

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
DECEMBER 12, 2024

2317 Channing Avenue

Use Permit Modification #ZP2024-0033 to modify the project originally approved under #ZP2020-0090 to construct a five-story (50 feet), 17,033 square foot residential building with 22 dwelling units, where a four-story (48 feet), 15,695 square foot residential building 17 dwelling unit was originally proposed.

I. Background

A. Land Use Designations:

- General Plan: Residential Mixed Use
- Zoning District: Residential Southside Mixed Use (R-SMU)
- Southside Plan: Residential High-Density Subarea

B. Zoning Permits Required:

- **Use Permit** pursuant Berkeley Municipal Code (BMC) 23.404.070(A), to change, expand and intensify the use of the structure by increasing the number of units and the height of the multifamily building

C. CEQA Recommendation:

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

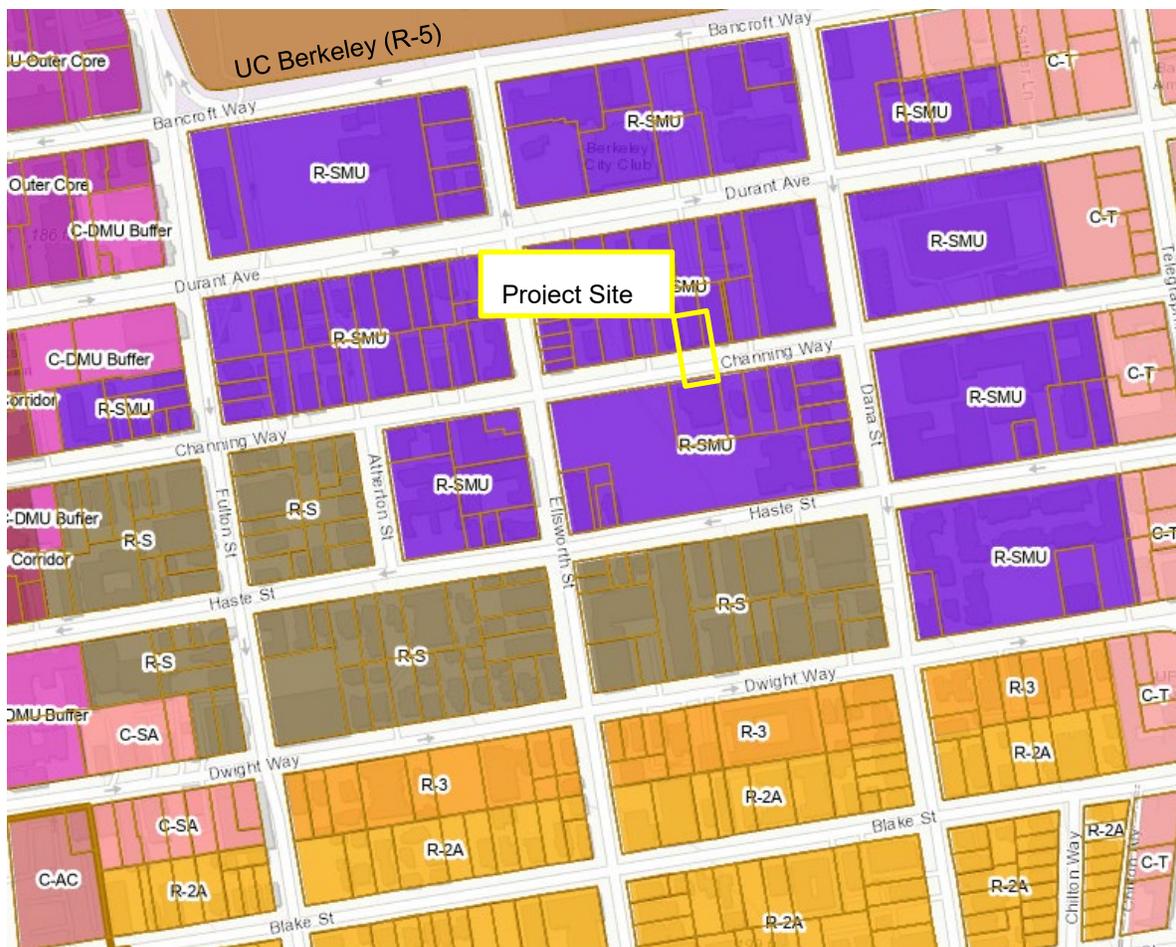
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D. Parties Involved:

- Applicant: Till Houtermans (Studio KDA), Berkeley
- Property Owner: 2317 Channing Way, LLC, Berkeley

Figure 1: 2317 Channing - Vicinity and Zoning Districts Map



*Map not to scale.

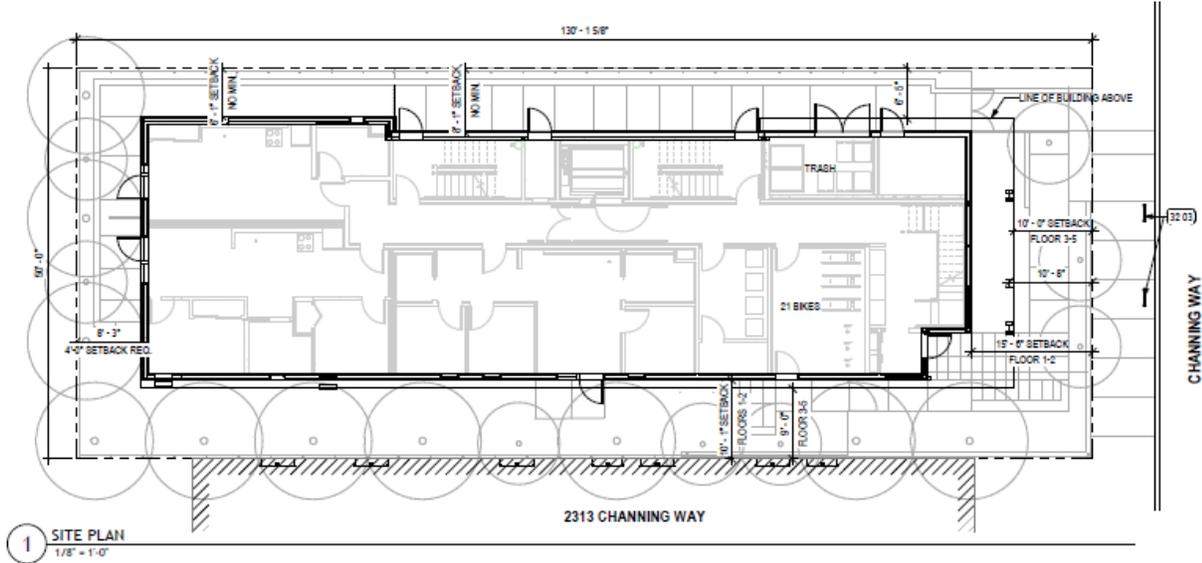


Zoning Districts Map Key

- R-SMU: Residential Southside Mixed Use District
- R-S: Residential Southside District
- R-2A: Restricted Multiple Family Residential District
- R-3: Multiple- Family Residential District
- R-5: High Density Residential District
- C-T: Telegraph Avenue Commercial District
- C-DMU : Downtown Mixed-Use District
- C-SA : South Area Commercial District
- C-AC : Adeline Corridor Commercial District

Figure 2: Site Plans

Proposed Site Plan



Previously Approved Site Plan (ZP2020-0090)

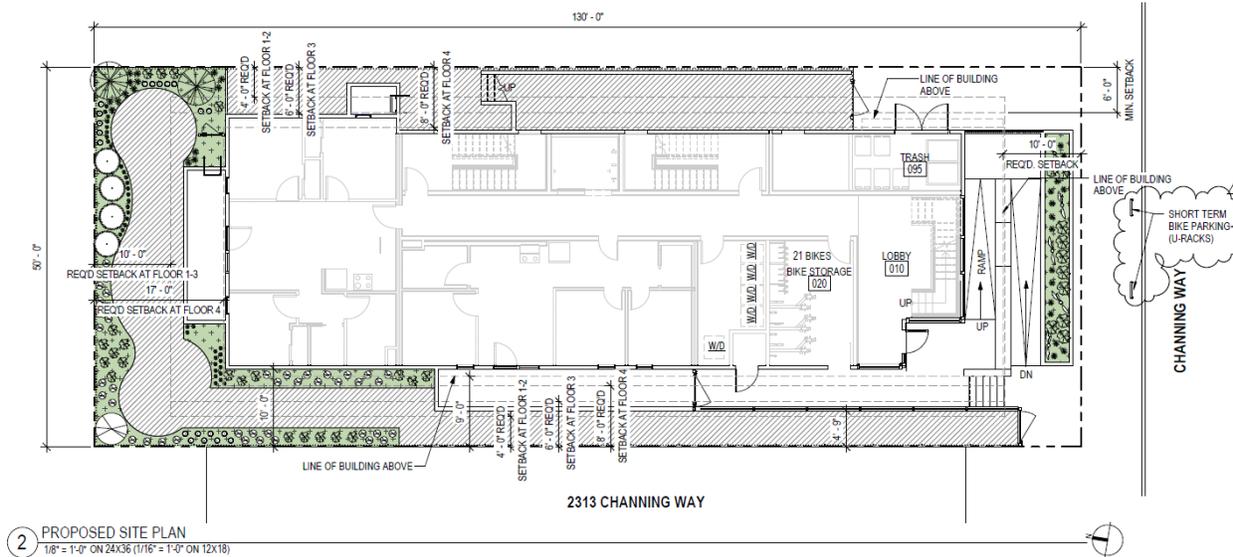
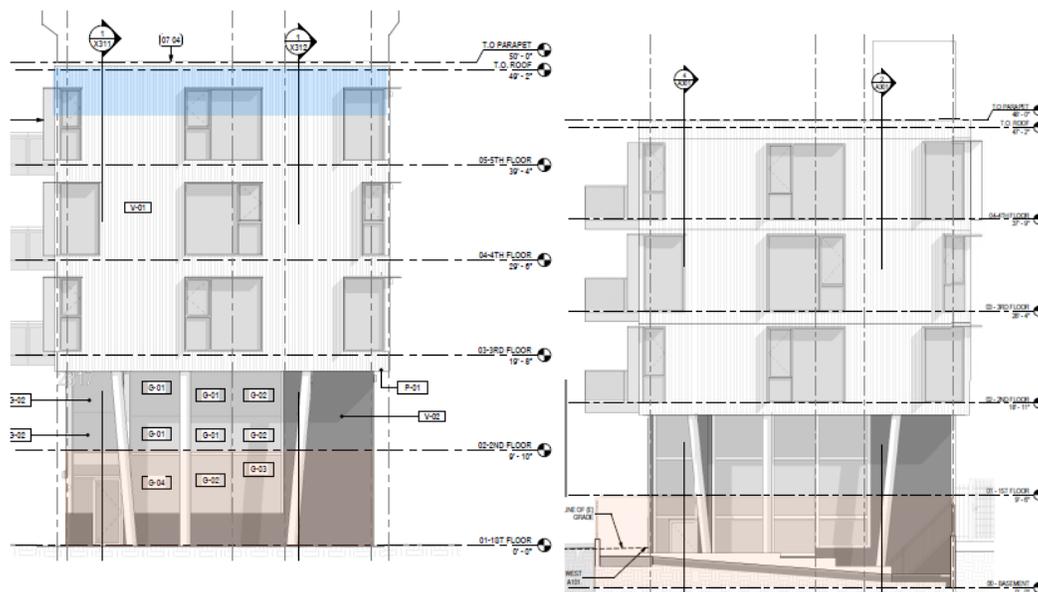


Figure 3: Elevations

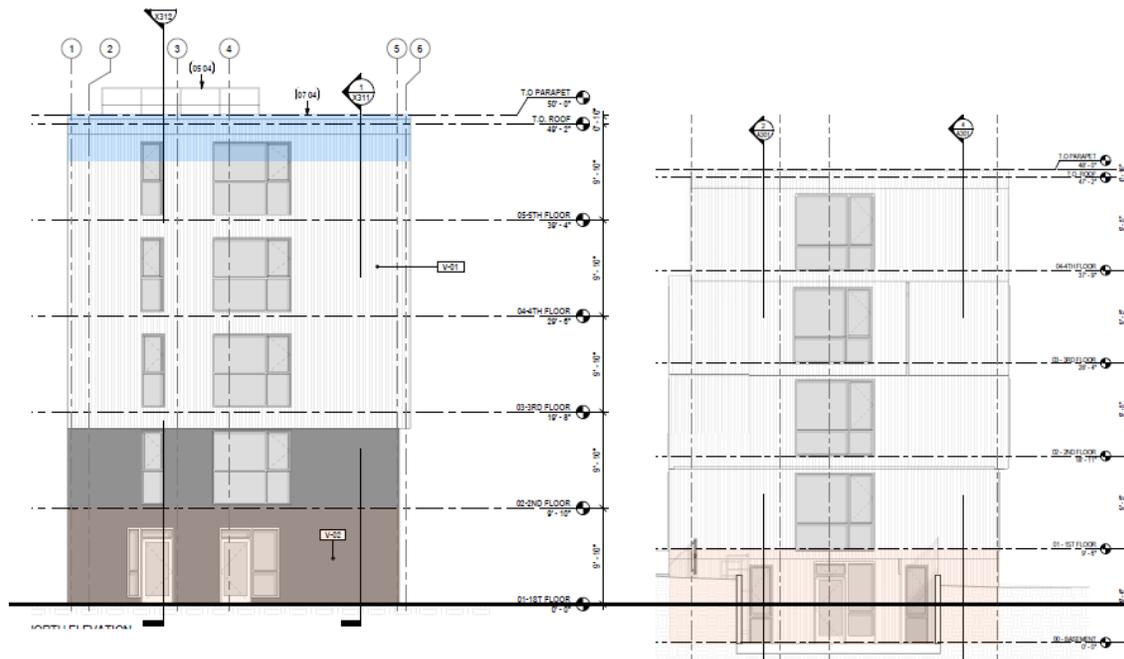
South Elevation



Proposed

Previously Entitled ZP2020-0090

North Elevation

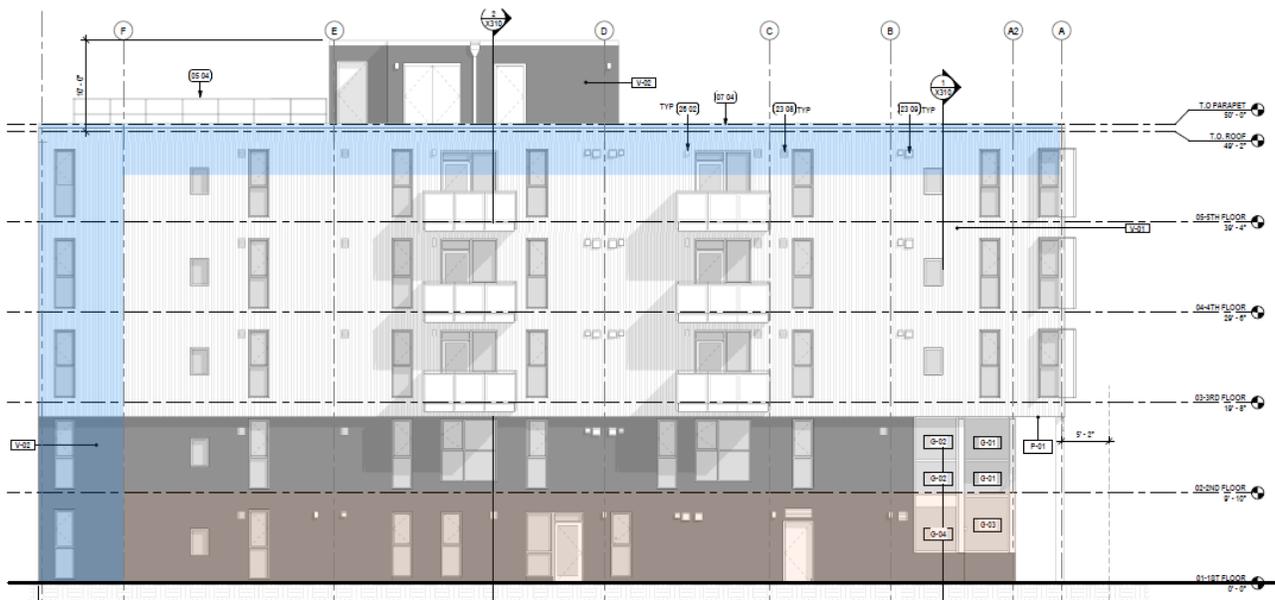


Proposed

Previously Entitled ZP2020-0090

West Elevation

Proposed

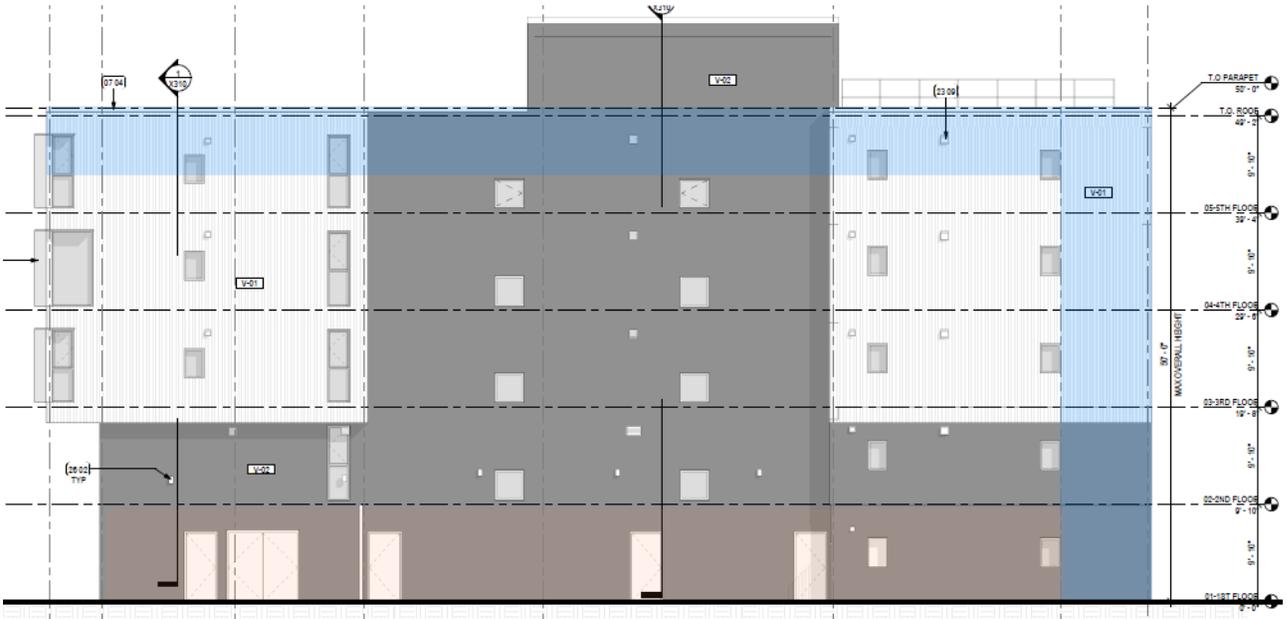


Previously Entitled ZP2020-0090



East Elevation

Proposed



Previously Entitled ZP2020-0090

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant lot ¹	R-SMU	Residential Mixed Use
Surrounding Properties	North	Multifamily building; Berkeley Architectural Heritage Association		
	South	Parking structure		
	East	Multifamily building		
	West			

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project would not provide any nonresidential floor area therefore the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The project is a housing development project, as defined in BMC 23.328.020 ^a , and would pay an in-lieu fee based on the residential unit floor area of the project.
Alcohol Sales/Service Public Convenience or Necessity	No	This project constructs a multifamily building and does not include the alcohol sales/ service.
Bird Safe Buildings (BMC Section 23.304.150)		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	This is not a density bonus project.
Hard Hats (BMC Chapter 13.107)	No	These provisions do not apply to this project because the project is less than 50,000 square feet.
Historic Resources	No	The lot is currently vacant and does not involve the demolition of a structure that is 40 years old, therefore Landmarks review is not required.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . The project complies with applicable, objective general plan and zoning

¹ Demolition of the two-story office building was approved by ZAB under ZP2020-0090 and completed under Building Permit B2023-03004.

Characteristic	Applicability	Explanation
		standards, and thus section (j) of the Housing Accountability Act applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section V.A of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a “Housing Development Project” per Government Code Section 65589.5(h)(2). ^b See Section V.B of this report for additional discussion on the sections of SB 330 that apply to the project.
Prevailing Wages in the Southside Plan Area BMC Chapter 13.108)	Yes	The project would construct less than 50 units or less than 50,000 square feet of floor area, therefore this provision is not applicable.
Rent Controlled Units	No	There are no rent- controlled units on the property, nor have there been. The site contained a two-story medical building that was previously approved for demolition.
Residential Preferred Parking (RPP)	Yes	The site is located in an RPP zone. The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The project site not located within the City’s Environmental Management Area and is not on the Cortese List. ^d Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The site is on Channing Way, mid-block between Dana and Ellsworth Streets. Dana Street is serviced by Alameda- Contra Costa Transit District (AC Transit) Line 6 (north/south). Ellsworth Street is serviced by Bear Transit, campus shuttle Line R (north/south). Additionally, the project site is located one block south of Durant Avenue and two blocks south of Bancroft Way, which are served by AC Transit lines 6, 7, 36, 51B, 52, 79, 851, and F (east/west). In addition, the site is located on a Bike Way and Bike Boulevard, which runs east/west along Channing Way as well as being located two blocks (both east and west) from Bike Ways that run north/south along Fulton Street and Telegraph Avenue.
Notes:		

Characteristic	Applicability	Explanation
<p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservacion.ca.gov/geologichazards/</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
February 25, 2021	#ZP2020-0090 Approved (Original Zoning Permit)
March 12, 2024	SB 330 Use Permit Modification application submitted
April 10, 2024 (vesting date)	SB 330 complete preliminary housing development project application submitted (PLN2024-0033)
March 29, 2024	Application deemed incomplete
April 9, 2024	Application resubmitted
April 18, 2024	Application deemed complete
November 26, 2024	Public hearing notices mailed/posted
December 12, 2024	ZAB hearing

**Table 4: R-SMU Zoning District and Southside Overlay Development Standards
BMC Sections 23.202.140 and 23.322 Parking and Loading**

Standard		Approved Project ZP2020-0090	Proposed Project	Permitted/ Required
Lot Area (sq. ft.)		6,507	No change	N/A
Gross Floor Area (sq. ft.)		15,695	17,033	N/A
Floor Area Ratio		2.4	2.6	7 max
Dwelling Units	Total	17	22	22 min
	Affordable	0	0	0 min
Building Height (ft. - in.)	Maximum	48	50	85 max
	Stories	4	5	N/A
Building Setbacks	Front (Channing Way)	10	15'6" (Floor 1-2) 10' (Floors 3-5)	0 min

Standard		Approved Project ZP2020-0090	Proposed Project	Permitted/ Required
(ft. - in.)	Rear	17'	8'-3"	4 min
	West Side	10'-1"	No change	0 min
	East Side	6'-3"	6'-1"	0 min
Lot Coverage (%)		54	59	100 max
Usable Open Space (sq. ft.)		850	523	523 min
Parking	Automobile	0	No change	0 min
	Bicycle	4 short term 21 long term	No change	4 short term 21 long term min
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				

II. Project Setting

A. Neighborhood/Area Description:

The project site is located on Channing Way in the Southside neighborhood, two blocks south of the UC Berkeley campus, between Ellsworth Street and Dana Street. The neighborhood is residential-oriented, with a mix of two- to three-story multi-family residential buildings, with a handful of one- and two-story medical office buildings. The subject property is across the street from Channing Courts and abuts the City Landmark McCreary/Greer House at 2318 Durant Avenue (1901) and the Marsh House at 2308 Durant Avenue (1891), to the north.

The subject property is located approximately half a mile east of the Downtown Berkeley BART station and is served by a number of local bus lines (AC Transit) that operate along Durant and Bancroft Avenues, one and two blocks to the north, respectively. Additionally, Channing Way is a Bike Boulevard.

B. Site Conditions:

The 6,507 square-foot project site is a relatively flat, vacant rectangular lot with 50 feet of frontage on Channing Way.

III. Project Description

A. Proposed Project Details: On February 25, 2021, the ZAB approved Use Permit #ZP2020-0090 to demolish an existing commercial building to construct a four-story, 15,695 square foot residential building with 17 dwelling units, with a subsurface level.

After the new R-SMU development standards became effective on March 1, 2024, the project architect and owner refined the project design and programming to be

consistent with the new zoning district standards. The following is a summary of the proposed changes:

- Removal of subsurface / basement level that included residential programming
- Increase dwelling units from 17 to 22 units
- Increase height from 48 feet to 50 feet; from four to five stories
- Increase of gross floor area from 15,695 square feet to 17,033 square feet
- Reduction of open space from 850 square feet to 523 square feet
- Reduction of the eastern side setback and rear setback
- Reconfiguration of unit programming

IV. Community Discussion

A. Neighbor/Community Concerns:

Prior to submitting this application to the city, a pre-application poster was installed on site by the applicant in September 2020. On November 26 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 had not received any communications regarding the project.

B. Landmark Preservation Commission / Design Review Committee Review:

This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because the project site is located in a residential district that does not require design review for residential-only uses and is does not involve the demolition of a nonresidential building, respectively.

V. Issues and Analysis

A. CEQA Approach and Recommendation

The original project was approved with a for a Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332 (“Infill Development Projects”), and it is staff’s recommendation that the proposed modification qualifies as well. The determination is made by ZAB. Specifically:

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

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

B. Housing Accountability Act Analysis:

Pursuant to the Housing Accountability Act (HAA), California Government Code Section 65589.5(j), when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety² unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The project is a “housing development project” consisting of residential building with 100 percent of the floor area dedicated to residential use. The original project included Use Permits and an Administrative Use Permits to modify the number of units, height, and to allow for vertical projections beyond the height, and complies with applicable, objective general plan and zoning standards.

As shown in Table 4 above, the project complies with the zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify

² A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

development standards, there are no objective criteria in the findings therefore the project still complies with the HAA. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is not aware of specific adverse impacts that could occur with the construction of the project.

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

The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code Section 65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

The December 12, 2024 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

3. Government Code Section 65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA. Should ZAB determine the application is categorically exempt from CEQA at the December 12, 2024 public hearing, the application must be approved or disapproved by February 11, 2025.

VI. Other Considerations (Zoning and Land Use Considerations)

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because the proposed project is HAA-compliant. The following are subject to Section 65589.5(j) of the HAA. See section V.B for discussion of the HAA. All permits are subject to the General Non-Detriment and other permit findings discussed in sections VI.D and VI.E.

D. 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. The project would modify an approved a four-story, 17-unit residential building by adding an additional floor to accommodate five additional units for a total of 22 units. The maximum height of the project would change from 48 feet to 50 feet- which is less than the permitted height of 85 feet in the underlying zoning district. As such, the proposed modification would create a slight increase in shadowing compared to the approved project. To assess the anticipated shading impacts, the applicant submitted shadow studies for the project which show that new shading will fall on the neighboring residential building to the west (2310 Channing) in the morning hours. While these shadows would be cast on portions of this residential building, such impacts to light access are limited in duration and is considered typical of urban settings and would not considered substantial or detrimental.
2. The proposed modification is two feet taller than the approved project and is located to the east of three residential apartment buildings. Both the approved and proposed project would be taller than these residential buildings. While there is a potential for some loss of views to the Bay from these three properties to the east (2325, 2329, and 2333 Channing), existing trees on lots to the west appear to block any view angles to the Bay that may exist. Additionally, given the proposed building would meet the minimum density requirements for the lot and is more than 30 feet below the maximum height limit for the R-SMU Zoning District, these potential impacts to views are considered typical of urban settings and would not considered substantial or detrimental; and
3. 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.

E. 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 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.
3. **Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
4. **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.
5. **Policy T-16-Access by Proximity:** Improve access by increasing proximity of residents to services, goods, and employment centers.
6. **Policy T-43 – Bicycle Network, Action C:** Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.
7. **Staff Analysis:** The proposed project is consistent with the above general plan policies as it is a higher density infill development that proposes 22 new dwelling units, consistent with the minimum density requirements in the R-SMU, and will count towards the City's share of regional housing needs. The site is located within an underdeveloped section of the plan area. The project will redevelop the vacant lot that was previously underutilized as a two-story commercial building and surface parking site with residential units and residential amenities. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

F. Southside Plan Consistency:

The Southside Area Plan³, adopted in 2011, also contains several policies applicable to the project, including the following:

1. **Land Use Plan Goal:** Provide for a high-density and commercial mixed-use edge to the University of California and the spine along Telegraph Avenue.
2. **Objective LU-C:** Encourage development consistent with the objectives of the Southside Plan on suitable underutilized sites in the Southside.
3. **Policy LU-F9:** Encouraged new infill development in the Residential Mixed- Use Sub Area.

Staff Analysis: The proposed project is consistent with the above Southside Plan policies as it is a higher density infill development that proposes 22 new dwelling units that is consistent with the Residential High-Density subarea designation and the minimum density requirements in the R-SMU, and will count towards the City's share of regional housing needs. The site is located within an underdeveloped section of the plan area. The project will redevelop the vacant lot, that previously underutilized as a one-story commercial building and surface parking site with residential units and residential amenities. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

VII. Recommendation

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

1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15332 of the CEQA Guidelines ("Infill Development"); and
2. **APPROVE** #ZP2024-0033 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received September 24, 2024
3. Notice of Public Hearing
4. Southside Mitigation, Monitoring, and Reporting Program
5. Housing Element Update Mitigation, Monitoring, and Reporting Program

³ [Southside Plan](#) Adopted by Berkeley City Council on September 27, 2011

ZONING ADJUSTMENTS BOARD

2317 CHANNING WAY

December 12, 2024

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Staff Planner: Nilu Karimzadegan

Prepared by Katrina Lapira, former Land Use Divisions staff

ATTACHMENT 1

FINDINGS AND CONDITIONS

DECEMBER 12, 2024

2317 Channing Avenue

Use Permit Modification #ZP2024-0033 to modify the project originally approved under #ZP2020-0090 to construct a five-story (50 feet), 17,033 square foot residential building with 22 dwelling units, where a four-story (48 feet), 15,695 square foot residential building 17 dwelling unit was originally proposed.

ZONING PERMITS REQUIRED

- Use Permit pursuant Berkeley Municipal Code (BMC) 23.404.070(A), to change, expand and intensify the use of the structure by increasing the number of units and the height of the multifamily building

I. CEQA FINDINGS

A. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“Infill Development”).

B. The project meets all of the requirements of this exemption, as follows:

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

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

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B. The project includes construction of a 22-unit residential building. Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. FINDINGS FOR APPROVAL

- A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - 1. The project will modify an approved a four-story, 17-unit residential building by adding an additional floor to accommodate five additional units for a total of 22 units. The maximum height of the project would change from 48 feet to 50 feet, which is less than the permitted height of 85 feet in the underlying zoning district. As such, the proposed modification will create a slight increase in shadowing compared to the approved project. New shading will fall on the neighboring residential building to the west (2310 Channing) in the morning hours. While these shadows will be cast on portions of this residential building, such impacts to light access are limited in duration and is considered typical of urban settings and is not substantial or detrimental.
 - 2. The proposed modification is two feet taller than the approved project and is located to the east of three residential apartment buildings. The approved project is taller than these apartment buildings and the proposed project also be taller than these three buildings. While there is a potential for some loss of views to the Bay from these three properties to the east (2325, 2329, and 2333 Channing), existing trees on lots to the west appear to block any view angles to the Bay that may exist. Additionally, given the proposed building will meet the minimum density requirements for the lot and is more than 30 feet below the maximum height limit for the R-SMU Zoning District, these potential impacts to views are considered typical of urban settings and is not substantial or detrimental; and

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.

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 Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
2. **Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
 - A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
 - B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
4. **Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).**

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.
5. **Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**
 - A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
 - B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.

- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
- 6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
- 7. Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
- 8. Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. 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:

Project Liaison _____
Name Phone #

11. 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.

12. 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.

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.

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. The building permit application is subject to verification of compliance of these Conditions of Approval. 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)

- 16. 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.
- 17. 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.
- 18. 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.
- 19. Toxics**. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527)**. A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](#)
 - B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
 - C. Environmental Site Clearance**. The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.

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

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

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

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

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

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
- ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.

- iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

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

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

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

- G. Petroleum Storage.** An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:
- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
 - ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

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

Prior to Issuance of Any Building (Construction) Permit

- 20. 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.
- 21. 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.

- 22. 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.
- 23. 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.)
- 24. 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.
- 25. 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 at RecyclingProgram@berkeleyca.gov.
- 26. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS

- 27. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan (“AHCP”) must be certified by the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.
- 28. Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is **\$621,726.25**, subject to proration to reflect any affordable units provided. Any adjustments to the fee will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project.

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

Prior to Demolition or Start of Construction:

29. 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.

30. 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.

31. 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:

32. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

- 33. 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.
- 34. 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.
- 35. 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.
 - 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.

36. 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.

37. 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.

- 38. 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.)
- 39. 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.
- 40. 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.

41. 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.

42. 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.

43. 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.

44. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- H.** Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- I.** All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- J.** Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- K.** The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 45. 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.
- 46. 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.
- 47. 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.
- 48. 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.
- 49. 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.
- 50. 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.
- 51. 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:

- 52. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
- 53.** All landscape, site and architectural improvements shall be completed per the attached approved drawings received on September 24, 2024.

- 54. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.
- A.** Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.
- B.** Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- C.** Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

- 55. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 56. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 57. 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.
- 58. 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.
- 59. 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.
- 60. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 61. 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.

62. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.

63. Required Bike Parking. Secure and on-site bike parking for at least 25 bicycles (21 long-term, 4 short-term) shall be provided for the life of the building.



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2317 CHANNING WAY

2317 CHANNING WAY
BERKELEY, CA 94704



**USE PERMIT
MODIFICATION -
REV #2**

2317 CHANNING WAY

2317 CHANNING WAY
BERKELEY, CA 94704

LKR11 - USE PERMIT MODIFICATION - REV #2 - 08/21/24



OWNER:
2317 CHANNING WAY, LLC
2278 SHATTUCK AVE
BERKELEY, CA 94704
TEL: (510) 549-1954
FAX: (510) 549-1954

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MECHANICAL & PLUMBING:
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TEL: (510) 581-2772
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LANDSCAPE:
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& ASSOCIATES, INC.
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JOHN N. ROBERTS
JOHN@JOHNORTHMOREROBERTS.COM

ELECTRICAL:
ATIUM ENGINEERING
3533 YORK LANE
SAN RAMON, CA 94582
TEL: (925) 248-2044

DAVE MAINO
maino@atiumeng.com

THE PROPOSED PROJECT IS A USE PERMIT MODIFICATION TO USE PERMIT #2P2020-0090. THE PROJECT PROPOSES TO INCREASE THE UNIT COUNT FROM 17 UNITS TO 22 UNITS, INCREASE THE GROSS BUILDING AREA FROM 15,695 SF TO 17,033 SF AND INCREASE THE MAX BUILDING HEIGHT FROM 45' TO 50' BY RAISING THE BUILDING OUT OF THE GROUND. THE BUILDING WILL INCLUDE A VARIETY OF STUDIOS, 2, 3, AND 4 BEDROOM UNITS AND WILL INCLUDE COMMON LAUNDRY AND BIKE PARKING. SITE IMPROVEMENTS WILL INCLUDE 559 SF OF USEABLE OPEN SPACE WITH LANDSCAPING AND PERMEABLE PAVING.

1 PROJECT DESCRIPTION
1" = 1'-0"

2 PROJECT TEAM
1" = 1'-0"

ZONING CODE INFORMATION					
SITE INFORMATION					
ADDRESS: 2317 CHANNING WAY, BERKELEY, CA 94704					
APN: 055 188400600					
ZONING DISTRICT: R-SMU					
OVERLAY / SPECIAL DISTRICT:					
SEISMIC SAFETY					
ALQUIST PRIOLO		NO	LIQUEFACTION ZONE		NO
LANDSLIDE ZONE		NO	UNREINFORCED MASONRY		NO
HISTORIC INFO					
LANDMARK / STRUCTURE OF MERIT: NO					
ENVIRONMENTAL SAFETY					
CREEK BUFFER		NO	FIRE ZONE		1
FLOOD ZONE		NO			
ADDITIONAL PARCEL INFO					
REDEVELOPMENT AREA: YES					
BUILDING DATA PER PLANNING CODE					
	EXISTING	PREVIOUSLY APPROVED	PROPOSED	REQUIRED / ALLOWED	NOTES / CODE REFERENCE
BUILDING / LOT INFO					
LOT AREA	6,507 SF	NO CHANGE	NO CHANGE	-	6,507 SF = .149 ACRE
BUILDING FOOTPRINT	1,414 SF	3,512 SF	3,807 SF		
LOT COVERAGE	22%	54%	59%	100%	BMC TABLE 23.202-19
MAX FLOOR AREA RATIO	NA	NA	2.6	7	BMC TABLE 23.202-19
AREAS					
GROSS FLOOR AREA	2,215 SF	15,695 SF	17,033 SF		PER ZONING GROSS SF DEFINITION
RESIDENTIAL GROSS FLOOR AREA	NA	NA	13,082 SF		PER GROSS RESIDENTIAL FLOOR AREA DEFINED IN BMC 23.106.035
USABLE OPEN SPACE	NA	850 SF	523 SF	523 SF	TABLE 23.202-19...
RESIDENTIAL DENSITY		NA	22	22	150/ACRE .149 acre= 22 units
HEIGHT					
# STORIES	2	4	5	-	
AVERAGE BLDG HEIGHT	20'	43'-0"		-	
MAX BLDG HEIGHT	27'	45'	50'	85'	BMC TABLE 23.202-19
SETBACKS					
FRONT YARD SETBACK	77'	10'	15'-6" (FLR 1-2) 10' (FLR 3-5)	NO MIN	TABLE 23.202-19
SIDE YARD WEST	4'	10'-1" (GROUND FLR) 9' (2ND-4TH FLR)	10'-1" (1ST & 2ND FLR) (3RD-5TH FLR) 9'		TABLE 23.202-19
SIDE YARD EAST	4'	GROUND, 1ST, 2ND, AND 3RD FLR: 6'-3" 4TH FLR: 6'-9" (1'-6" MAX PROJECT INTO SETBACK FOR BAY WINDOW)		NO MIN.	TABLE 23.202-19
REAR YARD SETBACK	15'	17'	8'-3"	4'	TABLE 23.202-19
UNITS					
RESIDENTIAL DENSITY (UNIT COUNT)	NA	17	22		
UNIT COUNT					
STUDIO	NA	0	8		
1-BEDROOM	NA	3	0		
2-BEDROOM	NA	5	10		
3-BEDROOM	NA	6	1		
4-BEDROOM	NA	3	3		
TOTAL BEDROOMS	NA	43	43		
PARKING					
BIKE PARKING (SHORT TERM)	0	4	4	2	2, OR 1 PER 40 BEDRM
BIKE PARKING (LONG TERM)	0	21	21	15	1 / 3 BEDROOMS

SHEET LIST				
SHEET #	SHEET NAME	UP MOD.	REV. #1	REV. #2
		03/08/24	06/28/24	08/21/24
GENERAL				
G000	PROJECT INFORMATION	.	.	.
G001	USE PERMIT MODIFICATIONS SUMMARY	.	.	.
G002	STREET STRIP ELEVATIONS	.	.	.
G002.P	STREET STRIP ELEVATIONS (AS PERVIOUSLY APPROVED)	.	.	.
G003	GROSS RESIDENTIAL FLOOR AREA	.	.	.
G004	AFFORDABLE HOUSING COMPLIANCE PLAN	.	.	.
G005	GREEN POINT RATED CHECKLIST	.	.	.
G006	SHADOW STUDIES - DEC 21ST	.	.	.
G006.P	SHADOW STUDIES - DEC 21 (AS PREVIOUSLY APPROVED)	.	.	.
G007	SHADOW STUDIES - JUNE 21ST	.	.	.
G007.P	SHADOW STUDIES - JUNE 21 (AS PREVIOUSLY APPROVED)	.	.	.
G008	SHADOW STUDIES - JULY 21ST	.	.	.
G009	SHADOW STUDIES - ELEVATIONS	.	.	.
G010	LOT COVERAGE AND USABLE OPEN SPACE PLAN	.	.	.
G011	EXISTING SITE PHOTOS	.	.	.
G035	CALGREEN CHECKLIST	.	.	.

SHEET LIST				
SHEET #	SHEET NAME	UP MOD.	REV. #1	REV. #2
		03/08/24	06/28/24	08/21/24
CIVIL				
C0.0	TOPOGRAPHIC SURVEY & DEMOLITION PLAN	.	.	.
C1.0	SITE PLAN	.	.	.
C2.0	GRADING PLAN	.	.	.
C3.0	UTILITY PLAN	.	.	.
LANDSCAPE				
L2.0	SITE PLAN	.	.	.
L001.P	HARDSCAPE & LANDSCAPE PLAN	.	.	.
L6.0	PLANTING PLAN	.	.	.
L6.1	PLANTING PALETTE	.	.	.
L6.2	PLANTING DETAILS	.	.	.
L7.0	IRRIGATION PLAN LEGEND & NOTES	.	.	.
L7.1	IRRIGATION PLAN DETAILS	.	.	.
ARCHITECTURAL				
A010	NEIGHBORHOOD SITE PLAN	.	.	.
A020	EXISTING AND PROPOSED SITE PLAN	.	.	.
A020.P	EXISTING AND PROPOSED SITE PLAN (AS PREVIOUSLY APPROVED)	.	.	.

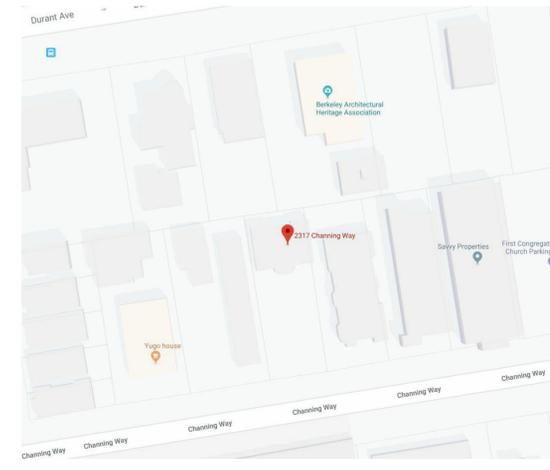
SHEET LIST				
SHEET #	SHEET NAME	UP MOD.	REV. #1	REV. #2
		03/08/24	06/28/24	08/21/24
A101	1ST FLOOR PLAN	.	.	.
A100.P	BASEMENT FLOOR PLAN (AS PREVIOUSLY APPROVED)	.	.	.
A102	2ND FLOOR PLAN	.	.	.
A101.P	FIRST FLOOR PLAN (AS PREVIOUSLY APPROVED)	.	.	.
A103	3RD FLOOR PLAN	.	.	.
A102.P	2ND & 3RD TYPICAL FLOOR PLAN (AS PREVIOUSLY APPROVED)	.	.	.
A104	4TH FLOOR PLAN	.	.	.
A105	5TH FLOOR PLAN	.	.	.
A104.P	FOURTH FLOOR PLAN (AS PREVIOUSLY APPROVED)	.	.	.
A106	ROOF PLAN	.	.	.
A105.P	ROOF PLAN (AS PREVIOUSLY APPROVED)	.	.	.
A200	NORTH & SOUTH ELEVATIONS	.	.	.
A203.P	NORTH & SOUTH ELEVATIONS (AS PREVIOUSLY APPROVED)	.	.	.
A201	WEST ELEVATION	.	.	.
A202.P	WEST ELEVATION (AS PREVIOUSLY APPROVED)	.	.	.
A202	EAST ELEVATION	.	.	.
A201.P	EAST ELEVATION (AS PREVIOUSLY APPROVED)	.	.	.

PROJECT ISSUE RECORD:		
#	DATE	DESCRIPTION
1	03/08/24	Use Permit Modification
2	08/21/24	Revision #1
		Revision #2

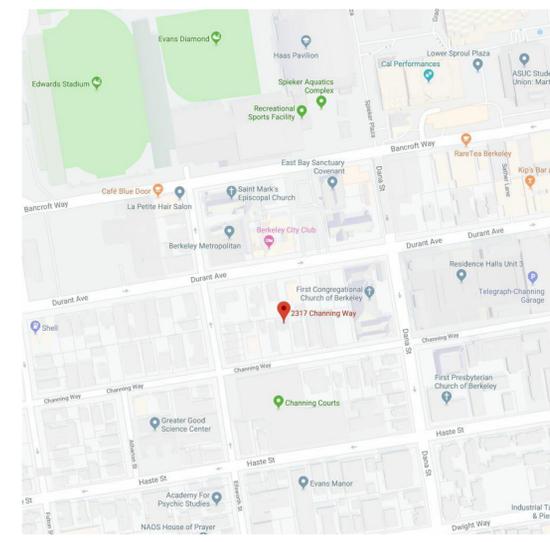
PROJECT #: LKR11
ISSUE DATE: 08/21/24

PROJECT INFORMATION

G000



7 LOCATION MAP
NOT TO SCALE

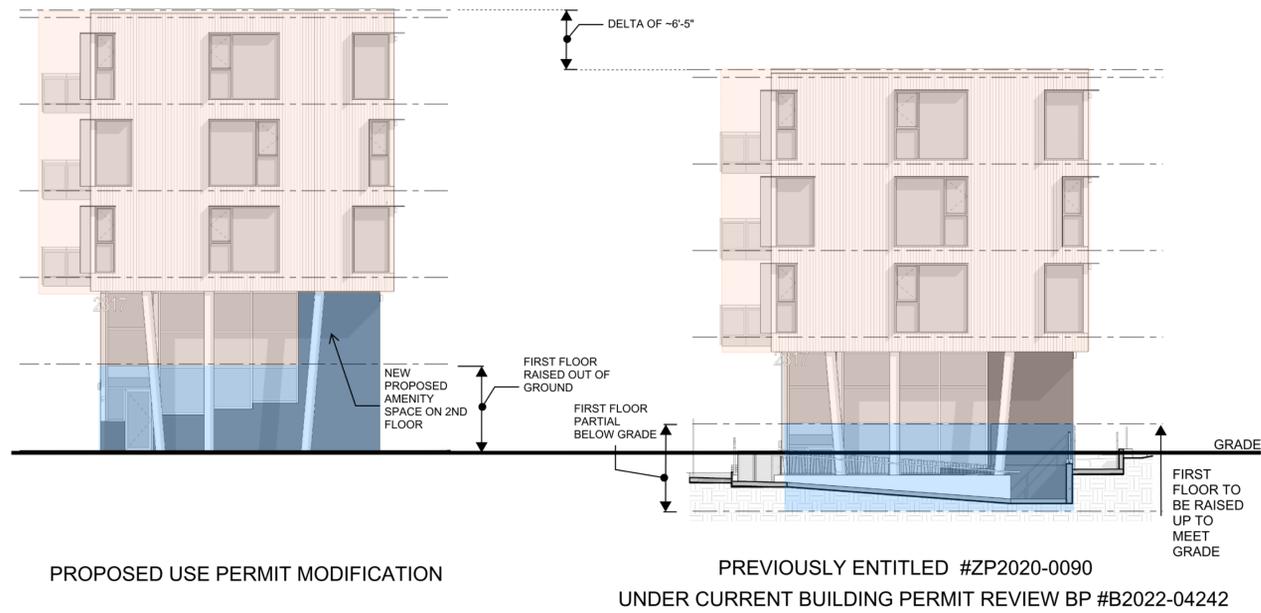


6 VICINITY MAP
NOT TO SCALE



5 PARCEL MAP
NOT TO SCALE

2317 CHANNING DESIGN CHANGES DIAGRAM
FEB 22, 2024

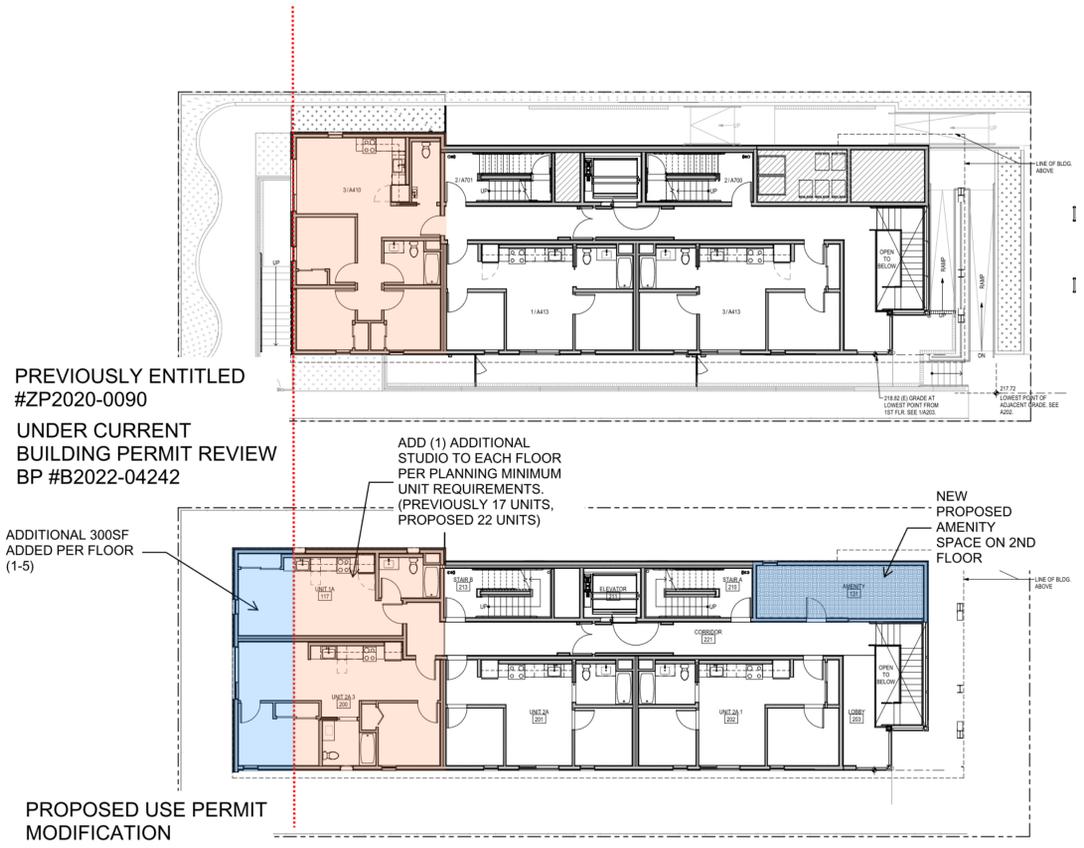


USE PERMIT CHANGES SUMMARY				
	AS APPROVED UNDER UP #ZP2020-0090	PROPOSED USE PERMIT MODIFICATION	REQUIRED/ALLOWED UNDER UP #ZP2020-0090	REQUIRED/ALLOWED UNDER CURRENT ZONING*
ZONING DISTRICT	R-S MULTI FAMILY	R-SMU		
LOT AREA	6,507 SF	NO CHANGE		
BUILDING FOOTPRINT	3,512 SF	3,809 SF		
LOT COVERAGE	54%	59%	55%	100%
MAX FLOOR AREA RATION	NA	2.6	NO MAX.	7
GROSS FLOOR AREA	15,695 SF	17,033 SF		-
USABLE OPEN SPACE	850 SF	559 SF	850 SF	543 SF
# STORIES	4	5	4	-
AVERAGE BLDG HEIGHT	43'-0"		-	-
MAX BLDG HEIGHT	45'-0"	50'-0"	45'-0"	85'-0"
FRONT YARD SETBACK	10'	10'-0"	10'-0"	NO MIN
SIDE YARD WEST	10' (GROUND FLR) 9' (2ND-4TH FLR)	10' (1ST-2ND FLR) 9' (3RD-5TH FLR)	4' (1ST-2ND) 6' (3RD) 8' (4TH)	NO MIN
SIDE YARD EAST	GROUND, 1ST, 2ND, 3RD FLR: 6'-3" 4TH FLR: 6'-9"	6'-1"	4' (1ST-2ND) 6' (3RD) 8' (4TH)	NO MIN
REAR YARD SETBACK	17'-0"	8'-3"	10' (1ST-3RD) 17' (4TH)	4'
RESIDENTIAL DENSITY (UNIT COUNT)	17	22	-	-

*SEE ZONING CODE TABLE ON G000 FOR RELEVANT ZONING CODE REFERENCES

PLEASE NOT THAT THE PREVIOUSLY APPROVED USE PERMIT (#ZP2020-0090) HAS BEEN WEAVED INTO THE SET FOR COMPARISON PURPOSES.

ANY SHEET NUMBERED AXXX.P IS PART OF THE PREVIOUSLY APPROVED USE PERMIT.



1 CHANGES DIAGRAM

PROJECT ISSUE RECORD:	
03/08/24	Use Permit Modification
1 08/29/24	Revision #1
2 08/21/24	Revision #2

PROJECT #: LKR11
ISSUE DATE: 08/21/24

USE PERMIT MODIFICATIONS SUMMARY

G001



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2317 CHANNING WAY

2317 CHANNING WAY
BERKELEY, CA 94704



USE PERMIT MODIFICATION - REV #2



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2317 CHANNING WAY

2317 CHANNING WAY
 BERKELEY, CA 94704

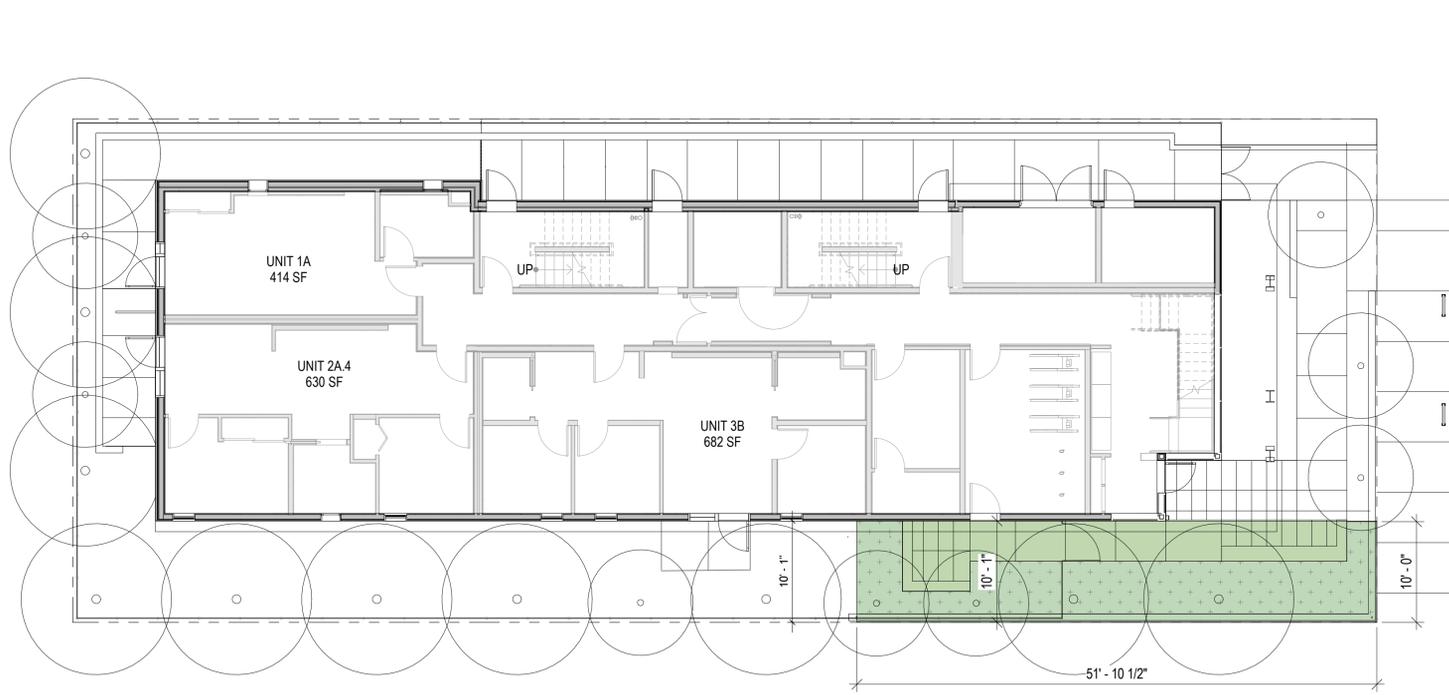


**USE PERMIT
 MODIFICATION -
 REV #2**



LOT COVERAGE DIAGRAM
 LOT SIZE: 6,507 SF 6,507 SF (100%) COVERAGE ALLOWED
 PER CBC 23.202-19
PROPOSED LOT COVERAGE: 3,807 SF (59%)

2 LOT COVERAGE DIAGRAM
 1/8" = 1'-0"



USABLE OPEN SPACE
 (40 SF/1,000 SF OF RESIDENTIAL AREA PER BMC TABLE 23.202-19)
 TOTAL GROSS RESIDENTIAL SF: 13,082
 (13,082/1000) X 40 = **523 SF OF UOS REQUIRED**
 40% LANDSCAPED OF 523 SF = **209 SF OF LANDSCAPE UOS REQ.**

PROPOSED:
 523 SF OF PUBLIC USABLE OPEN SPACE
 324 SF OF LANDSCAPED USABLE OPEN SPACE AREA

DIAGRAM LEGEND:
 USABLE OPEN SPACE
 LANDSCAPED USABLE OPEN SPACE

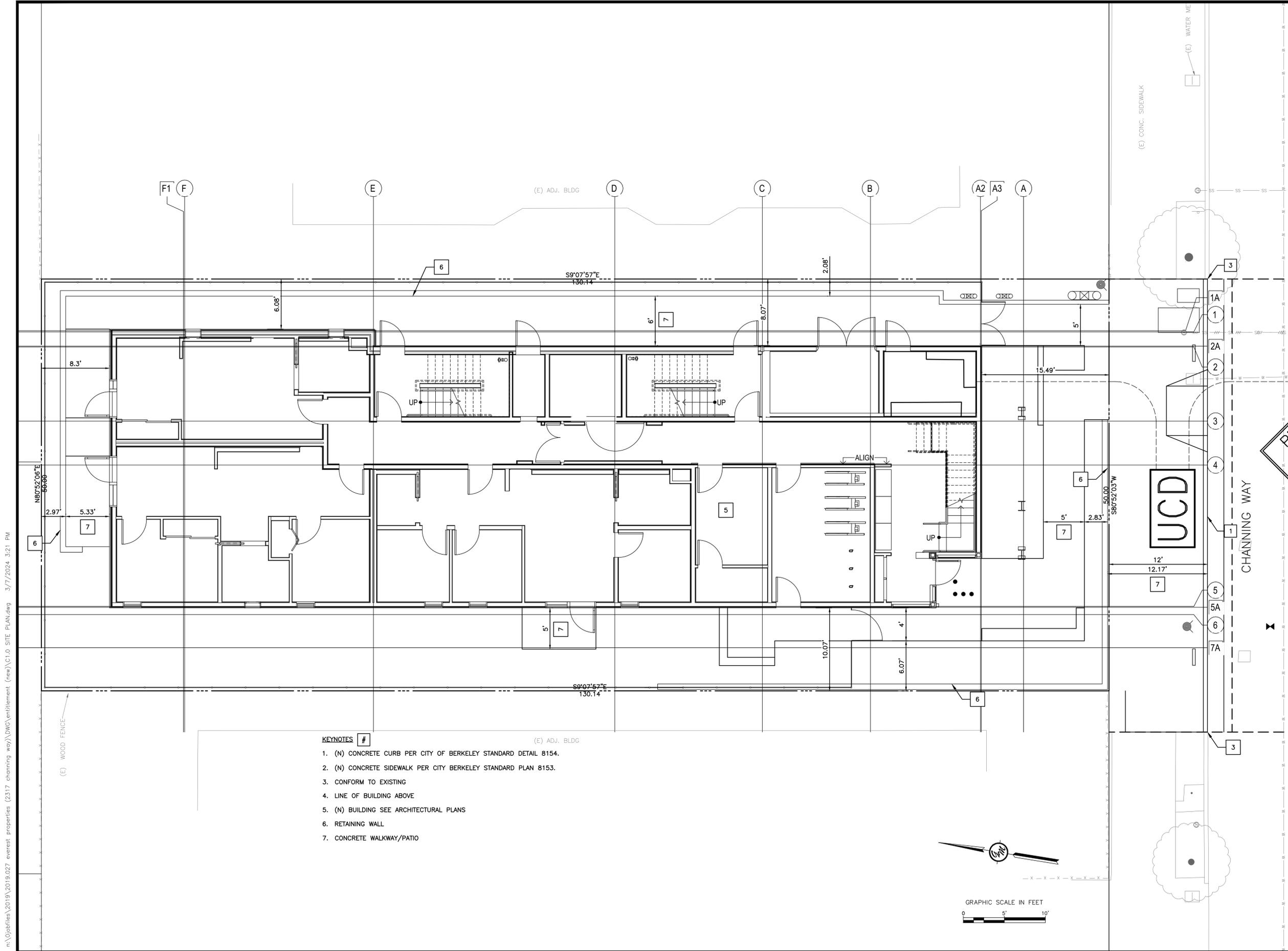
PROJECT ISSUE RECORD:

NO.	DATE	DESCRIPTION
1	08/29/24	Revision #1
2	08/21/24	Revision #2

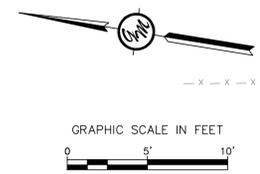
PROJECT #: LKR11
 ISSUE DATE: 08/21/24

LOT COVERAGE AND
 USABLE OPEN SPACE
 PLAN

G010



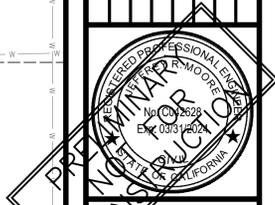
- KEYNOTES** # (E) ADJ. BLDG
1. (N) CONCRETE CURB PER CITY OF BERKELEY STANDARD DETAIL 8154.
 2. (N) CONCRETE SIDEWALK PER CITY BERKELEY STANDARD PLAN 8153.
 3. CONFORM TO EXISTING
 4. LINE OF BUILDING ABOVE
 5. (N) BUILDING SEE ARCHITECTURAL PLANS
 6. RETAINING WALL
 7. CONCRETE WALKWAY/PATIO



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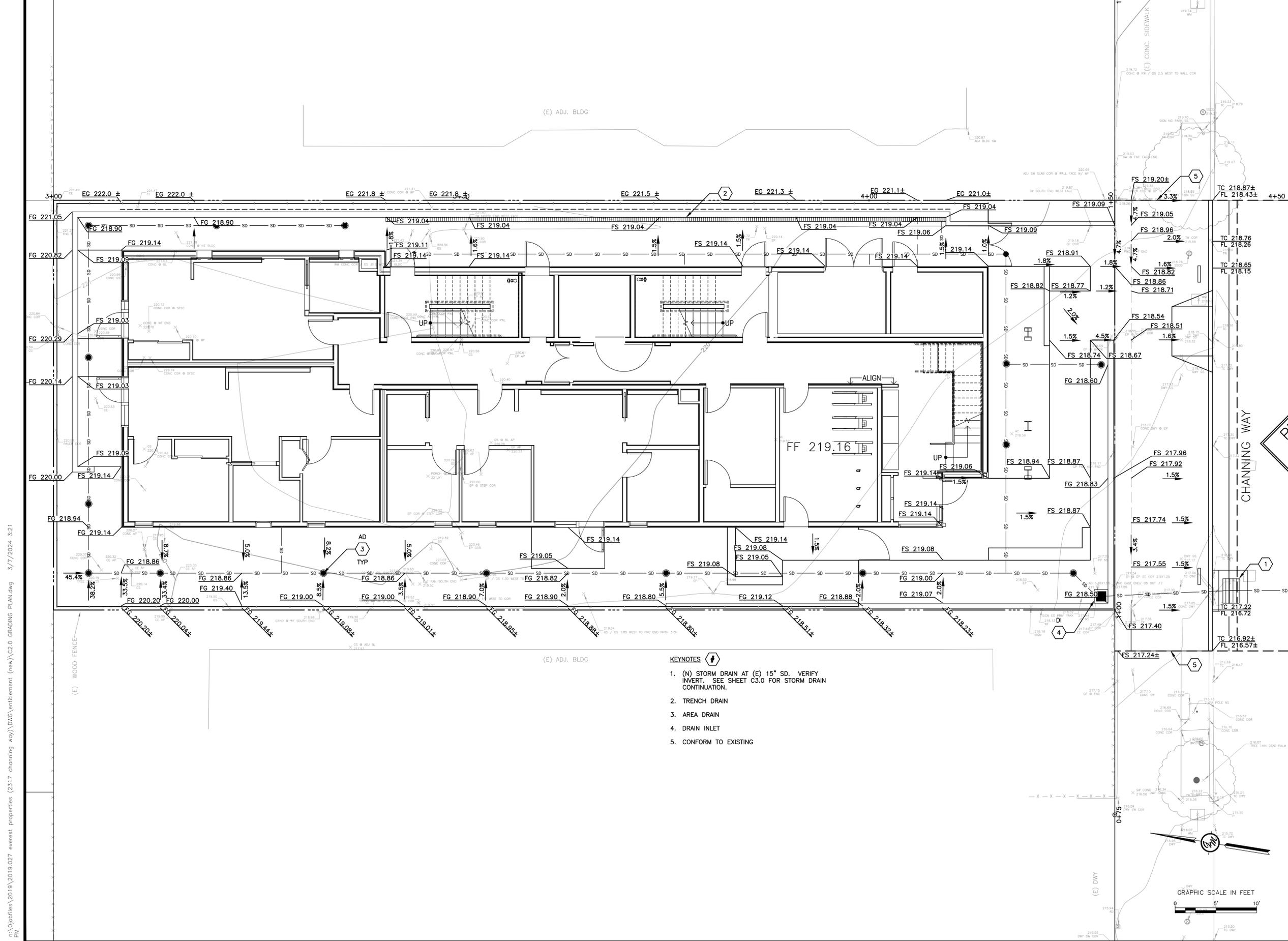
3111 Gates Valley Blvd. Ste. 200, Gates Valley, California, 94546
 Tel: 510-581-2772 Fax: 510-581-4913 www.greenwoodmoore.com



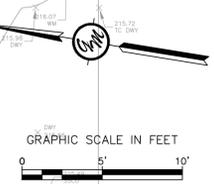
EVEREST PROPERTIES
 2317 CHANNING WAY
 BERKELEY, CA 94704
 APN: 055-1884-006

SITE PLAN

BD
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1"=5'
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C1.0



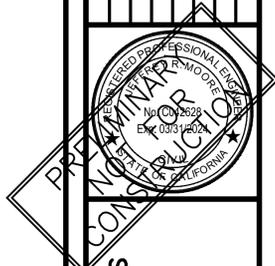
- KEYNOTES**
1. (N) STORM DRAIN AT (E) 15" SD. VERIFY INVERT. SEE SHEET C3.0 FOR STORM DRAIN CONTINUATION.
 2. TRENCH DRAIN
 3. AREA DRAIN
 4. DRAIN INLET
 5. CONFORM TO EXISTING



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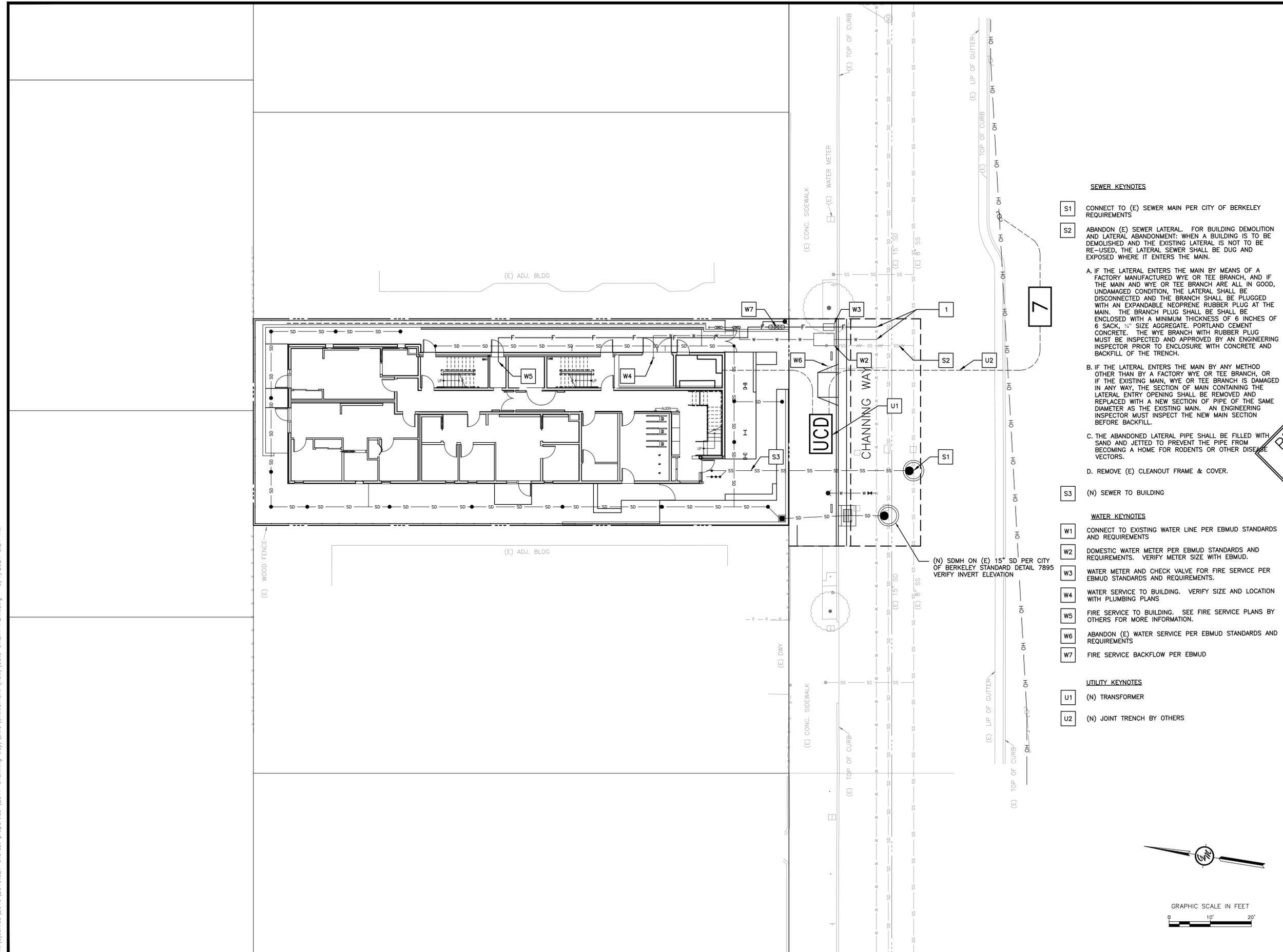


EVEREST PROPERTIES
 2317 CHANNING WAY
 BERKELEY, CA 94704
 APN: 055-1884-006

GRADING PLAN

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02/08/2024
2019.027
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C2.0

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SEWER KEYNOTES

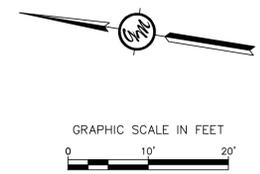
- S1** CONNECT TO (E) SEWER MAIN PER CITY OF BERKELEY REQUIREMENTS
- S2** ABANDON (E) SEWER LATERAL. FOR BUILDING DEMOLITION AND LATERAL ABANDONMENT: WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE-USED, THE LATERAL SEWER SHALL BE DUG AND EXPOSED WHERE IT ENTERS THE MAIN.
 - A. IF THE LATERAL ENTERS THE MAIN BY MEANS OF A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND IF THE MAIN AND WYE OR TEE BRANCH ARE ALL IN GOOD, UNDAMAGED CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED WITH AN EXPANDABLE NEOPRENE RUBBER PLUG AT THE MAIN. THE BRANCH PLUG SHALL BE SHALL BE ENCLOSED WITH A MINIMUM THICKNESS OF 6 INCHES OF 6 SACK, 1/2" SIZE AGGREGATE, PORTLAND CEMENT CONCRETE. THE WYE BRANCH WITH RUBBER PLUG MUST BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO ENCLOSURE WITH CONCRETE AND BACKFILL OF THE TRENCH.
 - B. IF THE LATERAL ENTERS THE MAIN BY ANY METHOD OTHER THAN BY A FACTORY WYE OR TEE BRANCH, OR IF THE EXISTING MAIN, WYE OR TEE BRANCH IS DAMAGED IN ANY WAY, THE SECTION OF MAIN CONTAINING THE LATERAL ENTRY OPENING SHALL BE REMOVED AND REPLACED WITH A NEW SECTION OF PIPE OF THE SAME DIAMETER AS THE EXISTING MAIN. AN ENGINEERING INSPECTOR MUST INSPECT THE NEW MAIN SECTION BEFORE BACKFILL.
 - C. THE ABANDONED LATERAL PIPE SHALL BE FILLED WITH SAND AND JETTED TO PREVENT THE PIPE FROM BECOMING A HOME FOR RODENTS OR OTHER DISEASE VECTORS.
 - D. REMOVE (E) CLEANOUT FRAME & COVER.
- S3** (N) SEWER TO BUILDING

WATER KEYNOTES

- W1** CONNECT TO EXISTING WATER LINE PER EBMUD STANDARDS AND REQUIREMENTS
- W2** DOMESTIC WATER METER PER EBMUD STANDARDS AND REQUIREMENTS. VERIFY METER SIZE WITH EBMUD.
- W3** WATER METER AND CHECK VALVE FOR FIRE SERVICE PER EBMUD STANDARDS AND REQUIREMENTS.
- W4** WATER SERVICE TO BUILDING. VERIFY SIZE AND LOCATION WITH PLUMBING PLANS
- W5** FIRE SERVICE TO BUILDING. SEE FIRE SERVICE PLANS BY OTHERS FOR MORE INFORMATION.
- W6** ABANDON (E) WATER SERVICE PER EBMUD STANDARDS AND REQUIREMENTS
- W7** FIRE SERVICE BACKFLOW PER EBMUD

UTILITY KEYNOTES

- U1** (N) TRANSFORMER
- U2** (N) JOINT TRENCH BY OTHERS





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EVEREST PROPERTIES
 2317 CHANNING WAY
 BERKELEY, CA 94704
 APN: 055-1884-006

UTILITY PLAN

BD
ST
1"=10'
02/08/2024
2019.027
XX
C3.0

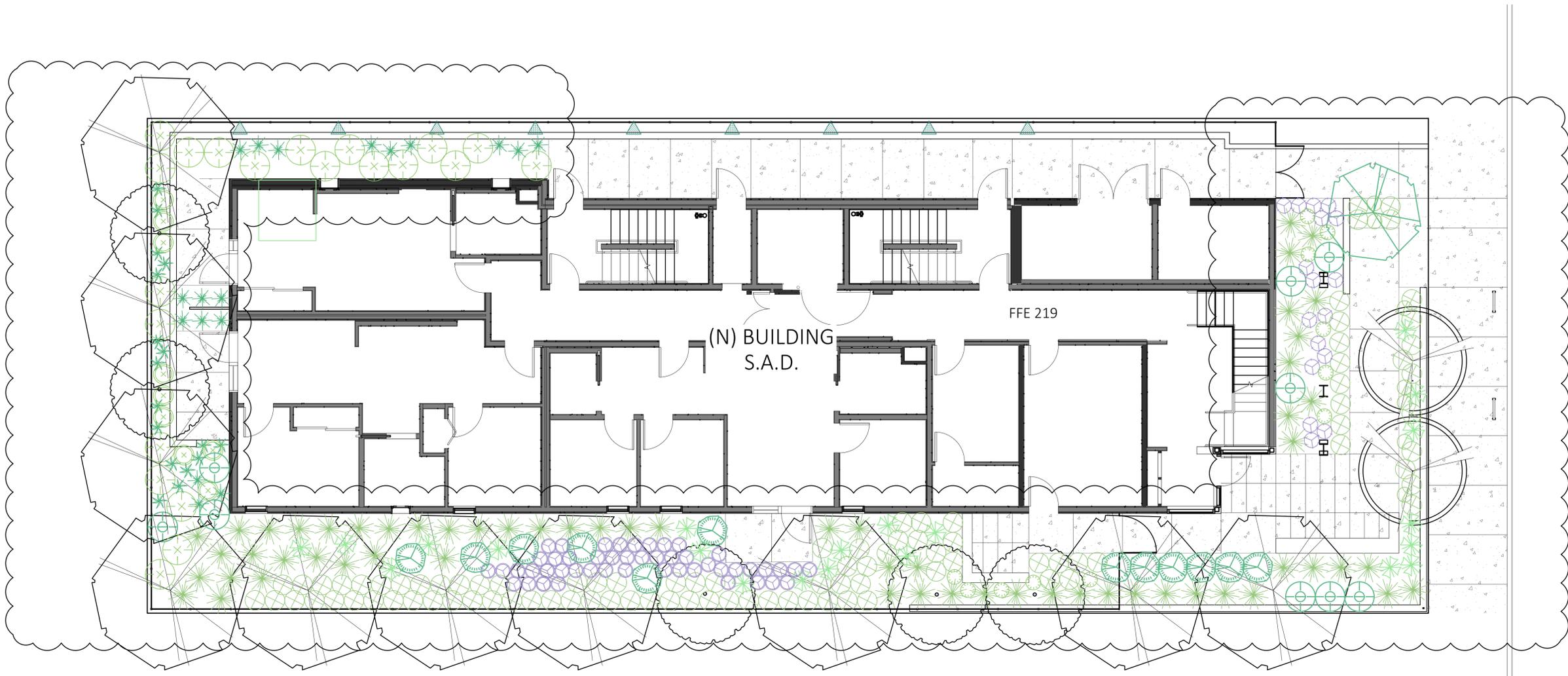


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BERKELEY, CA 94704



CONSTRUCTION DRAWINGS



1 SITE PLAN
L6.0 SCALE: 3/16" = 1'-0"

PLANTING LEGEND

TREES

	ZEL FAS	36"
	ACE CIR	36"
	CER OCC	36"

SHRUBS

	ARB UNE	5 gal
	CAR CAL	5 gal
	SAL BEE	5 gal

FERNS

	DRY ARG	1.5' O.C.	1 gal
	POL MIN	2' O.C.	1 gal

PERENNIALS

	ASA CAU	1' O.C.	1 gal
	LIL HUM	1.5' O.C.	1 gal
	ALO STR	2' O.C.	1 gal
	DIC FOR	3' O.C.	1 gal
	RAN CAL	1.5' O.C.	1 gal
	IRI DOU	1.5' O.C.	1 gal
	SED SPE	1.5' O.C.	1 gal
	ACH MIL	1.5' O.C.	1 gal

GRASSES

	ARI PUR	1 gal	
	MUH RIG	3' O.C.	1 gal
	CLE LAS	10' O.C.	15 gal
	LON CIL	10' O.C.	15 gal

PROJECT ISSUE RECORD:

3/8/2024	Use Permit Modification

PROJECT #: LKR11
ISSUE DATE: 3/8/2024
PLANTING PLAN

L6.0

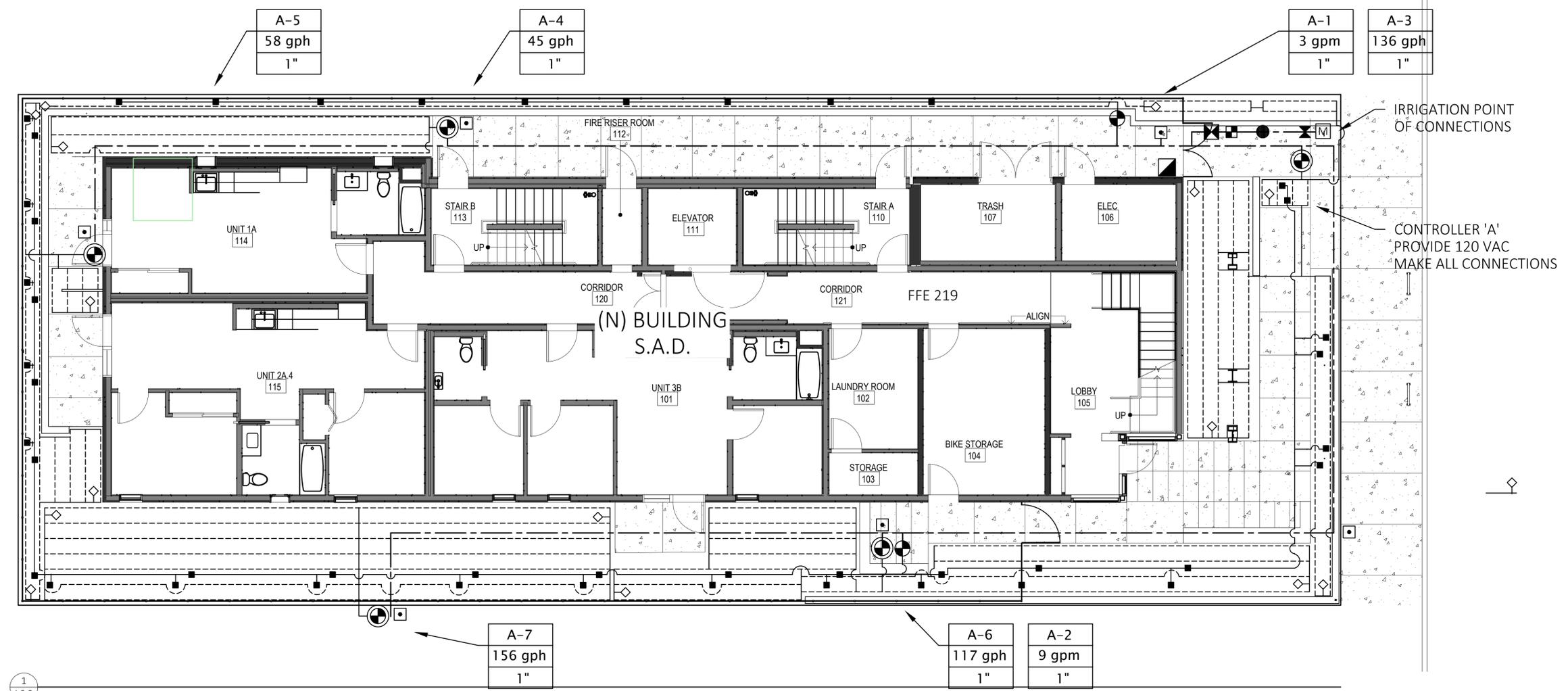


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CONSTRUCTION DRAWINGS



IRRIGATION POINT OF CONNECTIONS

CONTROLLER 'A' PROVIDE 120 VAC MAKE ALL CONNECTIONS

IRRIGATION LEGEND

SYMBOL	MFR	MODEL	DESCRIPTION
----	NETAFIM	TLRW6-1210 TLRW26-1810	FLEXIBLE POLYETHYLENE TUBING W/ IN-LINE PRESSURE-COMPENSATING EMITTERS ALL LINES TO BE 18" O.C. OR AS SHOWN. IN FLOW-THRU PLANTERS EMITTER SPACING TO BE 12" O.C. @ 0.26 GPH. IN ALL OTHER PLANTERS, EMITTER SPACING TO BE 18" O.C. @ 0.6 GPH
◇	-	-	FLUSH VALVE IN EMITTER BOX
■	RAINBIRD	1401	PRESSURE-COMPENSATING BUBBLERS ON FIXED RISER: SEE TREE PLANTING IRRIGATION DETAIL
⊕	GRISWOLD	DWS	BRASS ELECTRIC REMOTE-CONTROL VALVE (FOR DRIP CIRCUIT, INSTALL WITH 3/4" IN-LINE WYE FILTER W/ #200 MESH, AND PRESSURE-REDUCTION VALVE AS REQ'D)
⊕	GRISWOLD	DWS	DRIP REMOTE CONTROL VALVE AND ASSEMBLY: BRASS ELECTRIC REMOTE-CONTROL VALVE
□	RAINBIRD	44NP	BRASS QUICK-COUPLING VALVE WITH LOCKING RUBBER CAP
●	RAINBIRD	FMD	FLOW METER - 1" SIZE
■	WATTS	US-B	PRESSURE REDUCTION VALVE - 1" SIZE
■	IRRITROL	MC-PLUS	CONTROLLER: 12-STATION, SOLID-STATE, WALL-MOUNTED, IN HEAVY-DUTY STAINLESS STEEL ENCLOSURE, RAIN SENSOR CAPABILITY.
✕	NIBCO	SEE SPECS	BRASS GATE VALVE - LINE SIZE
⊗	FEBCO	825YA	BACKFLOW PREVENTER- 1"
---			PVC LATERAL LINE PIPE, SCH 40 - SIZE AS ON CHART TO THE RIGHT
---			PVC MAIN LINE PIPE, SCH 40 - 1" SIZE
---			ABS SLEEVE - SIZE 2" (MIN.) LARGER THAN LATERAL, OR AS REQUIRED

IRRIGATION LATERAL CHART

1"	0-12 GPM MAX.
1-1/4"	13-19 GPM MAX.

IRRIGATION VALVE CALLOUT:

A-1	VALVE NUMBER
12	GALLONS PER MINUTE (U.O.N.)
1"	VALVE SIZE

IRRIGATION NOTES

- SYSTEM DESIGNED FOR AN ASSUMED 65 PSI AND 9 GPM MINIMUM AT THE POINT OF CONNECTION. CONFIRM PRIOR TO START OF WORK. ADVISE LANDSCAPE ARCHITECT IF PRESSURE EXCEEDS 125 PSI.
- MAKE IRRIGATION POINTS OF CONNECTION AS INDICATED ON PLAN AND COORDINATE WITH OTHER WORK AS REQUIRED.
- COORDINATE WITH OTHER WORK AS REQUIRED TO PROVIDE POWER TO IRRIGATION CONTROLLER. EXACT LOCATION OF CONTROLLER TO BE APPROVED BY LANDSCAPE ARCHITECT BEFORE INSTALLATION.
- IRRIGATION EQUIPMENT MAY BE SHOWN IN PAVED AREAS FOR GRAPHIC CLARITY, BUT THE INTENT OF THE PLAN IS THAT EQUIPMENT BE INSTALLED WITHIN PLANTING AREAS. COORDINATE SPRINKLER LAYOUT WITH LOCATIONS OF TREES AND DRIP LINES WITH SHRUBS.
- INSTALL A WEATHER-BASED OR MOISTURE SENSING IRRIGATION CONTROLLER. COORDINATE WITH 'GREEN POINT RATER' FOR FIELD VERIFICATION OF CONTROLLER'S WEATHER OR MOISTURE SENSING DEVICE IS OPERATIONAL. INSTALLING CONTRACTOR TO CONFIRM MOUNT LOCATION WILL NOT INTERFERE WITH CONTROLLER SATELLITE, INTERNET SIGNAL OR OTHER COMMUNICATION TO SMART CONTROLLER OPERATION FUNCTIONS.
- FULL COVERAGE IS REQUIRED. CONTRACTOR SHALL MAKE MINOR MODIFICATIONS TO LAYOUT AS REQUIRED TO OBTAIN COMPLETE COVERAGE AND REVIEW WITH ENGINEER.
- ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES.
- PROVIDE OWNER WITH WARRANTIES AND OPERATING INSTRUCTIONS FOR ALL EQUIPMENT. INSTRUCT OWNER IN OPERATION OF CONTROLLER.
- FLUSH AND ADJUST ALL HEADS AND DRIP LINES AFTER INSTALLATION. INSTRUCT OWNER REGARDING ADJUSTMENT, FLUSHING, AND ONGOING MAINTENANCE OF SYSTEM.
- WRAP BOTTOM OF ALL PULL BOXES AND VALVE BOXES WITH 1/2 INCH GALVANIZED WIRE MESH. EXTEND 3 INCHES MINIMUM UP OUTSIDE OF EACH BOX FOR RODENT CONTROL.

MWELo CALCULATIONS:

Low - Medium Water Use Planting Areas:
 Valve Area #3: 175.0 s.f. = 136 gph
 Valve Area #4: 163.6 s.f. = 184 gph
 Valve Area #5: 33.6 s.f. = 58 gph
 Valve Area #6: 272.0 s.f. = 117 gph
 Valve Area #7: 431.2 s.f. = 156 gph

Vine Planting (@ 4 s.f./vine)
 Valve Area #1: 36 s.f. = 2.25 gpm

Tree Planting (@25 s.f./tree)
 Valve Area #2: 450 s.f. = 9 gpm*

Total area of planting: 1,561.4 s.f.

Max. Applied Water Allowance
 = $E_t \times 0.62 \times [0.7 \times \text{Landscape Area}]$
 MAWA = $41.8 \times 0.62 \times [0.7 \times 1,561.4]$
 = 28,325.7 gals/year

Est. Total Water Use
 = $E_t \times 0.62 \times \text{Plant Factor} \times \text{Landscape Area}$

Irrigation Efficiency
 ETWU = $41.8 \times 0.62 \times [(0.55 \times 1,561.4)/0.85]$
 = 26,183.4 gals/year

Note: Subsurface Drip calculated at 0.85 efficiency.
 *during establishment period only

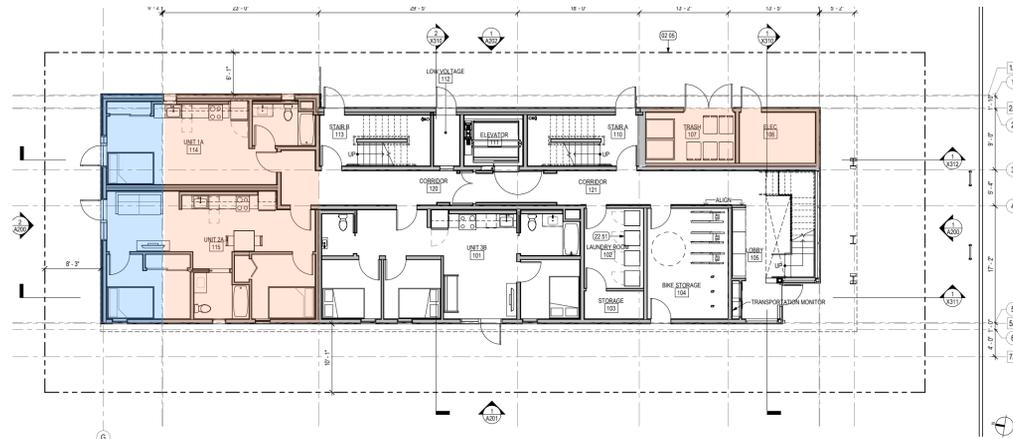
PROJECT ISSUE RECORD:

DATE	ISSUE	RESOLUTION
3/8/2024	Use Permit Modification	

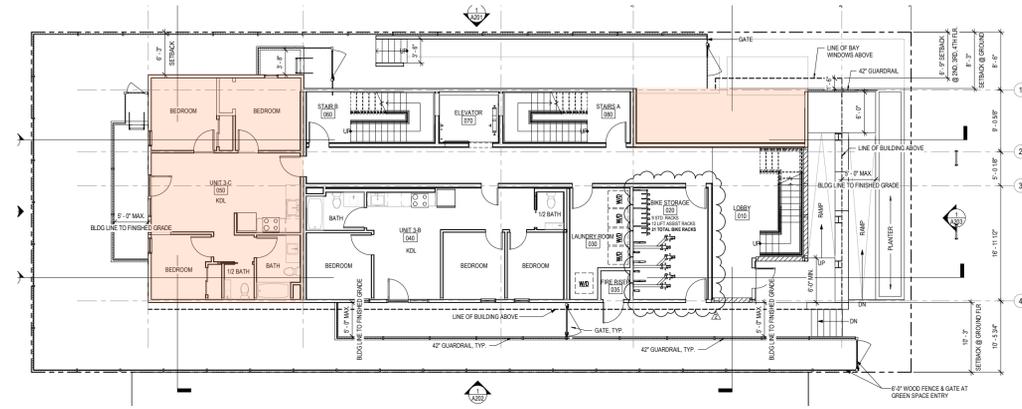
PROJECT #: LKR11
 ISSUE DATE: 3/8/2024

IRRIGATION PLAN
 LEGEND & NOTES

L7.0



PROPOSED USE PERMIT MODIFICATION

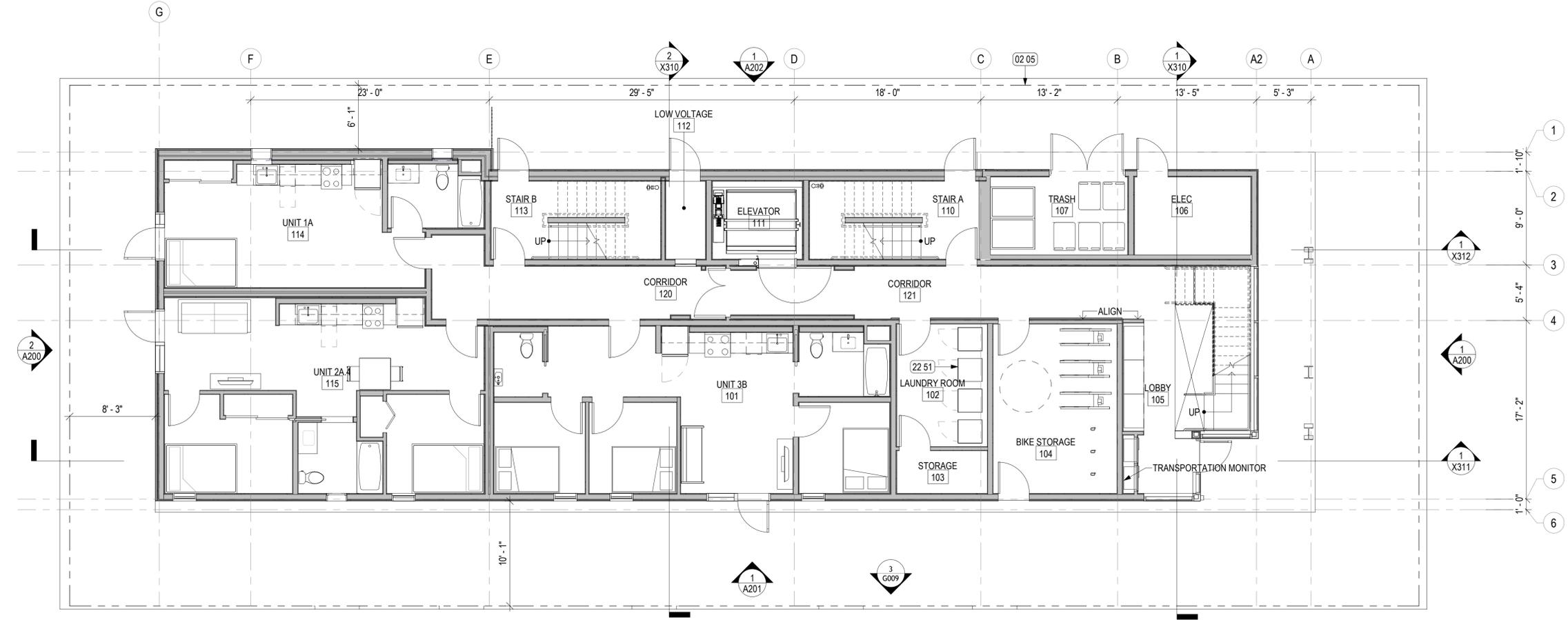


PREVIOUSLY ENTITLED #ZP2020-0090

AREA MODIFIED FROM PREVIOUSLY APPROVED UP #ZP2020-0090

PROPOSED ADDED AREA

#	NOTE
02 05	PROPERTY LINE
22 51	WASHER / DRYER



1 1ST FLOOR PLAN
3/16" = 1'-0"

PROJECT ISSUE RECORD:	
03/08/24	Use Permit Modification
1 08/23/24	Revision #1
2 08/21/24	Revision #2

PROJECT #: LKR11
ISSUE DATE: 08/21/24
1ST FLOOR PLAN

A101

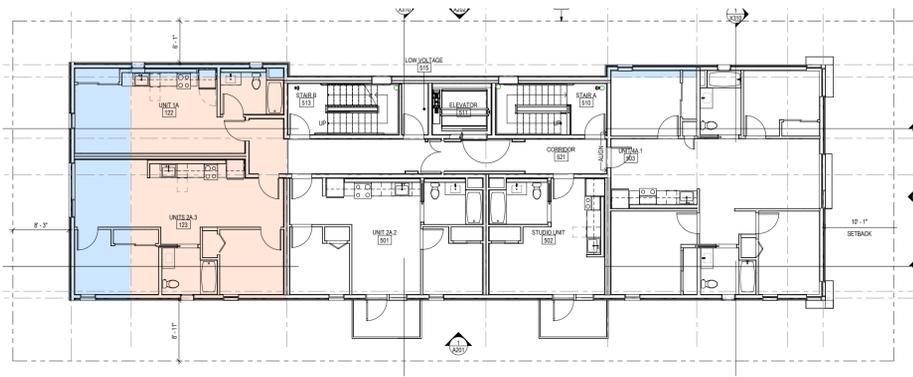


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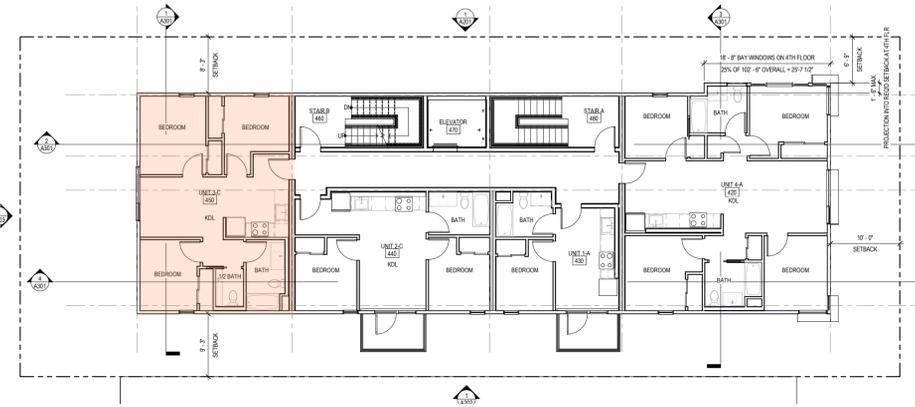
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BERKELEY, CA 94704



USE PERMIT MODIFICATION - REV #2



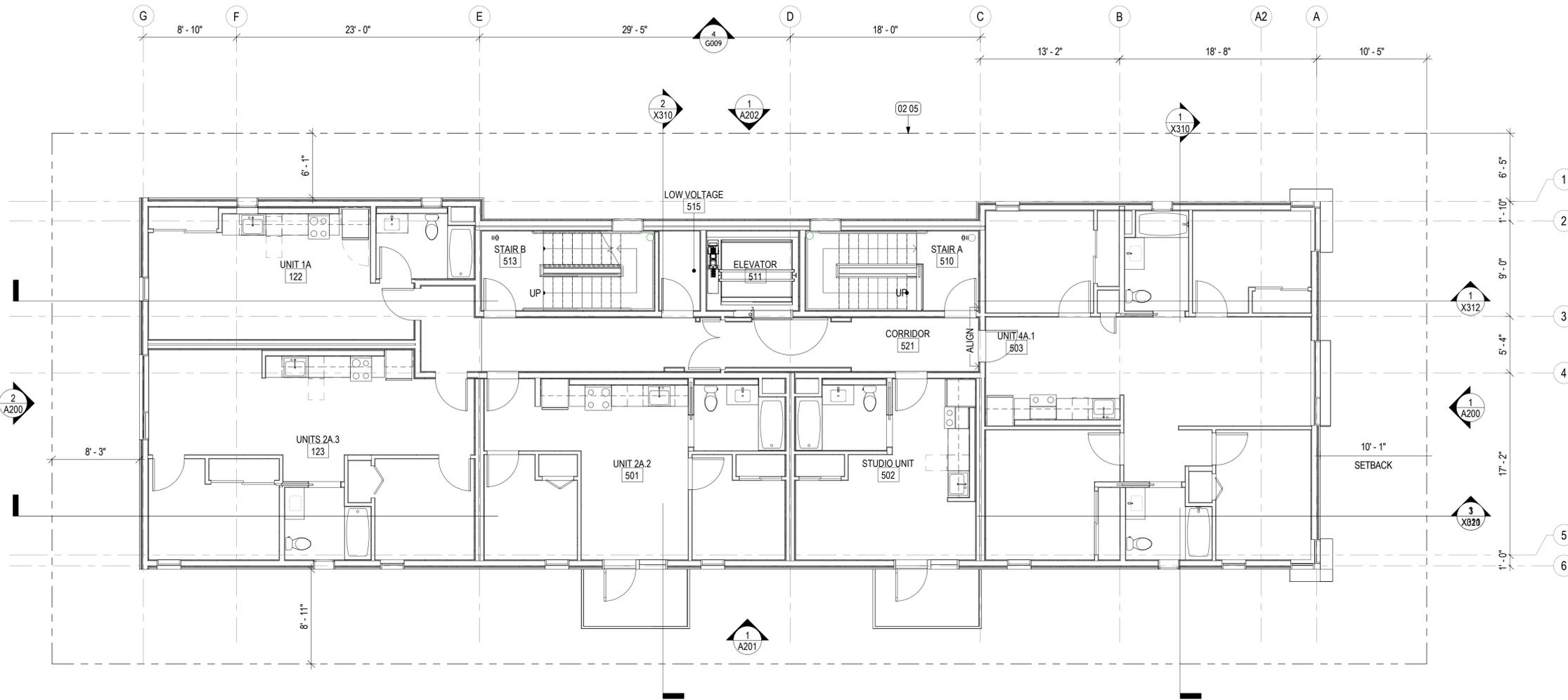
PROPOSED USE PERMIT MODIFICATION



PREVIOUSLY ENTITLED #ZP2020-0090

KEYNOTE LEGEND	
##	NOTE
02 05	PROPERTY LINE

- AREA MODIFIED FROM PREVIOUSLY APPROVED UP #ZP2020-0090
- PROPOSED ADDED AREA



1 5TH FLOOR PLAN
3/16" = 1'-0"



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USE PERMIT MODIFICATION - REV #2

PROJECT ISSUE RECORD:	
03/08/24	Use Permit Modification
1 08/22/24	Revision #1
2 08/21/24	Revision #2

PROJECT #: LKR11
ISSUE DATE: 08/21/24
5TH FLOOR PLAN

A105



#	NOTE
05 04	42" OSHA COMPLIANT GUARDRAIL
07 04	PARAPET CAP. FINISH TO MATCH METAL PANEL
23 08	PTD GSM INTAKE LOUVER, SMD
23 09	EXHAUST WALL CAP. SMD

MATERIAL FINISH LEGEND				
IMAGE	MARK	DESCRIPTION	MANUFACTURER	MODEL
	V-01	METAL PANEL	AEP SPAN	HR-36 REGAL WHITE
	V-02	GREY PLASTER CEMENT		
	P-01	PAINT (AT UNDERSIDE OF 2ND FLOOR)	BENJAMIN MOORE	ABSTRACTA 322
	G-01	TRANSLUCENT YELLOW GLAZING		
	G-02	TRANSLUCENT BLUE GLAZING		
	G-03	OPAQUE YELLOW GLAZING	ICD HIGH PERFORMANCE COATINGS	#7-1045 LEMON TREE-VITRO CLEAR
	G-04	OPAQUE BLUE GLAZING	ICD HIGH PERFORMANCE COATINGS	#6-0928 EXOTIC ARABIAN BLUE CLEAR

AREA MODIFIED FROM PREVIOUSLY APPROVED UP #ZP2020-0090
 T.O. STAIRS
 PROPOSED ADDED AREA 58' - 2"

1 WEST ELEVATION
3/16" = 1'-0"



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USE PERMIT MODIFICATION - REV #2

PROJECT ISSUE RECORD:	
03/09/24	Use Permit Modification
1	Revision #1
2	Revision #2

PROJECT #: LKR11
 ISSUE DATE: 08/21/24
 WEST ELEVATION

A201



AFFORDABLE HOUSING COMPLIANCE PLAN

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

Planning and Development
 1947 Center St, 2nd Floor
 Berkeley, CA 94704

Affordable Housing Requirements

BERKELEY MUNICIPAL CODE CHAPTER 23.328

Berkeley Municipal Code (BMC) Chapter 23.328, Inclusionary Housing, requires Housing Development Projects¹ with more than 5,000 square feet of residential unit floor area to include at least 20 percent of the Residential Units² as permanently affordable units. All affordable units provided in the project will be established and monitored within the City’s Below Market Rate (BMR) housing program, and are referred to as BMR Units. The housing development project must provide one of the following to comply with the City’s Inclusionary Housing regulations:

- A. Requirement to construct BMR units on-site**
- B. Option to pay an In-Lieu Fee**
- C. Combination of on-site BMR units and In-Lieu Fee**
- D. Other options allowed by the Chapter**

Each option is described in more detail below.

A. REQUIREMENT TO CONSTRUCT AFFORDABLE UNITS

Projects must provide 20 percent of the total residential units as on-site BMR units. BMR units must have the same proportion of bedroom counts (except no affordable unit can have more than three bedrooms) and average unit size as the market rate units. BMR units must be reasonably dispersed throughout the project, be comparable to market-rate units in quality, and have access to the same amenities and common areas as market-rate units.

Affordable Housing In-Lieu Fee Schedule

SQUARE FEET OF RESIDENTIAL UNIT FLOOR AREA	FEE PER SQUARE FOOT <i>(April 1, 2023 – June 30, 2025)</i>
12,000 square feet or more	\$56.25
11,000-11,999 square feet	\$53.75
10,000-10,999 square feet	\$51.25
9,000-9,999 square feet	\$48.75
8,000-8,999 square feet	\$46.25
7,000-7,999 square feet	\$43.75
6,000-6,999 square feet	\$41.25
5,000-5,999 square feet	\$38.75

B. OPTION TO PAY AN IN-LIEU FEE

Applicants have the option to pay an In-Lieu Fee instead of providing the required BMR units.

The In-Lieu Fee applies to the residential unit floor area within the project (base project only if utilizing State Density Bonus provisions). The fee³ is assessed on a square-foot basis according to the schedule listed in the table. The full fee must be paid prior to obtaining the Certificate of Occupancy, or, if a Certificate of Occupancy is not required, prior to the initial occupancy of the project. The fee is automatically adjusted every two years, beginning July 1, 2025, based on changes to the California Construction Cost Index.

NOTES

¹ **HOUSING DEVELOPMENT PROJECT** means a development project, including a Mixed-Use Residential project (as defined in 23.502.020(M) (13), 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 (BMC 23.328.020(E)).

² **RESIDENTIAL UNIT** means any Dwelling Unit, any Live/Work Unit, or any bedroom of a Group Living Accommodation (GLA) except a GLA in a University-recognized fraternity, sorority or co-op; provided, however, that for purposes of this Chapter, “Residential Unit” shall not include any Accessory Dwelling Unit or Junior Accessory Dwelling Unit (BMC 23.328.020(I)).

³ Resolution 70,698-N.S.



Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

APPLICATION CITY OF BERKELEY LAND USE PLANNING

AFFORDABLE HOUSING COMPLIANCE PLAN

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

C. COMBINATION OF BMR UNITS AND IN-LIEU FEE

Projects may provide less than the required 20 percent total residential units as on-site BMR units by paying a pro-rated In-Lieu Fee based on the schedule above. The fee amount per square foot is based on the total residential unit floor area of the project.

Formula to calculate the pro-rated in-lieu fee:

The Fee Per Square Foot *multiplied by* the Total Residential Unit Floor Area of a Housing Development Project, *multiplied by* the Percentage of the Applicable Requirement Remaining after accounting for any on-site Affordable Units provided.

For projects that utilize a State Density Bonus, only the base project is used in the pro-rated fee. Formula to determine the Base Project Residential Unit Floor Area:

The Final Residential Unit Floor Area (for the whole project) *divided by* One plus the Density Bonus percentage taken. (Final Project Residential Unit Floor Area/(1+DB%))

D. OTHER OPTIONS ALLOWED BY BMC CHAPTER 23.328 – APPROVED AT THE CITY’S DISCRETION

Applicants may elect to fulfill the requirement to construct affordable housing via one of the options below. Unlike options A through C above, these options are approved at the City’s discretion.

Alternative Unit Size Mix

In lieu of providing 20 percent of total residential units as on-site BMR units, an Applicant may propose an alternative mix of two-bedroom and/or three-bedroom BMR unit-types that comprise at least 20 percent of the residential unit floor area in the project.

Option to Dedicate Land

Affordable Housing requirements may be satisfied by dedicating land instead of constructing BMR units within the Housing Development Project if all the following criteria are met:

- The site is suitable for development of the Affordable Units
- Infrastructure to serve the dedicated site, including, but not limited to, streets and public utilities, are available at the property line and have adequate capacity to serve the maximum allowable residential density permitted under zoning regulations
- The site has been evaluated for the presence of hazardous materials
- The value of the site upon the date of the dedication is equal to or greater than the In-Lieu Fee that would otherwise be required.



AFFORDABLE HOUSING COMPLIANCE PLAN

Affordable Housing Compliance Plan Form

You are required to submit an Affordable Housing Compliance Plan (AHCP) for Housing Development Projects⁴ that are subject to the affordable housing requirements of [BMC Chapter 23.328, Inclusionary Housing](#). The AHCP is an enforceable commitment that identifies the number and type of affordable, or Below Market rate (BMR) units, the amount of In-Lieu Fees, and/or the parcels of land (or portions thereof) that will be provided and/or paid by the applicant to comply with those requirements.

The Department of Planning and Development’s Land Use Division and the Department of Health, Housing, and Community Services use the information from this form and the related sheets to confirm which provisions of the City’s affordable housing requirements apply to your project, and if the project complies.

Please complete the entire form. If a section doesn’t apply, enter “n/a.” If selecting the option to provide an alternative unit size mix or option to dedicate land, please complete the entire AHCP form and staff will contact you to discuss approval for these discretionary options.

You may be asked to revise this form to reflect the approved project during the permit review process and/or required plan sheets.

The Preliminary AHCP is required with a Zoning Permit or Zoning Certificate application. It is intended to provide estimates to the Applicant and City, and inform conditions of approval on discretionary zoning permits. See the [applicable pre-application and/or zoning submittal requirements](#) to determine if a Preliminary AHCP is needed for your project.

The Final AHCP is required with the first building permit application for construction, and will include the total fee amount due for projects electing to pay an In-Lieu Fee. The In-Lieu Fee can be paid any time prior to the issuance of the project’s Certificate of Occupancy or Temporary Certificate of Occupancy (as applicable).

INDICATE AFFORDABLE HOUSING COMPLIANCE PLAN (AHCP) TYPE (CHECK ONE)

Preliminary Affordable Housing Requirements
(Land Use Entitlement)

Final Affordable Housing Requirements
(Building Permit)

1. PROJECT AND APPLICANT INFORMATION

Project Name:

Zoning Project Number:

Building Permit Number (Final AHCP only):

Project Address:

Applicant Name:

Applicant Email:

NOTES

⁴ **HOUSING DEVELOPMENT PROJECT** means a development project, including a Mixed-Use Residential project ([as defined in 23.502.020\(M\)\(13\)](#)), 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 ([BMC 23.328.020\(E\)](#)).



AFFORDABLE HOUSING COMPLIANCE PLAN

2. PROJECT SUMMARY INFORMATION –

THIS INFORMATION IS USED TO ESTIMATE THE TOTAL NUMBER OF REQUIRED BMR UNITS

Does the project use Density Bonus?

YES NO

Total Density Bonus Units

Does the Demolition Ordinance (BMC 23.326) apply to the project?

YES NO

Total units to be demolished

Total affordable replacement units required

(separate calculation required, Gov. Code §66589.5)

Total units replaced (affordable and market-rate)

A	Total Residential Unit Floor Area⁵ (square feet) (Entire proposed project)
B	Total Residential Units (Base Project only for density bonus projects)
C	Total BMR Units required (20% of B)
D	Total BMR Units Proposed
	50% AMI (Very-Low Income)
	80% AMI (Lower Income)
	TOTAL BMR Units
E	Other Compliance Option (alternative unit size mix or option to dedicate land)
	YES NO

Indicate Project Type (Check One) Ownership Rental

3. PLEASE INDICATE HOW THE PROJECT WILL FULFILL THE AFFORDABLE HOUSING REQUIREMENTS

3.A. PROVISION OF ON-SITE

The following provisions apply:

- BMR units cannot exceed three bedrooms
- At least 50 percent of the required Affordable Units in the Housing Development Project must be designated as affordable to Very-Low Income Households (round up for fractional numbers).
 - Up to a maximum requirement of 10 percent of the total units in the Housing Development Project if the project provides more Affordable Units than are required by BMC Chapter 23.328

Please complete the table by noting the number of units in each category.

PROJECT UNIT TYPES AND AFFORDABILITY LEVELS

Unit Type	Market Rate	Very-Low Income Affordable (50% AMI)	Low-Income Affordable (80% AMI)	TOTAL
Studio				
One Bedroom				
Two Bedroom				
Three Bedroom				
Four Bedroom				
Five Bedroom				
TOTAL				

⁵ See BMC 23.328.020 Definitions



AFFORDABLE HOUSING COMPLIANCE PLAN

3.B. OPTION TO PAY AN IN-LIEU FEE

Housing Development Projects may provide less than the required number of on-site BMR units and pay a proportionately reduced In-Lieu Fee, calculated as follows:

The Fee Per Square Foot
multiplied by
 the **Total Residential Unit Floor Area**
 of a Housing Development Project,
multiplied by
 the **Percentage of the Applicable Requirement Remaining** after accounting for any on-site Affordable Units provided.

Projects that do not provide any Affordable Units on-site will have an applicable requirement multiplier of one.

The in-lieu fee for Density Bonus Projects is calculated using the base project residential unit floor area only:

The Base Project Residential Unit Floor Area (BP RUFA)
is equal to:
the Final Residential Unit Floor Area (FP RUFA)
divided by
One plus the Density Bonus percentage taken (DB %)
 $BP\ RUFA = FP\ RUFA / (1+DB\%)$

AFFORDABLE HOUSING FEE DUE

Per Square Foot Fee based on Total Residential Unit Floor Area, see Fee Schedule on Page 1) (Base Project only for density bonus projects)	
	X
Total Residential Unit Floor Area (square feet) (Base Project only for density bonus projects)	
	X
In Lieu Fee percentage calculation*: (Affordable Units required – affordable units provided) / Affordable Units required	
(*projects that provide no on-site Affordable Units have a multiplier of 1)	
TOTAL FEE DUE	

EXAMPLE CALCULATIONS:

50,000 square foot 100-unit project providing 15 Affordable Units

A	Total Residential Unit Floor Area⁵ (square feet) RUFA (Base Project RUFA only for density projects)	
		50,000 square feet
B	Total Residential Units (Base Project only for density bonus projects)	
		100
C	Total BMR Units required (20% of B)	
		20
D	Total BMR Units Proposed	
	50% AMI (Very-Low Income)	8
	80% AMI (Lower Income)	7
	TOTAL BMR Units	15
	Per Square Foot Fee based on Total Residential Unit Floor Area (Base Project only for density bonus projects)	
		\$56.25
		X
	Total Residential Unit Floor Area (square feet) (Base Project only for density bonus projects)	
		50,000 square feet
		X
	In Lieu Fee percentage calculation*: (Affordable Units required – affordable units provided) / Affordable Units required	
	(*projects that provide no on-site Affordable Units have a multiplier of 1)	25% $((20-15)/20 = 0.25)$
	TOTAL FEE DUE	\$703,125

⁵ See BMC 23.328.020 Definitions



AFFORDABLE HOUSING COMPLIANCE PLAN

SECTION 4 REQUIRED PLAN SHEETS (LAND USE ENTITLEMENT PLANS AND BUILDING PERMIT PLANS)

REQUIRED AHCP PLAN SHEETS

In addition to completing this form, the land use entitlement and building permit plans for your housing development project must demonstrate compliance with the applicable affordable housing provisions. If your project includes a discretionary zoning permit, the entitlement plans must include a Preliminary AHCP plan sheet(s), and all building permits for construction must include a Final AHCP plan sheet(s).

What needs to be in the plans to demonstrate compliance with the City's affordable housing regulations?

The applicable AHCP plan sheets with the applicable information (listed below) must be in sequential pages near the beginning of your plan set and labeled as "Preliminary or Final Affordable Housing Compliance Plan Sheet." Having this information together in the plans will make locating the information easier during project and plan review, and provide transparency to the public. A sample plan set page is attached for reference (see Exhibit A). You will receive corrections from your zoning reviewer if information is not displayed properly in the plan set.

ALL PROJECTS: APPLICABILITY AND REQUIREMENTS OF BMC CHAPTER 23.328 INCLUSIONARY HOUSING

- Residential unit floor area diagrams* showing the floor area that is included and excluded from calculation. Diagrams must be consistent with and separate from the architectural floor plans and include:
 - Schematic diagrams of each floor or level, including mezzanines
 - Indicate floor area by use with shading, color, and/or callouts
 - Dimension all areas of the project that qualify as residential unit floor area, and provide the square footage of each area
 - Tabulation of the total residential unit floor area according to the diagrams
- Calculation of the number of required and proposed BMR units (Base Project only for density bonus)
- Calculation of 100% In-Lieu fee (provide even if on-site units are proposed)

* Diagrams should reflect the whole project (base and bonus), and provide a calculation of the Base Project Residential Unit Floor Area (RUFA) for projects that utilize state density bonus. (See page 5)

ON-SITE BELOW MARKET RATE (BMR) UNITS (ALL OR COMBINATION)

Any on-site BMR units (BMC 23.328.030(A) Requirement to Construct Affordable Units

- Unit summary table by floor of BMR and market-rate units, with bedroom counts
- Alternate mix of unit types, if applicable
 - Calculations for 20 percent of residential unit floor area (must be a mix of affordable units that are either two- or three-bedrooms)

IN-LIEU FEE (ALL OR COMBINATION)

Payment in-lieu of providing some or all required affordable units on-site (BMC Section 23.328.030(B) Option to Pay In-Lieu)

In-Lieu Fee per Resolution No. 70,698-N.S. calculated as follows: the fee per square foot multiplied by the total Residential Unit Floor Area of a Housing Development Project, multiplied by the percentage of the applicable requirement remaining after accounting for any on-site Affordable Units provided. Projects that do not provide any Affordable Units on-site will have an applicable requirement multiplier of one. (See page 5)

The In-Lieu Fee per square foot is based on the residential unit floor area of the project (base project only if utilizing State Density Bonus provisions). (See page 5)

STAFF ADMINISTRATION USE ONLY

This Affordable Housing Compliance Plan (AHCP) is certified in compliance with BMC Chapter 23.328, Inclusionary Housing.

LAND USE

Preliminary/Final AHCP

Name, Title:

Signature:

Date:

HHCS

Preliminary/Final AHCP

Regulatory Agreement executed (due prior to issuance of first building permit for construction:

Yes No Not Applicable

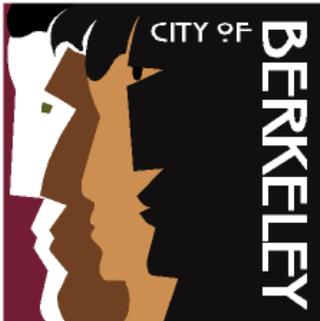
In Lieu Fee payment complete (due prior to first occupancy):

Yes No Not Applicable

Name, Title:

Signature:

Date:



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

2317 Channing Way

Use Permit Modification #ZP2024-0033 to modify the project originally approved under #ZP2020-0090 to construct a five-story (50 feet), 17,033 square foot residential building with 22 dwelling units, where a four-story (48 feet), 15,695 square foot residential building 17 dwelling unit was originally proposed.

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, December 12, 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: Residential Mixed Use
- Zoning: Residential Southside Mixed Use Zoning District (R-SMU)
- Southside Plan: Residential High- Density Subarea

B. Zoning Permits Required:

- Use Permit pursuant Berkeley Municipal Code (BMC) 23.404.070(A), to change, expand and intensify the use of the structure by increasing the number of units and the height of the multifamily building

C. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Infill Development").

D. Project Recommendation: Approve Use Permit #ZP2024-0033 pursuant to BMC Section 23.406.040(D)

E. Parties Involved:

- Applicant Till Houtermans (Studio KDA), Berkeley
- Property Owner 2317 Channing Way, LLC, Berkeley

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, Katrina Lapira, at (510) 981-7488 or klapira@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

MITIGATION MONITORING PROGRAM

This Draft Mitigation Monitoring Program (MMP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the City of Berkeley Draft Southside Plan. The MMP, which is provided in Table 1 of this section, lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. The Final MMP must be adopted when the City Council makes a final decision on the project.

This MMP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMP when mitigation measures are required to avoid significant impacts. The MMP is intended to ensure compliance during implementation of the project.

The MMP is organized in a matrix format. The first column identifies the impact and the second column identifies the level of significance of the impact without mitigation. The third column identifies the mitigation measure that would be implemented for each project impact and the fourth column identifies the level of significance of the impact with the mitigation measure. The fifth column, entitled “Monitoring Responsibility,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The sixth column, entitled “Monitoring Timing,” refers to when the monitoring will occur to ensure that the mitigation action is completed. The seventh column, entitled “Verification,” is for the lead agency to provide verification that the measures have been implemented. These mitigation measures include any minor revisions made as a result of the Response to Comments Document.

Table 1: Mitigation Monitoring Program

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
A. Land Use						
<i>There are no significant land use impacts.</i>						
B. Population, Employment and Housing						
<i>There are no significant population, employment and housing impacts</i>						
C. Transportation and Circulation						
TRANS-1: Potential new construction would significantly affect operations of the Parker Street/Warring Street intersection under Existing Plus Project Conditions.	S	TRANS-1: Remove the stop signs on Warring Street while maintaining stop signs on Parker Street at the Clark Kerr Campus exit. This action will reduce long southbound queues along Warring Street. The side street approach would operate at LOS F; however, the minor street volumes are low and would not meet the peak hour signal warrant. Install a high visibility crosswalk system on the north side of the Clark Kerr exit driveway to permit pedestrians to alert drivers to pedestrian crossings.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will cause delays at the intersection of more than two seconds from 2007 conditions (as shown in the DEIR) while continuing to operate at an LOS E. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-3</u>: Potential new construction would cause a significant cumulative impact at the intersection of Bancroft Way/Piedmont Avenue.</p>	<p>S</p>	<p><u>TRANS-3</u>: Re-stripe the existing cross section for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. The additional lanes will prevent through traffic from being blocked by turning movements. Provide crosswalks only on the north and west sides of the intersection to eliminate pedestrian conflicts with vehicles on the south approach. Relocate the existing northbound bus zone to the north of the intersection to accommodate the second moving traffic lane, and eliminate parking north of Bancroft Way. With implementation of this mitigation measure the intersection would operate at LOS C.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will exacerbate LOS F conditions at the intersection during the AM peak hour and/or cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	
<p><u>TRANS-4</u>: Potential new construction would cause a significant cumulative impact at the intersection of Durant Avenue/Piedmont Avenue.</p>	<p>S</p>	<p><u>TRANS-4</u>: Re-stripe the existing cross section for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. The additional lanes will prevent through traffic from being blocked by turning movements. To accommodate two lanes of traffic during the PM peak period, parking would have to be prohibited along Piedmont Avenue between Bancroft Way and 100 feet south of Durant Avenue. With implementation of this mitigation measure the intersection would operate at LOS C.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will exacerbate LOS F conditions at the intersection during the AM peak hour and/or cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p>TRANS-5: Potential new construction would cause a significant cumulative impact at the intersection of Channing Way/Fulton Street.</p>	<p>S</p>	<p>TRANS-5: Signalize the Channing Way/Fulton Street intersection. With implementation of this mitigation measure the intersection would operate at LOS C. The traffic signal shall provide pedestrian countdown signal indications, bicycle and emergency vehicle detection and necessary equipment capable of transit priority operations.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	
<p>TRANS-6: Potential new construction would cause a significant cumulative impact at the intersection of Parker Street/Warring Street.</p>	<p>S</p>	<p>TRANS-6: Implementation of Mitigation Measure TRANS-1 (Remove the stop signs on Warring Street while maintaining stop signs on Parker Street at the Clark Kerr Campus exit) would reduce the cumulative impact on the Parker Street/Warring Street intersection to the less-than-significant level.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will exacerbate LOS E operations at the intersection by more than 3 seconds from 2007 conditions (as shown in the DEIR) and/or exacerbate LOS F operations at the intersection by increasing the volume-to-capacity ratio by more than 0.01. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
TRANS-7: Construction on development sites in the Southside area can disrupt pedestrian sidewalks at the vehicle access interface when either driveways or curb-cuts are introduced.	S	TRANS-7: The City shall require all new development to design the vehicle access points to new development sites as driveways. A 6-foot sidewalk width, or 6 feet of clearance on sidewalks, shall be maintained across each new driveway that is in line with the primary walking corridor along the street.	LTS	City of Berkeley Planning and Development and Public Works Department	Prior to design approval.	
TRANS-8: Vehicles and bicycles currently encroach into crosswalks, which may increase as new development allowed pursuant to the Project generates additional trips.	S	TRANS-8: At all signalized intersections and mid-block locations within the Southside area the City shall install limit lines five feet in advance of the crosswalks and install “Turning Traffic Must Yield to Pedestrians” signage consistent with the <i>California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA’s MUTCD 2003 Edition, as amended for use in California)</i> .	LTS	City of Berkeley Planning and Development and Public Works Department	To be implemented within 5 years through the City’s CIP process	
TRANS-9: Certain elements of the Southside area’s pedestrian facilities are in disrepair or require upgrade to be ADA compliant, which may worsen as development resulting from the Project generates additional pedestrian trips.	S	TRANS-9: The City shall implement Policy T-C4 of the Draft Southside Plan and develop a program for sidewalk and intersection repairs and upgrades. Such a plan should inventory the existing system, identify deficiencies, and prioritize necessary improvements, including ongoing maintenance.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when City confirms that conditions warrant its implementation	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-10:</u> The Project will increase bicycle activity, including along the Bancroft Way and Durant Avenue corridors where there are no bicycle facilities, which can create unsafe conditions.</p>	<p>S</p>	<p><u>TRANS-10:</u> The City shall install Class II bike lanes on Bancroft Way between Dana Street and Fulton Street and on Durant Avenue west of College Avenue. The City shall install shared roadway markings on Bancroft Way west of Fulton Street and east of Dana Street as well as on Durant Avenue east of College Avenue. The shared roadway markings shall be located 11 feet from the face of curb to highlight the preferred bicycle travel path to avoid open vehicle doors.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when City confirms that conditions warrant its implementation</p>	
<p><u>TRANS-14:</u> The Project will bring additional activity to the Southside, including increased vehicular trips. There is a limited amount of short-term parking in the Southside area, which is needed to minimize drivers having to recirculate through the Southside area in search of available parking.</p>	<p>S</p>	<p><u>TRANS-14:</u> The City shall implement Policy T-F1 of the Draft Southside Plan to improve short term parking opportunities. The City shall explore increasing parking fees to promote use of off-street lots and short-term on-street parking, upgrading its parking enforcement technology to capture long term parkers who move their cars every two hours to avoid ticketing, and pricing parking based on demand.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when City confirms that conditions warrant its implementation</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
D. Air Quality						

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>AIR-1</u>: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.</p>	<p>S</p>	<p><u>AIR-1</u>: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and will be incorporated into standard conditions of approval for future development projects.</p> <p><i>Demolition.</i> The following controls shall be implemented during demolition:</p> <ul style="list-style-type: none"> • Water during demolition of structures and break-up of pavement to control dust generation; • Cover all trucks hauling demolition debris from the site; and • Use dust-proof chutes to load debris into trucks whenever feasible. <p><i>Construction.</i> The following controls shall be implemented at all construction sites:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; 	<p>LTS</p>	<p>City of Berkeley Building and Safety Division</p>	<p>Throughout demolition and construction period</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
AIR-1 <i>Continued</i>		<ul style="list-style-type: none"> • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Apply non-toxic soil stabilizers to inactive construction areas; • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible; • Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. • Implementation of this mitigation measure would reduce construction and demolition air quality impacts to a less-than-significant level. 				

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>AIR-2</u>: Project operational emissions would exceed the BAAQMD thresholds of significance for ozone precursors.</p>	<p>S</p>	<p><u>AIR-2</u>: Changes in land use and zoning and policies in the Draft Southside Plan encourage mixed uses, transit use, pedestrian, and bicycle accessibility, and the provision of limited parking (e.g., LU-D1, LU-E1, LU-F8, LU-F10, LU-F14, T-A1, T-A2, T-A3, T-A4, T-A5, T-C1, T-C4, T-C5, T-C6, T-E1, T-E3, T-E4, T-G3, T-H1). These Plan features would help to reduce new construction-related trips and lower regional emissions. However, even with these reductions, the regional emissions associated with development anticipated to occur with implementation of the Plan would exceed BAAQMD significance thresholds. Additional measures to reduce this impact are not available; therefore, the Project’s regional air quality impacts would remain significant and unavoidable.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>The changes to land use and zoning policies will be implemented with the adoption of the Southside Plan. The impact will continue to be Significant and Unavoidable because adoption of these mitigation measures will still not mitigate the air quality within the San Francisco Bay Area air basin.</p>	
<p>E. Noise</p>						
<p><i>There are no significant noise impacts</i></p>						
<p>F. Public Facilities and Services</p>						
<p><i>There are no significant public facilities and services impacts</i></p>						
<p>G. Utilities and Infrastructure</p>						
<p><i>There are no significant utilities and infrastructures impacts</i></p>						

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
H. Paleontological and Cultural Resources						
<u>CULT-1</u> : Ground-disturbing activities associated with new construction and associated underground utility installation could result in the destruction of paleontological resources.	S	<u>CULT-1</u> : Should fossils be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of the specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collections facility.	LTS	City of Berkeley Planning and Development Department	During demolition, grading, and construction activity	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-2</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unidentified subsurface archaeological deposits.</p>	<p>S</p>	<p><u>CULT-2</u>: During project-specific environmental review for individual development projects within the Southside area, the City shall apply the conditions of approval and the criteria for determining archaeological impacts required by the City of Berkeley General Plan. If such a system of review is not yet in place, the City shall, prior to the approval of any development pursuant to the Project involving ground disturbance, establish a development process with comparable conditions of approval and safeguards against potential impacts to archaeological deposits. Such conditions and safeguards may include, but are not limited to, archaeological sensitivity assessments, site-specific investigations, intensive surface surveys, and/or subsurface archaeological testing prior to project clearance.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>Prior to approval</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-3</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unanticipated archaeological discoveries.</p>	<p>S</p>	<p><u>CULT-3</u>: If unanticipated deposits of prehistoric or historical archaeological materials are encountered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as a historical or archaeological resource, and provide recommendations. If the deposit does not qualify as a historical or archaeological resource, then no further protection or study is necessary. If the deposit does qualify as a historical or archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposits cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeological assessment, a report should be prepared documenting methods, findings, and recommendations. The report should be submitted to the City, the project proponent, and the NWIC.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>During construction activity</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-4</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction or disturbance of human remains, including those interred outside of formal cemeteries.</p>	<p>S</p>	<p><u>CULT-4</u>: If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeological assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent, and the NWIC.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>During construction activity</p>	

Source: LSA Associates, Inc., 2009.

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the City of Berkeley 2023-2031 Housing Element Update Project. The California Environmental Quality Act (CEQA) and State CEQA Guidelines require a public agency to adopt a monitoring and reporting program for ensuring compliance during project implementation with mitigation measures identified in the EIR and adopted at the time of project approval. As stated in section 21081.6(a)(1) of the Public Resources Code:

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

Section 21081.6 and CEQA Guidelines Section 15097 provide general guidance for implementing mitigation monitoring programs, and indicate that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined by the agency.

To ensure that the mitigation measures are properly implemented, this MMRP identifies the timing and responsibility for implementing and monitoring each measure. Applicants for future projects will have the responsibility for implementing the measures that apply to the proposed development activity, and the identified City of Berkeley departments will have the primary responsibility for monitoring and reporting on the implementation of the mitigation measures.

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Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
Air Quality					
AQ-1: Construction Emissions Reduction Measures					
<p>Projects shall comply with the current Bay Area Air Quality Management District’s basic control measures for reducing construction emissions of PM₁₀ (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines), outlined below.</p> <ol style="list-style-type: none"> All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 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. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be checked by a certified mechanic and 	<p>Project applicants shall comply with BAAQMD control measures for reducing construction emissions.</p>	<p>As part of any grading / building permit, ensure control measures are implemented during construction.</p>	<p>During construction.</p>	<p>City of Berkeley Department of Planning & Development, Building & Safety Division</p>	

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<p>TACs from vehicles and stationary combustion engines (i.e., generators):</p> <ol style="list-style-type: none"> If the proposed buildings would use operable windows or other sources of infiltration of ambient air, the development shall install a central HVAC system that includes high efficiency particulate filters (HEPA). These types of filters are capable of removing approximately 99.97 percent of the DPM emissions from air introduced into the HVAC system (U.S. EPA 2022). The system may also include a carbon filter to remove other chemical matter. Filtration systems must operate to maintain positive pressure within the building interior to prevent entrainment of outdoor air indoors. If the development limits infiltration through non-operable windows, a suitable ventilation system shall include a ventilation system with filtration specifications equivalent to or better than the following: (1) American Society of Heating, Refrigerating and Air- Conditioning Engineers MERV-13 supply air filters, (2) greater than or equal to one air exchanges per hour of fresh outside filtered air, (3) greater than or equal to four air exchanges per hour recirculation, and (4) less than or equal to 0.25 air exchanges per hour in unfiltered infiltration. These types of filtration methods are capable of removing approximately 90 percent of the DPM emissions from air introduced into the HVAC system. Windows and doors shall be fully weatherproofed with caulking and weather-stripping that is rated to last at least 20 years. Weatherproof should be maintained and replaced by the property owner, as necessary, to ensure functionality for the lifetime of the project. Where appropriate, install passive (drop-in) electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph). 	<p>where required by the measure.</p>	<p>Inspect at project site to confirm that required design features are properly installed</p>	<p>During construction</p>	<p>City of Berkeley Department of Planning & Development</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
5. Prepare an ongoing maintenance plan for the HVAC and filtration systems, consistent with manufacturers' recommendations. 6. The applicant shall inform occupants regarding the proper use of any installed air filtration system.					
Cultural Resources					
CUL-1: Historic Context Statement, Cultural Resources Survey and Designations					
During the period of this Housing Element, the City should conduct a citywide historic context statement and a cultural resource survey to identify historic resources, with priority given to sites in the EIR Site Inventory, to determine if there are designed built environment features which are over 40 years of age proposed to be altered or demolished. Designation of historic or cultural resources should be conducted by the Landmarks Preservation Commission pursuant to 3.24.260 of the Berkeley Municipal Code.	The City shall conduct a citywide historic context statement and a cultural resource survey.	Verify that survey has been completed, designate resources that are discovered.	During the housing element period.	City of Berkeley Department of Planning & Development Landmarks Preservation Commission to make necessary designations	
CUL-2: Historical Resources Discretionary Review					
For projects that are subject to discretionary review that occur during the Housing Element period where a historical-age building or structure that has not been previously evaluated is present, a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior Professional Qualification Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level survey in accordance with the California Office of Historic Preservation guidelines to determine if the property qualifies for federal, state, or local historical resources designation. All age eligible properties shall be evaluated within their historic context and	Project applicants shall retain a qualified architectural historian to perform a historical resources assessment for any historical-aged building or structure that has not been previously evaluated.	Review and approve the historical resources assessment.	During project review.	City of Berkeley Department of Planning & Development	

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Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
<p>documented in a technical memorandum with Department of Parks and Recreation Series 523 Forms.</p> <p>If a property is found to be a qualifying historical resource, then the project shall be subject to the City’s regulations for permit review, including by the Preservation Landmarks Commission pursuant to Chapter 3.24.260, and/or by the Zoning Adjustments Board pursuant to Chapter 23.326 of the City of Berkeley Municipal Code. Efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with a development application that may affect the historical resource, the historical resources built environment assessment shall also identify and specify the treatment of character-defining features and construction activities.</p> <p>Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior’s Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of permits.</p>	<p>If significant historical resources are identified, develop and implement site-specific mitigation measures.</p>	<p>Verify site-specific mitigation measures have been implemented as needed.</p>	<p>During and at completion of construction.</p>	<p>Landmarks Preservation Commission</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
<p>If significant historical resources are identified on a development site and compliance with the Standards and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These may include documentation of the resource in a manner consistent with the standards of the Historic American Building Survey (HABS). Documentation should include full descriptive and historical narrative, measured drawings, and medium format photographs, all in archivally stable format.</p>					
<p>Geology and Soils</p>					
<p>GEO-1: Protection of Paleontological Resources</p>					
<p>If ground disturbance below the level of prior disturbance and into native soils is proposed to occur in areas mapped as Pleistocene alluvial fan and fluvial deposits (Qpaf), Orinda Formation (Tor), or Knoxville Formation (Kjk), then the City shall require the following to be implemented:</p> <p>Retention of Qualified Professional Paleontologist. Prior to initial ground disturbance, the project applicant shall retain a Qualified Professional Paleontologist, as defined by Society of Vertebrate Paleontology (SVP) (2010), to determine the project’s potential to significantly impact paleontological resources according to SVP (2010) standards.</p> <p>If underlying formations are found to have a high potential for paleontological resources, the Qualified Professional Paleontologist shall create a Paleontological Mitigation and Monitoring Program, which will be approved by the City and contain the following elements:</p> <p>If underlying formations are found to have a high potential for paleontological resources, the Qualified Paleontologist shall create a Paleontological Mitigation and Monitoring Program, which will be approved by the City and contain the following elements:</p>	<p>On the identified soil types: Project applicants shall retain a qualified paleontologist.</p>	<p>Verify that qualified paleontologist has been retained and measures have been implemented.</p>	<p>Prior to issuance of grading / building permit, periodically during construction.</p>	<p>City of Berkeley Department of Planning & Development</p>	

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Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
<p>Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of construction, the Qualified Professional Paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and procedures for notifying paleontological staff should fossils be discovered by construction staff.</p> <p>Paleontological Monitoring. Full-time paleontological monitoring shall be conducted during ground disturbing construction activities (i.e., grading, trenching, foundation work) in sediments assigned a high paleontological sensitivity. Paleontological monitoring shall be conducted by a qualified Paleontological Resources Monitor, as defined by the SVP (2010). The duration and timing of the monitoring will be determined by the Qualified Professional Paleontologist based on the observation of the geologic setting from initial ground disturbance, and subject to the review and approval by the City. If the Qualified Professional Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions once the full depth of excavations has been reached, they may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. Monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the Qualified Professional Paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Professional Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Professional Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.</p> <p>Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Professional Paleontologist shall prepare a final report describing the results of the paleontological</p>	<p>Project applicants shall implement a Worker Environmental Awareness Training (WEAP) on paleontological resources.</p>	<p>Verify that WEAP has been completed.</p>	<p>Prior to issuance of grading / building permit</p>	<p>City of Berkeley Department of Planning & Development.</p>	
	<p>Project applicants shall hire a paleontological resources monitor, and if fossils are discovered, follow procedures for managing resources.</p>	<p>Verify that qualified paleontological resources monitor has been retained.</p>	<p>Prior to issuance of grading / building permit.</p>	<p>City of Berkeley Department of Planning & Development.</p>	
	<p>Project applicants shall prepare final Paleontological Monitoring report and shall obtain review and approval of the report from the City of Berkeley.</p>	<p>Review final Paleontological Monitoring report.</p>	<p>Upon completion of ground disturbing activity.</p>	<p>City of Berkeley Department of Planning & Development.</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
<p>monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the City. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.</p>					
Tribal Cultural Resources					
TCR-1: Tribal Cultural Monitoring					
<p>For projects that are determined through tribal consultation to potentially affect tribal cultural resources, in order to mitigate potential adverse impacts to Native American cultural objects and human remains discovered during construction, tribal cultural monitors will be retained to monitor work done in areas of Tribal concern, as determined through tribal consultation. If Native American cultural objects and/or human remains are discovered during construction, work shall be halted within 100 feet of the discovery until the objects have been inspected and evaluated by tribal cultural monitors and a qualified archaeologist meeting the Professional Qualifications Standards of the Secretary of the Interior (36 CFR Part 61). The archaeologist shall, in accordance with the appropriate Guidelines, identify and evaluate the significance of the discovery and develop recommendations for treatment in consultation with the affected Tribe to ensure any impacts to the cultural resource are less than significant. The preferred mitigation is avoidance. If avoidance is not feasible, Project impacts shall be mitigated in consultation with the affected Tribe consistent with the CEQA Guidelines for Determining the Significance of and Impacts to Cultural Resource, Archaeological Historic and Tribal Cultural Resources. Such mitigation may include, but is not limited to, additional archaeological testing, archaeological monitoring and/or an</p>	<p>Project applicants shall retain tribal cultural monitors to monitor work done in areas of tribal concern.</p> <p>Project applicants shall retain a qualified archaeologist to identify and evaluate the significance of a discovery and develop recommendations for treatment in consultation with the affected Tribe.</p>	<p>Verify that a tribal cultural monitor and qualified archaeologist have been retained.</p> <p>Verify that resources are mitigated as appropriate.</p>	<p>Prior to issuance of grading / building permit and during construction as needed.</p> <p>Prior to issuance of grading / building permit and during construction as needed.</p>	<p>City of Berkeley Department of Planning & Development.</p> <p>City of Berkeley Department of Planning & Development.</p>	

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Mitigation Measure	Implementation Procedures	Monitoring and Reporting Action	Monitoring Timing	Monitoring Responsibility	Compliance Verification (Initial, Date, Comments)
archaeological data recovery program. A Native American monitor shall be retained to monitor the ground disturbance when it is suspected that a TCR might be encountered.					
Wildfire					
W-1: Undergrounding of Power Drops in the VHFHSZs					
The City shall require that new or upgraded power drops located in the very high fire hazard severity zone be installed underground. Prior to the issuance of a building permit, the applicant shall submit plans for undergrounding of power drops	Project applicants shall submit plans for undergrounding of power drops.	Verify that plans for undergrounding of power drops have been submitted and that power drops are properly undergrounded.	Prior to issuance of a building permit; verification after construction.	City of Berkeley Department of Planning & Development	

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