

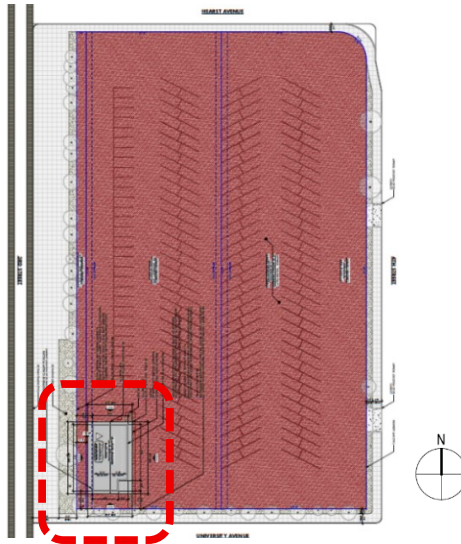


Zoning Adjustments Board Staff Report

October 8, 2026

APP #ZP2026-0060

701 University Ave (1900 Fourth Street- West Berkeley Shellmound)



Quick Facts	Project Description:
Applicant: Shah Noor Broomand Property Owner: Sogorea Te Land Trust Project Addresses: 701 University Avenue, 1900 Fourth Street Site Size: 99,410 sq. ft. GP Land Use: Avenue Commercial (AC) Zoning: West Berkeley Commercial District (C-W) CEQA: Categorically Exempt Date Submitted: 06-04-2026 Date Deemed Complete: 09-10-2026	To demolish a single-story, 1,600-square-foot commercial building on a 99,410-square-foot parking lot located above the Landmarked West Berkeley Shellmound.



Zoning Adjustments Board Staff Report

October 8, 2026

Project Planner: Nilu
Karimzadegan

Zoning Permits Requested:

A Use Permit Public Hearing is required for the following permit:

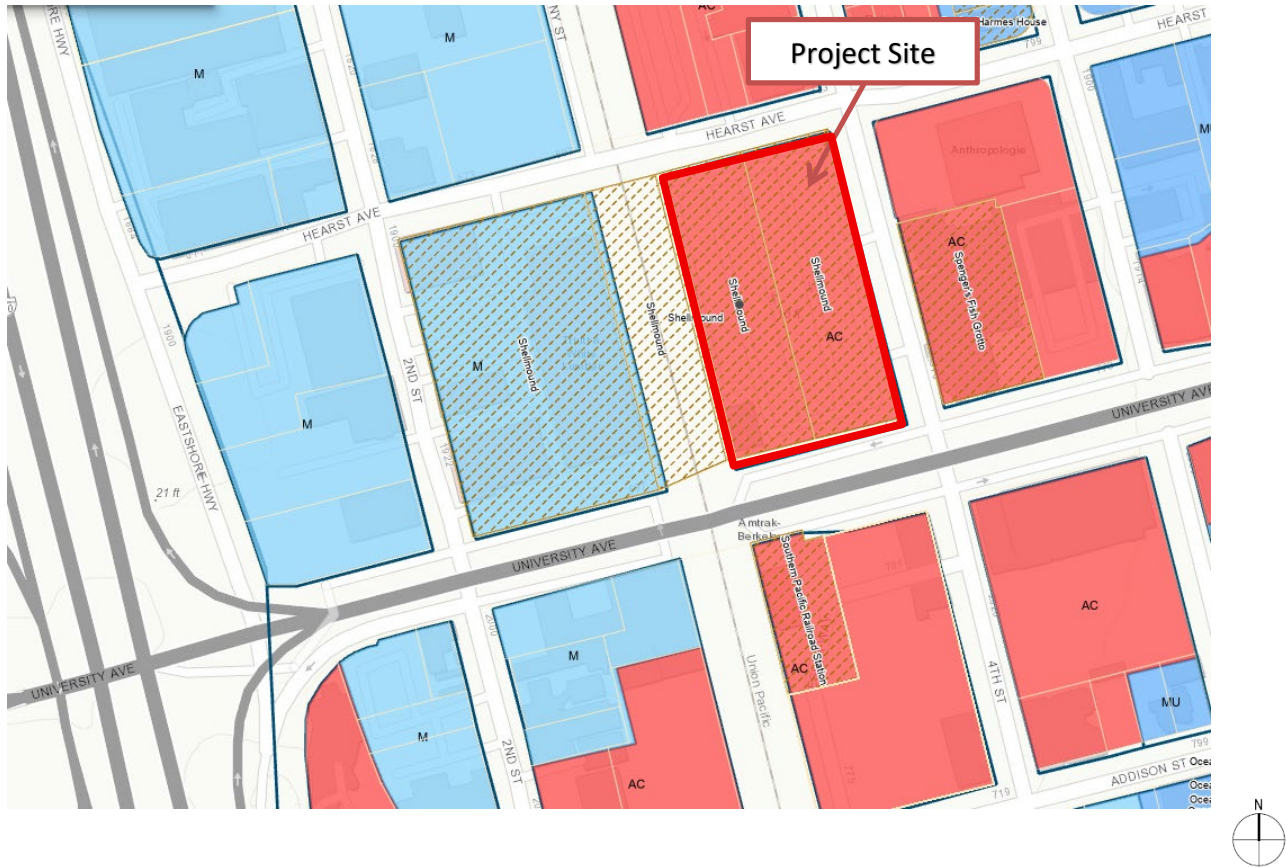
***Demolition.** BMC Section 23.326.070(A) “Demolition of Non-Residential buildings” to demolish one existing non-residential buildings (UPPH)

*Denotes required findings.

Staff Recommendation:

Staff recommends that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15301 (“Existing Facilities”) and Section 15332 (“In-Fill Development”) of the CEQA Guidelines.

Figure 1: Vicinity and Zoning Map



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Avenue Commercial (AC)	West Berkeley Commercial District (C-W)	Retail and Parking lot
South	Avenue Commercial (AC)	West Berkeley Commercial District (C-W)	Mixed-use development
East	Avenue Commercial (AC)	West Berkeley Commercial District (C-W)	Retail and quick-serve food establishment
West	Manufacturing (M)	Mixed Use-Light Industrial District (MU-LI)	Warehouse and wholesale

Figure 2: Aerial View

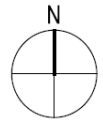
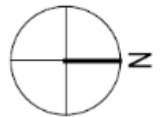


Figure 3: Bird's-Eye View



BACKGROUND AND PROJECT SITE

The subject property is situated within the Fourth Street retail district in West Berkeley. It consists of a 2.2-acre site (APNs 057-2101-005-00 and 057-2101-001-03) that occupies nearly an entire city block within the West Berkeley Commercial (C-W) Zoning District and carries an Avenue Commercial designation in the General Plan Land Use Element. The site is bounded by Hearst Avenue to the north, Fourth Street to the east, University Avenue to the south, and the Union Pacific train tracks to the west. The site is also part of a group of several properties designated by the Landmarks Preservation Commission (LPC) as a Landmark site due to its association with the West Berkeley Shellmound. It contains a one-story, approximately 1,600-square-foot commercial building constructed in 1955, located at the southwest corner of the paved parking lot. The building is a modest example of Modern architecture, featuring wood-frame construction, an asymmetrical façade, a very low-pitched roof with broad overhanging eaves, and tar-paper roofing. It originally served as an office before being converted in the late 1990s to an art gallery and later a fitness studio. This Use Permit pertains solely to the demolition of the existing 1,600-square-foot commercial building.

Site History

West Berkeley Shellmound Landmark Designation (2000). The subject property is included within the area known as the West Berkeley Shellmound, designated as a City Landmark on February 7, 2000. The landmark boundary is generally defined by University Avenue to the south, Hearst Avenue to the north, Second Street to the west, and Fourth Street to the east. The designation does not encompass any existing above-ground buildings or structures. Instead, it applies to the site itself and all subsurface cultural materials. The applicant received approval from the LPC on September 3, 2026, for the demolition of the existing asphalt pavement and associated parking lot striping, along with removal of miscellaneous site improvements including curbs, wheel stops, fencing, and minor concrete elements on a separate Structural Alteration Permit application.

Community Meeting

A pre-application poster was erected by the applicant in June 2026. On September 24, 2026, the City mailed public hearing notices to property owners and occupants within a 300-foot radius, and to interested neighborhood organizations. The City posted notices within the neighborhood in three locations. At the time of writing this report, staff has received four communications about the demolition of the surface parking lot at 701 University Avenue. One email was received on June 23, 2026, from Elliot Abrams expressing concerns about the removal of the asphalt surface and inquiring about a future master plan. Another email was received from Denny Abrams on August 19, 2026, inquiring about the master plan for the site, interim parking during events and during construction and regarding the CEQA determination. Staff received two additional emails from The Law Office of Collin Barreno representing Abrams Millikan, Fourth Street Holdings, LLC, Bond Retail, and Jamestown Premier Berkeley Grotto LP, on August 24, and September 1, 2026, inquiring about parking, construction impacts, CEQA determination, application material completeness and the demolition of a landmark or historic resource. (Attachment 6). Staff Supplemental Communication in response to CEQA inquiry was presented to the LPC on September 3, 2026 (Attachment 7)

ANALYSIS

Project Scope

The project involves demolition of the existing one-story, 1,640-square-foot non-residential building on a 2.2-acre parking lot. The applicant proposes to remove the existing building and parking lot asphalt from the 2.2-acre site. Per the applicant's statement during Landmarks Preservation Commission meeting, the area is not intended to function as a parking lot but is considered a culturally significant location used for ceremonies. Removal of the asphalt is described as a first step in restoring the site's natural conditions and supporting future planning efforts. The applicant stated that removing the paving will help visitors understand that the site is not intended for vehicular use and will allow the land to "breathe" while longer-term planning and design work continues. Ground-penetrating radar studies are currently underway. The applicant also plans to manage stormwater through the creation of berms and the planting of California native species. At the LPC meeting, the applicant shared that they intend to issue RFPs for landscape architectural services over the next several months. Following the asphalt removal, the applicant anticipates bringing in trucks and materials to begin initial landscaping activities. The purpose of the proposed demolitions is independent of any future park proposal, which is not currently funded and is only in the conceptual stage. The future development of a park at the site may or may not occur and submitted conceptual park plan is subject to change.

Findings

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

Environmental Review

Staff has reviewed the proposed project under the California Environmental Quality Act (CEQA) and determined that it qualifies for a categorical exemption. Specifically, the project involves the demolition of an existing non-residential building on a parking lot, which falls within the scope of CEQA Guidelines Section 15301 ("Existing Facilities") because the project would demolish an existing parking lot and an existing non-residential building and 15332 "(In-Fill Development") Projects. because:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The historical resource is limited to the subsurface remnants of the West Berkeley Shellmound, and not the asphalt or structures proposed to be removed. Staff identified that the CEQA exemption is appropriate because the removal of the parking lot and building will not disturb or alter historical resources and, in fact, will enhance them by allowing for improved detection of subsurface features. The above-ground parking lot is not a landmarked historical resource.

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review: Demolition Referral

The project would demolish one commercial building that is over 40 years old. The Historic Resource Evaluation (HRE) for the subject property was completed by LSA's Architectural Historian, Micheal Hibma on April 21, 2016, and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 3, 2026, and took no action.

Design Review Committee Review: Preliminary Design Review

This project is not subject to Design Review.

POLICY CONSISTENCY

General Plan Consistency

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

1. Policy LU-2. Preservation Protect Berkeley's character by identifying, restoring, and preserving historic buildings
2. Policy LU-26 (H) Neighborhood Commercial Areas. Use design review and careful land use decisions to preserve the historic character of Neighborhood Commercial areas.
3. Policy UD-16–Context. The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. 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 proposed project is to demolish an existing commercial building that does not appear to have historical significance to the block, neighborhood, or the City. The project will protect the character of the historic Shellmound site and preserve cultural resources on site. The project reinforces the cultural characteristics of the site and enhances the resources by allowing easier detection.

RECOMMENDATION

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

1. **FIND** that the project is categorically exempt from the provisions of CEQA pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities") and 15332 "(In-Fill Development)"; and
2. **APPROVE** ZP2026-0060 pursuant to BMC Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachments 2 and 3).

Attachments

1. Tables: Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings
3. Draft Conditions of Approval
4. Project Plans, received on July 16, 2026
5. Notice of Public Hearing
6. Public Correspondence
7. Staff Supplemental Communication submitted to LPC
8. Grading Plan

9. Attachment 1

Table 1: Project Chronology

Date	Action
June 4, 2026	Use Permit Application submitted
September 10, 2026	Use Permit Application deemed complete
September 10, 2026	CEQA Recommendation/Determination by Staff
September 24, 2026	Public hearing notices mailed/posted
October 8, 2026	ZAB hearing
Notes: a. Application processing reflects the project compliance review after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project involves only new residential floor area; therefore, this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is not a housing development project
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project does not involve construction of 10,000 square feet or larger of Gross Floor Area. This requirement does not apply.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	Yes	Creek or culvert, as defined by BMC Chapter 17.08, exists on the project site. However, since the project is to demolish a 1600 square-foot commercial building, no further action is required.

Characteristic	Applicability	Explanation
Density Bonus	No	This project is not utilizing the Density Bonus Law.
Hard Hats (BMC Chapter 13.107)	No	This project is not subject to Hard Hats ordinance
Historic Resources	No	According to the Historic Resource Evaluation prepared by LSA, the existing building proposed to be demolished does not appear to be associated with significant historical events or with individuals important to local, state, or national history.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The is not a housing project
Housing Crisis Act of 2019 (SB 330)	No	The is not a housing project
Rent Controlled Units	No	The is not a housing project
Residential Preferred Parking (RPP)	No	The is not a residential project
Seismic Hazards (SHMA)	No	The project site is located within an area susceptible to liquefaction as shown on the <u>State Seismic Hazard Zones</u> map. ^c However, since the project is to demolish a 1600 square-foot commercial building, no further action is required.
Soil/Groundwater Contamination	No	The site is not on a Cortese List. ^d
Transit	Yes	The project site is served by multiple AC Transit bus lines that operate within ¼ mile of the site
Notes: a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects. b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/ d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.		

Table 3: BMC Section 23.204.140 Zoning District Development Standards and 23.322 Parking and Loading

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		99,410	N/A	99,410	min. / max. / n/a
Gross Floor Area (sq. ft.)		1,621	-1,621	0	N/A
Dwelling Units	Total	0	0	0	N/A
	Bedrooms	0	0	0	
Building Height (ft. - in.)	Maximum	12'-8"	N/A	N/A	N/A
Building Setbacks (ft. - in.)	North (Hearst St.)	333'-1"	N/A	N/A	N/A
	East (Fourth St.)	202'-4"	N/A	N/A	N/A
	South (University Avenue)	15'-6"	N/A	N/A	N/A
	West (Train Tracks)	13'-4"	N/A	N/A	N/A
Usable Open Space (sq. ft.)		N/A	N/A	N/A	N/A
FAR		3	N/A	N/A	N/A
Automobile Parking		224+	(224)	0	N/A per AB2097
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes:					
1. AB-2097 , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses located within a 1/2 mile of public transit.					

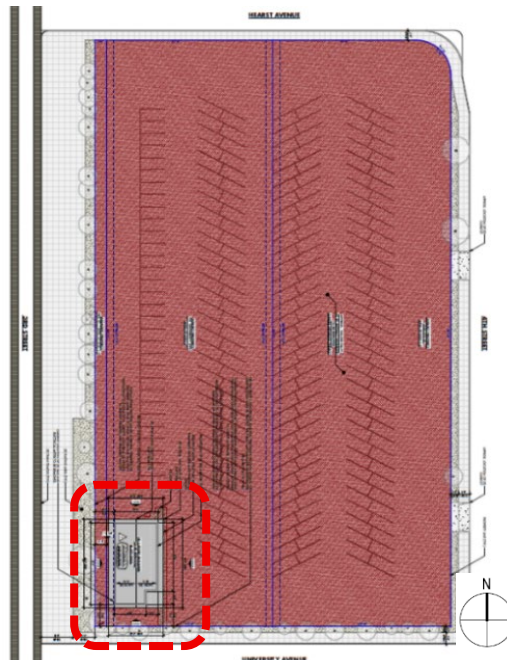


Zoning Adjustments Board Findings

October 8, 2026

APP #ZP2026-0060

701 University Ave (1900 Fourth Street- West Berkeley Shellmound)



Quick Facts	Project Description:
Applicant: Shah Noor Broomand Property Owner: Sogorea Te Land Trust Project Addresses: 701 University Avenue, 1900 Fourth Street Site Size: 99,410 sq. ft.	To demolish a single-story, 1,600-square-foot commercial building on a 99,410-square-foot parking lot located above the Landmarked West Berkeley Shellmound.

GP Land Use: Avenue Commercial (AC) Zoning: West Berkeley Commercial District (C-W) CEQA: Categorically Exempt Date Submitted: 06-04-2026 Date Deemed Complete: 9-10-2026 Project Planner: Nilu Karimzadegan	Zoning Permits Requested:
	A Use Permit Public Hearing is required for the following permit: *Demolition. BMC Section 23.326.070(A) "Demolition of Non-Residential buildings" to demolish one existing non-residential buildings (UPPH) *Denotes required findings.
	Staff Recommendation:
	Staff recommends that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15301 ("Existing Facilities") and Section 15332 ("In-Fill Development") of the CEQA Guidelines.

CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 ("Existing Facilities") and 15332 for In-Fill Development Projects

Evidence: the project will demolish an existing parking lot and an existing non-residential building and because:

- a) The project is consistent with the applicable general plan designation and all applicable

general plan policies as well as with applicable zoning designation and regulations.

- b) The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

Additionally, 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.

FINDINGS FOR APPROVAL

Pursuant to **BMC Section 23.406.040(E)(1)(a) and (b)** “Findings for Approval,” the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:

- (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use.

Evidence: Because the project only involves demolishing an existing commercial building to enhance the existing cultural resource, it 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.

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

Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

The project involves demolishing a small, single-story, approximately 1,600-square-foot commercial building situated within a large 99,410-square-foot paved parking lot. No new construction or intensification of use is proposed as part of this application. Demolition activities will occur entirely within the boundaries of the subject property and will not alter access, circulation, or existing improvements on adjacent parcels.

The surrounding area consists primarily of commercial and retail uses, which are compatible with temporary construction activity associated with demolition. Standard demolition practices, including dust control, noise mitigation, and debris removal, will ensure that work does not create adverse impacts to neighboring properties or the public.

Utility disconnection and hazardous-materials removal, if applicable, will be conducted in compliance with all City and State regulations; and

No operational changes or new structures are proposed and the demolition of the building will not result in additional traffic, noise, or other environmental effects on adjacent properties or the neighborhood. The project will also support long-term cultural, environmental, and planning goals for the site by removing deteriorated paving and a vacant structure located above the Landmarked West Berkeley Shellmound.

Therefore, the project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the City.

2. Pursuant to **BMC Section 23.406.040 (E)(2) “Findings for Approval,”** To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

a) Pursuant to **BMC Section 23.326.070(D) “Demolition of Non-residential Buildings”** A Use Permit for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. The demolition:

(a) Is required to allow a proposed new building or other proposed new use;

(b) 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;

(c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence:

1. **The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley.** The removal of the 1600-square-foot existing commercial building on the 2.2-acre site will not negatively impact commercial activity or the public interest. The site is not in active commercial use and the building is not functioning as a commercial building. The proposed demolition of the building along with the demolition of the parking lot is intended to restore the land to a more natural condition and support culturally

significant ceremonial use. Public interest will be served by improving environmental conditions, eliminating unused building and paving, and supporting subsequent landscaping and ecological restoration activities. The work is not expected to reduce access, impair commercial operations, or conflict with surrounding land uses.

2. The demolition is required to allow a proposed new building or other proposed new use (BMC 23.326.070(D)(2)(a)). The building and asphalt removal is required to support the proposed new use of the site as a culturally significant ceremonial space and to enable future landscaping improvements. Removal of the building and paving is the first step in re-establishing natural ground conditions, conducting ground-penetrating radar studies, creating stormwater berms, and installing California native plantings. The applicant is in the process of preparing requests for proposals for landscape architectural design, and initial landscaping activities will commence once the asphalt is removed. Therefore, demolition is necessary to facilitate the proposed new use and the planned long-term site improvements.

b. Pursuant to **BMC Section 23.204.140(F) “Permit Findings”**, to approve a Use Permit for a project in the C-W district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:

1. Is consistent with the purposes of the district;
2. Is compatible with the surrounding uses and buildings;
3. Complies with the adopted West Berkeley Plan;
4. Supports an increase in the continuity of retail and service facilities at the ground level to the degree feasible;
5. Does not substantially degrade the existing urban fabric of the street and area;
6. If the project includes the construction of new floor area, provides an intensity of development which does not underutilize the property;
7. Meets any applicable performance standards for off-site impacts; and
8. Does not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply. (Ord. 7955-NS §§ 8--11, 2025; Ord. 7890-NS §§ 25, 26, 2023; Ord. 7810-NS § 8, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence:

1. The project is consistent with the purposes of the C-W district. The proposed demolition of the existing commercial building supports the district’s intent to encourage compatible, community-serving uses and improve site conditions. Removing unused commercial building facilitates ecological restoration, cultural site use, and future landscaping improvements consistent with long-term planning objectives.

2. The project is compatible with surrounding uses and buildings. The removal of the existing commercial building will not introduce new structural development or activities that conflict with adjacent uses. The action reduces impervious surface and visually softens the site, improving compatibility with nearby commercial and residential areas.

3. The project complies with the adopted West Berkeley Plan. The project supports West Berkeley Plan goals related to environmental enhancement, community-serving use, and

restoration of underutilized or degraded sites. Eliminating a vacant building and preparing the site for ecological and cultural restoration is consistent with the Plan's policies for creating high-quality open spaces and improving site conditions.

4. The project supports an increase in the continuity of retail and service facilities at the ground level to the degree feasible. The demolition does not remove active retail, or service uses and does not impede future opportunities for compatible ground-floor activity. The proposed interim use and site improvements maintain long-term flexibility for potential community-serving uses consistent with district goals.

5. The project does not substantially degrade the existing urban fabric of the street and area. Removing unused commercial buildings improves the appearance of the site and enhances environmental conditions. The project is expected to positively contribute to the streetscape by replacing a visually inactive site with natural landscaping elements.

6. The project does not result in underutilization of the property. No new floor area is proposed. The demolition facilitates an interim use that is consistent with cultural, community, and environmental objectives for the site. The anticipated future landscaping and restoration activities support productive and meaningful use of the property.

7. The project meets applicable performance standards for off-site impacts. The demolition work is not expected to generate adverse noise, traffic, or air-quality impacts beyond standard temporary construction activity. Stormwater management improvements, including proposed berming and native plantings, will improve on-site infiltration and reduce potential off-site runoff impacts.

8. The project does not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply. The demolition does not introduce new traffic-generating uses. No increase in parking demand is associated with the project. The interim and future uses can be adequately served by existing transportation and parking conditions.

3. Pursuant to BMC Section 23.406.040 (E)(3) "Findings for Approval," when taking action on a Use Permit, the ZAB shall consider in its findings:

(a) The proposed land use; and

Evidence:

The proposed demolition meets the findings for approval because it is consistent with the purposes of the district; and is compatible with the surrounding uses and buildings;

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

Evidence: The proposed demolition of the existing commercial building will be supporting the proposed new use of the site as a culturally significant ceremonial space and to enable future landscaping improvements. The proposed demolition is consistent with the district's purposes and with the development standards of the C-W zoning district.

4. Pursuant to **BMC Section 23.406.040 (E)(4) “Findings for Approval,”** Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on September 10, 2026, and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



STANDARD CONDITIONS OF APPROVAL APPLICABILITY

Development projects approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions

- A. General Project Conditions
- B. Project Specific Conditions
- C. Final Approval Conditions
- D. On-Going Operational Conditions

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit

- A. Building & Safety/Land Use Planning
- B. Public Works
- C. Toxics
- D. Health Housing Community Services
- E. Rent Stabilization Board

Part V. During Demolition/Construction

- A. Building & Safety
- B. Land Use Planning
- C. Public Works
- D. Toxics
- E. Health Housing Community Services (Not Applicable)

Part VI. Prior to Final Inspection

Part VII. Prior to Certificate of Occupancy

Part. VIII. Fees

Part IX. Operational Conditions

- A. Alcoholic Beverage Service (Not Applicable)
- B. Hot Tubs (Not Applicable)

Part X. HARD HATS (Not Applicable)



Site Address: 701 University Ave/1900 Fourth Street

Application Number: ZP2026-0060

Project Description: To demolish a single-story 1600-sqaure-foot commercial building on a 99,410-square-foot parking lot located above the Landmarked West Berkeley Shellmound.



CONDITIONS OF APPROVAL

Property Address: 701 University Avenue/1900 Fourth Street
Application Number: ZP2026-0060

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Project Approval. This Project approval is for 701 University Avenue, as substantially shown and described on the Project plans dated July, 15, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on October, 8, 2026 (“Approval Date.”). For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	Approval Limited to Proposed Project and Replacement of Existing Uses. This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. 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 shall obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. All land uses and structures in the City of Berkeley shall comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	Other Regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley BMC Section 23.102.050 (E)	On-Going	Land Use Planning
5.	Conformance with Approved Plans. All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on October, 8, 2026 and pursuant to the Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 701 University Avenue/1900 Fourth Street
Application Number: ZP2026-0060

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
6.	Permit Modifications. No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board’s policy adopted on May 24, 1978.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	Permit Revocation. The City may revoke or modify a discretionary permit for completed projects due to: 1) Violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. 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, or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
8.	Permit Remains Effective for Vacant Property. 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 COA #5 above.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 701 University Avenue/1900 Fourth Street
Application Number: ZP2026-0060

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
9.	Exercise and Expiration of Permits A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. 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 Zoning Adjustments Board 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 shall apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 701 University Avenue/1900 Fourth Street
Application Number: ZP2026-0060

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
10.	Hold Harmless. The permittee agrees as a Condition of Approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.	City of Berkeley	On-Going	Land Use Planning
11.	Compliance with Conditions of Approval and Environmental Mitigations. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.	City of Berkeley	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 701 University Avenue/1900 Fourth Street
Application Number: ZP2026-0060

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit:	City of Berkeley BMC Section 23.040.050 (H)		
I. Administrative Conditions C. On-Going Operational Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley	On-Going	Land Use Planning

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

Page | 8



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

3.	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, e-mail, 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.	City of Berkeley	Prior to Demolition Permit Issuance (At least Two Weeks Prior to Construction Commencement)	Building & Safety Division
4.	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 their designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these Conditions of Approval. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
5.	Erosion Prevention Plan. 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 from 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.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Public Works



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

6.	Construction and Demolition Diversion. The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 “Berkeley Green Code” including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works
7.	Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527). A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for all new commercial, industrial and mixed-use developments, all improvement projects that require work 5 or more feet below grade , and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal(arcgis.com)	City of Berkeley	Prior to Demolition Permit Issuance	Toxics Management Division



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

6.	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 compliance 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 with 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. 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. I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.	City of Berkeley BMC Section 13.40.070	Prior to Demolition Permit Issuance	Zoning Officer
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley	At Building Permit Submittal	Public Works
2.	Public Works – Stormwater Pollution Prevention Program (SWPPP). As part of the building permit submittal, the applicant shall submit the following documents to the Public Works Department for review: A. A copy of the “Notice of Intent” filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; B. The Waste Discharger Identification (WDID) number issued by the SWRCB for the Project; C. A copy of the SWPPP prepared for each phase of the Project; and D. The name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP. Construction shall comply with the statewide general permit requiring owner to: (1) notify the State; (2) prepare and implement a SWPPP; and (3) monitor the effectiveness of the SWPPP. Additional information may be found online at http://www.swrcb.ca.gov .	City of Berkeley	At Building Permit Submittal	Public Works
3.	National Pollution Discharge Elimination System (NPDES). The applicant shall demonstrate compliance with the City’s National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:	City of Berkeley BMC Section 17.20	At Building Permit Submittal	Public Works



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

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 areas shall be covered, and no other areas shall drain onto these areas. 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 the East Bay Municipal Utility District (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 shall be designed to reduce/limit the potential for runoff to contact pollutants. F. All on-site storm drain inlets/catch basins shall 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 Department.			
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

G. All private or public projects that create and/or replace 5,000 square feet or more of impervious surface shall comply with Provision C.3 of the NPDES permit and shall 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). (Project required to meet applicable code at time of building permit application, if different from above.) H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City. I. Washing and/or steam cleaning shall be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing shall be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the East Bay Municipal Utility District. J. All loading areas shall be designated to minimize run-on or run-off from the area. Accumulated wastewater that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.			
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

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. M. Restaurants, where deemed appropriate, shall be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.			
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)

Application Number: ZP2026-0060

IV. Prior to Issuance Building Permit: A. Building & Safety/Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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 either A or B, and C: 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 the Bay Area Air District and the California Office of Environmental Health Hazard Assessment. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following: i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date. ii. A Certification Statement that the contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.	City of Berkeley	Prior to Building Permit Issuance	Land Use Planning/ Public Works



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

2.	Construction Emissions Reduction Measures. Development projects shall comply with the current Bay Area Air District’s basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 Air District CEQA Guidelines), outlined below. 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. 2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. 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. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. 8. 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 number shall also be visible to ensure compliance with applicable regulations.	Air Quality District	Prior to Building Permit Issuance	Land Use Planning/ Building and Safety/Air Quality District
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

IV. Prior to Issuance of Building Permit: B. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Transportation Construction Plan. The applicant and all persons associated with the Project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities: A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes); B. Storage of building materials, equipment, dumpsters, debris anywhere in the public right of way; C. Provision of exclusive contractor parking on-street; or D. Significant truck activity. Please contact the Department of Public Works Transportation Division at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of the TCP shall be available at all times at the construction site for review by City Staff.	City of Berkeley	Prior to Building Permit Issuance	Public Works



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

IV. Prior to Issuance of Building Permit: C. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Demolitions & Renovations – Building Materials Survey. A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division
2.	Asbestos Identified. Pursuant to Bay Area Air District Regulation 11-2-401.3, if asbestos is identified a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors shall follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)	Bay Area Air District	Prior to Issuance of Building Permit	Bay Area Air District
3.	Environmental Site Clearance. Prior to issuance of any building permits, the applicant shall submit to the Toxics Management Division (TMD) an environmental screening clearance to ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Documentation in the form of a letter shall be provided from one of the following external agencies: • San Francisco Bay Regional Water Quality Control Board (RWQCB); • California Department of Toxic Substances Control (DTSC); or • The Alameda County Department of Environmental Health’s Local Oversight Program (LOP).	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

IV. Prior to Issuance of Building Permit: D. Health, Housing & Community Services (HHCS)		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pay Transparency Acknowledgement. Prior to the issuance of a building permit for any Project subject to this Chapter: 1. 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. 2. 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.	City of Berkeley BMC Section 13.104.030	Prior to Building Permit Issuance	Health, Housing & Community Services



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety
2.	Construction Hours Exceptions. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start. The Project shall only be allowed 15 extended working days.	City of Berkeley	During Demolition/Construction	Environmental Health/ Land Use Planning
3.	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.	City of Berkeley	During Demolition/Construction	Building & Safety
4.	Construction / No Parking Permits. If “Construction/No Parking Permits” are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.	City of Berkeley	During Demolition/Construction	Building & Safety



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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 Migratory Bird Treaty Act and the California Fish & Game Code, 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.	California Department of Fish & Wildlife (CDFW)/ City of Berkeley	During Demolition/Construction	Land Use Planning
2.	Pre-Construction Meeting. The applicant shall request a virtual meeting with Land Use Planning (the Project Planner and Construction Monitoring Consultant, if applicable) and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review the project’s Conditions of Approval (and Mitigation Measures, if applicable) and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction are aware of the Conditions of Approval prior to ground disturbance on the site.	City of Berkeley	Prior to issuance of demolition/construction permit	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

3.	Unanticipated Discovery of Paleontological Resources. 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 archeologist (per Secretary of Professional Qualification Standards National Park Service 1983). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The archeologist 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 archeologist 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.	City of Berkeley	During Demolition/Construction	Land Use Planning
4.	Unanticipated Discovery of Tribal Cultural Resources. In the event that Tribal Cultural Resources 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 Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), 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.	City of Berkeley	During Demolition/Construction	Land Use Planning
5.	Unanticipated Discovery of Archeological Resources. Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique paleontological resources accidentally discovered during construction” should be instituted. Therefore:	City of Berkeley	During Demolition/Construction	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

	A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within a minimum of 50 feet of the resources shall be halted and the Project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe (“Tribe”) to assess the significance of the find. B. If any find is determined to be significant, representatives of the Project proponent and/or the lead agency and the Tribe shall meet to determine the appropriate avoidance measures or other appropriate measures to mitigate impacts to the Tribal Cultural Resource., C. In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached. D. If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitors may 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 Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.			
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

6.	Discovery of Human Remains. 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 Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants’ preferences for treatment. A. The descendants’ preferences for treatment may include the following: i. The nondestructive removal and analysis of human remains and items associated with Native American human remains. ii. Preservation of Native American human remains and associated items in place. iii. Relinquishment of Native American human remains and associated items to the descendants for treatment. iv. Other culturally appropriate treatment. B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures. C. For the purposes of this section, “conferral” or “discuss and confer” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other.			
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

	i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains. D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following: i. Record the site with the commission or the appropriate Information Center. ii. Utilize an open-space or conservation zoning designation or easement. iii. Record a document with the county in which the property is located. F. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e). G. Pursuant to State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.			
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Debris. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	Excavation. 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.	City of Berkeley	During Construction	Public Works
3.	Sandbags. 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.	City of Berkeley	During Construction	Public Works
4.	Fire Hydrant. 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.	City of Berkeley	During Construction	Public Works
5.	Underground Utilities. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.	City of Berkeley	During Construction	Public Works



CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

6.	Public Works - Implement Bay Area Air District Recommended Measures during Construction. For all proposed projects, the Bay Area Air District recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust: A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. D. All vehicle speeds on unpaved roads shall be limited to 15 mph. E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator. H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air District’s phone number shall also be visible to ensure compliance with applicable regulations.	City of Berkeley/ Bay Area Air District	During Construction	Public Works
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CONDITIONS OF APPROVAL

Property Address: 701 University Ave (1900 Fourth Street)
Application Number: ZP2026-0060

V. During Demolition/Construction: D. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Hazardous Materials Business Plan. A Hazardous Materials Business Plan shall be submitted to the Toxics Management Division through the California Environmental Reporting System: http://cers.calepa.ca.gov/ for chemicals used or stored on site during construction that exceed reporting thresholds. The Plan shall be in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20.	City of Berkeley/State of California BMC Section 15.12.040	During Construction	Toxic Management Division
2.	Hazardous Waste Compliance Plan. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to the TMD within 30 days of the completion of the demolition.	City of Berkeley	During Construction	Toxic Management Division

VI. Prior to Final Inspection		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Construction and Demolition Diversion Receipt Reporting. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using Green Halo and submit online for City review and approval prior to final inspection. Alternatively, complete the Construction Waste Management Plan and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.	City of Berkeley	Prior to Final Inspection	Building & Safety

DEMOLITION PERMIT

701 UNIVERSITY AVE. BERKELEY, CA. 94710
APN: 57-2101-5

DRAWING INDEX

- | | | |
|---|-------|----------------------|
| 1 | A0.00 | TITLE SHEET |
| 2 | A0.01 | GENERAL NOTES |
| 3 | A0.02 | SITE PHOTOS |
| 4 | A0.03 | SITE PLAN (N) |
| 5 | A0.04 | SITE PLAN (P) |
| 6 | A0.05 | ELEVATIONS |
| 7 | A0.06 | POLLUTION PREVENTION |
| 8 | A0.07 | PCBs |
| 9 | A0.08 | PCBs |

ELECTRICAL NOTE:

ELECTRICAL NOTE:
IT IS THE RESPONSIBILITY OF THE OWNER TO CONTACT PG&E FOR UTILITY DISCONNECT PERMITS AND PROCEDURES.
A PG&E UTILITY DISCONNECT LETTER IS REQUIRED PRIOR TO COMMENCEMENT OF DEMOLITION ACTIVITIES. A COPY OF THE UTILITY DISCONNECT LETTER SHALL BE PROVIDED TO THE BUILDING DEPARTMENT PRIOR TO START OF WORK.

PROJECT DATA:

APPLICABLE CODES:

2025 CALIFORNIA BUILDING CODE (CBC)
2025 CALIFORNIA MECHANICAL CODE (CMC)
2025 CALIFORNIA ELECTRICAL CODE (CEC)
2025 CALIFORNIA PLUMBING CODE (CPC)
2025 CALIFORNIA FIRE CODE (CFC)
2025 CALIFORNIA RESIDENTIAL CODE (CRC)
2025 CALIFORNIA ENERGY CODE (T24)
2025 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBSC)
APPLICABLE BERKELEY MUNICIPAL CODES

PROJECT ADDRESS:

701 UNIVERSITY AVE.
BERKELEY, CA. 94710

PROJECT DESCRIPTION:

DEMOLITION AND SITE CLEARING OF AN EXISTING ONE-STORY STRUCTURE
AND ASSOCIATED SITE IMPROVEMENTS.

WORK INCLUDES:

1. FULL DEMOLITION OF THE EXISTING 2,000-SQUARE-FOOT OF EXISTING 100-FOOT-DEEP, 100-FOOT-WIDE, 100-FOOT-DEEP, 100-FOOT-DEEP FOUNDATION.
2. REMOVAL OF APPROXIMATELY 100,000 SQUARE FEET OF ASPHALT PAVEMENT AND ASSOCIATED STORMWATER WITHIN THE EXISTING PARKING LOT AND ADJACENT AREAS.
3. REMOVAL OF MISCELLANEOUS SITE REQUIREMENTS, INCLUDING CURBS, WHEEL STOPS, FENCING (AS APPLIED), AND MINOR CONCRETE ELEMENTS.
4. SORTING, RECYCLING, AND LAWFUL DISPOSAL OF ALL DEMOLITION DEBRIS IN ACCORDANCE WITH CITY OF BERKELEY AND CALIFORNIA REQUIREMENTS.
5. RISK-ORIENTED GRADING OF THE SITE TO ELIMINATE TRIPPING HAZARD AND PREPARE THE PARCEL FOR FUTURE DEVELOPMENT.
6. COORDINATION AND DISCONNECTION OF EXISTING UTILITIES AS REQUIRED.
7. IMPLEMENTATION OF EROSION CONTROL AND DUST CONTROL MEASURES DURING DEMOLITION AND GRADING ACTIVITIES.
8. IMPLEMENTATION OF EROSION CONTROL MEASURES TO PREVENT SOIL APPLICATION IS LIMITED TO DEMOLITION AND SITE CLEARANCE ONLY.

PROJECT TEAM:

OWNER:

SOGOREA TE LAND TRUST
2501 HARRISON ST
OAKLAND, CA 94612

DESIGN PROFESSIONAL:

ANTONIO AZORI
t. 415.770.1772
e. azori.arch@gmail.com

GENERAL CONTRACTOR:

ANABA CONSTRUCTION, INC.
1552 LENAY CT.
MANTECA, CA 95337
SHAH BROOMAND
t. 510.826.9443
e. shah@anabaconstruction.com

GENERAL NOTES:

1. THE AIA DOCUMENT NO. 301, "GENERAL CONDITIONS FOR THE PERFORMANCE OF A CONTRACT," IS HEREBY INCORPORATED INTO THESE DRAWINGS AND SHALL BE CONSIDERED A PART OF THE CONTRACT. ANY DISCREPANCY BETWEEN THE SUPPLEMENTARY CONDITIONS TO THE CONTRACT ALSO APPLY.
2. ALL CONSTRUCTION MUST COMPLY WITH CURRENT STATE AND LOCAL CODES, AS WELL AS ANY GOVERNING CODES, AMENDMENTS, RULES, REGULATIONS, ORDINANCES, LAWS, ORDERS, APPLICABLE ETC., REQUIRED BY APPLICABLE PUBLIC AUTHORITIES IN THE EVENT OF A CONTRACT. THE MOST STRINGENT REGULATIONS SHALL APPLY.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING CONTRACT DOCUMENTS, FIELD CONDITIONS, AND DIMENSIONS FOR ACCURACY AND ENSURING THE WORK CAN BE PERFORMED AS SHOWN PRIOR TO PROCEEDING. ANY QUESTIONS OR CONCERNS MUST BE CLARIFIED WITH THE ARCHITECT BEFORE STATING THE RELEVANT WORK.
4. ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE CONSTRUCTION DOCUMENTS MUST BE BROUGHT TO THE ARCHITECT'S ATTENTION BEFORE WORK PROCEEDS.
5. THE CONTRACTOR MUST THOROUGHLY INSPECT THE PREMISES AND BASE THEIR BID ON EXISTING CONDITIONS, REGARDLESS OF THE INFORMATION SHOWN OR NOT SHOWN IN THE DRAWINGS.
6. THE CONTRACTOR MUST MAINTAIN PROPER WORKERS' COMPENSATION AND LIABILITY INSURANCE THROUGHOUT THE PROJECT DURATION.
7. ALL SUBSTITUTIONS, REVISIONS, OR CHANGES REQUIRE PRIOR APPROVAL FROM THE ARCHITECT.
8. DURING THE BIDDING AND NEGOTIATION PHASE, THE GENERAL CONTRACTOR AND SUBCONTRACTORS MUST CONFIRM IN WRITING THE ESTIMATED ON-SITE DELIVERY DATES FOR ALL MATERIALS AND EQUIPMENT. ANY POTENTIAL DELAYS IMPACTING COMPLETION MUST BE REPORTED TO THE ARCHITECT IN WRITING.
9. ALL WORK MUST BE PERFORMED TO PREVENT OR MINIMIZE DAMAGE TO EXISTING LANDSCAPING OR PERSONAL PROPERTY.
10. THE CONTRACTOR MUST PROTECT ADJACENT PROPERTIES USING MATERIALS SUCH AS VESICUMER OR FLYWOOD TO MINIMIZE NOISE, DUST, OR OTHER DISRUPTIONS.
11. IF FORTIFICATION/ELEVATION MAY AFFECT ADJACENT PROPERTIES, THE CONTRACTOR MUST NOTIFY THE PROPERTY OWNER AND TAKE APPROPRIATE MEASURES TO PROTECT THE ADJACENT STRUCTURE.
12. UNLESS NOTED OTHERWISE, DIMENSIONS ARE TO THE FACE OF THE FINISH OR CENTERLINE.
13. IN SECTIONS OR ELEVATIONS, DIMENSIONS ARE TO THE TOP OF THE FINISHED FLOOR, SLAB, OR DECK UNLESS OTHERWISE NOTED.
14. "SIM" OR "SIMILAR" INDICATES COMPARABLE CHARACTERISTICS FOR THE NOTED ITEM. DIMENSIONS AND ORIENTATION MUST BE VERIFIED ON THE PLAN.
15. "TYP" OR "TYPICAL" INDICATES CONDITIONS ARE IDENTICAL UNLESS NOTED OTHERWISE.
16. DIMENSIONS LABELLED "CLR" OR "CLEAR" ARE MINIMUM REQUIREMENTS AND MUST BE MAINTAINED ACCURATELY.
17. ALL MATERIALS AND EQUIPMENT MUST BE NEW UNLESS STATED OTHERWISE.
18. ALL MATERIALS AND EQUIPMENT MUST BE INSTALLED ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS.
19. THE SPECIFICATION AND LOCATION OF SAFETY GLAZING (TEMPERED OR LAMINATED

GENERAL CONSTRUCTION NOTES:

1. CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. MEASUREMENTS SHALL NOT BE TAKEN OFF SCALE DRAWINGS; NOTED DIMENSIONS TAKE PRECEDENCE. ANY CONFLICTS WITH FIELD CONDITIONS SHALL BE DISCUSSED WITH THE ARCHITECT PRIOR TO PROCEEDING WITH AFFECTED WORK.
2. ALL WORK SHALL BE INSTALLED PLUMB, LEVEL, SQUARE, TRUE, AND IN PROPER ALIGNMENT TO MEET QUALITY CONSTRUCTION STANDARDS.
3. ALL PARTITIONS SHALL BE BRACED AS REQUIRED BY THE CURRENT LOCAL SEISMIC CODE (CSC 2022 § 8402.10).
4. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING WALLS AND FLOORS CAUSED BY DEMOLITION OF PARTITIONS AND CEILINGS.
5. CARE SHALL BE TAKEN TO PROTECT EXISTING MATERIALS AND SURFACES DURING CONSTRUCTION. ANY DAMAGES SHALL BE REPAIRED OR REPLACED AT NO ADDITIONAL COST TO THE OWNER.
6. GENERAL CONTRACTOR SHALL COORDINATE INSTALLATION OF N.I.C. ITEMS WITH OTHER TRADES TO AVOID CONFLICTS AND DELAYS.
7. THE BUILDING AND FURNISH SHALL BE FIRE-RATED AS REQUIRED BY THE BUILDING CODE (CSC 2022 § 8402.1).
8. WATER-EFFICIENT FIXTURES AND FITTINGS SHALL BE INSTALLED AS REQUIRED BY CBCS 2022 § 4.203. CONTRACTOR SHALL REPLACE ALL NONCOMPLIANT FIXTURES IN THE PROJECT AREA.
9. CONTRACTOR SHALL PROTECT FINISHES IN PATHS OF TRAVEL TO WORK AREAS TO AVOID DAMAGE.
10. ALL DIMENSIONS ARE TO FACE OF FINISH OR CENTERLINE UNLESS OTHERWISE NOTED (U.O.N.).
11. ALL PARTITIONS ABUTTING EXISTING CONSTRUCTION SHALL ALIGN FINISH FACE TO FINISH FACE (U.O.N.).
12. ALL NON-FIRE-RATED INTERIOR DOORS SHALL BE UNLOCKED TO CLEAR FINISH FLOOR BY 1/4".
13. PROVIDE WOOD BLOCKING FOR ALL TOWEL BARS, ACCESSORIES, AND SIMILAR ITEMS TO ENSURE STABILITY AND PROPER INSTALLATION.
14. LOCATIONS FOR SEALANT, CAULKING, AND FLASHING SHOWN ON DRAWINGS SHALL BE INTENDED TO BE INCLUSIVE. FOLLOW MANUFACTURER'S RECOMMENDATIONS AND STANDARD INDUSTRY PRACTICES.
15. WHERE NEW STRUCTURAL WORK REQUIRES OPENINGS IN EXISTING WALLS PARALLEL TO AND WITHIN 30" OF A PROPERTY LINE, APPLY SPS TYPE-A OPENING BOARD AT THE INSIDE SURFACE TO MEET FIRE-RATING REQUIREMENTS (CSC 2022 § 8402.1).
16. ALL DRAFTS, RAFTERS, SIPS, SOFFITS, AND CRAWL SPACES SHALL BE FULLY VENTILATED PER APPLICABLE CODE (CSC 2022 § 8404).
17. ALL CHANGES IN FLOOR MATERIAL SHALL OCCUR AT THE CENTERLINE OF DOORS OR FRAMED OPENINGS, UNLESS OTHERWISE INDICATED ON THE DRAWINGS.

PLANNING INFORMATION:

BLOCK - LOT / APN:	71 - 221-42		
LOT SIZE:	99,410 SQ. FT. (COUNTING THE WHOLE PARKING LOT)		
ZONING DISTRICT:	CW - WEST BERKELEY COMMERCIAL		
HISTORIC RESOURCE STATUS:	NONE		
NUMBER OF STORES:	EXISTING:	1-STORY	
BUILDING HEIGHT:	EXISTING:	12'-8"	
PROPERTY SETBACKS:	EXISTING:		
	FRONT (STREET SIDE)	0'-0"	
	REAR (STREET SIDE)	0'-0"	
	SIDES:	5'-0"	

BUILDING INFORMATION:

CONSTRUCTION TYPE: EXISTING: TYPE - VI

OCCUPANCY: EXISTING VACANT COMMERCIAL
STRUCTURE - GROUP A (BUSINESS)

MINIMUM ROOF CLASS:	CLASS B
FIRE SPRINKLER:	EXISTING

GROSS FLOOR AREA:

EXISTING BUILDING AREA: 1,621 SQ. FT. (APPROX.)

DEPARTMENT STAMPS:

PROJECT NAME:

DEMOLITION PERMIT

701 UNIVERSITY AVE.
BERKELEY, CA
APN: 57-210-5

DATE:	ISSUES / REVISIONS:	BY:
07/23/2026	PERMIT SUBMISSION	AA
06/04/2026	LANDMARK & USE PERMIT SUBMISSION	AA
07/15/2026	LANDMARK & USE PERMIT REV 2	AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP
Anaba Construction, Inc
License # 1084569 - A & C21

DEPARTMENT STAMP:

TITLE SHEET

A0.00



STRUCTURE TO BE DEMOLISHED - EAST ELEVATION



STRUCTURE TO BE DEMOLISHED - SOUTH ELEVATION



STRUCTURE TO BE DEMOLISHED - NORTH ELEVATION



STRUCTURE TO BE DEMOLISHED - WEST ELEVATION



VIEW ALONG UNIVERSITY AVE. TOWARDS WEST



VIEW ALONG UNIVERSITY AVE. TOWARDS WEST



VIEW ALONG 3RD AVE. TOWARDS NORTH



VIEW OF TRAIN TRACKS ALONG 3RD STREET



VIEW ALONG 4TH ST. TOWARDS NORTH



EXISTING PARKING LOT IN SUBJECT PROPERTY



EXISTING PARKING LOT IN SUBJECT PROPERTY



EXISTING PARKING LOT IN SUBJECT PROPERTY



EXISTING PARKING LOT IN SUBJECT PROPERTY



EXISTING PARKING LOT IN SUBJECT PROPERTY

A Z O R I
ARCHITECTURE & REALTY

PROJECT NAME

DEMOLITION PERMIT

701 UNIVERSITY AVE.
ANN ARBOR MI 48106-1706

DATE:	ISSUES / REVISIONS:	BY:
02/23/2024	PERMIT SUBMISSION	AA
04/04/2024	LANDMARK & USE PERMIT SUBMISSION	AA
07/15/2024	LANDMARK & USE PERMIT REVE	AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP
Anaba Construction, Inc
License # 1084569 - A & C21
Shah Noor Broomand

DEPARTMENT STAMP:

SITE PHOTOS

A0.02

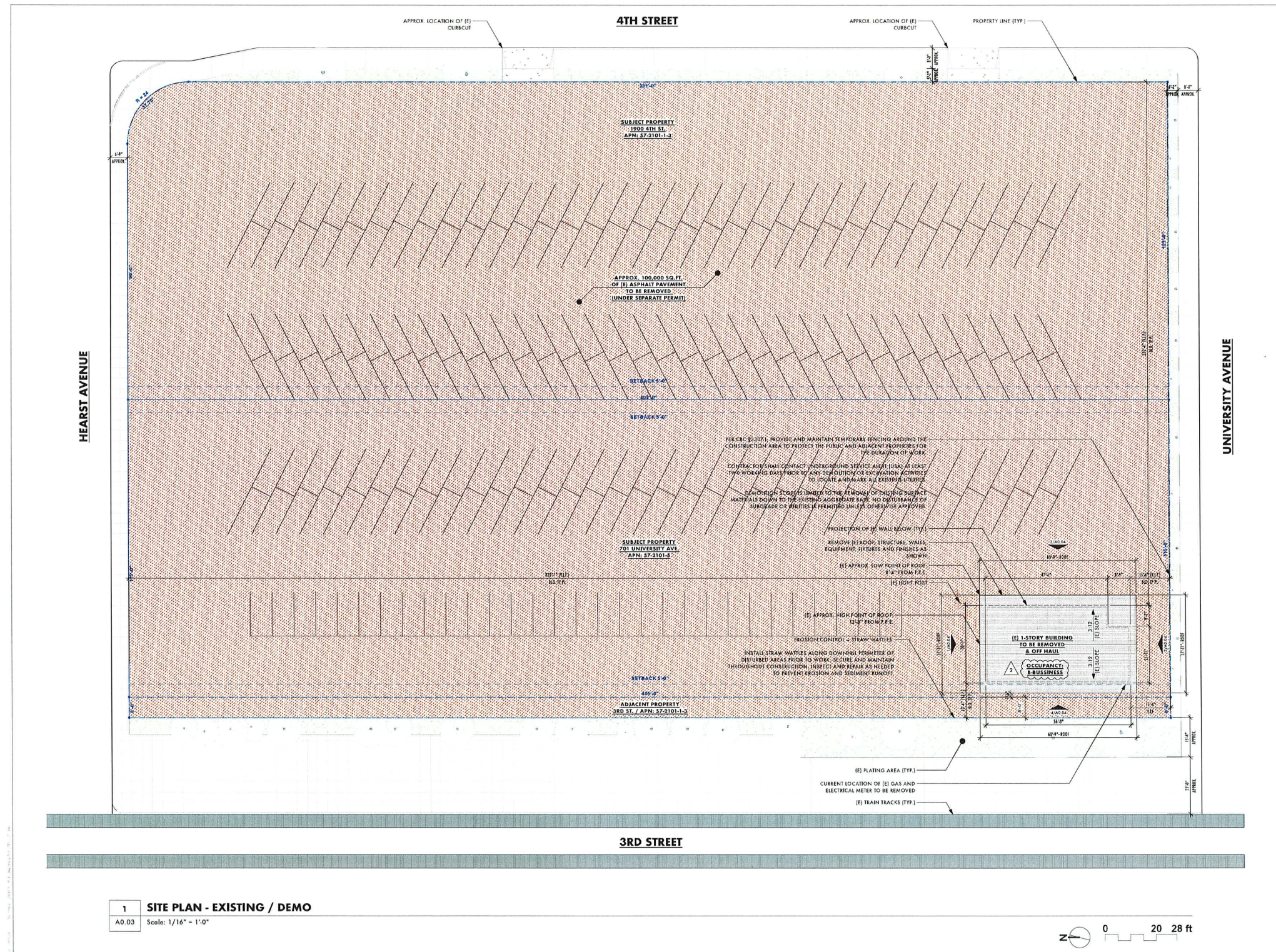
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BERKELEY, CA
APN: 57-210-5

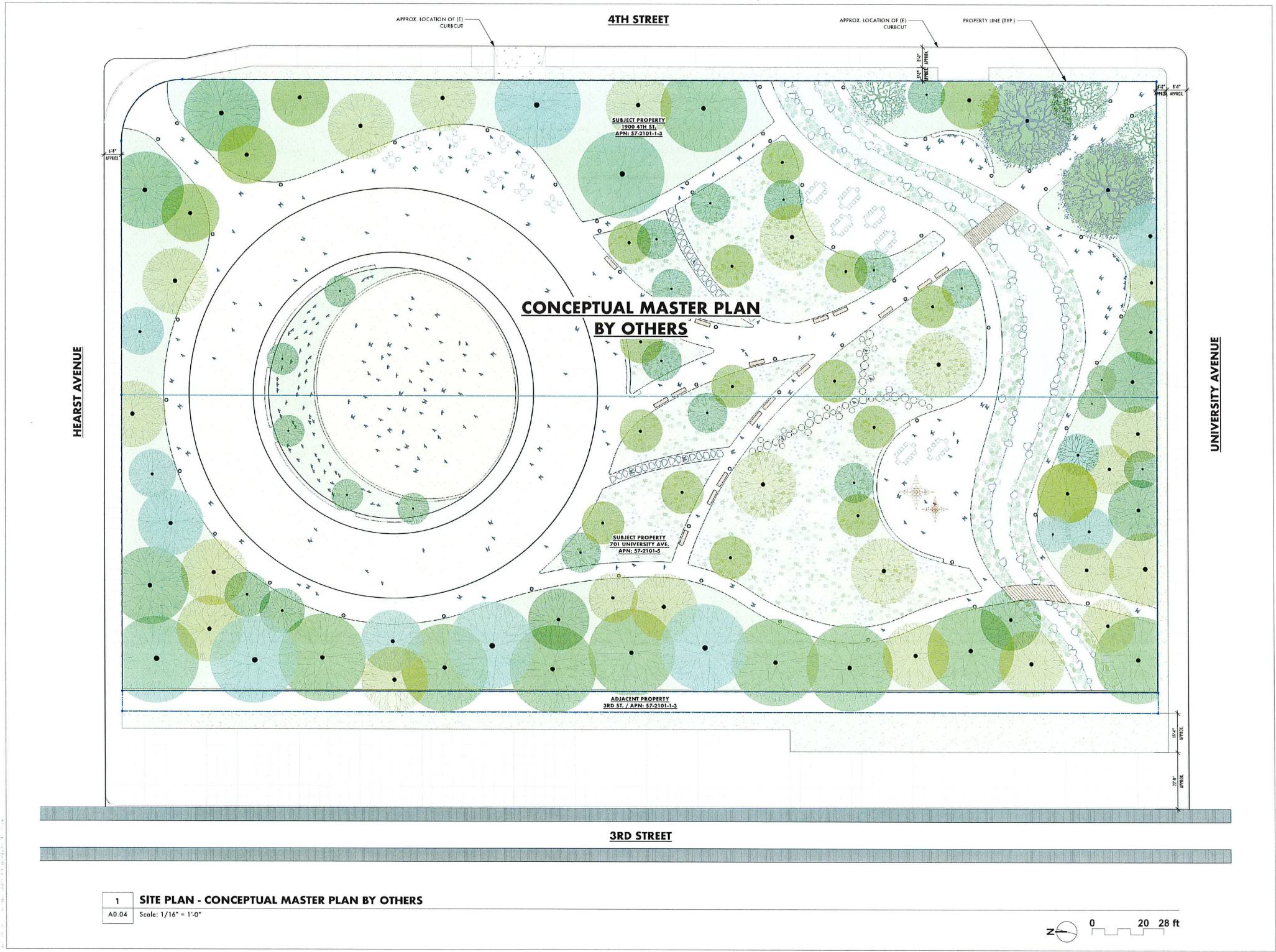
PROFESSIONAL STAMP: _____

Bob N. Brown

DEPARTMENT STAMP:

A0.03





A Z O R I
ARCHITECTURE & REALTY

PROJECT NAME
DEMOLITION PERMIT
701 UNIVERSITY AVE.
BERKELEY, CA
APN: 57-2101-5

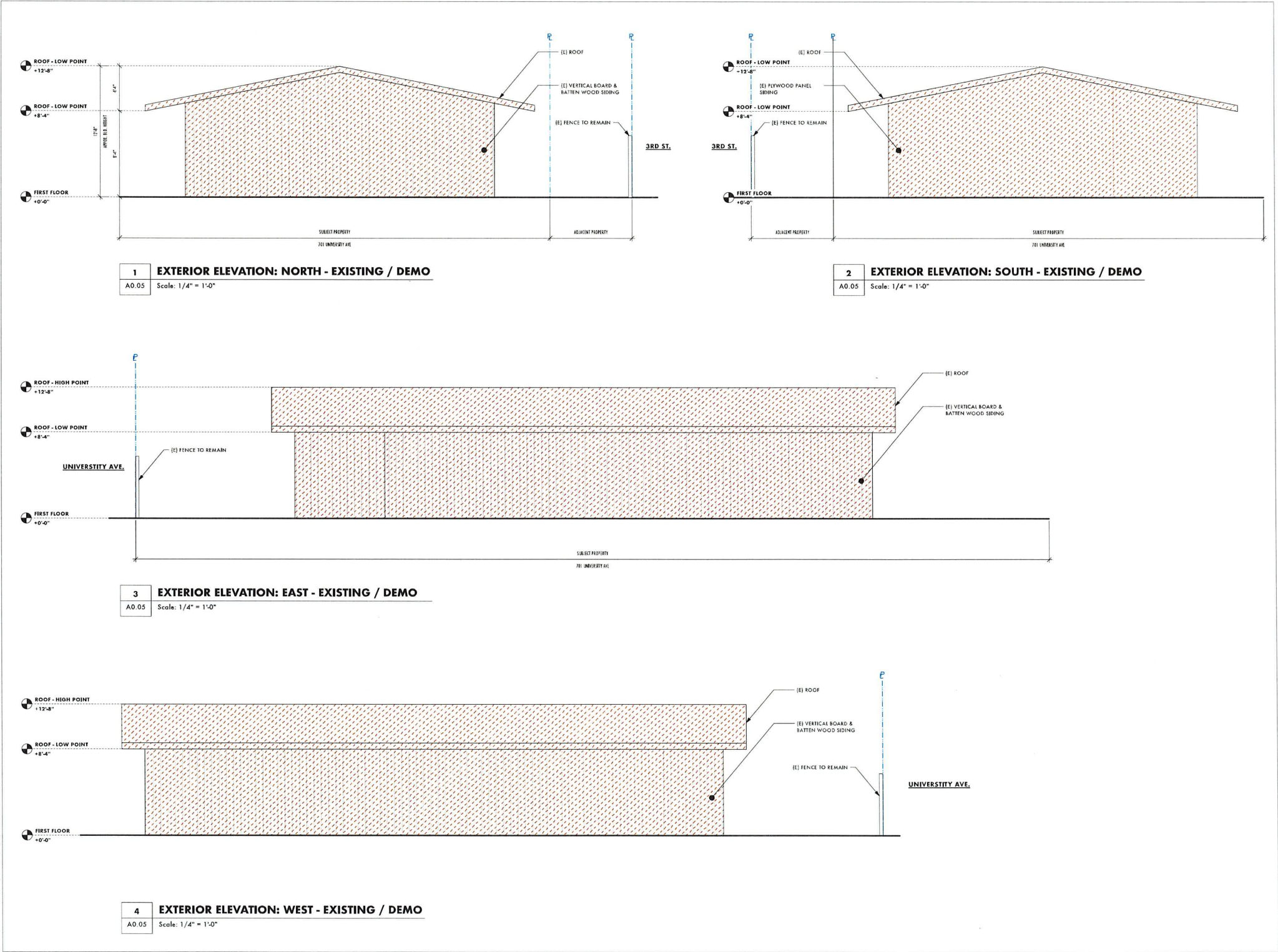
DATE	ISSUES / REVISIONS	BY
02/23/2024	PERMIT SUBMISSION	AA
04/14/2024	LANDMARK & UCL PERMIT SUBMISSION	AA
07/16/2024	LANDMARK & UCL PERMIT REV 2	AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP
Anaba Construction, Inc
License # 1084569 - A & C21
Shah Noor Broomand

DEPARTMENT STAMP:

SITE PLAN (P)
A0.04



A Z O R I
ARCHITECTURE & REALTY

DEMOLITION PERMIT

701 UNIVERSITY AVE.
SPRINGFIELD, MA 01103

DATE	ISSUES / REVISIONS	BY
02/23/2024	PERMIT SUBMISSION	AA
04/04/2024	LANDMARK & OLD PERMIT SUBMISSION	AA
07/19/2026	LANDMARK & OLD PERMIT REV 2	AA

Shah Noor Broomand, PMP
Anaba Construction, Inc
License # 1084569 - A & C21

Shah Noor Broomand

ELEVATIONS

A0.05

PCBs Screening Assessment Form

For Municipality Use Only

Date Received

File #

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the Bay Area regional municipal stormwater NPDES permit (referred to as the Municipal Regional Permit). This process does not address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA), federal, state, or local regulations for hazardous material handling and hazardous waste disposal, health and safety practices to mitigate human exposure to PCBs or other hazardous materials, recycling mandates, or abatement of sites with PCBs or other contaminants). The applicant is responsible for knowing and complying with all relevant laws and regulations. See Notices to Applicants section in the Applicant Instructions and at the end of this form.

Complete all applicable parts of the PCBs Screening Assessment Form and submit with your demolition permit application.

All Applicants must complete Part 1 and Part 2.

Part 1. Owner/Consultant and project information			
Owner Information			
Name			
Address			
City	State	Zip	
Contact (Agent)			
Phone	Email		
Consultant Information			
Firm Name: Elite Environmental Consulting			
Address: 301 Georgia Street #390			
City	Vallejo	State	CA
Zip	94590		
Contact Person: Kenneth Rodriguez-Praeger			
Phone	(707)654-9001	Email: info@elite-enviro.net	
Project Location			
Address: 701 University Avenue			
City	Berkeley	State	CA
Zip	94710		
APN: (s)			
Year Building was Built	Type of Construction: Wood Frame		
Estimated Demolition Date			

1

Part 2. Is building subject to the PCBs screening requirement based on type, use, and age of the building?

2.a Is the building to be demolished wood framed and/or single family residential?

Yes

No

If the answer to question 2.a is Yes, the PCBs Screening Assessment is complete, skip to Part 4. If the answer is No, continue to Question 2.b.

2.b Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1959?

Yes

No

If the answer to Question 2.b is No the PCBs Screening Assessment is complete, skip to Part 4. If the answer is Yes, continue to Question 2.c.

2.c Is the proposed demolition a complete demolition of the building?

Yes

No

If the answer to Question 2.c is No the PCBs Screening Assessment is complete, skip to Part 4. If the answer is Yes, complete Part 3.

All applications affecting applicable structures and demolitions must complete Part 3 and the Part 3 Tables.

Part 3. Report concentrations of PCBs in priority building materials

Option 1. Applicants conducted representative sampling and analysis of the priority building materials per the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2016) (Attachment C).

Option 2. Applicants possess existing sample results that are that are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2016) (Attachment C).

3.a Select option and report PCBs concentrations in the priority building materials and the source of data for each of the priority building materials. Provide the required supporting information.

Option 1 Conduct Representative Sampling

Summarize results on Part 3 Tables, and

Provide the following supporting information:

Contractor's report documenting the assessment results.

QA/QC checklist (see Attachment C, section 3.2.4) and

Copies of the analytical data reports.

Option 2 Use Existing Sampling Records

Summarize results on Part 3 Tables, and

Provide the following supporting information:

Contractor's report/statement that the results are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition.

Copies of the analytical data reports.

All Applicants must complete Part 4.

Part 4. Certification

I certify that the information provided in this form is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I understand my responsibility for knowing and complying with all relevant laws and regulations related to reporting, abating, and handling and disposing of PCBs materials and wastes. I understand there are significant penalties for submitting false information. I will retain a copy of this form and the supporting documentation for at least 5 years.

Signature: _____ Date: _____

(Property Owner/Agent/Legal Representative)

Print/Type: _____

(Property Owner/Agent/Legal Representative)

Signature: Kenneth Rodriguez-Praeger Date: 4/7/2026

(Consultant Completing Application Form)

Print/Type: Kenneth Rodriguez-Praeger

(Consultant Completing Application Form)

2

Notices to Applicants Regarding Federal and State PCBs Regulations

Applicants that determine PCBs exist in building materials must follow applicable federal and state law. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs. Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under TSCA and the California Code of Regulations. (See Note 1)

Note 1 - Federal and State Regulations

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(9)(ii)(B)(2)(iv).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.

Agency	Contact	Useful Links
US Environmental Protection Agency	Steve Amann (415) 972-3352 amann.steve@epa.gov	https://www.epa.gov/pcb (EPA PCBs website) https://www.epa.gov/pcb/questions-and-answers-about-soldy-chlorinated-hydrocarbons-in-the-building-materials (PCBs in Building Materials Fact Sheet and QA Document) https://www.epa.gov/pcb/pcb-hb-4th-edition-approval-streamline-toolkit-for-streamline-demolition-approval-process (USEPA PCB Facility Approval Streamlining Toolkit (PCB FAST)) https://www.epa.gov/pcb/pcb-hb-4th-edition-approval-streamline-toolkit-for-streamline-demolition-approval-process (See Information for Contractors Working in Older Buildings that May Contain PCBs)
San Francisco Bay Regional Water Quality Control Board	Jan O'Hara (510) 622-5681 Jan.O'Hara@sfwrqcb.org Cheryl Powell (510) 622-2428 Cheryl.Powell@sfwrqcb.org	https://www.waterboards.ca.gov/hdfrms/sfwrqcb/water_issues/brograms/TM/DATA/pcb.htm https://www.waterboards.ca.gov/hdfrms/sfwrqcb/water_issues/brograms/sbde/demolition.html
Department of Toxic Substances Control	Regulatory Assistance Office 1-800-777-0100 RAC@dtsc.ca.gov	http://www.dtsc.ca.gov/StateCleanup/Oversees/WhatIsAsbestos/PCB_SMP_Guide-to-Substance-Consultant.pdf
California Division of Occupational Safety and Health (Cal/OSHA)	Cal/OSHA Consultation Services 1-800-993-8424	https://www.dir.ca.gov/HealthConsultation.html

3

Part 3 Caulk Applications Table

Column 1. Report all PCBs concentrations for each homogenous area of caulking area (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

Column 2. Complete for each concentration ≥ 50 ppm.

Caulk Application Sample Description	Concentration (mg/kg)	Estimate Amount of Material	Units
Example: Caulk Sample 1	320	48	Linear Feet
1.			Linear Feet
2.			Linear Feet
3.			Linear Feet
4.			Linear Feet
5.			Linear Feet
6.			Linear Feet
7.			Linear Feet
8.			Linear Feet
9.			Linear Feet
10.			Linear Feet

Duplicate page of additional space is needed

4

Part 3 Fiberglass Insulation Applications Table

Column 1. Report all PCBs concentrations for each homogenous area of fiberglass insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

Column 2. Complete for each concentration ≥ 50 mg/kg

Fiberglass Insulation Application Sample Description	Concentration (mg/kg)	Estimate Amount of Material	Units
Example: Fiberglass Insulation Sample 1	78	86	Square Feet
1.			Square Feet
2.			Square Feet
3.			Square Feet
4.			Square Feet
5.			Square Feet
6.			Square Feet
7.			Square Feet
8.			Square Feet
9.			Square Feet
10.			Square Feet

The area of insulation wrapped around a pipe may be estimated using the following formula:
Area (square feet) = $2\pi rh$, where r is the pipe radius (feet) and h is the pipe length (feet)

Duplicate page of additional space is needed

5

A Z O R I
ARCHITECTURE & REALTY

DEMOLITION PERMIT

701 UNIVERSITY AVE.
BERKELEY, CA
94710

DATE	ISSUES / REVISIONS	BY
02/25/2026	PERMIT SUBMISSION	AA
06/04/2026	LANDMARK & USE PERMIT SUBMISSION	AA
07/15/2026	LANDMARK & USE PERMIT KEY 2	AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP
Anaba Construction, Inc
License # 1084569 - A & C21

Shah Noor Broomand

DEPARTMENT STAMP:

PCBs

A0.07

Part 3 Thermal Insulation Applications Table			
Column 1. Report all PCBs concentrations for each homogeneous area of thermal insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.		Column 2. Complete for each concentration ≥ 50 mg/kg.	
Thermal Insulation Application Sample Description	Concentration (mg/kg)	Estimate Amount of Material	Units
Example: Thermal Insulation Sample 1	20		Square Feet
1.			Square Feet
2.			Square Feet
3.			Square Feet
4.			Square Feet
5.			Square Feet
6.			Square Feet
7.			Linear Feet
8.			Square Feet
9.			Square Feet
10.			Square Feet

The area of insulation wrapped around a pipe may be estimated using the following formula:
Area (square feet) = $2\pi rh$, where r is the pipe radius (feet), and h is the pipe length (feet)

Duplicate page if additional space is needed

6

Part 3 Adhesive Mastic Applications Table			
Column 1. Report PCBs concentrations for each homogeneous area of mastic (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.		Column 2. Complete for each concentration ≥ 50 mg/kg.	
Adhesive Mastic Application Sample Description	Concentration (mg/kg)	Estimate Amount of Material	Units
Example: Adhesive Mastic Sample 1	8" 4	809	Square Feet
1.			Square Feet
2.			Square Feet
3.			Square Feet
4.			Square Feet
5.			Square Feet
6.			Square Feet
7.			Linear Feet
8.			Square Feet
9.			Square Feet
10.			Square Feet

Duplicate page if additional space is needed

7

Part 3 Rubber Window Gasket Applications Table			
Column 1. Report PCBs concentrations for each gasket (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.		Column 2. Complete for each concentration ≥ 50 mg/kg.	
Rubber Window Gasket Application Sample Description	Concentration (mg/kg)	Estimate Amount of Material	Units
Example: Window Gasket Sample 1	70	75	Linear Feet
1.			Linear Feet
2.			Linear Feet
3.			Linear Feet
4.			Linear Feet
5.			Linear Feet
6.			Linear Feet
7.			Linear Feet
8.			Linear Feet
9.			Linear Feet
10.			Linear Feet

Duplicate page if additional space is needed

8

Part 3 Other Materials Table			
Column 1. Optional: Use this form to report PCBs concentration data from materials other than priority building materials. Report PCBs concentrations for each material and homogeneous area. Use sample designators/descriptions from laboratory report.		Column 2. Complete for each concentration ≥ 50 mg/kg.	
Material Sample Description	Concentration (mg/kg)	Estimate Amount of Material	Units
Example: Wall paint Sample 1	228	1500	Square Feet
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Duplicate page if additional space is needed

9

Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition

extraction. However, PCBs are very stable in a variety of matrices and holding times may be extended to as long as one year. Once extracted, analysis of the extract should take place within 40 days.

3.2.4 Quality Assurance and Quality Control

For this program, general quality assurance and quality control (QA/QC) procedures will be utilized. The following checklist should be used by the contractor performing the evaluation:

- QA/QC Checklist:
 - Proper specified sampling equipment was used (pre-cleaned or other, stainless steel);
 - Proper decontamination procedures were followed;
 - Sampling collection spatial frequency was met;
 - A National Environmental Laboratory Accreditation Program (NELAP) laboratory was utilized;
 - Samples were received by the laboratory within proper temperature range;
 - Samples were extracted and analyzed within the method holding time for EPA Method 8082/8082A; and
 - Sample reporting limit met data quality objectives.

3.3 Reporting and Notifications

The following considerations are applicable to reporting and notification:

- Assessment results must be submitted to the applicable Permitting Authority by the project applicant;
- Applicants that determine PCBs exist in priority building materials must follow applicable federal and state laws. This may include reporting to USEPA, the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs;
- Depending on the approach for sampling and removing building materials containing PCBs, applicants may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under TSCA;
- The disposal of PCBs waste is subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

AZORI
ARCHITECTURE & REALTY

PROJECT NAME

DEMOLITION PERMIT

701 UNIVERSITY AVE.
BERKELEY, CA
94702-1525

DATE	ISSUES / REVISIONS	BY
02/12/2024	PERMIT SUBMISSION	AS
04/04/2024	LANDMARK & OLD PERMIT SUBMISSION	AS
07/15/2024	LANDMARK & OLD PERMIT REV 2	AS

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP
Anaba Construction, Inc
License # 1084569 - A & C21

Shah N. Broomand

DEPARTMENT STAMP:

PCBs

A0.08



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

701 University Avenue

(1900 Fourth Street- West Berkeley Shellmound)

Use Permit ZP2026-0060 to demolish a single-story, 1,600-square-foot commercial building on a 99,410-square-foot parking lot located above the Landmarked West Berkeley Shellmound.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, October 8, 2026, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

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

B. Zoning Permits Required:

- **Demolition.** BMC Section 23.326.070(A) “**Main Non-Residential Building**” to demolish a non-residential building. (UPPH)

D. CEQA Recommendation: Categorically exempt pursuant to Section 15301 (“Existing Facilities”) and 15332 (“In-Fill Development”) of the CEQA Guidelines.

E. Project Recommendation: Approve Use Permit #ZP2026-0060 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Shah Noor Broomand
- Property Owner Sogorea Te Land Trust

Further Information:

All application materials are available online at: <https://aca-prod.accela.com/BERKELEY/Default.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Nilu Karimzadegan, at (510) 981-7430 or nkarimzadegan@berkeleyca.gov.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

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

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

6/23/26, 2:52 PM

701 University Avenue - Karimzadegan, Niloufar - Outlook



701 University Avenue

From Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>

Date Tue 6/23/2026 2:52 PM

To elliottabrams@fourthstreet.com <elliottabrams@fourthstreet.com>

Hi Elliott,

I am assigned to the project at 701 University Avenue, and your email to the Planning mailbox has been forwarded to me.

The project was submitted on June 4, 2026, and is currently undergoing initial review. This review covers the Use Permit application for the demolition of the existing parking lot and building on the site. Once the review is complete, the project will be scheduled for a public hearing before the Zoning Adjustments Board. At that time, public notices will be posted on and around the site and mailed to properties within a 300-foot radius of the site.

You can access the application materials and all related correspondence, including public comments (including yours), by following the steps below:

- go to the link: [City of Berkeley](#).
- Click on **Zoning tab**; enter permit number **#ZP2026-0060**; click on the **“Record Info”** drop down menu; click on **Attachments** for a list of all application materials.

**Note that in order to access project files, you will not need to log in*

I hope this helps and please let me know if you have any other questions,

Best,

Nilu

Sincerely,

Nilu Karimzadegan (She/Her)

6/23/26, 2:52 PM

701 University Avenue - Karimzadegan, Niloufar - Outlook

Senior Planner

City of Berkeley | Land Use Planning

NKarimzadegan@berkeleyca.gov

Fraud Alert!

A phishing scam is targeting Berkeley clients with fraudulent invoices. Take steps to protect from fraud:

- Before replying to invoice requests, verify that the message is from a legitimate email address ending in @cityofberkeley.info or @berkeleyca.gov.
- The Berkeley Planning and Development Department will never call you for payment and will never ask you to wire funds.
- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900.

From: Elliott Abrams <elliottabrams@fourthstreet.com>

Sent: Tuesday, June 23, 2026 12:14 PM

To: Planning Dept. Mailbox <Planning@berkeleyca.gov>

Subject: 701 university - parking lot

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.

Dear Planners

Im trying to get more background on the proposal at the former spengers parkiing lot- Is there an application that is public information? If so, where can i read this document?

Does this demolition allow for public input? Is there a review ?

We are concerned abot the removal of the asphlat surface and what they intend to do afterwards. Do they have a master plan?

thank you



Outlook

Re: 701 University Avenue

From Denny <edgeguy@aol.com>

Date Wed 8/19/2026 4:20 PM

To Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>

Cc Klein, Jordan <JKlein@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; Hollander, Eleanor <EHollander@berkeleyca.gov>; Eric Muhlebach <eric@bondretail.com>; Ben Fagelman <ben.fagelman@jamestownlp.com>

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.

City of Berkeley Planning Department

Ms. Niloufar Karimzadegan, Planner COB

Zoning Application: **ZP2026-06-0060**

Landmarks Application: **LMSAP2026-0007**

Hello Niloufar,

First thank you for all the info you sent regarding 701 University. (formally Spenger Lot)

Here is a preview of the response the community is putting together.

A. Many of the *major property owners* surrounding 701 university are signing a petition asking for certain answers the community seeks from scheduled public hearings prior to demolishing the former Spenger Parking Lot.

1. A Master Plan for the project covering 2.2 acres.
2. Provide an interim parking plan for events & construction
3. The Project Should Meet CEQA requirements.

B. *Shop owners surrounding the project* also want and need similar answers. A petition is being circulated.

C. Property owners surrounding the project will be represented by a land use attorney.

In the past 10 years many of us have supported the current applicant's acquisition of the land. Two years ago, *(one week after acquisition of the land)* the applicant shut down all public access to parking without any notice to their neighbors. This change of use of was to the detriment of all neighbors ... especially to retail employment base of some 900 persons.

For two years we have attempted to communicate and suggest various plans , meetings and approaches that would be mutually supportive. After eight months there was one phone call was allowed. Thus, we have never been able to communicate or understand the applicants plans, purpose, or vision.

In Closing, *we are not writing to stop applicants from their use of the land.* However, while the applicant promotes "*let the land breath*" surrounding work community is "*choking*". The work community has a need and right to know *how i construction plans, interim uses (events) and final vision* will be implemented and impacts mitigated.

Thank you,

Denny Abrams
1834 Fourth Street
Berkeley Ca 94710

cell: 510 435 4650
office: 510 644 3002
email: Edgeguy@aol.com

On Thursday, August 13, 2026 at 09:48:17 AM PDT, Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov> wrote:

|

THE LAW OFFICE OF COLIN J. BARRENO

415-500-1644
cbarreno@locjb.com

August 24, 2026

VIA ELECTRONIC MAIL

Landmarks Preservation Commission
City of Berkeley
c/o Ms. Nilu Karimzadegan, Senior Planner
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704
NKarimzadegan@berkeleyca.gov

**Re: LMSAP2026-0007 (Structural Alteration Permit); ZP2026-0060 (Use Permit)
701 University Avenue / 1900 Fourth Street — West Berkeley Shellmound
September 3, 2026 Hearing — Request for Inclusion in Agenda Packet**

Dear Chair and Members of the Commission:

This office represents Abrams Millikan, Fourth Street Holdings, LLC, Bond Retail, and Jamestown Premier Berkeley Grotto LP—longtime property owners and operators in the Fourth Street district adjoining the project site. This letter supplements Mr. Abrams' August 19, 2026 correspondence, which staff has confirmed will be included in the September 3 agenda packet, and incorporates it by reference.

This letter is intended to be supportive and principally to inquire what project is being proposed. The surrounding community is interested in welcoming a project and providing input via the City's normal procedures for alignment and any mitigation. That interest is a long-term one: Mr. Abrams has spent 48 years building and stewarding the Fourth Street district, and the Drew family, partners in Fourth Street Holdings, has been part of the neighborhood for 58. Mr. Abrams has also supported the return of the Shellmound for years; at the Trust for Public Land's request, he provided pro bono valuation analysis in 2021 in support of the acquisition and was recognized for that work at the acquisition ceremony. Our inquiry is focused on confirming: is the City moving these applications forward as it would any other application proposing demolition and site clearing on a designated landmark—with the environmental review, public participation, complete record, and protective measures the ordinary course requires?

To: Landmarks Preservation Commission
Date: August 24, 2026

1. What is being proposed?

The applicant statement says the proposed project is demolition and site clearance, with no new construction, site redevelopment, or change of use—although it would include rough grading to eliminate hazards and prepare the property for future redevelopment under separate review and approval. Setting aside (for a moment) whether the City can segment the environmental review of demolition and grading from future development, the community has an interest in knowing what is planned—not only in the long term, years out, but in the interim. For example, the applicant has held events at the site that attract large numbers of attendees. If the project eliminates the on-site parking, any events will have an immediate and direct effect on neighbors. Is there an interim plan?¹ We have a similar interest in coordinating and providing feedback on potential impacts related to security, drainage, dust, noise, and other areas that may or may not be relevant, depending on what the project is. However, at this point there is little information or dialogue available.

2. Will a CEQA determination precede action on the permit?

The Structural Alteration Permit was deemed complete on July 16, 2026 and is calendared for hearing. The City's July 16 correspondence, however, ties the CEQA determination to the companion Use Permit—"[t]his determination will be made within 30 days of an application being deemed complete"—and the Use Permit remains incomplete. On the current record, no CEQA determination appears to exist for this project,² yet a discretionary approval generally may not precede environmental review. CEQA Guidelines (Cal. Code Regs. tit. 14) § 15004. We respectfully request that the project's CEQA status be stated on the record before the Commission acts.³ Our goal is to clarify and strengthen our collective understanding of a project that all parties can fully support, with any appropriate mitigation.

3. Will the record be completed before findings are made?

Three specific items. First, the applicant's June 4, 2026 statement states that a Historic Resource Evaluation "will provide additional analysis regarding the significance of the existing structure and assist the City in making the required findings." Is the HRE in the record? Second, the application materials (the answer to the Landmarks application's designated-landmark question, and the plan set) indicate that no landmark or historic resource is involved in the

¹ Will the site, for example, retain a portion of asphalt to accommodate the applicant's own parking, construction crews, and events?

² The City's original 2024 transfer and rematriation was not a CEQA "project" as there was no commitment to issue any permits or entitlements or make any physical changes in the environment. Ord. No. 7,899-N.S. § 3.

³ We would anticipate an initial study to be prepared, as we are unaware of a categorical exemption that could apply given the historical and cultural framework applicable to the site. See, e.g., CEQA Guidelines § 15300.2(f); Cal. Pub. Res. Code §§ 21074, 21084.1.

To: Landmarks Preservation Commission
Date: August 24, 2026

demolition. Because the Commission's findings run to the designated resource and "the provisions of the designation," BMC §§ 3.24.240.A, 3.24.260, the designating instrument—Resolution No. 60,806-N.S. and the Notice of Decision it incorporates—should be before the Commission, and the findings should be made as to the landmark site, not the 1,621-square-foot building alone. Third, the City's July 16 letter on the companion Use Permit requires a Phase I or Phase II site assessment and a conceptual grading plan for this same physical work; those materials bear directly on whether and how the work can safely proceed and should precede any approval authorizing ground disturbance.

4. Requested actions.

We respectfully request that the Commission:

- (a) obtain a statement of the project's CEQA status on the record, and take no action approving the permit before environmental review of the project is complete;
- (b) ensure that the Historic Resource Evaluation and the 2000 designation documents be placed in the record, BMC § 3.24.220.B;
- (c) continue the item, rather than closing it, until the site assessment and grading plan already required on the companion application are submitted, and coordinate the two permits so that a single environmental review covers the whole of the project being put forward, CEQA Guidelines § 15378—the property owner's own public materials describe the paving removal as a first phase of a broader restoration program;
- (d) confirm that no demolition or building permit will issue before the discretionary approvals and environmental review are complete.

Measures of this kind should be uncontroversial—several align with objectives the property owner has stated publicly—but they are durable only if adopted through a process that makes them enforceable.

5. Notice requests; further submissions.

Please treat this letter as a written request, on behalf of each client named above, for notice of the Commission's decision, BMC §§ 3.24.240.A, 3.24.160.C.3, and for copies of the staff report and any CEQA determination when available. We anticipate submitting a brief supplemental letter after reviewing the staff report and will appear at the hearing. Issues arising under the Zoning Ordinance—including the findings required by BMC § 23.326.070.D and interim parking and site operations—are reserved for the Zoning Adjustments Board. All issues raised in this letter and in Mr. Abrams' August 19 correspondence are preserved.

To: Landmarks Preservation Commission
Date: August 24, 2026

Our clients' interest is in seeing this project succeed on a record that will hold. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Colin J. Barreno', with a long horizontal line extending to the right.

Colin J. Barreno

Counsel for Abrams Millikan, Fourth Street Holdings, LLC, Bond Retail, and Jamestown Premier
Berkeley Grotto LP

cc: Jordan Klein, Director, Planning and Development Department
Anne Hirsch, Land Use Planning Manager
Paul Buddenhagen, City Manager
Eleanor Hollander, Economic Development Manager
Councilmember Rashi Kesarwani, District 1
Councilmember Terry Taplin, District 2
Denny Abrams
Eric Muhlebach
Ben Fagelman

THE LAW OFFICE OF COLIN J. BARRENO

415-500-1644
cbarreno@locjb.com

September 1, 2026

VIA ELECTRONIC MAIL (planninglpc@berkeleyca.gov)

Landmarks Preservation Commission
City of Berkeley
c/o Ms. Allison Riemer, Secretary
1947 Center Street, 2nd Floor
Berkeley, CA 94704

**Re: Supplemental Comment — Agenda Items 7B and 7C (September 3, 2026 Hearing)
LMSAP2026-0007 (Structural Alteration Permit); ZP2026-0060 (Use Permit)
701 University Avenue / 1900 Fourth Street — West Berkeley Shellmound**

Dear Chair and Members of the Commission:

This office represents Abrams Millikan, Fourth Street Holdings, LLC, Bond Retail, and Jamestown Premier Berkeley Grotto LP—longtime property owners and operators in the Fourth Street district adjoining the project site (the “Fourth Street Shops”). Having reviewed the staff reports, we submit this letter as a Late Communication under the agenda’s September 1 deadline. It supplements our August 24, 2026 letter and Mr. Abrams’ August 19, 2026 correspondence (Item 7C, Attachment 5), which are incorporated by reference.

The Fourth Street Shops is a vital part of the City, with the retail district providing employment to an estimated 900 workers and substantial revenue for the City. As set forth in our August 24, 2026 letter, my clients, some of which have been building and stewarding the district for 50 or more years, intend to support a well-conceived restoration of the site. As part of that, is critical that the approvals of this project incorporate proper review and, where needed, mitigation of impacts on the surrounding community.

We were glad to see the 2000 Notice of Decision in the record (Item 7C, Attachment 4), draft findings addressed to the landmark site consistent with the designation, a Historic Resource Evaluation (Item 7B, Attachment 1), and discovery protocols among the draft conditions. In addition, we would expect to see a review that makes public input—on, e.g., construction dust, debris routes, drainage, parking, and interim operations—useful. The remaining questions are what project is before the Commission, and whether the environmental determination included in the staff report matches it.

To: Landmarks Preservation Commission
Date: September 1, 2026

1. The Project Is Larger than the Application Describes.

The application describes demolition and site clearance with “no new construction.” Yet, the record describes preparation for a defined future. The plan set states the purpose: “final rough grading of the site” to “prepare the parcel for future development” (Sheet A0.01). The staff report’s Figure 6 reproduces the “Conceptual Master Plan” for that future—a park with plantings, pathways, and a daylighted Strawberry Creek—while describing it as “not part of this application.” The findings then rely on it: the analysis for SOI Standard 1 explains that “the site is proposed to be redeveloped as a park,” and the SOI Standard 10 analysis weighs “the subsequent development of a park.” Item 7B, for its part, defers: “[t]he CEQA determination will be discussed in the Use Permit staff report and findings”—a second determination, at a later hearing, for the same demolition.

Under CEQA the “project” is “the whole of an action” and “does not mean each separate governmental approval.” Guidelines § 15378(a), (c); *Save Tara v. City of West Hollywood*, 45 Cal.4th 116, 129 n.8 (2008). Where an action can be described narrowly or broadly, the broader description controls. Guidelines § 15378(d). Dividing one operation between approvals “can improperly submerge the aggregate environmental considerations of the total project.” *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo*, 172 Cal.App.3d 151, 165–67 (1985). The future phase here is material: staff itself relies on the park to make the required findings, and what may happen in the future bears on the nature of the initial project’s effects. The whole of the action should be identified and reviewed before the first discretionary approval issues—not determined a second time, permit by permit.

2. A Categorical Exemption Does Not Fit this Project, However It Is Defined.

Guidelines § 15301 exempts “the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration” of existing facilities. This does not include removal of an entire improvement. This exemption does include some demolition activity under subdivision (I), but that describes only demolition and removal of “individual small structures,” such as a single family residence, a commercial structure designated for a load of 30 persons or less, and accessory structures like patios. It does not describe anything resembling clearing 99,410 square feet of paving, embedded curbs and concrete, and a building’s slab and foundations, with site-wide rough grading.

Guidelines § 15332 exempts projects “characterized as in-fill development”; but this application proposes no development—the staff report’s own formulation is that the project is exempt “because the project would demolish an existing parking lot and an existing non-residential building.” The draft findings then recite § 15332’s five conditions verbatim and attach evidence to none of them. Notably, one of the required findings is that “Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.” That is exactly the type of evaluation we are asking the City to actually do (e.g. via initial study) so that we and the public may participate and ensure there are no unmitigated such effects. In any

To: Landmarks Preservation Commission
Date: September 1, 2026

event, the above discussions on the applicability of the language are questions of what the exemption classes mean, not of what the record shows, and exemption categories “are not to be expanded beyond the reasonable scope of their statutory language.” *Mountain Lion Foundation v. Fish & Game Com.*, 16 Cal.4th 105, 125 (1997).

Independently, Public Resources Code § 21084(e) provides that a project which may cause a substantial adverse change in the significance of a historical resource “shall not be exempted,” and Guidelines §§ 15061(b)(2) and 15300.2(f) implement that bar for every categorical class. The draft conditions appear to concede the applicability of this bar. The conditions include IV.B.3, which applies “[p]ursuant to CEQA Guidelines section 15064.5(f)” —a significance-and-mitigation provision. Condition IV.B.2 provides that if a discovered resource is “significant under CEQA, a mitigation plan shall be prepared and implemented.” These seem prudent measures, but “[m]itigation measures may support a negative declaration [and] not a categorical exemption.” *Historic Architecture Alliance v. City of Laguna Beach*, 96 Cal.App.5th 186, 208 (2023); *accord Berkeley Hillside Preservation v. City of Berkeley*, 241 Cal.App.4th 943, 960 (2015); *Salmon Protection & Watershed Network v. County of Marin*, 125 Cal.App.4th 1098, 1106–08 (2004). We read their presence as conceding a reasonable possibility of effect, which is the exception’s threshold.

The appropriate instrument, in our view, is an initial study. We would anticipate that would result in a mitigated negative declaration with a mitigation monitoring and reporting program, which would give any conditions enforceable effect and beneficial value to the community.

3. The City’s Own Requirements Should Come First.

The City’s July 16, 2026 letter on the companion Use Permit requires a Phase I or Phase II site assessment and a conceptual grading plan for this same physical work. Neither is in the record. Nothing in the draft conditions prevents a demolition or building permit from issuing on this Structural Alteration Permit alone, before those materials exist and before the Use Permit is acted on. The Commission should not authorize ground disturbance ahead of the studies the City has itself required.

4. Record Notes.

The Historic Resource Evaluation is the April 21, 2016 LSA report prepared for the prior owners; it evaluates a different project—“a 207,590-square foot mixed-use project”—and only the building, “limited to above ground.” It should be updated before findings rest on it, and incorporated into the Item 7C record. Condition of Approval I.1 approves the “project plans dated June 4, 2026,” while Attachment 2 is the “Project Plans, received July 15, 2026”; the operative set should be clarified. And because Item 7B notices no ground for a CEQA

To: Landmarks Preservation Commission
Date: September 1, 2026

determination—it states the determination “will be discussed in the Use Permit staff report”—Item 7B should be heard together with Item 7C rather than on the consent calendar.¹

5. Requested Actions.

We respectfully request that the Commission:

- (a) continue Item 7C to a date certain, keeping the public hearing open, until (i) the project description is clarified to encompass the whole of the action, (ii) the site assessment and conceptual grading plan required on the companion Use Permit are submitted, and (iii) environmental review of the whole of the project is completed;
- (b) in the alternative, if the Commission acts on September 3, condition any approval—with the applicant’s consent, BMC § 3.24.240.A—so that it does not take effect, and no demolition or building permit issues and no ground disturbance occurs, until the companion Use Permit and the environmental review of the project are complete; this adds no substantive requirement and simply aligns the sequence of approvals with the City’s July 16 letters;
- (c) hear Item 7B together with Item 7C, direct the record corrections above, and incorporate the Historic Resource Evaluation into the Item 7C record; and
- (d) provide notice of the Commission’s decision to this office on behalf of each client named above, BMC §§ 3.24.240.A, 3.24.160.C.3, together with a copy of any CEQA determination or notice of exemption when filed.

All issues raised in this letter, in our August 24 letter, and in Mr. Abrams’ August 19 correspondence are preserved. My clients continue to support the return and restoration of the Shellmound; their request remains a complete record and an environmental determination that will hold.

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¹ Item 7B and the agenda caption the companion Use Permit as #ZP2026-0007 and state “Date Deemed Complete: July 16, 2026.” The Use Permit of record is ZP2026-0060, which was deemed incomplete a second time on July 16; the completeness date shown is the Structural Alteration Permit’s.

To: Landmarks Preservation Commission
Date: September 1, 2026

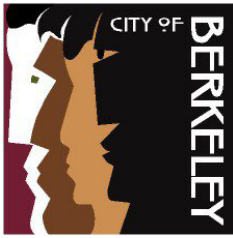
Respectfully submitted,



Colin J. Barreno

Counsel for Abrams Millikan, Fourth Street Holdings, LLC, Bond Retail, and Jamestown Premier
Berkeley Grotto LP

cc: Nilu Karimzadegan, Senior Planner
Jordan Klein, Director, Planning and Development Department
Anne Hirsch, Land Use Planning Manager
Paul Buddenhagen, City Manager
Eleanor Hollander, Economic Development Manager
Councilmember Rashi Kesarwani, District 1
Councilmember Terry Taplin, District 2
Denny Abrams
Eric Muhlebach
Ben Fagelman



Planning & Development
Land Use Planning Division

MEMORANDUM

September 2, 2026

To: Landmarks Preservation Commission

From: Nilu Karimzadegan, Senior Planner

Subject: SUPPLEMENTAL COMMUNICATION
Agenda Items: 7B (#ZP2026-0060), 7C (LMSAP2026-0007)
701 University Avenue - West Berkeley Shellmound

BACKGROUND

Staff has prepared the following clarifying information in response to correspondence received on August 24 and September 1, 2026.

ANALYSIS

The correspondence received identified concerns related to piecemealing of the analysis required by the California Environmental Quality Act (CEQA) and the use of Categorical Exemptions for the proposed removal of asphalt and a non-landmarked structure at 701 University Avenue.

Piecemealing

It is stated in the correspondence that approving demolition of the parking lot now, without also studying the future construction of the park at the site, constitutes improper "piecemealing" under CEQA. Under CEQA, a city must analyze the environmental effects of a future action if it is a foreseeable consequence of the initial project. Piecemealing occurs when the reviewed project is the first step of a future development.

The purpose of removing the existing parking lot is independent of any future park proposal which is not currently funded and is only contemplated at this time. The future development of a park at the site may or may not occur and the submitted conceptual park plan is subject to change.

Demolition of the parking lot is considered a beneficial action in its own right, both for honoring the cultural significance of the site and for enabling geolocation and investigation of subsurface

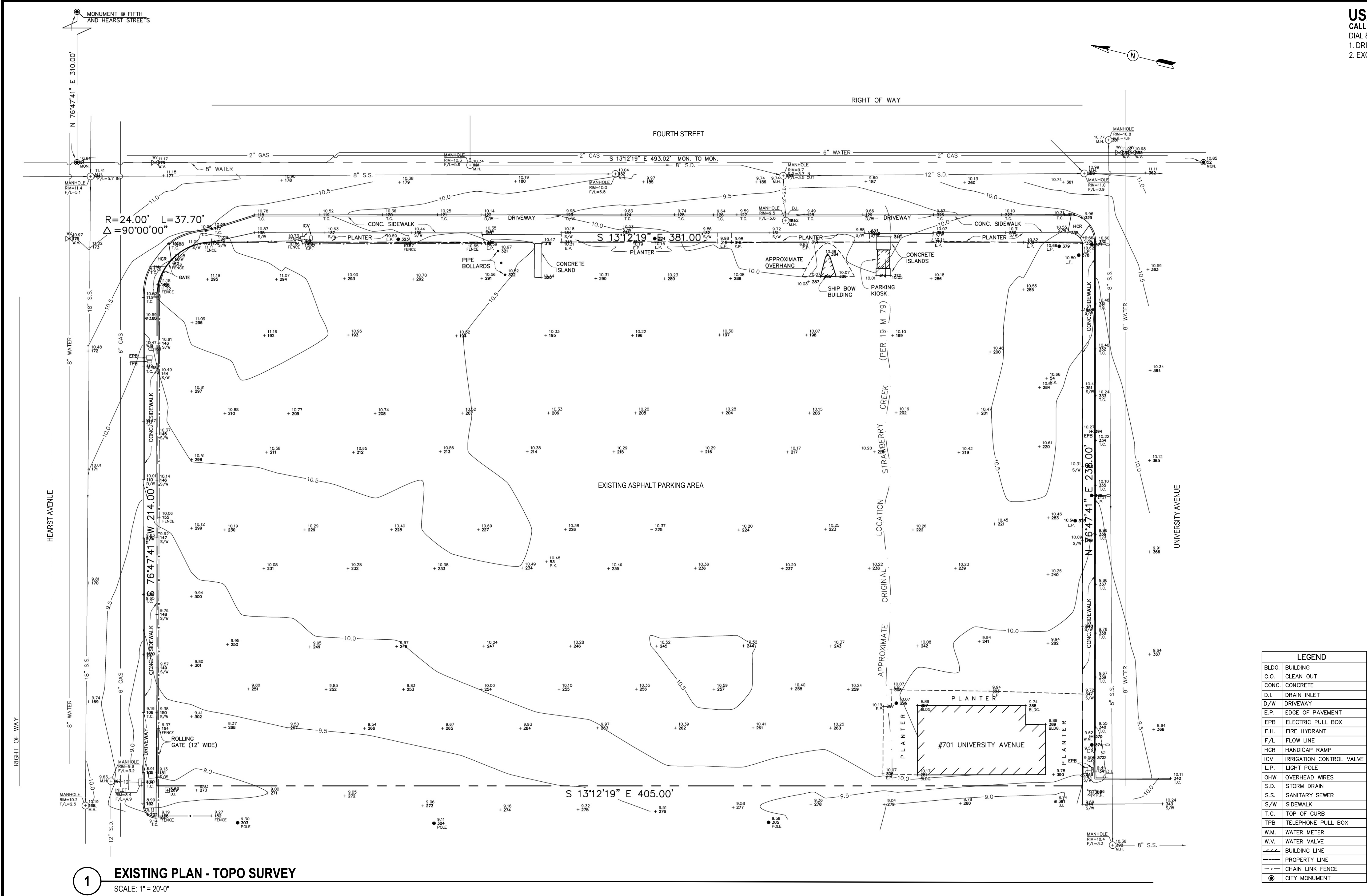
resources, regardless of whether a park is ultimately constructed. Removal of the asphalt also enhances the historic resource—the subsurface Shellmound—independent of any future park development.

Categorical Exemption

It is stated in the correspondence that use of a Categorical Exemption is not applicable per CEQA Guidelines Section 15300.2 (f) which provides that "a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."

The historical resource is limited to the subsurface remnants of the West Berkeley Shellmound, and not the asphalt or structures proposed to be removed. Staff identified that the CEQA exemption is appropriate because the removal of the parking lot and building will not disturb or alter historical resources and, in fact, will enhance them by allowing for improved detection of subsurface features. The above-ground parking lot is not a landmarked historical resource. The City will monitor the removal process to ensure that no Shellmound remnants are relocated or altered in a manner that would constitute a material impairment of the underground resources.

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2. EXCAVATION



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SAN FRANCISCO, CA 94103
PHONE: 415-531-1009
EMAIL: info@shore-cal.com



Edwin J. O'Toole

701 UNIVERSITY AVENUE
GRADING PLAN

701 UNIVERSITY AVENUE
BERKELEY, CALIFORNIA 94710
APN: 57-210-5

PROJECT NUMBER	SCALE
DRAWN BY	CHECKED BY
AF	EOT

DATE: 2026.09.09

EXISTING PLAN

C2.0

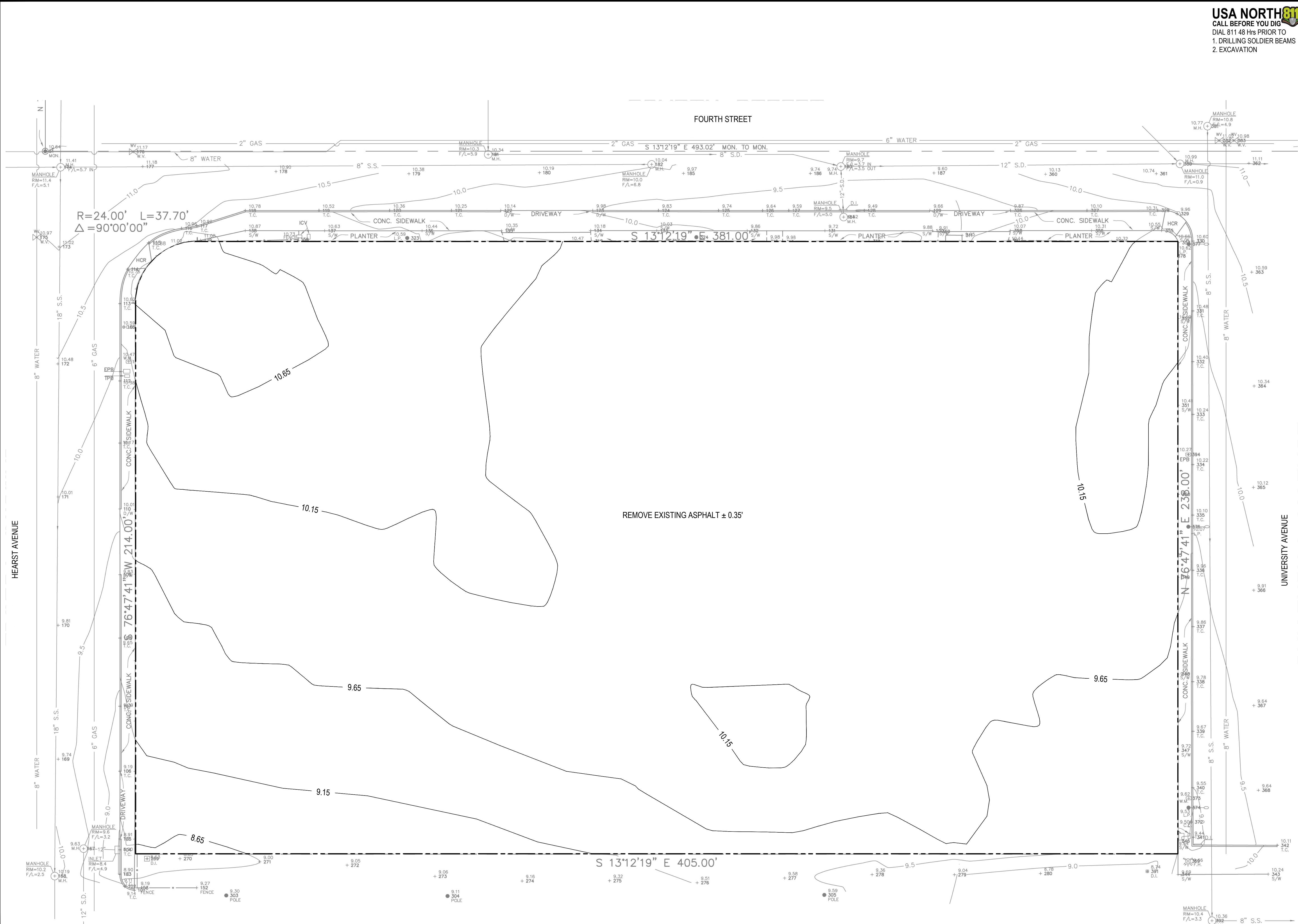
PROPERTY DESCRIPTION (NCS-621769-CC)

PARCEL 1:
PORTION OF BLOCK 88, AS SHOWN ON THE MAP ENTITLED "MAP OF TRACT B OF THE BERKELEY L.T.I. ASSOCIATION" FILED FEBRUARY 4, 1876, IN BOOK 19 OF MAPS, AT PAGE 79, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE NORTHERN LINE OF UNIVERSITY AVENUE, WITH THE WESTERN LINE OF 4TH STREET, AS SAID AVENUE AND STREET ARE SHOWN ON SAID MAP; AND RUNNING THENCE ALONG SAID LINE OF 4TH STREET NORTHERLY 420 FEET TO THE SOUTHERN LINE OF HEARST AVENUE, FORMERLY BRISTOL STREET, AS SHOWN ON SAID MAP; THENCE ALONG THE LAST NAMED LINE WESTERLY 123 FEET TO A POINT DISTANT THEREON EASTERLY 123 FEET FROM THE EASTERN LINE OF 3RD STREET, AS SHOWN ON SAID MAP; THENCE AT RIGHT ANGLES SOUTHERLY 420 FEET TO SAID LINE OF UNIVERSITY AVENUE; AND THENCE ALONG THE LAST NAMED LINE EASTERLY 123 FEET TO THE POINT OF BEGINNING.
EXCEPTING THEREFROM, THE SOUTHERN 15 FEET THEREOF, TAKEN FOR THE WIDENING OF UNIVERSITY AVENUE, AS DESCRIBED IN THE DEED TO CITY OF BERKELEY, DATED MAY 24, 1939, RECORDED JUNE 24, 1939, IN BOOK 3781 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AT PAGE 225.
ALSO EXCEPTING THAT PORTION THAT IS CONTAINED IN THE DEED TO THE CITY OF BERKELEY, A MUNICIPAL CORPORATION RECORDED OCTOBER 14, 1969, REEL 2495, IMAGE 968.

PARCEL 2:
A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED DATED FEBRUARY 26, 1945, FROM BENJ. B. UNGER AND MARY LOUISE UNGER TO SOUTHERN PACIFIC COMPANY, RECORDED MARCH 3, 1945 IN BOOK 4676, PAGE 206, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LAND DESCRIBED IN SAID DEED, BEING ALSO IN THE SOUTHERLY LINE OF HEARST AVENUE, FORMERLY BRISTOL STREET, DISTANT THEREON EASTERLY, 8.00 FEET FROM THE NORTH-WESTERLY CORNER OF SAID LAND DESCRIBED IN SAID DEED; THENCE EASTERLY, ALONG SAID NORTHERLY LINE, ALSO SAID SOUTHERLY LINE OF HEARST AVENUE, 115 FEET TO THE NORTHEASTERLY CORNER OF SAID LAND DESCRIBED IN SAID DEED; THENCE SOUTHERLY, AT RIGHT ANGLES FROM LAST DESCRIBED COURSE AND ALONG THE EASTERLY LINE OF LAND DESCRIBED IN SAID DEED, 405 FEET TO THE SOUTHEASTERLY CORNER THEREOF; BEING A POINT ON THE NORTHERLY LINE OF THAT CERTAIN STRIP OF LAND TAKEN FOR THE WIDENING OF UNIVERSITY AVENUE, AS DESCRIBED IN DEED TO CITY OF BERKELEY, DATED JUNE 1, 1940, RECORDED JULY 12, 1940, IN BOOK 3924 OF OFFICIAL RECORDS OF THE COUNTY OF ALAMEDA, AT PAGE 278; THENCE WESTERLY ALONG LAST SAID NORTHERLY LINE, 115 FEET TO A POINT IN A LINE PARALLEL WITH AND DISTANT EASTERLY 8.00 FEET, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF LAND DESCRIBED IN SAID DEED, DATED FEBRUARY 26, 1945; THENCE NORTHERLY, ALONG SAID PARALLEL LINE, 405 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:

- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- ENCROACHMENTS SHOWN ON THIS SURVEY ARE MARKED TO THE NEAREST ONE-TENTH (0.1) OF A FOOT AND LABELED IN OR OUT, INDICATING THE ENCROACHMENT LIMIT INSIDE OR OUTSIDE AND PERPENDICULAR TO THE SUBJECT BOUNDARY.
- BOUNDARY AND EASEMENT INFORMATION IS BASED ON RECORD DATA AND PHYSICAL IMPROVEMENTS AND ON RECORD INFORMATION ONLY AS DISCLOSED IN THE PRELIMINARY TITLE REPORT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED JUNE 26, 2013, ORDER NUMBER NCS-621769-CC.
- ALL GRADING SHALL CONFORM TO THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE (CBC) CHAPTER 18 AND APPENDIX J, THE LOCAL JURISDICTION'S GRADING ORDINANCE, AND ALL CONDITIONS OF THE GRADING PERMIT. NO GRADING SHALL COMMENCE UNTIL A GRADING PERMIT HAS BEEN ISSUED.
- PRIOR TO ANY EXCAVATION, THE CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA NORTH 811) AT LEAST TWO (2) FULL WORKING DAYS IN ADVANCE FOR LOCATION OF EXISTING UNDERGROUND UTILITIES. THE CONTRACTOR SHALL FIELD-VERIFY THE HORIZONTAL AND VERTICAL LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND SHALL PROTECT IN PLACE ALL UTILITIES NOT DESIGNATED FOR REMOVAL.
- EROSION AND SEDIMENT CONTROL SHALL COMPLY WITH THE STATE WATER RESOURCES CONTROL BOARD NPDES CONSTRUCTION GENERAL PERMIT (ORDER NO. 2022-0057-DWQ, AS AMENDED) AND THE SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD MUNICIPAL REGIONAL STORMWATER NPDES PERMIT (MRP), AS IMPLEMENTED LOCALLY BY THE APPLICABLE COUNTYWIDE CLEAN WATER PROGRAM AND THE LOCAL JURISDICTION'S STORMWATER ORDINANCE.
- BEST MANAGEMENT PRACTICES (BMPs) FOR EROSION AND SEDIMENT CONTROL, MATERIAL AND WASTE MANAGEMENT, AND NON-STORM WATER MANAGEMENT SHALL BE INSTALLED PRIOR TO THE START OF GRADING AND MAINTAINED THROUGHOUT CONSTRUCTION, INCLUDING PRIOR TO AND DURING THE RAINY SEASON (OCTOBER 1 THROUGH APRIL 30). ALL DISTURBED AREAS SHALL BE STABILIZED PRIOR TO THE ONSET OF THE RAINY SEASON IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN.
- DUST CONTROL SHALL COMPLY WITH BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) REGULATION 8, RULE 40, AND THE BASIC AND ENHANCED CONSTRUCTION MITIGATION MEASURES OF THE CURRENT BAAQMD CEQA AIR QUALITY GUIDELINES, INCLUDING BUT NOT LIMITED TO WATERING OF EXPOSED SURFACES, COVERING OF HAUL TRUCKS, LIMITING VEHICLE SPEEDS ON UNPAVED AREAS TO 15 MPH, AND STABILIZING OR HYDROSEEDING INACTIVE DISTURBED AREAS.
- CONSTRUCTION ACTIVITIES SHALL BE LIMITED TO THE HOURS PERMITTED BY THE LOCAL JURISDICTION'S NOISE AND CONSTRUCTION ORDINANCE. CONTRACTOR SHALL COORDINATE ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY WITH THE LOCAL PUBLIC WORKS DEPARTMENT AND SHALL OBTAIN AN ENCROACHMENT PERMIT PRIOR TO PERFORMING WORK WITHIN THE RIGHT-OF-WAY.



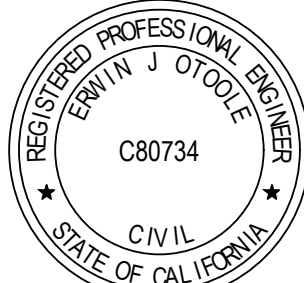
USA NORTH 811
CALL BEFORE YOU DIG
DIAL 811 48 Hrs PRIOR TO
1. DRILLING SOLDIER BEAMS
2. EXCAVATION

REVISIONS		DESC.	
NO.	DATE		



SHORECAL
Engineering Inc.

1663 MISSION STREET, SUITE 501
SAN FRANCISCO, CA 94103
PHONE: 415-531-1009
EMAIL: info@shore-cal.com



E. J. O'Toole

701 UNIVERSITY AVENUE
GRADING PLAN

701 UNIVERSITY AVENUE
BERKELEY,
CALIFORNIA 94710
APN: 57-210-5

PROJECT NUMBER	SCALE
DRAWN BY	CHECKED BY
AF	EOT

DATE: 2026.09.09

GRADING PLAN

C2.1

