



Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION
MAY 26, 2022

1208 Kains Avenue

Use Permit #ZP2021-0154 to make alterations in the non-conforming front setback by raising the roof of the attached garage and altering the entry porch, and legalize an existing hot tub, on a lot that is non-conforming for lot coverage and occupied by an existing two-story, 1,029-square-foot, single-family dwelling.

I. Background

A. Land Use Designations:

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

B. Zoning Permits Required:

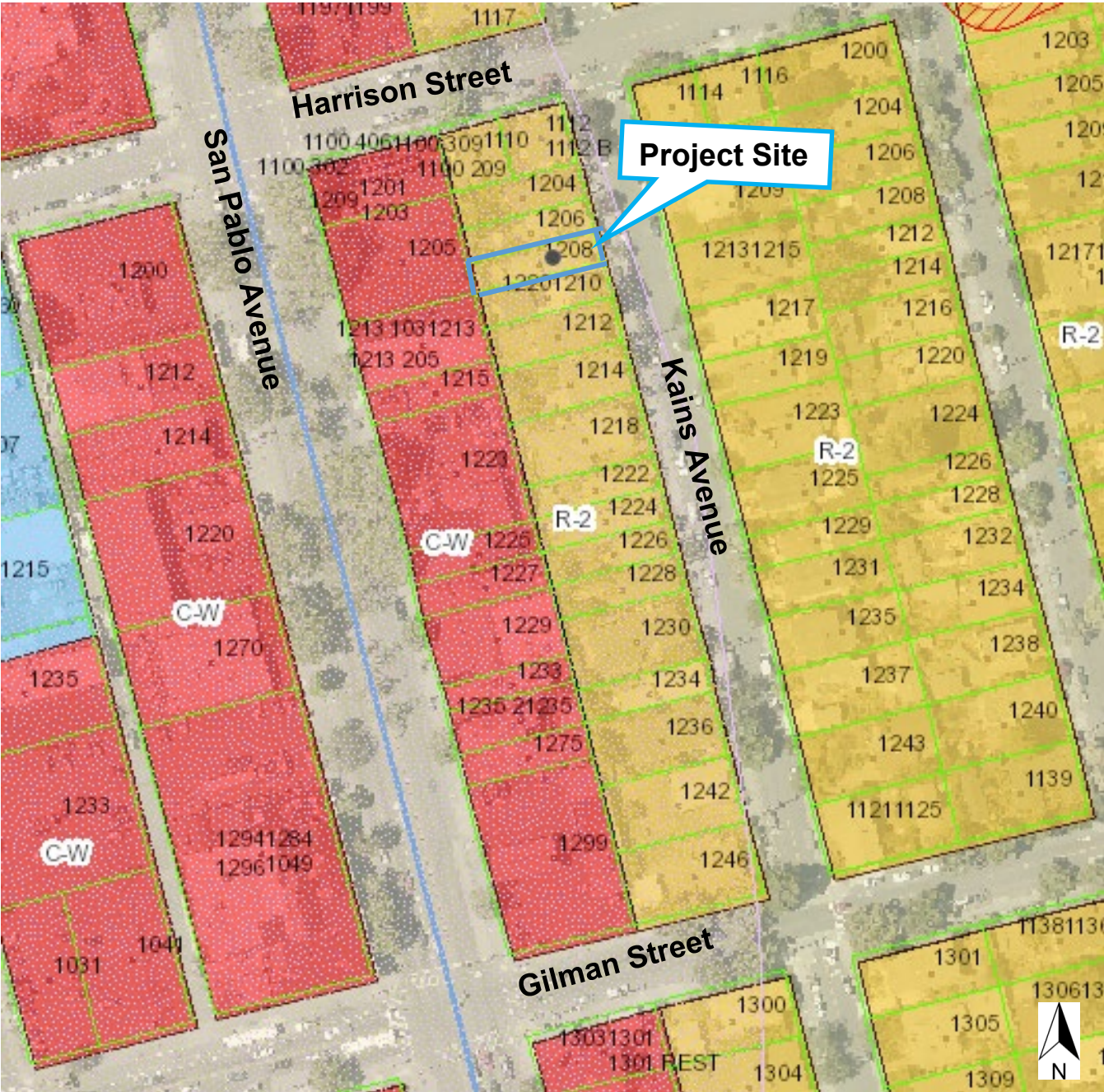
- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D), to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D) to make alterations in a non-conforming setback;
- Administrative Use Permit pursuant to BMC Section 23.304.070(D) to add an unenclosed hot tub.

C. CEQA Recommendation: It is staff's recommendation to ZAB that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 ("Existing Facilities") of the CEQA Guidelines. The determination is made by ZAB.

D. Parties Involved:

- Applicant Henry Fleischmann, FDC Design Build, 925 Adams Street, Albany
- Owner Jennifer Lovvorn and Elizabeth Black, 1208 Kains Avenue, Berkeley

Figure 1: Vicinity Map



Legend
R-2: Restricted Two-Family Residential District
C-W: West Berkeley Commercial District

Figure 2: Proposed Site Plan

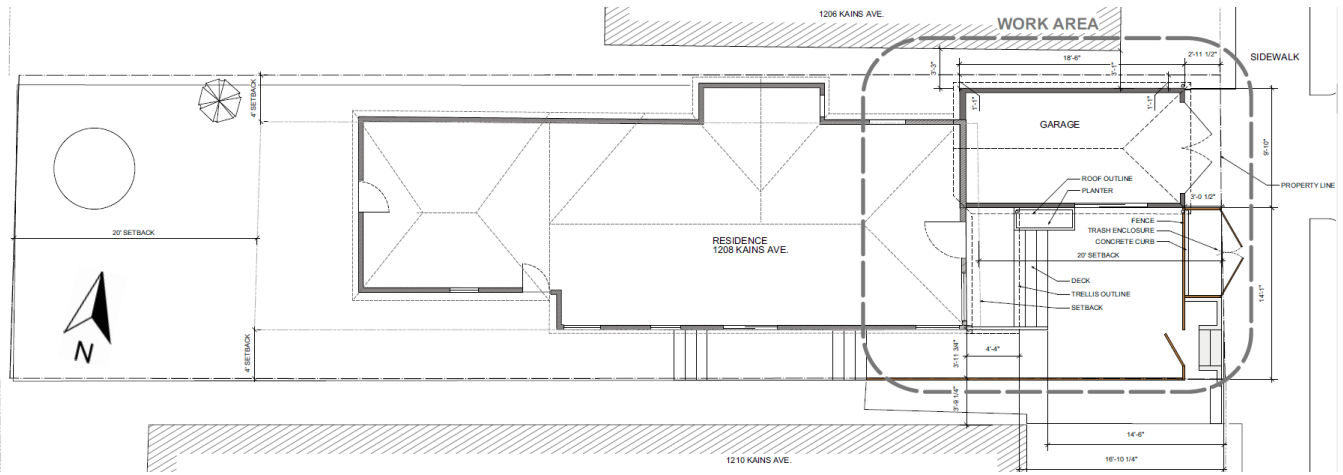


Figure 3: Proposed Front Elevation

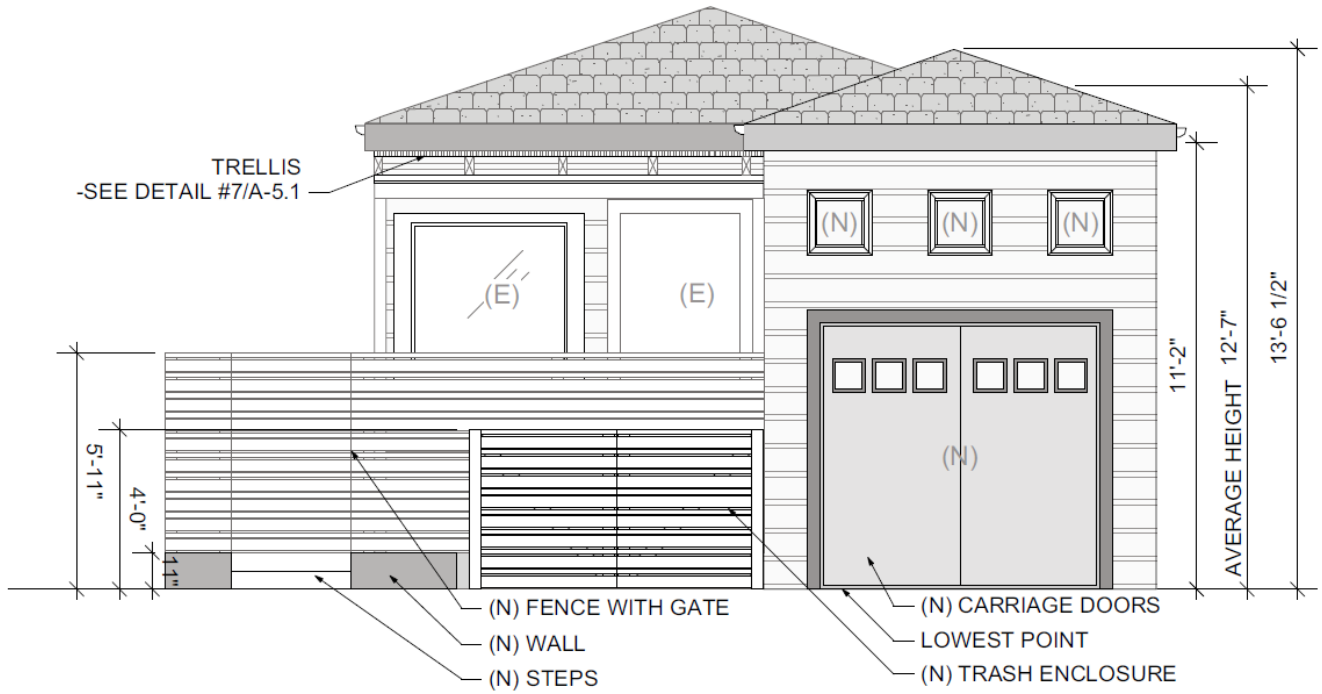


Table 1: Land Use Information

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

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Creeks (Per BMC Section 17.08.045)	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Historic Resources (Per Gov't Code §15064.5, BMC Chapter 3.24 or BMC Chapter 23C.08)	No	The subject property is not a historical resource pursuant to CEQA Guidelines Section 15064.5 and, therefore, does not represent an exemption to the categorical exemptions of Section 15300.2. The project does not propose the demolition or substantial alteration of a building over 40 years old.
Housing Accountability Act (Per Gov't Code Section 65589.5(j))	No	The project is not a "housing development project," as no additional units would be created. The project is to increase the height of the attached garage on the site. Therefore, the HAA findings do not apply to this project.
Oak Trees (Per BMC Section 6.52.010)	No	There are no existing oak trees on the site.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The subject building is a single-family dwelling and is therefore not subject to BMC Chapter 13.76.
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	No	The project site is located in an area susceptible to liquefaction, as defined by the State Seismic Hazards Mapping Act (SHMA). The project is not subject to additional review to comply with the Act because the proposed alteration does not exceed 50 percent of the value of the structure or 50 percent of the existing floor area..
Soil/Groundwater Contamination	No	The site is not located within the City's Environmental Management Area and is not on the Cortese List.
Transit Access	Yes	Bus stops for AC transit routes 52, 72, 72M, and 800 are within 0.1 miles of the project site on San Pablo Avenue.

Table 3: Project Chronology

Date	Action
August 20, 2021	Application submitted
September 17, 2021	Application deemed incomplete
October 8, 2021	Revised application materials submitted
November 5, 2021	Application deemed incomplete
November 16, 2021	Revised application materials submitted
December 16, 2021	Application deemed complete
May 12, 2022	ZAB Public hearing notices mailed/posted
May 26, 2022	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23D.28.070-080		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		2,500	No Change	5,000 min
Dwelling Units on Lot		1	No Change	1 main dwelling unit for a lot of this size
Bedrooms		2	No Change	AUP required for addition of 5th
Gross Floor Area (Sq. ft.)		1,029	No Change	n/a
Building Height	Average	21'-6"	No change ¹	28' max. (35' with Use Permit)
	Stories	2	No Change	3 max.
Building Setbacks (ft.)	Front	2'-11 ½"	No Change	20' min.
	Rear	28'-4"	No Change	20' min.
	Left Side	3'-11 ¾"	No Change	4' min.
	Right Side	1'-1"	No Change	4' min.
Lot Coverage (%)		45	No Change	40 max.
Usable Open Space (sq. ft.)		700+	No Change	400 min.
Parking		1	No Change	1 min. for existing dwellings

¹The proposed average height of the attached garage is lower than the average height for the dwelling.

II. Project Setting

- A. Neighborhood/Area Description:** The subject property is located on Kains Avenue, between Harrison Street and Gilman Street. The area is residential in nature and consists predominantly of one- and two-story single-family dwellings.
- B. Site Conditions:** The subject property is 2,500 square feet in area, with an existing 1,029 square foot two-story single-family dwelling on the property. The site is non-conforming for lot size as a minimum lot size of 5,000 square feet is required in the R-2 Residential District, and the front and right-side setbacks are non-conforming. The lot has coverage of 45 percent where 40 percent is permitted. There is an existing curb cut and driveway along the north (right) side of the parcel, which leads to an attached garage.

III. Project Description

The project proposes to increase the height of the existing attached garage, add new windows and a new door to the garage, and alter the front entry porch. Changes to the garage are in the front setback and right-side setback, and changes to the front porch are in the front setback. The average height of the existing dwelling would not change, and the footprint of the dwelling and garage would not change.

IV. Community Discussion

- A. Neighbor/Community Concerns:** The applicant erected a yellow poster and contacted abutting and confronting neighboring property owners and occupants to show them a copy of the proposed project plans and obtain their signature on the proposed plans. Two neighboring owners/tenants could not be reached in person, so the applicant sent a certified letter explaining the project and included a copy of the plans, and submitted to staff a copy of the certified mail receipts. On May 12, 2022, the City mailed notices for the ZAB hearing to property owners and occupants within a 300-foot radius, to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any written communications, other than a letter of support.
- B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a commercial or manufacturing district, and does not involve the demolition of a non-residential building.

V. Issues and Analysis

- A. Addition to Structure on Parcel with Non-Conforming Lot Coverage:** Pursuant to BMC Sections 23.324.050(D)(3), additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of exceeding lot coverage are permitted with a Use Permit if the existing use of the property is conforming, the

addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase lot coverage or exceed the height limit. As described in Site Conditions, above, the property is non-conforming for lot coverage. The sub-standard lot has a coverage of 45 percent where 40 percent is the maximum. The proposed alteration to the garage height and front porch would not increase lot coverage. Furthermore, the proposed garage height is 12 feet, 7 inches, where 28 feet is the maximum allowed without a Use Permit, the existing residential use is conforming, the project conforms with all other aspects of the Zoning Code, except for setbacks (discussed below), and conformance with other applicable laws will be confirmed during review of the building permit.

- B. Alterations in a Non-Conforming Setback:** Pursuant to BMC Section 23.324.050(D)(2), an alteration of a portion of a building which encroaches into a non-conforming setback may be authorized by an Administrative Use Permit if the existing use of the property is conforming, the alteration complies with all applicable laws, and the alteration would not further reduce existing non-conforming setbacks, or exceed the height limit. As described in Site Conditions, above, the dwelling has non-conforming front and right-side setbacks, but the proposed alteration of the garage would not change the footprint of the garage and would not further reduce the non-conforming front and right-side setbacks, or exceed the height limit. The existing residential use is conforming, the project conforms with the Zoning Code, and conformance with other applicable laws will be confirmed during review of the building permit.
- C. Unenclosed Hot Tub:** Pursuant to BMC Section 23.304.070(D), an Administrative Use Permit is required to add an unenclosed hot tub. There is an existing hot tub in rear yard that will be legalized with this application. Operation is subject to Conditions of Approval #35 – 38 as well as the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels.
- D. General Non-Detriment for Use Permits and Administrative Use Permits:** Pursuant to BMC Section 23.406.040, the Board may issue a Use Permit if it meets the findings for non-detriment. An analysis of sunlight/shadows, air, privacy and views follows:

Sunlight/Shadow: Since the addition is not above 14 feet in average height shadow studies were not required. The residential addition will not result in a significant loss of direct sunlight on abutting residences, and any shading impacts are not deemed detrimental.

Air: As discussed above, the alteration would not increase the footprint of the garage, and would not further reduce setbacks. The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-2 neighborhood because the alteration would not further reduce the front and right-side setbacks, and would not exceed height or story limits. Therefore, there would be minimal, if any, air impacts.

Privacy: The new windows at the garage would face the street; minimal privacy impacts are anticipated.

Views: The addition would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). The neighborhood is generally flat and developed with one- and two-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.

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

1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
2. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
3. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
4. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

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

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and its minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2021-0154 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated November 16, 2021
3. Notice of Public Hearing
4. Correspondence Received

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 26, 2022

1208 Kains Avenue

Use Permit #ZP2021-0154 to make alterations in the non-conforming front setback by raising the roof of the attached garage and altering the entry porch, and legalize an existing hot tub, on a lot that is non-conforming for lot coverage and occupied by an existing two-story, 1,029-square-foot, single-family dwelling.

PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D), to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D) to make alterations in a non-conforming setback;
- Administrative Use Permit pursuant to BMC Section 23.304.070(D) to add an unenclosed hot tub.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 ("Existing Facilities") of the CEQA Guidelines.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by Section 23.406.040.E.1 of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The proposed addition conforms to the R-2 District standards, including yard requirements, and average height, and does not worsen any non-conforming condition;
 - B. The proposed project recognizes and adheres to an existing pattern of development by maintaining the single-family use of the property; and
 - C. The proposed project does not further reduce the non-conforming front and right-side setback, and the footprint of the dwelling and attached garage will not increase.

III. OTHER FINDINGS FOR APPROVAL

1. As required by Section 23.324.050(D) of the BMC, the Zoning Adjustments Board finds that the residential addition to a non-conforming structure on a lot that is non-conforming by reason of the lot coverage and non-conforming front and right-side setbacks is permitted because the existing use of the property is conforming, the addition complies with all applicable laws (i.e. development standards), and will not increase the lot coverage, exceed the height limit, or further reduce the non-conforming setbacks. The proposed alteration to the garage height and front porch would not increase lot coverage, nor further reduce the non-conforming front and right-side setbacks. Additionally, the addition will be below the average height limit of 28 feet, with an average height of 12 feet 7 inches at the garage.
 2. As required by Section 23.304.070(D), the hot tub pump will be mounted and enclosed so that its sound will not be audible over a property line of the adjacent lot because Operation is subject to Conditions of Approval #35 – 38 as well as the controls imposed under BMC Chapter 13.40 as it relates to maximum noise levels.
-

IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

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

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

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

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

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

11. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.

12. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors

during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.

- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

13. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
14. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

15. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
16. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
 - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 17. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 18. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 19. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 20. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 21. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

- 22. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously..
- 23. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 24. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 25. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to

the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

- C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 26. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 27. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

28. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
29. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
30. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
31. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

32. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
33. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 16, 2021, except as modified by conditions of approval.

At All Times:

34. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

Hot Tub Conditions:

35. The pump shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
36. The hot tub shall be equipped with safety features in accordance with the California Building Code.
37. This permit shall be subject to review and modification as necessary to alleviate excessive noise or disturbance to the neighborhood.
38. Mechanical operation and use must adhere to the exterior noise standards of BMC Section 13.40.050.

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

10/07/21

Revisions Date

Remodel

Job #: BLA/LOV101

Issue Date: 11.16.2021

Drawn By: em

Title Sheet/Notes

Sheet :

A-0.0

GENERAL NOTES:

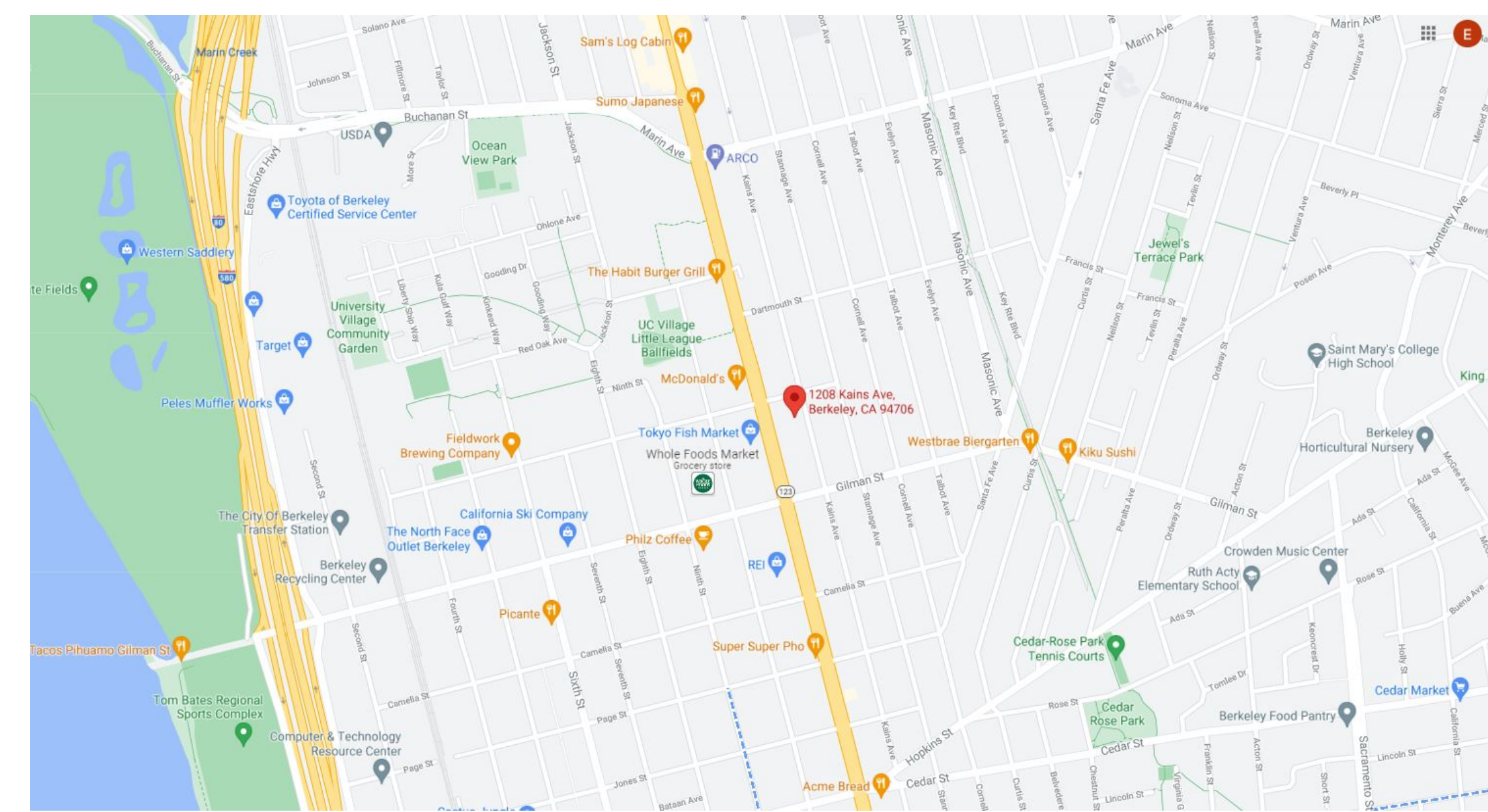
- General notes are an aid to the contractor in understanding the work and should not be construed as being complete in every detail. It is the explicit and specific responsibility of the Contractor to visit the site, verify the existing conditions, familiarize themselves thoroughly with the scope of work, and report all discrepancies between the drawings and the assumed or actual conditions to the Designer.
- These drawings are intended to be read in conjunction with the schedules, details, and specifications embodied in the project manual(s) (if any). No one drawing or specification section shall "govern" It is the explicit and specific responsibility of the Contractor to examine the contract documents in their entirety, report all discrepancies encountered therein to the attention of the Designer and await resolution proceeding with any work affected by such discrepancies.
- These drawings define the scope of work for the project. They indicate location, dimension and references. Work not particularly detailed shall be of construction and detail similar to that shown. Details referenced on plans apply at similar conditions even though not specifically referenced. Typical details are typical throughout the drawings at the conditions shown. Typical details are not referenced at all locations where they apply.
- These general notes shall apply equally to all prime and subcontractors engaged upon this project. The word "Contractor" shall apply equally to the work of all trades.
- All work shall be done in conformance with all applicable Federal, State, OSHA, County ordinances, amendments, and rulings: 2019 CBC. The Contractor shall give all notices necessary and incidental to the lawful execution of the work.
- The Contractor shall be responsible for the means, methods, techniques, and sequences of construction. The contractor shall also be solely responsible for safety programs and procedures during construction.
- Contractor shall field verify all spot elevations and provide drainage away from building walls.
- All dimensions shall be field verified and coordinated with all of the trades. Any discrepancies shall be brought to the attention of the Designer for resolution.
- All lines, symbols, notes and other graphic devices contained in the contract documents carry specific or inferential meaning. Items indicated in these ways are part of the scope of work and will be required by the Owner and Designer to be included in the scope of the Contractor's work whether they have been included in the Contractor's original bid or not. Any items which require further clarification by the Designer for the specific benefit of the Contractor shall be brought to the attention of the Designer for such clarification before the commencement of any work.
- Design work is the responsibility of the Designer. The Contractor shall assume all responsibility for changes in the scope of work not brought to the attention of the Designer.
- The Contractor shall pay specific attention to all dimensioned or inferential plan and section spatial relationships, and shall verify all axis's and symmetries before commencing work.
- Dimensions marked "verify" are to be checked for accuracy by the Contractor as work progresses, and all discrepancies are to be brought to the attention of the Designer before work commences.
- Dimensions marked "clear" or "CLR" are not adjustable without consent of the Designer.
- The Contractor shall not scale the drawings; figured dimensions only are to be used for all aspects of work.
- All dimensions are to face of stud and/or to centerline of structural members unless otherwise noted.
- Any building or site areas unaffected by this work shall be protected from any damage caused by this work. Any damage to existing structures and finishes so caused shall be the financial responsibility of the Contractor.
- Any waste and refuse caused by this work shall be removed from the premises and be disposed of by the Contractor.
- The Contractor shall coordinate the work of all subcontractors.
- All hardware to come in contact with pressure treated wood shall be hot dipped galvanized
- Pressure treated wood shall have retention levels between .20 and .40. Pressure treated wood that will come in contact with the ground shall have retention levels of .40 or greater.
- Project shall comply with 2019 CRC, 2019 CMC, 2019 CEC, 2019 CPC, 2019 CAL Green, 2019 CBC, 2019 CFC and 2019 California Energy Code.
- CALGreen Corrections: On and after January 1st, 2014, single-family residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy or final permit approval by the local building department. Noncompliant plumbing fixture means any of the following: (CGBSC Sec.301.1.1 and Civil Code Sec.1101.1)
 - Any toilet manufactured to use more than 1.6 gallons of water per flush.
 - Any urinal manufactured to use more than 1.0 gallons of water per flush.
 - Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute.
 - Any interior faucet that emits more than 2.2 gallons of water per minute.
- Environmental air duct exhausts shall terminate no less than 3 feet from property lines and openings to buildings.

5 GENERAL NOTES

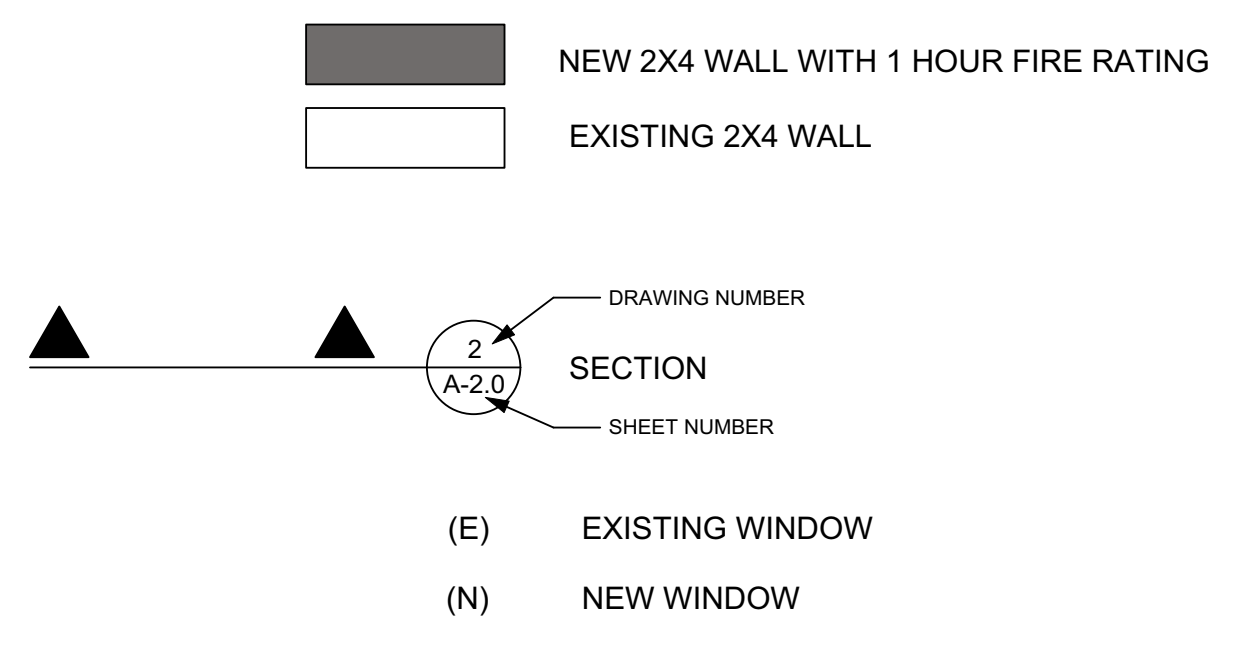
SHEET	Description
A-0.0	Title Sheet/Notes
A-0.1	Site Plan
A-0.2	Neighbor Outreach
A-0.3	Usable Open Space Plan
A-1.0	Existing & Proposed Floor Plans
A-2.0	Existing Elevations
A-2.1	Proposed Elevations
A-3.0	Proposed Sections
A-4.0	Electrical Plan
A-5.0	Window/Door Schedule
A-5.1	Details
A-5.2	Details

2 SHEET INDEX

3 VICINITY MAP



NTS



6 LEGEND

Proposed project to repair existing garage with new foundations, add new window & carriage doors. Garage height to be raised to 13'-6" tall. Project also to include alterations to front entry porch roof and deck to allow more light into house. Alteration to occur within nonconforming front setback.

4 PROJECT DESCRIPTION

APN: 060240500600
OWNERS: Jennifer Lovvorn & Elizabeth Black
1208 Kains Ave.
Berkeley, CA 94703

DESIGNER / CONTRACTOR: FDC Design Build
925 Adams Street
Albany, CA
510.900.1905

GARAGE HEIGHT EXISTING: 10'
GARAGE HEIGHT PROPOSED: 13'-6"
LOT COVERAGE EXISTING: .45
LOT COVERAGE PROPOSED: .46
OCCUPANCY GROUP: Residential
CONSTRUCTION TYPE: Type 5
ZONING: R-2
NUMBER OF STORIES: 1
EXISTING GARAGE SF (unconditioned): 180 SF
PROPOSED GARAGE SF (unconditioned): 180 SF
LOT AREA: 2,500 SF

1 PROJECT INFORMATION

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

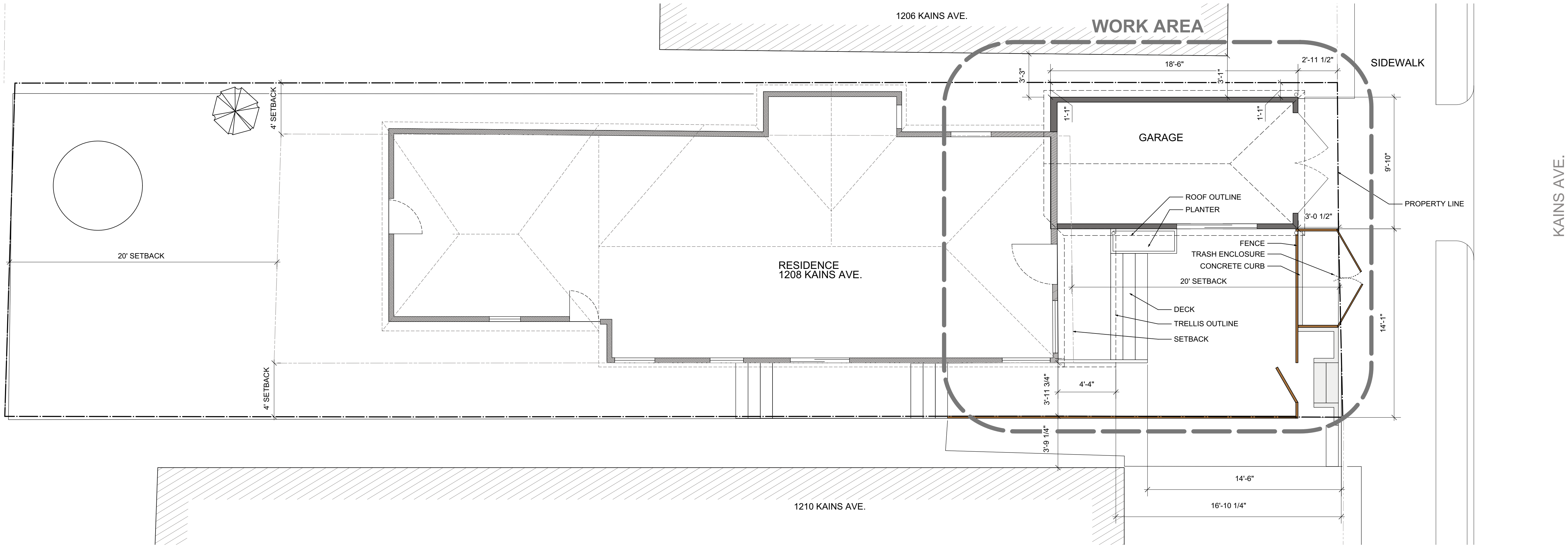
Revisions	Date
△ Z	10/07/21
△	
△	
△	

Remodel

Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

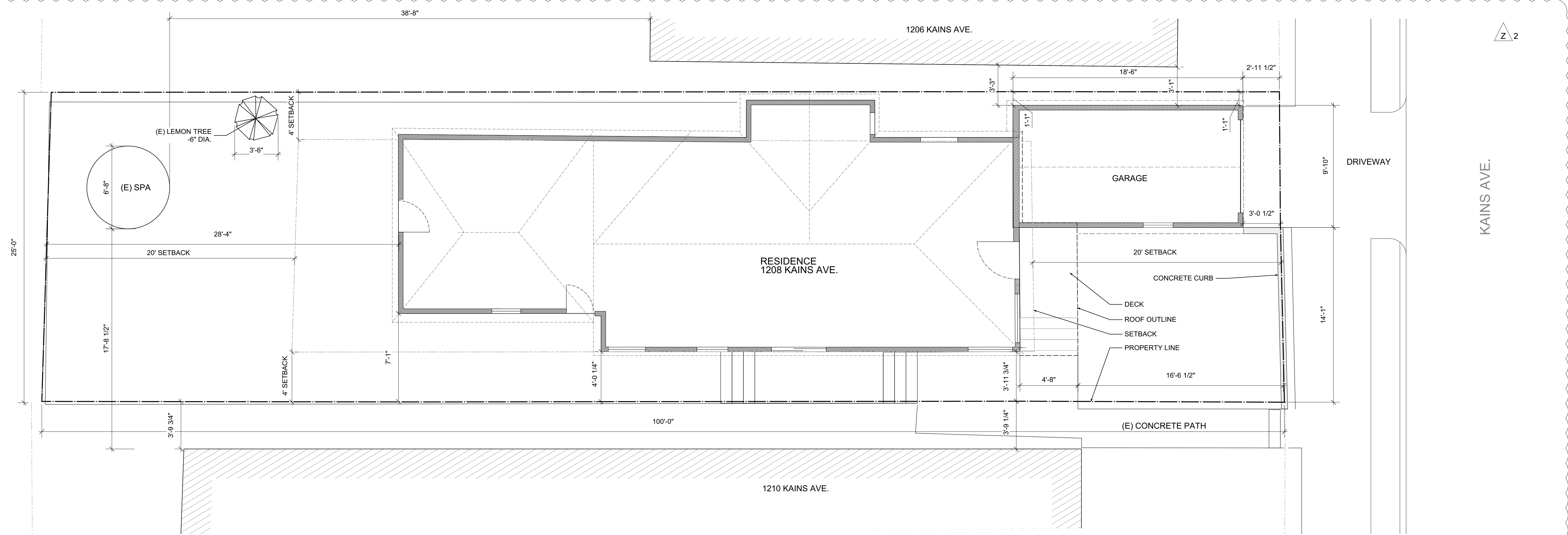
Site Plan

Sheet :



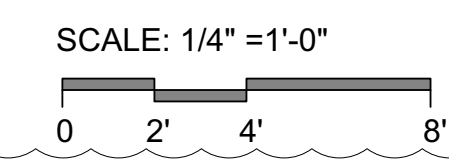
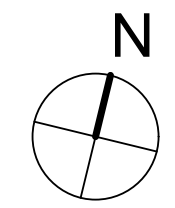
2 PROPOSED SITE PLAN
SCALE: 1/4" = 1'-0"

PLAN



1 EXISTING SITE PLAN
SCALE: 1/4" = 1'-0"

PLAN



I have reviewed plans of an 180 square foot, 13'-6" high remodel to an existing garage, and an update to the front entry at 1208 Kains Ave.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE OBJECTIONS	HAVE NO COMMENT
Susan B. Altman	<i>Susan B Altman</i>	1209 Kains Ave Berkeley CA 94706	Owner	9/24/21	NO	NO
ENRIEO MEDINA	<i>Enrico A. Medina</i>	1210 KAINS AVE BERKELEY CA 94706	OWNER	9/26/21	NO	NO
Annermeri Sedermeun	<i>Annermeri Sedermeun</i>	1215 KAINS AVE Berkeley CA 94706	Rent	9/27/21	NO	NO
Mary Mulvihill David Smith	<i>Mary Mulvihill David Smith</i>	1205 Kains Ave Berkeley, CA 94706	Owners	9/27/21	No	No
Rosalie Robertson	<i>Rosalie Robertson</i>	1213 Kains Ave Berkeley CA 94706	Renter	9/27/21	NO	NO

FDC
design build

925 ADAMS STREET
ALBANY, CA 91706
510.900.1905

Approved by: Henry Fleischmann

Signature: *[Signature]*

Date: 06.04.2021

PLA #5546
CSLB #1046251

Black/Loworn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

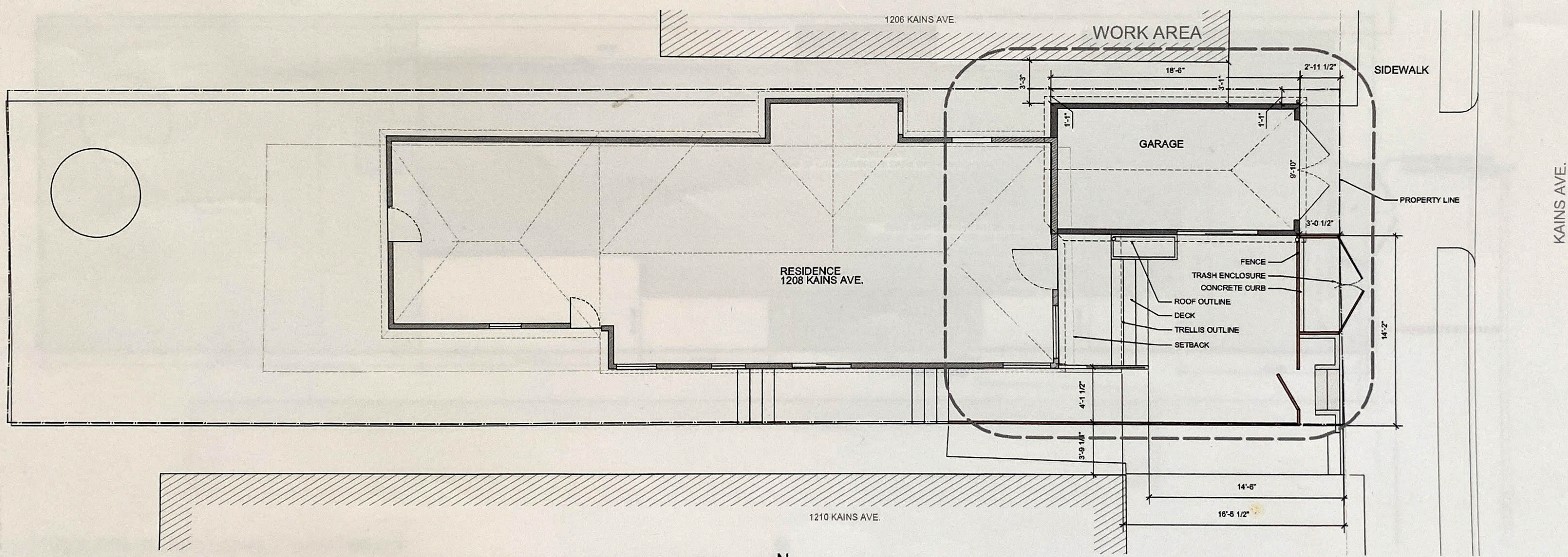
△	
△	
△	
△	
Revisions	Date

Remodel
Job #: BLA/LOV101
Issue Date: 09.21.2021
Drawn By: em

Neighbor Outreach
Sheet :

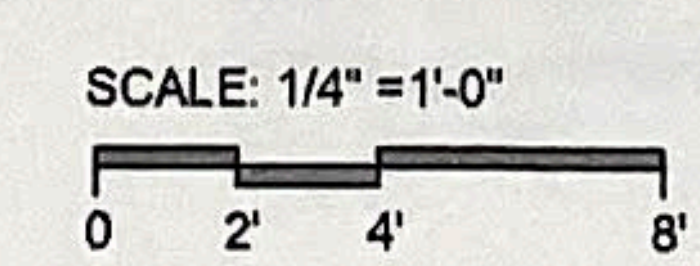
2 NEIGHBOR OUTREACH
SCALE: NTS

TABLE



1 PROPOSED SITE PLAN
SCALE: 1/4" = 1'-0"

PLAN



△ 3

FDC
design build

925 ADAMS STREET
ALBANY, CA 94706
510.900.1905

Approved by: Henry Fleischmann

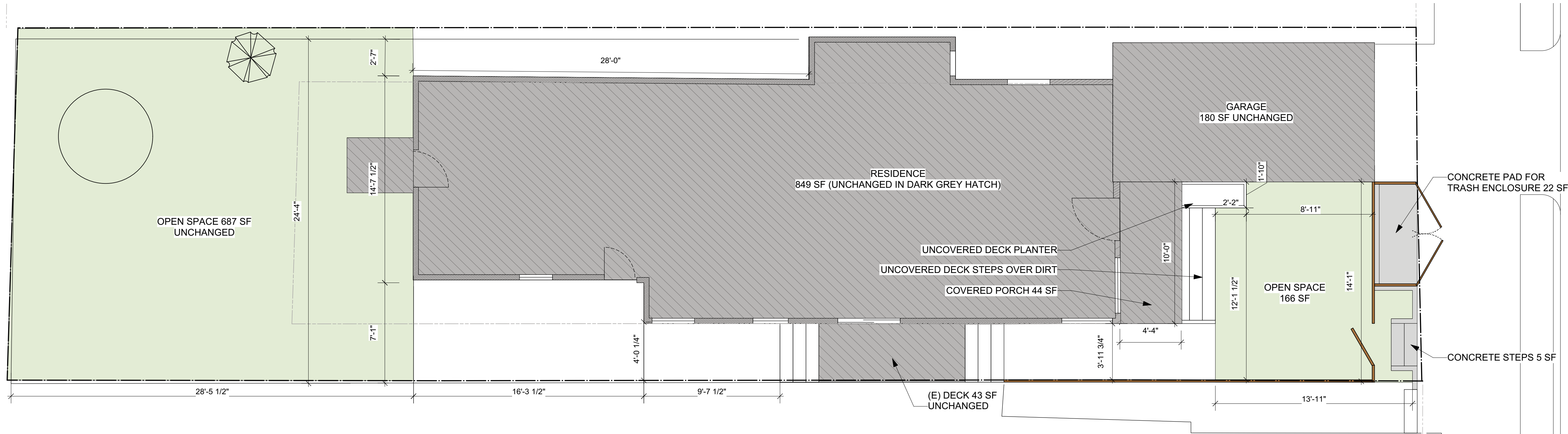
Signature: _____

Date: 06.04.2021

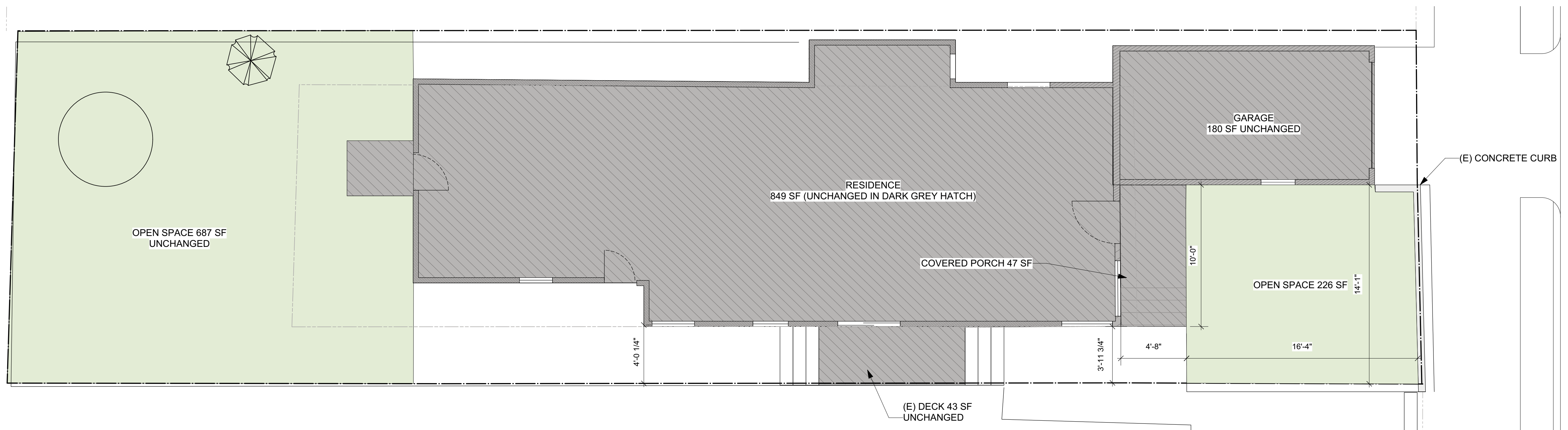
PLA #5546
CSLB #1046251

EXISTING LOT COVERAGE		PROPOSED LOT COVERAGE	
RESIDENCE	849 sf.	849 sf.	
GARAGE	180 sf.	180 sf.	
SIDE TRELLIS & DECK	43 sf.	43 sf.	
COVERED FRONT	47 sf.	44 sf.	
TOTAL	1,119 sf.	1,116 sf.	
LOT SIZE	2500 sf.	2500 sf.	
LOT COVERAGE (%)	45%	45%	

3 LOT COVERAGE COMPONENTS
SCALE: NTS TABLE



2 PROPOSED LOT COVERAGE AND USABLE OPEN SPACE
SCALE: 1/4" = 1'-0" PLAN



1 EXISTING LOT COVERAGE AND USABLE OPEN SPACE
SCALE: 1/4" = 1'-0" PLAN



SCALE: 1/4" = 1'-0"
0 2 4 8

KAINS AVE.

KAINS AVE.

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

△ 10/07/21

△

△

△

Revisions Date

Remodel

Job #: BLA/LOV101

Issue Date: 11.16.2021

Drawn By: em

Lot Coverage & Usable
Open Space Plan

Sheet :

A-0.3

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

10/07/21

Revisions	Date

Remodel

Job #: BLA/LOV101

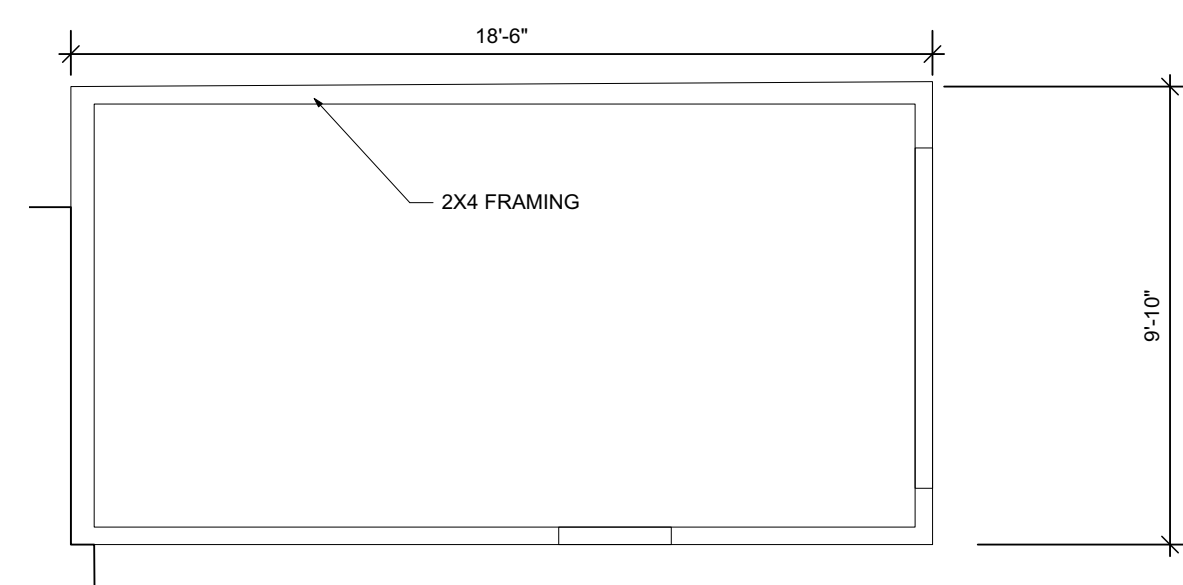
Issue Date: 11.16.2021

Drawn By: em

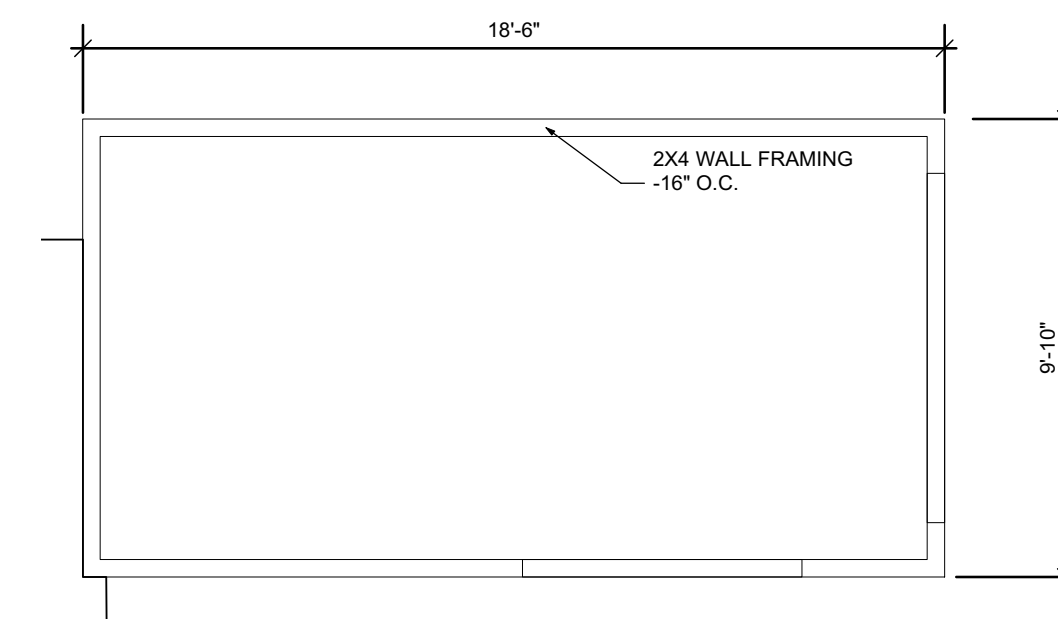
Existing/Proposed
Floor Plan

Sheet :

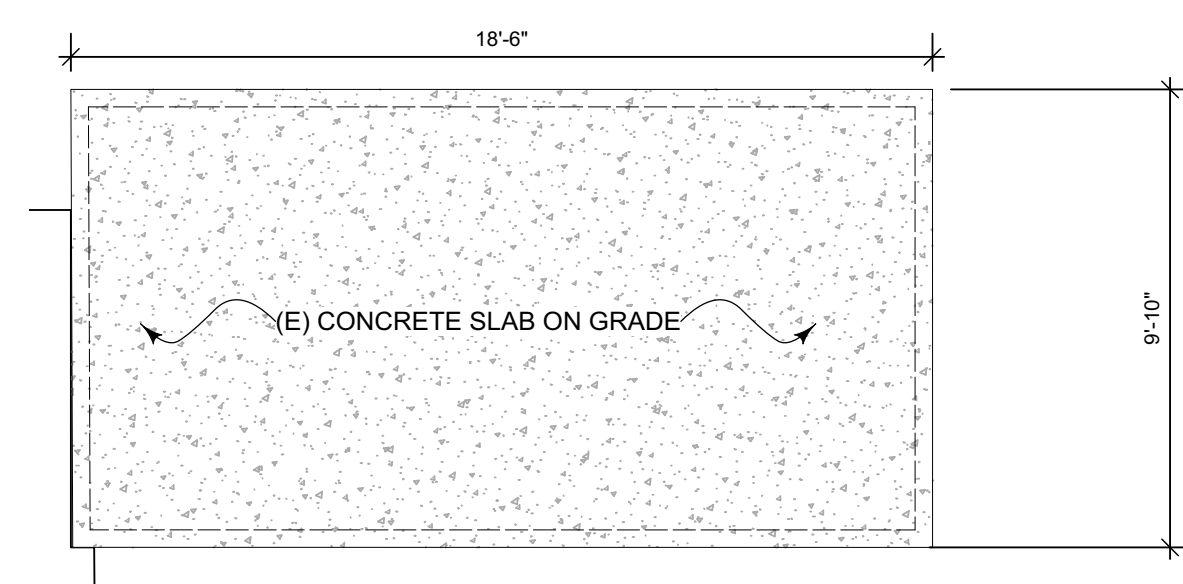
A-1.0



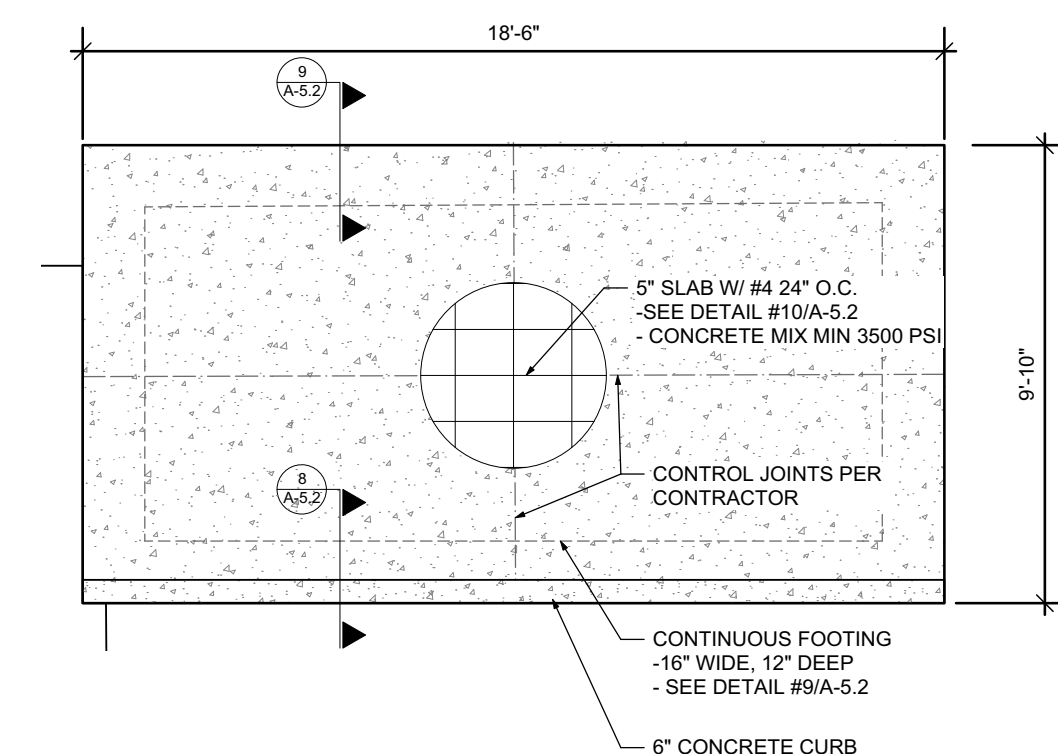
7 EXISTING FRAMING PLAN
SCALE: 1/4" = 1'-0" PLAN



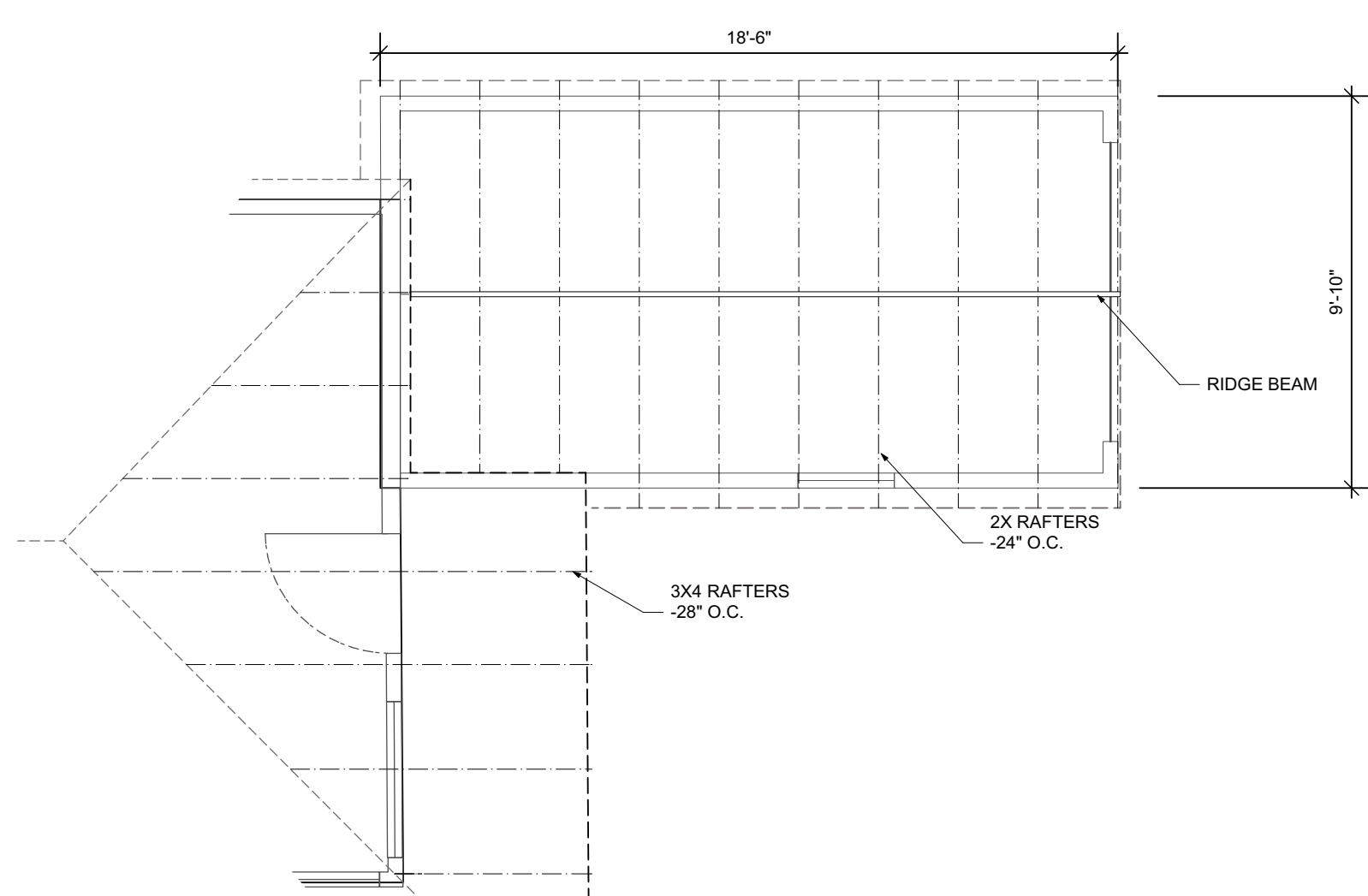
8 PROPOSED FRAMING PLAN
SCALE: 1/4" = 1'-0" PLAN



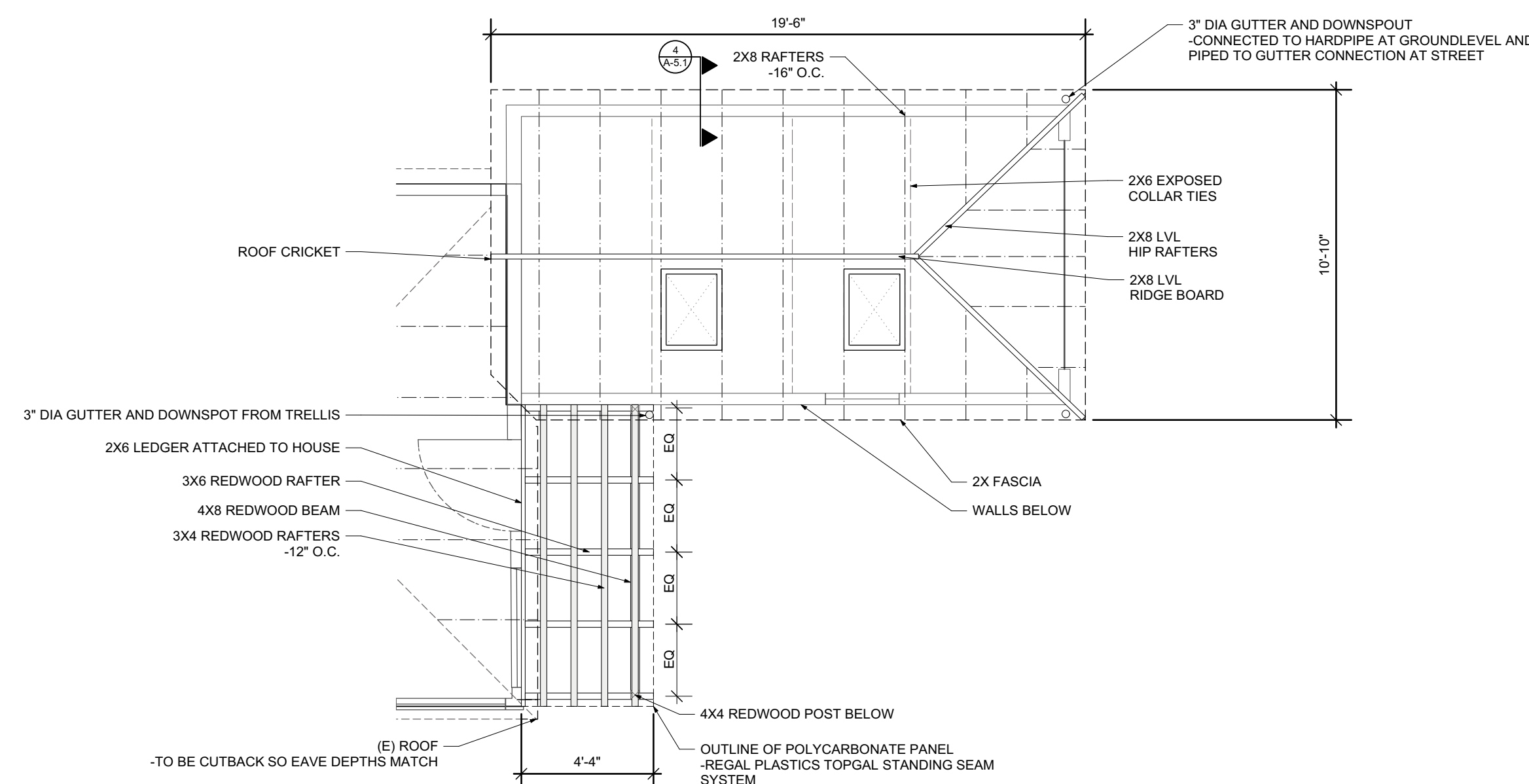
5 EXISTING FOUNDATION PLAN
SCALE: 1/4" = 1'-0" PLAN



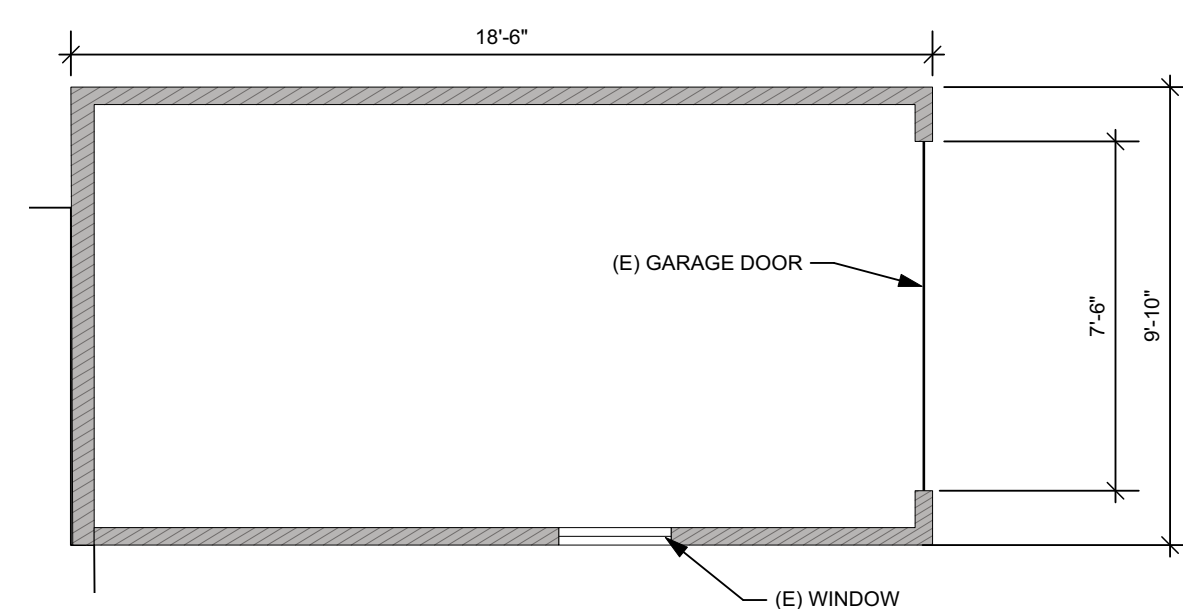
6 PROPOSED FOUNDATION PLAN
SCALE: 1/4" = 1'-0" PLAN



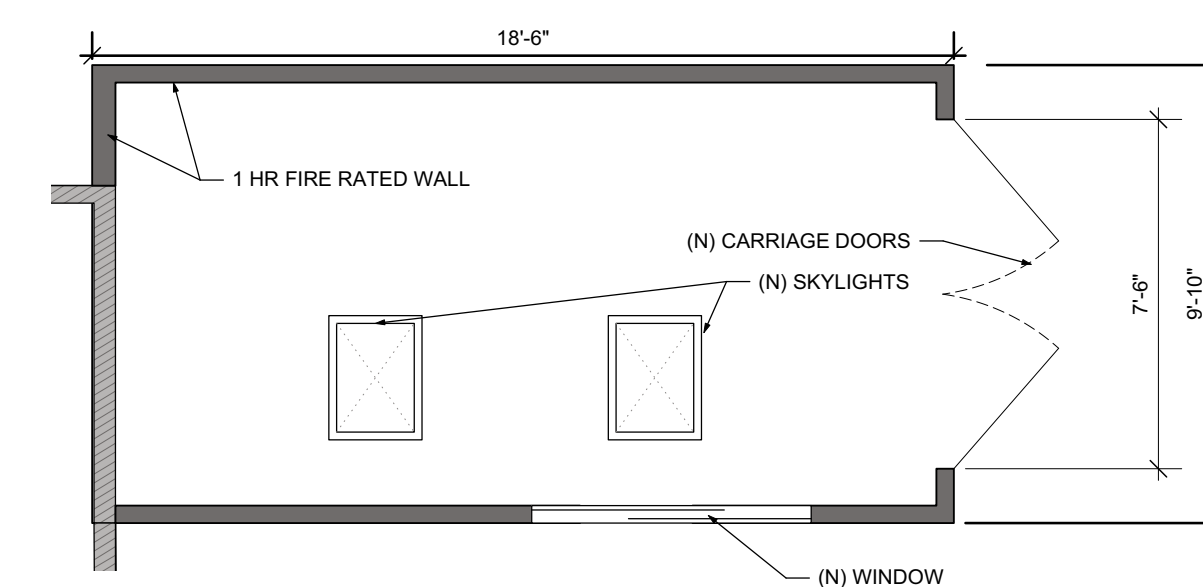
3 EXISTING ROOF PLAN
SCALE: 1/4" = 1'-0" PLAN



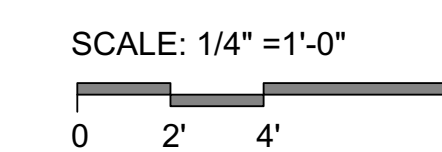
4 PROPOSED ROOF PLAN
SCALE: 1/4" = 1'-0" PLAN



1 EXISTING FLOOR PLAN
SCALE: 1/4" = 1'-0" PLAN



2 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0" PLAN



Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

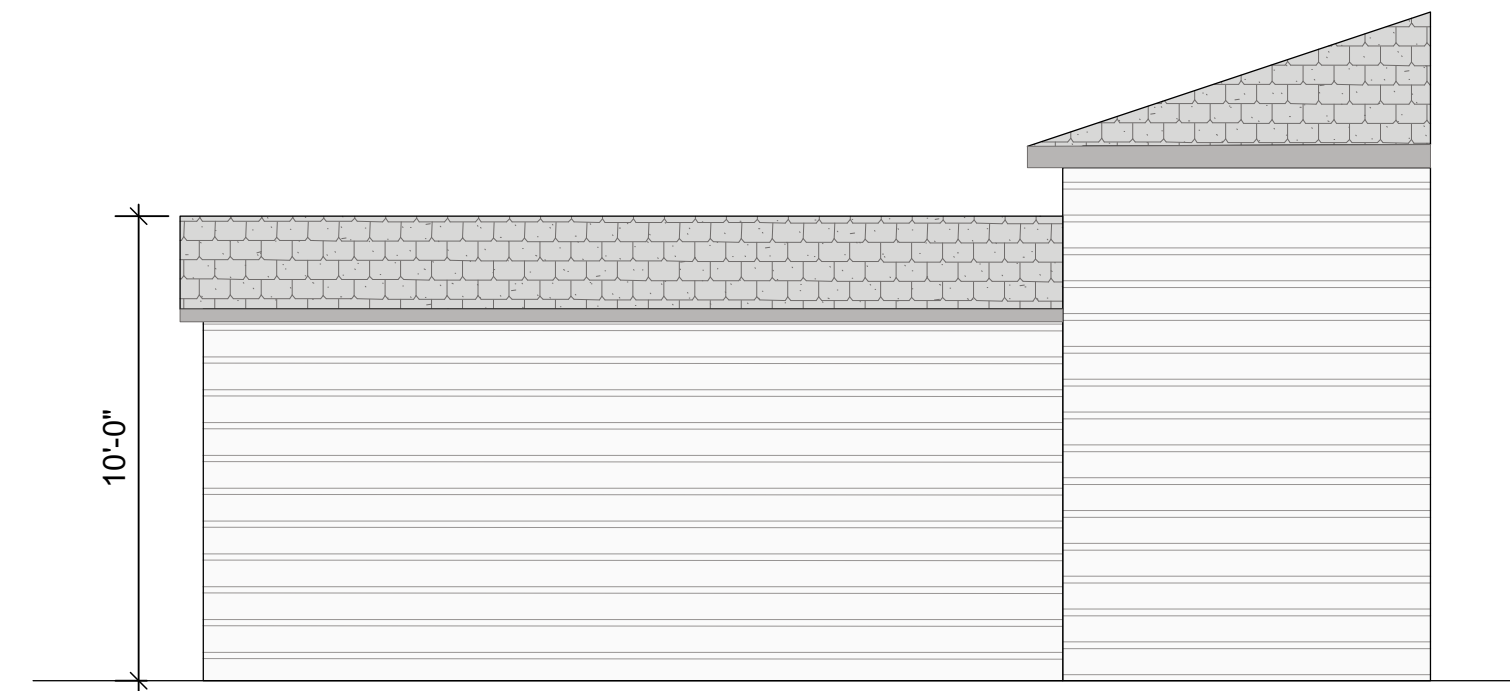
Revisions	Date
△ Z	10/07/21
△	
△	
△	

Remodel

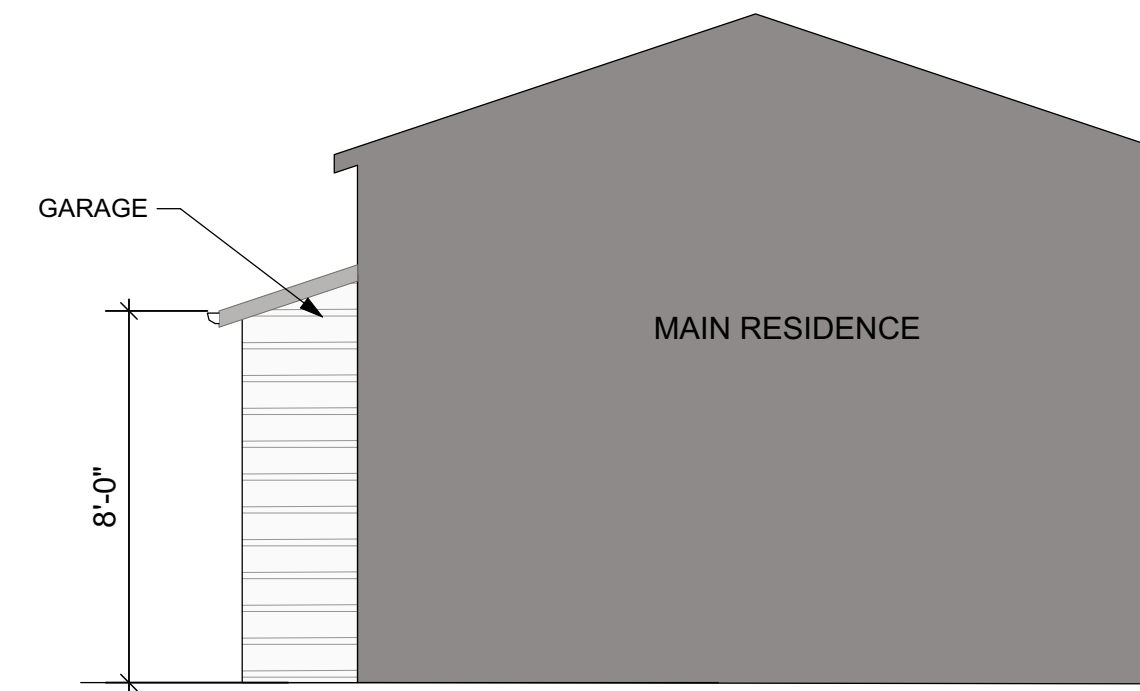
Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

Existing Elevations

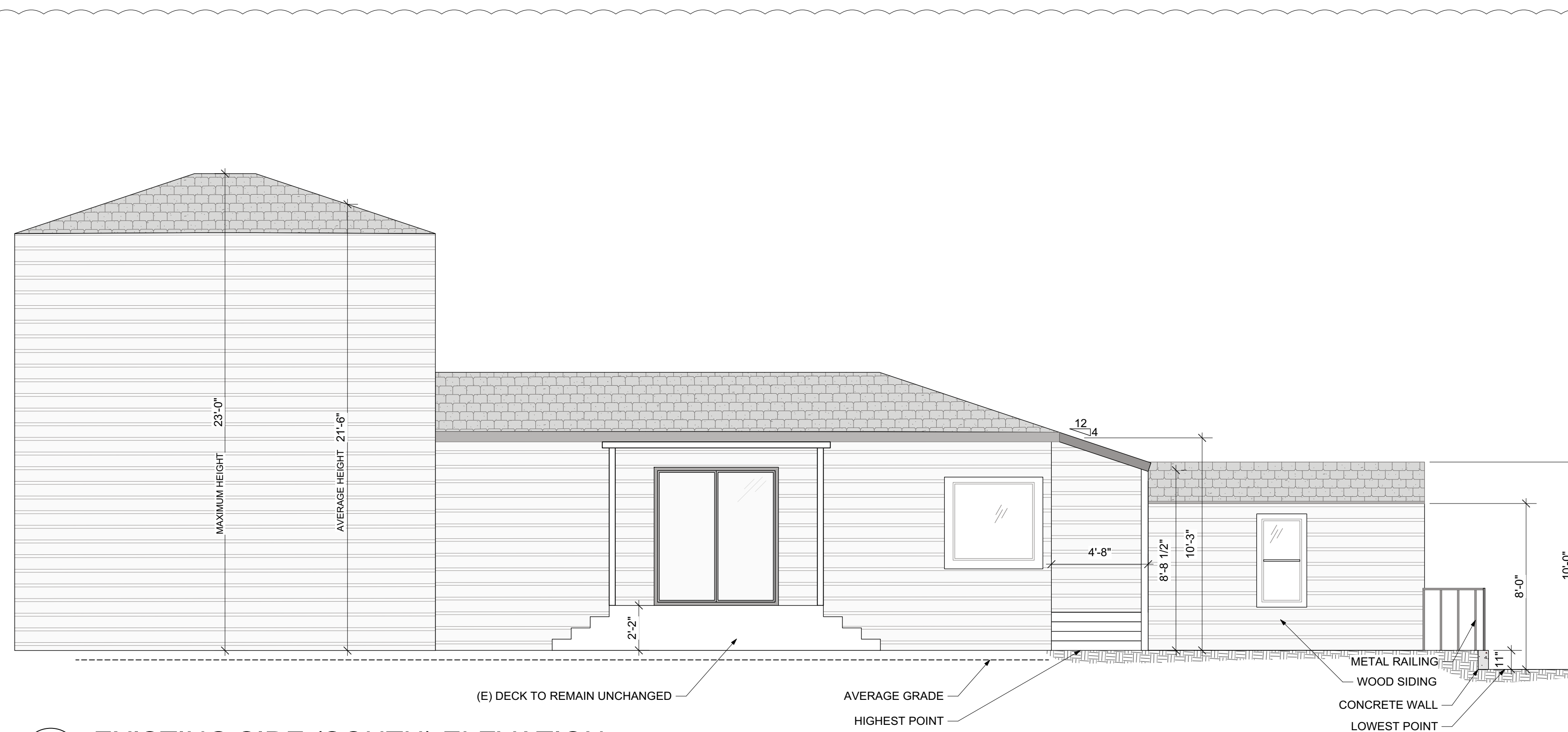
Sheet : _____



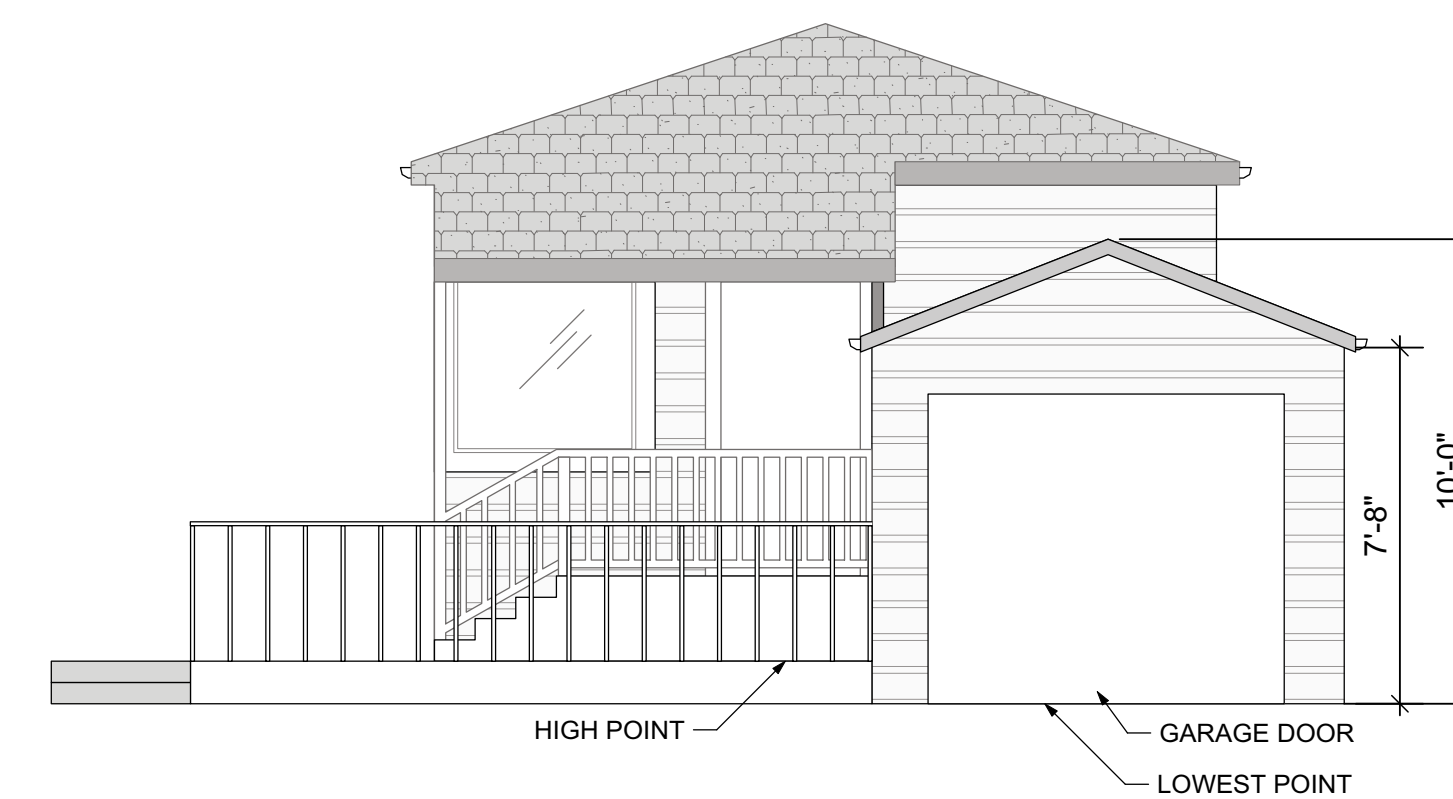
3 EXISTING SIDE (NORTH) ELEVATION
SCALE: 1/2" = 1'-0" ELEVATION



4 EXISTING BACK (WEST) ELEVATION
SCALE: 1/2" = 1'-0" SECTION



1 EXISTING SIDE (SOUTH) ELEVATION
SCALE: 1/2" = 1'-0" ELEVATION



2 EXISTING FRONT (EAST) ELEVATION
SCALE: 1/2" = 1'-0" ELEVATION

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

Revisions	Date
△ Z	10/07/21
△	
△	
△	

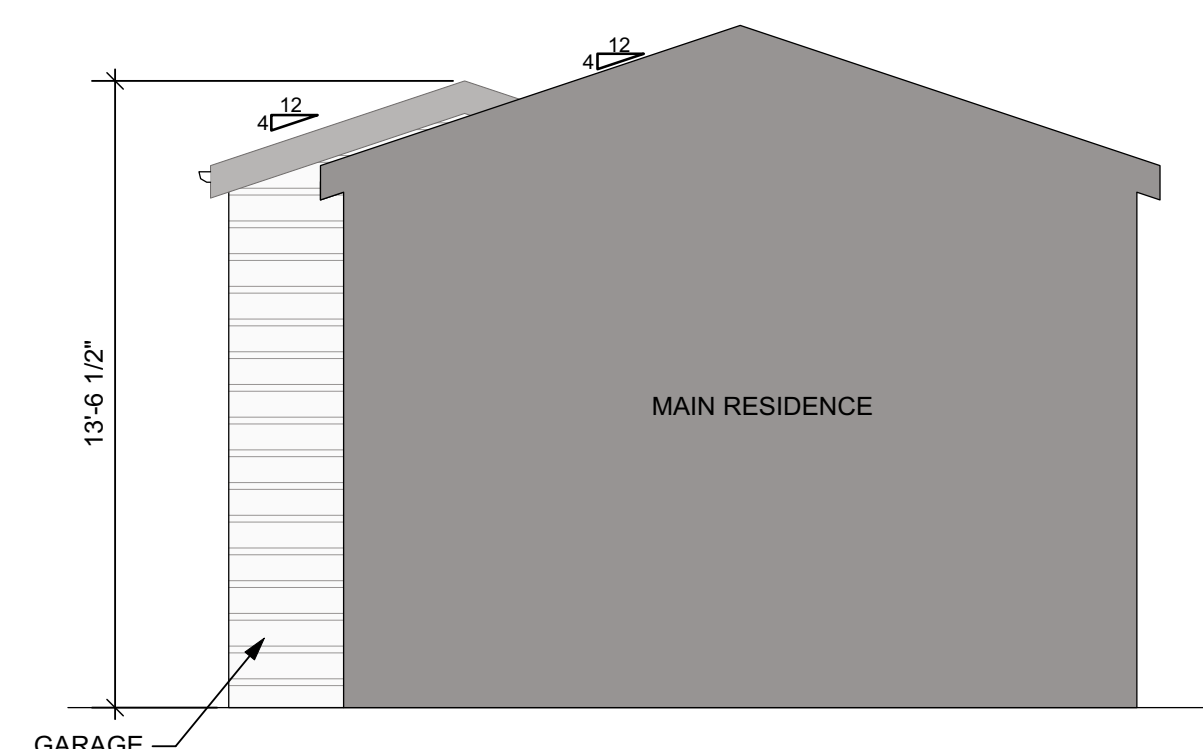
Remodel
Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

Proposed Elevations

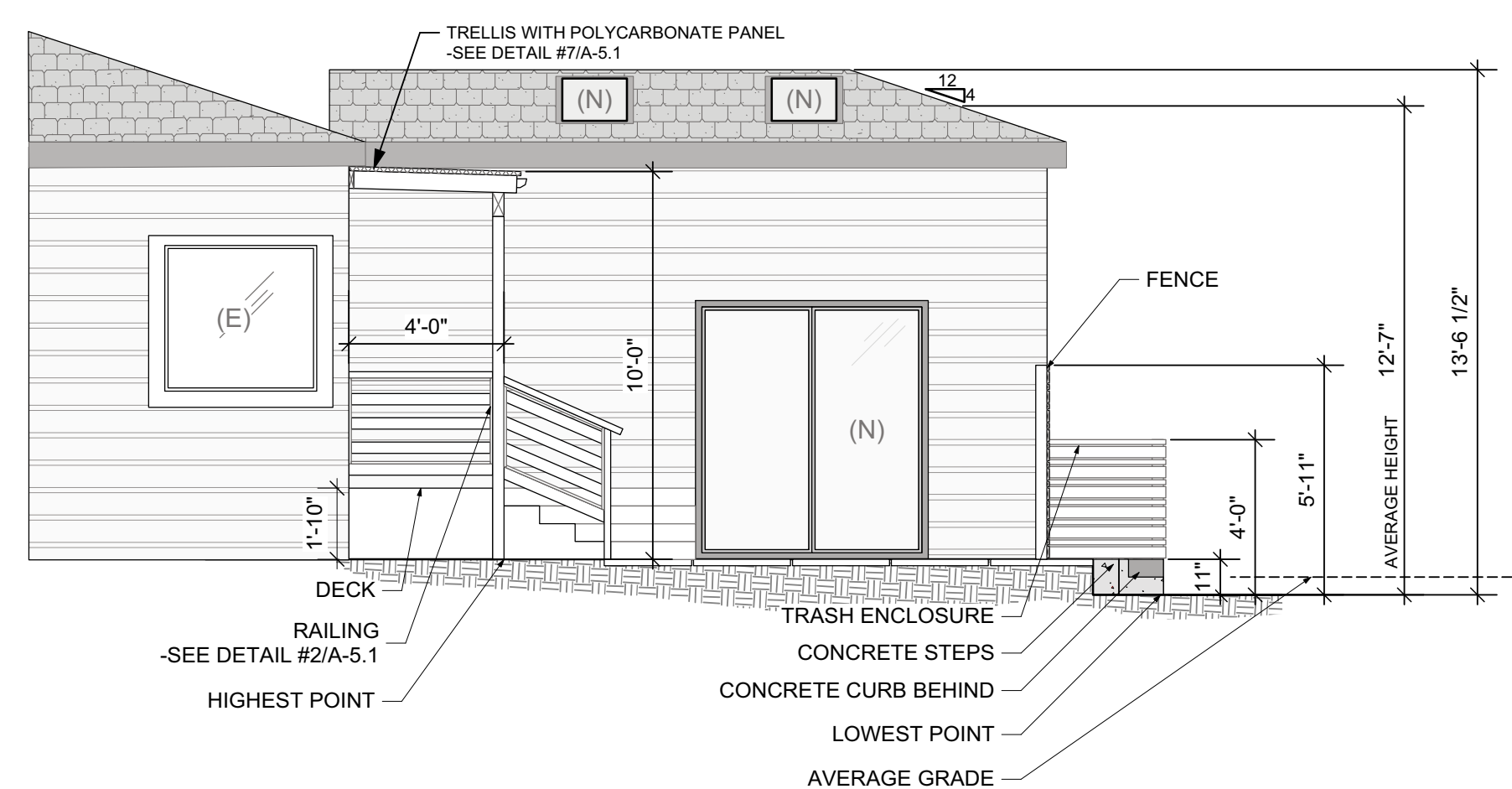
Sheet :



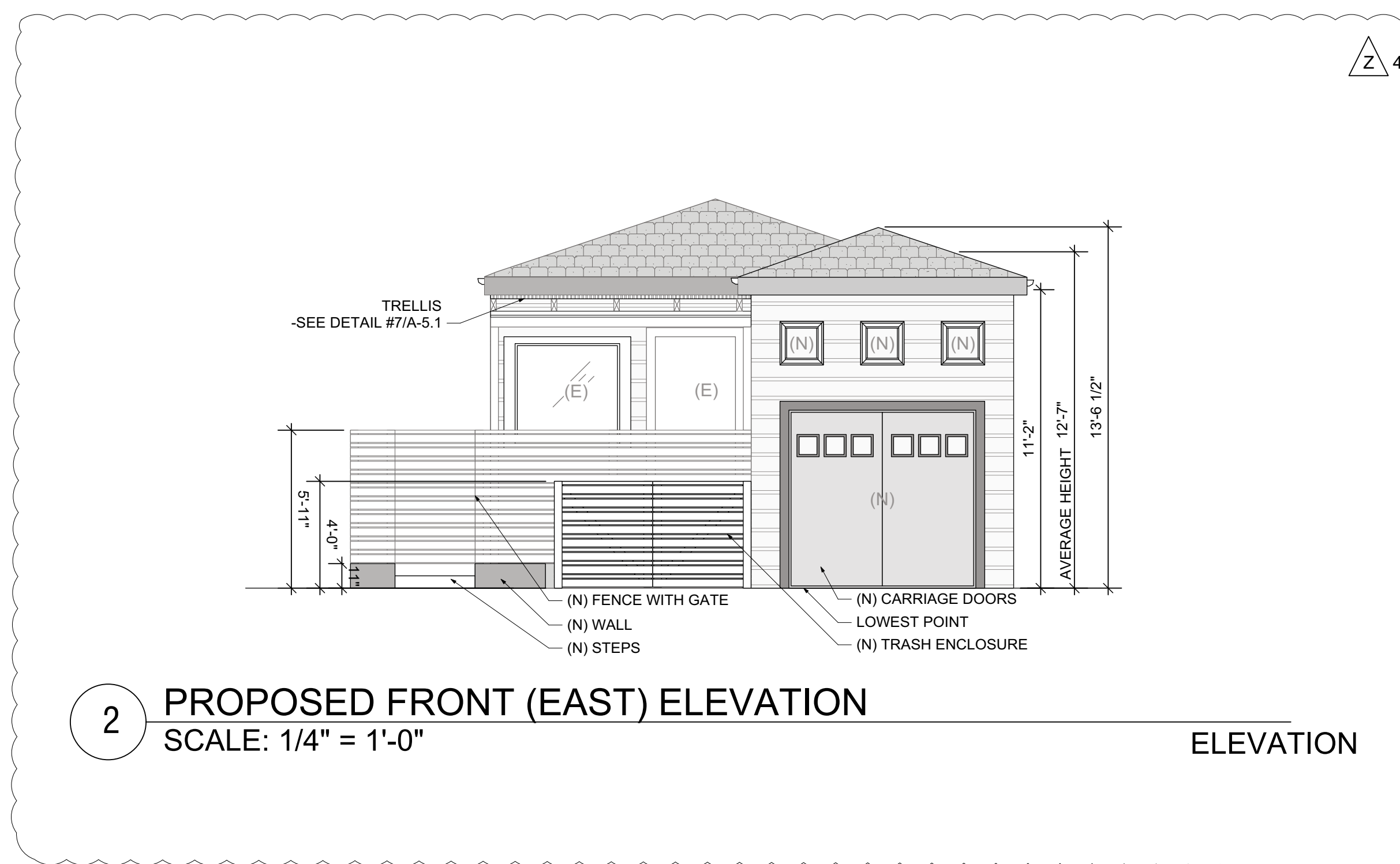
3 PROPOSED SIDE (NORTH) ELEVATION
SCALE: 1/4" = 1'-0" ELEVATION



4 PROPOSED BACK (WEST) ELEVATION
SCALE: 1/4" = 1'-0" ELEVATION



1 PROPOSED SIDE (SOUTH) ELEVATION
SCALE: 1/4" = 1'-0" ELEVATION



2 PROPOSED FRONT (EAST) ELEVATION
SCALE: 1/4" = 1'-0" ELEVATION

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
 1208 Kains Ave
 Berkeley, CA 94703

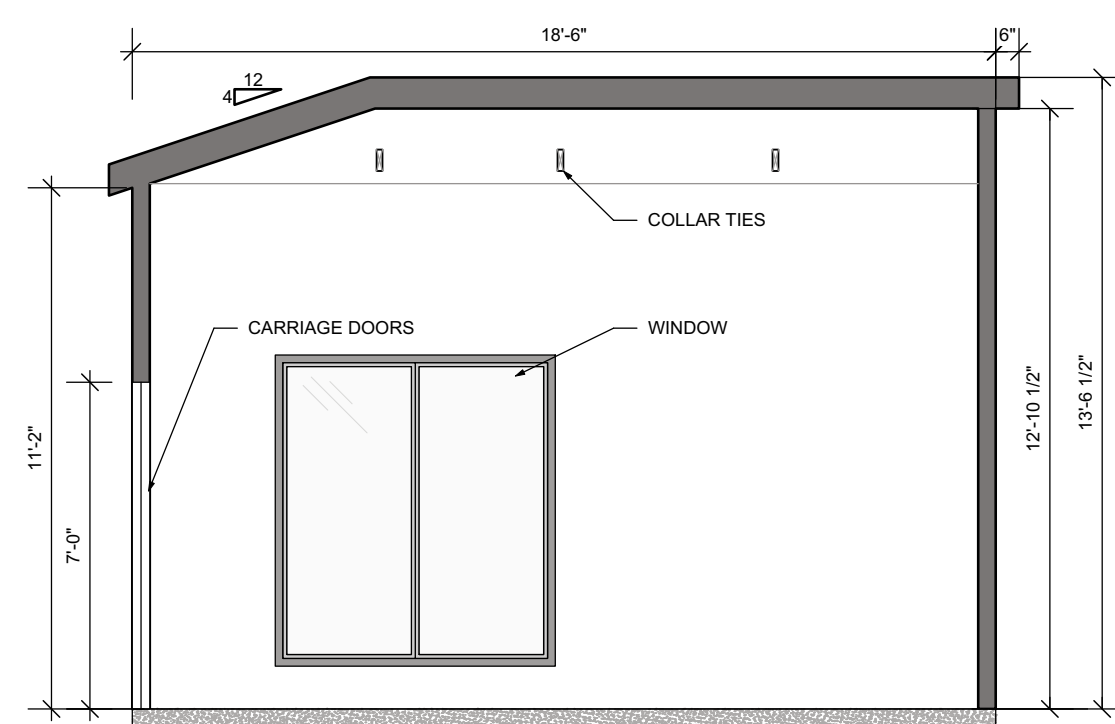
△	_____
△	_____
△	_____
△	_____
Revisions	Date

Remodel

Job #: BLA/LOV101
 Issue Date: 11.16.2021
 Drawn By: em

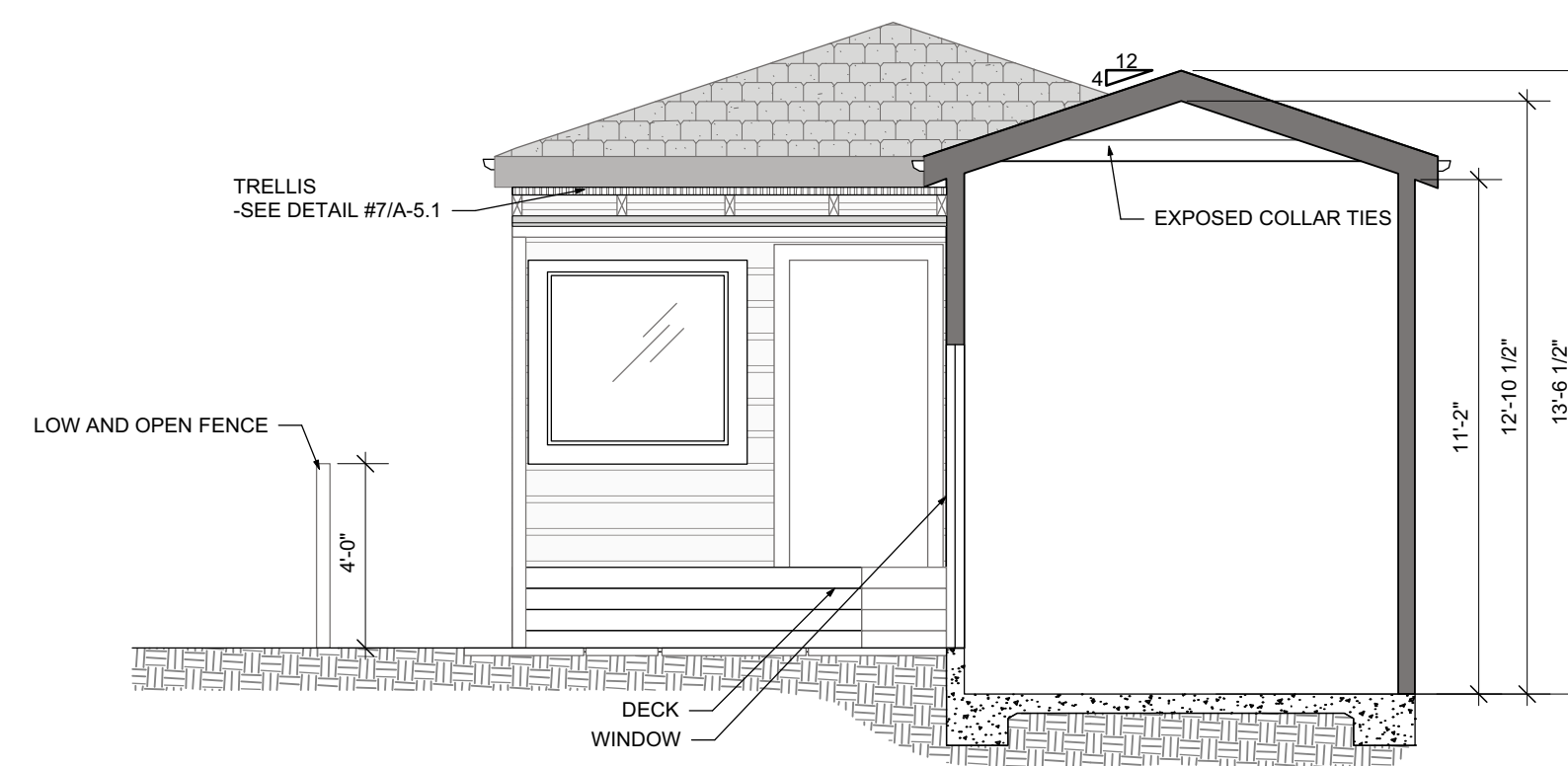
Proposed Sections & Details

Sheet : _____



1 PROPOSED GARAGE SIDE SECTION
 SCALE: 1/4" = 1'-0"

SECTION



2 PROPOSED GARAGE FRONT SECTION
 SCALE: 1/4" = 1'-0"

SECTION

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

Revisions	Date
△	_____
△	_____
△	_____
△	_____

Remodel

Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

Electrical Plan

Sheet :

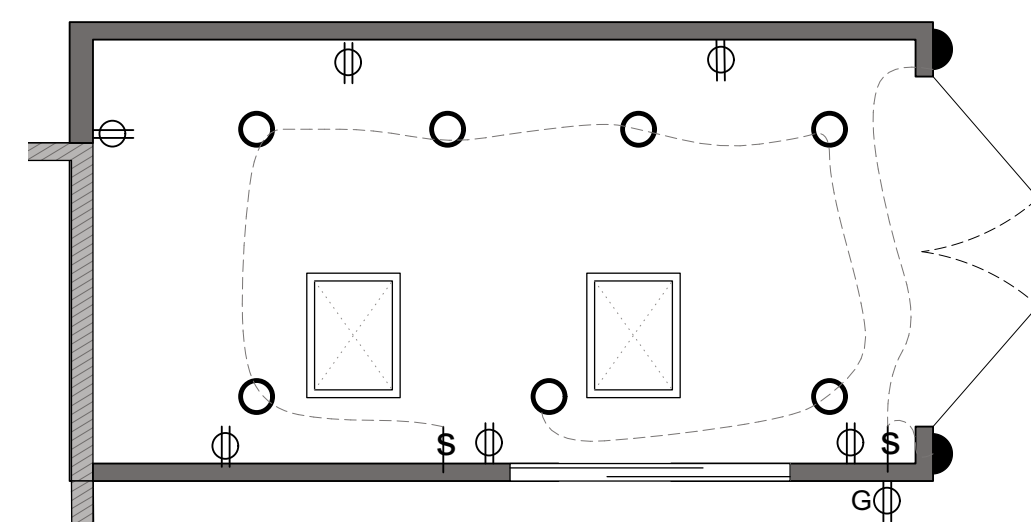
A-4.0

MECHANICAL NOTES:

- ALL NEW WORK TO COMPLY WITH CMC/UMC/CPC/UPC 2019.
- REFER TO TITLE 24 (SHEET A0.2) CERTIFICATE OF COMPLIANCE FOR MIN REQUIREMENTS OF HVAC SYSTEMS.
- PROVIDE SEISMIC ANCHORAGE OF WATER HEATER WITH 3/4" WIDE 24 GA. GS STRAPS TOP AND BOTTOM FASTENED TO SOLID BLOCKING OR OTHER STRUCTURAL MEMBER 1/4"x3" LAG OR EQUIVALENT EXPANSION ANCHOR BOLT. INSTALL WATER HEATER WITH NON-RIGID CONNECTIONS TO GAS AND WATER AS PER MANUFACTURERS SPECIFICATIONS.
- PROVIDE ADEQUATE COMBUSTION AIR FOR FUEL BURNING APPLIANCES AND WATER HEATERS
- PROVIDE BOTH HIGH AND LOW OPENINGS FOR ENCLOSED EQUIPMENT. HIGH OPENINGS MUST BE WITHIN 12" OF TOP OF ENCLOSURE, LOW OPENING MUST BE WITHIN 12" OF BOTTOM OF ENCLOSURE.
- PROVIDE COMBUSTION AIR VENTS TO ALL MECHANICAL SPACES. 4" DIAMETER PER FIXTURE TYPICAL, UNLESS OTHERWISE SPECIFIED BY MANUFACTURER.
- PROVIDE WATER HEATER PRESSURE/TEMPATURE RELIEF VALVE WITH DRAIN TO OUTSIDE OF BUILDING, OR TO APPROVED INTERIOR DRAIN, SUMP, ETC.
- SHOWERS AND TUB/SHOWER COMBINATIONS SHALL BE PROVIDED WITH INDIVIDUAL TYPE CONTROL VALVES TO THE PRESSURE BALANCE OR THERMOSTATIC MIXING VALVE (TYP).
- PROVIDE A NON-REMOVABLE BACKFLOW PREVENTION DEVICE ON ALL EXTERIOR HOSE BIBBS AND LANDSCAPE SPRINKLER/IRRIGATION DEVICES.
- ALL MECHANICAL AIR DUCTS PENETRATION 1HR SEPARATION WALLS OR CEILINGS BETWEEN GARAGE AND LIVING AREAS SHALL BE A 26 GA. MIN AS PER CBC SECTION 302.4.
- ALL BATHS SHALL HAVE FANS SUPPLYING 5 AIR CHANGES PER HOUR MIN.
- ALL FACTORY MADE FLEXIBLE AIR DUCTS TO BE CLASS 1 OR 0 (UMC 603.2) AND INSTALLED ACCORDING TO THEIR INSTALLATION INSTRUCTIONS AND TO THE STANDARDS SET BY THE CODES AND USE UL 181B TAPE. (UMC 601.2).
- ALL LINING MATERIALS INSTALLED WITHIN DUCTS HAVE TO BE APPROVED TO A MOLD, HUMIDITY AND EROSION RESISTANT SURFACE THAT MEETS THE REQUIREMENTS OF UMC STD.-1 UMC 604.2.
- ALL INSULATION MATERIALS USED ON THE EXTERIOR OF DUCTING MUST HAVE A FLAME SPREAD OF NOT MORE THAN 25 AND A SMOKE DENSITY OF NOT MORE THAN 40.
- ALL INSTALLATION INSTRUCTIONS FOR ALL LISTED EQUIPMENT SHALL BE PROVIDED TO THE FIELD INSPECTOR AT THE TIME OF INSPECTION CMC 302.2, 304.1.
- ALL ENVIRONMENTAL AIR DUCTS (DRYER/BATH/UTILITY FANS) SHALL BE A MINIMUM OF 3' FROM ANY OPENING INTO THE BUILDING. UMC 504.5.
- USE A SMOOTH METAL DUCT FOR DRYER EXHAUST DUCTS EXTENDING TO OUTSIDE WIT BACKDRAFT DAMPER, DUCT LENGTH LIMITED TO 14' WITH TWO ELBOWS, UNLESS OTHERWISE PERMITTED BY MANUFACTURER AND APPROVED BY OFFICIALS. UMC 504.
- ALL EXTERIOR EXPOSED WATER PIPES TO BE INSULATED WITH A MINIMUM R-3 INSULATION JACKETS. UPC 313.6.
- CONTRACTOR TO VERIFY THAT THE SANITARY LINE IS ADEQUATE TO SERVE THE PLUMBING FIXTURES.
- CONTRACTOR TO VERIFY THAT THE GAS SERVICE LINE IS ADEQUATE TO SERVE MECHANICAL FIXTURES AND UPGRADE SERVICE LINE IF NECESSARY.
- USE CAST IRON/COPPER FOR DRAIN/WASTE/VENT MATERIAL.
- SINGLE FLUSH TOILETS SHALL HAVE AN EFFECTIVE FLUSH VOLUME NOT TO EXCEED 1.28 GALLONS. SHOWER HEADS SHALL BE DESIGNED AND INSTALLED SO THAT THEY WILL NOT EXCEED A WATER SUPPLY FLOW RATE OF 1.8 GALLONS PER MINUTE. KITCHEN FAUCETS SHALL NOT EXCEED A FLOW RATE OF 1.8 GALLONS PER MINUTE AT 60 PSI. LAVATORY FAUCETS SHALL NOT EXCEED A FLOW RATE OF 1.2 GALLONS PER MINUTE AT 60 PSI.
- UNDERGROUND FERROUS GAS PIPE MUST BE ELECTRICALLY ISOLATED FROM REST OF GAS SYSTEM WITH LISTED OR APPROVED ISOLATION FITTING INSTALLED A MINIMUM OF 6" ABOVE GRADE. UPC SEC 1211.6.
- NON-PLASTIC MATERIAL SHALL BE USED FOR PLUMBING VENTS . NO PLASTIC PIPES WILL BE ALLOWED, AS PER CPC SECTION 701.1.2.2.
- ALL THROUGH PENETRATIONS THROUGH RATED WALLS AND FLOOR-CEILINGS MUST PROTECT MEMBRANE, AND HAVE PENETRATING MATERIALS AND LISTED/RATED FIRESTOPPING AS PER UBCC 709.6.709.7, 710.2, AND 714.
- CONTRACTOR TO VERIFY AND MARK EXISTING SEWER AND GAS LINES TO HOUSE.
- ALL DUCTING SHALL HAVE 18" VERTICLE CLEARANCE WHERE NEEDED FOR ACCESS IN THE UNDERFLOOR AREA.

ELECTRICAL LEGEND

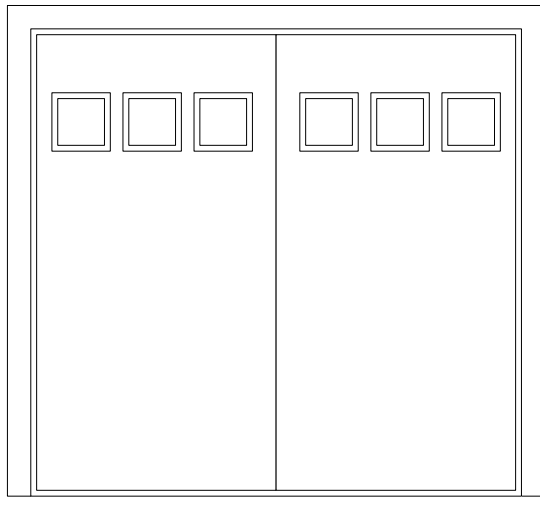
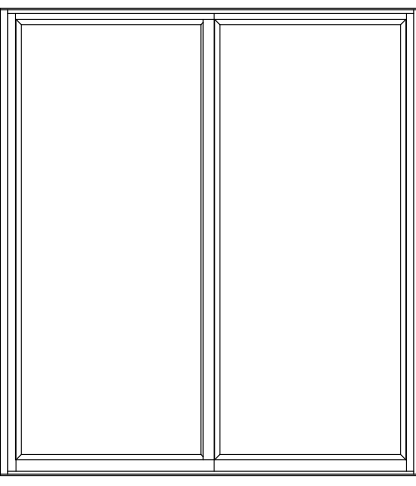
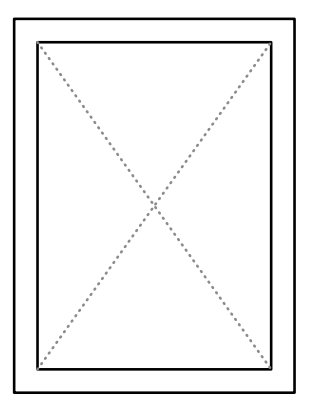
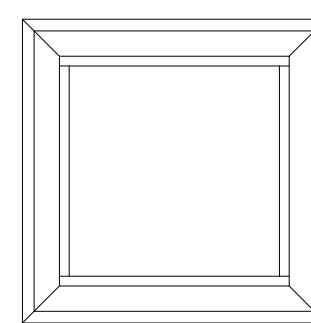
- ⊕ Temper Resistant Outlet
-Standard mount: 12" above floor, 6" above counter and spaced per code
- ⊕ GFCI Outlet
- ⊕ Switch
- ⊕ 2-way Switch
- ⊕ 3-way Switch
- 4" Recessed Downlight
- Sconce Lighting
- ⊕ Smoke Detector 110V
-New detectors will be hardwired with battery backup
- ⊕ Carbon Monoxide Detector
-New detectors will be hardwired with battery backup



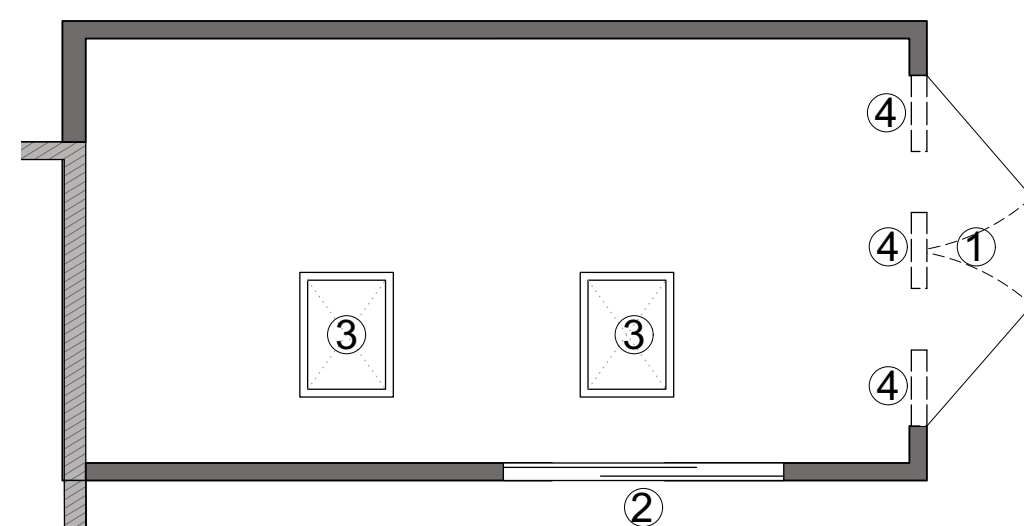
1

PROPOSED ELECTRICAL PLAN
SCALE: 1/4" = 1'-0"

PLAN

WINDOW AND DOOR NUMBER	1	2	3	4
TYPE	CARRIAGE DOOR	SLIDING	SKYLIGHT	AWNING
QUANTITY	1	1	2	3
ROUGH OPENING	WIDTH	90"	72.5"	See manufacturer
	HEIGHT	84"	80.5"	See manufacturer
FRAME SIZE	WIDTH		72"	2'-0"
	HEIGHT		80"	4'-0"
ROUGH OPENING HEADER HEIGHT	84"	91"		
MANUFACTURER	BY OWNER	Jeld Wen Sitrine	VELUX	Jeld Wen Sitrine
ELEVATION				
NOTES		TEMPERED GLASS		
DETAILS		ALUMINUM CLAD PRE PRIMED INTERIOR - VSDPRAA27280		ALUMINUM CLAD PRE PRIMED INTERIOR - PRAVAWN2020


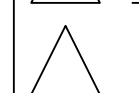
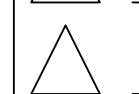

2 WINDOW AND DOOR SCHEDULE
SCALE: NTS
TABLE



1 WINDOW AND DOOR SCHEDULE
SCALE: 1/4" = 1'-0"
PLAN

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

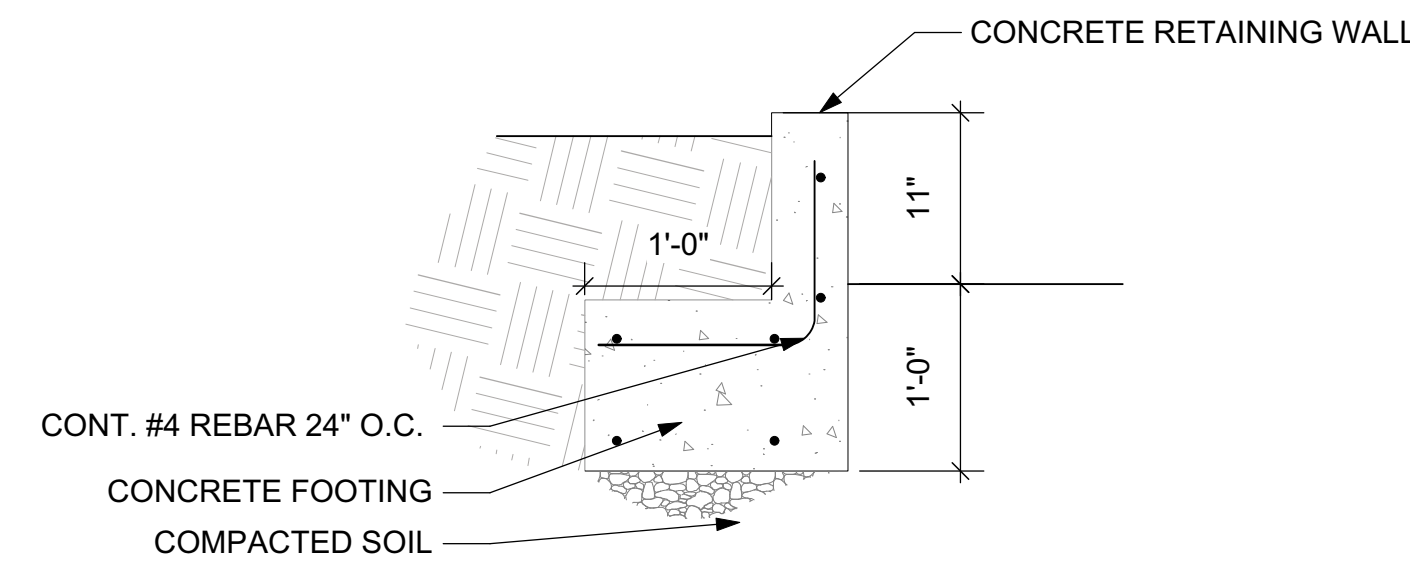
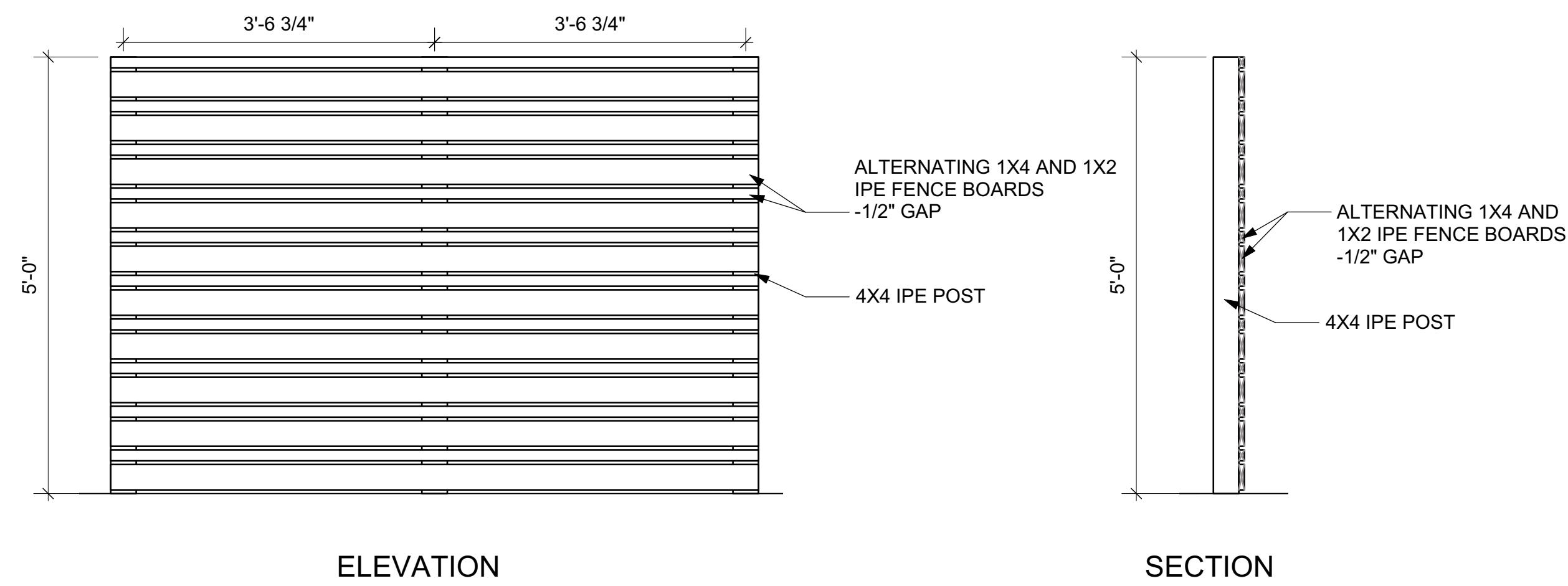
	_____
	_____
	_____
	_____
Revisions	Date

Remodel

Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

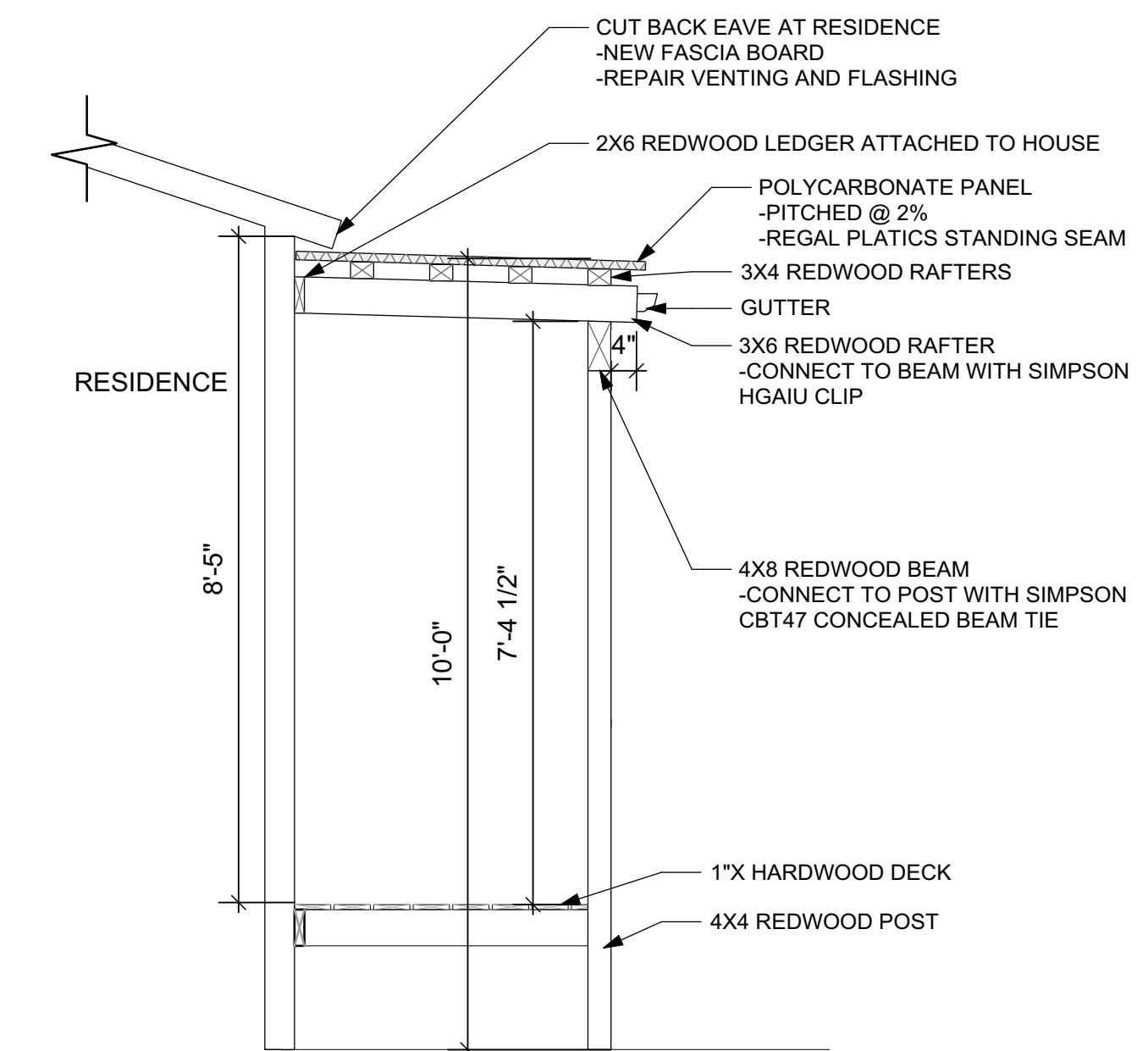
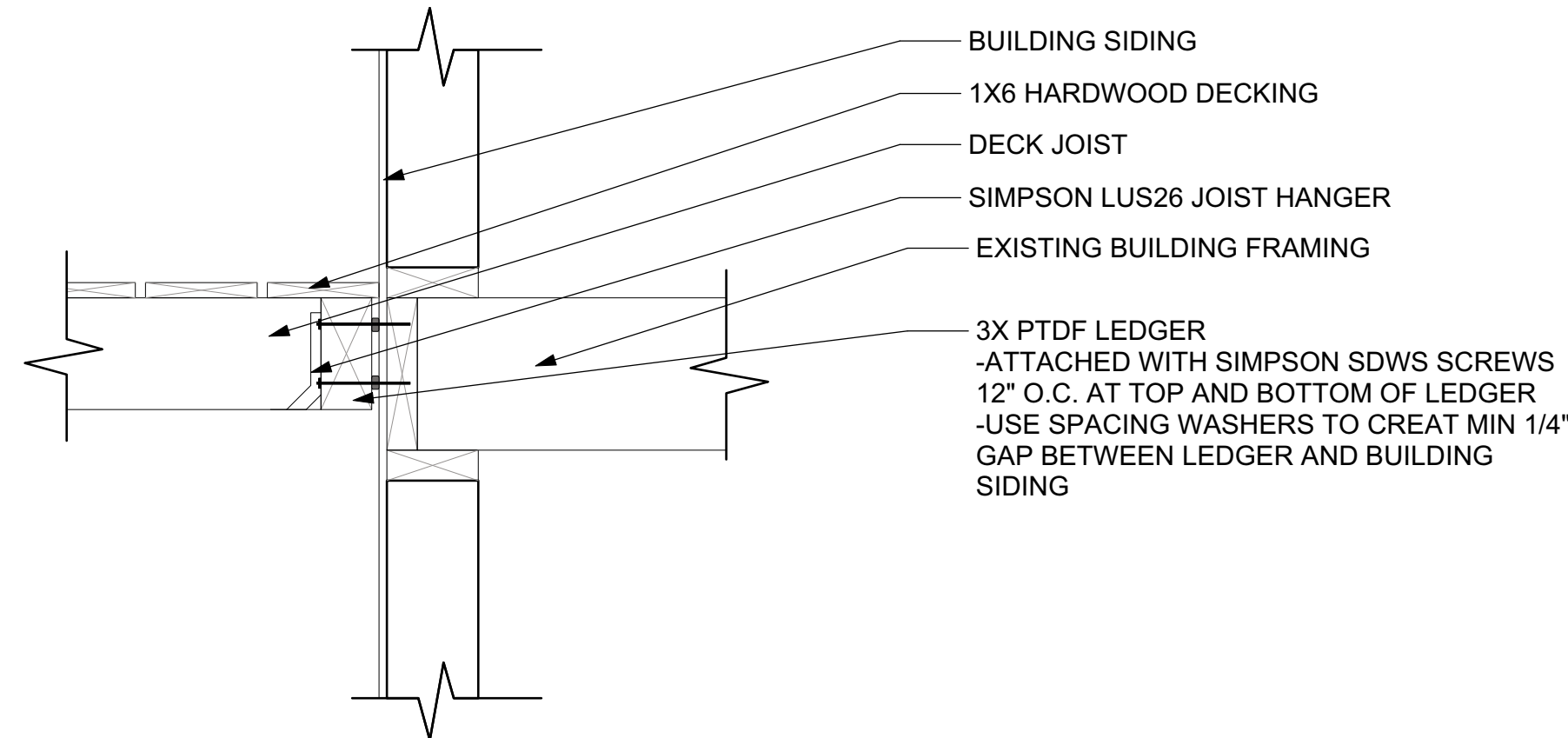
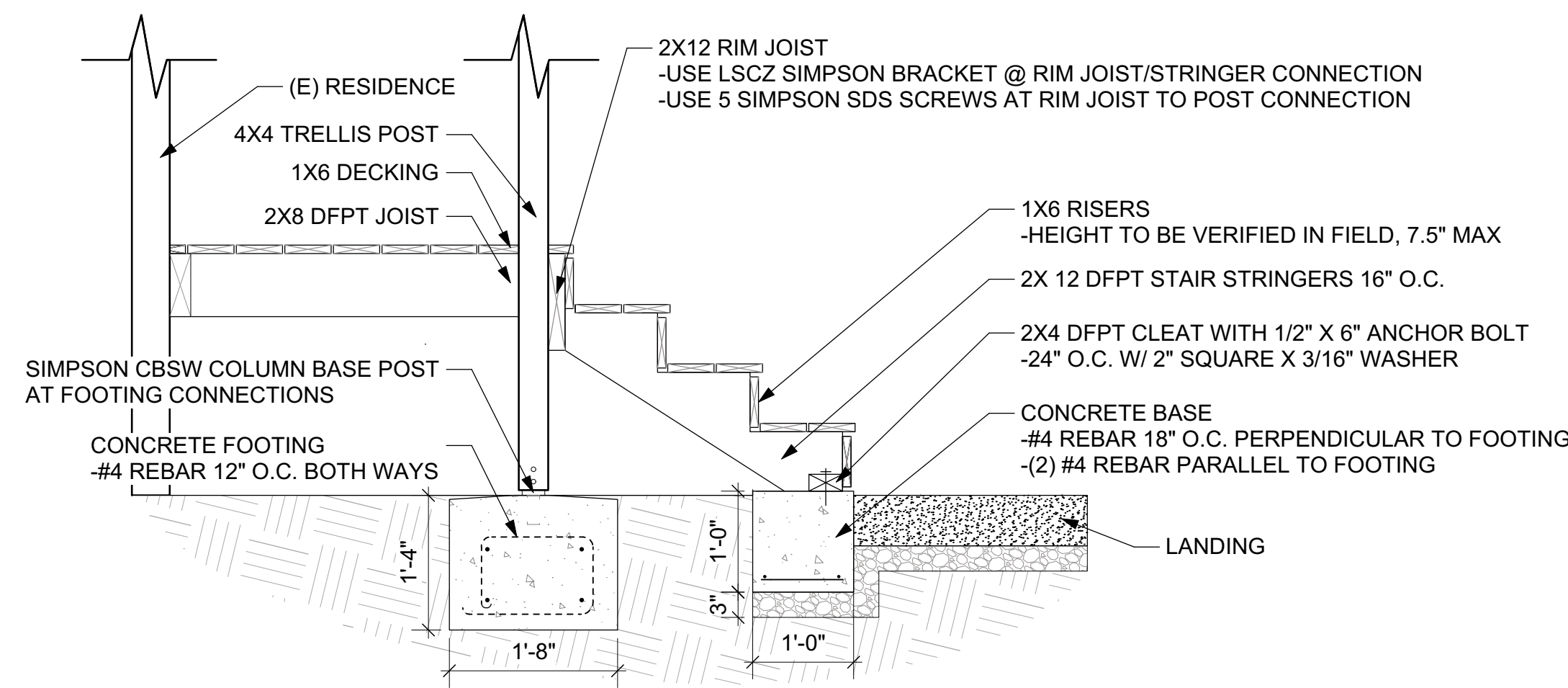
Window/Door Schedule

Sheet : _____



8 CLOSED FENCE @ FRONT DETAIL
SCALE: 3/4" = 1'-0"

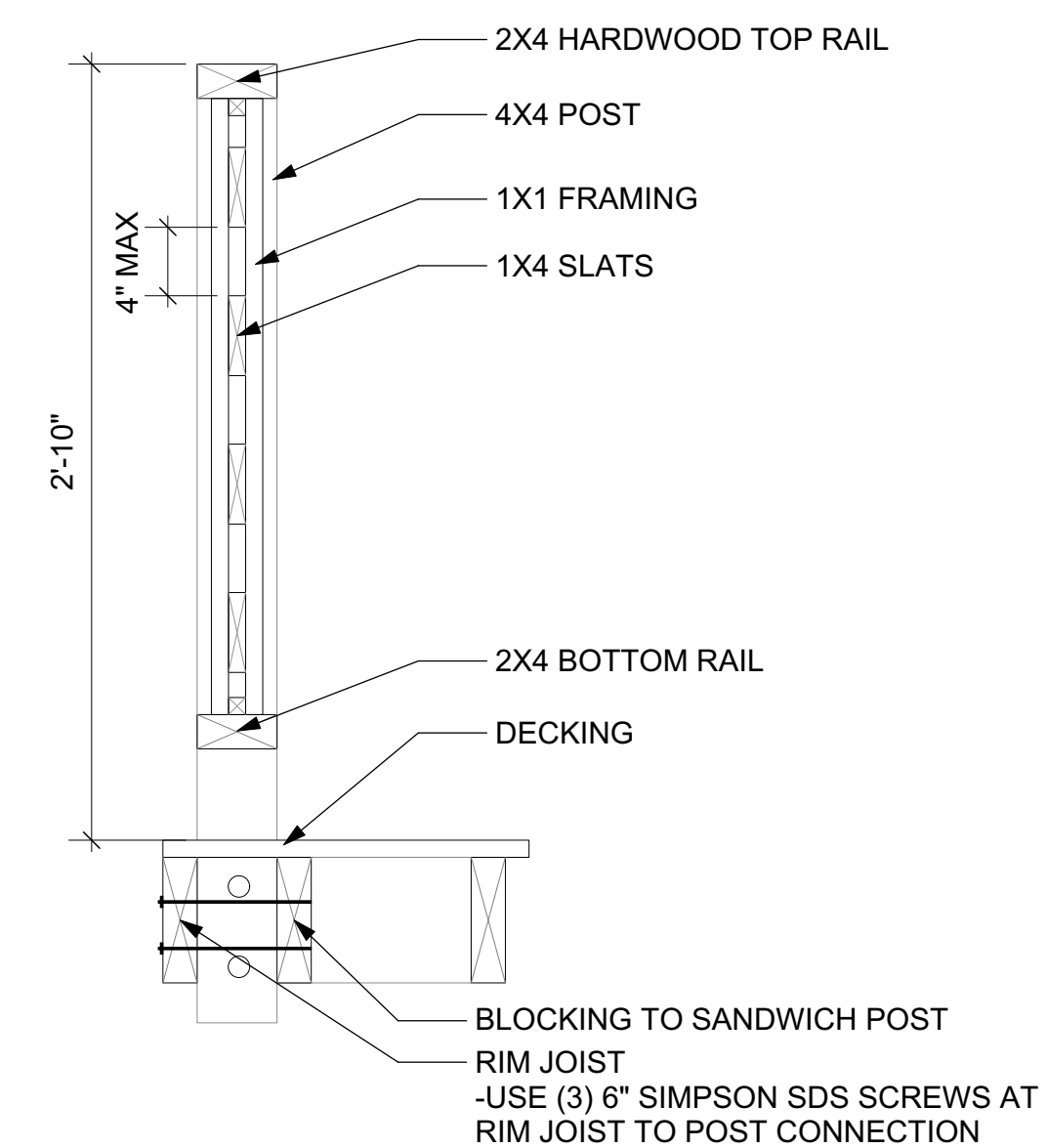
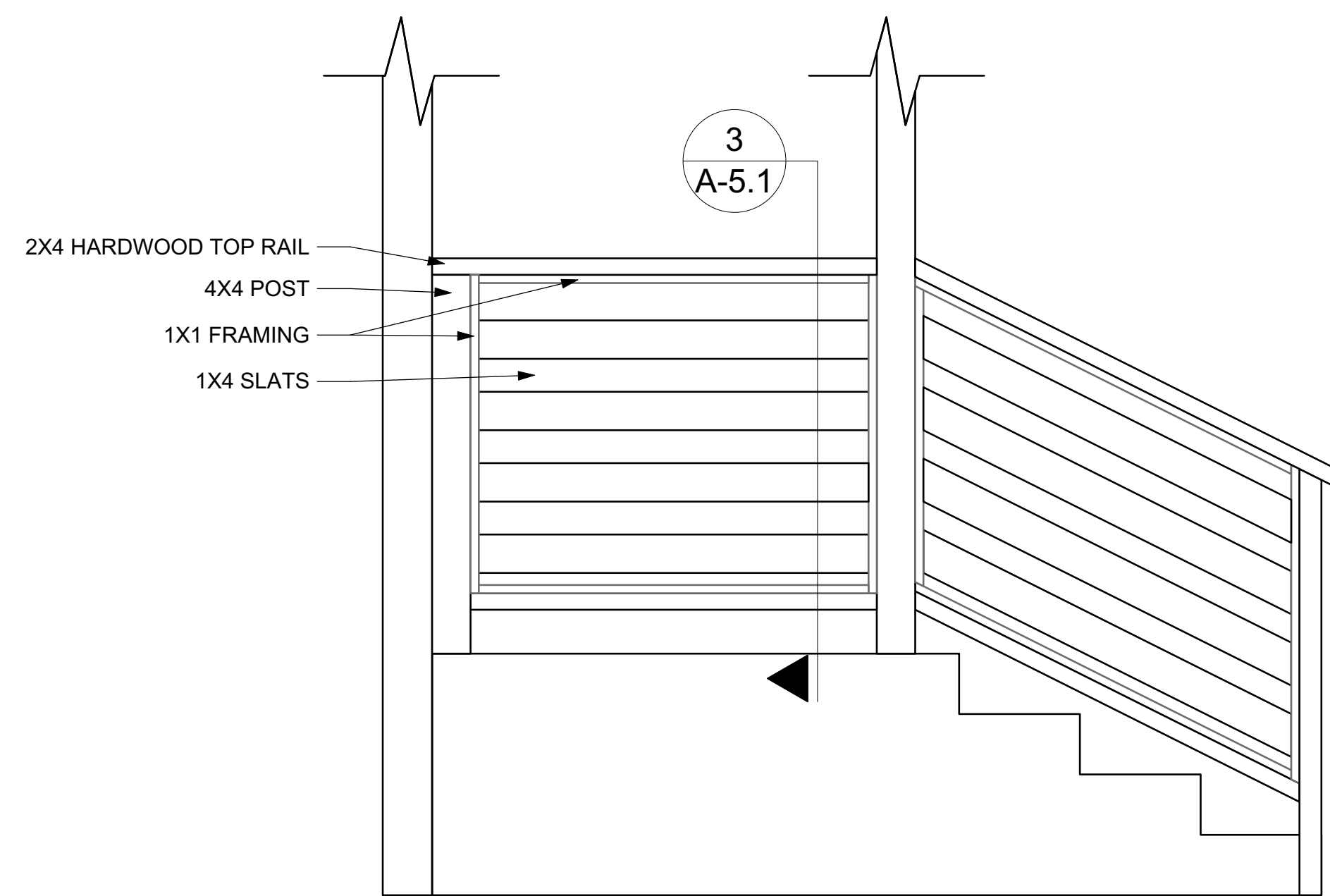
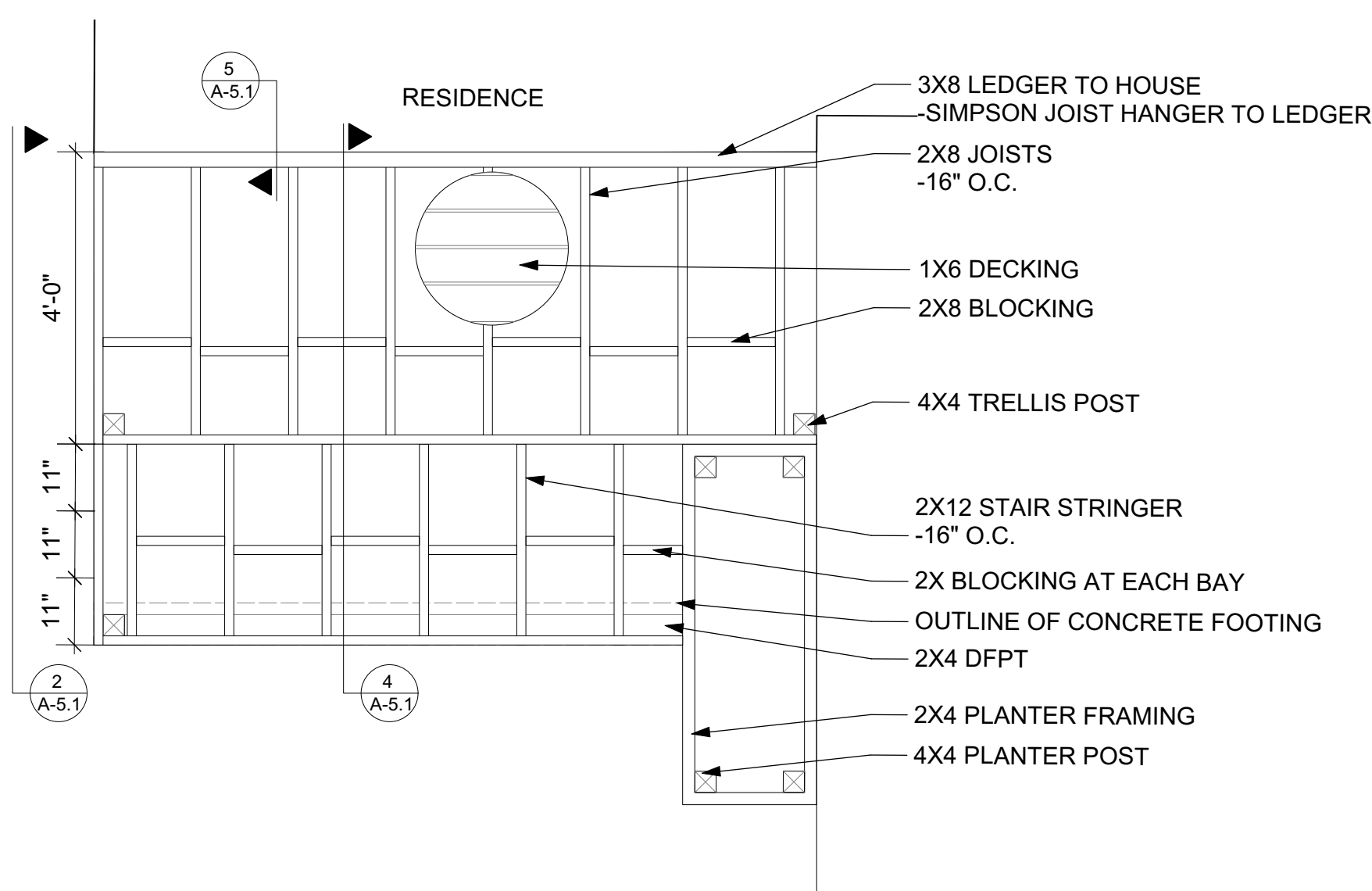
9 CONTINUOUS FOOTING AT CURB WALL
SCALE: 1" = 1'-0"



4 DECK STAIR DETAIL
SCALE: 3/4" = 1'-0"

5 LEDGER TO HOUSE
SCALE: 1 1/2" = 1'-0"

7 ENTRY TRELLIS DETAIL
SCALE: 1/2" = 1'-0"



1 ENTRY DECK FRAMING LAYOUT
SCALE: 1/2" = 1'-0"

2 DECK HANDRAIL ELEVATION
SCALE: 1" = 1'-0"

3 DECK HANDRAIL
SCALE: 1 1/2" = 1'-0"

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

Revisions	Date
△	
△	
△	
△	

Remodel

Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

Details

Sheet :

Black/Lovorn Remodel
1208 Kains Avenue
Berkeley, CA 94706

Owners: Libby & Jennifer
1208 Kains Ave
Berkeley, CA 94703

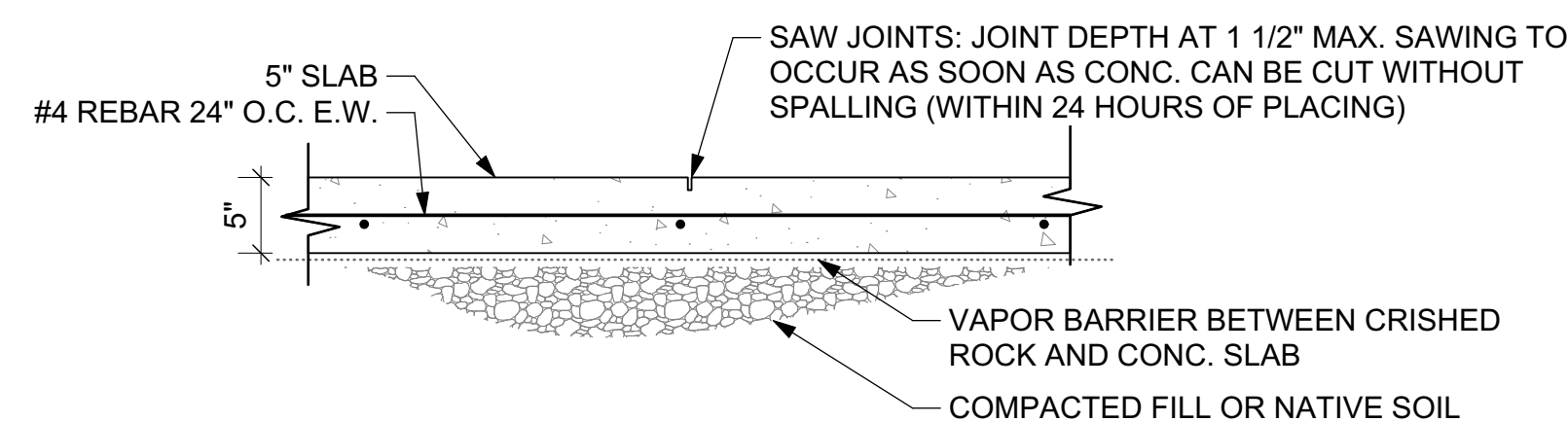
△	_____
△	_____
△	_____
△	_____
Revisions	Date

Remodel

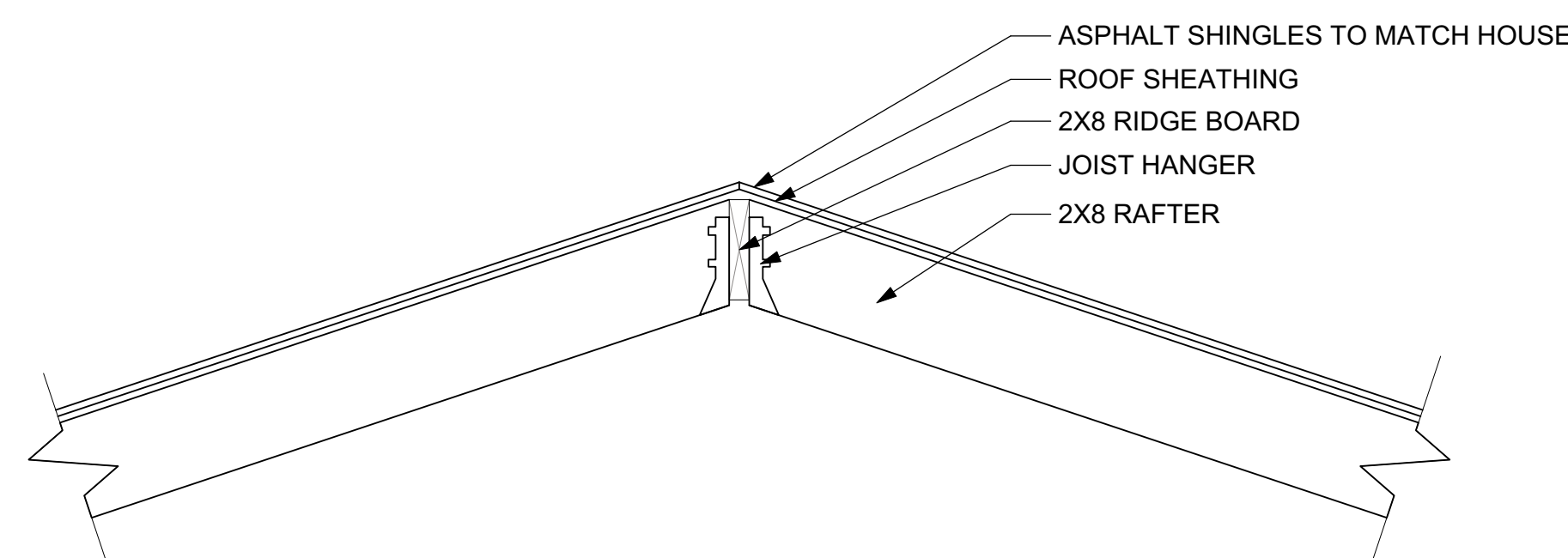
Job #: BLA/LOV101
Issue Date: 11.16.2021
Drawn By: em

Details

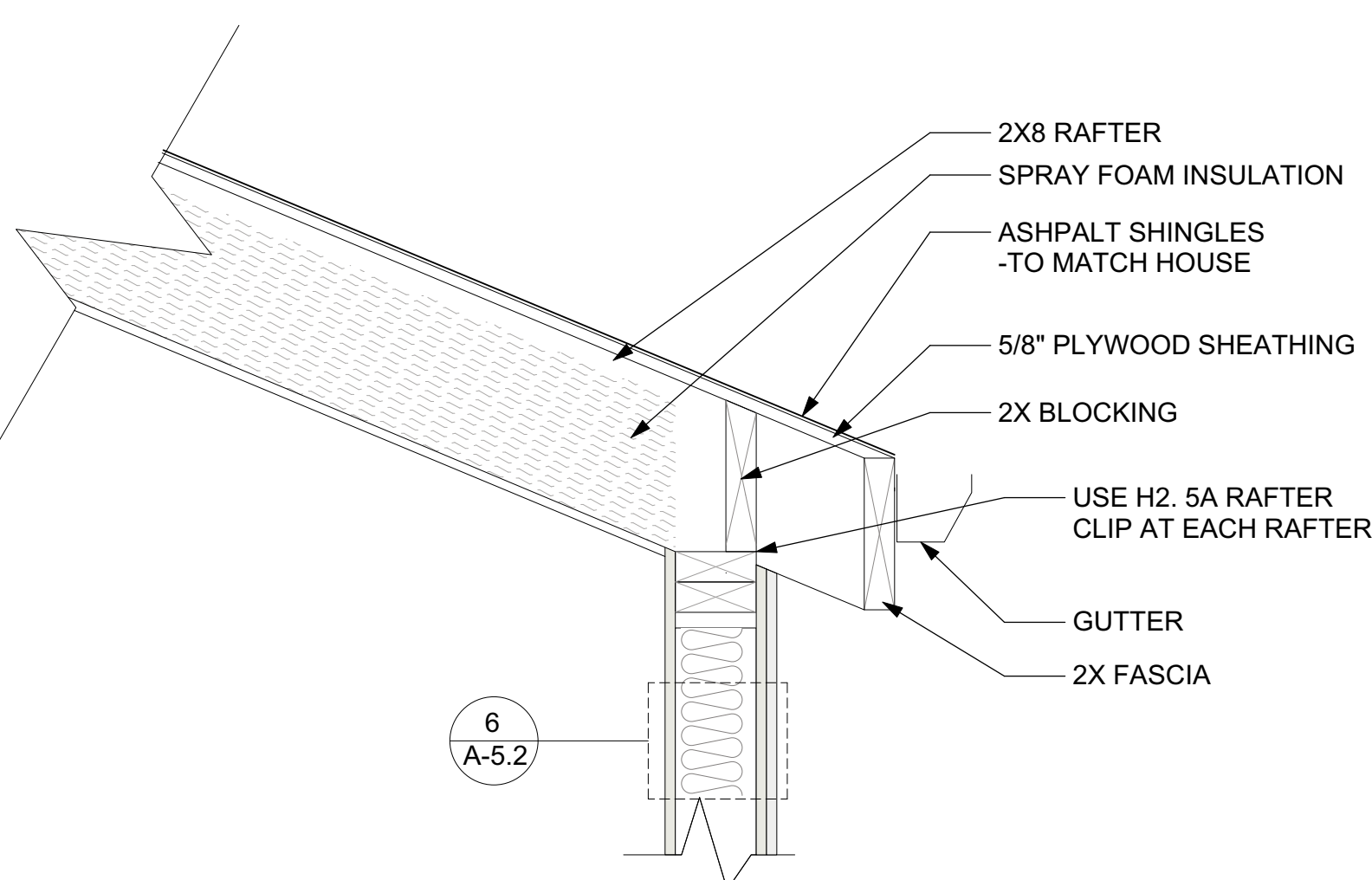
Sheet :



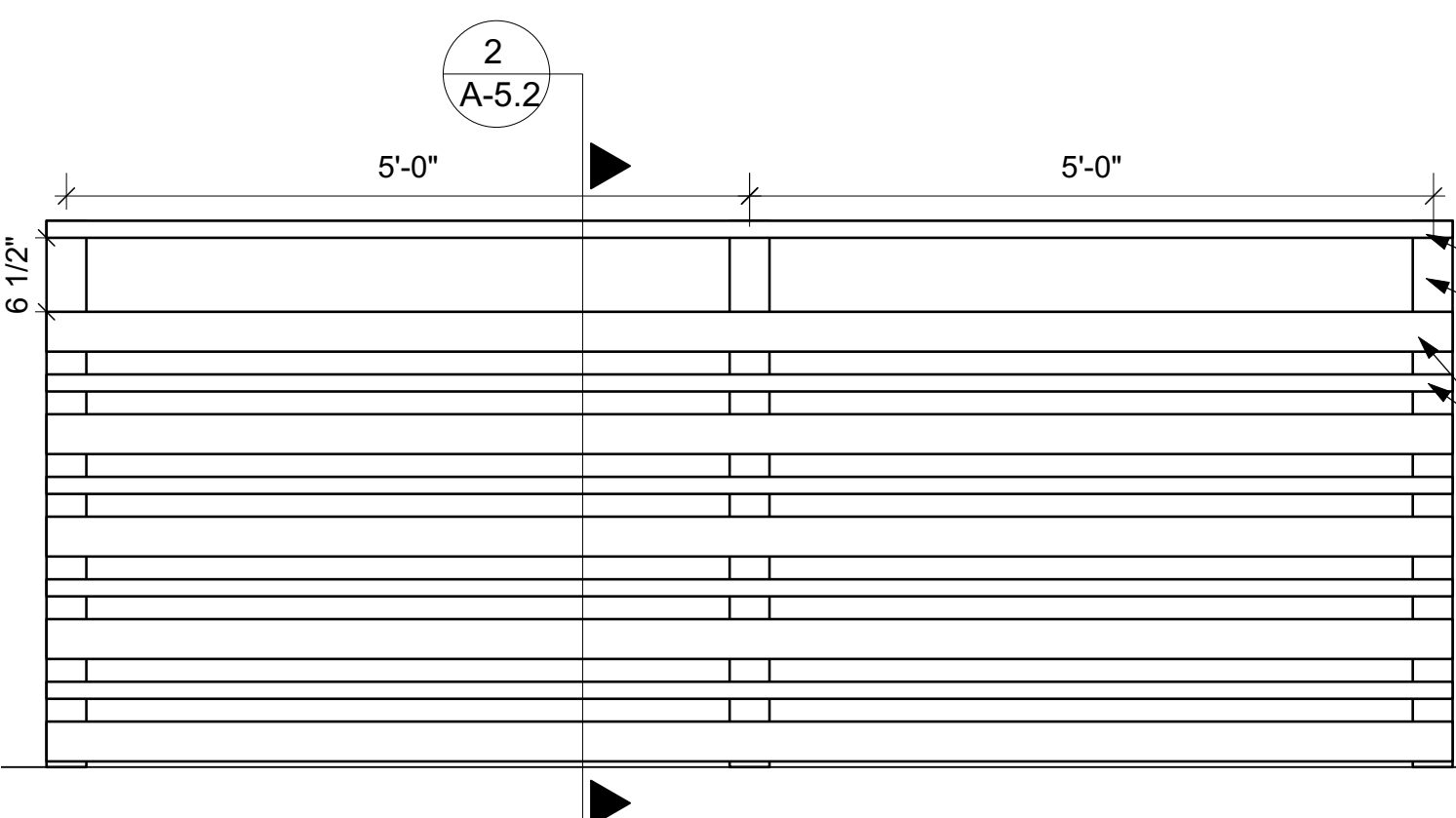
10 SLAB DETAIL
SCALE: 1 1/2" = 1'-0"
SECTION



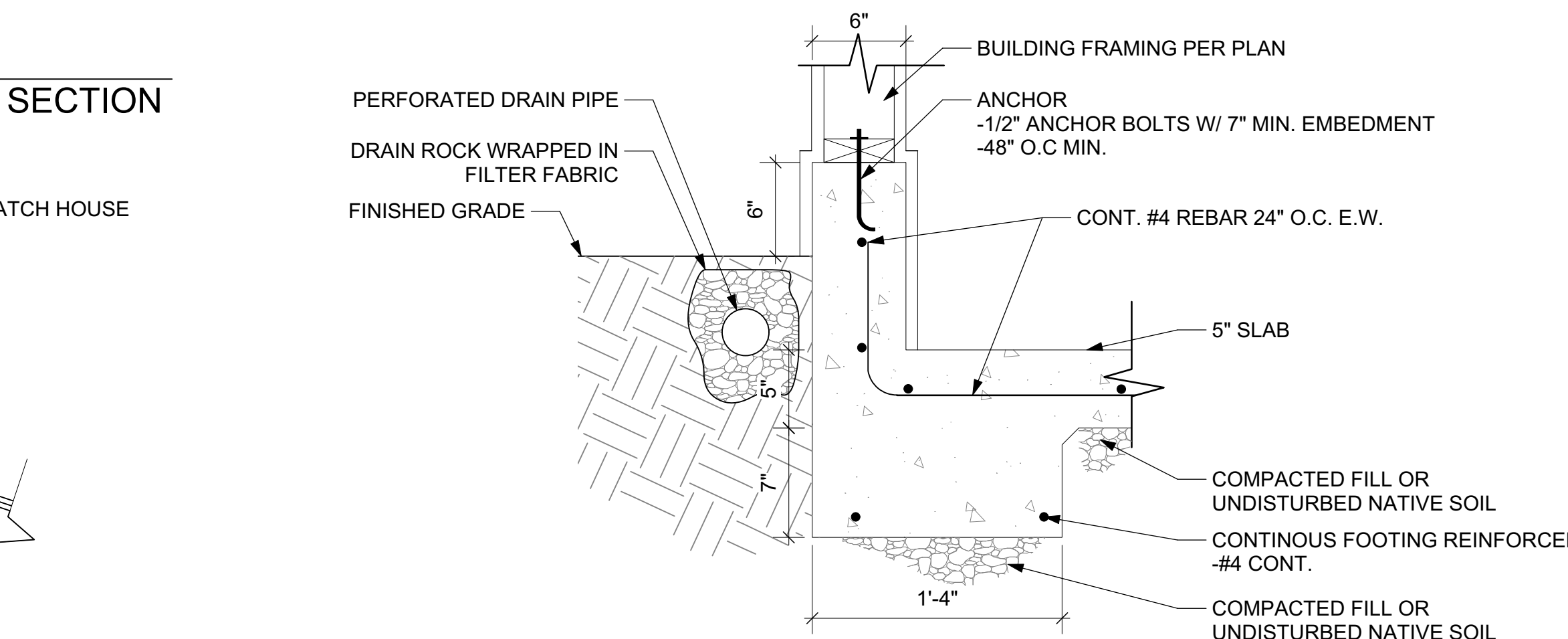
7 RAFTER TO RIDGE BEAM
SCALE: 1" = 1'-0"
SECTION



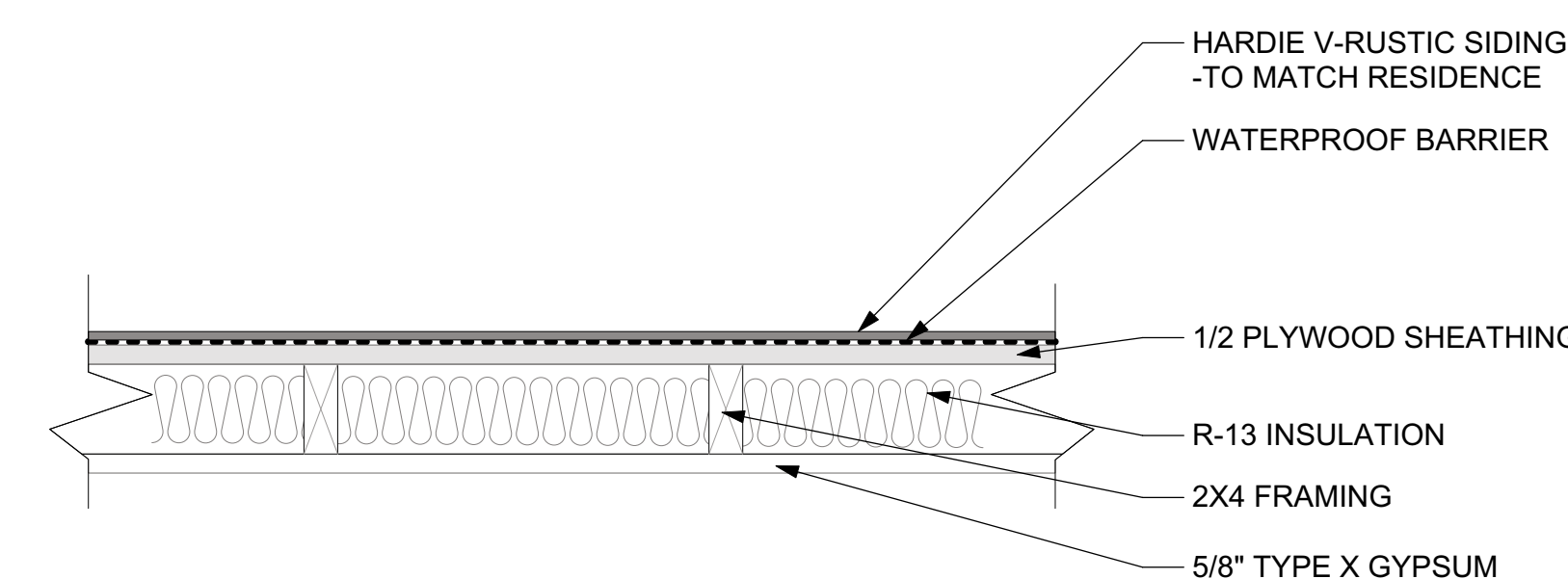
4 RAFTER TO WALL DETAIL
SCALE: 1 1/2" = 1'-0"
SECTION



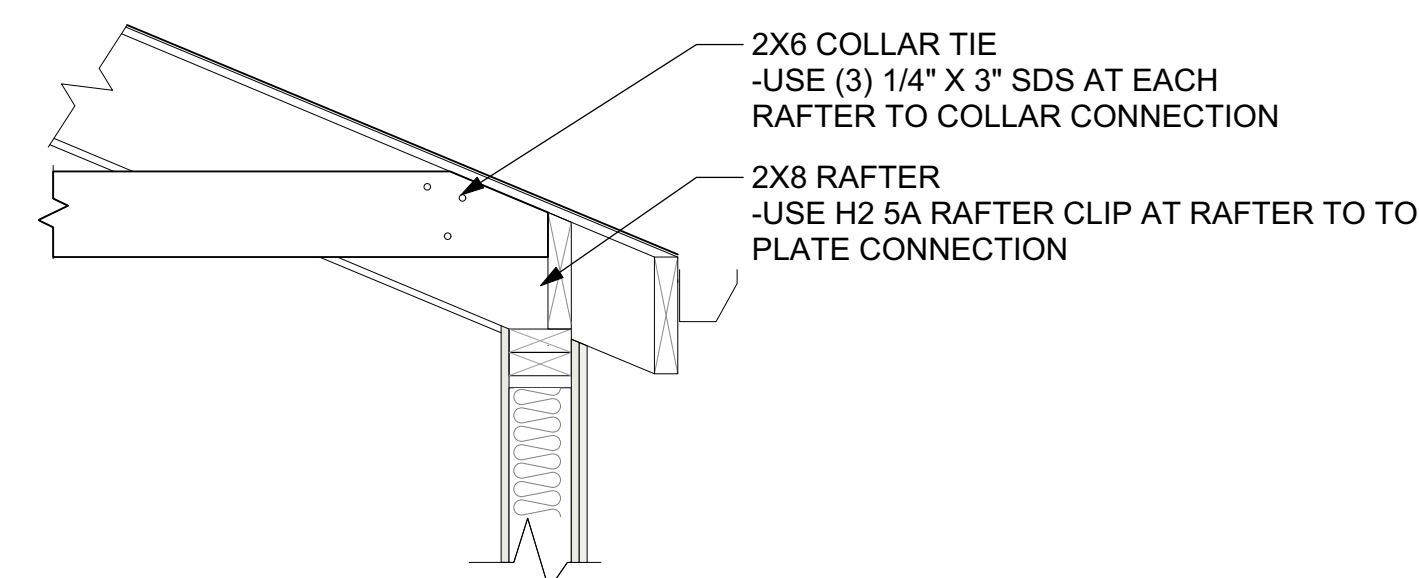
1 OPEN FENCE @ PATH DETAIL
SCALE: 3/4" = 1'-0"
ELEVATION



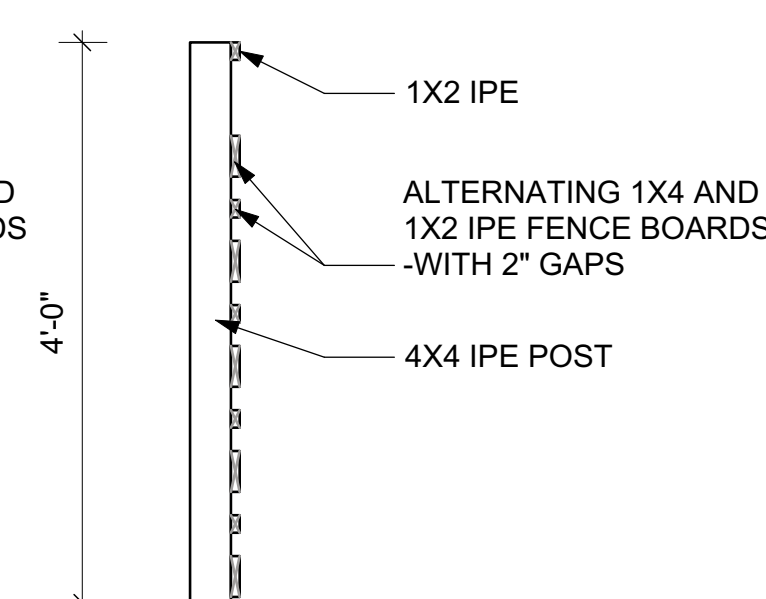
8 CONTINUOUS FOOTING AT GARAGE
SCALE: 1 1/2" = 1'-0"
SECTION



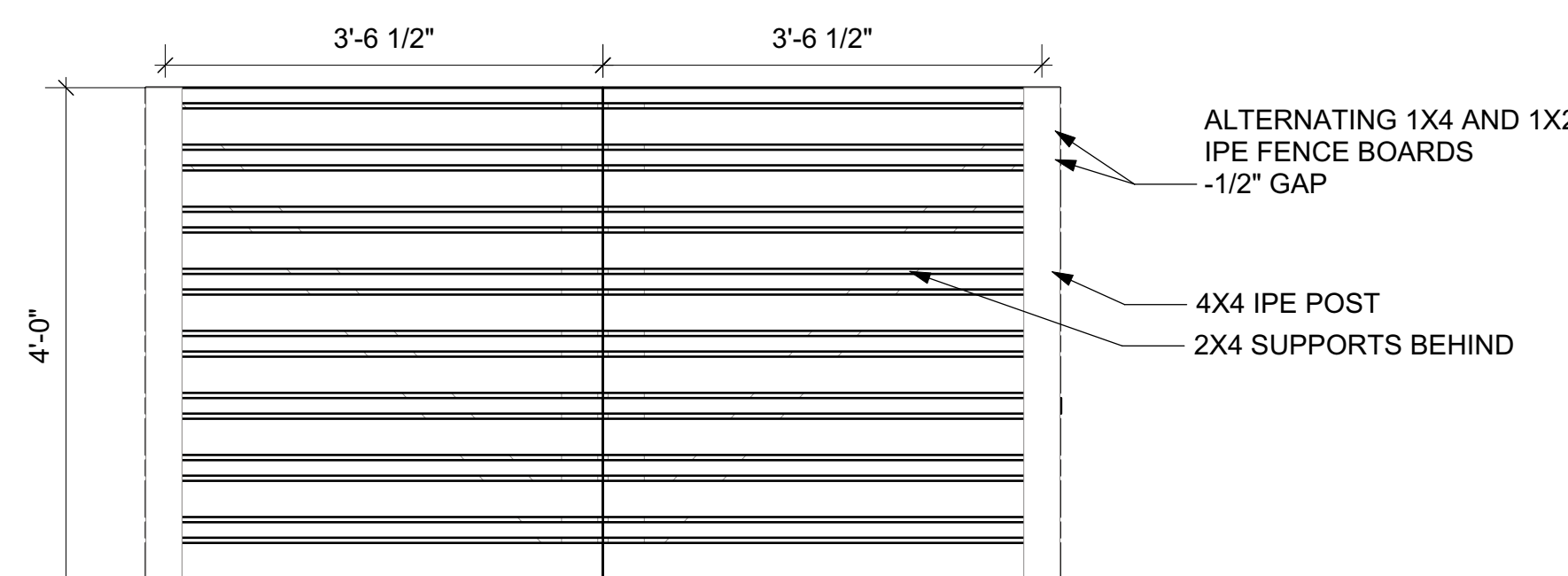
5 1 HOUR FIREWALL DETAIL
SCALE: 1 1/2" = 1'-0"
SECTION



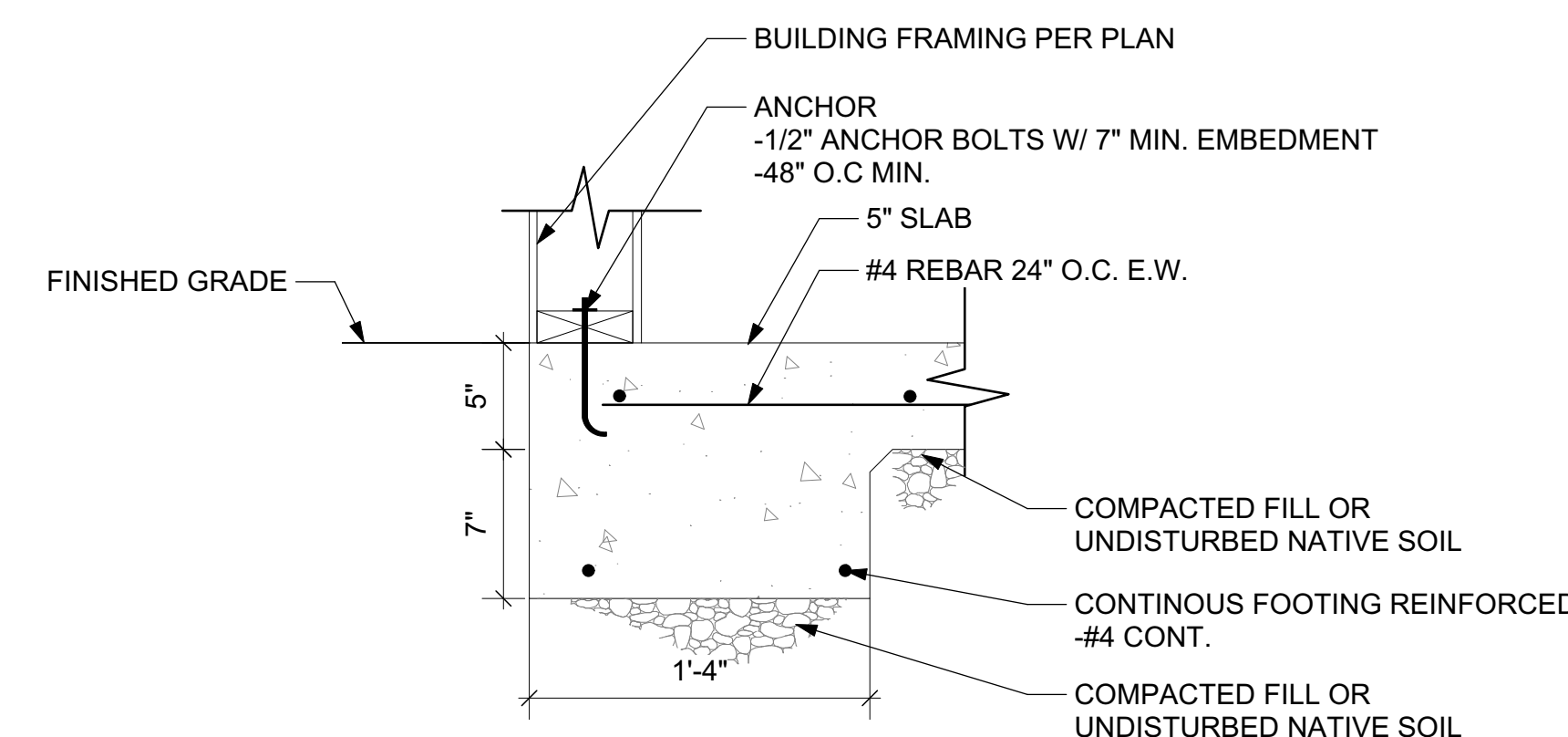
6 COLLAR TIE DETAIL
SCALE: 1" = 1'-0"
SECTION



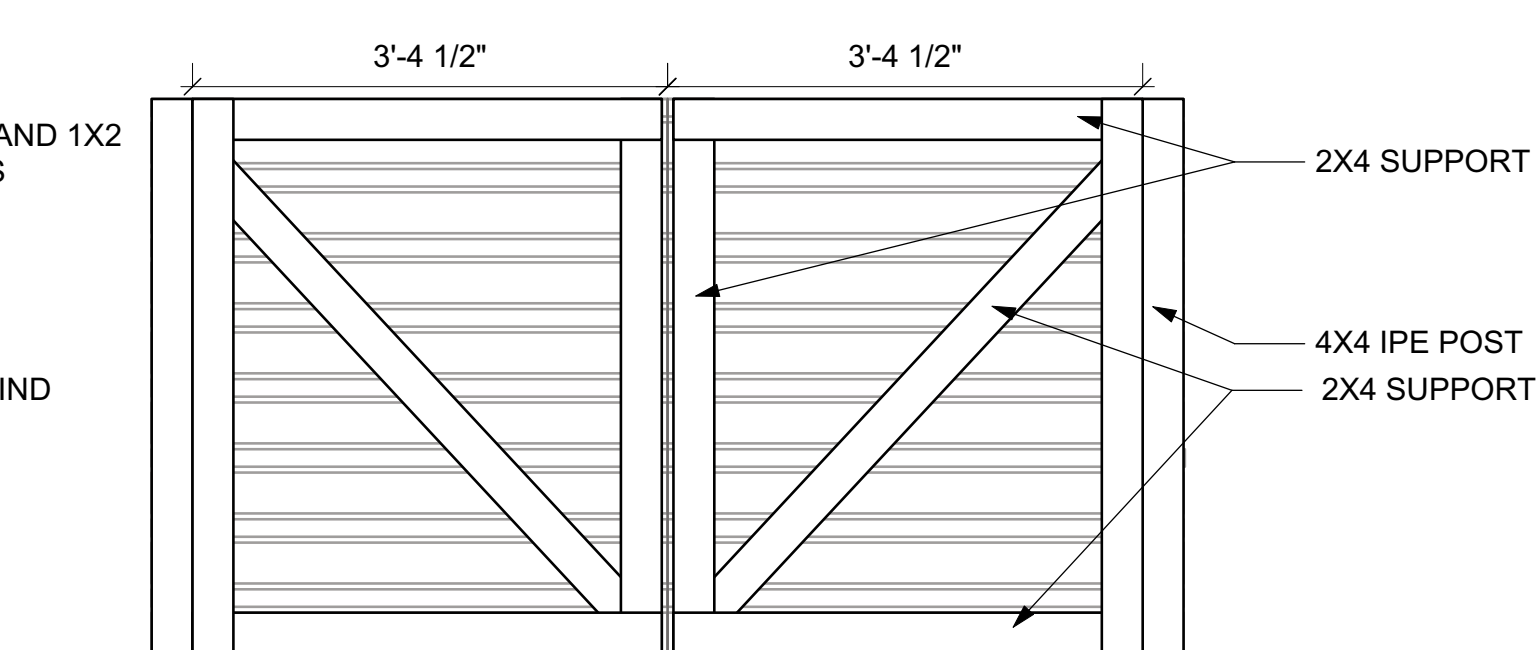
2 OPEN FENCE
SCALE: 3/4" = 1'-0"
SECTION



3 TRASH ENCLOSURE DETAIL
SCALE: 3/4" = 1'-0"
ELEVATION



9 CONTINUOUS FOOTING ON SLAB DETAIL
SCALE: 1 1/2" = 1'-0"
SECTION



DETAILS
ELEVATION



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

1208 Kains Avenue

Use Permit #ZP2021-0154 to make alterations in the non-conforming front setback by raising the roof of the attached garage and altering the entry porch and legalize an existing hot tub, on a lot that is non-conforming for lot coverage and occupied by an existing two-story, 1,029-square-foot, single-family dwelling.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on May 26, 2022, **conducted via Zoom, see the Agenda for details at:**

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-05-26_ZAB_Agenda.pdf The meeting starts at 7:00 p.m.

PUBLIC ADVISORY: Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Zoning Adjustments Board (ZAB) will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D), to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D) to make alterations in a non-conforming setback;
- Administrative Use Permit pursuant to BMC Section 23.304.070(D) to add an unenclosed hot tub.

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

D. Parties Involved:

- Applicant Henry Fleischmann, FDC Design Build, 925 Adams Street, Albany

- Owner Jennifer Lovvorn and Elizabeth Black, 1208 Kains Avenue, Berkeley

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, Allison Riemer, at (510) 981-7433 or ariemer@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.

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

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

Riemer, Allison

From: Matthew Hardy <mhardy415@gmail.com>
Sent: Tuesday, May 3, 2022 9:41 AM
To: Riemer, Allison
Cc: Matthew Hardy; Kate O'Hara; Jennifer Lovvorn; Libby Black
Subject: Re: Letter to Allison supporting our project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Allison,

We are supportive of Jen and Libby's project.

Thank you!

Matthew Hardy and Kate O'Hara
1206 Kains Ave.

On Mon, May 2, 2022 at 6:24 PM Libby Black <libby@libbyblack.com> wrote:
Hi Matthew and Kate,

I hope this email finds you well!

Allison let us know today that she never received an email/letter of support for our project at 1208 Kains from the both of you. After the four of us did mediation with SEEDS in December I told her then that you both verbally approved the project after that mediation. We reached out this week to see if you all had sent the approval and she said she never received it. We are having our hearing in a couple weeks. Can you please send her your approval in the next couple of days?

ARiemer@cityofberkeley.info

Thanks!

Truly,
Libby Black and Jennifer Lovvorn

Riemer, Allison <ARiemer@cityofberkeley.info>