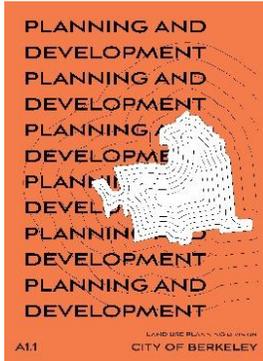


Zoning Adjustments Board Staff Report

App # ZP2024-0164

October 9, 2025

Use Permit for 3333 Martin Luther King Jr. Way



Quick Facts	Project Description:
<p>Applicant: Daniel Hoy</p> <p>Property Owner: Ernie Mahr</p> <p>Project Address: 3333 M L King Jr. Way</p> <p>GP Land Use: Avenue Corridor – Mixed Use</p> <p>Zoning: Adeline Corridor Commercial (C-AC)</p> <p>CEQA: 15301 – Existing Facilities</p> <p>Submittal Date: November 12, 2024</p> <p>Date Deemed Complete: January 31, 2025</p> <p>Project Planner: Samella Stover</p>	<p>The applicant is seeking approval to establish a school use (administrative offices) in a vacant, 3,523-square-foot, non-residential building as an extension of the existing Montessori school on the south adjacent lot.</p>
	Zoning Permits Requested:
	<ol style="list-style-type: none"> Allowed Land Use. BMC Section 23.204.020(A)(2) to establish a school use (administrative offices) in an existing building.
	Staff Recommendation:
	<p>Staff recommends that the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and that ZAB approve Use Permit #ZP2024-0164 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions of Approval.</p>

ZONING MAP

Figure 1: Vicinity and Zoning Districts Map



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Medium-Density Residential	R-2A	Multi-family residential buildings
South	Adeline Corridor Mixed Use	C-AC	Montessori School
East	Medium-Density Residential	R-2A	Auxiliary Use to the Montessori School/Group Assembly for outdoor sport activities.
West	BART Property	N/A	BART Tracks

AERIAL



STREET ELEVATION



BACKGROUND

Subject Site

The subject property at 3333 Martin Luther King Jr. Way is a 3,523-square-foot lot located in the Adeline Corridor (C-AC) Commercial zoning district, with a General Plan designation of Avenue Commercial, identified within the Adeline Corridor Mixed Use area. The site features a single-story commercial building, previously used as an office and supply facility for plumbing contractors, and is currently vacant.

Site History

The building at 3333 Martin Luther King Jr. Way was constructed in approximately 1952 and has historically been used as a commercial and light industrial space, most recently operating as a plumbing contractor's office and supply facility. The site has remained vacant for several years, with limited exterior improvements since its original development. The building retains a basic commercial frontage with a roll-up door and minimal fenestration, characteristic of mid-20th-century utility-oriented commercial architecture. The topography of the property is generally flat, with building access and entry available on Martin Luther King Jr Way.

ANALYSIS

Project Scope

The proposed project involves converting an existing vacant commercial building, formerly used as a plumbing contractor's office and supply facility, into an administrative space as an extension of the American International Montessori School, located at 3339 Martin Luther King Jr. Way. The new use remains low-impact, compatible with the surrounding residential and commercial uses, and does not increase the overall intensity of operations or occupancy in the area. The project also includes the removal of the roll-up garage door to replace it with four (4) new windows, along with minor interior and exterior improvements. No change to the building's height, footprint, or gross floor area is proposed. The administrative building will operate at similar hours to the school (8:00 AM to 3:30 PM) and will not include any customer visits.

Findings

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

Environmental Review

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq., and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

ADVISORY BODY REVIEW

Design Review

The project proposes exterior changes to the street facade and is subject to design review. It was the recommendation of Design Review Staff and the Design Review Committee Chair that the project be reviewed at Staff Level. Design Review Staff reviewed the proposed exterior changes (Design Review #DRCP2025-0004) and concluded that, from a design standpoint, the project components would be compatible with the existing commercial and residential neighborhood character.

POLICY CONSISTENCY

General Plan Consistency

1. **Policy LU-1: Community Character:** Maintain the character of Berkeley as a special, diverse, unique place to live and work.

Evidence: The project is consistent with Policy LU-1: Community Character because it reinvests in an existing structure, maintains neighborhood compatibility, and enhances the building's contribution to the community through expanded educational use and improved design.

2. **Policy LU-13: Basic Goods and Services:** Ensure that neighborhoods are well served by commercial districts and community services and facilities, such as parks, schools, child-care facilities, and religious institutions.

Evidence: The project is consistent with Policy LU-13: Basic Goods and Services because it transforms a vacant commercial property into an educational use that serves local families, supports neighborhood vitality, and ensures residents have convenient access to essential community services.

3. **Policy LU-15: Service and Institutional Use Locations:** Wherever possible, locate public and private institutional uses and community service centers that serve the city residents or have a regional-service orientation on transit corridors so that they are accessible to public transportation and will not disrupt adjacent residential areas.

Evidence: The project is consistent with Policy LU-15: Service and Institutional Use Locations because it expands an educational institution along a designated major corridor, complements surrounding land uses, minimizes impacts on nearby residences, and provides a highly accessible location for community members.

Attachments

1. Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings and Conditions of Approval
3. Project Plans, September 17, 2025
4. Notice of Public Hearing

Attachment 1

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

Table 1: Project Chronology

Date	Action
November 19, 2024	Zoning Project Application submitted
January 31, 2025	Application deemed complete
June 7, 2025	CEQA Recommendation by Staff
September 25, 2025	Public hearing notices mailed/posted
October 9, 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.	

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)	No	The project does not include any residential use, and is not a housing development project, as defined in BMC 23.328.020 ^a , and is not subject to this section.
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)	No	The project is an existing building with four new windows added to the improved façade. This section does not apply because the building is eligible for a phase-in exemption for existing non-residential building with lower hazard facades, per BMC Section 23.304.150(B)(3)(b).
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	No	The project does not require or qualify for the Density Bonus.
Hard Hats (BMC Chapter 13.107)	No	The scope of the project does not fit the requirements for BMC 13.107, and therefore, these provisions do not apply.

Characteristic	Applicability	Explanation
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project proposes an administrative extension to a school, does not include any residential use, and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . The project is not subject to the HAA.
Historic Resources	No	The site is not a designated historic resource, and the project does not involve full demolition of the existing commercial building. The project is not subject to review by the Landmarks Preservation Commission.
Housing Crisis Act of 2019 (SB 330)	No	The project does not include any residential use, and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . The project is not subject to SB 330.
Opportunity Sites in Housing Element or Downtown Area Plan	No	The project is not listed as an Opportunity Site or is within the Downtown Area plan.
Rent Controlled Units	No	The project will not involve the demolition of residential structures; no rent-controlled units will be demolished.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone, and the project does not include residential uses.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The site is in the City's Environmental Management Area. However, the site is not on the Cortese List, nor does it have any known existing conditions. In addition, the project will not involve site disturbance or excavation deeper than 5 feet. Therefore, further study is not required.
Transit	Yes	The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ¼ miles of the site, and is approximately 0.7 miles south from the Ashby Bay Area Rapid Transit (BART) Station.
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p> <p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: C-AC, South Adeline Sub-Area Development Standards BMC Sections 23.204.150 and 23.322 Parking and Loading

Standard C-AC , South Adeline Sub-Area		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		3,874 sq. ft.	n/a	3,874 sq. ft.	n/a
Lot Coverage		91%	n/a	91%	100% max.
Floor Area Ratio (FAR), max.		1.0	n/a	1.0	2.8 max.
Building Height (ft. - in.)	Maximum	18'	n/a	18'	45' max.
Building Setbacks (ft. - in.)	Left/North	1'-2"	n/a	1' 2"	0' min.
	Right/South	0'	n/a	0'	0' min.
	Rear/East	0'-7"	n/a	0'-7"	10' min.
	Front/West (Martin Luther King Jr. Way)	1'-9" to 8'-10"	n/a	1'-9" to 8'-10"	0' min.
Usable Open Space (sq. ft.)		0	n/a	0	n/a
Vehicular Parking		0	n/a	0	0 ^a
Bicycle Parking (3,523 s. ft.)		0	4	4	2 min. (1 spc per 2000 sq.ft.)
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes: ^a AB-2097, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses located within a 1/2 mile of public transit.					



Zoning Adjustments Board Findings

App #ZP2024-0164

October 9, 2025

Use Permit for 3333 Martin Luther King Jr. Way

Project Facts	Project Description:
<p>Applicant: Daniel Hoy</p> <p>Property Owner: Ernie Mahr</p> <p>Project Address: 3333 M L King Jr. Way</p> <p>GP Land Use: Avenue Corridor – Mixed Use</p>	<p>The applicant is seeking approval to establish a school use (administrative offices) in a vacant, 3,523-square-foot non-residential building as an extension of the existing Montessori school.</p>
<p>Zoning: Adeline Corridor Commercial (C-AC)</p> <p>CEQA: 15301 – Existing Facilities</p> <p>Submittal Date: November 12, 2024</p> <p>Date Deemed Complete: January 31, 2025</p> <p>Project Planner: Samella Stover</p>	<p style="text-align: center;">Zoning Permits Requested:</p> <p>1. Allowed Land Use. BMC Section 23.204.020(A) to establish a school use in an existing building.</p>
	<p style="text-align: center;">Staff Recommendation:</p> <p>Staff recommends that the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and that ZAB approves Use Permit #ZP2024-0164 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions of Approval.</p>

CEQA

Categorical Exemption

The project is categorically exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA guidelines (“Existing Facilities”)

Evidence: The proposed project qualifies for a categorical exemption because it consists of a change of use from an existing vacant commercial structure into an extension of the American International Montessori School. CEQA Guidelines Section 15301 provides an exemption for projects involving negligible or no expansion of existing or former use. The project does not increase the building footprint, does not expand into any required setbacks, and involves interior alterations, such as interior partitions, plumbing, and electrical conveyance. Accordingly, the project falls within the scope of CEQA Guidelines Section 15301 and is therefore exempt from further environmental review.

FINDINGS FOR APPROVAL: 3333 Martin Luther King Jr Way (ZP#2024-0164)

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 persons residing or visiting in the area because it involves the adaptive reuse of an existing vacant commercial structure. The building will be converted to serve as an extension of the American International Montessori School located next door at 3339 Martin Luther King Jr Way. This use is consistent with the educational and community-serving character of the surrounding area.
 - (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 the general welfare of the city because the proposed modifications are minor in scope. No changes to the building’s height, footprint, or floor area are proposed, which ensures the project will not create additional intensity or generate nuisances such as noise, traffic, or visual blight. The proposed use will bring new life to a long-vacant building, thereby enhancing the vitality, safety, and appearance of the block. Furthermore, the extension of the Montessori School supports local families and aligns with the City’s General Plan goals for educational facilities, adaptive reuse, and neighborhood-serving institutions.

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.

Pursuant to **BMC Section 23.204.150(G) “Permit Findings”**, to approve any AUP or Use Permit for a project in the C-AC district, the review authority must make the findings in Section 23.406.040--Use Permits and find that the proposed use or structure:

- a) Is consistent with the purpose of the district;

Evidence: The purpose of the Corridor-Adeline Commercial (C-AC) district is to implement the Adeline Corridor Specific Plan by fostering a mix of commercial, civic, institutional, and residential uses that strengthen the corridor as a community hub. The proposed establishment of administrative offices for the existing Montessori school is consistent with this purpose because it expands an existing community-serving institutional use into a vacant non-residential building, activates an underutilized space, and reinforces the corridor’s role as a center for education and neighborhood services.

- b) Is compatible in design and character with the district and the adjacent residential neighborhoods;

Evidence: The project involves reusing the existing 3,523-square-foot non-residential building without exterior expansion or significant alteration to the building envelope. Because the proposal maintains the existing building form and scale, avoids new massing or height that impacts surrounding properties, and limits its operations to administrative functions with low intensity of use, the project is compatible in character with both the commercial corridor and the nearby residential neighborhoods.

- c) Encourages utilization of public transit and off-street parking facilities in the area of the proposed building; and

Evidence: The site is located on Martin Luther King Jr. Way, a major transit corridor served by AC Transit bus line and within one-quarter mile of the Ashby BART station. Because of this location, employees and visitors have convenient access to public transit, bicycle infrastructure, and pedestrian amenities, and the project can rely upon existing off-street parking shared with the Montessori school. The proposed use will encourage transit utilization and efficient use of area parking resources.

- d) Complies with the Adeline Corridor Specific Plan’s adopted Mitigation Monitoring and Reporting Program (MMRP).

Evidence: The project is within the boundaries of the Adeline Corridor Specific Plan and is therefore subject to its Mitigation Monitoring and Reporting Program. Because the proposed use is limited to interior reuse of an existing building with no expansion that would create new or more severe environmental impacts, and because compliance with all applicable MMRP measures will be required as a condition of approval, the project is consistent with the adopted MMRP.

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 complies because it supports the expansion of an existing educational institution by converting the vacant commercial building into administrative offices and storage areas in support of the existing Montessori school on the lot to the south. The new use remains low-impact, compatible with the surrounding residential and commercial uses, and does not increase the overall intensity of operations or occupancy in the area. The Adeline Corridor Commercial (C-AC) zoning districts permit schools and educational support services with a Use Permit, and the administrative use is consistent with the City's General Plan policies that encourage adaptive reuse, community-serving institutions, and reinvestment in underutilized sites. The project will enhance the school's operational capacity without adding traffic, noise, or major structural change.

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

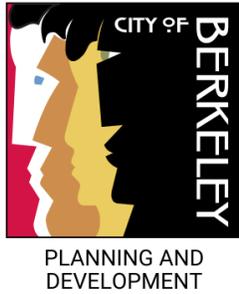
Evidence: The proposed improvements – converting the existing space for school administrative offices and storage – accommodates the expansion of the existing Montessori school on the lot to the south. The exterior modification will improve the building's appearance and integration with the pedestrian streetscape, contributing to the visual cohesion of the block. The modest nature of the improvements ensures the building can accommodate the new use without negatively affecting adjacent properties.

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

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on September 17, 2025, and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.

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



USE PERMIT ZP2024-0164

CONDITIONS OF APPROVAL

October 9, 2025

3333 Martin Luther King Jr. Way

Use Permit #ZP2024-0164 to establish a school use (administrative offices) in a vacant, 3,523-square-foot, non-residential building as an extension of the existing Montessori school on the south adjacent 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.
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. 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.

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:

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

Project Liaison _____
Name Phone #

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

11. 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.

12. 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 \(arcgis.com\)](https://www.cityofberkeley.info/arcgis)
- 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

13. 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.

14. 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.

15. 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.

Prior to Demolition or Start of Construction:

16. 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:

17. 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.

18. 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.

19. 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 BAAD 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.

20. Public Works - Construction. Construction must comply with the State-wide general permit requiring owner to (1) notify the State; (2) prepare and implement a Stormwater Pollution Prevention Plan (SWPPP); and (3) monitor the effectiveness of the plan. Additional information may be found online at <http://www.swrcb.ca.gov>. As part of the permit submittal, the Public Works Department will need a) a copy of the "Notice of Intent" filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; b) the Waste Discharger Identification (WDID) number issued by the SWRCB for the project; c) a copy of the SWWPP prepared for each phase of the project; and d) the name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP.

21. 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.

22. 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.)

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

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

- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- H.** Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- I.** All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated wastewater 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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:

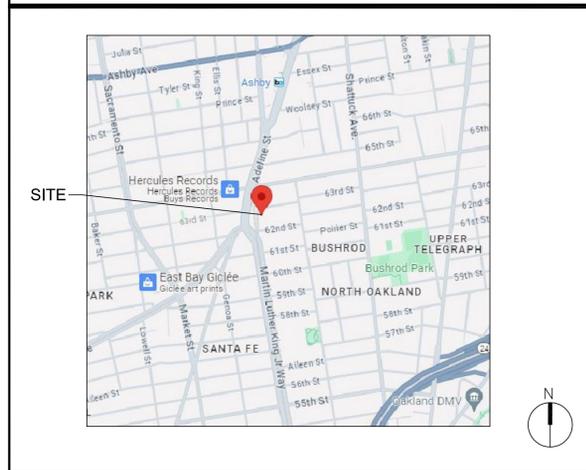
- 31. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. .

32. All landscape, site and architectural improvements shall be completed per the attached approved drawings September 17, 2025 .

At All Times:

33. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
34. **Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
35. **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.
36. **Required Bike Parking.** Secure and on-site bike parking for at least **2** bicycles shall be provided for the life of the building.
37. **Periodic Review and Reporting.** The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessment requirements. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
38. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

LOCATION MAP



ABBREVIATIONS

AC	AIR CONDITIONING	FN	FINISH	PROP	PROPERTY
A/C	ASPHALT CONCRETE PAVING	FLOR	FLUORESCENT	PSI	POUNDS PER
AD	AREA DRAIN	FLR	FLOOR	PT	POINT
ADJ	ADJUSTABLE	FOC	FACE OF CONCRETE	PTD/R	PAPER TOWEL DISPENSER
AFF	ABOVE FINISH FLOOR	FOD	FACE OF FINISH	PVC	PERFECTIBLE & RECEPTACLE
AIA	AMERICAN INSTITUTE OF ARCHITECTS	F.O.S.	FACE OF STUDS	PWR	POLYVINYL CHLORIDE
AL/ALUM	ALUMINUM	FS	FACE OF STRUCTURE	QTY	QUANTITY
ADW	AREA OF WORK	FR	FIRE RESISTANT	QT	QUARRY TILE
AP	ACCESS PANEL	FTG	FOOT OR FEET	QTY	QUANTITY
APA	ASSOCIATION	FTG	FLOORING	(R)	REMODELED/RENOVATED
APL	APPROX	FUR	FURRING	(S)	RELOCATE
APPD	APPROVED	FUT	FUTURE	(RP)	REPLACE
APPROX	APPROXIMATE	G	GLOSS (PAINT)	R	RISER/RADIUS/REPLACE
ARCH	ARCHITECTURAL	GA	GAUGE	R.A.	RETURN AIR
ASPH	ASPHALT	GAL	GALLON	RCP	RESILIENT BASE
ASTM	AMERICAN SOCIETY OF TESTING & MATERIALS	GALV	GALVANIZED	RCD	REFLECTED CEILING PLAN
AWN	AWNING	GC	GENERAL CONTRACTOR	REF	REFERENCE/REFRIGERATOR
BC	BOTTOM OF CURB	GI	GALVANIZED IRON	REFR	REFRIGERATOR
BD	BOARD	GL	GLASS	REIN	REINFORCED
BLDG	BUILDING	GRD	GROUND	REQD	REQUIRED
BLKG	BLOCKING	GSA	GENERAL SERV. AGENCY	RELOC	RELOCATED
BM	BENCH MARK	GWB	GYPSUM WALL BOARD	REV	REVISION
BS	BOTTOM	GYS	GYPSUM	RO	ROUGH OPENING
BOT	BOTTOM OF SLOPE	HB	HOSE BIBB	ROW	RIGHT OF WAY
BUB	BUBBLER	H/C	HOT & COLD SUPPLY	RT	RESILIENT TILE
CAB	CABINET	HD	HEAD	RWL	RAIN WATER LEADER
CAL	CALIFORNIA	HD	HEAD	SC	SOLID CORE
CAR	COLD AIR RETURN	HDR	HEADER	SCD	SEAT COVER DISPENSER
CAT	CATCH BASIN	HDWR	HARDWARE	SCH	SCHEDULE
CEM	CEMENT	HDM	HOLLOW METAL	SCM	SOLID CORE METAL
CER	CERAMIC	HORIZ	HORIZONTAL	SCWD	SOLID CORE WOOD
CF	CUBIC FEET	HP	HIGH POINT	SD	SECTION
CH	CEILING HEIGHT	HP	HIGH POINT	SDL	SMULATED DIVIDED LITES
CI	CAST IRON	HT	HEIGHT	SE	SEE ELECTRICAL DRAWINGS
CL	CONSTRUCTION JOINT	HTR	HEATER	SEP	SEPARATION
CL	CENTER LINE	HVAC	HEATING, VENTILATION AND AIR CONDITIONING	SFT	SQUARE FEET
CLG	CEILING	ID	INSIDE DIAMETER	SFS	SMOOTH FOUR SIDES
CLGK	CAULKING	IE	INVERT ELEVATION	SHT	SHEET
CLR	CLEAR	IN	INCHES	SH	SINGLE HUNG
CLR	CLEAR	INSUL	INSULATION	SHL	SHIM
CMU	CONCRETE MASONRY UNIT	INT	INTERIOR	SL	SLIDING (WINDOW OR DOOR)
CNLK	CHAIN LINK	INT	INTERIOR	SLD	SEE LANSCAPE DRAWINGS
CO	COUNTER	JAN	JANITOR	SMD	SEE MECHANICAL DRAWINGS
CO	COUNTERTOP	JCT	JUNCTION	SMPP	SUMP PUMP
COL	COLUMN	JT(S)	JOINT(S)	SNR	SANITARY NAPKIN DISPENSER
COMP	COMPOSITION	KD	KILN DRIED	SNR	SANITARY NAPKIN RECEPTACLE
COND	CONNECTION	K&T	KNOB & TUBE	SP	SUB PANEL (ELECTRIC)
CONSTR	CONSTRUCTION	LA	LANDSCAPE ARCHITECT	SPR	SPEAKER
CONT	CONTINUOUS	LAM	LAMINATE	SS	STAINLESS STEEL
CR	COLD ROLLED	LAV	LAVATORY	SSK	SERVICE SINK
CR	CORRIDOR	LC	LINEAL CONTRACTOR	STL	STEEL
CSMT	CERAMIC TILE	LF	LINEAL FEET	SSD	SEE STRUCTURAL DRAWINGS
CT	CENTER	LKR	LOCKER	STD	STANDARD
CTSK	COUNTERSINK	LT	LIGHT	STN	STAIN
CY	CUBIC YARD	LS	LOW POINT	STOR	STORAGE
(D)	DEMO	LTG	LIGHTING	STR	STRUCTURAL
DED	DEDICATED	LTG	LIGHTING	SUSP	SUSPENDED
DEPT	DEPARTMENT	MANUF.	MANUFACTURER	SYM	SYMMETRICAL
DET	DETAIL	MAT	MATERIAL	T	TREAD
DF	DOUBLE FINISH	MAX	MAXIMUM	TC	TEMPERED GLASS
DH	DOUBLE HUNG	MCH	MECHANICAL	T&B	TOP AND BOTTOM
DIA	DIAMETER	MEM	MEMBRANE	T&G	TONGUE AND GROOVE
DIM	DIMENSION	MFR	MANUFACTURER	TBD	TO BE DETERMINED
DSP	DISPOSAL	MH	MANHOLE	TB	TRENCH BRAN
DN	DOWN	MI	MINUTE	TDL	TRUE DIVIDED LITE
DOP	DOOR OPENING	MISC	MISCELLANEOUS	TELE	TELEPHONE
DR	DOOR	MO	MASONRY OPENING	TEMP	TEMPORARY
DS	DOWN SPOUT	MS	MOTION SENSOR FIXTURE	THK	THICK
DW	DRAWING	MOUN	MOUNTED	THK	THICK
DWS	DOMESTIC WATER SUPPLY	MUL	MILLION	TOC	TOP OF CONCRETE
(E)	EAST	MW	MICROWAVE	TOP	TOP OF PLATE
EACH	EACH	(N)	NOT APPLICABLE	TOS	TOP OF STUDS
ELEV	ELEVATION	NEW	NEW	TP	TOP OF PAVEMENT
ELEV	ELEVATION	NIC	NOT IN CONTRACT	TPD	TOILET PAPER DISPENSER
EMER	EMERGENCY	NO	NUMBER	TR	TOP OF RAIL
ENCL	ENCLOSURE	NS	NOT TO SCALE	TV	TELEVISION
ENT	ENTRANCE	OS	OCCUPANCY SENSOR	TOW	TOP OF TOW
EQU	EQUIPMENT	OA	OVERALL	TYP	TYPICAL
EQUI	EQUIPMENT	ON	ON CENTER	TIME	TIME TO MATCH EXISTING
EW	EACH WAY	OD	OUTSIDE DIAMETER	TWH	TANKLESS WATER HEATER
EW	EACH WAY	OPNG	OPENING	UC	UNDER COUNTER
EXT	EXTERIOR	OPNG	OPENING	UG	UNDERGROUND
EXT	EXTERIOR	OPP	OCCUPANCY SENSOR	UNF	UNFINISHED
F	FIXED (WINDOW)	OS	OCCUPANCY SENSOR	UNL	UNLESS NOTED OTHERWISE
FAU	FIRE ALARM	P	PAINT	UOS	UPPER SIDE OF STRUCTURE
FB	FURNISHED BY OWNER	P&S	POLE & SHELF	UR	URINAL
FD	FLOOR DRAIN	PART	PARTITION	UPP	UPPER WORKING POINT
FD	FLOOR DRAIN	PC	PRECAST CONCRETE	V	VINYL
FOUN	FOUNDATION	PERF	PERFORATED	VCT	VINYL COMPOSITION TILE
FPL	FIRE EXTINGUISHER	PL	PLATE	VERT	VERTICAL
FPL	FIRE EXTINGUISHER	PLAS	PLASTER	VEST	VESTIBULE
FPL	FIRE EXTINGUISHER	PLAM	PLASTIC LAMINATE	VFI	VERIFY IN FIELD
FPL	FIRE EXTINGUISHER	PLYWD	PLYWOOD	VFO	VERIFY WITH OWNER
FPL	FIRE EXTINGUISHER	PNT	PAINTED	W	WEST
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WC	WATER CLOSET
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WD	WOOD
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WH	WATER HEATER
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WH	WATER HEATER
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WM	WATER METER
FPL	FIRE EXTINGUISHER	PNT	PAINTED	W/O	WITHOUT
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WP	WATERPROOF
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WSP	WEST STAND PIPE
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WT	WEIGHT
FPL	FIRE EXTINGUISHER	PNT	PAINTED	WVF	WELDED WIRE FABRIC

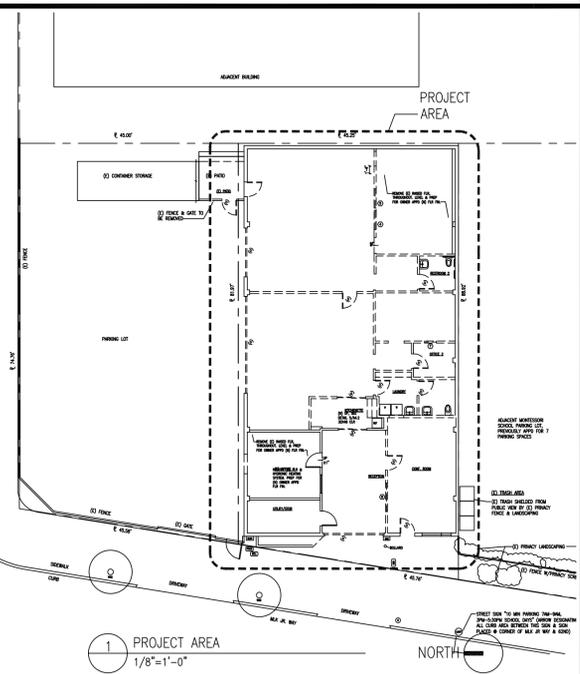
GENERAL NOTES

- ALL WORK SHALL BE PERFORMED TO THE FOLLOWING CODES:
 - a. CALIFORNIA BUILDING CODE 2022 EDITION
 - b. CALIFORNIA MECHANICAL CODE 2022 EDITION
 - c. CALIFORNIA PLUMBING CODE 2022 EDITION
 - d. CALIFORNIA ELECTRICAL CODE 2022 EDITION
 - e. CALIFORNIA ENERGY CODE 2022 EDITION
 - f. CALIFORNIA FIRE CODE 2022 EDITION
 - g. CALIFORNIA GREEN BUILDING STANDARDS CODE 2022 EDITION
 - h. CALIFORNIA HISTORIC BUILDING CODE 2022 EDITION
 - i. CALIFORNIA RESIDENTIAL CODE 2022 EDITION
 - j. CALIFORNIA EXISTING BUILDING CODE 2022 EDITION
- CONTRACTOR SHALL ADHERE TO ALL CODES, RULES & REGULATIONS GOVERNING CONSTRUCTION, BUILDING ACCESS & THE USE OF FACILITIES AS SET BY FEDERAL, STATE & LOCAL BUILDING CODES.
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR CONFLICTS IN THE DESIGN DWGS.
- ASSUMPTIONS HAVE BEEN MADE REGARDING THE (E) STRUCTURE & CONDITIONS OF WALLS, FLOORS, CEILING & BUILDING COMPONENTS. CONTRACTOR SHALL VERIFY (E) CONDITIONS AS BUILDING STRUCTURE IS UNCOVERED. CONTRACTOR SHALL NOTIFY OWNER IMMEDIATELY OF CONDITIONS DIFFERENT FROM DWGS. ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR (E) STRUCTURE OR ITS LOCATION & CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL MATERIALS & WORKMANSHIP (U.N.O.) IN ACCORDANCE WITH ALL FEDERAL, STATE & LOCAL CODES
- PROTECT ALL MATERIALS FROM EXPOSURE AND CONTACT WITH MOISTURE WHILE IN STORAGE, ON AND OFF SITE, AND BEFORE, DURING AND AFTER CONSTRUCTION. ANY AND ALL COMPROMISED MATERIAL SHALL NOT BE USED FOR CONSTRUCTION AND SHALL BE REPLACED AT CONTRACTOR'S EXPENSE. INSTALLED MATERIALS EXPOSED TO MOISTURE SHALL BE REMOVED AND REPLACED AT CONTRACTOR'S EXPENSE.
- THE CONTRACTOR SHALL VERIFY ALL DIMS & (E) CONDITIONS IN THE FIELD & NOTIFY ARCHITECT, IN WRITING, OF ANY DISCREPANCIES PRIOR TO START OF WORK.
- LARGE SCALE DWGS TAKE PRESEDENCE OVER SMALL SCALE DWGS.
- ALL DIMS SHOWN ARE TO FACE OF FINISHED WALLS U.N.O.
- SEE STRUCTURAL DWGS FOR FOUNDATION, SLAB & ALL OTHER STRUCTURAL INFORMATION & DETAILS.
- NOTIFY THE OWNER & ARCHITECT IF MODIFICATIONS TO STRUCTURAL COMPONENTS ARE REQUIRED TO COMPLETE THE WORK & ARE NOT DESCRIBED IN THE CONTRACT DOCUMENTS.
- THESE DRAWINGS SHALL NOT BE SCALED.
- CONTRACTOR IS RESPONSIBLE FOR THE DESIGN & CONSTRUCTION OF ANY TEMPORARY SHORING &/OR BRACING FOR ANY CONSTRUCTION.
- REVIEW ALL EXISTING INTERIOR AND EXTERIOR CONDITIONS INCLUDING EXTERIOR SIDING, TRIM, FASCIAS, STRUCTURAL ELEMENTS, PLUMBING, ELECTRICAL, ETC. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD INSPECT ALL SURFACES AND CONSTRUCTION COMPONENTS PRIOR TO SUBMITTING BIDDING DOCUMENTATION. IF CONDITIONS ARE FOUND WHERE REPLACEMENT OF COMPONENTS OR FINISHES ARE REQUIRED THAT ARE NOT INDICATED IN THE DRAWINGS OR SPECIFICATIONS THEN A LINE ITEM IN THE BIDDING DOCUMENTS MUST BE PROVIDED INDICATING THE EXTENT OF WORK, COST OF THE MATERIALS, FABRICATION, INSTALLATION, ETC. & TIME REQUIRED TO EXECUTE THE LINE ITEM(S).
- IT IS THE OWNER'S & GENERAL CONTRACTOR'S RESPONSIBILITY TO DISTRIBUTE THE ASSOCIATED SPECIFICATION BOOK FOR THIS PROJECT TO ALL SUBCONTRACTORS FOR REVIEW PRIOR TO BIDDING & CONSTRUCTION. THE SPECIFICATIONS ARE INTERGRAL TO THE PROJECT AND ARE A LEGAL & BINDING DOCUMENT PERTAINING TO THE PROJECT.
- SMOKE & CARBON MONOXIDE DETECTORS SHALL BE FIELD VERIFIED OR INSTALLED IN ACCORDANCE W/CODE.
- TITLE 24 ENERGY COMPLIANCE MAY REQUIRE "HERS" AND/OR "QH" TESTING BEFORE, DURING AND/OR AFTER CONSTRUCTION. CAREFULLY REVIEW THE ENCLOSED TITLE 24 DOCUMENTATION FOR THESE REQUIREMENTS. GENERAL CONTRACTOR IS RESPONSIBLE FOR RESPONDING TO THE REQUIREMENTS & COORDINATING & CALLING FOR THESE INSPECTIONS.
- CA ASSEMBLY BILL 3002 ENCOURAGES THE PROPERTY OWNER TO SEEK A CASP (CERTIFIED ACCESS SPECIALIST) CONSULTATION & INSPECTION OF THE PROPERTY.

DEMO NOTES

- DEMOLITION IS NOT LIMITED TO WHAT IS SHOWN. DWGS INDICATE GENERAL INTENT OF DEMOLITION AREAS ONLY. PLAN INDICATES THE GENERAL SCOPE OF DEMOLITION TO COMPLETE THE PROJECT AS SHOWN ON THE CONSTRUCTION PLAN.
- CONTRACTOR TO VERIFY LOCATION OF (E) UTILITIES & SAFEGUARD PRIOR TO STARTING DEMO. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE, CAP, RECONNECT, RELOCATE OR REMOVE ANY &/OR ALL UTILITIES BEFORE, DURING & AFTER DEMO & (N) CONSTRUCTION.
- THE CONTRACTOR SHALL COORDINATE WITH BUILDING OWNER THE REMOVAL OF DEBRIS.
- WHERE (E) CONSTRUCTION IS REMOVED, ALL FIXTURES (OUTLETS, SWITCHES, THERMOSTATS, ETC.) SHALL ALSO BE REMOVED & CAPPED BEHIND FINISHED WALL UNLESS FIXTURES ARE TO BE REUSED &/OR RELOCATED. CONCEAL NO SWITCHES, JCT. BOXES, ETC. IN WALLS.
- WHERE (E) CONSTRUCTION IS DISTURBED BY DEMOLITION OR NEW WORK, IT SHALL BE REPAIRED &/OR PATCHED TO MATCH (E) FINISH OR AS SPECIFIED IN THE DWGS.
- PATCH & REPAIR ROOF WHERE NEW CONSTRUCTION OCCURS. MATCH (E) MATERIALS & SYSTEMS.
- ALL WASTE MANAGEMENT DOCUMENTATION IS TO BE PERFORMED ON THE "GREENHALO" REPORTING WEBSITE. MIN 65% MIN RECYCLING RATE PER CALGREEN CODE.

PROJECT AREA



SHEET INDEX

ARCHITECTURAL

A1.0	TITLE PAGE, PROJECT AREA & PROJECT INFO
A1.1	COMMUNITY OUTREACH PLANS
A1.1.1	COMMUNITY OUTREACH ELEVATIONS
A1.3	EXISTING SITE PLAN
A1.4	PROPOSED SITE PLAN
A1.8	FURNITURE PLAN
A1.9	FACILITY PARKING SITE PLAN
A2.0	EXISTING FLOOR PLAN
A2.1	PROPOSED FLOOR PLAN
A3.0	EXTERIOR ELEVATIONS
A3.1	EXISTING EXTERIOR ELEVATIONS
A4.0	DETAILS

CONTACT INFO

OWNER:
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3339 MARTIN LUTHER KING JR. WAY
BERKELEY, CA 94703
(510) 333-5958
ENMAHR@GMAIL.COM

STRUCTURAL ENGINEER:
LOU XIAO, S.E.
723 CAMINO PLAZA #115
SAN BRUNO, CA 94066
(415) 601-9686

SITE DATA & SCOPE

PROJECT DESCRIPTION AND USE

- TENANT IMPROVEMENT FOR MONTESSORI SCHOOL OFFICES.
 - 1.1. EXISTING RESTROOMS RENOVATION.
 - 1.2. INSTALL NON-BEARING WALLS.
 - 1.3. INSTALL INSULATION WITH WALL AND CEILING FINISHES.
 - 1.4. RELOCATE ELECTRICAL OUTLETS & SWITCHES.
 - 1.5. UPGRADE EXISTING LIGHTING TO LED & FLUORESCENT. NO CHANGE TO NUMBER OF LIGHTING FIXTURES.
 - 1.6. REMOVE FRONT ROLL UP DOOR & REPLACE WITH STOREFRONT GLAZING SYSTEM.
- ANY & ALL NEW SIGNAGE AND AWNING TO BE APPLIED UNDER SEPARATE FUTURE PERMIT.
- NO CHANGE TO EXISTING BUILDING HEIGHT.

PARCEL NUMBER: 52-1526-16-7
ZONING: C-AC
CONSTRUCTION TYPE: TYPE VB, NON-RATED, NON-SPRINKLERED
OCCUPANCY: B/E
EXISTING: VACANT. PREVIOUS TENANT: PLUMBING CONTRACTOR & STORAGE

BUILDING FOOTPRINT: 3523 SF
AREA OF WORK: 3533 SF

PARKING REQUIRED: PER BERKELEY MUNICIPAL CODE: NO PARKING REQUIRED.

ACCESSIBLE FEATURE LIST PER CBC 11B-202.4(8):

- TACTILE & ACCESSIBILITY SIGNS INSTALLED @ REAR ENTRY & THROUGHOUT TENANT SPACE. \$1200
- ACCESSIBLE ROUTE TO ALTERED AREA. \$3200
- BUILDING ENTRANCE DOOR & THRESHOLD. \$4000
- ACCESSIBLE DOOR HARDWARE TO BE INSTALLED. \$8500
- ACCESSIBLE SIGNAGE TO BE INSTALLED. \$250
- DRINKING FOUNTAIN. \$3000
- RENOVATED ACCESSIBLE RESTROOMS. \$24,000

MAXIMUM 5 FULL TIME EMPLOYEES, TO BE VERIFIED W/TENANT.

FOR OCCUPANCY LOAD CALCULATIONS & PATH OF TRAVEL DIAGRAMS SEE SHEET A1.2.

NOTE: PER CALGREEN BUILDING CODE 301.3, VALUE OF CONSTRUCTION TO (E) BUILDING IS LESS THAN \$200,000. NO COMPLIANCE TO GREEN CODE REQUIRED.

NOTE: SEPARATE PERMIT IS REQUIRED FOR BUSINESS ESTABLISHMENT SIGN (NOT INCLUDED IN THIS PERMIT APPLICATION). SIGN PERMIT WILL REQUIRE PLANS, CONNECTION DETAILS AND SPECIFICATIONS FOR REVIEW.

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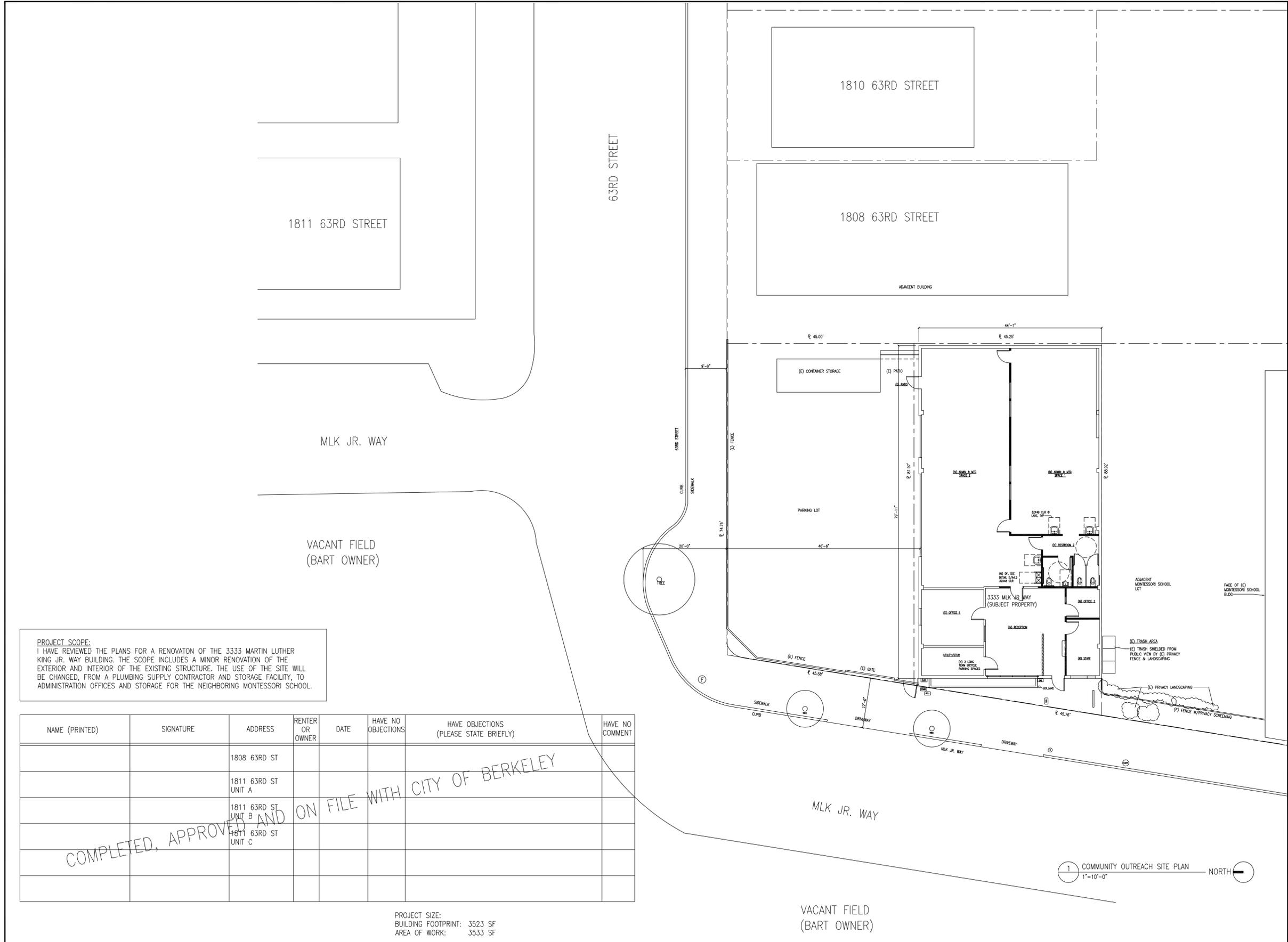
**COMMERCIAL
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Project Number	2024-52-1526-152	Drawn By	AH	Checked By	DH
Issues	0	Revisions	3		
Number	Date	Description			
[1]	2024-09-25	COMMUNITY OUTREACH			
[2]	2025-04-30	USE PERMIT/ZONING APPLICATION			
[3]	2025-09-09	USE PERMIT/ZONING APPLICATION UPDATE			
[4]	2025-09-17	USE PERMIT/ZONING APPLICATION UPDATE			

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**TITLE PAGE,
PROJECT AREA &
PROJECT INFO**

A1.0



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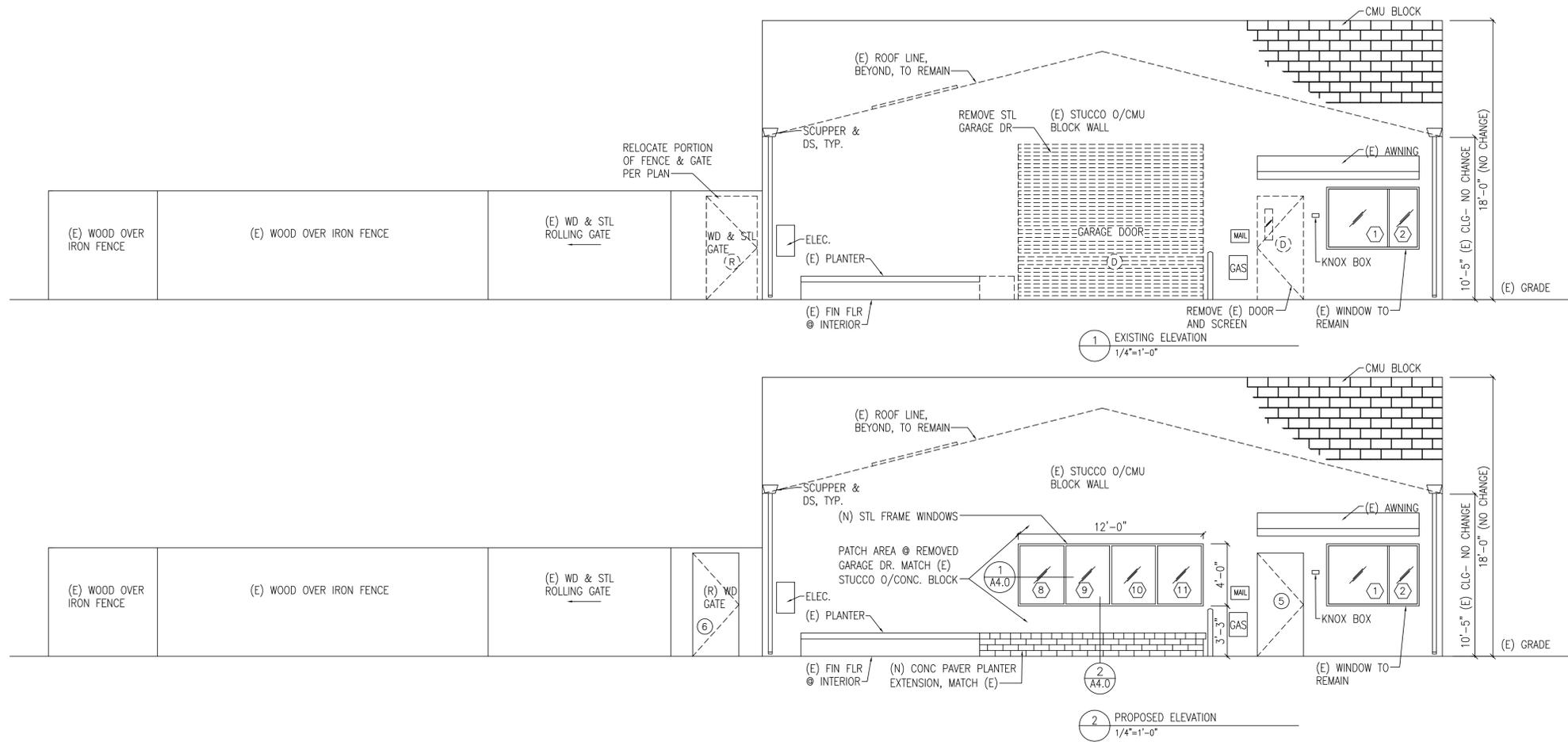
**COMMUNITY
OUTREACH
SITE PLAN**

A1.1

\\AH-WORKY Drive\3333 MLK\A01-1.dwg, 9/9/2025 6:02:22 PM

COMPLETED, APPROVED AND ON FILE WITH CITY OF BERKELEY

1 COMMUNITY OUTREACH SITE PLAN
1"=10'-0" NORTH



3 SITE PHOTOS

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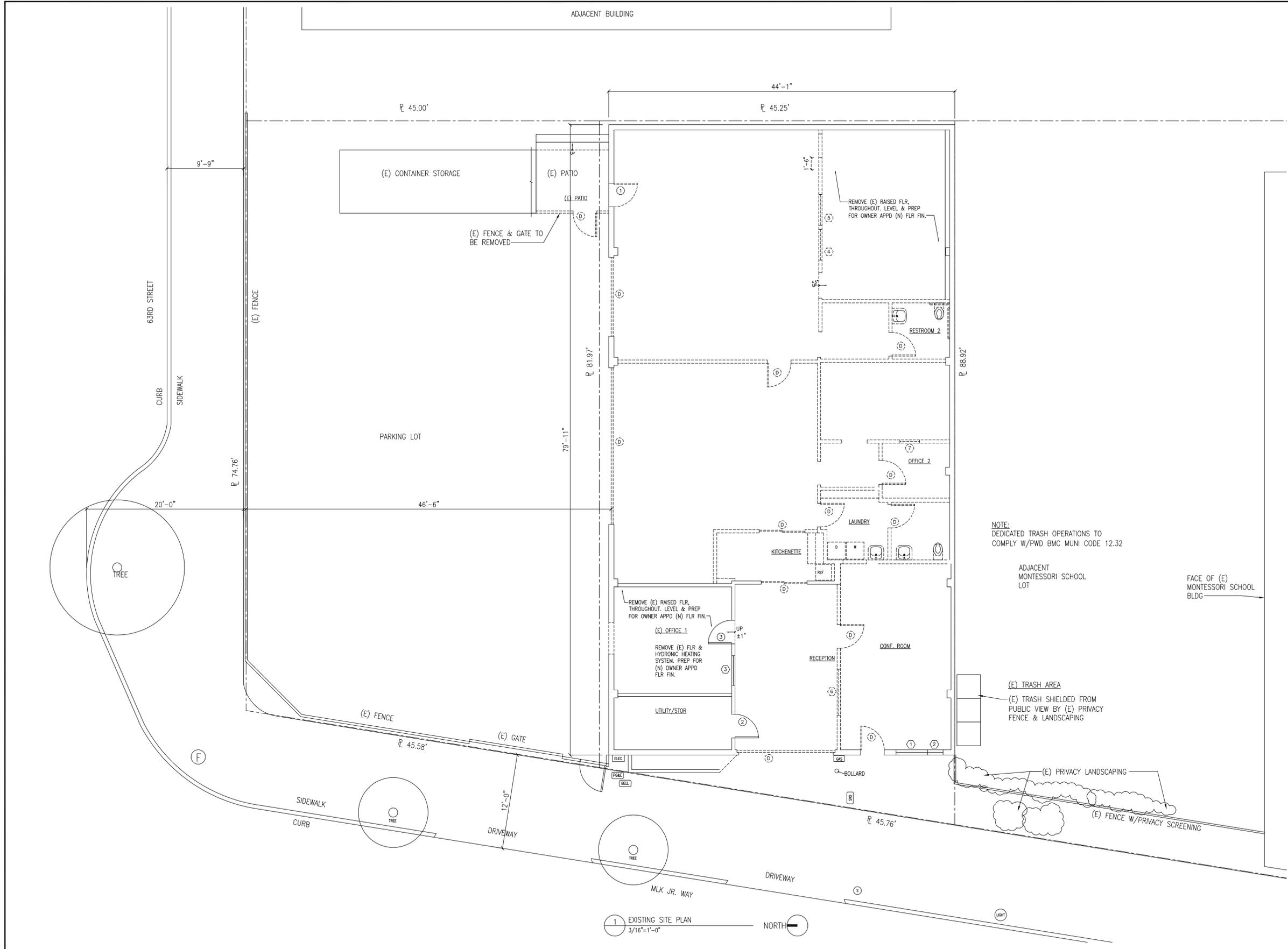
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**COMMUNITY
OUTREACH
ELEVATIONS**

A1.1.1



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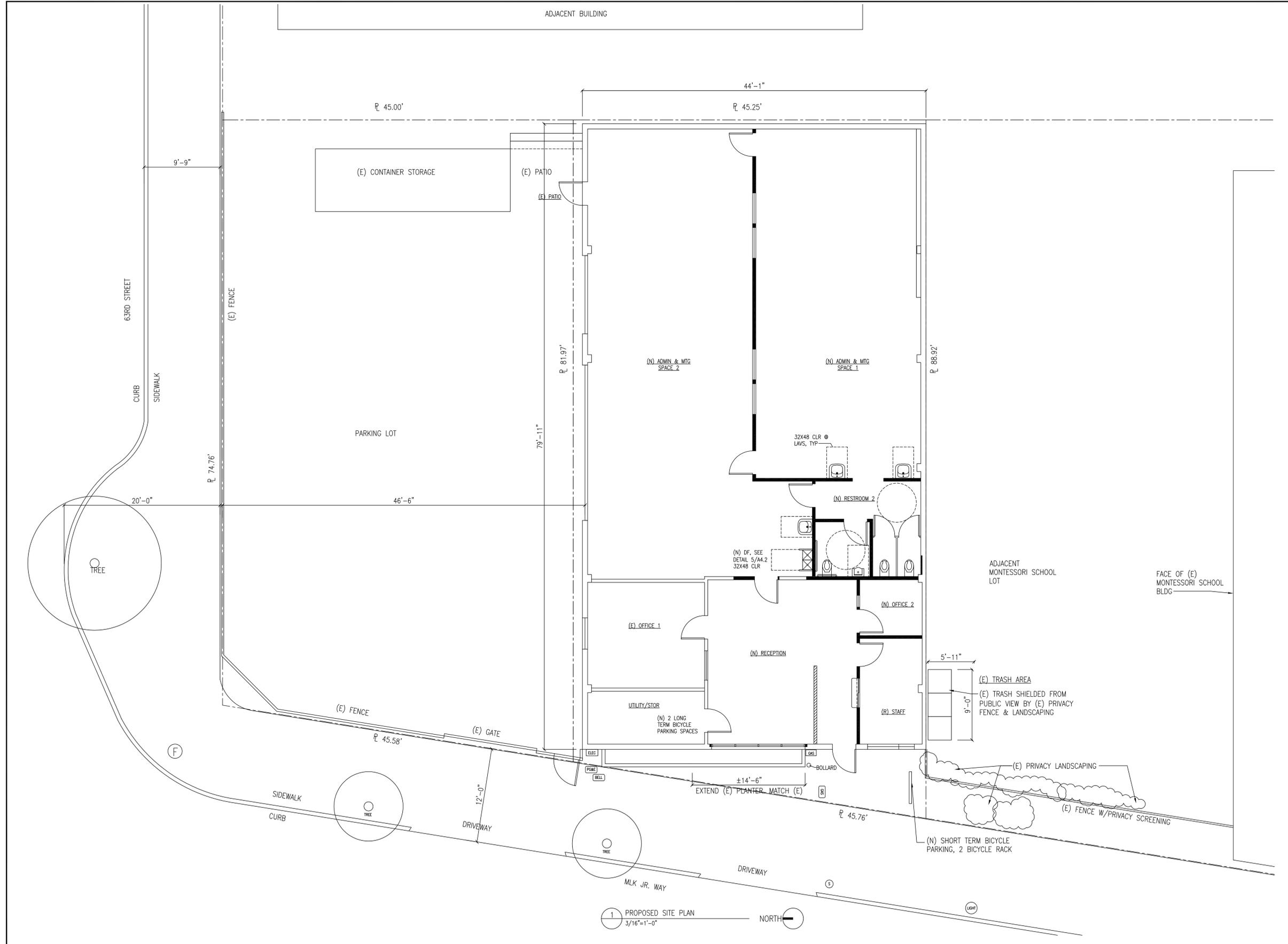
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**EXISTING
 SITE PLAN**

A1.3



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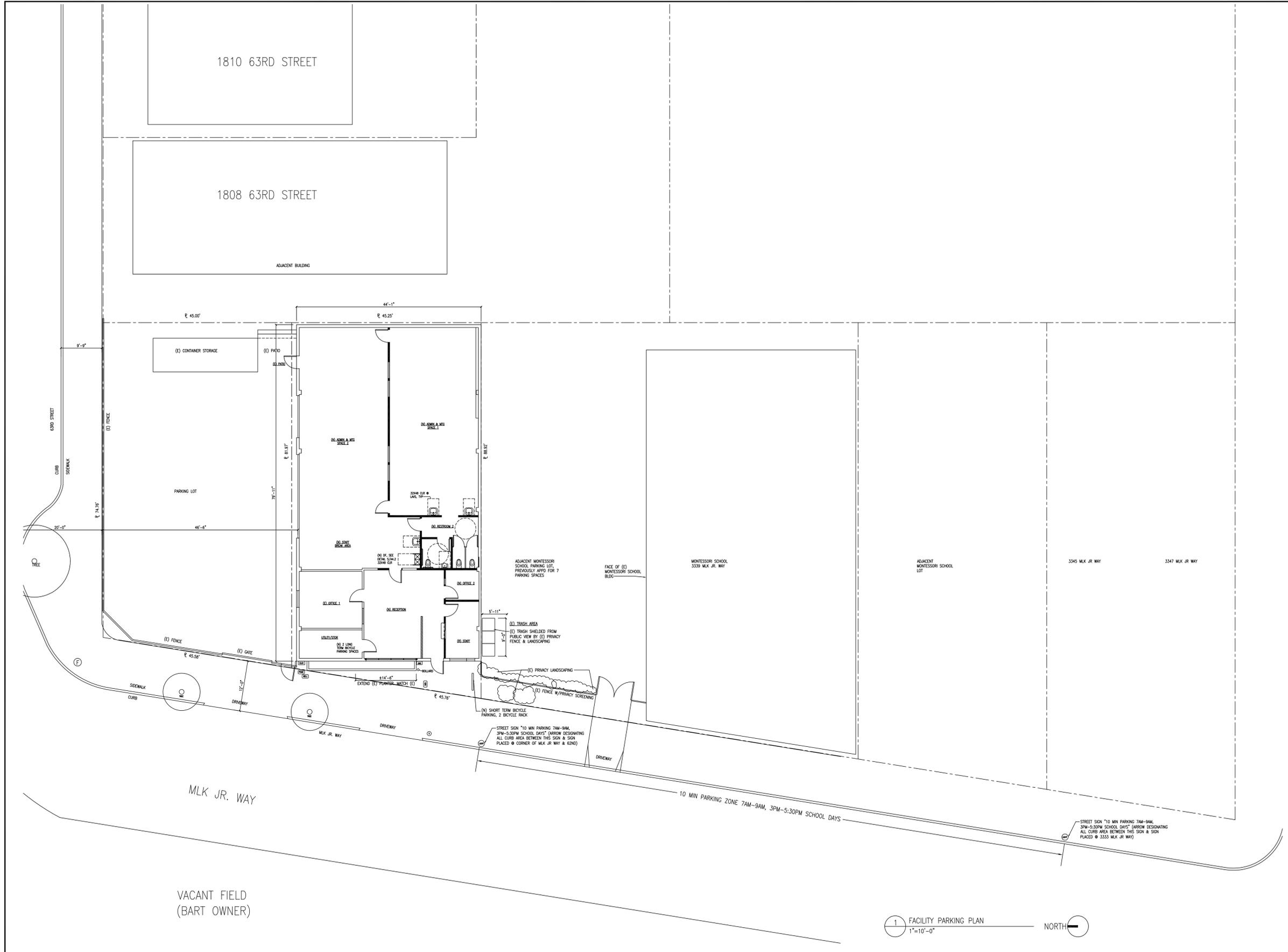
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**PROPOSED
 SITE PLAN**

A1.4

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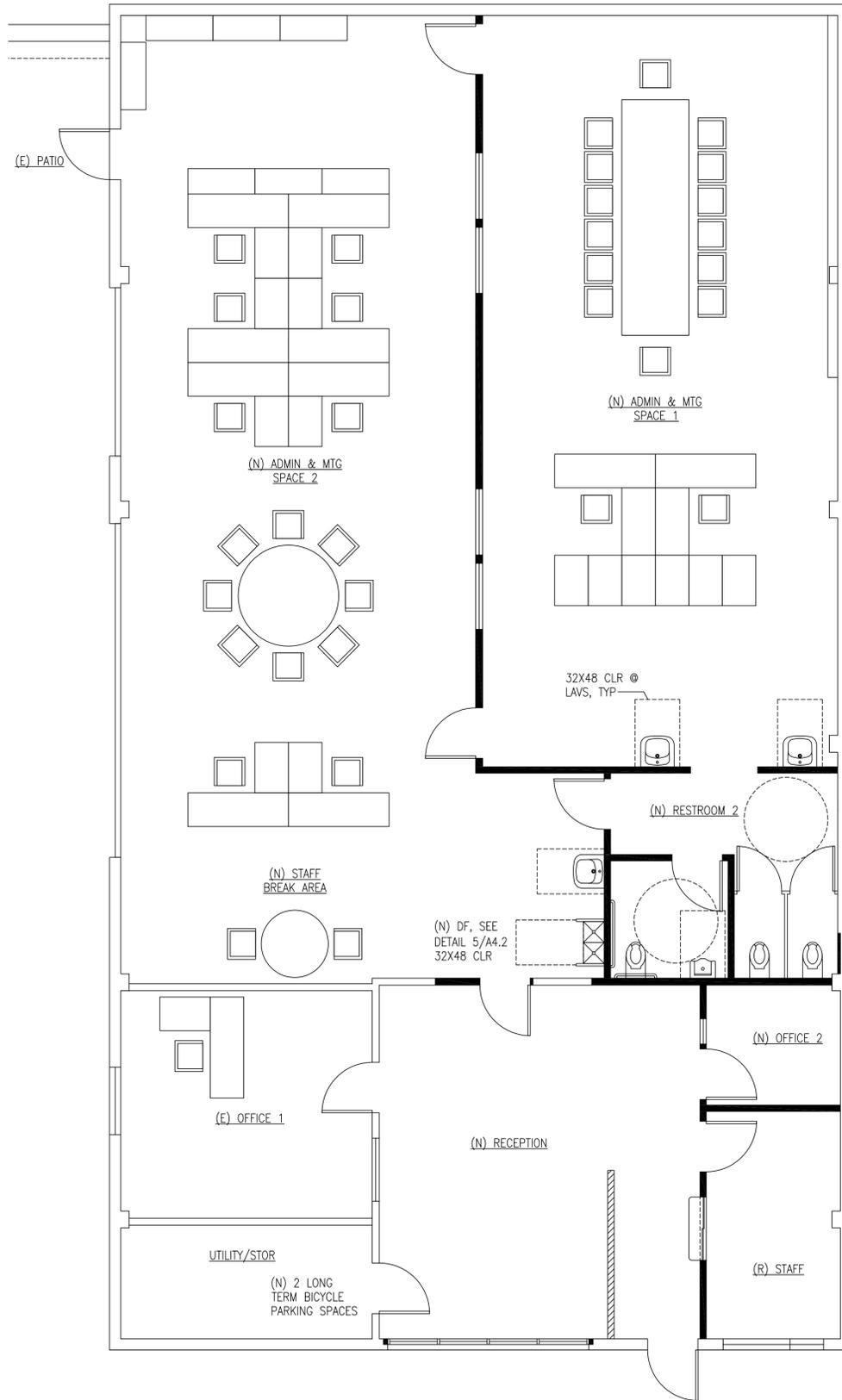
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 BERKELEY, CA 94703

**EXISTING &
 PROPOSED SITE
 PARKING PLAN**

A1.8

1 FACILITY PARKING PLAN
 1"=10'-0" NORTH

\\AFT-WORK\WORKY Drive\3333 MLK\A1-8.dwg, 9/17/2025 3:57:00 PM



1 FURNITURE PLAN
 1/4"=1'-0"

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FURNITURE PLAN

A1.9

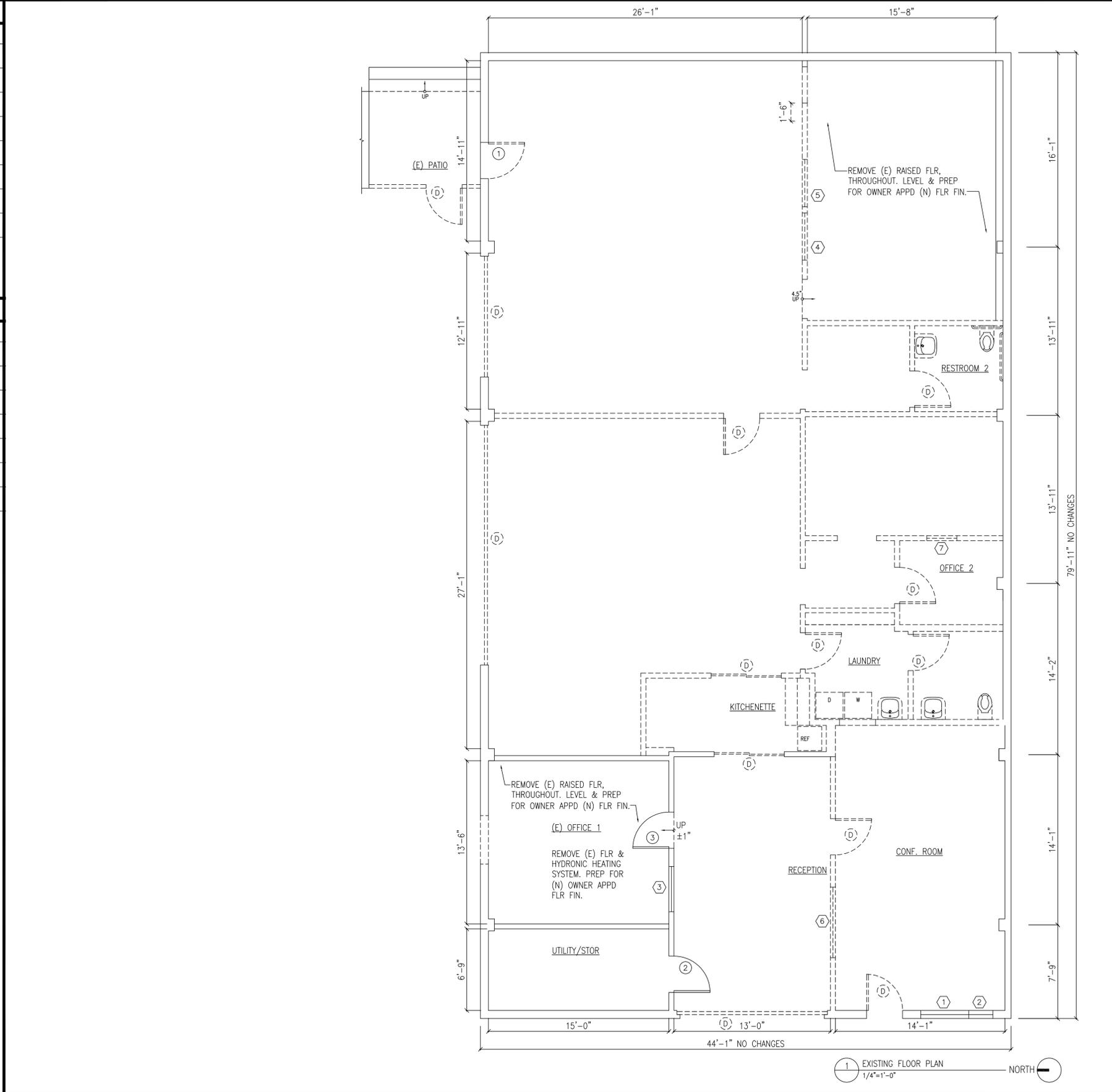
WINDOW SCHEDULE										
SYMBOL	TYPE	MATERIAL (EXT/INT)	RO W	RO HT	CLR W	CLR HT	HT. FROM FIN. FLR.	NOTE		
①	(E) FIXED	STL SG	-	-	4'-0"	4'-0"	3'-3"	TO REMAIN-NO CHANGES		
②	(E) CSMT	STL SG	-	-	2'-0"	4'-0"	3'-3"	TO REMAIN-NO CHANGES		
③	(E) SL	VINYL	-	-	3'-9"	3'-9"	±3'-8"	TO REMAIN-NO CHANGES		
④	(E) SL	VINYL	-	-	3'-11"	3'-11"	±3'-8"	TO REMAIN-NO CHANGES		
⑤	(E) SL	VINYL	-	-	3'-11"	3'-11"	±3'-8"	TO REMAIN-NO CHANGES		
⑥	(D) DEMO	-	-	-	-	-	-	TO BE REMOVED		
⑦	(D) DEMO	-	-	-	-	-	-	TO BE REMOVED		

DOOR SCHEDULE						
SYMBOL	DOOR TYPE	WIDTH	HT.	THICK	HDWR	NOTES
ⓓ	DEMO DOOR	-	-	-	-	TO BE REMOVED. VERIFY W/OWNER POSSIBLE REUSE.
Ⓡ	REUSE DOOR	-	-	-	-	TO BE REMOVED AND REUSED/RELOCATED. VERIFY W/OWNER.
①	(E) EXTERIOR	3'-0"	6'-8"	1 3/4"	E	(E) TO REMAIN. REVERSE DR SWING
②	(E) INTERIOR	3'-0"	6'-8"	1 3/8"	E	(E) TO REMAIN. NO CHANGES
③	(E) INTERIOR	3'-0"	6'-8"	1 3/8"	E	(E) TO REMAIN. NO CHANGES

SEE SHEET A2.1 FOR DOOR NOTES, HARDWARE SCHEDULE, AND DOOR TYPE DETAILS

NOTE:
SECURE THE BUILDING DURING CONSTRUCTION. CONTRACTOR RESPONSIBLE FOR SECURING PREMISES AT ALL TIMES DURING AND AFTER WORK.

WALL LEGEND:
 _____ (E) WALL TO REMAIN
 - - - - - (E) WALL TO BE REMOVED. REMOVE ALL FIXTURES
 ⊗ DEMO WALLS. CAP UTILITIES AS REQD.



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**EXISTING
FLOOR PLAN**

A2.0

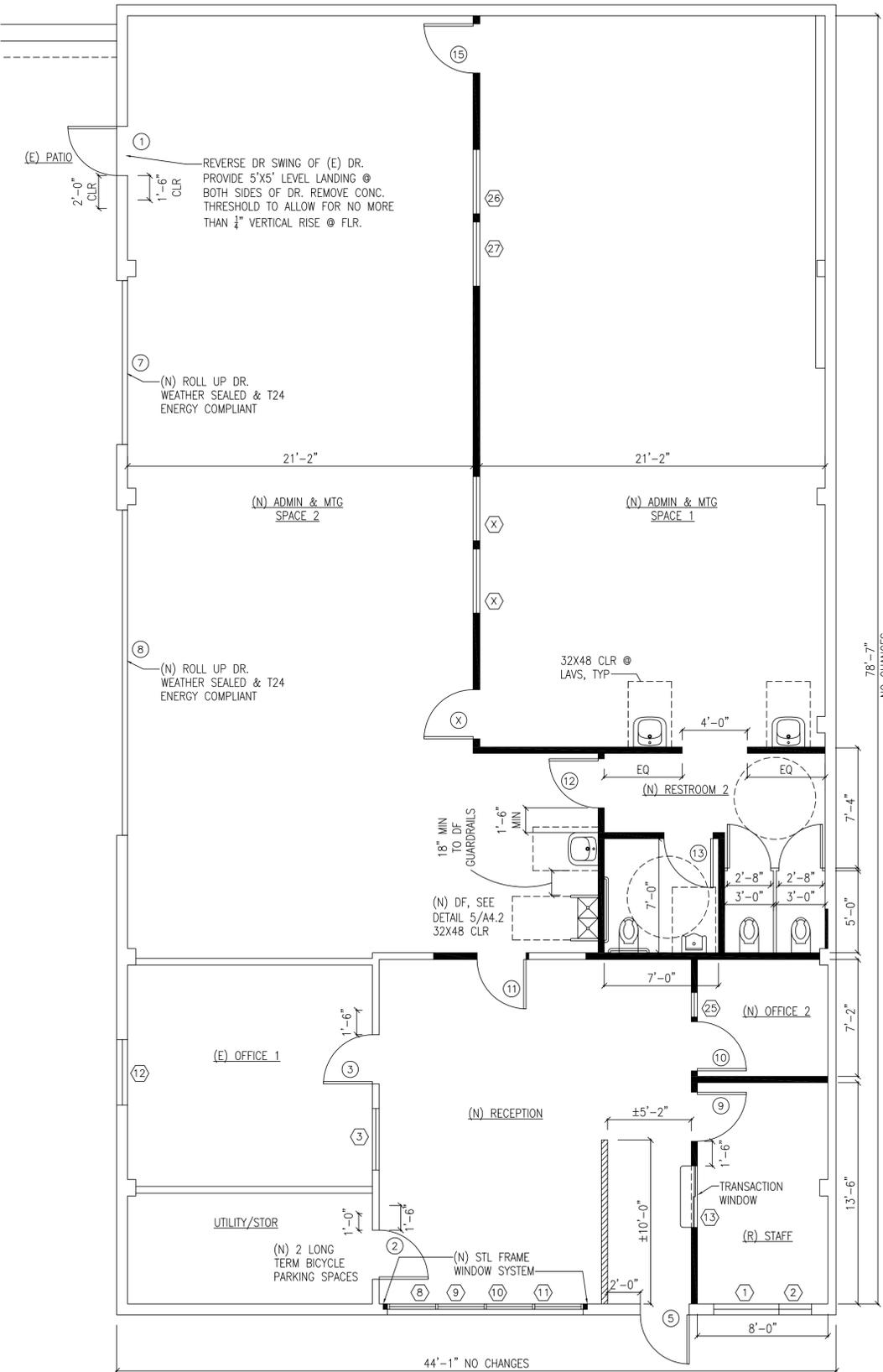
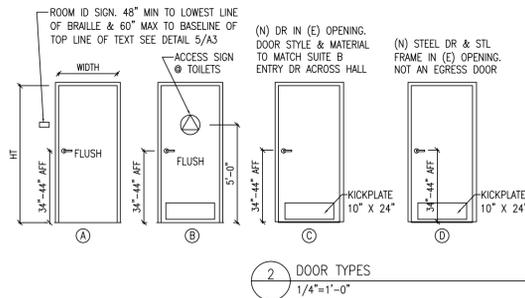
WINDOW SCHEDULE										DOOR SCHEDULE					
SYMBOL	TYPE	MATERIAL (EXT/INT)	RO W	RO HT	CLR W	CLR HT	HT. FROM FIN. FLR.	NOTE	SYMBOL	DOOR TYPE	WIDTH	HT.	THICK	HDWR	NOTES
1	(E)	FIXED STL SG	-	-	4'-0"	4'-0"	±3'-3"	TO REMAIN-NO CHANGES	1	(E) EXTERIOR	3'-0"	6'-8"	1 3/4"	E	(E) TO REMAIN. REVERSE DR SWING
2	(E)	CSMT STL SG	-	-	2'-0"	4'-0"	±3'-3"	TO REMAIN-NO CHANGES	2	(E) INTERIOR	3'-0"	6'-8"	1 3/8"	E	(E) TO REMAIN. NO CHANGES
3	(E)	SL VINYL	-	-	3'-9"	3'-9"	±3'-8"	TO REMAIN-NO CHANGES	3	(E) INTERIOR	3'-0"	6'-8"	1 3/8"	E	(E) TO REMAIN. NO CHANGES
4	(E)	SL VINYL	-	-	3'-11"	3'-11"	±3'-8"	TO REMAIN-NO CHANGES	4	(E) BI-PASS GLASS	5'-10"	6'-8"	1 3/8"	E	(E) TO REMAIN. NO CHANGES
5	(E)	SL VINYL	-	-	3'-11"	3'-11"	±3'-8"	TO REMAIN-NO CHANGES	5	(N) EXTERIOR	3'-0"	6'-8"	1 3/4"	1	(E) FRAMES TO REMAIN, REVERSE SWING. VWO POSSIBLE REUSE OF DOOR
8	(N)	FIXED STL DG	2'-11"	4'-1"	2'-10"	4'-0"	3'-3"		6	NA					
9	(N)	FIXED STL DG	2'-11"	4'-1"	2'-10"	4'-0"	3'-3"		7	(N) ROLL UP	10'-0"	10'-0"	-	R	STEEL. AIR TIGHT, SEALED, INSULATED.
10	(N)	FIXED STL DG	2'-11"	4'-1"	2'-10"	4'-0"	3'-3"		8	(N) ROLL UP	19'-10"	10'-0"	-	R	STEEL. AIR TIGHT, SEALED, INSULATED.
11	(N)	FIXED STL DG	2'-11"	4'-1"	2'-10"	4'-0"	3'-3"		9	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	1	SC 2 HINGE.
12	(N)	FIXED STL DG	4'-1"	4'-1"	4'-0"	4'-0"	2'-4"		10	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	3	SC 2 HINGE.
13	(N)	SL MTL DG	2'-7"	-	2'-6"			RECEPTION COUNTER. TEMP. GL.	11	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	2	SC 2 HINGE.
									12	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	2	SC 2 HINGE.
									13	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	3	SC 2 HINGE.
									14	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	2	SC 2 HINGE.
									15	(N) INTERIOR	3'-0"	6'-8"	1 3/8"	2	SC 2 HINGE.
									16	(N) DR	3'-0"	6'-8"	1 3/8"	1	SC 2 HINGE. NO LOCK.

NOTE:
SECURE THE BUILDING DURING CONSTRUCTION. CONTRACTOR RESPONSIBLE FOR SECURING PREMISES AT ALL TIMES DURING AND AFTER WORK.

WALL LEGEND:
 (E) WALL TO REMAIN
 (N) WALL, SEE DETAIL X/AX.X

- DOOR SCHEDULE & HARDWARE NOTES**
- VERIFY ALL DIMS W/OWNER PRIOR TO FINAL FRAMING.
 - VERIFY ALL DIMS., OPERATION & CONDITIONS PRIOR TO ORDERING OR FABRICATION.
 - ALL DOOR STYLES TO BE APPD BY OWNER PRIOR TO ORDERING.
 - ALL DOORS SHALL BE EQUIPPED WITH SINGLE-EFFORT, NON-GRASP HARDWARE (I.E. LEVER) MOUNTED AT 34-44" AFF.
 - DOORS SHALL SWING TO THE FULLY OPEN POSITION WHEN AN OPENING FORCE NOT EXCEEDING 5 POUNDS IS APPLIED TO THE LATCH SIDE.
 - DOOR HARDWARE AT ALL HALLWAY DOORS SHALL ALLOW DOORS TO BE OPENED FROM THE INSIDE WITHOUT KEY, SPECIAL KNOWLEDGE, OR EFFORT.
 - DOORS SHALL MEET THE REQUIREMENTS OF CBC SECTION 1003.3.1.
 - DOOR LIGHTS IN RATED DOORS. SHALL BE STL FRAME W/SAFETY GLASS.
 - MANUALLY OPERATED EDGE OR SURFACE MOUNTED FLUSH BOLTS OR ANY OTHER TYPE OF DEVICE THAT MAY BE USED TO CLOSE OR RESTRAIN A DOOR OTHER THAN BY OPERATION OF THE LOCKING DEVICE ARE NOT PERMITTED.
 - KEY LOCKSETS PER OWNER.
 - HARDWARE FINISH: MATCH (E) BUILDING STANDARD, OWNER APPD.
 - TRIM (N) DOORS TO MATCH (E) BUILDING STANDARD.
 - FLOOR OR LANDING SHALL NOT BE MORE THAN 1/4" LOWER THAN THE THRESHOLD OF THE DOORWAY. CHANGE IN LEVEL BETWEEN 1/4" & 1/2" SHALL BE BEVELED W/A SLOPE NO GREATER THAN ONE UNIT VERTICAL TO TWO UNITS HORIZONTAL.
 - IN BUILDINGS WITH GROUP B OCCUPANCY TYPE, THE MAIN EXTERIOR DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE EGRESS SIDE PROVIDED [CFC 1010.1.9.4 ITEM 2]:
 - THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED.
 - A READILY VISIBLE DURABLE SIGN IS POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOOR STATING: "THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED". THE SIGN SHALL BE IN LETTERS 1-INCH HIGH ON A CONTRASTING BACKGROUND.
 - THE USE OF THE KEY-OPERATED LOCKING DEVICE IS REVOCABLE BY THE BUILDING OR FIRE CODE OFFICIAL FOR DUE CAUSE.

#	DESCRIPTION	REMARKS
1	LOCKSET: SCHLAGE "D" SERIES W/RHODES LEVER HANDLE. STOP: FLR MOUNT DOME STOP. HINGES: MCKINNEY TA HINGES 2714, 2 PR. BB. KICKPLATE: PUSH SIDE 10"x24"	ENTRY
2	SCHLAGE "D" SERIES W/RHODES LEVER LOCKSET. NO CLOSER. FLOOR DOME STOP. 1 1/2" HINGES. NO KICKPLATE.	AS NOTED
3	SCHLAGE "D" SERIES W/RHODES LEVER PRIVACY LOCK. WITH CLOSER. FLOOR DOME STOP. 1 1/2" HINGES. KICKPLATE: PUSH SIDE 10" X 24"	(N) RESTROOMS
E	EXISTING HARDWARE TO REMAIN.	AS NOTED
R	EXISTING HARDWARE TO BE REUSED PER OWNER.	AS NOTED



1 PROPOSED FLOOR PLAN
1/4"=1'-0" NORTH

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3	2025-09-09	USE PERMIT/ZONING APPLICATION UPDATE			

ERNEST MAHR
TENANT IMPROVEMENT
3333 MARTIN LUTHER KING JR. WAY
BERKELEY, CA 94703

**PROPOSED
FLOOR PLAN**

A2.1

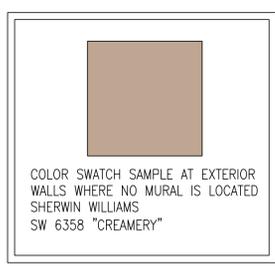
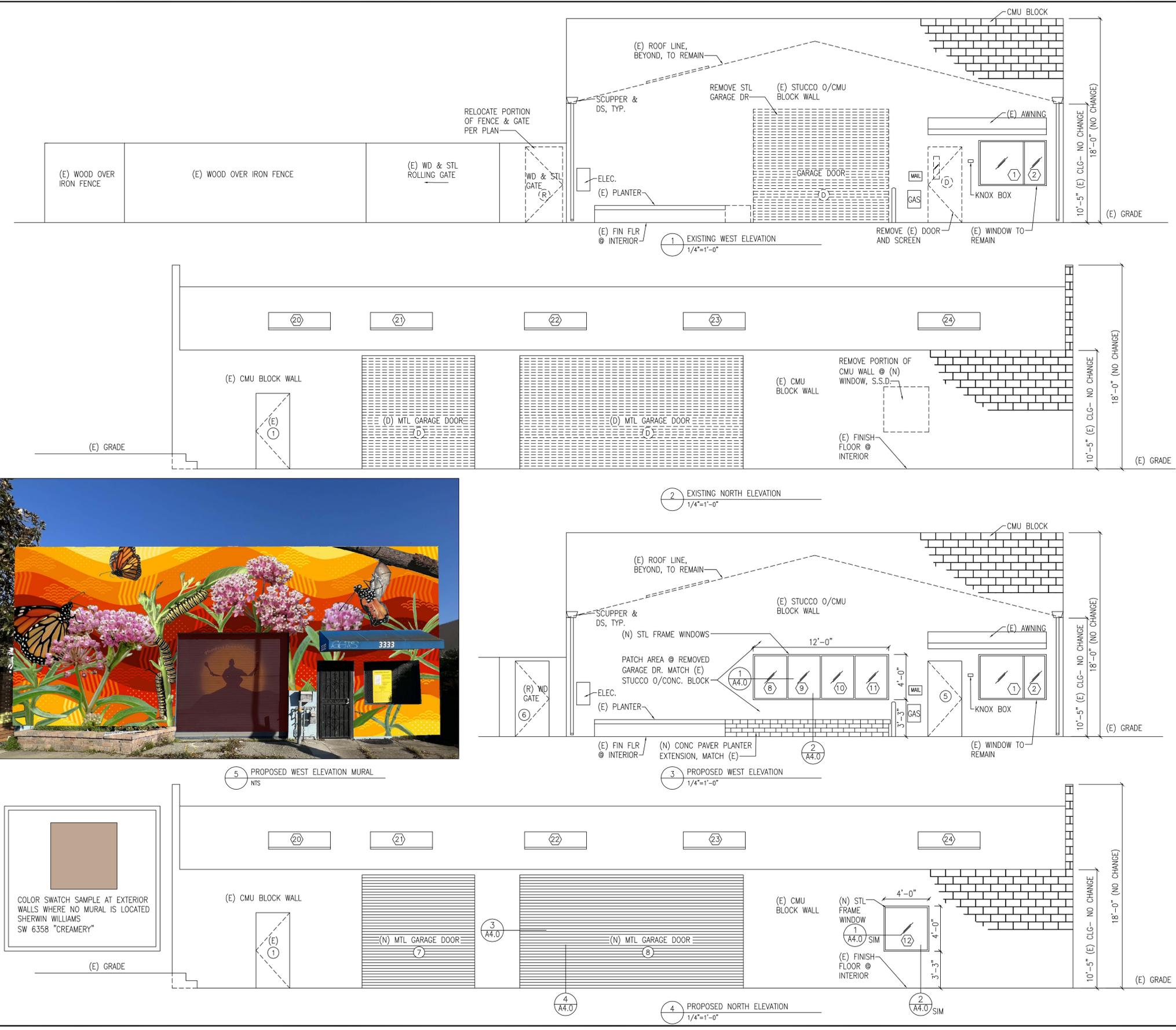
DANIEL HOY, AIA
ARCHITECTURE
314 PACIFIC AVENUE
ALAMEDA, CALIFORNIA 94501
P : 510-520-6528
E: DANIELHOYARCH@GMAIL.COM



PLANS & SPECIFICATIONS ARE PREPARED AS INSTRUMENTS OF SERVICE FOR THE CLIENT AND ARE THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE USED FOR OTHER WORK WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

3333 MARTIN LUTHER KING JR. WAY
BERKELEY, CALIFORNIA 94703

**COMMERCIAL
TENANT IMPROVEMENT**

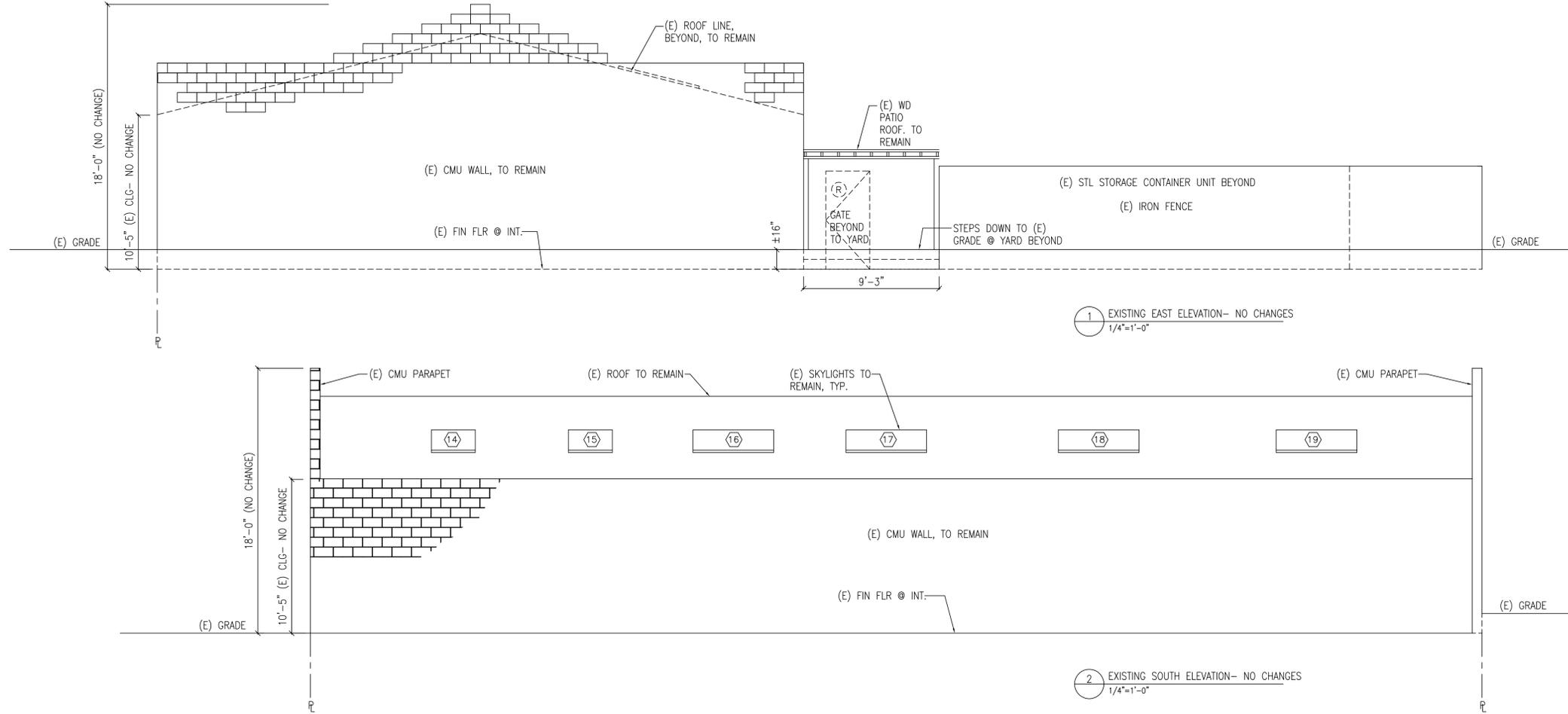


Project Number	2024-52-1526-152	Drawn By	AH	Checked By	DH												
Issues	<table border="1"> <thead> <tr> <th>Number</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>[1]</td> <td>2024-09-25</td> <td>COMMUNITY OUTREACH</td> </tr> <tr> <td>[2]</td> <td>2025-04-30</td> <td>USE PERMIT/ZONING APPLICATION</td> </tr> <tr> <td>[3]</td> <td>2025-09-09</td> <td>USE PERMIT/ZONING APPLICATION UPDATE</td> </tr> </tbody> </table>					Number	Date	Description	[1]	2024-09-25	COMMUNITY OUTREACH	[2]	2025-04-30	USE PERMIT/ZONING APPLICATION	[3]	2025-09-09	USE PERMIT/ZONING APPLICATION UPDATE
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ERNEST MAHR
TENANT IMPROVEMENT
3339 MARTIN LUTHER KING JR. WAY
BERKELEY, CA 94703

**EXTERIOR
ELEVATIONS**

A3.0



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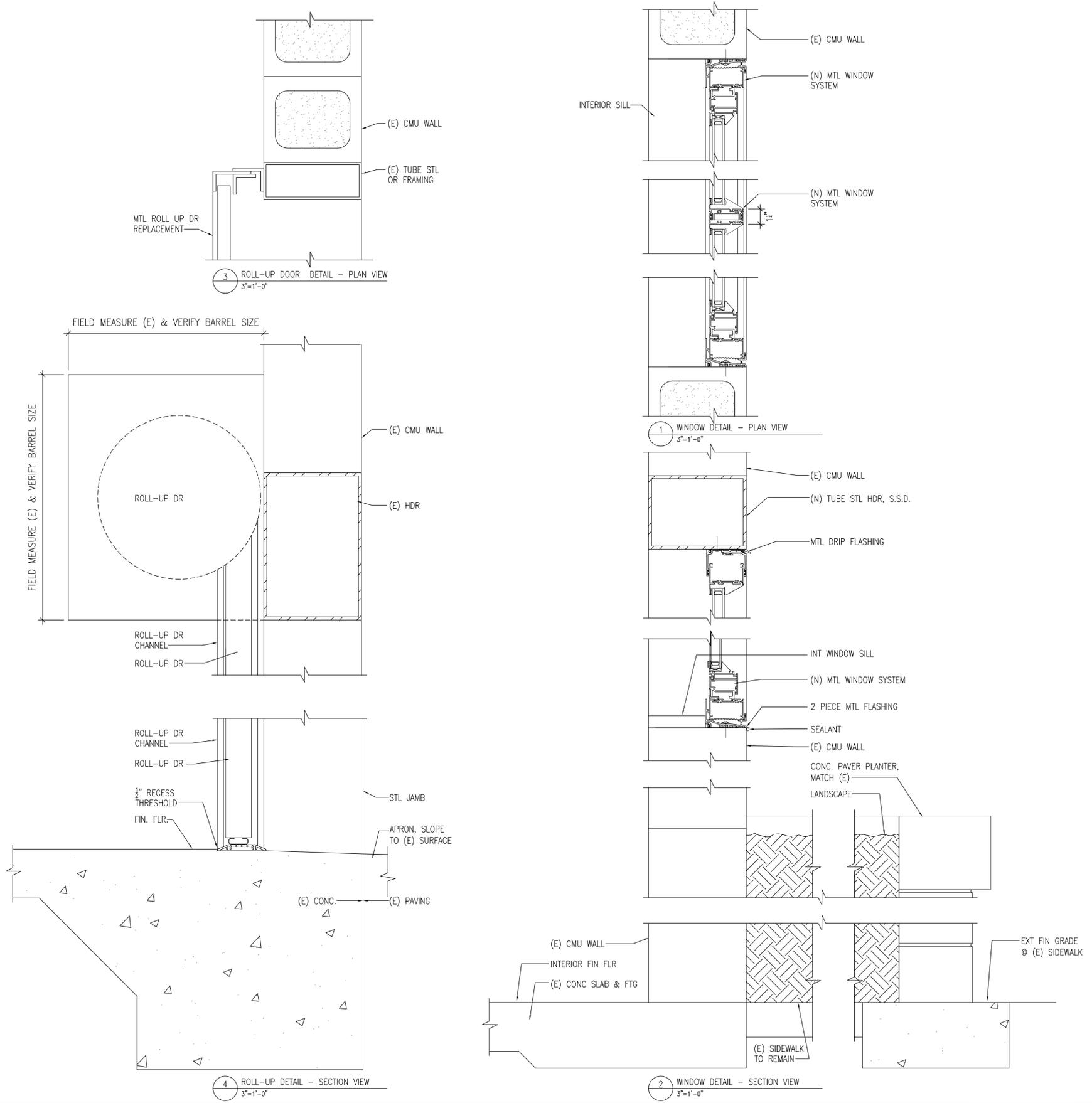
**COMMERCIAL
 TENANT IMPROVEMENT**

Project Number	2024-52-1526-152	Drawn By	AH	Checked By	DH
Issues	<input type="checkbox"/> Revisions <input checked="" type="checkbox"/>				
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ERNEST MAHR
 TENANT IMPROVEMENT
 3339 MARTIN LUTHER KING JR. WAY
 BERKELEY, CA 94703

**EXISTING
 EXTERIOR
 ELEVATIONS**

A3.1



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**COMMERCIAL
 TENANT IMPROVEMENT**

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ERNEST MAHR
 TENANT IMPROVEMENT
 3333 MARTIN LUTHER KING JR. WAY
 BERKELEY, CA 94703

DETAILS

A4.0

DANIEL HOY, AIA
ARCHITECT
ARCHITECTURE + PROJECT MANAGEMENT

314 PACIFIC AVENUE
ALAMEDA CALIFORNIA 94501
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E DanielHoyArch@gmail.com

July 1, 2024
April 30, 2025 (revised)
September 17, 2025 (revised)

**Re: 3333 Martin Luther King Junior Way,
Montessori School Use Permit Application,
Applicant Statement**

To Whom It May Concern:

The above referenced address, assessor's parcel number 52-1526-16-7, is applying for a use permit to convert the existing plumbing contractor office and storage facility to an extension of the existing neighboring Montessori school. The project comprises minor interior and exterior modifications to the structure and will be used for office administration staff and storage.

No educational functions for students, beyond student/teacher/parent conferences, will take place in the new building. No changes will be made to previously proposed functions in the new building.

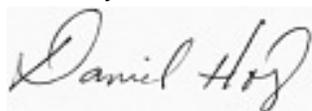
Full plans and application documents are included as part of this statement.

Per plan check comments dated February 24, 2025 the following findings are included:

BMC 23.406.040(E): the proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting the area or neighborhood of the proposed use. The project consists of an extension to the neighboring Montessori school for office and administrative uses. The proposed project 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. The existing Montessori school owns and operates all of the surrounding property and will use the building and project site as an extension of its previously approved operations and functions. Additionally, the neighbors across the street from the project site have been notified of the change in use from a plumbing supply warehouse to Montessori school function and have unanimously approved the change in use and welcome the change, noting that it will be an improvement to the area and neighborhood. Minimal changes will be made to the façade of the building to maintain its original 1920's appearance.

Please feel free to contact me with questions or if I can provide any additional information.

Sincerely,



Daniel Hoy, AIA

Appendix B

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

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

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

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

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

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

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

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

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

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

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

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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

3333 Martin Luther King Jr. Way

Use Permit #ZP2024-0164 to change the use of a vacant plumbing contractor office & supply facility to an extension of the Montessori school located at 3339 M L King Jr Way and remove the roll-up door to install four (4) windows with minor interior and exterior upgrades, but no change to building height or size.

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, October 9, 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: General Plan: Avenue Corridor – Mixed Use
- Zoning: C-AC – Adeline Corridor Commercial 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 under BMC Section 23.204.020(A)(2) to permit the change of use in an existing building or portion of a building.

D. CEQA Recommendation: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

E. Project Recommendation: Approve Use Permit #ZP2024-0164 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Daniel Hoy, AIA, 314 Pacific Avenue, Alameda, CA. 94501
- Property Owner Ernie Mahr, 3339 Martin Luther King Jr. Way, Berkeley, CA. 94703

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, Samella Stover, at (510) 981-7425 or SStover@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.