



# Zoning Adjustments Board Staff Report

**APP # ZP2025-0079**

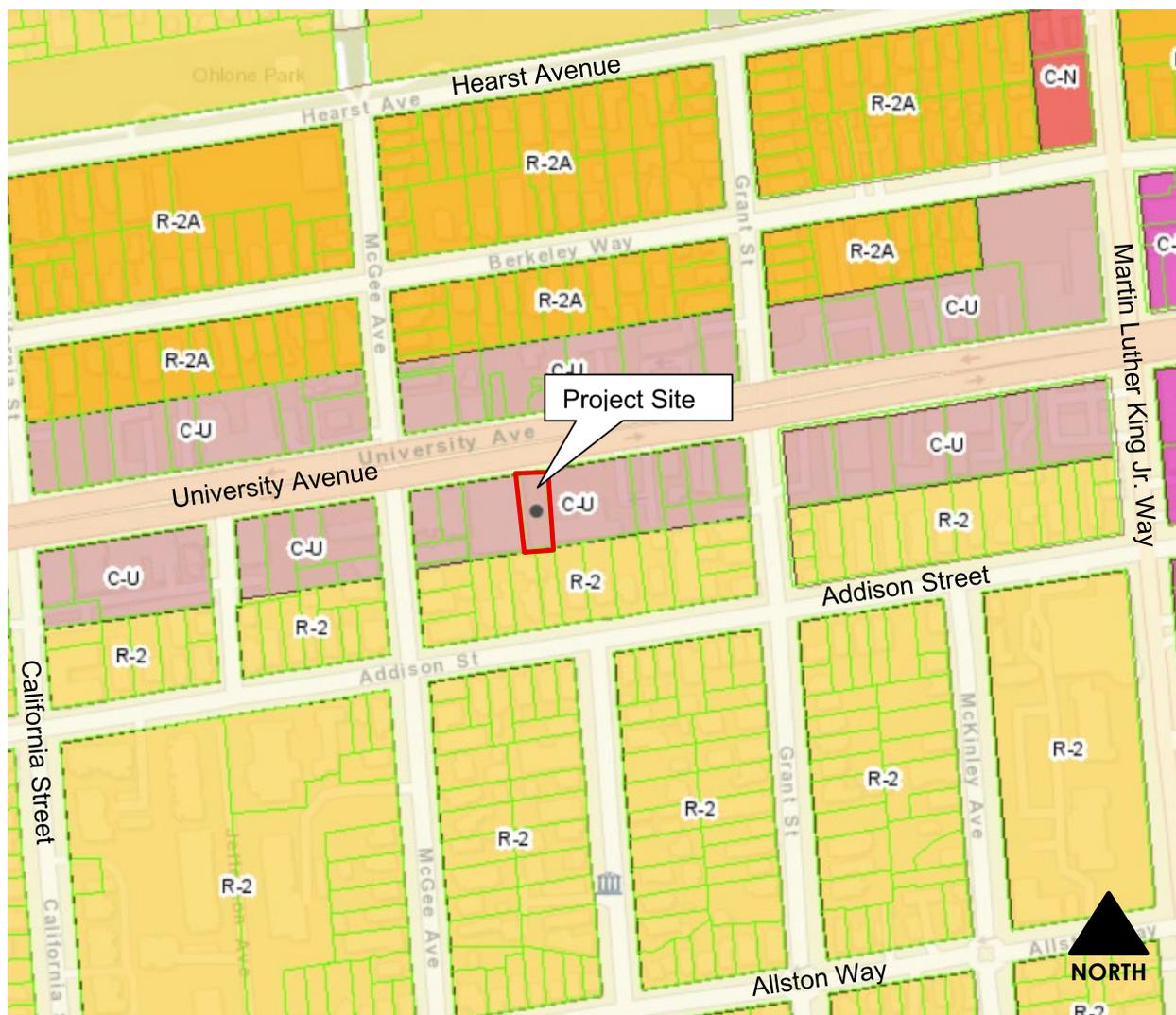
January 22, 2026

**Use Permit at 1740 University Avenue**



Quick Facts	Project Description:
<p><b>Applicant:</b> The Bay Architects, Jim Novosel</p> <p><b>Property Owner:</b> Athan Magganas</p> <p><b>Project Address:</b> 1734-1740 University Avenue</p> <p><b>Site Size:</b> 6,900 sq. ft.</p> <p><b>GP Land Use:</b> AC, Avenue Commercial</p> <p><b>Zoning:</b> C-U, University Commercial within University Avenue Strategic Plan, outside of Node Overlay Area</p> <p><b>CEQA:</b> Categorically Exempt pursuant to Section 15332 (“In-Fill Development Projects”)</p> <p><b>Date Submitted:</b> August 19, 2025</p> <p><b>Date Deemed Complete:</b> September 15, 2025</p> <p><b>Project Planner:</b> Vicky Schlepp</p>	<p>The applicant is seeking approval to convert an existing 12,503 square foot, 2-story commercial building into a mixed-use building with 12 residential apartments and 3 ground floor commercial units.</p>
	<p style="text-align: center;"><b>Zoning Permits Requested:</b></p> <p>A Use Permit Public Hearing is required for the following permits:</p> <ol style="list-style-type: none"> <li><b>New Use.</b> BMC Section 23.204.020(A), <b>“Allowed Land Uses”</b> to construct a mixed-use development;</li> <li><b>New Construction.</b> BMC Section 23.204.060(B)(3) <b>“Ground Floor Residential Uses”</b>, to establish residential uses on the ground floor;</li> <li><b>Modify Standards.</b> BMC Section 23.204.060(D)(3), <b>“Modification to Standards – Mixed-Use Open Space”</b> to modify minimum open space requirement for a mixed-use project*;</li> <li><b>Setbacks.</b> <b>“Nonconforming Setbacks and Height”</b> BMC 23.324.050(D)(2), administrative use permit to alter a portion of a building projecting into a minimum required front setback*; and</li> <li><b>Design Review.</b> Under application DRCP2025-0007 pursuant to BMC Section 23.406.070(B), <b>“Design Review”</b> for a project in a Non-Residential District.</li> </ol> <p>*Denotes required findings.</p>
	<p style="text-align: center;"><b>Staff Recommendation:</b></p> <p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) and approve ZP2025-0079 pursuant to Section 23.406.040 (E) (1-5) <b>“Findings for Approval”</b> and subject to the attached Findings and Conditions of Approval.</p>

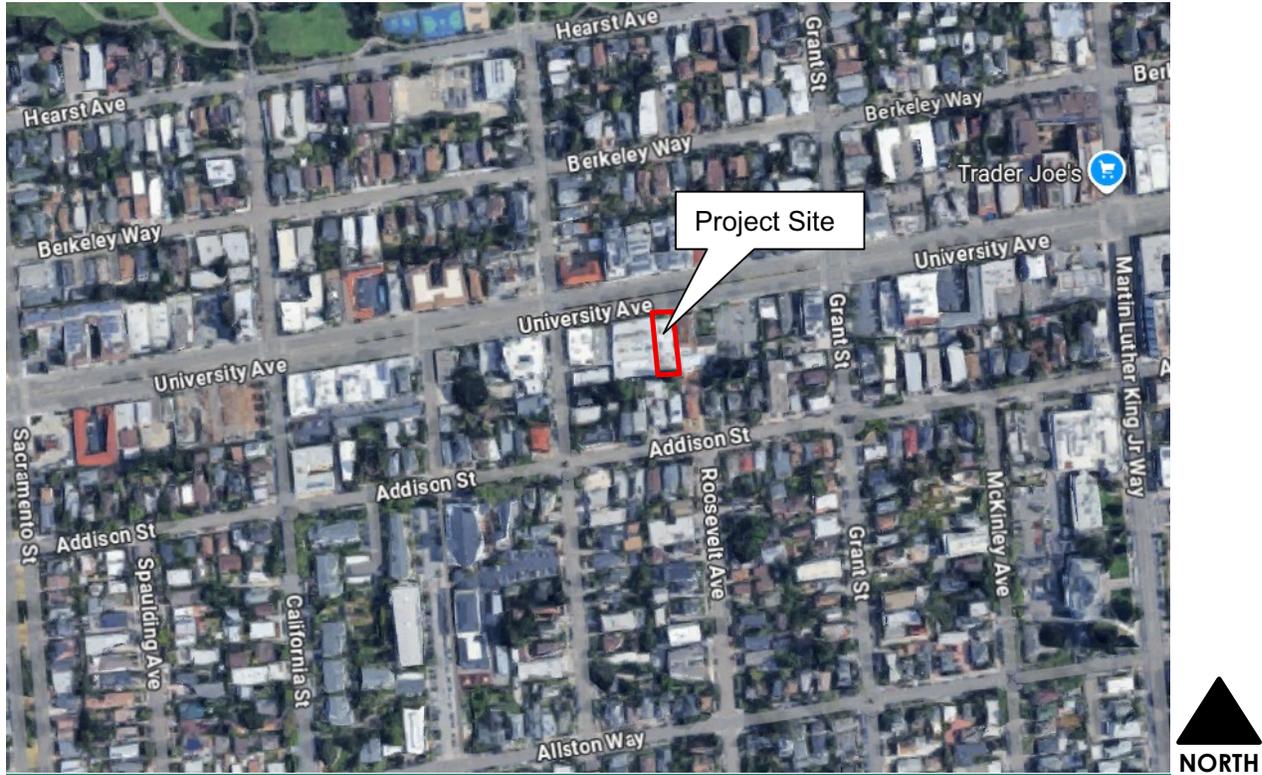
**ZONING MAP**



**Figure 1: Vicinity and Zoning Districts Map**

Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	AC: Avenue Commercial	C-U: University Commercial	Mixed-Use Building
South	MDR: Medium Density Residential	R-2: Residential Multi-Unit 2	Single-Family and Multi-Family Dwellings
East	AC: Avenue Commercial	C-U: University Commercial	Church
West	AC: Avenue Commercial	C-U: University Commercial	Mixed-Use Building

**AERIAL**



**STREET ELEVATION**



## **BACKGROUND**

### **Subject Site**

The subject site is located mid-block on the south side of University Avenue between McGee Avenue and Grant Street within the University Avenue Strategic Plan, outside of a node overlay. The building is constructed up to the front and side property lines and is setback approximately 10-feet from the rear property line, which abuts the Residential Multi-Unit 2 (R-2) Zoning District. The properties adjacent to the rear property line are developed with single-family and multi-family residential dwellings.

The surrounding area along University Avenue consists of small-scale commercial uses such as food service, retail, and personal services, within the ground floor of mixed-use buildings. A church with surface parking is located to the east, adjacent to the site. The buildings on this block are generally two to three stories in height. The confronting properties across University Avenue are mixed-use buildings and a motel which range from two to five stories.

The site is well served by public transit. Both the Downtown Berkeley and North Berkeley BART stations are within approximately one-half mile. The site is located along a major bus corridor where there is frequent Alameda-Contra Costa Transit (AC Transit) bus service, including a bus stop across the street and another one block away which has five bus lines. Additional major transit corridors, including Sacramento Street, Martin Luther King Jr. Way, and Shattuck Avenue, are within walking distance.

### **Site History**

The site was developed in 1930 with a two-story commercial building, with two ground floor storefronts and second floor office space. The building historically had uses related to sales and fabrication of scientific instruments and later operated as Al Lasher's Electronics store from 1960 until approximately 2020. The building is currently vacant.

A building permit application (B2025-03780) is currently under review for seismic retrofit work under the unreinforced masonry seismic hazard mitigation and retrofit grants program.

## **ANALYSIS**

### **Project Scope**

The proposed project would convert the existing commercial building into a mixed-use development consisting of three ground floor commercial tenant spaces and 12 residential apartments on the first and second floors. All residential units are one-bedroom, one-bathroom units. All work will occur within the existing building envelope.

No new window or door openings are proposed. Existing windows and the rear doors will remain in the same locations and remain the same size but will be replaced as necessary to comply with accessibility and egress requirements of the Building Code. Residential bedrooms would have operable egress windows. The three doorways within the front setback will change slightly. The main door will swing out and have a level landing. The far-left door would be recessed from its current flush location as the building code requires it to swing out, not over the property line. An interior courtyard would be created by removing a portion of the roof and building interior to provide light and usable open space for residents. Two ground floor residential units would have direct access to the rear yard for additional open space.

Exterior changes would be minor and would maintain the character of the building. Existing façade materials and character defining features will be maintained and cleaned.

No vehicle parking is provided or proposed on the project site. The project is located in a High Quality Transit Corridor where there is frequent transit service; therefore, parking is not required pursuant to Assembly Bill (AB) 2097. Bicycle parking will be provided for both residential and commercial uses.

### Findings

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

### Environmental Review

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) because:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The project site is within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Additionally, none of the exceptions to eligibility for a categorical exemption as listed in Section 15300.2 of the CEQA Guidelines applies. The cumulative impact of successive projects of the same type in the same place, over time would not be significant; there are no “unusual circumstances” at the project site that would result in significant environmental effects; the project site is not in view of a state scenic highway; the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code; and the project would not result in a substantial adverse change in the significance of a historical resource.

### ADVISORY BODY REVIEW

#### Design Review

The project proposes minor exterior alterations to a building in a commercial zoning district and is subject to design review. Proposed changes are to front and rear doorways and windows due to accessibility and Building Code requirements. It is the recommendation of Design Review Staff and the Design Review Committee Chair that the project be reviewed at staff level. Design Review Staff reviewed the project (Design Review #DRCP2025-0007) and concluded that the project would be compatible with its mixed-use neighborhood, as well as the nearby residential neighborhood from a design standpoint.

## POLICY CONSISTENCY

### General Plan Consistency

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy LU-23-Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above average-transit service.
4. Policy LU-27 Avenue Commercial Areas: Maintain and improve Avenue Commercial areas as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
  - Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.
  - Provide bicycle facilities and ample and secure bicycle parking wherever appropriate and feasible.
  - Encourage sensitive infill development of vacant or underutilized property that is compatible with existing development patterns.
  - Maintain and improve the historic character of Avenue Commercial areas with design review and careful land use decisions.
5. Policy LU-27 University Avenue Strategic Plan: Implement the University Avenue Strategic Plan and take action to achieve the six goals of the Plan:
  - Increase public safety for residents, merchants, and customers.
  - Revitalize the University Avenue corridor through appropriate economic development and housing.
  - Protect and improve neighborhood quality of life.
  - Encourage more pedestrian-oriented development and an appropriate mix of uses to improve neighborhood identity.
  - Enhance University Avenue as a gateway to the city, a series of neighborhoods, and the Downtown.
  - Coordinate and enhance public transit systems, pedestrian access, and bicycle circulation.
6. Policy T-16 – Access by Proximity  
Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.  
Action E: In locations served by transit, consider reduction or elimination of parking

requirements for residential development.

7. Policy T-43 – Bicycle Network

Action C: Encourage, and when appropriate require, new multi-family residential developments to provide secure locker space for resident bicycles.

8. Policy H-19 – Regional Housing Needs

Encourage adequate housing production to meet the housing production goals for the City's share of regional housing needs.

Staff Analysis: The project would add residential density to a lot developed with a commercial building with minor alternations to the exterior of the existing building. The project would be consistent with C-U District zoning standards, such as height, floor area ratio, and lot coverage. The project would be consistent with the Avenue Commercial General Plan designation because it would maintain a pedestrian-oriented commercial use and add residential uses within a building located on a wide, multi-lane avenue served by transit. The project site is served by multiple bus lines, including local and Transbay lines, that operate along University Avenues, and nearby BART Stations at North Berkeley and Downtown. The proposed project would: provide secure long term and short term interior bike storage for residents, help Berkeley meet its regional housing needs by adding 12 new units, and activate an underutilized building which would revitalize this area of University Avenue and improve the neighborhood quality.

**University Avenue Strategic Plan Consistency:**

The 1996 University Avenue Strategic Plan contains policies applicable to the project, including the following:

1. Policy 6: Strengthen University Avenue as a mixed-use residential and commercial boulevard. Encourage lower density mixed-use outside of nodes. Protect and enhance the lower density character of the surrounding neighborhood.
2. Policy 8: New and renovated buildings should be designed with pedestrians and safety in mind. Building improvements should help to reinforce both the concept of “Nodal Development” and the differences between neighborhoods.
3. Policy 9: Encourage property owners to rehabilitate, restore, and maintain existing commercial and residential properties in the University Avenue Study Area.
4. Policy 14: Encourage a diversity of new housing opportunities in the University Avenue Study Area, in terms of tenure, income, and unit type. Provide incentives for developers to build new urban housing along University Avenue.

Staff Analysis:

The project is consistent with relevant policies in the adopted University Avenue Specific Plan in that it will develop a lower density, mixed-use building compatible with the adjacent lower density residential neighborhood to the south. No changes are proposed to the building massing or openings along the rear façades, thereby creating a residentially compatible rear façade and preserving the existing front façade to be pedestrian-oriented. The project rehabilitates a low-rise and underutilized structure, visually improves the

University Avenue corridor and supports reinvestments in existing properties. By adding 12 housing units, including three affordable units (two very-low income units and one low-income unit), with ground floor commercial use, the project would be consistent with the University Avenue Strategic Plan, which encourages development of new mixed-use infill projects.

### **Attachments**

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Findings
3. Conditions of Approval
4. Project Plans, January 6, 2026
5. Applicant Statement
6. Notice of Public Hearing

**Attachment 1**

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

**Table 1: Project Chronology**

Date	Action
August 19, 2025	Application Submitted
August 27, 2025	Application deemed incomplete
September 4, 2025	Application resubmitted
September 15, 2025	Application deemed complete
October 14, 2025	Application processing <sup>a</sup>
October 20, 2025	Application resubmittal
January 9, 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. The project includes less than 7,500 square feet of net new commercial space. Therefore, 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)	Yes	The project is a housing development project, as defined in BMC 23.328.020 <sup>a</sup> , and would provide 20 percent of the total residential units as on-site Below Market Rate (BMR) units.
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 project does not involve exterior changes.
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 is under 50,000 square feet and does not meet the definition of a "Covered Project" under the Hard Hats Ordinance, therefore these provisions do not apply.

Characteristic	Applicability	Explanation
Historic Resources	No	The project involves minor exterior changes to the building that were reviewed by Design Review staff under DRCP2025-0007.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project proposes a mixed-use residential building, and meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>b</sup> . The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act /applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section V.A of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>b</sup> . See Section V.B of this report for additional discussion on the sections of SB 330 that apply to the project.
Rent Controlled Units	No	There are no rent controlled units on this site.
Residential Preferred Parking (RPP)	No	The site is located within RPP zone C, however, the project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the <a href="#">State Seismic Hazard Zones</a> map. <sup>c</sup>
Soil/Groundwater Contamination	No	The site is not on the Cortese List. <sup>d</sup> The site is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply.
Transit	Yes	The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ¼ mile of the site (lines 51B, 52, 88, 604,800), and is approximately 0.5 miles from the Downtown Berkeley Bay Area Rapid Transit (BART) Station and the North Berkeley BART Station.
<p>Notes: 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: <a href="https://maps.conservation.ca.gov/geologic Hazards/">https://maps.conservation.ca.gov/geologic Hazards/</a></p> <p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

**Table 3: C-U Zoning District Development Standards BMC Sections 23.204.060 and 23.322  
Parking and Loading**

Standard		Existing	Addition/ (Reduction )	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		6,900	No change	No change	No minimum
Gross Floor Area (sq. ft.)		12,503	(-2,837)	9,666	17,205
Floor Area Ratio		1.8	(-0.4)	1.4	2.5
Commercial Floor Area		12,351	(-10,517)	1,834	1,032 min.
Dwelling Units	Total	0	+12	12	n/a
	Bedrooms	0	+12	12	n/a
Building Height (ft. - in.)	Maximum	30'-6"	No change	No change	36' max./ 3 stories
Building Setbacks (ft. - in.)	Front (north) (University Ave)	0'	No change	No change	2' average
	Interior Side (west)	0'	No change	No change	No minimum
	Interior Side (east)	0'	No change	No change	No minimum
	Rear (south)	12'-6" average	No change	No change	12'-6" (10% of lot depth)
Usable Open Space (sq. ft.)		620	+927	1,547	2,400 (200 sq.ft./unit)
Automobile Parking		0	No change	0	No minimum
Bicycle Parking	Commercial (1,834 sq. ft.)	0	+1	1	1 per 2,000 sq.ft.
	Residential & Live/Work <sup>d</sup> – Long Term	0	+4	4	1 per 3 bedrooms
	Residential & Live/Work <sup>d</sup> – Short Term	0	+2	2	2
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes: <a href="#">AB-2097</a> , 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.					



## Zoning Adjustments Board Findings

**APP # ZP2025-0079**  
**Use Permit at 1740 University Avenue**

January 22, 2026

Quick Facts	Project Description:
<p><b>Applicant:</b> The Bay Architects, Jim Novosel</p> <p><b>Property Owner:</b> Athan Magganas</p>	<p>The applicant is seeking approval to convert an existing 12,503 square foot, 2-story commercial building into a mixed-use building with 12 residential apartments and 3 ground floor commercial units.</p>
<p><b>Project Address:</b> 1734-1740 University Avenue</p>	<p style="text-align: center;"><b>Zoning Permits Requested:</b></p>
<p><b>Site Size:</b> 6,900 sq. ft.</p>	<p>A Use Permit Public Hearing is required for the following permits:</p>
<p><b>GP Land Use:</b> AC, Avenue Commercial</p>	<p>1. <b>New Use.</b> BMC Section 23.204.020(A), <b>“Allowed Land Uses”</b> to construct a mixed-use development;</p>
<p><b>Zoning:</b> C-U, University Commercial within University Avenue Strategic Plan, outside of Node Overlay Area</p>	<p>2. <b>New Construction.</b> BMC Section 23.204.060(B)(3) <b>“Ground Floor Residential Uses”</b>, to establish residential uses on the ground floor;</p>
<p><b>CEQA:</b> Categorically Exempt pursuant to Section 15332 (“In-Fill Development Projects”)</p>	<p>3. <b>Modify Standards.</b> BMC Section 23.204.060(D)(3), <b>“Modification to Standards – Mixed-Use Open Space”</b> to modify minimum open space requirement for a mixed-use project*;</p>
<p><b>Date Submitted:</b> August 19, 2025</p>	<p>4. <b>Setbacks.</b> <b>“Nonconforming Setbacks and Height”</b> BMC 23.324.050(D)(2), administrative use permit to alter a portion of a building projecting into a minimum required front setback*; and</p>
<p><b>Date Deemed Complete:</b> September 15, 2025</p>	<p>5. <b>Design Review.</b> Under application DRCP2025-0007 pursuant to BMC Section 23.406.070(B), <b>“Design Review”</b> for a project in a Non-Residential District.</p>
<p><b>Project Planner:</b> Vicky Schlepp</p>	<p>*Denotes required findings.</p>
	<p style="text-align: center;"><b>Staff Recommendation:</b></p>
	<p>Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”) and approve ZP2025-0079 pursuant to Section 23.406.040 (E) (1-5) <b>“Findings for Approval”</b> and subject to the attached Findings and Conditions of Approval.</p>

## CEQA

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### Categorical Exemption

The project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”).

Evidence: The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations. The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services. 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 significant cumulative impacts, (c) there are no significant effects due to unusual circumstances, (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 will not affect an historical resource.

### **FINDINGS FOR APPROVAL**

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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 people residing or visiting the area or neighborhood of the proposed use because the existing two-story building, originally constructed in 1930, will maintain the existing building shell from 1930. The project will activate an underutilized building, provide housing, revitalize vacant storefronts, prevent further deterioration and blight, all which will positively impact the surrounding area.

- (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 all changes will occur within the existing

building shell, with only minor exterior modifications. The building height will remain the same, resulting in no new shadow or view impacts. Rear-façade window and door openings will remain the same size and in the same locations, preserving existing views. The two rear doors will serve residential units only and will no longer provide access to the commercial spaces; along with the average 10-foot rear setback, this change is compatible with the abutting residentially zoned neighborhood to the south along Addison Street,

The project will revitalize the building, enhance the streetscape along University Avenue, support commercial activity, provide bicycle parking, and is located near public transit. Overall, the project will improve the University Avenue frontage and encourage economic activity in the immediate area. In addition, the findings for required discretionary permits are satisfied per the evidence in 2 and 3 below.

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.

### **Housing Accountability Act**

The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

#### **Evidence:**

The project includes construction of 12 residential units. Because the project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

### **Code Sections**

#### **University Commercial District (C-U)**

As required by BMC 23.204.060(E) "*Permit Findings*". To approve an AUP or Use Permit for a project in the C-U district, the review authority must make the findings in Section [23.406.040](#) (Use Permits) and find that the proposed use or structure:

1. Is compatible with the purpose of the district;
2. Is compatible with the surrounding uses and buildings;

3. Does not interfere with the continuity of retail and service facilities at the ground level; and
4. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

Evidence:

Per BMC 23.204.060(A), the purpose of the C-U University Commercial district is to:

1. Implement the General Plan’s designations for Avenue Commercial areas;
2. Provide locations for a wide variety of activities along thoroughfares;
3. Encourage development in underutilized neighborhood and community shopping areas; and
4. Promote development compatible with adjacent commercial and residential areas.
5. Implement the University Avenue Strategic Plan by:
  - (a) Increasing public safety for residents, merchants, and customers;
  - (b) Revitalize the University Avenue corridor through appropriate economic development and housing;
  - (c) Protecting and improving neighborhood quality of life;
  - (d) Encourage more pedestrian-oriented development and an appropriate mix of uses to improve neighborhood identity;
  - (e) Enhancing University Avenue as a gateway to the city, a series of neighborhoods, and the downtown;
  - (f) Coordinating and enhance public transit systems, pedestrian access, and bicycle circulation; and
  - (g) Encouraging a concentration of commercial activity at the designated nodes.

The project is compatible with the purposes of the C-U University Commercial District because it adaptively reuses an underutilized commercial building to provide ground-floor commercial spaces and 12 residential units, implementing the General Plan’s Avenue Commercial designation. It is compatible with surrounding uses and buildings, by maintaining the existing building’s scale, massing, and character-defining features. The project preserves the continuity of commercial storefronts at the ground level. The intensity of use is appropriate for the site, as no vehicle parking is proposed, the site is located within a high-quality transit corridor, and bicycle parking is provided, ensuring that the project can be supported by the available traffic capacity and transit options. In addition, the project revitalizes the corridor, enhances pedestrian access, improves public safety, and implements the University Avenue Strategic Plan goals by strengthening neighborhood identity and encouraging mixed-use development along the Avenue.

**Modifications to Standards**

As required by BMC Section 23.204.060(D)(3) “**Modification to Standards—Mixed-Use Open Space**”, the ZAB may modify minimum usable open space for mixed use projects and exclusive residential uses (200 sq.ft. per dwelling unit) with a Use Permit. To approve the modification, the ZAB must find that the modification achieves one or more of the following:

- i. Encourages use of the ground floor for commercial purposes where appropriate.
- ii. Encourages utilization of public transit and existing off-street parking facilities in the area of the proposed building.
- iii. Facilitates the construction of residential or tourist hotel uses where appropriate.
- iv. Permits consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose.

Evidence:

The proposed modification to the open space standard allows the project to accommodate residential units while maintaining ground-floor commercial space. The reduced ground-floor open space encourages storefront activity along the street, facilitates residential development in a transit-served area, and maintains consistency with existing building setbacks where a residential setback would not serve a practical purpose.

**Nonconforming Setbacks**

As required by BMC Section 23.324.050(D)(2)(a) “**Nonconforming Setbacks and Height**”, an AUP is required to alter a portion of a building projecting into a minimum required setback. The Zoning Officer may approve the AUP only if:

- A. The addition or enlargement does not increase or exacerbate any nonconforming setbacks; and

Evidence: The front façade abuts the front property line. A two foot setback is required at all sidewalk pedestrian entries. The three existing entryways will be modified to provide Building Code compliant accessibility. These improvements occur within the existing nonconforming front setback and will not increase or exacerbate the nonconformity, as the building’s front setback will remain unchanged.

- B. The addition or enlargement does not exceed maximum or calculated height limits.

Evidence: The project will not increase the height of the building.

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

- (a) The proposed land use; and

Evidence: The proposed land use meets the findings for approval because the proposed use aligns with the purposes of the C-U zoning District and the General Plan. The proposed mixed-use configuration supports the intended land use pattern for University Avenue by retaining commercial uses along a major thoroughfare and

activating the site with residential units. The project reuses and revitalizes an underutilized property, encouraging economic activity consistent with the district's purpose of strengthening neighborhood and community shopping areas.

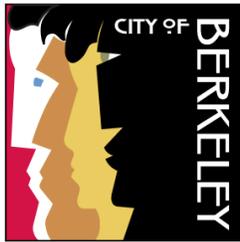
The project implements the goals of the C-U District and the University Avenue Strategic Plan by revitalizing the corridor with housing and economic development, improving safety through increased occupancy and activity, encouraging pedestrian-oriented development, and supporting public transit, bicycle circulation, and walkability. The use is compatible with surrounding commercial and residential areas and contributes to enhancing University Avenue as a key gateway to the downtown area.

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

Evidence: The proposed project will maintain the existing building shell to accommodate a change in use from commercial to mixed-use.

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 January 6, 2026, and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



PLANNING AND  
DEVELOPMENT

# USE PERMIT ZP2025-0079

## CONDITIONS OF APPROVAL

January 22, 2026

### 1740 University Avenue

Use Permit #ZP2025-00 to convert an existing 12,503 square foot, 2-story commercial building into a mixed-use building with 12 residential apartments and 3 ground floor commercial units.

#### I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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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 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.

**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 #

**11. Address Assignment.** The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned in accordance with BMC Section 16.28.030 Assignment and Installation of Numbers, and, except for new buildings on vacant lots, entered into the City's database after the building permit is issued but prior to final inspection.

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

- 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.
- 13. 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. 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 \(arcgis.com\)](#)
- 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**

**14. Percent for Public Art.** Consistent with BMC Section 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

**15. HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

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

- 17. 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](mailto:RecyclingProgram@berkeleyca.gov).
- 18. 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.

**AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS**

- 19. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan (“AHCP”) must be certified by the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.
- 20. Below Market Rate Units.** Two Very-Low Income, and one Low Income Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All BMR units are required to comply with the stricter of the BMC Section 23.328.030(A) Affordable Housing Requirements.

Summary table of project BMR units		
Code Section	Very-Low Income (50% AMI)	Low Income (80% AMI)
BMC Chapter 23.328 (Inclusionary Housing)	2	1
<b>Total</b>	2	1

- 21. Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915, BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property’s obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328. The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

**22. Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is \$0. Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.

**Prior to Demolition or Start of Construction:**

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**23. 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:**

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**24. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

**25. 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.

**26. 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
- 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.

**27. 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.

- 28. 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.)
- 29. 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.
- 30. 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 wastewater 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.
- 31. 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.
- 32. 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.

- 33. 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.
- 34. 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.
- 35. 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.
- 36. 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.
- 37. 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:**

- 38. 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.
- 39.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated January 6, 2026.
- 40. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.
- A.** Consistent with BMC Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.

- B.** Consistent with BMC Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all residents.
- i. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit.
  - ii. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited adult monthly pass for unlimited local bus transit service monthly local bus pass.
- C.** Consistent with BMC Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- D.** Property owners may be required to pay administrative fees associated with compliance with this Condition.

**At All Times:**

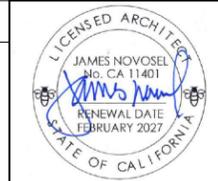
- 41. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 42. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 43. 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.
- 44. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 45. 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.
- 46. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 47. 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.

- 48. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.
- 49. Required Bike Parking.** Secure and on-site bike parking for at least 6 bicycles shall be provided for the life of the building.
- 50. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

<b>ZONING CODE INFO:</b>		<b>BUILDING CODE INFO:</b>	
APN:	056 201 102200	OCCUPANCY:	EXISTING: M PROPOSED: R-2
ZONING DISTRICT:	C-U UNIVERSITY COMMERCIAL	CONSTRUCTION TYPE:	EXISTING: 111-A PROPOSED: 111-A
ZONING USE:	EXISTING: COMMERCIAL PROPOSED: RESIDENTIAL & RETAIL	BUILDING HEIGHT:	EXISTING: TWO STORIES PROPOSED: TWO STORIES
ZONING PERMITS REQUIRED:	-USE PERMIT REQ'D FOR MIXED-USE RESIDENTIAL -USE PERMIT TO REDUCE USABLE OPEN SPACE	BUILDING AREA:	EXISTING: ±12,503 SF PROPOSED: ±9,381 SF

## 1734-1740 UNIVERSITY AVE: PROPOSED 12 APARTMENT UNITS & 3 RETAIL TENANT SPACES AT AN EXISTING COMMERCIAL BUILDING

**STREET VIEW:**



PROJECT:  
CONVERSION OF AN EXISTING COMMERCIAL BUILDING INTO MIXED-USE RETAIL & RESIDENTIAL UNITS

1734-1740  
UNIVERSITY AVENUE,  
BERKELEY, CA 94703  
ZP#2025-0079

**PROJECT DESCRIPTION:**

THESE DRAWINGS ARE FOR A PROPOSED CONVERSION OF COMMERCIAL SPACE INTO 12 RESIDENTIAL UNITS AND 3 GROUND FLOOR RETAIL SPACES AT 1734-1740 UNIVERSITY AVENUE.

THE PROPERTY CONTAINS A TWO-STORY COMMERCIAL BUILDING WITH TWO GROUND FLOOR TENANT SPACES AND ONE 2ND FLOOR TENANT SPACE. THE PROJECT WILL CONVERT THE BUILDING INTO A MIXED-USE BUILDING WITH 12 RESIDENTIAL APARTMENTS AND 3 RETAIL SPACES ON THE GROUND FLOOR. THE UNITS WILL HAVE ONE BEDROOM AND ONE BATHROOM. AN INTERIOR COURTYARD WILL BE CREATED FOR LIGHT AND OPEN SPACE.

THE BUILDING'S EXTERIOR AND FACADE APPEARANCE WILL BE GENERALLY MAINTAINED. WINDOWS WILL BE REPLACED FOR EGRESS AND ENERGY EFFICIENCY, BUT WILL MAINTAIN THE HISTORIC LOOK OF THE BUILDING. EXTERIOR FACADE MATERIALS AND FEATURES WILL BE MAINTAINED AND CLEANED.

ARCHITECT OF RECORD:  
JAMES NOVOSEL

**the bay architects**

1840b alcatraz ave  
berkeley, ca 94703  
510.420.1484  
fax 510.420.1165  
www.bayarch.com  
bayarch@pacbell.net

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**DRAWING LIST:**

- AO.1 COVER SHEET
- AO.4 EXISTING / DEMO FLOOR PLANS
- AO.5 EXISTING / DEMO ROOF PLAN
- AO.6 PRELIMINARY AFFORDABLE HOUSING COMPLIANCE PLAN
- A1.0 PROPOSED SITE PLAN
  - A1.0.1 LANDSCAPE & USABLE OPEN SPACE PLAN
  - A1.0.2 LOT COVERAGE DIAGRAMS
- A1.1 PROPOSED FLOOR PLANS
- A1.2 PROPOSED ROOF PLAN
- A2.1 EXISTING ELEVATIONS & SECTION
- A2.2 PROPOSED ELEVATIONS
- A2.3 COURTYARD ELEVATIONS
- A3.1 PROPOSED SECTIONS

CLIENT:  
ATHAN MAGGANAS  
3051 ADELINE STREET  
BERKELEY, CA 94703

**ZONING REQUIREMENTS:** C-U ZONING DISTRICT

	REQUIRED / ALLOWED	EXISTING	PROPOSED
LOT AREA	N/A	6,882 SF	NO CHANGE
GROSS FLOOR AREA	N/A	6,242 SF + 6,261 SF = 12,503 SF	4,782 SF + 4,884 SF = 9,666 SF
FAR	2.5	12,503 SF / 6,882 SF = 1.82	9,666 SF / 6,882 SF = 1.4
BUILDING HEIGHT: - MINIMUM - MAXIMUM	30', 2 STORIES MINIMUM 36', 3 STORIES MAXIMUM	30'-6" AVE HEIGHT (SEE 1/A2.1)	NO CHANGE (SEE 1/A2.2)
SETBACKS: - FRONT - REAR - SIDE (LEFT) - SIDE (RIGHT)	2' FRONT 10' OR 10% LOT DEPTH, WHICHEVER IS LESS = 10' 0' 0'	0' 10'-7" TO 14'-3" 0' 0'	NO CHANGE (SEE 5/AO.1)
LOT COVERAGE	MIXED-USE 100% = 6,882 SF	6,261 SF / 6,882 SF = 91% (SEE 2/A1.0.2)	5,759 SF / 6,882 SF = 84% (SEE 1/A1.0.2)
USEABLE OPEN SPACE: 200 SF / UNIT	200 SF / UNIT = 200 SF X 12 UNITS = 2,400 SF	620 SF AT REAR OF LOT (SEE 1/AO.4)	1,547 SF (SEE A1.0.1)
PARKING	RESIDENTIAL = NONE REQ'D COMMERCIAL = 2 PER 1,000 SF  2 REQ'D FOR 1,834 SF	NONE	NONE
BIKE PARKING	LONG TERM RESID. = 1 PER 3 BR X 12 BR = 4 STALLS SHORT TERM RESID. = 1 PER 40 BR, OR 2 = 2 STALLS	NONE	4 LONG TERM 2 SHORT TERM 6 TOTAL (SEE 1/A1.1) (+2 AT SIDEWALK (SEE 3/AO.1))

**NEIGHBORHOOD SIGNATURES:**

I HAVE REVIEWED THE PLANS FOR A PROPOSED MIXED-USE PROJECT OF 12 APARTMENTS AND RETAIL LOCATED AT AN EXISTING COMMERCIAL BUILDING AT 1734-1740 UNIVERSITY AVENUE.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
Jon [Signature]	[Signature]	1715 ADDISON	OWNER	8/9/25			
		1721 ADDISON				HOME IS UNDER REMODELING. OWNER OUT OF TOWN, TRIED MULTIPLE TIMES TO OBTAIN SIGNATURE.	
		1719 ADDISON				OWNER HAS NOT BEEN HOME FOR OVER TWO WEEKS - TRIED EVERY DAY TO OBTAIN SIGNATURE.	



**SITE**  
1734-1740 UNIVERSITY AVENUE

**COVER SHEET**  
AO.1  
DRAWING SHEET

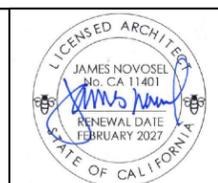
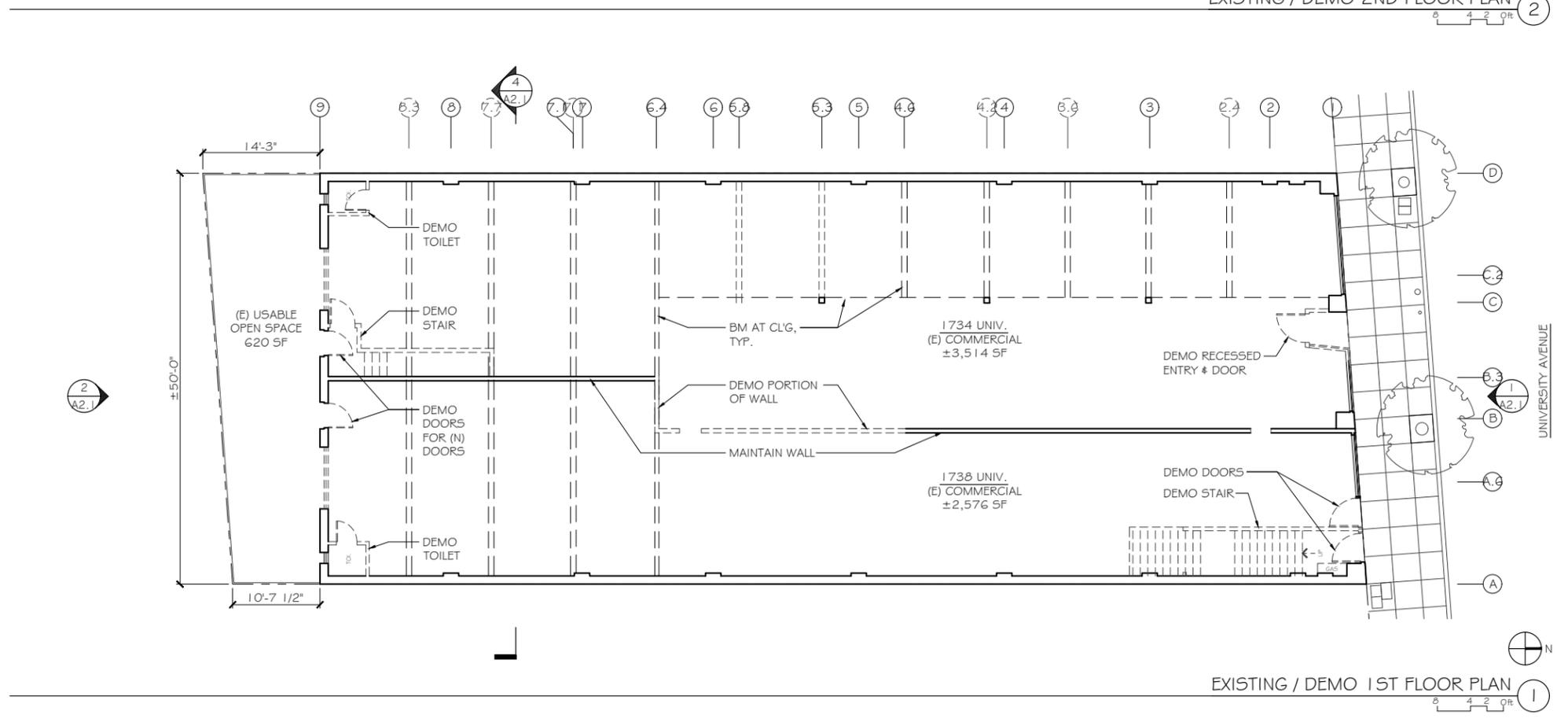
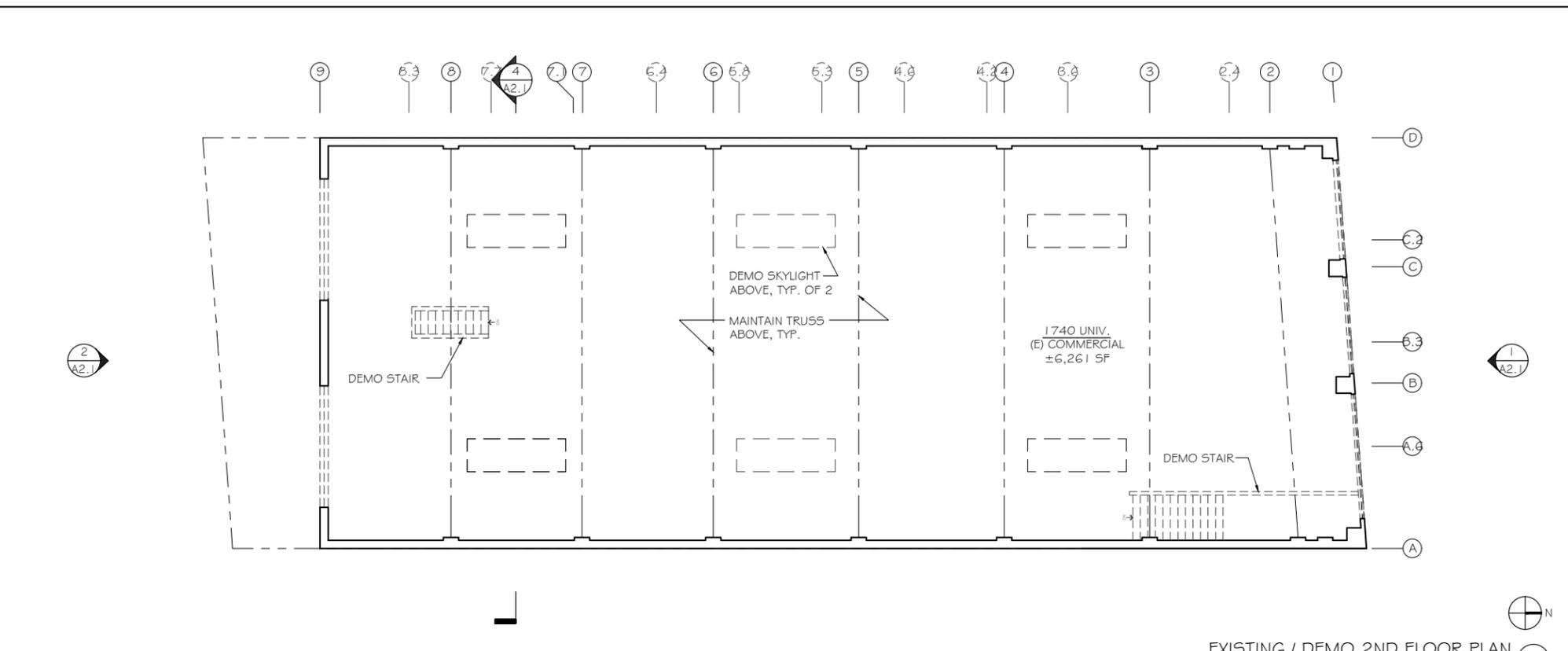
PRINT DATE / PURPOSE  
08/18/25 ZONING SUBMITTAL  
09/03/25 ZONING REVISIONS  
01/06/26 ZONING REVISIONS

**LEGEND**

- PROPERTY LINE
- ==== (E) WALL
- - - - (E) WALL TO DEMOLISH
- SOFFIT LINE ABOVE

**DEMO NOTES:**

1. VERIFY IN FIELD ALL EXISTING CONDITIONS.



PROJECT:  
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 1734-1740 UNIVERSITY AVENUE, BERKELEY, CA 94703  
 ZP#2025-0079

ARCHITECT OF RECORD:  
 JAMES NOVOSEL

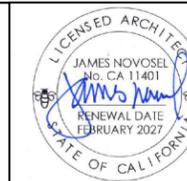
**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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CLIENT:  
 ATHAN MAGGANAS  
 3051 ADELINE STREET  
 BERKELEY, CA 94703

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EXISTING / DEMO FLOOR PLANS  
**AO.4**  
 DRAWING SHEET



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 MIXED-USE RETAIL &  
 RESIDENTIAL UNITS  
 1734-1740  
 UNIVERSITY AVENUE,  
 BERKELEY, CA 94703  
 ZP#2025-0079

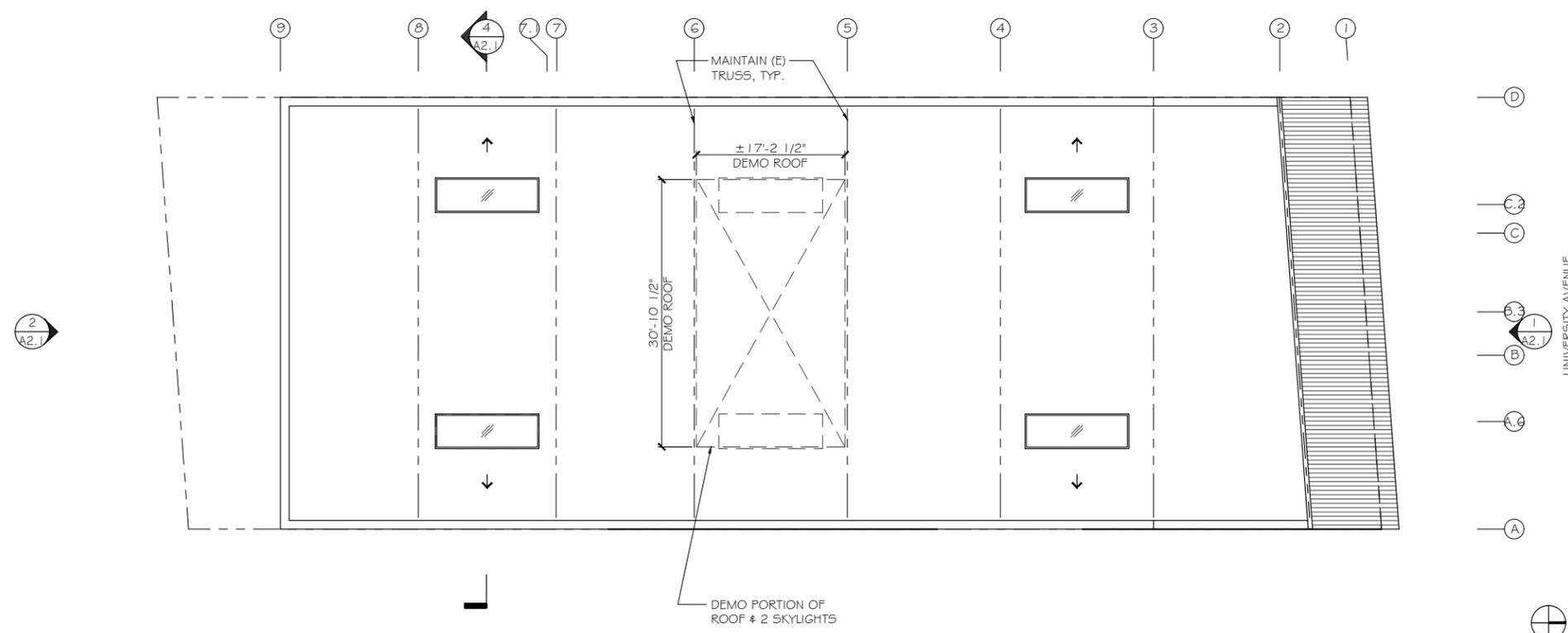
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 berkeley, ca 94703  
 510.420.1484  
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EXISTING / DEMO ROOF PLAN  
 0 4 8 ft

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09/03/25	ZONING REVISIONS

EXISTING / DEMO  
 ROOF PLAN

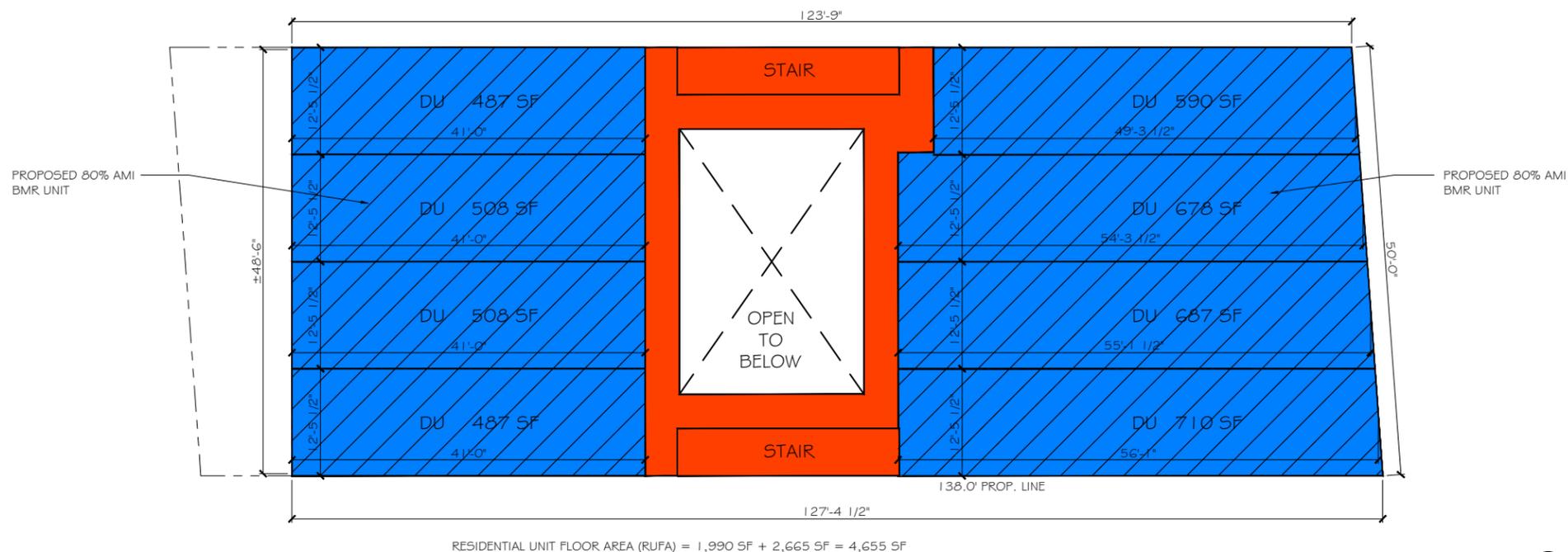
**A0.5**

DRAWING SHEET

**LEGEND**

-  PROPERTY LINE
-  RESIDENTIAL UNIT FLOOR AREA (RUFA)
-  DWELLING UNITS (DU)
-  COMMERCIAL
-  RESIDENTIAL AMENITIES
-  MISC.
-  USABLE OPEN SPACE

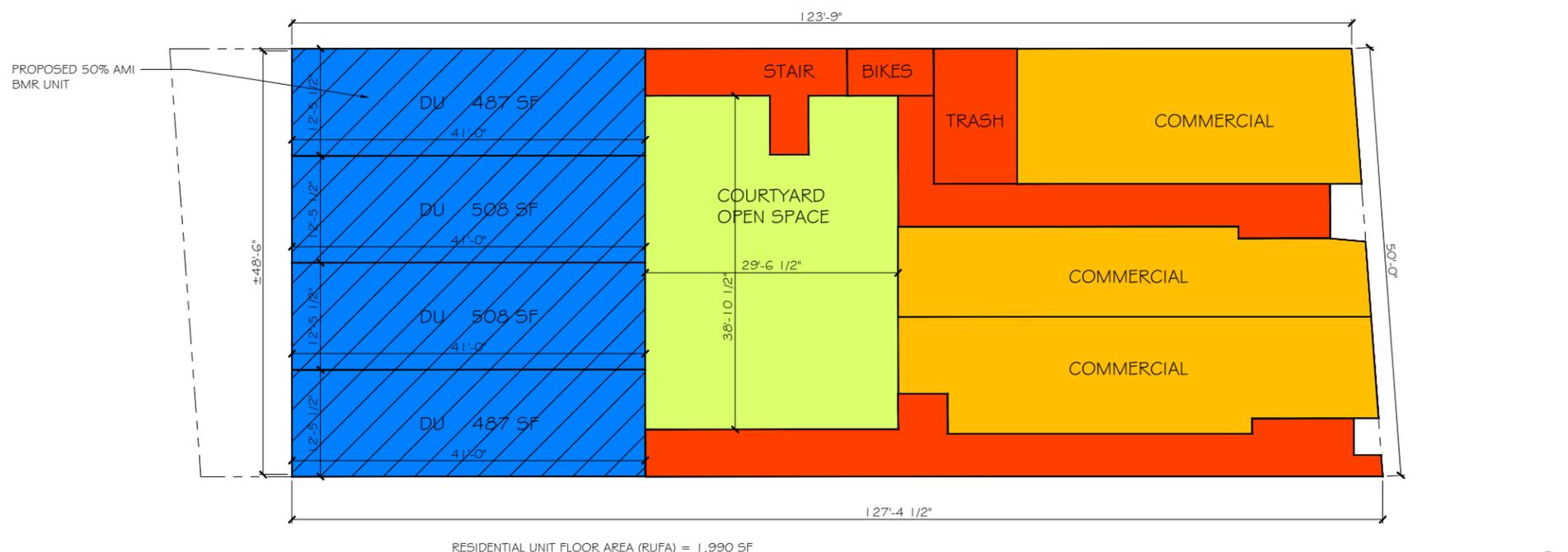
PRELIMINARY AFFORDABLE HOUSING COMPLIANCE PLAN



RESIDENTIAL UNIT FLOOR AREA (RUFA) = 1,990 SF + 2,665 SF = 4,655 SF

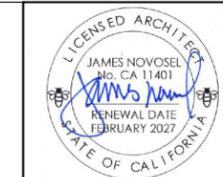
TOTAL RESIDENTIAL UNITS: 12  
 TOTAL RESIDENTIAL UNIT FLOOR AREA (RUFA) = 6,645 SF  
 PROVIDING THE REQUIRED NUMBER OF BMR UNITS (NO IN-LIEU FEE)  
 TOTAL NUMBER OF AFFORDABLE UNITS (VLI OR LI) = (20% X 12) = 2.4 ROUNDED UP TO 3 UNITS

PRELIMINARY AFFORDABLE HOUSING PLAN: 2ND FLOOR



RESIDENTIAL UNIT FLOOR AREA (RUFA) = 1,990 SF

PRELIMINARY AFFORDABLE HOUSING PLAN: 1ST FLOOR



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 JAMES NOVOSSEL



**the bay architects**

1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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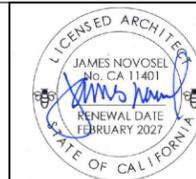
PRELIM. AFFORDABLE HOUSING COMPLIANCE PLAN

**A0.6**

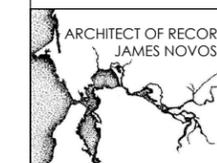
DRAWING SHEET

**LEGEND**  
 - - - - - PROPERTY LINE  
 — — — SOFFIT LINE ABOVE

**SITE NOTES:**  
 1. SEE FLOOR PLAN ON I/A1.1 FOR ADDITIONAL INFO SUCH AS TRASH LOCATION, UTILITIES LOCATIONS, BIKE PARKING, ETC. THAT ARE LOCATED INSIDE THE BUILDING.



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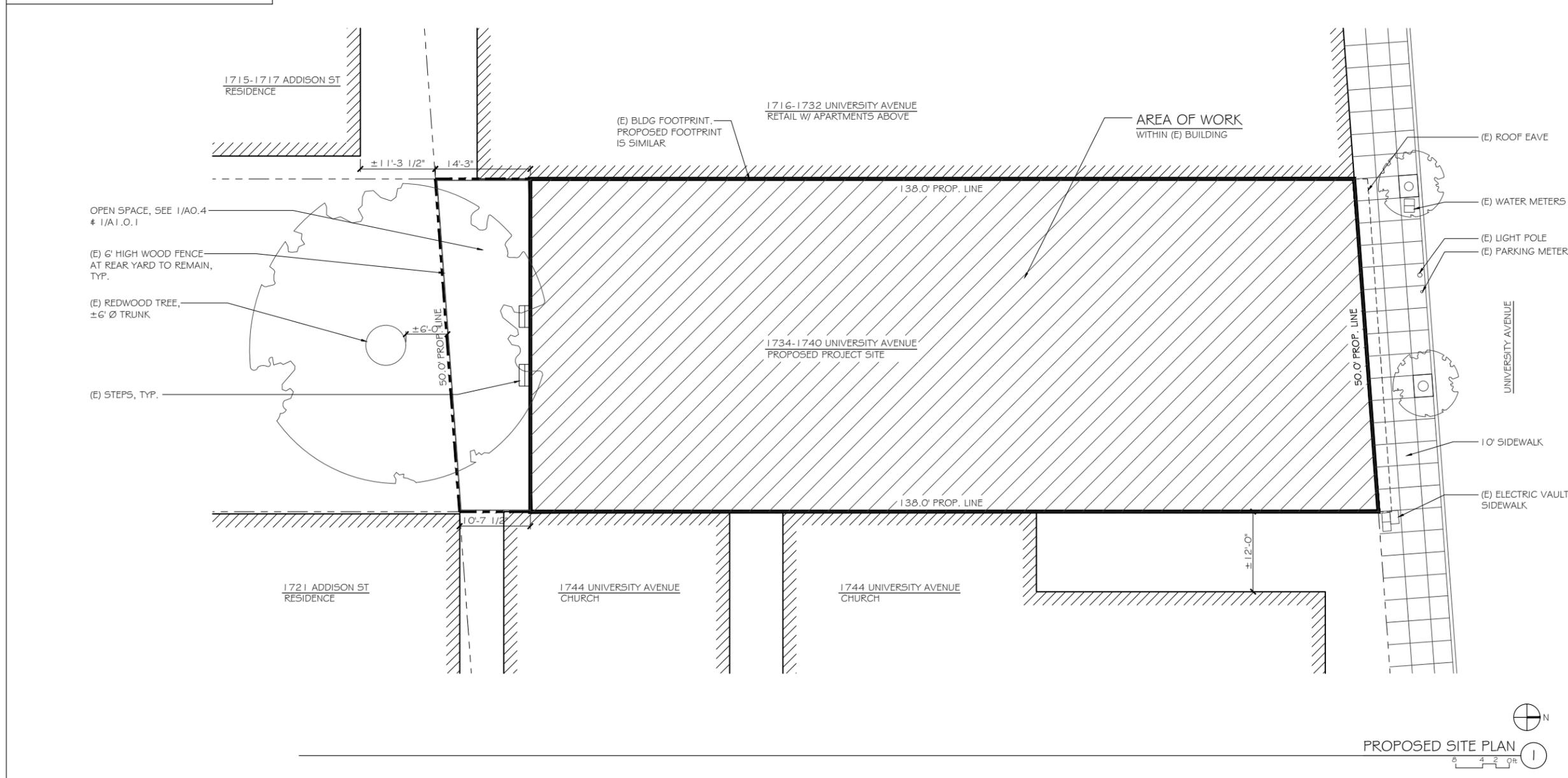
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 JAMES NOVOSEL

**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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PROPOSED SITE PLAN  
**A1.0**  
 DRAWING SHEET



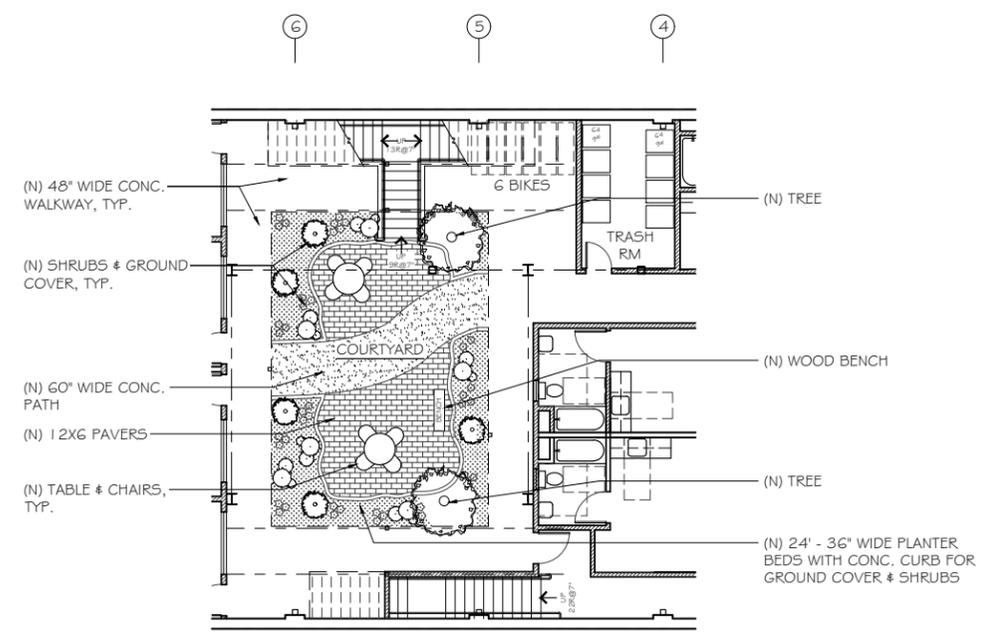
**LEGEND**

- PROPERTY LINE
- == (E) WALL
- == (N) WALL
- - - SOFFIT LINE ABOVE
- USABLE OPEN SPACE

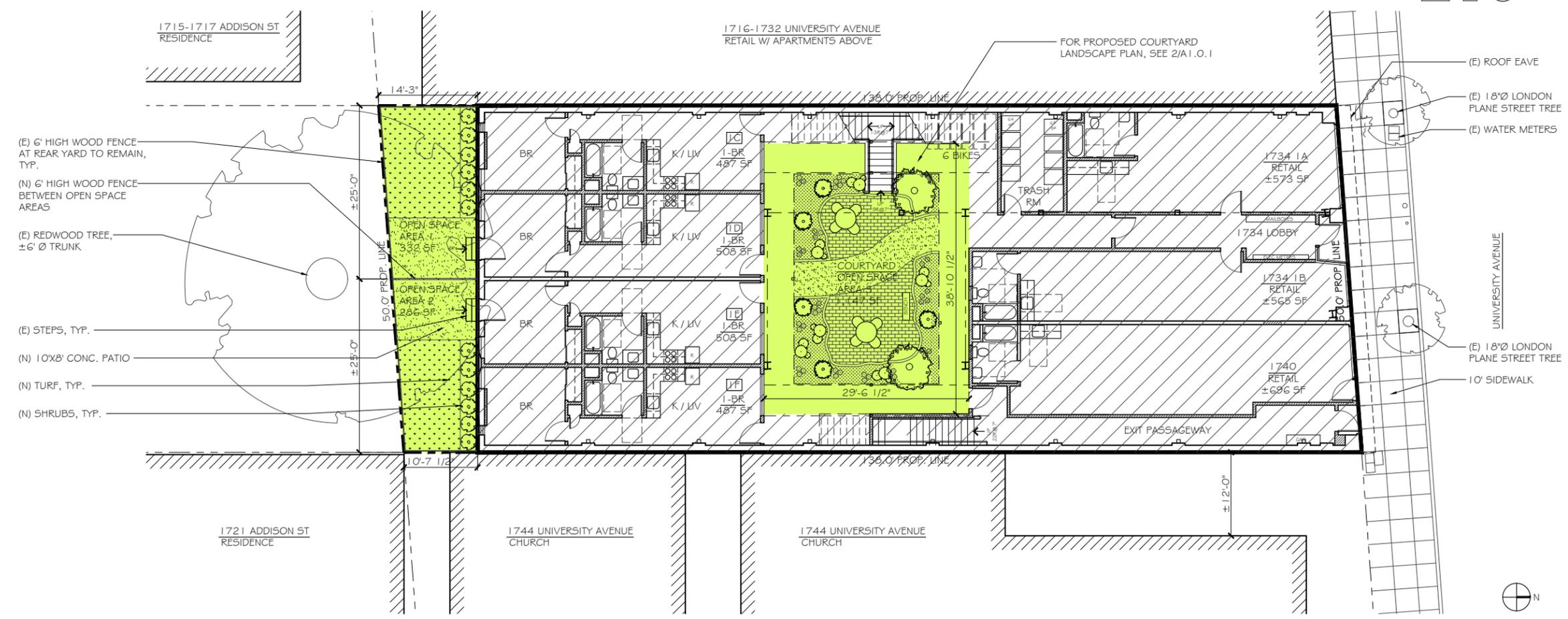
**NOTES:**

1. USABLE OPEN SPACE CALCULATION:

OPEN SPACE AREA 1: 200 SF (332 SF ACTUAL)  
 OPEN SPACE AREA 2: 200 SF (286 SF ACTUAL)  
 OPEN SPACE AREA 3: 1,147 SF (COURTYARD)  
 1,547 SF TOTAL OPEN SPACE



PROPOSED COURTYARD LANDSCAPE PLAN 2



LANDSCAPE AND USABLE OPEN SPACE PLAN 1

LICENSED ARCHITECT  
 JAMES NOVOSEL  
 No. CA 11401  
 RENEWAL DATE FEBRUARY 2027  
 STATE OF CALIFORNIA

PROJECT:  
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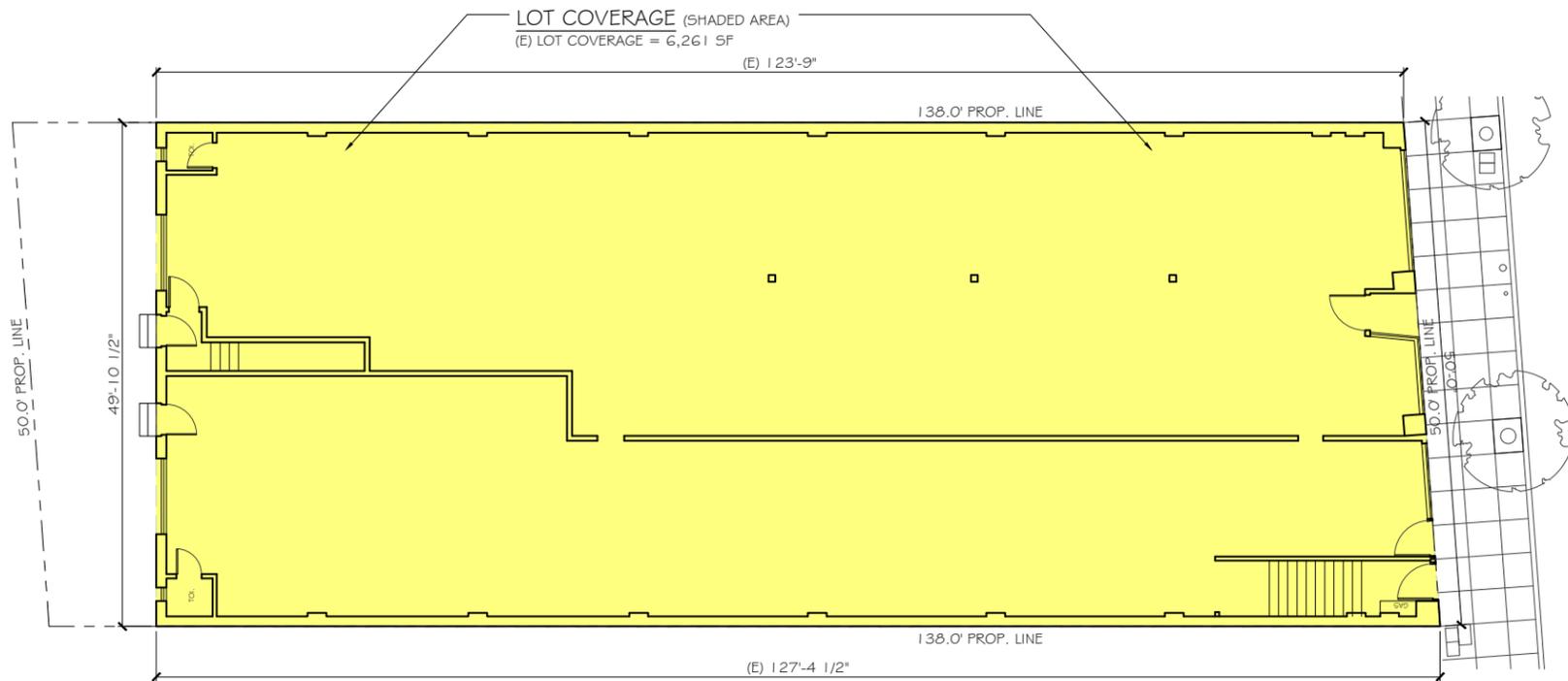
LANDSCAPE & USABLE OPEN SPACE PLAN  
**A.I.O.I**  
 DRAWING SHEET

**LEGEND**

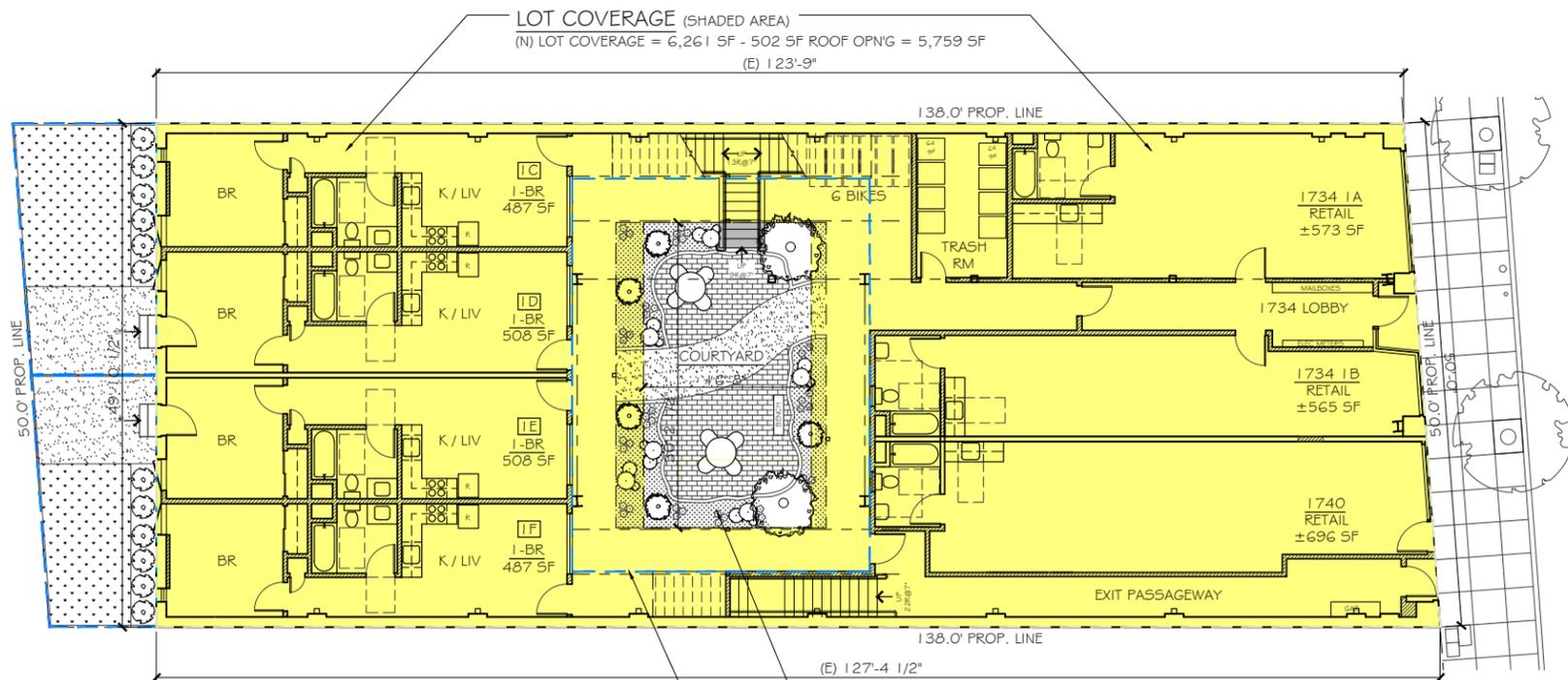
- PROPERTY LINE
- SOFFIT LINE ABOVE
- AREA COUNTING AS LOT COVERAGE

**NOTES:**

1. THERE IS NO PROPOSED EXPANSION OF THE BUILDING'S LOT COVERAGE. PROPOSED LOT COVERAGE IS LESS THAN EXISTING.



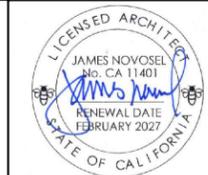
EXISTING LOT COVERAGE 2



(N) OPENING IN ROOF ABOVE  
 ± 16'-8" X 30'-2" = 502 SF  
 NOT INCLUDED IN LOT COVERAGE

(N) COURTYARD, SEE 1/A1.0.1

PROPOSED LOT COVERAGE 1



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 berkeley, ca 94703  
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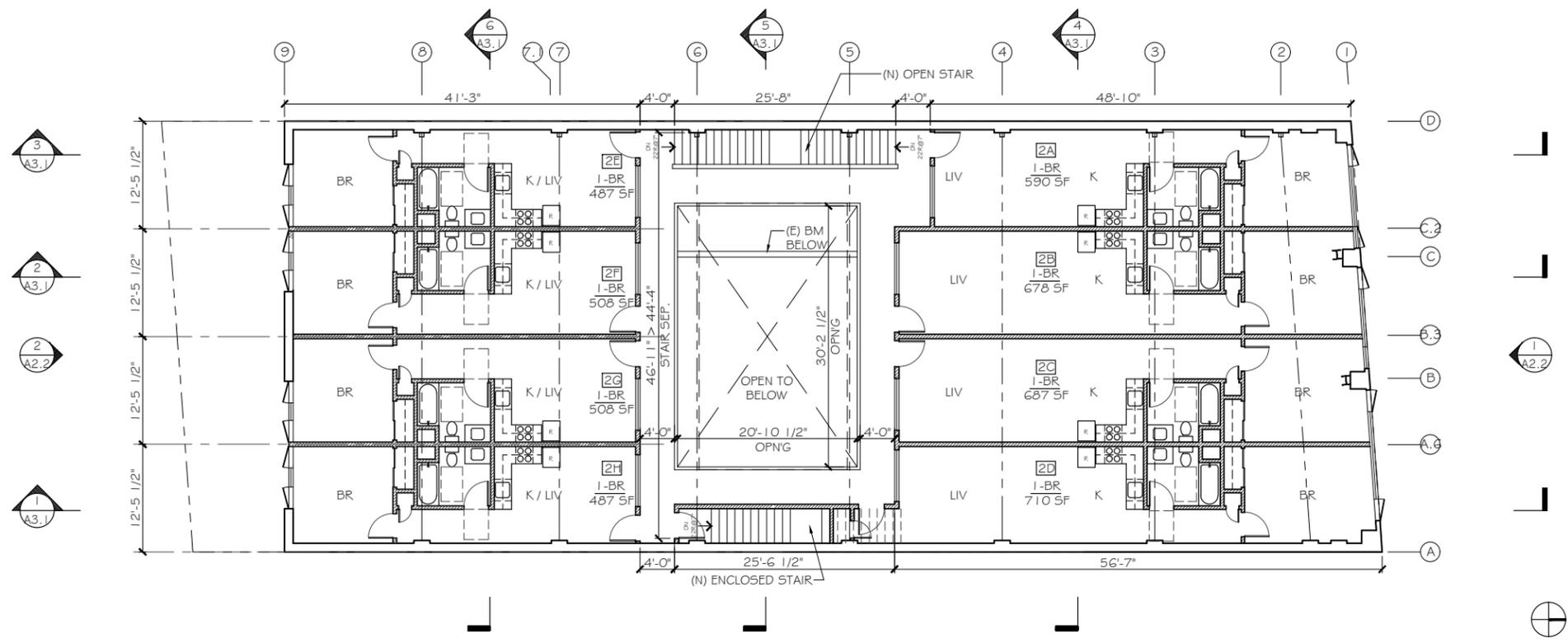
LOT COVERAGE DIAGRAMS  
**A1.0.2**  
 DRAWING SHEET

**LEGEND**

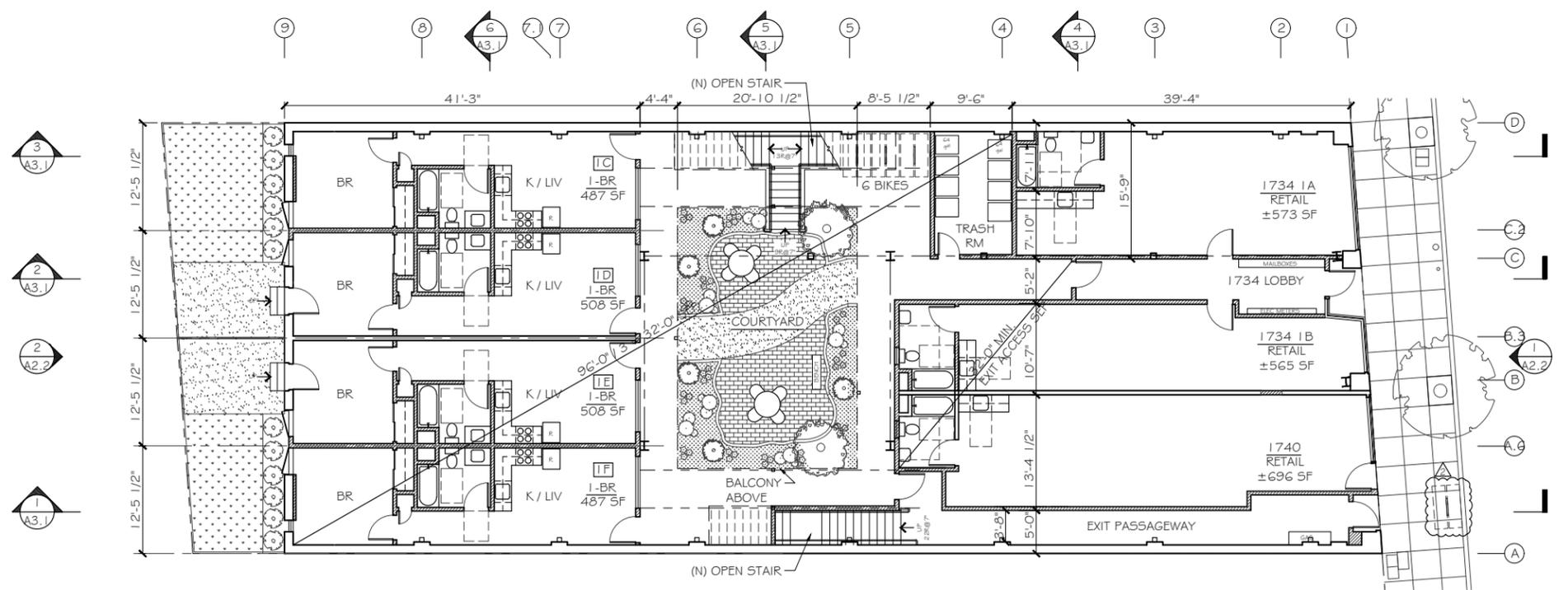
- PROPERTY LINE
- == (E) WALL
- == (N) WALL
- - - SOFFIT LINE ABOVE

**NOTES:**

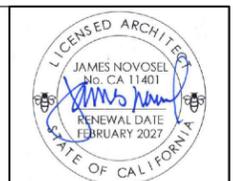
1. ALL DIMENSIONS ARE TO FACE OF STUD (F.O.S.) UNLESS OTHERWISE NOTED.



PROPOSED 2ND FLOOR PLAN



PROPOSED 1ST FLOOR PLAN



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 JAMES NOVOSEL

1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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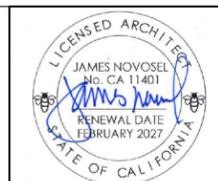
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01/06/26 ZONING REVISIONS

PROPOSED FLOOR PLANS  
**A1.1**  
 DRAWING SHEET

LEGEND	
---	PROPERTY LINE
====	(E) WALL
////	(N) WALL
---	LINE OF WALL BELOW ROOF
→	ROOF SLOPE DIRECTION

NOTES:

1. SEE A1.1 FOR ADDITIONAL NOTES.

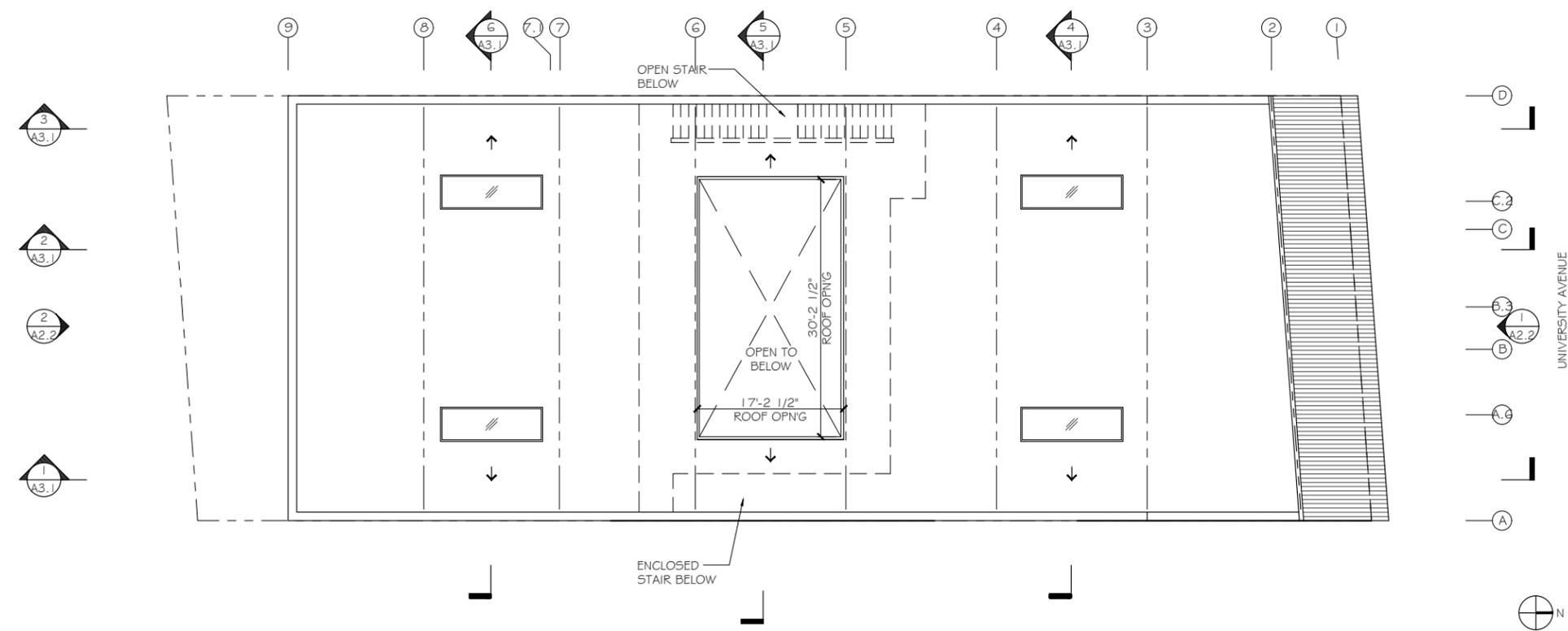


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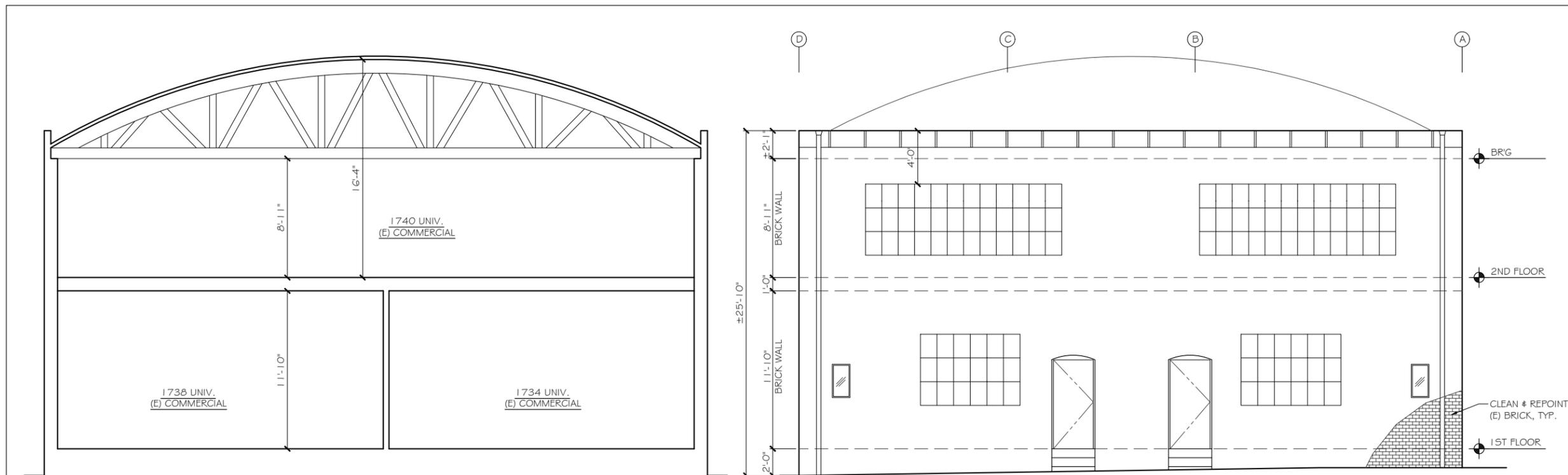
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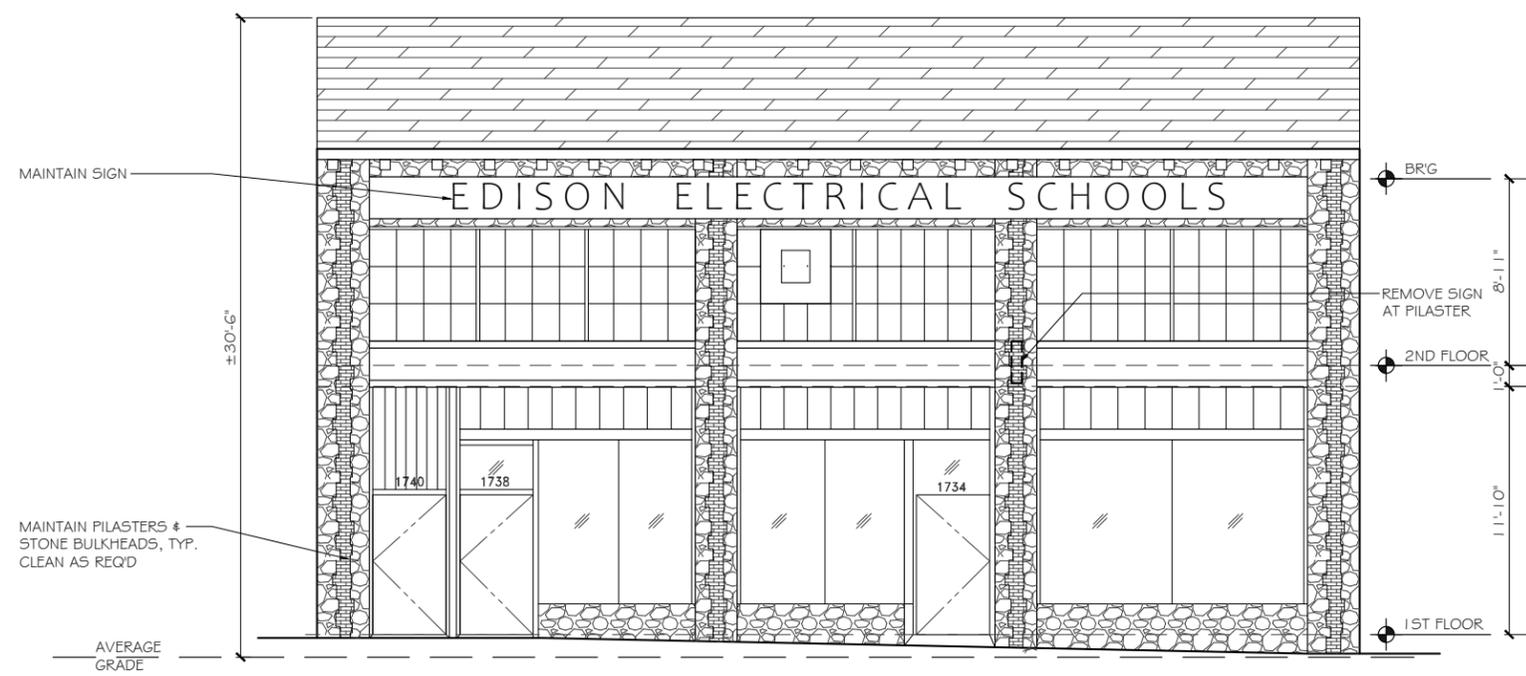
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PROPOSED ROOF PLAN  
**A1.2**  
 DRAWING SHEET

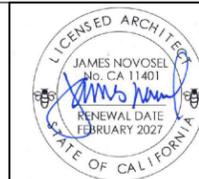


CROSS SECTION (LOOKING SOUTH) - EXISTING

SOUTH (REAR) ELEVATION - EXISTING



NORTH (STREET FRONT) ELEVATION - EXISTING



PROJECT:  
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 berkeley, ca 94703  
 510.420.1484  
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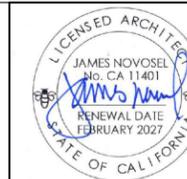
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PRINT DATE / PURPOSE  
 08/18/25 ZONING SUBMITTAL  
 09/03/25 ZONING REVISIONS

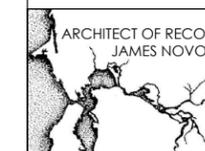
EXISTING  
 ELEVATIONS & SECTION

**A2.1**

DRAWING SHEET



PROJECT:  
 CONVERSION OF AN  
 EXISTING COMMERCIAL  
 BUILDING INTO  
 MIXED-USE RETAIL &  
 RESIDENTIAL UNITS  
 1734-1740  
 UNIVERSITY AVENUE,  
 BERKELEY, CA 94703  
 ZP#2025-0079



ARCHITECT OF RECORD:  
 JAMES NOVOSEL  
**the bay architects**

1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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PROPOSED  
 ELEVATIONS

**A2.2**

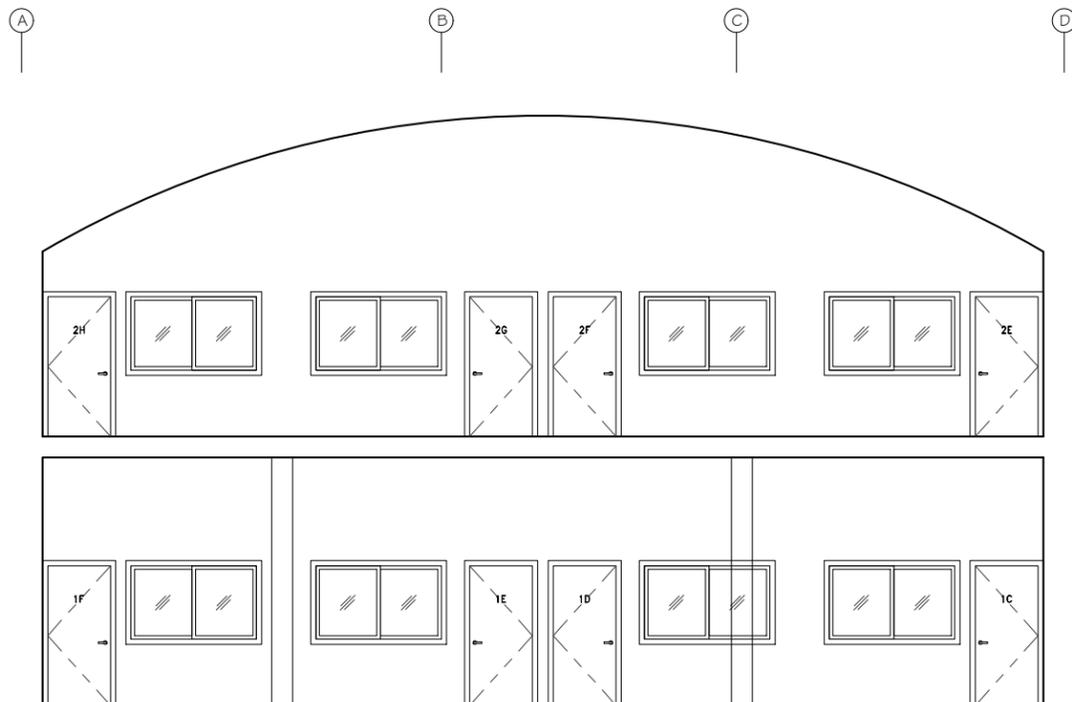
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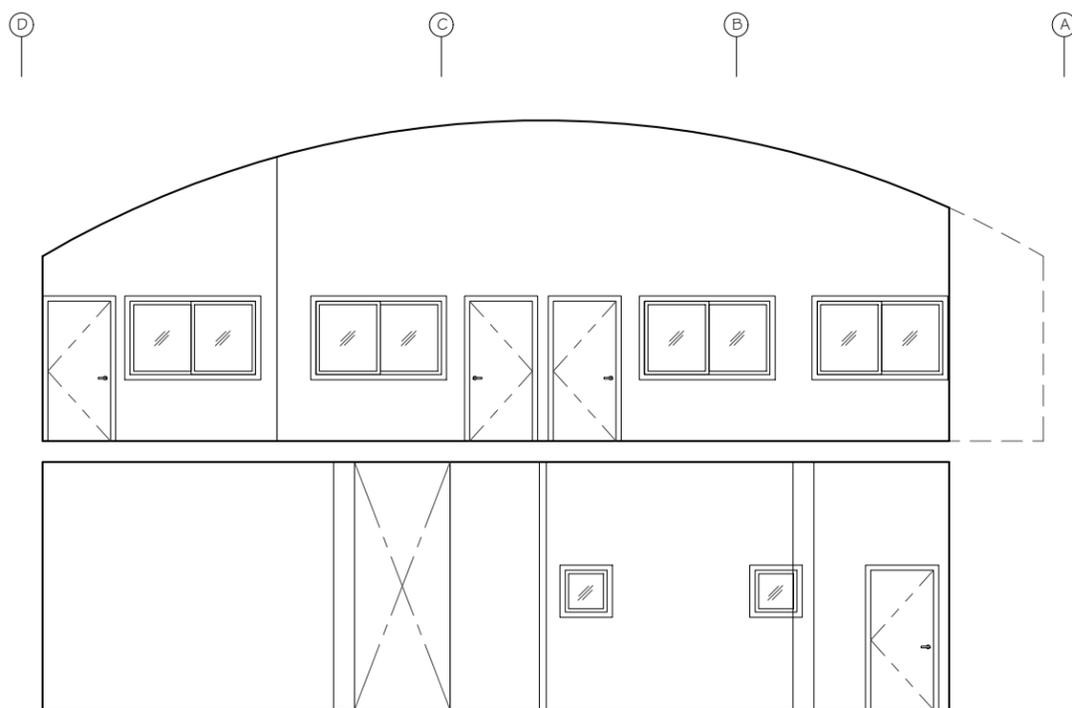
SOUTH (REAR) ELEVATION - PROPOSED ②



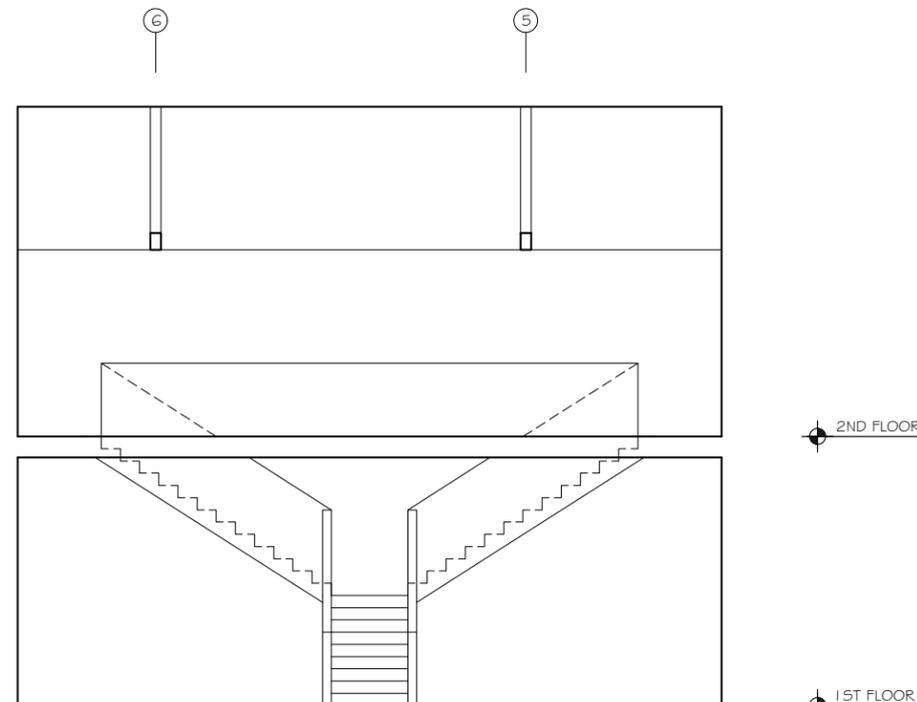
NORTH (STREET FRONT) ELEVATION - PROPOSED ①



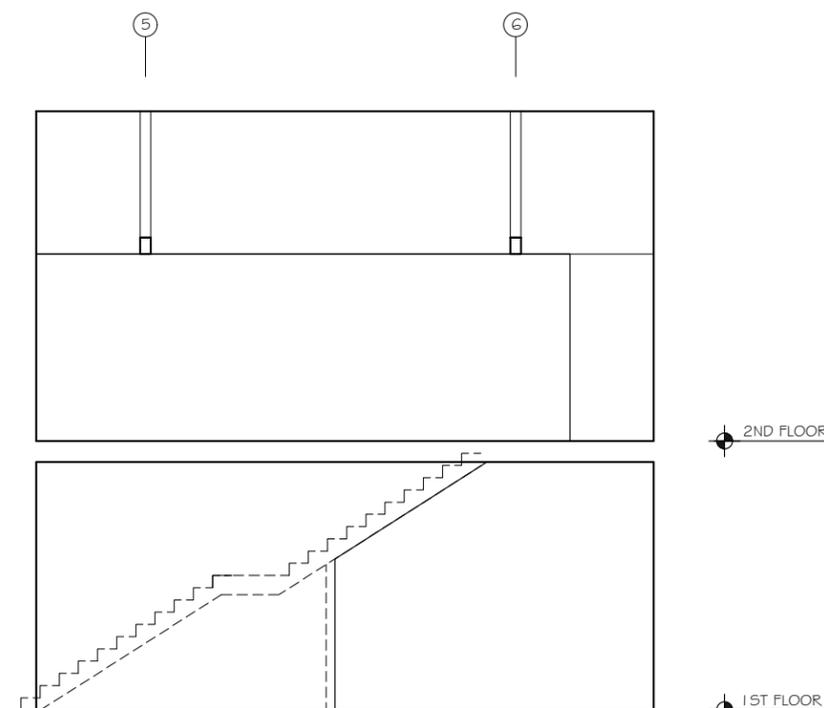
COURTYARD ELEVATION - SOUTH WALL 4



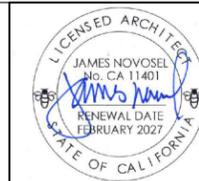
COURTYARD ELEVATION - NORTH WALL 3



COURTYARD ELEVATION - WEST WALL 2



COURTYARD ELEVATION - EAST WALL 1



PROJECT:  
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1840b alcatraz ave  
 berkeley, ca 94703  
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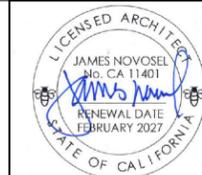
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 09/03/25 ZONING REVISIONS

COURTYARD  
 ELEVATIONS

**A2.3**

DRAWING SHEET



PROJECT:  
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ARCHITECT OF RECORD:  
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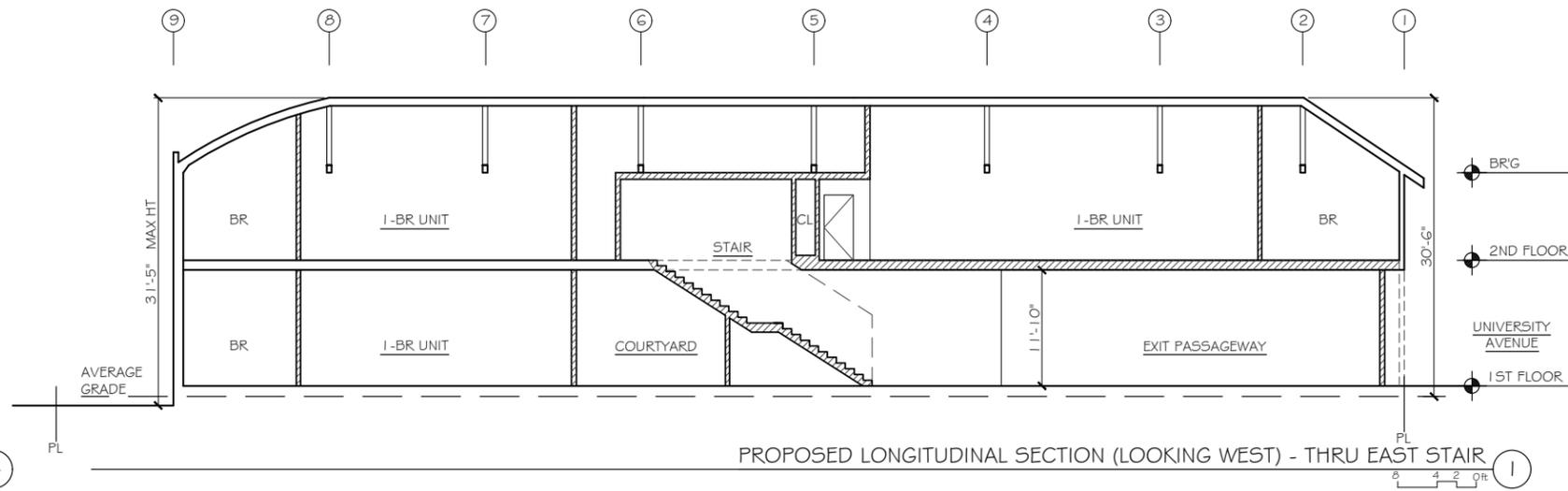
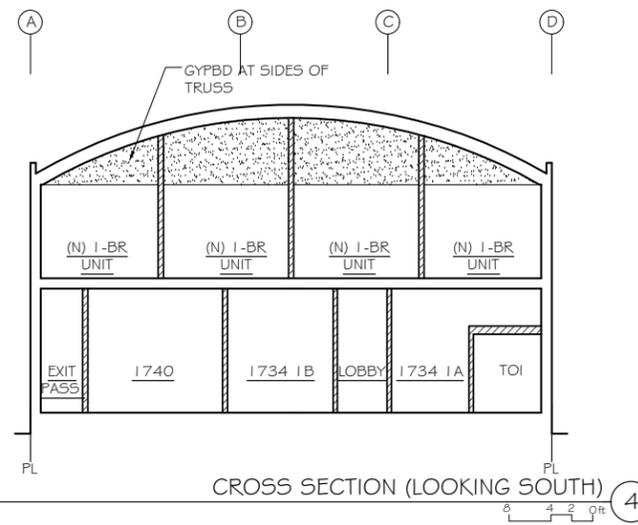
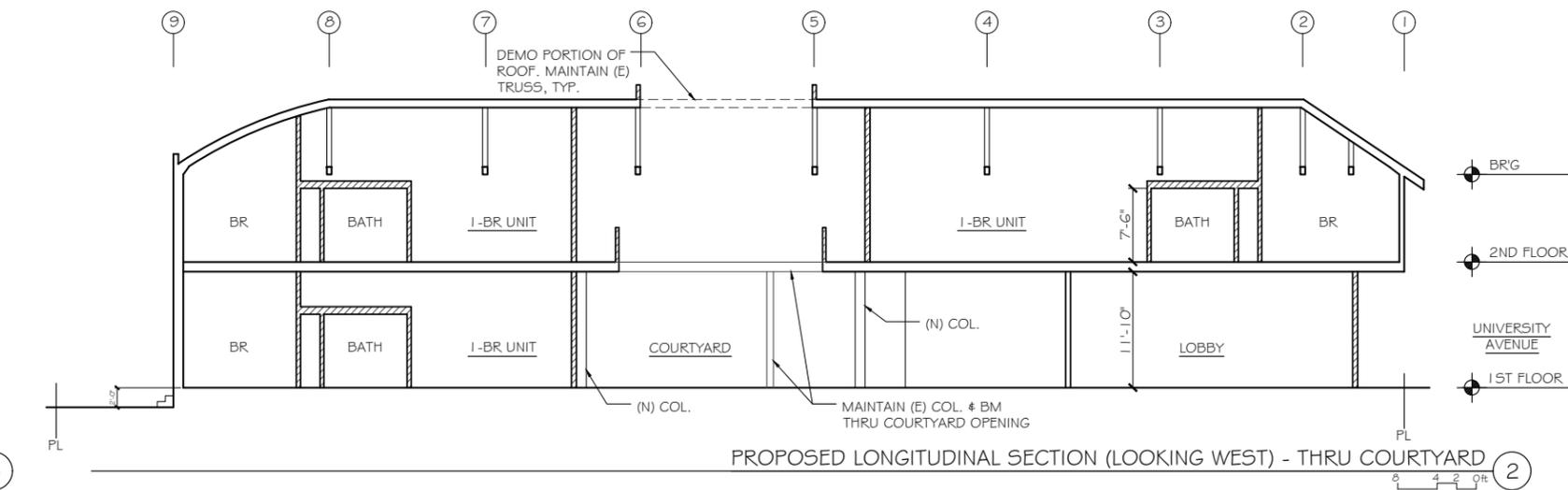
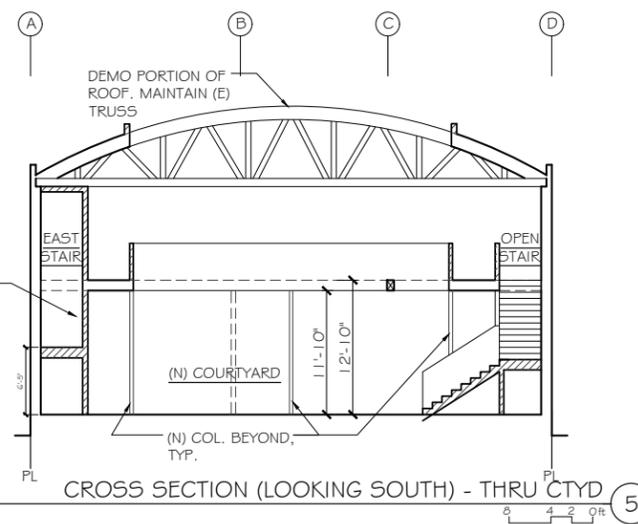
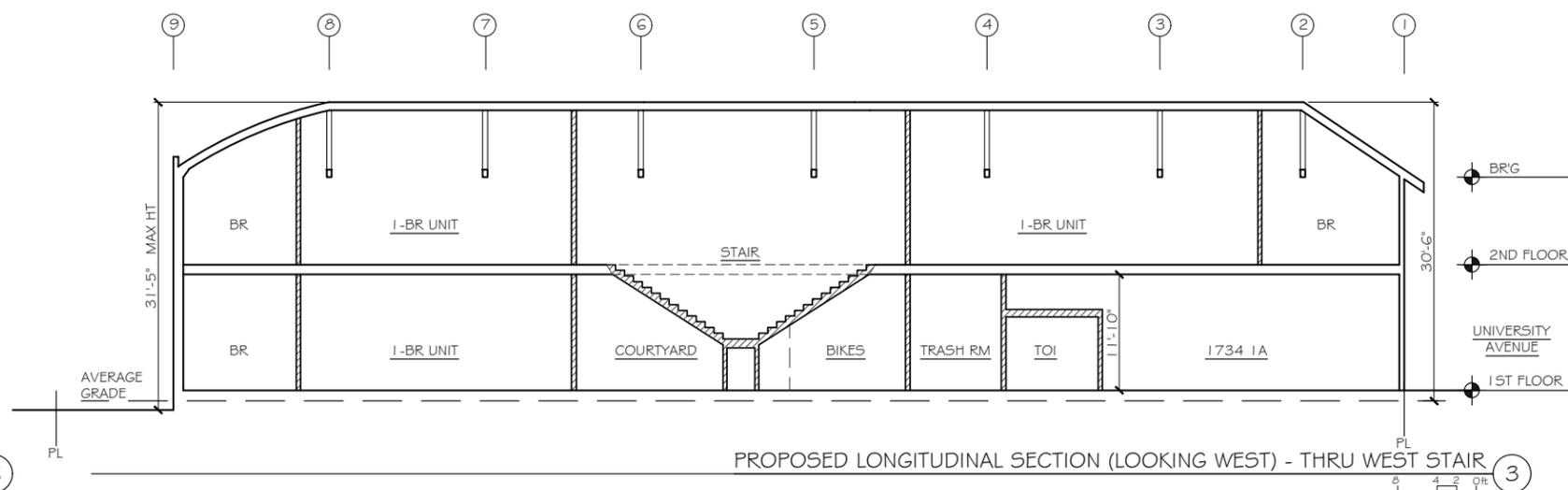
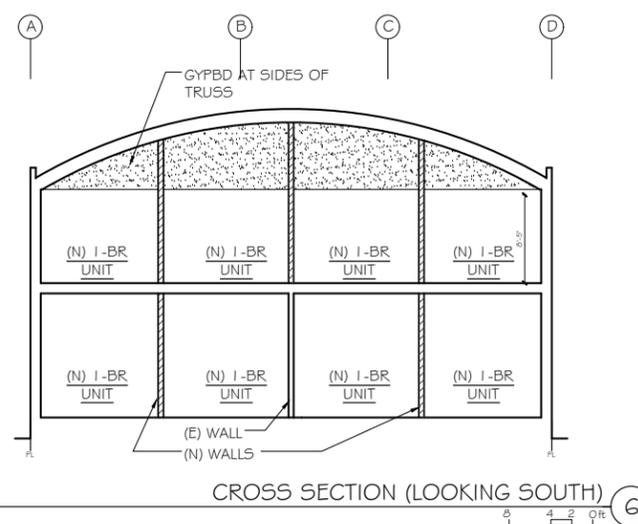
**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
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PROPOSED SECTIONS

**A3.1**  
 DRAWING SHEET



# the bay architects

1840b alcatraz avenue  
berkeley, ca 94703-2715  
off. 510.420.1484  
cell 510.708 5562  
bayarch@pacbell.net  
**JAMES NOVOSEL**

## **Applicant's Statement for the 1734-40 University Avenue conversion project**

**Our proposed project is to convert the building at 1734-40 University Avenue from commercial use into mixed-use residential and commercial use. The ground floor of the building was formerly inhabited for many decades by the Al Iasher Electrical Supply. There are indications that at one time there was a school on the second floor with the space divided into several classrooms. Above the second floor windows, there is an historic sign which states "EDISON ELECTRICAL SCHOOLS". Most recently, the second floor appears to have been used informally as artists' lofts.**

**The proposed conversion will maintain the building envelope and facade. The street front area of the ground floor will be divided into 3 small retail spaces ranging from 575 to 700 SF. There will be a central entrance leading to a courtyard and 4 rear ground floor residential units. The courtyard will serve as access via two stairways to the 8 second floor residential units. The courtyard will be landscaped and will also provide light and air to all 12 residential units which front on it. The residential units are all one-bedroom and similar in size with square footages ranging from 487 to 700 SF.**

**This conversion project will help fulfill the key feature of the University Avenue Strategic Plan which proposes that creating housing on the Avenue should become a top priority. In section 23.204.060 A 5.(b) of the Plan, it states "Revitalize the University Avenue corridor through appropriate economic development and housing." Our proposed project maintains ground floor commercial uses while converting underutilized areas of the building into more viable residential use. By preserving the building's façade, our proposed project maintains the continuity and character of this area's cityscape.**



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

## 1740 University Avenue

**Use Permit #ZP2025-0079, to convert an existing 12,503 square foot, 2-story commercial building into a mixed-use building with 12 residential apartments and 3 ground floor commercial units.**

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: General Plan: AC – Avenue Commercial
- Zoning: C-U, University Commercial within University Avenue Strategic Plan, outside of Node Overlay Area

**B. Zoning Permits Required:**

- Use Permit under BMC Section 23.204.020(A), **“Allowed Land Uses”** to construct a mixed-use development;
- Use Permit under BMC Section 23.204.060(B)(3) **“Ground Floor Residential Uses”**, to establish residential uses on the ground floor;
- Use Permit under BMC Section 23.204.060(D)(3), **“Modification to Standards – Mixed-Use Open Space”** to modify minimum open space requirement for a mixed-use project;
- Administrative Use Permit under BMC 23.324.050(D)(2), **“Nonconforming Setbacks and Height”**, to alter a portion of a building projecting into a minimum required front setback;
- **Design Review.** Under application DRCP2025-0007 pursuant to BMC Section 23.406.070(B), **“Design Review”** for a project in a Non-Residential District.

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).

**D. Project Recommendation:** Approve Use Permit #ZP2025-0079 pursuant to BMC Section 23.406.040(D)

**E. Parties Involved:**

- Applicant                      The Bay Architects, Jim Novosel
- Property Owner                Athan Magganas

**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, Vicky Schlepp, at (510) 981-7422 or [vschlepp@berkeleyca.gov](mailto:vschlepp@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](mailto: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](mailto: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.
-