



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

FOR BOARD ACTION
JANUARY 13, 2022

1519 Fairview Street

Use Permit #ZP2021-0113 to construct a new 2,019 square-foot, three-story single-family dwelling, with an average height of 28 feet, and a building separation of 12 feet at the rear of the lot behind an existing triplex.

I. Background

A. Land Use Designations:

- General Plan: Medium Density Residential
- Zoning: R-2(A)-Restricted Multiple-Family Residential

B. Zoning Permits Required:

- Use Permit (UP), under Berkeley Municipal Code (BMC) Section 23.202.020.A, to construct a new dwelling unit; and
- Administrative Use Permit, under BMC Section 23.304.040.A, to reduce the required building separation to 12 feet where 16 feet is required.

C. CEQA Recommendation: It is staff's recommendation to ZAB that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 ("New Construction or Conversion of Small Structures"). The determination is made by ZAB.

D. Parties Involved:

- Applicant/Owner Fairview 1519, LLC (c/o of Steven Chan), 275 Sea View Avenue, Piedmont

Figure 1: Vicinity Map



Legend

- R-2A: Restricted Multiple-Family Residential District
- C-SA: South Area Commercial District



Figure 2: Proposed Site Plan

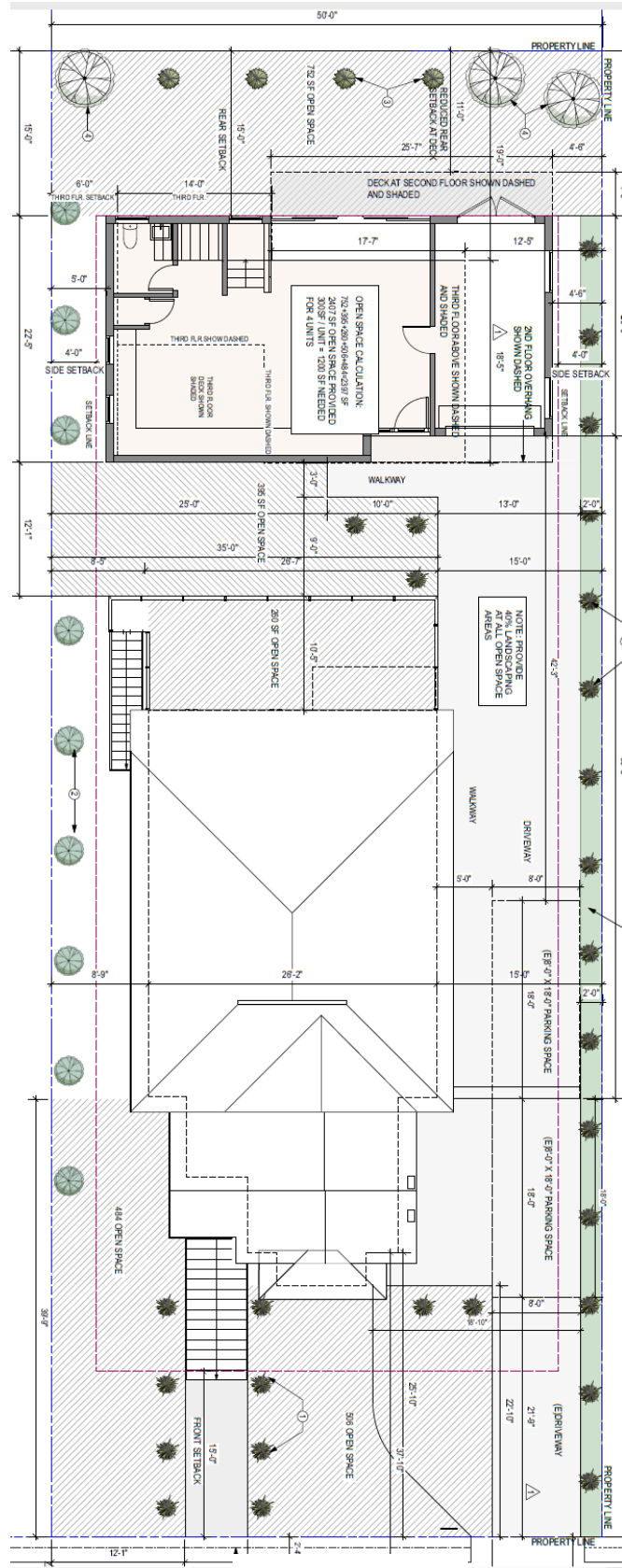


Figure 3: Proposed Streetscape Elevation



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Multiple-Family Dwelling	R-2(A) – Restricted Multi-Family Residential	Medium Density Residential
Surrounding Properties	North	Multiple-family Dwelling		
	South	Multiple-family Dwelling		
	East	Multiple-family Dwelling		
	West	Multiple-family Dwelling		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	The project is not subject to BMC Section 22.20.065 Affordable Housing Mitigation Fee (AHMF) or BMC Section 23.328 Inclusionary Housing, because the applicant proposes only one new dwelling unit and the lot is not big enough to accommodate five dwellings, thus this requirement does not apply. There will be four units in total on the lot.
Creeks	No	The project site is not within a creek buffer zone.
Density Bonus	No	The project is not requesting a Density Bonus.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	The building would not be eligible for natural gas infrastructure.
Historic Resources	No	No designated landmarks or buildings on State Historic Resources Inventory on the site.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	Project is a "housing development project" consisting of dwelling units only. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.

Housing Crisis Act of 2019 (SB330)	Yes	The project is all residential. See Section V.A of this report for additional discussion on the sections of SB330 that apply to the project.
Oak Trees	No	There are no Coast Live Oak trees on the site.
Rent Controlled Units	No	No rent-controlled units would be affected, nor would the new unit be subject to rent control restrictions.
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, Fault Rupture, or Landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), nor is it within the City's Environmental Management Area.
Transit	Yes	The project is served by AC Transit Route 88 and 688 stops on Sacramento Street, and is a 0.5 mile walk from the Ashby BART Station.

Table 3: Project Chronology

Date	Action
June 29, 2021	Application submitted
July 29, 2021	Application deemed incomplete
December 22, 2021	Public hearing notices mailed/posted
January 4, 2022-	Application deemed complete
January 13, 2022	ZAB hearing

Table 4: Development Standards

Standards-New Rear Unit BMC Sections 23.202.090, 23.304.030.B, 23.304.040, 23.322		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		6,750	No change	5,000 min.
Gross Floor Area (sq. ft.)		2,658	4,677(+2,019)	n/a
Dwelling Units	Total	3	4	4 max.
Building Height	Average (ft.)		28'	28' max.
	Maximum (ft.)		28'-11"	n/a
	Stories		3	3 max.
Building Setbacks (ft.)	Front (front building)	25'-6"	25'-6"	15' min
	Rear		15'	15' min
	Left Side		5'	4' min (1 st and 2 nd Story)
			6'	6' min (3 rd Story)
	Right Side		4.5'	4' min (1 st and 2 nd Story)
12'-5"			6' min (3 rd Story)	
Building Separation (ft.)			12'	16' (seeking AUP for reduction)
Lot Coverage (%)			35	35% max
Usable Open Space (sq. ft.)			1,200+	1,200 min
Parking	Automobile	2	3	2 min ¹

II. Project Setting

A. Neighborhood/Area Description: The project site is located on the north side of Fairview Street between California Street and Sacramento Street in South Berkeley, in the Lorin neighborhood. This is a residential area with a mix of one- to three-story single-family and multiple-family dwellings on generally rectangular lots. Given the flat terrain, there are generally few significant views to the Bay or the Berkeley hills. The area transitions to South Area Commercial (C-SA) along Sacramento Street one block west, and is served by a designated bike way lane along California Street one block east, and AC Transit bus stops on Sacramento Street and two blocks south on Alcatraz Avenue.

B. Site Conditions: The rectangular project site is 50 feet wide along Fairview Street and approximately 135 feet deep. The site contains an existing two-story triplex and an existing driveway on the right side of the parcel. The site currently has an existing building permit (B2020-02097) and Administrative Use Permit (ZP2021-0081) for the

¹ No new parking required, but existing number of parking spaces must remain. Two parking spaces were required when the three units in the front building were legalized in the 1950s.

remodel and renovations to the existing triplex, which are underway. There are no protected Coast Live oak trees on the site.

III. Project Description

A. Proposed Project. The project would involve construction of a new three-story 2,019 square-foot detached four-bedroom single-family dwelling unit with an attached one-car garage at the rear of the site, behind the existing triplex. The new unit would consist of 845 square-feet on the ground floor (including a 223 square-foot garage), 902 square-feet on the second floor (plus an uncovered rear balcony), and 495 square-feet on the third floor, with an approximately 137 square-foot third floor roof deck. The roof deck would be located towards the interior of the lot adjacent to the left (east) side of the parcel. The average roof height would be 28 feet. Vehicular access would remain on the right (east) side of the parcel off Fairview Street providing access to two uncovered spaces and one garage space.

The proposed three-story dwelling unit would adhere to all required development standards and setbacks from adjacent properties, with the exception of the required building separation. The total number of bedrooms on the parcel would be 11 upon completion of the proposed project.

IV. Community Discussion

A. Neighbor/Community Concerns: On October 13, 2021, the City mailed postcards to neighboring property owners and occupants within 300 feet to inform the public of the receipt of a Zoning Permit application at this site². Staff received two communications from neighbors (one email and one phone call) expressing concern about required on-site parking and the availability of street parking along Fairview Street. The project meets the code required on-site parking regulations; however, in response to these communications, the applicant revised the project plans to include a new enclosed one-car garage space attached to the proposed new unit at the rear while providing two unenclosed 8' x 18' parking spaces along the driveway in the front half of the parcel. On December 22, 2021, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations within 300 feet of the project site and the City posted notices within the neighborhood in three locations. All communications received for this project can be found in Attachment 4.

B. Committee Review: This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a commercial or manufacturing district, and does not involve the demolition of a non-residential building.

V. Issues and Analysis

² To comply with Public Health Orders related to Covid-19, the standard protocol for installation of a Project Yellow Poster and/or neighborhood contact, and signatures were waived at the time this project application was submitted

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

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

The January 13, 2022, ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

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

In July 2021, the applicant requested a waiver to the historic resource evaluation required for the addition to the front dwelling, and staff accepted a historical research statement in lieu of a formal evaluation. Standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on January 4, 2022. Should ZAB determine the application is categorically exempt from CEQA at the January 13, 2022, public hearing, the application must be approved or disapproved by March 14, 2022.

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

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

As described in Table 4 above, the project complies with applicable, objective general plan and zoning standards. Therefore, the City may not deny the project or approve the project at a reduced density without basing its decision on the written findings under Section 65589.5(j), above. Staff is not aware of specific adverse impacts that could occur with the construction of the project.

C. Reduction of Building Separation: In the R-2A District, if there are two or more main buildings with a dwelling, the required building separation may be reduced with approval of an AUP. The project applicant is requesting an AUP to reduce the required building separation from 16 feet to 12 feet. This reduction would allow the project to maintain an adequate private rear yard for the new dwelling unit while also still providing a large shared open space between the existing front triplex and the proposed rear building.

D. Findings for Use Permit Approval in the R-2A District: Pursuant to BMC Section 23.202.020.A, a new dwelling unit is allowed in the R-2A District with a Use Permit, provided that its siting meets applicable development standards and subject to the non-detriment finding. Furthermore, as described in the sections below, staff believes the project would not unreasonably obstruct sunlight, privacy, air, or views.

Staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or workers in the area because it would be consistent with the development pattern in the area. The applicant proposes to construct a three-story single-family dwelling unit in a neighborhood of single- and multi-family dwellings that range in height from one to three stories, and with a siting/design that would be compatible with the surrounding built environment. Staff believes that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views as analyzed below.

1. Sunlight/Shadow: Shadow studies submitted by the applicant document the shadow angles and lengths at three times each day at the summer and winter solstice that would result from the project.

- During the winter solstice, new shadows would be cast upon the adjacent residences to the north at 1520 Woolsey Street and 1522 Woolsey Street, covering two living room windows at 1522 Woolsey Street two hours after sunrise. At noon, shadows would partially cover two living room windows at

1522 Woolsey Street. Two hours before sunset, shadows would cover a living room and bedroom window, and the lower third of a second bedroom window at 1524 Woolsey Street, and cover a living room and a bathroom window at the rear building at 1523 Fairview Street.

- Two hours after sunrise on the summer solstice, a bathroom window would be covered by shading, and the lower portion of a home office window would be shaded at 1515 Fairview Street. Two hours before sunset on the summer solstice, a corner of a bedroom window would be shaded at the rear building at 1523 Fairview Street, and at the front building, a kitchen window, a bathroom window, a home office window, a bedroom window would be covered by shadows, and the lower left corner of a bathroom window would be shaded.

While shadows would be cast on portions of these residential buildings, such impacts to light access are limited in duration and is considered typical of urban settings and is not considered substantial or detrimental.

2. Privacy: The proposed dwelling would meet or exceed the District minimum for both side and rear setbacks (see Table 4 above). New openings are provided on all elevations of the first, second, and third floors, but the building will comply with all setbacks, so detrimental impacts to neighbors are not anticipated.

There would also be a third-floor roof deck located towards the interior of the parcel and adjacent to the western side setback area of the new dwelling, which would create new sightlines toward adjacent dwellings but would not be detrimental because:

- The roof deck would face the interior of the building separation and would only have views from the south and west of the subject deck/parcel.
- A 1-foot 10-inch-wide planter box is proposed at the south end of the roof deck, setting the deck area back and providing additional privacy.
- The roof deck would be approximately 6.5 feet from the western property line, exceeding the required 6-foot side setback.

3. Air: As discussed above, the proposed single-family dwelling unit meets or exceeds all side setback requirements in the R-2(A) Zoning District and would be consistent with the existing development and building-to-building separation pattern – or air – in this neighborhood. The proposed building would exceed the required side setbacks along the east (right side) elevations, as well as meet the required rear 15-foot setback. Additionally, the proposed project would exceed the usable open space requirement of 1,200 square-feet.

4. Views: Per BMC Section 23.502.020, a significant view is a view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark or any other significant vista that substantially enhances the value and enjoyment of real property. As described above under Project Settings, this neighborhood is generally flat in nature and surrounding residential structures and mature vegetation block most views of the Berkeley hills or the Golden Gate Bridge from off-site view angles. As such, staff believes the proposed project would not unreasonably obstruct views.

VI. Other Considerations

The following lists of zoning district purposes and 2002 General Plan goals and policies are provided for information purposes only, to provide context; they do not require findings of conformance because the proposed project is HAA-compliant.

A. Compatibility with District Purposes: The proposed project would meet the following purposes of the Restricted Multiple-Family Residential, R-2A Zoning District:

1. Implement Master Plan policy by encouraging the development of medium density residential areas characterized by small multiple-family and garden type apartment structures with a maximum amount of open space consistent with this type of development;
2. Make available housing for persons who desire apartment-type accommodations with a maximum of open space;
3. Protect adjacent properties from unreasonable obstruction of light and air;
4. Permit only that intensity of use which will be compatible with existing low density residential structures and will not be detrimental to the immediate neighborhood

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
5. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Staff Analysis: The proposed project would increase the number of dwelling units from three to four dwellings on a parcel located in the R-2A District which meets the lot size requirements for four dwellings. The project would add a new dwelling unit to a residential property located in a residential district near transit. As described in the Issues and Analysis Section above, the proposed rear residential building height is consistent with the character of the neighborhood and the project will meet most of the zoning standards for the R-2A District. The project would be compatible with the parcels in the immediate neighborhood and the development pattern for the broader area that is characterized by a mix of one-, two- and three-story residential buildings, multiple units per parcel, and parking accessed by a common driveway.

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

Staff Analysis: See discussion of Key issues above

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

Staff Analysis: The proposed project would increase the number of dwelling units on the property and help the City meet housing production goals established by ABAG’s Regional Housing Needs Determination, as well as goals to provide housing suitable for larger families.

VII. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board APPROVE Use Permit #ZP2021-0113 pursuant to BMC Section 23.406.040.E and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received January 4, 2022
3. Notice of Public Hearing
4. Correspondence Received

Staff Planner:

Michael Rocque, Contract Planner, mrocque@rinconconsultants.com (805) 644-4455
Allison Riemer, ariemer@cityofberkeley.info, (510) 981-7433

FINDINGS AND CONDITIONS

JANUARY 13, 2022

1519 Fairview Street

Use Permit #ZP2021-0113 to construct a new 2,019 square-foot, three-story single-family dwelling, with an average height of 28 feet, and a building separation of 12 feet at the rear of the lot behind an existing triplex.

PERMITS REQUIRED

- Use Permit (UP), under Berkeley Municipal Code (BMC) Section 23.202.020.A, to construct a new dwelling unit; and
- Administrative Use Permit, under BMC Section 23.304.040.A, to reduce the required building separation to 12 feet where 16 feet is required.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 (“New Construction or Conversion of Small Structures”).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

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

Because the project will comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff. The project includes construction of one dwelling unit on a lot that allows four dwellings.

2. As required by Section 23.406.040.E.1 of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, the granting of the use permit to construct a new dwelling unit will not be detrimental to the health, safety, peace,

morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. Consistency with Development Standards: The proposed project conforms to the applicable Development Standards for the R-2A District (BMC Sections 23.202.090). The proposal to construct one dwelling unit at this site is permissible because: (1) the proposed construction of one dwelling unit on the subject property conforms to the R-2A District standards for Uses Permitted; (2) the proposed front, side, and rear setbacks meet or exceed the R-2A District requirements; (3) the proposed three-story and 28-foot average height will not exceed the R-2A District limit of 28 feet; (4) the Board finds that the reduced building separation will allow the project to maintain an adequate private rear yard for the new dwelling unit while also still providing a large shared open space between the existing front triplex and the proposed rear building; (5) the proposed lot coverage meets the 35 percent that is allowed; and (6) the project includes over 1,200 square feet of usable open space where 1,200 square feet is required.

B. Shadows: Shadow studies submitted by the applicant document the shadow angles and lengths at three times each day at the summer and winter solstice that will result from the project.

- During the winter solstice, new shadows will be cast upon the adjacent residences to the north at 1520 Woolsey Street and 1522 Woolsey Street, covering two living room windows at 1522 Woolsey Street two hours after sunrise. At noon, shadows will partially cover two living room windows at 1522 Woolsey Street. Two hours before sunset, shadows will cover a living room and bedroom window, and the lower third of a second bedroom window at 1524 Woolsey Street, and cover a living room and a bathroom window at the rear building at 1523 Fairview Street.
- Two hours after sunrise on the summer solstice, a bathroom window will be covered by shading, and the lower portion of a home office window will be shaded at 1515 Fairview Street. Two hours before sunset on the summer solstice, a corner of a bedroom window will be shaded at the rear building at 1523 Fairview Street, and at the front building, a kitchen window, a bathroom window, a home office window, a bedroom window will be covered by shadows, and the lower left corner of a bathroom window will be shaded.

While shadows will be cast on portions of these residential buildings, such impacts to light access are limited in duration and is considered typical of urban settings and is not considered substantial or detrimental.

C. Views: Staff expects that the proposed project will not result in additional obstruction of significant views in the neighborhood because there are limited significant views as defined in BMC Section 23.502.020 available to residences in the area. The area is generally flat, and includes mature vegetation which provides visual screening.

D. Privacy and Air: The proposed dwelling will meet or exceed the District minimum for both the rear and side setbacks, with the exception of a portion of the second floor at the northeast corner. New openings are provided on all elevations of the first, second, and third floors, but since the setbacks largely comply, detrimental impacts to neighbors are not anticipated.

There will also be a third-floor roof deck located towards the interior of the parcel and adjacent to the western side yard of the new dwelling, which will create new sightlines toward adjacent dwellings but will not be detrimental because:

- The roof deck would face the interior of the building separation yard and would only have views from the south and west of the subject deck/parcel.
- A 1-foot-10-inch-wide planter box is proposed at the south end of the roof deck, setting the deck area back and providing additional privacy (Condition of Approval 12).
- The roof deck would be approximately 6.5 feet from the western property line, exceeding the required 6-foot side setback.

E. General Non-Detriment: The proposed project provides one new residential dwelling unit, new shading will be limited on nearby residential uses, and privacy impacts are minimal and typical of an urban setting. In addition, the project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

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

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

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

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

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

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original

permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board.

8. Permit Revocation (BMC Section 23.404.080)

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

9. Indemnification Agreement

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

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building & Safety Permit:

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

Project Liaison _____
Name Phone #

11. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
12. Third Floor Deck Planter Box. The applicant shall show a 1-foot-10-inch-wide planter box at the south end of the roof deck in the building permit plans.

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

13. Construction and Demolition Diversion. Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
14. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
 - A. Environmental Site Assessments:
 - 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
 - B. Soil and Groundwater Management Plan:
 - 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.

- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
 - 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
 - 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

15. **HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
16. **Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
17. **Solar Photovoltaic (Solar PV).** A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.
18. **Electric Vehicle (EV) Charging.** Each dwelling unit shall install a listed raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation as specified by the Berkeley Green Code (BMC Section 19.37.040). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.

19. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
20. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
21. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
22. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

23. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
24. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
 - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- 25. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 26. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 27. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

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

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 28. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be

allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

- 29. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 30. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 31. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before

construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

- 32. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 33. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

- G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 34. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 35. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 36. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 37. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 38. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City’s Public Works Department for the relocation of the fire hydrant during construction.
- 39. Public Works.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

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

41. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 4, 2022, except as modified by conditions of approval.

At All Times:

42. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
43. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
44. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
45. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
46. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
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23. THE CONTRACTOR SHALL PERSONALLY SUPERVISE AND DIRECT THE WORK OR SHALL KEEP A COMPETENT EMPLOYEE, AUTHORIZED TO RECEIVE INSTRUCTIONS AND ACT ON THE CONTRACTOR'S BEHALF, CONTINUOUSLY ON SITE DURING WORK HOURS OR AS AGREED UPON BY THE HOMEOWNER.

24. ALL QUESTIONS REGARDING SHALL BE DIRECTED TO THE ARCHITECT

25. PROJECT CLOSEOUT:

A. CONTRACTOR SHALL REVIEW PROJECT WITH ARCHITECT AND OR OWNER TO ENSURE THAT ALL REQUIREMENTS OF THE CONTRACT DOCUMENTS HAVE BEEN FOLLOWED.

B. CONTRACTOR SHALL OBTAIN ALL CERTIFICATES AND NOTICES

C. ALL WORK PERFORMED SHALL BE CLEAN AND READY FOR USE

D. UPON COMPLETION, THE ARCHITECT SHALL, AT THE OWNER'S REQUEST, COMPARE A PROJECT PUNCH LIST NOTING ANY CORRECTIONS, OR OMISSIONS, ARCHITECTS ACCEPTANCE WILL BE CAUSE FOR FINAL PAYMENT, UNLESS SPECIFICALLY DETERMINED OTHERWISE BY OWNER.

MECHANICAL NOTES:

THE HVAC CONTRACTOR SHALL SUPERVISE ALL OF THE WORK DONE DURING INSTALLATION. ALL MECHANICAL SYSTEMS SHALL BE INSPECTED BY THE MECHANICAL ENGINEER PRIOR TO INSPECTION AND AT COMPLETION OF JOB TO VERIFY THAT ALL SYSTEMS OPERATE PROPERLY.

CONTRACTOR SHALL COORDINATE ALL TRADES ASSOCIATED WITH MECHANICAL AND CEILING WORK AS REQUIRED FOR PROPER ASSEMBLY.

PROVIDE BOTH RETURN AND SUPPLY AIR IN ACCORDANCE WITH LOCAL CODES.

THE HVAC ENGINEER SHALL DETERMINE WHAT NEW EQUIPMENT IS NECESSARY TO ADJUST THE EXISTING EQUIPMENT IN ORDER TO MEET CODE REQUIREMENTS.

DOORS, WINDOWS, HARDWARE

THE CONTRACTOR SHALL INSTALL REQUIRED DOOR AND FRAME ASSEMBLIES AS SHOWN ON THE DRAWINGS. IF NEW DOORS AND WINDOWS ARE INTENDED TO MATCH EXISTING DOORS AND WINDOWS, THE CONTRACTOR SHALL SOURCE AND PROVIDE DOORS AND WINDOWS TO MATCH EXISTING AND VERIFY WITH ARCHITECT AND CLIENT BEFORE ORDERING

DOOR HARDWARE SHALL MATCH EXISTING IN FINISH AND COLOR, U.O.N.

WALL AND CEILING FINISHES

THE CONTRACTOR SHALL PATCH AND PREP ALL WALLS PRIOR TO COMMENCING WORK. ALL SURFACES FROM FLOOR TO CEILING AND ALL VERTICAL SURFACES SHALL BE CONSIDERED WALLS.

ALL WALLS AND CEILINGS SHALL BE PREPARED TO ACHIEVE A LEVEL 5 FINISH.

ALL WOOD ELEMENTS SUCH AS TRIM, SHELVING, WOOD DOORS SHALL BE PRIMED, SANDED AND FINISHED WITH 2 COATS OF SEMI-GLOSS EMAMEL, FREE OF BRUSH MARKS.

AT ALL AREAS WHERE EXISTING PARTITIONS MEET NEW PARTITIONS, THE AREAS SHALL BE SANDED AND PATCHED TO ENSURE A SMOOTH AND SEAMLESS TRANSITION FROM THE EXISTING TO NEW AREA

PRIOR TO PAINTING, THE CONTRACTOR SHALL REMOVE ALL SWITCH PLATE COVERS, RECEPTACLE COVERS, HARDWARE AT DOORS AND OTHER SURFACES.

ALL PAINT SHALL BE ZERO VOC LATEX BASED PAINTS. ALL SURFACES SHALL RECEIVE 1 PRIMER COAT AND 2 FINISH COATS OF PAINT.

FLOOR FINISHES

THE FLOORING SUBCONTRACTOR SHALL ENSURE ALL SURFACES ARE PREPPED AND READY TO RECEIVE FLOOR FINISHES. FLOOR SURFACES SHALL BE SMOOTH AND LEVELLED AS REQUIRED PRIOR TO PROVIDING FLOOR FINISH. PROVIDE SELF LEVELING CEMENTITIOUS COMPOUND TO LEVEL FLOORS IF NECESSARY. ALL FLOORING TO BE PREPPED AS REQUIRED BY MANUFACTURER'S SPECIFICATIONS.

DURING FLOORING INSTALLATION AND FOR AN APPROPRIATE TIME AFTER FLOORING HAS BEEN INSTALLED, THE FLOOR SHALL BE PROTECTED AND CLOSED TO WALKING TRAFFIC.

ALL PARTITIONS SHALL HAVE RESILIENT BASE TO MATCH ADJACENT AND EXISTING AREAS.

AFTER WORK HAS BEEN COMPLETED, THE CONTRACTOR SHALL CLEAN ALL REMAINING ADHESIVE, SCRAPS, AND ASSOCIATED MATERIALS AND REMOVE FROM THE JOBSITE.

THE CONTRACTOR SHALL PROVIDE PROTECTION FOR ALL EXISTING FLOORING FOR THE DURATION OF THE PROJECT. AND REMOVE ALL FLOORING PROTECTION UPON COMPLETION OF THE PROJECT.

IF THE FLOORING IS IN MODULAR UNITS SUCH AS WOOD, TILE OR CARPET SQUARES, DIMENSIONED DRAWINGS SHALL BE PROVIDED TO THE ARCHITECT FOR REVIEW PRIOR TO INSTALLATION.

PROVIDE FLUSH TRANSITIONS BETWEEN EACH FLOORING MATERIAL. IF FLUSH TRANSITIONS CAN NOT BE PROVIDED, TRANSITION METHODS SHOULD BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.

PAINTS, COATINGS AND FINISHES

1. CARPET MUST MEET ONE OF THE FOLLOWING: (CALGREEN 4.504.3)
A. CARPET AND RUG INSTITUTE GREEN LABEL PLUS PROGRAM
B. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH STANDARD PRACTICE FOR THE TESTING OF VOCs
C. NSF / ANSI 140 AT THE GOLD LEVEL
D. SCIENTIFIC CERTIFICATION SYSTEMS SUSTAINABLE CHOICE
E. CALIFORNIA COLLABORATIVE FOR HIGH PERFORMANCE SCHOOLS EQ.2.2 AND LISTED IN THE CHPS HIGH PERFORMANCE PRODUCT DATABASE.
CARPET CUSHION MUST MEET CARPET AND RUG INSTITUTE GREEN LABEL AND INDOOR CARPET ADHESIVE AND CARPET PAD ADHESIVE MUST NOT EXCEED 50 GIL VOC CONTENT

2. COMPOSITE WOOD PRODUCTS: HARDWOOD, PLYWOOD, PARTICLE BOARD AND MEDIUM DENSITY FIBERBOARD COMPOSITE WOOD PRODUCTS USED ON INTERIOR OR EXTERIOR SHALL MEET CARB AIR TOXIC CONTROL MEASURE FOR COMPOSITE WOOD. SEE CALGREEN TABLE 4.504.5

3. INTERIOR PAINTS AND COATINGS: COMPLY WITH VOC LIMITS IN THE AIR RESOURCES BOARD ARCHITECTURAL COATINGS SUGGESTED CONTROL MEASURE AND CALIFORNIA CODE OF REGULATIONS TITLE 17 FOR AEROSOL PAINTS. SEE CALGREEN TABLE 4.504.3

4. LOW VOC CAULKS, CONSTRUCTION ADHESIVES, AND SEALANTS: SEE CALGREEN TABLES 4.504.1 AND 4.504.2

1. EXAMINATION OF THE SITE AND PORTIONS THEREOF WHICH WILL AFFECT THIS WORK SHALL BE MADE IMMEDIATELY BY THE CONTRACTOR, WHO SHALL COMPARE IT WITH THE DRAWINGS AND SATISFY HIM/HERSELF TO CONDITIONS UNDER WHICH WORK IS TO BE PERFORMED. HE SHALL AT SUCH TIME ASCERTAIN AND CHECK LOCATIONS OF THE EXISTING STRUCTURES AND EQUIPMENT WHICH MAY AFFECT HIS WORK. NO ALLOWANCE SHALL BE MADE FOR ANY EXTRA EXPENSE TO WHICH HE MAY BE DUE BECAUSE OF FAILURE OR NEGLECT ON HIS PART TO MAKE SUCH EXAMINATIONS. ANY CONFLICTS OR OMISSIONS, ETC., SHALL BE REPORTED TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK

2. ANY ERRORS, OMISSIONS, OR CONFLICTS FOUND IN THE VARIOUS PARTS OF THE CONSTRUCTION DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND OWNER BEFORE PROCEEDING WITH THE WORK

3. WHEN REFERENCED IN NOTES, ARCHITECT SHALL BE SANDY CHAN

4. CONTRACTOR SHALL PROVIDE ARCHITECT AND OWNER WITH A COMPLETE COST BREAKDOWN AND SCHEDULE OF CONSTRUCTION FOR THE PROJECT PRIOR TO COMMENCEMENT OF WORK.

5. CONTRACTOR SHALL PROTECT NEW MATERIALS AND FINISHES FROM DAMAGE WHICH MAY OCCUR FROM CONSTRUCTION, DEMOLITION, DUST, WATER, ETC., AND SHALL PROVIDE AND MAINTAIN TEMPORARY BARRICADES, CLOSURE WALLS, ETC. AS REQUIRED TO PROTECT THE HOMEOWNER AS REQUIRED DURING THE PERIOD OF CONSTRUCTION. DAMAGE TO NEW MATERIALS, FINISHES, STRUCTURES, AND EQUIPMENT SHALL BE REPAIRED OR REPLACED. CONTRACTOR SHALL COORDINATE TEMPORARY BARRICADES WITH ARCHITECT AND OR OWNER PRIOR TO COMMENCEMENT OF WORK

6. ALL CONSTRUCTION WORK, ARCHITECTURAL, MECHANICAL, PLUMBING ELECTRICAL, ETC., SHALL CONFORM TO THE LATEST EDITION OF THE CALIFORNIA BUILDING CODE AND THE LATEST EDITION OF THE GOVERNING CODES AND REGULATIONS ADOPTED BY THE CITY AND COUNTY IN WHICH THE PROJECT OCCURS. ALL WORK SHALL BE DONE IN A THOROUGH, WORKMANLIKE MANNER AND EQUAL TO THE BEST STANDARDS OF THE PRACTICE.

7. ALL DIMENSIONS ON CONSTRUCTION DRAWINGS ARE TO FACE OF FINISH (FOF) OR FACE OF CONCRETE (FOC) UNLESS OTHERWISE NOTED TO BE TO THE CENTER OF PARTITION, MILLION, OR COLUMN. DIMENSIONS ARE TO TOP PLATE OR TOP OF SUBFLOOR INSECTION OR ELEVATION UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS TAKE PRECEDENCE OVER SCALE. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT. CONTRACTOR SHALL NOT SCALE DRAWINGS. QUESTIONS REGARDING DIMENSIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT OR OWNER PRIOR TO ANY START OF WORK

9. ALL WORK LISTED, SHOWN OR IMPLIED ON ANY CONSTRUCTION DOCUMENT SHALL BE SUPPLIED AND INSTALLED BY THE CONTRACTOR EXCEPT WHERE NOTED. THE CONTRACTOR SHALL CLOSELY COORDINATE HIS WORK WITH THAT OF OTHER CONTRACTORS OR VENDORS TO ASSURE THAT ALL SCHEDULES ARE MET AND ALL WORK IS DONE IN CONFORMANCE TO MANUFACTURER'S REQUIREMENTS. WORK REQUIRED UNDER THIS CONTRACT SHALL INCLUDE ALL LABOR, MATERIALS, EQUIPMENT, ETC. NECESSARY TO COMPLETE THIS PROJECT. ALL MATERIALS SHALL BE NEW AND UNUSED, UNLESS SPECIFICALLY NOTED, AND BE OF A QUALITY ACCEPTABLE BY INDUSTRY STANDARDS.

10. THE USE OF THE WORD 'PROVIDE' IN CONNECTION WITH ANY ITEM SPECIFIED IS INTENDED TO MEAN THAT SUCH ITEM SHALL BE FURNISHED, INSTALLED, AND CONNECTED WHERE SO REQUIRED, EXCEPT AS NOTED

11. THE CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DOCUMENTS ON THE JOB SITE AT ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES AND SHALL PROVIDE ALL SUBCONTRACTORS WITH CURRENT CONSTRUCTION DOCUMENTS AS REQUIRED. THE CONTRACTOR, IN ASSUMING RESPONSIBILITY FOR THE WORK INDICATED, SHALL COMPLY WITH THE DRAWINGS.

12. THE CONTRACTOR SHALL REMOVE ALL RUBBISH AND WASTE MATERIALS OF ALL SUBCONTRACTORS AND TRADES ON A REGULAR BASIS, AND SHALL EXERCISE STRICT CONTROL OVER JOB CLEANING TO PREVENT ANY DIRT, DEBRIS OR DUST FROM AFFECTING IN ANY WAY, FINISHED AREAS IN OR OUTSIDE THE JOB SITE.

13. THE CONSTRUCTION DOCUMENTS ARE PROVIDED TO ILLUSTRATE THE DESIGN AND GENERAL TYPE OF CONSTRUCTION DESIRED AND IMPLY THE FINEST QUALITY OF CONSTRUCTION, MATERIAL AND WORKMANSHIP THROUGHOUT

14. DETAILS SHOWN ARE TYPICAL. SIMILAR DETAILS APPLY IN SIMILAR CONDITIONS.

15. ALL ELECTRICAL, MECHANICAL, AND PLUMBING WORK AND MATERIALS SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL BOARD OF FIRE UNDERWRITERS, THE STATE FIRE MARSHALL, THE SAFETY ORDERS OF THE DIVISION OF INDUSTRIAL SAFETY, AND ANY APPLICABLE STATE OR LOCAL LAWS AND ORDINANCE. NOTHING ON THESE DRAWINGS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES. ANY QUESTIONS REGARDING INSTALLATIONS SHALL BE BROUGHT TO THE ARCHITECT FOR CLARIFICATION.

16. INSTALL APPROPRIATE INSULATION AS NOTED ON THE TITLE 24 REPORT AT ALL SPACES BETWEEN STUDS, JOISTS, AT ALL EXTERIOR WALLS, CEILINGS AND FLOORS WHERE EXPOSED.

17. WINDOW SIZES AND DOOR HEAD HEIGHTS ARE NOMINAL DIMENSIONS. REFER TO MANUFACTURER FOR ACTUAL ROUGH OPENING SIZES.

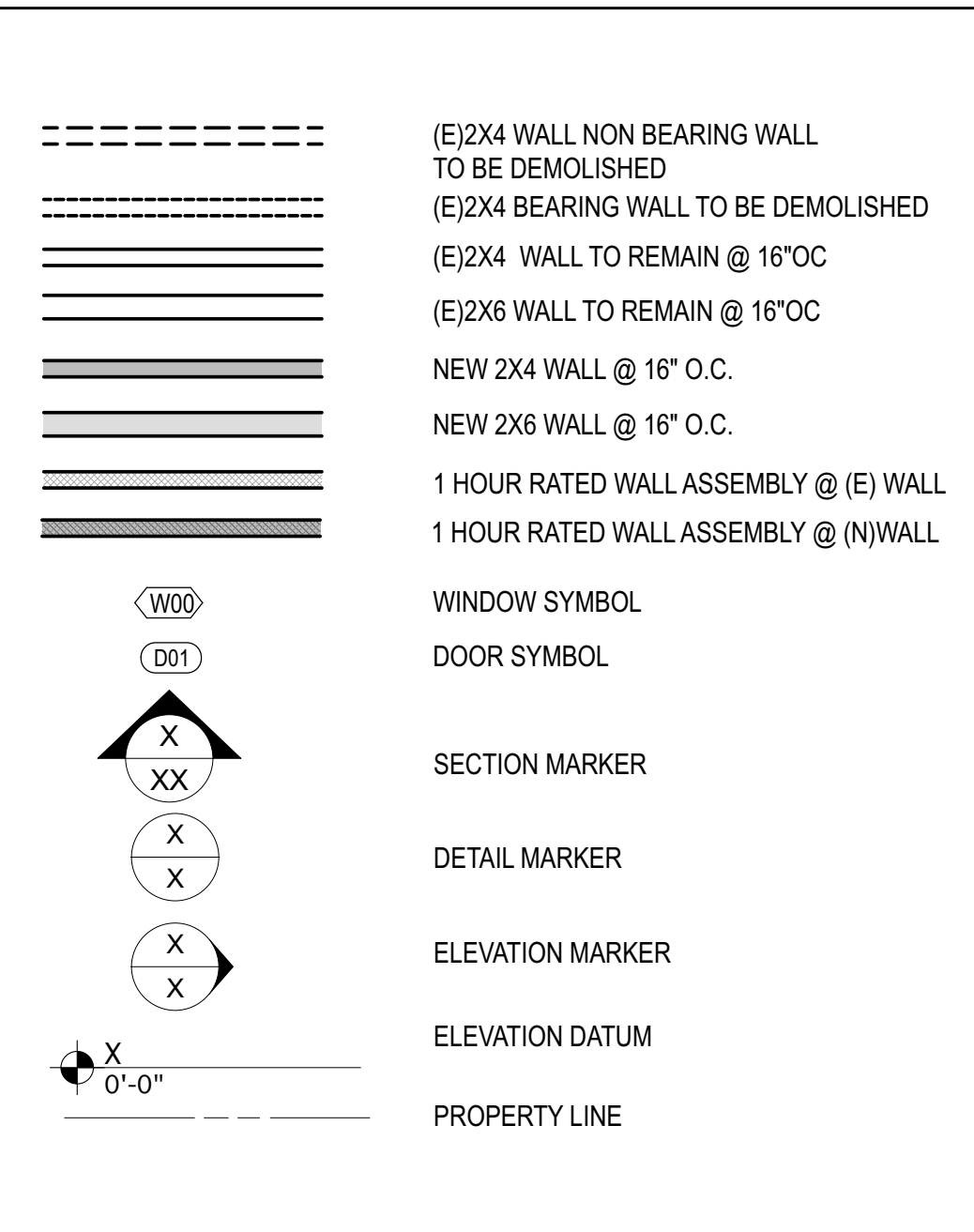
18. ALL CHANGES IN FLOOR MATERIAL OCCUR AT CENTERLINE OF DOOR OR FRAMED OPENING UNLESS OTHERWISE INDICATED ON THE DRAWINGS

19. SEALANT, CAULKING, AND FLASHING, ETC., LOCATIONS SHOWN ON DRAWINGS ARE NOT INTENDED TO BE INCLUSIVE. FOLLOW MANUFACTURER'S INSTALLATION RECOMMENDATIONS AND STANDARD INDUSTRY AND BUILDING PRACTICES.

20. ALL ATTICS, RAFTER SPACES, SOFFITS, CRAWL SPACES SHALL BE FULLY VENTILATED TO 1/150 OF AREA. CROSS VENTILATION SHALL BE PROVIDED AT ROOFS WITH PERFORATED EAVE BLOCKING WITH MESH SCREENS OR ROOF VENT UNITS.

21. PROVIDE WOOD BLOCKING FOR ALL TOWEL BARS, ETC.

22. ALL MATERIALS FOR USE ON A PROJECT SHALL BE STORED WITHIN THE PROJECT SITE.

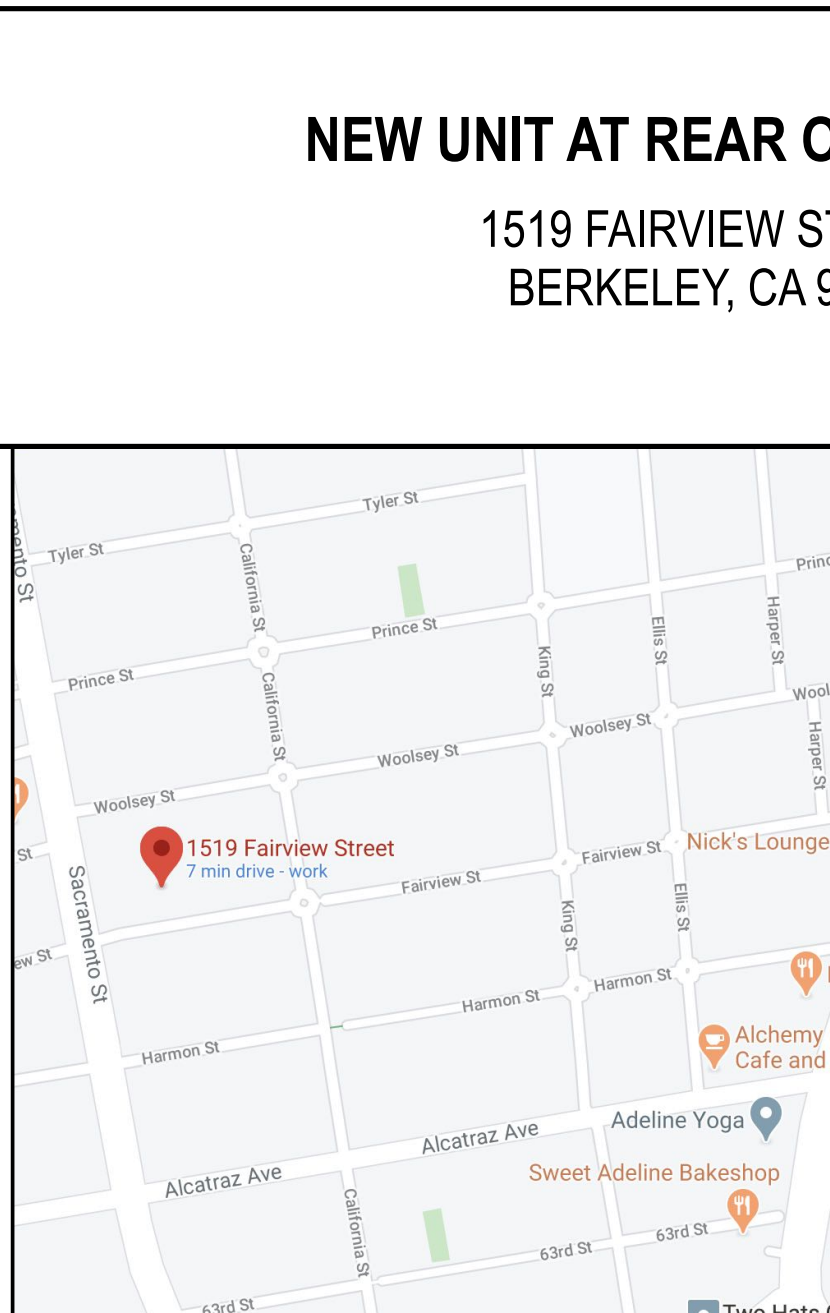


SYMBOLS

AD	AREA DRAIN	HB	HOSE BIB	S.L.D.	SEE LANDSCAPE DRAWINGS
ADJ.	ADJUSTABLE	INSUL.	INSULATION	S.S.D.	SEE STRUCTURAL DRAWINGS
A.S.S.	ABOVE STRUCT. SLAB	MIN.	MINIMUM	T	TREAD
BLDG.	BUILDING	MTL.	METAL	T.O.	TOP OF
BLKG.	BLOCKING	(N)	NEW	T.S.	TOPPING SLAB
B.L.T.U.P.	BUILT-UP	N.I.C.	NOT IN CONTRACT	TYP.	TYPICAL
BTWN	BETWEEN	OPP.	OWNER HAND	T.W.	TOP OF WALL
CL	CENTER LINE	O.F.C.I.	OWNER FURNISHED, CONTRACTOR INSTALLED	U.O.N.	UNLESS OTHERWISE NOTED
CL.R.	CLEAR	O.F.O.I.	OWNER FURNISHED, OWNER INSTALLED	V.I.F.	VERIFY IN FIELD
CONC.	CONCRETE	PLYWD.	PLYWOOD	W/	WITH
CONT.	CONTINUOUS	PNL	PANEL	WD.	WOOD
DTL	DETAIL	PTD.	PAINTED	W.P.	WATER PROOFING
DW.	DISHWASHER	PL	PROPERTY LINE		
(E)	EXISTING	R	RISER		
EQ.	EQUAL	RDWD.	REDWOOD		
FIN.	FINISH	REF.	REFRIGERATOR		
FLR.	FLOOR	R.O.	ROUGH OPENING SHEET		
FNDTN.	FOUNDATION	SHT	SIMILAR		
F.O.C.	FACE OF CONCRETE	SIM.	STRUCTURAL SLAB		
F.O.F.	FACE OF FINISH	S.S.	STAINLESS STEEL		
F.O.S.	FACE OF STUD	S.STL.			
GALV.	GALVANIZED				
GYP. BD.	GYPSUM BOARD				

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A.2	PARCEL MAP	
A.2.0	PROPOSED GROUND AND SECOND FLOOR PLAN	
A.2.1	PROPOSED THIRD FLOOR PLAN AND ROOF PLAN	
A.3.1	PROPOSED EXTERIOR ELEVATIONS	
A.4.0A	SHADOW STUDY	
A.4.0B	SHADOW STUDY	
A.4.0C	SHADOW STUDY	
A.4.1	STREETSCAPE	



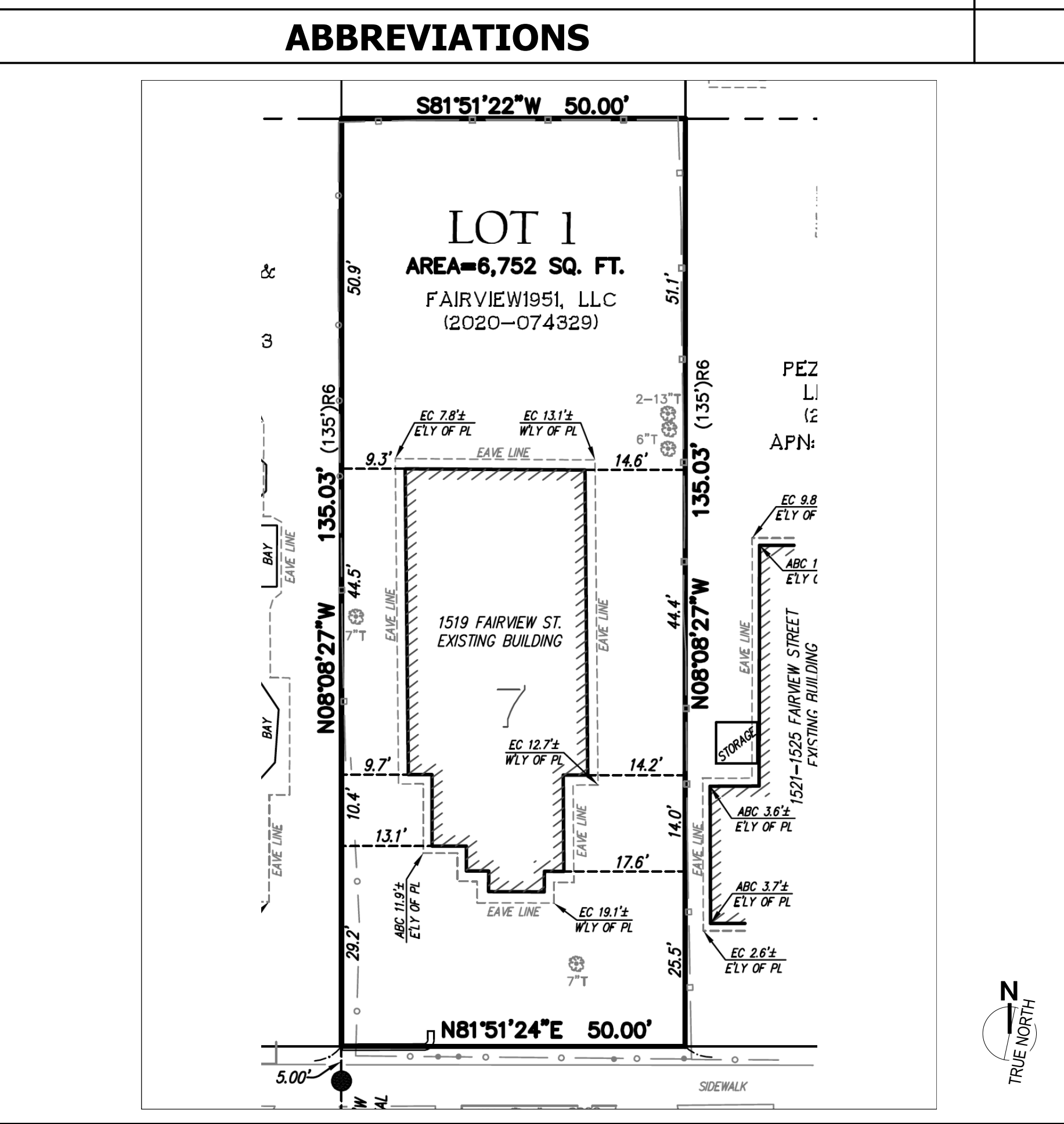
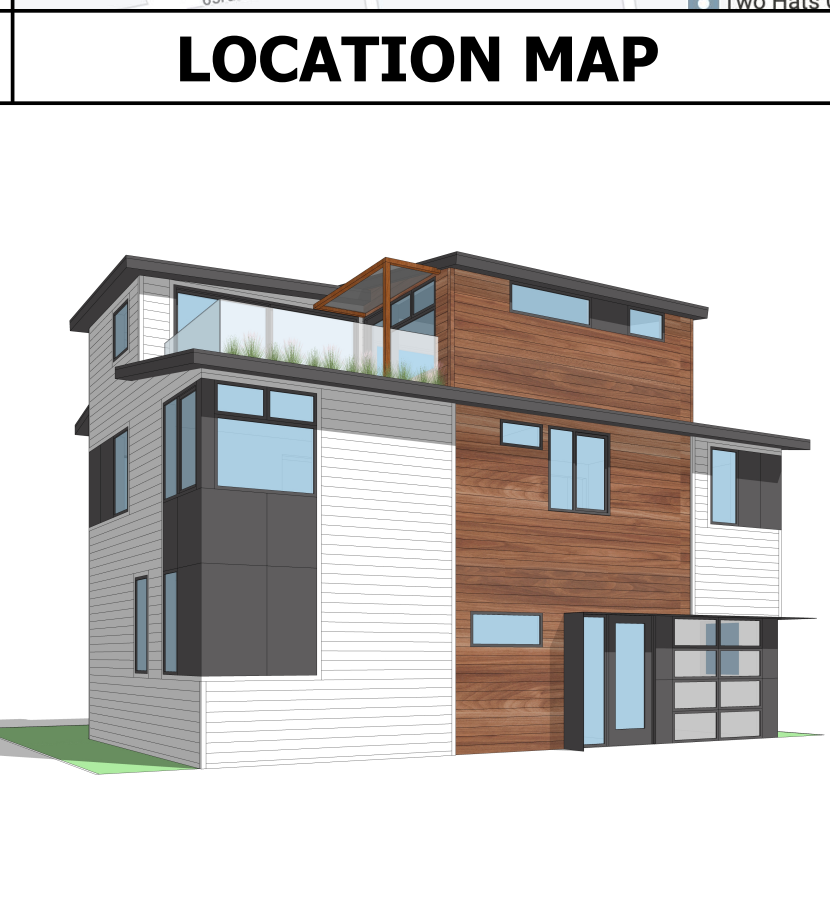
NEW UNIT AT REAR OF PROPERTY
1519 FAIRVIEW STREET
BERKELEY, CA 94703

BLOCK / LOT	052 154401200
ZONING	R-2A
OCCUPANCY	R2
GENERAL PLAN AREA	MDR
FIRE ZONE	1
TYPE OF CONSTRUCTION	VB
PROPOSED SF LIVING AREA	2019 SF
NUMBER OF UNITS	1
NUMBER OF STORIES	3
PARCEL AREA	6750 SF

SQUARE FOOTAGE CALC AT MAIN HOUSE

	PROPOSED	PROPOSED GARAGE	TOTAL
(E)GROUND FLOOR	647 SF	222 SF	869 SF
(E)SECOND FLOOR	855 SF	0 SF	855 SF
(N)THIRD FLOOR	517 SF	0 SF	517 SF
TOTAL SF	2019 SF	222 SF	2241 SF

APPLICABLE CODES: 2019 CALIFORNIA BUILDING CODE (CBC)
2019 GREEN BUILDING STANDARDS CODE (CALGreen)
2019 CALIFORNIA PLUMBING CODE (CPC)
2019 CALIFORNIA ELECTRICAL CODE (CEC)
2019 CALIFORNIA MECHANICAL CODE (CMC)
2019 CALIFORNIA FIRE CODE (FCF)
2019 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS (TITLE 24)
2019 CALIFORNIA RESIDENTIAL CODE
BERKELEY CODE AMMENDMENTS: ZONING AND BUILDING CODES



PROJECT RENDERING

TABULATION FORM

Project Address: 1519 Fairview Street - New Rear Building Date: June 16, 2021

Applicant's Name: Fairview 1951 LLC

Zoning District: R2A

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/ Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	3	1	4
Number of Parking Spaces (#)	2	3	2
Number of Bedrooms (#)	6	4	6
Yards and Height			
Front Yard Setback (Feet)	N/A	15'-0"	15'-0"
Side Yard Setbacks (facing property)			
Left: (Feet)	N/A	5'-0"	4'-0"
Right: (Feet)	N/A	4'-6"	4'-0"
Rear Yard Setback (Feet)	N/A	15'-0"	15'-0"
Building Height* (# Stories)	N/A	3	3
Average* (Feet)	N/A	28'-0"	28'-0"
Maximum* (Feet)	N/A	30'-5"	35'-0"
Areas			
Lot Area (Square-Feet)	6750 SF	6750 SF	6750 SF
Gross Floor Area* (Square-Feet)	2781 SF	2241 SF	7088 SF
Total Area Covered by All Floors			
Building Footprint* (Square-Feet)	1457 SF	2362 SF	2700 SF
Total of All Structures			
Lot Coverage* (Footprint/Lot Area) (%)	21.5%	35%	35%
Useable Open Space* (Square-Feet)	4446 SF	2397 SF	1200 SF
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15

PROJECT INFORMATION

PROPOSED THREE STORY SINGLE FAMILY NEW BUILDING AT REAR OF PROPERTY WITH ATTACHED GARAGE, 4 BEDROOMS, 3 FULL BATHROOMS, 1 HALF BATHROOM, KITCHEN AND LIVING ROOM

REVISION 4 CHANGES:

- ADD TO AUP APPLICATION 2ND FLOOR DECK TO EXTEND 4'-0" INTO 15'-0" REAR YARD SETBACK
- MOVE WEST SIDE WALL AT 3RD FLOOR TO BE COMPLIANT WITH 6'-0" SIDE SETBACK REQUIREMENTS.

PROJECT DESCRIPTION

PROPERTY OWNER: FAIRVIEW1951 LLC
275 SEA VIEW AVENUE
PIEDMONT, CA 94611
510.717.0029
JEGREENSOLUTIONS@GMAIL.COM

ARCHITECT: SANDY CHAN
STUDIOPAZ ARCHITECTS
160 MOSS WAY
OAKLAND, CA 94611
415.819.4811
S.STUDIOPAZ@GMAIL.COM

STRUCTURAL ENGINEER: PAUL CHAN
PCTC ENGINEERS
2622 ANZA STREET
SAN FRANCISCO, CA 94121
PAUL@PCTCENGINEERING.COM
415-508-7282

Date: 01/04/2022

GENERAL NOTES

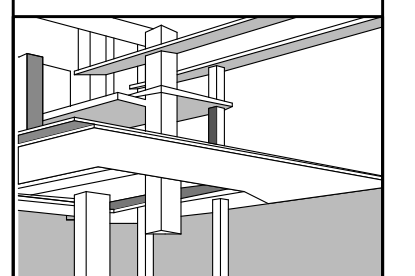
PROPERTY LINE SURVEY

TABULATION FORM

PROJECT TEAM

REVISIONS

REVISION	DATE
1	08/10/21
2	09/22/21
3	11/02/21
4	12/07/21
5	01/04/22



ARCHITECT: SANDY CHAN
 160 MOSS WAY - OAKLAND, CA 94611
 415 819 4811 - S.STUDIOPAZ@GMAIL.COM

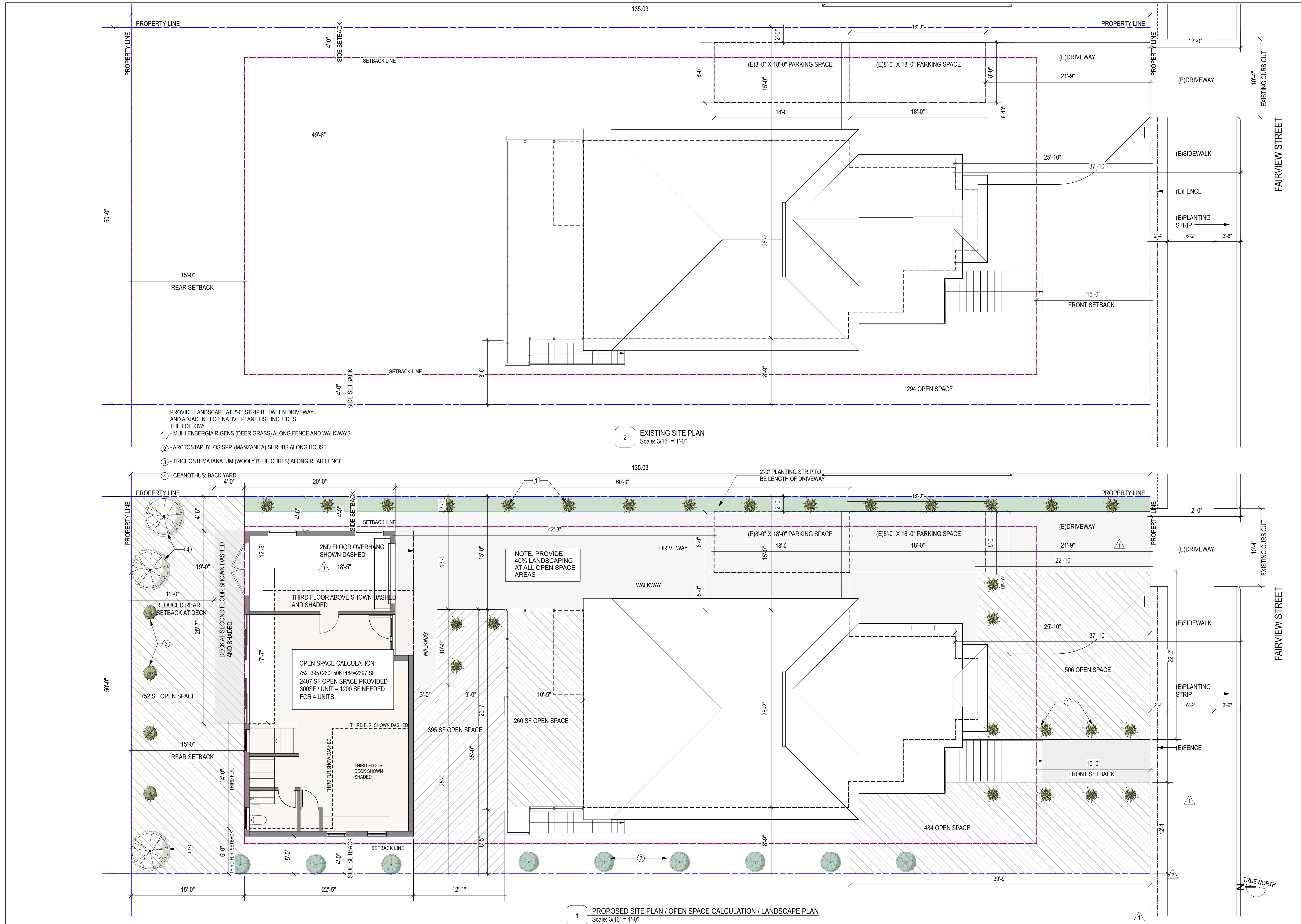
STUDIO PAZ

NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703

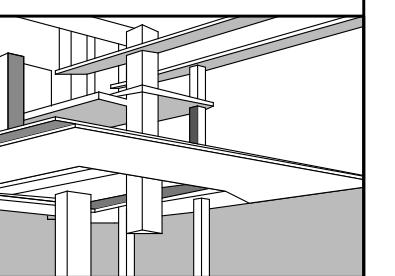
PLANNING REVIEW

TITLE SHEET

A1.0



REVISIONS	DATE
1	08/10/21
2	09/22/21
3	11/02/21
4	12/07/21
5	01/04/22

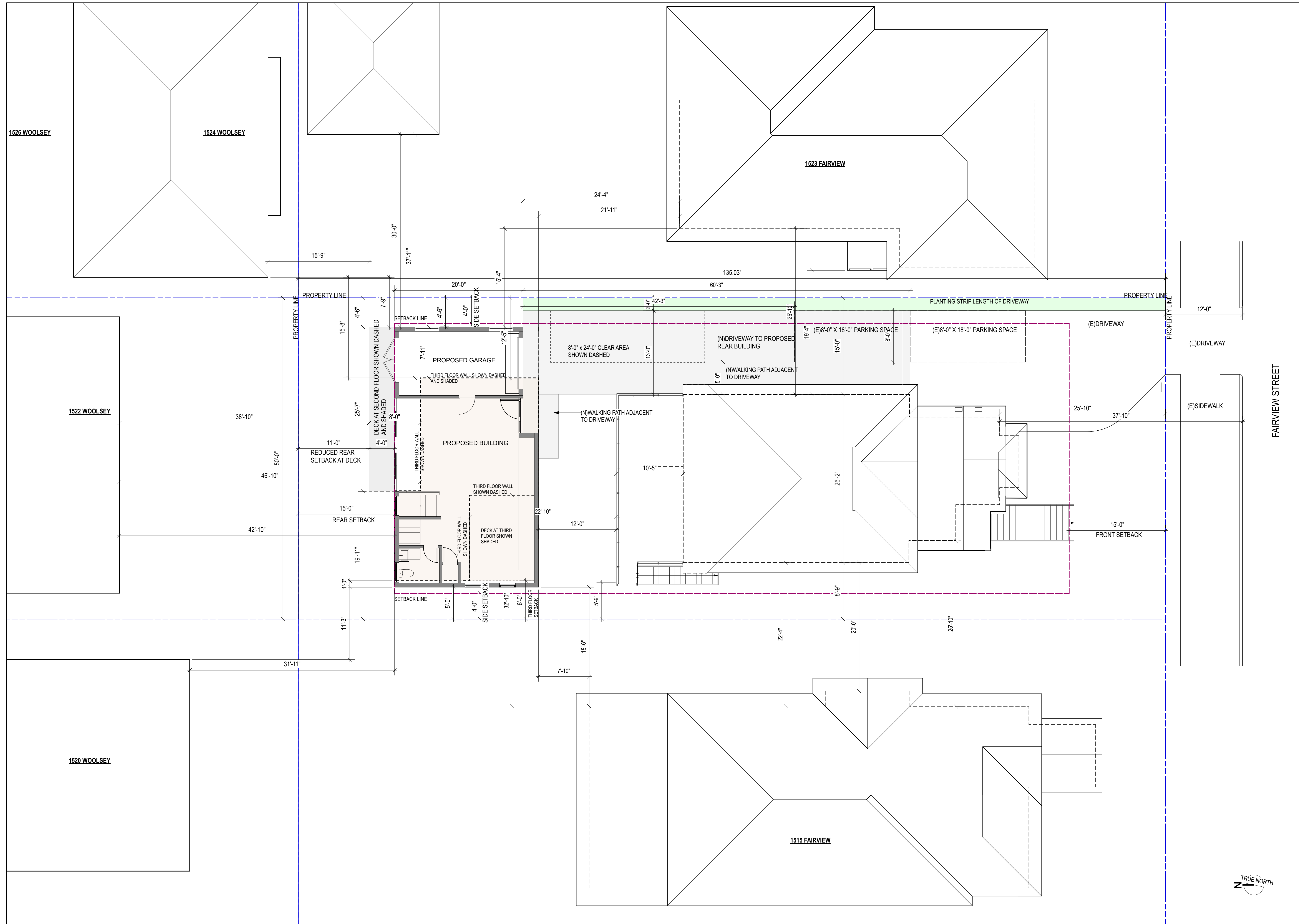


ARCHITECT: SANDY CHAN
 160 MOSS WAY - OAKLAND, CA 94611
 415 819 4811 - S.STUDIOPAZ@GMAIL.COM
S T U D I O P A Z

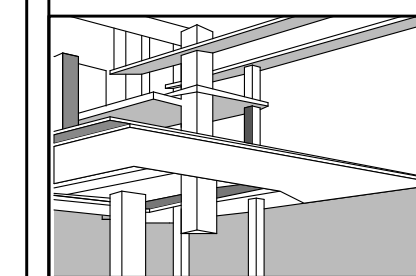
NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703
PLANNING REVIEW

SITE PLAN EXISTING AND PROPOSED OPEN SPACE CALCULATION W/ LANDSCAPE PLAN
 Date 01/04/2022

A1.1



REVISIONS	DATE
1	08/10/21
2	09/22/21
3	11/02/21
4	12/07/21
5	01/04/22



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ARCHITECT: SANDY CHAN
 160 MOSS WAY - OAKLAND, CA 94611
 415 819 4811 - S.STUDIOPAZ@GMAIL.COM

NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703

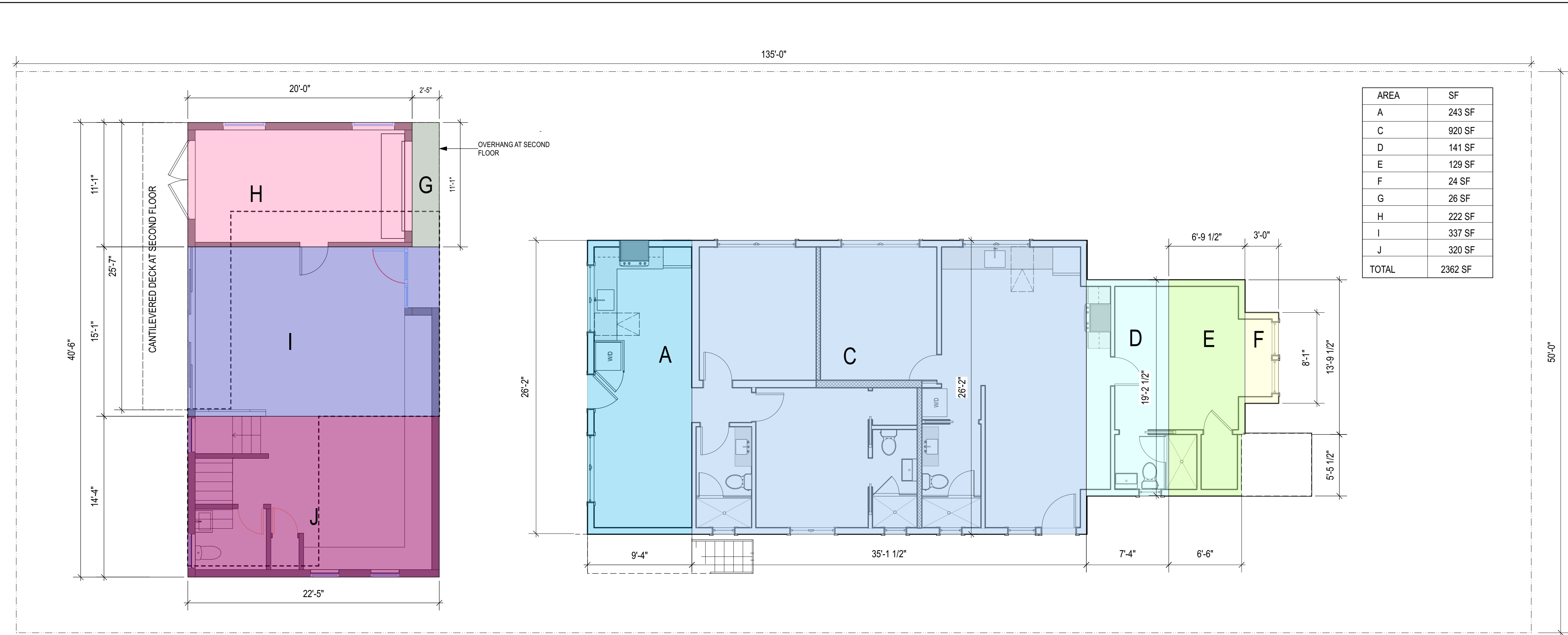
PLANNING REVIEW

SITE PLAN
 PROPOSED
 SHOWING NEIGHBORS

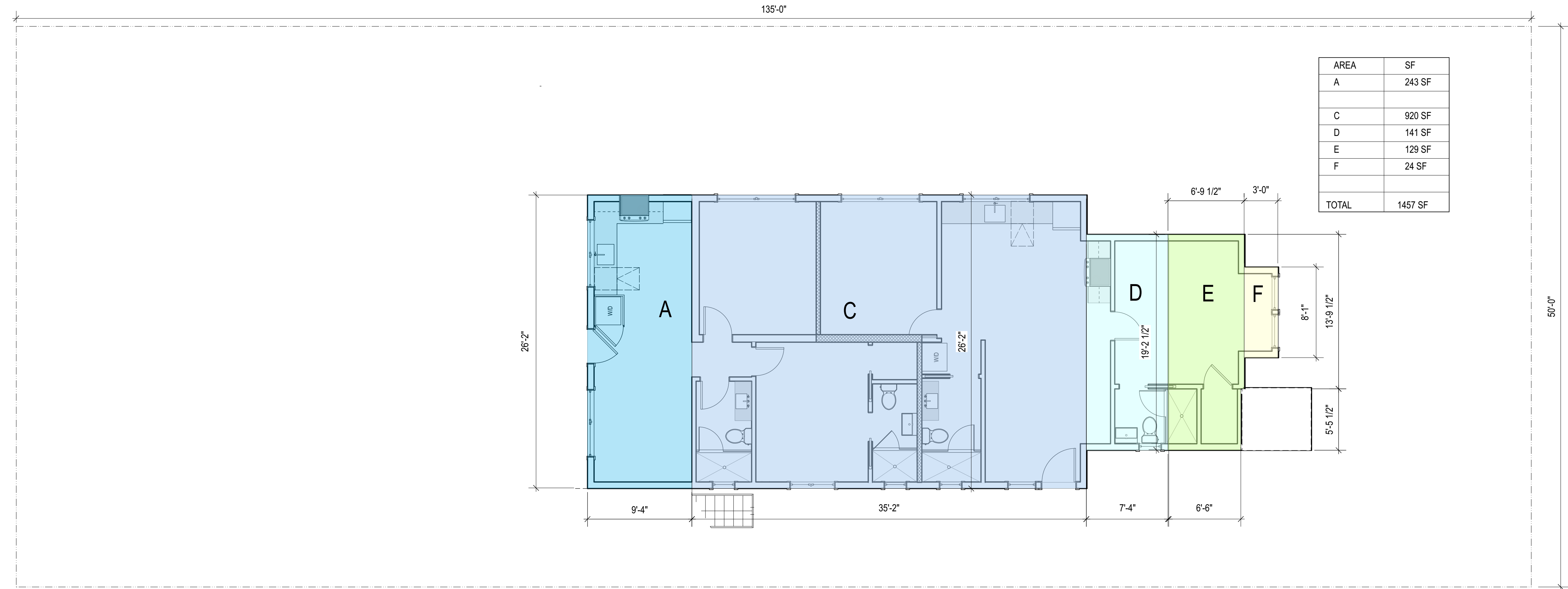
Date 01/04/2022

▲
 TRUE NORTH

A1.1A

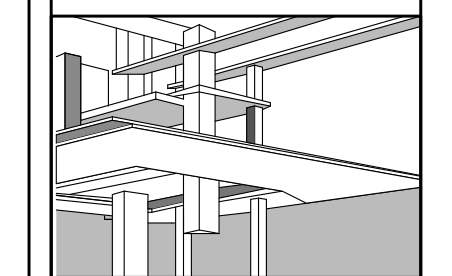


2 PROPOSED LOT COVERAGE
Scale: 3/16" = 1'-0"



1 EXISTING LOT COVERAGE
Scale: 3/16" = 1'-0"

REVISIONS	DATE
REVISION 1 RESPONSE TO PLANNING 07/28/21	08/10/21
REVISION 2 RESPONSE TO PLANNING 09/22/21	09/22/21
CHANGES TO SHADOW STUDY 11/02/21	11/02/21
CHANGES PER COMMENTS 12/07/21	12/07/21
CHANGES PER COMMENTS 01/04/22	01/04/22



S T U D I O P A Z
 ARCHITECT: SANDY CHAN
 160 MOSS WAY - OAKLAND, CA 94611
 415 819 4811 - S.STUDIOPAZ@GMAIL.COM

PLANNING REVIEW
 NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703

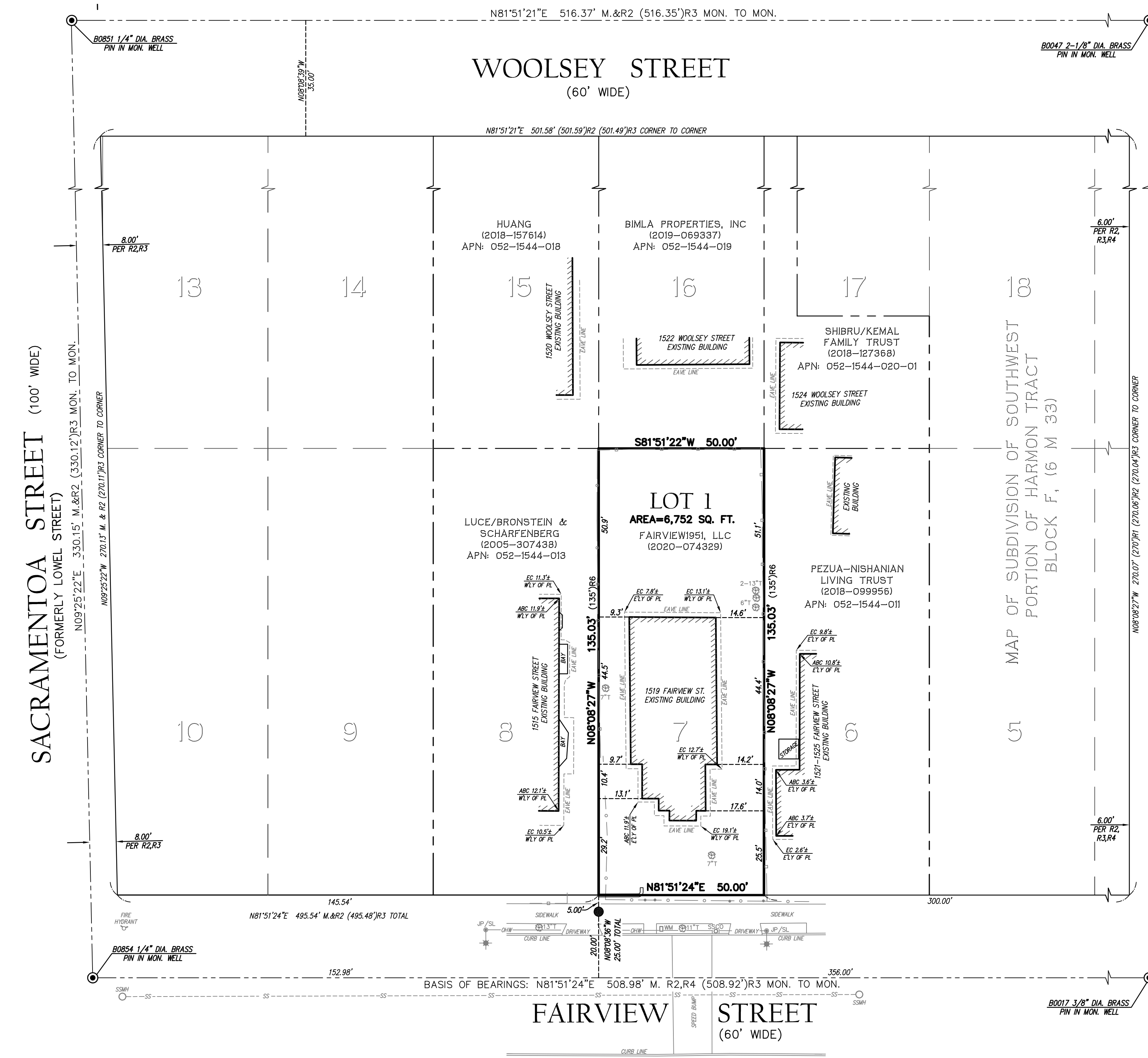
LOT COVERAGE

Date 01/04/2022

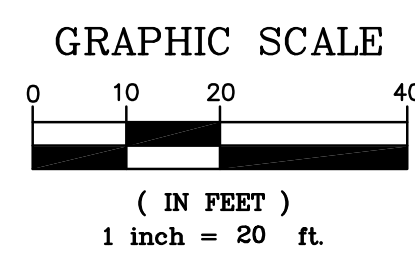
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A1.1B

REVISIONS	DATE
1 RESPONSE TO PLANNING 07/20/21	08/10/21
2 RESPONSE TO PLANNING 09/22/21	09/22/21
3 CHANGES TO SHADOW STUDY 11/02/21	11/02/21



PARCEL MAP



LEGEND	
	BUILDING FOOTPRINT
	RECORD DATA
	FOUND WELL MONUMENT AS NOTED
	FOUND NAIL & TAG L.S. 7136
	ADJACENT BUILDING CORNER
	BUILDING CORNER
	EAVE CORNER
	JOINT POLE/STREET LIGHT
	PROPERTY LINE
	OVERHEAD WIRE
	SANITARY SEWER CLEANOUT
	SANITARY SEWER MANHOLE
	DIAMETER OF TREE (INCHES)
	WATER METER

- ADJACENT PARCEL/LOT LINE
- HISTORIC PARCEL/LOT LINE
- MONUMENT LINE
- SUBJECT PROPERTY
- TIE LINE
- CHAINLINK FENCE
- WOOD FENCE

BASIS OF BEARINGS:
MONUMENT LINE WITHIN FAIRVIEW STREET AS SHOWN ON RECORD OF SURVEY R/S NO. 2458 (37 R/S 59) BEARING: N81°51'24"E

BENCHMARK:
B3569, 1-3/8" DIA. BRASS DISC IN THE SOUTH END OF THE MEDIAN ISLAND AT THE NORTH SIDE OF THE FAIRVIEW/SACRAMENTO ST INTERSECTION ELEVATION: 69.89 FEET, BASED UPON CITY OF BERKELEY DATUM.

- MAP REFERENCES:**
- R1 MAP SHOWING SUBDIVISION OF SOUTHWEST PORTION OF HARMON TRACT (6 M 33)
 - R2 RECORD OF SURVEY R/S NO. 2458 (37 R/S 59)
 - R3 MAP OF SACRAMENTO ST, NEIGHBORHOOD STREET RIGHTS OF WAY SOUTH CITY LINE TO ORGON ST. CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS (PLAN 6528 FILE 550-60)
 - R4 PARCEL MAP 10040 (326 M 23)
 - R5 CORNER RECORD CR 3149 (30 M 32)
 - R6 CITY OF BERKELEY MONUMENT CARDS

LOT 7, BLOCK F, MAP SHOWING SUBDIVISION OF SOUTHWEST PORTION OF HARMON TRACT (6 M 33) CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA MAY, 2021 SCALE 1" = 20'

OWNER/SUBDIVIDER:
FAIRVIEW1951, LLC
275 SEA VIEW AVENUE
BERKELEY, CA 94610

SURVEYOR:
BAY AREA LAND SURVEYING INC.
3065 RICHMOND PKWY, SUITE 101,
RICHMOND, CA 94806

P.M. 11189

APN 052-1544-012 SHEET 1 OF 1 21-4373

ARCHIT
160 MOSS
415 819 48

NEW UNIT AT REAR OF PROPERTY
1519 FAIRVIEW STREET
BERKELEY, CA 94703

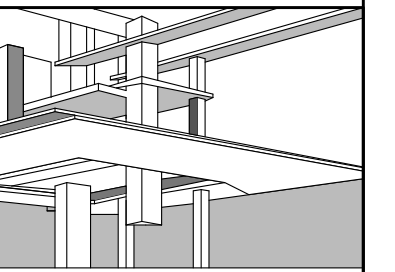
PLANNING REVIEW

PARCEL MAP

Date 01/04/2022

A1.2

REVISIONS	DATE
1 REVISION TO RESPONSE TO PLANNING 07/28/21	08/10/21
2 RESPONSE TO PLANNING 09/22/21	09/22/21
3 CHANGES TO SHADOW STUDY 11/02/21	11/02/21
4 CHANGES PER COMMENTS 12/07/21	12/07/21
5 CHANGES PER COMMENTS 01/04/22	01/04/22



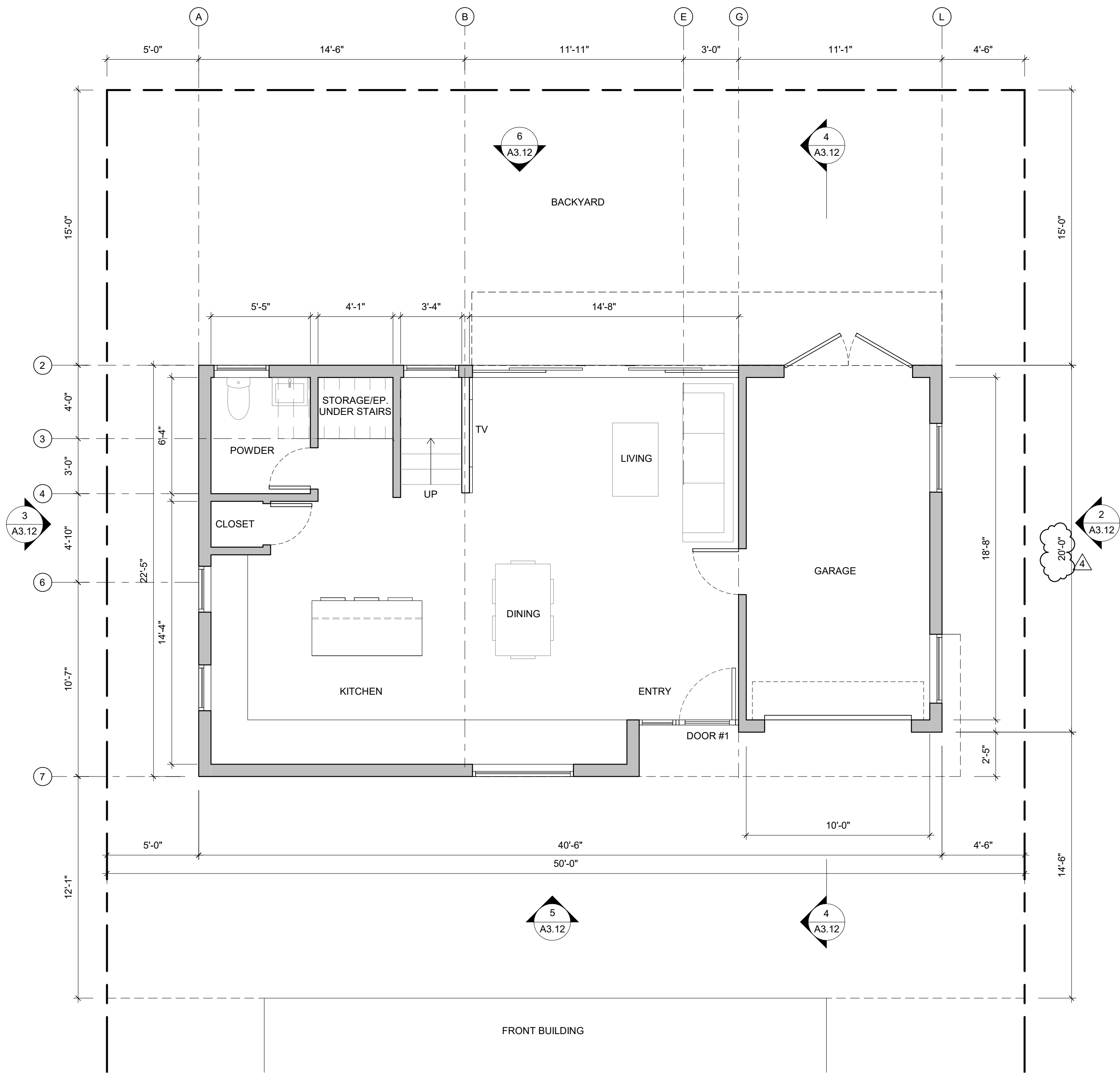
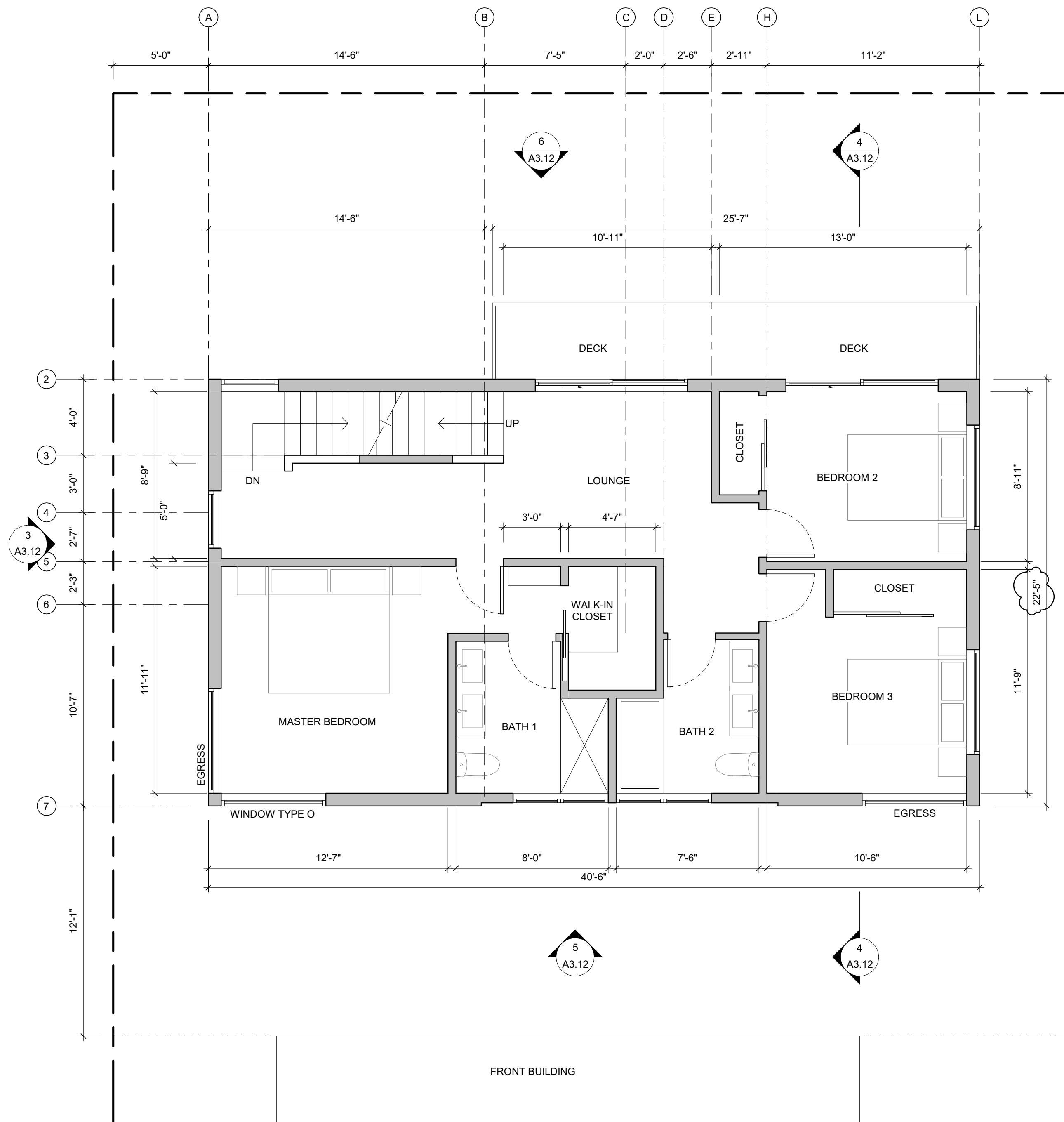
STUDIO P A Z
 ARCHITECT: SANDY CHAN
 160 MOSS WAY - OAKLAND, CA 94611
 415 819 4811 - S.STUDIOPAZ@GMAIL.COM

PLANNING REVIEW
 NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703

PROPOSED GROUND AND SECOND FLOOR PLANS

Date 01/04/2022

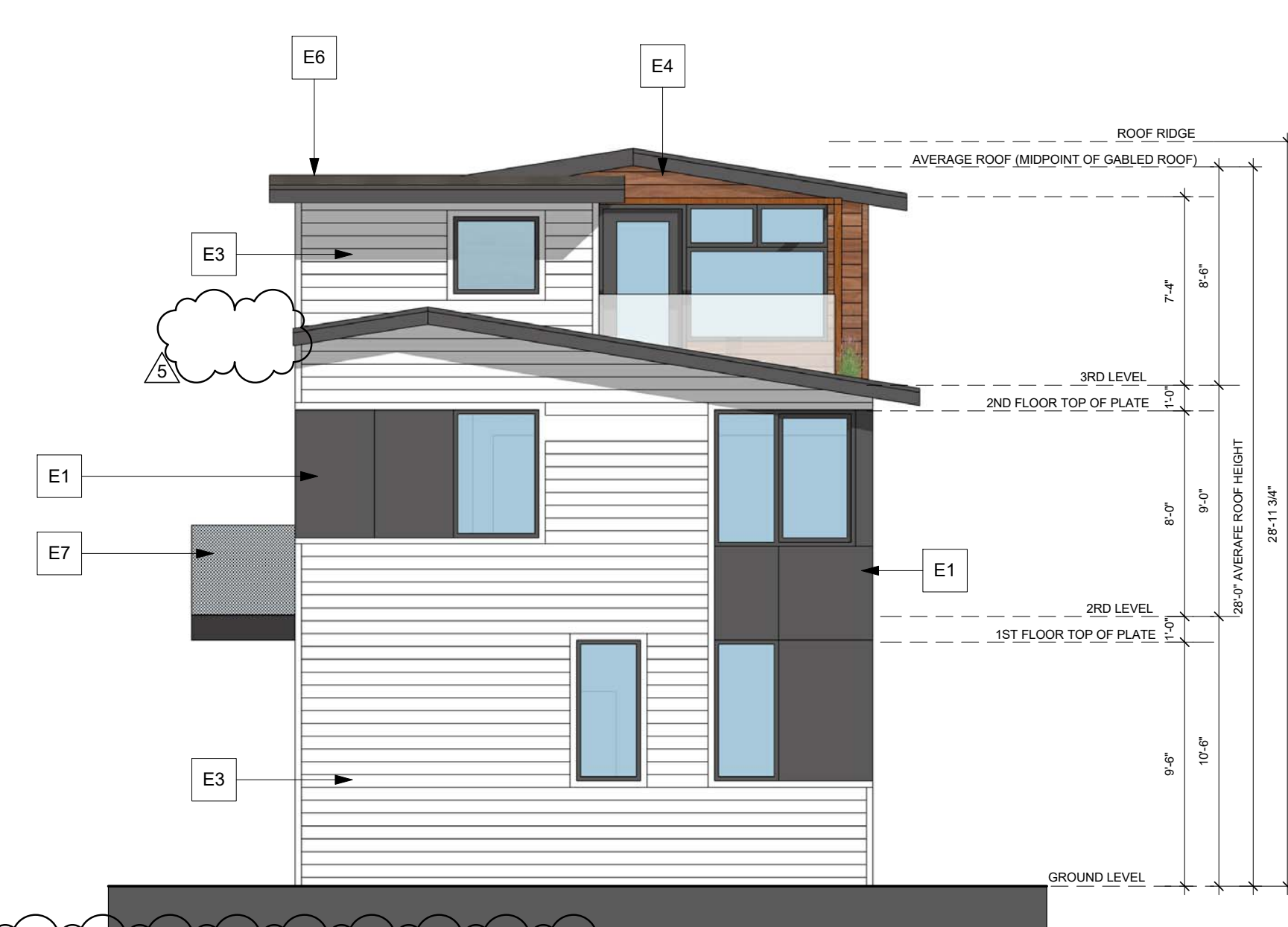
A2.0





SOUTH ELEVATION 3/16"=1'-0"

6 / A3.1



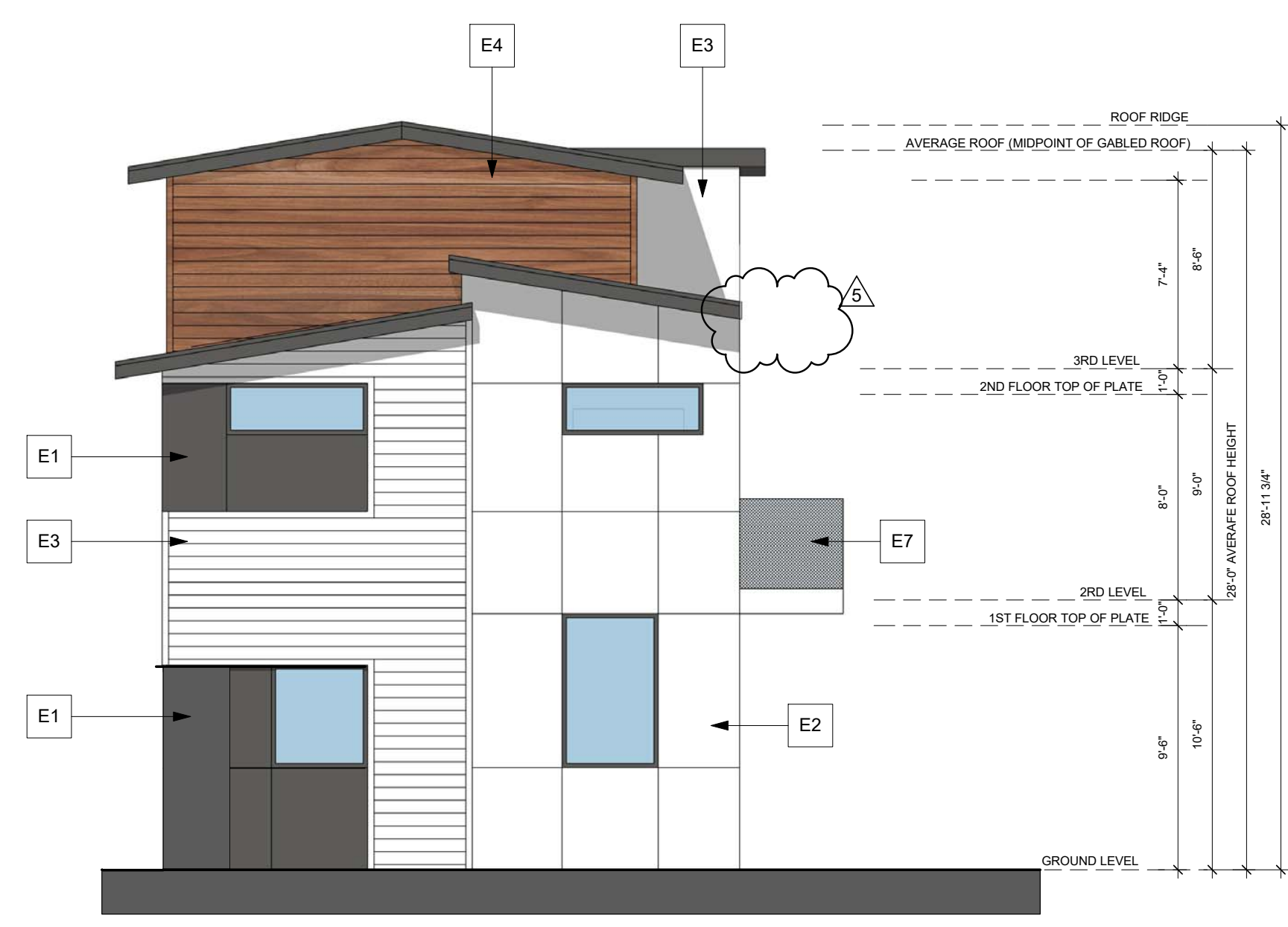
WEST ELEVATION 3/16"=1'-0"

3 / A3.1



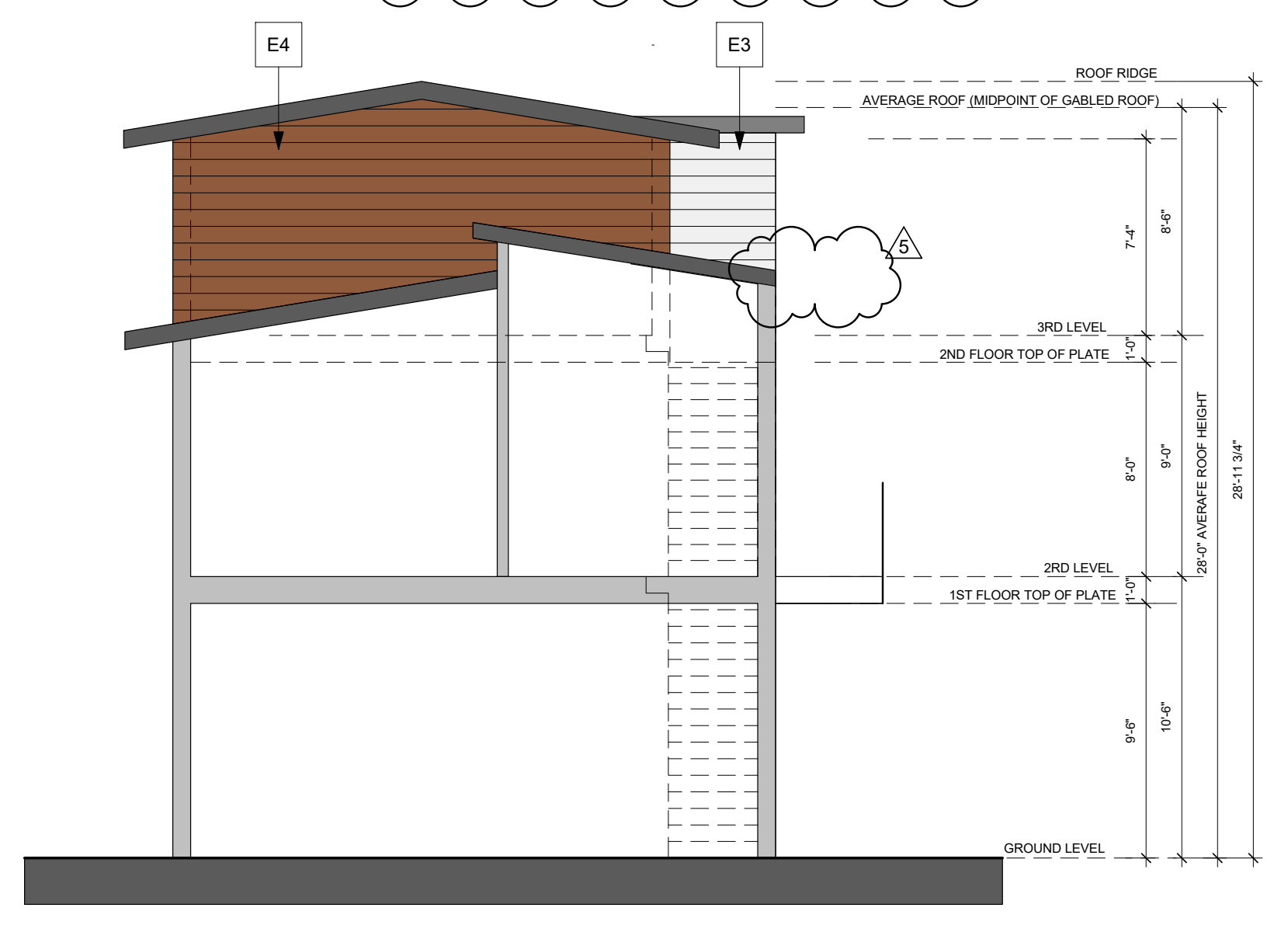
NORTH ELEVATION 3/16"=1'-0"

5 / A3.1




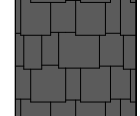
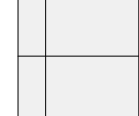
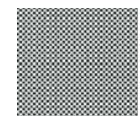
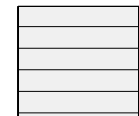

EAST ELEVATION 3/16"=1'-0"

2 / A3.1



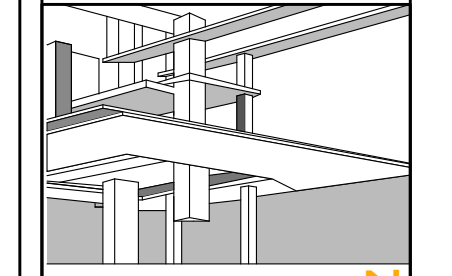
SECTION 3/16"=1'-0"

4 / A3.1

- | | | | |
|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------------|
|  E1 | HARDIE PANEL W/
PTD. CHARCOAL COLOR |  E6 | DARK COLOR SHINGLE ROOF |
|  E2 | HARDIE PANEL W/
INTEGRATED WHITE COLOR |  E7 | PERFORATED METAL RAILING |
|  E3 | ARTISAN LAP SIDING (BY JAMES HARDIE)
W/ 6" EXPOSURE AND PRE-PAINTED FIN |  E4 | IPE LAP SIDING |

MATERIAL LEGEND

REVISIONS	DATE
REVISION 1 RESPONSE TO PLANNING 07/28/21	08/10/21
REVISION 2 RESPONSE TO PLANNING 09/22/21	09/22/21
CHANGES PER SHADOW STUDY 11/03/21	11/02/21
CHANGES PER COMMENTS 12/07/21	12/07/21
CHANGES PER COMMENTS 01/04/22	01/04/22



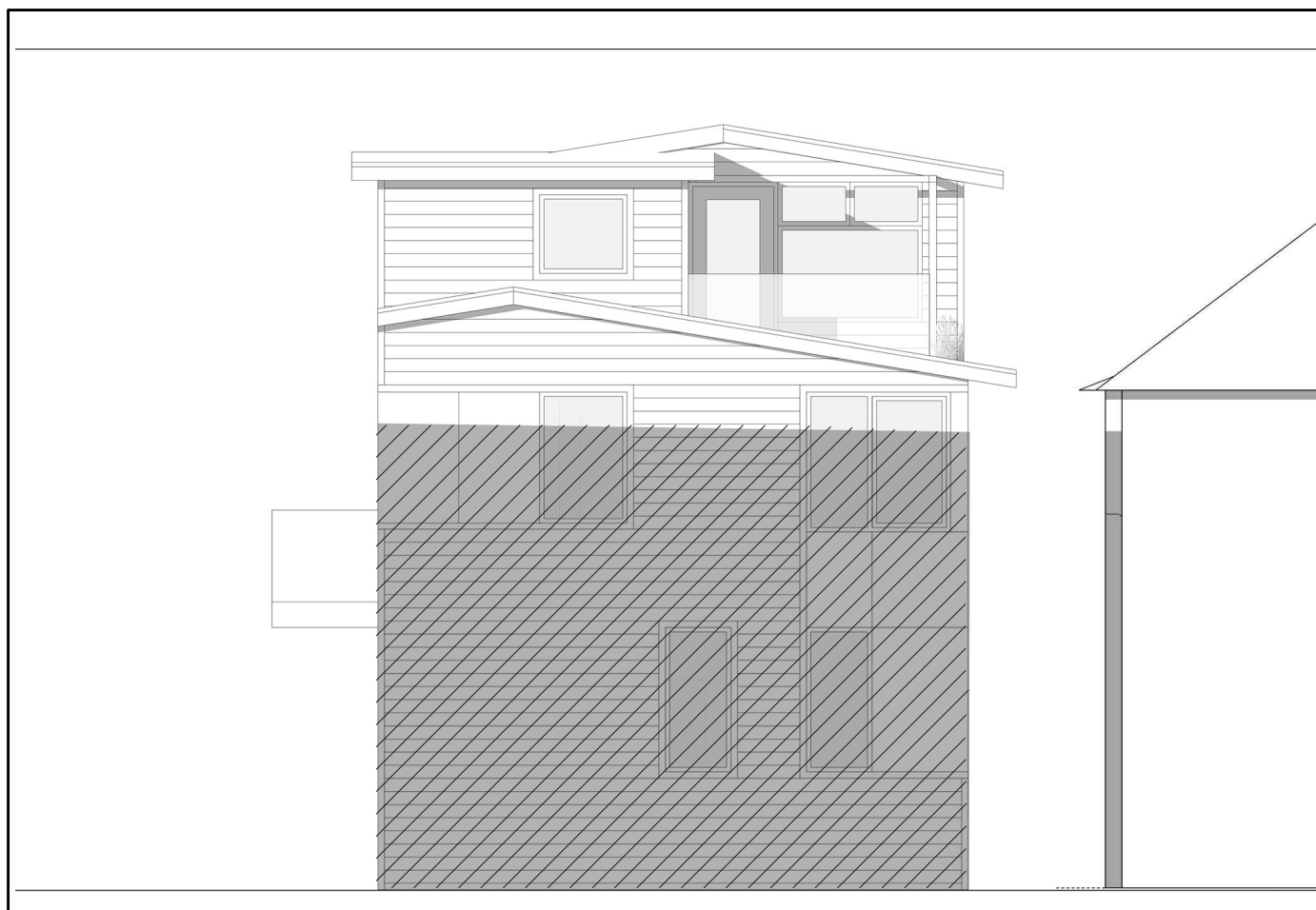
ARCHITECT: SANDY CHAN
 160 MOSS WAY • OAKLAND, CA 94611
 415 819 4811 • S.STUDIOPAZ@GMAIL.COM
 S T U D I O P A Z

NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703
 PLANNING REVIEW

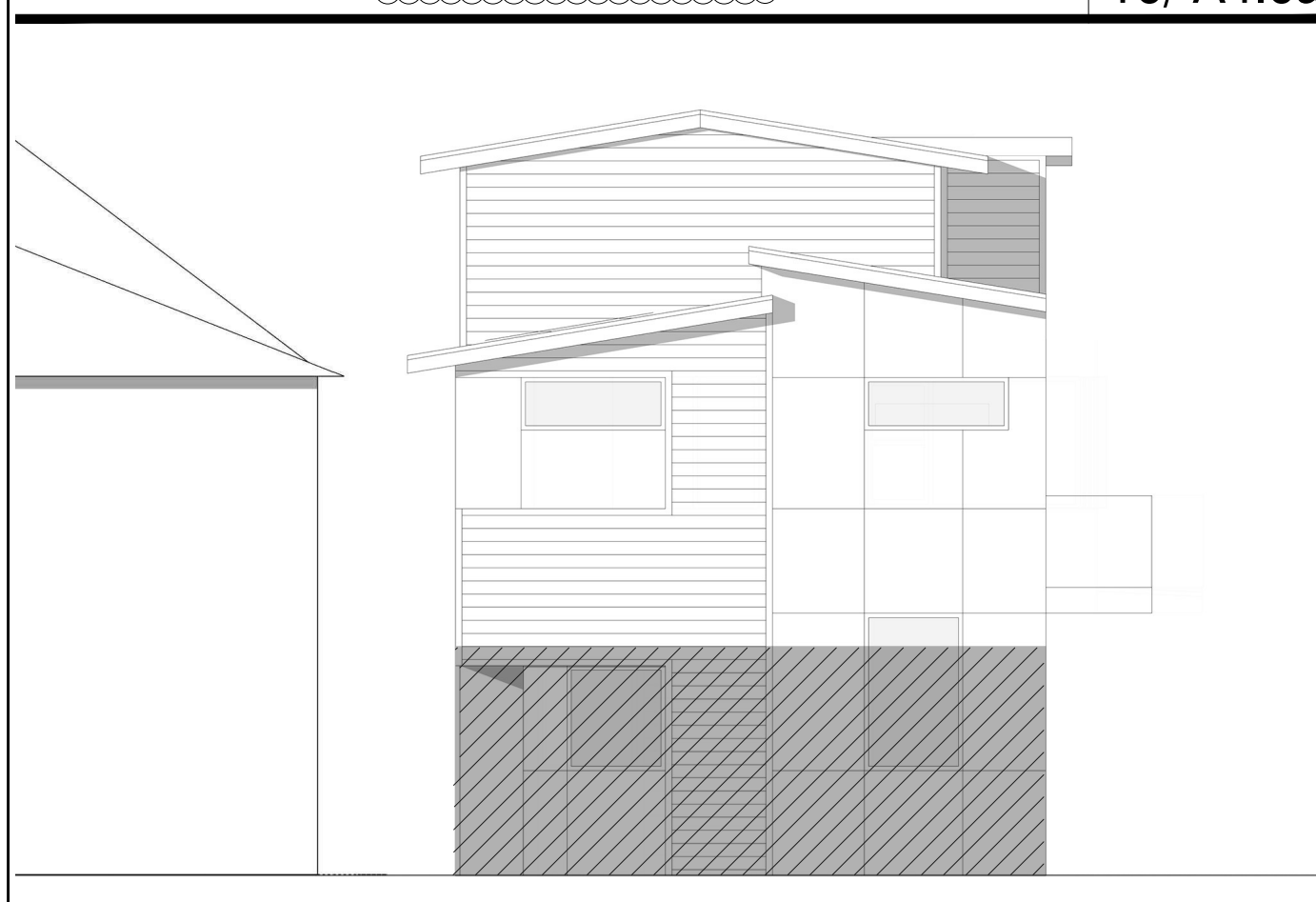
EXTERIOR ELEVATIONS: PROPOSED

Date 01/04/2022

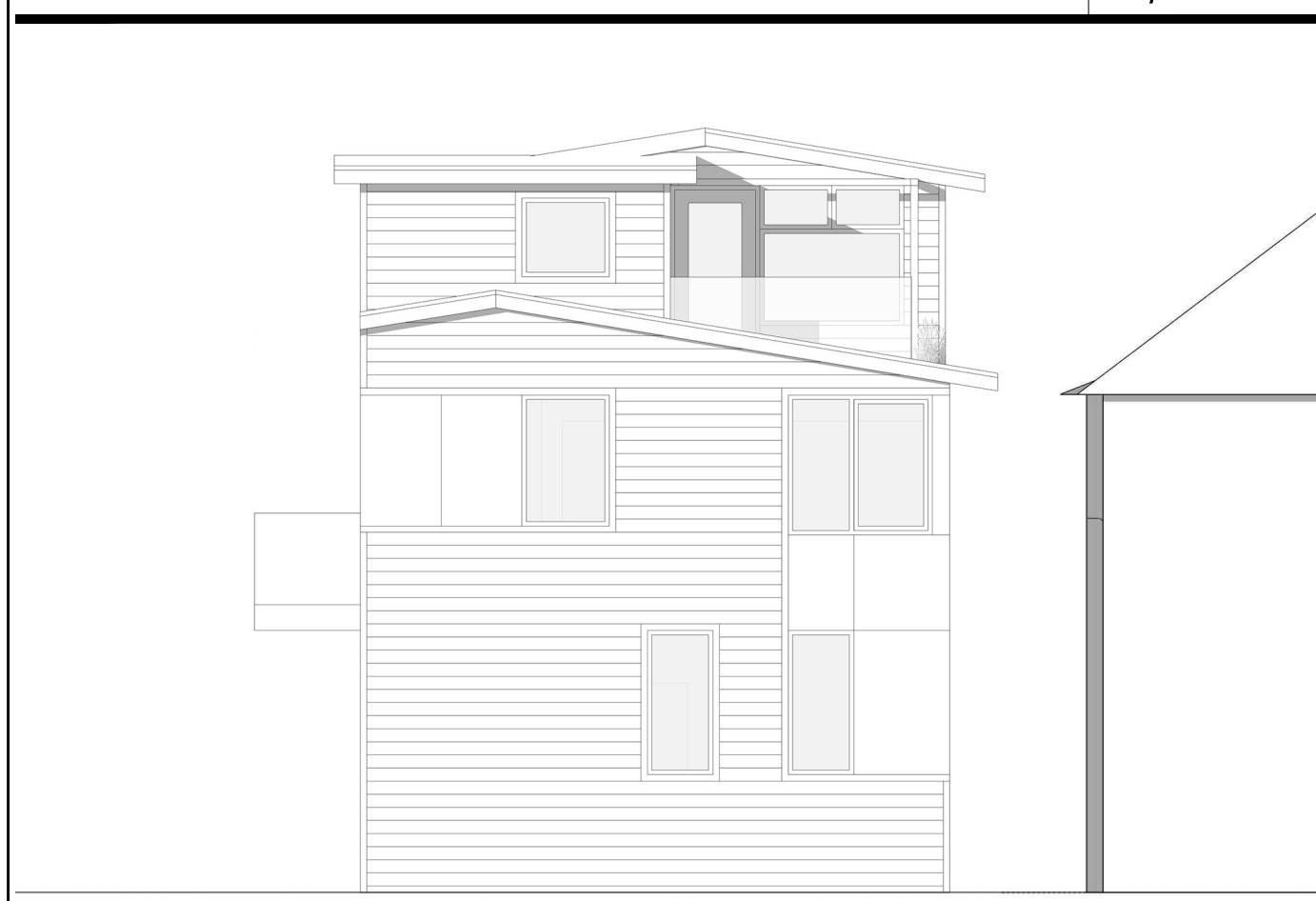
A3.1



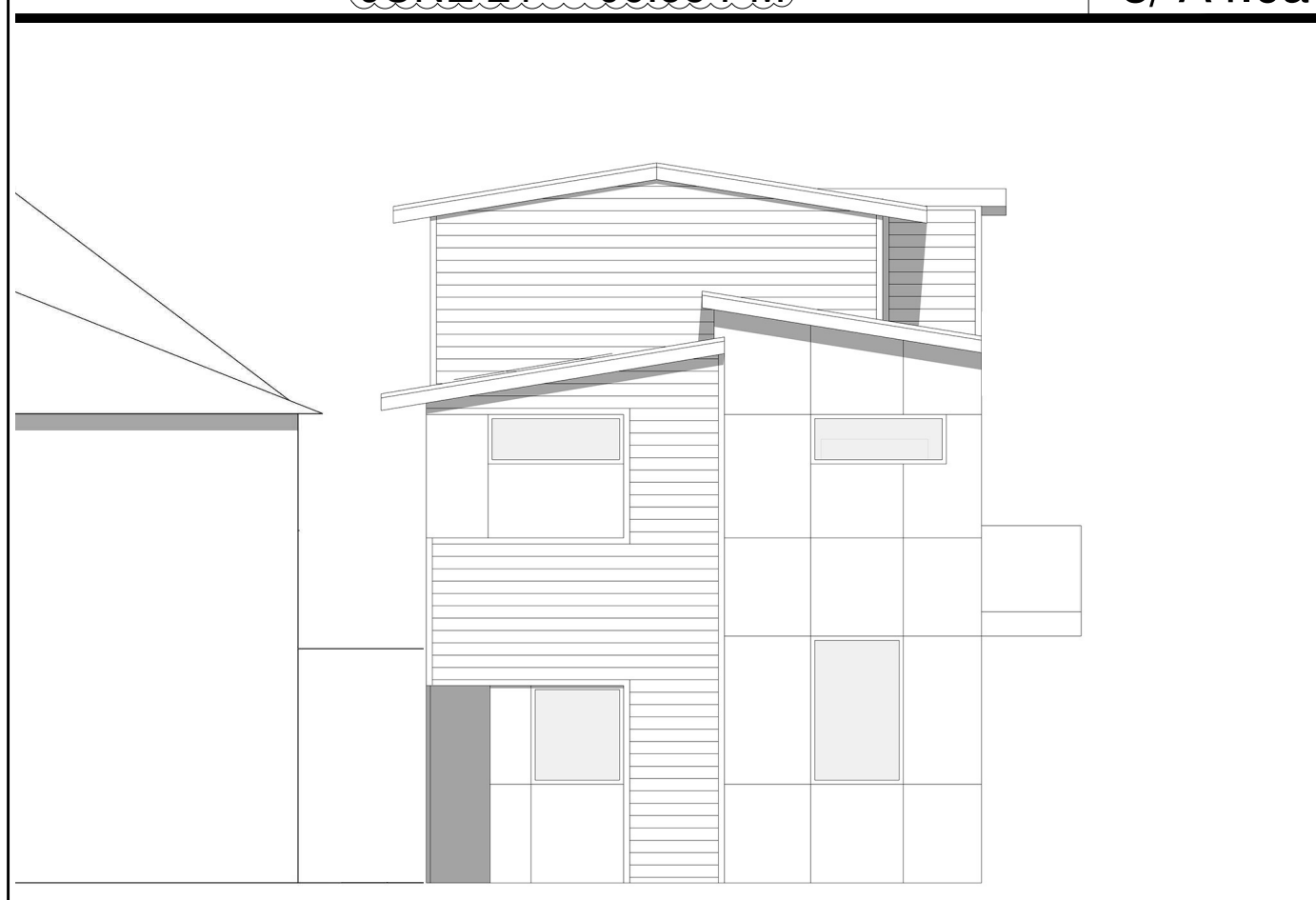
DEC. 21 2:53 PM 10/ A4.0a



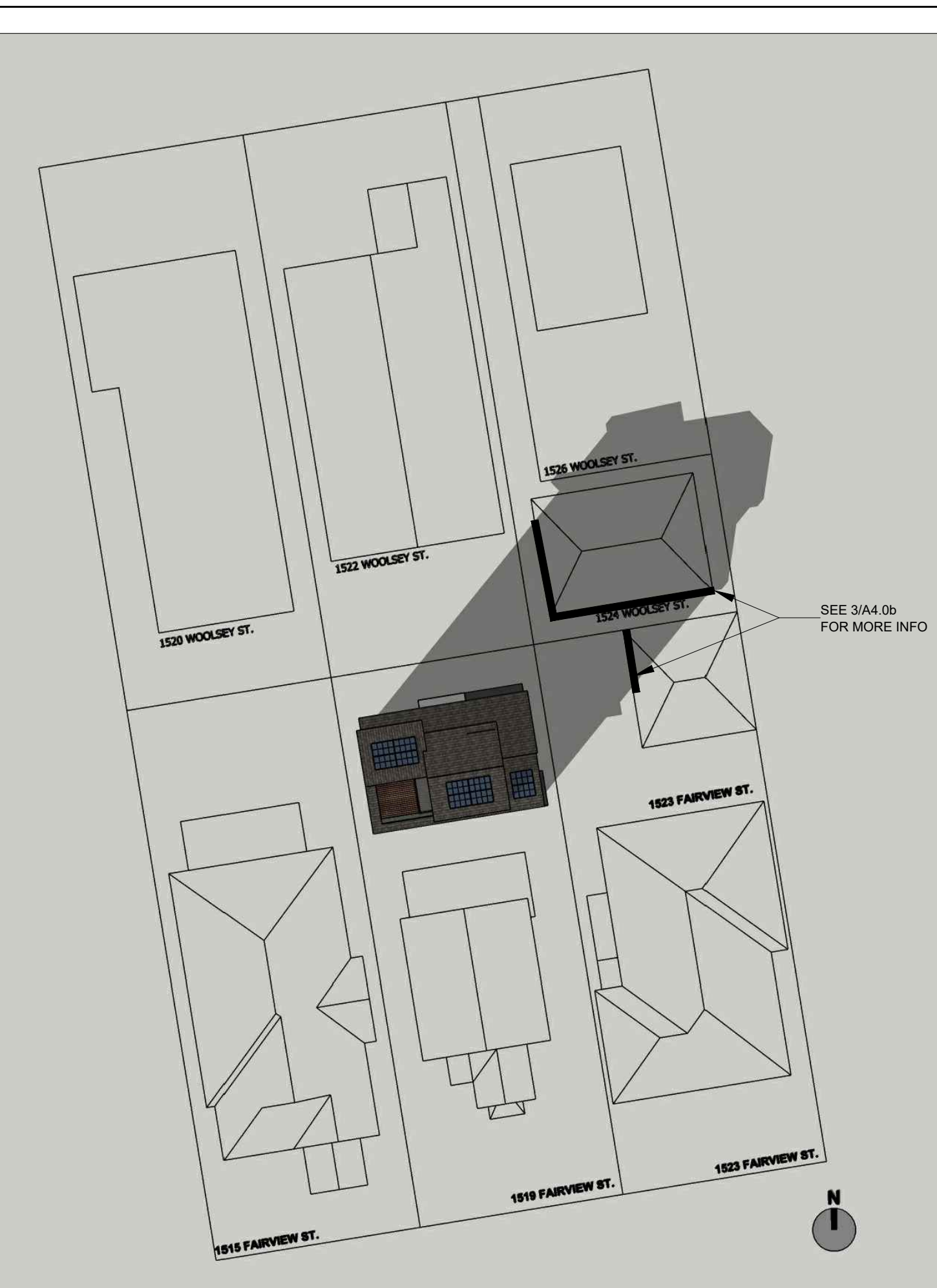
DEC. 21 9:21 AM 9/ A4.0a



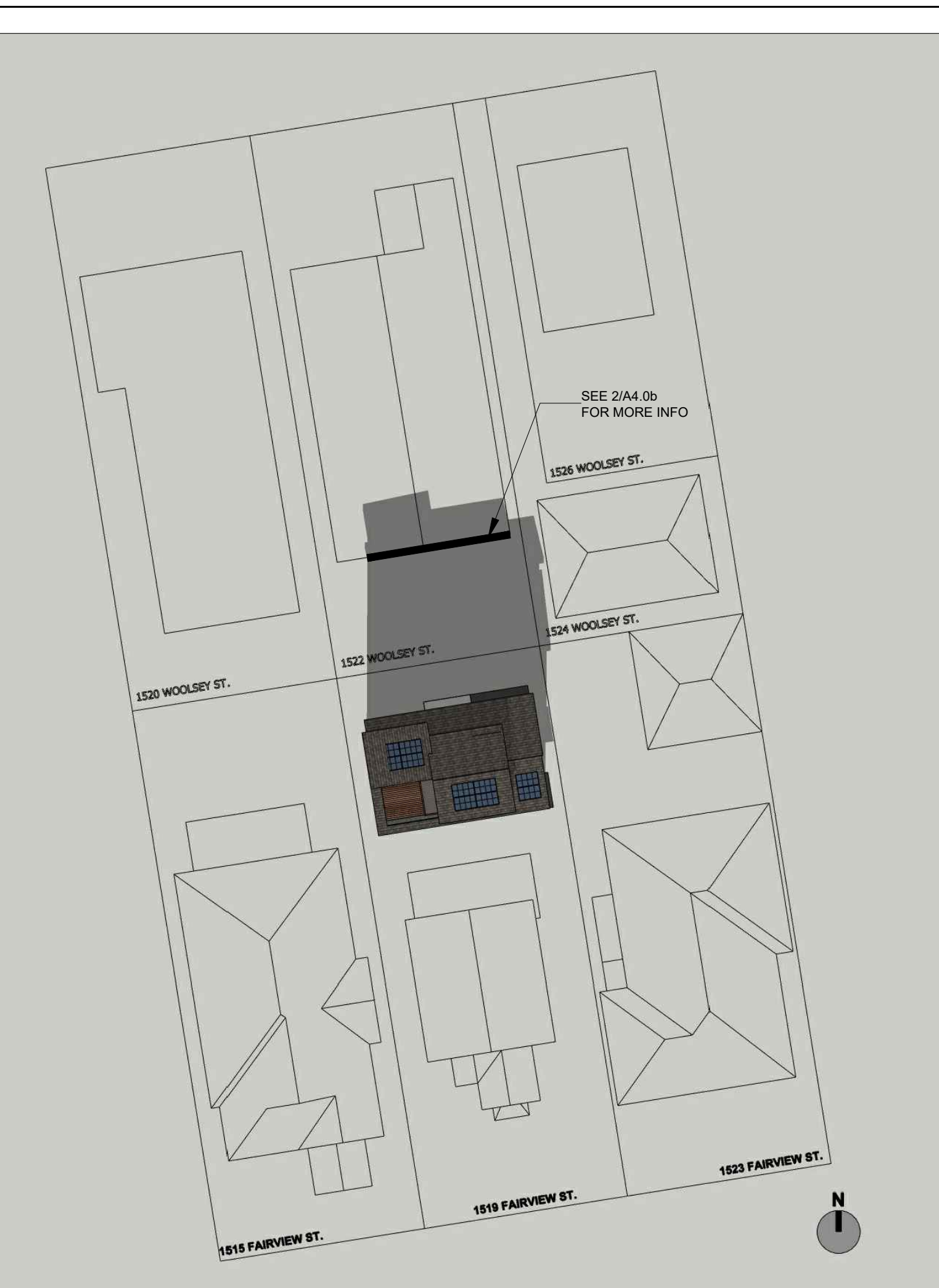
JUNE 21 06:35 PM 8/ A4.0a



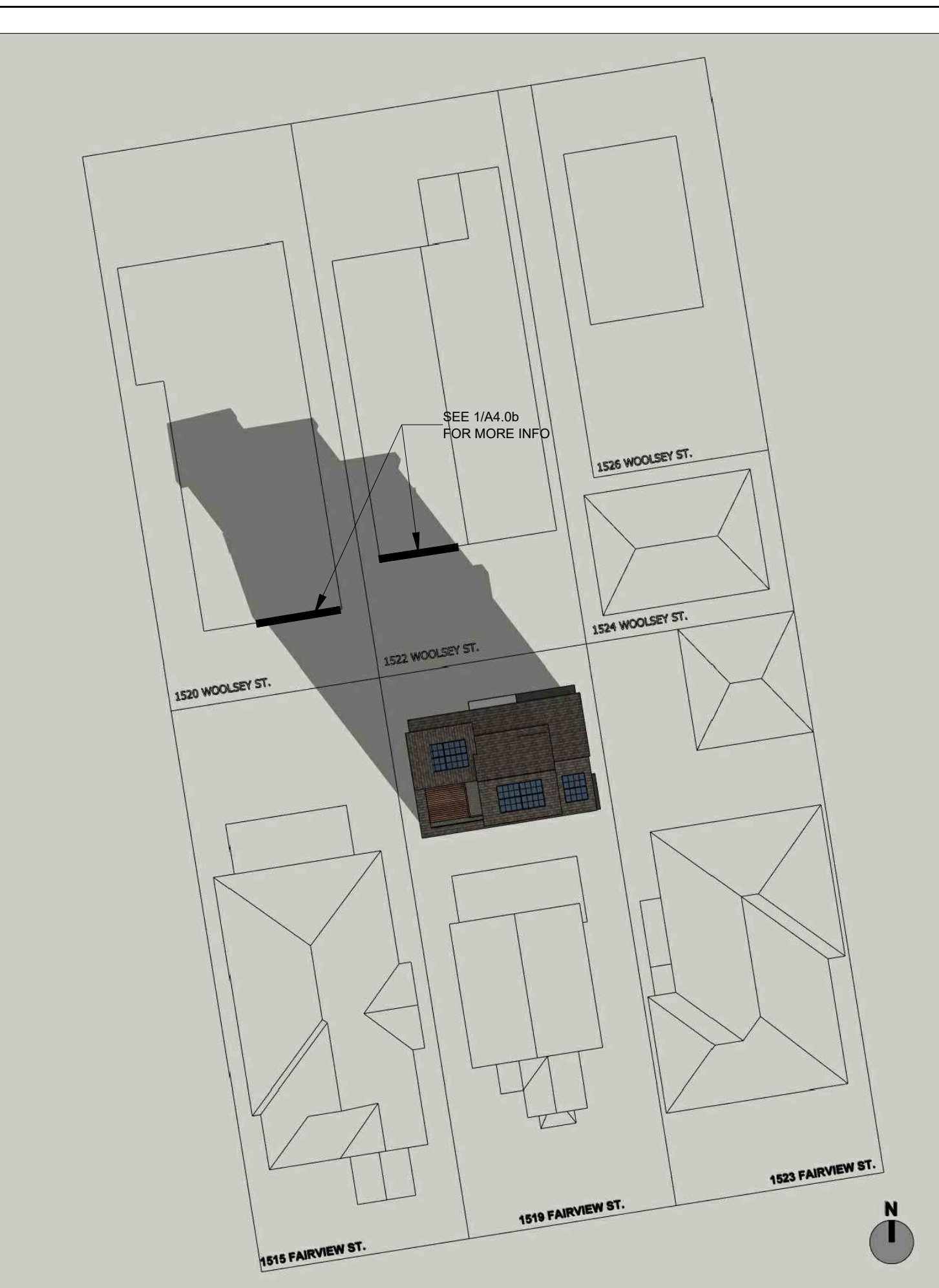
JUNE 21 7:47 AM 7/ A4.0a



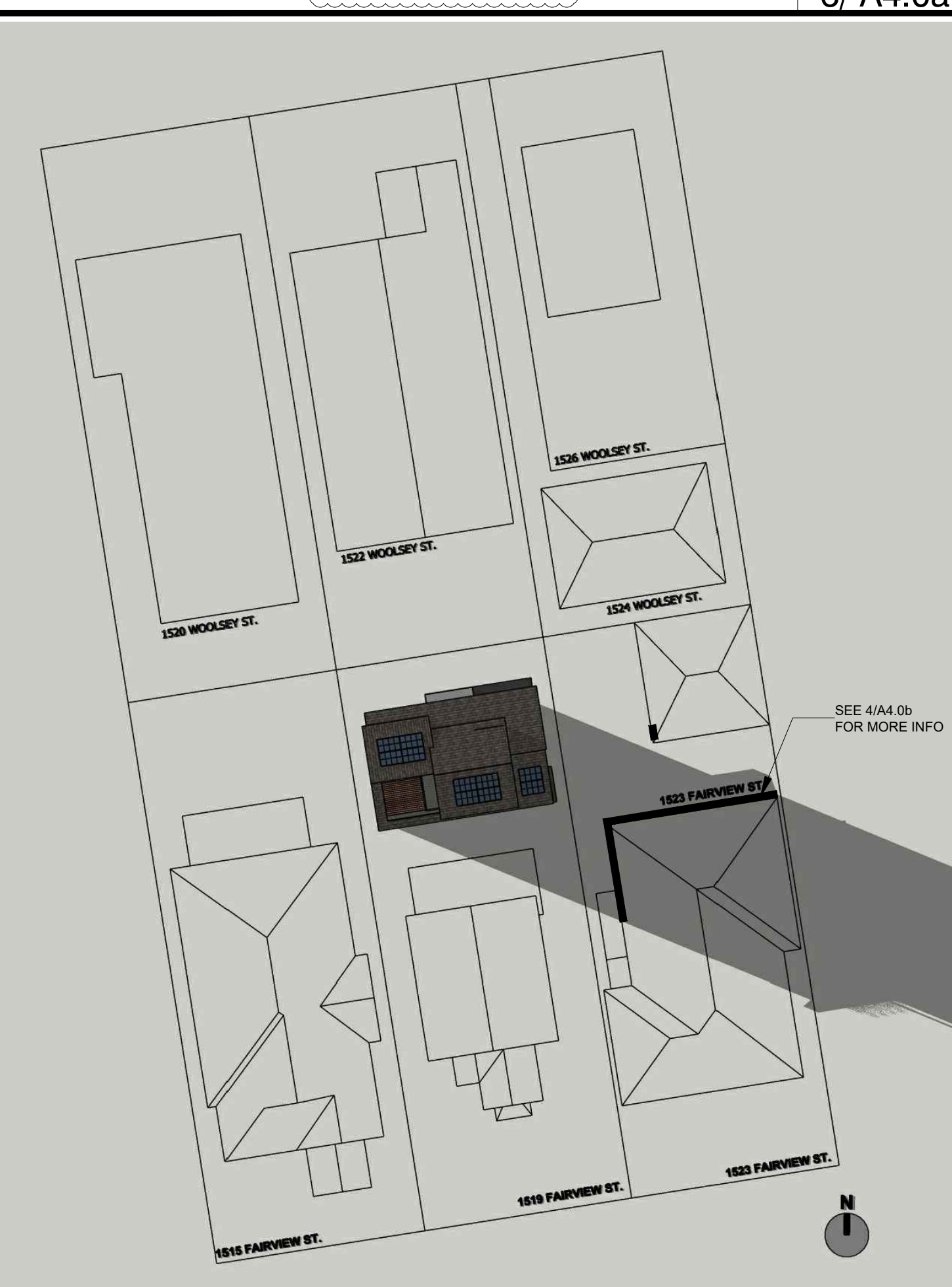
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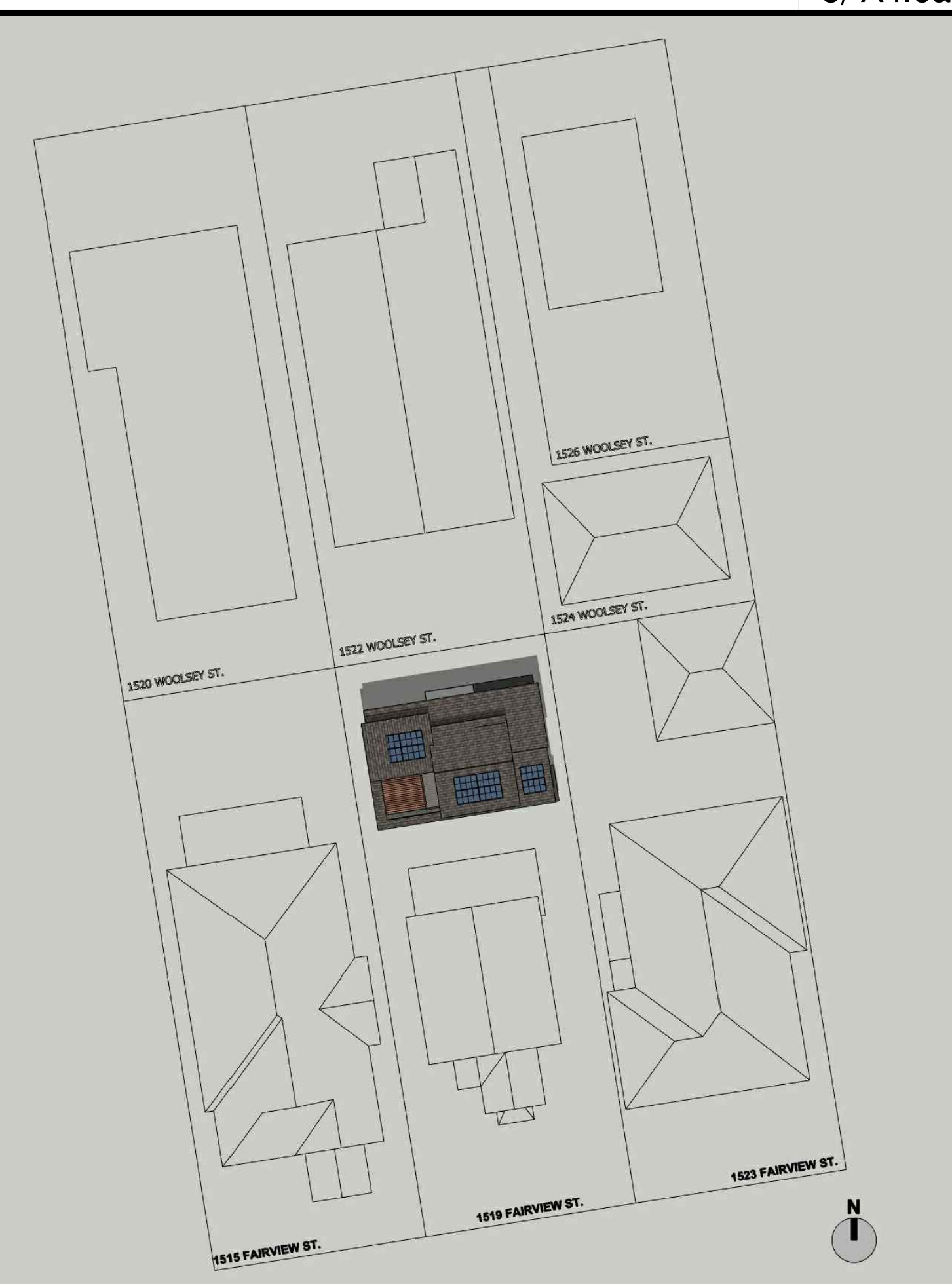
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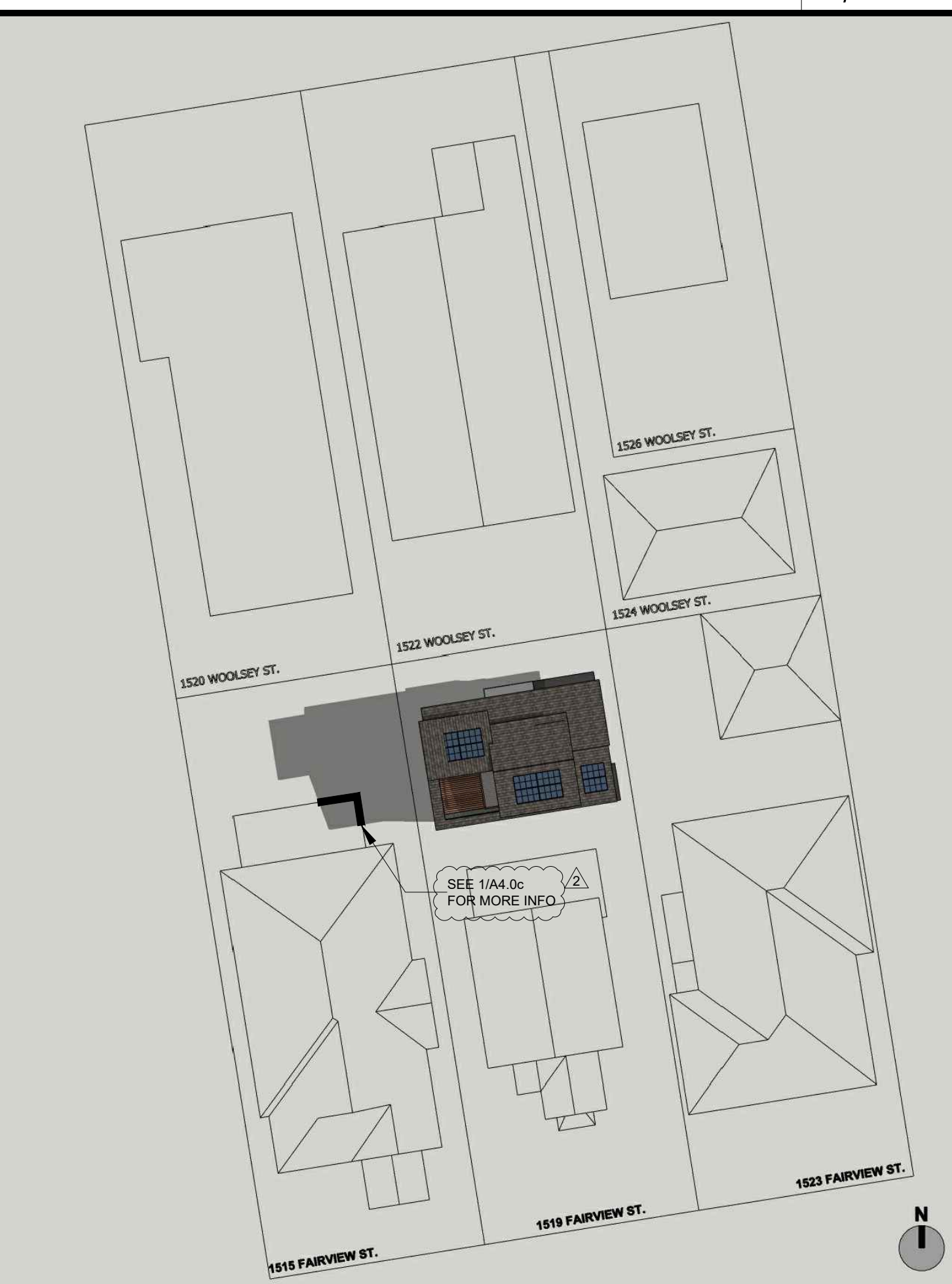
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JUNE 21 06:35 PM 3/ A4.0a

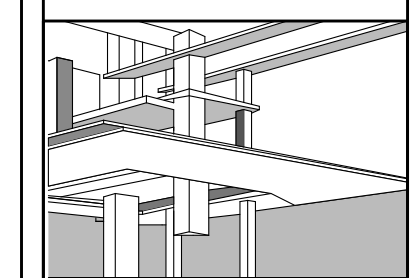


JUNE 21 12 PM 2/ A4.0a



JUNE 21 7:47 AM 1/ A4.0a

REVISIONS	DATE
REVISION 1 RESPONSE TO PLANNING 07/20/21	08/10/21
REVISION 2 RESPONSE TO PLANNING 09/22/21	09/22/21
CHANGES TO SHADOW STUDY 11/02/21	11/02/21
CHANGES PER COMMENTS 12/07/21	12/07/21
CHANGES PER COMMENTS 01/04/22	01/04/22



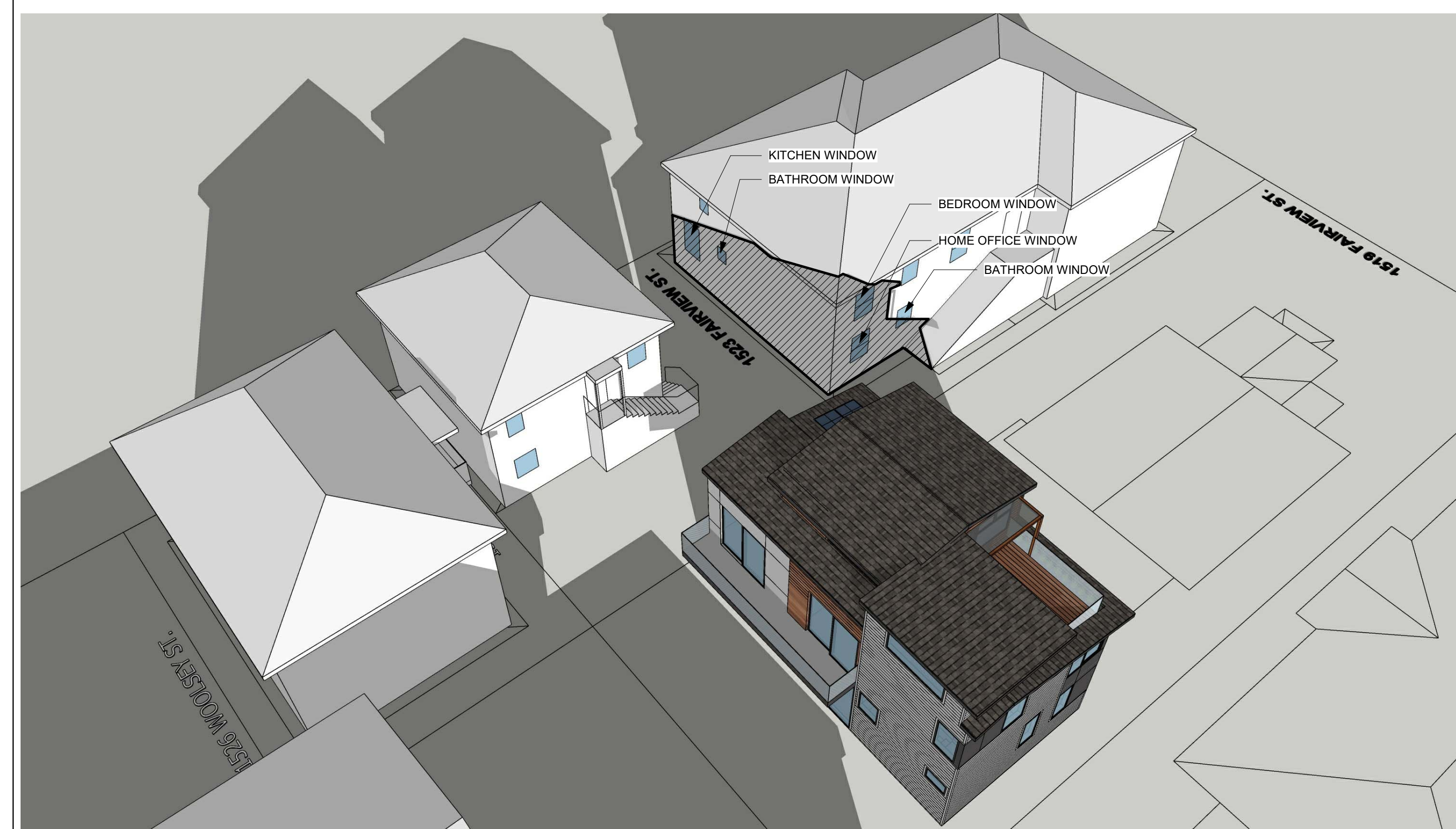
ARCHITECT: SANDY CHAN
 160 MOSS WAY - OAKLAND, CA 94611
 415.819.4811 - S.STUDIOPAZ@GMAIL.COM
S T U D I O P A Z

NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703
PLANNING REVIEW

SHADOW STUDIES

Date 01/04/2022

A4.0A



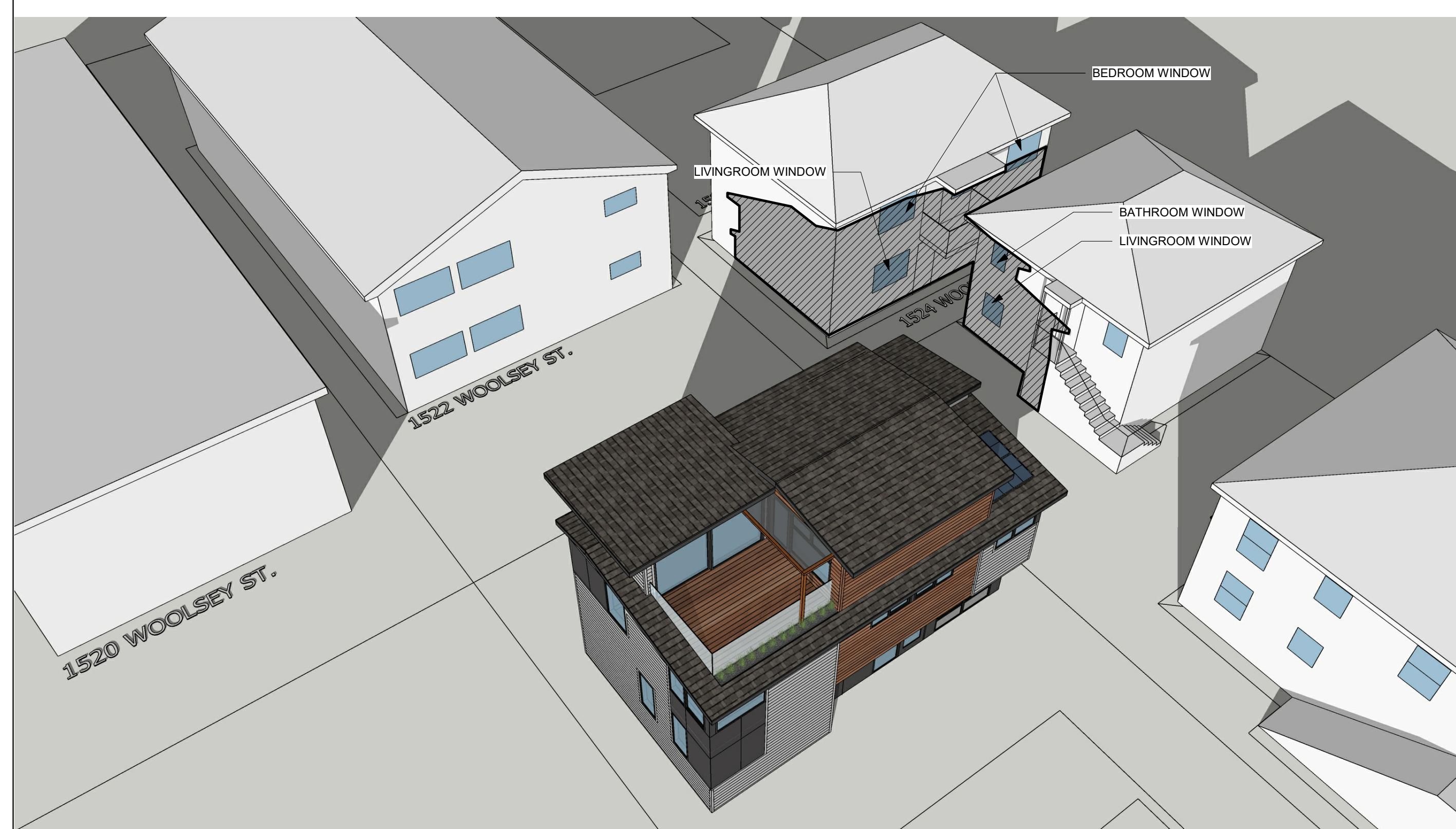
HATCH INDICATES WALL AREA TO BE SHADOWED AT NEIGHBOR BUILDING BY PROPOSED PROJECT

JUNE 21 06:35 PM (SUNSET) SHADOW ON 1523 FAIRVIEW ST 4 / A4.0b



HATCH INDICATES WALL AREA TO BE SHADOWED AT NEIGHBOR BUILDING BY PROPOSED PROJECT

DEC. 21 12PM SHADOW ON 1522 WOOLSEY ST 2 / A4.0b



HATCH INDICATES WALL AREA TO BE SHADOWED AT NEIGHBOR BUILDING BY PROPOSED PROJECT

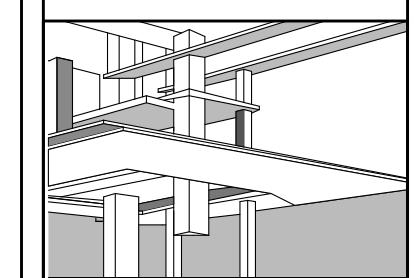
DEC. 21 2:53PM (SUNSET) SHADOW ON 1524 WOOLSEY ST 3 / A4.0b



HATCH INDICATES WALL AREA TO BE SHADOWED AT NEIGHBOR BUILDING BY PROPOSED PROJECT

DEC. 21 09:21AM (SUNRISE) SHADOW ON 1520, 1522 WOOLSEY ST 1 / A4.0b

REVISIONS	DATE
REVISION 1 RESPONSE TO PLANNING 07/28/21	08/10/21
REVISION 2 RESPONSE TO PLANNING 09/22/21	09/22/21
CHANGES TO SHADOW STUDY 11/02/21	11/02/21
CHANGES PER COMMENTS 12/07/21	12/07/21
CHANGES PER COMMENTS 01/04/22	01/04/22



ARCHITECT: SANDY CHAN
 160 MOSS WAY • OAKLAND, CA 94611
 415 819 4811 • S.STUDIOPAZ@GMAIL.COM
 S T U D I O P A Z

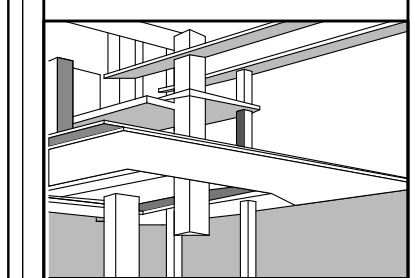
NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703
 PLANNING REVIEW

SHADOW STUDIES

Date 01/04/2022

▲
A4.0B


REVISIONS	DATE
REVISION 1 RESPONSE TO PLANNING 07/29/21	08/10/21
REVISION 2 RESPONSE TO PLANNING 09/22/21	09/22/21
CHANGES TO SHADOW STUDY 11/02/21	11/02/21
CHANGES PER COMMENTS 12/07/21	12/07/21
CHANGES PER COMMENTS 01/04/22	01/04/22



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S T U D I O P A Z




 HATCH INDICATES WALL AREA TO BE SHADOWED AT NEIGHBOR BUILDING BY PROPOSED PROJECT

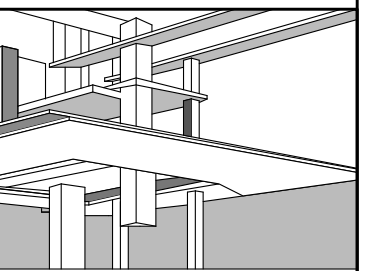
NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703
PLANNING REVIEW

SHADOW STUDIES

Date 01/04/2022


A4.0C

REVISIONS	DATE
REVISION 1 RESPONSE TO PLANNING 07/29/21	08/10/21
REVISION 2 RESPONSE TO PLANNING 09/22/21	09/22/21
CHANGES TO SHADOW STUDY 11/02/21	11/02/21
CHANGES PER COMMENTS 12/07/21	12/07/21
CHANGES PER COMMENTS 01/04/22	01/04/22



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 S T U D I O P A Z

NEW UNIT AT REAR OF PROPERTY
 1519 FAIRVIEW STREET
 BERKELEY, CA 94703
 PLANNING REVIEW

STREET SCAPE
 DRAWINGS

Date 01/04/2022

A4.1



2 PROPOSED STREET SCAPE
 Scale: 1/8" = 1'-0"



1 EXISTING STREET SCAPE
 Scale: 1/8" = 1'-0"



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

NOTICE OF PUBLIC HEARING

1519 Fairview Street

Use Permit #ZP2021-0113 to construct a new 2,019 square-foot, three-story single-family dwelling, with an average height of 28 feet, a rear setback of 12 feet at the second floor, and a building separation of 12 feet at the rear of the lot behind an existing triplex.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on January 13, 2021, **conducted via Zoom, see the Agenda for details:**

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2022-01-13_ZAB_Agenda.pdf. The meeting starts at 7:00 p.m.

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

A. Land Use Designations:

- General Plan: MDR – Medium Density Residential
- Zoning: R-2A – Restricted Multiple-Family Residential District

B. Zoning Permits Required:

- Use Permit (UP), under Berkeley Municipal Code (BMC) Section 23.202.020.A, to construct a new dwelling unit;
- Administrative Use Permit, under BMC Section 23.304.040.A, to reduce the required building separation to 12 feet where 16 feet is required; and
- Administrative Use Permit, under BMC Section 23.304.030.B.2, to reduce the rear setback to 12 feet at the second floor, where 15 feet is required.

C. CEQA Determination: Categorically exempt pursuant to Section 15303 (“New Construction or Conversion of Small Structures”) of the CEQA Guidelines.

D. Parties Involved:

- Applicant Steven Chan, 275 Sea View Ave, Piedmont, CA 94610
- Property Owner Fairview 1519, LLC (c/o of Steven Chan) 275 Sea View, Piedmont, CA 94610

Further Information:

All application materials are available at the Land Use Planning Division, during normal office hours or online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@cityofberkeley.info.

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

Communication Disclaimer:

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

Communications and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.



Accessibility Information / ADA Disclaimer:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Land Use Planning Division, during regular business hours.

Notice Concerning Your Legal Rights:

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

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