



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
JULY 14, 2022

1818 Milvia Street

Use Permit #ZP2021-0129 to demolish the existing detached garage, lift the two-story duplex and construct a major residential addition, increase the number of bedroom on the property to eight, and establish one off-street parking spot within an attached garage on the ground floor. The lot is nonconforming to lot coverage, density, and setbacks.

I. Background

A. Land Use Designations:

- General Plan: Medium Density Residential (MDR)
- Zoning: Restricted Multiple Family Residential District (R2-A)

B. Zoning Permits Required:

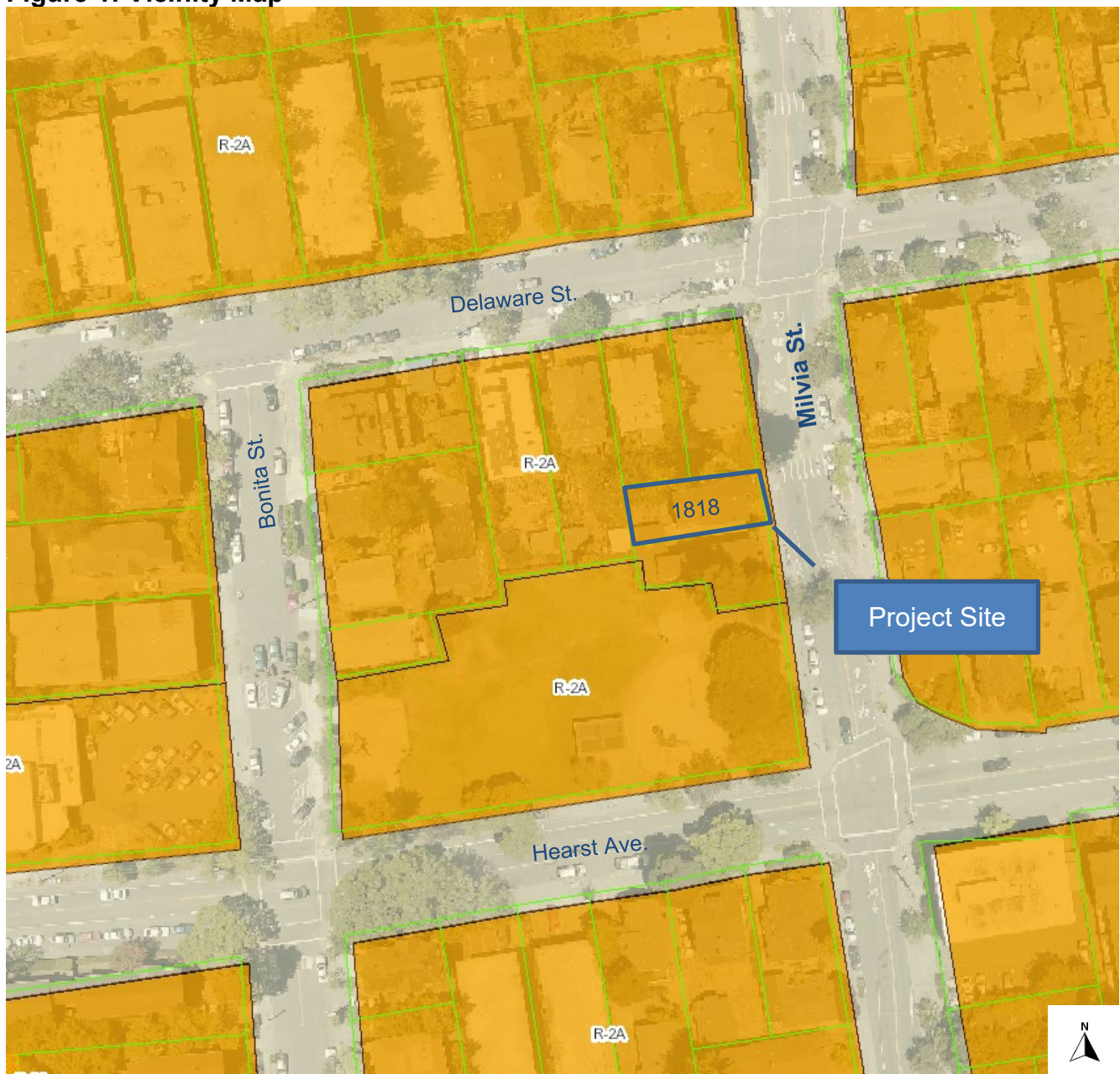
- Use Permit pursuant to BMC Section 23.324.050.D.2.a for additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of violation of the maximum allowable lot coverage.
- Use Permit pursuant to BMC Section 23.324.050.D.3 for additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of residential density.
- Use Permit pursuant to BMC Section 23.202.030.B.1.c for more than five bedrooms on the lot.
- Administrative Use Permit pursuant to BMC Section 23.324.050.D.2.a for additions or enlargements which vertically and/or horizontally extend a nonconforming setback.
- Administrative Use Permit pursuant to BMC Section 23.202.030.A.1.a.ii for a Major Residential Addition.
- Administrative Use Permit pursuant to BMC Section 23.202.D.2 to additions over 14 feet in average height.
- Administrative Use Permit pursuant to BMC Section 23.202.D.2 for additions over 28 feet in average height.

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:

- Applicants & Property Owners:
 - Judy and Jenny Han, PO Box 5079, Richmond

Figure 1: Vicinity Map



Legend

Yellow R2-A Zoning District

Figure 2: Site Plan

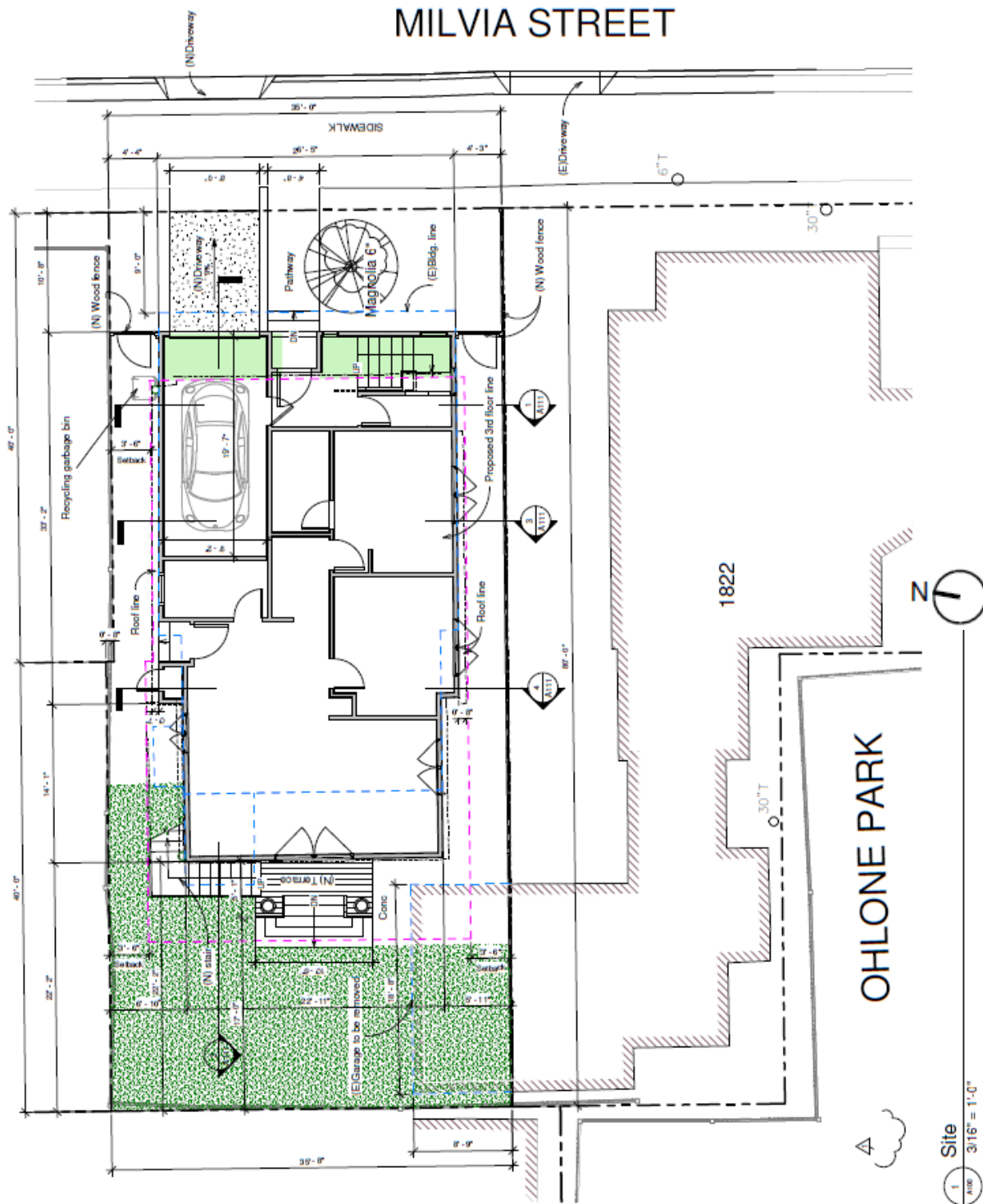


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Multifamily (Duplex)	R-2A	Medium Density Residential (MDR)
Surrounding Properties	North			
	South			
	East			
	West	Single -family		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This is a residential project.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	This is a residential project.
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	The project is does not establish a new rental unit.
Alcohol Sales/Service	No	The project is a residential project.
Creeks	No	The project is not located within the creek buffer.
Density Bonus	No	The project is not a density bonus project.
Natural Gas Prohibition (Per BMC 12.80.020)	No	The subject development does not establish a new building.
Historic Resources	N/A	The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.
Housing Accountability Act (Gov't Code Section 65589.5(j))	N/A	The project is not a "housing development project," as no additional units are proposed. Therefore, the HAA findings do not apply to this project.
Housing Crisis Act of 2019 (SB330)	N/A	The project is not a "housing development project," as no additional units would be created.
Oak Trees	No	No oak trees are located on the project site.
Rent Controlled Units	Yes	According to the City of Berkeley's Rent Registry, the existing units are occupied and are fully covered by the City's rent control regulations. Rent Stabilization and Tenant Protections Ordinance and Just Cause Eviction Laws would apply.
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards (SHMA)	No	The project site is not within a seismic hazard zone.
Soil/Groundwater Contamination	No	The site is not located within the City's Environmental Management Area and is not on the Cortese List.
Transit	Yes	The following transit lines are located within a half mile radius of the project site: AC Transit lines 12, 79, 18, FS, 51B, 52, 88, 604, 800; Downtown Berkeley BART.

Table 3: Project Chronology

Date	Action
12/28/2020	Application submitted
1/4/2021	Application resubmitted
1/12/2021	Application deemed incomplete
6/8/2021	Application resubmitted
8/10/2021	Application resubmitted
9/10/2021	Application deemed incomplete
11/16/2021	Application resubmitted
12/16/2021	Application deemed incomplete
3/2/2022	Application deemed incomplete
3/8/2022	Application resubmitted
4/20/22	Application deemed complete
N/A	DRC/LPC hearing
June 30, 2022	Public hearing notices mailed/posted
July 14, 2022	ZAB hearing

Table 4: Development Standards

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
BMC Sections 23.202.090					
Lot Area (sq. ft.)		2,828	no change	2,828	5,000
Gross Floor Area (sq. ft.)		2,391	1,802	3,473	N/A
Floor Area Ratio		N/A	N/A	N/A	N/A
Dwelling Units	Total	2	no change	2	2 max
	Affordable	0	no change	0	N/A
Building Height	Average (ft.)	25'- 9 ½ "	7' - 5"	32'- 4 ½ "	35 max
	Maximum (ft.)	N/A	N/A	N/A	N/A
	Stories	2	1	3	3 max
Building Setbacks (ft.)	Front (East)	9'	1'8"	10'-8"	15 min
	Rear (West)	20'-1"	-2'-2"	22'-2"	15' min
	Side (North)	4'	4"	4'-5"	3'5" min
	Side (South)	4'	3"	4'-2"	3'5" min
Lot Coverage (%)		48	-7	41	40 max
Usable Open Space (sq. ft.)		891	249	642	600 min

Parking	Automobile	1	no change	1	0 min
	Bicycle	0	no change	0	min

II. Project Setting

A. Neighborhood/Area Description: The project site is located midblock between Delaware Street and Hearst Avenue, along Milvia Street, one block west of Shattuck Avenue and the Corridor Commercial District, one block east of Martin Luther King Jr. Way and the North Berkeley Senior Center, three blocks south of Virginia Street, two blocks north of University Avenue and Downtown Berkeley, and north of 1822 Milvia. Situated close various transportation, recreational, and commercial amenities, this area of Berkeley comprised of a mix of medium-density residences – duplexes, small multifamily/ apartment structures, and single-family dwelling units (See Figure 1: Zoning Map). More information about adjacent land uses is noted in Table 1.

B. Site Conditions: The subject site is a rectangular 2,828 square foot lot, with an existing two-story 2,228 square foot duplex. As shown in Table 4, the site is nonconforming for lot size, lot width, front setback, and coverage. The site is substandard in lot size and width, as the minimum lot size required is 5,000 square feet and the measured width is 40 feet. The site exceeds the front setback standard with encroachments up to 11 feet and the lot coverage standard by 8 percent. The detached garage is also nonconforming, as it is attached to the duplex immediately south of the project site (1822 Milvia Street) and is located on both lots, crossing the site’s south property line, within their respective side setbacks.

III. Project Description

The proposed project would demolish the nonconforming garage within the rear and side setbacks, as well as rear portions of the existing two-story duplex, lift the structure to create a new ground floor, and add an addition over 14 feet in average height to front of the structure, all of which results in a total 1,244 square feet of new gross floor area. As part of the project, two bedrooms would be added to the parcel and the units would be reconfigured within the structure, locating one, two-bedroom unit on the ground floor and a six-bedroom on the second and third floors. The existing parking space would be relocated the off-street parking space within the new ground floor.

Despite the added floor area and height, the proposed project maintains compliance with the average height and reduced setback standards. Additionally, the proposed project brings the site towards conformity by reducing the coverage by 7 percent and slightly increasing the front setback distance by almost two feet.

IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant notified as well as owners and occupants within 300 feet of the project. A pre-application poster was erected by the applicant in November 2021.

On June 30, 2022, the City mailed public hearing notices to nearby property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of writing this report, staff has not received any communications regarding the project.

- B. Committee Review:** This project is not subject to design or landmark review.

V. Issues and Analysis

A. Addition to a Structure on Parcel with Nonconforming Residential Density and Lot Coverage

Pursuant to BMC Section 23.324050(D)(3), additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of exceeding lot coverage or density 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.

Given the ratio of lot size to number of dwelling units, the lot is nonconforming for residential density. The existing lot coverage, with a coverage of 48 percent where 40 percent is the maximum. The proposed project results in a reduced lot coverage of 41 percent, decreasing the subject non-conformity. The proposed height is approximately 32 feet, where 35 feet is the maximum allowed with a Use Permit.

The proposed project does not exacerbate these nonconformities as it maintains one duplex and reduces the lot coverage.

B. Addition of the Seventh and Eighth Bedrooms

While the project increases the number of bedrooms on this parcel, as defined in BMC Section 23.502.020 (Glossary), from six to eight, the addition of the bedrooms would provide more room for the residents within one of the duplex units and would not result in an increase in density. or exacerbate existing site nonconformities.

C. Alteration of Structure in Nonconforming Setbacks

Pursuant to BMC Section 23.324.050(D)(1)(c) additions and/or enlargements of lawful nonconforming structures in a nonconforming setback are permitted with an Administrative Use Permit if the addition and/or enlargement does not increase or exacerbate any nonconforming setbacks and does not exceed the calculated height limits. The existing residential structure maintains a nonconforming setback, projecting over 12 feet in the required front setback, where the required setback distance is 15

feet. The proposed project demolishes of the existing front covered porch and shifts the residential structure west, resulting in new a front setback distance of nine feet for the first and second floors, and 15 feet for the third floor. The proposed project decreases projections into the front setback and does not exacerbate the existing nonconformity. Additionally, as mentioned above, the proposed height is approximately 32 feet, which is consistent the underlying requirement that allows 35 feet with a Use Permit.

D. General Non-Detriment for Use Permits and Administrative Use Permits

As required under BMC Sections 23.406.040(E) and 23.202.030(A)(2), the proposed major residential addition is permissible and non-detrimental with respect to potential impact on sunlight, air, and views for the following reasons:

Sunlight: Shadow studies provided on March 7, 2022, show that adjacent properties to the north 1938, 1940, and 1942 Delaware Street will experience additional shading on their rear windows during the winter and spring months. Similarly, across the street, 1901 and 1811 Milvia Street will experience additional shading in the afternoon during the winter and spring months. The property along the southern property line the of the project, 1822 Milvia Street, will also experience increased shadowing during the summer months around sunset. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year.

Air: With the exception of the existing nonconforming front setback, the proposal meets reduced setback distances for the subject nonconforming lot as described previously and is expected to achieve a suitable building-to-building pattern in relation all abutting developments thereby ensuring a reasonable level of privacy and spatial separation.

Views: There are no protected views or view corridors as defined in BMC Section 23.502.020 (Glossary) to consider with this project.

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

1. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
2. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The proposed project is consistent with the above General Plan policies as the modifications to the existing duplex are in character with surrounding neighborhood. As discussed above, the proposed remodel lifts the existing multifamily structure and adds additional floor area to the front or eastern portion of the structure, resulting in the addition of over 1,200 square feet. This remodel is compatible with the alterations proposed on other medium density residential lots to enhance the quality of life without disturbing the built environment.

VI. 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:

- A. APPROVE ZP2021-0129 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated June 27, 2022
3. Notice of Public Hearing
4. Correspondence Received

Staff Planner: Katrina Lapira, klapira@cityofberkeley.info, (510) 981-7488

ATTACHMENT 1

FINDINGS AND CONDITIONS

JULY 14, 2022

1818 Milvia Street

Use Permit #ZP2021-0129 to demolish the existing detached garage, lift the two-story duplex and construct a major residential addition, increase the number of bedroom on the property to eight, and establish one off-street parking spot within an attached garage on the ground floor. The lot is nonconforming to lot coverage, density, and setbacks.

PERMITS REQUIRED

- Use Permit pursuant to BMC Section 23.324.050.D.2.a for additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of violation of the maximum allowable lot coverage.
- Use Permit pursuant to BMC Section 23.324.050.D.3 for additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of residential density.
- Use Permit pursuant to BMC Section 23.202.030.B.1.c for more than five bedrooms on the lot.
- Administrative Use Permit pursuant to BMC Section 23.324.050.D.2.a for additions or enlargements which vertically and/or horizontally extend a nonconforming setback.
- Administrative Use Permit pursuant to BMC Section 23.202.030.A.1.a.ii for a Major Residential Addition.
- Administrative Use Permit pursuant to BMC Section 23.202.D.2 to additions over 14 feet in average height.
- Administrative Use Permit pursuant to BMC Section 23.202.D.2 for additions over 28 feet in average height.

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) 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 project will add a third level to the home, of which there are several examples in the neighborhood;
- B. The third level and addition to the front portion of the existing duplex complies with the reduced setback standards for development and does not exacerbate existing non-conformities;
- C. The neighborhood is a mix of residential uses, including apartments and single-family and multi-family homes. Existing structures in the immediate neighborhood vary in height from one to three stories; and
- D. The project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental.

III. OTHER FINDINGS FOR APPROVAL

2. Pursuant to BMC Section 23.324.050(D)(3), additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of exceeding density and/or 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.
 - A. The proposed project will maintain the existing duplex. The lot coverage will be reduced to 41 percent, decreasing the nonconformity.
 - B. The proposed height is approximately 32 feet, where 35 feet is the maximum allowed with a Use Permit.
 - C. The proposed project does not exacerbate these nonconformities as it maintains one duplex and reduces the lot coverage.
3. Pursuant to BMC Section 23.324.050(D)(1)(c) additions and/or enlargements of lawful nonconforming structures in a nonconforming setback are permitted with an Administrative Use Permit if the addition and/or enlargement does not increase or exacerbate any nonconforming setbacks and does not exceed the calculated height limits.
 - A. The existing residential structure maintains a nonconforming setback, projecting over 12 feet in the required front setback, where the required setback distance is 15 feet. The proposed project demolishes of the existing front covered porch and shifts the residential structure west, resulting in new a front setback distance of nine feet for the first and second floors, and 15 feet for the third floor. The proposed project decreases projections into the front setback and does not exacerbate the existing nonconformity. The proposed height is approximately 32 feet, which is consistent the underlying requirement that allows 35 feet.
4. Pursuant to BMC Section 23.202.030(A)(2), a Use Permit is required to approve the addition of seventh and eighth bedrooms to a parcel in the R-2A Zoning District. While the project increases the number of bedrooms on this parcel, as defined in BMC Section 23.502.020 (Glossary), from six to eight, the addition of the bedrooms would provide more room for the residents within one of the duplex units and would not result in an increase in density or exacerbate existing site nonconformities.
5. Pursuant to BMC Section 23.202.030(A)(1)(a), the proposed major residential addition is permissible and non-detrimental with respect to potential impact on sunlight, air, and views for the following reasons:

- A. Sunlight: Shadow studies provided on March 7, 2022, confirms that adjacent properties to the north 1938, 1940, and 1942 Delaware Street will experience additional shading on their rear windows during the winter and spring months. Across the street, 1901 and 1811 Milvia Street will experience additional shading in the afternoon during the winter and spring months. The property along the southern property line the of the project, 1822 Milvia Street, will also experience increased shadowing during the summer months around sunset. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because they are limited in duration and will not persist for extended periods throughout the year.
- B. Air: With the exception of the existing nonconforming front setback, the proposal meets reduced setback distances for the subject nonconforming lot as described previously and is expected to achieve a suitable building-to-building pattern in relation all abutting developments thereby ensuring a reasonable level of privacy and spatial separation.
- C. Views: There are no protected views or view corridors as defined in BMC Section 23.502.020 (Glossary) to consider with this project.
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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 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

11. Existing curb cut. The applicant shall update the building permit plans to show that the existing curb cut will be removed and the right-of-way restored. The applicant will obtain the proper engineering or building permit for review, approval, and inspection of this work.

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. Demolition of Dwelling Prohibited. Prior to obtaining a building permit, the applicant shall demonstrate on a graphic and written construction plan that the structure will not be demolished, as defined in BMC Section 23.502.020(D)(3) (Glossary) (see below). For purposes of this condition, portions of the main building and attachments to the previously detached accessory building that were constructed without permits and the accessory building are not included. If, during construction, the building is demolished (as defined), then the applicant will be required to redesign the project and obtain new permits that conform to zoning standards.

BMC Section 23.502.020(D)(3) Demolition. A building or enclosed structure shall be considered demolished for the purposes of this chapter when, within any continuous 12-month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this definition, destroyed in part means when 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof are removed.

14. 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

15. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
16. 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 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.
19. 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.
20. 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.
21. 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.

- 22.** 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.
- 23.** 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.
24. 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.
25. 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.
26. **Draft Condition** for sites within area of potential resource; area description in progress. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).
- A. *Qualified Paleontologist*. The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
 - B. *Paleontological Worker Environmental Awareness Program (WEAP)*. Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and

Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
 - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and

maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.
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 dated June 27, 2022, except as modified by conditions of approval.
- 37. Curb Cut.** The existing curb cut shall be closed and the right-of-way restored in accordance with the approved engineering or building permit

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. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
- 40. 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.
- 41. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
-

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216
K. Radjoo

Project:
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants:

Revision Schedule		
Rev. No	Description	Date
1	Req.d Setback	02/02/2022
2	Relocation of parking and architectural spaces	06/27/2022

Issue Note:

6/27/2022 1:48:49 PM
Project ID:
Drawn By:
Review By:
Plot Date:

Sheet Title:
SITE PLAN-Proposed

Sheet No.:
A100

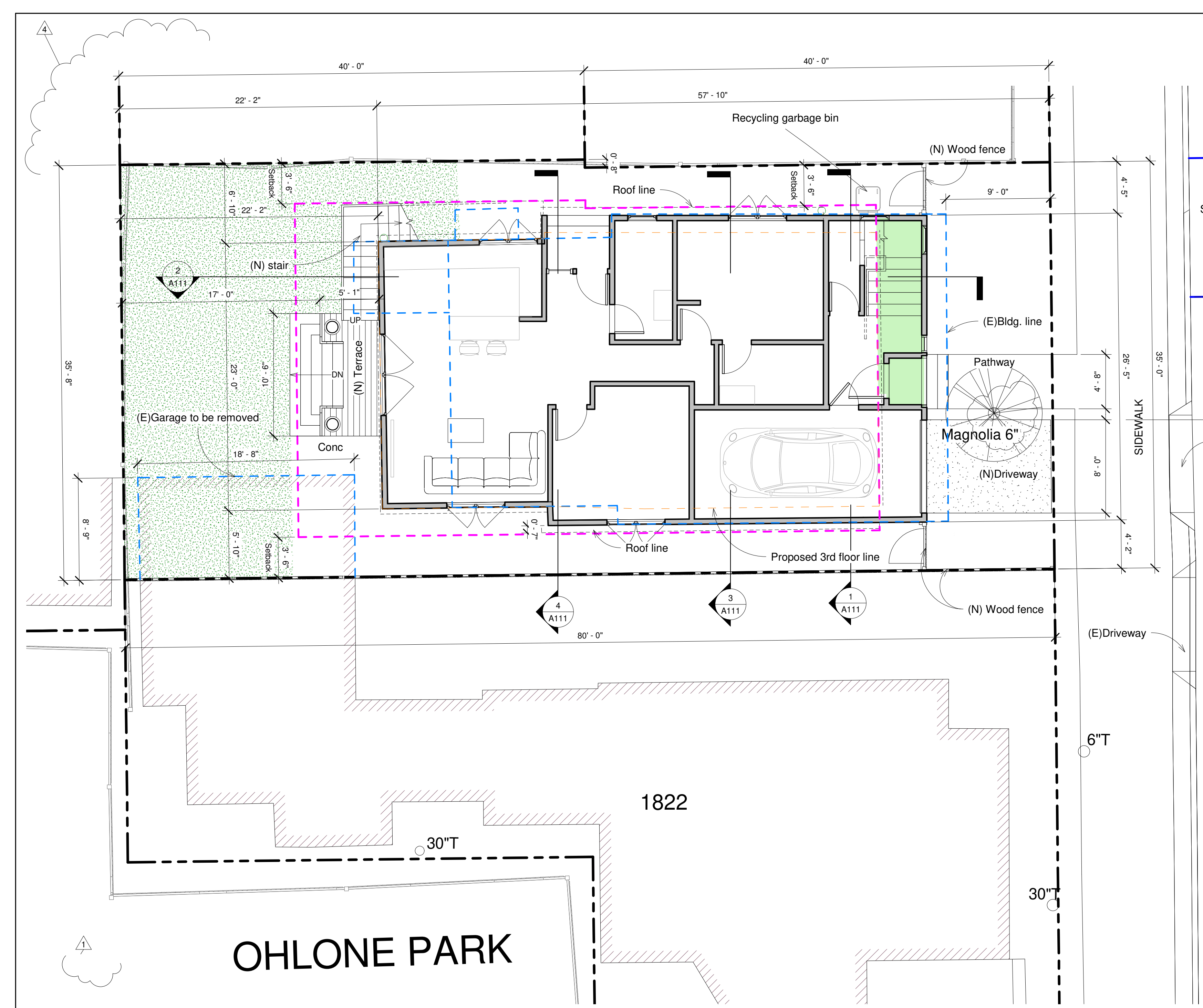


(N) NORTHEAST AXON

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Name	Signature	Address	Phone	Date	Home or Business (Please State Clearly)	Home or Business
Sherry Lewis	[Signature]	1818 Milvia Street	(415) 835-1111	06/27/2022	Home	✓
Sherry Lewis	[Signature]	1818 Milvia Street	(415) 835-1111	06/27/2022	Home	✓
Sherry Lewis	[Signature]	1818 Milvia Street	(415) 835-1111	06/27/2022	Home	✓
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Sherry Lewis	[Signature]	1818 Milvia Street	(415) 835-1111	06/27/2022	Home	✓
Sherry Lewis	[Signature]	1818 Milvia Street	(415) 835-1111	06/27/2022	Home	✓
Sherry Lewis	[Signature]	1818 Milvia Street	(415) 835-1111	06/27/2022	Home	✓

3 Neighbor Signatures
1 1/2" = 1'-0"



1 Site
3/16" = 1'-0"

- Scope of Work:**
1. Raise the existing two-story Building to add a third story below.
 2. There will be a (N) 2 bedroom unit at GF and a two-story second unit above GF wich has 6 bedrooms.
 3. Remove (E) Laundry, storge.
 4. Remove parking in the near & Replace w/. one car garage in front.
 5. Add new windows & relocate existing windows
 6. Increase (E) bedroom from 6 to 8 & (E) bath from 4 to 5.

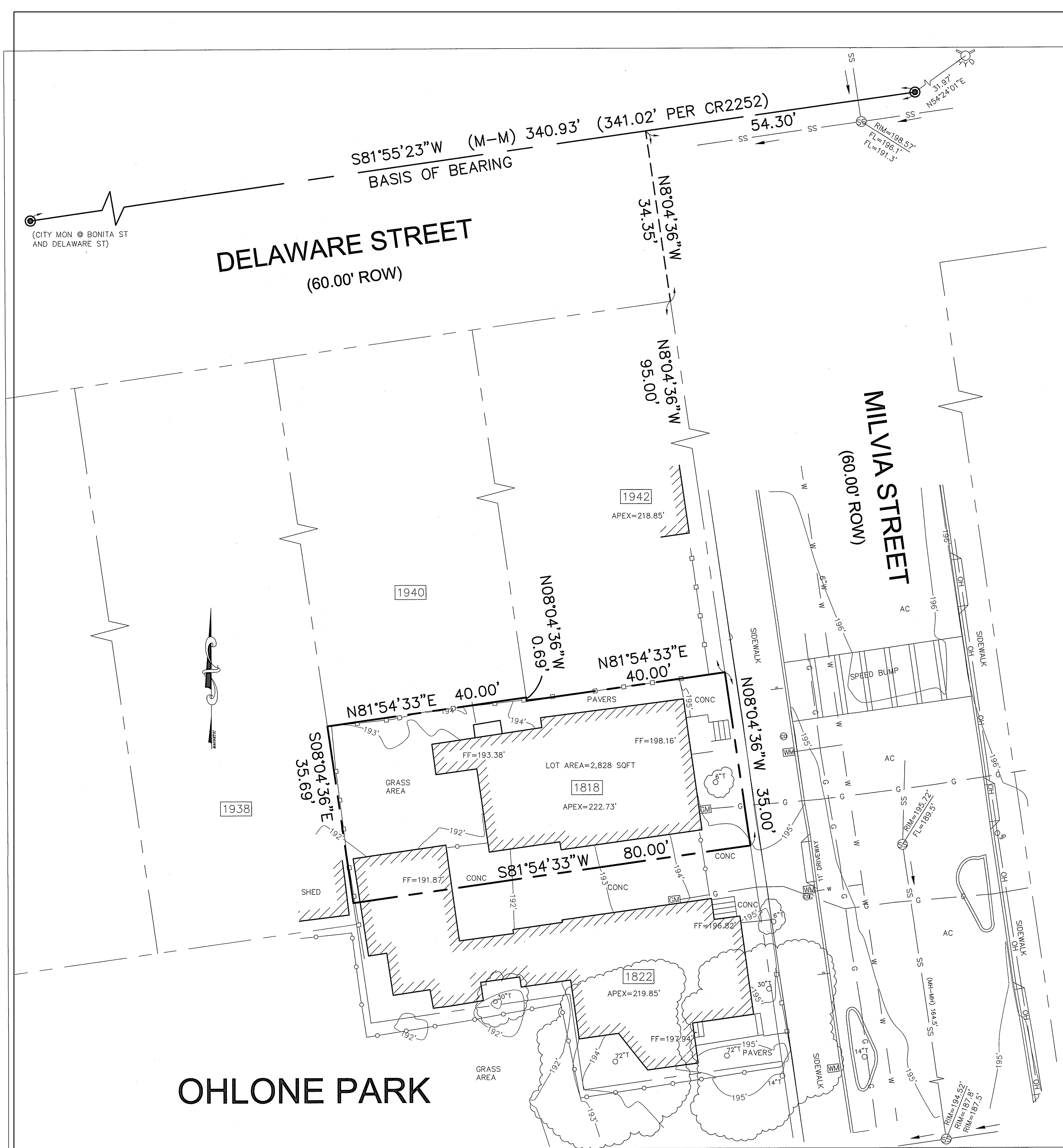
Building Information:
Occupancy: R-2A
Construction Type: VF (non fire rated construction)
Sprinklered: Yes
Fire Zone: 2

GENERAL PLAN LEGEND:

	WALL TO REMAIN
	DEMO (E) WALL
	(N) WALL
	ADDITION
	PROPERTY LINE
	SETBACK
	(E) BLDG FOOT PRINT
	SPEED BUMP
	3D LINE



1 SITE PLAN-Proposed



ABBREVIATIONS AND LEGEND

- AC ASPHALT CONCRETE
- BOW BACK OF WALK
- GM GAS METER
- FD FIRE HYDRANT
- WV WATER VALVE
- SI SANITARY SEWER CLEANOUT
- SM SANITARY SEWER MANHOLE
- SD STORM DRAIN MANHOLE
- SL STREET LIGHT
- PC PROPERTY CORNER
- CONC CONCRETE
- GV GAS VALVE
- GA GUY ANCHOR
- CO CLEAN OUT
- WM WATER METER
- T TREE (TYPE NO SPECIFIED)
- JP JOINT POLE
- FF FINISH FLOOR
- MB MAILBOX
- SM SURVEY MONUMENT
- OH OVERHEAD POWER LINE
- BL BOUNDARY LINE
- ML MONUMENT LINE
- CL CHAIN LINK FENCE LINE
- WF WOOD FENCE LINE
- SL SANITARY SEWER LINE
- W WATER LINE
- G GAS LINE
- T TELEPHONE LINE
- TR TREE TRUNK
- SS STREET SIGN

Hendrik Van De Pol
266 Adams Street, #304A
Oakland, CA 94610

BASIS OF BEARINGS

FOUND CITY MONUMENTS ALONG DELAWARE ST BETWEEN BONITA AVE AND MILVIA ST PER CR2252.
BEARING TAKEN AS S81°55'23"W.

SITE BENCHMARK

CR3919, BK 35, PG 19, FILED 11/18/2009

REFERENCE

CR2252, BK 20 PG 32, FILED 2/23/2005
CR3919, BK 35, PG 19, FILED 11/18/2009
PARCEL MAP 7401, BK 244, PG 47
ASSESSOR PARCEL MAP
AMENDED MAP OF SEA VIEW PARK, BK 10 PG 74, FILED 04/11/1891

EASEMENTS

A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY THE SURVEYOR, EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

UTILITY NOTE

THE SURFACE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED FROM RECORDS OF THE VARIOUS AGENCIES. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THEIR INDICATED LOCATION, SIZE, OR TYPE. RECORD UTILITY INFORMATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY.

NOTE:

1. THERE ARE VERTICAL CURVES WITHIN 300 FEET OF THE PROPOSED DRIVEWAY.
2. THERE ARE NO CROSSWALKS OR BUS STOPS WITHIN 100' OF SUBJECT PROPERTY.

PUBLIC ADVISORY

THE MAP WAS BASED ON PRIVATE SURVEYS PERFORMED BY LICENSED PROFESSIONALS AND WILL NOT BE UPDATED OR CORRECTED BY THE CITY OF BERKELEY AFTER ITS FILING. NO WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE BY THE CITY OF BERKELEY THAT THIS MAP AND THE SURVEY INFORMATION ON WHICH IS BASED IS CORRECT, ACCURATE, AND CURRENT, NOR THAT THE CITY WILL RETAIN FOR PUBLIC INSPECTION ANY RELATED INFORMATION WHICH MAY BE SUBSEQUENTLY SUBMITTED TO THE CITY, INCLUDING ALLEGED OR ACTUAL DISCREPANCIES, INACCURACIES, DEFICIENCIES, AND ERRORS.

SURVEYOR'S STATEMENT

THE MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYOR'S ACT AT THE REQUEST OF JENNY FRANCES HAN ON MAY 10, 2020.

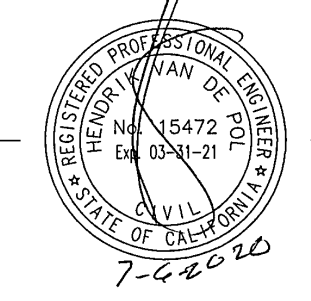
I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS ARE BASED UPON CITY OF BERKELEY DATUM.

I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN FULLY SATISFIED.

I HEREBY FURTHER STATE THAT THE PARCEL DESIGNATED ON THIS MAP IS THE SAME AS THE SHOWN ON THE GRANT DEED, DATED JUNE 11, 2015 AS DOCUMENT NO. 2015182115 IN THE OFFICE OF ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT EQUALIZED ASSESSMENT ROLL OF THE ALAMEDA COUNTY ASSESSOR AS PARCEL NO. 057-2056-006-00.

I HEREBY FURTHER STATE IN ACCORDANCE WITH THE CALIFORNIA LAND SURVEYOR'S ACT THE PERFORMANCE OF THIS SURVEY DOES NOT REQUIRE A CORNER RECORD OR RECORD OF SURVEY TO BE FILED.

Hendrik Van De Pol
HENDRIK VAN DE POL, RCE 15472
LICENSE EXPIRES MARCH 31, 2021



BOUNDARY AND TOPOGRAPHIC SURVEY
PORTION OF LOTS 1 AND 2, BLOCK 1, AMENDED MAP OF SEA VIEW PARK,
FILED APRIL 11, 1891, MAP BOOK 10, PAGE 74, IN THE OFFICE OF COUNTY
RECORDER OF ALAMEDA COUNTY, CALIFORNIA.

APN 057-2056-006-00

1818 MILVIA STREET, BERKELEY, CA 94709
SCALE: 1" = 10'
JULY 2020

Designer:

Kiumars Radjoo

28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project:

Judy & Jenny Han

1818 MILVIA STREET, BERKELEY, CA 94709

Consultants:

Revision Schedule		
Rev. No	Description	Date

Issue Note:

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Project ID:

Drawn By:

Review By:

Plot Date:

Sheet Title:

BOUNDARY AND TOPOGRAPHIC SURVEY

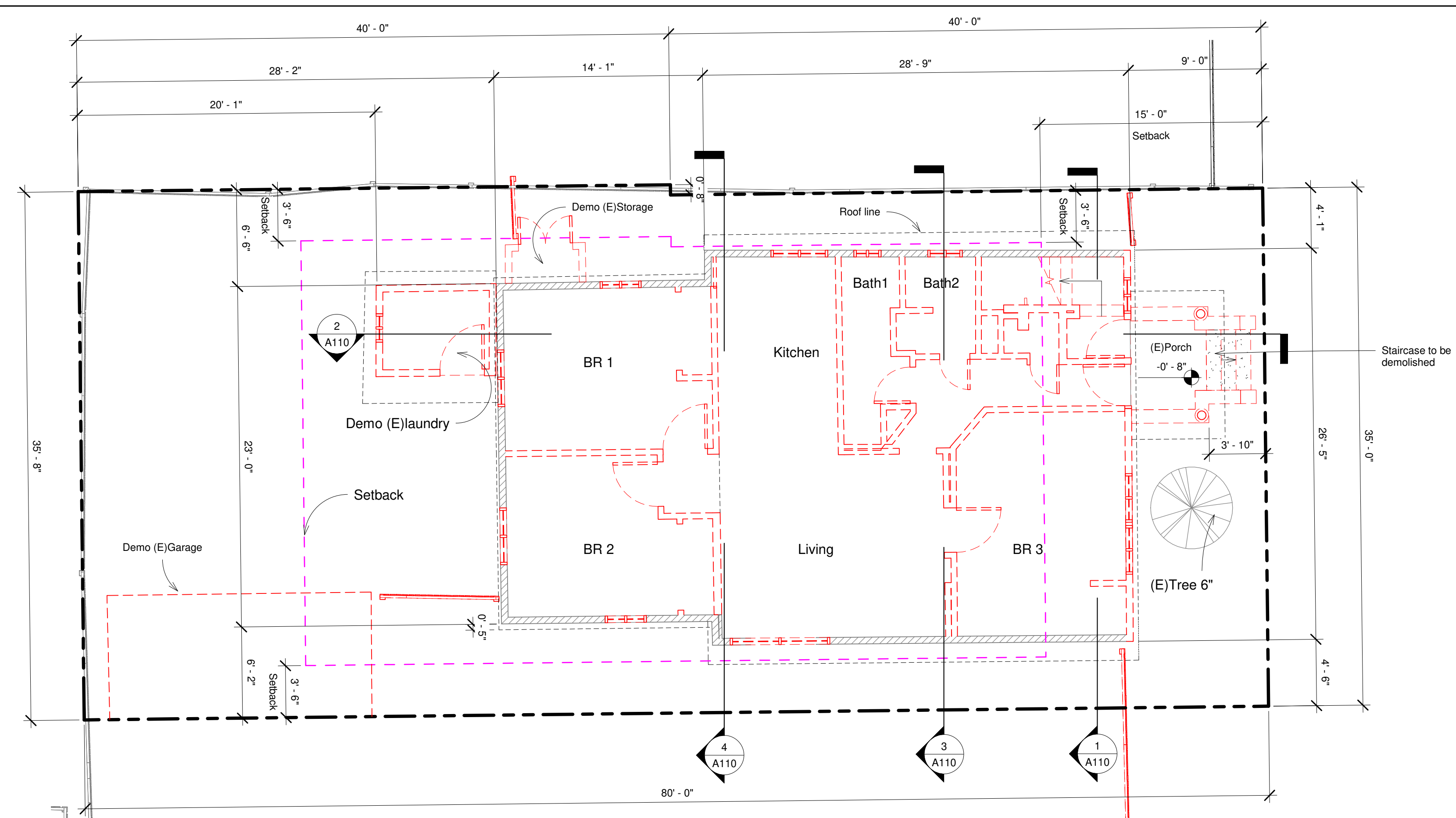
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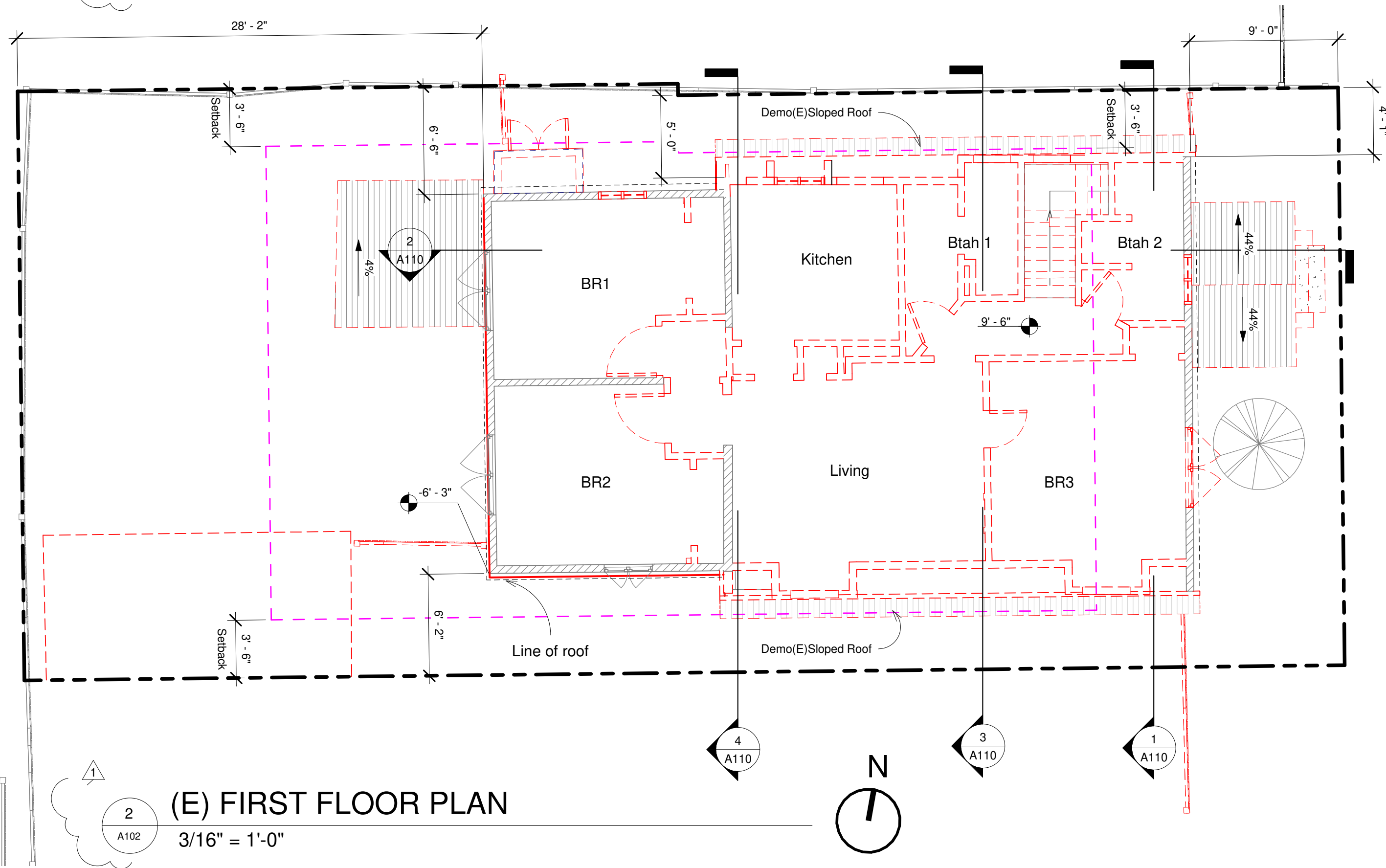
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1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :



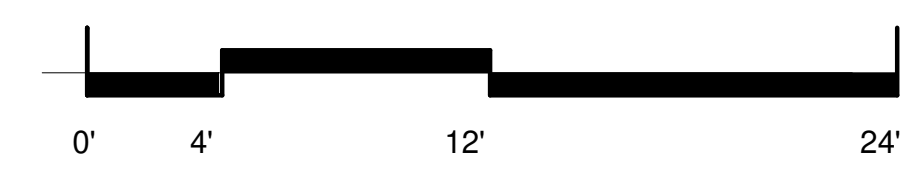
(E) GROUND FLOOR PLAN
3/16" = 1'-0"



(E) FIRST FLOOR PLAN
3/16" = 1'-0"

GENERAL PLAN LEGEND:

 WALL TO REMAIN
 DEMO (E) WALL
 (N) WALL
 PROPERTY LINE
 SETBACK



Revision Schedule		
Rev. No	Description	Date
1	Req,d Setback	02/02/2022

Issue Note :

3/8/2022 11:17:03 AM

Project ID :
 Drawn By :
 Review By :
 Plot Date :

Sheet Title :

Existing Floor Plans

Sheet No.:

A102

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216
K. Radjoo

Project:
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants:

Revision Schedule		
Rev. No	Description	Date
1	Req,d Setback	02/02/2022
3	Setback	05/21/2022
4	Relocation of parking and architectural spaces	06/27/2022

Issue Note:

6/27/2022 1:48:52 PM

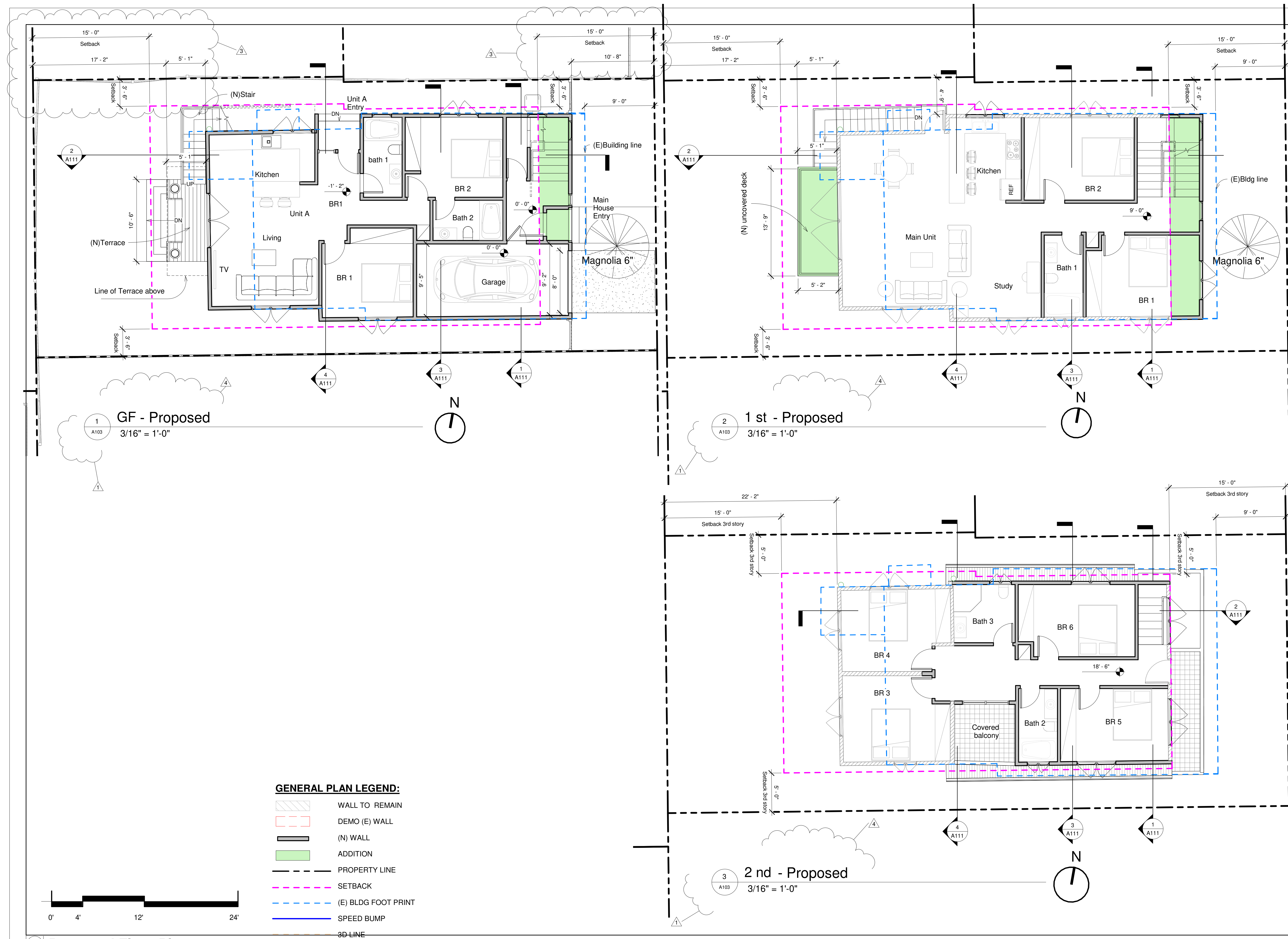
Project ID:
Drawn By:
Review By:
Plot Date:

Sheet Title:

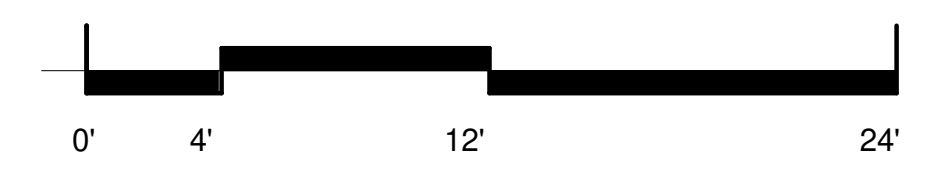
Proposed Floor Plans

Sheet No.:

A103



- GENERAL PLAN LEGEND:**
- WALL TO REMAIN
 - DEMO (E) WALL
 - (N) WALL
 - ADDITION
 - PROPERTY LINE
 - SETBACK
 - (E) BLDG FOOT PRINT
 - SPEED BUMP
 - 3D-LINE



1 Proposed Floor Plans

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :

1818 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants :

Revision Schedule

Rev. No	Description	Date
1	Req,d Setback	02/02/2022

Issue Note :

3/8/2022 11:17:04 AM

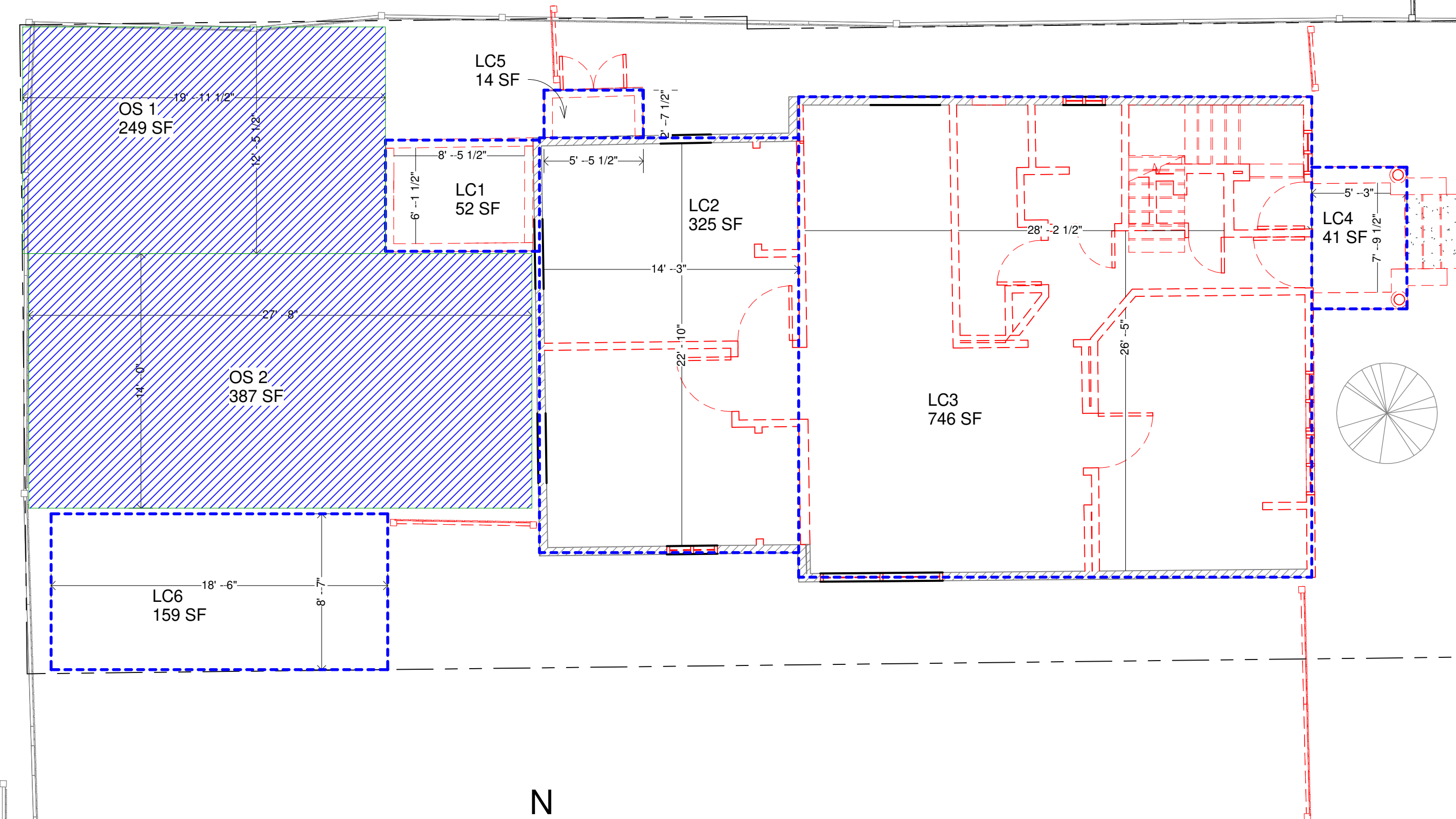
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :

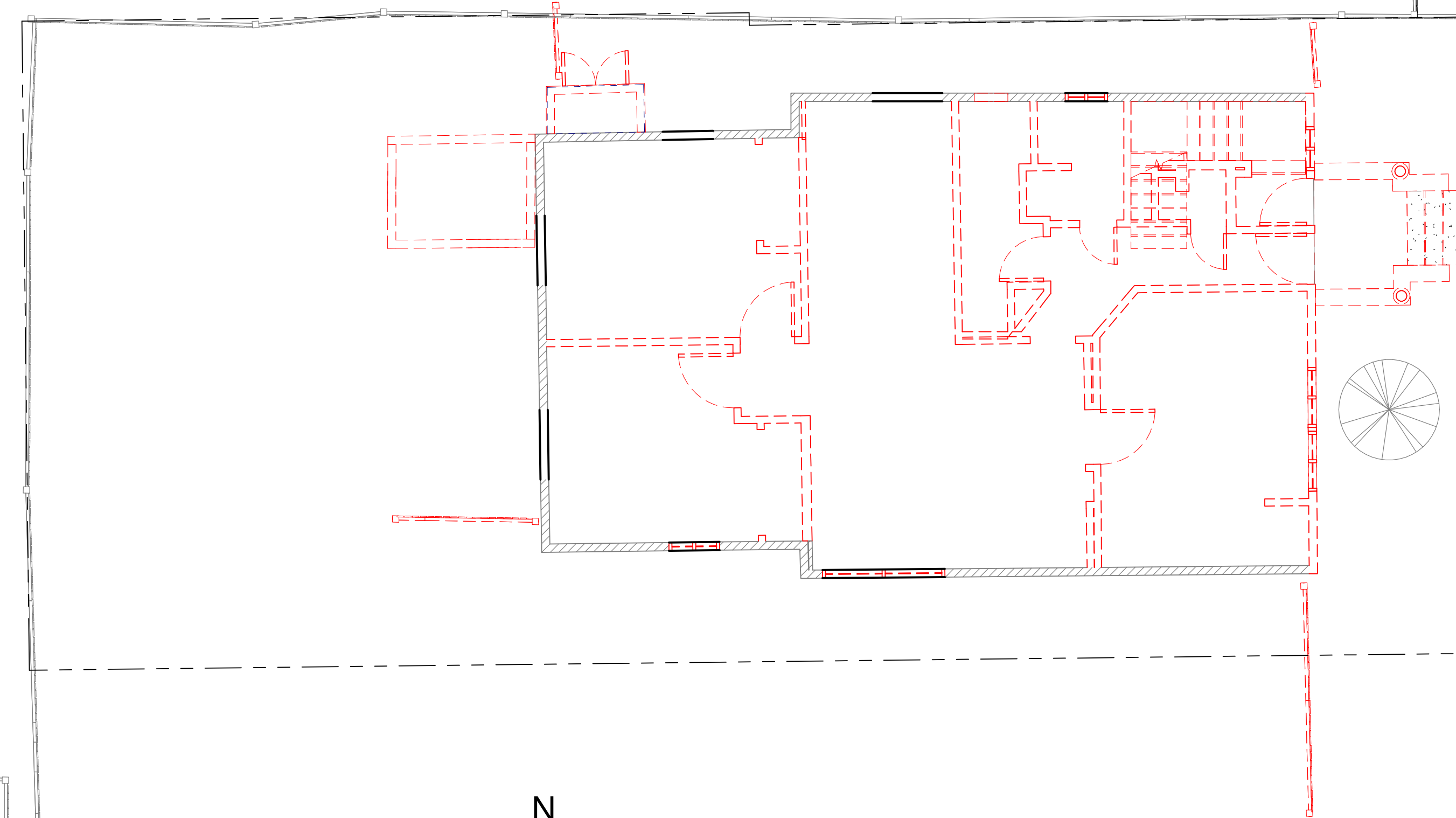
Existing Lot Coverage & Tabulation

Sheet No.:

A104



1 Existing Lot Coverage & Tabulation
A104 3/16" = 1'-0"



2 Existing Open space tabulation
A104 3/16" = 1'-0"

Lot coverage - Existing

Name	Length	Width	Area
LC1	8' - 5 1/2"	6' - 1 1/2"	52 SF
LC2	14' - 3"	22' - 10"	325 SF
LC3	28' - 2 1/2"	26' - 5"	746 SF
LC4	5' - 3"	7' - 9 1/2"	41 SF
LC5	5' - 5 1/2"	2' - 7 1/2"	14 SF
LC6	18' - 6"	8' - 7"	159 SF
Grand total: 6			1337 SF

1337/2828=%48>%35 Allowed

Open space - Existing

Name	Length	Width	Area
OS1	19' - 11 1/2"	12' - 5 1/2"	249 SF
OS2	27' - 8"	14' - 0"	387 SF
Grand total: 2			636 SF

636 SF > 600 SF Required



1 Existing Lot Coverage & Tabulation

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule		
Rev. No	Description	Date
1	Req.d Setback	02/02/2022
2	Relocation of parking and architectural spaces	06/27/2022

Issue Note :

6/27/2022 1:48:53 PM

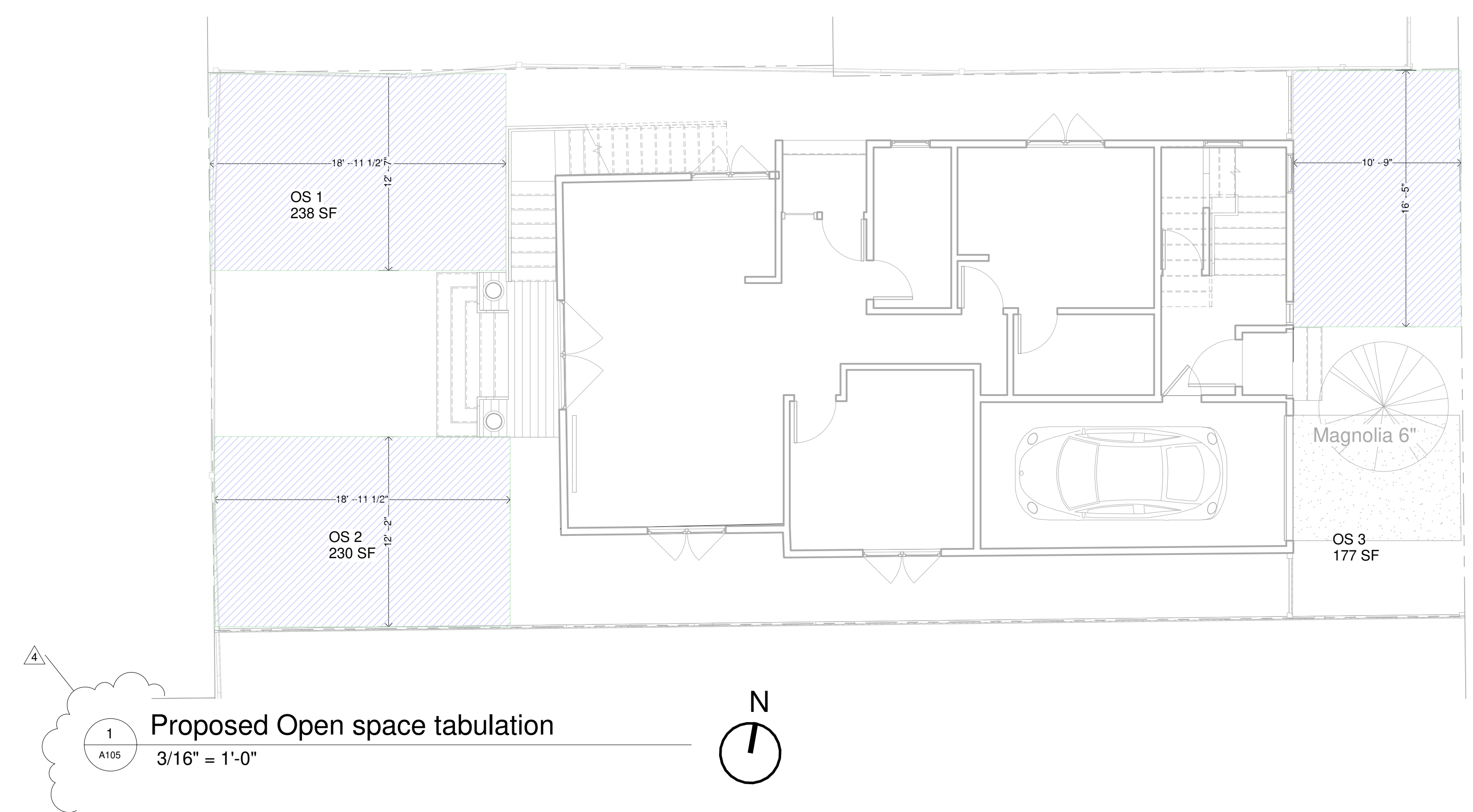
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :

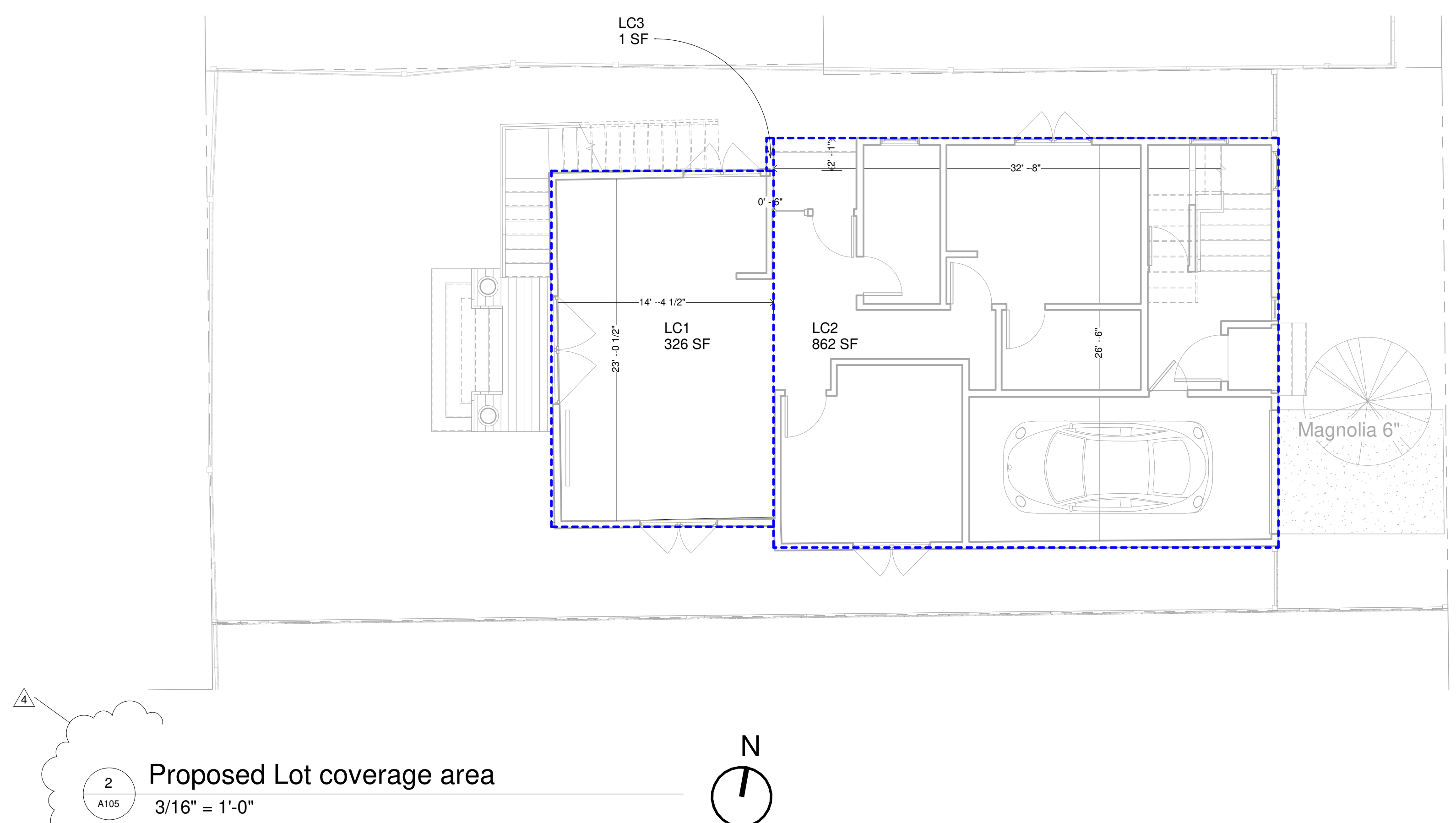
Propose Lot Coverage Open space

Sheet No.:

A105



1
A105
Proposed Open space tabulation
3/16" = 1'-0"



2
A105
Proposed Lot coverage area
3/16" = 1'-0"

Lot coverage - Proposed			
Name	Length	Width	Area
LC1	14' - 4 1/2"	23' - 0 1/2"	331 SF
LC2	32' - 8"	26' - 6"	866 SF
LC3	0' - 6"	2' - 1"	1 SF
Grand total: 3			1197 SF

Open space - proposed			
Name	Length	Width	Area
OS 1	18' - 11 1/2"	12' - 7"	238 SF
OS 2	18' - 11 1/2"	12' - 2"	230 SF
OS 3	10' - 9"	16' - 5"	176 SF
Grand total: 3			645 SF

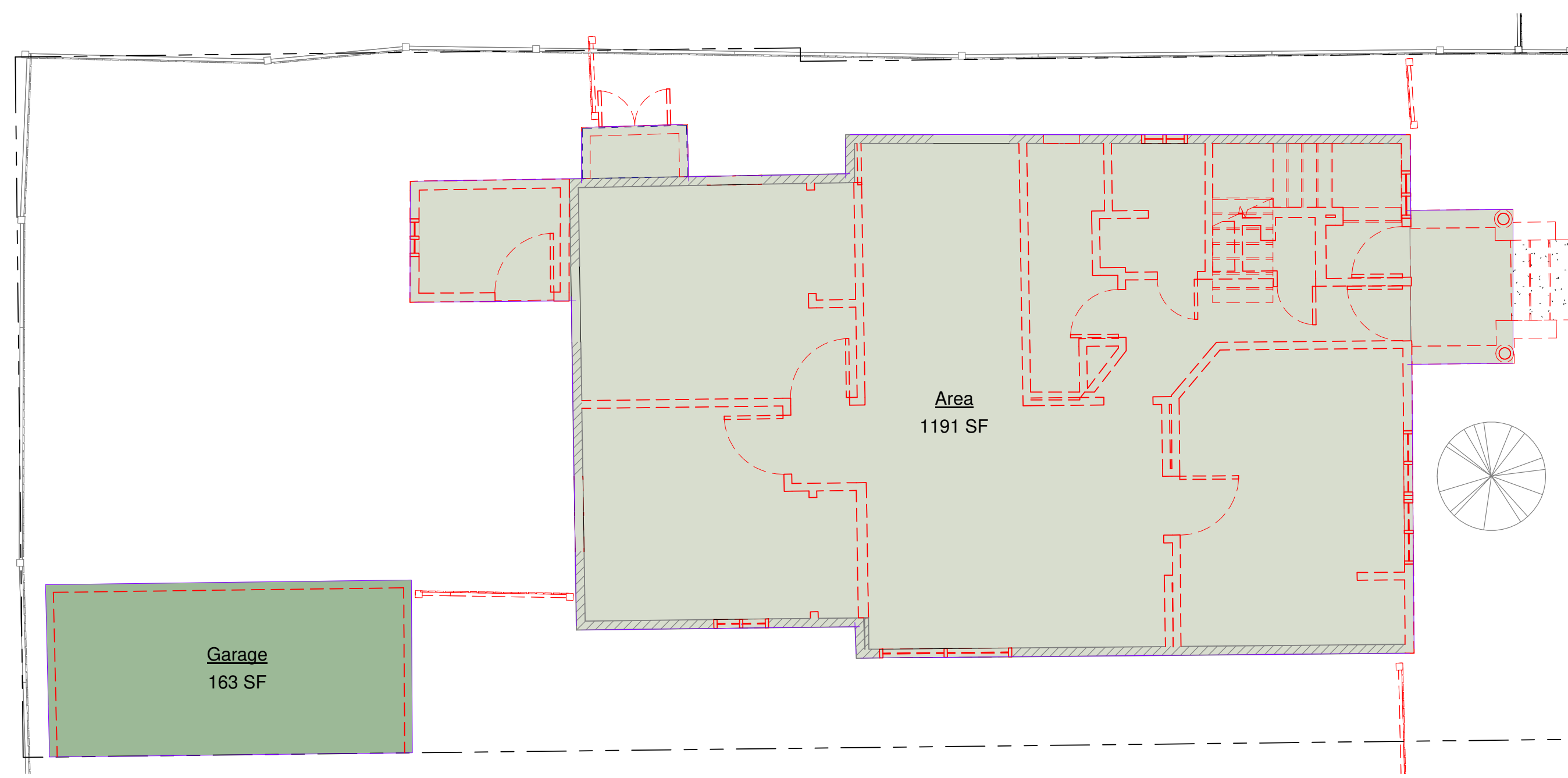
1197/2828=%42-%35 Allowed
645 Sq.Ft > 600 Sq.Ft Required



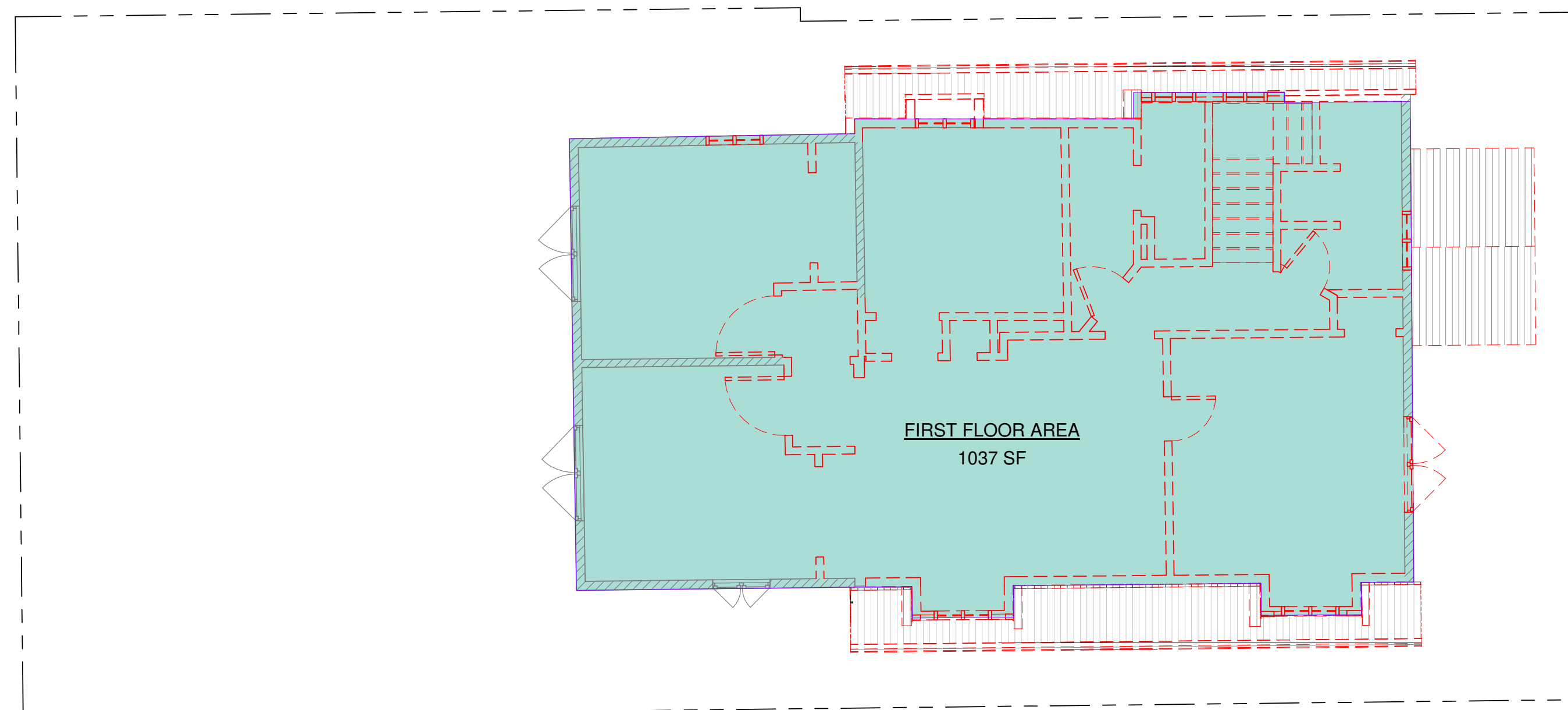
1 **Propose Lot Coverage Open space**

Designer:
Kiumars Radjoo
 28 Marinero circle #2
 Tiburon, CA 94920
 (415)747-9216
K. Radjoo

Project :
 Consultants :
Judy & Jenny Han
 1818 MILVIA STREET, BERKELEY, CA 94709



1
 A106
 3/16" = 1'-0"
 Legend
 ■ 163 SF
 ■ 1191 SF



2
 A106
 3/16" = 1'-0"
 Legend
 ■ 1037 SF

Revision Schedule		
Rev. No	Description	Date
△		

Issue Note :
 3/8/2022 11:17:05 AM
 Project ID :
 Drawn By :
 Review By :
 Plot Date :
 Sheet Title :

Existing Floor Area Tabulation

Sheet No :
A106

Total Existing BLDG Area		
Level	Area	Name
GF	1191 SF	Area
GF	163 SF	Garage
1 St	1037 SF	FIRST FLOOR AREA
Grand total	2391 SF	



1 Existing Floor Area Tabulation

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216
K. Radjoo

Project :
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule		
Rev. No	Description	Date
4	Relocation of parking and architectural spaces	06/27/2022

Issue Note :

6/27/2022 1:48:54 PM

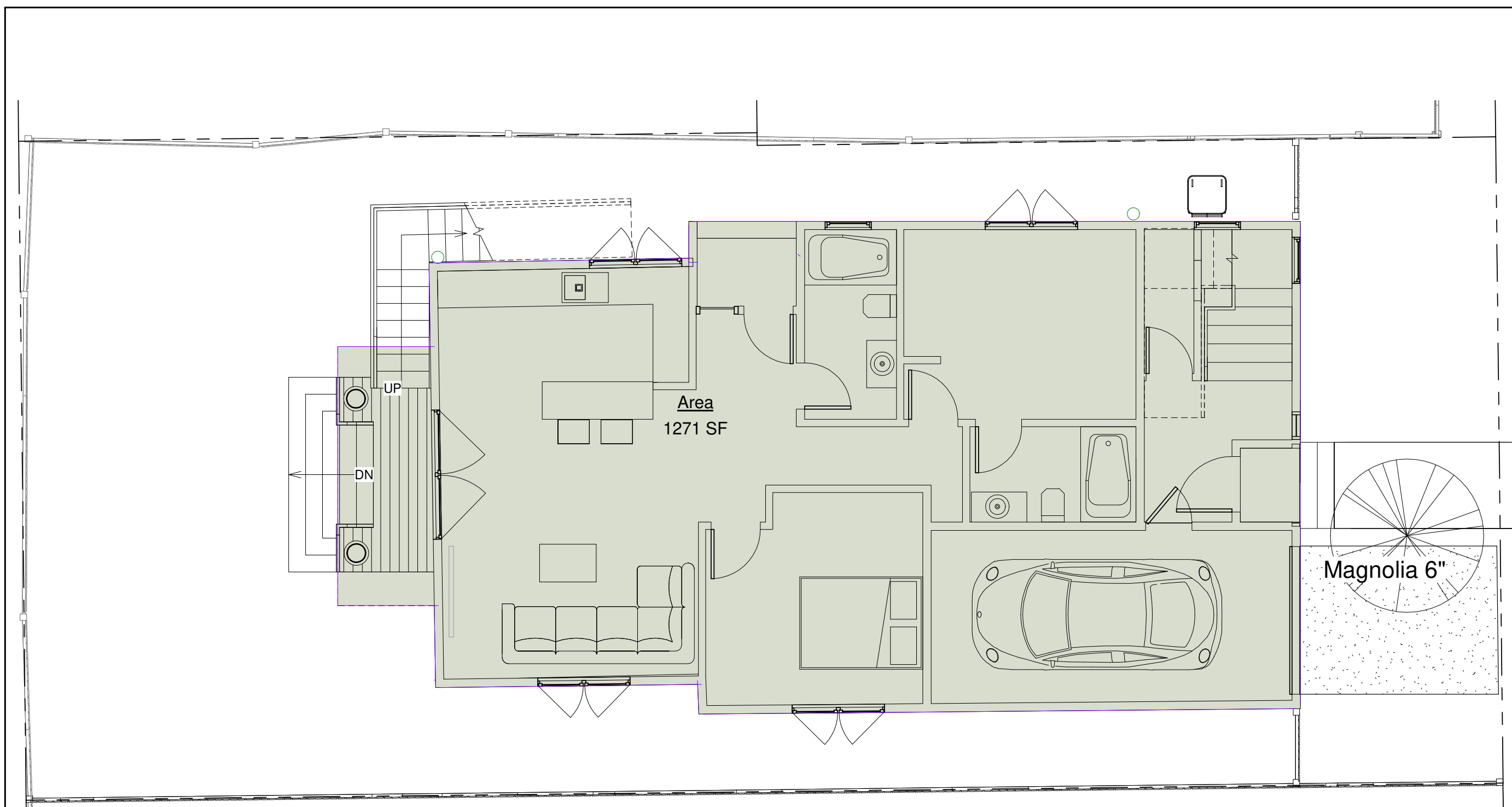
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :

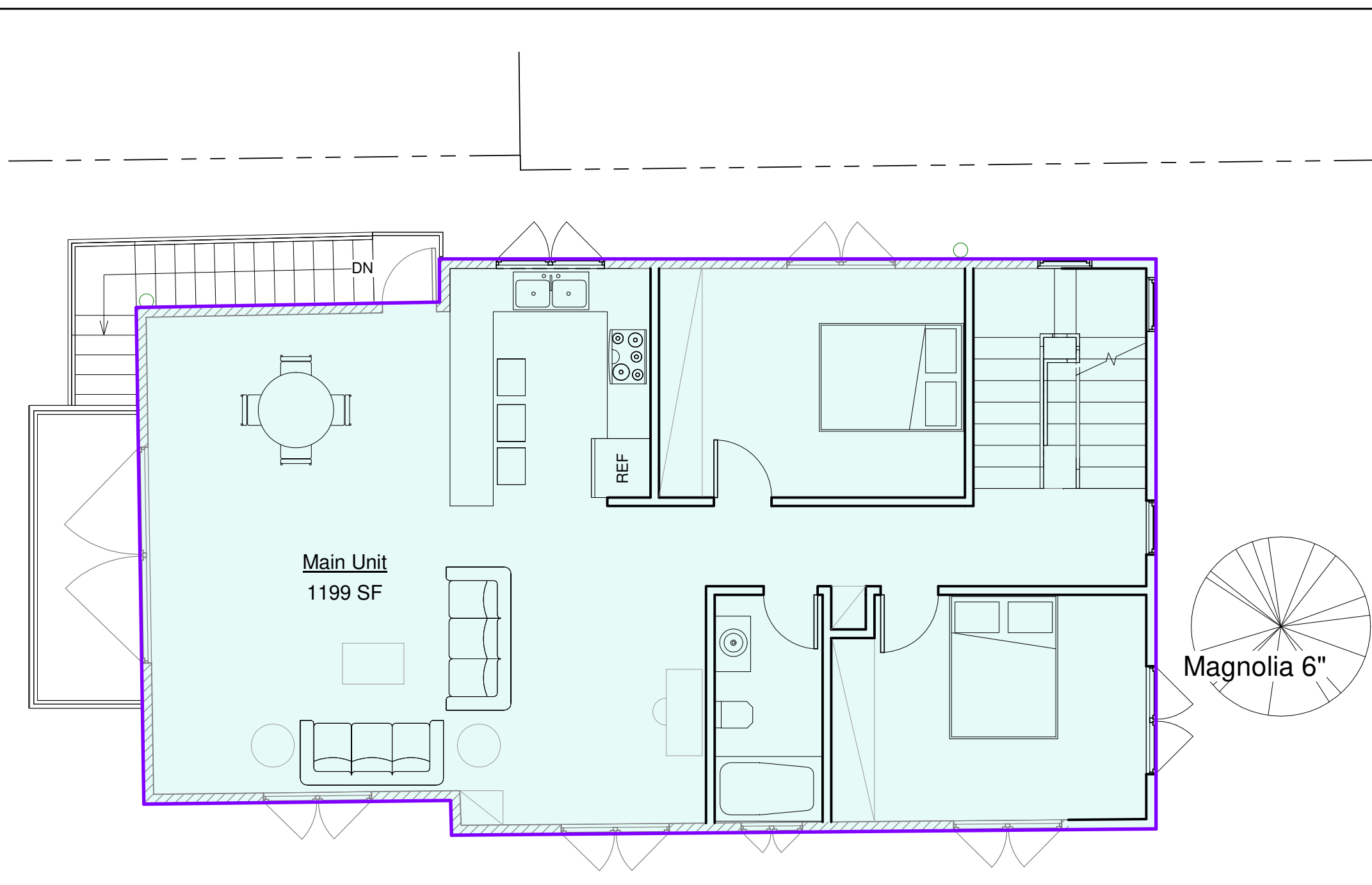
Proposed Floor Area Tabulation

Sheet No.:

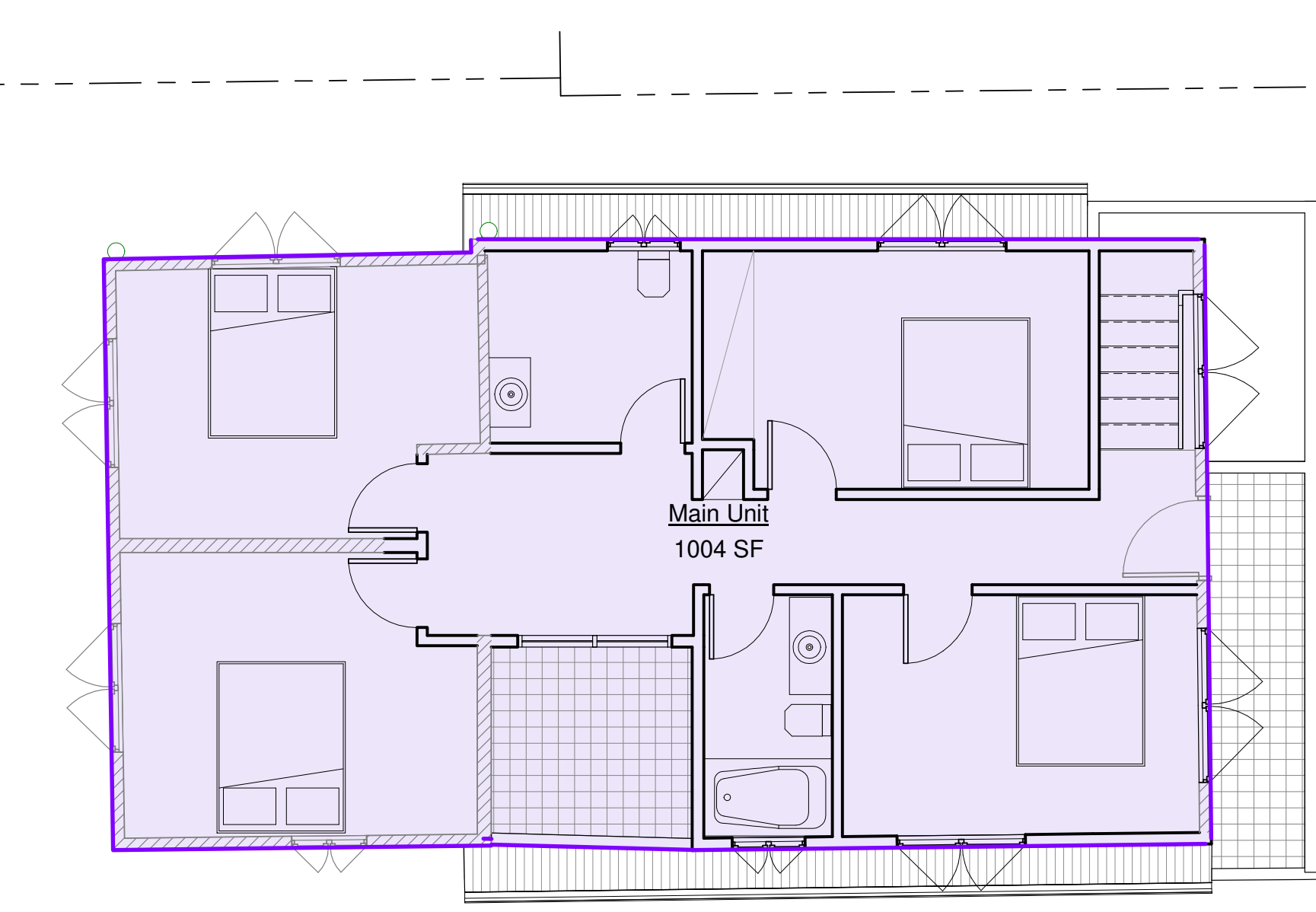
A107



1
A107
Ground Floor - Proposed
3/16" = 1'-0"
Legend
■ 1271 SF



2
A107
1st Floor - Proposed
3/16" = 1'-0"
Legend
■ 1199 SF



3
A107
2nd Floor - proposed
3/16" = 1'-0"
Legend
■ 1004 SF

Total (N) BLDG. Floor Area		
Level	Area	Name
GF	1271 SF	Area
1 st	1199 SF	Main Unit
2 nd	1004 SF	Main Unit
Grand total	3473 SF	

- GENERAL PLAN LEGEND:**
- WALL TO REMAIN
 - DEMO (E) WALL
 - (N) WALL
 - ADDITION
 - PROPERTY LINE
 - SETBACK
 - (E) BLDG FOOT PRINT
 - SPEED BUMP
 - 3D LINE



1 Proposed Floor Area Tabulation

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216
K. Radjoo

Project:
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants:

Revision Schedule		
Rev. No	Description	Date
2	Shadows	03/07/2022

Issue Note:

3/8/2022 11:56:56 AM

Project ID:
Drawn By:
Review By:
Plot Date:

Sheet Title:

Existing elevation

Sheet No.:

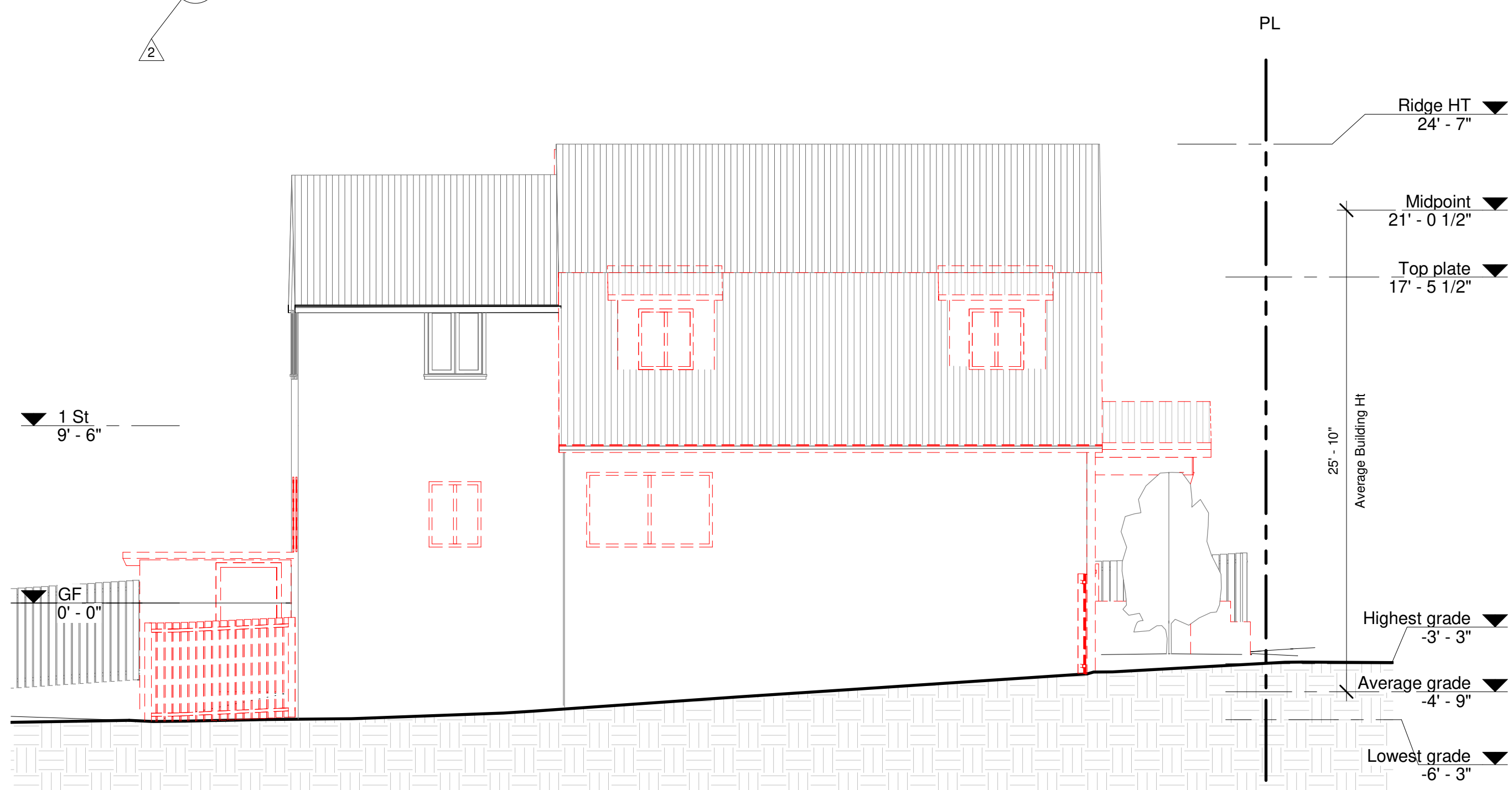
A108



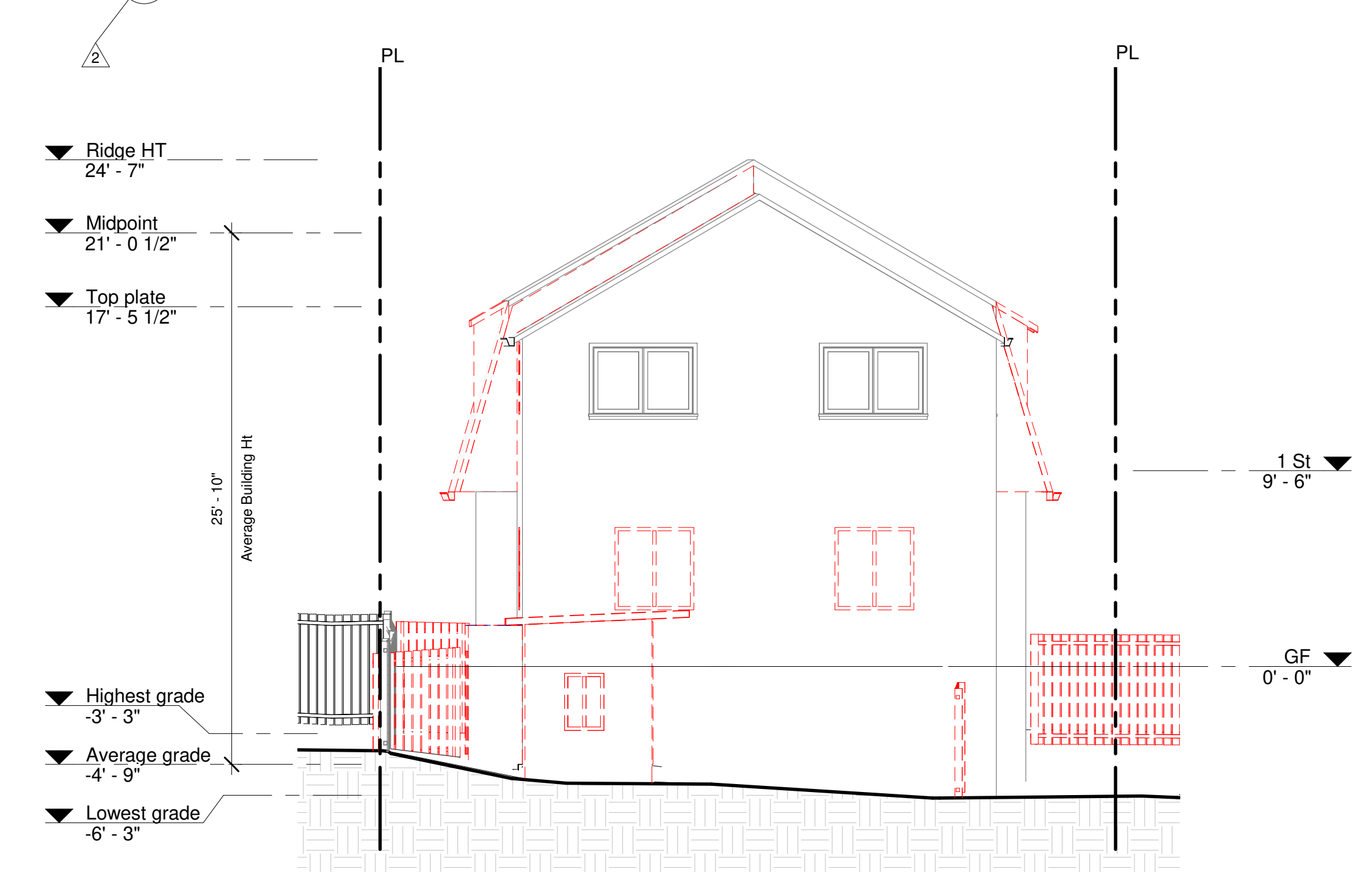
1 North Elevation - Existing
3/16" = 1'-0"



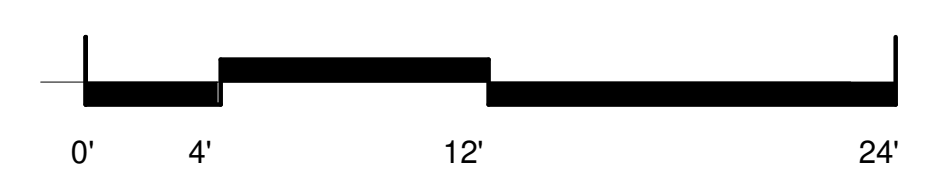
3 East Elevation - Existing
3/16" = 1'-0"



2 South Elevation - Existing
3/16" = 1'-0"



4 West Elevation - Existing
3/16" = 1'-0"



1 Existing elevation

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :

1818 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants :

Revision Schedule		
Rev. No	Description	Date
2	Shadows	03/07/2022
4	Relocation of parking and architectural spaces	06/27/2022

Issue Note :

6/27/2022 1:48:59 PM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

Proposed Elevations

Sheet No.:

A109

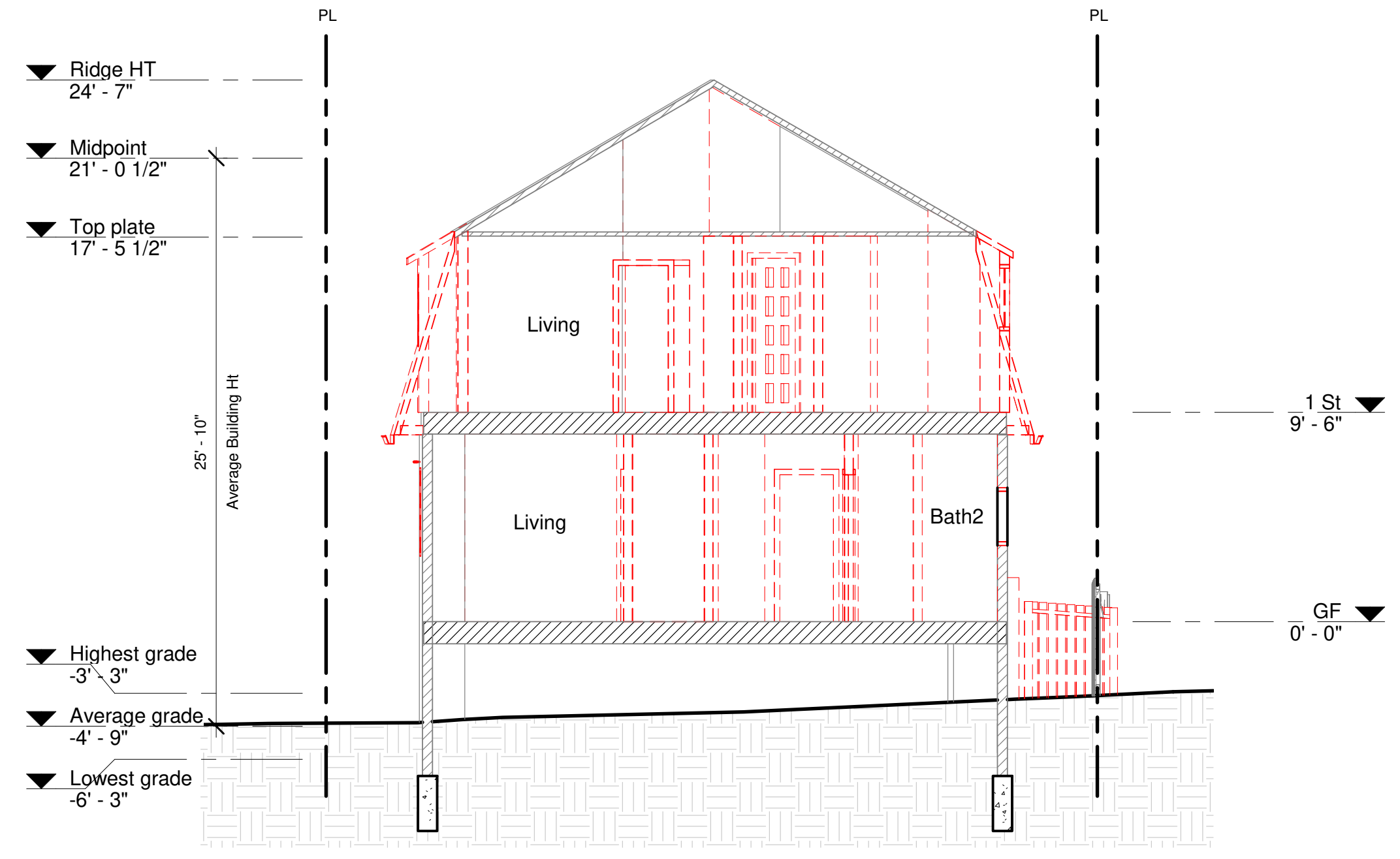


1 Proposed Elevations

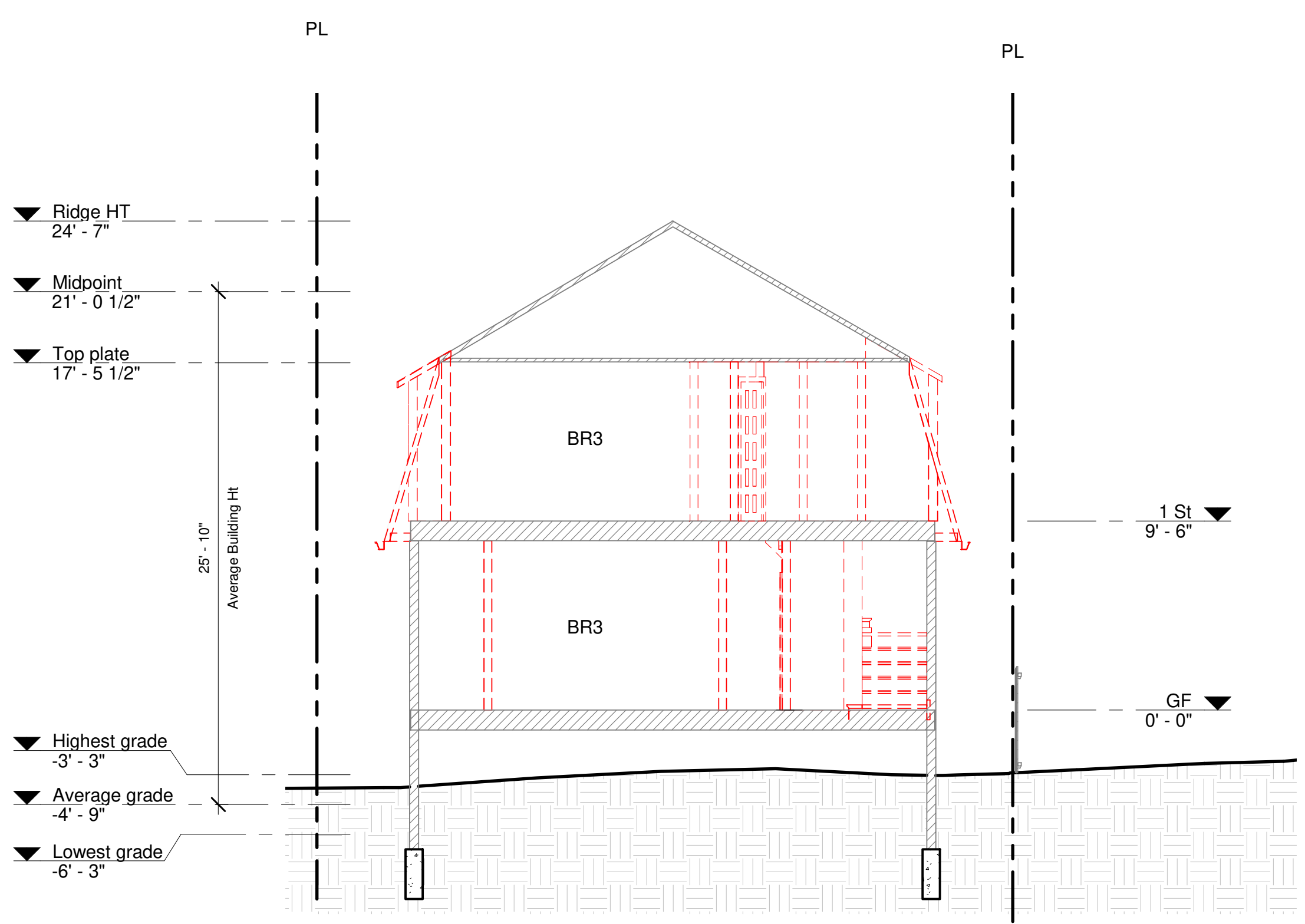
Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216
K. Radjoo

Project:
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

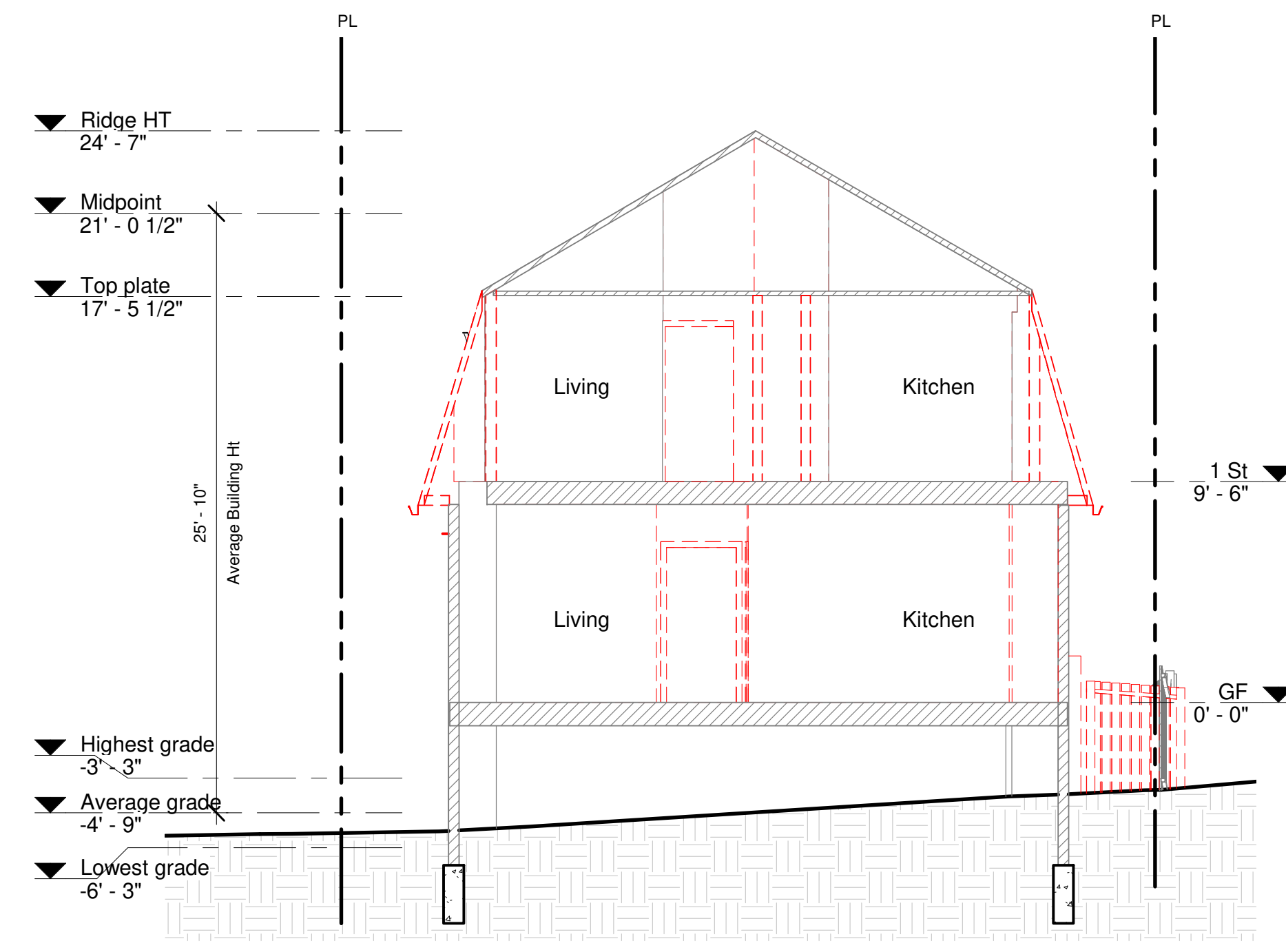
Consultants:



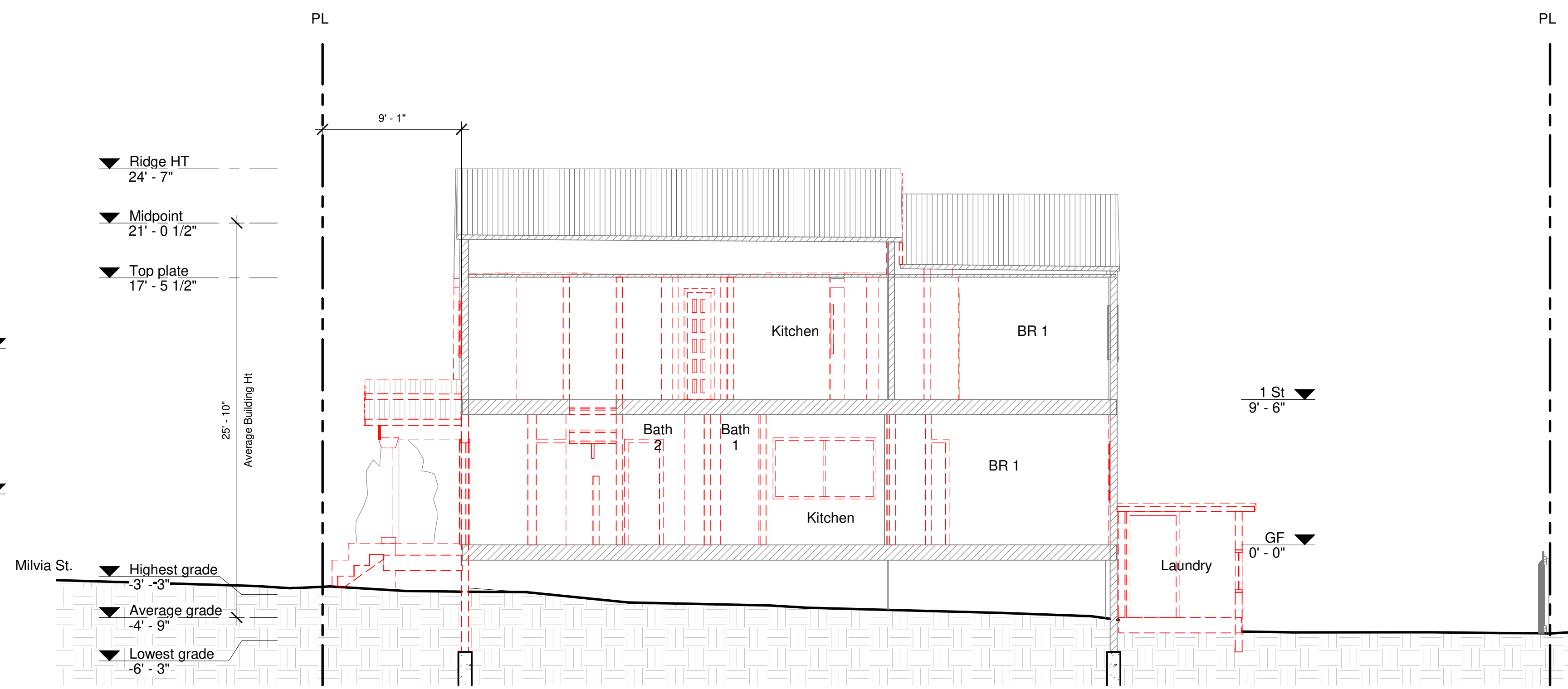
3 Section 3 - 3
3/16" = 1'-0"



1 Section 1 - 1
3/16" = 1'-0"

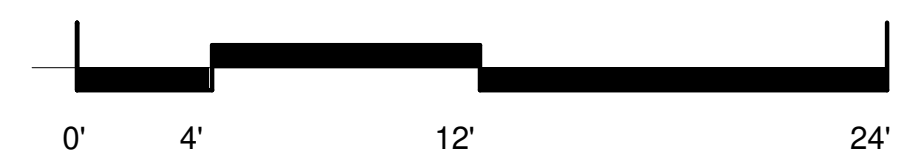


4 Section 4 - 4
3/16" = 1'-0"



2 Section 5 - 5
3/16" = 1'-0"

- GENERAL PLAN LEGEND:**
- WALL TO REMAIN
 - DEMO (E) WALL
 - (N) WALL
 - PROPERTY LINE
 - SETBACK



Revision Schedule		
Rev. No	Description	Date

Issue Note:

3/8/2022 11:17:07 AM
Project ID:
Drawn By:
Review By:
Plot Date:

Sheet Title:
Existing Sections

Sheet No.:

A110

1 Existing Sections

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :

1818 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants :

Revision Schedule

Rev. No	Description	Date
1	Req.d Setback	02/02/2022
2	Relocation of parking and architectural spaces	06/27/2022

Issue Note :

6/27/2022 1:49:02 PM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

Proposed Sections

Sheet No.:

A111



1 Proposed Sections

- GENERAL PLAN LEGEND:**
- WALL TO REMAIN
 - DEMO (E) WALL
 - (N) WALL
 - ADDITION
 - PROPERTY LINE
 - SETBACK
 - (E) BLDG FOOT PRINT
 - SPEED BUMP
 - 3D LINE



Designer:

Kiumars Radjoo

28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :

Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date
2	Shadows	03/07/2022
4	Relocation of parking and architectural spaces	06/27/2022

Issue Note :

6/27/2022 1:49:06 PM

Project ID :

Drawn By :

Review By :

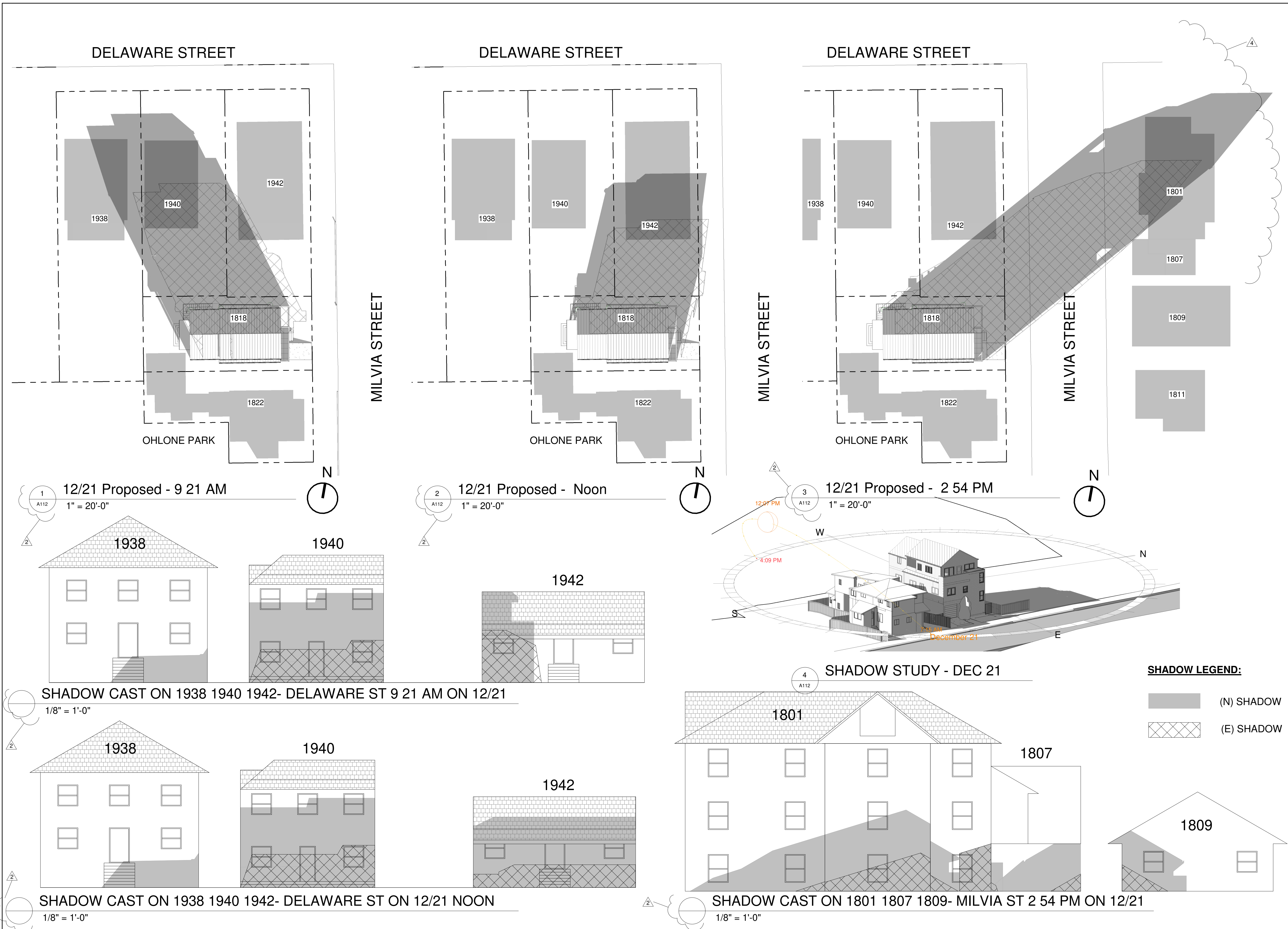
Plot Date :

Sheet Title :

SHADOW STUDIES DEC 21 St

Sheet No.:

A112



1 12/21 Proposed - 9 21 AM
1" = 20'-0"

2 12/21 Proposed - Noon
1" = 20'-0"

3 12/21 Proposed - 2 54 PM
1" = 20'-0"

SHADOW CAST ON 1938 1940 1942- DELAWARE ST 9 21 AM ON 12/21
1/8" = 1'-0"

SHADOW CAST ON 1938 1940 1942- DELAWARE ST ON 12/21 NOON
1/8" = 1'-0"

4 SHADOW STUDY - DEC 21
1/8" = 1'-0"

1 SHADOW STUDIES DEC 21 St

Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216
K. Radjoo

Project :
Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule		
Rev. No	Description	Date
2	Shadows	03/07/2022
4	Relocation of parking and architectural spaces	06/27/2022

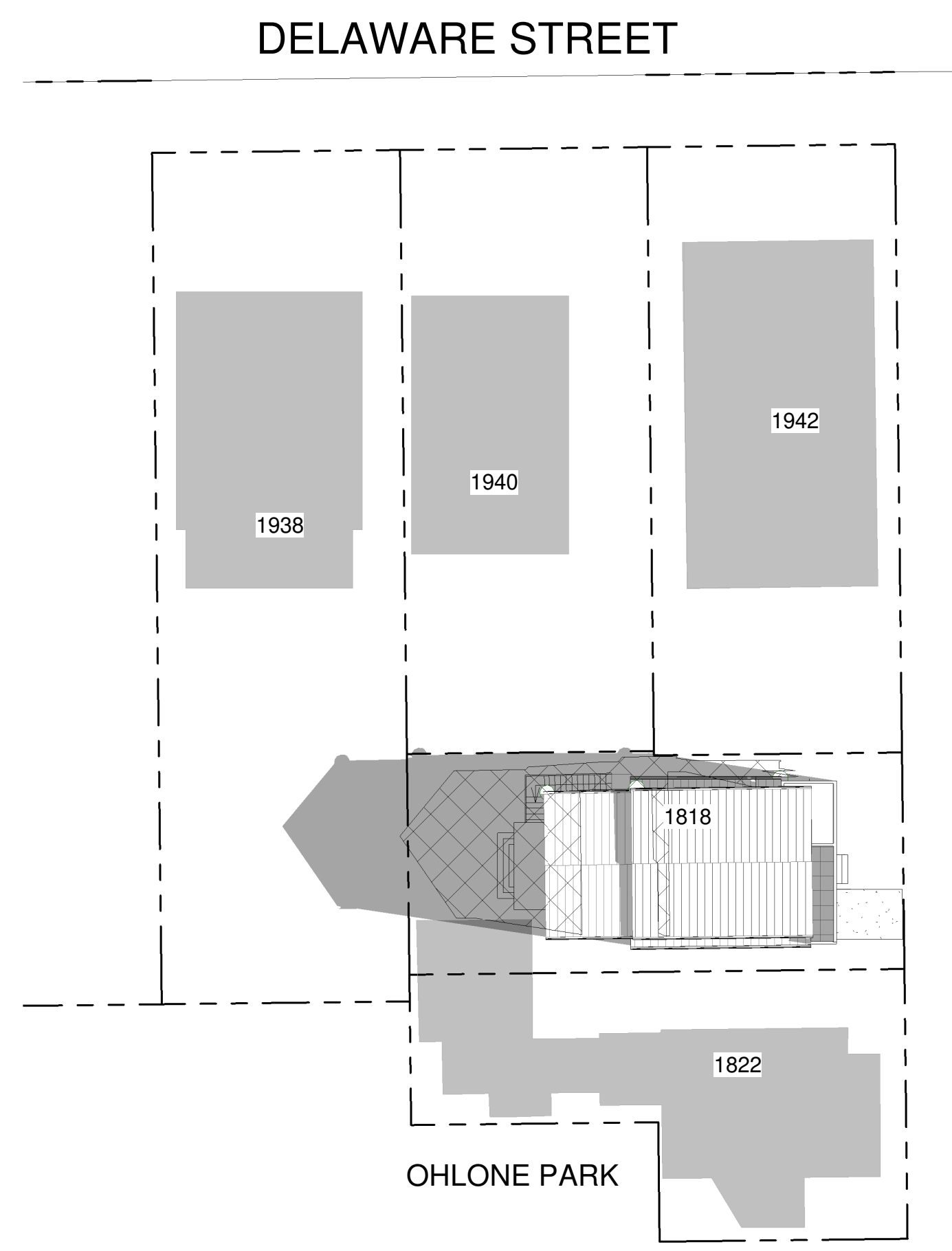
Issue Note :

6/27/2022 1:49:08 PM
Project ID :
Drawn By :
Review By :
Plot Date :

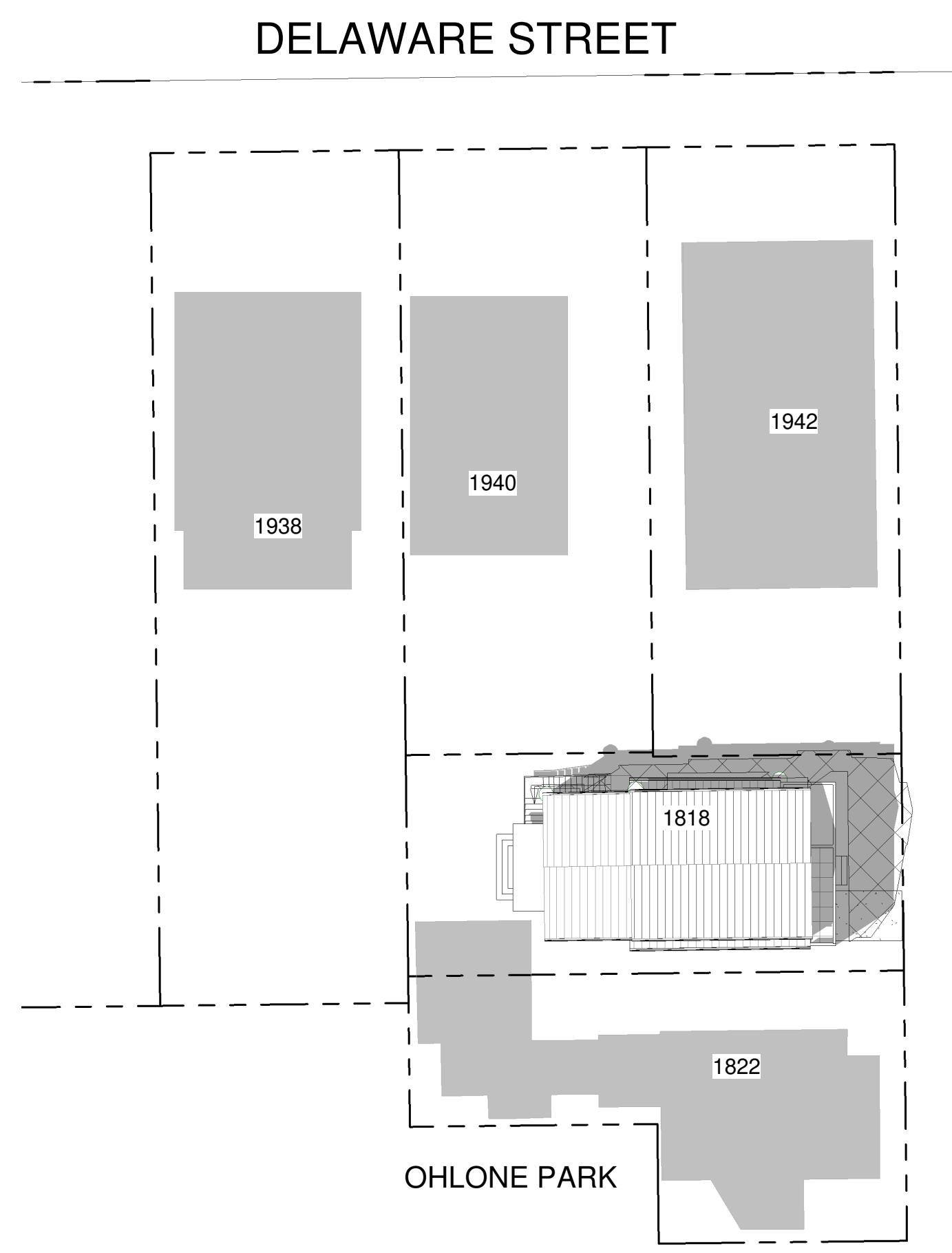
Sheet Title :
SHADOW STUDIES JUNE 21 St

Sheet No.:

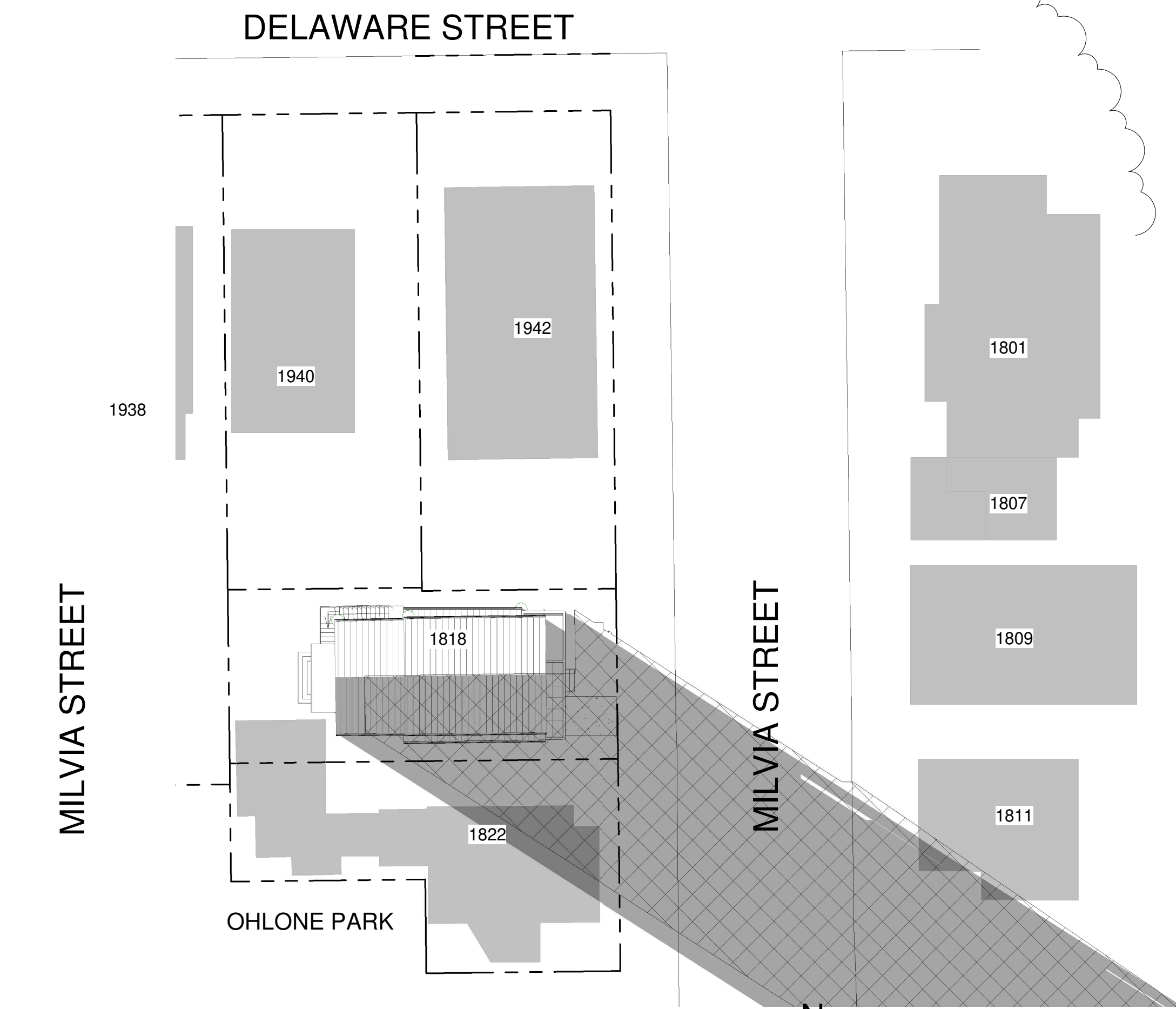
A113



1 6/21 Proposed - 7 47 AM
A113 1" = 20'-0"
N

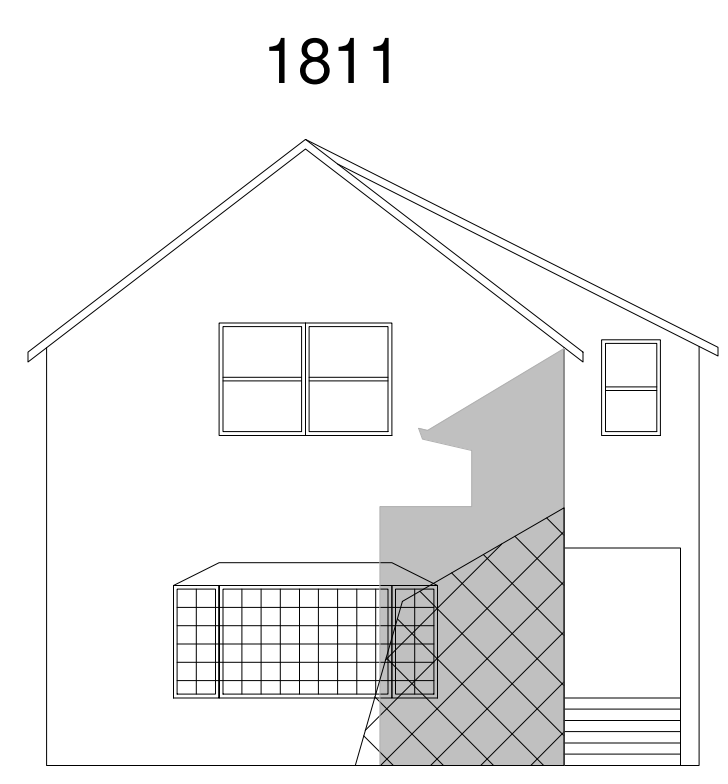


2 6/21 Proposed - Noon
A113 1" = 20'-0"
N

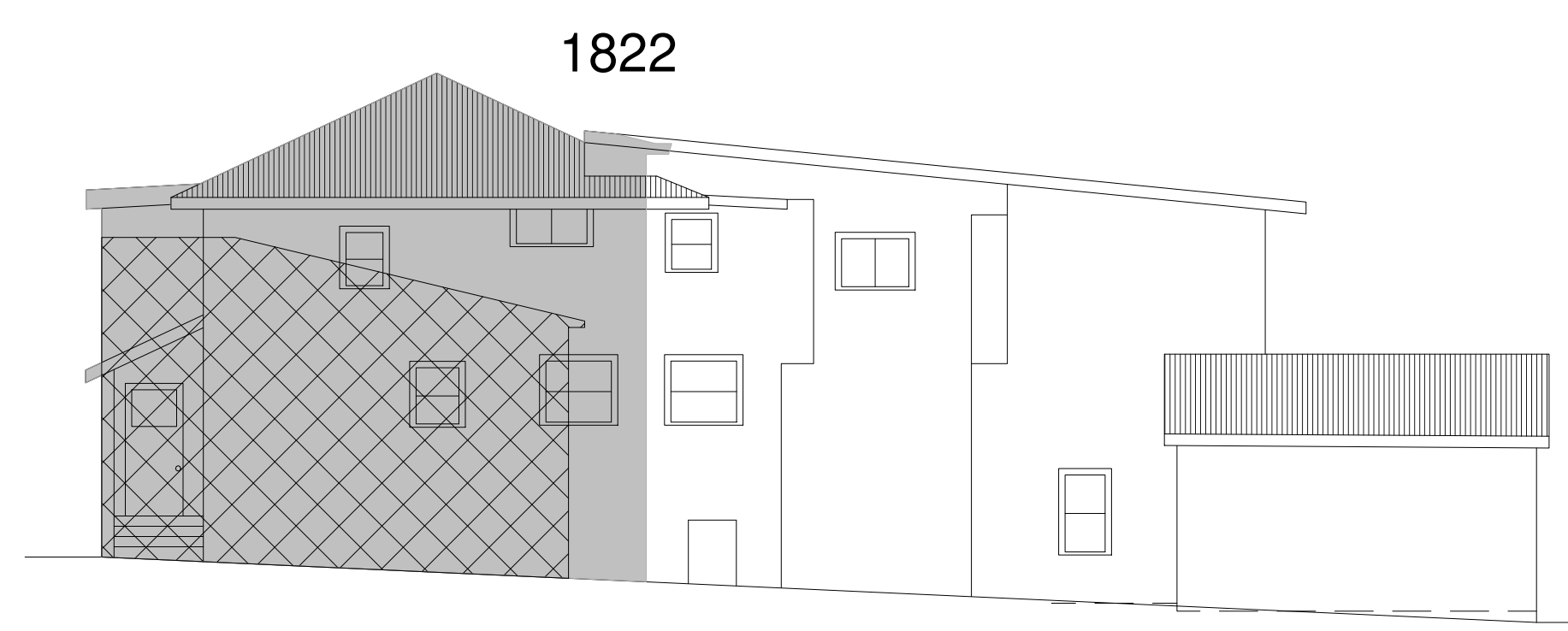


3 6/21 Proposed - 6 35 PM
A113 1" = 20'-0"
N

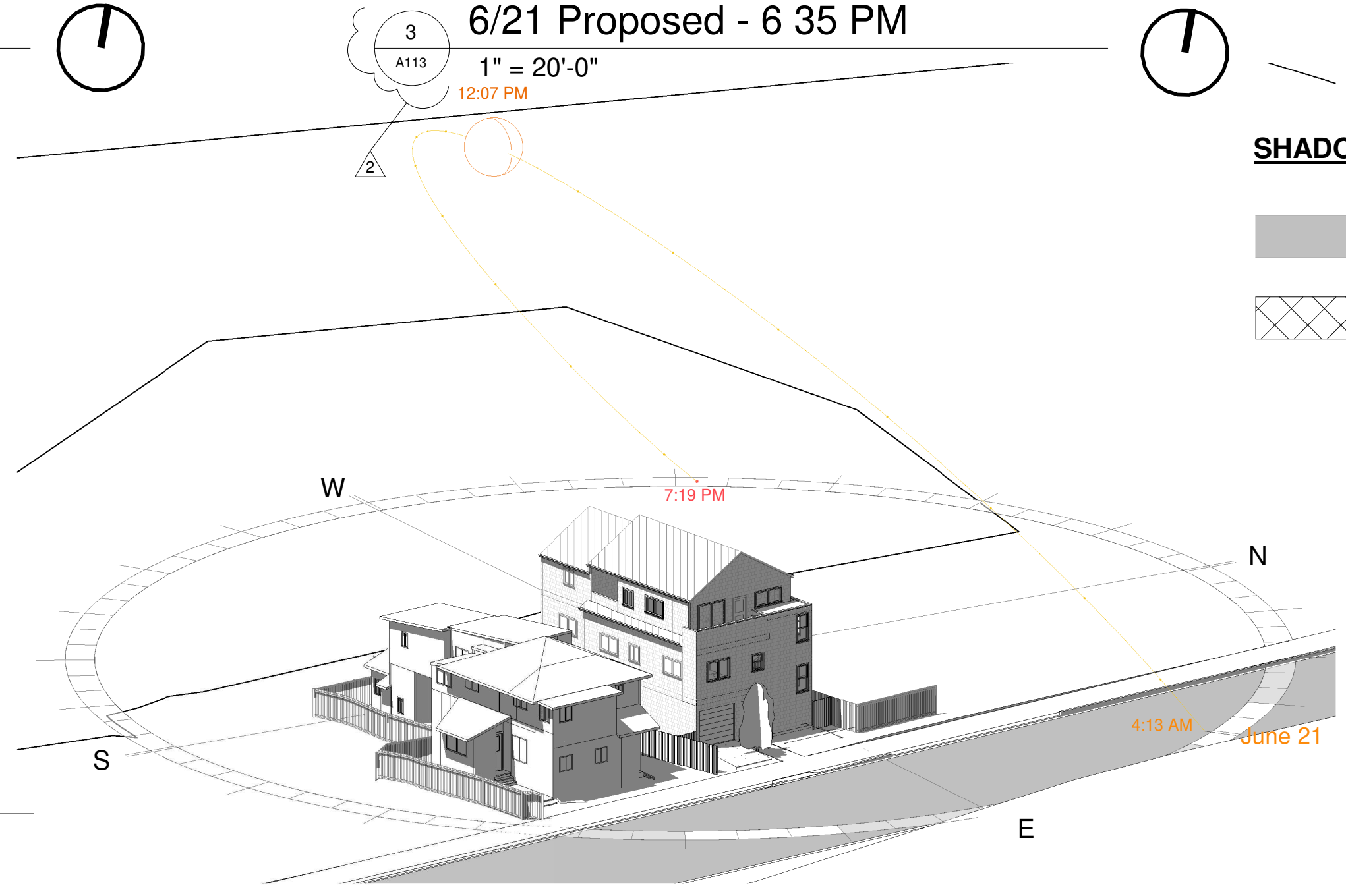
SHADOW LEGEND:
[Solid Grey] (N) SHADOW
[Cross-hatched] (E) SHADOW



1811



1822



4 SHADOW STUDY - JUNE 21
A113

SHADOW CAST ON 1811- MILVIA ST 6 35 AM ON 6/21
1/8" = 1'-0"

SHADOW CAST ON 1822- MILVIA ST 6 35 AM ON 6/21
1/8" = 1'-0"

Designer:

Kiumars Radjoo

28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :

Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date
2	Shadows	03/07/2022
4	Relocation of parking and architectural spaces	06/27/2022

Issue Note :

6/27/2022 1:49:12 PM

Project ID :

Drawn By :

Review By :

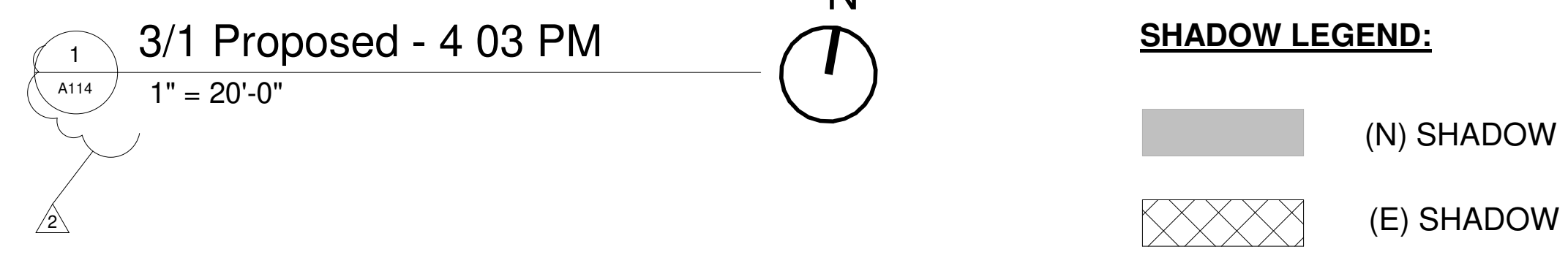
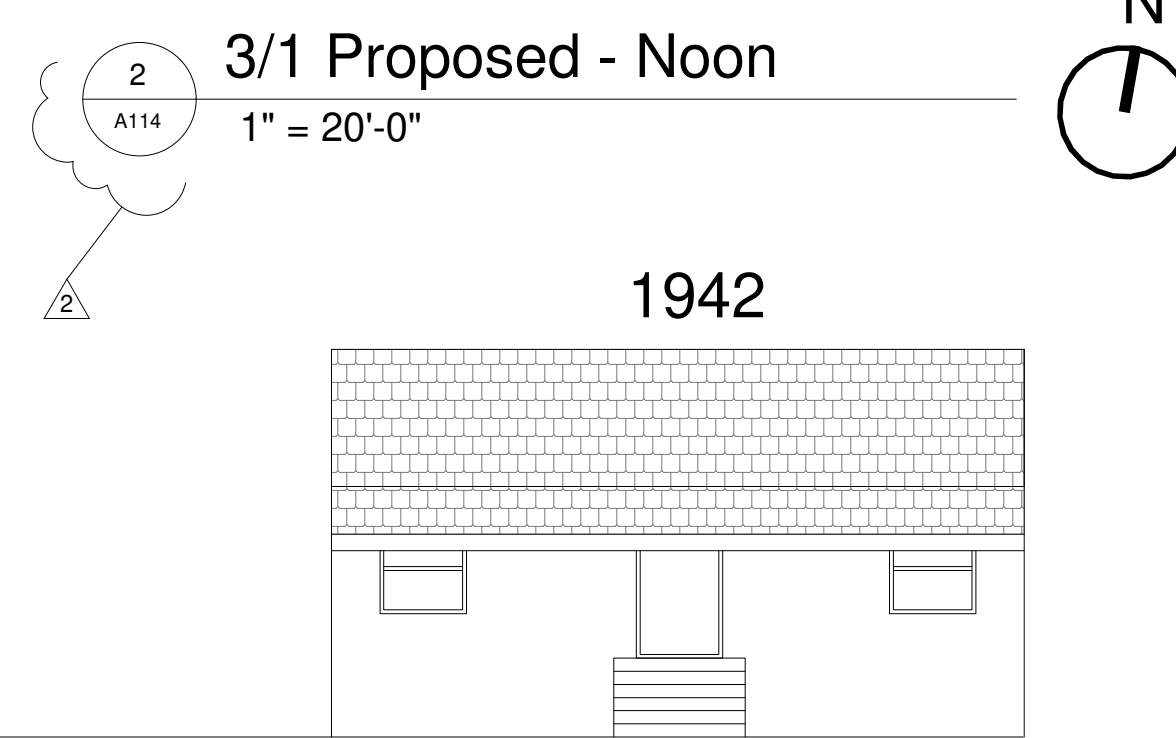
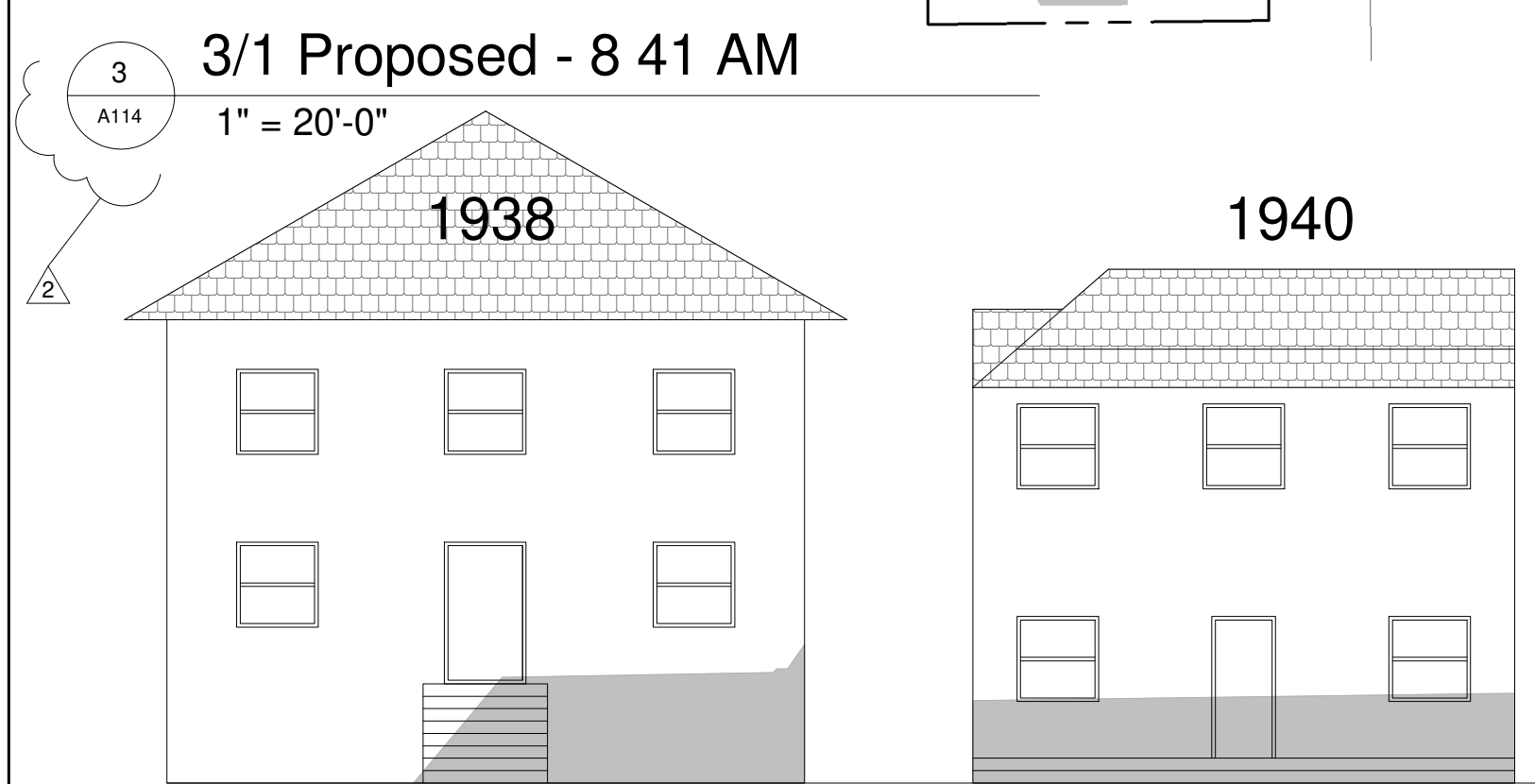
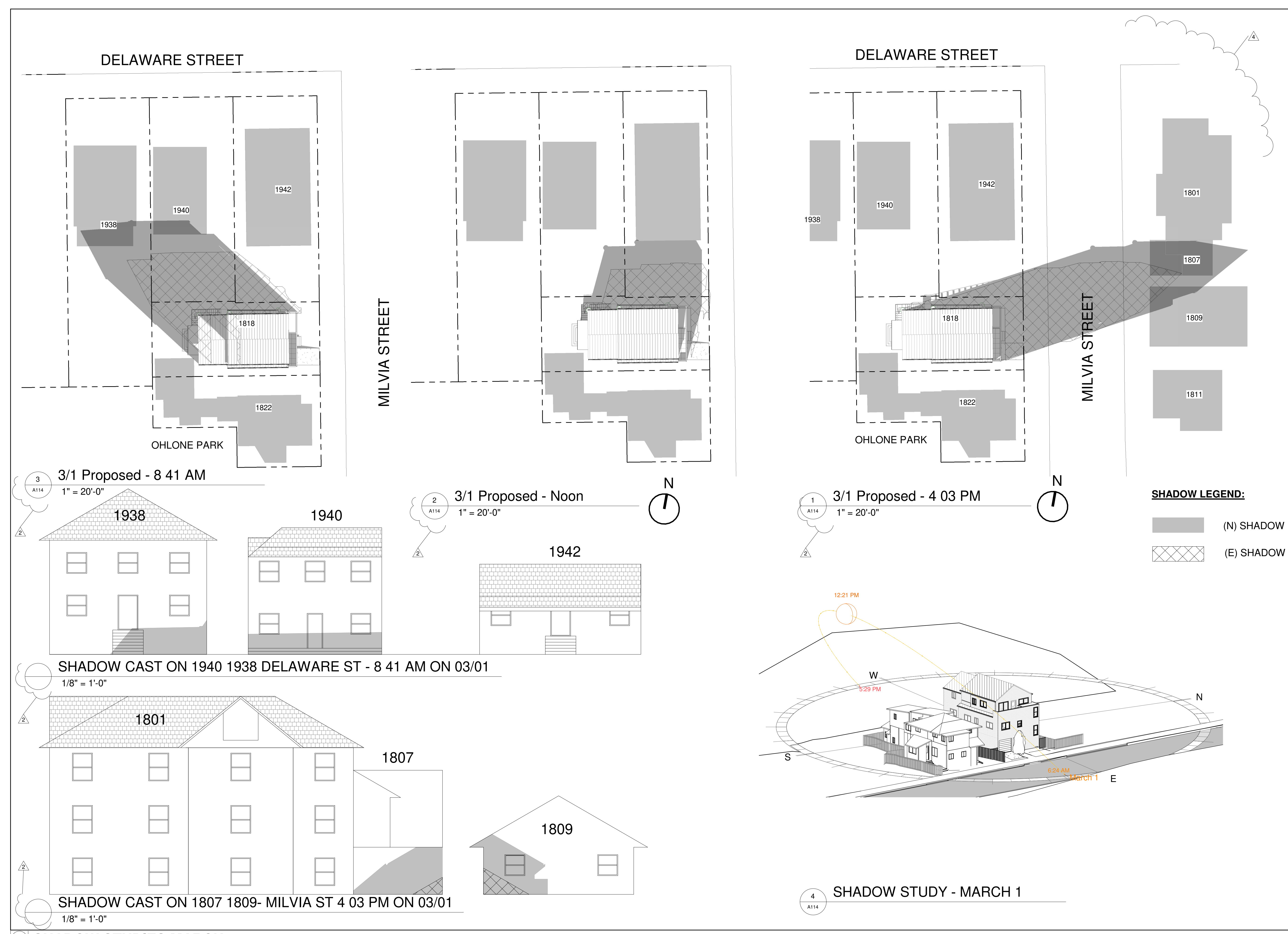
Plot Date :

Sheet Title :

SHADOW STUDIES MARCH 01

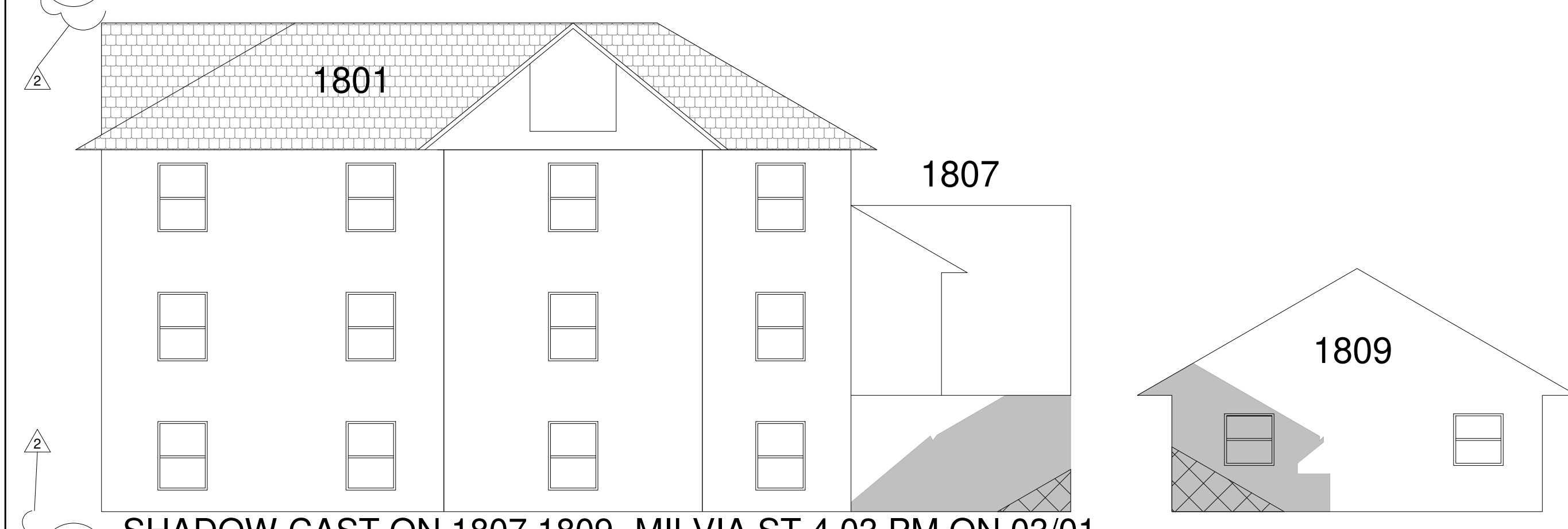
Sheet No.:

A114

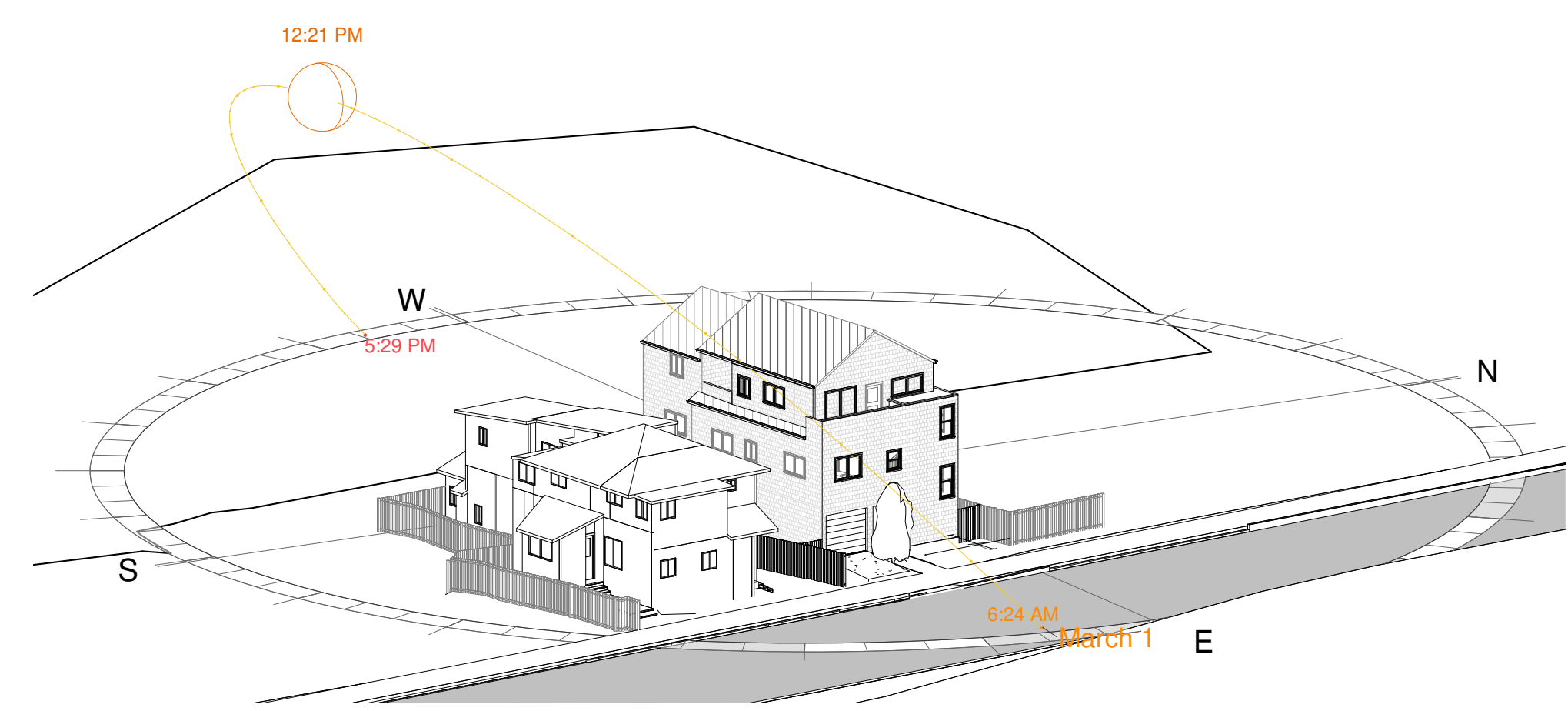


SHADOW LEGEND:
 (N) SHADOW
 (E) SHADOW

SHADOW CAST ON 1940 1938 DELAWARE ST - 8 41 AM ON 03/01
1/8" = 1'-0"



SHADOW CAST ON 1807 1809- MILVIA ST 4 03 PM ON 03/01
1/8" = 1'-0"



4
A114
SHADOW STUDY - MARCH 1

1 **SHADOW STUDIES MARCH 01**



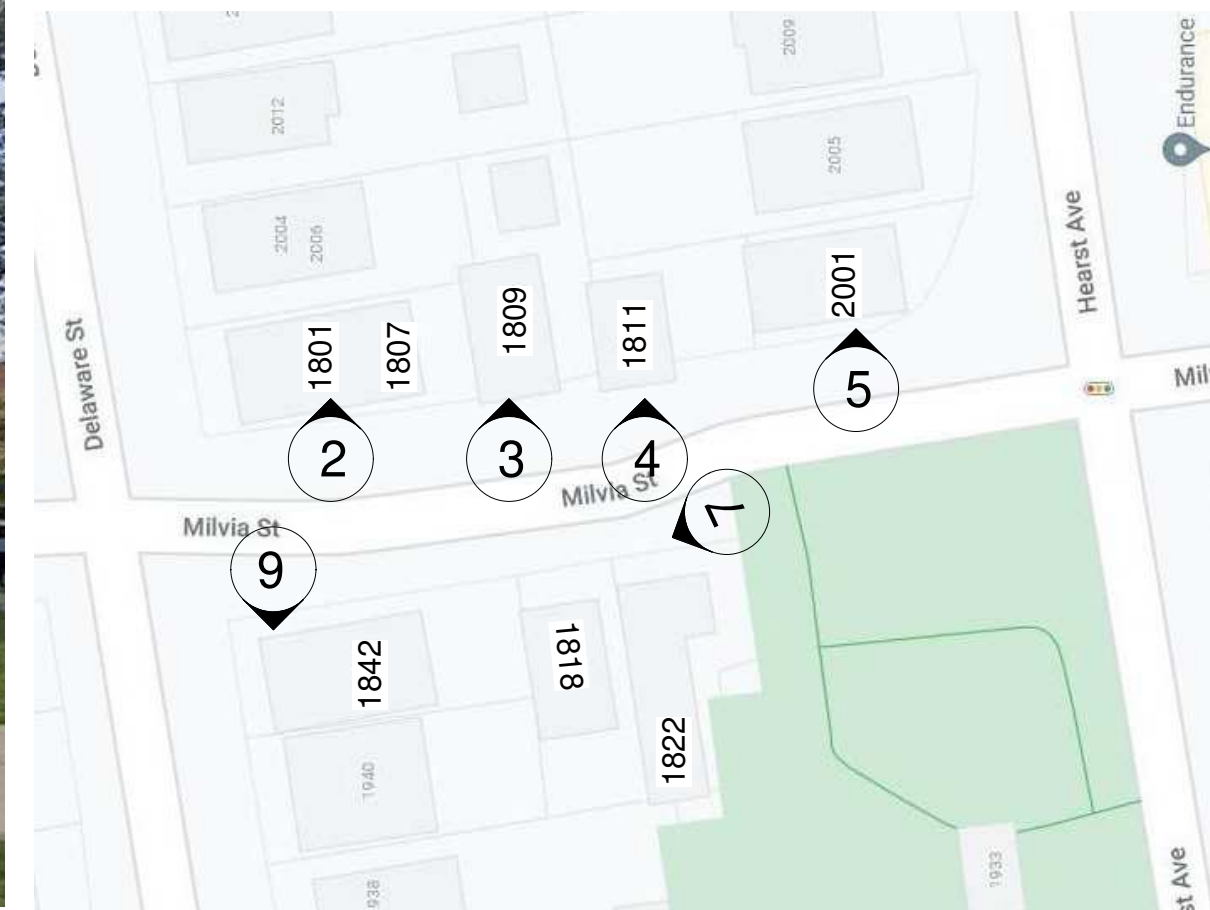
2 1801 1807



3 1809



6 1942



1 SITE PHOTOS KEY PLAN



4 1811



7 1818



5 2001

1 SITE PHOTOGRAPHS

Designer:

Kiumars Radjoo

28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

Project :

Judy & Jenny Han
1818 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date
---------	-------------	------

△
△

Issue Note :

6/27/2022 1:49:12 PM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

SITE PHOTOGRAPHS

Sheet No.:

A115



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

1818 Milvia Street

Use Permit #ZP2021-0129 to demolish the existing detached garage, lift the two-story duplex and construct a major residential addition, increase the number of bedroom on the property to eight, and establish one off-street parking spot within an attached garage on the ground floor. The lot is nonconforming to lot coverage, density, and setbacks.

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 July 14, 2022, **conducted via Zoom, see the Agenda for details at:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-07-14_ZAB_Agenda.pdf. The meeting starts at 7:00 p.m.

PUBLIC ADVISORY: This meeting will be conducted exclusively through videoconference and teleconference. Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

A. Land Use Designations:

- General Plan: Medium Density Residential (MDR)
- Zoning: Restricted Multiple Family Residential District (R2-A)

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050.D.2.a for additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of violation of the maximum allowable lot coverage.
- Use Permit pursuant to BMC Section 23.324.050.D.3 for additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of residential density.
- Use Permit pursuant to BMC Section 23.202.030.B.1.c for the addition of bedroom six, seven and eight on the lot.
- Administrative Use Permit pursuant to BMC Section 23.324.050.D.2.a for additions or enlargements which vertically and/or horizontally extend a non-conforming yard.
- Administrative Use Permit pursuant to BMC Section 23.202.030.A.1.a.ii for a Major Residential Addition.
- Administrative Use Permit pursuant to BMC Section 23.202.D.2 for additions over 14 feet.

- Administrative Use Permit pursuant to BMC Section 23.202.D.2 for additions over 28 feet in height.

C. CEQA Recommendation: Categorically exempt pursuant to Section Section 15301 (“Existing Facilities”) and Section 15303 (“New Construction or Conversion of Small Structures”) of the CEQA Guidelines. The determination is made by ZAB.

D. Parties Involved:

- Applicants & Property Owners: Judy and Jenny Han, PO Box 5079, Richmond

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, Katrina Lapura, at (510) 981-7488 or klapura@cityofberkeley.info.

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

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@cityofberkeley.info. 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.
