



Office of the City Manager

INFORMATION CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council
 From: Paul Buddenhagen, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Landmark Preservation Ordinance Notice of Decision: 2135 Martin Luther King Jr. Way (Civic Center Park)/#LMSAP2025-0005

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 15-day appeal period, which began after the notice was mailed on August 25, 2025.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by September 9, 2025. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

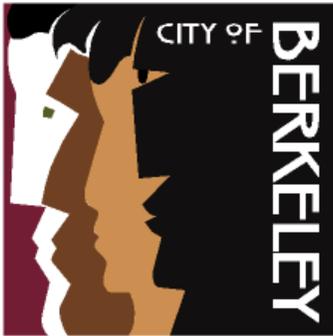
There are no known fiscal impacts associated with this action.

CONTACT PERSON

Marytonae Sanchez, Assistant Planner, Planning and Development, 510-981-7419

Attachments:

1: Notice of Decision – #LMSAP2025-0005/2135 Martin Luther King Jr. Way



L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

Notice of Decision

DATE OF BOARD DECISION: July 7, 2025
DATE NOTICE MAILED: August 25, 2025
APPEAL PERIOD EXPIRATION: September 9, 2025
EFFECTIVE DATE (Barring Appeal or Certification): September 10, 2025¹

2135 Martin Luther King Jr. Way – Civic Center Park

Structural Alteration Permit (#LMSAP2025-0005) to modify LMSAP2023-0001 at the Civic Center Park to replace six (6) benches at the upper plaza of the park, located on a City Landmark property within the Civic Center Historic District.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit request.

- **Applicant** Evelyn Chan, Parks, Recreation & Waterfront Department
1947 Center Street
Berkeley, CA 94704
- **Property Owner** City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

ZONING DISTRICT: Multiple-Family Residential District (R-3)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environmental review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation*.

¹ Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 15-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

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The application materials for this project is available online at:

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or
<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-0-1

YES: ENCHILL, PLESE, CRANDALL, FINACOM, SCHWARTZ, LEUSCHNER, HALL-MONTGOMERY

NO: NONE

ABSTAIN: NONE

ABSENT: ORBUCH

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
 - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$3,000. This fee may be reduced to \$1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
 - b. The fee for all appeals by Applicants is \$6,000.

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3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
 - 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.

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PUBLIC COMMENT:

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.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Marytonae Sanchez, at (510) 981-7419 or MSanchez@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings and Conditions
2. Project Plans

ATTEST: 
Anne Hersch, Secretary
Landmarks Preservation Commission

cc: City Clerk
Evelyn Chan, Parks, Recreation & Waterfront Department, 1947 Center Street, Berkeley

ATTACHMENT 1, PART 2

FINDINGS AND CONDITIONS

2135 Martin Luther King Jr. Way

Structural Alteration Permit (#LMSAP2025-0005) to modify LMSAP2023-0001 at the Civic Center Park to replace six (6) benches at the upper plaza of the park, located on a City Landmark property within the Civic Center Historic District.

FINDINGS REQUIRED UNDER CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”).

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR’S STANDARDS

Regarding the Secretary of the Interior’s Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Evidence: The proposed project does not require a change of use. The property will remain a municipal park.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Evidence: The project proposes the removal and replacement of six benches. The installation of benches with a new design and materials are to address compliance with the Americans with Disabilities Act (ADA), including structural and safety hazards. However, replacement is limited to the upper plaza, will not affect any of the other Civic Center Park’s character-defining features, including setting, topography and spatial organization, avoiding wholesale alteration of the park with these features intact.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Evidence: The proposed benches will not resemble or replicate designs from the park’s historic period, and will not result in a false sense of historical development.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Evidence: The subject property does not feature changes that have acquired significance in their own right.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Evidence: The features of Civic Center Park will be considerably retained and preserved, with the limited-scope of the project affecting the six benches at the upper plaza only.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Evidence: As stated under the analysis of SOI Standard 2, six existing benches will be replaced with benches of differing design and materials. However, the project includes salvaging any concrete and wood materials from the existing benches to repair other existing park benches. Thus, the proposal will aid in the City's ability to repair, rather than replace, the remaining benches throughout the Park.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Evidence: The project does not propose chemical or physical treatments. Standard conditions of approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Evidence: The project will not affect any archaeological resources as it does not require any excavation. Standard conditions of approval include preserving and protecting unexpected discoveries during project construction.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Evidence: The proposed scope of work will introduce a new bench design with new and differentiated materials that are not currently or historically present in the park. The new work will be entirely different from the existing benches.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Evidence: If the proposed benches were removed in the future, it would not permanently impair the essential form and integrity of Civic Center Park.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

Pursuant to BMC Section 3.24.260, approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

(a) For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

Evidence: The proposal to replace the six benches in the upper plaza of Civic Center Park will not adversely affect the exterior architectural features of the City Landmark because all other character-defining features including setting, topography, and spatial organization, would be retained through the site. With these features preserved, Civic Center Park will retain its historical integrity in use, identity, and form.

(b) For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

Evidence: The effects of the project are limited to the upper plaza in Civic Center Park, which is at the center of the site. Surrounding properties will be unaffected by the proposed replacement, and the project will not adversely affect neighboring structures and surroundings.

The 1997 landmark designation recognizes the benches within the park to possibly have the appearance of the original design and construction of the Civic Center Park, or are replicas of the original design. The special character of features within the park are associated with the City Beautiful movement, Works Progress Administration-era and the Golden Gate International Exposition from 1939 to 1940. As effects of the replacement is limited in scope and much of the park's features are retained, the project will not adversely affect the property's special character overall.

(c) For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

Evidence: N/A. The site is a designated City Landmark Park and not a Structure of Merit.

Exhibit A

Conditions of Approval July 7, 2025

I. General Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
1.	Project Approval. This Structural Alteration Permit approval is for 2135 Martin Luther King Jr. Way, as substantially shown and described on the project plans dated May 28, 2025, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on July 7, 2025 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	Approval Limited to Proposed Project. 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.	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. 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.	City of Berkeley	On-Going	Land Use Planning
4.	Conformance to Approved Plans. All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060. B.4	On-Going	Land Use Planning

I. General Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
5.	<p>Permit Revocation. 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 Landmarks Preservation Commission (LPC), or City Council referral.</p>	<p>City of Berkeley BMC Section 23.404.080</p>	<p>On-Going</p>	<p>Land Use Planning</p>
6.	<p>Exercise and Expiration of Permits 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.</p> <p>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.</p> <p>B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.</p> <p>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).</p> <p>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.</p>	<p>City of Berkeley BMC Section 23.404.060 (C) “Time Limits”</p>	<p>On-Going</p>	<p>Land Use Planning</p>
7.	<p>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,</p>	<p>City of Berkeley</p>	<p>On-Going</p>	<p>Land Use Planning</p>

I. General Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
	<p>“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.</p>			
II. At Building Permit Submittal		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
1.	<p>Conditions of Approval on Building Permit Plan Submittal Structural Alteration Permit. The Conditions of Approval for this Structural Alteration Permit shall be printed on the <i>second</i> sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title ‘Structural Alteration Permit Conditions.’</p>	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning

2.	<p>Project Liaison. The applicant shall <u>include in all building permit plans and post onsite</u> 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.</p> <p>Please designate the name of this individual below:</p> <p><input type="checkbox"/> Project Liaison _____ Name Phone #</p>	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
3.	<p>Construction and Demolition Diversion. The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.</p>	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division

<p align="center">III. During Construction A. Building & Safety Division</p>		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
1	<p>Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.</p>	City of Berkeley	During Construction	Building & Safety
2.	<p>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.</p>	City of Berkeley	During Construction	Building & Safety

3.	<p>Construction / No Parking Permits. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. <u>A current copy of this Plan shall be available at all times at the construction site for review by City Staff.</u></p>	City of Berkeley	During Construction	Building & Safety
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<p align="center">IV. During Construction B. Land Use Planning</p>		<p align="center"><u>Regulation Source</u></p>	<p align="center"><u>Timing/ Implementation</u></p>	<p align="center"><u>Enforcement/ Monitoring</u></p>
1.	<p><u>Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).</u> 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.</p>	City of Berkeley	During Construction	Land Use Planning

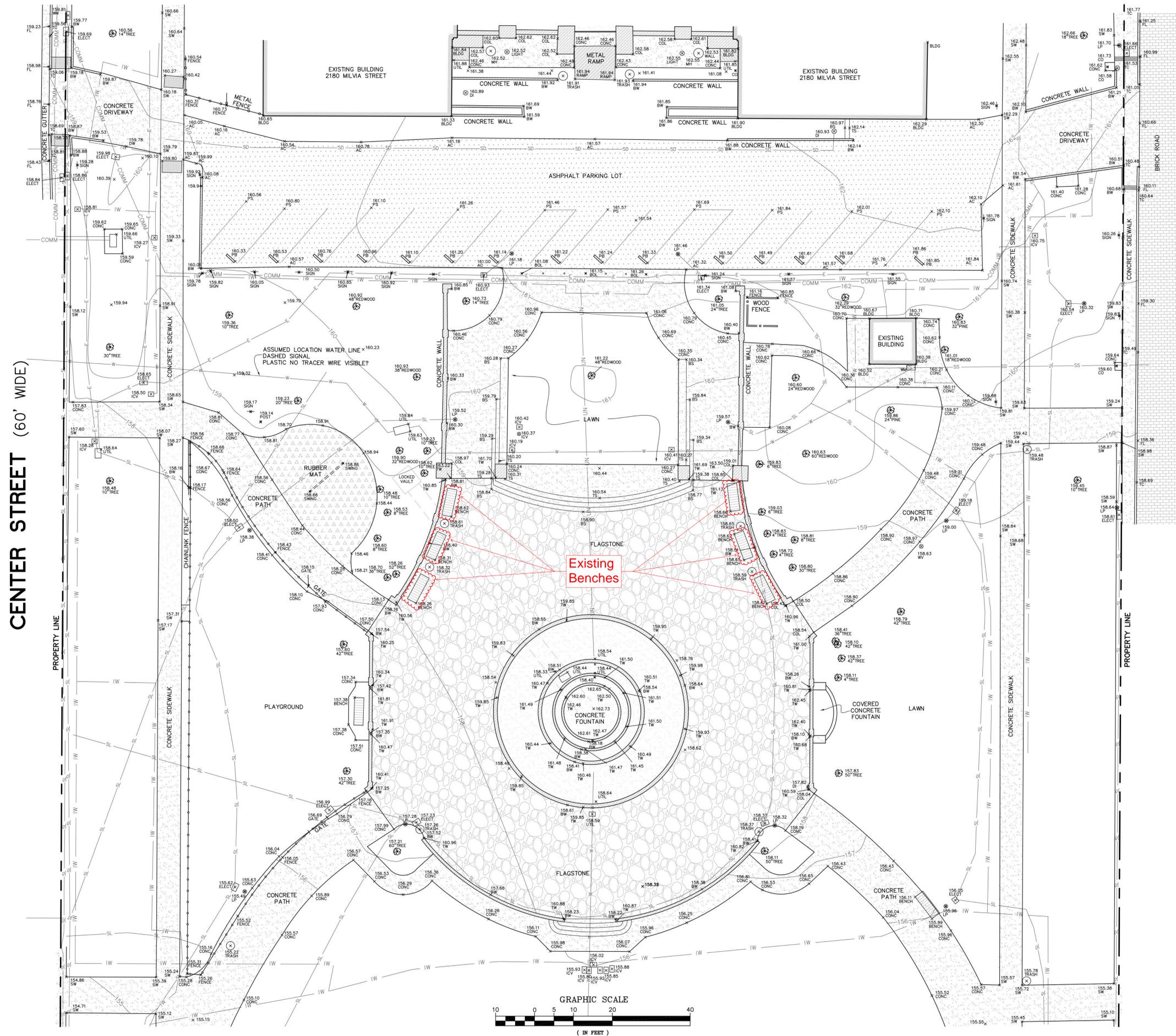
<p>2.</p>	<p><u>Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction</u>, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor 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.</p>	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Land Use Planning</p>
<p>3.</p>	<p><u>Archaeological Resources (Ongoing throughout demolition, grading, and/or construction)</u>. Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:</p> <ul style="list-style-type: none"> 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. 	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Land Use Planning</p>

	<p>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.</p> <p>E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.</p>			
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<p align="center">IV. During Construction C. During Construction: Public Works</p>		<p align="center"><u>Regulation Source</u></p>	<p align="center"><u>Timing/ Implementation</u></p>	<p align="center"><u>Enforcement/ Monitoring</u></p>
1.	<p>Site Debris. 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.</p>	City of Berkeley	During Construction	Public Works
2.	<p>Street & Sidewalk Damages. 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.</p>	City of Berkeley	During Construction	Public Works
3.	<p>Underground Utilities. 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</p>	City of Berkeley	During Construction	Public Works
4.	<p>Hauling of Debris. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.</p>	City of Berkeley	During Construction	Public Works

V. Structural Alteration Permit Conditions		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Repair and replacement of character-defining features. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	Chemical Treatments. With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning
3.	Equipment. Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the <u>architectural</u> drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
4.	Glass. All glass is assumed to be clear glass. Any proposed glass that is not clear glass, shall be indicated on all drawings, and shall be reviewed for approval by staff.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
5.	Exterior Lighting. Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.	City of Berkeley	On-Going	Land Use Planning
6.	Landscaping. The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
7.	Bench Design (added by the LPC). Develop a custom bench design that: A. Meets ADA accessibility and durability standards, and B. Reflects the historic character of the original bench, including unpainted concrete and horizontal panel seating.	City of Berkeley	Within 6 months of the July 7, 2025 Landmarks Preservation Commission meeting	Land Use Planning

8.	Alternatives (added by the LPC). Applicant to return to the Landmarks Preservation Commission to present the new custom design alternatives alongside alternative benches.	City of Berkeley	Within 6 months of the July 7, 2025 Landmarks Preservation Commission meeting	Land Use Planning
9.	Other Permits. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.	City of Berkeley	On-Going	Land Use Planning



LEGEND

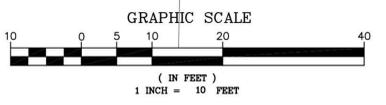
AC	ASPHALT/CONCRETE
BLDG	BUILDING
BOL	BOLLARD
BS	BASE OF STEPS
BW	BASE OF WALL
CO	CLEAN OUT
COL	COLUMN
COMM	COMMUNICATIONS
CONC	CONCRETE
DI	DRAIN INLET
DW	DRIVEWAY
E	ELECTRICAL
ELECT	ELECTRIC BOX
FL	FLOWLINE
ICV	IRRIGATION CONTROL VALVE
IW	IRRIGATION WATER
LP	LAMP POLE
MH	MAINTENANCE HOLE
PB	PARKING BLOCK
PS	PARKING STRIPE
SD	STORM DRAIN
SL	STREET LIGHT
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
UN	UNKNOWN UTILITY
UTIL	UTILITY BOX
W	WATER
WM	WATER METER
WV	WATER VALVE
ASPHLT	ASPHALT
BUILDING LINE	BUILDING LINE
BRICK	BRICK
CONCRETE SURFACE	CONCRETE SURFACE
CONCRETE WALL	CONCRETE WALL
FLAGSTONE	FLAGSTONE
METAL	METAL
RUBBER	RUBBER
TRUNCATED DOME MAT	TRUNCATED DOME MAT
WOOD	WOOD
CHAIN LINK FENCE	CHAIN LINK FENCE
METAL FENCE	METAL FENCE
WOOD FENCE	WOOD FENCE

GENERAL NOTES:
 DIMENSIONS ARE IN FEET AND DECIMAL FEET.
 DATE OF FIELD SURVEY: AUGUST 16, 2022
DATUM:
 ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
UTILITY NOTE:
 UNDERGROUND UTILITY LOCATIONS IN THE STREET AND ON SITE SHOWN HEREON ARE BASED UPON SURFACE MARKINGS, SURFACE STRUCTURES AND GEOTECH UTILITY LOCATING FINDINGS. LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND SHOULD BE VERIFIED, IF NECESSARY, PRIOR TO EXCAVATION.



SITE SURVEY
 LOCATED AT CIVIC CENTER PARK
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
 SEPTEMBER 21, 2022 SCALE: 1" = 10'

MORAN ENGINEERING, INC.
 CIVIL ENGINEERS \ LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930



REVISION NOTE: 10-18-2022 - ADDITIONAL TOPOGRAPHIC INFORMATION PER CLIENT REQUEST F.B. NO. 1907 CIVICCENTER-TOPO.DWG JOB NO. 22-4206.2

G3.00



Picture 1: Crack in concrete end, concrete spalling, and protrusion hazard



Picture 2: Damaged concrete ends supporting wood slats, failure hazard



Picture 3: Exposed bolt, protrusion and strangulation hazard



Picture 4: Exposed bolt, spalling concrete



Picture 5: Excessively wide gaps in seat and back supports



Picture 6: Crack in backrest stem, exposed bolt, protrusion hazard



Picture 7: Wood slats, constantly damaged, safety hazard



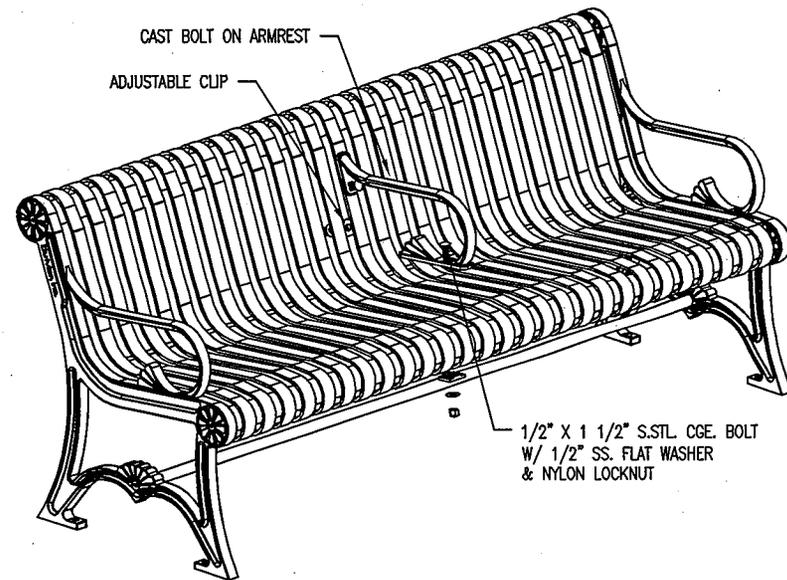
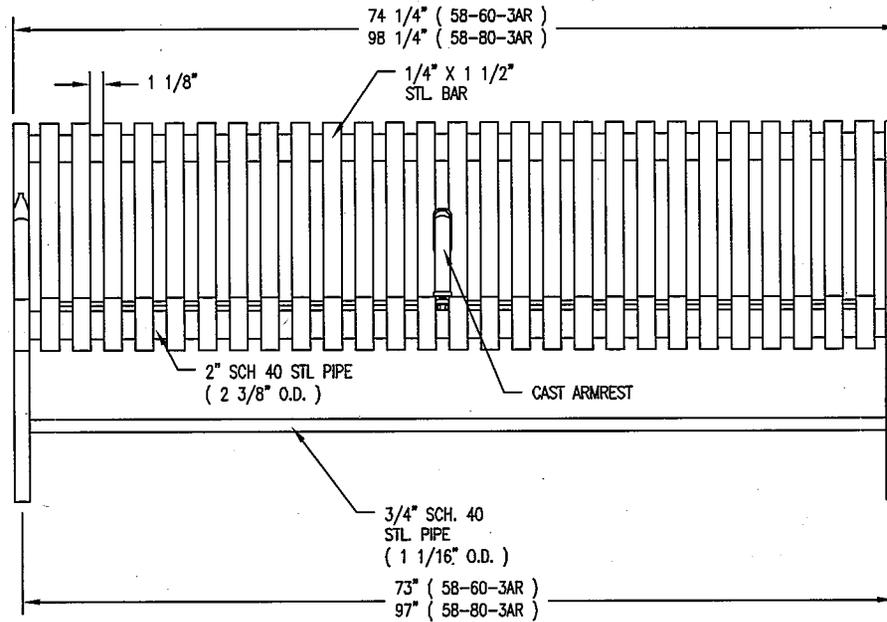
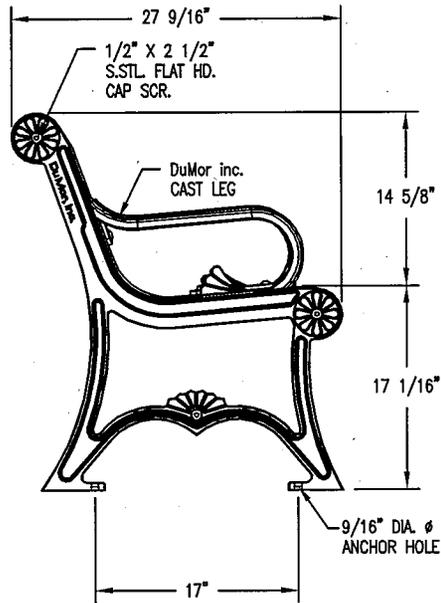
Picture 8: Spalling concrete base, crack in backrest stem, failure hazard



Picture 9: Protruding bolts, spalling concrete end, safety hazard



Picture 10: Shims needed to support/stabilize wood slats, safety hazard



LENGTH OPTIONS

- 6' BENCH
- 8' BENCH

NOTES

- 1.) ALL STL. MEMBERS COATED W/ ZINC RICH EPOXY THEN FINISHED W/ POLYESTER POWDER COATING.
- 2.) 1/2" X 3 3/4" EXPANSION ANCHOR BOLTS PROVIDED.
- 3.) CUSTOM LETTERING AVAILABLE FOR RECESSED SIDE PANELS (TOTAL OF 37 SPACES)

CUSTOM LETTERING (37 SPACES) _____



BENCH

DATE DRAWN : 03/22/94
DRAWN BY : AWH
DATE REV. : 11/21/99
REV. BY : JSB

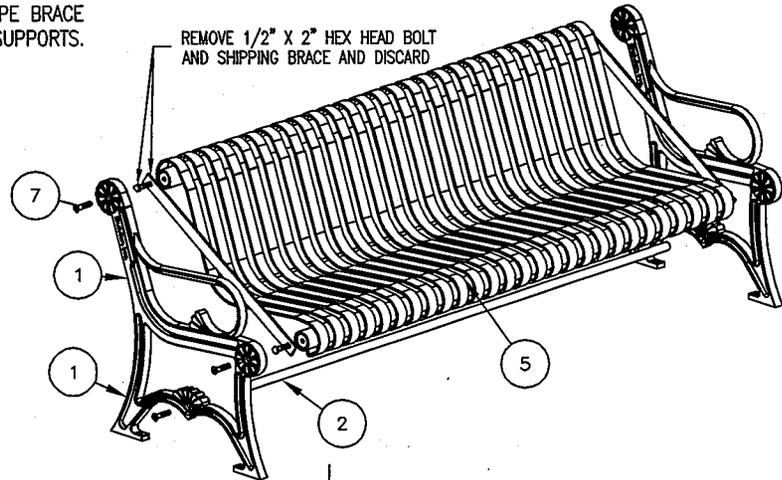
REV.
D

DRAWING
NUMBER

58 SER-3AR

SHEET
1 OF 2

1 ATTACH STL. SEAT & PIPE BRACE TO CAST IRON BENCH SUPPORTS.



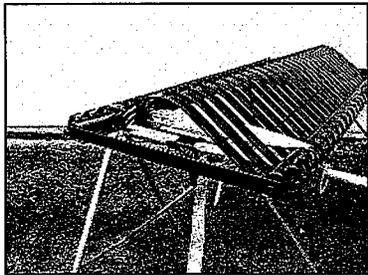
PARTS LIST

ITEM	QTY	PART NO	DESCRIPTION
1	2	0-57-00-02	CAST IRON BENCH SUPPORT
2	1	0-57-60-04	71 3/4" PIPE BRACE
3	1	0-58-00AR-03	CAST IRON BOLT ON ARMREST
4	2	0-58-00AR-04	ARMREST BOLT CLIP MACHINED
5	1	0-58-60-01	6' STL SEAT
6	2	1-11-042	1/2" X 1 1/2" SS CGE BOLT
7	6	1-12-065	1/2" X 2 1/2" FLT SKT HD CAP SCR
8	2	1-20-015	1/2" SS NYLON LOCKNUT
9	2	1-22-015	1/2" SS FLAT WASHER

KITS PROVIDED

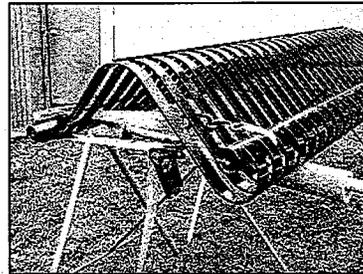
ITEM	QTY	PART NO	DESCRIPTION
10	1	K-ANCO860-4	1/2" X 3 3/4" SS ANCHOR KIT (4PC)
11	1	K-CG0824-2L	1/2" CGE BOLT HARDWARE KIT (2PC)
12	1	K-FC0840-6	1/2" CAP HARDWARE KIT (6PC)

1A



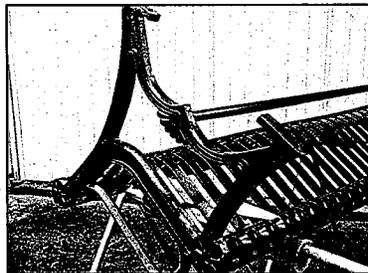
PLACE SEAT ASSEMBLY ON WORK SURFACE ALLOWING ACCESS TO ENDS. PLACE RATCHET STRAP AROUND SEAT ASSEMBLY AS SHOWN ABOVE.

1B



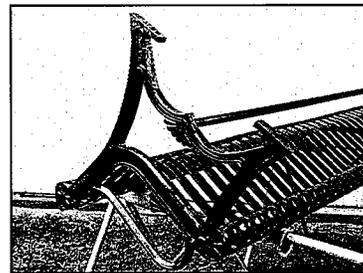
TIGHTEN STRAP UNTIL SHIPPING BRACKET BECOMES LOOSE. THEN REMOVE AND DISCARD BOLTS & SHIPPING BRACKET.

1C



ATTACH CAST SUPPORT TO SEAT ASSEMBLY. IF HOLES IN CASTING DO NOT ALIGN WITH THE SEAT ASSEMBLY, ADJUST BY USING THE RATCHET STRAP.

1D



TIGHTEN HARDWARE THEN REMOVE RATCHET STRAP AND REPEAT THIS PROCEDURE ON THE OTHER END OF BENCH.

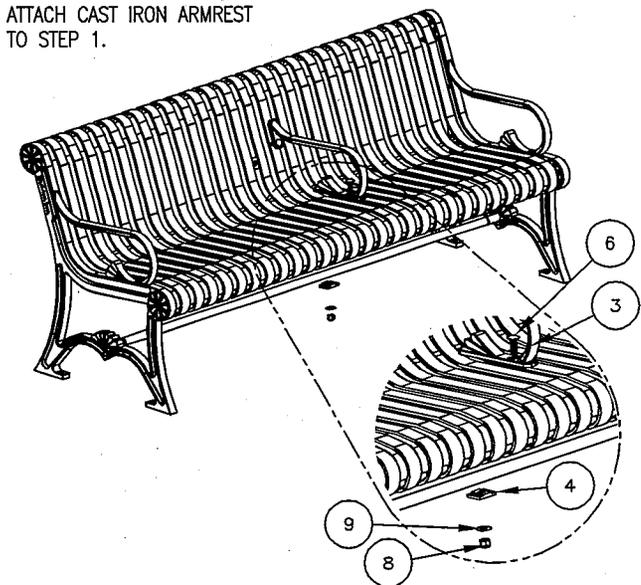
NOTES:

- 1.) DURING ASSEMBLY PROCEDURE; DO NOT COMPLETELY TIGHTEN HARDWARE. NUMBERS ONLY APPLY TO DRAWING.
- 2.) THE ACTUAL PARTS WILL NOT BE NUMBERED. NUMBERS ONLY APPLY TO DRAWING.
- 3.) UPON COMPLETION OF ASSEMBLY SQUARE ALL COMPONENTS THEN TIGHTEN ALL HARDWARE.
- 4.) MOUNT AND ANCHOR AS SPECIFIED.

TOOLS REQ'D

- 3/4" WRENCH
- 5/16" ALLEN WRENCH
- 1/2" MASONRY DRILL BIT
- DRILL
- RATCHET STRAP (PROVIDED)

2 ATTACH CAST IRON ARMREST TO STEP 1.



ASSEMBLY INSTRUCTIONS

DATE DRAWN : 11/21/99
 DRAWN BY : JSB
 DATE REV. : 00/00/00
 REV. BY : XXX

REV. A

DRAWING NUMBER

58 SER-3AR

SHEET 2 OF 2

