
	C2	STUDIO	1	475 SF
	C3	1 BR	1	590 SF
11 UNITS @ 3RD FLR				
4TH FLR	A	1 BR	1	740 SF
	B2	2 BR	1	560 SF
	C1	STUDIO	1	356 SF
	D	1 BR	1	724 SF
	M	3 BR	1	1358 SF
	C2	STUDIO	1	475 SF
	C3	1 BR	1	590 SF
	G	1 BR	1	540 SF
	G2	1 BR	1	650 SF
9 UNITS @ 4TH FLR				
5TH FLR	A	1 BR	1	740 SF
	B2	2 BR	1	560 SF
	C1	STUDIO	1	356 SF
	D	1 BR	1	724 SF
	M	3 BR	1	1358 SF
	C2	STUDIO	1	475 SF
	C3	1 BR	1	590 SF
	G	1 BR	1	540 SF
	G2	1 BR	1	650 SF
9 UNITS @ 5TH FLR				

FLOOR	UNIT	1 BR	NO. OF UNITS	AREA (EA) SF
6TH FLR	A	TYPE	1	740 SF
	B2	2 BR	1	560 SF
	C1	STUDIO	1	356 SF
	D	1 BR	1	724 SF
	M	3 BR	1	1358 SF
	C2	STUDIO	1	475 SF
	C3	1 BR	1	590 SF
	G	1 BR	1	540 SF
	G2	1 BR	1	650 SF
9 UNITS @ 6TH FLR				
7TH FLR	A	TYPE	1	688 SF
	B3	2 BR	1	513 SF
	C1	STUDIO	1	342 SF
	D2	1 BR	1	710 SF
	I	3 BR	1	1054 SF
	C2	STUDIO	1	475 SF
	C3	1 BR	1	590 SF
	G	1 BR	1	540 SF
	G2	1 BR	1	650 SF
9 UNITS @ 6TH FLR				
TOTAL UNITS				60

PARKING SUMMARY	
PARKING SPACES	TOTAL
STACKED	20
ACCESSIBLE	1
TOTAL	21

BICYCLE PARKING	
FIRST FLOOR- SHORT TERM	TOTAL
FIRST FLOOR- LONG TERM	12
2ND FLOOR- RESIDENTS	12
3,4,5,6,7 FLOORS EACH- RESIDENTS	50 (10 EACH FLR)
TOTAL	84



DRAWING INDEX	
G.0	COLOR PERSPECTIVE VIEW FROM ADELINE ST
G.0.1a	COLOR PERSPECTIVE VIEW FROM EMERSON
G.0.1b	VIEW FROM ADELINE STREET AT FORMER "CHAPEL OF THE FLOWERS"
G.0.2	PROJECT INFORMATION
G.0.3	EXISTING SITE PICTURES
C2-	TOPOGRAPHIC SURVEY
TM-1	TENTATIVE MAP
C-1	SURVEY MAP, CIVIL NOTES
C-2	GRADING & DRAINAGE PLAN
A1.0	PROPOSED SITE PLAN *
A1.1	STREET ELEVATIONS
A2.1	PROPOSED GROUND FLOOR PLAN
A2.2	PROPOSED FLOOR PLAN LEVEL 2
A2.3	PROPOSED FLOOR PLAN LEVEL 3
A2.4	PROPOSED FLOOR PLAN LEVEL 4
A2.5	PROPOSED FLOOR PLAN LEVEL 5
A2.6	PROPOSED ROOF PLAN
A3.1	PROPOSED ELEVATION ADELINE STREET
A3.2	PROPOSED ELEVATION EMERSON STREET
A3.3	PROPOSED REAR ELEVATION
A4.4	PROPOSED SIDE ELEVATION
A4.1	SCHEMATIC SECTION
R1	RUFA COLORED PLAN
MTB1-	MATERIALS BOARD
GC-1	PRELIMINARY GREEN CHECKLIST
L-1	PRELIMINARY PLANTING PLAN
L-2	PRELIMINARY PLANTING PLAN
L-3	PRELIMINARY PLANTING PLAN
L-4	PRELIMINARY PLANTING PLAN
L-5	NOT USED
L-6	PRELIMINARY PLANTS PICTURES

PROJECT DATA	
LOT AREA	12,257 SF
1ST FLOOR PARKING GARAGE, CIRCULATION, SERVICES, UTILITIES	4,995 SF
COMMERCIAL	4,030 SF
1ST FLOOR RESIDENTIAL	760 SF
2ND FLOOR	9,852 SF
3RD FLOOR	8,442 SF
4TH FLOOR	7,015 SF
5TH FLOOR	7,015 SF
6TH FLOOR	7,015 SF
7TH FLOOR	6,805 SF
TOTAL FLOOR AREA	51,899 SF
COMMON OPEN SPACE AT 3RD FLOOR	1585 SF
COMMON OPEN SPACE AT 4TH FLOOR- 450+425 SF	875 SF
TOTAL COMMON OPEN SPACE PROVIDED	2460 SF
PRIVATE OPEN SPACES- DECKS	50 SF-215 SF

PROJECT DIRECTORY		
OWNER ATHAN MAGGANAS EMAIL: magganas@prodigy.net>		
ARCHITECT MOSHE DINAR DINAR & ASSOCIATES P.O. BOX 70601 OAKLAND, CA 94612 PH: (510) 759-2133 E-MAIL: dinararch@abcglobal.net	CIVIL ENGINEER SAEID RIZAMI SMP ENGINEERS 1534 CAROB LANE LOS ALTOS, CA 94024	LANDSCAPE ARCHITECT CHRISTOPHER TIGH 516 S. SHORELINE BLVD. MOUNTAIN VIEW, CA 94041 PH: (650) 254-1415 E-MAIL: cmango1@aol.com
PROJECT INFORMATION		
ZONING: R		
BUILDING OCCUPANCY GROUPS: R-2 OVER S-2 FOR GARAGE., B,M.		
TYPE OF CONSTRUCTION: I-A FOR GARAGE/FIRST FLOOR III-A FOR FLOORS 2,3,4,5,6,7.		
AUTOMATIC FIRE SPRINKLERS TO BE PROVIDED		
APPLICABLE CODES: 2022 CALIFORNIA BUILDING CODE 2022 CALIFORNIA RESIDENTIAL CODE 2022 CALIFORNIA MECHANICAL CODE 2022 CALIFORNIA PLUMBING CODE 2022 CALIFORNIA ELECTRICAL CODE 2022 CALIFORNIA ENERGY CODE 2022 CALIFORNIA FIRE CODE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen)		

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G.0.2

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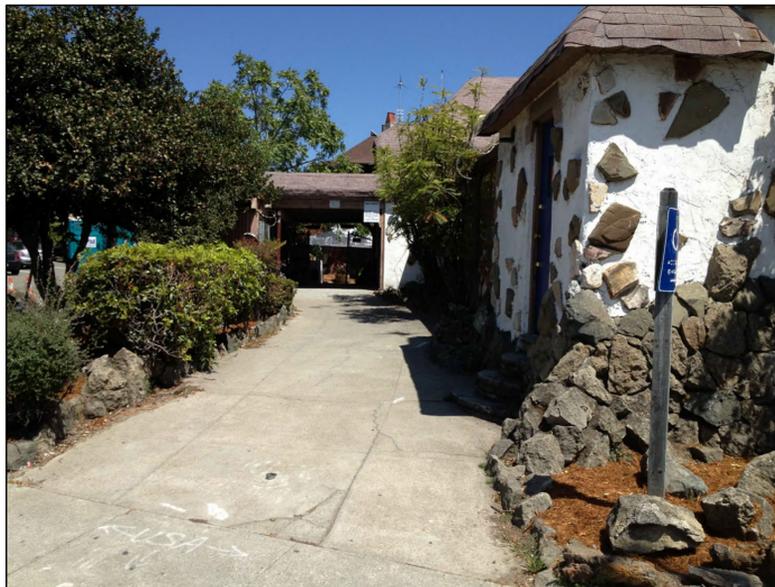
Adjacent apartment Bldg @ Emerson St



Corner of Adeline street & Emerson St



Partial view of site from Adeline street



Adjacent Existing driveway
@3049 Adeline street



3049-3051 Adeline street-
existing Buildings



3051 Adeline St -existing
bldg @ Essex St



EXISTING SITE PICTURES

3031 ADELINE ST - PROPOSED

G.0.3

SMP



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CIVIL ENGINEERS

1534 CAROB LANE
LOS ALTOS, CA 94024
TEL: (650) 941-8055
FAX: (650) 941-8755

OWNER/APPLICANT:
Athan Magganos
2550 Appian Way, #201
Pinole, CA 94564
Email: magganos@prodigy.net

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CIVIL ENGINEERS

ONE (1) LOT SUBDIVISION FOR CONDOMINIUM PURPOSED
MIXED USE RESIDENTIAL AND COMMERCIAL CONDOMINIUMS UNITS
APN: 053-1595-009-03
3031 Adeline St. Berkeley, CA 94703
VESTING TENTATIVE MAP

Revisions:



Date: 11/12/2019
Scale: 1"=20'
Prepared by: V.G.
Checked by: S.R.
Job #: 219124

Sheet: 1 OF 1
TM-1

VESTING TENTATIVE MAP

ONE (1) LOT SUBDIVISION FOR CONDOMINIUM PURPOSED
NUMBER (#) residential units and NUMBER (#) common area on one (1) parcel.
3031 Adeline St. Berkeley, CA 94703
APN: 053-1595-009-03

Real property situated in the City of Berkeley, County of Alameda, State of California, being all of Lots 2 and 3 as shown on that certain map entitled, "A Portion of the Newbury Tract, in Plat 51, Peralta Rancho, Oakland Township," filed July 26, 1882 in Book 4 of Maps, at Page 16, in the Office of the County Recorder of Alameda County, being more particularly described as follows:

Commencing at a point on the western line of Tremont Street with the southern line of Emerson Street as shown on said map; thence along said southern line of Emerson Street, South 81°46'02" West, 55.04 feet to the northeast corner of said Lot 2, said corner also being the True Point of Beginning; thence along the eastern line of said Lots 2 and 3, South 08°20'37" East, 99.98 feet to the southeast corner of said Lot 3; thence along the southern line of said Lot 3, South 81°46'54" West, 149.22 feet to a point on the southeastern line of Adeline Street, as shown on said map; thence northeasterly along the southeastern line of Adeline Street, North 17°52'03" West, 111.29 feet to the northwest corner of said Lot 2, said corner also being a point on the southern line of Emerson Street; thence along the northern line of said Lot 2, also being the said southern line of Emerson Street, North 81°46'02" East, 100.06 feet to the True Point of Beginning.

Said Lot One containing an area of 12,460 square feet, or 0.29 acres, more or less, measured in ground distances, as shown on the Plat to Accompany Legal Description, attached and made a part hereof.

LYING ENTIRELY WITHIN THE
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

NOVEMBER 2019

SMP ENGINEERS

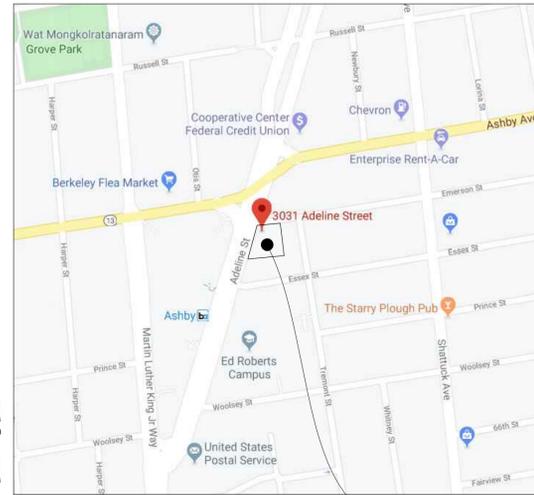
1534 CAROB LANE
LOS ALTOS, CA 94024

GENERAL NOTES and STATEMENTS

- OWNERS AND DEVELOPERS:
Athan Magganos
2550 Appian Way, #201
Pinole, CA 94564
Email: magganos@prodigy.net
- GENERAL PLAN: MUN (MIXED USE NEIGHBORHOOD)
- EXISTING ZONING:
- EXISTING APN: APN: 053-1595-009-03
- EXISTING USE:
- PROPOSED USE: MIXED USE ? (#) RESIDENTIAL & ? # COMMERCIAL CONDOMINIUM UNITS
- PROPOSED NUMBER OF LOTS: ONE (1) COMMON LOT
- FLOOD ZONE:
- STREETS: ALL PROPOSED STREET MODIFICATIONS WILL BE DEDICATED AND IMPROVED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS
- EXISTING USE OF ADJACENT PROPERTIES: MIXED USE RESIDENTIAL AND COMMERCIAL.
- WATER:
- FIRE PROTECTION:
- STORM/SANITARY SEWER:
- POWER AND GAS: PACIFIC GAS AND ELECTRIC
- TELEPHONE/CABLE: AT&T/COMCAST
- STREET TREES: THIS SUBDIVISION WILL CONFORM TO THE STREET TREE PLAN OF THE CITY.
- SITE AREA: 0.29 ACRES (12,460 SQUARE FEET)
- CONTOUR ELEVATION: LOCAL DATUM AND MONUMENTS
- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- ALL EXISTING STRUCTURES ON THE SITE ARE TEMPORARY AND WILL BE REMOVED, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROJECT.
- NEW STREET NAME: NO NEW STREET IS PROPOSED.

SITE DEVELOPMENT PERMIT #

**ALL UNITS ON THIS PROJECT
ARE FOR RENT ONLY**



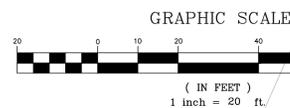
LOCATION MAP

N.T.S.

PROJECT LOCATION

LEGEND AND ABBREVIATIONS

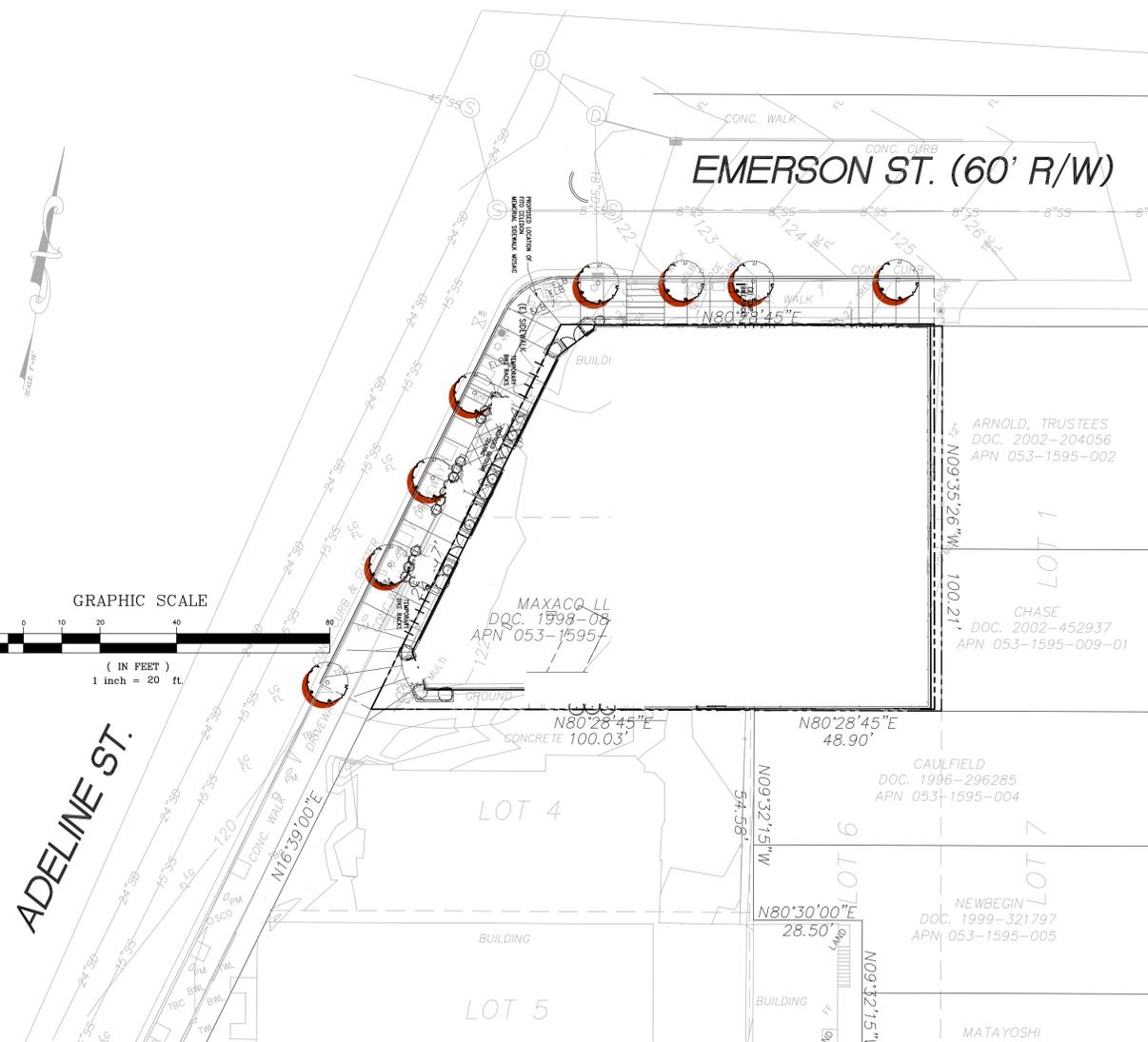
- STREET CENTER LINE
 - DISTINCTIVE BORDER LINE
 - LOT LINE TO BE REMOVED
 - UNIT LINE
 - OTHER LOTS LINE
 - SETBACK LINE
 - EASEMENT LINE
-
- PSE PUBLIC SERVICE EASEMENT
 - EAE EMERGENCY ACCESS EASEMENT
 - PIEE PRIVATE INGRESS EGRESS EASEMENT
 - PSDE PRIVATE STORM DRAIN EASEMENT
 - PSSE PRIVATE SANITARY SEWER EASEMENT
 - SB SETBACK
 - SWE STORMWATER EASEMENT



ADELINE ST.

EMERSON ST. (60' R/W)

TREMONT ST. (67' R/W)





ENGINEERS
CIVIL ENGINEERS

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ONE (1) LOT SUBDIVISION FOR CONDOMINIUM PURPOSED
MIXED USE RESIDENTIAL AND COMMERCIAL CONDOMINIUMS UNITS
APN: 053-1595-009-03
3031 Adeline St. Berkeley, CA 94703
COVER SHEET

Revisions:



Date: 01/08/2020
Scale:

Prepared by:
V.G.

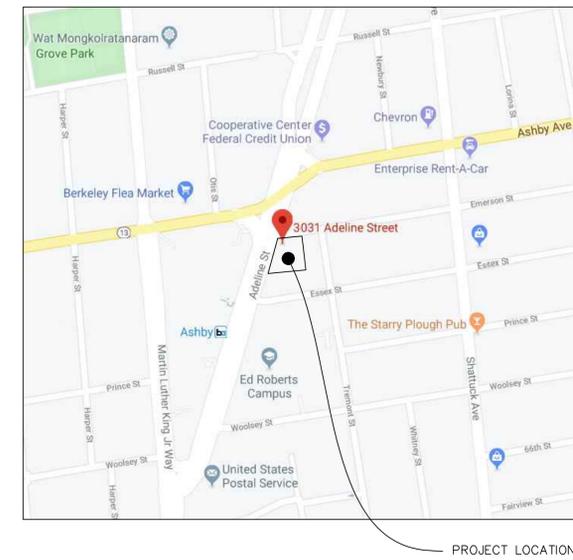
Checked by:
S.R.

Job #: 219124

Sheet:

PRELIMINARY IMPROVEMENT PLANS

ONE (1) LOT SUBDIVISION FOR CONDOMINIUM PURPOSED
3031 Adeline St. Berkeley, CA 94703
APN: 053-1595-009-03



LOCATION MAP
N.T.S.

ABBREVIATIONS	
DESCRIPTION	DESCRIPTION
AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
AD	AREA DRAIN
BC	BACK OF CURB
BFL	BACKFLOW PREVENTOR
B/W	BACK OF WALKWAY
BW	BOTTOM OF WALL
C&G	CURB AND GUTTER
C/L	CENTERLINE
CLS	CENTERLINE SWALE
CO	CLEANOUT
CP	CONTROL POINT
DI	DROP INLET
D-S	DOWN-SPOUT
DTL	DETAIL
DWY	DRIVEWAY
ELCT	ELECTRIC
EP	EDGE OF PAVEMENT ELEVATION
EUC	EUCALYPTUS TREE
(E),EX	EXISTING
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOWLINE
FOC	FACE OF CURB
FS	FIRE SPRINKLERS
GB	GRADE BREAK
GUY	GUY WIRE
HP	HIGH POINT
HDPE	HIGH-DENSITY POLYETHYLENE
INV	INVERT
JP	JOINT POLE
JB	JUNCTION BOX
LIP	LIP OF GUTTER
LND'G	LANDING
LP	LOW POINT
L/S	LANDSCAPE
MON	MONUMENT
(N)	NEW
OG	ORIGINAL GROUND
PB	PULL BOX
PGEV	PG&E VAULT
R,P/L	PROPERTY LINE
PP	POWER POLE
PPP	PLASTIC PERFORATED PIPE
PSE	PUBLIC SERVICE EASEMENT
PVC	POLYVINYL CHLORIDE
R/W	RIGHT OF WAY
RCP	REINFORCED CONCRETE PIPE
SB	SETBACK
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
STD	STANDARD
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
SW	SIDEWALK
TC	TOP OF CURB
TF	TOP OF FOUNDATION
TG	TOP OF GRATE
TOS	TOP OF SLAB
TP	TOP OF PAVEMENT
TW	TOP OF WALL
(TYP)	TYPICAL
VCP	VITRIFIED CLAY PIPE
WL	WHITE LINE STRIPE
WLK	WALKWAY
WM	WATER METER
WV	WATER VALVE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	FILL AREA LIMIT
---	---	CUT AREA LIMIT
102	102	CONTOUR
---	---	WATER LINE
---	---	FIRE SERVICE
---	SD	STORM DRAIN PIPE (SOLID)
---	SS	SANITARY SEWER PIPE
---	SUD	SUBDRAIN PIPE (PERFORATED)
OH e,T,TV	OH e,T,TV	OVERHEAD UTILITIES WITH POLE
---	G	GAS LINE
---	E	ELECTRIC LINE (UNDERGROUND)
---	JT	JOINT TRENCH (UNDERGROUND)
SLV	SLV	STREET LIGHT VAULT
SSCO	SSCO	SANITARY SEWER CLEANOUT
○	●	SANITARY SEWER MANHOLE
○	●	STORM DRAIN MANHOLE
□	■	SURVEY CITY MONUMENT
⊗	⊗	ELECTROLIER
WM	WM	WATER METER
○	○	TREE WITH TRUNK
○	○	STREET TREE
x	x	6' WOODEN FENCE
102.23	102.23	SPOT ELEVATION
○	○	TREE PROTECTION FENCE
○	○	5" TALL CHAIN LINK
---	---	CONCRETE SWALE
---	---	AREA DRAIN
---	---	INLET (OPEN GRATE)
---	---	SD JUNCTION BOX (SOLID LID)
---	---	OVERLAND RELEASE PATH
---	---	DRAINAGE PATH
---	---	(E) TREE TO BE REMOVE

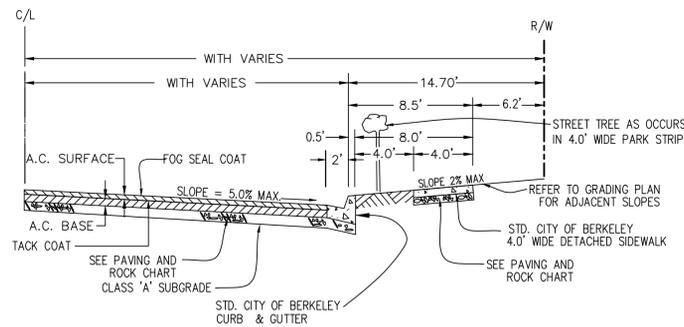
Real property situated in the City of Berkeley, County of Alameda, State of California, being all of Lots 2 and 3 as shown on that certain map entitled, "A Portion of the Newbury Tract, in Plat 51, Peralta Rancho, Oakland Township," filed July 26, 1882 in Book 4 of Maps, at Page 16, in the Office of the County Recorder of Alameda County, being more particularly described as follows:

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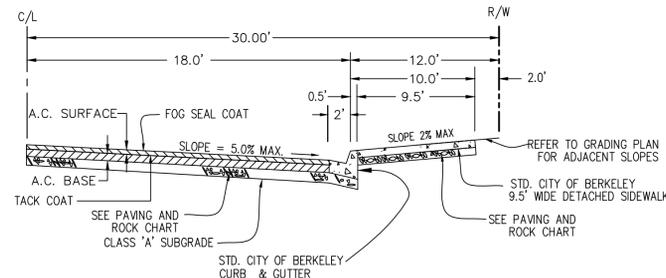
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LYING ENTIRELY WITHIN THE
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

NOVEMBER 2019
SMP ENGINEERS
1534 CAROB LANE
LOS ALTOS, CA 94024



TYPICAL ADELINE ST. HALF STREET SECTION
N.T.S.



TYPICAL EMERSON ST. HALF STREET SECTION
N.T.S.

SHEET INDEX:

- 1 COVER SHEET, NOTES, DETAIL
- 2 GRADING AND DRAINAGE PLAN

SURVEY MAP DISCLAIMER NOTE:

SMP ENGINEERS assumes no responsibility for the accuracy of the topographic surveying depicted on this plan set. Topographic surveying map was prepared by others and furnished to SMP ENGINEERS by the owner.

BASIS OF BEARINGS

BEARINGS ARE BASED ON MAP OF NEWBERRY TRACT (4 M 16), CENTER LINE OF ESSEX ST. ESTABLISHED BY CURB SPLIT TAKEN AS N 80°30'00" E.

BENCHMARK

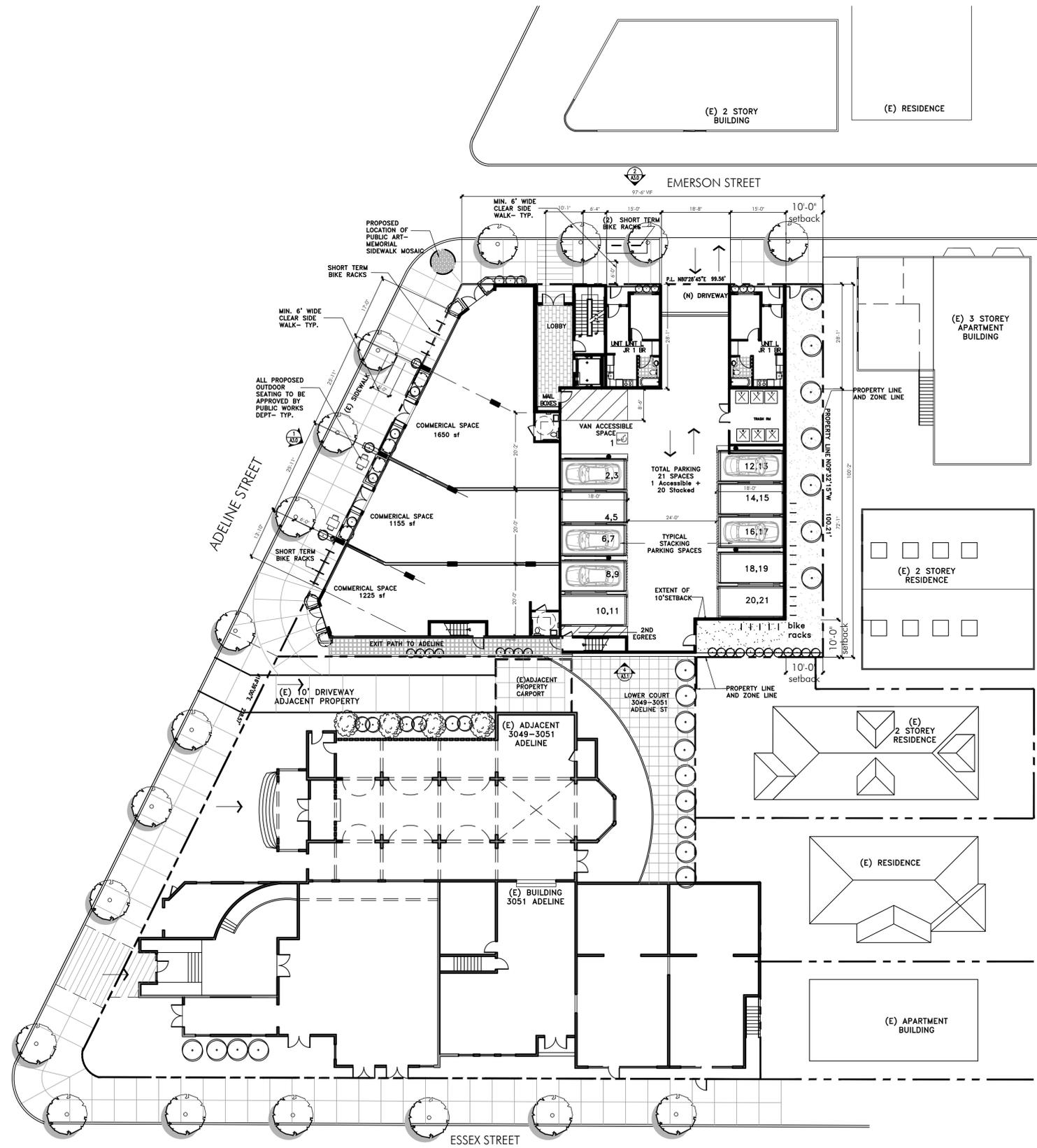
SBARDT MONUMENT RB10. DISK ELEVATION 124.77 FEET. IN WALK SOUTH SIDE OF EMERSON ST. AT MID-BLOCK.

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 BERKELEY, CALIFORNIA

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 & ASSOCIATES

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 CALIFORNIA 94612
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 FAX. 510.893.8305



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 UPDATE - APRIL 24 2020

SITE PLAN

SCALE: 1/8"=1'-0"



A1.0

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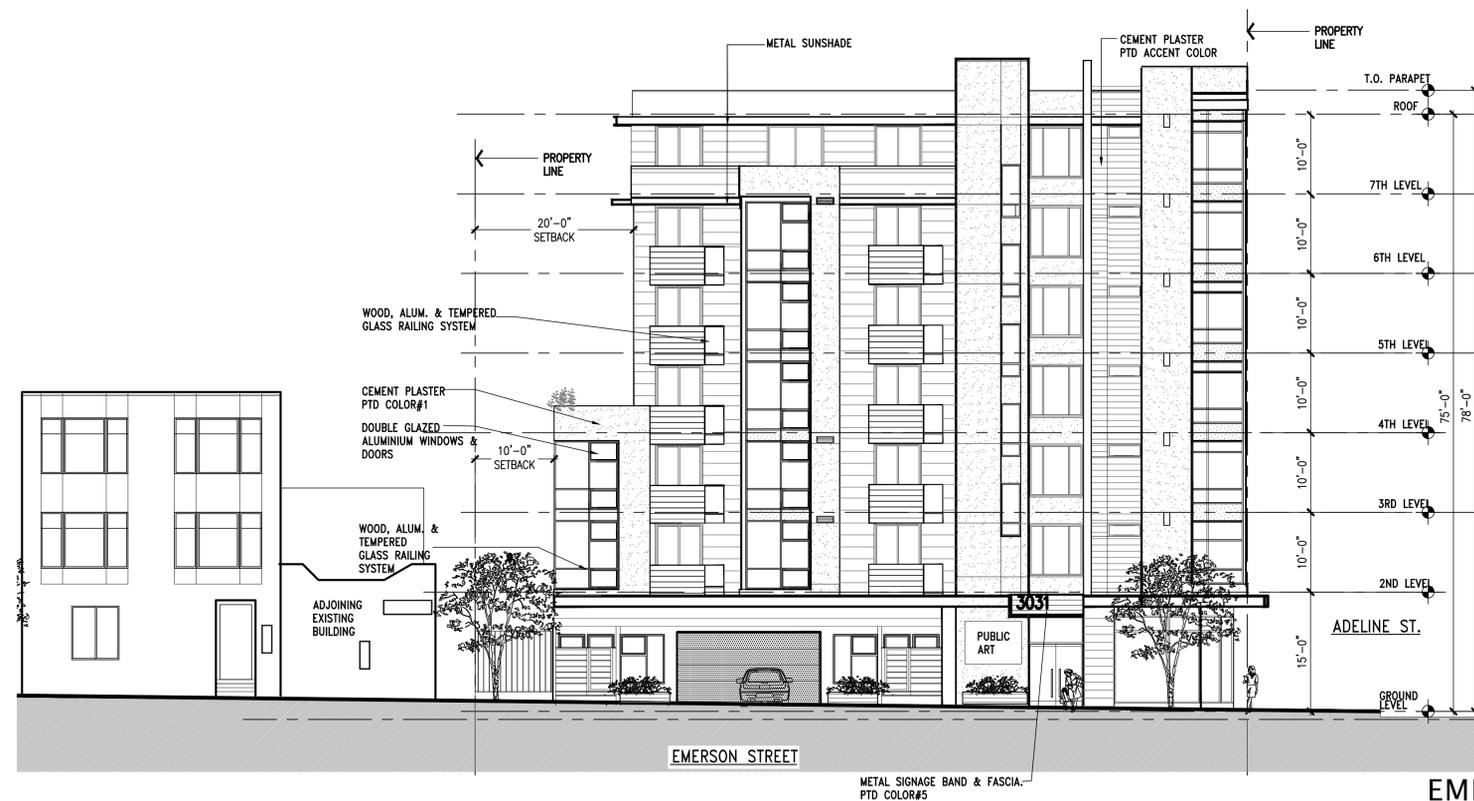
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ADELINE STREET ELEVATION

SCALE: 3/32"=1'-0"



EMERSON STREET ELEVATION

SCALE: 3/32"=1'-0"

SITE ELEVATIONS

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DECEMBER 15, 2022

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(E) APARTMENT
BUILDING

(E) RESIDENCE



TYP. 6' HIGH WOOD
LATTICE SCREEN ABOVE
RAILING FOR PRIVACY -
SEE ELEVATIONS, SECTION

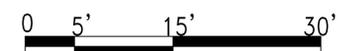
RESIDENTIAL BIKE RACKS
WALL MOUNT SPACE SAVER- 6



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UPDATE- DEC 15, 2022
ZAB SUBMITTAL- FEBRUARY 7, 2024

SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

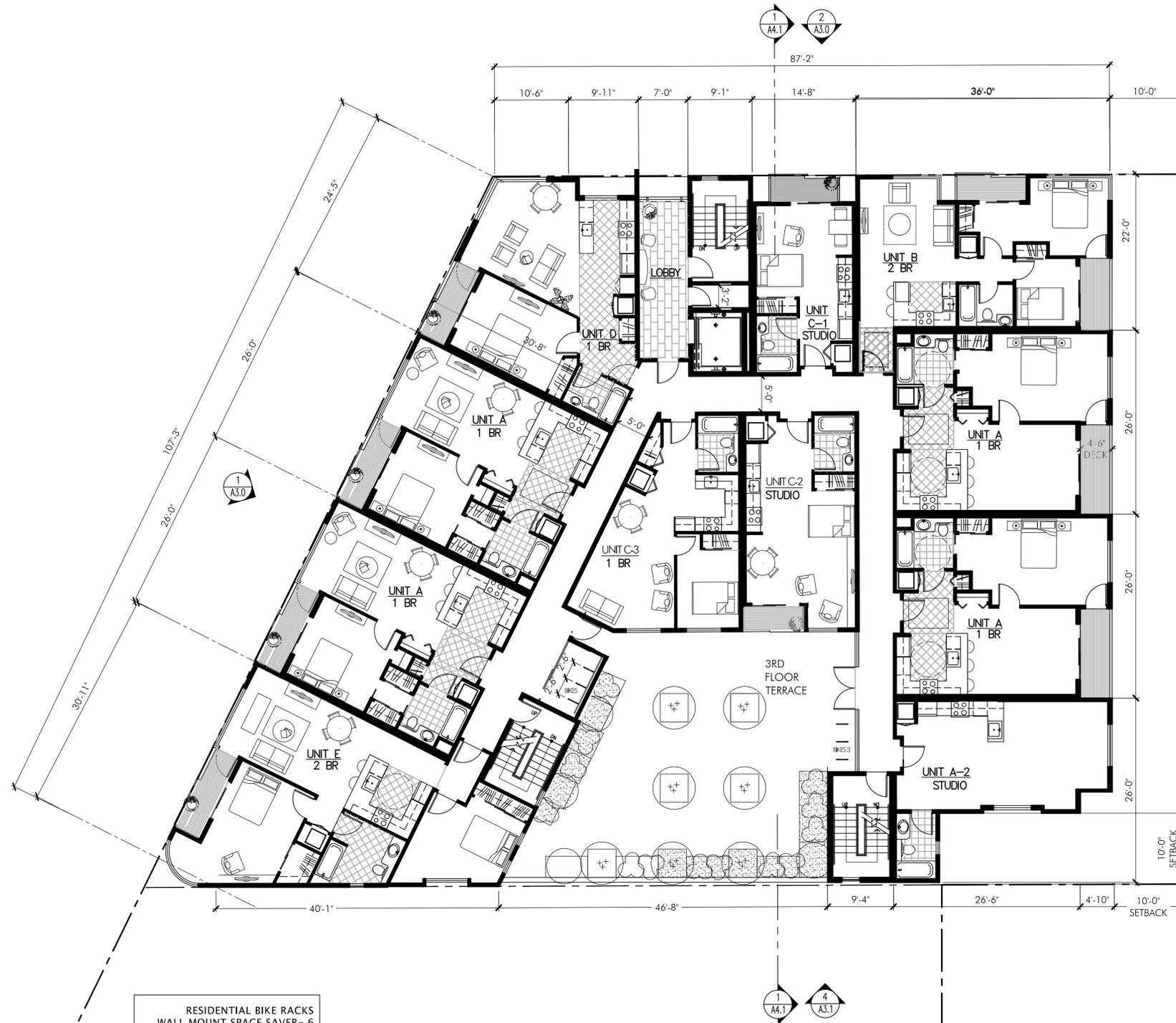


A2.2

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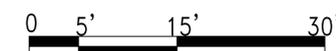
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RESIDENTIAL BIKE RACKS
 WALL MOUNT SPACE SAVER - 6

THIRD FLOOR PLAN- PODIUM LEVEL PLAN

SCALE: 1/8" = 1'-0"



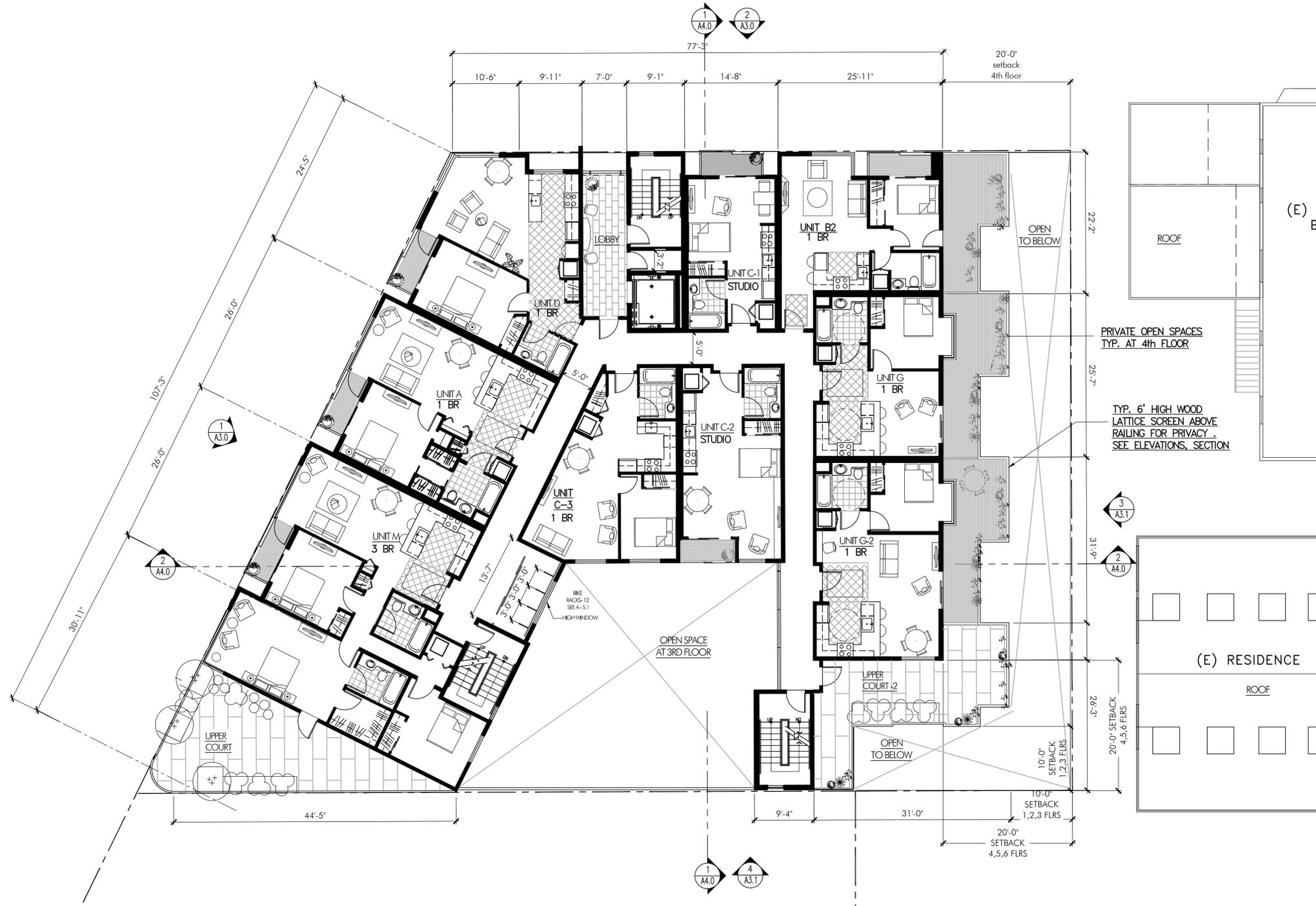
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A2.3

3031 ADELIN ST.
 BERKELEY, CALIFORNIA

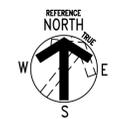
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FOURTH FLOOR PLAN

SCALE: 1/8" = 1'-0"

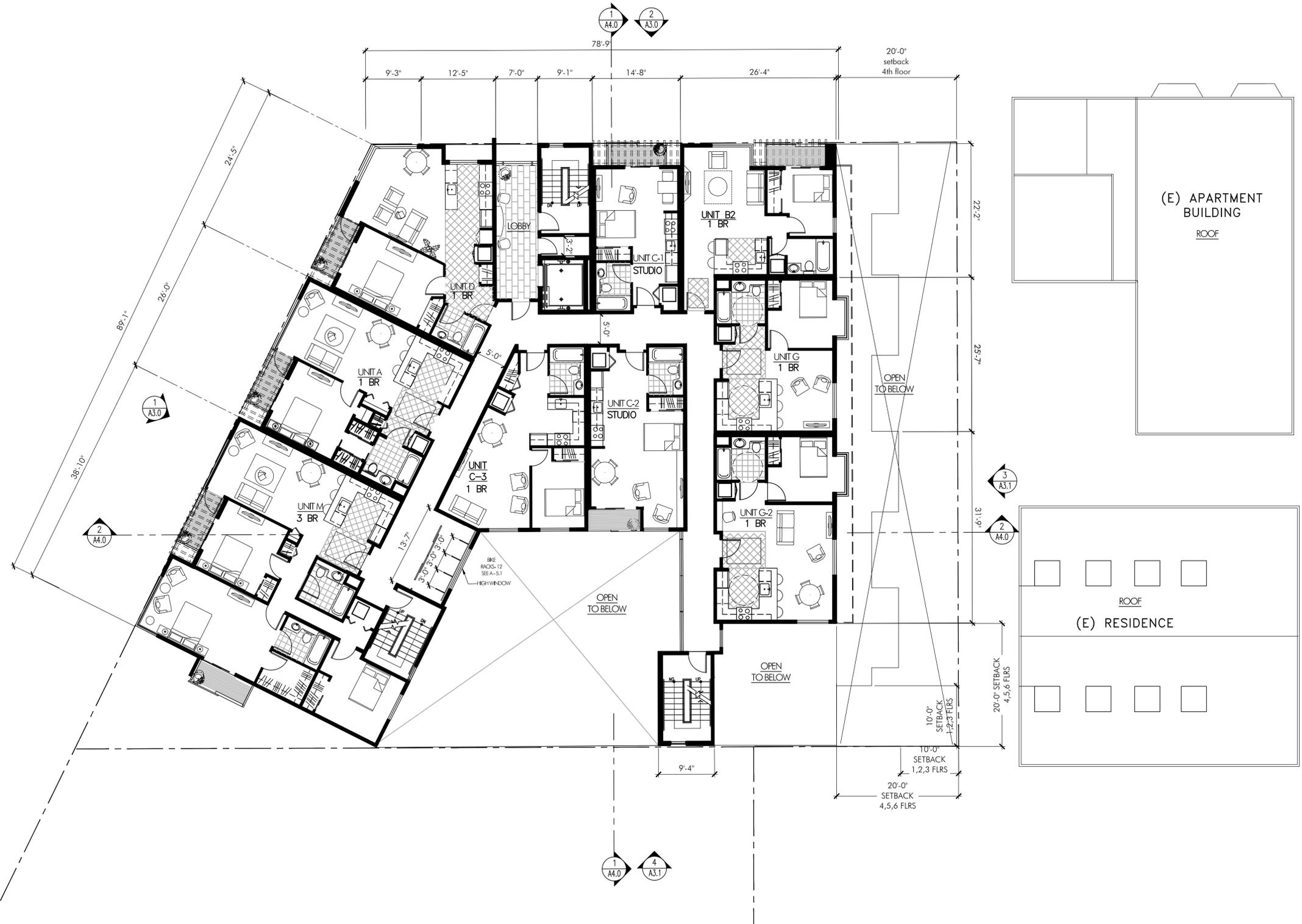


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A2.4

3031 ADELINE ST.
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FIFTH FLOOR PLAN
 SCALE: 1/8" = 1'-0"



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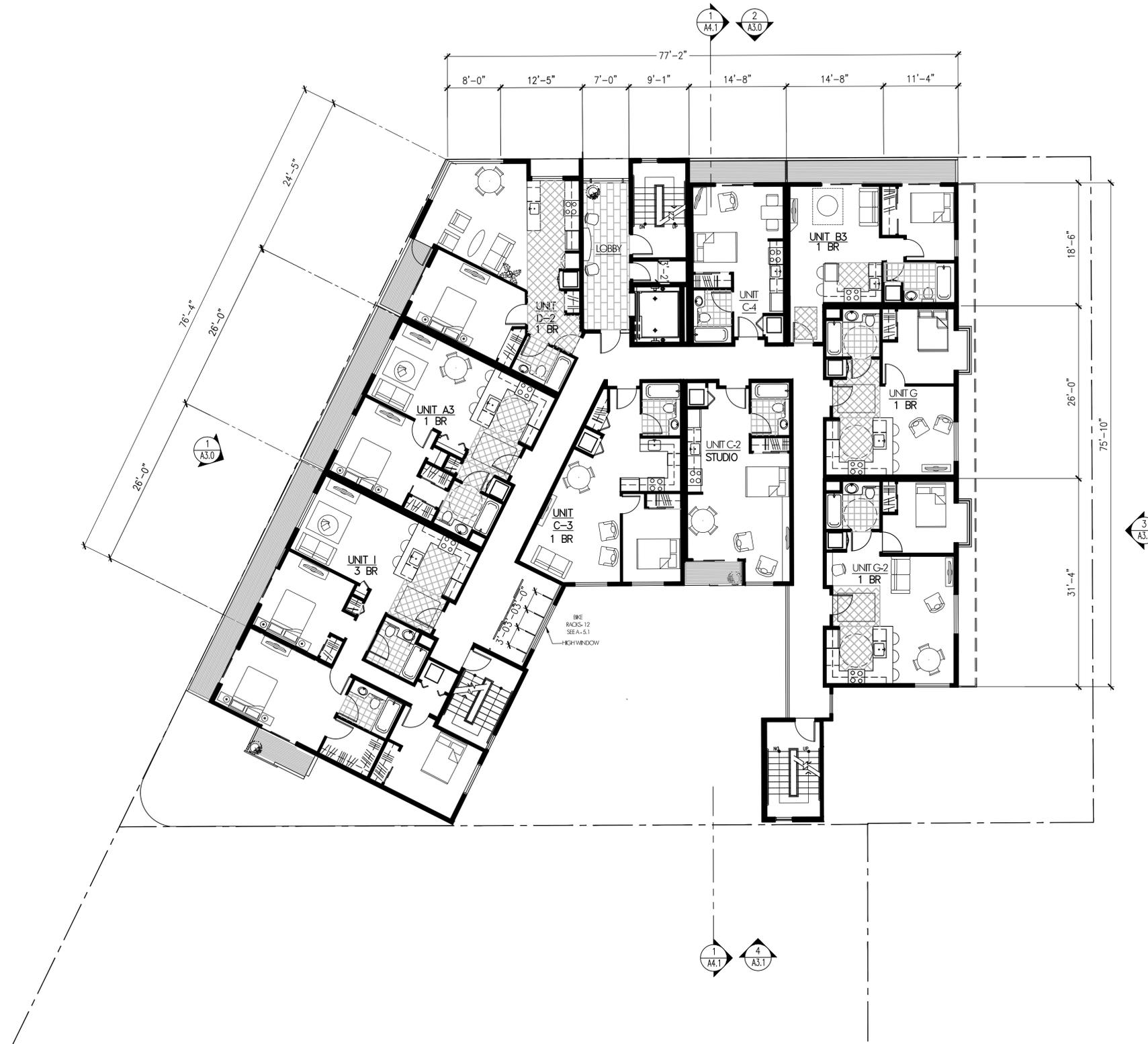
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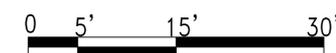
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SEVENTH FLOOR PLAN

SCALE: 1/8" = 1'-0"



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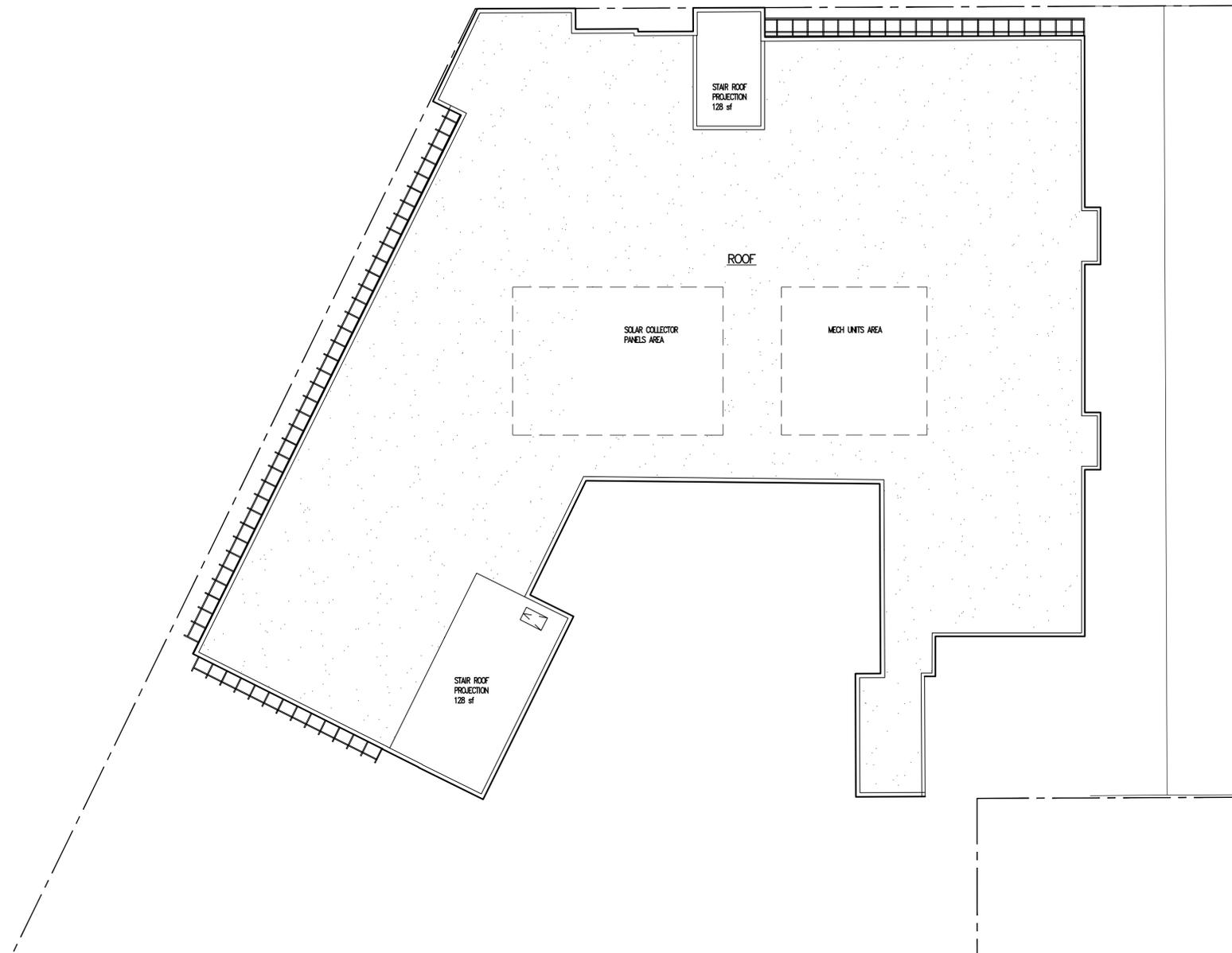
A2.7

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ROOF PLAN

SCALE: 1/8" = 1'-0"

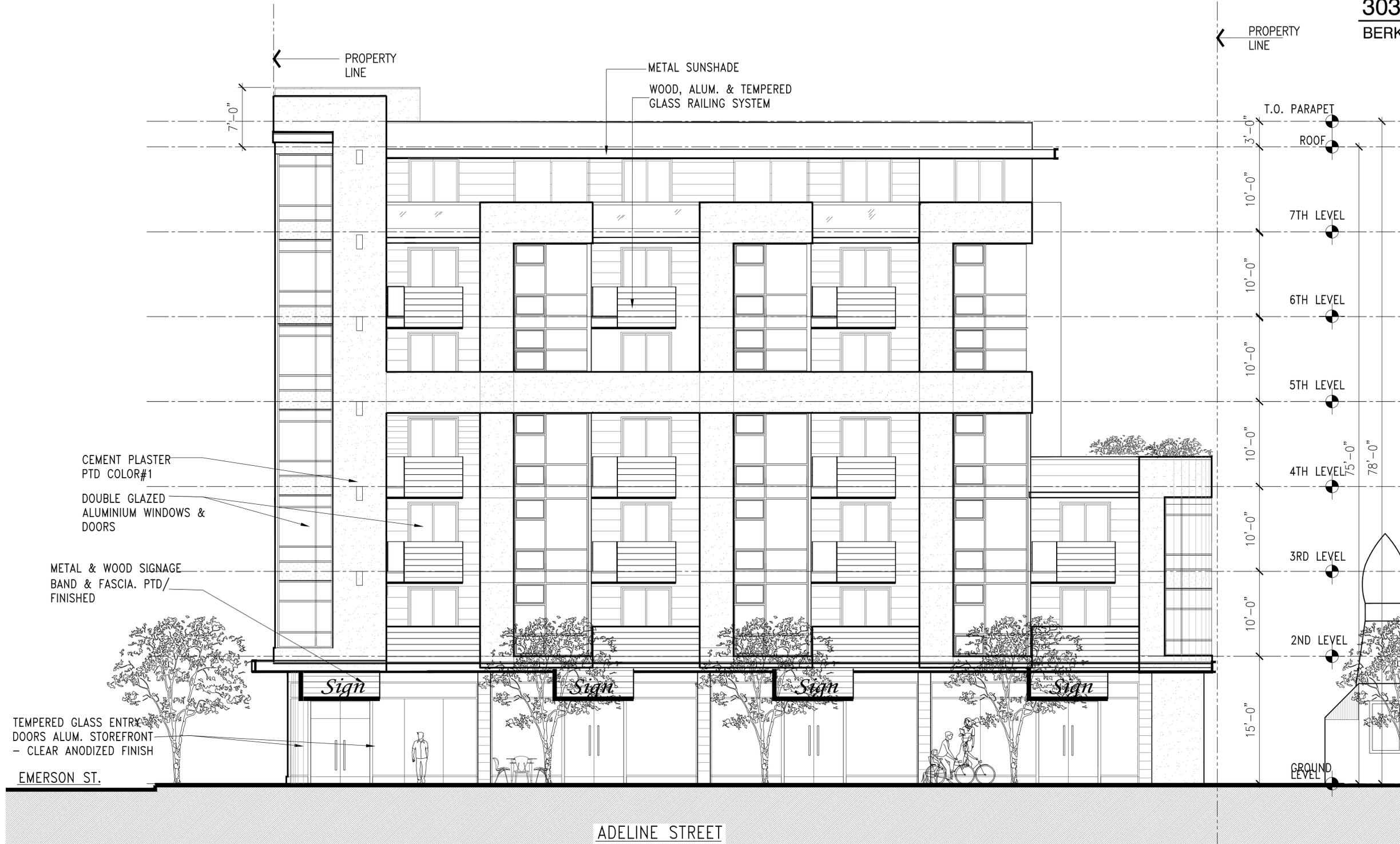


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A2.8

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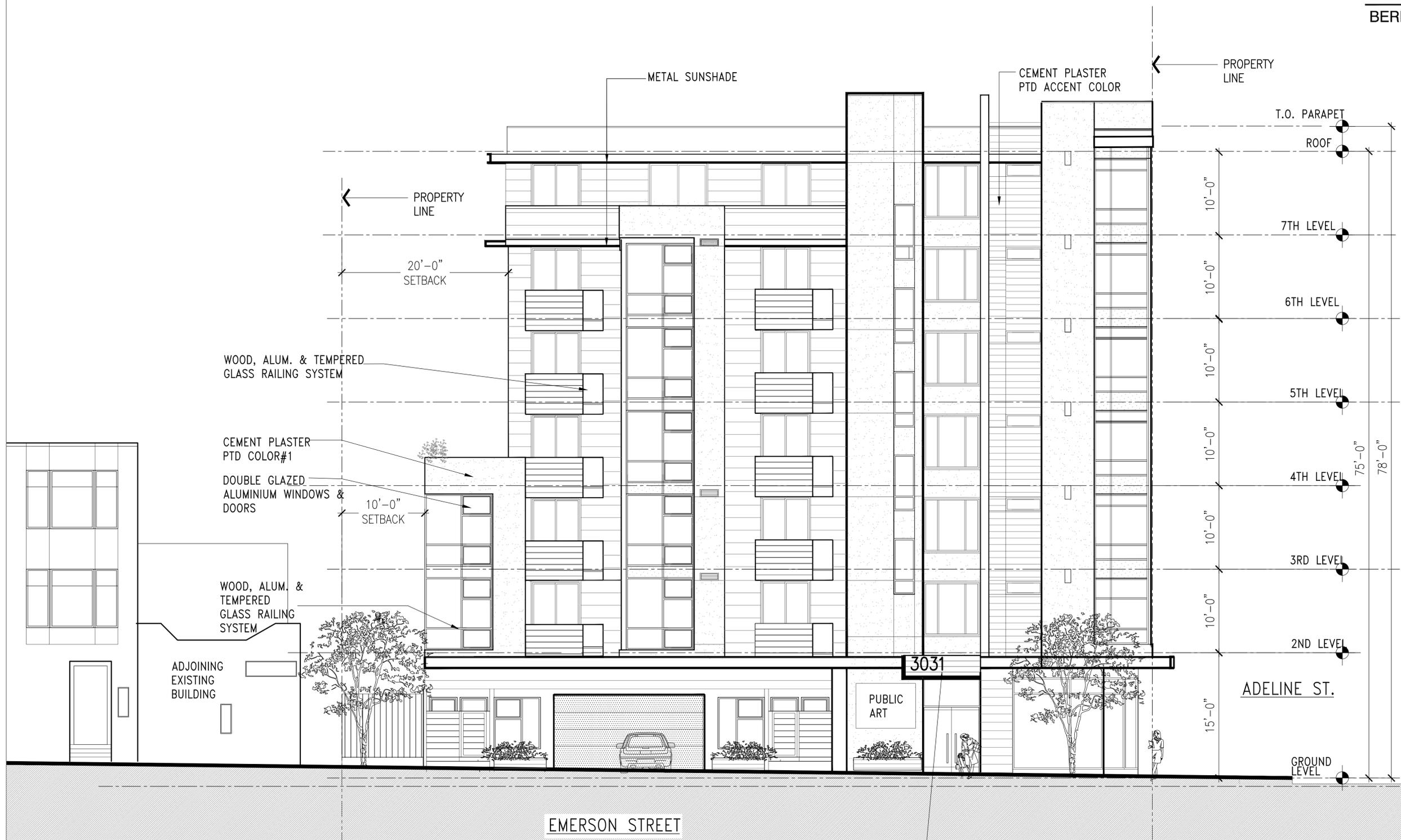
WEST ELEVATION-ADELINE STREET ELEVATION
 SCALE: 3/16" = 1'-0"

DESIGN REVIEW SUBMISSION
 UPDATE- DEC 15, 2022
 ZAB SUBMITTAL- FEBRUARY 7, 2024

A3.1

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NORTH ELEVATION-EMERSON STREET ELEVATION
 SCALE: 3/16" = 1'-0"

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A3.2

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PROPERTY LINE →

← PROPERTY LINE



EAST ELEVATION-SIDE/REAR ELEVATION
SCALE: 3/16" = 1'-0"

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A3.3

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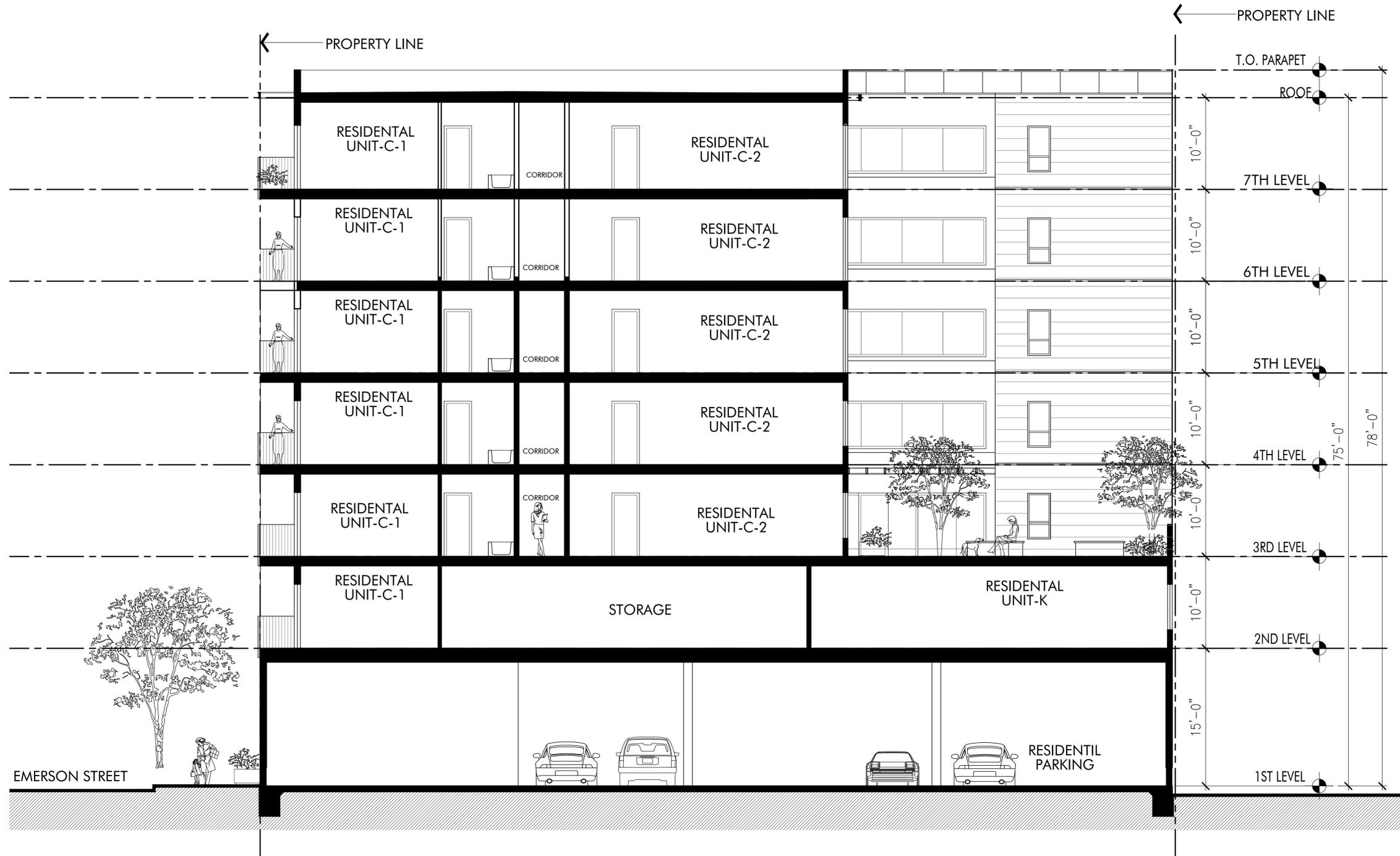
SOUTH ELEVATION-REAR ELEVATION
SCALE: 3/16" = 1'-0"

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A3.4

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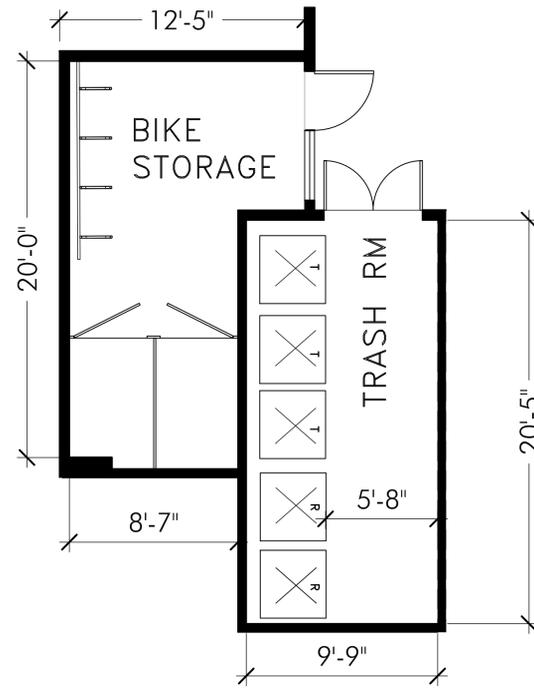
SCHEMATIC SECTION AA
SCALE: 3/16" = 1'-0"

DESIGN REVIEW SUBMISSION
UPDATE- DEC 15, 2022
ZAB SUBMITTAL- FEBRUARY 7, 2024

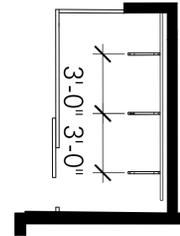
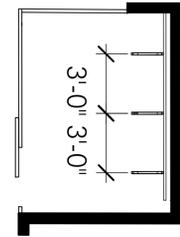
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3031 ADELINE ST.
 BERKELEY, CALIFORNIA

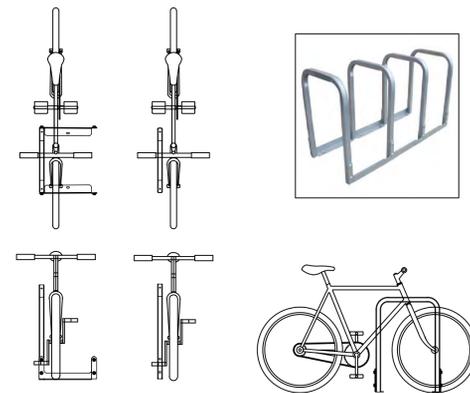
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GROUND FLOOR RESIDENT
 BIKE STORAGE- 8 DUAL STACK, 2
 MESH STORAGES



BIKE RACKS- WALL MOUNT STACK- 9 -
 BY FLOOR 3,4



GROUND FLOOR SHORT TERM BIKE
 STANDS - EXTERIOR

ENLARGED BIKE STORAGE

SCALE: 1/4" = 1'-0"

DESIGN REVIEW SUBMISSION
 UPDATE- DEC 15, 2022
 ZAB SUBMITTAL- APRIL 15, 2023

A5.1

3031 ADELINE ST.
BERKELEY, CALIFORNIA

DINAR
& ASSOCIATES
architecture • planning • interiors
P. O. BOX 70601
O A K L A N D
CALIFORNIA 94612
TEL. 510.893.8300
FAX. 510.893.8305



EXTERIOR PANEL CLADDING
by shildan or eq.



EXTERIOR WOOD
AT RAILING



CONCEPT OUTDOOR PLANTERS, SEATING



EXTERIOR COLOR AT METAL
CANOPY & COLUMN AT
FRONT ENTRY



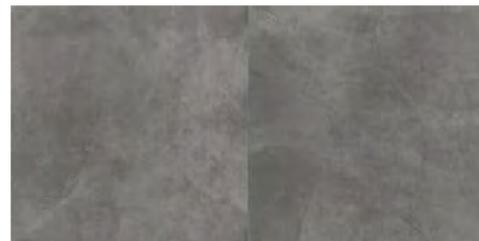
ALUMINIUM TRELLIS
AT TOP FLOOR



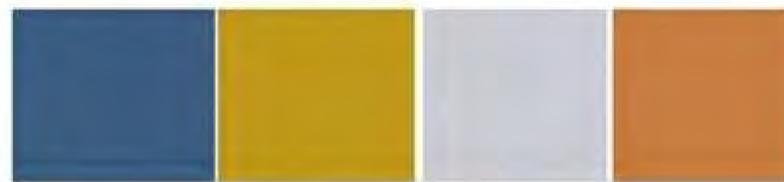
PARKING GARAGE DOOR



PROPOSED RESIDENTIAL
BIKE STORAGE RACKS



EXTERIOR PORCELAIN TILE
CLADDING AT PARKING LEVEL



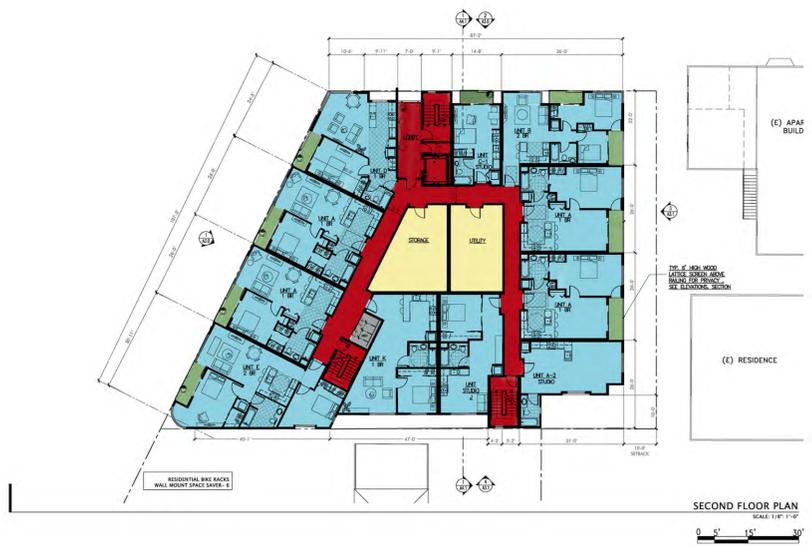
EXTERIOR PANEL CLADDING & WALL COLORS
(COLOR SWATCHES TO BE
SUBMITTED SEPARATELY)

BEAM AT
FIRST FLOOR COLOR

ZAB & DESIGN REVIEW SUBMISSION

PRELIMINARY CONCEPT MATERIALS BOARD

MT-B1



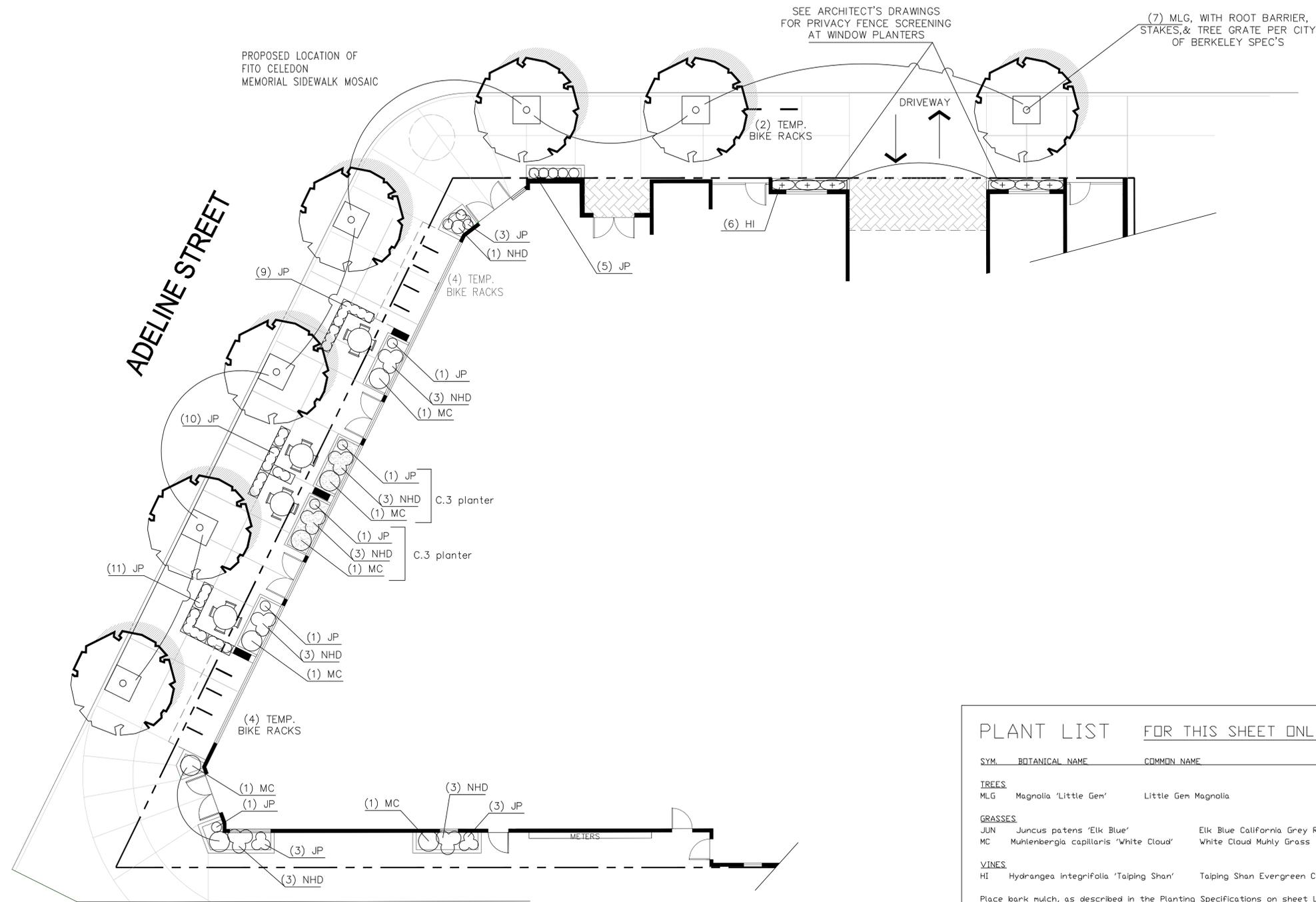
TOTAL NO. OF UNITS - 60

FIRST/GROUND FLOOR RUFA-	380 SF
SECOND FLOOR RUFA-	7814 SF
THIRD FLOOR RUFA-	7432 SF
FOURTH FLOOR RUFA -	5993 SF
FIFTH FLOOR RUFA-	5993 SF
SIXTH FLOOR RUFA-	5993 SF
SEVENTH FLOOR AREA-	5562 SF
TOTAL FLOOR AREA - RUFA-	44,729 SF

- Residential Floor Area - RUFA
- Usable open space
- Residential circulation
- Utilities/ Amenities/ Trash
- Parking
- Commercial space

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 & ASSOCIATES
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 CALIFORNIA 94612
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	GROUND FLOOR	2nd FLOOR TERRACE	4th FLOOR TERRACE	ROOF	TOTAL
AREA OF C3 PLANTERS (sf)	50	363	112	0	525
AREA OF NON-C3 PLANTERS (sf)	155	110	102	464	831
TOTAL PLANTER AREA (sf)	205	473	214	464	1356

TOTAL SITE AREA (sf) = 12436.8
 4% OF TOTAL SITE AREA = 497.5 sf
 TOTAL C3 PLANTER AREA = 464.5 sf

NOTE: TOTAL SITE AREA IS NOT NECESSARILY EQUAL TO TOTAL IMPERVIOUS BUILDING AREA.. AT A MINIMUM, THE TOTAL IMPERVIOUS AREA = TOTAL SITE AREA (12436.8 sf) MINUS THE AREA OF C3 PLANTERS (525 sf) = 11911.8 sf. 4 % OF 11911.8 = 476.5 sf. TOTAL C3 PLANTER AREA IS 476.5 sf - 464.5 sf = 12 sf = 0.1 % SHORT OF THE 4% REQUIREMENT

TOTAL PLANTER AREA = 1356 SF = 10.9% OF TOTAL SITE AREA.

PLANT LIST FOR THIS SHEET ONLY

SYM.	BOTANICAL NAME	COMMON NAME	WUCOLS RATING	SIZE
TREES				
MLG	Magnolia 'Little Gem'	Little Gem Magnolia	M	24" box
GRASSES				
JUN	Juncus patens 'Elk Blue'	Elk Blue California Grey Rush	L	1 gal.
MC	Muhlenbergia capillaris 'White Cloud'	White Cloud Muhly Grass	L	5 gal.
VINES				
HI	Hydrangea integrifolia 'Taiping Shan'	Taiping Shan Evergreen Climbing Hydrangea	M	2 gal.

Place bark mulch, as described in the Planting Specifications on sheet L-3, 3" deep in all planting areas EXCEPT C3 flow-through planters, which shall have decorative gravel mulch, to be selected.

 C.3 FLOW-THROUGH PLANTER (TYP.)

TOTAL PLANTER AREA = 1356 sf
 TOTAL AREA OF MEDIUM WATER USE PLANTS = 134 sf
 = 9.9 % OF TOTAL PLANTED AREA.
 TOTAL AREA OF LOW WATER USE PLANTS = 90.1 % OF TOTAL PLANTED AREA.

GROUND LEVEL PLANTING PLAN



SCALE: 1" = 8'-0"
 WHEN PRINTED ON 24" x 36"



REVISIONS	BY

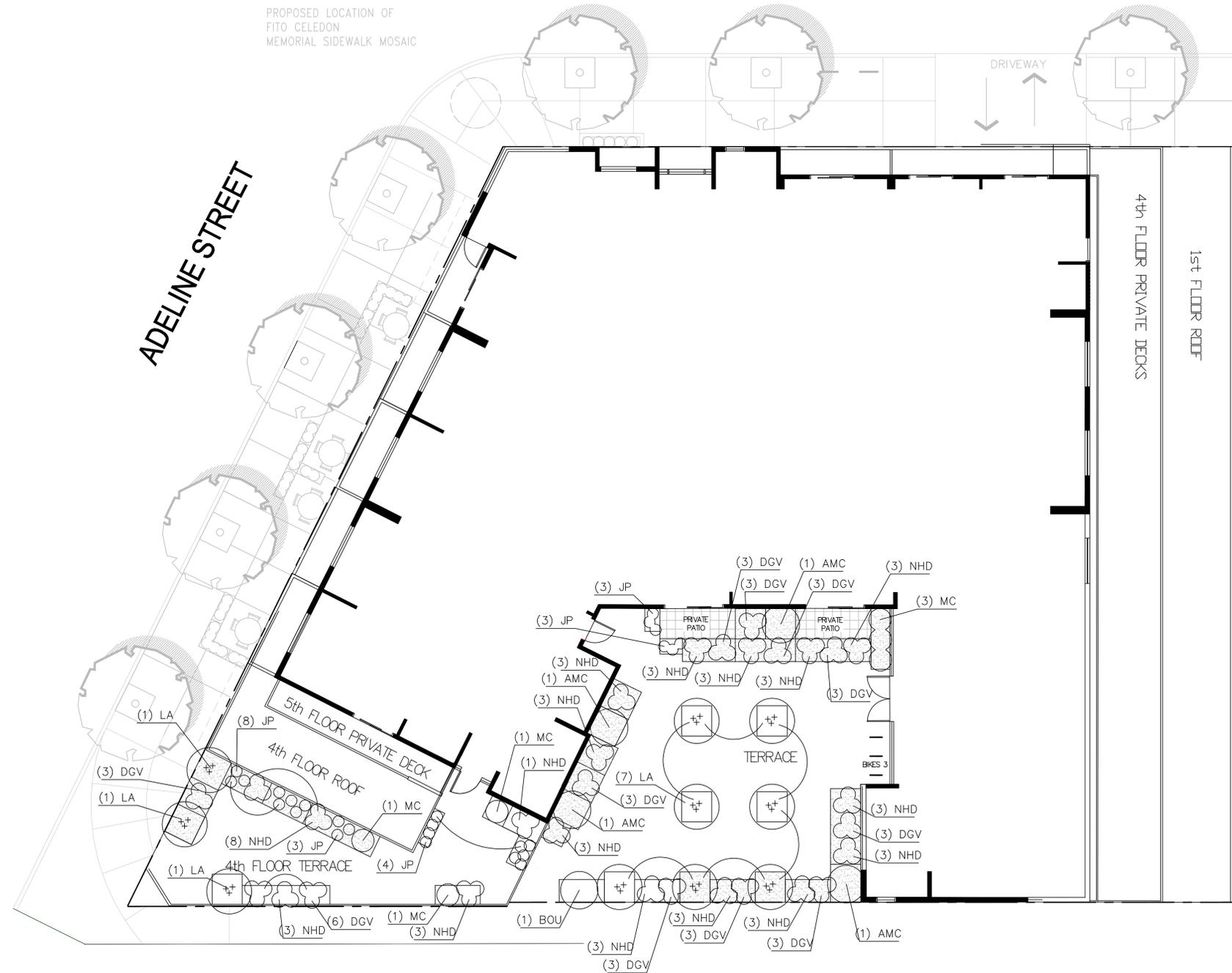
Christopher Tigh
 Landscape Architect
 CA Lic. No. 7627
 516 S. Shoreline Blvd., Mountain View, CA 94041
 Tel. (650) 254-1415

**3031 ADELINE STREET
 BERKELEY, CA 94703
 GROUND LEVEL PLANTING PLAN**

DATE: 9/21/21

SHEET
L 1

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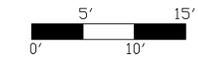
PLANT LIST FOR THIS SHEET ONLY

SYM.	BOTANICAL NAME	COMMON NAME	WUCOLS	SIZE
TREES				
LA	Lagerstroemia 'Acoma'	Acoma Crape Myrtle	L	15 gal.
SHRUBS				
AMC	Arctostaphylos densiflora 'McMinn'	McMinn Manzanita	L	15 gal.
DGV	Diets grandiflora 'Variegata'	Striped Fortnight Lily	L	5 gal.
NHD	Nandina 'Harbour Dwarf'	Harbour Dwarf Heavenly Bamboo	L	5 gal.
GRASSES				
JUN	Juncus patens 'Elk Blue'	Elk Blue California Grey Rush	L	1 gal.
MC	Muhlenbergia capillaris 'White Cloud'	White Cloud Muhly Grass	L	5 gal.
VINES				
BOU	Bougainvillea 'Do-La-La'			

Place bark mulch, as described in the Planting Specifications on sheet L-3, 3" deep in all planting areas EXCEPT C3 flow-through planters, which shall have decorative gravel mulch, to be selected.

C.3 FLOW-THROUGH PLANTER (TYP.)

UPPER FLOORS PLANTING PLAN



SCALE: 1" = 8'-0"
 WHEN PRINTED ON 24" x 36"



REVISIONS	BY

Christopher Tigh
 Landscape Architect
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 516 S. Shoreline Blvd., Mountain View, CA 94041
 Tel. (650) 254-1415

**3031 ADELINE STREET
 BERKELEY, CA 94703
 2nd & 4th FLOORS PLANTING PLAN**

DATE: 9/21/21
 SHEET
L 2

TREES



Lagerstroemia indica 'Acoma'
 Acoma Crape Myrtle

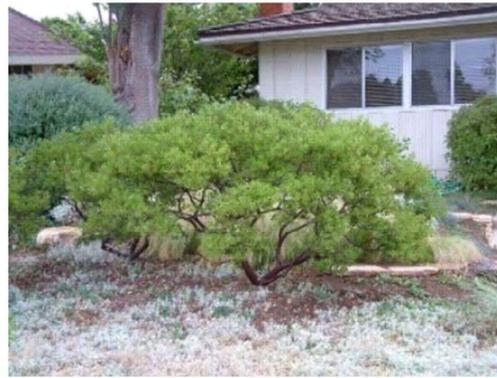


Lagerstroemia 'Dwarf Royalty'
 Dwarf Royalty Crape Myrtle



Magnolia grandiflora 'Little Gem'
 Little Gem Magnolia

SHRUBS



Arctostaphylos densiflora 'H. McMinn'
 H. McMinn Manzanita



Dietes grandiflora variegata
 Variegated Fortnight Lily



Nadina 'Harbour Dwarf'
 Harbour Dwarf Heavenly Bamboo

GRASSES



Juncus patens 'Elk Blue'
 Elk Blue California Grey Rush



Muhlenbergia capillaris 'White Cloud'
 White Cloud Muhly Grass

VINES



Bougainvillea 'Oo-La-La'



Hydrangea integrifolia 'Taiping Sha'
 Taiping Shan Evergreen Climbing Hydrangea

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REVISIONS	BY

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 Tel. (650) 254-1415



3031 ADELINE STREET
 BERKELEY, CA 94703
 PLANT SELECTION PHOTOS

DATE: 9/21/21
 SHEET
 L 6

DRC SUMMARY – January 19, 2023

3031 ADELINE STREET [at Emerson] (MODDRCP2022-0004): Preliminary Design Review Modification to demolish an existing approximately 1,000 square foot, one-story, commercial structure; and construct a new seven-story tall, mixed use building with 4,030 square feet ground floor commercial space, 64 residential units and 21 automobile and 55 bicycle parking spaces. (Project Plans, received January 9, 2023)

Preliminary Design Review Modification received a favorable recommendation to ZAB with the following conditions and direction for Final Design Review (FDR): MOTION: (Kahn, Woo) VOTE (7-0-0).

Conditions

- *Provide all exterior details, including lighting, windows, materials, storefront windows, balconies, trellis, sunshades, and fin.*
- *Resolve bird safety issues, especially at corners.*
- *Provide species for the trees at the East property line.*
- *Provide color information for all elevations, including the side and rear.*
- *Plans and elevations need to accurately depict the conditions shown in the renderings.*

Recommendations

- *Consider alternatives for the wood balcony material, as durability and maintenance is a concern.*
- *Warm color should remain on balconies, even if wood cannot.*
- *Consider a recess at center band.*
- *Recommends some accent or 'whimsy on the south elevation at the southwest corner.*
- *Provide more thought and detail for the commercial ground floor storefront design. Resolve with sidewalk seating.*
- *Consider whether a higher bulkhead may work at the ground floor storefront.*
- *Consider if fin should extend to the ground.*
- *Recommend drawing more from the neighborhood for final detail, and art inspiration. Consider more whimsy, or integrating art into the fin design.*
- *Look closely at garage door noise in final design.*
- *Recommends as much solar as possible.*
- *Concerned about maintenance of planters at the roof.*
- *Roof planters could be better if they were visible from the street; incorporate them into the design.*
- *Provide more detail about planting in the East setback. Check whether stormwater planters could go there to make room for increased solar on the roof.*
- *Consider more native plants; remove Nandina from the plant list.*
- *Check with City Forester on tree grates.*
- *Recommend to Public Works that street trees should be consistent and continue south on Adeline and around the corner along Essex.*

ZAB Issues

- *Setback required at the Southeast corner of the parcel shall be resolved and reviewed at ZAB.*

NEIGHBORHOOD MEETING INVITATION

Re: 3031 Adeline St. – Berkeley, CA

You are hereby invited to participate in a Neighborhood Meeting to review and discuss the proposed mixed-use residential project proposed for the above noted property at the corner of Adeline St. and Emerson St.

The proposed project incorporates new commercial space at ground level and 42 units in the upper 4 levels, surrounding an open courtyard space. Your comments, suggestions, and general input will be very helpful in completing our submission to the Planning Commission.

The project sponsor and the design team will be present to respond to questions and provide ways in which your ideas can be incorporated in the project. Refreshments will be served. If you have any questions, please feel free to email the project sponsor at _____ or contact the Architect at 510-759-2133.

**THE MEETING WILL BE HELD ON
Tuesday, December 12, 2017
At 3049 Adeline St. , Berkeley, CA
From 6 to 8 PM**

We look forward to meeting and working with you on this project.

Best Regards,

Moshe Dinar, AIA
Dinar & Associates, Architects
510-759-2133
dinararch@sbcglobal.net

NEIGHBORHOOD MEETING - SIGNUP SHEET FOR 3031 ADELINE
 DECEMBER 12, 2017
 PROJECT

3031 ADELINE
 TELEPHONE
 BEAR SUSHI
 email

NAME

ADDRESS

MOSHE DINAR

510-759-2133

dinar@chesbcglobal.net

Jack Appleford

2099 Emerson

510-841-7738

jackappleford@sbcsbcglobal.net

emilie raguso

Berkeley side

510-457-8325

emilie@berkeleyaid.com

MOLLY JONES

BECKER

Margy Wilkinson

3025 Ellis
 39470

510-644-1138

margyfw@earthlink.net

Tony Wilkie

"

"

tonywilkie@aol.com

S. Dublin

244 Emerson St

1937 Oregon 4.

battles.ca@sbcglobal.net

Frank Warren

2158 Emerson St

Lally Campbell

2126 Emerson St.

510-848-9580

DH MAYERON

1921 RUSSELL

510 841 1800

d_mayeron@hotmail.com

John Vaeltke

2996 Adeline #7

510-549-1348

LEE SHIPNOCK

2071 EMERSON

510 848-0553

shipnock@comcast.net

NSN

OCCUPANT
2007 EMERSON ST
Berkeley, CA 94703

MIXTE 957 DE 1 0013

RETURN TO SENDER
NO SUIH NUMBER
UNABLE TO FORWARD

.. 9200000000196550

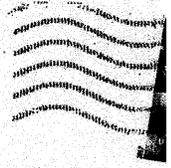
NSN

94703+252399

BC: 94703252399 *1705-0438

OAKLAND CA 945

29 NOV 2017 PM 6 L



MAXACO
3051 ADELINE ST
BERKELEY CA 94703

NSN

OCCUPANT
2016 ASHBY AVE
Berkeley, CA 94703

MIXTE 957 DE 1 0013

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NO SUIH NUMBER
UNABLE TO FORWARD

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NSN

94703+252399

BC: 94703252399 *1605-00213

OAKLAND CA 945

29 NOV 2017 PM 6 L



MAXACO
3051 ADELINE ST
BERKELEY CA 94703

NSN

OCCUPANT
3001 ADELINE ST
Berkeley, CA 94703

MIXTE 957 DE 1 0013

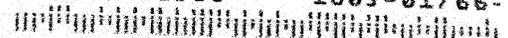
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NSN

94703+252399

BC: 94703252399 *1605-01766-



Maxaco, LLC
3031 Adeline Street
Berkeley, CA 94703

September 22, 2022

City of Berkeley

Via USPS and e-mail

Re: 3031 Adeline Street - report of neighborhood meeting 9/20/22 6-8pm

Dear Fatema / To Whom It May Concern,

On September 20, 2022 we held a neighborhood meeting via Zoom link after notifying all neighbors within 300 feet of our property thanks to the mailing list we were provided by the City of Berkeley for this purpose. We had a decent turnout with thirteen neighbors attending and sharing their views, questions, comments and concerns with us. We heard from some familiar faces/voices who expressed the same concerns and also welcomed some new folks in the neighborhood.

We recorded their names and addresses as best we could, their comments, as well as our responses, and have them listed out below for your records. We addressed as many issues as we could at the time and told two others we would get back to them on other issues, we had no answer.

Timothy from 2008 Emerson was a familiar voice who has attended many of the meetings over the years and made similar comments this time around. His concerns were the following: (1) height of the building as Berkeley is an "ancient town"; (2) garage gate/traffic flow from Emerson street (wants entrance on Adeline). Regarding height, we cited City and State general plans for higher densities near commuter nodes such as downtown Berkeley and MacArthur BART stations. Regarding garage entrance location, we noted to him that we had studied the traffic issue thoroughly and we along with City commissioners determined that this location was best all around.

Joy Kendra from 2008 Emerson was concerned about construction impact and resultant turnover of her building. We noted to her that construction is inevitable in order to have more housing that of course we were concerned with turnover and would do our best to make things as speedy for the neighborhood to finish ASAP. She claimed she would lose views of the Bay. Her window is 30 feet from our east side exterior wall of new building and Moshe explained that side views are very difficult to maintain.

Erika Larson (address unknown) was interested in (1) parking impact, (2) whether students would be eligible for RPP (residential parking permits); and (3) that biking alternative to cars was unsafe due to "unfriendly" and poor City of Berkeley road conditions. We noted to Erika that we had more parking before but that ZAB and City policies around transit hubs like BART stations preferred less cars to incentivize people to use alternate methods such as bike, shuttle,

bus, train. We were uncertain about the RPP eligibility for students but will let her know when we know.

Kathleen Craig (address unknown) did not make an oral statement but mentioned in the chat that "affordable housing near BART is crucial to the future of Berkeley. That's a reality."

Marc Shulman (address unknown) did not make an oral statement but mentioned in the chat that "too bad you are flogging this eyesore again after years of silence. You should give it up. It's worthless."

Manuel Mena, Lauren P, iPhone (2), and Sheila Press (all addresses unknown) were present for the meeting but neither gave any input orally nor via chat.

Alonso Martinez (3026 Tremont) was concerned about (1) easements and setbacks on property line, (2) privacy screen height uses, and (3) what stores would be on the ground level. We noted to him that setbacks begin at 10 feet high on the podium level and step back as you go up. We noted that the privacy screens were shown on the elevation, at about 6 feet on that side. We noted that we did not know at this time who would be the tenants on the ground floor but we hope that Flaco's will still be interested in coming back and being there.

Mara (address not given but suspected at 3026 Tremont as well) was concerned with setbacks via chat but did not give any further oral input, similar to Alonso above.

Les Shipnuck (2071 Emerson Street) was another familiar voice who has attended many of the meetings over the years and who made similar comments this time around. He (1) "sympathized" with the concerns of the Tremont neighbors regarding height, and (2) does not like traffic increase in speed and volume (would like speed bumps for safety). Asked about mitigations to lessen traffic load and steer to Adeline rather than up Emerson. We noted the transportation study and that City of Berkeley's philosophy and wants around transit hubs is to increase busses, trains, shuttles, bikes, etc to lessen car/parking impact.

Ryan Marples (address unknown) was concerned with future of Flaco's. We said that we would be happy to have Flaco's around, there is a location on Essex to move temporarily or permanently while construction occurs and when complete. Athan also met with Ryan in person the following day and discussed the matter.

Architects Moshe Dinar and Chinar Desai, along with owner representative Athan Magganas, answered all questions and concerns, engaged with neighbors, and explained to all the process that has been ongoing with the City and how we have progressed to reach this point and how privacy and parking and all concerns have been addressed.

Thank you,

Athan Magganas
Manager - Maxaco, LLC



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

M E M O R A N D U M
FOR BOARD REVIEW
MAY 9, 2024

3031 Adeline Street

Use Permit #ZP2018-0156 to demolish a single-story, approximately 1,000-square foot commercial building and an approximately 10,000-square foot surface parking lot, and to construct a seven-story, approximately 52,000-square foot mixed-use building of 75 feet maximum height comprised of approximately 4,000-square feet of commercial floor area, 60 dwelling (including eight Very Low-Income and seven Low-Income), and as many as 21 off-street parking spaces on the ground floor in the C-AC district.

On April 25, 2024, a public hearing notice was published and mailed to surrounding neighbors for the above-referenced project to be heard at the May 9, 2024 Zoning Adjustments Board hearing. After publication of the public hearing notice, staff identified additional project details that had not been previously identified, but are required to be noticed and considered as part of the application entitlement. As the public notice did not include this information, staff is requesting a continuance of this project to a date certain in order to issue a corrected public hearing notice and prepare a final recommendation for action. The applicant has been notified of this continuance.

Recommendation: To continue the project to the regular hearing of June 27, 2024.

Staff Planner: Fatema Crane, fcrane@berkeleyca.gov, (510) 981-7410



Z O N I N G
A D J U S T M E N T S
B O A R D
NOTICE OF PUBLIC HEARING

3031 Adeline Street

Use Permit #ZP2018-0156 to demolish a single-story, approximately 1,000-square foot commercial building and an approximately 10,000-square foot surface parking lot, and to construct a seven-story, approximately 52,000-square foot mixed-use building of 75 feet maximum height comprised of approximately 4,000 square feet of commercial floor area, 60 dwelling units (including eight Very Low-Income and seven Low-Income), and as many as 21 off-street parking spaces.

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

When: Thursday, June 27, 2024, 7:00 pm

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

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

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

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

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

A. Land Use Designations:

- General Plan: Avenue Commercial
- Zoning: Adeline Corridor Commercial District/North Adeline Subarea [C-AC]

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish a commercial building
- Use Permit pursuant to BMC Section 23.204.020 to construct a new mixed-use building and new dwelling units in the Adeline Corridor Commercial District
- Use Permit pursuant to BMC Section 23.204.030(A)(1) to construct a new main building and new dwelling units in the Adeline Corridor Commercial District
- Administrative Use Permit pursuant to BMC Section 23.304.050(A) to project a mechanical penthouse beyond the otherwise applicable maximum building height limit

C. CEQA Recommendation: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development").

D. Parties Involved:

- Applicant Moshe Dinar, Dinar & Associates, P.O. Box 70601, Oakland, CA
- Property Owner Athan Magganas for MAXACO LLC, 2550 Appian Way, #201, Pinole CA

Further Information:

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

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

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7413 or fcrane@berkeleyca.gov.

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

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable

economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:

- a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
-

From: cooperlb
To: [Zoning Adjustments Board \(ZAB\): Crane, Fatema](#)
Subject: 3031 Adeline
Date: Monday, June 17, 2024 5:09:55 PM

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I am writing as a concerned citizen living in South Berkeley, specifically in the area surrounding the Ashby/Shattuck/Adeline area.

As of today there are 3 major building projects in our neighborhood that will be going before or have gone to the Design Review Board and/or ZAB. As someone who supports greater density and in-fill building I support the efforts to have more affordable living possibilities in the city. At the same time I am quite concerned that the majority of the proposed building is concentrated in specific neighborhoods, not those in the wealthier, less diverse areas of our beloved City.

The 3 projects I am specifically referring to are at 3000 Shattuck Ave, 2955 Shattuck Avenue and 3031 Adeline Street. While I would want each of these proposed buildings to have more low income and very low income apartments, one of the most concerning problems is the issue of traffic. Today the corner of Shattuck and Ashby has the 2nd most number of automobile accidents in the City.

At the Shattuck/Ashby intersection, two lines of traffic merge into one lane for cars headed both north and south on Shattuck. Adding apartment buildings without dealing with the fundamental problem of traffic is irresponsible at best and negligent at worst. One of the arguments for building so many apartments in this area is because of the close proximity to BART as well as bus lines on Shattuck, Ashby, and Adeline. Why do these proposed buildings include parking? This is an issue of traffic congestion, accidents and pollution. All of these issues are being ignored.

The June 27, 2024 meeting will discuss the building permit for 3031 Adeline Street. An individual building permit cannot be separated from the other building permits in the immediate vicinity that ZAB has or will be asked to approve. Currently cars often race up and down the two blocks of Emerson Street to avoid the intersections at Adeline and Ashby as well as at Shattuck and Ashby. How will having the entrance to the parking garage on Emerson St. mitigate the current dangerous driving patterns? If there must be a parking entrance, why is that entrance/exit not on Adeline St.?

I urge you to carefully examine the proposed buildings and work diligently to prevent the pending disastrous traffic consequences of poor planning and inadequate attention to the human consequences of those unconscionable decisions.

Lynn Cooper
2129 Emerson Street
Berkeley

From: Zoning Adjustments Board (ZAB)
Subject: FW: 3031 Adeline St

-----Original Message-----

From: Elisa <narbulwinj@yahoo.com>
Sent: Sunday, June 16, 2024 8:17 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 3031 Adeline St

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A 75 ft building will shadow some of my solar panels and increase the shadow to my living room. The increased need for electric lighting and the reduced solar power production will cost me money. Who will compensate me for these losses? Additionally, I will lose my view of the sunset which will decrease my property value and my enjoyment of my home.

Ignoring my personal losses, the building will not fit in with the neighborhood which has mostly one and 2 story buildings. This project offers nothing to our neighborhood. We need trees and open space. We need parks and playgrounds. Instead we get tall buildings that tax our already burdened infrastructure. Zoning exemptions and waivers should be done only where there is a clear and overwhelming benefit to the local neighborhood. This project provides a small amount of low income housing that benefits the city more than the neighborhood. A huge low income project at Ashby and Adeline appears almost complete (and super ugly - 4 different exterior finishes that clash with each other and all neighboring buildings) I appreciate that we desperately need more housing and if they proposed a 3 or 4 story building I would be psyched but 7 stories is too large.

Sincerely,
Elisa J Duggan
3027 Tremont St

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 3031 Adeline St. Letter to ZAB Members
Attachments: 3031 Adeline, Letter to ZAB.docx

From: Les Shipnuck <shipnuck@comcast.net>
Sent: Thursday, May 9, 2024 4:12 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 3031 Adeline St. Letter to ZAB Members

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear ZAB Secretary,

Please find attached my letter to the ZAB regarding the proposed development at 3031 Adeline St.. I realize it is probably too late to get this into the board members' packets, but can you still forward it to them?
Thank you kindly!

Les Shipnuck

May 8, 2024

Zoning Adjustments Board
Land Use Division
Attn: ZAB Secretary
1947 Center St. Second Floor
Berkeley, CA 94704

RE: 3031 Adeline St. Use Permit #ZP2018-0156

Dear Members of the Board,

I write as a long-term resident of Berkeley and have resided on Emerson Street for many years. I am a retired architect and general contractor, with over 40 years of experience in the fields of design, construction, and program management.

I have always been an advocate for affordable housing and served as a staff member of the National Housing Law Project in Berkeley for several years. I and most of my neighbors welcomed the proposal of the affordable housing development at 2024 Ashby, a five story structure now nearing completion around the corner from my home.

I have watched a couple of iterations for the 3031 Adeline development with some trepidation. And my reservations about this project stem from the following:

1. While we need new housing in Berkeley, and this location is ideal to the extent that it is on or adjacent to two major transit corridors, and across the street from the Ashby BART Station, this building is also part of a stable residential neighborhood. It is badly out of scale and at odds with this the residential blocks on Emerson, Essex, and Tremont Streets. As such, it is viewed generally as a **bad neighbor**. Granted, "context" has fallen out of currency as a planning concept, but as much as we need new housing, especially that which is affordable, we do not want to destroy or degrade mostly harmonious and desirable residential districts to obtain it.
2. This is more than a conceptual problem, as this building is a liability for the surrounding blocks. At 75 feet height, or 7 stories, it would be casting shadows across the sides of at least 5 nearby buildings, and adversely impacting the residents of at least 10 dwelling units who will be losing sunlight.
3. With at least 70 new residents living in this building once fully rented, we expect to see a sizeable increase in automobile traffic on Emerson St. This will be a considerable load now that traffic has revived and reached pre-pandemic levels.

The parking garage for this building has been placed by the developer on Emerson St, rather than located on the well-travelled Adeline St. We expect a traffic jam of cars leaving the parking garage in the morning rush hour, trying to turn onto Adeline St., which is famously congested at the Ashby Ave intersection. Those cars might head eastward up Emerson St, but will be blocked by the now perpetual rush-hour jam on Shattuck, south of Ashby. This traffic will have no choice but to filter through the neighborhood streets to leave the district. With the preponderance of home services and retail deliveries, such as Amazon, DoorDash etc., we expect a lot of traffic related to 3031 Adeline on Emerson St.

I should point out the ZAB has already approved the 10-story apartment building on our block for the Arco station at the corner of Ashby & Shattuck. Due to a lack of loading-zone options, traffic related to that building in addition to the usual home services/retail deliveries will end up parking around the corner on our end of the same block of Emerson St. This will be too much!

4. Traffic Study. A traffic study for 3031 Adeline St. was performed by Abrams Associates. June 10, 2021. It determined that no mitigations would be needed.

However this study is based on data that was gathered perilously close to the pandemic when traffic was already depressed. Furthermore, the building studied in that report was only 5 stories with 43 rental units. The current building is nearly 50% larger, and traffic conditions have changed considerably in the last several years. This study should be updated, or redone. Mitigations must be considered.

5. Access to Drawings. I noticed that the project drawings and documents have been relocated to the city's online permit portal. Previously, these documents were easily accessed with a simple internet search, that is, by entering the project address into one's web browser.

Now one has to locate the city's permit portal, create an account, complete with password and proceed through a 4-step route through a somewhat arcane file path to reach the documents. Also one has to sort through multiple pages of document listings. This is not a CITIZEN-FRIENDLY process, and I recommend simplifying it, unless you wish to reduce public access.

Thank you very much.

Yours,

Les Shipnuck

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 3031 Adeline Street

From: Lynn Cooper <cooperlb0108@gmail.com>
Sent: Thursday, May 9, 2024 8:09 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: 3031 Adeline Street

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The proposed building at 3031 Adeline Street is problematic. While the inclusion of units for low and very low tenants is admirable, the entire project is out of scale with the neighborhood. The 7 story building will create significant shadows with the homes on Tremont Street and will result in a significant loss of sunlight for those residents. Even more problematic is the proposed parking garage entrance and exit on Emerson Street. It will create significant traffic problems on Emerson Street, both above and below Shattuck Avenue. It is not unusual to the traffic problems that were predicted by neighbors when the apartment building was built on the corner of Carlton Street and Shattuck Avenue. The City required that cars exiting the garage driveway had to make a left hand turn on to Carlton. Signs clearly state that right hand turns are prohibited. Unfortunately, many of the cars exiting the garage ignore that sign and those that make the required left hand turn often result in a traffic backup on Carlton and subsequently Shattuck Avenue.

I am hoping that the Planning Department and ZAB will learn from the failed efforts for traffic mitigation at Carlton St and Shattuck Ave and not replicate this error with the 3031 Adeline St. building. A key question is: Why is the garage entrance/exit not on Adeline St? This would avoid significant concerns for easily avoidable and predictable traffic nightmares.

Equally important is why is there even a parking garage proposed for this building? The proposed building is practically next door to BART and on a major bus line along Adeline St. It is 2 blocks from Shattuck Ave, 3 blocks from Martin Luther King, Jr. Way, and one block from Ashby Avenue, all streets with excellent bus service. Isn't that the rationale for so much building around these transportation corridors?

Lynn Cooper

Subject:3031 Adeline
Date:Wed, 8 May 2024 14:16:38 -0700
From:Mina Caulfield

Reply-To:

To:

Received

MAY 08 2024

Land Use Planning

Dear Zoning Adjustment Board,

As a close neighbor of the property, I am concerned that the building being considered is ugly and completely out of scale for my neighborhood. Bring it down at least two stories, it will still be huge next to its neighbors.

It will also be out of synch with the style of the area. The historic landmark buildings around that Ashby/Adeline intersection will not only be overshadowed, literally, but largely obscured by a seven-story box.

Where are the set-backs? Am I really going to look out of my bedroom window directly into an immense wall six feet away?

Traffic at the intersection of Ashby and Adeline is complicated and often dangerous already; adding more cars hunting for those rare parking spots will further impact the neighborhood's problems with BART parking.

Yes, we need housing, and locating it near BART may encourage some tenants to go without a car. The plan does include a few below-market units, but this building will not be tenanted by our local homeless so recently brutally removed from their

encampment just down the street.

Zoning decisions are about more than adding more units. the recent report from the Berkeley Fire Dept. stressed the failure of the city to provide funding commensurate with the rapidly expanding density, noting that more and different equipment as well as person power are needed for large apartment complexes, as compared with single-family units and duplexes, which have been the Berkeley norm for the 64 years that I have lived here.

Community input in response to the proposal can and should be sought. When the Ed Roberts Campus was proposed, just a block away, there were multiple neighborhood meetings, with Q and A, visual presentations, and actually incorporating some community ideas, like the day-care center and the reduced height of the whole structure. If you grant a zoning variance, let's hope some of the neighborhood ideas will be built in.

Sincerely,



Dr. Mina D. Caulfield