

## Saliki, Singeh

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**From:** Jacob Aronson <jacob.aronson@gmail.com>  
**Sent:** Monday, December 8, 2025 9:06 AM  
**To:** Saliki, Singeh; Chan, Evelyn  
**Subject:** Fwd: 1890 Alcatraz Avenue (ZP2024-0183)  
**Attachments:** Letter to ZAB.pdf

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Singeh and Evelyn,

I have previously been in touch with both of you about my concerns about the construction impacts of the African American Holistic Resource Center. I greatly appreciate your responsiveness to my questions over the last several months. I am not opposed to the AAHRC, project but I do have serious concerns about construction impacts on children at the adjacent preschool and other nearby sensitive land uses.

Earlier today, I sent the attached letter to the ZAB. My letter proposes 15 additional conditions of approval that I recommend the ZAB should adopt to mitigate the project's construction impacts. I am hopeful that PRW Department and/or Planning Division staff can tell the ZAB on Thursday that they agree to support at least some of my proposed conditions of approval. (For example, you had previously indicated to me that city staff would require temporary sound barriers, air monitoring, and soil remediation if contamination is found.)

I am a strong believer in the power of conversation to help resolve disputes. To that end, I am wondering if both of you (or someone else in your offices, on behalf of the PRW Department and Planning Division) would be willing to meet with me to discuss my concerns and proposed conditions of approval, and whether we might be able to reach a mutually agreeable outcome before the ZAB meeting. I can be available to meet you at city offices any time Wednesday between 10:00 and 4:00.

Thank you for your consideration.

Regards,  
Jacob Aronson

Begin forwarded message:

**From:** Jacob Aronson <jacob.aronson@gmail.com>  
**Date:** December 8, 2025 at 08:54:02 PST  
**To:** zab@berkeleyca.gov  
**Subject:** 1890 Alcatraz Avenue (ZP2024-0183)

Please see attached letter to the Zoning Adjustments Board for its December 11 meeting, regarding the proposed African American Holistic Resource Center at 1890 Alcatraz Avenue (ZP2024-0183).

Thank you,  
Jacob Aronson

December 8, 2025

**Re: 1890 Alcatraz Avenue (ZP2024-0183)**

To Members of the Zoning Adjustments Board:

I am writing with concerns about environmental and health impacts from construction of the African American Holistic Resource Center (AAHRC) at 1890 Alcatraz Avenue.

To be clear upfront, I am not opposed to the AAHRC.

I do, however, have specific concerns about the project's construction impacts on nearby sensitive receptors, including children at the preschool located directly to the west of the AAHRC project site. (I live in the neighborhood and my child attends the adjacent preschool.) The existing building, which will be demolished, and the proposed AAHRC building abut the preschool's property line (i.e., no setback). This means the project's demolition and construction activity will be occurring inches away from the preschool building and its associated rear yard where young children spend a significant portion of the day. Without effective context-sensitive mitigation measures, the children at the adjacent preschool would be exposed to harmful air pollution, hazardous substances, disruptive noise, and unsafe transportation conditions. Staff's recommended conditions of approval will not adequately mitigate these impacts.

The Zoning Adjustments Board cannot approve the project as recommended by staff because applicable legal requirements are not satisfied. First, one of the requisite findings for a use permit is not supported by substantial evidence, because the project's construction impacts will have unmitigated detrimental environmental and health impacts on nearby sensitive receptors. Second, the Zoning Adjustments Board cannot lawfully rely upon a categorical exemption under the California Environmental Quality Act (CEQA) because multiple exceptions to categorical exemptions are present.

**The Zoning Adjustments Board should adopt the additional conditions of approval proposed in this letter to ensure construction of the AAHRC will not result in significant adverse environmental and health impacts.**

Over the past several months, I have raised my concerns with staff in the Parks, Recreation, and Waterfront Department and the Land Use Planning Division. I asked staff to provide me with any evidence available (such as soil test results, environmental studies, construction mitigation plans, or project-specific mitigation measures) that could address my concerns. Since staff have not been able to do so, I am now raising my concerns to the Zoning Adjustments Board.

This letter (1) describes relevant site characteristics that warrant additional studies and project-specific mitigation measures; (2) identifies significant environmental and health impacts that are not adequately mitigated by staff's recommended conditions of approval; (3) explains why the Zoning Adjustments Board cannot make the legally required findings for approval of the project's use permit unless it adopts additional conditions of approval to mitigate adverse environmental and health impacts of construction; (4) explains why the Zoning Adjustments

Board cannot lawfully rely upon a categorical exemption under CEQA; and (5) recommends additional conditions of approval that the Zoning Adjustments Board should adopt to ensure the project's environmental and health impacts are not significant.

### **Site Characteristics**

***Surrounding Sensitive Receptors:*** A preschool with a rear-yard outdoor play area is located directly to the west of the project site, and a medical clinic is located in the next building further down the block to the west. Single-family and multifamily residences are located directly to the east and south of the project site. Public right-of-way (Alcatraz Avenue) with Class 2 bicycle lanes and sidewalks is located to the north of the project site. To the west of the project site, Alcatraz Avenue has a 3-minute loading zone in front of the preschool, a sidewalk bicycle parking rack in front of the preschool, a handicapped parking zone in front of the medical clinic, and a mid-block crosswalk.

***Soil Contamination:*** The "Site History" description in the Staff Report neglects to mention the project site's relevant history before the existing building was constructed in 1958: The project site was associated with a gasoline service station from the 1930s to the 1950s. This time period was before modern environmental regulations, and when leaded gasoline was in widespread use. The Phase I Environmental Site Assessment prepared by the City's consultant concludes that "Due to the presence of a historical gas station adjacent to the east of the Site, and a lack of records indicating the complete removal of the station, it is possible contamination associated with the historical gasoline service station remains beneath the Site." The Phase I Environmental Site Assessment characterizes this condition as a "Business Environmental Risk." Additionally, the AAHRC site is located in a City-designated "Environmental Management Area," defined by the City as an area "known or suspected to have groundwater contamination."<sup>1</sup> Despite the known evidence of potential soil contamination, the City has not conducted—and does not intend to conduct—any soil testing on the site to determine whether the soil is, in fact, contaminated.

***Lead Paint and Asbestos in Existing Building:*** The existing building (which will be demolished) was constructed in the late 1950s at a time when lead paint and asbestos were commonly used in building construction. According to the City (Appendix B to the Phase I Environmental Site Assessment), a survey identified asbestos-containing materials on the site. And according to the Phase I Environmental Site Assessment, "Due to the age of the [existing] Site building, it is likely that asbestos-containing building materials (ACBMs) and lead-based paint (LBP) is present on the Site." The Phase I Environmental Site Assessment characterizes this condition as a "Business Environmental Risk."

### **Demolition and Construction Impacts**

Without additional mitigation measures, demolition and construction could have significant adverse environmental and health impacts on surrounding sensitive receptors, including children at the adjacent preschool. These impacts include:

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<sup>1</sup> <https://berkeleyca.gov/doing-business/operating-berkeley/hazardous-materials-business-plan>

- **Air pollution** from diesel construction equipment and fugitive dust.
- Airborne transport of hazardous substances, including **lead-based paint** and **asbestos** in the existing building that will be disturbed during demolition, and **contaminated soil** that will be disturbed during demolition and construction.
- **Noise**, which can disrupt children's learning and napping at the adjacent preschool and can be harmful to children playing outside.
- **Unsafe transportation conditions** if sidewalks, bicycle lanes, a loading zone, a handicapped parking zone, and a crosswalk in the vicinity of the adjacent preschool and nearby medical clinic are obstructed during construction.

### **Findings for Approval of Use Permit**

Unless the Zoning Adjustments Board adopts additional conditions of approval to mitigate the project's construction impacts, the Board cannot make the legally required finding that the project "Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use." (Berkeley Municipal Code, § 23.406.040.E.1.) As discussed in this letter, without additional mitigation measures, construction of the project will have detrimental environmental and health impacts to nearby sensitive receptors including children at the adjacent preschool. Staff's recommended conditions of approval will not sufficiently mitigate these impacts.

### **CEQA**

The Zoning Adjustments Board cannot approve the project using a categorical exemption under CEQA because several exceptions to categorical exemptions are present.

First, categorical exemptions do not apply "where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (Cal. Code Regs., tit. 14, § 15300.2(c).) For the AAHRC project, there are two unusual circumstances that result in a reasonable possibility of significant environmental effects: (1) the potential soil contamination on the project site and (2) the presence of a preschool with an outdoor play yard adjacent to the project site. The presence of hazardous substances on the project site is an unusual circumstance *per se*.<sup>2</sup> (*McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District*, 202 Cal. App. 3d 1136, 1149 (1988).) The adjacent preschool (which has a large concentration of young children who spend a significant portion of the day outside in the preschool's backyard) is an unusual circumstance because young children are uniquely

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<sup>2</sup> Hazardous substances must be presumed to be present based on the information in the Phase I Environmental Site Assessment (i.e., the historic gas station located on the site at a time before modern environmental regulations when leaded gasoline was in widespread use, the lack of documentation that the gas station was completely removed, and the conclusion that the site has "possible contamination") and the City's refusal to test the soil to confirm the presence or absence of hazardous substances.

vulnerable to hazardous substances and air pollution compared to the general population,<sup>3</sup> and young children have a unique need for a midday nap.<sup>4</sup> As discussed in this letter, there is a

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<sup>3</sup> According to the National Institute of Environmental Health Sciences, “children are more vulnerable and face a higher risk for health problems from harmful environmental factors,” for several reasons including: “Children eat, drink, and breathe more than adults relative to their size; children frequently put objects in their mouths, and play on the floor and ground; protective bodily systems, such as those that filter pollutants from inhaled air and process chemicals in the body, are not yet fully developed; [and] during periods of rapid growth and development, normal biological processes may be disrupted by environmental chemicals.” (<https://www.niehs.nih.gov/health/topics/population/children>.)

With respect to lead, for example, the Environmental Protection Agency explains: “Lead is particularly dangerous to children because their growing bodies absorb more lead than adults do and their brains and nervous systems are more sensitive to the damaging effects of lead. Babies and young children can also be more highly exposed to lead because they often put their hands and other objects that can have lead from dust or soil on them into their mouths. . . . Lead can affect almost every organ and system in your body. Children six years old and younger are most susceptible to the effects of lead. Even low levels of lead in the blood of children can result in: behavior and learning problems; lower IQ and hyperactivity; slowed growth; hearing problems; [and] anemia.” (<https://www.epa.gov/lead/learn-about-lead>.)

The negative effects of diesel exhaust and air pollution, and the unique vulnerabilities of children to air pollution, are also well documented. (See, e.g., <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>; <https://ww2.arb.ca.gov/resources/selected-references-diesel-health-effects>; <https://ww2.arb.ca.gov/resources/documents/children-and-air-pollution>; <https://oehha.ca.gov/risk-assessment/childrens-environmental-health-center>.) For example, the State Legislature has found that:

- “(a) Infants and children have a higher ventilation rate than adults relative to their body weight and lung surface area, resulting in a greater dose of pollution delivered to their lungs.
- (b) Children have narrower airways than adults. Thus, irritation or inflammation caused by air pollution that would produce only a slight response in an adult can result in a potentially significant obstruction of the airway in a young child. . . .
- (e) Infant’s and children’s developing organs and tissues are more susceptible to damage from some environmental contaminants than are adult organs and tissues.”

(Cal. Stats. 1999, Ch. 730, § 1.) The American Academy of Pediatrics similarly recognizes that children are “uniquely vulnerable” to air pollution. (Brumberg et al. Council on Environmental Health, Ambient Air Pollution: Health Hazards to Children. Pediatrics June 2021; 147 (6): e2021051484. 10.1542/peds.2021-051484.)

<sup>4</sup> For example, according to a study published by the American Academy of Pediatrics, “midday naps support learning in preschool children who habitually nap.” (Kurdziel et al. Sleep spindles in midday naps enhance learning in preschool children. PNAS. 2013; 110(43): 17267– 17272; doi: <https://doi.org/10.1073/pnas.1306418110>.) And consistent with this medical research, the California Department of Social Services requires child care facilities to provide all children “an

reasonable possibility of significant environmental effects resulting from these unusual circumstances.

Second, the Class 3 Categorical Exemption<sup>5</sup> does not apply “where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.” (Cal. Code Regs., tit. 14, § 15300.2(a).) Here, the project site is located in a City-designated “Environmental Management Area,” defined by the City as an area “known or suspected to have groundwater contamination.”<sup>6</sup> Groundwater is an environmental resource, and groundwater contamination is an issue of hazardous or critical concern. The City has precisely mapped the location of its Environmental Management Areas.<sup>7</sup> Therefore, the Environmental Management Area is an environmental resource of hazardous or critical concern that has been designated, precisely mapped, and officially adopted by the City. Construction of the project could disturb known or suspected contaminated soil and groundwater, which could generate pollution that harms children at the adjacent preschool and other nearby sensitive receptors if not properly mitigated.

Because exceptions to categorical exemptions are present, the Zoning Adjustments Board cannot lawfully approve the project based on a categorical exemption, and instead must direct staff to prepare an initial study under CEQA.

#### **Additional Conditions of Approval**

The Zoning Adjustments Board should adopt the following proposed additional conditions of approval to address the project’s potentially significant environmental and health impacts described in this letter. If the Zoning Adjustments Board declines to adopt any of these recommended conditions of approval, I would appreciate a reasoned explanation on the record for your decision.

1. **Soil Testing and Remediation.** The applicant shall submit a Phase II Environmental Site Assessment that includes, at a minimum, the results of chemical testing of soil samples collected from the project site. If hazardous substances (including, but not limited to, lead and petroleum products) are found to be present on the project site, the Phase II Environmental Site Assessment must include measures to remediate the contamination in a manner that avoids or

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opportunity to nap or rest without distraction or disturbance from other activities.” (Cal. Code Regs., tit. 22, § 101230(b).)

<sup>5</sup> The meeting agenda and hearing notice indicated that the Zoning Adjustments Board intends to rely upon the Class 3 Categorical Exemption to comply with CEQA. The Zoning Adjustments Board cannot rely upon a different categorical exemption without providing adequate notice consistent with the requirements of CEQA, the Brown Act, and the Berkeley Municipal Code.

<sup>6</sup> <https://berkeleyca.gov/doing-business/operating-berkeley/hazardous-materials-business-plan>

<sup>7</sup> <https://berkeleyca.gov/city-services/community-gis-portal>

minimizes the transport of hazardous substances to adjacent properties and other nearby sensitive receptors prior to and during demolition and construction. The applicant shall be required to implement and comply with all remediation and mitigation measures included in the Phase II Environmental Site Assessment. The Phase II Environmental Site Assessment shall be prepared by a qualified environmental consultant in accordance with ASTM E1903. The Phase II Environmental Site Assessment shall be approved by the Land Use Planning Division and Toxics Management Division prior to issuance of a building permit for demolition or construction.

**Justification:** Testing the soil for contamination, and remediating any hazardous substances, is justified because the Phase I Environmental Site Assessment concluded that the project site has “possible contamination” due to the presence of a historical gas station on the property in the 1930s to 1950s (a time period before modern environmental regulations and when leaded gasoline was in widespread use) and the lack of records indicating a complete removal of the gas station. In addition, the project site is in a City-designated Environmental Management Area due to known or suspected groundwater contamination. Despite all this information regarding possible soil and groundwater contamination, City staff have refused to commit to testing the soil. This condition will require the City to test the soil before construction to determine whether any hazardous substances are present. If no hazardous substances are found, then no further action would be required. If hazardous substances are found in the soil, then this condition would require the soil to be safely remediated in a manner that does not threaten the health of nearby sensitive receptors.

2. **Lead-Based Paint Remediation.** The applicant shall submit a plan with measures for safe demolition, removal, and remediation of building materials containing lead-based paint in a manner that avoids or minimizes the transport of hazardous substances to adjacent properties and other nearby sensitive receptors. This plan shall be prepared by a certified lead supervisor, certified lead project monitor, or certified lead project designer. The applicant shall be required to implement and comply with all measures in this plan during demolition. This plan shall be approved by the Land Use Planning Division and Toxics Management Division prior to issuance of a building permit for demolition or construction.

**Justification:** The Phase I Environmental Site Assessment determined that lead-based paint is likely present on the project site. Condition 17.E is inadequate to address this impact because it requires merely preparation of a plan for removing hazardous building materials; it lacks a performance standard and enforceability. This condition will ensure the safe remediation of lead-based paint by requiring implementation of a plan with remedial measures that will avoid or minimize the transport of hazardous substances to nearby properties.

3. **Asbestos Remediation.** The applicant shall submit a plan with measures for safe demolition, removal, and remediation of building materials containing asbestos in

a manner that avoids or minimizes the transport of hazardous substances to adjacent properties and other nearby sensitive receptors. This plan shall be prepared by a certified asbestos consultant. The applicant shall be required to implement and comply with all measures in this plan during demolition. This plan shall be approved by the Land Use Planning Division and Toxics Management Division prior to issuance of a building permit for demolition or construction.

**Justification:** The City indicated that a survey identified asbestos-containing materials on the site, and the Phase I Environmental Site Assessment determined that asbestos-containing materials are likely present on the site. Condition 17.E is inadequate to address this impact because state regulations concerning asbestos are focused on protecting workers' health, not necessarily the health of nearby sensitive receptors. This condition will ensure the safe remediation of asbestos by requiring implementation of a plan with remedial measures that will avoid or minimize the transport of hazardous substances to nearby properties.

4. **Basic and Enhanced Best Management Practices for Fugitive Dust.** The applicant shall implement all "basic" and "enhanced" best management practices for construction-related fugitive dust emissions that have been adopted by the Bay Area Air District as of the time of building permit issuance.

**Justification:** Condition 30 and Mitigation Measure AQ-1 do not reflect the most recent "basic" best management practices adopted by the Bay Area Air District in 2022. And according to the Bay Area Air District, its "*enhanced*" measures are especially important when there are schools, residential areas, or other sensitive land uses located near the construction site." Sensitive land uses (a preschool and residences) surround the AAHRC project site. Staff have not justified why Condition 30 only requires the Bay Area Air District's outdated 2017 "basic" best management practices, rather than the Bay Area Air District's currently applicable basic and *enhanced* best management practices. This condition will reduce fugitive dust emissions by requiring compliance with the Bay Area Air District's current recommended best management practices for a project in a sensitive location. If the Bay Area Air District adopts new best management practices before construction begins, this condition will ensure the project implements any updated or new "basic" and "enhanced" best management practices as of the time of construction.

5. **Health Risk Assessment.** The applicant shall submit a quantitative health risk assessment that demonstrates that the project's demolition and construction air pollutant emissions will not exceed applicable Bay Area Air District thresholds. The applicant shall be required to implement any air pollution control measures that are assumed or recommended in the health risk assessment and that form the basis for the conclusions in the health risk assessment. The health risk assessment shall be prepared by a qualified environmental consultant in accordance with applicable methodologies and guidelines of the Bay Area Air District and the California Office of Environmental Health Hazard Assessment. The health risk

assessment shall be approved by the Land Use Planning Division prior to issuance of a building permit.

**Justification:** A health risk assessment is justified to ensure that air pollution risks and hazards will not be significant, and to identify any air pollution control measures that may be necessary to ensure risks and hazards are not significant. Staff's recommended conditions of approval do not require a health risk assessment: preparation of a health risk assessment is optional under Condition 31, and staff have not indicated whether the project will be required to comply with Mitigation Measure AIR-2.

6. **Air Monitoring.** The applicant shall submit an air monitoring plan, prepared by a qualified environmental consultant, that includes recommended limits for air pollutants that may be generated during demolition and construction. The air monitoring plan shall include recommended limits for state and federal criteria pollutants and any hazardous substances that may be released into the air during demolition or construction, unless monitoring for a particular pollutant is not technologically and economically feasible. The recommended limits for air pollutants shall be set at levels that ensure no significant adverse health effects, taking into account the characteristics of the receptors (e.g., the exposure pathways and unique vulnerabilities of the young children playing outside at the adjacent preschool), and based on credible science and substantial evidence. The air monitoring plan shall be approved by the Land Use Planning Division prior to issuance of a building permit for demolition or construction. The applicant shall install an air monitor along the rear half of the western property line (i.e., adjacent to the preschool's backyard play area) for the duration of all demolition and construction activity. The applicant shall retain all air monitoring records and submit weekly reports to the Land Use Planning Division. If the concentration of any air pollutant exceeds the applicable limit in the approved air monitoring plan, the following corrective action measures shall apply:

The applicant shall notify the Land Use Planning Division within 2 business days of the exceedance. The applicant shall submit an air pollution control plan, prepared by a qualified environmental consultant, to the Land Use Planning Division for approval. The air pollution control plan shall describe and justify additional air pollution control measures that the applicant will implement to ensure demolition and construction activities do not further exceed applicable limits in the air monitoring plan. The applicant shall be required to implement all air pollution control measures identified in the approved air pollution control plan for the duration of demolition and construction. A grace period of 10 business days following the exceedance shall be provided to allow for preparation and approval of the air pollution control plan and implementation of additional air pollution control measures. After 10 business days following the exceedance, demolition and construction activity shall be halted until the Land Use Planning Division approves the air pollution control plan and the applicant implements all additional air pollution control measures

in the plan. Air monitoring and reporting (and, if there are any additional exceedances, submission of additional air pollution control plans and halting of work after a 10-business-day grace period until additional approved air pollution control measures are implemented) shall continue to be required for the duration of demolition and construction.

**Justification:** Air monitoring is justified to ensure air pollution generated by project demolition and construction does not exceed levels that could have significant adverse health effects on the children at the adjacent preschool, to the extent monitoring for a particular air pollutant is technologically and economically feasible. If construction air pollution does not exceed any applicable limits, this condition will have a *de minimis* burden on the City. If construction air pollution does exceed applicable limits, then this condition will require the City to implement additional air pollution control measures to ensure there are no further exceedances; the City would have a 10-business-day grace period to do so before construction activity must be halted.

7. **Diesel Generator Prohibition.** The applicant shall not use diesel generators during demolition and construction.

**Justification:** The project site has existing electrical service from PG&E, so it is feasible to use electric power in lieu of diesel generators. This condition will limit air pollution from unnecessary diesel generators.

8. **Limiting Emissions from Construction Equipment/Vehicles.** The applicant shall use only zero-emission construction equipment and vehicles during demolition and construction to the extent feasible. No diesel equipment or vehicles shall be used, unless an exception request is approved by the Zoning Officer, as follows: The Zoning Officer may approve an exception if they find, based on substantial evidence, that (1) the specific type of construction equipment or vehicle is necessary for demolition or construction and (2) a non-diesel model of that equipment or vehicle is not commercially available. If the Zoning Officer approves an exception request to allow diesel equipment or vehicle, the diesel construction equipment or vehicle must be equipped with Tier 4 engines and idling time must be limited to 3 minutes, and the Zoning Officer may, in their discretion, require additional conditions to mitigate the impacts from any diesel equipment or vehicles.

**Justification:** This condition will limit diesel exhaust and criteria air pollutants by limiting the use of diesel construction equipment and vehicles to the extent feasible. This condition includes robust procedural and substantive requirements to ensure diesel construction equipment and vehicles are used only if necessary.

9. **Temporary Sound Barriers.** The applicant shall install and maintain temporary sound barriers made of noise-insulating material along the entirety of all property lines, except where infeasible due to the building's lack of setback from the

property line, for the duration of all demolition and construction activities. The temporary sound barriers shall be at least 27 feet tall (i.e., the roof height of the AAHRC building). The Land Use Planning Division, Environmental Health Division, and Building and Safety Division shall approve the design and construction details (including height and material) of the temporary sound barriers prior to issuance of a building permit for demolition or construction.

**Justification:** Temporary sound barriers made of noise-insulating material are widely commercially available and can be effective at reducing noise levels at surrounding properties. As a secondary benefit, these temporary sound barriers can reduce particulate matter pollution. Under Mitigation Measure N-2, temporary sound barriers are not necessarily required (they are at the discretion of the Department of Planning and Development). This condition will require the installation of temporary sound barriers to reduce demolition and construction noise.

10. **Limiting Noise from Construction Tools/Equipment.** The applicant shall use only hydraulically or electrically powered tools and equipment for demolition and construction to the extent feasible. No pneumatic tools shall be used during demolition and construction, unless an exception request is approved by the Zoning Officer, as follows: The Zoning Officer may approve an exception if they find, based on substantial evidence, that (1) the specific type of construction tool or equipment is necessary for demolition or construction and (2) a hydraulically or electrically powered model of that tool or equipment is not commercially available. If the Zoning Officer approves an exception request to allow a pneumatic tool or equipment, any air compressor must be equipped with an exhaust muffler and a noise-reduction jacket or barrier, and the Zoning Officer may, in their discretion, require additional conditions to mitigate the noise impacts from any pneumatic tool or equipment.

**Justification:** This condition will help minimize noise disturbance at surrounding properties by limiting the use of pneumatic construction tools and equipment to the extent feasible. This condition includes robust procedural and substantive requirements to ensure pneumatic construction tools and equipment are used only if necessary.

11. **Noise Monitoring.** Noise levels on the western property line shall not exceed 65 decibels at any time when the adjacent preschool is in session. Noise levels on any property line shall not exceed allowable levels in the City's noise ordinance (Berkeley Municipal Code Chapter 13.40). The applicant shall install one electronic noise monitor along each property line for the duration of all demolition and construction activities. The applicant shall retain documentation of recorded noise levels and submit weekly reports to the Land Use Planning Division and Environmental Health Division during demolition and construction. During demolition and construction, if noise levels exceed allowable levels, the following corrective action measures shall apply:

The applicant shall notify the Land Use Planning Division and the Environmental Health Division within 2 business days of the exceedance/violation. The applicant shall submit a noise control plan, prepared by a qualified environmental consultant, to the Land Use Planning Division and the Environmental Health Division for approval. The noise control plan shall describe and justify additional noise control measures that will be implemented to ensure demolition and construction noise levels will not exceed allowable levels. The applicant shall be required to implement all additional noise control measures identified in the approved noise control plan for the duration of demolition and construction. A grace period of 10 business days following the exceedance/violation shall be provided to allow for preparation and approval of the noise control plan and implementation of additional noise control measures. After 10 business days following the exceedance/violation, demolition and construction activity shall be halted until the Land Use Planning Division and Environmental Health Division approve the noise control plan and the applicant implements all additional noise control measures in the plan. Noise monitoring and reporting (and, if there are any additional noise exceedances/violations, submission of additional noise control plans and halting of work after a 10-business-day grace period until additional approved noise control measures are implemented) shall continue to be required for the duration of demolition and construction.

**Justification:** A noise limit of 65 decibels on the western property line is justified to avoid undue disruption to children's learning and napping at the adjacent preschool. Noise monitoring with corrective action is justified to ensure construction noise does not exceed allowable levels. Condition 14 is not adequate to ensure the project's construction noise levels do not exceed allowable levels because it relies on third party complaints, and the project liaison is not required to take any particular corrective action in response to complaints. The City's code enforcement process is not adequate to ensure the project's construction noise levels do not exceed allowable levels because it relies on third-party complaints and the City's discretionary enforcement authority, and it does not guarantee any corrective action will be taken in a timely manner (or at all). If construction noise does not exceed allowable levels, this condition will have a *de minimis* burden on the City. If construction noise levels do exceed allowable levels, then this condition will require the City to implement additional noise control measures to ensure there are no further exceedances/violations; the City would have a 10-business-day grace period to do so before construction activity must be halted.

12. **Demolition Schedule.** Prior to submitting an application for a building permit for demolition or construction, the applicant shall contact the operator of the adjacent preschool to obtain an up-to-date school calendar and schedule. To the extent feasible, demolition work shall occur during periods when the preschool is not in session. If it is not feasible for all demolition work to occur during periods when

the preschool is not in session, the applicant shall coordinate with the operator of the preschool to schedule the most noise-intensive demolition work during periods when the preschool is not in session. The applicant shall submit a proposed demolition schedule, a summary of its coordination with the operator of the preschool (including the preschool operator's opinions on the proposed demolition schedule), and justification for any demolition work during periods when the preschool is in session, for approval by the Land Use Planning Division prior to issuance of a building permit for demolition or construction.

**Justification:** This condition will help minimize air pollution, noise impacts, and other disruption to children at the adjacent preschool, by scheduling demolition activity for the period when school is not in session to the extent feasible. This condition includes robust measures to ensure adequate consultation with the operator of the adjacent preschool.

13. **Construction Hours.** The applicant shall not engage in any demolition or construction work that could result in noise or vibration disruptive to children napping at the adjacent preschool between 12:30 p.m. and 2:30 p.m. on days when the adjacent preschool is in session (or such other times as may be agreed to by the operator of the preschool).

**Justification:** Young children have unique daytime sleep needs: a midday nap is critical to healthy development and learning. This condition will help ensure construction activity does not disrupt children napping at the adjacent preschool.

14. **Transportation Facilities.** Pedestrian access (minimum 36 inches) meeting Americans with Disabilities Act and City of Berkeley accessibility requirements and Class 2 bicycle lanes (minimum 5 feet) shall be maintained at all times along the entirety of both sides of Alcatraz Avenue between Adeline Street and Dover Street during the duration of demolition and construction. The existing white curb "3 minute loading" zone at 1864-1868 Alcatraz Avenue, sidewalk bicycle parking rack at 1868 Alcatraz Avenue, blue curb "handicapped parking" zone at 1860 Alcatraz Avenue, crosswalk at 1854/1855 Alcatraz Avenue, and red curb "no parking" zones adjacent to this crosswalk shall be maintained for public use at all times during demolition and construction. No construction vehicles, equipment, or materials are permitted to encroach on these areas at any time.

**Justification:** The adjacent preschool and nearby medical clinic attract a large volume of vulnerable road users, including young children concentrated during school dropoff and pickup times. This condition will help ensure construction activity does not negatively impact the safety of pedestrians, bicyclists, and drivers, by requiring the maintenance of specified existing transportation facilities.

15. **Modification of Conditions of Approval.** Conditions of approval may be modified only if approved by the Zoning Adjustments Board following public

notice and a hearing in compliance with Berkeley Municipal Code Chapter 23.404.

**Justification:** This condition ensures the public will have an opportunity to provide comments on any proposed modifications to conditions of approval.

\* \* \*

Thank you for your service to the City and for your consideration of the concerns and recommendations discussed in this letter.

Adopting the conditions of approval proposed in this letter will ensure the project's demolition and construction will not have significant adverse environmental and health impacts. It will also allow the Zoning Adjustments Board to make the legally required findings under the Berkeley Municipal Code and CEQA. Just as importantly, it will also demonstrate that the City is treating the surrounding community with respect and is being a good neighbor.

Sincerely,  
Jacob Aronson

**Saliki, Singeh**

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**From:** Olga Vorobyova <olga.vorobyova@gmail.com>  
**Sent:** Saturday, December 6, 2025 10:11 PM  
**To:** Zoning Adjustments Board (ZAB)  
**Cc:** Matt Geneau; Saliki, Singeh  
**Subject:** Comment for ZAB Meeting Dec 11, 2025: Use Permit #ZP2024-0183 1890 Alcatraz Avenue

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Dear Members of the Zoning Adjustments Board,

We are writing to you as the parents of Mila Geneau, our 3-year-old daughter who attends Mi Mundo Preschool immediately adjacent to the proposed project site at 1890 Alcatraz Avenue.

While we are supportive of the creation of the African American Holistic Resource Center (AAHRC) and recognize its value to the community, we are deeply concerned about the direct impact the construction process will have on the health, safety, and daily environment of the young children at the preschool next door.

We urge the Zoning Adjustments Board to require the following mitigation measures as conditions of approval for this project to ensure the safety of our children:

1. **Hazardous Materials & Soil Testing:** we understand that a gas station was previously located on this site and that the City's consultant noted possible soil contamination. We request that the ZAB require soil testing before construction begins, followed by the safe remediation of any hazardous substances found.
2. **Building Remediation:** ensure that any lead paint and asbestos in the existing structure are safely remediated prior to demolition to prevent airborne contamination.
3. **Air Quality:** limit the use of diesel construction equipment and require the use of electric equipment to the maximum extent feasible to protect the children's developing lungs.
4. **Sound Barriers:** mandate the installation of temporary sound walls along the property lines to buffer the preschool from construction noise.
5. **Noise Mitigation:** restrict loud demolition and construction activities while school is in session, with a strict prohibition on high-noise activities during the children's naptime period (12:30-3:00).
6. **Safe Access:** guarantee that the loading zone, sidewalk, bike lanes, and crosswalks remain unobstructed during construction to ensure safe drop-off and pick-up for families.

We hope the Board will prioritize the health and safety of the neighboring preschool children by incorporating these protections into the project's approval.

Thank you for your consideration.

Sincerely,

Olga Vorobyova and Matt Geneau (parents of Mila Geneau)