



Zoning Adjustments Board Staff Report

APP #ZP2024-0114

September 25, 2025

Use Permit for a Project at 2138 Kittredge Street



Quick Facts	Project Description:
Applicant: The Austin Group LLC Property Owner: Steven E. Schneider and Francisca M Schneider Joint Living Trust Project Address: 2138 Kittredge Street GP Land Use: Downton Zoning: C-DMU – Downtown Mixed-Use Commercial	The applicant is seeking approval to demolish a four-unit residential building (including four rent-controlled units) and construct a 42,893-square-foot, eight-story (85 feet) residential building with 66 units [including three (3) Very Low Income (VLI) units and two (2) Extremely Low Income (ELI) units] utilizing State Density Bonus, on a 6,750-square-foot lot. Zoning Permits Requested: Demolition. BMC Section 23.326.070(A) “Demolition and Dwelling Unit Controls” to demolish a non-residential building. Construction. BMC Section 23.204.020(A) “Allowed Land Uses” to construct a new multi-family development. New Floor Area. BMC Section 23.204.030(A)(1) “Additional Permit Requirements, New Floor Area” to create new floor area of 10,000 square feet or more in the C-DMU zoning district. Height Increase. BMC Section 23.204.130(E)(1)(a) “C-DMU Downtown Mixed-Use District, Development Standards” to establish a building with a maximum height of 75 feet in the outer core-sub area of the C-DMU zoning district. Side Setbacks. BMC Section 23.204.130(E)(3)(b) “C-DMU Downtown Mixed-Use District, Development Standards” to modify the setback standards; for

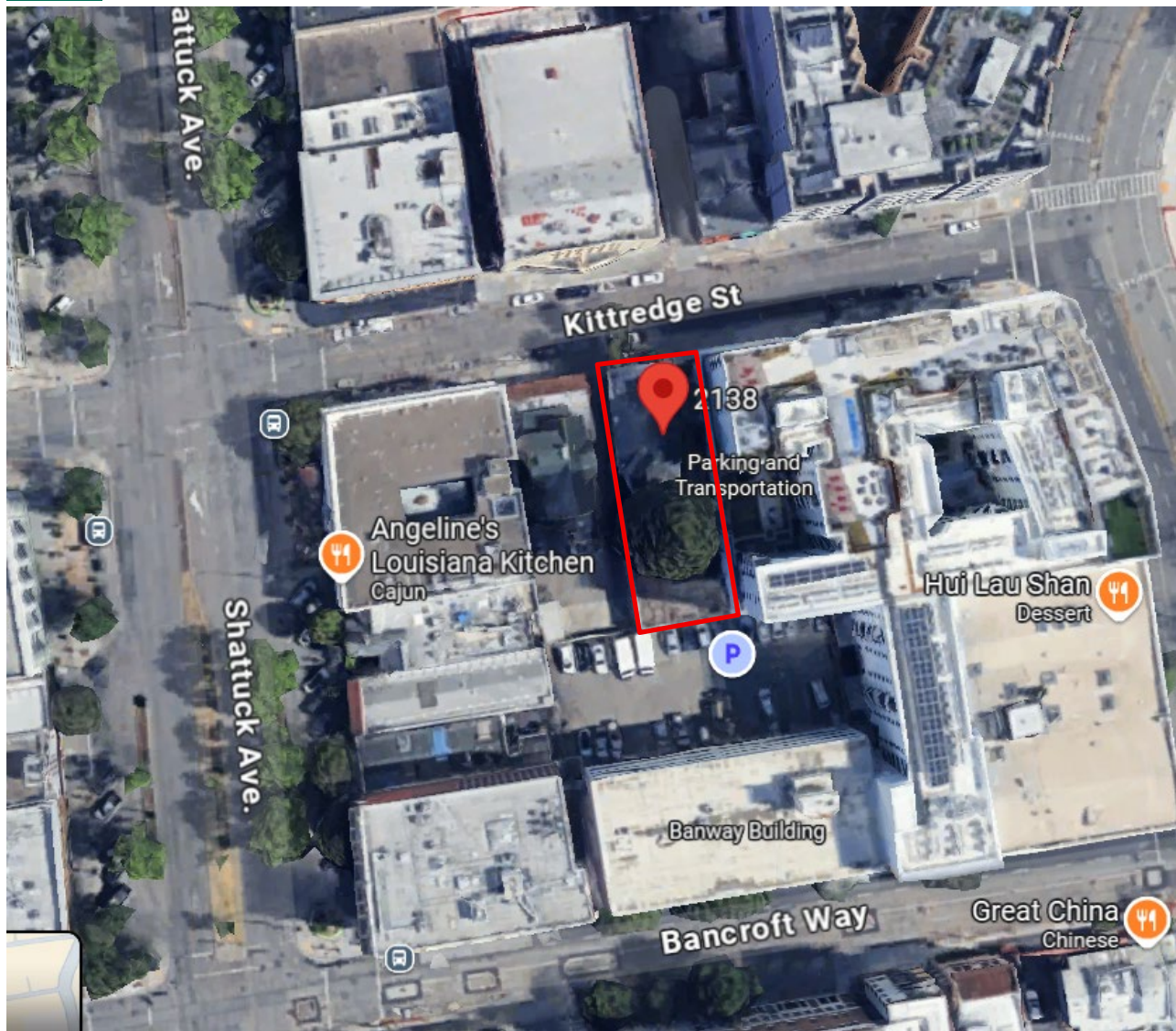
District, Outer Core Sub-Area CEQA: Exempt pursuant to 15183.3, “Streamlining for Infill Projects” Date Submitted: August 6, 2024 Vesting Date: March 18, 2024 Date Deemed Complete: September 5, 2024 Project Planner: Lisa Gordon	the side setbacks to be nine inches where 5 feet is required at 65 feet or more from the lot frontage at 21 to 75 feet height. 6. Height Increase for Rooftop Elements. (Administrative Use Permit) BMC Section 23.304.050(A) “General Development Standards, Building Height” to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district.
	Density Bonus:
	Waivers • Increased Height. Waiver from BMC Section 23.204.130(E)(1) “C-DMU Downtown Mixed-Use, Development Standards” to increase the allowed height from 75 feet to 85 feet • Front Yard Setback above 76 feet. Waiver of BMC Section 23.204.130(E)(3)(a) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the front yard setback requirement to zero feet, where 15 feet is the minimum, above 76-foot building height • Interior Yard Setback above 76 feet. Waiver of BMC Section 23.204.130(E)(3)(a) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the interior side yard setback requirement to nine inches, where 5-15 feet is the minimum, above 76-foot building height • Rear Yard Setback above 76 feet. Waiver of BMC Section 23.204.130(E)(3)(a) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the rear yard setback requirement from to ten feet, 4 inches (10’4”), where 15 feet is the minimum, above 76-foot building height • Open Space. Waiver from BMC Section 23.204.130(E)(4) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the amount of open space to 320 square feet where 5,280 square feet is required • Landscaping in Open Space. Waiver from BMC Section 23.304.090(B)(7) “Usable Open Space” to eliminate the requirement to provide 40% landscaping within open space areas
	Concession • Concession from BMC 23.304.150 “Bird Safe Building Requirements” to allow for an exemption from the bird safe building requirements
	Staff Recommendation: Staff recommends that ZAB determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 (“Infill Development Projects”), and approve ZP2024-0114 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.

ZONING MAP



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
Subject Property	Downtown (DT)	C-DMU Outer Core	2-story Residential Building
North		C-DMU Core	California Theater (closed), Multi-family Residential and Restaurants
South		C-DMU Outer Core	Banway Building (UC Berkeley), Mixed Use Commercial/Multi-family Residential and Offices
East		C-DMU Outer Core	Mixed-Use/Multi-family Residential, Event Center (Brower Center)
West		C-DMU Outer Core	Retail and Restaurants

AERIAL



STREET ELEVATION (EXISTING)



BACKGROUND

Subject Site

The project site is associated with the address 2138 Kittredge and APN 57-2029-15. The project site is an approximately 6,750-square-foot rectangular parcel located on the south side of Kittredge Street, between Shattuck Avenue (west) and Oxford Street (east). The site is located within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area as identified in the City's Downtown Area plan (DAP).

The project site is surrounded by commercial, institutional and mixed-use buildings ranging in height from two to seven stories. To the north, the site is directly across from the California Theater (closed), and there are also a mix of multi-family residential uses and restaurants. Uses to the south of the project site include the Banway Building (part of UC Berkeley), mixed-use and offices, which range in height from four to seven stories. To the east, the site is adjacent to the seven-story, "Kittredge" mixed use building and the Brower Event Center is further east. Along Shattuck Avenue to the west, there are mixed-use, two-story buildings with restaurant and retail uses on the ground floors and residential above.

The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, one-half block west of the site and is one block away from the Downtown Berkeley Bay Area Rapid Transit (BART) Station.

Site History

The project site contains two existing buildings, a carport and a two-story, 3,602-square-foot residential building. The primary structure, historically known as the Fitzpatrick House and later as the Pepper Tree Tea Room, is situated near the northwest corner of the lot, with its north-facing façade built directly along the northern property line. The one-story carport is located at the rear of the site, occupying the southwest corner and spanning the full width of the rear property line.

The two-story, multi-family residential building at 2138 Kittredge Street was constructed in 1904 by J.C. Fitzpatrick and was designed by William H. Wharff. It was converted to mixed-use, with a restaurant on the ground floor and a single living space on the upper floors, by 1925. In 1934, the front of the building was altered with a brick masonry addition in the Georgian Revival (also referred to as Neo-Georgian) style. The ground floor restaurant was known as the Pepper Tree Tea Room, which operated in this space until 1942. In 1943, the building was converted into five apartments; however, only four apartments (vacant) are currently located in the building according to the owner.

The subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). The subject property is not a City of Berkeley Landmark or Structure of Merit.

Several City Landmarks and Structures of Merit are located nearby, including the A.H. Broad House and Storefront at 2117 Kittredge Street (to the north), California Theater at 2115 Kittredge Street (to the north), Brooks Apartment Building at 2231 Shattuck Avenue (to the northwest), Tupper and Reed Building at 2271 Shattuck Avenue (to the west), Hezlett's Silk Store Building at 2277 Shattuck Avenue (to the southwest), Odd Fellows Temple at 2288 Fulton Street (to the southeast), Masonic Temple at 2105 Bancroft Way (to the southeast), and Edwards Stadium at 2594 Hearst Avenue (to the east).

A large Coast Redwood tree which was located behind the house and a tree located in the right-of-way were removed and/or pruned in Spring 2025 (tree removal/pruning permits were issued in February 2025).

Community Meeting

Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting. The meeting was held in July 2024, and attended by 4 individuals (meeting minutes are included as Attachment 6) and prior to submitting this application, the applicant installed a pre-application poster on site in July 2024. On September 11, 2025, 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 not received any correspondence from the public regarding the proposed project.

ANALYSIS

Project Scope

The proposed project would demolish a two-story, four-unit residential building and construct a 42,893-square-foot, eight-story (82 feet) residential building with 66 units total, including three (3) Very Low Income (VLI) units and two (2) Extremely low Income (ELI) unit, utilizing State Density Bonus. The project has the following primary components:

- 66 units
 - 46 Studios
 - 12 One-bedroom
 - 7 Two-bedroom
 - 73 Total bedrooms
- Bike room for 28 bikes
- 556-square-foot amenity room
- 246-square-foot raised stormwater planter

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Environmental Review

On August 6, 2025, staff determined that the project is categorically exempt from the provisions of CEQA under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines, pursuant to Assembly Bill (AB) 1633. AB 1633, which became effective on January 1, 2024, revised a provision in the Housing Accountability Act (HAA, Government Code Section 65589.5) that allows developers to file a petition to enforce the HAA’s protections where a local agency fails to make a determination that the project is exempt from CEQA when it is eligible for the exemption.

The project applicant filed an AB 1633 Notice with the City on February 7, 2025 and attached technical reports that supported the project’s eligibility for a Class 32 Categorical Exemption from CEQA and the inapplicability of any Exceptions to the exemption¹, (see Attachment 8). Submitted technical reports included the following: Trip Generation and Vehicle Miles Traveled (VMT) Analysis, Historic Resources Evaluation, Archeological Resources Analysis, Air Quality Impacts Analysis, Noise Impact Analysis, and Water Quality Impact Analysis. All technical reports were peer reviewed by the City’s CEQA consultant except for the Trip Generation and VMT analysis which was reviewed by City staff.

The applicant’s AB 1633 Notice presented evidence that none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The

¹ CEQA Guidelines, Section 15300.2

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, and 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.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including: 1) the project application materials, plans and technical reports noted above; 2) City Consultant peer reviews of submitted technical reports, including the historic resource reports; 3) City Attorney guidance; and 4) City Council’s deliberations regarding the Landmark application at the public meeting held on July 23, 2025.

Special consideration was paid to whether the project was a historic resource pursuant to CEQA and whether the project would cause a substantial adverse change to a historic resource. There were differing opinions between the applicant’s consultant and the City’s consultant regarding the property’s historic resource status. The applicant’s consultant prepared a Historic Resource Evaluation that concluded that the property does not **individually** qualify as a historical resource for the purpose of CEQA. However, the City Consultant conducting the peer review of the report concluded that the building at 2138 Kittredge Avenue did meet criteria for recognition as a Structure of Merit, thereby qualifying the building as a historical resource for the purposes of CEQA. The City Consultant did agree with the applicant’s Historic Resource Evaluation findings that the property was not eligible for listing on the California Register or as a Berkeley Landmark.

With AB 1633, if the applicant can show that there is substantial evidence that the project is eligible for an exemption, and that no exception bars the application of the exemption, then the City commits an abuse of discretion by not determining that the project is exempt. This abuse of discretion is considered a “disapproval” of the housing project under the HAA, which is disallowed except in narrow circumstances (e.g. when the project would have a specific, adverse impact on the public health or safety). The HAA requires the City to demonstrate that a preponderance of the evidence in the record supports its decision to disapprove the project ((Gov. Code §§ 65589.5(i) and (d)).). Unlike the substantial evidence test which only requires that the record has substantial evidence supporting the City’s findings regardless of evidence to the contrary, the City would need to show that there is *more* convincing evidence than the evidence opposed to its decision. If the evidence is evenly balanced, the City would not meet its burden. Moreover, since AB 1633 provides that a City’s determination is an abuse of discretion if substantial evidence supports the opposite determination, it is likely that a court will weigh the applicant’s evidence against the City’s.

Whether the historical resources exception prohibits the application of a categorical exemption in the context of 2138 Kittredge would be based on whether the structure is a historical resource and whether the project “may cause a substantial adverse change in the significance” of the historical resource. (CEQA Guidelines 15300.2(f).) A resource is a mandatory historical resource if it is listed in the California Register of Historical Resources (“CA Register”). This property is not listed in the California Register of Historical Resources and is therefore not a mandatory historical resource. In contrast, a historical resource included in a local register of historical resources or identified as significant in a historical resources survey is *presumed* to be historically significant, unless a

preponderance of the evidence demonstrates otherwise. (PRC section 21084.1). The property is not included in a local register of historical resources but was identified as significant (eligible for Structure of Merit) in a previous historical resources survey from 2015. The inclusion of the property in the previous survey and identification of the property as significant could allow the City to presume that the site was historically significant.

During the Landmark Initiation appeal hearing, Council was supportive of overturning the Landmark status of the property. Mayor Ishii and Councilmember Humbert both expressed that they did not believe that the architecture, aesthetics or cultural affiliations of the building met the criteria for historic preservation or classification of the property as a local historic resource. The Council also expressed concerns regarding compliance with HAA in relation to ensuring that historic preservation was implemented appropriately and consistently with HAA to not overly burden housing development projects.

As discussed above, there is contradictory evidence provided by the applicant and by the City Consultant regarding the project's eligibility as a CEQA historic resource (Structure of Merit). The City Council also provided feedback at the Landmark appeal hearing in support of not requiring preservation of the property. Based on the evidence in the record, the City does not have a preponderance of the evidence in the record to support a decision that the property is a historic resource pursuant to CEQA. Thus, the City has determined, pursuant to AB 1633 and in compliance with the HAA, that the property is not a historic resource and that the project would not result in a substantial adverse change in the significance of a historical resource. Therefore, and in consideration of all evidence on the record for the project, staff ultimately determined that the project meets all of the requirements for a Class 32, Infill Exemption from CEQA review, and that the historical resource exception to the use of a categorical exemption would not apply.

Upon review of all evidence on the record, staff determined that the project would meet all of the requirements of the Class 32 Infill 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 would not result in any significant effects relating to traffic, noise, air quality or water quality. The Trip Generation and Vehicle Miles Traveled Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. In addition, City Standard Conditions would 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.

Staff issued an AB 1633 Determination Letter on August 6, 2025 with the determination that the project is exempt under the Class 32 Infill Exemption. 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, which would be October 5, 2025 for this project.

Base Project and Density Bonus

The applicant has requested a density bonus under the State Density Bonus Law (Govt. Code Section 65915). Under the City’s density bonus procedures, the “base project”² is 51 units, as the maximum allowable density for the site. The seven-story base project and the resulting eight-story proposed project both have an average unit size of approximately 570 square feet. By providing five BMR units on site (9 percent of the 51-unit base density), the project is eligible for a 30 percent density bonus, or 16 additional units. The applicant proposes 15 additional units above the base density for a total of 66 dwelling units.

Base Project Units ^a	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ^a	Proposed Project Units ^a
51	9% of Base project (5 BMR units)	30%	16 (30% of 51)	66 (15 used)
Notes: a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number. Abbreviations: % = percent				

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law.

The project is entitled to one concession (or incentive) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e). The applicant is requesting the following concession:

- Concession from BMC 23.304.150 “**Bird Safe Building Requirements**” to allow for an exemption from the bird safe building requirements.

A **waiver** is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The City may only

² Per the [City’s Density Bonus Procedures \(DBP\)](#), the base project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the proposed project, which is the number of base project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, Section 65915(f).

deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law.

The applicant is requesting seven waivers from the following development standards:

- **Increased Height.** Waiver from BMC Section 23.204.130(E)(1) “**C-DMU Downtown Mixed-Use, Development Standards**” to increase the allowed height from 75 feet to 85 feet
- **Front Yard Setback above 76 feet.** Waiver of BMC Section 23.204.130(E)(3)(a) “**C-DMU Downtown Mixed-Use, Development Standards**” to reduce the front yard setback requirement to zero feet, where 15 feet is the minimum, above 76-foot building height
- **Interior Yard Setback above 76 feet.** Waiver of BMC Section 23.204.130(E)(3)(a) “**C-DMU Downtown Mixed-Use, Development Standards**” to reduce the interior side yard setback requirement to nine inches, where 5-15 feet is the minimum, above 76-foot building height
- **Rear Yard Setback above 76 feet.** Waiver of BMC Section 23.204.130(E)(3)(a) “**C-DMU Downtown Mixed-Use, Development Standards**” to reduce the rear yard setback requirement from to ten feet, 4 inches (10’4”), where 15 feet is the minimum, above 76-foot building height
- **Open Space.** Waiver from BMC Section 23.204.130(E)(4) “**C-DMU Downtown Mixed-Use, Development Standards**” to reduce the amount of open space to 320 square feet where 5,280 square feet is required
- **Landscaping in Open Space.** Waiver from BMC Section 23.304.090(B)(7) “**Usable Open Space**” to eliminate the requirement to provide 40% landscaping within open space areas

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review: Landmark Referral

The Use Permit application has not been before the Landmark Preservation Commission for review; however, a Landmark or Structure of Merit application (LMIN2024-0006) was submitted separately from the Use Permit and that application went before the Commission and City Council as described below.

On October 30, 2024, the City received a Landmark or Structure of Merit application for the subject property and initiated consideration of the property for the designation. In December 2024, Landmark Preservation Commission (LPC) staff prepared notices for a public hearing scheduled for the LPC meeting of January 6, 2025. However, due to concerns raised by interested parties, the item was pulled from the agenda. The project was re-noticed on January 27, 2025, and the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On February 6, 2025, the LPC approved Landmark Designation Application #LMIN2024-0006, designating the property at 2138 Kittredge Street as a City Landmark. The designation was based on findings that the property meets criteria related to architectural merit, cultural value, and historical significance.

On March 24, 2025, the applicant for the Use Permit filed an appeal of the LPC's decision, citing that the Landmark designation of the property after the SB 330 Preliminary Application complete date on March 18, 2024 and after the full SB 330 application was deemed complete on September 5, 2024, conflicted with the provisions of SB 330 which vest certain development rights based on the date of the application submittals. The City Council conducted the appeal hearing on July 23, 2025. At the appeal hearing, the City Council reversed the decision made by the LPC to approve the Landmark or Structure of Merit application (#LMIN2024-0006).

As a residential only building, the demolition of the building does not require review by the Landmark Preservation Commission. There are no recent business licenses for commercial use, the Pepper Tree Tea Room closed in 1942 and the building was converted to apartments in the same year. Therefore, the demolition of the building does not need to be reviewed by LPC pursuant to BMC Section 23.326.070(C).

Design Review Committee Review: Preliminary Design Review

On August 21, 2025, the Design Review Committee (DRC) reviewed the project design for 2138 Kittredge Street, gave a favorable recommendation on the design as presented, and provided the following direction for Final Design Review: Motion: (Tam, Hall-Montgomery) VOTE (7-0-0-0).

Recommendations:

Neighborhood Context / Colors and Materials

- Look at the street front, including the base, for some gestures for a better relationship with the adjacent building to the east.
- Maximize reuse of Redwood for significant highlights, not just a fence; consider for lobby or protected areas of Kittredge façade.
- Consider more playful accent colors and details on all sides.
- There is concern with reusing the brick, then painting. Look for suitable donation path.
- Color and material palette – consider more subtle shades on south and west facades.
- Consider expressing horizontal bands on wood siding where visible.

Building Details / Windows

- Recommend bringing light into the building where possible.
- Storefront not recommended on transformer frontage.
- Continue to develop windows at FDR, especially on the east bay on Kittredge; consider windows in stairwell.
- There appear to be too many sizes and styles for proposed windows; look at unifying the sills.
- Consider expressing horizontal bands on wood siding where visible.
- Show reglet, channel, and material transition details at FDR.
- Recommend as much depth as possible, especially with flat stucco details.

- Provide a clearer material transition between the light stucco and wood veneer at northwest corner.
- Recommend strong details, careful material selection, and careful contractor execution.
- Present bird safe glazing issues at ZAB since other projects have been approved with this Ordinance requirement.

Landscaping

- Confirm species proposed in planter will perform in shade.
- Recommend trellis or shade structure in rear patios.

POLICY CONSISTENCY

Housing Accountability Act

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 safety³ 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 a residential building. The Base Project includes Use Permits and/or Administrative Use Permits⁴ to modify the height, setbacks and rooftop equipment allowances, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, 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

³ A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

⁴ The City has determined that the “protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits.”

required findings for denial set forth under Section 65589.5(j), above.

Staff has not identified any adverse impacts that could occur with the construction of the project.

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:

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)).

Evidence: The September 25, 2025 ZAB hearing represents the second public hearing for the proposed project since the project was deemed complete. The City can hold up to 3 additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

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.

Evidence: A historic resource evaluation prepared for the project in June 2025 determined that the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit.

Replacement of Demolished Units:

The Housing Crisis Act of 2019 (Government Code Sections 66300-66301) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years; prohibits the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units), unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes replacing four demolished dwelling units with 66 new dwelling units.

The existing units are considered “protected” units as defined in Section 66300.5(h) because they were rent-controlled within the last five years. Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330) prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units, or units occupied by lower income households) unless the project will create at least as many residential units as will be demolished and will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years. Further, if the income levels of the existing tenants or tenants within the last five years are unknown, the units are presumed to be occupied according to the income distribution data for City of Berkeley in the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) database. The units presumed to be occupied by lower income households must be replaced with “equivalent” units in the same or greater proportion of lower income renter households to all renter households in the City. The project proposes replacement units according to the following distribution: 2 Extremely Low Income (ELI) and 3 Very Low Income (VLI).

Pursuant to the Housing Crisis Act of 2019, lower income occupants of protected units that are proposed to be demolished are subject to local tenant relocation provisions in BMC Chapter 23.326, which are greater than the State’s relocation provisions.

General Plan Consistency

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7-A Neighborhood Quality of Life, Action: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

Evidence: The project would reinforce the City’s effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing opportunities. The project would further improve the neighborhood character and quality of life by increasing existing street level activity and bringing in new residents into the Downtown Area.

4. 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.

Evidence: The project would help to encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, the university, jobs, and basic goods and services. Near to the site, multiple transit lines operate along Shattuck Avenue and the Downtown Berkeley BART station, which has connecting service throughout the Bay Area, is located one block from the project site.

5. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Evidence: The project would provide 3 VLI and 2 ELI units in addition to increasing the City’s housing supply by adding a total of 66 new dwelling units in close proximity to the university and transit.

6. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
7. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Evidence: The proposed project would be constructed to the latest building codes which include green building standards. The building would be required to attain either LEED Gold rating or higher as defined by the U.S. Green Building Council or attain a building performance that is equivalent to this rating.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans, May 16, 2025
5. Notice of Public Hearing
6. Community Meeting Minutes
7. Rent Stabilization Board memo, dated January 28, 2025
8. AB 1633 Notice

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
February 14, 2024 (vesting date)	SB 330 complete Preliminary Housing Development Project Application submitted
August 6, 2024	SB 330 Use Permit Application submitted
September 5, 2024	Application deemed complete
September 2024 – June 2025	Application processing ^a
October 30, 2024	Landmark or Structure of Merit application submitted by BAHA
February 6, 2025	Landmarks Preservation Commission hearing for Landmark or Structure of Merit Designation for LMIN2024-0006
February 7, 2025	AB 1633 Notice submitted by applicant
March 24, 2025	Applicant submits appeal of Landmark designation
July 23, 2025	City Council Appeal Hearing for Landmark designation ^b
August 21, 2025	Design Review Committee meeting
September 9, 2025	Public hearing notices mailed/posted
September 25, 2025	ZAB hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act. b. The public hearings on the Landmark Application are not counted towards the maximum number of hearings pursuant to Government Code Section 65905.5(a) as the Landmark Application was considered separate from the Use Permit Application.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project includes less than 7,500 square feet of net new commercial space. Therefore, the project is not subject to this fee.
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 23.328.020a, and would provide at least 20 percent of residential units, pay an in-lieu fee based on the residential unit floor area of the project, or a combination. The project would provide 5 Below Market Rate (BMR) units (3 Very Low-Income (VLI) rate and 2 Extremely Low-Income (ELI) rate) and would be required to pay an in-lieu fee to satisfy the remainder of the requirement.

Characteristic	Applicability	Explanation
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these requirements and a condition of approval to demonstrate compliance at building permit is included.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	Yes	There is a “historic trace” creek along Kittredge Road adjacent to the project; however, there are no other creeks or culverts, as defined by BMC Chapter 17.08, existing on or within 30 feet of the project site.
Density Bonus	Yes	The project would provide 3 Very Low-Income units and 2 Extremely Low-Income units, or 9 percent of the Base Project units, and qualifies for a 30 percent density bonus, or 16 bonus units (15 taken). See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	No	These provisions do not apply to this project because the project does not involve the construction, alteration or demolition of 50,000 square feet or more. The existing building to be demolished is 3,602 square feet and the building to be constructed is 42,893 square feet, therefore, the project is not a “covered project” pursuant to BMC Chapter 13.107.
Historic Resources	Yes	The project would demolish an existing residential building (4 units total) that is over 40 years old; however, review by the Landmarks Preservation Commission (LPC) is not required for the demolition of residential building and the building was determined not be a historic resources based on a Historic Resource Evaluation prepared by Left Coast Architectural History and pursuant to the applicant’s AB 1633 Notice.
Housing Accountability Act (HAA) (Gov’t Code Section 65589.5(j))	Yes	The project is for a residential building containing 66 dwelling units and meets the definition of a “Housing Development Project” per Government Code Section 65589.5(h)(2)b. The base project complies with applicable, objective general plan and zoning 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 is for a residential building containing 66 dwelling units 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.
Housing Element Opportunity Sites	No	The project site is not identified as a Housing Element Opportunity Site in the City’s Housing Element.

Characteristic	Applicability	Explanation
Public Art on Private Projects (BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects Ordinance. The applicant has requested a concession to eliminate the requirement to pay the fee.
Rent Controlled Units	Yes	The project would involve the demolition of four rent controlled units. These demolished units are being replaced with three VLI units and two ELI units. See project findings in Attachment 1.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "I". However, newly constructed dwellings would not be eligible to participate in the RPP program per BMC Section 14.72.080(C)(1).
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	Yes	The project site is located within the City's Environmental Management Area and is not on the Cortese List. ^d The applicant has submitted a Phase I report. No further investigation is recommended. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, one-half block west of the site and is one block away from the Downtown Berkeley Bay Area Rapid Transit (BART) Station.
Notes: a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects. 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. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic/hazards/ d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.		

**Table 3: C-DMU Zoning District Development Standards BMC Sections 23.204.130 and 23.322
Parking and Loading**

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		6,750	n/a	6,750	n/a
Gross Floor Area (sq. ft.)		3,602	33,577	42,893	n/a
Commercial Floor Area		0	0	0	n/a
Dwelling Units	Total	4	61	65	n/a
Building Height ¹ (ft. - in.)	Maximum	35	50	85	75ft with a Use Permit
Building Setbacks ² (ft. - in.)	Front (North) (Kittredge)	0	0-4'4"	4'4" (0-11') 0' (12-85')	0'-5' (bldg. ht.≤20') 0' min (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	West Interior Side 0'-65' from frontage	13'2"	(12'5")	9"	0'-5' (bldg. ht.≤20') 0' (bldg. ht.>20' ≤75') 5' (bldg. ht.>75')
	West Interior Side over 65'	n/a	n/a	9"	0'-5' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	East Interior Side 0'-65' from frontage	3'9"	(3')	9"	0'-5' (bldg. ht.≤20') 0' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	East Interior Side over 65'	3'9"	(3')	9"	0'-5' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Rear (South)	68'8"	(58'4")	10'4"	0'-5' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
Usable Open Space (sq. ft.)		0	320	320	5,280
Automobile Parking		0	0	0	n/a
Bicycle Parking	Residential – Long Term	0	25	25	1 per 3 bedrooms (73 rooms/3 = 25)
	Residential – Short Term	0	2	2	1 per 40 bedrooms (73 bedrooms)
[Shaded Box] = Concession or Waiver requested to modify the district standard Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes: 1. A use permit to allow height up to 75 feet is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Additional height beyond 75' is being requested as a waiver. 2. The use permit to allow reduced setbacks up to 75' building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 75' are being requested as waivers.					



Zoning Adjustments Board Findings

APP #ZP2024-0114

September 25, 2025

Use Permit for a Project at 2138 Kittredge Street

Project Facts	Project Description:
Applicant: The Austin Group LLC Property Owner: Steven E. Schneider and Francisca M Schneider Joint Living Trust Project Address: 2138 Kittredge Street GP Land Use: Downtown Zoning: C-DMU – Downtown Mixed-Use Commercial District, Outer Core Sub-Area CEQA: Exempt pursuant to 15183.3, “Streamlining for Infill Projects” Date Submitted: August 6, 2024 Vesting Date: March 18, 2024 Date Deemed Complete: September 5, 2024 Project Planner:	The applicant is seeking approval to demolish a four-unit residential building (including four rent-controlled units) and construct a 42,893-square-foot, eight-story (82 feet) residential building with 66 units [including three (3) Very Low Income (VLI) units and two (2) Extremely Low Income (ELI) units] utilizing State Density Bonus, on a 6,750-square-foot lot.
	Zoning Permits Requested: Demolition. BMC Section 23.326.070(A) “Demolition and Dwelling Unit Controls” to demolish a non-residential building. Construction. BMC Section 23.204.020(A) “Allowed Land Uses” to construct a new multi-family development. New Floor Area. BMC Section 23.204.030(A)(1) “Additional Permit Requirements, New Floor Area” to create new floor area of 10,000 square feet or more in the C-DMU zoning district. Height Increase. BMC Section 23.204.130(E)(1)(a) “C-DMU Downtown Mixed-Use District, Development Standards” to establish a building with a maximum height of 75 feet in the outer core-sub area of the C-DMU zoning district. Side Setbacks. BMC Section 23.204.130(E)(3)(b) “C-DMU Downtown Mixed-Use District, Development Standards” to modify the setback standards; for the side setbacks to be nine inches where 5 feet is required at 65 feet or more from the lot frontage at 21 to 75 feet height. Height Increase for Rooftop Elements. (Administrative Use Permit) BMC Section 23.304.050(A) “General Development Standards, Building Height” to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district.
	Density Bonus: Waivers Increased Height. Waiver from BMC Section 23.204.130(E)(1) “C-DMU Downtown Mixed-Use, Development Standards” to increase the allowed height from 75 feet to 85 feet Front Yard Setback above 76 feet. Waiver of BMC Section 23.204.130(E)(3)(a) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the front yard setback requirement to zero feet, where 15 feet is the minimum, above 76-foot building height Interior Yard Setback above 76 feet. Waiver of BMC Section 23.204.130(E)(3)(a) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the interior side yard setback requirement to nine inches, where 5-15 feet is the minimum, above 76-foot building height

Lisa Gordon	• Rear Yard Setback above 76 feet. Waiver of BMC Section 23.204.130(E)(3)(a) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the rear yard setback requirement from ten feet, 4 inches (10’4”), where 15 feet is the minimum, above 76-foot building height • Open Space. Waiver from BMC Section 23.204.130(E)(4) “C-DMU Downtown Mixed-Use, Development Standards” to reduce the amount of open space to 320 square feet where 5,280 square feet is required • Landscaping in Open Space. Waiver from BMC Section 23.304.090(B)(7) “Usable Open Space” to eliminate the requirement to provide 40% landscaping within open space areas Concession • Concession from BMC 23.304.150 “Bird Safe Building Requirements” to allow for an exemption from the bird safe building requirements Staff Recommendation: Staff recommends that ZAB determine 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 Projects”), and approve ZP2024-0114 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.

CEQA

Categorical Exemption

The project is categorically exempt from the provisions of CEQA under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines, pursuant to Assembly Bill (AB) 1633¹.

Evidence:

On August 6, 2025, staff determined that the project is categorically exempt from the provisions of CEQA under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines, pursuant to Assembly Bill (AB) 1633. AB 1633, which became effective on January 1, 2024, revised a provision in the Housing Accountability Act (HAA, Government Code Section 65589.5) that allows developers to file a petition to enforce the HAA’s protections where a local agency fails to make a determination that the project is exempt from CEQA when it is eligible for the exemption.

The project applicant filed an AB 1633 Notice with the City on February 7, 2025 and attached technical reports that supported the project’s eligibility for a Class 32 Categorical Exemption from CEQA and the inapplicability of any Exceptions to the

¹ AB 1633, which became effective on January 1, 2024, revised a provision in the Housing Accountability Act (HAA, Government Code Section 65589.5) that allows developers to file a petition to enforce the HAA’s protections where a local agency fails to make a determination that the project is exempt from CEQA when it is eligible for the exemption.

exemption², (see Attachment 8). Submitted technical reports included the following: Trip Generation and Vehicle Miles Traveled (VMT) Analysis, Historic Resources Evaluation, Archeological Resources Analysis, Air Quality Impacts Analysis, Noise Impact Analysis, and Water Quality Impact Analysis. All technical reports were peer reviewed by the City's CEQA consultant except for the Trip Generation and VMT analysis which was reviewed by City staff.

The applicant's AB 1633 Notice presented evidence that 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, and 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.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including: 1) the project application materials, plans and technical reports noted above; 2) City Consultant peer reviews of submitted technical reports, including the historic resource reports; 3) City Attorney guidance; and 4) City Council's deliberations regarding the Landmark application at the public meeting held on July 23, 2025.

Special consideration was paid to whether the project was a historic resource pursuant to CEQA and whether the project would cause a substantial adverse change to a historic resource. There were differing opinions between the applicant's consultant and the City's consultant regarding the property's historic resource status. The applicant's consultant prepared a Historic Resource Evaluation that concluded that the property does not **individually** qualify as a historical resource for the purpose of CEQA. However, the City Consultant conducting the peer review of the report concluded that the building at 2138 Kittredge Avenue did meet criteria for recognition as a Structure of Merit, thereby qualifying the building as a historical resource for the purposes of CEQA. The City Consultant did agree with the applicant's Historic Resource Evaluation findings that the property was not eligible for listing on the California Register or as a Berkeley Landmark.

With AB 1633, if the applicant can show that there is substantial evidence that the project is eligible for an exemption, and that no exception bars the application of the exemption, then the City commits an abuse of discretion by not determining that the project is exempt. This abuse of discretion is considered a "disapproval" of the

² CEQA Guidelines, Section 15300.2

housing project under the HAA, which is disallowed except in narrow circumstances (e.g. when the project would have a specific, adverse impact on the public health or safety). The HAA requires the City to demonstrate that a preponderance of the evidence in the record supports its decision to disapprove the project ((Gov. Code §§ 65589.5(i) and (d).). Unlike the substantial evidence test which only requires that the record has substantial evidence supporting the City's findings regardless of evidence to the contrary, the City would need to show that there is *more* convincing evidence than the evidence opposed to its decision. If the evidence is evenly balanced, the City would not meet its burden. Moreover, since AB 1633 provides that a City's determination is an abuse of discretion if substantial evidence supports the opposite determination, it is likely that a court will weigh the applicant's evidence against the City's.

Whether the historical resources exception prohibits the application of a categorical exemption in the context of 2138 Kittredge would be based on whether the structure is a historical resource and whether the project "may cause a substantial adverse change in the significance" of the historical resource. (CEQA Guidelines 15300.2(f).) A resource is a mandatory historical resource if it is listed in the California Register of Historical Resources ("CA Register"). This property is not listed in the California Register of Historical Resources and is therefore not a mandatory historical resource. In contrast, a historical resource included in a local register of historical resources or identified as significant in a historical resources survey is *presumed* to be historically significant, unless a preponderance of the evidence demonstrates otherwise. (PRC section 21084.1). The property is not included in a local register of historical resources but was identified as significant (eligible for Structure of Merit) in a previous historical resources survey from 2015. The inclusion of the property in the previous survey and identification of the property as significant could allow the City to presume that the site was historically significant.

During the Landmark Initiation appeal hearing, Council was supportive of overturning the Landmark status of the property. Mayor Ishii and Councilmember Humbert both expressed that they did not believe that the architecture, aesthetics or cultural affiliations of the building met the criteria for historic preservation or classification of the property as a local historic resource. The Council also expressed concerns regarding compliance with HAA in relation to ensuring that historic preservation was implemented appropriately and consistently with HAA to not overly burden housing development projects.

As discussed above, there is contradictory evidence provided by the applicant and by the City Consultant regarding the project's eligibility as a CEQA historic resource (Structure of Merit). The City Council also provided feedback at the Landmark appeal hearing in support of not requiring preservation of the property. Based on the evidence in the record, the City does not have a preponderance of the evidence in the record to support a decision that the property is a historic resource pursuant to CEQA. Thus, the City has determined, pursuant to AB 1633 and in compliance with

the HAA, that the property is not a historic resource and that the project would not result in a substantial adverse change in the significance of a historical resource. Therefore, and in consideration of all evidence on the record for the project, staff ultimately determined that the project meets all of the requirements for a Class 32, Infill Exemption from CEQA review, and that the historical resource exception to the use of a categorical exemption would not apply.

Upon review of all evidence on the record, staff determined that the project would meet all of the requirements of the Class 32 Infill 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 would not result in any significant effects relating to traffic, noise, air quality or water quality. The Trip Generation and Vehicle Miles Traveled Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. In addition, City Standard Conditions would 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.

Staff issued an AB 1633 Determination Letter on August 6, 2025 with the determination that the project is exempt under the Class 32 Infill Exemption. 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, which would be October 5, 2025 for this project.

FINDINGS FOR APPROVAL

2138 Kittredge Street: Use Permit No. 2024-0114

As required by BMC Section 23.406.040 (E) (1-5) "Findings for Approval," the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
 - (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

Evidence: The project will not be detrimental to the health safety, peace, morals, comfort or general welfare of person residing or visiting in the area because the

project is consistent with all applicable C-DMU District Standards, qualifies for concessions and waivers from the standards granted pursuant to Government Code, Section 65915 State Density Bonus Law, and will not unreasonably obstruct sunlight, air or views:

The increase in shadows would be limited to certain times of days during winter and summer, on abutting adjacent properties. Specifically, in the summer, portions of mixed-use buildings to the east would experience additional shade in the morning hours and the adjacent mixed-use building to the east would experience additional shade in the afternoon. In the winter, additional shade would extend to mixed-use buildings to the northwest and west in the morning and to the northeast and east in the afternoon. The project site abuts lots in the C-DMU zone which allows heights up to 75 feet with a Use Permit. As a result, the increase in shadows falls within what is expected in a developed urban neighborhood and will not be detrimental to sunlight.

The reduction in setbacks is consistent with development patterns found in the neighborhood, where commercial and mixed-use building are built up to the property line, and is permissible under a density bonus waiver to allow the construction of dwelling units; the project would not be detrimental to air quality.

The view corridor as defined in BMC Section 23.502.020 (Glossary) includes views of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the campanile, Golden Gate Bridge, or any other views that substantially enhances the value and enjoyment of real property. The project's proposed location is in a generally flat neighborhood, developed with two- to seven-story buildings, and includes some mature vegetation that obscures these views from off-street angles. Because significant views are generally not available in this neighborhood due to grade, current development patterns, and mature vegetation, the proposed project would not create detrimental impacts to views.

- (b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or general welfare of the city because the project will benefit the immediate and surrounding neighborhoods by replacing an underutilized residential building containing four units, with a new building containing 66 units, include three VLI units and two ELI units, which contributes to the local and regional housing stock. The project has been designed to utilize the existing building envelope and form. The project conforms to all required state and local objective planning standards.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

Elimination of Dwelling Units through Demolition³

BMC Section 23.326.010(B) “Findings” allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City:

Evidence: The project would replace 4 demolished rent-controlled (protected) dwelling units with 66 dwelling units (2 units affordable to Extremely Low-Income households and 3 units affordable to Very Low-Income households). The increase in the number of housing units would help meet the City’s need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.020(B) would be met. The project would also provide housing in proximity to regional transit, bicycle facilities, retail, and services, therefore reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts. The proposed project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.

The project is compliant with all provisions of Government Code Section 66300(d) for the demolition and replacement of residential units.

Therefore, the project will not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City.

Per BMC Section 23.326.030(A)(2)(a) “Eliminating Dwelling Units through Demolition, - Limitation.”, demolition is not allowed if the building was removed from the rental market under the Ellis Act during the preceding five years, or there have been verified cases of harassment, or threatened or actual illegal eviction during the preceding five years.

Evidence: Rent Stabilization Board staff reviewed the property records and determined that the existing units have not been removed from the rental market under the Ellis Act at any time during the preceding five years, or there is no record of any verified cases of harassment or threatened or actual illegal eviction. (Attachment 7).

BMC Section 23.326.030(A)(3) “Findings” allows the ZAB to approve demolition of a building constructed before June 1980 on a property containing two or more dwelling units if one or more of the following findings can be met: the building containing the units is hazardous or unusable and is infeasible to repair; the building containing the units will be

³ This project is vested under the Demolition Ordinance in effect prior to August 10, 2024 pursuant to SB 330.

moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units; the demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community; the demolition is necessary to permit construction approved pursuant to BMC Chapter 23.326 Demolition and Dwelling Unit Control, of at least the same number of dwelling units.

Evidence: The project would replace 4 demolished rent-controlled (protected) dwelling units with 66 dwelling units including 2 units affordable to Extremely Low-Income households and 3 units affordable to Very Low-Income households. The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.030(A) "Procedure and Findings" would be met. The project would also provide housing in proximity to regional transit, bicycle facilities, retail, and services, thereby reducing vehicle miles traveled and air quality and greenhouse gas emission impacts. The demolition of the building allows the development of 5 replacement units, and an additional 61 units.

Replacement Units - Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330)

Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330) prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished; will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years, and replace "protected" units as specified in these sections.

Evidence:

1. The project site has held four ("protected", if appropriate) units (the greatest number of units that existed on the project site within the last five years), and is constructing 66 units, in compliance with state law.
2. The project would replace four removed protected dwelling units with equivalent units – two units affordable to Extremely Low-Income households and three units affordable to Very Low-Income households, subject to a recorded affordability restriction of at least 55 years.

Density Bonus

- A.** Pursuant to Government Code Section 65915 (Density Bonus), the Zoning Adjustments Board finds that:

1. Under the City's methodology for implementing density bonuses, the base project consists of 51 units;
 2. The project will provide at least five qualifying units in the 51-unit base project, as more fully set forth in Condition "Below Market Rate Units";
 3. The project is entitled to a density increase of 30 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus one concession or incentive. This equates to a density bonus of up to 15 units above the base project, for a total of up to 66 units.
- B.** In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concession in order to provide for affordable housing costs:
1. Concession from BMC 23.304.150 "**Bird Safe Building Requirements**" to allow for an exemption from the bird safe building requirements.;
- C.** In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
- D.** In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.
1. **Increased Height.** Waiver from BMC Section 23.204.130(E)(1) "**C-DMU Downtown Mixed-Use, Development Standards**" to increase the allowed height from 75 feet to 85 feet,
 2. **Front Yard Setback above 76 feet.** Waiver of BMC Section 23.204.130(E)(3)(a) "**C-DMU Downtown Mixed-Use, Development Standards**" to reduce the front yard setback requirement to zero feet, where 15 feet is the minimum, above 76-foot building height,
 3. **Interior Yard Setback above 76 feet.** Waiver of BMC Section 23.204.130(E)(3)(a) "**C-DMU Downtown Mixed-Use, Development Standards**" to reduce the interior side yard setback requirement to nine inches, where 5-15 feet is the minimum, above 76-foot building height,

4. **Rear Yard Setback above 76 feet.** Waiver of BMC Section 23.204.130(E)(3)(a) “**C-DMU Downtown Mixed-Use, Development Standards**” to reduce the rear yard setback requirement from to ten feet, 4 inches (10’4”), where 15 feet is the minimum, above 76-foot building height,
 5. **Open Space.** Waiver from BMC Section 23.204.130(E)(4) “**C-DMU Downtown Mixed-Use, Development Standards**” to reduce the amount of open space to 320 square feet where 5,280 square feet is required; and,
 6. **Landscaping in Open Space.** Waiver from BMC Section 23.304.090(B)(7) “**Usable Open Space**” to eliminate the requirement to provide 40% landscaping within open space areas.
- E. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

Housing Accountability Act – Government Code Section 65589.5(j)

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.

Evidence: The project includes construction of a housing development project for 66 dwelling units. Because the base project complies with applicable, objective general plan and zoning standards, Section 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, policies, or conditions, have been identified.

C-DMU Downtown Mixed-Use District Permit Findings

As required by BMC Section 23.204.130(1) “**C-DMU Downtown Mixed-Use District, Permit Findings**”, the following findings shall be made: To approve an AUP or Use Permit for a

project in the C-DMU district, the review authority must make the findings in Section [23.406.040](#) (Use Permits) and find that the proposed use or structure:

1. Is compatible with the purposes of the district; and

The purpose of the C-DMU district is to implement the vision and goals of the Downtown Area Plan (DAP) (adopted 2012), which include: Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development.

Environmental Sustainability and Access: DAP goals: Integrate environmentally sustainable development and sustainability best practices; encourage high density, highly livable development to utilize regional transit and improve the availability of diverse walk-to destinations; promote “green” buildings; promote ecologically beneficial landscaping and stormwater features; minimize waste generated Downtown; improve options that increase access to Downtown on foot, by bicycle, and via transit; provide parking to meet the needs of Downtown, while discouraging commuter parking; promote transit as an efficient, attractive choice and as a primary mode of travel.

Land Use: DAP goals: Encourage a thriving, livable Downtown that is a focal point for the city and a major destination for the region, with a unique concentration of housing, jobs and cultural destinations near transit, shops and amenities; new development contributes fair share toward Downtown improvements; cultivate Downtown as an attractive residential neighborhood with a range of housing opportunities, with an emphasis on affordable housing and family housing; new development enhances Downtown’s vitality, livability, sustainability, and character through appropriate land use and design; enhance Downtown as a center for employment and innovative businesses.

Evidence: The project is a high-density residential development in proximity to regional transit, shops and amenities, and would provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The building will be required to attain either LEED Gold rating or higher as defined by the U.S. Green Building Council or attain a building performance that is equivalent to this rating. A new street tree and landscape planter would be provided along Kittredge Street and would add to the cultivation of the Downtown as an attractive residential neighborhood. Therefore, the project is consistent with the Environmental Sustainability and Access and Land Use goals of the DAP.

Historic Preservation and Urban Design: DAP goals: Conserve Downtown's historic resources and unique character and sense of place; enhance areas of special character in Downtown, such as clusters of historic resources; provide continuity and harmony between the old and the new in the built environment; improve the visual and environmental quality of Downtown, with an emphasis on pedestrian environments that are active, safe and visually engaging.

Evidence: A historic resource evaluation prepared for the project in June 2025 determined that the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. The proposed building utilizes high quality materials and will improve the visual and environmental quality of the Downtown. The project was reviewed by the Design Review Committee (DRC) on August 21, 2025. The DRC deemed the project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review. Therefore, the project is consistent with the Historic Preservation and Urban Design goals of the DAP.

Streets and Open Space: DAP Goals: Enhance public open spaces and streets to benefit pedestrians, improve Downtown's livability, and foster an exceptional sense of place; promote watershed health through the use of ecologically beneficial landscaping and other features; adequately fund streets and open space improvements, maintenance, and cleaning; new development contributes to greenery and open space.

Evidence: The project would replace an existing street tree with a new healthy tree. The project includes a Low Impact Design (LID) planter in the front of the site that will help to promote watershed health and utilizes ecologically beneficial landscaping, while also providing attractive landscaping along the street. Therefore, the project is consistent with the Streets and Open Space goals of the DAP.

Housing and Community Health and Services: DAP Goals: Encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses; offer diverse housing opportunities for persons of different ages and incomes, households of varying size, and persons of varying abilities; preserve existing affordable housing Downtown, and expand the supply of affordable housing to low-income, very low-income and working-class households in Downtown.

Evidence: There are 4 dwelling units existing within the project site which will be demolished to construct the new building. Replacement dwelling units will be provided consistent with Government Code Section 66300 (SB 330) as described above. The project will involve construction of a new residential building with a total of 66 dwelling units, including 2 ELI and 3 VLI units. The project would expand the supply of affordable housing and contribute to a thriving, livable, diverse residential

neighborhood with a mix of supportive uses in Downtown and is therefore consistent with the Housing and Community Health and Services goals of the DAP.

Economic Development: DAP Goals: Make Downtown a more attractive regional destination, by building on Downtown's unique blend of cultural, historic, entertainment and by promoting successful retail businesses and other attractions with daytime and nighttime populations to support them; make Downtown more attractive and economically successful, encourage placemaking through the preservation of historic buildings, street and open space improvements, and high-quality new construction; Invest in civic improvements (such as streets, open spaces, and community facilities) to enhance Downtown as a place to live, work, and visit; Increase the number of Downtown jobs that go to Berkeley residents, and support the development of job skills for Berkeley residents – especially Berkeley's youth; serve the housing needs of all income groups and provide a growing base of residents who support a broad range of Downtown retail and other business.

Evidence: The project is consistent with the Economic Development DAP goals because the project would bring new residents and a greater range of household incomes to the Downtown area to contribute to the area's vitality and success. The project will help to make the Downtown more attractive by providing high-quality new construction.

2. Is compatible with the surrounding uses and buildings.

Evidence: The project site is surrounded by commercial, institutional and mixed-use buildings ranging in height from two to seven stories. To the north, the site is directly across from the California Theater (closed), and there are also a mix of multi-family residential uses and restaurants. Uses to the south of the project site include the Banway Building (part of UC Berkeley), mixed-use and offices, which range in height from four to seven stories. To the east, the site is adjacent to the seven-story Kittredge mixed-use building and the Brower Event Center is further beyond. Along Shattuck Avenue to the west, there are a mix of two-story restaurant and retail uses. The project would be compatible with surrounding uses and buildings. The DRC deemed the project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

Findings for Uses Permits for new floor area in the C-DMU district:

Pursuant to BMC Section 23.204.030(A)(2) “**Additional Permit Requirements**”, to approve a Use Permit for new floor area in the C-DMU district, the ZAB must find that:

- a) The addition or new building is compatible with the visual character and form of the district; and

Evidence: The new building would be compatible with the visual character and form of the zoning district. The zoning district allows for heights up to 75 feet with a use permit. Existing buildings surrounding the project site generally range from two to seven stories high. Mixed-Use and office buildings located adjacent to the site on the east and south are six to seven stories in height, consistent with the proposed building. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines.

- b) No designated landmark structure, structure of merit, or historic district in the vicinity would be adversely affected by the appearance or design of the proposed addition.

Evidence: The proposed project, which is located within the boundary of the Shattuck Avenue Commercial Corridor Historic District, across the street (Kittredge) from three City Landmarks (Brooks Apartments, California Theater, A.H. Broad House and Storefronts), to the east of multiple City Landmarks on Shattuck Avenue, and to the west of City Landmarks Odd Fellows Temple and Edwards Stadium on Fulton Street, would result in a new building taller than surrounding contributing buildings to the historic district, which generally range from two to three stories high on side streets and reach up to sixteen stories along Shattuck Avenue (to the west). It would, as a result, introduce a new visual feature to the district by introducing a building which is taller than the existing contributing buildings. The visual impact on the historic setting would be reduced by its location. Mixed-Use and office buildings located adjacent to the site on the east and south are six to seven stories in height, consistent with the proposed building. The California Theatre, located directly north of the site, is the site of an approved 18-story mixed-use project. The proposed project’s effect on the historic relationship between the historic district and the commercial corridor of Shattuck Avenue would be reduced by its location on the eastern edge of the district boundary and by its consistency with the surrounding recent development approved and existing within the vicinity of the site. The proposed building utilizes high quality materials and will improve the visual and environmental quality of the Downtown. The project was reviewed by the Design Review Committee (DRC) on August 21, 2025. The DRC deemed the project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

Use Permit for Reduced Setbacks

Pursuant to BMC Section 23.204.130(E)(2) “**C-DMU Downtown Mixed-Use District, Development Standards**”, the ZAB may approve a permit to modify setbacks upon finding that the modifications will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

Evidence: The project requests reduced front, side and rear setbacks up to 75 feet in building height in the Base Project. The findings in this section are not applicable to reduced setbacks above 75 feet building height that are requested waivers in the Proposed Density Bonus Project. The setback encroachment in the Base Project would result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. Thus, the setback reduction the Base Project would not unreasonably limit solar access.

A wind study was not provided to satisfy this finding. However, wind studies have been prepared for projects in the vicinity that are much taller and have similar setback reductions, and which can be used for reference analysis. A Wind and Comfort Impact Analysis was prepared in March, 2022 for an approved use permit at 2190 Shattuck, a site that is one block to the east of the subject site, for a 25-story building proposal with zero to five-foot setbacks up to 268 feet in height, that concluded that the building would not cause significant additional wind impact on the street level at Shattuck Avenue and Allston Way. Staff believes that the proposal at 2138 Kittredge for an 8-story building with similar setback reductions up to 85 feet in height, would also result in insignificant changes to wind patterns on the sidewalk at the site along Kittredge Street.

Administrative Use Permit for Architectural Projections to Exceed Height Limit:

BMC Section 23.304.050(A) “**General Development Standards, Building Height**” requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building’s floors and cannot be used as habitable space or for commercial purposes.

Evidence: The project would include mechanical and staircase/elevator penthouses 325 square feet on the roof. This area represents 6.1 percent of the 5,362-square-foot average of all the floor areas. None of the projections exceed the limit of 15 percent of the average floor area, and they are therefore permissible.

BMC Section 23.406.040 (E) (3-5) “Findings for Approval”

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

(a) The proposed land use; and

Evidence: The proposed land use, 66-unit residential building, meets the findings for approval because the project is an allowed land use and consistent with the General Plan Land Use Designation of Downtown and with the Downtown-Mixed Use District zoning of the property, with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

(b) The structure or addition that accommodates the use.

Evidence: The layout and height of the proposed structure is consistent with the zoning development standards, with the inclusion of waivers to modify the height, setbacks and open space requirement pursuant to Government Code Section 65915 “State Density Bonus Law.”

The architectural design of the structure that accommodates the use was reviewed by the Design Review Committee (DRC) on August 21, 2025. The DRC deemed the project consistent with Downtown Berkeley Design Guidelines and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The findings are based on the circumstances existing at the time a decision is made on the application. The project is consistent with the allowed uses outlined in the C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

5. The ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings.

Evidence: N/A - As described above, all of the required findings to approve the Use Permit have been made.



USE PERMIT ZP2024-0114

CONDITIONS OF APPROVAL

September 25, 2025

2138 Kittredge Street

The applicant is seeking approval to demolish a four-unit residential building (including four rent-controlled units) and construct a 42,893-square-foot, eight-story (82 feet) residential building with 66 units [including three (3) Very Low Income (VLI) units and two (2) Extremely Low Income (ELI) units] utilizing State Density Bonus, on a 6,750-square-foot lot.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, 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.

2138 KITTREDGE STREET- USE PERMIT #ZP2024-0114

USE PERMIT CONDITIONS

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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 BMC Chapter 23.410, Appeals and Certification.
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)). Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070). No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080). The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Pay Transparency Acknowledgement (BMC Section 13.104.030). Prior to the issuance of a building permit for any Project subject to this Chapter:

- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with BMC Chapter 13.104 and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

10. Pay Transparency Attestations following Project Completion (BMC Section

13.104.040). Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with BMC Chapter 13.104 and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City

11. Posting of Wage Theft Ordinance (BMC Section 13.104.050). Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of BMC Chapter 13.104; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.

12. Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060). The requirements of BMC Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under BMC Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.

13. Hold Harmless. The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

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USE PERMIT CONDITIONS

September 25, 2025

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II. **ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

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

Prior to Submittal of Any Building Permit:

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

☐ **Project Liaison** _____
Name Phone #

15. Prior Rental Rate. Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if asked to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

16. Requirement for Relocation Expenses. Pursuant to BMC 23.326.030(A)(5)(c)(i), the applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and payments for Residential Tenant Households) and, (ii) shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are read for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation that includes an overall building tenant relocation plan and relocation agreements all applicable tenant households prior to submittal for building permits.

17. Sitting Tenant Rights. Pursuant to BMC 23. 326.030(A)(5)(d):

- (i) Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and
- (ii) Tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rate that would have applied if they had remained in place, as long as their tenancy continues.
- (iii) Income restrictions o not apply to displaced tenants

- 18. 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 Section 16.28.030 Assignment and Installation of Numbers, 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.
- 19. 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, Prohibited Acts. 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.

20. 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

21. Compliance with Conditions of Approval and Environmental Mitigations. 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)

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

- 23. Fee Deferrals.** All zoning project application fees that were deferred at the time of application submittal shall be paid in full.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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

- 28. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.
- 29. 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.
- 30. 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.
- 31. Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along Kittredge Street to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.
- 32. Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a \$1 to \$1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

- 33. Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.
- 34. 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.)
- 35. 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.
- 36. 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.
- 37. 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

- 38. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

39. Below Market Rate Units. Three Very-Low Income (VLI) and Two Extremely-Low Income (ELI), Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings shall be designated as BMR Units. All BMR units are required to comply with the stricter of the State Density Bonus Law (Government Code Section 65915), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination of Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to BMC Section 23.326.030 "Demolition and Dwelling Unit Controls" of the permit findings shall be designated as BMR Units. Any Extremely-Low Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Summary table of project BMR units			
Code Section	Extremely-Low Income (30% AMI)	Very-Low Income (50% AMI)	Low Income (80% AMI)
BMC Chapter 23.328 (Inclusionary Housing)^a	0	5	0
State Density Bonus Law (Gov. Code Section 65915)^b	2	3	0
BMC Chapter 23.326 (Demolition Ordinance, project vesting prior to 8/10/24)^c	2	3	0
Total	2	3	0
^a Per Chapter 23.328, The Affordable Units shall have the same proportion of unit types (i.e., number of bedrooms) and average size as the market rate units (provided, however, that no Affordable Unit may have more than three bedrooms). Affordable Units shall be (a) reasonably dispersed throughout the Housing Development Project; and (b) comparable to other Residential Units in the Housing Development Project in terms of appearance, materials, and finish quality. Residents of Affordable Units shall have access to the same common areas and amenities that are available to residents of other Residential Units in the Housing Development Project. All Affordable Units shall be affordable to lower income households in perpetuity. ^b Per Government Code Section 65915, all affordable units are subject to a recorded affordability restriction of at least 55 years. All affordable replacement units must be equivalent in size, and contain at least the same total number of bedrooms as the units being replaced. ^c Per BMC Chapter 23.326, all affordable replacement units must be affordable in perpetuity.			

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40. Regulatory Agreement. If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 (Density Bonus), BMC Section 23.328.030 "Inclusionary Housing, Affordable Housing Requirements", and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 "Inclusionary Housing" and State Density Bonus Law (Government Code Section 65915). The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

41. 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 \$643,561.88. Any adjustments to the fee and the final fee amount 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:

42. 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.

43. 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.

- 44. 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:

- 45. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 46. 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.
- 47. 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.
- 48. Public Works - Implement Bay Area Air District (BAAD).** Recommended Measures during Construction. For all proposed projects, BAAD 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.

49. 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.

50. 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.

51. 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.)

52. 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.

53. 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. Archaeological monitoring shall be performed under the direction of a qualified archaeologist during all ground disturbing activities including pavement removal, grading, and trenching. The archaeological monitor shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring.

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- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

54. 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.

- 55. 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.
- 57. 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.
- 58. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

- D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All 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.
- 59. 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.
- 60. 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.

2138 KITTREDGE STREET- USE PERMIT #ZP2024-0114

USE PERMIT CONDITIONS

September 25, 2025

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61. **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.
62. **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.
63. **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.
64. **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.
65. **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:

66. **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.
67. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated May 12, 2025.
68. **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.
69. **Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in this section:

A. For new structures or additions over 20,000 square feet, the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

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

At All Times:

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

72. 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.

73. 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.

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

75. 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.

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

77. 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.

78. 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.

2138 KITTREDGE STREET- USE PERMIT #ZP2024-0114

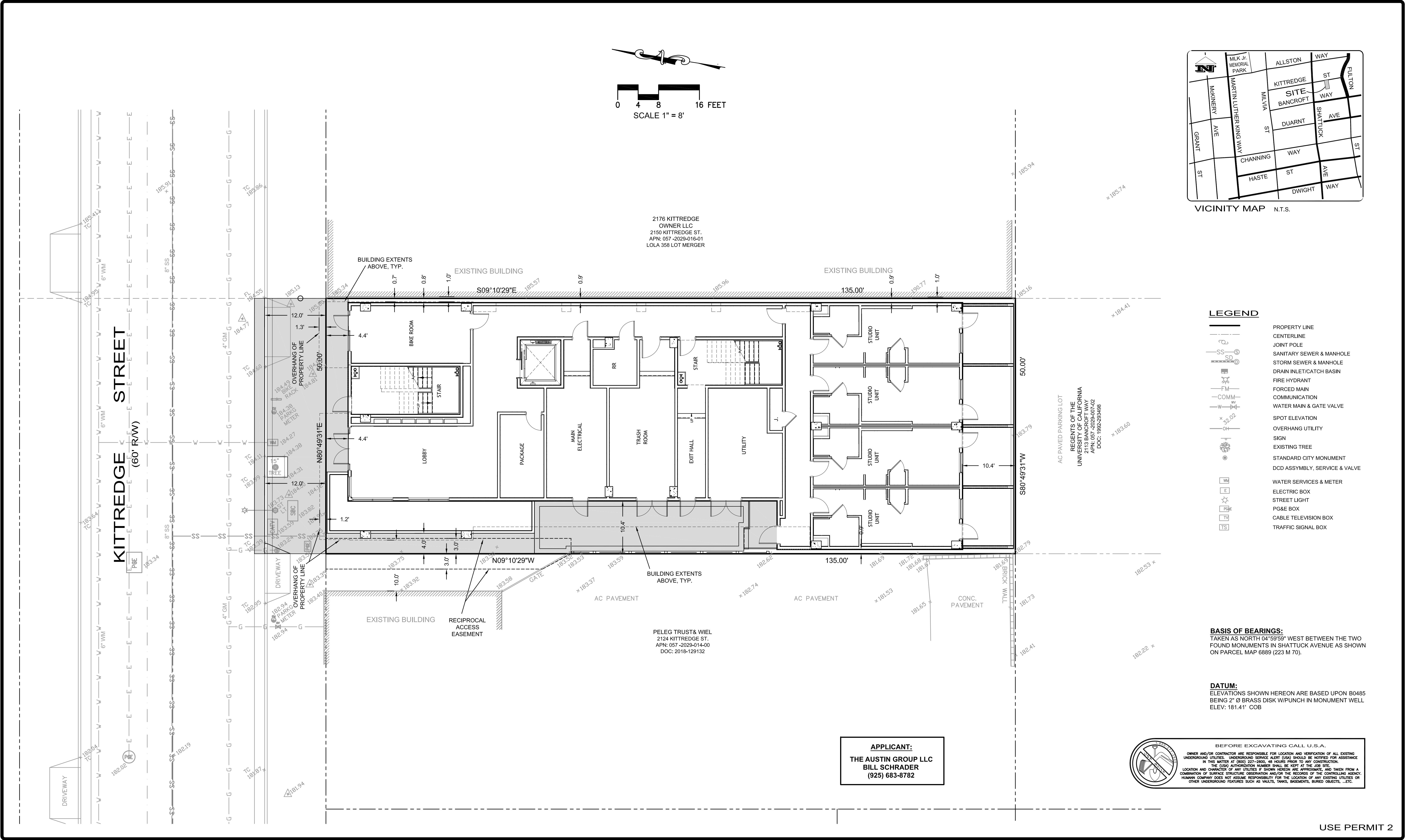
USE PERMIT CONDITIONS

September 25, 2025

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79. Required Bike Parking. Secure and on-site bike parking for at least 20 bicycles shall be provided for the life of the building.

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



NO.	DATE	BY	REVISIONS

SCALE	1"=8'
DATE	12/06/2024
ENGINEER	HN
JOB NO.	23150

REGISTERED PROFESSIONAL ENGINEER
No. 29528
STATE OF CALIFORNIA
IZZAT S. NASHASHIBI
R.C.E. 29528

PRELIMINARY SITE PLAN
FOR
LOT 17 "BERKELEY PROPERTY MAP NO. 3 OF BLAKE TRACT"
2138 KITTREDGE STREET
APN 057 -2029-015-00
BERKELEY CALIFORNIA

HUMANN COMPANY INC.
ENGINEERING - SURVEYING
1021 BROWN AVE. LAFAYETTE, CA 94549
PH (925)283-5000 FAX (925)283-3578

SHEET	C01
OF 3 SHEETS	
JOB NO.	23150



CHECKED BY: MM

www.nilesbolton.com

This drawing, as an instrument of service, is and shall remain the property of the Architects and shall not be reproduced, published or used in any way without the permission of the Architect.

AUSTIN GROUP

APPLICANT:
THE AUSTIN GROUP LLC
BILL SCHRADER
(925) 683-8782

PERSPECTIVES

A3-12

12/16/2024





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

2138 Kittredge Street

The applicant is seeking approval to demolish a four-unit residential building (including four rent-controlled units) and construct a 42,893-square-foot, eight-story (82 feet) residential building with 66 units [including three (3) Very Low Income (VLI) units, and two (2) Extremely Low Income (ELI) units] utilizing State Density Bonus, on a 6,750-square-foot lot.

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, September 25, 2025, 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: Downtown
- Zoning: C-DMU Outer Core – Downtown Mixed-Use District

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474
E-mail: zab@berkeleyca.gov

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish non- residential buildings
- Use Permit pursuant to BMC Section 23.204.020(A) to establish a mixed-use residential building
- Use Permit pursuant to BMC Section 23.204.030 to establish more than 10,000 square feet of new floor area in the C-DMU zoning district
- Use Permit pursuant to BMC Section 23.204.130(E)(1)(a) to establish a building with a maximum height of 75 feet in the outer core sub-area
- Use Permit pursuant to BMC Section 23.204.130(E)(3)(b) to modify the setback standards in Table 23.204-38 for the side and rear setbacks
- Administrative Use Permit pursuant to BMC Section 23.304.050 for projections above the height limit

C. Concessions and Waivers and Pursuant to State Density Bonus Law (CA Gov't. Code Section 65915.

- Concession from BMC 23.316 to allow an exemption from the public art allocation in-lieu fee
- Waiver from BMC Section 23.204.130(E)(1) to increase the FAR from 4 to 6.35
- Waiver from BMC Section 23.204.150(E)(1) to increase the allowed height from 75 feet to 85 feet
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front yard setback requirement to zero feet, where 15 feet is the minimum, above 76-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior side yard setback requirement to nine inches, where 5-15 feet is the minimum, above 76-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the rear yard setback requirement from to ten feet, 4 inches (10'4"), where 15 feet is the minimum, above 76-foot building height
- Waiver from BMC Section 23.204.130(E)(4) to reduce the amount of open space to 320 square feet where 5,280 square feet is required
- Waiver from BMC Section 23.304.090(B)(7) to eliminate the requirement to provide 40% landscaping within open space areas

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-fill Development Projects").

E. Project Recommendation: Approve Use Permit #ZP2024-0114 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant The Austin Group LLC, 164 Oak Road, Alamo, CA 94507
- Property Owner Steven E. Schneider and Francisca M Schneider Joint Living Trust, 2138 Kittredge Street, Berkeley, CA 94704

2138 KITTREDGE STREET
Page 3 of 4

NOTICE OF PUBLIC HEARING
Posted SEPTEMBER 11, 2025

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, Lisa Gordon, at (805) 324-7207 or lgordon@rinconconsultants.com or Sharon Gong at (510) 981-7429 or sgong@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 #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** 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.



USE PERMIT APPLICATION

APPLICANT: THE AUSTIN GROUP, LLC

2138 KITTREDGE ST
BERKELEY, CA
JULY 22, 2024

Pre-Application Neighborhood Contact Meeting Notes

Please find below a summary of the comments offered by folks who attended our Community Meeting earlier this week:

1. Etta Jones, lives in the Gaia Building on a low-income voucher. She thought our meeting was for The Kittredge next door as she's interested in moving;
2. Steven Schuyler, lives in the apartment building on the northwest corner of Oxford and Kittredge, also on a low-income voucher. His main concern was with the added street congestion and foot traffic the California Theater project and proposed music venue (along with our project) will bring to the street. He is suggesting the city consider widening the sidewalks on either side of Kittredge, reducing the street to one lane and making it more of a foot-traffic block...something we would NOT be opposed to; and
3. Robert Andrews and his wife (she didn't sign-in), this couple lives over in the neighborhood behind The Varsity on Durant. It sounds like they attend a lot of these community meetings. They have had bad experiences with students having parties, causing problems and being loud in the student housing buildings in town. They wanted to understand how we planned to manage the building in order to mitigate these potential issues.

July 30, 2024

[illegible]



July 19, 2024

Downtown Berkeley Association
2330 Shattuck Avenue
Suite C
Berkeley, CA 94720

Re: StudiOne Development, 2138 Kittredge, Berkeley CA

To Whom It May Concern:

The Austin Group is planning a new apartment project on the southside of Kittredge Street between Oxford Street and Shattuck Avenue in downtown Berkeley, CA. We will be submitting to the City of Berkeley a development application for ~66 apartments units.

StudiOne is planned at eight stories in height with views of the San Francisco Bay:

- *The proposed architectural design of StudiOne incorporates massing and materials that complement the existing character of the context streetscape by referencing the materiality and color palettes of the existing neighborhood. The design utilizes durable materials including stucco and fiber cement panels. At street level, the project includes a small leasing office. Additionally, the project will include a pedestrian-friendly streetscape to create an engaging experience for residents and passersby alike.*
- *The overall landscape and hardscape design minimizes long-term maintenance impacts, in an effort to create a more bay-friendly and environmentally responsible project.*

You are cordially invited to a community outreach meeting to preview StudiOne. We will be meeting at 2138 Kittredge Street on Tuesday evening, July 30th from 6:00 to 7:00 p.m. At this time, we will share the more detailed architectural and landscape plans with you.

Regards,

Bill

William F Schrader Jr
The Austin Group LLC



Hensley Company
329 West 18th Street
Suite 315
Chicago, IL 60616-1129

Estimate

Date	Estimate #
7/18/2024	409

Name / Address
The Austin Group 164 Oak Road Alamo, CA 94507

Phone #	E-mail
312. 275 1500	sjolie@hensleycompany.com

Project

Description	Qty	Rate	Total
Berkeley Project - StudiOne	900.00	0.00	
Names entered, verified and made ready.	1.00	95.00	95.00
Single Sided Letter, Not Personalized, Printed in COLOR single sided, page 1	900.00	0.25	225.00
Hensley provides Non Window Blank White Envelope, Addresses with return address and outgoing address	896.00		
Fold One Letter	896.00		
Insert 1 piece: 1 non personalized letter into envelope	896.00		
Meter imprint - First Class, one ounce letter \$0.64	896.00		
Seal, deliver to USPS Main Postage Office	896.00	0.32	286.72
POSTAGE:			
Meter Imprint, 1 ounce letter, First Class	896.00	0.69	618.24
5% fee added to credit cards for postage only		30.91	30.91
A convenience fee of 5% is charged to postage paid with a credit card to cover the fees charged.		0.00	
Hensley does not mark up postage, so when paid with a credit card, the fees must be covered to assure that the postage amount is received in full.			

	Total	\$1,255.87

Do Not Mail	Mail	Full Name	Address Line 1	City	State	ZIP Code	Error Code	Error Description
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2138 Address	No	OCCUPANT(S)	2138 KITTREDGE ST	BERKELEY	CA	94704-1414	0	No significant changes
2138 Address	No	OCCUPANT(S)	2138 KITTREDGE ST # 1	BERKELEY	CA	94704-1414	92	Failed DPV because of invalid secondary
2138 Address	No	OCCUPANT(S)	2138 KITTREDGE ST # 2	BERKELEY	CA	94704-1414	92	Failed DPV because of invalid secondary
2138 Address	No	OCCUPANT(S)	2138 KITTREDGE ST # 3	BERKELEY	CA	94704-1414	92	Failed DPV because of invalid secondary
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Primary number invalid	No	OCCUPANT(S)	2101 MANCROFT WY	BERKELEY	CA	94704	0	Primary number invalid
Primary number invalid	No	OCCUPANT(S)	2200 FULTON ST	BERKELEY	CA	94704	411	Primary number invalid
Primary number invalid	No	OCCUPANT(S)	2200 FULTON ST A	BERKELEY	CA	94704	411	Primary number invalid
Primary number invalid	No	OCCUPANT(S)	2200 FULTON ST B	BERKELEY	CA	94704	411	Primary number invalid
Primary number invalid	No	OCCUPANT(S)	2200 FULTON ST C	BERKELEY	CA	94704	411	Primary number invalid
Primary number invalid	No	OCCUPANT(S)	2200 FULTON ST D	BERKELEY	CA	94704	411	Primary number invalid
Primary number invalid	No	OCCUPANT(S)	2211 HAROLD WY	BERKELEY	CA	94704	411	Primary number invalid
Street name invalid	No	COMMON AREA PH 6889 G & B OWNERS ETAL	8739 RESEARCH DR UPR4	CHARLOTTE	NC	28262	0	Street name invalid
Street name invalid	No	OCCUPANT(S)	2065 KITTREDGE ST E	BERKELEY	CA	94704	412	Street name invalid
Street name invalid	No	OCCUPANT(S)	213 SHATTUCK PARK RD	BERKELEY	CA	94704	412	Street name invalid
Yes	Yes	REGENTS OF THE UNIVERSITY OF CALIFORNIA	1111 FRANKLIN ST STE 6	OAKLAND	CA	94607-9201	12	Failed DPV because of invalid secondary
Yes	Yes	CA STUDENT LIVING BERKELEY LLC	139 E RANULPH PH STE 2100	CHICAGO	IL	60601-6223	0	No significant changes
Yes	Yes	FU JIWA & J H TRS	1400 SHATTUCK AVE # 183	BERKELEY	CA	94709-1411	92	Failed DPV because of invalid secondary
Yes	Yes	HEIDI YORAN & BARBARA TOS & WEL BEN	155 CHEVYER DR	SAN RAFAEL	CA	94903-0770	0	No significant changes
Yes	Yes	HSR BERKELEY INVESTMENTS LLC	1849 SAWTELLE BLVD STE 543	LOS ANGELES	CA	90025-7011	0	No significant changes
Yes	Yes	GORDON JOHN K & MITCHELL JANIS TRS & GORDON M ETAL	2091 ROSE ST	BERKELEY	CA	94709-1963	0	No significant changes
Yes	Yes	2108 ALLSTON LLC	21 LOCUST ST	MILL VALLEY	CA	94041-2852	93	Failed DPV because of missing secondary
Yes	Yes	2110 KITTREDGE LLC	281 LOCUST AVE # 1	MILL VALLEY	CA	94041-2852	93	Failed DPV because of missing secondary
Yes	Yes	AQUARIUS TWINS INC	2115 KITTREDGE ST	BERKELEY	CA	94704-1413	0	No significant changes
Yes	Yes	DAVID BROWER CENTER	2130 ALLSTON WAY STE 100	BERKELEY	CA	94704-1376	0	No significant changes
Yes	Yes	MARTIN DAVID & RICH E ETAL	2171 SHATTUCK AVE STE B	BERKELEY	CA	94704-1371	0	No significant changes
Yes	Yes	CITY OF BERKELEY	2180 MILVA ST	BERKELEY	CA	94704-1122	0	No significant changes
Yes	Yes	OXFORD COMMERCIAL LLC	2220 OXFORD ST	BERKELEY	CA	94704-1389	0	No significant changes
Yes	Yes	2222 SHATTUCK AVE/US LLC	2276 SHATTUCK AVE	BERKELEY	CA	94704-1421	0	No significant changes
Yes	Yes	YOUNG JAMES C & YOUNG EDDIE JR	2281 SHATTUCK AVE	BERKELEY	CA	94704-1432	0	No significant changes
Yes	Yes	BERKELEY LODGE NO 270 I O F F	2288 FULTON ST	BERKELEY	CA	94704-1449	0	No significant changes
Yes	Yes	VERO PROPERTIES LLC	244 ALVARADO RD	BERKELEY	CA	94703-1513	0	No significant changes
Yes	Yes	H DRAKE CORPORATION	244 KERNY ST FL 3	SAN FRANCISCO	CA	94108-4529	0	No significant changes
Yes	Yes	KOYMAN STEVEN P & SUSAN I TRS	24692 LAS ALTURAS CT	LACUNA HILLS	CA	92653-6231	0	No significant changes
Yes	Yes	PACIFIC BELL	2600 CAMINO RAMON # 3E	SAN RAMON	CA	94583-5000	92	Failed DPV because of invalid secondary
Yes	Yes	2124 MANCROFT WAY LLC	304 CANTERWAY OAKS DR	SACRAMENTO	CA	95815-4345	0	No significant changes
Yes	Yes	DWF VVMS STADIUM LLC	301 HONAN ST	SAN FRANCISCO	CA	94105-2252	93	Failed DPV because of missing secondary
Yes	Yes	AMHERST VENTURES LLC	3215 MONTGOMERY BLVD	OAKLAND	CA	94602-3961	0	No significant changes
Yes	Yes	SEGBERG KENNETH TR	4 LOCUST HILL RD	CINCINNATI	OH	45240-2114	0	No significant changes
Yes	Yes	BPR PROPERTIES BERKELEY LLC	4290 E CAMINO REAL # 200	PALO ALTO	CA	94306-4044	92	Failed DPV because of invalid secondary
Yes	Yes	STERLING BERKELEY ALLSTON LP	44 W LAKE ST STE 2100	CHICAGO	IL	60606-0009	0	No significant changes
Yes	Yes	WES STANLEY & WES ADRIAN L JR HERBS OF E ETAL	52 HAWKIN ST	OAK HILL	WV	25951-2246	31	Street name changed
Yes	Yes	WYNN N TR	655 JACKSON ST	ALBANY	CA	94706-1133	0	No significant changes
Yes	Yes	KASHAN NASSER & PAMELA L TRS	715 EL CAMINO REAL STE 216	SAN BRUNO	CA	94066-3439	0	No significant changes
Yes	Yes	REGENTS OF THE UNIVERSITY OF CALIFORNIA	9 UNIONSTONE LN	SAN RAFAEL	CA	94903-1315	0	No significant changes
Yes	Yes	MAGNES MUSEUM FOUNDATION	AE BUILDING	BERKELEY	CA	94702-0001	0	Matched to unique ZIP code, delivery address line not verified
Yes	Yes	CALIFORNIA FIRST BANK	PO BOX 482	BERKELEY	CA	94701-0482	0	No significant changes
Yes	Yes	LHP SHATTUCK PROPERTY OWNER LLC	PO BOX 7788	NEWPORT BEACH	CA	92658-7788	0	No significant changes
Yes	Yes	BAKER EDWARD TR	PO BOX 12808	CARLSBAD	CA	92013-0629	0	No significant changes
Yes	Yes	BARBARA FAMILY LIMITED PARTNERSHIP	PO BOX 12386	OAKLAND	CA	94661-0186	0	No significant changes
Yes	Yes	OCCUPANT(S)	PO BOX 9466	MINNEAPOLIS	MN	55440-9466	0	No significant changes
Yes	Yes	OCCUPANT(S)	2058 MANCROFT WAY	BERKELEY	CA	94704-1420	0	No significant changes
Yes	Yes	OCCUPANT(S)	2061 ALLSTON WAY	BERKELEY	CA	94704-1417	0	No significant changes
Yes	Yes	OCCUPANT(S)	2065 KITTREDGE ST	BERKELEY	CA	94704-1404	93	Failed DPV because of missing secondary
Yes	Yes	OCCUPANT(S)	2065 KITTREDGE ST STE A	BERKELEY	CA	94704-1404	0	No significant changes
Yes	Yes	OCCUPANT(S)	2065 KITTREDGE ST STE B	BERKELEY	CA	94704-1404	0	No significant changes
Yes	Yes	OCCUPANT(S)	2065 KITTREDGE ST # D	BERKELEY	CA	94704-1404	96	Failed DPV because of invalid required secondary
Yes	Yes	OCCUPANT(S)	2065 KITTREDGE ST STE F	BERKELEY	CA	94704-1404	0	No significant changes
Yes	Yes	OCCUPANT(S)	2065 KITTREDGE ST STE I	BERKELEY	CA	94704-1404	0	No significant changes
Yes	Yes	OCCUPANT(S)	2070 ALLSTON WAY	BERKELEY	CA	94704-1430	0	No significant changes
Yes	Yes	OCCUPANT(S)	2075 ALLSTON WAY	BERKELEY	CA	94704-1417	0	No significant changes
Yes	Yes	OCCUPANT(S)	2086 ALLSTON WAY	BERKELEY	CA	94704-1420	0	No significant changes
Yes	Yes	OCCUPANT(S)	2086 ALLSTON WAY # 201	BERKELEY	CA	94704-1420	92	Failed DPV because of invalid secondary
Yes	Yes	OCCUPANT(S)	2086 ALLSTON WAY # 222	BERKELEY	CA	94704-1420	92	Failed DPV because of invalid secondary
Yes	Yes	OCCUPANT(S)	2090 KITTREDGE ST	BERKELEY	CA	94704-1427	0	No significant changes
Yes	Yes	OCCUPANT(S)	2105 MANCROFT WAY	BERKELEY	CA	94704-1421	0	No significant changes
Yes	Yes	OCCUPANT(S)	2108 ALLSTON WAY	BERKELEY	CA	94720-1099	25	ZIP changed
Yes	Yes	OCCUPANT(S)	2109 ALLSTON WAY	BERKELEY	CA	94704-1392	0	No significant changes
Yes	Yes	OCCUPANT(S)	2109 MANCROFT WAY	BERKELEY	CA	94704-1421	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST	BERKELEY	CA	94704-1445	93	Failed DPV because of missing secondary
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 101	BERKELEY	CA	94704-1440	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 102	BERKELEY	CA	94704-1440	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 103	BERKELEY	CA	94704-1440	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 104	BERKELEY	CA	94704-1440	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 105	BERKELEY	CA	94704-1440	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 106	BERKELEY	CA	94704-1440	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 107	BERKELEY	CA	94704-1439	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 109	BERKELEY	CA	94704-1439	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 110	BERKELEY	CA	94704-1439	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 111	BERKELEY	CA	94704-1439	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 112	BERKELEY	CA	94704-1439	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 201	BERKELEY	CA	94704-1442	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 202	BERKELEY	CA	94704-1442	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 203	BERKELEY	CA	94704-1442	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 204	BERKELEY	CA	94704-1442	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 205	BERKELEY	CA	94704-1442	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 207	BERKELEY	CA	94704-1441	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 208	BERKELEY	CA	94704-1441	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 209	BERKELEY	CA	94704-1441	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 210	BERKELEY	CA	94704-1441	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 211	BERKELEY	CA	94704-1441	0	No significant changes
Yes	Yes	OCCUPANT(S)	2110 KITTREDGE ST APT 212	BERKELEY	CA	94704-1441	0	No significant changes
Yes	Yes	OCCUPANT(S)	2113 KITTREDGE ST	BERKELEY	CA	94704-1413	0	No significant changes
Yes	Yes	OCCUPANT(S)	2115 ALLSTON WAY	BERKELEY	CA	94704-1306	93	Failed DPV because of missing secondary
Yes	Yes	OCCUPANT(S)	2115 ALLSTON WAY # 1	BERKELEY	CA	94704-1306	96	Failed DPV because of invalid required secondary
Yes	Yes	OCCUPANT(S)	2115 ALLSTON WAY # 2	BERKELEY	CA	94704-1306	96	Failed DPV because of invalid required secondary
Yes	Yes	OCCUPANT(S)	2115 ALLSTON WAY # 4	BERKELEY	CA	94704-1306	96	

[illegible]

[illegible]

[illegible]

[illegible]

Yes	OCCUPANT(S)	2310 FULTON ST APT 513	BERKELEY	CA	94704-1600	0	No significant changes
Yes	OCCUPANT(S)	2310 FULTON ST APT 514	BERKELEY	CA	94704-1600	0	No significant changes
Yes	OCCUPANT(S)	2310 FULTON ST APT 515	BERKELEY	CA	94704-1600	0	No significant changes
Yes	OCCUPANT(S)	2310 FULTON ST APT 516	BERKELEY	CA	94704-1600	0	No significant changes
Yes	OCCUPANT(S)	2310 FULTON ST APT 517	BERKELEY	CA	94704-1600	0	No significant changes
Yes	OCCUPANT(S)	2310 FULTON ST # A	BERKELEY	CA	94704-1579	96	Failed DPV because of invalid required secondary
Yes	OCCUPANT(S)	2310 FULTON ST # B	BERKELEY	CA	94704-1579	96	Failed DPV because of invalid required secondary
Yes	OCCUPANT(S)	2310 FULTON ST # C	BERKELEY	CA	94704-1579	96	Failed DPV because of invalid required secondary
Yes	OCCUPANT(S)	2310 FULTON ST # D	BERKELEY	CA	94704-1579	96	Failed DPV because of invalid required secondary
Yes	OCCUPANT(S)	2312 FULTON ST	BERKELEY	CA	94704-1576	93	Failed DPV because of missing secondary
Yes	OCCUPANT(S)	2316 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	OCCUPANT(S)	2318 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	OCCUPANT(S)	2320 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE	BERKELEY	CA	94704-1565	93	Failed DPV because of missing secondary
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 201	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 202	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 203	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 204	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 205	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 206	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 207	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 208	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 209	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 210	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 211	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 212	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 214	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 215	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 216	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 217	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 301	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 302	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 303	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 304	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 305	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 306	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 307	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 308	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 309	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 310	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 311	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 312	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 314	BERKELEY	CA	94704-1510	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 315	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 316	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 317	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 401	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 402	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE # 4025	BERKELEY	CA	94704-1565	96	Failed DPV because of invalid required secondary
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 403	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 404	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 405	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 406	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 408	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 409	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 410	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 411	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 412	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 414	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 415	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 416	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2322 SHATTUCK AVE APT 417	BERKELEY	CA	94704-1511	0	No significant changes
Yes	OCCUPANT(S)	2324 SHATTUCK AVE	BERKELEY	CA	94704-1516	0	No significant changes
Yes	OCCUPANT(S)	2327 SHATTUCK AVE	BERKELEY	CA	94704-1516	0	No significant changes
Yes	OCCUPANT(S)	2333 SHATTUCK AVE	BERKELEY	CA	94704-1516	0	No significant changes
Yes	OCCUPANT(S)	2338 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	OCCUPANT(S)	2340 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	OCCUPANT(S)	2342 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	OCCUPANT(S)	2350 SHATTUCK AVE	BERKELEY	CA	94704-1517	0	No significant changes
Yes	ASU-ATHL MUNICIPAL LOBBY	200 SHILPHEAN HALL UNIV. CA BERKELEY	BERKELEY	CA	94720-0001	7	Matched to unique ZIP code; delivery address line not verified
Yes	DAUGHTERS FOR SOCIAL / ECONOMIC CHANGE	PO BOX 2203	BERKELEY	CA	94702-0203	25	ZIP changed
Yes	DOWNTOWN BERKELEY ASSOCIATION	2320 SHATTUCK AVE STE C	BERKELEY	CA	94704-1416	92	Failed DPV because of invalid secondary
Yes	DWIGHT SHATTUCK ASSOCIATION	1215 10TH ST	BERKELEY	CA	94710-1508	31	Street name changed
Yes	MCKINLEY-ADISON GRANT NEIGHBORHOOD ASSOCIATION	1806 ALLSTON WAY	BERKELEY	CA	94703-1708	0	No significant changes
Yes	MILVA KING ALLIANCE	1731 MILVA ST	BERKELEY	CA	94709-2143	0	No significant changes
Yes	WEST STREET (2300 BLOCK) ASSOCIATION	2345 WEST ST	BERKELEY	CA	94702-2167	93	Failed DPV because of missing secondary
Yes	BERKELEY HIGH NEIGHBORS	1908 CHANNING WAY	BERKELEY	CA	94704-1906	0	No significant changes
Yes	SHATTUCK-BLAKE MERCHANTS	2518 SHATTUCK AVE	BERKELEY	CA	94704-2722	0	No significant changes
Yes	UNIVERSITY OF CALIFORNIA, FACILITIES SERVICES	A&E BUILDING, ROOM 300 UNIVERSITY OF CALIFORNIA BERKELEY	BERKELEY	CA	94720-1362	7	Matched to unique ZIP code; delivery address line not verified
Yes	URBAN CREEK COUNCIL	801 REGAL RD	BERKELEY	CA	94708-1307	0	No significant changes
Yes	BANANAS INC.	5232 CLAREMONT AVE	OAKLAND	CA	94618-1033	0	No significant changes
Yes	BERKELEY CENTRAL LIBRARY	2090 KITTEDGE ST	BERKELEY	CA	94704-1427	0	No significant changes
Yes	JOANS BROADWELL, JOSEPH & CARDOZA	601 GATEWAY BLVD STE 1000	SOUTH SAN FRANCISCO	CA	94080-7037	0	No significant changes
Yes	SARAH JOLIE	329 W 18TH ST STE 315	CHICAGO	IL	60616-1122	0	No significant changes
Yes	WM SCHRADER	146 OAK RD	ALAMO	CA	94507-2761	0	No significant changes



Rent Stabilization Board

January 28, 2025

To: Lisa Gordon, Planner, Planning & Development Department

From: Matt Brown, General Counsel

By: Katrina Lapira, Associate Planner

Subject: **2138 Kittredge Street**

On October 31, 2024, a message was sent to Lief Bursell informing him of a new application to demolish an existing building with four units at 2138 Kittredge. The project would create a new 8-story residential building with 66 new dwelling units, five of which are identified as below-market rate (BMR) units. You requested that we provide information related to the property's rental history and status under the Rent Stabilization and Eviction for Good Cause Ordinance ("Ordinance") that are relevant to Berkeley Municipal Code (BMC) Chapter 23.326 ("Demolition Ordinance").

Property History

Alameda County records show that 2138 Kittredge Street is owned by Studione QOZB LLC November 8, 2024. City of Berkeley records indicate that the property originally included a single-family dwelling unit that was then converted to five-unit multifamily building with commercial floor area. Records also indicate that the property received several approvals to add another unit to a demolished carport and to convert a portion of the building into a restaurant.

Rent Stabilization Board records indicate 2138 Kittredge Street has four active units in the registry and one unit claimed inactive since 1999.

Rental History and Rent Control Status

Rent Stabilization Board records show that all four units are currently rented and registered with the Rent Board. Two of the four tenancies began in 2023, and there is one long-term tenancy that has been in place since 1980. One unit at 2138 Kittredge Street is rent-controlled and fully subject to the Ordinance.

Current Tenancies (as of August 9, 2024):

Unit Address	Occupancy Status	Current Tenancy Start Date
2138 Kittredge. #1	Vacant	N/A
2138 Kittredge. #2	Rented	06/01/2021
2138 Kittredge. #3	Owner Occupied	05/31/1980
2138 Kittredge. #4	Vacant	05/31/1980

Ellis Act

The building at 2138 Kittredge Street has not been removed from the rental market under the Ellis Act at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2138 Kittredge.

BMC 23.326 and SB 330

On March 18, 2024, a complete Housing Crisis Act of 2019 Senate Bill (SB) 330 pre-application was submitted for the subject development project and is therefore vested in the ordinances in effective at the time of application. Since a complete preliminary application was received prior to August 10, 2024, the effective date of the updated Berkeley Municipal Code (BMC) Chapter 23.326 (Demolition Ordinance), the application is subject to the provisions of the Demolition Ordinance that became effective in 2016.

Both Berkeley Municipal Code (BMC) Chapter 23.326 and Housing Crisis Act of 2019 Senate Bill (SB) 330 apply to this project. Both regulations require certain tenant protections, such as the right of first refusal and relocation assistance. However, SB 330 does not supersede local ordinances with greater restrictions on the demolition of residential dwelling units or local ordinances that require greater relocation assistance to displaced households (Cal. Gov. Code 66300.6(c)). For instance, tenant relocation protections in BMC 23.326 are greater than those provided by SB 330, but they only apply to sitting tenants at the time the application for demolition is submitted to the City. Tenants who move in after the application is submitted would qualify for the less protective relocation requirements in SB 330 if the owner informed them about the proposed demolition and that demolition constitutes good cause for eviction.

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent the new replacement unit at the rent level that would have applied if they remained in their former unit. Landlords may petition the Board for a rent adjustment on the new unit pursuant to the rules associated with the addition of space/services.

Mitigating the Loss of Rent-Controlled Units

The development application proposes to create five BMR units, but the application does not indicate that the proposed BMR units would be considered as the replacement of the rent-controlled units to be demolished.

On December 21, 2023, the Berkeley Rent Board passed Resolution 23-43, which authorizes the Rent Board's Executive Director or the Rent Board Chairperson to appeal decisions of the Zoning Adjustment Board that allow for the elimination of rent-controlled residential units without adequately mitigating their loss with at least an equal number of permanently affordable replacement units.

Additionally, the Rent Board has worked closely with the City Council, through the 4x4 Joint Task Force Committee on Housing, to put forth a policy that requires one-for-one replacement of rent-controlled units with at least an equal number of below-market-rate replacement units. This policy is reflected in both the Demolition Ordinance that applies to this project and the replacement provisions in the newly amended Demolition Ordinance that was passed by Council on June 25, 2024.

The development application proposes to create five BMR units, affordable at the Very-Low Income (VLI) level. Although additional information is need regarding the size and location of the replacement units, per Rent Board Resolution 23-43, this would adequately mitigate the loss of the existing four rent-controlled units as it replaces all four units with BMR units.

Recommendation

Rent Stabilization Board staff recommends the following:

1. Per Rent Board Resolution 23-43 and the Demolition Ordinance, the project must include at least four below market units to mitigate the loss of existing rent-control units.
2. That the applicant include in their application the number, size (bedroom), and affordability rate of units to be considered replacement units.
3. The project materials submitted on August 6, 2024, indicate that the project would include five below market rate units and would adequately mitigate the loss of existing rent-controlled housing units. Confirm that subsequent revisions to the project would include at least four below market rate units to replace the loss of existing rent-control units, consistent with Recommendation #1 of this memorandum.
4. That the ZAB adopt the following Use Permit conditions to fulfill the requirements of Berkeley's Demolition Ordinance and state law:
 - a. **Prior Rental Rate.** Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if asked to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.
 - b. **Requirement for Relocation Expenses.** Pursuant to BMC 23.326.030(A)(5)(c),
 - (i) the applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and
 - (ii) shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation that includes an overall building tenant relocation plan and relocation agreements all applicable tenant households prior to submittal for building permits.
 - c. **Sitting Tenants Rights.** Pursuant to BMC 23.326.030(A)(5)(d),
 - (i) sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and
 - (ii) tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.
 - (iii) Income restrictions do not apply to displaced tenants.

Please feel free to contact Katrina Lapira with any further questions regarding this matter.

Sincerely,



MATT BROWN
General Counsel



Todd A. Williams
Director
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1111 Broadway, 24th Floor
Oakland, California 94607
PH (510) 622-7630 | FX (510) 834-1928
fennemorelaw.com

August 6, 2025

VIA EMAIL

Sharon Gong
City of Berkeley Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

sgong@berkeleyca.gov

**Re: 2138 Kittredge Street, APN 057-2029-015-00
AB 1633 Notice of CEQA Exemption**

Dear Ms. Gong:

We write this addendum to our letter of February 7, 2025 (“February 7 letter”), on behalf of our client StudiOne QOZB LLC, applicant for a use permit to construct a 66-unit housing development project at the above-referenced property (“the Project”).¹ In accordance with Assembly Bill 1633 (“AB 1633”),² our February 7 letter requested that the City find the Project exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to the “Class 32” exemption for Infill Development Projects.³

Our February 7 letter included substantial evidence to support the application of the Class 32 CEQA exemption for this Project, as documented in the technical reports submitted with the Project application and with the February 7 letter. Moreover, the substantial evidence supported that no exceptions to the exemptions apply.⁴

With this addendum, we attach two reports: (1) an updated historic resources evaluation (“HRE”) from our historical resources consultant, and (2) an archaeological resources review. These reports constitute additional substantial evidence in support of the Class 32 exemption and this AB 1633 request. Included with this letter is an updated 2138 Kittredge Street Historic Resources Evaluation Memorandum, authored by Caitlin Hibma of Left Coast Architectural

¹ The February 7 letter is incorporated herein by this reference.

² Codified as part of an amendment to Gov. Code § 65589.5, et seq.

³ 14 Cal. Code Reg. § 15332.

⁴ 14 Cal. Code Reg. § 15300.2(c) and (f).

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August 6, 2025
Page 2

History, dated January 30, 2024, and revised and updated on June 4, 2025.⁵ The second report is an Archaeological Resources Review, 2138 Kittredge Street, Berkeley, authored by Dr. Colin I. Busby of Basin Research Associates, dated August 2025.⁶ Both reports are attached with this letter and incorporated by this reference.

These reports, together with previously submitted reports, constitute substantial evidence to support the application of the Class 32 CEQA exemption for this Project and a finding that no exceptions to the exemption apply. As such, we request that the City find the Project exempt from CEQA under the Class 32 exemption, as that exemption is now mandated by the Housing Accountability Act (“HAA”) pursuant to revisions to the HAA as a result of AB 1633.⁷

With regard to historical resources, the updated HRE prepared by Ms. Hibma confirms that the Project will not have an impact on any mandatory or potential historical resources. The HRE also provides substantial evidence that the building does not meet the City of Berkeley’s criteria for a city landmarks or a structure of merit.

With regard to archeological resources, the Archaeological Resources Review finds that the Project would have a less-than-significant impact with the implementation of the required Mitigation Measures included in the Downtown Area Plan EIR (CUL-3 and CUL-5) and the City’s Standard Conditions of Approval for archaeological resources.⁸

Substantial evidence in the Project application, previously submitted materials, the reports submitted with this letter, and the record of proceedings as a whole, supports the finding that there are no impacts to historical resources, unusual circumstances, nor any other exceptions that could apply to the Class 32 exemption for this Project.

Given the mandatory effect of the HAA as to this Project, the applicant requests that the City find that the Project is subject to the Class 32 CEQA exemption and that there are no applicable exceptions to these exemptions.

///

⁵ Ms. Hibma is a Historical Resources Consultant who meets and exceeds the Secretary of the Interior's Professional Qualification Standards. Ms. Hibma’s professional profile, education (BA in Art History; MS in Historic Preservation) and experience are available at <https://www.leftcoastarchitecturalhistory.com/professional-profile.html>, accessed on February 6, 2025.

⁶ Dr. Busby holds a PhD in anthropology from U.C. Berkeley and has 40 years of experience. He is a Project Principal Investigator, Senior Project Manager and Registered Professional Archaeologist. More information on Dr. Busby’s credentials can be found at www.basisresearch.com/Staff.html.

⁷ Gov. Code §§ 65589.5(h)(6)(I)(i); 65589.5.1.

⁸ See Archaeological Resources Review at pp. 21-23.

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August 6, 2025
Page 3

Please do not hesitate to contact me if you have any questions regarding the applicability of the mandatory Class 32 CEQA exemption under AB 1633 for this Project.

Sincerely,

FENNEMORE LLP



Todd A. Williams

/taw
Attachments

cc: Client
Jordan Klein, Planning Director (jklein@berkeleyca.gov)
Anne Hersch, Planning Manager (ahersch@berkeleyca.gov)
Berkeley City Council (council@berkeleyca.gov)
Farimah Brown, City Attorney (fbrown@berkeleyca.gov)
Paul Buddenhagen, City Manager (pbuddenhagen@berkeleyca.gov)
Lisa Gordon, Rincon Consultants (lgordon@rinconconsultants.com)
Jessica Evans, HCD Senior Housing Policy Specialist (jessica.evans@hcd.ca.gov)
Shannan West, HCD Housing Accountability Chief (shannan.west@hcd.ca.gov)
David Zisser, HCD Assistant Deputy Director (david.zisser@hcd.ca.gov)

ATTACHMENT 1

ATTACHMENT 1



P.O. Box 70415, Richmond, CA. 94807 • (415) 745-1906 • caitlin@leftcoastarchitecturalhistory.com

Originally issued: 30 January 2024
Attached forms revised: 4 June 2025

To Whom It May Concern:

Left Coast Architectural History has completed a Historic Resource Evaluation of the property at 2138 Kittredge Street, Berkeley. The attached California Department of Parks & Recreation (DPR) 523 series forms present a physical description of the property, a record of its history, and evaluation according to California Register of Historical Resources significance and integrity criteria, and City of Berkeley Landmark and Structure of Merit criteria.

The study finds that the building dates to 1904 and was designed by architect William H. Wharff for local livery stable/auto garage owner J.C. Fitzpatrick. It was originally a Free Classical Queen Anne style single-family residence, but was later converted to a restaurant and multi-family apartment building, with the primary facade subsumed by a Georgian Revival style addition in 1935. The property has been occupied by residential tenants and at least one business, but does not appear to have any significant associations with historically important events or noteworthy historical figures. The property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders. It has been identified as part of a small grouping of three residences on Kittredge Street that were converted to commercial uses via storefront additions. This grouping has never been formally evaluated or designated as a district, however; leaving its potential significance indeterminate. The property at 2138 Kittredge Street does not appear to stand alone as individually significant and its relation to and role within the grouping remains undefined. These points are elaborated upon in detail on the attached forms.

Sincerely,

Caitlin Hibma
Principal/Architectural Historian
Left Coast Architectural History

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 22

*Resource Name or #: 2138 Kittredge Street, Berkeley, CA

P1. Other Identifier: n/a

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County: Alameda

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Oakland West, Calif.

Date: 2015 T ; R ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 2138 Kittredge Street

City: Berkeley

Zip: 94704

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN: 57-2029-15

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Site

The property at 2138 Kittredge Street consists of a rectangular lot on the south side of Kittredge Street, between Shattuck Avenue and Fulton Street. Topography in the area is flat and the parcel is bordered by a public sidewalk on the north and neighboring properties to the east, west, and south. A two-story building sits at the front of the lot with no setback from the sidewalk. It sits at the western lot line while a driveway runs along the east side of the lot to a paved yard at the rear (south) of the lot and a one-story L-shaped carport sits at the southwest corner of the lot.

Building

The building is two stories and has a generally rectangular plan. It is primarily of wood frame construction with a front addition constructed of brick masonry. It is capped by a complex hip roof with a flat roof over the front addition. The exterior walls of the front addition are brick (common bond), while the rear/original portion of the building is clad with wood lap siding. (Continued)

*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #)

North and west facades, looking southeast, January 2024

*P6. Date Constructed/Age and Sources: ☒ Historic

☐ Prehistoric ☐ Both

1904; *Berkeley Daily Gazette* construction notice

*P7. Owner and Address:

*P8. Recorded by: (Name, affiliation, and address)

Left Coast Architectural History
PO Box 70415
Richmond, CA. 94807

*P9. Date Recorded: Jan. 2024,
revised 3 Feb. and 4 June 2025

P10. Survey Type: Intensive

*P11. Report Citation: None

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List):

DPR 523A (1/95)

*Required information

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary #
HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 22

*NRHP Status Code

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

B1. Historic Name: None

B2. Common Name: None

B3. Original Use: Single-family residence

B4. Present Use: Commercial/Multi-family residence

***B5. Architectural Style:** Free Classical Queen Ann, altered to/mixed with Georgian Revival

***B6. Construction History:** (Construction date, alterations, and date of alterations)

Constructed 1904. Primary facade addition, 1935. (See Continuation Sheets for additional construction history.)

***B7. Moved?** ☒No ☐Yes ☐Unknown **Date:** n/a

Original Location: n/a

***B8. Related Features:** Carport at rear of lot.

B9a. Architect: William H. Wharff

b. Builder: Pearson & Olsen

***B10. Significance: Theme:** None

Area: Downtown Berkeley

Period of Significance: None

Property Type: Residential/Commercial

Applicable Criteria: None

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Neighborhood Context

The building at 2138 Kittredge Street is located in Downtown Berkeley, just off the Shattuck Avenue commercial corridor, study of which was undertaken by the "Shattuck Avenue Commercial Corridor Historic Context and Survey" (Archives & Architecture, 15 Sept. 2015). The historic context is applicable to this property, as follows.

Downtown Berkeley is characterized by a variety of uses but is heavily commercial, as is typical of an urban downtown. Along Shattuck Avenue, these commercial uses – restaurants, boarding houses, groceries, laundries – were present as early as the 1870s, encouraged by the establishment of the nearby University of California campus; construction of a rail line along Shattuck Avenue; and ultimately, incorporation of the community as the Town of Berkeley. The University spurred surrounding residential growth as well and the presence of a train station at Shattuck and University avenues made that the locus of the city's de facto downtown.

In the 1880s, residential growth boomed and the area's character transitioned from rural to urban. In the 1890s, the previously vacant east side of Shattuck Avenue was graded, allowing for additional development and more businesses to be established along the corridor. Such development extended as far south as Allston Way, while a smaller secondary commercial cluster existed at Shattuck Avenue and Dwight Way.

The turn of the 20th century brought electric rail lines and further commercial growth to Shattuck Avenue, but the 1906 earthquake did the most to spur massive residential and commercial growth, as displaced residents from San Francisco came across the Bay to settle in Berkeley and demand for goods and services subsequently increased. Many older properties along Shattuck Avenue were redeveloped to meet the needs and fashions of the new century. (Continued)

B11. Additional Resource Attributes: (List attributes and codes)

HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

***B12. References:**

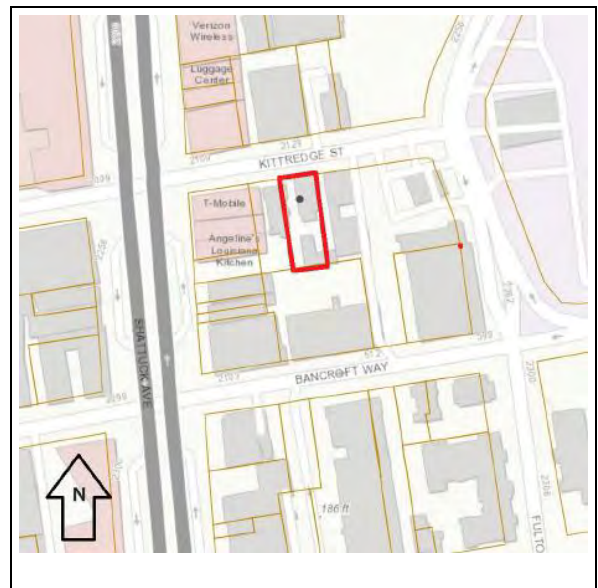
(See parenthetical citations within text and on last Continuation Sheet)

B13. Remarks:

***B14. Evaluator:** Caitlin Hibma/Left Coast Architectural History

***Date of Evaluation:** January 2024, revised 3 Feb. and 4 June 2025

(This space reserved for official comments.)



State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

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*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb, June 2025 ☒ Continuation ☐ Update

P3a. Description: (continued)

Multi-lite wood sash windows in double-hung and casement configurations are the most prevalent type of fenestration. Original double-hung iterations feature lambs-tongue sash stops, while newer wood iterations have no stops. Some vinyl sashes are also present.

The primary/north facade is two stories, clad with brick, and faces Kittredge Street without setback from the sidewalk. Two rows of soldier coursed bricks are found at the base of the wall. Above, the first story features a series of three regularly spaced round arches. A course of shiner coursed bricks set at an angle and topped by a row of stretcher coursed bricks create a decorative beltcourse at the height of the arches' springing points, while the tops of the arches are trimmed with voussoir bricks and slightly elongated bricks that form keystones at the top. The two arches at left and center have molded wood dado panels at the bottom and multi-lite wood sash windows above. The windows consist of a large, fixed, 12-lite, center sash, flanked by narrow four-lite casement sashes, and topped by fanlights with distinctive spiderweb muntins. The primary entrance is located within the rightmost arch which opens to a recessed vestibule. The entry door is elevated and approached by brick steps and a stoop. The solid wood door is adorned with a carved reeded motif and topped by a leaded glass transom lite. It is surrounded by wide reeded trim with a plain keystone at the top.

The second story of the primary facade features two window openings at either side and a decorative roundel at the center. The roundel is filled with a decoratively laid pattern of brickwork, voussoir trim, and keystones of elongated bricks at top, bottom, and each side. The windows have rectangular openings flanked by faux wood shutters and topped by lintels of soldier coursed bricks. Decorative metal half-round balconettes are located below each window. The windows have wood double-casement sashes with three lites in each leaf. A band of stretcher coursed bricks defines a low parapet wall at the top of the facade, which has brick coping and a low metal railing along the top edge.

The brick front wraps the building corner and extends briefly along the west facade, where there is a recessed blind arch with a wood flower box at the first story and a non-original six-over-one wood sash window with brick sill and soldier coursed lintel at the second story. To the right, the original portion of the building is clad with wood lap siding. Utility hatches and lattice vents are located at the base of the wall with a wide wood watertable above. The first story features a horizontally-oriented art glass window on the left, a standard one-over-one, double-hung, wood sash window on the right, and a partially-glazed wood pedestrian door at the far right. The first and second stories are divided by a wide wood beltcourse. The second story features four irregularly placed windows in a variety of sizes with molded wood trim. Three are one-over-one double-hung sashes, while one is a fixed art glass window. The facade terminates in a wide plain wood frieze overhung by the boxed eaves of the roof. One eave bracket with a foliate scroll motif is found near the juncture of the brick addition with the original portion of the building.

On the east facade, too, the brick front wraps the building corner and extends briefly along the facade. At the first story there is an arched window like those described on the primary facade, while the second story features two six-over-one wood sash windows with brick sills and soldier coursed lintels. To the left, the original portion of the building is clad with wood lap siding. A projecting bay is located near the center of the facade. It is angled at the first story and overhung by a square bay at the second story with decorative scrolls brackets adorning the overhanging corners. As on the west facade, there is a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. Windows are generally standard one-over-one, double-hung sashes with molded wood trim; some wood and some vinyl. A hip-roofed dormer projects from the east plane of the roof over the projecting bay.

The rear/south facade is clad with wood lap siding and has a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. There is a secondary entrance and window at the right side of the first story. The second story is setback at the left side, accommodating a deck with a decorative wood railing. The right side features a pair of standard windows. A non-original addition projects from the rear plane of the roof.

Carport

An L-plan carport sits at the southwest corner of the lot. It is one-story high with a flat roof and opens onto the property's paved rear yard. The carport has concrete block rear walls, heavy wood roof beams, and metal support poles. Stucco clads the low parapet wall at the front of the roof.

B10. Significance: (continued)

Downtown was spared destruction by the 1923 Berkeley Fire, but Shattuck Avenue was nevertheless changed by the growing popularity of the private automobile in the 1920s. Although modes of transit conflicted at times, private cars increased travel to and from the commercial corridor. A number of large department stores came to the area at the time and, along with other businesses, flourished until the Great Depression. Even the serious economic downturn of the 1930s had gentler effects in Berkeley, though, because the University's student population kept business flowing.

By the mid-1940s, the entire Bay Area had experienced a war-time population boom and prosperity was high. Although the evolution of transportation away from public mass transit and toward the private automobile dispersed many businesses into

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial

Page 4 of 22 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb, June 2025 ☒ Continuation ☐ Update

B10. Significance: (continued)

new outlying areas, Shattuck Avenue remained a strong commercial corridor, and as was a recurring theme, the proximity of the University of California campus continued to bolster Downtown commerce.

As happened in many cities, Downtown declined in the 1950s and 60s due to the migration of commercial uses to outlying malls and shopping centers. Population also diminished as urban residents moved to the suburbs, which were accessible by car and did not require the presence of convenient nearby businesses. In Berkeley, the deterioration of residential hotels and apartments that were commonly located above the street-level commercial establishments along Shattuck Avenue compounded the loss of Downtown vitality. Additional challenge was presented by the construction of BART in the 1970s, although this ultimately connected Berkeley's Downtown to the wider Bay Area region once it was completed.

Property History

A notice in the 27 October 1902 issue of the *Berkeley Daily Gazette* (BDG) reported that lots 16 and 17 of the Blake Tract (which had been subdivided in 1881) were sold by W.H. Leimert to John C. Fitzpatrick. A map of the Blake Tract indicates that the property now addressed 2138 Kittredge Street was Blake Tract lot 17 (lot 16 sat to its east). (Berkeley Property Map No. 3 of the Blake Tract, 1881; Berkeley Public Library via Calisphere.) The following year, the 1903 Sanborn Fire Insurance map illustrates that lot 17 was vacant, while lot 16 was had a large, two-story, corrugated iron stable sitting at its rear.

On 4 January 1904, the *Berkeley Daily Gazette* reported plans "To Erect Large Building" at Shattuck Avenue and Kittredge Street. The article reported that the building was to be a two-story and basement frame dwelling, built for John C. Fitzpatrick by contractors Pearson & Olsen, designed by architect William H. Wharff. (See "Architect & Builders" section below.) The house would cost \$4,090 and was to be completed around mid-April of 1904.

John C. Fitzpatrick was born in Benicia in 1866 and came to Berkeley in 1890. Soon thereafter, he began working on the Claremont, University & Ferries horsecar line (known as the C.U. & F., established 1891), serving variously as secretary, manager, superintendent, and motorman. The horsecar line was discontinued in 1901 and Fitzpatrick went into business running a "railroad station horse and hack taxi service." This livery stable business was initially headquartered on Allston Way, but was soon moved to the property adjacent to Fitzpatrick's new house at 2138 Kittredge Street. Banking on transportation trends moving away from horses and toward automobiles, Fitzpatrick eventually purchased three gas-powered automobiles which he hired out and also used for deliveries, taxi service, and driving for funerals and other events. Fitzpatrick's stable eventually became one of Berkeley's first public auto garages. ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940.)

The 1910 census lists the John C. Fitzpatrick family as the residents of 2112 Kittredge Street. John C. Fitzpatrick was 45 years old, born in California to Irish parents, and was listed as the proprietor of a livery stable; the one located on the lot next door, and which by 1910, was probably more automobile than horse-oriented. Also residing at the house were Fitzpatrick's wife, Carrie, and their five children. The children's ages ranged from 16 to 22 and only the oldest, Albert Reginald, was employed as an electric company clerk.

The house at 2138 Kittredge Street first appears on the 1911 Sanborn Fire Insurance map, addressed 2112 Kittredge Avenue. It is illustrated as a 2-story, rectangular-plan dwelling with an inset porch at the front northwest corner, a square bay window on the east facade, and a rear porch. An L-shaped outbuilding was present at the rear of the lot and was addressed 2112 ½ Kittredge Street. On the lot to the east, which was also owned by Fitzpatrick (Blake Tract lot 16, mentioned above), the corrugated iron stable shown on the 1903 Sanborn Fire Insurance map had been enlarged to fill the front of the lot. It was still clad in iron, had a concrete block street-facing facade, and was labeled as a livery stable.

A decade later, the 1920 census continues to list John C. Fitzpatrick at 2112 Kittredge Street. By then Fitzpatrick was a 54 year old widow and had no listed occupation. Living with him were his son Albert Reginald; 37 years old with no listed occupation; and his daughter and son-in-law, Gladys C. and George H. Brown, both in their 30s. George Brown was employed as a salesman for a wholesale coffee company.

The property was renumbered from 2112 to 2138 Kittredge Street on 5 October 1926. (City of Berkeley Planning Department records) The Sanborn Fire Insurance map of 1929 shows that by the end of the 1920s, the property been converted into a restaurant. John C. Fitzpatrick's adjacent livery stable had officially become an automobile garage, housing 20 cars with a repair department at the rear. The 1930 census confirms that John C. Fitzpatrick had moved away from the subject property, purchasing and living in a house on Delaware Street. He may have retained ownership of the house and adjacent auto garage until either 1924 or 1942. (*BDG*, 28 February 1940.) John C. Fitzpatrick died in 1945. (Vital records, ancestry.com.)

The timing of Fitzpatrick's sale of the property is unclear. It was next purchased by William H. and Alma T. Taylor. Logically, he would have sold the property when he moved away, possibly in 1924 as one source states. (Anthony Bruce, "The Fitzpatrick House & Pepper Tree Tea Room, 2138 Kittredge Street," 2022, BAHA files) Donogh real estate records show a sales transaction between Fitzpatrick and the Taylors in 1942, however. Its possible that numbers were transposed, but a newspapers article

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial

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 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb, June 2025 ☒ Continuation ☐ Update

B10. Significance: (continued)

profiling Fitzpatrick notes that he still owned the livery stable property as late as 1940, which could suggest he owned the house into the 1940s as well. In any case, William and Alma Taylor were the next owners of 2138 Kittredge Street and were present, either as renters or owners, as early as 1925.

The restaurant shown on the 1929 Sanborn Fire Insurance map was operating at least as early as 1925, when it was referred to as the Pepper Tree Inn in a newspaper article. (BDG, 12 June 1925) It was also known at various times as the Pepper Tree Tea Room or the Pepper Tree Restaurant. Its proprietress was Alma T. Taylor, wife of William H. Taylor, who was a real estate agent. The Taylors' residential address was 2138 Kittredge Street, indicating that they lived upstairs, while Alma Taylor ran the restaurant, presumably on the lower floor of the house. Alma's father and adult niece lived with them; her niece helping wait tables in the tea room. (Anthony Bruce, 2022; BAHA files.)

In 1928, the newspaper ran both a recommendation for the Pepper Tree, and a rental advertisement for an apartment at 2138 Kittredge Street, indicating that in addition to the tea room, the Taylors had subdivided the residential portions of the house into apartments. They continued to live at the address. (BDG, 4 Jan. 1928 and 30 March 1928) In both 1926 and 1929, chimney sparks ignited the roof of the house, but no substantial damage was done. (BDG, 9 July 1926 and 13 Feb. 1929)

In 1935, the Taylors took out a building permit for "alterations and addition to tea room and dwelling" involving the remodeling of the kitchen and dining quarters and extension of the front of the building by 8 ft. 6 in. (BAHA, permit 39423) This was when the brick Georgian Revival style front was constructed on the house's primary facade.

The Pepper Tree Tea Room continued to operate until 1942, when newspapers announced that the restaurant premises was up for lease and its equipment and furniture was for sale. (BDG, 11 May and 24 June 1942.) Alma Taylor thus retired from 21 years in the restaurant business, but she and William H. Taylor continued to own and live at 2138 Kittredge Street. Later in 1942, they applied for a permit to convert the building to apartments, hiring architect Paul Hammarberg to design the project. (Permit 53030) The Taylors continued as resident-landlords of the apartment house and ran a public "honor" parking lot nearby, while another parking lot operated at the rear of the subject lot (although newspapers assign it a different proprietor). (BDG, 22 March 1948)

In 1955, the property made the news when the skeletal remains of a Native American burial were uncovered in the course of construction at the rear of the lot. It was noted that an old shed related to the adjacent J.C. Fitzpatrick livery stable had been torn down and the footings of a new carport were being poured when the discovery was made by a workman. The remains were assessed by a U.C. Berkeley archaeologist and determined to be over a century old and belong to an Ohlone woman, who had probably lived in one of the villages that once proliferated in Strawberry Canyon.

In October 1960, Alma T. Taylor passed away at age 70. Her obituary highlighted her 39 years of residency in Berkeley and her 21-year ownership of the former Pepper Tree Tea Room. She was survived by her husband, who remarried in 1963 to Helen Ingham. (BDG, ca. 21 Nov. 1974) In 1964, Taylor was listed as the owner of the property when applying to build an additional dwelling unit on top of the property's rear carport. It was specified that the addition would be a large apartment to be occupied by the property owners, while the existing five-unit apartment building continued to be used as such. Based on the fact that the carport remains one-story with no second story unit, the project does not appear to have ever been undertaken. (Use Permit #5245) William Taylor appears to have retained ownership of the property until his death in 1974. Helen Ingham Taylor passed away in 1979 and may have continued living at the property until then.

According to building permit records, Wayne Ronneburg owned the property around 1981, when the roof was replaced. In May 1985 a lot line adjustment was made between 2138 Kittredge Street and the neighboring property to the east (the former site of J.C. Fitzpatrick's livery stable) to "eliminate minor encroachment of a commercial building at 2150 Kittredge Street." Per City of Berkeley land use history records, the lot line adjustment application was later withdrawn, but the owner at the time was stated to be Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints. (Application for Parcel Map #4511/4571)

By 1992, Steve and Francisca Schneider were the property owners and retained ownership until at least 2001. During this time, the building appears to have remained a five-unit apartment building, although not rented to full occupancy. In 1997, architectural plans were filed and an application for Design Review was submitted to "convert the existing multi-unit residential building into restaurant." (UP# 97-10000082) An Application for Change of Use Statement (17 July 1997) reported that the building consisted of five residential units; two on the bottom floor that were vacant, two on the second floor being used as a single dwelling by the Schneiders, and one at the attic level that was also vacant. Steve Schneider was a real estate consultant and, based on a sign that remains on the building, he maintained an office in the building. The 1997 restaurant conversion project was undertaken with the intent that the Schneiders would sell the building to Ching Hwa Yu to become the Great China Restaurant if the commercial conversion was possible and a use permit was granted. It appears that it was not and the project was not undertaken.

Architect

The building at 2138 Kittredge Street, in its original residential guise, was designed by William Hatch Wharff. Wharff was born

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B10. Significance: (continued)

in Maine in 1836. He attended Foxcroft Academy, an arts-oriented preparatory high school, and learned the carpentry trade from his uncle, eventually becoming a master carpenter and joining his uncle in business. The source of Wharff's architectural training is unclear and it's possible that he had no formal training, although he did claim at one time to have studied architecture in Maine and Massachusetts and eventually became a member of the American Institute of Architects.

Wharff served in the Union Army during the Civil War and in 1875 moved his family west to California, settling first in San Francisco. Wharff declared himself an architect to the 1880 census, but was listed in city directories as a draftsman and, later, contractor/builder with offices on Pine Street. By some accounts he designed or built over sixty buildings in San Francisco between 1882 and 1899.

In 1899, Wharff relocated to Berkeley. Despite being of retirement age, he renewed his practice in his new city and was active until 1915, when he retired from architecture but went into the insurance business instead. He died in 1936.

Buildings designed by Wharff in Berkeley, and which are also designated Landmarks, include:

- Carlson's Block (1903) at 3228 Adeline Street in Lorin Station
- Masonic Temple (1905–06) at 2105 Bancroft Way and Shattuck Avenue
- J.J. Pfister Co. Knitting Mill (1906) at 8th and Parker Streets;
- F.D. Chase Building (1909) at 2107 Shattuck

(Daniella Thompson, "Whilliam Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html)

Architectural Type & Style

The building at 2138 Kittredge Street was originally a residential building that was probably designed in the Free Classical sub-type of the Queen Anne style. Although the original appearance of the primary facade is unknown, this determination is based on the building's age and remnant features on the rear portion of the building, including horizontal wood siding, double-hung windows with lambs-tongue sash stops, beltcourses and friezes, moldings, and remnant scroll brackets. The Free Classical sub-type of the Queen Anne style was popular in the later phase of the Queen Ann period, about 1890 to 1910. It used Classical columns, moldings, Palladian windows, and other related ornament rather than the spindlework and gingerbread more commonly associated with the Queen Anne aesthetic. (McAlester, Virginia & Lee, *A Field Guide to American Houses*, (New York: Alfred A. Knopf, 2003))

In 1935, the primary facade was subsumed by a front addition designed in the Georgian Revival style. As was popular in the 1920s and 30s, this was a revival of the older Georgian style that was used in the American colonies and eastern United States from around 1700 to as late as 1830. Like other revival styles, it sought to evoke a sense of nostalgia for times past, specifically that associated with early America, colonial history, the ideals of the early American republic, and the basic orderly principals of earlier architectural styles that had been considered elite, formal, and highly fashionable. It, too, referenced the Classical in its detailing, which can be seen in the facade's strict symmetry, the round arches forming an arcade and adorned with keystones, the roundel ornament on the upper facade, and parapet defined by brickwork. Features like decorative brickwork, complex window composition with spiderweb fanlights, and faux shutters put a Georgian emphasis on the Classical. Meanwhile, reeded detailing on and around the primary entrance appears to have been a departure toward the Art Deco trends of the 1930s, when the addition was made. (Ibid., Lester Walker, *American Shelter* (Overlook Press, 1998))

Alterations

Building permits and other records on file with the City of Berkeley Department of Planning & Development and Berkeley Architectural Heritage Association provide documentation of the property's development over time. In addition, sources such as Sanborn Fire Insurance maps, aerial photographs, and historical images provide information on alterations made to the building during certain periods of time.

Date	Permit #	Description of Work
20 Aug. 1915	4815	Unspecified addition to dwelling. Owner: J.C. Fitzpatrick [Rear addition, per California Dept. of Parks & Recreation Historic Resources Inventory form, 1978 (BAHA)]
4 Aug. 1926	25631	Unspecified demolition. Owner: Alma T. Taylor

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13 June 1935	39423	Alterations and addition to tea room and dwelling – kitchen and dining quarters to be remodeled and front to be extended 8 ft. 6 in. Owner: Mr. & Mrs. Taylor
5 Nov. 1936	41648	Reroof shed. Owner: Taylor.
11 May 1940	48712	Termite repair to dwelling and restaurant. Owner: Taylor
14 Aug. 1940	4934?	Termite repairs to dwelling. Owner: Taylor.
10 Aug. 1942	53030	Convert building to apartments. Architect: Paul Hammarberg. Owner: W.H. Taylor
11 Jan. 1949	64622	Unspecified alterations to apartments. Owner: Taylor
20 Jan. 1949	64667	Installation of a fire escape ladder.
3 Nov. 1953	74231	Take out a wall and a half-closet wall in two adjoining bedrooms, frame in a closet, making the bedroom approx. 3 feet wider. Owner: W.H. and Alma T. Taylor
21 Sept. 1955	78298	Demolish existing carport at rear of lot, Owner: W.H. Taylor
? Sept. 1955	78300	Construct concrete block carport, 8" blocks, tar and gravel roof, asphalt floor and drive. Owner: W.H. Taylor
21 Aug. 1964	5245	NOT COMPLETED: Building dwelling unit above carport. Owner: W.H. Taylor
13 Jan. 1981	112814533	Re-roofing. Owner: Wayne Ronneburg.
17 May 1985	PM 4511/4571	NOT COMPLETED: Lot line adjustment. Owner: Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints
1992	CoB records	Owner requested and denied building's removal from URM list. Owner: Steve and Francisca Schneider
5 Sept. 1997	UP 97-10000082	NOT COMPLETED: Convert existing multi-unit residential building into restaurant. Owner: Steve and Francisca Schneider
3 July 2000	00-00001042	NOT COMPLETED: Remove existing second floor deck and replace with dining room. Owner: Steve and Francisca Schneider
15 Feb. 2001	01-00000252	Add Garden room on existing deck [at rear, second story] (in lieu of room addition, permit #1042). Contractor: Century Patio Village. Owner: Steve Schneider

Alterations noted by visual observation, but not otherwise documented, include:

- Window replacement: Some double-hung, wood-sash windows without lambs-tongue sash stops are present and indicate replacement of originals which did have sash stops. Meanwhile some vinyl ash windows are also present.

California Register Evaluation

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. In order for a property to be eligible for listing in the California Register, it must be found significant under one or more criteria relating to historically significant events, people, architects or architectural merit, or information potential. The following provides an evaluation of the historic significance of 2138 Kittredge Street:

Criterion 1 (Event): *Resources that are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*

No specific events of historical importance are known to have occurred at the property. The building was constructed as a single-family residence located just off the commercial corridor of Shattuck Avenue in 1904. It pre-dated the 1906 earthquake and did not play any role in the aftermath of that event or the substantial effects that it had on the Bay Area and beyond. The house was partially-converted to a restaurant in the mid-1920s and a front addition was added to facilitate that use in 1935. Such changes to the physical character and use of residential buildings are fairly common in urban settings where a residential neighborhood has become heavily commercial over time and were done for reasons of very general practicality. The restaurant conversion pre-dated and was not influenced by or otherwise related to the events of the Great Depression that started in 1929 and dominated much of the 1930s. The building became a multi-family apartment building in 1942, which may have been very generally influenced by the massive population boom experienced in the Bay Area during the years of World War II as war workers and military families relocated to the region in large numbers and required housing. However, the subdivision of residential space to accommodate the wartime population boom (and make a profit) is a trend that occurred at countless properties in cities throughout the Bay Area

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B10. Significance: (continued)

and elsewhere in California. No evidence was found that 2138 Kittredge Street housed war workers or military families and it is just one example of a very common wartime trend throughout the State.

The property does not appear to be eligible for listing in the California Register under Criterion 1.

Criterion 2 (Persons): Resources associated with the lives of persons important in our past.

The property was first associated with John C. Fitzpatrick, who had the house built in 1904 and occupied it with his family until the early 1920s. Fitzpatrick worked on a horsecar line before establishing his own livery stable (next door to the house), which eventually transitioned from horses to automobiles, but operated under the same for-hire model. He was an early adopter of automobiles and his stable-turned-garage is claimed to have been one of Berkeley's first public auto garages, although this claim is unsubstantiated ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940) and could be complicated by the exact definition of "public auto garage" (ie: a garage for parking, for mechanical service, for rental of vehicles, etc.) In any case, although Fitzpatrick was an early purveyor of transportation, his business did not have significant implications for the broader history or development of Berkeley or California, and the house at 2138 Kittredge Street did not have an integral association with Fitzgerald's business or represent it in any way.

Beginning around 1925, the house was occupied by William H. and Alma Taylor. William Taylor was a real estate agent, while Alma Taylor ran a tea room in the front of the house. William Taylor's work in real estate earned little attention in historical documents, while Alma's tea room was advertised in newspapers (as would be expected for a restaurant) and appears to have been a successful establishment, operating for 21 years. Nevertheless, the tea room was one of countless restaurants in Berkeley during its years of operation and Alma Taylor had no great historical influence as its proprietress.

In 1942, the Taylors converted the house to a five-unit apartment building. Residents of the apartments are generally unknown and the few names that appear in association with the address in newspapers do not yield much biographical information and do appear to have been influential. Helen Ingham Taylor, William Taylor's second wife and widow, owned the property until 1979. Later owner/occupants were associated with the property outside of the historical period and none appear to claim any significant achievements that would qualify them as important historical figures.

The property does not appear to be eligible for listing in the California Register under Criterion 2.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

The building at 2138 Kittredge Street was designed as a single-family dwelling, likely in the Free Classical sub-type of the Queen Anne style. Aside from age-appropriate materials and a few remnant features found on the side and rear facades, the house no longer conveys its original appearance, nor is it capable of indicating its true age or style. In 1935, a Georgian Revival style front facade was added to the building, which had come to incorporate commercial and, eventually, multi-family residential uses. The front exhibits some characteristic features of the Georgian Revival style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example of the style and has some anomalies. Its intended function as a storefront is also not readily apparent, as it has few of the characteristics of commercial use, such as a street-level entrance, multiple entrances, large plate glass display windows, etc. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

The architect of the house was William H. Wharff, who was a prominent and prolific Berkeley architect from 1899 to 1915. It is acknowledged, however, that he was not a great architectural trailblazer, being "neither a classicist nor an innovator, [but] a practical builder who incorporated the prevailing idiom of the day into his designs." (Daniella Thompson, "William Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html) The fact that the house at 2138 Kittredge Street has been substantially altered with an addition to the primary facade that essentially obscures Wharff's original design means that it cannot stand as a valid representation of his work. Additionally, the fact that at least four other works by Wharff are designated local landmarks, retain integrity, and represent Wharff's work much better, means that the house at 2138 Kittredge Street is not a valuable representation of his work.

The property does not appear to be eligible for listing in the California Register under Criterion 3.

Criterion 4 (Information Potential): Resources that have yielded, or may be likely to yield, information important in prehistory or history

Criterion 4 is typically concerned with archaeological investigation. Where buildings or architectural elements are concerned, Criterion 4 typically relates to rare construction types, of which 2138 Kittredge Street is not an example.

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The property does not appear to be eligible for individual listing in the California Register under Criterion 4.

Berkeley Landmark Evaluation

Berkeley Landmarks are designated historical resources within the City of Berkeley. Resources may be designated as Landmarks if they meet one or more of five criteria similar to those used for the California Register, but which elaborate on areas of significance. The following provides an evaluation of the historic significance of 2138 Kittredge Street according to local significance criteria:

1. Architectural Merit:

a-c. Property that is the first, last, only or most significant architectural property of its type in the region; Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

The property is an altered early-twentieth century residential building, later converted to commercial and multi-family residential uses, that does not hold the status of first, last, only, or most significant of its type or style in the region either in its original guise, nor its altered state. Its presumed original style and its wood-frame construction was very common to the early-twentieth century, while its altered character is equally unremarkable for the mid-1930s; therefore, it is not a prototype or outstanding example of its period, style, or any architectural movement or construction type. Even considered as an example of an early-twentieth century residence with a storefront addition, it does not qualify as a first, last, only, prototype, or outstanding example, as two others exist on the same block of Kittredge Street, with both of the others being of earlier construction dates and earlier alteration dates, and are still extant. The architect, William H. Wharff, was a prominent and prolific Berkeley architect but not particularly groundbreaking in his designs. He designed a number of other noteworthy buildings, some of which bear landmark designations, and are better examples of his work than 2138 Kittredge Street, which has been altered in such a way that the majority of Wharff's original design is not even evident.

2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City

The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any association to religious, cultural, governmental, social, or economic events or developments in Berkeley. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic developments. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic evolution in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, it was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in the Bay Area at that time.

3. Educational value: Structures worth preserving for their usefulness as an educational force

The property at 2138 Kittredge Street does not appear to have any use as an educational tool. The building is a modest structure that has an altered appearance and has had changing uses throughout its history. Both its altered physical character and dichotomy of uses confuse any interpretation of its historical role as either a house or commercial building, neither of which is particularly significant to local history.

4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military.

The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any significant influence from or on social, cultural, economic, political, religious, or military history. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic trends. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic trends in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, the building was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in Berkeley and the Bay Area at that time.

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5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The property at 2138 Kittredge Street is not listed in the National Register of Historic Places and therefore does not qualify as a Berkeley Landmark under this criterion.

Berkeley Structure of Merit Evaluation

Berkeley Structures of Merit are designated historical resources within the City of Berkeley. Resources may be designated as Structures of Merit if they meet general and/or specific criteria. An evaluation follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

As assessed under Berkeley Landmark criteria, the property at 2138 Kittredge Street does not possess high architectural merit or cultural, educational, or historic value. Visual observation of buildings around the property reveals a wide range of age, scale, style, and use, including a number of very large modern infill buildings that have been constructed in close proximity in recent years (or are under construction currently). Three late-nineteenth and early-twentieth century houses with added storefronts, similar to the subject property, are located on the same block of Kittredge. The "Shattuck Avenue Commercial Corridor Historic Context & Survey" addresses this grouping of properties as follows:

While a majority of residences located on Berkeley's downtown streets were demolished during the ensuing decades, to make room for larger, more commercially focused structures, a small handful of ca. 1890s houses, specifically the grouping located at 2117-2119 Kittredge St., 2124-2126 Kittredge St., and 2138 Kittredge St. were adapted into commercial storefronts, while remaining residential in the rear. These original rear wings are representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare. The expansion of transportation options in the early twentieth century, as well as a burgeoning commercial downtown, led to an increasing amount of commercialization of the side streets directly off of Shattuck Avenue as the nineteenth century gave way to the twentieth century.

It is corrected, herein, that the property at 2138 Kittredge Street dates to 1904, not ca. 1890s, and was the last of the three properties to be built and the last to be altered with a commercial storefront. Nevertheless, the three properties have been identified as representing a small grouping of residential-to-commercial conversions, associated with the commercial growth of nearby Shattuck Avenue.

Specific Criteria

a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

Downtown Berkeley is characterized by an extremely dense concentration of designated landmarks. In order to distill the analysis down to manageable numbers, the subject block on which 2138 Kittredge Street is located, and the block face opposite (the north side of Kittredge Street) are used herein as the study area. Within those constraints there are seven designated landmarks, including: the Tupper & Reed building, Hezlett's Silk Store, the Odd Fellows Temple, the Masonic Temple, Brooks Apartment Building, the A.H. Broad House/Storefronts, and the California Theater. All are Landmarks, except the A.H. Broad House/Storefronts, which is a Structure of Merit. Construction dates range from 1894 to 1913, with two bearing significant alterations dating to the mid-1920s and 1929-30. The Masonic Temple and Brooks Apartment Building are roughly contemporaneous with 2138 Kittredge Street, having been built within the same decade, in 1905 and 1906, respectively.

The property's age does not correspond to any period or event of significance to the City, having been built at a time of general growth and before the 1906 earthquake.

b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

Among the designated landmarks located in the study area defined above (see Specific Criteria (a)), 2138 Kittredge Street is compatible with the A.H. Broad House/Storefronts (Structure of Merit) in size, scale, style, materials, and design. Both are two-story, single-family, residential structures of Victorian-era styling, of wood frame construction, with later storefront additions dating

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to the mid-1920s and mid-1930s, that are of different materials and styling than the house to which they are attached. The other nearby Landmarks are mostly much larger, of distinctly different styles, and of different use-based design.

c. The structure is a good example of architectural design.

As a single-family dwelling, likely designed in the Free Classical sub-type of the Queen Anne style, the house no longer conveys its original appearance, nor is capable of indicating its true age or style. The later Georgian Revival front addition exhibits some characteristic features of the style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example and has some anomalies. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

The property at 2138 Kittredge Street does not individually qualify as a Structure of Merit. The property has been identified as part of a grouping of three properties exhibiting residential to commercial conversion via storefront addition. The group is "representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare." (Archives & Architecture, 2015) The significance of the subject property is entirely dependent upon the speculated significance of the grouping, however; and is not significant in its own right. The grouping has never been evaluated nor designated as a historic district.

Integrity

In order to qualify for listing in the California Register, a property must possess significance under one of the aforementioned California Register criteria *and* have historic integrity according to seven aspects. Most, if not all, aspects of integrity must be met in order for the property to retain integrity. Integrity is not considered in the evaluation for Berkeley Landmark or Structure of Merit eligibility.

The property at 2138 Kittredge Street does not appear to possess the historic significance necessary to qualify for designation to the California Register; therefore, an analysis of its integrity is not required or included here.

Previous Evaluations & Determinations

The property at 2138 Kittredge Street was addressed by previous documentation efforts conducted by Berkeley Architectural Heritage Association in 1978, which included both a Berkeley Urban Conservation Survey form (#21280) and a State Historic Resources Inventory form. Although no formal evaluation according the National or California Register significance or integrity criteria was performed, the latter deemed the property eligible for the National Register.

Additionally, the property is addressed by the "Shattuck Avenue Commercial Corridor Historic Context and Survey," completed in 2015 (2015 Survey). The survey identified a potentially-eligible Shattuck Avenue Commercial Corridor Historic District, the boundaries of which include the subject property. However, this potential district has not been formally designated by the City of Berkeley. The survey's Table of Properties acknowledges that the subject property bore no historical designation at the time of the survey, but assigns it contributing resource status to the identified district. City of Berkeley Planning Staff has further stated that the survey "assigned the property a California Historic Resource Status Code of 3S, finding it locally significant as a contributor to the proposed District under criterion A/1 of the NR/CR, with a period of significance of 1904-1958." The City has concluded that "for these reasons, the potential District and the subject building are cultural resources pursuant to CEQA Guidelines Section 15064.5.(a)."

However, the copy of the 2015 Survey in the City of Berkeley's files does not indicate review by the Office of Historic Preservation (OHP) and whether the conclusions of the survey were accepted. The 2015 Survey is posted in the library of contexts statements on the OHP website, but upon inquiry of OHP, no further information is readily available.

The property at 2138 Kittredge Street is not currently listed in the National Register of Historic Places, the California Register of Historical Resources, or as a City of Berkeley Landmark or Structure of Merit. The property is not listed in the OHP's Built Environment Resource Directory (BERD) to indicate that previous study or designation is on file with the OHP.

Pursuant to Public Resources Code section 5024.1(g), sites officially designated in a local register of historic resources as defined in Public Resources Code section 2050.1(k) are presumed to be historically significant. Under section 5020.1(k), designation in a local register is defined to include a resource recognized as historically significant by local ordinance or resolution. 2138 Kittredge is not so recognized.

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B10. Significance: (continued)

Resources identified as significant in a historical resources survey prepared in accordance with the standards of Public Resources Code section 5024.1(g) are also presumed to be historically significant. Under that section, four independent criteria all must be met to determine a significant historical resource based on such a survey:

- 1) The survey must be included in the State Historic Resources Inventory;
- 2) The survey and its documentation must be prepared in compliance with Office of Historic Preservation procedures and requirements;
- 3) The resource must be evaluated by the Office of Historic Preservation and be determined to have a significance rating of category 1–5 on DPR Form 523; and
- 4) The survey must be updated to include specific information if it is more than 5 years old at the time the resource is nominated for inclusion in the California Register of Historical Resources.

The presumption that a site is a historic resource because of a designation in a local register or a historic resources survey may be overcome if the agency concludes, based on a preponderance of the evidence, that the site is not historically or culturally significant under Public Resources Code section 21084.1.

Here, the first two requirements appear to be satisfied. The third might be satisfied if it can be shown that OHP approved the 2015 Survey and concurred with the 5B rating. However, the fourth requirement has not been satisfied. The 2015 Survey is over five years old and has not been updated nor has the resource been nominated for inclusion in the California Register.

When a site has not been listed or determined eligible for listing on the California Register, has not been listed on a local register, or has not been found to be significant under Public Resources Code section 5024.1(g), the lead agency may independently determine whether the property should be treated as a historical resource under CEQA. (Public Resources Code section 21084.1). Absent such a determination, 2138 Kittredge would not qualify as an historic resource for the purposes of CEQA.

Conclusion

Based on analysis undertaken by this documentation and evaluation effort, the property at 2138 Kittredge Street does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark. While it has been identified as one of a grouping of three similar buildings with a somewhat unique use history, illustrated through physical alteration (SoM general criterion 1 and specific criterion D), and its contemporary age and compatible physical character with nearby Landmarks (SoM specific criteria A and B), multiple Structure of Merit criteria regarding its associations to similar nearby properties are met. However, the City has not previously determined that this is the case and the property is not included in the City's local register. This analysis ultimately concludes that although Structure of Merit criteria appear to be met, they relate only to the property's relationship and dependence on other properties and that 2138 Kittredge Avenue does not individually qualify as a Structure of Merit. Based on these conclusions, and the age of the 2015 Survey, the property does not appear to qualify as a historical resource for the purposes of CEQA, barring the City's future determination as to whether it is, or is not, a historical resource under CEQA.

Sources

Ancestry.com: census and other vital records
Archives & Architecture, "Shattuck Avenue Commercial Corridor Historic Context & Survey," 28 May 2015.
Berkeley Architectural Heritage Association: block files, building permits, Ormsby Donogh collection
City of Berkeley Planning & Development Department microfiche records
McAlester, Virginia & Lee, *A Field Guide to American Houses*, (New York: Alfred A. Knopf, 2003)
NETR Online, Historic Aerials
NewspaperArchive.com
Newspapers.com
Sanborn Fire Insurance Map archives via ProQuest and HIG
University of California Riverside, California Digital Newspaper Collection
University of California Santa Barbara Library, aerial photographs collection
Walker, Lester. *American Shelter*. Overlook Press, 1998.

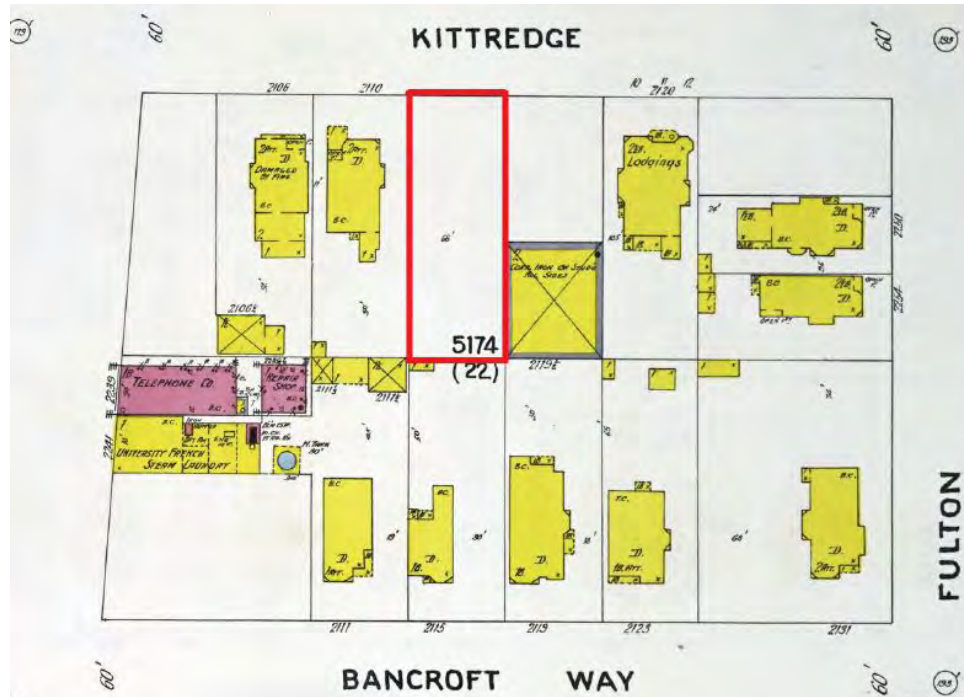
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Historical Images:



Sanborn Fire Insurance map, 1903. Subject property outlined in red; vacant. (Historical Information Gatherers)

To Erect Large Building

The contract to erect a two-story and basement frame dwelling on Shattuck avenue and Kittredge street, for John C. Fitzpatrick, has been awarded to Contractors Pearson & Olsen. William H. Wharff is the architect. This contract calls for all concrete, mason, carpenter, plumbing and painting work, at a total cost of \$4090. Payments are to be made as follows: Frame up, \$1022.50; plastered, \$1022.50; completed and acceptor, \$1022.50; thirty-five days after, \$1022.50. The contract was let December 30 and the building is to be completed in seventy-five working days, with a forfeit of \$5 a day. W. G. Black and Nils Person are sureties in bonds of \$1022.50.

Construction notice, Berkeley Daily Gazette, 4 January 1904.

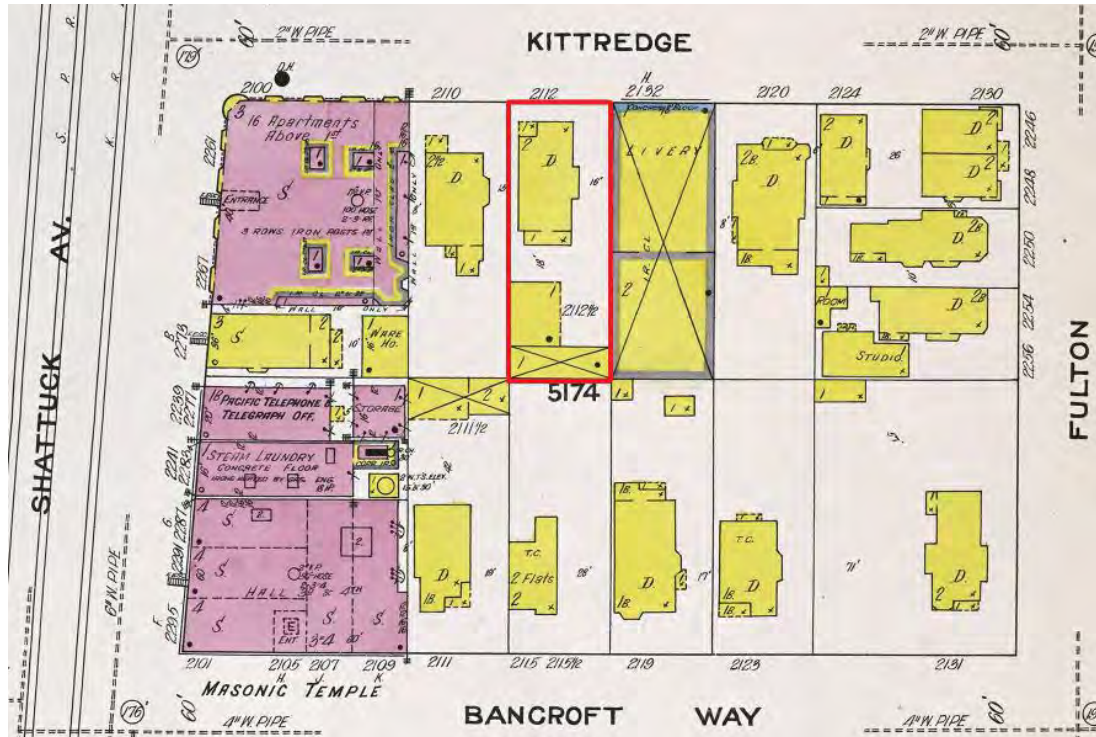
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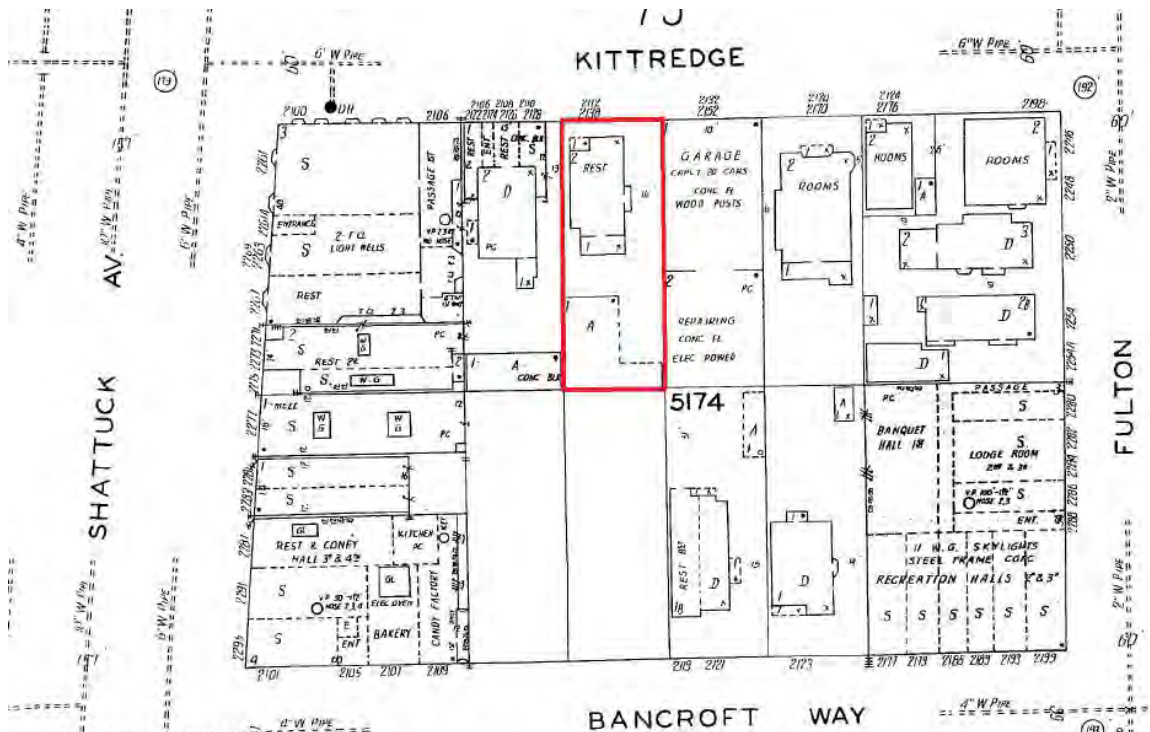
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Historical Images:



Sanborn Fire Insurance map, 1911. Subject property outlined in red. (Historical Information Gatherers)



Sanborn Fire Insurance map, 1929. Subject property outlined in red. (ProQuest)

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Historical Images:



Aerial photograph, 1958. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)



Aerial photograph, 1965. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)

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Historical Images:



2138 Kittredge Street, looking southwest; 1978. (BAHA)



2138 Kittredge Street, looking northwest; 1978. (BAHA)

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Historical Images:



2138 Kittredge Street, looking southeast; 1982. (BAHA)



Kittredge Street, looking east. 2138 Kittredge Street at far right; 1982. (BAHA)

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Current Images:



Primary facade, looking south from Kittredge Street.



Left: Primary facade, looking southeast. Right: Detail of primary entrance.

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Current Images:



First story of primary facade, left of primary entrance.



Second story of primary facade.

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Current Images:



West facade, looking southeast.



Lower east facade, looking southwest.

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Current Images:



Upper east facade, looking southwest.



View to rear of lot, showing carport, looking south.

ATTACHMENT 2

ATTACHMENT 2

ARCHAEOLOGICAL RESOURCES REVIEW

2138 Kittredge Street
Berkeley, CA 94702
(Use Permit ZP2024-0114)

FOR

The Austin Group, LLC
164 Oak Road
Alamo, CA 94507-2761

ATTN: Mr. Bill Schrader

PREPARED BY



1933 Davis Street, STE 214
San Leandro, California 94577

Contact: Dr. Colin I. Busby, Principal
(510) 430-8441

AUGUST 2025

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FIGURE 2	Project Location - T1S R4W unsectioned (USGS West Oakland, CA 1993; Richmond, CA 1995)
FIGURE 3	Aerial View of Project Location

NATIVE AMERICAN OUTREACH

REQUEST	Request to Native American Heritage Commission (NAHC) for Review of Sacred Lands File (SLF) – 2138 Kittredge Street, Berkeley, Alameda County. Dated 4/18/2025.
RESPONSE	Native American Heritage Commission Response - Building Development 2138 Kittredge, Berkeley Project, Alameda County. Dated 4/22/2025
REQUEST	Letters via email to: (a) Irenne Zwierlein, Chairperson, <i>Amah Mutsun Tribal Band of Mission San Juan Bautista</i> , and tribal members Gary Zimmer, Shelby Brown, Michelle Zimmer, and Christopher Zimmer; and, (b) Katherine Perez, Chairperson, <i>Northern Valley Yokut / Ohlone Tribe</i> and tribal member Timothy Perez regarding information on Building Development 2138 Kittredge, Berkeley, Alameda County. Dated 6/10/2025
RESPONSE	From Shelby Brown <i>Amah Mutsun Tribal Band of Mission San Juan Bautista</i>

CHRIS/NWIC SEARCH RESULTS

SEARCH	File No. 24-1624 (dated 4/18/2025) [No Confidential Information Included]

1.0 INTRODUCTION

This *Archaeological Resources Report* (ARR) reviews the proposed construction of an 8-story residential building located at 2138 Kittredge Street, City of Berkeley, Alameda County.

This review has been completed to meet the requirements of the California Environmental Quality Act (CEQA) in regard to cultural resources and City of Berkeley planning requirements (see City of Berkeley 2025). CEQA requires a review by the lead state or local agency to determine if the project will have a significant effect (impact) on archaeological sites or properties of historic or cultural significance to a community or ethnic group eligible for inclusion in the California Register of Historic Resources (CRHR).

The City of Berkeley is acting as the Lead Agency pursuant to CEQA Guidelines §15050(a) and the information provided by the ARR will allow the City to determine appropriate conditions of approval to address any potential impacts on any significant cultural resources within the project footprint.¹

2.0 PROJECT LOCATION AND DESCRIPTION

The project site is an approximately 6,750-square foot lot on the north side of the 2000-block of Kittredge Street, between Shattuck Avenue (west) and Oxford Street (east) with an address of 2138 Kittredge Street (APN 057-2029-015-00) within the downtown area of the City of Berkeley, Alameda County (T1S R4W, unsectioned, USGS Oakland West, CA. 1993) [Figs. 1-3]. The project proponent plans to demolish an existing 3-unit residential building and construct a 42,893 square foot, 8-story (82 feet) in-fill residential building with 66 units total. No basement or underground parking is anticipated although an elevator pit will be installed within the building footprint.

3.0 REGULATORY CONTEXT

Cultural resources include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects; and locations of important historic events or sites of traditional and/or cultural importance to various groups. The analysis of cultural resources can provide valuable information on the cultural heritage of both local and regional populations. Cultural resources may be determined significant or potentially significant in terms of national, state, or local criteria either individually or in combination. Resource evaluation criteria are determined by the compliance requirements of a specific project.

-
1. CEQA (Public Resources Code 21000 et seq.) 1970, as amended and planning requirements of the City of Berkeley requires a lead agency to determine potential impacts on both historical and archaeological cultural resources eligible for the California Register of Historical Resources (CRHR) and mitigate impacts on historically or culturally significant resources affected by a project. Under CEQA, a project is considered to have a significant effect if it would disrupt or adversely affect one or more properties of historic or cultural significance to the community (CEQA Section 21084.1 and CEQA *Guidelines*).

3.1 STATE OF CALIFORNIA

Public agencies under CEQA must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to California Public Resources Code (PRC) Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on “unique” archaeological resources.

Historical resource (see PRC 21084.1 and CEQA Guidelines Sections 15064.5(a) and 15064.5(b)) applies to any resource listed in or determined to be eligible for listing in the California Register of Historic Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be “historical resources” for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC 21084.1 and CEQA Guidelines Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a. Is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and,
- b. Meets any of the following criteria:
 1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 2. Is associated with the lives of persons important in our past;
 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
 4. Has yielded, or may be likely to yield, information important in prehistory or history (State CEQA Guidelines Section 15064.5(a)(3)).

The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and CEQA Guidelines Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and “unique archaeological resources.” Under CEQA, an archaeological resource is considered “unique” if it:

Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;

Has a special and particular quality such as being the oldest of its type or the best available example of its type; or,

Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)).

The CEQA Guidelines (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2. PRC Section 21083.2 requires the lead agency to treat that effect as a significant environmental effect. When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC Section 21084.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. PRC Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

Tribal Resources

Assembly Bill 52 (AB 52) provides protections for tribal cultural resources.² All lead agencies as of July 1, 2015 approving projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the impacts of a project on tribal cultural resources prior to the release of any negative declaration, mitigated negative declaration or draft environmental impact report. Under PRC Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects

2. AB 52 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3 to, the California Public Resources Code

that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource.

Tribal consultation is to continue until mitigation measures are agreed to or either the tribe or the lead agency concludes in good faith that an agreement cannot be reached. In the case of agreement, the lead agency is required to include the mitigation measures in the environmental document along with the related Mitigation Monitoring and Reporting Program (MMRP) (see PRC Section 21084.3). If no agreement is reached, the lead agency must still impose all feasible mitigation measures necessary for a project to avoid or minimize significant adverse impacts on tribal cultural resources (PRC Section 21084.3).

Other California Laws and Regulations

Other state-level requirements for cultural resources management appear in the California PRC Chapter 1.7, Section 5097.5 "Archaeological, Paleontological, and Historical Sites," and Chapter 1.75 beginning at Section 5097.9 "Native American Historical, Cultural, and Sacred Sites" for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and PRC Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission.

3.2 CITY OF BERKELEY

The City of Berkeley Landmarks Preservation Ordinance (Ordinance Nos. 5686-NS Section 1 [1985] and 4694-NS Section 3.1 [1974]) authorizes the Landmark Preservation Commission to designate local landmarks, historic districts, and structures of merit, as approved by the City Council, by the procedures outlined in the ordinance. An eligible property may be nominated and designated as a landmark, historic district, or structure of merit using the general criteria under each category detailed in the ordinance review protocols. The ordinance is primarily focused on the historic built environment although prehistoric and/or historic archaeological resources could be included within the general criteria for cultural, education and historic values.

3.2A Downtown Area Plan

The project site is within the historic downtown core and the Downtown Area Plan (DAP) (see City of Berkeley 2009). The DAP Draft EIR (4-93-4.124) provides a discussion of cultural resources impacts which includes two impacts and two mitigation measures pertinent to archaeological resources.

Impact CUL-3: *Possible Disturbance of Unidentified Subsurface Archaeological Resources.* Although no archaeological resources are currently known to exist in the Downtown Area, ground-disturbing activities associated with new construction and related underground utility installation could result in the destruction or disturbance of unidentified subsurface archaeological resources, which would represent a potentially significant impact.

Mitigation CUL-3: *Halt Work/Archaeological Evaluation/Site-Specific Mitigation.* If archaeological resources are uncovered 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 an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit 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 archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.

Impact CUL-5: Possible Disturbance of Unidentified Human Remains. Ground disturbing activities associated with new construction and related underground utility installation could result in the disturbance of unidentified subsurface human remains, which would represent a potentially significant impact.

Mitigation CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations. 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 (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any 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 archaeologist's 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. Implementation of this mitigation measure would reduce the impact to a level of less than significant.

3.2B City of Berkeley Standard Conditions of Approval

The proposed project will also be subject to the City's Standard Conditions of Approval (COA) for All Projects. Relevant cultural resource COA's that could apply include the following (Note: COA's will be numbered in Use Permit, Section IV. *Other Findings for Approval*):

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.

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.

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.

4.0 SUMMARY BACKGROUND CONTEXT

Summary background information pertaining to the cultural context of the project site is included in this section. A contextual historic overview of the City of Berkeley and history of the project site and built environment is provided by Archives & Architecture (2015) and Hibma (2025).

4.1 NATIVE AMERICAN

4.1A Prehistoric

Cultural resources are traces of human occupation and activity. In northern California, cultural resources extend back in time for at least 9000-11,500 years with Native American occupation and use of central California extending over 5000-8000 years and possibly longer. The project area appears to have been located in a generally favorable environment in an upland area approximately 2 miles east of the former San Francisco Bay shoreline and just south of the alignment of Strawberry Creek. Prehistorically, the study area appears to have been located in a favorable environment with a freshwater stream, grasslands, oak woodland, and the San Francisco Bay margin in close proximity for both subsistence and raw material exploitation. Travel would have been relatively easy between the shoreline and interior and along the shoreline to the north and south. The foothills would have provided access to acorns, seed, game, tool stone, etc. while San Francisco Bay and its margins along with the many perennial and seasonal creeks and sloughs would have been sources of shellfish, fish, waterfowl, and riparian vegetation.

Prehistoric site types in the general project area include habitation sites ranging from villages to temporary campsites, stone tool and other manufacturing areas, quarries for tool stone procurement, cemeteries usually associated with large villages, isolated burial sites, rock art locations, bedrock mortars or other milling feature sites and trails. Archaeological sites in the general area appear to have been selected for relative accessibility, protection from seasonal flooding, and proximity to a diversified resource base as well as a source of fresh water.

Archaeological information suggests an increase in the prehistoric population over time in California with an increasing focus on permanent settlements with large populations in later periods. This change from hunter-collectors to an increased sedentary lifestyle is due to more efficient resource procurement but with a focus on staple food exploitation, the increased ability to store food at village locations, and the development of increasing complex social and political systems including long-distance trade networks.

Archaeological research in the region has been interpreted using several chronological schemes based on stratigraphic differences and the presence of various cultural traits. A three-part cultural chronological sequence, the Central California Taxonomic System (CCTS) was developed by archaeologists to explain local and regional cultural change in prehistoric central California from about 4,500 years ago to the time of European contact (Lillard et al. 1939; Beardsley 1948, 1954). The CCTS, consisting of three horizons, Early, Transitional and Late, has been revised although the prior nomenclature (Early, Middle, Late Horizon) is still in common use (see Fredrickson 1994). Moratto (1984) suggests the Early Horizon dated to ca. 4,500 to 3,500/3,000 years ago with the Middle Horizon dating to circa 3,500 to 1,500 years ago and the Late Horizon dating to ca. 1,500 to 250 years ago.

The complexity of the archaeological record in central California has resulted in the development and refinement of local sequences with specific cultural traits and chronologies (see Hughes 1994). Fredrickson (1974) has proposed a tripartite scheme - Archaic, Emergent and

Ethnographic - each with appropriate characteristics. The Lower Archaic (10,000-6000 B.P.) and the Initial Middle Archaic (6000-4500 B.P.) are not well known from Alameda County and are primarily represented from the research completed at the Los Vaqueros Reservoir approximately 50 miles to the east of Berkeley. The other divisions of the Archaic, Emergent and Ethnographic (post-contact) are reasonably well represented in the county. Additional details on the chronology and characteristics of these cultural divisions are presented in Fredrickson (1994). Allen (1999) has presented a chronological framework for portions of the general Bay Area using the Bennyhoff and Hughes (1987) taxonomy as revised by Milliken and Bennyhoff (1993) and Fredrickson (1994) (see Table 4.1).

General overviews and perspectives on the regional prehistory including chronological sequences can be found in King (1978), Wallace (1978), Elsasser (1978, 1986), Moratto (1984), Allen (1999), Jones and Klar (2007), and Byrd et al. (2017).

TABLE 4.1
COMPARISON OF CENTRAL CALIFORNIA CULTURAL PERIODS
WITH TEMPORAL PHASES (Allen 1999)

Cultural Periods (Fredrickson 1994a-b)	Dating Scheme B1 (Bennyhoff and Hughes 1987)	
	Year	Time Period
EMERGENT PERIOD		Historic Period
	AD 1800	
		Late Period Phase 2-B
	AD 1700	
		Late Period Phase 2-A
	AD 1500	
		Late Period Phase 1-C
	AD 1300	
		Late Period Phase 1-B
	AD 1100	
		Late Period Phase 1-A
UPPER ARCHAIC PERIOD	AD 900	Middle/Late Period Transition
	AD 700	
		Middle Period Terminal Phase
	AD 500	
		Middle Period Late Phase
	AD 300	
		Middle Period Intermediate Phase
	AD 100	
		Middle Period Early Phase
	200 BC	
		Early/Middle Period Transition
MIDDLE ARCHAIC PERIOD	500 BC	
		Early Period
	3000 BC	

TABLE 4.1, con't
COMPARISON OF CENTRAL CALIFORNIA CULTURAL PERIODS
WITH TEMPORAL PHASES (Allen 1999)

Cultural Periods (Fredrickson 1994a-b)	Dating Scheme B1 (Bennyhoff and Hughes 1987)	
	Year	Time Period
LOWER ARCHAIC PERIOD	6000 BC	
PALEOINDIAN PERIOD	8000 BC	

General overviews and perspectives on the regional prehistory including chronological sequences can be found in C. King (1978), Elsasser (1978, 1986), Moratto (1984), Allen (1999), Hylkema (2002), Jones and Klar (2007), Milliken et al. (2007) and Byrd et al. (2017).

4.1B Ethnographic

The project site is within the boundaries of the Costanoan who occupied the central California coast as far east as the Diablo Range. The descendants of these Native American now prefer to be called *Ohlone*. In 1770, the *Ohlone* lived in approximately 50 separate and politically autonomous tribelets with each group having one or more permanent villages surrounded by a number of temporary camps. Physiographic features usually defined the territory of each group which generally supported a population of approximately 200 persons with a range of between 50-500 individuals. The camps were used to exploit seasonally available floral and faunal resources (Levy 1978).

The project site is within the *Chochenyo* territory of the Ohlone (Kroeber 1925:465; Levy 1978:485). *Chochenyo* is one of the northernmost extensions of the *Ohlone* language groups, and was spoken by the tribelets occupying the east shore of San Francisco Bay between Richmond and Mission San Jose [in the City of Fremont], and probably also in the Livermore Valley, by about 2,000 people (Levy 1978).

Research suggests that the project area would have been located in an area occupied by the *San Antonio* ethnic group/tribelet or the *Wekemnayon* tribelet, or the *Huchiun*. This group appears to have occupied the area from Temescal Creek in Emeryville north to at least the lower San Pablo and Wildcat Creek drainages in Richmond, North Richmond and San Pablo. No recorded Native American villages or known trails are situated in, adjacent or near the project area (Levy 1978:485; Bennyhoff 1977:Map 2, 4a-b; Elsasser 1986:48-49, Table 4, Fig. 10; Milliken 1995:228, Map 4, 243; Milliken 2006:27, Fig. 5; Milliken 2008:5, Fig. 2).

During the Hispanic Period, Native Americans worked with former neighboring groups at and for the Missions. Prior to 1820, Mission San Francisco founded *San Ysidro* of the *Juchiunes* [*Huchiun*] a cattle ranch in the Richmond/San Pablo area. Later in the Hispanic Era, the cattle ranch became a rancho known as *San Pablo*, alias *Los Cuchiyunes* while the area near Temescal

Creek was known as the *Arroyo del Temescal o Los Juchiyunes*. Later, with the secularization of the missions by Mexico in 1834, the majority of the aboriginal population gradually moved from the missions to ranchos to work as agriculturalists and manual laborers (Hart 1987:237-238; Milliken 1995:243).

For a more extensive review of the Native Americans in the general study area see Kroeber (1925:462-473), Harrington (1942), King and Hickman (1973), C. King (1978), Levy (1978), Bean (1994), and Milliken (1995).

4.2 HISTORIC ERA

The history of the study area can be divided into the Hispanic Period (Spanish Period 1769-1821 and the Mexican Period (1822-1848), and, the American Period (1848-onward). During the Hispanic Period, Spanish government policy in northwestern New Spain was directed at the founding of presidios (forts), missions, and pueblos (secular towns) with the land held by the Crown whereas later Mexican policy (1822-1846) stressed individual ownership of the land with grants of vast tracts of land to individual citizens (Hart 1987). The American Period focused on development and growth - a pattern that continues into the 21st Century.

4.2A Hispanic Period (1769 to 1848)

Early Spanish expeditions in central California likely followed aboriginal trails during their exploration of the Bay Area. Spanish explorers in the late 1760s and 1770s were the first Europeans to traverse California. On March 27, 1772, Fages and Father Juan Crespi and their party camped on the banks of Strawberry Creek near Founder's Rock³ in present-day Berkeley. The project is located west of the Juan Bautista de Anza National Historic Trail [1776] (Hoover et al. 1966:3-6; Beck and Haase 1974; Brown 1994; USNPS 1995).

After the initial period of exploration, the Spanish concentrated on the founding of presidios, missions, and secular towns with the land held by the Crown (1769-1821). In contrast, later Mexican Period (1822-1848) policy stressed individual ownership of the land (Hart 1987).

The project area is located within *Rancho San Antonio* situated along San Francisco Bay between San Leandro and El Cerrito creeks. The rancho was granted to Sergeant Luis Maria Peralta on August 3, 1820 by Governor Pablo Vincente de Sola, the last Spanish governor of Alta California. Two months later, part of this grant was revoked and surrendered to Mission Dolores. Still later, in 1823 under Governor Luis Arguello, part of the revoked portion was regranted to Peralta. *Rancho San Antonio*, a total of 43,472.23 acres, was patented to his four sons and encompassed the present-day cities of Albany, Berkeley, Emeryville, Oakland, Piedmont, Alameda, and part of San Leandro. The project site is within the portion of 18,848.98 acres patented to his sons, Vicente and Domingo Peralta on February 10, 1877. Domingo received the northern part, which includes present-day Berkeley and Albany.

3. At the La Loma entrance of the University in vicinity of present-day Oxford Street and Gayley Road (CAL/OHP 1976:222).

None of the rancho associated dwellings or structures were located in the vicinity of the project (Von Schmidt 1852; Stratton 1858/1859; Hendry and Bowman 1940:586-596; Bowman 1951:219; Hoover et al. 1966:9-11; Beck and Haase 1974: #30).

4.2B American Period (1848-Present)⁴

California became a United States territory in 1848 through the Treaty of Guadalupe Hidalgo that ended the Mexican War of 1846-1847. California was not formally admitted as a state until 1850. The Gold Rush in the same year brought a massive influx of immigrants to California from all parts of the world. California's 1848 population of less than 14,000 (exclusive of Indians) increased to 224,000 in four years.

In the mid-19th century, the majority of the rancho and pueblo lands and some of the ungranted land in California were subdivided as the result of population growth, the American takeover, and the confirmation of property titles. Growth can be attributed to the Gold Rush (1848), followed by the completion of the transcontinental railroad (1869) and local railroads. Still later, the development of the refrigerator railroad car (ca. 1880s) used for the transport of agricultural produce to distant markets, had a major impact on the San Francisco Bay Region (Hart 1987).

Alameda County, named after Alameda Creek, the former boundary between Contra Costa and Santa Clara counties, was created from portions of Santa Clara and Contra Costa counties on March 25, 1853 (Mosier and Mosier 1986:5).

Berkeley was founded in 1866 and named for the Irish prelate and philosopher Bishop George Berkeley, a native of Kilkenny, Ireland. The city was incorporated on April 1, 1878, a short time after the University of California moved from Oakland to Berkeley (Hills). The university served as a catalyst for growth which included other educational institutions as well as light industry along the San Francisco shoreline.

Berkeley has merited a post office since September 1872 and functioned for the most part as a bedroom community for San Francisco and Oakland in the 1870-1880s. The city grew through annexation of areas surrounding the "core." Ocean View was incorporated in 1878 into Berkeley as West Berkeley, South Berkeley was annexed to Berkeley in 1891, Claremont in 1906, Northbrae, Arlington Heights, Berkeley Heights in 1920, and Park Hills and Berkeley Woods in 1958 (Wood 1883; Hoover et al. 1966:23; BHBC/BHS 1984; Mosier and Mosier 1986; Scott 1985; Hart 1987; Patera 1991; Gudde 1998).

By the 1890 there were "Two Berkeleys:" one, the concentrated and industrial area west of San Pablo Avenue; and the second, east of San Pablo, depicted as a nearly pastoral setting of tree-lined streets, spacious residences on large lots, and statuesque University of California buildings. By 1906, Berkeley was the fourth largest city in California. The earthquake and fire in San Francisco in 1906 resulted in a tremendous numbers of refugees pouring into surrounding

4. The City of Berkeley Downtown Area Plan (DAP) provides a general overview of the history of the City of Berkeley (see Architectural Resources Group 2008) with Archives & Architecture (2015) providing a review of the Shattuck Corridor.

suburbs including Berkeley. This influx precipitated another residential and industrial boom, and by 1909, the town contained 84 industrial plants, while the population grew from a pre-earthquake 13,000 to 40,000 by 1910 (Jorgensen-Esmaili 1982). Much of the industrial growth occurred on 3rd Street, along the Southern Pacific rail line, which had spur lines into many factories. The 1909 completion of a major new 2,100-foot long harbor, which extended into deep Bay water, enabled local manufacturers to receive raw material and freight while efficiently shipping manufactured goods to market. Berkeley had a new, larger passenger railway station constructed to accommodate increased traffic in 1913.

The downtown area expanded and it became a business, commercial and light industrial center in the 1920s with continuing expansion and growth during the 1940s and 1950s. Suburban expansion post World War II and after the Korean War resulted in residential and business growth away from the historic downtown. The city today is primarily a residential community with numerous industrial and commercial businesses, government offices, and education institutions with the University of California central to the city's continuing development and viability, providing both economic stability and talent for contemporary enterprises

5.0 RESEARCH PROTOCOLS

A prehistoric and historic site record and literature search of a 1,500 foot radius of the project area was completed by the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park (CHRIS/NWIC File No. 24-1624 dated 4/18/2025 by Willoughby). In addition, limited reference material from the Bancroft Library, University of California, Berkeley and Basin Research Associates, San Leandro was also consulted. Sources included:

National Register of Historic Places listings for *Alameda County*, California (USNPS 2024a-c);

[Listed] *California Historical Resources* with the most recent updates of the National Register of Historic Places; California Historical Landmarks; and, California Points of Historical Interest as well as other evaluations of properties reviewed by the State of California Office of Historic Preservation (CAL/OHP 2025a);

Archaeological Determinations of Eligibility(ADOE) (CAL/OHP 2025b);

California History Plan (CAL/OHP 1973);

California Inventory of Historic Resources (CAL/OHP 1976);

Five Views: An Ethnic Sites Survey for California (CAL/OHP 1988); and,

Other regional/local reports, lists and maps (see Section 11.0 REFERENCES CITED AND CONSULTED).

The Native American Heritage Commission (NAHC) was contacted for a search of the *Sacred Lands File & Native American Contacts List* (Busby 2025a). Results of the Sacred Lands File (SLF) review were positive (Lin 2025) with the *Amah Mutsun Tribal Band of Mission San Juan Bautista* and the *Northern Valley Yokut / Ohlone Tribe* noted as having additional information. BASIN reached out to the two tribal groups and listed individuals identified as having additional

information (Busby 2025b-c). The City will undertake outreach and consultation with Native American tribes and individuals recommended by the NAHC as needed (see Attachments).

No other agencies, departments or local historical societies were contacted regarding archaeological sites, landmarks, potential historic sites or structures as the proposed project will replace existing infrastructure.

An archaeological field inventory of the project site was completed April 30, 2025 by Mr. Christopher Canzonieri (MA, RPA).

5.1 RECORDS SEARCH RESULTS

There are six reports within or adjacent to the project site with 30 additional studies within 1,500 feet (excluding OHP correspondence) (see Table 5.1).

One combined prehistoric/historic era resource (CA-ALA-618/H) is recorded within the project site. The resource includes the existing 1904 building (see Hibma 2025) and the location of a single isolated Native American burial exposed in September 1955 and subsequently removed by the University of California (Berkeley) Archaeological Survey (UCAS) (see Table 5.2).

Another prehistoric isolated burial, exposed during the demolition of the Kellogg School in the mid-1950s, is ca. 650 feet northeast of the project (CA-ALA-607) at Oxford and Center streets. Numerous historic buildings are present in the downtown area within 1,500 feet of the project site.

TABLE 5.1
STUDIES IN/ADJACENT TO OR WITHIN 1,500 FEET OF PROJECT SITE

Report #	Author	Date	Title	Study Type	Comments	Resources In/Adjacent
In or Adjacent						
S-049123	Neal Kaptain	2016	Historic Property Survey Report for Shattuck Avenue Reconfiguration and Pedestrian Safety Project, STPL 5057(045), Berkeley, Alameda County	Archaeological, Architectural/historical, Management/planning	Numerous built environment resources outside of the project site	P-01-005427 CA-ALA-618/H ca. 350 feet to south
S-049123a	Neal Kaptain	2016	Archaeological Survey Report: Shattuck Avenue Reconfiguration and Pedestrian Safety Project, Berkeley, Alameda County, California	Archaeological, Field study	Numerous built environment resources outside of the project site	P-01-005427 CA-ALA-618/H
S-049123b	Michael Hibma	2016	Finding of No Adverse Effect (Without Standard Condition): Shattuck Avenue Reconfiguration and Pedestrian Safety Project, Berkeley, Alameda County, California	Architectural/historical, Management/planning, Other research	Numerous built environment resources outside of the project site	P-01-005427 CA-ALA-618/H ca. 350 feet to south
S-049123c	Archives & Architecture, LLC	2015	Shattuck Avenue Commercial Corridor Historic Context and Survey	Architectural/historical, Evaluation, Field study, Other research	Numerous built environment resources outside of the project site	P-01-005427 CA-ALA-618/H ca. 350 feet to south
S-049123d	Jill Hupp and Julianne Polanco	2016	FHWA_2016_0808_001 Finding of No Adverse Effect for the Proposed Shattuck Avenue Replacement and Pedestrian Safety Project, Berkeley, Alameda County, CA	OHP Correspondence	Numerous built environment resources outside of the project site	P-01-005427 CA-ALA-618/H ca. 350 feet to south

TABLE 5.1, con't
STUDIES IN/ADJACENT TO OR WITHIN 1,500 FEET OF PROJECT SITE

Report #	Author	Date	Title	Study Type	Comments	Resources In/Adjacent
In or Adjacent, con't						
	Colin I. Busby	2020	Archaeological Screening Review – Alameda Contra Costa Transit District Rapid Corridor Design Project – Telegraph Avenue and Grand Avenue, Cities of Oakland and Berkeley, Alameda County	Literature search, Review		None
	Caitlin Hibma	2025	Historic Resource Evaluation of the property at 2138 Kittredge Street, Berkeley	Architectural/historical, Evaluation		P-01-005427 CA-ALA-618/H within project site
Within 1,500 feet						
S-005625	William Roop	1982	Archaeological Reconnaissance of the Proposed Biological Sciences Construction and Alterations Project, University of California at Berkeley (letter report)	Archaeological, Field study	Negative	None
S-024284	Chris Jensen and Lorna Billat	2001	Proposed Cellular Facility (Nextel Site Number: CA-067G/South Berkeley) in Downtown Berkeley, California (letter report)	Archaeological, Architectural/historical, Field study	One built environment resource outside of the project site	None
S-029543	Allen G. Pastron and R. Keith Brown	2000	Historical and Cultural Resource Assessment, Proposed Telecommunications Facility, the Roof Tank, Site No. PL-386-04, 2054 University Avenue, Berkeley, California (letter report)	Archaeological, Field study	One built environment resource outside of the project site	None
S-029683	Lorna Billat	2005	Roof Mounted Antennas, and Lease Area Inside Building, Downtown Berkeley/CA-2521, 2054 University Avenue, Berkeley, CA.	Archaeological, Architectural/historical, Field study	One built environment resource outside of the project site	None
S-038249	Suzanne Baker	2010	Historic Property Survey Report, the Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro	Archaeological, Architectural/historical, Field study	P-01-010538 / CA-ALA-607 within 1,500 foot search area; numerous built environ. resources outside of the project site	None
S-038249a	Suzanne Baker	2010	Addendum to Positive Archaeological Survey Report for the Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro, California	Archaeological, Field study	P-01-010538 / CA-ALA-607 within 1500 foot search area; numerous built environ. resources outside of the project parcel	None
S-038249b	Suzanne Baker	2010	Addendum Historic Property Survey Report, the Alameda County Transit Project in Berkeley, Oakland, and San Leandro	Architectural/historical, Evaluation, Field study	P-01-010538 / CA-ALA-607 within 1500 foot search area; numerous built environ. resources outside of the project site	None
S-038249c	Suzanne Baker	2010	Second Addendum to Positive Archaeological Survey Report for Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro, California	Archaeological, Field study	P-01-010538 / CA-ALA-607 within 1500 foot search area; numerous built environ. resources outside of the project site	None

TABLE 5.1, con't
STUDIES IN/ADJACENT TO OR WITHIN 1,500 FEET OF PROJECT SITE

Report #	Author	Date	Title	Study Type	Comments	Resources In/Adjacent
Within 1,500 feet, con't						
S-038249d	Suzanne Baker	2005	Positive Archaeological Survey Report for the Alameda-Contra Costa Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro	Archaeological, Field study	P-01-010538 / CA-ALA-607 within 1500 foot search area; numerous built environ. resources outside of the project site	None
S-038249e	Milford Wayne Donaldson and Leslie T. Rogers	2006	FTA051227A; National Register of Historic Places Determination of Eligibility for Properties within the Area of Potential Effects for the Proposed AC Transit Bus Rapid Transit Project, Alameda County, California	OHP Correspondence	P-01-010538 / CA-ALA-607 within 1500 foot search area; numerous built environ. resources outside of the project site	None
S-038249f	JRP Historical Consulting	2005	Finding of Effect for AC Transit East Bay Bus Rapid Transit Project	Architectural/historical, Evaluation, Management/planning, Other research	P-01-010538 / CA-ALA-607 within 1500 foot search area; numerous built environ. resources outside of the project site	None
S-039397	Allen G. Pastron	2008	Executive Summary of Results of On-Site Archaeological Monitoring and Evaluation at the 2055 Center Street Project, City of Berkeley, Alameda County, California	Archaeological, Monitoring	Negative results	None
S-040215	Michael Hibma	2013	Architectural Significance Evaluations of Three Garages at 1931, 1933, and 1935 Addison Street, Berkeley, Alameda County, California (LSA Project #SEG1201)	Architectural/historical, Evaluation, Field study	Three built environment resources outside of the project site	None
S-040638	Jeffrey E. Pearson and Kathleen A. Crawford	2013	Cultural Resources Records Search and Site Visit Results for T-Mobile West, LLC, Candidate BA02010A (Personal Communication System Roofing Antenna), 2116 Bancroft Way, Berkeley, Alameda County, California	Archaeological, Field study	One built environment resource outside of the project site	None
S-042755	Michael Hibma	2012	A Cultural Resources Study and Historical Evaluation for the Acheson Commons Project, Berkeley, Alameda County, California	Architectural/historical, Evaluation, Field study	Two built environment resources outside of the project site	None
S-042755a	William A. Porter	2012	Acheson Commons, Photo-Documentation & Context Report for 1970-1987 Shattuck Avenue/2101-2109 University Avenue, 2111-2113 University Avenue, 2129/2135-1/2 University Avenue, 2145 University Avenue, 1922/1924 Walnut Street, 1930 Walnut Street	Architectural/historical, Other research	Two built environment resources outside of the project site	None

TABLE 5.1, con't
STUDIES IN/ADJACENT TO OR WITHIN 1,500 FEET OF PROJECT SITE

Report #	Author	Date	Title	Study Type	Comments	Resources In/Adjacent
Within 1,500 feet, con't						
S-043139	Lorna Billat and Dana Supernowicz	2013	Collocation Submission Packet, South Downtown Berkeley, CCL04690	Archaeological, Architectural/historical, Field study	One built environment resource outside of the project site	None
S-043139a	Historic Resource Associates	2013	Architectural Evaluation Study of the South Downtown Berkeley Project, AT&T Site No. CCL04690, 2116 Bancroft Way, Berkeley, Alameda County, California	Architectural/historical, Evaluation, Field study	One built environment resource outside of the project site	None
S-045781	Carrie D. Wills and Kathleen A. Crawford	2014	Cultural Resources Records Search and Site Visit Results for Sprint Nextel Candidate FN03XC010 (University), 2054 University Avenue, #210, Berkeley, Alameda County, California (letter report)	Archaeological, Field study	One built environment resource outside of the project site	None
S-046434	Christopher McMorris	2015	Historic Resources, City of Berkeley Hearst Avenue Complete Streets Project (letter report)	Architectural/historical, Field study	Several built environment resources outside of the project site	None
S-046723	Michael Hibma	2013	Historical Evaluation 2201 Dwight Way, Berkeley, Alameda County, California	Architectural/historical, Evaluation, Field study, Other research	One built environment resource outside of the project site	None
S-046739	Beth A. Gordon	2005	Historic Resource Report, SNFCCA0157A/ South Downtown Berkeley, 2116 Bancroft Way, Berkeley, Alameda County, California	Architectural/historical, Field study	One built environment resource outside of the project site	None
S-046739a	Historic Resource Associates	2005	Cultural Resources Study of the South Downtown Berkeley Project, AT&T Wireless Services Site No. SNFCCA0157A, 2116 Bancroft Way, Berkeley, Alameda County, California	Architectural/historical, Field study	One built environment resource outside of the project site	None
S-047276	Mary Armstrong-Friberg	2015	FCC Form 621 Collocation Submission Packet: Verizon Wireless Shattuck and Bancroft Facility, 2116 Bancroft Way, Berkeley, CA 94704	Archaeological, Architectural/historical, Other research	One built environment resource outside of the project site	None
S-047276a	Phil Fulton and Casey Tibbet	2015	Cultural Resource Assessment Class I Inventory: Verizon Wireless Services Shattuck and Bancroft Facility, City of Berkeley, County of Alameda, California	Archaeological, Architectural/historical, Field study	One built environment resource outside of the project parcel	None
S-047276b	Julianne Polanco	2015	FCC_2015_1104_002; Shattuck and Bancroft, 2116 Bancroft Way, Berkeley, Alameda County, Collocation	OHP Correspondence	One built environment resource outside of the project site	None
S-047381	Meg Scantlebury	2015	Downtown Berkeley BART Plaza and Transit Improvement Project Finding of Effect	Archaeological, Architectural/historical, Field study	Two built environment resources outside of the project site	None

TABLE 5.1, con't
STUDIES IN/ADJACENT TO OR WITHIN 1,500 FEET OF PROJECT SITE

Report #	Author	Date	Title	Study Type	Comments	Resources In/Adjacent
Within 1,500 feet, con't						
S-047381a	Carol Roland-Nawi	2015	FTA_2014_0521_001; Downtown Berkeley Bay Area Rapid Transit (BART) Plaza and Transit Area Improvements Project, Finding of Effect, Berkeley, Alameda County, CA	OHP Correspondence	Two built environment resources outside of the project site	None
S-047806	Carolyn Losee and Alexandra Bevk	2016	Cultural Resources Investigation for AT&T Mobility CCL04690 "South DT Berkeley" 2116 Bancroft Way, Berkeley, Alameda County, California 94704	Archaeological, Field study	One built environment resource outside of the project site	None
S-047806a	Julianne Polanco and Carolyn Losee	2016	FCC_2016_0708_002, CCL04690 "South Downtown Berkeley" 2116 Bancroft Way, Berkeley, Collocation	OHP Correspondence	One built environment resource outside of the project site	None
S-057523	Archeo-Tec	2022	Archaeological Monitoring Report for the UC Berkeley Helen Diller Anchor House Project (Housing Project #1), 1950 Oxford Street, Berkeley, California	Archaeological, Excavation, Field study, Monitoring	One historic archaeological resource outside of the project site	None
S-057523a	Allen G. Pastron	2022	Supplementary Report of Archaeological Monitoring for the University of California, Berkeley Helen Diller Anchor House Project, Located in the City of Berkeley, Alameda County, California	Archaeological, Field study, Monitoring	One historic archaeological resource outside of the project site	None
S-058127	Jon Rusch	2024	Historic American Buildings Survey Level II Documentation Ernest A. Heron Building	Architectural/historical	One built environment resource outside of the project site	None
S-058129	Jon Rusch	2024	Historic American Buildings Survey Level II Documentation Martha E. Sell Building	Architectural/historical	One built environment resource outside of the project site	None

TABLE 5.2
CULTURAL RESOURCES IN VICINITY OF PROJECT SITE

Resource	Type	Recorded by	Eligibility NRHP/CRHR	Comment
In/adjacent				
P-01-005427 CA-ALA-618/H	Prehistoric, Historic; Site – Prehistoric isolated Native American burial Building - 2138 Kittredge Street	1979 (Anthony Buffington Bruce) [Building] 2004 (Richard Schwartz) [Burial] 2025 (Caitlin Hibma, Left Coast Architectural History) [Building]	6Z – DPR 2025 3S – Alameda County BERD (building only) Prehistoric component – not evaluated (single isolated burial – removed 1955)	Prehistoric archaeological burial exposed in the mid-1950s <u>but not recorded until 2004</u> . Site is a single isolated Native American burial, partially complete which was removed by a UC Berkeley archaeologist in September 1955. No artifacts or other burials present. UC did not record the isolated burial as an archaeological site.
Within 1,500 feet				
P-01-010538 CA-ALA-607	Prehistoric, Historic; Site; Prehistoric burial at Site of Kellogg School (Oxford and Center streets)	2001 (Richard Schwartz) [Burial]	Unknown –single isolated burial removed in 1955)	Resource is ca. 650 feet northeast of the project site. a prehistoric Native American isolated burial discovered in the mid-1950s and removed by UC Berkeley archaeologists but <u>discovery not formally recorded until 2001</u> .

6Z Found ineligible for NR, CR or Local designation through survey evaluation.
3S Appears eligible for NR as an individual property through survey evaluation.

5.2 RECORDED PREHISTORIC ARCHAEOLOGICAL RESOURCES

One prehistoric resource consisting of a single Native American partial burial was exposed in September 1955 during the excavation for a carport at the rear of the property line of the project site. The burial was exposed just inches under the surface during the demolition of a shed once used as part of an adjoining livery stable. The find was reported to the UCAS (Anthropology Department, University of California at Berkeley) who removed the burial. Francis A. Riddell, UCAS Assistant Archaeologist, noted that the individual was probably from one of the Indian villages once present along Strawberry Creek and had died about 100 years ago. The bones were identified as a female, about 40 years in age, and the individual had suffered from arterial sclerosis and arthritis. No other information is available aside from what was reported in newspaper articles at the time of the discovery.⁵ The incomplete remains suggest possible historic disturbance probably during initial construction of the livery stable. The find was recorded post-discovery in 2004 by Richard Schwartz using information from newspaper articles at time of discovery (CA-ALA-618/H) (see Hibma 2025; Schwartz 2004).

5.3 NATIVE AMERICAN RESOURCES

No known Native American villages, trails, traditional use areas or contemporary use areas and/or other features of cultural significance have been identified within or adjacent to the project site.

5.4 RECORDED HISTORIC ERA ARCHAEOLOGICAL RESOURCES

No recorded or potential Hispanic or American Period archaeological resources have been recorded or reported in or adjacent to the project site as a result of the records search, literature review and or field survey.

5.5 LISTED HISTORICAL PROPERTIES

No California Register of Historical Resources (CRHR) and/or National Register of Historic Places (NRHP) listed, determined or potentially significant local, state or federal historic properties, landmarks, etc. have been identified within or adjacent to the project site.

5.6 ARCHAEOLOGICAL SENSITIVITY

The archaeological sensitivity map of Alameda County depicts the project site and surrounding area as possessing a "high" potential for resources although the designation is based on information available in the early 1970s which has not been updated with current archaeological research for over 50 years (Quaternary Research Group 1976).

5. The UCAS did not record the isolated burial location as an archaeological site but appears to have the treated the remains as simply an isolated precontact burial as no other cultural material was present to suggest use or occupation. The only information on the discovery is provided by Schwartz (2004).

The project is mapped within an alluvial soil that dates to the Holocene (11,800 years ago to present) which may contain buried landscapes that were occupied by the region's prehistoric inhabitants (Helley et al. 1979). Prehistoric archaeological sites have been identified in similar environmental settings throughout the nine-county San Francisco Bay region. Geoarchaeological mapping by Meyer and Rosenthal (2007) places the project site as being sensitive for buried archaeological sites.

The area around the project has been developed since the late 19th and early 20th century and marked by subsurface utility installation including water mains and laterals, sanitary sewers, storm drains and laterals among other improvements. The project site was developed in 1904 and grading and other subsurface impacts were undertaken.

The available information suggests that the project site appears to have a low to low-moderate sensitivity for the additional discovery of prehistoric or historic era archaeological resources in spite of the discovery of a partial Native American burial along the rear lot line in the mid-1950s and another isolated burial 650 feet to the northeast also in the mid-1950s. No other prehistoric or historic archaeological discoveries have been made in the immediate area over the past 70 years based on the archival records and none are known for 2150 Kittredge, the adjacent property which is five times the size of the current project to the east. This parcel was excavated to approximately 18 feet below grade for underground parking with no unanticipated discoveries even though it was the former location of the livery stable adjacent to the burial recovered in the mid-1950s. The presence of the two isolated burials not associated with occupation or other signs of use appears to conform with the observation of random, isolated prehistoric burials typical of finds near the former alignment of Strawberry Creek (see Schwartz 2004 for historic newspaper article quoting F. Riddell at time of discovery on his opinion of the discovery).

The potential for exposing significant subsurface archaeological materials during construction appears low to low-moderate based on the review of the available archival data, previous sensitivity assessment mapping, prior subsurface impacts and the absence of any additional unexpected construction discoveries over the past 70 years during development activities in the immediate area. Excavation will be for a slab on grade building pad with no underground parking. Excavation for an elevator pit within the building pad is anticipated as well as subsurface excavation for connections to in-street utilities.

6.0 INDIVIDUALS, GROUP AND AGENCY PARTICIPATION

The Native American Heritage Commission (NAHC) was contacted for a search of the *Sacred Lands File & Native American Contacts List* (Busby 2025a). Results of the Sacred Lands File (SLF) review were positive (Lin 2025). BASIN reached out to the two tribal groups and listed individuals identified as having additional information (Busby 2025b-c; see Attachments). Letters dated 6/10/2025 requesting additional information on SLF resources in regard to 2138 Kittredge, Berkeley, Alameda County were sent to:

Irenne Zwierlein, Chairperson, *Amah Mutsun Tribal Band of Mission San Juan Bautista*;
and tribal members Gary Zimmer (Senior Cultural Monitor & Consultant), Shelby Brown (Senior Cultural Monitor & Consultant, Councilwoman), Michelle Zimmer

(Senior Cultural Monitor & Consultant), and Christopher Zimmer (Senior Cultural Monitor & Consultant, Councilman); and,
Katherine Perez, Chairperson, *Northern Valley Yokut / Ohlone Tribe* and tribal member Timothy Perez (Tribal Compliance Officer).

Ms. Shelby Brown, *Amah Mutsun Tribal Band of Mission San Juan Bautista* (Senior Cultural Monitor & Consultant, Councilwoman) responded on June 12, 2025 requesting a copy of the CHRIS report. The CHRIS/NWIC results letter was sent 6/19/2025 (see Attachments).

No further response was received from the *Amah Mutsun Tribal Band of Mission San Juan Bautista* and a response was not received from the *Northern Valley Yokut / Ohlone Tribe*.

The City will undertake any formal outreach and consultation with Native American tribes and individuals as needed.

No local historical societies and planning departments or other agencies were contacted regarding landmarks, potential historic sites or structures in or adjacent to the proposed project due to information provided by CHRIS/NWIC archival search, documents provided by the project proponent and the City of Berkeley and materials on file with BASIN.

7.0 FIELD REVIEW

Mr. Christopher Canzonieri (M.A.), an archaeologist meeting the Standards of the Secretary of the Interior, completed a pedestrian field review on April 30, 2025. The parcel is within an urban landscape with the built environment and associated hardscape covering the majority of the parcel with only minor landscaped areas with probable introduced soil available for inspection.

No surface evidence of prehistoric or significant historic era archaeological material was observed during the field inventory.

8.0 FINDINGS

This report was requested to determine if unique archaeological resources under CEQA might be affected by the proposed action within the project site.

- There are six reports within or adjacent to the project site with 30 additional studies within 1,500 feet (excluding OHP correspondence).
- One combined prehistoric/historic era resource (CA-ALA 618/H) is recorded within the project site. The resource consists of the existing 1904 building on the property and the area from which a partial Native American burial was exposed and removed in September 1955 and recorded 54 years after discovery in 2004 from historic newspaper articles.
- No other prehistoric or combined prehistoric or historic era sites or built environment resources have been recorded or reported within the project site.

- No known Native American villages, trails, traditional use areas or contemporary use areas and/or other features of cultural significance have been identified within or adjacent to the project site.
- No known Hispanic Period expeditions, adobe dwellings, or other structures, features, etc. have been recorded within or adjacent to the project site.
- No American Period archaeological sites have been recorded or reported within or adjacent to the project site.
- No CRHR and/or NRHP listed, determined or potentially significant local, state or federal historic properties, landmarks, etc. have been identified within the project site.
- No evidence of significant prehistoric or historically significant archaeological resources was noted during the field inventory.
- The potential for exposing significant subsurface archaeological materials during construction appears low to low-moderate based on the review of the available archival data, previous sensitivity assessment mapping, prior subsurface impacts and the absence of any additional unexpected construction discoveries over the past 70 years during development activities in the immediate area including recent deep excavation of the adjacent property for underground parking. Isolated prehistoric and historic finds are possible but not probable.

9.0 IMPACTS ANALYSIS AND MITIGATIONS

This section analyzes the impacts related to archaeological resources that could result from the proposed project and is organized based on the cultural resources thresholds included in CEQA Guidelines Appendix G: Environmental Checklist Form. Threshold (a) is not included in the analysis since for this project it is considered to apply to only the built environment although archaeological resources can be considered historical resources under Section 15064.5.

- a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

The project is within the DAP area and must also be reviewed in accordance with the City's local project requirements. The DAP EIR identified two impacts for projects within the DAP and provided two mitigation measures for archaeological resources (see Section 3.2A above). In addition, the City provides *Standard Conditions of Approval* (COA) for archaeological and tribal cultural resources and human remains discovered during construction.

9.1 ARCHAEOLOGICAL RESOURCES

One combined prehistoric/historic era resource (CA-ALA-618/H) is recorded within the project

site consisting of a partial Native American burial exposed in September 1955 and the existing 1904 building on the property. The burial was discovered approximately 6 inches below the surface during construction of a car port on the rear property line. It was removed by a UCAS archaeologist in 1955 and as no other cultural materials were present, the site was not formally recorded since it was an isolated burial. The burial was probably disturbed during the initial construction of an adjacent livery stable in the late 1890s. The find is typical of the few previous shallow depth, Late Period burials associated with Native American use of Strawberry Creek. No known major habitation sites have been recorded for the downtown area although major occupation sites are present in the Central Campus area along Strawberry Creek and at the foot of University Avenue near the creek's termination at San Francisco Bay.

The potential for exposing significant subsurface archaeological materials during construction appears low to low-moderate even though the project site is: (1) located within Holocene age alluvial soils associated with archaeological resources in the East Bay; (2) 320 feet south of a former branch of Strawberry Creek; (3) within an area mapped as having a generally high potential for archaeological resources; and, (4) yielded a partial Native American burial exposed near the surface 70 years ago that was subsequently removed with no further discoveries of artifacts and/or additional ancestral remains.

The above factors are mitigated by: (1) the circumstances of discovery of the isolated Native American burial with no associated cultural materials and probable disturbance by historic construction in the 1890s/early 1900s; (2) the absence of any additional unexpected construction discoveries over the past 70 years during development activities and infrastructure improvements in the immediate area; and, (3) most importantly, the lack of unexpected cultural materials exposed during deep subsurface excavation of 18 feet for underground parking at the adjoining development at 2150 Kittredge Street on a parcel seven times the size of the current project site. The project site fits within the pattern of random, isolated prehistoric burials observed near the former alignment of Strawberry Creek rather than use for temporary or permanent occupation. Isolated prehistoric and historic finds are possible but not probable.

The project is required to comply with the cultural resources mitigation measures included in the DAP EIR as well as the City's Standard COAs. A finding of a less-than-significant impact for the project is recommended with the implementation the DAP EIR mitigation measures (CUL-3 and CUL-5) and the City's COAs for archaeological resources and human remains.

9.2 Recommended Project Archaeological Resources Mitigation Measures

A finding of a less-than-significant impact is recommended for the project with the implementation of the Mitigation Measures included in the DAP EIR (CUL-3 and CUL-5) [see Section 3.2A of this report] and the City's Standard COAs for archaeological resources and human remains.

9.2A City of Berkeley Standard Conditions of Approval – Archaeological Resources (Ongoing throughout demolition, grading, and/or construction)

Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique

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archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. Archaeological monitoring shall be performed under the direction of a qualified archaeologist during all ground disturbing activities including pavement removal, grading, and trenching. The archaeological monitor shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring.
- B. 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.
- C. 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. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains (invasive procedures include photography of cultural materials).
- D. 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.
- E. 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.
- F. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

9.2B City of Berkeley Standard Conditions of Approval – Human Remains (Ongoing throughout demolition, grading, and/or construction)

The proposed project will also be subject to the City’s Standard COA for human remains.

Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

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Abbreviations

n.d.	no date	v.d.	various dates
N.P.	no publisher noted	n.p.	no place of publisher noted

Note: CHRIS/NWIC, Sonoma State University, Rohnert Park is used for materials on file at the California Historical Resources Information System, Northwest Information Center, Sonoma State University, Rohnert Park.

ATTACHMENTS

FIGURES

- FIGURE 1 General Project Location (ESRI World Street Map)
- FIGURE 2 Project Location - T1S R4W unsectioned (USGS West Oakland, CA 1993; Richmond, CA 1995)
- FIGURE 3 Aerial View of Project Location

NATIVE AMERICAN OUTREACH

- REQUEST Request to Native American Heritage Commission (NAHC) for Review of Sacred Lands File (SLF) – 2138 Kittredge Street, Berkeley, Alameda County. Dated 4/18/2025.
- RESPONSE Native American Heritage Commission Response - Building Development 2138 Kittredge, Berkeley Project, Alameda County. Dated 4/22/2025
- REQUEST Letters via email to: (a) Irenne Zwierlein, Chairperson, *Amah Mutsun Tribal Band of Mission San Juan Bautista*, and tribal members Gary Zimmer, Shelby Brown, Michelle Zimmer, and Christopher Zimmer; and, (b) Katherine Perez, Chairperson, *Northern Valley Yokut / Ohlone Tribe* and tribal member Timothy Perez regarding information on Building Development 2138 Kittredge, Berkeley, Alameda County. Dated 6/10/2025
- RESPONSE From Shelby Brown *Amah Mutsun Tribal Band of Mission San Juan Bautista*

CHRIS/NWIC SEARCH RESULTS

- SEARCH File No. 24-1624 (dated 4/18/2025) [No Confidential Information Included]

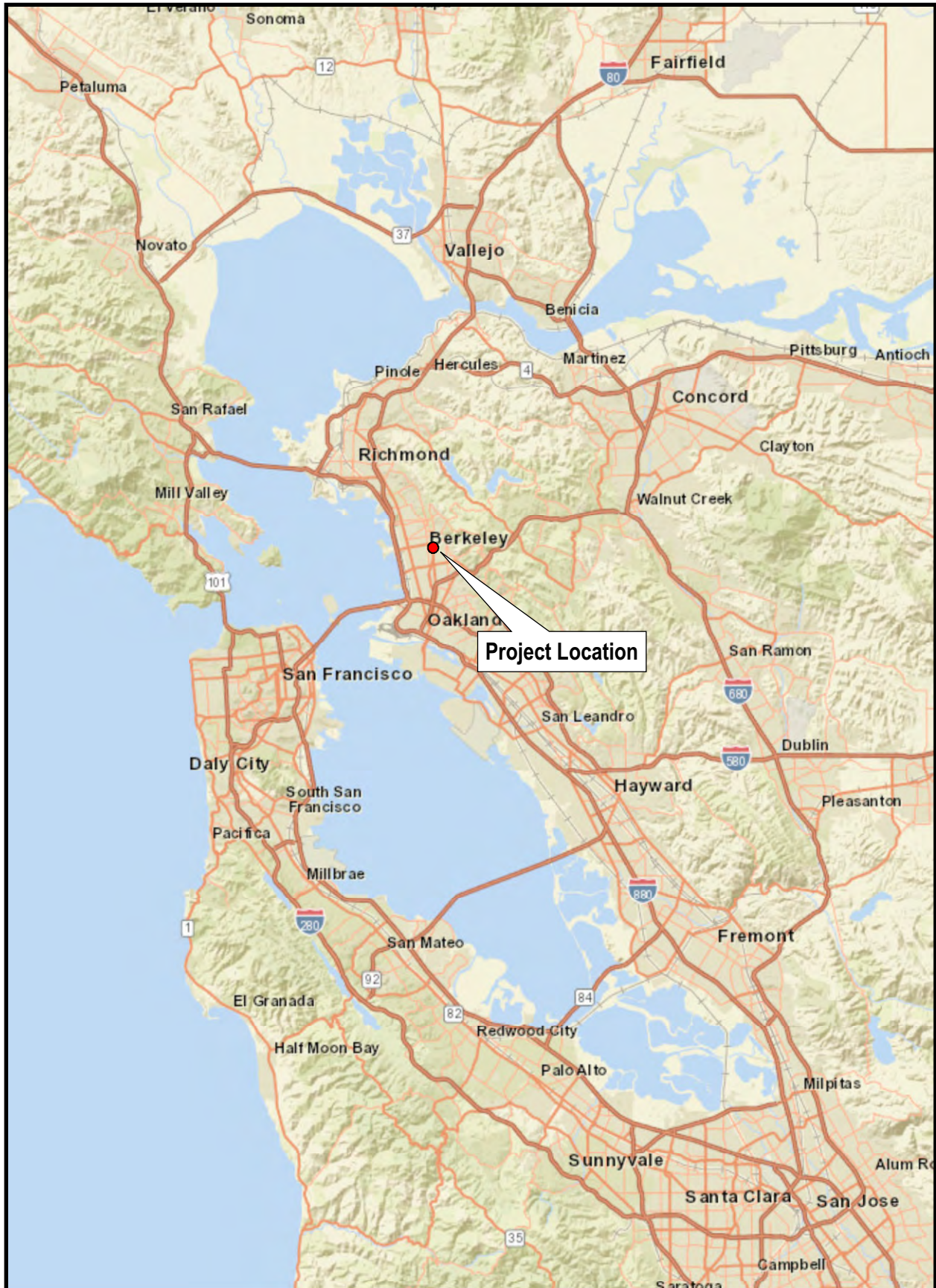


Figure 1: General Project Location (ESRI World Street Map)

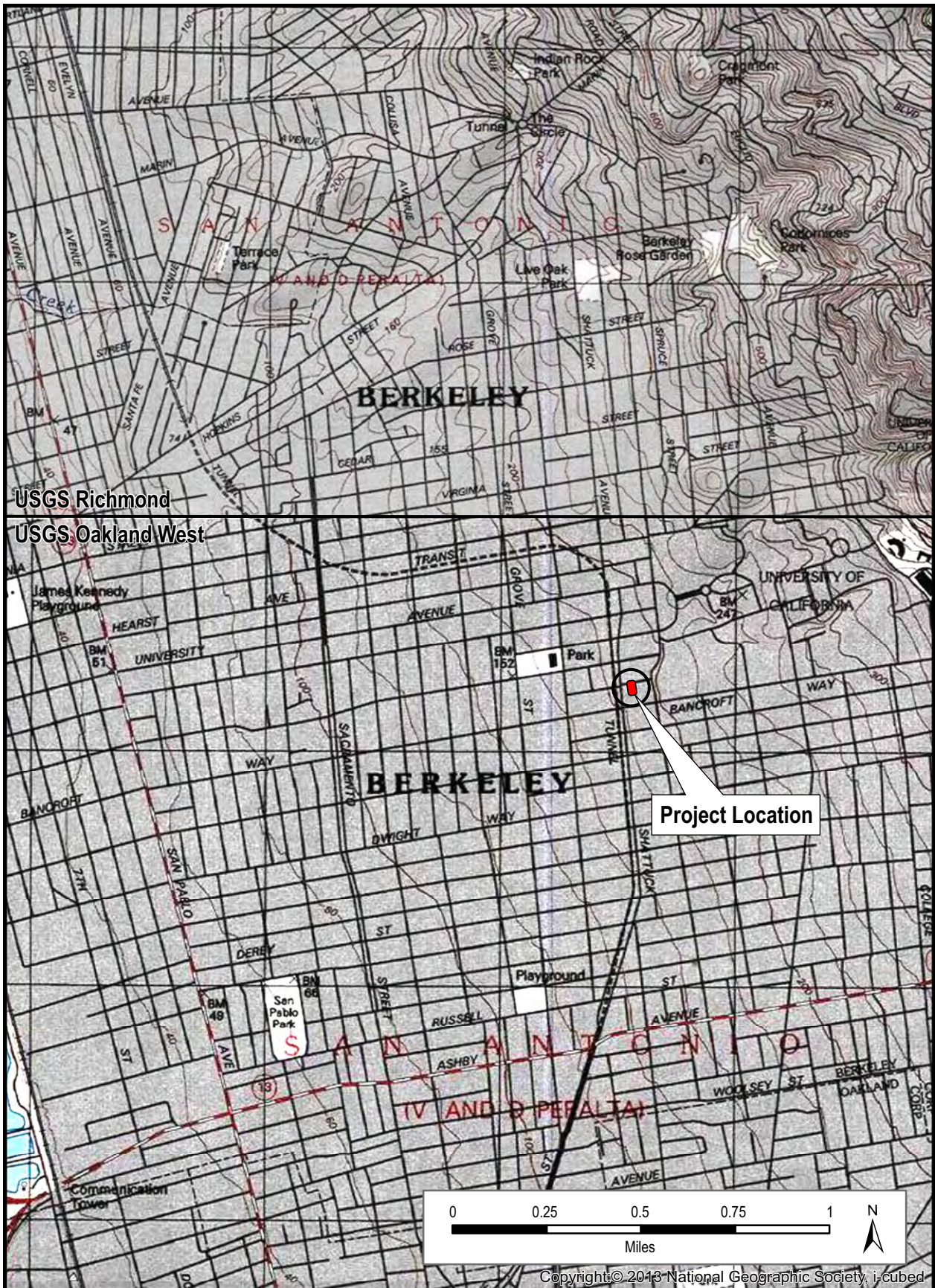


Figure 2: Project Location - T1S R4W unsectioned (USGS West Oakland, CA 1993; Richmond, CA 1995)



Figure 3: Aerial View of Project Location

Sacred Lands File & Native American Contacts List Request
NATIVE AMERICAN HERITAGE COMMISSION

1556 Harbor Boulevard, STE 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: Building Development 2138 Kittredge, Berkeley

County: Alameda

USGS Quadrangle Name: USGS Oakland West, CA 1993

Address: 2138 Kittredge Street, Berkeley

Township: 1 South, **Range:** 4 West, unsectioned

Company/Firm/Agency: Basin Research Associates

Contact Person: Colin I. Busby, PhD, RPA

Street Address: 1933 Davis Street, STE 214

City/Zip: San Leandro, CA 94577

Phone: (510) 430-8441 x101

Email: Please send response to basinres1@gmail.com

Project Description:

The project proponent plans to demolish an existing 3-unit residential building and construct a 42,893 square foot, 8-story (82 feet) in-fill residential building with 66 units total.

Date: 04/18/2025

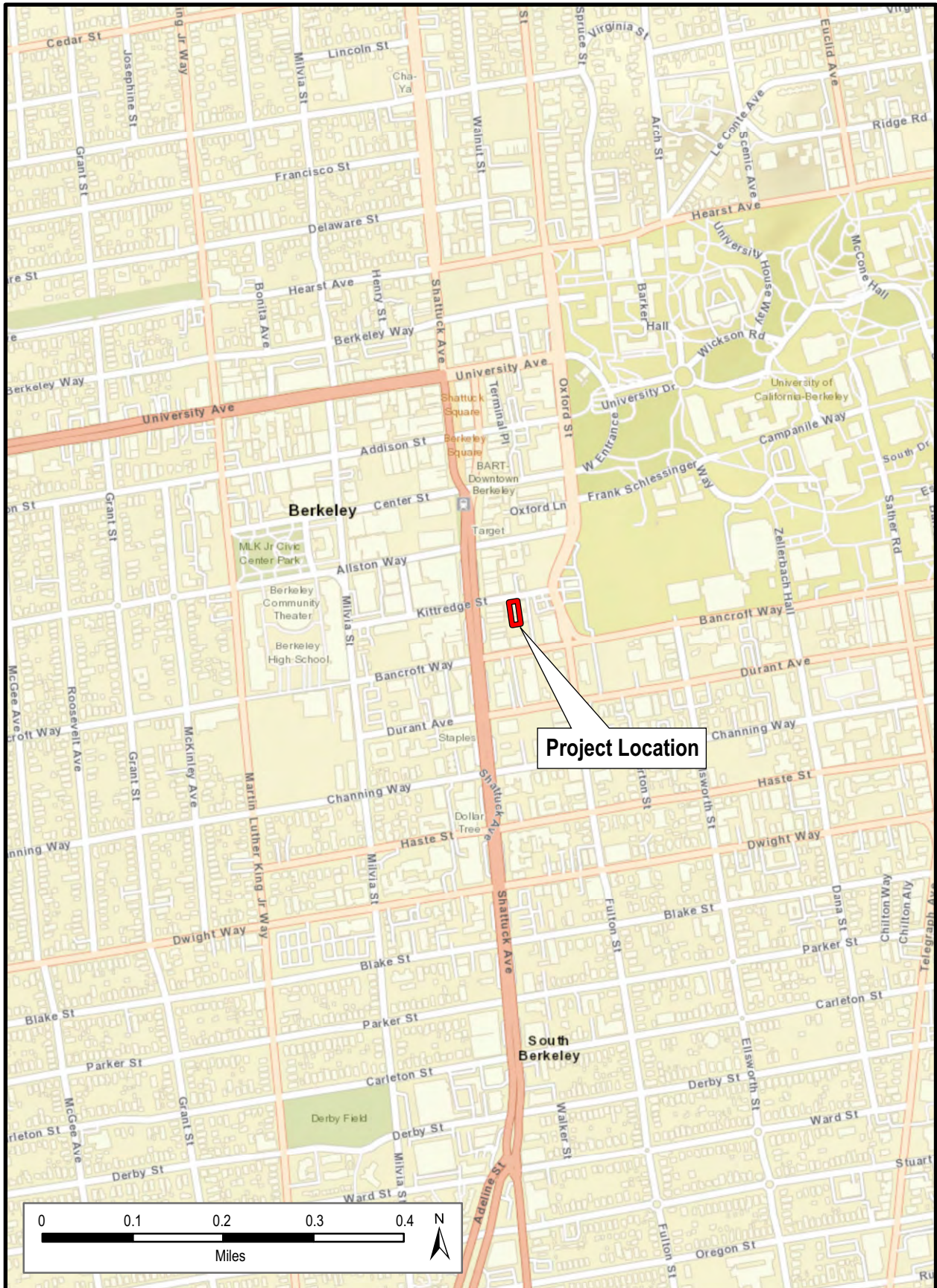


Figure 1: Project Location - T1S R4W unsectioned (ESRI World Street Map)

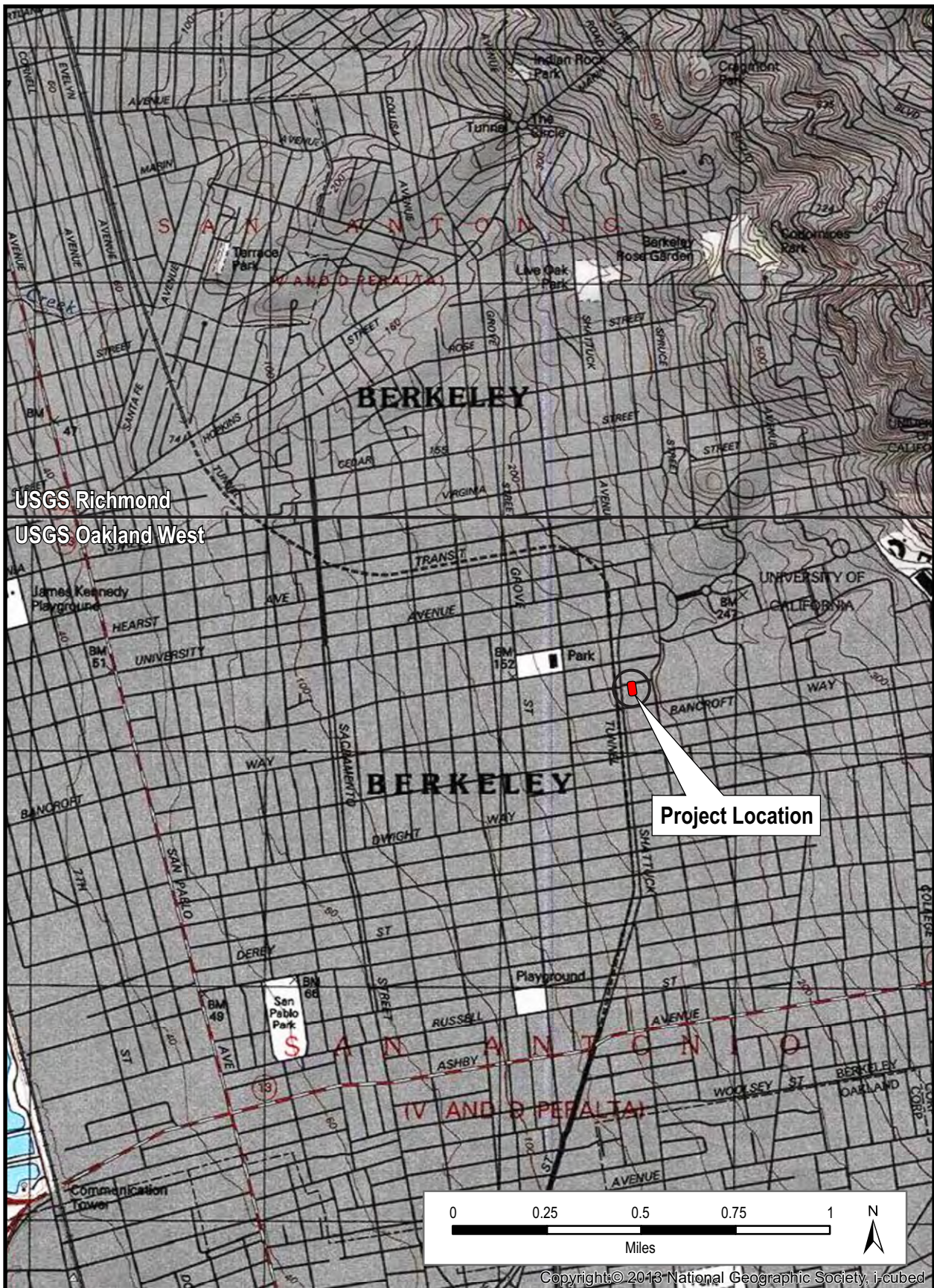


Figure 1: Project Location - T1S R4W unsectioned (USGS West Oakland, CA 1993; Richmond, CA 1995)

STATE OF CALIFORNIA

Gavin Newsom, Governor



NATIVE AMERICAN HERITAGE COMMISSION

April 22, 2025

Colin I. Busby
Basin Research Associates

Via Email to: basinres1@gmail.com

CHAIRPERSON
Reginald Pagaling
Chumash

Re: Building Development 2138 Kittredge, Berkeley Project, Alameda County

VICE-CHAIRPERSON
Buffy McQuillen
*Yokayo Pomo, Yuki,
Nomlaki*

To Whom It May Concern:

SECRETARY
Sara Dutschke
Miwok

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information submitted for the above referenced project. The results were positive. Please contact the Amah Mutsun Tribal Band of Mission San Juan Bautista and the Northern Valley Yokut / Ohlone Tribe on the attached list for information. Please note that tribes do not always record their sacred sites in the SLF, nor are they required to do so. A SLF search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with a project's geographic area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites, such as the appropriate regional California Historical Research Information System (CHRIS) archaeological Information Center for the presence of recorded archaeological sites.

PARLIAMENTARIAN
Wayne Nelson
Luiseno

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. Please contact all of those listed; if they cannot supply information, they may recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information.

COMMISSIONER
Reid Milanovich
Cahuilla

If you have any questions or need additional information, please contact me at Mathew.lin@nahc.ca.gov

COMMISSIONER
Bennae Calac
*Pauma-Yuima Band of
Luiseno Indians*

Sincerely,

COMMISSIONER
Vacant

Mathew Lin

Mathew Lin, MPP
Cultural Resources Analyst

ACTING EXECUTIVE
SECRETARY
Steven Quinn

Attachment

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Native American Heritage Commission
Native American Contact List
Alameda County
4/22/2025

Tribe Name	Contact Person	Contact Address	Phone #	Email Address
Amah Mutsun Tribal Band	Valentin Lopez, Chairperson	P.O. Box 5272 Galt, CA, 95632	(916) 743-5833	vjltestingcenter@aol.com
Amah Mutsun Tribal Band	Ed Ketchum, Vice-Chairperson		(530) 578-3864	aerieways@aol.com
Amah Mutsun Tribal Band of Mission San Juan Bautista	Garry Zimmer, Senior Cultural Monitor & Consultant	PO Box 214211, 2929 Fulton Ave Unit 19 Sacramento, CA, 95821	(408) 771-8901	garryzimmer@gmail.com
Amah Mutsun Tribal Band of Mission San Juan Bautista	Shelby Brown, Senior Cultural Monitor & Consultant, Councilwoman	2451 Tyrolean Way Sacramento, CA, 95821	(916) 276-8380	shelbyzimmer1997@gmail.com
Amah Mutsun Tribal Band of Mission San Juan Bautista	Michelle Zimmer, Senior Cultural Monitor & Consultant	PO Box 214211, 2929 Fulton Ave Unit 19 Sacramento, CA, 95821	(916) 730-9468	michellezimmer1966@gmail.com
Amah Mutsun Tribal Band of Mission San Juan Bautista	Christopher Zimmer, Senior Cultural Monitor & Consultant, Councilman	PO Box 214211, 2929 Fulton Ave Unit 19 Sacramento, CA, 95821	(650) 520-8418	cdzimmer93@gmail.com
Amah Mutsun Tribal Band of Mission San Juan Bautista	Irenne Zwierlein, Chairperson	3030 Soda Bay Road Lakeport, CA, 95453	(916) 730-9468	amahmutsuntribalcommunications@gmail.com
Confederated Villages of Lisjan Nation	Deja Gould, Language Program Manager	10926 Edes Ave Oakland, CA, 94603	(510) 575-8408	cvltribe@gmail.com
Confederated Villages of Lisjan Nation	Corrina Gould, Chairperson	10926 Edes Avenue Oakland, CA, 94603	(510) 575-8408	cvltribe@gmail.com
Confederated Villages of Lisjan Nation	Cheyenne Gould, Tribal Cultural Resource Manager	10926 Edes Ave Oakland, CA, 94603	(510) 575-8408	cvltribe@gmail.com
Costanoan Rumsen Carmel Tribe	Samuel Rodriguez, Cultural Resource Officer	29539 Oakbridge Dr Menifee, CA, 92586	(760) 681-6860	crct.crd@gmail.com
Costanoan Rumsen Carmel Tribe	Carla Munoz, Tribal Council		(415) 690-3110	crct.crd@gmail.com
Costanoan Rumsen Carmel Tribe	Henry Muñoz, Cultural Resource Officer	108 South Acacia Rialto, CA, 92376	(909) 254-1610	crct.crd@gmail.com
Guidiville Rancheria of California	Bunny Tarin, Tribal Administrator	PO Box 339 Talmage, CA, 95481	(707) 462-3682	admin@guidiville.net
Guidiville Rancheria of California	Michael Derry, Historian	PO Box 339 Talmage, CA, 95481	(707) 391-1665	

**Native American Heritage Commission
Native American Contact List
Alameda County
4/22/2025**

Indian Canyon Mutsun Band of Costanoan	Kanyon Sayers-Roods, MLD Contact	1615 Pearson Court San Jose, CA, 95122	(408) 673-0626	kanyon@kanyonconsulting.com
Indian Canyon Mutsun Band of Costanoan	Ann Marie Sayers, Chairperson	P.O. Box 28 Hollister, CA, 95024	(831) 637-4238	
Muwekma Ohlone Tribe of the SF Bay Area	Charlene Nijmeh, Chairperson	1169 S. Main Street, Ste. 336 Manteca, CA, 95337	(408) 464-2892	cnijmeh@muwekma.org
Muwekma Ohlone Tribe of the SF Bay Area	Richard Massiatt, Councilmember/MLD Tribal Rep.	1169 S. Main Street, Ste. 336 Manteca, CA, 95337	(209) 321-0372	rmassiatt@muwekma.org
Northern Valley Yokut / Ohlone Tribe	Katherine Perez, Chairperson	P.O. Box 717 Linden, CA, 95236	(209) 649-8972	canutes@verizon.net
Northern Valley Yokut / Ohlone Tribe	Timothy Perez, Tribal Compliance Officer	P.O. Box 717 Linden, CA, 95236	(209) 662-2788	huskanam@gmail.com
The Ohlone Indian Tribe	Desiree Vigil, THPO	259 Winwood Avenue Pacifica, CA, 94044	(650) 290-0245	dirwin0368@yahoo.com
The Ohlone Indian Tribe	Vincent Medina, Cultural Leader	17365 Via Del Rey San Lorenzo, CA, 94580	(510) 610-7587	vincent.d.medina@gmail.com
The Ohlone Indian Tribe	Andrew Galvan, Chairperson	P.O. Box 3388 Fremont, CA, 94539	Phone: (510) 882-0527	chochenyo@AOL.com
Wilton Rancheria	Michelle St. Clair, Executive Director of Cultural Preservation	9728 Kent Street Elk Grove, CA, 95624	(916) 683-6000	mstclair@wiltonrancheria-nsn.gov
Wilton Rancheria	Cultural Preservation Department,	9728 Kent Street Elk Grove, CA, 95624	(916) 313-4493	cpd@wiltonrancheria-nsn.gov
Wilton Rancheria	Steven Hutchason, Tribal Historic Preservation Officer	9728 Kent Street Elk Grove, CA, 95624	(916) 683-6000	shutchason@wiltonrancheria-nsn.gov
Wuksachi Indian Tribe/Eshom Valley Band	Kenneth Woodrow, Chairperson	1179 Rock Haven Ct. Salinas, CA, 93906	(831) 443-9702	kwood8934@aol.com

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Building Development 2138 Kittredge, Berkeley Project, Alameda County.



June 10, 2025



Amah Mutsun Tribal Band of Mission San Juan Bautista

Irenne Zwierlein, Chairperson
3030 Soda Bay Road
Lakeport, CA 95453

RE: Request for Information – 2138 Kittredge Street, Berkeley Apartment Development

Dear Irenne,

The Native American Heritage Commission (NAHC) provided your name as a person who may have information on Native American resources associated with the above project in the City of Berkeley (Downtown area). The review by the NAHC was positive for resources listed on the Sacred Lands File (SLF) and both the *Amah Mutsun Tribal Band* and the *Northern Valley Yokut /Ohlone Tribe* are listed as having additional knowledge of resources listed on the SLF (NAHC letter attached).

The project proponent plans to demolish an existing 3-unit residential building and construct a 42,893 square foot, 8-story (82 feet) in-fill residential building with 66 units total in the downtown area.

Please note that this letter is a request for information pertaining to a cultural resources assessment and is not notification of a project under Assembly Bill (AB) 52. The City of Berkeley under the California Environmental Quality Act (CEQA) is handling the environmental review and any notification and consultation requirements.

We look forward to hearing from you on any information that can be shared. I can be reached at (510) 430-8441 x101 or via email at basinres1@gmail.com.

Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Colin I. Busby". The signature is fluid and stylized, with a long horizontal stroke at the end.

Colin I. Busby, Ph.D., RPA

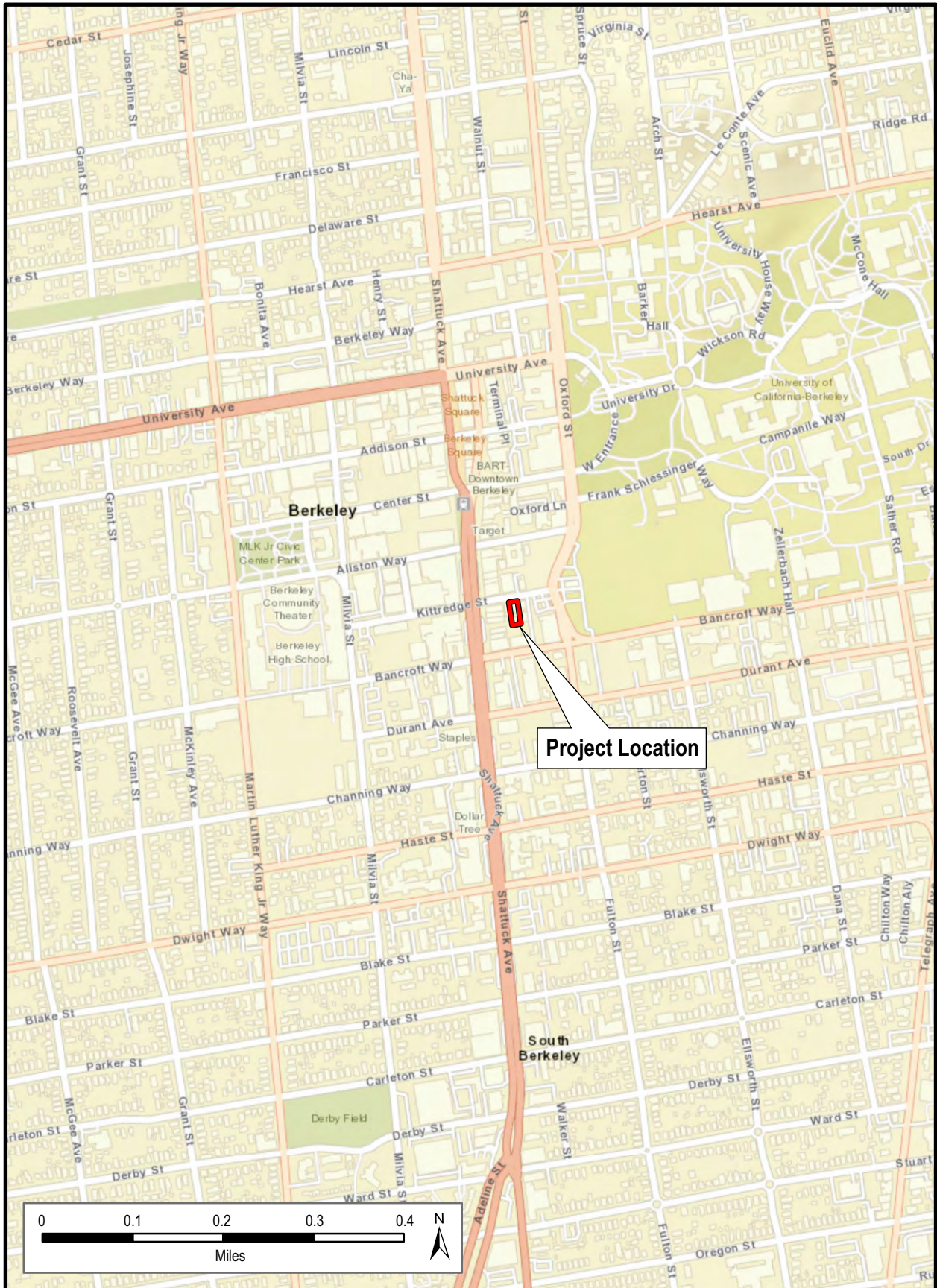


Figure 1: Project Location - T1S R4W unsectioned (ESRI World Street Map)

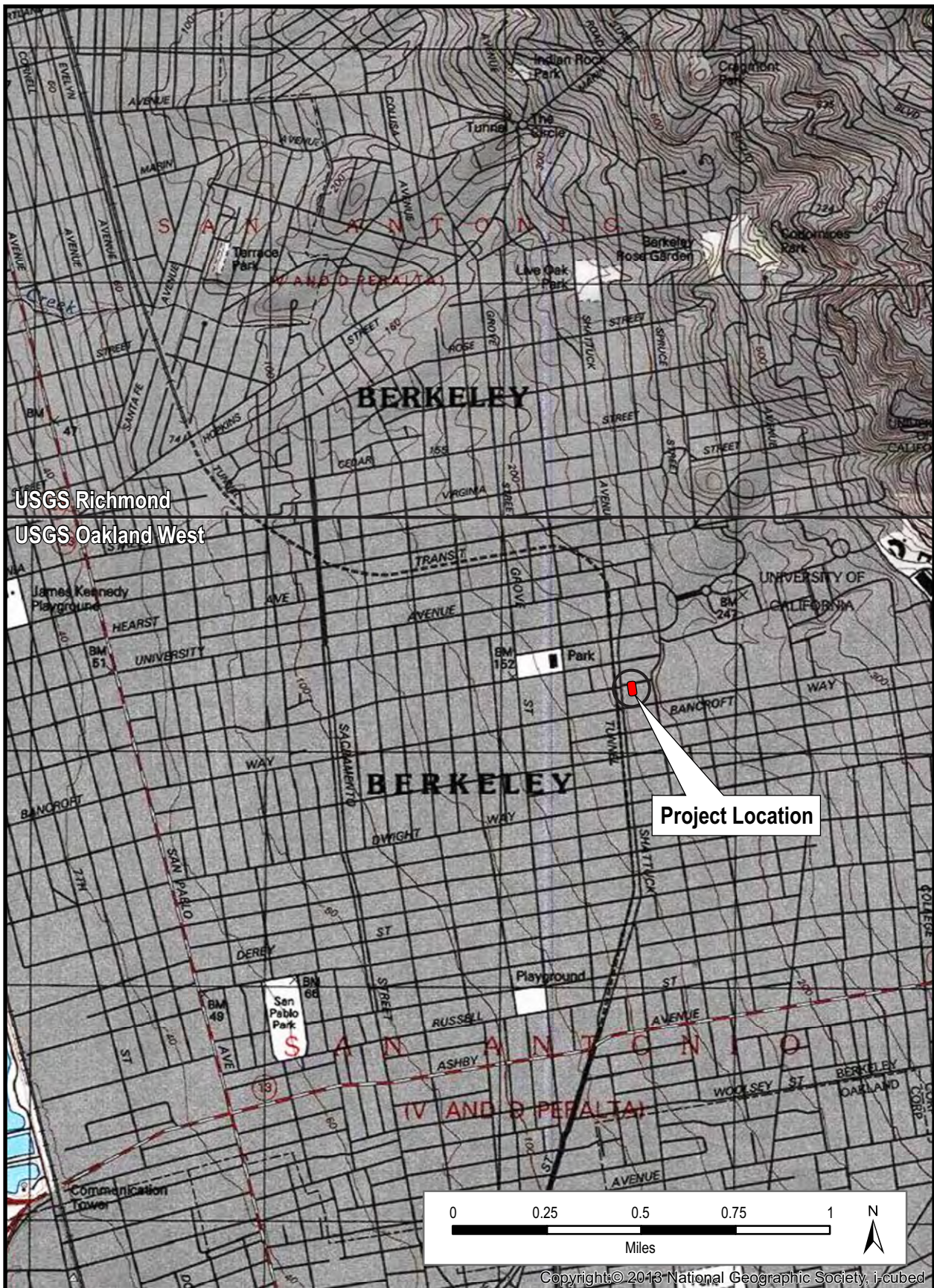


Figure 1: Project Location - T1S R4W unsectioned (USGS West Oakland, CA 1993; Richmond, CA 1995)

STATE OF CALIFORNIA

Gavin Newsom, Governor



NATIVE AMERICAN HERITAGE COMMISSION

April 22, 2025

Colin I. Busby
Basin Research Associates

Via Email to: basinres1@gmail.com

CHAIRPERSON
Reginald Pagaling
Chumash

Re: Building Development 2138 Kittredge, Berkeley Project, Alameda County

VICE-CHAIRPERSON
Buffy McQuillen
*Yokayo Pomo, Yuki,
Nomlaki*

To Whom It May Concern:

SECRETARY
Sara Dutschke
Miwok

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information submitted for the above referenced project. The results were positive. Please contact the Amah Mutsun Tribal Band of Mission San Juan Bautista and the Northern Valley Yokut / Ohlone Tribe on the attached list for information. Please note that tribes do not always record their sacred sites in the SLF, nor are they required to do so. A SLF search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with a project's geographic area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites, such as the appropriate regional California Historical Research Information System (CHRIS) archaeological Information Center for the presence of recorded archaeological sites.

PARLIAMENTARIAN
Wayne Nelson
Luiseño

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. Please contact all of those listed; if they cannot supply information, they may recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our lists contain current information.

COMMISSIONER
Reid Milanovich
Cahuilla

If you have any questions or need additional information, please contact me at Mathew.lin@nahc.ca.gov

COMMISSIONER
Bennae Calac
*Pauma-Yuima Band of
Luiseño Indians*

Sincerely,

COMMISSIONER
Vacant

Mathew Lin

Mathew Lin, MPP
Cultural Resources Analyst

ACTING EXECUTIVE
SECRETARY
Steven Quinn

Attachment

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov



June 10, 2025



Northern Valley Yokut / Ohlone Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA 95236

RE: Request for Information – 2138 Kittredge Street, Berkeley Apartment Development

Dear Kathy,

The Native American Heritage Commission (NAHC) provided your name as a person who may have information on Native American resources associated with the above project in the City of Berkeley (Downtown area). The review by the NAHC was positive for resources listed on the Sacred Lands File (SLF) and both the *Northern Valley Yokut /Ohlone Tribe* and *Amah Mutsun Tribal Band* are listed as having additional knowledge of resources listed on the SLF (NAHC letter attached).

The project proponent plans to demolish an existing 3-unit residential building and construct a 42,893 square foot, 8-story (82 feet) in-fill residential building with 66 units total in the downtown area.

Please note that this letter is a request for information pertaining to a cultural resources assessment and is not notification of a project under Assembly Bill (AB) 52. The City of Berkeley under the California Environmental Quality Act (CEQA) is handling the environmental review and any notification and consultation requirements.

We look forward to hearing from you on any information that can be shared. I can be reached at (510) 430-8441 x101 or via email at basinres1@gmail.com.

Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA

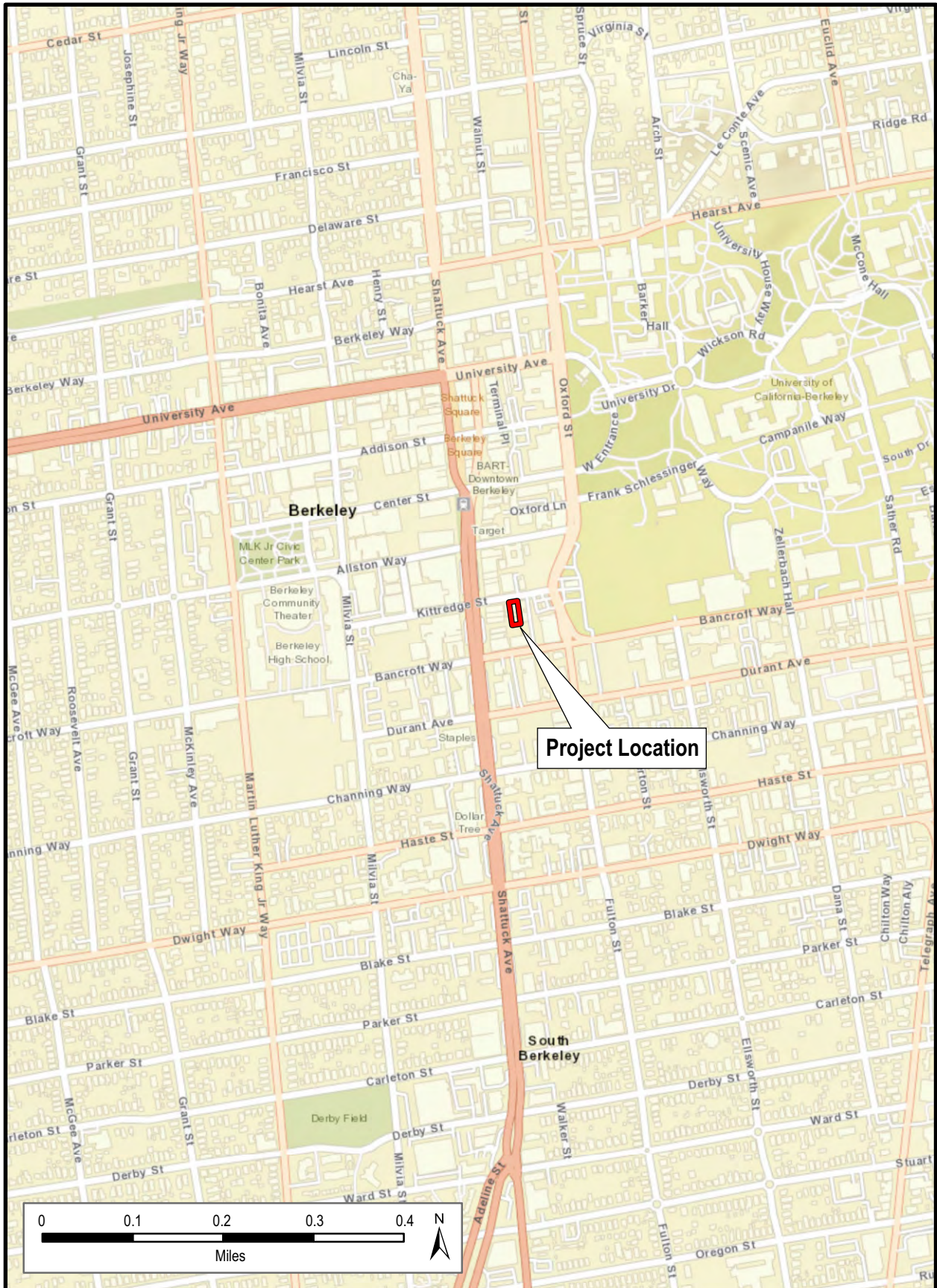


Figure 1: Project Location - T1S R4W unsectioned (ESRI World Street Map)

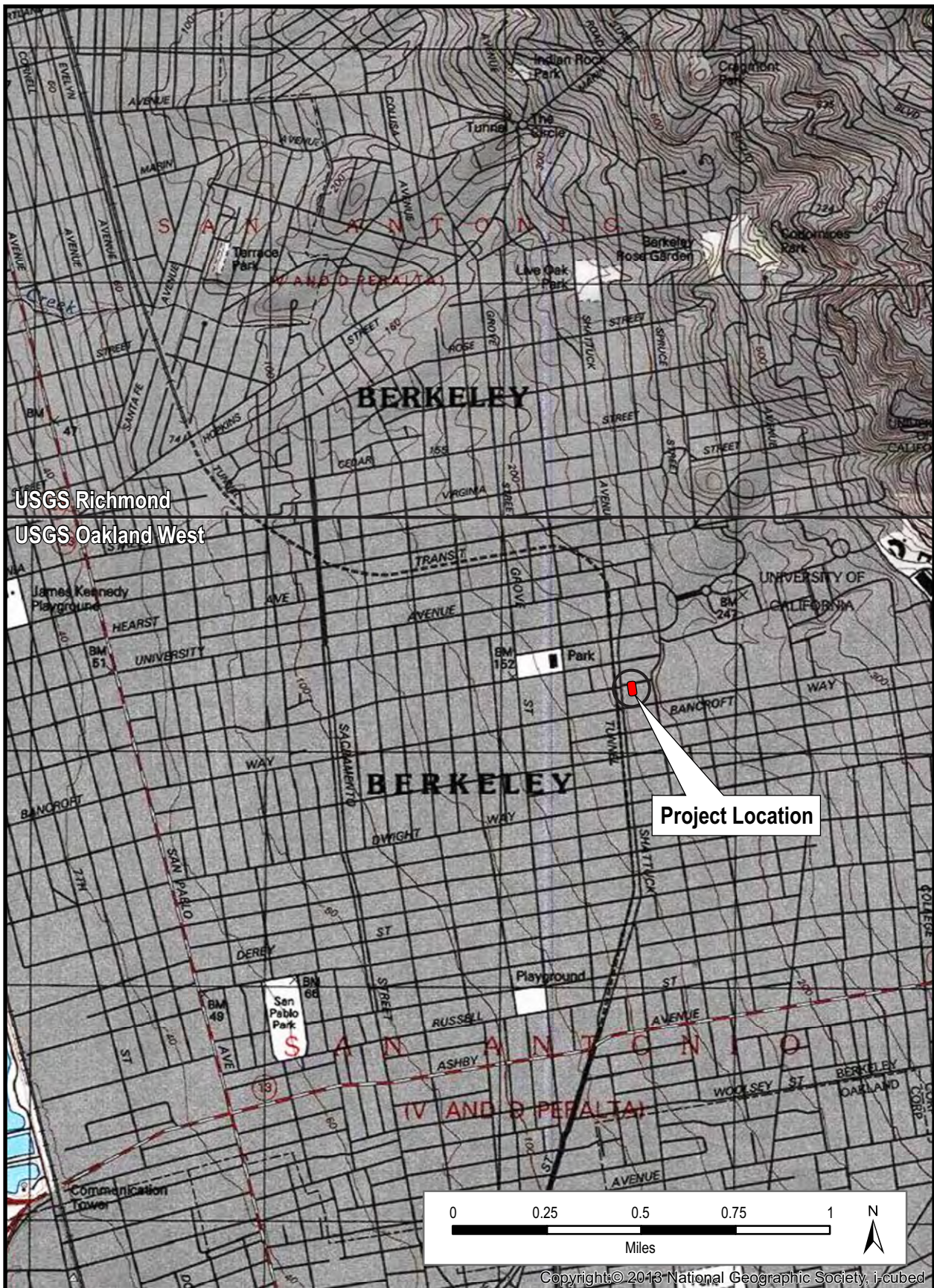


Figure 1: Project Location - T1S R4W unsectioned (USGS West Oakland, CA 1993; Richmond, CA 1995)

STATE OF CALIFORNIA

Gavin Newsom, Governor



NATIVE AMERICAN HERITAGE COMMISSION

April 22, 2025

Colin I. Busby
Basin Research Associates

Via Email to: basinres1@gmail.com

CHAIRPERSON
Reginald Pagaling
Chumash

Re: Building Development 2138 Kittredge, Berkeley Project, Alameda County

VICE-CHAIRPERSON
Buffy McQuillen
*Yokayo Pomo, Yuki,
Nomlaki*

To Whom It May Concern:

SECRETARY
Sara Dutschke
Miwok

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PARLIAMENTARIAN
Wayne Nelson
Luiseño

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COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

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COMMISSIONER
Reid Milanovich
Cahuilla

If you have any questions or need additional information, please contact me at Mathew.lin@nahc.ca.gov

COMMISSIONER
Bennae Calac
*Pauma-Yuima Band of
Luiseño Indians*

Sincerely,

COMMISSIONER
Vacant

Mathew Lin

Mathew Lin, MPP
Cultural Resources Analyst

ACTING EXECUTIVE
SECRETARY
Steven Quinn

Attachment

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Fwd: Fwd: For SLF for the City of Berkeley

Subject: Fwd: Fwd: For SLF for the City of Berkeley Amah Mutsun Response/
From: Colin Busby <basinres1@gmail.com>
Date: 6/19/2025, 12:16 PM
To: shelbyzimmer1997@gmail.com

Shelby

I have attached the Info Center "search" results letter.
Let me know if you need anything more specific.
Thanks for your help,
Colin

----- Forwarded Message -----

Subject: Fwd: For SLF for the City of Berkeley
Date: Fri, 13 Jun 2025 20:50:56 -0700
From: Chris Canzonieri <canz1970@gmail.com>
To: Colin Busby <basinres1@gmail.com>

Colin,

Shelby Zimmer's response. Can you respond to her next week.

Chris

Christopher "Canz" Canzonieri, M.A., RPA
Lead Biological Anthropologist & Project Archaeologist
BASIN RESEARCH ASSOCIATES, INC.
[1933 Davis Street, Suite 214](#)
[San Leandro, CA 94577](#)
office [\(510\) 430-8441 ext. 107](#)
fax [\(510\) 430-8443](#)
cell [\(925\) 548-1002](#)
canz@basinresearch.com
www.basinresearch.com
Sent from my iPhone
Please excuse any typos

Begin forwarded message:

From: Shelby Brown <shelbyzimmer1997@gmail.com>
Date: June 12, 2025 at 1:13:35 PM PDT

Fwd: Fwd: For SLF for the City of Berkeley

To: canz@basinresearch.com
Subject: Re: For SLF for the City of Berkeley

Hello Chris,

Thank you for your email. Is there a CHRIS report in regards to this project?

Warm Regards,

Shelby Brown

On Tue, Jun 10, 2025 at 2:11 PM Chris Canzonieri <canz1970@gmail.com> wrote:

Dear Irenne,

The Native American Heritage Commission has provided your name as a person who may have additional information on Native American resources for the project located at 2138 Kittredge Street, Berkeley, California, Alameda County.

Could you please let us know if you have any additional information or concerns regarding the proposed project? Please send an email to Christopher Canzonieri at Basin Research Associates (canz@basinresearch.com).

Thank you in advance for your assistance.

Christopher Canzonieri

--

Christopher Canzonieri, MA, RPA
Lead Biological Anthropologist and Project Archaeologist
Basin Research Associates, Inc.
1933 Davis Street, Suite 214
San Leandro, CA 94577-1258
Office: (510) 430-8441 ext 107
Fax: (510) 430-8443
Cell: (925) 548-1002
canz@basinresearch.com
www.basinresearch.com

— Attachments: —

24-1624 Berkeley Kittredge Results Letter.pdf

264 KB



4/18/2025

NWIC File No.: 24-1624

Donna M. Garaventa
Basin Research Associates
1933 Davis Street, Suite 214
San Leandro, CA 94577

Re: Berkeley Kittredge

The Northwest Information Center received your record search request for the project area referenced above, located on the Oakland West USGS 7.5' quad(s). The following reflects the results of the records search for the project area and a 1500 foot radius:

Resources within project area:	0
Resources within 1500 ft. radius:	1: P-01-010538
Reports within project area:	1: S-049123
Reports within 1500 ft. radius:	20: See page 3

Resource Database Printout (list):

☒ enclosed ☐ not requested ☐ nothing listed

Resource Database Printout (details):

☒ enclosed ☐ not requested ☐ nothing listed

Resource Digital Database Records:

☐ enclosed ☒ not requested ☐ nothing listed

Report Database Printout (list):

☒ enclosed ☐ not requested ☐ nothing listed

Report Database Printout (details):

☒ enclosed ☐ not requested ☐ nothing listed

Report Digital Database Records:

☐ enclosed ☒ not requested ☐ nothing listed

Resource Record Copies:

☐ enclosed ☐ not requested ☒ nothing listed

Report Copies:

☐ enclosed ☐ not requested ☒ nothing listed

OHP Built Environment Resources Directory:

☐ enclosed ☒ not requested ☐ nothing listed

Archaeological Determinations of Eligibility:

☐ enclosed ☐ not requested ☒ nothing listed

CA Inventory of Historic Resources (1976):

☐ enclosed ☒ not requested ☐ nothing listed

Caltrans Bridge Survey:

☐ enclosed ☒ not requested ☐ nothing listed

Ethnographic Information:

☐ enclosed ☒ not requested ☐ nothing listed

Historical Literature:

☐ enclosed ☒ not requested ☐ nothing listed

Historical Maps:

☐ enclosed ☒ not requested ☐ nothing listed

Local Inventories:

☐ enclosed ☒ not requested ☐ nothing listed

GLO and/or Rancho Plat Maps:

☐ enclosed ☒ not requested ☐ nothing listed

Shipwreck Inventory:

☐ enclosed ☒ not requested ☐ nothing listed

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Sincerely,

A handwritten signature in cursive script, reading "Lindsey Willoughby".

Lindsey Willoughby, M. A.
Researcher

Reports within 1500 ft. radius
5625
24284
29543
29683
38249
39397
40215
40638
42755
43139
45781
46434
46723
46739
47276
47381
47806
57523
58127
58129

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-005625	Submitter - ARS 82-39	1982	William Roop	Archaeological Reconnaissance of the Proposed Biological Sciences Construction and Alterations Project, University of California at Berkeley (letter report)	Archaeological Resource Service	
S-024284		2001	Chris Jensen and Lorna Billat	Proposed Cellular Facility (Nextel Site Number: CA-067G/South Berkeley) in Downtown Berkeley, California (letter report)	EarthTouch, LLC	01-005706
S-029543	Submitter - BMI Project No. 00S-812	2000	Allen G. Pastron and R. Keith Brown	Historical and Cultural Resource Assessment, Proposed Telecommunications Facility, the Roof Tank, Site No. PL-386-04, 2054 University Avenue, Berkeley, California (letter report)	Brown & Mills, Inc	01-005679
S-029683		2005	Lorna Billat	Roof Mounted Antennas, and Lease Area Inside Building, Downtown Berkeley/CA-2521, 2054 University Avenue, Berkeley, CA.	EarthTouch, Inc.	01-005679
S-038249	OHP PRN - FTA051227A; Voided - S-31825; Voided - S-38456; Voided - S-38767; Voided - S-38768	2010	Suzanne Baker	Historic Property Survey Report, the Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro	Archaeological/Historical Consultants	01-000026, 01-000031, 01-000042, 01-000091, 01-000092, 01-003856, 01-005348, 01-005593, 01-005594, 01-005618, 01-005628, 01-010520, 01-010530, 01-010531, 01-010535, 01-010538, 01-010600, 01-010690, 01-010691, 01-010692, 01-010693, 01-010694, 01-010695, 01-010696, 01-010697, 01-010698, 01-010699, 01-010700, 01-010701, 01-010808, 01-011577
S-038249a		2010	Suzanne Baker	Addendum to Positive Archaeological Survey Report for the Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro, California	Archaeological/Historical Consultants	
S-038249b		2010	Suzanne Baker	Addendum Historic Property Survey Report, the Alameda County Transit Project in Berkeley, Oakland, and San Leandro	Archaeological/Historical Consultants	
S-038249c		2010	Suzanne Baker	Second Addendum to Positive Archaeological Survey Report for Alameda County Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro, California	Archaeological/Historical Consultants	

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Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-038249d		2005	Suzanne Baker	Positive Archaeological Survey Report for the Alameda-Contra Costa Transit District's East Bay Bus Rapid Transit Project in Berkeley, Oakland, and San Leandro	Archaeological/Historical Consultants	
S-038249e		2006	Milford Wayne Donaldson and Leslie T. Rogers	FTA051227A; National Register of Historic Places Determination of Eligibility for Properties within the Area of Potential Effects for the Propsed AC Transit Bus Rapid Transit Project, Alameda County, California	California Office of Historic Preservation; U.S. Department of Transportation	
S-038249f		2005		Finding of Effect for AC Transit East Bay Bus Rapid Transit Project	JRP Historical Consulting	
S-039397		2008	Allen G. Pastron	Executive Summary of Results of On-Site Archaeological Monitoring and Evaluation at the 2055 Center Street Project, City of Berkeley, Alameda County, California (letter report)	Archeo-Tec	
S-040215	Submitter - LSA Project #SEG1201	2013	Michael Hibma	Architectural Significance Evaluations of Three Garages at 1931, 1933, and 1935 Addison Street, Berkeley, Alameda County, California (LSA Project #SEG1201) (letter report)	LSA Associates, Inc.	01-011384, 01-011385, 01-011386
S-040638		2013	Jeffrey E. Pearson and Kathleen A. Crawford	Cultural Resources Records Search and Site Visit Results for T-Mobile West, LLC, Candidate BA02010A (Personal Communication System Roofing Antenna), 2116 Bancroft Way, Berkeley, Alameda County, California (letter report)	Michael Brandman Associates	01-011466
S-042755		2012	Michael Hibma	A Cultural Resources Study and Historical Evaluation for the Acheson Commons Project, Berkeley, Alameda County, California	LSA	01-011460, 01-011461
S-042755a		2014	William A. Porter	Acheson Commons, Photo-Documentation & Context Report for 1970-1987 Shattuck Avenue/2101-2109 University Avenue, 2111-2113 University Avenue, 2129/2135-1/2 University Avenue, 2145 University Avenue, 1922/1924 Walnut Street, 1930 Walnut Street	Knapp Architects	
S-043139		2013	Lorna Billat and Dana Supernowicz	Collocation Submission Packet, South Downtown Berkeley, CCL04690	Earth Touch, Inc.	01-011466

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Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-043139a		2013		Architectural Evaluation Study of the South Downtown Berkeley Project, AT&T Site No. CCL04690, 2116 Bancroft Way, Berkeley, Alameda County, California 94704	Historic Resource Associates	
S-045781	OHP PRN - FCC_2014_0908_002	2014	Carrie D. Wills and Kathleen A. Crawford	Cultural Resources Records Search and Site Visit Results for Sprint Nextel Candidate FN03XC010 (University), 2054 University Avenue, #210, Berkeley, Alameda County, California (letter report)	First Carbon Solutions	01-005679
S-046434		2015	Christopher McMorris	Historic Resources, City of Berkeley Hearst Avenue Complete Streets Project (letter report)	JRP Historical Consulting	01-005338, 01-005394, 01-005438, 01-005439, 01-005449, 01-005527, 01-005553
S-046723		2013	Michael Hibma	Historical Evaluation 2201 Dwight Way, Berkeley, Alameda County, California	LSA Associates, Inc.	01-011648
S-046739	OTIS Report Number - FCC050322B	2005	Beth A. Gordon	Historic Resource Report, SNFCCA0157A / South Downtown Berkeley, 2116 Bancroft Way, Berkeley, Alameda County, California	RESCOM Environmental Corp	01-011466
S-046739a		2005		Cultural Resources Study of the South Downtown Berkeley Project, AT&T Wireless Services Site No. SNFCCA0157A, 2116 Bancroft Way, Berkeley, Alameda County, California 94704	Historic Resource Associates	
S-047276	OHP PRN - FCC_2015_1104_002 ; Submitter - LSA Project No. CYG530	2015	Mary Armstrong-Friberg	FCC Form 621 Collocation Submission Packet: Verizon Wireless Shattuck and Bancroft Facility, 2116 Bancroft Way, Berkeley, CA 94704	Bureau Veritas North America, Inc.	01-011466
S-047276a		2015	Phil Fulton and Casey Tibbet	Cultural Resource Assessment Class I Inventory: Verizon Wireless Services Shattuck and Bancroft Facility, City of Berkeley, County of Alameda, California	LSA Associates, Inc.	
S-047276b		2015	Julianne Polanco	FCC_2015_1104_002; Shattuck and Bancroft, 2116 Bancroft Way, Berkeley, Alameda County, Collocation	Office of Historic Preservation	
S-047381	OHP PRN - FTA_2014_0521_001	2015	Meg Scantlebury	Downtown Berkeley BART Plaza and Transit Improvement Project Finding of Effect	ICF International	01-005558, 01-005559
S-047381a		2015	Carol Roland-Nawi	FTA_2014_0521_001; Downtown Berkeley Bay Area Rapid Transit (BART) Plaza and Transit Area Improvements Project, Finding of Effect, Berkeley, Alameda County, CA	California Office of Historic Preservation	

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Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-047806	OTIS Report Number - FCC_2016_0708_002	2016	Carolyn Losee and Alexandra Bevk	Cultural Resources Investigation for AT&T Mobility CCL04690 "South DT Berkeley" 2116 Bancroft Way, Berkeley, Alameda County, California 94704 (letter report)	Archaeological Resources Technology	01-011466
S-047806a		2016	Julianne Polanco and Carolyn Losee	FCC_2016_0708_002, CCL04690 "South Downtown Berkeley" 2116 Bancroft Way, Berkeley, Collocation	Office of Historic Preservation; Geist Engineering and Environmental Group, Inc.	
S-049123	Agency Nbr - FA# STPL 5057(045)	2016	Neal Kaptain	Historic Property Survey Report for Shattuck Avenue Reconfiguration and Pedestrian Safety Project, STPL 5057(045), Berkeley, Alameda County	LSA Associates, Inc.	01-005107, 01-005108, 01-005109, 01-005110, 01-005111, 01-005112, 01-005153, 01-005177, 01-005178, 01-005179, 01-005222, 01-005223, 01-005224, 01-005423, 01-005424, 01-005425, 01-005426, 01-005427, 01-005428, 01-005558, 01-005559, 01-005560, 01-005561, 01-005562, 01-005569, 01-005570, 01-005571, 01-005572, 01-005573, 01-005574, 01-005575, 01-005576, 01-005577, 01-005578, 01-005579, 01-005580, 01-005581, 01-005582, 01-005583, 01-005584, 01-005585, 01-005586, 01-005587, 01-005588, 01-005589, 01-005590, 01-005591, 01-005592, 01-005593, 01-005594, 01-005676, 01-005678, 01-005679, 01-005680, 01-005681, 01-005682, 01-005706, 01-011834, 01-011835, 01-011836, 01-011837, 01-011838, 01-011839, 01-011840, 01-011841, 01-011842, 01-011843, 01-011844, 01-011845, 01-011846, 01-011847, 01-011848, 01-011849, 01-011850, 01-011851, 01-011852, 01-011853, 01-011854, 01-011855, 01-011856, 01-011857, 01-011858
S-049123a		2016	Neal Kaptain	Archaeological Survey Report: Shattuck Avenue Reconfiguration and Pedestrian Safety Project, Berkeley, Alameda County, California	LSA Associates, Inc.	
S-049123b		2016	Michael Hibma	Finding of No Adverse Effect (Without Standard Condition): Shattuck Avenue Reconfiguration and Pedestrian Safety Project, Berkeley, Alameda County, California	LSA Associates, Inc.	

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Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
S-049123c		2015		Shattuck Avenue Commerical Corridor Historic Context and Survey	Archives & Architecture, LLC	
S-049123d		2016	Jill Hupp and Julianne Polanco	FHWA_2016_0808_001 Finding of No Adverse Effect for the Proposed Shattuck Avenue Replacement and Pedestrian Safety Project, Berkeley, Alameda County, CA	California Department of Transportation, District 4	
S-057523		2022		Archaeological Monitoring Report for the UC Berkeley Helen Diller Anchor House Project (Housing Project #1), 1950 Oxford Street, Berkeley, California	Archeo-Tec	01-012396
S-057523a		2022	Allen G. Pastron	Supplementary Report of Archaeological Monitoring for the University of California, Berkeley Helen Diller Anchor House Project, Located in the City of Berkeley, Alameda County, California	Archeo-Tec	
S-058127		2024	Jon Rusch	Historic American Buildings Survey Level II Documentation Ernest A. Heron Building	Architectural Resources Group	01-011857
S-058129		2024	Jon Rusch	Historic American Buildings Survey Level II Documentation Martha E. Sell Building	Architectural Resources Group	01-011856

Resource List

Primary No.	Trinomial	Other IDs	Type	Age	Attribute codes	Recorded by	Reports
P-01-010538	CA-ALA-000607	Resource Name - Burial at Site of old Kellogg School	Site	Prehistoric, Historic	AH16; AP09	2001 (Richard Schwartz, [none])	S-031825, S-038249



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February 7, 2025

VIA EMAIL

Sharon Gong
City of Berkeley Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704

sgong@berkeleyca.gov

**Re: 2138 Kittredge Street, APN 057-2029-015-00
AB 1633 Notice of CEQA Exemption**

Dear Ms. Gong:

We write on behalf of our client StudiOne QOZB LLC, applicant for a use permit to construct a 66-unit housing development project at the above-referenced property ("the Project"). In accordance with Assembly Bill 1633 ("AB 1633"),¹ we request that the City find the Project exempt from review under the California Environmental Quality Act ("CEQA") pursuant to the "Class 32" exemption for Infill Development Projects.²

Substantial evidence supports the application of the Class 32 exemption to this Project, as documented in the technical reports submitted with the Project application and concurrently with this letter. Moreover, substantial evidence supports that no exceptions to the exemptions apply.³ We therefore request that the City find the Project exempt from CEQA under the Class 32 exemption, as that exemption is now mandated by the Housing Accountability Act ("HAA"),⁴ within the next 90 days.

Project Description

The project consists of the demolition of an existing residential building and the construction of an 8-story residential building, consisting of 66 units and 42,951 gross square feet of building area. Units are 1 or 2 bedrooms all with in-unit laundry. The ground floor includes a lobby, bicycle storage, mail/package area, and building utility spaces for electrical and trash. The project will qualify for a density bonus as a student housing development under

¹ Codified as part of an amendment to Gov. Code § 65589.5, et seq.

² 14 Cal. Code Reg. § 15332.

³ 14 Cal. Code Reg. § 15300.2(c) and (f).

⁴ Gov. Code §§ 65589.5(h)(6)(I)(i); 65589.5.1.

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Government Code section 65915(b)(1)(F) by providing 20% of the total units⁵ to lower income students. This results in a 35% density bonus as well as a concession and waivers.

Processing to Date

A preliminary application was filed for the Project pursuant to SB 330 (the Housing Crisis Act of 2019) on March 18, 2024.⁶ A full application was submitted on August 6, 2024, and was deemed complete by the City on September 5, 2024. The project, which includes deed-restricted affordable units and a density bonus, complies with all applicable, objective general plan and zoning standards.

Per AB 1633, CEQA exemptions are mandatory under the HAA for eligible high-density infill residential projects.

AB 1633 amended the HAA as of January 1, 2024, to require that cities find certain high-density infill residential projects, such as this Project, exempt from CEQA. AB 1633 redefines an unlawful disapproval of a housing development project under the HAA (for eligible projects) to now include “*any* instance in which a local agency... fails to make a determination of whether the project is exempt from [CEQA] or commits an abuse of discretion as defined in [the HAA].” (emphasis added).⁷

AB 1633 further amended the HAA to include a new statutory definition of what constitutes an abuse of discretion: “‘abuse of discretion’ means the conditions set forth [by AB 1633] are satisfied, but the local agency does not determine that the project is exempt from [CEQA].”⁸ In making this change, the legislature expressly modified the standard of review under CEQA to require that cities find eligible, high-density infill residential projects such as this one exempt in any instance in which there is substantial evidence to support a CEQA exemption and lack of exception.⁹ As a result, an unlawful denial or abuse of discretion now occurs if (1) an applicant provides substantial evidence that the project is eligible for a CEQA exemption and there are no exceptions to the exemption, but (2) the agency fails to find the project exempt.¹⁰ The legislature therefore altered the substantial evidence standard to declare that an HAA

⁵ “Unit” is defined in a student housing project like this at Gov. Code § 65915(b)(1)(F)(ii) as one rental bed and its pro rata share of associated common area facilities.

⁶ The applicant submitted a preliminary application on February 14, 2024, and provided a quick update on March 18, 2024. Via letter dated April 4, 2024, the City of Berkeley acknowledged a preliminary application was received effective March 18, 2024.

⁷ Gov. Code §§ 65589.5(h)(6)(I)(i); 65589.5.1(b)(1).

⁸ Gov. Code §§ 65589.5(h)(6)(I)(i); 65589.5.1(b)(1).

⁹ Gov. Code § 65589.5.1(a)(4)(A-B).

¹⁰ Gov. Code §§ 65589.5(h)(6)(I)(i); 65589.5.1(b)(1).

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violation occurs if a city fails to make a mandatory AB 1633/CEQA exemption finding for eligible housing development projects like the Project.

The City must find this Project exempt within 90 days

The legislature intended that AB 1633 CEQA exemption findings be made promptly – i.e., within 90 days after the submission of this notice.¹¹ The HAA allows cities to extend the 90-day deadline by an additional 90 days, but only if “necessary to determine if there is substantial evidence in the record that the housing development project is eligible for the exemption.”¹² In this case, the applicant has provided all of the reports and studies needed to support the exemption. The reports submitted concurrently with this letter constitute substantial evidence to support all of the necessary findings for the Class 32 CEQA exemption. As such, there is no legal basis or need for the City to peer review or provide additional studies to document the Class 32 CEQA exemption for this Project. The applicant requests that the City promptly find that the Project is exempt under the Class 32 CEQA exemption, and that no exceptions to these exemptions apply. We request that this decision be made within the next 30-60 days but in no case should the determination require more than 90 days for this Project.

The Project meets all requirements for the Class 32 CEQA exemption

The Project proposes to construct an 8-story residential building, consisting of 66 units and 42,951 gross square feet of building area at 2138 Kittredge Street, midblock between Shattuck Avenue and Fulton Street and a ½ block west of the UC Berkeley campus. The project sponsor is StudiOne QOZB LLC. The Project is located on the south side of Kittredge Street, with frontage on Kittredge. The Project entails demolition of an existing two-story residential building,¹³ and construction of an 8-story student housing apartment project. The ground floor and roof will include open space and other amenities for Project residents. Units are studios, 1 and 2 bedrooms. The ground floor includes a lobby, bicycle storage, mail/package area, and building utility spaces for electrical and trash.

The following reports support the findings for the Class 32 CEQA exemption: (1) Air Quality & Health Risk Assessment for the 2138 Kittredge Street Project in Berkeley, California, Illingworth & Rodkin, Inc., dated December 12, 2024 (**Attachment 1**); (2) Environmental Noise Study re: 2138 Kittredge Street, Berkeley, Resonance Acoustics, dated February 3, 2025 (**Attachment 2**); and (3) 2138 Kittredge Street Historic Resources Evaluation Memorandum, Left Coast Architectural History, Caitlin Hibma, dated January 30, 2024, and revised on February 3, 2025 (**Attachment 3**).

¹¹ Gov. Code §§ 65589.5(h)(6)(D)(iv); 65589.5.1(a)(5).

¹² Gov. Code § 65589.5.1(a)(5)(D).

¹³ The Project will provide replacement units to those demolished per the State Density Bonus Law.

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AB 1633 Eligibility Criteria

The HAA requires the Project to meet the following criteria in order to qualify for a mandatory CEQA exemption:

1. The Project cannot be on an environmentally sensitive site or a site subject to certain environmental hazards;
2. The Project must be on a legal parcel, in an urbanized area that is also a transit priority area, low vehicle miles traveled area, or amenity-rich area;
3. The density of the housing development project must meet or exceed 15 dwelling units per acre; and
4. There must be substantial evidence in the record that the Project qualifies for an exemption and is not subject to any exceptions.

As detailed below, the Project satisfies each criterion and is therefore subject to a mandatory Class 32 CEQA exemption under AB 1633. As such, the Project meets all legislatively-imposed requirements to facilitate expedited review under the HAA for high-density residential infill projects. The applicable findings, backed by substantial evidence as detailed below, demonstrate that this Project is categorically exempt under a Class 23 CEQA exemption, and that a decision to the contrary would constitute an unlawful denial under the HAA.¹⁴

1. The Project is not located on an environmentally sensitive site, and it is not subject to certain environmental hazards.

AB 1633 requires the Project to not be located on any site that is environmentally sensitive, subject to certain environmental hazards, or within a very high fire hazard severity zone.¹⁵ The following environmentally sensitive sites and hazards must be avoided: (A) coastal zones; (B) prime farmland; (C) wetlands; (D) hazardous waste sites; (E) earthquake fault zones; (F) flood hazard areas; (G) regulatory floodways; (H) conservation lands; (I) habitat for protected species; (J) conservation easements; and (K) very-high fire severity zones.¹⁶ The Project site does not contain any of these characteristics.

A. The Project is not in the Coastal Zone.

AB 1633 applies to projects that are generally not located in an area of the Coastal Zone.¹⁷ The "Coastal Zone" is the land and water area along the entire the California Coast that generally extends 1,000 yards from the mean high tide line of the sea, and is identified on a

¹⁴ Gov. Code §§ 65589.5(h)(6)(I)(i); 65589.5.1(b)(1).

¹⁵ Gov. Code § 65589.5.1(b)(1), citing Gov. Code § 65913.4(a)(6)(A-C) and (E-K).

¹⁶ Gov. Code §§ 65589.5.1(a)(1)(A-B); 65913.4(a)(6)(A-C and E-K).

¹⁷ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(A).

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detailed map adopted by the Coastal Commission.¹⁸ The City of Berkely is not within the Coastal Zone. (See **Attachment 4**).

B. The Project is not located on prime farmland.

AB 1633 applies to projects that are not (i) located on prime farmland or farmland of statewide importance, as defined by the United States Department of Agriculture and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or (ii) zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.¹⁹ It is undisputed that the existing site is not located on prime farmland or farmland of statewide importance, and is not otherwise zoned for agricultural protection. Substantial evidence to support this finding is provided by reference to the Department of Conservation's Important Farmland Finder Map, where the Project site is identified as Urban and Built Up Land. (See **Attachment 4**).²⁰

C. The Project site is not located in a wetland.

AB 1633 applies to projects that are not located on federally designated wetlands.²¹ The Project site is an infill, urbanized location that has no water features. The U.S. Fish & Wildlife Service has determined the site does not contain any potential for wetlands or aquatic resources. (See National Wetlands Inventory in **Attachment 4**).²²

D. The Project is not located on a hazardous waste site.

AB 1633 generally applies to projects that are not located on the "Cortese List" or on hazardous waste sites designated by the Department of Toxic Substances Control ("DTSC").²³ The Project site is not listed on either of these lists and is not located on a hazardous waste site.²⁴

E. The Project is not located in a fault zone.

AB 1633 applies to projects that are not located "[w]ithin a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards

¹⁸ Pub. Res. Code § 30103.

¹⁹ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(B).

²⁰ Cal. Dept. of Conservation, Important Farmland Finder, <https://maps.conservation.ca.gov/dlrp/ciff/> accessed on February 6, 2025.

²¹ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(C).

²² U.S. Fish and Wildlife Service, <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>, accessed on February 6, 2025.

²³ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(D); 65962.5; H&S Code §78760.

²⁴ DTSC, Hazardous Waste and Substance Site List, https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29, accessed on February 6, 2025. The Cortese list as of February 6, 2025, is incorporated by reference into the Project's administrative record of proceedings.

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adopted by the California Building Standards Commission under the California Building Standards Law.²⁵

The Project is not located within a delineated earthquake fault zone on an official map published by the United States Geologic Service ("USGS") (see **Attachment 4**).²⁶

F. The Project is not located in a special flood hazard area or regulatory floodway.

AB 1633 applies to projects that are not located "[w]ithin a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency ("FEMA") in any official maps published by [FEMA],"²⁷ and to projects that are not located "[w]ithin a regulatory floodway as determined by [FEMA] in any official maps published by [FEMA]. The Project is not located in a special flood hazard area²⁸ or regulatory floodway²⁹ as determined by FEMA (see **Attachment 4**).

G. The Project site is not identified in a natural resource protection plan.

AB 1633 applies to projects that are not located on land identified for conservation in (i) an adopted natural community conservation plan under the California Fish and Game Code, (ii) a habitat conservation plan pursuant to the federal Endangered Species Act, or (iii) another adopted natural resource protection plan.³⁰ The Project is located on an urban infill site in Downtown Berkeley. It is not located in an adopted natural community conservation plan, habitat conservation plan or any other adopted natural resource protection plan (see **Attachment 4**).³¹

H. The Project site is not habitat for protected species.

AB 1633 applies to projects that are not located on habitat for candidate, sensitive, or special status species as identified under the federal Endangered Species Act, the California

²⁵ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(F).

²⁶ USGS, U.S. Quaternary Faults Map, <https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf>, accessed on February 6, 2025.

²⁷ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(G).

²⁸ See FEMA, National Flood Hazard Layer Viewer, <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd&extent>, accessed on February 6, 2025.

²⁹ *Id.*

³⁰ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(I).

³¹ Cal. Dept. of Fish & Wildlife, California Natural Community Conservation Plans (August 2023), available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>; see also Federal Conservation Plans of West Coast, <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/habitat-conservation-plans-west-coast>, accessed on February 6, 2025.

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Endangered Species Act, or the Native Plant Protection Act.³² The Project site is located in the urban landscape of Downtown Berkeley and has no value as habitat for any listed species.

I. The Project site is not under a conservation easement.

AB 1633 applies to projects that are not located on lands under conservation easement.³³ The Project site is in an entirely urbanized infill location, and accordingly is not encumbered by any conservation easement (see **Attachment 4**).³⁴

J. The Project is not located in a Very High Fire Hazard Severity Zone.

AB 1633 applies to projects that are not located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection.³⁵ The Project is not located in a very high fire hazard severity zone (see **Attachment 4**).³⁶

2. The Project is located on a legal parcel, in an urbanized area as defined by AB 1633.

AB 1633 applies to a housing development project "located on a legal parcel or parcels within an urbanized area" that meets at least one of the following criteria:

(A) The housing development project is located within one-half mile walking distance to either a high-quality transit corridor or a major transit stop.

(B) The housing development project is located in a very low vehicle travel area.

(C) The housing development project is proximal to six or more amenities pursuant to paragraph (4) of subdivision (b) as of the date of submission of the application for the project.

³² Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(J).

³³ Gov. Code §§ 65589.5.1(a)(1)(A); 65913.4(a)(6)(K).

³⁴ California Natural Resources Agency, California Conservation Easement Database, https://data.cnra.ca.gov/dataset/california-conservation-easement-database/resource/a6146225-fe01-4035-8788-e5f9b74847ae?inner_span=True, accessed on February 6, 2025.

³⁵ Gov. Code § 65589.5.1(a)(1)(B).

³⁶ Dept. of Forestry and Fire Protection, https://34c031f8-c9fd-4018-8c5a-4159cdff6b0d-cdn-endpoint.azureedge.net/-/media/osfm-website/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones/fire-hazard-severity-zones-map-2022/fire-hazard-severity-zones-maps-2022-files/fhsz_county_sra_11x17_2022_alameda_2.pdf, <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>, accessed on February 6, 2024

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(D) Parcels that are developed with urban uses adjoin at least 75 percent of the perimeter of the project site or at least three sides of a four-sided project site. For purposes of this subdivision, parcels that are only separated by a street or highway shall be considered to be adjoined.³⁷

“Proximal” to an amenity means either of the following:

(A) Within one-half mile of either of the following amenities:

- (i) A bus station.
- (ii) A ferry terminal.

(B) Within one mile, or for a parcel in a rural area, as defined in Section 50199.21 of the Health and Safety Code, within two miles, of any of the following amenities:

- (i) A supermarket or grocery store.
- (ii) A public park.
- (iii) A community center.
- (iv) A pharmacy or drugstore.
- (v) A medical clinic or hospital.
- (vi) A public library.
- (vii) A school that maintains a kindergarten or any of grades 1 to 12, inclusive.³⁸

Although only required to meet one of the four "urbanized area" scenarios set forth above, the Project meets all four, as the Project satisfies each of the following:

- Located within a transit priority area designated by the City of Berkeley, which means it is within 1/2-mile from a rail station and/or 1/4-mile from bus stops with service at least every 15 minutes. This is supported by the transit priority area map included in the City's VMT Criteria and Thresholds guidance, which establishes that the Project site is within 1/2-mile from a rail station or 1/4-mile from bus stops with service at least every 15 minutes. (See **Attachment 7.**)

³⁷ Gov. Code § 65589.5.1(a)(2)(A-D).

³⁸ Gov. Code § 65589.5.1(b)(4)(A-B).

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- Located in a very low vehicle travel area. A “very low vehicle travel area” means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled (“VMTs”) per capita that is below 85 percent of either regional vehicle miles traveled per capita, or city vehicle miles traveled per capita. (Gov. Code, § 65915(o)(9).) The City defines low-VMT areas based on the results of the Alameda County Transportation Commission model, and depicts these areas in the map included in Exhibit I. The areas shaded green are those identified as “Low VMT Areas,” where “VMT per capita ... is 15% lower than the baseline regional average.”³⁹ The Project is located in a Low VMT Area (see **Attachment 7**).
- Located proximal to the following amenities:
 - Numerous bus stops;
 - Within one mile of a supermarket or grocery store (Trader Joe’s);
 - Within one mile of a public park (Martin Luther King Jr. Civic Center Park and Ohlone Park);
 - Within one mile of a community center (Multicultural Community Center);
 - Within one mile of a pharmacy or drugstore (CVS pharmacy);
 - Within one mile of a public library (Berkeley Public Library);
 - Within one mile of a school that maintains a kindergarten or any of grades 1 to 12, inclusive (Washington Elementary School).
- Located in an urban area, on a property surrounded on all sides by urban uses.

As such, the Project clearly meets all of the urbanized criteria for a mandatory CEQA exemption.

3. The Project's density qualifies under AB 1633.

AB 1633 applies to projects that meet or exceed 15 dwelling units per acre.⁴⁰ Here, the Project proposes 66 dwelling units on 0.15 acres, resulting in a density of 440 dwelling units per acre.

4. Substantial evidence establishes that the Project is exempt under Class 32, and there are no applicable exceptions.

A. Substantial evidence supports the Class 32 exemption.

The Class 32 exemption applies to infill development projects that are (a) consistent with the applicable general plan and zoning designation, (b) on a site smaller than five acres and

³⁹ City of Berkeley VMT Criteria and Thresholds, June 29, 2020, p. 7 and exhibits, <https://berkeleyca.gov/sites/default/files/2022-02/VMT-Criteria-and-Thresholds.pdf>, accessed on February 6, 2025.

⁴⁰ Gov. Code §§ 65589.5.1(a)(3).

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substantially surrounded by urban uses with no potential value as habitat for endangered, rare or threatened species, and where (c) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and (d) the site can be adequately served by all required utilities and public services.⁴¹

Here, the City has already conclusively established that the Project is consistent with the applicable general plan and zoning standards, given that no notice or other documentation was provided to the applicant within 30 days after the City deemed the zoning application complete.⁴² The site is approximately 0.15 acres and, as noted above, has no potential habitat value.

The Project meets the City's local VMT (vehicle miles traveled) threshold and is screened from further review due to its location within a transit priority area. Concurrently submitted with this letter are additional reports confirming that the Project will not result in impacts related to air quality, noise and historic resources.

B. Substantial evidence supports the finding that no exceptions may be found to the Class 32 CEQA exemption for this Project.

Under CEQA, an exception may prohibit the application of a categorical exemption if the Project (a) is located in an environmentally sensitive area; (b) causes cumulative impacts due to successive projects implemented of the same type, in the same place; (c) causes a significant impact due to unusual circumstances; (d) causes damage to scenic resources within a state scenic highway; (e) is on the "Cortese List" of hazardous sites; or (f) causes a substantial adverse change in the significance of a historical resource.⁴³

None of these exceptions apply here. The Project is located in Downtown Berkeley, and does not contain environmentally sensitive features, as virtually the entire parcel has been developed. There are no cumulative impacts resulting from the City's implementation of the Downtown Area Plan, which the City adopted for the purpose of *reducing* environmental impacts, such as vehicle-miles traveled, by locating higher density housing near high-quality public transit and near the University of California, Berkeley campus. There are no unusual circumstances associated with this Project, as it proposes a high-quality residential development in the Downtown Berkeley core area, consistent with the goals of the Downtown Area Plan. The site will cause no impacts to scenic resources within a state scenic highway (to the extent this criterion even applies after the enactment of SB 743), and the site is not located on the Cortese List.

⁴¹ 14 Cal. Code Reg. § 15332.

⁴² Gov. Code § 65589.5(j)(2)(A)(i).

⁴³ 14 Cal. Code Reg. §15300.2.

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With regard to historical resources, the HRE prepared by Architectural Historian Caitlin Hibma⁴⁴ (submitted concurrently with this letter at **Attachment 3**) confirms that the Project will not have an impact on any mandatory or potential historical resources. The existing building on the site is not contained in either the National Register of Historic Places or the California Register of Historical Resources.⁴⁵ The HRE provides substantial evidence that the building is not eligible for either register.⁴⁶ This finding is based on an assessment that the building was (1) heavily altered, including most notably that the primary facade was subsumed by a Georgian Revival style addition in 1935, and has lost historic integrity; (2) the property does not appear to have any significant associations with historically important events or noteworthy historical figures; and (3) the property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders.⁴⁷

The HRE also provides substantial evidence that the building does not meet the City of Berkeley's criteria for city landmarks.⁴⁸

The HRE also evaluates the building under the City's "Structure of Merit" criteria. It concludes that while the individual building at 2138 Kittredge is not individually eligible for listing as a Structure of Merit, it is part of a grouping of "three similar buildings with a somewhat unique use history" that it potentially qualifies as a Structure of Merit.⁴⁹

However, the City of Berkeley Municipal Code Sections 3.24.110, contains different criteria for Landmarks and Historic Districts, on the one hand, and Structures of Merit, on the other hand. As to a Structure of Merit, the Code does not provide a basis for a historic district.

General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage,

⁴⁴ Ms. Hibma is a Historical Resources Consultant who meets and exceeds the Secretary of the Interior's Professional Qualification Standards. Ms. Hibma's professional profile, education (BA in Art History; MS in Historic Preservation) and experience are available at <https://www.leftcoastarchitecturalhistory.com/professional-profile.html>, accessed on February 6, 2025.

⁴⁵ Historic Resources Evaluation for 2138 Kittredge Street, at pp. 11-12.

⁴⁶ Historic Resources Evaluation for 2138 Kittredge Street, at pp. 2-11.

⁴⁷ Historic Resources Evaluation for 2138 Kittredge Street, at pp. 7-10.

⁴⁸ Historic Resources Evaluation for 2138 Kittredge Street, at pp. 9-11.

⁴⁹ On October 30, 2024, an application to designate 2138 Kittredge Street as a City of Berkeley landmark was submitted to the City. It expressly indicated that it was being filed to protect the site from development. Despite the fact that a preliminary application under SB 330, and full application, for the Project was already completed, the City, over the applicant's objection, held a public hearing in front of the City's Landmarks Preservation Commission to consider the Landmark Application. A copy of the applicant's objection letter is attached as **Attachment 5**.

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or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit. (BMC § 3.24.110.B.1.)

Here, the group of three “similar buildings” to 2138 Kittredge does not include any designated Landmarks, nor is it part of an historic district. The HRE notes that the nearby Landmarks to 2138 Kittredge “are mostly much larger, of distinctly different styles, and of different use-based design.”⁵⁰

Substantial evidence exists to demonstrate that the building at 2138 Kittredge does not qualify as an individual historical resource under CEQA. Given the findings in the HRE, and the restrictions in the City’s Code regarding Structures of Merit, the Project cannot legally be deemed to have a significant impact on historical resources. The HRE’s findings are based on an intensive and thorough site visit, in-depth review of all available documentation and detailed review of previous surveys of the site. The HRE constitutes substantial evidence and therefore takes precedence over the Landmark Application, which is based on artistic drawings by non-historians, selected quotes and passages from previous, incomplete and outdated information, and numerous unsubstantiated assertions about the overall integrity of the building.

Substantial evidence in the zoning application, materials submitted concurrently with this letter, and the record of proceedings as a whole, supports the finding that there are no impacts to historical resources, unusual circumstances, nor any other exceptions that could apply to the Class 32 exemption for this Project.

Conclusion: The Project meets all of the criteria under the HAA to qualify as an eligible high-density residential infill project subject to an expedited CEQA exemption determination under AB 1633.

Given the mandatory effect of the HAA as to this Project, the applicant requests that the City find that the Project is subject to the Class 32 CEQA exemption and that there are no applicable exceptions to these exemptions. While up to 90 days may be allowed for this decision, the applicant respectfully requests that a decision be made sooner, if possible.

⁵⁰ Historic Resources Evaluation for 2138 Kittredge Street, at pp. 11-12. The HRE notes that in 2015, the “Shattuck Avenue Commercial Corridor Historic Context and Survey” identified a “potentially-eligible Shattuck Avenue Commercial Corridor Historic District, the boundaries of which included the Project site. However, the City of Berkeley has never formally designated such a district and the 2015 survey noted that the building at 2138 Shattuck bore no historical designation at the time of the survey, but claimed it was locally significant as a contributor to the potential District. (*Id.*). However, the potential District was never recognized, making any determination that the building is “locally significant as a contributor to the potential District” of no relevance.

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Thank you for considering this request and please do not hesitate to contact me if you have any questions regarding the applicability of the mandatory Class 32 CEQA exemption under AB 1633 for this Project.

Sincerely,

FENNEMORE LLP



Todd A. Williams

/taw
Attachments

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ATTACHMENT 1

ATTACHMENT 1

2138 KITTREDGE STREET AIR QUALITY & HEALTH RISK ASSESSMENT

Berkeley, California

December 13, 2024
Revised January 30, 2024

Prepared for:

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I&R Project#: 24-169

Introduction

The purpose of this report is to address the potential air quality and health risk impacts associated with the proposed residential project located at 2138 Kittredge Street in Berkeley, California. Air quality impacts would be associated with the demolition of the existing uses at the site, construction of the new building and infrastructure, and operation of the project. Air pollutant emissions associated with construction and operation of the project were estimated using appropriate computer models. In addition, the potential project health risks and the impact of existing toxic air contaminant (TAC) sources affecting the nearby sensitive receptors were evaluated. The analysis was conducted following guidance provided by the Bay Area Air Quality Management District (BAAQMD).¹

Project Description

The 0.15-acre project site is currently comprised of an existing multi-family residence. The Project proposes to demolish the existing use and construct an eight-story, 66-unit residential building totaling approximately 42,951 square feet (sf). Parking facilities are not included in the Project. Construction is proposed from approximately May 2025 through March 2027.

The Project would include the following Conditions of Approval (COA) in order for the Project to have less-than-significant air quality impacts.

Condition of Approval AQ-1: **Include BAAQMD basic BMPs to control dust and exhaust during construction.**

During any construction period ground disturbance, the applicant shall ensure that the project contractor implement measures to control dust and exhaust. Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level.

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. 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.
4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.

¹ Bay Area Air Quality Management District, 2022 CEQA Guidelines, April 2023.

6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
8. Unpaved roads providing access to site located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
9. Publicly visible signs shall be posted with the telephone number and name of the 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 General Air Pollution Complaints number shall be visible to ensure compliance with applicable regulations.

Condition of Approval AQ-2: Use construction equipment that has low diesel particulate matter exhaust emissions.

Implement a feasible plan to reduce DPM emissions by at least 80 percent such that increased cancer risk from construction would be reduced below TAC significance levels as follows:

1. All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 final emission standards for PM (PM₁₀ and PM_{2.5}).

Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction DPM emissions by at least 80 percent or greater. Elements of the plan could include a combination of some of the following measures:

- Installation of electric power lines during early construction phases to avoid use of diesel portable equipment,
- Use of electrically-powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

Such a construction operations plan would be subject to review by an air quality expert and approval by the City prior to construction.

Setting

The project is located in Alameda County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the State and federal level. The Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}).

Air Pollutants of Concern

High ozone concentrations in the air basin are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form ozone concentrations. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ambient ozone concentrations. The highest ozone concentrations in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone concentrations aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant in the air basin. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM₁₀) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM_{2.5}). Elevated concentrations of PM₁₀ and PM_{2.5} are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter concentrations aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

TACs are a broad class of compounds known to cause morbidity or mortality, often because they cause cancer. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure of TACs can result in adverse health effects, they are regulated at the regional, State, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects from diesel exhaust exposure a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs. Health risks from TACs are estimated using the Office of Environmental Health Hazard Assessment (OEHHA) risk assessment guidelines, which were published in February of 2015 and incorporated in BAAQMD's current CEQA guidance.²

PM_{2.5} emissions can include TACs. Due to the adverse health effects caused by PM_{2.5} exposure even at low concentrations, BAAQMD developed assessing methods and health risk thresholds to

² OEHHA, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. February.

address exposure to increased concentrations caused by project PM_{2.5} emissions.³

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. For cancer risk assessments, infants and small children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The closest sensitive receptors to the project site would be located in adjacent multi-family residences to the east. There are additional multi-family residences surrounding the site at further distances. This project would introduce new sensitive receptors (i.e., residents) to the area.

Regulatory Setting

The Federal and California Clean Air Acts have established ambient air quality standards for different pollutants. National ambient air quality standards (NAAQS) were established by the Federal Clean Air Act of 1970 (amended in 1977 and 1990) for six "criteria" pollutants. These criteria pollutants now include carbon monoxide (CO), ozone (O₃), nitrogen dioxide (NO₂), respirable particulate matter with a diameter less than 10 microns (PM₁₀), sulfur dioxide (SO₂), and lead (Pb). In 1997, The Environmental Protection Agency (EPA) added fine particulate matter (PM_{2.5}) as a criteria pollutant. The air pollutants for which standards have been established are considered the most prevalent air pollutants known to be hazardous to human health. California ambient air quality standards (CAAQS) include the NAAQS pollutants and also hydrogen sulfide, sulfates, vinyl chloride, and visibility reducing particles. These additional CAAQS pollutants tend to have unique sources and are not typically included in environmental air quality assessments. In addition, lead concentrations have decreased dramatically since it was removed from motor vehicle fuels. The Bay Area has attained the CO standard and monitoring data from the last 30 years show relatively low concentrations throughout the Bay Area. Therefore, CO is not an air quality issue for land use type projects such as this one.

Federal Regulations

The United States Environmental Protection Agency (EPA) sets nationwide emission standards for mobile sources, which include on-road (highway) motor vehicles such trucks, buses, and automobiles, and non-road (off-road) vehicles and equipment used in construction, agricultural, industrial, and mining activities (such as bulldozers and loaders). The EPA also sets nationwide fuel standards. California also has the ability to set motor vehicle emission standards and standards for fuel used in California, as long as they are the same or more stringent than the federal standards.

In the past decade the EPA has established a number of emission standards for on- and non-road heavy-duty diesel engines used in trucks and other equipment. This was done in part because diesel

³ BAAQMD, 2022 CEQA Air Quality Guidelines, Appendix A, p40.

engines are a significant source of NO_x and particulate matter (PM₁₀ and PM_{2.5}) and because the EPA has identified DPM as a probable carcinogen. Implementation of the heavy-duty diesel on-road vehicle standards and the non-road diesel engine standards are estimated to reduce particulate matter and NO_x emissions from diesel engines up to 95 percent in 2030 when the heavy-duty vehicle fleet is completely replaced with newer heavy-duty vehicles that comply with these emission standards.⁴

In concert with the diesel engine emission standards, the EPA has also substantially reduced the amount of sulfur allowed in diesel fuels. The sulfur contained in diesel fuel is a significant contributor to the formation of particulate matter in diesel-fueled engine exhaust. The new standards reduced the amount of sulfur allowed by 97 percent for highway diesel fuel (from 500 parts per million by weight [ppmw] to 15 ppmw), and by 99 percent for off-highway diesel fuel (from about 3,000 ppmw to 15 ppmw). The low sulfur highway fuel (15 ppmw sulfur), also called ultra-low sulfur diesel (ULSD), is currently required for use by all vehicles in the U.S.

All of the above federal diesel engine and diesel fuel requirements have been adopted by California, in some cases with modifications making the requirements more stringent or the implementation dates sooner.

State Regulations

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles.⁵ In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel Risk Reduction Plan have been approved and adopted, including the federal on-road and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California.

CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM. Several of these regulatory programs affect medium and heavy-duty diesel trucks that represent the bulk of DPM emissions from California highways. CARB regulations require on-road diesel trucks to be retrofitted with particulate matter controls or replaced to meet 2010 or later engine standards that have much lower DPM and PM_{2.5} emissions. This regulation will substantially reduce these emissions between 2013 and 2023. While new trucks and buses will meet strict federal standards, this measure is intended to accelerate the rate at which the fleet either turns over so there are more cleaner vehicles on the road or is retrofitted to meet similar standards. With this regulation, older, more polluting trucks would be removed from the roads sooner.

⁴ USEPA, 2000. *Regulatory Announcement, Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements*. EPA420-F-00-057. December.

⁵ California Air Resources Board, 2000. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. October.

CARB has also adopted and implemented regulations to reduce DPM and NO_x emissions from in-use (existing) and new off-road heavy-duty diesel vehicles (e.g., loaders, tractors, bulldozers, backhoes, off-highway trucks, etc.). The regulations apply to diesel-powered off-road vehicles with engines 25 horsepower (hp) or greater. The regulations are intended to reduce particulate matter and NO_x exhaust emissions by requiring owners to turn over their fleet (replace older equipment with newer equipment) or retrofit existing equipment in order to achieve specified fleet-averaged emission rates. Implementation of this regulation, in conjunction with stringent federal off-road equipment engine emission limits for new vehicles, significantly reduces emissions of DPM and NO_x.

Bay Area Air Quality Management District (BAAQMD)

BAAQMD has jurisdiction over an approximately 5,600-square mile area, commonly referred to as the San Francisco Bay Area (Bay Area). The District's boundary encompasses the nine San Francisco Bay Area counties, including Alameda County, Contra Costa County, Marin County, San Francisco County, San Mateo County, Santa Clara County, Napa County, southwestern Solano County, and southern Sonoma County.

BAAQMD is the lead agency in developing plans to address attainment and maintenance of the National Ambient Air Quality Standards and California Ambient Air Quality Standards. The District also has permit authority over most types of stationary equipment utilized for the proposed project. The BAAQMD is responsible for permitting and inspection of stationary sources; enforcement of regulations, including setting fees, levying fines, and enforcement actions; and ensuring that public nuisances are minimized.

BAAQMD's Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area.⁶ The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources with an emphasis on diesel exhaust, which is a major contributor to airborne health risk in California. The CARE program is an on-going program that encourages community involvement and input. The technical analysis portion of the CARE program has been implemented in three phases that includes an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TAC, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses has been used to develop emission reduction activities in areas with high TAC exposures and high density of sensitive populations. Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area. Seven areas have been identified by BAAQMD as impacted communities. They include Eastern San Francisco, Richmond/San Pablo, Western Alameda, San José, Vallejo, Concord, and Pittsburgh/Antioch. The project site is not located within any of the BAAQMD CARE areas.

Overburdened communities are areas located (i) within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0 implemented by OEHHA, as having an overall score at or above the 70th percentile, or (ii) within 1,000 feet of

⁶ See BAAQMD: <https://www.baaqmd.gov/community-health/community-health-protection-program/community-air-risk-evaluation-care-program>.

any such census tract.⁷ The BAAQMD has identified several overburdened areas within its boundaries. However, the project site is not within an overburdened area as the Project site is scored at the 36th percentile on CalEnviroScreen.⁸

Clean Air Plan

The BAAQMD is responsible for developing a Clean Air Plan which guides the region's air quality planning efforts to attain both the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The BAAQMD's 2017 *Clean Air Plan* is the current Clean Air Plan which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_x), particulate matter (PM₁₀ and PM_{2.5}) and greenhouse gas (GHG) emissions.

BAAQMD CEQA Air Quality Guidelines

In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. In 2023, the BAAQMD revised the *California Environmental Quality Act (CEQA) Air Quality Guidelines* that include significance thresholds to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The current BAAQMD guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process consistent with CEQA requirements including thresholds of significance, mitigation measures, and background air quality information. They include assessment methodologies for criteria air pollutants, air toxics, odors, and GHG emissions as shown in Table 1.⁹ Air quality impacts and health risks are considered potentially significant if they exceed these thresholds.

The BAAQMD recommends all projects include a “basic” set of best management practices (BMPs) to manage fugitive dust and consider impacts from dust (i.e., fugitive PM₁₀ and PM_{2.5}) to be less than significant if BMPs are implemented (listed below). BAAQMD strongly encourages enhanced BMPs for construction sites near schools, residential areas, other sensitive land uses, or if air quality impacts were found to be significant.

⁷ See BAAQMD: https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20210722_01_appendixd_mapsofverburdenedcommunities-pdf.pdf?la=en.

⁸ OEHA, CalEnviroScreen 4.0 Maps <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

⁹ Bay Area Air Quality Management District, 2022 *CEQA Guidelines*, April 2023.

Table 1. BAAQMD CEQA Significance Thresholds

Criteria Air Pollutant	Construction Thresholds		Operational Thresholds	
	Average Daily Emissions (lbs./day)		Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54		54	10
NO _x	54		54	10
PM ₁₀	82 (Exhaust)		82	15
PM _{2.5}	54 (Exhaust)		54	10
CO	Not Applicable		9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices (BMPs)*		Not Applicable	
Health Risks and Hazards	Single Sources/ Individual Project		Combined Sources (Cumulative from all sources within 1000-foot zone of influence)	
Excess Cancer Risk	>10 in a million	OR Compliance with Qualified Community Risk Reduction Plan	>100 in a million	OR Compliance with Qualified Community Risk Reduction Plan
Hazard Index	>1.0		>10.0	
Incremental annual PM _{2.5}	>0.3 µg/m ³		>0.8 µg/m ³	
Note: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases. * BAAQMD strongly recommends implementing all feasible fugitive dust management practices especially when construction projects are located near sensitive communities, including schools, residential areas, or other sensitive land uses.				

Source: Bay Area Air Quality Management District, 2022

City of Berkeley General Plan

Adopted April 23, 2002, the *City of Berkeley General Plan* includes goals, policies, and actions to improve air quality issues facing the City of Berkeley.¹⁰ The following goals, policies, and actions are applicable to the proposed project:

Policy EM-18 Regional Air Quality Action

Continue working with the Bay Area Air Quality Management District and other regional agencies to:

1. Improve air quality through pollution prevention methods.
2. Ensure enforcement of air emission standards.

¹⁰ City of Berkeley, California. "Environmental Management Element". *City of Berkeley General Plan: A Guide for Public Decision-Making*. April 23, 2002.

https://www.cityofberkeley.info/Planning_and_Development/Home/Planning_Commission_General_Plan_-_Goals,_Objectives_and_Actions.aspx

3. Reduce local and regional traffic (the single largest source of air pollution in the city) and promote public transit.
4. Promote regional air pollution prevention plans for business and industry.
5. Promote strategies to reduce particulate pollution from residential fireplaces and wood-burning stoves.
6. Locate parking appropriately and provide adequate signage to reduce unnecessary "circling" and searching for parking.

AIR QUALITY IMPACTS AND CONDITIONS OF APPROVAL

Impact AIR-1: Conflict with or obstruct implementation of the applicable air quality plan?

BAAQMD, with assistance from the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC), prepares and implements specific plans to meet the applicable laws, regulations, and programs. The most recent and comprehensive of which is the *Bay Area 2017 Clean Air Plan*.¹¹ The primary goals of the Clean Air Plan are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions and protect the climate. The BAAQMD has also developed CEQA guidelines to assist lead agencies in evaluating the significance of air quality and GHG impacts. In formulating compliance strategies, BAAQMD relies on planned land uses established by local general plans. Land use planning affects vehicle travel, which, in turn, affects region-wide emissions of air pollutants and GHGs.

The 2017 Clean Air Plan, adopted by BAAQMD in April 2017, includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. Guidance provided in the BAAQMD CEQA guidelines recommends that Plans show consistency with the control measures listed within the Clean Air Plan. At the project-level, there are no consistency measures or thresholds provided in BAAQMD's CEQA guidance. The Project is a small multi-family residential development that would not introduce any substantial sources of air pollutants or sources permitted by BAAQMD. The proposed project would not conflict with the latest Clean Air planning efforts since 1) project would have emissions below the BAAQMD thresholds (see Impact below) and 2) the project would be considered urban infill as it redevelops an active land use. This would be a less-than-significant impact.

Impact AIR-2: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

The Bay Area is considered a non-attainment area for ground-level ozone and PM_{2.5} under both the NAAQS and the CAAQS. The area is also considered non-attainment for PM₁₀ under the

¹¹ Bay Area Air Quality Management District (BAAQMD), 2017. *Final 2017 Clean Air Plan*.

CAAQS, but not the NAAQS. The area has attained both State and Federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for ozone, PM_{2.5} and PM₁₀, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. The ozone precursor pollutant thresholds are for ROG and NO_x, while PM₁₀, and PM_{2.5} have specific thresholds. The thresholds apply to both construction period emissions and operational period emissions.

Construction Period Emissions

The California Emissions Estimator Model (CalEEMod) Version 2022 was used to estimate emissions from on-site construction activity, construction vehicle trips, and evaporative emissions. The project land use types and size were input to CalEEMod. The CalEEMod model output along with construction inputs are included in *Attachment 1*.

CalEEMod Inputs

Land Uses

The proposed project land uses were entered into CalEEMod as described in Table 2.

Table 2. Summary of Project Land Use Inputs

Project Land Uses	Size	Units	Square Feet (sf)	Acreage
Apartments Mid Rise	66	Dwelling Unit	42,951	0.15

Construction Inputs

CalEEMod computes annual emissions for construction that are based on the project type, size, and acreage. The model provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. The construction build-out scenario, including equipment quantities, average hours per day, total number of workdays, and schedule, were based on a blend of information provided by the project applicant and CalEEMod defaults (included in *Attachment 1*). The project applicant estimates the earliest possible start date to be May 2025, and the project would be built out over a period of approximately 23 months, or 500 construction workdays.

Construction Traffic Emissions

Construction would produce traffic in the form of worker trips and truck traffic. The traffic-related emissions are based on worker and vendor trip estimates produced by CalEEMod and haul trips that were computed based on the amount of demolition material to be exported, the estimate of soil imported and/or exported to the site, and the estimate of concrete truck trips to and from the site. CalEEMod provides daily estimates of worker and vendor trips for each applicable phase. Daily haul trips for demolition and grading were developed by CalEEMod using the provided demolition volumes and estimated soil volumes. The amount of concrete was estimated and converted to daily one-way trips, assuming two trips per delivery.

Summary of Computed Construction Period Emissions

Average daily construction emissions were annualized for each year of construction by dividing the annual construction emissions by the number of active workdays during that year. Table 3 shows the annualized average daily construction emissions of ROG, NO_x, PM₁₀ exhaust, and PM_{2.5} exhaust during construction of the project. As indicated in Table 3, the predicted project construction emissions would not exceed the BAAQMD significance thresholds during any year of construction.

Table 3. Construction Period Emissions

Year	ROG	NO _x	PM ₁₀ Exhaust	PM _{2.5} Exhaust
<i>Construction Emissions Total (Tons)</i>				
2025	0.02	0.12	<0.01	<0.01
2026	0.02	0.17	<0.01	<0.01
2027	0.31	0.06	<0.01	<0.01
<i>Average Daily Construction Emissions (pounds/day)</i>				
2025 (175 construction workdays)	0.18	1.41	0.01	0.01
2026 (261 construction workdays)	0.18	1.32	0.01	0.01
2027 (64 construction workdays)	9.67	1.73	0.01	0.01
<i>BAAQMD Thresholds (pounds per day)</i>	54 lbs./day	54 lbs./day	82 lbs./day	54 lbs./day
Exceed Threshold?	No	No	No	No

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD recommends all projects include a “basic” set of best management practices (BMPs) to manage fugitive dust and consider impacts from dust (i.e. fugitive PM₁₀ and PM_{2.5}) to be less than significant BMPs are implemented. The Project would include *Condition of Approval AQ-1* (as described above), which implements the BAAQMD basic BMPs to control dust and exhaust during construction.

Effectiveness of Condition of Approval AQ-1

Condition of Approval AQ-1 is consistent with BAAQMD-recommended basic BMPs for reducing fugitive dust contained in the BAAQMD CEQA Air Quality Guidelines. For this analysis, only the basic set of BMPs are required as the fugitive dust emissions from construction are below the BAAQMD single-source threshold. With the inclusion of this COA, the Project would have a less-than-significant construction criteria air pollutant impact.

Operational Period Emissions

Chapter 4 of the BAAQMD CEQA Guidelines include project screening land use sizes for criteria air pollutants. These screening criteria provide a conservative indication of whether implementing a proposed project of a certain size and activity could result in potentially significant criteria air pollutant impacts. The Project meets the BAAQMD CEQA Guidelines operational screening

criteria since the Project 1) is below the applicable operational screening level size (i.e., 638 dwelling units), 2) does not include stationary engines and industrial sources, and 3) does not have overlapping construction and operational activities. Therefore, the Project would not exceed the operational criteria pollutant thresholds and further pollutant analysis was not required. The Project would have a less-than-significant operational criteria air pollutant impact.

Impact AIR-3: Expose sensitive receptors to substantial pollutant concentrations?

Health risk impacts were addressed by predicting increased lifetime cancer risk, the increase in annual PM_{2.5} concentrations, and computing the Hazard Index (HI) for non-cancer health risks. Construction activity is the only source of TAC emissions from the Project that would have health risk impacts. Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust emissions pose health risks for sensitive receptors such as surrounding residents. The primary health risk impact issues associated with construction emissions are cancer risk and exposure to PM_{2.5}. A health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and PM_{2.5}.¹² This assessment included dispersion modeling to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. The project maximally exposed individual (MEI) is identified as the sensitive receptor that is most impacted by the project's construction. The methodology for computing health risks impacts is contained in Appendix E of the BAAQMD CEQA Guidelines.

Modeled Sensitive Receptors

Receptors for this assessment included locations where sensitive populations would be present for extended periods of time (i.e., chronic exposures). This includes the existing residences near the site as shown in Figure 1. Residential receptors are assumed to include all receptor groups (i.e., third trimester, infants, children, and adults) with almost continuous exposure to project emissions. PM_{2.5} concentrations were also calculated at worker receptors surrounding the project site. While there are additional receptors within 1,000 feet of the project site, the receptors chosen are adequate to identify maximum impacts from the project.

Construction Emissions

The CalEEMod model provided total uncontrolled annual PM₁₀ exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles. Total DPM emissions were estimated to be less than 0.01 tons (4 pounds) and fugitive dust emissions (PM_{2.5}) to be less than 0.01 tons (2 pounds) from all construction stages. The on-road emissions are a result of haul truck travel during grading activities, worker travel, and vendor deliveries during construction. A trip length of a quarter mile was used to represent vehicle travel while at or near the construction site. It was assumed that the emissions from on-road vehicles traveling at or near the site would occur at the construction site.

¹² DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to predict DPM and PM_{2.5} concentrations at sensitive receptors (i.e., residences) in the vicinity of the project construction area. The AERMOD dispersion model is a BAAQMD-recommended model for use in modeling analysis of these types of emission activities for CEQA projects.¹³ Emission sources for the construction site were grouped into two categories: exhaust emissions of DPM and fugitive PM_{2.5} dust emissions.

Construction Sources

Combustion equipment DPM exhaust emissions were modeled as an array of point sources to reflect construction equipment and trucks operating at the site. These sources included nine-foot release heights (construction equipment exhaust stack height) that were placed at 16 feet (5 meter) intervals throughout the construction site. This resulted in 24 individual point sources being used to represent mobile equipment DPM exhaust emissions in the construction area. The total DPM emissions were divided into each of the point sources that were spread throughout the project construction site. In addition, the following stack parameters were used: a vertical release, a stack diameter of 2.5 inches, an exhaust temperature of 918°F, and an exit velocity of 309 feet per second. Point source plume rise is calculated by the AERMOD dispersion model. Emissions from vehicle travel on- and off-site were also distributed among the point sources throughout the site. The array of point sources used for the modeling are shown in Figure 1.

For modeling fugitive PM_{2.5} emissions, an area source with a near-ground level release height of 7 feet (2 meters) was used. Fugitive dust emissions at construction sites come from a variety of sources, including truck and equipment travel, grading activities, truck loading (with loaders) and unloading (rear or bottom dumping), loaders and excavators moving and transferring soil and other materials, etc. All of these activities result in fugitive dust emissions at various heights at the point(s) of generation. Once generated, the dust plume will tend to rise as it moves downwind across the site and exit the site at a higher elevation than when it was generated. For all these reasons, a 7-foot release height was used as the average release height across the construction site. Emissions from the construction equipment and on-road vehicle travel were distributed throughout the modeled area sources.

AERMOD Inputs and Meteorological Data

Since there are a number of tall buildings adjacent to or in close proximity to the project construction site, the effects of building downwash on the construction equipment exhaust plumes were included in the modeling analysis. The locations of the buildings that were evaluated for potential downwash effects are identified in Figure 1.

The modeling used a five-year data set (2013 - 2017) of hourly meteorological data from the Oakland International Airport was used with the AERMOD model. Construction emissions were modeled as occurring Monday through Friday between 7:00 a.m. to 3:00 p.m., when the majority of construction is expected to occur according to the project applicant. Annual DPM and PM_{2.5} concentrations from construction activities during the 2025 - 2027 period were calculated at nearby

¹³ BAAQMD, *Appendix E of the 2022 BAAQMD CEQA Guidelines*, April 2023.

sensitive receptors using the model. Receptor heights of 5 feet (1.5 meters), 15 feet (4.5 meters), and 25 feet (7.6 meters) were used to represent the breathing height on the first through third floors of nearby residences and workers at the nearby businesses.¹⁴

Summary of Construction Health Risk Impacts

The maximum increased cancer risks were calculated using the modeled TAC concentrations combined with BAAQMD CEQA guidance for age sensitivity factors and exposure parameters. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. Third trimester, infant, child, and adult exposures were assumed to occur at all residences for the entire construction period.

Non-cancer health hazards and maximum PM_{2.5} concentrations were also calculated. The maximum modeled annual PM_{2.5} concentration was calculated based on combined exhaust and fugitive concentrations. The maximum computed HI value was based on the ratio of the maximum DPM concentration modeled and the chronic inhalation DPM reference exposure level of 5 µg/m³.

The modeled maximum annual DPM and PM_{2.5} concentrations were identified at nearby sensitive receptors (as shown in Figure 1) to find the maximally exposed individuals (MEI). Results of this assessment indicated that the construction MEIs were located at two different receptors. The With COAs cancer risk MEI was located at a receptor on the third floor (25 feet above the ground) of the adjacent multi-family residential building east of the project site. The With COAs annual PM_{2.5} concentration MEI was located at the same receptor location as the cancer risk MEI but on the first floor (5 feet above the ground). The location of the MEIs and nearby sensitive receptors are shown in Figure 1. Table 4 summarizes the maximum cancer risks, PM_{2.5} concentrations, and health hazard indexes for project related construction activities. *Attachment 2* to this report includes the emission calculations used for the construction modeling and the cancer risk calculations.

As shown in Table 4, with the incorporation of *Condition of Approval AQ-1* and *AQ-2* (as described above), the Project's cancer risk, annual PM_{2.5} concentration, and HI due to construction activities do not exceed their respective BAAQMD single-source significance thresholds.

Table 4. Construction Risk Impacts at the Off-Site MEIs

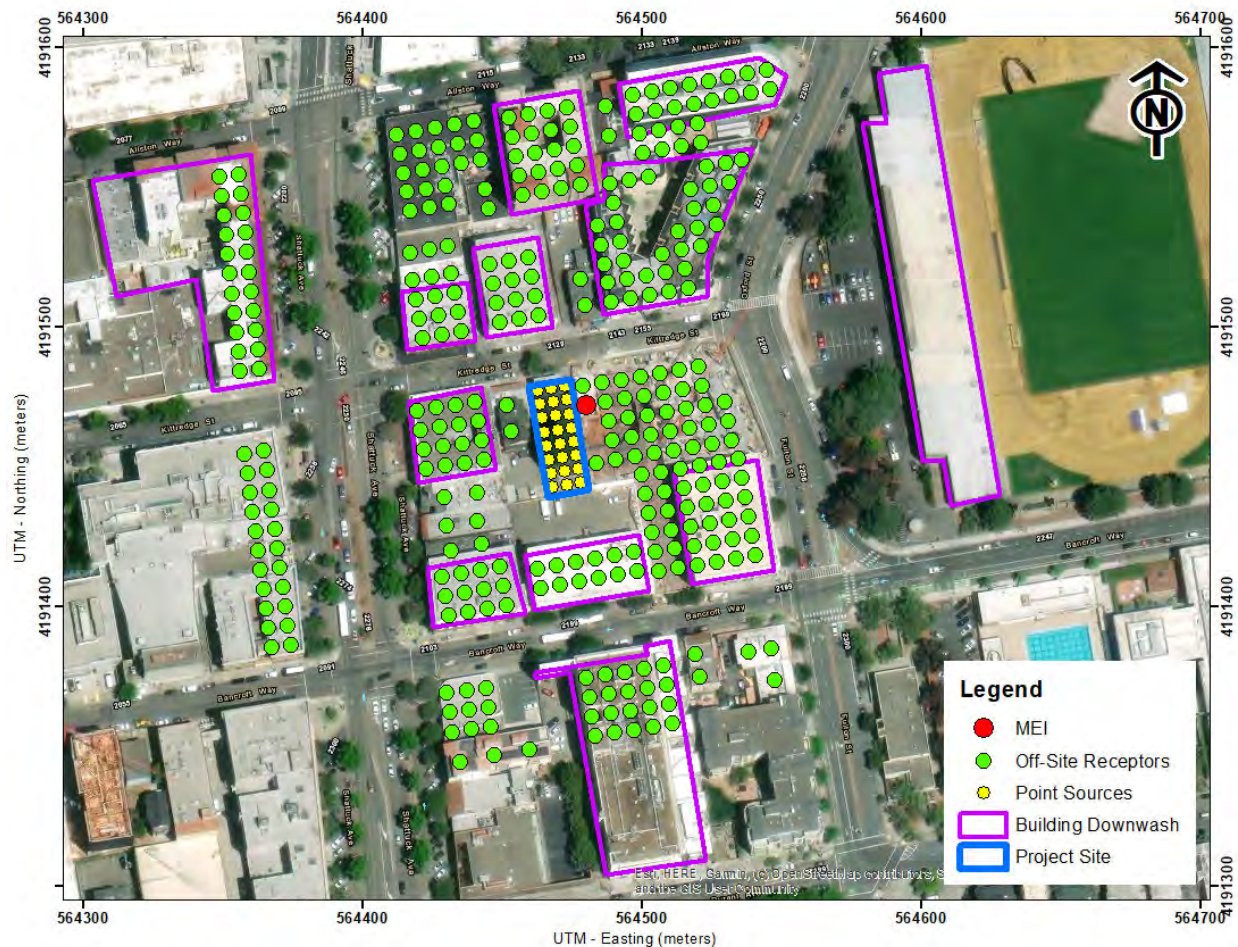
Source	Cancer Risk ¹ (per million)	Annual PM _{2.5} ¹ (µg/m ³)	Hazard Index
Project Construction With COAs ²	6.17 (infant)	0.04	<0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold? With COAs ²	<i>No</i>	<i>No</i>	<i>No</i>

Notes: ¹ The With COAs maximum cancer risk and PM_{2.5} concentrations occur at the same receptor location but on different levels.

² Construction equipment with Tier 4 final engines and basic BMPs as COAs.

¹⁴ BAAQMD, *Appendix E of the 2022 BAAQMD CEQA Guidelines*, April 2023.

Figure 1. Location of Project Construction Site, Point Sources, Buildings Evaluated for Downwash Effects, Off-Site Sensitive Receptors, and Maximum TAC Impact (MEIs)

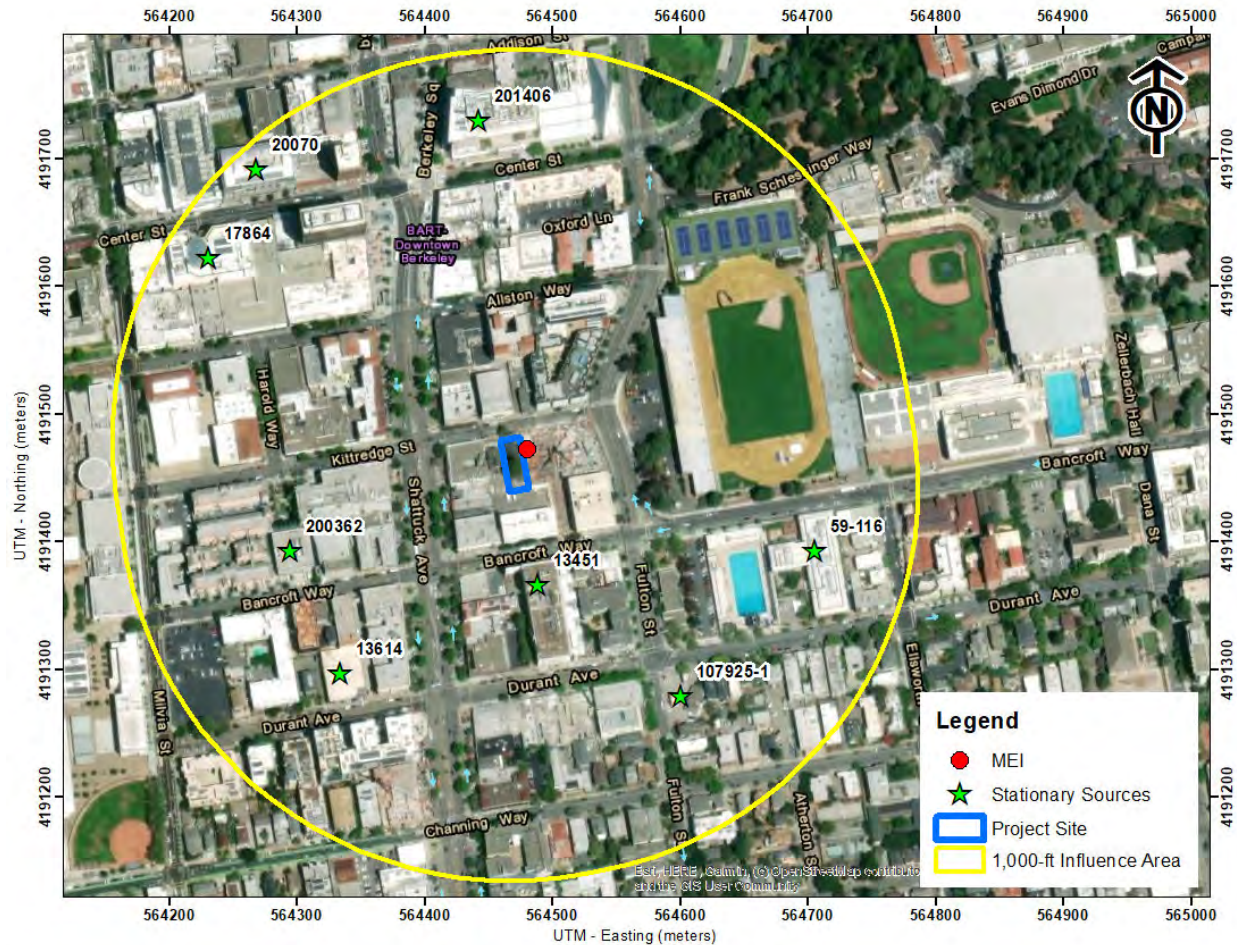


Cumulative Health Risk Impacts

Cumulative health risk assessments look at all substantial sources of TACs located within 1,000 feet of a project site (i.e., influence area) that can affect sensitive receptors. These sources include rail lines, highways, busy surface streets, and stationary sources identified by BAAQMD.

A review of the project area using BAAQMD's geographic information systems (GIS) screening maps identified the existing health risks from nearby roadway and stationary sources at the MEIs. Local roadways and eight stationary sources within the 1,000-foot influence area could have cumulative health risk impacts at the MEIs. Figure 2 shows the locations of the sources affecting the MEIs within the influence area. Health risk impacts from these sources upon the MEIs are reported in Table 5. Details of the cumulative screening and health risk calculations are included in *Attachment 3*.

Figure 2. Project Site and Nearby TAC and PM_{2.5} Sources



Nearby Local Roadways

The project site is located near multiple intersecting streets. Cancer risk, PM_{2.5} concentrations, and HI associated with traffic on the nearby roadways were estimated using BAAQMD screening values provided via GIS data files (i.e., raster files).¹⁵ BAAQMD raster files provide screening-level cancer risk, PM_{2.5} concentrations, and HI for roadways within the Bay Area and were produced using AERMOD and 20x20-meter emissions grid. The raster file uses EMFAC2021 data for vehicle emissions and fleet mix for roadways and includes Appendix E of the Air District's CEQA Air Quality Guidance for risk assessment assumptions. These estimates represent conservative risks reflective of 2022 conditions and are meant to provide a conservative estimate of future conditions, which do not reflect the increased proportion of zero emission motor vehicles that will result in lower future emissions.¹⁶ These screening values are considered higher than values that would be obtained with refined modeling methods. These raster data are based on region-wide emissions rather than just those that occur within 1,000 feet of the project. More information regarding the assumptions used to develop the screening layers can be found in

¹⁵ BAAQMD, *Health Risk Screening and Modeling*, 2022. Web: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/ceqa-tools/health-risk-screening-and-modeling>

¹⁶ BAAQMD, 2022. BAAQMD CEQA Air Quality Guidelines Appendix E, Section 9. April 2023

Sections 6 and 7 in Appendix E of BAAQMD's 2022 CEQA guidance.¹⁷ Screening-level cancer risk, PM_{2.5} concentration, and HI for the cumulative roadway impacts at the construction MEIs are listed in Table 5.

BAAQMD Permitted Stationary Sources

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Permitted Stationary Sources 2022 GIS website*,¹⁸ which identifies the location of nearby stationary sources and their estimated risk and hazard impacts, including emissions and adjustments to account for OEHHA guidance. Eight sources were identified using this tool, one gas dispensing facility (GDF), one generic source, and six emergency diesel generators. A stationary source information request was submitted to BAAQMD in order to estimate health risk impacts from the GDF.¹⁹

The screening risk and hazard levels provided by BAAQMD for the stationary sources were adjusted for distance using BAAQMD's *Distance Adjustment Multiplier Tool for Diesel Internal Combustion Engines and Generic Source*, and CARBS's *Gasoline Station Risk Screening Tool*. BAAQMD provided the gasoline throughput for the gas dispensing facility near the project site. The provided throughput along with the distance between the MEIs and the gas dispensing facility, and the region for the gas station was input into the CARB tool to calculate the cancer risk and hazard index. Health risk impacts from the stationary sources upon the MEIs are reported in Table 5.

Summary of Cumulative Health Risk Impact at Construction MEIs

Table 5 reports both the project and cumulative health risk impacts at the sensitive receptors most affected by construction (i.e., the MEIs). As shown in Table 5, with the incorporation of *Condition of Approval AQ-1* and *AQ-2*, the cancer risk, annual PM_{2.5} concentration, and HI do not exceed their respective BAAQMD single- or cumulative-source significance thresholds.

Effectiveness of Condition of Approval AQ-1 and AQ-2

CalEEMod was used to compute emissions associated with these COAs assuming that all construction equipment met U.S. EPA Tier 4 final engine standards and BAAQMD basic BMPs for construction were included. With the inclusion of the COAs, the Project would have less-than-significant Project and cumulative health risk impacts.

¹⁷ BAAQMD, 2022. BAAQMD CEQA Air Quality Guidelines Appendix E, Sections 6 and 7, April 2023.

¹⁸ BAAQMD,

<https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3>

¹⁹ Email from BAAQMD, December 11, 2024. Subject: "RE Follow-up on Public Records Request 2024-11-0143 CRM0249172".

Table 5. Impacts from Combined Sources at Project MEIs

Source	Cancer Risk (per million)	Annual PM _{2.5} (µg/m ³)	Hazard Index
Project Impacts			
Project Construction With COAs	6.17 (infant)	0.04	<0.01
BAAQMD Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold? With COAs	No	No	No
Cumulative Impacts			
Cumulative Roadways – BAAQMD Screening GIS Data	26.51	0.38	0.07
Pacific Bell (Facility ID #13451, Generator), MEIs at 285 feet.	2.56	<0.01	-
Hustead's Collision Center (Facility ID #13614, Automotive Body Shop), MEIs at 650 feet.	-	-	-
BERKELEY CENTRAL (Facility ID #20070, Generator), MEIs at 900 feet.	0.05	-	-
Peralta Community College District (Facility ID #17864, Generator), MEIs at 840 feet.	1.19	<0.01	<0.01
Residence Inn Berkeley (Facility ID #201406, Generator), MEIs at 750 feet.	1.92	<0.01	<0.01
City of Berkeley Public Library (Facility ID #200362, Generator), MEIs at 600 feet.	0.05	-	-
Campus Mini-Mart (Facility ID #107925-1, Gas Dispensing Facility), MEIs at 700 feet.	0.47	-	0.05
University of California Berkeley (Facility ID #59-116, Generator), MEIs at 630 feet.	0.49	<0.01	-
Cumulative Total With COAs	39.41	<0.46	<0.15
BAAQMD Cumulative Source Threshold	>100	>0.8	>10.0
Exceed Threshold? With COAs	No	No	No

Impact AIR-4: Create objectionable odors affecting a substantial number of people?

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. However, they would be localized and are not likely to adversely affect people off-site by resulting in confirmed odor complaints. The project would not include any sources of significant odors that would cause complaints from surrounding uses. This is a less-than-significant impact.

Supporting Documentation

Attachment 1 includes the CalEEMod outputs for project construction emissions. Also included are any modeling assumptions.

Attachment 2 includes the health risk assessment. This includes the summary of the dispersion modeling and the cancer risk calculations for construction. The AERMOD dispersion modeling files for this assessment, which are quite voluminous, are available upon request and would be provided in digital format.

Attachment 3 includes the cumulative health risk screening and calculations from sources affecting the construction MEIs.

Attachment 1: CalEEMod Input Assumptions and Outputs

Construction Criteria Air Pollutants							
With COAs	ROG	NOX	PM10 Exhaust	PM2.5 Exhaust	M2.5 Fugitiv	CO2e	
Year	Tons					MT	
Construction Equipment							
2025	0.02	0.12	0.001	0.001	0.01	77	
2026	0.02	0.17	0.001	0.001	0.01	103	
2027	0.31	0.06	0.0004	0.0004	0.004	32	
	Total Construction Emissions						
Tons	0.35	0.35	0.00	0.00		212	
Pounds/Workdays	Average Daily Emissions					Workdays	
2025	0.18	1.41	0.01	0.01			175
2026	0.18	1.32	0.01	0.01			261
2027	9.67	1.73	0.01	0.01			64
Threshold - lbs/day	54.0	54.0	82.0	54.0			
	Total Construction Emissions						
Pounds	697.62	700.71	5.20	5.15		0.00	
Average	1.40	1.40	0.01	0.01		0.00	500.00
Threshold - lbs/day	54.0	54.0	82.0	54.0			

Number of Days Per Year

2025	5/1/2025	12/31/25	245	175
2026	1/1/26	12/31/26	365	261
2027	1/1/27	3/31/2027	90	64
			700	500 Total Workdays

Phase	Start Date	End Date	Days/Week	Workdays
Demolition	5/1/2025	5/31/2025	5	22
Site Preparation	6/1/2025	6/30/2025	5	21
Grading	7/1/2025	7/31/2025	5	23
Superstructure	2/1/2026	3/31/2027	5	303
Substructure	8/1/2025	1/31/2026	5	131
Paving	2/15/2027	3/1/2027	5	11
Architectural Coating	3/1/2027	3/31/2027	5	23

Air Quality/Noise Construction Information Data Request									
Project Name: 2138 Kittredge Street, Berkeley DEFAULTS					Complete ALL Portions in Yellow				
See Equipment Type TAB for type, horsepower and load factor									
Project Size 66 Dwelling Units0.15 total project acres disturbed 42,951 s.f. residential 0 s.f. retail 900 s.f. office/commercial s.f. other, specify: 0 s.f. parking garage spaces 0 s.f. parking lot spaces Construction Days (i.e, M-F) Monday to Friday Construction Hours 7 am to 3 pm					Pile Driving? Y/N? NO Project include on-site GENERATOR OR FIRE PUMP during project (not construction)? Y/N? NO IF YES (if BOTH separate values) --> Kilowatts/Horsepower: Fuel Type: Location in project (Plans Desired if Available):				
DO NOT MULTIPLY EQUIPMENT HOURS/DAY BY THE QUANTITY OF EQUIPMENT									
Quantity	Description	HP	Load Factor	Hours/day	Total Work Days	Avg. Hours per day	HP Annual Hours	Comments	
Demolition									
Start Date:		5/1/2025		Total phase:		22		Overall Import/Export Volumes	
End Date:		5/31/2025						Demolition Volume	
Concrete/Industrial Saws		33	0.73	0	0	0	0	Square footage of buildings to be demolished (or total tons to be hauled)	
2	Excavators	36	0.38	8	22	8	4815	6,750 square feet or	
1	Rubber-Tired Dozers	367	0.4	8	5	1.8	5872	7 Hauling volume (tons)	
2	Tractors/Loaders/Backhoes	84	0.37	8	22	8	10940	Any pavement demolished and hauled? 2 tons	
1	Air Compressors	37	0.48	6	22	6	2344		
Site Preparation									
Start Date:		6/1/2025		Total phase:		21			
End Date:		6/30/2025							
2	Excavators	36	0.38	8	21	8	4596		
2	Tractors/Loaders/Backhoes	84	0.37	8	21	8	10443		
1	Air Compressors	37	0.48	6	21	6	2238		
Other Equipment?									
Grading / Excavation									
Start Date:		7/1/2025		Total phase:		23		Soil Hauling Volume	
End Date:		7/31/2025						Export volume = Est. 500 cubic yards?	
2	Excavators	36	0.38	8	18	6.3	3940	Import volume =Est. 500 cubic yards?	
2	Tractors/Loaders/Backhoes	84	0.37	8	18	6.3	8951		
1	Air Compressors	37	0.48	6	5	1.3	533		
Concrete/Industrial Saws		33	0.73			0	0		
Other Equipment?									
Substructure									
Start Date:		8/1/2025		Total phase:		131			
End Date:		1/31/2026							
1	Tractor/Loader/Backhoe	84	0.37	8	45	2.7	11189		
1	Graders	148	0.41	8	10	0.6	4854		
1	Pumps	11	0.74	8	15	0.9	977		
Building - Exterior (Superstructure)									
Start Date:		2/1/2026		Total phase:		303		Cement Trucks? Est. 25 Total Round-Trips	
End Date:		3/31/2027						Electric? (Y/N) N Otherwise assumed diesel	
1	Cranes	367	0.29	6	30	0.6	19157	Liquid Propane (LPG)? (Y/N) N Otherwise Assumed diesel	
1	Forklifts	82	0.2	6	30	0.6	2952	Or temporary line power? (Y/N) Y	
1	Generator Sets	14	0.74	0	0	0.0	0		
1	Aerial Lift (Man Hoist?)	46	0.31	6	180	3.6	15401		
1	Welders	46	0.45	8	20	0.5	3312		
1	Concrete/Industrial Saws	33	0.73	8	80	2.1	15418		
Building - Interior/Architectural Coating									
Start Date:		3/1/2027		Total phase:		23			
End Date:		3/31/2027							
1	Air Compressors	37	0.48	6	23	6	2451		
0	Aerial Lift	46	0.31	0	0	0	0		
Other Equipment?									
Paving									
Start Date:		2/15/2027		Total phase:		15		Asphalt? cubic yards or round trips?	
End Date:		3/1/2027							
1	Cement and Mortar Mixers	10	0.56	6	5	2	168		
1	Pavers	81	0.42	8	5	2.7	1361		
1	Paving Equipment	89	0.36	8	5	2.7	1282		
1	Rollers	36	0.38	8	5	2.7	547		
2	Tractors/Loaders/Backhoes	84	0.37	6	10	4	3730		
Other Equipment?									
Additional Phases									
Start Date:				Total phase:					
Start Date:									
						#DIV/0!		0	
						#DIV/0!		0	
						#DIV/0!		0	
						#DIV/0!		0	
						#DIV/0!		0	
Equipment types listed in "Equipment Types" worksheet tab.									
Equipment listed in this sheet is to provide an example of inputs									
It is assumed that water trucks would be used during grading									
Add or subtract phases and equipment, as appropriate									
Modify horsepower or load factor, as appropriate									

Complete one sheet for each project component

24-169 2138 Kittredge Street, Berkeley T4f 2027 Detailed Report

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1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	24-169 2138 Kittredge Street, Berkeley T4f 2027
Construction Start Date	5/1/2025
Operational Year	2027
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	44.2
Location	2138 Kittredge St, Berkeley, CA 94704, USA
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1529
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Mid Rise	66.0	Dwelling Unit	0.15	42,951	0.00	—	186	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Construction	C-1-A	Use Electric or Hybrid Powered Equipment
Construction	C-5	Use Advanced Engine Tiers
Construction	C-10-A	Water Exposed Surfaces
Construction	C-11	Limit Vehicle Speeds on Unpaved Roads

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Unmit.	0.81	7.12	0.26	0.51	0.77	0.24	0.11	0.33	1,706
Mit.	0.21	3.53	0.03	0.51	0.54	0.03	0.11	0.12	1,706
% Reduced	75%	50%	89%	—	30%	88%	—	63%	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Unmit.	27.0	4.95	0.13	0.73	0.86	0.12	0.17	0.29	1,833
Mit.	26.7	2.70	0.02	0.73	0.75	0.02	0.17	0.20	1,833
% Reduced	1%	45%	81%	—	13%	80%	—	33%	> -0.5%
Average Daily (Max)	—	—	—	—	—	—	—	—	—
Unmit.	1.72	1.25	0.04	0.31	0.33	0.04	0.07	0.10	622
Mit.	1.70	0.94	0.01	0.31	0.32	0.01	0.07	0.08	622
% Reduced	1%	25%	85%	—	5%	84%	—	16%	—
Annual (Max)	—	—	—	—	—	—	—	—	—

Unmit.	0.31	0.23	0.01	0.06	0.06	0.01	0.01	0.02	103
Mit.	0.31	0.17	< 0.005	0.06	0.06	< 0.005	0.01	0.01	103
% Reduced	1%	25%	85%	—	5%	84%	—	16%	> -0.5%

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—
2025	0.81	7.12	0.26	0.51	0.77	0.24	0.11	0.33	1,706
2026	0.27	1.77	0.03	0.45	0.48	0.03	0.11	0.14	912
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—
2025	0.23	1.06	0.03	0.44	0.48	0.03	0.11	0.14	734
2026	0.27	1.82	0.03	0.45	0.48	0.03	0.11	0.14	882
2027	27.0	4.95	0.13	0.73	0.86	0.12	0.17	0.29	1,833
Average Daily	—	—	—	—	—	—	—	—	—
2025	0.18	1.25	0.04	0.18	0.22	0.04	0.04	0.08	463
2026	0.19	1.23	0.02	0.31	0.33	0.02	0.07	0.10	622
2027	1.72	0.43	0.01	0.09	0.10	0.01	0.02	0.03	192
Annual	—	—	—	—	—	—	—	—	—
2025	0.03	0.23	0.01	0.03	0.04	0.01	0.01	0.01	76.7
2026	0.03	0.22	< 0.005	0.06	0.06	< 0.005	0.01	0.02	103
2027	0.31	0.08	< 0.005	0.02	0.02	< 0.005	< 0.005	0.01	31.8

2.3. Construction Emissions by Year, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

Daily - Summer (Max)	—	—	—	—	—	—	—	—	—
2025	0.21	3.53	0.03	0.51	0.54	0.03	0.11	0.12	1,706
2026	0.19	1.37	0.01	0.45	0.45	0.01	0.11	0.11	912
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—
2025	0.18	0.53	0.01	0.44	0.45	0.01	0.11	0.11	734
2026	0.18	1.42	0.01	0.45	0.45	0.01	0.11	0.11	882
2027	26.7	2.70	0.02	0.73	0.75	0.02	0.17	0.20	1,833
Average Daily	—	—	—	—	—	—	—	—	—
2025	0.09	0.67	0.01	0.18	0.18	0.01	0.04	0.05	463
2026	0.13	0.94	0.01	0.31	0.32	0.01	0.07	0.08	622
2027	1.70	0.30	< 0.005	0.09	0.09	< 0.005	0.02	0.02	192
Annual	—	—	—	—	—	—	—	—	—
2025	0.02	0.12	< 0.005	0.03	0.03	< 0.005	0.01	0.01	76.7
2026	0.02	0.17	< 0.005	0.06	0.06	< 0.005	0.01	0.01	103
2027	0.31	0.06	< 0.005	0.02	0.02	< 0.005	< 0.005	< 0.005	31.8

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Unmit.	2.46	0.79	0.02	1.18	1.21	0.02	0.30	0.32	1,767
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Unmit.	2.08	0.86	0.02	1.18	1.20	0.02	0.30	0.32	1,683
Average Daily (Max)	—	—	—	—	—	—	—	—	—
Unmit.	2.19	0.80	0.02	1.09	1.11	0.02	0.28	0.30	1,630

Annual (Max)	—	—	—	—	—	—	—	—	—
Unmit.	0.40	0.15	< 0.005	0.20	0.20	< 0.005	0.05	0.05	270

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Mobile	1.04	0.61	0.01	1.18	1.19	0.01	0.30	0.31	1,363
Area	1.41	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	10.0
Energy	0.01	0.15	0.01	—	0.01	0.01	—	0.01	287
Water	—	—	—	—	—	—	—	—	15.4
Waste	—	—	—	—	—	—	—	—	92.0
Refrig.	—	—	—	—	—	—	—	—	0.31
Total	2.46	0.79	0.02	1.18	1.21	0.02	0.30	0.32	1,767
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Mobile	0.99	0.71	0.01	1.18	1.19	0.01	0.30	0.31	1,288
Area	1.08	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Energy	0.01	0.15	0.01	—	0.01	0.01	—	0.01	287
Water	—	—	—	—	—	—	—	—	15.4
Waste	—	—	—	—	—	—	—	—	92.0
Refrig.	—	—	—	—	—	—	—	—	0.31
Total	2.08	0.86	0.02	1.18	1.20	0.02	0.30	0.32	1,683
Average Daily	—	—	—	—	—	—	—	—	—
Mobile	0.93	0.64	0.01	1.09	1.10	0.01	0.28	0.29	1,231
Area	1.25	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	4.95
Energy	0.01	0.15	0.01	—	0.01	0.01	—	0.01	287
Water	—	—	—	—	—	—	—	—	15.4

Waste	—	—	—	—	—	—	—	—	92.0
Refrig.	—	—	—	—	—	—	—	—	0.31
Total	2.19	0.80	0.02	1.09	1.11	0.02	0.28	0.30	1,630
Annual	—	—	—	—	—	—	—	—	—
Mobile	0.17	0.12	< 0.005	0.20	0.20	< 0.005	0.05	0.05	204
Area	0.23	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.82
Energy	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	47.5
Water	—	—	—	—	—	—	—	—	2.56
Waste	—	—	—	—	—	—	—	—	15.2
Refrig.	—	—	—	—	—	—	—	—	0.05
Total	0.40	0.15	< 0.005	0.20	0.20	< 0.005	0.05	0.05	270

2.6. Operations Emissions by Sector, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Mobile	1.04	0.61	0.01	1.18	1.19	0.01	0.30	0.31	1,363
Area	1.41	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	10.0
Energy	0.01	0.15	0.01	—	0.01	0.01	—	0.01	287
Water	—	—	—	—	—	—	—	—	15.4
Waste	—	—	—	—	—	—	—	—	92.0
Refrig.	—	—	—	—	—	—	—	—	0.31
Total	2.46	0.79	0.02	1.18	1.21	0.02	0.30	0.32	1,767
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Mobile	0.99	0.71	0.01	1.18	1.19	0.01	0.30	0.31	1,288
Area	1.08	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Energy	0.01	0.15	0.01	—	0.01	0.01	—	0.01	287

Water	—	—	—	—	—	—	—	—	15.4
Waste	—	—	—	—	—	—	—	—	92.0
Refrig.	—	—	—	—	—	—	—	—	0.31
Total	2.08	0.86	0.02	1.18	1.20	0.02	0.30	0.32	1,683
Average Daily	—	—	—	—	—	—	—	—	—
Mobile	0.93	0.64	0.01	1.09	1.10	0.01	0.28	0.29	1,231
Area	1.25	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	4.95
Energy	0.01	0.15	0.01	—	0.01	0.01	—	0.01	287
Water	—	—	—	—	—	—	—	—	15.4
Waste	—	—	—	—	—	—	—	—	92.0
Refrig.	—	—	—	—	—	—	—	—	0.31
Total	2.19	0.80	0.02	1.09	1.11	0.02	0.28	0.30	1,630
Annual	—	—	—	—	—	—	—	—	—
Mobile	0.17	0.12	< 0.005	0.20	0.20	< 0.005	0.05	0.05	204
Area	0.23	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.82
Energy	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	47.5
Water	—	—	—	—	—	—	—	—	2.56
Waste	—	—	—	—	—	—	—	—	15.2
Refrig.	—	—	—	—	—	—	—	—	0.05
Total	0.40	0.15	< 0.005	0.20	0.20	< 0.005	0.05	0.05	270

3. Construction Emissions Details

3.1. Demolition (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—

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Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.75	6.79	0.25	—	0.25	0.23	—	0.23	1,312
Demolition	—	—	—	0.32	0.32	—	0.05	0.05	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.05	0.41	0.02	—	0.02	0.01	—	0.01	79.1
Demolition	—	—	—	0.02	0.02	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.07	< 0.005	—	< 0.005	< 0.005	—	< 0.005	13.1
Demolition	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.03	0.00	0.12	0.12	0.00	0.03	0.03	132
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.01	0.30	< 0.005	0.07	0.07	< 0.005	0.02	0.02	261
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	7.42
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.02	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	15.7
Annual	—	—	—	—	—	—	—	—	—

Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.23
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	2.61

3.2. Demolition (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15	2.41	0.02	—	0.02	0.02	—	0.02	1,312
Demolition	—	—	—	0.32	0.32	—	0.05	0.05	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.15	< 0.005	—	< 0.005	< 0.005	—	< 0.005	79.1
Demolition	—	—	—	0.02	0.02	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	13.1
Demolition	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.03	0.00	0.12	0.12	0.00	0.03	0.03	132

Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.01	0.30	< 0.005	0.07	0.07	< 0.005	0.02	0.02	261
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	7.42
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.02	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	15.7
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.23
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	2.61

3.3. Site Preparation (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.54	4.75	0.16	—	0.16	0.15	—	0.15	1,001
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.27	0.01	—	0.01	0.01	—	0.01	57.6

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Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.05	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.54
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.03	0.00	0.10	0.10	0.00	0.02	0.02	110
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	5.90
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.98
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.4. Site Preparation (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

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Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	2.26	0.02	—	0.02	0.02	—	0.02	1,001
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.13	< 0.005	—	< 0.005	< 0.005	—	< 0.005	57.6
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.54
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.03	0.00	0.10	0.10	0.00	0.02	0.02	110
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	5.90
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.98
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Grading (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.35	3.24	0.11	—	0.11	0.10	—	0.10	712
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.20	0.01	—	0.01	0.01	—	0.01	44.9
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—

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Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.43
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.03	0.00	0.10	0.10	0.00	0.02	0.02	110
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.01	0.46	0.01	0.10	0.11	0.01	0.03	0.03	401
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	6.47
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.03	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	25.2
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.07
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.18

3.6. Grading (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11	3.04	0.01	—	0.01	0.01	—	0.01	712

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Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.19	< 0.005	—	< 0.005	< 0.005	—	< 0.005	44.9
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.43
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.03	0.00	0.10	0.10	0.00	0.02	0.02	110
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.01	0.46	0.01	0.10	0.11	0.01	0.03	0.03	401
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	6.47
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.03	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	25.2

Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.07
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.18

3.7. Superstructure (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	1.43	0.03	—	0.03	0.03	—	0.03	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	1.43	0.03	—	0.03	0.03	—	0.03	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.08	0.94	0.02	—	0.02	0.02	—	0.02	194
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.17	< 0.005	—	< 0.005	< 0.005	—	< 0.005	32.1
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.10	0.00	0.39	0.39	0.00	0.09	0.09	410

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Vendor	0.01	0.22	< 0.005	0.05	0.05	< 0.005	0.01	0.02	194
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	12.3
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.13	0.00	0.39	0.39	0.00	0.09	0.09	380
Vendor	0.01	0.23	< 0.005	0.05	0.05	< 0.005	0.01	0.02	193
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	12.3
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.09	0.08	0.00	0.25	0.25	0.00	0.06	0.06	250
Vendor	< 0.005	0.15	< 0.005	0.03	0.03	< 0.005	0.01	0.01	126
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	8.03
Annual	—	—	—	—	—	—	—	—	—
Worker	0.02	0.01	0.00	0.05	0.05	0.00	0.01	0.01	41.4
Vendor	< 0.005	0.03	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	20.9
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.33

3.8. Superstructure (2026) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	1.03	0.01	—	0.01	0.01	—	0.01	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	1.03	0.01	—	0.01	0.01	—	0.01	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

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Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.68	< 0.005	—	< 0.005	< 0.005	—	< 0.005	194
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.12	< 0.005	—	< 0.005	< 0.005	—	< 0.005	32.1
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.10	0.00	0.39	0.39	0.00	0.09	0.09	410
Vendor	0.01	0.22	< 0.005	0.05	0.05	< 0.005	0.01	0.02	194
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	12.3
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.13	0.00	0.39	0.39	0.00	0.09	0.09	380
Vendor	0.01	0.23	< 0.005	0.05	0.05	< 0.005	0.01	0.02	193
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	12.3
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.09	0.08	0.00	0.25	0.25	0.00	0.06	0.06	250
Vendor	< 0.005	0.15	< 0.005	0.03	0.03	< 0.005	0.01	0.01	126
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	8.03
Annual	—	—	—	—	—	—	—	—	—
Worker	0.02	0.01	0.00	0.05	0.05	0.00	0.01	0.01	41.4
Vendor	< 0.005	0.03	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	20.9
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.33

3.9. Superstructure (2027) - Unmitigated

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Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	1.40	0.03	—	0.03	0.02	—	0.02	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.25	< 0.005	—	< 0.005	< 0.005	—	< 0.005	52.2
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.05	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.65
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.13	0.12	0.00	0.39	0.39	0.00	0.09	0.09	373
Vendor	0.01	0.22	< 0.005	0.05	0.05	< 0.005	0.01	0.02	190
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	12.0
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.02	0.02	0.00	0.07	0.07	0.00	0.02	0.02	66.1
Vendor	< 0.005	0.04	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	33.4
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	2.12
Annual	—	—	—	—	—	—	—	—	—

Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	10.9
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	5.53
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.35

3.10. Superstructure (2027) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	1.03	0.01	—	0.01	0.01	—	0.01	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.18	< 0.005	—	< 0.005	< 0.005	—	< 0.005	52.2
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.65
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.13	0.12	0.00	0.39	0.39	0.00	0.09	0.09	373
Vendor	0.01	0.22	< 0.005	0.05	0.05	< 0.005	0.01	0.02	190
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	12.0

Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.02	0.02	0.00	0.07	0.07	0.00	0.02	0.02	66.1
Vendor	< 0.005	0.04	< 0.005	0.01	0.01	< 0.005	< 0.005	< 0.005	33.4
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	2.12
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	10.9
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	5.53
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.35

3.11. Substructure (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.67	0.03	—	0.03	0.03	—	0.03	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.67	0.03	—	0.03	0.03	—	0.03	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.20	0.01	—	0.01	0.01	—	0.01	45.0
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.45

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Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.16	0.10	0.00	0.39	0.39	0.00	0.09	0.09	418
Vendor	0.01	0.23	< 0.005	0.05	0.05	< 0.005	0.01	0.02	197
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.16	0.15	0.00	0.39	0.39	0.00	0.09	0.09	387
Vendor	0.01	0.24	< 0.005	0.05	0.05	< 0.005	0.01	0.02	196
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.05	0.04	0.00	0.11	0.11	0.00	0.03	0.03	117
Vendor	< 0.005	0.07	< 0.005	0.01	0.02	< 0.005	< 0.005	< 0.005	58.8
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	0.02	0.02	0.00	< 0.005	< 0.005	19.3
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	9.74
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.12. Substructure (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.14	0.01	—	0.01	0.01	—	0.01	150

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Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.14	0.01	—	0.01	0.01	—	0.01	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	45.0
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.45
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.16	0.10	0.00	0.39	0.39	0.00	0.09	0.09	418
Vendor	0.01	0.23	< 0.005	0.05	0.05	< 0.005	0.01	0.02	197
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.16	0.15	0.00	0.39	0.39	0.00	0.09	0.09	387
Vendor	0.01	0.24	< 0.005	0.05	0.05	< 0.005	0.01	0.02	196
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.05	0.04	0.00	0.11	0.11	0.00	0.03	0.03	117
Vendor	< 0.005	0.07	< 0.005	0.01	0.02	< 0.005	< 0.005	< 0.005	58.8
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	0.02	0.02	0.00	< 0.005	< 0.005	19.3

Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	9.74
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.13. Substructure (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.62	0.03	—	0.03	0.02	—	0.02	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.12
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.51
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.13	0.00	0.39	0.39	0.00	0.09	0.09	380
Vendor	0.01	0.23	< 0.005	0.05	0.05	< 0.005	0.01	0.02	193
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—

Worker	0.01	0.01	0.00	0.02	0.02	0.00	0.01	0.01	23.2
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	11.7
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	3.84
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.94
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.14. Substructure (2026) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.14	0.01	—	0.01	0.01	—	0.01	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.12
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.51
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.13	0.00	0.39	0.39	0.00	0.09	0.09	380
Vendor	0.01	0.23	< 0.005	0.05	0.05	< 0.005	0.01	0.02	193
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.01	0.01	0.00	0.02	0.02	0.00	0.01	0.01	23.2
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	11.7
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	3.84
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.94
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.15. Paving (2027) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.24	2.27	0.08	—	0.08	0.08	—	0.08	561
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.07	< 0.005	—	< 0.005	< 0.005	—	< 0.005	16.9
Paving	0.00	—	—	—	—	—	—	—	—

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Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.80
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.00	0.12	0.12	0.00	0.03	0.03	118
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	3.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.59
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.16. Paving (2027) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—

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Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.57	0.01	—	0.01	0.01	—	0.01	561
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	16.9
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.80
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.04	0.00	0.12	0.12	0.00	0.03	0.03	118
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	3.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.59
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.17. Architectural Coating (2027) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11	0.83	0.02	—	0.02	0.02	—	0.02	134
Architectural Coatings	26.3	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.05	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.44
Architectural Coatings	1.66	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.40
Architectural Coatings	0.30	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Worker	0.05	0.05	0.00	0.16	0.16	0.00	0.04	0.04	149
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	9.46
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.18. Architectural Coating (2027) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.65	< 0.005	—	< 0.005	< 0.005	—	< 0.005	134
Architectural Coatings	26.3	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.44
Architectural Coatings	1.66	—	—	—	—	—	—	—	—

Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.40
Architectural Coatings	0.30	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.05	0.00	0.16	0.16	0.00	0.04	0.04	149
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	0.01	0.01	0.00	< 0.005	< 0.005	9.46
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.57
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	1.04	0.61	0.01	1.18	1.19	0.01	0.30	0.31	1,363
Total	1.04	0.61	0.01	1.18	1.19	0.01	0.30	0.31	1,363
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.99	0.71	0.01	1.18	1.19	0.01	0.30	0.31	1,288
Total	0.99	0.71	0.01	1.18	1.19	0.01	0.30	0.31	1,288
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.17	0.12	< 0.005	0.20	0.20	< 0.005	0.05	0.05	204
Total	0.17	0.12	< 0.005	0.20	0.20	< 0.005	0.05	0.05	204

4.1.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	1.04	0.61	0.01	1.18	1.19	0.01	0.30	0.31	1,363
Total	1.04	0.61	0.01	1.18	1.19	0.01	0.30	0.31	1,363
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.99	0.71	0.01	1.18	1.19	0.01	0.30	0.31	1,288
Total	0.99	0.71	0.01	1.18	1.19	0.01	0.30	0.31	1,288
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.17	0.12	< 0.005	0.20	0.20	< 0.005	0.05	0.05	204

Total	0.17	0.12	< 0.005	0.20	0.20	< 0.005	0.05	0.05	204

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	99.9
Total	—	—	—	—	—	—	—	—	99.9
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	99.9
Total	—	—	—	—	—	—	—	—	99.9
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	16.5
Total	—	—	—	—	—	—	—	—	16.5

4.2.2. Electricity Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	99.9
Total	—	—	—	—	—	—	—	—	99.9

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	99.9
Total	—	—	—	—	—	—	—	—	99.9
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	16.5
Total	—	—	—	—	—	—	—	—	16.5

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Total	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Total	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	30.9
Total	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	30.9

4.2.4. Natural Gas Emissions By Land Use - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Total	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Total	0.01	0.15	0.01	—	0.01	0.01	—	0.01	187
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	30.9
Total	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	30.9

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Consumer Products	0.92	—	—	—	—	—	—	—	—
Architectural Coatings	0.17	—	—	—	—	—	—	—	—
Landscape Equipment	0.33	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	10.0
Total	1.41	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	10.0
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Hearths	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Consumer Products	0.92	—	—	—	—	—	—	—	—
Architectural Coatings	0.17	—	—	—	—	—	—	—	—
Total	1.08	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Consumer Products	0.17	—	—	—	—	—	—	—	—
Architectural Coatings	0.03	—	—	—	—	—	—	—	—
Landscape Equipment	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.82
Total	0.23	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.82

4.3.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Consumer Products	0.92	—	—	—	—	—	—	—	—
Architectural Coatings	0.17	—	—	—	—	—	—	—	—
Landscape Equipment	0.33	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	10.0
Total	1.41	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	10.0
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00

Consumer Products	0.92	—	—	—	—	—	—	—	—
Architectural Coatings	0.17	—	—	—	—	—	—	—	—
Total	1.08	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Hearths	0.00	0.00	0.00	—	0.00	0.00	—	0.00	0.00
Consumer Products	0.17	—	—	—	—	—	—	—	—
Architectural Coatings	0.03	—	—	—	—	—	—	—	—
Landscape Equipment	0.03	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.82
Total	0.23	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	0.82

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	15.4
Total	—	—	—	—	—	—	—	—	15.4
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	15.4
Total	—	—	—	—	—	—	—	—	15.4
Annual	—	—	—	—	—	—	—	—	—

Apartments Mid Rise	—	—	—	—	—	—	—	—	2.56
Total	—	—	—	—	—	—	—	—	2.56

4.4.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	15.4
Total	—	—	—	—	—	—	—	—	15.4
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	15.4
Total	—	—	—	—	—	—	—	—	15.4
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	2.56
Total	—	—	—	—	—	—	—	—	2.56

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	92.0

Total	—	—	—	—	—	—	—	—	92.0
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	92.0
Total	—	—	—	—	—	—	—	—	92.0
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	15.2
Total	—	—	—	—	—	—	—	—	15.2

4.5.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	92.0
Total	—	—	—	—	—	—	—	—	92.0
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	92.0
Total	—	—	—	—	—	—	—	—	92.0
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	15.2
Total	—	—	—	—	—	—	—	—	15.2

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	0.31
Total	—	—	—	—	—	—	—	—	0.31
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	0.31
Total	—	—	—	—	—	—	—	—	0.31
Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	0.05
Total	—	—	—	—	—	—	—	—	0.05

4.6.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	0.31
Total	—	—	—	—	—	—	—	—	0.31
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	0.31
Total	—	—	—	—	—	—	—	—	0.31

Annual	—	—	—	—	—	—	—	—	—
Apartments Mid Rise	—	—	—	—	—	—	—	—	0.05
Total	—	—	—	—	—	—	—	—	0.05

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.7.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.8.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.9.2. Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—

Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	5/1/2025	5/31/2025	5.00	22.0	—
Site Preparation	Site Preparation	6/1/2025	6/30/2025	5.00	21.0	—
Grading	Grading	7/1/2025	7/31/2025	5.00	23.0	—
Superstructure	Building Construction	2/1/2026	3/31/2027	5.00	303	—
Substructure	Building Construction	8/1/2025	1/31/2026	5.00	131	—
Paving	Paving	2/15/2027	3/1/2027	5.00	11.0	—
Architectural Coating	Architectural Coating	3/1/2027	3/31/2027	5.00	23.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Tractors/Loaders/Back hoes	Diesel	Average	2.00	8.00	84.0	0.37
Demolition	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Demolition	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48
Demolition	Rubber Tired Dozers	Diesel	Average	1.00	1.80	367	0.40
Site Preparation	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Site Preparation	Tractors/Loaders/Back hoes	Diesel	Average	2.00	8.00	84.0	0.37
Site Preparation	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48
Grading	Excavators	Diesel	Average	2.00	6.30	36.0	0.38
Grading	Tractors/Loaders/Back hoes	Diesel	Average	2.00	6.30	84.0	0.37
Grading	Air Compressors	Diesel	Average	1.00	1.30	37.0	0.48
Superstructure	Cranes	Diesel	Average	1.00	0.60	367	0.29
Superstructure	Forklifts	Diesel	Average	1.00	0.60	82.0	0.20
Superstructure	Generator Sets	Electric	Average	1.00	0.10	14.0	0.74
Superstructure	Aerial Lifts	Diesel	Average	2.00	3.60	46.0	0.31
Superstructure	Welders	Diesel	Average	1.00	0.50	46.0	0.45
Superstructure	Concrete/Industrial Saws	Diesel	Average	1.00	2.10	33.0	0.73
Substructure	Tractors/Loaders/Back hoes	Diesel	Average	1.00	2.70	84.0	0.37
Substructure	Graders	Diesel	Average	1.00	0.60	148	0.41
Substructure	Pumps	Diesel	Average	1.00	0.90	11.0	0.74
Paving	Cement and Mortar Mixers	Diesel	Average	1.00	2.00	10.0	0.56

Paving	Pavers	Diesel	Average	1.00	2.70	81.0	0.42
Paving	Rollers	Diesel	Average	1.00	2.70	36.0	0.38
Paving	Tractors/Loaders/Back hoes	Diesel	Average	2.00	4.00	84.0	0.37
Paving	Paving Equipment	Diesel	Average	1.00	2.70	89.0	0.36
Architectural Coating	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48

5.2.2. Mitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	2.00	8.00	84.0	0.37
Demolition	Excavators	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38
Demolition	Air Compressors	Diesel	Tier 4 Final	1.00	6.00	37.0	0.48
Demolition	Rubber Tired Dozers	Diesel	Tier 4 Final	1.00	1.80	367	0.40
Site Preparation	Excavators	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38
Site Preparation	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	2.00	8.00	84.0	0.37
Site Preparation	Air Compressors	Diesel	Tier 4 Final	1.00	6.00	37.0	0.48
Grading	Excavators	Diesel	Tier 4 Final	2.00	6.30	36.0	0.38
Grading	Tractors/Loaders/Back hoes	Diesel	Tier 4 Interim	2.00	6.30	84.0	0.37
Grading	Air Compressors	Diesel	Tier 4 Final	1.00	1.30	37.0	0.48
Superstructure	Cranes	Diesel	Tier 4 Final	1.00	0.60	367	0.29
Superstructure	Forklifts	Diesel	Tier 4 Final	1.00	0.60	82.0	0.20
Superstructure	Generator Sets	Electric	Average	1.00	0.10	14.0	0.74
Superstructure	Aerial Lifts	Diesel	Tier 4 Final	2.00	3.60	46.0	0.31
Superstructure	Welders	Diesel	Tier 4 Final	1.00	0.50	46.0	0.45
Superstructure	Concrete/Industrial Saws	Diesel	Tier 4 Final	1.00	2.10	33.0	0.73

Substructure	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	1.00	2.70	84.0	0.37
Substructure	Graders	Diesel	Tier 4 Final	1.00	0.60	148	0.41
Substructure	Pumps	Diesel	Average	1.00	0.90	11.0	0.74
Paving	Cement and Mortar Mixers	Diesel	Average	1.00	2.00	10.0	0.56
Paving	Pavers	Diesel	Tier 4 Final	1.00	2.70	81.0	0.42
Paving	Rollers	Diesel	Tier 4 Final	1.00	2.70	36.0	0.38
Paving	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	2.00	4.00	84.0	0.37
Paving	Paving Equipment	Diesel	Tier 4 Final	1.00	2.70	89.0	0.36
Architectural Coating	Air Compressors	Diesel	Tier 4 Final	1.00	6.00	37.0	0.48

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—
Demolition	Worker	15.0	11.7	LDA,LDT1,LDT2
Demolition	Vendor	—	8.40	HHDT,MHDT
Demolition	Hauling	3.55	20.0	HHDT
Demolition	Onsite truck	—	—	HHDT
Site Preparation	—	—	—	—
Site Preparation	Worker	12.5	11.7	LDA,LDT1,LDT2
Site Preparation	Vendor	—	8.40	HHDT,MHDT
Site Preparation	Hauling	0.00	20.0	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	12.5	11.7	LDA,LDT1,LDT2

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Grading	Vendor	—	8.40	HHDT,MHDT
Grading	Hauling	5.43	20.0	HHDT
Grading	Onsite truck	—	—	HHDT
Superstructure	—	—	—	—
Superstructure	Worker	47.5	11.7	LDA,LDT1,LDT2
Superstructure	Vendor	7.06	8.40	HHDT,MHDT
Superstructure	Hauling	0.17	20.0	HHDT
Superstructure	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	19.0	11.7	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	8.40	HHDT,MHDT
Architectural Coating	Hauling	0.00	20.0	HHDT
Architectural Coating	Onsite truck	—	—	HHDT
Substructure	—	—	—	—
Substructure	Worker	47.5	11.7	LDA,LDT1,LDT2
Substructure	Vendor	7.06	8.40	HHDT,MHDT
Substructure	Hauling	0.00	20.0	HHDT
Substructure	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	15.0	11.7	LDA,LDT1,LDT2
Paving	Vendor	—	8.40	HHDT,MHDT
Paving	Hauling	0.00	20.0	HHDT
Paving	Onsite truck	—	—	HHDT

5.3.2. Mitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—
Demolition	Worker	15.0	11.7	LDA,LDT1,LDT2

Demolition	Vendor	—	8.40	HHDT,MHDT
Demolition	Hauling	3.55	20.0	HHDT
Demolition	Onsite truck	—	—	HHDT
Site Preparation	—	—	—	—
Site Preparation	Worker	12.5	11.7	LDA,LDT1,LDT2
Site Preparation	Vendor	—	8.40	HHDT,MHDT
Site Preparation	Hauling	0.00	20.0	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	12.5	11.7	LDA,LDT1,LDT2
Grading	Vendor	—	8.40	HHDT,MHDT
Grading	Hauling	5.43	20.0	HHDT
Grading	Onsite truck	—	—	HHDT
Superstructure	—	—	—	—
Superstructure	Worker	47.5	11.7	LDA,LDT1,LDT2
Superstructure	Vendor	7.06	8.40	HHDT,MHDT
Superstructure	Hauling	0.17	20.0	HHDT
Superstructure	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	19.0	11.7	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	8.40	HHDT,MHDT
Architectural Coating	Hauling	0.00	20.0	HHDT
Architectural Coating	Onsite truck	—	—	HHDT
Substructure	—	—	—	—
Substructure	Worker	47.5	11.7	LDA,LDT1,LDT2
Substructure	Vendor	7.06	8.40	HHDT,MHDT
Substructure	Hauling	0.00	20.0	HHDT
Substructure	Onsite truck	—	—	HHDT

Paving	—	—	—	—
Paving	Worker	15.0	11.7	LDA,LDT1,LDT2
Paving	Vendor	—	8.40	HHDT,MHDT
Paving	Hauling	0.00	20.0	HHDT
Paving	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	86,976	28,992	0.00	0.00	—

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (Building Square Footage)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	6,750	—
Site Preparation	—	—	0.00	0.00	—
Grading	500	500	0.00	0.00	—
Paving	0.00	0.00	0.00	0.00	—

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Apartments Mid Rise	—	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2026	0.77	204	0.03	< 0.005
2025	0.00	204	0.03	< 0.005
2027	0.77	204	0.03	< 0.005

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	359	324	270	124,580	1,677	1,514	1,261	582,017

5.9.2. Mitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Apartments Mid Rise	359	324	270	124,580	1,677	1,514	1,261	582,017

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)

Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.1.2. Mitigated

Hearth Type	Unmitigated (number)
Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	0
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	0
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
86975.775	28,992	0.00	0.00	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.10.4. Landscape Equipment - Mitigated

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	225,156	160	0.0330	0.0040	581,069

5.11.2. Mitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBTU/yr)
Apartments Mid Rise	225,156	160	0.0330	0.0040	581,069

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	2,343,716	0.00

5.12.2. Mitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Mid Rise	2,343,716	0.00

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	48.8	—

5.13.2. Mitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Mid Rise	48.8	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.14.2. Mitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced

Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.15.2. Mitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)

5.17. User Defined

Equipment Type	Fuel Type

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about $\frac{3}{4}$ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	40.2

AQ-DPM	61.6
Drinking Water	4.21
Lead Risk Housing	17.6
Pesticides	0.00
Toxic Releases	58.5
Traffic	12.3
Effect Indicators	—
CleanUp Sites	25.9
Groundwater	80.3
Haz Waste Facilities/Generators	95.9
Impaired Water Bodies	0.00
Solid Waste	0.00
Sensitive Population	—
Asthma	5.50
Cardio-vascular	29.6
Low Birth Weights	90.2
Socioeconomic Factor Indicators	—
Education	29.7
Housing	99.4
Linguistic	42.8
Poverty	91.5
Unemployment	33.6

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	12.61388426

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Employed	4.042089054
Median HI	2.335429231
Education	—
Bachelor's or higher	94.63621199
High school enrollment	100
Preschool enrollment	95.7141024
Transportation	—
Auto Access	0.346464776
Active commuting	99.67919928
Social	—
2-parent households	0.230976517
Voting	21.98126524
Neighborhood	—
Alcohol availability	21.44232003
Park access	81.35506224
Retail density	99.80751957
Supermarket access	94.25125112
Tree canopy	34.80046195
Housing	—
Homeownership	0.757089696
Housing habitability	30.50173232
Low-inc homeowner severe housing cost burden	99.12742205
Low-inc renter severe housing cost burden	17.1435904
Uncrowded housing	46.38778391
Health Outcomes	—
Insured adults	87.86090081
Arthritis	99.0
Asthma ER Admissions	93.2

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High Blood Pressure	99.1
Cancer (excluding skin)	98.9
Asthma	37.3
Coronary Heart Disease	98.5
Chronic Obstructive Pulmonary Disease	93.7
Diagnosed Diabetes	98.4
Life Expectancy at Birth	31.7
Cognitively Disabled	62.4
Physically Disabled	68.4
Heart Attack ER Admissions	90.9
Mental Health Not Good	47.3
Chronic Kidney Disease	99.0
Obesity	92.5
Pedestrian Injuries	90.9
Physical Health Not Good	89.8
Stroke	97.8
Health Risk Behaviors	—
Binge Drinking	35.4
Current Smoker	58.7
No Leisure Time for Physical Activity	70.6
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	97.0
Elderly	95.0
English Speaking	28.9
Foreign-born	67.8
Outdoor Workers	87.9

Climate Change Adaptive Capacity	—
Impervious Surface Cover	2.6
Traffic Density	52.1
Traffic Access	87.4
Other Indices	—
Hardship	47.8
Other Decision Support	—
2016 Voting	30.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	36.0
Healthy Places Index Score for Project Location (b)	31.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

b: The maximum Healthy Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification

Characteristics: Utility Information	PG&E 2020 rate is 160 lb/MWh. Berkeley default clean energy provider isn't shown on list so used PG&E.
Land Use	Total number of units and square footage from provided plans. Lot acreage converted from provided total lot square footage.
Construction: Construction Phases	Information based on information provided by applicant.
Construction: Off-Road Equipment	Information from provided info from applicant.
Construction: Trips and VMT	Building Construction = Est. 25 concrete truck round trips (0.17 trips/day).
Operations: Hearths	No hearths.
Operations: Water and Waste Water	Wastewater treatment 100% aerobic - no septic tanks or lagoons.

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8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	24-169 2138 Kittredge Street, Berkeley T4f HRA
Construction Start Date	5/1/2025
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	3.90
Precipitation (days)	44.2
Location	2138 Kittredge St, Berkeley, CA 94704, USA
County	Alameda
City	Berkeley
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1529
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Mid Rise	66.0	Dwelling Unit	0.15	42,951	0.00	—	186	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

Sector	#	Measure Title
Construction	C-5	Use Advanced Engine Tiers
Construction	C-10-A	Water Exposed Surfaces
Construction	C-11	Limit Vehicle Speeds on Unpaved Roads

2. Emissions Summary

2.1. Construction Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Unmit.	0.80	6.85	0.25	0.32	0.58	0.23	0.05	0.28	1,328
Mit.	0.19	3.13	0.02	0.32	0.35	0.02	0.05	0.07	1,328
% Reduced	76%	54%	91%	—	40%	90%	—	74%	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Unmit.	27.0	4.64	0.13	0.02	0.15	0.12	< 0.005	0.12	1,035
Mit.	26.6	2.39	0.02	0.02	0.04	0.02	< 0.005	0.03	1,035
% Reduced	1%	48%	83%	—	74%	82%	—	79%	—
Average Daily (Max)	—	—	—	—	—	—	—	—	—
Unmit.	1.72	1.13	0.04	0.02	0.06	0.04	< 0.005	0.04	238
Mit.	1.69	0.76	0.01	0.02	0.03	< 0.005	< 0.005	0.01	238
% Reduced	1%	32%	88%	—	56%	87%	—	79%	—
Annual (Max)	—	—	—	—	—	—	—	—	—
Unmit.	0.31	0.21	0.01	< 0.005	0.01	0.01	< 0.005	0.01	39.5

Mit.	0.31	0.14	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	39.5
% Reduced	1%	32%	88%	1%	56%	87%	1%	79%	—

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—
2025	0.80	6.85	0.25	0.32	0.58	0.23	0.05	0.28	1,328
2026	0.26	1.54	0.03	0.01	0.04	0.03	< 0.005	0.03	328
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—
2025	0.21	0.79	0.03	0.01	0.04	0.03	< 0.005	0.03	182
2026	0.25	1.55	0.03	0.01	0.04	0.03	< 0.005	0.03	328
2027	27.0	4.64	0.13	0.02	0.15	0.12	< 0.005	0.12	1,035
Average Daily	—	—	—	—	—	—	—	—	—
2025	0.17	1.13	0.04	0.02	0.06	0.04	< 0.005	0.04	238
2026	0.18	1.06	0.02	0.01	0.03	0.02	< 0.005	0.02	225
2027	1.72	0.39	0.01	< 0.005	0.01	0.01	< 0.005	0.01	83.6
Annual	—	—	—	—	—	—	—	—	—
2025	0.03	0.21	0.01	< 0.005	0.01	0.01	< 0.005	0.01	39.5
2026	0.03	0.19	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	37.3
2027	0.31	0.07	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.8

2.3. Construction Emissions by Year, Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—

2025	0.19	3.13	0.02	0.32	0.35	0.02	0.05	0.07	1,328
2026	0.17	1.14	0.01	0.01	0.02	0.01	< 0.005	0.01	328
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—
2025	0.16	0.26	0.01	0.01	0.02	0.01	< 0.005	0.01	182
2026	0.17	1.15	0.01	0.01	0.02	0.01	< 0.005	0.01	328
2027	26.6	2.39	0.02	0.02	0.04	0.02	< 0.005	0.03	1,035
Average Daily	—	—	—	—	—	—	—	—	—
2025	0.08	0.55	0.01	0.02	0.03	< 0.005	< 0.005	0.01	238
2026	0.12	0.76	< 0.005	0.01	0.01	< 0.005	< 0.005	0.01	225
2027	1.69	0.26	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	83.6
Annual	—	—	—	—	—	—	—	—	—
2025	0.01	0.10	< 0.005	< 0.005	0.01	< 0.005	< 0.005	< 0.005	39.5
2026	0.02	0.14	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	37.3
2027	0.31	0.05	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.8

3. Construction Emissions Details

3.1. Demolition (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.75	6.79	0.25	—	0.25	0.23	—	0.23	1,312
Demolition	—	—	—	0.32	0.32	—	0.05	0.05	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.05	0.41	0.02	—	0.02	0.01	—	0.01	79.1
Demolition	—	—	—	0.02	0.02	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.07	< 0.005	—	< 0.005	< 0.005	—	< 0.005	13.1
Demolition	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	5.70
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.05	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	9.56
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.34
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.58
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.06
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.10

3.2. Demolition (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.15	2.41	0.02	—	0.02	0.02	—	0.02	1,312
Demolition	—	—	—	0.32	0.32	—	0.05	0.05	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.15	< 0.005	—	< 0.005	< 0.005	—	< 0.005	79.1
Demolition	—	—	—	0.02	0.02	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	13.1
Demolition	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	5.70
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.05	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	9.56
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.34

Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.58
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.06
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.10

3.3. Site Preparation (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.54	4.75	0.16	—	0.16	0.15	—	0.15	1,001
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.27	0.01	—	0.01	0.01	—	0.01	57.6
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.05	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.54

Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.75
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.27
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.05
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.4. Site Preparation (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	2.26	0.02	—	0.02	0.02	—	0.02	1,001

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Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.13	< 0.005	—	< 0.005	< 0.005	—	< 0.005	57.6
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.54
Dust From Material Movement	—	—	—	0.00	0.00	—	0.00	0.00	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.75
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.27
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.05
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.5. Grading (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.35	3.24	0.11	—	0.11	0.10	—	0.10	712
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.20	0.01	—	0.01	0.01	—	0.01	44.9
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.43
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—

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Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.75
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	14.7
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.30
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.93
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.05
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.15

3.6. Grading (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11	3.04	0.01	—	0.01	0.01	—	0.01	712
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

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Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.19	< 0.005	—	< 0.005	< 0.005	—	< 0.005	44.9
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.43
Dust From Material Movement	—	—	—	< 0.005	< 0.005	—	< 0.005	< 0.005	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	4.75
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	14.7
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.30
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.93
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.05
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.15

3.7. Superstructure (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	1.43	0.03	—	0.03	0.03	—	0.03	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	1.43	0.03	—	0.03	0.03	—	0.03	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.08	0.94	0.02	—	0.02	0.02	—	0.02	194
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.17	< 0.005	—	< 0.005	< 0.005	—	< 0.005	32.1
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.13	0.03	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.7
Vendor	< 0.005	0.07	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.3
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.45
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.12	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.7

Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.5
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.46
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.08	0.02	0.00	0.01	0.01	0.00	< 0.005	< 0.005	11.3
Vendor	< 0.005	0.05	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	8.76
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.30
Annual	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.88
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.45
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.05

3.8. Superstructure (2026) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	1.03	0.01	—	0.01	0.01	—	0.01	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	1.03	0.01	—	0.01	0.01	—	0.01	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.03	0.68	< 0.005	—	< 0.005	< 0.005	—	< 0.005	194
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—

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Off-Road Equipment	< 0.005	0.12	< 0.005	—	< 0.005	< 0.005	—	< 0.005	32.1
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.13	0.03	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.7
Vendor	< 0.005	0.07	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.3
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.45
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.12	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.7
Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.5
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.46
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.08	0.02	0.00	0.01	0.01	0.00	< 0.005	< 0.005	11.3
Vendor	< 0.005	0.05	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	8.76
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.30
Annual	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.88
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	1.45
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.05

3.9. Superstructure (2027) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—

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Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.12	1.40	0.03	—	0.03	0.02	—	0.02	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.25	< 0.005	—	< 0.005	< 0.005	—	< 0.005	52.2
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.05	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.65
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.12	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.4
Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.3
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.45
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.02	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	3.00
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	2.32
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.08
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.50
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.38
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.01

3.10. Superstructure (2027) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.04	1.03	0.01	—	0.01	0.01	—	0.01	297
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.18	< 0.005	—	< 0.005	< 0.005	—	< 0.005	52.2
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.03	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.65
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.12	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.4
Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.3
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.45
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.02	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	3.00
Vendor	< 0.005	0.01	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	2.32

Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.08
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.50
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.38
Hauling	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.01

3.11. Substructure (2025) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.67	0.03	—	0.03	0.03	—	0.03	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.67	0.03	—	0.03	0.03	—	0.03	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.20	0.01	—	0.01	0.01	—	0.01	45.0
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.45
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—

Worker	0.14	0.03	0.00	0.01	0.01	0.00	< 0.005	< 0.005	18.1
Vendor	< 0.005	0.07	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.6
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.13	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	18.1
Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.7
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	5.39
Vendor	< 0.005	0.02	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.07
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.89
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.67
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.12. Substructure (2025) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.14	0.01	—	0.01	0.01	—	0.01	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.14	0.01	—	0.01	0.01	—	0.01	150

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Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	45.0
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	7.45
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Worker	0.14	0.03	0.00	0.01	0.01	0.00	< 0.005	< 0.005	18.1
Vendor	< 0.005	0.07	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.6
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.13	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	18.1
Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.7
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	5.39
Vendor	< 0.005	0.02	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	4.07
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.89
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.67
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.13. Substructure (2026) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.07	0.62	0.03	—	0.03	0.02	—	0.02	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.12
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.51
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.12	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.7
Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.5
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.05
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.81

Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.17
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.13
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.14. Substructure (2026) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.14	0.01	—	0.01	0.01	—	0.01	150
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	9.12
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.51
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.12	0.04	0.00	0.01	0.01	0.00	< 0.005	< 0.005	17.7

Vendor	< 0.005	0.08	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	13.5
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	0.01	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	1.05
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.81
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.17
Vendor	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.13
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.15. Paving (2027) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.24	2.27	0.08	—	0.08	0.08	—	0.08	561
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.07	< 0.005	—	< 0.005	< 0.005	—	< 0.005	16.9
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—

Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.80
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	5.50
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.16
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.03
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.16. Paving (2027) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

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Off-Road Equipment	0.07	0.57	0.01	—	0.01	0.01	—	0.01	561
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.02	< 0.005	—	< 0.005	< 0.005	—	< 0.005	16.9
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	< 0.005	< 0.005	—	< 0.005	< 0.005	—	< 0.005	2.80
Paving	0.00	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.04	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	5.50
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.16
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.03
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.17. Architectural Coating (2027) - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.11	0.83	0.02	—	0.02	0.02	—	0.02	134
Architectural Coatings	26.3	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.01	0.05	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.44
Architectural Coatings	1.66	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.40
Architectural Coatings	0.30	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	6.97

Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.43
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.07
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.18. Architectural Coating (2027) - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Location	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Onsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Off-Road Equipment	0.02	0.65	< 0.005	—	< 0.005	< 0.005	—	< 0.005	134
Architectural Coatings	26.3	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.04	< 0.005	—	< 0.005	< 0.005	—	< 0.005	8.44
Architectural Coatings	1.66	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Annual	—	—	—	—	—	—	—	—	—
Off-Road Equipment	< 0.005	0.01	< 0.005	—	< 0.005	< 0.005	—	< 0.005	1.40
Architectural Coatings	0.30	—	—	—	—	—	—	—	—
Onsite truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Offsite	—	—	—	—	—	—	—	—	—
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Worker	0.05	0.01	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	6.97
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Average Daily	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.43
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual	—	—	—	—	—	—	—	—	—
Worker	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.00	< 0.005	< 0.005	0.07
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

4. Operations Emissions Details

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—

Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

4.10.4. Soil Carbon Accumulation By Vegetation Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetation	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.5. Above and Belowground Carbon Accumulation by Land Use Type - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—

4.10.6. Avoided and Sequestered Emissions by Species - Mitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	ROG	NOx	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.1. Construction Schedule

Phase Name	Phase Type	Start Date	End Date	Days Per Week	Work Days per Phase	Phase Description
Demolition	Demolition	5/1/2025	5/31/2025	5.00	22.0	—
Site Preparation	Site Preparation	6/1/2025	6/30/2025	5.00	21.0	—
Grading	Grading	7/1/2025	7/31/2025	5.00	23.0	—
Superstructure	Building Construction	2/1/2026	3/31/2027	5.00	303	—
Substructure	Building Construction	8/1/2025	1/31/2026	5.00	131	—
Paving	Paving	2/15/2027	3/1/2027	5.00	11.0	—

Architectural Coating	Architectural Coating	3/1/2027	3/31/2027	5.00	23.0	—

5.2. Off-Road Equipment

5.2.1. Unmitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Tractors/Loaders/Back hoes	Diesel	Average	2.00	8.00	84.0	0.37
Demolition	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Demolition	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48
Demolition	Rubber Tired Dozers	Diesel	Average	1.00	1.80	367	0.40
Site Preparation	Excavators	Diesel	Average	2.00	8.00	36.0	0.38
Site Preparation	Tractors/Loaders/Back hoes	Diesel	Average	2.00	8.00	84.0	0.37
Site Preparation	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48
Grading	Excavators	Diesel	Average	2.00	6.30	36.0	0.38
Grading	Tractors/Loaders/Back hoes	Diesel	Average	2.00	6.30	84.0	0.37
Grading	Air Compressors	Diesel	Average	1.00	1.30	37.0	0.48
Superstructure	Cranes	Diesel	Average	1.00	0.60	367	0.29
Superstructure	Forklifts	Diesel	Average	1.00	0.60	82.0	0.20
Superstructure	Generator Sets	Electric	Average	1.00	0.10	14.0	0.74
Superstructure	Aerial Lifts	Diesel	Average	2.00	3.60	46.0	0.31
Superstructure	Welders	Diesel	Average	1.00	0.50	46.0	0.45
Superstructure	Concrete/Industrial Saws	Diesel	Average	1.00	2.10	33.0	0.73
Substructure	Tractors/Loaders/Back hoes	Diesel	Average	1.00	2.70	84.0	0.37
Substructure	Graders	Diesel	Average	1.00	0.60	148	0.41
Substructure	Pumps	Diesel	Average	1.00	0.90	11.0	0.74

Paving	Cement and Mortar Mixers	Diesel	Average	1.00	2.00	10.0	0.56
Paving	Pavers	Diesel	Average	1.00	2.70	81.0	0.42
Paving	Rollers	Diesel	Average	1.00	2.70	36.0	0.38
Paving	Tractors/Loaders/Back hoes	Diesel	Average	2.00	4.00	84.0	0.37
Paving	Paving Equipment	Diesel	Average	1.00	2.70	89.0	0.36
Architectural Coating	Air Compressors	Diesel	Average	1.00	6.00	37.0	0.48

5.2.2. Mitigated

Phase Name	Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
Demolition	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	2.00	8.00	84.0	0.37
Demolition	Excavators	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38
Demolition	Air Compressors	Diesel	Tier 4 Final	1.00	6.00	37.0	0.48
Demolition	Rubber Tired Dozers	Diesel	Tier 4 Final	1.00	1.80	367	0.40
Site Preparation	Excavators	Diesel	Tier 4 Final	2.00	8.00	36.0	0.38
Site Preparation	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	2.00	8.00	84.0	0.37
Site Preparation	Air Compressors	Diesel	Tier 4 Final	1.00	6.00	37.0	0.48
Grading	Excavators	Diesel	Tier 4 Final	2.00	6.30	36.0	0.38
Grading	Tractors/Loaders/Back hoes	Diesel	Tier 4 Interim	2.00	6.30	84.0	0.37
Grading	Air Compressors	Diesel	Tier 4 Final	1.00	1.30	37.0	0.48
Superstructure	Cranes	Diesel	Tier 4 Final	1.00	0.60	367	0.29
Superstructure	Forklifts	Diesel	Tier 4 Final	1.00	0.60	82.0	0.20
Superstructure	Generator Sets	Electric	Average	1.00	0.10	14.0	0.74
Superstructure	Aerial Lifts	Diesel	Tier 4 Final	2.00	3.60	46.0	0.31
Superstructure	Welders	Diesel	Tier 4 Final	1.00	0.50	46.0	0.45

Superstructure	Concrete/Industrial Saws	Diesel	Tier 4 Final	1.00	2.10	33.0	0.73
Substructure	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	1.00	2.70	84.0	0.37
Substructure	Graders	Diesel	Tier 4 Final	1.00	0.60	148	0.41
Substructure	Pumps	Diesel	Average	1.00	0.90	11.0	0.74
Paving	Cement and Mortar Mixers	Diesel	Average	1.00	2.00	10.0	0.56
Paving	Pavers	Diesel	Tier 4 Final	1.00	2.70	81.0	0.42
Paving	Rollers	Diesel	Tier 4 Final	1.00	2.70	36.0	0.38
Paving	Tractors/Loaders/Back hoes	Diesel	Tier 4 Final	2.00	4.00	84.0	0.37
Paving	Paving Equipment	Diesel	Tier 4 Final	1.00	2.70	89.0	0.36
Architectural Coating	Air Compressors	Diesel	Tier 4 Final	1.00	6.00	37.0	0.48

5.3. Construction Vehicles

5.3.1. Unmitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—
Demolition	Worker	15.0	0.25	LDA,LDT1,LDT2
Demolition	Vendor	—	0.25	HHDT,MHDT
Demolition	Hauling	3.55	0.25	HHDT
Demolition	Onsite truck	—	—	HHDT
Site Preparation	—	—	—	—
Site Preparation	Worker	12.5	0.25	LDA,LDT1,LDT2
Site Preparation	Vendor	—	0.25	HHDT,MHDT
Site Preparation	Hauling	0.00	0.25	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—

Grading	Worker	12.5	0.25	LDA,LDT1,LDT2
Grading	Vendor	—	0.25	HHDT,MHDT
Grading	Hauling	5.43	0.25	HHDT
Grading	Onsite truck	—	—	HHDT
Superstructure	—	—	—	—
Superstructure	Worker	47.5	0.25	LDA,LDT1,LDT2
Superstructure	Vendor	7.06	0.25	HHDT,MHDT
Superstructure	Hauling	0.17	0.25	HHDT
Superstructure	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	19.0	0.25	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	0.25	HHDT,MHDT
Architectural Coating	Hauling	0.00	0.25	HHDT
Architectural Coating	Onsite truck	—	—	HHDT
Substructure	—	—	—	—
Substructure	Worker	47.5	0.25	LDA,LDT1,LDT2
Substructure	Vendor	7.06	0.25	HHDT,MHDT
Substructure	Hauling	0.00	0.25	HHDT
Substructure	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	15.0	0.25	LDA,LDT1,LDT2
Paving	Vendor	—	0.25	HHDT,MHDT
Paving	Hauling	0.00	0.25	HHDT
Paving	Onsite truck	—	—	HHDT

5.3.2. Mitigated

Phase Name	Trip Type	One-Way Trips per Day	Miles per Trip	Vehicle Mix
Demolition	—	—	—	—

Demolition	Worker	15.0	0.25	LDA,LDT1,LDT2
Demolition	Vendor	—	0.25	HHDT,MHDT
Demolition	Hauling	3.55	0.25	HHDT
Demolition	Onsite truck	—	—	HHDT
Site Preparation	—	—	—	—
Site Preparation	Worker	12.5	0.25	LDA,LDT1,LDT2
Site Preparation	Vendor	—	0.25	HHDT,MHDT
Site Preparation	Hauling	0.00	0.25	HHDT
Site Preparation	Onsite truck	—	—	HHDT
Grading	—	—	—	—
Grading	Worker	12.5	0.25	LDA,LDT1,LDT2
Grading	Vendor	—	0.25	HHDT,MHDT
Grading	Hauling	5.43	0.25	HHDT
Grading	Onsite truck	—	—	HHDT
Superstructure	—	—	—	—
Superstructure	Worker	47.5	0.25	LDA,LDT1,LDT2
Superstructure	Vendor	7.06	0.25	HHDT,MHDT
Superstructure	Hauling	0.17	0.25	HHDT
Superstructure	Onsite truck	—	—	HHDT
Architectural Coating	—	—	—	—
Architectural Coating	Worker	19.0	0.25	LDA,LDT1,LDT2
Architectural Coating	Vendor	—	0.25	HHDT,MHDT
Architectural Coating	Hauling	0.00	0.25	HHDT
Architectural Coating	Onsite truck	—	—	HHDT
Substructure	—	—	—	—
Substructure	Worker	47.5	0.25	LDA,LDT1,LDT2
Substructure	Vendor	7.06	0.25	HHDT,MHDT
Substructure	Hauling	0.00	0.25	HHDT

Substructure	Onsite truck	—	—	HHDT
Paving	—	—	—	—
Paving	Worker	15.0	0.25	LDA,LDT1,LDT2
Paving	Vendor	—	0.25	HHDT,MHDT
Paving	Hauling	0.00	0.25	HHDT
Paving	Onsite truck	—	—	HHDT

5.4. Vehicles

5.4.1. Construction Vehicle Control Strategies

Non-applicable. No control strategies activated by user.

5.5. Architectural Coatings

Phase Name	Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
Architectural Coating	86,976	28,992	0.00	0.00	—

5.6. Dust Mitigation

5.6.1. Construction Earthmoving Activities

Phase Name	Material Imported (cy)	Material Exported (cy)	Acres Graded (acres)	Material Demolished (Building Square Footage)	Acres Paved (acres)
Demolition	0.00	0.00	0.00	6,750	—
Site Preparation	—	—	0.00	0.00	—
Grading	500	500	0.00	0.00	—
Paving	0.00	0.00	0.00	0.00	—

5.6.2. Construction Earthmoving Control Strategies

Non-applicable. No control strategies activated by user.

5.7. Construction Paving

Land Use	Area Paved (acres)	% Asphalt
Apartments Mid Rise	—	0%

5.8. Construction Electricity Consumption and Emissions Factors

kWh per Year and Emission Factor (lb/MWh)

Year	kWh per Year	CO2	CH4	N2O
2026	0.77	204	0.03	< 0.005
2025	0.00	204	0.03	< 0.005
2027	0.77	204	0.03	< 0.005

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.1.2. Mitigated

Biomass Cover Type	Initial Acres	Final Acres

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

5.18.2.2. Mitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	7.10	annual days of extreme heat
Extreme Precipitation	7.50	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	N/A	N/A	N/A	N/A
Sea Level Rise	N/A	N/A	N/A	N/A
Wildfire	N/A	N/A	N/A	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	3.12
AQ-PM	40.2
AQ-DPM	61.6
Drinking Water	4.21
Lead Risk Housing	17.6
Pesticides	0.00
Toxic Releases	58.5
Traffic	12.3
Effect Indicators	—
CleanUp Sites	25.9
Groundwater	80.3
Haz Waste Facilities/Generators	95.9
Impaired Water Bodies	0.00
Solid Waste	0.00
Sensitive Population	—
Asthma	5.50
Cardio-vascular	29.6
Low Birth Weights	90.2

Socioeconomic Factor Indicators	—
Education	29.7
Housing	99.4
Linguistic	42.8
Poverty	91.5
Unemployment	33.6

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	12.61388426
Employed	4.042089054
Median HI	2.335429231
Education	—
Bachelor's or higher	94.63621199
High school enrollment	100
Preschool enrollment	95.7141024
Transportation	—
Auto Access	0.346464776
Active commuting	99.67919928
Social	—
2-parent households	0.230976517
Voting	21.98126524
Neighborhood	—
Alcohol availability	21.44232003
Park access	81.35506224
Retail density	99.80751957

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Supermarket access	94.25125112
Tree canopy	34.80046195
Housing	—
Homeownership	0.757089696
Housing habitability	30.50173232
Low-inc homeowner severe housing cost burden	99.12742205
Low-inc renter severe housing cost burden	17.1435904
Uncrowded housing	46.38778391
Health Outcomes	—
Insured adults	87.86090081
Arthritis	99.0
Asthma ER Admissions	93.2
High Blood Pressure	99.1
Cancer (excluding skin)	98.9
Asthma	37.3
Coronary Heart Disease	98.5
Chronic Obstructive Pulmonary Disease	93.7
Diagnosed Diabetes	98.4
Life Expectancy at Birth	31.7
Cognitively Disabled	62.4
Physically Disabled	68.4
Heart Attack ER Admissions	90.9
Mental Health Not Good	47.3
Chronic Kidney Disease	99.0
Obesity	92.5
Pedestrian Injuries	90.9
Physical Health Not Good	89.8
Stroke	97.8

Health Risk Behaviors	—
Binge Drinking	35.4
Current Smoker	58.7
No Leisure Time for Physical Activity	70.6
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	0.0
Children	97.0
Elderly	95.0
English Speaking	28.9
Foreign-born	67.8
Outdoor Workers	87.9
Climate Change Adaptive Capacity	—
Impervious Surface Cover	2.6
Traffic Density	52.1
Traffic Access	87.4
Other Indices	—
Hardship	47.8
Other Decision Support	—
2016 Voting	30.1

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	36.0
Healthy Places Index Score for Project Location (b)	31.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	Yes
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

- a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Characteristics: Utility Information	PG&E 2020 rate is 160 lb/MWh. Berkeley default clean energy provider isn't shown on list so used PG&E.
Land Use	Total number of units and square footage from provided plans. Lot acreage converted from provided total lot square footage.
Construction: Construction Phases	Information based on information provided by applicant.
Construction: Off-Road Equipment	Information from provided info from applicant.
Construction: Trips and VMT	Building Construction = Est. 25 concrete truck round trips (0.17 trips/day). HRA = 0.25 mile trip length for localized emissions.
Operations: Hearths	No hearths.
Operations: Water and Waste Water	Wastewater treatment 100% aerobic - no septic tanks or lagoons.

Attachment 2: Project Construction Dispersion Modeling Inputs and Risk Calculations

Construction Health Risk Assessment and Calculations

2138 Kittredge Street, Berkeley, CA

DPM Construction Emissions and Modeling Emission Rates - With COAs

Construction		DPM	Source	No.	DPM Emissions			Emissions per Point Source
Year	Activity	(ton/year)	Type	Sources	(lb/yr)	(lb/hr)	(g/s)	(g/s)
2025	Construction	0.0009	Point	24	1.8	0.00088	1.11E-04	4.61E-06
2026	Construction	0.0007	Point	24	1.4	0.00067	8.43E-05	3.51E-06
2027	Construction	0.0003	Point	24	0.6	0.00027	3.35E-05	1.39E-06
Total		0.0019			3.8	0.0018	0.0002	

Emissions assumed to be evenly distributed over each construction areas

hr/day = 8 (Mon - Fri, 7am - 3pm)
days/yr = 260
hours/year = 2080

2138 Kittredge Street, Berkeley, CA

PM2.5 Fugitive Dust Construction Emissions for Modeling - With COAs

Construction		Area	PM2.5 Emissions				Modeled Area	DPM Emission Rate
Year	Activity	Source	(ton/year)	(lb/yr)	(lb/hr)	(g/s)	(m ²)	g/s/m ²
2025	Construction	CON_FUG	0.0007	1.4	0.00066	8.29E-05	614.7	1.35E-07
2026	Construction	CON_FUG	0.0003	0.6	0.00029	3.66E-05	614.7	5.95E-08
2027	Construction	CON_FUG	0.0001	0.2	0.00008	1.05E-05	614.7	1.71E-08
Total			0.0011	2.1	0.0010	0.0001		

Emissions assumed to be evenly distributed over each construction areas

hr/day = 8 (Mon - Fri, 7am - 3pm)
days/yr = 260
hours/year = 2080

2138 Kittredge Street, Berkeley, CA - Construction Health Impact Summary

Maximum Impacts at MEI Residential Location - With COAs

Emissions Year						
	Maximum Concentrations		Cancer Risk* (per million)		Hazard Index	Maximum Annual PM2.5 Concentration*
	Exhaust PM10/DPM	Fugitive PM2.5				
	(µg/m ³)	(µg/m ³)	Infant/Child	Adult	(-)	(µg/m ³)
2025	0.0198	0.0425	3.53	0.06	0.004	0.04
2026	0.0151	0.0188	2.48	0.04	0.003	0.02
2027	0.0060	0.0054	0.16	0.02	0.001	0.01
Total	-	-	6.17	0.12	-	-
Maximum	0.0198	0.0425	-	-	0.004	0.04

* The with COAs maximum cancer risk and PM2.5 concentrations occur at the same receptor on different levels.

- Tier 4 Final Engines and basic BMPs As COAs

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- Construction Health Impact Modeling

Source Parameters for Point Sources Used in Construction Modeling

Source	Stack Height (ft)	Stack Diam (in)	Exhaust Temp (F)	Volume Flow (acfm)	Velocity (ft/min)	Velocity (ft/sec)
Construction Equipment	9.0	2.5	918	632	18540	309.0
Source	Stack Height (m)	Stack Diam (m)	Exhaust Temp (K)			Velocity (ft/sec)
Construction Equipment	2.74	0.064	765.37			94.2

2138 Kittredge Street, Berkeley, CA - Construction Impacts - With COAs
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Off-Site MEI Location - 1.5 meter receptor height (1st Floor Level)

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹
ASF = Age sensitivity factor for specified age group
ED = Exposure duration (years)
AT = Averaging time for lifetime cancer risk (years)
FAH = Fraction of time spent at home (unitless)

Inhalation Dose = C_{air} x DBR x A x (EF/365) x 10⁻⁶

Where: C_{air} = concentration in air (µg/m³)
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child			Adult
	3rd Trimester	0 - 2	2 - 16	16 - 30
ASF =	10	10	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and 80th percentile for children and adults

Construction Cancer Risk by Year - Maximum Impact Receptor Location

Exposure Year	Exposure Duration (years)	Age	Infant/Child - Exposure Information			Infant/Child	Adult - Exposure Information			Adult	Maximum		
			DPM Conc (ug/m3)		Age Sensitivity	Cancer Risk	Modeled	Age Sensitivity	Cancer Risk				
			DPM Conc (ug/m3)		Factor	(per million)	DPM Conc (ug/m3)		Factor	(per million)	Hazard	Fugitive	Total
			Year	Annual			Year	Annual			Index	PM2.5	PM2.5
0	0.25	-0.25 - 0*	2025	0.0027	10	0.04	2025	0.0027	-	-			
1	1	0 - 1	2025	0.0027	10	0.44	2025	0.0027	1	0.01	0.001	0.04	0.04
2	1	1 - 2	2026	0.0020	10	0.34	2026	0.0020	1	0.01	0.0004	0.02	0.02
3	1	2 - 3	2027	0.0008	3	0.02	2027	0.0008	1	0.00	0.0002	0.01	0.01
4	1	3 - 4		0.0000	3	0.00		0.0000	1	0.00			
5	1	4 - 5		0.0000	3	0.00		0.0000	1	0.00			
6	1	5 - 6		0.0000	3	0.00		0.0000	1	0.00			
7	1	6 - 7		0.0000	3	0.00		0.0000	1	0.00			
8	1	7 - 8		0.0000	3	0.00		0.0000	1	0.00			
9	1	8 - 9		0.0000	3	0.00		0.0000	1	0.00			
10	1	9 - 10		0.0000	3	0.00		0.0000	1	0.00			
11	1	10 - 11		0.0000	3	0.00		0.0000	1	0.00			
12	1	11 - 12		0.0000	3	0.00		0.0000	1	0.00			
13	1	12 - 13		0.0000	3	0.00		0.0000	1	0.00			
14	1	13 - 14		0.0000	3	0.00		0.0000	1	0.00			
15	1	14 - 15		0.0000	3	0.00		0.0000	1	0.00			
16	1	15 - 16		0.0000	3	0.00		0.0000	1	0.00			
17	1	16-17		0.0000	1	0.00		0.0000	1	0.00			
18	1	17-18		0.0000	1	0.00		0.0000	1	0.00			
19	1	18-19		0.0000	1	0.00		0.0000	1	0.00			
20	1	19-20		0.0000	1	0.00		0.0000	1	0.00			
21	1	20-21		0.0000	1	0.00		0.0000	1	0.00			
22	1	21-22		0.0000	1	0.00		0.0000	1	0.00			
23	1	22-23		0.0000	1	0.00		0.0000	1	0.00			
24	1	23-24		0.0000	1	0.00		0.0000	1	0.00			
25	1	24-25		0.0000	1	0.00		0.0000	1	0.00			
26	1	25-26		0.0000	1	0.00		0.0000	1	0.00			
27	1	26-27		0.0000	1	0.00		0.0000	1	0.00			
28	1	27-28		0.0000	1	0.00		0.0000	1	0.00			
29	1	28-29		0.0000	1	0.00		0.0000	1	0.00			
30	1	29-30		0.0000	1	0.00		0.0000	1	0.00			
Total Increased Cancer Risk						0.83				0.02			

* Third trimester of pregnancy

2138 Kittredge Street, Berkeley, CA - Construction Impacts - With COAs
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Off-Site MEI Location - 4.5 meter receptor height (2nd Floor Level)

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹

ASF = Age sensitivity factor for specified age group

ED = Exposure duration (years)

AT = Averaging time for lifetime cancer risk (years)

FAH = Fraction of time spent at home (unitless)

Inhalation Dose = C_{air} x DBR x A x (EF/365) x 10⁻⁶

Where: C_{air} = concentration in air (µg/m³)

DBR = daily breathing rate (L/kg body weight-day)

A = Inhalation absorption factor

EF = Exposure frequency (days/year)

10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child			Adult
	3rd Trimester	0 - 2	2 - 16	16 - 30
ASF =	10	10	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and 80th percentile for children and adults

Construction Cancer Risk by Year - Maximum Impact Receptor Location

Exposure Year	Exposure Duration (years)	Age	Infant/Child - Exposure Information		Infant/Child Cancer Risk (per million)	Adult - Exposure Information			Adult Cancer Risk (per million)	Maximum			
			DPM Conc (ug/m3)			Age Sensitivity Factor	Modeled			Age Sensitivity Factor	Hazard Index	Fugitive PM2.5	Total PM2.5
			Year	Annual			DPM Conc (ug/m3)	Year					
0	0.25	-0.25 - 0*	2025	0.0158	10	0.22	2025	0.0158	-	-			
1	1	0 - 1	2025	0.0158	10	2.60	2025	0.0158	1	0.05	0.003	0.01	0.02
2	1	1 - 2	2026	0.0121	10	1.98	2026	0.0121	1	0.03	0.002	0.004	0.02
3	1	2 - 3	2027	0.0048	3	0.12	2027	0.0048	1	0.01	0.001	0.001	0.01
4	1	3 - 4		0.0000	3	0.00		0.0000	1	0.00			
5	1	4 - 5		0.0000	3	0.00		0.0000	1	0.00			
6	1	5 - 6		0.0000	3	0.00		0.0000	1	0.00			
7	1	6 - 7		0.0000	3	0.00		0.0000	1	0.00			
8	1	7 - 8		0.0000	3	0.00		0.0000	1	0.00			
9	1	8 - 9		0.0000	3	0.00		0.0000	1	0.00			
10	1	9 - 10		0.0000	3	0.00		0.0000	1	0.00			
11	1	10 - 11		0.0000	3	0.00		0.0000	1	0.00			
12	1	11 - 12		0.0000	3	0.00		0.0000	1	0.00			
13	1	12 - 13		0.0000	3	0.00		0.0000	1	0.00			
14	1	13 - 14		0.0000	3	0.00		0.0000	1	0.00			
15	1	14 - 15		0.0000	3	0.00		0.0000	1	0.00			
16	1	15 - 16		0.0000	3	0.00		0.0000	1	0.00			
17	1	16-17		0.0000	1	0.00		0.0000	1	0.00			
18	1	17-18		0.0000	1	0.00		0.0000	1	0.00			
19	1	18-19		0.0000	1	0.00		0.0000	1	0.00			
20	1	19-20		0.0000	1	0.00		0.0000	1	0.00			
21	1	20-21		0.0000	1	0.00		0.0000	1	0.00			
22	1	21-22		0.0000	1	0.00		0.0000	1	0.00			
23	1	22-23		0.0000	1	0.00		0.0000	1	0.00			
24	1	23-24		0.0000	1	0.00		0.0000	1	0.00			
25	1	24-25		0.0000	1	0.00		0.0000	1	0.00			
26	1	25-26		0.0000	1	0.00		0.0000	1	0.00			
27	1	26-27		0.0000	1	0.00		0.0000	1	0.00			
28	1	27-28		0.0000	1	0.00		0.0000	1	0.00			
29	1	28-29		0.0000	1	0.00		0.0000	1	0.00			
30	1	29-30		0.0000	1	0.00		0.0000	1	0.00			
Total Increased Cancer Risk						4.92				0.09			

* Third trimester of pregnancy

2138 Kittredge Street, Berkeley, CA - Construction Impacts - With COAs
Maximum DPM Cancer Risk and PM2.5 Calculations From Construction
Impacts at Off-Site MEI Location - 7.6 meter receptor height (3rd Floor Level)

Cancer Risk (per million) = CPF x Inhalation Dose x ASF x ED/AT x FAH x 1.0E6

Where: CPF = Cancer potency factor (mg/kg-day)⁻¹
ASF = Age sensitivity factor for specified age group
ED = Exposure duration (years)
AT = Averaging time for lifetime cancer risk (years)
FAH = Fraction of time spent at home (unitless)

Inhalation Dose = C_{air} x DBR x A x (EF/365) x 10⁻⁶

Where: C_{air} = concentration in air (µg/m³)
DBR = daily breathing rate (L/kg body weight-day)
A = Inhalation absorption factor
EF = Exposure frequency (days/year)
10⁻⁶ = Conversion factor

Values

Age --> Parameter	Infant/Child			Adult
	3rd Trimester	0 - 2	2 - 16	16 - 30
ASF =	10	10	3	1
CPF =	1.10E+00	1.10E+00	1.10E+00	1.10E+00
DBR* =	361	1090	572	261
A =	1	1	1	1
EF =	350	350	350	350
AT =	70	70	70	70
FAH =	1.00	1.00	1.00	0.73

* 95th percentile breathing rates for infants and 80th percentile for children and adults

Construction Cancer Risk by Year - Maximum Impact Receptor Location

Exposure Year	Exposure Duration (years)	Age	Infant/Child - Exposure Information		Infant/Child Cancer Risk (per million)	Adult - Exposure Information			Adult Cancer Risk (per million)	Maximum			
			DPM Conc (ug/m3)			Age Sensitivity Factor	Modeled			Age Sensitivity Factor	Hazard Index	Fugitive PM2.5	Total PM2.5
			Year	Annual			DPM Conc (ug/m3)	Year					
0	0.25	-0.25 - 0*	2025	0.0198	10	0.27	2025	0.0198	-	-			
1	1	0 - 1	2025	0.0198	10	3.26	2025	0.0198	1	0.06	0.004	0.003	0.02
2	1	1 - 2	2026	0.0151	10	2.48	2026	0.0151	1	0.04	0.003	0.001	0.02
3	1	2 - 3	2027	0.0060	3	0.16	2027	0.0060	1	0.02	0.001	0.0004	0.01
4	1	3 - 4		0.0000	3	0.00		0.0000	1	0.00			
5	1	4 - 5		0.0000	3	0.00		0.0000	1	0.00			
6	1	5 - 6		0.0000	3	0.00		0.0000	1	0.00			
7	1	6 - 7		0.0000	3	0.00		0.0000	1	0.00			
8	1	7 - 8		0.0000	3	0.00		0.0000	1	0.00			
9	1	8 - 9		0.0000	3	0.00		0.0000	1	0.00			
10	1	9 - 10		0.0000	3	0.00		0.0000	1	0.00			
11	1	10 - 11		0.0000	3	0.00		0.0000	1	0.00			
12	1	11 - 12		0.0000	3	0.00		0.0000	1	0.00			
13	1	12 - 13		0.0000	3	0.00		0.0000	1	0.00			
14	1	13 - 14		0.0000	3	0.00		0.0000	1	0.00			
15	1	14 - 15		0.0000	3	0.00		0.0000	1	0.00			
16	1	15 - 16		0.0000	3	0.00		0.0000	1	0.00			
17	1	16-17		0.0000	1	0.00		0.0000	1	0.00			
18	1	17-18		0.0000	1	0.00		0.0000	1	0.00			
19	1	18-19		0.0000	1	0.00		0.0000	1	0.00			
20	1	19-20		0.0000	1	0.00		0.0000	1	0.00			
21	1	20-21		0.0000	1	0.00		0.0000	1	0.00			
22	1	21-22		0.0000	1	0.00		0.0000	1	0.00			
23	1	22-23		0.0000	1	0.00		0.0000	1	0.00			
24	1	23-24		0.0000	1	0.00		0.0000	1	0.00			
25	1	24-25		0.0000	1	0.00		0.0000	1	0.00			
26	1	25-26		0.0000	1	0.00		0.0000	1	0.00			
27	1	26-27		0.0000	1	0.00		0.0000	1	0.00			
28	1	27-28		0.0000	1	0.00		0.0000	1	0.00			
29	1	28-29		0.0000	1	0.00		0.0000	1	0.00			
30	1	29-30		0.0000	1	0.00		0.0000	1	0.00			
Total Increased Cancer Risk						6.17				0.12			

* Third trimester of pregnancy

Attachment 3: Cumulative Health Risk Screening and Calculations from Existing TAC Sources

BAAQMD GIS Screening Data – Roadway Cancer Risk Impacts at the MEIs



BAAQMD GIS Screening Data – Roadway PM_{2.5} Concentration Impacts at the MEIs



BAAQMD GIS Screening Data – Roadway Hazard Index Impacts at the MEIs





BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Risk & Hazard Stationary Source Inquiry Form

This form is required when users request stationary source data from BAAQMD

This form is to be used with the BAAQMD's Google Earth stationary source screening tables.

Click here for guidance on conducting risk & hazard screening, including roadways & freeways, refer to the District's Risk & Hazard Analysis flow chart.

Click here for District's Recommended Methods for Screening and Modeling Local Risks and Hazards document.

Table A: Requester Contact Information

Date of Request	11/15/2024
Contact Name	Jordyn Bauer
Affiliation	Illingworth & Rodkin, Inc.
Phone	707-794-0400 x106
Email	jbauer@illingworthrodkin.com
Project Name	2138 Kittredge St
Address	2138 Kittredge St
City	Berkeley
County	Alameda
Type (residential, commercial, mixed use, industrial, etc.)	Residential
Project Size (# of units or building square feet)	66
Comments:	

For Air District assistance, the following steps must be completed:

1. Complete all the contact and project information requested in **Table A**. Incomplete forms will not be processed. Please include a project site map.
2. Download and install the free program Google Earth, <http://www.google.com/earth/download/ge/>, and then download the county specific Google Earth stationary source application files from the District's website, <http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx>. The small points on the map represent stationary sources permitted by the District (Map A on right). These permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc. Click on a point to view the source's Information Table, including the name, location, and preliminary estimated cancer risk, hazard index, and PM2.5 concentration.
3. Find the project site in Google Earth by inputting the site's address in the Google Earth search box.
4. Identify stationary sources within at least a 1000ft radius of project site. Verify that the location of the source on the map matches with the source's address in the Information Table, by using the Google Earth address search box to confirm the source's address location. Please report any mapping errors to the District.
5. List the stationary source information in **Table B** - Value section only.
6. Note that a small percentage of the stationary sources have Health Risk Screening Assessment (HRSA) data INSTEAD of screening level data. These sources will be noted by an asterisk next to the Plant Name (Map B on right). If HRSA values are presented, these values have already been modeled and cannot be adjusted further.
7. Email this completed form to District staff. District staff will provide the most recent risk, hazard, and PM2.5 data that are available for the source(s). If this information or data are not available, source emissions data will be provided. Staff will respond to inquiries within three weeks.

Note that a public records request received for the same stationary source information will cancel the processing of your SSIF request.

Submit forms, maps, and questions to Matthew Hanson at 415-749-8733, or mhanson@baaqmd.gov

Table B: Google Earth data												Project MEIs			
Distance from Receptor (feet) or MEI ¹	Plant No.	Facility Name	Address	Cancer Risk ²	Hazard Risk ²	PM _{2.5} ²	Source No. ³	Type of Source ⁴	Fuel Code ⁵	Status/Comments		Distance Adjustment Multiplier	Adjusted Cancer Risk Estimate	Adjusted Hazard Risk	Adjusted PM2.5
285	13451	Pacific Bell	2116 Bancroft Way	10.25	--	0.01		Generator		2022 Dataset		0.25	2.56	#VALUE!	0.003
650	13614	Hustead's Collision Center	2037 Durant Ave	--	--	--		No Data		2022 Dataset		0.25	#VALUE!	#VALUE!	#VALUE!
900	20070	BERKELEY CENTRAL	2055 Center Street	1.26	--	--		Generator		2022 Dataset		0.04	0.05	#VALUE!	#VALUE!
840	17864	Peralta Community College Dis	2050 Center Street	23.75	0.01	0.03		Generator		2022 Dataset		0.05	1.19	0.001	0.002
750	201406	Residence Inn Berkeley	2129 SHATTUCK AVE	32.06	0.01	0.04		Generator		2022 Dataset		0.06	1.92	0.001	0.002
600	200362	City of Berkeley Public Library	2031 BANCROFT WAY	0.51	--	--		Generator		2022 Dataset		0.09	0.05	#VALUE!	#VALUE!
700	107925-1	Campus Mini-Mart	2200 Durant Ave	7.29	0.03	--		Gas Dispensing Facility		BAAQMD requested data, CARB GDF Tool		NA	0.47	#VALUE!	0.05
630	59-116	University of California	Berkel Berkeley Campus	6.1	--	0.01		Generator		2022 Dataset		0.08	0.49	#VALUE!	0.001

Footnotes:

1. Maximally exposed individual
2. These Cancer Risk, Hazard Index, and PM2.5 columns represent the values in the Google Earth Plant Information Table.
3. Each plant may have multiple permits and sources.
4. Permitted sources include diesel back-up generators, gas stations, dry cleaners, boilers, printers, auto spray booths, etc.
5. Fuel codes: 98 = diesel, 189 = Natural Gas.
6. If a Health Risk Screening Assessment (HRSA) was completed for the source, the application number will be listed here.
7. The date that the HRSA was completed.
8. Engineer who completed the HRSA. For District purposes only.
9. All HRSA completed before 1/5/2010 need to be multiplied by an age sensitivity factor of 1.7.
10. The HRSA "Chronic Health" number represents the Hazard Index.
11. Further information about common sources:
 - a. Sources that only include diesel internal combustion engines can be adjusted using the BAAQMD's Diesel Multiplier worksheet.
 - b. The risk from natural gas boilers used for space heating when <25 MM BTU/hr would have an estimated cancer risk of one in a million or less, and a chronic hazard index of 0.003 or
 - c. BAAQMD Reg 11 Rule 16 required that all co-residential (sharing a wall, floor, ceiling or is in the same building as a residential unit) dry cleaners cease use of perc on July 1, 2010. Therefore, there is no cancer risk, hazard or PM2.5 concentrations from co-residential dry cleaning businesses in the BAAQMD.
 - d. Non co-residential dry cleaners must phase out use of perc by Jan. 1, 2023. Therefore, the risk from these dry cleaners does not need to be factored in over a 70-year period, but instead should reflect
 - e. Gas stations can be adjusted using BAAQMD's Gas Station Distance Multiplier worksheet.
 - f. Unless otherwise noted, exempt sources are considered insignificant. See BAAQMD Reg 2 Rule 1 for a list of exempt sources.
 - g. This spray booth is considered to be insignificant.

Date last updated:
03/13/2018

2022 CARB & CAPCOA Gasoline Service Station Industrywide Risk Assessment Look-up Tool
Version 1.0 - February 18, 2022

Required Value	User Defined Input	Instructions
Annual Throughput (gallons/year)	2500000	Enter your gas station's annual throughput in gallons of gasoline dispensed per year.
Hourly Dispensing Throughput (gallons/hour)	700	The tool will calculate the maximum hourly vehicle fueling throughput based on annual throughput as defined by Table 10 of the 2020 Gasoline Service Station Industrywide Risk Assessment Technical Guidance Document (Technical Guidance). If a different value is desired please enter it into cell L4.
Hourly Loading Throughput (gallons/hour)	8800	The tool will calculate the maximum hourly loading throughput based on annual throughput as defined by Table 10 of the Technical Guidance. If a different value is desired please enter it into cell L5.
Meteorological Data	San Jose	Select appropriate meteorological data. Met sets provided include 2 rural (Redding and Lancaster) and 4 urban (Fresno, Ontario, San Diego, and San Jose) locations. Use whichever best correlates to your location. If you would like to use site-specific meteorological data please refer to the Variable Met Tool.
Distance to Nearest Resident (meters)	215	Enter the distance to the nearest residential receptor in meters as measured from the edge of the station canopy. Please note that the value must be between 10 and 1000 meters. The distance you input will round down to the nearest receptor distance used in the Technical Guidance (e.g., 19m will return value at 10m distance).
Distance to Nearest Business (meters)	215	Enter the distance to the nearest worker receptor in meters as measured from the edge of the station canopy. Please note that the value must be between 10 and 1000 meters. The distance you input will round down to the nearest receptor distance used in the Technical Guidance (e.g., 19m will return value at 10m distance).
Distance to Acute Receptor (meters)	215	Enter the distance where acute impacts are expected in meters as measured from the edge of the station canopy. This can be the distance to the property boundary, nearest resident, nearest worker, or any other user defined location. Please note that the value must be between 10 and 1000 meters. The distance you input will round down to the nearest receptor distance used in the Technical Guidance (e.g., 19m will return value at 10m distance).
Control Scenario	EVR Phase I & EVR Phase II	Select the appropriate control scenario for your gas station. Please refer to technical Guidance for an explanation of the different control scenarios. Almost all gas stations in California are equipped with EVR Phase I and EVR Phase II controls.
Include Building Downwash Adjustments	yes	Building downwash may over estimate risk results. High results should be investigated further through site-specific health risk assessment.
Risk Value	Results	
Max Residential Cancer Risk (chances/million)	0.47	
Max Worker Cancer Risk (chances/million)	0.04	
Chronic HI	0.00	
Acute HI	0.05	



Screening Report

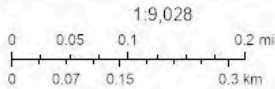
Area of Interest (AOI) Information

Area : 3,523,702.35 ft²

Nov 15 2024 11:37:40 Pacific Standard Time



• Permitted Stationary Sources



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

11/15/24, 11:37 AM

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Summary

Name	Count	Area(ft²)	Length(ft)
Permitted Stationary Sources	8	N/A	N/A

Permitted Stationary Sources

#	Address	Cancer_Ris	Chronic_Ha	City	County
1	2116 Bancroft Way	10.25	0.00	Berkeley	Alameda
2	2037 Durant Ave	0.00	0.00	Berkeley	Alameda
3	2055 Center Street	1.26	0.00	Berkeley	Alameda
4	2050 Center Street	23.75	0.01	Berkeley	Alameda
5	2129 SHATTUCK AVE	32.06	0.01	Berkeley	Alameda
6	2031 BANCROFT WAY	0.51	0.00	Berkeley	Alameda
7	2200 Durant Ave	7.29	0.03	Berkeley	Alameda
8	Berkeley Campus	6.10	0.00	Berkeley	Alameda

#	Details	Facility_I	Facility_N	Latitude	Longitude
1	Generator	13451	Pacific Bell	37.87	-122.27
2	No Data	13614	Hustead's Collision Center	37.87	-122.27
3	Generator	20070	BERKELEY CENTRAL	37.87	-122.27
4	Generator	17864	Peralta Community College District	37.87	-122.27
5	Generator	201406	Residence Inn Berkeley	37.87	-122.27
6	Generator	200362	City of Berkeley Public Library	37.87	-122.27
7	Gas Dispensing Facility	107925-1	Campus Mini-Mart	37.87	-122.27
8	Generator	59-116	University of California Berkeley	37.87	-122.26

#	NAICS	NAICS_Indu	NAICS_Sect	NAICS_Subs	PM25
1	517110	Wired Telecommunications Carriers	Information	Telecommunications	0.01
2	811121	Automotive Body, Paint, and Interior Repair and Maintenance	Other Services (except Public Administration)	Repair and Maintenance	0.00
3	236116	New Multifamily Housing Construction (except Operative Builders)	Construction	Construction of Buildings	0.00
4	611210	Junior Colleges	Educational Services	Educational Services	0.03
5	721110	Hotels (except Casino Hotels) and Motels	Accommodation and Food Services	Accommodation	0.04
6	921190	Other General Government Support	Public Administration	Executive, Legislative, and Other General Government Support	0.00
7	445120	Convenience Stores	Retail Trade	Food and Beverage Stores	0.00
8	611310	Colleges, Universities, and Professional Schools	Educational Services	Educational Services	0.01

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2/3

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#	State	Zip	Count
1	CA	94704	1
2	CA	94704	1
3	CA	94704	1
4	CA	94704	1
5	CA	94704	1
6	CA	94704	1
7	CA	94704	1
8	CA	94720	1

NOTE: A larger buffer than 1,000 may be warranted depending on proximity to significant sources.

ATTACHMENT 2

ATTACHMENT 2

2138 KITTREDGE STREET
BERKELEY, CA
ENVIRONMENTAL NOISE STUDY



Prepared For: Austin Group

Sent via email: bill@austin-group.com
February 3, 2025

Prepared by: Resonance Acoustics

Max King

Randy Waldeck, PE

364 Bush Street, 2nd Floor

San Francisco, CA 94104

Resonance Project No. 25013.01



Re: 2138 Kittredge Street, Berkeley
Environmental Noise Study
Resonance Project No. 25013.01
February 3, 2025

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Re: 2138 Kittredge Street, Berkeley
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February 3, 2025

1.0 Executive Summary

This report summarizes our analysis of the existing environmental noise conditions at the 2138 Kittredge Street project site in Berkeley, CA, and provides acoustic recommendations for the building facade. Our findings are as follows:

- Ambient noise level measurements at the project site were conducted between January 27 and 29, 2025. These measurements show existing noise levels at the project site of L_{DN} 69 dBA and $L_{EQ-1 \text{ hour}}$ 72 dBA from Kittredge Street, and L_{DN} 68 dBA and $L_{EQ-1 \text{ hour}}$ 71 dBA from Shattuck Avenue.
- To meet the interior noise criterion of L_{DN} 45 dBA, windows rated STC 28 to 30 and doors rated STC 28 to 31 are required. To meet the interior commercial noise criterion of $L_{EQ-1 \text{ hr}}$ 50 dBA (loudest hour), windows rated STC 32 and doors rated STC 31 are required on the ground floor lobby. Refer to Section 5.2 for detailed recommendations.

For definitions of acoustical terms used in this report, please refer to Appendix A.

2.0 Project Description

This project consists of a new residential development located at 2138 Kittredge Street in Berkeley. The project consists of the demolition of an existing residential building and the construction of an 8-story residential building, consisting of 66 units and 42,951 GSF of building area. Units are 1 or 2 bedrooms all with in-unit laundry. The ground floor includes a lobby, bicycle storage, mail/package area, and building utility spaces for electrical and trash.

3.0 Acoustical Criteria

3.1 California Building Code – Residential Interior

The 2022 California Building Code (CBC), California Code of Regulations, Title 24, Part 2, Section 1206.4, stipulates that an interior noise level attributed to exterior sources shall not exceed L_{DN} 45 dBA for any habitable room in a multi-family building.

3.2 CALGreen – Commercial Interior

CALGreen stipulates noise criteria for commercial spaces. If exterior hourly noise levels at the project site are above LEQ 65 dBA, then interior noise levels in the commercial spaces must not exceed LEQ 50 dBA during the noisiest hour of operation. This applies to the ground floor lobby and third floor amenity space.

3.3 City of Berkeley General Plan

The City of Berkeley 2003 General Plan stipulates the following policies/goals applicable to this project.

- **Policy EM-46: Noise Mitigation**
 - Require operational limitations and all feasible noise buffering for new user that generate significant noise impacts near residential, institutional, or recreational areas.
 - Promote use of noise insulation materials in new construction and major rehabilitation.
 - Mitigate significant noise impacts on parks and public open space, whenever feasible.
- **Policy EM-47: Land Use Compatibility**



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- Ensure that noise-sensitive uses, including, but not limited to, residences, child-care centers, hospitals, and nursing homes are protected from detrimental noise levels.
- Noise-sensitive development proposals should be reviewed with respect to the Land Use Compatibility Guidelines below (see Figure 1).
- If the noise level is within the “normally acceptable” level, noise exposure would be acceptable for the intended land use. Development may occur without requiring an evaluation of the noise environment unless the use could generate noise impacts on adjacent uses.
- If the noise level is within the "conditionally acceptable" level, noise exposure would be conditionally acceptable; a specified land use may be permitted only after detailed analysis of the noise environment and the project characteristics to determine whether noise insulation or protection features are required. Such noise insulation features may include measures to protect noise-sensitive outdoor activity areas (e.g., at residences, schools, or parks) or may include building sound insulation treatments such as sound-rated windows to protect interior spaces in sensitive receptors.
- If the noise level is within the "normally unacceptable" level, analysis and mitigation are required. Development should generally not be undertaken unless adequate noise mitigation options have been analyzed and appropriate mitigations incorporated into the project to reduce the exposure of people to unacceptable noise levels.
- If the noise level is within the "clearly unacceptable" level, new construction or development should not be undertaken unless all feasible noise mitigation options have been analyzed and appropriate mitigations incorporated into the project to reduce exposure of people to unacceptable noise levels.



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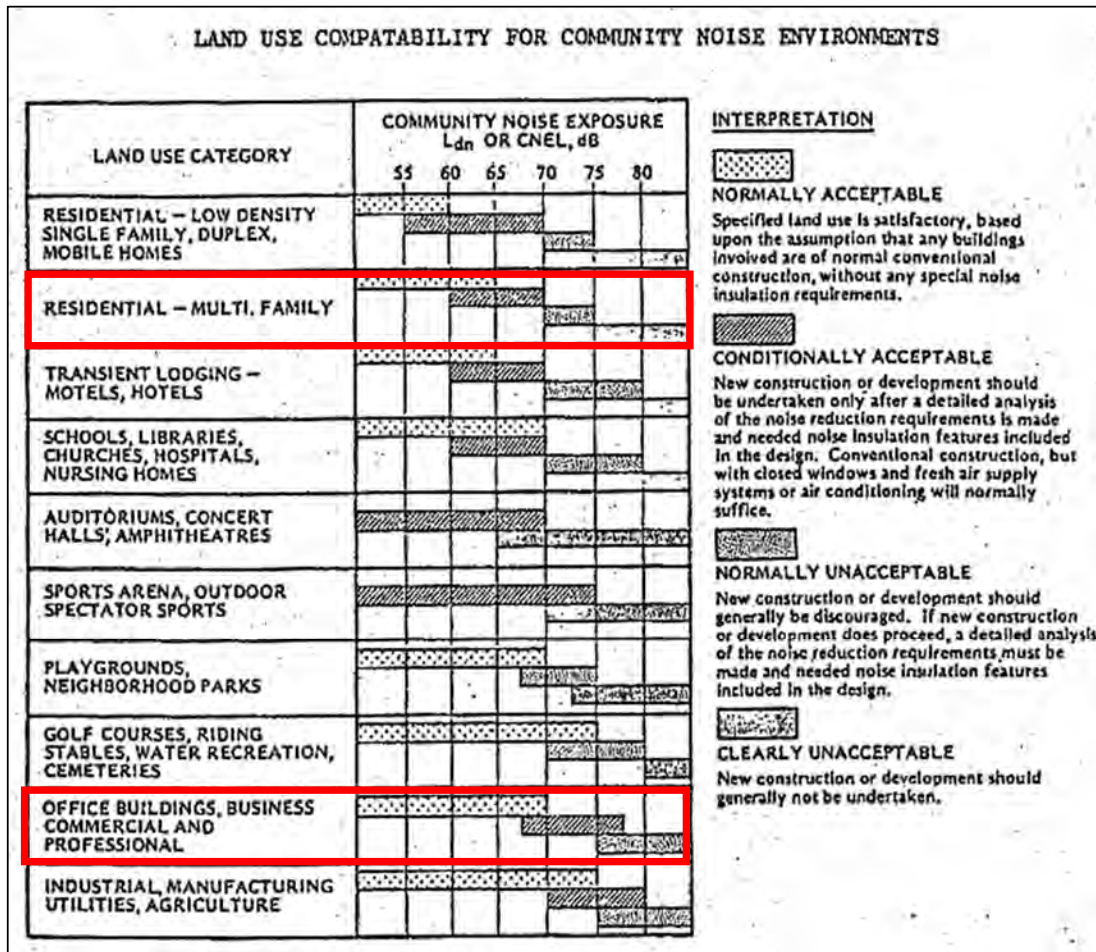


Figure 1: Berkeley Noise Land-Use Compatibility Guidelines

3.4 Acoustical Criteria Summary

- Per guidelines provided by the City of Berkeley General Plan, exterior noise levels at the project site between L_{DN} 60 and 70 dBA are “Conditionally Acceptable” for multi-family residential uses. Noise levels between L_{DN} 68 and 77 dBA are “Conditionally Acceptable” for office and commercial uses (applicable to lobby).
- Noise levels at the project should not exceed L_{DN} 45 dBA inside of the residential units.
- Noise levels inside the ground-floor lobby should not exceed L_{EQ} 50 dBA during the noisiest hour of operation.

4.0 Existing Noise Environment

Resonance Acoustics conducted environmental noise measurements to quantify the existing noise environment around the project site. A Type 1 Larson Davis Model 831c and Type 1 Rion NL-53 sound level meter were used for the site noise measurements. Equipment was calibrated immediately prior to and following the measurements. Measurement descriptions are provided below:



Re: 2138 Kittredge Street, Berkeley
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- **Long-term Measurement 1 (LT-1):** This 48-hour measurement was conducted between January 27 and 29, 2025 and was attached to a utility pole along Kittredge Street. The sound level meter was installed approximately 10 feet above grade. Noise levels at this location were controlled by traffic along Kittredge Street. Minor sources of noise include traffic along Shattuck Avenue and pedestrians.
- **Long-term Measurement 2 (LT-2):** This 48-hour measurement was conducted between January 27 and 29, 2025 and was attached to a utility pole along Shattuck Avenue. The sound level meter was installed approximately 10 feet above grade. Noise levels at this location were controlled by traffic along Shattuck Avenue. Minor sources of noise include pedestrians and traffic along Bancroft Way.
- **Short-term Measurement 1 (ST-1):** This 15-minute measurement was conducted on January 27, 2025 behind the project site in the parking lot at 2111 Bancroft Way. An existing 12-foot wall separates the back of the project site and the parking lot. The first level of 2111 Bancroft Way has 11 feet of clearance, exposing the south side of the project site to noise from Bancroft Way. The sound level meter was positioned 10 feet from the wall at the back of the parking lot, on a tripod 5 feet above the ground. Noise levels at this location were controlled by traffic along Bancroft Way and vehicles inside the parking lot. Minor sources of noise included pedestrians along Bancroft Way. This measurement determined that Bancroft Way is not a major noise source at the project site.

The noise measurement location and the project site boundary are shown in Figure 2.

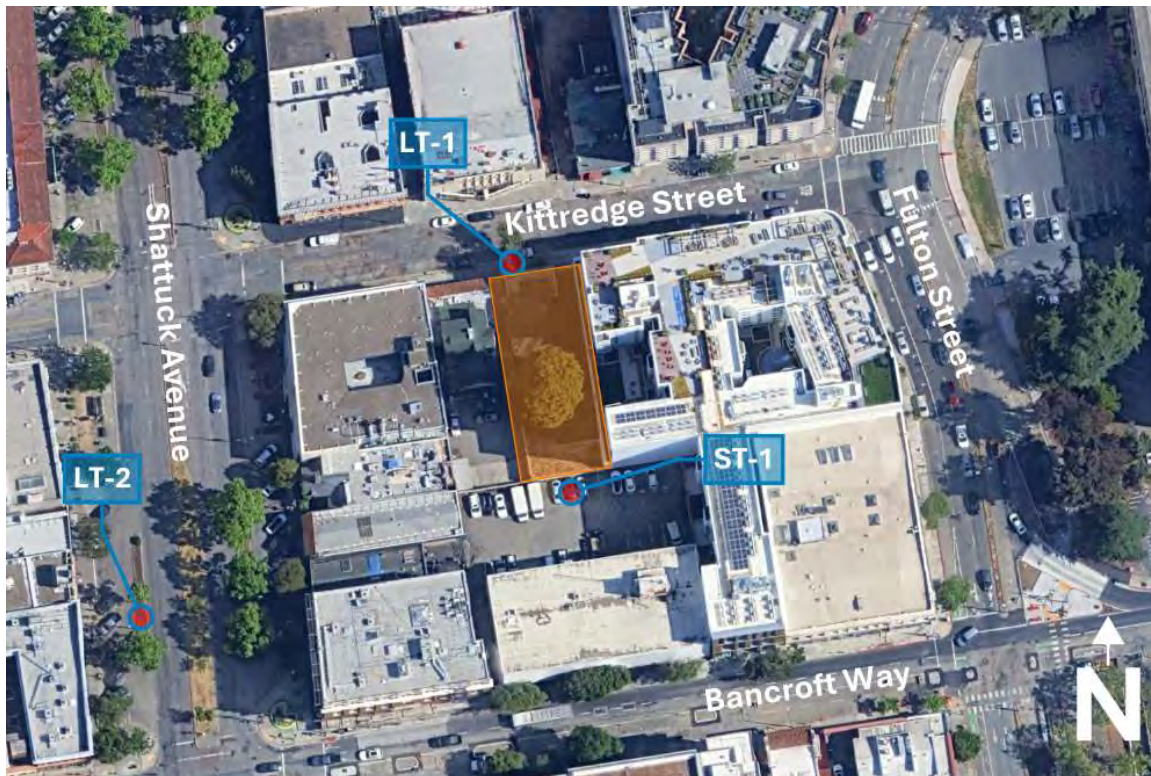


Figure 2: Noise Measurement Locations



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4.1 Weather

Based on a review of online weather data between January 27 and 29, 2025, the temperature ranged from 35 to 59 degrees Fahrenheit, wind speed was between 0-14 miles per hour (mph), and there was no precipitation (the nearest available historical weather data is from the weather station at Oakland International Airport, accessed through weatherunderground.com). Based on a review of the noise levels during this timeframe, wind noise did not affect the measurements.

4.2 General Noise Conditions

Traffic along Kittredge Street is the primary source of noise at the project site. Traffic along Shattuck Avenue is a secondary source of noise at the project site. Noise from pedestrian activity marginally contributes to the total noise environment at the project site.

Table 1 summarizes the noise measurement results. Figure 3 through Figure 5 represent the continuous sound levels throughout the measurement periods at LT-1, LT-2, and ST-1, respectively.

Table 1: Calculated Noise Measurement Results

Measurement Location	Loudest 1-hour Noise Level, LEQ-1 hr, (dBA)	Max 24-hour Noise Level, L _{DN} (dBA)
LT-1: Kittredge Street	72 (1/29 at 11:00 AM)	69
LT-2: Shattuck Avenue	79 (71) ¹ (1/28 at 2:00 PM)	76 (68) ¹
¹ There is an 8 dB reduction from Shattuck Avenue to the project site due to distance attenuation. The values in parenthesis indicate the calculated noise level at the project site.		

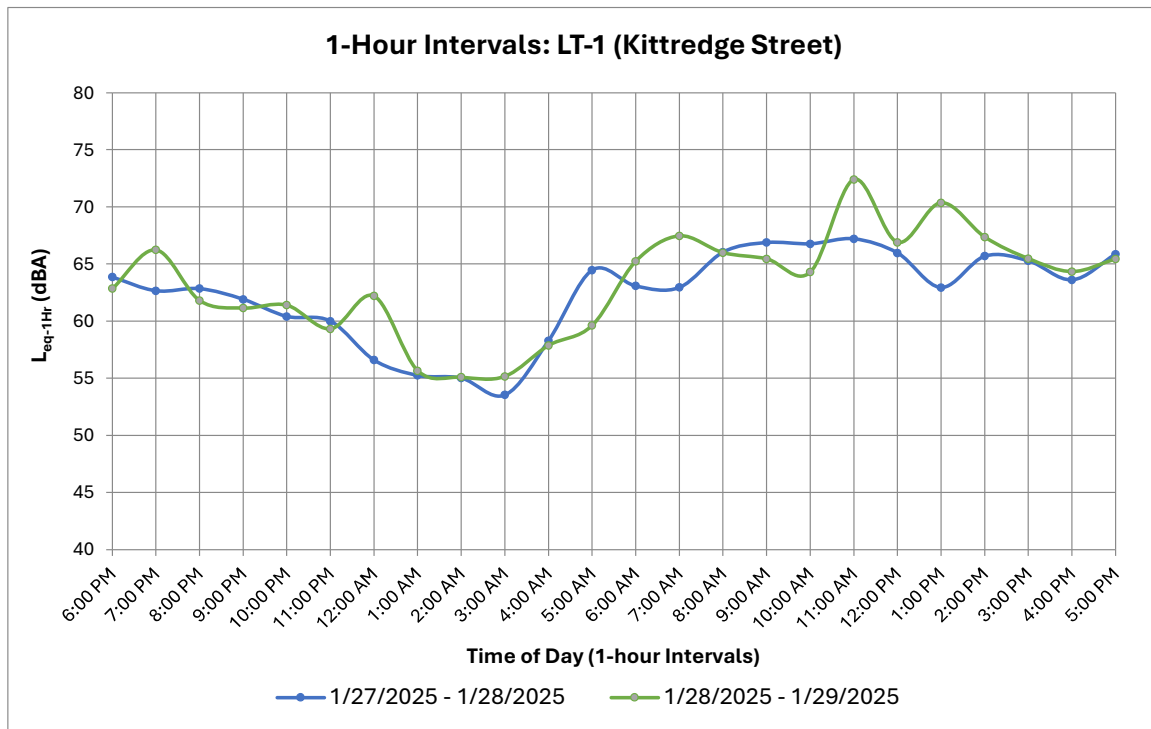


Figure 3: Continuous Noise Levels at LT-1 (Kittredge Street)



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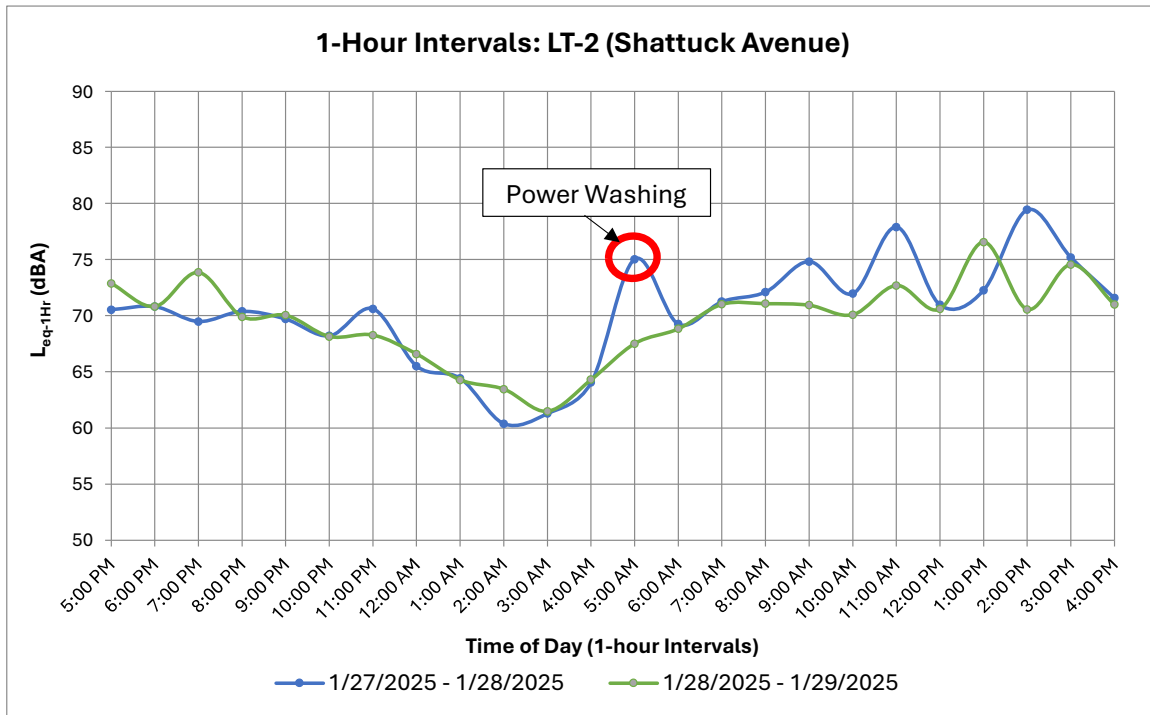


Figure 4: Continuous Noise Levels at LT-2 (Shattuck Avenue)

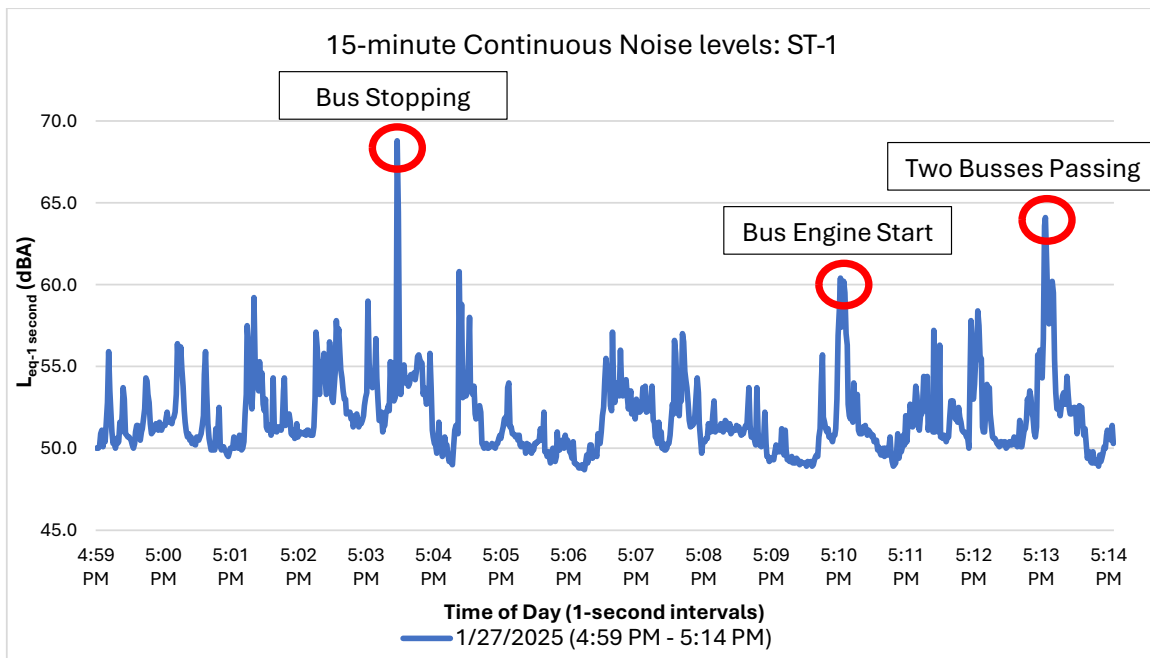


Figure 5: Continuous Noise Levels at ST-1 (Bancroft Way)



Re: 2138 Kittredge Street, Berkeley
Environmental Noise Study
Resonance Project No. 25013.01
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5.0 Analysis and Recommendations

5.1 Exterior Noise Levels and Land Use-Compatibility

Noise levels at the project site are expected to be L_{DN} 69 dBA or less, which falls under the “Conditionally Acceptable” categories of the Berkeley General Plan Policy EM 47 for both residential and commercial land uses. Based on the Berkeley Noise and Land Use Compatibility guidelines presented in Figure 1, the project site requires “needed noise insulation features in the design” for both residential units and commercial spaces. The north facade will be directly exposed to vehicular traffic along Kittredge Street. Levels 4 and above on the west facade will be directly exposed to vehicular traffic along Shattuck Avenue. The recommendations provided in Section 5.2 are intended to reduce interior noise levels to meet the criteria.

5.2 Facade Noise Reduction

This section provides recommendations to meet the interior noise criteria summarized in Section 3.0. Please note the following:

- Calculations are based on the Entitlements Drawing Set dated December 16, 2024.
- Typical construction-grade windows achieve STC 28.
- Typical exterior entry doors with gasketing and a door bottom/shoe (swing doors) achieve STC 28.
- Exterior wall detail (i.e., Type Wbn) as provided in the drawing set:
 - Wood studs with batt insulation, one layer of exterior sheathing (e.g., exterior rated gypsum and or/plywood) with two layers of exterior gypsum board on top, two layers of interior gypsum board, and exterior stucco or fiber cement siding. We expect this assembly to achieve a minimum of STC 45.
- The STC ratings recommended below depend on the following factors:
 - Total exterior facade area (rooms exposed to larger areas of exterior facade require higher STC ratings).
 - Ratio between exterior wall area and exterior window area (rooms with larger window areas may require higher STC ratings). Please note that in the provided drawings, window dimensions and locations on the floorplans and elevations did not always match. In these cases, we used the largest window dimensions.
 - Distance/orientation to roadway/railway noise sources (rooms that are closer to noisy roadway/railway sources may require higher STC ratings).
 - Dimensions of the rooms with exterior windows.
 - The exterior solid wall construction.

Refer to Figure 6 through Figure 8 for the locations of sound-rated facade elements. Note that STC ratings apply only to both windows and doors unless otherwise noted. Sound isolation ratings only apply to occupied spaces (i.e., restrooms, corridors, service spaces, balconies, etc., do not require sound rated assemblies, denoted by “NR” or “Not Rated”). No sound-rated facade elements are shown on the east elevation. We are happy to review the proposed window and door assemblies to verify compliance. If you need product recommendations, please do not hesitate to contact us.



Re: 2138 Kittredge Street, Berkeley
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Figure 6: Recommended Minimum STC Ratings – North Elevation (Kittredge Street)



Re: 2138 Kittredge Street, Berkeley
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Figure 7: Recommended Minimum STC Ratings - West Elevation (Shattuck Avenue)



Re: 2138 Kittredge Street, Berkeley
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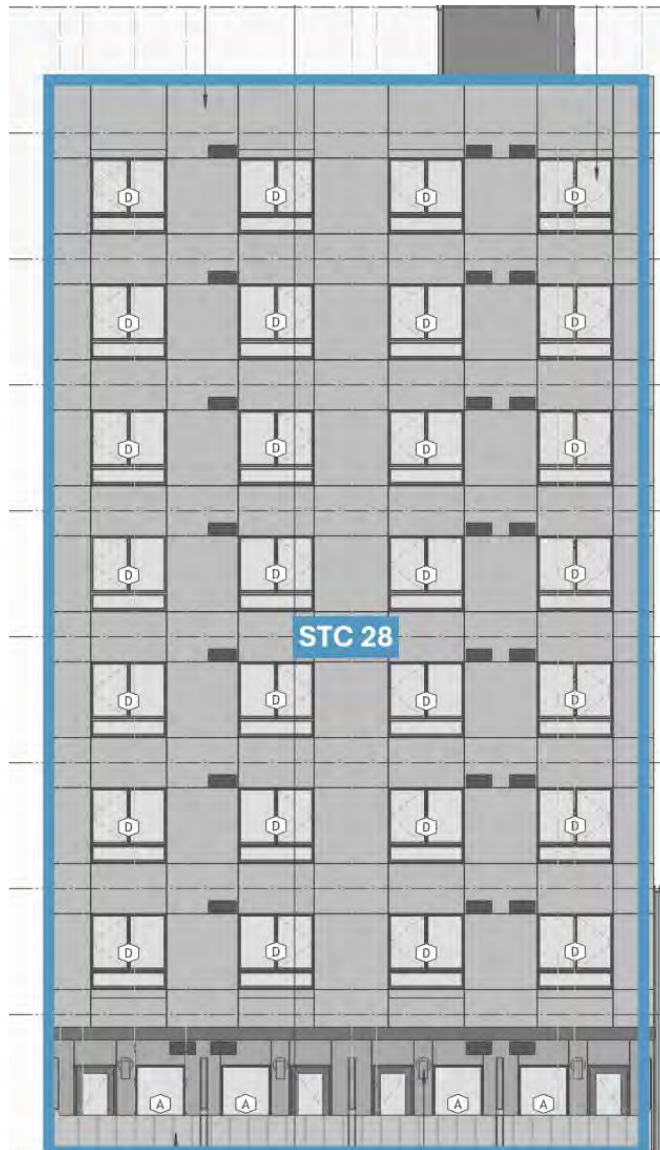


Figure 8: Recommended Minimum STC Ratings - South Elevation

This concludes our environmental noise study for the 2138 Kittredge Street project in Berkeley.
Please do not hesitate to contact us with questions.



Re: 2138 Kittredge Street, Berkeley
Environmental Noise Study
Resonance Project No. 25013.01
February 3, 2025

Appendix A: Definitions of Acoustical Terms

A-Weighted Sound Level: A decibel scale for sound level measurements using the “A” weighted network of a sound level meter and is denoted as “dBA.” The A-weighted network is shaped to correspond to the response of the human ear so that the results correlate approximately with human perception. It is the accepted standard for environmental noise measurements.

Day-Night Average Sound level (L_{DN}): The A-weighted noise level which corresponds to average human sensitivity to sound. The L_{DN} sound level corresponds to an energy average during a 24-hour period. A 10 dB penalty is applied during the hours of 10 pm to 7 am due to increased human sensitivity during the night. A-weighting is applied to the microphone signal to approximate human sensitivity to different frequencies, i.e., pitch.

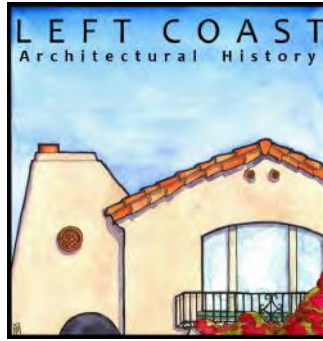
Decibel (dB): A scale that measures sound level pressure defined as 20 times the logarithm of the ratio of the sound level pressure to a standard reference pressure level of 20 μ Pa.

L_{eq} : The A-weighted equivalent continuous sound exposure level for a defined period of time.

Sound Transmission Class (STC): A single number used to rate how well a building partition (wall, floor/ceiling assembly, door) attenuates airborne sound.

ATTACHMENT 3

ATTACHMENT 3



P.O. Box 70415, Richmond, CA. 94807 • (415) 745-1906 • caitlin@leftcoastarchitecturalhistory.com

Originally issued: 30 January 2024

Attached forms revised: 3 February 2025

To Whom It May Concern:

Left Coast Architectural History has completed a Historic Resource Evaluation of the property at 2138 Kittredge Street, Berkeley. The attached California Department of Parks & Recreation (DPR) 523 series forms present a physical description of the property, a record of its history, and evaluation according to California Register of Historical Resources significance and integrity criteria, and City of Berkeley Landmark and Structure of Merit criteria.

The study finds that the building dates to 1904 and was designed by architect William H. Wharff for local livery stable/auto garage owner J.C. Fitzpatrick. It was originally a Free Classical Queen Anne style single-family residence, but was later converted to a restaurant and multi-family apartment building, with the primary facade subsumed by a Georgian Revival style addition in 1935. The property has been occupied by residential tenants and at least one business, but does not appear to have any significant associations with historically important events or noteworthy historical figures. The property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders. It has been identified as part of a small grouping of residences on Kittredge Street that were converted to commercial uses via storefront additions, which may equate to significance at the local level. These points are elaborated upon in detail on the attached forms.

Left Coast Architectural History is happy to answer questions or provide additional assistance, as needed.

Sincerely,

Caitlin Hibma
Principal/Architectural Historian
Left Coast Architectural History

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 22

*Resource Name or #: 2138 Kittredge Street, Berkeley, CA

P1. Other Identifier: n/a

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County: Alameda

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Oakland West, Calif.

Date: 2015 T ; R ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 2138 Kittredge Street

City: Berkeley

Zip: 94704

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN: 57-2029-15

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Site

The property at 2138 Kittredge Street consists of a rectangular lot on the south side of Kittredge Street, between Shattuck Avenue and Fulton Street. Topography in the area is flat and the parcel is bordered by a public sidewalk on the north and neighboring properties to the east, west, and south. A two-story building sits at the front of the lot with no setback from the sidewalk. It sits at the western lot line while a driveway runs along the east side of the lot to a paved yard at the rear (south) of the lot and a one-story L-shaped carport sits at the southwest corner of the lot.

Building

The building is two stories and has a generally rectangular plan. It is primarily of wood frame construction with a front addition constructed of brick masonry. It is capped by a complex hip roof with a flat roof over the front addition. The exterior walls of the front addition are brick (common bond), while the rear/original portion of the building is clad with wood lap siding. (Continued)

*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #)

North and west facades, looking southeast, January 2024

*P6. Date Constructed/Age and Sources: ☒ Historic

☐ Prehistoric ☐ Both

1904; *Berkeley Daily Gazette* construction notice

*P7. Owner and Address:

*P8. Recorded by: (Name, affiliation, and address)

Left Coast Architectural History
PO Box 70415
Richmond, CA. 94807

*P9. Date Recorded: Jan. 2024,
revised 3 Feb. 2025

P10. Survey Type: Intensive

*P11. Report Citation: None

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List):

DPR 523A (1/95)

*Required information

State of California — The Resources Agency
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Primary #
HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

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*NRHP Status Code

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

B1. Historic Name: None

B2. Common Name: None

B3. Original Use: Single-family residence

B4. Present Use: Commercial/Multi-family residence

***B5. Architectural Style:** Free Classical Queen Ann, altered to/mixed with Georgian Revival

***B6. Construction History:** (Construction date, alterations, and date of alterations)

Constructed 1904. Primary facade addition, 1935. (See Continuation Sheets for additional construction history.)

***B7. Moved?** ☒No ☐Yes ☐Unknown **Date:** n/a

Original Location: n/a

***B8. Related Features:** Carport at rear of lot.

B9a. Architect: William H. Wharff

b. Builder: Pearson & Olsen

***B10. Significance: Theme:** None

Area: Downtown Berkeley

Period of Significance: None

Property Type: Residential/Commercial

Applicable Criteria: None

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Neighborhood Context

The building at 2138 Kittredge Street is located in Downtown Berkeley, just off the Shattuck Avenue commercial corridor, study of which was undertaken by the "Shattuck Avenue Commercial Corridor Historic Context and Survey" (Archives & Architecture, 15 Sept. 2015). The historic context is applicable to this property, as follows.

Downtown Berkeley is characterized by a variety of uses but is heavily commercial, as is typical of an urban downtown. Along Shattuck Avenue, these commercial uses – restaurants, boarding houses, groceries, laundries – were present as early as the 1870s, encouraged by the establishment of the nearby University of California campus; construction of a rail line along Shattuck Avenue; and ultimately, incorporation of the community as the Town of Berkeley. The University spurred surrounding residential growth as well and the presence of a train station at Shattuck and University avenues made that the locus of the city's de facto downtown.

In the 1880s, residential growth boomed and the area's character transitioned from rural to urban. In the 1890s, the previously vacant east side of Shattuck Avenue was graded, allowing for additional development and more businesses to be established along the corridor. Such development extended as far south as Allston Way, while a smaller secondary commercial cluster existed at Shattuck Avenue and Dwight Way.

The turn of the 20th century brought electric rail lines and further commercial growth to Shattuck Avenue, but the 1906 earthquake did the most to spur massive residential and commercial growth, as displaced residents from San Francisco came across the Bay to settle in Berkeley and demand for goods and services subsequently increased. Many older properties along Shattuck Avenue were redeveloped to meet the needs and fashions of the new century. (Continued)

B11. Additional Resource Attributes: (List attributes and codes)

HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

***B12. References:**

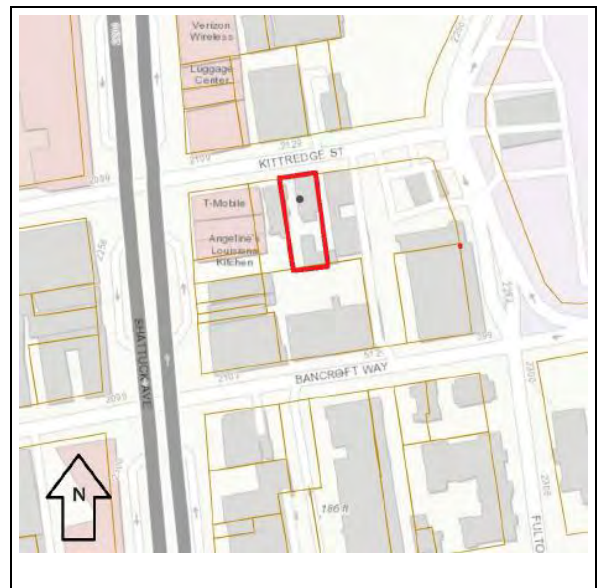
(See parenthetical citations within text and on last Continuation Sheet)

B13. Remarks:

***B14. Evaluator:** Caitlin Hibma/Left Coast Architectural History

***Date of Evaluation:** January 2024, revised 3 February 2025

(This space reserved for official comments.)



State of California — The Resources Agency
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*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

P3a. Description: (continued)

Multi-lite wood sash windows in double-hung and casement configurations are the most prevalent type of fenestration. Original double-hung iterations feature lambs-tongue sash stops, while newer wood iterations have no stops. Some vinyl sashes are also present.

The primary/north facade is two stories, clad with brick, and faces Kittredge Street without setback from the sidewalk. Two rows of soldier coursed bricks are found at the base of the wall. Above, the first story features a series of three regularly spaced round arches. A course of shiner coursed bricks set at an angle and topped by a row of stretcher coursed bricks create a decorative beltcourse at the height of the arches' springing points, while the tops of the arches are trimmed with voussoir bricks and slightly elongated bricks that form keystones at the top. The two arches at left and center have molded wood dado panels at the bottom and multi-lite wood sash windows above. The windows consist of a large, fixed, 12-lite, center sash, flanked by narrow four-lite casement sashes, and topped by fanlights with distinctive spiderweb muntins. The primary entrance is located within the rightmost arch which opens to a recessed vestibule. The entry door is elevated and approached by brick steps and a stoop. The solid wood door is adorned with a carved reeded motif and topped by a leaded glass transom lite. It is surrounded by wide reeded trim with a plain keystone at the top.

The second story of the primary facade features two window openings at either side and a decorative roundel at the center. The roundel is filled with a decoratively laid pattern of brickwork, voussoir trim, and keystones of elongated bricks at top, bottom, and each side. The windows have rectangular openings flanked by faux wood shutters and topped by lintels of soldier coursed bricks. Decorative metal half-round balconettes are located below each window. The windows have wood double-casement sashes with three lites in each leaf. A band of stretcher coursed bricks defines a low parapet wall at the top of the facade, which has brick coping and a low metal railing along the top edge.

The brick front wraps the building corner and extends briefly along the west facade, where there is a recessed blind arch with a wood flower box at the first story and a non-original six-over-one wood sash window with brick sill and soldier coursed lintel at the second story. To the right, the original portion of the building is clad with wood lap siding. Utility hatches and lattice vents are located at the base of the wall with a wide wood watertable above. The first story features a horizontally-oriented art glass window on the left, a standard one-over-one, double-hung, wood sash window on the right, and a partially-glazed wood pedestrian door at the far right. The first and second stories are divided by a wide wood beltcourse. The second story features four irregularly placed windows in a variety of sizes with molded wood trim. Three are one-over-one double-hung sashes, while one is a fixed art glass window. The facade terminates in a wide plain wood frieze overhung by the boxed eaves of the roof. One eave bracket with a foliate scroll motif is found near the juncture of the brick addition with the original portion of the building.

On the east facade, too, the brick front wraps the building corner and extends briefly along the facade. At the first story there is an arched window like those described on the primary facade, while the second story features two six-over-one wood sash windows with brick sills and soldier coursed lintels. To the left, the original portion of the building is clad with wood lap siding. A projecting bay is located near the center of the facade. It is angled at the first story and overhung by a square bay at the second story with decorative scrolls brackets adorning the overhanging corners. As on the west facade, there is a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. Windows are generally standard one-over-one, double-hung sashes with molded wood trim; some wood and some vinyl. A hip-roofed dormer projects from the east plane of the roof over the projecting bay.

The rear/south facade is clad with wood lap siding and has a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. There is a secondary entrance and window at the right side of the first story. The second story is setback at the left side, accommodating a deck with a decorative wood railing. The right side features a pair of standard windows. A non-original addition projects from the rear plane of the roof.

Carport

An L-plan carport sits at the southwest corner of the lot. It is one-story high with a flat roof and opens onto the property's paved rear yard. The carport has concrete block rear walls, heavy wood roof beams, and metal support poles. Stucco clads the low parapet wall at the front of the roof.

B10. Significance: (continued)

Downtown was spared destruction by the 1923 Berkeley Fire, but Shattuck Avenue was nevertheless changed by the growing popularity of the private automobile in the 1920s. Although modes of transit conflicted at times, private cars increased travel to and from the commercial corridor. A number of large department stores came to the area at the time and, along with other businesses, flourished until the Great Depression. Even the serious economic downturn of the 1930s had gentler effects in Berkeley, though, because the University's student population kept business flowing.

By the mid-1940s, the entire Bay Area had experienced a war-time population boom and prosperity was high. Although the evolution of transportation away from public mass transit and toward the private automobile dispersed many businesses into

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B10. Significance: (continued)

new outlying areas, Shattuck Avenue remained a strong commercial corridor, and as was a recurring theme, the proximity of the University of California campus continued to bolster Downtown commerce.

As happened in many cities, Downtown declined in the 1950s and 60s due to the migration of commercial uses to outlying malls and shopping centers. Population also diminished as urban residents moved to the suburbs, which were accessible by car and did not require the presence of convenient nearby businesses. In Berkeley, the deterioration of residential hotels and apartments that were commonly located above the street-level commercial establishments along Shattuck Avenue compounded the loss of Downtown vitality. Additional challenge was presented by the construction of BART in the 1970s, although this ultimately connected Berkeley's Downtown to the wider Bay Area region once it was completed.

Property History

A notice in the 27 October 1902 issue of the *Berkeley Daily Gazette* (BDG) reported that lots 16 and 17 of the Blake Tract (which had been subdivided in 1881) were sold by W.H. Leimert to John C. Fitzpatrick. A map of the Blake Tract indicates that the property now addressed 2138 Kittredge Street was Blake Tract lot 17 (lot 16 sat to its east). (Berkeley Property Map No. 3 of the Blake Tract, 1881; Berkeley Public Library via Calisphere.) The following year, the 1903 Sanborn Fire Insurance map illustrates that lot 17 was vacant, while lot 16 was had a large, two-story, corrugated iron stable sitting at its rear.

On 4 January 1904, the *Berkeley Daily Gazette* reported plans "To Erect Large Building" at Shattuck Avenue and Kittredge Street. The article reported that the building was to be a two-story and basement frame dwelling, built for John C. Fitzpatrick by contractors Pearson & Olsen, designed by architect William H. Wharff. (See "Architect & Builders" section below.) The house would cost \$4,090 and was to be completed around mid-April of 1904.

John C. Fitzpatrick was born in Benicia in 1866 and came to Berkeley in 1890. Soon thereafter, he began working on the Claremont, University & Ferries horsecar line (known as the C.U. & F., established 1891), serving variously as secretary, manager, superintendent, and motorman. The horsecar line was discontinued in 1901 and Fitzpatrick went into business running a "railroad station horse and hack taxi service." This livery stable business was initially headquartered on Allston Way, but was soon moved to the property adjacent to Fitzpatrick's new house at 2138 Kittredge Street. Banking on transportation trends moving away from horses and toward automobiles, Fitzpatrick eventually purchased three gas-powered automobiles which he hired out and also used for deliveries, taxi service, and driving for funerals and other events. Fitzpatrick's stable eventually became one of Berkeley's first public auto garages. ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940.)

The 1910 census lists the John C. Fitzpatrick family as the residents of 2112 Kittredge Street. John C. Fitzpatrick was 45 years old, born in California to Irish parents, and was listed as the proprietor of a livery stable; the one located on the lot next door, and which by 1910, was probably more automobile than horse-oriented. Also residing at the house were Fitzpatrick's wife, Carrie, and their five children. The children's ages ranged from 16 to 22 and only the oldest, Albert Reginald, was employed as an electric company clerk.

The house at 2138 Kittredge Street first appears on the 1911 Sanborn Fire Insurance map, addressed 2112 Kittredge Avenue. It is illustrated as a 2-story, rectangular-plan dwelling with an inset porch at the front northwest corner, a square bay window on the east facade, and a rear porch. An L-shaped outbuilding was present at the rear of the lot and was addressed 2112 ½ Kittredge Street. On the lot to the east, which was also owned by Fitzpatrick (Blake Tract lot 16, mentioned above), the corrugated iron stable shown on the 1903 Sanborn Fire Insurance map had been enlarged to fill the front of the lot. It was still clad in iron, had a concrete block street-facing facade, and was labeled as a livery stable.

A decade later, the 1920 census continues to list John C. Fitzpatrick at 2112 Kittredge Street. By then Fitzpatrick was a 54 year old widow and had no listed occupation. Living with him were his son Albert Reginald; 37 years old with no listed occupation; and his daughter and son-in-law, Gladys C. and George H. Brown, both in their 30s. George Brown was employed as a salesman for a wholesale coffee company.

The property was renumbered from 2112 to 2138 Kittredge Street on 5 October 1926. (City of Berkeley Planning Department records) The Sanborn Fire Insurance map of 1929 shows that by the end of the 1920s, the property been converted into a restaurant. John C. Fitzpatrick's adjacent livery stable had officially become an automobile garage, housing 20 cars with a repair department at the rear. The 1930 census confirms that John C. Fitzpatrick had moved away from the subject property, purchasing and living in a house on Delaware Street. He may have retained ownership of the house and adjacent auto garage until either 1924 or 1942. (*BDG*, 28 February 1940.) John C. Fitzpatrick died in 1945. (Vital records, ancestry.com.)

The timing of Fitzpatrick's sale of the property is unclear. It was next purchased by William H. and Alma T. Taylor. Logically, he would have sold the property when he moved away, possibly in 1924 as one source states. (Anthony Bruce, "The Fitzpatrick House & Pepper Tree Tea Room, 2138 Kittredge Street," 2022, BAHA files) Donogh real estate records show a sales transaction between Fitzpatrick and the Taylors in 1942, however. Its possible that numbers were transposed, but a newspapers article

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B10. Significance: (continued)

profiling Fitzpatrick notes that he still owned the livery stable property as late as 1940, which could suggest he owned the house into the 1940s as well. In any case, William and Alma Taylor were the next owners of 2138 Kittredge Street and were present, either as renters or owners, as early as 1925.

The restaurant shown on the 1929 Sanborn Fire Insurance map was operating at least as early as 1925, when it was referred to as the Pepper Tree Inn in a newspaper article. (BDG, 12 June 1925) It was also known at various times as the Pepper Tree Tea Room or the Pepper Tree Restaurant. Its proprietress was Alma T. Taylor, wife of William H. Taylor, who was a real estate agent. The Taylors' residential address was 2138 Kittredge Street, indicating that they lived upstairs, while Alma Taylor ran the restaurant, presumably on the lower floor of the house. Alma's father and adult niece lived with them; her niece helping wait tables in the tea room. (Anthony Bruce, 2022; BAHA files.)

In 1928, the newspaper ran both a recommendation for the Pepper Tree, and a rental advertisement for an apartment at 2138 Kittredge Street, indicating that in addition to the tea room, the Taylors had subdivided the residential portions of the house into apartments. They continued to live at the address. (BDG, 4 Jan. 1928 and 30 March 1928) In both 1926 and 1929, chimney sparks ignited the roof of the house, but no substantial damage was done. (BDG, 9 July 1926 and 13 Feb. 1929)

In 1935, the Taylors took out a building permit for "alterations and addition to tea room and dwelling" involving the remodeling of the kitchen and dining quarters and extension of the front of the building by 8 ft. 6 in. (BAHA, permit 39423) This was when the brick Georgian Revival style front was constructed on the house's primary facade.

The Pepper Tree Tea Room continued to operate until 1942, when newspapers announced that the restaurant premises was up for lease and its equipment and furniture was for sale. (BDG, 11 May and 24 June 1942.) Alma Taylor thus retired from 21 years in the restaurant business, but she and William H. Taylor continued to own and live at 2138 Kittredge Street. Later in 1942, they applied for a permit to convert the building to apartments, hiring architect Paul Hammarberg to design the project. (Permit 53030) The Taylors continued as resident-landlords of the apartment house and ran a public "honor" parking lot nearby, while another parking lot operated at the rear of the subject lot (although newspapers assign it a different proprietor). (BDG, 22 March 1948)

In 1955, the property made the news when the skeletal remains of a Native American burial were uncovered in the course of construction at the rear of the lot. It was noted that an old shed related to the adjacent J.C. Fitzpatrick livery stable had been torn down and the footings of a new carport were being poured when the discovery was made by a workman. The remains were assessed by a U.C. Berkeley archaeologist and determined to be over a century old and belong to an Ohlone woman, who had probably lived in one of the villages that once proliferated in Strawberry Canyon.

In October 1960, Alma T. Taylor passed away at age 70. Her obituary highlighted her 39 years of residency in Berkeley and her 21-year ownership of the former Pepper Tree Tea Room. She was survived by her husband, who remarried in 1963 to Helen Ingham. (BDG, ca. 21 Nov. 1974) In 1964, Taylor was listed as the owner of the property when applying to build an additional dwelling unit on top of the property's rear carport. It was specified that the addition would be a large apartment to be occupied by the property owners, while the existing five-unit apartment building continued to be used as such. Based on the fact that the carport remains one-story with no second story unit, the project does not appear to have ever been undertaken. (Use Permit #5245) William Taylor appears to have retained ownership of the property until his death in 1974. Helen Ingham Taylor passed away in 1979 and may have continued living at the property until then.

According to building permit records, Wayne Ronneburg owned the property around 1981, when the roof was replaced. In May 1985 a lot line adjustment was made between 2138 Kittredge Street and the neighboring property to the east (the former site of J.C. Fitzpatrick's livery stable) to "eliminate minor encroachment of a commercial building at 2150 Kittredge Street." Per City of Berkeley land use history records, the lot line adjustment application was later withdrawn, but the owner at the time was stated to be Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints. (Application for Parcel Map #4511/4571)

By 1992, Steve and Francisca Schneider were the property owners and retained ownership until at least 2001. During this time, the building appears to have remained a five-unit apartment building, although not rented to full occupancy. In 1997, architectural plans were filed and an application for Design Review was submitted to "convert the existing multi-unit residential building into restaurant." (UP# 97-10000082) An Application for Change of Use Statement (17 July 1997) reported that the building consisted of five residential units; two on the bottom floor that were vacant, two on the second floor being used as a single dwelling by the Schneiders, and one at the attic level that was also vacant. Steve Schneider was a real estate consultant and, based on a sign that remains on the building, he maintained an office in the building. The 1997 restaurant conversion project was undertaken with the intent that the Schneiders would sell the building to Ching Hwa Yu to become the Great China Restaurant if the commercial conversion was possible and a use permit was granted. It appears that it was not and the project was not undertaken.

Architect

The building at 2138 Kittredge Street, in its original residential guise, was designed by William Hatch Wharff. Wharff was born

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B10. Significance: (continued)

in Maine in 1836. He attended Foxcroft Academy, an arts-oriented preparatory high school, and learned the carpentry trade from his uncle, eventually becoming a master carpenter and joining his uncle in business. The source of Wharff's architectural training is unclear and its possible that he had no formal training, although he did claim at one time to have studied architecture in Maine and Massachusetts and eventually became a member of the American Institute of Architects.

Wharff served in the Union Army during the Civil War and in 1875 moved his family west to California, settling first in San Francisco. Wharff declared himself an architect to the 1880 census, but was listed in city directories as a draftsman and, later, contractor/builder with offices on Pine Street. By some accounts he designed or built over sixty buildings in San Francisco between 1882 and 1899.

In 1899, Wharff relocated to Berkeley. Despite being of retirement age, he renewed his practice in his new city and was active until 1915, when he retired from architecture but went into the insurance business instead. He died in 1936.

Buildings designed by Wharff in Berkeley, and which are also designated Landmarks, include:

- Carlson's Block (1903) at 3228 Adeline Street in Lorin Station
- Masonic Temple (1905–06) at 2105 Bancroft Way and Shattuck Avenue
- J.J. Pfister Co. Knitting Mill (1906) at 8th and Parker Streets;
- F.D. Chase Building (1909) at 2107 Shattuck

(Daniella Thompson, "Whilliam Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html)

Architectural Type & Style

The building at 2138 Kittredge Street was originally a residential building that was probably designed in the Free Classical sub-type of the Queen Anne style. Although the original appearance of the primary facade is unknown, this determination is based on the building's age and remnant features on the rear portion of the building, including horizontal wood siding, double-hung windows with lambs-tongue sash stops, beltcourses and friezes, moldings, and remnant scroll brackets. The Free Classical sub-type of the Queen Anne style was popular in the later phase of the Queen Ann period, about 1890 to 1910. It used Classical columns, moldings, Palladian windows, and other related ornament rather than the spindlework and gingerbread more commonly associated with the Queen Anne aesthetic. (McAlester, Virginia & Lee, *A Field Guide to American Houses*, (New York: Alfred A. Knopf, 2003))

In 1935, the primary facade was subsumed by a front addition designed in the Georgian Revival style. As was popular in the 1920s and 30s, this was a revival of the older Georgian style that was used in the American colonies and eastern United States from around 1700 to as late as 1830. Like other revival styles, it sought to evoke a sense of nostalgia for times past, specifically that associated with early America, colonial history, the ideals of the early American republic, and the basic orderly principals of earlier architectural styles that had been considered elite, formal, and highly fashionable. It, too, referenced the Classical in its detailing, which can be seen in the facade's strict symmetry, the round arches forming an arcade and adorned with keystones, the roundel ornament on the upper facade, and parapet defined by brickwork. Features like decorative brickwork, complex window composition with spiderweb fanlights, and faux shutters put a Georgian emphasis on the Classical. Meanwhile, reeded detailing on and around the primary entrance appears to have been a departure toward the Art Deco trends of the 1930s, when the addition was made. (Ibid., Lester Walker, *American Shelter* (Overlook Press, 1998))

Alterations

Building permits and other records on file with the City of Berkeley Department of Planning & Development and Berkeley Architectural Heritage Association provide documentation of the property's development over time. In addition, sources such as Sanborn Fire Insurance maps, aerial photographs, and historical images provide information on alterations made to the building during certain periods of time.

Date	Permit #	Description of Work
20 Aug. 1915	4815	Unspecified addition to dwelling. Owner: J.C. Fitzpatrick [Rear addition, per California Dept. of Parks & Recreation Historic Resources Inventory form, 1978 (BAHA)]
4 Aug. 1926	25631	Unspecified demolition. Owner: Alma T. Taylor

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13 June 1935	39423	Alterations and addition to tea room and dwelling – kitchen and dining quarters to be remodeled and front to be extended 8 ft. 6 in. Owner: Mr. & Mrs. Taylor
5 Nov. 1936	41648	Reroof shed. Owner: Taylor.
11 May 1940	48712	Termite repair to dwelling and restaurant. Owner: Taylor
14 Aug. 1940	4934?	Termite repairs to dwelling. Owner: Taylor.
10 Aug. 1942	53030	Convert building to apartments. Architect: Paul Hammarberg. Owner: W.H. Taylor
11 Jan. 1949	64622	Unspecified alterations to apartments. Owner: Taylor
20 Jan. 1949	64667	Installation of a fire escape ladder.
3 Nov. 1953	74231	Take out a wall and a half-closet wall in two adjoining bedrooms, frame in a closet, making the bedroom approx. 3 feet wider. Owner: W.H. and Alma T. Taylor
21 Sept. 1955	78298	Demolish existing carport at rear of lot, Owner: W.H. Taylor
? Sept. 1955	78300	Construct concrete block carport, 8" blocks, tar and gravel roof, asphalt floor and drive. Owner: W.H. Taylor
21 Aug. 1964	5245	NOT COMPLETED: Building dwelling unit above carport. Owner: W.H. Taylor
13 Jan. 1981	112814533	Re-roofing. Owner: Wayne Ronneburg.
17 May 1985	PM 4511/4571	NOT COMPLETED: Lot line adjustment. Owner: Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints
1992	CoB records	Owner requested and denied building's removal from URM list. Owner: Steve and Francisca Schneider
5 Sept. 1997	UP 97-10000082	NOT COMPLETED: Convert existing multi-unit residential building into restaurant. Owner: Steve and Francisca Schneider
3 July 2000	00-00001042	NOT COMPLETED: Remove existing second floor deck and replace with dining room. Owner: Steve and Francisca Schneider
15 Feb. 2001	01-00000252	Add Garden room on existing deck [at rear, second story] (in lieu of room addition, permit #1042). Contractor: Century Patio Village. Owner: Steve Schneider

Alterations noted by visual observation, but not otherwise documented, include:

- Window replacement: Some double-hung, wood-sash windows without lambs-tongue sash stops are present and indicate replacement of originals which did have sash stops. Meanwhile some vinyl ash windows are also present.

California Register Evaluation

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. In order for a property to be eligible for listing in the California Register, it must be found significant under one or more criteria relating to historically significant events, people, architects or architectural merit, or information potential. The following provides an evaluation of the historic significance of 2138 Kittredge Street:

Criterion 1 (Event): *Resources that are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*

No specific events of historical importance are known to have occurred at the property. The building was constructed as a single-family residence located just off the commercial corridor of Shattuck Avenue in 1904. It pre-dated the 1906 earthquake and did not play any role in the aftermath of that event or the substantial effects that it had on the Bay Area and beyond. The house was partially-converted to a restaurant in the mid-1920s and a front addition was added to facilitate that use in 1935. Such changes to the physical character and use of residential buildings are fairly common in urban settings where a residential neighborhood has become heavily commercial over time and were done for reasons of very general practicality. The restaurant conversion pre-dated and was not influenced by or otherwise related to the events of the Great Depression that started in 1929 and dominated much of the 1930s. The building became a multi-family apartment building in 1942, which may have been very generally influenced by the massive population boom experienced in the Bay Area during the years of World War II as war workers and military families relocated to the region in large numbers and required housing. However, the subdivision of residential space to accommodate the wartime population boom (and make a profit) is a trend that occurred at countless properties in cities throughout the Bay Area

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B10. Significance: (continued)

and elsewhere in California. No evidence was found that 2138 Kittredge Street housed war workers or military families and it is just one example of a very common wartime trend throughout the State.

The property does not appear to be eligible for listing in the California Register under Criterion 1.

Criterion 2 (Persons): Resources associated with the lives of persons important in our past.

The property was first associated with John C. Fitzpatrick, who had the house built in 1904 and occupied it with his family until the early 1920s. Fitzpatrick worked on a horsecar line before establishing his own livery stable (next door to the house), which eventually transitioned from horses to automobiles, but operated under the same for-hire model. He was an early adopter of automobiles and his stable-turned-garage is claimed to have been one of Berkeley's first public auto garages, although this claim is unsubstantiated ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940) and could be complicated by the exact definition of "public auto garage" (ie: a garage for parking, for mechanical service, for rental of vehicles, etc.) In any case, although Fitzpatrick was an early purveyor of transportation, his business did not have significant implications for the broader history or development of Berkeley or California, and the house at 2138 Kittredge Street did not have an integral association with Fitzgerald's business or represent it in any way.

Beginning around 1925, the house was occupied by William H. and Alma Taylor. William Taylor was a real estate agent, while Alma Taylor ran a tea room in the front of the house. William Taylor's work in real estate earned little attention in historical documents, while Alma's tea room was advertised in newspapers (as would be expected for a restaurant) and appears to have been a successful establishment, operating for 21 years. Nevertheless, the tea room was one of countless restaurants in Berkeley during its years of operation and Alma Taylor had no great historical influence as its proprietress.

In 1942, the Taylors converted the house to a five-unit apartment building. Residents of the apartments are generally unknown and the few names that appear in association with the address in newspapers do not yield much biographical information and do appear to have been influential. Helen Ingham Taylor, William Taylor's second wife and widow, owned the property until 1979. Later owner/occupants were associated with the property outside of the historical period and none appear to claim any significant achievements that would qualify them as important historical figures.

The property does not appear to be eligible for listing in the California Register under Criterion 2.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

The building at 2138 Kittredge Street was designed as a single-family dwelling, likely in the Free Classical sub-type of the Queen Anne style. Aside from age-appropriate materials and a few remnant features found on the side and rear facades, the house no longer conveys its original appearance, nor is it capable of indicating its true age or style. In 1935, a Georgian Revival style front facade was added to the building, which had come to incorporate commercial and, eventually, multi-family residential uses. The front exhibits some characteristic features of the Georgian Revival style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example of the style and has some anomalies. Its intended function as a storefront is also not readily apparent, as it has few of the characteristics of commercial use, such as a street-level entrance, multiple entrances, large plate glass display windows, etc. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

The architect of the house was William H. Wharff, who was a prominent and prolific Berkeley architect from 1899 to 1915. It is acknowledged, however, that he was not a great architectural trailblazer, being "neither a classicist nor an innovator, [but] a practical builder who incorporated the prevailing idiom of the day into his designs." (Daniella Thompson, "William Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html) The fact that the house at 2138 Kittredge Street has been substantially altered with an addition to the primary facade that essentially obscures Wharff's original design means that it cannot stand as a valid representation of his work. Additionally, the fact that at least four other works by Wharff are designated local landmarks, retain integrity, and represent Wharff's work much better, means that the house at 2138 Kittredge Street is not a valuable representation of his work.

The property does not appear to be eligible for listing in the California Register under Criterion 3.

Criterion 4 (Information Potential): Resources that have yielded, or may be likely to yield, information important in prehistory or history

Criterion 4 is typically concerned with archaeological investigation. Where buildings or architectural elements are concerned, Criterion 4 typically relates to rare construction types, of which 2138 Kittredge Street is not an example.

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The property does not appear to be eligible for individual listing in the California Register under Criterion 4.

Berkeley Landmark Evaluation

Berkeley Landmarks are designated historical resources within the City of Berkeley. Resources may be designated as Landmarks if they meet one or more of five criteria similar to those used for the California Register, but which elaborate on areas of significance. The following provides an evaluation of the historic significance of 2138 Kittredge Street according to local significance criteria:

1. Architectural Merit:

a-c. Property that is the first, last, only or most significant architectural property of its type in the region; Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

The property is an altered early-twentieth century residential building, later converted to commercial and multi-family residential uses, that does not hold the status of first, last, only, or most significant of its type or style in the region either in its original guise, nor its altered state. Its presumed original style and its wood-frame construction was very common to the early-twentieth century, while its altered character is equally unremarkable for the mid-1930s; therefore, it is not a prototype or outstanding example of its period, style, or any architectural movement or construction type. Even considered as an example of an early-twentieth century residence with a storefront addition, it does not qualify as a first, last, only, prototype, or outstanding example, as two others exist on the same block of Kittredge Street, with both of the others being of earlier construction dates and earlier alteration dates, and are still extant. The architect, William H. Wharff, was a prominent and prolific Berkeley architect but not particularly groundbreaking in his designs. He designed a number of other noteworthy buildings, some of which bear landmark designations, and are better examples of his work than 2138 Kittredge Street, which has been altered in such a way that the majority of Wharff's original design is not even evident.

2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City

The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any association to religious, cultural, governmental, social, or economic events or developments in Berkeley. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic developments. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic evolution in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, it was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in the Bay Area at that time.

3. Educational value: Structures worth preserving for their usefulness as an educational force

The property at 2138 Kittredge Street does not appear to have any use as an educational tool. The building is a modest structure that has an altered appearance and has had changing uses throughout its history. Both its altered physical character and dichotomy of uses confuse any interpretation of its historical role as either a house or commercial building, neither of which is particularly significant to local history.

4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military.

The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any significant influence from or on social, cultural, economic, political, religious, or military history. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic trends. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic trends in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, the building was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in Berkeley and the Bay Area at that time.

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5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The property at 2138 Kittredge Street is not listed in the National Register of Historic Places and therefore does not qualify as a Berkeley Landmark under this criterion.

Berkeley Structure of Merit Evaluation

Berkeley Structures of Merit are designated historical resources within the City of Berkeley. Resources may be designated as Structures of Merit if they meet general and/or specific criteria. An evaluation follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

As assessed under Berkeley Landmark criteria, the property at 2138 Kittredge Street does not possess high architectural merit or cultural, educational, or historic value. Visual observation of buildings around the property reveals a wide range of age, scale, style, and use, including a number of very large modern infill buildings that have been constructed in close proximity in recent years (or are under construction currently). Three late-nineteenth and early-twentieth century houses with added storefronts, similar to the subject property, are located on the same block of Kittredge. The "Shattuck Avenue Commercial Corridor Historic Context & Survey" addresses this grouping of properties as follows:

While a majority of residences located on Berkeley's downtown streets were demolished during the ensuing decades, to make room for larger, more commercially focused structures, a small handful of ca. 1890s houses, specifically the grouping located at 2117-2119 Kittredge St., 2124-2126 Kittredge St., and 2138 Kittredge St. were adapted into commercial storefronts, while remaining residential in the rear. These original rear wings are representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare. The expansion of transportation options in the early twentieth century, as well as a burgeoning commercial downtown, led to an increasing amount of commercialization of the side streets directly off of Shattuck Avenue as the nineteenth century gave way to the twentieth century.

It is corrected, herein, that the property at 2138 Kittredge Street dates to 1904, not ca. 1890s, and was the last of the three properties to be built and the last to be altered with a commercial storefront. Nevertheless, the three properties have been identified as representing a small grouping of residential-to-commercial conversions, associated with the commercial growth of nearby Shattuck Avenue.

Specific Criteria

a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

Downtown Berkeley is characterized by an extremely dense concentration of designated landmarks. In order to distill the analysis down to manageable numbers, the subject block on which 2138 Kittredge Street is located, and the block face opposite (the north side of Kittredge Street) are used herein as the study area. Within those constraints there are seven designated landmarks, including: the Tupper & Reed building, Hezlett's Silk Store, the Odd Fellows Temple, the Masonic Temple, Brooks Apartment Building, the A.H. Broad House/Storefronts, and the California Theater. All are Landmarks, except the A.H. Broad House/Storefronts, which is a Structure of Merit. Construction dates range from 1894 to 1913, with two bearing significant alterations dating to the mid-1920s and 1929-30. The Masonic Temple and Brooks Apartment Building are roughly contemporaneous with 2138 Kittredge Street, having been built within the same decade, in 1905 and 1906, respectively.

The property's age does not correspond to any period or event of significance to the City, having been built at a time of general growth and before the 1906 earthquake.

b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

Among the designated landmarks located in the study area defined above (see Specific Criteria (a)), 2138 Kittredge Street is compatible with the A.H. Broad House/Storefronts (Structure of Merit) in size, scale, style, materials, and design. Both are two-story, single-family, residential structures of Victorian-era styling, of wood frame construction, with later storefront additions dating

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to the mid-1920s and mid-1930s, that are of different materials and styling than the house to which they are attached. The other nearby Landmarks are mostly much larger, of distinctly different styles, and of different use-based design.

c. The structure is a good example of architectural design.

As a single-family dwelling, likely designed in the Free Classical sub-type of the Queen Anne style, the house no longer conveys its original appearance, nor is capable of indicating its true age or style. The later Georgian Revival front addition exhibits some characteristic features of the style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example and has some anomalies. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

The property at 2138 Kittredge Street has been identified as part of a grouping of three properties exhibiting residential to commercial conversion via storefront addition. The group is "representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare." (Archives & Architecture, 2015)

Integrity

In order to qualify for listing in the California Register, a property must possess significance under one of the aforementioned California Register criteria *and* have historic integrity according to seven aspects. Most, if not all, aspects of integrity must be met in order for the property to retain integrity. Integrity is not considered in the evaluation for Berkeley Landmark or Structure of Merit eligibility.

The property at 2138 Kittredge Street does not appear to possess the historic significance necessary to qualify for designation to the California Register; therefore, an analysis of its integrity is not required or included here.

Previous Evaluations & Determinations

The property at 2138 Kittredge Street was addressed by previous documentation efforts conducted by Berkeley Architectural Heritage Association in 1978, which included both a Berkeley Urban Conservation Survey form (#21280) and a State Historic Resources Inventory form. Although no formal evaluation according the National or California Register significance or integrity criteria was performed, the latter deemed the property eligible for the National Register.

Additionally, the property is addressed by the "Shattuck Avenue Commercial Corridor Historic Context and Survey," completed in 2015. The survey identified the potentially-eligible Shattuck Avenue Commercial Corridor Historic District, the boundaries of which include the subject property. The district has not been formally designated by the City of Berkeley, but is considered a historic resource for the purposes of CEQA by means of qualifying as a California Office of Historic Preservation (OHP)-compliant survey. The survey's Table of Properties acknowledges that the subject property bore no historical designation at the time of the survey, but assigns it contributing resource status to the identified district. City of Berkeley Planning Staff has further stated that the survey "assigned the property a California Historic Resource Status Code of 3S, finding it locally significant as a contributor to the proposed District under criterion A/1 of the NR/CR, with a period of significance of 1904-1958." The City has concluded that "for these reasons, the potential District and the subject building are cultural resources pursuant to CEQA Guidelines Section 15064.5. (a)."

The property at 2138 Kittredge Street is not currently listed in the National Register of Historic Places, the California Register of Historical Resources, or as a City of Berkeley Landmark or Structure of Merit. The property is not listed in the OHP's Built Environment Resource Directory (BERD) to indicate that previous study or designation is on file with the OHP.

Conclusion

Based on analysis undertaken by this documentation and evaluation effort, the property at 2138 Kittredge Street does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark. Because it has been identified as one of a grouping of three similar buildings with a somewhat unique use history, illustrated through physical alteration (SoM general criterion 1 and specific criterion D), and because it is contemporary in age and compatible in physical character with nearby Landmarks (SoM specific criteria A and B), multiple Structure of Merit criteria regarding its associations to similar nearby properties are met. Based on these conclusions, and in conjunction with those of previous evaluation and determination efforts, the property appears to qualify as a historical resource for the purposes of CEQA.

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Sources

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NETR Online, Historic Aerials
NewspaperArchive.com
Newspapers.com
Sanborn Fire Insurance Map archives via ProQuest and HIG
University of California Riverside, California Digital Newspaper Collection
University of California Santa Barbara Library, aerial photographs collection
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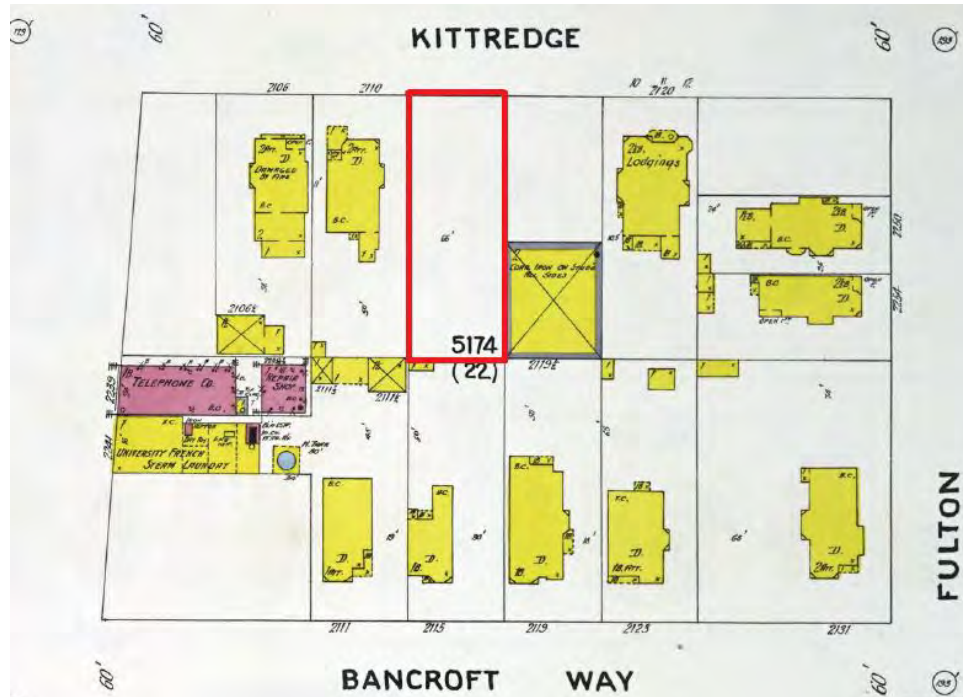
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Historical Images:



Sanborn Fire Insurance map, 1903. Subject property outlined in red; vacant. (Historical Information Gatherers)

To Erect Large Building

The contract to erect a two-story and basement frame dwelling on Shattuck avenue and Kittredge street, for John C. Fitzpatrick, has been awarded to Contractors Pearson & Olsen. William H. Wharff is the architect. This contract calls for all concrete, mason, carpenter, plumbing and painting work, at a total cost of \$4090. Payments are to be made as follows: Frame up, \$1022.50; plastered, \$1022.50; completed and acceptor, \$1022.50; thirty-five days after, \$1022.50. The contract was let December 30 and the building is to be completed in seventy-five working days, with a forfeit of \$5 a day. W. G. Black and Nils Person are sureties in bonds of \$1022.50.

Construction notice, Berkeley Daily Gazette, 4 January 1904.

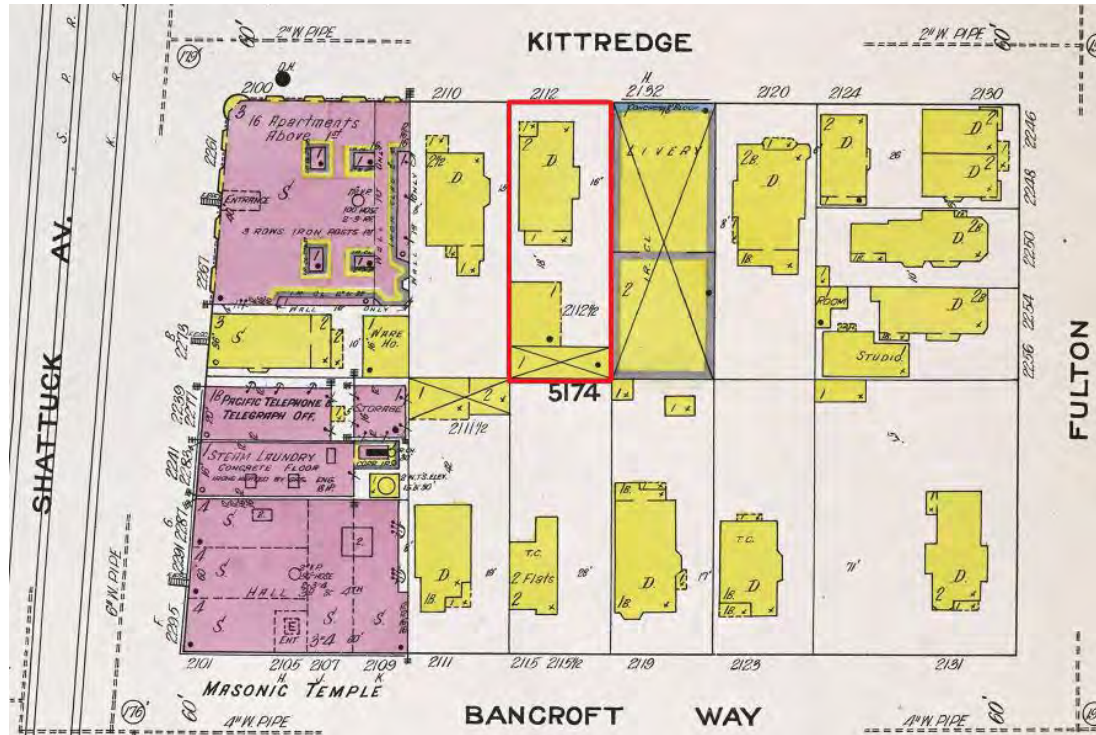
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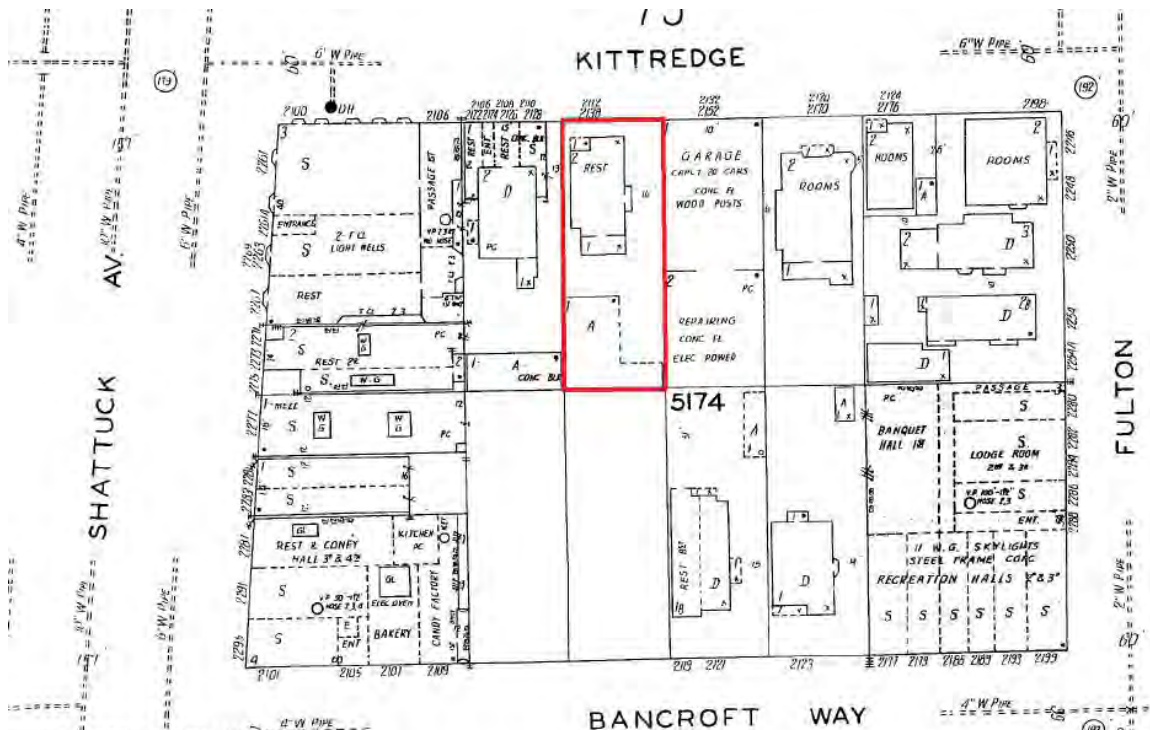
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Historical Images:



Sanborn Fire Insurance map, 1911. Subject property outlined in red. (Historical Information Gatherers)



Sanborn Fire Insurance map, 1929. Subject property outlined in red. (ProQuest)

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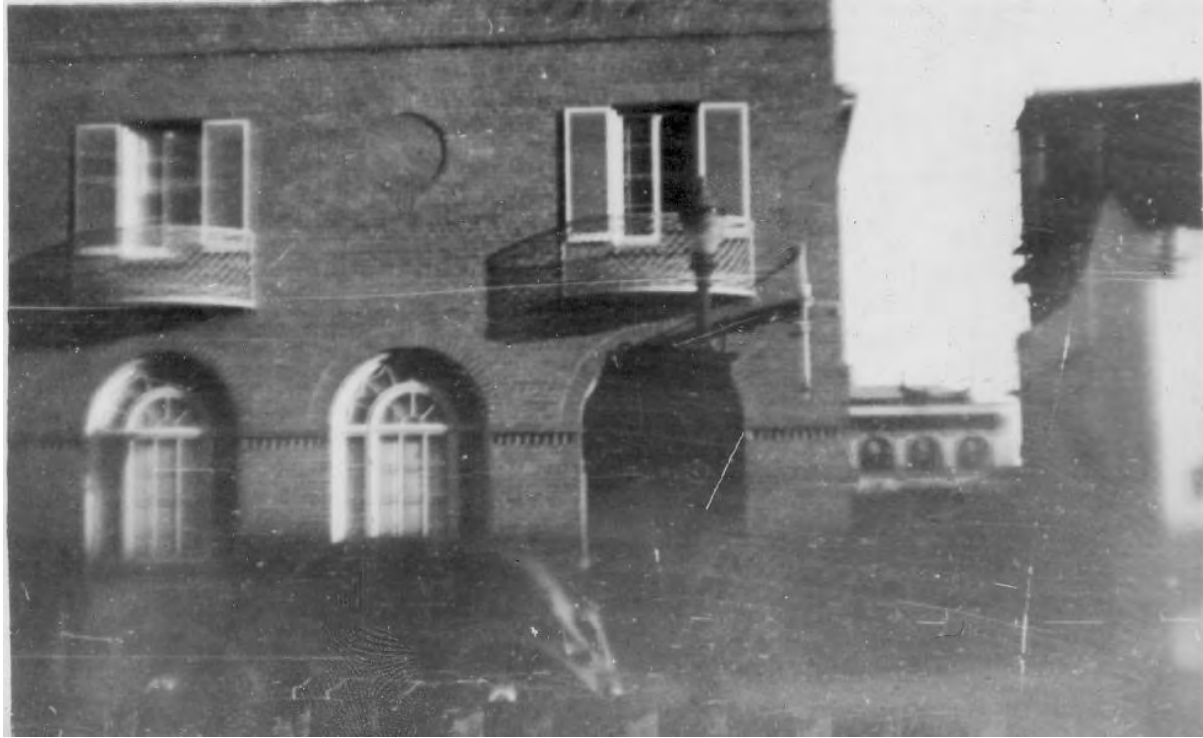
Primary #

Page 15 of 22

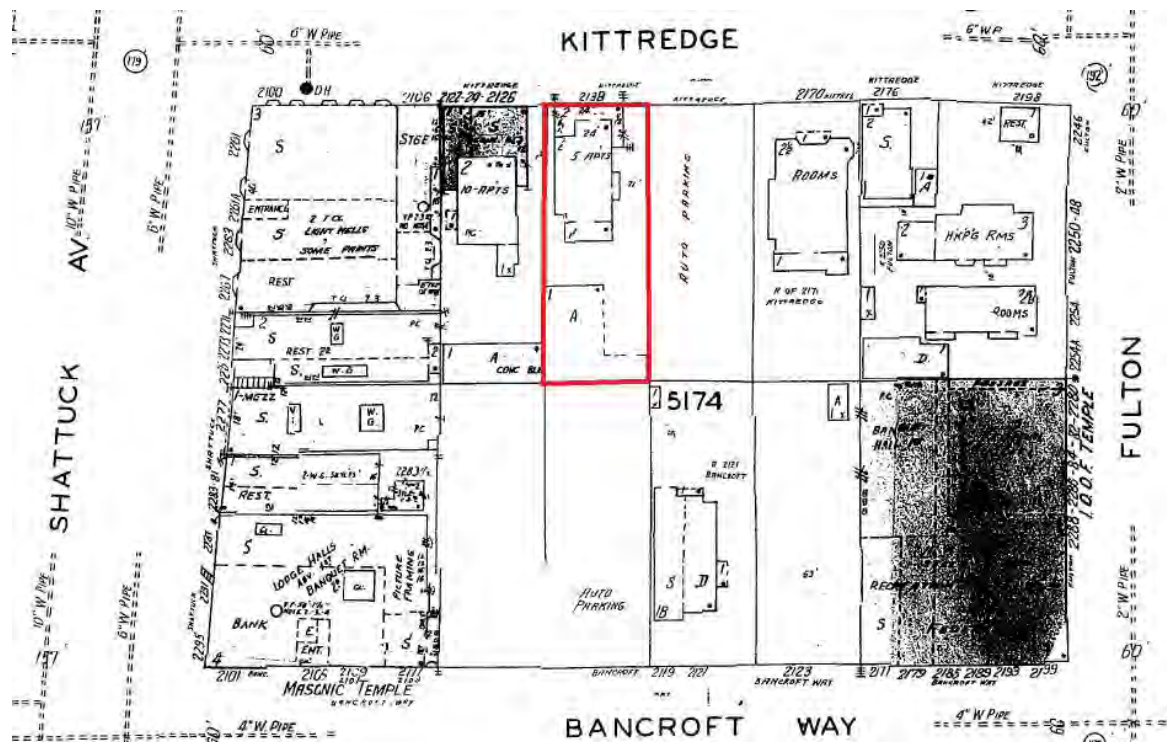
*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Historical Images:



2138 Kittredge Street, 1930s. (BAHA, Donogh Collection)



Sanborn Fire Insurance map, 1950. Subject property outlined in red. (ProQuest)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

HRI#
Trinomial

Primary #

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*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Historical Images:



Aerial photograph, 1958. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)



Aerial photograph, 1965. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

HRI#

Primary #

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Page 17 of 22

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Historical Images:



2138 Kittredge Street, looking southwest; 1978. (BAHA)



2138 Kittredge Street, looking northwest; 1978. (BAHA)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

HRI#

Primary #

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Page 18 of 22

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Historical Images:



2138 Kittredge Street, looking southeast; 1982. (BAHA)



Kittredge Street, looking east. 2138 Kittredge Street at far right; 1982. (BAHA)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
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Page 19 of 22

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Current Images:



Primary facade, looking south from Kittredge Street.



Left: Primary facade, looking southeast. Right: Detail of primary entrance.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
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Page 20 of 22

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Current Images:



First story of primary facade, left of primary entrance.



Second story of primary facade.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
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Page 21 of 22 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Current Images:



West facade, looking southeast.



Lower east facade, looking southwest.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

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*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024, rev. Feb 2025 ☒ Continuation ☐ Update

Current Images:



Upper east facade, looking southwest.



View to rear of lot, showing carport, looking south.

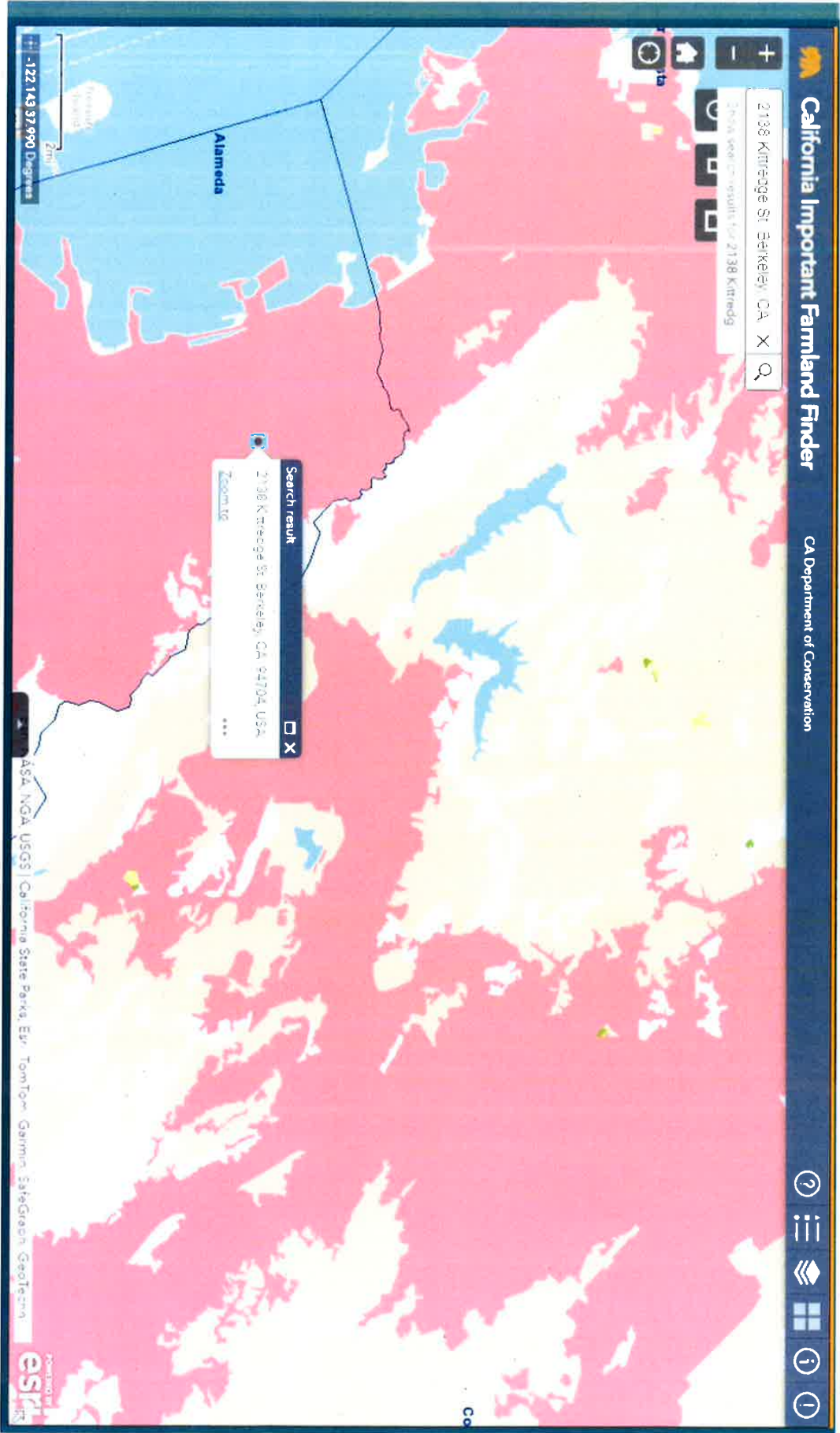
ATTACHMENT 4

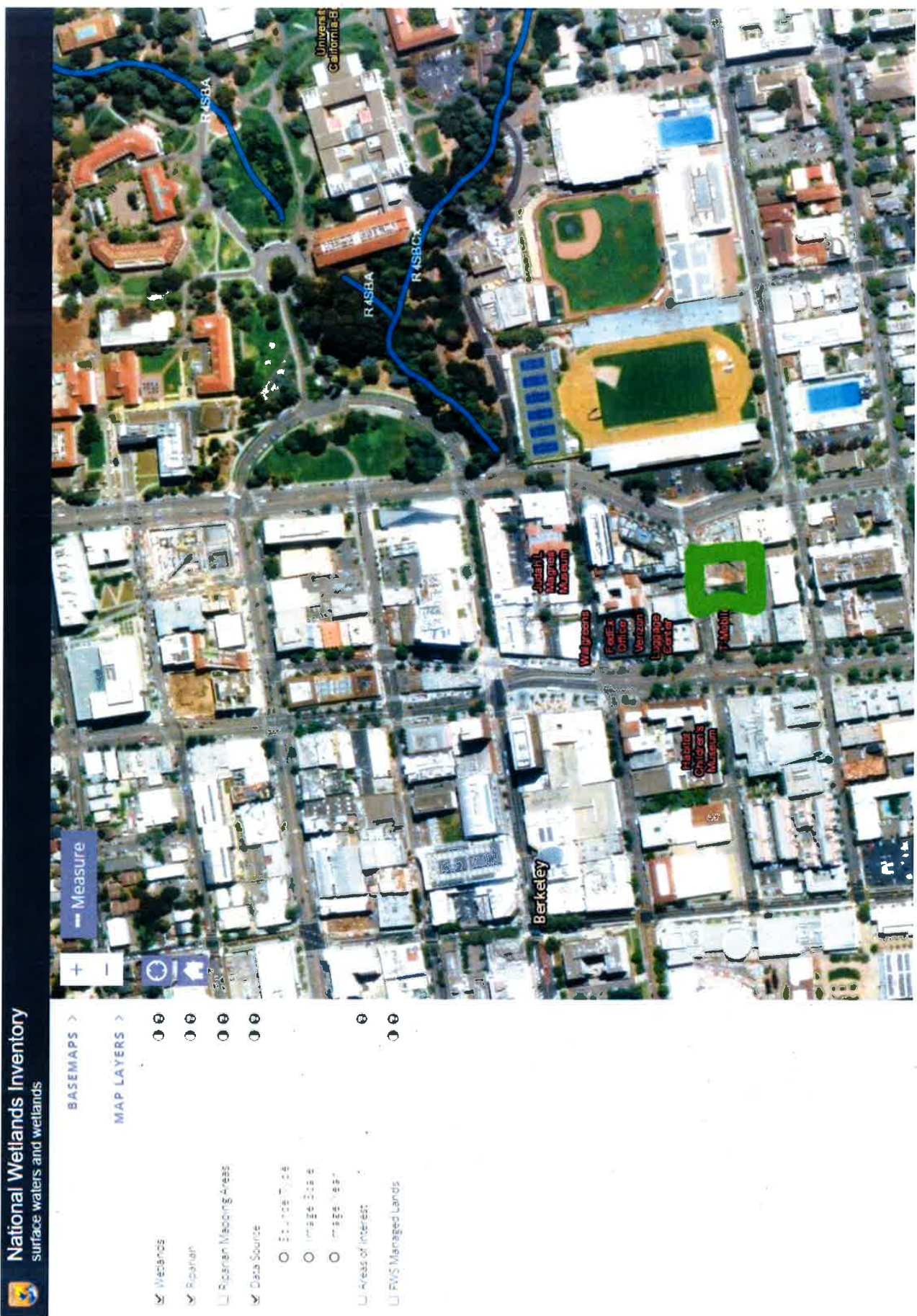
ATTACHMENT 4

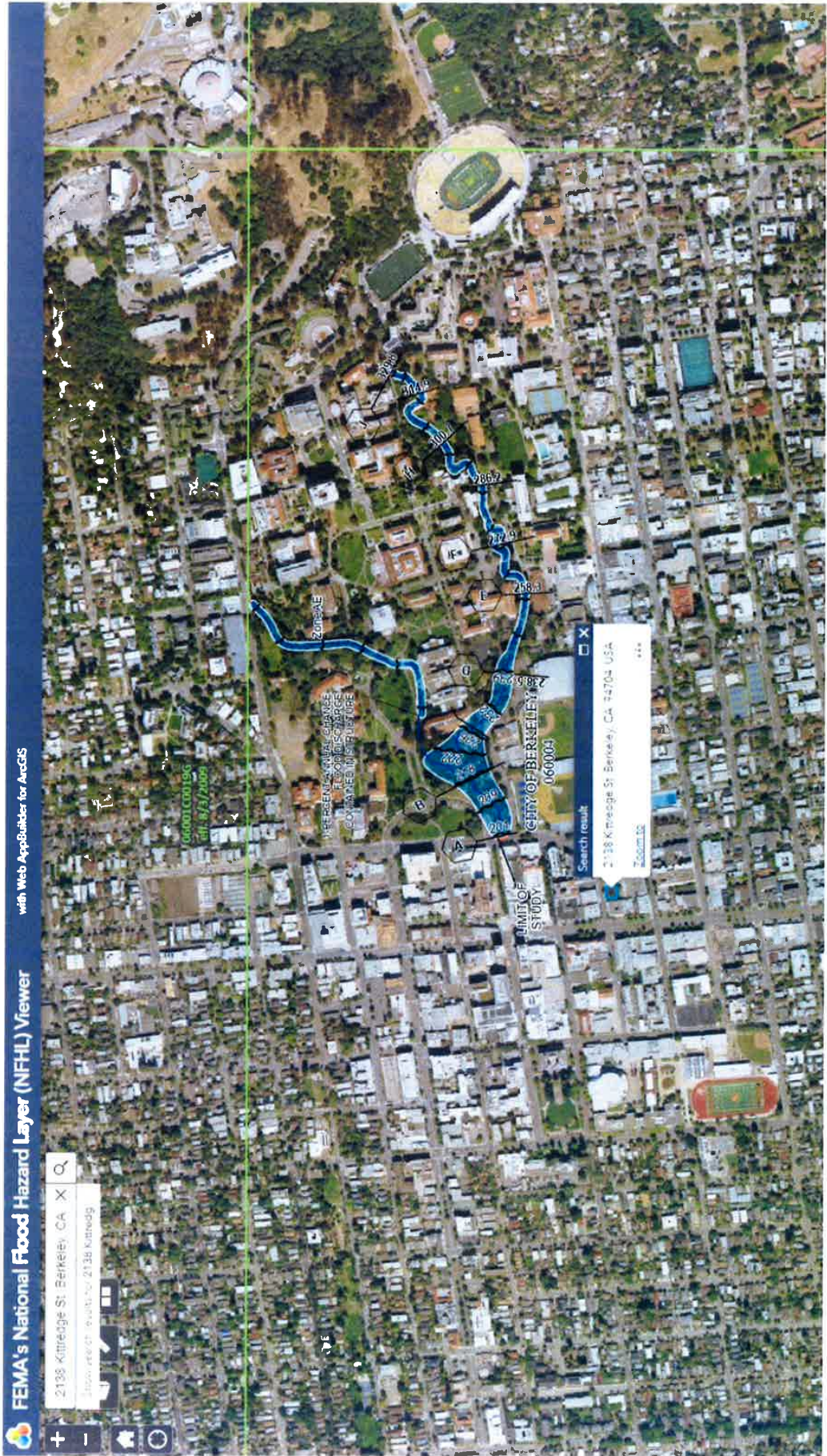
AB 1633 Siting Criteria for High-Density Infill Residential Projects

The Project site is outside the Coastal Zone boundary:



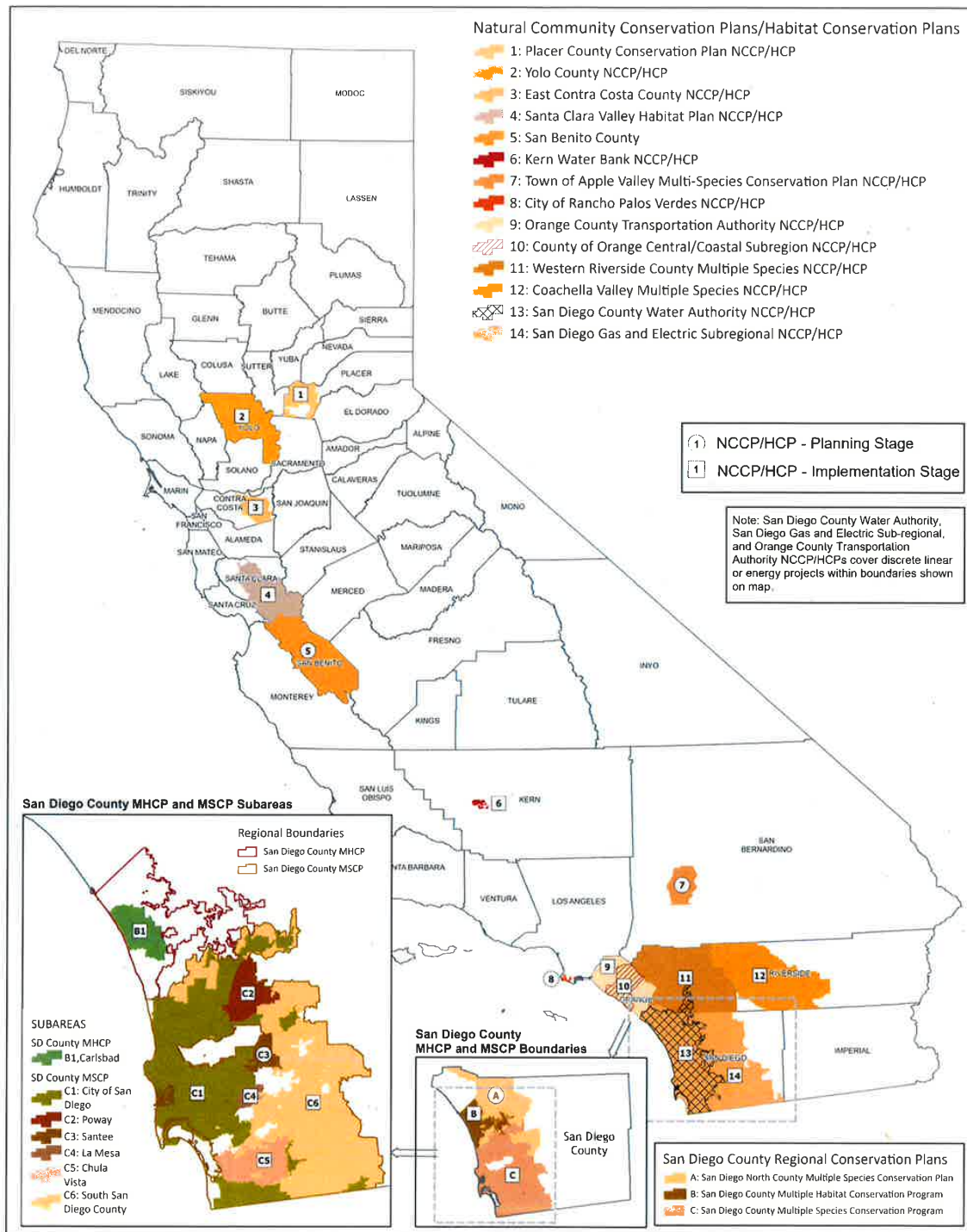






CALIFORNIA NATURAL COMMUNITY CONSERVATION PLANS

August 2023



NCCP: Natural Community Conservation Plan (California Fish and Game Code §2800) (<https://www.wildlife.ca.gov/Conservation/Planning/NCCP>)

HCP: Habitat Conservation Plan (Federal Endangered Species Act Section 10)



Conservation plans may be in various stages of review, and subject to change. In some cases, boundaries have not been submitted by participants, and are estimated locations.

Data Sources: California Department of Fish and Wildlife, Kern Water Bank, Orange County, Dudek, Orange County Transportation Authority, Contra Costa County, San Diego Association of Governments, Santa Clara Valley Habitat Agency, Placer County, Kern County, San Diego County Water Authority, Coachella Valley Association of Governments.

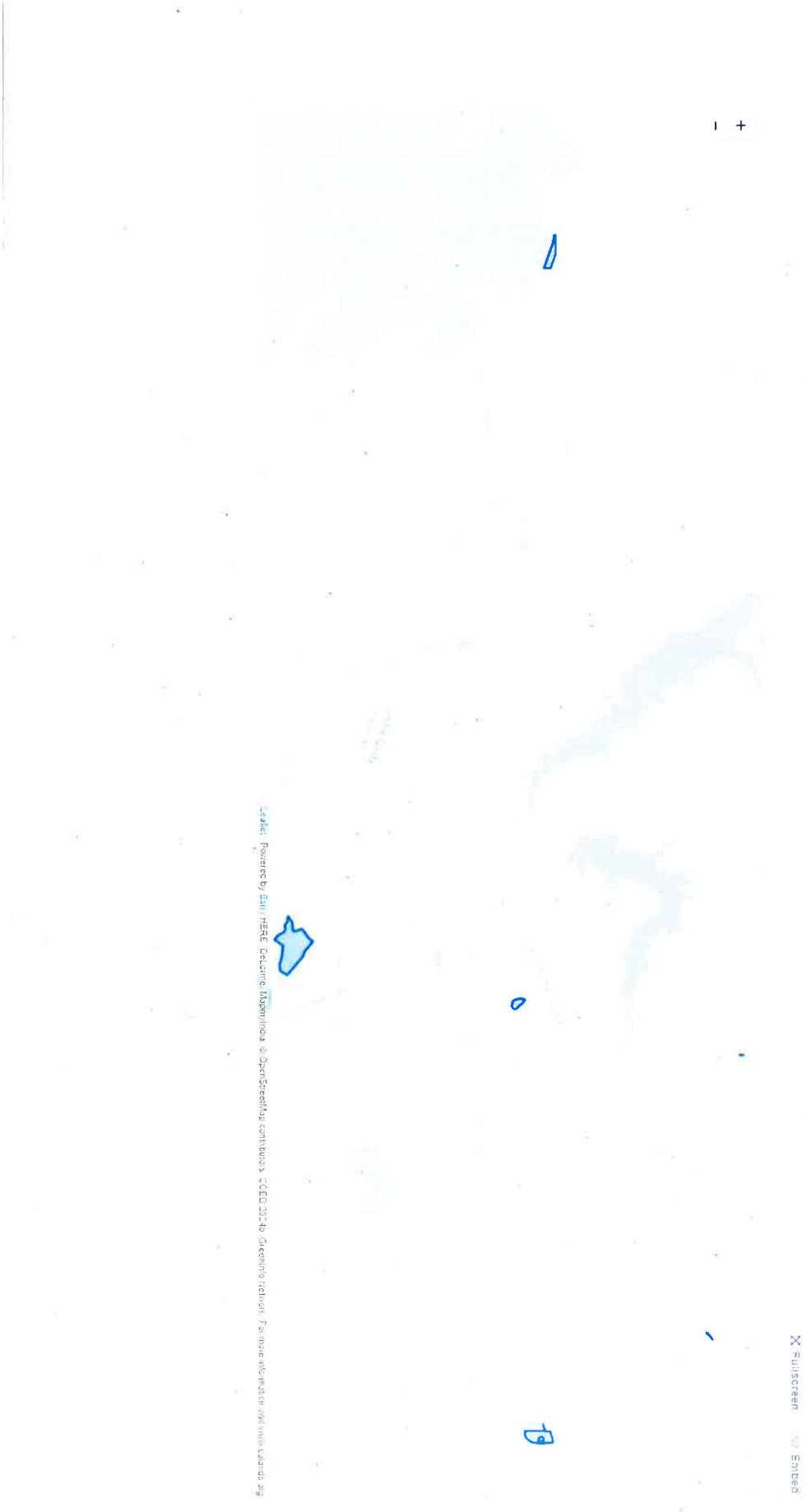
Projection: Teale Albers, units in meters, NAD83. D.Mastalir 20230816

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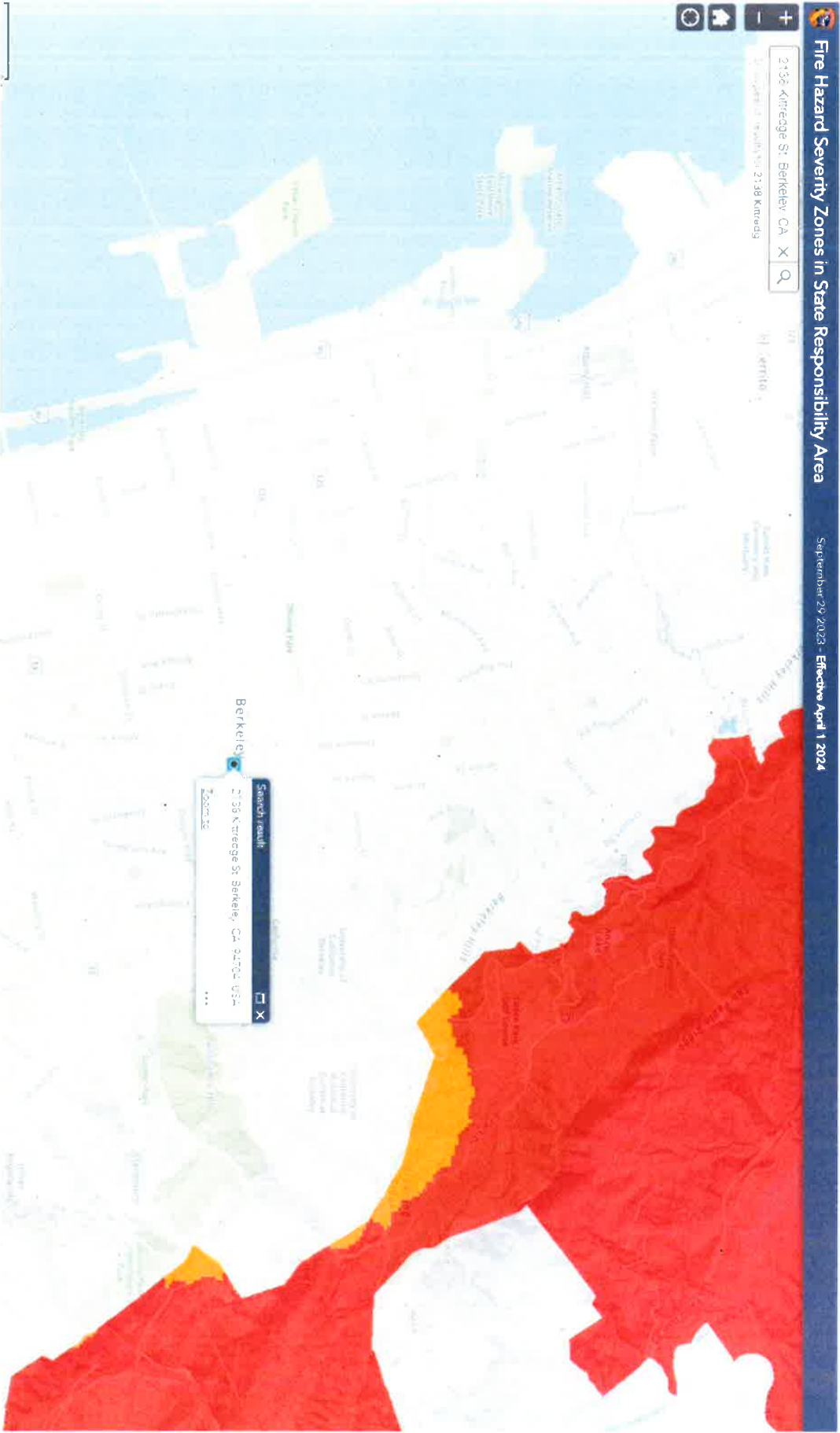
URL: https://gis.tnra.ca.gov/arcgis/rest/services/Boundaries/CCEU_AccessTypeMapServer/0

California Conservation Easement Database 2024b, displayed by Access

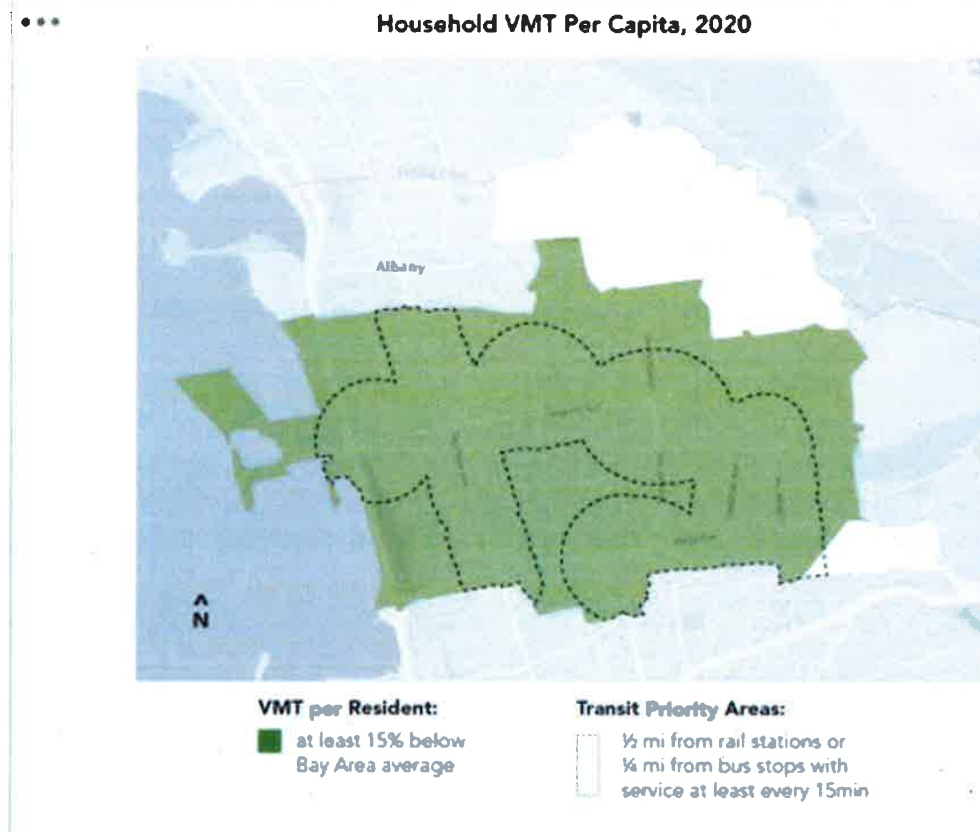
© ArcGIS FeatureServer Service



Leaflet | Powered by Esri | HERE | DeLorme | Mapbox | OpenStreetMap contributors | CC-BY | Imagery © Mapbox | Map data © OpenStreetMap contributors, CC-BY, Imagery © Mapbox



The Project site is in the City's Transit Priority Area and is consistent with the City's local VMT policy:



ATTACHMENT 5

ATTACHMENT 5



Todd A. Williams
Director
toddwilliams@fennemorelaw.com
1111 Broadway, 24th Floor
Oakland, California 94607
PH (510) 622-7630 | FX (510) 834-1928
fennemorelaw.com

December 30, 2024

VIA EMAIL

Fatema Crane (fcrane@berkeleyca.gov)
City of Berkeley Land Use Planning Division
Landmarks Preservation Commission
2120 Milvia Street
Berkeley, CA 94704

**Re: 2138 Kittredge Street, APN 057-2029-015-00
Landmark or Structure of Merit Designation Consideration**

Dear Ms. Crane:

We write on behalf of our client StudiOne QOZB LLC, applicant for a use permit to construct a 66-unit housing development project at the above-referenced property as to which a preliminary application was filed pursuant to SB 330 (the Housing Crisis Act of 2019) on March 18, 2024.¹ A full application was submitted on August 6, 2024, and was deemed complete by the City on September 5, 2024. The project, which includes deed-restricted affordable units and a density bonus, complies with all applicable, objective general plan and zoning standards.

On October 30, 2024, an application to designate 2138 Kittredge Street as a City of Berkeley landmark was submitted to the City. It expressly indicated that it was being filed to protect the site from development. Despite the fact that a preliminary application and full application for a housing development project was already in process, the City has scheduled a public hearing to consider the Landmark Application before the Landmarks Preservation Commission (LPC) on January 6, 2025.

The purpose of this letter is to state our strong legal objections to the proposed consideration by the LPC regarding whether the above-referenced property should be declared a Landmark or Structure of Merit, and to request that the item be taken off the LPC's agenda.

The site is currently vested under state housing law (SB 330), which prohibits the LPC from making or applying a Landmark or Structure of Merit determination while the SB 330

¹ The applicant submitted a preliminary application on February 14, 2024, and provided a quick update on March 18, 2024. Via letter dated April 4, 2024, the City of Berkeley acknowledged a preliminary application was received effective March 18, 2024.

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Page 2

application remains in effect. This alone should end the inquiry. The meeting should not go forward in violation of state law.

Moreover, the Landmark Application is factually inaccurate and does not represent substantial evidence to merit designation of the site as a landmark. The Application concedes that it was filed in response to the development application. (Landmark Application at p. 11.) The 2024 Historic Resources Evaluation, which is the most thorough and detailed survey on record for this site, concludes that the site is not eligible for landmark designation.²

A decision by the LPC to approve the Landmark Application would constitute a reversible abuse of discretion in violation of California law. Furthermore, such a decision is entirely unnecessary. Designating the site a landmark or structure of merit is not supported. While the building is old (originally built in 1904 and extensively altered in 1935), it does not otherwise meet the criteria for project at the national, state or local level.

1. State law limits LPC review of the Landmark Application.

A. The HAA and SB 330 Curtail Belated Attempts to Determine Historic Significance.

The scope of the LPC's discretion in reviewing the Landmark Application is limited to (1) determining the site is not a Landmark or Structure of Merit; or (2) referring the site to the City's list for future consideration if the SB 330 application lapses.

On July 8, 2020, the Berkeley Office of the City Attorney issued an SB 330 Memorandum, which included the legal directive that "Government Code section 65913.10(a) prohibits the City from imposing additional historic or cultural resources protections..." on a site subject to an SB 330 preliminary application under the Housing Accountability Act ("HAA") (Gov. Code § 65589).³ The City Attorney concluded that, as a result, the "LPC and the City are prohibited by state law from denying or imposing conditions on a housing development project based on any cultural or historic resources protections" on a site subject to an SB 330 preliminary application, and that any historic resources information required as part of the preliminary application must be limited to the identification of resources "known to exist" at the time of the application.

Since then, the City has improperly eroded the vesting protections of SB 330 by alleging that a Landmark or Structure of Merit determination may still be made on sites that are subject to an SB 330 application. The City's alleged basis for this (as stated in staff reports on other projects facing the same situation) is that the legal effect of that determination will only be imposed if the

² A copy of this analysis is attached as **Attachment 1**.

³ See July 8, 2020, Memorandum from Farimah Brown, City Attorney to Jordan Klein, Planning Director.

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SB 330 application ultimately does not move forward and thereby lapses. The City's stated position – that the LPC can designate an SB 330 site a Landmark or Structure of Merit, but then conditionally defer the effect of that determination – violates the vesting protections in the HAA, runs contrary to due process protections required in adjudicative hearings, and constitutes an abuse of discretion subject to reversal by a court.

Moreover, the City's justification fails to appreciate that a landmark designation provides a burden on the title of the property and impacts the applicant's ability to finance the project. The Berkeley Municipal Code (BMC) requires that an approval of a designation requires such designation to be recorded (BMC § 3.24.180.A.) If an unforeseen circumstance results in a the application losing its vesting, the site would be immediately devalued given that any designation would immediately apply (and potentially limit and possibly prohibit development) and a lender would not want to take the risk of loaning money on a project that could have such a dramatic change in future value. As such, any "prospective" designation would put the project at risk and would discourage the development of much-needed housing⁴.

The LPC's landmarking process is a "quasi-adjudicative hearing," meaning that evidence may be presented, specific findings must be made, and any findings to support a Landmark or Structure of Merit determination must be supported by substantial evidence in the record. (See Cal. Code Civ. Proc., § 1094.5.) Courts will invalidate a quasi-adjudicative ruling if it constitutes an "abuse of discretion." An abuse of discretion occurs if the LPC fails to proceed in the manner required by law, fails to adopt sufficient findings, or makes findings that are not supported by substantial evidence. (Cal. Code Civ. Proc., § 1094.5(b).)

The LPC hearing and its consideration of the site is, as a practical matter, a waste of time and City resources. Any designation would be both speculative and ineffective if the pending development application is ultimately approved. However, both City staff and applicant now must spend time and resources (including hiring legal and historical consultants) on a potentially superfluous proceeding (not to mention an illegal one).

Given the housing crisis, Legislative direction from Sacramento, as well as guidance from the Department of Housing and Community Development, the City should be removing, not imposing, barriers to the production of housing.

⁴ The BMC requires that a decision on whether to designate a property occur within 180 days of the public hearing where the application is considered. (BMC § 3.24.150.) Thus, it does not appear that the BMC allows for the indefinite postponement of a designation as would occur if the LPC (and ultimately City Council) were to decide to designate the site.

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B. The plain language of the HAA prohibits the LPC from making a landmark determination while a development application is vested under SB 330.

An LPC determination that the site is a Landmark or Structure of Merit would be an abuse of discretion in violation of the HAA. Historic resource determinations are legally vested when a housing development application is deemed complete:

For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made. (Cal. Gov. Code § 65913.10(a).)

Chapter 3.24 of the BMC authorizes the LPC to determine whether the property is a historic site. (BMC § 3.24.120 – 3.24.160.) The timing of that determination is strictly limited by SB 330, which requires the LPC to make "that determination" at the time that the SB 330 application is submitted or deemed complete.⁵ As such, the legal effect is that the LPC only had authority to designate this property as a Landmark or Structure of Merit prior to the filing of the SB 330 application.

C. None of the HAA's exceptions to automatic vesting apply in this case.

SB 330 prohibits cities from making landmark determinations for the entire time that an SB 330 application remains vested. The only enumerated exception to the automatic vesting provision for historical resources arises if "any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities." (Gov. Code § 65913.10(a).) These exceptions do not apply in this instance.

No other exceptions to the vesting protections under the HAA apply here. While the HAA provides exceptions that allow City-wide policies to be imposed after an SB 330 application lapses, those exceptions do not apply to site-specific determinations, such as the Landmark Application proposed to go to the LPC. Adjudicative hearings—like those for Landmarks and Structures of Merit—are legally distinct from legislative approvals, such as a rezoning or general plan amendment. Legislative approvals apply city-wide, and are subject to an entirely different, more deferential "arbitrary and capricious" standard.

⁵ Gov. Code § 65913.10(a); The City Attorney has noted, an application is "deemed complete" for purposes of vesting under the HAA when an SB 330 preliminary application or a complete application is submitted (i.e., whichever occurs first), as set forth in Government Code § 65589.5(h)(5). (Attachment 2, p. 2.).

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Adjudicative decisions focus on specific properties and projects, and the law provides stronger requirements and standards. Those standards are tied to basic constitutional due process protections that apply to everyone, including landowners and real estate developers.

The vesting protections in the HAA and SB 330 are in alignment with this fundamental distinction. A “housing development project shall be subject **only** to the ordinances, policies, and standards adopted and in effect when a preliminary application... was submitted.” (Gov Code § 65589.5(o).) The HAA's vesting protections for legislative policies include a set of enumerated exceptions where certain policies, such as the imposition of new impact fees, are expressly deemed to apply to a project site if the SB 330 application lapses or does not move forward:

[SB 330] shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application ... was submitted... in the following circumstances... [including when a] housing development project has not commenced construction within two and one-half years... following the date that the project received final approval. (Gov Code § 65589.5(o)(2)(A-E).)

SB 330's vesting provisions for historic resources, however, were codified in a separate statute that prohibits cities from making site-specific landmark determinations once a development application has been determined to be complete. (Gov Code § 65589.5 (h)(5); Gov. Code § 65913.10(a).) Fundamental principles of statutory interpretation require that the HAA be construed in harmony with this clear distinction between legislative and adjudicative approvals. (See, e.g., *Jones v. Hendrix* (2023) 599 U.S. 465, 478.)

This distinction is consequential. The exceptions contained in the HAA allowing policies and ordinances to be imposed after an application lapses are consistent with the legal underpinnings for legislative approvals. The vesting provisions for historical resources, however, are clearly stated to prevent local bodies from making a site-specific, adjudicative determination that could reduce the development potential of a site that is vested under SB 330, with only one limited exception (not applicable here) related to artifacts discovered during construction.

Therefore, an LPC determination in favor of the Landmark Application would violate SB 330. There are no applicable exceptions to state housing law that allow the LPC to render a site-specific landmarking decision but then defer its imposition if the SB 330 application lapses. Furthermore, there is not any provision in the BMC that allow for such open-ended deferrals. (See e.g., BMC § 3.24.180.A (requiring that a designation be recorded); BMC § 3.24.150

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(requiring a decision re designation within 180 days of the close of the public hearing on the application).⁶

The HAA and SB 330 prohibit the City from approving the proposed Landmark Application at this time. A determination that there is no Landmark or Structure of Merit on this site occurred by operation of law when the SB 330 project application was submitted and deemed complete, and that determination remains in effect for so long as the SB 330 vesting remains in place. (Gov. Code § 65913.10(a) [determination re historic designation “**shall be made**” at the time of the preliminary application, and “**shall remain valid during the pendency of the housing development project**”].) The City is proposing to make a determination *after* submittal of the preliminary application and during the pendency of the housing development project in violation of the law.

D. The City's interpretation of SB 330 conflicts with the “finality rule” – a core legal principle governing adjudicative hearings and increases the risk of litigation and impedes achievement of City and state housing goals.

There is no legal authority for the City's position that the LPC can render a final decision on a Landmark or Structure of Merit determination, but then condition the effect of that determination on the occurrence of a future event, such as the lapse of an SB 330 application.⁷ The City's position runs contrary to the “finality rule,” a bedrock principle in administrative law. Under the finality rule, the City must render a final, site-specific decision after all appeals regarding the landmarking designation decision have been exhausted.

If the LPC makes a Landmark or Structure of Merit determination for this site, an abbreviated statute of limitations to challenge that finding would run from the date that any appeal to challenge the Landmark decision is resolved. Presented with this situation, the project owner would have to initiate litigation within 90 days (given the short statute of limitation to bring such challenges) to prevent an unlawful designation from affecting future property values and development feasibility for the site, even if the Landmark determination was purportedly not yet “imposed” on the site.

The City's interpretation would lead to perverse effects and unnecessarily increases the risk of litigation, given that a Landmark determination would need to be immediately challenged in court even if the City's stated position is that the Landmark determination would not be imposed on this particular project. The failure to challenge a Landmark determination could result in a

⁶ This process also divests the LPC and public from considering whether designation is appropriate at a future date if and when the SB 330 vesting protection lapses, and the site actually becomes subject to LPC's jurisdiction.

⁷ Continuing Education of the Bar, Administrative Law § 8.62.2.

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significant risk that a future challenge, if the SB 330 application were to lapse, would be waived due to the expedited statutes of limitations for challenging final decisions by local agencies.

A key purpose of the HAA, and SB 330, is to incentivize housing production and make the process more predictable, while creating incentives such as statutory penalties that are ultimately intended to reduce the likelihood of unnecessary litigation that impedes the production of housing. (See Gov. Code § 65589.5(a)(2)(A-L).) By contrast, the City's interpretation of SB 330 impedes the achievement of the city's and the state's housing goals in violation of the HAA.

E. Violation of the No Net Loss Law.

The provisions of No Net Loss Law are separate and complementary to those of the Housing Crisis Act of 2019 (Gov. Code, § 66300), which states that “an affected county or an affected city shall not enact a development policy, standard, or condition that would [have the effect of] changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use... below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018.” (Gov. Code § 66300, subd. (b)(1)(B)). A jurisdiction may only change a parcel's land use designation or zoning if there is a concurrent upzoning to ensure no net loss of overall residential capacity.

Here, designation of the site would effectively limit the ability to redevelopment the site with a project that could take advantage of the density permitted in the zoning code, in other words, the designation would result in a de facto condition that would have the effect of putting the site into a less intensive use than currently allowed and in effect on January 1, 2018.

2. The Landmark Application lacks credibility and fails to meet the substantial evidence test. An LPC determination in favor of the Landmark Application would constitute an abuse of discretion under Code of Civil Procedure § 1094.5.

A detailed presentation will be provided to the LPC if this hearing moves forward and will set out factual inaccuracies and unsupported analysis and conclusions in the current Landmark Application which was not based on a historic survey and was not prepared by an architectural historian. An analysis of any staff report will also be prepared.

In connection with the development application for the site, the landowner engaged an architectural historian to inspect the site and provide a professional evaluation of the historical legacy of the building in its current physical condition. As is typical, those findings have been memorialized in a Historic Resources Evaluation (“HRE”) prepared in January 2024. It does not appear that any site-specific survey of the property has been made previously.

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The HRE concludes that the site does not meet the criteria for designation as a Landmark or for inclusion in the California Register.⁸ This finding is based on an assessment that the building was (1) heavily altered, including most notably that the primary facade was subsumed by a Georgian Revival style addition in 1935, and has lost historic integrity; (2) the property does not appear to have any significant associations with historically important events or noteworthy historical figures; and (3) the property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders.

The HRE's findings are based on an intensive and thorough site visit, in-depth review of all available documentation,⁹ and detailed review of previous surveys of the site. The HRE constitutes substantial evidence and therefor takes precedence over the Landmark Application, which is based on artistic drawings by non-historians, selected quotes and passages from previous, incomplete and outdated information, and numerous unsubstantiated assertions about the overall integrity of the building. These include claims that are demonstrably wrong.

3. Conclusion: the LPC should defer consideration until (and if) the SB 330 application lapses. Moving forward would count towards the allowed maximum of five public hearings for the project.

Prior staff reports for projects facing belated attempts at historic designation, have mistakenly claimed that an LPC hearing regarding designation would not count toward the five-hearing limit under SB 330. The decision to hold a public hearing on the Landmark Application while the SB 330 application is pending necessarily makes this a “public hearing in connection with the approval of that housing development project.” (Gov. Code § 65905.5.) SB 330 defines “hearing” broadly to include “any public hearing, workshop, or similar meeting, including any appeal, conducted by the city... with respect to the housing development project.” (*Id.*) The only hearings excepted from this section are for legislative approvals, such as a general plan amendment, specific plan amendment, or rezoning. (*Id.*)

Given SB 330's broad intent to expedite housing development projects and provide great certainty in processing, and the fact that none of the limited exceptions apply here, the five-hearing rule applies to the Landmark Application hearing. As a result, the January 7, 2025, LPC meeting will count toward the five-hearing rule.

The Landmark Application was filed for the stated purpose of thwarting this development application and is in conflict with the HAA and SB 330. For the reasons stated herein, we strongly and respectfully request that the City not move ahead with an LPC agenda item regarding the proposed consideration of designation of the property. Moving forward would be

⁸ Historic Resources Evaluation for 2138 Kittredge Street, January 2024, at p. 11.

⁹ *Id.*

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both illegal and ineffectual and would result in building barriers to the project that will make development of this project more difficult, costly and would jeopardize its feasibility.

Please do not hesitate to contact me if you have any questions for the applicant.

Sincerely,

FENNEMORE WENDEL



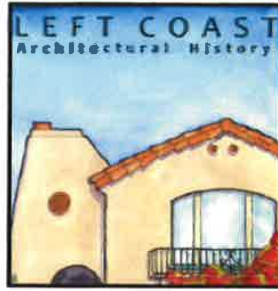
Todd A. Williams

TAWI/tawi

Cc: William Schrader
Jordan Klein, Planning Director (jklein@berkeleyca.gov)
Berkeley City Council (council@berkeleyca.gov)
Farimah Brown, City Attorney (fbrown@berkeleyca.gov)
Paul Buddenhagen, City Manager (pbuddenhagen@berkeleyca.gov)
Jessica Evans, HCD Senior Housing Policy Specialist (jessica.evans@hcd.ca.gov)
Shannan West, HCD Housing Accountability Chief (shannan.west@hcd.ca.gov)
David Zisser, HCD Assistant Deputy Director (david.zisser@hcd.ca.gov)

TODDWILLIAMS/50860149.1/514138.0006

Attachment 1



P.O. Box 70415, Richmond, CA. 94807 • (415) 745-1906 • caitlin@leftcoastarchitecturalhistory.com

30 January 2024

To Whom It May Concern:

Left Coast Architectural History has completed a Historic Resource Evaluation of the property at 2138 Kittredge Street, Berkeley. The attached California Department of Parks & Recreation (DPR) 523 series forms present a physical description of the property, a record of its history, and evaluation according to California Register of Historical Resources significance and integrity criteria, and City of Berkeley Landmark and Structure of Merit criteria.

The study finds that the building dates to 1904 and was designed by architect William H. Wharff for local livery stable/auto garage owner J.C. Fitzpatrick. It was originally a Free Classical Queen Anne style single-family residence, but was later converted to a restaurant and multi-family apartment building, with the primary facade subsumed by a Georgian Revival style addition in 1935. The property has been occupied by residential tenants and at least one business, but does not appear to have any significant associations with historically important events or noteworthy historical figures. The property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders. It has been identified as part of a small grouping of residences on Kittredge Street that were converted to commercial uses via storefront additions, which may equate to significance at the local level. These points are elaborated upon in detail on the attached forms.

Left Coast Architectural History is happy to answer questions or provide additional assistance, as needed.

Sincerely,

Caitlin Hibma
Principal/Architectural Historian
Left Coast Architectural History

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer	Date

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*Resource Name or #: 2138 Kittredge Street, Berkeley, CA

P1. Other Identifier: n/a

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County: Alameda

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Oakland West, Calif.

Date: 2015 T ; R ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 2138 Kittredge Street

City: Berkeley

Zip: 94704

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

APN: 57-2029-15

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Site

The property at 2138 Kittredge Street consists of a rectangular lot on the south side of Kittredge Street, between Shattuck Avenue and Fulton Street. Topography in the area is flat and the parcel is bordered by a public sidewalk on the north and neighboring properties to the east, west, and south. A two-story building sits at the front of the lot with no setback from the sidewalk. It sits at the western lot line while a driveway runs along the east side of the lot to a paved yard at the rear (south) of the lot and a one-story L-shaped carport sits at the southwest corner of the lot.

Building

The building is two stories and has a generally rectangular plan. It is primarily of wood frame construction with a front addition constructed of brick masonry. It is capped by a complex hip roof with a flat roof over the front addition. The exterior walls of the front addition are brick (common bond), while the rear/original portion of the building is clad with wood lap siding. (Continued)

*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #)

North and west facades, looking southeast, January 2024

*P6. Date Constructed/Age and

Sources: ☒ Historic

☐ Prehistoric ☐ Both

1904; *Berkeley Daily Gazette* construction notice

*P7. Owner and Address:

*P8. Recorded by: (Name, affiliation, and address)

Left Coast Architectural History
PO Box 70415
Richmond, CA. 94807

*P9. Date Recorded: Jan. 2024

P10. Survey Type: Intensive

*P11. Report Citation: None

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record

☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record

☐ Artifact Record ☐ Photograph Record ☐ Other (List):

DPR 523A (1/95)

*Required information

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION	Primary # HRI#
BUILDING, STRUCTURE, AND OBJECT RECORD	

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*NRHP Status Code 6Z

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

B1. Historic Name: None

B2. Common Name: None

B3. Original Use: Single-family residence

B4. Present Use: Commercial/Multi-family residence

*B5. Architectural Style: Free Classical Queen Ann, altered to/mixed with Georgian Revival

*B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1904. Primary facade addition, 1935. (See Continuation Sheets for additional construction history.)

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: n/a

Original Location: n/a

*B8. Related Features: Carport at rear of lot.

B9a. Architect: William H. Wharff

b. Builder: Pearson & Olsen

*B10. Significance: Theme: None

Area: Downtown Berkeley

Period of Significance: None

Property Type: Residential/Commercial Applicable Criteria: None

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Neighborhood Context

The building at 2138 Kittredge Street is located in Downtown Berkeley, just off the Shattuck Avenue commercial corridor, study of which was undertaken by the "Shattuck Avenue Commercial Corridor Historic Context and Survey" (Archives & Architecture, 15 Sept. 2015). The historic context is applicable to this property, as follows.

Downtown Berkeley is characterized by a variety of uses but is heavily commercial, as is typical of an urban downtown. Along Shattuck Avenue, these commercial uses – restaurants, boarding houses, groceries, laundries – were present as early as the 1870s, encouraged by the establishment of the nearby University of California campus; construction of a rail line along Shattuck Avenue; and ultimately, incorporation of the community as the Town of Berkeley. The University spurred surrounding residential growth as well and the presence of a train station at Shattuck and University avenues made that the locus of the city's de facto downtown.

In the 1880s, residential growth boomed and the area's character transitioned from rural to urban. In the 1890s, the previously vacant east side of Shattuck Avenue was graded, allowing for additional development and more businesses to be established along the corridor. Such development extended as far south as Allston Way, while a smaller secondary commercial cluster existed at Shattuck Avenue and Dwight Way.

The turn of the 20th century brought electric rail lines and further commercial growth to Shattuck Avenue, but the 1906 earthquake did the most to spur massive residential and commercial growth, as displaced residents from San Francisco came across the Bay to settle in Berkeley and demand for goods and services subsequently increased. Many older properties along Shattuck Avenue were redeveloped to meet the needs and fashions of the new century. (Continued)

B11. Additional Resource Attributes: (List attributes and codes)

HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

*B12. References:

(See parenthetical citations within text and on last Continuation Sheet)

B13. Remarks:

*B14. Evaluator: Caitlin Hibma/Left Coast Architectural History

*Date of Evaluation: January 2024

(This space reserved for official comments.)



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P3a. Description: (continued)

Multi-lite wood sash windows in double-hung and casement configurations are the most prevalent type of fenestration. Original double-hung iterations feature lambs-tongue sash stops, while newer wood iterations have no stops. Some vinyl sashes are also present.

The primary/north facade is two stories, clad with brick, and faces Kittredge Street without setback from the sidewalk. Two rows of soldier coursed bricks are found at the base of the wall. Above, the first story features a series of three regularly spaced round arches. A course of shiner coursed bricks set at an angle and topped by a row of stretcher coursed bricks create a decorative beltcourse at the height of the arches' springing points, while the tops of the arches are trimmed with voussoir bricks and slightly elongated bricks that form keystones at the top. The two arches at left and center have molded wood dado panels at the bottom and multi-lite wood sash windows above. The windows consist of a large, fixed, 12-lite, center sash, flanked by narrow four-lite casement sashes, and topped by fanlights with distinctive spiderweb muntins. The primary entrance is located within the rightmost arch which opens to a recessed vestibule. The entry door is elevated and approached by brick steps and a stoop. The solid wood door is adorned with a carved reeded motif and topped by a leaded glass transom lite. It is surrounded by wide reeded trim with a plain keystone at the top.

The second story of the primary facade features two window openings at either side and a decorative roundel at the center. The roundel is filled with a decoratively laid pattern of brickwork, voussoir trim, and keystones of elongated bricks at top, bottom, and each side. The windows have rectangular openings flanked by faux wood shutters and topped by lintels of soldier coursed bricks. Decorative metal half-round balconettes are located below each window. The windows have wood double-casement sashes with three lites in each leaf. A band of stretcher coursed bricks defines a low parapet wall at the top of the facade, which has brick coping and a low metal railing along the top edge.

The brick front wraps the building corner and extends briefly along the west facade, where there is a recessed blind arch with a wood flower box at the first story and a non-original six-over-one wood sash window with brick sill and soldier coursed lintel at the second story. To the right, the original portion of the building is clad with wood lap siding. Utility hatches and lattice vents are located at the base of the wall with a wide wood watertable above. The first story features a horizontally-oriented art class window on the left, a standard one-over-one, double-hung, wood sash window on the right, and a partially-glazed wood pedestrian door at the far right. The first and second stories are divided by a wide wood beltcourse. The second story features four irregularly placed windows in a variety of sizes with molded wood trim. Three are one-over-one double-hung sashes, while one is a fixed art glass window. The facade terminates in a wide plain wood frieze overhung by the boxed eaves of the roof. One eave bracket with a foliate scroll motif is found near the juncture of the brick addition with the original portion of the building.

On the east facade, too, the brick front wraps the building corner and extends briefly along the facade. At the first story there is an arched window like those described on the primary facade, while the second story features two six-over-one wood sash windows with brick sills and soldier coursed lintels. To the left, the original portion of the building is clad with wood lap siding. A projecting bay is located near the center of the facade. It is angled at the first story and overhung by a square bay at the second story with decorative scrolls brackets adorning the overhanging corners. As on the west facade, there is a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. Windows are generally standard one-over-one, double-hung sashes with molded wood trim; some wood and some vinyl. A hip-roofed dormer projects from the east plane of the roof over the projecting bay.

The rear/south facade is clad with wood lap siding and has a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. There is a secondary entrance and window at the right side of the first story. The second story is setback at the left side, accommodating a deck with a decorative wood railing. The right side features a pair of standard windows. A non-original addition projects from the rear plane of the roof.

Carport

An L-plan carport sits at the southwest corner of the lot. It is one-story high with a flat roof and opens onto the property's paved rear yard. The carport has concrete block rear walls, heavy wood roof beams, and metal support poles. Stucco clads the low parapet wall at the front of the roof.

B10. Significance: (continued)

Downtown was spared destruction by the 1923 Berkeley Fire, but Shattuck Avenue was nevertheless changed by the growing popularity of the private automobile in the 1920s. Although modes of transit conflicted at times, private cars increased travel to and from the commercial corridor. A number of large department stores came to the area at the time and, along with other businesses, flourished until the Great Depression. Even the serious economic downturn of the 1930s had gentler effects in Berkeley, though, because the University's student population kept business flowing.

By the mid-1940s, the entire Bay Area had experienced a war-time population boom and prosperity was high. Although the evolution of transportation away from public mass transit and toward the private automobile dispersed many businesses into

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
Page 4 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 ☒ Continuation ☐ Update	
B10. Significance: (continued) new outlying areas, Shattuck Avenue remained a strong commercial corridor, and as was a recurring theme, the proximity of the University of California campus continued to bolster Downtown commerce. As happened in many cities, Downtown declined in the 1950s and 60s due to the migration of commercial uses to outlying malls and shopping centers. Population also diminished as urban residents moved to the suburbs, which were accessible by car and did not require the presence of convenient nearby businesses. In Berkeley, the deterioration of residential hotels and apartments that were commonly located above the street-level commercial establishments along Shattuck Avenue compounded the loss of Downtown vitality. Additional challenge was presented by the construction of BART in the 1970s, although this ultimately connected Berkeley's Downtown to the wider Bay Area region once it was completed. Property History A notice in the 27 October 1902 issue of the <i>Berkeley Daily Gazette</i> (BDG) reported that lots 16 and 17 of the Blake Tract (which had been subdivided in 1881) were sold by W.H. Leimert to John C. Fitzpatrick. A map of the Blake Tract indicates that the property now addressed 2138 Kittredge Street was Blake Tract lot 17 (lot 16 sat to its east). (Berkeley Property Map No. 3 of the Blake Tract, 1881; Berkeley Public Library via Calisphere.) The following year, the 1903 Sanborn Fire Insurance map illustrates that lot 17 was vacant, while lot 16 was had a large, two-story, corrugated iron stable sitting at its rear. On 4 January 1904, the <i>Berkeley Daily Gazette</i> reported plans "To Erect Large Building" at Shattuck Avenue and Kittredge Street. The article reported that the building was to be a two-story and basement frame dwelling, built for John C. Fitzpatrick by contractors Pearson & Olsen, designed by architect William H. Wharff. (See "Architect & Builders" section below.) The house would cost \$4,090 and was to be completed around mid-April of 1904. John C. Fitzpatrick was born in Benicia in 1866 and came to Berkeley in 1890. Soon thereafter, he began working on the Claremont, University & Ferries horsecar line (known as the C.U. & F., established 1891), serving variously as secretary, manager, superintendent, and motorman. The horsecar line was discontinued in 1901 and Fitzpatrick went into business running a "railroad station horse and hack taxi service." This livery stable business was initially headquartered on Allston Way, but was soon moved to the property adjacent to Fitzpatrick's new house at 2138 Kittredge Street. Banking on transportation trends moving away from horses and toward automobiles, Fitzpatrick eventually purchased three gas-powered automobiles which he hired out and also used for deliveries, taxi service, and driving for funerals and other events. Fitzpatrick's stable eventually became one of Berkeley's first public auto garages. ("So We're Told by Hal Johnson: Horsecar Man," <i>BDG</i>, 28 February 1940.) The 1910 census lists the John C. Fitzpatrick family as the residents of 2112 Kittredge Street. John C. Fitzpatrick was 45 years old, born in California to Irish parents, and was listed as the proprietor of a livery stable; the one located on the lot next door, and which by 1910, was probably more automobile than horse-oriented. Also residing at the house were Fitzpatrick's wife, Carrie, and their five children. The children's ages ranged from 16 to 22 and only the oldest, Albert Reginald, was employed as an electric company clerk. The house at 2138 Kittredge Street first appears on the 1911 Sanborn Fire Insurance map, addressed 2112 Kittredge Avenue. It is illustrated as a 2-story, rectangular-plan dwelling with an inset porch at the front northwest corner, a square bay window on the east facade, and a rear porch. An L-shaped outbuilding was present at the rear of the lot and was addressed 2112 ½ Kittredge Street. On the lot to the east, which was also owned by Fitzpatrick (Blake Tract lot 16, mentioned above), the corrugated iron stable shown on the 1903 Sanborn Fire Insurance map had been enlarged to fill the front of the lot. It was still clad in iron, had a concrete block street-facing facade, and was labeled as a livery stable. A decade later, the 1920 census continues to list John C. Fitzpatrick at 2112 Kittredge Street. By then Fitzpatrick was a 54 year old widow and had no listed occupation. Living with him were his son Albert Reginald; 37 years old with no listed occupation; and his daughter and son-in-law, Gladys C. and George H. Brown, both in their 30s. George Brown was employed as a salesman for a wholesale coffee company. The property was renumbered from 2112 to 2138 Kittredge Street on 5 October 1926. (City of Berkeley Planning Department records) The Sanborn Fire Insurance map of 1929 shows that by the end of the 1920s, the property been converted into a restaurant. John C. Fitzpatrick's adjacent livery stable had officially become an automobile garage, housing 20 cars with a repair department at the rear. The 1930 census confirms that John C. Fitzpatrick had moved away from the subject property, purchasing and living in a house on Delaware Street. He may have retained ownership of the house and adjacent auto garage until either 1924 or 1942. (<i>BDG</i>, 28 February 1940.) John C. Fitzpatrick died in 1945. (Vital records, ancestry.com.) The timing of Fitzpatrick's sale of the property is unclear. It was next purchased by William H. and Alma T. Taylor. Logically, he would have sold the property when he moved away, possibly in 1924 as one source states. (Anthony Bruce, "The Fitzpatrick House & Pepper Tree Tea Room, 2138 Kittredge Street," 2022, BAHHA files) Donogh real estate records show a sales transaction between Fitzpatrick and the Taylors in 1942, however. Its possible that numbers were transposed, but a newspapers article	
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☒ Continuation ☐ Update

B10. Significance: (continued)

profiling Fitzpatrick notes that he still owned the livery stable property as late as 1940, which could suggest he owned the house into the 1940s as well. In any case, William and Alma Taylor were the next owners of 2138 Kittredge Street and were present, either as renters or owners, as early as 1925.

The restaurant shown on the 1929 Sanborn Fire Insurance map was operating at least as early as 1925, when it was referred to as the Pepper Tree Inn in a newspaper article. (BDG, 12 June 1925) It was also known at various times as the Pepper Tree Tea Room or the Pepper Tree Restaurant. Its proprietress was Alma T. Taylor, wife of William H. Taylor, who was a real estate agent. The Taylors' residential address was 2138 Kittredge Street, indicating that they lived upstairs, while Alma Taylor ran the restaurant, presumably on the lower floor of the house. Alma's father and adult niece lived with them; her niece helping wait tables in the tea room. (Anthony Bruce, 2022; BAHA files.)

In 1928, the newspaper ran both a recommendation for the Pepper Tree, and a rental advertisement for an apartment at 2138 Kittredge Street, indicating that in addition to the tea room, the Taylors had subdivided the residential portions of the house into apartments. They continued to live at the address. (BDG, 4 Jan. 1928 and 30 March 1928) In both 1926 and 1929, chimney sparks ignited the roof of the house, but no substantial damage was done. (BDG, 9 July 1926 and 13 Feb. 1929)

In 1935, the Taylors took out a building permit for "alterations and addition to tea room and dwelling" involving the remodeling of the kitchen and dining quarters and extension of the front of the building by 8 ft. 6 in. (BAHA, permit 39423) This was when the brick Georgian Revival style front was constructed on the house's primary facade.

The Pepper Tree Tea Room continued to operate until 1942, when newspapers announced that the restaurant premises was up for lease and its equipment and furniture was for sale. (BDG, 11 May and 24 June 1942.) Alma Taylor thus retired from 21 years in the restaurant business, but she and William H. Taylor continued to own and live at 2138 Kittredge Street. Later in 1942, they applied for a permit to convert the building to apartments, hiring architect Paul Hammarberg to design the project. (Permit 53030) The Taylors continued as resident-landlords of the apartment house and ran a public "honor" parking lot nearby, while another parking lot operated at the rear of the subject lot (although newspapers assign it a different proprietor). (BDG, 22 March 1948)

In 1955, the property made the news when the skeletal remains of a Native American burial were uncovered in the course of construction at the rear of the lot. It was noted that an old shed related to the adjacent J.C. Fitzpatrick livery stable had been torn down and the footings of a new carport were being poured when the discovery was made by a workman. The remains were assessed by a U.C. Berkeley archaeologist and determined to be over a century old and belong to an Ohlone woman, who had probably lived in one of the villages that once proliferated in Strawberry Canyon.

In October 1960, Alma T. Taylor passed away at age 70. Her obituary highlighted her 39 years of residency in Berkeley and her 21-year ownership of the former Pepper Tree Tea Room. She was survived by her husband, who remarried in 1963 to Helen Ingham. (BDG, ca. 21 Nov. 1974) In 1964, Taylor was listed as the owner of the property when applying to build an additional dwelling unit on top of the property's rear carport. It was specified that the addition would be a large apartment to be occupied by the property owners, while the existing five-unit apartment building continued to be used as such. Based on the fact that the carport remains one-story with no second story unit, the project does not appear to have ever been undertaken. (Use Permit #5245) William Taylor appears to have retained ownership of the property until his death in 1974. Helen Ingham Taylor passed away in 1979 and may have continued living at the property until then.

According to building permit records, Wayne Ronneburg owned the property around 1981, when the roof was replaced. In May 1985 a lot line adjustment was made between 2138 Kittredge Street and the neighboring property to the east (the former site of J.C. Fitzpatrick's livery stable) to "eliminate minor encroachment of a commercial building at 2150 Kittredge Street." Per City of Berkeley land use history records, the lot line adjustment application was later withdrawn, but the owner at the time was stated to be Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints. (Application for Parcel Map #4511/4571)

By 1992, Steve and Francisca Schneider were the property owners and retained ownership until at least 2001. During this time, the building appears to have remained a five-unit apartment building, although not rented to full occupancy. In 1997, architectural plans were filed and an application for Design Review was submitted to "convert the existing multi-unit residential building into restaurant." (UP# 97-10000082) An Application for Change of Use Statement (17 July 1997) reported that the building consisted of five residential units; two on the bottom floor that were vacant, two on the second floor being used as a single dwelling by the Schneiders, and one at the attic level that was also vacant. Steve Schneider was a real estate consultant and, based on a sign that remains on the building, he maintained an office in the building. The 1997 restaurant conversion project was undertaken with the intent that the Schneiders would sell the building to Ching Hwa Yu to become the Great China Restaurant if the commercial conversion was possible and a use permit was granted. It appears that it was not and the project was not undertaken.

Architect

The building at 2138 Kittredge Street, in its original residential guise, was designed by William Hatch Wharff. Wharff was born

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B10. Significance: (continued) in Maine in 1836. He attended Foxcroft Academy, an arts-oriented preparatory high school, and learned the carpentry trade from his uncle, eventually becoming a master carpenter and joining his uncle in business. The source of Wharff's architectural training is unclear and its possible that he had no formal training, although he did claim at one time to have studied architecture in Maine and Massachusetts and eventually became a member of the American Institute of Architects. Wharff served in the Union Army during the Civil War and in 1875 moved his family west to California, settling first in San Francisco. Wharff declared himself an architect to the 1880 census, but was listed in city directories as a draftsman and, later, contractor/builder with offices on Pine Street. By some accounts he designed or built over sixty buildings in San Francisco between 1882 and 1899. In 1899, Wharff relocated to Berkeley. Despite being of retirement age, he renewed his practice in his new city and was active until 1915, when he retired from architecture but went into the insurance business instead. He died in 1936. Buildings designed by Wharff in Berkeley, and which are also designated Landmarks, include: • Carlson's Block (1903) at 3228 Adeline Street in Lorin Station • Masonic Temple (1905–06) at 2105 Bancroft Way and Shattuck Avenue • J.J. Pfister Co. Knitting Mill (1906) at 8th and Parker Streets; • F.D. Chase Building (1909) at 2107 Shattuck (Daniella Thompson, "William Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html)											
Architectural Type & Style The building at 2138 Kittredge Street was originally a residential building that was probably designed in the Free Classical sub-type of the Queen Anne style. Although the original appearance of the primary facade is unknown, this determination is based on the building's age and remnant features on the rear portion of the building, including horizontal wood siding, double-hung windows with lambs-tongue sash stops, beltcourses and friezes, moldings, and remnant scroll brackets. The Free Classical sub-type of the Queen Anne style was popular in the later phase of the Queen Ann period, about 1890 to 1910. It used Classical columns, moldings, Palladian windows, and other related ornament rather than the spindlework and gingerbread more commonly associated with the Queen Anne aesthetic. (McAlester, Virginia & Lee, <i>A Field Guide to American Houses</i>, (New York: Alfred A. Knopf, 2003)) In 1935, the primary facade was subsumed by a front addition designed in the Georgian Revival style. As was popular in the 1920s and 30s, this was a revival of the older Georgian style that was used in the American colonies and eastern United States from around 1700 to as late as 1830. Like other revival styles, it sought to evoke a sense of nostalgia for times past, specifically that associated with early America, colonial history, the ideals of the early American republic, and the basic orderly principals of earlier architectural styles that had been considered elite, formal, and highly fashionable. It, too, referenced the Classical in its detailing, which can be seen in the facade's strict symmetry, the round arches forming an arcade and adorned with keystones, the roundel ornament on the upper facade, and parapet defined by brickwork. Features like decorative brickwork, complex window composition with spiderweb fanlights, and faux shutters put a Georgian emphasis on the Classical. Meanwhile, reeded detailing on and around the primary entrance appears to have been a departure toward the Art Deco trends of the 1930s, when the addition was made. (Ibid., Lester Walker, <i>American Shelter</i> (Overlook Press, 1998))											
Alterations Building permits and other records on file with the City of Berkeley Department of Planning & Development and Berkeley Architectural Heritage Association provide documentation of the property's development over time. In addition, sources such as Sanborn Fire Insurance maps, aerial photographs, and historical images provide information on alterations made to the building during certain periods of time.											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Permit #</th> <th style="text-align: left;">Description of Work</th> </tr> </thead> <tbody> <tr> <td>20 Aug. 1915</td> <td>4815</td> <td>Unspecified addition to dwelling. Owner: J.C. Fitzpatrick [Rear addition, per California Dept. of Parks & Recreation Historic Resources Inventory form, 1978 (BAHA)]</td> </tr> <tr> <td>4 Aug. 1926</td> <td>25631</td> <td>Unspecified demolition. Owner: Alma T. Taylor</td> </tr> </tbody> </table>	Date	Permit #	Description of Work	20 Aug. 1915	4815	Unspecified addition to dwelling. Owner: J.C. Fitzpatrick [Rear addition, per California Dept. of Parks & Recreation Historic Resources Inventory form, 1978 (BAHA)]	4 Aug. 1926	25631	Unspecified demolition. Owner: Alma T. Taylor		
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B10. Significance: (continued)		
13 June 1935	39423	Alterations and addition to tea room and dwelling – kitchen and dining quarters to be remodeled and front to be extended 8 ft. 6 in. Owner: Mr. & Mrs. Taylor
5 Nov. 1936	41648	Reroof shed. Owner: Taylor.
11 May 1940	48712	Termite repair to dwelling and restaurant. Owner: Taylor
14 Aug. 1940	49347	Termite repairs to dwelling. Owner: Taylor.
10 Aug. 1942	53030	Convert building to apartments. Architect: Paul Hammarberg. Owner: W.H. Taylor
11 Jan. 1949	64622	Unspecified alterations to apartments. Owner: Taylor
20 Jan. 1949	64667	Installation of a fire escape ladder.
3 Nov. 1953	74231	Take out a wall and a half-closet wall in two adjoining bedrooms, frame in a closet, making the bedroom approx. 3 feet wider. Owner: W.H. and Alma T. Taylor
21 Sept. 1955	78298	Demolish existing carport at rear of lot, Owner: W.H. Taylor
? Sept. 1955	78300	Construct concrete block carport, 8" blocks, tar and gravel roof, asphalt floor and drive. Owner: W.H. Taylor
21 Aug. 1964	5245	NOT COMPLETED: Building dwelling unit above carport. Owner: W.H. Taylor
13 Jan. 1981	112814533	Re-roofing. Owner: Wayne Ronneburg.
17 May 1985	PM 4511/4571	NOT COMPLETED: Lot line adjustment. Owner: Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints
1992	CoB records	Owner requested and denied building's removal from URM list. Owner: Steve and Francisca Schneider
5 Sept. 1997	UP 97-10000082	NOT COMPLETED: Convert existing multi-unit residential building into restaurant. Owner: Steve and Francisca Schneider
3 July 2000	00-00001042	NOT COMPLETED: Remove existing second floor deck and replace with dining room. Owner: Steve and Francisca Schneider
15 Feb. 2001	01-00000252	Add Garden room on existing deck [at rear, second story] (in lieu of room addition, permit #1042). Contractor: Century Patio Village. Owner: Steve Schneider

Alterations noted by visual observation, but not otherwise documented, include:

- Window replacement: Some double-hung, wood-sash windows without lambs-tongue sash stops are present and indicate replacement of originals which did have sash stops. Meanwhile some vinyl ash windows are also present.

California Register Evaluation

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. In order for a property to be eligible for listing in the California Register, it must be found significant under one or more criteria relating to historically significant events, people, architects or architectural merit, or information potential. The following provides an evaluation of the historic significance of 2138 Kittredge Street:

Criterion 1 (Event): *Resources that are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*

No specific events of historical importance are known to have occurred at the property. The building was constructed as a single-family residence located just off the commercial corridor of Shattuck Avenue in 1904. It pre-dated the 1906 earthquake and did not play any role in the aftermath of that event or the substantial effects that it had on the Bay Area and beyond. The house was partially-converted to a restaurant in the mid-1920s and a front addition was added to facilitate that use in 1935. Such changes to the physical character and use of residential buildings are fairly common in urban settings where a residential neighborhood has become heavily commercial over time and were done for reasons of very general practicality. The restaurant conversion pre-dated and was not influenced by or otherwise related to the events of the Great Depression that started in 1929 and dominated much of the 1930s. The building became a multi-family apartment building in 1942, which may have been very generally influenced by the massive population boom experienced in the Bay Area during the years of World War II as war workers and military families relocated to the region in large numbers and required housing. However, the subdivision of residential space to accommodate the wartime population boom (and make a profit) is a trend that occurred at countless properties in cities throughout the Bay Area

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B10. Significance: (continued)

and elsewhere in California. No evidence was found that 2138 Kittredge Street housed war workers or military families and it is just one example of a very common wartime trend throughout the State.

The property does not appear to be eligible for listing in the California Register under Criterion 1.

Criterion 2 (Persons): Resources associated with the lives of persons important in our past.

The property was first associated with John C. Fitzpatrick, who had the house built in 1904 and occupied it with his family until the early 1920s. Fitzpatrick worked on a horsecar line before establishing his own livery stable (next door to the house), which eventually transitioned from horses to automobiles, but operated under the same for-hire model. He was an early adopter of automobiles and his stable-turned-garage is claimed to have been one of Berkeley's first public auto garages, although this claim is unsubstantiated ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940) and could be complicated by the exact definition of "public auto garage" (ie: a garage for parking, for mechanical service, for rental of vehicles, etc.) In any case, although Fitzpatrick was an early purveyor of transportation, his business did not have significant implications for the broader history or development of Berkeley or California, and the house at 2138 Kittredge Street did not have an integral association with Fitzgerald's business or represent it in any way.

Beginning around 1925, the house was occupied by William H. and Alma Taylor. William Taylor was a real estate agent, while Alma Taylor ran a tea room in the front of the house. William Taylor's work in real estate earned little attention in historical documents, while Alma's tea room was advertised in newspapers (as would be expected for a restaurant) and appears to have been a successful establishment, operating for 21 years. Nevertheless, the tea room was one of countless restaurants in Berkeley during its years of operation and Alma Taylor had no great historical influence as its proprietress.

In 1942, the Taylors converted the house to a five-unit apartment building. Residents of the apartments are generally unknown and the few names that appear in association with the address in newspapers do not yield much biographical information and do appear to have been influential. Helen Ingham Taylor, William Taylor's second wife and widow, owned the property until 1979. Later owner/occupants were associated with the property outside of the historical period and none appear to claim any significant achievements that would qualify them as important historical figures.

The property does not appear to be eligible for listing in the California Register under Criterion 2.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

The building at 2138 Kittredge Street was designed as a single-family dwelling, likely in the Free Classical sub-type of the Queen Anne style. Aside from age-appropriate materials and a few remnant features found on the side and rear facades, the house no longer conveys its original appearance, nor is it capable of indicating its true age or style. In 1935, a Georgian Revival style front facade was added to the building, which had come to incorporate commercial and, eventually, multi-family residential uses. The front exhibits some characteristic features of the Georgian Revival style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example of the style and has some anomalies. Its intended function as a storefront is also not readily apparent, as it has few of the characteristics of commercial use, such as a street-level entrance, multiple entrances, large plate glass display windows, etc. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

The architect of the house was William H. Wharff, who was a prominent and prolific Berkeley architect from 1899 to 1915. It is acknowledged, however, that he was not a great architectural trailblazer, being "neither a classicist nor an innovator, [but] a practical builder who incorporated the prevailing idiom of the day into his designs." (Daniella Thompson, "William Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html) The fact that the house at 2138 Kittredge Street has been substantially altered with an addition to the primary facade that essentially obscures Wharff's original design means that it cannot stand as a valid representation of his work. Additionally, the fact that at least four other works by Wharff are designated local landmarks, retain integrity, and represent Wharff's work much better, means that the house at 2138 Kittredge Street is not a valuable representation of his work.

The property does not appear to be eligible for listing in the California Register under Criterion 3.

Criterion 4 (Information Potential): Resources that have yielded, or may be likely to yield, information important in prehistory or history

Criterion 4 is typically concerned with archaeological investigation. Where buildings or architectural elements are concerned, Criterion 4 typically relates to rare construction types, of which 2138 Kittredge Street is not an example.

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B10. Significance: (continued) The property does not appear to be eligible for individual listing in the California Register under Criterion 4.	
Berkeley Landmark Evaluation Berkeley Landmarks are designated historical resources within the City of Berkeley. Resources may be designated as Landmarks if they meet one or more of five criteria similar to those used for the California Register, but which elaborate on areas of significance. The following provides an evaluation of the historic significance of 2138 Kittredge Street according to local significance criteria:	
1. Architectural Merit: <i>a-c. Property that is the first, last, only or most significant architectural property of its type in the region; Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.</i> The property is an altered early-twentieth century residential building, later converted to commercial and multi-family residential uses, that does not hold the status of first, last, only, or most significant of its type or style in the region either in its original guise, nor its altered state. Its presumed original style and its wood-frame construction was very common to the early-twentieth century, while its altered character is equally unremarkable for the mid-1930s; therefore, it is not a prototype or outstanding example of its period, style, or any architectural movement or construction type. Even considered as an example of an early-twentieth century residence with a storefront addition, it does not qualify as a first, last, only, prototype, or outstanding example, as two others exist on the same block of Kittredge Street, with both of the others being of earlier construction dates and earlier alteration dates, and are still extant. The architect, William H. Wharff, was a prominent and prolific Berkeley architect but not particularly groundbreaking in his designs. He designed a number of other noteworthy buildings, some of which bear landmark designations, and are better examples of his work than 2138 Kittredge Street, which has been altered in such a way that the majority of Wharff's original design is not even evident.	
2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any association to religious, cultural, governmental, social, or economic events or developments in Berkeley. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic developments. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic evolution in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, it was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in the Bay Area at that time.	
3. Educational value: Structures worth preserving for their usefulness as an educational force The property at 2138 Kittredge Street does not appear to have any use as an educational tool. The building is a modest structure that has an altered appearance and has had changing uses throughout its history. Both its altered physical character and dichotomy of uses confuse any interpretation of its historical role as either a house or commercial building, neither of which is particularly significant to local history.	
4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military. The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any significant influence from or on social, cultural, economic, political, religious, or military history. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic trends. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic trends in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, the building was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in Berkeley and the Bay Area at that time.	

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B10. Significance: (continued)

5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The property at 2138 Kittredge Street is not listed in the National Register of Historic Places and therefore does not qualify as a Berkeley Landmark under this criterion.

Berkeley Structure of Merit Evaluation

Berkeley Structures of Merit are designated historical resources within the City of Berkeley. Resources may be designated as Structures of Merit if they meet general and/or specific criteria. An evaluation follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

As assessed under Berkeley Landmark criteria, the property at 2138 Kittredge Street does not possess high architectural merit or cultural, educational, or historic value. Visual observation of buildings around the property reveals a wide range of age, scale, style, and use, including a number of very large modern infill buildings that have been constructed in close proximity in recent years (or are under construction currently). Three late-nineteenth and early-twentieth century houses with added storefronts, similar to the subject property, are located on the same block of Kittredge. The "Shattuck Avenue Commercial Corridor Historic Context & Survey" addresses this grouping of properties as follows:

While a majority of residences located on Berkeley's downtown streets were demolished during the ensuing decades, to make room for larger, more commercially focused structures, a small handful of ca. 1890s houses, specifically the grouping located at 2117-2119 Kittredge St., 2124-2126 Kittredge St., and 2138 Kittredge St. were adapted into commercial storefronts, while remaining residential in the rear. These original rear wings are representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare. The expansion of transportation options in the early twentieth century, as well as a burgeoning commercial downtown, led to an increasing amount of commercialization of the side streets directly off of Shattuck Avenue as the nineteenth century gave way to the twentieth century.

It is corrected, herein, that the property at 2138 Kittredge Street dates to 1904, not ca. 1890s, and was the last of the three properties to be built and the last to be altered with a commercial storefront. Nevertheless, the three properties have been identified as representing a small grouping of residential-to-commercial conversions, associated with the commercial growth of nearby Shattuck Avenue.

Specific Criteria

a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

Downtown Berkeley is characterized by an extremely dense concentration of designated landmarks. In order to distill the analysis down to manageable numbers, the subject block on which 2138 Kittredge Street is located, and the block face opposite (the north side of Kittredge Street) are used herein as the study area. Within those constraints there are seven designated landmarks, including: the Tupper & Reed building, Hezlett's Silk Store, the Odd Fellows Temple, the Masonic Temple, Brooks Apartment Building, the A.H. Broad House/Storefronts, and the California Theater. All are Landmarks, except the A.H. Broad House/Storefronts, which is a Structure of Merit. Construction dates range from 1894 to 1913, with two bearing significant alterations dating to the mid-1920s and 1929-30. The Masonic Temple and Brooks Apartment Building are roughly contemporaneous with 2138 Kittredge Street, having been built within the same decade, in 1905 and 1906, respectively.

The property's age does not correspond to any period or event of significance to the City, having been built at time of general growth and before the 1906 earthquake.

b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

Among the designated landmarks located in the study area defined above (see Specific Criteria (a)), 2138 Kittredge Street is compatible with the A.H. Broad House/Storefronts (Structure of Merit) in size, scale, style, materials, and design. Both are two-story, single-family, residential structures of Victorian-era styling, of wood frame construction, with later storefront additions dating

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B10. Significance: (continued)

to the mid-1920s and mid-1930s, that are of different materials and styling than the house to which they are attached. The other nearby Landmarks are mostly much larger, of distinctly different styles, and of different use-based design.

c. The structure is a good example of architectural design.

As a single-family dwelling, likely designed in the Free Classical sub-type of the Queen Anne style, the house no longer conveys its original appearance, nor is capable of indicating its true age or style. The later Georgian Revival front addition exhibits some characteristic features of the style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example and has some anomalies. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

The property at 2138 Kittredge Street has been identified as part of a grouping of three properties exhibiting residential to commercial conversion via storefront addition. The group is "representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare." (Archives & Architecture, 2015)

Integrity

In order to qualify for listing in the California Register, a property must possess significance under one of the aforementioned California Register criteria *and* have historic integrity according to seven aspects. Most, if not all, aspects of integrity must be met in order for the property to retain integrity. Integrity is not considered in the evaluation for Berkeley Landmark or Structure of Merit eligibility.

The property at 2138 Kittredge Street does not appear to possess the historic significance necessary to qualify for designation to the California Register; therefore, an analysis of its integrity is not required or included here.

Conclusion

Based on the above analysis, the property at 2138 Kittredge Street does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark. Because it has been identified as one of a grouping of three similar buildings with a somewhat unique use history, illustrated through physical alteration (SoM general criterion 1 and specific criterion D), and because it is contemporary in age and compatible in physical character with nearby Landmarks (SoM specific criteria A and B), multiple Structure of Merit criteria regarding its associations to similar nearby properties are met. Based on these conclusions, the property appears to qualify as a historical resource for the purposes of CEQA.

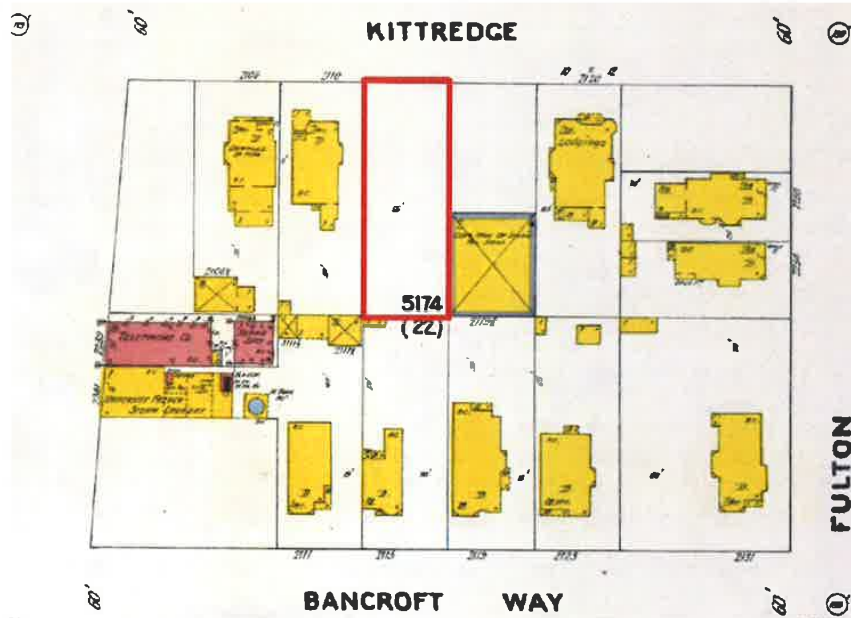
Sources

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Historical Images:



Sanborn Fire Insurance map, 1903. Subject property outlined in red; vacant. (Historical Information Gatherers)

To Erect Large Building

The contract to erect a two-story and basement frame dwelling on Shattuck avenue and Kittredge street, for John C. Fitzpatrick, has been awarded to Contractors Pearson & Olsen. William H. Wharf is the architect. This contract calls for all concrete, mason, carpenter, plumbing and painting work, at a total cost of \$4090. Payments are to be made as follows: Frame up, \$1022.50; plastered, \$1022.50; completed and acceptor, \$1022.50; thirty-five days after, \$1022.50. The contract was let December 30 and the building is to be completed in seventy-five working days, with a forfeit of \$5 a day. W. G. Black and Nils Person are sureties in bonds of \$1022.50.

Construction notice, Berkeley Daily Gazette, 4 January 1904.

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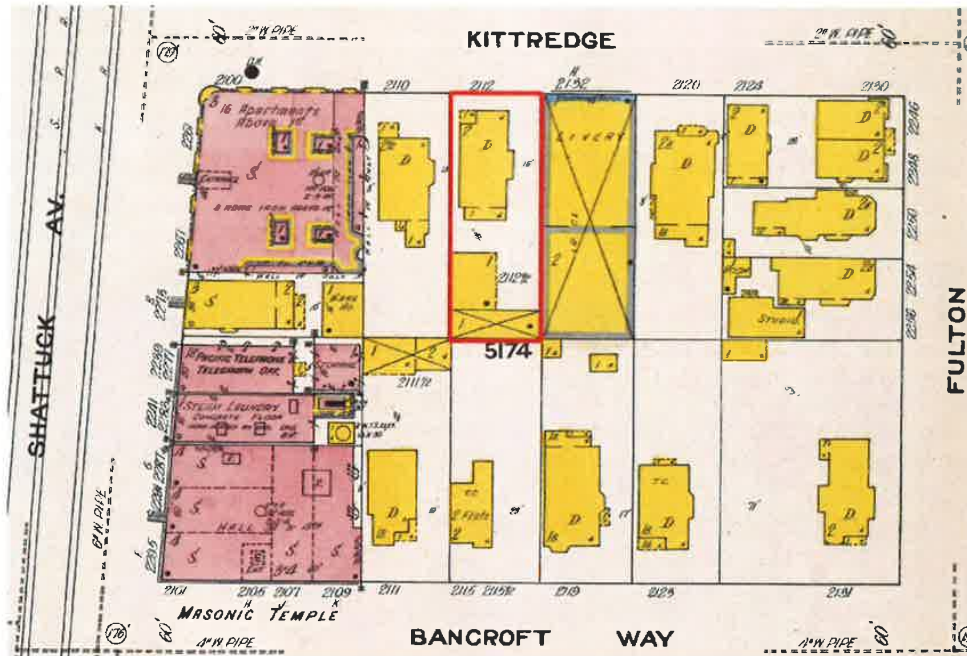
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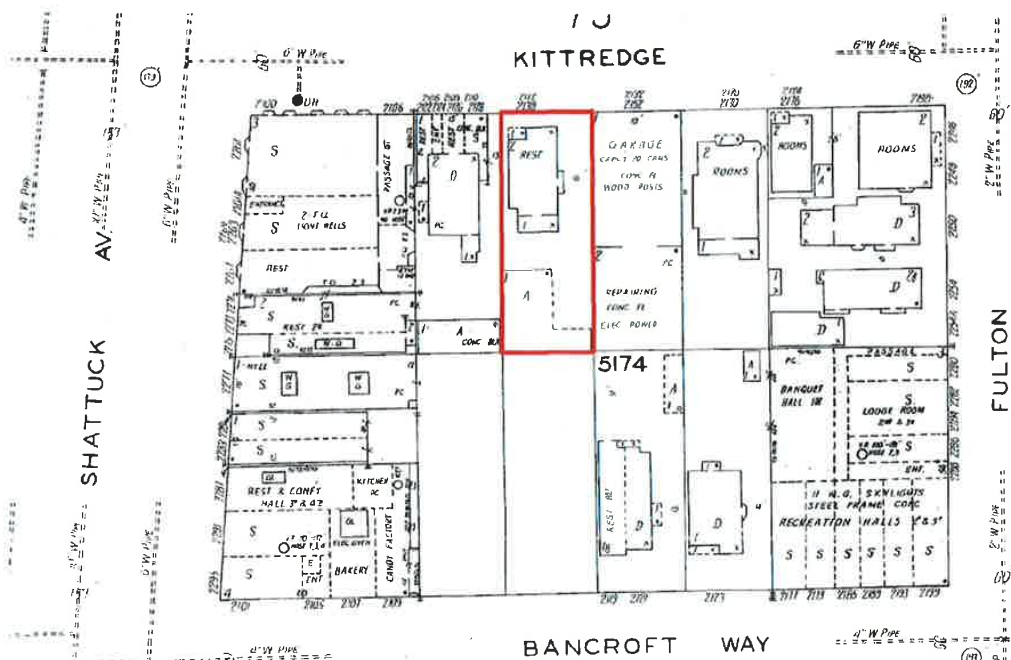
*Date: Jan. 2024

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Historical Images:



Sanborn Fire Insurance map, 1911. Subject property outlined in red. (Historical Information Gatherers)



Sanborn Fire Insurance map, 1929. Subject property outlined in red. (ProQuest)

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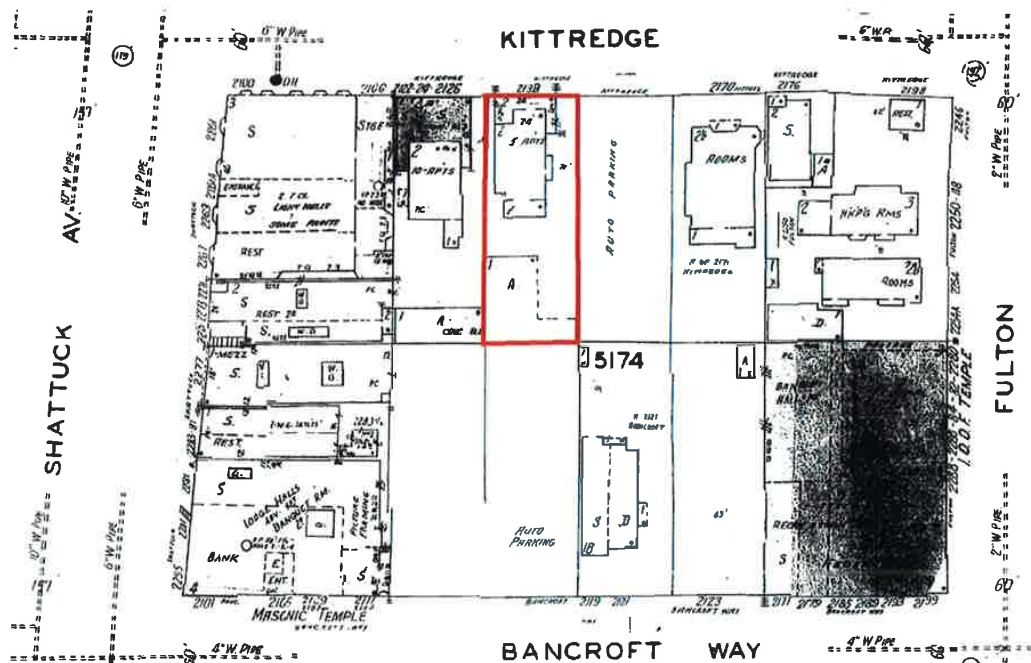
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Historical Images:



2138 Kittredge Street, 1930s. (BAHA, Donogh Collection)



Sanborn Fire Insurance map, 1950. Subject property outlined in red. (ProQuest)

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Historical Images:



Aerial photograph, 1958. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)



Aerial photograph, 1965. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)

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Historical Images:



2138 Kittredge Street, looking southwest; 1978. (BAHA)



2138 Kittredge Street, looking northwest; 1978. (BAHA)

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Historical Images:



2138 Kittredge Street, looking southeast; 1982. (BAHA)



Kittredge Street, looking east. 2138 Kittredge Street at far right; 1982. (BAHA)

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Current Images:



Primary facade, looking south from Kittredge Street.



Left: Primary facade, looking southeast. Right: Detail of primary entrance.

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Current Images:



First story of primary facade, left of primary entrance.



Second story of primary facade.

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Current Images:



West facade, looking southeast.



Lower east facade, looking southwest.

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Current Images:



Upper east facade, looking southwest.



View to rear of lot, showing carport, looking south.