

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
NOVEMBER 14, 2024

2820 San Pablo Avenue and 2817-2821 Tenth Street

Use Permit #ZP2022-0038 to 1) construct a four-story (50 foot) 15,195 square-foot mixed-use building with one single-family dwelling, offices, and research and development uses at 2820 San Pablo Avenue; 2) demolish a one-story 12,193 square-foot non-residential building at 2821 Tenth Street, and construct a two-story (34 feet 8 inch) 14,362 square-foot building with office, research and development, and light manufacturing uses, and a garage with 23 off-street parking spaces, and one loading space.

I. Background

A. Land Use Designations:

- General Plan: AC– Avenue Commercial; MU– Manufacturing Mixed Use
- Zoning District: C-W– West Berkeley Commercial; MU-R Mixed Use Residential

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential building
- Use Permit pursuant to BMC Section 23.204.140(B)(2)(a) to construct a mixed-use development of more than 9,000 square-feet
- Use Permit pursuant to BMC Section 23.204.020(A) to establish more than 5,000 square-feet of office
- Use Permit pursuant to BMC Section 23.204.030(A)(1)(a) to construct more than 5,000 square-feet of new gross floor area

- Use Permit pursuant to BMC Section 23.206.030(A)(1) to construct more than 10,000 square-feet of new gross floor area
- Use Permit pursuant to BMC Section 23.206.020(A) to establish more than 5,000 square-feet of office
- Use Permit pursuant to BMC Section 23.206.020(A) to establish more than 5,000 square-feet of light manufacturing
- Administrative Use Permit pursuant to BMC Section 23.204.020(B) to permit an unlisted land use (research and development) in the C-W District
- Administrative Use Permit pursuant to BMC Section 23.206.020(B) to permit an unlisted land use (research and development) in the MU-R District

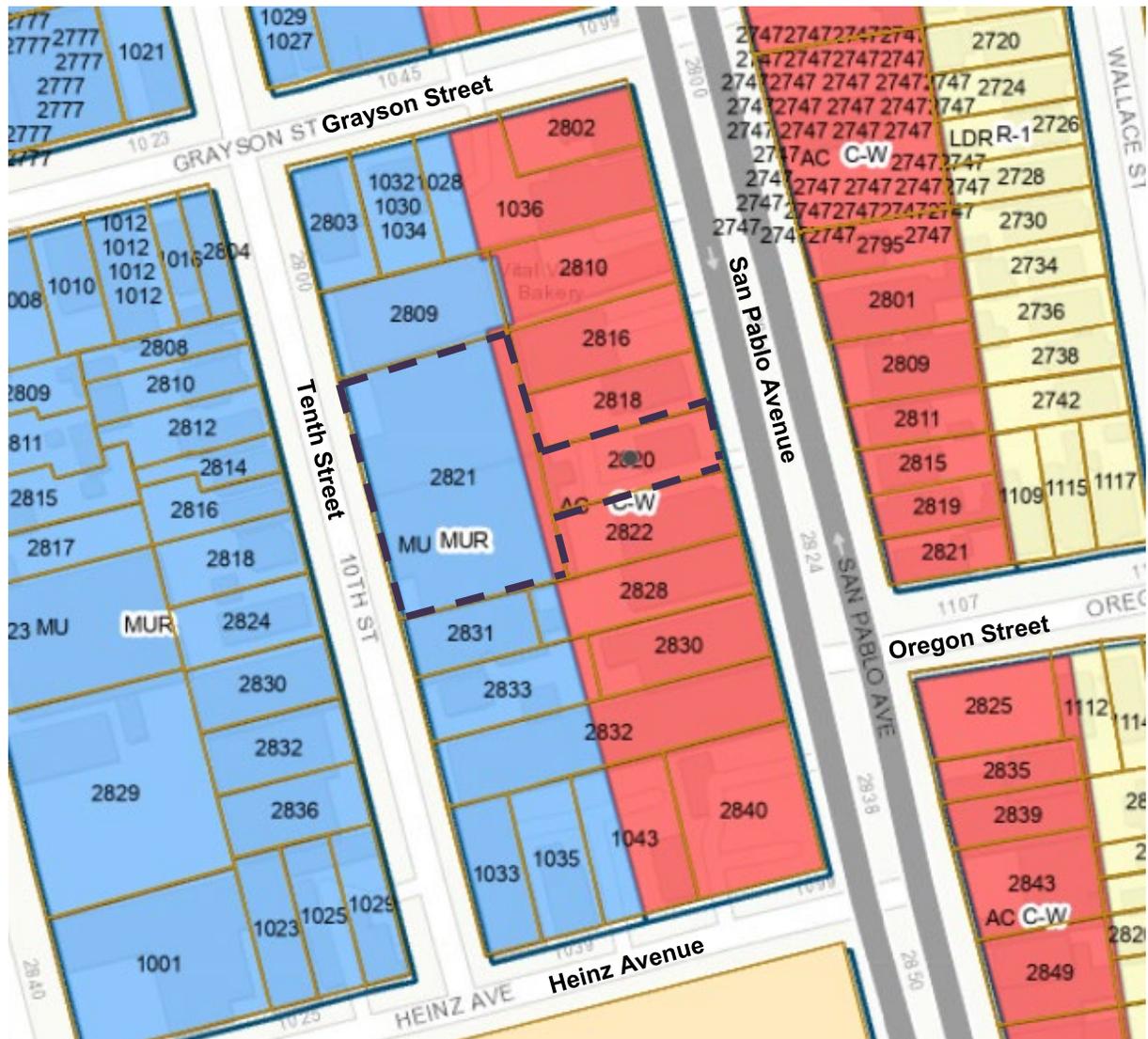
C. CEQA Recommendation:

Staff recommends that the Zoning Adjustments Board (ZAB) adopt the Initial Study and the proposed Mitigated Negative Declaration (IS/MND) and Mitigation, Monitoring and Reporting Program (MMRP) prepared pursuant to Article 6 of the CEQA Guidelines (see Attachment 1 Exhibit A, and Attachment 2).

D. Parties Involved:

- Applicant: Darshan Amrit, Studio KDA, 1810 Sixth Street, Berkeley
- Property Owner: Cork Mayo Investments LLC, 5586 Bacon Road, Oakland

Figure 1: Vicinity and Zoning Districts Map



Legend

-  Site Boundary
- C-W: West Berkeley Commercial
- MU-R: Mixed-Use Residential
- R-1: Single Family Residential

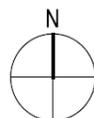


Figure 2: Site Plan

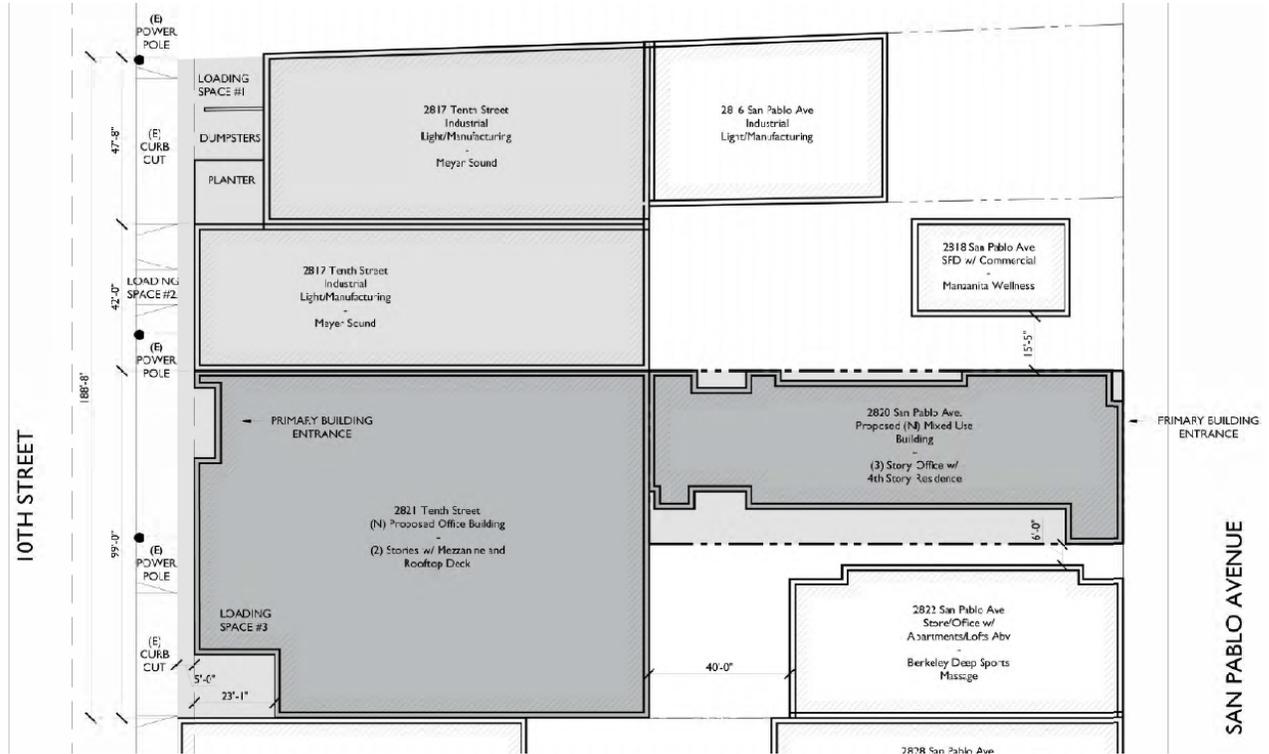


Figure 3: First Floor

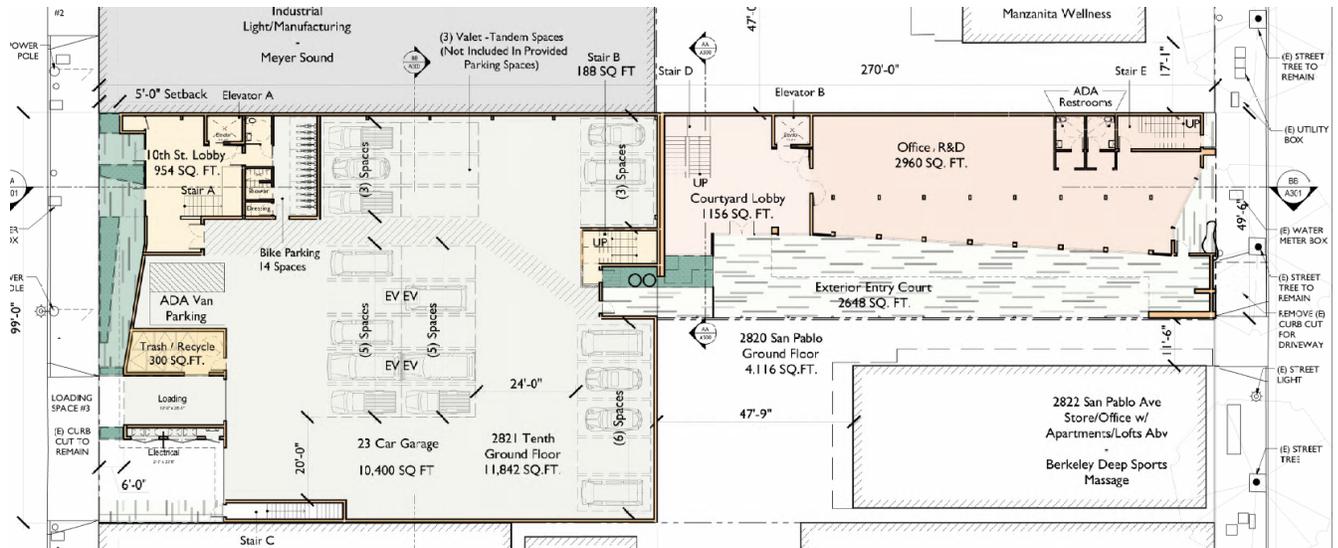


Figure 4: West Elevation (Tenth Street)



Figure 5: East Elevation (San Pablo Avenue)

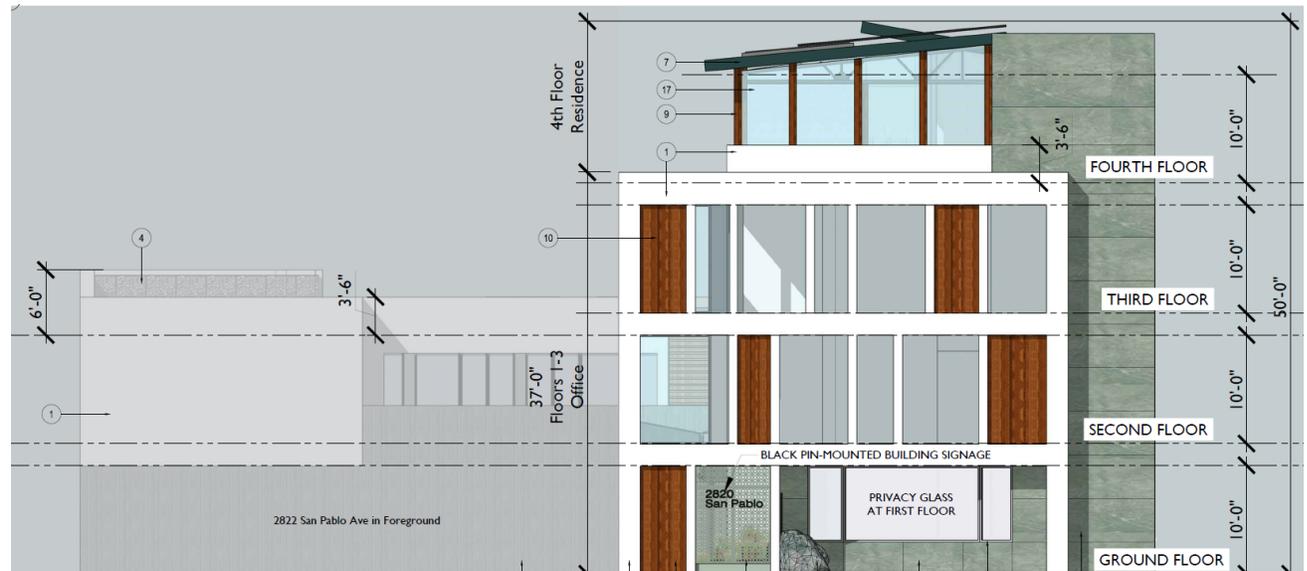


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant (2820 San Pablo); light manufacturing (2817-2821 Tenth Street)	C-W; MU-R	Avenue Commercial; Manufacturing Mixed Use
Surrounding Properties	North	Medical office (acupuncture and massage); light manufacturing	C-W	Avenue Commercial
	South	Medical office (massage), multi-family residences; light manufacturing		
	East	Auto repair, single-family dwelling; contractor's yard, medical office, vacant, and mixed-use (medical office and residential)	MU-R	Manufacturing Mixed Use
	West	Light manufacturing; single-family dwellings, multi-family dwellings		

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	Yes	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project would add 20,543 square-feet of new office/research and development floor area; therefore the fee does apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020. ^a The project would provide 5,000 square feet or less of residential unit floor area and is not part of a larger housing development project, and is exempt from the inclusionary housing provisions.
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these requirements and a condition of approval to demonstrate compliance at building permit is included.
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	No	The project is not requesting a Density Bonus.

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Characteristic	Applicability	Explanation
Hard Hats (BMC Chapter 13.107)	No	These provisions do not apply to this project because the project involves the construction, alteration, or demolition of less than 50,000 square feet of floor area.
Historic Resources	No	The Historic Resource Evaluation prepared by Caitlin Hibma/ Left Coast Architectural History (April 2021) concluded that 2821 Tenth Street does not meet the criteria for the California Register or City of Berkeley Structure of Merit or Landmark. See IV.B for discussion.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^b
Housing Crisis Act of 2019 (SB 330)		
Rent Controlled Units	No	There are no residential units on the project site; therefore, this does not apply.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone.
Seismic Hazards (SHMA)	No	The project site is located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c The applicant submitted a geotechnical investigation for the project Fugro (January, 2022). The project is required to implement conditions of approval, as incorporated in Attachment 1, Findings and Conditions.
Soil/Groundwater Contamination	No	The project site is on the Cortese List ^d , and a Phase I Environmental Site Assessment report was prepared for the project and incorporated into the IS/MND. The Toxics Management Division will refer this project during building permit review for sign off from the Regional Water Quality Control Board, Department of Toxic Substances Control, or the Alameda County Department of Environmental Health. Also, standard Conditions of Approval related to hazardous materials would apply. See Section 9 of the IS/MND for a discussion of potential impacts related to hazards and hazardous materials.
Transit	Yes	The project area is served by the AC Transit lines 36, 72, 72M, 72R, 802, and J. The City of Berkeley Bicycle Boulevard on Ninth Street is located one block west from the project site.
Notes: a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects."		

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Characteristic	Applicability	Explanation
<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	Action
March 7, 2022	Use Permit Application submitted
May 6, 2022	Application deemed incomplete
July 15, 2022	Application resubmitted
August 10, 2022	Application deemed incomplete
August 30, 2022	Application resubmitted
September 29, 2022	Application deemed complete
October 6, 2022	Landmarks Preservation Commission hearing (demo referral)
August 21-September 20, 2024	30-day Public Review Period for IS/MND
August 29, 2024	Design Review Committee meeting
October 31, 2024	Public hearing notices mailed/posted
November 14, 2024d	ZAB hearing

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Table 4: C-W and MU-R Development Standards BMC Sections 23.204.140 and 23.206.090, and 23.322 Parking and Loading

Standard BMC Sections 23.204.130 (C-W District), 23.206.090 (MU-R District), .23.322 (Parking and Loading)		Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)		6,683 (2820 San Pablo); 25,686 (2817-2821 Tenth)	32,369 (lot merger)	N/A
Gross Floor Area (sq. ft.)		0; 23,318	15,195; 25,675	N/A
Floor Area Ratio		0; 0.91	2.27; 1	3; 1
Dwelling Units	Total	0; 0	1 (2820 San Pablo)	No limit in C-W as long as useable open space requirements are met; 20 (one dwelling unit/1,250 square-feet of lot area, and one additional dwelling unit is allowed for remaining lot area between 750 and 1,250 square-feet in MU-R)
Building Height	Maximum (ft.)	N/A; 28	50; 35	50 (for mixed-use in C-W); 35
	Stories	N/A; 1	4; 2	4 (for mixed-use in C-W); 2
Building Setbacks (ft.)	Front (San Pablo, Tenth)	N/A; 0	0; 5	0; 5
	Rear	N/A; 0	0; 0	0; 0
	Left Side	N/A; 0	0-15; 0	0; 0
	Right Side	N/A; 0	0-5; 0	0; 0
Lot Coverage (%)		0; 91	85 (with lot merger)	100
Usable Open Space (sq. ft.)		0; 0	478; 6,563	40; 0
Parking	Automobile	1; 0	23; 0	0 min ^a
	Bicycle	0; 0	14 (in garage)	13 (1 per 2,000 square-feet of new commercial or industrial floor area)
Loading		2	3	3 (new construction of commercial and manufacturing uses of 10,000 square-feet or greater)
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				
Notes:				
a. AB-2097 , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses.				

II. Project Setting

A. Neighborhood/Area Description:

The project site is located in West Berkeley, and is comprised of two adjacent parcels, with frontages on San Pablo Avenue and Tenth Street, between Grayson Street and Heinz Avenue. The proposed project is in a neighborhood comprised of mixed-use buildings, light industrial uses, commercial uses, and residential uses (single-family and multi-family).

B. Site Conditions:

The 6,683-square-foot parcel located at 2820 San Pablo Avenue is relatively flat with a concrete slab, a metal fence along the perimeter, and a curb. A dwelling was previously located on the property, but was demolished in December 2021 (demolition was approved by Use Permit 536 in 1995). The 25,686-square-foot parcel located at 2817-2821 Tenth Street is developed with two single-story light manufacturing buildings. There are two loading spaces at 2817 Tenth Street, and one at 2821 Tenth Street.

III. Project Description

A. Proposed Project Details: The proposed project would retain the building at 2817 Tenth Street, demolish the building at 2821 Tenth Street, remove the concrete and curb cut from 2820 San Pablo Avenue, and construct two connected buildings at 2821 Tenth Street and 2820 San Pablo Avenue, with the following primary components:

- 2821 Tenth Street: two-story office/research and development and light manufacturing building
 - Ground floor parking garage, with 23 spaces, including four electric vehicle charging spaces
 - A loading space near the garage entrance
 - Bike room with parking for 14 bikes
 - Roof deck at second floor
 - Mezzanine and roof deck above the second floor
- 2820 San Pablo Avenue: four-story office building, with one dwelling on the fourth floor
 - Roof deck for commercial use and dwelling at the fourth floor

IV. Community Discussion

A. Neighbor/Community Concerns:

Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting. The meeting was held on September 20, 2021, and attended by seven individuals (meeting minutes are included as Attachment 4). A pre-application poster was installed on site by the applicant in September 2021. On October 31, 2024, the City 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 within the neighborhood at nearby three locations.

At the time of writing this report, staff has received six communications regarding the project (Attachment 6). All of the communications were received during the IS/MND 30-day noticing period. Two of the communications directly address the IS/MND, and four are concerned with potential project impacts including shadows, lighting, street trees, and construction noise. On September 12, 2024, staff met with the owner of 2818 San Pablo Avenue to hear their concerns.

B. Landmarks Preservation Commission:

The project would demolish one commercial building over 40 years in age. Pursuant to BMC Section 23.326.070(C)(1), the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review. The Historic Resource Evaluation prepared by Caitlin Hibma/ Left Coast Architectural History (April 2021) concluded that 2821 Tenth Street does not meet the criteria for the California Register or City of Berkeley Structure of Merit or Landmark. The LPC reviewed the demolition referral on October 6, 2022, and took no action.

C. Design Review Committee:

On August 29, 2024, the Design Review Committee (DRC) reviewed the project design, gave a favorable recommendation on the design as presented, and provided the following direction for Final Design Review (FDR):

Conditions

- Provide a design for security at the San Pablo ground floor entry.
- Show planter at edge of roof deck on Tenth that would provide some privacy for the tenant and the neighbors.
- Bring material and color samples to FDR, including control joints.
- All exterior lighting shall be downcast.

Recommendations

- Recommend fixed screen with some transparency at the San Pablo entrance. Consider including a landscape focus at this entry.
- Consider maximizing landscaped area adjacent to the building on Tenth Street. Add vertical plants where possible.
- Recommend a higher percentage of natives in ground covers, grasses, and shrubs.
- Recommend street trees on Tenth where possible.
- Bird safe glass encouraged.

V. Issues and Analysis

A. CEQA Approach and Recommendation:

Pursuant to CEQA Guidelines Section 15367, the City of Berkeley (City) is the lead agency for the project. The CEQA lead agency has the principal responsibility for carrying out or approving a project. The City has the authority for environmental review in accordance with CEQA and certification of the environmental documentation. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with the implementation of the project.

In accordance with the CEQA (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), an Initial Study (IS) was prepared to evaluate the potential environmental effects associated with the construction and operation of the project. The IS included a description of the proposed project, evaluated each of the environmental issue areas identified in the environmental checklist form and recommended a Mitigated Negative Declaration (MND) with standard conditions and mitigation measures to reduce or avoid the project's potential significant adverse impacts on the environment.

B. Initial Study/Mitigated Negative Declaration Process:

In accordance with CEQA Guidelines Section 15105(b), the project was posted for public review for a period of 30 days, from August 21, 2024 to September 20, 2024. The City filed a Notice of Completion and Notice of Intent (NOI) for the Final IS/MND with the California State Clearinghouse (SCH#2024080683). The City also posted the NOI with the County Clerk and mailed the notice to all property owners within a 300-foot radius.

A total of six comment letters/responses were received during the public review period: one comment letter each from the California Department of Transportation (Caltrans) and the East Bay Municipal Utility District (EBMUD), and four letters from members of the public. Comments received addressed shadows, lighting, street trees, construction noise, water service, and coordination with Caltrans. None of the comments presented substantial evidence of a fair argument that the project may have a significant impact on the environment. The Final IS/MND includes responses to all comments received, including those that focus on the project merit and not the environmental analysis provided in the document. All public comments shall be considered by ZAB prior to making a determination on the project and the IS/MND.

As stated in the Final IS/MND, potential impacts to the environment would be reduced to a less-than-significant level with implementation of the City's standards conditions of approval and mitigation measures. Proposed mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. CEQA Guidelines Section 15126.4(a)(2) requires mitigation measures to be fully enforceable through permit conditions, agreements, or other legally binding instrument. As the lead agency, the City of Berkeley would adopt the MMRP if the project is approved by ZAB.

C. Demolition of Nonresidential Buildings and Structures:

Pursuant to BMC Section 23.326.070(D), main nonresidential 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 one of the following findings can be made: demolition is required to allow a proposed new building or other proposed new use; demolition will remove a building which 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; demolition will remove a structure which represents an un-abatable attractive nuisance to the public; or demolition is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The proposed project includes the demolition of an existing 12,193 square-foot light manufacturing building, and the construction of a 14,550 square-foot building which would provide office/research and development space, and light manufacturing space at 2821 Tenth Street. The required findings can be met since the project will add 8,187 square feet of office/research and development space, and replace 12,193 square feet of light manufacturing space with 6,363 square feet of light manufacturing space. Pursuant to BMC Section 23.326.070(D)(1), demolition would not be materially detrimental to the commercial needs and public interest because the new building would provide floor area for office/research and development, and light manufacturing uses, and the new building would be compatible with adjacent and nearby commercial and residential uses in the MU-R District since there are existing light manufacturing uses nearby and adjacent to residential uses. The new office/research and development uses would be similar to the light manufacturing use, and thus the impact on the community would be minimal. Pursuant to BMC Section 23.326.070(D)(2)(a), demolition is required to allow a proposed new building.

D. Use Permit to Add more than 5,000 Square Feet of New Floor Area in the C-W District

Pursuant to BMC Section 23.204.030(A)(3) ZAB may approve a Use Permit to construct more than 5,000 square feet of new gross floor area in the C-W District after finding that the new use or structure provides an intensity of development which does not underutilize the property. The proposed building at 2820 San Pablo Avenue would be 15,195 square feet, with a Floor Area Ratio (FAR) of 2.27, where 3 is the maximum. In addition, the building would be four stories, where four is the maximum for a mixed-use project with a residential use on the fourth floor. The required finding can be met because the proposed building would be at the maximum height allowed, and the FAR would be close to the maximum.

E. Administrative Use Permits to Permit Unlisted Land Uses in the C-W and MU-R Districts

Pursuant to BMC Sections 23.204.020(B) and 23.206.020(B), any use not listed is permitted with an AUP. To approve the AUP, ZAB must find that the use is compatible with the purposes of the district where it is located. Any use found to be incompatible

with the purposes of the district is not permitted. Research and development is an unlisted use for both Districts. Per BMC Section 23.502, research and development may include labs, offices, warehousing, and light manufacturing functions as part of the overall research and development use. In addition, manufacturing is defined as the mechanical or chemical transformation of materials or substances into new products. Light manufacturing is permitted in both the C-W and MU-R Districts with approval of an Administrative Use Permit, or Use Permit, depending on the size of the space. The proposed research and development use would be compatible with the purposes of the C-W District because it would be similar to existing light manufacturing uses in the area, and would therefore be compatible with adjacent commercial and industrial areas. Furthermore, the proposed research and development use would be compatible with the purposes of the MU-R District because it would be similar to light manufacturing, which is permitted and encouraged in the MU-R District.

F. 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.

1. Shadows: The applicant submitted shadow studies documenting sun angles at three times throughout the day during the summer and winter solstice. New shadows would affect dwellings at the following locations:

- 2822 San Pablo Avenue, south of the project site, casting new shadows on the summer solstice two hours after sunrise.
- 2822 San Pablo Avenue, south of the project site, casting new shadows on the summer solstice two hours before sunset.

Though the project will create new shadow impacts on neighboring residences, the impacts to neighboring properties would occur on limited areas, and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day. The projected impacts would be in line with what is expected within a built urban environment. The shadow impacts from the project on adjacent residential uses would be reasonable and not detrimental.

2. Air: The proposed project would be consistent with the existing development and building-to-building separation pattern, or air, in the C-W District and MU-R District, because the project would meet the required setbacks, and would therefore not unreasonably obstruct air.

3. Views: The view corridor as defined in BMC Section 23.502.020 (Glossary) includes views of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the campanile, Golden Gate Bridge, or any other views that substantially enhances the value and enjoyment of real property. The project's proposed location is in a generally flat neighborhood. Because significant views are generally not available in this neighborhood due to grade, the proposed project would not create detrimental impacts to views.
4. 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.

G. District purposes

1. Pursuant to BMC Section 23.204.140(F), to approve a Use Permit in the C-W District, ZAB must find that the project is: consistent with the purposes of the district; is compatible with the surrounding uses and buildings; complies with adopted West Berkeley Plan; supports an increase in the continuity of retail and service facilities at the ground level to the degree feasible; does not substantially degrade the existing urban fabric of the street and area; provides an intensity of development which does not underutilize the property; meets any applicable performance standards for off-site impacts; does not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply.

The project is consistent with the purposes of the C-W District because it will add development in an underutilized portion of San Pablo Avenue. The project is compatible with surrounding uses and buildings because it is in a mixed-use area, where office and light manufacturing uses are permitted, with approval of an AUP or Use Permit. The project would not interfere with existing or proposed retail and service facilities at nearby properties. The project would not substantially degrade the existing urban fabric of the street and area because the project would develop a vacant property on San Pablo Avenue, and the new building would comply with all applicable Conditions of Approval. As discussed under V.D, above, the project provides an intensity of development which does not underutilize the property. As discussed below, under VI.B., the project complies with the West Berkeley Plan. The project will meet all applicable performance standards for off-site impacts because the project is subject to the City's standard Conditions of Approval. Furthermore, the project would provide parking for 23 cars, including four EV charging stations, and would provide 14 bike parking spaces.

2. Pursuant to BMC Section 23.206.100(A), to approve a Use Permit in a Manufacturing District, ZAB must find that the project is consistent with the purposes of the District;

is compatible with the surrounding uses and buildings; complies with the adopted West Berkeley Plan; and meets any applicable performance standards for off-site impacts.

The proposed project is consistent with the purposes of the MU-R District because it will support light manufacturing uses. The project is compatible with surrounding uses and buildings because the adjacent uses on Tenth Street are light manufacturing, and the proposed use is light manufacturing and office/research and development. As discussed below, under VI.B., the project complies with the West Berkeley Plan. The project will meet all applicable performance standards for off-site impacts because the project is subject to the City's standard Conditions of Approval.

3. Pursuant to BMC Section 23.206.100(B)(3), to approve a Use Permit in the MU-R District, ZAB must find that the project is unlikely under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and is designed to be supportive of the character and purposes of the district.

The project will not induce a substantial change to the character of the area since there are similar uses nearby. The project will be supportive of the character and purposes of the district because the building meets the development standards of the District, and the proposed research and development, office, and light manufacturing uses are compatible with the mixed-use character of the District.

VI. Other Considerations (Zoning and Land Use Considerations)

A. General Plan Consistency:

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

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. **Policy LU-7 Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. **Policy 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.

4. **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.
5. **Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.
7. **Policy EM-5 "Green" Buildings:** Promote and encourage compliance with "green" building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
8. **Policy UD-33 Sustainable Design:** Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed replacement of a one-story light manufacturing building with two-story research and development, office, and light manufacturing building would be consistent with neighboring land uses. The proposed size and design would be compatible with the existing scale and design characteristics of the neighborhood, and would be consistent with zoning requirements. Since the project is consistent with zoning requirements, shadow impacts would not be detrimental. The project would be subject to standard conditions of approval that promote sustainable building design, including solar PV systems, and EV charging stations.

B. Area Plan Consistency:

A. West Berkeley Plan Consistency: The West Berkeley Area Plan, adopted in 1993, also contains several policies applicable to the project, including the following:

1. Land Use Goal 1: Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promote the varied and interesting character of the area.
 - a. Providing space for, and designating appropriate locations for, office, service, and laboratory businesses, particularly growing Berkeley based businesses which are particularly suited to West Berkeley's physical environment.
2. Land Use Goal 2: Channel development – both new businesses and residences and the expansion of existing businesses – to districts which are appropriate for the various existing elements of the West Berkeley land use mix.
3. Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.
4. Economic Development Goal 4: Continue to support the growth of advanced technology manufacturing (such as biotechnology) and advanced technology

services (such as research laboratories) in appropriate locations, under appropriate environmental safeguards.

The proposed project would create space for a mixed-use development with light manufacturing, office, research and development, and residential uses. The new uses are consistent with the purposes of the Zoning Districts and the West Berkeley Plan. The project would be of the scale and design that is appropriate for its surroundings, and the project would be compatible with the mix of uses in the area.

VII. Recommendation

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

1. **ADOPT** the Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program (see Attachment 1, Exhibit A); and
2. **APPROVE** Use Permit ZP2022-0038 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
Exhibit A: Mitigation, Monitoring, and Reporting Program
2. [Final Initial Study and Response to Comments](#)
3. Project Plans, received August 15, 2024
4. Neighborhood Meeting Notes
5. Notice of Public Hearing
6. Correspondence Received

Staff Planner: Allison Riemer, ariemer@berkeleyca.gov, (510) 981-7433

ATTACHMENT 1

FINDINGS AND CONDITIONS

NOVEMBER 14, 2024

2820 San Pablo Avenue and 2817-2821 Tenth Street

Use Permit #ZP2022-0038 to 1) construct a four-story (50 foot) 15,195 square-foot mixed-use building with one single-family dwelling, offices, and research and development uses at 2820 San Pablo Avenue; 2) demolish a one-story 12,193 square-foot non-residential building at 2821 Tenth Street, and construct a two-story (34 feet 8 inch) 14,362 square-foot building with office, research and development, and light manufacturing uses, and a garage with 23 off-street parking spaces, and one loading space.

ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential building
- Use Permit pursuant to BMC Section 23.204.140(B)(2)(a) to construct a mixed-use development of more than 9,000 square-feet
- Use Permit pursuant to BMC Section 23.204.020(A) to establish more than 5,000 square-feet of office
- Use Permit pursuant to BMC Section 23.204.030(A)(1)(a) to construct more than 5,000 square-feet of new gross floor area
- Use Permit pursuant to BMC Section 23.206.030(A)(1) to construct more than 10,000 square-feet of new gross floor area
- Use Permit pursuant to BMC Section 23.206.020(A) to establish more than 5,000 square-feet of office
- Use Permit pursuant to BMC Section 23.206.020(A) to establish more than 5,000 square-feet of light manufacturing
- Administrative Use Permit pursuant to BMC Section 23.204.020(B) to permit an unlisted land use (research and development) in the C-W District
- Administrative Use Permit pursuant to BMC Section 23.206.020(B) to permit an unlisted land use (research and development) in the MU-R District

I. CEQA FINDINGS

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- A. In accordance with the CEQA (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), an Initial Study (IS) was prepared to evaluate the potential environmental effects associated with the construction and operation of the project. The IS included a description of the proposed project, evaluated each of the environmental issue areas identified in the environmental checklist form and recommended a Mitigated Negative Declaration (MND) with standard conditions and mitigation measures to reduce or avoid the project's potential significant adverse impacts on the environment.

In accordance with CEQA Guidelines Section 15105(b), the project was posted for public review for a period of 30 days, from August 21, 2024 to September 20, 2024. The City filed a Notice of Completion and Notice of Intent (NOI) for the Final IS/MND with the California State Clearinghouse (SCH#2024080683). The City also posted the NOI with the County Clerk and mailed the notice to all property owners within a 300-foot radius. No substantive changes to the Draft IS/MND resulted.

A total of six comment letters/responses were received during the public review period: one comment letter each from the California Department of Transportation (Caltrans), and the East Bay Municipal Utility District (EBMUD), and four letters from members of the public. Comments received addressed shadows, lighting, street trees, construction noise, water service, and coordination with Caltrans. None of the comments presented substantial evidence of a fair argument that the project may have a significant impact on the environment. The Final IS/MND includes responses to all comments received, including those that focus on the project merit and not the environmental analysis provided in the document. All public comments shall be considered by ZAB prior to making a determination on the project and the IS/MND.

As stated in the Final IS/MND, potential impacts to the environment would be reduced to a less-than-significant level with implementation of the City's standards conditions of approval and mitigation measures. Proposed mitigation measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. CEQA Guidelines Section 15126.4(a)(2) requires mitigation measures to be fully enforceable through permit conditions, agreements, or other legally binding instrument.

The Zoning Adjustments Board has considered the Final IS/MND together with comments received during the public review process, and finds, on the basis of the whole record before it, that: (1) no potentially significant effects were identified that could not be reduced to less than significant levels by implementation of the mitigation measures and/or the City's standard conditions of approval, (2) there is no substantial evidence the project will have a significant effect on the environment, and (3) the Final IS/MND reflects the lead agency's independent judgment and analysis. The record of proceedings upon which this decision is based is located at the Permit Service Center, 1947 Center Street, 2nd Floor, Berkeley, California 94704.

II. 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. Shadows: The applicant submitted shadow studies documenting sun angles at three times throughout the day during the summer and winter solstice. New shadows would affect dwellings at the following locations:
 - 2822 San Pablo Avenue, south of the project site, casting new shadows on the summer solstice two hours after sunrise.
 - 2822 San Pablo Avenue, south of the project site, casting new shadows on the summer solstice two hours before sunset.

Though the project will create new shadow impacts on neighboring residences, the impacts to neighboring properties would occur on limited areas, and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day. The projected impacts would be in line with what is expected within a built urban environment. The shadow impacts from the project on adjacent residential uses would be reasonable and not detrimental.

2. Air: The proposed project would be consistent with the existing development and building-to-building separation pattern, or air, in the C-W District and MU-R District, because the project would meet the required setbacks, and would therefore not unreasonably obstruct air.
3. 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.

III. OTHER FINDINGS FOR APPROVAL

B. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential building at 2821 Tenth 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 structure is required to allow a proposed new building.

The proposed demolition of the non-residential building will not be detrimental to the needs of the neighborhood, as the project will add 8,187 square feet of office/research and development space, and replace 12,193 square feet of light manufacturing space with 6,363 square feet of light manufacturing space. Pursuant to BMC Section 23.326.070(D)(1), demolition would not be materially detrimental to the commercial needs and public interest because the new building would provide floor area for office/research and development, and light manufacturing uses,

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and the new building would be compatible with adjacent and nearby commercial and residential uses in the MU-R District since there are existing light manufacturing uses nearby and adjacent to residential uses. The new office/research and development uses would be similar to the light manufacturing use, and thus the impact on the community would be minimal. Pursuant to BMC Section 23.326.070(D)(2)(a), demolition is required to allow a proposed new building.

- C.** As required by BMC Section 23.204.140(F), the project is consistent with the purposes of the C-W District; is compatible with the surrounding uses and buildings; complies with adopted West Berkeley Plan; supports an increase in the continuity of retail and service facilities at the ground level to the degree feasible; does not substantially degrade the existing urban fabric of the street and area; provides an intensity of development which does not underutilize the property; meets any applicable performance standards for off-site impacts; does not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply.
1. The project will add development in an underutilized portion of San Pablo Avenue.
 2. The project is in a mixed-use area, where office and light manufacturing uses are permitted, with approval of an AUP or Use Permit.
 3. The project would not interfere with existing or proposed retail and service facilities at nearby properties.
 4. The project will develop a vacant property on San Pablo Avenue, and the new building will comply with all applicable Conditions of Approval.
 5. The project will comply with all required development standards, including Floor Area Ratio, and stories.
 6. The project will create space for a mixed-use development with light manufacturing, office, research and development, and residential uses. The new uses are consistent with the purposes of the Zoning District and the West Berkeley Plan.
 7. The project will meet all applicable performance standards for off-site impacts because the project is subject to the City's standard Conditions of Approval.
 8. The project will provide parking for 23 cars, including four EV charging stations, and would provide 14 bike parking spaces.
- D.** As required by Section 23.206.100(A) of the BMC, the Zoning Adjustments Board finds that the project is consistent with the purposes of the MU-R District; is compatible with the surrounding uses and buildings; complies with the adopted West Berkeley Plan; and meets applicable performance standards for off-site impacts.
1. The project will support light manufacturing uses in an area where they are permitted.
 2. Adjacent uses on Tenth Street are light manufacturing, and the proposed use is light manufacturing and office/research and development.

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3. The project would be of the scale and design that is appropriate for its surroundings, and the project would be compatible with the mix of uses in the area.
 4. The project will meet all applicable performance standards for off-site impacts because the project is subject to the City's standard Conditions of Approval.
- E.** As required by Section 23.206.100(B)(3) of the BMC, the Zoning Adjustments Board finds that the project is unlikely under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and is designed to be supportive of the character and purposes of the district.
1. The project will not induce a substantial change to the character of the area since there are similar uses nearby.
 2. The project will be supportive of the character and purposes of the district because the building meets the development standards of the District, and the proposed research and development, office, and light manufacturing uses are compatible with the mixed-use character of the District.
- F.** As required by Section 23.204.030(A)(3) of the BMC, the Zoning Adjustments Board finds that the new uses and structure in the C-W provides an intensity of development which does not underutilize the property.
1. The proposed building at 2820 San Pablo Avenue will be 15,195 square feet, with a Floor Area Ratio of 2.27, where 3 is the maximum.
 2. The building will be four stories, where four is the maximum for a mixed-use project with a residential use on the fourth floor.
 3. The required finding can be met because the proposed building would be at the maximum height allowed, and the FAR would be close to the maximum.
- G.** As required by Sections 23.204.020(B) and 23.206.020(B), of the BMC, the Zoning Adjustments Board finds that the research and development use is compatible with the purposes of the C-W and MU-R Districts.
1. Research and development is an unlisted use for both Districts. Per BMC Section 23.502, research and development may include labs, offices, warehousing, and light manufacturing functions as part of the overall research and development use. Per BMC Section 23.502, manufacturing is defined as the mechanical or chemical transformation of materials or substances into new products. Light manufacturing is permitted in both the C-W and MU-R Districts with approval of an Administrative Use Permit, or Use Permit, depending on the size of the space.
 2. The proposed research and development use will be compatible with the purposes of the C-W District because it will be similar to existing light manufacturing uses in the area, and will therefore be compatible with adjacent commercial and industrial areas.

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3. The proposed research and development use will be compatible with the purposes of the MU-R District because it will be similar to light manufacturing, which is permitted and encouraged in the MU-R District.

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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 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.

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6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
7. **Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
8. **Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
9. **Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

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:

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

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Project Liaison _____

Name

Phone #

- 11. Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.
- 12. 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.
- 13. Construction Noise Reduction Program.** The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

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

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

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

15. 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)

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- 16. 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.
- 17. Geotechnical Plan Review.** The project geotechnical consultant shall review and approve all geotechnical aspects of the development plans (i.e. site preparation and grading, site surface and subsurface drainage improvements and design parameters for foundations, etc.) to ensure that their recommendations have been properly incorporated. The results shall be submitted to the City for review prior to issuance of any building permit.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
 - A. 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 \(arccgis.com\)](#)
 - 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.

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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/>

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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

- 22. Parcel Merger/Lot Line Adjustment.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
- 23. 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.
- 24. HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
- 25. Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
- 26. 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.)
- 27. 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.)

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- 28. 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.
- 29. 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.
- 30. 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.

NONRESIDENTIAL PROJECTS – AFFORDABLE HOUSING AND AFFORDABLE CHILD CARE

- 31. Nonresidential Projects – Affordable Housing.** As required by Resolution No. 66,617-N.S., adopted June 3, 2014, applicants for projects which create more than 7,500 square feet of net new non-residential square footage, or which renovate buildings which have been substantially vacant for at least three years for non-residential uses of more than 7,500 square feet, shall offset the estimated impacts of the project on affordable housing according to the following formulas, which are recalculated annually per the Consumer Price Index:

USE	AFFORDABLE UNITS or FEE as of July 1, 2023	
Office, Research and Development, Restaurant, Retail, Hotel/Lodging	1 unit per 52,859 gross square feet	\$6.06 per net new square foot
Industrial/Manufacturing, Warehouse, Storage (except "self-storage")	1 unit per 105,719 gross square feet	\$3.03 per net new square foot
Self-Storage	1 unit per 54,432 gross square feet	\$5.88 per gross square foot

The requirement may be satisfied by:

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Housing Production - Applicant shall cause to be constructed in the City of Berkeley no less than 0.4 units of additional housing affordable to households with income at 30 percent of the SMSA median income. Owner must have site control and Use Permit approval for the required Affordable Housing project prior to receipt of the building permit for this non-residential project, and must secure an Occupancy Permit for the required Affordable Housing project no later than 18 months from the receipt of the Occupancy Permit for this non-residential project.

-OR-

In-Lieu Fee - Owner shall pay an equivalent in-lieu impact fee in the amounts and according to the schedule listed below:

- One-third prior to Building Permit issuance \$41,506.96
- One-third prior to Certificate of Occupancy or Final Inspection for the building shell, \$41,506.96
- One-third one year after Certificate of Occupancy or Final Inspection, \$41,506.96

The final payment shall be appropriately secured by the City, e.g., by a letter of credit, bond, Promissory Note, Deed of Trust or another appropriate form of security. The applicant is encouraged to pay both the second and third fee installments prior to issuance of the Occupancy Permit. Any obligations remaining after an Occupancy permit is issued will be recorded against the property deed. Some payments carry interest from the date they would normally be due.

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

32. Projects – Child Care. As required by Resolution No. 66,618-N.S., adopted June 3, 2014, the applicant shall offset the estimated impacts of the project on affordable child care according to the following formulas, which are recalculated annually per the Consumer Price Index:

USE	FEE as of 7/1/2023
Office, Restaurant, Retail	\$1.68 per net new square foot
Industrial/Manufacturing	\$1.01 per net new square foot
Hotel/Lodging	\$2.02 per net new square foot
Warehouse/Storage	\$0.83 per net new square foot
Research and Development	\$1.08 per net new square foot

In-Lieu Fee - Owner shall pay a fee into the City's Child Care Operating Subsidy account in the amounts and according to the schedule listed below:

- One-third prior to Building Permit issuance \$9,452.08
- One-third prior to Certificate of Occupancy or Final Inspection for the building shell, \$9,452.08

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- One-third one year after Certificate of Occupancy or Final Inspection, \$9,452.08

The final payment shall be appropriately secured by the City, e.g., by a letter of credit, bond, Promissory Note, Deed of Trust or another appropriate form of security. The applicant is encouraged to pay both the second and third fee installments prior to issuance of the Occupancy Permit. Any obligations remaining after an Occupancy permit is issued will be recorded against the property deed. Some payments carry interest from the date they would normally be due.

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

Prior to Demolition or Start of Construction:

33. 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.

34. 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.

35. 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:

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- 36. 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.
- 37. 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.
- 38. Geotechnical Construction Inspections.** The project geotechnical consultant shall inspect, test (as needed) and approve all geotechnical aspects of the project construction. The inspections shall include, but necessarily not be limited to: site preparation and grading, site surface and subsurface improvements, and excavations for foundations prior to placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be described by the consultant in a letter and submitted to the City Engineer for review prior to final (as-built) project approval.
- 39. Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant.
- 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.
- 40. Public Works - Implement Bay Area Air Quality Management District (BAAQMD)-** Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.

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- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

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

- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
- B. 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.

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- 42. Public Works - Construction.** Construction must comply with the State-wide general permit requiring owner to (1) notify the State; (2) prepare and implement a Stormwater Pollution Prevention Plan (SWPPP); and (3) monitor the effectiveness of the plan. Additional information may be found online at <http://www.swrcb.ca.gov>. As part of the permit submittal, the Public Works Department will need a) a copy of the "Notice of Intent" filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; b) the Waste Discharger Identification (WDID) number issued by the SWRCB for the project; c) a copy of the SWPPP prepared for each phase of the project; and d) the name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP.
- 43. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 44. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 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.)
- 45. 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.

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46. 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.

47. 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.

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48. 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.

49. 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.

50. 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.

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- 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 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (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.

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- 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.
- 51. 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.
- 52. 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.
- 53. 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.
- 54. 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.
- 55. 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.
- 56. 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.
- 57. 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:

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58. 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.

59. All landscape, site and architectural improvements shall be completed per the attached approved drawings received November 4, 2024

At All Times:

60. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit.

61. 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.

62. 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.

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

64. 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.

65. 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.

66. Required Bike Parking. Secure and on-site bike parking for at least 13 bicycles shall be provided for the life of the building.

67. 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.**)

68. 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.

2820 SAN PABLO AVENUE AND 2817-2821 TENTH STREET

FINDINGS & CONDITIONS

USE PERMIT #ZP2022-0038

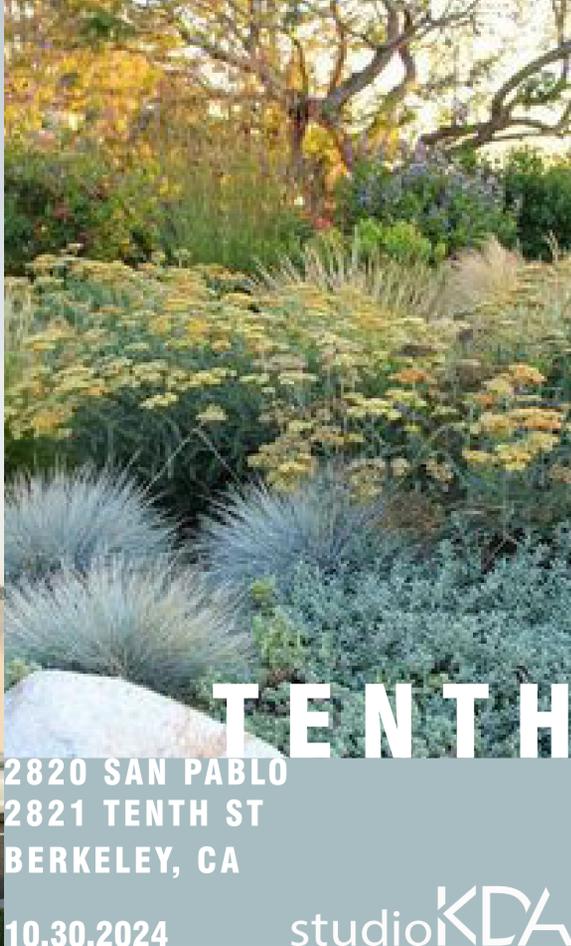
November 12, 2024

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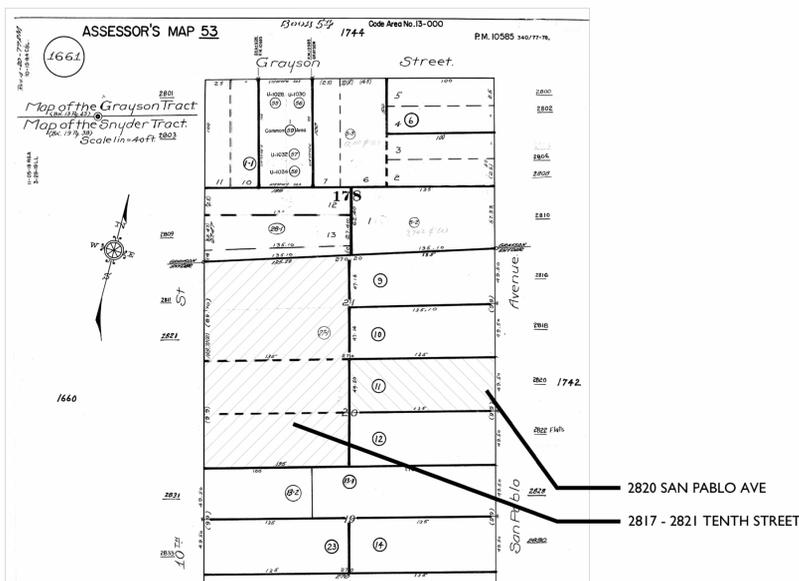
- 69. Periodic Review and Reporting.** The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
- 70.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.



SAN PABLO



TENTH
2820 SAN PABLO
2821 TENTH ST
BERKELEY, CA
10.30.2024 studioKDA



ASSESSORS PARCEL MAP
N.T.S.



PROJECT LOCATION

VICINITY MAP

2820 SAN PABLO - 2821 10TH STREET (COMBINED DEVELOPMENT)				
C-W + MUR ZONING DISTRICTS				
	EXISTING	PROPOSED	ALLOWED / RECD	NOTES
LOT AREA:	32,369	32,369	N/A	
LOT COVERAGE:	24,500	27,461	N/A	
% LOT COVERAGE:	75.69%	84.84%	N/A	
TOTAL GSF:	12,193	40,870	N/A	(2817 10TH + 2821 10TH + 2820 SPA) 2821 10th Garage Not Included in GSF Calc
TOTAL FAR:	0.38	1.26	*	See Zoning District Information for Max. Allowed FAR
COMBINED OFF-STREET PARKING (PROPOSED BY USE CATEGORY)				
	EXISTING	# OF SPACES PROVIDED	# OF SPACES REQUIRED	
VEHICLE PARKING				
2821 TENTH ST	0	23	0	Per AB2087 - none req'd
2820 SAN PABLO AVE	0	0	0	Per AB2087 - none req'd
TOTAL	0	23	0	(1) Accessible Van Spaces req'd + (4) EV Spaces req'd
BICYCLE PARKING				
2821 TENTH ST	0	14	7.28	Combined Secure Bicycle Parking provided in garage at 2821 10th St Building
2820 SAN PABLO AVE	0	0	6.18	
TOTAL	0	14	13.46	
LOADING SPACES				
(EXISTING) 2817 TENTH ST	2	2	0	
2821 TENTH ST	1	1	1	1 Off Street Loading Space required for > 10,000 sf of New Commercial GBSF + 1 Admtl Space for Each Admtl 25,000 sf
2820 SAN PABLO AVE	0	0	1	1 Off Street Loading Space required for > 10,000 sf of New Commercial GBSF + 1 Admtl Space for Each Admtl 40,000 sf
TOTAL	3	3	2	

ZONING SUMMARY					
2817-2821 TENTH ST	MUR ZONING DISTRICT	EXISTING	PROPOSED	ALLOWED / RECD	NOTES
		25,696	25,696	N/A	
		23,318	23,345	N/A	
		90.78%	90.89%	N/A	
LT. MFG / WAREHOUSE					
2821 TENTH ST		12,193	721		Existing Building to be Demolished. (N) Lobby Space and shared stair equally split between Office and Lt Mfg
		0	5,842		
		0	0		
		12,193	6,363		
2817 TENTH ST		11,125	11,125		No Changes Proposed to Existing 1-Story Building at 2817 Tenth
TOTAL		23,318	17,488		75% (17,488 SF) of Total Existing LT MFG Use to Remain, 25% Converted to (N) Office Use
OFFICE / R+D					
2821 TENTH ST		0	721		Lobby, Trash, Stair and Shared Building Support Spaces Split Equally between Lt Mfg and Office / R+D uses - see shaded areas on floor plans for destination between uses
		0	4,716		
		0	2,750	3,453	Mezzanine levels to be maximum 1/3 of GSF of floor area below per CBC definition
2817 TENTH ST		0	0		No Changes Proposed to Existing 1-Story Building at 2817 Tenth
TOTAL		0	8,187		
DEVELOPMENT STANDARDS					
2817 TENTH ST GSF		11,125	11,125		No Changes Proposed to Existing 1-Story Building at 2817 Tenth
2821 TENTH ST GSF		12,193	14,550		
TOTAL GSF		23,318	25,675		
FAR		0.91	1.00	1.00	Max. Allowed GSF based on FAR = 1
SETBACK - FRONT		0	5	5	
SETBACK - SIDES		0	0	0	
SETBACK - REAR		0	0	0	
HEIGHT (FEET)		28	35	35	
HEIGHT (STORIES)		1	2	2	Proposed Mezzanine is not considered a Floor by zoning or building code definition
OFF-STREET PARKING (PROPOSED BY USE CATEGORY)					
	SF	# OF SPACES PROVIDED	REQUIRED		
EXISTING LT. MFG / WAREHOUSE (2817 10TH ST)	11,125	0	0	1 Space per 1000 sf of Gross Bldg SF for Lt. Mfg / (Whse use) Per AB2087 - none req'd	
NEW LT. MFG / WAREHOUSE (2821 10TH ST)	6,363	SEE COMBINED	0	1 Space per 1000 sf of Gross Bldg SF for Lt. Mfg / (Whse use) Per AB2087 - none req'd	
NEW OFFICE / R+D (2821 10TH ST)	8,187	SEE COMBINED	0	2 Spaces per 1000 sf of Gross Bldg SF for Commercial use Per AB2087 - none req'd	
TOTAL	25,675	SEE COMBINED	0		
BICYCLE PARKING (2817 10TH ST)	11,125	0	0	Existing Building to Remain - no additional bicycle parking required	
BICYCLE PARKING (2821 10TH ST)	14,550	SEE COMBINED	7.28	1 Space per 2000 sf of New Gross Bldg SF of Non-residential Use	
LOADING SPACES	14,550	SEE COMBINED	1.46	1 Off Street Loading Space required for > 10,000 sf of New Commercial GBSF	
2820 SAN PABLO					
C-W ZONING DISTRICT					
	EXISTING	PROPOSED	ALLOWED / RECD	NOTES	
LOT AREA:	6,683	6,683	N/A		
LOT COVERAGE:	1,182	4,116	N/A		
% LOT COVERAGE:	17.69%	61.59%	N/A		
OFFICE / R+D					
1ST FLOOR	0	4,116			
2ND FLOOR	0	3,977			
3RD FLOOR	0	3,977			
4TH FLOOR	0	291			
TOTAL	0	12,361			
RESIDENTIAL					
	# OF UNITS		N/A	Existing residential structure was removed in 2022	
1ST FLOOR	0	0			
2ND FLOOR	0	0			
3RD FLOOR	0	0			
4TH FLOOR	0	2,834			
TOTAL	0	2,834			
DEVELOPMENT STANDARDS					
2820 SAN PABLO AVE GSF		0	15,195	20,049	Max. Allowed GSF based on FAR = 3
FAR		0.00	2.27	3.00	
SETBACK - FRONT		0	5	5	
SETBACK - SIDES		0	0	0	Proposed Building Setback at Sides Varies, portions of building on both sides of lot are located on lot lines
SETBACK - REAR		0	0	0	
HEIGHT (FEET)		28	50	50'	*Per BMC Table 23E.64.070 - 4 Stories and 50' Building height allowed for projects with Residential Use on 4th Flr
HEIGHT (STORIES)		1	4	4'	
USABLE OPEN SPACE (U.O.S.)		2,834	478	71	40 SF of U.O.S. per Dwelling Unit
LANDSCAPE U.O.S.			36	16	16 SF of Landscape = 40% of Req'd U.O.S.
OFF-STREET PARKING (PROPOSED BY USE CATEGORY)					
	SF	# OF SPACES PROVIDED	REQUIRED		
COMMERCIAL (OFFICE / R+D)	12,361	SEE COMBINED	0	2 Spaces per 1000 sf of Gross Bldg SF for Commercial use Per AB2087 - none req'd	
RESIDENTIAL	2,834	SEE COMBINED	0	none req'd	
TOTAL	15,195	SEE COMBINED	0		
BICYCLE PARKING - COMMERCIAL	12,361	SEE COMBINED	6.18	1 Spaces per 2000 sf of Gross Bldg SF for Commercial use	
BICYCLE PARKING - RESIDENTIAL	1	0	-	1 to 4 Units - Long-Term and Short-Term Bicycle Parking Not Required	
LOADING SPACES	12,361	SEE COMBINED	1	1 Off Street Loading Space required for > 10,000 sf of New Commercial GBSF	

USE PERMIT APPLICATION FOR NEW MIXED USE DEVELOPMENT

2817 - 2821 TENTH ST & 2820 SAN PABLO AVE

BERKELEY, CA 94702

OWNER:
KEVIN KELLY
ERIN JAEB
erin.jaeb@sbcglobal.net

ARCHITECT:
STUDIO KDA
1810 6TH ST.
BERKELEY, CA 94710

TEL: (510) 841-3555
FAX: (510) 841-1225

DARSHAN AMRIT
darshan@studiokda.com

CHARLES KAHN, AIA
charles@studiokda.com

AUSTIN SPRINGER, AIA
austin@studiokda.com

LANDSCAPE:
GROUNDWORKS OFFICE
1792 5TH STREET
BERKELEY, CA 94710

TEL: (510) 833-2111

BRENNAN COX
brennan@gwo.la

CIVIL/TOPO:
NORTHSTAR
ENGINEERING GROUP
620 12TH STREET
STOCKTON, CA 95354

TEL: (209) 524-3525
CASEY WALKER
cwalker@nseng.net

PROJECT TEAM

SHEET INDEX

THE PROPOSED PROJECT ENTAILS THE DEMOLITION OF (2) EXISTING STRUCTURES AT 2820 SAN PABLO AVE AND 2821 TENTH STREET IN BERKELEY, CALIFORNIA. ALSO PROPOSED IS THE CONSTRUCTION OF (2) INTEGRALLY CONNECTED BUILDINGS AND TREATED AS ONE SINGLE DEVELOPMENT.

2821 TENTH STREET IS PROPOSED TO BE TWO STORIES WITH A MEZZANINE/ROOF DECK ABOVE AND PARKING FOR THE WHOLE DEVELOPMENT AT GROUND LEVEL. THE BUILDING OCCUPANCY WILL BE A MIX OF LIGHT INDUSTRIAL AND OFFICE USES, RESEARCH & DEVELOPMENT. THE PROPOSED BUILDING WILL MAINTAIN 75% OF THE EXISTING ON-SITE LIGHT MANUFACTURING USE BY SQUARE FOOTAGE - CONSISTENT WITH GOALS SET OUT IN THE WEST BERKELEY SPECIFIC PLAN.

2820 SAN PABLO AVENUE IS PROPOSED TO BE A FOUR STORY STRUCTURE WITH OFFICES / RESEARCH & DEVELOPMENT ON FLOORS 1-3 AND A RESIDENCE ON FLOOR 4.

PROJECT DESCRIPTION

SHEET #	SHEET NAME
GENERAL	
G000	COVER SHEET
G001	SITE PHOTOS
G002	PERSPECTIVE CONTEXT RENDERINGS
G003	AERIAL PERSPECTIVE VIEWS
G004	RENDERINGS - 2820 SAN PABLO AVE.
G005	RENDERINGS - 2821 TENTH ST.
G006-11	SHADOW STUDIES
G020	RAIN WATER LEADER DIAGRAMS
G021	CONCEPTUAL GRADING PLAN
G033	OPEN SPACE CALCULATIONS/DIAGRAMS
CIVIL DRAWINGS	
C-001	TOPOGRAPHIC & PREDEVELOPMENT AREAS
C-002	STORMWATER CONTROL PLAN
ARCHITECTURAL DRAWINGS	
A001	EXISTING SITE PLAN
A050	SITE TOPOGRAPHY
A100	ARCHITECTURAL SITE PLAN
A101	PROPOSED GROUND FLOOR PLAN
A102	PROPOSED SECOND FLOOR PLAN
A103	PROPOSED THIRD FLOOR PLAN
A104	PROPOSED FOURTH FLOOR PLAN
A107	PROPOSED ROOF PLAN
A200	PROPOSED ELEVATIONS & MATERIALS
A201	PROPOSED ELEVATIONS & MATERIALS
A202	PROPOSED ELEVATIONS & MATERIALS
A203	PROPOSED ELEVATIONS & MATERIALS
A300	BUILDING SECTIONS
A301	BUILDING SECTIONS
LANDSCAPE DRAWINGS	
L101	1ST FLOOR MATERIALS PLAN
L102	2ND FLOOR MATERIALS PLAN
L103	3RD FLOOR MATERIALS PLAN
L104	4TH FLOOR MATERIALS PLAN
L105	ROOF MATERIALS PLAN
L106	MATERIAL IMAGES
L200	PLANTING SCHEDULE
L201	GROUND FLOOR PLANTING PLAN
L202	2ND FLOOR PLANTING PLAN
L203	3RD FLOOR PLANTING PLAN
L204	4TH FLOOR PLANTING PLAN
L300	IRRIGATION NOTES AND LEGEND
L301	GROUND FLOOR IRRIGATION PLAN
L302	2ND FLOOR IRRIGATION PLAN
L303	3RD FLOOR IRRIGATION PLAN
L304	4TH FLOOR IRRIGATION PLAN

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12/14/2023	U.P. REV-4
12/15/2023	U.P. REV-5
03/25/2024	U.P. REV-6
10/30/2024	ZAB HEARING REV-7

PROJECT:
KEL02

TITLE:
COVER SHEET

SHEET:
G000



1810 6th Street, Berkeley CA 94710
ph: 510.841.3555 fax: 510.841.1225

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Berkeley, California 94704





② TENTH ST. STREET STRIP PHOTO ELEVATIONS
 N.T.S.



① SAN PABLO AVENUE STREET STRIP PHOTO ELEVATIONS
 N.T.S.



510.841.3555 | studiokda.com
 studio KDA
 1810 sixth street, berkeley ca 94710
 ph: 510.841.3555 fax:
 510.841.1225

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 & 2820 San Pablo Ave**
 Berkeley, California
 94704



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PROJECT:
 KELO2
 TITLE:
 STREET STRIP
 ELEVATIONS
 SHEET:





4 AERIAL VIEW LOOKING SOUTHEAST
 N.T.S.



2 PROPOSED AERIAL VIEW LOOKING NORTHWEST
 N.T.S.



3 PROPOSED STREET VIEW FROM TENTH STREET LOOKING EAST
 N.T.S.



1 PROPOSED STREET VIEW FROM SAN PABLO AVE LOOKING WEST
 N.T.S.

studioKDA
 510.841.3555 | studiokda.com

studio KDA
 1810 sixth street, Berkeley ca 94710
 ph: 510.841.3555 fax:
 510.841.1225

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12/14/2023	U.P. REV-4

PROJECT:

KEL02

TITLE:

PERSPECTIVE VIEWS

SHEET:

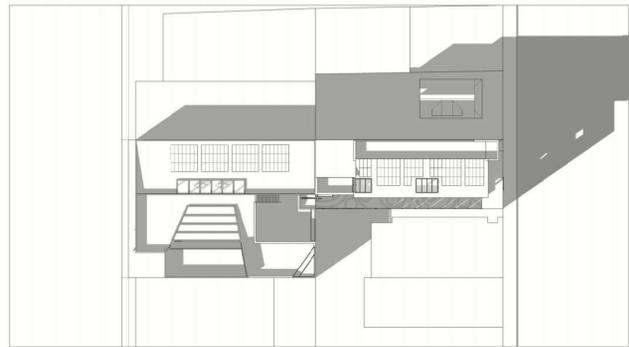
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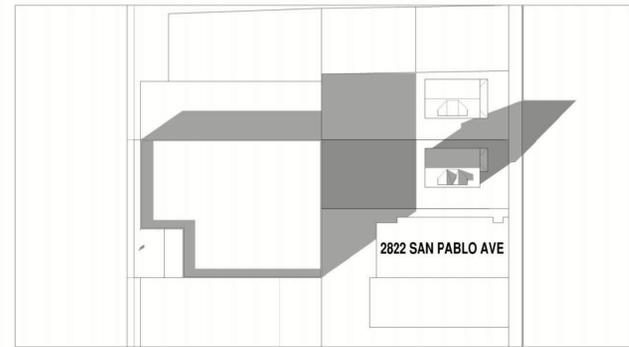
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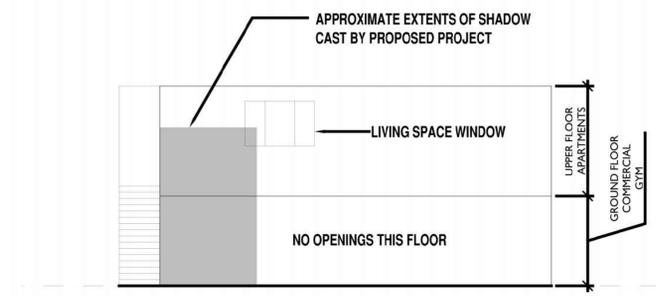
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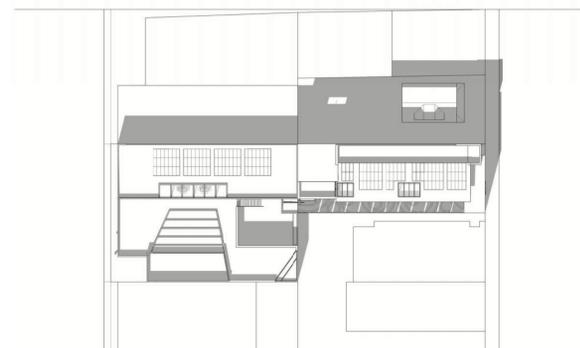
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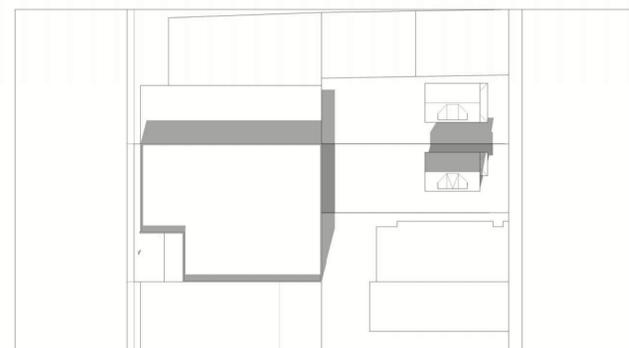
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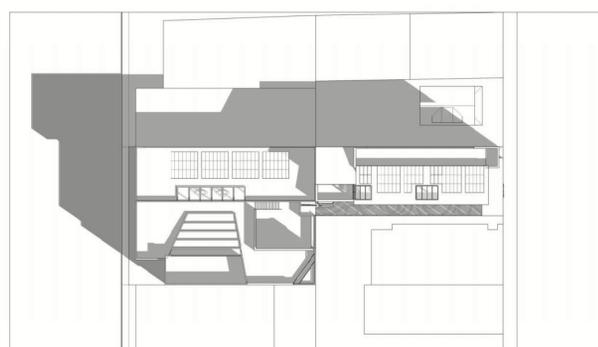
2822 SAN PABLO AVE - WEST FACADE



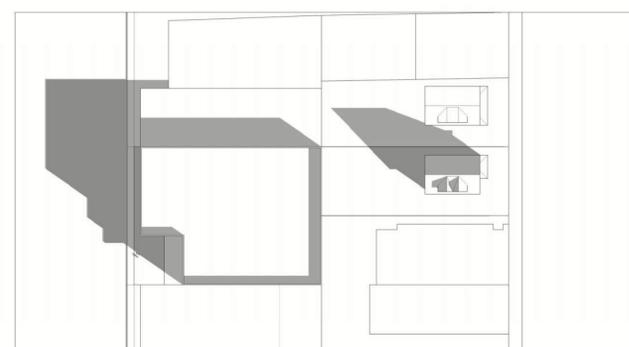
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12:00 PM - EXISTING CONDITION



8:51 AM - PROPOSED CONDITION



8:51 AM - EXISTING CONDITION



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12/14/2023	U.P. REV-4

PROJECT:
 KEL02

TITLE:
 SHADOW STUDIES

SHEET:
G006



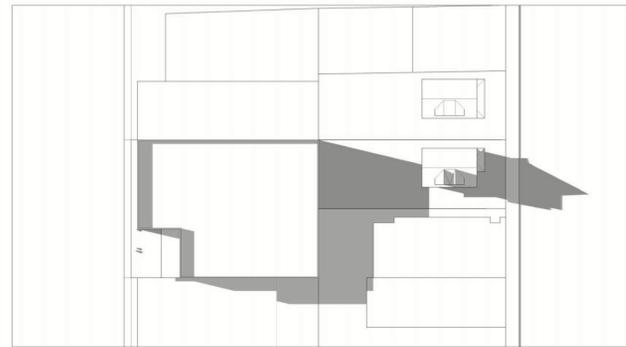
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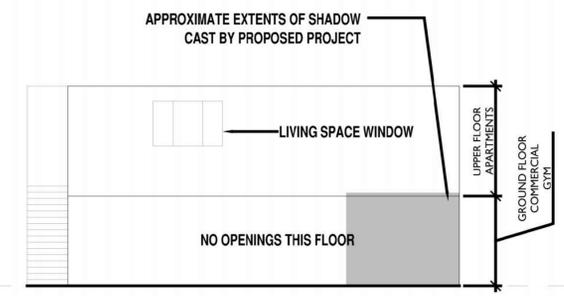
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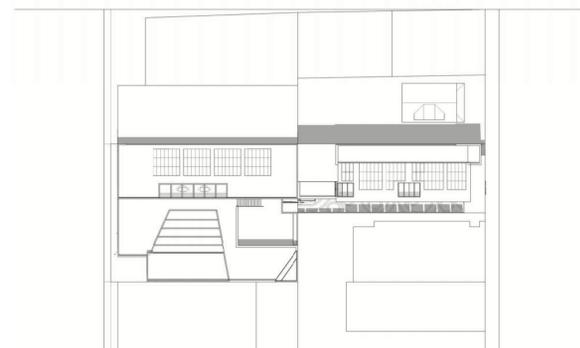
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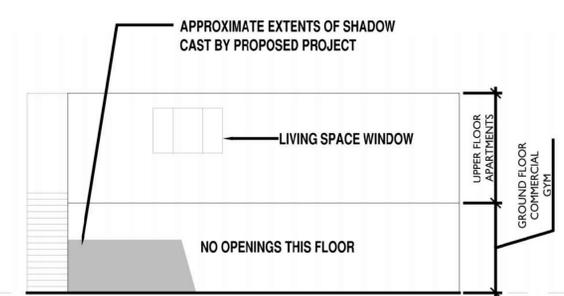
2822 SAN PABLO AVE - WEST FACADE



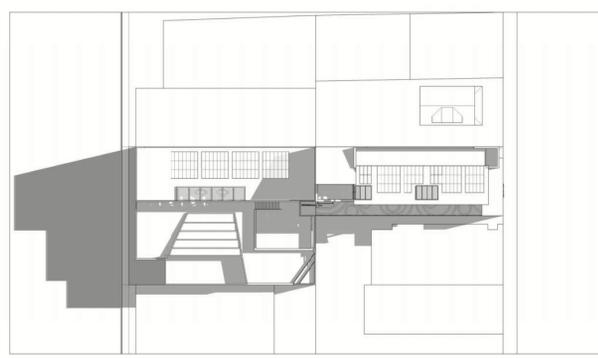
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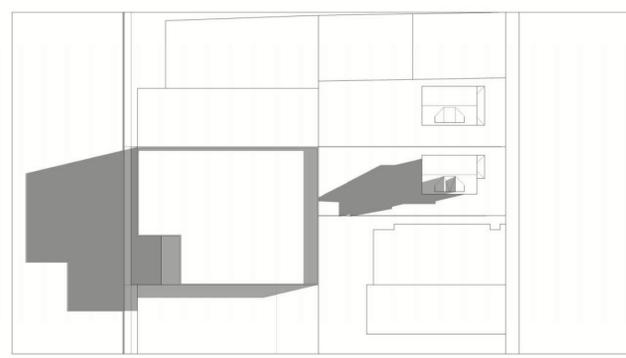
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2822 SAN PABLO AVE - WEST FACADE



7:47 AM - PROPOSED CONDITION



7:47 AM - EXISTING CONDITION

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PROJECT:
 KEL02

TITLE:
 SHADOW STUDIES

SHEET:

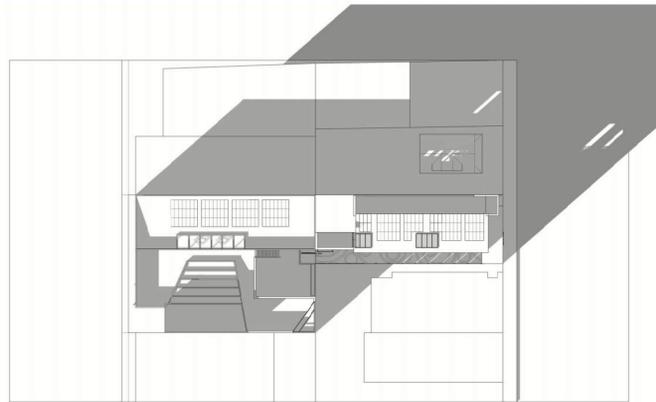
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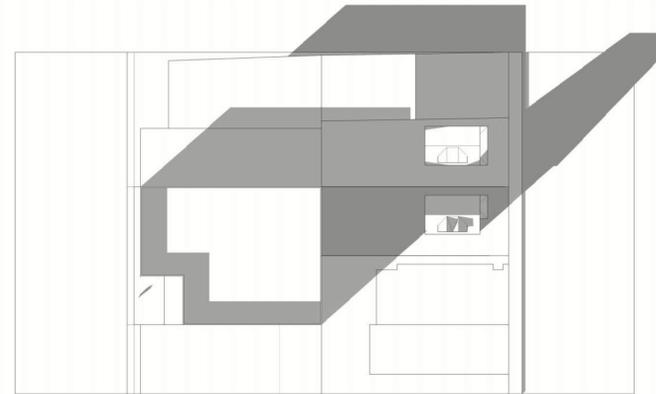
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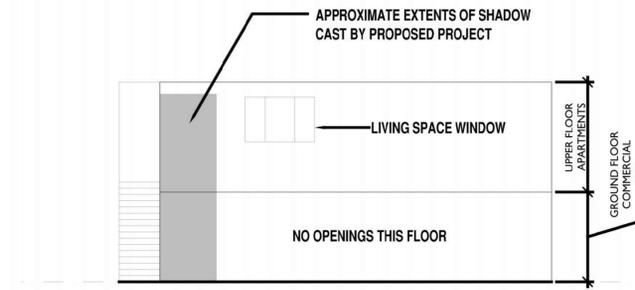
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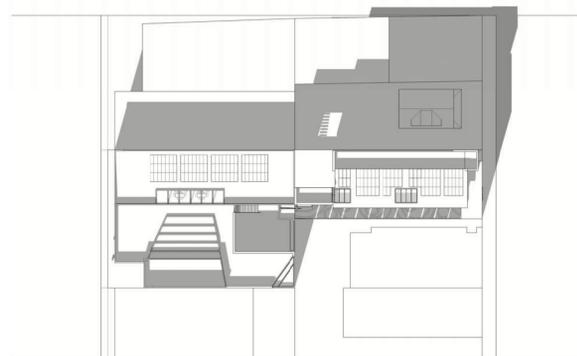
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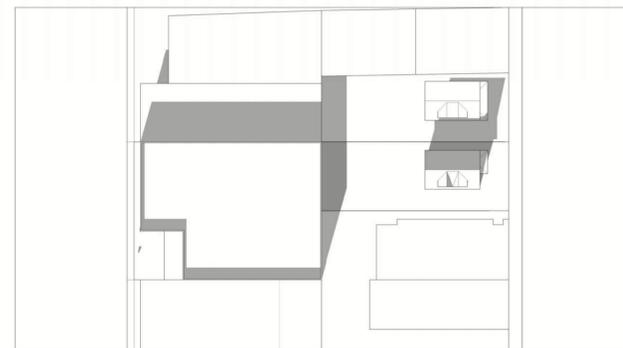
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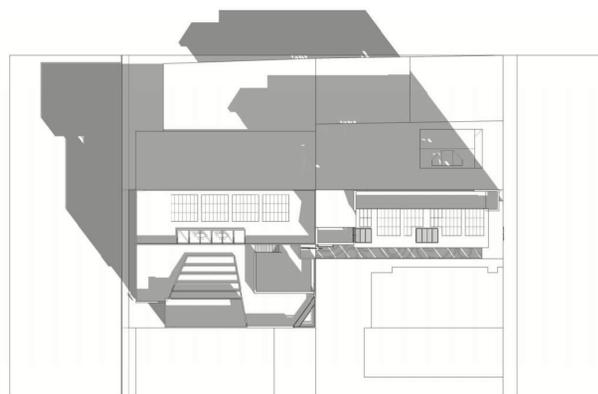
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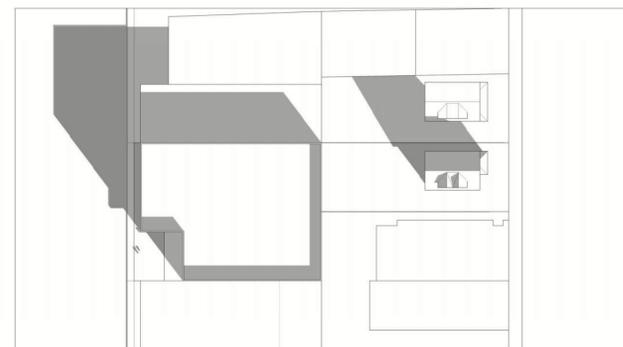
12:00 PM - PROPOSED CONDITION



12:00 PM - EXISTING CONDITION



9:21 AM - PROPOSED CONDITION



9:21 AM - EXISTING CONDITION



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PROJECT: KEL02

TITLE:

SHADOW STUDIES

SHEET:

G010



studio KDA
 1810 sixth street, berkeley ca 94710
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**2817-2821 10th Street
 & 2820 San Pablo Ave**
 Berkeley, California
 94704



PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

07/02/2021	USE PERMIT APPLICATION
07/08/2022	U.P. REV-1
08/29/2022	U.P. REV-2
06/23/2023	U.P. REV-3
12/14/2023	U.P. REV-4

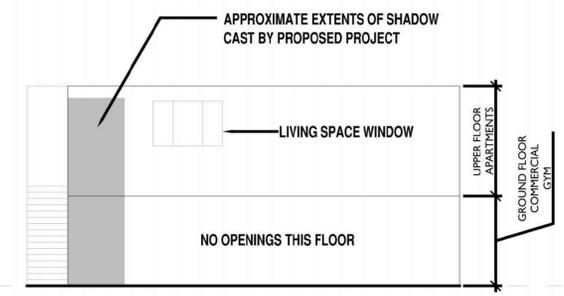
PROJECT:
 KEL02

TITLE:

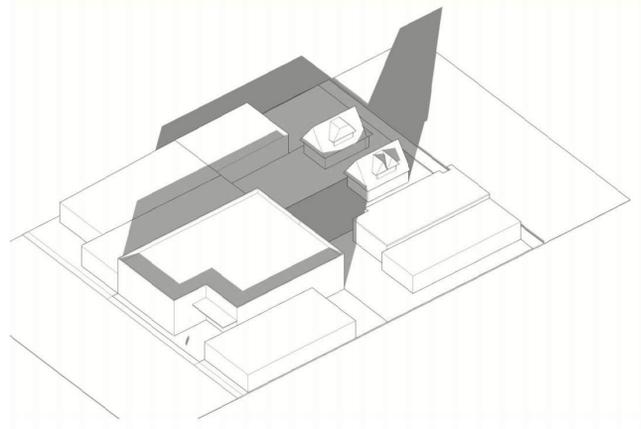
SHADOW
 STUDIES

SHEET:

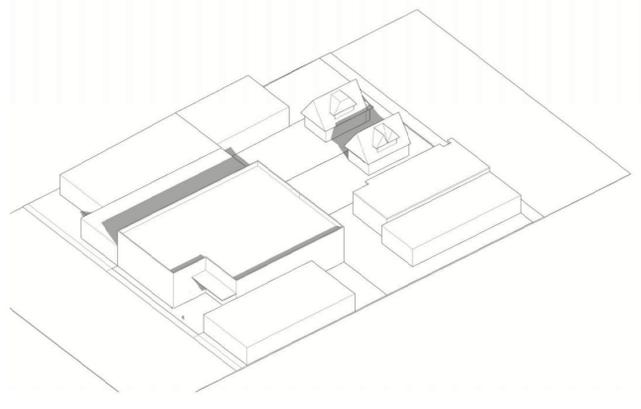
G011



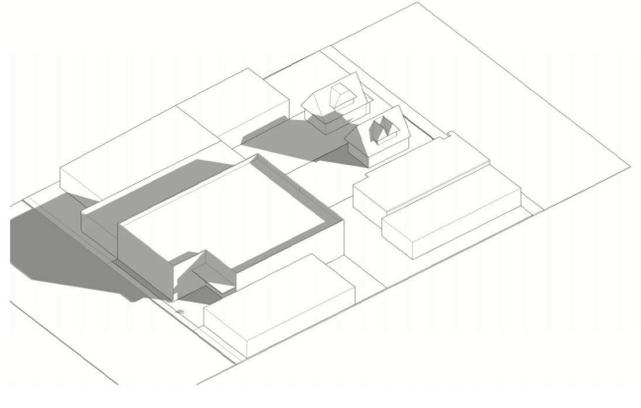
2822 SAN PABLO AVE - WEST FACADE



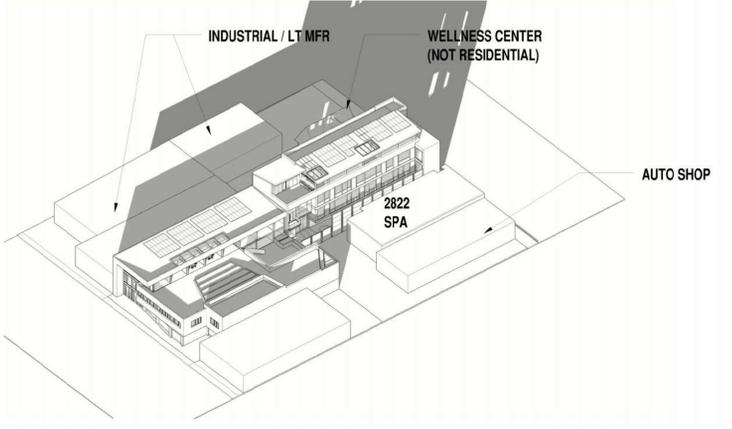
2:54 PM - EXISTING CONDITION



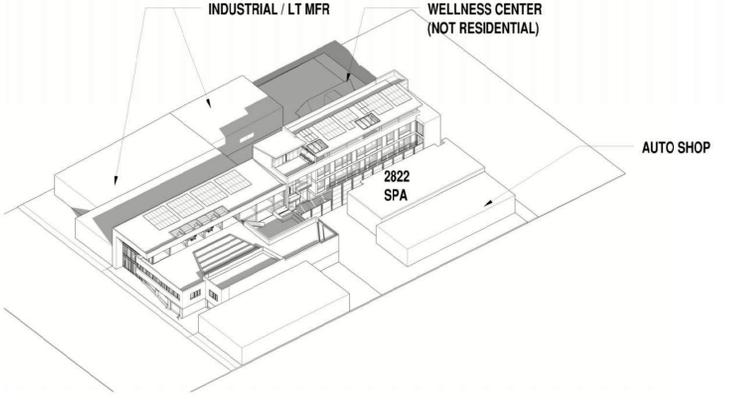
12:00 PM - EXISTING CONDITION



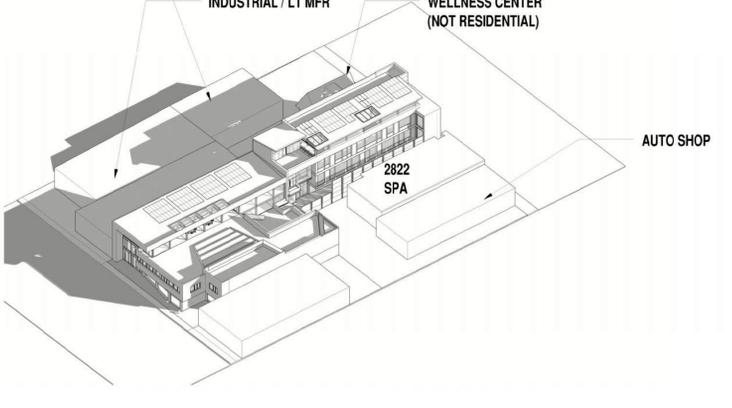
9:21 AM - EXISTING CONDITION



2:54 PM - PROPOSED CONDITION



12:00 PM - PROPOSED CONDITION

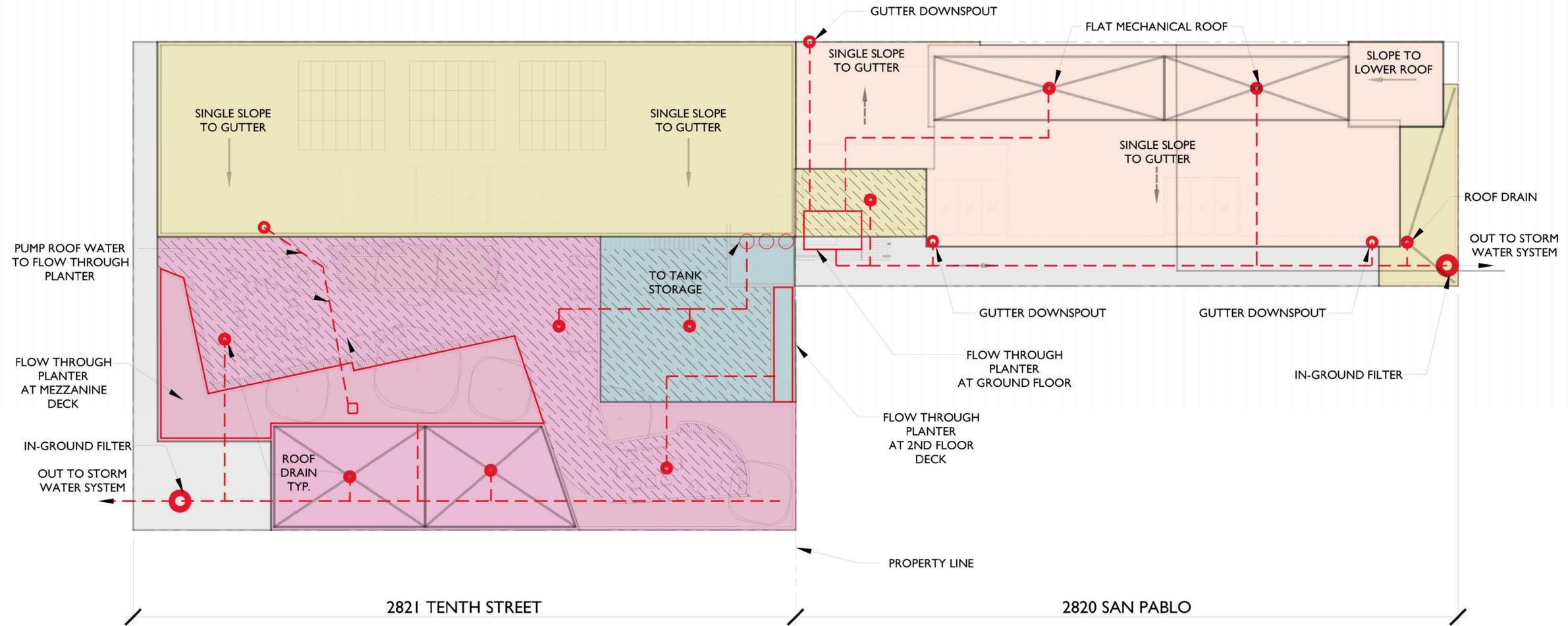


9:21 AM - PROPOSED CONDITION

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 510.841.3555 | studiodka.com
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 ph: 510.841.3555 fax: 510.841.1225

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- Level 5 (4th Flr Residence Roof)
- Level 4 (2821 Mezz Roof/2820 Residence/2820 Office Roof/Deck)
- Level 3 (2821 Roof Deck)
- Level 2 (2821 Roof Deck)
- Ground Floor Exterior
- Deck on Pedestal System

PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

07/02/2021	USE PERMIT APPLICATION
07/08/2022	U.P. REV-1
08/29/2022	U.P. REV-2
06/23/2023	U.P. REV-3
12/14/2023	U.P. REV-4

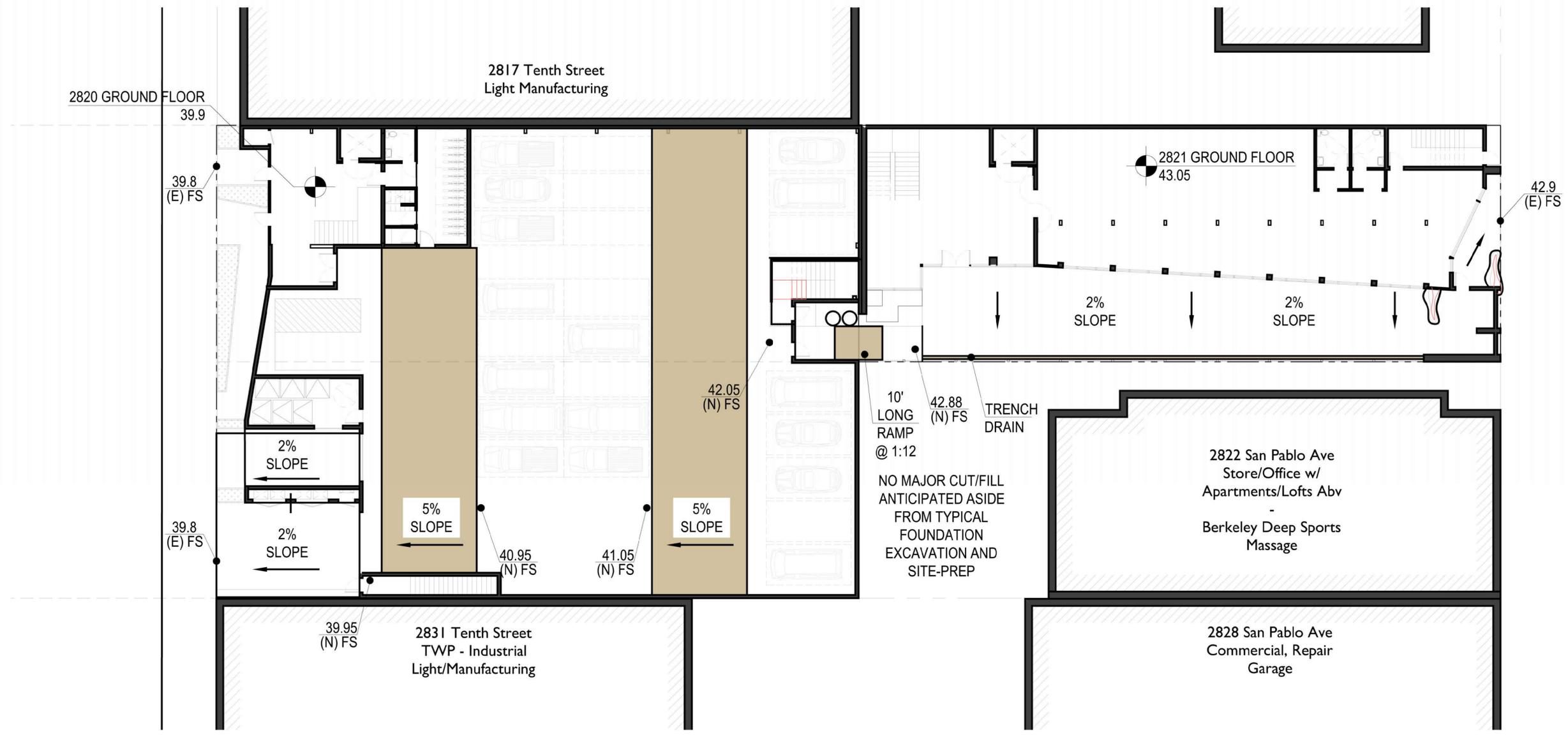
PROJECT: KEL02
 TITLE:
 RAIN WATER LEADER DIAGRAMS
 SHEET:

1 RAIN WATER LEADER DIAGRAM
 3/32" = 1'-0"



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SLOPED AREAS - ALL OTHER SITE SURFACES ARE <2% SLOPE IN ANY DIRECTION

PROJECT ISSUE RECORD:

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08/29/2022	U.P. REV-2
06/23/2023	U.P. REV-3
12/14/2023	U.P. REV-4

PROJECT: KEL02
 TITLE:
 CONCEPTUAL GRADING DIAGRAM
 SHEET:

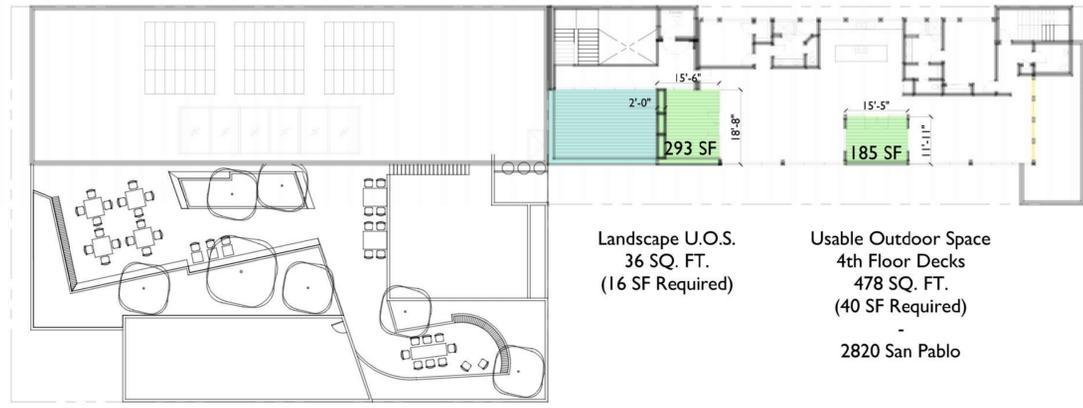




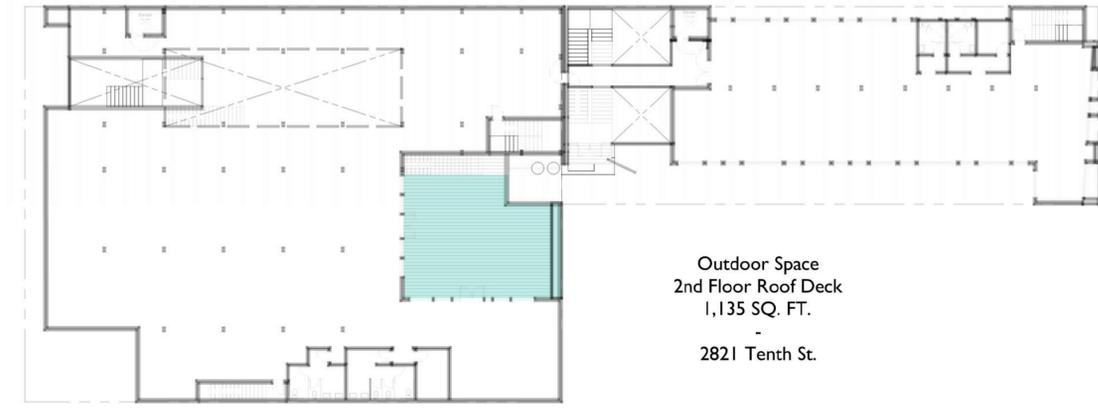
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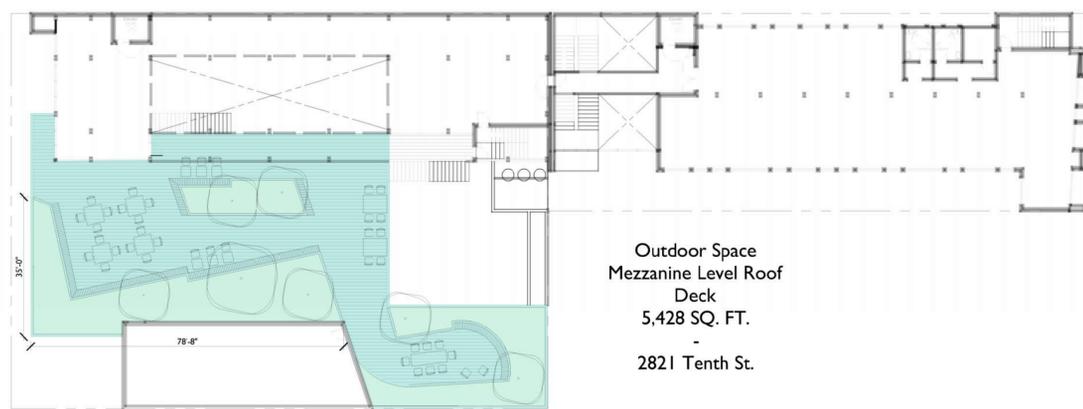
**Berkeley, California
 94704**



4 FOURTH FLOOR OPEN SPACE DIAGRAM
 1"=20'-0"



2 SECOND FLOOR OPEN SPACE DIAGRAM
 1"=20'-0"



3 THIRD FLOOR OPEN SPACE DIAGRAM
 1"=20'-0"



1 GROUND FLOOR OPEN SPACE DIAGRAM
 1"=20'-0"

PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

07/02/2021	USE PERMIT APPLICATION
07/08/2022	U.P. REV-1
08/29/2022	U.P. REV-2
06/23/2023	U.P. REV-3
12/14/2023	U.P. REV-4

PROJECT:
 KEL02

TITLE:
 OPEN SPACE
 DIAGRAMS

SHEET:

G033



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ca 94710
ph: 510.841.3555 fax:
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Berkeley, California 94704

ST JOHN LAND CONSULTING
BENICIA, CA 94510 WWW.STJOHNLSURVEYS.COM 707-392-6789



PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

PROJECT:
10TH STREET/SAN PABLO BLVD
TITLE:
EXISTING CONDITIONS EXHIBIT

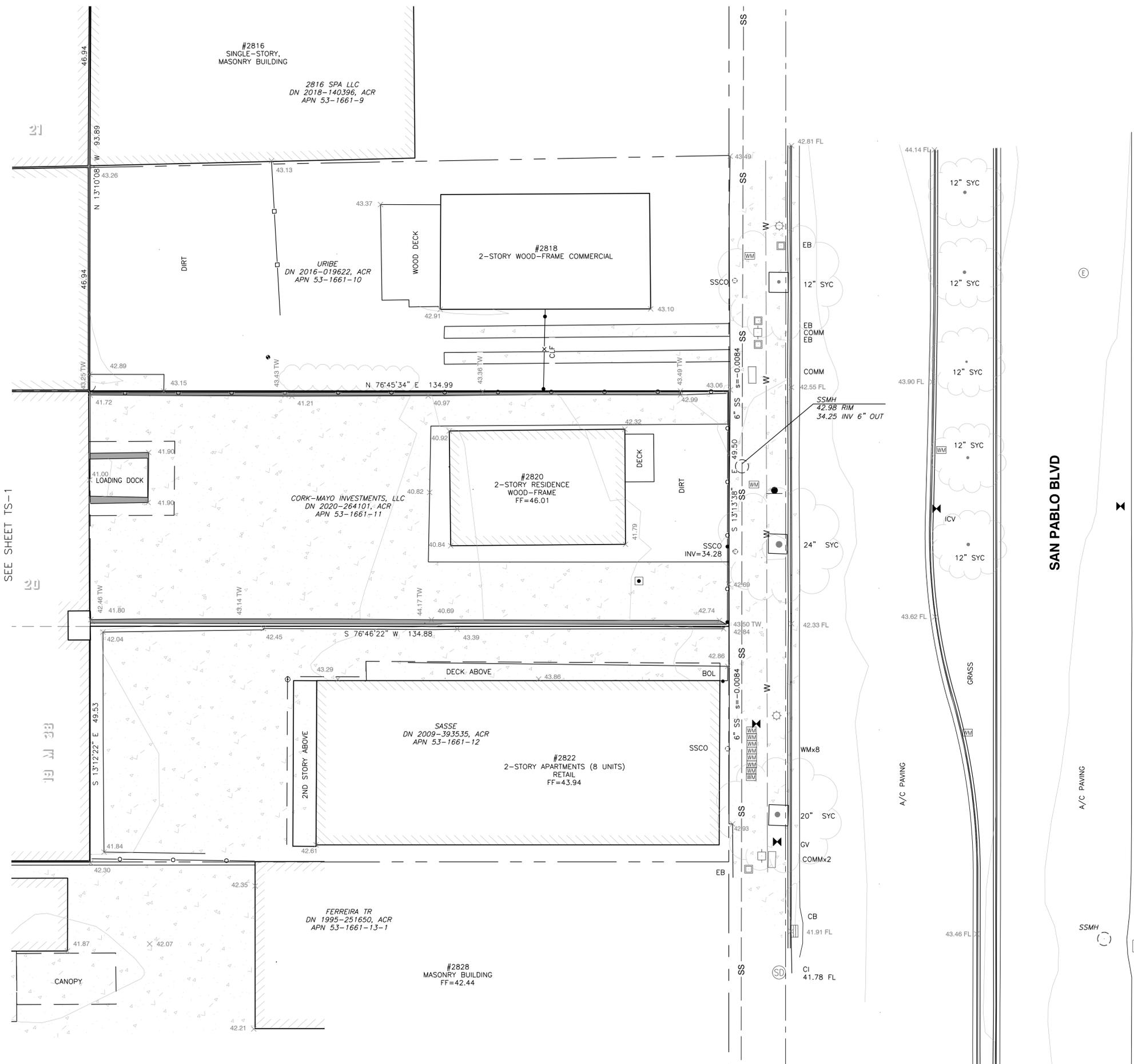
SHEET:
TS-2

LEGEND:

---	PROPERTY LINE
- - - -	CENTER LINE
- - - - -	EASEMENT LINE
SS	SANITARY SEWER
G	NATURAL GAS
OE	OVERHEAD ELECTRIC
W	WATER
- - - - -	ROOF OVERHANG
[Hatched Box]	CONCRETE
[Solid Box]	WALL
[Dashed Line]	BUILDING LINE
(E)	ELECTRIC MANHOLE
(H)	HOSE BIB
(J)	JOINT UTILITY POLE
(M)	MONITORING WELL
(S)	SIGN
(SD)	STORM DRAIN MANHOLE
(WM)	WATER METER
(X)	WATER VALVE

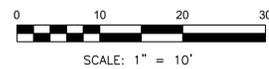
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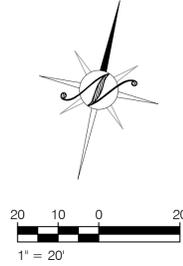
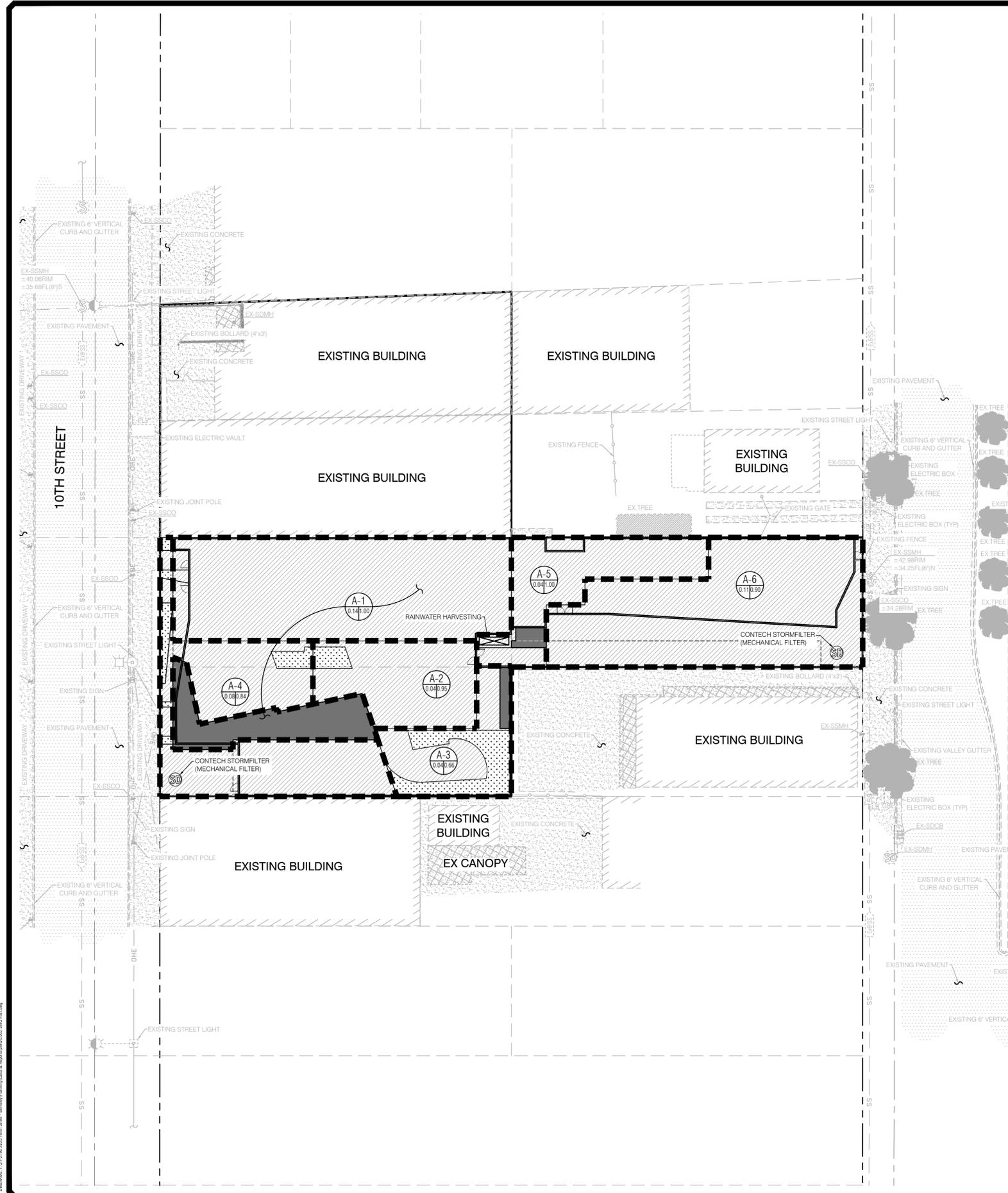
A/C	ASPHALTIC CONCRETE
ACR	ALAMEDA COUNTY RECORDS
APN	ASSESSOR'S PARCEL NUMBER
BOL	BOLLARD
CB	CATCH BASIN
CI	CATCH INLET
CLF	CHAIN LINK FENCE
COMM	COMMUNICATIONS BOX
DN	DOCUMENT NUMBER
DI	DRAIN INLET
DWY	DRIVEWAY
EB	ELECTRIC BOX
EV	ELECTRIC VAULT
FDC	FIRE DEPARTMENT CONNECTION
FH	FIRE HYDRANT
FF	FINISHED FLOOR
FL	FLOWLINE
GB	GAS BOX
GV	GAS VALVE
ICV	IRRIGATION CONTROL VALVE
INV	INVERT
MON	MONUMENT
OR	OFFICIAL RECORDS
RWL	RAIN WATER LEADER
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
SYC	SYCAMORE
TW	TOP OF WALL
WB	WATER BOX
WM	WATER METER



SEE SHEET TS-1

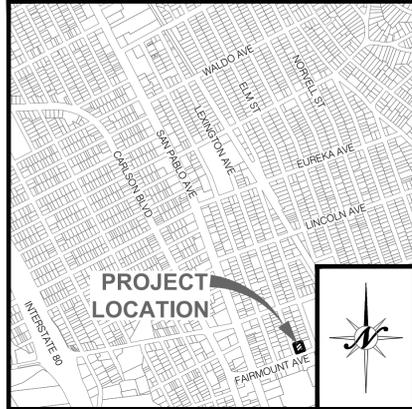
SEE SHEET TS-3





LEGEND

DRAINAGE MANAGEMENT AREA	A-1
ACREAGE	0.27095
RUNOFF COEFFICIENT/ IMPERVIOUSNESS RATIO	
ROOF/ASPHALT/CONCRETE PAVEMENT SEE ATTACHED CALCULATIONS FOR INDIVIDUAL AREA BREAKDOWN TOTAL: 17,744 SF (0.41 AC)	
LANDSCAPE/ROOF PLANTER SEE ATTACHED CALCULATIONS FOR INDIVIDUAL AREA BREAKDOWN TOTAL: 987 SF (0.02 AC)	
FLOW-THROUGH PLANTER SEE ATTACHED CALCULATIONS FOR INDIVIDUAL AREA BREAKDOWN TOTAL: 1,306 SF (0.03 AC)	



VICINITY MAP
 NTS



NO.	DATE	APPROVED	REVISIONS	DESCRIPTIONS

STORMWATER CONTROL PLAN
STORMWATER QUALITY PLAN FOR
SAN PABLO 10
 BERKELEY, CALIFORNIA

North Star
Engineering Group, Inc.
 A CIVIL ENGINEERING & SURVEYING FIRM
 620 24th Street, Suite 200
 Berkeley, CA 94704
 (415) 524-3225 Phone (415) 524-3226 Fax

JOB #:	21-2790
DATE:	06/18/2021
SCALE:	AS SHOWN
DRAWN:	FSE
DESIGN:	CRW
CHKD:	JPE

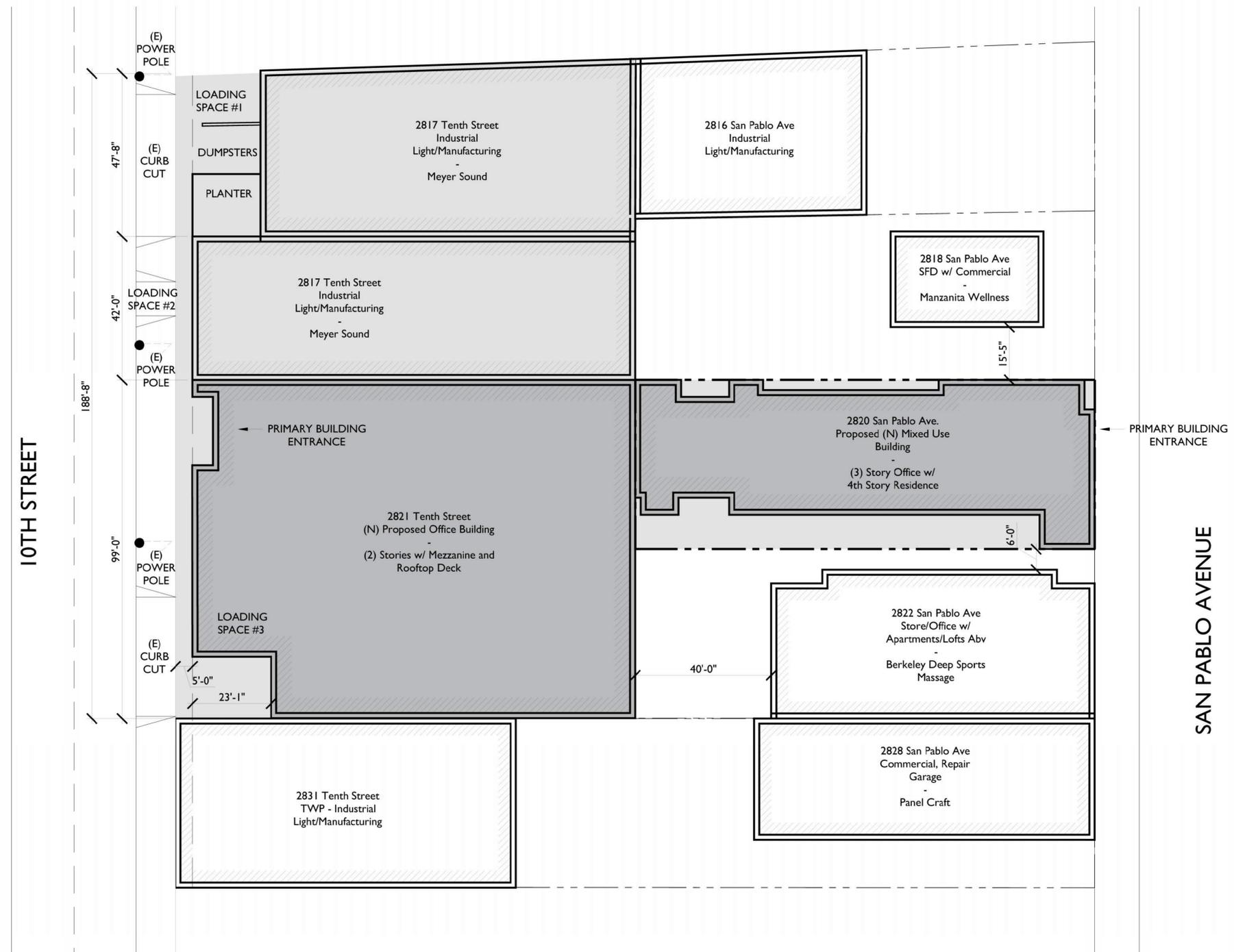
SHEET NUMBER
C002



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PROJECT ISSUE RECORD:

CITY PERMIT RECORD:
 07/02/2021 USE PERMIT APPLICATION
 07/08/2022 U.P. REV-1
 08/29/2022 U.P. REV-2
 06/23/2023 U.P. REV-3
 12/14/2023 U.P. REV-4

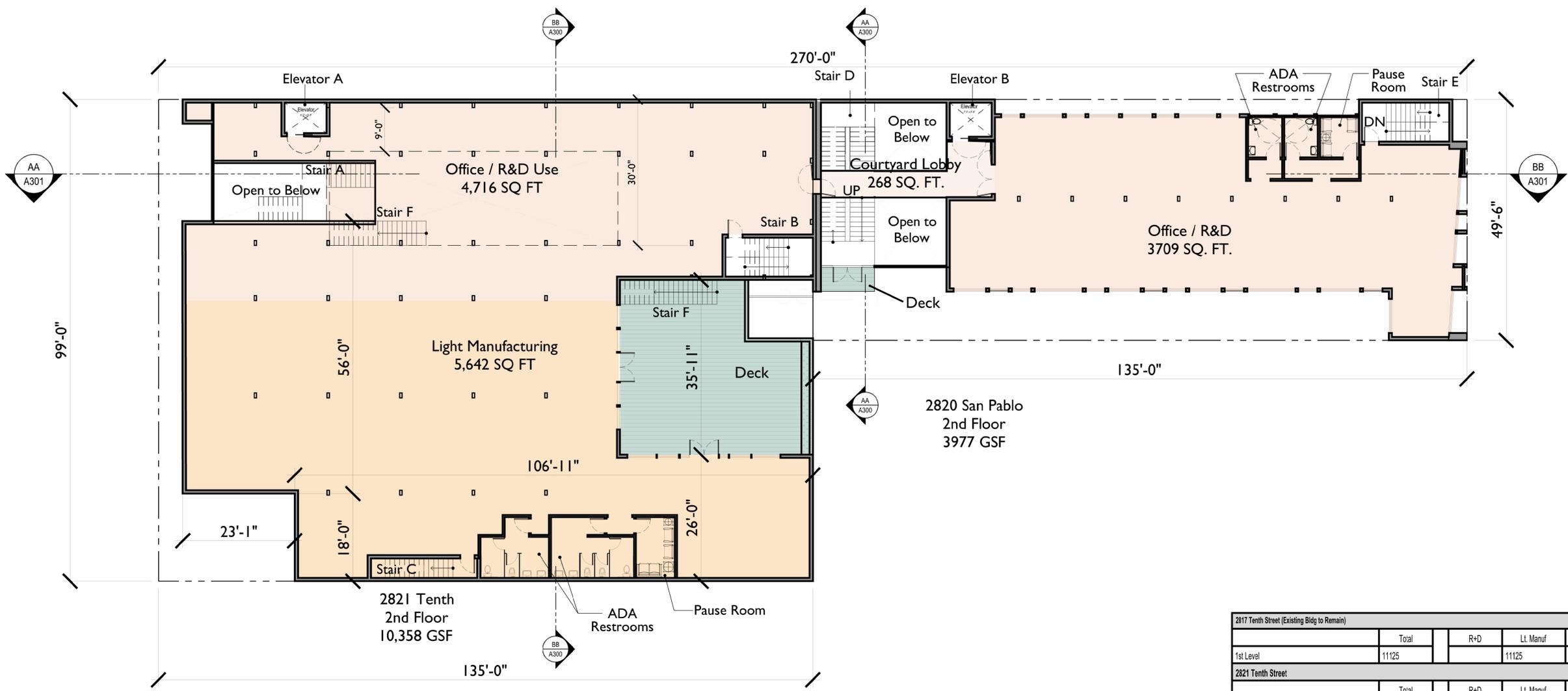
PROJECT:
 KEL02
 TITLE:
 SITE PLAN - PROPOSED



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 Berkeley, California
 94704



I SECOND FLOOR PLAN
 3/32"=1'-0"

2820 San Pablo
 2nd Floor
 3977 GSF

2817 Tenth Street (Existing Bldg to Remain)					
	Total	R+D	Lt. Manuf	Residential	
1st Level	11125		11125		
2821 Tenth Street					
	Total	R+D	Lt. Manuf	Residential	
1st Level	Lobby	954	477	477	
	Trash Recycle	300	150	150	
	Stair B	188	94	94	
		1442	721	721	
2nd Level	Garage	10400			
2nd Floor	2nd Floor	10358	4716	5642	
	Mezzanine	2750	2750	0	
		13108	7466	5642	
2821 10th Total GSF	14550	8187	6363	0	
2820 San Pablo					
	Total	R+D	Lt. Manuf	Residential	
1st Level	Courtyard Lobby	1156	1156		
	Office / R+D	2860	2860		
		4116	4116		
2nd Level	Courtyard Lobby	266	266		
	Office / R+D	3709	3709		
		3977	3977		
3rd Level	Courtyard Lobby	266	266		
	Office / R+D	3709	3709		
		3977	3977		
4th Level	Courtyard Lobby	291	291		
	Residence	2834			2834
		3125	291		2834
2820 SPA Total GSF	15195	12361	0	2834	
Proposed Buildings	29745	20548	6363	2834	
Proposed + Existing Bldgs*	40870	20548	17488	2834	

*Does not include 2821 Tenth St Garage SF

PROJECT ISSUE RECORD:

CITY PERMIT RECORD:
 07/02/2021 USE PERMIT APPLICATION
 07/08/2022 U.P. REV-1
 08/29/2022 U.P. REV-2
 06/23/2023 U.P. REV-3
 12/14/2023 U.P. REV-4
 12/15/2023 U.P. REV-5
 03/25/2024 U.P. REV-6
 10/30/2024 ZAB HEARING REV-7

PROJECT:
 KELO2
 TITLE:
 SCHEMATIC FLOOR PLANS

SHEET:

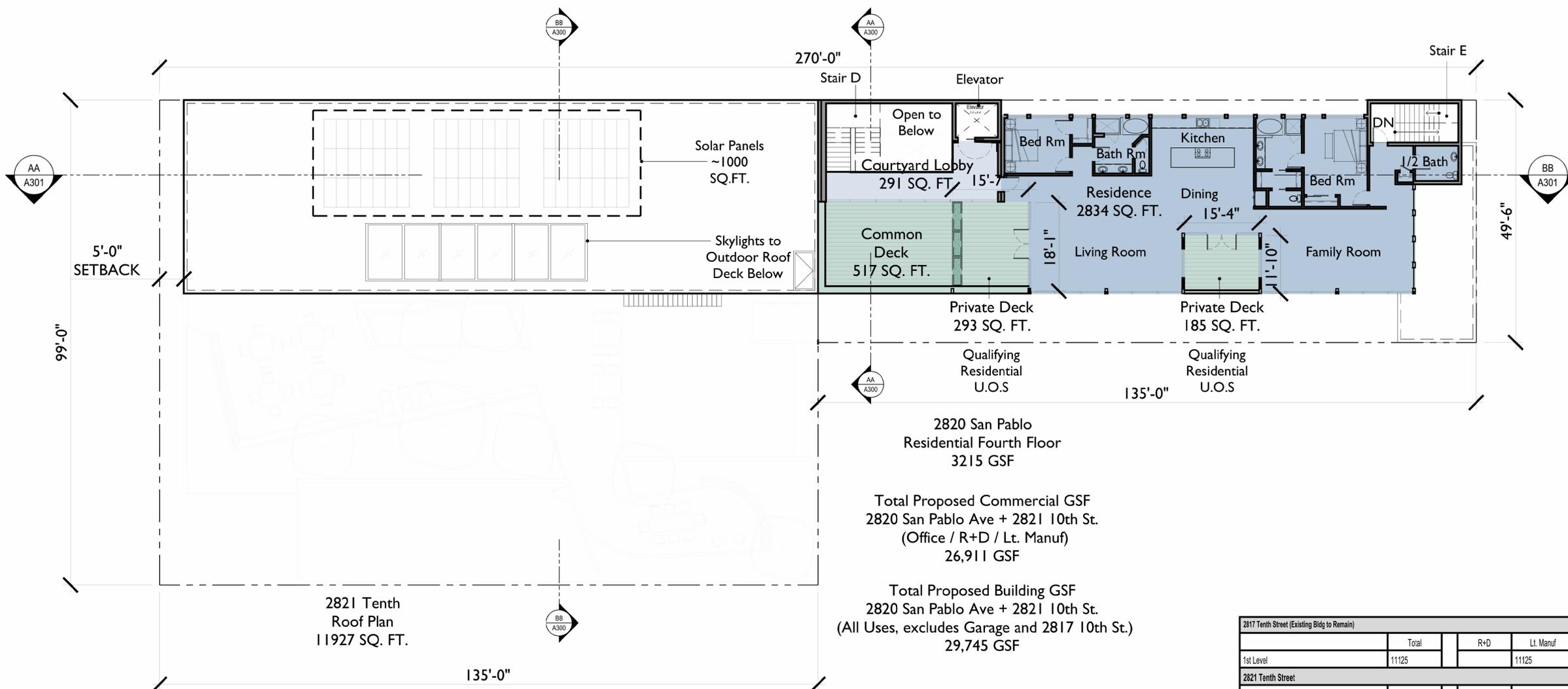
A-102



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2817-2821 10th Street
& 2820 San Pablo Ave
Berkeley, California
94704



1 FOURTH FLOOR PLAN
3/32"=1'-0"

2820 San Pablo
Residential Fourth Floor
3215 GSF

Total Proposed Commercial GSF
2820 San Pablo Ave + 2821 10th St.
(Office / R+D / Lt. Manuf)
26,911 GSF

Total Proposed Building GSF
2820 San Pablo Ave + 2821 10th St.
(All Uses, excludes Garage and 2817 10th St.)
29,745 GSF

2817 Tenth Street (Existing Bldg to Remain)				
	Total	R+D	Lt. Manuf	Residential
1st Level	11125		11125	
2821 Tenth Street				
	Total	R+D	Lt. Manuf	Residential
1st Level	Lobby	954	477	477
	Trash Recycle	300	150	150
	Stair B	188	94	94
		1442	721	721
Garage	10400			
2nd Level	2nd Floor	10358	4716	5642
	Mezzanine	2750	2750	0
	13108	7466	5642	
2821 10th Total GSF	14550	8187	6363	0
2820 San Pablo				
	Total	R+D	Lt. Manuf	Residential
1st Level	Courtyard Lobby	1156	1156	
	Office / R+D	2960	2960	
	4116	4116		
2nd Level	Courtyard Lobby	266	266	
	Office / R+D	3709	3709	
	3977	3977		
3rd Level	Courtyard Lobby	266	266	
	Office / R+D	3709	3709	
	3977	3977		
4th Level	Courtyard Lobby	291	291	
	Residence	2834		2834
	3125	291		2834
2820 SPA Total GSF	15195	12361	0	2834
Proposed Buildings	29745	20548	6363	2834
Proposed + Existing Bldgs*	40870	20548	17488	2834

*Does not include 2821 Tenth St Garage SF

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06/23/2023	U.P. REV-3
12/14/2023	U.P. REV-4
12/15/2023	U.P. REV-5
03/25/2024	U.P. REV-6
10/30/2024	ZAB HEARING REV-7

PROJECT:

KELO2

TITLE:

SCHEMATIC FLOOR PLANS

SHEET:

A-104



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 94704



18 **STUCCO (SMOOTH FINISH)**
 BENJAMIN MOORE PAINTS
 SLATE



15 **FORMED CONCRETE WALL**
 AT 0 PROPERTY LINE AGAINST (E) BUILDINGS
 FINISH NOT VISIBLE



12 **LANDSCAPE FEATURE**
 CALIFORNIA GREEN GRANITE



9 **WOOD-CLAD POST**
 OR SOLID WOOD, TBD
 CALIFORNIA REDWOOD - DARK STAIN



6 **WEATHERED WOOD SIDING**
 RESAWN TIMBER CO
 STRAW: ADOBO



3 **METAL SCREEN**
 BENJAMIN MOORE PAINTS - MARINE BLUE
 LASER-CUT ALUMINUM - WAVE PATTERN



17 **GLASS WINDOWS**
 FRAMELESS STRUCTURAL GLASS
 LOW-E



14 **ALUMINUM WINDOWS**
 KAWNEER THERMAL WINDOWS
 CLEAR ANODIZED FINISH



11 **METAL SCREEN**
 BENJAMIN MOORE PAINTS - SEA GLASS
 LASER-CUT ALUMINUM - ORBIT PATTERN



8 **WOOD-CLAD ALUMINUM WINDOWS**
 ANDERSON WINDOWS
 JAPANESE ELM



5 **WOOD-LOOK CERAMIC TILE**
 DAL TILE
 CREME LINEN



2 **ALUMINUM WINDOWS**
 KAWNEER THERMAL WINDOWS
 FOREST GREEN FINISH



16 **WOOD SIDING**
 AT SOFFIT
 FINISH TO MATCH CLT STRUCTURE



13 **GREEN GRANITE WALL CLADDING**
 SUPPLIER TBD
 COSTA ESMERALDA OR SIMILAR



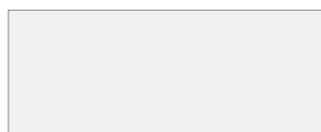
10 **WOOD SIDING**
 4" EXPOSURE, VERTICAL
 CALIFORNIA REDWOOD - DARK STAIN



7 **METAL WALL PANELS**
 MANUFACTURER TBD
 FOREST GREEN FINISH

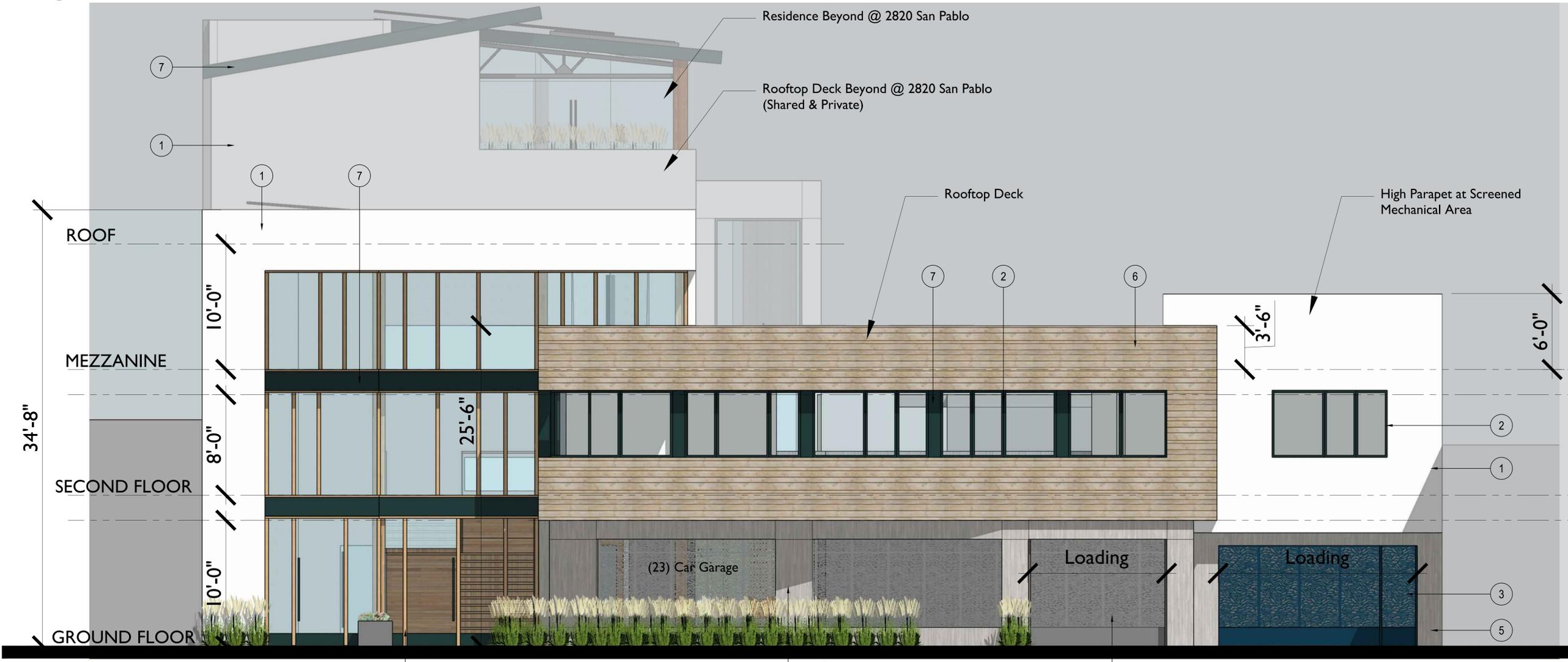


4 **METAL SCREEN**
 BENJAMIN MOORE PAINTS - SILVER CHAIN
 LASER-CUT ALUMINUM - WAVE PATTERN



1 **STUCCO (SMOOTH FINISH)**
 BENJAMIN MOORE PAINTS
 OFF-WHITE

MATERIALS



1 WEST ELEVATION
 1/4"=1'-0"

PROJECT ISSUE RECORD:

NO.	DATE	DESCRIPTION

CITY PERMIT RECORD:

DATE	DESCRIPTION
07/02/2021	USE PERMIT APPLICATION
07/08/2022	UP, REV-1
08/29/2022	UP, REV-2
06/23/2023	UP, REV-3
12/14/2023	UP, REV-4

PROJECT:
 KELO2

TITLE:
 COLOR & MATERIALS:
 WEST ELEVATION

SHEET:

A-200



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 510.841.3555 | studiokda.com
 studio KDA
 1810 sixth street, berkeley ca 94710
 ph: 510.841.3555 fax:
 510.841.1225

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 & 2820 San Pablo Ave

Berkeley, California
 94704



 18 STUCCO (SMOOTH FINISH) BENJAMIN MOORE PAINTS SLATE	 15 FORMED CONCRETE WALL AT 0 PROPERTY LINE AGAINST (E) BUILDINGS FINISH NOT VISIBLE	 12 LANDSCAPE FEATURE CALIFORNIA GREEN GRANITE	 9 WOOD-CLAD POST OR SOLID WOOD, TBD CALIFORNIA REDWOOD - DARK STAIN	 6 WEATHERED WOOD SIDING RESAWN TIMBER CO STRAW: ADOBO	 3 METAL SCREEN BENJAMIN MOORE PAINTS - MARINE BLUE LASER-CUT ALUMINUM - WAVE PATTERN
 17 GLASS WINDOWS FRAMELESS STRUCTURAL GLASS LOW-E	 14 ALUMINUM WINDOWS KAWNEER THERMAL WINDOWS CLEAR ANODIZED FINISH	 11 METAL SCREEN BENJAMIN MOORE PAINTS - SEA GLASS LASER-CUT ALUMINUM - ORBIT PATTERN	 8 WOOD-CLAD ALUMINUM WINDOWS ANDERSON WINDOWS JAPANESE ELM	 5 WOOD-LOOK CERAMIC TILE DAL TILE CREME LINEN	 2 ALUMINUM WINDOWS KAWNEER THERMAL WINDOWS FOREST GREEN FINISH
 16 WOOD SIDING AT SOFFIT FINISH TO MATCH CLT STRUCTURE	 13 GREEN GRANITE WALL CLADDING SUPPLIER TBD COSTA ESMERALDA OR SIMILAR	 10 WOOD SIDING 4" EXPOSURE, VERTICAL CALIFORNIA REDWOOD - DARK STAIN	 7 METAL WALL PANELS MANUFACTURER TBD FOREST GREEN FINISH	 4 METAL SCREEN BENJAMIN MOORE PAINTS - SILVER CHAIN LASER-CUT ALUMINUM - WAVE PATTERN	 1 STUCCO (SMOOTH FINISH) BENJAMIN MOORE PAINTS OFF-WHITE

MATERIALS



KEY



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

PROJECT ISSUE RECORD:

DATE	DESCRIPTION

CITY PERMIT RECORD:

DATE	DESCRIPTION
07/02/2021	USE PERMIT APPLICATION
07/08/2022	U.P. REV-1
08/29/2022	U.P. REV-2
06/23/2023	U.P. REV-3
12/14/2023	U.P. REV-4

PROJECT:
 KEL02
 TITLE:
 COLOR & MATERIALS:
 SOUTH ELEVATION
 SHEET:
A-202



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 1810 sixth street, berkeley ca 94710
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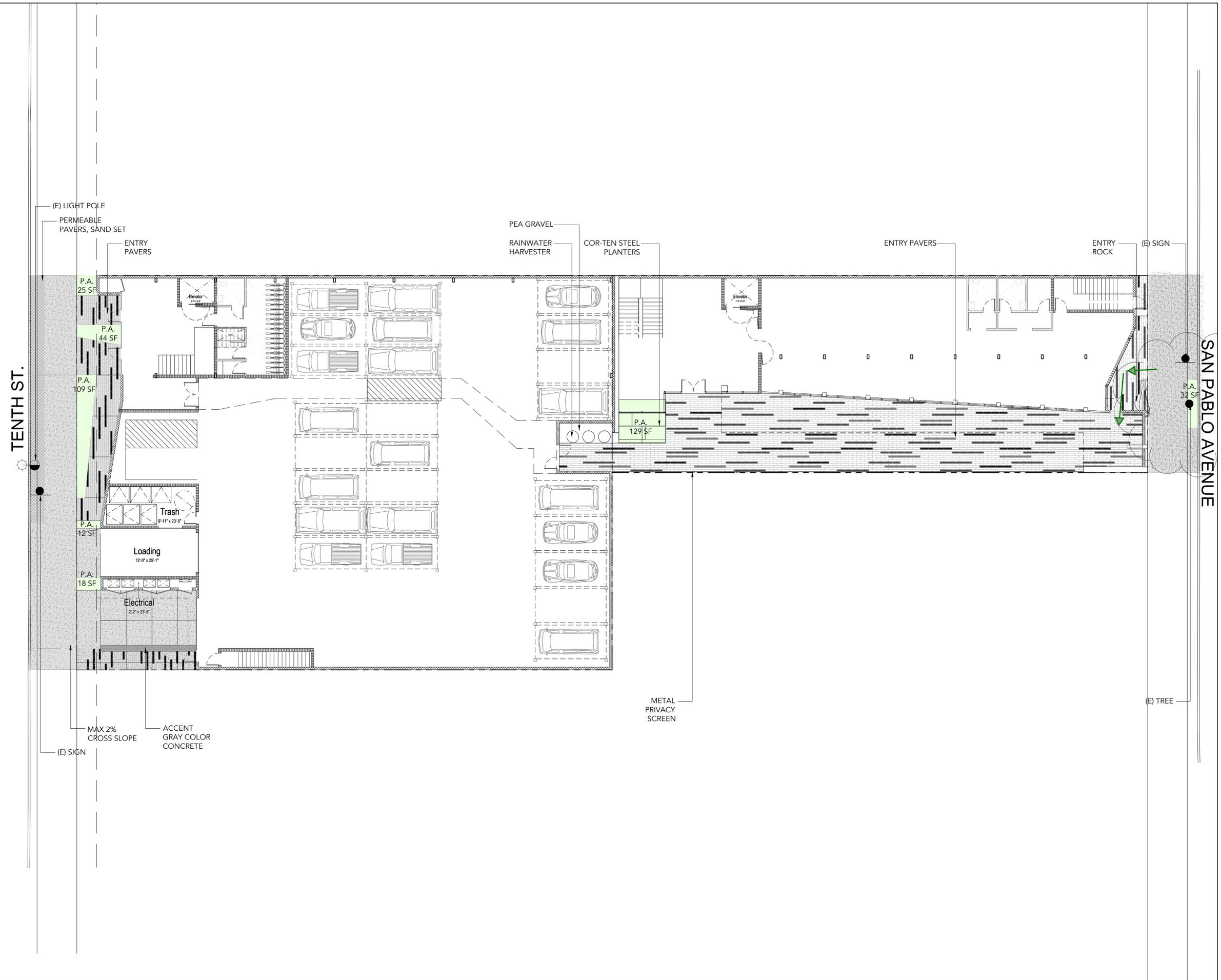
CITY PERMIT RECORD:

PROJECT:
 KELO2
 TITLE:

GROUND FLOOR
 MATERIALS PLAN

SHEET:

L101



SCALE 3/32"=1'-0"





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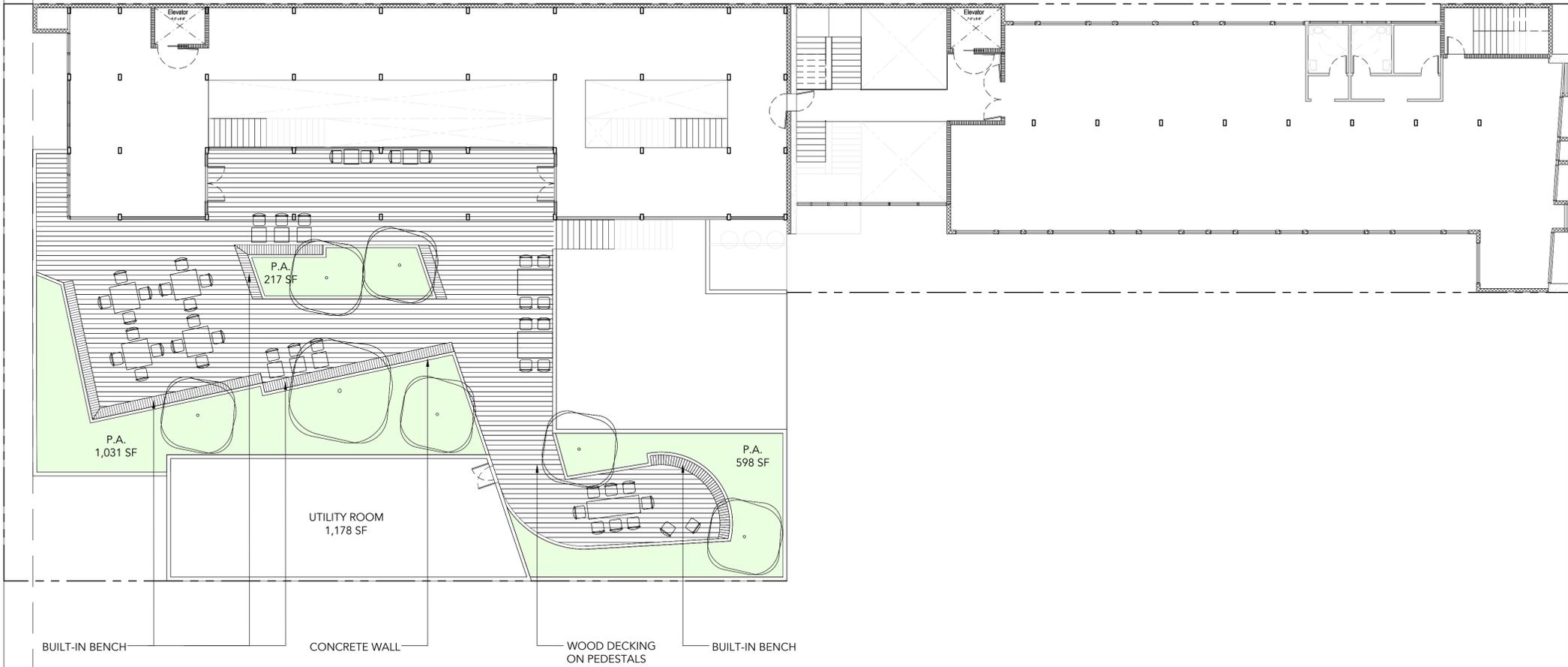
THIRD FLOOR
 MATERIALS PLAN

SHEET:

L103

TENTH ST.

SAN PABLO AVENUE



SCALE 3/32"=1'-0"





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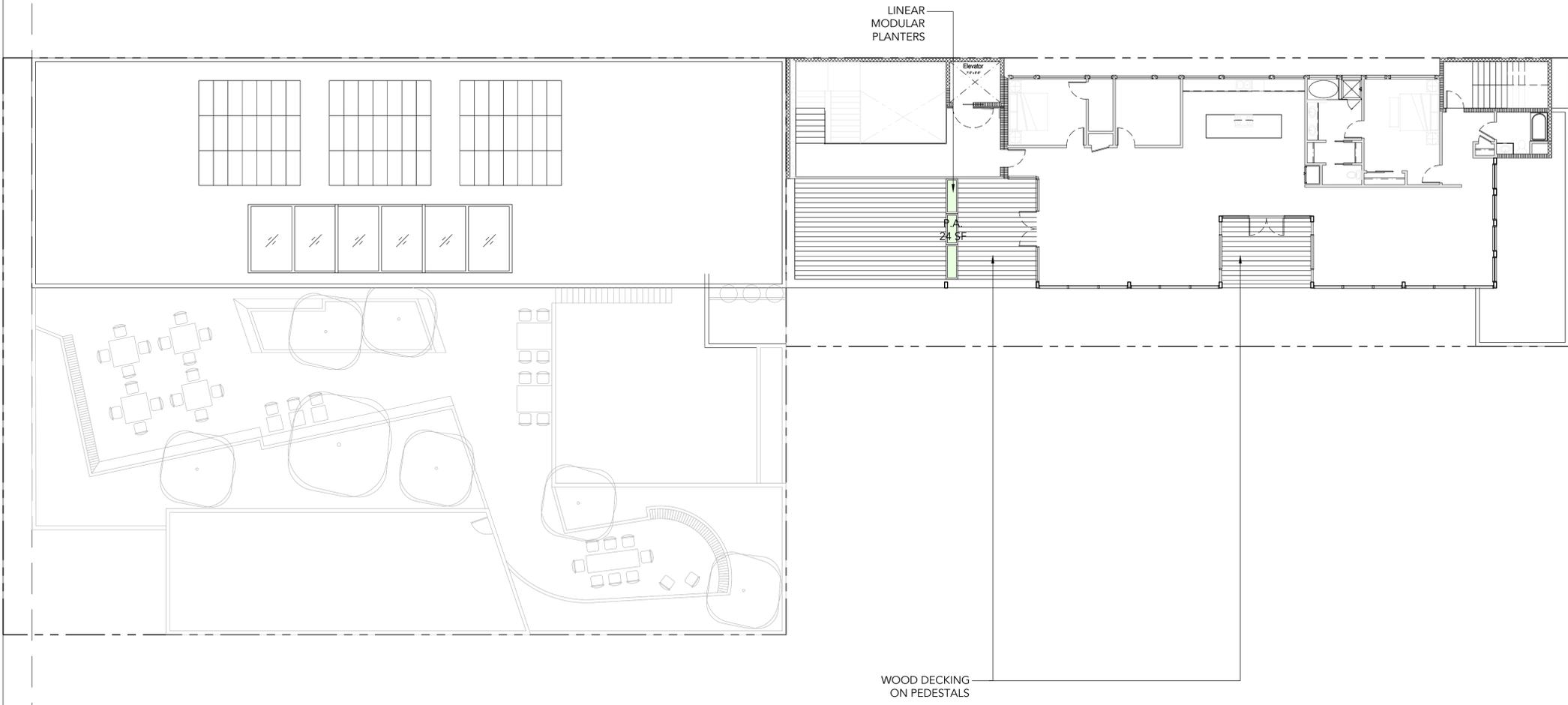
FOURTH FLOOR
 MATERIALS PLAN

SHEET:

L104

TENTH ST.

SAN PABLO AVENUE



SCALE 3/32"=1'-0"



LEVEL 1



ENTRYWAY PAVERS



PERMEABLE PAVERS



PEA GRAVEL



COR-TEN STEEL PLANTERS



ENTRYWAY ROCK

LEVEL 2



WOOD DECK ON PEDESTALS

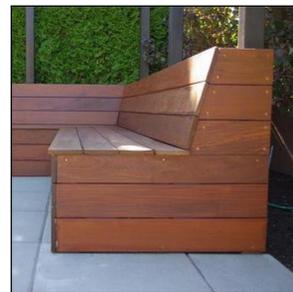


LINEAR MODULAR PLANTERS

LEVEL 3



WOOD DECK ON PEDESTALS



BUILT-IN BENCH



CONCRETE PLANTER WALL



CAFE TABLES AND CHAIRS

LEVEL 4



WOOD DECK ON PEDESTALS



LINEAR MODULAR PLANTERS



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 MATERIAL IMAGES

SHEET:

L105



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LEVEL 1 PLANT SCHEDULE											
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	WATER REQ.	REFERENCE	MIN-MAX SPREAD/DRIP LINE	INVASIVE	NATIVE	ATTRACTIVE TO LEPIDOPTERA	QUANTITY
	AGA ATT	AGAVE ATTENUATA	FOXTAIL AGAVE	1 GAL.	LOW	WUCOLS	6-8'	NO	NO	NO	2
	WOO FIM	WOODWARDIA FIMBRIATA	GIANT CHAIN FERN	2 GAL.	MEDIUM	WUCOLS	4-6'	NO	YES	NO	15
	MUL RIG	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL.	LOW	WUCOLS	4-6'	NO	YES	YES	66
	ABE GRA	ABELIA X GRANDIFLORA	GLOSSY ABELIA	5 GAL.	MEDIUM	SAN MARCOS	3-4'	NO	NO	YES	2
	POL MUN	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	1 GAL.	MEDIUM	WUCOLS	2-4'	NO	YES	YES	17
	FES RUB	FESTUCA RUBRA	RED FESCUE	1 GAL.	LOW	WUCOLS	1-2'	NO	YES	YES	29

LEVEL 2 PLANT SCHEDULE											
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	WATER REQ.	REFERENCE	MIN-MAX SPREAD/DRIP LINE	INVASIVE	NATIVE	ATTRACTIVE TO LEPIDOPTERA	QUANTITY
	EPI HUM	EPILOBIUM CANUM	CALIFORNIA FUCHSIA	2 GAL.	LOW	SAN MARCOS GROWERS	4-5'	NO	YES	YES	12

LEVEL 3 PLANT SCHEDULE											
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	WATER REQ.	REFERENCE	MIN-MAX SPREAD/DRIP LINE	INVASIVE	NATIVE	ATTRACTIVE TO LEPIDOPTERA	QUANTITY
	SAL LEU	SALVIA LEUCANTHA	MEXICAN BUSH SAGE	1 GAL.	LOW	WUCOLS	4-6'	NO	NO	YES	44
	SES AUT	SESLERIA AUTUMNALIS	AUTUMN MOOR GRASS	1 GAL.	MEDIUM	SAN MARCOS GROWERS	1-2'	NO	NO	NO	86
	ORI VUL	ORIGANUM VULGARE 'AUREUM'	GOLDEN OREGANO	1 GAL.	MEDIUM	WUCOLS	1-2'	NO	NO	YES	714
	AGA ATT	AGAVE ATTENUATA	FOXTAIL AGAVE	1 GAL.	LOW	WUCOLS	6-8'	NO	NO	NO	27
TREES											
	OLE EUR	OLEA EUROPAEA 'WILSONII'	FRUITLESS OLIVE TREE	24" BOX	VERY LOW	WUCOLS	25-30'	NO	NO	NO	7

LEVEL 4 PLANT SCHEDULE											
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	SIZE	WATER REQ.	REFERENCE	MIN-MAX SPREAD/DRIP LINE	INVASIVE	NATIVE	ATTRACTIVE TO LEPIDOPTERA	QUANTITY
	EPI HUM	EPILOBIUM CANUM	CALIFORNIA FUCHSIA	2 GAL.	LOW	SAN MARCOS GROWERS	4-5'	NO	YES	YES	8

PROJECT ISSUE RECORD:
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CITY PERMIT RECORD:

PROJECT:
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TITLE:

PLANTING
 SCHEDULE

SHEET:

L200



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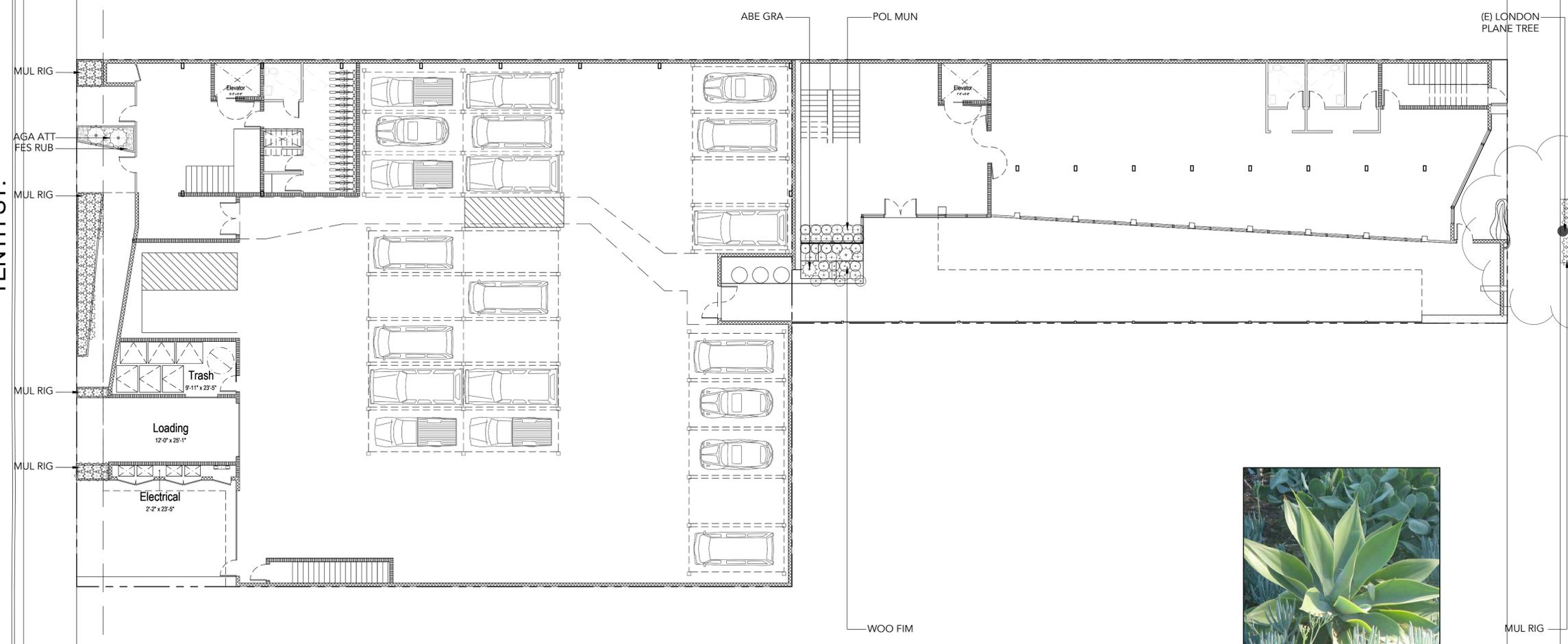
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TENTH ST.

SAN PABLO AVENUE



Agave attenuata
 FOXTAIL AGAVE

LEVEL 1 PLANTING



Salvia leucantha
 MEXICAN BUSH SAGE



Woodwardia fimbriata
 GIANT CHAIN FERN



Muhlenbergia rigens
 DEER GRASS



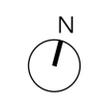
Abelia x Grandiflora
 GLOSSY ABELIA



Polystichum munitum
 WESTERN SWORD FERN



Festuca rubra
 RED FESCUE



SCALE 3/32"=1'-0"



PROJECT ISSUE RECORD:
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 TITLE:

GROUND FLOOR
 PLANTING PLAN

SHEET:

L201



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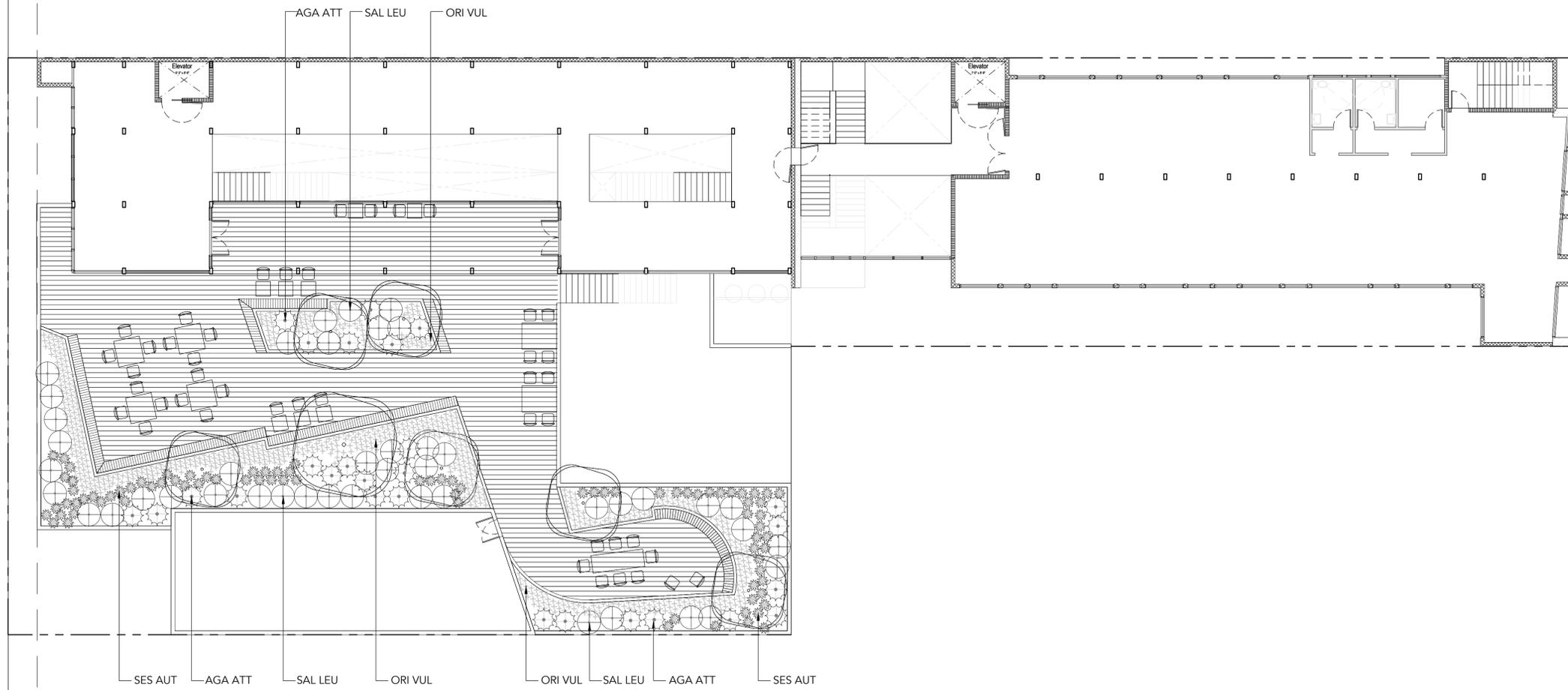
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TENTH ST.

SAN PABLO AVENUE



NOTE: ALL TREES ARE OLEA EUROPAEA

LEVEL 3 PLANTING



Salvia leucantha
 MEXICAN BUSH SAGE



Sesleria autumnalis
 AUTUMN MOOR GRASS



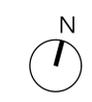
Origanum vulgare 'Aureum'
 GOLDEN OREGANO



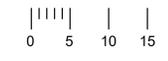
Olea europaea 'Wilsonii'
 FRUITLESS OLIVE TREE



Agave attenuata
 FOXTAIL AGAVE



SCALE 3/32"=1'-0"



PROJECT ISSUE RECORD:
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THIRD FLOOR
 PLANTING PLAN

SHEET:

L203



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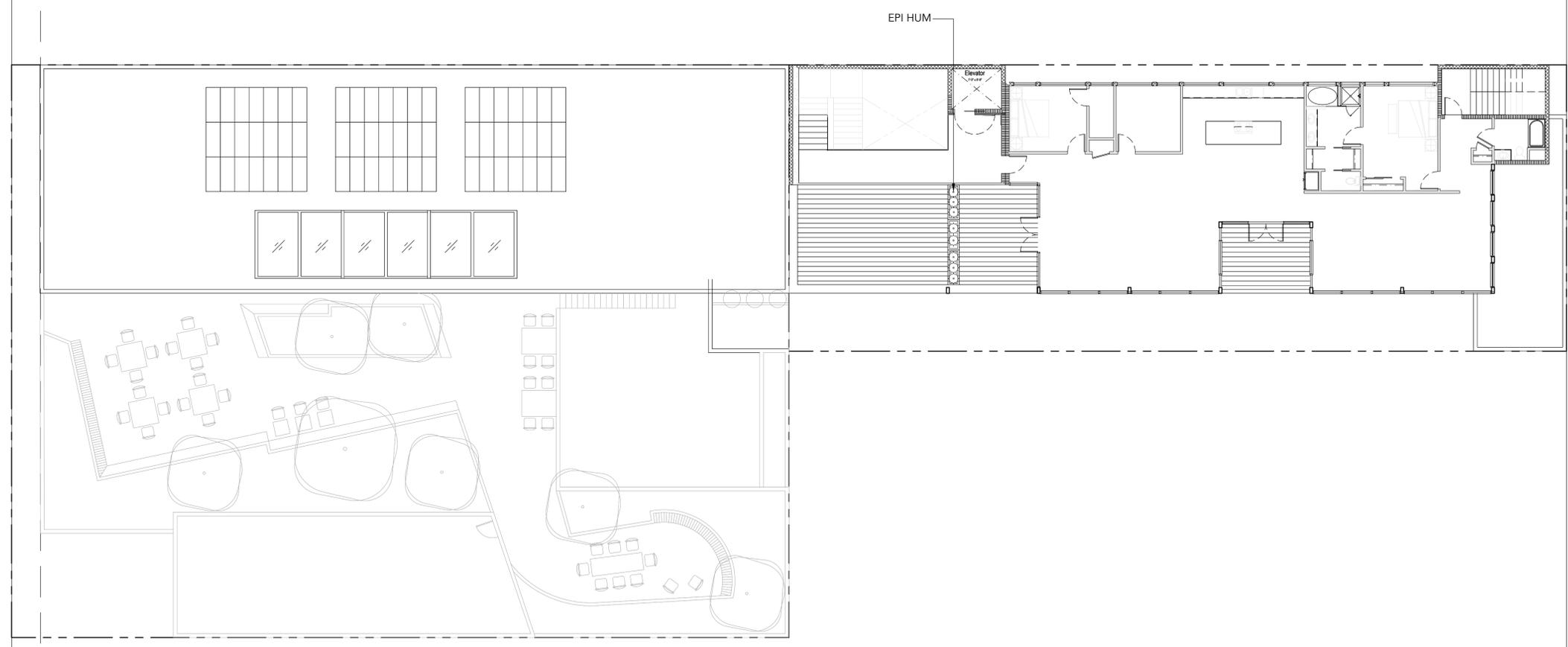


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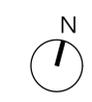
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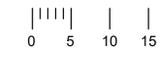
LEVEL 4 PLANTING



Epilobium canum
 HUMMINGBIRD TRUMPET



SCALE 3/32"=1'-0"



PROJECT ISSUE RECORD:
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PROJECT:
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 TITLE:

FOURTH FLOOR
 PLANTING PLAN

SHEET:

L204



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KELO2

TITLE:

IRRIGATION
NOTES AND
LEGEND

SHEET:

L300

IRRIGATION SYSTEM NOTES

- IRRIGATION SYSTEM IS DESIGNED FOR A MAXIMUM OF 15 G.P.M. AT 60 P.S.I. STATIC PRESSURE. VERIFY PRESSURE OF 60 P.S.I. AT THE POINTS OF CONNECTION PRIOR TO INSTALLATION OF THE IRRIGATION SYSTEM ADDITIONS. NOTIFY OWNERS REPRESENTATIVE OF ANY DISCREPANCIES IN PRESSURE.
- NOTIFY OWNERS REPRESENTATIVE SIX (6) DAYS PRIOR TO INSTALLATION FOR A PRE-INSTALLATION CONFERENCE AND FIELD REVIEW COORDINATION FOR TRENCH DEPTHS, ASSEMBLY REVIEW, PRESSURE TESTS, OPERATIONAL TESTS, PRE-MAINTENANCE AND FINAL REVIEWS. A CONTINUITY TEST WILL BE REQUIRED FOR CONTROL WIRE STUBOUTS. NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL FROM THE OWNERS REPRESENTATIVE.
- CONNECT TO IRRIGATION MAINLINE AND CONTROL WIRE STUBOUTS PROVIDED BY OTHERS.
- INSTALL EQUIPMENT AS DETAILED. INSTALL RCV ID TAGS MANUFACTURED BY T. CHRISTY ENT. STANDARD SIZE, 1 1/8" HOT STAMPED BLACK LETTERS ON YELLOW BACKGROUND ON SOLENOID WIRES. LETTERS TO CONFORM TO CONTROLLER/STATION NUMBER.
- IRRIGATION TO STREET TREES SHALL BE FROM A DEDICATED AND ACCESSIBLE RCV (ROTARY CONTROL VALVE) WITH BALL VALVE SHUT-OFF.
- VALVE CONTROL WIRE SHALL BE MINIMUM NO. 14 AWG COPPER UL APPROVED FOR DIRECT BURIAL IN GROUND. CONNECT WIRES WITH 3M DBY CONNECTORS PER MANUFACTURERS SPECIFICATIONS. RUN ONE (1) EXTRA CONTROL WIRE OF DIFFERENT COLOR THROUGH ALL VALVE LOCATIONS FROM STUBOUT LOCATIONS. EACH WIRE AT VALVES SHALL HAVE 24" EXCESS COILED LOOP. TAPE WIRES IN BUNDLES EVERY TEN FEET IN PLANTING AREAS.
- PRIOR TO INSTALLATION OF SUBSURFACE DRIP SYSTEMS REVIEW DRIP COMPONENTS, EQUIPMENT AND INSTALLATION TECHNIQUES WITH MANUFACTURERS REPRESENTATIVE. SPECIAL ATTENTION SHALL BE PAID WHEN COORDINATING INSTALLATION OF PLANT MATERIALS AND DRIP SYSTEM. AVOID CONFLICTS BETWEEN INSTALLATION OF SUBSURFACE DRIP SYSTEM AND PLANT LOCATIONS. IF CONFLICTS OCCUR, THEN PLANT INSTALLATION LOCATIONS SHALL HAVE PRIORITY. LAYOUT SHOWN IS DIAGRAMMATIC ONLY. INSTALL SUBSURFACE DRIP SYSTEM AS DETAILED AND PER MANUFACTURERS SPECIFICATIONS. CONSULT HUNTER IRRIGATION DRIP DESIGN GUIDE FOR INFORMATION REGARDING SUBSURFACE DRIP SYSTEM INSTALLATION, OPERATION, AND SUGGESTED MAINTENANCE. STREET TREE IRRIGATION SHALL BE TREE BUBBLERS ON FLEXIBLE PVC PIPE WITH TWO PER TREE.
- PROVIDE LITERATURE OF DRIP SYSTEM COMPONENTS INCLUDING ANY PREVENTATIVE MAINTENANCE AND TROUBLE SHOOTING GUIDES TO OWNER AND REVIEW MAINTENANCE PROCEDURES INCLUDING:
CLEANING FILTER IN WYE STRAINERS
REPAIRING BREAKS IN PIPES AND RISERS
- MAINTENANCE CONSIDERATIONS:
FILTER CLEANING AND FLUSHING SHOULD START OUT AS A MONTHLY PROCEDURE (MORE FREQUENT FOR DIRTY WATER SITUATIONS) AND ADJUST TIMING AS APPROPRIATE. VISUALLY CHECK FOR INDICATIONS OF PIPE BREAKS OR CLOGGED EMITTERS ON A REGULAR BASIS.

Maximum Applied Water Allowance (MAWA)	Project Type	ETo	ETAF	Special Landscape Area (SLA)	Total Landscape Area including SLA	MAWA (gal/yr)
	Non-residential	41.8	0.45	-	2,257	26,322
Estimated Total Water Use (ETWU)		ETo	(SF * PF) / IE	SLA	ETWU (gal/yr)	ETWU =(ETo) * (0.62) *((PF*SF)/IE) + SLA]
		41.8	930	-	24,108	
Difference between MAWA and ETWU					2,213	Project meets water budget.

ETWU Calculation (Regular landscape areas)	Zone #	Description	Select Irrigation	Square Feet (SF)	Plant Factor (PF)	Irrigation Efficiency (IE)	(SF * PF) / IE
	1	LOW	Drip	1,875	0.30	0.81	694
	2	MEDIUM	Bubbler	382	0.50	0.81	236
	3						-
	4						-
	5						-
Landscape area (not including SLA)				2,257			930

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

Total Landscape Area (including SLA) from ETWU Calculation	2,257
--	-------



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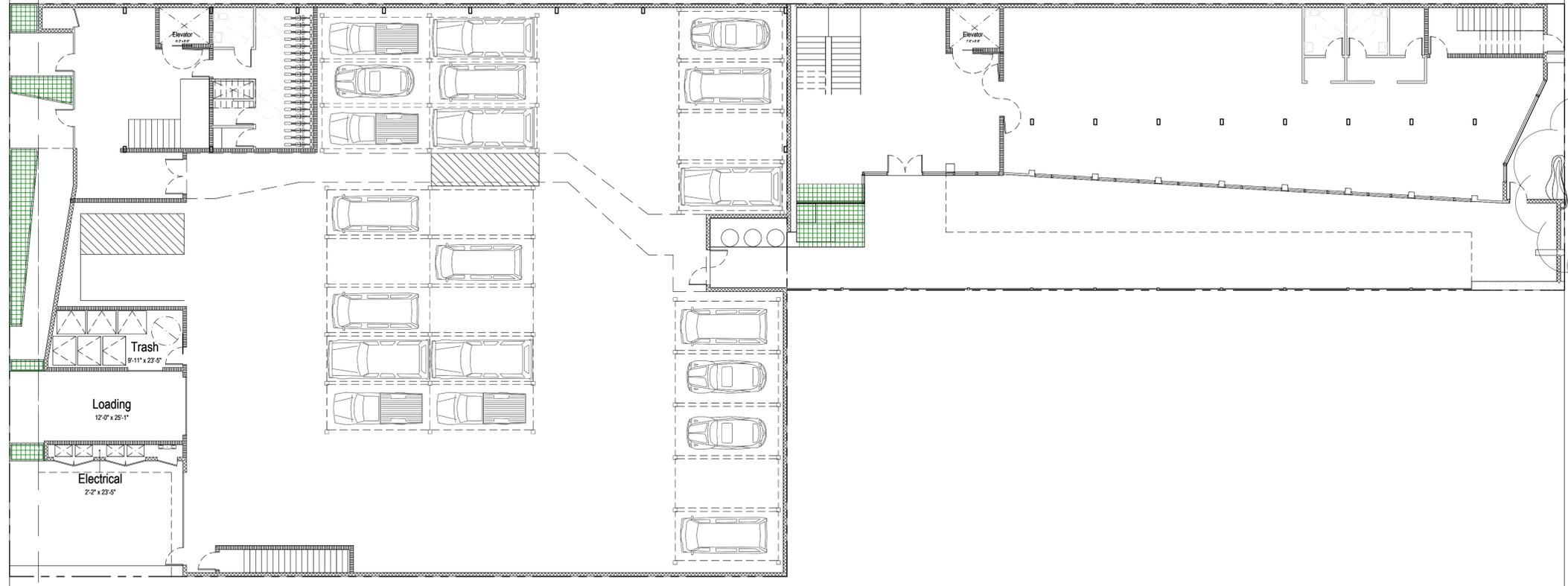
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IRRIGATION LEGEND	
SYMBOL	
●	TREE BUBBLER
■	SUBSURFACE DRIPLINE

TENTH ST.

SAN PABLO AVENUE



Trash
 9'-11" x 23'-5"
 Loading
 12'-0" x 25'-1"
 Electrical
 2'-2" x 23'-5"



SCALE 3/32"=1'-0"



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 TITLE:

GROUND FLOOR
 IRRIGATION PLAN

SHEET:

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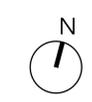
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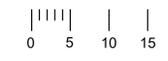
IRRIGATION LEGEND	
SYMBOL	
●	TREE BUBBLER
	SUBSURFACE DRIPLINE

TENTH ST.

SAN PABLO AVENUE



SCALE 3/32"=1'-0"



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SECOND FLOOR
 IRRIGATION PLAN

SHEET:

L302



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 TITLE:

THIRD FLOOR
 IRRIGATION PLAN

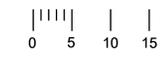
SHEET:

L303

IRRIGATION LEGEND	
SYMBOL	
●	TREE BUBBLER
	SUBSURFACE DRIPLINE

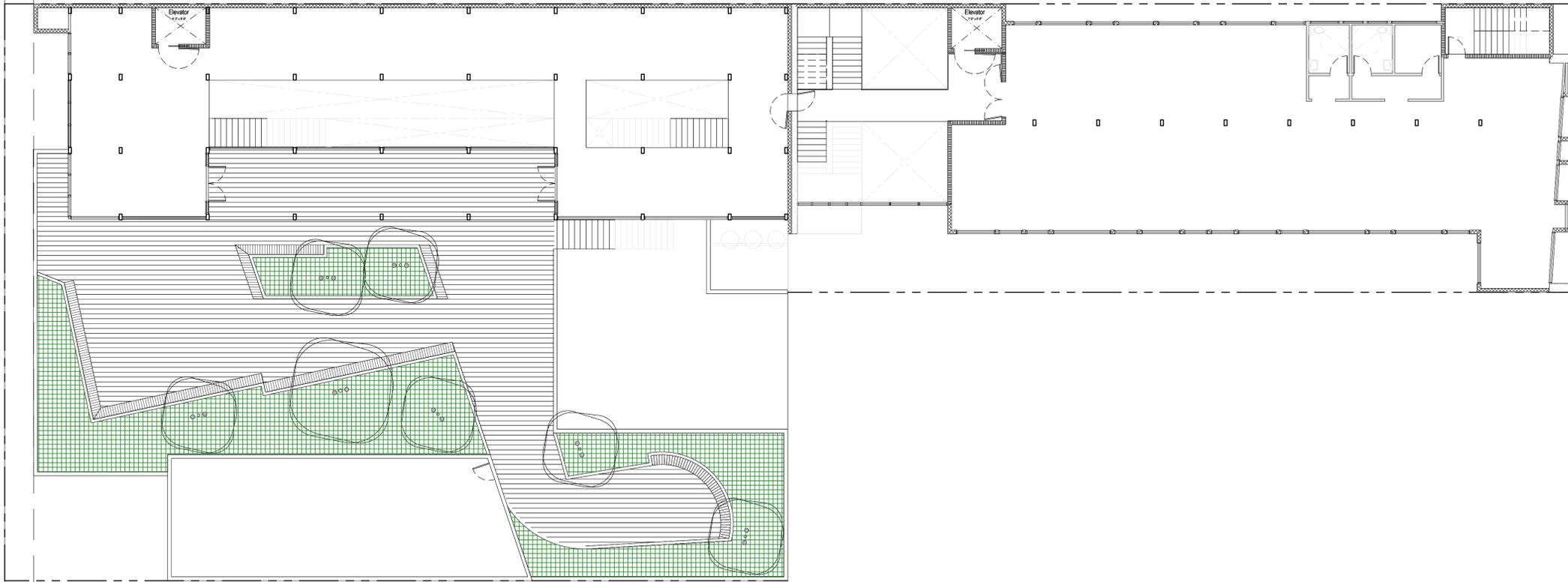


SCALE 3/32"=1'-0"



SAN PABLO AVENUE

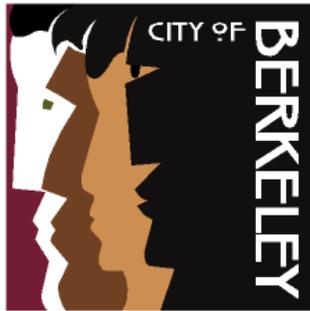
TENTH ST.



2821 TENTH STREET & 2820 SAN PABLO AVE PROPOSED DEVELOPMENT NEIGHBORHOOD MEETING COMMENT FORM				
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
JOHN KOENIGSHOFER	2818 10TH ST	John.Koenigshofer@outlook.com	510-917-2283	I support your project in general. IT NEEDS STREET TREES. Please use Downward directional low lighting.
Amparo Gonzalez	2824 10th St.	amparo@feagleyrealtors.com	(510) 684-5312	
Michael Lewis	1030 Grayson	lewis.michael@gmail.com		The project looks great and would make a nice addition to the community. I hope the city takes steps to drive traffic to the building to their 2nd Grayson.
CAMERON WOOD	2810 - 8TH ST.	CAMERON JWOO@GMAIL.COM	510-207-0827	I SUPPORT THE DESIGN & THIS PROJECT. A WELCOME ADDITION TO THE NEIGHBORHOOD AND CITY.
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT

2821 TENTH STREET & 2820 SAN PABLO AVE PROPOSED DEVELOPMENT NEIGHBORHOOD MEETING COMMENT FORM				
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
Claudia Kawczynska	2810 8th	Claudia94710@gmail.com	510821 0044	looks like a good, innovative development.
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
DAVID BOWMAN	2816 Tenth	dmbstudio@gmail.com	510 845 1072	thanks for the presentation please let us know when plans are available online
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT

2821 TENTH STREET & 2820 SAN PABLO AVE PROPOSED DEVELOPMENT NEIGHBORHOOD MEETING COMMENT FORM				
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
Rea Bowman	2814 Tenth	HAMMERQUILL@GMAIL.COM 510 684-0670		FOR YOUR RESIDENTIAL NEIGHBORS, WE NEED CLEAR LIMITS & MITIGATION ON SOUND POLLUTION (FROM RVAC, ESPECIALLY AT NIGHT) & LIGHT POLLUTION, INCLUDING FROM BALCONY SPACE
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT
NAME	ADDRESS	EMAIL ADDRESS	PHONE	COMMENT



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

2820 San Pablo Avenue and 2817-2821 Tenth Street

Use Permit #ZP2022-0038 to 1) construct a four-story (50 foot) 15,195 square-foot mixed-use building with one single-family dwelling, offices, and research and development uses at 2820 San Pablo Avenue; 2) demolish a one-story 12,193 square-foot non-residential building at 2821 Tenth Street, and construct a two-story (34 feet 8 inch) 14,362 square-foot building with office, research and development, and light manufacturing uses, and a garage with 23 off-street parking spaces, and one loading space.

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, November 14, 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: AC– Avenue Commercial; MU– Manufacturing Mixed Use
- Zoning: C-W– West Berkeley Commercial; MU-R Mixed Use Residential

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential building
- Use Permit pursuant to BMC Section 23.204.140(B)(2)(a) to construct a mixed-use development of more than 9,000 square-feet
- Use Permit pursuant to BMC Section 23.204.020(A) to establish more than 5,000 square-feet of office
- Use Permit pursuant to BMC Section 23.204.030(A)(1)(a) to construct more than 5,000 square-feet of new gross floor area
- Use Permit pursuant to BMC Section 23.206.030(A)(1) to construct more than 10,000 square-feet of new gross floor area
- Use Permit pursuant to BMC Section 23.206.020(A) to establish more than 5,000 square-feet of office
- Use Permit pursuant to BMC Section 23.206.020(A) to establish more than 5,000 square-feet of light manufacturing
- Administrative Use Permit pursuant to BMC Section 23.204.020(B) to permit an unlisted land use (research and development) in the C-W District
- Administrative Use Permit pursuant to BMC Section 23.206.020(B) to permit an unlisted land use (research and development) in the MU-R District

C. CEQA Recommendation: Adopt the Initial Study / Mitigated Negative Declaration prepared pursuant to Article 6 of the CEQA Guidelines.

D. Parties Involved:

- Applicant Darshan Amrit, Studio KDA, 1810 Sixth Street, Berkeley
- Property Owner Cork Mayo Investments LLC, 5586 Bacon Road, Oakland

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, Allison Riemer, at (510) 981-7433 or ariemer@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@cityofberkeley.info) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

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

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

2820 SAN PABLO AVENUE AND 2817-2821 TENTH STREET
Page 4 of 4

NOTICE OF PUBLIC HEARING
Posted OCTOBER 31, 2024

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.
-

Riemer, Allison

From: Burns, Anne M
Sent: Tuesday, August 27, 2024 12:57 PM
To: 'Katharine Fisher'
Cc: Riemer, Allison
Subject: RE: Seeking to make a comment about the proposal for 2820 San Pablo Ave

Follow Up Flag: Follow up
Flag Status: Flagged

Oops. I hit send too quickly. Now I have Allison included. - Anne

From: Burns, Anne M
Sent: Tuesday, August 27, 2024 12:56 PM
To: Katharine Fisher <ms.katharine.fisher@gmail.com>
Subject: RE: Seeking to make a comment about the proposal for 2820 San Pablo Ave

Hello, Katharine: Thank you for your email. The Design Review Committee (DRC) will be discussing the building design Thursday evening and will forward any comments or recommendations on to the Zoning Adjustments Board (ZAB) as they will be reviewing the whole project in a Use Permit Public Hearing. I will make sure this email is included in any information that our DRC gets about this project, and am also including the Use Permit Planner, Allison Riemer, on this response so that she can include this with any correspondence that the ZAB gets on this project. Thank you. - Anne

From: Katharine Fisher <ms.katharine.fisher@gmail.com>
Sent: Saturday, August 24, 2024 2:50 PM
To: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: Seeking to make a comment about the proposal for 2820 San Pablo Ave

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.

Hello there, I'm not sure if this is the right place to contact in regards to a concern I have about Studio KDA's proposal to build a 4 story building at 2820 San Pablo Ave.

I have been a resident next door at 2822 San Pablo Ave for 7 years. As far as I can tell, it looks like the plans will put our entire building in shadow, and we already get very little sunlight or cross breeze as it is! I understand the need for more residential units, and I would be more willing to cope if this building was going to be affordable housing - but it looks like this is going to primarily be a research and development building, only housing one family.

Our apartment complex is primarily working-class people who don't have many other options for where we can live. To make it impossible to get any sunlight in our few apartment windows feels cruel. I grow plants on my balcony, a small luxury for apartment dwelling - this proposal would make it impossible for me to grow the herbs and vegetables I supplement my food stamps with. A 3 story building would have less impact on our light and air flow, but still be a compromise.

I hope you will take this into consideration. Many of the people in this building have been here for over 5 years, and we love our home. While we may be renters, we still deserve to have a comfortable place to live, not in the shadow of industry.

Katharine Fisher

Riemer, Allison

From: John Koenigshofer <john.koenigshofer@outlook.com>
Sent: Wednesday, August 28, 2024 2:00 PM
To: Riemer, Allison
Subject: Comments - Project at 2820 San Pablo Ave & 2817-2821 10th St Re: Lighting & Street Trees

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Hello Allison,

I am writing you **regarding the project at 2820 San Pablo Avenue and 2817-2821 10th St.**

I live at and own 2818 10th Street, (directly across the street from the 10th Street portion of this project.)

I have two concerns.

1. I want to make sure any **lighting** on and around the building on the 10th St. portion of this project is **significantly downward directional and originates as low to the ground as possible**, only illuminating sidewalks and entry areas and not spreading out and polluting the street or general area.

The design of lighting is important to the future character and quality of the neighborhood. Such a project represents an opportunity to improve the overall environment of the neighborhood.

2. I want to make sure **street trees are planted in front of the building**. With the exception of my home and one other, **there are no trees on the entire block**.

Trees not only improve the aesthetics of a neighborhood and help support bird and other animal life but are as significant low-cost natural way to counteract the heating impact of urban areas.

Please keep me posted as to the lighting and tree situation.

Best regards

John

John Koenigshofer
john.koenigshofer@outlook.com
(510) 917-2283

Riemer, Allison

From: Weiner, Peter H. <PWeiner@coxcastle.com>
Sent: Wednesday, August 28, 2024 4:55 PM
To: Riemer, Allison
Cc: Shoshana Uribe
Subject: Proposed Project at 2820 San Pablo Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Allison,

I am writing on behalf of Shoshana Uribe, who owns the building next door to 2820 San Pablo Avenue (2818 San Pablo), described in your IS/MND as a wellness center. We have read the IS/MND in detail, and are concerned with regard to some construction timing and noise issues and a couple of project "neighborliness" issues. We understand that we can file public comments and otherwise participate in the permit proceeding, but thought it might be best to speak with you first. A copy of the IS/MND is appended to the bottom of this email for your convenience.

Would you have some time this week for a virtual or in-person meeting. I don't think it would take longer than 30 minutes. Please let us know some days and times you might be available.

Thanks so much,
Peter

Peter H. Weiner



Cox, Castle & Nicholson LLP
50 California Street | Suite 3200 | San Francisco, CA 94111
direct: 415.262.5108 | *mobile:* 415.518.5000
main: 415.262.5100
PWeiner@coxcastle.com | [vcard](#) | [bio](#) | [website](#)



Selected as the national 2024 "Law Firm of the Year" in Land Use and Zoning Law by Best Lawyers® "Best Law Firms"

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_2024-08-21_ISMND_Public Draft_signed_2820 San Pablo.pdf

Riemer, Allison

From: Weiner, Peter H. <PWeiner@coxcastle.com>
Sent: Thursday, September 12, 2024 1:53 PM
To: Riemer, Allison
Cc: Shoshana Uribe
Subject: Jack Hammer noise

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Allison, in preparation for our meeting today, I wanted to provide you with some information that is easily available on the internet about options for reducing jack hammer noise during construction, a primary concern that Shoshana has for the operation of her wellness clinic.

I had the privilege of visiting the Atlas Copco factory in Sweden in 1980, where they pioneered noise reduction in jackhammers. You will see from the website that there are now various products available. In addition, the use of echo barriers can really reduce noise for neighbors.

We are hoping that these issues have been addressed in your project requirements, and look forward to discussing this further with you this afternoon.

Quieter jackhammers: https://www.cpwrcolutionsolutions.org/general_labor/solution/802/quieter-jackhammers.html#:~:text=Quieter%20jackhammers%20are%20an%20engineering,reaches%20the%20ears%20of%20workers.

Echo barriers to reduce sound outside the worksite: <https://blog.echobarrier.com/blog/achieving-24-db-power-tool-noise-reduction#:~:text=Echo%20Barrier%20H9%20Model,Popular%20Categories>

Silent Breaker Hammer: <https://hawkexcavator.com/attachments/silent-breaker-hammer/#:~:text=What%20is%20a%20Silent%20Breaker,hard%20materials%20quietly%20and%20efficiently>.

Peter H. Weiner



Cox, Castle & Nicholson LLP
50 California Street | Suite 3200 | San Francisco, CA 94111
direct: 415.262.5108 | *mobile:* 415.518.5000
main: 415.262.5100
PWeiner@coxcastle.com | [vcard](#) | [bio](#) | [website](#)

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September 13, 2024

Allison Riemer
City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the
2820 San Pablo Avenue and 2817-2821 Tenth Street Mixed-Use Project, Berkeley

Dear Ms. Riemer:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the 2820 San Pablo Avenue and 2817-2821 Tenth Street Mixed-Use Project located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multifamily residential, mixed-use multi-family, and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

EBMUD's Standard Site Assessment Report and the project's IS/MND indicate the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants. The project

Allison Riemer
September 13, 2024
Page 2

sponsor must submit copies to EBMUD of all known information regarding soil and groundwater quality within or adjacent to the project boundary and a legally sufficient, complete, and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater.

EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation. Alternatively, EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

WASTEWATER

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF

Allison Riemer
September 13, 2024
Page 3

discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

WATER CONSERVATION

The project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:WTJ:kn
wdpd24_164 2820 San Pablo Avenue Mixed Used Project.doc

cc: Studio KDA
1810 6th Street
Berkeley, California 94710

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

September 20, 2024

SCH #: 2024080683
GTS #: 04-ALA-2024-00850
GTS ID: 33715
Co/Rt/Pm: ALA/123/2.145

Allison Riemer, Planner
City of Berkeley Planning Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Re: 2820 San Pablo Avenue and 2817-2821 Tenth Street Mixed-Use Project – Mitigated Negative Declaration (MND)

Dear Allison Riemer:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 2820 San Pablo Avenue and 2817-2821 Tenth Street Mixed-Use Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the August 2024 MND.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would demolish the existing building at 2821 Tenth Street and construct two connected, adjacent buildings at 2821 Tenth Street and 2820 San Pablo Avenue. The proposed building at 2821 Tenth Street would be a two-story mixed-use commercial office with light-industrial use, a ground floor parking garage and lobby, and a mezzanine above the second story. The proposed building at 2820 San Pablo Avenue would be a four-story mixed-use building with commercial offices, a residential unit, and a roof deck. The project would include 23 automobile parking spaces (including one Americans with Disabilities Act (ADA) Van parking space, and four EV charging spaces), 14 bicycle parking spaces, and three loading spaces for use by tenants. The proposed project is directly adjacent to State Route (SR) 123.

Hydrology

Site Plan Sheet C002, Storm Water Control Plan: Please show direction of water flow or if the water flow connects to the existing State Drainage System on San Pablo Avenue.

Site Plan Sheet G020, Rainwater Leader Diagram: Please include lines showing the structure design.

Site Plan Sheet SFMH48, Storm Filter Standard Detail: Please include lines showing the structure design.

If the project involves drainage work that flows into the State Drainage System, please provide a drainage design memo. Please show how the proposed drainage system flows on the Plans. The drainage design memo should include pre- and post- project flows to the existing drainage system. The Drainage Plan and Profile Sheets should include lengths, size, and types of new and existing pipes, inlets, outlets, and systems showing any utility conflicts. Please include drainage details and profiles for connection to the existing drainage system. Any assumptions and calculations used in designing the drainage system should be shown.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan to reduce construction traffic impacts to the State Transportation Network.

Project Coordination

Please note that the Alameda County Transportation Commission (ACTC) is developing a project titled "San Pablo Ave Safety Enhancement" on postmile ALA-123 -2.09/5.1. The proposed project will include bus bulb bulb-outs at AC Transit Rapid Bus stops, lighting upgrades, ADA curb ramp and traffic signal upgrades, and bus stop relocations to improve safety. Caltrans will be the Implementing Agency for Construction. Please contact Caltrans D4 Program and Project Management at jack.siau@dot.ca.gov for potential project coordination.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet ADA Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Sincerely,



YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse