



Zoning Adjustments Board Staff Report

APP# ZP2025-0080
2108 Eunice Street

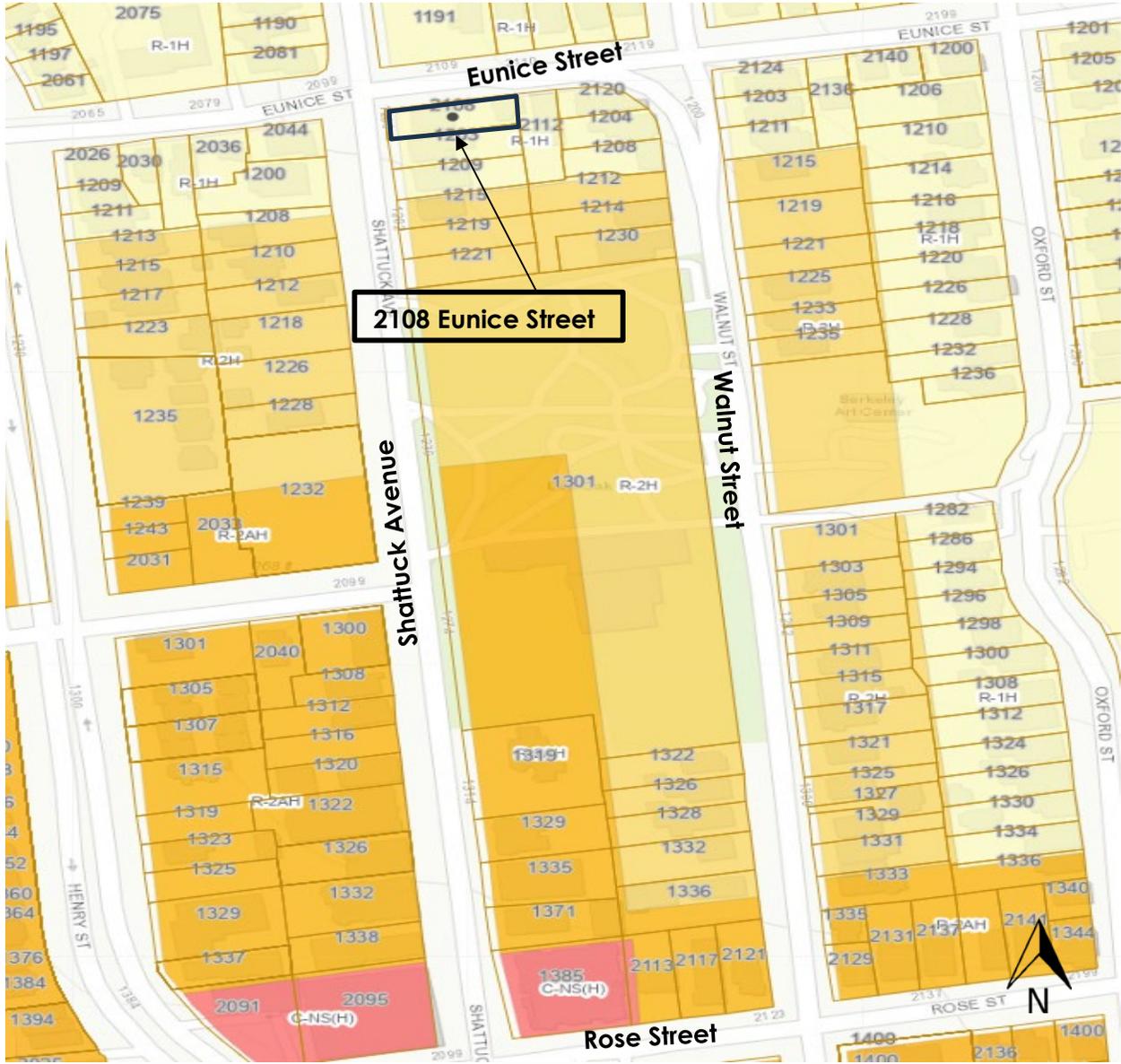
January 22, 2025



Quick Facts	Project Description:
<p>Applicant: Nathaniel Muhler</p> <p>Property Owner: Rivka Shenhav and Renta Zalznayak</p> <p>Project Address: 2108 Eunice Street</p> <p>Site Size: 5,386</p>	<p>The applicant is seeking approval to construct a second-story addition, approximately 147 square feet, that exceeds 14 feet in average height (19 feet) and 20 feet in maximum height, (21 feet), and make an alteration within a nonconforming rear and street-side setback on a lot nonconforming for density.</p>
<p>GP Land Use: Low Density Residential</p>	<p>Zoning Permits Requested:</p>
<p>Zoning: Residential Multi-Unit 1 District within the Hillside Overlay</p> <p>CEQA: Section 15301 “Existing Facilities”</p> <p>Date Submitted: August 21, 2025</p> <p>Date Deemed Complete: December 16, 2025</p> <p>Project Planner: Karen C. Hernandez</p>	<ol style="list-style-type: none"> 1. Density. BMC Section 23.324.050(D)(3) “Nonconforming Coverage, FAR, and Density” to construct an addition on a lot nonconforming for lot coverage. * 2. Height. BMC Section 23.202.050(D)(1) “Development Standards” to exceed the average height of 14 feet for a residential addition. 3. Height. BMC Section 23.210.020(C) “General Development Standards in the Hillside Overlay” to exceed 20 feet in maximum height for a residential addition. 4. Setbacks. BMC Section 23.324.050 (D)(2) “Nonconforming Setbacks and Height” to vertically extend a wall within the nonconforming rear and street-side setbacks. <p>*Denotes required findings.</p>
	<p>Staff Recommendation:</p> <p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and approve ZP2025-0080 pursuant to Section 23.406.040 (E) (1-5) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.</p>

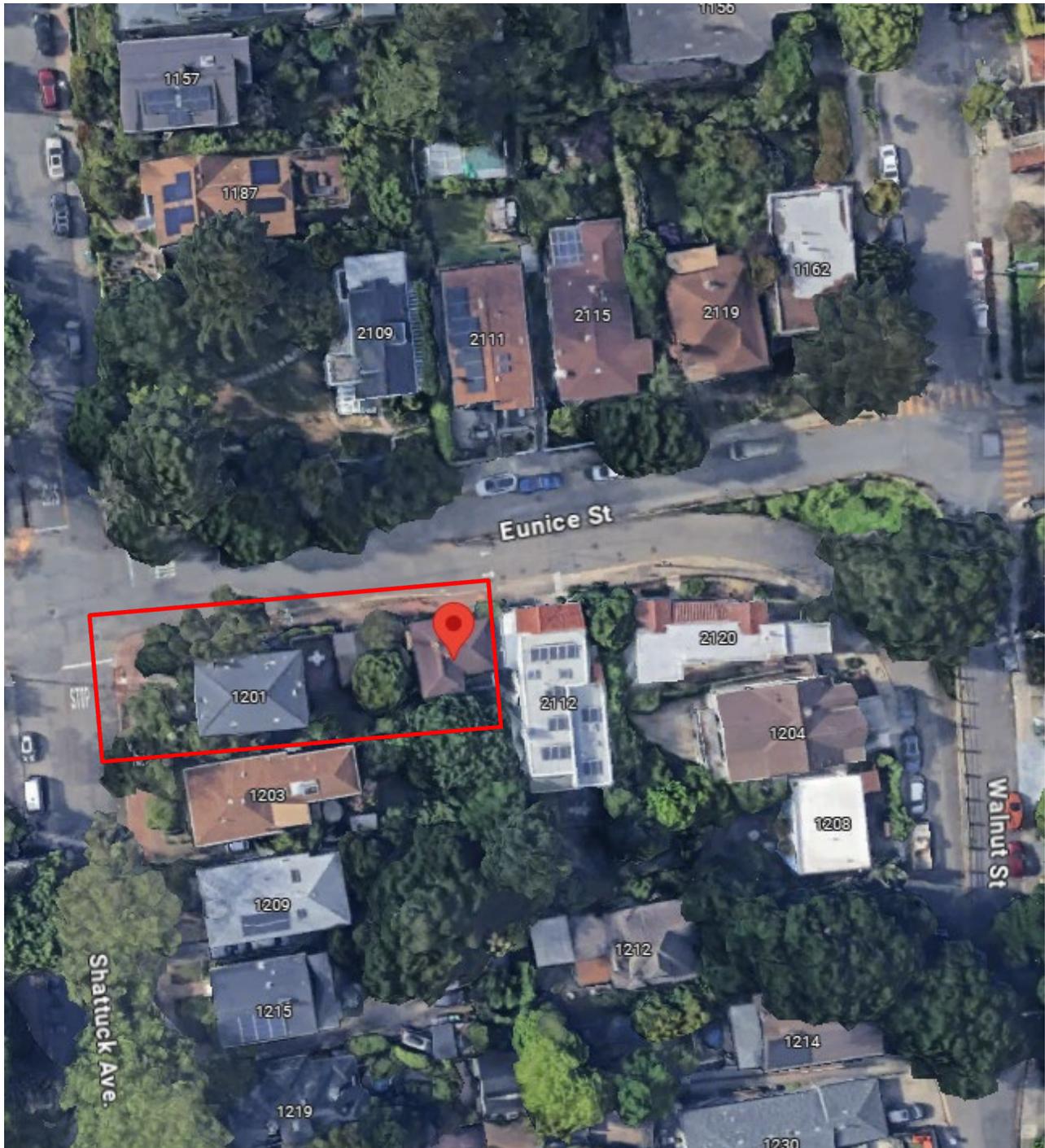
ZONING MAP

Figure 1: Vicinity and Zoning Districts Map



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Low-Density Residential	Single-Family Residential within the Hillside Overlay	Single-Family Home
South			Single-Family Home
East			Duplex
West			Single-Family Home

AERIAL



STREET ELEVATION



BACKGROUND

The subject property is located on a 5,400 square-foot, east-west rectangular corner lot that slopes gently downward to the west. The site is developed with two two-story single-family dwellings, which include 1201 Shattuck Avenue situated on the western portion of the lot with frontage on Shattuck Avenue, and 2108 Eunice, situated on the northeastern portion of the lot with frontage on Eunice. There is one single-story, one-car garage, which sits between the two dwellings on the northern side of the lot, with driveway access on Eunice Street, and approximately 22 feet north of the neighbor along the interior property boundary. Although the existing garage has frontage on Eunice Street along the northern property boundary, this boundary of the lot is the street-side setback.

Site History

1201 Shattuck Avenue was constructed in 1915 in a brown-shingle craftsman style. The second dwelling unit at 2108 Eunice Street was constructed in 1921 as a single-story dwelling unit in the same style. In 1925, a wooden, one-car garage was constructed and is situated between both residential buildings along the northern street-side property line.

The project is proposed for 2108 Eunice Street, the structure to the Northeast. Between 1986 and 2007, several permits were submitted for various repairs and improvements to 2108 Eunice Street, including termite damage repair, the construction of new retaining walls, an electrical service upgrade, a balcony extension, a bay extension, and the removal of an existing deck and replacement with a slightly larger one. Parcel map application #4421 to convert the single-family dwelling and accessory cottage to condominiums available for individual ownership while keeping it a single lot under common ownership, was approved in 1984.

ANALYSIS

Project Scope

The proposed project would consist of the renovation of the existing kitchen and bathroom and addition to the living area to create a new dining room and pantry on the second floor of the existing residential building. Construction of the new addition would horizontally extend the southern wall on the second floor by approximately 7 feet 4 inches, and extend the roofline, resulting in an increase in the average height from 18 feet 7 inches to 21 feet 6 inches and maximum height from 26 inches 9 inches to 27 feet 2 inches. The wall expansion would add 4 new windows to accommodate an expansion of the common living space. The existing balcony on the second floor of the western façade will be demolished to construct an uncovered deck on the southern façade, 17 feet above grade, and extending 7 feet 2 inches into the existing yard approximately 4 feet from the interior side property line. The project also includes removing a north-facing window and east-facing pedestrian door from the existing entryway vestibule, within the street side setback, and replacing it with a north-facing pedestrian door directly viewable from the street.

Findings

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

Environmental Review

The proposed addition would be exempt under CEQA Section 15301 because the proposed additional 147 square feet proposed to the rear of an approximately 1,097 square foot dwelling, represents 10 percent of the floor area which is less than 2,500 square feet and would not exceed 50% of the current area, well below threshold that would deem this project ineligible for a categorical exemption.

POLICY CONSISTENCY

General Plan Consistency

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

Policy LU-3 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.

Evidence: The proposed project would be an architecturally and environmentally sensitive infill development, compatible with neighboring land uses, architectural design, and scale, because the addition would slightly expand the north side of the existing dwelling outside of required setbacks in a residential area, use materials matching the main dwelling, and would not exceed the heights of the main dwelling or dwellings on neighboring properties maintaining land use and design compatibility.

Policy LU-7 Neighborhood Quality of Life: Preserve and protect the quality of life in Berkeley's residential areas through careful land use decisions.

Evidence: The project would preserve and protect the quality of life in Berkeley residential area because it is consistent with development standards in the R-1H. In addition, the proposed use would enhance existing residential use by the home's expanding livable space and does not include adding dwelling units. The addition remains compatible with current land uses in the neighborhood and would not contribute to an intensification of the current use through the addition of dwellings. Furthermore, the addition would be constructed on the southward down sloping portion of the lot, approximately 12 feet from the southern side property line which does not align with a neighboring property and outside of the front setback along Shattuck Avenue which would not create new negative impacts to shadows, light, or air on adjacent residential uses.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Findings
3. Conditions of Approval
4. Project Plans, October 10, 2025
5. Notice of Public Hearing

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
August 11, 2025	Application Submitted
October 2, 2025	Application deemed complete
October 8, 2025	CEQA Recommendation
October 8, 2025- October 10, 2025	Application processing ^a
January 16, 2026	Public hearing notices mailed/posted
January 22, 2026	ZAB hearing
Notes: a. Application processing reflects the project compliance review after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. Because the project proposes a residential addition to an existing single-family dwelling, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020 ^a , and is not subject to the Affordable Housing Requirements outlined in BMC Chapter 23.328.
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The proposed addition would be approximately 150 square feet and have an approximate average height of 19 feet and below 10,000 square feet of gross floor area, and as a result below and the average height and square footage threshold that would trigger the Bird Safe Glass requirement.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Hard Hats (BMC Chapter 13.107)	No	The project was vested under the Housing Crisis Act of 2019 prior to January 1, 2024, effective date of the ordinance, and therefore these provisions do not apply.
Historic Resources	No	The structure is not City of Berkeley landmark or Structure of Merit.

Characteristic	Applicability	Explanation
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project is not proposing a mixed-use residential building, and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b .
Housing Crisis Act of 2019 (SB 330)	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b .
Rent Controlled Units	No	The project would not involve the demolition of non-residential structures; no rent-controlled units would be demolished
Residential Preferred Parking (RPP)	No	The project proposes to construct an addition to an existing single-family dwelling which does not meet eligibility criteria for RPP permits per BMC Section 14.72.080(C)(1).
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The site has been developed with residential use since its establishment in 1915 and has no history of leaking underground storage tank or contamination. The project site is not listed on a Cortese List. ^d
Transit	Yes	The project site is served by multiple Alameda County (AC) Transit bus lines (local and Transbay) 7, 18, 12, 27, FS that operate within ¼ mile of the site and is approximately 1 mile Northeast from the North Berkeley Bay Area Rapid Transit (BART) Station.
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/</p> <p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: Single Family Zoning District within the Hillside Overlay (R-1H) Development Standards BMC Sections 23.204.130 and 23.322 Parking and Loading

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		5,440	No Change	5,440	5,000 min
Gross Floor Area (sq. ft.)		1,097	+147	1,244	2,160 max
Dwelling Units	Total	2	No Change	2	1 max

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
	Bedrooms	2	No Change	2	Fifth bedroom with an AUP Sixth bedroom with a Use Permit
Building Height (ft. - in.)	Average	18'-7"	+2'-11"	21'-6"	28' max (35' max with AUP)
	Maximum	26'-9"	+0'-5"	27'-2"	35' max
Building Setbacks (ft. - in.)	Front Shattuck Avenue (West)	+20'-0"	-4'-0"	98'-10"	20'-0" min
	Rear (East)	3'-6"	No Change	n/a	20'-0" min
	Street Side Eunice Street (North)	0'-4"	No Change	n/a	4'-0" min
	Interior side (South)	12'-3"	-0'-8"	11'-7"	4'-0" min
Usable Open Space (sq. ft.)		3,892	136	3,756	400 min
Automobile Parking		1	No Change	1	n/a
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes: AB-2097 , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses located within a 1/2 mile of public transit. For the portion of building 0 to 20 ft. there is a 5 ft. maximum setback. For the portion of building 21 to 75 ft. that is over 65 ft. from the lot frontage there is a 5 ft. setback. Per BMC Section 23.312.040(A)(1)(b)(ii), if the workspace is less than 60 percent of live/work unit, then the unit is considered a swelling unit and is subject to all requirements applicable to dwelling units.					



Zoning Adjustments Board Findings

App # ZP2025-0080
 2108 Eunice Street

January 22, 2026



Project Facts	Project Description:
<p>Applicant: Nathaniel Muhler</p> <p>Property Owner: Rivka Shenhav and Renta Zaliznyak</p> <p>Project Address: 2108 Eunice Street</p> <p>GP Land Use: Low Density Residential</p> <p>Zoning: Residential Multi-Unit 1 District within the Hillside Overlay</p> <p>CEQA: Section 15301 “Existing Facilities”</p> <p>Submittal Date: August 21, 2025</p> <p>Date Deemed Complete: December 16, 2025</p> <p>Project Planner: Karen C. Hernandez</p>	<p>The applicant is seeking approval to construct a second-story addition, approximately 147 square feet, that exceeds 14 feet in average height (19 feet) and 20 feet in maximum height, (21 feet), and make an alteration within a nonconforming front setback on a lot nonconforming for density.</p>
	<p style="text-align: center;">Permits Requested:</p> <ol style="list-style-type: none"> Density. BMC Section 23.324.050(D)(3) “Nonconforming Coverage, FAR, and Density” to construct an addition on a lot nonconforming for lot coverage.* Height. BMC Section 23.202.050(D)(1) “Development Standards” to exceed the average height of 14 feet for a residential addition. Height. BMC Section 23.210.020(C) “General Development Standards in the Hillside Overlay” to exceed 20 feet in maximum height for a residential addition. Setbacks. BMC Section 23.324.050 (D)(2) “Nonconforming Setbacks and Height” to vertically extend a wall within the nonconforming rear and street-side setbacks. <p>*Denotes required findings.</p>

CEQA

Categorical Exemption

The project is categorically exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

Evidence: The addition will be approximately 147 square feet and 18 feet 7 inches in average height which is below the trigger for further environmental review and rendering it ineligible for a categorical exemption.



Zoning Adjustments Board Findings

FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) "Findings for Approval," the following findings shall be made:

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

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

Evidence: The project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use because the proposed use is an expansion of an existing established residential use in the R-1H Zoning District, which will not result in a change of the use. The project will comply with relevant Health and Safety codes at the time of building permit issuance.

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

Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City because the proposed the addition will remain within height limits allowed in the R-1H zoning district, and the location of the addition on the southward downslope will remain beneath the height of the main dwelling, as shown by the installed story poles, and outside of existing setbacks required in the R-1H Zoning District", maintain the minimum Usable Open Space required by the district, and not exceed the lot coverage maximums allowed in the R-1H which will not create a deviation from the scale and design of neighboring properties that would typically result in some new detrimental impacts to light, air, or views.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

- a) Pursuant to BMC Section 23.324.050(D)(3), a use permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum

residential density. The Zoning Adjustments Board may approve the Use Permit only if the project does not:

- i. Increase or exacerbate the nonconformity; or
- ii. Exceed the height limit

Evidence: The proposed 147 square-foot addition to the existing residential building is small in scale, will not increase or exacerbate nonconformities because the addition will not result in an increase in density, or encroach further into any required setbacks. Although the average and maximum heights will increase due to the roof change, the addition will not exceed the height limits of the R-1H Zoning District.

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

- (a) The proposed land use; and

Evidence: The project remains consistent with the proposed land use because the proposed second-story addition will expand the current gross floor area of an existing single-family dwelling and not exacerbate the existing nonconforming density. As a result, the project will enhance the existing residential use by adding living space for its residents, without resulting in a deviation from the existing use.

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

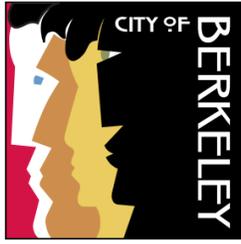
Evidence: The project will demolish an existing second floor balcony on the western façade and construct a second-story addition by horizontally extending the southern exterior wall approximately 7 feet west, past an existing bay, and 17 feet along the western wall and projecting over an existing patio on portion of the lot that slopes to the south.

A second-floor, wrap-around balcony approximately 9 feet in width, 19 feet in length, and 17 feet in height will be added to the rear of the dwelling, facing south, with a portion of the balcony extending onto the side of the dwelling facing west. The balcony will be located outside the setbacks and approximately 50 feet away from the neighboring property to the rear, and approximately 30 feet from the other structure that shares the subject lot at 1201 Shattuck Avenue to the west. Additionally, it will be over 20 feet away from the neighboring property to the east. The deck will not directly align with openings in the dwellings to the east or west and will not exceed their existing heights. As a result, the project is not expected to be detrimental to light or views from abutting properties.

The project also includes the relocation of a pedestrian door, within a nonconforming front setback, from the west interior of the vestibule to the north.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on October 10, 2025, and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



PLANNING AND
DEVELOPMENT

USE PERMIT ZP2025-0080 CONDITIONS OF APPROVAL

January 22, 2026

2108 Eunice Street

Use Permit #ZP2025-0080 to construct a second-story addition, approximately 147 square feet, that exceeds 14 feet in average height (19 feet) and 20 feet in maximum height, (21 feet), and make an alteration within a nonconforming front setback on a lot nonconforming for density.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions and 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.
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 re-establish 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 comply with the approved plans and any conditions of approval.

2108 EUNICE STREET- USE PERMIT #ZP2025-0080

USE PERMIT CONDITIONS

January 22, 2026

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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 BMC 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. 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.

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. Hold Harmless. The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 12. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.

- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](https://www.cityofberkeley.info/arcgis)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;
- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

E. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
- ii. 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. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- iv. 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.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

F. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

G. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

- 13. 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.
- 14. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division at RecyclingProgram@berkeleyca.gov.
- 15. 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.

Prior to Demolition or Start of Construction:

- 16. Construction/No Parking Permits.** 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.

During Construction:

- 17. 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.

18. Survey Required. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.

19. Public Works - Implement Bay Area Air District (BAAD)-Recommended Measures during Construction. For all proposed projects, BAAD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

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

20. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:

- A.** The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or

2108 EUNICE STREET- USE PERMIT #ZP2025-0080

USE PERMIT CONDITIONS

January 22, 2026

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- B.** All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
- C.** In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
- i.** An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - ii.** A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

21. 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 [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.

22. 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 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

23. 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.

24. 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.

- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.** All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.

- J.** 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.
- K.** 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.
- 29. Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- 30. 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.
- 31. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. Public Works / Building and Safety.** 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:

- 36. 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.
- 37.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 10, 2025.

2108 EUNICE STREET- USE PERMIT #ZP2025-0080

USE PERMIT CONDITIONS

January 22, 2026

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At All Times:

- 38. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 39. 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.
- 40. 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.
- 41. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 42. Periodic Review and Reporting.** The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
- 43.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

W.i.T. STUDIO

1541 E 38th Street
Oakland, CA 94602
510.295.7092
studio@wit.studio

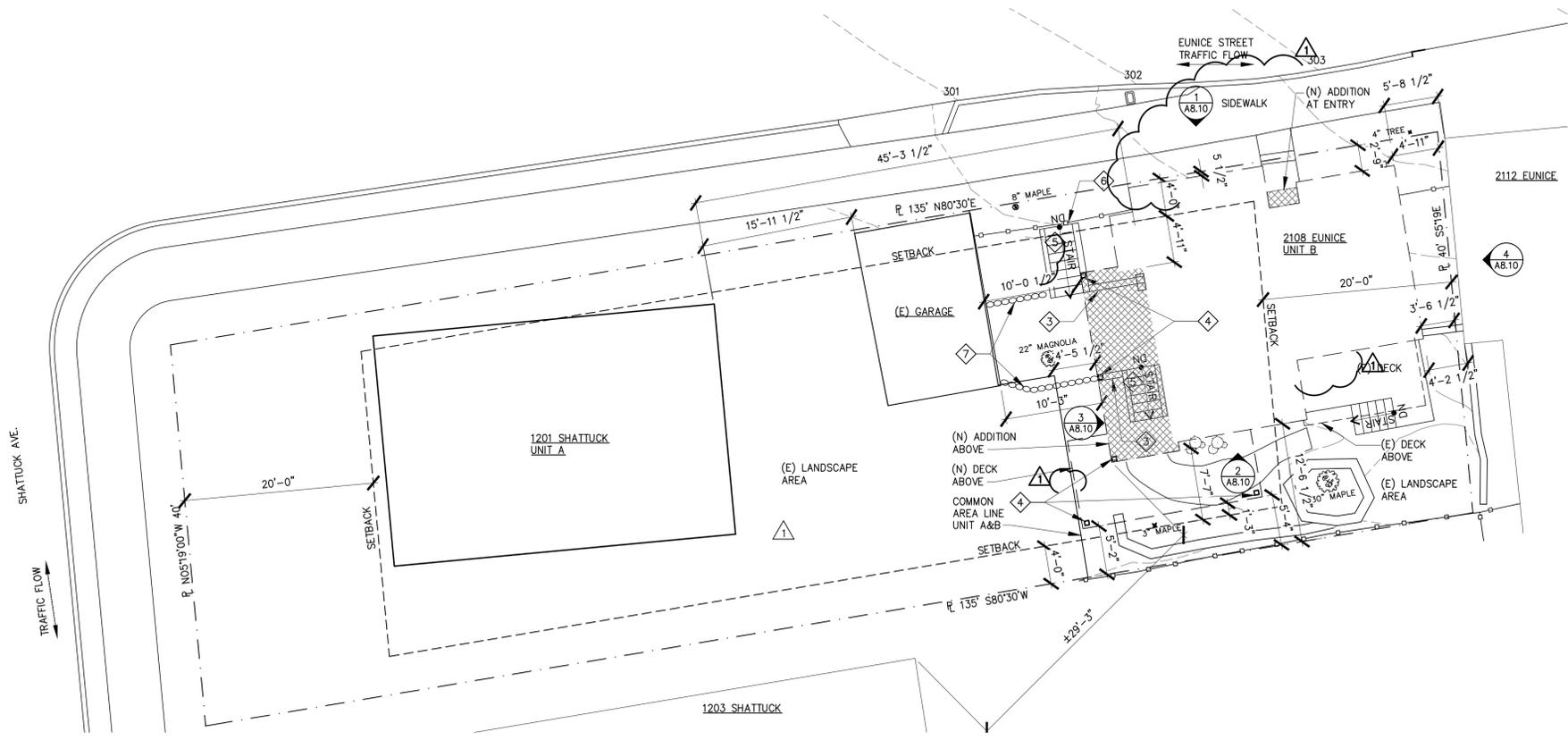
(Whatever It Takes)

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT

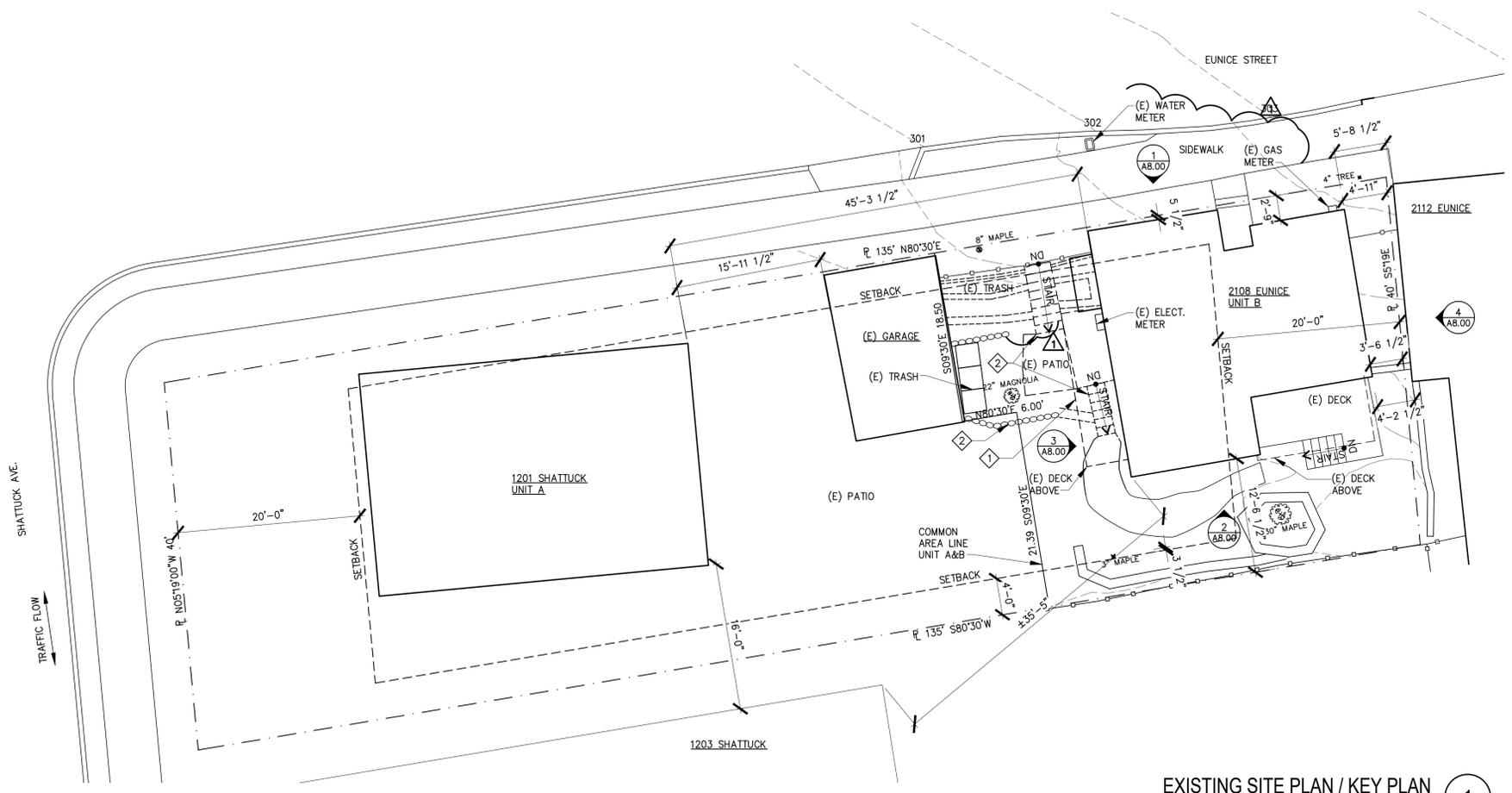
PROJECT NAME | ADDRESS

SHENHAV & ZALIZNYAK RESIDENCE REMODEL & ADDITION

2108 EUNICE ST
BERKELEY, CA
94709



PROPOSED SITE PLAN 2
1/8"=1'



EXISTING SITE PLAN / KEY PLAN 1
1/8"=1'

LEGEND

AREA OF SECOND STORY ADDITION ABOVE GROUND

SHEET NOTES

1. ALL EXTERIOR DIMENSIONS ARE FROM FACE OF FINISH
2. SEE SURVEY FOR ADD'L INFORMATION
3. SEE LOWER LEVEL CONSTRUCTION PLAN FOR ADD'L SITE CONSTRUCTION INFO AND DIMENSIONS
4. DECK POST LOCATION AND PROXIMITY TO PROPERTY LINE TO BE VERIFIED BY SURVEYOR PRIOR TO POURING CONCRETE. AS
5. LANDSCAPING: NO NEW PLANTING OR VEGETATION TO BE ADDED AS PART OF THIS PROJECT.

KEYNOTES

- 1 DEMOLISH (E) DECK ABOVE
- 2 REMOVE (E) WOOD-FRAMED LANDSCAPE STAIRS AND RUBBLE GRAVITY WALLS ON GRADE
- 3 (N) CONC. RETAINING WALL SUPPORTING PATIO AREA AND ADDITION ABOVE
- 4 (N) 6X6 REDWOOD POSTS SUPPORTING ADDITION ABOVE
- 5 (N) CONC. STAIRS ON GRADE W/ CURBS
- 6 ALTER (E) FENCE FOR (N) GATE AT (N) STAIRS
- 7 RUBBLE STONE WALL TO REMAIN, FIX AS REQUIRED

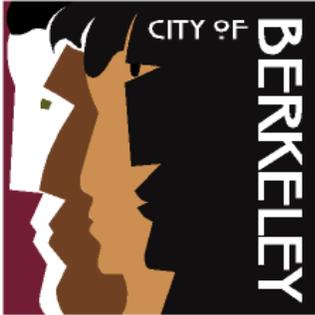
DATE	ISSUES AND REVISIONS
2025 MAR 10	PERMIT SUBMITTAL
2025 JUNE 4	PLAN CHECK RESPONSE
2025 JULY 22	PLAN CHECK RESPONSE
2025 SEP 29	PLANNING RESPONSE

START DATE: XXXX XXX XX
SCALE: AS NOTED @ 24x36
DRAWN BY: NWM
PROJECT NUMBER: XXXX

SHEET TITLE

SITE PLANS

NORTH
SHEET NUMBER
A0.50



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

2108 Eunice Street

Use Permit #ZP20252-0080 to construct a second-story addition, approximately 147 square feet, that exceeds 14 feet in average height (19 feet) and 20 feet in maximum height, (21 feet), and make an alteration within a nonconforming rear and street-side setback on a lot nonconforming for density.

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

When: Thursday, January 22, 2026, 7:00 pm

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

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

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

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

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

A. Land Use Designations:

- General Plan: Low Density Residential
- Zoning: Residential Multi-Unit 1 District

2108 Eunice Street
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted January 8, 2026

B. Zoning Permits Required:

- **Density.** BMC Section 23.324.050(D)(3) “**Nonconforming Coverage, FAR, and Density**” to construct an addition on a lot nonconforming for lot coverage.
- **Height.** BMC Section 23.202.050(D)(1) “**Development Standards**” to exceed the average height of 14 feet for a residential addition.
- **Height.** BMC Section 23.210.020(C) “**General Development Standards in the Hillside Overlay**” to exceed 20 feet in maximum height for a residential addition.
- **Setbacks.** BMC Section 23.324.050 (D)(2) “**Nonconforming Setbacks and Height**” to vertically extend a wall within the nonconforming rear and street-side setbacks.

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

E. Project Recommendation: Approve Use Permit #ZP2025-0080 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Nathaniel Muhler Berkeley, CA
- Property Owner Rivka Shenhav and Renta Zalznayak Berkeley, CA

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

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

Questions about the project should be directed to the project planner, Karen C. Hernandez, at (510) 981-7426 or khernandez-gonzalez@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

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