

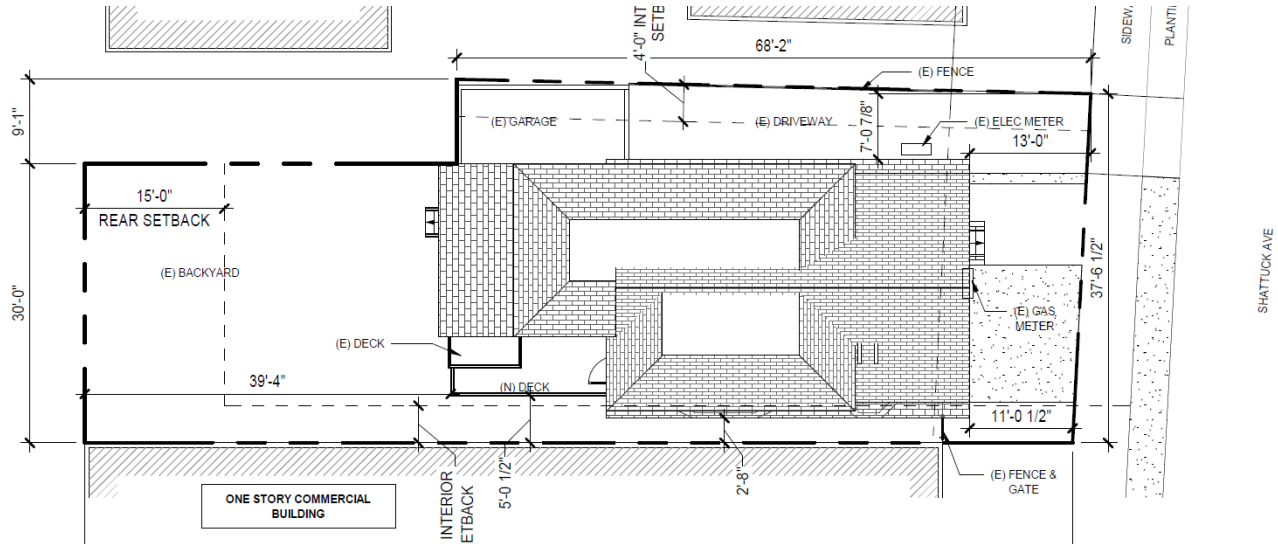


Zoning Adjustments Board Staff Report

APP # ZP2026-0031

October 8, 2026

Use Permit for 3048-3050 Shattuck Avenue



Quick Facts	Project Description:
Applicant: Samuel Lee Project Address: 3048-3050 Shattuck Avenue Site Size: 3,680 sqft. GP Land Use: Neighborhood Commercial Zoning: South Area Commercial (C-SA) CEQA: 15301 (Existing Facilities) Date Submitted: March 18, 2026 Date Deemed Complete: May 27, 2026 Project Planner: Karen C. Hernandez	The applicant is seeking approval to change the use of an existing three-story commercial building containing two units, most recently used for office, to a single-family residence. The project would remove one commercial tenant space and establish one dwelling unit with no changes to the existing building envelope. The project will result in a four-bedroom and three-bathroom single-family residence (2,142 square feet) in the C-SA zoning district.
	Zoning Permits Requested: A Use Permit Public Hearing is required for the following permits: New Use. BMC Section 23.204.020 “Allowed Use” to establish a new Single-Family Residential Dwelling, in the C-SA zoning district. *Nonconforming Setbacks. BMC Section 23.325.050(D)(2)(a) “Nonconforming Setbacks and Height” to alter the portion of a building (including windows and other openings) projecting into a minimum required setback.
	Staff Recommendation:
	Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and approve ZP2026-0031 pursuant to Section 23.406.040 (E) (1-5) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.

ZONING MAP

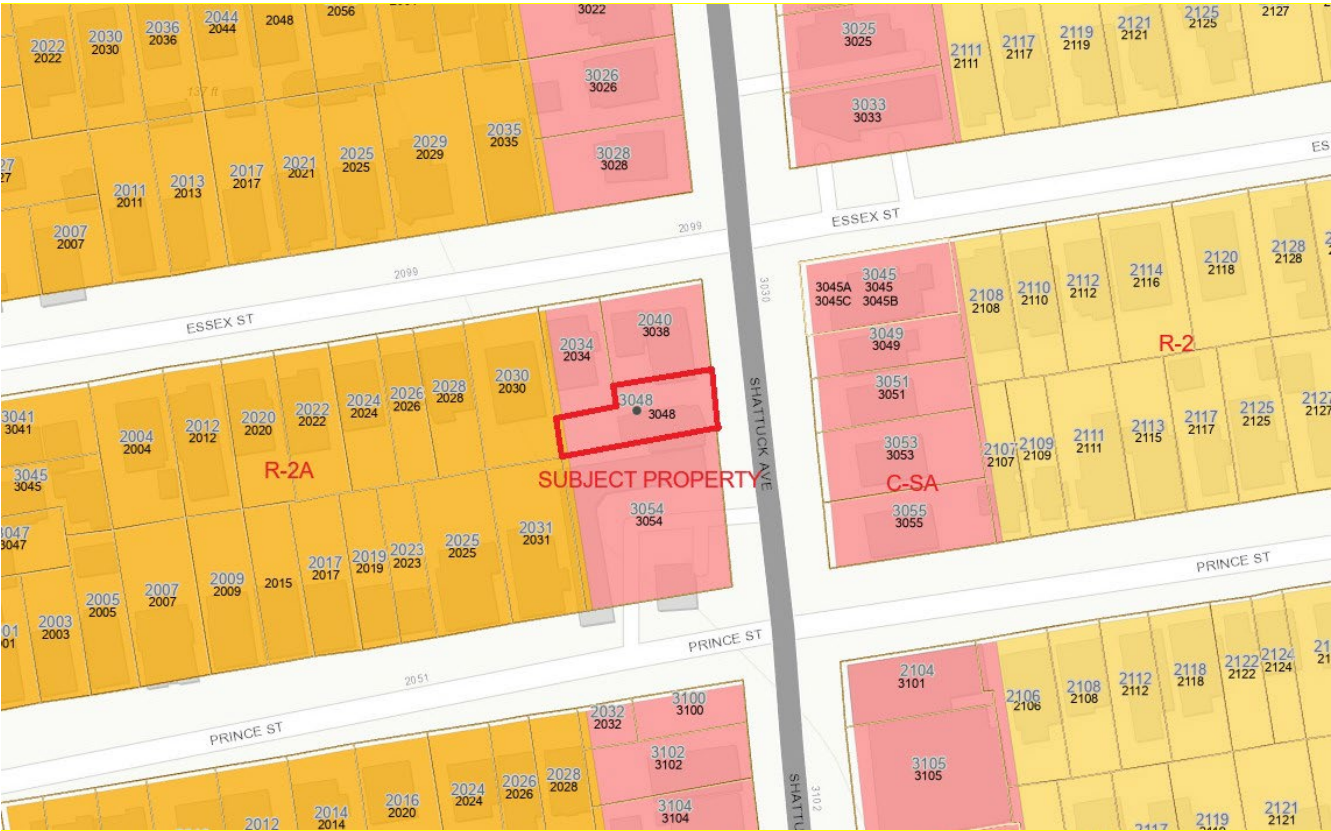


Figure 1: Vicinity and Zoning Districts Map

Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Neighborhood Commercial	South Area Commercial (C-SA)	Residential
South	Neighborhood Commercial	South Area Commercial (C-SA)	Commercial (Vacant)
East	Neighborhood Commercial	South Area Commercial (C-SA)	Residential
West	Medium Density Residential	Residential Multi-Unit 2A (R-2A)	Residential

AERIAL



STREET ELEVATION



Existing East (Shattuck Ave) Elevation

BACKGROUND

Subject Site

The subject property is located on a 3,680 square-foot, rectangular lot within the South Area Commercial District. The site is developed with one existing three-story commercial building with two units established as office use, and attached garage with a driveway along the north side of the existing building. The neighborhood is predominantly developed with single-family, multi-family and commercial buildings. To the south, the subject lot abuts a vacant commercial lot that was previously occupied by a Vehicle Repair and Service business. The properties abutting on the west and north property lines are multi-family buildings. The property is located within an Environmental Management Area (EMA). EMA are areas in the City of Berkeley known or suspected to have groundwater contamination. However, the project does not propose any ground disturbance or scopes of work that would result in groundwater contamination.

The site is within the High-Quality Transit Corridors – ¼ mile¹, approximately 350 feet from the closest bus stop, and 0.2 miles from the Ashby Bart station, providing adequate access to public transit.

Site History

- The existing building was built in 1906 as a single-family dwelling.
- The attached garage was built in 1929 per Building Permit #33613.
- The building was then converted from a single unit to two units, with no date available.
- In 1978, the occupancy changed from residential to commercial without the proper building permits. The commercial use was allowed per Codes and Inspections Division Commercial Occupancy Permit No. 109863668 on June 3, 1986.
- Zoning Permit application #5346 was received to install a wheelchair lift, and renovate the office, kitchenette, and rear stairs.
- The applicant applied for the conversion of the existing office use to single-family dwelling under Building Permit #B2026-01466 in April 9, 2026, which is currently under review. Land Use Staff cannot approve the Zoning Review of the building permit without the approval of this Zoning Permit (#ZP2026-0031) and Conditions of Approval (Attachment 3).

Community Meeting

The project proposes to convert two commercial office units to a single-family dwelling in a commercial district which abuts Residential District, Residential Multi-Unit 2A (R-2A), which requires that all abutting and confronting residential occupants and residential property owners are to be advised of the proposed development prior to submitting a zoning project application. The applicant made contact with two occupants and obtained their signatures. The remaining 13 occupants and owners were informed of the project via Certified Mail. Additionally, a pre-application poster was erected by the applicant prior to the application submittal on March 18,

¹ High-Quality Transit Corridor ¼ mile refers to the quarter mile distance to an existing fixed-route bus corridor with service intervals of 15 minutes or better during peak morning and evening commute hours per California Public Resources Code, Section 21155(b)(3).

2026. Staff has not received communications from any occupants, owners, or other members of the neighborhood that would affect the project as proposed.

ANALYSIS

Project Scope

The proposed project includes the combination of the two existing office units and subsequent conversion to a single-family dwelling unit at an existing 3-story building in the South Area Commercial District. The conversion would consist of primarily internal renovations, with no additions proposed or changes to the building which would result in an increase in the existing maximum height of 31 feet and 6 inches. The scope of work would mainly consist of converting the existing office spaces on the first and second floors to living, family, and dining rooms, kitchen, bedrooms and bathrooms. The third story would remain unconditioned attic space and would not contribute to the addition of new gross floor area. The property currently consists of 1,139 square feet of usable open space. The project proposes to remove exterior stairs at the rear side of the building and construct a 105 square-foot addition to the existing deck on the first floor. The additional deck area would increase the total usable open space to 1,244 square feet. The project also proposes to remove the two existing nonconforming bay windows on the left (south) side of the building, and to remove the existing accessible lift at the front of the building. The existing wheelchair lift was installed to provide the commercial space with adequate accessibility per the Americans with Disabilities Act (ADA), and ADA access is not required for a single-family dwelling unit per the Berkeley Zoning Ordinance. The interior renovations would result in a kitchen, living room, family room and one bathroom on the first floor, and four bedrooms and two bathrooms on the second floor. There is an existing 10-foot and 1 inch tall, attached garage on the northwest side of the building that will remain.

Findings

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

Environmental Review

It is staff's recommendation that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities). The project proposes to convert the two existing commercial offices on the first and second floors into a single-family dwelling. The project does not propose additions to the existing gross floor area, therefore, will not exceed the 10,000 square feet permitted under this CEQA exemption for a property located within an urbanized area. Although the recommendation is made by staff, the Zoning Adjustments Board is the decision-making body and will make the final determination.

ADVISORY BODY REVIEW

The project is not subject to any additional advisory body review.

POLICY CONSISTENCY

General Plan Consistency

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

1. **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.

Staff Analysis: The proposed project would be mainly internal renovations, and the exterior alterations to the existing building consist of the removal of a wheelchair lift at the front of the building and exterior stairs located in the rear side of the building, reconfiguration of the main entrance door to the building, removal and reconfiguration of windows. These alterations would be compatible with the surrounding neighborhood while maintaining the original character of the building.

2. **Urban Design & Preservation 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.

Staff Analysis: The project site is located on a property with a single commercial building that was originally built as a residential building and would maintain the design compatible with the surrounding residential context in terms of massing, height, and placement on the lot.

3. **Urban Design & Preservation Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: The proposed project would not increase the height of the existing residence and would not introduce shadow conditions that are significantly different from existing conditions on adjacent properties.

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 15301 of the CEQA Guidelines ("Existing Facilities"); and
2. **APPROVE** ZP2026-0031 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, July 10, 2026
5. Notice of Public Hearing

Attachment 1

Table 1: Project Chronology

Date	Action
March 18, 2026	Use Permit Application submitted
May 27, 2026	Application deemed complete
October 8, 2026	CEQA Recommendation by Staff
June 16 through July 18, 2026	Application processing ^a
September 24, 2026	Public hearing notices mailed/posted
October 8, 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. There are also no commercial spaces on this property. Therefore, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The project is a housing development project, as defined in BMC 23.328.020 ^a , and requires 1 Below Market Rate (BMR) unit. The applicant has opted to pay the in-lieu fee instead of providing the required BMR units, which have an exemption of up to 5,000 square feet. Because the total new residential area is less than 5,000 square feet, the applicant is required to pay \$0.
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 subject to the City's Bird Safe Building Ordinance as it does not include new construction or addition to the existing building.
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	The project does not request or utilize the State Density Bonus Law.
Hard Hats (BMC Chapter 13.107)	No	The project does not meet the definition of a " Covered Project " which includes construction, alteration, or demolition of 50,000 square feet or more of floor area which

Characteristic	Applicability	Explanation
		has not received its final permits, variances, approvals and/or other entitlements.
Historic Resources	No	The project does not involve demolition or alteration of the existing building.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project is proposing to convert an existing office building to a single-family residence and does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5. Therefore, the HAA regulations do not apply.
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.
Opportunity Sites	No	The subject site is not identified as an opportunity site in the Adopted 2023-2031 Housing Element.
Rent Controlled Units	No	The project would not involve the demolition of any residential units; therefore, no rent-controlled units would be demolished
Residential Preferred Parking (RPP)	No	The site is not located in an 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 State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The site is not on the Cortese List. ^d While the property is located in the City's Environmental Management Area, the project will not propose any ground disturbance or scopes of work that would result in groundwater contamination.
Transit	Yes	The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ¼ mile of the site, and is approximately 0.2 miles west from the Ashby Bay Area Rapid Transit (BART) Station.
Notes: a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects. 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. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/ d. Cortese List is an annually updated list of hazardous materials sites compiled with pursuant Government Code Section 65962.5.		

Table 3: South Area Commercial (C-SA) Zoning District Development Standards BMC Sections 23.204.100 and 23.322 Parking and Loading

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		3,680	No change	3,680	5,000 min.
Gross Floor Area (sq. ft.)		0 (residential)	+2,142	2,142	no min./max.
Floor Area Ratio		0.58	No change	0.58	no max.
Commercial Floor Area		2,142	-2,142	0	n/a.
Dwelling Units	Total	0	+1	1	No min./max.
	Bedrooms	0	+4	4	no min./max.
Building Height (ft. - in.)	Maximum	31'-6"	No change	31'-6"	36 feet and 3 stories max.
Building Setbacks (ft. - in.)	Front (East) (Shattuck)	11'-1"	No change	11'-1"	15'
	North Interior Side	7'-1" (main building) 0'-0" (attached garage)	No change	7'-1" (main building) 0'-0" (attached garage)	4'
	South Interior Side	2'-8"	-1'-4"	4'-0"	4'
	Rear (West)	38'-1"	No change	38'-1"	10' ^a
Usable Open Space (sq. ft.)		1,244	No change	1,244	200 min. (200/du)
Automobile Parking		1	No change	1	0 min.
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
a. Pursuant to BMC 23.304.030(C)(2), when a lot line abuts or confronts a Lot in a Residential District, the rear setback shall be 10-ft or 10% of the lot depth, whichever is less.					

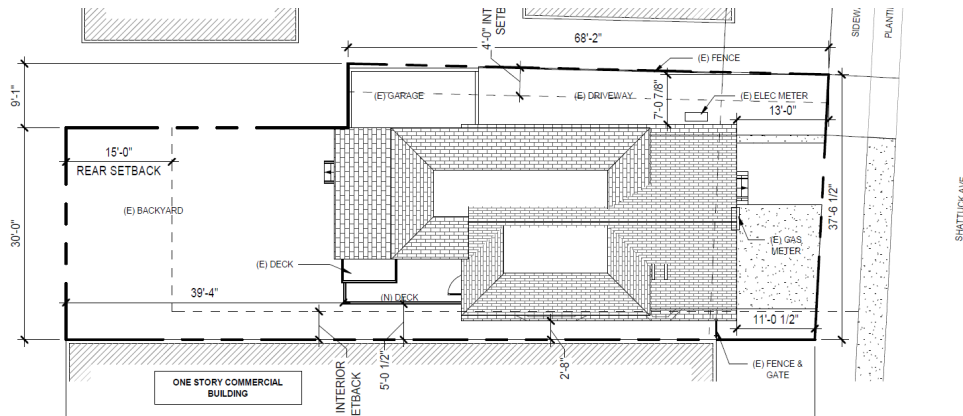


Zoning Adjustments Board Findings

App # ZP2026-0031

October 8, 2026

Use Permit for 3048-3050 Shattuck Avenue



Quick Facts	Project Description:
Applicant: Samuel Lee Project Address: 3048-3050 Shattuck Avenue Site Size: 3,680 sqft. GP Land Use: Neighborhood Commercial Mapping: South Area Commercial (C-SA) CEQA: 15301 (Existing Facilities) Date Submitted: March 18, 2026 Date Deemed Complete: May 27, 2026 Project Planner: Karen C. Hernandez	The applicant is seeking approval to change the use of an existing three-story commercial building containing two units, most recently used for office, to a single-family residence. The project would remove one commercial tenant space and establish one dwelling unit with no changes to the existing building envelope. The project will result in a four-bedroom and three-bathroom single-family residence (2,142 square feet) in the C-SA zoning district.
	Zoning Permits Requested:
	A Use Permit Public Hearing is required for the following permits: 1. New Use. BMC Section 23.204.020 “Allowed Use” to establish a new Single-Family Residential Dwelling, in the C-SA zoning district. 2. *Nonconforming Setbacks. BMC Section 23.325.050(D)(2)(a) “Nonconforming Setbacks and Height” to alter the portion of a building (including windows and other openings) projecting into a minimum required setback. *Denotes required findings.
	Staff Recommendation:
	Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and approve ZP2026-0031 pursuant to Section 23.406.040 (E) (1-5) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.

CEQA

Categorical Exemption

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

Evidence: The project would convert the existing commercial building to a single-family dwelling building. The project would consist of mainly interior alterations and small exterior alterations, as permitted under CEQA Guidelines Section 15301 for existing facilities. Therefore, the project is categorically exempt from further environmental review.

FINDINGS FOR APPROVAL

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

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

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

Evidence: The proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of the proposed use because the project will not introduce new massing or land use that would be inconsistent with the surrounding mixed residential and commercial context of the neighborhood and restores the original single-family residential use.

- (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 not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because it is consistent with the medium density residential development pattern of the neighborhood. The subject property was originally developed as a three-story single-family dwelling with two habitable stories and an attic space on the third floor, which was then converted to a commercial two office units. The proposed project would convert the existing office use of the two existing units back to single-family dwelling use. The project would not construct an addition that would result in significant changes to the exterior of the building that would exacerbate the existing nonconforming interior-side or front setbacks or create new shadows over the adjacent buildings.

The project is consistent with the purpose of the C-SA Zoning District, which encourages residential development for persons who desire both the convenience of location and more open space than is available in the Downtown.

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.

Pursuant to BMC Section 23.324.050(D)(2)(a), an Administrative Use Permit (AUP) is required for a project that alters the portion of a building (including windows and other openings) projecting into a minimum required setback.

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

Evidence: The project complies with this finding because the proposed window alterations along the building wall consist of the removal of two existing bay windows with a nonconforming 2 feet and 8 inch interior side setback, where a minimum 3-foot setback is required for bay windows encroaching into an interior side lot line. The removal of bay windows would eliminate the nonconformity and reduce any privacy concerns that would impact the property to the south. Therefore, the project would not increase or exacerbate the nonconforming interior side setback and instead would result in compliance with the required 4-foot, interior side setback.

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

Evidence: This finding is met because the proposed removal of the bay windows in the interior side setback would not result in building height increase, therefore, would not exceed the maximum or calculated height limits in the C-SA Zoning District.

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

- (a) The proposed land use; and

Evidence: The proposed land use meets the findings for approval because the project's proposed residential use is consistent with the purposes of the Medium Density residential areas as outlined in the General Plan's Land Use Element.

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

Evidence: The project proposes to convert the existing commercial building to the original single-family use resulting in a 1,800 square-foot, three-story single-

family dwelling with four bedrooms and 3 bathrooms. The current use of the commercial building was established as office use for the two existing units on the first and second floors in 1986. The building consists of three existing stories; however, the third floor is attic space with a ceiling height of 8 feet and 6 inches and will remain non-habitable space. The proposed renovations would mainly be contained in the interior of the building on the first and second floors. There is an existing, internal staircase connecting the first and second floors that will remain. The first floor consists of four office spaces that would be converted to a family room, living room, dining room, and kitchen. The second floor consists of five office spaces that would be converted to four bedrooms and one additional bathroom.

The proposed project would maintain a majority of the existing characteristics of the building and the proposed alterations are not considered to be significant. The existing main entrance to the building faces north on the left side of the entry porch and will be relocated to face the street (east), while maintaining a front setback of 17 feet and 1 inch. Additionally, there is an existing wheelchair lift at the front of the building, which will be removed and replaced with railing. There is an existing, attached garage on the northwest side of the existing building that will remain at its current location. The existing exterior stairs at the rear of the building, which currently connect the deck on the second floor with the deck on the first floor, will be removed and the deck on the second floor will remain. The deck on the first floor at the rear of the building will be enlarged by 105 square-feet and will wrap along the southwest corner of the building and this added portion will be uncovered.

As a result, the proposed project would not introduce detriment or incompatible conditions and is not expected to result in significant additional shadow, light, air, or circulation impacts to the immediate neighborhood. The proposed project would accommodate the original single-family nature of the building.

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 July 10, 2026 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



Site Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

Project Description: The applicant is seeking approval to change the use of an existing three-story commercial building containing two units, most recently used for office, to a single-family residence. The project would remove one commercial tenant space and establish one dwelling unit with no changes to the existing building envelope. The project will result in a four-bedroom and three-bathroom single-family residence (2,142 square feet) in the C-SA zoning district.

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. 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. Health Housing Community Services

Part V. During Demolition/Construction

- A. Building & Safety
- B. Land Use Planning
- C. Public Works

Part VI. Prior to Final Inspection



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Project Approval. This Project approval is for 3048-3050 Shattuck, as substantially shown and described on the Project plans dated July 10, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on October 8, 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 October 8, 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: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
6.	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.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	Permit Revocation. The City may revoke or modify a discretionary permit for completed projects due to: 1) Violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. 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.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
8.	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.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
9.	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. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the Zoning Adjustments Board in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant shall apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
10.	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.	City of Berkeley	On-Going	Land Use Planning

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit:	City of Berkeley		



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

I. Administrative Conditions C. On-Going Operational Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
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: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Conditions of Approval Included in Building Permit Plan Submittal 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.’ <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>	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
2.	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. Please designate the name of this individual below: ☐ Project Liaison _____ Name Phone #	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
3.	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



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
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



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

IV. Prior to Issuance of Building Permit: A. Health, Housing & Community Services (HHCS)		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pay Transparency Acknowledgement. Prior to the issuance of a building permit for any Project subject to this Chapter: 1. 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. 2. 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.	City of Berkeley BMC Section 13.104.030	Prior to Building Permit Issuance	Health, Housing & Community Services



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
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: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	California Department of Fish & Wildlife (CDFW)/ City of Berkeley	During Demolition/Construction	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

2.	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.	City of Berkeley	During Demolition/Construction	Land Use Planning
3.	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.	City of Berkeley	During Demolition/Construction	Land Use Planning



CONDITIONS OF APPROVAL

Property Address:

Application Number:

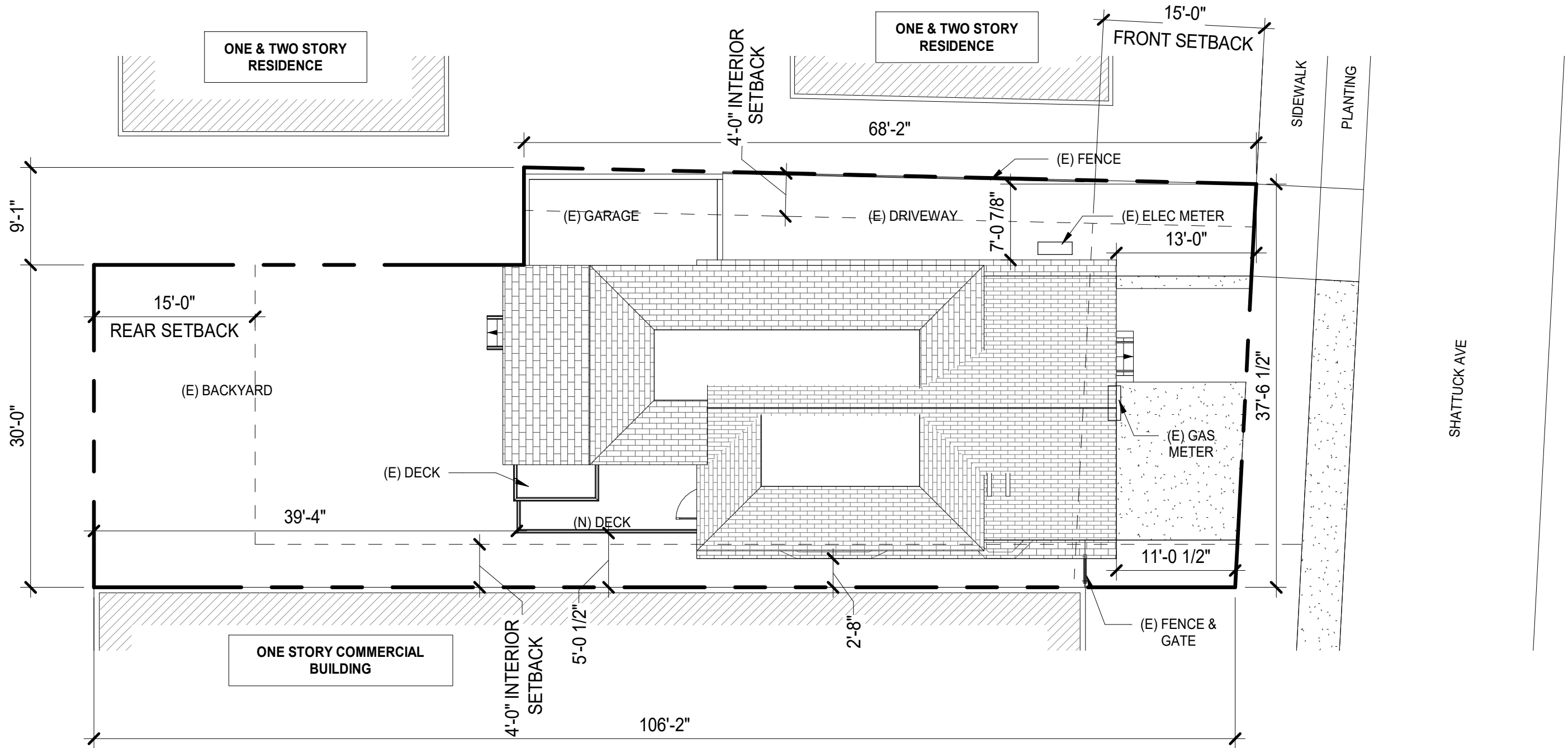
V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Debris. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to 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



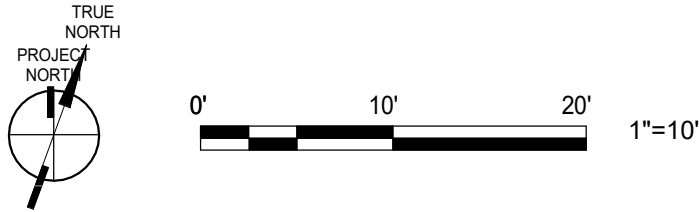
CONDITIONS OF APPROVAL

Property Address: 3048-3050 Shattuck Avenue
Application Number: ZP2026-0031

VI. Prior to Final Inspection		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change associated with this Permit. The new address(es) shall be assigned in accordance with BMC 16.28.030, and entered into the City’s database after the building permit is issued but prior to final inspection.	City of Berkeley BMC 16.28.030	Prior to Final Inspection	Building & Safety/Land Use Planning



SITE PLAN
3050 Shattuck Ave., Berkeley, CA 94705





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

3048-3050 Shattuck Avenue

Use Permit #ZP2026-0031 to change the use of an existing three-story commercial building containing two units, most recently used for office, to a single-family residence. The project would remove one commercial tenant space and establish one dwelling unit with no changes to the existing building envelope. The project will result in a four-bedroom and three-bathroom single-family residence (2,142 square feet) in the C-SA zoning district.

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, October 8, 2026, 7:00 pm

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

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

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

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

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

A. Land Use Designations:

- General Plan: General Plan: NC – Neighborhood Commercial

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474
E-mail: zab@berkeleyca.gov

3048-3050 Shattuck Avenue
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted September 24, 2026

- Zoning: C-SA – South Area Commercial District

B. Zoning Permits Required:

- Use Permit under BMC Section 23.204.020 to establish a new single-family residential dwelling
- Use Permit under BMC Section 23.324.050(D)(2)(a) to alter the portion of a building (including windows and other openings) projecting into a minimum required setback.

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

E. Project Recommendation: Approve Use Permit #ZP2026-0031 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant/Property Owner Samuel Lee, Hayward, CA

3048-3050 Shattuck Avenue
Page 3 of 4

NOTICE OF PUBLIC HEARING
Posted September 24, 2026

Further Information:

All application materials are available online at: <https://aca-prod.accela.com/BERKELEY/Default.aspx>.

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

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

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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

3048-3050 Shattuck Avenue
Page 4 of 4

NOTICE OF PUBLIC HEARING
Posted September 24, 2026



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.