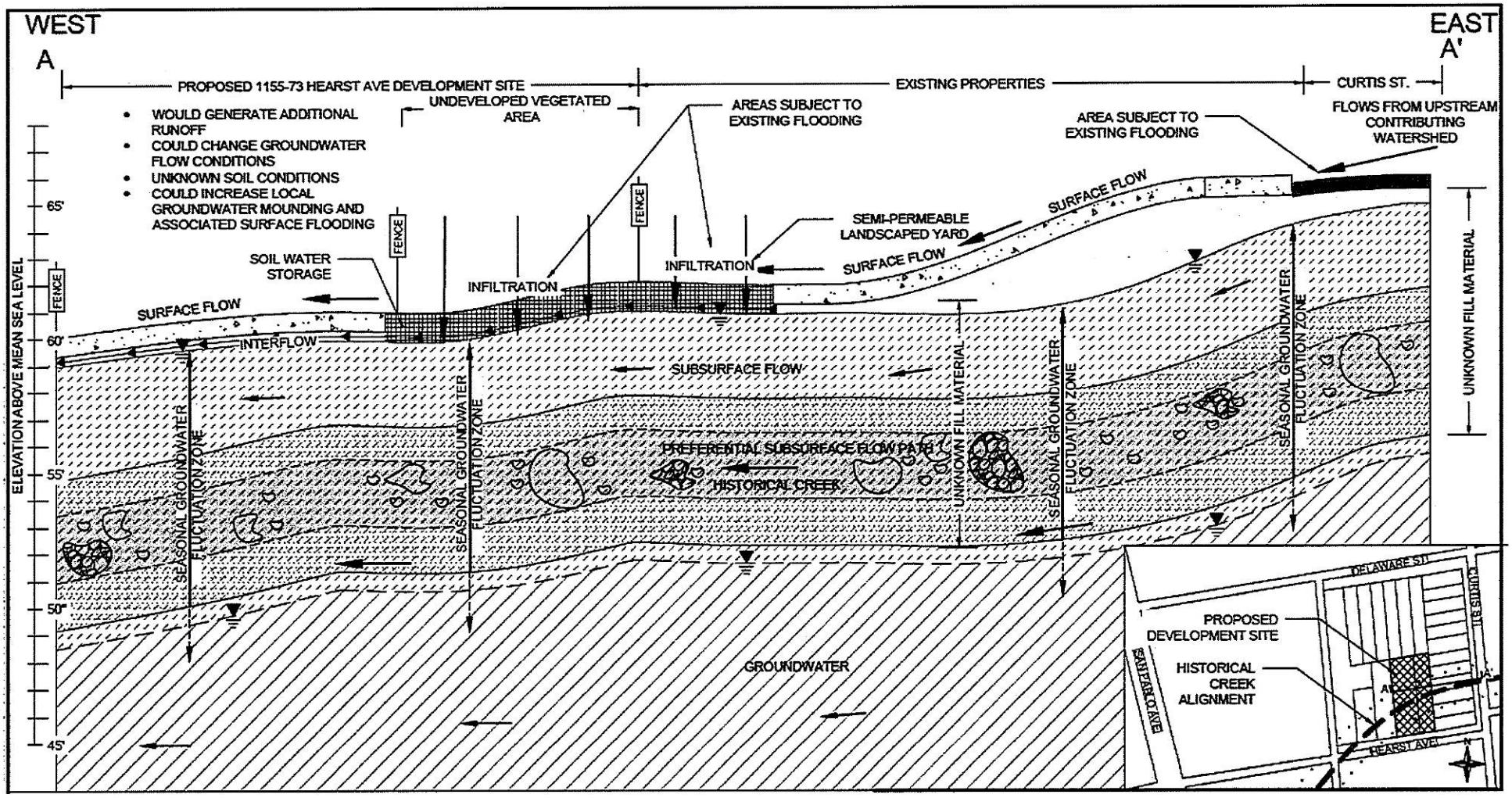
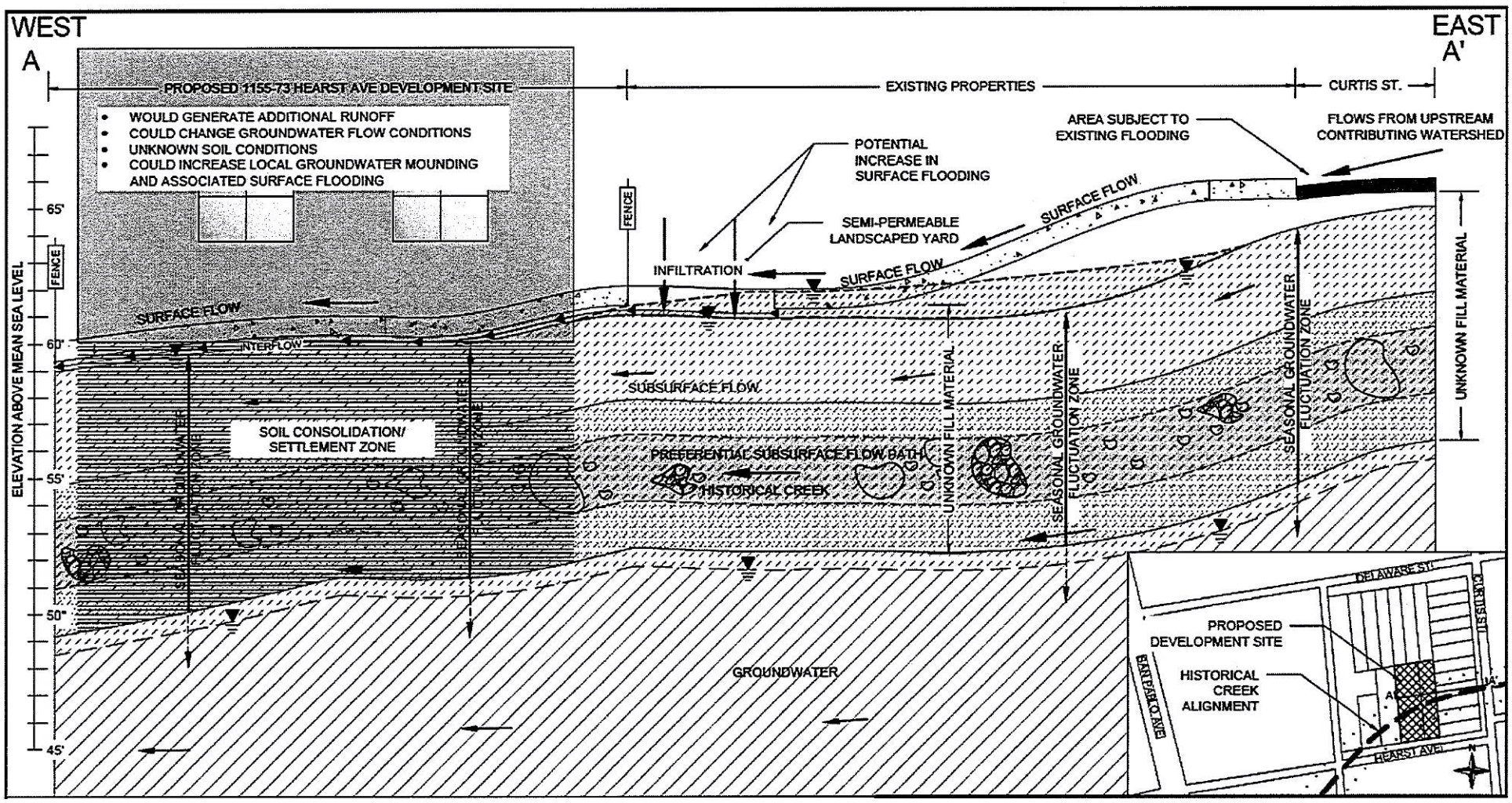
Existing Conditions



terraphase engineering

Proposed Conditions



terraphase engineering

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June 26, 2002

Marc Mathieu and Elaine Eastman
1173 Hearst Avenue
Berkeley, CA

Subject: Recommended Evaluation of Subsurface Drainage Conditions
1173 Hearst Avenue and Vicinity, Berkeley, CA

Dear Mark and Elaine:

The purpose of this letter is to propose an investigation to characterize the shallow groundwater conditions in the vicinity of your property at 1173 Hearst Avenue. Based on our site meeting on June 24, 2002 and a review of background materials, I believe that there are potential significant impacts to the local groundwater and subsurface drainage conditions in the vicinity of, and in association with, the proposed redevelopment project at 1155-1163 Hearst Avenue. The area including this property, your property, and the neighboring properties along Curtis Street are hereafter referred to collectively as "the Site". The background and rationale for an investigation are presented below followed by a proposed study approach.

BACKGROUND AND RATIONALE FOR INVESTIGATION

Based on a site visit and review of available correspondence and maps, the history and physical setting of your neighborhood can be summarized as follows. Historical maps and the map entitled, "The Creek & Watershed Map of Oakland & Berkeley (J. Sowers, 1995) indicate that a tributary channel to Strawberry Creek once existed across your property. Based on these maps, the alignment of this creek extends downstream across the 1155-1163 Hearst property and in an upstream direction somewhere towards the homes between 1826 and 1814 Curtis Street. It appears that the creek channel has been filled and there are no records that it is contained in a culvert or storm drain.

Your neighbors along Curtis Street experience annual flooding in their basements and backyards, even during dry water year-types. The depth of ponding at these properties rises and falls with the passage of winter storms, but a base level of ponding is sustained throughout the winter season. Your neighbor at 1814 Curtis Street has installed a sump-pump in his back yard to alleviate flooding. Based on his observations, there is water in the sump-pump throughout the year at shallow depths below the ground surface.

Based on this information, my observations during the site visit, and my experience/knowledge on similar hydrologic projects, I have developed the following hypothesis regarding the current subsurface hydrologic conditions at the site. There is a shallow groundwater table beneath the site vicinity. During the winter season, rainfall that does not run off impervious surfaces infiltrates into the ground and recharges the shallow water table. As a result, there is a seasonal rise in the water table during the winter months. During the winter, the rising water table intersects the ground surface, which is expressed as ponding in the low-lying portions of the Site. As winter rains subside and groundwater recharge ceases, the local groundwater table recedes during the spring-summer dry period

At the very least, the buried creek channel may be a contributing factor to the local shallow groundwater conditions. Regionally, groundwater flow is toward the Bay (west) with the water table surface likely mimicking the ground surface. If the buried creek channel is filled with material that has a higher permeability and porosity than the surrounding subsurface sediments, it may preferentially hold and

transmit groundwater beneath and across the Site. Based on the available maps, the buried creek channel may be receiving surface and groundwater recharge from areas as far east (upstream) as West Street, between Delaware and Bay Streets (1878 Historical Atlas of Alameda, California). In summary, the buried creek channel may be preferentially directing groundwater and subsurface flow towards and beneath your property, which then continues westward beneath the 1155-1163 Hearst Avenue site and westward to the confluence with the main-stem Strawberry Creek near University and San Pablo Avenues.

My biggest concern with respect to the proposed development at 1155-1163 Hearst Avenue is that any construction including subsurface foundation and/or structures would impact the existing groundwater conditions in a fashion that would alter the existing groundwater flow direction (from east to west) and/or cause local groundwater levels to rise, leading to increased flooding. Such an adverse scenario could easily evolve, if construction "dams" or blocks the buried creek channel, altering the preferential flow of groundwater through it.

PROPOSED SCOPE OF WORK

In order to better characterize subsurface conditions beneath your property and better evaluate the potential adverse impacts to subsurface drainage associated with construction of the proposed facilities on 1155-1163 Hearst Avenue, we propose the following tasks of work.

Task 1: Obtain and Review Background Information

Review available geology, groundwater, geotechnical reports and maps to better characterize regional and local subsurface soil and groundwater conditions. This task should also include time to review City plans/drawings of the storm sewer system and interview City personnel to investigate the drainage problem along Hearst Avenue in front of your house. In addition, it would be helpful to review proposed construction plans for the proposed development at 1155-1163 Hearst to better identify potential impacts to subsurface conditions.

Task 2: Field Investigation

This task will include time to complete a number of soil borings in an effort to identify and delineate the alignment of the buried creek channel. This work will also allow us to better characterize and document shallow groundwater conditions. During the completion of soil borings, we will install a series of shallow groundwater piezometers to monitor water levels on a monthly basis over the ensuing year. Piezometers will be located to adequately monitor groundwater conditions in the buried channel and surrounding sediments. All soil boring will be logged according to the Unified Soil Classification System. Soil boring work may be coordinated with geotechnical investigations to better characterize the liquefaction potential of local soils. All boring and piezometer locations will be surveyed and incorporated into your existing neighborhood topographic survey map.

Task 3: Groundwater Flow Analyses and Reporting

This task includes time to interpret field data, complete hydraulic analyses, and prepare a letter report documenting the results of this investigation including recommendations with respect to potential significant impacts to groundwater conditions and flooding hazards associated with the 1155-1163 Hearst Avenue project. This task also includes time to prepare the necessary figures and maps to support the report.

SCHEDULE AND STAFFING

All work can be initiated immediately upon your authorization. If you wish to pursue this work through our firm, we will prepare a cost estimate. All hydrology work would be managed and directed by Greg Kamman (a California Registered Geologist and Certified Hydrogeologist). Review of project plans would be completed by Rachel Kamman (California licensed Professional Engineer). Resumes for these key individuals are attached.

If you have any questions or concerns, please call me.

Sincerely,

Greg Kamman
Principal Hydrologist

Cc: Brian Gaffney, Attorney

ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
APRIL 25, 2019

1155-1173 Hearst Avenue

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new dwelling units.

I. Background

A. Land Use Designations:

- General Plan: HDR – High Density Residential
- Zoning: R-2A – Restricted Multiple-Family Residential

B. Zoning Permits Required:

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming front and side yard, BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", BMC Section 23D.32.070.D.4

C. CEQA Determination:

Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

D. Parties Involved:

- Applicant/ Property Owner: Hearst Avenue Cottages, LLC c/o Rhoades Planning Group, 46 Shattuck Square, Suite 11, Berkeley, CA 94704

Table 1: Project Chronology

Date	Action
February 2, 2016	Application submitted
May 17, 2017	Application deemed complete
August 10, 2017	ZAB public hearing notices mailed/posted
August 24, 2017	ZAB hearing continued item to September 28, 2017
September 28, 2017	ZAB hearing, item continued off calendar
March 6, 2018	Revised Application submitted
July 3, 2018	Revised Application deemed complete
August 8, 2018	ZAB public hearing notices mailed/posted
August 23, 2018	ZAB hearing
August 30, 2018	Notice of Decision issued
September 12, 2018	Appeal filed
January 29, 2019	Council Hearing remand to ZAB
April 25, 2019	ZAB public hearing notices mailed/posted
May 9, 2019	ZAB hearing

II. Project Background

On August 23, 2019, the ZAB approved Use Permit #ZP2016-0028 to rehabilitate the seven existing dwelling units (three duplexes and one single-family dwelling) and add three two-story duplexes as a common interest development (i.e. condominiums) for a total of seven buildings and 13 dwelling units. The ZAB added the following conditions revising the plan set:

- The north facing window of the northeast bedroom in **Geranium** be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.
- The roof deck on **Geranium** shall be moved to the east side of the roof and the roof access shall not include any windows and shall be reduced in massing (i.e. sloped) to limit impacts to the western neighbors.
- All west facing windows on **Freesia** and **Geranium** shall, subject to review and approval by the Zoning Officer, be redesigned to ensure privacy for the residents of the building to the west. This may include, but is not limited to, frosted glass and/or clerestory design.
- A maximum of three full bathrooms are permitted in the two **Freesia** dwelling units.

In addition, the ZAB revised and added to the conditions of approval for tenant protections.

Staff sent the Notice of ZAB decision out on August 30, 2018. On September 12, 2018, Hussein Saffouri, on behalf of Rain Sussman, owner and resident of 1824 Curtis Street ("Appellant"), filed an appeal with the City Clerk. Twenty-nine additional individuals signed

a petition in support of the appeal. The Clerk set the matter for review by the Council on January 29, 2019.

After a public hearing, Council remanded the project back to ZAB to undertake further CEQA analysis, review the project based on CEQA findings, and analyze the detriment to rent-controlled units.

III. Current Status

A. Further CEQA Analysis – Geotechnical Investigation: To further inform the CEQA analysis, the applicant hired the firm of Alan Kropp & Associates, Inc. (AKA) to perform an investigation to evaluate the geotechnical characteristics of the site for the proposed project and to provide geotechnical engineering recommendations for the proposed work. Staff hired the firm of Cotton, Shires & Associates, Inc. (CSA) to peer review the geotechnical report. See Attachment 8 for all results of the geotechnical report and peer review. The investigation concludes that the site is suitable for the construction of the proposed project from a geotechnical standpoint provided that all of the conclusions and recommendations presented in the report are incorporated in the design and construction of the project. As noted in the peer review, the AKA report does not address potential flooding or hydrologic concerns within the scope of their work. The geotechnical report was, however, reviewed by Clearwater Hydrology (CH) for an engineering hydrologic review. CH reviewed the geotechnical investigation with the aim to note any soils information that may differ from the conditions assumed for the project site by CH relative to its stormwater drainage design for the site. As summarized in its letter dated February 22, 2019 (see Attachment 8), the groundwater depth measured by AKA is greater than that assumed by CH, rendering CH's design assumptions conservative. The results of the investigation, therefore. confirm that no further revisions to the design as presented in the July 2017 final report are required.

The CSA peer review also concluded that the geotechnical report was in general conformance with the prevailing standard of practice and recommended conditions be added to Use Permit entitlement. To reflect current project status, staff recommends the existing condition of approval regarding the geotechnical investigation be updated as follows with track changes reflecting the current project status:

Prior to Issuance of Any Building Permit:

13. Geotechnical Report. The applicant shall submit to the Building and Safety Division ~~a~~the geotechnical report, prepared by Alan Kropp & Associates, dated March 1, 2019, updated April 17, 2019, as well as the peer review conducted by Cotton, Shires & Associates, Inc. dated March 14, 2019 and April 29, 2019.~~that addresses the subsurface water conditions in and in the immediate vicinity of the project site.~~ A civil engineer shall be employed to draft plans in conformance with all recommendations of the Geotechnical and Hydrology reports and associated peer reviews. The engineer shall annotate the recommendations to state where in the building permit plan submittal set each recommendation is addressed.

B. Further CEQA Analysis – Categorical Exemption: The City hired Rincon Consultants to independently review the project file, technical reports submitted, peer reviews, and public comment to prepare an analysis of the applicability of a Class 32 Urban Infill categorical exemption for this project (see Attachment 9). The analysis concludes that no unusual circumstances that would trigger further CEQA review exist at the project site. Specifically, with respect to hydrologic conditions, the Categorical Exemption analysis concludes that the limited seasonal flooding in the vicinity of the site is common in low lying areas in Berkeley. Further, the analysis notes that the historic trace of Strawberry Creek is the area is identified as "Not Protected" under BMC Section 17.08, and the project is not otherwise in flood plain, flood way, or flood restriction zone. (Compare Pub. Res. Code, § 21159.21 [defining conditions for certain CEQA exemptions for housing developments].) Staff, therefore, recommends no changes to the CEQA analysis and the use of a Categorical Exemption.

C. Rent Control Detriment Analysis: ZAB granted project approval with several conditions to protect existing tenants residing in the seven existing dwelling units, six of which are subject to rent control: 1155-57 Hearst Avenue, 1159 A & B Hearst Avenue, and 1161-63 Hearst Avenue. Staff reviewed the conditions with Rent Stabilization Board staff who ensure tenant protections (BMC 13.76) and Housing and Community Services staff who implement the provisions of the Relocation Ordinance (BMC 13.84). Follows are the ZAB approved tenant protection conditions, with track changes recommended by staff to provide clarity and consistency with the Rent Stabilization and Relocation Ordinances. In addition, staff recommends flexibility to the tenant parking condition (COA 30) to allow for payment as compensation if alternative parking is unavailable.

Prior to Issuance of Any Building Permit:

15. No work related to this Use Permit may commence on any of the existing duplexes (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst), until and unless both units are vacant pursuant to the Tenant Relocation condition below. This does not apply to routine maintenance and repairs.

16. Tenant Relocation. At least 30 days prior to construction of ~~Prior to building permit issuance for~~ any interior improvements, renovations or addition to the existing dwelling unit~~s~~ (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst, and 1173 Hearst) related to this Use Permit, the property owner shall provide all tenants of 1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst, and 1173 Hearst a written notice of temporary relocation as outlined in BMC Chapter 13.84.040.B. This notice shall summarize the repairs to be undertaken and the estimated duration of relocation and shall be accompanied by a copy of the Relocation Ordinance and the City's request for relocation payment form. Alternatively, the property owner shall provide ~~proof~~ verification from the Rent Stabilization Board that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation. Verification of voluntary vacation of the units must include acknowledgment that the tenants were aware of their rights under the Relocation Ordinance.

19. Construction Noise Management - Public Notice Required. At least thirty calendar days prior to initiating any construction activities at the site, the

applicant shall provide notice to existing residents on the project site, including (1) description of construction activities, (2) daily construction schedule (i.e., time of day) and expected duration (number of months), (3) the name and phone number of the Noise Management Individual for the project, and (4) designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, 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.

The public notice shall also state that the applicant will hold a community meeting every six months from the start of construction to the conclusion of construction for all active building permits related to this Use Permit pursuant Condition of Approval number 32; that the existing tenants have the option to temporarily relocate during construction for all active building permits related to this Use Permit pursuant to Condition of Approval number 31; and that parking shall be provided on or off site during all construction in compliance with Condition of Approval number 30.

During Construction:

31. Tenant Parking. During any construction related to this Use Permit, the applicant/property owner shall ensure that parking is provided to existing tenants per their lease agreement either on-site or in an alternative location within the area bounded by San Pablo Avenue to the west, Francisco Street to the north, Chestnut Street to the east, and University Avenue to the south. If parking cannot be found within the boundary then the applicant/property owner shall provide tenants with $100/month as a parking stipend.[1]

32. Temporary Relocation. During any construction related to this Use Permit, a tenant household that has been a tenant as of the date of Use Permit entitlement, ~~existing tenants~~ may choose to temporary relocate during construction activities related to entitlement of this Use Permit, and the applicant/property owner shall initiate relocation under the provisions of ~~accommodate the request and provide the same benefits and protections as in~~ the Relocation Ordinance, BMC Section 13.84.

33. Neighborhood Construction Meetings. The applicant will hold a community meeting every six months from the start of construction to the conclusion of construction for all active building permits related to this Use Permit.

Additionally, the Applicant submitted a revised applicant statement that memorializes their intent to preserve the six existing rent controlled units in perpetuity. The commitment is institutionalized by the following condition of approval:

[1] For reference, the current price for an adult local 31-day AC Transit pass is $84.60 source: http://www.actransit.org/actrealtime/fares-tickets-passes/.

At All Times:

57. Rent Control in Perpetuity. The existing six dwelling units shall not undergo condominium conversion and shall remain as rental units subject to rent control under the Rent Stabilization Ordinance.

The Applicant commitment to retaining the units as rent control and not renovating the existing units until the building is vacant was relayed at a meeting that was held on February 26, 2019 at the Rent Stabilization Board (RSB) offices. RSB sent notice of the meeting to all the existing residents of 1155-1173 Hearst Avenue. The meeting was attended by RSB staff, including a staff attorney, Rhoades Planning Group and one resident who had the opportunity to ask questions.

Staff believes that the tenant protection conditions as proposed will provide the highest level of tenant protections that go over and beyond the usual protections available through both the RSB and Relocation Ordinance. In addition, as the applicant has committed to retaining the existing duplexes as rental units, they would remain subject to rent control in perpetuity.

VI. 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:

APPROVE Use Permit ZP2016-0028 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions, dated May 9, 2019
2. Project Plans, dated June 8, 2018
3. Notice of Public Hearing
4. Revised Applicant Statement, dated April 3, 2019
5. ZAB Staff Report, dated August 23, 2018 (complete ZAB packed available online: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1155-1173_Hearst.aspx)
6. Appeal Letter, dated September 12, 2018
7. City Council Staff Report, dated January 29, 2019 (complete Council packet available online: file:///C:/Users/lmendez/Downloads/2019-01-29%20Item%2014%20ZAB%20Appeal%20%201155-1173%20Hearst%20Ave.pdf)
8. Geotechnical Investigation and Associated documents:
   i. Geotechnical Investigation, prepared by Alan Kropp & Associates Inc., dated March 1, 2019
   ii. Engineering Hydrologic Review of Geotechnical Investigation, prepared by Clearwater Hydrology, dated February 22, 2019
   iii. Geotechnical Peer Review, prepared by Cotton, Shires and Associates, Inc., dated March 14, 2019
   iv. Response to Geotechnical Peer Review Comments, prepared by Alan Kropp & Associates, Inc., dated April 17, 2019
   v. Supplemental Geotechnical Peer Review, prepared by Cotton, Shires and Associates, Inc., dated April 29, 2109
9. Categorical Exemption Report, prepared by City of Berkeley with the assistance of Rincon Consultants, Inc., dated April 2019
10. Correspondence Received after January 29th Council meeting

Staff Planner: Leslie Mendez, Senior Planner, LMendez@cityofberkeley.info, (510) 981-7426

ATTACHMENT 1
EXHIBIT A

FINDINGS AND CONDITIONS
MAY 9, 2019

1155-1173 Hearst Street

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and constructing six new dwelling units.

PERMITS REQUIRED

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming front and side yard, BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", BMC Section 23D.32.070.D.4

I. CEQA FINDING

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development"). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by Section 23B.28.050.A of the Zoning Ordinance, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- The project will add six new housing units to the City's housing stock and will comply with the City's Inclusionary Ordinance by either providing one below market rate unit for a Low Income Household and payment into the Affordable Housing Trust Fund of the remainder 0.2 unit fee, or payment of the in-lieu fee.
- The project's proposed massing contributes to the continued evolution of the City's development landscape. The project design was modified in several ways to respect the lower density single-family dwellings fronting Curtis Street. The final development

plan will renovate and rehabilitate the existing dwellings to match the style and materials of the new construction for a cohesive and attractive street presence that fits well with the surrounding mix of architectural styles.

- As the properties to the east of the subject site front Curtis Street and have rear yards abutting the subject site, the building separation between the Curtis Street Neighbors and the new construction ranges from approximately 36 feet to 42 feet. The properties abutting to the north and fronting Delaware Street have more substantial rear yard areas, resulting in a proposed main building separation of approximately 175 feet and more. Buildings to the west are closest due to the abutting side yard orientation to the subject lot. But with building separation ranging from approximately 8.5 feet to 18 feet, the project's proposed massing will be compatible with the four neighboring two-story buildings to the west.
- Shadow impacts from the project are expected to affect direct sunlight on certain residential windows. However, these areas will still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year will the proposed project cause adjacent properties to lose access to direct sunlight from all the windows throughout the whole day at any time of the year. Such shading impacts are to be expected in an infill urbanized area and are not deemed detrimental.
- The project site is located one block east of San Pablo Avenue and one block north of University Avenue, two major transit thoroughfares. The project will add eleven additional residential units located within one quarter mile of the San Pablo/University intersection that is served by the following AC Transit bus lines: 72 Rapid, 49, 51B, 52, FS, G, 72, 72M, 800 and 802. The project helps encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, jobs, basic goods and services.
- The project meets the purposes of the Restricted Multiple-family Residential District as it will provide smaller multiple-family garden-type apartment structures with the maximum feasible amount of useable open space on the property. The buildings will be constructed with sufficient separation on the subject lot, and with ample distance with abutting single-family neighbors. Light and air, therefore, will not be unreasonably obstructed. Based on the proposed two-story height of the building, the existing structures around the site, and the generally flat topography of the neighborhood, the project will not affect significant views enjoyed by neighboring residents. The project will further not be detrimental to the neighborhood as it would be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or 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.

2. Pursuant to BMC 23C.04.070.C, the proposed vertical extensions of the non-conforming front and side yard setbacks of Azalea and Begonia are permissible as they will not further reduce existing non-conforming yards.

3. Pursuant to BMC Section 23D.32.050, the project, when completed, would change the existing configuration of the duplexes to four two-bedroom dwelling units and two four-bedroom dwelling units. Both the two-unit layout and the four-unit layout are designed to be occupied by single households within a development of six other newly constructed two-bedroom units. The renovated dwellings are designed to provide for a range of family composition and is not expected to lead to formation of a mini-dorm.

4. Pursuant to BMC 23D.070.D.4 the project the reduction in the building to building separation between Freesia and Geranium from the District minimum of 8’ on the first floor and 12’ on the second floor down to 6’-1” is permissible as the minimum distance is only at one horizontal plane between the buildings; otherwise the separation ranges from 8 feet to 13 feet. The current building layout and juxtaposition provides adequate air and light between the buildings. With the proposed added condition that the north facing window of the northeast bedroom in Geranium be a minimum of 68 inches from finished floor level, privacy between residents of the two opposing units will be ensured.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

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

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.

B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement

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

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC 23B.32.040.D, the following additional conditions are added to this Permit:

Prior to Submittal of Any Building Permit:

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

☐ **Project Liaison** _____
Name Phone #

11. Plan Set Revisions. The plan set shall be revised to reflect the following changes:

- The north facing window of the northeast bedroom in **Geranium** be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.
- The roof deck on **Geranium** shall be moved to the east side of the roof and the roof access shall not include any windows and shall be reduced in massing (i.e. sloped) to limit impacts to the western neighbors.
- All west facing windows on **Freesia** and **Geranium** shall, subject to review and approval by the Zoning Officer, be redesigned to ensure privacy for the residents of the building to the west. This may include, but is not limited to, frosted glass and/or clerestory design.
- A maximum of three full bathrooms are permitted in the two **Freesia** dwelling units.

12. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (2120 Milvia Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application for that unit.

Prior to Issuance of Any Building Permit:

13. Geotechnical Report. The applicant shall submit to the Building and Safety Division the geotechnical report, prepared by Alan Kropp & Associates, dated March 1, 2019, updated April 17, 2019, as well as the peer review conducted by Cotton, Shires & Associates, Inc. dated March 14, 2019, supplemented April 29, 2019. A civil engineer shall be employed to draft plans in conformance with all recommendations of the Geotechnical and Hydrology reports and associated peer reviews. The engineer shall annotate the recommendations to state where in the building permit plan submittal set each recommendation is addressed.

14. Demolition Schematic. The applicant shall include a sheet within the plan set for each existing building (Azalea, Begonia, Camellia, and Freesia) that clearly shows the surface area of each exterior wall and the roof that is to be removed and that is to remain. A percentage calculation for the sum of the exterior walls to be removed and for the roof shall be included. A building permit will not be issued unless it is confirmed that the project would not result in a demolition as defined in BMC 23F.04.010.

15. No construction related to this Use Permit may commence on any of the existing duplexes (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst), until and unless both units are vacant pursuant to the Tenant Relocation condition below. This condition does not apply to routine maintenance and repairs.

16. Tenant Relocation. At least 30 days prior to construction of any interior improvements, renovations or addition to the existing dwelling units~~s~~ (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst, and 1173 Hearst) related to this Use Permit, the property owner shall provide all tenants of 1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst, and 1173 Hearst a written notice of temporary relocation as outlined in BMC Chapter 13.84.040.B. This notice shall summarize the repairs to be undertaken and the estimated duration of relocation and shall be accompanied by a copy of the Relocation Ordinance and the City's request for relocation payment form. Alternatively, the property owner shall provide ~~proof~~ verification from the Rent Stabilization Board that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation. Verification of voluntary

vacation of the units must include acknowledgment that the tenants were aware of their rights under the Relocation Ordinance.

17. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.

18. Percent for Art: Consistent with BMC §23C.23, prior to issuance of a building permit for foundation or construction work the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

19. Construction Noise Management - Public Notice Required. At least thirty calendar days prior to initiating any construction activities at the site, the applicant shall provide notice to existing residents on the project site, including (1) description of construction activities, (2) daily construction schedule (i.e., time of day) and expected duration (number of months), (3) the name and phone number of the Noise Management Individual for the project, and (4) designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, 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.

The public notice shall also state that the applicant will hold a community meeting every six months from the start of construction to the conclusion of construction for all active building permits related to this Use Permit pursuant Condition of Approval number 32; that the existing tenants have the option to temporarily relocate during construction for all active building permits related to this Use Permit pursuant to Condition of Approval number 31; and that parking shall be provided on or off site during all construction in compliance with Condition of Approval number 30.

20. Construction Noise Reduction Program. The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- 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.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- Prohibit unnecessary idling of internal combustion engines.

- If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- 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.
- Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Route construction related traffic along major roadways and away from sensitive receptors where feasible.

21. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

22. Drainage Plan. Subject to review and approval by the City's Building & safety Division and/or Department of Public Works, plans submitted for building permit shall include the drainage design as presented in Stormwater and Flooding Assessment and Mitigation Design for the Hearst Avenue Project, prepared by Clearwater Hydrology, dated January 7, 2016 as revised July 12, 2017, and all recommendations of the peer review prepared by Balance Hydrologics.

23. Electric Vehicle (EV) Charging. At least 10% of the project parking spaces for residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.

24. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

25. Water Efficient Landscaping. Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State's Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District's Section 31: Water Efficiency Requirements.

26. Construction and Demolition. Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.

27. 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.

28. First Source Agreement. The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley. First Source promotes the hiring of local residents on local projects. The agreement requires contractors/employers to engage in good faith efforts to hire locally, including utilizing graduates of local job training programs. Please call (510) 981-4970 for further information, or visit the City's Employment Programs office at 2180 Milvia, 1st Floor.

29. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 2120 Milvia, 3rd Floor or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments:
   1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
      - All new commercial, industrial and mixed use developments and all large improvement projects.
      - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
      - EMA is available online at:
      - http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
   2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
   3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

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

3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

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

Prior to Construction:

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

During Construction:

31. Tenant Parking. During any construction related to this Use Permit, the applicant/property owner shall ensure that parking is provided to existing tenants per their lease agreement either on-site or in an alternative location within the area bounded by San Pablo Avenue to the west, Francisco Street to the north, Chestnut Street to the east, and University Avenue to the south. If parking cannot be found within the boundary then the applicant/property owner shall provide tenants with $100/month as a parking stipend. This condition does not apply to routine maintenance and repairs.

32. Temporary Relocation. During any construction related to this Use Permit, a tenant household that has been a tenant as of the date of Use Permit entitlement, may choose to temporary relocate during construction activities related to entitlement of this Use Permit, and the applicant/property owner shall initiate relocation under the provisions of the Relocation Ordinance, BMC Section 13.84. This condition does not apply to routine maintenance and repairs.

33. Neighborhood Construction Meetings. The applicant will hold a community meeting every six months from the start of construction to the conclusion of construction for all active building permits related to this Use Permit.

34. Existing Perimeter Vegetation. The applicant shall retain all perimeter vegetation on the property during all phases of construction.

35. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

36. Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.

B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.

C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.

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

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

38. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

39. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 12:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

40. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks or pedestrian paths
- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere In the public ROW
- Provision of exclusive contractor parking on-street relevant
- Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, 3rd floor, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 2120 Milvia Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit

off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

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

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

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins ***must*** be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance)

agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

J. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.

K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

42. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- 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.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

43. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

44. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

45. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

46. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

47. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.

48. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

49. Public Works. The applicant shall inform the contractor of the potential for high groundwater and that a temporary de-watering method during construction may become necessary. Temporary construction dewatering methods may include sumps and pumps placed in a low spot within the excavations. Several sumps and pumps may be required depending on the magnitude of water encountered. The design and implementation of temporary construction de-watering is considered the responsibility of the contractor. Caution should be exercised to prevent softening of the subgrade soils exposed within the excavations. Equipment operated upon saturated subgrade soils tends to cause rutting and weakening, which will require over-excavation of the weakened subgrade. Standing water within the excavation can also cause weakening of the subgrade soils. A temporary mud slab or gravel pad may needed at the base of the garage and/or parking lifts excavations to provide a clean, dry working area.

Prior to Final Inspection or Issuance of Occupancy Permit:

50. Access Agreement. Subject to review and approval by the Zoning Officer, an access agreement shall be recorded with the title of the properties with the County and a copy shall be provided to the planner that provides for the following:

- Parking access for dwelling units in Edelweiss and Daffodil on 1155-63 Hearst (current APN 057-2086-014-00); and
- Cross access for all units for all common Useable Open Space Areas on both parcels (current APNs 057-2086-014-00 and 057-2086-0130-00).

51. Regulatory Agreement for Ownership Units. Prior to the issuance of a certificate of occupancy, the applicant shall enter into an inclusionary housing agreement providing for compliance with the requirements of Berkeley Municipal Code (BMC) Chapter 23C.12. The inclusionary housing agreement shall include, but not be limited to, the following conditions:

A. Sales prices of inclusionary units. If inclusionary housing units (i.e. condominiums) are provided on site, the sales price shall not exceed three (3) times eighty percent (80%) of the Area Median Income (hereinafter referred to as "AMI") as of the date of the sale the unit. Allowable sale prices shall be determined in accordance with BMC 23C.12.090.

B. In-Lieu Fee. Instead of providing the 1.2 inclusionary (i.e. 2 ownership) units on site, the applicant may pay an in-lieu fee for any or all portion of the 1.2 required inclusionary units in accordance with BMC Section 23C.12.035 and 23C.12.040.E.1.

52. Determination of Area Median Income (AMI).

The "AMI" (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.

The applicable AMI for the purpose of determining the allowable rent or sale price for each unit (but not for the purpose of determining eligibility for occupancy of a BMR unit) shall be determined in accordance with the following table:

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

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

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

55. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 8, 2018, except as modified by conditions of approval, including:

- The north facing window of the northeast bedroom in **Geranium** be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units.
- The roof deck on **Geranium** shall be moved to the east side of the roof and the roof access shall not include any windows and shall be reduced in massing (i.e. sloped) to limit impacts to the western neighbors.
- All west facing windows on **Freesia** and **Geranium** shall, subject to review and approval by the Zoning Officer, be redesigned to ensure privacy for the residents of the building to the west. This may include, but is not limited to, frosted glass and/or clerestory design.
- A maximum of three full bathrooms are permitted in the two **Freesia** dwelling units.

56. Construction and Demolition Diversion. A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

At All Times:

57. Rent Control in Perpetuity. The existing six dwelling units shall not undergo condominium conversion and shall remain as rental units subject to rent control under the Rent Stabilization Ordinance.

58. 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.

59. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

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

61. Parking to be Leased or Sold Separately. The seven existing units are guaranteed one parking space per unit as part of the lease or future sale. For the eleven newly constructed units, parking spaces shall be leased or sold separately.

62. Bike Parking. Secure and on-site bike parking for a minimum of 19 bicycles shall be provided for the life of the building.

63. Geranium and Freesia Windows. The north facing window of the northeast bedroom in Geranium shall be a minimum of 68 inches from finished floor level to ensure privacy between residents of the two opposing units. The west facing windows of both Geranium and Freesia shall retain the location and treatment as approved by the Zoning Officer pursuant to Condition of Approval number 54 to ensure privacy for the residents of the dwellings to the west.

PROJECT:

HEARST GARDENS
BERKELEY, CA 94702

DESCRIPTION:

DEVELOPMENT OF TWO EXISTING LOTS AT HEARST STREET BETWEEN SAN PABLO & CURTIS STREET. THE EXISTING LOTS ARE OVER 21,000 SF, AND CURRENTLY HAVE 7 RESIDENCES ON SITE. ALL OF THESE ARE TO BE MAINTAINED AND RENOVATED. THERE WILL BE 6 HOMES ADDED TO THE SITE. UNITS ARE ARRANGED AROUND A CENTRAL PASEO THAT PROVIDES ACCESS TO ALL UNITS AND AMPLE OPEN SPACE.

SITE ADDRESS:

1155, 1157, 1159, 1161, 1163 & 1173 HEARST AVE.
BERKELEY, CA 94704

ASSESSOR'S PARCEL #: LOT @ 1173: 057 208601300
LOT @ 1157: 057 208601400

ZONING INFORMATION:

GENERAL PLAN:	MDR
ZONING DISTRICT:	R-2A
FLOOD ZONE:	NO
FIRE ZONE:	1
ENV. MGMT. AREA:	NO
LANDMARK STRUCT. MERIT:	NO
LOT AREA 1173:	8,204 SF
LOT AREA: 1157	13,469 SF
TOTAL:	21,673 SF

APPLICANT:

RHOADES PLANNING GROUP
46 SHATTUCK SQUARE, SUITE 11
BERKELEY, CA 94704
info@rhodesplanninggroup.com

ARCHITECT:

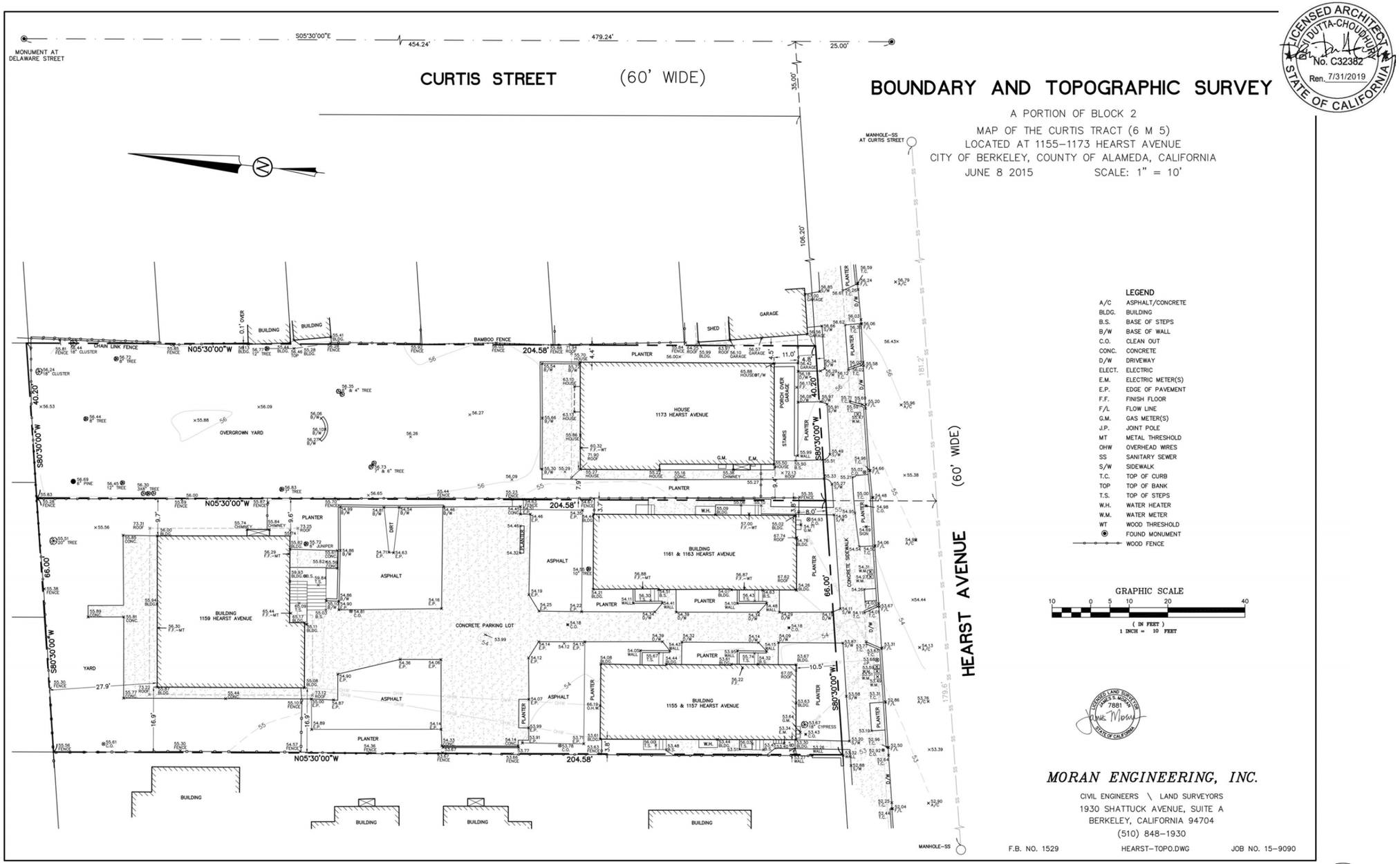
DEVI DUTTA-CHOUDHURY, AIA
DEVI DUTTA ARCHITECTURE INC.
928 CARLETON STREET
BERKELEY, CA 94710
[510] 705-1937
hello@devidutta.com

OWNER:

HEARST AVE COTTAGES, LLC
46 SHATTUCK SQUARE, SUITE 11
BERKELEY, CA 94704

SHEET INDEX

SHEET INDEX


CURTIS STREET (60' WIDE)
BOUNDARY AND TOPOGRAPHIC SURVEY
A PORTION OF BLOCK 2
MAP OF THE CURTIS TRACT (6 M 5)
LOCATED AT 1155–1173 HEARST AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
JUNE 8 2015 SCALE: 1" = 10'
HEARST AVENUE (60' WIDE)
MONUMENT AT DELAWARE STREET
MANHOLE-SS AT CURTIS STREET
S05°30'00"E 454.24' 479.24' 25.00'
N05°30'00"W 204.58'
S80°30'00"W 66.00'
S80°30'00"W 181.2'
HOUSE 1173 HEARST AVENUE
BUILDING 1161 & 1163 HEARST AVENUE
BUILDING 1159 HEARST AVENUE
BUILDING 1155 & 1157 HEARST AVENUE
CONCRETE PARKING LOT
OVERGROWN YARD
YARD
ASPHALT
PLANTER
GARAGE
SHED
BAMBOO FENCE
CHAIN LINK FENCE
LEGEND
A/C ASPHALT/CONCRETE
BLDG. BUILDING
B.S. BASE OF STEPS
B/W BASE OF WALL
C.O. CLEAN OUT
CONC. CONCRETE
D/W DRIVEWAY
ELECT. ELECTRIC
E.M. ELECTRIC METER(S)
E.P. EDGE OF PAVEMENT
F.F. FINISH FLOOR
F/L FLOW LINE
G.M. GAS METER(S)
J.P. JOINT POLE
MT METAL THRESHOLD
OHW OVERHEAD WIRES
SS SANITARY SEWER
S/W SIDEWALK
T.C. TOP OF CURB
TOP TOP OF BANK
T.S. TOP OF STEPS
W.H. WATER HEATER
W.M. WATER METER
WT WOOD THRESHOLD
FOUND MONUMENT
WOOD FENCE
GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 INCH = 10 FEET
LICENSED ARCHITECT DEVI DUTTA-CHOUDHURY No. C32382 Ren. 7/31/2019 STATE OF CALIFORNIA
LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA
MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848–1930
F.B. NO. 1529 HEARST–TOPO.DWG JOB NO. 15–9090

HEIGHT & STORIES	ZONING:	EXISTING:	PROPOSED:
STORIES:	2 ALLOWED	2	2
HEIGHT:	28' AVG	23' MAX	28' MAX
SETBACKS	(MIN. DIMENSIONS SHOWN - SEE SETBACK DIAGRAM, A0.3)		
FRONT	15'	4'-10" - 10'-5.5"	4' - 9" - 7'-10" ADDITION CONTINUE EXIST. SETBACK
SIDE	4' @ 1ST STORY 4' @ 2ND STORY	3'-10" @ WEST 4'- 6" @ EAST	3'-10" - 5'-3.5"
BACK	15'	28'-8" - 143'-8"	16'-3" - 21'-1"
BUILDING SEPARATION	8' @ 1ST STORY 12' @ 2ND STORY	13'- 3"	A - B: 19' - 4" B - C: 12' - 5" C - D: 40' - 4" D - E: 15' - 8 1/2" E - F: 15' - 5" F - G: 8' - 0" AUP REQ. A - G: 14' - 6"
LOT AREA			
LOT COVERAGE	@ 1173 @ 1157 2 - STORY: 40%	8,204 SF 13,469 SF @ 1173: 17.5% @1157: 26%	8,204 SF 13,469 SF @ 1173: 3,275 SF: 39.9% @ 1157: 5,170 SF: 38.9%
PARKING: CARS			
RESIDENTIAL	1/UNIT 13 REQUIRED	7 (1 COVERED @ CAMELLIA; 6 @ SURFACE LOT)	13 10 UNCOVERED @ SURFACE LOT 2 COVERED @ GERANIUM 1 COVERED @ CAMELLIA
PARKING: BIKE			
RESIDENTIAL	NONE REQUIRED	0	13

DENSITY:	ZONING:	EXISTING:	PROPOSED:
* NOTE: SEE SHEET A0.8 FOR UNIT MIX AND SIZES			
ALLOWED 1173 HEARST: 1157 HEARST:	1 / 1650 SF LOT AREA 8,204/1650 = 5 UNITS 13,469/1650 = 8 UNITS	1 UNIT 6 UNITS	4 NEW UNITS = 5 TOTAL 2 NEW UNITS = 8 TOTAL
OPEN SPACE	(SEE OPEN SPACE DIAGRAM, A0.3)		
	300 SF / UNIT X 13 = 3900 SF		SEE A0.3
	@ 1173: 5 X 300 = 1500 SF	@ 1173: 5,599 SF	
	@ 1157: 8 X 300 = 2400 SF	@ 1157: 2,560 SF	

BUILDING OCCUPANCY PER CBC.

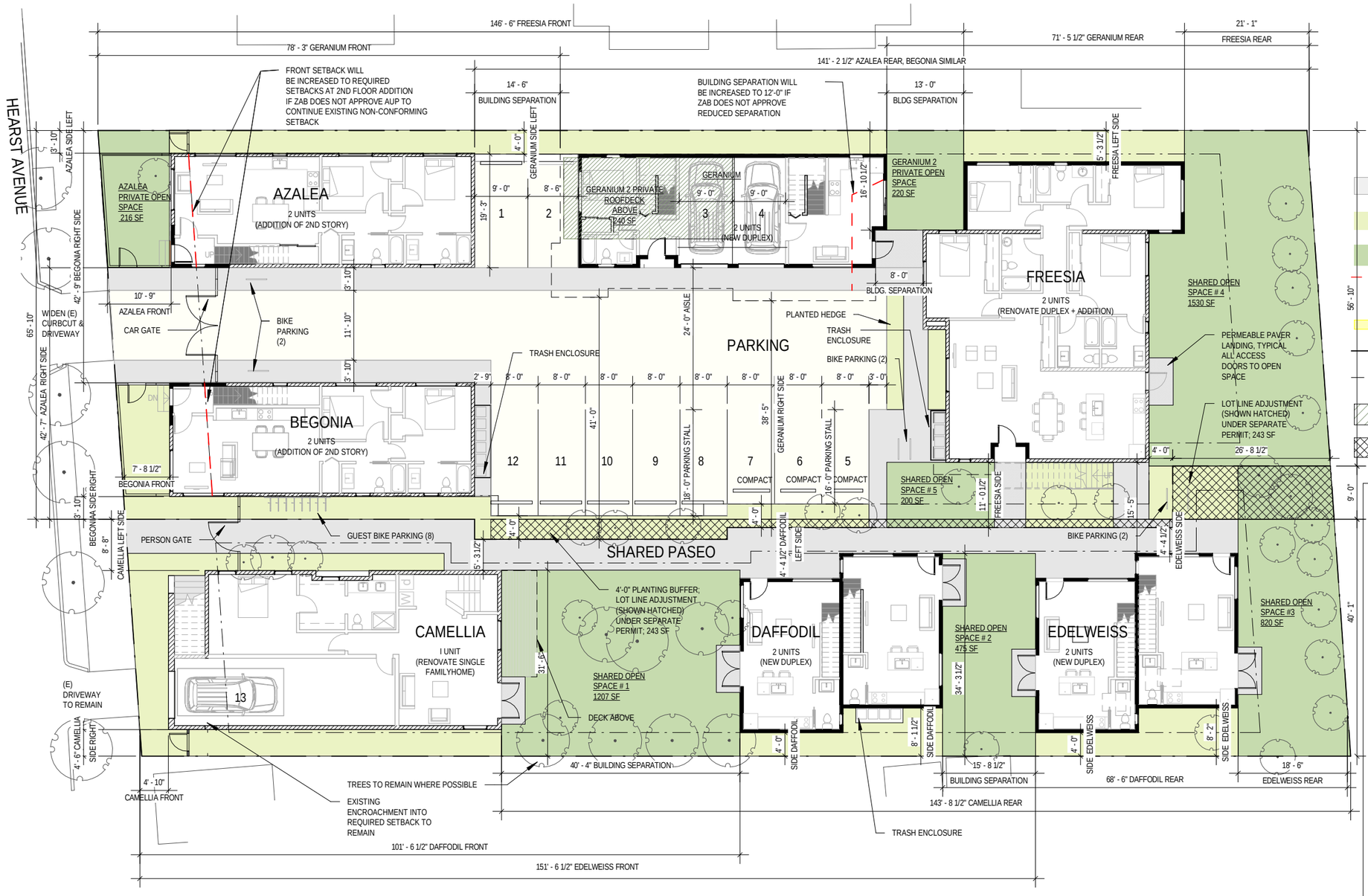
R-3 (SINGLE FAMILY RESIDENTIAL DUPLEXES)

PROPOSED CONSTRUCTION TYPE

TYPE VB CONSTRUCTION THROUGHOUT - WOOD FRAMING,
NON-RATED PER CALIFORNIA RESIDENTIAL CODE

EXCAVATION

APPROXIMATELY 55 CUBIC YARDS, FOR NEW FOUNDATIONS ONLY.



LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

PROVIDED OPEN SPACE

1157 HEARST

AZALEA 1: 216 SF PRIVATE OPEN SPACE
84 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
AZALEA 2: 300 SF COMMON AT #4 & #5
BEGONIA 1: 300 SF COMMON AT #4 & #5
BEGONIA 2: 300 SF COMMON AT #4 & #5
FREESIA 1: 300 SF COMMON AT #4 & #5
FREESIA 2: 300 SF COMMON AT #4 & #5
GERANIUM 1: 240 SF PRIVATE
60 SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5
GERANIUM 2: 220 SF PRIVATE
80SF COMMON OPEN SPACE PROVIDED AT OPEN SPACE #4 & #5

1173 HEARST

CAMELLIA: 300 SF COMMON AT OPEN SPACE #1, #2 & #3
DAFFODIL 1: 300 SF COMMON AT #1, #2 & #3
DAFFODIL 2: 300 SF COMMON AT #1, #2 & #3
EDELWEISS 1: 300 SF COMMON AT #1, #2 & #3
EDELWEISS 2: 300 SF COMMON AT #1, #2 & #3

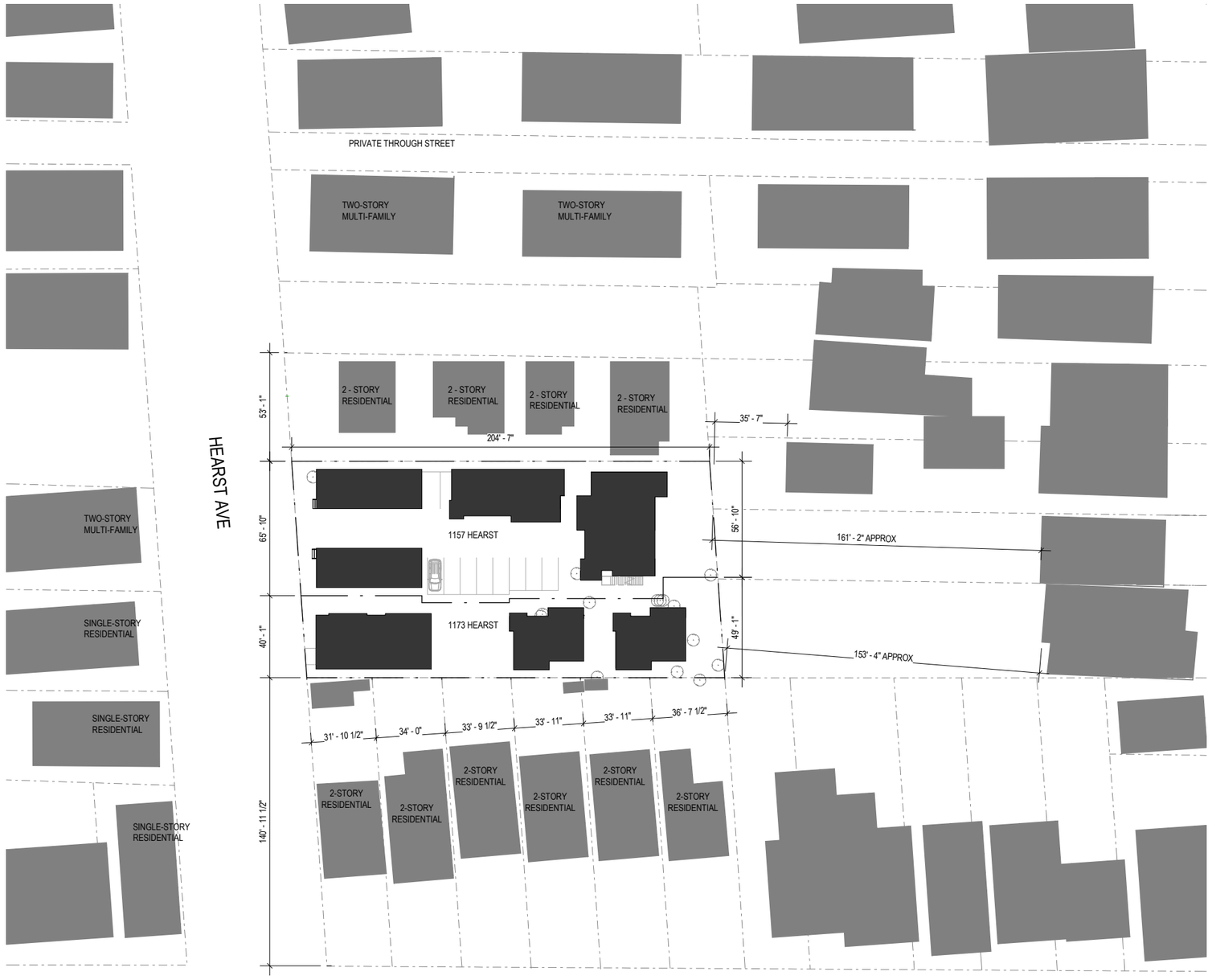
	1157	1173
TOTAL PRIVATE O.S.	679	0
TOTAL COMMON O.S.	1730	2502
TOTAL OPEN SPACE PROVIDED	2409 SF	2502 SF
TOTAL OPEN SPACE REQUIRED	2400 SF	1500 SF

ZAB 6.8.2018

HEARST GARDENS
DEVI DUTTA ARCHITECTURE

SITEPLAN, SETBACKS & OPEN SPACE
SCALE: As indicated

A0.3



LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

HEARST GARDENS

0 12.5' 25' 50' 100'

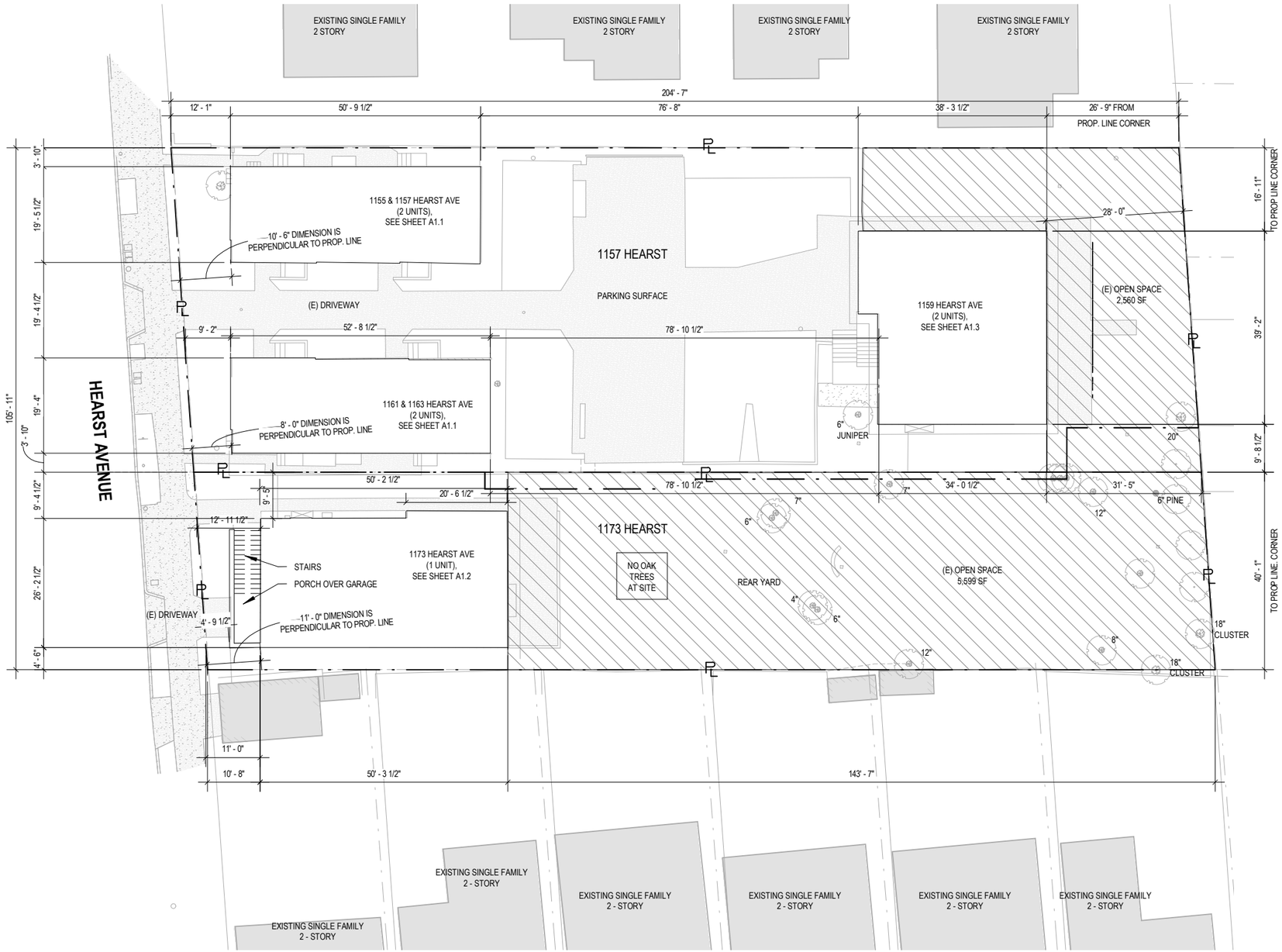
VICINITY MAP

SCALE: 1" = 50'-0"

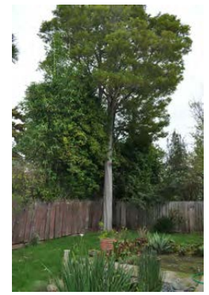
DEVI DUTTA ARCHITECTURE

ZAB 6.8.2018

A0.7



LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA


BACKYARD OF 1159 HEARST AVE.


BACKYARD OF 1173 HEARST AVE.


BACKYARD OF 1173 HEARST AVE.


BACKYARD OF 1173 HEARST AVE.

N

HEARST GARDENS

0 5 10 20 40

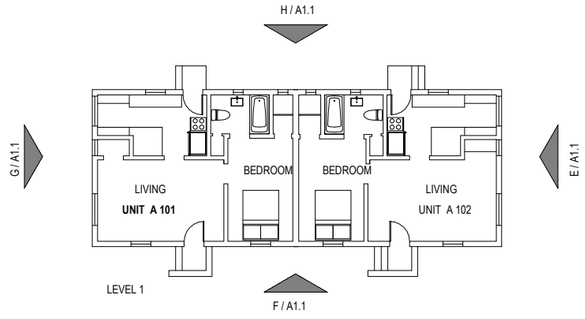
EXISTING SITE PLAN

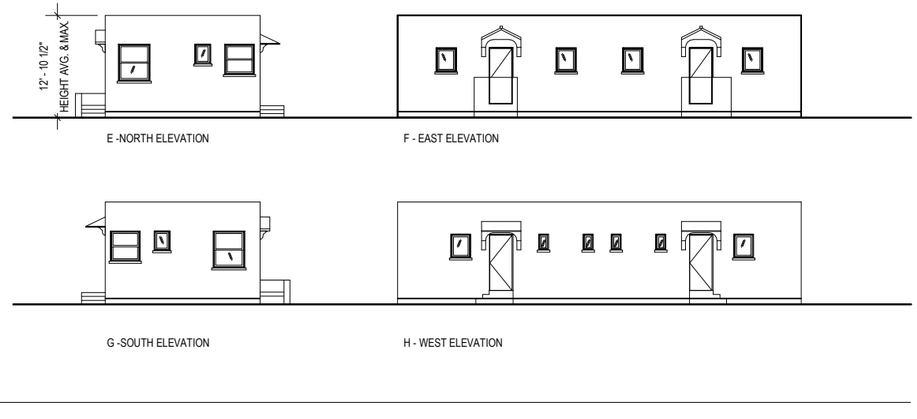
ZAB 6.8.2018

DEVI DUTTA ARCHITECTURE

SCALE: 1" = 20'-0"

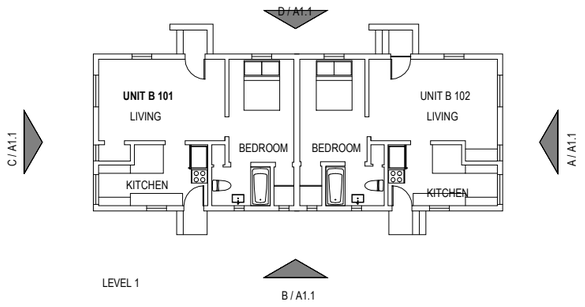
A1.0

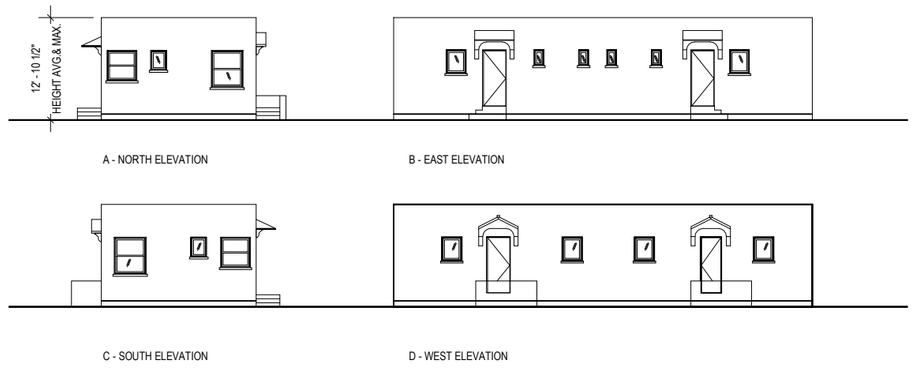




2 **AZALEA 1155 & 1157 HEARST**

1/16" = 1'-0"





1 **BEGONIA 1161 & 1163 HEARST**

1/16" = 1'-0"

HEARST GARDENS

DEVI DUTTA ARCHITECTURE

0 4' 8' 16' 32'

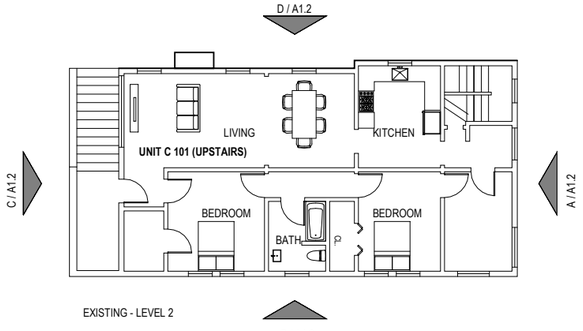
EXISTING PLANS & ELEVATIONS

SCALE: 1/16" = 1'-0"

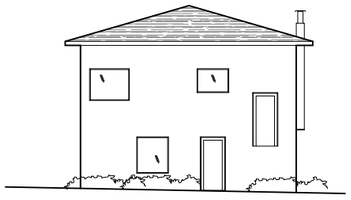
N

A1.1

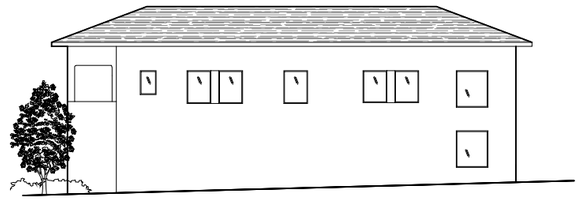
ZAB 6.8.2018



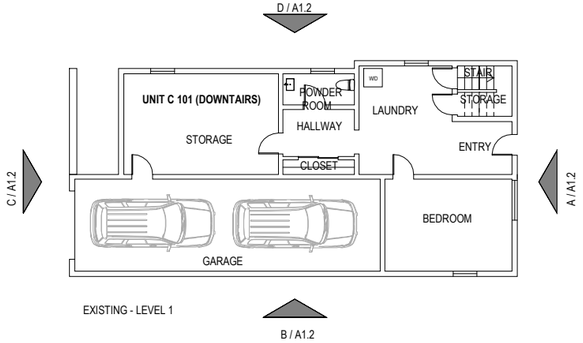
EXISTING - LEVEL 2



A - EXISTING NORTH ELEVATION

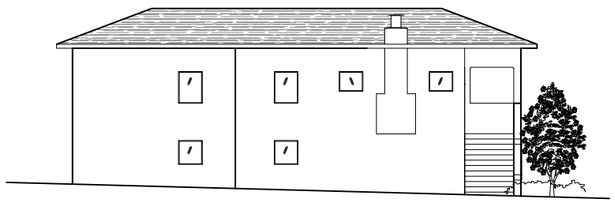


B - EXISTING EAST ELEVATION



EXISTING - LEVEL 1

C - EXISTING SOUTH ELEVATION



D - EXISTING WEST ELEVATION

1 EXISTING PLANS & ELEVATIONS - CAMELIA / 1173 HEARST

1/16" = 1'-0"

HEARST GARDENS

DEVI DUTTA ARCHITECTURE

0 4' 8' 16' 32'

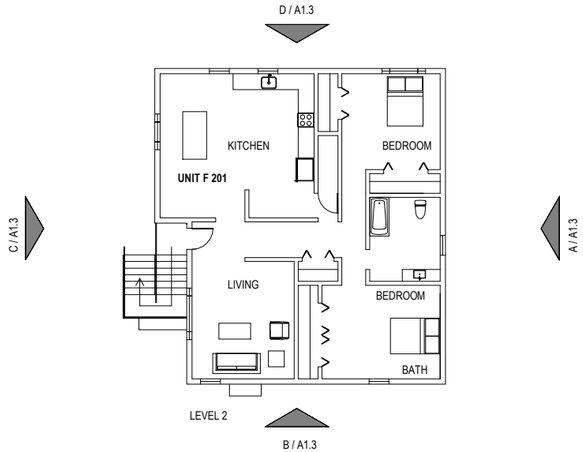
EXISTING PLANS & ELEVATIONS

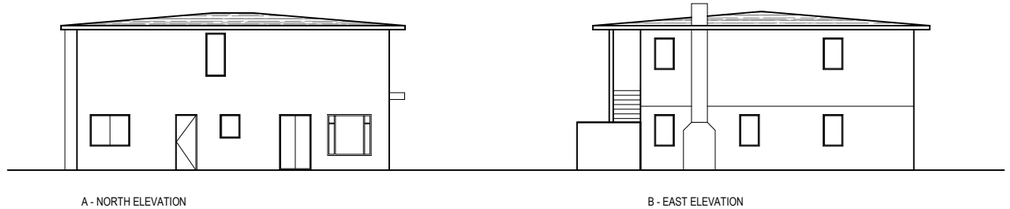
SCALE: 1/16" = 1'-0"

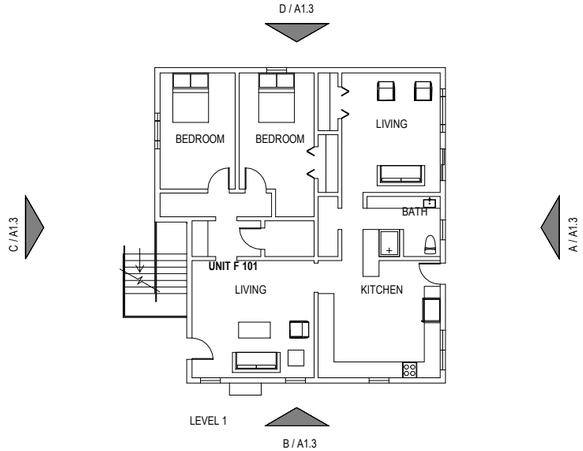
N

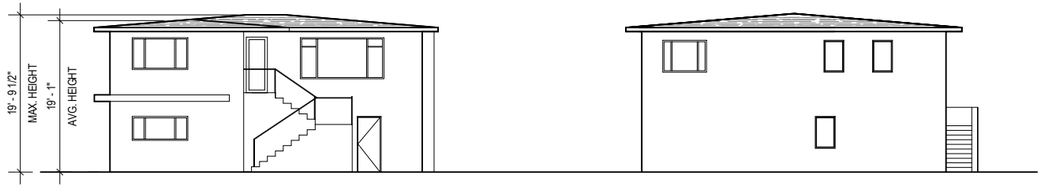
A1.2

ZAB 6.8.2018



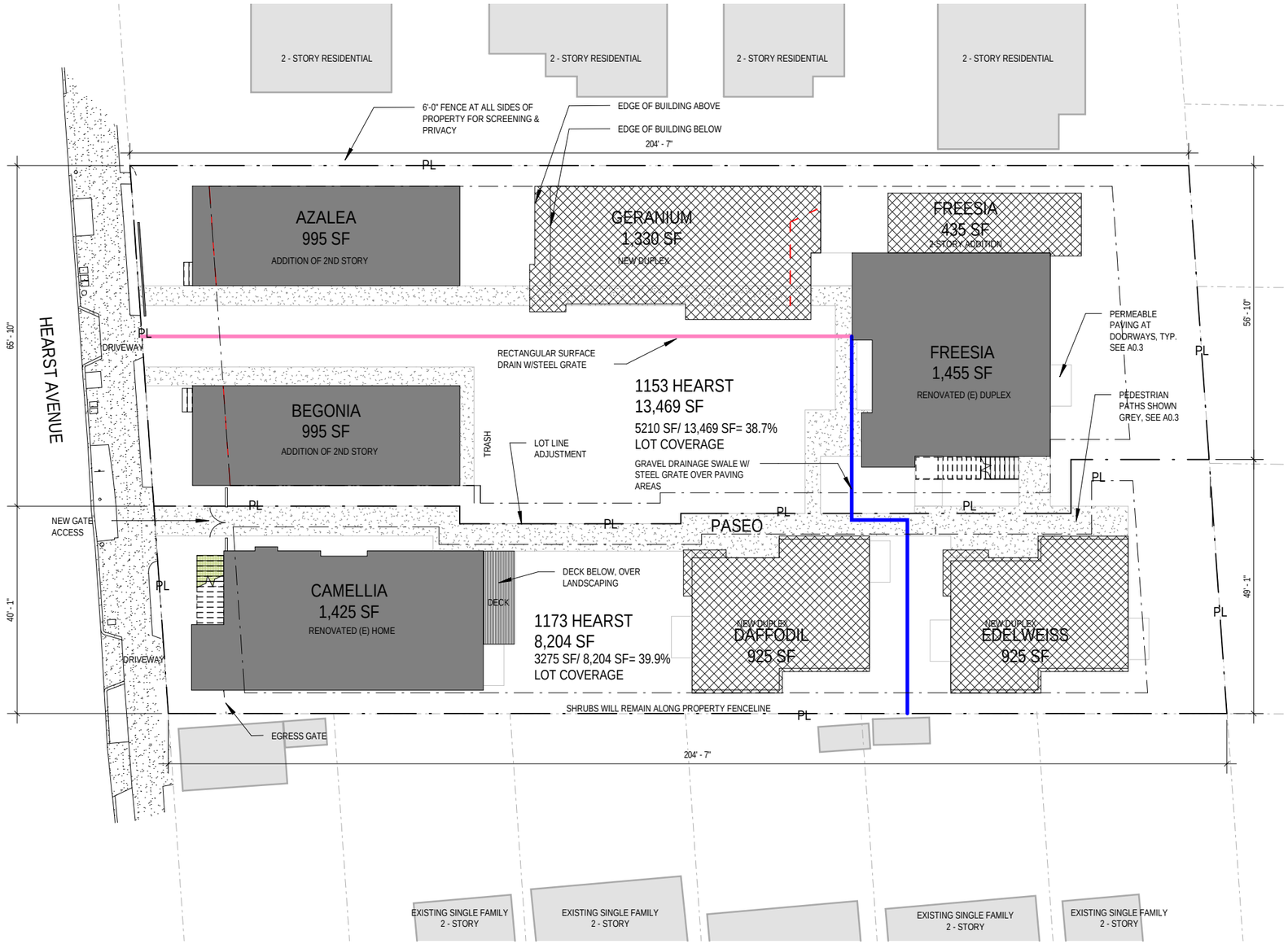






1 EXISTING PLANS & ELEVATIONS - FREESIA / 1179 HEARST
1/16" = 1'-0"

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA



LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

LEGEND
- NEW BUILDING AREA
- RENOVATED (E) BUILDING
- PEDESTRIAN PATHS
- NON-CONFORMING SETBACKS & BUILDING SEPARATION
- PROPERTY LINE
- REQUIRED SETBACK

HYDROLOGY NOTES

Unless modified by the City's Builidng & Safety Division and/or Department of Public Works, the drainage system shall be designed and installed as presented in the Stormwater and Flooding Assesssment and Mitigation Design prepared by Clearwater Hydrology, dated January 7, 2016 and as well ass all recomendations of the peer review prepared by Balance Hydrologics on March 16, 2017.

N

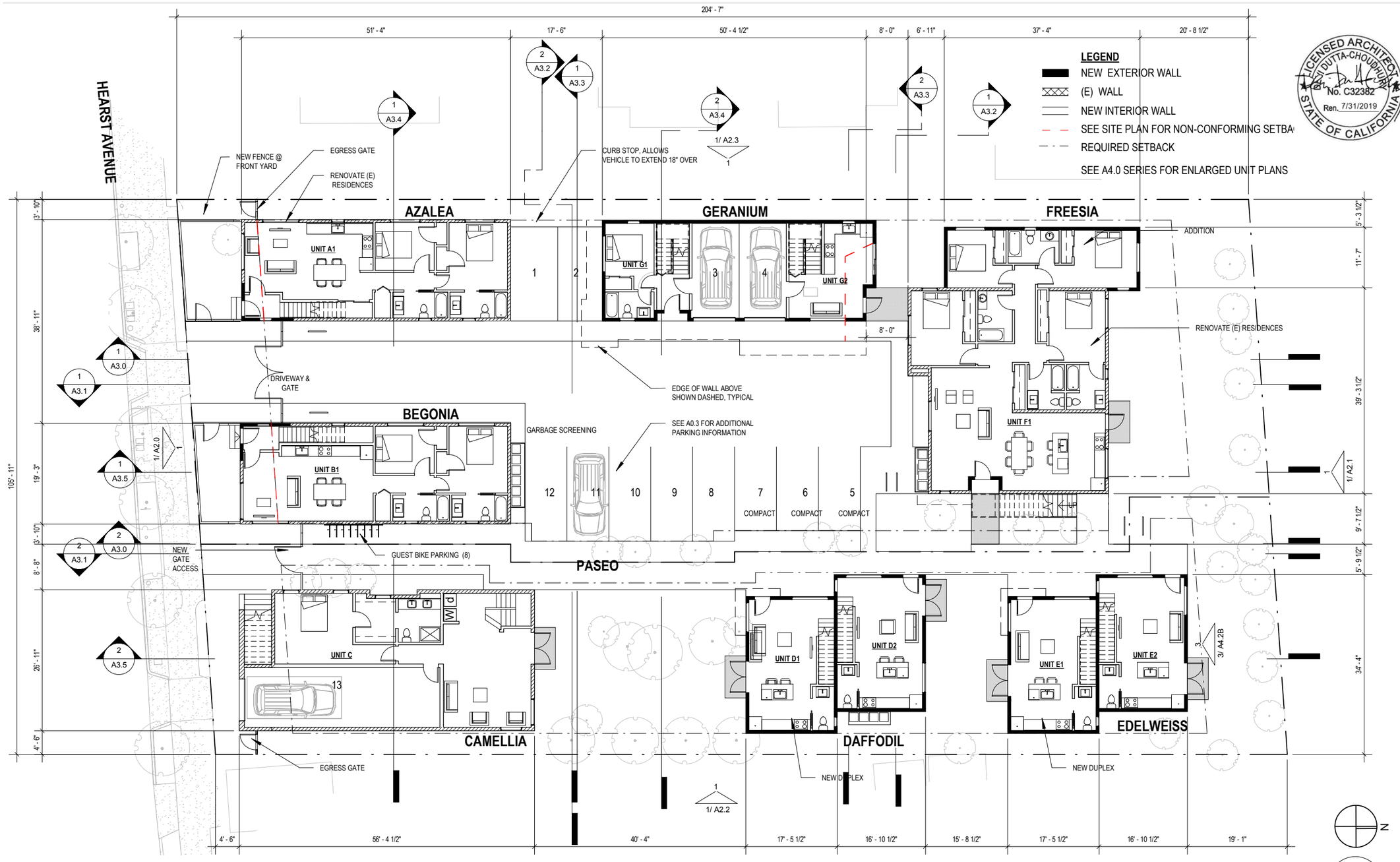
0 5 10 20 40

HEARST GARDENS
DEVI DUTTA ARCHITECTURE

LOT COVERAGE & HYDROLOGY
SCALE: As indicated

ZAB 6.8.2018

A1.4



HEARST GARDENS

0 4' 8' 16' 32'

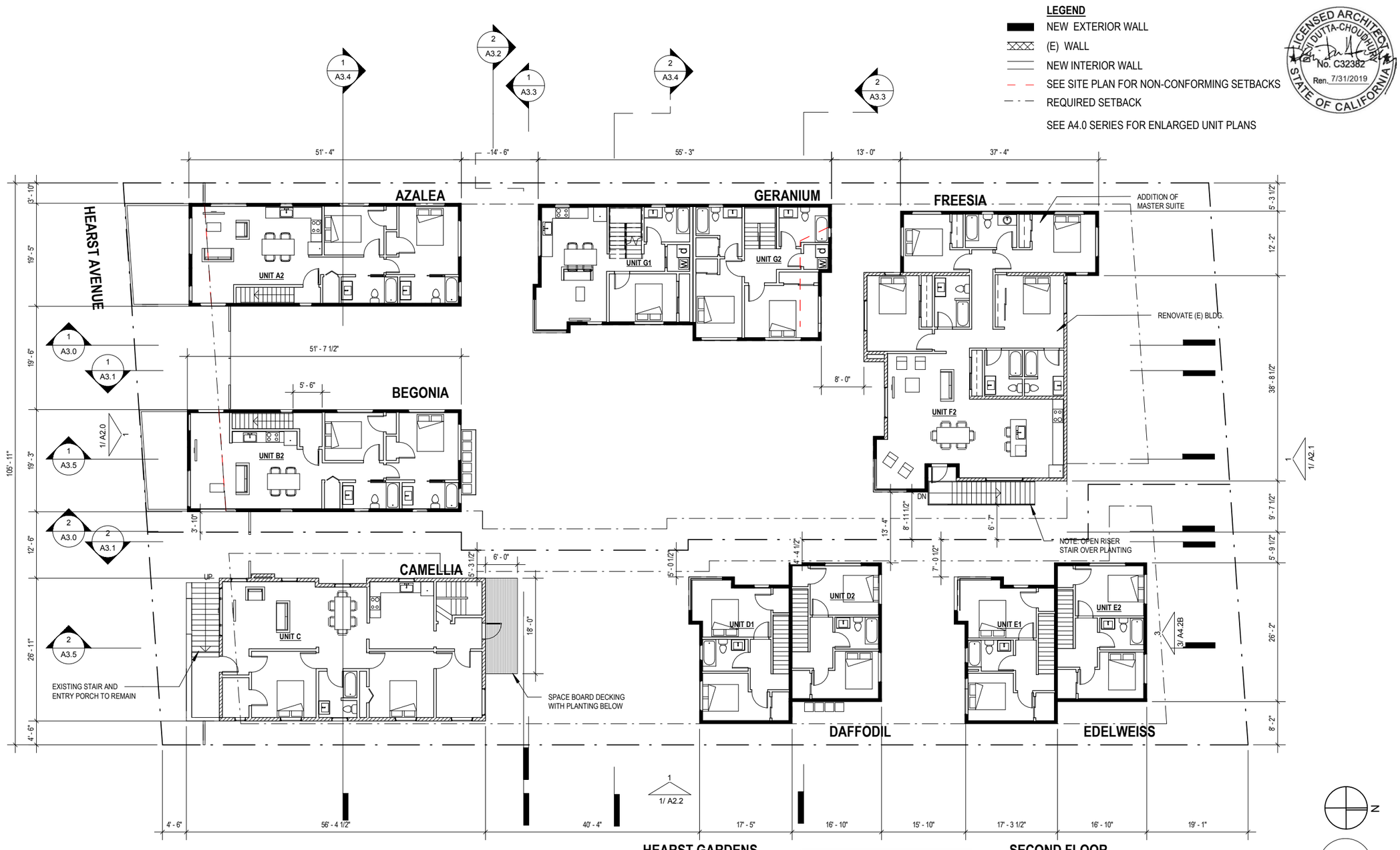
GROUND FLOOR

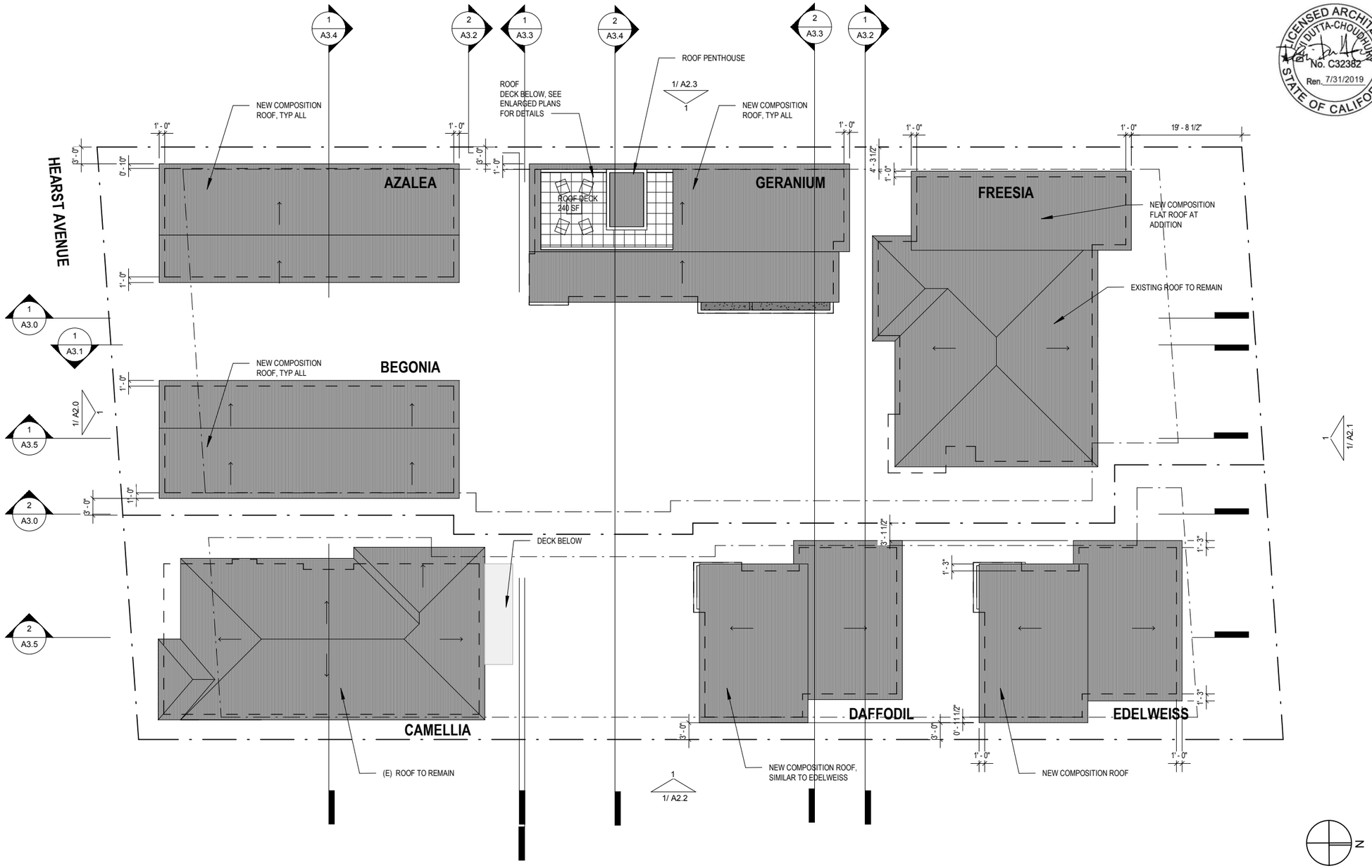
ZAB 6.8.2018

DEVI DUTTA ARCHITECTURE

SCALE: 1/16" = 1'-0"

A1.5


LEGEND
NEW EXTERIOR WALL
(E) WALL
NEW INTERIOR WALL
SEE SITE PLAN FOR NON-CONFORMING SETBACKS
REQUIRED SETBACK
SEE A4.0 SERIES FOR ENLARGED UNIT PLANS
LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA
HEARST AVENUE
AZALEA
GERANIUM
FREESIA
BEGONIA
CAMELLIA
DAFFODIL
EDELWEISS
UNIT A2
UNIT G1
UNIT G2
UNIT F2
UNIT B2
UNIT C
UNIT D1
UNIT D2
UNIT E1
UNIT E2
ADDITION OF MASTER SUITE
RENOVATE (E) BLDG.
NOTE: OPEN RISER STAIR OVER PLANTING
EXISTING STAIR AND ENTRY PORCH TO REMAIN
SPACE BOARD DECKING WITH PLANTING BELOW
51' - 4"
14' - 6"
55' - 3"
13' - 0"
37' - 4"
105' - 11"
51' - 7 1/2"
56' - 4 1/2"
40' - 4"
HEARST GARDENS
SECOND FLOOR
DEVI DUTTA ARCHITECTURE
SCALE: 1/16" = 1'-0"
ZAB 6.8.2018
A1.6



N

HEARST GARDENS

0 4' 8' 16' 32'

ROOF PLAN

ZAB 6.8.2018

DEVI DUTTA ARCHITECTURE

SCALE: 1/16" = 1'-0"

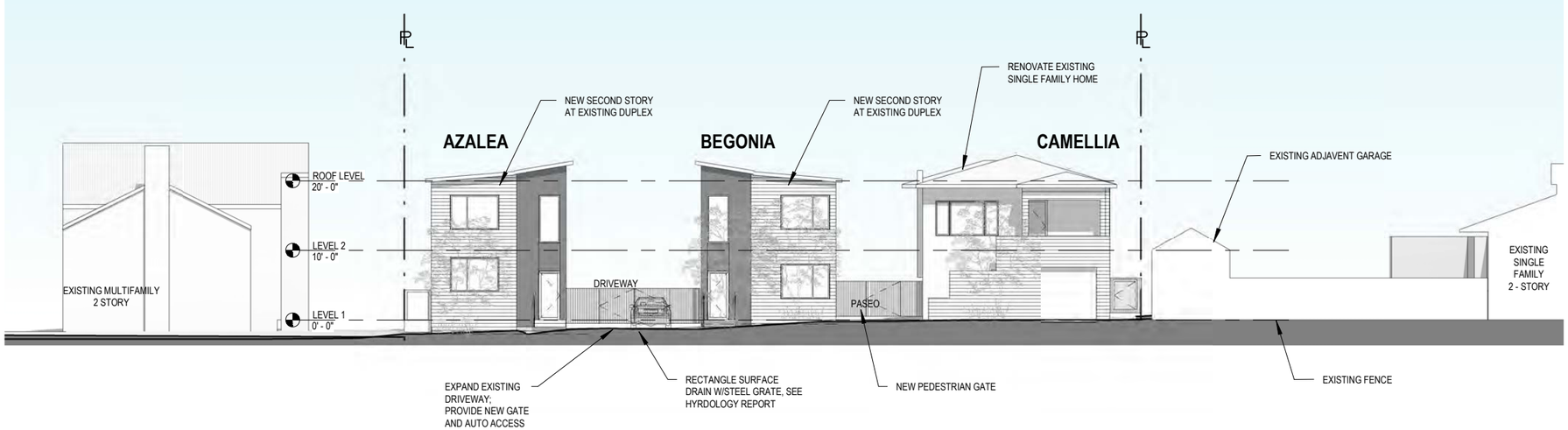
A1.8

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

SEE A4.0 SERIES FOR ENLARGED ELEVATIONS

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA



HEARST GARDENS

0 4' 8' 16' 32'

DEVI DUTTA ARCHITECTURE

SOUTH SITE ELEVATION (FRONT)

SCALE: 1/16" = 1'-0"

ZAB 6.8.2018

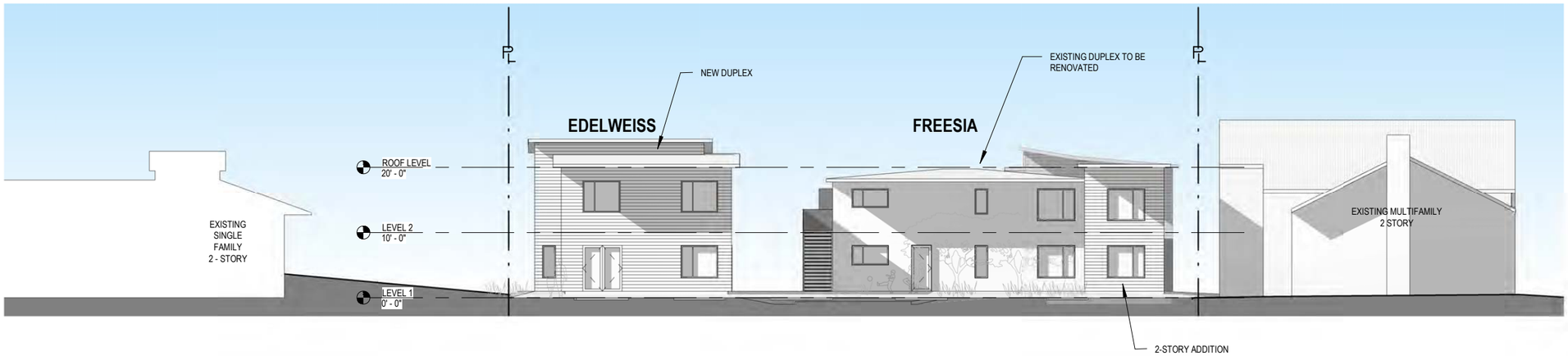
A2.0

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

SEE A4.0 SERIES FOR ENLARGED ELEVATIONS

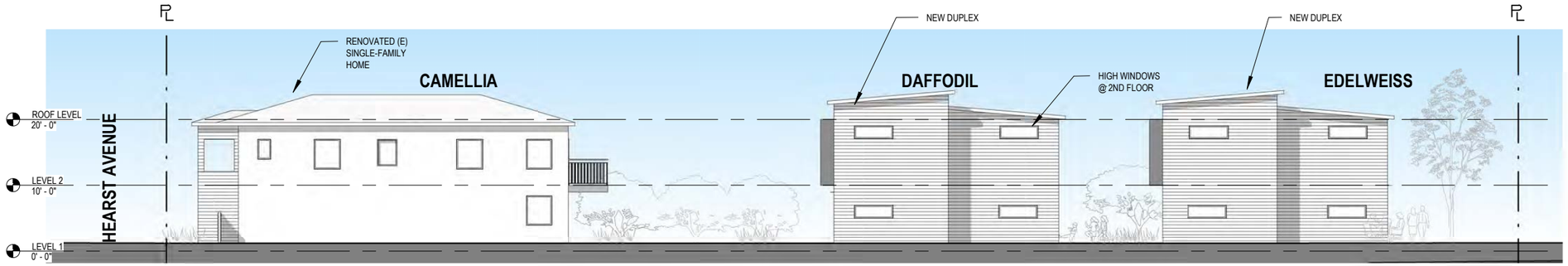


MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

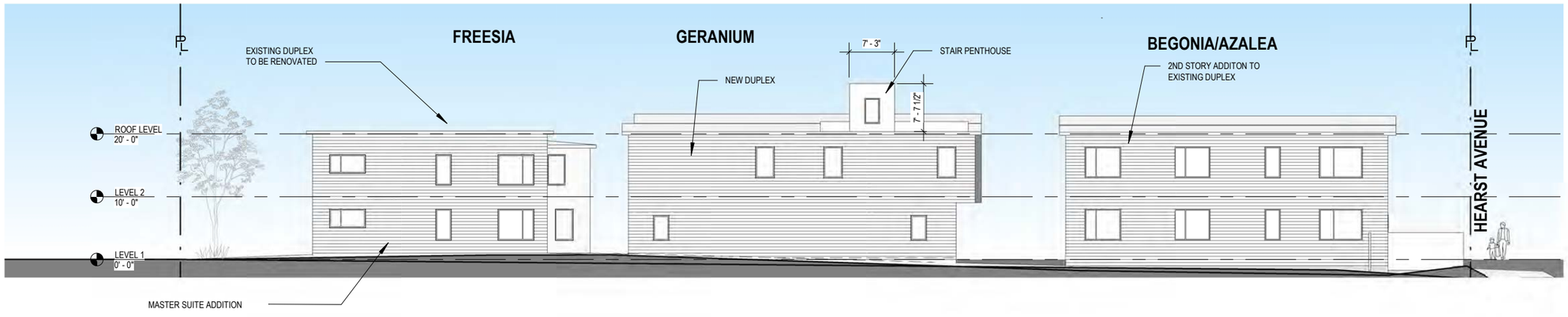
SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



HEARST GARDENS

0 4' 8' 16' 32'

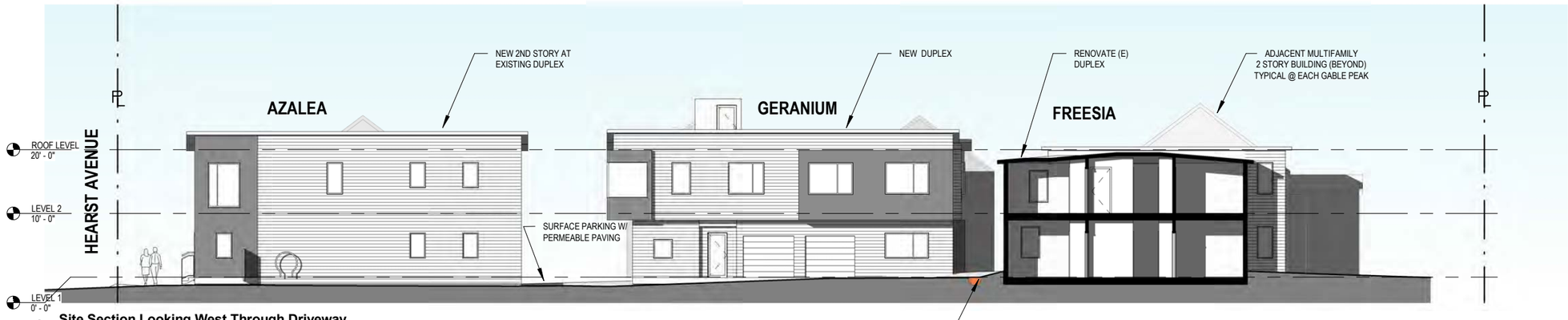
DEVI DUTTA ARCHITECTURE

WEST SITE ELEVATION

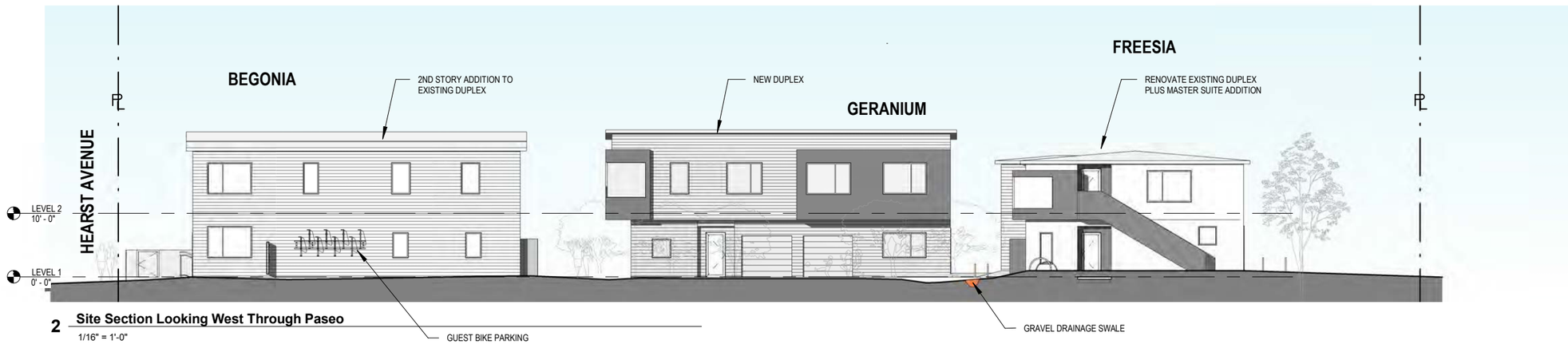
SCALE: 1/16" = 1'-0"

ZAB 6.8.2018

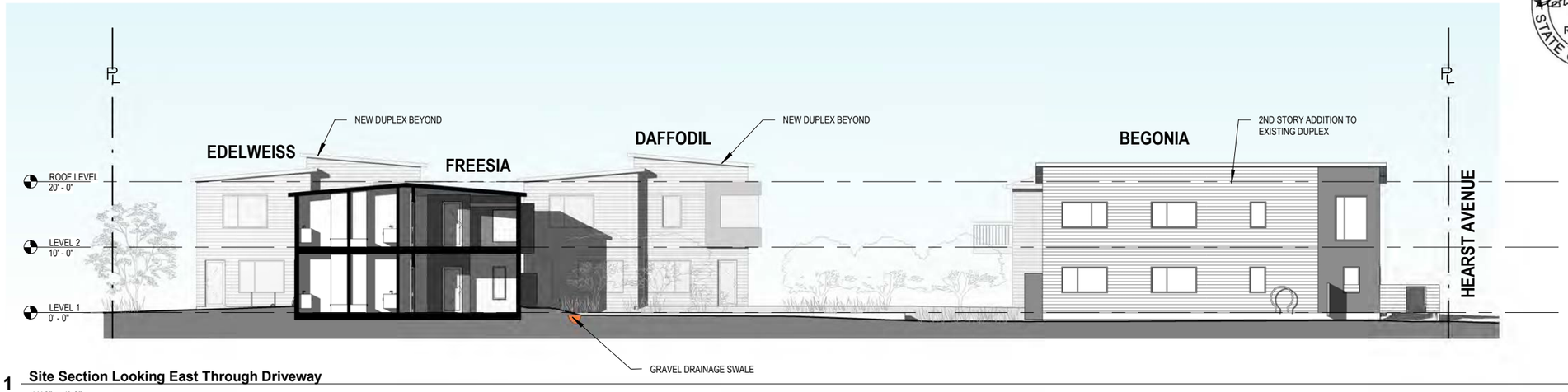
A2.3



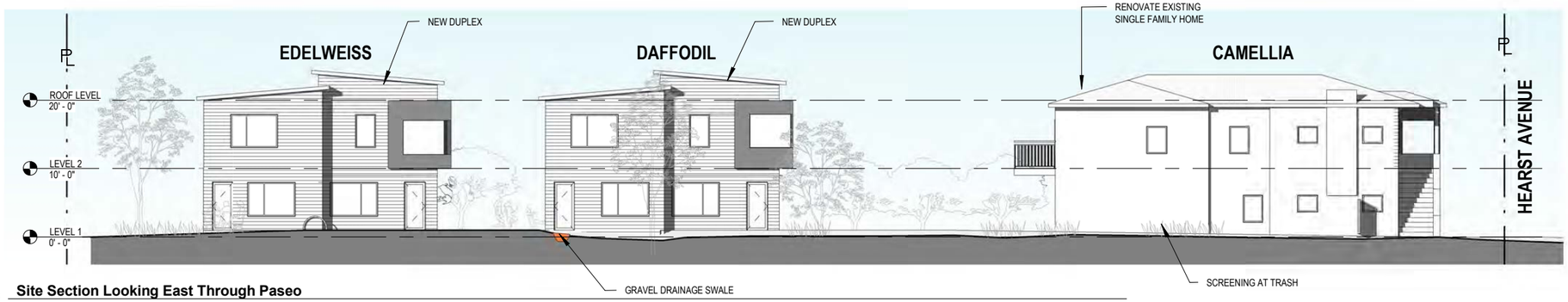
1 **Site Section Looking West Through Driveway**
1/16" = 1'-0"



2 **Site Section Looking West Through Paseo**
1/16" = 1'-0"



1 **Site Section Looking East Through Driveway**
1/16" = 1'-0"



2 **Site Section Looking East Through Paseo**
1/16" = 1'-0"

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

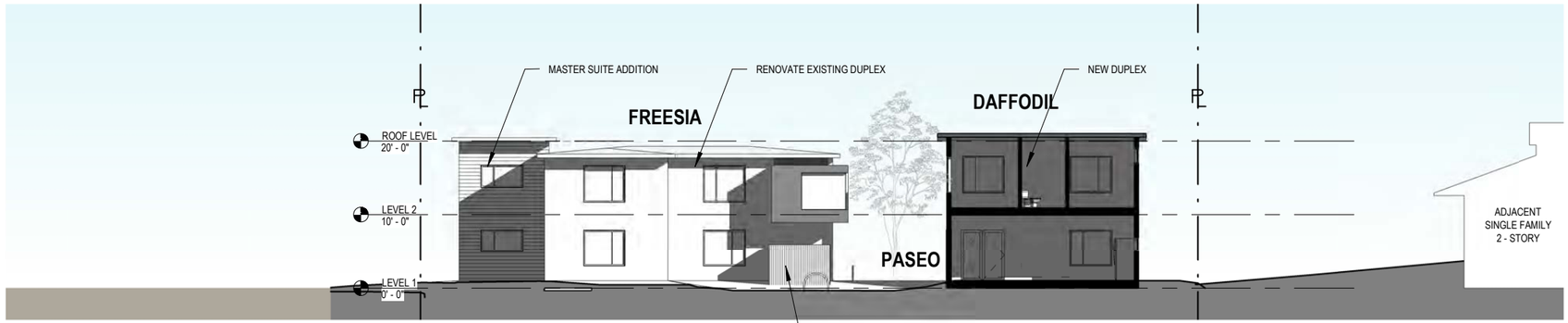
HEARST GARDENS
0 4' 8' 16' 32'
DEVI DUTTA ARCHITECTURE

SITE SECTIONS LOOKING EAST
SCALE: 1/16" = 1'-0"

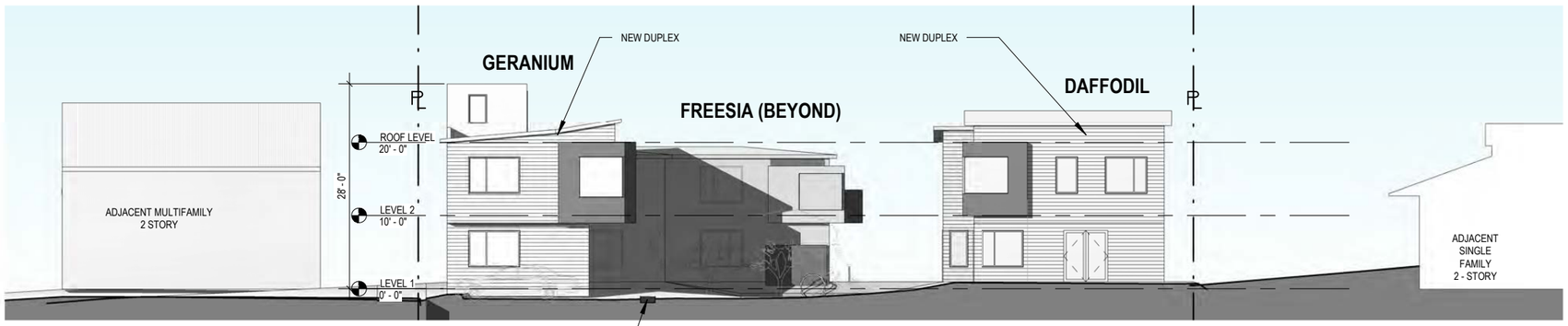
ZAB 6.8.2018

A3.1

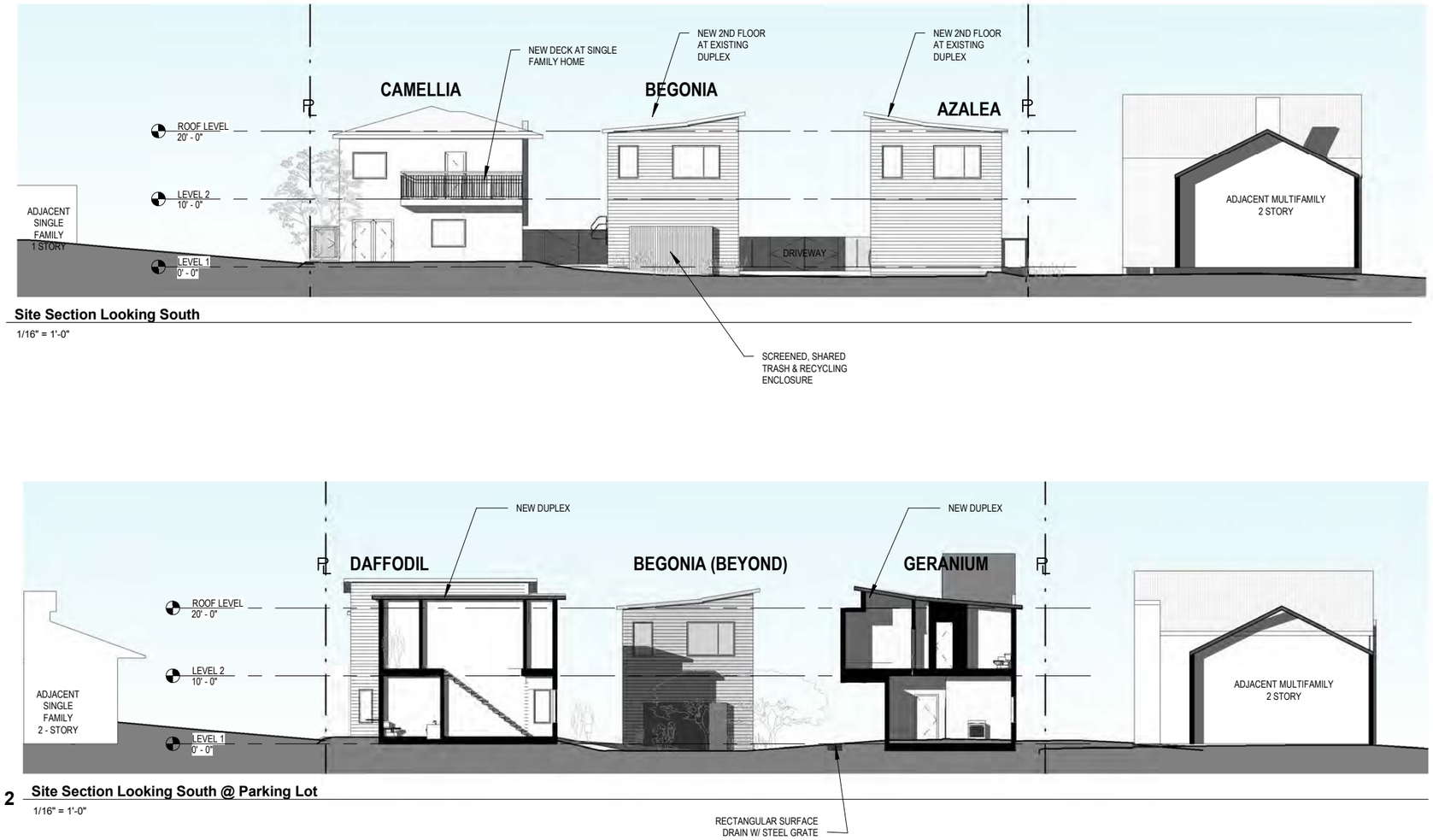
LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA



1 Site Section Looking North @ Freesia Building
1/16" = 1'-0"

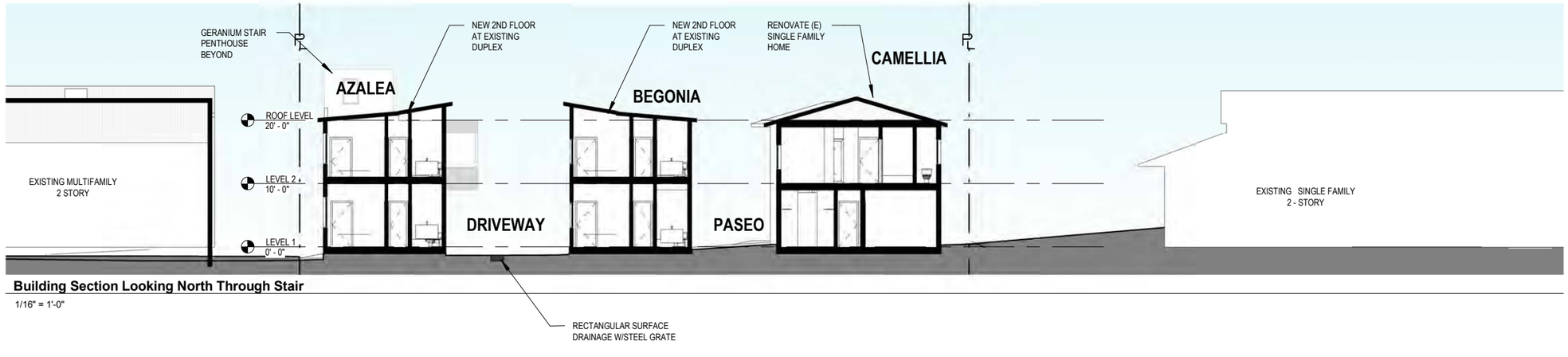


2 Site Section Looking North
1/16" = 1'-0"



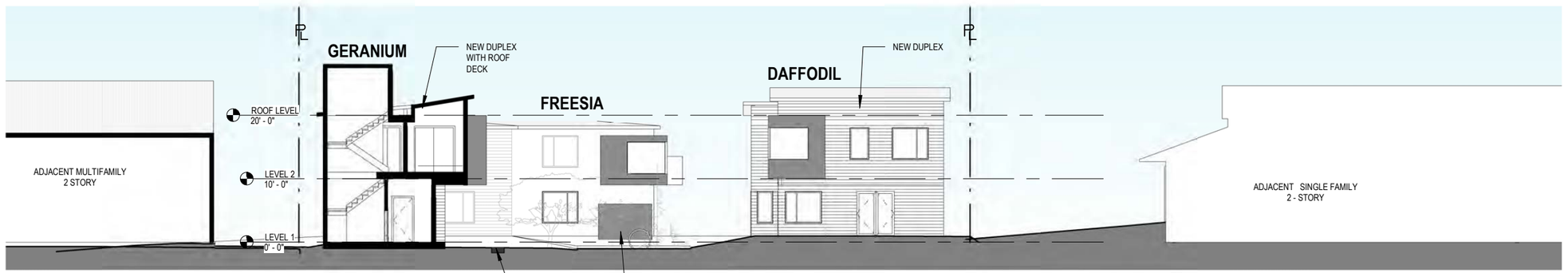
1 **Site Section Looking South**
1/16" = 1'-0"

2 **Site Section Looking South @ Parking Lot**
1/16" = 1'-0"



1 Building Section Looking North Through Stair

1/16" = 1'-0"



2 Building Section Through Covered Parking Looking North

1/16" = 1'-0"

HEARST GARDENS

0 4' 8' 16' 32'

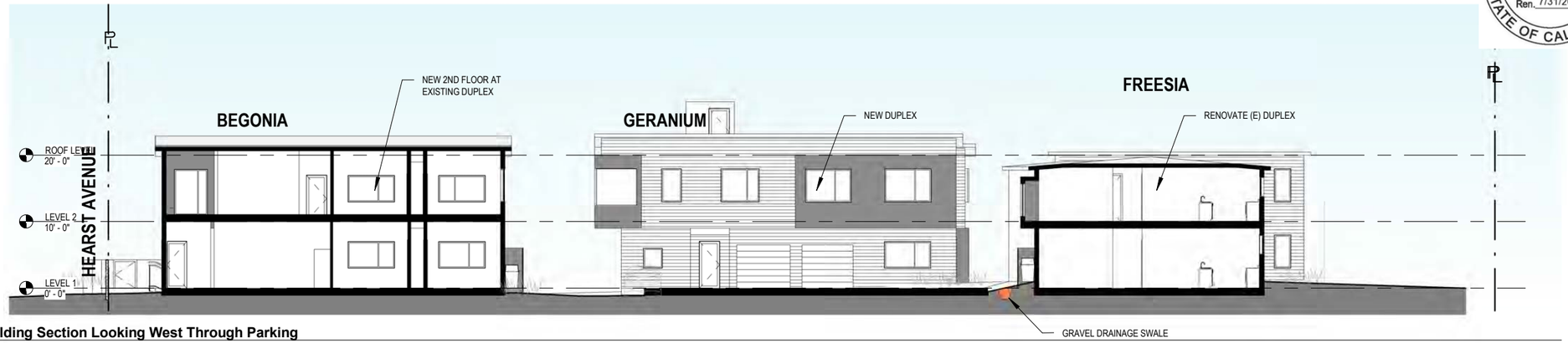
BUILDING SITE SECTIONS

ZAB 6.8.2018

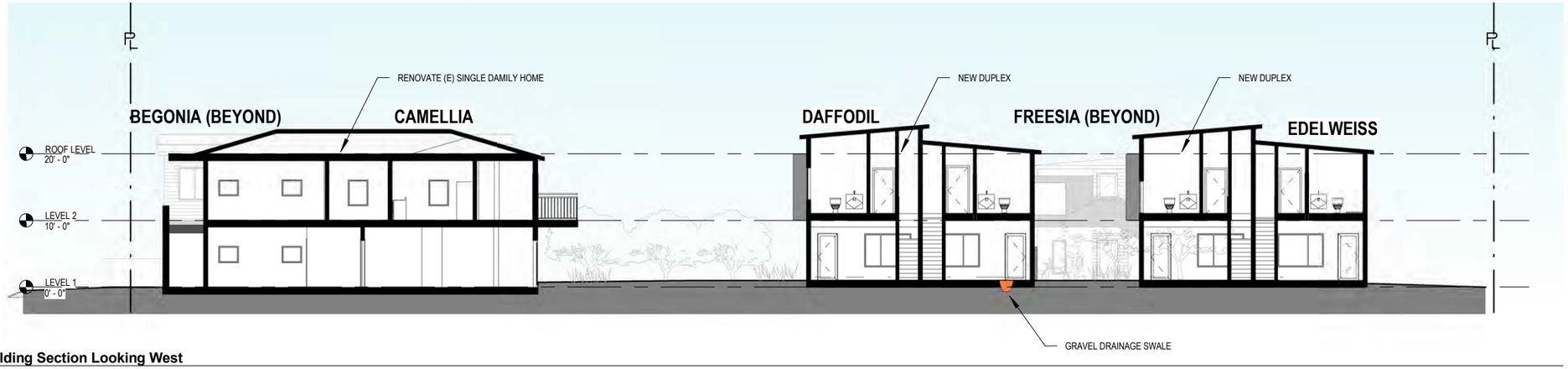
DEVI DUTTA ARCHITECTURE

SCALE: 1/16" = 1'-0"

A3.4



1 **Building Section Looking West Through Parking**
1/16" = 1'-0"

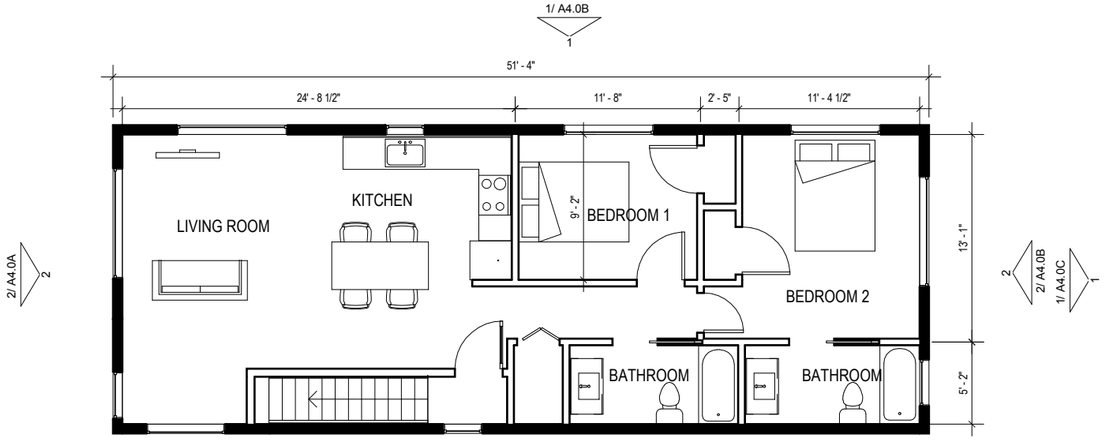


2 **Building Section Looking West**
1/16" = 1'-0"

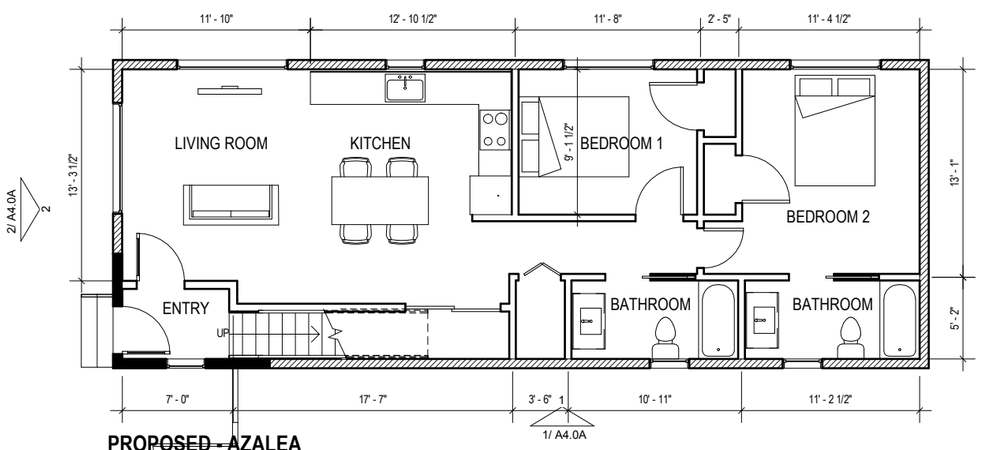
LEGEND

- NEW EXTERIOR WALL
- (E) WALL
- NEW INTERIOR WALL
- SEE SITE PLAN FOR NON-CONFORMING SETBAC
- REQUIRED SETBACK

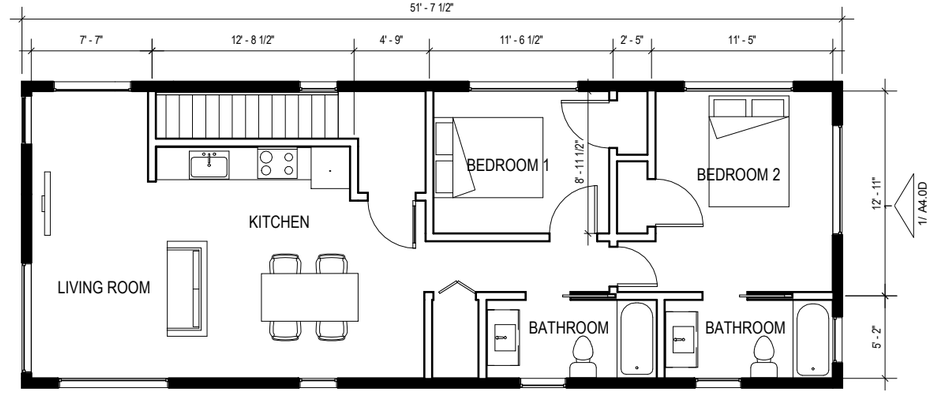
2/ A4.0D A4.0 SERIES FOR ENLARGED UNIT PLANS



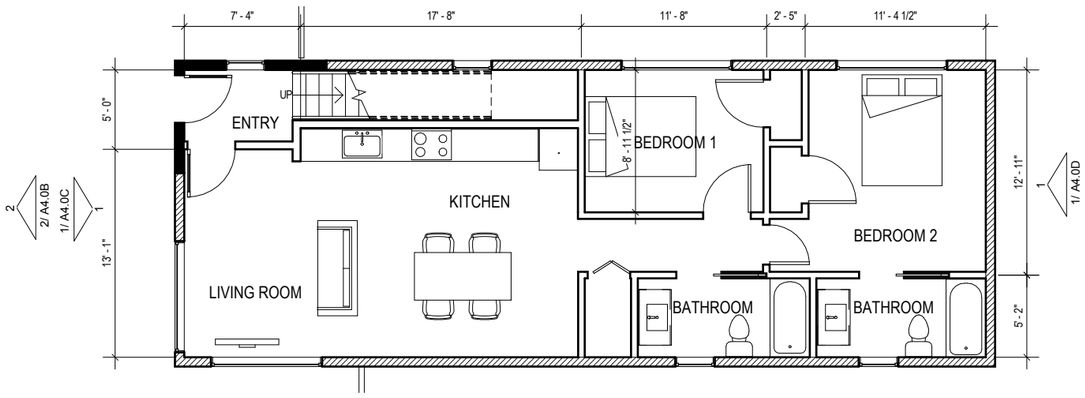
PROPOSED - AZALEA
LEVEL 2 - UNIT A1



PROPOSED - AZALEA
LEVEL 1 - UNIT A1



PROPOSED - BEGONIA
LEVEL 2 - UNIT B2



PROPOSED - BEGONIA
LEVEL 1 - UNIT B1

HEARST GARDENS

0 2' 4' 8' 16'

AZALEA & BEGONIA PLANS

ZAB 6.8.2018

DEVI DUTTA ARCHITECTURE

SCALE: As indicated

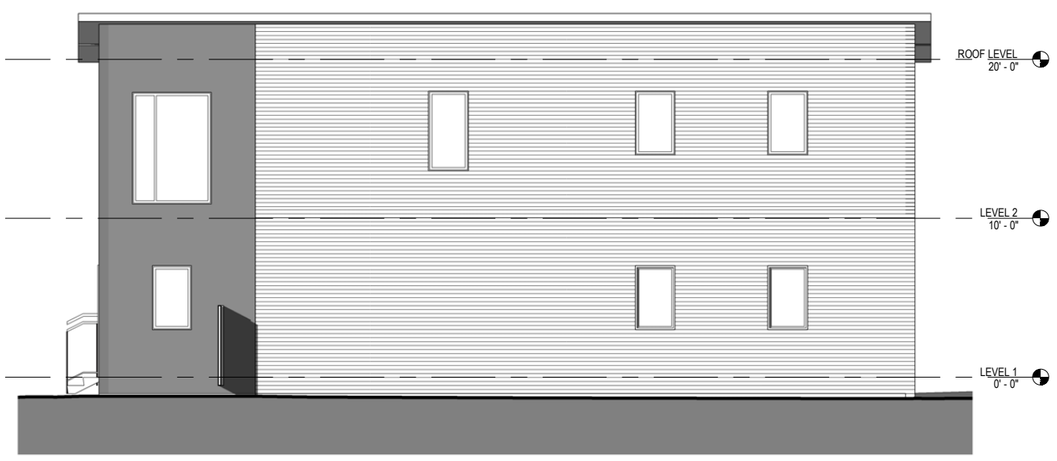
A4.0

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

2 AZALEA SOUTH ELEVATION
1/8" = 1'-0"

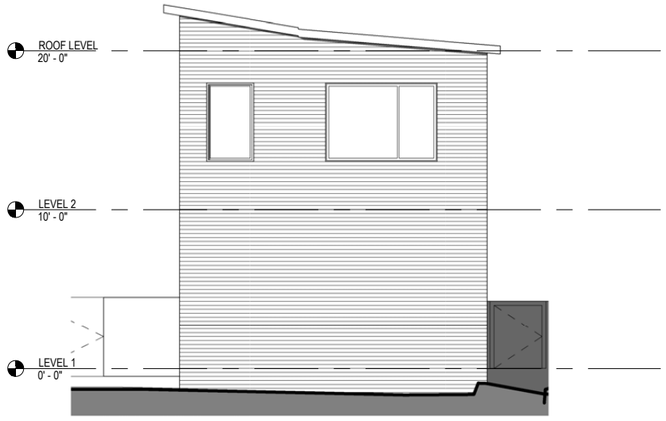


1 AZALEA EAST ELEVATION
1/8" = 1'-0"

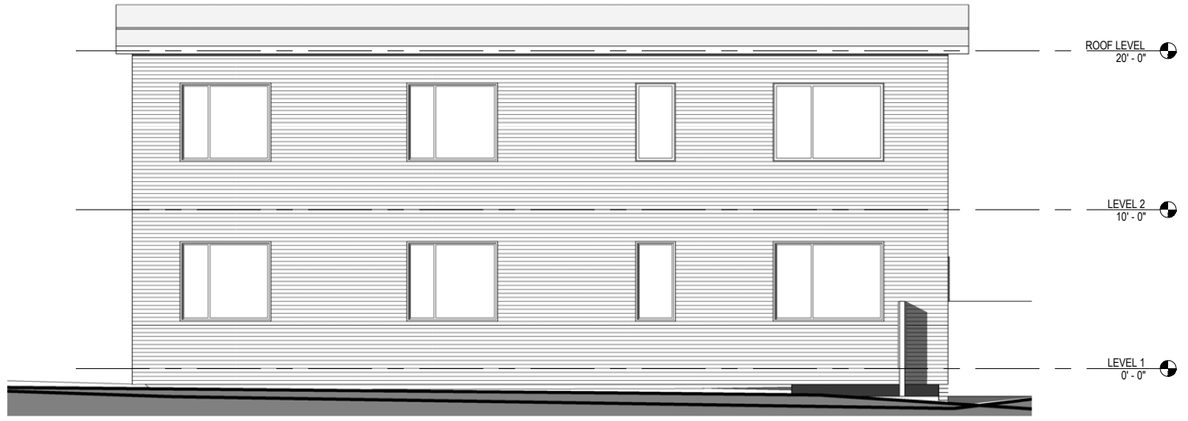
MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA



2 AZALEA NORTH ELEVATION
1/8" = 1'-0"

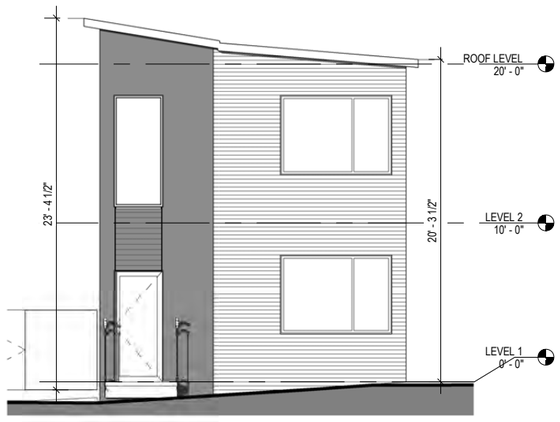


1 AZALEA WEST ELEVATION
1/8" = 1'-0"

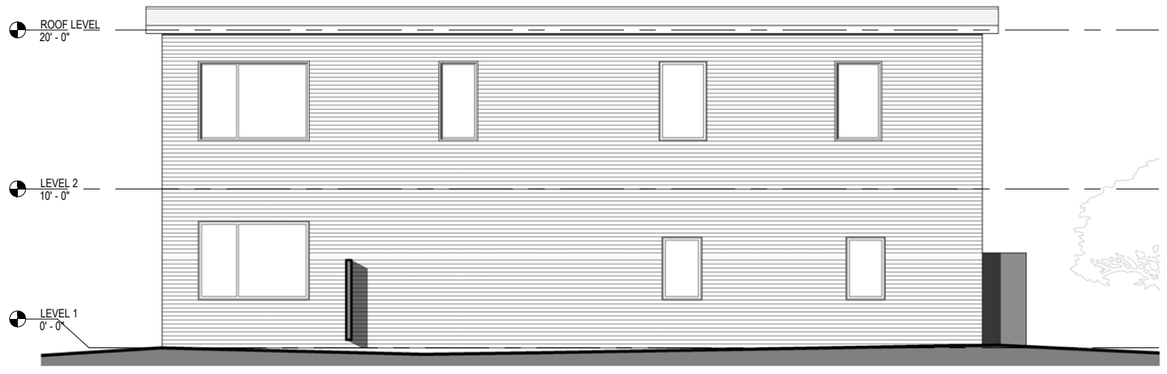
MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA



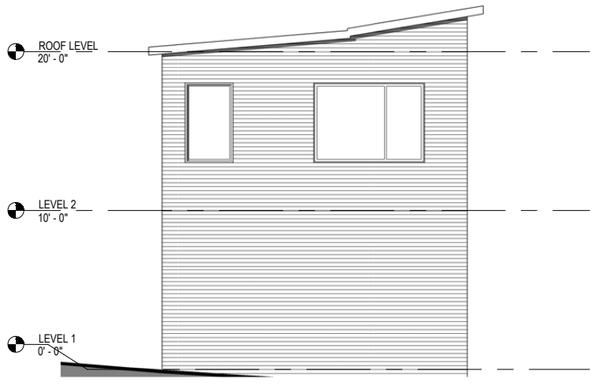
1 BEGONIA SOUTH ELEVATION
1/8" = 1'-0"



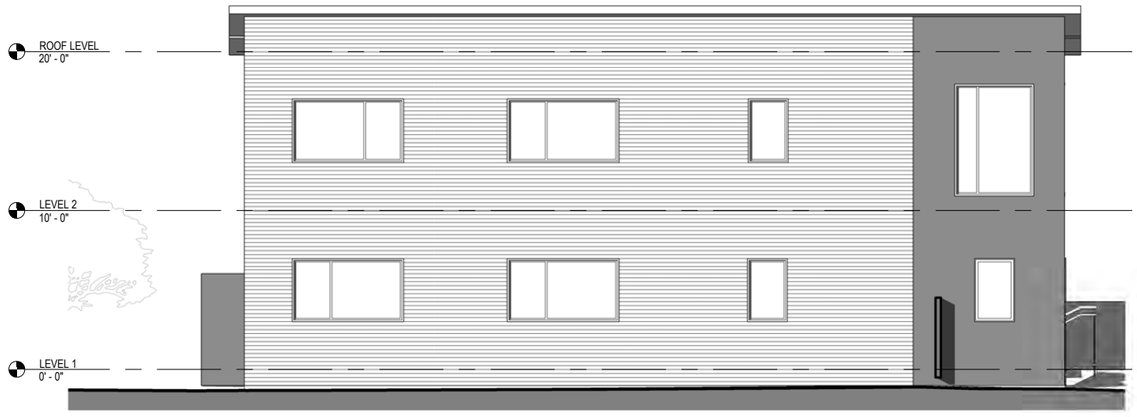
2 BEGONIA EAST ELEVATION
1/8" = 1'-0"

MATERIAL LEGEND

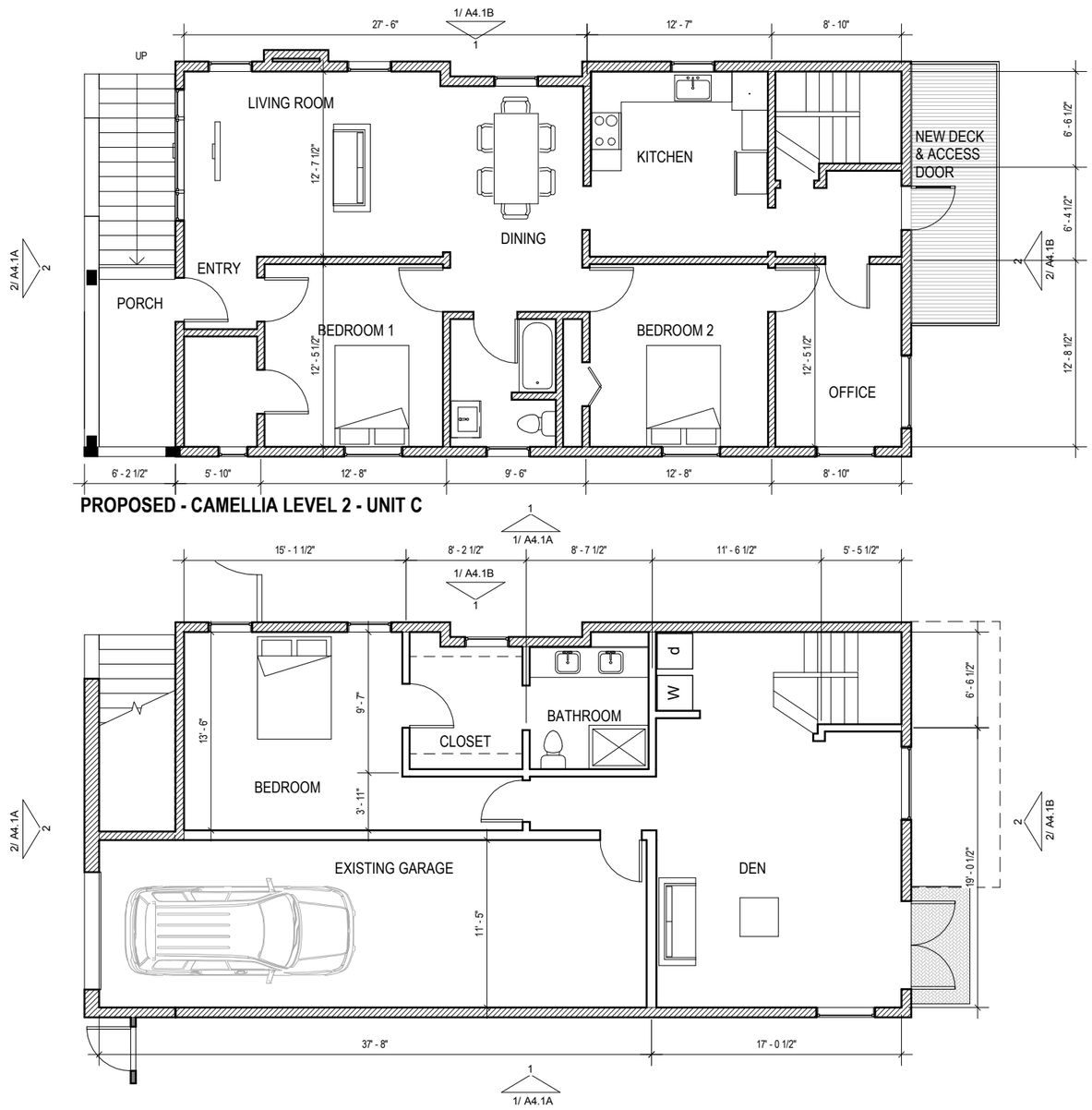
- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER



1 BEGONIA NORTH ELEVATION
1/8" = 1'-0"



2 BEGONIA WEST ELEVATION
1/8" = 1'-0"



LEGEND

- NEW EXTERIOR WALL
- (E) WALL
- NEW INTERIOR WALL
- SEE SITE PLAN FOR NON-CONFORMING SETBAC
- REQUIRED SETBACK

SEE A4.0 SERIES FOR ENLARGED UNIT PLANS

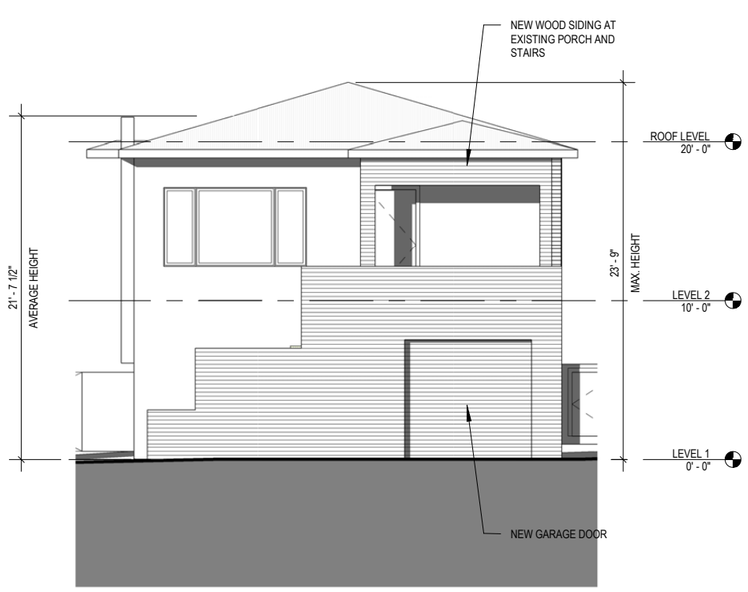
LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

PROPOSED - CAMELLIA LEVEL 2 - UNIT C

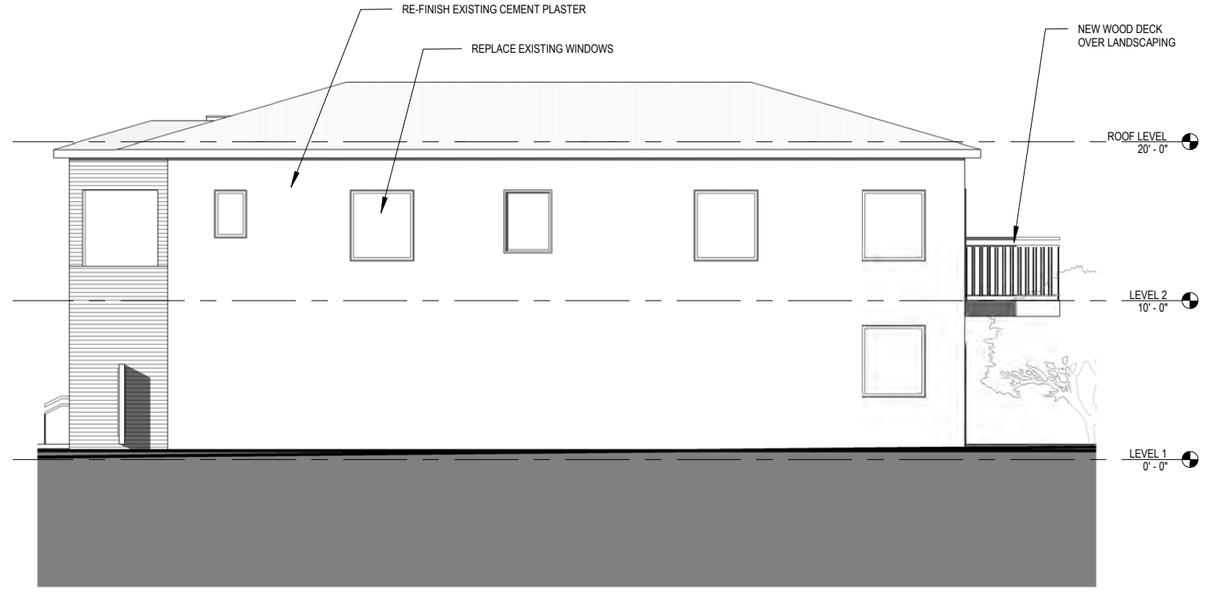
PROPOSED - CAMELLIA BASEMENT PLAN

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER



2 CAMELLIA SOUTH ELEVATION
1/8" = 1'-0"



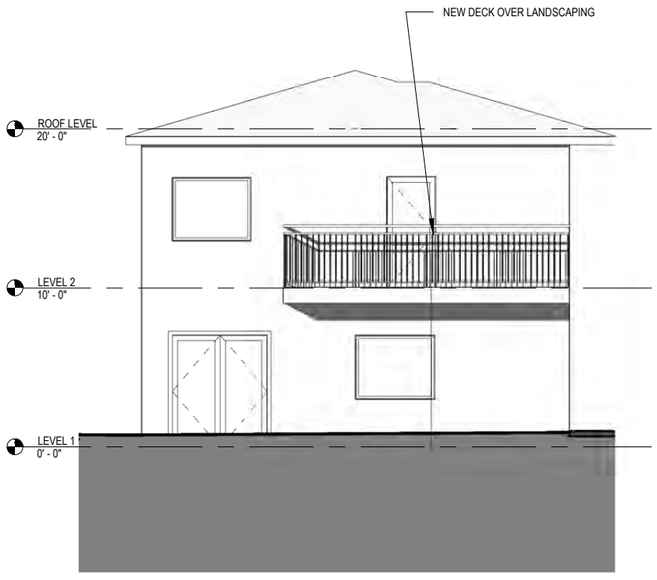
1 CAMELLIA EAST ELEVATION
1/8" = 1'-0"

MATERIAL LEGEND

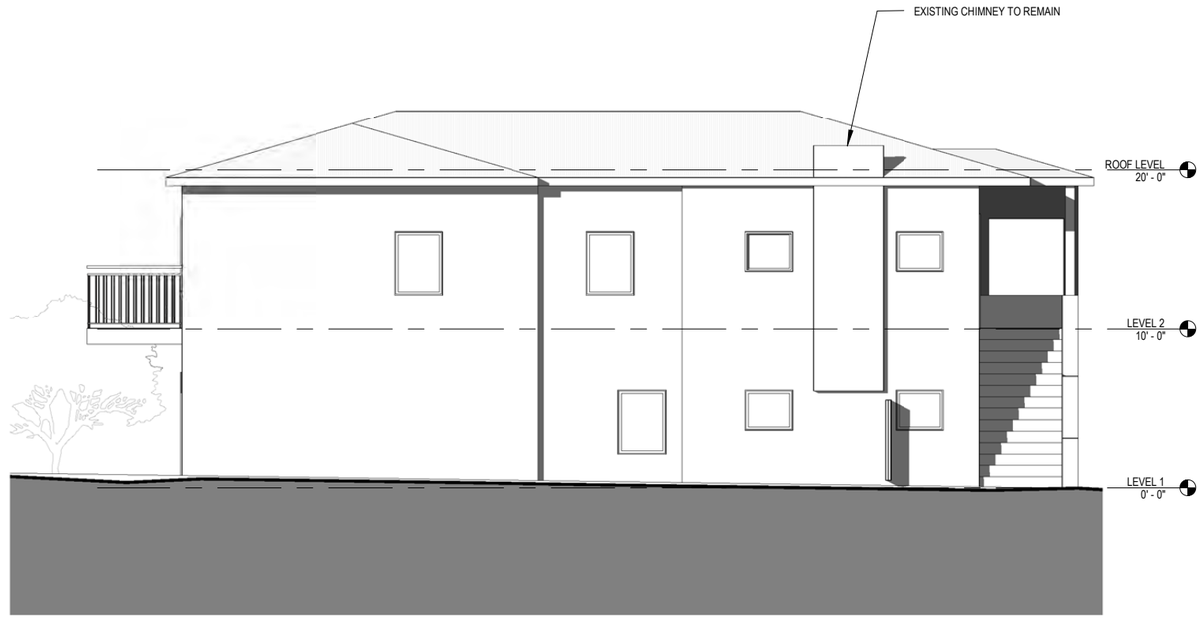
- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

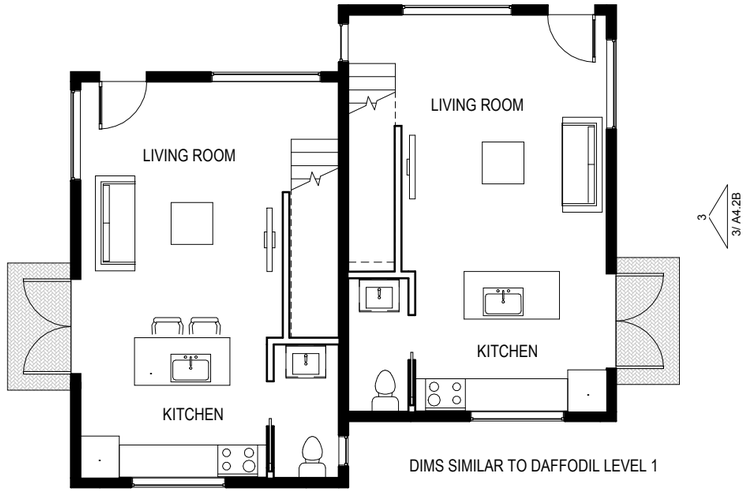
SEE A4.0 SERIES FOR ENLARGED ELEVATIONS



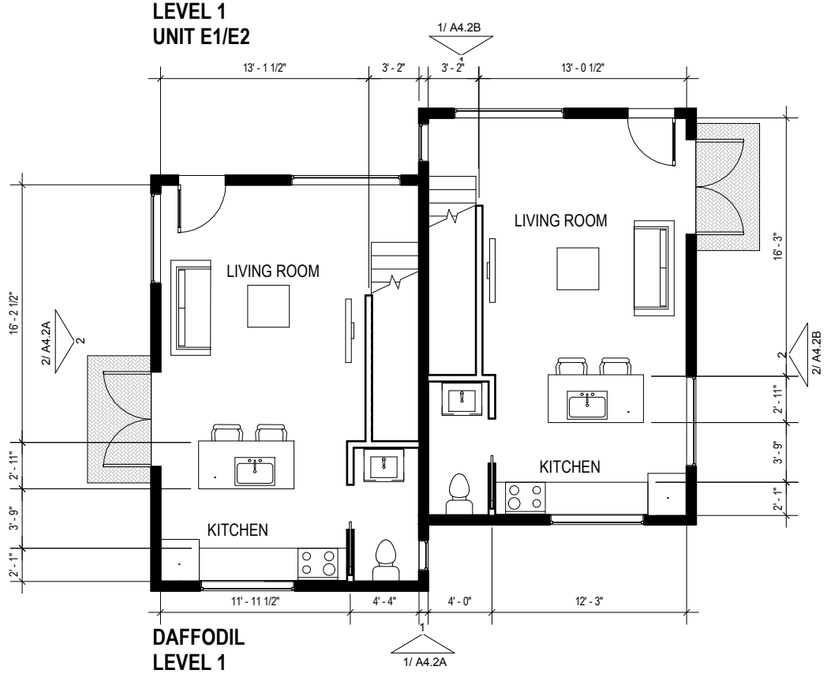
2 CAMELLIA NORTH ELEVATION
1/8" = 1'-0"



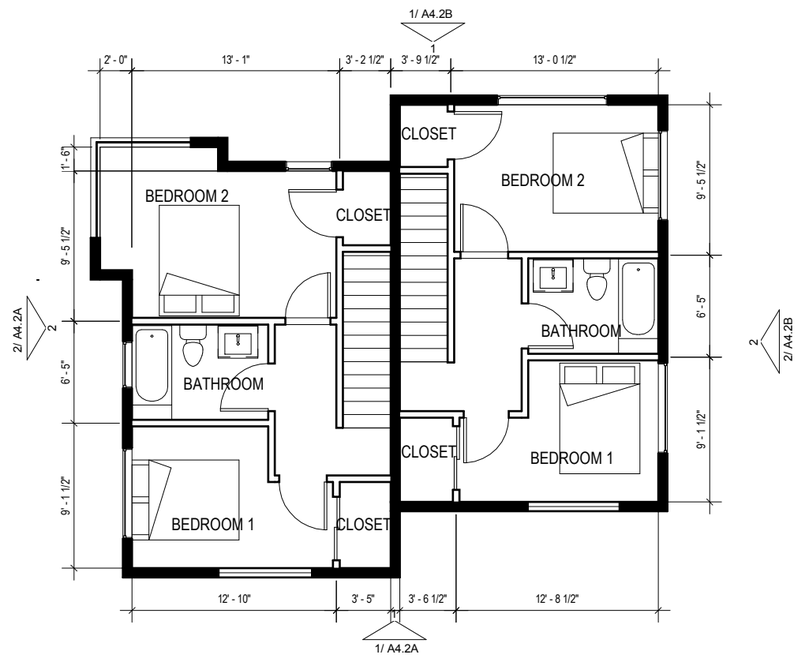
1 CAMELLIA WEST ELEVATION
1/8" = 1'-0"



EDELWEISS
LEVEL 1
UNIT E1/E2



DAFFODIL
LEVEL 1
UNIT D1/ D2



DAFFODIL & EDELWEISS
LEVEL 2
UNIT D1/D2 & E1/E2

LEGEND

- NEW EXTERIOR WALL
- (E) WALL
- NEW INTERIOR WALL
- SEE SITE PLAN FOR NON-CONFORMING SETBACKS
- REQUIRED SETBACK

HEARST GARDENS

0 2' 4' 8' 16'

DAFFODIL & EDELWEISS PLANS

ZAB 6.8.2018

DEVI DUTTA ARCHITECTURE

SCALE: As indicated

A4.2

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

2 DAFFODIL & EDELWEISS SOUTH ELEVATION
1/8" = 1'-0"

1 DAFFODIL & EDELWEISS EAST ELEVATION
1/8" = 1'-0"

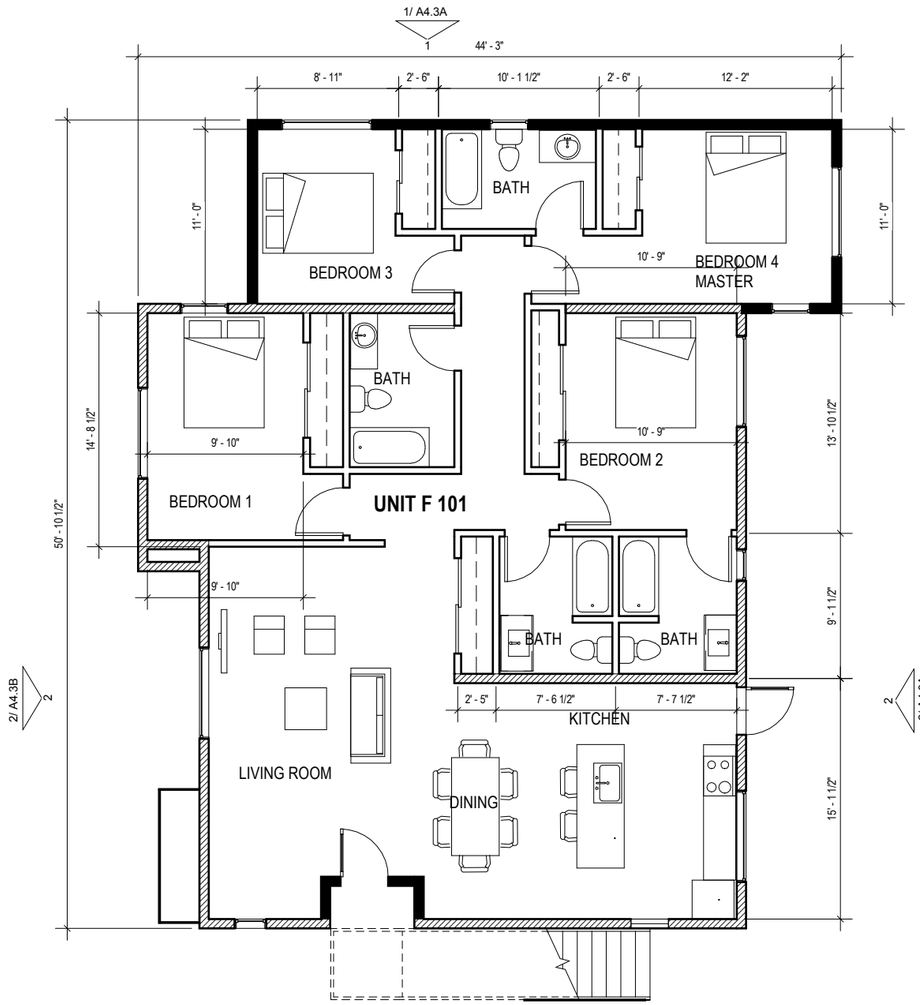
3 EDELWEISS NORTH ELEVATION
1/8" = 1'-0"

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

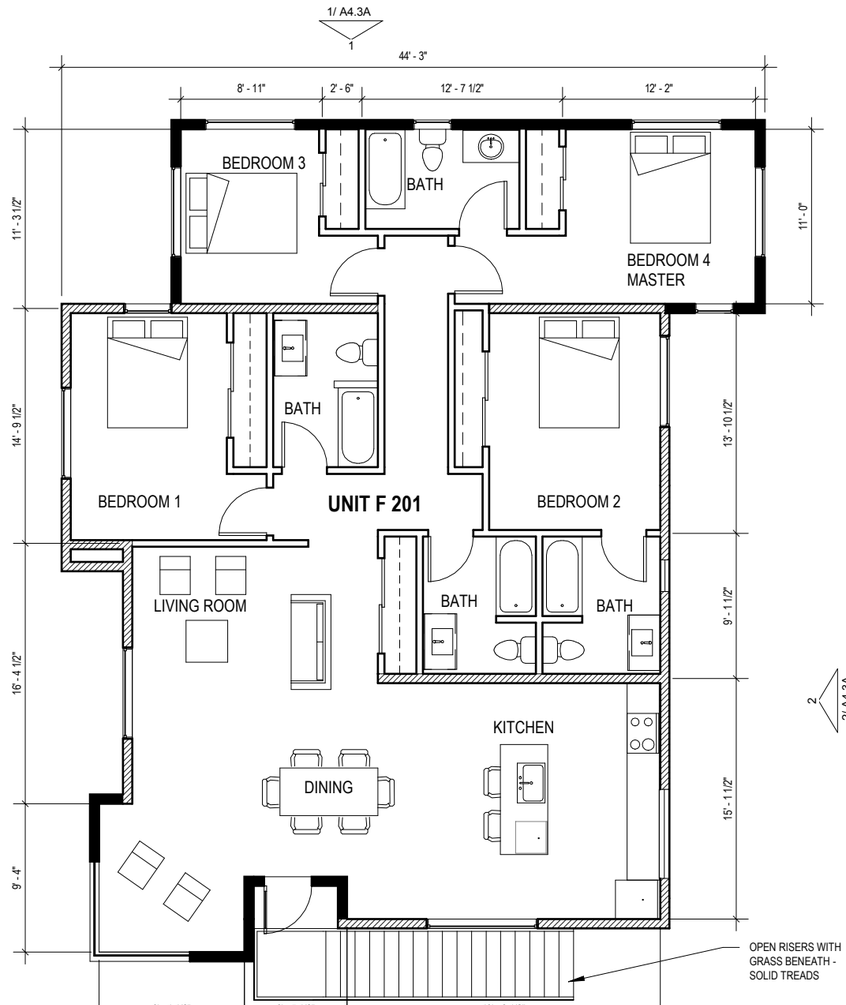
2 DAFFODIL NORTH ELEVATION
1/8" = 1'-0"

1 DAFFODIL & EDELWEISS WEST ELEVATION
1/8" = 1'-0"



FREESIA
LEVEL 1 - UNIT F1

1
1/ A4.3B



FREESIA
LEVEL 2 - UNIT F2

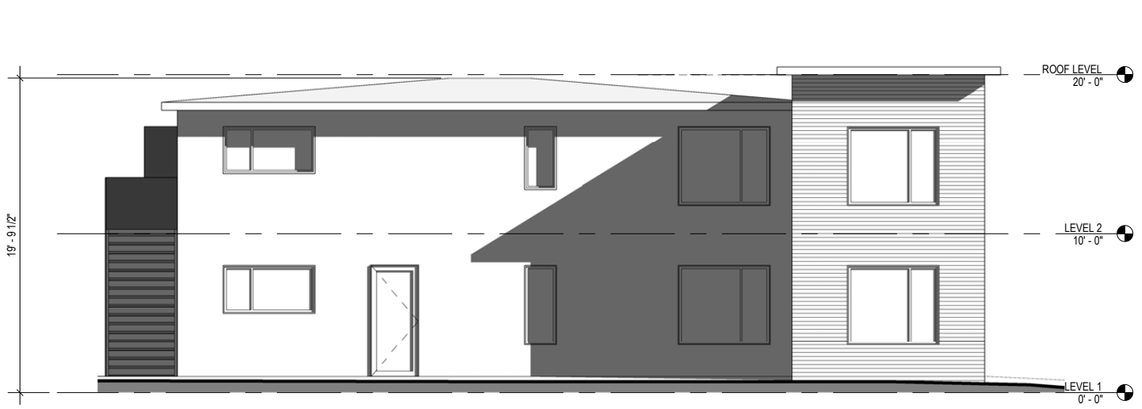
1
1/ A4.3B

LEGEND

- NEW EXTERIOR WALL
- (E) WALL
- NEW INTERIOR WALL
- SEE SITE PLAN FOR NON-CONFORMING SETBACKS
- REQUIRED SETBACK

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER



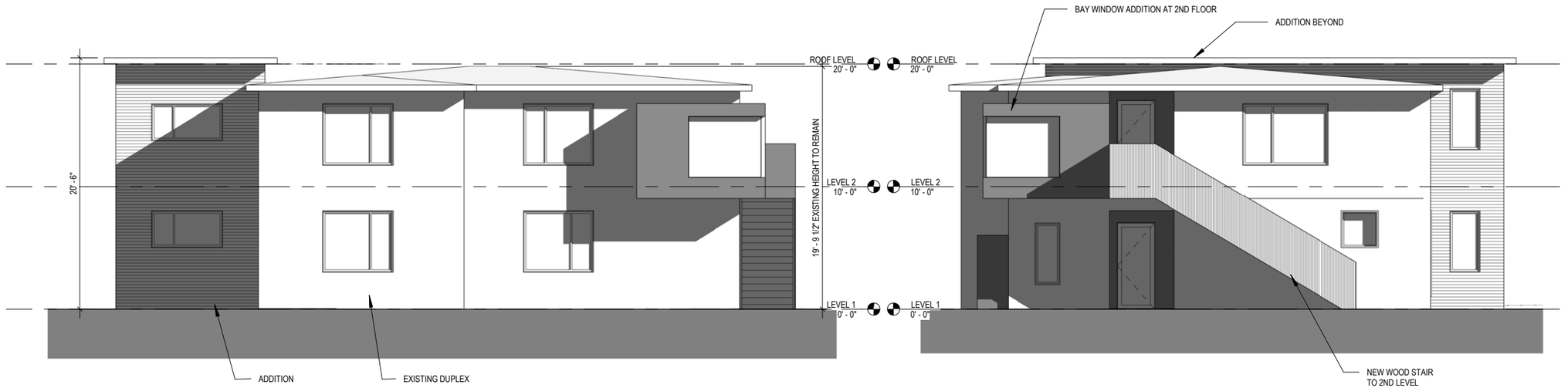
2 FREESIA NORTH ELEVATION
1/8" = 1'-0"

1 FREESIA WEST ELEVATION
1/8" = 1'-0"

MATERIAL LEGEND

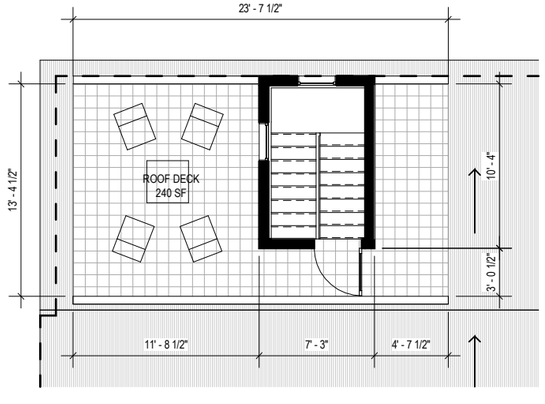
- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

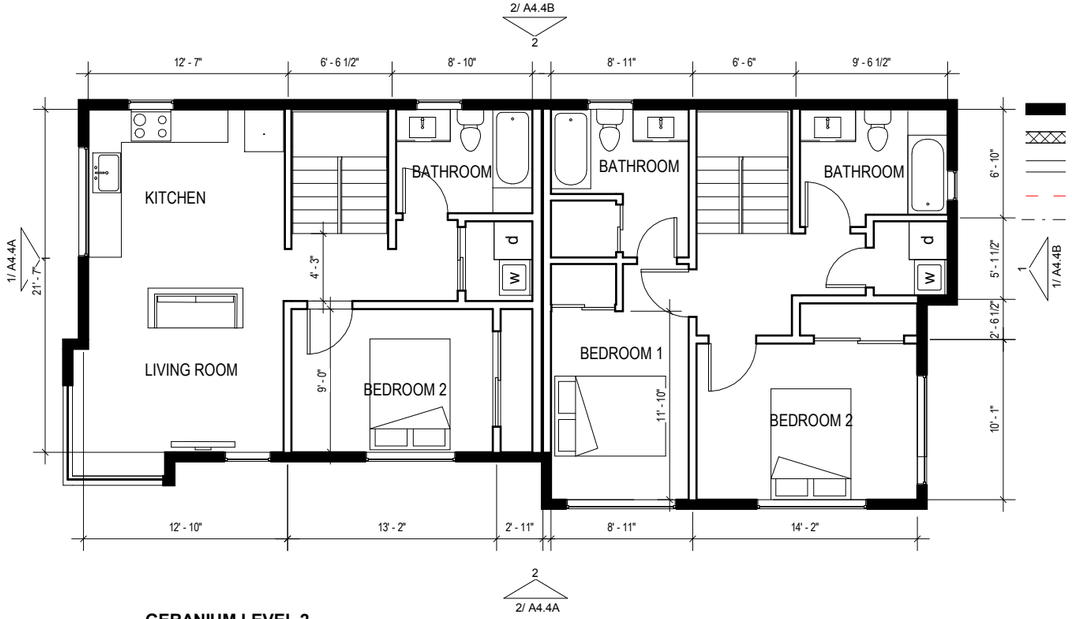


2 FREESIA SOUTH ELEVATION
1/8" = 1'-0"

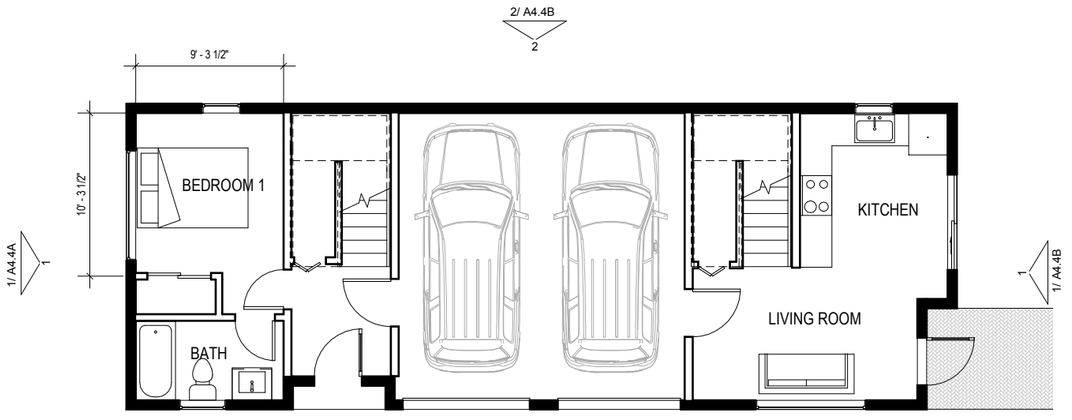
1 FREESIA EAST ELEVATION
1/8" = 1'-0"



3 ROOF DECK - PARTIAL PLAN
1/8" = 1'-0"



2 GERANIUM LEVEL 2
1/8" = 1'-0"



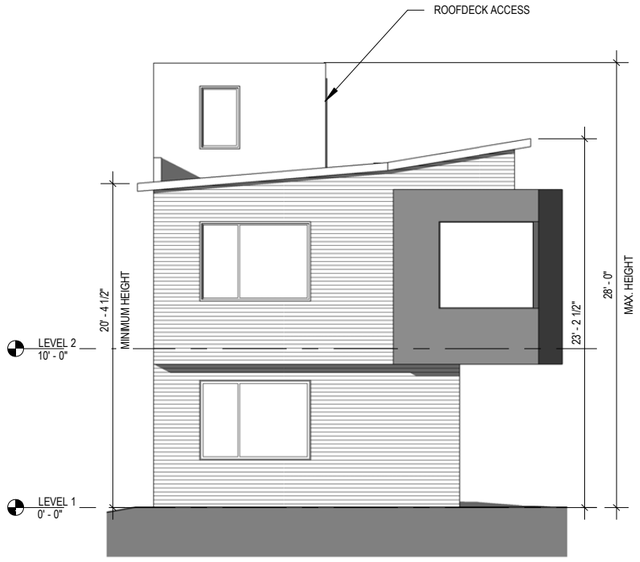
1 GERANIUM LEVEL 1
1/8" = 1'-0"

LEGEND
- NEW EXTERIOR WALL
- (E) WALL
- NEW INTERIOR WALL
- SEE SITE PLAN FOR NON-CONFORMING SETBACKS
- REQUIRED SETBACK

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

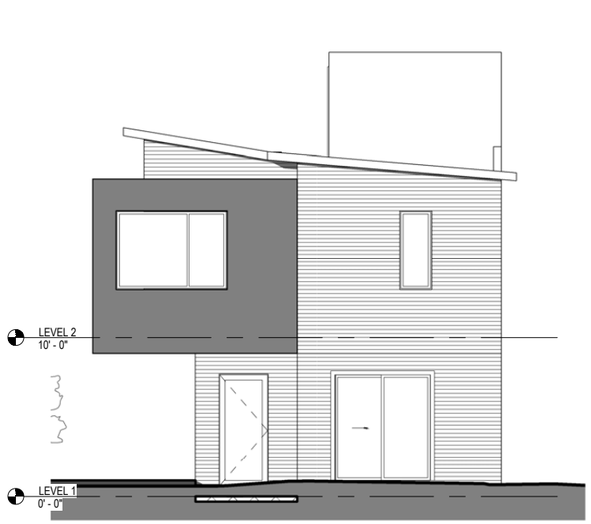


1 **GERANIUM SOUTH ELEVATION**
1/8" = 1'-0"

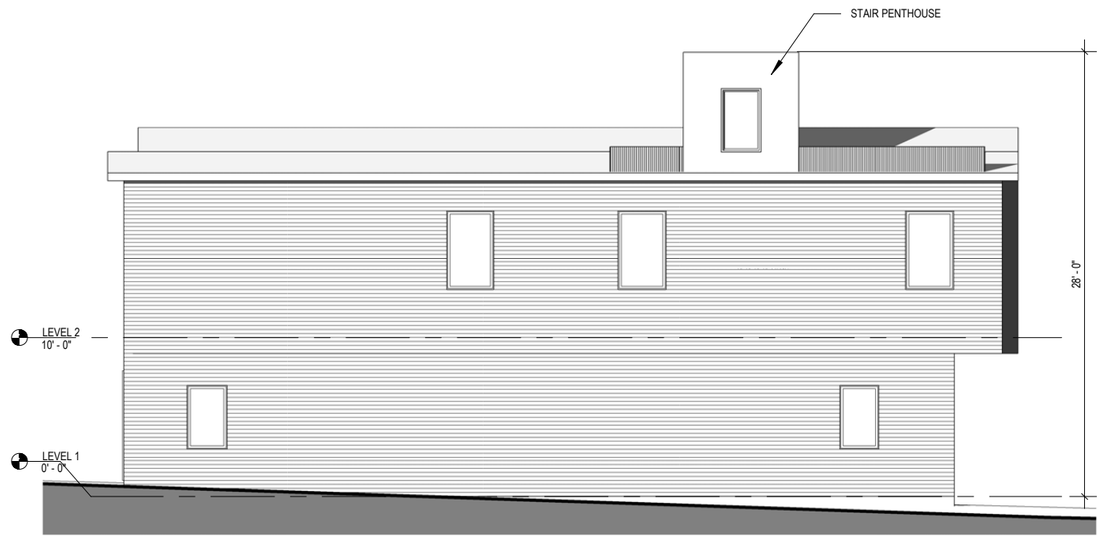
2 **GERANIUM EAST ELEVATION**
1/8" = 1'-0"

MATERIAL LEGEND

- PAINTED WOOD SIDING
- WOOD PATTERNED FIBER CEMENT
- CEMENT PLASTER
- CEMENT PLASTER

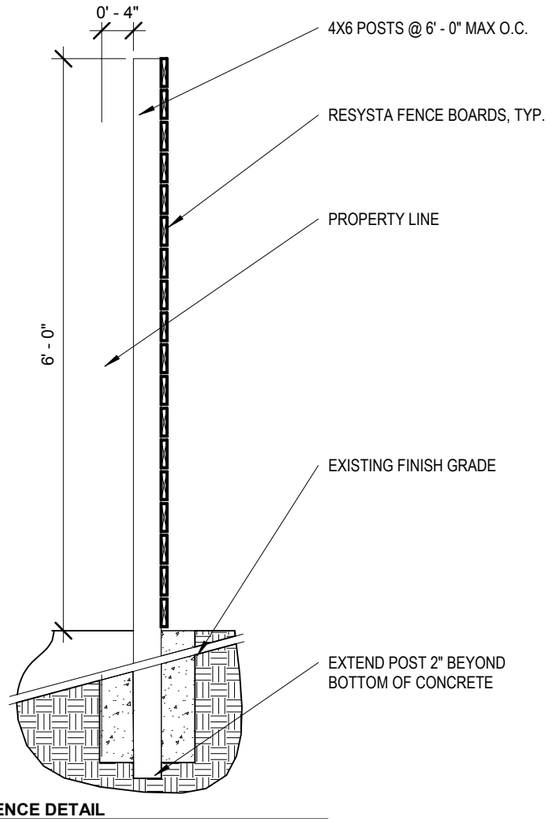


1 GERANIUM NORTH ELEVATION
1/8" = 1'-0"

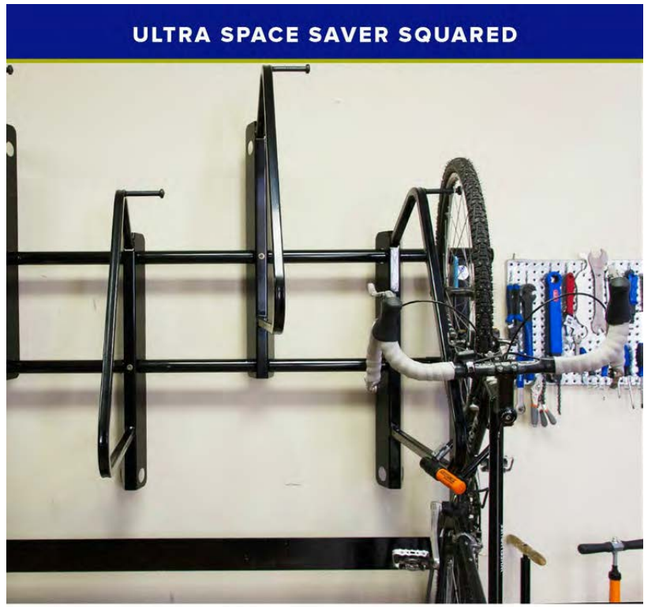


2 GERANIUM WEST ELEVATION
1/8" = 1'-0"

CEDAR FENCE ALONG PROPERTY LINE

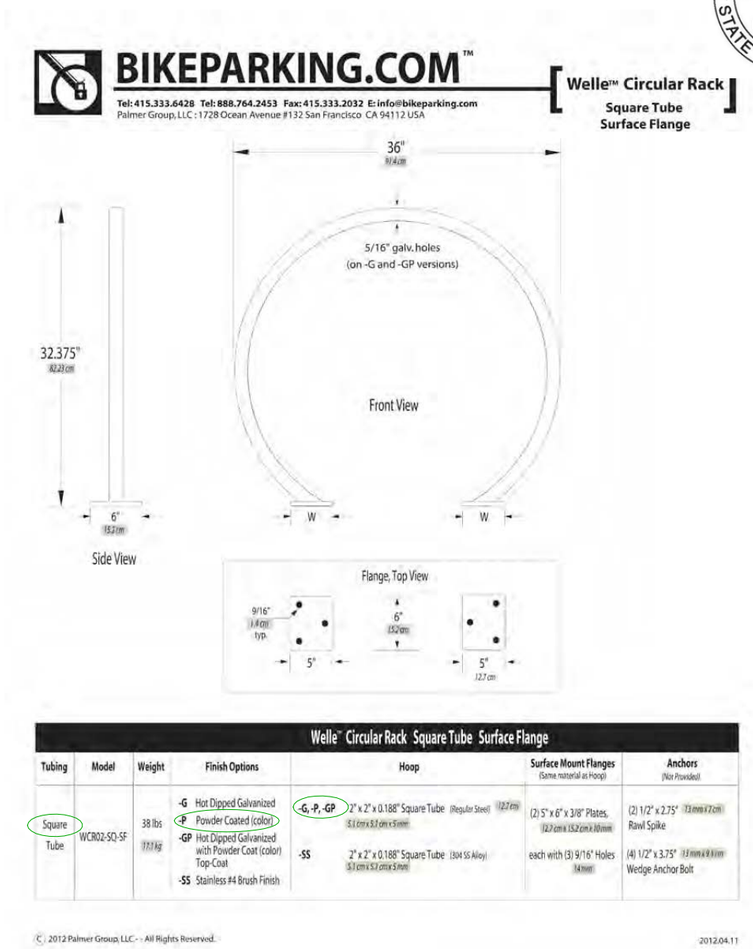


1 **CEDAR FENCE DETAIL**
3/4" = 1'-0"



WALL MOUNT, SQUARE PROFILE BIKE STORAGE. LOCATED ON EAST WALL OF BEGONIA BUILDING.

DARK GREY POWDERCOAT FINISH AT BIKE STORAGE



GROUND ANCHORED, SQUARE PROFILE BIKE STORAGE CIRCULAR RACK. 2 BIKES PER RACK. LOCATED ALONG THE PASEO, AND FLANKING THE DRIVEWAY BETWEEN AZALEA AND BEGONIA.


LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA


SPEED
HUMP
AHEAD

1 **GROUND PLAN BUILDING CODE & EXITING**
3/64" = 1'-0"

	OCCUPANCY	SPRINKLERED?	CONST. TYPE	HEIGHT & NUMBER OF STORIES
AZALEA	R-3	SPRINKLERED	V-B	2-STORIES
BEGONIA	R-3	SPRINKLERED	V-B	2-STORIES
CAMELLIA	R-3	SPRINKLERED	V-B	2-STORIES
DAFFODILE	R-3	SPRINKLERED	V-B	2-STORIES
EDELWEISS	R-3	SPRINKLERED	V-B	2-STORIES
FREESIA	R-3	SPRINKLERED	V-B	2-STORIES
GERANIUM	R-3	SPRINKLERED	V-B	2-STORIES + STAIR PENTHOUSE

ALL HOMES SUBJECTED TO 2016 CALIFORNIA BUILDING CODE
ALL HOMES TO BE EQUIPPED WITH RESIDENTIAL SPRINKLER SYSTEM

EXIT PATH
ASSUMED PROPERTY LINE

LICENSED ARCHITECT
DEVI DUTTA-CHOUDHURY
No. C32382
Ren. 7/31/2019
STATE OF CALIFORNIA

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

1155-73 Hearst Avenue

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new dwelling units.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on **Thursday, May 9, 2019** at the **Berkeley Unified School District meeting room, 1231 Addison Street,** (wheelchair accessible). The meeting starts at 7:00 p.m.

PERMITS REQUIRED:

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming front and side yard, BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", BMC Section 23D.32.070.D.4

APPLICANT: Hearst Avenue Cottages, LLC c/o Rhoades Planning Group, 46 Shattuck Square, Suite 11, Berkeley, CA 94704

ZONING DISTRICT: R-2A – Restricted Multiple-Family Residential

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines ("In-Fill Development Projects").

The Zoning Application and application materials for this project is available online at: http://www.cityofberkeley.info/zoningapplications

The agenda and staff report for this meeting will be available online 3 to 5 days prior to this meeting at: http://www.cityofberkeley.info/zoningadjustmentsboard

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.

Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline. All materials will be made available via the Zoning Adjustments Board Agenda page: https://www.cityofberkeley.info/zoningadjustmentboard/

- **To distribute correspondence to Board members *as an attachment to the Staff Report*** -- submit comments ***by 12:00 noon, seven (7) days before the meeting.*** Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format.
- **Supplemental Communications and Reports 1** - All Materials submitted between noon the Thursday the week before the meeting and noon Tuesday the week of the meeting, will be made available by 5:00 p.m. on Tuesday the week of the meeting.
- **Supplemental Communications and Reports 2** - All Materials submitted after noon on Tuesday the week of the meeting and before noon on Wednesday, the day before the meeting, will be made available at 5:00 that Wednesday. Any correspondence received after this deadline will be given to the Zoning Adjustment Board just prior to the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- **Please Note: You are strongly advised to submit written comments prior to noon Wednesday, the day before the meeting, as Board members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments should be directed to the ZAB Secretary at: Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Berkeley, CA 94704 OR at zab@cityofberkeley.info

Notice of Decision Requests

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

Accessibility Information / ADA Disclaimer

This meeting is being held in a wheelchair accessible location. 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. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Permit Service Center, Planning and Development Department located at 1947 Center Street, Third Floor, Berkeley, during regular business hours.

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

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

Further Information

Questions about the project should be directed to the project planner, Leslie Mendez, at (510) 981-7426 or LMendez@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning Counter), 1947 Center Street, Third Floor, during normal office hours.

RhoadesPlanningGroup

Memorandum

To: Leslie Mendez, City of Berkeley Planning & Development Department
From: Mark Rhoades, Rhoades Planning Group
Date: April 3, 2019
Re: 1155-1173 Hearst Avenue/ZP2016-0028

Dear Ms. Mendez,

This memo amends the June 20, 2018 Applicant Statement and serves to memorialize the owners' commitment to preserve the six existing rent controlled units in the project in perpetuity. In addition, the six existing rent controlled units will not be converted to condominiums, and no work proposed in this Use Permit, other than routine maintenance, will be performed on any building that is occupied by a resident. The owners are prepared to have staff recommend the above commitments as Conditions of Approval when the project goes before the Zoning Adjustments Board. These commitments were also discussed at the meeting that was held on February 26, 2019 at the Berkeley Rent Board offices with Rent Board staff, Rhoades Planning Group, and the existing residents of 1155-1173 Hearst Avenue. The meeting was noticed by Rent Board staff well in advance of the meeting date, both by USPS and email. One resident attended the meeting and had the opportunity to have her questions answered by Rent Board staff, including a staff attorney.

Rhoades Planning Group also submitted a geotechnical report to you on February 28, 2019, along with a letter from Clearwater Hydrology that stated that their conclusions and recommendations remain unchanged after their review of the geotechnical report. We understand that the City is currently conducting a peer review of the geotechnical analysis.

We look forward to moving this project forward at the Zoning Adjustments Board.

Sincerely,

Mark Rhoades, AICP
510-545-4341

ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
AUGUST 23, 2018

1155-1173 Hearst Avenue

Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new dwelling units.

I. Background

A. Land Use Designations:

- General Plan: HDR – High Density Residential
- Zoning: R-2A – Restricted Multiple-Family Residential

B. Zoning Permits Required:

- Use Permit for construction of dwelling units, under BMC Section 23D.32.030
- Use Permit for the addition of a sixth or greater bedroom in existing dwellings on a parcel, under BMC 23D.32.050.A
- Administrative Use Permit to construct residential additions greater than 14' in average height, BMC Section 23D.32.070.C
- Administrative Use Permit to allow an extension of a non-conforming front and side yard, BMC Section 23C.04.070.B
- Administrative Use Permit to reduce the building separation from 8' on the first floor and 12' on the second floor to 6'-1", BMC Section 23D.32.070.D.4

C. CEQA Determination:

Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

D. Parties Involved:

• Applicant / Property Owner	Hearst Avenue Cottages, LLC c/o Rhoades Planning Group, 46 Shattuck Square, Suite 11, Berkeley, CA 94704

Figure 1: Vicinity and Zoning Map

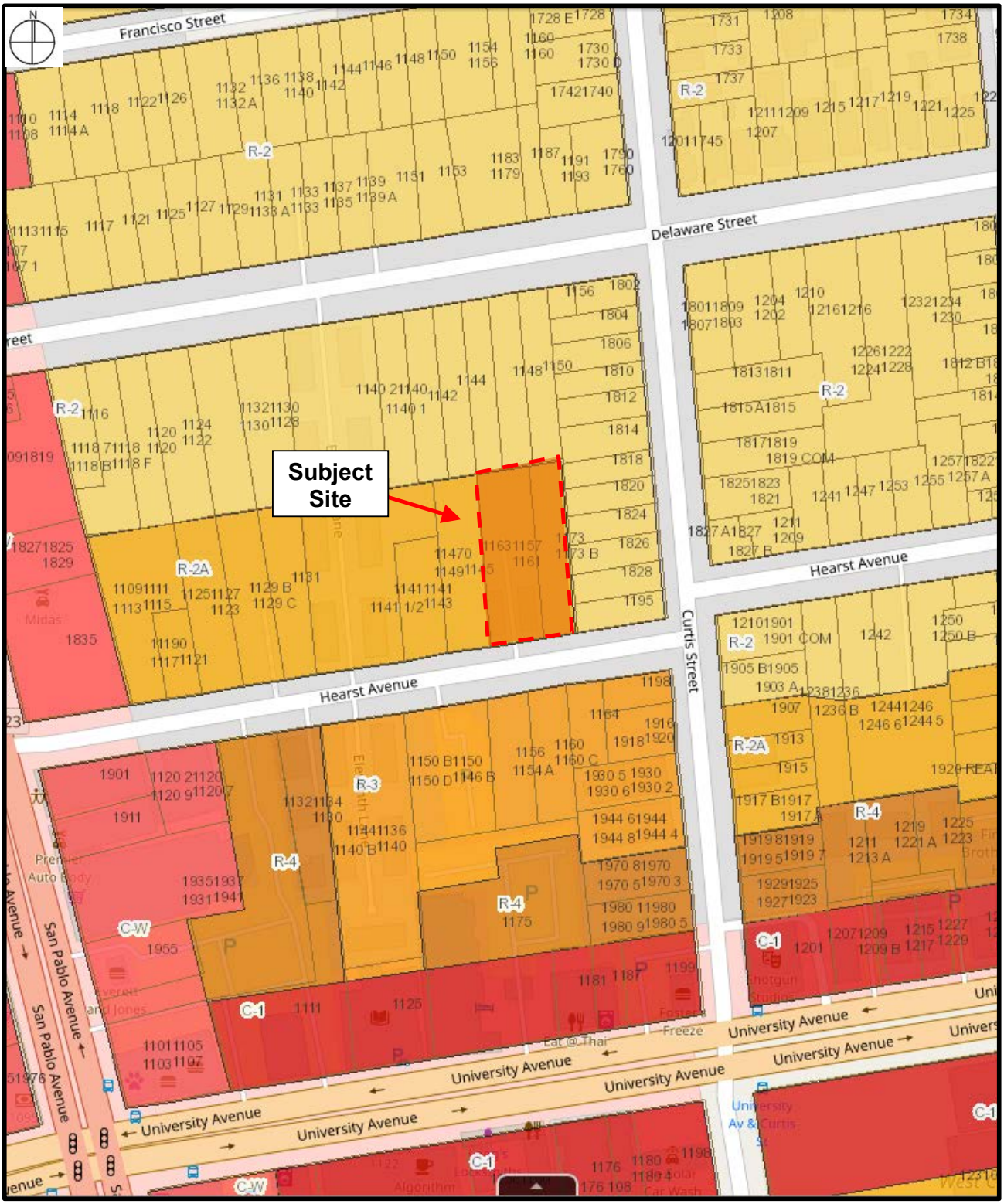
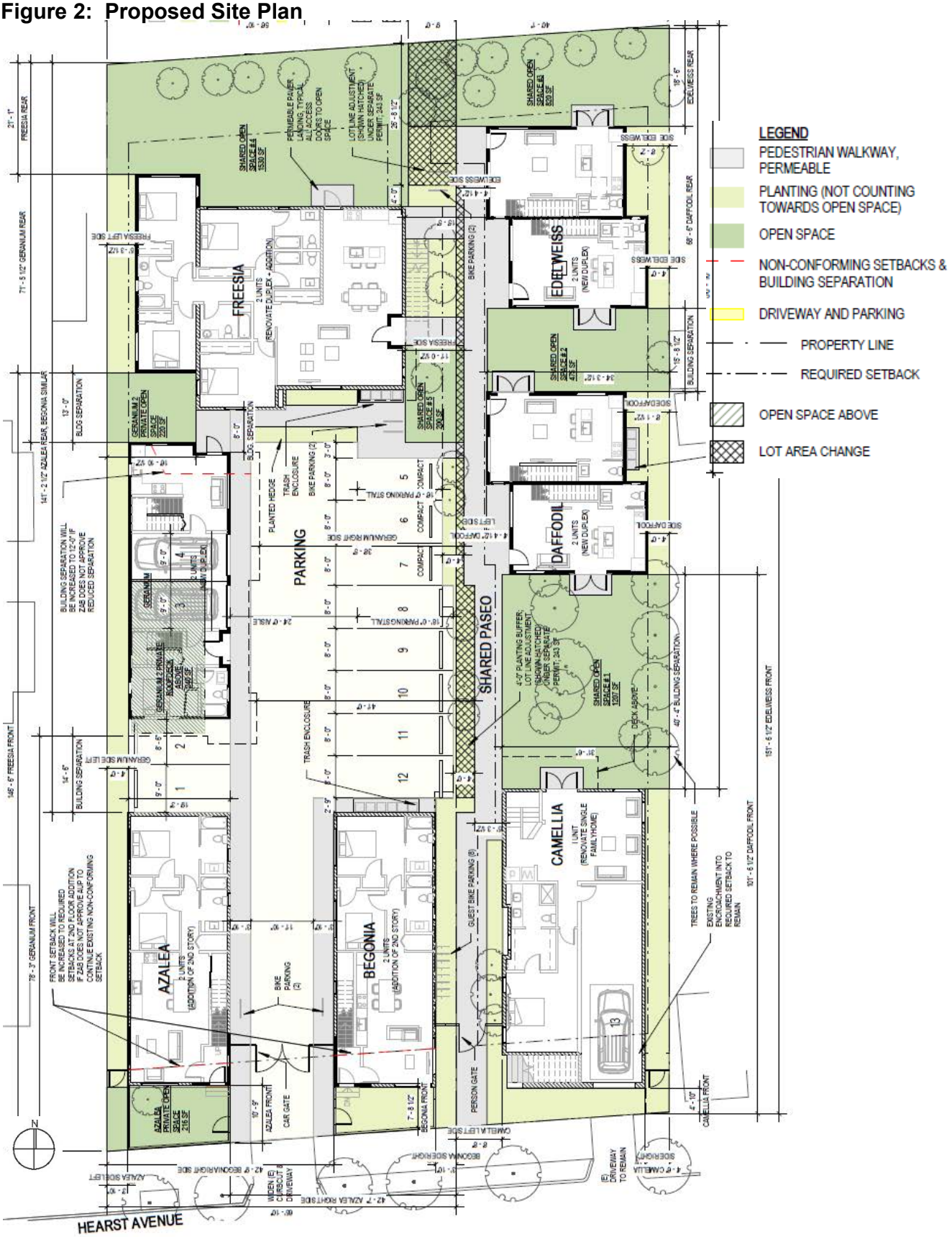


Figure 2: Proposed Site Plan



File: G:\LANDUSE\Projects by Address\Hearst\1155\ZP2016-0028\Working\ZAB August 23, 2018\2018-06-14_ZAB_SR_1155-73 Hearst (Autosaved).docx

Table 1: Land Use Information

Location		Existing Use	Zoning Districts	General Plan Designations
Subject Property		three duplexes, one single family dwelling	R-2A	High Density Residential
Surrounding Properties	North	single family dwellings	R-2	Medium Density Residential
	South	multi-family dwellings	R-3	High Density Residential
	East	single family dwellings	R-2	Medium Density Residential
	West	multi-family dwelling	R-2A	High Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care and Affordable Housing Fee for non-residential projects (Per Resolution 66,617-N.S. and 66,618-N.S.)	No	Proposed project includes 1,500 square feet of commercial space, which is less than the 7,500 square feet requirement.
Affordable Housing Mitigations for rental housing projects (Per BMC Section 22.20.065)	No	The project is not subject to the affordable housing provisions of BMC 22.20.065.
Inclusionary Housing Requirements (BMC Chapter 23C.12)	Yes	The project is subject to the inclusionary housing provisions of BMC Chapter 23C.12.
Housing Accountability Act [Gov't Code Section 65589.5.(j)]	No	Project is a "Housing development project" consisting of dwelling units only. However, there is are elements which do not meet the regulatory standards of the BMC. See Section V.G.
Creeks	No	The property does not fall within a creek buffer zone. See Hydrology in Key Issues below.
Density Bonus	No	No density bonus is being proposed.
Historic Resources	No	There are no historic resources on the site.
Oak Trees	No	There are no Coast Live Oaks on or adjacent to the property.
Rent Controlled Units	Yes	The six dwelling on the western parcel are under rent control. See discussion in Key Issues below.
Seismic Hazards (SHMA)	No	Project site is not in a landslide, liquefaction or earthquake fault rupture zone.
Soil/Groundwater Contamination	No	Project site is not in an Environmental Management Area. There is no record of soil/ground water contamination on the site.

Table 3: Project Chronology

Date	Action
February 2, 2016	Application submitted
May 17, 2017	Application deemed complete
August 10, 2017	ZAB Public hearing notices mailed/posted
August 24, 2017	ZAB hearing continued item to September 28, 2017
September 28, 2017	ZAB hearing, item continued off calendar
March 6, 2018	Revised Application submitted
July 3, 2018	Revised Application deemed complete
August 8, 2018	ZAB Public hearing notices mailed/posted
August 23, 2018	ZAB hearing

Table 4: Lot Development Standards 1155-1163 Hearst (APN 057 208601400)

R-2A Standard BMC Sections 23D.32.070-080	Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)	13,469	13,469	5,000 min.
Gross Floor Area (sq. ft.)	5,300	9,665	---
Dwelling Units	6	8	8 max.
Lot Coverage (%)	32.8	38.7	40 max. for 2-story main bldg.
Usable Open Space (sq. ft.)	2,560	2,409	300 per d.u. 2,400 min.
Automobile Parking	6	12	8 (@ 1 per d.u.)

Table 5: Lot Development Standards 1173 Hearst (APN 057 208601300)

R-2A Standard BMC Sections 23D.32.070-080	Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)	8,204	8,204	5,000 min.
Gross Floor Area (sq. ft.)	3,323	6,042	---
Dwelling Units	1	5	5 max.
Lot Coverage (%)	17.5	39.9	40 max. for 2-story main bldg.
Usable Open Space (sq. ft.)	5,599	2,502	300 per d.u. 2,400 min.
Automobile Parking	1	1	5 (@ 1 per d.u.)

Table 6: Building Development Standards

AZALEA 1555-57 HEARST AVE.	**Existing**	**Proposed**	**Permitted/Required**
Building Height (#) Stories	1	2	3 max.
Average (ft.)	12'-11"	21'-6"	28 max. (35 w/AUP)
Maximum (ft.)	12'-11"	22'-10.5"	n/a
Font Yard Setback (ft.)	10'-6"	no change	15 min.
Left (ft.)	3'-10"	no change	4 min. @ 1st & 2nd story
Right (ft.)	42'-7"	no change	
Rear yard setback (ft.)	141'-2.5"	no change	15 min.
BEGONIA 1161-63 HEARST AVE.	**Existing**	**Proposed**	**Permitted/Required**
Building Height (#) Stories	1	2	3 max.
Average (ft.)	12'-11"	21'-9"	28 max. (35 w/AUP)
Maximum (ft.)	12'-11"	23'-4.5"	n/a
Font Yard Setback (ft.)	7'-8.5"	no change	15 min.
Left (ft.)	42'-9"	no change	4 min. @ 1st & 2nd story
Right (ft.)	3'-10"	no change	
Rear yard setback (ft.)	145'-2"	141'-8"	15 min.
CAMELLIA 1173 HEARST AVE.	**Existing**	**Proposed**	**Permitted/Required**
Building Height (#) Stories	2	no change	33 max.
Average (ft.)	21'	21'-3.5"	28 max. (35 w/AUP)
Maximum (ft.)	23'-6"	no change	n/a
Font Yard Setback (ft.)	11' to House 4'-10" to Stair	no change	15 min.
Left (ft.)	8'-8"	5'-3.5"	4 min. @ 1st & 2nd story
Right (ft.)	4'-6"	no change	
Rear yard setback (ft.)	143'-8"	no change	15 min.
DAFFODIL	**Existing**	**Proposed**	**Permitted/Required**
Building Height (#) Stories	N/A	2	3 max.
Average (ft.)	N/A	21'-5"	28 max. (35 w/AUP)
Maximum (ft.)	N/A	23'-4.5"	n/a
Font Yard Setback (ft.)	N/A	101'-6.5"	15 min.
Left (ft.)	N/A	4'-4.5"	4 min. @ 1st & 2nd story
Right (ft.)	N/A	4'	
Rear yard setback (ft.)	N/A	68'-6"	15 min.

EDELWEISS	Existing	Proposed	Permitted/Required
Building Height (#) Stories	N/A	2	3 max.
Average (ft.)	N/A	24'-6"	28 max. (35 w/AUP)
Maximum (ft.)	N/A	24'-6"	n/a
Font Yard Setback (ft.)	N/A	151'-6.5"	15 min.
Left (ft.)	N/A	4'-4.5"	4 min. @ 1st & 2nd story
Right (ft.)	N/A	4'	
Rear yard setback (ft.)	N/A	16'-8"	15 min.
FREESIA 1159 A & B HEARST AVE.	**Existing**	**Proposed**	**Permitted/Required**
Building Height (#) Stories	2	2	3 max.
Average (ft.)	19'-1"	20'	28 max. (35 w/AUP)
Maximum (ft.)	19'-9"	20'-6"	n/a
Font Yard Setback (ft.)	136'-11"	no change	15 min.
Left (ft.)	16'-11"	5'-3.5"	4 min. @ 1st & 2nd story
Right (ft.)	10'-6"	11'-0.5"	
Rear yard setback (ft.)	27'-10"	21'-1"	15 min.
GERANIUM	**Existing**	**Proposed**	**Permitted/Required**
Building Height (#) Stories	N/A	2 + roof patio	3 max.
Average (ft.)	N/A	23'-6"	28 max. (35 w/AUP)
Maximum (ft.)	N/A	28'	n/a
Font Yard Setback (ft.)	N/A	78'-3"	15 min.
Left (ft.)	N/A	4'	4 min. @ 1st & 2nd story
Right (ft.)	N/A	38'-5"	
Rear yard setback (ft.)	N/A	71'-5.5"	15 min.

II. Project Setting

A. Neighborhood/Area Description: The property is located in a West Berkeley neighborhood; University Avenue is located one block to the south and San Pablo Avenue (State Highway 123) is located one block to the west. The neighborhood consists predominantly of modest one- to two-story single and multi-family dwellings, with a few three- and four-story structures located towards the west/San Pablo Avenue. As can be seen from the Vicinity Map in Figure 1 above, the neighborhood is comprised by a mix of zoning districts ranging in residential density from R-2, R-2A, R-3 and R-4, with the neighboring commercial C-1 and C-W Districts to the south and west. The neighborhood is in close proximity to several bus transit lines, commercial businesses, and the West Berkeley library.

B. Site Conditions: The site consists of two separate parcels located on the north side of Hearst Avenue on the block bound by San Pablo Avenue to the west and Curtis Street to the east. The parcel to the west (1155-63 Hearst, APN 057 208601400) is a 66' x 204.58' slight parallelogram shaped lot with one two-story duplex towards the

rear of the lot and two single-story duplexes situated towards the front of the lot, separated by a paved parking area. The parcel to the east (1173 Hearst, APN 057 208601300) is narrower (≈40' x 204') and is developed with a two story single family dwelling with an attached tandem car garage. The single family dwelling is currently vacant; the six units in the duplexes are occupied by renters.

III. Project Description

The project proposes to rehabilitate the seven existing dwelling units (three duplexes and one single-family dwelling) and add three two-story duplexes as a common interest development (i.e. condominiums) for a total of seven buildings and 13 dwellings as configured in Table 7 below.

Table 7: Existing and Proposed Buildings and Dwellings

Building	Unit #	Unit Type		Unit Gross Floor Area	
		Existing	Proposed	Existing	Proposed
Azalea	A1	1 Bed, 1 Bath	2 Bed, 2 Bath	499	995
Azalea	A2	1 Bed, 1 Bath	2 Bed, 2 Bath	496	995
Begonia	B1	1 Bed, 1 Bath	2 Bed, 2 Bath	499	995
Begonia	B2	1 Bed, 1 Bath	2 Bed, 2 Bath	496	995
Camelia	C	2 Bed, 1.5 Bath	3 Bed, 2 Bath	2,293*	2,293*
Daffodil	D1	n/a	2 Bed, 1.5 Bath	n/a	940
Daffodil	D2	n/a	2 Bed, 1.5 Bath	n/a	883
Edelweiss	E1	n/a	2 Bed, 1.5 Bath	n/a	940
Edelweiss	E2	n/a	2 Bed, 1.5 Bath	n/a	883
Freesia	F1	2 Bed, 1 Bath	4 Bed, 4 Bath	1,372	1,837
Freesia	F2	2 Bed, 1 Bath	4 Bed, 4 Bath	1,372	1,877
Geranium	G1	n/a	2 Bed, 2 Bath	n/a	1,001*
Geranium	G2	n/a	2 Bed, 2 Bath	n/a	966*

*Does not include garage area

The applicant revised the project in response to comments received by the ZAB in September 2017. The main project revisions are summarized below:

- The overall project unit count was reduced from 18 units to 13; there is no Density Bonus request.
- The two parcels would not be merged. 1157 Hearst and 1173 Hearst would remain as separate parcels. However, to accommodate the required four-foot side yard landscape screening for uncovered parking, the project proposed a lot line adjustment that would provide for this while retaining the net square footage of each lot. An access agreement for parking will be provided for the units in Daffodil and Edelweiss.

- All three story elements have been removed; all buildings are proposed with two stories and a maximum height of 28 feet (Geranium).
- All current residents can remain in their homes for as long as they wish, with rehabilitation and/or sale of condominium units occurring only when current residents voluntarily vacate, subject to BMC Section 13.76 and the Berkeley Rent Stabilization Board regulations.
- Azalea and Begonia, the two existing duplexes on the 1157 Hearst parcel, would be renovated into two-flat duplexes with front entries (after existing residents voluntarily vacate).
- Camelia, the single family home on the 1173 parcel, would be renovated (instead of demolished) within the existing footprint, with the addition of a back deck.
- Daffodil and Edelweiss, the two new duplexes at the rear yard of the 1173 parcel, have been located further back in the yard and have been slightly reduced in size. The rooflines have been adjusted to provide a more residential-scale feature.
- Freesia, the existing duplex at the rear of the 1157 Hearst parcel, would be renovated within its existing footprint and would also have an addition of two bedrooms to create large, family-friendly units with a large back yard (after existing residents voluntarily vacate).
- Geranium, a new duplex, was moved from the east side along the paseo, to the west side, to create a larger central space.
- Parking is now located internal to the development and is accessed from the paseo. A total of 13 spaces would be provided, one per unit.
- All units now feature a complementary color and materials palette of deep blues, browns and whites in siding and cement plaster. Bay windows are design features in almost every unit.
- A total of 4,911 square feet of Useable Open Space would be provided and a minimum of 13 secure bicycle parking spaces.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the City, the applicant erected a yellow pre-application poster at the site. The project team has held numerous meetings with neighbors, including a large community meeting. A series of meetings has been held with individual neighbors to the north and the east of the project site to address issues of massing, parking, and hydrology. The proposed site plan responds to those meetings and issues.

The large community meeting was held on November 30, 2015. Prior to the meeting, notices were sent to all property owners and occupants within 300 feet of the site based on a list of addresses provided by the City of Berkeley. The meeting was held in the driveway at the project site. About 25 area residents stopped by the site during the meeting time. To each of these neighbors, the project applicant and the architect presented the project. Draft floor plans and renderings were posted for attendees to view and the project team answered questions and discussed the proposal with the attendees. The sign in sheet and flier that was mailed are included in this application. A couple of neighbors expressed enthusiasm about the redevelopment of this

historically troublesome property. Other neighbors expressed concerns about massing and parking. A second community meeting was held on August 3, 2017 at 1173 Hearst Avenue to provide a project status and process update to the neighbors. Subsequent to the feedback received at the September 28, 2017 Zoning Adjustments Board Meeting, a third neighborhood meeting was held on November 15, 2017 at the Berkeley Public Library West Branch to present the revised 13 unit project. About 14 people attended the meeting and the proposed revisions, such as reduction in unit count and building heights, were well received by the neighbors. Some neighbors still have concerns primarily regarding hydrology and existing tenants. All correspondence received since the September 28 ZAB meeting can be found in Attachment 7.

On August 8, 2017, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations.

B. Committee Review: This project is not subject to committee review.

V. Issues and Analysis

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

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

The following elements of the project do not comply with the objective general plan and zoning standards:

- Vertical extension of existing non-conforming front and side yard setbacks (for Azalea and Begonia);
- Reduction of the building to building separation (between Geranium and Freesia);
- Construct an addition greater than 14 feet in average height (for Azalea, Begonia, and Geranium); and
- Add a fifth or greater bedroom to existing dwellings on a parcel (in Azalea, Begonia and Geranium).

Therefore, §65589.5(j) does not apply to this project as proposed.

B. District Purposes: The proposed project would meet the purposes of the Restricted Multiple-family Residential District as it would provide smaller multiple-family garden-type apartment structures with the maximum feasible amount of useable open space

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

on the property. The buildings would be constructed with sufficient separation on the subject lot, and with ample distance with abutting single-family neighbors. Light and air, therefore, would not be unreasonably obstructed, as described in greater detail below.

C. Tenant Protections: As of the writing of this staff report, the single-family dwelling is vacant and all six rent controlled units have existing tenants that have been there since the before the date of application. The applicant has met with the tenants on several occasions and informed them that the development plan is to construct the new buildings first and leave the existing units as they are until such time that the owners decide to renovate and add on to the existing buildings. The applicant has stated that the existing rental units would remain as rent controlled rental units after renovation and as would be required for units constructed prior to 1985. The applicant has committed to providing notice in advance of the City's noticing requirements both before construction commences on the new buildings as well as before tenants might be relocated for construction on their units (see Condition of Approval 15, below), and has confirmed that all tenants would be relocated voluntarily or temporarily as provided for in Condition of Approval 12 below, as recommended by the Rent Control Board (see RSB Memorandum in Attachment 5).

12. *Tenant Relocation. Prior to building permit issuance for any interior improvements, renovations or addition to the three existing duplexes (1955-57 Hearst, 1959 A & B Hearst, 1961-63 Hearst) the property owner shall provide proof that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation.*

15. *Construction Noise Management - Public Notice Required. At least thirty calendar days prior to initiating any construction activities at the site, the applicant shall provide notice to existing residents on the project site, including (1) description of construction activities, (2) daily construction schedule (i.e., time of day) and expected duration (number of months), (3) the name and phone number of the Noise Management Individual for the project, and (4) designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, 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.*

The applicant has mentioned that the owner may wish to convert the existing units to condominiums but has stated that similar to rehabilitation, condominium conversion of existing units would only occur when current residents voluntarily vacate. Staff is not proposing a condition of approval related to condominium conversion, as if it were to occur during occupancy, tenants are protected under BMC 21.28, which states that tenants have the right to continue to occupy the unit as their principal residence both during and after the completion of the conversion process. Neither the current owner nor the new owner, if the unit is sold, can evict the tenant as long as the unit remains the tenant's principal place of residence and remain a tenant in good standing. In addition, the units will stay under rent control.

D. Creek/Hydrology: As discussed in the ZAB staff report of September 2017, although the creek ordinance does not apply to this application, there is recurrent flooding in the area. The applicant submitted a stormwater and flooding assessment and mitigation design for the proposed project prepared by Clearwater Hydrology. The storm drainage system design proposed and analyzed would still be applicable to the reduced intensity and density of the current project. Balance Hydrologics peer reviewed the hydrology analysis for the City and concurred with the findings in the report. The hydrology report summarized that, the capacity of the system would likely be greater than that of a 25-yr. storm and that the proposed design would also reduce the severity of flooding on the neighboring properties to the east along Curtis Street. Staff has conditioned the project to include all recommendations of the hydrology analysis and the subsequent peer review including the drainage design as presented in the report, allowing modifications if required by the City's Building & Safety Division and Department of Public Works. A copy of the hydrology report and peer review can be found on the project webpage:
https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1155-1173_Hearst.aspx

A neighbor submitted a separate hydrology study from Terraphase Engineering and discussed its conclusions with the City's Associate Civil Engineer, Vincent Chen, who reviews developments requiring creek permits. Mr. Chen did not concur with several of Terraphase Engineering conclusions, but did express his belief that a soils report (i.e. geotechnical report) be prepared for the project (see correspondence in Attachment 6). This project, however, is not required to provide a geotechnical report as it is not located in the Earthquake Fault Rupture (Alquist-Priolo) Zone or within a Landslide or Liquefaction Zone as identified by the Seismic Hazards Mapping Act. If a geotechnical report is to be required prior to issuance of a building permit, it would be upon assessment of the Building Official, where the classification, strength or compressibility of the soil is in doubt or where a load-bearing value superior to that specified in this CBC is claimed (CBC 1803.5.2).

E. Sunlight/Shadows: The project would result in three new two-story buildings and second stories on three existing one-story buildings. As such, it would create greater shadowing impacts compared to existing conditions. The applicant has submitted the required shadow studies to assess the anticipated impacts of the project.

The shadow studies illustrate that the four dwellings on the abutting property to the west (1145-1151 Hearst Avenue), would be the most impacted by new shadows in the morning hours throughout the year. The six abutting properties fronting Curtis Street (1195 Hearst Avenue and 1818-1828 Curtis Street), would be subject to new shadows during the evening hours throughout the year. However, due to the orientation of the Curtis Street neighbors, the majority of new shading will fall on the rear yard areas of these abutting properties. Only during the spring and fall would the shadows reach the windows on the rear facades of these homes, and only during the evening hours.

Although shadow impacts from the project are expected to affect direct sunlight on certain residential windows, these areas would still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year would

the proposed project cause adjacent properties to lose access to direct sunlight from all windows at any time of the year. Such shading impacts are to be expected from infill development within an urbanized area.

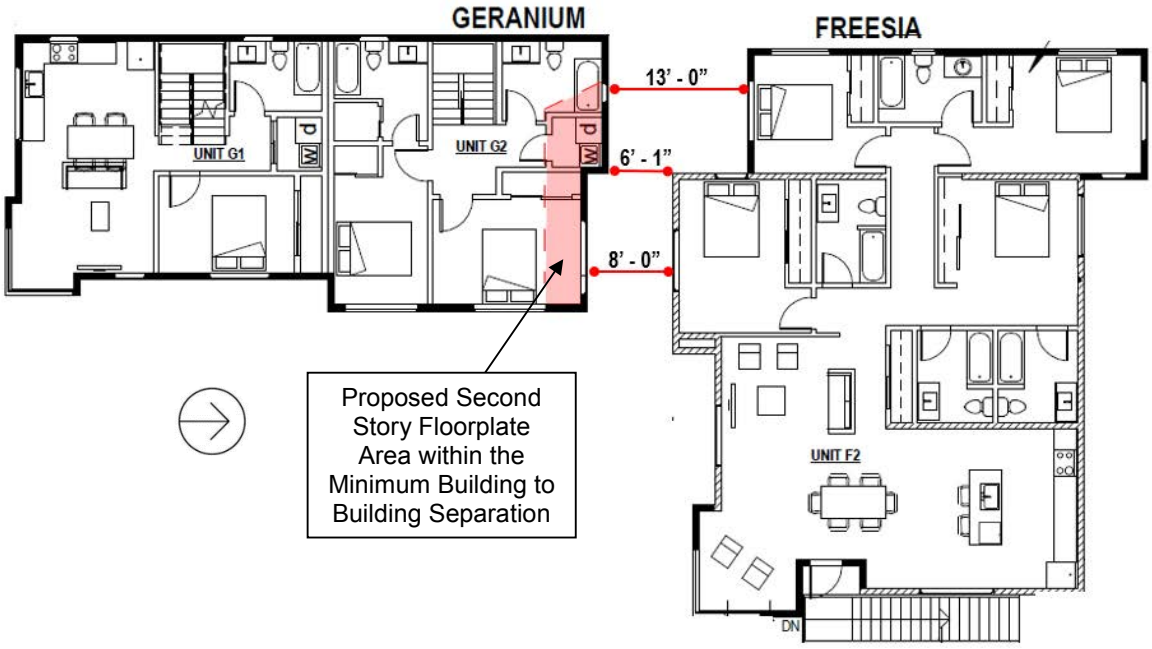
F. **Views**: Based on the proposed two-story heights of the buildings, the existing structures around the site, mature vegetation, and the generally flat topography of the neighborhood, the project would not affect significant views enjoyed by neighboring residents.

G. **Vertical Extension of Non-Conforming Setbacks:** The existing duplexes Azalea (1155-57 Hearst) and Begonia (1161-63 Hearst) are both 995-square-foot, one-story duplexes constructed with non-conforming front yard setbacks (10'-9" and 7'-8.5" respectively, where 15' minimum is the District standard) and non-conforming side yard setbacks (3'-10" left side for Azalea, and 3'-10" right side for Begonia, where a minimum of 4' is the District standard). The project involves renovation and construction of a second story addition that would vertically extend the existing non-conforming setbacks and create two two-story flats. Pursuant to BMC 23C.04.070.C, the proposed vertical extensions of the non-conforming setbacks are permissible as they would not further reduce existing non-conforming yards.

H. **Addition of Bedrooms to a Parcel:** The western parcel (1155-1163 Hearst) is developed with three duplexes that have a total of eight bedrooms (four one-bedroom units and two two-bedroom units). The project proposes renovations and additions to the three buildings that would result in the addition of eight more bedrooms to the existing dwelling units on the property. Pursuant to BMC Section 23D.32.050, the addition of any bedroom beyond the fifth bedroom to a parcel within in existing dwelling units requires Use Permit approval. The Bedroom Ordinance, as it is referred to, allows the City to assess the potential detriment to the surrounding neighborhood in increasing the potential of unrelated adults residing on a parcel. The project, when completed, would change the existing configuration of the duplexes to four two-bedroom dwelling units and two four-bedroom dwelling units. Both the two-unit layout and the four-unit layout are designed to be occupied by single households within a development of six other newly constructed two-bedroom units. The renovated dwellings are designed to provide for a range of family composition and is not expected to lead to formation of a mini-dorm.

I. **Reduction in Building to Building Separation:** Pursuant to BMC 23D.070.D.4 the project is requesting Administrative Use Permit approval to reduce the building to building separation between Freesia and Geranium from the District minimum of 8' on the first floor and 12' on the second floor down to 6'-1". As can be seen in Figure 3 below, although the building to building separation is 6' – 1", this minimum distance is only at one horizontal plane between the buildings; otherwise the separation ranges from 8 feet to 13 feet. Staff believes that as proposed, the building separation provides adequate air and light between the buildings. With the proposed added condition that the north facing window of the northeast bedroom in Geranium be a minimum of 68 inches from finished floor level, privacy between residents of the two opposing units would be ensured.

Figure 3: Second Floor Building to Building Separation: Geranium and Freesia



J. General Non-Detriment: The project would further not be detrimental to the neighborhood as it would be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or 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.

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
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 project's proposed massing contributes to the continued evolution of the City's development landscape. The project design was modified in several ways (see Project Description above) to respect the lower density single-family dwellings fronting Curtis Street. The final development plan would renovate and rehabilitate the existing dwellings to match the style and materials of the new construction for a cohesive street presence that fits well with the surrounding mix of architectural styles

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

   Staff Analysis: Shadow impacts from the project are expected to affect direct sunlight on certain residential windows. However, these areas would still experience indirect lighting during these hours, as well as have direct light from other windows. At no time of year would the proposed project cause adjacent properties to lose access to direct sunlight from all the windows throughout the whole day at any time of the year. Such shading impacts are to be expected in an infill urbanized area.

6. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
7. Policy H-12 Transit-Oriented New Construction: Encourage construction of new medium and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
8. Policy T-16 Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.

   Staff Analysis: The project site is located one block east of San Pablo Avenue and one block north of University Avenue, two major transit thoroughfares. The project would add six residential units located within one quarter mile of the San Pablo/University intersection that is served by the following AC Transit bus lines: 72 Rapid, 49, 51B, 52, FS, G, 72, 72M, 800 and 802.

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

   Staff Analysis: The project will add six new housing units to the City's housing stock and will comply with the City's Inclusionary Ordinance by either providing one below market rate unit for a Low Income Household and payment into the

Affordable Housing Trust Fund of the remainder 0.2 unit fee, or payment of the in-lieu fee.

10. Policy H-8–Maintain Housing: Maintain and preserve the existing supply of housing in the City.

    Staff Analysis: Upon vacancy of the existing buildings, the project will rehabilitate and upgrade the existing seven dwelling units.

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

    Staff Analysis: The project proposes a score of 133 on the GreenPoint Rated Checklist, New Home Multifamily Checklist with a Gold certification level.

VI. 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:

APPROVE Use Permit ZP2016-0028 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated June 8, 2018
3. Shadow Studies, dated April 18, 2018
4. Notice of Public Hearing
5. Memorandum from the Rent Stabilization Board, dated July 3, 2018
6. Stormwater and Flooding Assessment Correspondence (Hydrology Assessments and Peer Review available online: https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1155-1173_Hearst.aspx)
7. Correspondence Received after September 28, 2017 ZAB meeting

Staff Planner: Leslie Mendez, LMendez@cityofberkeley.info, (510) 981-7426

Hussein M Saffouri
Attorney

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RAMSEY LAW GROUP
A Professional Corporation

2018 SEP 12 PM 1:26

September 10, 2018

Berkeley City Council
2180 Milvia Street
First Floor
Berkeley, CA 94704

Re: Appeal of Decision of Zoning Adjustments Board Dated August 23, 2018 Concerning Use Permit #ZP2016-0028; Property Address: 1155-1173 Hearst Avenue

Dear Members of the Berkeley City Council:

I am submitting this appeal of the decision of the Berkeley Zoning Adjustments Board ("ZAB") concerning Use Permit #ZP2016-0028 pertaining to the property at 1155-1173 Hearst Avenue in Berkeley, on behalf of Rain Sussman who owns the home located at 1842 Curtis Street in Berkeley which is directly next door to the development project. As you can see from the signatures on this letter, most of the neighbors support this appeal. Many other neighbors will be submitting letters opposing the development project because the ZAB decision does not protect the neighborhood, its residents, and their property from the negative impact of this development project.

A. ZAB erred in finding the project exempt from CEQA

1. The project does not qualify for a categorical exemption because there is substantial evidence that it will not be adequately served by the existing utility infrastructure

CEQA Guidelines are clear that the proposed categorical exemption is not applicable in cases when a proposed project is located in a sensitive site or is subject to unusual circumstances: "...a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant". (14 CCR § 15300.2.)

This proposed development site is located over a non-engineered buried branch of Strawberry Creek. There is a high likelihood that the fill placed in the channel was or still is unconsolidated. There is also significant evidence from the testimony of neighbors at the ZAB hearings held regarding the project, as well as video footage of flooding submitted to ZAB, that the site is prone to flooding and that the storm drain system is

unable to address the runoff. The buried creek alignment is also associated with the potential presence of cultural and/or historic resources. Testimony was given that a portion of the property on which the project is proposed was the site of the original Chez Panisse garden.

As a result, the project does not satisfy requirement (e) of 14 CCR § 15332 for a CEQA categorical exemption as an urban infill project because there is substantial evidence that the Project is located in a sensitive location and approval of the project without further study could result in significant drainage and flooding impacts and will not be adequately served by existing utility infrastructure.

In this case, the historical flooding at the site and in the surrounding neighborhood reflects that the existing storm drain system would not adequately cope with the added runoff anticipated as a result of the additional hardscape included in the Project. Existing hydrology studies substantiate this concern.

Those studies establish that the project would increase in impervious cover and result in a significant loss of existing permeable areas, and associated detention/sub-surface storage (current plan includes loss of large vegetated open space area and creation of significant additional roof area, driveways, parking areas, walkways). The site runoff co-efficient would increase. Proposed impervious surfaces and foundations would exacerbate existing flooding conditions.

Previous mapping and records the City maintains demonstrate that a historic tributary/northern fork of Strawberry Creek underlies the proposed development site. The creek was subject to uncontrolled fill when the area was originally developed. However, there are no records of engineered fill, culvert, or storm drain installation. The current existing curb and gutter street drainage system serving this area is subject to frequent flooding. Surface flooding occurs during even modest storm conditions as the subsurface is saturated.

Furthermore, the testimony of neighbors, as well as of the developer-applicant himself, at the ZAB hearings that the area proposed for development forms a "lake" seasonally, indicates that the area may qualify as a potential jurisdictional wetland subject to additional review and permitting requirements.

In sum, there is significant evidence that the project will not be adequately served by the existing storm drain infrastructure. As a result, it does not qualify for the in-fill development categorical exemption of 14 CCR § 15332.

> 2. *Even if the project qualifies for a categorical exemption, it is subject to the unusual circumstances exception because there is substantial evidence of an unusual circumstance and of a fair argument that there may be a significant effect on the environment*

Even if the project were exempt under 14 CCR § 15332, it falls under the unusual circumstances exception under 14 CCR § 15300.2(c). The unusual circumstances exception to the categorical exemption applies if 1) there is substantial evidence of an unusual circumstance; and 2) there is substantial evidence in the record of a fair argument that there may be a significant effect on the environment. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105; see also *World Bus. Acad. v. California State Lands Comm'n*, (2015) 24 Cal.App.5th 476, 499.) In this case there is ample evidence of both an unusual circumstance and of a fair argument that there may be a significant effect on the environment.

Moreover, because there is substantial evidence of an unusual circumstance, and there is substantial evidence supporting the conclusion that there may be an impact on the environment, the City must apply the exception to the categorical exemption even if there may be evidence in the record that the project will not have a significant environmental effect. "Under [the "fair argument"] standard, " 'an agency is merely supposed to look to see if the record shows substantial evidence of a fair argument that there may be a significant effect. ... In other words, the agency is not to weigh the evidence to come to its own conclusion about whether there will be a significant effect.' " (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th. at p. 1104.) An agency must find a "fair argument" if there is any substantial evidence to support that conclusion, even if there is competing substantial evidence in the record that the project will not have a significant environmental effect. (*Id.* at p. 1111.)." (*World Bus. Acad. v. California State Lands Comm'n,* (2018) 24 Cal.App.5th 476, 499.)

The Project is proposed on a site that sits on an undergrounded branch of historic Strawberry Creek, and has been subject to significant historical flooding. Existing studies and direct observations by existing residents in the area reflect that as a result of this location, the project would be subject to flooding, soil instability and subsidence risks. The Urban Creeks Council previously determined that this particular northern branch of Strawberry Creek was filled with non-engineered soil and debris prior to development in the area. They classified the area as "filled wetlands" and as "seismically unstable and subject to liquefaction". Site-specific soils and groundwater data have not been collected and a comprehensive geotechnical investigation is warranted. This evidence suggests that the proposed project and the increased impervious surfaces would increase the runoff co-efficient and have potentially adverse impacts on sub-surface drainage which would exacerbate existing flooding conditions.

This evidence, which was submitted to ZAB in connection with the two hearings it held relating to this project, constitutes substantial evidence of an unusual circumstance at the site due to the known and unknown sub-surface and associated hydrologic conditions. In fact, at the second hearing, City of Berkeley Zoning Department Staff recognized and agreed that the "level of water in the area" constitutes an unusual circumstance. The evidence, moreover, is more than adequate to reflect a fair argument that, as a result of the unusual hydrologic circumstances of the site, the anticipated impacts of the increased impervious surfaces and the unknown sub-surface conditions associated with the buried creek, there may be a significant effect on the environment.

Because there is substantial evidence that the site is subject to unusual circumstances, and may have a significant effect on the environment, the City must find that it does not qualify for the categorical exemption as a result of the applicable unusual circumstances exception. ZAB erred in not doing so.

B. If the project is exempt from CEQA appropriate conditions must be imposed under BMC § 23B.32.040 to ensure the project is not detrimental to the health, safety, comfort or general welfare of the neighborhood or injurious to the adjacent properties, the surrounding area or neighborhood

Even if the Project were exempt from CEQA's environmental impact reporting requirements, the City has the authority and the obligation under the Berkeley Municipal Code (the BMC) to require additional testing and engineering consistent with the recommendations of that testing, as a result of the evidence reflecting that the project will have an adverse effect on the neighborhood and surrounding properties, and more generally on health and safety.

BMC § 23B.32.040 provides that a use permit may be approved as submitted or modified only if the proposed project will not be detrimental to the health, safety, comfort or general welfare of the neighborhood or injurious to the adjacent properties, the surrounding area or neighborhood. In this case there is substantial evidence that the project will have a detrimental impact on safety and will be injurious to the neighboring properties due to flooding. As a result, unless these impacts are mitigated, the project does not satisfy the zoning requirements of the BMC. The City must therefore impose requirements to address these concerns. This includes the following studies, and engineering consistent with recommendations drawn from those studies.

A focused geotechnical and groundwater investigation is necessary to address the following:

- A detailed geotechnical and groundwater evaluation is necessary to determine subsurface drainage conditions so that existing groundwater release preferential pathways are not impacted during construction of the project. A geotechnical and groundwater evaluation would allow for a proper evaluation of the surface and subsurface conditions of the site to determine impacts of the proposed development on the surrounding properties and to establish additional engineering controls necessary to avoid future risks. Additional information on site soil properties and depth to groundwater is also needed to support design of proposed site facilities as previously noted.
- Characterize on-site soil conditions to support site-specific geotechnical structural design and storm-water management/low impact development (LID) measures.
- Identify the precise location of the filled former creek channel alignment in order to design the project accordingly in order to avoid placing structures directly over the historic creek or to design engineering controls to mitigate future risks of building over the former creek channel.
- Characterize local groundwater/subsurface conditions and associated wet weather flow paths.
- Develop geotechnical site-specific design recommendations to support structural stability of the proposed development and proper foundation design.

ZAB acknowledged these concerns during the hearing on the use permit application for this project, and acknowledged that the developer should conduct appropriate geotechnical studies and engineering consistent with the recommendations of such studies as a condition of, and thus prior to the issuance of, a use permit. This condition would exceed the typical requirement for such studies and engineering for the issuance of a building permit. However, condition number 13 of the ZAB Decision only requires the geotechnical study and engineering prior to issuance of a building permit, as would be typical, and in conflict with the ZAB decision expressed at the hearing. Additionally, the Decision contains a further condition inconsistent with the intent to require a comprehensive geotechnical study and further engineering. Condition 21 provides that the developer's drainage plan shall be as presented in the current design the developer has submitted, unless modified by the City's Building and Safety Decision. However, agreed by ZAB at the hearing, the study and engineering are to precede issuance of a use permit for the project. Thus, the drainage plan may have to be modified in accordance with the study and engineering prior to issuance of the use permit – and therefore prior to submission to the Building and Safety Division.

Conditions numbers 13 and 20 are inconsistent with the actual conditions required by ZAB and voted on at the hearing. Moreover, those two conditions are internally inconsistent. Finally, as drafted, the Decision would not protect the neighborhood and neighboring properties from detrimental health and safety impacts because it does not require an adequate level of geotechnical review and scrutiny.

As a result, appellant appeals to the City Council to properly apply CEQA to this project and subject the project to appropriate environmental impact reporting requirements. In the alternative, and at a minimum the City Council should require further testing, and engineering consistent with the recommendations of the testing reports, as a condition of approval pursuant to its authority under the BMC.

Very truly yours,

Hussein Saffouri

Very truly yours,

Rain Sussman

Signatures in Support on Following Page.

Signatures in Support:

No. 1
Signed: _____
Name: Pete Pan
Address: 1155 Hearst Ave
Date: 09/10/2018

No. 2
Signed: Sandra Hrdlicka
Name: Sandra Hrdlicka
Address: 1827 Curtis St.
Date: 9/10/18

No. 3
Signed: _____
Name: Teal Major
Address: 1814 Curtis St
Date: 9/10/18

No. 4
Signed: _____
Name: Wayne Covy
Address: 1159B Hearst AVE
Date: 9-10-18

No. 5

Signed: _____

Name: Joseph Chen

Address: 1159 Hearst Ave B

Date: 9/10/18

No. 6

Signed: _____

Name: Dena Gianopoulos

Address: 1151 Hearst ave

Date: 9-10-18

No. 7

Signed: _____

Name: Yashu Jiang

Address: 1163 Hearst Ave

Date: 9/10/18

No. 8

Signed: _____

Name: PAUL SIGAIN

Address: 1146 DELAWARE ST

Date: 9/10/18

No. 9
Signed: Tracey Emerson
Name: Tracey Emerson
Address: 1157 Hearst Ave.
Date: 9/10/18

No. 10
Signed: Barbara Getz
Name: Barbara Getz
Address: 1146 Delaware St
Date: 09/10/18

No. 11
Signed: Bill Aies
Name: Bill aies
Address: 1143 HEARST ave
Date: 9/10/18

No. 12
Signed: ~~Jona~~ Jonathan Redden
Name: Jonathan Redden
Address: 1139 Hearst Ave apt A
Date: 9/10/18

No. 13

Signed: Blaz Woodlief

Name: Blaz Woodlief

Address: 1812 CURTIS Street

Date: 9-10-18

No. 14

Signed:

Name: Madison Williams

Address: 1814 Curtis St

Date: 9/10/18

No. 15

Signed:

Name: Rolf Williams

Address: 1814 Curtis St

Date: 9/10/18

No. 16

Signed: Alma P

Name: Alma Prins

Address: 1812 Curtis St.

Date: 9/10/18

No. 17
Signed: Stacey Shulman
Name: Stacey Shulman
Address: 1818 Curtis St.
Date: 9/10/18

No. 18
Signed: Alan Spector
Name: Alan Spector
Address: 1814 Curtis St.
Date: 9/10/18

No. 19
Signed:
Name: Damien Curry
Address: 1815 Curtis St
Date: 9/10/18

No. 20
Signed:
Name: Amy Billstrom
Address: 1815 Curtis St
Date: 9/10/18

No. 21
Signed: A. Stukin
Name: ANIA STUKIN
Address: 1145 HEARST
Date: 9/10/2018

No. 22
Signed: MAR
Name: MALGORZATA KACPRZAK
Address: 1147 HEARST AV.
Date: 9/10/2018

No. 23
Signed: Masanori Oba
Name: MASANORI OBA
Address: 1159 HEARST AVE APT A, Berkeley
Date: 09/10/2018.

No. 24
Signed: Pam Ormsby
Name: Pam Ormsby
Address: 1148 Delaware St.
Date: 9/10/18

September 10, 2018
Page 8 12

No. 25
Signed: Vijay
Name: VIJAY VENUGOPAL
Address: 1826 CURTIS ST, BERKELEY, CA 94702
Date: 9/11/18

No. 26
Signed: Joseph Michael
Name: Joseph Michael
Address: 1819 1/2 Curtis St., Berkeley, Ca. 94702
Date: 9/11/18

No. 27
Signed: Sylvie Woog
Name: Sylvie Woog
Address: 1210 Hearst Ave.
Date: Sept. 11, 2018

No. 28
Signed: Claude Sprague
Name: Claude Sprague
Address: 1210 Hearst Ave
Date: Sept 11 2018

No. 29

Signed: Dale Ananis

Name: Dale Ananis

Address: 1819 Curtis St Berkeley 94702

Date: 9/11/18

No.

Signed: _____

Name: _____

Address: _____

Date: _____

No.

Signed: _____

Name: _____

Address: _____

Date: _____

No.

Signed: _____

Name: _____

Address: _____

Date: _____

Office of the City Manager

14

PUBLIC HEARING
January 29, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Timothy Burroughs, Director, Department of Planning & Development

Subject: ZAB Appeal: 1155-1173 Hearst Street

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution to affirm the Zoning Adjustments Board decision to approve Use Permit #ZP2016-0028 to develop two parcels, including the substantial rehabilitation of the existing seven dwelling units and construction of six new, for-sale dwelling units; and dismiss the appeal.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On August 23, 2018, the Zoning Adjustments Board (ZAB) held a public hearing and approved Use Permit #ZP2016-0028 by an 8-0-1-0 vote (Yes: O'Keefe, Kahn, Olson, Hauser, Simon-Weisberg, Kim, Zaneri, Clarke; No: None; Abstain: M. Poblet; Absent: None). On August 30, 2018, staff issued the notice of the ZAB decision. On September 12, 2018, Hussein Saffouri, on behalf of Rain Sussman, owner and resident of 1824 Curtis Street ("Appellant"), filed an appeal with the City Clerk. Twenty-nine additional individuals signed a petition in support of the appeal. The Clerk set the matter for review by the Council on January 29, 2019.

BACKGROUND

The project site consists of two separate parcels located on the north side of Hearst Avenue on the block bound by San Pablo Avenue to the west and Curtis Street to the east. The parcel to the west (1155-63 Hearst) is developed with a two-story duplex towards the rear of the lot and two single-story duplexes situated towards the front of the lot, separated by a paved parking area. All six of these units are subject to rent control. The parcel to the east (1173 Hearst) is developed with a two-story single family dwelling with an attached tandem car garage. All seven units are currently occupied by renters.

The project site, which lies within the Strawberry Creek Watershed, is located in a topographic depression roughly bounded to the south by Hearst Avenue, to the north by Delaware Street, to the east by Curtis Avenue and to the west approximately 100-200

feet west of the site. Recurrent ponding and flooding occurs in the topographic depression during the rains.

On February 2, 2016, Mark Rhoades ("Applicant") submitted a Use Permit application for a project that requested to merge the two lots, substantially rehabilitate the existing dwelling units, and construct eleven additional units employing State Density Bonus Law, for a total of 18 units. Due to the provision of Density Bonus Law requiring replacement of units under rent control, which, according to the Applicant, rendered the project infeasible, the Applicant chose to revise the project in response to comments received by the ZAB during the project hearing on September 28, 2017.

On March 6, 2018, the Applicant resubmitted the revised project, which did not include a request for Density Bonus. The revised project contains the following main components:

- Construction of one duplex on the western parcel in the middle of the lot;
- Construction of two duplexes on the eastern parcel behind the single-family dwelling;
- Uncovered parking for both properties located in the middle of the western lot; and
- Rehabilitation of all seven existing units, plus expansion of the three duplexes after all current residents voluntary vacate.

The applicant has committed to, and the project is conditioned (condition of approval #15) that prior to building permit issuance for any interior improvements, renovations, or addition to the existing dwelling units, the property owner shall provide proof that all tenants have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation. To provide clarity, staff recommends the condition be modified as follows:

> Tenant Relocation. Prior to building permit issuance for any interior improvements, renovations or addition to any ~~the~~ existing ~~dwelling units~~ building (1955-57 Hearst, 1959 A & B Hearst, 1961-63 Hearst, and 1973 Hearst), the property owner shall provide proof that all tenants within the building have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation. This shall not apply to issuance of building permits for general renovation or repair within these units.

Due to the voluntary participation by existing tenants, the timeframe of work on these buildings cannot be anticipated.

The ZAB approved the project at the August 23, 2018 meeting.

ENVIRONMENTAL SUSTAINABILITY

The project approved by ZAB is in compliance with all state and local environmental requirements.

RATIONALE FOR RECOMMENDATION

The issues raised in the Appellant's letter, and staff's responses, are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety; refer to the attached appeal letter for full text.

Issue A: "ZAB erred in finding the project exempt from CEQA." [p. 1 of attached appeal letter]

Issue A1: "The project does not qualify for a categorical exemption because there is substantial evidence that it will not be adequately served by the existing utility infrastructure." [p. 1-2]

Response A1: The ZAB approved the project with the CEQA determination that the project is categorically exempt pursuant to Section 15332 of the CEQA Guidelines, "Class 32 In-Fill Development Projects. Class 32 consists of projects characterized as in-fill development meeting the following conditions: (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 proposed development occurs within city limits on a project site of no more than five acres 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; and (e) The site can be adequately served by all required utilities and public services.

The Appellant has claimed that the project fails to qualify for this CEQA exemption as it does not meet condition (e) above. The Appellant's reasoning behind the assertion is that the site is located over a non-engineered buried branch of Strawberry Creek, that the site is prone to flooding, that the storm drain system is unable to address the runoff, and that the proposed impervious surfaces and foundations would exacerbate existing flooding conditions.

Due to the hydrology conditions on the project site, the Applicant proactively submitted a stormwater and flooding assessment (Assessment) and mitigation design for the proposed project prepared by Clearwater Hydrology. The objective of the Assessment was twofold: 1) to develop a storm drainage system design for the proposed project that would have the ability to provide proper drainage without on-site flooding during the 10-year design rainstorm; and 2) to improve, even marginally, the flooding conditions that occur along the neighboring Curtis Street properties for rainstorms exceeding roughly the five-year recurrence interval. The City hired Balance Hydrologics to peer review the Assessment, provide comment, and review comments provided on

the Assessment by Terraphase, a consultant hired by the Appellant. Balance Hydrologics concurred with the findings of the Assessment that the selected drainage design—which includes a drainage channel inset within the main driveway to the northern edge of the parking lot and a grassed swale extending eastward from the parking lot to the eastern project boundary—would meet the Assessment objectives. Balance Hydrologics recommended that additional information be provided prior to Building Permit submittal to ensure the projects meets the requirements of the California Water Boards Municipal Regional Permit (MRP). The requested information includes changes to time of concentration, revised modeling of overflow from Curtis Street, and inclusion of information on changes in peak flow, and C.3 compliance. Project approval is conditioned with this recommendation. Although drainage conditions on the private property are not part of the public drainage infrastructure, the project would not exacerbate existing conditions on the project site or the neighboring site, and is actually expected to improve drainage conditions in the area.

The public service to which the appeal point refers is the City's storm drain system (curbs, gutters, catchment basins, street crossing swales, etc.) on the public right-of-way. There is no evidence in the record that the storm drain system is inadequate for the site area; that water flow ponds on the street or sidewalk. To the contrary, during a field visit in the rain on November 29, 2018, after heavy rains during the previous night, the water flowed freely through the gutters in front of the project site and on both sides of the block (see Figure 1 below). The water flow follows the topography from east to west and enters the catchment basin located just east of San Pablo Avenue. At the catchment basin (i.e. storm drain) the water enters a 2' x 3' sewer pipe that runs under San Pablo Avenue to the south and connects to a 5'-2" x 7'-9" sewage pipe that runs under University Avenue to the west. Public Works engineering staff stated that they had no concerns as to whether the storm drain system could accommodate any additional flow from the proposed six-unit infill project. The Appellant's claim that the existing utility infrastructure cannot adequately service the development project is, therefore, unfounded; the project qualifies for a Class 32 In-Fill exemption.

Figure 1: Water Flow at Project Site Frontage (1173 Hearst looking southwest)

Issue A1a: "CEQA Guidelines are clear that the proposed categorical exemption is not applicable in cases when a proposed project is located in a sensitive site" [p. 1]

Response A1a: The Appellant is referencing, and proceeds to quote the Location exception to a CEQA categorical exemption (14 CCR § 15300.2(a)). The location-based exception applies only to Class 3, 4, 5, 6, and 11 categorical exceptions, and any references to sensitive location throughout this appeal point does not apply to Class 32 In-Fill Development Projects. The exception does not apply to this project and the appeal point is without merit.

Issue A1b: "The buried creek alignment is also associated with the potential presence of cultural and/or historic resources. Testimony was given that a portion of the property on which the project is proposed was the site of the original Chez Panisse garden" [p. 2]

Response A1b: Even if there was an original Chez Panisse garden and it was located at this site, the City of Berkeley has never determined it to be a significant or historical resource. The former presence of a garden would not constitute a sensitive location for environmental purposes. This appeal point is without merit.

No known cultural resources have been identified on the site, however, project approval is subject to the City's standard conditions regarding

tribal cultural resources, archaeological resources, human remains, and paleontological resources (COAs 34 – 37).

Issue A1c: "[T]he area proposed for development forms a "lake" seasonally, indicat[ing] that the area may qualify as a potential jurisdictional wetland subject to additional review and permitting requirements." [p. 2]

Response A1c: The area of proposed development is not listed in the National Wetlands Inventory (www.fws.gov/wetlands/) and there is no evidence in the record that the back yard area of these lots has the required soil, plant life, and fish and/or wildlife communities (i.e. aquatic resources) required to meet the definition of wetland.

Issue A2: "Even if the project qualifies for a categorical exemption, it is subject to the unusual circumstances exception because there is substantial evidence of an unusual circumstance and of a fair argument that there may be a significant effect on the environment" [p. 2-3]

Response A2: A project is ineligible for a categorical exemption if it falls under one of six exceptions listed in §15300.2 of the CEQA Guidelines. The Appellant asserts the project falls under §15300.2(c)'s Significant Effect exception: "*A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances*."

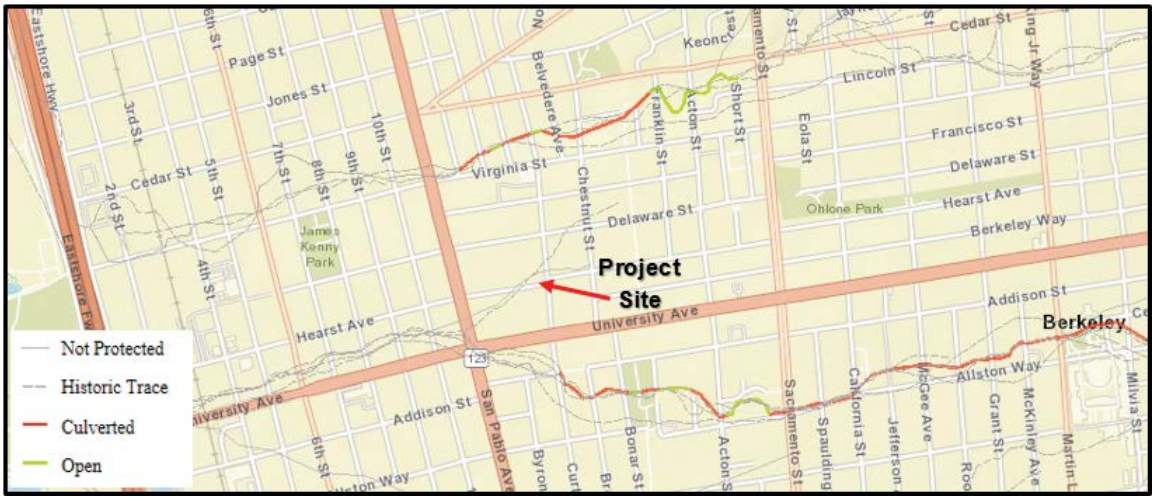
In *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086, the California Supreme Court held that for the exception to apply, "[i]t is not alone enough that there is a reasonable possibility that the activity will have a significant effect." Rather, the effect must be "due to unusual circumstances." *Id.* at 1097-98.

The Appellant claims the fact that the site sits on an underground branch of the historic Strawberry Creek, which is filled with non-engineered soils and has been subject to significant historical flooding, constitutes an "Unusual Circumstance." As evidenced in the record—a hydrology Assessment prepared by a licensed engineer, Peer Reviewed by a licensed engineer, with recommendations incorporated as project conditions of approval—there is substantial evidence in the record that the project would *not* have a significant environmental impact, thereby negating any fair argument that it could. As such, the exception does not apply as the Appellant fails the "significant effect" prong of the test.

The Appellant also fails the "unusual circumstances" prong of the test. In In *Berkeley Hillside Preservation v. City of Berkeley*, the Court determined that without evidence of an environmental effect, a party

invoking the exception may establish an unusual circumstance "[b]y showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location." *Id.* at 1105. Though the project area is above a former creek and though there is evidence of flooding in the backyards of the neighborhood, this is not unique to this project, or in fact to this neighborhood. In questioning different members of Public Works field staff, several areas of the City were listed as experiencing seasonal flooding including the northwest corner of University and San Pablo Avenues; Derby Street near Martin Luther King Jr. Way; Derby Street between Shattuck and Telegraph Avenues; and the area around Malcolm X Elementary School south of Ashby Avenue and west of the Ashby BART station, among others. It is not a coincidence that all these areas are over either historic traces of streams or underground creek beds, labeled "Not Protected" on the City's GIS maps (http://cobmapv2/planning/). As can be seen in Figure 2 below, which represents a small portion of the City, underground and historic traces of streams striate the city running from east to west. Ponding and flooding conditions vary, but are not uncommon or otherwise unusual on the numerous properties overlaying these hydrologic features.

Figure 2: GIS Creek Layer on Area Including Project Site

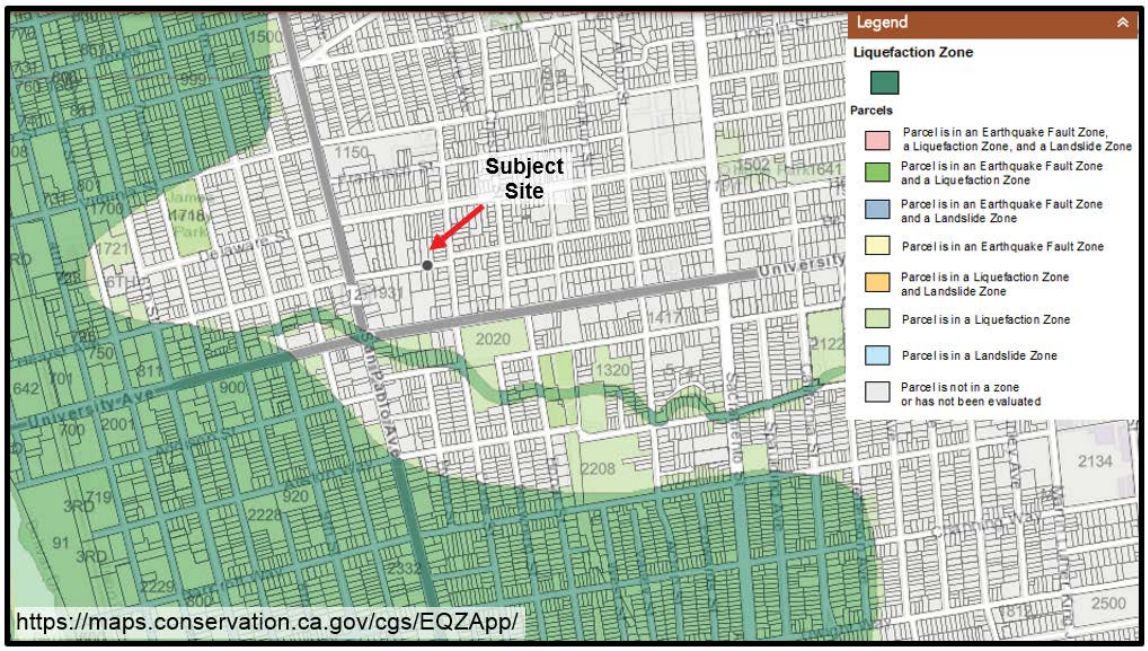


Additionally, in response to the Appellant's point, the Public Works Engineer has stated in the record that although the Urban Creek Council—a Bay Area non-profit organization working to preserve, protect, and restore urban streams and their riparian habitats (urbancreeks.org)—may have classified this area as "filled wetlands" and as "seismically unstable and subject to liquefaction," that is not the

viewpoint of Public Works staff or the U.S. Geological Survey (USGS), who have not designated this area as a site with high potential for liquefaction. See figure 3 below.

Available information belies the Appellant's claim that an unusual circumstance exists as the project does not have some feature, such as size or location, which distinguishes it from others in the exempt class. Accordingly, the project is exempt from CEQA under the Class 32 In-Fill categorical exemption.

Figure 3: Earthquake Zones of Required Investigation (USGS)



Issue A2a: "City of Berkeley Zoning Department Staff recognized and agreed that the "Level of water in the area" constitutes an unusual circumstance." [p. 3]

Response A2a: The project planner did state towards the beginning of the ZAB hearing on this project that the level of water in the area was an unusual circumstance. The comment was based on a layman's definition of what is typical and not upon the investigation of what legally constitutes an unusual circumstance as discussed in Issue A above. A statement by staff does not constitute the required substantial evidence to designate an unusual circumstance. In addition, the ZAB secretary clarified later in

the hearing that staff reviewed this application and determined it meets the infill exemption.

Issue B: "If the project is exempt from CEQA[,] appropriate conditions must be imposed under BMC §23B.32.040 to ensure the project is not detrimental to the health, safety, comfort or general welfare of the neighborhood or injurious to the adjacent properties, the surrounding area or neighborhood." [p. 3-5]

Response B: Staff concurs that appropriate conditions must be imposed on any project to ensure non-detriment. Staff believes, as did ZAB upon granting of the Use Permit, that the appropriate conditions of approval (COA) were so imposed and, thereby, made the non-detriment finding pursuant to BMC §23B.32.040.A. As the Appellant's issue is specifically related to hydrology impacts, staff is limiting the discussion of detriment to hydrology as well.

In addition to the standard Toxics condition of approval regarding a Soil and Groundwater Management Plan (COA 28B), Stormwater Requirements (COA 40), and Public Works conditions regarding sub- and surface waters (COAs 42-45, 48), the project is conditioned to incorporate the Drainage Plan as presented in the Applicant's revised Hydrology Assessment of July 12, 2017 and to submit additional design documentation as requested by the Peer Review (COA 21).

Specifically, in order to provide proper drainage without on-site flooding during the 10-year design rainstorm and to improve the flooding conditions that occur along the neighboring Curtis Street properties for rainstorms exceeding roughly the two-year recurrence interval, the project will incorporate a drainage design that includes the following components:

- A 2.5-foot wide, 0.4-foot deep rectangular channel with a slope of 0.8% inset within the Project main driveway, extending north to the northern edge of the new parking lot; and

- A trapezoidal grassed swale with side slopes 3:1, channel slope of 1.0% and a minimum depth of 0.3 feet extending eastward from the parking lot to the eastern Project boundary.

Although a geotechnical report would have been required regardless by the Building and Safety Division prior to issuance of the building permit, ZAB added a condition of approval to emphasize the requirement (COA 13): "*The applicant shall submit to the Building and Safety Division a geotechnical report that addresses the subsurface water conditions in*

and in the immediate vicinity of the project site. A civil engineer shall be employed to draft plans in conformance with all recommendations of the Geotechnical and Hydrology reports." For clarity, the reports referenced are those submitted by the Applicant that are prepared by a licensed engineer, and the peer review by a licensed engineer commissioned by the City.

Contrary to the Appellant's statements that ZAB intended certain conditions be met prior to issuance of the Use Permit, the vote conducted by ZAB at the end of the hearing approved the Use Permit. Conditions added to the project by ZAB during the motion to approve a project are subsequent to issuance of the Use Permit. If ZAB had intended otherwise it would have continued the project.

Despite the evidence in the record that the project will not have a detrimental impact to the surrounding neighborhood, the project conditions of approval, both standard and additional, will further ensure the health, safety, comfort and general welfare of the neighborhood and that the project will not be injurious to the adjacent properties, the surrounding area or neighborhood.

ALTERNATIVE ACTIONS CONSIDERED
Pursuant to BMC Section 23B.32.060.D, the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ACTION DEADLINE:
Pursuant to BMC Section 23B.32.060.G, if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS
Timothy Burroughs, Director, Planning & Development Department, (510) 981-7437
Leslie Mendez, Senior Planner, Planning & Development Department, (510) 981-7426

Attachments:
1: Resolution
    Exhibit A: Findings and Conditions
    Exhibit B: Project Plans dated June 8, 2018
2: Appeal Letter, dated September 12, 2018
3: ZAB Staff Report, dated August 23, 2018
4: Index to Administrative Record

5: Administrative Record
6: Public Hearing Notice

GEOTECHNICAL INVESTIGATION
HEARST GARDENS
BERKELEY, CALIFORNIA

ALAN KROPP
& ASSOCIATES, INC.
GEOTECHNICAL
CONSULTANTS

40th YEAR ANNIVERSARY

ALAN KROPP, CE, GE
JAMES R. LOTT, CE, GE
JEROEN VAN DEN BERG, CE
THOMAS M. BRENCIC, CE

March 1, 2019
2744-2, L-31477

Mr. Nathan George
NDG Real Estate
c/o Hearst Avenue Cottages LLC
46 Shattuck Square, Suite 11
Berkeley, CA 94704

RE: Geotechnical Investigation
Hearst Gardens
1155-1173 Hearst Avenue
Berkeley, California

Dear Mr. George:

In accordance with your authorization, we have performed a geotechnical investigation for the proposed residential project to be located at 1155-1173 Hearst Avenue in Berkeley, California. This location is shown on the attached Vicinity Map, Figure 1 (Latitude: 37.8711 degrees; Longitude: -122.2904 degrees). The project site spans two adjacent parcels; APN: 57-2086-14 and APN: 57-2086-13.

1.00 PROPOSED CONSTRUCTION

The two parcels are currently developed with four residential structures; three buildings are located on the western parcel and one building on the eastern parcel. Based on our review of provided planning documents and on conversations with you, it is our understanding that three new buildings are planned for the two lots. One new duplex is planned for the western parcel and two new duplexes are planned for the eastern parcel. The existing units will all be renovated as part of this project.

2.00 PURPOSE

The purpose of our investigation was to evaluate the geotechnical characteristics of the site for the proposed residential buildings and to provide geotechnical engineering recommendations for the proposed work.

3.00 SCOPE OF SERVICES

As outlined in our proposal dated July 24, 2018, the scope of our work to accomplish the stated purpose included:

- A reconnaissance of the lots, existing structures, and accessible portions of the immediate surrounding properties to observe the general surficial conditions regarding vegetation, uneven ground, or possible obvious geotechnical concerns;

- A review of published topographic and geotechnical/geologic materials to obtain geotechnical/geologic data relevant to the investigation;

- A field subsurface exploration program consisting of drilling three exploratory test borings to evaluate the subsurface materials. The borings were to be extended to depths on the order of 10-25 feet below ground surface and one boring was to be drilled in the general area of each new duplex. We were also to obtain the legally required City of Berkeley drilling permit and backfill the borings with lean grout upon completion of drilling in accordance with permit requirements. Spoils (soil cuttings and water) from the boring were to be left on site;

- Laboratory testing for classification, index, moisture-density, and strength testing, as required, to evaluate various soil properties of the materials recovered;

- Geotechnical engineering analyses of the collected data; and

- Preparation of our geotechnical investigation report for the project presenting the results of our studies along with pertinent geotechnical design and construction requirements for the project earthwork, foundations, and other relevant aspects of the proposed work.

The scope of our services did not include an environmental assessment or investigation for the presence of hazardous or toxic materials in the soil, groundwater, or air on, below, or around this site. An evaluation of the potential presence of sulfates in the soil, or other possibly corrosive, naturally occurring elements was beyond our scope.

4.00 SITE INVESTIGATION

4.01 Existing Geotechnical Data Review

A variety of published sources was reviewed to evaluate geotechnical data relevant to the subject parcels. These sources included geotechnical literature, reports, and maps published by various public agencies. Maps which were reviewed included topographic and geologic maps prepared by the United States Geological Survey, as well as geologic and seismic hazard maps prepared by the California Geological Survey (formerly the California Division of Mines and Geology). A list of the published sources used in our investigation is presented at the end of this report.

The topographic map for this area (the Oakland West Quadrangle) prepared by the United States Geological Survey, indicates the site is located at an elevation of approximately 55 to 60 feet on the flatlands between the San Francisco Bay and Berkeley/Oakland hills.

A widely used geologic map of the area (Radbruch, 1957) indicates the surficial soils at the site are underlain by Temescal Formation material. The text accompanying this map describes the Temescal Formation as an alluvial fan deposit comprising interfingering lenses of clayey gravel, sandy silty clay, and sand-clay-silt mixtures. The permeability is considered generally moderate, with some gravel layers containing significant water. A more recent geologic map by Helley and Graymer (1997) indicates the site is underlain by Holocene alluvial fan and fluvial deposits. The map indicates the material consists of medium dense to dense, gravelly sand or sandy gravel that generally grades upward to sandy or silty clay. A site geology map based on the Radbruch map is presented in Figure 2.

The site is approximately 1.8 miles southwest of the nearest active trace of the Hayward fault (Lienkaemper, 1992). The site is also located about 17.0 miles northeast and 15.5 miles southwest of the active San Andreas and Concord faults, respectively (Jennings, 1994). The site is not located within any Alquist-Priolo Earthquake Fault Zone designated by the State of California (CDMG, 1982).

The California Geological Survey (CGS) is in the process of producing statewide Seismic Hazard reports and maps that delineate zones where data suggests amplified ground shaking, liquefaction, or earthquake-induced landsliding may occur ("Seismic Hazard Zones-SHZ"). If a project is located within a SHZ, CGS recommends performing additional site-specific studies. According to these widely accepted maps, the project site is not located within a potential seismic landsliding or liquefaction hazard zone.

Studies by the United States Geological Survey's Working Group on California Earthquake Probabilities (Aagaard et al., 2016) have estimated a 72 percent probability that at least one magnitude 6.7 or greater earthquake will occur in the San Francisco Bay Region before the year 2043. As part of their prediction, they estimated the probability to be 33 percent for a magnitude 6.7 or greater earthquake to occur on the Hayward-Rodgers Creek fault, 22 percent for a magnitude 6.7 or greater earthquake to occur on the Northern San Andreas fault, and 16 percent for a magnitude 6.7 or greater earthquake to occur on the Concord fault during that same period.

4.02 Subsurface Exploration

Our subsurface exploration program was performed on August 4, 2018, to investigate and sample the subsurface materials. Three borings were drilled at the site to depths of 11½ (B-2 and B-3) and 26½ feet (B-1) at the locations shown on the Site Plan, Figure 4. Each of the three borings was located within the footprint of proposed structures.

Portable hydraulic, continuous flight auger drilling equipment was employed to advance the three borings. During drilling, our field representative monitored the advancement of the drilling and made notes of obvious changes in the drilling conditions or comments made by the driller. Samples of the materials encountered were obtained using a 140-pound hammer and conventional sampling equipment. Samples were obtained using a 2-inch O.D. Standard Penetration Test (SPT) and a 3-inch O.D. Modified California Sampler. The hammer blows required to drive the sampler the final 12 inches of each 18-inch driven length are presented on the boring logs.

Detailed descriptions of the materials encountered in the borings are found on the boring logs presented at the end of this report in Appendix A. A Key to Exploratory Boring Logs is also presented in Appendix A. The attached logs and related information depict subsurface conditions only at the specific locations shown on the Site Plan and on the particular date designated on the logs. These logs may have been modified from the original logs recorded during drilling as a result of further study of the collected samples, laboratory tests, or other efforts. Also, the passage of time may result in changes in the subsurface conditions due to environmental changes. The locations of the borings were approximately determined by pacing, and the ground surface elevations at each boring location were approximately determined by interpolation of topographic map contours. The locations and elevations should be considered accurate only to the degree implied by the method used.

Groundwater was encountered at a depth of 15.5 feet in Boring 1 during drilling, and was observed to rise to a depth of 10 feet shortly after completion of drilling. Groundwater was not encountered in Borings 2 or 3. All three borings were backfilled with lean concrete after drilling in accordance with drilling

requirements for the City of Berkeley. It should be noted that groundwater measurements in the borings may have been made prior to allowing a sufficient period of time for the equilibrium groundwater conditions to become established. In addition, fluctuations in the groundwater level may occur due to variations in rainfall, temperature, and other factors not evident at the time the measurements were made.

4.03 Laboratory Testing

Our geotechnical laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site. The following geotechnical laboratory tests were performed on selected soil samples in general accordance with the listed ASTM standard:

- Water content per ASTM Test Designation D-2216;
- Dry density per ASTM Test Designation D-2937;
- Atterberg Limits per ASTM Test Designation D-4318; and
- Percent passing No. 200 sieve per ASTM Test Designation D-1140.

The results of these tests are presented on the boring logs at the appropriate sample depths.

5.00 SITE CONDITIONS

5.01 Surface

The two relatively level lots are rectangular in shape and are bounded by other developed residential lots on the west, north, and east and by Hearst Avenue to the south. The proposed building locations are currently occupied by asphalt paving and by overgrown vegetation.

5.02 Subsurface

The surficial materials encountered in our exploratory borings generally consisted of loose to medium dense clayey sand fill and/or topsoil, which extended to depths of about 2 to 5 feet below the existing site grades. Below the fill/topsoil soil, we encountered soft to very stiff clayey alluvial soils. The alluvial clayey layers were observed to be interbedded with occasional medium dense clayey sand and clayey gravel layers. The alluvial soils underlying the surficial fill and topsoil appeared to be consistent with the Temescal Formation materials as mapped by Radbruch (1957).

Detailed descriptions of the materials encountered in the borings can be found on the boring logs presented in Appendix A along with a Key to Exploratory Boring Logs.

The logs and related information contained in our data report depict subsurface conditions only at the specific locations shown on the Site Plan (Figure 4) and on the particular date designated on the logs. These logs may have been modified from the original logs recorded during drilling as a result of further study of the collected samples, laboratory tests, or other efforts. Also, the passage of time may result in changes in the subsurface conditions due to environmental changes. The locations of the borings were approximately determined by hand-tape measurements from existing site improvements, and the ground surface elevations at each boring location were approximately determined by interpolation of topographic map contours. The locations and elevations should be considered accurate only to the degree implied by the method used.

5.03 Groundwater

Groundwater was encountered at a depth of 10 feet in Boring 1 shortly after drilling. Groundwater was not encountered in the Borings 2 or 3. In accordance with drilling requirements for the City of Berkeley, the exploratory borings were grouted with lean concrete upon the completion of the drilling. It should be noted that groundwater measurements in the borings may have been made prior to allowing a sufficient period of time for the equilibrium groundwater conditions to become established. In addition, fluctuations in the groundwater level may occur due to variations in rainfall, temperature, and other factors not evident at the time the measurements were made. Our experience in this geographical area has shown that perched groundwater may be encountered at various elevations in porous soil layers (sand and gravel) and may not indicate actual equilibrium groundwater.

6.00 EVALUATIONS AND CONCLUSIONS

6.01 General Site Suitability

Based on our investigation, it is our opinion the site is suitable for the construction of the proposed project from a geotechnical standpoint. However, all of the conclusions and recommendations presented in this report should be incorporated in the design and construction of the project to minimize possible geotechnical problems.

The primary considerations for geotechnical design at the site are:

- The presence of variable surficial soils at the site;
- Foundation selection; and
- Earthquake hazards.

Each of these conditions is discussed individually below.

6.02 Variable Surficial Soils

Based on the data obtained during our subsurface exploration, a portion of the site is underlain by up to 8 feet of soft, clayey soil. We observed this soft clay in Boring 1; however, based on our experience with similar alluvial depositional and former tributary environments, areas of soft clays may exist elsewhere at the site. The soft clays may cause significant differential building settlements if loads were applied directly to them from independent shallow foundations. We do not believe that over-excavating these soft materials or deepening the foundations through the soft clay are cost-effective alternatives due to shoring and groundwater issues associated with deep excavations. We recommend the use of mat slab foundation systems for the new structures. The mat slabs should be designed to span localized soft soil areas up about 10 feet laterally. Geotechnical design recommendations for mat slab foundations are presented in Section 7.02, “Mat Slab Foundations.”

6.03 Groundwater Considerations

Groundwater was observed at depths between 10 and 15 feet below the existing site grades in our exploratory borings during drilling and the borings were grouted immediately after the completion of drilling. Although groundwater was encountered in one of the borings at a depth of 10 feet, the subsurface data we reviewed from the projects we have completed in the immediate site vicinity indicate that

groundwater in the surrounding area can vary by as much as 5 feet and is often at a depth of roughly 10 feet. Based upon the information obtained from these sources, we judge that a design groundwater level of 10 feet below existing grade would be appropriate.

As the preliminary plans for the buildings indicate minimal below-grade construction, we do not anticipate that excavations will extend below the design groundwater table (10 feet). If excavations for the mat slab and utility trenching are completed during the summer/fall, temporary construction dewatering most likely will not be required. However, the contractor should be prepared for the possibility of encountering localized pockets of perched groundwater trapped in intermittent gravelly layers. If construction is not completed in the summer/fall, and especially if construction is attempted during the winter months, it is possible that temporary construction dewatering may be required.

6.04 Building Foundations

Preliminary project plans indicate that most of the building will be constructed at-grade and will require minimal excavations to establish design foundation elevations. In order to account for the variable near surface fill soils on the site and to provide foundation support in similar materials, it is recommended that the building be supported on mat slab foundations that extend at least 12 inches below the lowest adjacent grade.

6.05 Seismic Considerations

The subject site is located in the highly seismic San Francisco Bay Area, and there is a strong probability that a moderate to severe earthquake will occur during the life of the structure. Based on our review of the fault maps listed below, no active or inactive faults are known to pass through the site. The site is located about 1.8 miles southwest of the nearest active trace of the Hayward fault (Lienkaemper, 1992). Based on the proximity to the mapped splay of the Hayward fault, we judge that the likelihood of a surface fault rupture encroaching into the project site is unlikely.

During strong earthquakes, various forms of ground failure can occur, such as liquefaction and earthquake-induced landsliding. Liquefaction primarily occurs in relatively loose granular (sandy) soils below the groundwater table. However, some soft, low plasticity silts and clays can also be subject to liquefaction type behavior. The site is underlain by generally stiff, relatively plastic clay and medium dense, clayey gravel soils, and in our opinion, liquefaction is not a significant site hazard. Due to the relatively level topography on the site and in the site vicinity, earthquake-induced landsliding is also not considered a significant site hazard.

The proposed buildings will very likely experience strong ground shaking during a major earthquake in the life of the structure. The California Building Code has adopted provisions for incorporation of strong ground shaking into the design of all structures. Our recommendations for geotechnical parameters to be used in the structural seismic design of the building are presented in Section 7.03, “California Building Code Seismic Design Parameters.”

7.00 RECOMMENDATIONS

It is the responsibility of you or your representative to confirm that the recommendations presented in this report are called to the attention of the contractor, subcontractors, and any governmental body which may have jurisdiction and that these recommendations are carried out in the field.

7.01 Site Preparation and Earthwork

7.01.1 Site Clearing and Preparation

The site should initially be cleared of landscaping vegetation, foundation elements, slabs, and other elements from previous structures. These materials should be removed from the site. Any fill material exposed that will be beneath proposed at-grade portions of the building and/or exterior pavements should be over-excavated and re-compacted with engineering control. A representative from our office should make the determination between fill and native soils during grading. Any localized excavations required for the removal of trees and/or old foundations that are below the planned finished site elevations should be backfilled with engineered fill or with a flowable, low-strength slurry fill that is placed and compacted in accordance with the recommendations contained in Section 7.01.4, "Compaction."

7.01.2 Subgrade Preparation

The subgrade surface in those areas to receive structural fill (including excavations created from the removal of existing structures and/or removal of the existing site fill), mat slabs, slabs-on-grade, or pavements should be confirmed by the project engineer to be firm, non-yielding materials. Areas that are to receive non-expansive, select fill should be over-excavated as necessary to accommodate the recommended select fill layer. The exposed soils in those areas receiving non-expansive, select fill or structural fill should be scarified to a depth of 6 inches or the full depth of any existing shrinkage cracks, whichever is deeper. The scarified soils should then be moisture conditioned to 2 to 5 percent above optimum water content and compacted to the specified relative compaction indicated in Section 7.01.4, "Compaction." In areas to receive select fill, the moisture-conditioned subgrade should be covered as soon as possible to prevent drying of the subgrade soils.

7.01.3 Material for Fill

All onsite soils below the stripped layer having an organic content of less than 3 percent by volume are suitable for use as fill. However, all fill placed at the site, including onsite soil, should not contain rocks or lumps greater than 6 inches in greatest dimension with not more than 15 percent larger than 2.5 inches. Non-expansive select fill, where specified, should meet the requirements for general fill and should be predominantly granular with a plasticity index of 12% or less. All import material should be evaluated by our firm prior to importation to the site.

7.01.4 Compaction

All fill should be placed on a firm, unyielding base surface in lifts not exceeding 8 inches in uncompacted thickness. The fill should be compacted to at least 90 percent relative compaction by mechanical means only as determined by ASTM Test Designation D1557-latest revision.

It is possible that exposed soils may be excessively wet or dry depending on the moisture content at the time of construction. If the soils are too wet, then they may be dried by aeration or by mixing with drier materials. If the soils are too dry, then they may be wetted by the addition of water or by mixing with wetter materials.

7.01.5 Trench Backfill

Pipeline trenches should be backfilled with fill placed in lifts not exceeding 8 inches in uncompacted thickness. Native backfill materials should be compacted to at least 90 percent relative compaction (ASTM D1557; latest edition) and granular import material should be compacted to at least 95 percent relative compaction (ASTM D1557; latest edition). These compaction recommendations assume a reasonable "cushion" layer around the pipe.

If imported granular soil is used, sufficient water should be added during the trench backfilling operations to prevent the soil from "bulking" during compaction. All compaction operations should be performed by mechanical means only. We recommend against jetting. If granular backfill is used for utility trenches, we recommend that an impermeable plug or mastic sealant be used where utilities enter the building to minimize the potential for free water or moisture to enter below the building.

7.02 Mat Slab Foundations

We recommend that the new structures be supported on reinforced concrete mat slab foundation systems, with minimum mat slab thicknesses of 18 inches. The area for the mats should be cleared of landscaping vegetation, foundation elements, slabs, and other elements from previous structures, and these materials should be removed from the site. The subgrade should be prepared by over-excavating the top 18 inches of existing fill and topsoil materials and placing suitable (see Section 7.01.2) on-site or import soil compacted per the recommendations provided in Section 7.01.4, "Compaction."

The mats can be designed assuming an allowable bearing pressure of 1,000 pounds per square foot for dead plus live loads, with a one-third increase for all loads including wind or seismic. This allowable bearing pressure is a net value; therefore, the weight of the mats can be neglected for design purposes. The mats should be integrally connected to all portions of the structure so the entire foundation system (for each new structure) moves as a unit. The mat should be reinforced with top and bottom steel in both directions to allow the foundation to span local irregularities. As a minimum, we recommend that the mat be reinforced with sufficient top and bottom steel to support a random interior clear span of at least 10 feet. The mat can be designed using a modulus of subgrade reaction of 100 kips per cubic foot. This modulus value has been factored for the mat size and can be increased by one-third for total loads including seismic forces.

Lateral loads on the structure may be resisted by passive pressures acting against the sides of the mat and/or on shear keys extended under the mat where there is at least 10 feet of level ground in front of the shear key and/or mat slab edge. We recommend an allowable passive pressure equal to an equivalent fluid weighing 350 pounds per square foot per foot of depth (This passive pressure value can be increased by 20% in areas that are cut down to 10 feet or more below the currently existing grade). Alternatively, an allowable friction coefficient of 0.30 can be used between the bottom of the mat and the subgrade soils. If the perimeter of the mat is poured neat against the soils, the passive pressure and friction coefficient may be used in combination. Passive pressure should not be used within the upper one foot unless the ground surface is confined by a slab or pavement.

In order to minimize vapor transmission, a vapor retardant membrane (Class A vapor retarder [ASTM E 1745, latest revision]) should be placed beneath the mat. The membrane should be covered with 2 inches of sand to protect it during construction. The sand should be lightly moistened just prior to placing the concrete. In order to reduce potential infiltration into the sand layer, the sand should be terminated

approximately 12 inches from the perimeter edge of the mat and the mat should be thickened by 2 inches to compensate for the elimination of the sand layer. Any tears in the retarder and all plumbing penetrations should be sealed with an appropriate taping material. If the vapor retarder is upgraded to a more substantial material (such as Stego Wrap 15-mil or approved equivalent), consideration could be given to elimination of the 2-inch sand layer. Again, any tears in the retarder and all plumbing penetrations should be sealed with an appropriate taping material.

Where the mat slab will be surfaced with flooring material, we recommend that the specifications for slab on grade floors require that moisture emission tests be performed on the slab prior to the installation of the flooring. No flooring should be installed until safe moisture emission levels are recorded for the type of flooring to be used.

7.03 California Building Code Seismic Design Parameters

Based on our review of the site location, geology, and the 2016 California Building Code (CBC), we recommend the following parameters be used for seismic design of the building:

- Site Class = D
- Mapped Spectral Acceleration for Short Period (S_S, Site Class B) = 2.084g
- Mapped Spectral Acceleration for 1-Second Period (S_1, Site Class B) = 0.854g
- Maximum Considered Earthquake Spectral Response Acceleration for Short Period (S_{MS}, Site Class D) = 2.084g
- Maximum Considered Earthquake Spectral Response Acceleration for 1-Second Period (S_{M1}, Site Class D) = 1.282g
- Design Spectral Response Acceleration for Short Period (S_{DS}, Site Class D) = 1.389g
- Design Spectral Response Acceleration for 1-Second Period (S_{D1}, Site Class D) = 0.854g

7.04 Exterior Slabs

We recommend any exterior slabs-on-grade be supported on a minimum of 12 inches of imported, compacted, non-expansive fill. In areas of existing fill where new slabs are proposed, we recommend any old, existing fill underlying any proposed slabs be removed and recompacted to the requirements of structural fill. If all of the old fill under proposed slabs cannot be removed, then some settlement, tilting, and cracking of the slab should be expected. In addition, a gap should be created between the building foundations and any slabs located adjacent to the building.

In order to minimize volume change of the subgrade soils, these materials should be scarified to a depth of 6 inches, moisture conditioned to slightly above optimum water content, and compacted to the requirements for structural fill. Prior to the construction of the slabs, the subgrade surface should be proof-rolled to provide a smooth, firm surface for slab support.

The slabs should be structurally independent from the perimeter foundation of the building, and should be free-floating. Score cuts or construction joints should be provided at a maximum spacing of 10 feet in both directions. The slabs should be appropriately reinforced according to structural requirements; concentrated loads may require additional reinforcing. Minor movement of the concrete slab with resulting cracking should be expected. Steps to the building from the slab area should be created with a void (expansion joint) between the steps and the building foundation. The recommendations presented above, if properly implemented, should help minimize the magnitude of this cracking.

It has been our experience that the installation of wire mesh for slab reinforcement has often not been performed properly during construction of the slab. As a result, we recommend that steel bar reinforcement be used to reinforce any proposed slabs.

7.05 Surface Drainage

We recommend that rainwater collected on the roof of the building be transmitted through gutters and downspouts to closed pipes that discharge into an appropriate discharge facility. Flexible drain pipe (flexline), 2000 pound crush pipe, leachfield, and ASTM F810 pipe are not recommended for use in these drainage systems because of the likelihood of damage to the pipe during installation due to the weak strength of these pipes. In addition, these drainpipes are sometimes difficult to clean with mechanical equipment without damaging the pipe. We recommend the use of Schedule 40 PVC, SDR 35 PVC or ABS, Contech A-2000 PVC drainpipe, or equivalent for the drain system.

Positive surface gradients of at least 2 percent should be provided adjacent to the building to direct water away from foundations and slabs toward suitable discharge facilities. Ponding of surface water should not be allowed adjacent to the structure or on pavements. Planter areas located next to the building should be avoided. If necessary, each planter should contain an area drain and allow for the collection of water.

7.06 Plan Review

We recommend that our firm be provided the opportunity of a general review of the geotechnical aspects of the design and specifications for the subject work at this site in order that the geotechnical recommendations may be properly interpreted and implemented in the design and specifications. If our firm is not accorded the privilege of making the recommended review, we can assume no responsibility for misinterpretation of our recommendations.

7.07 Construction Observation

The analyses and recommendations submitted in this report are based in part upon the data obtained from the soil borings and other data presented in our data report. The nature and extent of variations across the site may not become evident until construction. If variations then become apparent, it will be necessary to re-examine the recommendations of this report.

We recommend our firm be retained to provide geotechnical engineering services during the earthwork, foundation construction, and drainage phases of the work. This is to observe compliance with the design concepts, specifications, and recommendations, and to allow design changes in the event that subsurface conditions differ from those anticipated prior to the start of construction.

In order to effectively accomplish our observations during the project construction, we recommend that a pre-construction meeting be held to develop a mechanism for proper communications throughout the project. We also request that the client or the client’s representative (the contractor) contact our firm at least two working days prior to the commencement of any of the items listed above. If our representative makes a site visit in response to a request from the client or the client's representative and it turns out that the visit was not necessary, our charges for the visit will still be forwarded to the client.

7.08 Wet Weather Construction

Although it is possible for construction to proceed during or immediately following the wet winter months, a number of geotechnical problems may occur which may increase costs and cause project delays. The water content of onsite soils may increase during the winter and rise significantly above optimum moisture content for compaction of subgrade or backfill materials. If this occurs, the contractor may be unable to achieve the recommended levels of compaction without using special measures and would likely have to:

- Wait until the materials are dry enough to become workable;
- Dispose of the wet soils and import dry soils; and
- Use lime or cement on the native materials to absorb water and achieve workability.

If utility trenches or excavations are open during winter rains, then caving of the trenches or excavations may occur. Also, if the trenches fill with water during construction, or if saturated materials are encountered at the anticipated bottom of the excavations, excavations may need to be extended to greater depths to reach adequate support capacity than would be necessary if dry weather construction took place.

We should also note that it has been our experience that increased clean-up costs will occur, and greater safety hazards will exist, if the work proceeds during the wet winter months.

8.00 REPORT LIMITATIONS AND CLOSURE

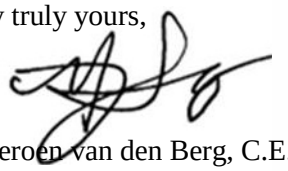
This report has been prepared for the exclusive use of you and your consultants for specific application to the proposed project in accordance with generally accepted geotechnical engineering practices. No other warranty, either expressed or implied, is made. In the event the nature, design, or location of the proposed project differs significantly from what has been noted above, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing.

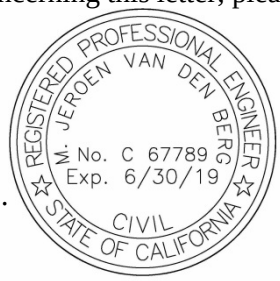
The findings of this report are valid as of the present date. However, the passing of time will likely change the conditions of the existing property due to natural processes or the works of man. In addition, due to new legislation or the broadening of knowledge, changes in applicable or appropriate standards may occur. Accordingly, the findings of this report may be invalidated, wholly or partly, by changes beyond our control. Therefore, this report should not be relied upon after three years without being reviewed by this office.

We are pleased to have been of service to you on this project and look forward to working with you during any supplemental investigation, plan review, and construction phases of the work.

If you have any questions concerning this letter, please call us.

Very truly yours,





M. Jeroen van den Berg, C.E.
Senior Engineer

MJV/jc

Copies: Addressee (PDF) – Nathan George: nathan@ndgre.com
Mark Rhoades: mark@rhoadesplanninggroup.com
Mia Perkins: mia@rhoadesplanninggroup.com

Attachments: Figure 1 – Vicinity Map
Figure 2 – Geology Map
Figure 3 – Seismic Hazards Map
Figure 4 – Site Plan

2744-2 Hearst Gardens - GI report rr

REFERENCES

Published Data

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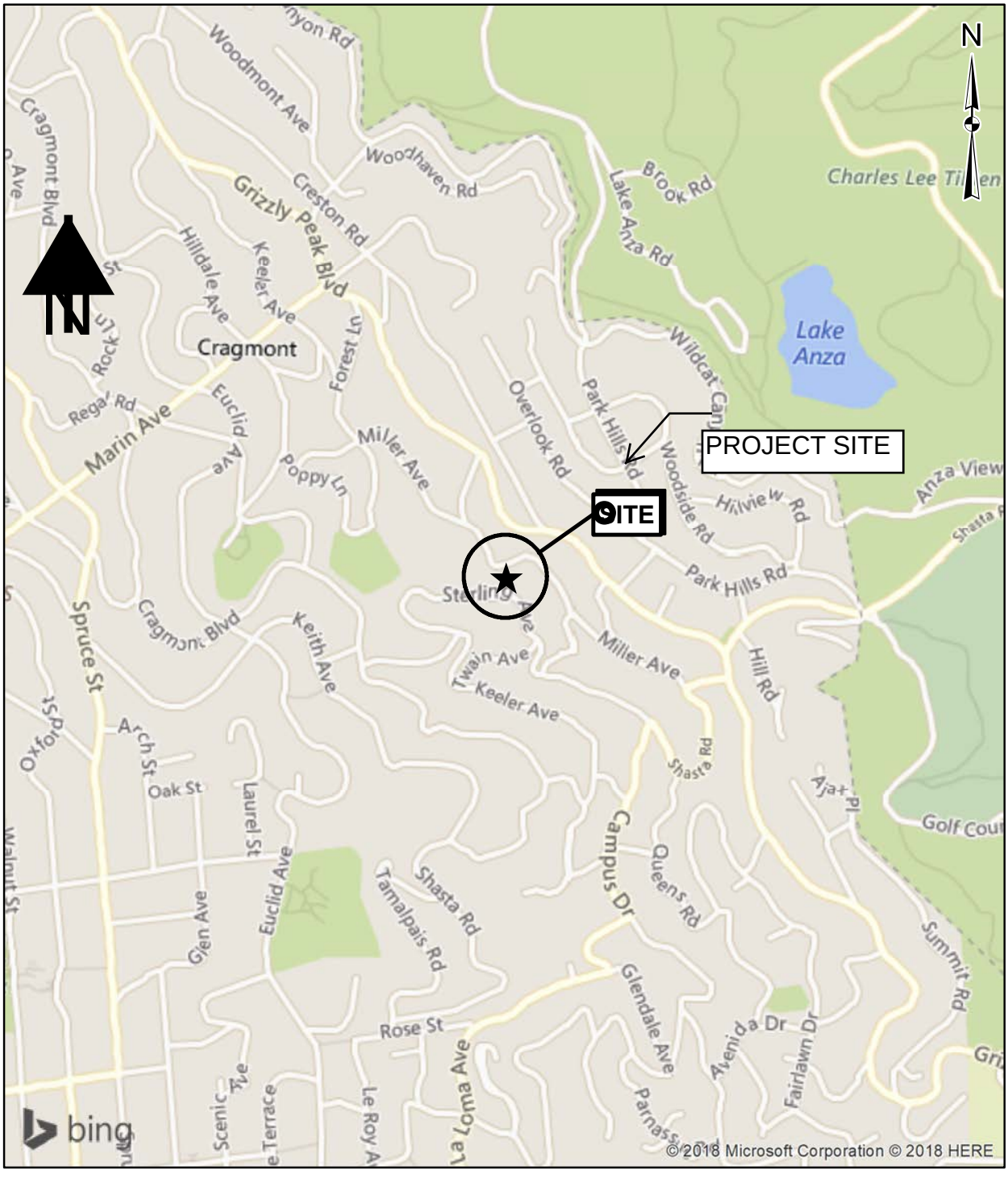

Original figure produced in color.

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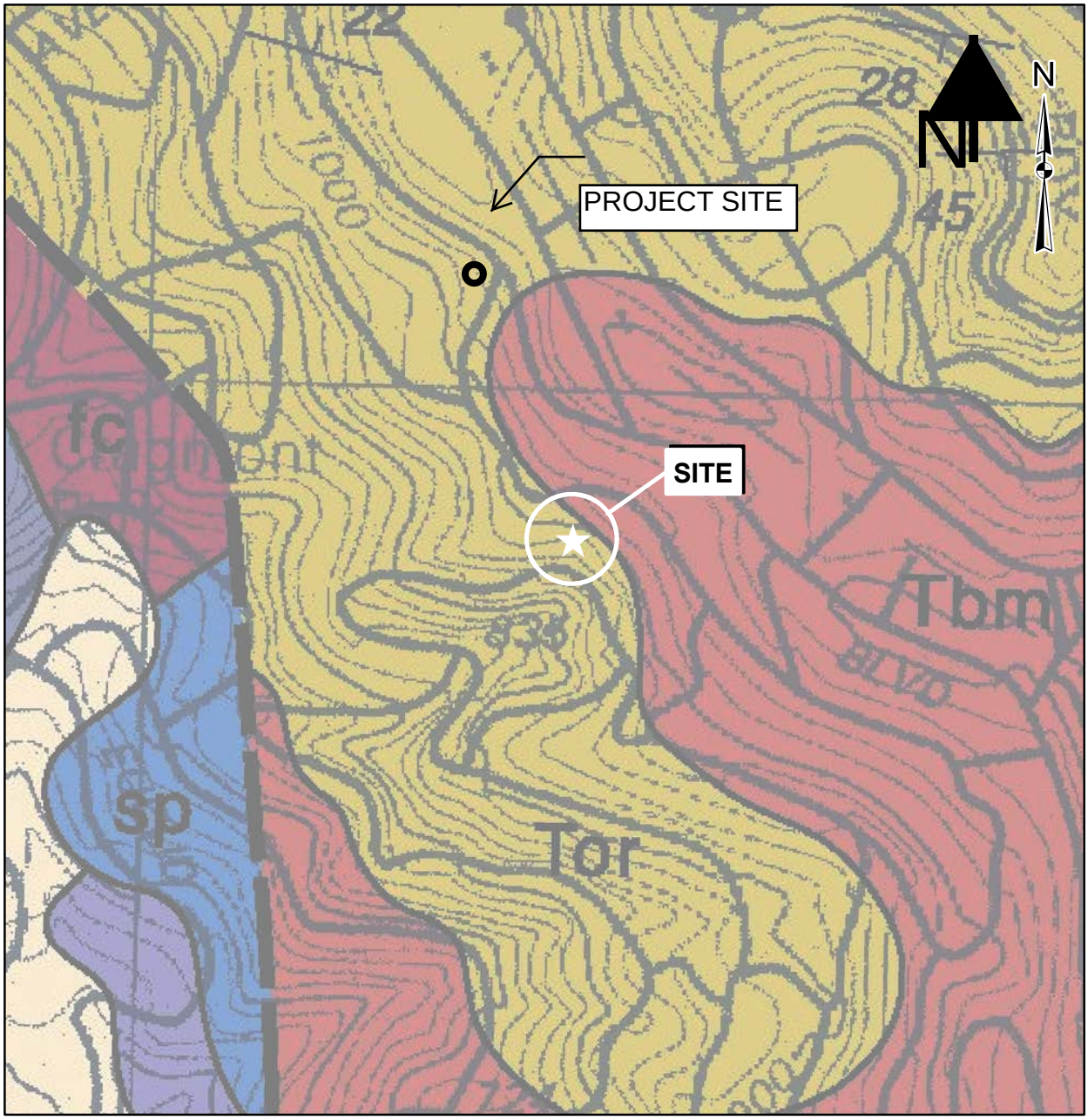
VICINITY MAP

HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	FIGURE
2744-2	March 2019	1



LEGEND

Source *"Aerial and Engineering Geology of the Oakland West Quadrangle, California", Radbruch, 1957.*

0 800 1,600

SCALE FEET

Original figure produced in color.

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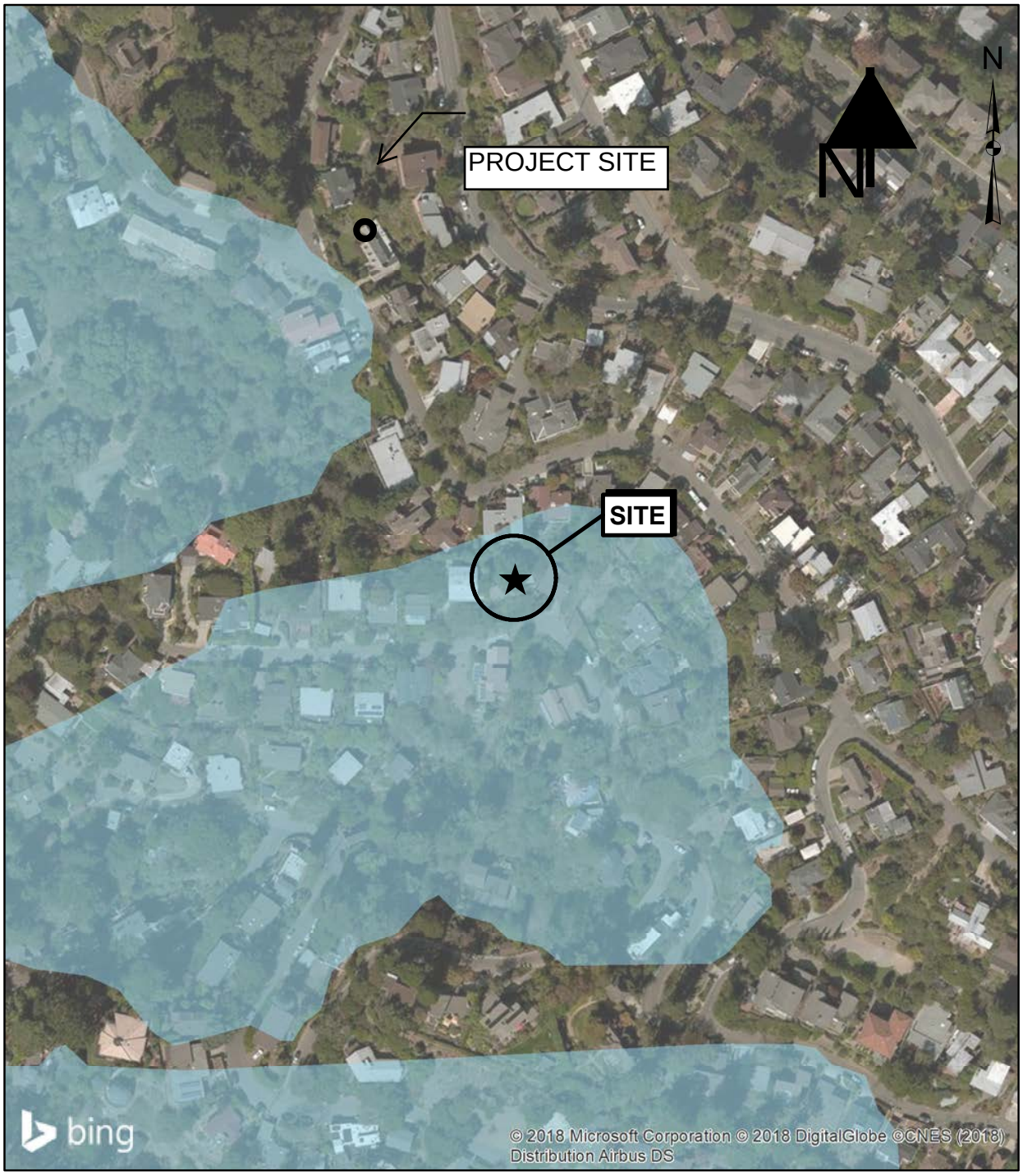
GEOLOGY MAP

HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	FIGURE
2744-2	**March 2019**	**2**



0 1,000 2,000
Feet

Source: California Geological Survey, http://gmw.consrv.ca.gov/shmp/MapProcessor.asp?Action=Download&Location=NoCal

LEGEND

Zones of required investigation for potential seismically induced landslide

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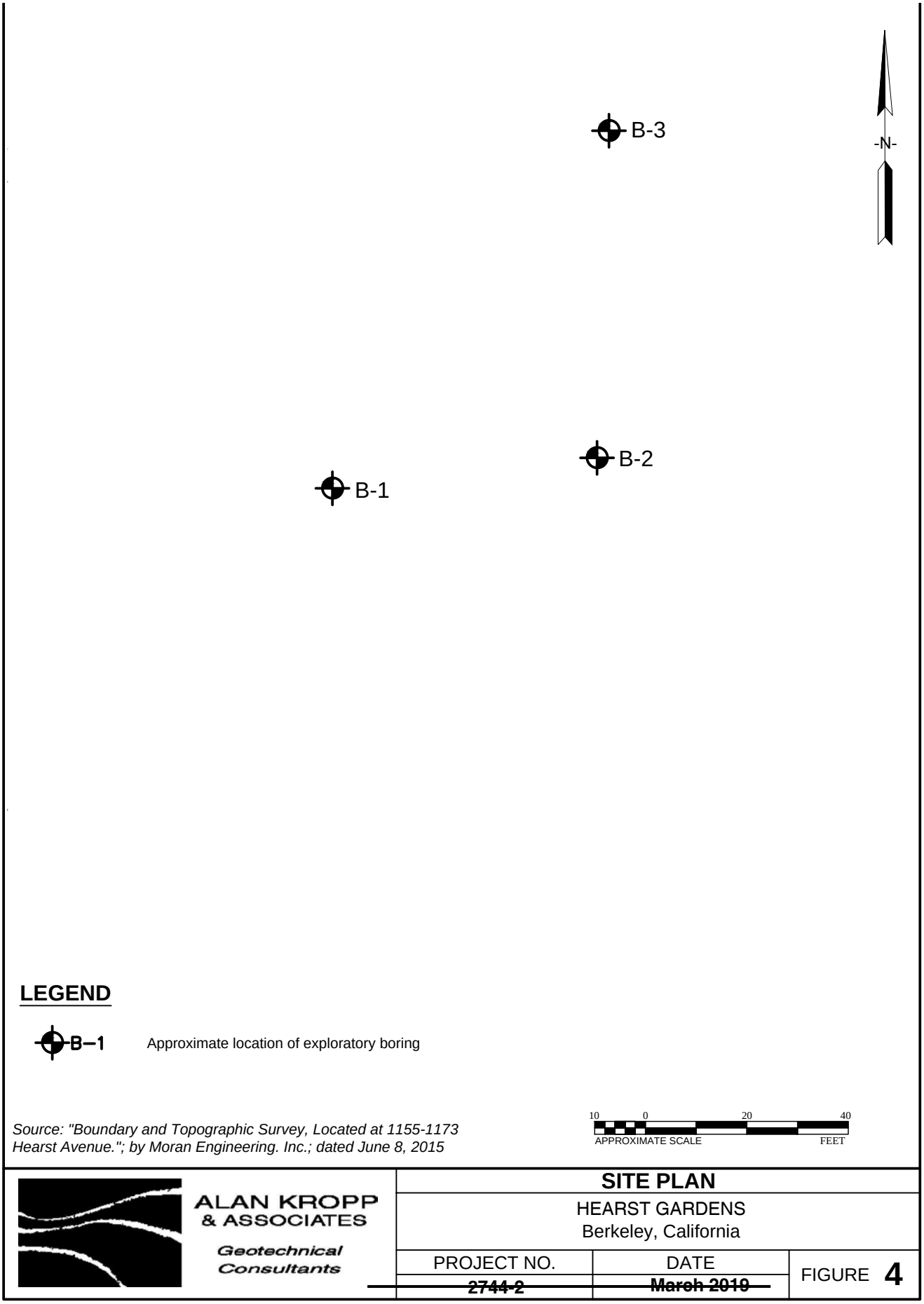
SEISMIC HAZARDS MAP

HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	FIGURE
2744-2	March 2019	3



LEGEND

B–1 Approximate location of exploratory boring

Source: "Boundary and Topographic Survey, Located at 1155-1173 Hearst Avenue."; by Moran Engineering. Inc.; dated June 8, 2015

10 0 20 40
APPROXIMATE SCALE FEET

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SITE PLAN

HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	FIGURE
~~2744-2~~	~~March 2019~~	4

APPENDIX A
LOG OF BORINGS

SOIL CLASSIFICATION CHART

PRIMARY DIVISIONS			SECONDARY DIVISIONS		
			CRITERIA *	GROUP SYMBOL	GROUP NAME
COARSE-GRAINED SOILS (MORE THAN 50% RETAINED ON NO.200 SIEVE)	GRAVELS (MORE THAN 50% OF COARSE FRACTION RETAINED ON NO.4 SIEVE)	CLEAN GRAVELS (LESS THAN 5% FINES)	$Cu \geq 4$ AND $1 \leq Cc \leq 3$ [A]	GW	Well-graded gravel
			$Cu < 4$ AND/OR $1 > Cc > 3$	GP	Poorly-graded gravel
		GRAVELS WITH FINES - MORE THAN 12% FINES	FINES CLASSIFY AS ML OR MH	GM	Silty gravel
			FINES CLASSIFY AS CL OR CH	GC	Clayey gravel
	SANDS (50% OR MORE OF COARSE FRACTION PASSES NO. 4 SIEVE)	CLEAN SANDS (LESS THAN 5% FINES)	$Cu \geq 6$ AND $1 \leq Cc \leq 3$	SW	Well-graded sand
			$Cu < 6$ AND/OR $1 > Cc > 3$	SP	Poorly-graded sand
		SANDS WITH FINES - MORE THAN 12% FINES	FINES CLASSIFY AS ML OR MH	SM	Silty sand
			FINES CLASSIFY AS CL OR CH	SC	Clayey sand
FINE-GRAINED SOILS (50% OR MORE PASSES THE NO.200 SIEVE)	SILTS AND CLAYS (LIQUID LIMIT LESS THAN 50%)	INORGANIC	PI > 7 AND PLOTS ON OR ABOVE "A" LINE	CL	Lean clay
			PI < 4 OR PLOTS BELOW "A" LINE	ML	Silt
		ORGANIC	$\frac{\text{LIQUID LIMIT - OVEN DRIED}}{\text{LIQUID LIMIT - NOT DRIED}} < 0.75$	OL	Organic Clay & Organic Silt
	SILTS AND CLAYS (LIQUID LIMIT 50% OR MORE)	INORGANIC	PI PLOTS ON OR ABOVE "A" LINE	CH	Fat clay
			PI PLOTS BELOW "A" LINE	MH	Elastic silt
		ORGANIC	$\frac{\text{LIQUID LIMIT - OVEN DRIED}}{\text{LIQUID LIMIT - NOT DRIED}} < 0.75$	OH	Organic Clay & Organic Silt
	HIGHLY ORGANIC SOILS		PRIMARILY ORGANIC MATTER, DARK IN COLOR, AND ORGANIC ODOR	PT	Peat

REFERENCE: Unified Soil Classification System (ASTM D2487-11)

* Criteria may be done on visual basis, not necessarily based on lab testing

A – $C_u = D_{60}/D_{100}$ & $C_c = (D_{30})^2 / (D_{10} \times D_{60})$

GRAIN SIZES

U. S. STANDARD SERIES SIEVE				CLEAR SQUARE SIEVE OPENINGS			
200	40	10	4	3/4"	3"	12"	
SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		

ABBREVIATIONS

INDEX TESTS

LL - Liquid Limit (%) (ASTM D4318-17)

PI - Plasticity Index (%) (ASTM D4318-17)

-200 - Passing No. 200 Sieve (%) (ASTM D1140-17)

STRENGTH TESTS

PP - Field Pocket Penetrometer test of unconfined compressive strength (tsf)

TV - Field Torvane test of shear strength (psf)

UC - Laboratory unconfined compressive strength (psf) (ASTM D2166/2166M-16)

TXUU - Laboratory unconsolidated, undrained triaxial test of undrained shear strength (psf) (ASTM D2850-15)

MISCELLANEOUS

ATOD - At time of drilling

psf/tsf - pounds per square foot / tons per square foot

psi - pounds per square inch (indicates relative force required to advance Shelby tube sampler)

SYMBOLS

Standard Penetration Test Split Spoon (2-inch O.D.)

Modified California Sampler (3-inch O.D.)

Thin-walled Sampler Tube (either Pitcher or Shelby) (3-inch O.D.)

Rock Core

Bag Sample

Groundwater Level during drilling

Groundwater Level after drilling

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KEY TO EXPLORATORY BORING LOGS

HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	FIGURE
2744-2	March 2019	A-1

DRILL RIG: Hydraulic Portable	**SURFACE ELEVATION:** 54' +/- MSL	**LOGGED BY:** MJV
DEPTH TO GROUNDWATER: 10.0 feet (see notes)	**BORING DIAMETER:** 3.5 inches	**DATE DRILLED:** 8/4/18

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
3" AC / 6" AB - clayey			AC/AB						
SAND, Silty - with gravel, damp **[Fill]**	Medium Brown	Medium Dense	SC	1 2 3 4					
CLAY, Lean - with sand and gravel, moist to wet	Dark Brown	Soft	CL	5 6 7 8		[4]	23	99	-200 = 60.9 LL = 26 PI = 10
GRAVEL, Silty - moist	Brown	Medium Dense	GM	9 10 11					▼
SAND, Silty - moist	Gray Mottled with Orange	Medium Dense	SM	12 13		[27]			
GRAVEL, Silty - with sand, moist to wet Medium Brown	Gray	Medium Dense	GM	14 15 16 17 18 19		[41]			▽

(Continued on Next Page)

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EXPLORATORY BORING LOG
HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
2744-2	**March 2019**	**1 of 2**	**1**

AKA BORING LOG 2744-2 HEARST GARDENS BORING LOGS.GPJ AKA_TEMPLATE.GDT 2/28/19

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
(Continued from Previous Page)									
GRAVEL, Silty - with sand, moist to wet	Gray	Medium Dense	GM	21					
CLAY, Lean - with gravel, moist	Brown	Very Stiff	CL	22		[32]			LL = 37 PI = 21 -200 = 73.1
				23		20			
				24					
GRAVEL, Clayey - wet	Brown	Medium Dense	GC	25					
SAND, Clayey - wet	Brown	Medium Dense	SM	26		17			

Bottom of boring at 26.5 feet.

NOTES:

1. Groundwater was encountered at approximately 15.5 feet at the time of drilling and the boring was backfilled immediately after drilling. (See report for discussion.)
2. Stratification lines represent the approximate boundaries between material types and the transitions may be gradual.
3. Penetration resistance values (blow counts) marked with an asterisk (*) are not standard penetration resistance values.
4. Elevations were estimated from plans drawn by Moran Engineering Inc. dated June 2015.

AKA BORING LOG 2744-2 HEARST GARDENS BORING LOGS.GPJ AKA_TEMPLATE.GDT 2/28/19

ALAN KROPP & ASSOCIATES
Geotechnical Consultants

EXPLORATORY BORING LOG
HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
2744-2	**March 2019**	**2 of 2**	**1**

DRILL RIG: Hydraulic Portable	**SURFACE ELEVATION:** 56' +/- MSL	**LOGGED BY:** MJV
DEPTH TO GROUNDWATER: (see notes)	**BORING DIAMETER:** 3.5 inches	**DATE DRILLED:** 8/4/18

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
SAND, Clayey - damp **[Topsoil]**	Medium Brown	Medium Dense	SC	1					
CLAY, Lean - with sand and gravel, moist	Dark Brown	Stiff	CL	2 3 4 5 6 7		[23]	13	87	LL = 34 PI = 18 -200 = 70
SAND, Clayey, Lean - moist	Light Brown	Medium Dense	SC	8 9					
GRAVEL, Clayey, Lean - with some sand, moist to wet	Medium Brown	Medium Dense	GC	10 11		[37]			

Bottom of boring at 11.5 feet.

NOTES:

1. No groundwater was encountered at the time of drilling and the boring was backfilled immediately after drilling. (See report for discussion.)
2. Stratification lines represent the approximate boundaries between material types and the transitions may be gradual.
3. Penetration resistance values (blow counts) marked with an asterisk (*) are not standard penetration resistance values.
4. Elevations were estimated from plans drawn by Moran Engineering Inc. dated June 2015.

AKA BORING LOG 2744-2 HEARST GARDENS BORING LOGS.GPJ AKA_TEMPLATE.GDT 2/28/19

ALAN KROPP & ASSOCIATES
Geotechnical Consultants

EXPLORATORY BORING LOG
HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
2744-2	**March 2019**	**1 of 1**	**2**

DRILL RIG: Hydraulic Portable	**SURFACE ELEVATION:** 56' +/- MSL	**LOGGED BY:** MJV
DEPTH TO GROUNDWATER: (see notes)	**BORING DIAMETER:** 3.5 inches	**DATE DRILLED:** 8/4/18

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
SAND, Silty, Clayey - with some gravel, moist **[Topsoil]**	Brown	Medium Dense	SC	1 2 3					
CLAY, Lean, Sandy - moist	Black	Firm	CL	4 5 6 7 8		[11]	22	95	LL = 34 PI = 19 -200 = 68.5
GRAVEL, Clayey, Lean - angular, moist	Medium to Dark Brown	Medium Dense	GC	9 10 11		[36]			

Bottom of boring at 11.5 feet.

NOTES:

1. No groundwater was encountered at the time of drilling and the boring was backfilled immediately after drilling. (See report for discussion.)
2. Stratification lines represent the approximate boundaries between material types and the transitions may be gradual.
3. Penetration resistance values (blow counts) marked with an asterisk (*) are not standard penetration resistance values.
4. Elevations were estimated from plans drawn by Moran Engineering Inc. dated June 2015.

AKA BORING LOG 2744-2 HEARST GARDENS BORING LOGS.GPJ AKA_TEMPLATE.GDT 2/28/19

ALAN KROPP & ASSOCIATES
Geotechnical Consultants

EXPLORATORY BORING LOG
HEARST GARDENS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
2744-2	**March 2019**	**1 of 1**	**3**

CLEARWATER HYDROLOGY

Consultants in Hydrology and Water Resources

Watershed Management

Stream and Wetland Restoration

Wetland Delineation and Permit Acquisition

Stormwater Drainage and Flooding

2974 Adeline St.
Berkeley, CA 94703
Tel: 510 841 1836
Fax: 510 841 1610

Feb. 22, 2019

Attn: Mark Rhoades/Mia Perkins
Hearst Avenue Cottages, LLC
Oakland, CA

RE: Engineering hydrologic review of A. Kropp & Assoc. geotechnical investigation report, dated Aug. 15, 2018, submitted via email

Dear Mark, Mia,

At your request, I have reviewed both the Clearwater Hydrology (CH) revised drainage and flooding investigation design report for the proposed Hearst Cottages project (July 12, 2017) and the referenced geotechnical investigation report by Alan Kropp & Associates (AKA). The aim of the review was to note any soils information that may differ from the conditions assumed for the project site by CH relative to its stormwater drainage design for the site.

The AKA investigation included the drilling of three boreholes, logging of the drill cuttings and assessment of textural characteristics, as well as the citing of groundwater depths where groundwater was present. The borings were drilling in August 2018 when groundwater would have been toward the lower position of its seasonal range, i.e. would be higher during the winter wet season. Only one of the three borings (the westernmost one) intercepted groundwater, which equilibriated in the borehole at a depth of approximately 10 ft. below the ground surface. AKA noted that based on their experience in the area, groundwater levels would typically occur within 5 ft. of the measured 10 ft. depth. The investigator also noted that intercepted groundwater could reflect perched conditions and thus could locally be higher than the regional groundwater level.

The soils logged at the three borehole sites typically included a surface fill 2-5 ft. deep composed of silty sand with gravel (SC) underlain with about five feet of stiff/firm clay soil (CL). These conditions indicate a prevalence of finer-grained soil which is typically slowly permeable and are consistent with the assumed “D” Hydrologic Soil Group that CH used in its peak flow computations per the Alameda County Rational Method. This is the lowest permeability soil type in the NRCS classification scheme for Hydrologic Soil Groups, and thus yields the highest rates of surface runoff.

The measured summer depth to groundwater by AKA indicates that winter groundwater may be somewhat deeper than we presumed. Thus, the conservatism of CH’s design assumptions remains as previously indicated.

In summary, the results of the AKA geotechnical investigation do not run counter to the assumptions made in the CH stormwater drainage design regarding both site subsoils and seasonal groundwater levels, nor do they require any further revisions to the design as presented in the July 2017 final report.

Yours truly,

William Vandivere, M.S., P.E.
Principal

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

March 14, 2019
Z5059

TO: Leslie Mendez
Senior Planner
CITY OF BERKELEY
1947 Center Street, 2nd Floor
Berkeley, California 94704

SUBJECT: **Geotechnical Peer Review**
RE: Rhoades Planning Group, Six Home Development, Renovations, Remodels and Additions on Two Lots
ZP2016-0028; APN 57-2086-14 and 57-2086-13
1155, 1157, 1159, 1161, 1163 and 1173 Hearst Avenue

At your request, we have completed a geotechnical peer review of the proposed land use permit application at the subject property using:

- Geotechnical Investigation (report), prepared by Alan Kropp & Associates, Inc., dated March 1, 2019;
- Topographic Survey (1 sheet), prepared by Moran Engineering, Inc., dated June 8, 2015; and
- Architectural Plans (43 sheets), prepared by Devi Dutta Architecture, Inc., dated June 8, 2018.

In addition, we have reviewed pertinent technical maps and reports from our office files, and have reviewed documents compiled on the project website.

DISCUSSION

The applicant proposes to construct three additional duplex buildings resulting in a total of six new dwelling units on the two subject parcels (APN -14 and -13). The project will also consist of renovations and remodeling of four existing buildings (consisting of seven existing dwelling units) located on the subject parcels. Remodeling will consist of second story additions within the existing footprint of two one-story buildings and a two-story addition increasing the footprint of one existing building. New site flatwork, paving, and drainage improvements associated with the proposed site construction are also anticipated.

EVALUATIONS BY THE PROJECT GEOTECHNICAL CONSULTANT

The Project Geotechnical Consultant has advanced three site exploratory borings to depths of 10 to 25 feet. Groundwater was encountered at a depth of 10 feet below the ground surface during site exploration. The California Geological Survey has mapped the historic high groundwater at approximately 5 feet below the ground surface, and groundwater may be locally perched and variable as noted by the Project Geotechnical Consultant. Earth materials encountered in site borings include undocumented sandy fill, as well as shallow soft native clays, and alluvial deposits reported to be consistent with the Temescal Formation. The soft clay (CL, blow count of [4]) encountered in Boring B-1 is reported to underly approximately 5 feet of site undocumented fill and is approximately 4 feet thick. Undocumented fill is described as medium dense sand (SC) in provided boring logs but no standard penetration test (SPT) values are provided for our review. Regional geologic mapping (CGS – SHZR081) indicates that the project site is located on Pleistocene-aged alluvial fan deposits (Qpf). The proposed project is not located within a liquefaction hazard zone as mapped by the California Geological Survey. The Consultant concludes that liquefaction of site earth materials during a probable earthquake is low.

CONCLUSIONS AND RECOMMENDED ACTION

The subject property is potentially constrained by shallow groundwater, soft surficial earth materials prone to settlement and consolidation, and strong seismic ground shaking. The Project Geotechnical Consultant recommends a mat-slab foundation style designed to span 10 feet laterally, intended to mitigate the potential for differential settlement of surficial soft clay earth materials and potentially fill. The anticipated magnitude of potential differential settlement remains unclear, and the geotechnical engineering properties of site undocumented fill has not been provided. It appears that the Consultant recommends surficial subgrade preparation for new site foundations that would remove and replace the upper 18 inches of encountered site earth materials. We recommend that the Project Geotechnical Consultant address the following prior to approval of land use permit applications:

1. **Geotechnical Clarifications** – The applicant's geotechnical consultant should discuss the potential for consolidation and settlement compression of the soft clay layer encountered in Boring 1. We recommend the Project Geotechnical Consultant provide anticipated values of total and differential settlement for new structures. The Consultant should also provide blow counts for encountered undocumented fill and/or topsoil, if applicable. If SPT, or similar, were not performed on surficial earth materials, the Consultant should consider the undocumented fill as loose and provide recommendations to mitigate this material, as necessary. We recommend the applicant's consultant perform

consolidation testing of the encountered soft clays to better characterize the potential for future differential settlement.

We also recommend that the Consultant discuss whether and how the proposed mat-slab style foundations may behave differently than existing structure foundatons during seismic shaking. The applicant's geotechnical consultant should also evaluate the condition of the existing one-story structures and provide supplemental geotechnical recommendations, as necessary, to support the proposed second story additions.

The results of the geotechnical clarifications and supplemental geotechnical recommendations or evaluations should be organized in a letter-report by the geotechnical consultant and submitted to the City for review by the City Geotechnical Consultant.

LIMITATIONS

This geotechnical peer review has been performed to provide technical advice to assist the City with its discretionary permit decisions. Our services have been limited to review of the documents previously identified. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.
CITY GEOTECHNICAL CONSULTANT

Ted Sayre
Engineering Geologist
CEG 1795

David T. Schrier
Principal Geotechnical Engineer
GE 2334

DTS:CS:TS

ALAN KROPP
& ASSOCIATES, INC.
GEOTECHNICAL
CONSULTANTS

40th YEAR ANNIVERSARY

ALAN KROPP, CE, GE
JAMES R. LOTT, CE, GE
JEROEN VAN DEN BERG, CE
THOMAS M. BRENCIC, CE

April 17, 2019
2744-2A, L-31716

Mr. Nathan George
NDG Real Estate
c/o Hearst Avenue Cottages LLC
46 Shattuck Square, Suite 11
Berkeley, CA 94704

RE: Response to Geotechnical Peer Review Comments
Hearst Gardens
1155-1173 Hearst Avenue
Berkeley, California

Dear Mr. George:

In response to the peer review comments provided by Cotton, Shires and Associates, Inc. (CSA) in their letter dated March 14, 2019, we have prepared the following replies (CSA comments in italics):

"The applicant's geotechnical consultant should discuss the potential for consolidation and settlement compression of the soft clay layer encountered in Boring 1. We recommend the Project Geotechnical Consultant provide anticipated values of total and differential settlement for new structures."

Based on settlement calculations using the Boring 1 profile, typical structural loads (estimated 0.3 kips/square foot) for wood-framed residential buildings, and using relatively conservative consolidation parameters estimated from our laboratory index testing, we estimate a total consolidation settlement value of 2 inches with 1 inch of differential settlement over the length of the building (approximately 50 feet). This settlement amount will likely take place over a period of 30 years or more. Settlement calculations were performed using Rocscience™ Settle3D and are included in Appendix A (attached).

"The Consultant should also provide blow counts for encountered undocumented fill and/or topsoil, if applicable. If SPT, or similar, were not performed on surficial earth materials, the Consultant should consider the undocumented fill as loose and provide recommendations to mitigate this material, as necessary."

The report recommends typical removal and replacement of the top 30 inches of soft and/or loose material beneath new building foundations. The 30-inch replacement should be comprised of 18 inches (minimum) of compacted, non-expansive fill and an 18-inch thick structural mat slab embedded 12 inches below grade. The over-excavated subgrade (below the 30 inches) should be scarified by 6 inches and re-compacted per the recommendations contained in the report. The over-excavation and replacement should extend at least 3 feet laterally from the edge of the proposed mat slab in all directions. In addition, as is typical in circumstances such as this, we recommend that all fill encountered during grading for the foundations be removed and replaced with non-expansive fill. We believe that this method addresses undocumented fill and topsoil beneath the proposed building foundations.

"We recommend the applicant's consultant perform consolidation testing of the encountered soft clays to better characterize the potential for future differential settlement."

Our settlement calculations were based on conservative correlations of soil index properties.

"We also recommend that the Consultant discuss whether and how the proposed mat-slab style foundations may behave differently than existing structure foundations during seismic shaking. The applicant's geotechnical consultant should also evaluate the condition of the existing one-story structures and provide supplemental geotechnical recommendations, as necessary, to support the proposed second story additions."

Regarding the two-story addition to the 1159 Hearst building, we do not recommend installing a foundation system that differs from the existing building. Based on information provided by the property manager and by the client, the 1159 Hearst building has not exhibited any signs of differential settlement (stucco or drywall cracking, sticking of doors or windows, or foundation element cracking) over the past several years. This indicates that the building and its foundation system have performed well, especially over the 40-plus year lifespan of the building. We recommend that the foundation system for the proposed two-story addition to the 1159 Hearst building generally match the existing foundations as the building loads in the addition appear to be similar to the loads in the existing building. This recommendation applies within the limits of the current state and local building codes.

Evaluation of foundation elements for the existing one-story buildings was outside of our scope of services.

This letter has been prepared for the exclusive use of you and your consultants for specific application to the proposed project in accordance with generally accepted geotechnical engineering practices. No other warranty, either expressed or implied, is made. In the event the nature, design, or location of the proposed project differs significantly from what has been noted above, the conclusions and recommendations contained in this letter should not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing.

We are pleased to have been of service to you on this project and look forward to working with you during any supplemental investigation, plan review, and construction phases of the work.

If you have any questions concerning this letter, please call us.

Very truly yours,

M. Jeroen van den Berg, C.E.
Senior Engineer

MJV/jc

Copies: Addressee (PDF) – Nathan George - nathan@ndgre.com
Mark Rhoades - mark@rhoadesplanninggroup.com
Mia Perkins - mia@rhoadesplanninggroup.com

APPENDIX A
B-1 SETTLEMENT CALCULATION

Settle3D Analysis Information

Hearst Gardens

Project Settings

Document Name: Project 2
Project Title: Hearst Gardens
Analysis: B-1, Settlement of Soft Clay Layer
Author: MJV
Company: Alan Kropp and Associates
Date Created: 4/9/2019, 3:16:24 PM
Stress Computation Method: Boussinesq
Use average properties to calculate layered stresses
Groundwater method: Water Table
Water Unit Weight: 0.0624 kips/ft^3
Depth to water table: 5 [ft]

Stage Settings

Stage #	Name
1	Stage 1

Results

Time taken to compute: 0.268051 seconds

Stage: Stage 1

Data Type	Minimum	Maximum
Total Settlement [in]	0	2.03157
Consolidation Settlement [in]	0	2.03157
Immediate Settlement [in]	0	0
Loading Stress [ksf]	0	0.219594
Effective Stress [ksf]	-0	1.05237
Total Stress [ksf]	0	1.30197
Total Strain	-0	0.0433859
Pore Water Pressure [ksf]	0	0.2496
Degree of Consolidation [%]	0	100
Pre-consolidation Stress [ksf]	0.00375	1.87163
Over-consolidation Ratio	1	3
Void Ratio	1.00889	1.1
Hydroconsolidation Settlement [in]	0	0

Loads

1. Rectangular Load

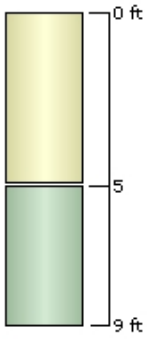
Length: 55 ft
Width: 25 ft
Rotation angle: 0 degrees
Load Type: Rigid
Area of Load: 1375 ft^2
Load: 0.3 ksf
Depth: 1 ft
Installation Stage: Stage 1

Coordinates

X [ft]	Y [ft]
-17.627	0.749
37.373	0.749
37.373	25.749
-17.627	25.749

Soil Layers

Layer #	Type	Thickness [ft]	Depth [ft]
1	Lean Clay (non-expansive fill)	5	0
2	Lean Clay (soft, alluvium)	4	5



Soil Properties

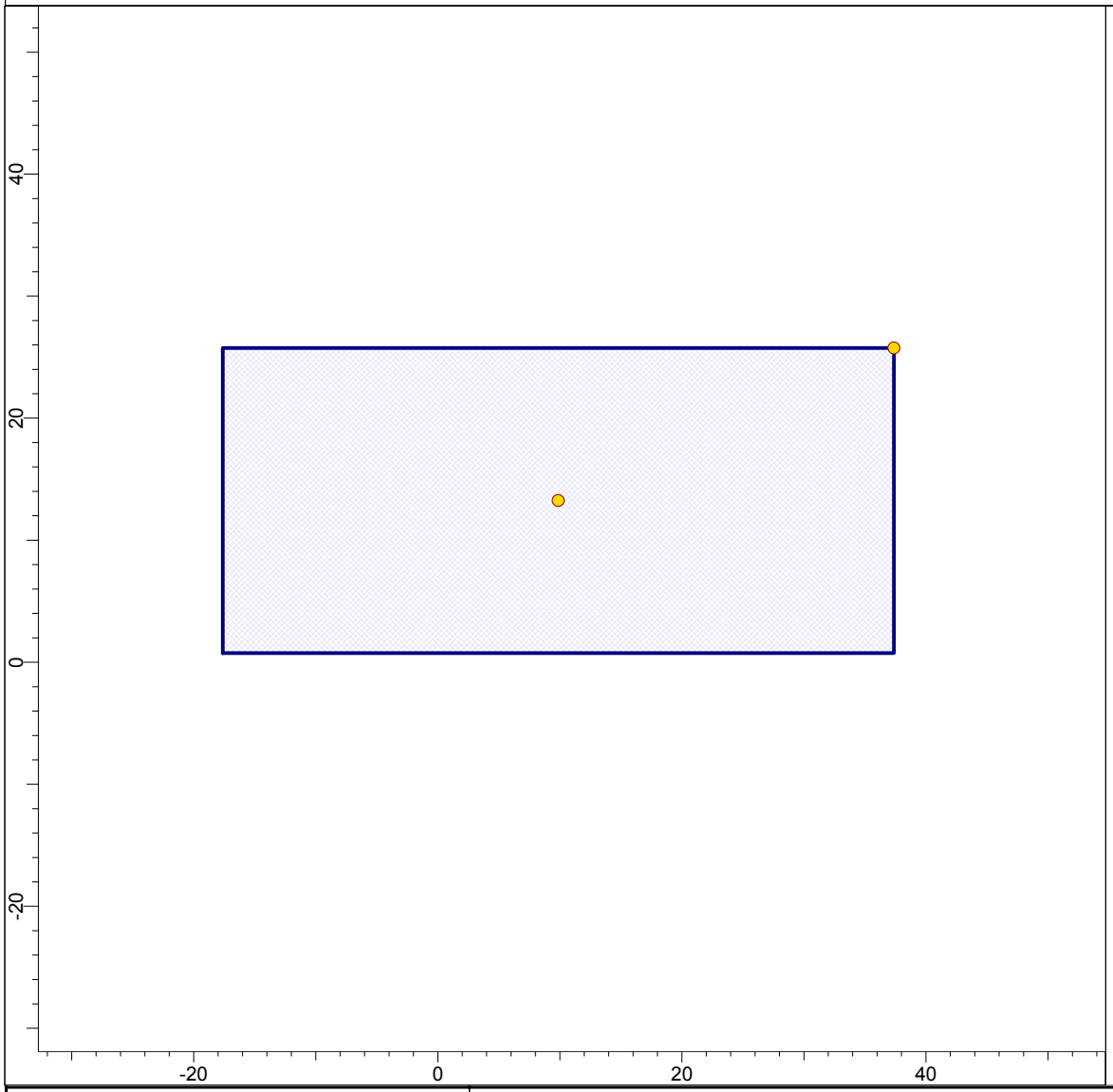
Property	Lean Clay (non-expansive fill)	Lean Clay (soft, alluvium)
Color		
Unit Weight [kips/ft^3]	0.125	0.115
Saturated Unit Weight [kips/ft^3]	0.115	0.115
Primary Consolidation	Enabled	Enabled
Material Type	Non-Linear	Non-Linear
Cc	0.03	0.7
Cr	0.003	0.07
e0	1.1	1.1
OCR	3	1

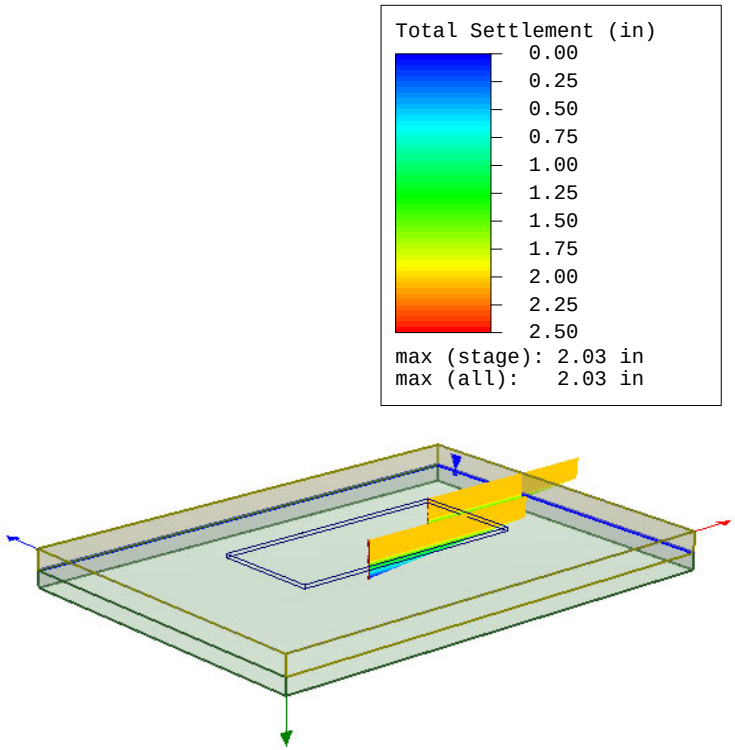
Query Points

Point #	(X,Y) Location	Number of Divisions
1	9.873, 13.249	Auto: 47
2	37.373, 25.749	Auto: 47

Stage 1

Data Type: Total Settlement





rocscience SETTLE3D 2.008	Project	Hearst Gardens	
	Analysis Description	B-1, Settlement of Soft Clay Layer	
	Drawn By	MJV	Company: Alan Kropp and Associates
	Date	4/9/2019, 3:16:24 PM	File Name: 2744-2A Hearst Settlement Estimate.s3z

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

April 29, 2019
Z5059A

TO: Leslie Mendez
Senior Planner
CITY OF BERKELEY
1947 Center Street, 2nd Floor
Berkeley, California 94704

SUBJECT: **Supplemental Geotechnical Peer Review**
RE: Rhoades Planning Group, Six Home Development, Renovations, Remodels and Additions on Two Lots
ZP2016-0028; APN 57-2086-14 and 57-2086-13
1155, 1157, 1159, 1161, 1163 and 1173 Hearst Avenue

At your request, we have completed a supplemental geotechnical peer review of the proposed land use permit application using:

- Response to Geotechnical Peer Review Comments (letter), prepared by Alan Kropp & Associates, Inc., dated April 17, 2019;
- Geotechnical Investigation (report), prepared by Alan Kropp & Associates, Inc., dated March 1, 2019;

In addition, we have reviewed pertinent technical maps and reports from our office files, and completed a recent site reconnaissance.

DISCUSSION

The applicant proposes to construct three additional duplex buildings resulting in a total of six new dwelling units on the two subject parcels (APN -14 and -13). The project will also consist of renovating and remodeling four existing buildings (consisting of seven existing dwelling units) located on the subject parcels. Remodeling will consist of second story additions within the existing footprint of two one-story buildings and a two-story addition increasing the footprint of one existing building. New site flatwork, paving, and drainage improvements associated with the proposed site construction are also anticipated.

In our previous geotechnical peer review dated March 14, 2019, we recommended the Project Geotechnical Consultant clarify geotechnical aspects of the site subsurface investigation and address concerns related to potential settlement and consolidation of existing site earth materials encountered. We also recommended the Project Geotechnical Consultant evaluate the condition of existing structures and impacts from new addition loads and discuss potential constraints to new construction (i.e. adverse seismic affects, differential settlement, etc.). We understand that potential site flooding issues **will be addressed to the satisfaction of the City Engineer**.

RECENT EVALUATIONS BY THE PROJECT GEOTECHNICAL CONSULTANT

The Project Geotechnical Consultant has previously advanced 3 site exploratory borings to depths of 10 to 25 feet. Groundwater was encountered at a depth of 10 feet below the ground surface during site exploration. Earth materials encountered in site borings include undocumented sandy fill, as well as shallow soft native clays, and alluvial deposits reported to be consistent with the Temescal Formation. The soft clay (CL, blow count of [4]) encountered in Boring B-1 is reported to underly approximately five feet of site undocumented fill and is approximately 4 feet thick. Borings B-2 and B-3 are not reported to have encountered undocumented fill. The undocumented fill is described as medium dense sand (SC) in provided boring logs but no standard penetration test (SPT) values were provided for our review; however, the Project Geotechnical Consultant clarifies that all fill underlying and within three feet of proposed building footprints will be excavated and replaced as engineered fill during site construction.

Regional geologic mapping (CGS – SHZR081) indicates that the project site is located on Pleistocene-aged alluvial fan deposits (Qpf). The proposed project is not located within a liquefaction hazard zone as mapped by the California Geological Survey and the Consultant concludes that liquefaction of site earth materials during a probable earthquake is low. The California Geological Survey has mapped the historic high groundwater at approximately five feet below the ground surface, and groundwater may be locally perched and variable as noted by the Project Geotechnical Consultant. Regional topographic data indicates the site is located within a broad and subdued swale approximately 800 feet wide, potentially associated with a relic subparallel tributary alignment of Strawberry Creek. The currently mapped alignment of Strawberry Creek is located approximately 800 feet south of the site.

The Project Geotechnical Consultant has completed supplemental settlement calculations using correlations of soil index properties, anticipated building loads, and previously completed subsurface investigation data. They provide an estimate of approximately two inches of total consolidation settlement with one inch of differential settlement. This differential settlement is anticipated across the length of the building (approximately 50 feet). The Geotechnical Consultant concludes that an existing structure (1159 Hearst) has performed well based on information provided to the

Consultant by the property manager and their client. Based on this information they also conclude that any new foundations added to the structure for proposed additions consistent of similar foundation elements. The Project Geotechnical Consultant notes they did not evaluate one-story structures which are not intended to receive new foundation elements but are intended to support second-story additions. During our recent site reconnaissance, we observed numerous hairline width, vertical and oblique cracks to existing stucco exteriors. These cracks typically stemmed from the corners of windows, doorways, or brick staircases. Doorways appeared slightly out of level, potentially due to previous settlement of the existing structures and foundations.

CONCLUSIONS AND RECOMMENDED ACTION

The subject property is potentially constrained by shallow groundwater, reported seasonal flooding, undocumented fill of variable depth (up to five feet thick), soft surficial earth materials prone to settlement and consolidation, and strong seismic ground shaking. The Project Geotechnical Consultant has provided settlement magnitudes for new site foundations based on engineering assumptions derived in conformance with generally accepted geotechnical engineering practice in this area. The Geotechnical Consultant does not address potential flooding or hydrologic concerns within the scope of their work. It appears the Project Geotechnical Consultant has evaluated the performance of select existing structures with information provided by their client, it is unclear whether field distress observations or field foundation observations by the Project Geotechnical Consultant were completed as part of this evaluation. The provided geotechnical recommendations and provided settlement magnitudes appear to be in general conformance with the prevailing standard of practice. We note the Project Geotechnical Consultant recommends that all fill underlying and within three feet of proposed building footprints be excavated and replaced as engineered fill during site construction. We recommend geotechnical approval of subject land use permits with the following three conditions attached:

1. **Structural Engineering Evaluations** – As part of project geotechnical approval we recommend involvement of a Project Structural Engineer to evaluate the integrity of existing site structures, as deemed applicable by the City, and provide recommendations and evaluations of their expected future performance (static and seismic) considering the provided geotechnical evaluations and proposed new loads (additions). This evaluation should be completed and reviewed by appropriate City Staff or their designee prior to building permit approval.

2. **Geotechnical Plan Review** - The applicant's Geotechnical Consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and

grading, site drainage improvements and design parameters for foundations) to ensure that their recommendations, including their evaluations dated April 17, 2019, have been properly incorporated.

The results of the geotechnical plan review should be summarized by the geotechnical consultant in a letter and submitted to the City for review and approval by appropriate City staff prior to issuance of building permits.

3. **Geotechnical Construction Inspections** - The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, removal and replacement of undocumented fill, site surface and subsurface drainage improvements, and excavations for foundations prior to the placement of steel and concrete.

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City for review prior to final (granting of occupancy) project approval.

LIMITATIONS

This supplemental geotechnical peer review has been performed to provide technical advice to assist the City with its discretionary permit decisions. Our services have been limited to review of the documents previously identified. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.
CITY GEOTECHNICAL CONSULTANT

Ted Sayre
Engineering Geologist
CEG 1795

David T. Schrier
Principal Geotechnical Engineer
GE 2334

DTS:CS:TS

1155-1173 Hearst Avenue Project

Categorical Exemption Report

prepared by

City of Berkeley
Planning and Development, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704
Contact: Leslie Mendez, Senior Planner, (510) 981-7426

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

April 2019

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

1155-1173 Hearst Avenue Project

Categorical Exemption Report

prepared by

City of Berkeley
Planning and Development, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704
Contact: Leslie Mendez, Senior Planner, (510) 981-7426

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Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

April 2019

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

This report prepared on 50% recycled paper with 50% post-consumer content.

Table of Contents

Tables

Figures

Appendices

Categorical Exemption Report

This report serves as the technical documentation of an environmental analysis performed by Rincon Consultants, Inc. for the 1155-1173 Hearst Avenue Project in the City of Berkeley. The intent of the analysis is to document the project's eligibility for a Class 32 Categorical Exemption (CE). The report provides an introduction, project description, and evaluation of the project's consistency with the requirements for a Class 32 exemption. This includes an analysis of the project's potential impacts in the areas of traffic, noise, air quality and greenhouse gas, water quality, and historic resources; as well as an analysis of exception criteria to the exemption. The report concludes that the project is eligible for a Class 32 CE.

1. Introduction

The City of Berkeley proposes to adopt a Class 32 CE for a proposed project at 1155-1173 Hearst Avenue (Project). The State CEQA Guidelines Section 15332 states that a CE is allowed when:

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 proposed development occurs within city limits on a project site of no more than five acres 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[1], noise, air quality, or water quality.
e. The site can be adequately served by all required utilities and public services.

Additionally, State CEQA Guidelines Section 15300.2 provides exceptions to a categorical exemption as follows:

a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
d. Scenic Highways. A categorical exemption shall not be used for a project which may result I damage to scenic resources, including but not limited to, trees, historic buildings, rock

1 Impacts related to parking are not discussed in this report, as such impacts are generally not considered as physical effect on the environment under CEQA.

outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Rincon Consultants, Inc. evaluated the project's consistency with the above requirements, including its potential impacts in the areas of biological resources, traffic, noise, air quality and greenhouse gas, water quality, and exceptions to the exemption to confirm the project's eligibility for the Class 32 exemption.

2. Project Location and Description

The project site is located in West Berkeley; University Avenue is located one block to the south and San Pablo Avenue (State Highway 123) is located one block to the west. Figure 1 shows the regional location of the project site. The neighborhood mainly consists of one- to two-story single- and multi-family dwellings, with a few three- and four-story structures located towards San Pablo Avenue. This West Berkeley neighborhood is proximal to several bus transit lines, commercial businesses, and the West Berkeley library. The project site consists of two separate parcels located on the north side of Hearst Avenue on the block bound by San Pablo Avenue to the west and Curtis Street to the east.

The proposed project is considered an infill project because the site is currently developed with residential uses and surrounded on all sides by residential development. The project would involve rehabilitation and expansion of seven existing dwelling units located at 1155-63 and 1173 Hearst Avenue, and construction of six new condominium dwelling units. All of the units would be arranged around a central paseo on site that would provide access to all of the units and serve as shared open space.

The parcel located at 1155-63 Hearst Avenue contains two single-story duplex buildings which have two residential units each (the Azalea building in the southwest corner of the parcel and the Begonia building in the southeast corner of the parcel, both fronting Hearst Avenue), and one two-story duplex building that contains two residential units (the Freesia building in the northwest portion of the site). The three existing buildings contain a total of six residential units, which would all be rehabilitated as part of the project.

The parcel located at 1173 Hearst Avenue contains one two-story single-family residential building with a two-car tandem garage. This building would also be rehabilitated as part of the project.

The project includes construction of three two-story buildings; the Geranium building would be located on the 1155-63 Hearst Avenue parcel between the Azalea and Freesia buildings, and the Daffodil and Edelweiss buildings would be constructed on the northern portion of the 1173 Hearst Avenue Parcel behind the single-family residential building. The three new buildings would each contain two units, for a total of six new residential units on the project site. The project would include approximately 4,911 square feet of open space located in the center of site that would contain landscaping with low-water, low-maintenance plants on all sides of the buildings and

throughout the project site. **Error! Reference source not found.** provides a summary of project characteristics.

Figure 2 and Figure 3 show the existing and proposed building footprints. Figure 4 shows the proposed project's site plan.

Table 1 Project Characteristics

Assessor's Parcel Numbers	047 208601400, 057 208601300			
Lot Area	21,673 SF (0.5 acre)			
	Existing		**Proposed**	
Address	**1155-63 Hearst**	**1173 Hearst**	**1155-63 Hearst**	**1173 Hearst**
Gross Floor Area (SF)	Azalea: 992 SF Begonia: 1,018 SF Freesia: 2,830 SF	Camelia: 2,348 SF **Total: 7,188 SF**	Azalea: 2,031 SF Begonia: 1,879 SF Freesia: 3,724 SF Geranium: 2,330 SF	Camelia: 2,404 SF Daffodil: 1,819 SF Edelweiss: 1,819 SF **Total: 16,006 SF**
Dwelling Units	6 units	1 unit **Total: 7 units**	6 rehab units 2 new units	1 rehab unit 4 new units **Total: 13 units**
Automobile Parking	6 surface spaces	1 covered space **Total: 7 spaces**	12 spaces	1 covered space (plus 1 tandem space) **Total: 13 spaces**
Maximum Building Height	2 stories 23 feet		2 stories 28 feet	

Source: Devi Dutta Architecture, Inc. 2018
SF = square feet

City of Berkeley
1155-1173 Hearst Avenue Project

Figure 1 Project Location

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Figure 2 Existing Building Footprint

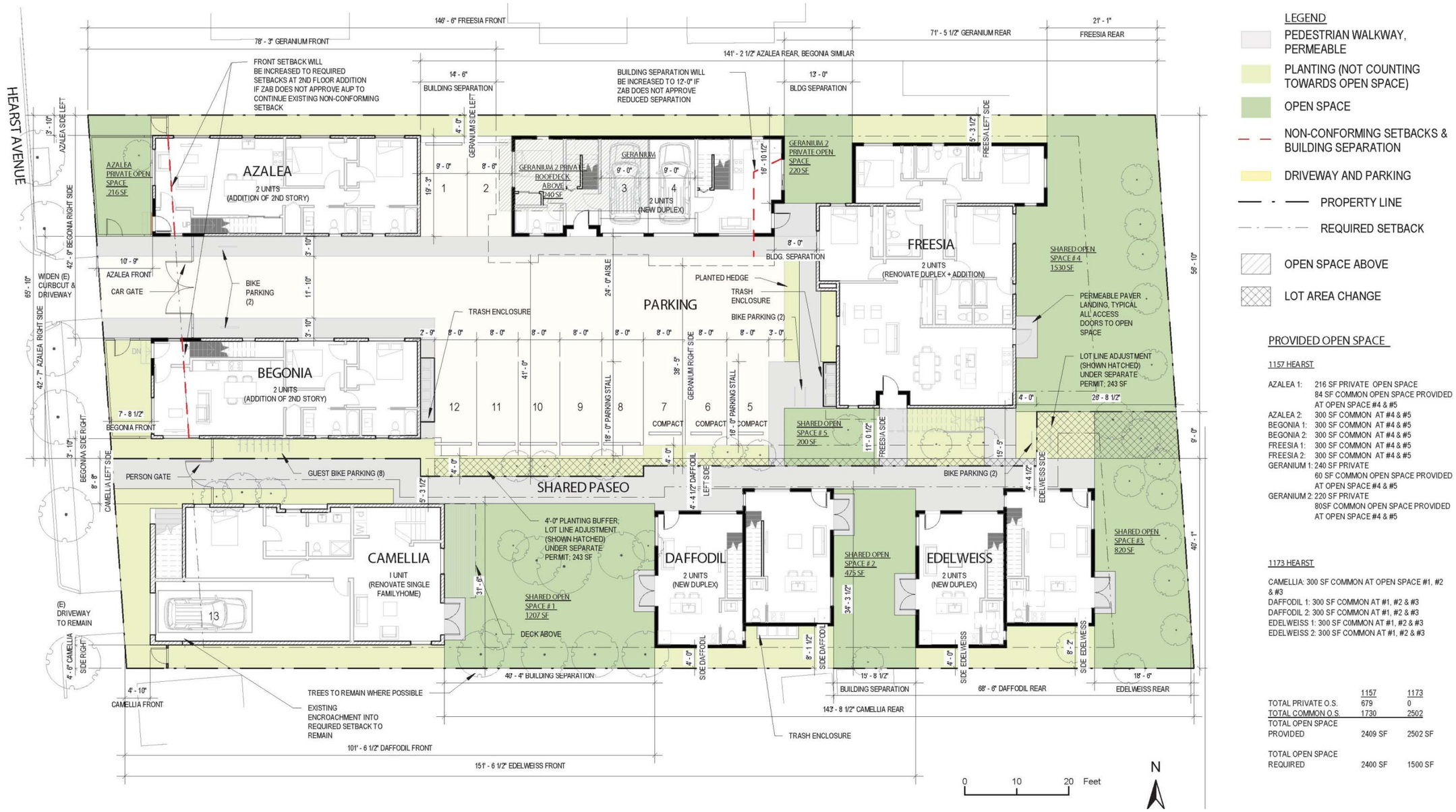
Source: Devi Dutta Architecture, Inc. 2018

City of Berkeley
1155-1173 Hearst Avenue Project

Figure 3 Proposed Building Footprint

Source: Devi Dutta Architecture 2018

Figure 4 Proposed Site Plan



Source: Devi Dutta Architecture, Inc. 2018

3. Existing Site Conditions

The project site is comprised of two parcels. The parcel to the west (1155-63 Hearst Avenue, APN 047 208601400) is a rectangular lot with one two-story duplex toward the rear of the lot and two single-story duplexes situated toward the front of the lot (fronting Hearst Avenue) with a paved parking area between the two-story duplex and two single-story duplexes. The parcel to the east (1173 Hearst Avenue, APN 057 208601300) is also rectangular, and is developed with a two-story single-family dwelling with an attached tandem car garage. The project site is zoned Restricted Multiple Family Residential (R2-A), which allows one dwelling unit per each 1,650 square feet of lot area and one additional dwelling unit if the remainder lot area is 1,300 square feet or greater. The project site is located in a developed residential neighborhood, surrounded by predominantly one- to two-story single- and multi-family dwellings, with a few three- and four-story structures located toward the west/San Pablo Avenue. Table 2 provides a summary of existing land uses in the immediate vicinity of the project site.

Table 2 Existing Land Use

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Three duplexes, one single-family dwelling	R-2A	High Density Residential
Surrounding Properties	North	Single-family dwellings	R-2	Medium Density Residential
	South	Multi-family dwellings	R-3	High Density Residential
	East	Single-family dwellings	R-2	Medium Density Residential
	West	Multi-family dwellings	R-2A	High Density Residential

Photos of current project site conditions are provided in Figure 5a through Figure 5c.

Vegetation on the project site consists of ornamental shrubs and trees. Ornamental vegetation is clustered around the building perimeters on the 1155-63 Hearst Avenue parcel, and there are shade trees located in the front of the Azalea building (fronting Hearst Avenue) and behind the Begonia building. Shade trees line the perimeter of the backyard located on the 1173 Hearst Avenue parcel behind the Camellia building.

The surrounding neighborhood has generally flat topography. However, the project site is located in a topographic depression roughly bounded to the south by Hearst Avenue, to the north by Delaware Street, to the east by Curtis Avenue, and to the west by a residential driveway that traverses a row of apartment buildings located approximately 100 to 200 feet west of the project site (Clearwater Hydrology 2017). The project site is not located in a flood zone or a liquefaction zone (California Office of Emergency Services 2019; California Department of Conservation 2018). However, recurrent ponding and flooding occurs in the topographic depression during rain events, experienced by the residents located to the east of the project site along Curtis Street.

The project site is located in the Strawberry Creek Watershed and encompasses an underground branch of the historic Strawberry Creek. The Stormwater and Flooding Assessment and Mitigation Design report (Assessment) completed for the project site by Clearwater Hydrology states that the topographic depression in the project site vicinity may be a remnant feature of the former drainage

of the Strawberry Creek channel (Clearwater Hydrology 2017; Appendix A). The historic trace of Strawberry Creek is labeled “Not Protected” according to BMC Section 17.08 “Preservation and Restoration of Natural Watercourses” and as shown on the City’s GIS maps (City of Berkeley 2019a).

Stormwater runoff backs up along Curtis Street, north of the Hearst Avenue intersection, and discharges over residential driveways into a topographic depression west of Curtis Street (Clearwater Hydrology 2017). The depression and uneven topography create ponding of stormwaters up a depth of one foot in the backyards of the properties on the west side of Curtis Street prior to discharging west-southwest through the project site and Hearst Avenue. The Assessment states that minor nuisance ponding of accumulated stormwater occurs in the southwestern corner of the parking lot on the project site before it is discharged through the side yard corridor to the Hearst Avenue gutter located between 1153-1155 Hearst Avenue.

Figure 5a Photographs of the Project Site

Left to right: View of project site along Hearst Avenue, southwest corner (1155 Hearst Avenue; Azalea building) to southeast (1173 Hearst Avenue; Camellia building)