



Z O N I N G
A D J U S T M E N T S
B O A R D
S T A F F R E P O R T

FOR BOARD ACTION
JANUARY 12, 2023

1820 (1822-1828) San Pablo Avenue

Use Permit #ZP2021-0186 for a Density Bonus project to demolish the existing commercial building, retain and restore the existing façade and construct a five-story, 42,831-square-foot, 44-unit (including four Very Low-Income units) mixed-use building, with 6,840 square feet of ground floor commercial space.

I. Background

A. Land Use Designations:

- General Plan: AC – Avenue Commercial
- Zoning: C-W–West Berkeley Commercial District

B. Zoning Permits Required¹:

- Use Permit under BMC §23C.08.050(A) to demolish a non-residential building
- Use Permit under BMC §23E.64.030(A), to construct a mixed-use development with floor area of 20,000 square feet or more
- Use Permit under BMC §23E.64.030(A), to construct 44 dwelling units
- Use Permit under BMC §23E.64.050(B), to create new gross floor area of 5,000 square feet or more
- Administrative Use Permit under BMC §23D.04.020(C) to construct rooftop projections, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district
- Administrative Use Permit under BMC §23E.04.040 to construct a fence exceeding 6 feet in height

C. Waivers/Reductions Pursuant to State Density Bonus Law:

- Waiver of BMC §23E.64.070(A) to exceed FAR – to be 3.7, where 3 is the limit
- Waiver of BMC §23E.64.070(B) to exceed building height – to be 61 feet-2 inches, where 50 feet is the limit

¹ The prior Zoning Ordinance was in effect at the time this application was deemed complete. The [version of the BMC Title 23, Zoning Ordinance](#), that was in effect at the time this application was deemed complete is available online under Land Use Instructions and Supplemental Information at <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms>.

- Waiver of BMC §23E.64.070(B) to exceed the maximum number of stories to be 5 stories, where 4 stories is the limit
- Waiver of BMC §23E.64.070(D) to reduce rear yard minimum when abutting a residential district – from 10 feet to zero feet.

D. Concessions Pursuant to Government Code §65915(d)(2):

- None

E. CEQA Recommendation: It is staff's recommendation to ZAB that the project is categorically exempt pursuant to §15332 ("In-Fill Development Projects") of the CEQA Guidelines. The determination is made by ZAB.

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

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

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

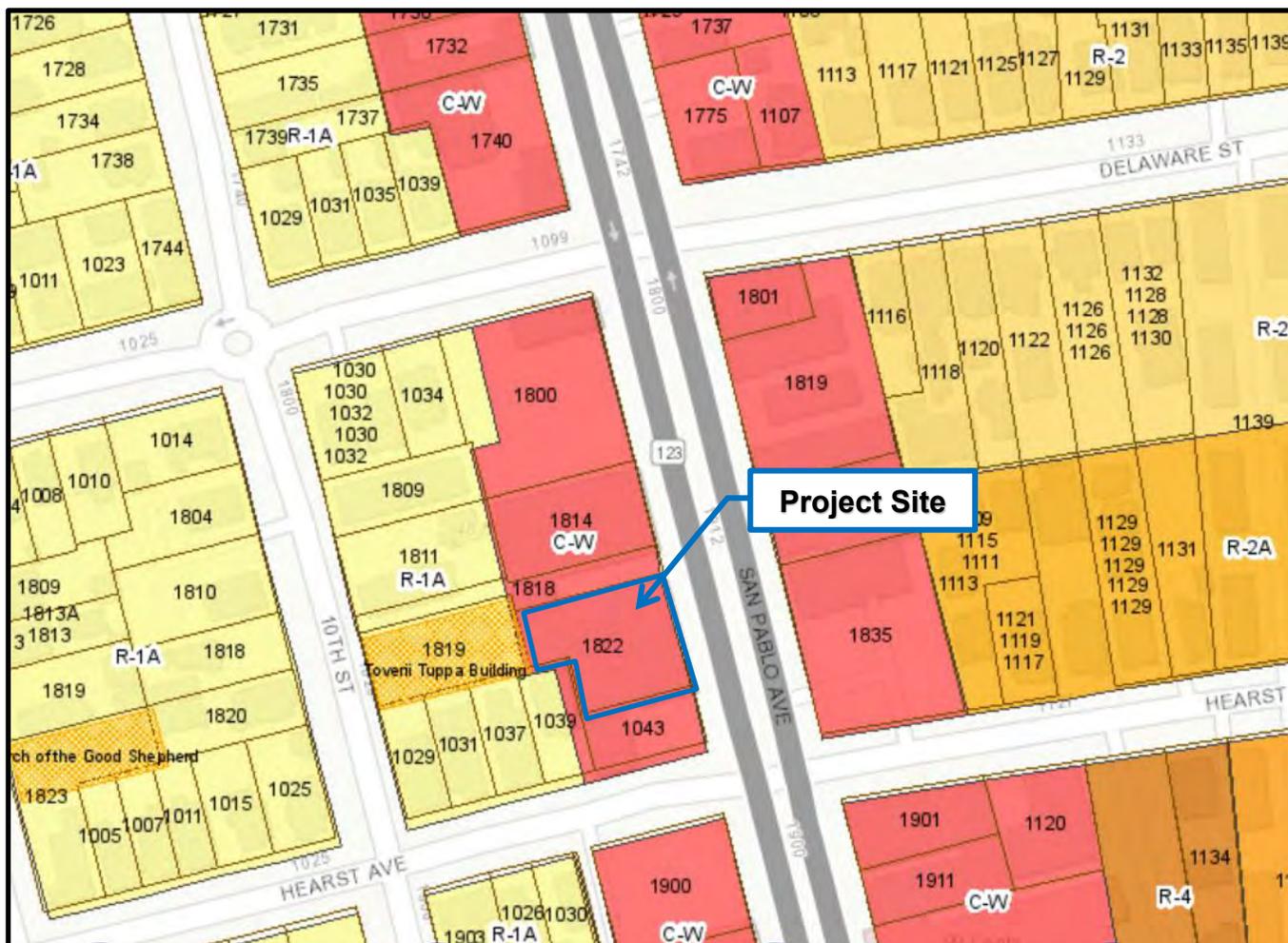
D. Parties Involved:

- Applicant Yang Ming, Gunkel Architecture, 1295 59th Street
Emeryville, CA
- Property Owner Toni Ogi-Robbins, 35936 Niles Boulevard
Fremont, CA

F. Application Materials, Staff Reports and Correspondence are available on the Internet:

<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

Figure 1: Vicinity & Zoning Map



Legend

- C-W: West Berkeley Commercial District
- R-1A: Limited Two-Family Residential District
- R-2: Restricted Two-Family Residential District
- R-2A: Restricted Multiple-Family Residential District
- R-4: Multi-Family Residential District

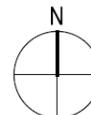


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Two-story commercial structure	C-W	Avenue Commercial
Surrounding Properties	North	Single story commercial structure		
	South	Surface lot and two-story commercial structure		
	East	One- and two- story commercial structures		
	West	Two- and three- story residential structures	R-1A	

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to projects with more than 7,500 square feet of net new nonresidential gross floor area. The existing development has 14,206 square feet of nonresidential gross floor area, and the proposed project includes 5,243 square feet nonresidential gross floor area. There is no net new nonresidential gross floor area, therefore, the project would not be subject to the fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project would include five or more market rate dwelling units and is therefore subject to the affordable housing provisions of BMC 22.20.065.
Alcohol Sales/Service	No	The project is not proposing alcohol sales or service with this permit.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	No	The project site is not within a creek buffer.
Density Bonus	Yes	The project would provide 4 Very Low Income (VLI) units, or 11% of the Base Project units, and qualifies for a 35% density bonus, or 11 bonus units. See Section V.C for discussion.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	The project is subject to the City of Berkeley Natural Gas Prohibition Ordinance (Chapter 12.80) and the Electrification Reach Code (Local amendment to Berkeley Energy Code/Chapter 19.36).
Historic Resources	No	Historic resource evaluations prepared by historic architect Mark Hulbert (February 2021) concluded that none of the subject parcels contain resources pursuant to CEQA. In accordance with BMC Section 23C.08.050(C), the LPC completed the demolition referrals on June 2, 2022 and took no action to initiate this property for local register consideration. See Section IV.C for discussion.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The proposed project is for a mixed-use building with 44 units and meets the definition of a

		“Housing Development Project” per Government Code Section 65589.5(h)(2) ² . The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330) ³	Yes	The project is mixed-use and meets the definition of a “Housing Development Project” per Government Code Section 65589.5(h)(2). See Section V.A of this report for additional discussion on the sections of SB330 that apply to the project.
Rent Controlled Units	No	There are no residential units in the commercial buildings to be demolished.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. Pursuant to BMC Section 14.72.080.C.1, no RPP permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, Fault Rupture, or Landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	Yes	The project site is located within the City’s Environmental Management Area. The applicant has submitted a Phase I report. No further investigation is recommended. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The site is on the San Pablo Avenue transit corridor, located one block north of the University Avenue transit corridor, which is served by AC Transit lines 51B, 72R (Rapid), all-nighter line 800, and Transbay routes FS and G; and located four blocks south of AC Transit line 52. In addition, the site is approximately 0.6 mile southwest of the North Berkeley Bay Area Rapid Transit (BART) Station. The site is two blocks east of Ninth Street and three blocks south of Virginia Street, both of which are designated Bicycle Boulevards.

² 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.

³ Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect at the time an application is deemed complete, then the city shall not conduct more than five (5) hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with §65920)).

Table 3: Project Chronology

Date	Action
June 23, 2021	SB 330 Complete Pre-Application submitted
September 20, 2021	Project Preview Meeting
October 4, 2021	Project Preview Meeting
October 7, 2021	SB 330 Use Permit Application submitted
November 3, 2021	Application deemed incomplete
December 21, 2021	Revised Application submitted
January 14, 2022	Application deemed incomplete
February 9, 2022	Interdepartmental Roundtable Meeting
March 29, 2022	Revised Application submitted
April 27, 2022	Application deemed incomplete
June 2, 2022	LPC demolition referral hearing. Took no action.
July 7, 2022	Revised Application submitted
August 5, 2022	Application deemed incomplete
August 18, 2022	Preliminary DRC hearing
October 20, 2022	Preliminary DRC hearing
December 2, 2022	Application deemed complete
December 22, 2022	Public hearing notices mailed/posted
January 12, 2022	ZAB hearing
March 13, 2023	CEQA deadline

Table 4: Development Standards

C-W Standards, BMC §23E.64.070-080		Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)		11,627	SAME	N/A
Gross Floor Area (sq. ft.)		15,070	42,831	N/A
Commercial Floor Area (sq. ft.)		14,206	6,840	N/A
Floor Area Ratio (FAR)		1.8	3.7	3 max
Dwelling Units		0	44	N/A
Building Height	Maximum (ft.)	26'-3"	61'-2"	50 max
	Stories	2	5	4 max

Building Setbacks (ft.)	Front (San Pablo)	0	0	0 min
	Rear Ground Floor	0 and 32'-2"	0 and 32'-6"	10'
	Rear Second + Floor	49'-5" & 81'-11"	10' and 13'-3"	10'
	Left Side	0	0 and 5'	0 min
	Right Side	0	0 and 5'	0 min
Lot Coverage (%)		85	92	100 max
Usable Open Space (sq. ft.)		0	1,914	40 min / dwelling unit
Parking	Automobile	0	0	N/A ⁴
	Bicycle	Short Term 8 Long Term 0	Short Term 8 Long Term 44	1 for every 2,000 sq. ft. min 1 for every 3 bedrooms

II. Project Setting

A. Neighborhood/Area Description:

The subject site is located on the northwest corner of the intersection of San Pablo Avenue and Hearst Avenue, along the San Pablo Commercial Corridor located within the C-W, West Berkeley Commercial District. Adjacent parcels along San Pablo Avenue contain one single-story commercial buildings to the north and a surface lot and two-story commercial building to the south. Directly east of the site is a commercial lot (1835 San Pablo Avenue), which has entitlements for a 6-story mixed-use development with 99 dwellings, 2 live-work units, and 49 vehicle and 92 bike parking spaces. This area of San Pablo Avenue has historically been characterized by lower scale, auto-oriented development. This scale reflects the Avenue's automobile orientation as a State Highway (Highway 123), and the commercial and industrial uses designated to serve auto-related uses. To the north, south, and east of the project site along San Pablo Avenue are single-story commercial uses, including food service establishments, retail sales, exercise studios, and automobile repair uses. To the west of the project site are low- to mid-rise residential uses consisting of mainly two- and three-story buildings with a mix of single- and multi-family dwellings

The subject property is located just beyond the north boundary of the University Avenue/San Pablo Avenue commercial node. Many of the commercial buildings in the vicinity are flush with the property line and edge of the sidewalk and provide pedestrian

⁴ [AB-2097](#), effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses, including those in the proposed project. The original application included a concession from commercial parking, however, it is no longer necessary and has been removed.

interest at the street level. Other uses are automobile-oriented and feature generous setbacks for parking and drive-through aisles.

B. Site Conditions:

The 11,627 square-foot project site is on the west side of San Pablo Avenue, between Delaware Street (north), and Hearst Avenue (south). It is an interior L-shaped site that measures 100 by 100 feet with an additional 35 feet deep by 50 feet in the west side. The site contains an approximately 14,206 square feet commercial building area with two stories fronting on San Pablo Avenue, while the rear half of the building is one story. The building covers the 100 X100 feet site leaving the 35 X 50 feet rear yard.

III. Project Description

A. Proposed Project: The proposed project would demolish the commercial building while preserving the existing two-story front façade and construct a mixed-use building with ground floor commercial space. The project includes the following main components:

- Five-stories; 61 feet and 2 inches maximum height
- Forty-four dwelling units – 20 studios; 20 two-bedroom; 4 three-bedroom
- Seventy-two bedrooms total
- Four Very Low Income (VLI) units
- 6,840 square feet of ground-floor commercial space with three tenant spaces
- 1,914 square feet of usable open space – ground floor patio, eight private balconies, ground-floor and second-floor courtyards
- Eight short-term and 44 long-term bicycle parking spaces

B. Base Project and Density Bonus: By committing to provide four VLI units, the project is eligible for a density bonus under Government Code §65915. Under the City's density bonus procedures, the Base Project was calculated to have 33 units, as the *maximum allowable density* for the site.⁵ The Base Project has an average unit size of 773 square feet in a five-story building. Four VLI units, or 11 percent of the base project, qualifies the project for a 35 percent density bonus or 12 bonus units. The resulting proposed project would be a five-story building with 44 units, with an average unit size of 776 square feet. (See Table 5 Density Bonus.)

Table 5: Density Bonus – CA Gov't Code 65915

⁵ Per the City's Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
33	4 VLI (11% of BP)	35% (35% max.)	12 max. (35%x77)	44

*Per Gov't Code 65915(q), all unit calculations are rounded up to the nearest whole number.

IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants within 300 feet of the project to a project preview meeting. These meetings were held on September 20, 2021 and October 4, 2021(Attachment 4). Seven people attended the October 4, 2021 meeting. According to meeting notes, attendees had concerns about the proposed building's volume, privacy impacts to abutting properties, lack of parking, and had questions about the permitting and approval process.
- B. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants within 300 feet of the project to a project preview meeting. These meetings were held on September 20, 2021 and October 4, 2021(Attachment 4). Seven people attended the October 4, 2021 meeting. According to meeting notes, attendees had concerns about the proposed building's volume, privacy impacts to abutting properties, lack of parking, and had questions about the permitting and approval process.
- C.** A pre-application poster was erected by the applicant in October 2021. On December 22, 2022, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.
- D. Committee Review:** The Design Review Committee (DRC) conducted Preliminary Design Review at a meeting held on August 18, 2022 where it was continued with recommendations from the Committee for design refinement. Following revisions to the project, the DRC conducted a second Preliminary Design Review at a meeting held on October 20, 2022 and forwarded a unanimous favorable recommendation to the ZAB on a 7-0-0-0 vote (Yes: Finacom, Gaffney, Kahn, Mitchell, Pink, Tam, Woo; No: none; Abstain: none; Absent: none). The DRC's meeting summaries are provided as Attachment 5 to this staff report.
- E. Landmarks Preservation Commission:** The project involves demolition of a non-residential building over 40 years in age. Pursuant to BMC Section 23C.08.050(C), the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review prior to consideration of the Use Permit. At the June 2, 2022 LPC

hearing, the LPC took no action to initiate a Landmark or Structure-of-Merit designation, and did not choose to forward to the Board comments on the application.

V. Issues and Analysis

A. SB 330 – Housing Crisis Act of 2019: The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

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

The January 12, 2022 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

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

As discussed in an historic resource evaluation prepared for the property in February of 2021, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. The demolition referral was heard at the June 2, 2022 Landmark Preservation Commission Agenda, and no action was taken. Therefore, it was determined the site is not a historic resource. Further, standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on December 2, 2022. Should ZAB determine the application is categorically exempt from CEQA at the January 12, 2022 public hearing, the application must be approved or disapproved by March 13, 2023.

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

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

As described in Table 4 above, the project complies with the applicable general plan and zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings therefore the project still complies with the HAA. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above. Staff is not aware of specific adverse impacts that could occur with the construction of the of the project.

C. Density Bonus Concessions and Waivers: The project is entitled to two concessions (or incentives), under Government Code §65915(d) for providing at least 10 percent of total units to very low-income households, and an unlimited number of waivers, under §65915(e).

Concessions: A concession is a modification of a development standard that reduces the cost of providing affordable housing. No concessions are requested under §65915(d).

Waivers: A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The applicant is requesting four waivers from the following development standards: 1) to exceed the height limit of 50 feet and propose 61 feet and 2 inches, 2) to exceed the story limit of 4 and propose 5 stories; 3) to exceed FAR of 3 to 3.7; and 4) to decrease the required rear setback from 10 to 0 feet.

The waivers are requested because they are necessary to physically accommodate the additional eleven units as allowed under the density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.

D. Environmental Review: The site is located within the City's Environmental Management Area (EMA), but it is not listed on the Cortese List (an annually updated list of hazardous materials sites). As part of the project application, the applicant submitted a Phase I Environmental Site Assessment (ESA). According to this Phase I ESA, no evidence of a Recognized Environmental Condition has been identified. City of Berkeley Toxic Management Division has reviewed the ESA and agreed with the conclusion with the Condition of Approval that the responsible party will be following the requirements of the Alameda County Department of Environmental Health with respect to the vapor intrusion case, and that a Soil and Groundwater Management Plan will be prepared for excavations equal to or greater than 5 feet in depth.

E. Demolition of Non-residential Building: BMC Section 23C.08.050(D) allows the ZAB to approve a Use Permit for demolition of an existing commercial structure only if the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and makes one of the following findings that the demolition of the structure: (1) is required to allow a proposed new building or other proposed new Use; (2) will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses; (3) will remove a structure which represents an un-abatable attractive nuisance to the public; or (4) is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The building has been used for various commercial uses during its history including auto repair shop, glove factory, warehouse, grocery store since 1925. It housed the well-known Albatross Bar and Pub from 1965 to 2020. The building is currently unoccupied. With the proposed commercial ground floor, residents in the area would have access to future businesses occupying this commercial space even with the demolition of the structure.

Because the demolition of the non-residential structure is required in order to authorize construction of the proposed new building and new use, staff believes the ZAB can make finding #1 to approve the proposed demolition under BMC Section 23C.08.050(D). As noted above, the non-residential structure is not eligible for the

California Register or a City of Berkeley Landmark designation, and the Landmarks Preservation Commission voted to take no action on the demolition. The proposed project includes a mixed-use building which will provide dwellings and commercial space in this District, and thus will be compatible with adjacent and nearby residential uses.

- F. General Non-Detriment:** Pursuant to BMC Section §23B.32.040.A the Board may approve an application for a Use Permit if the proposed project meets the findings of non-detriment. A discussion of the project's potential impact to sunlight, air or views follows:

Sunlight/Shadow Impacts: The existing two-story non-residential building's maximum height is 26 feet and 3 inches. The proposed five-story building maximum height will be approximately 62 feet. Shadow studies submitted by the applicant document the existing and proposed shadow angles summer and winter solstice. The incremental increase on the neighboring properties are as follows:

- During summer solstice, at two hours after sunrise, bedroom and bathroom windows along the east elevation of the abutting neighbor building to the west of the project at 1037 Hearst Avenue will be fully shaded due to the proposed project.
- During winter solstice, at two hours after sunrise, bedroom, window along the east elevation of the abutting neighbor building to the north-west of the project at 1811 Tenth Street will be fully shaded due to the proposed project.
- During winter solstice, at two hours after sunrise, entry room and living room windows along the south elevation of the abutting neighbor building to the north-west of the project at 1815 Tenth Street will be fully shaded due to the proposed project.
- During winter solstice, at two hours after sunrise, entry room and living room windows along the south elevation of the abutting neighbor building to the north-west of the project at 1809 Tenth Street will be fully shaded due to the proposed project.

Given the existing structure at the project site is a two-story building in a zoning district that permits greater heights and the site's close proximity to a residential neighborhood, any new construction would increase shadow impacts on the dwelling units to the west. While the proposed 5-story building would be taller than the existing buildings surrounding it and would cast new shadows on residential buildings to the west, these shading impacts would occur for a limited time during the year, and only for a few hours of the day, and therefore these shading impacts are not deemed detrimental.

Air: Staff believes the proposal would be consistent with the existing development and building-to-building separation pattern – or air – in this C-W neighborhood because the buildings would meet the setback requirements on front and sides and the project maintains adequate separation to abutting neighbor building in the rear, where the required setback is reduced. The project meets the useable open space requirements.

Views: The proposed project would not result in additional obstruction of significant views in the neighborhood because there are limited significant views as defined in BMC Section 23F (Defined Terms) available to residences in the area. The area is generally flat, developed with one- to two-story buildings, and includes some mature vegetation which provides visual screening.

G. Consistency with C-W Findings: In order to approve any Use Permit in the C-W District, the ZAB must make the following findings, pursuant to BMC Section 23E.64.090(B), that the proposed use or structure is:

(1) Consistent with the Purposes: Staff reviewed the district purposes to find the following were applicable to the project for the reasons stated below.

- Purpose A – “Implement the West Berkeley Plan’s designation of a Commercial District.” The project furthers this purpose because it would replace a vacant commercial building with a mixed-use building that would provide 44 dwelling units in a location planned for mixed-use development along San Pablo Avenue, bringing more activity to the street.
- Purpose G - “Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed-use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts.” The project is consistent with this purpose because it is a mixed-use project that would support local retailing by adding 44 dwellings at a site that is well served by public transit. As a mixed-use project fronting San Pablo Avenue, the modifications would realize the City’s plans for redeveloping underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities. The increased population, new street level commercial uses, and increased street activity will assist to extend the attractiveness and vitality of the San Pablo Avenue.
- Purpose H – “Encourage appropriately intense development in underutilized portions of commercial streets.” The project is consistent with this purpose in that it would intensify an underutilized two-story commercial building with a 5-story building and commercial and residential uses that would maximize the site’s development potential.
- Purpose I - “Promote development compatible with adjacent commercial, residential and industrial areas.” The project is consistent with this purpose because it would not conflict with the adjoining commercial and residential buildings and uses. The project abuts residential uses to the west and commercial uses to the south and north, and confronts other commercial uses east along San Pablo Avenue.

- (2) Compatibility with surrounding uses and buildings: While the proposed five-story building would be greater in height and massing than existing surrounding development, more recent construction is transforming this low-rise area with taller and more dense development along the length of the avenue. New buildings located along the San Pablo Avenue are four to five stories in height. Additional entitled projects for buildings of four to six stories will further contribute to this change in development intensity when new buildings are constructed. The project would create higher density and more housing at a currently underutilized lot along a commercial and transit corridor.
- (3) Supportive of an increase in the continuity of retail and service facilities: The project would replace a vacant commercial building and provide commercial storefront along San Pablo Avenue. The project would include large floor-to-ceiling storefront-style windows with clear glass, and as designed, would not interrupt the vitality of this area. There is already an abundance of retail and food service establishments along San Pablo Avenue including several restaurants, gyms, auto-service shops, and other commercial retail uses, the project would continue to enhance the pedestrian experience and commercial activity in the area and be compatible with nearby residential uses.
- (4) Provides an intensity of development: As described previously, the project would replace a vacant commercial building with a new mixed-use building containing 44 dwelling units and ground floor commercial spaces, thereby increasing the population and bringing more activity to the street and sidewalk.
- (5) Meet applicable performance standards for off-site impacts: The mixed-use building's occupancy and use would not generate off-site impacts such as noise, glare, dust, or vibration, which are typically associated with manufacturing or industrial activities. Potential short-term construction related impacts would be addressed by standard conditions of approval as set forth in the Findings and Conditions of this permit (Attachment 1).

H. Rooftop Projections: The project would include parapet covering mechanical equipment. Per BMC Section 23E.04.020(C), mechanical penthouses, elevator equipment rooms, and cupolas, domes, turrets, and other architectural elements that exceed a District's height limit requires approval of an Administrative Use Permit.

For the ZAB to approve the Administrative Use Permit, these features cannot provide floor area that would represent more than 15 percent of the average floor area of all of the building's floors, and cannot be used as habitable space or for any commercial purpose.

I. Fence and trellis exceeding six feet in height at the property line: Pursuant to BMC Section 23E.04.040 the Board may approve an Administrative Use Permit to allow a fence six feet in height subject to making the non-detriment finding. The

project proposes to construct an 8-foot high CMU Wall around the rear 35 X 50 court yard leaving a 2.5-foot setback in the rear to the west. The proposed CMU wall is 50 feet long at the west, and 32.5 feet long at the north and south property lines.

Staff Analysis: the purpose of the fence is to provide adequate screening for the site and provide privacy within the side yard. The site is flat and does not offer views to significant features such as the Golden Gate Bridge or East Bay Hills from the ground floor. Therefore, staff believes the fence would provide the intended privacy for the subject property and is not expected to create new impacts to sunlight, air, views or privacy and would be consistent with adjacent properties in the immediate vicinity of this site.

VI. Other Considerations

The following analyses of conformance with district purposes, use and administrative use permit findings in the zoning ordinance, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context.

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

- (1) Policy LU-3 – Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
- (2) Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City’s share of regional housing needs.

Staff Analysis: The proposed project is an infill development project that would add 44 dwellings along a busy commercial corridor. The project would replace a two-story commercial building that currently underutilizes the site, providing additional housing in West Berkeley.

- (3) Policy LU-7 – Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- (4) Policy UD-17 – Design Elements: In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.
- (5) Policy UD-24 – Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The project is consistent with the applicable zoning standards for the C-W District. While this area has been characterized by low-scale, commercial auto-oriented buildings, the project’s design and scale are supported by the policy

and direction of the West Berkeley Plan and is consistent with new development patterns in this area of San Pablo Avenue.

- (6) Policy LU-25 – Affordable Housing Development: Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area, and other transit-oriented locations.

Staff Analysis: The project would provide four (4) residential units affordable to Very Low-Income households, defined as those making no more than 50% of Area Median Income.

- (7) Policy LU-27 – Avenue Commercial Areas: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.

Staff Analysis: The project site currently contains a two-story commercial building. The project would demolish underutilized building and replace it with a new 5-story building with a variety of materials and colors, and landscaping resulting in a more pedestrian-friendly and visually attractive part of the this San Pablo Avenue Commercial area.

- (8) Policy H-12 – Transit-Oriented New Construction: Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
- (9) Policy T-16 – Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.
- (10) Policy T-16 – Access by Proximity, Action E: In locations served by transit, consider reduction or elimination of parking requirements for residential development.

Staff Analysis: The project would provide no automobile parking spaces. However, the project would add 44 dwellings on a site located on the San Pablo Avenue transit corridor, one block north of the University Avenue transit corridor, in proximity to transit stations.

- (11) Policy T-43 – Bicycle Network, Action C: Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.

Staff Analysis: The project would provide 8 short term bike parking spaces and a 44-space bicycle storage room on the ground floor.

(12) Policy UD-32 – Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

K. West Berkeley Plan Consistency: The West Berkeley Area Plan, adopted in 1993, also contains several policies applicable to the project. The policies that follow are provided to guide the ZAB in its advisory comments and suggestions. Staff asks that the ZAB consider these policies during this preview; staff will prepare an analysis when this project is ready for action.

(1) Land Use Goal 3: Protect residential core neighborhoods from adverse impacts of economic growth – especially traffic and parking congestion and noise.

(2) Land Use Goal 4: Assure that new development in any sector is of scale and design that is appropriate to its surrounding, while respecting the genuine economic and physical needs of the development.

(3) Housing and Social Services Goal 4: Encourage appropriately scaled and located housing development.

Staff Analysis: As noted above, the proposed building mass would be appropriate for the for San Pablo Avenue and the new wave of mixed-use building with projects that are recently entitled, currently at the building permit stage or under construction.

(4) Economic Development Goal 5: Continue to create employment opportunities, especially for Berkeley and West Berkeley residents.

(5) Transportation Goal 1: Improve traffic flow and air quality by reducing reliance on single occupant automobiles, by encouraging use of alternative means of transportation.

Staff Analysis: The project consists of 44 residential units and provides 0 parking spaces, 44 bicycle spaces. Due to the reduction in parking, the abundant bicycle facilities, and the site's ineligibility for the RPP program, project residents are expected to be less likely to drive.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance, General Plan and the West Berkeley Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board: **APPROVE** Use Permit #ZP2021-0186 pursuant to BMC Section 23B.32.030 and subject to the attached Findings and Conditions (Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received December 1, 2022
3. Notice of Public Hearing
4. Neighborhood Meeting Notice, Attendance and Notes
5. October 20, 2022 DRC Meeting Summary

Staff Planner: Nilu Karimzadegan, nkarimzadegan@cityofberkeley.info, (510) 981-7430

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 12, 2023

1820 (1822-1828) San Pablo Avenue

Use Permit #ZP2021-0186 for a Density Bonus project to demolish the existing commercial building, retain and restore the existing façade and construct a five-story, 42,831-square-foot, 44-unit (including four Very Low-Income units) mixed-use building, with 6,840 square feet of ground floor commercial space.

ZONING PERMITS REQUIRED¹

- Use Permit under BMC §23C.08.050(A) to demolish a non-residential building
- Use Permit under BMC §23E.64.030(A), to construct a mixed-use development with floor area of 20,000 square feet or more
- Use Permit under BMC §23E.64.030(A), to construct 44 dwelling units
- Use Permit under BMC §23E.64.050(B), to create new gross floor area of 5,000 square feet or more
- Administrative Use Permit under BMC §23D.04.020(C) to construct rooftop projections, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district
- Administrative Use Permit under BMC §23E.04.040 to construct a fence exceeding 6 feet in height

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

A. Waivers/Reductions Pursuant to State Density Bonus Law:

- Waiver of BMC §23E.64.070(A) to exceed FAR – to be 3.7, where 3 is the limit
- Waiver of BMC §23E.64.070(B) to exceed building height – to be 61 feet-2 inches, where 50 feet is the limit;
- Waiver of BMC §23E.64.070(B) to exceed building height – to be 5 stories, where 4 stories is the limit
- Waiver of BMC §23E.64.070(D) to reduce rear yard minimum when abutting a residential district from 10 feet to zero feet.

B. Concessions Pursuant to Government Code §65915(d)(2):

- None

I. CEQA FINDINGS

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

¹ The prior Zoning Ordinance was in effect at the time this application was deemed complete. The [version of the BMC Title 23, Zoning Ordinance](#), that was in effect at the time this application was deemed complete is available online under Land Use Instructions and Supplemental Information at <https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms>.

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

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
 - B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
 - C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
 - D. The project will not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
 - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
 - A. Under the City's methodology for implementing density bonuses, the "base project" consists of 33 units;
 - B. The project will provide at least 4 qualifying units in the 33-unit "base project";
 - C. The project is entitled to a density increase of 35% over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 11 units above the Base Project, for a total of 44-units.
2. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - A. Waiver of BMC §23E.64.070(A) to exceed FAR – to be 3.7, where 3 is the limit
 - B. Waiver of BMC §23E.64.070(B) to exceed building height – to be 61 feet-2 inches, where 50 feet is the limit;
 - C. Waiver of BMC §23E.64.070(B) to exceed building height – to be 5 stories, where 4 stories is the limit
 - D. Waiver of BMC §23E.64.070(D) to reduce rear yard minimum when abutting a residential district from 10 feet to zero feet.

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.

3. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

III. FINDINGS FOR APPROVAL.

1. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:
 - A. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density²; and
 - B. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified. The project includes construction of 44 dwelling units.

2. As required by Section 23B.32.040(A) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The project is consistent with all applicable C-W District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915;
 - B. Shadow impact on adjacent residential properties will be minor, as the project site is adjacent to commercial properties on the south and north property lines. Shadow impact on adjacent dwellings to the west are to be expected, because the subject site is located in the C-W district, which allows heights of up to 50' and four stories for mixed-use buildings. A waiver is granted for additional height beyond the district height limits to accommodate the density bonus units to allow a 61 feet 2 inches tall, five-story building. the Zoning Adjustments Board determines that shadow impacts from the project will be reasonable and not detrimental;
 - C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or

² As used in the Act, a "specific, adverse impact" means a "significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, polices, or conditions as they existed on the date the application was complete.

be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

IV. OTHER FINDINGS FOR APPROVAL

1. As required by Section 23C.08.050(D) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the existing building will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City because:
 - A. The non-residential structure is not eligible for the California Register or a City of Berkeley Landmark designation, and the Landmarks Preservation Commission voted to take no action on the demolition;
 - B. The proposed project includes a mixed-use building which will provide dwellings and commercial space in this District, and thus will be compatible with adjacent and nearby residential uses; and
 - C. The demolition of this vacant commercial building will bring this site into conformity with uses permitted in the C-W district along San Pablo Avenue, and further the policies and direction of the West Berkeley Plan, which encourages the use of alternative means of transportation.
2. As required by Section 23D.04.020(C) of the BMC, the Zoning Adjustments Board finds that the proposed Rooftop Projections including the parapet covering mechanical equipment is allowable because these features will not provide floor area that represents more than 15 percent of the average floor area of all of the building's floors, and will not be used as habitable space or for any commercial purpose.
3. As required by Section 23E.04.040 of the BMC, the Zoning Adjustments Board finds that the 8 feet CMU wall around the perimeter of the rear yard is permissible because it provides the intended privacy for the subject property and is not expected to create new impacts to sunlight, air, views or privacy and will be consistent with adjacent properties in the immediate vicinity of this site.
4. As require by BMC Section 23E.64.090(B), the Zoning Adjustments Board makes the following required findings of this section, to the extent applicable, as described below:
 - A. Pursuant to BMC Section 23E.64.090(B)(1) The proposed building is consistent with the following applicable purposes of the District:
 - Purpose A – “Implement the West Berkeley Plan’s designation of a Commercial District.” The project furthers this purpose because it will replace a vacant commercial building with a mixed-use building that will provide 44 dwelling units in a location planned for mixed-use development along San Pablo Avenue, bringing more activity to the street.
 - Purpose G - “Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed-use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts.” The project is consistent with this purpose because it is a mixed-use project that will support local retailing by adding 44 dwellings at a site that is well served by public transit. As a mixed-use project fronting San Pablo Avenue, the modifications will support the City’s plans for redeveloping underutilized sites in a way that will increase the quality of the built environment and provide new housing and commercial

- opportunities. The increased population, new street level commercial uses, and increased street activity will assist to extend the attractiveness and vitality of the San Pablo Avenue.
- Purpose H – “Encourage appropriately intense development in underutilized portions of commercial streets.” The project is consistent with this purpose in that it will intensify an underutilized site with a building and uses that will maximize the site’s development potential.
 - Purpose I - “Promote development compatible with adjacent commercial, residential and industrial areas.” The project is consistent with this purpose because it will not conflict with the adjoining commercial and residential buildings and uses. The project abuts residential uses to the west and commercial uses to the south and north, and confronts other commercial uses to the east along San Pablo Avenue.
- B. Pursuant to BMC Section 23E.64.090(B)(2), the Board finds that the project is compatible with the surrounding uses and buildings because the project will be consistent with the new development pattern of 4- to 6-story mixed-use buildings along San Pablo Avenue. In addition, the project has been designed to minimize potential impacts to the lower-density residential neighbors to the west.
- C. Pursuant to BMC Section 23E.64.090(B)(3), the Board finds that the project is consistent with the West Berkeley Plan because the project is intended to activate the commercial corridor along San Pablo Avenue and bring new residents to this West Berkeley neighborhood. The proposed ground-floor commercial space will provide employment opportunities for small business owners in the C-W District.
- D. Pursuant to BMC Section 23E.64.090(B)(4), the Board finds that the project will be supportive of an increase in the continuity of retail and service facilities because the project will replace a vacant commercial building and provide storefront spaces for commercial uses along San Pablo Avenue. The project will include large floor-to-ceiling storefront-style windows with clear glass for each commercial space, and as designed, will not interrupt the vitality of this area. There is already an abundance of retail and food service establishments along San Pablo Avenue between the project site and University Avenue, just south of the project site. This block attracts significant pedestrian traffic and features many of the businesses needed for a self-contained neighborhood shopping district, including several restaurants, gyms, auto-service shops, and other commercial retail uses. This project will continue to enhance the pedestrian experience and commercial activity in the area and be compatible with nearby residential uses.
- E. Pursuant to BMC Section 23E.64.090(B)(5), the Board finds that the project will replace a vacant building with a new mixed-use building containing 44 dwelling units, thereby increasing the population and bringing more activity to the street and sidewalk.
- F. Pursuant to BMC Section 23E.64.090(B)(6), the Board finds that the mixed-use building’s occupancy and use will not generate off-site impacts such as noise, glare, dust, or vibration, which are typically associated with manufacturing or industrial activities. Potential short-term construction related impacts would be addressed by standard conditions of approval as set forth below.
- G. Pursuant to BMC Section 23E.64.090(B)(7), the Board finds that the project will not exceed the amount and intensity of use that can be served by available traffic capacity and potential street parking supply. There will be no significant transportation impacts according to established traffic engineering standards.

V. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

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 reestablish 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 be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

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

8. Permit Revocation (BMC Section 23.404.080)

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

9. Pay Transparency Acknowledgement (BMC Section 13.104.030)

Prior to the issuance of a building permit for any Project subject to this Chapter:

- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)

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

11. Posting of Ordinance (BMC Section 13.104.050)

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

12. Conditions of Approval (BMC Section 13.104.060)

The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under Chapter 23B.60.

13. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney’s fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney’s fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant’s expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

VI. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

15. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.

16. Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change or new address

associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

17. Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.
18. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall

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

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

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

- 19. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
- 20. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
- 21. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 22. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 23. 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. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. 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. 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.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

24. Percent for Public Art: Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
25. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065 and fee resolution No. 68,074-N.S., the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,074-N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.

As indicated on the development application, the applicant shall provide four (4) Very-Low Income below market rate rental dwelling units ("BMR Units") and pay a proportionately reduced AHMF as calculated in Berkeley Municipal Code (BMC) Section 22.20.065.D. The applicant may elect to avoid the AHMF by providing, for the life of the project, a number of units equal to 20% of the total units in the project at rental rates affordable to Low-Income and Very Low-Income Households in accordance with the BMC. The applicant may also elect to provide additional BMR units above the identified four (4) Very-Low Income units but below 20% of total units for a further reduced AHMF as calculated in BMC) Section 22.20.065.D. The applicant must contact and coordinate with the Department of Health, Housing and Community Services (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval. The final number of affordable onsite units must be declared prior to issuance of the first building permit for the project.

26. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement shall include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for very low income BMR Units shall be 50 percent of Area Median Income (AMI), and their maximum housing payment shall be 30 percent of 50 percent of AMI. The maximum qualifying household income for Low Income BMR units shall be 80 percent of Area Median Income (AMI), and their maximum housing payment shall be 30 percent of 80 percent of AMI for Low-Income households, as set forth in the following paragraphs of this condition. If the BMR units are occupied by Very Low-Income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Department of Health, Housing and Community Services (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.

27. In addition, affordable units must adhere to the administrative guidelines for the City's Below Market Rate program. These guidelines can be found online at <https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/below-market-rate-rental-information-owners-and>. The guidelines are updated annually by HHCS and posted online. Please note the following key provisions from the guidelines:
- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
 - C. BMR units will be provided for the life of the project under Section 22.20.065.
 - D. Determination of Area Median Income (AMI).
 - The AMI shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
 - The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one-person household
One-bedroom unit	AMI for a two-person household
Two-bedroom unit	AMI for a three-person household
Three-bedroom unit	AMI for a four-person household

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

28. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23C.12, which applies to the any of the following:
- A. Residential housing projects for the construction of five or more Dwelling Units;
 - B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
 - C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

29. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
30. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
31. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
32. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
33. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
34. 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:

35. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

- 36. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 37. Construction Hours- Exceptions.** It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
- 38. Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:
- Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 - Calendar and schedule of daily/weekly/monthly construction activities
 - The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.
- 39. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's 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.

- 40. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- 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.
 - 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.
- 41. 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 second page of the original [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.
- 42. 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%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 43. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;

- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

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. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

44. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
45. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to

- scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 46. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 47. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 48. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).**
- A. ***Qualified Paleontologist.*** The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
 - B. ***Paleontological Worker Environmental Awareness Program (WEAP).*** Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone

Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
 - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and

maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.
49. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
50. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - 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 private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
 - H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
 - K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 51. Public Works.** 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.

- 52. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 53. 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.
- 54. 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.
- 55. 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.
- 56. Public Works.** 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:

- 57. 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.
- 58. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 1, 2022, except as modified by conditions of approval.
- 59. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.
- A. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit.
 2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.

- B. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- C. Property owners may be required to pay administrative fees associated with compliance with this Condition.

BELOW MARKET RATE UNITS

60. Number of Below Market Rate Units. The project shall provide **four (4) Very Low-Income** BMR rental dwelling units, which are required to comply with the State Density Bonus Law (Government Code Section 65915) and receive a proportional reduction in the AHMF. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City. Any additional BMR units the applicant may choose to provide must also conform with these conditions.

At All Times:

- 61. Transportation Demand Management Compliance.** The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 62. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 63. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
- 64. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 65. Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 66. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 67. 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.

- 68. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
- 69. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
- 70. Transit Subsidy Condition.** If 10 or more employees, the applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
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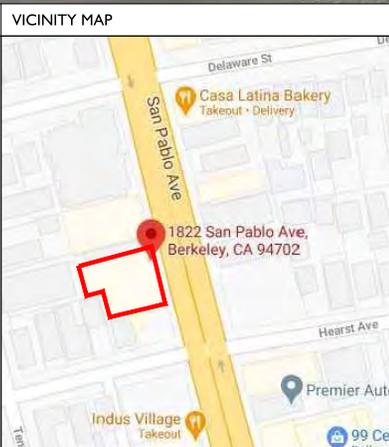
GUNKEL ARCHITECTURE
1295 59TH STREET
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GUNKELARCHITECTURE.COM
PHONE: (510) 984-1112



**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 330 PRE-APP	3/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	1/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

SYMBOLS	
HEIGHT	
SECTION	
EXTERIOR ELEVATION	
INTERIOR ELEVATION	
ROOM TAG	
WALL TAG	
WINDOW TAG	



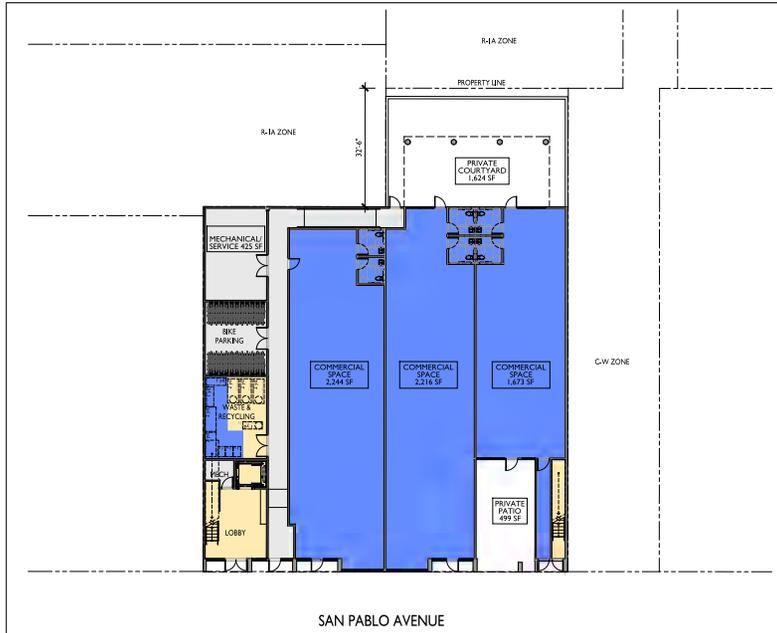
PROJECT TEAM	
OWNER	TON OGI-ROBBINS UNITED WORLD LLC. (510) 717-8472
ARCHITECT	GUNKEL ARCHITECTURE 1295 59TH STREET EMERYVILLE, CA 94608 (510) 984-1112

MIXED USE DEVELOPMENT	
1822 - 1828 SAN PABLO AVE BERKELEY, CA 94702	
DESCRIPTION OF WORK	MIXED-USE DEVELOPMENT W/ 4 STORIES OF RESIDENTIAL OVER GROUND FLOOR COMMERCIAL INCORPORATING (E) PACE
PROJECT INFORMATION	APN: 057-208700100 & 057-208700700 ZONING: C-W LOT SIZE: 11,627 SF NO CHANGE TO PARKING BUILDING OCCUPANCY: R-2, M, A-2 CONSTRUCTION TYPE: V OVER 1

SHEET INDEX	
SHEET NUMBER	SHEET NAME
A00	TITLE SHEET
A01-A03	DENSITY BONUS DIAGRAMS
A04	LOT COVERAGE & OPEN SPACE DIAGRAM
A05-A06	STREET STRIP
A07-A08	SHADOW STUDY
A09	RENDERINGS
I	SURVEY
L10	CONCEPTUAL LANDSCAPE PLAN
A10	SITE PLAN
A20	EXISTING - FIRST FLOOR PLAN
A21	EXISTING - SECOND FLOOR PLAN
A30	PROPOSED - FIRST FLOOR PLAN
A31	PROPOSED - SECOND FLOOR PLAN
A32	PROPOSED - THIRD FLOOR PLAN
A33	PROPOSED - FOURTH FLOOR PLAN
A34	PROPOSED - FIFTH FLOOR PLAN
A35	PROPOSED - ROOF PLAN
A40	EXISTING - ELEVATIONS
A50	PROPOSED - ELEVATIONS
AS1	PROPOSED - ELEVATIONS
AS2	PROPOSED - COURTYARD ELEVATIONS
AS3	PROPOSED - SECTION
A60	DETAILS

TITLE SHEET

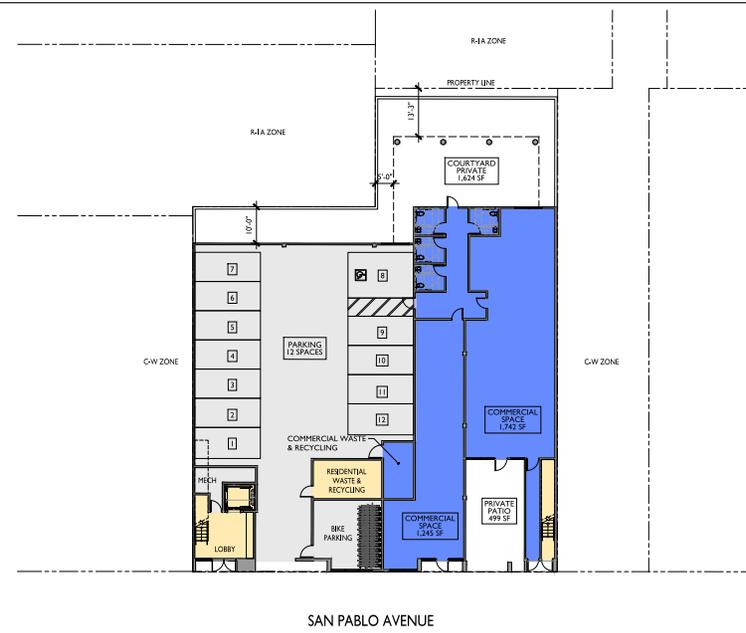
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SAN PABLO AVENUE

4 PROPOSED PROJECT - FIRST FLOOR PLAN

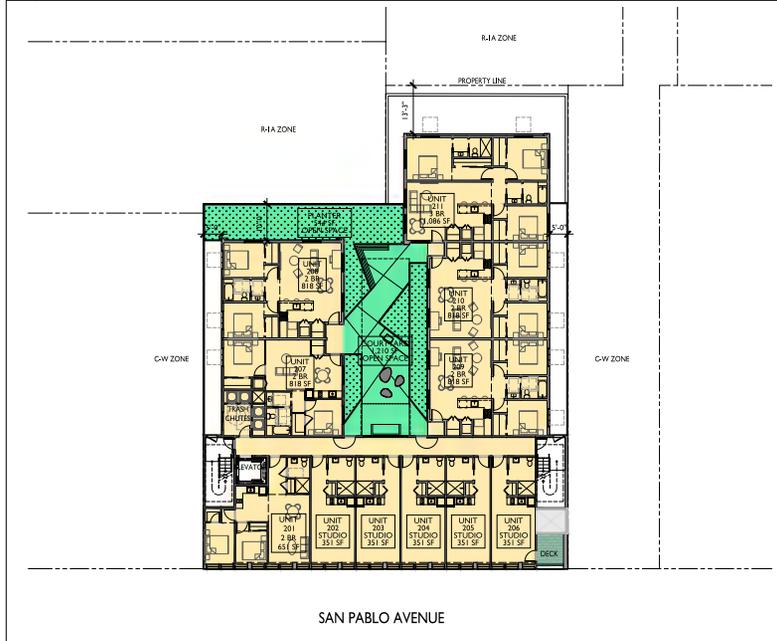
SCALE
1/16" = 1'-0"



SAN PABLO AVENUE

2 BASE PROJECT - FIRST FLOOR PLAN

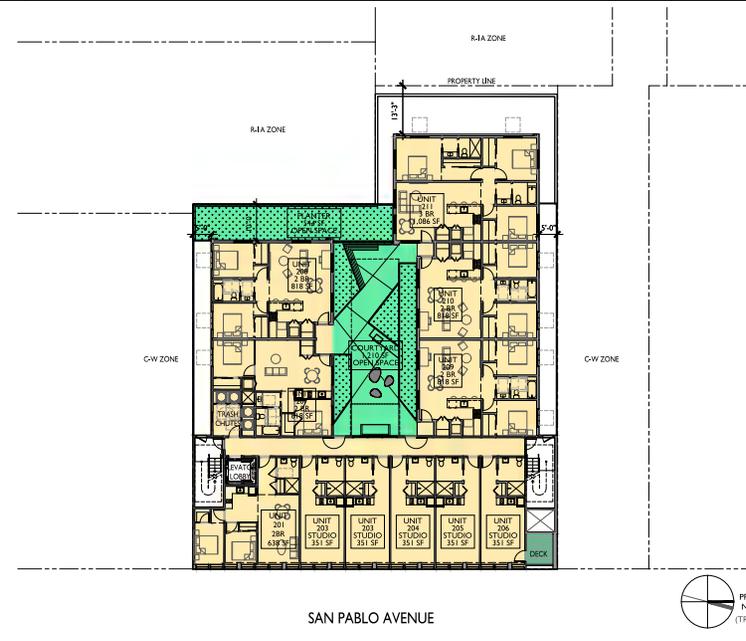
SCALE
1/16" = 1'-0"



SAN PABLO AVENUE

3 PROPOSED PROJECT - SECOND FLOOR PLAN

SCALE
1/16" = 1'-0"



SAN PABLO AVENUE

1 BASE PROJECT - SECOND FLOOR PLAN

SCALE
1/16" = 1'-0"

KEY

- BASE PROJECT AREA
- DENSITY BONUS AREA
- PARKING, UTILITIES
- COMMERCIAL
- USABLE OPEN SPACE

WAIVERS

1. WAIVER TO EXCEED FLOOR AREA RATIO - 3.7, WHERE 3.0 IS THE LIMIT
2. WAIVER TO EXCEED BUILDING HEIGHT LIMIT TO BE 61'-2" (MAX HEIGHT) / 5 STORIES, WHERE THE LIMIT IS 50' (MAX HEIGHT) / 4 STORIES
3. WAIVER TO REDUCE THE SIDE AND BACK YARDS WHEN C-LOTS ABUTTING RESIDENTIAL ZONES
 - 1ST FLOOR - SIDE SETBACK 0' WHERE 5' IS THE MINIMUM REQUIRED.
 - 1ST FLOOR - BACK SETBACK 0' WHERE 10' IS THE MINIMUM REQUIRED.

CONCESSIONS

1. CONCESSION TO REDUCE COMMERCIAL PARKING REQUIREMENT, TO PROVIDE 0 WHERE 10 IS REQUIRED.
2. CONCESSION TO KEEP THE EXISTING 8'-0" TALL CMU WALL IN THE BACK COURTYARD WITHOUT AN AUP, WHERE AN AUP IS REQUIRED FOR A FENCE / WALL MORE THAN 8'-0" IN HEIGHT.

GUNKEL ARCHITECTURE
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1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE		
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SB 330 PRE-APP	3/8/21	
SB 330 PRE-APP RE-SUBMITTAL	4/11/21	
ZONING APPLICATION	10/7/21	
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ZONING APPLICATION RE-SUBMITTAL 04	9/1/22	
DESIGN REVIEW	10/04/22	

DENSITY
BONUS
DIAGRAMS

A0.1



4 PROPOSED PROJECT - THIRD FLOOR PLAN SCALE 1/16" = 1'-0"



2 BASE PROJECT - THIRD FLOOR PLAN SCALE 1/16" = 1'-0"



3 PROPOSED PROJECT - FOURTH FLOOR PLAN SCALE 1/16" = 1'-0"



1 BASE PROJECT - FOURTH FLOOR PLAN SCALE 1/16" = 1'-0"

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WAIVERS

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BERKELEY, CA 94702

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SB 310 PRE-APP RE-SUBMITTAL		4/11/21
ZONING APPLICATION		10/7/21
ZONING APPLICATION RE-SUBMITTAL		12/21/21
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ZONING APPLICATION RE-SUBMITTAL 04		9/1/22
DESIGN REVIEW		10/04/22

DENSITY BONUS DIAGRAMS

AO.2

PLANNING & DEVELOPMENT SUMMARY TABLE				
UNIT TABLE				
	STUDIO	2-BR	3-BR	TOTAL
LEVEL 5	5	5	1	11
LEVEL 4	5	5	1	11
LEVEL 3	5	5	1	11
LEVEL 2	5	5	1	11
LEVEL 1	0	0	0	0
TOTAL	20	20	4	44
UNIT MIX	55%	36%	9%	100%

CITY OF BERKELEY ZONING TABULATION			
ZONING	ZONING REQUIREMENT	BASE PROJECT	PROPOSED W/ DENSITY BONUS
NUMBER OF DWELLING UNITS	NA	33	44
PARKING (CALCULATIONS TABLE ON THE RIGHT)**	2 FOR EVERY 1000 SF COMMERCIAL SPACE	COMPLIES	0**
LONG TERM BIKE PARKING (CALCULATIONS TABLE ON THE RIGHT)	1 FOR EVERY 3 BEDROOMS	COMPLIES	COMPLIES
SHORT TERM BIKE PARKING (CALCULATIONS TABLE ON THE RIGHT)	2 FOR RESIDENTIAL / 1 FOR EVERY 2000 SF COMMERCIAL SPACE	COMPLIES	COMPLIES
FRONT YARD SETBACK	0'	0'	0'
SIDE YARD SETBACK	0' / 5' ABUTTING R	0' / 5' ABUTTING R	0' / 0' ABUTTING R AT GROUND FLOOR, 5' ABOVE GROUND FLOOR*
REAR YARD SETBACK	0' / 10' OR 10% OF THE LOT DEPTH, WHICHEVER IS LESS ABUTTING R (LOT DEPTH 132.5' MAX)	10' AND 32'-2" ABUTTING R AT GROUND FLOOR, 10' AND 13'-3" ABOVE GROUND FLOOR	0' AND 32'-2" ABUTTING R AT GROUND FLOOR, 10' AND 13'-3" ABOVE GROUND FLOOR*
BUILDING HEIGHT	50' MAX	50'	59'-8" (AVERAGE), 61'-2" (MAX)*
BUILDING STORIES	4 MAX	4	5*
LOT AREA		11,627 SF	
GROSS FLOOR AREA	NA	33,690	42,831
BUILDING FOOTPRINT	NA	10,216 SF	10,770 SF
OPEN SPACE (CALCULATIONS TABLE ON THE RIGHT)	40 SF PER UNIT	1,874 SF	1,914 SF
FAR	3	3	3.7*

*PROPOSED DENSITY BONUS WAIVER
**PROPOSED DENSITY BONUS CONCESSION

FLOOR AREA TABLE		
	BASE PROJECT (SF)	PROPOSED W/ DENSITY BONUS (SF)
LEVEL 5	-	8,532
LEVEL 4	8,532	8,532
LEVEL 3	8,532	8,532
LEVEL 2	7,883	7,883
LEVEL 1	8,743	9,352
TOTAL	33,690	42,831

DENSITY BONUS CALCULATIONS											
BASE PROJECT	BASE	BASE # UNITS	% VLI UNITS	# VLI UNITS	# VLI UNITS	BONUS %	# DB UNITS	MAXIMUM # DB UNITS	MAXIMUM DB PROJECT	PROPOSED # DB UNITS	PROPOSED DB PROJECT
SQFT - SEE CALC. BELOW	BASE PROJECT AREA / AVG. UNIT SIZE	BASE UNITS / MAX. RESIDENTIAL DENSITY	VLI = VERY LOW INCOME < 50% AMI	% VLI X BASE # UNITS			% BONUS X BASE # UNITS	% BONUS X BASE # UNITS (ROUNDED UP)	% BONUS X BASE # UNITS (ROUNDED UP)		
25,504 SF	773 SF	33	11%	3.63	4	35%	11.50	12	45	11	44

RESIDENTIAL FLOOR AREA			
	BASE PROJECT	DENSITY BONUS	PROPOSED PROJECT
LEVEL 5		8,532 SF	8,532 SF
LEVEL 4	8,532 SF		8,532 SF
LEVEL 3	8,532 SF		8,532 SF
LEVEL 2	7,823 SF		7,823 SF
LEVEL 1	617 SF		744 SF
TOTAL	25,504 SF		34,163 SF

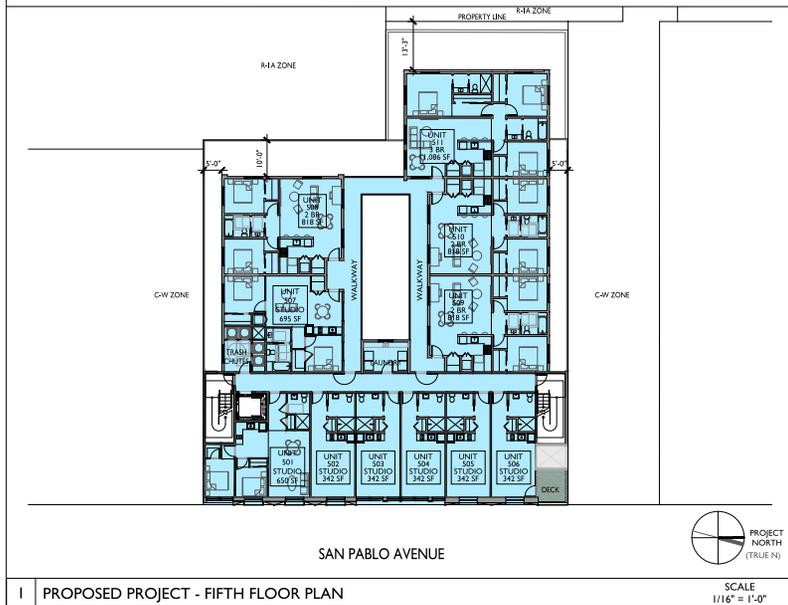
UNITS			
	BASE PROJECT	DENSITY BONUS	PROPOSED PROJECTS
LEVEL 5		+11	11
LEVEL 4	11		11
LEVEL 3	11		11
LEVEL 2	11		11
LEVEL 1	0	0	0
TOTAL	33	+11	44

OPEN SPACE		
	BASE PROJECT	PROPOSED PROJECTS
DWELLING UNITS #	33	44
REQUIRED OPEN SPACE PER UNIT	40 SF	40 SF
PRIVATE OPEN SPACE PROVIDED	192 SF (@ 3 UNITS, 120 SF TOWARDS REQUIREMENT)	256 SF (@ 4 UNITS, 160 SF TOWARDS REQUIREMENT)
COMMON OPEN SPACE PROVIDED	1,210 + 544 = 1,754 SF	1,210 + 544 = 1,754 SF
TOTAL OPEN SPACE PROVIDED	33 x 40 SF = 1,320 SF	44 x 40 SF = 1,760 SF
TOTAL PROVIDED	1,20 SF + 1,754 SF = 1,974 SF	160 SF + 1,754 SF = 1,914 SF

PARKING		
	BASE PROJECT	PROPOSED PROJECTS
RESIDENTIAL SPACES REQUIRED	0	0
COMMERCIAL SPACES REQUIRED	2 x (3,561 + 1,624 + 499) / 1000 sqft = 12	2 x (6,840 + 1,624 + 499) / 1000 sqft = 17.9
TOTAL REQUIRED	12	18
TOTAL PROVIDED	12	0 (CONCESSION)

BIKE PARKING		
	BASE PROJECT	PROPOSED PROJECTS
RESIDENTIAL SPACES REQUIRED - LONG TERM	54 BEDROOMS / 3 = 18	72 BEDROOMS / 3 = 24
RESIDENTIAL SPACES PROVIDED - LONG TERM	24	44
RESIDENTIAL SPACES REQUIRED - SHORT TERM	2	2
RESIDENTIAL SPACES PROVIDED - (E)SHORT TERM	2	2
COMMERCIAL SPACES REQUIRED	(6,840 + 1,624 + 499) / 2000 sqft = 3	(6,840 + 1,624 + 499) / 2000 sqft = 4.5
COMMERCIAL SPACES PROVIDED - (E)SHORT TERM	6	6

- KEY**
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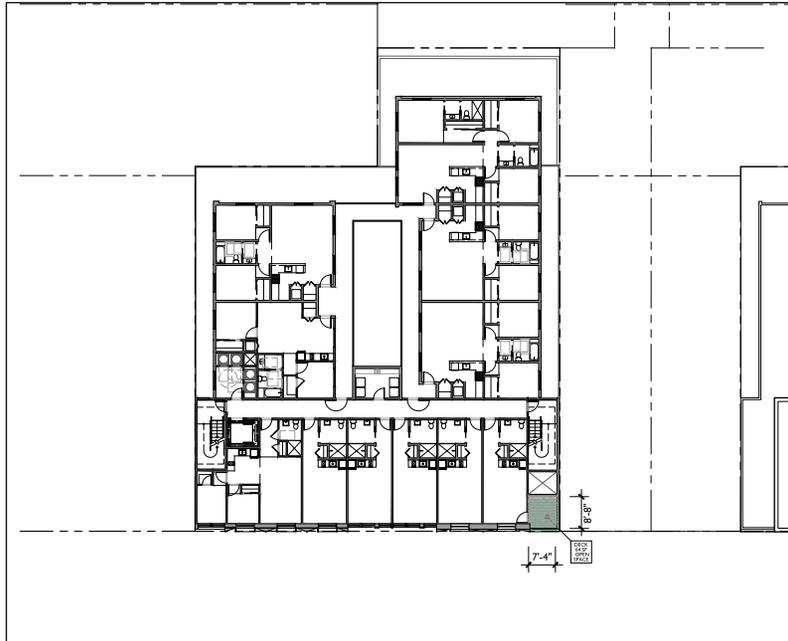
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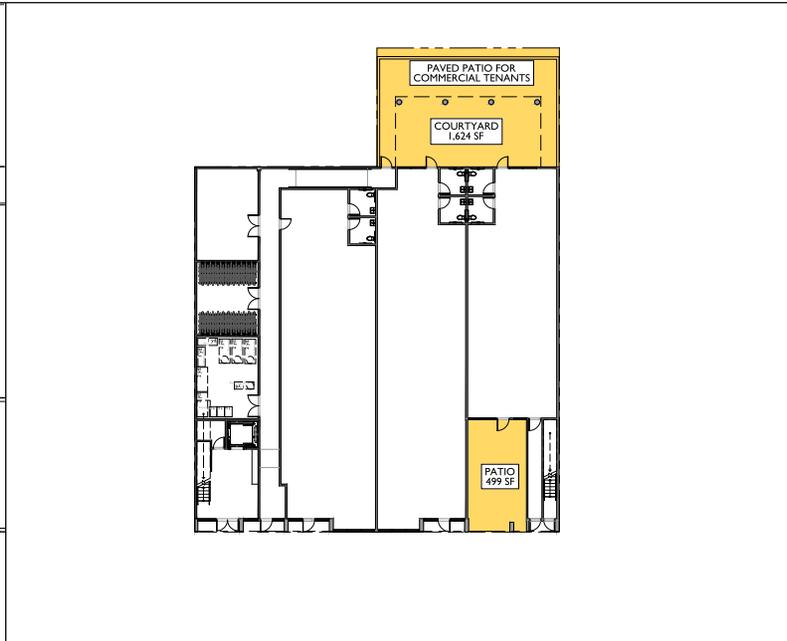
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DESIGN REVIEW	10/06/22	

DENSITY BONUS DIAGRAMS

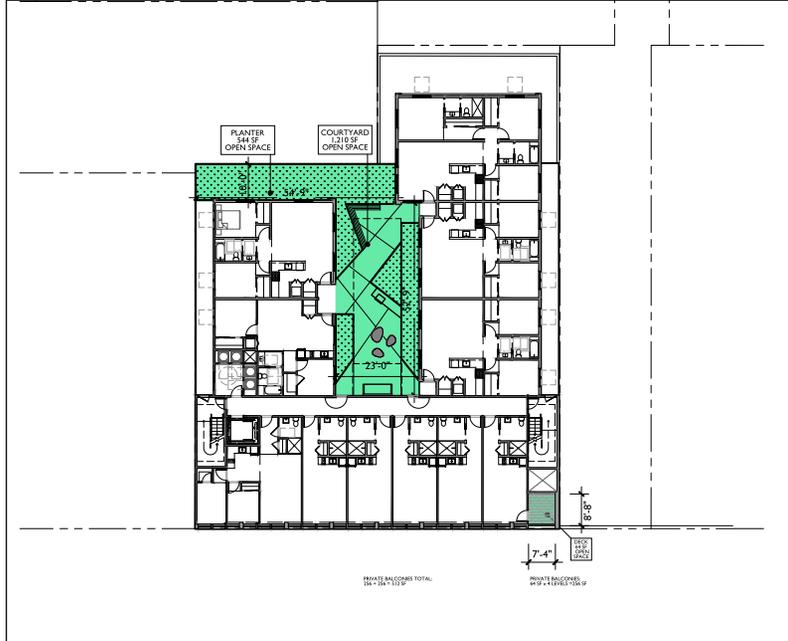
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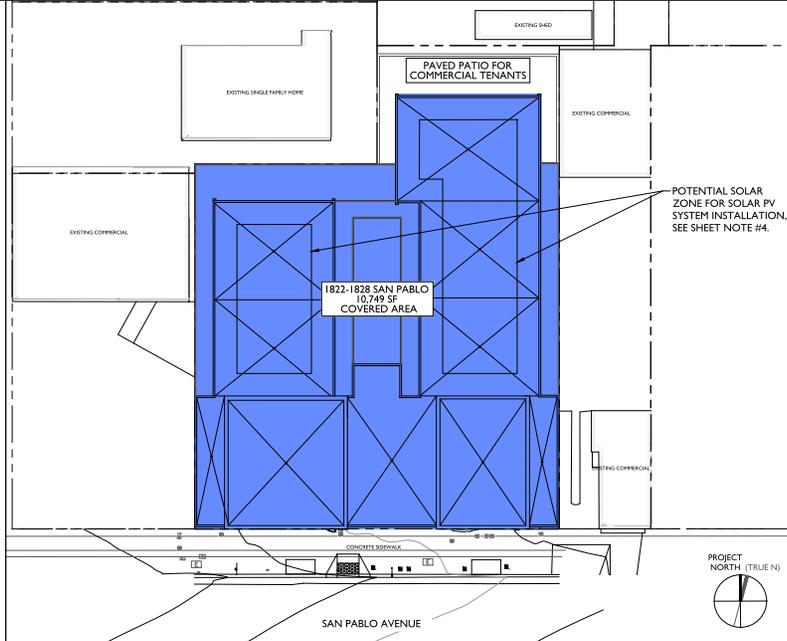
4 THIRD, FOURTH & FIFTH FLOOR PLAN SCALE 1/16" = 1'-0"



2 FIRST FLOOR PLAN SCALE 1/16" = 1'-0"



3 SECOND FLOOR PLAN SCALE 1/16" = 1'-0"



1 ROOF AND SITE PLAN SCALE 1/16" = 1'-0"

KEY

- LOT COVERAGE
- OPEN SPACE
- COMMERCIAL OPEN SPACE

- SHEET NOTES**
1. THE TOTAL ROOF TOP STRUCTURE AREA WILL NOT EXCEED 15% OF THE AVERAGE FLOOR AREA OF ALL OF THE BUILDING'S FLOORS: $(44,132 / 5) \times 15\% = 1,324$ SF
 2. THE BUILDING WILL NOT INCLUDE ANY NATURAL GAS INFRASTRUCTURE IN COMPLIANCE WITH BMC CHAPTER 12.80.
 3. THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND BERKELEY GREEN CODE (BMC CHAPTER 19.37), ADOPTED BY CITY COUNCIL ON DECEMBER 3RD, 2019. BUILDING DESIGN WILL INCORPORATE ALL-ELECTRIC SYSTEMS UNLESS AN EXCEPTION OR PUBLIC INTEREST EXEMPTION TO THE NATURAL GAS PROHIBITION IS GRANTED.
 4. PER BMC 19.36.040 SUBCHAPTER 5 (b)1, PROPOSED BUILDING IS TO HAVE A SOLAR ZONE WITH SOLAR PV SYSTEM INSTALLED, TOTAL AREA NO LESS THAN 15 PERCENT OF THE TOTAL ROOF AREA: $10,749 \times 15\% = 1,613$ SF

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EMERYVILLE CA 94608
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PHONE: (510) 984 1112



MIXED USE DEVELOPMENT
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE

NAME	DATE
SB 330 PRE-APP	3/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

LOT
COVERAGE &
OPEN SPACE
DIAGRAM

A0.4



2 | PROPOSED STREET STRIP - EAST ELEVATION (SAN PABLO AVE)



1 | EXISTING STREET STRIP - EAST ELEVATION (SAN PABLO)

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ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

STREET STRIP

A0.5



2 | PROPOSED STREET STRIP - SOUTH ELEVATION (HEARST AVE)



1 | EXISTING STREET STRIP - SOUTH ELEVATION (HEARST AVE)

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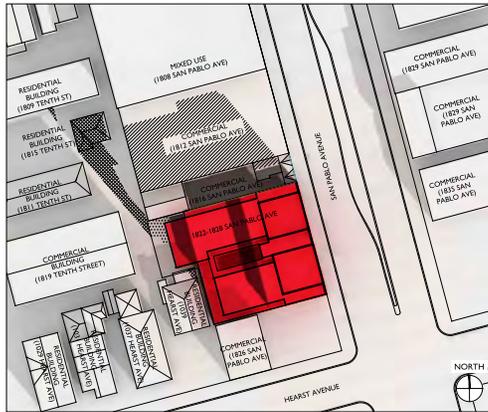


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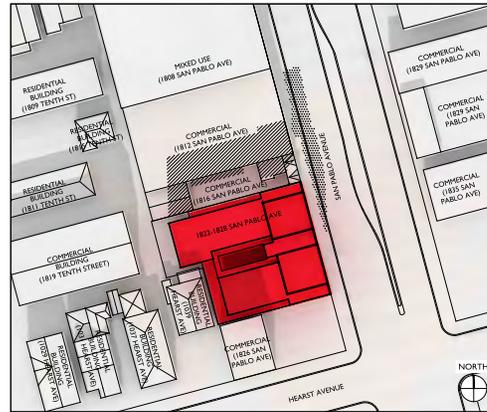
SET TYPE AND DATE	
NAME	DATE
SB 330 PRE-APP	2/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
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ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

STREET STRIP

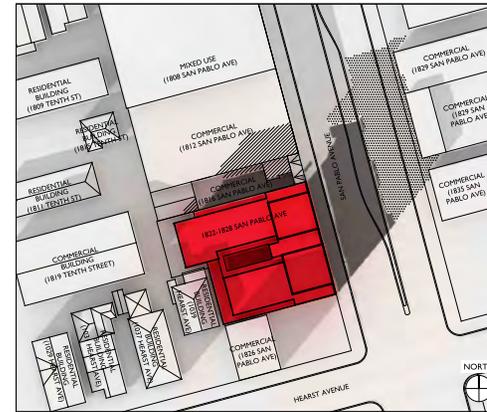
A0.6



DECEMBER 21TH 2 HR AFTER SUNRISE (9:21 AM PST)



DECEMBER 21TH NOON (12:00 PM PST)

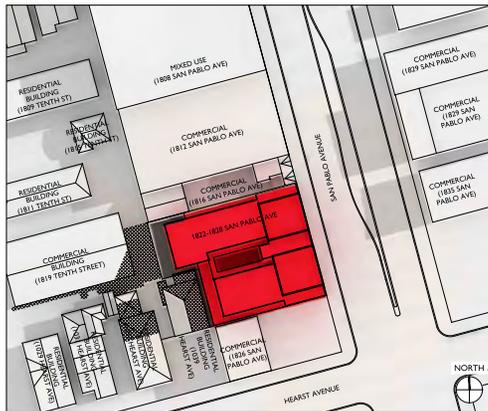


DECEMBER 21TH 2 HR BEFORE SUNSET (2:54 PM PST)

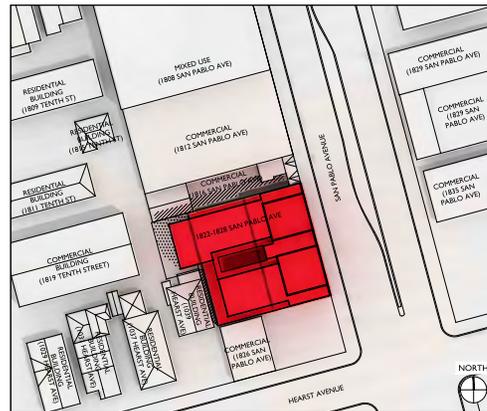
LEGEND - SITE PLAN

- (E) SHADOWS CAST BY (E) ADJACENT BUILDINGS
- (E) SHADOWS CAST BY 1822-1828 SAN PABLO (PROJECT SITE)
- (N) SHADOW CREATED BY PROPOSED DEVELOPMENT
- (N) SHADOW CREATED ON ADJACENT COMMERCIAL PROPERTIES BY PROPOSED DEVELOPMENT
- (N) SHADOW CREATED ON ADJACENT RESIDENTIAL PROPERTIES BY PROPOSED DEVELOPMENT

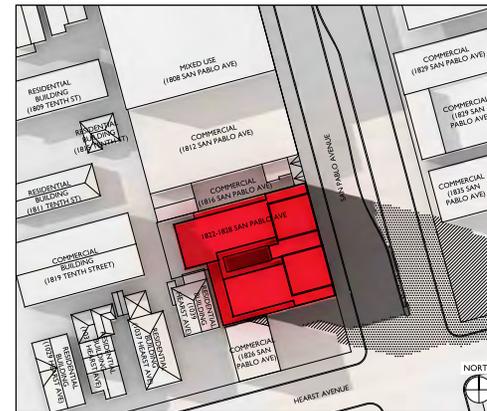
2 WINTER SOLSTICE



JUNE 20TH 2 HR AFTER SUNRISE (7:47 AM PDT)



JUNE 20TH NOON (12:00 PM PDT)



JUNE 20TH 2 HR BEFORE SUNSET (6:34 PM PDT)

1 SUMMER SOLSTICE

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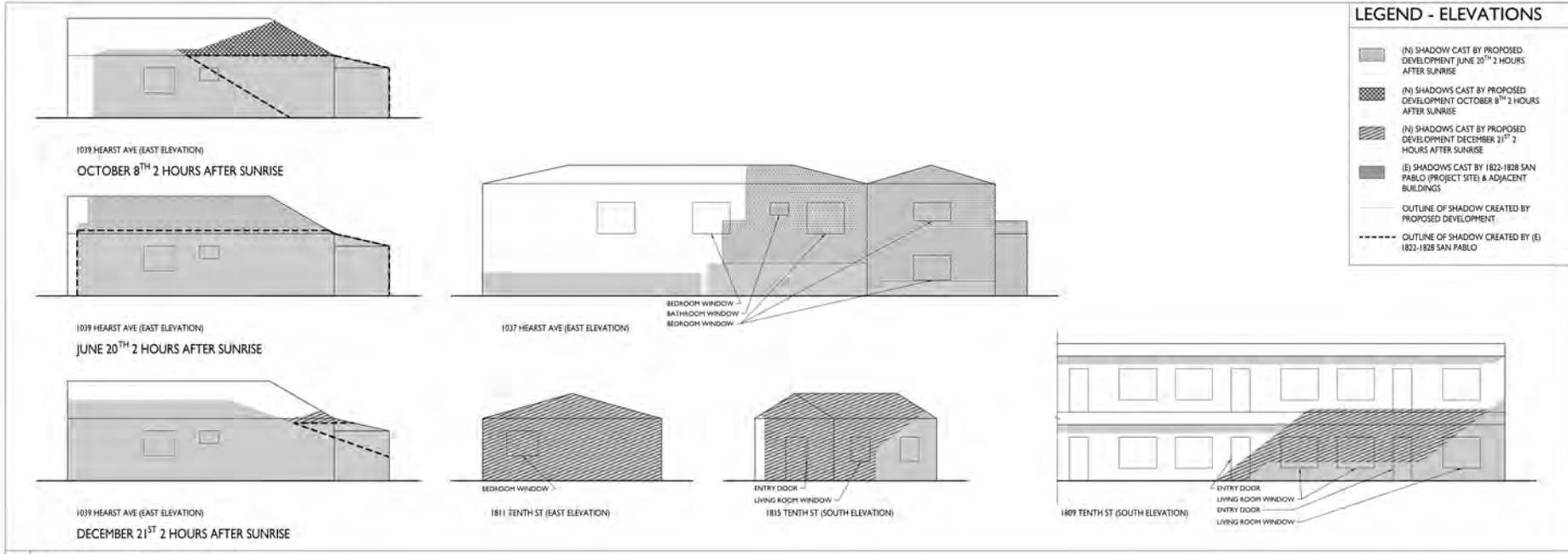


**MIXED USE
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1822 - 1828 SAN PABLO AVE
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SET TYPE AND DATE	
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ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/06/22

SHADOW
STUDY

A0.7



LEGEND - ELEVATIONS

- (N) SHADOW CAST BY PROPOSED DEVELOPMENT JUNE 20TH 2 HOURS AFTER SUNRISE
- (N) SHADOWS CAST BY PROPOSED DEVELOPMENT OCTOBER 8TH 2 HOURS AFTER SUNRISE
- (N) SHADOWS CAST BY PROPOSED DEVELOPMENT DECEMBER 21ST 2 HOURS AFTER SUNRISE
- (E) SHADOWS CAST BY 1822-1828 SAN PABLO (PROJECT SITE) & ADJACENT BUILDINGS
- OUTLINE OF SHADOW CREATED BY PROPOSED DEVELOPMENT
- OUTLINE OF SHADOW CREATED BY (E) 1822-1828 SAN PABLO

2 NEIGHBOR ELEVATIONS



LEGEND - SITE PLAN

- (E) SHADOWS CAST BY (E) ADJACENT BUILDINGS
- (E) SHADOWS CAST BY 1822-1828 SAN PABLO (PROJECT SITE)
- (N) SHADOW CREATED BY PROPOSED DEVELOPMENT
- (N) SHADOW CREATED ON ADJACENT COMMERCIAL PROPERTIES BY PROPOSED DEVELOPMENT
- (N) SHADOW CREATED ON ADJACENT RESIDENTIAL PROPERTIES BY PROPOSED DEVELOPMENT

OCTOBER 8TH 2 HR AFTER SUNRISE (9:11 AM PDT) OCTOBER 8TH NOON (12:00 PM PDT) OCTOBER 8TH 2 HR BEFORE SUNSET (4:41 PM PDT)

1 SUBMITTAL DATE - OCTOBER 8TH

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MIXED USE DEVELOPMENT
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SET TYPE AND DATE	
NAME	DATE
SB 310 PRE-APP	3/8/21
SB 310 PRE-APP RE-SUBMITTAL	6/11/21
ZONING APPLICATION	10/2/21
ZONING APPLICATION RE-SUBMITTAL	12/11/21
ZONING APPLICATION RE-SUBMITTAL 02	02/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/1/22
ZONING APPLICATION RE-SUBMITTAL 04	8/11/22
DESIGN REVIEW	10/04/22

SHADOW STUDY

A0.8



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ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

RENDERINGS

A0.9

2 RESIDENTIAL ENTRANCE RENDERING

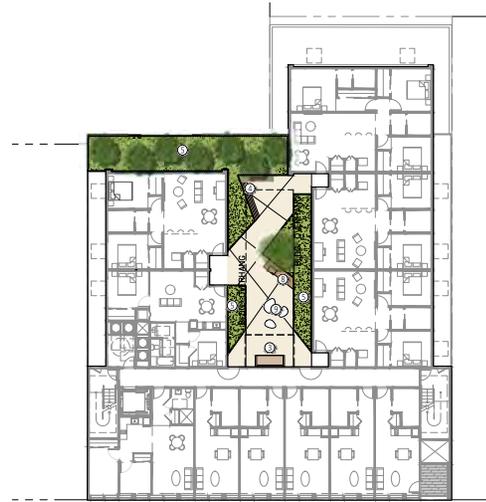
1 RENDERING FROM NORTH

SYMBOL	BOTANICAL NAME (COMMON NAME)	MIN. SIZE	WUCOLS	NATIVE/WILDLIFE PLANT
STREET LEVEL ACCENT TREES (SUCH AS):				
	ROBINIA P. 'PURPLE ROBE' (PURPLE ROBE LOCUST)	24" BOX	LOW	
	CERCIS CANADENSIS (EASTERN REDBUD)	24" BOX	MOD	
	UMBELLULARIA CALIFORNICA (CALIFORNIA BAY)	24" BOX	MOD	YES
PODIUM COURTYARD TREES (SUCH AS):				
	CERCIS OCCIDENTALIS (WESTERN REDBUD)	24" BOX	V. LOW	YES
	MYRICA CALIFORNICA (PACIFIC WAX MYRTLE)	24" BOX	MOD	YES
PERIMETER TREES @ PODIUM (SUCH AS):				
	PRUNUS ILICIFOLIA SSP. LYONII (CATALINA CHERRY)	24" BOX	LOW	YES
	ARCTOSTAPHYLOS DENSIFLORA 'HOWARD MOMINI' (MANZANITA)	24" BOX	LOW	YES
DROUGHT-TOLERANT PLANTING (SUCH AS):				
	CAREX PANSA (DUNE SEDGE)	1 GAL	MOD	YES
	ADIANTUM ALEUTICUM (WESTERN MADENHAIR FERN)	1 GAL	HIGH	YES
	JUNCO PATENS (CALIFORNIA GREY RUSH)	1 GAL	LOW	YES
	CHONDROPETALUM TECTORUM (SMALL CAPE RUSH)	1 GAL	LOW	YES
	RHAMNUS C. 'EVE CASE' (DWF COFFEEBERRY)	5 GAL	LOW	YES
	RHAMNUS C. 'LITTLE SUR' (DWF COFFEEBERRY)	5 GAL	LOW	YES
	FESTUCA CALIFORNICA (CALIFORNIA FESCUE)	1 GAL	LOW	YES
	MUHLENBERGIA RIGENS (DEER GRASS)	1 GAL	LOW	YES
	DIANELLA TASMANICA (FLAX LILY)	1 GAL	MOD	YES
	SISYRINCHIUM BELLUM (CALIFORNIAN BLUE-EYED GRASS)	1 GAL	VLOW	YES
	HELIOCHRA SPP. (CORAL BELLS)	1 GAL	MOD	YES
	ASPIDISTRA ELATIOR (CAST-IRON PLANT)	1 GAL	LOW	YES
	POLYSTICHUM MUNIUM (WESTERN SWORD FERN)	1 GAL	MOD	YES
	LOMANDRA CONFERTIFOLIA 'LITTLE CON' (SMALL MAT RUSH)	1 GAL	LOW	YES
	POLYSTICHUM CALIFORNICUM (CALIFORNIA SWORD FERN)	1 GAL	MOD	YES
	GREVILLEA 'NOELLI' (NOEL'S GREVILLEA)	5 GAL	LOW	YES
	WESTRINGIA FRUTICOSA (COAST ROSEMARY)	1 GAL	LOW	YES
	IRIS DOUGLASIANA (DOUGLAS IRIS)	1 GAL	LOW	YES
VINES (SUCH AS):				
	LONICERA CILIOSA (ORANGE HONEYSUCKLE)	1 GAL	MOD	YES
	CLEMATIS LASIANTHA (CHAPARRAL CLEMATIS)	1 GAL	LOW	YES

D CANDIDATE PLANT LEGEND



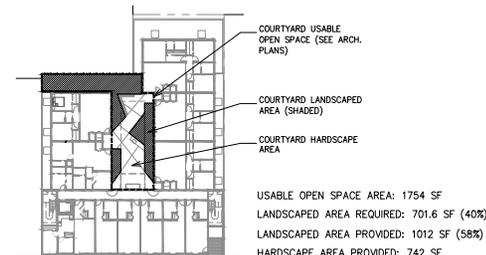
E DESIGN IMAGERY



B CONCEPTUAL LANDSCAPE PLAN: PODIUM COURTYARD
1/16"=1'-0" NORTH

LANDSCAPE ELEMENTS LEGEND

- ① INSIDE COURTYARD WITH COLORED CONCRETE PAVING, SEATING AND LOW PLANTER.
- ② COURTYARD WITH PERMEABLE LINEAR UNIT PAVERS, NEW TREE GRATES AND VINE PLANTING AT THE PERIMETER.
- ③ LOUNGE SEATING AREA.
- ④ BUILT-IN SEATING.
- ⑤ PLANTERS WITH WATER-WISE LANDSCAPING.
- ⑥ NEW CONCRETE CITY SIDEWALK.
- ⑦ EXISTING TREE TO REMAIN.
- ⑧ BBQ COUNTER.
- ⑨ SEATING AREA WITH SOMA STONE.



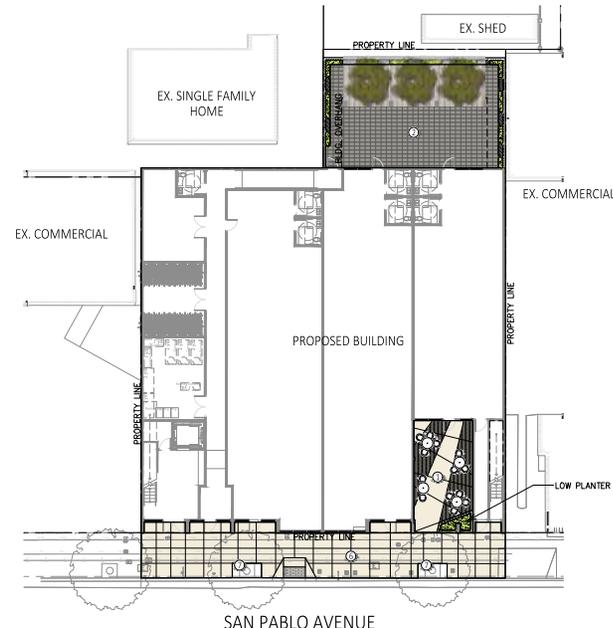
C LANDSCAPE CALCULATION DIAGRAM: PODIUM COURTYARD
1/32"=1'-0" NORTH

COURTYARD USABLE OPEN SPACE (SEE ARCH. PLANS)

COURTYARD LANDSCAPED AREA (SHADED)

COURTYARD HARDSCAPE AREA

USABLE OPEN SPACE AREA: 1754 SF
LANDSCAPED AREA REQUIRED: 701.6 SF (40%)
LANDSCAPED AREA PROVIDED: 1012 SF (58%)
HARDSCAPE AREA PROVIDED: 742 SF



A CONCEPTUAL LANDSCAPE PLAN: STREET LEVEL
1/16"=1'-0" NORTH

WELO CALCULATIONS

IRRIGATION FIGURES

IRRIGATED AREA: 1012 SF
LOW WATER-USE AREAS (80%): 810 SF
MOD WATER-USE AREAS (20%): 202 SF

MAWA

$(45.3)(0.62)(0.7 \times 1012 \text{ SF}) = 19896 \text{ GAL/YR}$

ETWU

$(45.3)(0.62)(0.3 \times 810 \text{ SF})/0.9 = 7583 \text{ GAL/YR}$
 $(45.3)(0.62)(0.5 \times 202 \text{ SF})/0.9 = 3152 \text{ GAL/YR}$

TOTAL = 10735 GAL/YR

WELO REQUIREMENTS

- COMPLY W/ ALL MEASURES OF WELO PRESCRIPTIVE CHECKLIST.
- DRIP IRRIGATION SYSTEM TO BE INSTALLED TO PROVIDE WATER FOR (N) TREES & SHRUBS AS INDICATED ON SITE PLAN. AIRBORNE ACCEPTABLE ONLY AT TURF AREAS > 10 WIDE.
- PRESSURE REGULATORS ARE INSTALLED ON THE IRRIGATION SYSTEM TO ENSURE DYNAMIC PRESSURE OF THE COMPONENTS ARE WITHIN THE MANUFACTURER'S RECOMMENDED PRESSURE RANGE.
- MANUAL SHUTOFF VALVES (SUCH AS GATE, BALL, OR BUTTERFLY VALVES) ARE INSTALLED AS CLOSE AS POSSIBLE TO THE POINT OF CONNECTION OF THE WATER SUPPLY.
- ALL IRRIGATION EMISSION DEVICES MUST MEET THE REQ'S SET IN THE ANSI STANDARD, ASABE/ACC 802-2014 "LANDSCAPE IRRIGATION SPRINKLER AND EMITTER STANDARD". ALL SPRINKLER HEADS INSTALLED MUST HAVE A DISTRIBUTION UNIFORMITY LOW QUARTER OF 0.65 OR HIGHER USING THE PROTOCOL DEFINED IN ASABE/ACC 802-2014.
- AUTOMATIC IRRIGATION CONTROLLERS ARE REQUIRED AND MUST USE EVAPOTRANSPIRATION OR SOIL MOISTURE DATA AND UTILIZE A RAIN SENSOR.
- (4) YD³ COMPOST PER 1,000 SF LANDSCAPE AREA TO DEPTH OF 6". ALL OTHER LANDSCAPE AREAS EXCEPT TURF TO RECEIVE MIN 3" LAYER OF RECYCLED MULCH.
- ANY PLANT SUBSTITUTION MUST MEET WUCOL LOW (PH-C3) STANDARD. NO INVASIVE SPECIES MAY BE USED. SEE CALIFORNIA INVASIVE PLANTS COUNCIL "DON'T PLANT A PEST" BROCHURE FOR SF BAY AREA.
- INCORPORATE COMPOST AT A RATE OF AT LEAST 4 YD³ PER 1,000 FT² TO A DEPTH OF 6" INTO THE LANDSCAPE AREA (UNLESS CONTRA-INDICATED BY A SOIL TEST). THIS PROJECT WILL APPLY MIN 8.2 YD³ OF COMPOST.
- A MIN 1" LAYER OF RECYCLED MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT TURF AREAS, OR DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED.
- TURF, HIGH WATER USE PLANTS, AND WATER FEATURES SHALL, COMBINED NOT EXCEED 20% OF THE LANDSCAPE AREA. TURF SHALL NOT BE PLANTED ON SLOPES WHICH EXCEED A SLOPE OF 1" VERTICAL ELEVATION CHANGE FOR EVERY 4" OR HORIZONTAL LENGTH. TURF IS PROHIBITED IN PARKWAYS LESS THAN 10' WIDE. EXCEPTION: PARKWAY IS ADJACENT TO A PARKING STRIP AND USED TO EXIT AND ENTER VEHICLES AND TURF IS IRRIGATED W/ SUBSURFACE IRRIGATION.

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NOT FOR CONSTRUCTION

Formwork
330 UNIVERSITY AVE
SAN FRANCISCO, CA 94102
T 415.391.4433
LANDSCAPE ARCHITECTURE

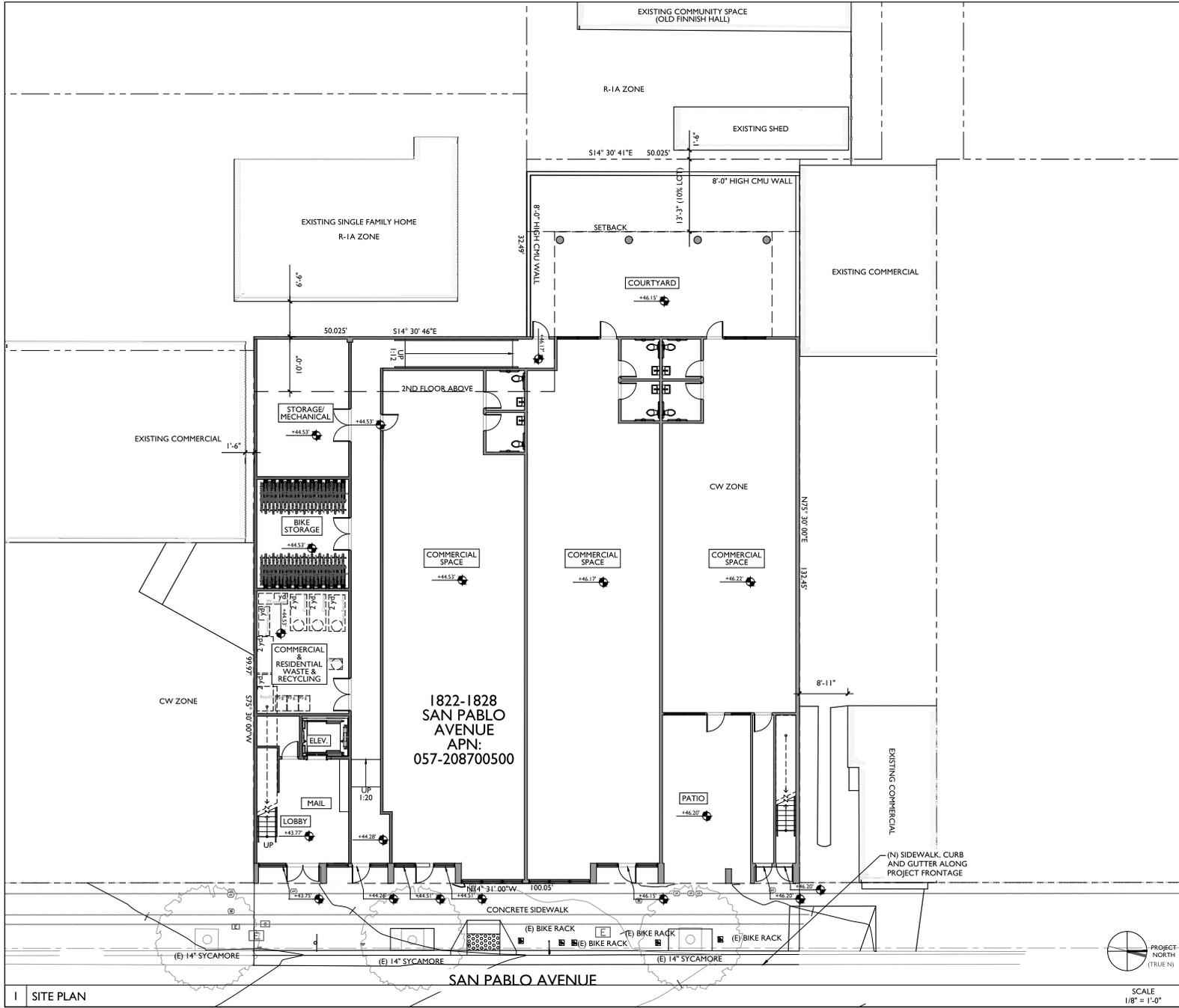
MIXED USE DEVELOPMENT
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SET TYPE AND DATE

NAME	DATE
SB 330 PRE-APP	3/8/21
SB 330 PRE-APP RE-SUBMITTAL	6/18/21
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ZONING APPLICATION RE-SUBMITTAL	10/7/21
ZONING APPLICATION RE-SUBMITTAL 02	03/23/22
DESIGN REVIEW RE-SUBMITTAL	05/12/22

CONCEPTUAL LANDSCAPE PLAN

L1.0



WELO CALCULATIONS
TOTAL LANDSCAPE AREA: 7,416 SF, 21%
4' TO 1,000' LANDSCAPE: 93 TYP COMPOST REQD

WELO REQUIREMENTS

1. COMPLY W/ ALL MEASURES OF WELO PRESCRIPTIVE CHECKLIST
2. Drip Irrigation System to be installed to provide water for (N) TREES & SHRUBS AS INDICATED ON SITE PLAN AIRBORNE ACCEPTABLE ONLY AT TURF AREAS 1" WIDE
- 3.1. PRESSURE REGULATORS ARE INSTALLED ON THE IRRIGATION SYSTEM TO ENSURE DYNAMIC PRESSURE OF THE COMPONENTS ARE WITHIN THE MANUFACTURER'S RECOMMENDED PRESSURE RANGE
- 3.2. MANUAL SHUTOFF VALVES (GATE BALL OR BUTTERFLY VALVES) ARE INSTALLED AS CLOSE AS POSSIBLE TO THE POINT OF CONNECTION OF THE WATER SUPPLY
- 3.3. ALL IRRIGATION EMERSION DEVICES MUST MEET THE REQ'S SET IN THE AED'S STANDARD ASSEMBLY 800.014 "LANDSCAPE IRRIGATION SPRINKLER AND Emitter STANDARD". ALL SPRINKLER HEADS INSTALLED MUST HAVE A DISTRIBUTION UNIFORMITY LOW QUARTER OF 100% OR HIGHER USING THE PROTOCOL DEFINED IN ASABECC 80.014
- 3.4. AUTOMATIC IRRIGATION CONTROLLERS ARE REQUIRED AND MUST USE EMITTER INSPECTION OR SOIL MOISTURE DATA AND UTILIZE A RAIN SENSOR
4. 1/4" COMPOST PER 1,000 SF LANDSCAPE AREA TO DEPTH OF 4". ALL OTHER LANDSCAPE AREAS EXCEPT TURF TO RECEIVE MIN 3" LAYER OF RECYCLED MULCH
4. ANY PLANT SUBSTITUTION MUST MEET WUCOLS LOW PFC-3 STANDARD. NO INVASIVE SPECIES MAY BE USED. SEE CALIFORNIA INVASIVE PLANTS COUNCIL "DON'T PLANT A PEST" BROCHURE FOR SF BAY AREA
5. INCORPORATE COMPOST AT A RATE OF AT LEAST 4" TO 1,000 FT² TO A DEPTH OF 4" INTO THE LANDSCAPE AREA (NONE CONTRA-INDICATED BY A SOIL TEST). THIS PROJECT WILL APPLY MIN 82 TYP OF COMPOST
6. A MIN 3" LAYER OF RECYCLED MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACE OF PLANTING AREAS EXCEPT TURF AREAS, OR DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED
7. TURF, HIGH WATER USE PLANTS, AND WATER REBURN SHALL COMBINED NOT EXCEED 35% OF THE LANDSCAPE AREA. TURF SHALL NOT BE PLANTED ON SLOPES WHICH EXCEED A SLOPE OF 1: VERTICAL ELEVATION CHANGE FOR EVERY 4' OR HORIZONTAL LENGTH. TURF IS PROHIBITED IN PARKWAYS LESS THAN 10' WIDE (EXCEPTION: PARKWAY IS ADJACENT TO A PARKING STRIP AND USED TO EXIT AND ENTER VEHICLES AND TURF SUBSTITUTED W/ SUBSURFACE IRRIGATION)

DECK **DECK**

CAPACITY 4 Bikes per unit

MATERIALS
Uprights: 4" 304 stainless tube
Cantilever base: 1/4" plate
Cantilever base: 1/4" plate
Top: 1/4" plate

FINISHES
 Galvanized
All steel fabrication has dipped galvanized finish to our standard option.
 Powder Coat
Our powder coat finish assures a high level of adhesion and durability by following these steps:
1. Sandblast
2. Epoxy primer electrostatically applied
3. Final thick TGIC polyester powder coat

MOUNT OPTIONS
 Surface only
Each upright has one 1" plate feet that accept 1/2" wedge anchors.

2 LONG-TERM BIKE PARKING

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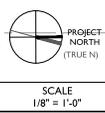
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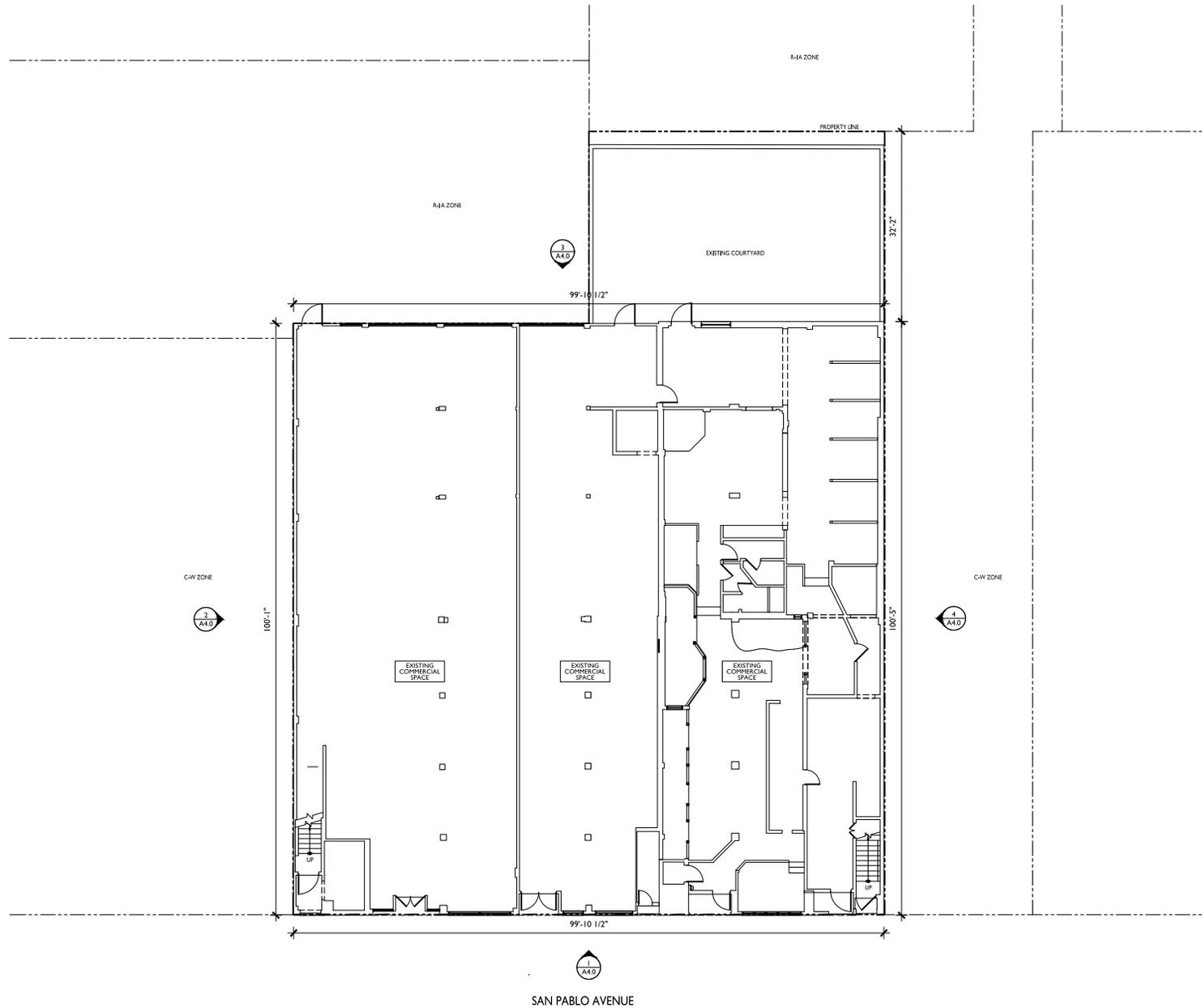
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DESIGN REVIEW	10/04/22

PROPOSED SITE PLAN

A1.0

I SITE PLAN





I EXISTING FIRST FLOOR PLAN



SCALE
1/8" = 1'-0"

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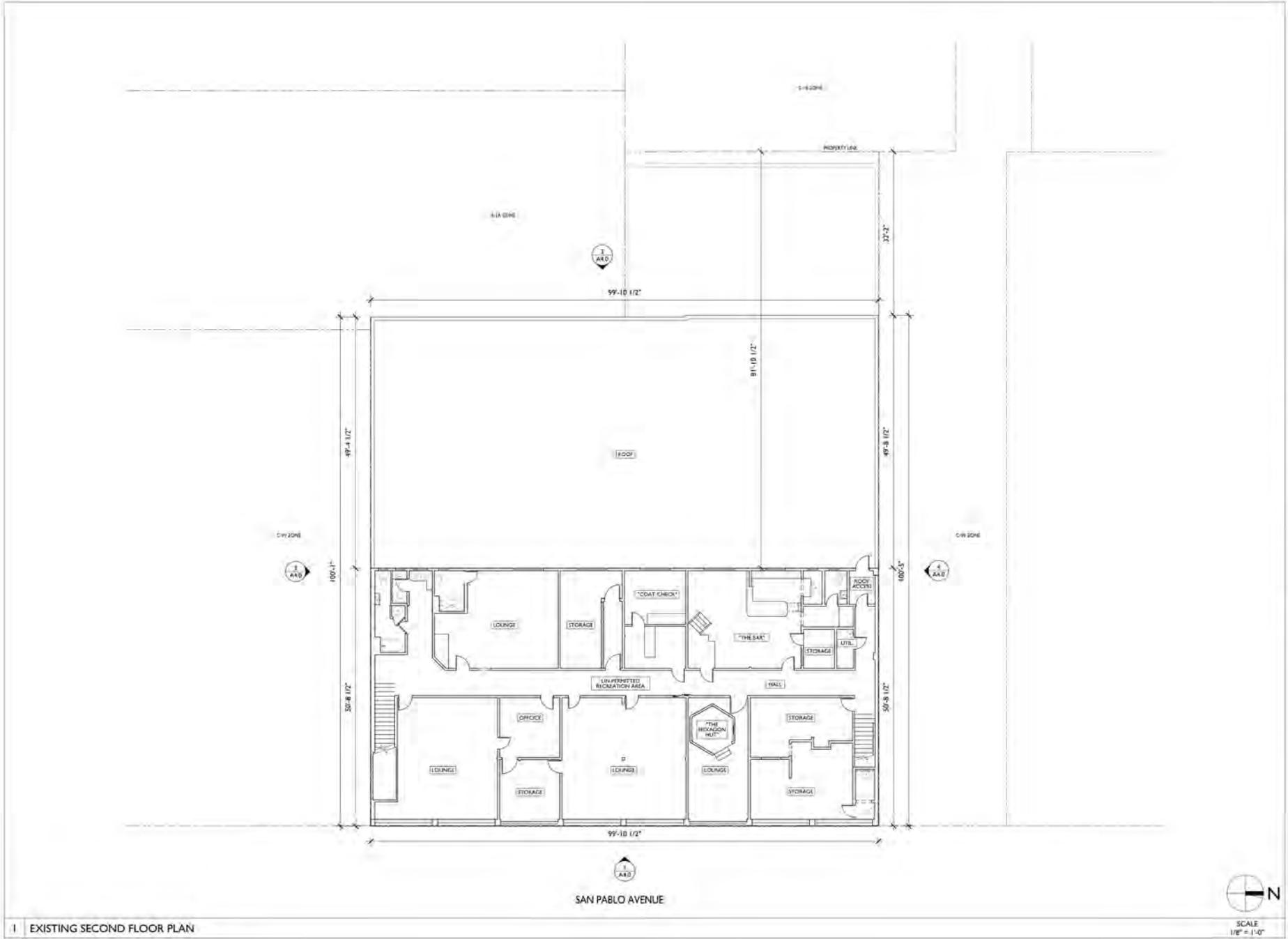


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DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 330 PRE-APP	2/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/06/22

EXISTING -
FIRST FLOOR
PLAN

A2.0



GUNKEL ARCHITECTURE
1295 59TH STREET
EMERYVILLE CA 94608
GUNKELARCHITECTURE.COM
PHONE: (510) 984-1112



**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE		
NAME	DATE	
SB 310 PRELAPP	3/8/21	
SB 310 PRE APP RE-SUBMITTAL	4/1/21	
ZONING APPLICATION	10/1/21	
ZONING APPLICATION RE-SUBMITTAL	12/1/21	
ZONING APPLICATION RE-SUBMITTAL	07/1/22	
ZONING APPLICATION RE-SUBMITTAL #1	1/1/22	
ZONING APPLICATION RE-SUBMITTAL #2	01/1/22	
DRAWING REVISION	10/24/22	

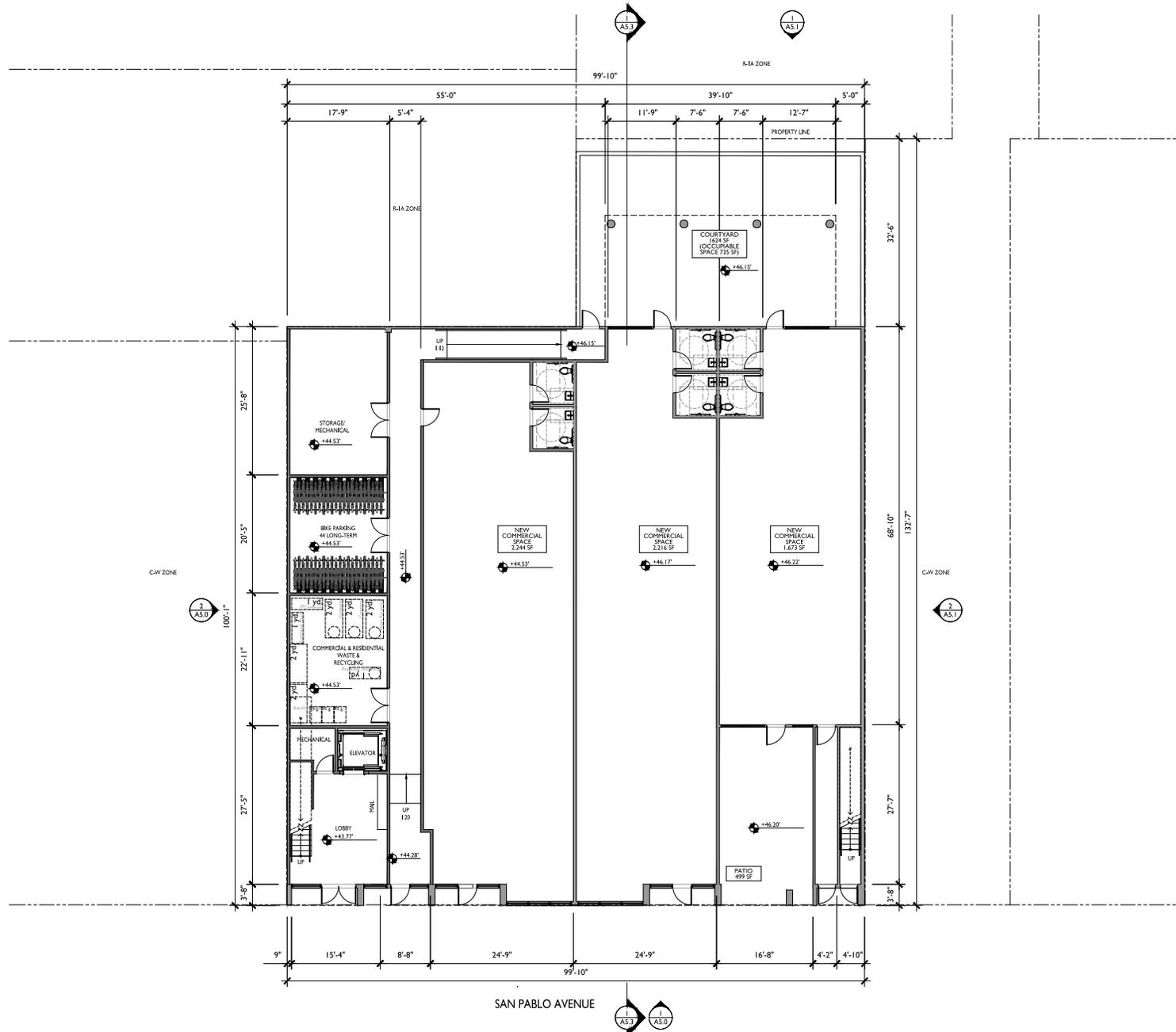
EXISTING -
SECOND
FLOOR PLAN

A2.1

EXISTING SECOND FLOOR PLAN



attac



I FIRST FLOOR PLAN



SCALE
1/8" = 1'-0"

GUNKEL ARCHITECTURE
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EMERYVILLE CA 94608
GUNKELARCHITECTURE.COM
PHONE: (510) 984 1112

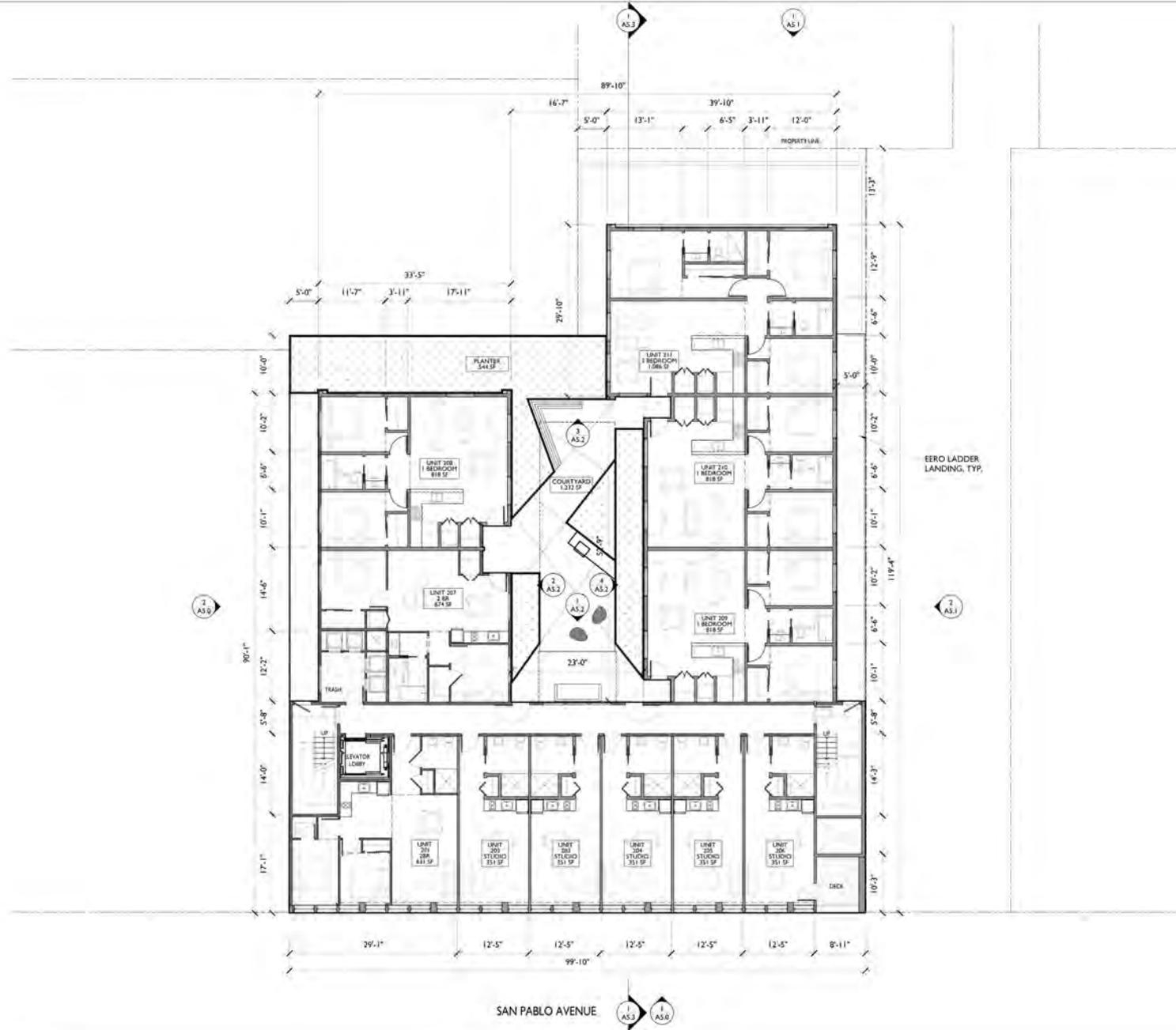


**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 330 PRE-APP	3/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

PROPOSED -
FIRST FLOOR
PLAN





SAN PABLO AVENUE



SCALE
1/8" = 1'-0"

GUNKEL ARCHITECTURE
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PHONE: (510) 984-1112

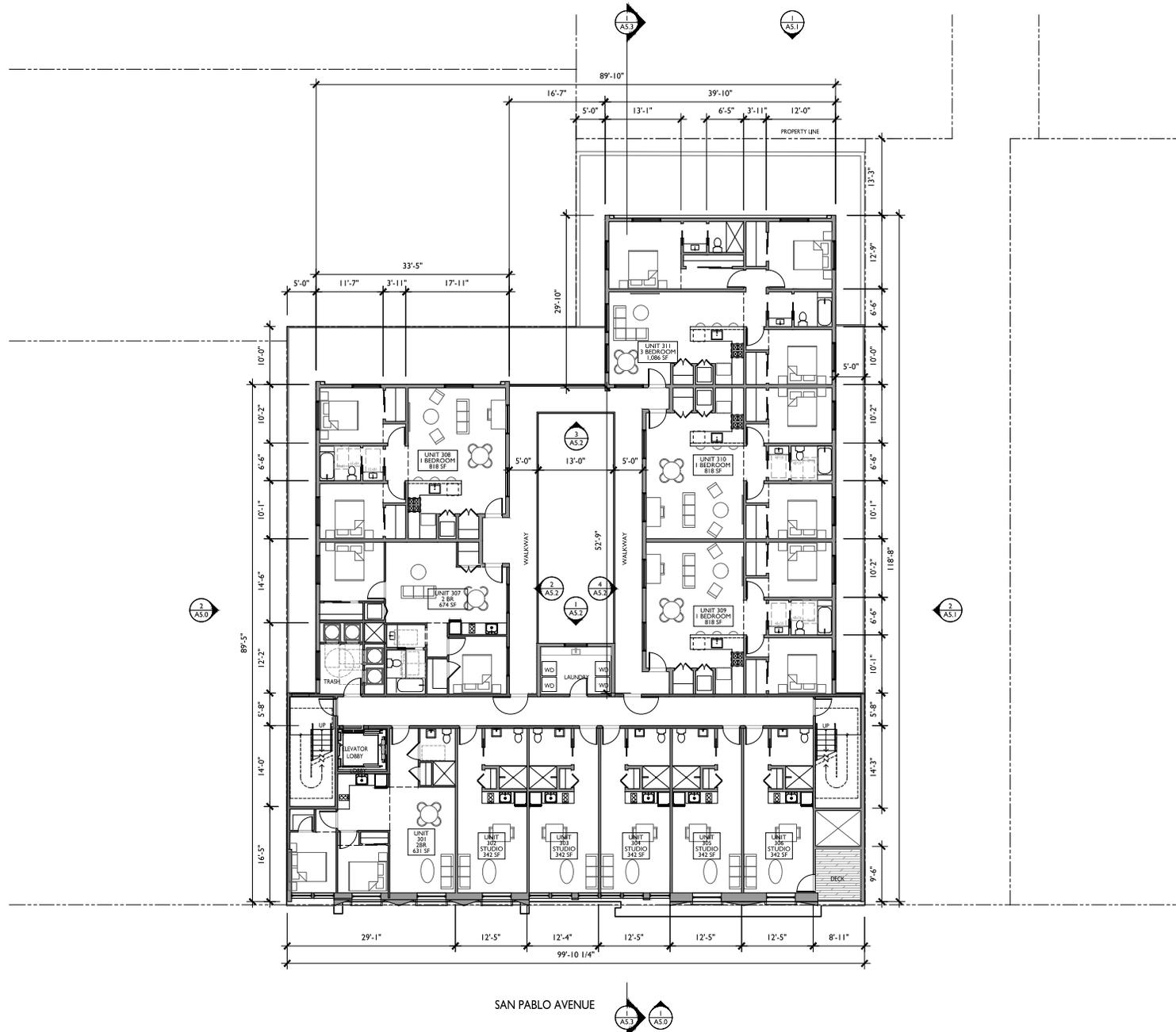


**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 310 PRE-APP	3/8/21
SB 310 PRE-APP RE-SUBMITTAL	6/11/21
ZONING APPLICATION	10/29/21
ZONING APPLICATION RE-SUBMITTAL	12/11/21
ZONING APPLICATION RE-SUBMITTAL 02	02/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/19/22
ZONING APPLICATION RE-SUBMITTAL 04	8/11/22
DESIGN REVIEW	10/04/22

PROPOSED -
SECOND
FLOOR PLAN

A3.1



SAN PABLO AVENUE



SCALE
1/8" = 1'-0"

GUNKEL ARCHITECTURE
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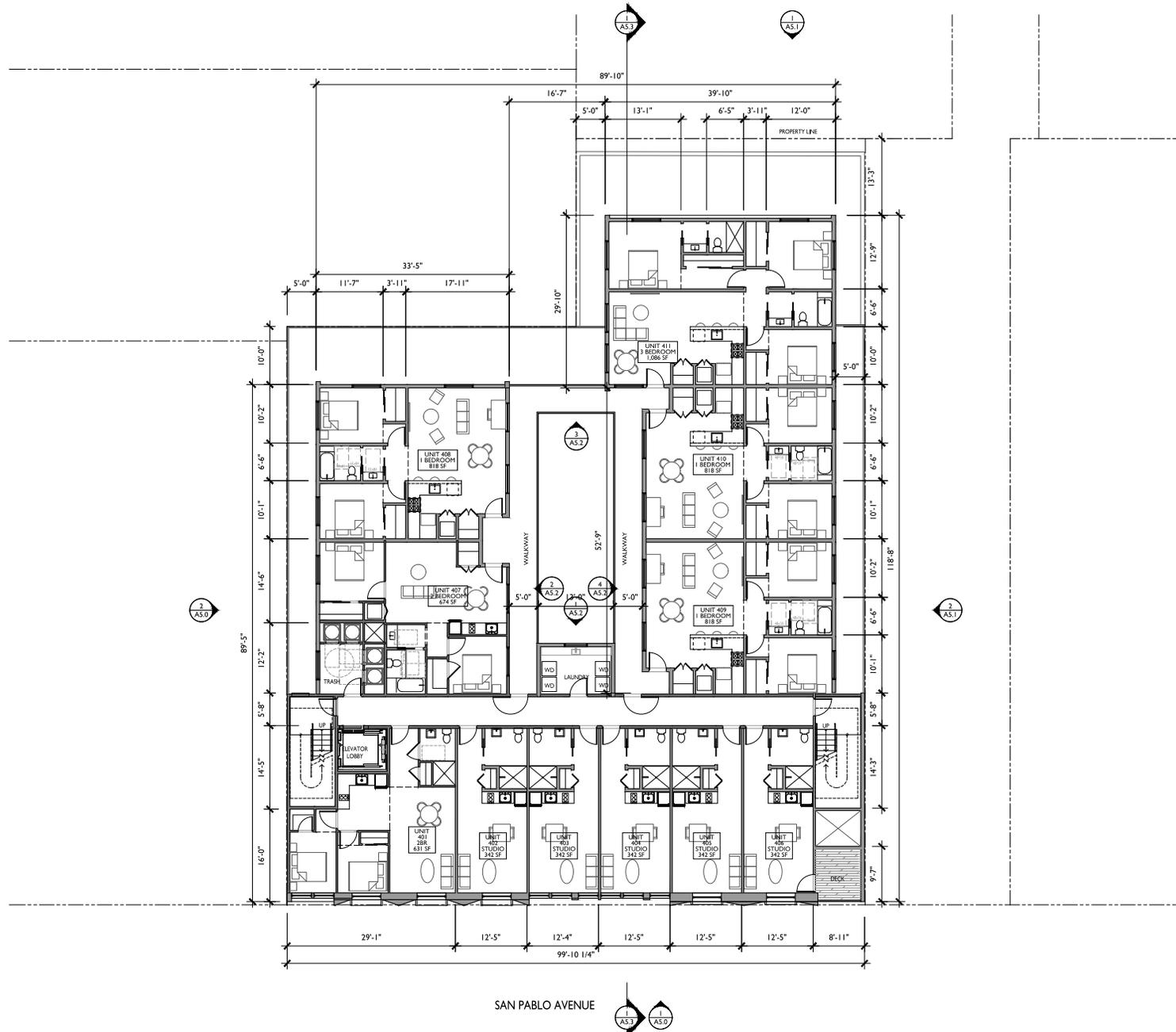


**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 310 PRE-APP	2/8/21
SB 310 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

PROPOSED -
THIRD FLOOR
PLAN

A3.2



SAN PABLO AVENUE



SCALE
1/8" = 1'-0"

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PHONE: (510) 984 1112

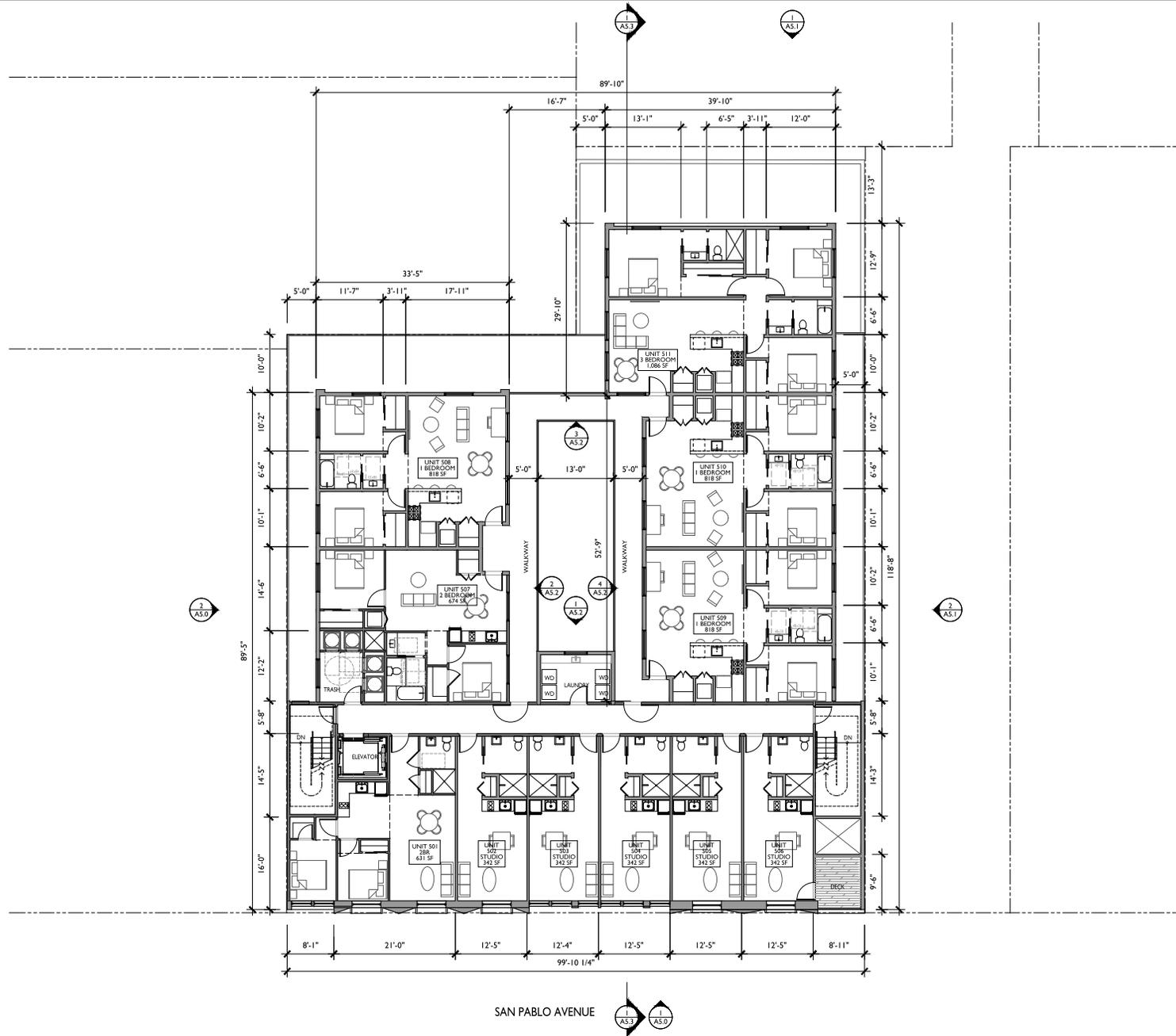


**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 330 PRE-APP	2/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

PROPOSED -
FOURTH
FLOOR PLAN

A3.3



SAN PABLO AVENUE



SCALE
1/8" = 1'-0"

I FIFTH FLOOR PLAN

attac

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EMERYVILLE CA 94608
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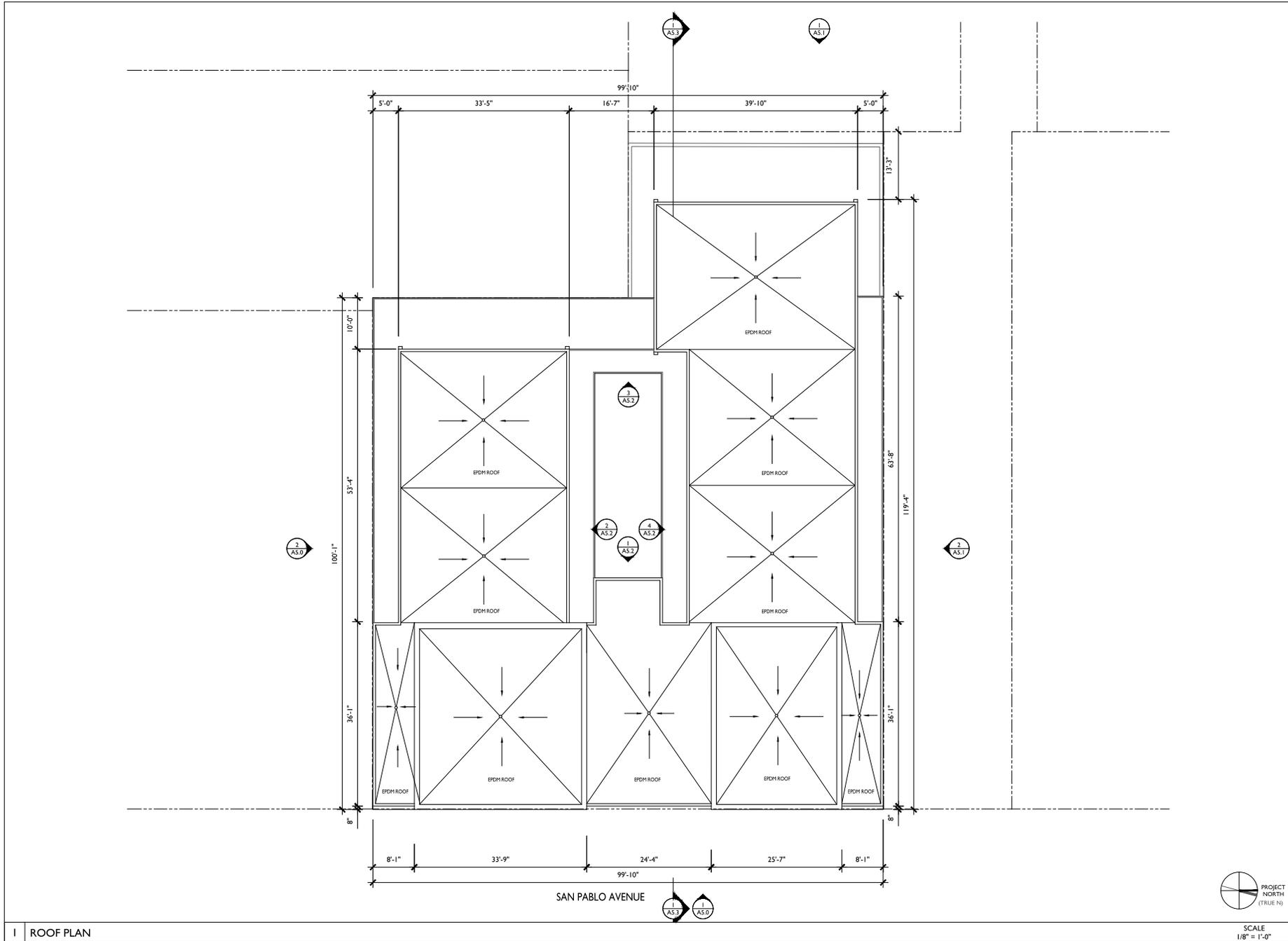
**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE

NAME	DATE
SB 330 PRE-APP	2/8/21
SB 330 PRE-APP RE-SUBMITTAL	4/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/21/21
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ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

PROPOSED -
FIFTH FLOOR
PLAN

A3.4



I ROOF PLAN



SCALE
1/8" = 1'-0"

GUNKEL ARCHITECTURE
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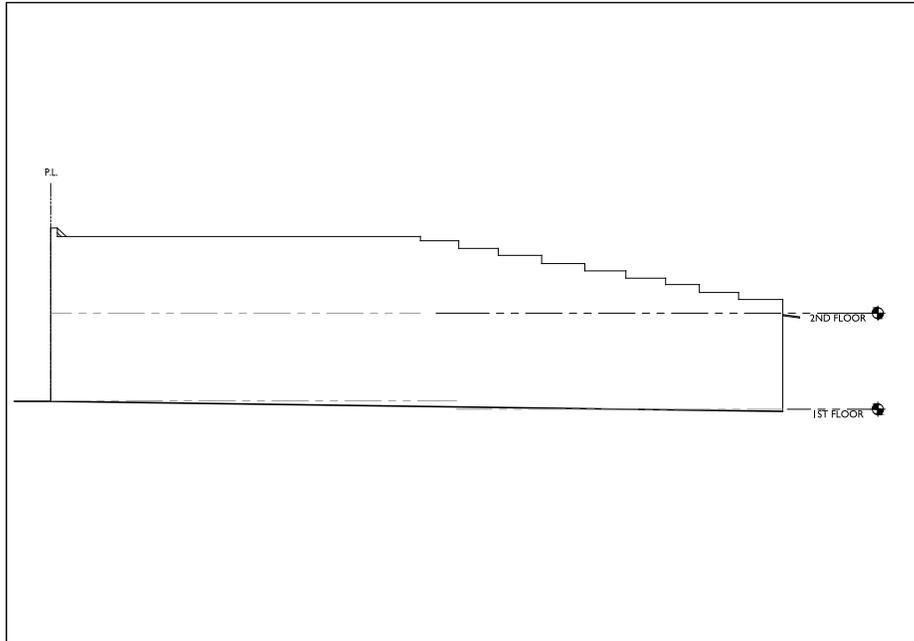


**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

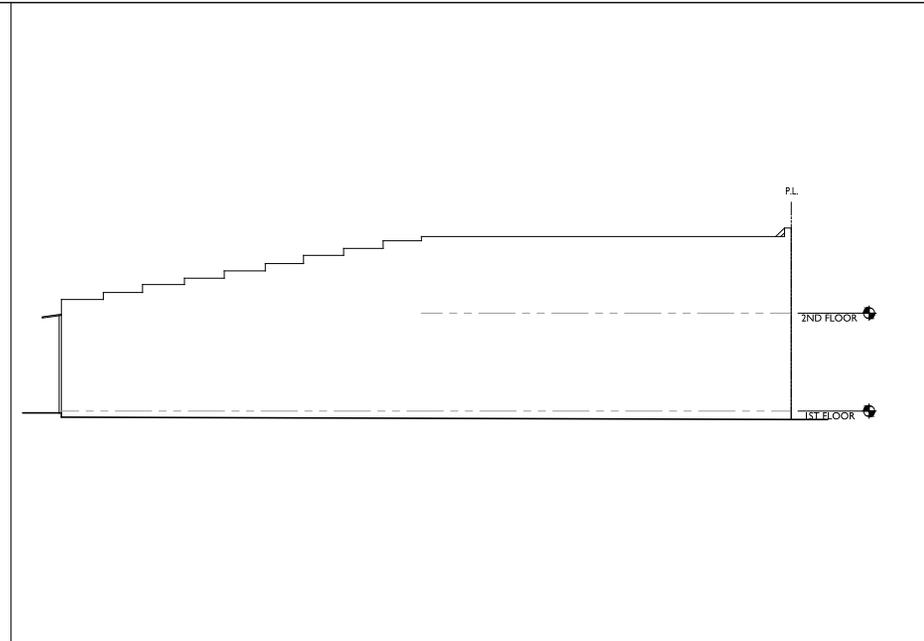
SET TYPE AND DATE		
NAME	DATE	
SB 330 PRE-APP	2/8/21	
SB 330 PRE-APP RE-SUBMITTAL	4/11/21	
ZONING APPLICATION	10/7/21	
ZONING APPLICATION RE-SUBMITTAL	12/21/21	
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22	
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22	
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22	
DESIGN REVIEW	10/04/22	

PROPOSED -
ROOF PLAN

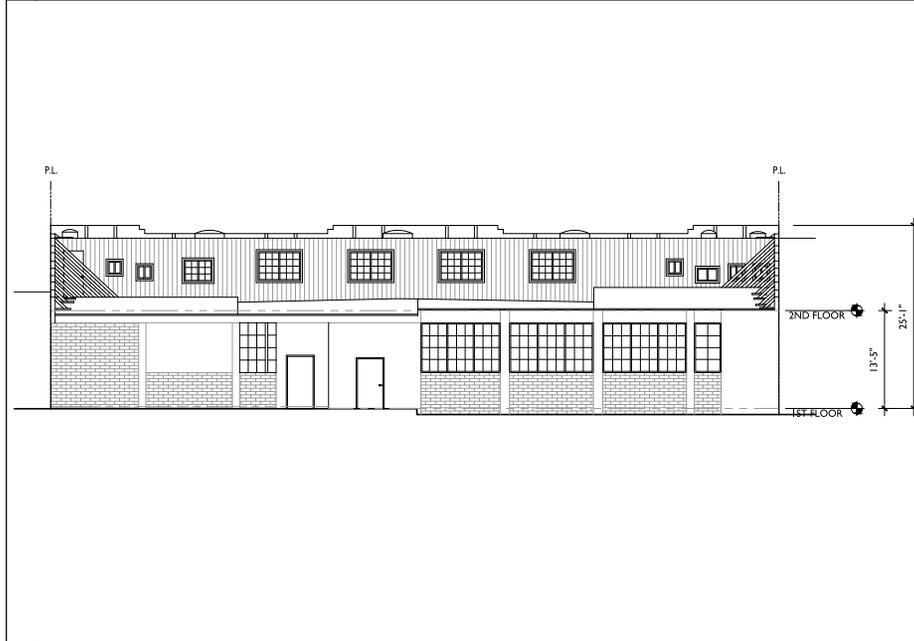
A3.5



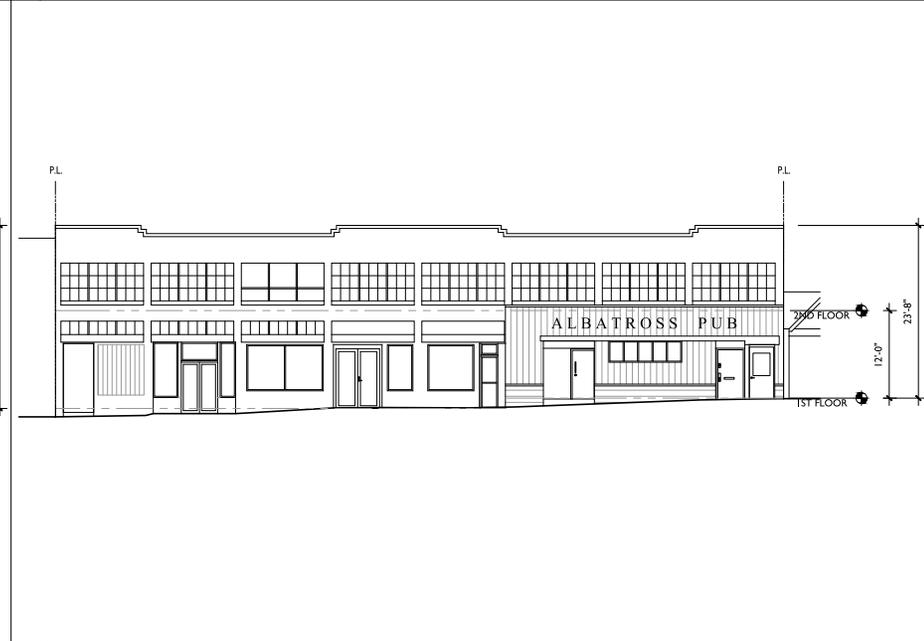
4 NORTH EXISTING ELEVATION SCALE 1/8" = 1'-0"



2 SOUTH EXISTING ELEVATION SCALE 1/8" = 1'-0"



3 WEST EXISTING ELEVATION SCALE 1/8" = 1'-0"



1 EAST EXISTING ELEVATION SCALE 1/8" = 1'-0"

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**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

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SB 330 PRE-APP	3/8/21
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ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

EXISTING - ELEVATIONS

A4.0



2 SOUTH PROPOSED ELEVATION SCALE 1/8" = 1'-0"



1 EAST PROPOSED ELEVATION SCALE 1/8" = 1'-0"

MATERIAL LEGEND

	
1 BEIGE INTEGRAL COLOR CEMENT PLASTER	2 MEDIUM WHITE INTEGRAL COLOR CEMENT PLASTER
	
3 MEDIUM GRAY INTEGRAL COLOR CEMENT PLASTER	4 CLEAR ANODIZED ALUMINUM DOORS, WINDOWS & TRIM
	
5 GUARD RAIL STAINLESS STEEL POSTS AND CABLES	6 CLEAR ANODIZED ALUMINUM AWNING
	
7 MEDIUM RED BROWN PARKLEX PANEL	8 LIGHT BROWN PARKLEX PANEL
	
9 CORRUGATED METAL - RUST COLOR	10 CORRUGATED METAL - TAN
	
11 HALO LIT CLEAR ANODIZED ALUMINUM NUMBERS	12 CONCRETE

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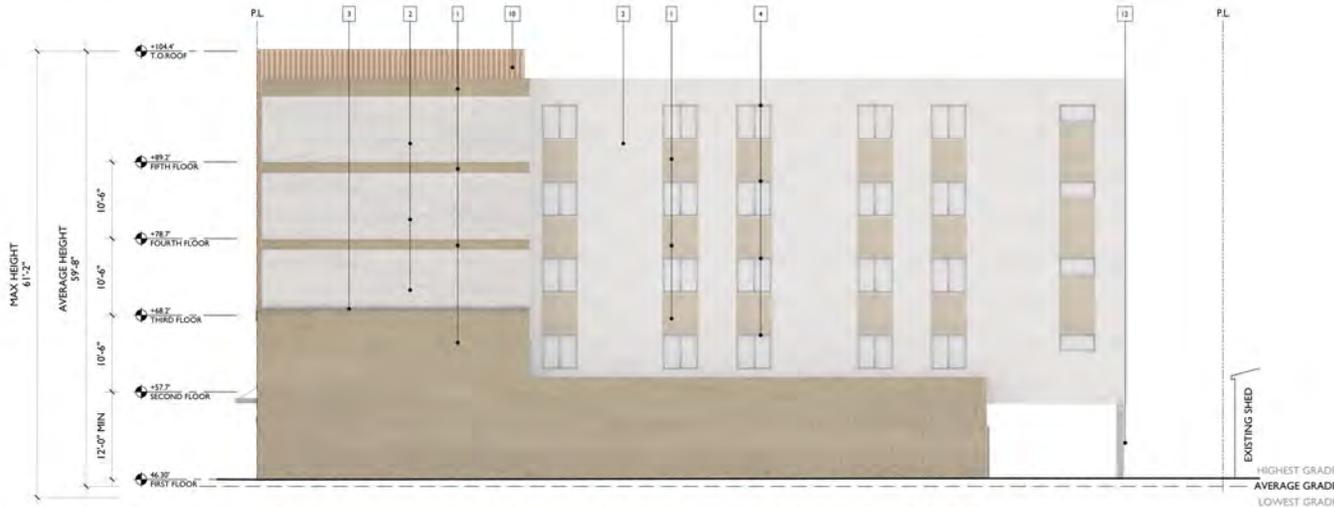


MIXED USE DEVELOPMENT
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE	
NAME	DATE
SB 310 PRE-APP	3/8/21
SB 310 PRE-APP RE-SUBMITTAL	6/11/21
ZONING APPLICATION	10/7/21
ZONING APPLICATION RE-SUBMITTAL	12/31/21
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	8/17/22
DESIGN REVIEW	10/04/22

PROPOSED - ELEVATIONS

A5.0



2 NORTH PROPOSED ELEVATION

SCALE
1/8" = 1'-0"



1 WEST PROPOSED ELEVATION

SCALE
1/8" = 1'-0"

MATERIAL LEGEND

	
1 BEIGE INTERGRAL COLOR CEMENT PLASTER	2 MEDIUM WHITE INTERGRAL COLOR CEMENT PLASTER
	
3 MEDIUM GRAY INTERGRAL COLOR CEMENT PLASTER	4 CLEAR ANODIZED ALUMINUM DOORS, WINDOWS & TRIM
	
5 GUARD RAIL STAINLESS STEEL POSTS AND CABLES	6 CLEAR ANODIZED ALUMINUM AWNING
	
7 MEDIUM RED BROWN PARKLEX PANEL	8 LIGHT BROWN PARKLEX PANEL
	
9 CORRUGATED METAL - RUST COLOR	10 CORRUGATED METAL - TAN
	
11 HALO LIT CLEAR ANODIZED ALUMINUM NUMBERS	12 CONCRETE

GUNKEL ARCHITECTURE
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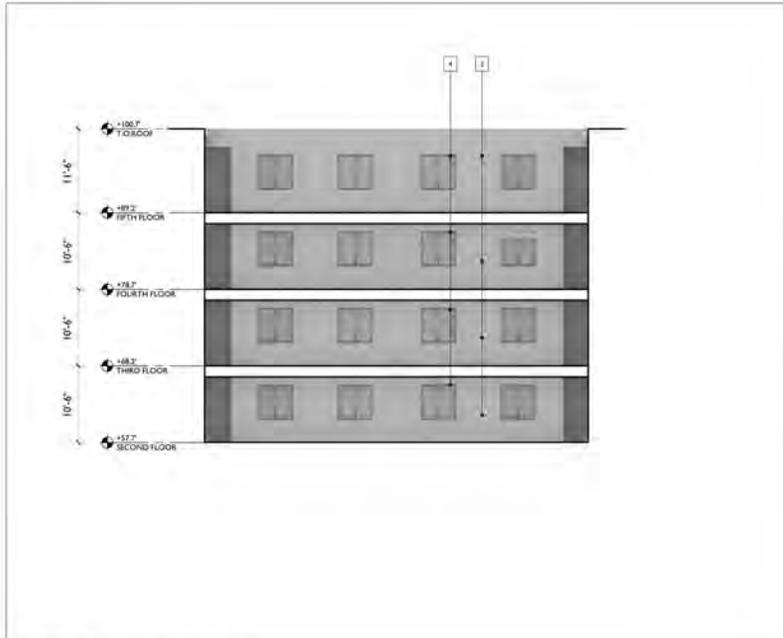


MIXED USE DEVELOPMENT
1822 - 1828 SAN PABLO AVE
BERKELEY, CA 94702

SET TYPE AND DATE		
NAME	DATE	
SB 310 PRE-APP	3/8/21	
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ZONING APPLICATION	10/7/21	
ZONING APPLICATION RE-SUBMITTAL	12/21/21	
ZONING APPLICATION RE-SUBMITTAL 02	3/29/22	
ZONING APPLICATION RE-SUBMITTAL 03	7/7/22	
ZONING APPLICATION RE-SUBMITTAL 04	8/1/22	
DESIGN REVIEW	10/04/22	

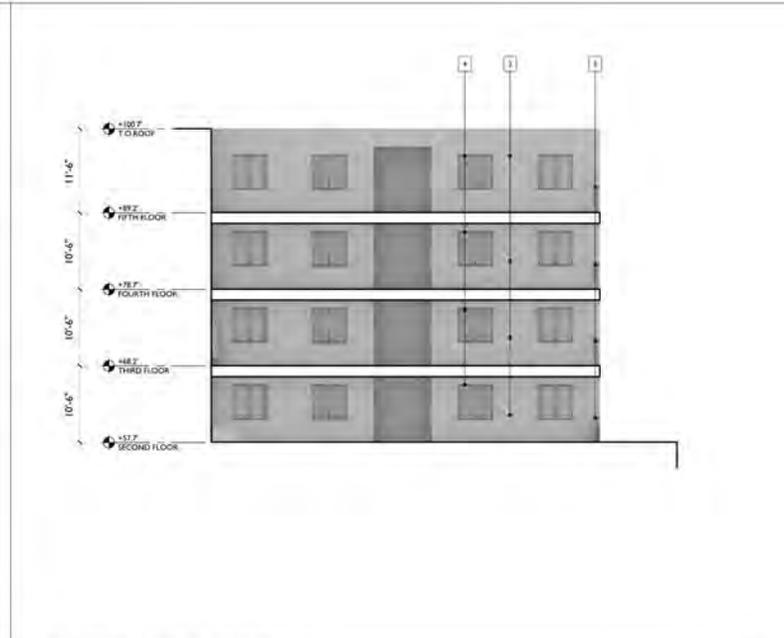
PROPOSED - ELEVATIONS

A5.1



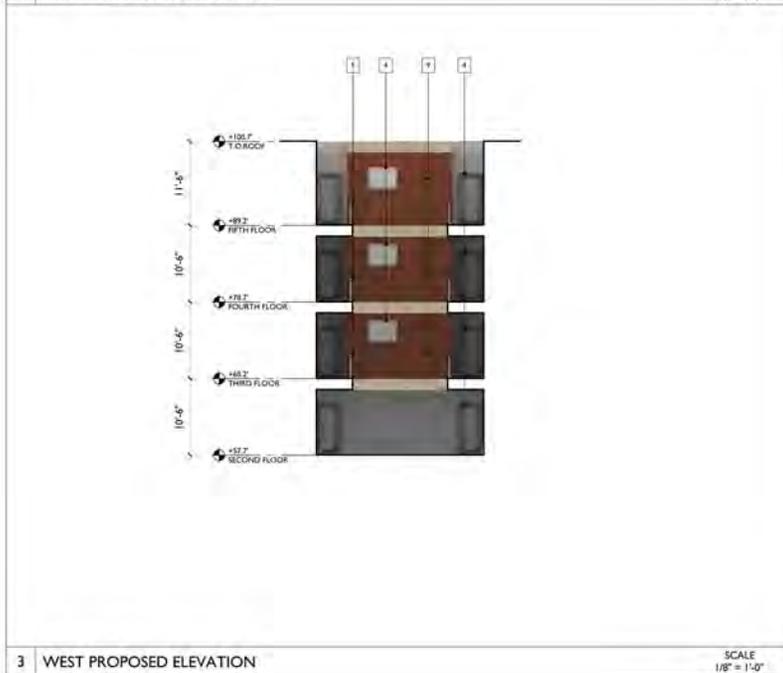
4 SOUTH PROPOSED ELEVATION

SCALE
1/8" = 1'-0"



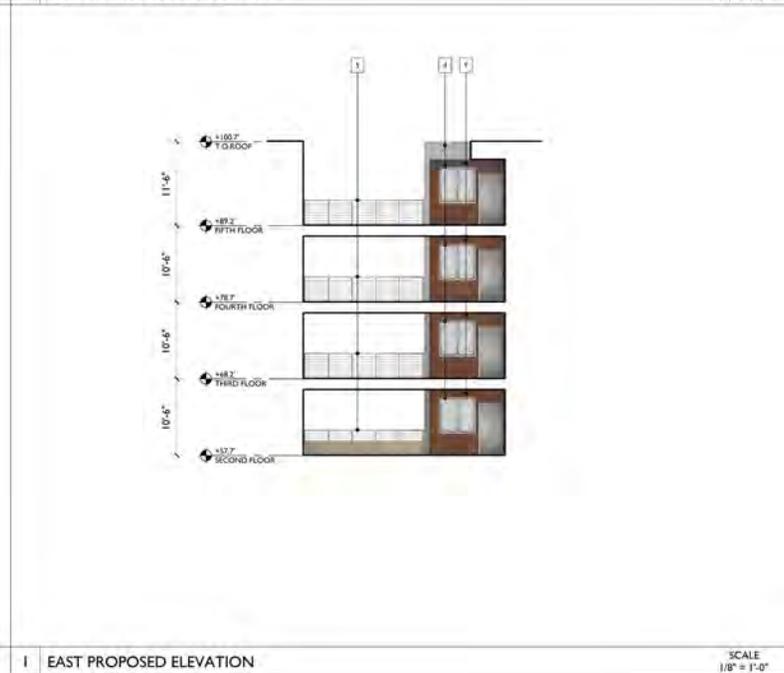
2 NORTH PROPOSED ELEVATION

SCALE
1/8" = 1'-0"



3 WEST PROPOSED ELEVATION

SCALE
1/8" = 1'-0"



1 EAST PROPOSED ELEVATION

SCALE
1/8" = 1'-0"

MATERIAL LEGEND

- | | |
|---|---|
|  |  |
| 1 BEIGE INTERGRAL COLOR CEMENT PLASTER | 2 MEDIUM WHITE INTERGRAL COLOR CEMENT PLASTER |
|  |  |
| 3 MEDIUM GRAY INTERGRAL COLOR CEMENT PLASTER | 4 CLEAR ANODIZED ALUMINUM DOORS, WINDOWS & TRIM |
|  |  |
| 5 GUARD RAIL, STAINLESS STEEL POSTS AND CABLES | 6 CLEAR ANODIZED ALUMINUM AWNING |
|  |  |
| 7 MEDIUM RED BROWN PARKLEX PANEL | 8 LIGHT BROWN PARKLEX PANEL |
|  |  |
| 9 CORRUGATED METAL - RUST COLOR | 10 CORRUGATED METAL - TAN |
|  |  |
| 11 HALO LIT CLEAR ANODIZED ALUMINUM NUMBERS | 12 CONCRETE |

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ZONING APPLICATION	10/2/21
ZONING APPLICATION RE-SUBMITTAL	12/11/21
ZONING APPLICATION RE-SUBMITTAL 02	4/29/22
ZONING APPLICATION RE-SUBMITTAL 03	7/17/22
ZONING APPLICATION RE-SUBMITTAL 04	8/1/22
DESIGN REVIEW	10/04/22

PROPOSED - COURTYARD ELEVATIONS

A5.2

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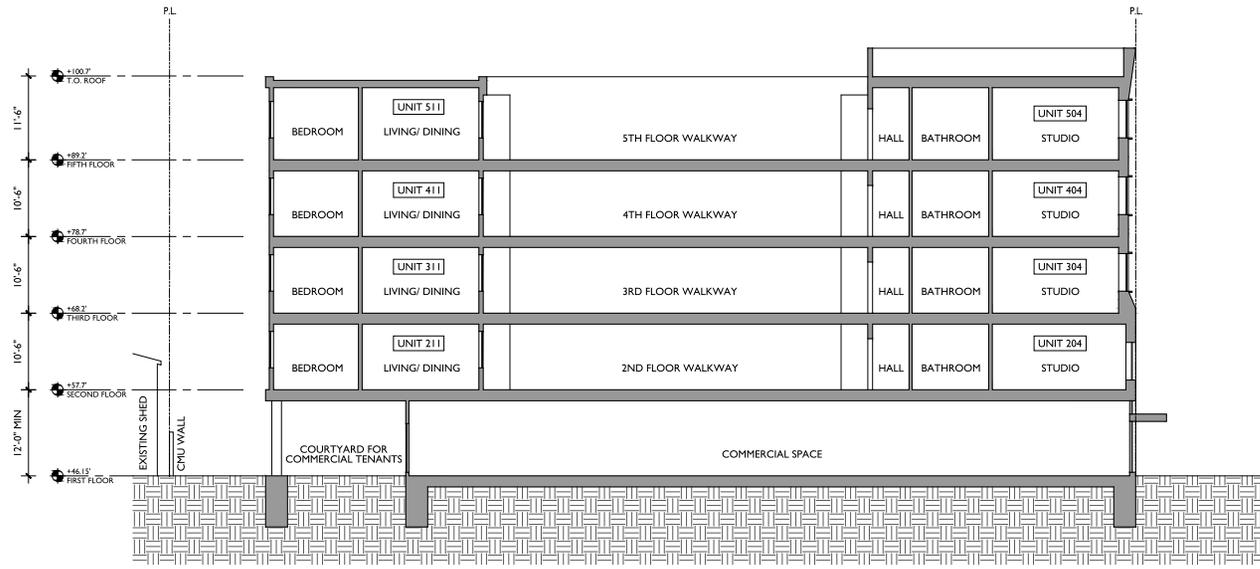


**MIXED USE
DEVELOPMENT**
1822 - 1828 SAN PABLO AVE
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SET TYPE AND DATE	
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ZONING APPLICATION RE-SUBMITTAL 03	7/7/22
ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

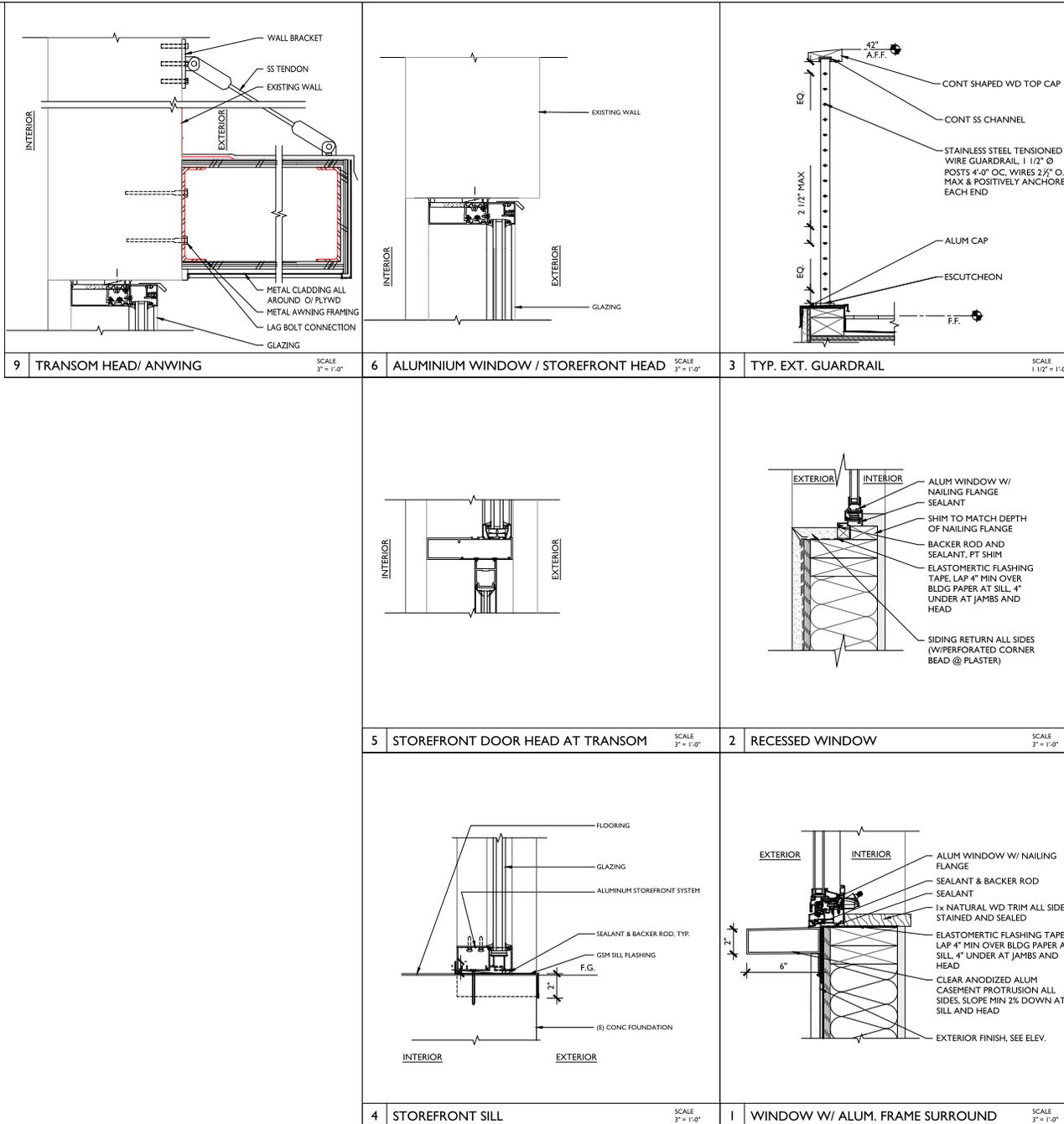
PROPOSED - SECTION

A5.3



I PROPOSED - SECTION

SCALE
1/8" = 1'-0"



SHEET NOTES

I. WINDOWS AND STOREFRONT TO RECEIVE "BIRD SAFE" GLAZING THROUGHOUT.

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ZONING APPLICATION RE-SUBMITTAL 04	9/1/22
DESIGN REVIEW	10/04/22

DETAILS

A6.0



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

1820 (1822-1828) San Pablo Avenue

Use Permit #ZP2021-0186 for a Density Bonus project to demolish the existing commercial building, retain and restore the existing façade and construct a five-story, 42,831-square-foot, 44-unit (including four Very Low-Income units) mixed-use building, with 6,840 square feet of ground floor commercial space.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on January 12, 2023, **conducted via Zoom**, see the **Agenda for details at: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf**. The meeting starts at 7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Zoning Adjustments Board (ZAB) will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

A. Land Use Designations:

- General Plan: AC – Avenue Commercial
- Zoning: C-W–West Berkeley Commercial District

B. Zoning Permits Required:

- Use Permit under BMC §23C.08.050(A) to demolish a non-residential building
- Use Permit under BMC §23E.64.030(A), to construct a mixed-use development with floor area of 20,000 square feet or more
- Use Permit under BMC §23E.64.030(A), to construct 44 dwelling units
- Use Permit under BMC §23E.64.050(B), to create new gross floor area of 5,000 square feet or more
- Administrative Use Permit under BMC §23D.04.020(C) to construct rooftop projections, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district
- Administrative Use Permit under BMC §23E.04.040 to construct a fence exceeding 6 feet in height

C. Waivers/Reductions Pursuant to State Density Bonus Law:

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@cityofberkeley.info. 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 virtual hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

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

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

It will not be possible to submit written comments at the meeting.



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.

4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not 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.
-



OPEN HOUSE INFORMATION SESSION ATTENDANCE LIST

REGARDING: Proposed development at 1822-1828 San Pablo Ave, Berkeley, CA

WHEN: Monday October 4th, 2021. Anytime between 4pm – 6pm

WHERE: 1822 San Pablo Ave. Berkeley, CA, Courtyard of The Sink Factory

NAME	ADDRESS	EMAIL	PHONE NUMBER	SIGNATURES
Elaine Hutsinpiller doctor of chiropractic	2577 San Pablo Ave #104	drelaine@hutsinpiller.com	510 843-3638	[Signature]
Ragnar Boren	1826 San Pablo Ave B Ca	Ragnar@SinkFactory.com	510-859-5925	[Signature]
Nick Cosenza	1816 San Pablo Ave	office@nicholascofing.com		
Jim COSENZA	"	"	510 701 1153	[Signature]
M. SUTABATA	1812 SAN PABLO Ave.			[Signature]
Jander Sanyon	1043 Hearst		510 841 6000	[Signature]
Ben Vanni	1043 Hearst Hearst AR			

Neighborhood Outreach Meeting Notes

1822-1828 San Pablo Ave, Berkeley, CA 94702

Comments from Elaine the chiropractor:

“I hate big boxes.”
“5 stories – so big.”

Questions from Rancor (owner of The Sink Factory)

“What is the approval process between design and construction?”

Gunkel Architecture: Had an extensive conversation about all the different steps for approval and permitting. Also answered questions about the different engineers that will be involved.

Questions and comments from the Nicholas Roofing family:

Asked about windows facing their property on the North side of the proposed building.

Discussed bike parking.

Asked who will be in the commercial space

Gunkel Architecture: There is no windows on the first floor. There will be windows on 2nd to 5th floor with 5' set back from the property line.

Building Owner: Sink Factory will stay. The other two space will be an art store and a bar/cafe or other retail business.

Comments from woman from martial arts center across the street:

Concerned about no parking for the building.

Said students who live in the other building don't come to classes at her center.

Said students often don't go to the businesses on the block and may not patronize the restaurants.

Said parking got easier when The Albatross closed.

“Good luck, hope you get it passed.”

Gunkel Architecture: City of Berkeley is no longer require parking for residential development, and this density bonus project has a concession to reduce commercial parking requirement.



OPEN HOUSE INFORMATION SESSION

REGARDING: Proposed development at 1822-1828 San Pablo Ave, Berkeley, CA

WHEN: Monday September 20th, 2021. Anytime between 4pm – 6pm

WHERE: 1822 San Pablo Ave. Berkeley, CA, Courtyard of The Sink Factory

PROJECT DESCRIPTION:

Proposed project would add four stories of residential apartments (including at least 4 affordable units) above the existing ground floor commercial spaces of the building. Apartments to include 44 Units total with a mix of Studio, 1-BR, 2-BR and 3-BR units. Project would also include a central courtyard for residential tenants and patio/courtyard spaces for commercial areas.

Please join our open house to provide feedback and comments.

**This event will be held outside in the back courtyard of The Sink Factory.
Enter at 1822 San Pablo and follow the signs to the back courtyard.**

All attendees are required to follow COVID safety precautions and wear face masks.

Thank you.



DRC SUMMARY – October 20, 2022

1820 SAN PABLO AVENUE [between Hearst and Delaware] (DRCP2021-0017):
Continued Preliminary Design Review to demolish the existing commercial building and construct a four-story, 42,831-square-foot, 44-unit, mixed-use building, with 6,364 square feet of commercial area.

Preliminary Design Review received a favorable recommendation to ZAB with the following conditions and recommendations for Final Design Review (FDR):
MOTION (Woo, Kahn) (7-0-0-0).

Conditions – provide at FDR:

- Multiple color studies for further review.
- Show the operable windows, including how they open.
- Lighting information, including cut sheets.
- Front patio gate, including how it operates. Show both open and closed.
- Details on the bays, including how the bevels meet the frames, and the frames meet the base.
- Alternate storefront options for further discussion, including a higher bulkhead and different proportions for the transom.

Recommendations

- Strong recommendation for more color and detail on the San Pablo base, as well as the north and south facades.
- Consider tile bulkheads.
- Consider deeper awnings.
- Recommend color in the mullions, and on the bulkheads.
- Signage could also add life to the base – show at FDR.
- Consider a pattern on the north and south elevations.
- Recommend small plaque on-site describing previous businesses.
- Still concerned with noise from the back restaurant patio. Consider details at FDR to help resolve potential issues.