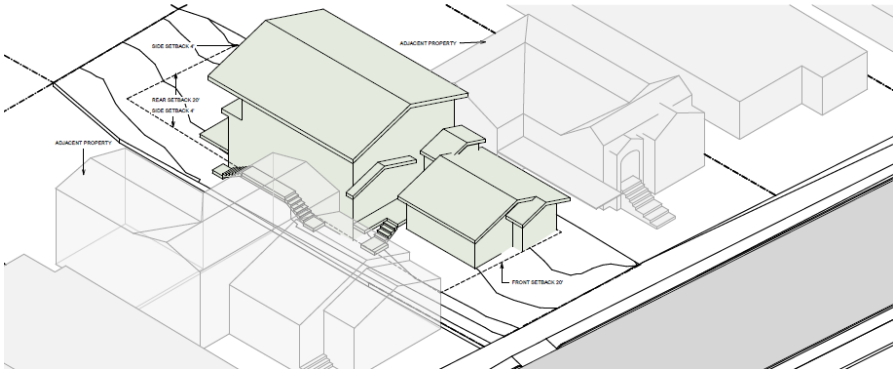




Zoning Adjustments Board Staff Report

APP #ZP2025-0014
1522 Josephine Street

May 14, 2026



Quick Facts	Project Description:
Applicant: AI Dram	To demolish a 1,451 sq. ft., two-story (21 feet, 4 inches) Single-Family dwelling and construct a new 2,574 square feet two-story (23 feet, 1 inch) Single-Family dwelling with an attached two-car garage and 553 sq. ft. rear deck.
Project Address: 1522 Josephine Street	Zoning Permits Requested:
Site Size: 5,227 sq. ft.	A Use Permit Public Hearing is required for the following permit:
GP Land Use: Medium Density Residential (MDR)	*Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish one existing Residential Unit (UPPH) to allow construction of a new Residential Unit (ZC)
Zoning: Residential Multi-Unit 2 District (R-2)	*Denotes required findings.
CEQA: Categorically Exempt	Staff Recommendation:
Date Submitted: 02-01-2025	Staff recommends that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15303, of the CEQA Guidelines (“New Construction or Conversion of Small Structures”)
Date Deemed Complete: 10-09-2025	
Project Planner: Nilu Karimzadegan	

ZONING MAP

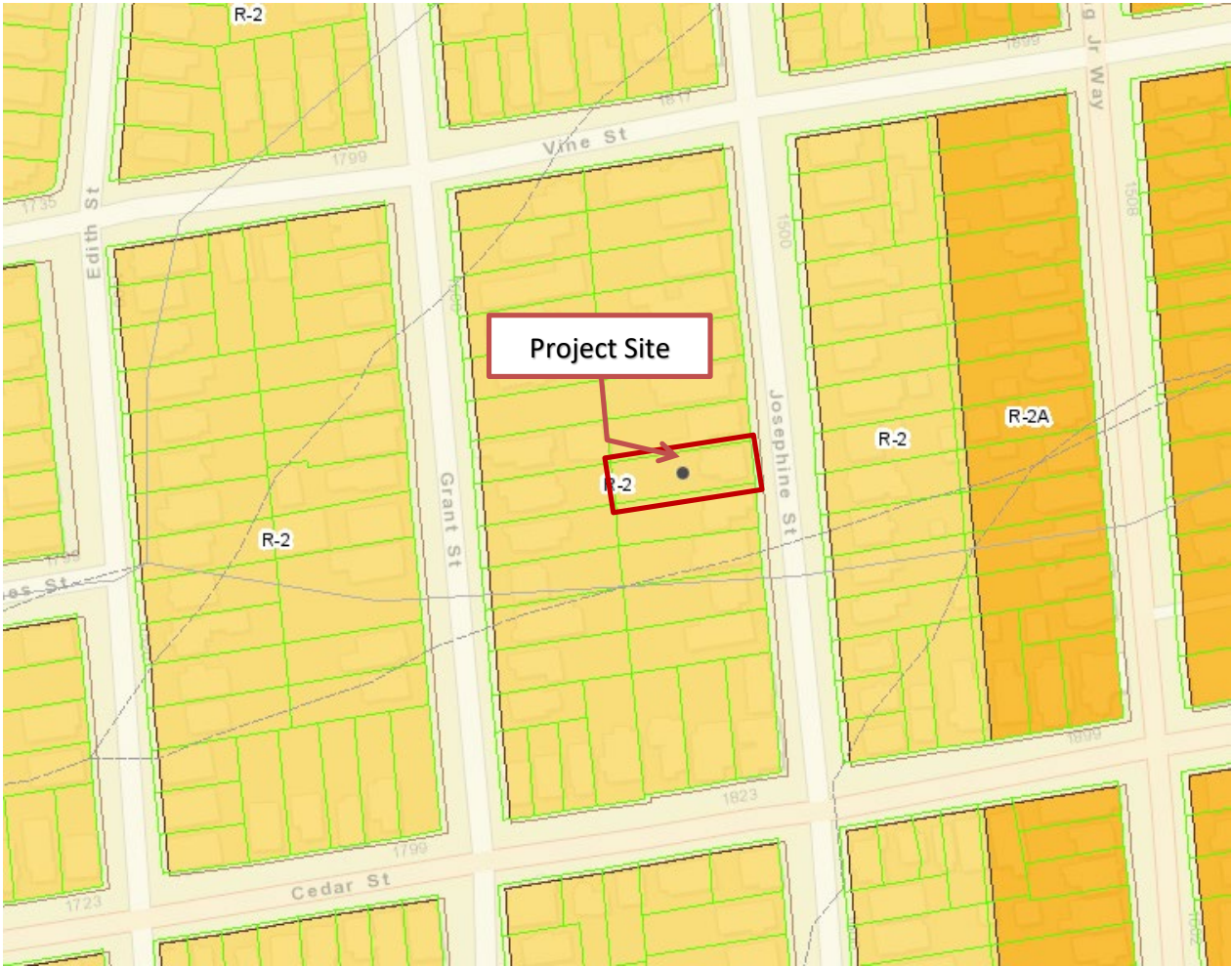
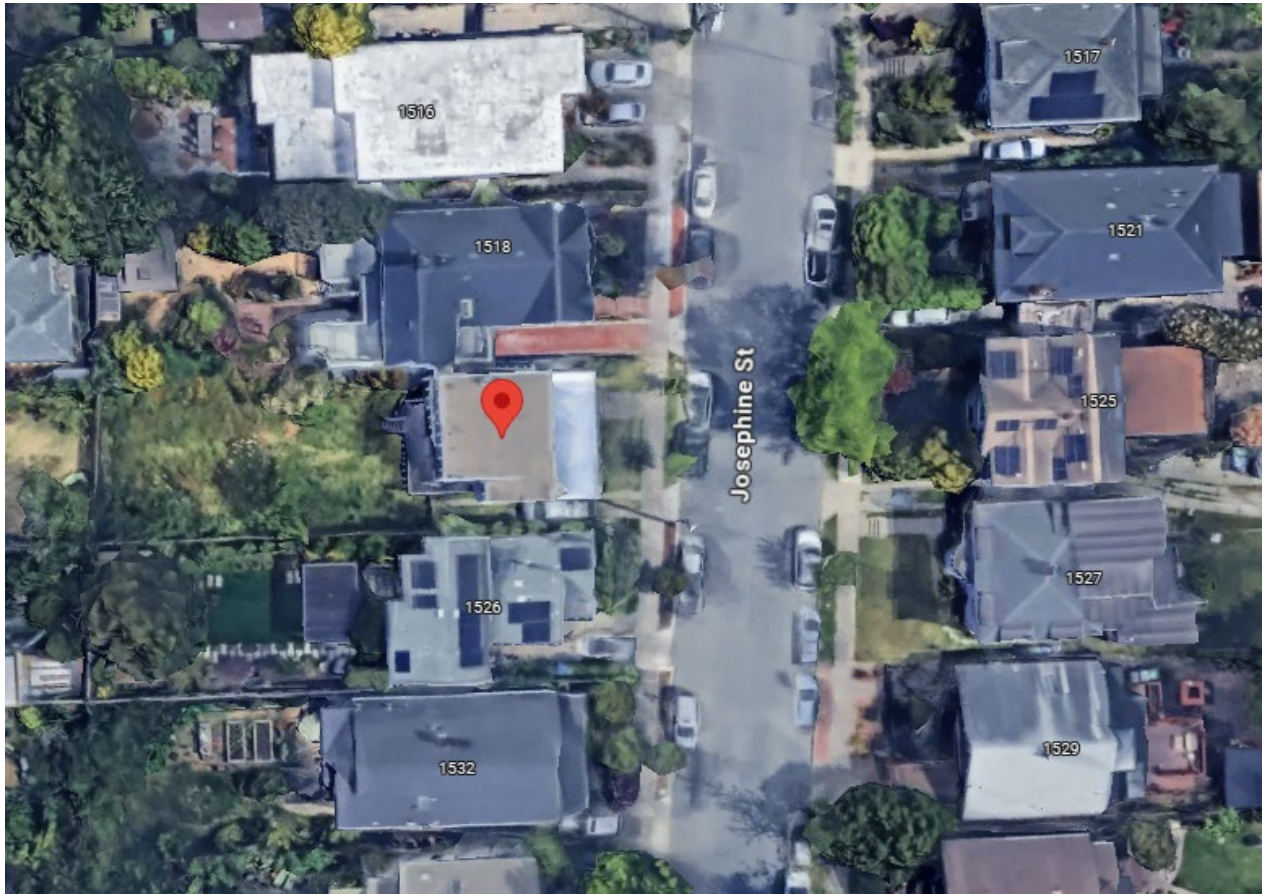


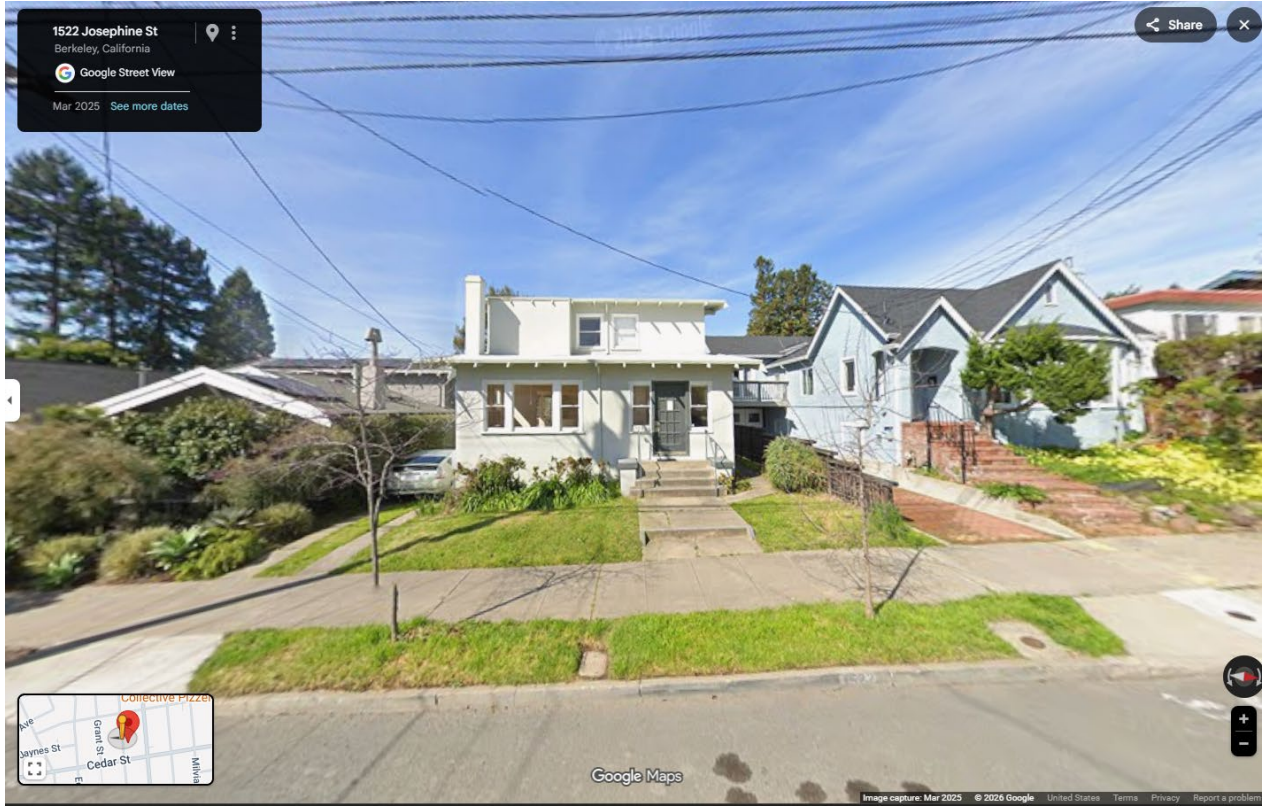
Figure 1: Vicinity and Zoning Districts Map

Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	MDR (Medium Density Residential)	R-2	Single-Family Dwelling
South	MDR (Medium Density Residential)	R-2	Single-Family Dwelling
East	MDR (Medium Density Residential)	R-2	Single-Family Dwelling
West	MDR (Medium Density Residential)	R-2	Single-Family Dwelling

AERIAL



STREET ELEVATION



BACKGROUND AND PROJECT SITE

The subject property is located in North Berkeley on Josephine Street, situated mid-block between Vine Street and Cedar Street, one block west of Martin Luther King Jr. Way and approximately five blocks west of Shattuck Avenue. This portion of North Berkeley is a well-established residential neighborhood characterized by a quiet, walkable environment and a traditional street grid. Land uses in the vicinity consist primarily of one to two-story single-family residences, duplexes, and small multifamily buildings, reflecting the low to medium-density residential character typical of this portion of North Berkeley. The area exhibits consistent development setbacks, mature vegetation, and landscaping. The neighborhood's built-form and landscaping patterns convey a long-standing residential identity, supported by limited commercial activity along nearby corridors.

The subject site is a rectangular, 5,227 square feet interior lot with an existing two-story, 1,451 square feet single family dwelling located at 11 feet 6 inches from the front property line within the R-2 District. A drive-way runs along the south side leading to a rear backyard.

Site History

The subject property contains a 1921 Craftsman-style bungalow residence. According to the Historic Resource Evaluation prepared by Left Coast Architectural History, the property does not appear to be associated with significant historical events or with individuals important to local, state, or national history. The evaluation further concludes that the building does not exhibit notable architectural distinction, nor is it associated with a recognized master architect or builder. In addition, the structure has undergone substantial alterations that diminish its integrity. These findings are described in detail in the attached evaluation forms. Based on this analysis, the property is not considered historically significant at either the local or state level and therefore does not qualify as a historic resource for purposes of the California Environmental Quality Act.

Community Meeting

A pre-application poster was erected by the applicant in December 2025. On April 30, 2026, the City mailed public hearing notices to property owners and occupants within a 300-foot radius, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of writing this report, staff has received no communication about the proposed project at 1522 Josephine Street.

ANALYSIS

Project Scope

The project involves demolition of the existing two-story, 1,451-square-foot single-family dwelling and driveway, and construction of a new two-story, 2,574-square-foot single-family residence with an attached one-story, two-car garage located at the front of the lot. The proposed dwelling and attached garage are designed in the Craftsman/California Bungalow style, featuring rectangular building footprints, simple floor plans, and gabled roofs.

The ground floor of the proposed dwelling contains the kitchen, dining room, living room, one bedroom, and a full bathroom, and provides access to a 254-square-foot rear deck through the dining area. The second floor is accessed via a staircase located within the dining room and includes three bedrooms and two bathrooms. Approximately 1,500 + square feet of Usable open space is provided in the front and

rear of the lot.

Findings

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

Environmental Review

Staff has reviewed the proposed project under the California Environmental Quality Act (CEQA) and determined that it qualifies for a categorical exemption. Specifically, the project involves the construction of a new single-family residence and attached garage on a residentially zoned lot, which falls within the scope of CEQA Guidelines Section 15303 (“New Construction or Conversion of Small Structures”). This exemption is intended for projects of limited scale that are consistent with surrounding residential development and do not present unusual circumstances that would result in significant environmental impacts.

Based on the project’s size, location, and residential character, staff finds no evidence of potential adverse environmental effects. Accordingly, it is staff’s recommendation that the Zoning Adjustments Board (ZAB) determine the project to be categorically exempt from CEQA.

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review: Demolition Referral

The project does not involve demolition of a commercial building over 40 years in age.

Design Review Committee Review: Preliminary Design Review

This project is not subject to Design Review or Landmarks Preservation Commission review.

POLICY CONSISTENCY

General Plan Consistency

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

1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
2. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
3. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

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

Staff Analysis: The proposed project is an infill development that would demolish the existing dwelling to build a new dwelling unit in a primarily residential neighborhood. The massing, proportions, design, and use of the buildings would be compatible with the surrounding neighborhood. As noted above, the project complies with all development standards in the R-2 district.

RECOMMENDATION

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

1. **FIND** that the project is categorically exempt from the provisions of CEQA pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures"); and
2. **APPROVE** ZP2025-0014 pursuant to BMC Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachments 2 and 3).

Attachments

1. Tables: Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings
3. Draft Conditions of Approval
4. Project Plans, received on April 21, 2024
5. Notice of Public Hearing

Attachment 1

Table 1: Project Chronology

Date	Action
February 1, 2025	Use Permit Application submitted
October 9, 2025	Use Permit Application deemed complete
November 6, 2025	CEQA Recommendation/Determination by Staff
April 30, 2026	Public hearing notices mailed/posted
May 14, 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 involves only new residential floor area; therefore, this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is a housing development project, as defined in BMC 23.328.020 ^a , however, the proposed gr Residential Floor Area is less than 5,000 sq. ft total and this ordinance does not apply
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 is not 10,000 square feet or larger. This requirement does not apply.
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.
Density Bonus	No	This project is not utilizing the Density Bonus Law.

Characteristic	Applicability	Explanation
Hard Hats (BMC Chapter 13.107)	No	This project is not subject to Hard Hats ordinance
Historic Resources	No	According to the Historic Resource Evaluation prepared by Left Coast Architectural History, the property does not appear to be associated with significant historical events or with individuals important to local, state, or national history.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	A development has to consist of more than one unit to qualify under the HAA. The proposed project is a single residential unit only and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2).
Housing Crisis Act of 2019 (SB 330)	Yes	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b However, the project is still subject to Government Code Section 65905.5(b)(3)(C) "Housing development project in regard to the number of hearings.
Rent Controlled Units	No	The project would involve the demolition of a dwelling; however, according to the Rent Stabilization Board, this unit is not Rent-Controlled.
Residential Preferred Parking (RPP)	No	The site is located in an "E" RPP zone. 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 <u>State Seismic Hazard Zones map</u> . ^c
Soil/Groundwater Contamination	No	The site is not on a Cortese List. ^d
Transit	Yes	The project site is served by multiple AC Transit bus lines including line 12, 27 that operate within ¼ mile of the site

Characteristic	Applicability	Explanation
Notes:		
<p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p>		
<p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.</p>		
<p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p>		
<p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: BMC Section 23.202.080 Zoning District Development Standards BMC Sections 23.204.130 and 23.322 Parking and Loading

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		5,227	N/A	5,227	min. / max. / n/a
Gross Floor Area (sq. ft.)		1,451	1,123	2,574	N/A
Dwelling Units	Total	1	0	1	1 min/ 6 max
	Bedrooms	3	0	3	N/A
Building Height (ft. - in.)	Maximum	21'-4"	1'-9"	23'-1"	35 ft. or 3 stories for New Buildings and 22 ft. Within 15 feet of Rear Property Line, Maximum
Building Setbacks (ft. - in.)	Front (East) (Josephine St.)	11'-7"	9'-3"	20'-11"	5 min
	Rear (West)	85'-0"	-39'-0"	49'-0"	5 min
	North Interior Side	3'-3"	2'-2"	4'-5"	4 min
	South Interior side	6'-2"	0'-3"	6'-5"	4 min
Usable Open Space (sq. ft.)		3,019	-1050	1,960	150
Lot Coverage (%)		19	14	33	60 max
Automobile Parking		1	1	2	N/A per AB2097

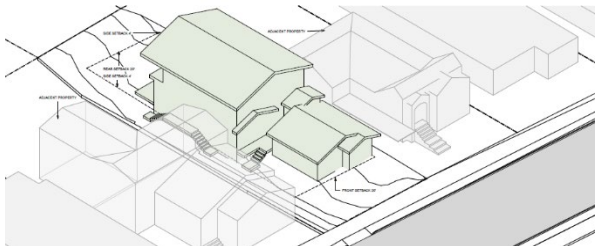
Standard	Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				
Notes: <ol style="list-style-type: none"> 1. AB-2097, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses located within a 1/2 mile of public transit. 2. For the portion of building 0 to 20 ft. there is a 5 ft. maximum setback. 3. For the portion of building 21 to 75 ft. that is over 65 ft. from the lot frontage there is a 5 ft. setback. 4. Per BMC Section 23.312.040(A)(1)(b)(ii), if the workspace is less than 60 percent of live/work unit, then the unit is considered a swelling unit and is subject to all requirements applicable to dwelling units. 				



Zoning Adjustments Board Findings

APP #ZP2025-0014
1522 Josephine Street

May 14 2026



Quick Facts	Project Description:
<p>Applicant: Al Dram</p> <p>Project Address: 1522 Josephine Street</p> <p>Site Size: 5,227 sq. ft.</p> <p>GP Land Use: Medium Density Residential (MDR)</p> <p>Zoning: Residential Multi-Unit 2 District (R-2)</p> <p>CEQA: Categorically Exempt</p> <p>Date Submitted: 02-01-2025</p> <p>Date Deemed Complete: 10-09-2025</p> <p>Project Planner: Nilu Karimzadegan</p>	<p>To demolish a 1,451 sq. ft., two-story (21 feet, 4 inches) Single-Family dwelling and construct a new 2,574 square feet two-story (23 feet, 1 inch) Single-Family dwelling with an attached two-car garage and 553 sq. ft. rear deck.</p>
	<p style="text-align: center;">Zoning Permits Requested:</p> <p>A Use Permit Public Hearing is required for the following permit:</p> <p>*Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish one existing Residential Unit (UPPH) to allow construction of a new Residential Unit (ZC)</p> <p>*Denotes required findings.</p>

	Staff Recommendation:
	Staff recommends that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15303, of the CEQA Guidelines (“New Construction or Conversion of Small Structures”)

CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

Evidence: None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

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

- 1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
 - (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use.

Evidence: The project involves demolishing an existing dwelling unit with a Use Permit and constructing a new one (by-right) that meets all applicable R-2 District standards, including requirements for setbacks, height, number of stories, lot coverage, and usable open space.

- (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 proposed project would demolish an existing 1,451-square-foot, two-story (21 feet), three-bedroom single-family dwelling and construct a new 2,574-square-foot, two-story (23 feet), three-bedroom single-family dwelling that complies with all R-2 development standards and continues the established residential use as an Allowed Use in this district. Therefore, the project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the City.

The construction of a new dwelling in the R-2 Zoning District is subject to Middle Housing regulations and is permitted by right with a Zoning Certificate, provided that the residential gross floor area of a single-family dwelling does not exceed 50 percent of the lot area or 2,500 square feet, whichever is greater (BMC Section 23.202.040). The proposed dwelling meets this size restriction and complies with the R-2 development standards. Sunlight, air, view and privacy findings can be made.

The new dwelling complies with all required setbacks and improves the front setback by relocating the building farther from the street. While the existing dwelling is approximately 14 feet from the front property line, the proposed dwelling will be set back approximately 42 feet. An attached one-story garage will be located about 21 feet from the front property line. By moving the two-story portion of the structure approximately 28 feet farther back, the project will improve access to sunlight, air, privacy, and reduce shadow impacts on the neighboring properties on both sides. Impacts to neighboring residences due to construction of a new single-family dwellings will be limited to certain time of the year and during certain hours of the day, shading impacts will not be detrimental. The proposal is consistent with the existing development pattern and building-to-building separation in the area, as it provides a minimum of five feet of separation between the proposed dwelling and the adjacent neighboring buildings. The proposed project will not result in additional obstruction of significant views (BMC Section 23.502.020) in the neighborhood because there are limited significant views available to residences in the area. Privacy impacts to both the subject property and the neighboring property to the north are improved by relocating most windows on the north elevation away from the neighbor's openings. Additionally, the number of windows on the north elevation has been reduced from seven in the existing condition to four in the proposed dwelling. On the south elevation, openings are relocating away from the neighbor property to the south as well.

Construction-related impacts to adjacent residences will be temporary, limited to certain months of the year, and restricted to allowable construction hours. As such, construction-related shading or disturbance will not be detrimental.

The project will also be subject to the City's standard conditions of approval related to construction noise and air quality, waste diversion, hazardous materials, and stormwater management. These requirements ensure the project will not be detrimental to public health, safety, or welfare.

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.

Demolition

- a. Pursuant to BMC Section 23.326.030(B) “Procedure and Findings” (Demolition and Dwelling Units Control Chapter) Use Permit is required to eliminate or demolish one or more Residential Units, except where otherwise provided by the Zoning Ordinance. The ZAB shall only approve the Use Permit if one of the following is true:
- (a) The building containing the Residential Unit(s) is hazardous or unusable and is infeasible to repair.
 - (b) The building containing the Residential Unit(s) will be moved to a different location within Berkeley with no net loss of units and no change in the rent levels of the unit(s).
 - (c) The demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units.

Evidence: The proposed project involves demolishing an existing single-family dwelling and constructing a new single-family dwelling on the same lot. The replacement structure provides the same number of dwelling units as the existing structure. Therefore, demolition is necessary to allow construction of a new dwelling that maintains the site’s existing residential capacity.

- b. Replacement units shall be provided pursuant to BMC Section 23.326.030(D) “Conditions of Approval” (in the same Chapter).

Evidence: Conditions of Approval on this permit require that any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 (Affordable Housing Requirements). The Rent Stabilization Board has confirmed that the existing unit is not a Protected Unit; therefore, this condition does not apply.

- c. Tenant protections shall be provided pursuant to BMC Section 23.326.030(E) “Requirements for Occupied Units” (in the same Chapter).

1. **Applicability.** The following requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

2. **Notice.** The applicant shall provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter 13.76 (Rent Stabilization and Eviction for Good Cause Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and Payments for Residential Tenant Households).

3. **General Requirements.** The applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a date specified. Tenants shall confirm in writing their intent to lease the available unit at

any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655).

4. Sitting Tenants Rights.

(a) Any tenant of a Protected Unit that is permitted to be demolished under this section shall have the right of first refusal to rent a Comparable Unit in the new project.

(b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.

d. Replacement Units, All (State Law). Pursuant to Government Code §66300(d)(1), a City “shall not approve a housing development application that will require the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished.

Evidence: This project proposes replacing the one dwelling proposed for demolition with one new dwelling unit; therefore, the application complies. Section 66300(d)(2) (regarding lower income units) does not apply because the existing unit is not considered a “protected” unit. The findings to approve the demolition of the dwelling unit under BMC Section 23.326.020(B) are therefore satisfied due to compliance with Government Code §66300(d)(3).

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 project’s residential use is consistent with the purposes of the Low-density residential areas as outlined in the General Plan’s Land Use Element.

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

Evidence: The proposed construction of a two-story residential project would accommodate the use because it will fulfill both the district purposes and is consistent with the development standards of the R-2 zoning district.

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 April 21, 2026 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



STANDARD CONDITIONS OF APPROVAL APPLICABILITY

Development projects approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions

- A. General Project Conditions
- B. Project Specific Conditions
- C. Final Approval Conditions
- D. On-Going Operational Conditions

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit

- A. Building & Safety/Land Use Planning
- B. Public Works
- C. Toxics
- D. Health Housing Community Services E. Rent Stabilization Board

Part V. During Demolition/Construction

- A. Building & Safety
- B. Land Use Planning
- C. Public Works
- D. Toxics
- E. Health Housing Community Services

Part VI. Prior to Final Inspection

Part VII. Prior to Certificate of Occupancy

Part. VIII. Fees



Site Address: 1522 Josephine Street

Application Number: ZP2025-0014

Project Description: To demolish a 1,451 sq. ft., two-story (21 feet, 4 inches) Single-Family dwelling and construct a new 2,574 square feet two-story (23 feet, 1 inch) Single-Family dwelling with an attached two-car garage and 553 sq. ft. rear deck.



CONDITIONS OF APPROVAL

Property Address: 1522 Josephine Street

Application Number: ZP2025-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Project Approval. This Project approval is for 1522 Josephine Street, as substantially shown and described on the Project plans dated April 21, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on May, 14, 2026 (“Approval Date. For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	Approval Limited to Proposed Project and Replacement of Existing Uses. This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant shall obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. All land uses and structures in the City of Berkeley shall comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	Other 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.	City of Berkeley BMC Section 23.102.050 (E)	On-Going	Land Use Planning
5.	Conformance with Approved Plans. All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on May 14, 2026, and pursuant to the Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 1522 Josephine Street

Application Number: ZP2025-0014

I. Administrative Conditions A. General Project Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
6.	<p>Permit Modifications. No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board’s policy adopted on May 24, 1978.</p>	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	<p>Permit Revocation. The City may revoke or modify a discretionary permit for completed projects due to:</p> <ul style="list-style-type: none"> 1) Violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. <p>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, or City Council referral.</p>	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
8.	<p>Permit Remains Effective for Vacant Property. 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 COA #5 above.</p>	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 1522 Josephine Street

Application Number: ZP2025-0014

I. Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
A. General Project Conditions				
9.	<p>Exercise and Expiration of Permits 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.</p> <p>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.</p> <p>B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.</p> <p>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 Zoning Adjustments Board in accordance with Chapter 23.410 (Appeals and Certification).</p> <p>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 shall apply for and receive City approval of a new permit.</p>	<p>City of Berkeley BMC Section 23.404.060 (C)</p>	<p>On-Going</p>	<p>Land Use Planning</p>



CONDITIONS OF APPROVAL

Property Address: 1522 Josephine Street

Application Number: ZP2025-0014

I. Administrative Conditions A. General Project Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
10.	<p>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.</p>	City of Berkeley	On-Going	Land Use Planning
11.	<p>Compliance with Conditions of Approval and Environmental Mitigations. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.</p>	City of Berkeley	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 1522 Josephine Street

Application Number: ZP2025-0014

I. Administrative Conditions A. General Project Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
12.	Demolition. Demolition of the existing building and structures cannot commence until a complete building permit application is submitted for the replacement building. All plans presented to the City to obtain a building permit to allow the demolition are subject to these Conditions of Approval.	City of Berkeley	On-Going	Building & Safety/Land Use Planning
I. Administrative Conditions B. Project Specific Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit:		City of Berkeley BMC Section 23.040.050 (H)		
1.	Pursuant to BMC 23.322.080(A): 1. All off-street parking spaces, access driveways, circulation patterns, and ingress and egress connections to the public right-of-way must conform to the City of Berkeley’s Traffic Engineering requirements. 2. The Traffic Engineer shall determine whether the size, arrangement, and design of off-street parking spaces, access driveways, circulation patterns, and ingress and egress connections to the public right-of-way are adequate to create usable, functional, accessible, and safe parking areas, and are adequately integrated with Berkeley’s overall street pattern and traffic flows.	City of Berkeley BMC 23.322.080(A)	At Building Permit Submittal	Public Works/Traffic Engineer



CONDITIONS OF APPROVAL

Property Address: 1522 Josephine Street
Application Number: ZP2025-0014

I. Administrative Conditions		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
D. On-Going Operational Conditions				
1.	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.	City of Berkeley	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address:
Application Number:

II. Prior to Issuance of Demolition Permit		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<p>Conditions of Approval Included in Building Permit Plan Submittal</p> <p>A. Use Permit. The Conditions of Approval for this Permit shall be printed on the <i>second</i> sheet of each plan set submitted for a building permit pursuant to this Permit, under the title ‘Use Permit Conditions.’</p> <p><i>Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; (8-1/2” by 11” sheets are not acceptable)</i></p>	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
2.	<p>Project Liaison. The applicant shall include in all building permit plans and post onsite the name, e-mail address, 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.</p> <p>Please designate the name of this individual below:</p> <p><input type="checkbox"/> Project Liaison _____ Name Phone #</p>	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning



CONDITIONS OF APPROVAL

Property Address:

Application Number:

3.	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.	City of Berkeley BMC Section 13.40.050	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
4.	Erosion Prevention Plan. 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 from 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.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Public Works
5.	Construction and Demolition Diversion. The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 “Berkeley Green Code” 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.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works
6.	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 all new commercial, industrial and mixed-use developments, 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)	City of Berkeley	Prior to Demolition Permit Issuance	Toxics Management Division



CONDITIONS OF APPROVAL

Property Address:
Application Number:

III. At the Time of Building Permit Submittal		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	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.	City of Berkeley	At Building Permit Submittal	Public Works
2.	<p>National Pollution Discharge Elimination System (NPDES). The applicant shall demonstrate compliance with the City’s National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:</p> <p>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.</p> <p>B. Trash enclosures and/or recycling areas shall be covered, and no other areas shall drain onto these areas. 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 the East Bay Municipal Utility District (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.</p> <p>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.</p>	City of Berkeley BMC Section 17.20	At Building Permit Submittal	Public Works



CONDITIONS OF APPROVAL

Property Address:

Application Number:

	<p>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.</p> <p>E. All paved outdoor storage areas shall be designed to reduce/limit the potential for runoff to contact pollutants.</p> <p>F. All on-site storm drain inlets/catch basins shall 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 Department.</p>			
--	---	--	--	--



CONDITIONS OF APPROVAL

Property Address:

Application Number:

IV. Prior to Issuance Building Permit: A. Building & Safety/Land Use Planning		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<p>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.</p> <p>New residential uses in areas over 65dB on General Plan Noise Map (see pg 6)</p>	City of Berkeley	Prior to Building Permit Issuance	Building & Safety/Land Use Planning
2.	<p>Construction Emissions Reduction Measures. Development projects shall comply with the current Bay Area Air District’s basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 Air District CEQA Guidelines), outlined below.</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times a day. 2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. 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. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be checked by a certified mechanic and determined to be running 	Air Quality District	Prior to Building Permit Issuance	Land Use Planning/ Building and Safety/Air Quality District



CONDITIONS OF APPROVAL

Property Address:

Application Number:

	<p>in proper conditions prior to operation.</p> <p>8. 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 number shall also be visible to ensure compliance with applicable regulations.</p>			
--	--	--	--	--



CONDITIONS OF APPROVAL

Property Address:
Application Number:



CONDITIONS OF APPROVAL

Property Address:

Application Number:

IV. Prior to Issuance of Building Permit: C. Toxics		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Demolitions & Renovations – Building Materials Survey. A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, 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. 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.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division
2.	Asbestos Identified. Pursuant to Bay Area Air District Regulation 11-2-401.3, if asbestos is identified a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors shall 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.)	Bay Area Air District	Prior to Issuance of Building Permit	Bay Area Air District
3.	Environmental Site Clearance. Prior to issuance of any building permits, the applicant shall submit to the Toxics Management Division (TMD) an environmental screening clearance to ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Documentation in the form of a letter shall be provided from one of the following external agencies: <ul style="list-style-type: none"> • San Francisco Bay Regional Water Quality Control Board (RWQCB); • California Department of Toxic Substances Control (DTSC); or • The Alameda County Department of Environmental Health’s Local Oversight Program (LOP). 	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division



CONDITIONS OF APPROVAL

Property Address:

Application Number:

IV. Prior to Issuance of Building Permit: D. Health, Housing & Community Services (HHCS)		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<p>Pay Transparency Acknowledgement. Prior to the issuance of a building permit for any Project subject to this Chapter:</p> <ol style="list-style-type: none"> A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter. B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project. 	<p>City of Berkeley BMC Section 13.104.030</p>	<p>Prior to Building Permit Issuance</p>	<p>Health, Housing & Community Services</p>

IV. Prior to Issuance of Building Permit: E. Rent Stabilization Board (RSB)		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<p>Tenant protections shall be provided pursuant to BMC Section 23.326.030(E) “Requirements for Occupied Units” (in the same Chapter).</p> <ol style="list-style-type: none"> Applicability. The following requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction. Notice. The applicant shall provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter 13.76 (Rent Stabilization and Eviction for Good Cause). 	<p>City of Berkeley BMC Section 23.326.030</p>	<p>Prior to Building Permit Issuance</p>	<p>Rent Stabilization Board</p>



CONDITIONS OF APPROVAL

Property Address:

Application Number:

	<p>Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and Payments for Residential Tenant Households).</p> <p>3. General Requirements. The applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a date specified. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655).</p> <p>4. Sitting Tenants Rights.</p> <p>(a) Any tenant of a Protected Unit that is permitted to be demolished under this section shall have the right of first refusal to rent a Comparable Unit in the new project.</p> <p>(b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been</p>			
--	--	--	--	--



CONDITIONS OF APPROVAL

Property Address:
Application Number:

<p>previously charged, or a lesser rent if that is the market rate.</p> <p>(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.</p> <p>(d) Exceptions.</p> <p>ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements. (Ord. 7995-NS § 7, 2025; Ord. 7978-NS §§ 45, 46, 2025; Ord. 7924-NS § 1, 2024; Ord. 7810-NS § 1, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)</p>			
--	--	--	--



CONDITIONS OF APPROVAL

Property Address:
Application Number:

V. During Demolition/Construction A. Building & Safety		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	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.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety
2.	Construction Hours Exceptions. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start. The Project shall only be allowed 15 extended working days.	City of Berkeley	During Demolition/Construction	Environmental Health/ Land Use Planning
3.	Construction / No Parking Permits. If “Construction/No Parking Permits” are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.	City of Berkeley	During Demolition/Construction	Building & Safety



CONDITIONS OF APPROVAL

Property Address:
Application Number:

V. During Demolition/Construction: B. Land Use Planning		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	<p>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 Migratory Bird Treaty Act and the California Fish & Game Code, 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.</p>	<p>California Department of Fish & Wildlife (CDFW)/ City of Berkeley</p>	<p>During Demolition/Construction</p>	<p>Land Use Planning</p>



CONDITIONS OF APPROVAL

Property Address:
Application Number:

2.	<p>Unanticipated Discovery of Paleontological Resources. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified archeologist (per Secretary of Professional Qualification Standards National Park Service 1983). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The archeologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the archeologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.</p>	City of Berkeley	During Demolition/Construction	Land Use Planning
3.	<p>Unanticipated Discovery of Tribal Cultural Resources. In the event that Tribal Cultural Resources are identified during construction, all work within 50 feet of the discovery shall be redirected. The Project applicant and Project construction contractor shall notify the Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a Tribal Cultural Resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.</p>	City of Berkeley	During Demolition/Construction	Land Use Planning
4.	<p>Unanticipated Discovery of Archeological Resources. Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique paleontological resources accidentally discovered during construction” should be instituted. Therefore:</p>	City of Berkeley	During Demolition/Construction	Land Use Planning



CONDITIONS OF APPROVAL

Property Address:
Application Number:

	<p>A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within a minimum of 50 feet of the resources shall be halted and the Project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe (“Tribe”) to assess the significance of the find.</p> <p>B. If any find is determined to be significant, representatives of the Project proponent and/or the lead agency and the Tribe shall meet to determine the appropriate avoidance measures or other appropriate measures to mitigate impacts to the Tribal Cultural Resource.,</p> <p>C. In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached.</p> <p>D. If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitors may be instituted. Work may proceed on other parts of the Project site while mitigation measures for cultural resources is carried out.</p> <p>E. If significant materials are recovered, the Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.</p>			
--	--	--	--	--



CONDITIONS OF APPROVAL

Property Address:
Application Number:

<p>5.</p>	<p>Discovery of Human Remains. In the event that human skeletal remains are uncovered at the Project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines</p> <p>Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants’ preferences for treatment.</p> <p>A. The descendants’ preferences for treatment may include the following:</p> <ul style="list-style-type: none"> i. The nondestructive removal and analysis of human remains and items associated with Native American human remains. ii. Preservation of Native American human remains and associated items in place. iii. Relinquishment of Native American human remains and associated items to the descendants for treatment. iv. Other culturally appropriate treatment. <p>B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures.</p> <p>C. For the purposes of this section, “conferral” or “discuss and confer” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other.</p>			
-----------	---	--	--	--



CONDITIONS OF APPROVAL

Property Address:
Application Number:

	<ul style="list-style-type: none"> i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains. <p>D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following:</p> <ul style="list-style-type: none"> i. Record the site with the commission or the appropriate Information Center. ii. Utilize an open-space or conservation zoning designation or easement. iii. Record a document with the county in which the property is located. <p>F. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).</p> <p>G. Pursuant to State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.</p>			
--	--	--	--	--



CONDITIONS OF APPROVAL

Property Address:

Application Number:

V. During Demolition/Construction: C. Public Works		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Debris. 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.	City of Berkeley	During Construction	Public Works
2.	Excavation. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.	City of Berkeley	During Construction	Public Works
3.	Sandbags. 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.	City of Berkeley	During Construction	Public Works
4.	Fire Hydrant. 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.	City of Berkeley	During Construction	Public Works
5.	Underground Utilities. 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.	City of Berkeley	During Construction	Public Works



CONDITIONS OF APPROVAL

Property Address:
Application Number:

6.	<p>Public Works - Implement Bay Area Air District Recommended Measures during Construction. For all proposed projects, the Bay Area Air District recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:</p> <ul style="list-style-type: none"> 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 Bay Area Air District’s phone number shall also be visible to ensure compliance with applicable regulations. 	City of Berkeley/ Bay Area Air District	During Construction	Public Works
----	---	--	---------------------	--------------



CONDITIONS OF APPROVAL

Property Address:
Application Number:

V. During Demolition/Construction: D. Toxics		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Hazardous Waste Compliance Plan. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to the TMD within 30 days of the completion of the demolition.	City of Berkeley	During Construction	Toxic Management Division

VI. Prior to Final Inspection		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>
1.	Construction and Demolition Diversion Receipt Reporting. 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.			Building & Safety

VII. Prior to Certificate of Occupancy		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Berkeley	Prior to Certificate of Occupancy	Land Use Planning
2.	Post Construction Review. Upon completion of the Project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other	City of Berkeley	Prior to Certificate of Occupancy	Building & Safety/Land Use



CONDITIONS OF APPROVAL

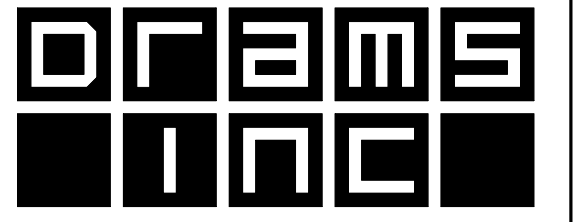
Property Address:

Application Number:

	<p>changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed Project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that Project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the Project sponsor, provided that the property owner approves of the repair.</p>			<p>Planning</p>
--	---	--	--	-----------------

LI RESIDENCE

APN: 59-2272-9
 1522 JOSEPHINE ST. BERKELEY,
 CA 94703



DRAMS INC

ARCHITECTURE - PLANNING - INTERIOR
 AL DRAM
 (415) 650-4000
 OPERATION@DRAMSINC.COM
 WWW.DRAMSINC.COM
 4050 HARLAN ST.
 EMERYVILLE, CA 94608

CONSULTANTS

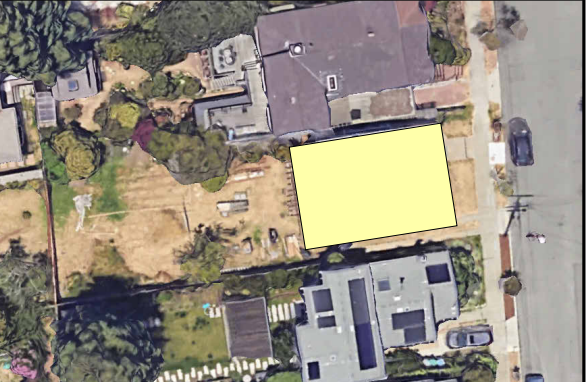
ARCHITECT OF RECORD
 MAXWELL BEAUMONT
 (510) 652-4433
 MAXWELL@DRAMSINC.COM
 4050 HARLAN ST.
 EMERYVILLE, CA 94608

REVISIONS

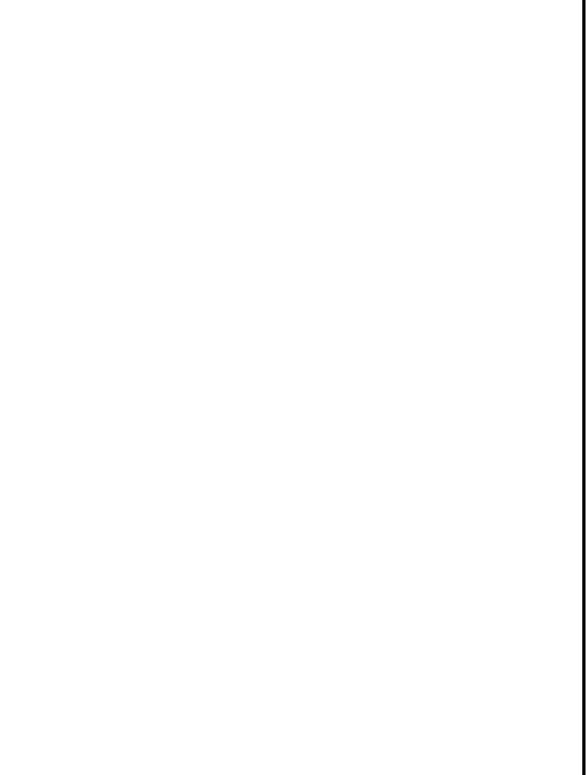
REVISION SCHEDULE

NO.	DESCRIPTION	DATE

KEY PLAN



CITY STAMP



DRAMS JOB # 23-28
 CITY JOB # #ZP2025-0014

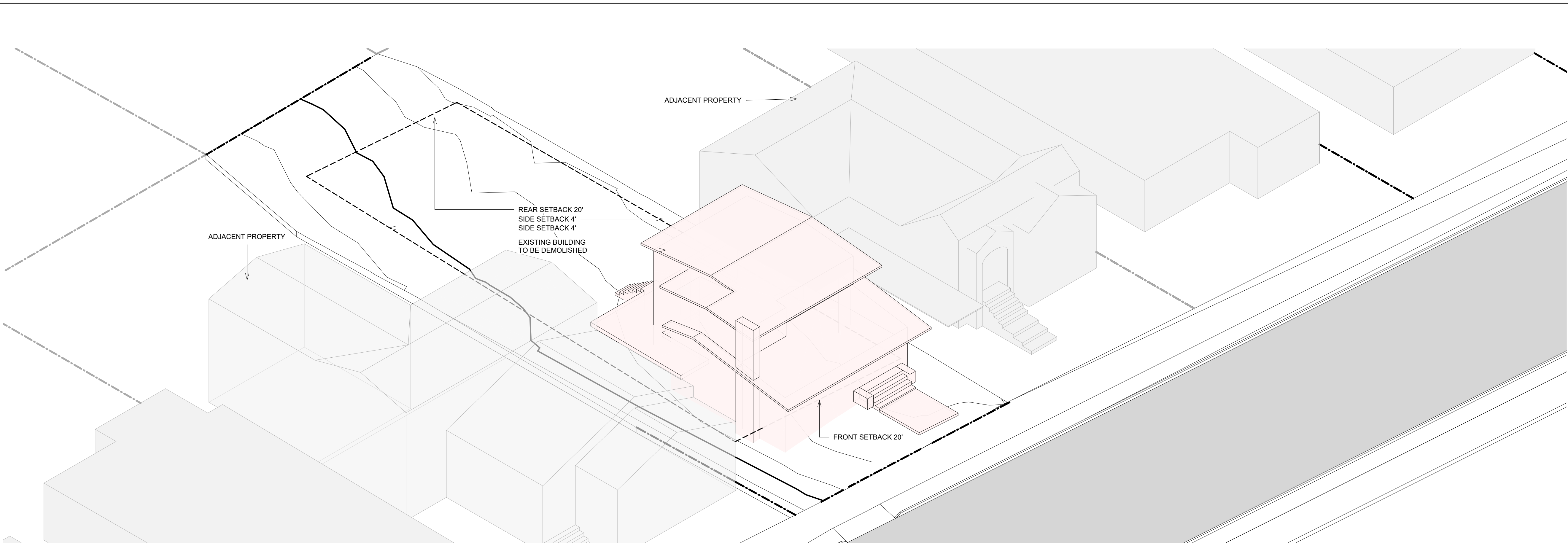
JOB TITLE
 NEW DEVELOPMENT

SHEET TITLE
 EXISTING & PROPOSED
 MASSING DIAGRAM

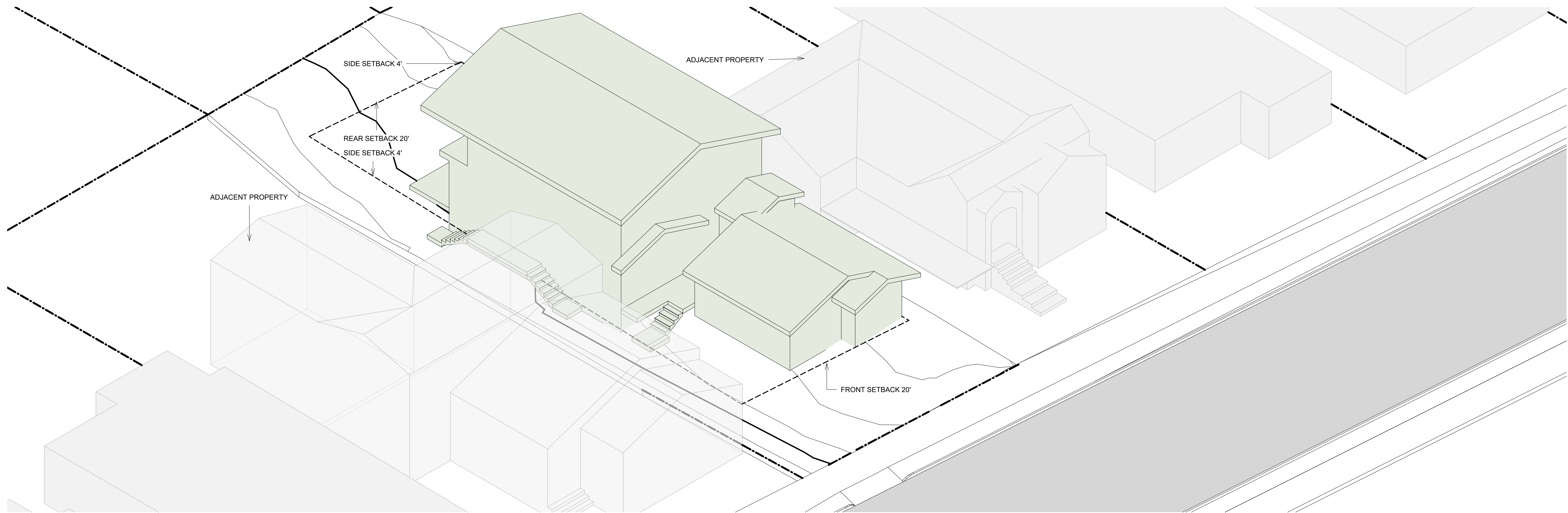
DATE 09/09/2025 SCALE AS NOTED

SHEET NO 1 PLOT SIZE 24" X 36"

ALL IDEAS, DESIGN, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF DRAMS INC. AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS PROJECT. NONE OF SUCH IDEAS, DESIGN, ARRANGEMENTS, OR PLANS SHALL BE USED BY, OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF DRAMS INC. FILING THESE DRAWINGS OR SPECIFICATIONS WITH ANY PUBLIC AGENCY OR USE THEREOF IS PERMISSIBLE WITHOUT THE CONSENT OF DRAMS INC. 09/09/2025 4:02:58 PM



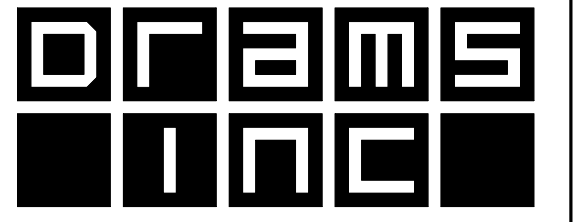
1 EXISTING MASSING DIAGRAM



2 PROPOSED MASSING DIAGRAM

LI RESIDENCE

APN: 59-2272-9
1522 JOSEPHINE ST. BERKELEY,
CA 94703



DRAMS INC

ARCHITECTURE - PLANNING - INTERIOR
AL DRAM
(415) 650-4000
OPERATION@DRAMSINC.COM
WWW.DRAMSINC.COM
4050 HARLAN ST.
EMERYVILLE, CA 94608

CONSULTANTS

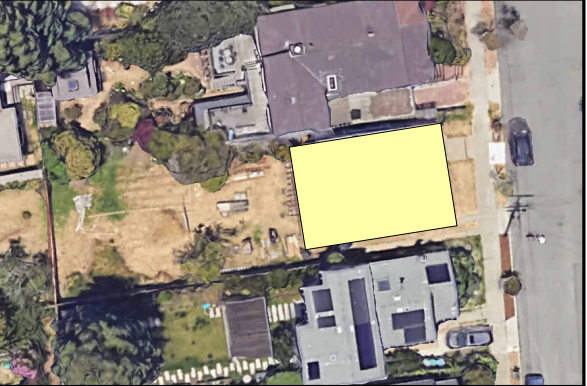
ARCHITECT OF RECORD
MAXWELL BEAUMONT
(510) 652-4433
MAXWELL@DRAMSINC.COM
4050 HARLAN ST.
EMERYVILLE, CA 94608

REVISIONS

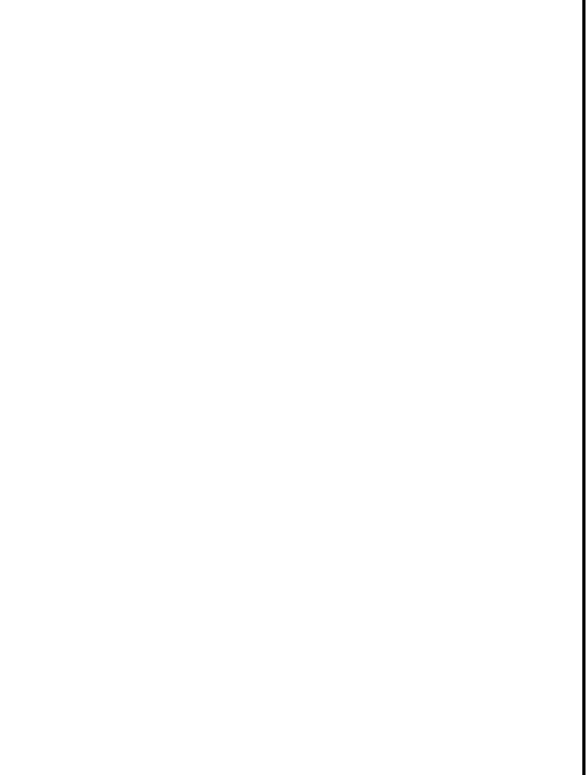
REVISION SCHEDULE

NO.	DESCRIPTION	DATE

KEY PLAN



CITY STAMP



DRAMS JOB # 23-28
CITY JOB # #ZP2025-0014

JOB TITLE

NEW DEVELOPMENT

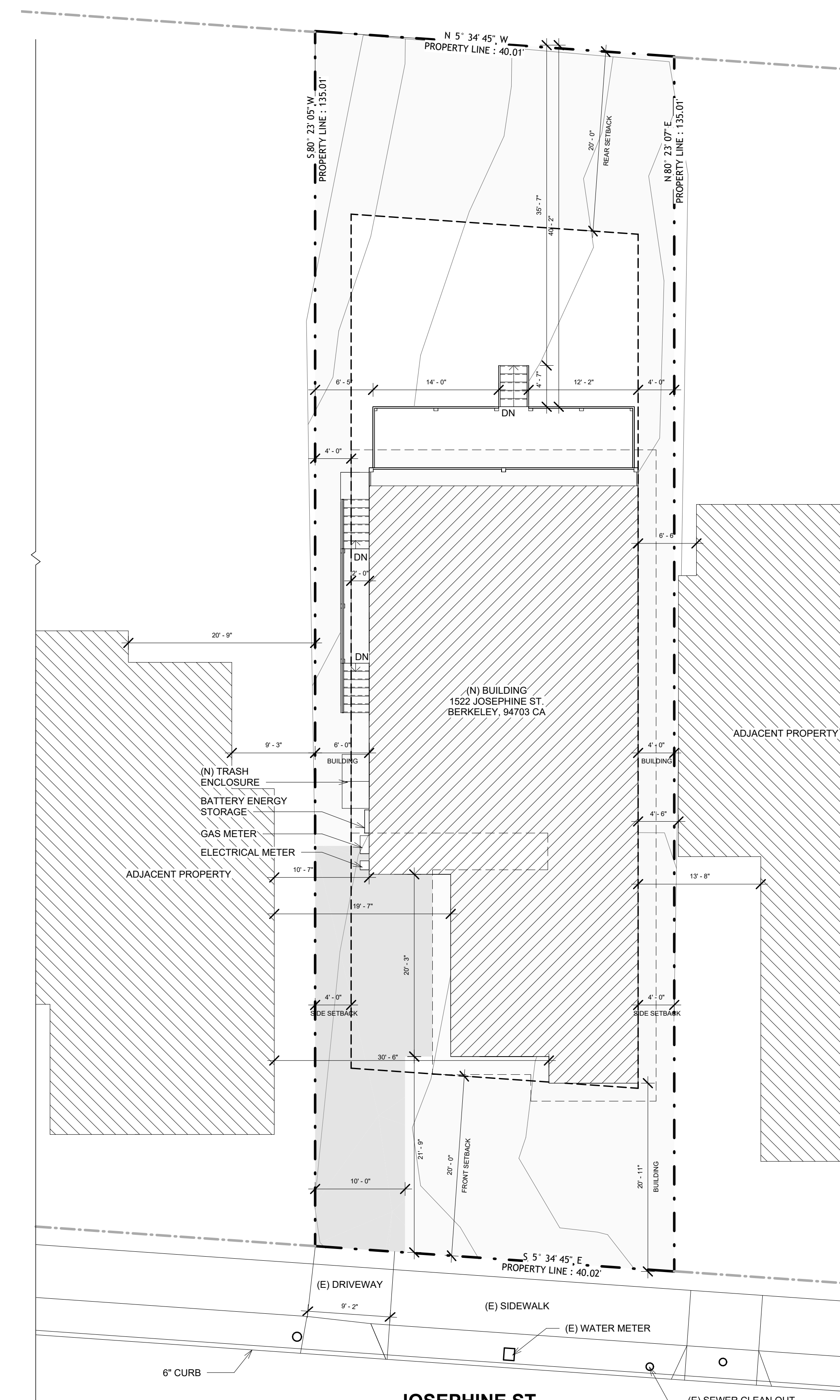
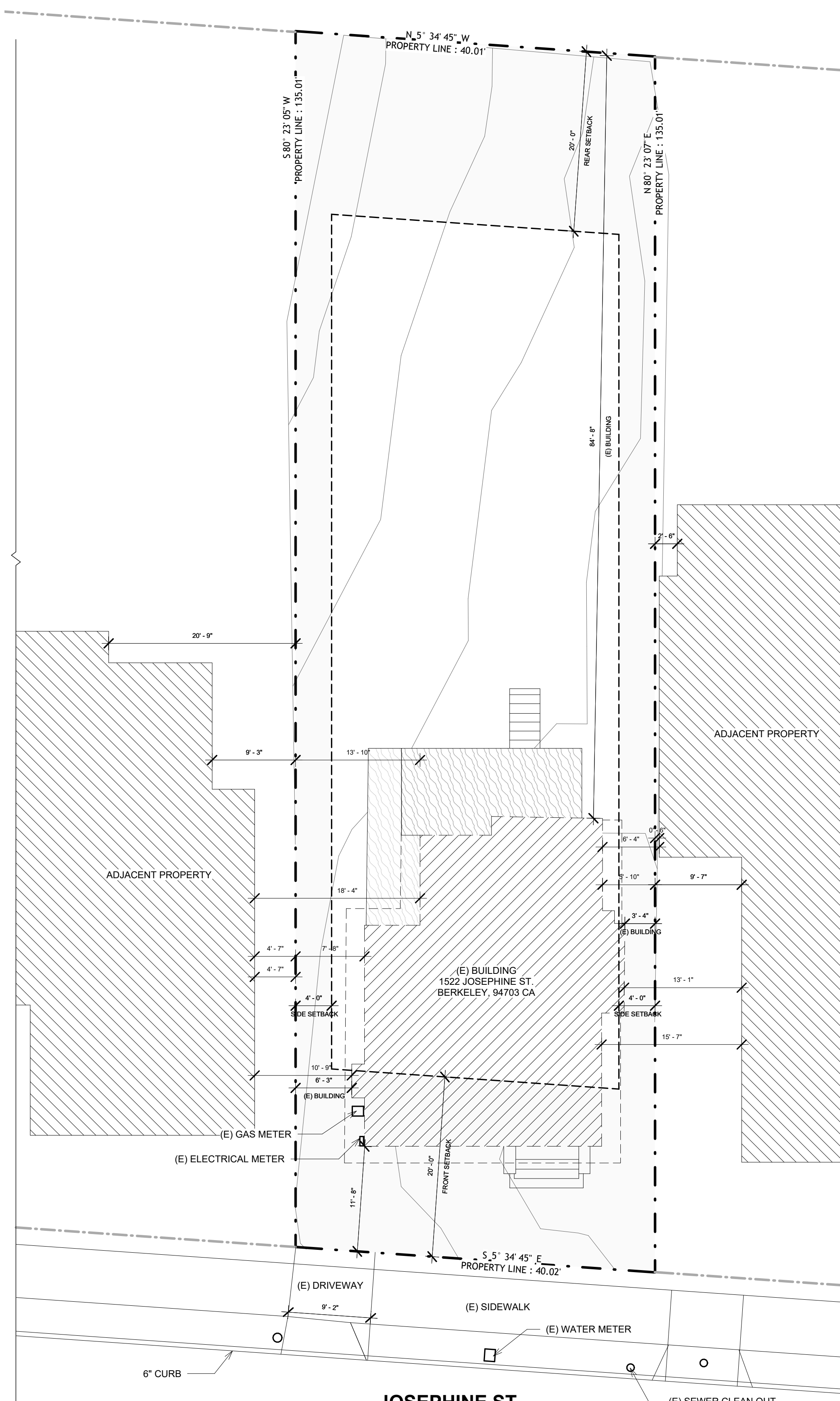
SHEET TITLE

EXISTING & PROPOSED SITE PLAN

DATE 09/09/2025 SCALE AS NOTED

SHEET NO 2 PLOT SIZE 24" X 36"

ALL IDEAS, DESIGN, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND THE PROPERTY OF DRAMS INC. AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS PROJECT. NONE OF SUCH IDEAS, DESIGN, ARRANGEMENTS, OR PLANS SHALL BE USED BY, OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF DRAMS INC. FILING THESE DRAWINGS OR SPECIFICATIONS WITH ANY PUBLIC AGENCY IS NOT A PUBLICATION OF SAME. NO COPYING, REPRODUCTION OR USE THEREOF IS PERMISSIBLE WITHOUT THE CONSENT OF DRAMS INC. 09/09/2025 10:02:00 PM



LEGEND:

- SUBJECT PROPERTY
- ADJACENT PROPERTY
- PROPERTY LINE
- SETBACK LINE
- ROOF LINE
- SPOT ELEVATION

1 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



Z O N I N G
A D J U S T M E N T S
B O A R D
NOTICE OF PUBLIC HEARING

1522 Josephine Street

Use Permit # ZP2025-0014 to demolish a 1,451 sq. ft., two-story (21 feet, 4 inches) Single-Family dwelling and construct a new 2,574 square feet two-story (23 feet 1 inch) Single-Family dwelling with an attached two-car garage and 553 sq. ft. rear deck.

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, May 14, 2026, 7:00 pm

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

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

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

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

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

A. Land Use Designations:

- General Plan: Low Medium Density Residential (LMDR)
- Zoning: Residential Multi-Unit 2 District (R-2)

B. Zoning Permits Required:

1. **Demolition.** BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish one existing Residential Unit (UPPH) in order to allow construction of a new Residential Unit (ZC)

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

E. Project Recommendation: Approve Use Permit #ZP2025-0014 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Al Dram
- Property Owner Xian Li

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, Nilu Karimzadegan at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

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