



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

1822 Milvia Street

Use Permit #ZP2021-0130 to demolish the existing garage and unpermitted portion of the existing dwelling, lift the building to create a third floor, add a sixth bedroom, and relocate the existing parking within an attached garage on the new ground floor. The lot is nonconforming to lot coverage 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 Berkeley Municipal Code (BMC) Section 23.324.050(D) 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 23.202.030(B) for the addition of a sixth bedroom on the lot;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D) for additions or enlargements which vertically and/or horizontally extend a nonconforming yard; .
- Administrative Use Permit pursuant to BMC Section 23.202.090(D) for additions over 14 feet average height; and
- Administrative Use Permit pursuant to BMC Section 23.202.090(D) for additions over 28 feet average height.

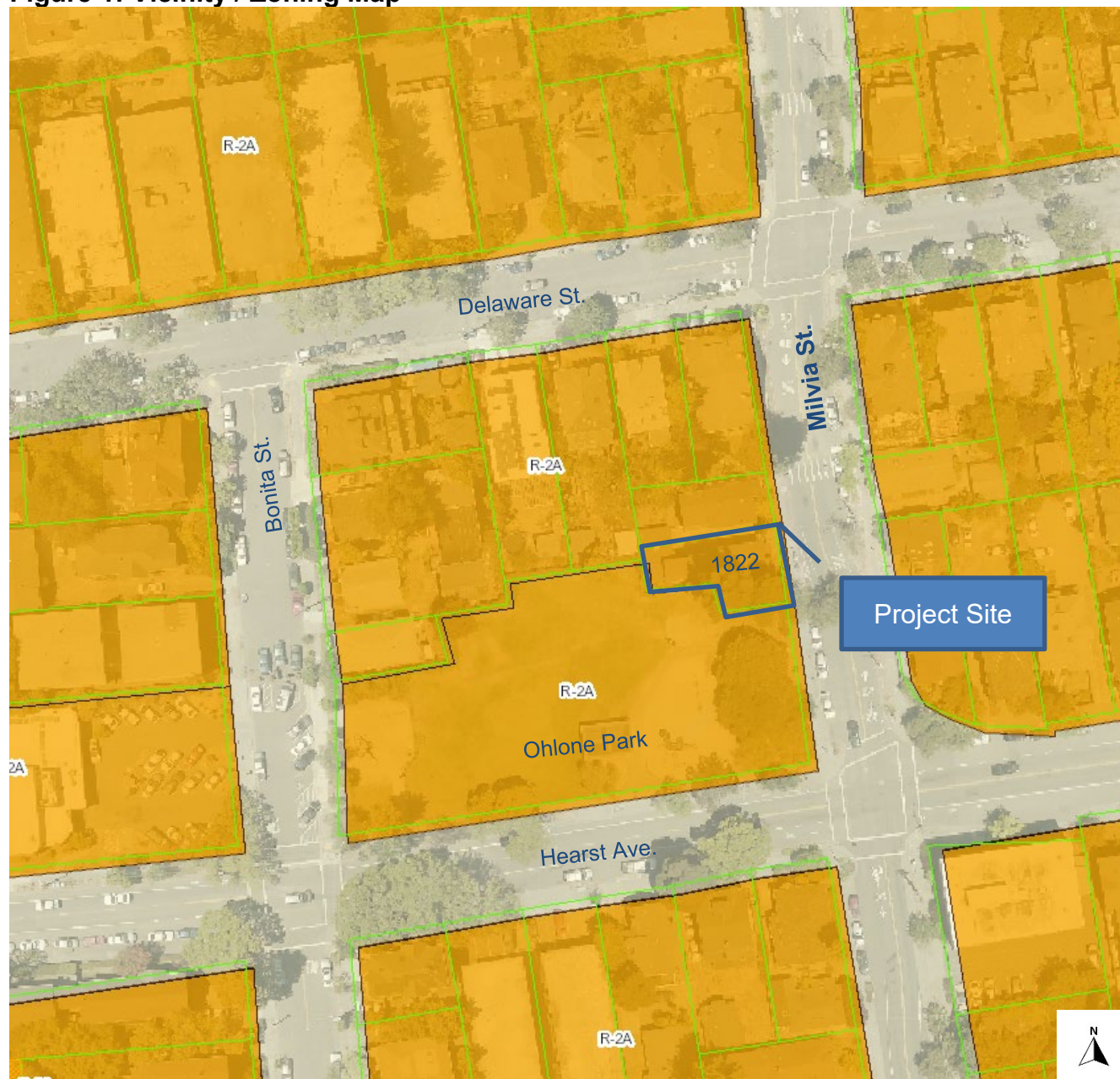
C. CEQA Recommendation: It is staff's recommendation to ZAB that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, § 15000, et seq.) pursuant to Section 15301 ("Existing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



Legend

Yellow R-2A Zoning District

Figure 2: Site Plan – 1822 Milvia

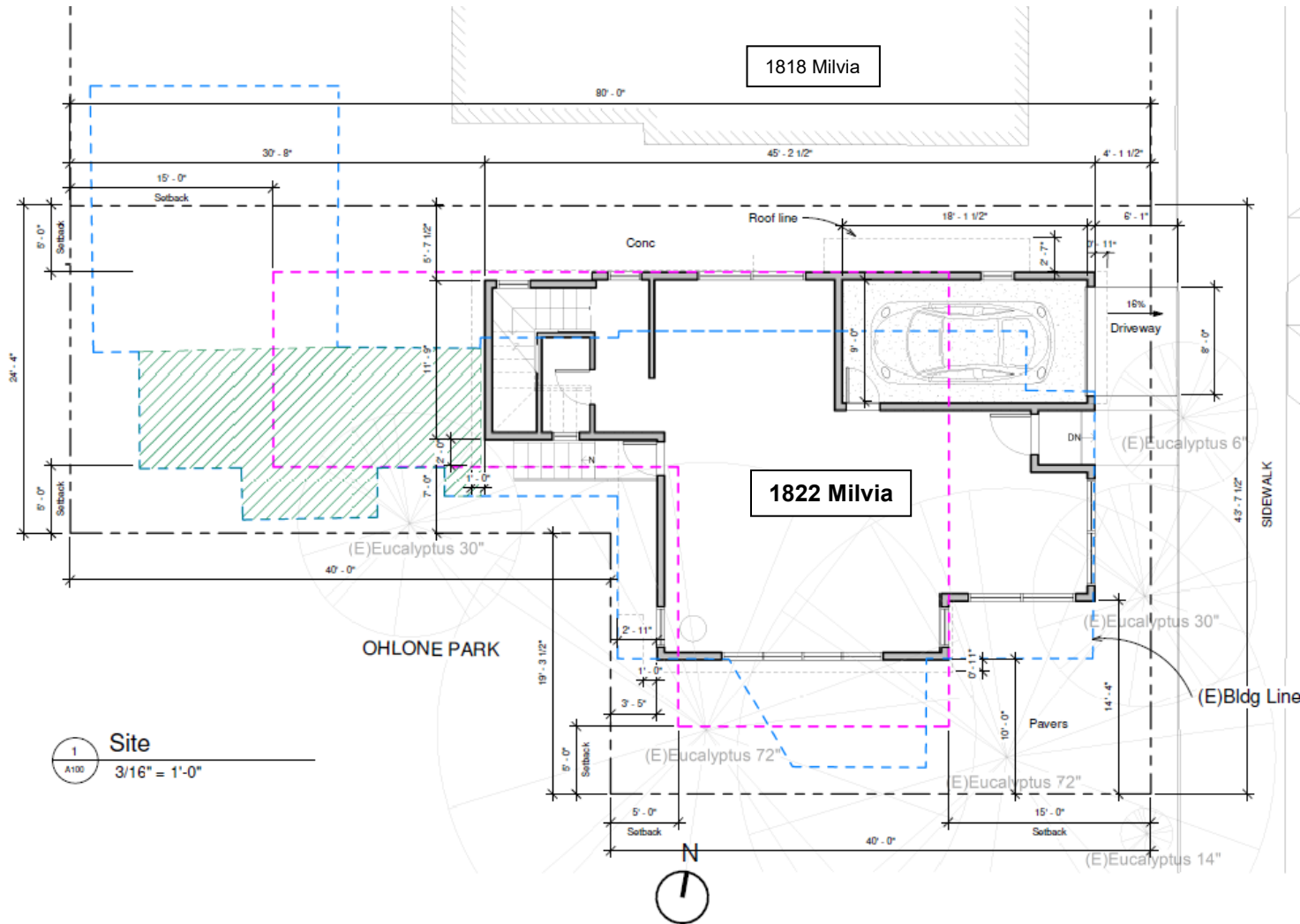


Table 1: Land Use Information

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

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 subject development 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 project does not establish a new building.
Historic Resources	No	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 would be created. The project is to lift the house and construct an addition. 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
December 28, 2020	Application submitted
April 20, 2022	Application deemed complete
June 30, 2022	Public hearing notices mailed/posted
July 14, 2022	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23.202.090		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		2,717	no change	2,717	5,000 min
Gross Floor Area (sq. ft.)		2,645	73	2,723	N/A
Floor Area Ratio		N/A	N/A	N/A	N/A
Dwelling Units	Total	2 (1 unpermitted)	-1	1	1 max
	Affordable	0	no change	0	N/A
Building Height	Average (ft.)	22'-10 ½"	9' – 3 ½"	30'- 9"	35' max
	Maximum (ft.)	N/A	N/A	N/A	N/A
	Stories	2	1	3	3' max
Building Setbacks (ft.)	Front	4'-1 ½"	no change	4'-1 ½" 15' (floor 3)	15' min
	Rear	1'- 8 ½"	-29'- ½"	30'-8"	15' min
	Side (North)	0'	5'	5'	3'- 4" min <small>(reduced because of lot width)</small>
	Side (South)	0'-6" (Ground Flr) 0'-6" (1/2 Flrs)	2'-11" no change	3'-5" 0'-6"	3'- 4" min <small>(reduced because of lot width)</small>
Lot Coverage (%)		56	19	38	40 max
Usable Open Space (sq. ft.)		101	1,046	1,147	300 min
Parking	Automobile	1	no change	1	1 min
	Bicycle	0	no change	0	N/A

II. Project Setting

A. Neighborhood/Area Description: The project site is located midblock on Milvia Street, between Delaware Street and Hearst Avenue, two blocks west of Shattuck Avenue and the Corridor Commercial District, two blocks east of Martin Luther King Jr. Way and the North Berkeley Senior Center, and adjacent to Ohlone Park. Situated close to various transportation, recreational, and commercial amenities, this area of Berkeley comprised of a mix of medium-density residences – duplexes, small apartment structures, and single-family dwelling units. More information about adjacent land uses is noted in Table 1.

B. Site Conditions: The subject site is an irregularly shaped, substandard 2,717 square foot lot. The minimum lot size required is 5,000 square feet and the minimum lot width is 40 feet. The entirety of the south side lot line abuts Ohlone Park and is jogged inward

from east to west, resulting in different lot widths with an average of about 34 feet. (See Figure 1: Vicinity / Zoning Map).

The site is developed with two dwelling units – one permitted single-family dwelling unit and one unpermitted unit. The site exceeds the allowable lot coverage and does not meet the required front, side, and rear setbacks, particularly where the southern property line jogs inward. The attached garage is also nonconforming, as 196 square feet of the building is located across the northern property line, within the rear and side setback of 1818 Milvia Street.

III. Project Description

The proposed project would demolish the nonconforming garage, an unpermitted 452 square foot rear addition, and portions of the second floor. An unpermitted second dwelling unit would also be removed. The residential building would shift over 4 feet towards the northern property line, and the structure would be lifted to create a new ground floor. The result is a 2,723 square foot single-family dwelling. The residence would also be reconfigured to include an additional bedroom, bringing the total number to six. A new balcony is proposed on the second floor in the front setback over the existing footprint. The existing parking space would be relocated to a new attached garage on the ground floor.

The proposed project moves the project site towards compliance by decreasing and/or maintaining nonconforming setbacks and reducing overall lot coverage, while complying with development standards for average height.

IV. Community Discussion

A. Neighbor/Community Concerns: 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 staff 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 Lot Coverage

Pursuant to BMC Section 23.324.050(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. As described above, the property is currently nonconforming for lot coverage. The existing lot coverage is 56 percent where 40 percent is the maximum. The proposed project results in a reduced lot coverage for a total of 38 percent, and decreases the nonconformity. The proposed height is approximately 32 feet, where 35 feet is the maximum allowed with a Use Permit. nonconforming

The proposed project removes the unpermitted portions of the building, reduces the amount of nonconformity, and does not exacerbate it.

B. Addition of Sixth Bedroom

While the project increases the number of bedrooms on this parcel, as defined in BMC Section 23.502.020 (Glossary), from five to six, the addition of the bedroom would provide more room for the residents within the single-family dwelling 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)(2) 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. All setbacks on this property are nonconforming, due in part to the unpermitted addition located at the rear and the nonconforming nature of the lot in general. The proposed project maintains the existing front setback of 4 feet, -1 ½ inches at the ground and first floors, and steps back the second floor (top floor) about 11 feet to be consistent with the 15-foot setback requirement. Similarly, along the south corner setback, both the ground floor is stepped back at 3 feet, 5 inches where the required setback is 3 feet, 4 inches and the first and second floors maintain the existing nonconforming setback at 6 inches. With the demolition of the existing garage and the unpermitted addition, the proposed project maintains a conforming north side setback of over 5 feet. Also, along the southmost side and rear setback, the proposed project brings the residence into conformance by maintaining a 10-foot setback.

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 residential addition is permissible and non-detrimental with respect to potential impact on sunlight, air, and views for the following reasons:

Sunlight: The proposed lift of two-story building to create a new lower level will result in shadow impacts to the abutting residence to the north 1818 Milvia Street, primarily during the winter months. At this time of the year, 1808 Milvia Street, located across the street will experience some shadowing around sunset along the front portion of the residence. In the summer months, 2001 Milvia Street will experience shadowing similar to the amount currently cast by the existing structure. A shadow study provided March 7, 2022 predicts that the shadow fan resulting from proposed building expansion will not substantially reduce the sunlight received at any of these residences for an extended period during the day.

Air: 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 single-family dwelling are in character with surrounding neighborhood. As discussed above, the proposed project demolishes an unpermitted dwelling unit and lifts the existing structure to create a new ground floor/ third floor. 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:

APPROVE #ZP2021-0130 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 May 21, 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

1822 Milvia

Use Permit #ZP2021-0130 to demolish the existing garage and unpermitted portion of the existing dwelling, lift the building to create a third floor, add a sixth bedroom, and relocate the existing parking within an attached garage on the new ground floor. The lot is nonconforming to lot coverage and setbacks.

PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D) 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 23.202.030(B) for the addition of a sixth bedroom on the lot;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D) for additions or enlargements which vertically and/or horizontally extend a nonconforming yard; .
- Administrative Use Permit pursuant to BMC Section 23.202.090(D) for additions over 14 feet average height; and
- Administrative Use Permit pursuant to BMC Section 23.202.090(D) for additions over 28 feet 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 proposed lift of the single-family dwelling unit complies with the reduced setback standards for development and removal of an unpermitted unit does not exacerbate existing lot and/nonconformities;

- 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 23.324050(D)(3), additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of exceeding lot coverage are permitted with a Use Permit if the existing use of the property is conforming, the addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase lot coverage or exceed the height limit.
 - A. The existing lot coverage, with a coverage of 56 percent where 40 percent is the maximum. The proposed project will result in a reduced lot coverage of 41 percent, decreasing the subject nonconformity. The proposed height is approximately 32 feet, where 35 feet is the maximum allowed.
 - B. The proposed project does not exceed the allowable height or exacerbate this nonconformity.
- 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. All setbacks on this property are nonconforming, due in part to the unpermitted addition located at the rear and the nonconforming nature of the lot in general. The proposed project maintains the existing front setback of 4feet-1.5inches at the ground and first floors, and steps back the second floor (top floor) about 11 feet to be consistent with the 15- foot setback requirement. Similarly, with along the south corner setback, both the ground floor is stepped back at 3feet-5 inches where the reduce required setback is 3 feet-4 inches and the first and second floors maintain the existing nonconforming setback at 6 inches.
 - B. With the demolition of the existing garage and the unpermitted addition, the proposed project maintains a conforming north side setback of over 5 feet. Also, along the southmost and rear setback, the proposed project brings the residence into conformance by maintaining a 10-foot setback.
- 4. Pursuant to BMC Section 23.202.030(A)(2), a Use Permit is required to approve the addition of a sixth bedroom 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), room five to six, the addition of the bedrooms would provide more room for the residents of the single-family dwelling 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 residential addition is permissible and non-detrimental with respect to potential impact on sunlight, air, and views for the following reasons:

- A. Sunlight: The proposed lift of two-story building to create a new lower level will result in shadow impacts to the abutting residence to the north 1818 Milvia Street, primarily during the winter months. At this time of the year, 1808 Milvia Street, located across the street, will experience some shadowing around sunset along the front portion of the residence. In the summer months, 2001 Milvia will experience shadowing similar to the amount currently cast by the existing structure. A shadow study provided March 7, 2022 predicts that the shadow fan resulting from proposed building expansion will not substantially reduce the sunlight received at any of these residences for an extended period during the day
- B. Air: The proposal maintains nonconforming setbacks along the front and southwest corner (floors 1 and 2) and meets reduced setback distances for the subject nonconforming lot, 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.

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. 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.

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

- I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
28. 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.
 29. 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.
 30. 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.
 31. 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.
 32. 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.
 33. 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:

34. 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.
35. 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 May 21, 2022, except as modified by conditions of approval.

36. 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:

37. 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.
38. 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.
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.
-

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

K. Radjoo

Project :

1822 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants :



2 (N) NORTHEAST AXON

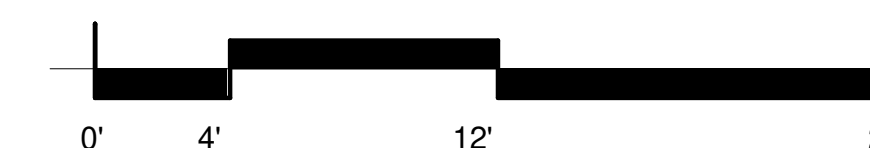
Sheet Index	
Sheet Name	Sheet Number
SITE PLAN-Proposed	A100
BOUNDARY AND TOPOGRAPHIC SURVEY	A101
Existing Floor Plans	A102
Existing Roof Plans	A103
Proposed Floor Plans	A104
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Existing Sections	A113
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SHADOW STUDIES DEC 21 St	A115
SHADOW STUDIES MARCH 01	A116
SHADOW STUDIES JUNE 21 St	A117
SITE PHOTOGRAPHS	A118

Name (printed)	Signature	Address	Owner Or Owner	Date	Home no	Phone no	Other	Other	Other	Other	Other	Other
Walter Lin	<i>Walter Lin</i>	1822 Milvia Street	Owner	02/02/22								
Jenny Han	<i>Jenny Han</i>	1822 Milvia Street	Owner	02/02/22								
Judy Han	<i>Judy Han</i>	1822 Milvia Street	Owner	02/02/22								

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

GENERAL PLAN LEGEND:

	WALL TO REMAIN
	DEMO (E) WALL
	(N) WALL
	(N) ROOF
	(E) UN-PERMITTED FOOTPRINT
	PROPERTY LINE
	SETBACK
	(E) BLDG FOOT PRINT



Revision Schedule

Rev. No	Description	Date
2	Neighbor Signatures	02/02/2022

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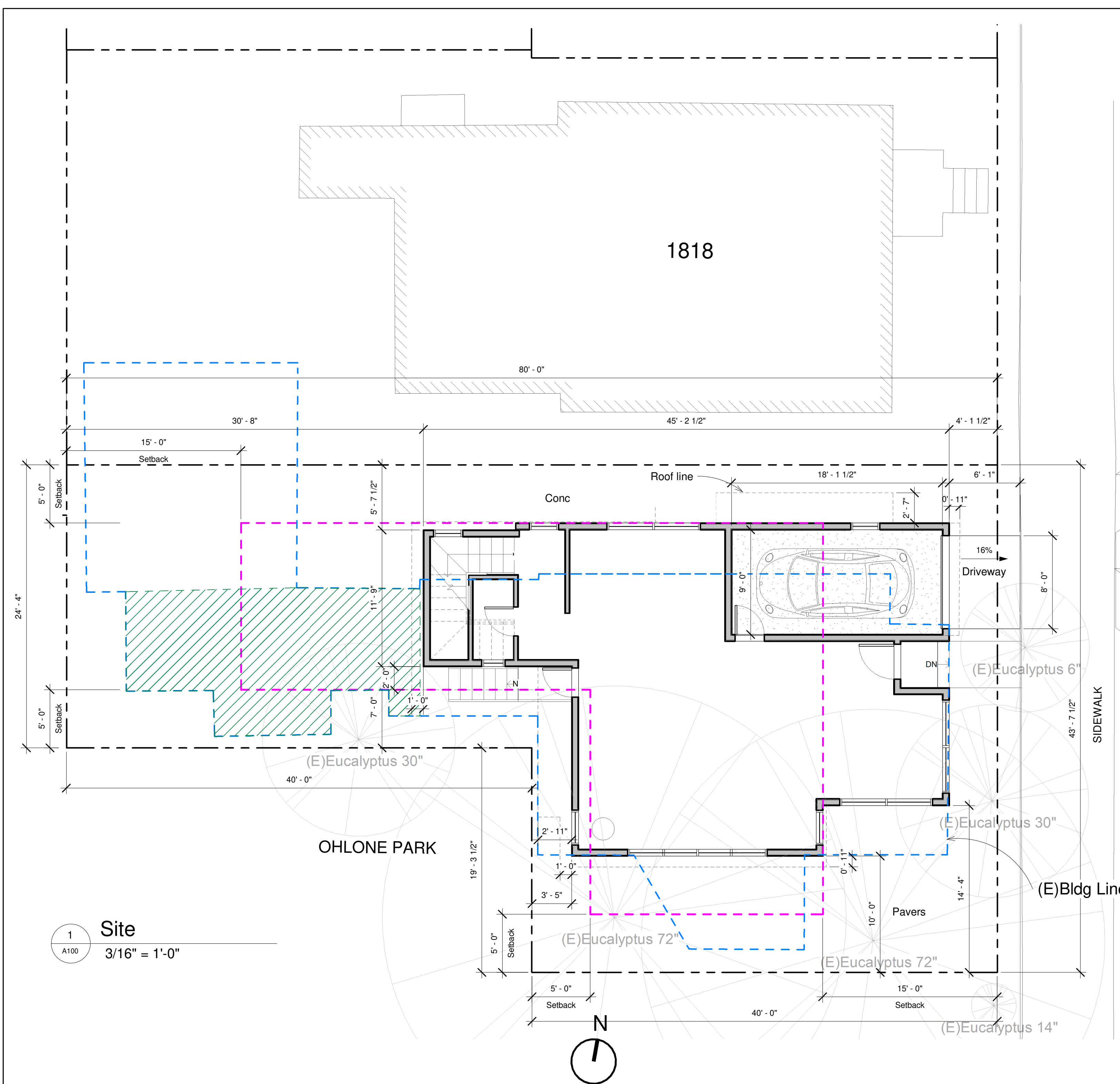
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Review By :
Plot Date :

Sheet Title :

SITE PLAN-Proposed

Sheet No :

A100



Scope of Work:

1. Remove unpermitted 2nd unit in the back. Lift (E) two-story bldg to add a floor at GF.
2. Reconfigure the original single family home into 3-story with 6 bedrooms & 4 1/2 baths.
3. (E)footprint of the front Bldg will remain the same but will be raised and relocated 4'-4" to the North.
4. Remove parking in the rear & replace w/. one car garage in front bldg.
5. Add new windows & relocate existing windows

Building Information:

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

1 SITE PLAN-Proposed

Designer:

Kiumars Radjoo

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

K. Radjoo

Project:

Judy & Jenny Han

1822 MILVIA STREET, BERKELEY, CA 94709

Consultants:

Revision Schedule

Rev. No	Description	Date
1		

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Review By:

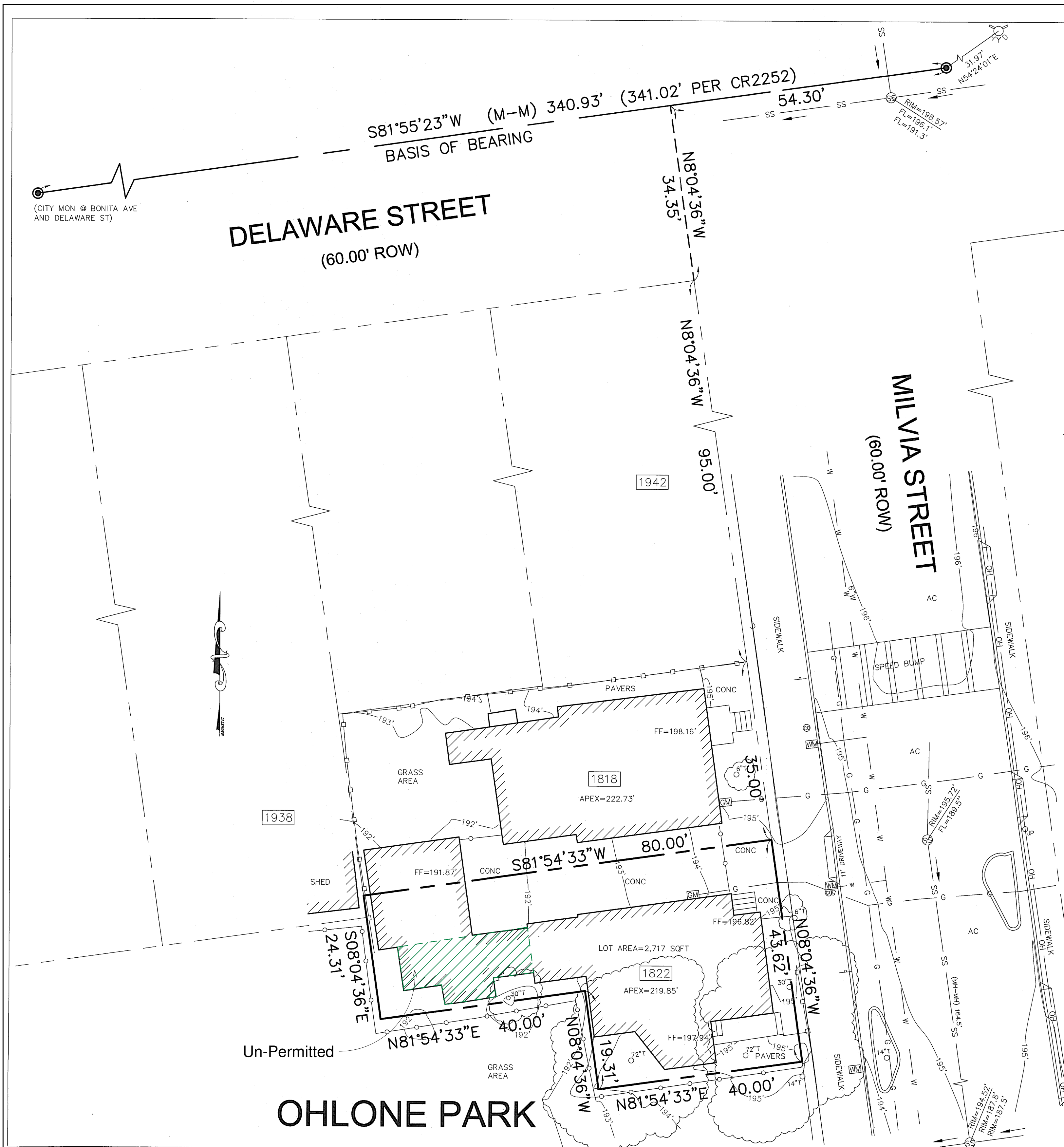
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Sheet Title:

BOUNDARY AND TOPOGRAPHIC SURVEY

Sheet No.:

A101



ABBREVIATIONS AND LEGEND

- AC ASPHALT CONCRETE
- BCW BACK OF WALK
- GV GAS VALVE
- FM FIRE METER
- FR FIRE HYDRANT
- WV WATER VALVE
- SI STORM INLET
- SS SANITARY SEWER CLEANOUT
- SM SANITARY SEWER MANHOLE
- SD STORM DRAIN MANHOLE
- SL STREET LIGHT
- PC PROPERTY CORNER
- CONC CONCRETE
- GV GAS VALVE
- GUY GUY ANCHOR
- CO CLEAN OUT
- WM WATER METER
- T TREE (TYPE NO SPECIFIED)
- JOINT 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
- SS SANITARY SEWER LINE
- WL WATER LINE
- GL GAS LINE
- TL TELEPHONE LINE
- TR TREE TRUNK
- ST STREET SIGN

Hendrick Van De Pol
256 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\"/>

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, BK 174, PG 13
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:

- THERE ARE VERTICAL CURVES WITHIN 300 FEET OF THE PROPOSED DRIVEWAY.
- 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.

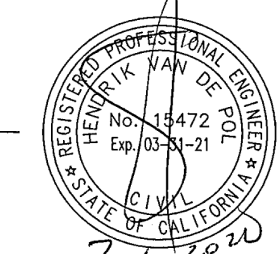
I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS ARE BASED UPON CITY OF BERKELEY DATUM.

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. 2015162115 IN THE OFFICE OF ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT EQUALIZED ASSESSMENT ROLL OF THE ALAMEDA COUNTY ASSESSOR AS PARCEL NO. 057-2056-007-00.

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.

Hendrick Van de Pol
HENDRIK VAN DE POL, RCE 15472
LICENSE EXPIRES MARCH 31, 2021



7-6-2020
DATE

BOUNDARY AND TOPOGRAPHIC SURVEY

THE SOUTHERN 4.31 FEET OF LOTS 1 AND 2, THE NORTHERN 39.31 FEET OF LOT 14 AND THE NORTHERN 20 FEET OF LOT 13, BLOCK 4, 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 057-2056-007-00

1822 MILVIA STREET, BERKELEY, CA 94709

SCALE: 1" = 10'

JULY 2020

SHEET 1 OF 1 SHEET

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

Project:
Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants:

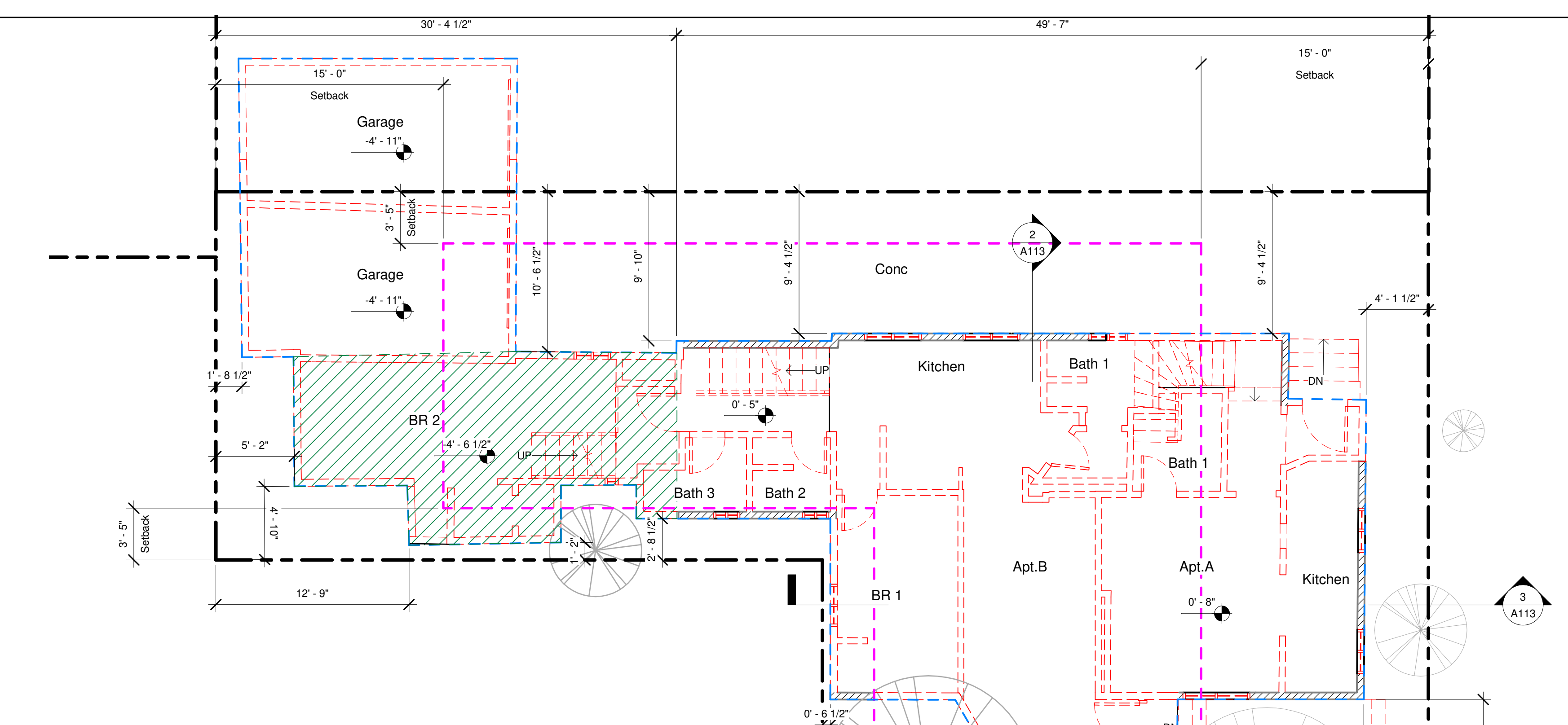
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Rev. No	Description	Date

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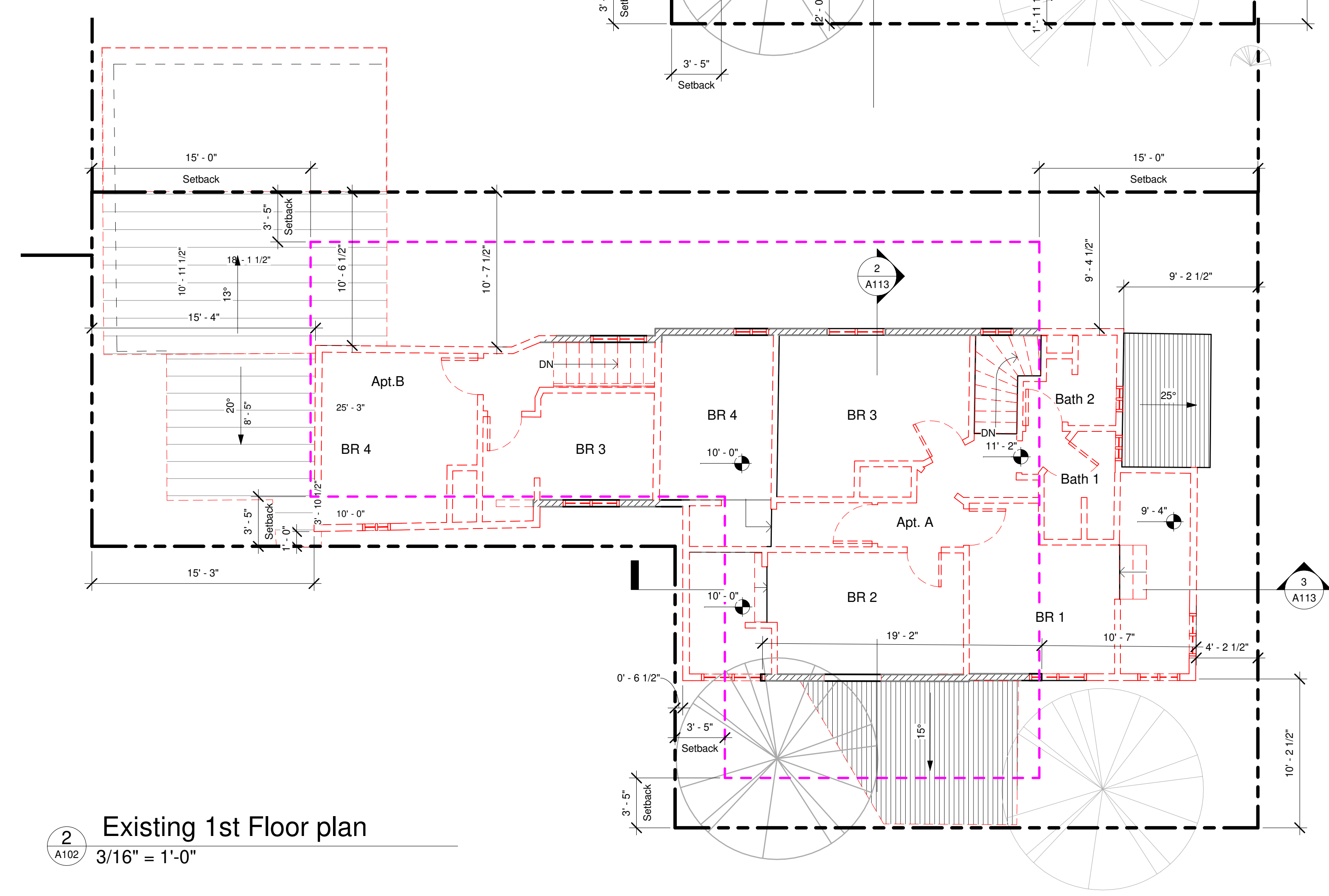
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Drawn By:
Review By:
Plot Date:

Sheet Title:
Existing Floor Plans

Sheet No.:
A102

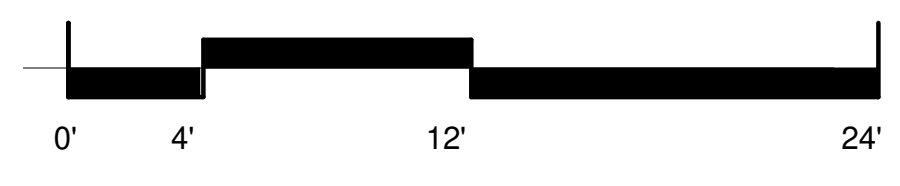


1 Existing Ground Floor plan
3/16" = 1'-0"



2 Existing 1st Floor plan
3/16" = 1'-0"

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



1 Existing Floor Plans

Designer:

Kiumars Radjoo

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



Project :

Judy & Jenny Han
 1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date
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Issue Note :

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Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :


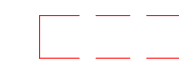
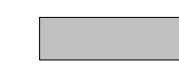
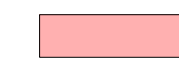


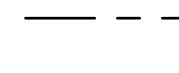

Existing Roof Plans

Sheet No.:

A103

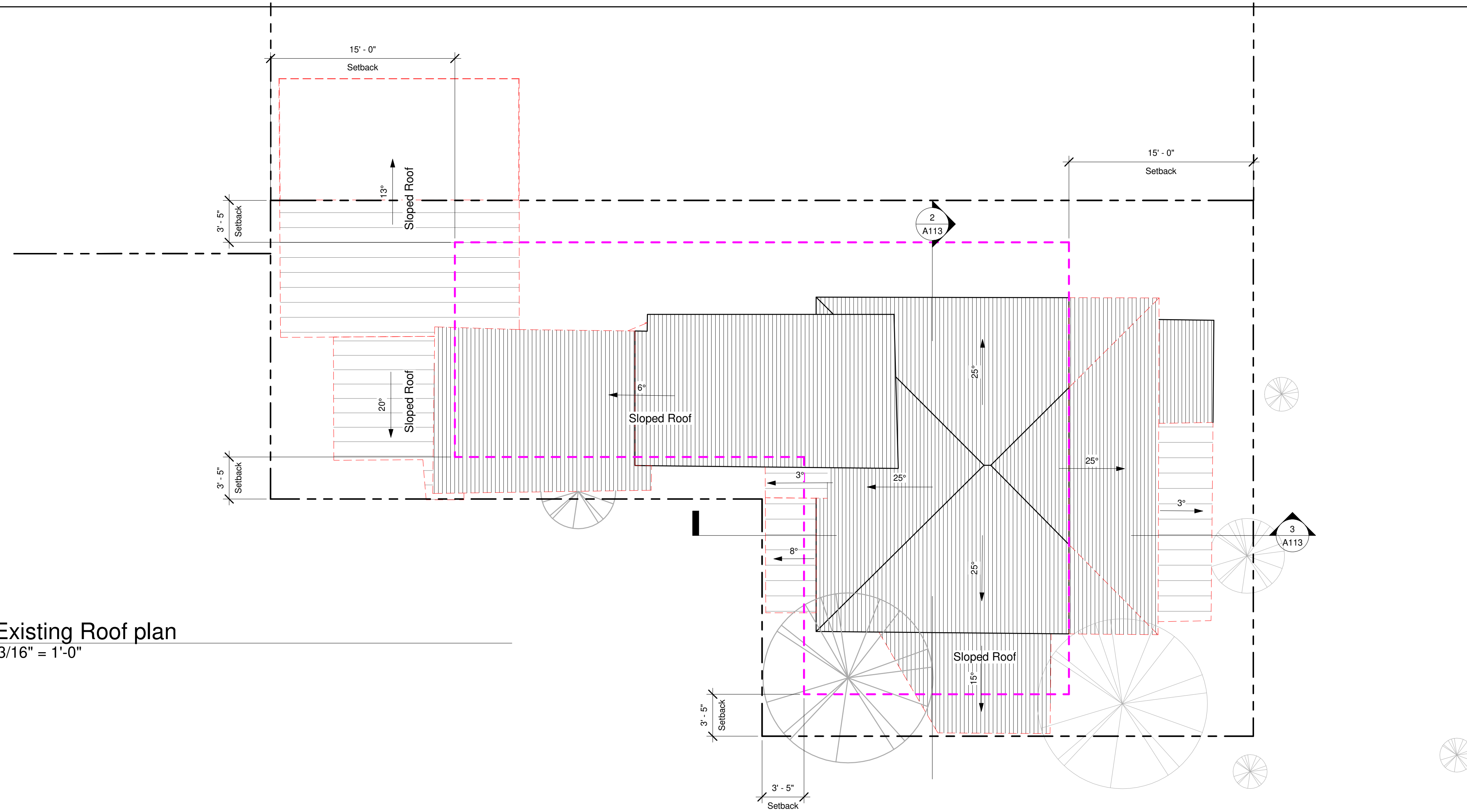
1 Existing Roof plan
 A103 3/16" = 1'-0"

GENERAL PLAN LEGEND:

-  WALL TO REMAIN
-  DEMO (E) WALL
-  (N) WALL
-  DEMO (E) ROOF
-  (E) UN-PERMITTED FOOTPRINT
-  DEMO (E) UN-PERMITTED ROOF
-  PROPERTY LINE
-  SETBACK



1 Existing Roof Plans



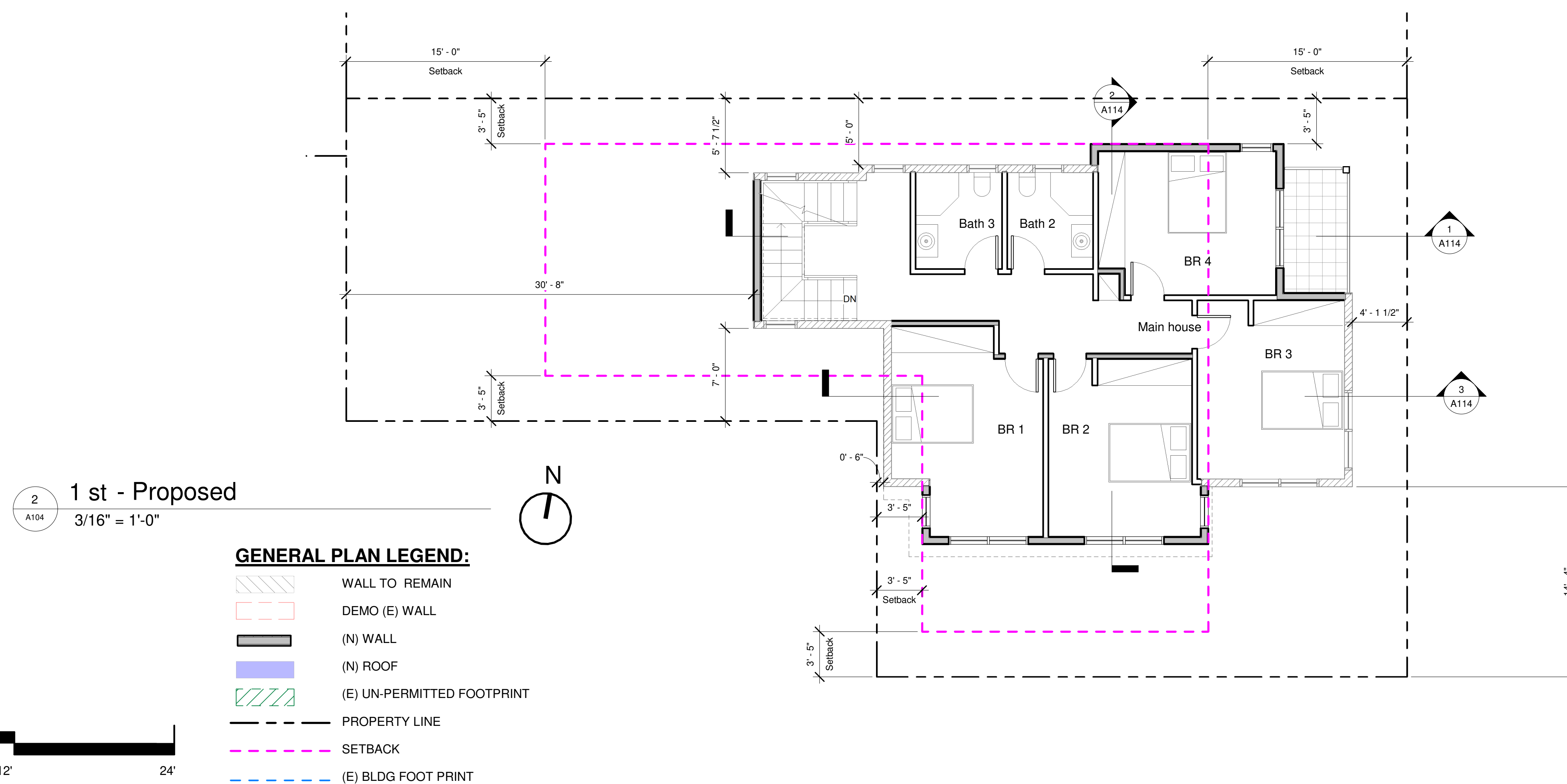
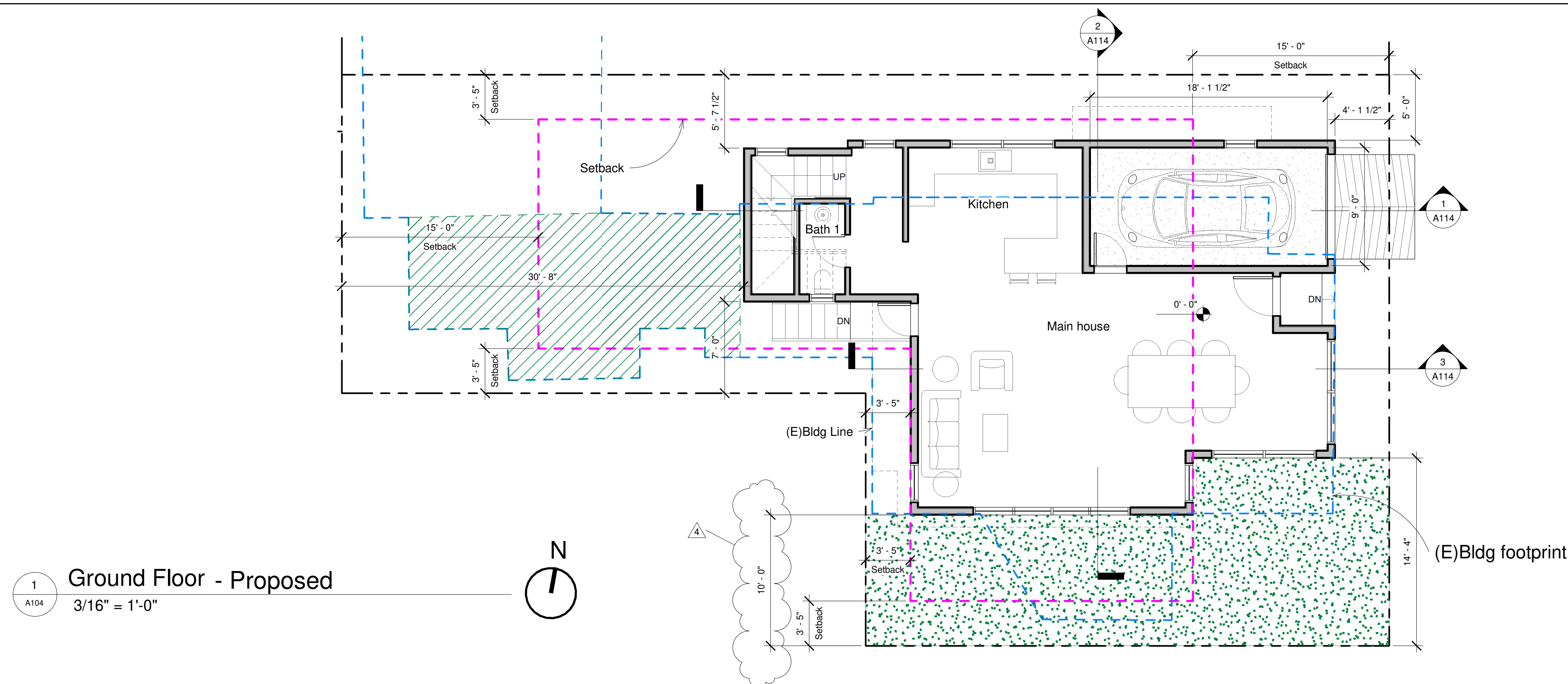
Designer:
Kiumars Radjoo
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216

K. Radjoo

Project :

Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :



Revision Schedule		
Rev. No	Description	Date
4	Setback	05/21/2022

Issue Note :

5/21/2022 1:38:48 PM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

Proposed Floor Plans

Sheet No.:

A104

Designer:
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Project :
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1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule		
Rev. No	Description	Date

Issue Note :

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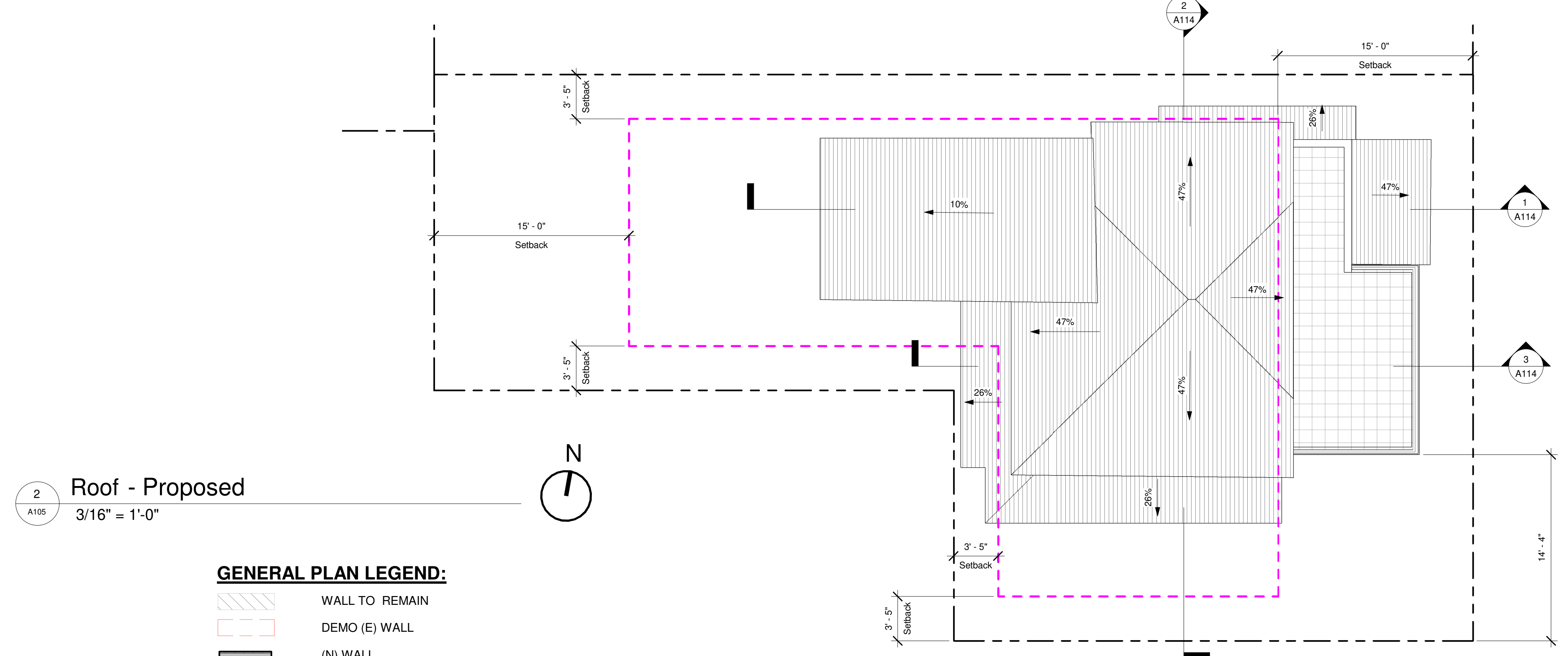
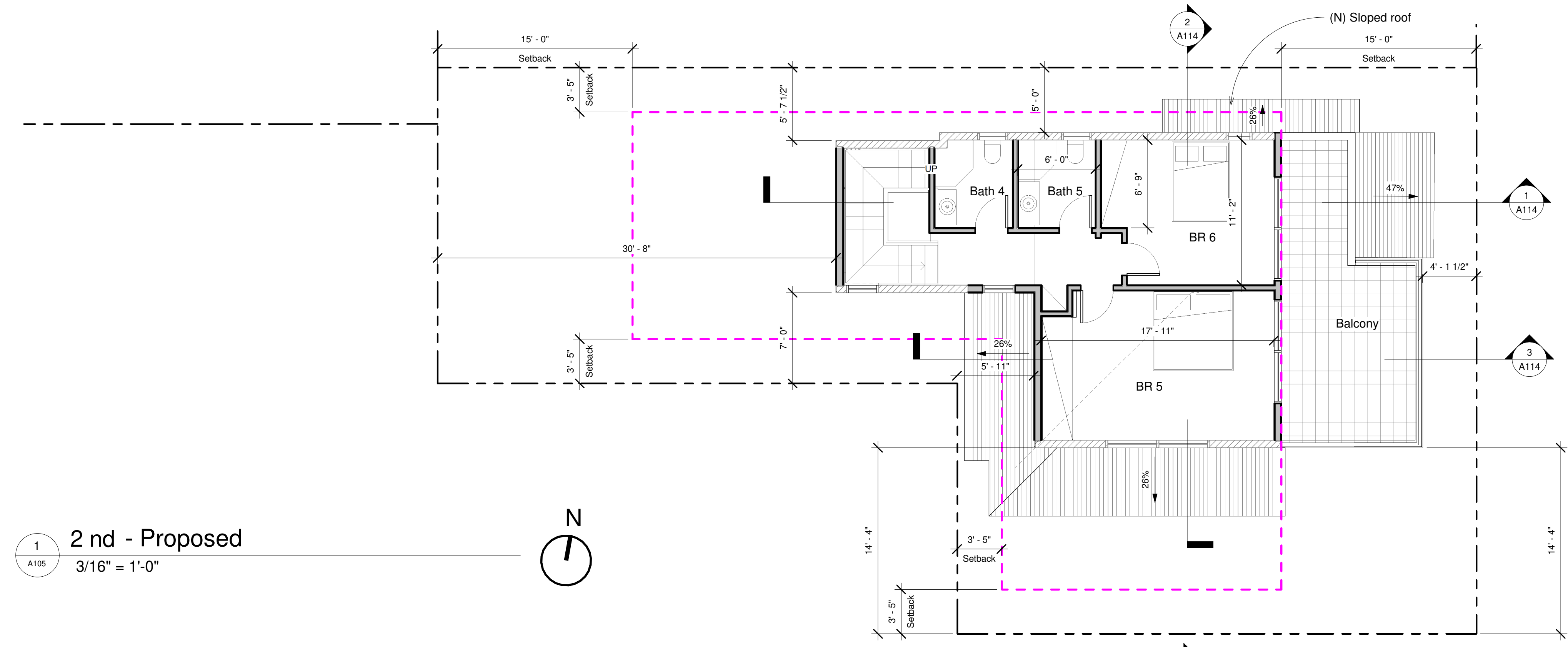
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Drawn By :
Review By :
Plot Date :

Sheet Title :

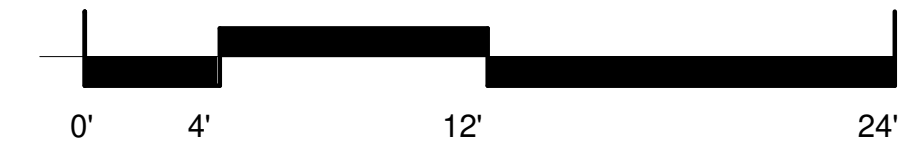
Proposed Floor Plans

Sheet No.:

A105



- GENERAL PLAN LEGEND:**
- WALL TO REMAIN
 - DEMO (E) WALL
 - (N) WALL
 - (N) ROOF
 - (E) UN-PERMITTED FOOTPRINT
 - PROPERTY LINE
 - SETBACK
 - (E) BLDG FOOT PRINT



1 Proposed Floor Plans

Designer:

Kiumars Radjoo

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

Project :

1822 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants :

Revision Schedule

Rev. No	Description	Date

△

Issue Note :

3/8/2022 11:18:13 AM

Project ID :

Drawn By :

Review By :

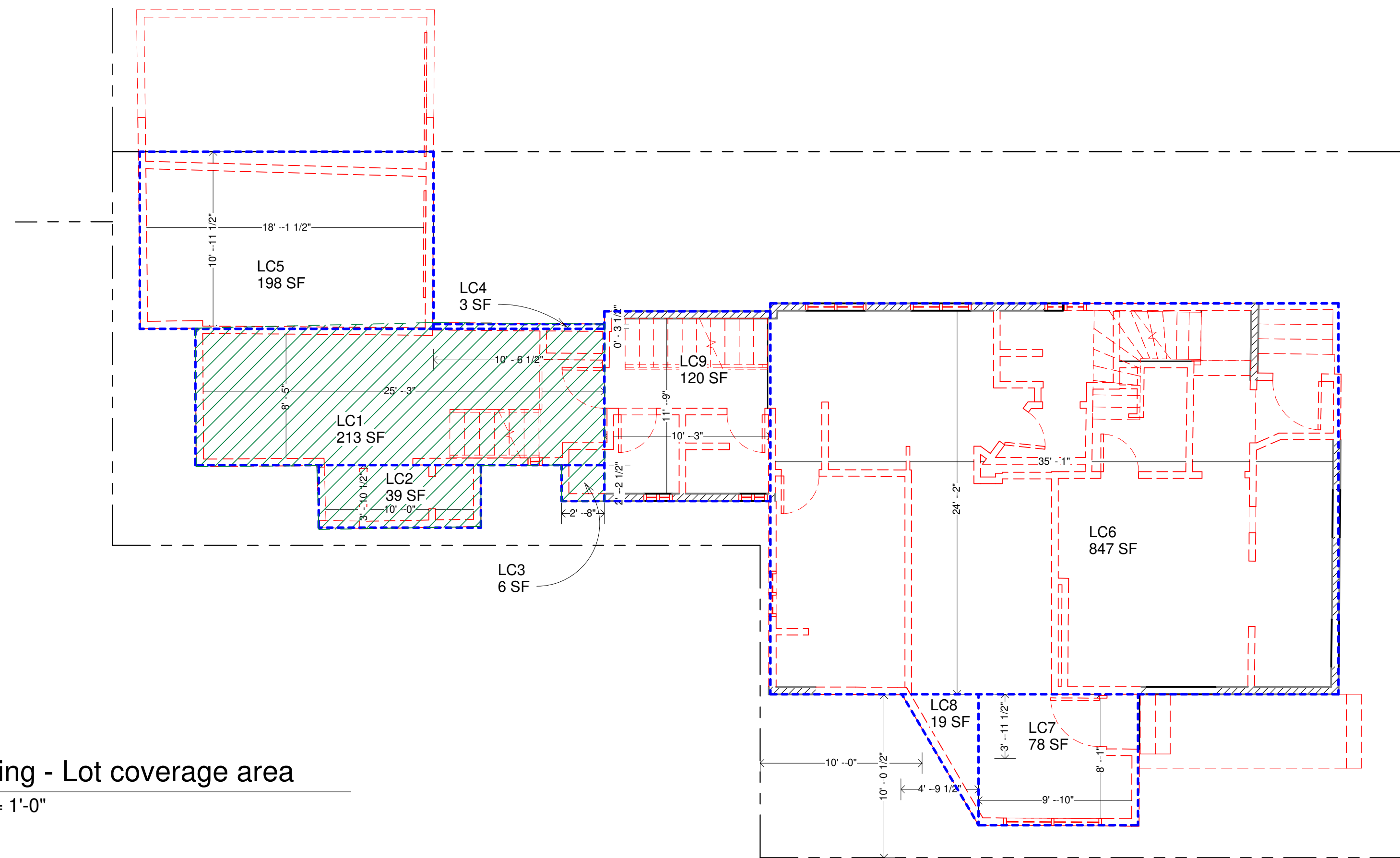
Plot Date :

Sheet Title :

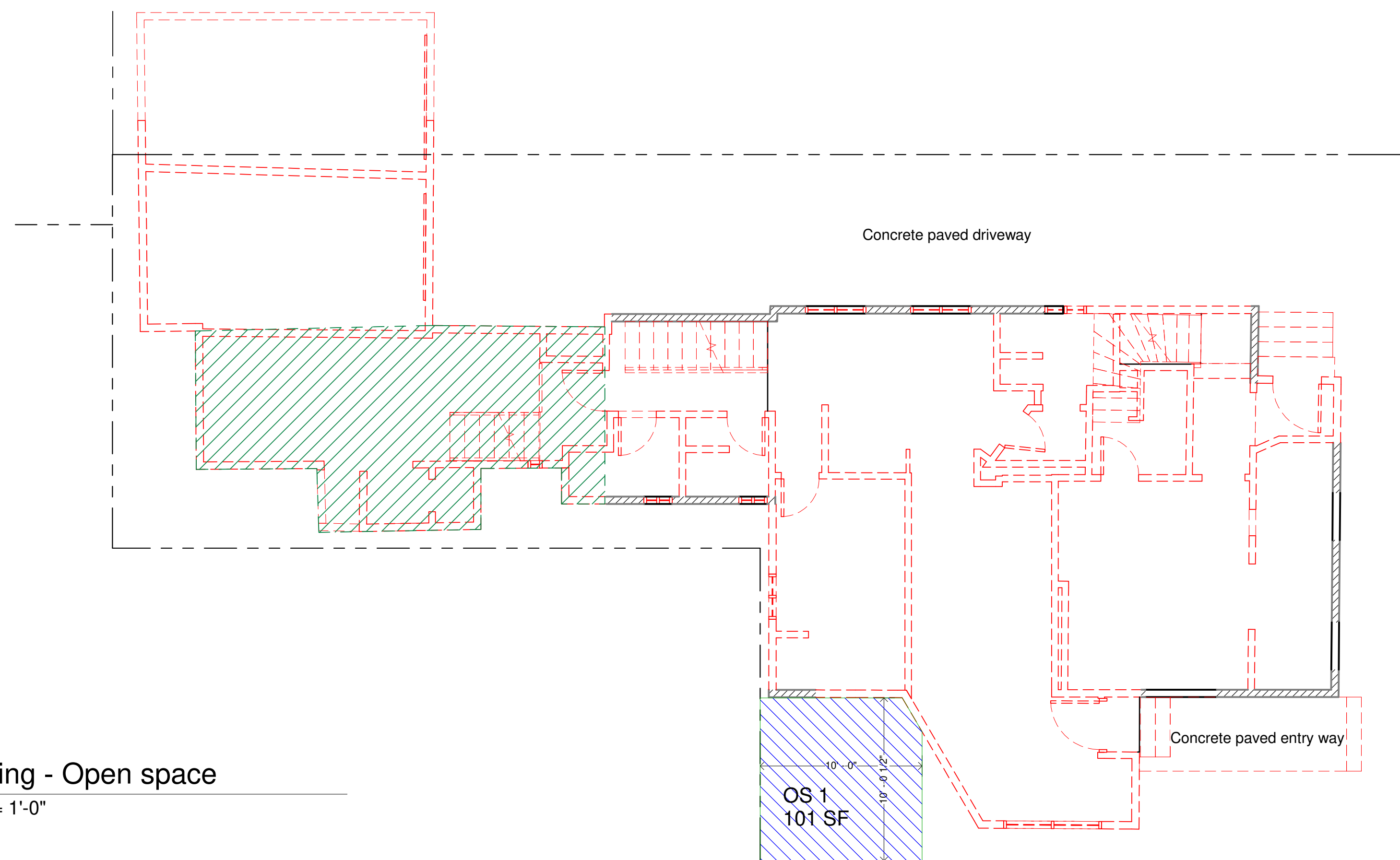
Existing Lot Coverage & Open Space

Sheet No.:

A106



1 Existing - Lot coverage area
3/16" = 1'-0"



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

Open space (Permitted) - Existing

Name	Length	Width	Area
OS1	10' - 0"	10' - 0 1/2"	101 SF
Grand total: 1			101 SF

101 Sq.Ft< 300 Sq.Ft Required

Open space (UnPermitted) - Existing

Name	Area	Length	Width

0 Sq.Ft< 300 Sq.Ft Required

Lot coverage - (E) Permitted bldg

Name	Length	Width	Area
LC5	18' - 1 1/2"	10' - 11 1/2"	198 SF
LC6	35' - 1"	24' - 2"	847 SF
LC7	9' - 10"	8' - 1"	80 SF
LC8	4' - 9 1/2"	3' - 11 1/2"	19 SF
LC9	10' - 3"	11' - 9"	120 SF
Grand total: 5			1265 SF

1265/2717=%46.5>%35 Allowed

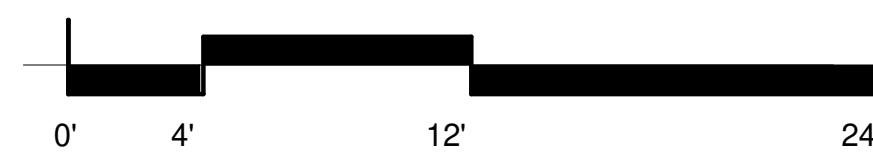
Lot coverage - (E) Un-Permitted bldg

Name	Length	Width	Area
LC1	25' - 3"	8' - 5"	213 SF
LC2	10' - 0"	3' - 10 1/2"	39 SF
LC3	2' - 8"	2' - 2 1/2"	6 SF
LC4	10' - 6 1/2"	0' - 3 1/2"	3 SF
Grand total: 4			261 SF

261/2717=%9.5>%35 Allowed

GENERAL PLAN LEGEND:

- WALL TO REMAIN
- DEMO (E) WALL
- (N) WALL
- DEMO (E) ROOF
- (E) UN-PERMITTED FOOTPRINT
- DEMO (E) UN-PERMITTED ROOF
- PROPERTY LINE
- SETBACK



1 Existing Lot Coverage & Open Space

Designer:

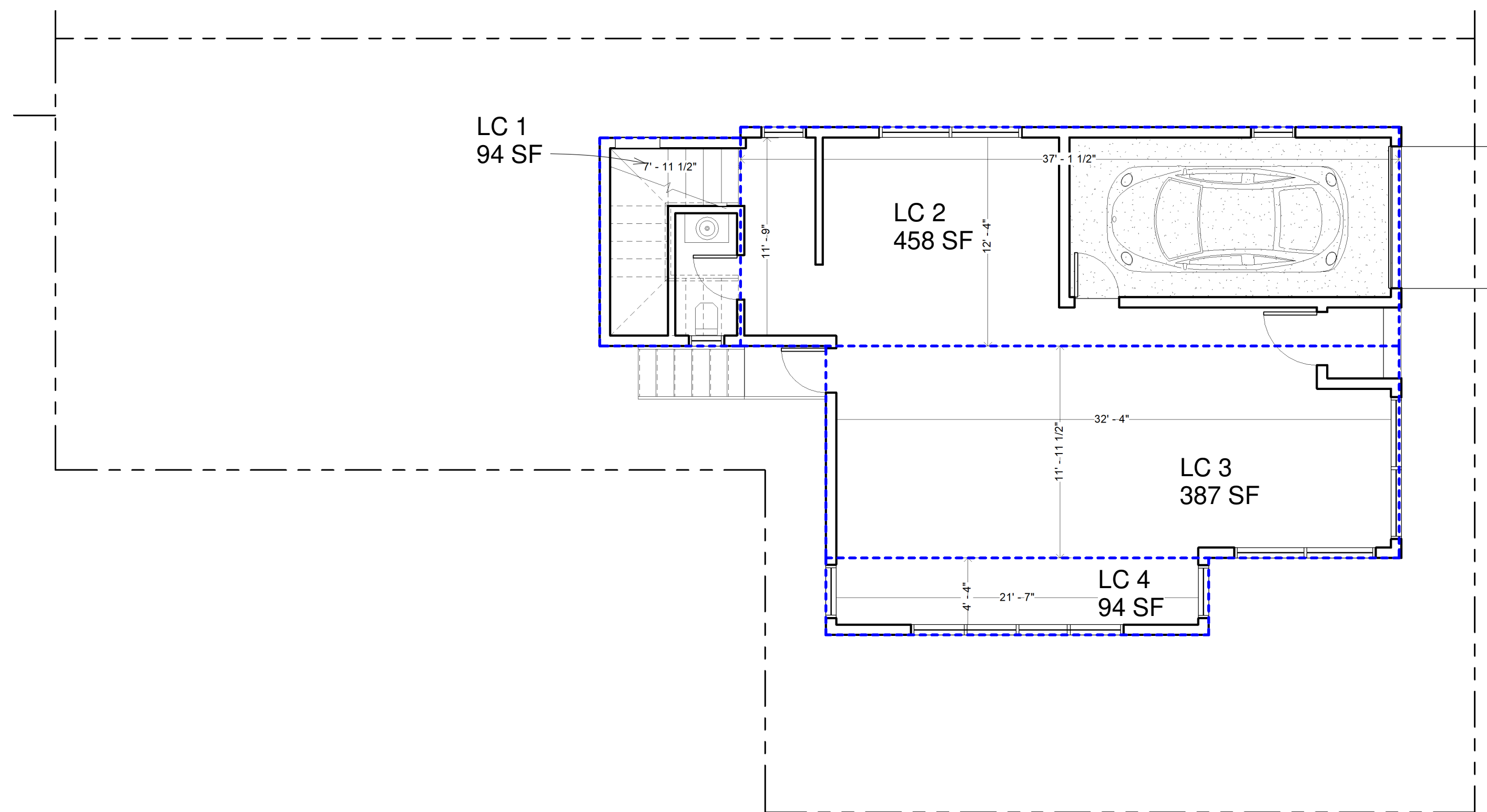
Kiumars Radjoo

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

Project :

Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

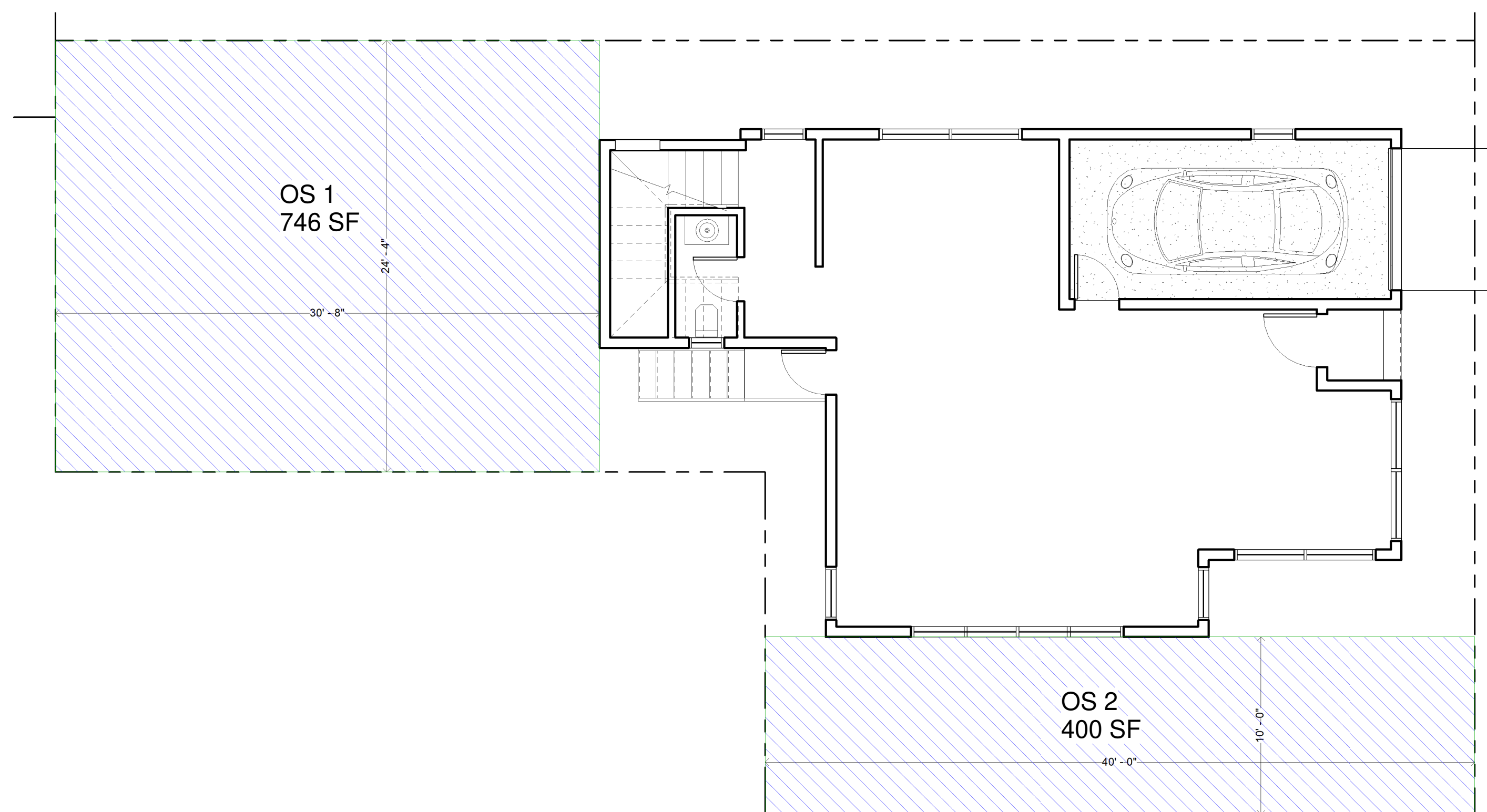
Consultants :



1
A107

Proposed Lot coverage area

3/16" = 1'-0"



2
A107

Proposed - Open Space

3/16" = 1'-0"



Lot coverage - Proposed			
Name	Length	Width	Area
LC1	7' - 11 1/2"	11' - 9"	93 SF
LC2	37' - 1 1/2"	12' - 4"	458 SF
LC3	32' - 4"	11' - 11 1/2"	386 SF
LC4	21' - 7"	4' - 4"	94 SF
Grand total: 4			1031 SF

1031/2717=%37.9>%35 Allowed

Open space - proposed			
Name	Length	Width	Area
OS1	30' - 8"	24' - 4"	747 SF
OS2	40' - 0"	10' - 0"	400 SF
Grand total: 2			1147 SF

1147 Sq.Ft> 300 Sq.Ft Required

Revision Schedule

Rev. No	Description	Date



Issue Note :

3/8/2022 11:21:30 AM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

Proposed Lot Coverage & Open Space

Sheet No.:

A107



1 Proposed Lot Coverage & Open Space

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

Project :

Consultants :
Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date

△

Issue Note :

3/8/2022 11:18:14 AM

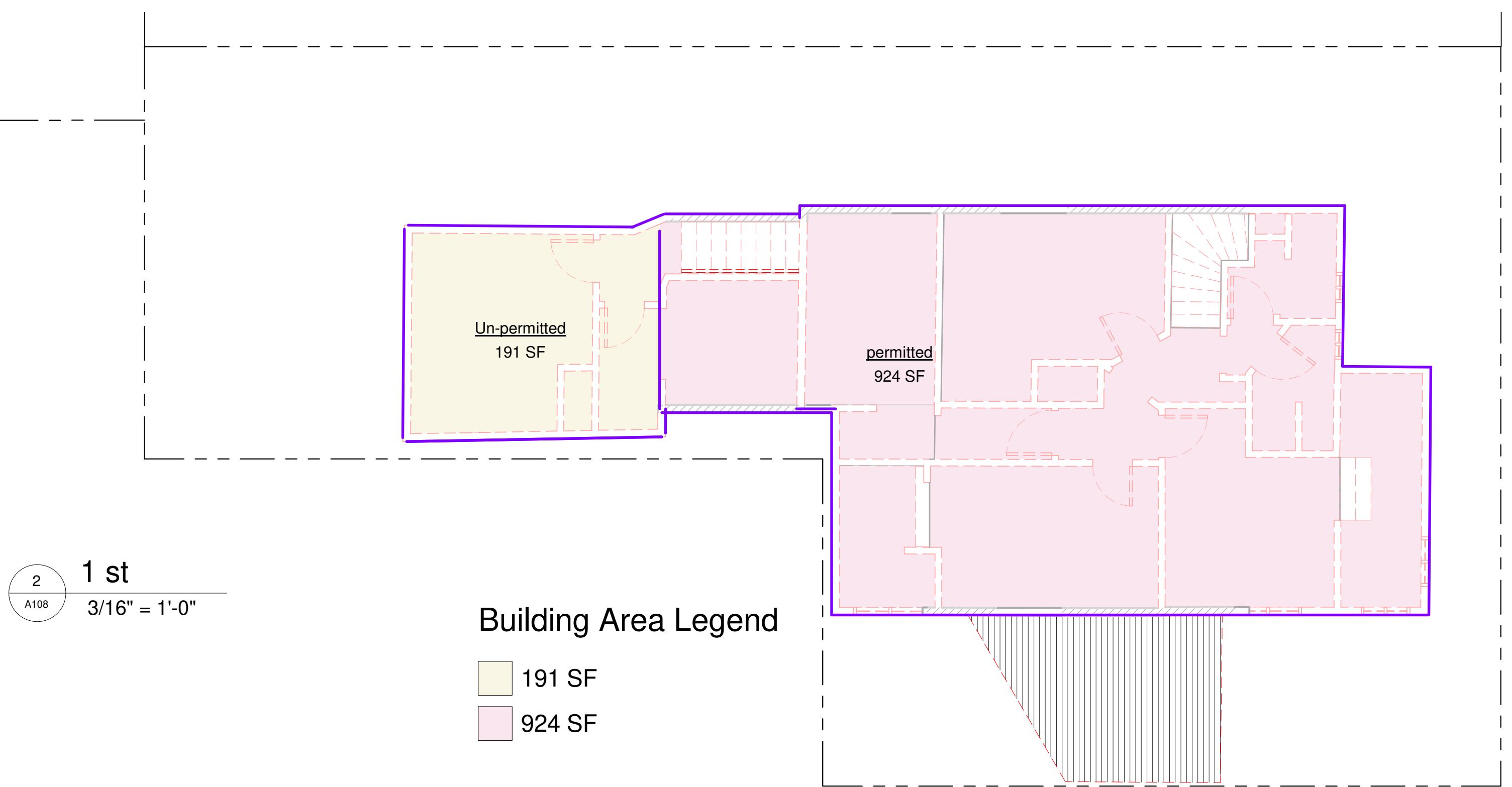
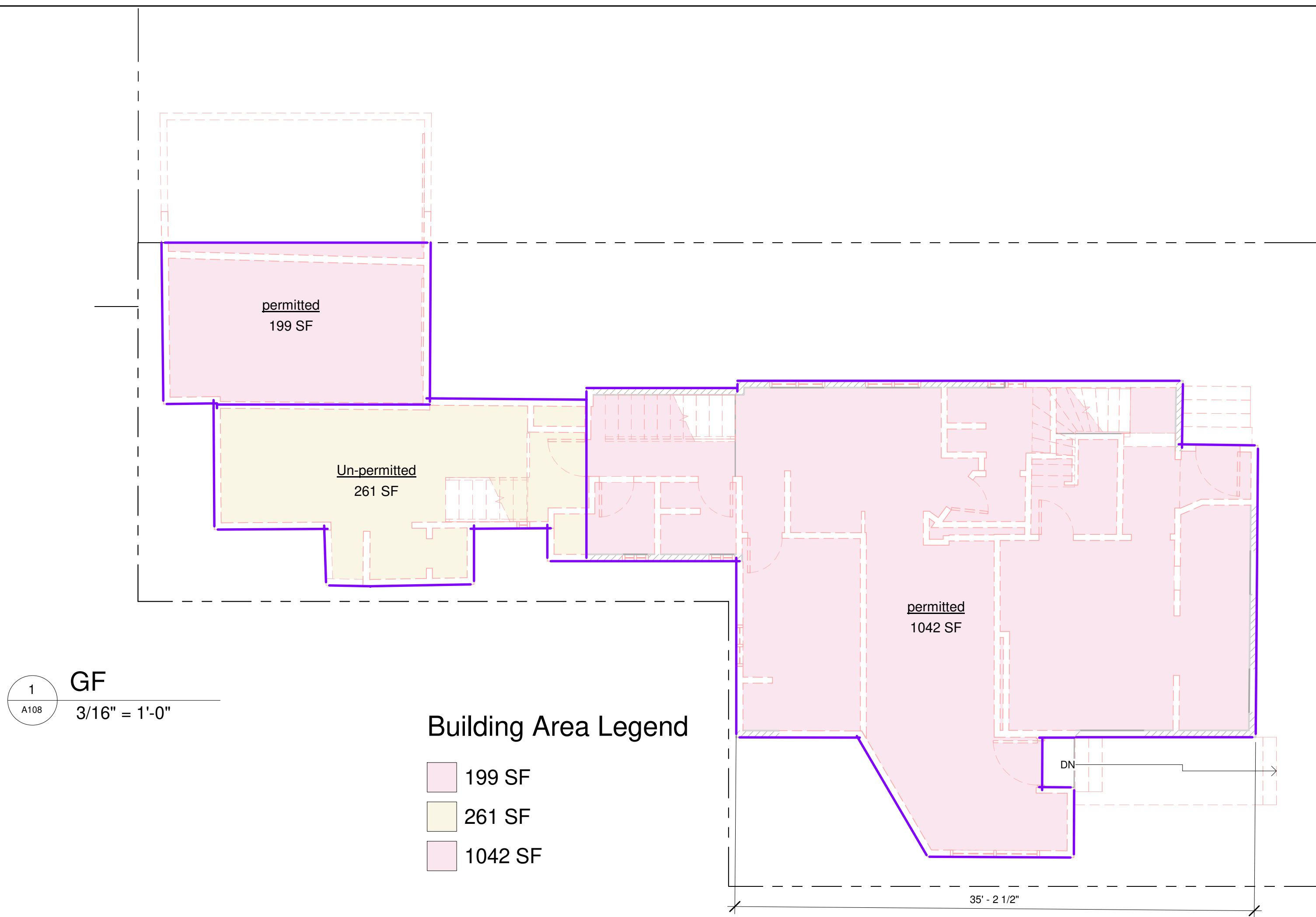
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Drawn By :
Review By :
Plot Date :

Sheet Title :

Existing Floor Area Tabulation

Sheet No.:

A108

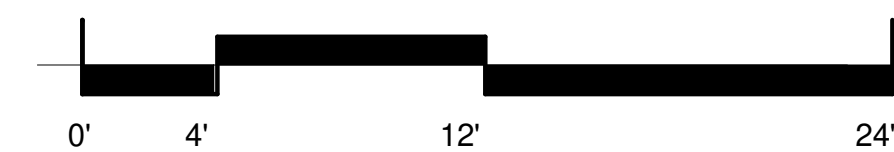


Area Schedule (Gross Building) - Permitted		
Level	Area	Comments
GF	199 SF	Permit
GF	1042 SF	Permit
1 st	924 SF	Permit
Grand total: 3	2164 SF	

Area Schedule (Gross Building) - Unpermitted		
Level	Area	Comments
GF	261 SF	Unpermit
1 st	191 SF	Unpermitted
Grand total: 2	452 SF	

GENERAL PLAN LEGEND:

- WALL TO REMAIN
- DEMO (E) WALL
- (N) WALL
- DEMO (E) ROOF
- (E) UN-PERMITTED FOOTPRINT
- DEMO (E) UN-PERMITTED ROOF
- PROPERTY LINE
- SETBACK



1 Existing Floor Area Tabulation

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

Project :
Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date
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Issue Note :

3/8/2022 11:21:32 AM

Project ID :

Drawn By :

Review By :

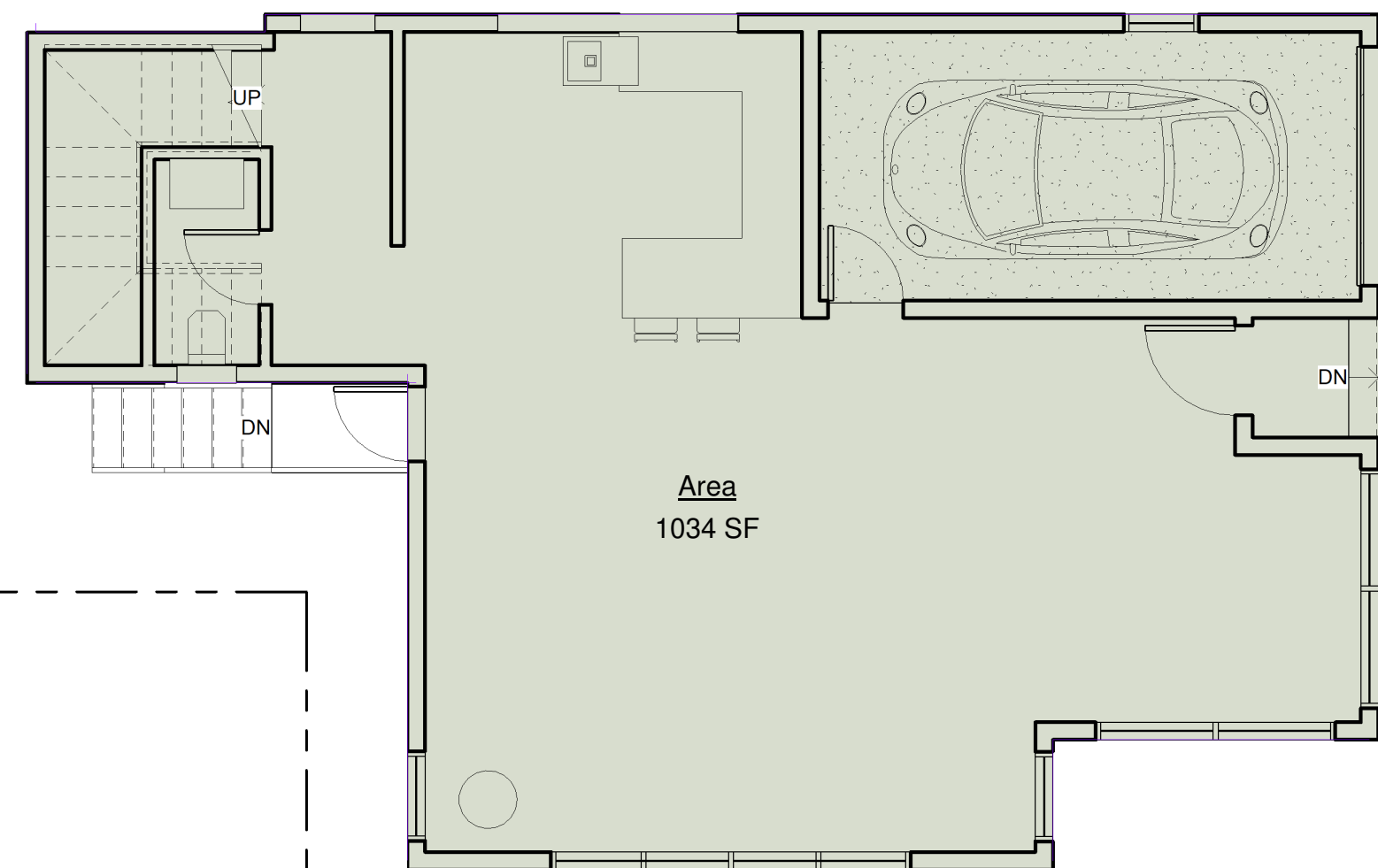
Plot Date :

Sheet Title :

Proposed Floor Area Tabulation

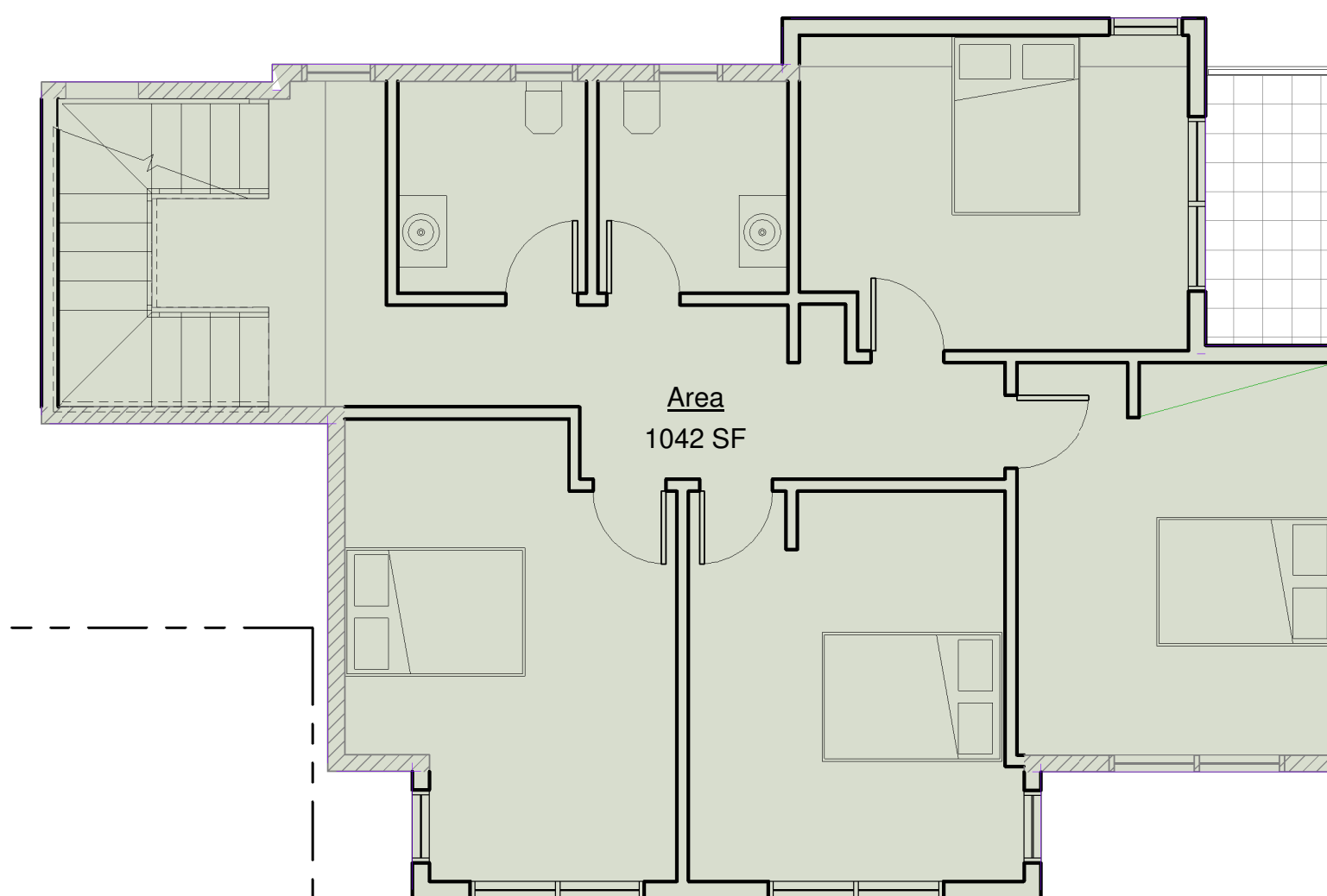
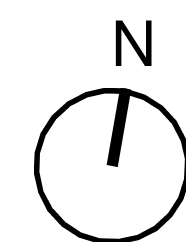
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A109



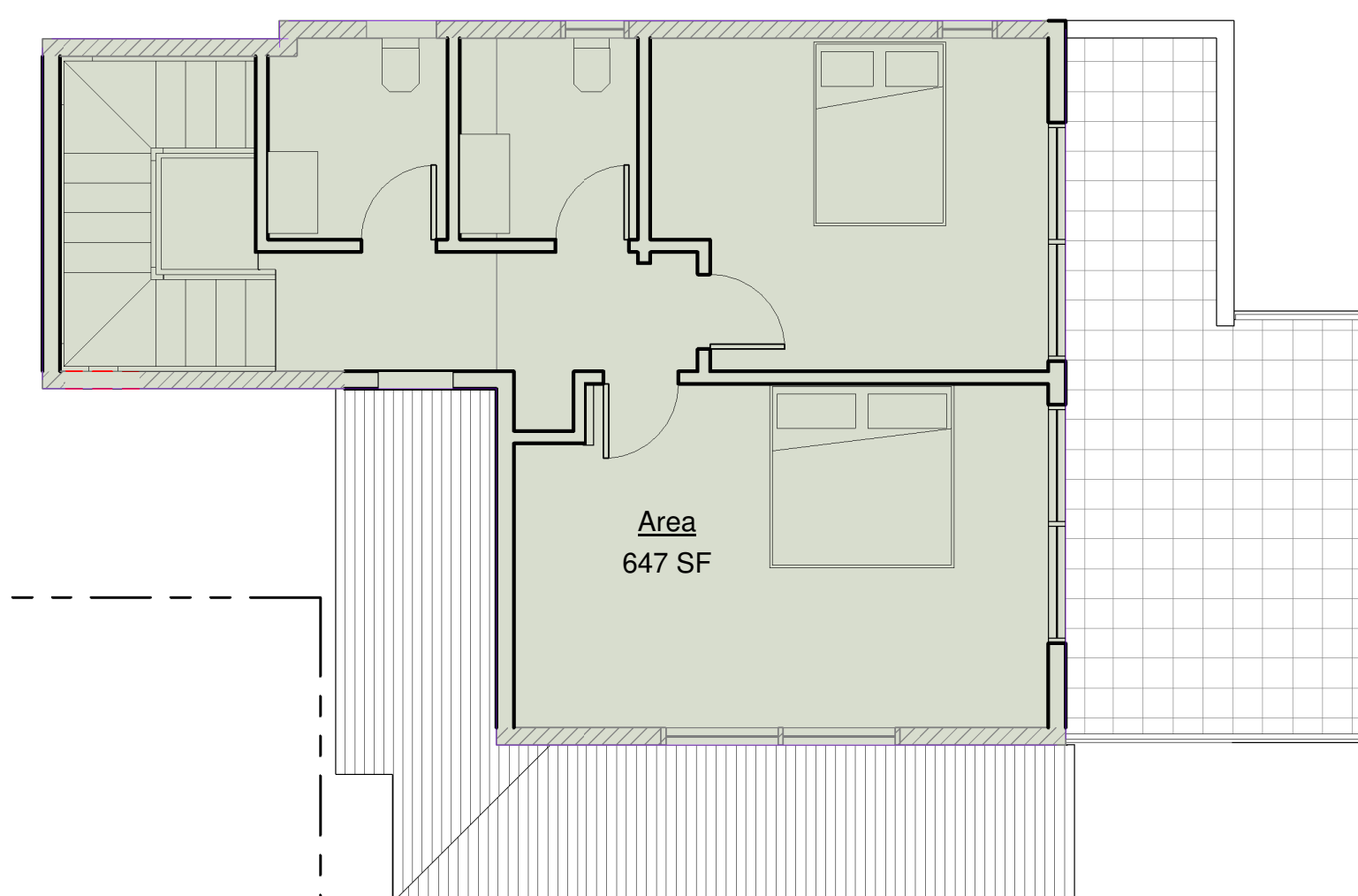
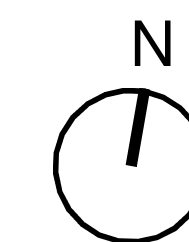
1 Ground Floor
A109 3/16" = 1'-0"

Building Area Legend
■ 1034 SF



3 1 st
A109 3/16" = 1'-0"

Building Area Legend
■ 1042 SF



2 2 nd
A109 3/16" = 1'-0"

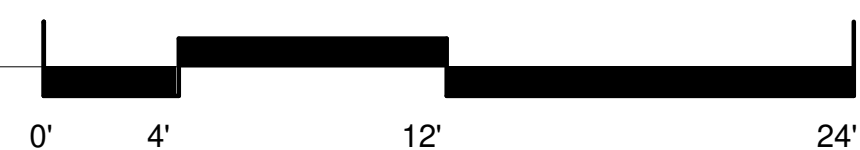
Building Area Legend
■ 647 SF



Area Schedule (Gross Building)	
Level	Area
Ground Floor	1034 SF
1 st	1042 SF
2 nd	647 SF
	2723 SF

GENERAL PLAN LEGEND:

- WALL TO REMAIN
- DEMO (E) WALL
- (N) WALL
- (N) ROOF
- (E) UN-PERMITTED FOOTPRINT
- PROPERTY LINE
- SETBACK
- (E) BLDG FOOT PRINT



1 Proposed Floor Area Tabulation

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

Project :
Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule		
Rev. No	Description	Date
3	Shadows	03/07/2021

Issue Note :

3/8/2022 11:18:15 AM

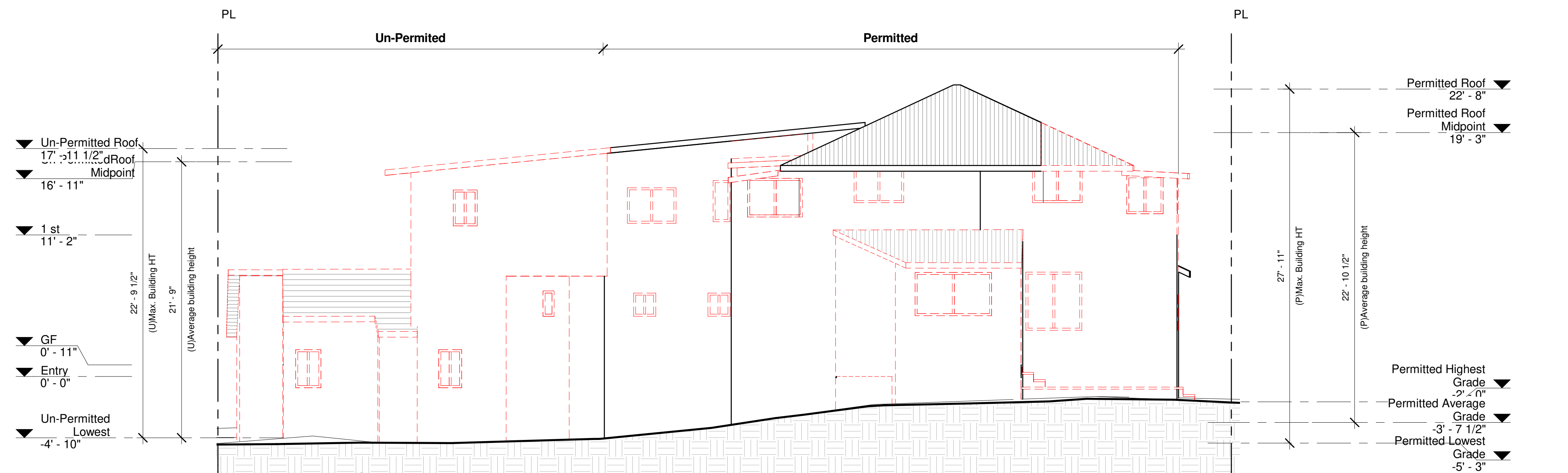
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :

Existing elevation

Sheet No.:

A110



1
A110
3/16" = 1'-0"
3



2
A110
3/16" = 1'-0"
3

GENERAL PLAN LEGEND:

- WALL TO REMAIN
- DEMO (E) WALL
- (N) WALL
- DEMO (E) ROOF
- (E) UN-PERMITTED FOOTPRINT
- DEMO (E) UN-PERMITTED ROOF
- PROPERTY LINE
- SETBACK

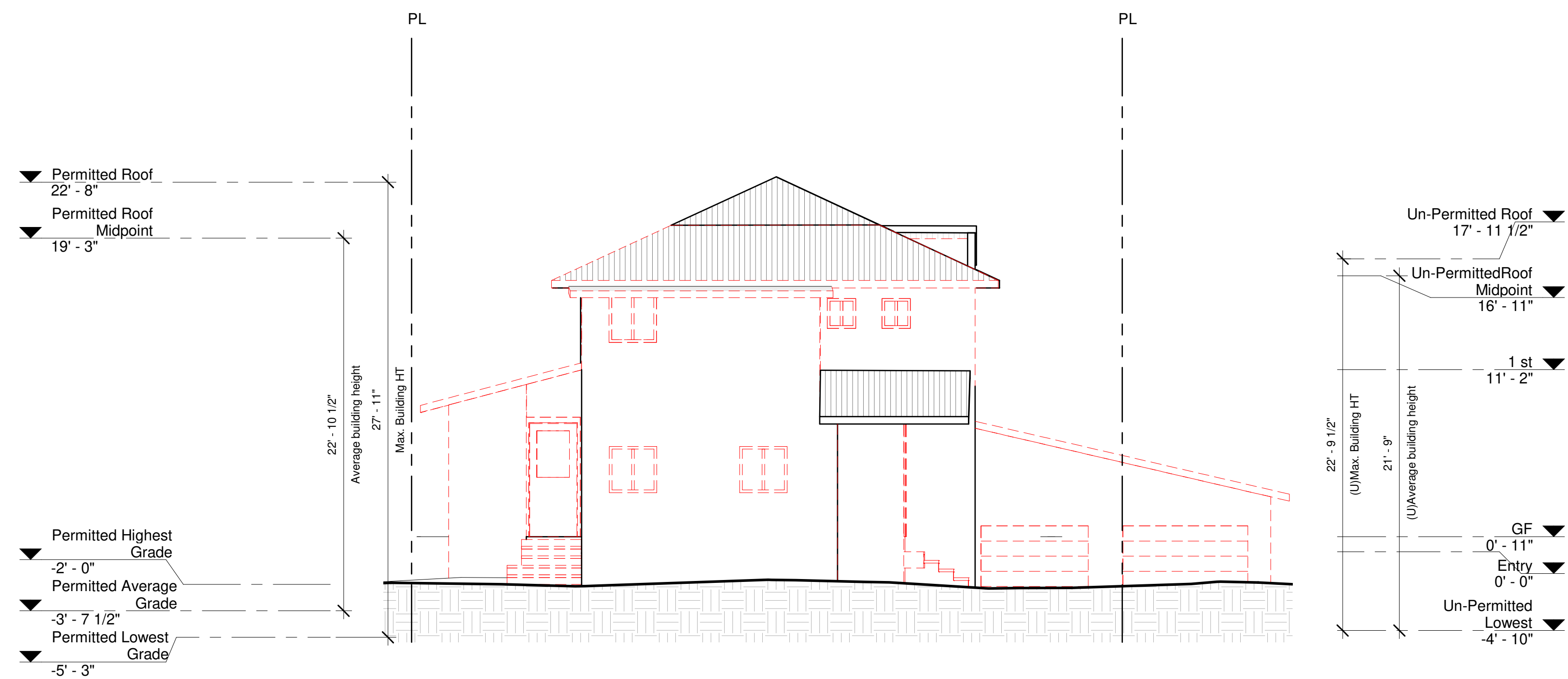
1 Existing elevation

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

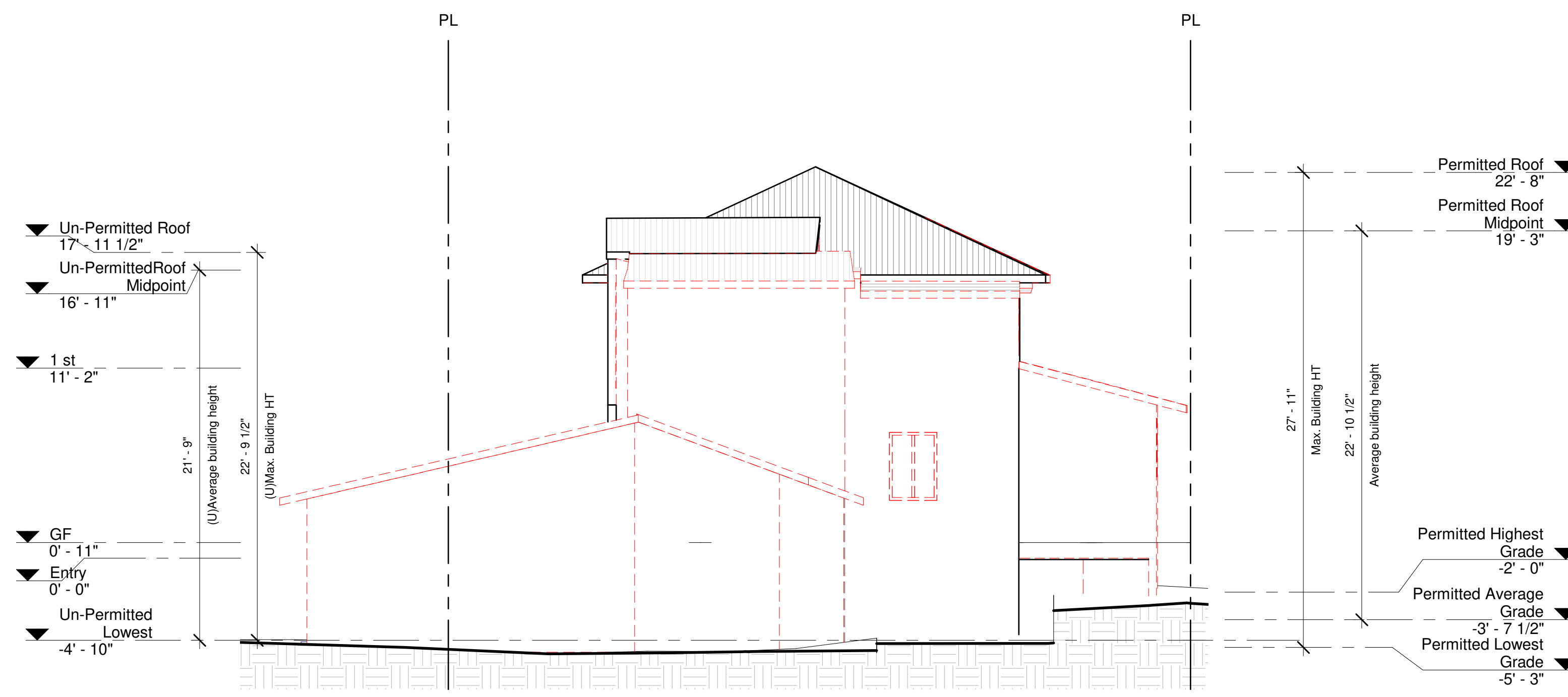
Project :

1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :



1
A111
East Elevation - Existing
3/16" = 1'-0"



2
A111
West Elevation - Existing
3/16" = 1'-0"

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

Revision Schedule		
Rev. No	Description	Date
3	Shadows	03/07/2021

Issue Note :

3/8/2022 11:18:16 AM
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :
Existing elevation

Sheet No :
A111

Designer:

Kiumars Radjoo

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

K. Radjoo

Project :

1822 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants :

Revision Schedule

Rev. No	Description	Date
3	Shadows	03/07/2022

Issue Note :

3/8/2022 11:21:34 AM

Project ID :

Drawn By :

Review By :

Plot Date :









Sheet Title :

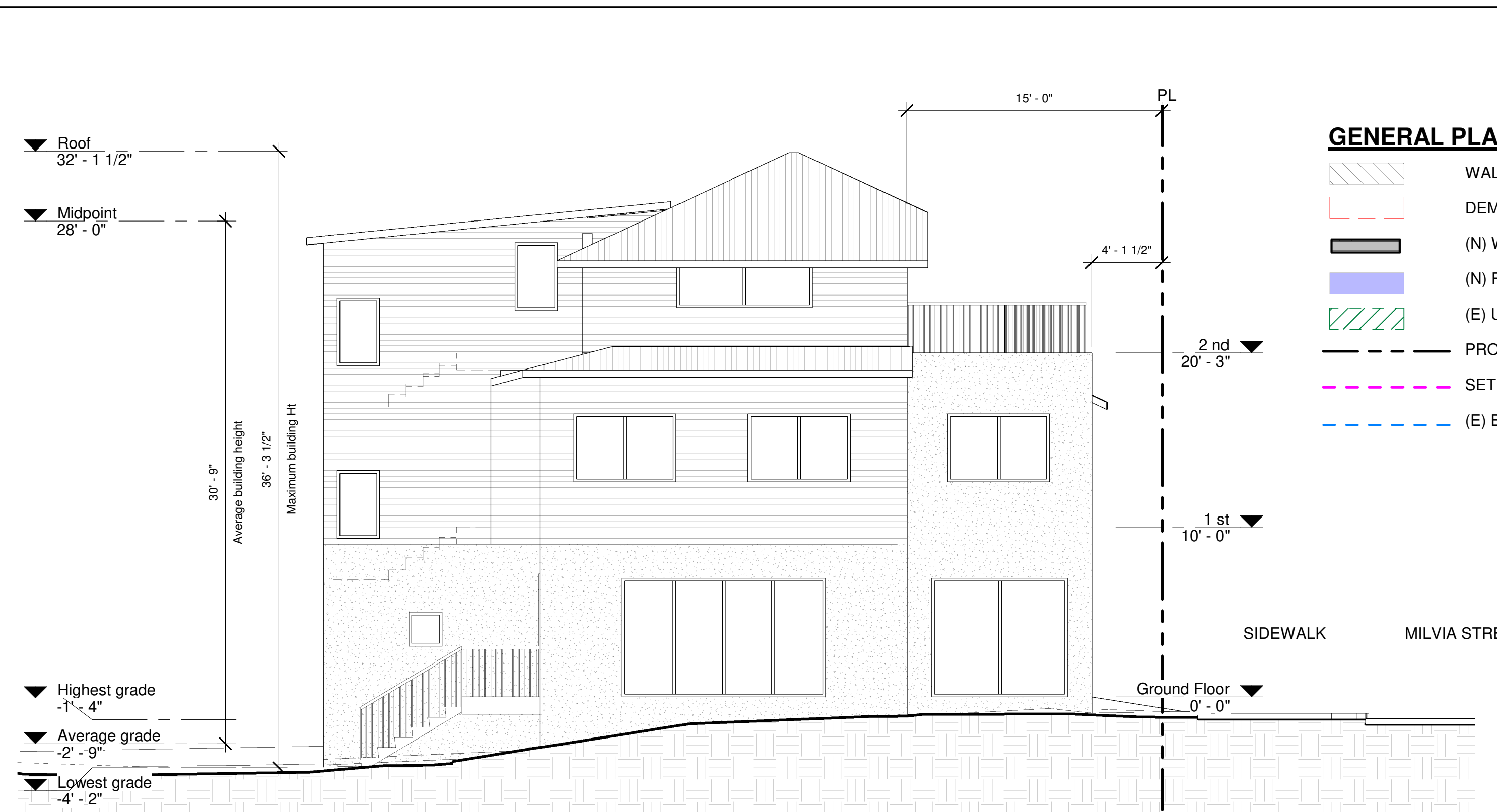
Proposed Elevations

Sheet No.:

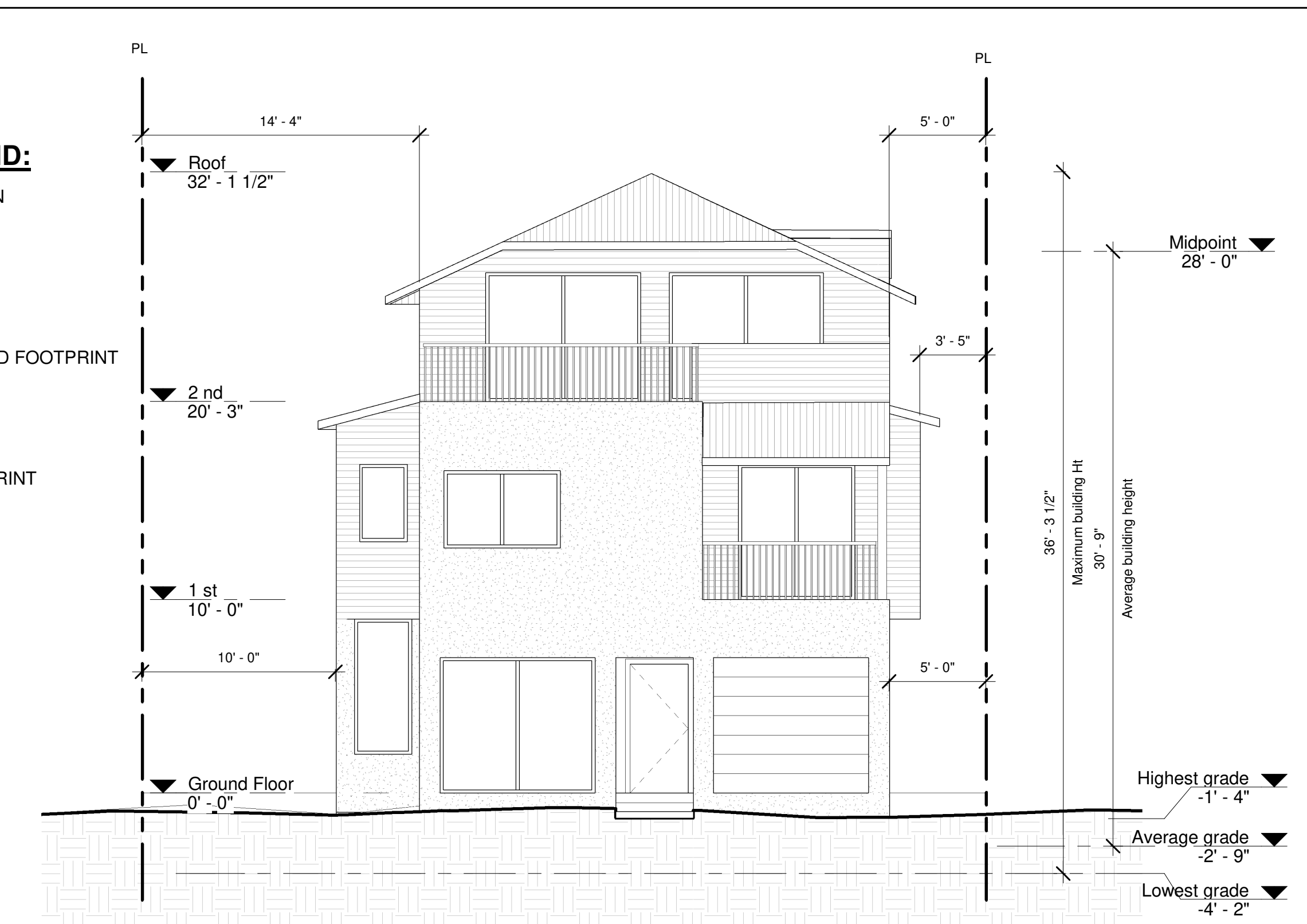
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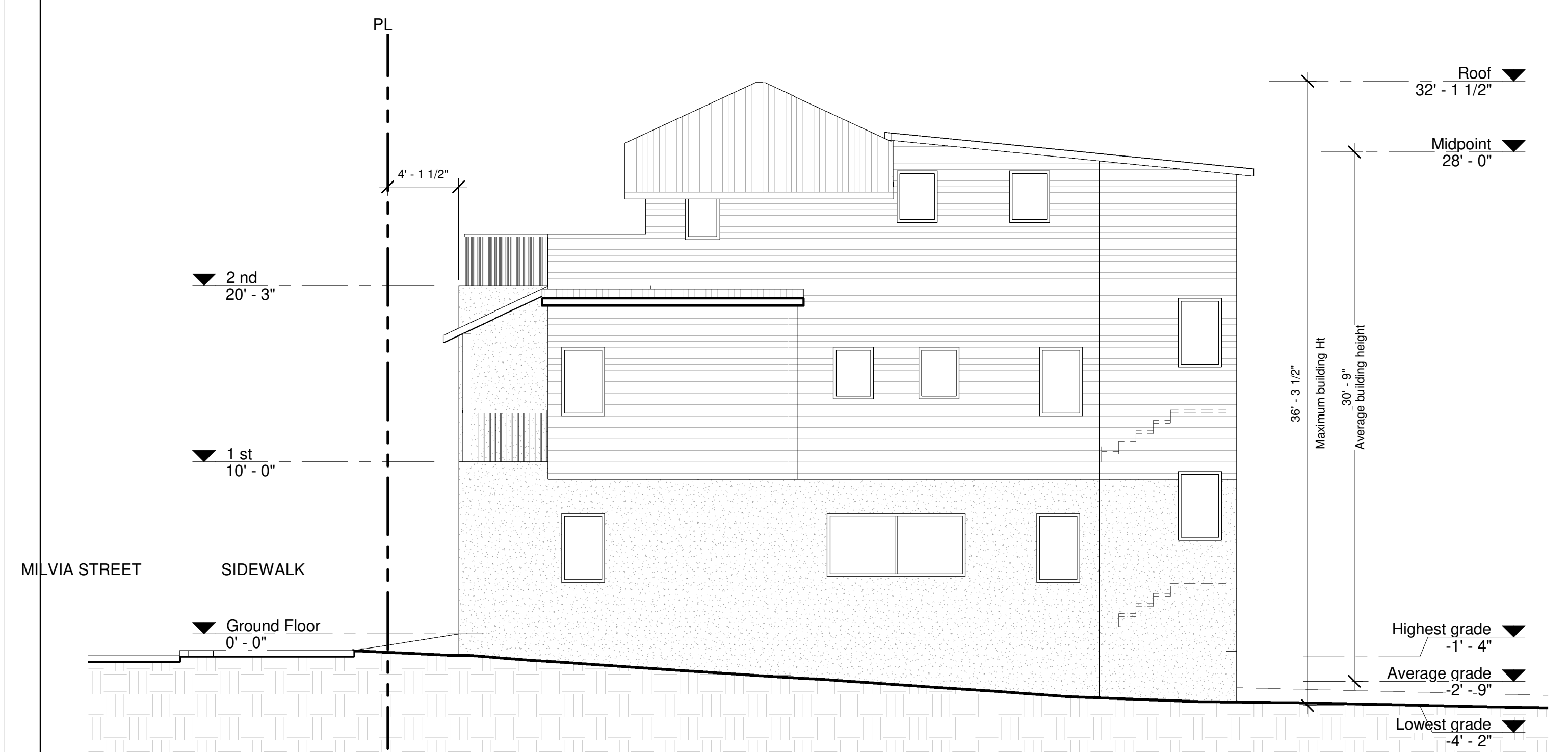
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-  DEMO (E) WALL
-  (N) WALL
-  (N) ROOF
-  (E) UN-PERMITTED FOOTPRINT
-  PROPERTY LINE
-  SETBACK
-  (E) BLDG FOOT PRINT



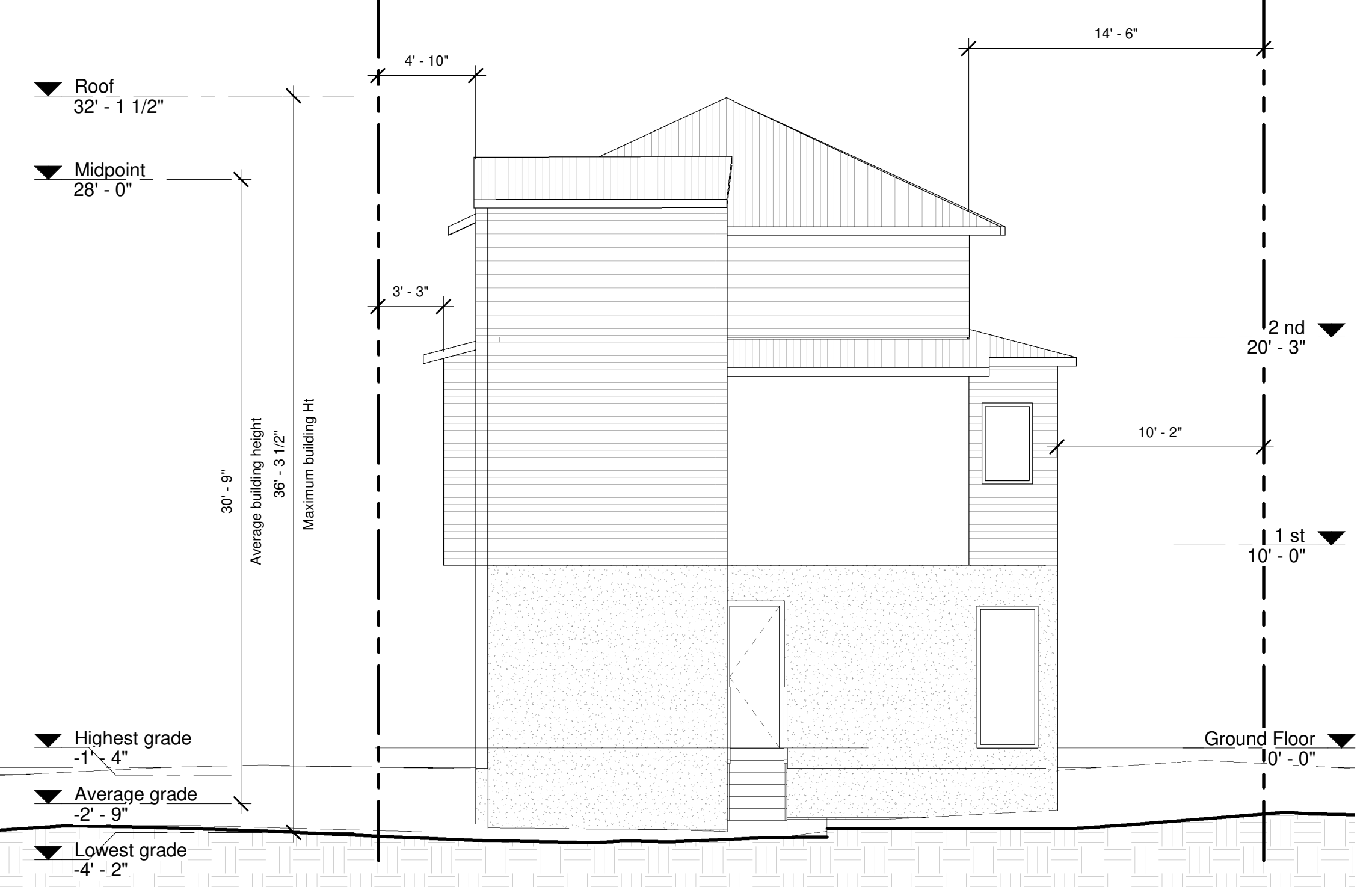
1 South Elevation - Proposed
3/16" = 1'-0"



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



2 North Elevation - Proposed
3/16" = 1'-0"



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



1 Proposed Elevations

Designer:

Kiumars Radjoo

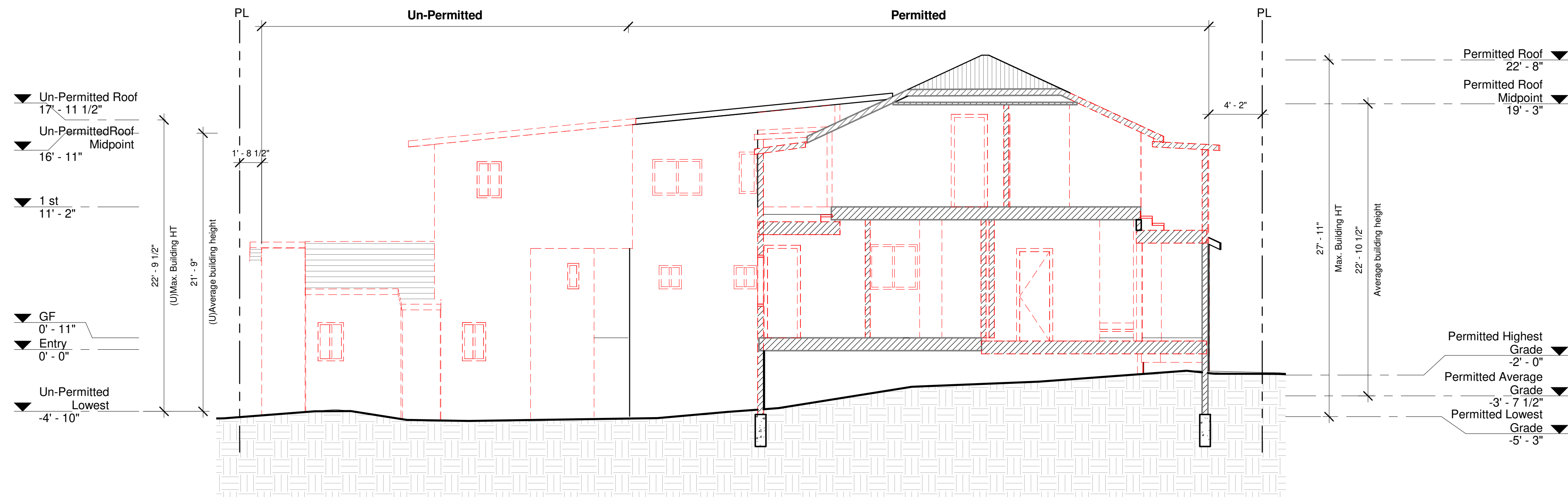
28 Marinero circle #2
Tiburon, CA 94920
(415)747-9216



Project :









Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

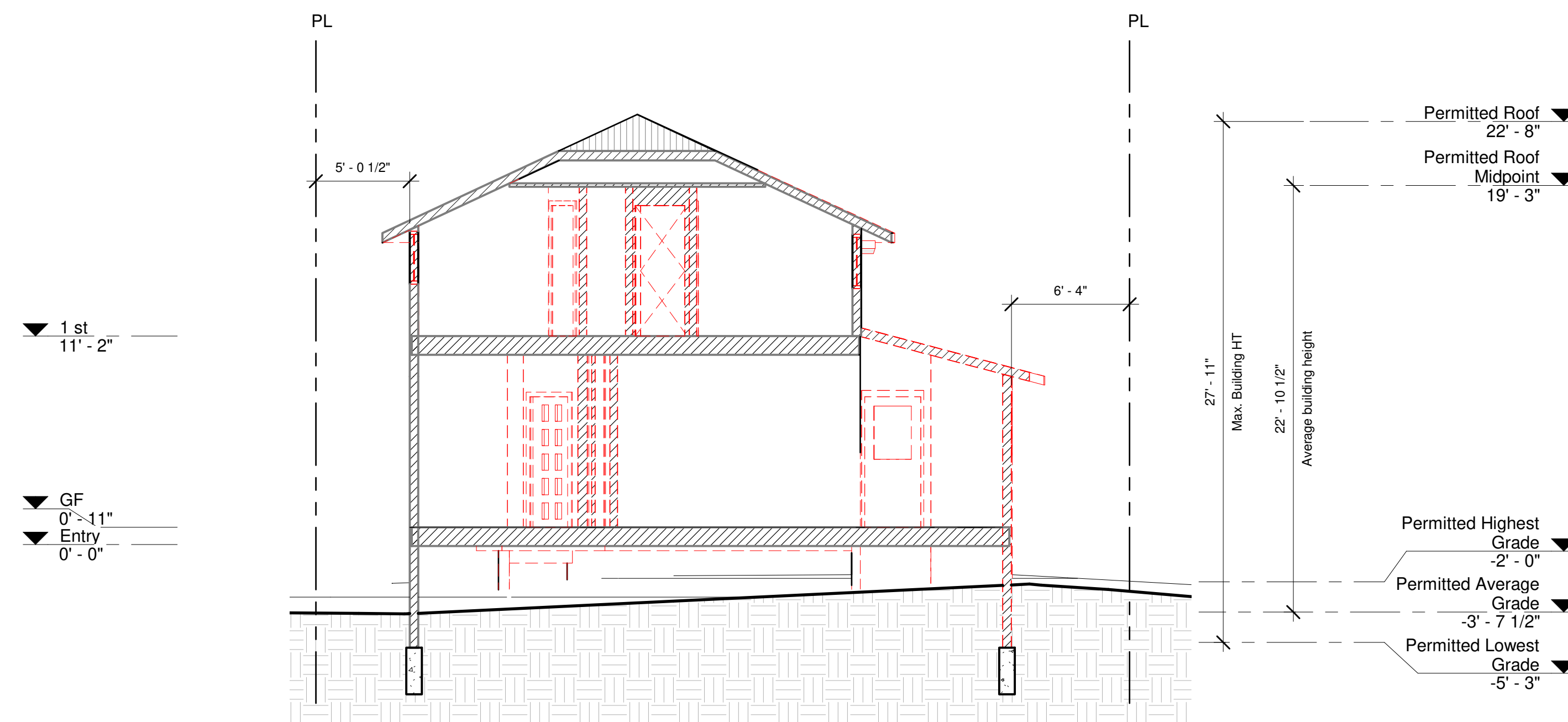
Consultants :



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

GENERAL PLAN LEGEND:

-  WALL TO REMAIN
-  DEMO (E) WALL
-  (N) WALL
-  DEMO (E) ROOF
-  (E) UN-PERMITTED FOOTPRINT
-  DEMO (E) UN-PERMITTED ROOF
-  PROPERTY LINE
-  SETBACK



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

1 Existing Sections

Revision Schedule

Rev. No	Description	Date

△

Issue Note :

3/8/2022 11:52:46 AM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

Existing Sections

Sheet No.:

A113

Designer:
Kiumars Radjoo

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

K. Radjoo

Project:

1822 MILVIA STREET, BERKELEY, CA 94709

Judy & Jenny Han

Consultants:

Revision Schedule		
Rev. No	Description	Date

Issue Note:

3/8/2022 11:21:35 AM

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

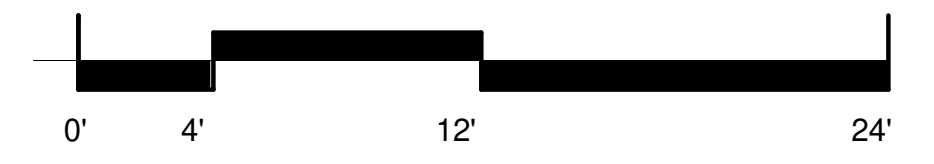
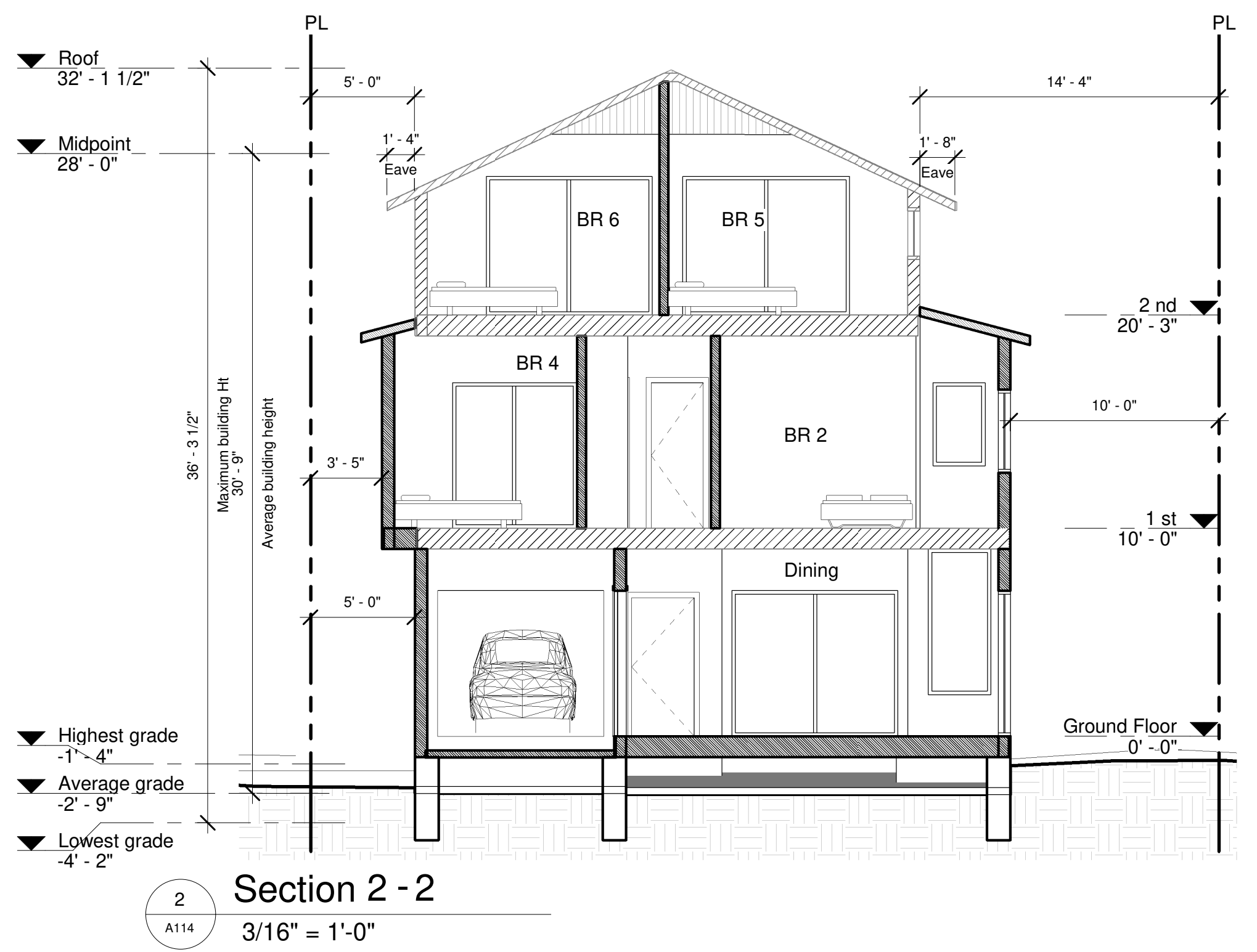
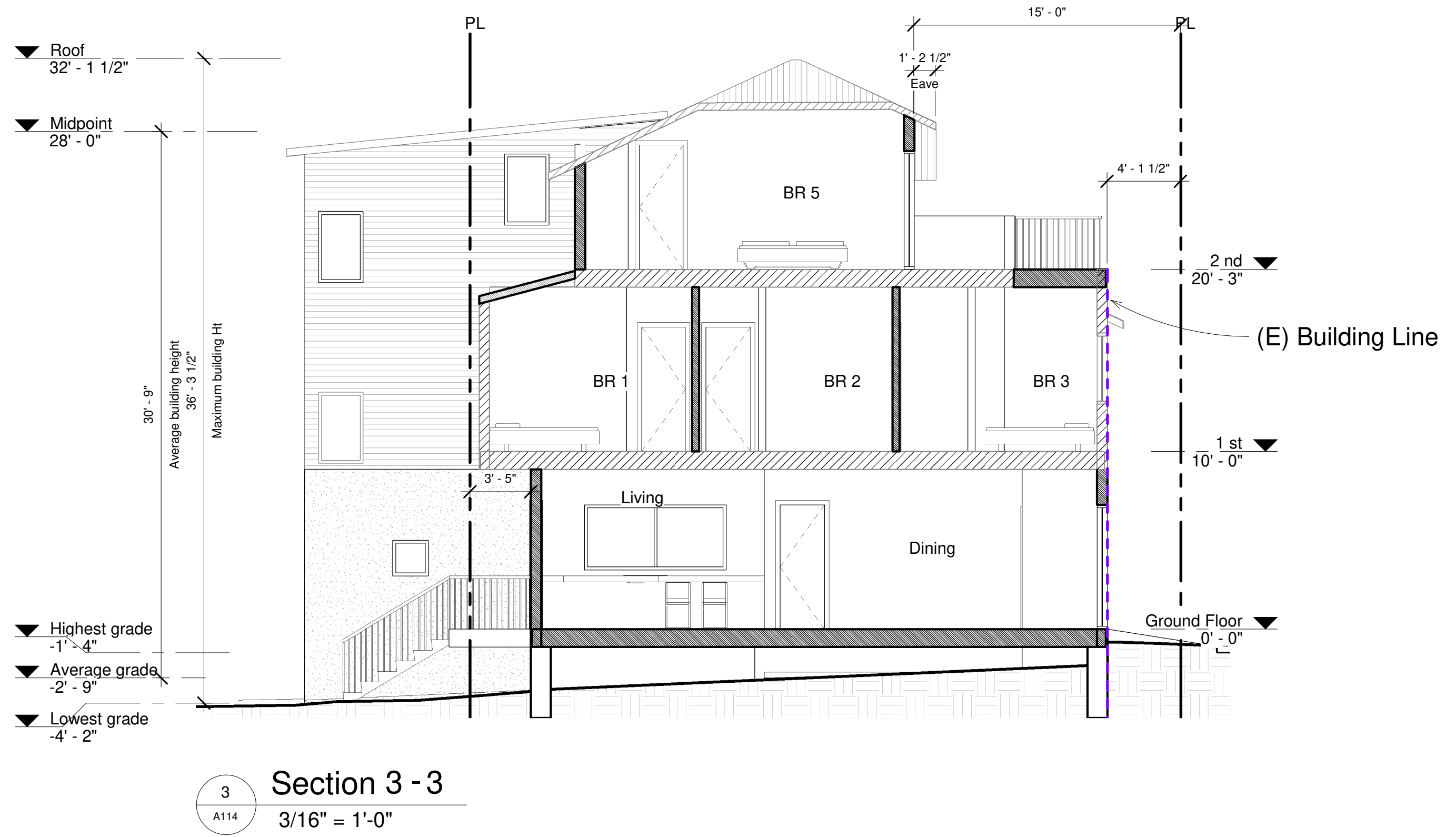
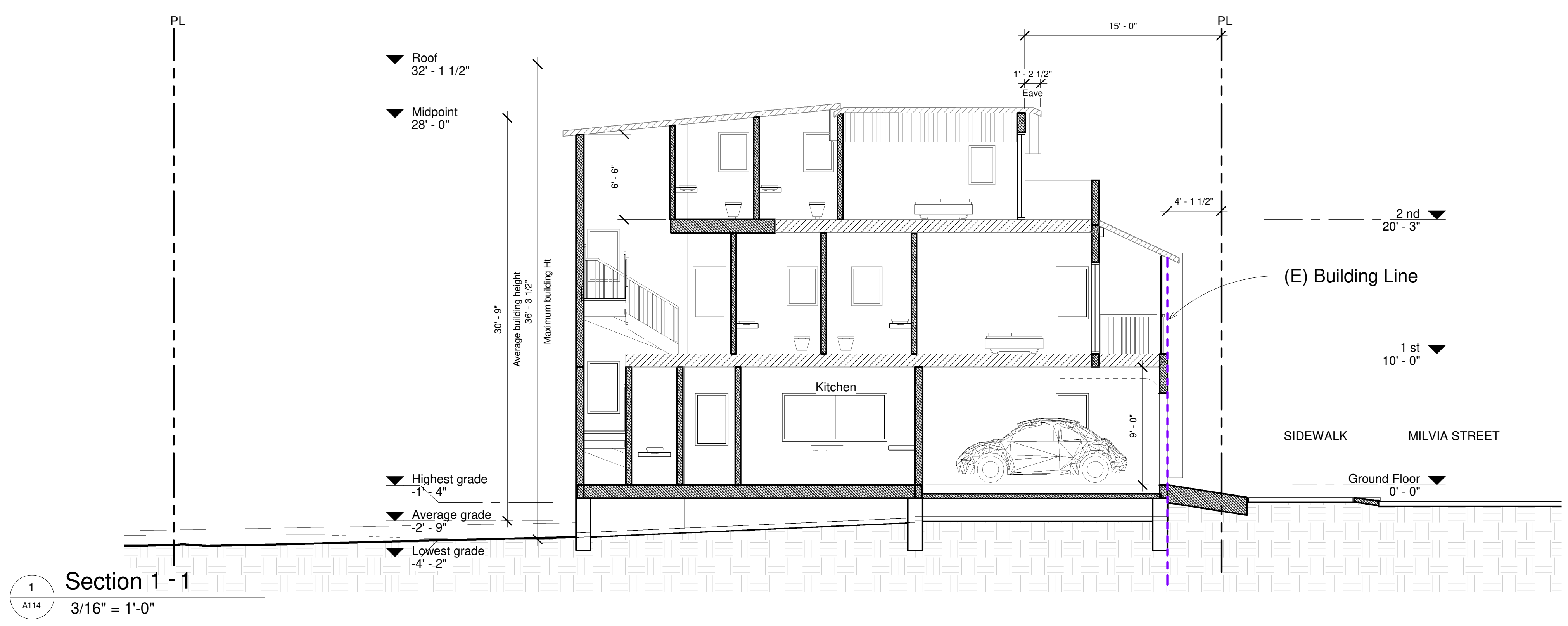
Sheet Title:

Proposed Sections

Sheet No.:

A114

- GENERAL PLAN LEGEND:**
- WALL TO REMAIN
 - DEMO (E) WALL
 - (N) WALL
 - (N) ROOF
 - (E) UN-PERMITTED FOOTPRINT
 - PROPERTY LINE
 - SETBACK
 - (E) BLDG FOOT PRINT



1 Proposed Sections

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

Project :
Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

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

Issue Note :

3/8/2022 11:21:38 AM

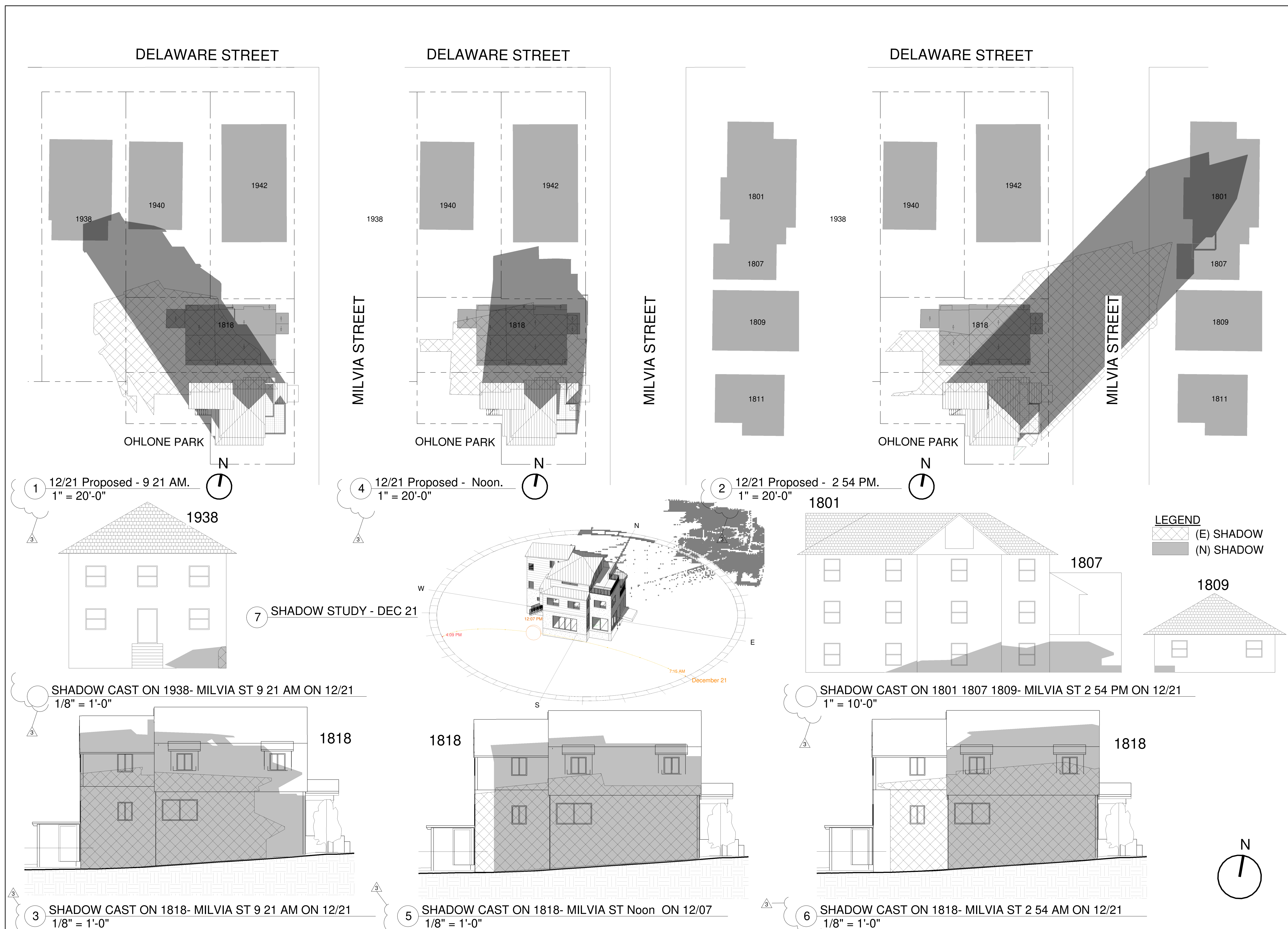
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :

SHADOW STUDIES DEC 21 St

Sheet No :

A115



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
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants:

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

Issue Note:

3/8/2022 11:21:41 AM

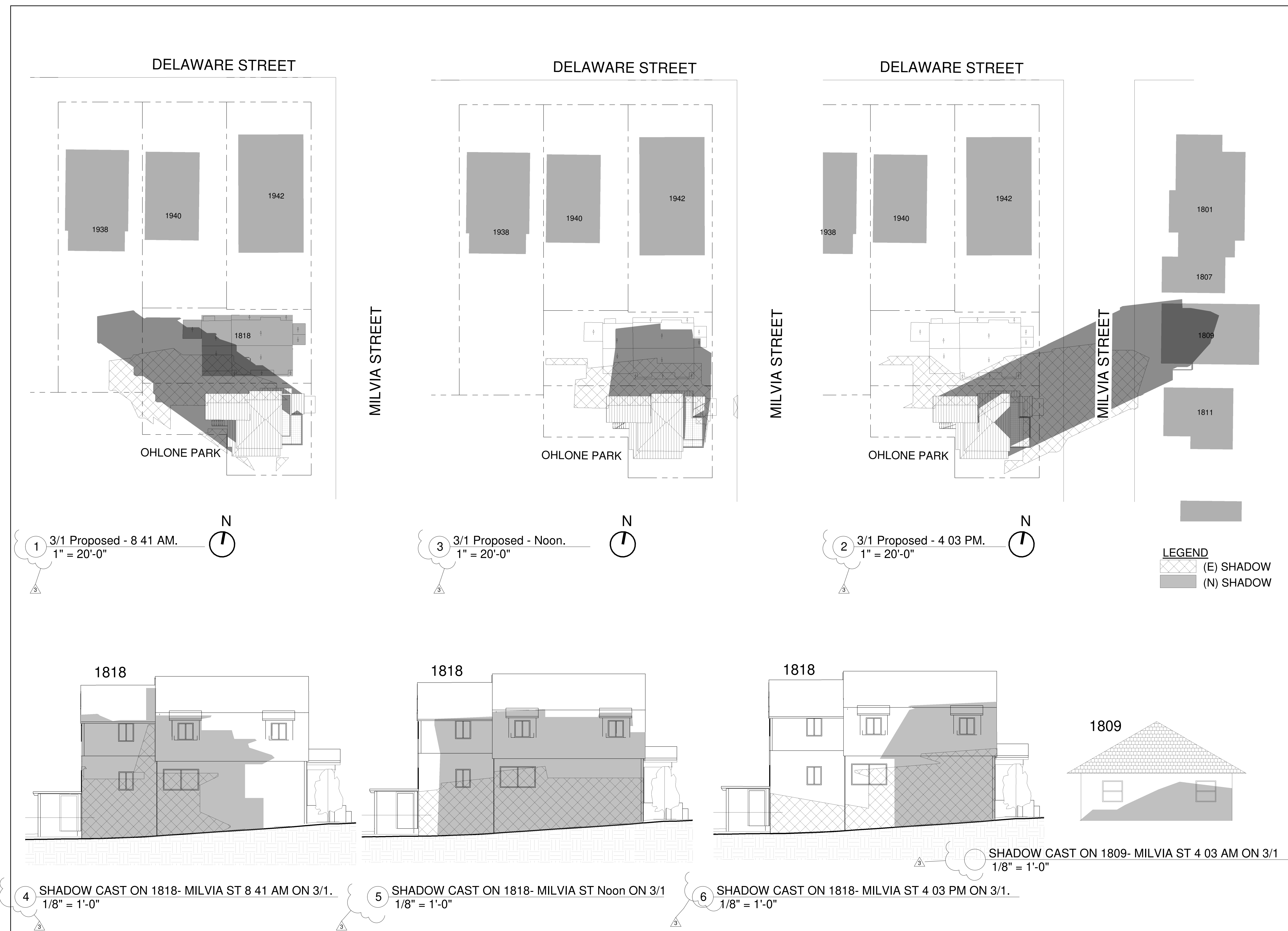
Project ID:
Drawn By:
Review By:
Plot Date:

Sheet Title:

SHADOW STUDIES MARCH 01

Sheet No.:

A116



1 3/1 Proposed - 8 41 AM.
1" = 20'-0"

3 3/1 Proposed - Noon.
1" = 20'-0"

2 3/1 Proposed - 4 03 PM.
1" = 20'-0"

LEGEND
 (E) SHADOW
 (N) SHADOW

4 SHADOW CAST ON 1818- MILVIA ST 8 41 AM ON 3/1.
1/8" = 1'-0"

5 SHADOW CAST ON 1818- MILVIA ST Noon ON 3/1
1/8" = 1'-0"

6 SHADOW CAST ON 1818- MILVIA ST 4 03 PM ON 3/1.
1/8" = 1'-0"

SHADOW CAST ON 1809- MILVIA ST 4 03 AM ON 3/1
1/8" = 1'-0"

1 **SHADOW STUDIES MARCH 01**

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

Project :
Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

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

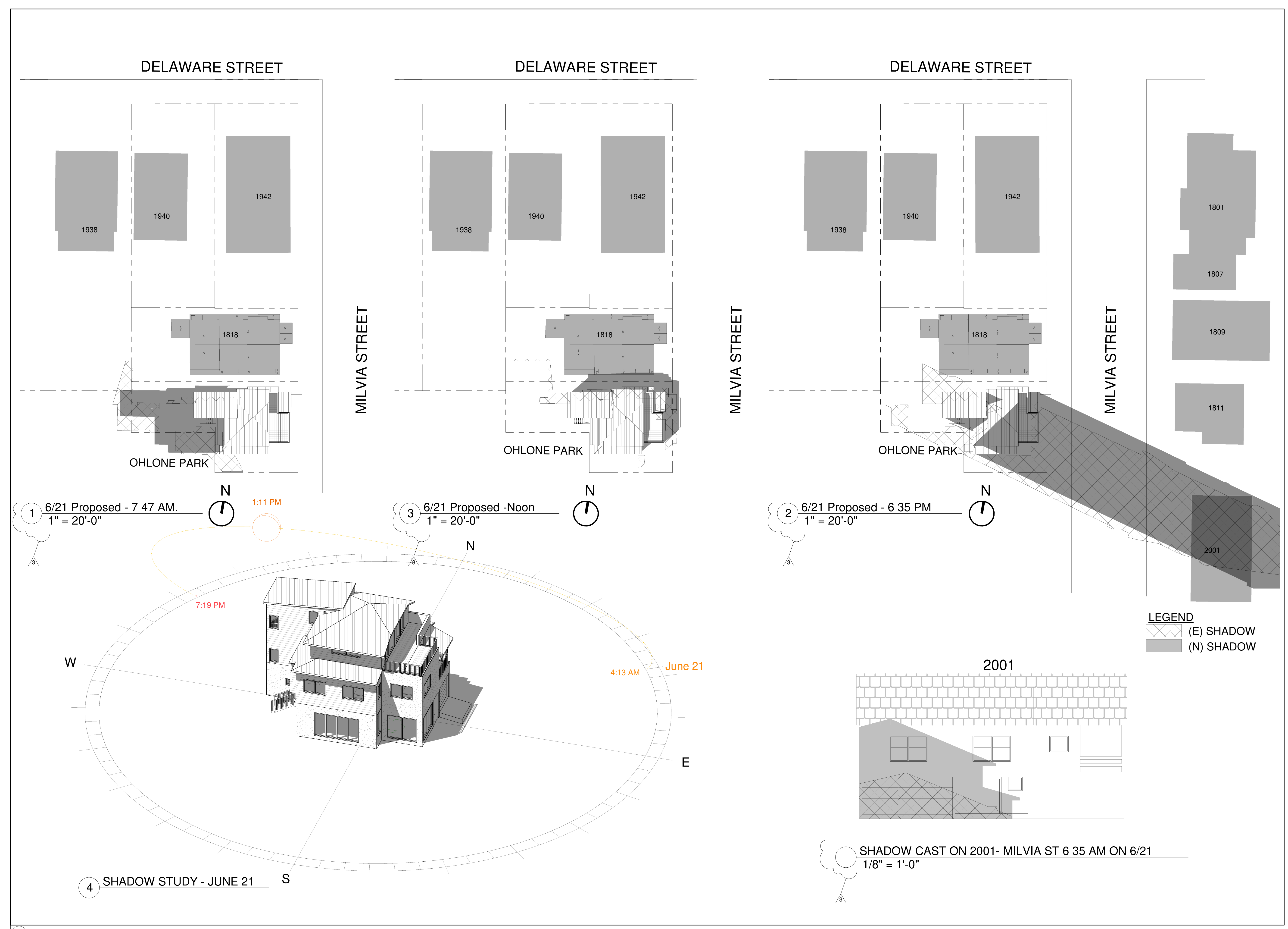
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3/8/2022 11:21:43 AM
Project ID :
Drawn By :
Review By :
Plot Date :

Sheet Title :
SHADOW STUDIES JUNE 21 St

Sheet No. :

A117



1 SHADOW STUDIES JUNE 21 St



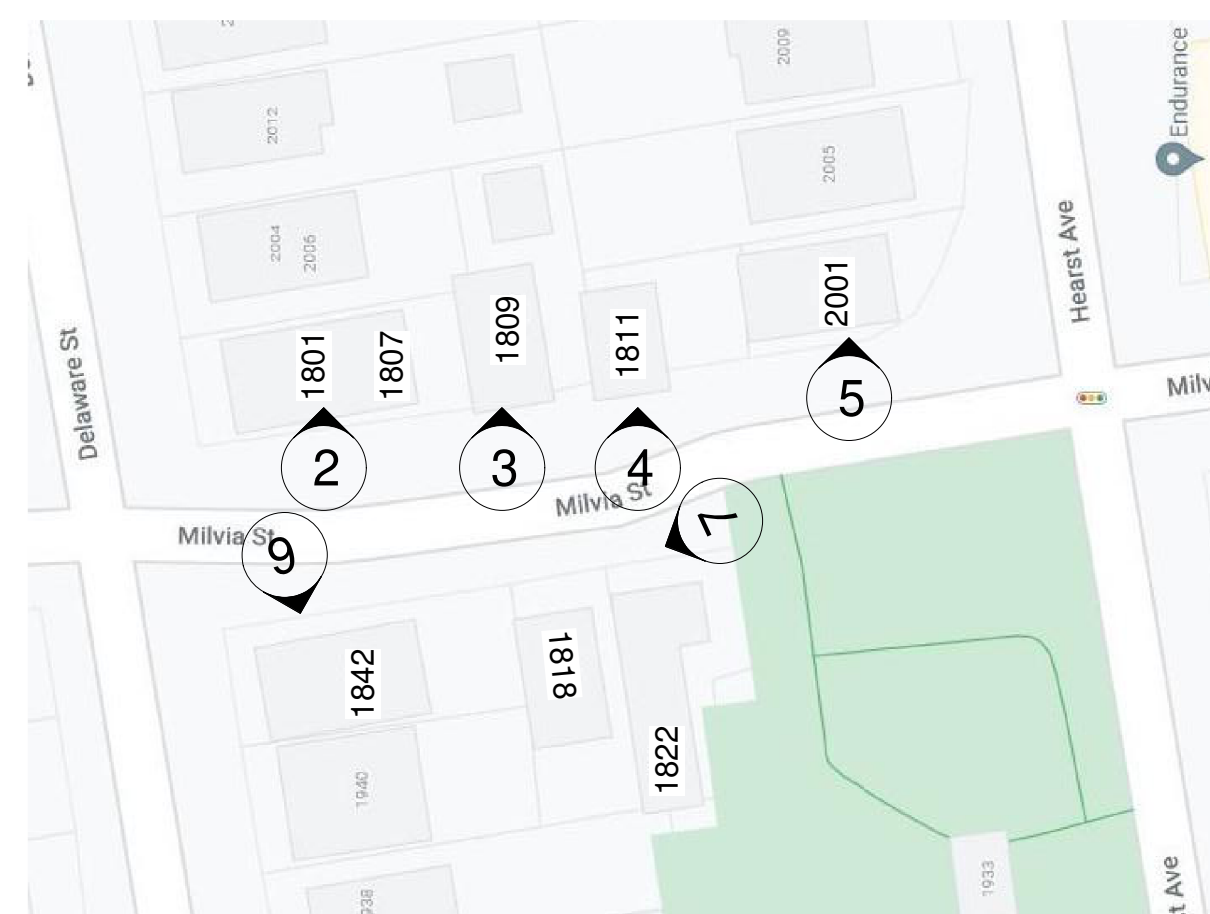
2 1801 1



3 18091



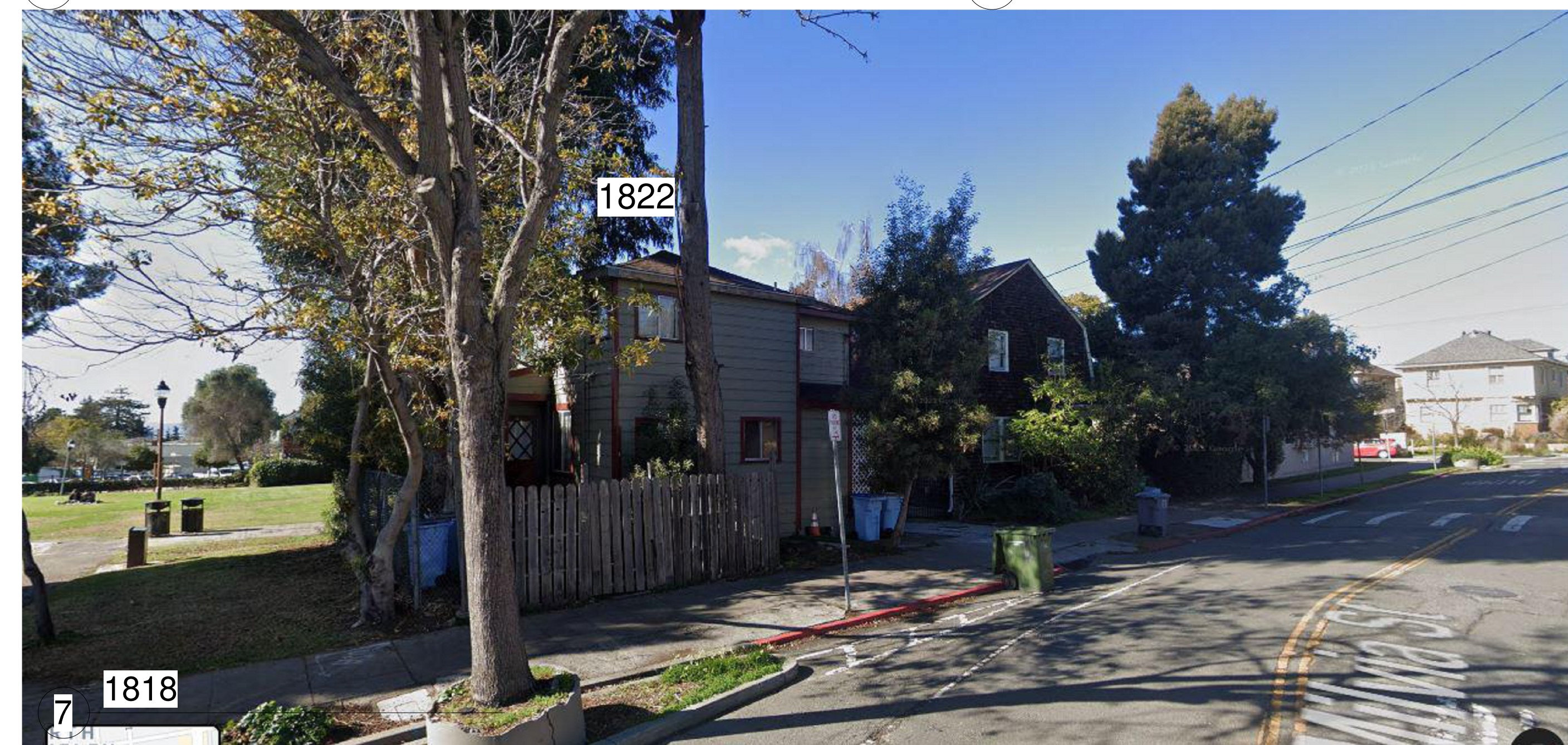
6 19421



1 SITE PHOTOS KEY PLAN1



4 18111



1 SITE PHOTOGRAPHS

5 20011



Designer:

Kiumars Radjoo

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

K. Radjoo

Project :

Judy & Jenny Han
1822 MILVIA STREET, BERKELEY, CA 94709

Consultants :

Revision Schedule

Rev. No	Description	Date
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Issue Note :

3/8/2022 11:21:45 AM

Project ID :

Drawn By :

Review By :

Plot Date :

Sheet Title :

SITE PHOTOGRAPHS

Sheet No.:

A118



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

1822 Milvia Street

Use Permit #ZP2021-0130 to demolish the existing garage and unpermitted portion of the existing dwelling, lift the building to create a third floor, add a sixth bedroom, and relocate the existing parking within an attached garage on the new ground floor. The lot is nonconforming to lot coverage 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) 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 23.202.030(B) for the addition of a sixth bedroom on the lot;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D) for additions or enlargements which vertically and/or horizontally extend a nonconforming yard; .
- Administrative Use Permit pursuant to BMC Section 23.202.090(D) for additions over 14 feet average height; and
- Administrative Use Permit pursuant to BMC Section 23.202.090(D) for additions over 28 feet average height.

C. CEQA Determination: Categorically exempt pursuant to Section 15301 ("Existing Facilities") and Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines.

D. Parties Involved:

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

Further Information:

All application materials are available at the Land Use Planning Division, during normal office hours or online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Katrina Lapira, at (510) 981-7488 or klapira@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://www.cityofberkeley.info/zoningadjustmentboard/>.

Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a 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 Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.
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Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.



Accessibility Information / ADA Disclaimer:

This meeting is being held in a wheelchair accessible location. 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. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Land Use Planning Division, during regular business hours.

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, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
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.

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NOTICE OF PUBLIC HEARING
Posted JUNE 29, 2022

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.
