



# 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  
FEBRUARY 24, 2022

## 1695 Ward Street

Use Permit #ZP2021-0039 to construct a 105-square-foot, second-story addition and roof deck; construct a porch in the existing non-conforming front setback; and add an off-street parking space to the rear yard, on a lot that is non-conforming for lot coverage, and occupied by an existing two-story, 2,058-square-foot, single-family dwelling.

### I. Background

#### A. Land Use Designations:

- General Plan: LMDR – Low Medium Density Residential
- Zoning: R-2 – Restricted Two-Family Residential

#### B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code<sup>1</sup> (BMC) Section 23C.16.070.C, to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23D.28.070.C, to allow a residential addition which exceeds 14 feet in average height;
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming setback;
- Administrative Use Permit pursuant to BMC Section 23D.12.080.B to allow an off-street parking space in the rear yard.

**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 15301 ("Existing Facilities") of the CEQA Guidelines. The determination is made by ZAB.

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<sup>1</sup> The prior Zoning Ordinance was in effect at the time this application was deemed complete. The version of the BMC Title 23, Zoning Ordinance, that was in effect at the time this application was deemed complete is available online: [https://www.cityofberkeley.info/Planning\\_and\\_Development/Land\\_Use\\_Division/Zoning\\_Ordinance\\_Revision\\_Project\\_\(ZOR\\_P\).aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Zoning_Ordinance_Revision_Project_(ZOR_P).aspx)

**D. Parties Involved:**

- Applicant Eric Saijo, Okamoto Saijo Architecture, 1610 Harrison Street, Suite A, Oakland
- Owner Danny M. Sylvester and Patricia A. Sylvester, 1695 Ward Street, Berkeley

Figure 1: Vicinity Map

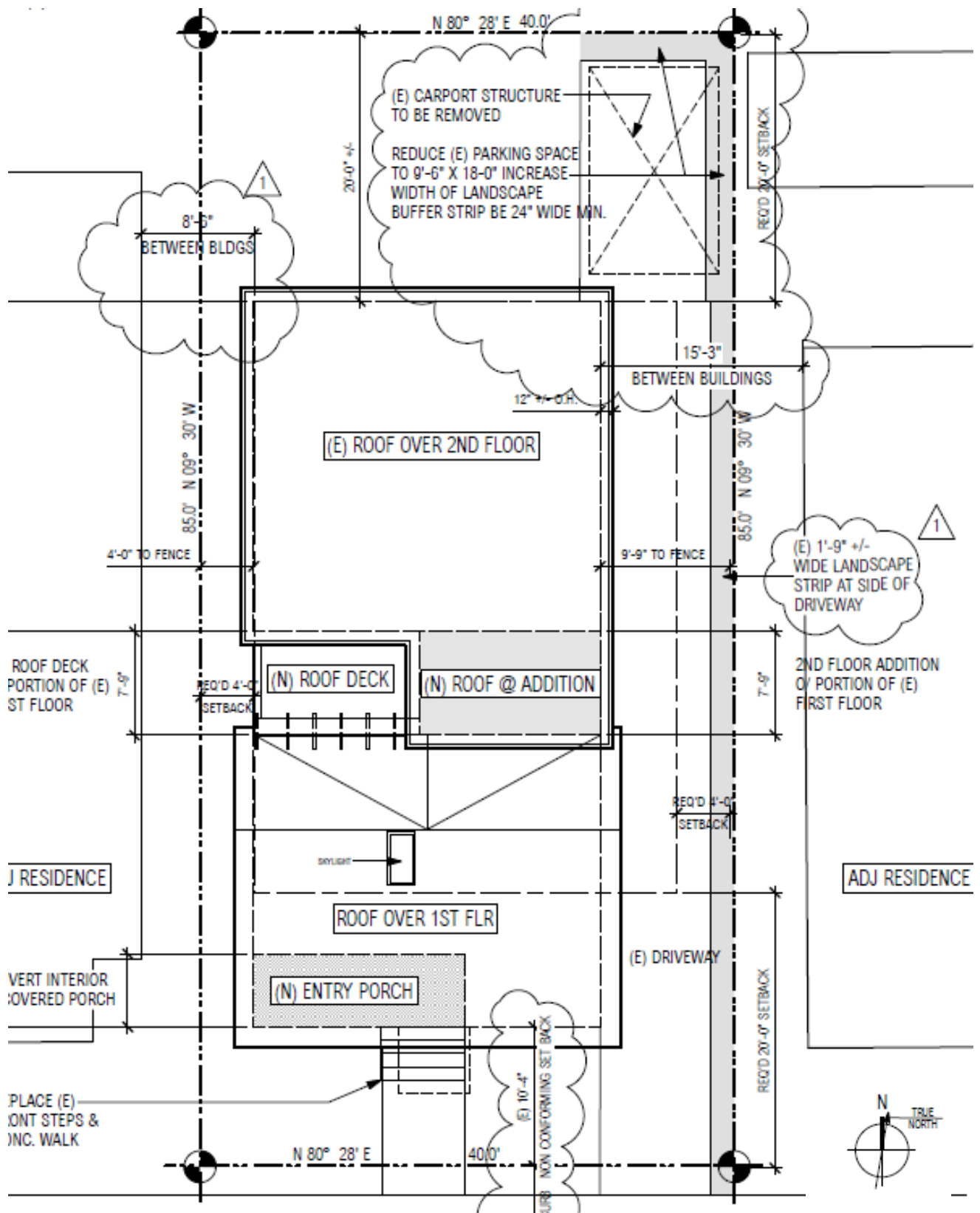


Legend

R-2: Restricted Two-Family Residential District



**Figure 2: Proposed Site Plan**



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-Family Dwelling	R-2 – Restricted Two-Family Residential	LMDR – Low Medium Density Residential
Surrounding Properties	North			
	South			
	East			
	West			

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Creeks (Per BMC Section 17.08.045)	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Historic Resources (Per Gov't Code §15064.5, BMC Chapter 3.24 or BMC Chapter 23C.08)	No	The subject property is not a historical resource pursuant to CEQA Guidelines Section 15064.5 and, therefore, does not represent an exemption to the categorical exemptions of Section 15300.2. The project does not propose the demolition or substantial alteration of a building over 40 years old.
Housing Accountability Act (Per Gov't Code Section 65589.5(j))	No	The project is not a "housing development project," as no additional units would be created. The project is to expand an existing dwelling on the site. Therefore, the HAA findings do not apply to this project.
Oak Trees (Per BMC Section 6.52.010)	No	There are no existing oak trees on the site.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The subject building is a single-family dwelling and is therefore not subject to BMC Chapter 13.76.
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	No	The project site is not located in an area susceptible to liquefaction, fault rupture or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	No	The site is not located within the City's Environmental Management Area and is not on the Cortese List.
Transit Access	Yes	Bus stops for AC transit route 88 and 688 are within 0.2 miles of the project site on Sacramento Street, bus stops for AC transit route 36 are within 0.3 miles on Dwight Way, bus stops for AC transit route 12 are within 0.3 miles on Martin Luther King Jr. Way, and the Ashby BART station is within 0.7 miles.

**Table 3: Project Chronology**

Date	Action
April 7, 2021	Application submitted
May 7, 2021	Application deemed incomplete
May 20, 2021	Revised application materials submitted
June 18, 2021	Application deemed incomplete
September 30, 2021	Revised application materials submitted
October 6, 2021	Application deemed complete
February 10, 2022	ZAB Public hearing notices mailed/posted
February 24, 2022	ZAB hearing

**Table 4: Development Standards**

Standard BMC Sections 23D.28.070-080		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		3,400	No Change	5,000 min
Dwelling Units on Lot		1	No Change	1 main dwelling unit for a lot of this size
Bedrooms		3	No Change	AUP required for addition of 5th
Gross Floor Area (Sq. ft.)		2,058	2,077 <sup>2</sup>	n/a
Building Height	Average	20'-1"	No Change	28' max. (35' with Use Permit)
	Stories	2	No Change	3 max.
Building Setbacks (ft.)	Front	10'-4"	No Change	20' min.
	Rear	20'	No Change	20' min.
	Left Side	4'	No Change	4' min.
	Right Side	9'-9"	No Change	4' min.
Lot Coverage (%)		47	42	40 max.
Usable Open Space (sq. ft.)		600+	No Change	400 min.
Parking		1	No Change	1 min. for existing dwellings

<sup>2</sup> Gross Floor Area: 86 square feet would be removed from the first floor to add a covered porch, and 105 square feet would be added to the second floor for a bathroom, yielding a net addition of 19 square feet.

## II. Project Setting

- A. Neighborhood/Area Description:** The subject property is located on Ward Street, between McGee Avenue and California Street. The area is residential in nature and consists predominantly of one- and two-story single-family dwellings.
- B. Site Conditions:** The subject property is 3,400 square feet in area, with an existing 2,058 square foot two-story single-family dwelling on the property. The site is non-conforming for lot size as a minimum lot size of 5,000 square feet is required in the R-2 Residential District, and the front setback is non-conforming. The lot has coverage of 42% where 40% is permitted. There is an existing curb cut and driveway along the east (right) side of the parcel, which leads to a carport.

## III. Project Description

The project proposes to create a front porch from part of the existing living room, add a 105-square-foot, second-story addition for a master bath, and add a roof deck next to the new master bath. The average height of the existing dwelling would not change, and the footprint of the dwelling would not increase. Although the existing dwelling has a non-conforming front setback, the addition would be outside of all required setbacks. The existing carport at the rear right corner would be removed, and a two-foot landscaping strip would be added next to the new parking space.

## IV. Community Discussion

- A. Neighbor/Community Concerns:** Due to Shelter in Place, City staff sent postcards to the owners and occupants of surrounding residences to notify them of the project. Staff also posted a poster in the vicinity to notify residents of the project. On February 10, 2022, the City mailed notices for the ZAB hearing to property owners and occupants within a 300-foot radius, to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any written communications.
- 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

- A. Addition to Structure on Parcel with Non-Conforming Lot Coverage:** Pursuant to BMC Sections 23C.04.070.A and 23C.04.070.C, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of exceeding lot coverage are permitted with a Use Permit if the existing use of the property is conforming, the addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase lot coverage or exceed the height limit. As

described in Site Conditions, above, the property is non-conforming for lot coverage; the sub-standard lot has a coverage of 47% where 40% is the maximum. With the removal of the carport the lot coverage will be reduced to 42%. The proposed addition would not increase lot coverage as converting a portion of the interior to a covered porch will maintain the lot coverage of the dwelling, and the addition at the second floor will be over existing floor area. Furthermore, the proposed height is approximately 20 feet, where 28 feet is the maximum allowed without a Use Permit, the existing residential use is conforming, the project conforms with the Zoning Code, and conformance with other applicable laws will be confirmed during review of the building permit.

- B. Alterations in a Non-Conforming Setback:** Pursuant to BMC Sections 23C.04.070.A and 23C.04.070.B, an alteration of a portion of a building which encroaches into a non-conforming yard may be authorized by an Administrative Use Permit if the existing use of the property is conforming, the alteration complies with all applicable laws, and the alteration would not further reduce existing non-conforming yards, or exceed the height limit. As described in Site Conditions, above, the dwelling has a non-conforming front setback, but the proposed alteration of the front wall to create a covered front porch would not further reduce the non-conforming front setback, or exceed the height limit. The existing residential use is conforming, the project conforms with the Zoning Code and all applicable land use laws.
- C. Parking in Rear Setback:** Pursuant to BMC Section 23D.12.080.B an Administrative Use Permit is required to add an off-street parking space in the rear setback. The new parking space has been approved by the City's Traffic Engineer, and meets the requirements of BMC Section 23D.12.080, including a two-foot wide landscaping strip separating the parking space from the adjacent rear and interior side lot lines. The proposed uncovered space is in approximately the same location as the existing carport. The parking space will be screened by a fence separating the parking space from neighboring properties, there is existing mature vegetation on the neighboring properties near the fence, and the accessory building at 1699 Ward Street (to the east) will be close to the fence.
- D. General Non-Detriment for Use Permits and Administrative Use Permits:** Pursuant to BMC Section 23D.28.090, the Zoning Officer may issue a Use Permit if it meets the findings for non-detriment. An analysis of sunlight/shadows, air, privacy and views follows:

Sunlight/Shadow: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. The 13 foot-10 inch wide addition will extend the dwelling 7 feet 9 inches toward the front setback at the second floor. A trellis will be above the guardrail wall that faces the front setback. The studies show that the addition would create an incremental increase in shadows on two neighboring dwellings, 1691 Ward Street and 1699 Ward Street, as follows:

- Two hours after sunrise on the summer solstice, shadows on the east side of the dwelling at 1691 Ward Street would increase, but no new windows would be shaded;
- Two hours before sunset on the summer solstice, shadows on the west side of the dwelling at 1699 Ward Street would increase but no new windows would be shaded;
- Two hours after sunrise on the winter solstice, shadows on the east side of the dwelling at 1691 Ward Street would increase, but no new windows would be shaded;
- Two hours before sunset on the winter solstice shadows on the west side of the dwelling at 1699 Ward Street would increase slightly, but no new windows would be shaded.

Because the impacts to neighboring properties would occur on limited areas, and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental.

Air: As discussed above, the addition would not increase the footprint of the dwelling, would not further reduce the front setback, and otherwise meets all setback requirements of the R-2 District. The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-2 neighborhood because the addition would be outside of all required setbacks, would not further reduce the front setback, and would not exceed height or story limits. Therefore, there would be minimal if any air impacts.

Privacy: The new windows at the first and second floor, and the new deck on the second floor would create new views from the subject residence to adjacent properties, but the new windows and deck would be outside of required setbacks, would largely be in the same place as existing windows, and would mostly face the street; minimal privacy impacts are anticipated.

Views: The addition would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23F.04.010 (Definitions). The neighborhood is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles, and the area includes mature vegetation which provides additional visual screening.

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

1. 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.

2. 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.
3. 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.
4. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: As discussed above, the project would not substantially block views, cast shadows, or create impacts on the privacy of adjacent neighbors. The proposed addition occurs within the existing building footprint, meets the R-2 District development standards, and would not increase the non-conforming lot coverage, or further reduce the front setback. Additionally, the project is consistent with the single-family use and residential design character of other buildings in the vicinity.

## VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and its minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2021-0039 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, dated September 30, 2021
3. Notice of Public Hearing

**Staff Planner:** Allison Riemer, [ariemer@cityofberkeley.info](mailto:ariemer@cityofberkeley.info), (510) 981-7433

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

FEBRUARY 24, 2022

### 1695 Ward Street

**Use Permit #ZP2021-0039 to construct a 105-square-foot, second-story addition and roof deck; construct a porch in the existing non-conforming front setback; and add an off-street parking space to the rear yard, on a lot that is non-conforming for lot coverage, and occupied by an existing two-story, 2,058-square-foot, single-family dwelling.**

#### PERMITS REQUIRED

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- Use Permit pursuant to Berkeley Municipal Code (BMC) 23C.16.070.C<sup>1</sup>, to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23D.28.070.C, to allow a residential addition which exceeds 14 feet in average height;
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming setback;
- Administrative Use Permit pursuant to BMC Section 23D.12.080.B to allow an off-street parking space in the rear yard.

#### I. CEQA FINDINGS

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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 15301 (“Existing Facilities”) of the CEQA Guidelines.
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

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1. As required by Section 23B.32.040.A of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, 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 the proposed project will conform to the applicable provisions of the Berkeley Municipal Code including height, number of stories, setbacks, usable open space, and parking established in BMC Section 23D.28.070 (Development

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<sup>1</sup> The prior Zoning Ordinance was in effect at the time this application was deemed complete. The version of the BMC Title 23, Zoning Ordinance, that was in effect at the time this application was deemed complete is available online:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Land\\_Use\\_Division/Zoning\\_Ordinance\\_Revision\\_Project\\_\(ZORP\).aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Zoning_Ordinance_Revision_Project_(ZORP).aspx)

Standards). The proposed development is permissible because: (1) the proposed addition conforms to the R-2 District standards, including yard requirements, and average height, and does not worsen any non-conforming condition; (2) the proposed project recognizes and adheres to an existing pattern of development by maintaining the single-family use of the property; and (3) protects adjacent neighbors from unreasonable obstructions of sunlight, air, and views, since the addition is outside of all required setbacks, does not further reduce the non-conforming front setback, and the footprint of the dwelling will not increase.

2. The new parking space in the rear setback has been approved by the City's Traffic Engineer, and meets the requirements of BMC Section 23D.12.080, including a two-foot wide landscaping strip separating the parking space from the adjacent rear and interior side lot lines. The new uncovered space is in approximately the same location as the existing carport, and the existing carport is essentially an uncovered parking space, as it has no walls, and only has a roof. A fence will separate the parking space from neighboring properties, there is existing mature vegetation on the neighboring properties near the fence, and the accessory building at 1699 Ward Street will be close to the fence.

### **III. OTHER FINDINGS FOR APPROVAL**

1. As required by Section 23C.04.070 of the BMC, the Zoning Adjustments Board finds that the residential addition to a non-conforming structure on a lot that is non-conforming by reason of the lot coverage and a non-conforming front setback is permitted because the existing use of the property is conforming, the addition complies with all applicable laws (i.e. development standards), and will not increase the lot coverage, exceed the height limit, or further reduce the non-conforming front setback. With the removal of the carport the lot coverage will be reduced to 42%. The proposed addition would not increase lot coverage as converting a portion of the interior to a covered porch will maintain the lot coverage of the dwelling, and the addition at the second floor will be over existing floor area. Additionally, the addition will be below the average height limit of 28 feet, with an average height of 20 feet 1 inch.

#### **IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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

**1. Conditions Shall be Printed on Plans**

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

**2. Applicant Responsible for Compliance with Conditions**

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

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

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

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

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

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

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

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

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

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

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

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

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

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

**9. Indemnification Agreement**

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

**V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**Prior to Submittal of Any Building Permit:**

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

**Project Liaison** \_\_\_\_\_  
Name Phone #

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

11. **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.
  
12. **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](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**

13. 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).
14. 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:**

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.

**21. 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.

**22. 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.

- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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.

- 31. 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:**

- 32. 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.
- 33. 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 September 30, 2021, except as modified by conditions of approval.

**At All Times:**

- 34. 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.
-

## PROJECT INFORMATION

PROJECT DESCRIPTION: INTERIOR REMODEL OF GROUND FLOOR AND SECOND FLOOR, FRONT PORTION OF LIVING ROOM CONVERTED TO ENTRY PORCH, MASTER BATHROOM ADDITION TO EXISTING SECOND FLOOR ALONG WITH NEW ROOF DECK.

APN NUMBER: 054-17321-4

ZONING / (E) USE: R-2 / SINGLE FAMILY RESIDENCE

BUILDING TYPE: TYPE V -B -- NO CHANGE

STORIES/HEIGHT: 2 STORY -- NO CHANGE

OCCUPANCY: R-3 -- SINGLE-FAMILY RESIDENCE

LOT AREA: 3,400 S.F. -- NO CHANGE

GROSS BUILDING AREA:	EXISTING	ADDITION	TOTAL
FIRST FLOOR	1,414 S.F.	-86 S.F.	1,398 S.F.
SECOND FLOOR	644 S.F.	105 S.F.	749 S.F.
TOTAL	2,058 S.F.	19 S.F.	2,077 S.F.

LOT COVERAGE: ALLOWABLE PER 23D.28.070 (E) = 40% FOR TWO-STORY DWELLING  
ACTUAL: NO CHANGES PROPOSED  
FOOTPRINT = 1,414 S.F. (E) / 3,400 S.F. (LOT) = 42%

OPEN SPACE: REQUIRED PER 23D.28.070 (E) = 400 S.F.  
ACTUAL: 750 S.F.

## SHEET INDEX

### ARCHITECTURAL DRAWINGS

- A.0 PROJECT INFORMATION, SHEET INDEX & SITE PLAN
- A.1 EXISTING FIRST & SECOND FLOOR PLAN
- A.2 PROPOSED FIRST & SECOND FLOOR PLAN
- A.3 PROPOSED EXTERIOR ELEVATIONS
- A.4 PROPOSED BUILDING SECTIONS & EXISTING FRONT ELEVATION & PHOTO

REVISIONS	DATE
1	PLANNING SET UPDATE 5/17/21
2	PLANNING SET REV. 9/29/21

**OKAMOTO SAIJO**  
ARCHITECTURE

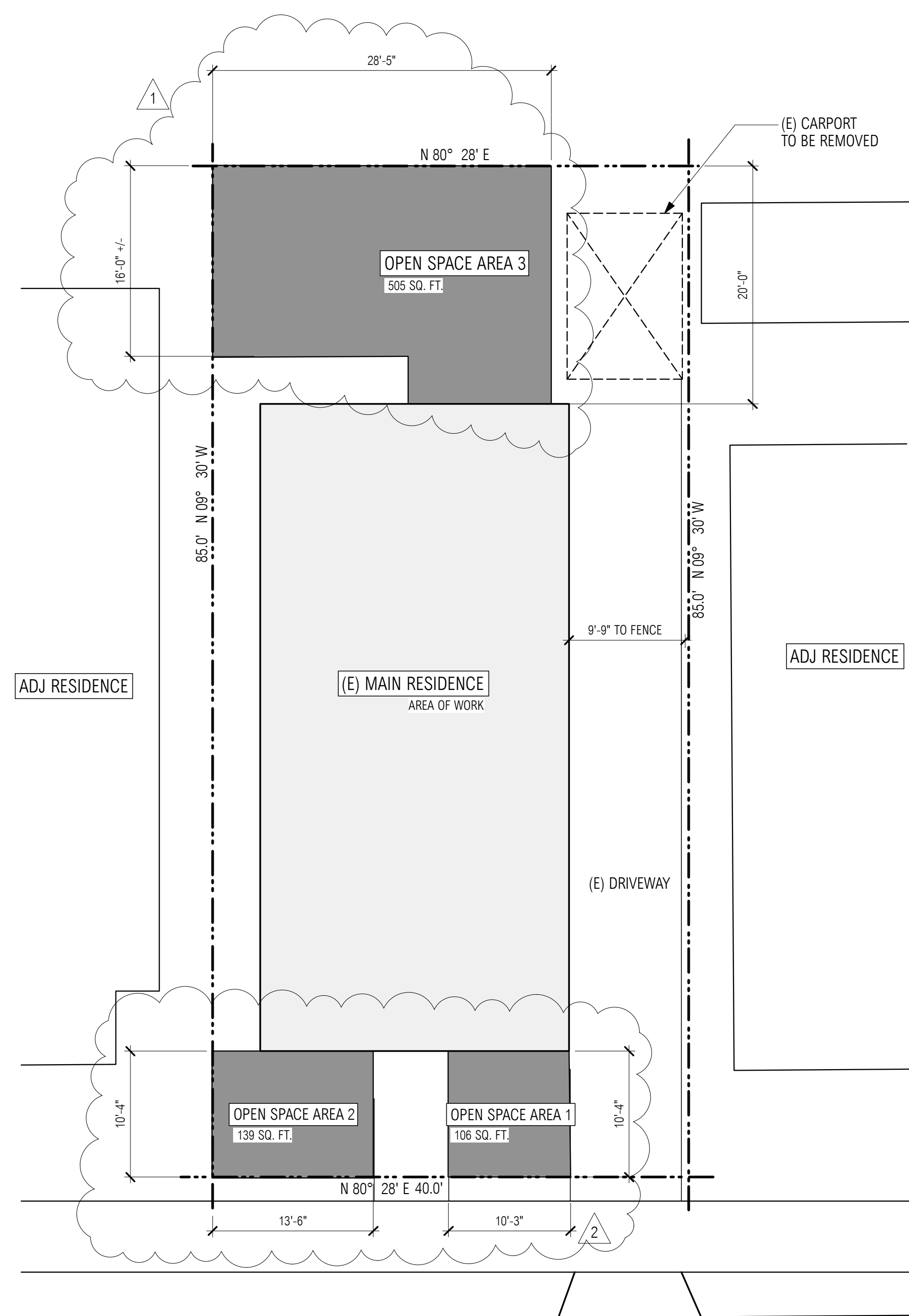
1610 Harrison Street Suite A  
Oakland, CA 94612  
510 990-9786

**SYLVESTER RESIDENCE**  
1895 WARD STREET  
BERKELEY, CALIFORNIA  
APN: 054-17321-4

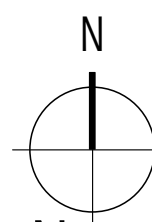
PLANNING SET

PROJECT INFO &  
SITE / ROOF PLAN

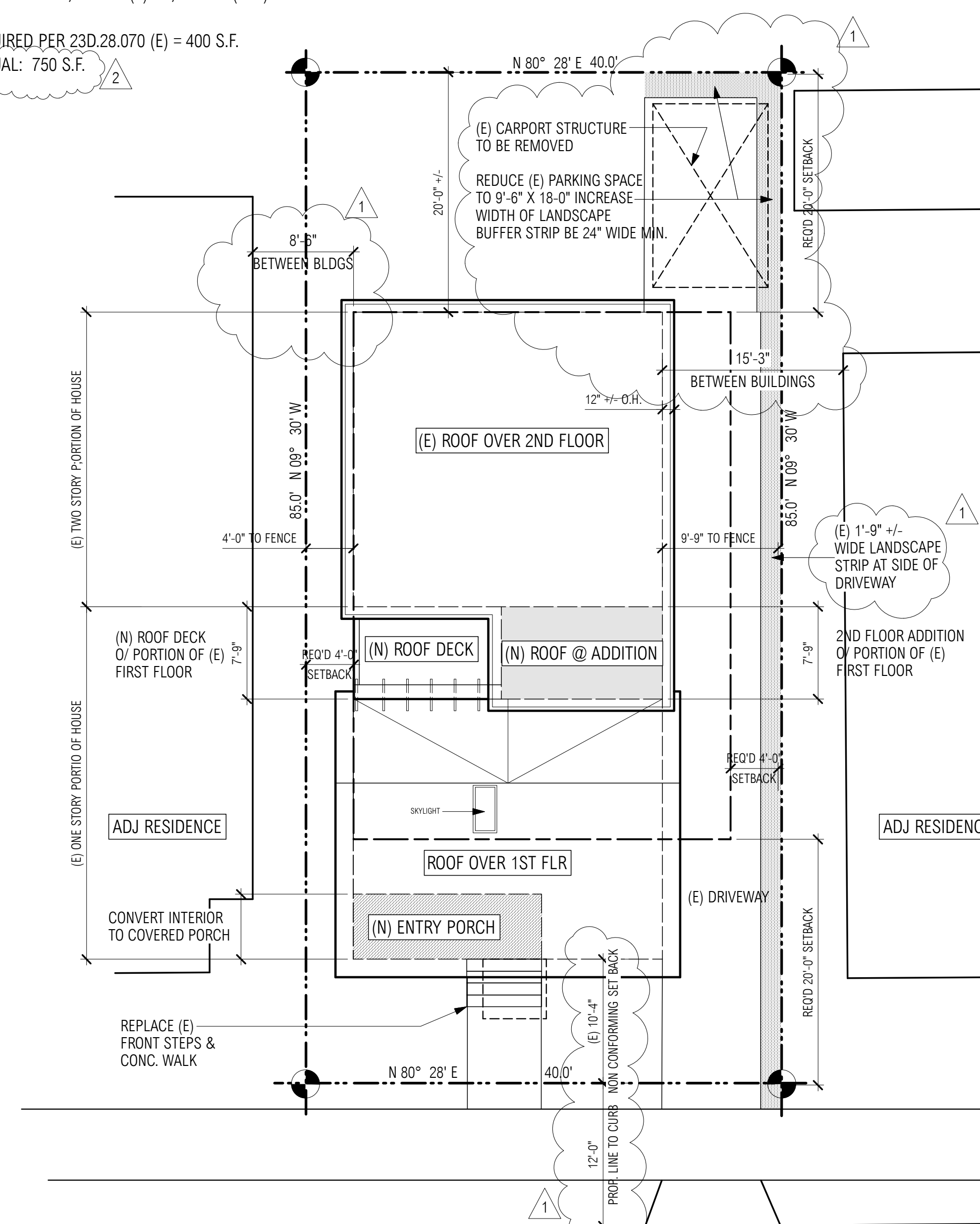
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DRAWN	CM/ES
JOB	02001
SHEET	A.0



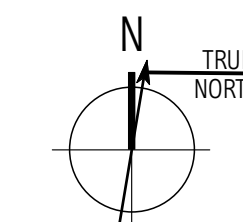
WARD STREET



**4** LOT COVERAGE / USABLE OPEN SPACE PLAN  
1/8" = 1'-0"



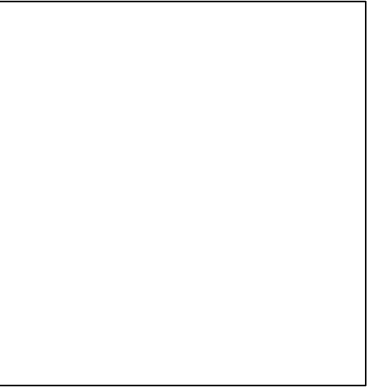
WARD STREET



**1** SITE PLAN / ROOF PLAN  
1/8" = 1'-0"

REVISIONS	DATE
PLANNING SET UPDATE	5/17/20

**OKAMOTO SAIJO**  
ARCHITECTURE  
1600 Harrison Street Suite A  
Oakland, CA 94612  
510 590-9786

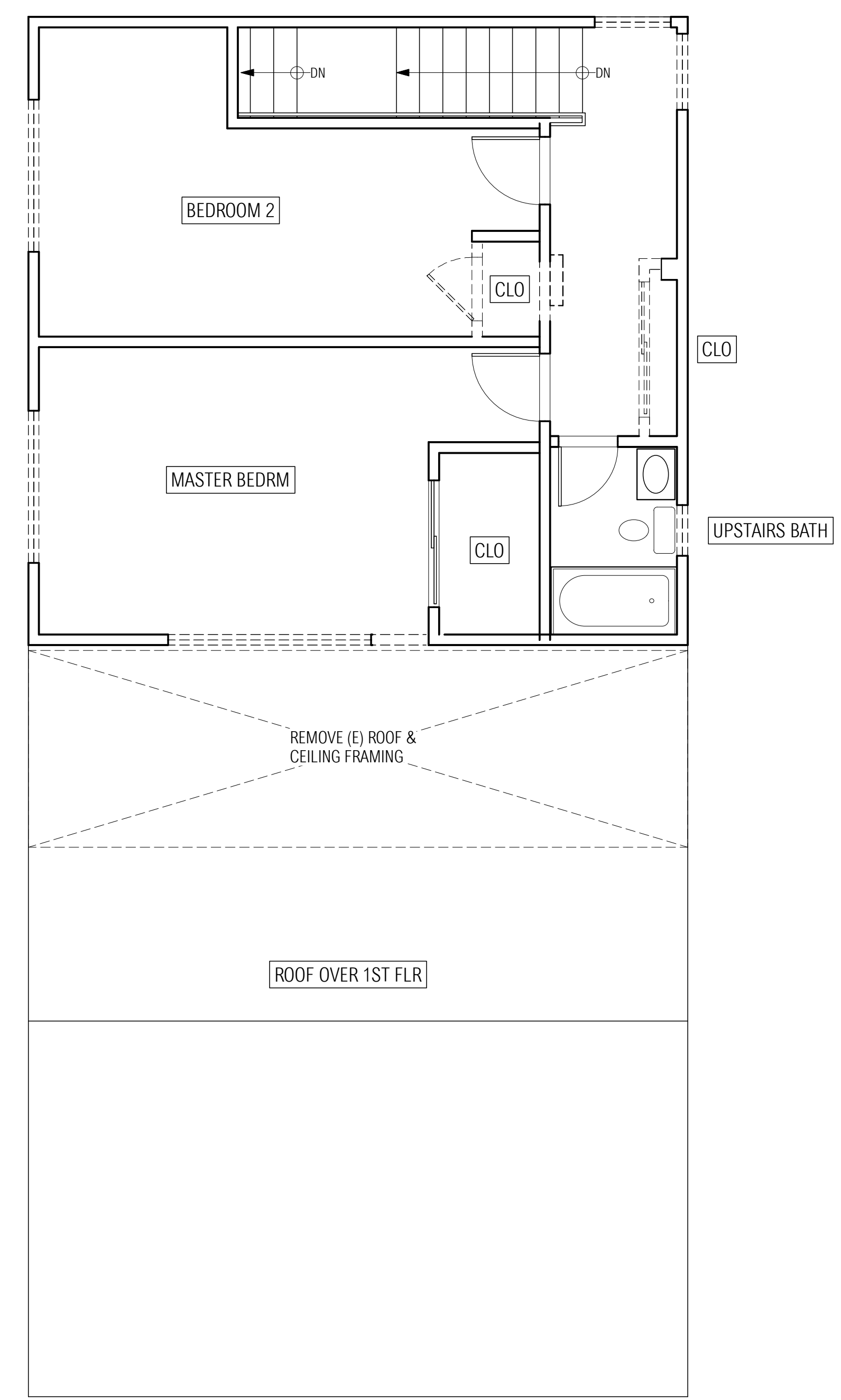


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1695 WARD STREET  
BERKELEY, CALIFORNIA  
APN: 054-17321-4

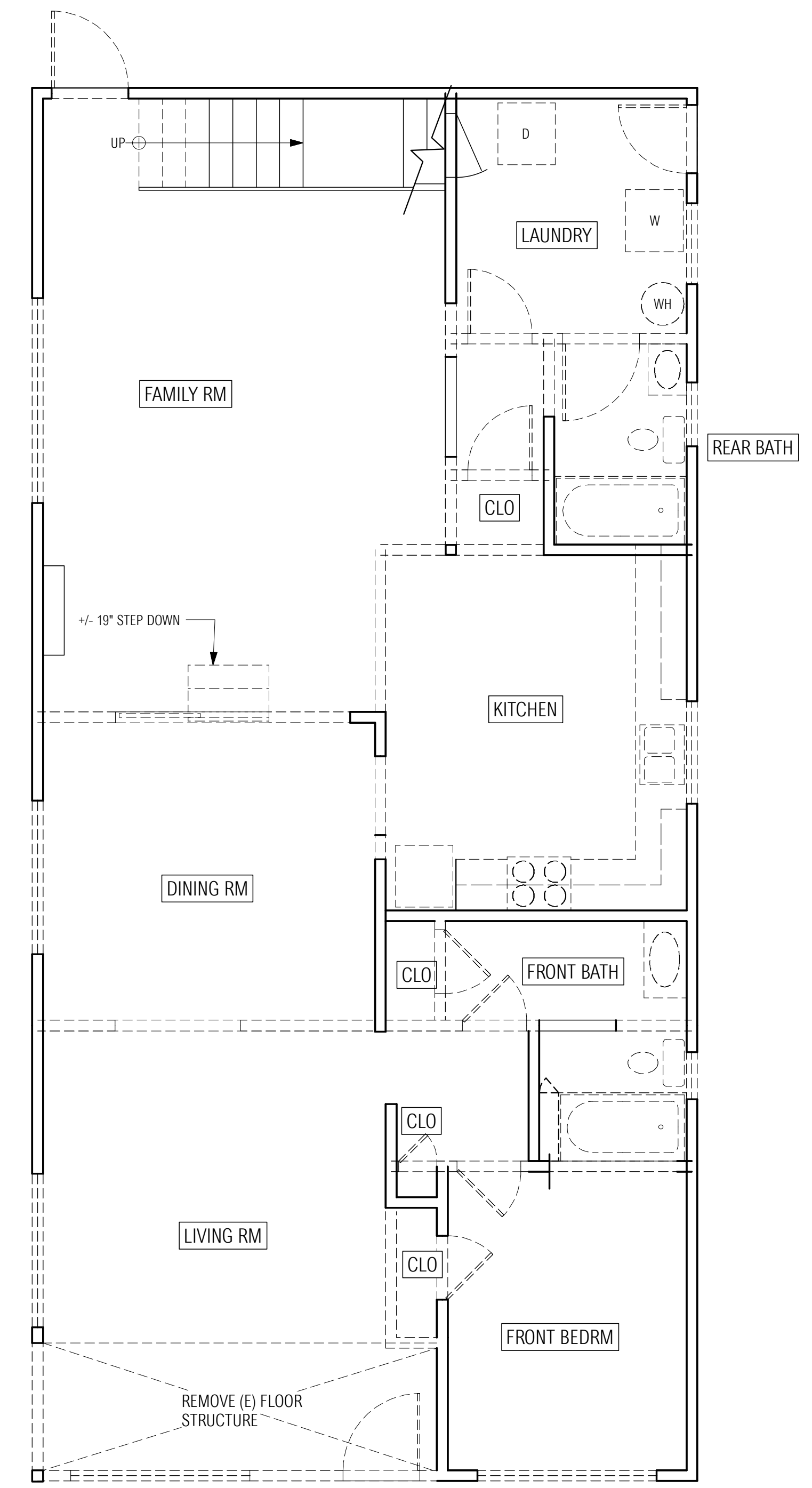
PLANNING SET

**1ST & 2ND FLOOR  
EXISTING PLANS**

DATE	5/20/21
DRAWN	CM/ES
JOB	02001
SHEET	<b>A.1</b>



**2** SECOND FLOOR EXISTING / DEMO PLAN



**1** FIRST FLOOR EXISTING / DEMO PLAN

REVISIONS	DATE
PLANNING SET UPDATE	5/17/20

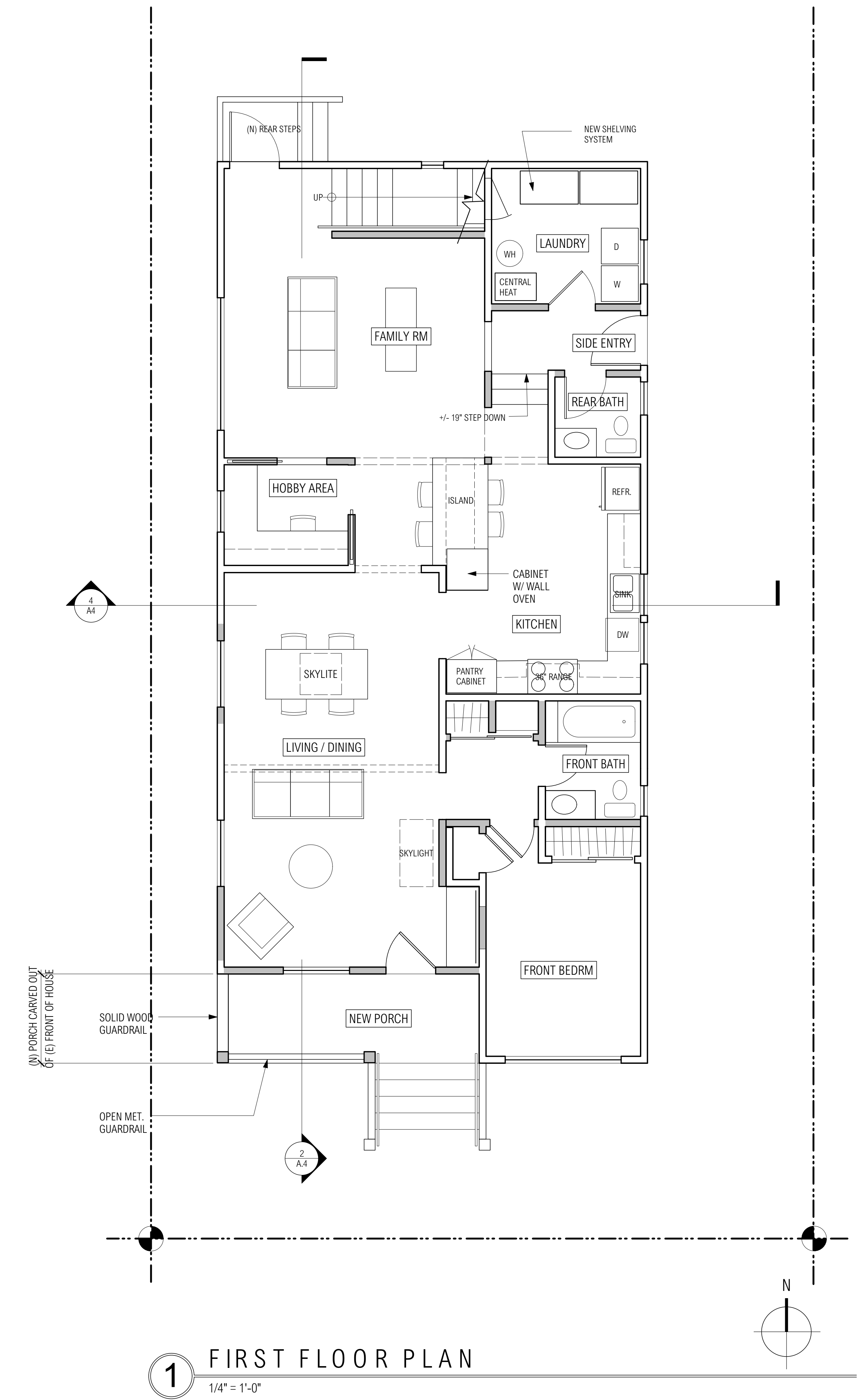
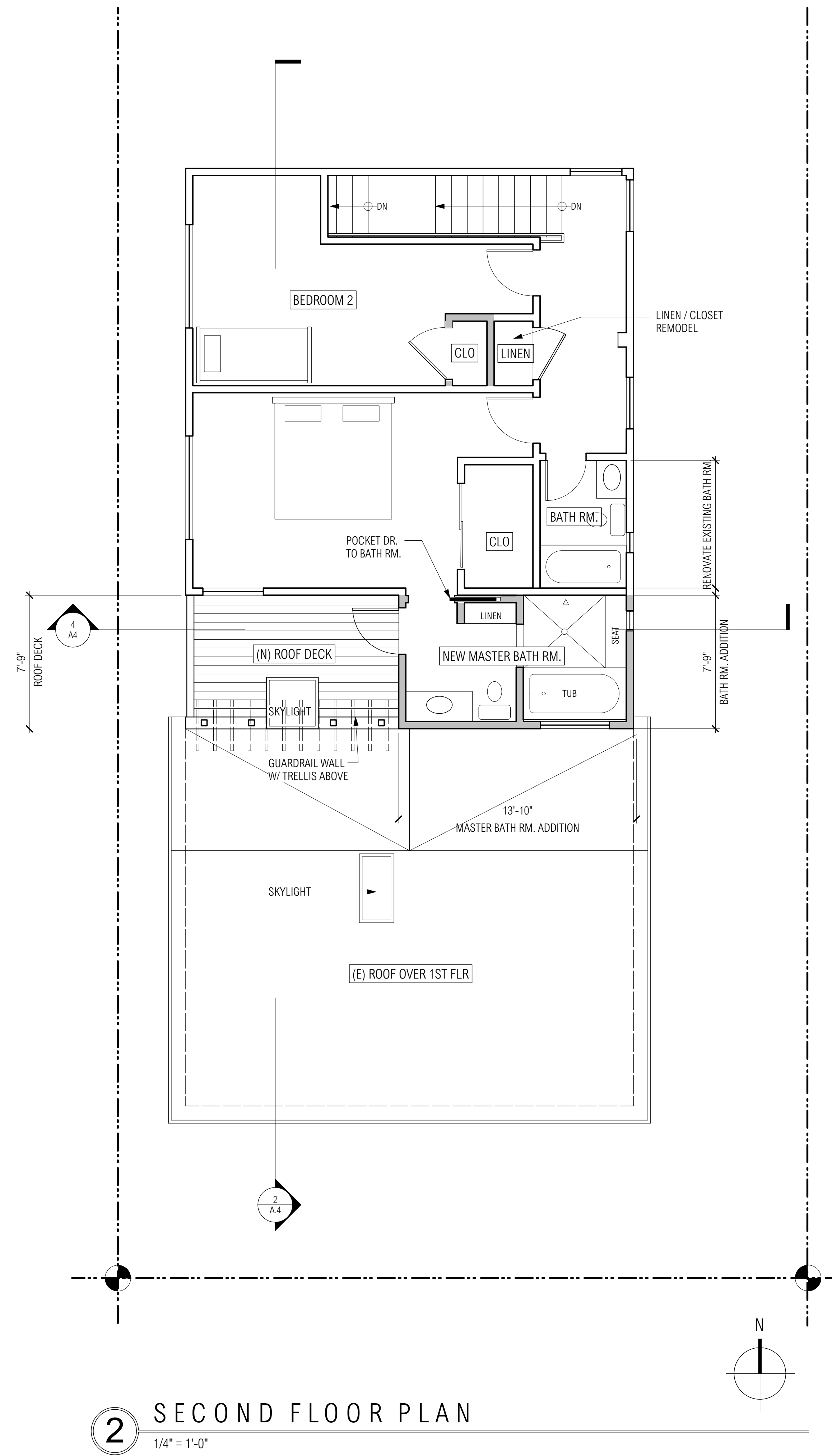
**OKAMOTO SAIJO**  
ARCHITECTURE  
1610 Harrison Street Suite A  
Oakland, CA 94612  
510 580-9786

**SYLVESTER RESIDENCE**  
1695 WARD STREET  
BERKELEY, CALIFORNIA  
APN : 054-1-17321-4

PLANNING SET

**PROPOSED  
FRIST & SECOND  
FLOOR PLANS**

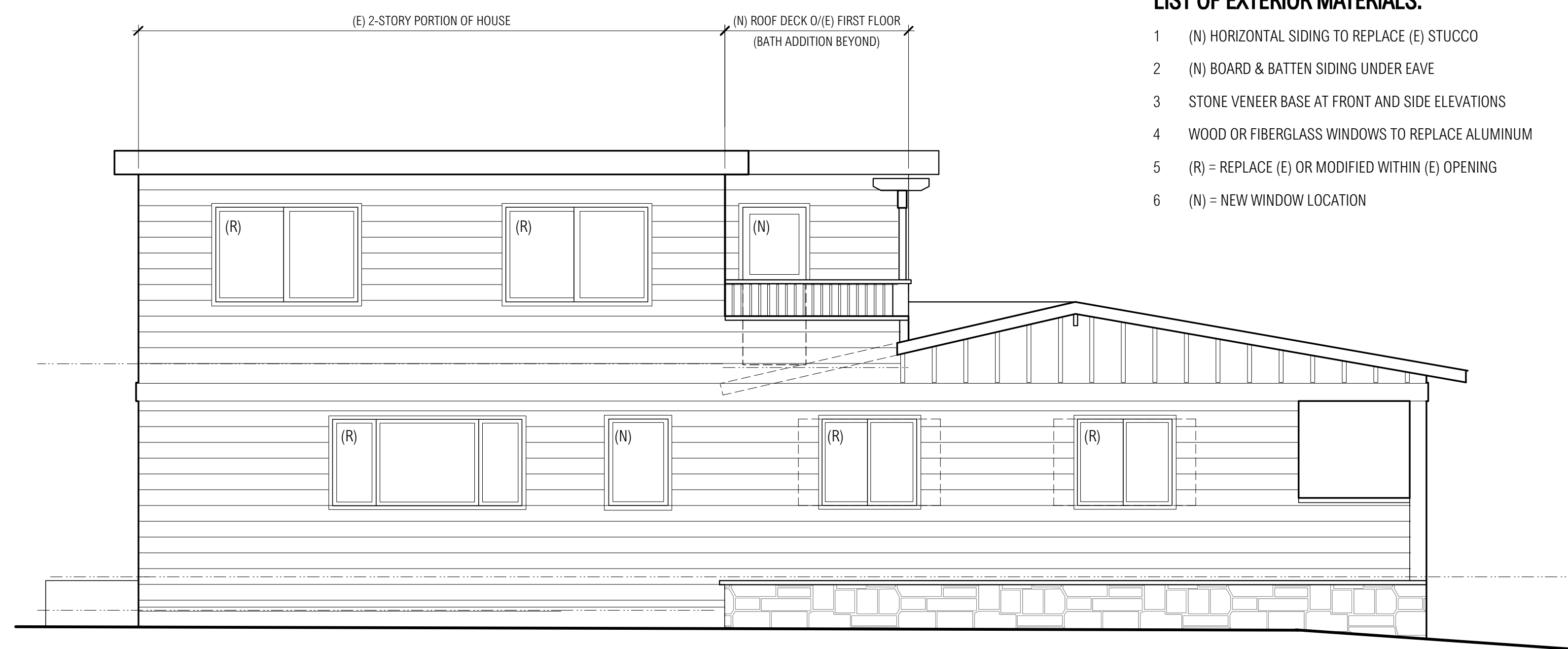
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DRAWN	ES / CM
JOB	02001
SHEET	<b>A.2</b>



REVISIONS	DATE
PLANNING SET UPDATE	5/17/20

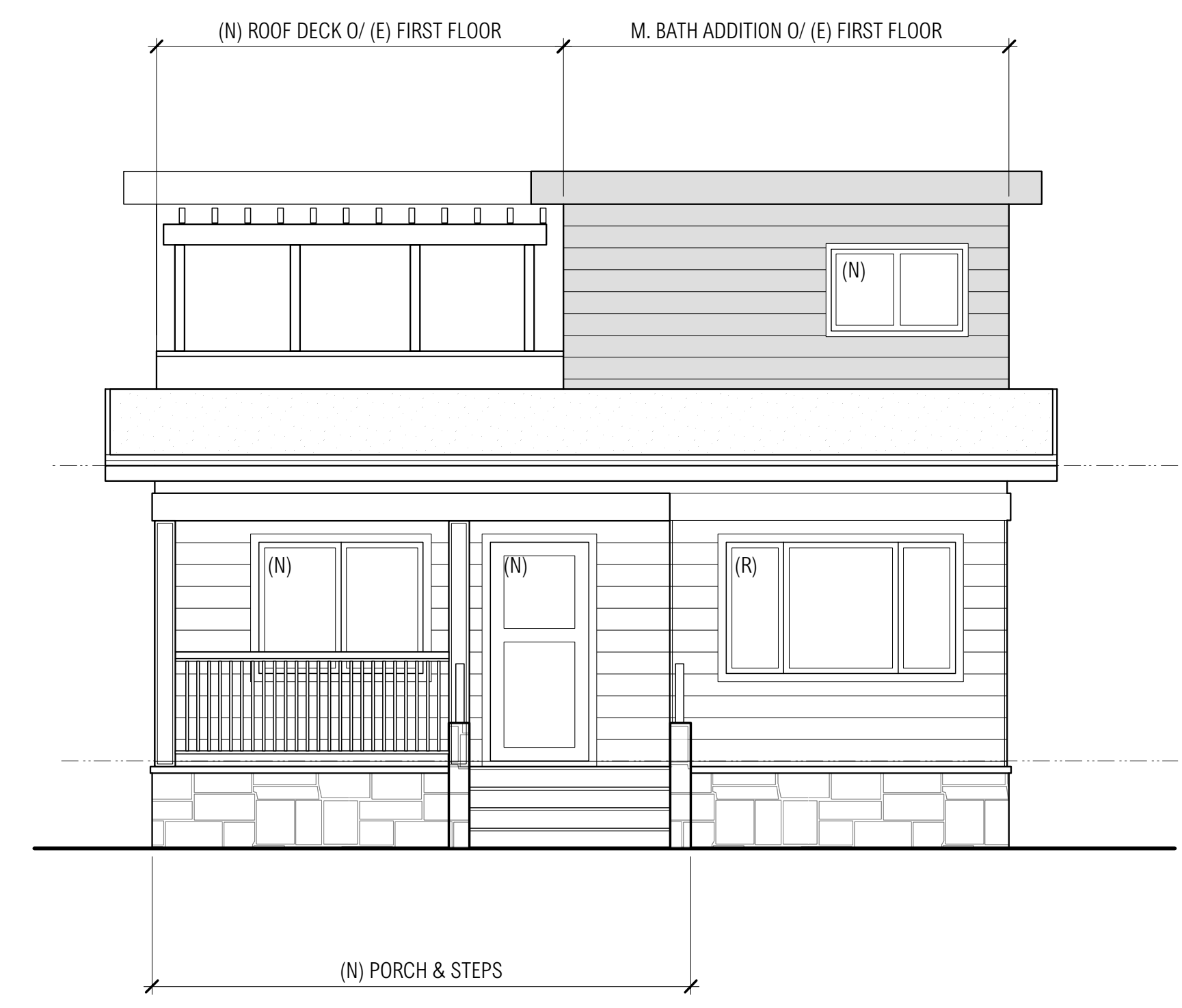


**8** NORTH ELEVATION (REAR YARD)  
1/4" = 1'-0"

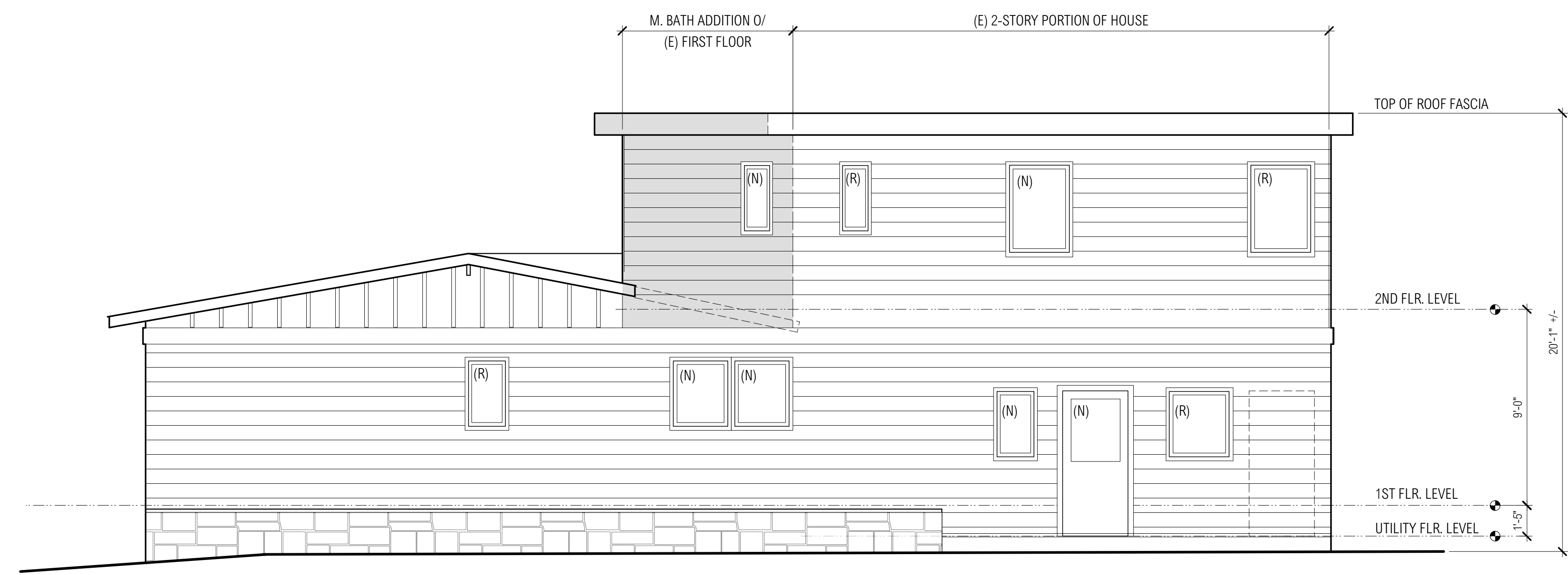


**6** WEST ELEVATION (LEFT SIDE)  
1/4" = 1'-0"

- LIST OF EXTERIOR MATERIALS:**
- (N) HORIZONTAL SIDING TO REPLACE (E) STUCCO
  - (N) BOARD & BATTEN SIDING UNDER EAVE
  - STONE VENEER BASE AT FRONT AND SIDE ELEVATIONS
  - WOOD OR FIBERGLASS WINDOWS TO REPLACE ALUMINUM
  - (R) = REPLACE (E) OR MODIFIED WITHIN (E) OPENING
  - (N) = NEW WINDOW LOCATION



**4** FRONT ELEVATION (SOUTH)  
1/4" = 1'-0"



**2** EAST ELEVATION (RIGHT SIDE)  
1/4" = 1'-0"

**OKAMOTO SAIJO**  
ARCHITECTURE  
1610 Harrison Street Suite A  
Oakland, CA 94612  
510 580-9786

**SYLVESTER RESIDENCE**  
1695 WARD STREET  
BERKELEY, CALIFORNIA  
APN : 054-1-17321-4

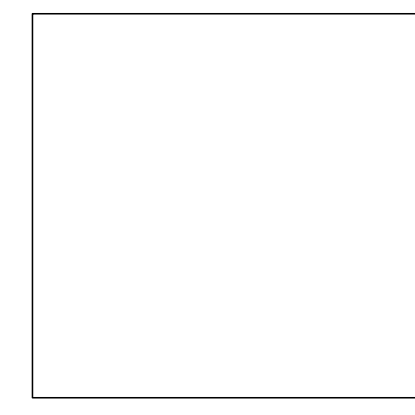
PLANNING SET

**PROPOSED  
EXTERIOR  
ELEVATIONS**

DATE	3/8/21
DRAWN	ES / CM
JOB	02001
SHEET	<b>A.3</b>

REVISIONS	DATE
PLANNING SET UPDATE	5/17/20

**OKAMOTO SAIJO**  
ARCHITECTURE  
1650 Harrison Street Suite A  
Oakland, CA 94612  
510 580-9786



**SYLVESTER RESIDENCE**  
1695 WARD STREET  
BERKELEY, CALIFORNIA  
APN : 054-1-17321-4

PLANNING SET

**BUILDING SECTIONS**

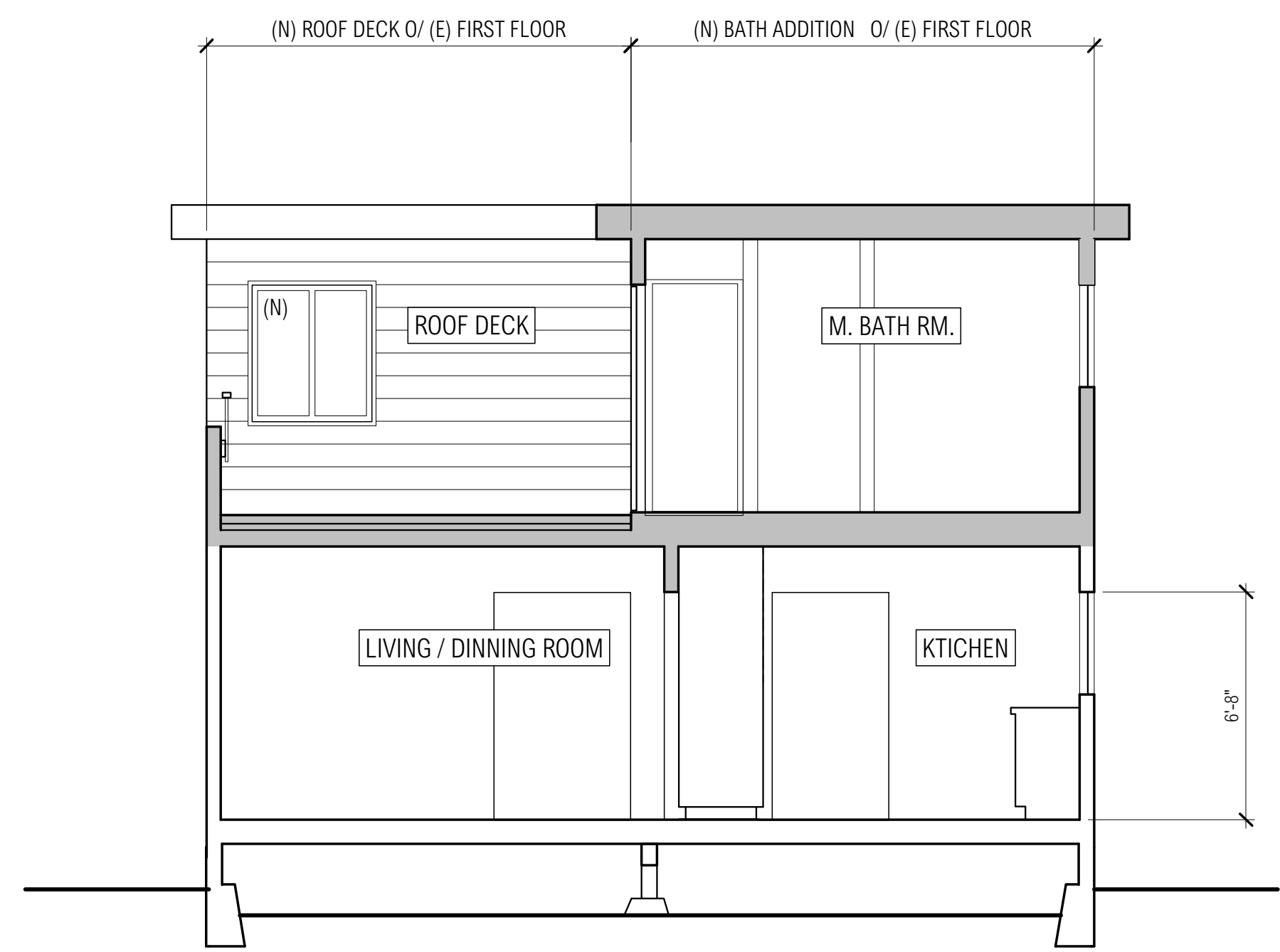
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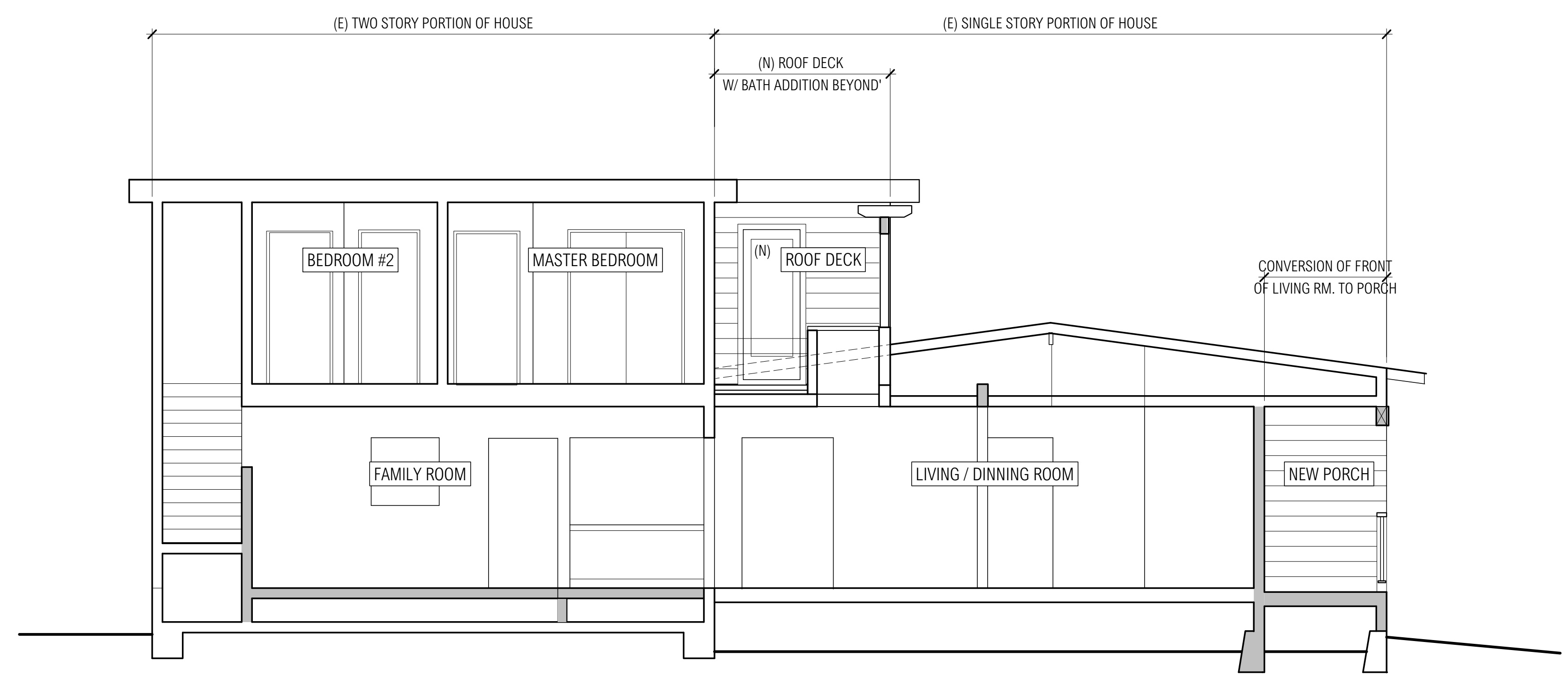
**8** EXISTING FRONT ELEVATION  
1/4" = 1'-0"



**6** EXISTING FRONT PHOTO  
1/4" = 1'-0"



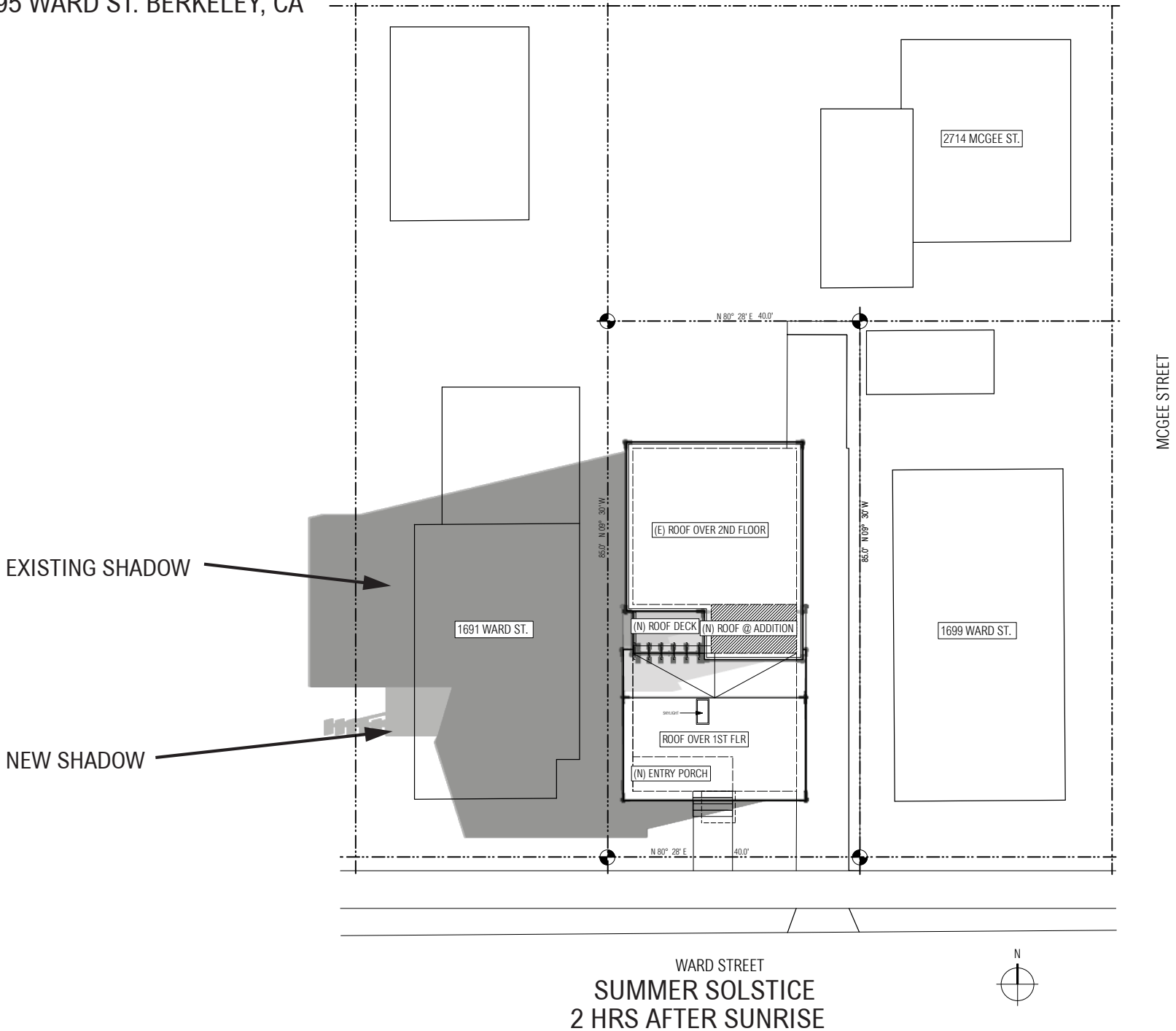
**4** CROSS SECTION  
1/4" = 1'-0"



**2** LONGITUDINAL SECTION  
1/4" = 1'-0"

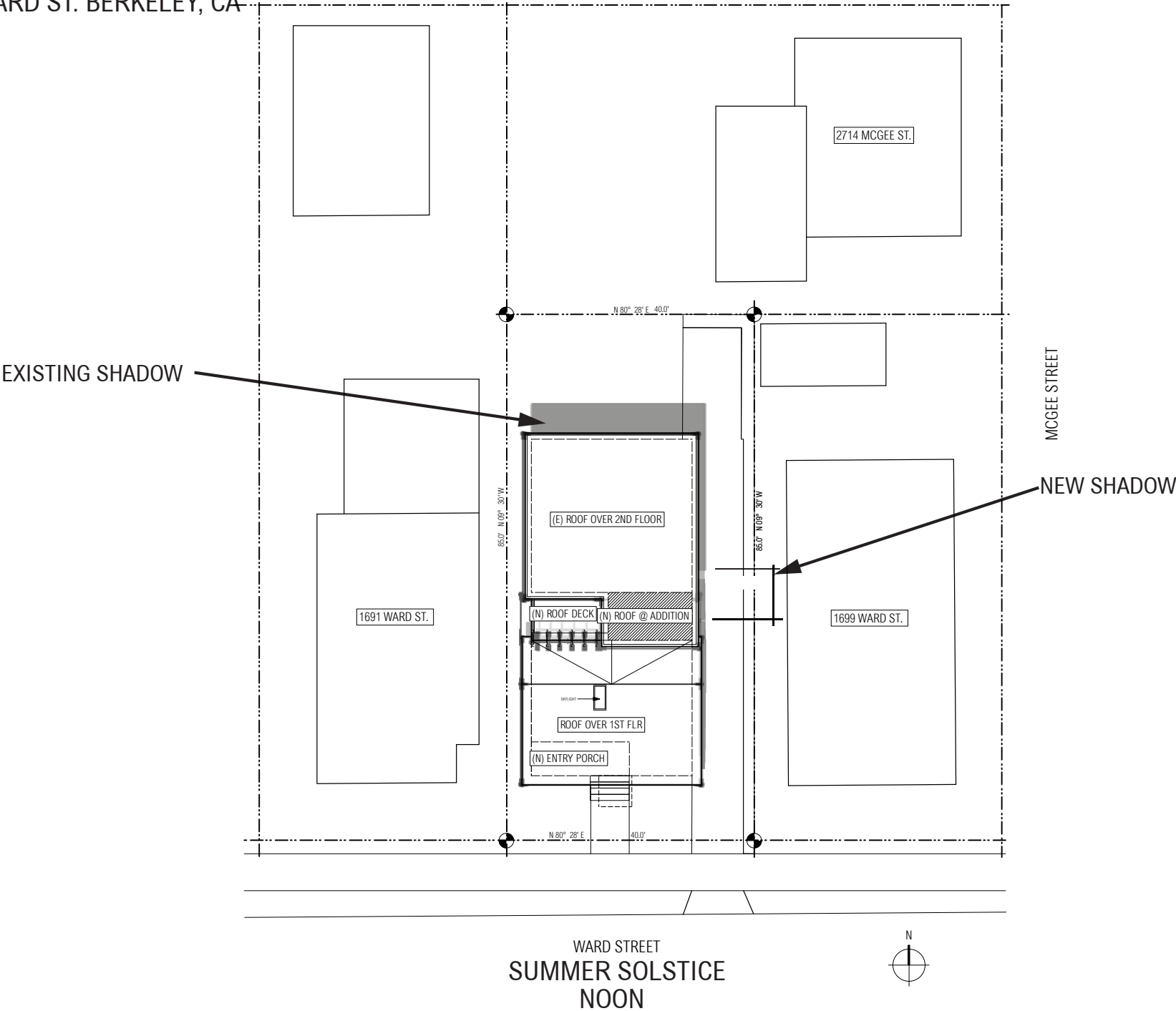
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1695 WARD ST. BERKELEY, CA



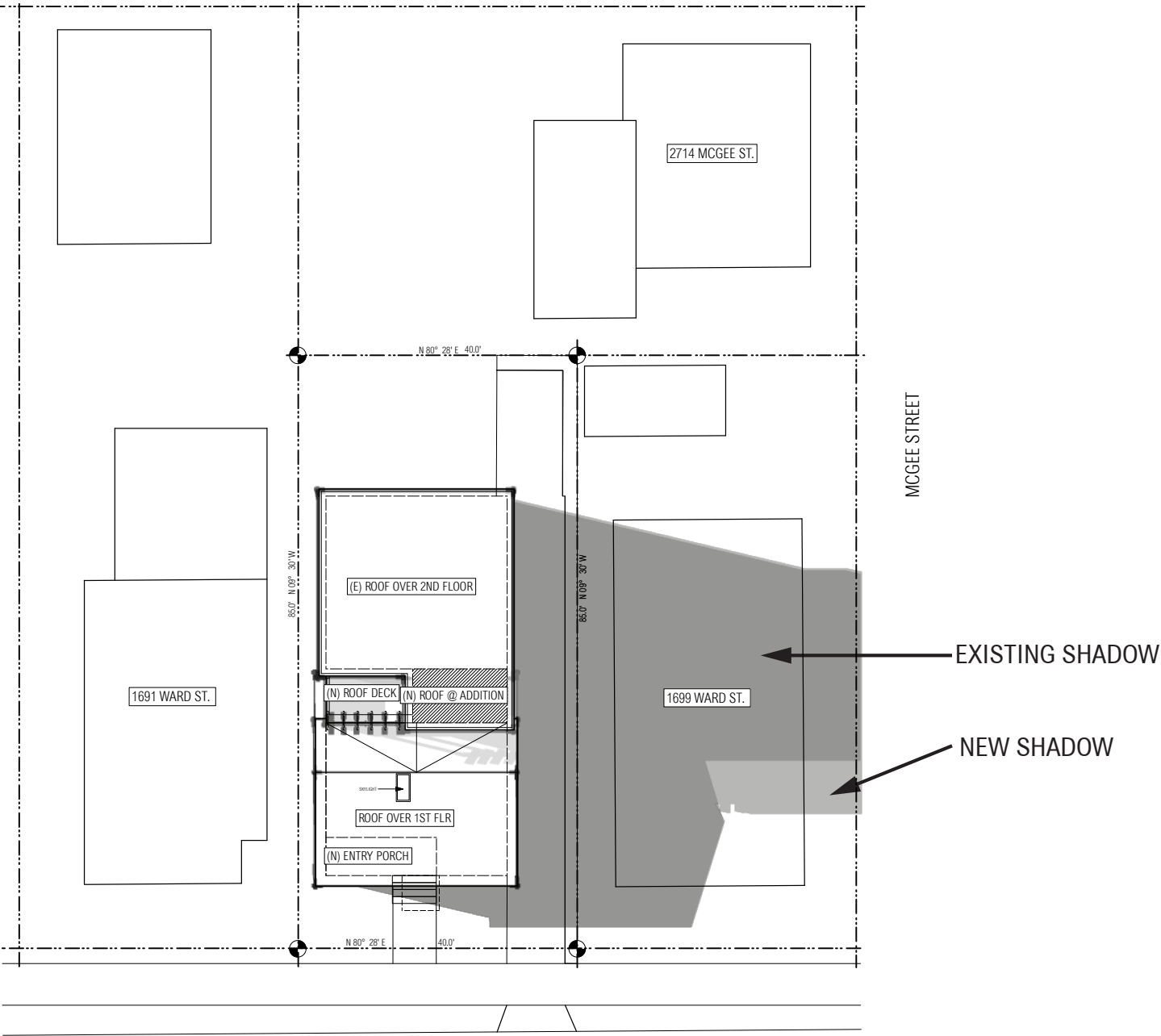
# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA



# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA



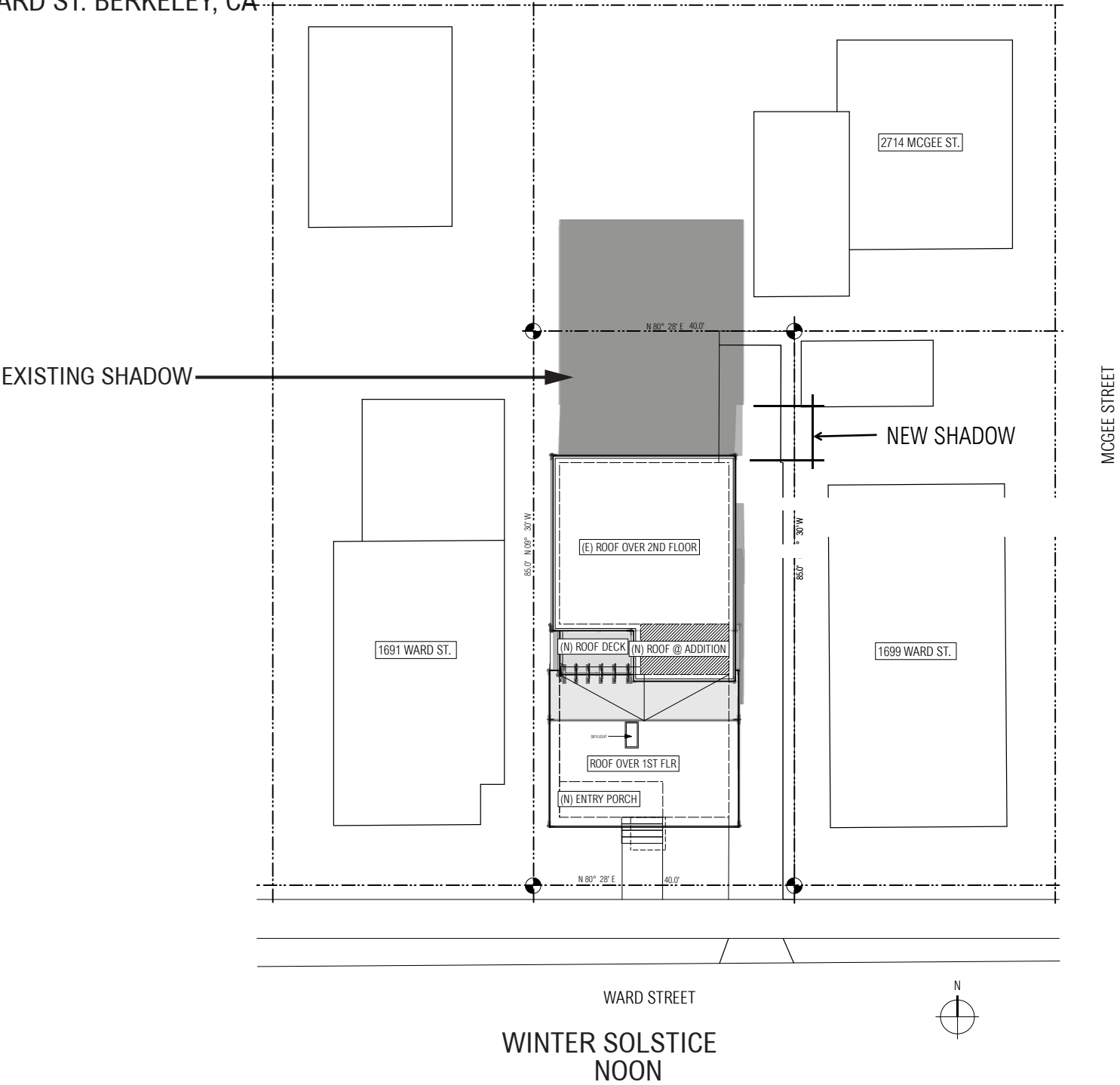
WARD STREET  
SUMMER SOLSTICE  
2 HRS BEFORE SUNSET





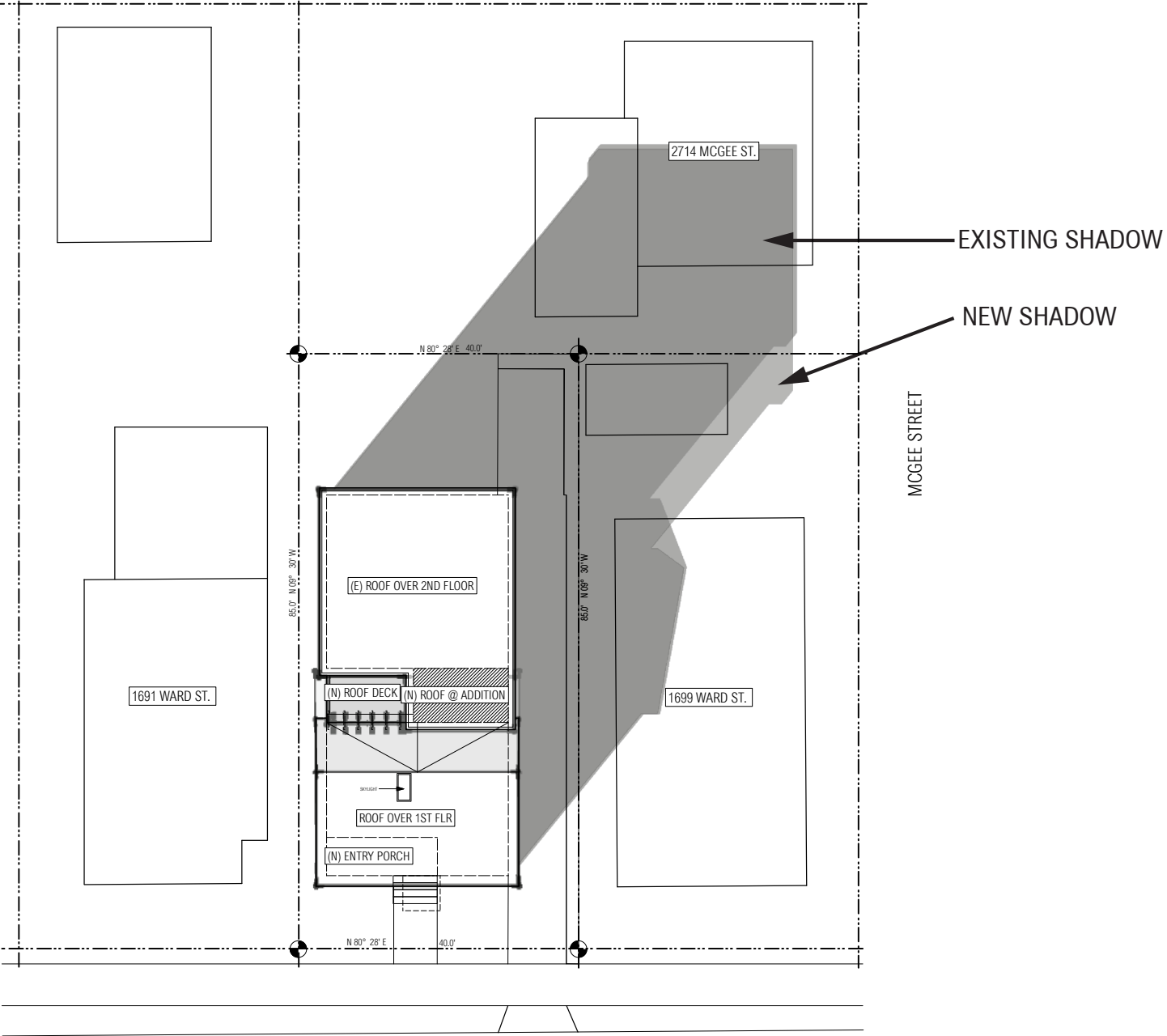
# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA



# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA



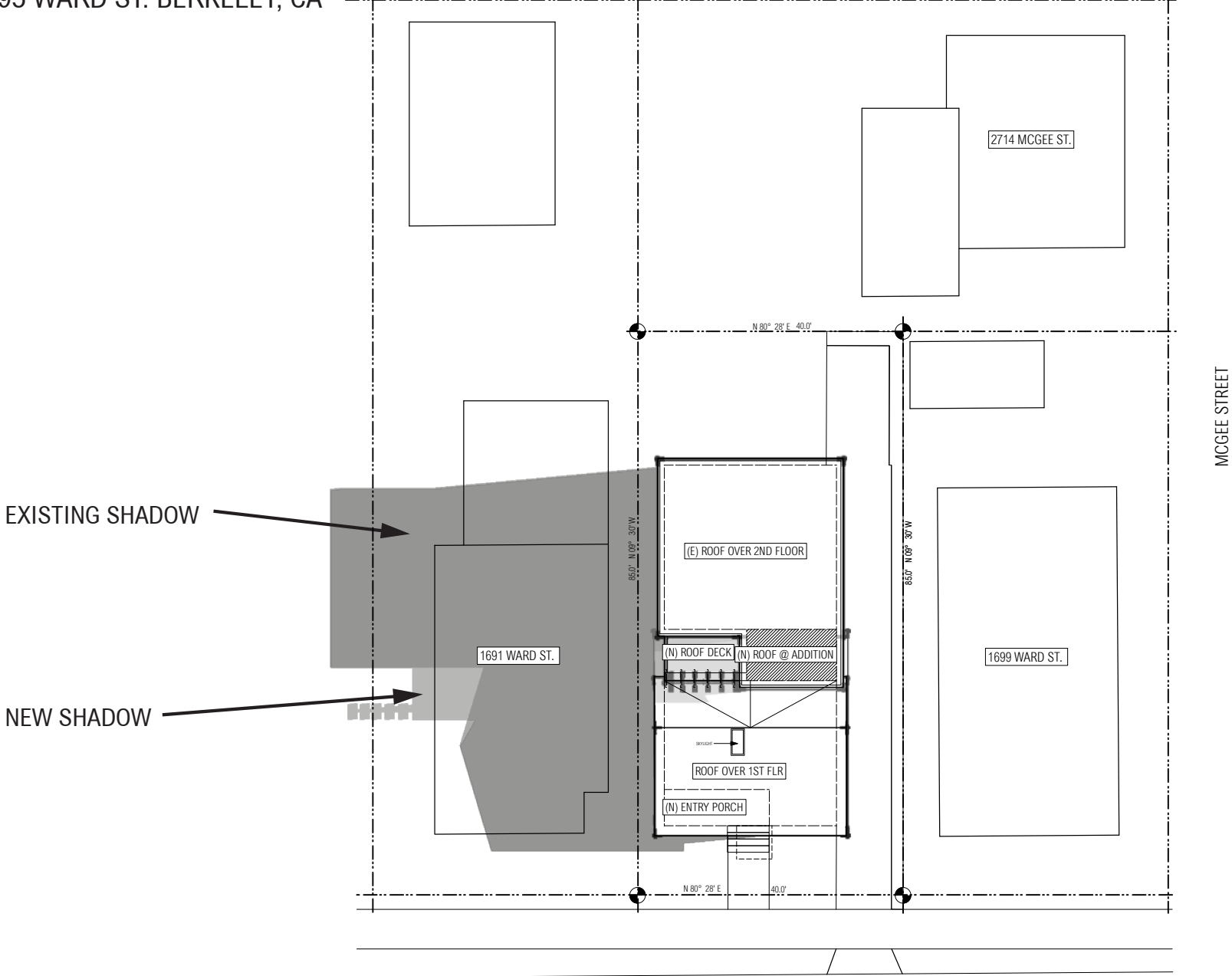
WARD STREET

WINTER SOLSTICE  
2 HRS BEFORE SUNSET



# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA

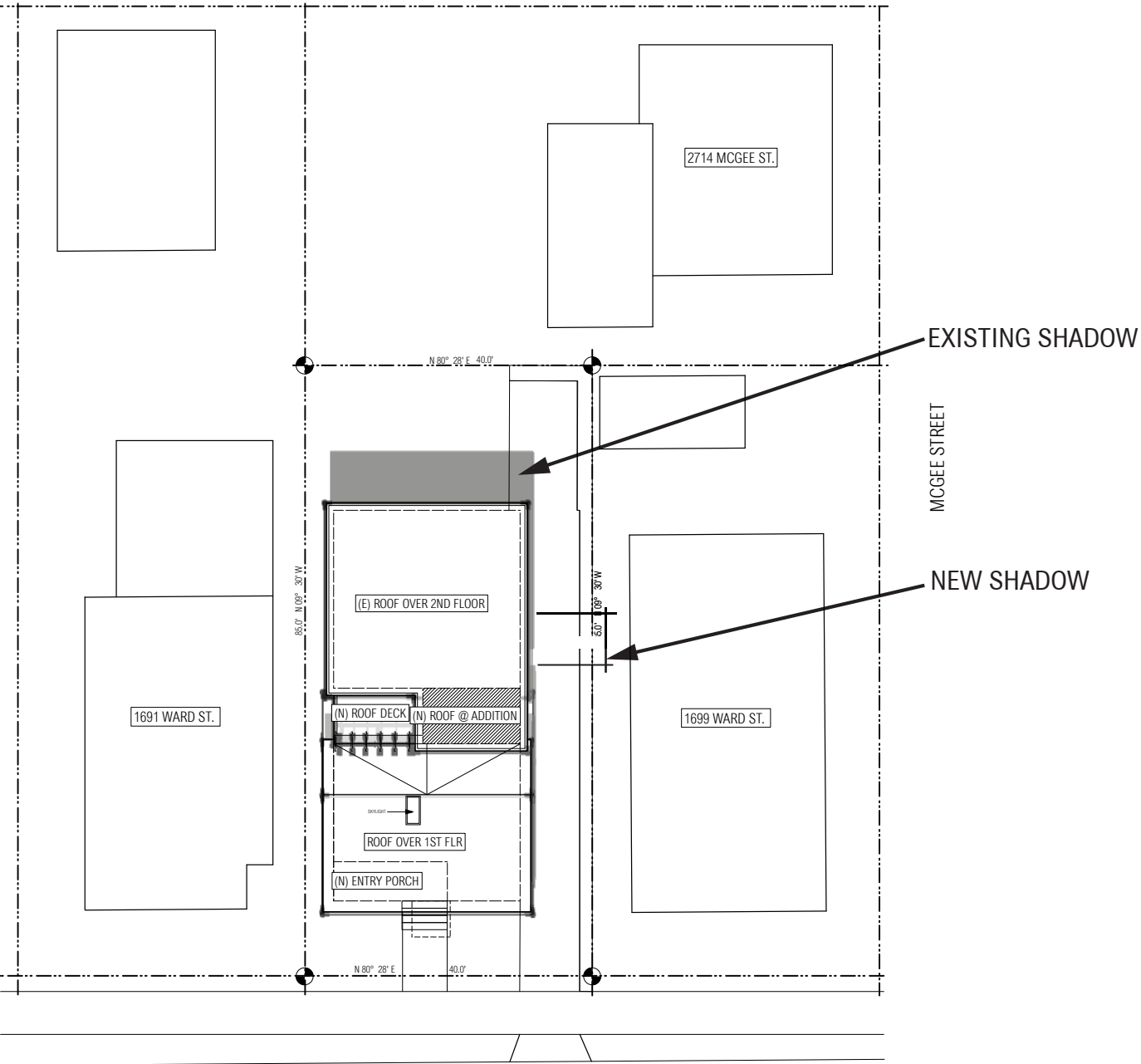


WARD STREET  
MAY 10TH  
2 HRS AFTER SUNRISE



# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA

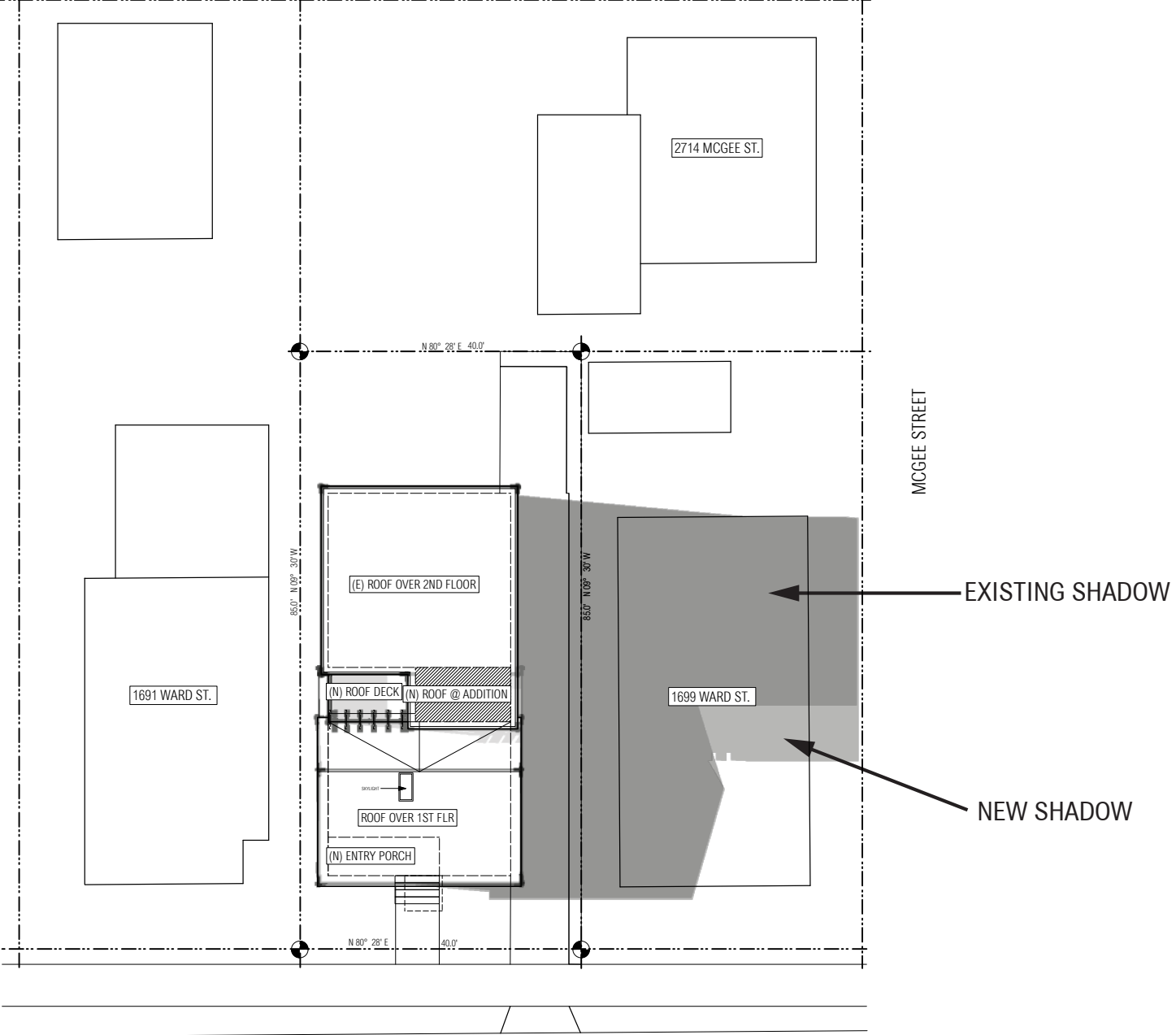


WARD STREET  
MAY 10TH  
NOON



# SYLVESTER RESIDENCE "EXISTING" & "PROPOSED" OVERLAY SHADOW STUDY

1695 WARD ST. BERKELEY, CA



WARD STREET  
MAY 10TH  
2 HRS BEFORE SUNSET





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

## 1695 Ward Street

**Use Permit #ZP2021-0039 to construct a 105-square-foot, second-story addition and roof deck; construct a porch in the existing non-conforming front setback; and add an off-street parking space to the rear yard, on a lot that is non-conforming for lot coverage, and occupied by an existing two-story, 2,058-square-foot, single-family dwelling.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on February 24, 2022, conducted via Zoom, see the **Agenda for details at:**

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/2022-02-24\\_Draft\\_ZAB\\_Agenda.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2022-02-24_Draft_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: LMDR – Low Medium Density Residential
- Zoning: R-2 – Restricted Two-Family Residential

### B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23C.16.070.C, to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23D.28.070.C, to allow a residential addition which exceeds 14 feet in average height;
- Administrative Use Permit pursuant to BMC Section 23C.04.070.B to make alterations in a non-conforming setback;
- Administrative Use Permit pursuant to BMC Section 23D.12.080.B to allow an off-street parking space in the rear yard.

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15301 (“Existing Facilities”) of the CEQA Guidelines.

**D. Parties Involved:**

- Applicant Eric Saijo, Okamoto Saijo Architecture, 1610 Harrison Street, Suite A, Oakland
- Property Owner Danny M. Sylvester and Patricia A. Sylvester, 1695 Ward Street, Berkeley

**Further Information:**

All application materials are available online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board final agenda and staff reports 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](mailto: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](mailto: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](mailto: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/>.

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

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

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

It will not be possible to submit written comments at the meeting.



**Accessibility Information / ADA Disclaimer:**

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

**SB 343 Disclaimer:**

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

**Notice Concerning Your Legal Rights:**

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 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.

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