



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

1828 Euclid Avenue

Use Permit #ZP2021-0164 to convert first floor commercial space to two dwelling units, and combine three commercial spaces, on a 12,600 square-foot lot with an existing mixed-use building.

I. Background

A. Land Use Designations:

- General Plan: Neighborhood Commercial
- Zoning: C-N(H) - Neighborhood Commercial District, Hillside Overlay

B. Zoning Permits Required:

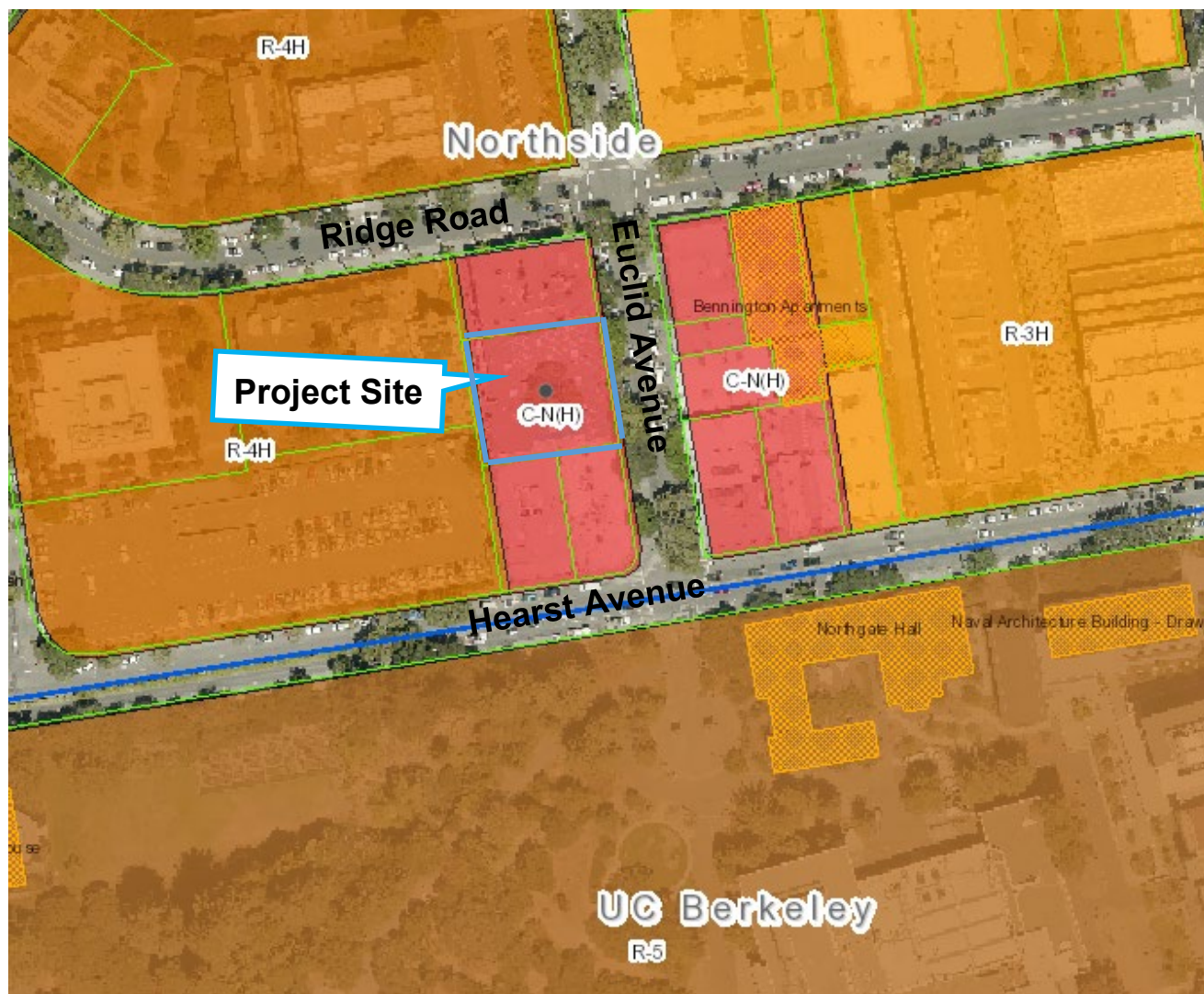
- Use Permit, under Berkeley Municipal Code (BMC) 23.204.020(A) to add two dwelling units;
- Use Permit, under BMC Section 23.204.070(D)(3) to modify the useable open space requirement; and
- Administrative Use Permit, under BMC Section 23.204.030(C)(1) to reconfigure tenant space in an existing building.

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 15303 ("New Construction or Conversion of Small Structures"). The determination is made by ZAB.

D. Parties Involved:

- Applicant/Owner Roman Fan, 2025 Rose Street, Berkeley

Figure 1: Vicinity Map



- Legend**
- C-N(H) Neighborhood Commercial District, Hillside Overlay
 - R-3H Multiple-Family Residential District, Hillside Overlay
 - R-4H: Multi-Family Residential District, Hillside Overlay
 - R-5: Residential Southside District



Figure 2: Proposed Site Plan

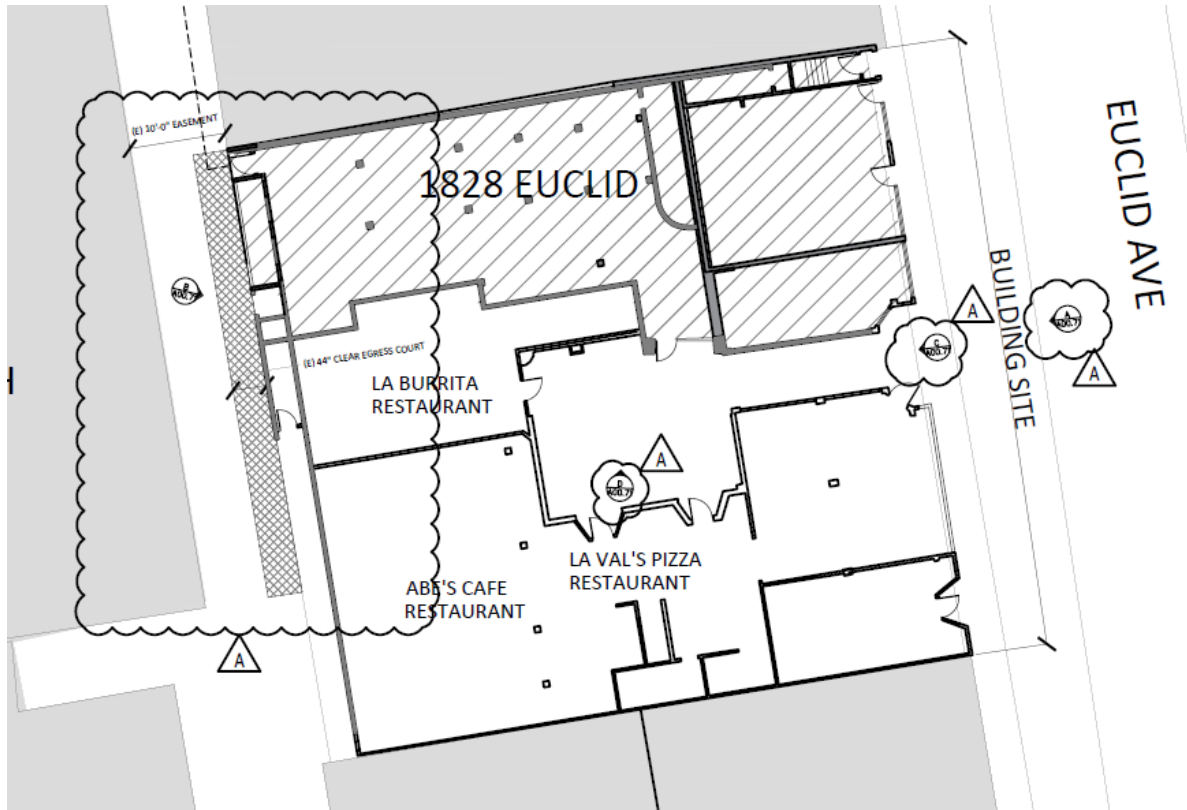


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Mixed-Use	C-N(H) – Neighborhood Commercial, Hillside Overlay	Neighborhood Commercial
Surrounding Properties	North	Mixed-Use		
	South	Commercial		
	East	Commercial		
West	Residential, Parking	R-4H –Multi-Family Residential, Hillside Overlay	High Density Residential	

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	The project is not subject to BMC Section 22.20.065 Affordable Housing Mitigation Fee (AHMF) or BMC Section 23.328 Inclusionary Housing, because less than five rental units would be added. If the units are condominiums the fee applies (Condition of Approval 37).

Creeks	No	There is a culverted creek, but the building is not expanding, so a creek permit is not required.
Density Bonus	No	The project is not requesting a Density Bonus.
Historic Resources	No	The project does not propose the demolition or substantial alteration of a building over 40 years old.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	Project is a "housing development project," adding two dwelling units in a mixed-use building with at least two-thirds of the square footage dedicated to residential uses. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	Project is a "housing development project," adding two dwelling units in a mixed-use building with at least two-thirds of the square footage dedicated to residential uses. See Section V.A of this report for additional discussion on the sections of SB330 that apply to the project.
Oak Trees	No	There are no Coast Live Oak trees on the site.
Rent Controlled Units	No	No rent-controlled units would be affected, nor would the new unit be subject to rent control restrictions, until 20 years has passed (BMC Section 13.76.050(l)).
Residential Preferred Parking (RPP)	No	The project site is within City of Berkeley Residential Preferred Parking Zone F. Per Condition of Approval 41 and BMC Section 14.72.080(C), no new permits may be issued to residents in newly-constructed units.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, fault rupture, or landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), and it is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply.
Transit	Yes	The project is served by AC Transit Route 65 on Euclid Avenue, and 52 and F on Hearst Avenue, and is a 0.6 mile walk from the Downtown Berkeley BART Station.

Table 3: Project Chronology

Date	Action
September 2, 2021	Application submitted
September 30, 2021	Application deemed incomplete
November 16, 2021	Revised application materials submitted
December 14, 2021	Revised application materials submitted
January 13, 2022	Application deemed incomplete
February 14, 2022	Revised application materials submitted
March 17, 2022	Application deemed complete
May 12, 2022	Public hearing notices mailed/posted
May 26, 2022	ZAB hearing

Table 4: Development Standards

Standards		Existing	Proposed Total	Permitted/ Required
BMC Sections 23.204.070				
Lot Area (sq. ft.)		12,600	No change	n/a
Gross Floor Area (sq. ft.)		20,448	No change	n/a
Floor Area Ratio		1.62	No change	3
Dwelling Units	Total	12	14	n/a
Building Height	Average (ft.)	30'	No change	35' max.
	Stories	2	No change	3 max.
Building Setbacks (ft.)	Front	0	No change	n/a
	Rear	10'	No change'	10' min (abuts residential)
	Left Side	0	No change	n/a
	Right Side	0	No change	n/a
Lot Coverage (%)		90	No change	100% max
Usable Open Space (sq. ft.)		0	0	200 sq. ft. per dwelling unit min. ¹
Parking	Automobile	0	0	0 min ²

II. Project Setting

A. Neighborhood/Area Description: The project site is located on the west side of Euclid Avenue between Ridge Road and Hearst Avenue in the Northside neighborhood. The neighborhood is characterized by mixed-use and commercial

¹ A Use Permit is requested to modify the Useable Open Space requirement.

² No new parking is required for residential uses.

buildings along Euclid Avenue and Hearst Avenue, and residential buildings on Ridge Road.

- B. Site Conditions:** The lot is rectangular, 105 feet wide along Euclid Avenue, and approximately 120 feet deep. There are zero setbacks at all sides, except at the rear. The site contains an existing two-story mixed-use building, with six commercial spaces on the first floor, and 12 dwellings on the second floor.

III. Project Description

The project would involve the interior conversion of one commercial space at the northwest corner of the lot into two dwelling units, and three commercial spaces along Euclid Avenue would be combined into one commercial space. Both dwellings would have two bedrooms and two bathrooms.

IV. Community Discussion

- A. Neighbor/Community Concerns:** A yellow poster was erected by the applicant in December 2021. On May 12, 2022, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations within 300 feet of the project site, and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.
- B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because no exterior changes are proposed, and the project does not involve the demolition of a non-residential building.

V. Issues and Analysis

- A. SB 330 – Housing Crisis Act of 2019:** The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect at the time an application is deemed complete, then the city shall not conduct more than five (5) hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with §65920)).

The May 26, 2022, ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code §65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

This project would not affect a potential historic building since no exterior changes are proposed. Standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on March 17, 2022. Should ZAB determine the application is categorically exempt from CEQA at the May 26, 2022, public hearing, the application must be approved or disapproved by July 25, 2022.

B. Housing Accountability Act Analysis: The Housing Accountability Act (HAA), California Government Code Section 65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

As described in Table 4 above, the project complies with applicable, objective general plan and zoning standards. Therefore, the City may not deny the project or approve the project at a reduced density without basing its decision on the written findings under Section 65589.5(j), above. Staff is not aware of specific adverse impacts that could occur with the construction of the project.

C. Findings for Use Permit Approval in the C-N District: Pursuant to BMC Section 23.204.070(E), to approve a Use Permit, the non-detriment finding of BMC Section 23.406.040(E) must be made, and it must be found that the proposed use or structure is compatible with the purpose of the district, is compatible with the surrounding uses and buildings, does not interfere with the continuity of retail and service facilities at the

ground level, and does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

Staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or visitors in the area, and 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 would be consistent with the development pattern in the area. The project only involves an interior conversion and there would be no exterior changes to the existing building. Staff believes that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views as analyzed below.

1. Sunlight/Shadow: Shadow studies were not required because an addition is not proposed, and thus there will be no changes to existing shadows.
2. Privacy: New windows are only proposed for the rear corridor, so there would be minimal changes to existing privacy.
3. Air: There would be no changes to the footprint, and the existing building complies with the required setbacks.
4. Views: Existing views would not be affected because the height of the building is not changing.

The conversion of commercial space to dwelling units, and the reconfiguring of commercial spaces, is compatible with the purposes of the District because: the dwelling units and commercial spaces are compatible with the Neighborhood Commercial General Plan designation, and there will still be commercial locations for good and services for residents of the area.

The conversion of commercial space to dwelling units, and the reconfiguring of commercial spaces, is compatible with the surrounding uses and buildings because the building is located in a mixed-use area, and some neighboring buildings also include both dwellings and commercial spaces.

The conversion of commercial space to dwelling units, and the reconfiguring of commercial spaces, would not interfere with the continuity of retail and service facilities at the ground level of this building and other nearby buildings since the majority of the first floor would still be used for commercial purposes. The new dwellings would be accessed from the courtyard that serves the ground-floor commercial spaces, which would minimize the impact to existing commercial spaces along Euclid Avenue and at the courtyard.

The conversion of commercial space to dwelling units, and the reconfiguring of commercial spaces, would not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply as the site is in

an urban area with bike routes and public transportation options, and is within 360 feet of the Lower Hearst Parking Structure.

- D. Findings for a Use Permit to modify the useable open space in the C-N District:** Pursuant to BMC Section 23.204.070(D)(3)(b), to modify the useable open space requirement the modification must achieve one of four things, including encouraging uses of the ground floor for commercial purposes where appropriate. Per BMC Section 23.304.090 useable open space must have a minimum dimension of 10 feet by 10 feet, at least 40 percent must be landscaped, and it must not include required walkways.

There is currently no useable open space at the site. There is a courtyard between the commercial spaces, but that area is not suitable for useable open space as it is used by the commercial tenants, and is largely a walkway that provides access to the commercial spaces. The lot is largely covered except for the ally at the rear, but that area is not suitable for useable open space because it is used as an access easement. It is not possible to add useable open space to the site without adding a roof deck above the existing residences. The courtyard provides space for outdoor dining for the commercial tenants, and the proposed project would maintain the commercial uses at the street, and most of the commercial uses along the courtyard.

- E. Findings for an Administrative Use Permit to reconfigure tenant spaces in the C-N District:** The proposed project would reduce the number of lease spaces at the site as three spaces at the front of the property will be combined, and a wall will be added separating the commercial space from the new residential spaces. Specific findings are not required. The change will create a larger commercial space where it is most appropriate, along Euclid Avenue.

VI. Other Considerations

The 2002 General Plan goals and policies are provided for information purposes only, to provide context; they do not require findings of conformance because the proposed project is HAA-compliant.

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

3. Policy 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.
4. 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.
5. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Staff Analysis: The proposed project would add two dwelling units on a parcel in the C-N District near transit, without altering the exterior of the existing building. As described in the Issues and Analysis Section above, the proposed conversion is consistent with the character of the neighborhood and the project will meet most of the zoning standards for the C-N District. The project would be compatible with the parcels in the immediate neighborhood and the development pattern for the broader area that is characterized by mixed-use buildings, commercial buildings, and dwelling units.

6. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Staff Analysis: The proposed project would increase the number of dwelling units on the property and help the City meet housing production goals established by ABAG’s Regional Housing Needs Determination.

VII. 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 APPROVE Use Permit #ZP2021-0164 pursuant to BMC Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated February 14, 2022
3. Notice of Public Hearing

Staff Planner:

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

MAY 26, 2022

1828 Euclid Avenue

Use Permit #ZP2021-0164 to convert first floor commercial space to two dwelling units, and combine three commercial spaces, on a 12,600 square-foot lot with an existing mixed-use building.

PERMITS REQUIRED

- Use Permit, under Berkeley Municipal Code (BMC) 23.204.020(A) to add two dwelling units;
- Use Permit, under BMC Section 23.204.070(D)(3) to modify the useable open space requirement; and
- Administrative Use Permit, under BMC Section 23.204.030(C)(1) to reconfigure tenant space in an existing building.

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 15303 (“New Construction or Conversion of Small Structures”).
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. The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:
 - a. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and
 - b. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Because the project will comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff. The project includes conversion of commercial space to two dwelling units.

2. 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, will 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:

- The project only involves an interior conversion and there would be no exterior changes to the existing building. The proposed project will not unreasonably obstruct sunlight, privacy, air, or views.
 - Sunlight/Shadow: Shadow studies were not required because an addition is not proposed, and thus there will be no changes to existing shadows.
 - Privacy: New windows are only proposed for the rear corridor, so there would be minimal changes to existing privacy.
 - Air: There would be no changes to the footprint, and the existing building complies with the required setbacks.
 - Views: Existing views would not be affected because the height of the building is not changing.
3. As required by BMC Section 23.204.070(E), the Board finds that the Use Permit for new dwelling units may be approved because:
- The dwelling units and commercial spaces are compatible with the Neighborhood Commercial General Plan designation, and there will still be commercial locations for good and services for residents of the area.
 - The building is located in a mixed-use area, and some neighboring buildings also include both dwellings and commercial spaces.
 - The majority of the first floor would still be used for commercial purposes.
 - The site is in an urban area with bike routes and public transportation options, and is within 360 feet of the Lower Hearst Parking Structure.
4. As required by BMC Section 23.204.070(D)(3)(b), the Board finds that the Use Permit to modify the useable open space in the C-N District may be approved because:
- There is currently no useable open space at the site. There is a courtyard between the commercial spaces, but that area is not suitable for useable open space as it is used by the commercial tenants, and is largely a walkway that provides access to the commercial spaces. The lot is largely covered except for the ally at the rear, but that area is not suitable for useable open space because it is used as an access easement. It is not possible to add useable open space to the site without adding a roof deck above the existing residences.
 - The courtyard provides space for outdoor dining for the commercial tenants, and the proposed project would maintain the commercial uses at the street, and most of the commercial uses along the courtyard.
5. The Board finds that the Administrative Use Permit to reconfigure tenant spaces in the C-N District may be approved because:
- The change will create a larger commercial space where it is most appropriate, along Euclid Avenue.

III. 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 approved by the review authority which originally approved the permit. 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.

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building & Safety Permit:

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

Project Liaison _____
Name Phone #

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

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

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

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

A. 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

14. **HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
15. **Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

16. 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).
17. 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:

18. 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.
19. 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.
20. 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.

- 21. 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.
- 22. 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.

- 23. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

- 24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

25. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

27. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of

the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

- 28. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- I. 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.
29. 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.
 30. 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.
 31. 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.
 32. 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.
 33. 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.
 34. 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:

35. 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.
36. 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 received February 14, 2022, except as modified by conditions of approval.

- 37. Condo Units.** Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23C.12, which applies to the any of the following:
- A. Residential housing projects for the construction of five or more Dwelling Units;
 - B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four-unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
 - C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

At All Times:

- 38. 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.
- 39. Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 40. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 41. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
- 42. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

1828 EUCLID

1828 EUCLID AVENUE
BERKELEY
CA 94709

PROJECT DESCRIPTION

THE SCOPE OF THIS WORK (UNDER THIS PERMIT) INCLUDES:

- CONVERTING EXISTING RESTAURANT SPACE INTO (2) RESIDENTIAL UNITS WITH NEW CORRIDOR AND EGRESS PATHWAY AT REAR EXIT
- UPDATING EXISTING COURTYARD WITH LANDSCAPED AREAS FOR USABLE OPEN SPACE
- RETAINING EXISTING STOREFRONT AND RESTAURANT/RETAIL SPACE ALONG EUCLID AVENUE
- TRANSFER BEER AND WINE LICENSE FROM EXISTING RESTAURANT SPACE TO SPACE ALONG EUCLID AVENUE

PROJECT DATA SUMMARY

APN: 58 2191 2

ZONING: C-N (H)

PROJECT ADDRESS: 1828 EUCLID AVE, BERKELEY, CA 94709

TYPE OF CONSTRUCTION: TYPE V-B

OCCUPANCY GROUP: R-2

PROPOSED USE: MIXED-USE RESIDENTIAL

AREA OF IMPROVEMENT: 3551 S.F.

NUMBER OF STORIES: 2

VICINITY MAP



PROJECT LOCATION
1828 EUCLID AVE
BERKELEY
CA 94709

CODE REFERENCE

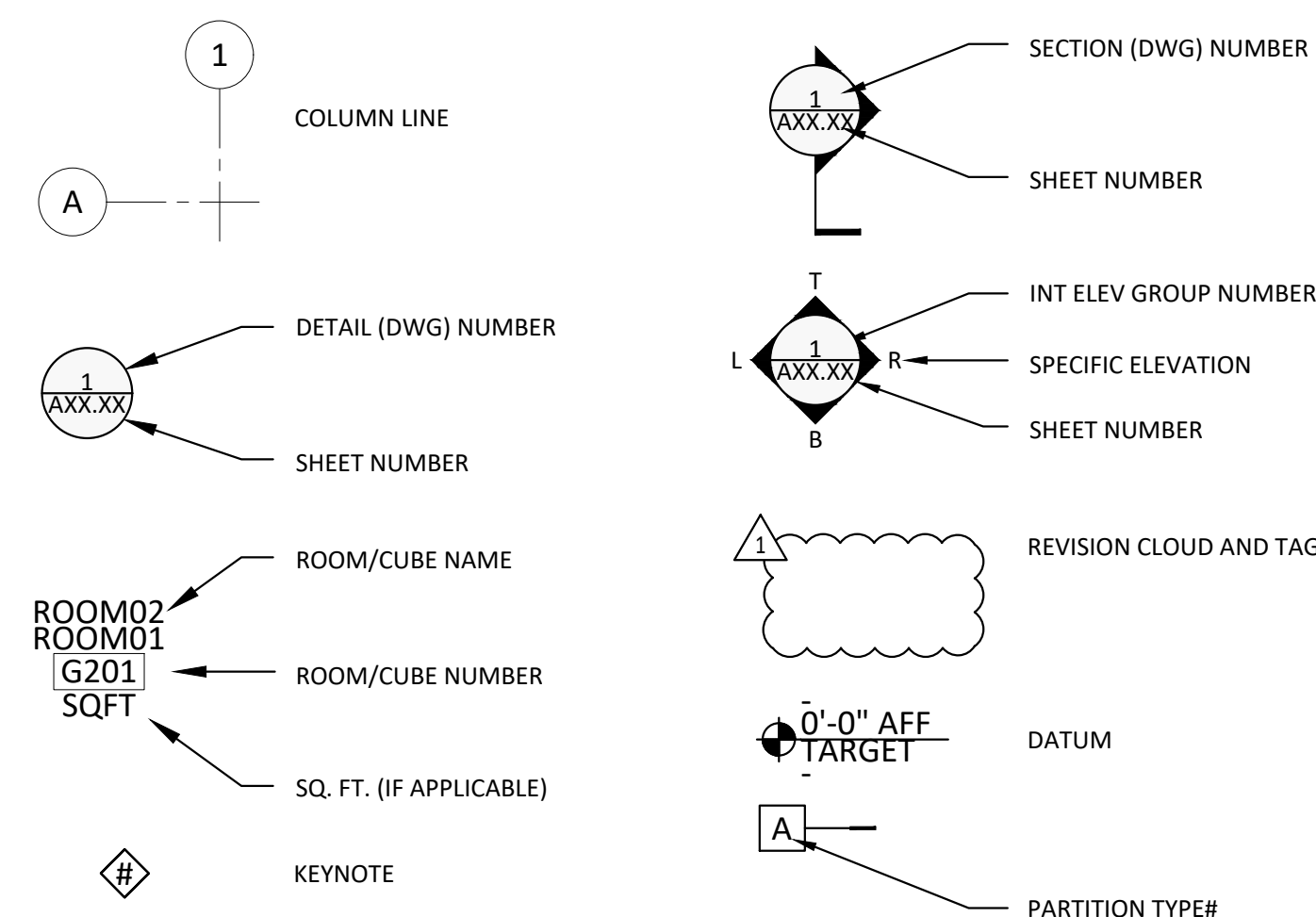
APPLICABLE CODES
2019 - CALIFORNIA BUILDING CODE (ADOPTS IBC, 2018 W/ CA AMEND.)
2019 - CALIFORNIA EXISTING BUILDING CODE (ADOPTS IBC, 2018 W/ CA AMEND.)
2019 - CALIFORNIA MECHANICAL CODE (ADOPTS UMC, 2018 IAMPO W/ CA AMEND.)
2019 - CALIFORNIA ELECTRICAL CODE (ADOPTS NEC, 2017 W/ CA AMEND.)
2019 - CALIFORNIA PLUMBING CODE (ADOPTS UPC, 2018 IAPMO W/ CA AMEND.)
2019 - CALIFORNIA FIRE CODE (ADOPTS IFC, 2018 W/ CA AMEND.)
2019 - CALIFORNIA ENERGY CODE
2019 - CALIFORNIA GREEN BUILDING STANDARDS CODE
2019 - CALIFORNIA REFERENCED STANDARDS CODE

DIRECTORY

CLIENT:
KORMAN & NG
ROMAN FAN
2025 ROSE STREET
BERKELEY, CA 94709
P: 415.420.7663
CONTACT: ROMAN@KORMANANDNG.COM

ARCHITECT:
ARCSINE
414 THIRTEENTH STREET, STE 350
OAKLAND, CA 94612
P: 510.444.2410
F: 510.444.2610
CONTACT: SShekar@arcsine.com
ADAM@ARCSINE.COM

SYMBOL LEGEND



DRAWING INDEX

- DENOTES SHEET ISSUANCE
- DENOTES SHEET REISSUED WITHOUT REVISIONS

ISSUE DATE		ISSUES AND REVISIONS	
DATE	MONTH	YEAR	ISSUE NAME
10	MAY	2021	PLANNING SUBMITTAL
14	DEC	2021	PLANNING RESUBMITTAL

GENERAL	ARCHITECTURAL
A00.10 COVER SHEET, PROJECT INFO, DRAWING INDEX	A00.70 SITE PLAN
	A00.71 EXISTING EXTERIOR SITE PHOTOS
	A00.72 EXISTING INTERIOR SITE PHOTOS
A2.0 REFERENCE PLANS- EXISTING PLANS FROM 2010	
A00.90 ACCESSIBLE PATH OF TRAVEL	
A01.10 FIRST FLOOR DEMOLITION PLAN	
A01.20 SECOND FLOOR DEMOLITION PLAN	
A02.10 FIRST FLOOR RESIDENTIAL PLANS	
A02.20 FIRST FLOOR RETAIL/RESTAURANT PLAN	
A10.10 CORRIDOR ELEVATIONS	

ARCSINE

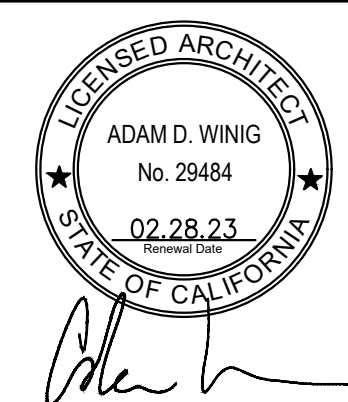
414 13TH STREET, SUITE 350
OAKLAND, CA 94612
T 510.444.2410
F 510-444-2610
design@arcsine.com

PROJECT NAME
1828 EUCLID

1828 EUCLID AVENUE
BERKELEY, CA 94709



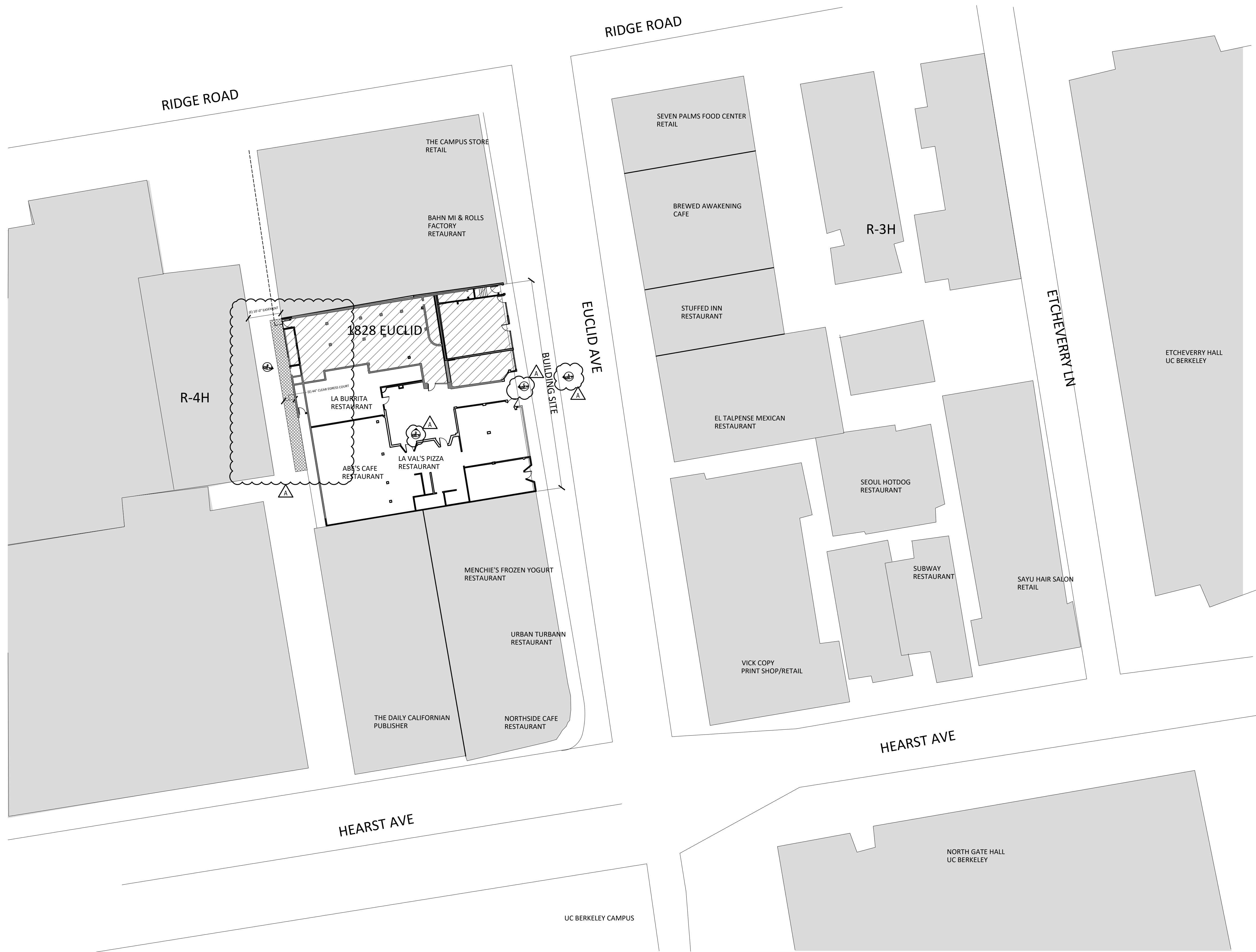
DATE	ISSUANCE
10 MAY 2021	PLANNING SUBMITTAL
14 DEC 2021	PLANNING RESUBMITTAL



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PLOT DATE: 22-Feb-14
SCALE: AS NOTED @ 24x36
PROJECT NUMBER: 20.23

SHEET TITLE
COVER SHEET PROJECT
INFO DRAWING INDEX
SHEET NUMBER
A00.10



SHEET NOTES

A. PATH OF TRAVEL: WALKS & SIDEWALKS SHALL HAVE A CONTINUOUS COMMON SURFACE NOT INTERRUPTED BY STEPS OR BY ABRUPT CHANGES IN LEVEL EXCEEDING 1/4" AND SHALL BE MIN 48" WIDE. CROSS SLOPE IS NOT TO EXCEED 2% AND SLOPE IN DIRECTION OF TRAVEL IS NOT TO EXCEED 5% U.O.N.

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PROJECT NAME
1828 EUCLID

1828 EUCLID AVENUE
BERKELEY, CA 94709

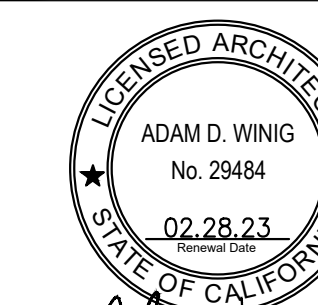


KEYNOTES

DATE	ISSUANCE
10 MAY 2021	PLANNING SUBMITTAL
14 DEC 2021	PLANNING RESUBMITTAL

LEGEND

-  REVISION TAG
-  AREA OF WORK



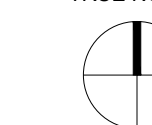
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PLOT DATE: 21-Dec-14
SCALE: AS NOTED @ 24x36
PROJECT NUMBER: 20.23

SHEET TITLE

SITE PLAN

TRUE NORTH SHEET NUMBER

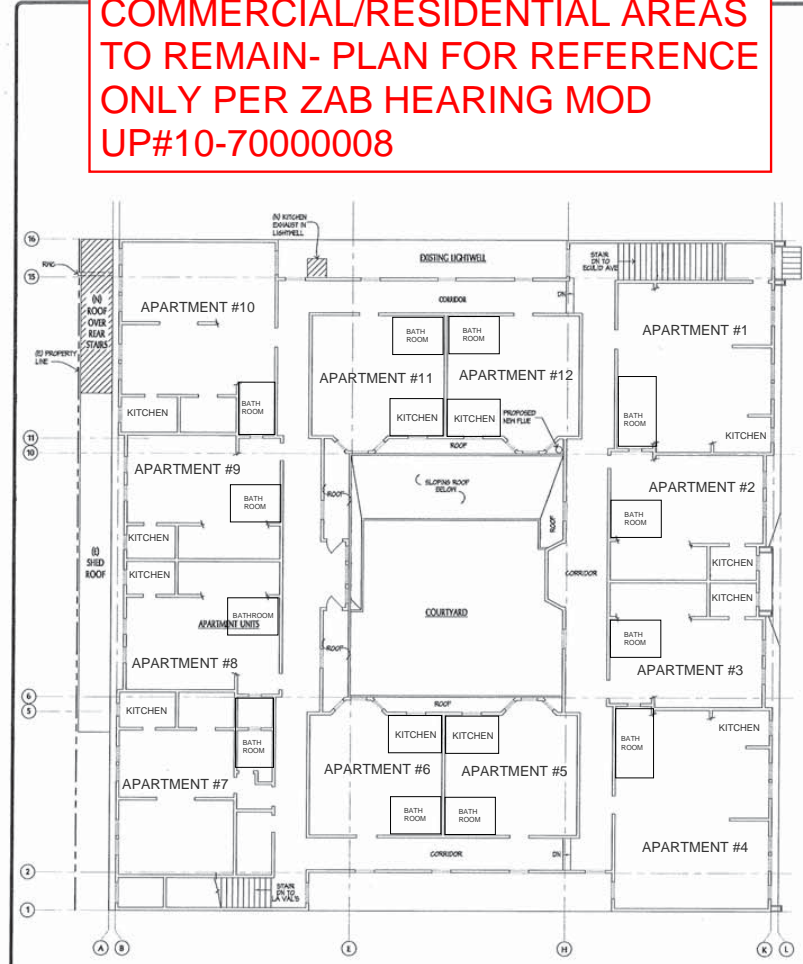


A00.70

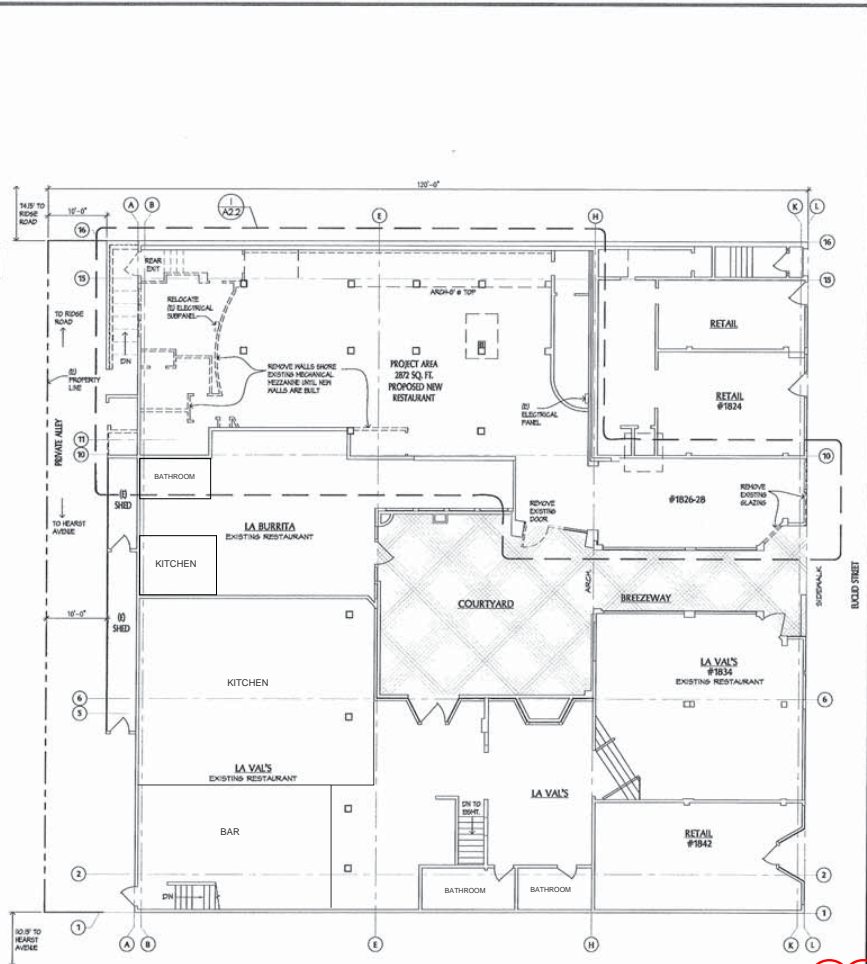
SITE PLAN 1

1/64" = 1'-0"

**EXISTING
 COMMERCIAL/RESIDENTIAL AREAS
 TO REMAIN- PLAN FOR REFERENCE
 ONLY PER ZAB HEARING MOD
 UP#10-7000008**



SECOND FLOOR PLAN
 SCALE 1/8" = 1'-0"



FIRST FLOOR PLAN - EXISTING / DEMO
 SCALE 1/8" = 1'-0"

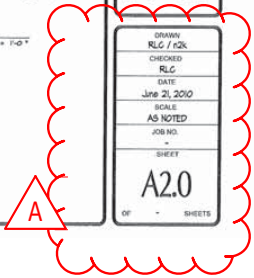
REVISIONS	BY

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 10250 Wilshire Blvd, Suite 1000
 Los Angeles, CA 90024
 Tel: 310.206.1000
 Fax: 310.206.1001



PROPOSED RESTAURANT:
THE PHO BAR
 1826-1848 EUCLID AVE.
 Berkeley, CA

DRAWN	RLG / GJK
CHECKED	RLG
DATE	June 21, 2010
SCALE	AS NOTED
JOB NO.	-
SHEET	-
A2.0	-
OF	- SHEETS



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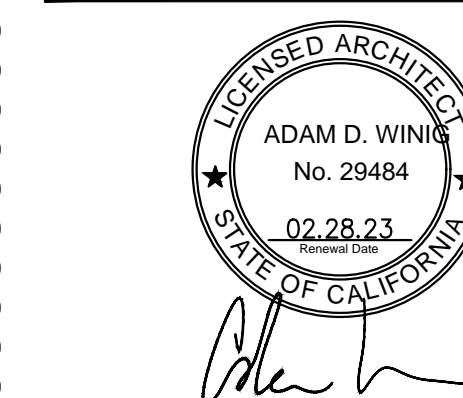
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F 510-444-2610
design@arcsine.com

PROJECT NAME
1828 EUCLID

1828 EUCLID AVENUE
BERKELEY, CA 94709



DATE	ISSUANCE
23 JUL 2021	ISSUE FOR PERMIT
14 DEC 2021	PLANNING RESUBMITTAL



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PLOT DATE: 21-Dec-14
SCALE: AS NOTED @ 24x36
PROJECT NUMBER: 20.23

SHEET TITLE
ACCESSIBLE PATH OF TRAVEL

SHEET NUMBER

A00.90

NOTES

- A. PATH OF TRAVEL WALKS & SIDEWALKS SHALL HAVE A CONTINUOUS COMMON SURFACE NOT INTERRUPTED BY STEPS OR BY ABRUPT CHANGES IN LEVEL EXCEEDING 1/4" AND SHALL BE MIN 48" WIDE. CROSS SLOPE IS NOT TO EXCEED 2% AND SLOPE IN DIRECTION OF TRAVEL IS NOT TO EXCEED 5% U.O.N.

USABLE OPEN SPACE:

AREA	REQUIRED	PROVIDED
USABLE OPEN SPACE FOR 2 UNITS [200/UNIT]	400 SFT	520 SFT
40% LANDSCAPED USABLE OPEN SPACE	160 SFT	110 SFT

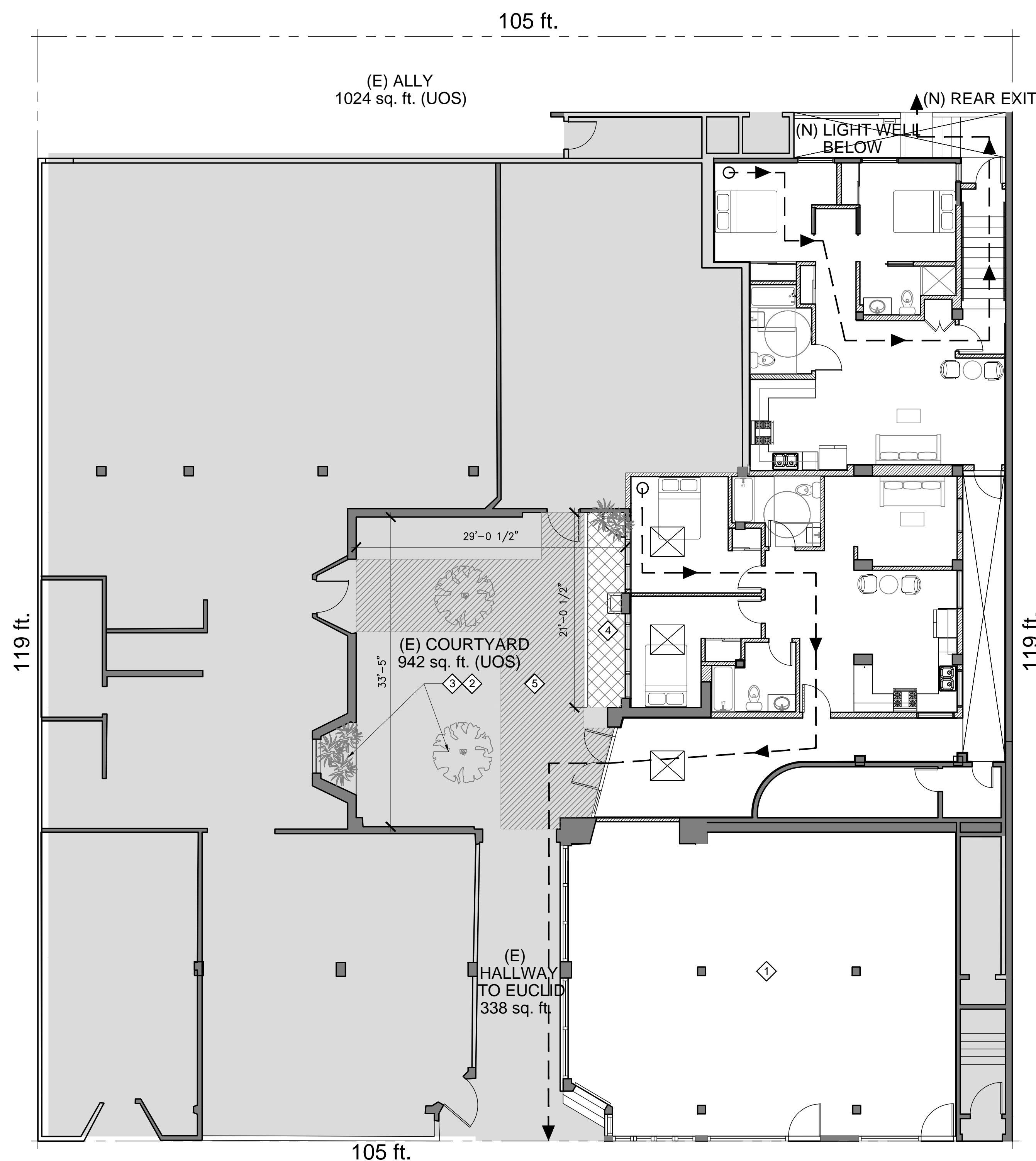
USABLE OPEN SPACE IS SUBJECT TO MODIFICATION SINCE EXISTING COURTYARD IS SHARED BY EXISTING COMMERCIAL ESTABLISHMENTS AND NEW RESIDENTIAL UNITS, THUS SATISFYING THE GENERAL PURPOSES OF:
 x TO ENCOURAGE USE OF THE GROUND FLOOR FOR COMMERCIAL PURPOSES WHERE APPROPRIATE;
 x TO FACILITATE THE CONSTRUCTION OF RESIDENTIAL OR TOURIST HOTEL USES WHERE APPROPRIATE

KEYNOTES

- 1 PER CBC TABLE 1006.2.1 - MAXIMUM OCCUPANT LOAD FOR ANY OCCUPANCY SPACES WITH 1 EXIT IS 49. PER CBC 1010.1.2 EGRESS DOORS SHALL SWING IN THE DIRECTION OF EGRESS TRAVEL WHEN SERVING AN OCCUPANCY OF 50 OR GREATER.
- 2 (E) OPEN TO SKY COURTYARD
- 3 (E) PLANTERS/TREES IN (E) COURTYARD TO REMAIN
- 4 (N) LANDSCAPED AREA TO BE AT SAME LEVEL AS COURTYARD AND BE USED FOR (N) PLANTERS
- 5 WALKING PATHS IN COURTYARD AS INDICATED

LEGEND

- ▲ REVISION TAG
- ▨ (E) PARTITION TO REMAIN
- ▨ (N) PARTITION
- ▨ AREA BEYOND SCOPE, N.I.C.
- ▨ NEW PLANTERS/LANDSCAPE
- ← PATH OF TRAVEL



EUCLID AVE.

ACCESSIBLE PATH OF TRAVEL

1/8" = 1'-0"

ARCSINE

414 13TH STREET, SUITE 350
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F 510.444.2610
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PROJECT NAME
1828 EUCLID

1828 EUCLID AVENUE
BERKELEY, CA 94709



DATE	ISSUANCE
10 MAY 2021	PLANNING SUBMITTAL
14 DEC 2021	PLANNING RESUBMITTAL

SHEET NOTES

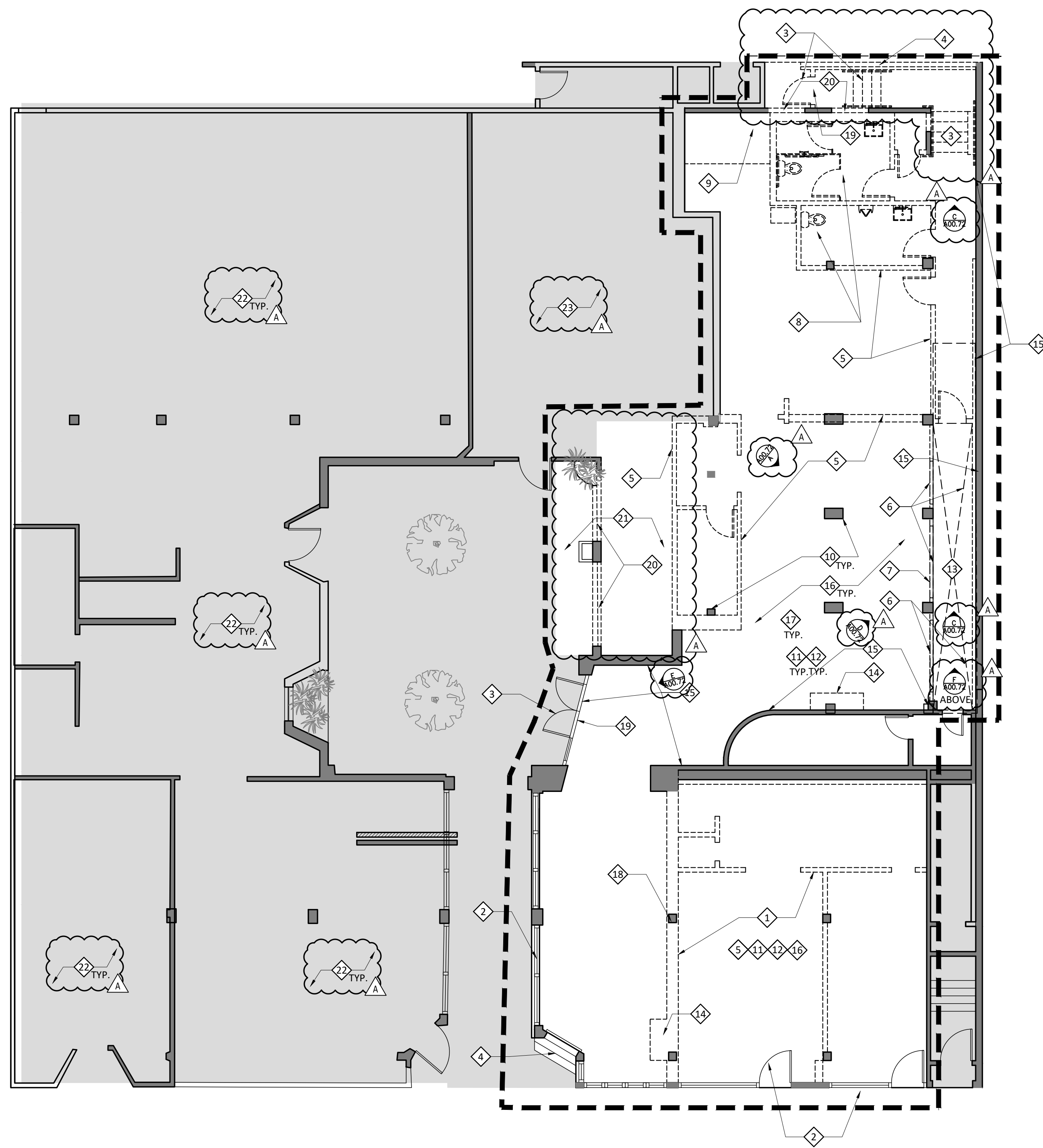
- A. ITEMS TO BE DEMOLISHED ARE SHOWN DASHED.
- B. CONTRACTOR IS TO VERIFY ALL EXISTING CONDITIONS PRIOR TO START OF CONSTRUCTION.
- C. CONTRACTOR TO FURNISH ALL LABOR AND MATERIALS/EQUIPMENT AS REQUIRED TO COMPLETE DEMOLITION AND REMOVAL OF ALL ITEMS AS INDICATED.
- D. REMOVE DESIGNATED PARTITIONS, COMPONENTS, BUILDING EQUIPMENT, AND FIXTURES AS REQUIRED FOR NEW WORK.
- E. IF ANY QUESTIONS ARISE AS TO THE REMOVAL OF ANY MATERIAL, CLARIFY THE POINT IN QUESTION WITH THE ARCHITECT BEFORE PROCEEDING.
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- G. CONTRACTOR SHALL PROVIDE AND INSTALL ALL TEMPORARY SHORING AND/OR BRACING REQUIRED TO FACILITATE NEW WORK OR CONSTRUCTION.
- H. CONTRACTOR TO REMOVE ABANDONED HVAC EQUIPMENT, DUCTWORK, ELECTRICAL AND PLUMBING LINES. CAP AND IDENTIFY EXPOSED UTILITIES. ARRANGE AND PAY FOR DISCONNECTING, REMOVING AND CAPPING UTILITY SERVICES WITHIN AREAS OF DEMOLITION. NOTIFY OWNER AND THE AFFECTED UTILITY COMPANY IN ADVANCE AND OBTAIN APPROVAL BEFORE STARTING THIS WORK. MARK LOCATIONS OF DISCONNECTED UTILITIES.
- I. MAINTAIN FREE AND SAFE FIRE EXITS.
- J. ALL DEMOLISHED MATERIAL SHALL BE CONSIDERED TO BE THE PROPERTY OF THE CONTRACTOR AND REMOVED FROM THE JOB SITE IN A TIMELY MANNER AND IN ACCORDANCE WITH ALL LOCAL RESTRICTIONS AND CODES UNLESS OTHERWISE NOTED. BURNING OF DEBRIS ON THE SITE SHALL NOT BE PERMITTED.
- K. DEMOLITION IS NOT NECESSARILY LIMITED TO WHAT IS SHOWN ON DRAWINGS. THE INTENT IS TO INDICATE THE GENERAL SCOPE OF DEMOLITION REQUIRED TO COMPLETE THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- L. REMOVAL OF ANY EQUIPMENT, CABLING, SWITCHES, AND CONDUIT PERTAINING TO DATA/COMMUNICATIONS AND TELEPHONE SHALL BE VERIFIED WITH TELEPHONE COMPANIES AND OWNER AS REQUIRED TO PREVENT NEW CONSTRUCTION DELAYS.
- M. REMOVE ALL EXISTING IRREGULAR MATERIAL WHICH CAUSE RISES OR DEPRESSIONS IN FLOORING SURFACE, SUCH AS FASTENERS, OUTLETS CORES, COVER PLATES, RESILIENT FLOOR COVERING, CARPET PAD, FLASH PATCH, CONCRETE FILL, PLYWOOD, ETC. AND PREP THE SUBSURFACE TO RECEIVE THE NEW FLOOR FINISH AS REQUIRED.
- N. ERECT AND MAINTAIN RUSTPROOF PARTITIONS AS REQUIRED TO EXCLUDE UNAUTHORIZED PERSONS AND PREVENT THE SPREAD OF DUST, FUMES, SMOKE, ETC. TO OTHER AREAS OF THE PROJECT. ON COMPLETION, REMOVE PARTITIONS AND REPAIR DAMAGED SURFACES TO MATCH ADJACENT SURFACES. AT COMPLETION OF DEMOLITION WORK, THE CONSTRUCTION AREA(S) SHALL BE LEFT IN "BROOM CLEAN" CONDITION. ALL DEBRIS AND MISCELLANEOUS MATERIALS SHALL BE REMOVED.
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KEYNOTES

- 1 (E) WALLS IN RETAIL SPACE TO BE DEMOLISHED, SEE A 02.20 FOR (N) RETAIL SPACE EXTENT
- 2 (E) STOREFRONT WINDOWS AND DOORS TO REMAIN, TYP
- 3 (E) REAR EXIT STAIRS AND DOOR TO BE DEMOLISHED. PREP AREA FOR (N) LIGHTWELL AND EXIT STAIRS.
- 4 (E) WALL AT REAR EXIT TO BE DEMOLISHED FOR (N) WALLS AND REAR EXIT LOCATION. SEE A02.10 FOR (N) SCOPE OF WORK
- 5 ALL INTERIORS WALLS WITHIN AREA OF SCOPE TO BE DEMOLISHED, SEE A02.10
- 6 PORTION OF (E) CEILING AND ROOF ARE TO BE DEMOLISHED. (E) CLEARSTORY WINDOWS TO BE REMOVED
- 7 PORTION OF (E) WALL TO BE DEMOLISHED FOR (N) OPENING, TYP.
- 8 REMOVE RESTROOMS AND ASSOCIATED FIXTURES. CAP ALL PLUMBING LINES AS NEEDED. OWNER TO DECIDE ON KEEPING OR DISPOSING OF RESTROOM FIXTURES.
- 9 REMOVE WALK-IN UNIT AND ASSOCIATED ACCESSORIES. CAP ALL PLUMBING LINES AS NEEDED. OWNER TO DECIDE ON KEEPING OR DISPOSING OF FIXTURES.
- 10 DEMO ALL FURRING AT (E) COLUMNS IF OVERALL SIZE CAN BE REDUCED
- 11 REMOVE ALL (E) FINISHES THROUGHOUT
- 12 LEVEL (E) SLAB THRU OUT
- 13 REMOVE (E) CONCRETE SLAB, SSD
- 14 REMOVE (E) CHIMNEY/FURNACE SEAL & CAP ALL OPENINGS
- 15 REMOVE (E) DRYWALL/FINISH MATERIALS FROM WALL AND CEILINGS IN (E) HALLS. PREPARE WALL AND CEILING STRUCTURES FOR (N) CEMENT PLASTER FINISH
- 16 REMOVE ALL (E) LIGHTS, OUTLETS ECT. PULL ALL (E) WIRING BACK TO SOURCE
- 17 PREPARE (E) SLOPED FLOOR FOR LEVELING
- 18 (E) COLUMN, G.C. TO VERIFY (E) LOCATION AND NOTIFY STRUCTURAL ENGINEER
- 19 DEMO OPENING ABOVE (E) DOOR FOR (N) VENT
- 20 PORTION OF (E) WALLS TO BE DEMOLISHED FOR (N) OPENINGS, SEE A02.10
- 21 DEMOLISH PORTION OF (E) RESTAURANT FLOORING AND ADJACENT COURTYARD FOR NEW WALLS AND LANDSCAPING. SEE A02.10 FOR NEW SCOPE OF WORK
- 22 (E) RETAIL AND COMMERCIAL AREAS TO REMAIN, U.O.N. SEE REFERENCE SHEET AT A2.0
- 23 PORTION OF RETAIL SPACE TO BE DEMOLISHED FOR (N) UNITS, SEE A02.10 FOR (N) LAYOUT

LEGEND

- REVISION TAG
- (E) PARTITION TO REMAIN
- (N) PARTITION
- AREA BEYOND SCOPE, N.I.C.
- (E) PARTITION TO BE DEMOLISHED
- AREA OF WORK
- KEY NOTE TAG

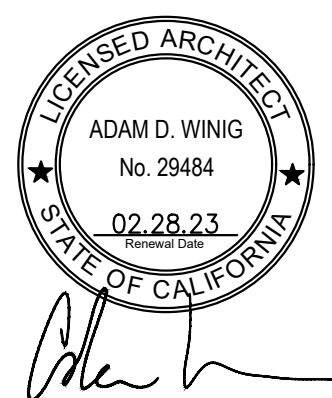


EUCLID AVE.

FIRST FLOOR DEMOLITION PLAN 1

1/8" = 1'-0"

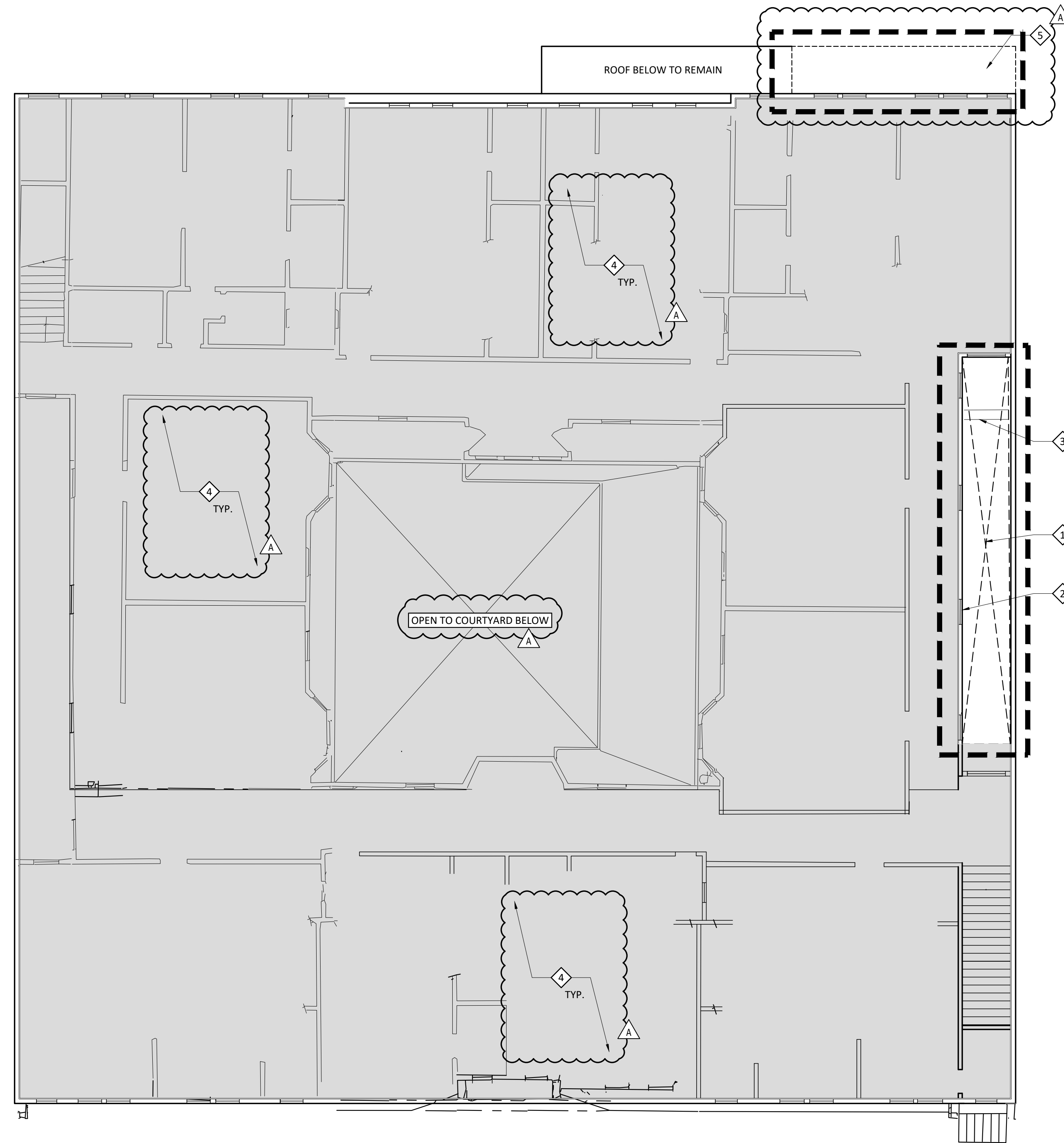
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PLOT DATE: 22-Feb-14
SCALE: AS NOTED @ 24x36
PROJECT NUMBER: 20.23

SHEET TITLE
**FIRST FLOOR
DEMOLITION PLAN**

PLAN NORTH SHEET NUMBER
A01.10



EUCLID AVE.

SECOND FLOOR DEMOLITION PLAN 1

1/8" = 1'-0"

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KEYNOTES

- 1 REMOVE (E) ROOF FOR NEW OPENING
- 2 REMOVE (E) CLERESTORY WINDOWS, TYP.
- 3 (E)STRUCTURAL MEMBER TO REMAIN
- 4 (E) UNITS TO REMAIN, NO WORK IN THIS AREA. SEE REFERENCE SHEETS AT A2.0
- 5 PORTION OF ROOF BELOW TO BE DEMOLISHED FOR (N) OPENINGS

LEGEND

- △ REVISION TAG
- (E) PARTITION TO REMAIN
- (N) PARTITION
- AREA BEYOND SCOPE, N.I.C.
- (E) PARTITION TO BE DEMOLISHED

AREA OF WORK

KEY NOTE TAG

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1828 EUCLID AVENUE
BERKELEY, CA 94709



DATE	ISSUANCE
10 MAY 2021	PLANNING SUBMITTAL
14 DEC 2021	PLANNING RESUBMITTAL

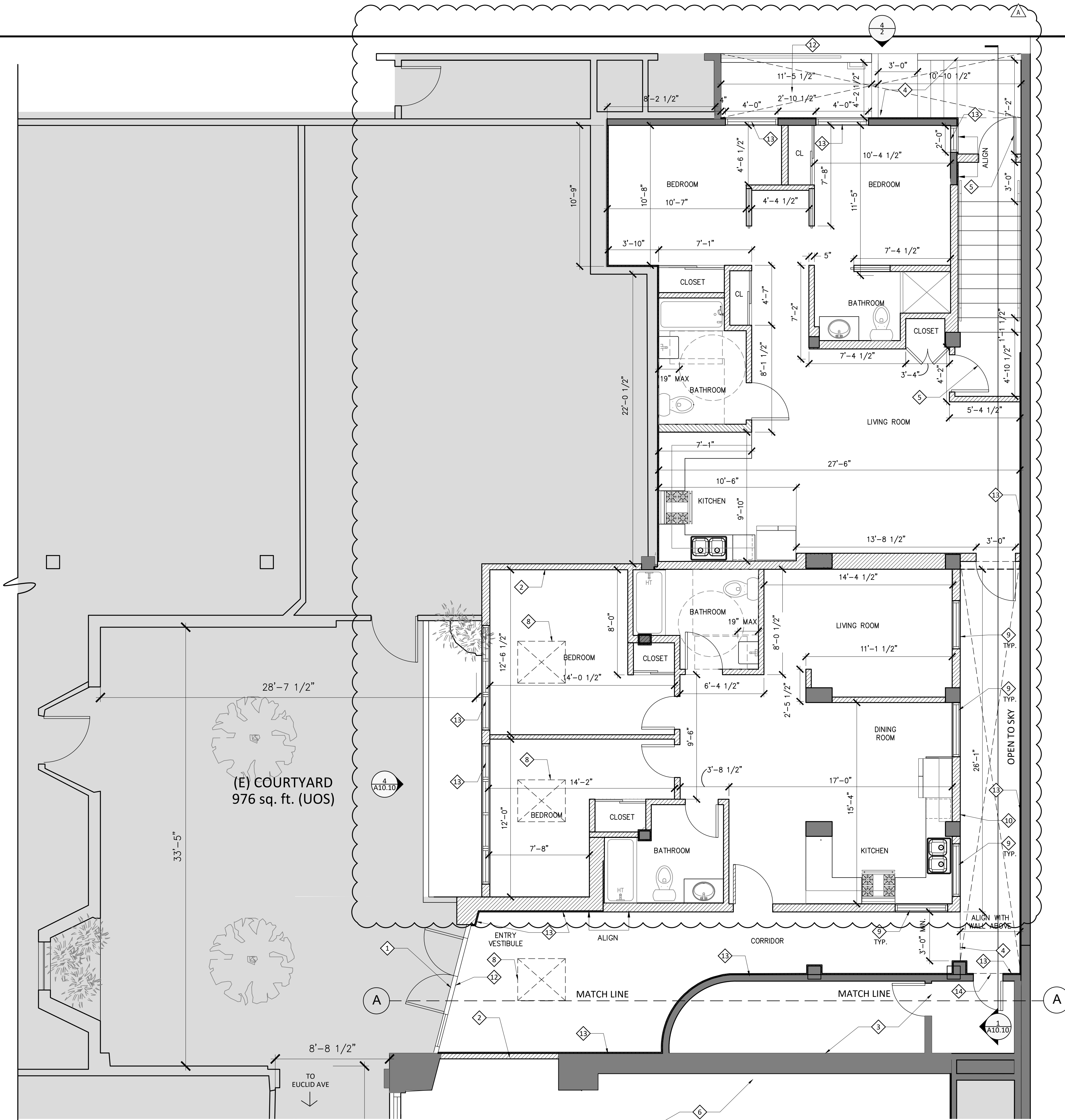


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PLOT DATE: 22-Feb-14
SCALE: AS NOTED @ 24x36
PROJECT NUMBER: 20.23

SHEET TITLE
SECOND FLOOR
DEMOLITION PLAN

PLAN NORTH SHEET NUMBER
TRUE NORTH A01.20



SHEET NOTES

- A. DIRECTIONAL AND INFORMATION SIGNAGE SHALL BE PROVIDED AT EXTERIOR AND INTERIOR SPACES PER 2019 CBC 11B-216.3.
- B. DOORS, DOORWAYS, AND GATES THAT ARE PART OF AN ACCESSIBLE ROUTE SHALL COMPLY WITH SECTION 11B-404. SEE DETAILS #2,5,7/A12.02 FOR DIMENSIONS OF CLEAR SPACE AND THRESHOLD DETAILS.
- C. EXIT DOORS SHALL NOT BE PROVIDED WITH A LATCH OR LOCK UNLESS IT IS PANIC HARDWARE PER CBC 1008.1.10. NOTE: PANIC HARDWARE SHALL BE INSTALLED IN ACCORDANCE WITH UL 305, PER CBC 1008.1.10.1.
- D. ALL GLASS WITHIN 24" OF EITHER SIDE OF ANY DOOR MUST BE SAFETY GLASS.
- E. SEE SHEET A0.90 FOR OCCUPANCY LOAD TABULATION AND EXITING.
- F. TACTILE EXIT SIGNS SHALL BE PROVIDED PER CBC 11B-703. AT GRADE-LEVEL EXIT DOOR(S), A TACTILE SIGN WITH THE WORD, "EXIT" WILL BE PROVIDED. AT EACH EXIT ACCESS DOOR FROM AN INTERIOR ROOM OR AREA TO A CORRIDOR OR HALLWAY, A TACTILE SIGN WITH THE WORDS, "EXIT ROUTE" WILL BE PROVIDED.
- G. ACCESSIBLE COUNTERS TO HAVE SURFACES THAT ARE 34" MAX. A.F.F., WITH 27" MIN. HIGH KNEE SPACE BELOW.
- H. MOLD/MOISTURE RESISTANT GYPSUM PANELS ARE TO BE USED IN ALL THE CODE REQUIRED WALLS AND CEILING OF WET AREAS.
- I. ALL WATERPROOFING DETAILS TO BE REVIEWED BETWEEN G.C. AND OWNER PRIOR TO INSTALLATION.
- J. ALL EXPOSED EXTERIOR WALLS AND CEILING IN HALLWAYS TO HAVE CEMENT PLASTER FINISH.

KEY NOTES

- 1 MAIN ENTRY TO (N) UNITS THROUGH (E) ENTRY IN COURTYARD
- 2 (N) 1 HR. RATED WALL TO SEPARATE RESIDENTIAL AND COMMERCIAL AREAS
- 3 (E) MECHANICAL/ELECTRICAL ROOM TO REMAIN
- 4 PART OF (E) CEILING OPEN TO SKY, SEE ELEVATION
- 5 (N) DOOR TO REAR EXIT WITHIN UNIT
- 6 RETAIL/RESTAURANT SPACE, SEE A02.20 FOR PLAN
- 7 NOT USED
- 8 (E) SKYLIGHTS ABOVE TO REMAIN
- 9 (N) DOORS AND OPERABLE WINDOWS ALONG (N) CORRIDOR, TYP. SEE A10.10 FOR CORRIDOR ELEVATION
- 10 (N) WALL TO ALIGN WITH (E) EXTERIOR WALL ABOVE, TYP.
- 11 NOT USED
- 12 (N) LOUVERED 12"X 36" VENTS ABOVE THE (E) DOORS, S.M.D.
- 13 (N) WINDOWS AT (E) OPENINGS, SEE A10.10 FOR ELEVATIONS
- 14 2" MIN. CONCRETE CURB/THRESHOLD AT ELEC. ROOM DOOR FOR WATER BARRIER. CUT DO AS NEEDED.

LEGEND

- 1 REVISION TAG
- (E) PARTITION TO REMAIN
- (N) PARTITION
- AREA BEYOND SCOPE, N.I.C.

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DATE	ISSUANCE
23 JUL 2021	ISSUE FOR PERMIT
14 DEC 2021	PLANNING RESUBMITTAL

SHEET TITLE

**FIRST FLOOR
RESIDENTIAL PLANS**

PLAN NORTH SHEET NUMBER

TRUE NORTH **A02.10**



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PLOT DATE: 21-Dec-14

SCALE: AS NOTED @ 24x36

PROJECT NUMBER: 20.23

SHEET NOTES

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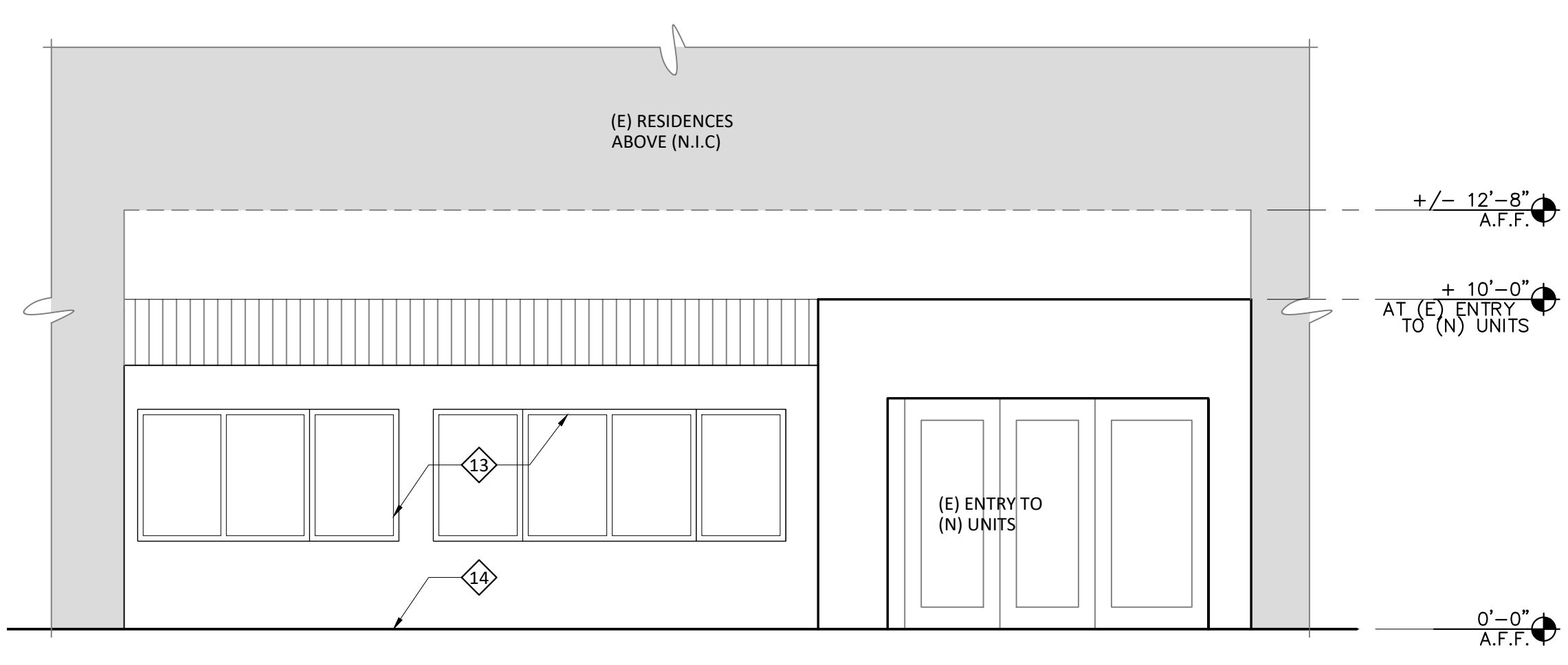
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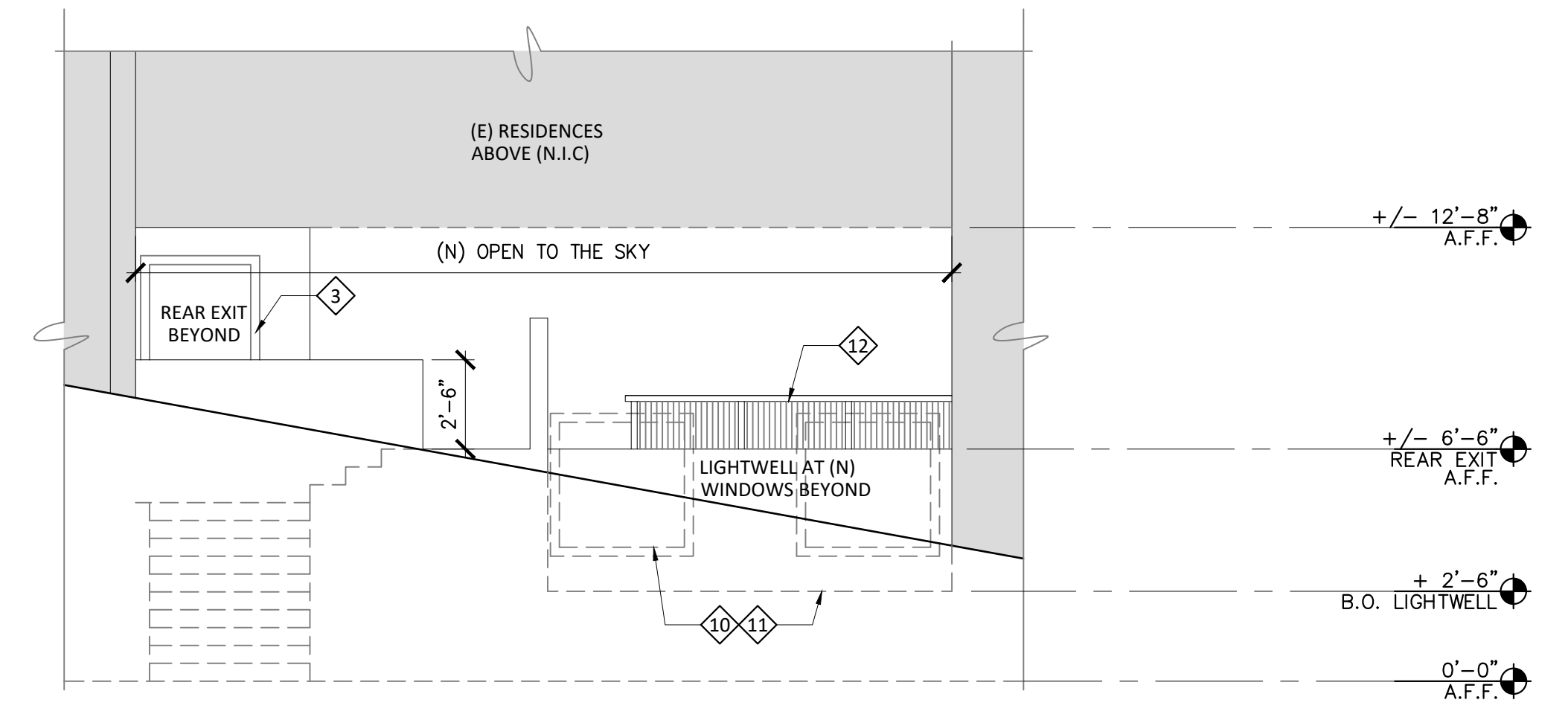
KEYNOTES

- 1 (E) WINDOWS TO REMAIN
- 2 (N) WINDOWS
- 3 (N) EXIT DOOR WITHIN UNIT TO OPEN TO REAR EXIT STAIRS BEYOND
- 4 INFILL REMOVED CLERESTORY OPENINGS TO MATCH (E) WALL MATERIAL AND PAINT, TYP.
- 5 (N) STRUCTURAL BEAM, SEE S.S.D.
- 6 (N) LOUVERED 12"x36" VENT ABOVE RELOCATED DOOR, S.M.D.
- 7 (N) SCONCE
- 8 (E) STRUCTURAL MEMBER TO REMAIN
- 9 COVER ALL EXPOSED STRUCTURAL BEAMS WITH CEMENT PLASTER, PLYWOOD, WATER PROOF MEMBRANE, FLASHING ON TOP AND SIDES. PAINT TO MATCH (E)
- 10 (N) WINDOWS AT UNIT BEYOND
- 11 LIGHT WELL AT (N) WINDOWS WITH EMERGENCY ACCESS STAIRS TO ALLEY
- 12 (N) RAILING AT LIGHT WELL
- 13 (N) WINDOWS AT (E) OPENINGS AT THE COURTYARD WALL
- 14 (N) PLANTERS IN FRONT OF UNIT AS LANDSCAPED USABLE OPEN SPACE

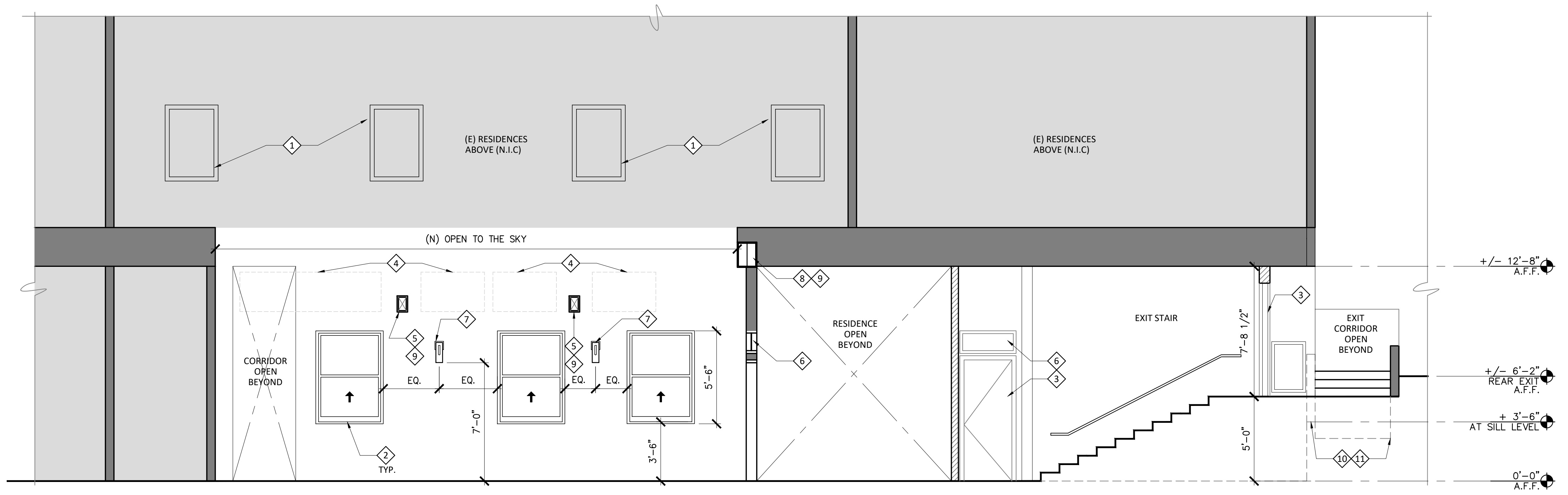
DATE	ISSUANCE
23 JUL 2021	ISSUE FOR PERMIT
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COURTYARD ELEVATION 4
1/4" = 1'-0"



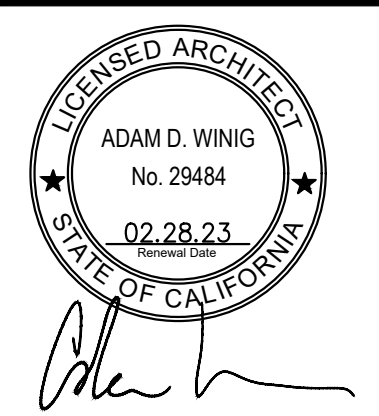
REAR EXIT ELEVATION 2
1/4" = 1'-0"



CORRIDOR ELEVATION 1
1/4" = 1'-0"

LEGEND

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PLOT DATE: 21-Dec-14
SCALE: AS NOTED @ 24x36
PROJECT NUMBER: 20.23

SHEET TITLE

ELEVATIONS

SHEET NUMBER

A10.10



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

1828 Euclid Avenue

Use Permit #ZP2021-0164 to convert first floor commercial space to two dwelling units, and combine three commercial spaces, on a 12,600 square-foot lot with an existing mixed-use building.

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: NC – Neighborhood Commercial
- Zoning: C-N(H) – Neighborhood Commercial District, Hillside Overlay

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) 23.204.020(A) to add two dwelling units;
- Use Permit, under BMC Section 23.204.070(D)(3) to modify the useable open space requirement; and
- Administrative Use Permit, under BMC Section 23.204.030(C)(1) to reconfigure tenant space in an existing building.

C. CEQA Recommendation: Categorically exempt pursuant to Section 1533 (“New Construction or Conversion of Small Structures”) of the CEQA Guidelines.

D. Parties Involved:

- Applicant Roman Fan, 2025 Rose Street, 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.