

PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420
Email: Planning@cl.berkeley.ca.us

DATE STAMP HERE

I.A ZONING PROJECT APPLICATION FORM

Effective November 1, 2013

- ☒ Administrative Use Permit
☐ AUP Modification
☐ Use Permit/Variance
☐ Use Permit/Variance Modification
☐ Pre-Application
☐ Expedite Request

AUP-2013-☐☐☐☐
MODAUP-2013-☐☐☐☐
UP-2013-☐☐☐☐
MODUP-2013-☐☐☐☐
PLN-2013-☐☐☐☐

Intake Planner _____

- Project Address: 1901 AND 1919 FOURTH STR Unit/Suite #: _____

Project Description: STRUCTURAL ALTERATION - HISTORIC RESOURCE. DEMOLITION OF TWO STRUCTURES. DEVELOP PARKING LOTS. DEVELOP RETAIL CONVERSION OF BANQUET ROOM. NEW MIXED USE RETAIL/ OFFICE.

- Property Owner Name: JAMESTOWN LP

Owner's Mailing Address: 101 CALIFORNIA ST. SUITE 3155
SAN FRANCISCO, CA 94111

Phone #: 415. 799-2131

E-mail: _____

- Applicant Name (or write "same"): ABRAMS. MILLIKAN

Applicant's Mailing Address: 1834 FOURTH ST.
BERKELEY, CA 94710

Phone #: 510. 644-3002

E-mail: ELLIOTTABRAMS@FOURTHSTREET.COM

For projects involving only the following four items and none of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column instead of filling out this form:

1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?	Refer to the "Condominium Conversion Procedures: Guide for Applicants"
2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
3. Application to designate a City Landmark, Structure of Merit or Historic District?	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"
4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?	Refer to the Design Review Submittal Packet

Submittal Requirements Checklist -- Instructions:

1. Complete the checklist below and **sign the bottom of page 3.** (Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.)
2. For each question for which you check "yes", provide the item from the Zoning Project Submittal Requirements indicated in the right-hand column. (For pre-applications, complete entire checklist but provide only items I.A through I.D, I.G, and all items in Section II.)
3. Label each item with the project address and the number in the right-hand column (e.g., III.A.2).
4. **Submit a pdf copy of the entire application, along with the paper application.**
5. Submit to a Planner at the Permit Service Center, Zoning Counter.

Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	I. Required For All Projects PDF of entire application required
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	II. Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.1 -- Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input type="checkbox"/>	<input type="checkbox"/>	III.A.2 -- Grading Plan
5. A request to waive or reduce required parking?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	III.A.3 -- Parking Survey 11-26-13 SEE ZONING RESEARCH LETTER
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, OR (4) over 10,000 sq. ft. of gross floor area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.A.4 -- Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.A.5 -- Section Drawings III.A.6 -- Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.A.7 -- Shadow Study
9. A new main building (except accessory buildings/structures)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.A.8 -- Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.B.1 -- Housing Affordability Statement
11. Under Government Code Section 65915: a. A request for a Density Bonus?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.B.2.a -- Housing Affordability Statement
b. A request for any concessions or incentives in addition to a Density Bonus?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.B.2.b -- Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.4 -- Traffic Impact Analysis

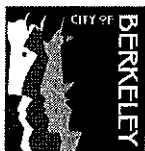
Does the project include:	No	Yes	Handout / Application Requirement
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.6 – Stormwater Requirements Checklist <i>DAVID FRANCO - MORAN</i>
14. Soil disturbance exceeding one acre?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.7 – State General Construction Permit
15. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.D.1 – Green Building Checklist III.D.2 – Energy Efficiency Analysis (non-residential mixed-use only) <i>PG 6E SET UP</i>
16. 2,500 sq. ft. or more of new or renovated irrigated area? <i>JOHN - STATEMENT / FORM PALM TREE</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.D.3 – Berkeley Water Efficient and Bay Friendly Landscape Requirements
17. Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.E.1 – Structural and Pest Report.
18. Demolition or major alteration of a structure ≥40 years old? (Speak with a planner if unsure whether project is a "major alteration".)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.E.2 – Structure History <i>KIM BUTTS WORK</i>
19. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.F.1 – Area of Potential Effects (APE) Statement
20. A new business, or a new commercial space with tenant/operator already selected? (Does not include home occupations.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.F.2 – Zoning Use Questionnaire
You must disclose whether or not any of the following are true of the project:	No	Yes	Handout / Application Requirement
21. Elimination of any dwelling units a. If known, are any of the dwelling units on the property controlled rental units?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions.
22. Construction activity within the drip line of a Coast Live Oak tree with circumference over 18 in. at 4 ft. above ground (or 26 in. aggregate circumference for multi-trunked trees)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.1 – Arborist Report
23. A new building in a non-residential zoning district, on a site with a history of soil and/or groundwater contamination or within Toxic Division's Environmental Management Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.2 – Phase I or II Assessment
24. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.3 – Seismic Hazard Investigation
25. Construction on a parcel that is within 40 feet of an open creek or 25 feet of a culverted creek. See BMC 17.08 for creek definitions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.5 – Conformance with Creeks Ordinance, Creeks Submittal

Under penalties of perjury, I certify that (1) the above information is true and complete to the best of my knowledge, and (2) the attached paper and electronic copies of this application are the same.

Applicant Signature: _____ **Date:** _____

Owner's Signature*: _____ **Date:** _____

*(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications.)*

**CITY OF BERKELEY**Permit Service Center
2120 Milvia St
Berkeley, CA 94704

Receipt Number:

313257

**RECEIPT
UP2014-0041**Applicant InformationElliot Abrams Abrams
3625 CUMBERLAND BLVD SE 12
JAMESTOWN -1 OVERTON
ATLANTA GA 30339Property Information

Parcel Number: 057 210000104

Project InformationType: Planning
Group: Use Permit
Category: NA
Sub-Category: Standard
Project: Spengers Block
Work Description: Spengers BlockLocation750 HEARST AVE
BERKELEY, CA 94710

FEE DESCRIPTION	STATUS	DATE APPLIED	UNITS	FEE AMOUNT
Records Management	INVOICED	06/23/2014 10:34 AM	1	\$50.00
Community Planning Fee (15%)	INVOICED	06/23/2014 10:34 AM	1	\$1,026.00
UPPH: Base Tier 2 - Complex Projects (< 24 hrs staff time)	INVOICED	06/23/2014 10:37 AM	1	\$4,320.00
UPPH: Base Fee Traffic Eng. Review (base fee for up to 4 hrs)	INVOICED	06/23/2014 10:37 AM	1	\$640.00
UPPH: Additional Use Permit (on same project)	INVOICED	06/23/2014 10:37 AM	7	\$2,520.00
UPPH: ZAB Public Hearing Fee	INVOICED	06/23/2014 10:37 AM	1	\$1,025.00
TOTAL FEES:			12	\$9581.00

DATE	CASHIER ID	PAYMENT METHOD	CC AUTH CODE	CHECK #	AMOUNT
06/27/2014 3:57 PM	COUNTERS	Check		001133	\$9,581.00
TOTAL PAYMENTS:					\$9,581.00
CHANGE DUE:					

Fourth & Spengers
Development Project
1901 Fourth Street

Table of Contents -Application

(note: Zoning Project Submittal Requirements listed in parenthesis)

1. Application forms
 - Zoning Application Form (1.A)
 - Design Review Application (III.F.3)
 - Tabulation Form (II.F)
 - Project Data Summary
 - Zoning Use Questionnaire (III.F.2)
 - Pre Application Poster Photo (I.E)
 - Neighborhood meeting invitation mailer (copy)
 - Neighborhood Pre Application meeting (I.D) and copies of List of Addresses and neighbor sign in sheet and support petition.
 - Hazardous Waste / substances Statement (II.E)
 - Applicant Statement (I.C) -overall project Statement
2. Plans/ Photographs
 - 11x17 Full Plan set:
 - A0.0 Cover Sheet
 - ST.0 Neighborhood Context
 - ST.1 Existing site
 - D.1 Site Demolition
 - ST.2 Proposed Site - Ground Floor
 - ST.3 Proposed Site - Second Floor
 - ST.5 Roof Plan
 - Project Data Summary
 - A1.1 Existing Plan of 740 Hearst -Papersource
 - A1.2 Proposed Plan of 740 Hearst. entry remodel
 - LE.1 Historic Elevations
 - LE.2 Historic Elevations
 - LE.2a Historic Elevations
 - LE.3 Paseo Elevations
 - LE.4 Rear Elevations
 - LE.5 Hearst Avenue Elevations
 - LE.6 Paseo Elevation South
 - LE.7 Hearst Avenue & Fifth Street Elevations
 - LE.8 Sections
 - ST.4 Landscape Plan
 - ST.4/101 Plant List
 - ST.4/102 Plant photos
 - ST.4/103 Plant photos
 - 11 sets of color photographs: A0.2, A0.3, A0.4, A0.5
3. Additional Studies
 - Storm water Controls (III.C.3)
 - Impervious Surface (III.C.7)

- Bay Friendly Basics Landscape checklist
- Green Building (III.D)

4. Structural Alteration Permit Application

- Structural Alteration Permit Application (per Landmark Preservation Commission Guidelines and Submittal Requirements
- Applicant Statement for LPC Structural Alteration permit. by Interactive Resources.



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I. ZONING PROJECT SUBMITTAL REQUIREMENTS

Effective October 23, 2013

- For: ☐ Administrative Use Permits
☐ Use Permits
☐ Variances
☐ Modification of any of the above
☐ Pre-Applications

NOTE TO APPLICANTS:

- **Effective November 4, 2013, all application materials must be submitted electronically and in hard copy. See Item I.A on next page for further details.**
- This document is intended to provide submittal requirements for most zoning applications. However, additional materials may be required for some applications, depending on the nature of the proposed project. In such cases, the project planner will request this information within 30 days of application submittal. Additional materials may also be required in order to comply with the California Environmental Quality Act (CEQA).
- All application materials become the property of the City of Berkeley and are subject to public review.
- You are responsible for the accuracy and completeness of all application materials. Incorrect or incomplete information may result in delay or denial of your application.
- All application materials must be clear and legible. Faxes, poor reproductions, and cluttered or confusing drawings will not be accepted.

How to determine what information is required for YOUR application:

- For each requirement listed in this document, staff has identified the types of projects the requirement applies to. For example, all of the items listed in Section I are required for all projects, while surveys (Item III.A.1) are only required for new main buildings or expansion of existing buildings within two feet of required setback lines.
- This document is a companion to the Zoning Project Application Form (Item I.A). We suggest you first complete that form, answering "yes" or "no" to each question on pages 2 and 3. For each "yes" answer, note the requirement indicated in the right-hand column, and find the corresponding section of this document for a more detailed description of the requirement.
- For certain requirements, this document provides hyperlinks to required forms or guidelines with further instructions. All required forms and guidelines are available on the "Frequently Requested Forms" page at:

http://www.ci.berkeley.ca.us/Online_Service_Center/Home/Frequently_Requested_Forms.aspx.

Required /
Submitted?

I. Required For All Projects

A. Electronic and Paper Formats *[effective November 4, 2013]*

Submit all application materials in both paper and electronic format¹, according to the requirements stated below. The purpose of these requirements is to:

- Allow application materials to be more easily posted and reviewed online using the City's new permit database ("Accela Citizen Access").
- Reduce City staff expenses from having to scan application materials.
- Prepare customers for future on-line application submittal.
- Reduce electronic files to manageable sizes.

Requirements:

- Submission Format: All files must be submitted in PDF format on CD (not via e-mail or on USB drive).
- Electronic documents (i.e., created using a computer program such as Microsoft Word, Excel, or AutoCAD) and digital photographs shall be converted to Adobe PDF format using "Save As PDF" or "Print As PDF" commands.
- Non-electronic (e.g., typewritten or handwritten) documents shall be converted to PDF format by scanning.
- Resolution:
 - Text documents: 100 to 150 DPI/PPI. (If converting electronic document to PDF, use "standard" setting in Adobe Acrobat, or 144 DPI setting in Cute PDF Writer.)
 - Plans, photos, and other graphics: 300 DPI/PPI. (To reduce file size, disable editing capabilities, "flatten" all layers², and use "Reduced Size PDF" function when available.)
- Total Size:
 - If total size of all PDFs is 20 MB or less, combine all documents into a single PDF file.
 - If total size exceeds 20 MB, combine documents from Section I (e.g., application form, applicant statement, pre-application poster) into a single PDF, and submit all other documents as separate PDFs.
 - If you do not have access to software which allows multiple PDFs to be combined (e.g., Adobe Acrobat Pro), submit individual PDF files and City staff will combine them.

¹ For large documents (e.g. Phase I or geotech reports), but not including plans, the project planner may waive the requirement for a paper copy, on a case-by-case basis. Please consult with planner.

² "Flattening" the files means the individual "layers" that often comprise large architectural and engineering plan sets are reduced down to one layer. As a result, the PDF file becomes much smaller and therefore more easily managed. For more information on PDF "flattening", please visit <http://helpx.adobe.com/acrobat/kb/printing-complex-pdfs-acrobat.html>.

B. Zoning Project Application Form

Form available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Zoning%20Project%20App%20Form_05-23-2012.pdf

C. Fees

Submit required fees to the cashier in the Permit Service Center

Fee schedule available online at:

[http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Fee%20Schedule%202011-06-16\(1\).pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Fee%20Schedule%202011-06-16(1).pdf)

D. Applicant Statement

Submit a written statement (on separate 8½" x 11" paper) that briefly describes the proposed project and how it satisfies the findings required by the Zoning Ordinance. For applications to modify a prior permit, described the proposed changes from the approved project.

E. Neighbor Pre-Application Contact

Required for residential projects in R districts:

Submit signatures of abutting & confronting residential neighbors (owners and occupants) on a table within the plan set (see guidelines below).

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_ID_Neighbors_Signatures_Instructions.pdf

Required for Large Scale Development Projects

Prior to application submittal, the applicant must: (1) obtain from the Land Use Planning Division a list of all property owners, residents, and neighborhood organizations within 300 feet of the project site, (2) invite those on the list to at least one neighborhood meeting to review the project plans and discuss any questions or concerns, and (3) hold the meeting and keep a record of attendance and topics discussed.

Submit evidence of mailed invitations, attendance list, and meeting notes.

Sign in sheet

Other major non-residential projects are strongly encouraged, but not required, to follow this procedure.

Large Scale Development Project: Any project in a non-residential district that proposes any of the following: (1) three or more stories, (2) a Density Bonus under Section 65919 of California State Law, (3) a Floor Area Ratio ≥ 2.00 , or (4) at least 10,000 square feet gross floor area.

F. Pre-Application Poster

Submit a color photo of the pre-application poster installed at the front of the site in according with the following guidelines.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/E.Pre-AppSignInstructions.pdf.

Sample signs available online at:

Small projects:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/E.Pre-AppSignSample_SmallProjects.pdf



Large projects:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/E.Pre-AppSignSample_LargeProjects.pdf

G. Site Photographs

Submit one set of exterior photos, as follows:

- Mount or copy photos on 8½" x 11" sheets with captions or a key giving the location of each photo.
- Provide adequate photos to show entire project site and all adjacent buildings. Where possible, take wide-angle shots showing project site and adjacent buildings together.
- Grayscale preferred.

II. Required For All Projects Involving Construction (New Structures, Additions, Demolition, Exterior Alterations, and Changes of Use)

Required/
Submitted?

A. Plans – General Requirements

1. All plans must include:

- Name of person preparing plans (licensed architect required for certain projects, see Item 3 below)
- Dates of preparation and revision
- Project address
- Scale (see Item 2 below for minimum scales)
- North arrow
- Legend describing all symbols and notations
- Building Code Construction and Occupancy Types
- Tabulation form (see Item II.F)

2. Number of Plan Sets / Minimum Scale (Hard Copies):

- Two (2) sets at 11" x 17" or 12" x 18". Must meet minimum scale of 1/16" for site plan and 1/8" for all other drawings. If site or building is too large to fit on sheets at minimum scale, provide one (1) additional larger set meeting minimum scale.
- One (1) reduced set at 8½" x 11" (minimum scale not required).
- **For Use Permit applications only**, fifteen (15) additional 11" x 17" or 12" x 18" sets must be submitted at least two weeks prior to the hearing, or as requested by the project planner.
- Additional plan sets may be required by the project planner, if necessary to facilitate project review.

3. Architect or Engineer Required for Certain Projects

Plans that require preparation by a licensed California architect or engineer under the California Architects Practice Act shall bear the architect or engineer's stamp and signature on each sheet. Projects requiring an architect or engineer include construction, alteration, improvement or repair of (1) any non-residential or mixed-use building; (2) any residential building or group of buildings over 4 units; (3) any residential building over 2 stories or not of wood frame construction; and (4) any garage or other residential accessory structure over 2 stories. This requirement may be waived for projects involving only minor alterations or repairs; consult with a planner. **For further information, visit www.cab.ca.gov.**

B. Site Plan

Required for all projects, unless waived by planner. Must show the following:

- Property lines, with lot dimensions
- Building footprint(s), dimensions, **required setbacks**, and projections such as eaves, balconies and bays. Show all buildings, including garages, sheds, etc.
- Use shading, hatching or other appropriate method to indicate proposed additions.
- Any portions of neighboring buildings within 20 feet of property lines.
- Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.
- Fences and retaining walls (indicate height), decks, patios, hot tubs, and other similar features.
- Significant natural features such as trees (indicate species, trunk diameter and drip line), creeks (indicate banks or culvert outline), and prominent landforms.

Example available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_IIB_Site_Plan_Samples.pdf

C. Floor Plans

Required for all projects with interior changes. Must show the following:

- All floors, including mezzanines, basements, and attics.
- Uses of all rooms (existing and proposed), per the California Building Code.
- For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.

D. Building Elevations

Required for projects with exterior changes. Must show the following:

- Depict all exterior features and openings, including finishes and materials.
- Indicate average building height (as defined in Zoning Ordinance; see link below); finished floor elevations, and grade. For projects in "H" District, indicate maximum building height also.
- Where appropriate, show adjacent features such as fences, landscaping, and other buildings and property lines.

A diagram showing how height is calculated under the Zoning Ordinance is available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline IID Building Height Instructions.pdf

E. Hazardous Waste and Substances Statement

Required for all projects (including residential).

Available online at:

→ http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20II.E%20Hazardous%20Waste%20and%20Substances%20Statement.pdf

F. Tabulation Form

Required for all projects except commercial changes of use (unless determined necessary by the project planner). Incorporate the form into plan set (on cover sheet, if possible).

An example is available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Tabulation Form.pdf

III. Additional Requirements (Required As Noted Below)

A. Studies, Plans, and Graphics:

Required /
Submitted?

1. Boundary/Topographic Survey

Required for:

- Any new main building
- Expansions of a building footprint or the creation of accessory building/structures less than two feet from, or within, a required setback
- Other projects as determined necessary by the planner.

Submit a survey meeting the following requirements:

- Wet-stamped and signed by a licensed California surveyor or appropriately licensed civil engineer.⁴
- Minimum scale of 1/10" = 1'.
- Shows all property lines, curb and sidewalk, spot elevations, existing structures, and setbacks to all property lines.
- For projects in the "H" District, survey must be no more than five years old and must show contour lines with minimum 5-foot intervals.

2. Conceptual Grading Plan

Required for projects with more than 50 cubic yards of cut and/or fill, or as determined necessary by the project planner.

Submit a grading plan meeting the following requirements:

- Prepared by a licensed surveyor, architect or engineer
- Provides estimated quantities and locations of cut and fill
- Shows existing and final elevations

3. Parking Survey

Required for projects requesting a waiver of any off-street parking required under the Zoning Ordinance, or as determined necessary by the project planner. Requirement may be waived for very small parking waivers on a case-by-case basis.

As per Eric

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guidelines/III A3 ParkingSurveyInstructions.pdf. Also consult Office of Transportation at (981-7010) for further information.

phone call. de Vecchio.

⁴ Classification must be specified. Check with project planner.

4. Photo Simulations (Photo Montage)

Required for Large Scale Development Projects.⁵

Submit photos of the site before and after project, from at least four angles that demonstrate maximum impact on views from surrounding properties.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_IIIA4_Photo_Simulation_Instructions.pdf

5. Section Drawings

Required for:

- New main buildings in the "H" District
- Additions exceeding 14 feet in average height in the "H" District
- Other projects as determined necessary by the project planner

For projects that are otherwise subject to this requirement, the project planner may waive the requirement if he or she determines that no significant view or bulk/massing impacts would occur.

Submit: Drawings that show adjacent uphill or downhill buildings where views may be affected. Minimum scale is 1/8" = 1'. Show existing and proposed grades.

6. Story Poles

Required as noted above for Section Drawings.

Submit photos of erected story poles from multiple angles, in order to show potential impacts to neighbors' views. Poles must generally be erected prior to application submittal, in order to allow neighbors to provide input on view impacts; however, poles may be erected later if approved by the project planner.

7. Shadow Study

Required for:

1. New main buildings
2. Additions exceeding 14 feet in average height on sites adjacent a residential use
3. Other projects as determined necessary by the project planner.

⁵ Large Scale Development Project: Any project in a non-residential district that proposes any of the following: (1) three or more stories, (2) a Density Bonus under Section 65919 of California State Law, (3) a Floor Area Ratio ≥ 2.00 , or (4) at least 10,000 square feet gross floor area.

For projects that are otherwise subject to this requirement, the project planner may waive the requirement if he or she determines that no significant view or bulk/massing impacts would occur.

Submit a shadow study that meets the requirements listed in the "Shadow Study Instructions", available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20III.A.7%20Shadow%20Study%20Instructions.pdf

8. Street Strip Elevation –

Required for any new buildings (except accessory buildings)

Submit: show street elevations of existing parcel and proposed project; include at least two (2) parcels on either side of the subject parcel on single sheet.
Minimum scale is 1/8" = 1'.

B. Projects Subject to Affordable Housing Requirements:

Required /
Submitted?

1. Housing Affordability Statement

Required for any project creating:

1. Five or more dwelling or live/work units
2. Additional condominium units, resulting in 5 or more condominium units built after 1986 on the site.

Submit a written statement describing the following:

- How the project complies with the Affordable Housing Mitigation Fee Ordinance (rental projects) or the Berkeley Inclusionary Ordinance (condo or live/work projects)
- Level of affordability that will be provided and/or fee that will be paid
- Number and location of any affordable units, and
- Size and amenities (bedrooms, bathrooms, parking facilities) of affordable units.

2. (a) Density Bonus Eligibility Statement

Required for projects requesting a density bonus under Government Code Section 65915

Submit:

- A written statement with the following information:
 - a. Number of "base project" units
 - b. Number of affordable units and level of affordability
 - c. Percent density bonus requested and allowed under Section 65915
 - d. Waivers or modifications of development standards necessary to

- accommodate density bonus (e.g., increased height or FAR, reduced setbacks or parking, etc.)
- e. Explanation of why each waiver or modification is needed to accommodate density bonus.
- Schematic plans showing a "base project" that complies with all applicable Zoning Ordinance requirements, without any additional Use Permits to waive or modify development standards.

(b) Request for Incentives or Concessions

Required for projects requesting incentives or concessions under Government Code Section 65915

Submit a written statement with the following information:

- Description of incentives/concessions being requested **in addition to** (or instead of) waivers or modifications necessary to accommodate density bonus.
- Financial pro forma statement, as directed by staff, demonstrating that the requested incentives/concessions are necessary to cover the cost of the affordable units.

C. Environmental Documents:

**Required /
Submitted?**

1. Arborist Report

Required for projects involving any construction activity (including paving, storage of materials, and parking of vehicles) within the drip line of a Coast Live Oak (*quercus agrifolia*) tree with a **circumference of at least 18 inches at 4 feet above the ground (or at least 26 inches aggregate circumference for a multi-stemmed tree).**

Submit a report by a certified arborist assessing the project's impacts on the tree(s) and recommending preservation measures both during and after construction, as applicable. Arborist must be approved by City Forester prior to preparing report.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline_III1_OakTree_ordinance_and_diagram.pdf

2. Phase I or II Assessment

Required for projects:

- Involving substantial excavation in non-residential zoning districts
- On sites with a history of soil and/or groundwater contamination (see Item II.E)
- Within the Toxic Management Division's Environmental Management Area

(EMA map shown at the Permit Service Center and on the City's Website
<http://www.ci.berkeley.ca.us/maproom/>).

Contact Toxics Management Division (510) 981-7460 for further details.

3. Seismic Hazard Investigation

Required for all projects in seismic hazard zones shown on the "Environmental Constraints Map"⁶, except: (1) single-family, wood- or steel-frame dwellings not exceeding two stories (as defined by the State Hazards Mapping Act), and (2) additions not exceeding 50 percent of existing floor area or building value.

Submit:

- Geotechnical report satisfying the requirements of "Special Publication 117"⁷ (for landslide and liquefaction zones) and/or California Geological Survey Note 49⁸ (for fault zones).
- Deposit of \$1,500 for peer review of report (additional funds may be required for more complicated projects).

4. Traffic Impact Analysis

Required for:

- Projects creating 10 or more dwelling units, 5,000 square feet or more of gross floor area, or 25 peak hour or more vehicle trips (based on ITE trip generation rates)
- Other projects as determined necessary by the project planner and traffic engineer.

Contact Traffic Engineering Division (981-7010) to determine required scope of study.

5. Creek Information

Required for any project within 40 feet of the centerline of an open creek (or 25 feet for culverted creeks) that is protected under BMC Chapter 17.08. Note: This requirement applies even if a protected creek has not yet been identified by the City.

Submit:

- a. Topographical survey with two-foot contour intervals showing creek centerline and existing and proposed development.

⁶ Available in Permit Service Center or at www.ci.berkeley.ca.us/maproom

⁷ Available at <http://www.conservation.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf>.

⁸ Available at http://www.conservation.ca.gov/cgs/information/publications/cgs_notes/note_49/Documents/note_49.pdf.

- b. A report by a licensed engineer or geologist with expertise in hydrology or slope stability, which demonstrates that the project will not:
1. Create, exacerbate, or prevent the abatement of erosion and bank destabilization problems
 2. Increase stormwater runoff into the creek
 3. Degrade water quality from construction activities (i.e., increased sedimentation and particulates from disturbed soils, pollution from motor oil, or other toxics and trash)
 4. Eliminate or degrade significant in-stream or riparian corridor habitat
 5. Prevent establishing stable banks and/or a headwall at a culvert intake or outflow, or otherwise impede or complicate access to a culvert for maintenance or repair.

For culverted creeks, please contact Taylor Lancelot in Public Works for additional requirements.

Guidelines available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Guideline%20II%20C%206%20Creeks.pdf

6. Stormwater Requirements Checklist

Required for all projects creating or replacing 2,500 square feet or more of impervious surface, including single-family dwellings. Includes new buildings, additions, and alterations to existing roofs that affect drainage, but does not include routine maintenance and re-surfacing of existing impervious surfaces.

Guidelines available online at:

→ http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Stormwater%20Overview_10-23-13.pdf

7. State General Construction Permit

Required for projects disturbing one acre or more of soil (or less than one acre if part of a larger development plan that disturbs one acre or more).

Submit a copy of the Notice of Intent (NOI) submitted for the State General Construction Permit. A copy of the project's Storm Water Pollution Prevention Plan (SWPPP) must also be submitted prior to building permit issuance.

Further information available at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

D. Green Building Requirements

Required /
Submitted?

1. Green Building Checklist

Required for projects:

- Adding one or more new dwelling units
- Creating or renovating 10,000 sq. ft. or more of non-residential floor area

Submit electronic copy of completed Green Building Checklist indicating project's green measures and update throughout construction. Select checklist applicable to your project at:

- Residential: <http://www.builditgreen.org/residential-guidelines/>
- Non-residential: <http://www.builditgreen.org/commercial-guidelines/>

Guidelines available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf

2. Energy Efficiency Analysis (Savings By Design)

Required for projects creating or renovating 10,000 square feet of non-residential floor area.

A. Apply for Savings by Design incentives and design assistance at:
<http://www.pge.com/mybusiness/energy/savingsrebates/rebatesincentives/inc/>

B. **Submit** one of the following, signed by a representative from Savings by Design:

- Whole Building Energy Analysis:
http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/SavingsbyDesign_Whole%20Building.doc
- Systems Energy Analysis:
http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/SavingsbyDesign_Systems.doc

Guidelines available online at:

http://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf

3. Berkeley Water Efficient and Bay Friendly Landscape Requirements

Required for projects with 2,500 square feet or greater of new or renovated irrigated area.

LANDSCAPE
ARCH.

These projects shall comply with water efficiency and planting best practices specified in the State Water Efficient Landscape Ordinance, East Bay Municipal Utility District (EBMUD) Section 31 Water Service Regulation for Outdoor Water Use, and all applicable measures in the Bay Friendly Basics checklist.

Submit the following:

- Outdoor water use section of *EBMUD Section 31 Water Service Regulations Checklist*. For more information, visit: <http://www.ebmud.com/for-customers/new-construction>
- *Bay Friendly Basics Checklist*. For more information, visit: <http://www.stopwaste.org/home/index.asp?page=952>

Guidelines available online at:

[http://www.cityofberkeley.info/uploadedFiles/Online Service Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf](http://www.cityofberkeley.info/uploadedFiles/Online%20Service%20Center/Planning/Guideline%20III.D%20Green%20Building%20Requirements.pdf)

E. Structural Information

Required /
Submitted?

1. Structural and Pest Report

Required for projects removing 25% or more of a main building's exterior wall and roof framing (including in-kind replacement of existing framing), except projects already requesting a Use Permit for demolition. (For non-wood-framed buildings, contact staff for further instructions.)

Submit a report by an independent, fully credentialed pest control operator that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible. This evaluation exceeds State requirements for pest reports in that it requires removal of exterior siding and/or interior drywall/plaster in order to allow examination of structural elements proposed to be retained.

2. Structure History / Historical Resource Evaluation

Required for demolition or major alteration of a main building over 40 years old.

Submit all available information on the historic significance of the building and site, including original building permits, photographs, Sanborn maps, phone directory listings, and information regarding the building's architect and owners. State of California DPR 523 forms (completed by a qualified historical consultant) may be required for further evaluation.

Contact the City's preservation planner, Sally Zarnowitz, at 510-981-7429, or szarnowitz@cityofberkeley.info, for further information.

F. Additional Materials

Required /
Submitted?

1. Area of Potential Effects (APE) Statement

Required for projects seeking federal funds (either directly or through the City of Berkeley Housing Trust Fund).

Submit a statement identifying the project's "Area of Potential Effects" as defined in federal regulations (36 CFR Part 800). Contact Housing Department at 981-5400 for further information and requirements.

2. Zoning Use Questionnaire

Required for projects establishing a new business or creating a new commercial space with the tenant/operator already selected.

Submit: Zoning Use Questionnaire

Available online at:

http://www.ci.berkeley.ca.us/uploadedFiles/Online_Service_Center/Planning/Zoning_Use_Questionnaire.pdf

3. Design Review Submittal

Required for:

- Projects with exterior changes in non-residential districts
- Non-residential projects in R-3, R-4, R-S and R-SMU Districts
- Other projects as required by the Zoning Officer

Submit separate Design Review application, per the Design Review Submittal Requirements. [Work with assigned planner.]

4. Structural Alterations Permit (Landmarks) Submittal

Required for exterior alterations to designated City Landmarks, Structures of Merit, and structures within a Historic District (or interior alterations to such structures if publicly owned).

Submit separate Structural Alteration Permit application, per the Structural Alteration Permit & Design Review Submittal Requirements. [Work with assigned planner.]

IV. List of Required Forms & Guidelines

See also the City's Website,
http://www.ci.berkeley.ca.us/Online_Service_Center/Home/Frequently_Requested_Forms.aspx,
which includes a copy of all required forms and the Guidelines listed below.

- I.B. Zoning Project Application Form
- I.C. Fee Schedule
- I.E. Neighbor Signature Instruction
- I.F. Pre-Application Posters Instructions

- II.B. Site Plan Samples
- II.D. Building Height Instructions
- II.E. Hazardous Waste and Substances Statement
- II.F. Tabulation Form

- III.A.3 Parking Survey Guidelines
- III.A.4 Photo Simulations (Photo Montage) Guidelines
- III.A.7 Shadow Study Guidelines
- III.C.1 Oak Tree Guidelines
- III.C.5 Conformance with Creeks Ordinance, BMC 17.08
- III.C.6 Stormwater Requirements Checklist
- III.C.7 State General Construction Permit
- III.D Green Building Requirements
- III.F.2 Zoning Use Questionnaire

Approved by T. Blount, 10/1/13



PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704

Tel: 510.981.7410 TDD: 510.981.9603 Fax: 510.981.7420 Email: Planning@cl.berkeley.ca.us

TABULATION FORM

Project Address: 1901, 1917 FOURTH ST. Date: _____

Applicant's Name: ELLIOTT ABRAMS c/o ABRAMS - MILLIKAN

Zoning District CW

Please print in ink the following numerical information for Use Permit, Variance, and other Zoning Ordinance related permit applications:

		Existing	Proposed	Permitted/ Required
Units; Parking Spaces				
Number of Dwelling Units	(#)	0	0	
Number of Parking Spaces	(#)	77	110	
Yards and Height				
Front Yard Setback	(ft.)			
Side Yard Setbacks: (facing property)	Left: (ft.)			
	Right: (ft.)			
Rear Yard Setback	(ft.)			
Building Height*	(# Stories)	2	2	
Average*	(ft.)	19'	19'	
Maximum*	(ft.)	ZENITHUM = 28'	28'-9"	45'
Areas				
Lot Area	(SqFt.)	101,000	101,000	
Gross Floor Area*	(SqFt.)	55,600	65,330	
Total Area Covered by All Floors				
Building Footprint*	(SqFt.)	53,600	54,330	
Total of All Structures				
Lot Coverage*	(%)	53.0%	53.7%	
(Footprint/Lot Area)				
Useable Open Space*	(SqFt.)	47,400 \square	46,670 \square	
Floor Area Ratio*				
Non-Residential Projects only (except ES-R)		55.0%	64.6 %	

*See Definitions - Zoning Ordinance Title 23F.

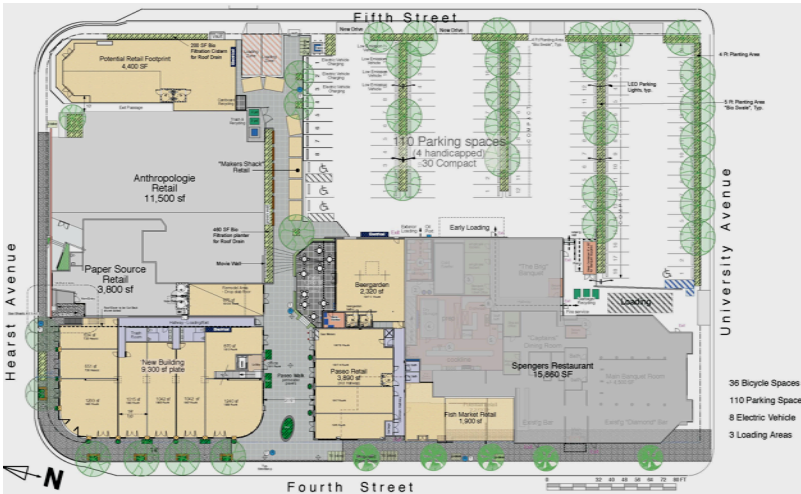
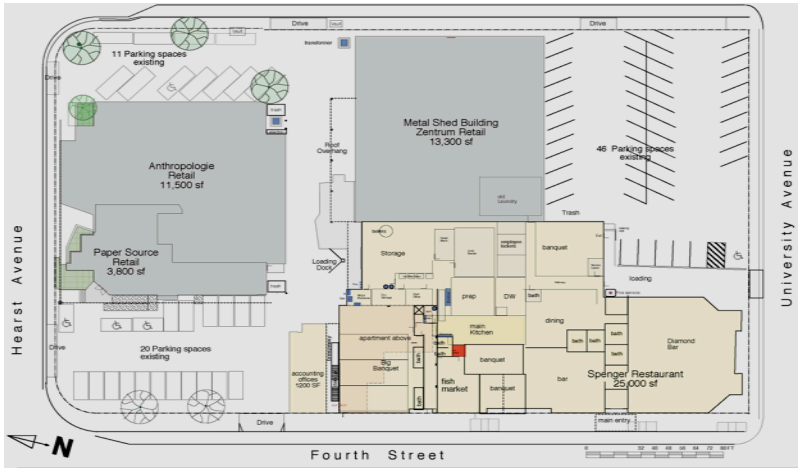
Revised: 09/02

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PROJECT BUILDING & PARKING DATA SUMMARY

EXISTING PLAN				PROPOSED PLAN.			
	Square Feet	PARKING/CODE	EXISTING PARKING		Square Feet	PARKING/CODE	PROPOSED PARKING
		footnotes	100 customer			footnotes	100 customer
RESTAURANT	25,250	1	77	RESTAURANT	19,460	1	110
OFFICE	2,000	2		OFFICE	11,000	2	
RETAIL	28,600	3		RETAIL	35,390	3	
TOTAL ALL BUILDING	55,850	145 cars	177 cars	TOTAL ALL BUILDING	65,850	158 cars	210 cars

footnotes denote catagories i.e Restaurnt office or retail				footnotes			
Spengers	25,250	1		Spengers	15,940	1	TOTAL INCREASE IN SQ.FT. 10,000
office on top	2,000	2		Beer Garden	2,320	1	
Anthropology	11,500	3		Beer Garden Patio	1,200	1	TOTAL INCREASE PARKING: 33 cars
Zentrum Antiques	13,300	3		Office on Top	2,000	2	
PaperSource	3,800	3		2nd floor Hearst & 4th S	9,000	2	
				Paseo Retail	3,890	3	
				Fish Market Retail	1,900	3	
				Maker Shack Retail	700	3	
				1st floor Hearst & 4th St	9,200	3	
				Anthroopology	11,500	3	
				PaperSource	3,800	3	
				Retail hearst & 5th Street	4,400	3	
	55,850				65,850		



You are cordially invited
to review a New Neighborhood Project:
Fourth & Spenger's

Jamestown Properties, Owners

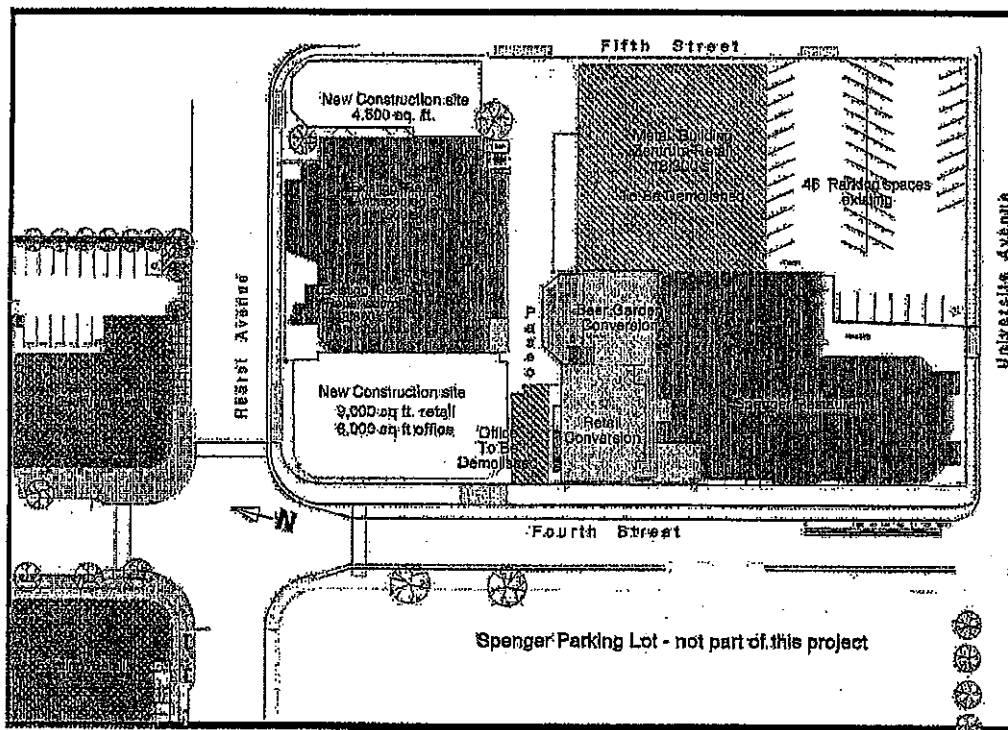
Abrams / Millikan, Architects

Thursday, June 12th, 2014 from 5:30pm - 6:30pm at

ABRAMS / MILLIKAN OFFICE

1834 Fourth Street, Berkeley

Refreshments will be served



The Project Features

- Rehabilitation of Spenger's Restaurant - a Local Landmarked Building
- Demolition of Two Existing Buildings for a Total of 14,200 SF
- Creation of New 2 Story Building, with Retail at Ground & Offices Above
- A Small 1 Story Retail Building at Fifth and Hearst
- Creation of an Outdoor Pedestrian Paseo with Small Retail Shops
- Creation of New Parking Areas with Bio Swale Water Filtration Landscaping

Questions regarding this project, please call Abrams/Millikan 510-644-3002

Outline of Points for Public Presentation

- Introduction: team and Jamestown Group
- Powerpoint - site walk around, show context. photos.

Existing site overview
Buildings to be demolished
New site overview

Show renderings

Move onto 3d model to do new walk around and field questions

Blurbs:

continuation of Fourth Street pattern and scale
Connecting the two districts
Saving spengers Landmark with economics.
completion of the node intersection -3 of 4 now.
pattern of parking behind buildings.

- Need a strategy on response to parking questions, if it is raised.
77 on site currently
110 new proposed including electric charging stations (green)
plus new lots will be landscaped
- "Green points"
Paseo is non permeable paving
Parking lots have Bios swale filtration for run off
Adaptive re-use of Banquet structure
Electric car charging stations
Transit oriented project
Local shopping for new residents

Philip Kiz

•Support Fourth And Spenger's Project

Presentation /meeting with Neighborhood

June 12, 2014

We, the undersigned, wish to acknowledge our support for this Project.:

1. Name Karina Cammell Address 1805 4th St Email: karina@castleinthecity

94910

2. Name Jennifer Cole Address (735 Tech) Email: jencolecomcast.net

1607 North

3. Name Curt Manning Address 207-5th St Email: cvmanning@gmail.com

4. Name _____ Address _____ Email: _____

5. Name _____ Address _____ Email: _____

6. Name _____ Address _____ Email: _____

7. Name _____ Address _____ Email: _____

8. Name _____ Address _____ Email: _____

9. Name _____ Address _____ Email: _____

10. Name _____ Address _____ Email: _____

11. Name _____ Address _____ Email: _____

12. Name _____ Address _____ Email: _____

13. Name _____ Address _____ Email: _____

14. Name _____ Address _____ Email: _____

•Support Fourth And Spenger's Project

Presentation /meeting with Neighborhood

June 12, 2014

We, the undersigned, wish to acknowledge our support for this Project:

NANCY. EICHTER
@GMAIL.COM

- | | | | | | |
|----------|-----------------|---------|-------------------|--------|----------------------|
| 15. Name | Nancy Eichter | Address | 2060 4th St. #156 | Email: | |
| | | | BERKELEY 94710 | | |
| 16. Name | Patty Woody | Address | 1825-4th Street | Email: | rabatshoes@aol.com |
| | | | Berkeley CA 94710 | | |
| 17. Name | CHARLES TURNER | Address | 1024 5th St | Email: | turner-c@msn.com |
| | | | BERK. 94710 | | |
| 18. Name | Kathleen McLean | Address | 1024 5th St. | Email: | kamclean24@gmail.com |
| | | | Berk 94710 | | |
| 19. Name | | Address | | Email: | |
| 20. Name | | Address | | Email: | |
| 21. Name | | Address | | Email: | |
| 22. Name | | Address | | Email: | |
| 23. Name | | Address | | Email: | |
| 24. Name | | Address | | Email: | |
| 25. Name | | Address | | Email: | |
| 26. Name | | Address | | Email: | |
| 27. Name | | Address | | Email: | |
| 28. Name | | Address | | Email: | |
| 29. Name | | Address | | Email: | |

•Fourth And Spenger's Project

Presentation /meeting with Neighborhood

June 12, 2014

Sign In Sheet - Please

1. Name	Address	Email:
Kathy McLean	1824 5th Street	Kamclean 2A@gmail.com
2. Name	Address	Email:
CHARLES TURNER	u	u
3. Name	Address	Email:
Pick Auerbach	930 Grayson St	pickauerbach@yahoo.com
4. Name	Address	Email:
Margaret Wade	700 University	info@brennansberkeley.com
5. Name	Address	Email:
Nancy Eickler	2060 4250 #136	NANCY.EICKLER@GMAIL.COM
6. Name	Address	Email:
Katie Gladstein	713 Essex	Katiegladstein@gmail.com
7. Name	Address	Email:
Lars Skjerping	713 Essex	lskjerp@cis.hawaii.edu
8. Name	Address	Email:
9. Name	Address	Email:

•Fourth And Spenger's Project

Presentation /meeting with Neighborhood

June 12, 2014

Sign In Sheet - Please

1. Name	Patty Woody	Address	RABAT shoes 1825 4th Street Berkeley 94710	Email:	rabatshoes@aol.com
2. Name	Karina Cammell	Address	1804 4th St.	Email:	karina@castlenthruair.com
3. Name	DAVID TRACHTENBERG	Address	2421 Fourth St Berkeley 94710	Email:	david@trachtenberg.org
4. Name	Curt Manning	Address	2107 - 5th St	Email:	cvm@manning@gmail.com
5. Name	Nigel Brennan	Address	BRENNAN'S RESTAURANT	Email:	info@brennansberkeley.com
6. Name	Jenny Cole	Address	1735 TENTH & 1607 NINTH	Email:	jencole@comcast.net
7. Name	SCOTT HUFFMAN	Address	2025 4TH ST. Berkeley, CA 94710	Email:	shuffman@redlinepostments.com
8. Name	MARK RICHARDS	Address	BARRELEY	Email:	MARK@BARRELEYPRODUCTIONS.COM
9. Name		Address		Email:	

Jamestown Berkeley Project
Notes from 6.16.14 Community Meeting

- I. Introduction by Denny Abrams
 - a. About Jamestown, "Jamestown understands streets."
 - b. About the project site, "Spenger's went frozen, Alice went fresh."
 - i. Denny walked the group 360° around the property using Google Earth images
 - ii. Spenger's was acquired by McCormick & Schmick's, M&S was then acquired by Landry's. Spenger's was actually a model for M&S.
 - c. Development goal is to tie the retail together with the rest of the street
 - d. Denny walked the attendees through the 3-D sketch up presentation
 - e. We've intentionally put the emphasis towards the middle of the block
 - i. Entrance to the office building is on the paseo, intentionally
 - f. Fourth Street has a National reputation
 - i. Discussed the evolution of the street in phases instead of an all at once development approach
 1. There is a quality to the street that connects us to the history of West Berkeley
- II. Q&A with attendees
 - a. Are we losing parking spaces?
 - i. No, we've added to the total parking square footage and number of parking stalls.
 - b. Have we considered the wind through the paseo?
 - i. Yes, though we have not yet done a wind study.
 - c. What is the timetable?
 - i. We hope to be heard by the city in October/November and break ground in early 2015.
 - d. Where is the original Spenger's home?
 - i. We contrasted the current view and future views of the Spenger's home and attendees noted that the proposed version actually better shows off the edges of the original house.
 - e. One attendee commented that they would like us to bring back a fish market.
 - f. Have we considered putting the entrance the new 5th & Hearst building on the paseo?
 - i. We discussed this at length. Yes, we have, thought we need to have space for a loading zone so the main entry on the back is unlikely.
 - g. In general, attendees were enthusiastic about the paseo. They asked if we have considered ways for more activation through the paseo. We discussed some ideas about Saturday markets, etc. Some were concerned the end of the paseo could be too isolate. Discussed the need for a certain amount of dedicated parking and also the idea of shipping containers like the Octavia & Hayes project.
 - h. What will happen to the Spenger's parking lot?
 - i. They owe us 1000 spaces no matter what happens.

- i. What will be on the second story of the proposed project?
 - i. Office Space.
- j. Would we have a venue for nighttime music? They would like to see more evening music/dancing.
- k. Attendees liked the smaller, boutique spaces.
- l. Asked if the back parking lot could be available for projection/evening movies. Generally, would like to see a note of energy through the length of the paseo.
- m. Comment that the paseo feels analogous to what Denny created around Peet's
- n. Have we considered adding housing? Perhaps 4-5 stories? Additional comments that the area does not attract student renters as it is too far from the University. Another mentioned a desire for Hills residents to retire to the West Berkeley area and a lack of available options.
- o. Discussed how to open the connectivity to BART, i.e. the Emeryville Go Around
- p. City of Berkeley should be concerned with transit as young people do not want the drive. Companies choose Emeryville over Berkeley because of the shuttle Emeryville offers.
- q. Will we use the shiplap on the Fourth & Hearst corner to mimic Spenger's?
 - i. Not currently. Attendees liked that the new building colors mimicked the historic building. One suggested we might also look to mimic the shiplap lines.
- r. Long discussion about historical location of Willow Creek Park. No one in attendance was exactly sure where it was or when it was removed.

III. Summary from Denny

- a. Fourth Street meets Spenger's and maintains the heritage of Spenger's
- b. All the historically protected signs will stay
- c. Incremental step for Fourth Street, step wise development & absorption
- d. Approximately 7 months of construction

Occupants 246

Name	Address	City	State	Postal Code
OCCUPANT	1818 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1820 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1820 FIFTH ST COM	Berkeley	CA	94710
OCCUPANT	1823 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1824 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1824 FIFTH ST A	Berkeley	CA	94710
OCCUPANT	1825 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1827 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1828 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1829 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1830 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1831 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1833 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1835 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1842 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1844 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1846 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1848 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1850 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1850 FOURTH ST A	Berkeley	CA	94710
OCCUPANT	1900 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1914 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1917 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1919 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1919 FOURTH ST	Berkeley	CA	94710
OCCUPANT	1923 FIFTH ST	Berkeley	CA	94710
OCCUPANT	1955 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2000 FIFTH ST	Berkeley	CA	94710
OCCUPANT	2000 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2001 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2005 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2010 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2020 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2030 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2040 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2050 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 101	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 102	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 103	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 106	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 107	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 108	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 109	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 115	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 116	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 117	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 118	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 119	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 120	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 121	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 122	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 123	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 124	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 125	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 126	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 127	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 128	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 129	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 130	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 131	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 132	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 133	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 134	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 135	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 136	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 137	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 138	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 139	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 140	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 201	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 202	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 203	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 204	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 205	Berkeley	CA	94710
OCCUPANT	2060 FOURTH ST 206	Berkeley	CA	94710

[illegible]

[illegible]

740 HEARST AVE
750 HEARST AVE
755 HEARST AVE
800 HEARST AVE
800 UNIVERSITY AVE
803 HEARST AVE
804 HEARST AVE
805 UNIVERSITY AVE
806 HEARST AVE
811 UNIVERSITY AVE
811 UNIVERSITY AVE 100
811 UNIVERSITY AVE 102
811 UNIVERSITY AVE 104
811 UNIVERSITY AVE 200
811 UNIVERSITY AVE 202
811 UNIVERSITY AVE 204

[illegible]

Group Name	Contact	Address	City/State
● Citizens Opposing Polluted Environment	JAMI CASEBER	1508 TENTH ST	BERKELEY CA 94710
Daughters for Social / Economic Change	REV EDWINA PEREZ-SANTIAGO	PO BOX 2203	BERKELEY CA 94701
● Fifth-Camella Neighborhood Group	PETER HOLLOWAY	807 PAGE ST	BERKELEY CA 94710
● Fifth-University-Dwight Neighborhood Group	CURT MANNING	2107 FIFTH ST	BERKELEY 94710
Friends of Aquatic Park	MARK LIOLIOS (OCCUPANT)	1846 PARKER ST	BERKELEY CA 94703
● Oceanview Residents Committee	LARRY HARRELL	917 HEARST AVE	BERKELEY CA 94710
● West Berkeley PAC Chair	TERRY TERTELING	1650 FIFTH ST	BERKELEY CA 94710
● South Oceanview Neighborhood Association	ALLAN ACACIA (OCCUPANT)	1815 EIGHTH ST	BERKELEY CA 94710
Schoolhouse-Lincoln Creeks Watershed Neighborhood Assoc.	JENNIFER PEARSON	1546 MILVIA ST	BERKELEY CA 94709
University of California Berkeley Capital Projects	UCB CAPITAL PROJECTS	800 A&E BUILDING	BERKELEY CA 94720
● Urban Creeks Council	CAROLE SCHEMMERLING (OPT)	861 REGAL RD	BERKELEY CA 94708
Bananas Inc.	ARLYCE CURRIE	5232 CLAREMONT AVE	OAKLAND CA 94618
● Heinz Avenue Arts Group	BETSEY STRANGE	800 HEINZ AVE #238	BERKELEY CA 94710
● West Berkeley Association of Industrial Companies	JONH CURL	PO BOX 2307	BERKELEY CA 94702
Berkeley Central Library	MAIN REFERENCE DESK	2090 KITTREDGE STREET	BERKELEY CA 94704
Adams Broadwell Joseph & Cardoza	Janet Laurin	601 GATEWAY BLVD, Su 1000	SOUTH SAN FRANCISCO CA 94080

● spongers

Neighborhood
10



PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
Email: Planning@ci.berkeley.ca.us

II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<http://www.envirostor.dtsc.ca.gov/public/>

<https://geotracker.waterboards.ca.gov/>

Applicant's Information:

Name: ELLIOTT ABRAMS, ABRAMS-MILLIKAN

Street Address: 1834 FOURTH ST.

City, State, Zip Code: BERKELEY, CA. 94710

Phone Number: 510.644.3002

Project Information:

Address: 1901, 1919 FOURTH ST.

City, State, Zip Code: BERKELEY, CA. 94710

Assessor's book, page, and parcel number: _____

Specify any list pursuant to Section 65962.5 of the Government Code:

NONE

Regulatory identification number: _____

Date of list: _____

Applicant's verification:

Signature: _____

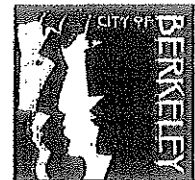
Date: _____



Stormwater Requirements Checklist

Municipal Regional Stormwater Permit (MRP)
Stormwater Controls for Development Projects

City of Berkeley
Public Works Dept.
Engineering Division



I. Applicability of C.3 and C.6 Stormwater Requirements

I.A. Enter Project Data (For "C.3 Regulated Projects," data will be reported in the municipality's stormwater Annual Report.)

I.A.1 Project Name: Fourth & Spenger by Jamestown

I.A.2 Project Address (include cross street): 1901 Fourth Street at Hearst Ave

I.A.3 Project APN: 57-2100-001-4 I.A.4 Project Watershed: Strawberry Creek

I.A.5 Applicant Name: ELLIOTT ABRAMS

I.A.6 Applicant Address: 1834 4th ST. Berkeley, 94710

I.A.7 Applicant Phone: 510.644.3002 Applicant Email Address: ELLIOTTABRAMS@FOURTHSTREET.COM

I.A.8 Development type: (check all that apply)
☐ Residential ☒ Commercial ☐ Industrial ☐ Mixed-Use ☐ Streets, Roads, etc.
☒ 'Redevelopment' as defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred¹
☐ 'Special land use categories' as defined by MRP: (1) auto service facilities², (2) retail gasoline outlets, (3) restaurants², (4) uncovered parking area (stand-alone or part of a larger project)

I.A.9 Project Description³:
 (Also note any past or future phases of the project.)
STRUCTURAL ALTERATION PERMIT; NEW CONSTRUCTION
MIXED USE TWO STORY RETAIL & ONE STORY RETAIL

I.A.10 Total Area of Site: 0.77 acres (33,752 sf)
 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area): 0.77 acres.

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b?

I.B.1 Enter the amount of impervious surface⁴ created and/or replaced by the project (if the total amount is 5,000 sq.ft. or more):

Table of Impervious and Pervious Surfaces

Type of Impervious Surface	a Pre-Project Impervious Surface (sq.ft.)	b Existing Impervious Surface to be Replaced ⁵ (sq.ft.)	c New Impervious Surface to be Created ⁶ (sq.ft.)	d Post-project landscaping (sq.ft.), if applicable
Roof area(s) -- excluding any portion of the roof that is vegetated ("green roof")	15,738	13,700		N/A
Impervious ⁴ sidewalks, patios, paths, driveways	2,526	533	885	
Impervious ⁴ uncovered parking ⁶	13,436	280		
Streets (public)				
Streets (private)				
Totals:	31,700	14,513	885	
Area of Existing Impervious Surface to remain in place		N/A		
Total New Impervious Surface (sum of totals for columns b and c):		15,398		

¹ Roadway projects that replace existing impervious surface are subject to C.3 requirements only if one or more lanes of travel are added.

² Standard Industrial Classification (SIC) codes are in Section 2.3 of the C.3 Technical Guidance (download at www.cleanwaterprogram.org)

³ Project description examples: 5-story office building, industrial warehouse, residential with five 4-story buildings for 200 condominiums, etc.

⁴ Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.

⁵ Uncovered parking includes top level of a parking structure.

⁶ "Replace" means to install new impervious surface where existing impervious surface is removed. "Create" means to install new impervious surface where there is currently no impervious surface.

Stormwater Requirements Checklist

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b? (continued)

	Yes	No	NA
I.B.2 In Item I.B.1, does the Total New Impervious Surface equal 10,000 sq.ft. or more? <i>If YES, skip to Item I.B.5 and check "Yes." If NO, continue to Item I.B.3.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.3 Does the Item I.B.1 Total New Impervious Surface equal 5,000 sq.ft. or more, but less than 10,000 sq.ft.? <i>If YES, continue to Item I.B.4. If NO, skip to Item I.B.5 and check "No."</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.4 Is the project a "Special Land Use Category" per Item I.A.8? For uncovered parking, check YES only if there is 5,000 sq.ft or more uncovered parking. <i>If NO, go to Item I.B.5 and check "No." If YES, go to Item I.B.5 and check "Yes."</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.5 Is the project a C.3 Regulated Project? <i>If YES, skip to Item I.B.6; If NO, continue to Item I.C.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.6 Does the total amount of Replaced Impervious surface equal 50 percent or more of the Pre-Project Impervious Surface? <i>If YES, stormwater treatment requirements apply to the whole site; if NO, these requirements apply only to the impervious surface created and/or replaced.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I.C. Projects that are NOT C.3 Regulated Projects

If you answered NO to Item I.B.5, or the project creates/replaces less than 5,000 sq. ft. of impervious surface, then the project is NOT a C.3 Regulated Project, and stormwater treatment is not required, BUT the municipality may determine that source controls and site design measures are required. Skip to Section II.

I.D. Projects that ARE C.3 Regulated Projects

If you answered YES to Item I.B.5, then the project is a C.3 Regulated Project. The project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required; refer to Section II to make this determination. If final discretionary approval was granted on or after DECEMBER 1, 2011, Low Impact Development (LID) requirements apply, except for "Special Projects." See Section II.

I.E. Identify C.6 Construction-Phase Stormwater Requirements

	Yes	No
I.E.1 Does the project disturb 1.0 acre (43,560 sq.ft.) or more of land? (See Item I.A.10). <i>If Yes, obtain coverage under the state's Construction General Permit at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp. Submit to the municipality a copy of your Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) before a grading or building permit is issued.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.E.2 Is the site a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make this determination.) <ul style="list-style-type: none"> "High Priority Sites" are sites that require a grading permit, are adjacent to a creek, or are otherwise high priority for stormwater protection during construction (see MRP Provision C.6.e.ii(2)) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II to identify appropriate construction BMPs.
- NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to either question in Section E, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30).

II. Implementation of Stormwater Requirements

II.A. Complete the appropriate sections for the project. For non-C.3 Regulated Projects, Sections II.B, II.C, and II.D apply. For C.3 Regulated Projects, all sections of Section II apply.

II.B. Select Appropriate Site Design Measures

- Required for C.3 Regulated Projects.
- Starting December 1, 2012, projects that create and/or replace 2,500 - 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, must include one of Site Design Measures a through f.⁷
- All other projects are encouraged to implement site design measures, which may be required at municipality discretion.
- Consult with municipal staff about requirements for your project.

II.B.1 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	b. Direct roof runoff onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g. Minimize land disturbance and impervious surface (especially parking lots).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	h. Maximize permeability by clustering development and preserving open space.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i. Use micro-detention, including distributed landscape-based detention.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	k. Self-treating area (see Section 4.1 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	l. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	m. Plant or preserve Interceptor trees (Section 4.5, C.3 Technical Guidance)

⁷ See MRP Provision C.3.a.i(6) for non-C.3 Regulated Projects, C.3.c.i(2)(a) for Regulated Projects, C.3.i for projects that create/replace 2,500 to 10,000 sq.ft. of impervious surface and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface.

II.C. Select appropriate source controls (Applies to C.3 Regulated Projects; encouraged for other projects. Consult municipal staff.⁸)

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		Plan Sheet No.
Yes	No			Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Floor Drains	Plumb interior floor drains to sanitary sewer ⁹ [or prohibit].	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking garage	Plumb interior parking garage floor drains to sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> Retain existing vegetation as practicable. Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. Minimize use of pesticides and quick-release fertilizers. Use efficient irrigation system; design to minimize runoff. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: <ul style="list-style-type: none"> Connected to a grease interceptor prior to sanitary sewer discharge.⁹ Large enough for the largest mat or piece of equipment to be cleaned. Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities ¹⁰	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> Cover the area or design to avoid pollutant contact with stormwater runoff. Locate area only on paved and contained areas. Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer⁹, and contain by berms or similar. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer⁹, and sign as a designated wash area. Commercial car wash facilities shall discharge to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. No floor drains unless pretreated prior to discharge to the sanitary sewer.⁹ Connect containers or sinks used for parts cleaning to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> Cover and/or grade to minimize run-on to and runoff from the loading area. Position downspouts to direct stormwater away from the loading area. Drain water from loading dock areas to the sanitary sewer.⁹ Install door skirts between the trailers and the building. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.⁹ Roof drains shall drain to unpaved area where practicable. Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer⁹. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	Discharge rinse water to sanitary sewer ⁹ , or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."	<input type="checkbox"/>	<input type="checkbox"/>	

⁸ See MRP Provision C.3.a.i.(7) for non-C.3 Regulated Projects and Provision C.3.c.i.(1) for C.3 Regulated Projects.⁹ Any connection to the sanitary sewer system is subject to sanitary district approval.¹⁰ Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

II.D. Implement construction Best Management Practices (BMPs) (Applies to all projects).

Yes	No	Best Management Practice (BMP)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> ▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; ▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; ▪ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; ▪ Provisions for temporary and/or permanent irrigation.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

PROJECTS THAT ARE NOT C.3 REGULATED PROJECTS STOP HERE!**II.E. Feasibility/Infeasibility of Infiltration and Rainwater Harvesting/Use (Applies to C.3 Regulated Projects ONLY)**

Except for some Special Projects, C.3 Regulated Projects must include low impact development (LID) treatment measures. LID treatment measures are rainwater harvesting, infiltration, evapotranspiration, and biotreatment (landscape-based treatment with special soils). Biotreatment is allowed ONLY if it is infeasible to treat the amount of runoff specified in Provision C.3.d with rainwater harvesting, infiltration, and evapotranspiration.

	Yes	No	N/A
II.E.1 Is this project a "Special Project"? (See Appendix K of the C.3 Technical Guidance for criteria.)			
> If No, continue to Item II.E.2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
> If Yes, or if there is potential that the project MAY be a Special Project, complete the Special Projects Worksheet.			
II.E.2 Infiltration Potential. Based on site-specific soil report ¹¹ , do site soils either:			
a. Have a saturated hydraulic conductivity (Ksat) <u>less</u> than 1.6 inches/hour, or, if the Ksat rate is not available,			
b. Consist of Type C or D soils?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
> If Yes, infiltration of the C.3.d amount of runoff is infeasible. Continue to II.E.3.			
> If No, complete the Infiltration Feasibility Worksheet. If infiltration of the C.3.d amount of runoff is found to be feasible, skip to II.E.8; if infiltration is found to be infeasible, continue to II.E.3.			

¹¹ If no site-specific soil report is available, refer to soil hydraulic conductivity maps in C.3 Technical Guidance Appendix I.

II.E.3 Recycled Water. Check the box if the project is installing and using a recycled water plumbing system for non-potable water use.

- ☐ The project is installing a recycled water plumbing system, and the installation of a second non-potable water system for harvested rainwater is impractical, and considered infeasible due to cost considerations.

➤ If you checked this box, there is no need for further evaluation of rainwater harvesting. Skip to II.E.9.

II.E.4 Potential Rainwater Capture Area

- a. Refer to the Table of Impervious and Pervious Surfaces in Section I, and enter the total square footage of impervious surface that will be replaced and/or created by the project.

15,398 Sq. ft.

- b. If I.B.6 indicates that 50% or more of the existing impervious surface will be replaced with new impervious surface, then add any existing impervious surface that will remain in place to the amount in II.E.4.a.

0 Sq. ft.

- c. Convert the amount in Item II.E.4.b from square feet to acres (divide by 43,560). If II.E.4.b is not applicable, convert the amount in II.E.4.a from square feet to acres. This is the project's Potential Rainwater Capture Area, in acres.

0.35 Acres

II.E.5 Landscape Irrigation: Feasibility of Rainwater Harvesting and Use

- a. Enter area of onsite landscaping.

0.006 Acres

- b. Multiply the Potential Rainwater Capture Area (the amount in II.E.4.c) times 2.5.

0.875 Acres

- c. Is the amount in II.E.5.a (onsite landscaping) LESS than 2.5 times the size of the amount in II.E.5.b (the product of 2.5 times the size of the Potential Rainwater Capture Area)¹²?

☒ Yes ☐ No

➤ If Yes, irrigation use of the C.3.d amount of runoff is infeasible. Continue to II.E.6.

➤ If No, it may be possible to meet the treatment requirements by directing runoff from impervious areas to self-retaining areas (see Section 4.2 of the C.3 Technical Guidance). If not, refer to Table 11 and the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for irrigation. If that analysis shows that it is feasible to harvest and use the C.3.d amount of runoff, complete Part 5 (Factors Other than Demand) of the Rainwater Harvesting/Use Feasibility Worksheet. Skip to II.E.7.

II.E.6 Indoor Non-Potable Uses: Feasibility of Rainwater Harvesting and Use (check the box for the applicable project type, then fill in the requested information and answer the question).¹³

- ☐ a. Residential Project

- i. Number of dwelling units (total post-project):

Units

- ii. Divide amount in (i) by the amount in II.E.4.c (Potential Rainwater Capture Area):

Du/ac

- iii. Is the amount in (ii) LESS than 100 dwelling units per acre of capture area?

☐ Yes ☐ No

- ☒ b. Commercial Project

- i. Floor area (total interior post-project square footage):

22,500 Sq.ft.

- ii. Divide amount in (i) by the amount in II.E.4.c (Potential Rainwater Capture Area):

64,286 Sq.ft./ac

- iii. Is the amount in (ii) LESS than 70,000 square feet per acre of capture area?

☒ Yes ☐ No

- ☐ c. School Project

- i. Floor area (total interior post-project square footage):

Sq.ft.

- ii. Divide amount in (i) by the amount in II.E.4.c (Potential Rainwater Capture Area):

Sq.ft./ac

- iii. Is the amount in (ii) LESS than 21,000 square feet per acre of capture area?

☐ Yes ☐ No

¹² Landscape areas must be contiguous and within the same Drainage Management Area to irrigate with harvested rainwater via gravity flow.

¹³ Rainwater harvested for indoor use is typically used for toilet/urinal flushing, industrial processes, or other non-potable uses.

II.E.6 Indoor Non-Potable Uses: Feasibility of Rainwater Harvesting and Use (continued)

☐ d. Industrial Project

- i. Estimated demand for non-potable water (gallons/day): _____ Gal.
- ii. Is the amount in (i) LESS than 2,400? ☐ Yes ☐ No
- If you checked "No", refer to the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for industrial use.*

☐ e. Mixed-Use Residential/Commercial Project¹⁴

- | | Residential | Commercial |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------|
| i. Number of residential dwelling units and square footage of commercial floor area: | _____ Units | _____ Sq.ft. |
| ii. Percentage of total interior post-project floor area serving each activity: | _____ % | _____ % |
| iii. Prorated Potential Rainwater Capture Area per activity (multiply amount in II.E.4.c by the percentages in [ii]): | _____ Acres | _____ Acres |
| iv. Prorated project demand per acre of Potential Rainwater Capture Area (divide the amounts in [i] by the amounts in [iii]): | _____ Df/ac | _____ Sq.ft./ac |
| v. Is the amount in (iv) in the residential column <u>less</u> than 100 dwelling units per acre of capture area, AND is the amount in the commercial column <u>less</u> than 70,000 square feet per acre of capture area? | <input type="checkbox"/> Yes <input type="checkbox"/> No | |

- > *If you checked "Yes" for the above question for the applicable project type, rainwater harvesting for indoor use is considered feasible, unless the project includes one or more buildings that each have an individual roof area of 10,000 sq. ft. or more, in which case further analysis is needed. Complete Sections II.E.5 and II.E.6 of this form for each such building, then continue to II.E.7.*
- > *If you checked "No" for the question applicable to the type of project, rainwater harvesting for indoor use may be feasible. Complete the Rainwater Harvesting Feasibility Worksheet, and then continue to II.E.7.*

II.E.7 Identify and Attach Additional Feasibility Analyses

If further analysis is conducted based on results in II.E.1, II.E.2, II.E.5, or II.E.6, indicate the analysis that is conducted and attach the applicable form or other documentation (check all that apply):

- ☐ Special Projects Worksheet (if required in II.E.1)
- ☐ Infiltration Feasibility Worksheet (if required in II.E.2)
- ☐ Rainwater Harvesting and Use Feasibility Worksheet (if required in II.E.5 or II.E.6), completed for:
- ☐ The entire project
- ☐ Individual building(s), if applicable, describe: _____
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report (if required in II.E.5).
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report (if required in II.E.6.d).

II.E.8 Finding of Infiltration Feasibility/Infeasibility

Infiltration of the C.3.d amount of runoff is feasible if any of the following conditions apply (check all that apply):

- ☒ The "Yes" box was checked for Item II.E.2.
- ☐ Completion of the Infiltration Feasibility Worksheet resulted in a finding that infiltration of the C.3.d amount of runoff is infeasible.
- > *Based on the above evaluation, infiltration of the C.3.d amount of runoff is (check one):*
- ☒ Infeasible ☐ Feasible

¹⁴ For a mixed-use project involving activities other than residential and commercial activities, follow the steps for residential/commercial mixed-use projects. Prorate the Potential Rainwater Capture Area for each activity based on the percentage of the project serving each activity.

II.E.9 Finding of Rainwater Harvesting and Use Feasibility/Infeasibility

Harvesting and use of the C.3.d amount of runoff is infeasible if any of the following apply (check all that apply):

- ☐ The project will have a recycled water system for non-potable use (II.E.3).
- ☒ Only the "Yes" boxes were checked for Items II.E.5 and II.E.6.
- ☐ Completion of the Rainwater Harvesting and Use Feasibility Worksheet resulted in a finding that harvesting and use of the C.3.d amount of runoff is infeasible.
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report, resulted in a finding of infeasibility.
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report, resulted in a finding of infeasibility.
 - Based on the above evaluation, harvesting and using the C.3.d amount of runoff is (check one):
 - ☒ Infeasible
 - ☐ Feasible

II.E.10. Use of Biotreatment

If findings of infeasibility are made in both II.E.8 (Infiltration) and II.E.9 (Rainwater Harvesting and Use), then the applicant may use appropriately designed bioretention facilities for compliance with C.3 treatment requirements.

- Applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow.

Continue to Section II.F on the next page.

II.F. Stormwater Treatment Measures (Applies to C.3 Regulated Projects)

II.F.1 Check the applicable box and indicate the treatment measures to be included in the project.

Yes	No											
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Is the project a Special Project? If yes, consult with municipal staff about the need to prepare a discussion of the feasibility and infeasibility of 100% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method*, and percentage of the amount of runoff specified in Provision C.3.d that is treated:</p> <table border="1"> <thead> <tr> <th>Non-LID Treatment</th> <th>Hydraulic sizing method</th> <th>% of C.3.d amount of runoff treated</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Media filter</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Tree well filter</td> <td></td> <td></td> </tr> </tbody> </table>	Non-LID Treatment	Hydraulic sizing method	% of C.3.d amount of runoff treated	<input type="checkbox"/> Media filter			<input type="checkbox"/> Tree well filter			
Non-LID Treatment	Hydraulic sizing method	% of C.3.d amount of runoff treated										
<input type="checkbox"/> Media filter												
<input type="checkbox"/> Tree well filter												
<input type="checkbox"/>	<input type="checkbox"/>	<p>Is it infeasible to treat the C.3.d amount of runoff using either infiltration or rainwater harvesting/use (see II.E.8 and II.E.9)? If yes, indicate the biotreatment measures to be used, and the hydraulic sizing method:</p> <table border="1"> <thead> <tr> <th>Biotreatment Measures</th> <th>Hydraulic sizing method</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Bioretention area</td> <td>Flow Based 2(c)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Flow-through planter</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (specify):</td> <td></td> </tr> </tbody> </table>	Biotreatment Measures	Hydraulic sizing method	<input type="checkbox"/> Bioretention area	Flow Based 2(c)	<input checked="" type="checkbox"/> Flow-through planter		<input type="checkbox"/> Other (specify):			
Biotreatment Measures	Hydraulic sizing method											
<input type="checkbox"/> Bioretention area	Flow Based 2(c)											
<input checked="" type="checkbox"/> Flow-through planter												
<input type="checkbox"/> Other (specify):												
<input type="checkbox"/>	<input type="checkbox"/>	<p>Is it feasible to treat the C.3.d amount of runoff using either infiltration or rainwater harvesting/use (see II.E.8 and II.E.9)? If yes, indicate the non-biotreatment LID measures to be used, and hydraulic sizing method:</p> <table border="1"> <thead> <tr> <th>LID Treatment Measure (non-biotreatment)</th> <th>Hydraulic sizing method</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> Rainwater harvesting and use</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Bioinfiltration¹⁵</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Infiltration trench</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (specify):</td> <td></td> </tr> </tbody> </table>	LID Treatment Measure (non-biotreatment)	Hydraulic sizing method	<input type="checkbox"/> Rainwater harvesting and use		<input type="checkbox"/> Bioinfiltration ¹⁵		<input type="checkbox"/> Infiltration trench		<input type="checkbox"/> Other (specify):	
LID Treatment Measure (non-biotreatment)	Hydraulic sizing method											
<input type="checkbox"/> Rainwater harvesting and use												
<input type="checkbox"/> Bioinfiltration ¹⁵												
<input type="checkbox"/> Infiltration trench												
<input type="checkbox"/> Other (specify):												

* **Hydraulic Sizing Method:** Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used:

1. **Volume based approaches** – Refer to Provision C.3.d.i.(1):
 - 1(a) Urban Runoff Quality Management approach, or
 - 1(b) 80% capture approach (recommended volume-based approach).
2. **Flow-based approaches** – Refer to Provision C.3.d.i.(2):
 - 2(a) 10% of 50-year peak flow approach,
 - 2(b) Percentile rainfall intensity approach, or
 - 2(c) 0.2-Inch-per-hour intensity approach (this is recommended flow-based approach AND the basis for the 4% rule of thumb described in Section 5.1 of the C.3 Technical Guidance).
3. **Combination hydraulic sizing approach** – Refer to Provision C.3.d.i.(3):
If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

II.G. Is the project a Hydromodification Management¹⁶ (HM) Project? (Complete this section for C.3 Regulated Projects)

II.G.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious surface? (Refer to Item I.B.1.)

- ☐ Yes. Continue to Item II.G.2.
- ☒ No. The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."

II.G.2 Is the total impervious area increased over the pre-project condition? (Refer to Item I.B.1.)

- ☐ Yes. Continue to Item II.G.3.
- ☐ No. The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."

¹⁵ See Section 6.1 of the C.3 Technical Guidance for conditions in which bioretention areas provide bioinfiltration.¹⁶ Hydromodification is the modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding. Hydromodification management control measures are designed to reduce these effects.

Stormwater Requirements Checklist

- II.G.3** Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? (See HMP Susceptibility Map in Appendix I of the C.3 Technical Guidance.)
☐ Yes. Project is exempt from HM requirements. Attach map indicating project location. Skip to II.G.6 and check "No."
☐ No. Continue to II.G.4.
- II.G.4** Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map?
☐ Yes. Project is subject to HM requirements. Attach map indicating project location. Skip to II.G.6 and check "Yes."
☐ No. Continue to II.G.5.
- II.G.5** For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?
☐ Yes. Project is exempt from HM requirements. Attach signed statement by qualified professional. Go to II.G.6 and check "No."
☐ No. Project is subject to HM requirements. Attach map indicating project location. Go to Item G.6 and check "Yes."
- II.G.6** Is the project a Hydromodification Management Project?
☐ Yes. The project is subject to HM requirements in Provision C.3.g of the Municipal Regional Stormwater Permit.
☒ No. The project is EXEMPT from HM requirements.
☐ HM requirements are impracticable. (Attach documentation needed to comply with the impracticability provision in MRP Attachment B.)
- If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See www.bayareahydrology.com. Guidance is provided in Chapter 7 of the C.3 Technical Guidance.

II.H Stormwater Treatment Measure and/HM Control Owner or Operator's Information:

Name: JAMESTOWN PROPERTIES
 Address: 101 CALIFORNIA ST. SUITE 3155, SAN FRANCISCO 94111
 Phone: 415-747-0944 Email: _____

- Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.

Name of applicant completing the form: David Franco

Signature: David Franco Date: 6-17-14

III. For Completion By Municipal Staff

- III.1 Alternative Certification:** Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☐ Yes ☐ No Name of Reviewer: _____

III.2. Confirm Operations and Maintenance (O&M) Submittal:

The following questions apply to C.3 Regulated Projects and Hydromodification Management Projects.

	Yes	No	N/A
III.2.a Was maintenance plan submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.2.b Was maintenance plan approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.2.c Was maintenance agreement submitted? (Date executed: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Attach the executed maintenance agreement as an appendix to this checklist.

III.3 Incorporate HM Controls (If required)

Are the applicable items for HM compliance included in the plan submittal?

Yes	No	NA	Documentation for HM Compliance
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soils report or other site-specific document showing soil types at all parts of site
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.

➤ Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.

III.4 Annual Operations and Maintenance (O&M) Submittals:

For C.3 Regulated Projects and Hydromodification Management Projects, indicate the dates on which the Applicant submitted annual reports for project O&M: _____

III.5 Comments:

III.6 Notes:

Section I Notes: _____

Section II Notes: _____

Section III Notes: _____

III.7 Project Close-Out:

- III.7.a Were final Conditions of Approval met? ☐ ☐
- III.7.b Was initial inspection of the completed treatment/HM measure(s) conducted? ☐ ☐ ☐
(Date of inspection: _____)
- III.7.c Was maintenance plan submitted? ☐ ☐ ☐
(Date executed: _____)
- III.7.d Was project information provided to staff responsible for O&M verification inspections? ☐ ☐ ☐
(Date provided to inspection staff: _____)

Name of staff confirming project is closed out: _____

Signature: _____ Date: _____

Name of O&M staff receiving information: _____

Signature: _____ Date: _____

Appendices

- Appendix A: O&M Agreement
- Appendix B: O&M Annual Report Form



Stormwater Requirements Checklist

Municipal Regional Stormwater Permit (MRP)
Stormwater Controls for Development Projects

City of Berkeley
Public Works Dept.
Engineering Division



I. Applicability of C.3 and C.6 Stormwater Requirements

I.A. Enter Project Data (For "C.3 Regulated Projects," data will be reported in the municipality's stormwater Annual Report.)

I.A.1 Project Name: Fourth & Spenger by Jamestown

I.A.2 Project Address (include cross street): 1901 Fourth Street at University Ave - SPENGER

I.A.3 Project APN: 57-2100-007-2 I.A.4 Project Watershed: Strawberry Creek

I.A.5 Applicant Name: ELIOTT ABRAMS

I.A.6 Applicant Address: 1434 4th St. Berkeley, CA. 94710

I.A.7 Applicant Phone: 510-644-3002 Applicant Email Address: _____

I.A.8 Development type: (check all that apply)
☐ Residential ☒ Commercial ☐ Industrial ☐ Mixed-Use ☐ Streets, Roads, etc.
☒ 'Redevelopment' as defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred¹
☒ 'Special land use categories' as defined by MRP: (1) auto service facilities², (2) retail gasoline outlets, (3) restaurants³, (4) uncovered parking area (stand-alone or part of a larger project)

I.A.9 Project Description³:
 (Also note any past or future phases of the project.)
STRUCTURAL ALTERATION PERMIT; USE CONVERSION, INTERIOR REMODEL

I.A.10 Total Area of Site: 0.84 acres (36,655 sf)
 Total Area of land disturbed during construction (include clearing, grading, excavating and stockpile area): 0.84 acres.

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b?

I.B.1 Enter the amount of impervious surface⁴ created and/or replaced by the project (if the total amount is 5,000 sq.ft. or more):

Table of Impervious and Pervious Surfaces

Type of Impervious Surface	a Pre-Project Impervious Surface (sq.ft.)	b Existing Impervious Surface to be Replaced ⁵ (sq.ft.)	c New Impervious Surface to be Created ⁶ (sq.ft.)	d Post-project landscaping (sq.ft.), if applicable
Roof area(s) -- excluding any portion of the roof that is vegetated ("green roof")	13,276			N/A
Impervious ⁴ sidewalks, patios, paths, driveways	5,372			
Impervious ⁴ uncovered parking ⁶	18,007	35,189		
Streets (public)				
Streets (private)				
Totals:	36,655	35,189	0	1,466
Area of Existing Impervious Surface to remain in place		N/A		
Total New Impervious Surface (sum of totals for columns b and c):		35,189		

¹ Roadway projects that replace existing impervious surface are subject to C.3 requirements only if one or more lanes of travel are added.

² Standard Industrial Classification (SIC) codes are in Section 2.3 of the C.3 Technical Guidance (download at www.cleanwaterprogram.org)

³ Project description examples: 5-story office building, industrial warehouse, residential with five 4-story buildings for 200 condominiums, etc.

⁴ Per the MRP, pavement that meets the following definition of pervious pavement is NOT an impervious surface. Pervious pavement is defined as pavement that stores and infiltrates rainfall at a rate equal to immediately surrounding unpaved, landscaped areas, or that stores and infiltrates the rainfall runoff volume described in Provision C.3.d.

⁵ Uncovered parking includes top level of a parking structure.

⁶ "Replace" means to install new impervious surface where existing impervious surface is removed. "Create" means to install new impervious surface where there is currently no impervious surface.

Stormwater Requirements Checklist

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b? (continued)

	Yes	No	NA
I.B.2 In Item I.B.1, does the Total New Impervious Surface equal 10,000 sq.ft. or more? <i>If YES, skip to Item I.B.5 and check "Yes." If NO, continue to Item I.B.3.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.3 Does the Item I.B.1 Total New Impervious Surface equal 5,000 sq.ft. or more, but less than 10,000 sq.ft.? <i>If YES, continue to Item I.B.4. If NO, skip to Item I.B.5 and check "No."</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.4 Is the project a "Special Land Use Category" per Item I.A.8? For uncovered parking, check YES only if there is 5,000 sq.ft or more uncovered parking. <i>If NO, go to Item I.B.5 and check "No." If YES, go to Item I.B.5 and check "Yes."</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.5 Is the project a C.3 Regulated Project? <i>If YES, skip to Item I.B.6; if NO, continue to Item I.C.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.B.6 Does the total amount of Replaced impervious surface equal 50 percent or more of the Pre-Project Impervious Surface? <i>If YES, stormwater treatment requirements apply to the whole site; if NO, these requirements apply only to the impervious surface created and/or replaced.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I.C. Projects that are NOT C.3 Regulated Projects

If you answered NO to Item I.B.5, or the project creates/replaces less than 5,000 sq. ft. of impervious surface, then the project is NOT a C.3 Regulated Project, and stormwater treatment is not required, BUT the municipality may determine that source controls and site design measures are required. Skip to Section II.

I.D. Projects that ARE C.3 Regulated Projects

If you answered YES to Item I.B.5, then the project is a C.3 Regulated Project. The project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required; refer to Section II to make this determination. If final discretionary approval was granted on or after DECEMBER 1, 2011, Low Impact Development (LID) requirements apply, except for "Special Projects." See Section II.

I.E. Identify C.6 Construction-Phase Stormwater Requirements

	Yes	No
I.E.1 Does the project disturb 1.0 acre (43,560 sq.ft.) or more of land? (See Item I.A.10). <i>If Yes, obtain coverage under the state's Construction General Permit at https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp. Submit to the municipality a copy of your Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) before a grading or building permit is issued.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.E.2 Is the site a "High Priority Site" that disturbs less than 1.0 acre (43,560 sq.ft.) of land? (Municipal staff will make this determination.) <ul style="list-style-type: none"> "High Priority Sites" are sites that require a grading permit, are adjacent to a creek, or are otherwise high priority for stormwater protection during construction (see MRP Provision C.6.e.ii(2)) 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- NOTE TO APPLICANT: All projects require appropriate stormwater best management practices (BMPs) during construction. Refer to the Section II to identify appropriate construction BMPs.
- NOTE TO MUNICIPAL STAFF: If the answer is "Yes" to either question in Section E, refer this project to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30).

II. Implementation of Stormwater Requirements

II.A. Complete the appropriate sections for the project. For non-C.3 Regulated Projects, Sections II.B, II.C, and II.D apply. For C.3 Regulated Projects, all sections of Section II apply.

II.B. Select Appropriate Site Design Measures

- Required for C.3 Regulated Projects.
- Starting December 1, 2012, projects that create and/or replace 2,500 - 10,000 sq.ft. of impervious surface, and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface, must include one of Site Design Measures a through f.⁷
- All other projects are encouraged to implement site design measures, which may be required at municipality discretion.
- Consult with municipal staff about requirements for your project.

II.B.1 Is the site design measure included in the project plans?

Yes	No	Plan Sheet No.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	b. Direct roof runoff onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	g. Minimize land disturbance and impervious surface (especially parking lots).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	h. Maximize permeability by clustering development and preserving open space.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	i. Use micro-detention, including distributed landscape-based detention.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	k. Self-treating area (see Section 4.1 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	l. Self-retaining area (see Section 4.2 of the C.3 Technical Guidance)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	m. Plant or preserve interceptor trees (Section 4.5, C.3 Technical Guidance)

⁷ See MRP Provision C.3.a.i(6) for non-C.3 Regulated Projects, C.3.c.i(2)(a) for Regulated Projects, C.3.i for projects that create/replace 2,500 to 10,000 sq.ft. of impervious surface and stand-alone single family homes that create/replace 2,500 sq.ft. or more of impervious surface.

Stormwater Requirements Checklist

II.C. Select appropriate source controls *(Applies to C.3 Regulated Projects; encouraged for other projects. Consult municipal staff.⁸)*

Are these features in project?		Features that require source control measures	Source control measures (Refer to Local Source Control List for detailed requirements)	Is source control measure included in project plans?		
Yes	No			Yes	No	Plan Sheet No.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floor Drains	Plumb interior floor drains to sanitary sewer ⁹ [or prohibit].	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking garage	Plumb interior parking garage floor drains to sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> ▪ Retain existing vegetation as practicable. ▪ Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. ▪ Minimize use of pesticides and quick-release fertilizers. ▪ Use efficient irrigation system; design to minimize runoff. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: <ul style="list-style-type: none"> ▪ Connected to a grease interceptor prior to sanitary sewer discharge.⁹ ▪ Large enough for the largest mat or piece of equipment to be cleaned. ▪ Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off, and signed to require equipment washing in this area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> ▪ Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. ▪ Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities ¹⁰	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> ▪ Cover the area or design to avoid pollutant contact with stormwater runoff. ▪ Locate area only on paved and contained areas. ▪ Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer⁹, and contain by berms or similar. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> ▪ Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer⁹, and sign as a designated wash area. ▪ Commercial car wash facilities shall discharge to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> ▪ Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. ▪ No floor drains unless pretreated prior to discharge to the sanitary sewer.⁹ ▪ Connect containers or sinks used for parts cleaning to the sanitary sewer.⁹ 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> ▪ Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. ▪ Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> ▪ Cover and/or grade to minimize run-on to and runoff from the loading area. ▪ Position downspouts to direct stormwater away from the loading area. ▪ Drain water from loading dock areas to the sanitary sewer.⁹ ▪ Install door skirts between the trailers and the building. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. ⁹	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> ▪ Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.⁹ ▪ Roof drains shall drain to unpaved area where practicable. ▪ Drain boiler drain lines, roof top equipment, all washwater to sanitary sewer⁹. 	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	Discharge rinse water to sanitary sewer ⁹ , or collect and dispose properly offsite. See flyer "Requirements for Architectural Copper."	<input type="checkbox"/>	<input type="checkbox"/>	

⁸ See MRP Provision C.3.a.(7) for non-C.3 Regulated Projects and Provision C.3.c.(1) for C.3 Regulated Projects.

⁹ Any connection to the sanitary sewer system is subject to sanitary district approval.

¹⁰ Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

II.D. Implement construction Best Management Practices (BMPs) (Applies to all projects).

Yes	No	Best Management Practice (BMP)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Temporary erosion controls to stabilize all denuded areas until permanent erosion controls are established.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provide notes, specifications, or attachments describing the following: <ul style="list-style-type: none"> ▪ Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; ▪ Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; ▪ Specifications for vegetative cover & mulch, include methods and schedules for planting and fertilization; ▪ Provisions for temporary and/or permanent irrigation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Perform clearing and earth moving activities only during dry weather.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect all storm drain inlets in vicinity of site using sediment controls such as berms, fiber rolls, or filters.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, soil blankets or mats, covers for soil stock piles, etc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Divert on-site runoff around exposed areas; divert off-site runoff around the site (e.g., swales and dikes).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Limit construction access routes and stabilize designated access points.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.

PROJECTS THAT ARE NOT C.3 REGULATED PROJECTS STOP HERE!**II.E. Feasibility/Infeasibility of Infiltration and Rainwater Harvesting/Use (Applies to C.3 Regulated Projects ONLY)**

Except for some Special Projects, C.3 Regulated Projects must include low impact development (LID) treatment measures. LID treatment measures are rainwater harvesting, infiltration, evapotranspiration, and biotreatment (landscape-based treatment with special soils). Biotreatment is allowed ONLY if it is infeasible to treat the amount of runoff specified in Provision C.3.d with rainwater harvesting, infiltration, and evapotranspiration.

	Yes	No	N/A
II.E.1 Is this project a "Special Project"? (See Appendix K of the C.3 Technical Guidance for criteria.)			
> If No, continue to Item II.E.2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
> If Yes, or if there is potential that the project MAY be a Special Project, complete the Special Projects Worksheet.			
II.E.2 Infiltration Potential. Based on site-specific soil report ¹¹ , do site soils either:			
a. Have a saturated hydraulic conductivity (Ksat) <u>less</u> than 1.6 inches/hour, or, if the Ksat rate is not available,			
b. Consist of Type C or D soils?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
> If Yes, infiltration of the C.3.d amount of runoff is infeasible. Continue to II.E.3.			
> If No, complete the Infiltration Feasibility Worksheet. If infiltration of the C.3.d amount of runoff is found to be feasible, skip to II.E.8; if infiltration is found to be infeasible, continue to II.E.3.			

¹¹ If no site-specific soil report is available, refer to soil hydraulic conductivity maps in C.3 Technical Guidance Appendix I.

II.E.3 Recycled Water. Check the box if the project is installing and using a recycled water plumbing system for non-potable water use.

- ☐ The project is installing a recycled water plumbing system, and the installation of a second non-potable water system for harvested rainwater is impractical, and considered infeasible due to cost considerations.

➤ If you checked this box, there is no need for further evaluation of rainwater harvesting. Skip to II.E.9.

II.E.4 Potential Rainwater Capture Area

- a. Refer to the Table of Impervious and Pervious Surfaces in Section I, and enter the total square footage of impervious surface that will be replaced and/or created by the project.

35,189 Sq. ft.

- b. If I.B.6 indicates that 50% or more of the existing impervious surface will be replaced with new impervious surface, then add any existing impervious surface that will remain in place to the amount in II.E.4.a.

0 Sq. ft.

- c. Convert the amount in Item II.E.4.b from square feet to acres (divide by 43,560). If II.E.4.b is not applicable, convert the amount in II.E.4.a from square feet to acres. This is the project's Potential Rainwater Capture Area, in acres.

0.81 Acres

II.E.5 Landscape Irrigation: Feasibility of Rainwater Harvesting and Use

- a. Enter area of onsite landscaping.

0.033 Acres

- b. Multiply the Potential Rainwater Capture Area (the amount in II.E.4.c) times 2.5.

2.0 Acres

- c. Is the amount in II.E.5.a (onsite landscaping) LESS than 2.5 times the size of the amount in II.E.5.b (the product of 2.5 times the size of the Potential Rainwater Capture Area)¹²?

☒ Yes ☐ No

➤ If Yes, irrigation use of the C.3.d amount of runoff is infeasible. Continue to II.E.6.

➤ If No, it may be possible to meet the treatment requirements by directing runoff from impervious areas to self-retaining areas (see Section 4.2 of the C.3 Technical Guidance). If not, refer to Table 11 and the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for irrigation. If that analysis shows that it is feasible to harvest and use the C.3.d amount of runoff, complete Part 5 (Factors Other than Demand) of the Rainwater Harvesting/Use Feasibility Worksheet. Skip to II.E.7.

II.E.6 Indoor Non-Potable Uses: Feasibility of Rainwater Harvesting and Use (check the box for the applicable project type, then fill in the requested information and answer the question).¹³

- ☐ a. Residential Project

- i. Number of dwelling units (total post-project):

Units

- ii. Divide amount in (i) by the amount in II.E.4.c (Potential Rainwater Capture Area):

Du/ac

- iii. Is the amount in (ii) LESS than 100 dwelling units per acre of capture area?

☐ Yes ☐ No

- ☒ b. Commercial Project

- i. Floor area (total interior post-project square footage):

0 Sq.ft.

- ii. Divide amount in (i) by the amount in II.E.4.c (Potential Rainwater Capture Area):

0 Sq.ft./ac

- iii. Is the amount in (ii) LESS than 70,000 square feet per acre of capture area?

☒ Yes ☐ No

- ☐ c. School Project

- i. Floor area (total interior post-project square footage):

Sq.ft.

- ii. Divide amount in (i) by the amount in II.E.4.c (Potential Rainwater Capture Area):

Sq.ft./ac

- iii. Is the amount in (ii) LESS than 21,000 square feet per acre of capture area?

☐ Yes ☐ No

¹² Landscape areas must be contiguous and within the same Drainage Management Area to irrigate with harvested rainwater via gravity flow.

¹³ Rainwater harvested for indoor use is typically used for toilet/urinal flushing, industrial processes, or other non-potable uses.

II.E.6 Indoor Non-Potable Uses: Feasibility of Rainwater Harvesting and Use (continued)

☐ d. Industrial Project

- i. Estimated demand for non-potable water (gallons/day): _____ Gal.
- ii. Is the amount in (i) LESS than 2,400? ☐ Yes ☐ No

If you checked "No", refer to the curves in Appendix F of the LID Feasibility Report to evaluate feasibility of harvesting and using the C.3.d amount of runoff for industrial use.

☐ e. Mixed-Use Residential/Commercial Project¹⁴

- | | Residential | Commercial |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| i. Number of residential dwelling units and square footage of commercial floor area: | _____ Units | _____ Sq.ft. |
| ii. Percentage of total interior post-project floor area serving each activity: | _____ % | _____ % |
| iii. Prorated Potential Rainwater Capture Area per activity (multiply amount in II.E.4.c by the percentages in [ii]): | _____ Acres | _____ Acres |
| iv. Prorated project demand per acre of Potential Rainwater Capture Area (divide the amounts in [i] by the amounts in [iii]): | _____ Du/ac | _____ Sq.ft./ac |
| v. Is the amount in (iv) in the residential column <u>less</u> than 100 dwelling units per acre of capture area, AND is the amount in the commercial column <u>less</u> than 70,000 square feet per acre of capture area? | | |
- ☐ Yes ☐ No

- *If you checked "Yes" for the above question for the applicable project type, rainwater harvesting for indoor use is considered infeasible, unless the project includes one or more buildings that each have an individual roof area of 10,000 sq. ft. or more, in which case further analysis is needed. Complete Sections II.E.5 and II.E.6 of this form for each such building, then continue to II.E.7.*
- *If you checked "No" for the question applicable to the type of project, rainwater harvesting for indoor use may be feasible. Complete the Rainwater Harvesting Feasibility Worksheet, and then continue to II.E.7.*

II.E.7 Identify and Attach Additional Feasibility Analyses

If further analysis is conducted based on results in II.E.1, II.E.2, II.E.5, or II.E.6, indicate the analysis that is conducted and attach the applicable form or other documentation (check all that apply):

- ☐ Special Projects Worksheet (if required in II.E.1)
- ☐ Infiltration Feasibility Worksheet (if required in II.E.2)
- ☐ Rainwater Harvesting and Use Feasibility Worksheet (if required in II.E.5 or II.E.6), completed for:
- ☐ The entire project
- ☐ Individual building(s), if applicable, describe: _____
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report (if required in II.E.5).
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report (if required in II.E.6.d).

II.E.8 Finding of Infiltration Feasibility/Infeasibility

Infiltration of the C.3.d amount of runoff is infeasible if any of the following conditions apply (check all that apply):

- ☒ The "Yes" box was checked for Item II.E.2.
- ☐ Completion of the Infiltration Feasibility Worksheet resulted in a finding that infiltration of the C.3.d amount of runoff is infeasible.
- *Based on the above evaluation, infiltration of the C.3.d amount of runoff is (check one):*
- ☒ Infeasible ☐ Feasible

¹⁴ For a mixed-use project involving activities other than residential and commercial activities, follow the steps for residential/commercial mixed-use projects. Prorate the Potential Rainwater Capture Area for each activity based on the percentage of the project serving each activity.

II.E.9 Finding of Rainwater Harvesting and Use Feasibility/Infeasibility

Harvesting and use of the C.3.d amount of runoff is infeasible if any of the following apply (check all that apply):

- ☐ The project will have a recycled water system for non-potable use (II.E.3).
- ☒ Only the "Yes" boxes were checked for items II.E.5 and II.E.6.
- ☐ Completion of the Rainwater Harvesting and Use Feasibility Worksheet resulted in a finding that harvesting and use of the C.3.d amount of runoff is infeasible.
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for irrigation, based on Table 11 and the curves in Appendix F of the LID Feasibility Report, resulted in a finding of infeasibility.
- ☐ Evaluation of the feasibility of harvesting and using the C.3.d amount of runoff for non-potable industrial use, based on the curves in Appendix F of the LID Feasibility Report, resulted in a finding of infeasibility.
 - Based on the above evaluation, harvesting and using the C.3.d amount of runoff is (check one):
 - ☐ Infeasible
 - ☐ Feasible

II.E.10. Use of Biotreatment

If findings of infeasibility are made in both II.E.8 (Infiltration) and II.E.9 (Rainwater Harvesting and Use), then the applicant may use appropriately designed bioretention facilities for compliance with C.3 treatment requirements.

- Applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow.

Continue to Section II.F on the next page.

II.F. Stormwater Treatment Measures (Applies to C.3 Regulated Projects)**II.F.1** Check the applicable box and indicate the treatment measures to be included in the project.

Yes	No											
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Is the project a Special Project? If yes, consult with municipal staff about the need to prepare a discussion of the feasibility and infeasibility of 100% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method*, and percentage of the amount of runoff specified in Provision C.3.d that is treated:</p> <table border="0"> <tr> <td><u>Non-LID Treatment</u></td> <td><u>Hydraulic sizing method</u></td> <td><u>% of C.3.d amount of runoff treated</u></td> </tr> <tr> <td><input type="checkbox"/> Media filter</td> <td></td> <td></td> </tr> <tr> <td><input type="checkbox"/> Tree well filter</td> <td></td> <td></td> </tr> </table>	<u>Non-LID Treatment</u>	<u>Hydraulic sizing method</u>	<u>% of C.3.d amount of runoff treated</u>	<input type="checkbox"/> Media filter			<input type="checkbox"/> Tree well filter			
<u>Non-LID Treatment</u>	<u>Hydraulic sizing method</u>	<u>% of C.3.d amount of runoff treated</u>										
<input type="checkbox"/> Media filter												
<input type="checkbox"/> Tree well filter												
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Is it infeasible to treat the C.3.d amount of runoff using either infiltration or rainwater harvesting/use (see II.E.8 and II.E.9)? If yes, indicate the biotreatment measures to be used, and the hydraulic sizing method:</p> <table border="0"> <tr> <td><u>Biotreatment Measures</u></td> <td><u>Hydraulic sizing method</u></td> </tr> <tr> <td><input checked="" type="checkbox"/> Bioretention area</td> <td>Flow Based 2 (c)</td> </tr> <tr> <td><input type="checkbox"/> Flow-through planter</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (specify):</td> <td></td> </tr> </table>	<u>Biotreatment Measures</u>	<u>Hydraulic sizing method</u>	<input checked="" type="checkbox"/> Bioretention area	Flow Based 2 (c)	<input type="checkbox"/> Flow-through planter		<input type="checkbox"/> Other (specify):			
<u>Biotreatment Measures</u>	<u>Hydraulic sizing method</u>											
<input checked="" type="checkbox"/> Bioretention area	Flow Based 2 (c)											
<input type="checkbox"/> Flow-through planter												
<input type="checkbox"/> Other (specify):												
<input type="checkbox"/>	<input type="checkbox"/>	<p>Is it feasible to treat the C.3.d amount of runoff using either infiltration or rainwater harvesting/use (see II.E.8 and II.E.9)? If yes, indicate the non-biotreatment LID measures to be used, and hydraulic sizing method:</p> <table border="0"> <tr> <td><u>LID Treatment Measure (non-biotreatment)</u></td> <td><u>Hydraulic sizing method</u></td> </tr> <tr> <td><input type="checkbox"/> Rainwater harvesting and use</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Bioinfiltration¹⁶</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Infiltration trench</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (specify):</td> <td></td> </tr> </table>	<u>LID Treatment Measure (non-biotreatment)</u>	<u>Hydraulic sizing method</u>	<input type="checkbox"/> Rainwater harvesting and use		<input type="checkbox"/> Bioinfiltration ¹⁶		<input type="checkbox"/> Infiltration trench		<input type="checkbox"/> Other (specify):	
<u>LID Treatment Measure (non-biotreatment)</u>	<u>Hydraulic sizing method</u>											
<input type="checkbox"/> Rainwater harvesting and use												
<input type="checkbox"/> Bioinfiltration ¹⁶												
<input type="checkbox"/> Infiltration trench												
<input type="checkbox"/> Other (specify):												

* **Hydraulic Sizing Method:** Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used:

1. Volume based approaches – Refer to Provision C.3.d.i.(1):
 - 1(a) Urban Runoff Quality Management approach, or
 - 1(b) 80% capture approach (recommended volume-based approach).
2. Flow-based approaches – Refer to Provision C.3.d.i.(2):
 - 2(a) 10% of 50-year peak flow approach,
 - 2(b) Percentile rainfall intensity approach, or
 - 2(c) 0.2-Inch-per-hour intensity approach (this is recommended flow-based approach AND the basis for the 4% rule of thumb described in Section 5.1 of the C.3 Technical Guidance).
3. Combination hydraulic sizing approach – Refer to Provision C.3.d.i.(3):
If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

II.G. Is the project a Hydromodification Management¹⁶ (HM) Project? (Complete this section for C.3 Regulated Projects)**II.G.1** Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious surface? (Refer to Item I.B.1.)

- ☐ Yes. *Continue to Item II.G.2.*
- ☒ No. *The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."*

II.G.2 Is the total impervious area increased over the pre-project condition? (Refer to Item I.B.1.)

- ☐ Yes. *Continue to Item II.G.3.*
- ☐ No. *The project is NOT required to incorporate HM measures. Skip to Item II.G.6 and check "No."*

¹⁵ See Section 6.1 of the C.3 Technical Guidance for conditions in which bioretention areas provide bioinfiltration.¹⁶ Hydromodification is the modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (made more impervious). The effects of hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transport and deposition, and increased flooding. Hydromodification management control measures are designed to reduce these effects.

Stormwater Requirements Checklist

- II.G.3 Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? (See HMP Susceptibility Map in Appendix I of the C.3 Technical Guidance.)
☐ Yes. Project is exempt from HM requirements. Attach map indicating project location. Skip to II.G.6 and check "No."
☐ No. Continue to II.G.4.

- II.G.4 Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map?
☐ Yes. Project is subject to HM requirements. Attach map indicating project location. Skip to II.G.6 and check "Yes."
☐ No. Continue to II.G.5.

- II.G.5 For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?
☐ Yes. Project is exempt from HM requirements. Attach signed statement by qualified professional. Go to II.G.6 and check "No."
☐ No. Project is subject to HM requirements. Attach map indicating project location. Go to Item G.6 and check "Yes."

- II.G.6 Is the project a Hydromodification Management Project?
☐ Yes. The project is subject to HM requirements in Provision C.3.g of the Municipal Regional Stormwater Permit.
☒ No. The project is EXEMPT from HM requirements.
☐ HM requirements are impracticable. (Attach documentation needed to comply with the impracticability provision in MRP Attachment B.)
 ➤ If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See www.bayareahydrology.com. Guidance is provided in Chapter 7 of the C.3 Technical Guidance.

II.H Stormwater Treatment Measure and/HM Control Owner or Operator's Information:

Name: JAMES TOWN PROPERTIES
 Address: 101 CALIFORNIA ST. SUITE 305, SF., CA 94111
 Phone: 415-747-0944 Email: _____

- Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.

Name of applicant completing the form: David Franco

Signature: David Franco Date: 6-18-2014

III. For Completion By Municipal Staff

- III.1 **Alternative Certification:** Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

☐ Yes ☐ No Name of Reviewer _____

III.2. Confirm Operations and Maintenance (O&M) Submittal:

The following questions apply to C.3 Regulated Projects and Hydromodification Management Projects.

	Yes	No	N/A
III.2.a Was maintenance plan submitted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.2.b Was maintenance plan approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.2.c Was maintenance agreement submitted? (Date executed: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- Attach the executed maintenance agreement as an appendix to this checklist.

III.3 Incorporate HM Controls (If required)

Are the applicable Items for HM compliance included in the plan submittal?			Documentation for HM Compliance
Yes	No	NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soils report or other site-specific document showing soil types at all parts of site
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.

➤ Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.

III.4 Annual Operations and Maintenance (O&M) Submittals:

For C.3 Regulated Projects and Hydromodification Management Projects, indicate the dates on which the Applicant submitted annual reports for project O&M: _____

III.5 Comments:

III.6 Notes:

Section I Notes: _____
 Section II Notes: _____
 Section III Notes: _____

III.7 Project Close-Out:

III.7.a	Were final Conditions of Approval met?	<input type="checkbox"/>	<input type="checkbox"/>	
III.7.b	Was initial inspection of the completed treatment/HM measure(s) conducted? (Date of inspection: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.7.c	Was maintenance plan submitted? (Date executed: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III.7.d	Was project information provided to staff responsible for O&M verification inspections? (Date provided to inspection staff: _____)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name of staff confirming project is closed out: _____

Signature: _____ Date: _____

Name of O&M staff receiving information: _____

Signature: _____ Date: _____

Appendices

- Appendix A: O&M Agreement
 Appendix B: O&M Annual Report Form

Bay-Friendly Basics Landscape Checklist



This Bay-Friendly Basics Checklist is for all new construction and renovation of landscapes that are 2,500 square feet of irrigated area or greater and require a permit. The Bay-Friendly Basics represents the 9 required practices from the Bay-Friendly Landscape Scorecard. It is considered a minimum set of practices to improve the environmental performance of the landscape. Projects are recommended to meet all applicable measures on the checklist. For measures that are not applicable or are not in the project's scope of work, check "N/A" and make a note of why the measure does not apply to the project (attach additional sheets if necessary). For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: www.BayFriendly.org

Project: 4th & Spenger

Address: 1901 Fourth Street, Berkeley CA

Date: June 20th, 2014

Earthwork & Soil Health

Yes No N/A	Measure & Requirement	Documentation	Notes
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	1. Mulch Requirement All soil on site is protected with a minimum of 3 inches of mulch after construction. Recommendation Use recycled or greenwaste mulch instead of landscape fabric. Trees identified for removal are chipped and used on site as mulch, on-site storage space permitting. Reference <i>Bay-Friendly Landscape Guidelines, Practice 4.1; Bay-Friendly Guide to Mulch</i> , available at www.BayFriendly.org . Provides sources of recycled mulch and proper application of mulch and information on sheet mulching.	<ul style="list-style-type: none"> • Submit square footage of planting areas as well as cubic yards required to cover planting areas to a minimum three-inch (3") depth. • Submit a delivery ticket or receipt of purchased mulch and/or, • Submit receipts for sheet mulching materials and/or, • (Optional) Submit photos of trees being chipped for mulch (if applicable). 	Area Tree Planters: 132 sf Cubic Yards Mulch: 1.17 yd ³ Area BioSoils: 583 sf Cubic Yards Mulch: 5.18 yd ³ Area Parking Planters: 1435.02 sf Cubic Yards Mulch: 12.76 yd ³ Area Street Planters: 280.26 sf Cubic Yards Mulch: 10.38 yd ³ Area Paseo Planters: 23.56 sf Cubic Yards Mulch: 0.87 yd ³
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	2. Amend the Soil with Compost Before Planting Requirement Compost is specified as the soil amendment, at the rates indicated by a soil analysis to bring the soil organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost. If the imported or site soil meets the organic content of 3.5% or more, then the requirement is waived. Recommendation Purchase compost from a producer who participates in the U.S. Composting Council's Standard Testing Assurance (STA) program to ensure quality. Reference <i>Bay-Friendly Landscape Guidelines, Practice 4.1; Model Bay-Friendly Soil specifications</i> , at www.BayFriendly.org ; U.S. Composting Council Standard Testing Assurance program explanation and list of participating producers can be found at: www.compostingcouncil.org	<ul style="list-style-type: none"> • Submit the site soil or imported topsoil analysis. No soils analysis is required if 1" of compost is used. • Submit H35 compost details from construction documents. • Submit the receipt or delivery ticket for the compost, indicating the amount of the compost delivered/purchased. <p><i>If a waiver is requested based on soil organic matter content or the needs of plant palette,</i></p> <ul style="list-style-type: none"> • Submit a completed plant palette with species that need little/no soil organic matter identified, and include the source of information on their soil needs OR • Submit a soils report that indicates the soil has an organic matter content of 3.5% or greater. 	To be included in specifications

Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
Materials			
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	3. Reduce and Recycle Landscape Construction Waste		
	<p>Requirement Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for construction and demolition (C&D) recycling.</p> <p>Reference: StopWaste.Org, <i>Builders' Guide to Reuse & Recycling: A Directory for Construction and Demolition Materials</i> and sample Waste Management Plan for recycling C&D materials at www.BuildGreenNow.Org.</p>	<ul style="list-style-type: none"> • State the percent diversion goal in the design documents. • List specific goals and recycling and reuse requirements in plans and specifications. • Require contractors to review the waste management plan with subcontractors and to include contract language requiring subcontractors comply with the plan. • Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at www.BuildGreenNow.org. • After construction, provide final waste management plan with backup documentation. If materials were sent to a C&D Recycling facility, apply a facility average diversion rate because not all materials can be recycled. Most large C&D facilities have a calculated diversion rate and can provide you with documentation stating the percentage of materials recycled at that facility (typically 50% to 90%). 	To be included in specifications
Planting			
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	4. Choose & Locate Plants to Grow to Natural Size		
	<p>Requirement Species will be selected and plants spaced to allow them to grow to their natural size and shape. Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks or roads will be spaced between their minimum and maximum mature plant spread according to a published reference plant book and still fit into their planting area without significant overhang. Trees must meet the spacing requirements only when adjacent to buildings, in a row or other adjacent to other vertical obstructions. Vines are not subject to spacing requirements.</p> <p>Reference <i>Bay-Friendly Landscape Guidelines</i>, Practices 2.1, Bay-Friendly Plant lists are available at www.BayFriendly.org; Bronsetin, Carol, David Fross and Bart O'Brien, <i>California Native Plants for the Garden</i>; East Bay Municipal Utility District, <i>Plants and Landscapes for Summer Dry Climates</i>; Sunset, <i>Western Garden Book</i>.</p>	<ul style="list-style-type: none"> • Submit plant legend indicating plant species, spacing and mature spread of plant. Indicate the source of information on spacing and spread. • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement. 	See Planting Plan & Plant List

Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	5. Do Not Plant Invasive Plant Species Requirement None of the plant species listed by CAL-IPC's Don't Plant A Pest as Invasive In the San-Francisco, Bay Area are included in the planting plan. Definition An Invasive species is defined as a species that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Federal Executive Order 13111. Reference Bay-Friendly Landscape Guidelines, Practice 2.1d; Don't Plant A Pest brochures for trees and plants available at www.cal-ipc.org ; www.cal-ipc.org/ip/inventory/weedlist.php .	<ul style="list-style-type: none"> • Compare the complete list of plants in the plant palette to the Cal-IPC list of plants that are invasive to the San Francisco Bay-Area. • Submit the complete plant palette. • Submit a statement signed by the Landscape Architect, Designer or Contractor confirming that no invasive species were substituted for specified species. 	See Plant List
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	6. Grow drought tolerant CA native, Mediterranean or climate adapted plants Requirement A minimum of 75% of the total number of plants in non-turf areas must be species that require no or little summer watering once established. Species should be adapted to the climate in which they will be planted, as referenced by a published plant reference. If plants are given a range of water needs from "occasional to moderate" for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately. Recommendation California native or Mediterranean species are strongly recommended. Reference Bay-Friendly Landscape Guidelines Practice 4.2; www.oewa.water.ca.gov/docs/wucols00.pdf .	<ul style="list-style-type: none"> • Submit a plant legend that identifies species, number of plants, irrigation requirements (and reference source of the water requirement), total number of drought tolerant plants and total number of non-turf plants. (download a Bay-Friendly plant legend template to facilitate this process at www.BayFriendly.org). • Submit a statement signed by the Landscape Architect, Designer or Contractor verifying that installed plants meet this requirement. 	See Planting Plan & Plant List

Bay-Friendly Basics Landscape Checklist

Yes No N/A	Measure & Requirement	Documentation	Notes
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	7. Minimize the lawn Requirement A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted. Reference <i>Bay-Friendly Landscape Guidelines</i> , Practice 4.3; Bay-Friendly Lawn Alternatives plant list at www.BayFriendly.org ; Brooklyn Botanic Garden Publications, <i>Easy Lawns, Low Maintenance Native Grasses for Gardeners Everywhere</i> .	<ul style="list-style-type: none"> • Submit calculations of square feet of turf, excluding sports and multiple use fields, and square feet of total irrigated area. • Submit planting plans with sports and multiple use fields identified. Include a statement about the purpose of multiple use fields. • Submit as statement signed by the Landscape Architect, Designer or Contractor that installed turf meets the requirements for this credit. 	No lawn included in project

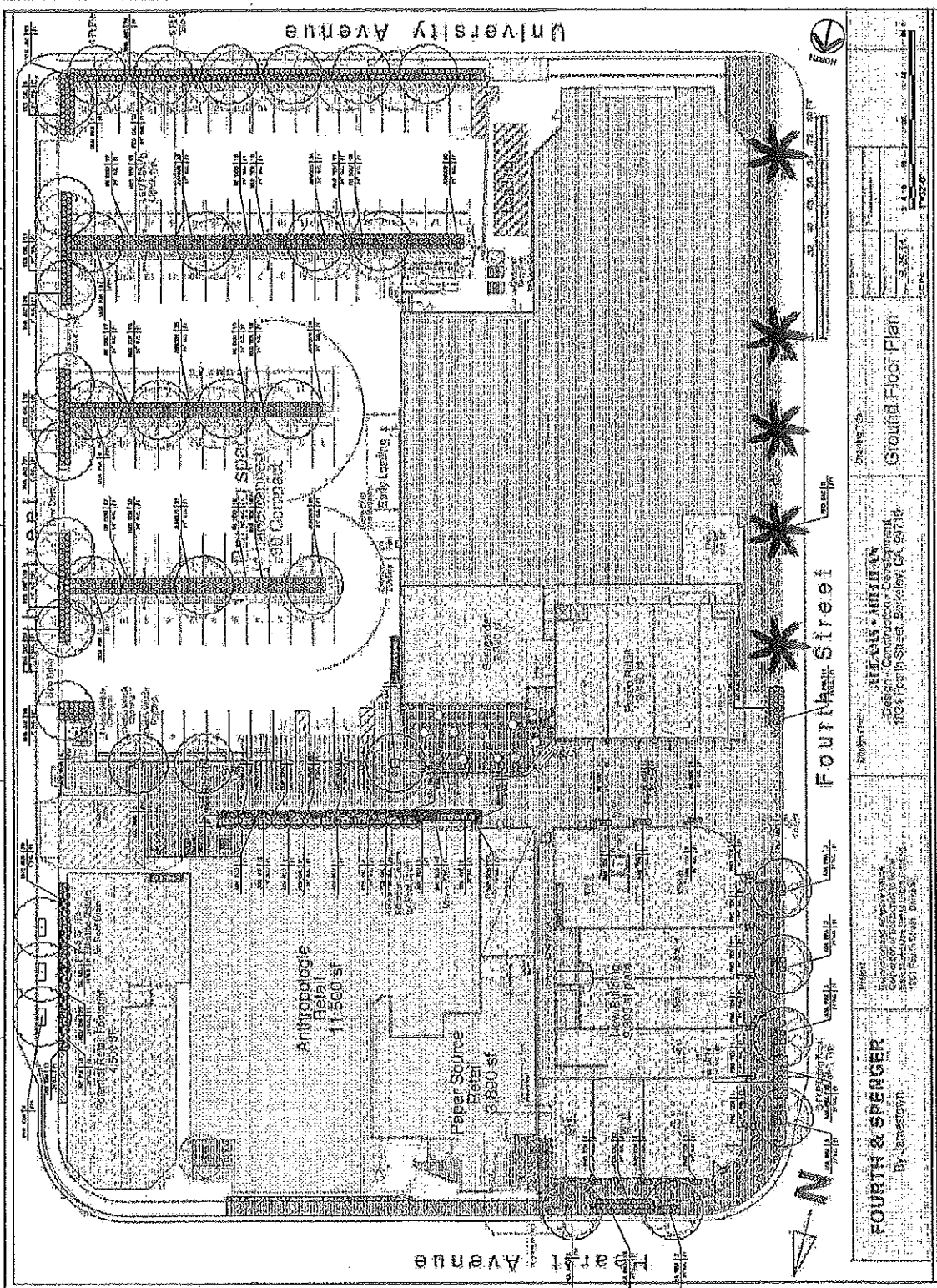
Irrigation

<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	8. Specify Weather-Based Irrigation Controllers (automatic, self-adjusting) that includes a Moisture &/or Rain Sensor Shutoff Requirement Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems. Reference <i>Bay-Friendly Landscape Guidelines</i> , Practice 4.6; EBMUD website has a list of recommended self adjusting controllers at www.ebmud.com .	<ul style="list-style-type: none"> • Submit the make and model and product sheet of the irrigation controller. • Provide a statement signed by the Landscape Architect, Designer or Contractor that the installed controller is a self-adjusting model and includes shut off capacity. 	To be included in specifications
<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	9. Sprinkler & Spray Heads are Not Specified for Areas Less Than 8 Feet Wide Requirement Sprinkler and spray heads are not specified in areas less than or equal to 8 feet wide to prevent overspray and runoff. Acceptable alternatives include drip, subsurface drip, bubblers or no irrigation. Bubblers shall not exceed 1.5 gallons per minute per bubbler.	<ul style="list-style-type: none"> • Submit statement signed by the Landscape Architect, Designer or Contractor verifying that irrigation as installed does not have sprinkler or spray heads in planted areas less than 8 feet wide. 	To be included in specifications

Bay-Friendly Basics: Bay-Friendly Basics represents the 9 required practices in the Bay-Friendly Landscape Scorecard. Landscapes that achieve the Bay-Friendly Basics will achieve significant environmental benefits for the project and community as well as taking the first step toward becoming a Bay-Friendly Rated Landscape. If a project is interested in seeking to qualify as a Bay-Friendly Rated Landscape, it must also earn a minimum of 60 points on the Bay-Friendly Landscape Scorecard and be evaluated by a qualified Bay-Friendly Rater. Please visit www.BayFriendlyCoalition.org to learn more about taking this next step in sustainability. The Bay-Friendly Basics is not a substitute for exercising sound judgment in particular circumstances. Rather, the Bay-Friendly Basics is designed to help local governments raise the minimum environmental requirements for landscape projects that require a permit.

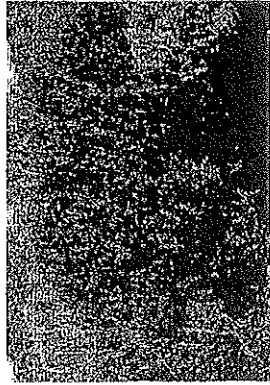
This checklist works well with the Small Commercial Green Building Checklist available at www.stopwaste.org/smallcommercial.

PROJECT TITLE 4th & Spenger		PROJECT ADDRESS 1901 Fourth Street Berkeley, California 94710 ARCHITECT Schematic Design		DATE 02/16/2010 PROJECT STATUS PROGRESS	
PROJECT NUMBER 350		PROJECT NAME SCHEMATIC PLANTING PLANS		SCALE 1" = 32'-0"	
PROJECT NUMBER L-100		PROJECT NUMBER 1 OF 4		PROJECT NUMBER 350	



[illegible]

SHRUBS

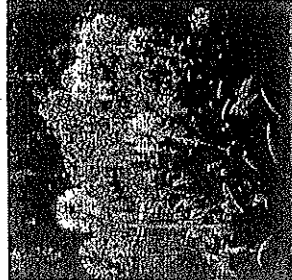


DODONEA VISCOSA 'PURPUREA'
PURPLE HOPBUSH
PERENNIALS



RHAPHIOLEPIS JACK EVANS
PINK INDIA HAWTHORNE

SANTOLINA CHAMAECYPARISSUS
LAVENDER COTTON



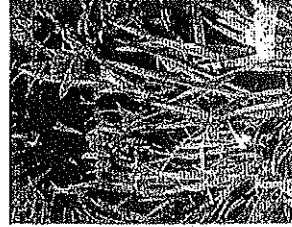
AGAPANTHUS PRAECOX ORIENTALIS
LILY OF THE Nile



AGAVE 'BLUE GLOW'



EUPHORBIA CHARACIAS 'BLACK PEARL'
SPURGE 'BLACK PEARL'



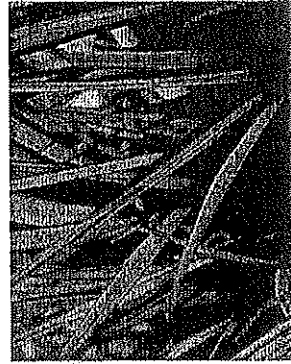
IRIS DOUGLASIANA
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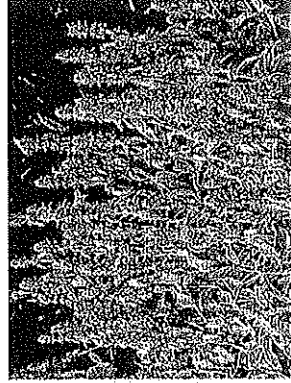
HEUCHERA HYBRID 'CRIMSON CURLS'
CORAL BEL 'CRIMSON CURLS'



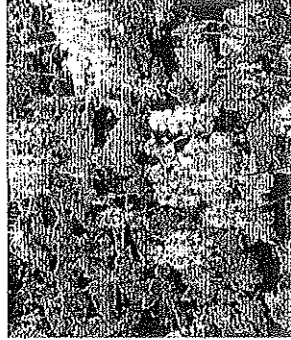
LAMIUM GALEOBDOLOM
DEAD NETTLE



PHORMIUM TENAX 'MAORI MAIDEN'
NEW ZEALAND FLAX



STACHYS BYZANTINA
LAMB'S EARS



TIARELLA CORDIFOLIA
FOAM FLOWE

4th & Spenger
1901 Fourth Street
Berkeley, California
94710
AGP/AL/DES/CK
Schematic Design

DATE: 02/14/2014
PROJECT: 1

DATE: 02/14/2014
PROJECT: 1

DATE: 02/14/2014
PROJECT: 1

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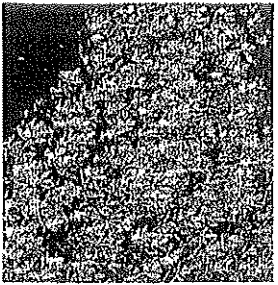
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PROJECT: 1

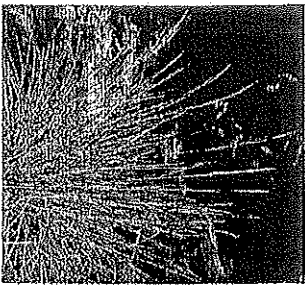
DATE: 02/14/2014
PROJECT: 1

GROUND COVER

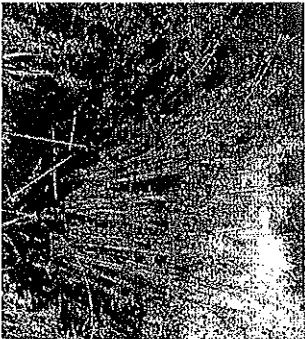


ARCOTAPHYLOS PUMILA
DUNE MANZANITA

GRASSES AND SEDGES



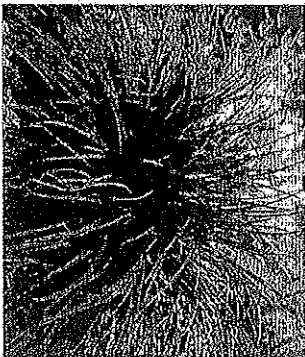
FESTUCA CALIFORNICA
CALIFORNIA FESCUE



JUNCUS PATENS
CALIFORNIA GRAY RUSH



NAUSELLA TENUISSIMA
MEXICAN FEATHER GRASS



UNCINIA RUBRA
RED HOOK SEDGE

2007 Mr. & Mrs. James C. & Barbara
12000 1st Ave.
Berkeley, CA 94702
www.4thandspenger.com

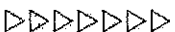
PROJECT TITLE

4th & Spenger

1901 Fourth Street
Berkeley, California
94710
415.855.5555

Schematic Design

DATE 05/16/2018 PROJECTS



DATE
PLANT
PALETTE

DATE

N/A

DATE 07/15

PROJECT NUMBER 330

L-103

APPLICANTS STATEMENT

JUNE 2014

FOURTH & SPENGER

by

Jamestown Properties

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About Jamestown Properties, Owner	14

TEAM:

Jamestown Properties
Scott Landsittel, Asset Manager

Abrams/Millikan
Project Architects & Planners

Interactive Resources
Historical Resource Assessment

John Northmore Roberts
Landscape Architects

SUMMARY

SITE: This project, the Spenger Block, is bounded by Fourth Street & Fifth Street and Hearst & University and is zoned CW

PROJECT GOAL:

This urban infill project in the West Berkeley CW Zone will merge the ambiance and scale of Fourth Street with the Spenger Block. This project will revitalize Spongers and thus help save a City of Berkeley Land Mark building. The project will extend Fourth Street one block South and connect it with the emerging commercial/residential area south of the University overpass.

PROJECT DETAILS:

A. Spengers Restaurant will be reduced in size from 25,250 sq ft to 15,940 sq ft.

1. 1,200 sq ft restaurant office area will be demolished.
2. 2,320 sq ft. will be converted into a Beer Garden Restaurant
3. 5,790 sq ft of the restaurant will be converted to retail.

B. New Construction:

1. On the corner of Hearst and Fourth Street a new building 9,200 ft of retail and 9,000 office above. 31 feet in height.
2. On the corner of Hearst and Fifth Street a new building 4,400 ft of retail 17 feet in height.
3. 1,200 ft outdoor beer garden patio
4. 700 sqft. of "incubator retail" will be created.

C. The project impact:

- 1 With the demolition of Zentrum Retail (13,300 sqft.) and Spenger office (1,200 sq ft.) the *net increase* in total sq ft for the entire block is 10,000 sq ft.
- 2 Project Parking is increased by 33 spaces over the current 77 spaces available. 100 customer spaces will be available across from Spenger's restaurant. Thus, 210 spaces are available to service total project square footage of 65,700 sq ft of Restaurant, Retail, and Office uses

Fourth & Spenger

PROJECT OVERVIEW

This urban infill project is located on Fourth Street between Hearst and University Ave is zoned CW. The site is also the original home to Spengers Restaurant a designated City of Berkeley Landmark. The goals for this project are threefold:

Goals:

1. ***To assure the preservation of this City of Berkeley Landmarked Building.***

The restaurant facility will be modernized and renovated. The Spenger restaurant will be reduced in size from 25,260 to 15,940 sqft. The reduction in size is mainly accomplished by converting space to 5,790 sqft. to retail and a 2,320 sqft. beer garden.

2. ***To integrate the Spenger block between Hearst and University Ave. to the fabric of Fourth Street.***

We create a point in the middle of the Fourth Street Spenger block where the new building meets the older Spenger building. At this meeting point there is a Paseo which will generate major pedestrian activity. The pedestrian Paseo is created by old and new buildings. The architecture of each building contributes equally to the life of the street and the Paseo .

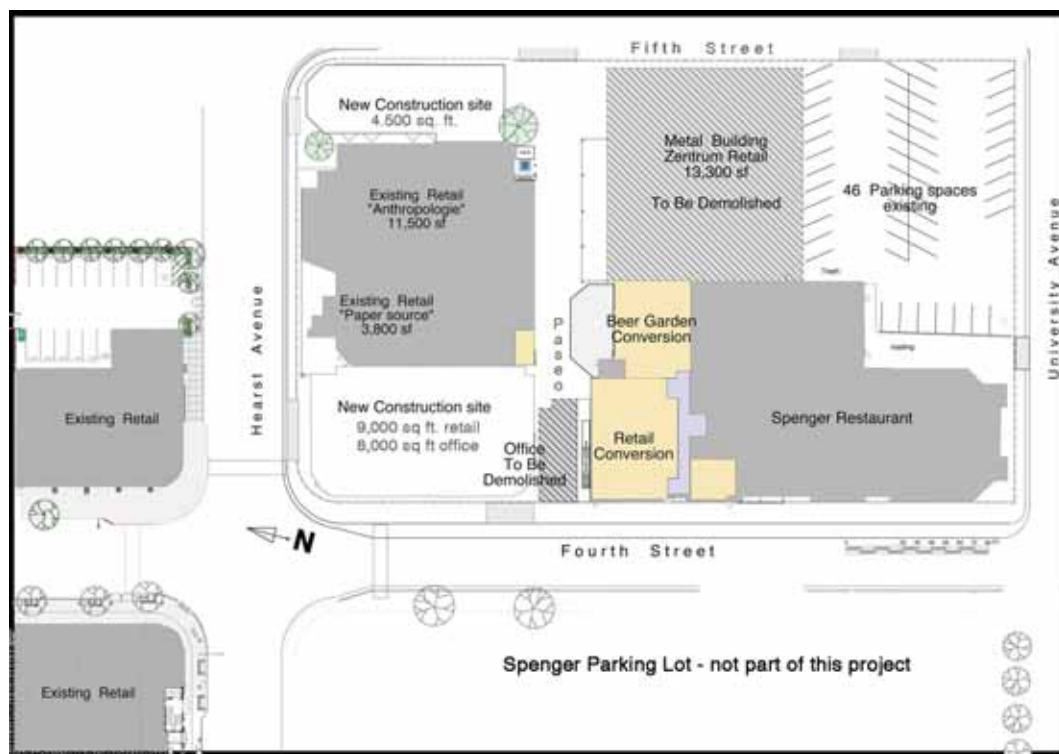
3. ***To connect two growing areas separated by University Ave. overpass.***

By locating the Paseo in the middle of the block, the hub of activity will reach out and link the emerging neighborhood South of the overpass.

Modernizing Spengers Facilities

The Spenger facility is currently oversized for the marketplace. In order to insure economic survival of this specialized restaurant facility, the size of the restaurant must be reduced. Spengers will be reduced in size from 25,350 to 15,940 square feet.

The plan is to remove a small 1,200 square foot office from the site and convert 8,110 square feet from restaurant to small retail shops and a beer garden. The Spenger facility is also burdened by an outdated 13,300 retail space (formally Zentrum antiques), which will be demolished. (See Demolition/conversion diagram below)



° Existing site and demolition plan



Removal of this 1200 sqft. building creates room for Paseo walk

13,300 square feet building to be demolished



Removal of a 13,300 foot metal structure shown above was formerly Zentrum Antiques. Its removal allows for the creation of 110 car parking lot. This new parking area will be screened and generously landscaped and include Bio Swale filtration/landscaping treatment to filter rain water.

Connecting Spengers to Fourth Street

The survival of Spengers will depend on generating new customers. At present Spengers stands isolated in a sea of parking with no pedestrian traffic. It is an island to itself. Our goal is to integrate Spengers into the fabric of the pedestrian traffic of Fourth Street.

We create this connection between the old and the new by constructing new buildings on the two corners of Hearst & Fourth Street and Hearst & Fifth Street. The site for the larger building on the corner of Fourth & Hearst is designed to maximize activities in the center of the Spenger block. This is cleverly achieved by the creation of a small Paseo of retail & office activity. The Paseo then terminates at the beer garden restaurant and several small “incubator retail ” spaces; this will help to energize the Paseo.



This project will continue the design patterns demonstrated by Fourth Street of street retail. Buildings are low in scale, maximizing views of sky and sun. The new building continues the street wall of small storefronts with parking in back of buildings and the pedestrian rhythm. All these elements respect the land marked Spenger building and bring Fourth Street to this next block.



The new building at the corner of Fourth Street is at a two story scale which carries the Fourth Street experience to the Spenger Block. The building is no more than 31' in height. With such a low scale the building integrates and enhances the landmarked Spengers building.



view new building corner Hearst and Fourth Street



New building proposed for corner 5th Street and Hearst.



View of 740 Hearst. Exterior remodel to accommodate new accessibility ramp

Linking Fourth Street to Residential

To the South of Spenger's a new residential neighborhood is emerging. Five hundred new housing units will be at or near Fourth and University

Ave., 250 of these units are already in place. 250 more are planned to be constructed within the next 18 months.

These new neighbors will help to activate the new Paseo and retail shops along Fourth Street. And likewise, the proposed plan will encourage Fourth Street shoppers to explore new shops emerging just south of the University overpass. Thus, this project creates the linkage for two West Berkeley neighborhoods, Fourth Street North and Fourth Street South.



Small retail shops on both sides of the Paseo and the main office entry to the second floor office energizes the middle of the Spenger block.



Two sub neighborhood areas connected by the activity node at the center of the Spenger

Impact on the City of Berkeley Land Marked Building

In 1998 the exterior façade of the fourth street frontage of Spenger's Restaurant was landmarked by the City of Berkeley. Special consideration was given to the cottage dating back to 1892. We honor this designation in several ways. All new construction is low in scale and does not overwhelm the Spenger building. The changes we are requesting do not effect the 1892 cottage. The changes we request will bring more activity and life to the street. Raising the activity level will enhances Spenger's ability to survive economically. Survival of the restaurant will, in the final analysis, save this highly specialized, land marked building.



At present time only one entry node exists along this 400 foot stretch of sidewalk. The small office section to the left of this rendering will be removed

Our plan to place one storefront entry in the middle of the Spenger building and convert parts of the building to retail. This will bring the block to life. The 1892 cottage portion is strictly landmarked and remains unaltered. A complete Historical Assessment Report by Interactive Resources is a part of this submission.



proposed new streetscape for Spengers

Landscape Plan

Landscape of trees and plants is an integral part of the Fourth Street pedestrian experience. The plan will continue the successful pattern of street trees on 4 sides of the Spenger block. Parking areas are screened and fully landscaped in accordance with the Bay Friendly Landscaping Program.

The Paseo is designed with permeable materials in accordance with the C3 requirements. All new roof run off of water will also be captured and directed into Landscaped beds that feature Bio Swale filtration that will treat all storm water run off.

Parking and Transportation

At the present time there are 77 parking spaces on site and 100 spaces across Fourth Street in the Spenger lot. These spaces are committed as customer parking spaces for the restaurant. The current parking configuration serves 56,600 square feet of retail and restaurant uses.

The proposed plan demolishes 14,500 square feet, of retail and restaurant uses, and builds 24,600 feet of new construction. Therefore, the net increase of all buildings is 10,000 feet. In the new plan parking increases from 77 spaces to 110 spaces. In the new plan the 100 spaces across the street remain as customer spaces. Thus, there are 210 spaces available to serve customers and employees of this project.

The plan also provides for:

1. 36 Bicycle racks
2. 4 low emission vehicle parking spaces
3. 3 public Charging stations
4. 26 Public parking meters under the overpass within 100 feet.
5. Proximity to Transportation hub
 - a. AC Transit hub is within 300 feet of the site
 - b. The Capital Corridor train also is within 300 feet.
6. Taxi stands are in view of site .



Aerial view existing site.



Aerial View Proposed Project

PROJECT DATA SUMMARY

EXISTING PLAN						PROPOSED PLAN.					
	Square Feet	PARKING/CODE		EXISTING PARKING			Square Feet	PARKING/CODE		PROPOSED PARKING	
		footnotes		100	customer			footnotes		100	customer
RESTAURANT	25,250	1	84	77		RESTAURANT	19,460	1	65	110	
OFFICE	2,000	2	4			OFFICE	11,000	2	22		
RETAIL	28,600	3	57			RETAIL	35,390	3	71		
TOTAL ALL BUILDING	55,850		145 cars	177 cars		TOTAL ALL BUILDING	65,850		158 cars	210 cars	
Spengers	25,250	1				Spengers	15,940	1		TOTAL INCREASE IN SQ.FT.	10,000
office on top	2,000	2				Beer Garden	2,320	1		TOTAL INCREASE PARKING:	33 cars
Anthropology	11,500	3				Beer Garden Patio	1,200	1			
Zentrum Antiques	13,300	3				Office on Top	2,000	2			
PaperSource	3,800	3				2nd floor Hearst & 4th S	9,000	2			
						Paseo Retail	3,890	3			
						Fish Market Retail	1,900	3			
						Maker Shack Retail	700	3			
						1st floor Hearst & 4th St	9,200	3			
						Anthroopology	11,500	3			
						PaperSource	3,800	3			
						Retail hearst & 5th Street	4,400	3			
	55,850						65,850				

Neighborhood Meeting

An invitation was sent out to 275 neighbors and neighborhood groups inviting them to a presentation at 5:30 pm on June 12. The project was presented at the offices of Abrams/Millikan on Fourth Street. Approximately 20 people attended. We received generous verbal support and interest for the project by most of the attendees. Seven neighbors signed a petition in favor of the project. A copy of the invitation and the signed petition is submitted with the application.

About Jamestown Properties, Owner

Founded in 1983 in Cologne, Jamestown is a leading real estate investment firm with U.S. headquarters in Atlanta and regional offices in New York, Washington, DC, Boston, and San Francisco. Jamestown is known for prominent landmark properties including Chelsea Market and One Times Square in New York, The Newbury Collection in Boston, and 22 Fourth and Ghirardelli Square in San Francisco.

Jamestown is more than a traditional real estate private equity firm focused on allocating capital. Rather, Jamestown is a full-service real estate operating platform. Jamestown is an engaged owner, with a multi-disciplined team of professionals who understand business and take an active role in supporting tenants' success. For more information go to: www.JamestownLP.com

PROPOSED DEVELOPMENT



Artists Concept

PROJECT INFORMATION 1901 & 1919 Fourth Street

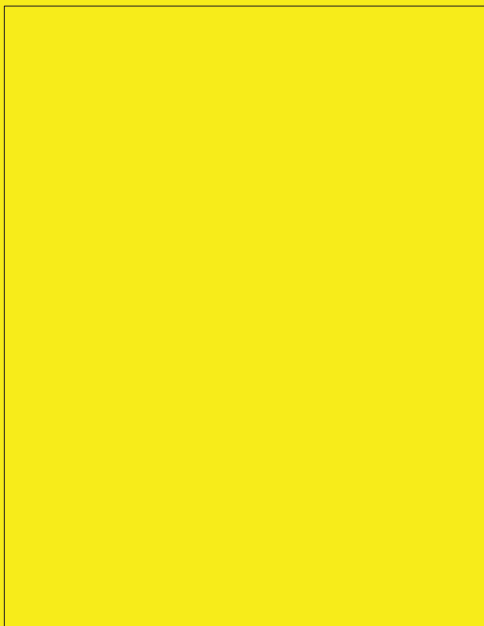
- Structural Alteration Permit
- Minor Partial Demolition
- Construct new Parking Lots
- New Mixed Use Retail Two Story Structure of approx 18,000 SF &
- 4,400 New Single Story Retail

APPLICANT INFORMATION

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**For More information check the
Planning Department Web Page:
www.ci.berkeley.ca.us/planning
or call 510 981-7410**

PUBLIC MEETING NOTICES:



PROPOSED DEVELOPMENT

PROJECT INFORMATION

1901 & 1919 Fourth Street



- Structural Alteration Permit
- Minor Traffic Ordinance
- Construct new Parking Lots
- New Mixed Use Retail Two Story Structure of approx 25,000 sq ft &
- 4,000 New Single Story Retail

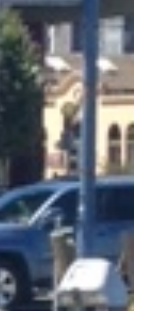
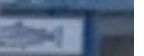
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Planning Department Web Page:
www.ci.berkeley.ca.us/planning
or call 510.981-7410

PUBLIC MEETING NOTICES:

SPENGLER
fish market
FOOD TO GO





**FOURTH & SPENGER
APPLICANT'S STATEMENT
HISTORICAL RESOURCE ASSESSMENT
for
LPC STRUCTURAL ALTERATION PERMIT**

1919-1955 Fourth Street and 740/750 Hearst
Berkeley, California

June 27, 2014



Prepared for
Abrams/Millikan
1834 Fourth Street
Berkeley, CA

Prepared by
Kimberly Butt, AIA
Interactive Resources, Inc.
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INTERACTIVE
R E S O U R C E S
• • •
Architects & Engineers

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Executive Summary

The project known as Fourth and Spenger proposes to maintain Spenger's Fresh Fish Grotto restaurant as a West Berkeley cultural icon; reinstate retail at the former location of the 1949 fish market; revitalize the Spenger's building; and continue the successful retail of Fourth Street south below Hearst Avenue. The current property includes two parking areas, one single-story commercial building on Hearst Avenue, a warehouse on Fifth Street, and the Spenger's building on Fourth Street. The proposed project includes:

- the construction of a new, two-story commercial building at the corner of Hearst and Fourth;
- the construction of a new one-story commercial building at the corner of Hearst and Fifth;
- the demolition of the Fifth Street warehouse;
- selective demolition and alteration of the north end of the Spenger's building;
- the development of a new commercial alleyway or "paseo";
- the expansion of the Fifth Street parking lot.

The Spenger's building is a listed City of Berkeley Landmark, and as such any alterations to the building are to be reviewed by the Landmark Preservation Commission (LPC) and must meet the provisions of the Berkeley Municipal Code, Chapter 3.24 and the applicable Standards in the *Secretary of the Interior's Standard for the Treatment of Historic Properties*. After a thorough review of the site, the property and the proposed project Interactive Resources asserts the following findings:

- the Spenger's building is a City of Berkeley Landmark, and therefore a historic resource as defined by the California Environmental Quality Act (CEQA);
- no other building on the property appears to be eligible for listing as a historic resource;
- the proposed new buildings appear compatible in overall size, scale, mass and style;
- the proposed alterations to the Spenger's building do not conflict with the provisions of the Berkeley Municipal Code, Chapter 3.24;
- the proposed alterations to the Spenger's building meet the *Secretary of the Interior's Standards*.

It appears that the building was designated primarily for its cultural significance as an iconic restaurant and fish market started by Johann Spenger in West Berkeley, as well as for the building's connection to West Berkeley's maritime history. The character defining features as identified in the LPC minutes from the building's designation include the Fourth Street frontage, in particular the original gable-roof residence in the center of the façade. The LPC minutes also identified the numerous maritime artifacts as significant to the property, however these artifacts are the personal property of the Spenger family and their ultimate disposition is not under the control of the current property owner. Further, the Fifth Street warehouse was specifically excluded from the Landmark designation, and is not considered a historic resource. The proposed project would preserve and rehabilitate the most significant features of the Spenger's building and the Fourth Street frontage. The proposed alterations would occur primarily at the north end and would encompass later building additions that do not notably contribute to the building's cultural significance. In conclusion, Interactive Resources, Inc. finds that the proposed project would be beneficial to the property and the surrounding area in terms of viability, aesthetics and historic compatibility, and meets the necessary outlined provision for historic properties.

Introduction

Background Information

The proposed project known as Fourth and Spenger is located in West Berkeley on a site bound by Fourth Street and Fifth Street between Hearst Avenue and University Avenue. The applicant is proposing to construct a new low-rise commercial building on the site of an existing parking lot at the corner of Hearst Avenue and Fourth Street and a new single-story commercial building at the corner of Hearst Avenue and Fifth Street; undertake alterations to the existing Spenger's building, a City of Berkeley Landmark; and demolish an existing warehouse at Fifth Street. Interactive Resources, Inc., as the project historic preservation consultant, has prepared the following Applicant's Statement Historical Resources Assessment for the Landmarks Preservation Commission (LPC) Structural Alteration Permit application.

Methodology

The following report is based on a review of existing materials provided by the applicant, targeted archival research pertaining to the property, site visits to the property to inspect existing conditions and take photographs, project plans and schematic design documents provided by the project architect, and meetings with the applicant and the City of Berkeley preservation planning staff. Site visits were conducted on November 15, 2012 and November 20, 2013. Targeted archival research was conducted at the Berkeley Public Library, the Berkeley Permit Service Center, and at the Berkeley Architectural Heritage Association offices, as well as through select on-line resources. The assessment of historic significance is based on the guidelines for nominating historical resources to the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR), and the criteria for consideration for designating City of Berkeley landmarks, historic districts and structures of merit.

Existing Conditions

The subject property is located in West Berkeley, directly east of Interstate 580 and north of the overpass at University Avenue. The area features a combination of uses including retail, industrial and residential. The site, located at the south end of the prominent retail section of Fourth Street, features two commercial buildings, a warehouse and three paved parking areas.

Two retail stores occupy the smaller, gable roof structure, at the northeast section of the property which fronts Hearst Avenue. The simple, single-story building was originally constructed as a parcel post annex for the United States Postal Service in 1955, and although it has been significantly altered over time, the original utilitarian volume is still apparent behind the modern retail façade. The building is constructed of concrete block with concrete tilt-up infill panels and structural wood "bowstring" trusses at the interior. The exterior is primarily finished in painted stucco.

The Spenger's building and warehouse occupy the central and southwestern sections of the site, and present a conglomeration of numerous additions that have occurred over the past century. Currently occupied by a maritime-themed restaurant, the combination one and two-story Spenger's building fronts

Fourth Street and is clad primarily in painted, horizontal wood channeled siding. Much of the building features a flat roof surrounded by a unifying parapet, however two small building sections on the west side and the large eastern warehouse addition feature gable roofs. The original circa 1892 gable-roof cottage stands at the center of the Fourth Street façade and is punctuated by two, two-over-two wood windows over three, non-original porthole windows. The majority of openings occur on the Fourth Street façade with one metal gate, eight doors, and numerous windows. The south walls feature very little fenestration and there are no openings on the corrugated metal-clad east wall. The west side fronts an alley and features a loading dock adjacent to a large metal awning at the rear, and a horizontal wood-clad wall pierced by five short, rectangular windows at the front end.

Property History

History of the Plan Area

The property is located within an area known as West Berkeley, and historically known as Ocean View. West Berkeley is generally defined by San Pablo Avenue to the east, the San Francisco Bay to the west, Gilman Street to the north and Ashby Avenue to the south. The area is Berkeley's earliest neighborhood with Euro-American settlement beginning in the early 1850s, as people came west with the Gold Rush. In 1858, 57 people were living in Ocean View, and by the 1860s, the developing town had a population of at least 100 and the land use consisted of a mixture of farms and industry. Additionally, as the community was located along the Bay, it had a strong tie to the maritime culture of the time.

The area was significantly impacted by both the founding of the University of California at Berkeley and the completion of the transcontinental railroad in the late 1860s. In the early 1870s, the Berkeley Land and Town Improvement Association was incorporated and began laying out new streets in Ocean View; marketing the area; and working toward the establishment of a ferry directly to San Francisco. In an effort to avoid annexation by Oakland, Ocean View incorporated with the community of Berkeley in 1878 and then became known as West Berkeley.

Early industry in the area included factories producing soap, watches, shoes, gloves, beer and glass. By the turn of the century the area became predominantly industrial. Still, the population grew to about 1,500 and improvements in the infrastructure included the establishment of services such as telephone and electricity and the construction of churches, a post office, a school and a town hall. Circa 1892 Johann Spenger established his grocery store and fish market near the corner of University and Fourth Street.

West Berkeley experienced significant growth following the 1906 earthquake and fire, and numerous factories relocated to the area from San Francisco. Further, several government-sponsored construction projects encouraged the development of West Berkeley between the mid-1910s and World War II. These projects included: a pier at the end of University Avenue, the Eastshore Freeway, Aquatic Park, and the University Avenue overpass over Third Street. The area subsequently experienced tremendous growth during World War II, but development began to stall postwar. In the mid-1960s the City created an Industrial Park to help spur growth, which led to the replacement of many residences with large factories.

In recent years the area has again transformed with the introduction of mix-use developments including shopping and affordable housing.¹

History of the Buildings

1919-1955 Fourth Street/Spenger's Fish Grotto
(APNs 057-2100-008-06, 057-2100-008-05, and 057-2100-007-02)

The oldest section of 1919 Fourth Street was initially constructed as a residence along Strawberry Creek for Johann Spenger circa 1892. Later, the family opened a grocery store and fish market in a shed on the north side of the residence. Then in 1933 Johann's son Frank Spenger converted the original family home into a seafood restaurant. From 1932 to 1960 permits were taken out on an average of one every two years for various additions and alterations, which both widened the dining areas along the street frontage and expanded the kitchen and storage spaces at the rear (east) side of the site. In 1949 a permit was issued for the construction of a fish market. In 1954, a two-story addition with a banquet room on the ground floor and private quarters on the second floor was constructed at the north side of the existing building. Circa 1967 a large warehouse was constructed at the rear of the site, extending back across the depth of the lot to Fifth Street. In 1968, a free-standing wood-frame, single-story addition was constructed on the north side of the 1954 banquet room. Finally, after demolishing several existing buildings on the south side of the parcel, the "Oyster Bar" addition was completed in 1975. In 1998 the Spenger family closed the restaurant. When the new owners re-opened the restaurant in 1999 an extensive interior remodel was undertaken that included the entire reconstruction of the kitchen, and the removal of several walls, floor and ceiling finishes. Alterations at the exterior included the removal of the "flower stand" and metal awning north of the main entry, the construction of a new exit from the bar north of the lobby, and the addition of new building-mounted lighting and signage.

Building Chronology (Major additions and alterations)

<i>c.1892</i>	Johann Spenger constructed the original gable roof, wood frame, two-story residence.
<i>1933</i>	The house was converted into a restaurant by Frank Spenger, Johann's son.
<i>1949</i>	The single story fish market constructed on the north side of the original residence.
<i>1954</i>	Two-story Banquet Hall addition constructed at the north side of the existing building.
	Engineer and Architect: Cline and Zerkle, Berkeley, CA
	Builder: Walter Payne Contracting Co.
<i>1967</i>	Warehouse at 1914 Fifth Street constructed as storage for the restaurant.

1. The majority of the area's history is taken from Carey & Co, Berkeley Rail Stop and Transit Plaza, Historic Architectural Survey Report, October 29, 2002 and the 1919-1955 Fourth Street City of Berkeley Landmarks application.

- 1968 Offices constructed north of the 1954 Banquet Hall addition.
Architect: Apaydin, Angell, Lockwood, Associates, Berkeley, CA
- 1973 Frank Spenger, Sr. dies.
- 1975 The south “Oyster Bar” addition was completed.
- 1998 The restaurant sold to new owners.
1919-1955 Fourth Street designated a Berkeley Landmark excluding
APN 057-2100-007-02.
- 1999 New signage and lighting added at the exterior. Exterior metal awning on Fourth Street
frontage removed. Various interior renovations were undertaken. “Flower Shop” to the
left of the entry removed. Entrance to the bar north of the main entry extended out to be
flush with exterior wall on Fourth Street.
Architect: Larry Dean Hart, Portland, OR

740/750 Hearst Avenue/Parcel Post Annex (APN 057-2100-001-04)

The property at 740/750 Hearst was initially developed between 1911 and 1929 with single story residential buildings located toward the east side. The subject building was constructed in 1954, spanning what had been two parcels and requiring the demolition of two houses and three freestanding garages. Frank Spenger owned the property, sponsored the project, and leased the building to the United States Government for use as a parcel post annex. The construction of the simple industrial building occurred during the period when the growth of the neighborhood was stalling and the City of Berkeley was beginning to encourage more industrial uses. With the development of the surrounding area into a prominent retail sector, the building was initially renovated in the early 1980s to serve as retail and office space for the Nature Company. It was again altered in 2002 to accommodate new retail companies.²

Building Chronology (Major additions and alterations)

- 1954 Parcel post annex building constructed.
Architect: (Lorimer) Skidmore & Walling
- 1983 Major building renovation for change in use to retail and office spaces. Exterior loading
docks enclosed.
- 2002 Major interior and exterior remodel for new retail spaces.

2. Permit Files for 740/750 Hearst Street. Berkeley Permit Service Center.

Historic Eligibility Status

1919-1955 Fourth Street/Spenger's Fish Grotto

The historic eligibility of the subject property at 1919-1955 Fourth Street has been previously evaluated several times. In 1979, the property was recorded by Stephanie Manning of the Ocean View Neighborhood Preservation Association and was, at that time, found to be potentially eligible for the National Register of Historic Places.³ In 1998, Ms. Manning and Doug Morse prepared a City of Berkeley Landmark Application for the property.⁴ Doug Morse wrote an addendum to the application dated October 15, 1998. The addendum requested the inclusion of 1955 Fourth Street, the site of the 1975 "Oyster Bar" addition and provided a more detailed description of the existing building.⁵

The property was successfully listed as a City Landmark in November 1998. The Landmarks Preservation Commission (LPC) moved to landmark the "Fourth Street frontage and parcels therein as significant historical landmarks, especially considering the original cottage, the relation to the Oceanview (sic) neighborhood and early 1900's waterfront, and the direct relationship to the bay and maritime history." The Commission found that "the restaurant is important to the community's history as a cultural resource, drawing patrons from all over the Bay Area." The motion also notes the exterior historic maritime artifacts as significant and mentions that Strawberry Creek flows under Spenger's and that the nearby shell mound may extend under the site. Finally, the motion states that the "structures on the Fifth Street frontage are excluded."⁶ Eight commissioners voted in favor of the application with one abstention.

Although the official Notice of Decision has not been located, it appears from the meeting minutes that the Landmarks Board included portions of the building ranging in address from 1915 to 1955 Fourth Street or assessor's parcel numbers 057-2100-008-06 and 057-2100-008-05. The portion of the structure at 1914 Fifth Street or assessor's parcel number 057-2100-007-02 was specifically excluded from the nomination.

The building was again evaluated in 2002 by Carey & Co. as part of the environmental review for the proposed Rail Stop and Transit Plaza project. Carey & Co. found that the subject property was not eligible for the National Register of Historic Places (NRHP) due to its overall lack of historic integrity. The property was found to possess historical significance under Criterion A for the property's association with the early development of West Berkeley and under Criterion B for its association with Johann Spenger. The property was not found to be significant under Criterion C for its architectural characteristics, because while the building is typical of "modest 1890s Victorian residential architecture,

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3. Stephanie Manning, *Historic Resource Inventory: Spenger House and Market*. Recorded on DPR 523 forms. (Berkeley: 1979.)
 4. Stephanie Manning and Doug Morse, *City of Berkeley Ordinance #4694 N.S. Landmark Application: Spenger's Fish Grotto*, (Berkeley: September, 1998.)
 5. Memorandum to the Members of the Landmarks Preservation Commission from Mark Rhodes, Secretary, regarding Spenger's Fish Grotto, October 30, 1998.
 6. Berkeley Landmarks Preservation Commission Minutes (November 2, 1998): 3. The official record of the Notice of Decision has not been located.

extant historic fabric does not display features of the period that are particularly notable and does not possess high artistic value.” Finally, a property must possess both historic significance and physical integrity to be eligible for the NRHP. The report found that the only aspect of physical integrity that has not been altered or compromised was its location. Therefore, property was found ineligible for the NRHP.⁷

The property is currently not listed on the California Register of Historical Resources (CRHR) or the NRHP. However, it is listed on the California Office of Historic Preservation Historic Property Data File with a status code of 3S, meaning “the property appears eligible for the NRHP as an individual property through survey evaluation.”⁸ This status code was attributed to the property from the Historic Resource Inventory completed by Stephanie Manning in 1979 and has not been updated since.⁹

Although the building was found ineligible for listing on the NRHP due to lack of integrity and has not been formally re-evaluated since, it is still considered a historic resource in the context of CEQA because the building is designated as a local landmark. Section 15064.5(a)(2) of CEQA includes in its definition of historical resources “a resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant.” Section 5020.1(k) of the Public Resources Code defines a local register of historical resources as “a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.” Therefore CEQA section 15064.5, in addition to Berkeley Municipal Code Chapter 3.24, applies to the landmarked portions of the property.

740/750 Hearst Avenue/Parcel Post Annex

The subject property at 740/750 Hearst Avenue does not appear to have ever been previously evaluated for historic significance. The property is not currently listed as a City of Berkeley Landmark, nor is it listed on the CRHR or the NRHP.

740/750 Hearst was constructed in 1955 as the Parcel Post Annex for the United States Post Office with Frank Spenger as the official project sponsor and property owner.¹⁰ The building is old enough for consideration as a historical resource. After an initial review of the property’s permit history and a site visit to the property, it appears that the building would not be eligible for local, state, or national listing. Although the building was associated with the United States Post Office in Berkeley, it does not appear that the building is historically significant under any of the established criteria.

7. Iris Starr, AICP, Redevelopment Coordinator memo to Caltrans District 4 – Local Assistance, “Summary: Environmental Review for the Rail stop and Transit Plaza project,” (December 3, 2002.)

8. “User’s Guide to the California Historical Resources Status Codes & Historic Resource Inventory Directory, California Office of Historic Preservation Technical Assistance Series, no. 8,” Sacramento, CA: California Department of Parks and Recreation, 2004.

9. Manning, *Historic Resource Inventory Form*.

10. Permit files for 740/750 Hearst Avenue.

The building does not appear to be eligible for listing in the NRHP or the CRHR under Criterion A/1. Although the building was part of West Berkeley's industrial growth through the 1950s and 1960s, it does not appear to have played a significant role in the historical development of West Berkeley. Additionally, it does not appear to be eligible under NRHP/CRHR Criteria B/2, C/3, or D/4. No persons, other than Frank Spenger as building owner, have been identified as being significantly associated with the building and who appear to have made a significant contribution to local, state, or national history. Further, although Frank Spenger owned the building, his connection is not significant enough for eligibility. Constructed in 1954, the building does not appear to be a significant example of an architectural type. While the industrial building is modestly indicative of the Modern style, it is not an outstanding example of the type, nor was it designed by a master. Further, the building does not appear to possess the potential to yield information important to the prehistory or history of the local area, state, or the nation. Finally, although the building maintains some aspects of integrity, including its overall form and location, numerous features have been significantly altered such as the exterior facades, siding and windows. Therefore, building does not appear to be eligible for the NRHP or the CRHR.

Further, the City of Berkeley's Landmarks Preservation Commission maintains the role of designating structures and sites having special historical and architectural interest and value. Procedures to identify and designate cultural resources locally are outlined in Section 3.24.110 of the Berkeley Municipal Code.

For landmarks and historic districts, the general criteria used when considering structures, sites and areas for landmark or historic district designation are as follows:

"1. Architectural merit:

- a. Property that is the first, last, only or most significant architectural property of its type in the region;
- b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or
- c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

"2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;

"3. Educational value: Structures worth preserving for their usefulness as an educational force;

"4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;

"5. Any property which is listed on the National Register described in Section 470A of

Title 16 of the United States Code.”

Structures of merit may be designated if the structure does not currently meet the criteria as set out for a landmark, but it worthy of preservation as part of a group.¹¹

The Parcel Post Annex building does not appear to meet any of the five identified criteria. The building does not exhibit exceptional architectural merit under any of the three outlined categories. It was designed as a simple utilitarian industrial building with only minor elements indicative of the Modern style. It is not the first, last, only or most significant architectural property of its type in the region, and it does not add exceptional value to the neighborhood fabric. Nor does the building appear to maintain any cultural, educational or historical value. It was historically used as a parcel post warehouse and is not associated with any significant historical developments. Finally, the building is not listed on the National Register.

Proposed Project

The proposed project includes the construction of a new two-story building on the northwest corner of the site in place of an existing parking lot and a new one-story building on the northeast corner of the site; selective demolition of and alterations to 1919-1955 Fourth Street; and demolition of the warehouse at Fifth Street. The project would reduce the square-footage of Spenger’s Restaurant from 25,250 to 15,940; rehabilitate the 1949 fish market space into a retail unit; and provide new retail and restaurant spaces at north end of the Spenger’s building.

New Buildings

The new building at the northwest corner would share a party wall with the existing building at 740/750 Hearst Avenue at the west side. The two-story building would provide approximately 18,200 square-feet, and it appears it would be compatible in size, scale and mass to the existing buildings on the property and north along Fourth Street. The southern end of the building footprint would extend just beyond the footprint of the existing 1968 office addition to 1919-1955 Fourth Street and would, in part, necessitate the demolition of this addition.

The proposed new building would be primarily clad in plaster at the columns and horizontal bands, with the spandrels between the windows being finished in metal panels. The windows would be Kynar finished aluminum, and the storefront will be frameless glass with glass doors or frameless glass over a poured concrete bulkhead with wood doors. The clean design with Moderne references is in keeping with the existing buildings located at the north side of the Hearst Avenue and Fourth Street intersection.

The second proposed new building would be located at the northeast corner of the site atop an existing parking lot. The one-story building would provide approximately 4,400 square-feet of additional retail space.

11. *Berkeley Municipal Code*, sec. 3.24.110.

Selective Demolition and Alterations to 1919-1955 Fourth Street

The proposed project includes the demolition of the single-story 1968 office addition to Spenger's Fish Grotto and the adjacent exterior breezeway stair. Currently used as an office, the 1,200 square-foot wood-frame building is physically separated from the rest of the restaurant by a breezeway and is structurally independent. In place of the office, the project would develop an exterior pedestrian "paseo" with retail on both sides and a new beer garden at the east end. The 1958 Banquet Room ground floor would be subdivided into retail spaces at the interior with new storefront entrances punched into the north wall. The exposed concrete of the north wall would be clad in horizontal wood siding to match the Fourth Street façade and the storefronts would feature new awnings and wall-mounted signage above. At the north end of the west façade the existing door and small window would be replaced with two storefront windows with awnings and wall-mounted signage. An additional new storefront with an awning and wall-mounted signage would be inserted at the location of the 1949 fish market just north of the original residence. Minor alterations to the west façade include: the addition of new retail signage; the relocation and removal of select signage; and the relocation of select wall-mounted maritime artifacts (note that the maritime artifacts are the personal property of the Spenger family and their ultimate disposition is not under the control of the current property owner). No other alterations are proposed for the west, Fourth Street façade.

At the east end of the north façade the existing loading dock would be removed and a section of the storage room would be demolished. A new 2,320 square-foot restaurant with a 1,200 square-foot outdoor patio would be developed in this location.

Demolition of Warehouse at Fifth Street

The 13,300 square-foot warehouse at Fifth Street, which is specifically excluded from the landmark designation, is proposed to be demolished. The existing parking lot to the south would be reconfigured and expanded north to the rear of 740/750 Hearst Avenue. The final parking lot would provide 110 parking spaces or 33 more than currently available on the site.

Project Benefits and Basis for Approval

As detailed above, only 1919-1955 Fourth Street/Spenger's Fish Grotto appears to qualify as a historic resource as defined by CEQA. Therefore the following evaluation is based on the potential effects only to 1919-1955 Fourth Street, and not to the Fifth Street Warehouse or 740/750 Hearst Avenue.

Project Benefits

The proposed project provides numerous benefits to the West Berkeley neighborhood and to Spenger's Fish Grotto, a designated Berkeley landmark. First, Spenger's Fish Grotto as a business has steadily been in decline for decades. A stable proprietor has now taken on the business, but has found that the amount of square-footage currently allotted to the facility is significantly more than required for the restaurant and is an impediment on the overall profitability. By converting the north end into separate retail, the restaurant is able to continue at a more manageable size. Further, by allowing the restaurant to become

profitable, Spenger's as an entity and as a landmark will continue to be part of the West Berkeley cultural landscape.

The proposed project also included the return of retail at the site of the 1949 fish market directly north of the original house. The space is currently vacant and not in use. With minimal work required, a significant aspect of the Spenger's Fish Grotto history, the retail market, would be able to be revived.

The removal of the 1968 office addition and the development of the pedestrian "paseo" in conjunction with the construction of the new building will serve to activate and integrate the block of Fourth Street between Hearst Avenue and University Avenue. Spenger's currently stands physically separated from the extremely dynamic commercial segment of the Fourth Street north of Hearst Avenue. Because there is little retail to offer south of Hearst Avenue, the pedestrian activity virtually stops north of Spenger's.

The development of the Fourth Street has been a tremendous success in West Berkeley. The construction of the proposed building and the alterations to the north end of 1919-1955 Fourth Street, will provide much needed additional retail space to help the district continue to grow and thrive. With that growth, there will need to be additional parking, which will be provided by the demolition of the Fifth Street warehouse and the extension of the existing parking lot.

The project preserves Spenger's Fish Grotto as a Berkeley Landmark. The most historically significant architectural features of the building will be retained and rehabilitated, such as the original double-hung wood windows at the original Spenger home, the horizontal wood siding, and the original neon blade sign. Furthermore, the property will be preserved as a cultural entity with the restaurant continuing to serve the public.

Finally, the project will serve to connect two growing areas separated by the University Avenue overpass. The proposed location of the "paseo" in the middle of the block will act as a link between the existing primarily commercial neighborhood north of the overpass and the emerging residential district to the south.

Determining Significant Effects on Historical Resources

The project has been reviewed and evaluated in this report in accordance with the requirements of CEQA. Consistency with the *Secretary's Standards and Guidelines* is necessary for a project to receive a Class 31 categorical exemption from CEQA as specified in Section 15331 of the *CEQA Guidelines*. That section states as follows:

Class 31 consists of projects limited to maintenance, repair, stabilization, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the *Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Weeks and Grimmer, 1995).

The CEQA Guidelines provide for various classes of categorical exemptions, including Class 31 exemptions for projects that are limited to rehabilitation of historical resources in a manner consistent

with the *Secretary's Standards and Guidelines*. However, this exemption cannot be used where the proposed project may cause a substantial adverse change in the significance of a historical resource as defined by the CEQA Guidelines in Section 15064.5(b).

The Guidelines state that physical demolition of a resource by definition constitutes a “substantial adverse change” and would therefore have a significant adverse effect on the resource. Furthermore, relocation or “alteration of the resource or its immediate surroundings” can also constitute a substantial adverse change in the significance of an historical resource if it would result in “material impairment” of the resource. A project is considered to result in material impairment when it “alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion” in the California Register of Historical Resources (Section 15064.5(b)(2)(A)). However, if the proposed project would not result in a “material impairment” and is found to be consistent with the *Secretary's Standards and Guidelines*, it will qualify for the Class 31 categorical exemption. It does not appear that the proposed project would result in a material impairment and the project appears to be consistent with the *Secretary's Standards and Guidelines*, as analyzed in detail below. Therefore, the project would not have a significant effect on historical resources and appears to qualify for categorical exemption Class 31.

Evaluation of Consistency with the Secretary of the Interior’s Standards

In accordance with the requirements of CEQA, this project is being evaluated for consistency with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer, 1995). The project as proposed qualifies as a rehabilitation as defined by the Secretary’s Standards and Guidelines:

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Therefore, the relevant Standards are those for rehabilitation, as stated and discussed below. In addition to the Standards, there are numerous guidelines that expand upon the concepts outlined in the guidelines and address specific issues that arise in rehabilitation work, including how to identify, retain, protect, preserve and repair historic building materials and features; how and when to replace them and how to design appropriate additions and alterations. These guidelines are numerous and will not all apply to a given project. They will be reference where appropriate.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Comment: The subject building has historically maintained uses including: a restaurant, a fish market and various small retail entities. The proposed use would maintain the existing restaurant use, as well as restore and add retail uses. The proposed new retail uses appear appropriate and

are in keeping the historic uses found on site which has included a variety of retail such as a flower shop, gift shop and car wash.¹²

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Comment: The historic character of the property would be retained. The removal of materials would be limited to the 1968 office addition; an exterior stair, one door and four windows at the 1954 Banquet Room addition; one door and one window at the 1949 fish market location; the northern loading dock and sections of the eastern storage room. All elements proposed to be removed are non-character defining features of the historic resource. Although the 1968 addition maintains a north wall fronting Fourth Street, the loss of this wall would not diminish the overall understanding of the building's historic significance. Further, at least one "Green Point" sign is planned to be removed. Photographic records indicate that these signs were likely mounted during the mid-1970s, and do not characterize the property.

One new storefront would be inserted at the site of the former 1949 fish market location. The original façade configuration of the 1949 fish market storefront has previously been altered several times with the addition of a parapet, the removal of a door and window, and the insertion of a new recessed door and narrow building extension. Due to the numerous alterations of the facade at this location it does not appear that the removal of the door or window would adversely impact any features that characterize the property. The building's distinctive features, such as the character defining north pre-1968 façade sections, the form of the original gable-roofed residence, the two-over-two windows at the original residence, and the significant overall spatial relationships would be preserved.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Comment: It does not appear that the proposed changes would create a false sense of historical development and no conjectural features or architectural elements from other buildings are to be introduced in the proposed project. Although the new siding on the north façade would match the existing historic siding in order to maintain continuity, the new storefronts would be clearly modern and would illustrate that the work on the north and west façades is a new intervention.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

12. Permit files for 1919-1955 Fourth Street on file at the Berkeley Permit Center.

Comment: Many non-original features, some of which have potentially acquired historic significance, including various additions, signage, and windows would be preserved on the west, Fourth Street façade.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

Comment: The primary character defining features, finishes and construction techniques would remain unaltered such as the overall Fourth Street façade composition, the gable roof of the original residence, the horizontal wood siding, the two-over-two wood windows, the historic window surrounds, the horizontal band molding at the west façade, some porthole windows, and the original neon blade sign.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Comment: The two original double-hung wood windows, the wood siding, and wood trim would be repaired as required. Refer to Preservation Brief #9 *The Repair of Historic Wooden Windows* for further information and guidance.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Comment: No chemical or harsh treatments are proposed.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Comment: The presence of significant archeological resources on the project site is currently unknown. If any such resources are discovered during construction appropriate mitigated measure shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Comment: The proposed exterior alterations to the Spenger's building at the north façade and the north end of the west façade appear to be compatible with the historic building. The use of

horizontal wood siding over the existing concrete north wall would be compatible with the existing historic materials, while the insertion of the modern storefronts with awnings and wall-mounted signage above would clearly differentiate the new work from the original elements while still being compatible in design.

The proposed new building at the northwest corner appears to be compatible in massing, size, and scale to the Spenger's building. The design does not mimic any historic characteristics of the historic building, and is clearly modern. The new building as proposed would be both contemporary and compatible to the site.

The proposed new building at the northeast corner also appears compatible in overall massing, size, and scale; however the building is located at such a distance from the landmark building that it does not appear it would have any potential impact.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Comment: If the new adjacent buildings were to be removed in the future it would not impact the historic integrity of Spenger's Fish Grotto. Additionally, the proposed awnings and wall-mounted signage could be removed without impairing the building.

Evaluation of Consistency with Berkeley Municipal Code, Chapter 3.24

Chapter 3.24 of the Berkeley Municipal Code outlines procedures and approvals required to complete any construction, alteration or demolition work involving designated landmarks. The Landmarks Preservation Commission must approve any work involving construction, alterations or demolition to a designated landmark in order for a permit to be issued.

Section 3.24.260 also establishes review standards and criteria for permit applications for construction, alteration, repair, and demolition of landmark properties with the follow regulations:

- A. The commission shall be guided by the standards in this section in its review of permit applications for work on a landmark site, in an historic district or on a structure of merit site. In appraising the effects and relationships mentioned herein, the commission shall in all cases consider the architectural style, appearance, arrangement, height, design, texture, materials, color and appurtenances and such other facts as may be relevant.
- B. In all instances, the proposed work shall be as appropriate for and as consistent with the purposes of this chapter as is possible within the peculiar circumstances of the owner of the

property and preservation or enhancement of the characteristics and particular features specified in the designation.

C. Approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1. and 2. below:

1. For permit applications for construction, alteration or repair:

a. For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

b. *(Refers to historic districts and is not applicable)*

c. *(Refers to structures of merit and is not applicable)*

2. For permit applications for demolition: the commission shall find that the designated landmark, historic district or structure of merit or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the designated landmark, historic district or structure of merit or portion thereof and the interest of the owner of the landmark site, historic district, or structure of merit site in its utilization.

The proposed Fourth and Spenger project shall be reviewed for consistency with Section 3.24.260 as an application for construction, alteration or repair relating to a landmark site. The proposed project would preserve all primary significant exterior features of the landmark building; in particular the façade of the original Spenger residence will remain unaltered. The 1968 office addition, which was identified in the landmark application, but contributes little to the overall historic significance of the building because: the addition is physically separated from the rest of the building; it is not one of the original sections; and it did not play a primary role in developing the cultural significance of the restaurant. It is our opinion that the loss of the 1968 section would not significantly impact the overall historic integrity and significance of the building, and would allow for the successful redevelopment of the property and benefit the entire block.

The architectural style of the landmark will remain the same, and the primary west façade will remain essentially intact with alterations limited to the sections north of the original house. The proposed new storefronts will be clearly modern, yet compatible with the landmark building and will not diminish the building's historic significance. One new storefront would be inserted at the site of the former 1949 fish market location. The original configuration of the 1949 fish market

storefront has previously been altered several times with the addition of a parapet, the removal of a door and window, and the insertion of a new recessed door and narrow building extension. Due to the numerous alterations of the facade at this location it does not appear that the insertion of a new storefront would adversely impact any character defining features.

Further, the adjacent new building proposed would be compatible in height, size and massing to the existing landmark building, and will help to re-engage the Spenger's building by connecting it to the active retail of the Fourth Street to the north. Overall, the project appears to be consistent with Chapter 3.24 of the Berkeley Municipal Code.

Evaluation Summary/Conclusion

Based on the above analysis, the proposed project which includes the construction of a new building at Fourth Street and Hearst Avenue and one at Fifth and Hearst; alterations to and selective demolition of the City of Berkeley landmark Spenger's Fish Grotto building; removal of the Fifth Street warehouse; and development of a new parking lot, appears to be consistent with the Secretary of Interior's *Standards for the Treatment of Historic Properties* (Weeks and Grimmer, 1995) and Chapter 3.24 of the Berkeley Municipal Code.

- The essential character defining features of the building will be preserved and rehabilitated, ensuring the building is able to convey its historic significance as a cultural icon.
- The 1968 north end addition and select elements proposed to be removed from the Spenger's building do not appear to contribute to the building's historical significance.
- The proposed storefronts, awnings, and wall-mounted signage to be located at the north end of the Spenger's building appear compatible in character and design, would be clearly modern, and would not diminish the property's historic significance.
- The Fifth Street warehouse proposed for demolition was excluded from the Landmark designation and does not appear to be historically significant.
- The proposed new buildings appear to be compatible in size, scale, mass and style to the historic Spenger's building.

Further, the former Parcel Post Annex building at 740/750 Hearst Avenue does not appear eligible for inclusion in the local, state, or national register, and therefore there is no requirement to analyze the project consistency relative to 740/750 Hearst Avenue. Finally, the proposed project would be beneficial to the West Berkeley neighborhood and to the landmark building itself by bringing new activity to the building, connecting the disparate sections of Fourth Street, reintroducing retail into the 1949 fish market space, and maintaining the culturally significant restaurant as a viable business.

Consultant Qualifications

Pursuant to Code of Federal Regulations, 36 CFR Part 61, the author, Kimberly Butt, AIA, meets the Secretary of the Interior's qualification standards for professionals in historic architecture and architectural history. Ms. Butt may be contacted at (510) 236-7435 or kim.butt@intres.com.



Licensed Architect California C30301

Figures

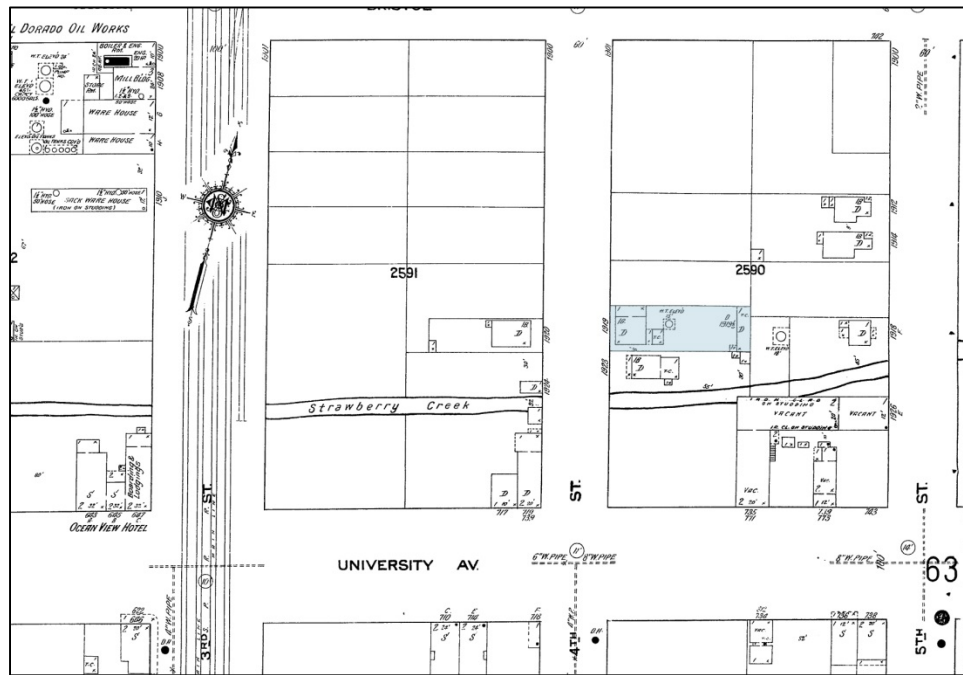


Figure 1: 1911 Sanborn Map, Spenger's property shaded.

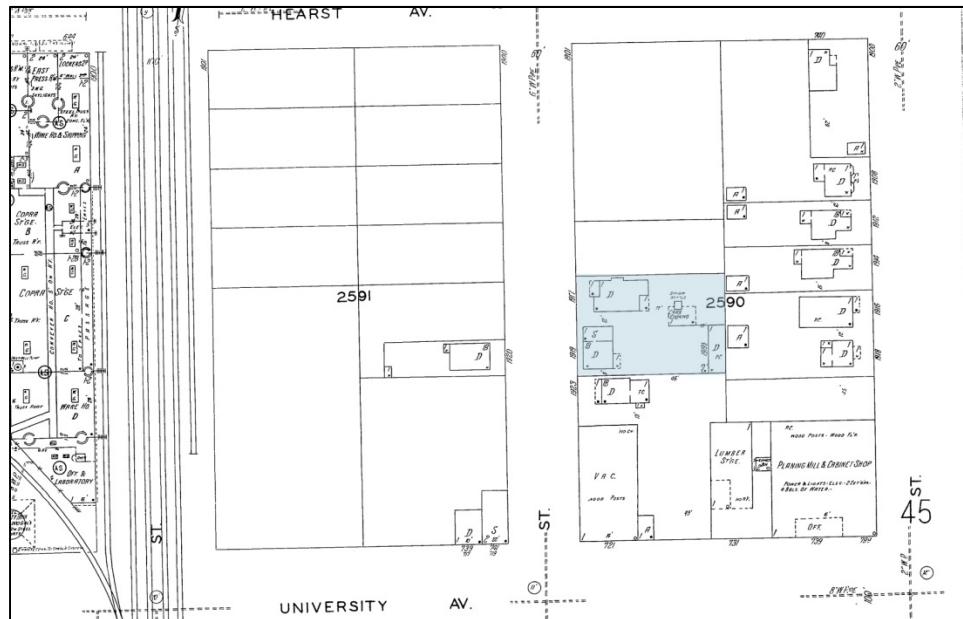


Figure 2: 1929 Sanborn Map, Spenger's property shaded.

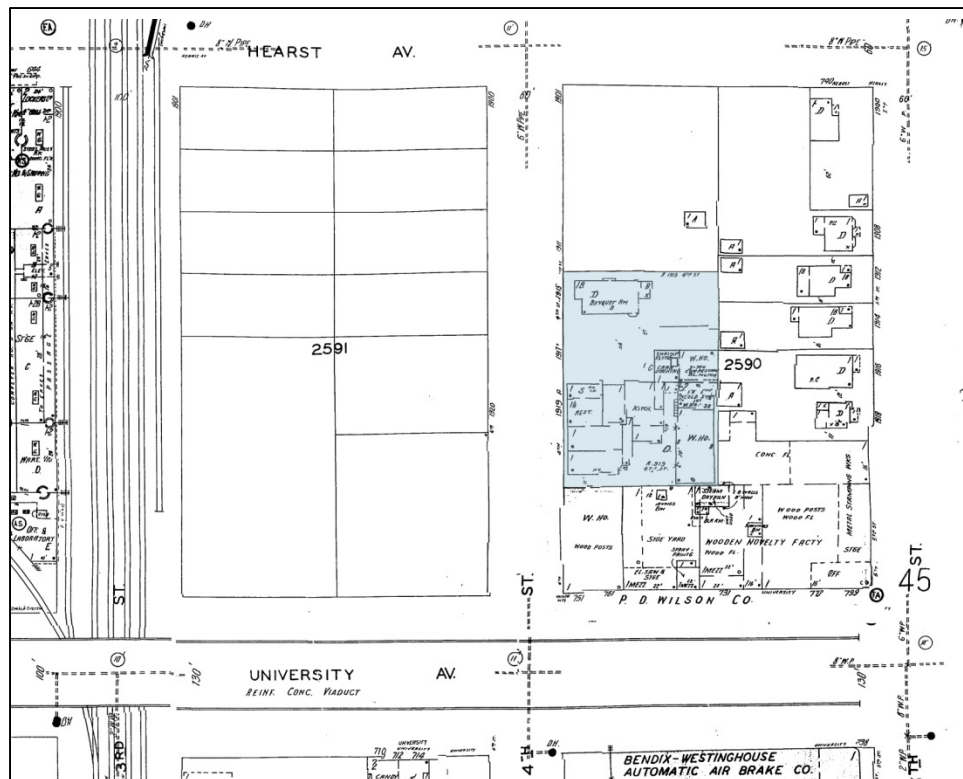


Figure 3: 1950 Sanborn Map, Spenger's property shaded.

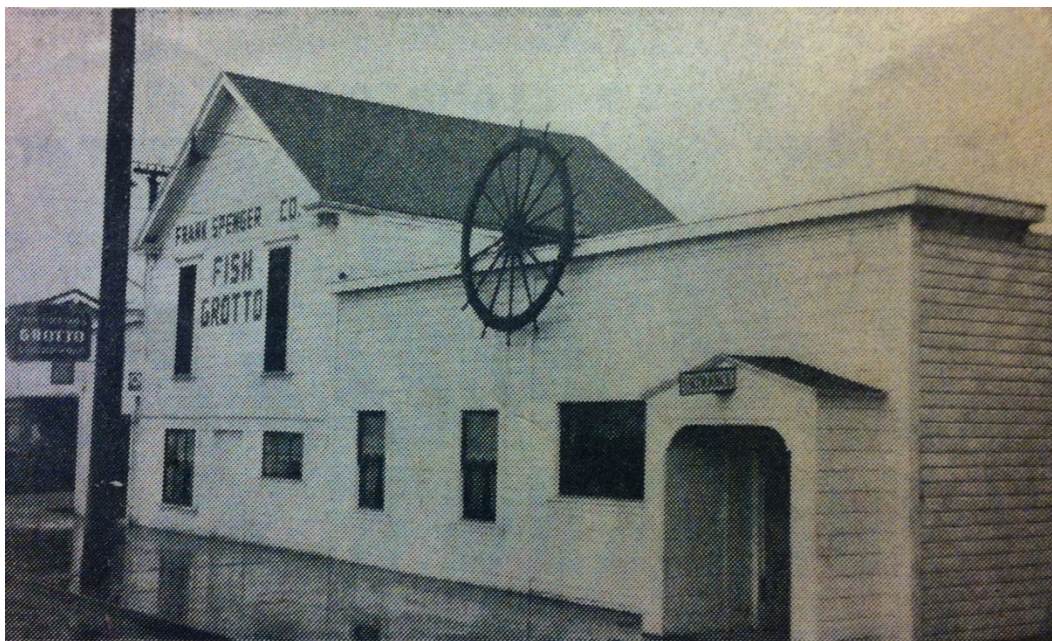


Figure 4: Spenger's Fish Grotto circa 1930.



Figure 5: A cocktail napkin depicting Spenger's Restaurant and Fish Market circa 1950. Source: Oakland Museum of California.

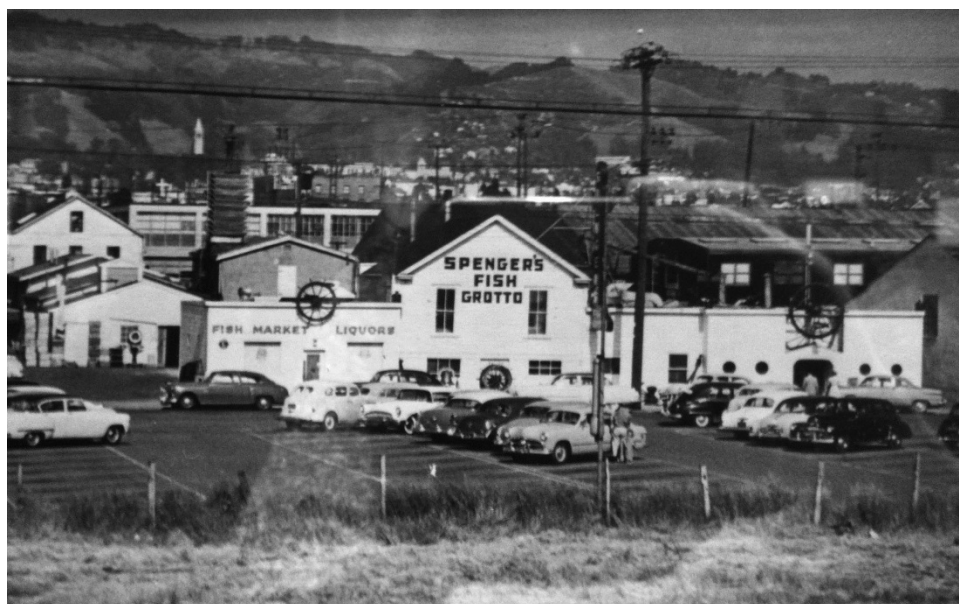


Figure 6: Spenger's Restaurant and Fish Market circa 1950. Source: Spenger's Restaurant



Figure 7: A cocktail napkin depicting Spenger's Restaurant and Fish Market circa 1965.



Figure 8: Spenger's Restaurant and Fish Market circa 1970.



Figure 9: Fourth Street facade looking northeast.



Figure 10: Detail of the original Spenger cottage.



Figure 11: Detail of the original wood windows and wood siding.



Figure 12: Detail of the historic blade sign.



Figure 13: North end of the Fourth Street facade. The guardrail at the second story indicates the extent of the 1954 Banquet Hall addition.



Figure 14: 1967 Fifth Street warehouse looking northwest.



Figure 15: 1968 office addition at the north end.



Figure 16: 1975 Oyster Bar addition at the south end.



Figure 17: Former 1954 Parcel Post Annex looking east.



Figure 18: Existing alley between the 1967 warehouse and the former Parcel Post Annex looking west.

Appendix A –1919 Fourth Street DPR523 A and B Forms

Carey & Co., 2002

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 6

*Resource Name or #: 1919 Fourth Street (Spenger's Fish Grotto)

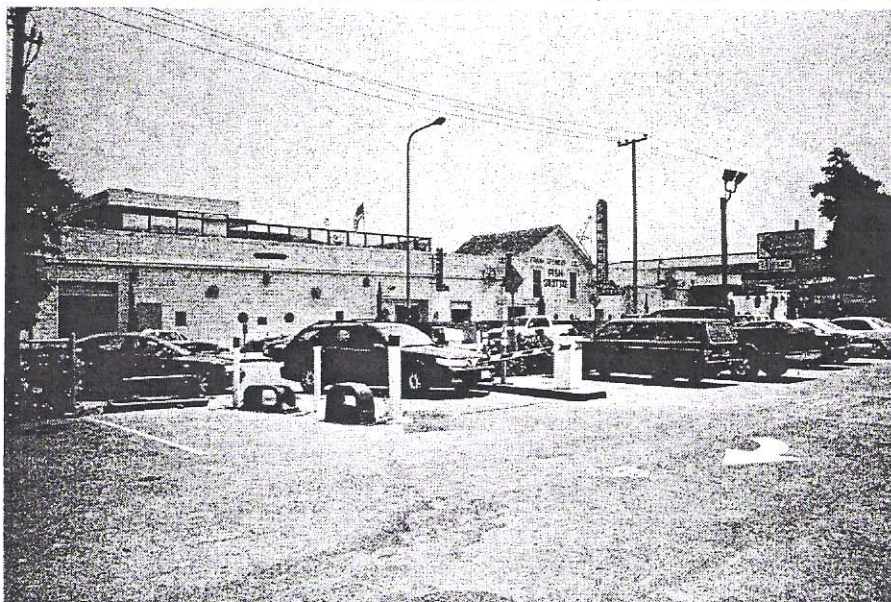
P1. Other Identifier: _____

*P2. Location: ☐ Not for Publication ☒ Unrestricted a. County Alameda
b. USGS 7.5' Quad _____ Date _____ T _____ R _____ 1/4 of _____ 1/4 of Sec _____ B. M. _____
c. Address 1919 Fourth Street City Berkeley Zip 94705
d. UTM: (Give more than one for large and/or linear feature) Zone _____ rnE/ _____ mN
e. Other Locational Data: (e.g. parcel #, legal description, directions to resource, elevation, additional LITMs, etc. as appropriate)
Assessor's Parcel Number: 057-2100-008-06
Dimensions: 184 Feet x 125 Feet
Cross Street: University Ave.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)
See attached continuation sheet.

*P3b. Resource Attributes: (List attributes and codes) HP6 Commercial Building, 1-3 Stories

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, etc.)
Spenger's Fish Grotto looking southeast,
7/30/02.

*P6. Date Constructed/Age and Sources:

☐ Prehistoric ☒ Historic ☐ Both

1890, City of Berkeley Landmark

Application _____

*P7. Owner and Address:

Frank Spenger Co.

1919 Fourth Street

Berkeley, CA 94710-1933

*P8. Recorded by: (Name, affiliation, address)
Sarah M. Dreller/Kathleen Forrest

Carey & Co. Inc.

460 Bush Street

San Francisco, CA 94108

*P9. Date Recorded: 7/30/02

*P10. Survey Type: (Describe)
Reconnaissance

*P11. Report Citation: (Cite survey report/other sources or "none") Carey & Co. Inc., Historic Architectural Survey Report and Historic Resource Evaluation Report for the Berkeley Rail Stop and Transit Plaza, Berkeley, California, 2002

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record
☐ Photograph Record ☐ Other: (List) _____

CONTINUATION SHEET

Primary #

HRI#

Trinomial

Page 2 of 6

*Resource Name or # (Assigned by recorder) Spenger's Fish Grotto, 1919 Fourth St.

*Recorded by Sarah M. Dreller/Kathleen Forrest

*Date October 2002 ☒ Continuation ☐ Update

Description

Spenger's, occupying 1919 Fourth Street, is a one-and-a-half story restaurant. It is rectangular in plan, and of wood-frame construction with 8 ½" wood channeled siding. The original Spenger house is now located at the center of the building, and has a wood-shingled gable roof, while the roof of the newer construction is flat. The building has both porthole and rectangular single-lite windows, generally in sets of two. Seven wood or glass doors are located on the main facade, one being the main entrance to the restaurant. The building is decorated with a fishing motif, including ship wheels, heavy rope and a battleship grey dado along the center section of the building. Additional restaurant space is located on a section of the roof.

As noted above, the original 1892 construction by Johann Spenger is extant in the center of the current configuration. The house did not evolve into a restaurant until 1933, under the ownership of Frank Spenger, the son of Johann Spenger. The south addition, known as the Oyster Bar, was completed in 1975.

It was designated a Berkeley local landmark in November of 1998. It is also listed in the California Historic Property Directory; according to the Northwest Information Center, Spenger's is included in their database as "appears eligible" for inclusion on the National Register of Historic Places. It has never been evaluated for inclusion in the California Register of Historical Resources.

Evaluation

Introduction

National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context."¹ The National Register identifies four possible context types, of which at least one must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

"A. Property is associated with events that have made a significant contribution to the broad patterns of our history.

"B. Property is associated with the lives of persons significant in our past.

"C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or

CONTINUATION SHEET

Page 3 of 6

*Resource Name or # (Assigned by recorder) Spenger's Fish Grotto, 1919 Fourth St.

*Recorded by Sarah M. Dreller/Kathleen Forrest

*Date October 2002 ☒ Continuation ☐ Update

Evaluation (continued)

represents a significant and distinguishable entity whose components lack individual distinction.

"D. Property has yielded, or is likely to yield, information important to prehistory or history."²

Second, for a property to qualify under the National Register's Criteria for Evaluation, it must also retain "historic integrity of those features necessary to convey its significance."³ While a property's significance relates to its role within a specific historic context, its integrity refers to "a property's physical features and how they relate to its significance."⁴ To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity. These are:

"Location is the place where the historic property was constructed or the place where the historic event occurred...

"Design is the combination of elements that create the form, plan, space, structure, and style of a property...

"Setting is the physical environment of a historic property...

"Materials is the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property...

"Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory...

"Feeling is a property's expression of the aesthetic or historic sense of a particular period of time...

"Association is the direct link between an important historic event or person and a historic property."⁵

Since integrity is based on a property's significance within a specific historic context, an evaluation of a property's integrity can only occur after historic significance has been established.⁶

CONTINUATION SHEET

Page 4 of 6

*Resource Name or # (Assigned by recorder) Spenger's Fish Grotto, 1919 Fourth St.

*Recorded by Sarah M. Dreller/Kathleen Forrest

*Date October 2002 ☒ Continuation ☐ Update

Evaluation (continued)

In addition to the Criteria for Evaluation, the National Register maintains a list of property types or circumstances that generally automatically disqualify properties from listing on the NRHP. These are:

"cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years"⁷

However, the National Register also provides for special consideration if a property described above is either an "integral" contributor to a district that qualifies under the Criteria for Evaluation or one of the following:

- "a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

"b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

"c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or

- "d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

"e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

"f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

- "g. A property achieving significance within the past 50 years if it is of exceptional importance."⁸

CONTINUATION SHEET

Page 5 of 6

*Resource Name or # (Assigned by recorder) Spenger's Fish Grotto, 1919 Fourth St.

*Recorded by Sarah M. Dreller/Kathleen Forrest

*Date October 2002 ☒ Continuation ☐ Update

Evaluation (continued)

Evaluation Findings

The property at 1919 Fourth Street (Spenger's Fish Grotto) is not eligible for listing on the NRHP because it does not possess BOTH historic significance AND physical integrity.

Because the property is over 50 years old and is not one of the property types generally automatically disqualified from listing on the NRHP, this property's historic significance has been evaluated under the standard National Register Criteria for Evaluation. The following is an itemized summary of each criterion:

Criterion A (association with historic events): The property at 1919 Fourth Street is associated with the early development of West Berkeley. Spenger's business began and grew around the turn of the 20th century, when the community as a whole experienced an overall improvement in its infrastructure. The business came about as a result of, and appears to have further influenced thereafter, West Berkeley's rise in prosperity during this time. The property is historically significant under this criterion.⁹

Criterion B (association with historic persons): The property at 1919 Fourth Street is associated with Johann Spenger. Mr. Spenger was the owner and manager of the business and a prominent early West Berkeley citizen. He came to the Bay Area in 1865 from Germany, working as a fisherman first and later, c. 1900, establishing a retail fish business out of his residence at 1919 Fourth Street. The property is historically significant under this criterion.

Criterion C (distinctive architectural characteristics): The property at 1919 Fourth Street is not architecturally distinctive. While typical of modest 1890s Victorian residential architecture, extant architectural fabric does not display features of the period that are particularly notable and does not possess high artistic value. The property is not historically significant under this criterion.

Criterion D (property's potential to yield information important to prehistory or history): The property at 1919 Fourth Street is not in itself the principal source of important information, such as how the construction techniques employed in this building affected the evolution of local building development. The principal source of important information regarding this property lies in its association with events and people important to the past. The property is not historically significant under this criterion.

Because historic significance was established, this property's physical integrity was evaluated. Physical features essential to the property's ability to convey its historic significance consist of all or most of the residential building as constructed around the turn of the 20th century and used by Johann Spenger as a retail fish business until the establishment of a restaurant c. 1930. However,

CONTINUATION SHEET

Page 6 of 6

*Resource Name or # (Assigned by recorder) Spenger's Fish Grotto, 1919 Fourth St.

*Recorded by Sarah M. Dreller/Kathleen Forrest

*Date October 2002 ☒ Continuation ☐ Update

Evaluation (continued)

additions to the south of the building c. 1930, to the north c. 1954, and again to the south c. 1974 have caused extensive loss of original architectural fabric, leaving only the gable roofline and two 2-over-2 windows extant. As a result, the design, materials, and workmanship of the property's essential physical features have been permanently compromised. Changes to the immediate area have altered its setting and its overall feeling and association are no longer expressed. The only aspect of its integrity remaining unchanged is its location. The property at 1919 Fourth Street no longer retains sufficient physical integrity to convey its historic significance and is therefore not eligible for listing on the NRHP.

The California Historic Resources Inventory System (CHRIS) contains one Historic Resources Inventory form for the property at 1919 Fourth Street. The form was completed in 1979 by Stephanie Manning, of the Ocean View Neighborhood Preservation Association. Although Manning recognizes the property's significance she also admits to the loss of original architectural fabric, saying "it takes a careful eye to distinguish the evidence of Spenger's roots."¹⁰ The inventory form has been given a National Register status code of 3, indicating that the property appears eligible for listing on the NRHP, however there is no supporting discussion of Criteria for Evaluation or physical integrity. Additionally, NRHP thresholds for significance and integrity have risen substantially since the late 1970s as the requirements for listing have been refined.

Endnotes

¹ *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin, no. 15 (Washington, D.C.: United States Department of the Interior, 1997): 3.

² *How to Complete the National Register Registration Form*, National Register Bulletin, no. 16A (Washington, D.C.: United States Department of the Interior, 1997): 75.

³ *How to Apply the National Register Criteria for Evaluation*, 3.

⁴ *Ibid*, 44.

⁵ *Ibid*, 44-45.

⁶ *Ibid*, 45.

⁷ *Ibid*, 2.

⁸ *Ibid*, 2.

⁹ The property at 1919 Fourth Street cannot be found historically significant under Criterion A as an important restaurant/business in West Berkeley because it continues to have this use today; the NRHP requires that the historic association have ended so as to allow adequate historical perspective during the evaluation process.

¹⁰ Stephanie Manning, State of California Department of Parks and Recreation Office of Historic Preservation "Historic Resources Inventory" for 1919/1921 Fourth Street, (Berkeley, CA: Ocean View Neighborhood Preservation Association, 1979), 2.

END.

Appendix B –1919 Fourth Street DPR523 Update
Interactive Resources, Inc. 2014

*Recorded by: Kimberly Butt, AIA

*Date: February 2014 ☐ Continuation ☒ Update

1919 Fourth Street, also known as Spenger's Fish Grotto, was evaluated in 2002 by Sarah Dreller and Kathleen Forrest of Carey & Co. Inc. and recorded on DPR 523A and 523L forms as part of the Berkeley Rail Stop and Transit Plaza project. At that time the evaluators concluded that the property no longer retained sufficient physical integrity to convey its historic significance and therefore was not eligible for the listing on the NRHP.

The purpose of this update to the record is to update and detail the building chronology, as well as to document the significant portions of the building that have been identified through the local City of Berkeley Landmark process.

History of the Area

The property is located within an area known as West Berkeley, and historically known as Ocean View. West Berkeley is generally defined by San Pablo Avenue to the east, the San Francisco Bay to the west, Gilman Street to the north and Ashby Avenue to the south. The area is Berkeley's earliest neighborhood with Euro-American settlement beginning in the early 1850s, as people came west with the Gold Rush. In 1858, 57 people were living in Ocean View, and by the 1860s, the developing town had a population of at least 100 and the land use consisted of a mixture of farms and industry. Additionally, as the community was located along the Bay, it had a strong tie to the maritime culture of the time.

The area was significantly impacted by both the founding of the University of California at Berkeley and the completion of the transcontinental railroad in the late 1860s. In the early 1870s, the Berkeley Land and Town Improvement Association was incorporated and began laying out new streets in Ocean View; marketing the area; and working toward the establishment of a ferry directly to San Francisco. In an effort to avoid annexation by Oakland, Ocean View incorporated with the community of Berkeley in 1878 and then became known as West Berkeley.

Early industry in the area included factories producing soap, watches, shoes, gloves, beer and glass. By the turn of the century the area became predominantly industrial. Still, the population grew to about 1,500 and improvements in the infrastructure included the establishment of services such as telephone and electricity and the construction of churches, a post office, a school and a town hall. Circa 1892 Johann Spenger established his grocery store and fish market near the corner of University and Fourth Street.

West Berkeley experienced significant growth following the 1906 earthquake and fire, and numerous factories relocated to the area from San Francisco. Further, several government-sponsored construction projects encouraged the development of West Berkeley between the mid-1910s and World War II. These projects included: a pier at the end of University Avenue, the Eastshore Freeway, Aquatic Park, and the University Avenue overpass over Third Street. The area subsequently experienced tremendous growth during World War II, but development began to stall postwar. In the mid-1960s the City created an Industrial Park to help spur growth, which led to the replacement of many residences with large factories. In recent years the area has again transformed with the introduction of mix-use developments including shopping and affordable housing.

Building History

The oldest section of 1919 Fourth Street was initially constructed as a residence along Strawberry Creek for Johann Spenger circa 1892. Later, the family opened a grocery store and fish market in a shed on the north side of the residence. Then in 1933 Johann's son Frank Spenger converted the original family home into a seafood restaurant. From 1932 to 1960 permits were taken out on an average of one every two years for various additions and alterations, which both widened the dining areas along the street frontage and expanded the kitchen and storage spaces at the rear (east) side of the site. In 1954, a two-story addition with a banquet room on the ground floor and private quarters on the second floor was constructed to the north of the existing building. Circa 1967 a large warehouse was constructed at the rear of the site, extending back across the depth of the lot to Fifth Street. In 1968, a free-standing single-story addition was constructed on the north side of the 1954 banquet room. Finally, after demolishing several existing buildings on the south side of the parcel the "Oyster Bar" addition was completed in 1975. In 1998 the Spenger family closed the restaurant. When the new owners re-opened the restaurant in 1999 an extensive interior remodel was undertaken that included the entire reconstruction of the kitchen, and the removal of several walls, floor and ceiling finishes. Alterations at the

*Recorded by: Kimberly Butt, AIA

*Date: February 2014 ☐ Continuation ☒ Update

exterior included the removal of the "flower stand" and metal awning north of the main entry, the construction of a new exit from the bar north of the lobby, the addition of building-mounted new lighting and signage.

Building Chronology (Major additions and alterations)

- | | |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c.1892 | Johann Spenger constructed the original gable roof, wood frame, two-story residence. |
| 1933 | The house was converted into a restaurant by Frank Spenger, Johann's son. |
| 1954 | Two-story Banquet Hall addition constructed at the north side of the existing building. |
| 1967 | Warehouse at 1914 Fifth Street constructed as storage for the restaurant. |
| 1968 | Offices constructed north of the 1954 banquet hall addition. |
| 1973 | Frank Spenger, Sr. dies. |
| 1975 | The south "Oyster Bar" addition was completed. |
| 1998 | The restaurant sold to new owners. |
| 1999 | New signage and lighting added at the exterior. Exterior metal awning on Fourth Street frontage removed. Various interior renovations were undertaken. "Flower Shop" to the left of the entry removed. Entrance to the bar north of the main entry extended out to be flush with exterior wall on Fourth Street. |

The subject property at 1919-1955 Fourth Street has been evaluated several times. In 1979, the property was recorded by Stephanie Manning of the Ocean View Neighborhood Preservation Association and was, at that time, found to be potentially eligible for the National Register of Historic Places. In 1998, Ms. Manning and Doug Morse prepared a City of Berkeley Landmark Application for the property. Doug Morse, also a sitting Landmark Preservation Commissioner at the time, wrote an addendum to the application dated October 15, 1998. The addendum requested the inclusion of 1955 Fourth Street, the site of the 1975 "Oyster Bar" addition and provided a more detailed description of the existing building.

The property was successfully listed as a City Landmark in November 1998. The Landmarks Preservation Commission (LPC) moved to landmark the "Fourth Street frontage and parcels therein as significant historical landmarks, especially considering the original cottage, the relation to the Oceanview (sic) neighborhood and early 1900's waterfront, and the direct relationship to the bay and maritime history." The Commission found that "the restaurant is important to the community's history as a cultural resource, drawing patrons from all over the Bay Area." The motion also notes the exterior historic maritime artifacts as significant and mentions that Strawberry Creek flows under Spenger's and that the nearby shell mound may extend under the site. Finally, the motion states that the "structures on the Fifth Street frontage are excluded."

It appears that the Landmarks Board included portions of the building ranging in address from 1915 to 1955 Fourth Street or assessor's parcel numbers 057 210000806 and 057 210000805. The portion of the structure at 1914 Fifth Street or assessor's parcel number 057 210000702 was excluded from the nomination.

*Recorded by: Kimberly Butt, AIA

*Date: February 2014 ☐ Continuation ☒ Update

B12. References: (continued)

California Register and National Register: A Comparison, California Office of Historic Preservation Technical Assistance Series, no. 6. Sacramento, CA: California Department of Parks and Recreation, 2006.

California Register of Historical Resources: The Listing Process, California Office of Historic Preservation Technical Assistance Series, no. 5. Sacramento, CA: California Department of Parks and Recreation, n.d.

Carey & Co. Berkeley Rail Stop and Transit Plaza, Historic Architectural Survey Report. October 29, 2002.

Gebhard, David, Roger Montgomery, Robert Winter, John Woodbridge, and Sally Woodbridge. A Guide to the Architecture of San Francisco and Northern California. Santa Barbara and Salt Lake City: Peregrine Smith, 1973.

How to Apply the National Register Criteria for Evaluation, National Register Bulletin, no. 15. Washington, D.C.: United States Department of the Interior, 1997.

How to Complete the National Register Registration Form, National Register Bulletin, no. 16A. Washington, D.C.: United States Department of the Interior, 1997.

Kyle, Douglas E. Historic Spots in California. Revised edition. Stanford: Stanford University Press, 2002.

Manning, Stephanie and Doug Morse. 1919-1955 Fourth Street. City of Berkeley Landmarks Application. September 1998.

Manning, Stephanie. Historic Resource Inventory: Spenger House and Market. Recorded on DPR 523 forms. 1979.

Permit Files for 1919-1955 Fourth Street. Berkeley Permit Service Center.

Appendix C –740 Hearst Avenue DPR 523A and B Forms

Interactive Resources, Inc. 2014

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z

Other Listings
Review Code

Reviewer

Date

Page 1 of 3

*Resource Name or #: 740 Hearst Ave.

P1. Other Identifier: US Post Office Processing Center

***P2. Location:** ☐ Not for Publication ☐ Unrestricted

***a. County:** Alameda

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

***b. USGS 7.5' Quad:**

Date:

T ; R ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 740 Hearst Ave.

City: Berkeley

Zip: 94710

d. UTM: Zone: 10 ; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation: AP# 057-2100-001-04

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The subject property is located in West Berkeley, directly east of Interstate 580 and north of the off-ramp overpass at University Avenue. The area features a combination of uses including retail, industrial and residential. The site, located at the south end of the prominent retail section of Fourth Street, is bound by Fourth Street, Hearst Avenue, Fifth Street and the Spenger's Restaurant property. The parcel features one commercial building and two paved parking areas.

Two retail stores occupy the single-story, combination flat and gable roof structure, which fronts Hearst Avenue. The building is rectangular in plan and was originally constructed as a parcel post annex for the United States Postal Service in 1955. Although it has been significantly altered over time, the original utilitarian structure is still apparent behind the new retail fronts. The building is constructed of concrete block with concrete tilt-up panels and structural wood "bowstring" trusses at the interior. The exterior is primarily finished in painted stucco. The north and west facades feature modern metal storefront windows.

***P3b. Resource Attributes:** (List attributes and codes) HP6: 1-3 Story commercial building

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo:
Northwest corner of the building.
Image source Google, April 2011

***P6. Date Constructed/Age and Sources:** ☒ Historic

☐ Prehistoric ☐ Both

1954/Permit Record

***P7. Owner and Address:**

Jamestown
101 California Street, Suite 3155
San Francisco, CA 94111

***P8. Recorded by:**

Kimberly Butt, AIA
Interactive Resources, Inc.
117 Park Place
Richmond, CA 948001

***P9. Date Recorded:**

January 2014

***P10. Survey Type:** Recon.

***P11. Report Citation:** (Cite survey report and other sources, or enter "none.")

***Attachments:** ☐ NONE ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List):

DPR 523A (1/95)

***Required information**

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 3

*NRHP Status Code 6Z

*Resource Name or # 740 Hearst Ave.

B1. Historic Name:

B2. Common Name:

B3. Original Use: US Post Office parcel post annex

B4. Present Use: Commercial

*B5. Architectural Style: Industrial/Modern

*B6. Construction History:

The property at 740 Hearst was initially developed between 1911 and 1929 with single story residential buildings at the east side of the parcel. In 1954, the residences were demolished and a parcel post annex for the United States Post Office was constructed on the site. The property was owned by Frank Spenger, who also served as the project sponsor. This simple gable roof, industrial building was transformed into a retail and office structure in 1983 for The Nature Company. The building has been altered several more times in order to accommodate various new retail companies, including the last major remodel in 2002.

*B7. Moved? ☒No ☐Yes ☐Unknown Date:

Original Location:

*B8. Related Features: none

B9a. Architect: (Lorimer) Skidmore & Walling

b. Builder: W.G. Payne Contracting

*B10. Significance: Theme: Community Development

Area: West Berkeley

Period of Significance: 1954

Property Type: Industrial Warehouse

Applicable Criteria: N/A

The property is located within an area known as West Berkeley, and historically known as Ocean View. West Berkeley is generally defined by San Pablo Avenue to the east, the San Francisco Bay to the west, Gilman Street to the north and Ashby Avenue to the south. The area is Berkeley's earliest neighborhood with Euro-American settlement beginning in the early 1850s, as people came west with the Gold Rush. In 1858, 57 people were living in Ocean View, and by the 1860s, the developing town had a population of at least 100 and the land use consisted of a mixture of farms and industry. Additionally, as the community was located along the Bay, it had a strong tie to the maritime culture of the time.

The area was significantly impacted by both the founding of the University of California at Berkeley and the completion of the transcontinental railroad in the late 1860s. In the early 1870s, the Berkeley Land and Town Improvement Association was incorporated and began laying out new streets in Ocean View; marketing the area; and working toward the establishment of a ferry directly to San Francisco. In an effort to avoid annexation by Oakland, Ocean View incorporated with the community of Berkeley in 1878 and then became known as West Berkeley. (see continuation sheet)

B11. Additional Resource Attributes: (List attributes and codes) none

*B12. References: See continuation sheet.

B13. Remarks:

*B14. Evaluator: Kimberly Butt, AIA, Interactive Resources, Inc.

*Date of Evaluation: February 2014

(This space reserved for official comments.)



*Recorded by: Kimberly Butt, AIA

*Date: February 2014 ☒ Continuation ☐ Update

B10. Significance: (Continued)

Early industry in the area included factories producing soap, watches, shoes, gloves, beer and glass. By the turn of the century the area became predominantly industrial. Still, the population grew to about 1,500 and improvements in the infrastructure included the establishment of services such as telephone and electricity and the construction of churches, a post office, a school and a town hall.

West Berkeley experienced significant growth following the 1906 earthquake and fire, and numerous factories relocated to the area from San Francisco. Further, several government-sponsored construction projects encouraged the development of West Berkeley between the mid-1910s and World War II. These projects included: a pier at the end of University Avenue, the Eastshore Freeway, Aquatic Park, and University Avenue overpass over Third Street. The area subsequently experienced tremendous growth during World War II, but development began to stall postwar. In the mid-1960s the City created an Industrial Park to help spur growth, which led to the replacement of many residences with large factories. In recent years the area has again been altered with the introduction of mix-use developments including shopping and affordable housing.

The subject building was constructed in 1954 spanning what had been two parcels and requiring the demolition of two houses and three freestanding garages. Frank Spenger owned the property, sponsored the project, and leased the building to the United States Government for use as a parcel post annex. The construction of this simple industrial building occurred during the timeframe when the growth of the neighborhood was stalling and the City of Berkeley was beginning to encourage more industrial uses. With the development of the area into a prominent retail sector, the building was initially renovated in the early 1980s to serve as retail and office space for the Nature Company. It was again altered in 2002 to accommodate new retail companies.

The building does not appear to be eligible for listing in the NRHP or the CRHR under Criterion A/1. Although the building was part of West Berkeley's industrial growth through the 1950s and 1960s, it does not appear to have played a significant role in the historical development of West Berkeley. Additionally, it does not appear to be eligible under NRHP/CRHR Criteria B/2, C/3, or D/4. No persons, other than Frank Spenger as building owner, have been identified as being significantly associated with the building and who appear to have made a significant contribution to local, state, or national history. Constructed c.1954, the building does not appear to be a significant example of an architectural type. While the industrial building is modestly indicative of the Modern style, it is not an outstanding example of the type. Further, the building does not appear to possess the potential to yield information important to the prehistory or history of the local area, state, or the nation. Finally, although the building maintains some aspects of integrity, including its overall form and location, numerous features have been significantly altered such as the exterior facades, siding and windows. Therefore, building does not appear to be eligible for the NRHP or the CRHR.

B12. References: (continued)

California Register and National Register: A Comparison, California Office of Historic Preservation Technical Assistance Series, no. 6. Sacramento, CA: California Department of Parks and Recreation, 2006.

California Register of Historical Resources: The Listing Process, California Office of Historic Preservation Technical Assistance Series, no. 5. Sacramento, CA: California Department of Parks and Recreation, n.d.

Gebhard, David, Roger Montgomery, Robert Winter, John Woodbridge, and Sally Woodbridge. A Guide to the Architecture of San Francisco and Northern California. Santa Barbara and Salt Lake City: Peregrine Smith, 1973.

How to Apply the National Register Criteria for Evaluation, National Register Bulletin, no. 15. Washington, D.C.: United States Department of the Interior, 1997.

How to Complete the National Register Registration Form, National Register Bulletin, no. 16A. Washington, D.C.: United States Department of the Interior, 1997.

Kyle, Douglas E. Historic Spots in California. Revised edition. Stanford: Stanford University Press, 2002.

Permit Files for 740/750 Hearst Avenue. Berkeley Permit Service Center.



1.



2.



Existing Parking behind Spenger's

3.

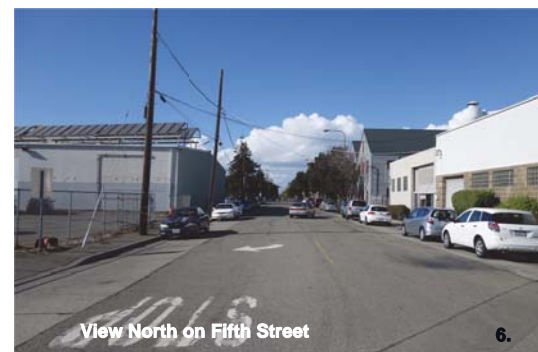


View East on University Ave.

4.



5.



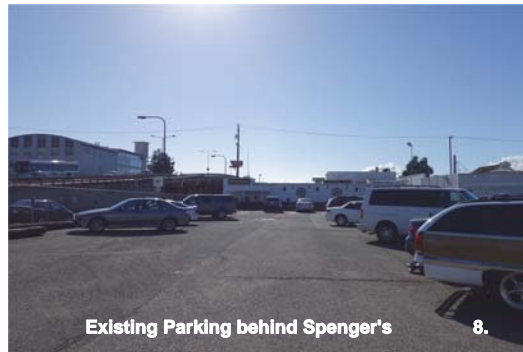
View North on Fifth Street

6.



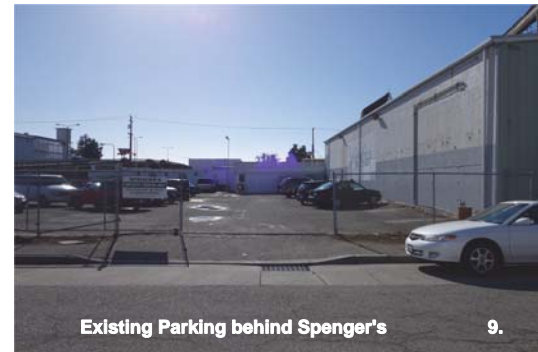
Existing Parking behind Spenger's

7.



Existing Parking behind Spenger's

8.



Existing Parking behind Spenger's

9.

FOURTH & SPENGER By Jamestown

Project
Renovation and Adaptive Reuse
Conversion of Restaurant to Retail
New Mixed Use Retail Office Building
1900 Fourth Street, Berkeley.

Design Firm
ADEAMS • MILLIKAN
Design • Construction • Development
1834 Fourth Street, Berkeley, CA. 94710

Drawing Title
Photo Exhibit

Project Manager	Revision
Drawn By:	Date: _____
Reviewed By:	
Date:	
CAD File:	

Stamp

Sheet Number
A0.2
____ of ____



Metal building 10.



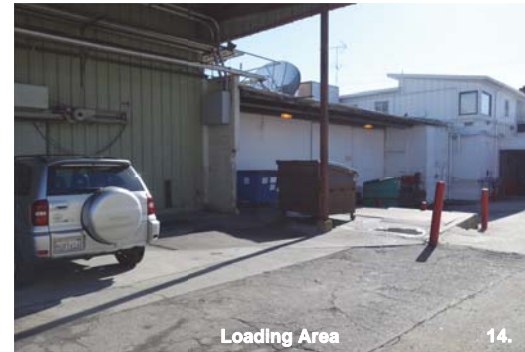
11.



Parking Area: Fifth & Hearst 12.



Loading Area 13.



Loading Area 14.



15.



New Building Site 16.



New Building Site 17.



New Building Site 18.

FOURTH & SPENGER
By Jamestown

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Drawing Title
Photo Exhibit

Project Manager	Revision
Drawn By	Date
Reviewed By	
Date	
CAD File	

Stamp

Sheet Number
A0.3
____ of ____



19.



Existing Parking: Fifth & Hearst

20.



Tree Alignment Issue

21.



22.



View Down Fourth Street

23.

FOURTH & SPENGER
By Jamestown

Project
Renovation and Adaptive Reuse
Conversion of Restaurant to Retail
New Mixed Use Retail Office Building
1900 Fourth Street, Berkeley.

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Drawing Title
Photo Exhibit

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Drawn By	Date
Reviewed By	
Date	
CAD File	

Stamp

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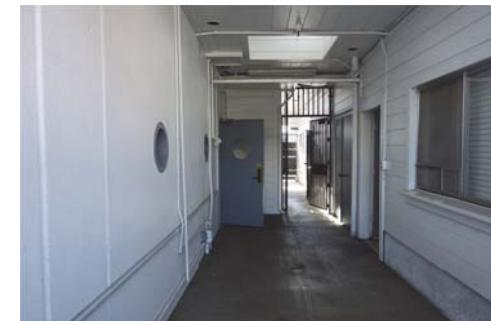
Small Shops



Future Paseo



Future Paseo



FOURTH & SPENGER By Jamestown

Project
Renovation and Adaptive Reuse
Conversion of Restaurant to Retail
New Mixed Use Retail Office Building
1900 Fourth Street, Berkeley.

Design Firm
ADEAMS • MILLIKAN
Design • Construction • Development
1834 Fourth Street, Berkeley, CA. 94710

Drawing Title
Photo Exhibit

Project Manager	Revision
Drawn By	Date
Reviewed By	
Date	
CAD File	

Stamp

Sheet Number
A0.5
____ of ____