



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
AUGUST 11, 2022

6 Nogales Street

Use Permit #ZP2021-0189 to add a 143 square-foot addition above 14 feet in average height and 20 feet in maximum height, on a lot that is non-conforming for lot coverage.

I. Background

A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1, H – Single-Family Residential, Hillside Overlay

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D), to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23.202.050(D) to add an addition above 14 feet in average height; and
- Administrative Use Permit pursuant to BMC Section 23.210.020(C)(2)(b) to add an addition above 20 feet in maximum 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:

- Applicant Lorin Hill, 6573 Shattuck Avenue, Oakland
- Owner Allan and Wendy Abshez, 6 Nogales Street, Berkeley

Figure 1: Vicinity Map

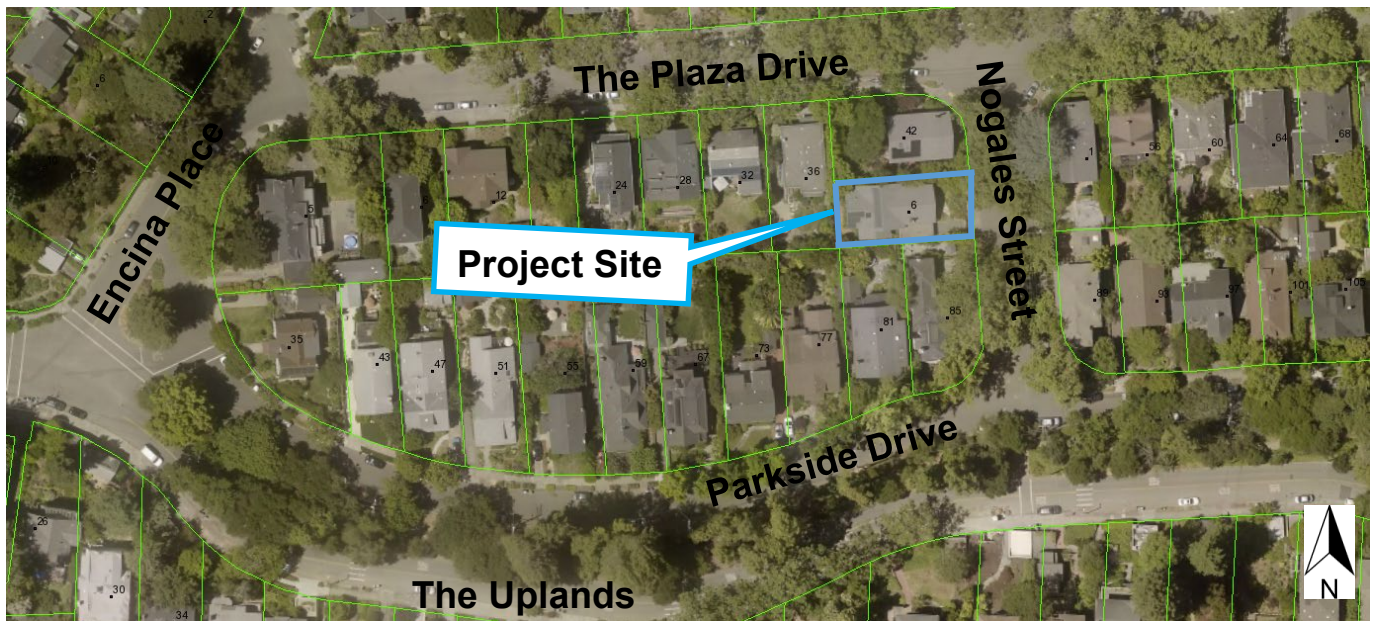


Figure 2: Proposed Site Plan

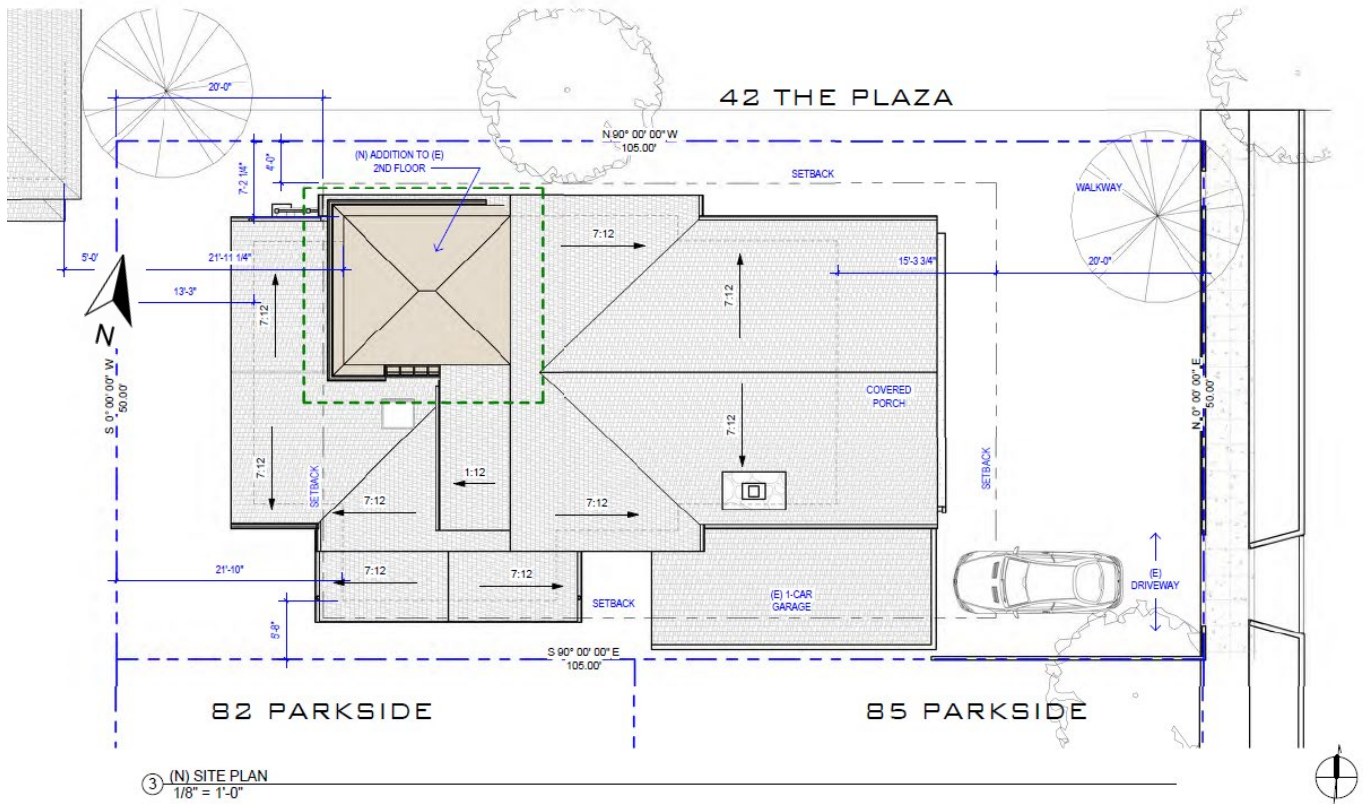


Figure 3: Proposed Front Elevation

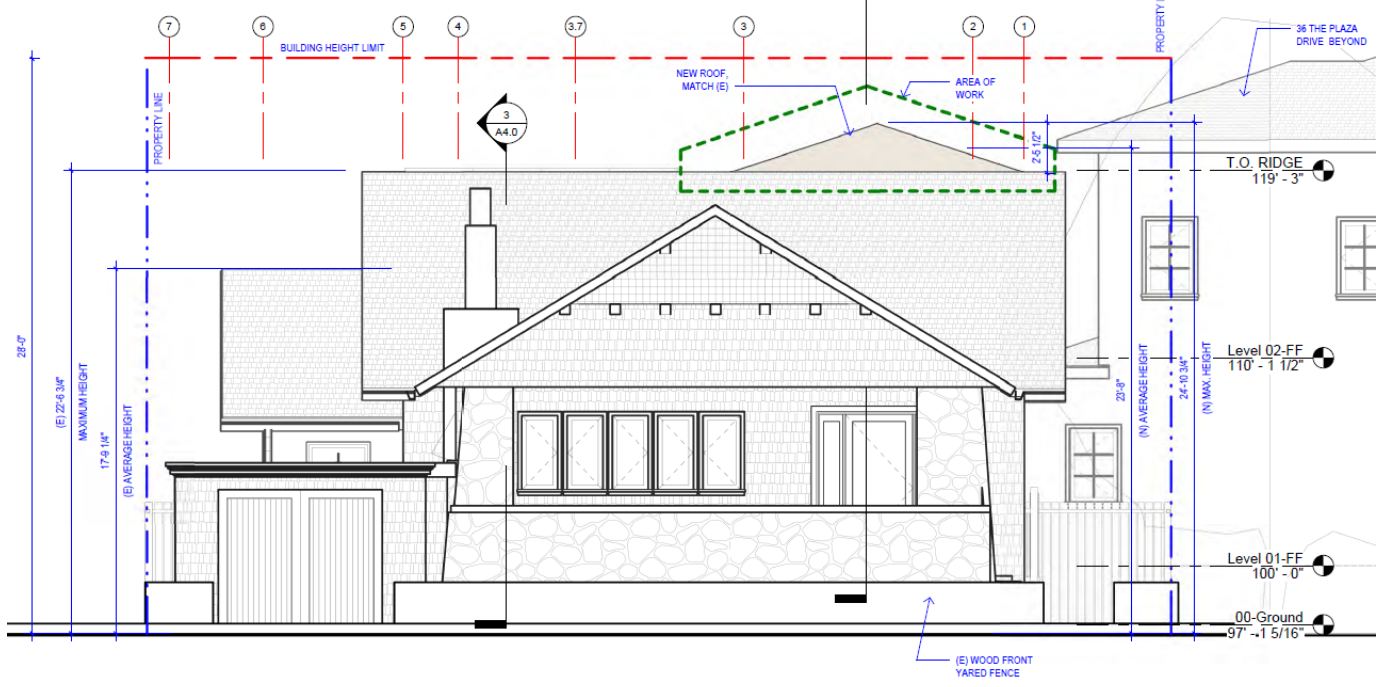


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-Family Dwelling	R-1H – Single Family Residential, Hillside Overlay	LDR – Low Density Residential
Surrounding Properties	North			
	South			
	East			
	West			

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Creeks (Per BMC Section 17.08.045)	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Historic Resources (Per Gov't Code §15064.5, BMC Chapter 3.24 or BMC Chapter 23C.08)	No	The subject property is not a historical resource pursuant to CEQA Guidelines Section 15064.5 and, therefore, does not represent an exemption to the categorical exemptions of Section 15300.2. The project does not propose the demolition or substantial alteration of a building over 40 years old.
Housing Accountability Act (Per Gov't Code Section 65589.5(j))	No	The project is not a "housing development project," as no additional units would be created. The project is to expand the bedroom on the second floor. Therefore, the HAA findings do not apply to this project.
Oak Trees (Per BMC Section 6.52.010)	No	There are no existing oak trees on the site.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The subject building is a single-family dwelling and is therefore not subject to BMC Chapter 13.76.
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	No	The project site is not located in an area susceptible to liquefaction, fault rupture or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	No	The site is not located within the City's Environmental Management Area and is not on the Cortese List.
Transit Access	Yes	Bus stops for AC transit routes 79, and E are within 0.3 miles of the project site on Claremont Avenue.

Table 3: Project Chronology

Date	Action
October 13, 2021	Application submitted
November 11, 2021	Application deemed incomplete
December 21, 2021	Revised application materials submitted
January 20, 2022	Application deemed incomplete
January 26, 2022	Revised application materials submitted
January 27, 2022	Revised application materials submitted
February 25, 2022	Application deemed complete
July 28, 2022	ZAB Public hearing notices mailed/posted
August 11, 2022	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23.202.050		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		5,500	No Change	5,000 min
Dwelling Units on Lot		1	No Change	1 main dwelling unit for a lot of this size
Bedrooms		3	No Change	AUP required for addition of 5th
Gross Floor Area (Sq. ft.)		2,236.59	2,378.98	n/a
Building Height	Average	17'-9"	23'-8"	28' max. (35' with AUP)
	Maximum	22'-7"	24'-11"	35'
	Stories	2	No Change	3 max.
Building Setbacks (ft.)	Front	24'-11"	No Change	20' min.
	Rear	13'-4"	No Change	20' min.
	Left Side	1'-5"	No Change	4' min.
	Right Side	7'-2"	No Change	4' min.
Lot Coverage (%)		45	No Change	40 max.
Usable Open Space (sq. ft.)		400+	No Change	400 min.
Parking		1	No Change	1 min. for existing dwellings

II. Project Setting

- A. Neighborhood/Area Description:** The subject property is located on Nogales Street, between The Plaza Drive and Parkside Drive. The area is residential in nature and consists predominantly of one- to three-story single-family dwellings.
- B. Site Conditions:** The subject property is 5,500 square feet in area, with an existing 2,467 square foot two-story single-family dwelling on the property. Around 2007 the attic was converted to a bedroom, which created the second story. The site is non-conforming for lot coverage, and the rear and left-side setbacks are non-conforming. The lot has coverage of 45 percent where 40 percent is permitted. There is an existing curb cut and driveway along the south (left) side of the parcel, which leads to a garage that is technically attached because it is within 3 feet of the dwelling.

III. Project Description

The project proposes to remodel and expand the second floor towards the rear setback, but outside of all required setbacks. The average and maximum height of the existing dwelling would increase, but the footprint of the structures and lot coverage would not change.

IV. Community Discussion

- A. Neighbor/Community Concerns:** The applicant erected a yellow poster and contacted abutting and confronting neighboring property owners and occupants to show them a copy of the proposed project plans and obtain their signature on the proposed plans. The neighbor at 36 The Plaza expressed concerns with privacy and light, and sent an email in October 2021 wherein they mentioned their privacy concerns. On July 28, 2022, the City mailed notices for the ZAB hearing to property owners and occupants within a 300-foot radius, 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 additional written communications.
- B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a commercial or manufacturing district, and does not involve the demolition of a non-residential building.

V. Issues and Analysis

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

does not increase lot coverage or exceed the height limit. As described in Site Conditions, above, the lot has a coverage of 45 percent where 40 percent is the maximum. The proposed alteration to the second floor would not increase lot coverage. Furthermore, the proposed average height is 23 feet, 8 inches, where 28 feet is the maximum allowed without an additional Administrative Use Permit, the proposed maximum height is 24 feet, 11 inches, the existing residential use is conforming, and the project conforms with all other aspects of the Zoning Code.

B. Addition Above 20 Feet in Maximum Height: Pursuant to BMC Section 23.210.020(C)(2)(b), an addition above 20 feet in maximum height may be authorized by an Administrative Use Permit if the project is consistent with the purposes of the Hillside (H) overlay zone. Per BMC Section 23.210.020(A), the purposes of the H overlay zone are:

1. Implement General Plan policies for hillside development;
2. Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
3. Protect the character of Berkeley's hillside areas and their immediate environs;
4. Give reasonable protection to views yet allow appropriate development of all property;
5. Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.

The proposed addition will not adversely compromise the quality and character of this hillside parcel and its immediate environs, nor will it adversely impact views available from neighboring residences and parcels, for the following reasons:

- The project maintains the original pattern and design of the lot and complies with the District standard for setbacks;
- The average height of the dwelling will continue to be below 28 feet; and
- The maximum height of the dwelling will continue to be below 28 feet.

C. General Non-Detriment for Use Permits and Administrative Use Permits: Pursuant to BMC Section 23.406.040, the Board may issue a Use Permit if it meets the findings for non-detriment. An analysis of sunlight/shadows, air, privacy and views follows:

Sunlight/Shadow: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the

summer and winter solstice. The studies show that the addition would create an incremental increase in shadows on one neighboring dwelling, as follows:

- Two hours after sunrise on the winter solstice, shadows on the east side of the dwelling at 36 The Plaza would increase and cover the majority of two den windows;
- Two hours before sunset on the winter solstice shadows on the south side of the dwelling at 36 The Plaza would increase and cover the door off the kitchen.

Because the impacts to neighboring properties would occur on limited areas, and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental.

Air: As discussed above, the alteration would not increase the footprint of the dwelling and garage, and meets all setback requirements of the R-1 district. The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-1 neighborhood the addition would be outside of all required setbacks, and would not exceed height or story limits. Therefore, there would be minimal, if any, air impacts.

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

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

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

Staff Analysis: As discussed above, the project would not substantially block views, cast shadows, or create impacts on the privacy of adjacent neighbors. The proposed addition occurs within the existing building footprint, meets the R-1

District development standards, and would not increase the non-conforming lot coverage. Additionally, the project is consistent with the single-family use and residential design character of other buildings in the vicinity.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and its minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2021-0189 pursuant to Section 23.406.040.D and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated December 21, 2021 and January 27, 2022
3. Notice of Public Hearing
4. Correspondence Received

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

AUGUST 11, 2022

6 Nogales Street

Use Permit #ZP2021-0189 to add a 143 square-foot addition above 14 feet in average height and 20 feet in maximum height, on a lot that is non-conforming for lot coverage.

PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D), to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23.202.050(D) to add an addition above 14 feet in average height; and
- Administrative Use Permit pursuant to BMC Section 23.210.020(C)(2)(b) to add an addition above 20 feet in maximum 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(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The proposed second floor addition conforms to the R-1 District standards, including setback requirements, and average height, and does not worsen any non-conforming condition;
 - B. The proposed project recognizes and adheres to an existing pattern of development by maintaining the single-family use of the property; and
 - C. The proposed project does not further reduce the non-conforming rear and left-side setbacks, and the footprint of the dwelling and attached garage will not increase.

III. OTHER FINDINGS FOR APPROVAL

1. As required by Section 23.324.050(D) of the BMC, the Zoning Adjustments Board finds that the residential addition to a non-conforming structure on a lot that is non-conforming by reason of the lot coverage is permitted because the existing use of the property is conforming, the addition complies with all applicable laws (i.e. development standards), and will not increase the lot coverage, exceed the height limit, or further reduce existing non-conforming setbacks. Additionally, the addition will be below the average height limit of 28 feet, with an average height of 12 feet, 7 inches at the garage.
2. As required by Section 23.210.020(C)(2)(b) of the BMC the Zoning Adjustments Board finds that the addition above 20 feet in maximum height may be authorized because the project is consistent with the purposes of the Hillside Overlay for the following reasons:
 - The project maintains the original pattern and design of the lot and complies with the District standard for setbacks;
 - The average height of the dwelling will continue to be below 28 feet; and
 - The maximum height of the dwelling will continue to be below 28 feet.

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 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

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

11. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
12. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: <https://berkeleyca.gov/city-services/community-gis-portal>.
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors

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

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

C. Building Materials Survey:

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

D. Hazardous Materials Business Plan:

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

Prior to Issuance of Any Building (Construction) Permit

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

During Construction:

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

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

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

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

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

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

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

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

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

Prior to Final Inspection or Issuance of Occupancy Permit:

32. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
33. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 21, 2021, and January 27, 2022, except as modified by conditions of approval.

At All Times:

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

GENERAL NOTES:

- ALL WORK SHALL COMPLY WITH THE REQUIREMENTS OF THE 2019 EDITION OF THE UNIFORM BUILDING CODE, 2019 CBC, 2019 CMC, 2019 PEC, 2019 CEC AND 2019 CALIFORNIA ENERGY CODE (AS AMENDED BY THE STATE OF CALIFORNIA), REGARDLESS OF WHAT IS SHOWN OR NOT ON THESE DRAWINGS. ALL WORK SHALL COMPLY WITH THE FOLLOWING CALIFORNIA ADMINISTRATIVE CODES:
 - TITLE 19 PUBLIC SAFETY
 - TITLE 24 BUILDING STANDARDS
 - CALIFORNIA CONSTRUCTION SAFETY ORDERS
 - LIFE SAFETY CODE
- THE CONTRACTOR SHALL COMPLY WITH ANY OTHER APPLICABLE STATE OR LOCAL ORDINANCES. IN THE EVENT OF ANY CONFLICT THE MORE STRINGENT PROVISIONS SHALL APPLY.
- ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND ACTUAL SITE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IN WRITING FOR CLARIFICATION PRIOR TO PROCEEDING WITH THE WORK. DO NOT PROCEED ON ASSUMPTIONS.
- THESE DRAWINGS MAY NOT BE TO SCALE AND ARE FOR ILLUSTRATION PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS IN THE FIELD. EACH SUBCONTRACTOR SHALL MAKE MEASUREMENTS PERTAINING TO HIS/HER RESPECTIVE WORK AND SHALL BE RESPONSIBLE FOR THE ACCURACY.
- DETAILS TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER GRAPHIC SCALE SHOWN ON THE DRAWINGS. DO NOT SCALE THE DRAWINGS. ALL DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.
- THE CONTRACTOR SHALL VERIFY THE ROUGH-IN DIMENSIONS FOR DOORS, WINDOWS, FIXTURES AND EQUIPMENT FROM THE MFR'S. INSTALLATION DATA PRIOR TO STARTING LAYOUT IN AREAS WHERE SUCH ITEMS OCCUR. ALL MANUFACTURED ITEMS SHALL BE INSTALLED PER MANUFACTURER'S RECOMMENDATIONS. CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY CONFLICTS BETWEEN DRAWINGS AND MANUFACTURER'S RECOMMENDATIONS PRIOR TO INSTALLATION.
- ALL BUILDING SYSTEMS AND ASSEMBLIES SHALL BE COMPLETE AND OPERATIVE THOUGH NOT FULLY DESCRIBED IN THESE DOCUMENTS. ALL CONSTRUCTION SHALL BE WATERTIGHT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE VARIOUS BUILDING TRADES AND FOR COORDINATING BETWEEN THE VARIOUS CONSTRUCTION DOCUMENTS AS NECESSARY IN SETTING OUT ALL BUILDING LINES AND DETAILS.
- THE OWNER SHALL PAY FOR THE GENERAL BUILDING PERMIT. THE CONTRACTOR SHALL PAY FOR SUBTRADE PERMITS AND BE RESPONSIBLE FOR SCHEDULING INSPECTIONS.
- THE CONTRACTOR SHALL REMOVE FROM THE SITE ALL TRASH, WASTE, RUBBISH AND DEBRIS RESULTING FROM THE WORK AT REGULAR INTERVALS DURING THE COURSE OF THE WORK. ALL SUCH WASTE SHALL BE LEGALLY DISPOSED OF OFF-SITE. PATCH DAMAGED FINISHES AS REQUIRED.
- SECURITY OF THE WORK SITE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR DURING THE WORK DAY. THE WORK SITE SHALL BE SECURED AGAINST ENTRY DURING NON-WORK HOURS.
- THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY FACILITIES AS REQUIRED TO PROPERLY AND SAFELY EXECUTE THE WORK. SUCH FACILITIES SHALL INCLUDE BUT ARE NOT NECESSARILY LIMITED TO, SHORING, BRACING, SCAFFOLDING, BARRIERS AND TEMPORARY UTILITIES. THE CONTRACTOR SHALL MAINTAIN ONE EXISTING TOILET OPERABLE THROUGHOUT THE COURSE OF THE JOB.
- ALL WORK SHALL BE INSTALLED PLUMB, LEVEL, AND TRUE.
- UNLESS OTHERWISE NOTED ALL CONNECTIONS AND FASTENERS SHALL BE CONCEALED. THE USE OF EXPOSED FASTENERS SHALL BE APPROVED BY THE DESIGNER. ALL EXTERIOR FASTENERS SHALL BE STAINLESS STEEL OR HOT DIP GALVANIZED.
- ANY OPENINGS LEFT IN FLOORS OR CEILINGS SHALL BE PROTECTED FOR THE SAFETY OF THOSE WORKING ON SITE AND OTHERS.
- ALL DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.
- ANY WORK INTERFACING WITH CITY PROPERTY OR CITY SERVICES SHALL BE PERFORMED PER CITY STANDARDS.
- SUBMIT SHOP DRAWINGS AND MANUFACTURER'S DATA FOR APPROVAL BY ARCHITECT FOR: CASEWORK, COUNTERS, APPLIANCES, LIGHTING FIXTURES, PLUMBING FIXTURES.

SANDBORN MAP



NOGALES RESIDENCE REMODEL

PROJECT DATA

PROJECT DESCRIPTION:
THE PROJECT WILL REMODEL AND EXPAND THE UPSTAIRS ATTIC AREA TO CREATE A MASTER BEDROOM AND WALK-IN CLOSET. ADDING 143 SF TO THE EXISTING 2,089 SF HOME. THE VOLUME OF THE ADDITION WILL EXTEND ABOVE THE RIDGE BUT NOT FORWARD OF IT.

PARCEL INFORMATION:
PROJECT ADDRESS : 6 NOGALES ST, BERKELEY, CA 94705
APN PARCEL NO : 64-4246-2
ZONING : R-1H (HILLSIDE OVERLAY)
CREEK BUFFER : NO
FIRE ZONE : FZ-2
FLOOD ZONE : NONE
OCCUPANCY TYPE : R-3
CONSTRUCTION TYPE : V-B
STORIES : TWO STORY
FIRE SPRINKLERS : NO
ALQUIST-PRUILO ZONE : NO
LANDSLIDE ZONE : NO
LIQUEFACTION ZONE : NO
YEAR MAIN HOUSE BUILT : 1989

EXISTING GARAGE : : 357 SQFT
EXISTING HOUSE : : 2,089 SQFT
PROPOSED ADDITION : : 143 SQFT

PROJECT TEAM

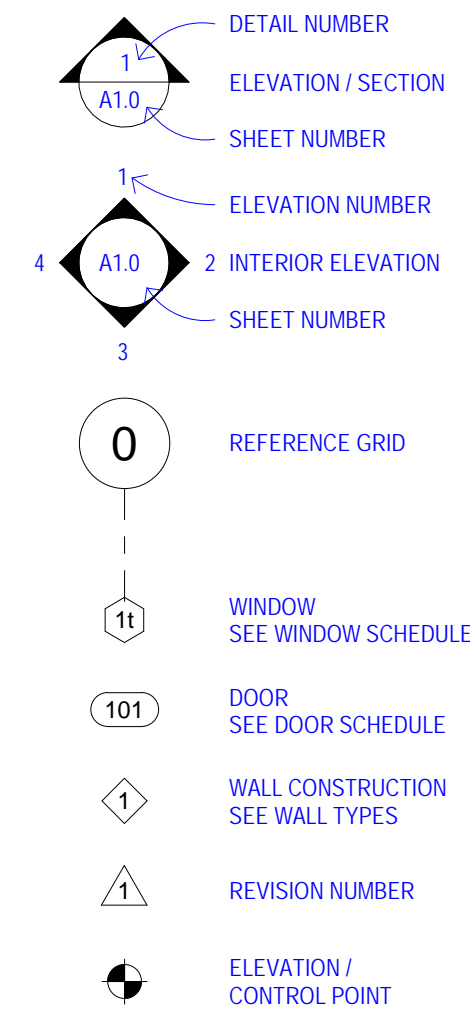
ARCHITECT:
LORIN HILL ARCHITECT
6573 SHATTUCK AVENUE
OAKLAND, CA 94609
TEL: (510) 654-2552
CONTACT: LORIN HILL
LHILL@HILLARCH.COM

OWNER:
ALLAN AND WENDY ABSHEZ
6 NOGALES ST
BERKELEY, CA 94705
(310) 922-7573
CONTACT: ALLAN ABSHEZ
ALLANABSHEZ@SBCGLOBAL.NET

STRUCTURAL ENGINEER:
GPWSE
5905 DOYLE ST, SUITE 112
EMERYVILLE, CA 94608
(510) 654-6903
CONTACT: GREG WALLACE
GREGORY@GPWSE.COM

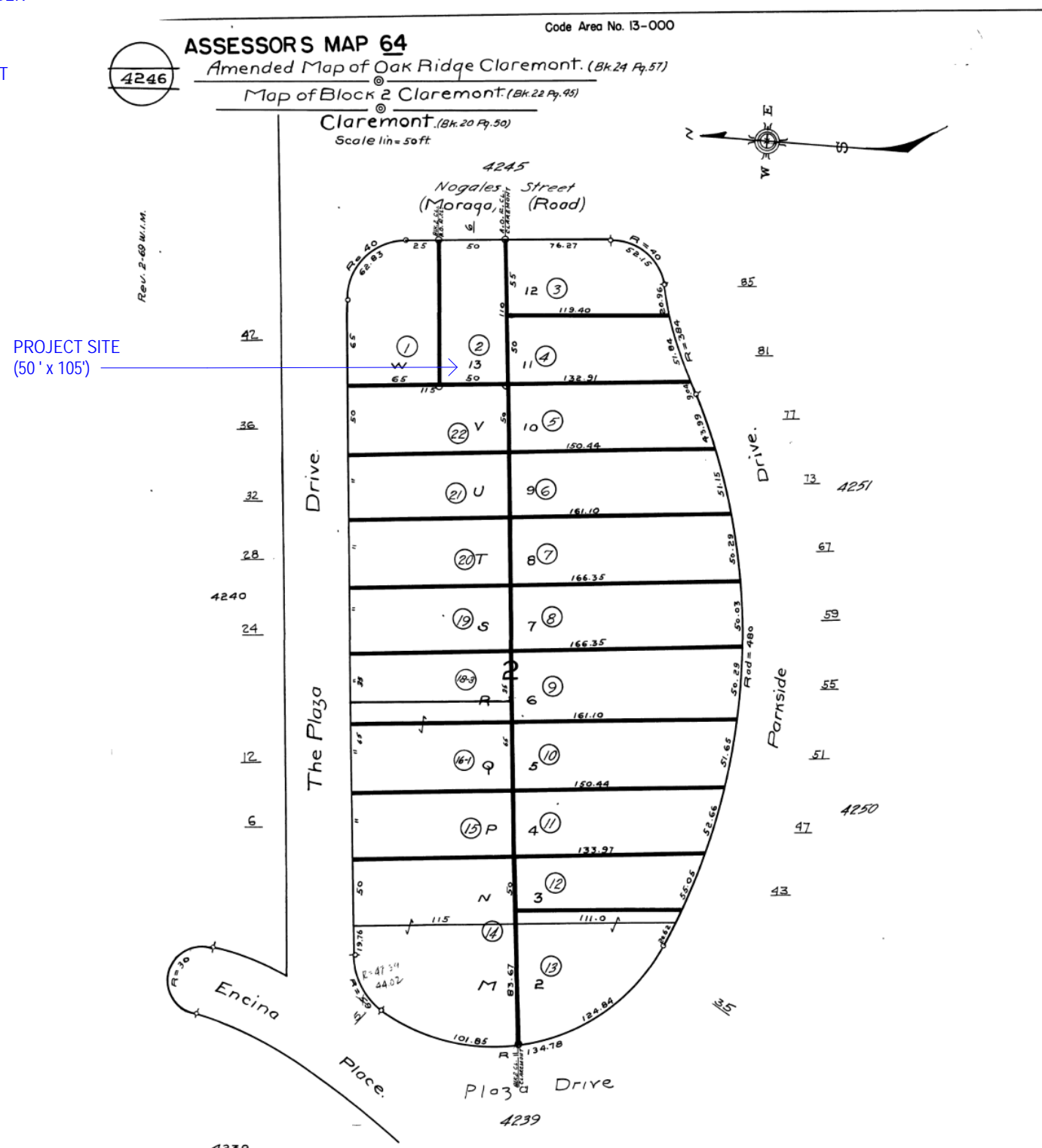
CONTRACTOR:
ALTMANN ASSOCIATES
6573 SHATTUCK AVENUE
OAKLAND, CA 94609
(510) 420-8111
CONTACT: JEFF ALTMANN
JEFFALTMANN@GMAIL.COM

SYMBOLS



PARCEL MAP

For Assessment Use Only



PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.861.7410 TDD: 510.861.6903 Fax: 510.861.7420 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: **6 NOGALES STREET** Date: **11/15/2021**
Applicant's Name: **LORIN HILL ARCHITECT**
Zoning District: **R-1H (HILLSIDE OVERLAY)**

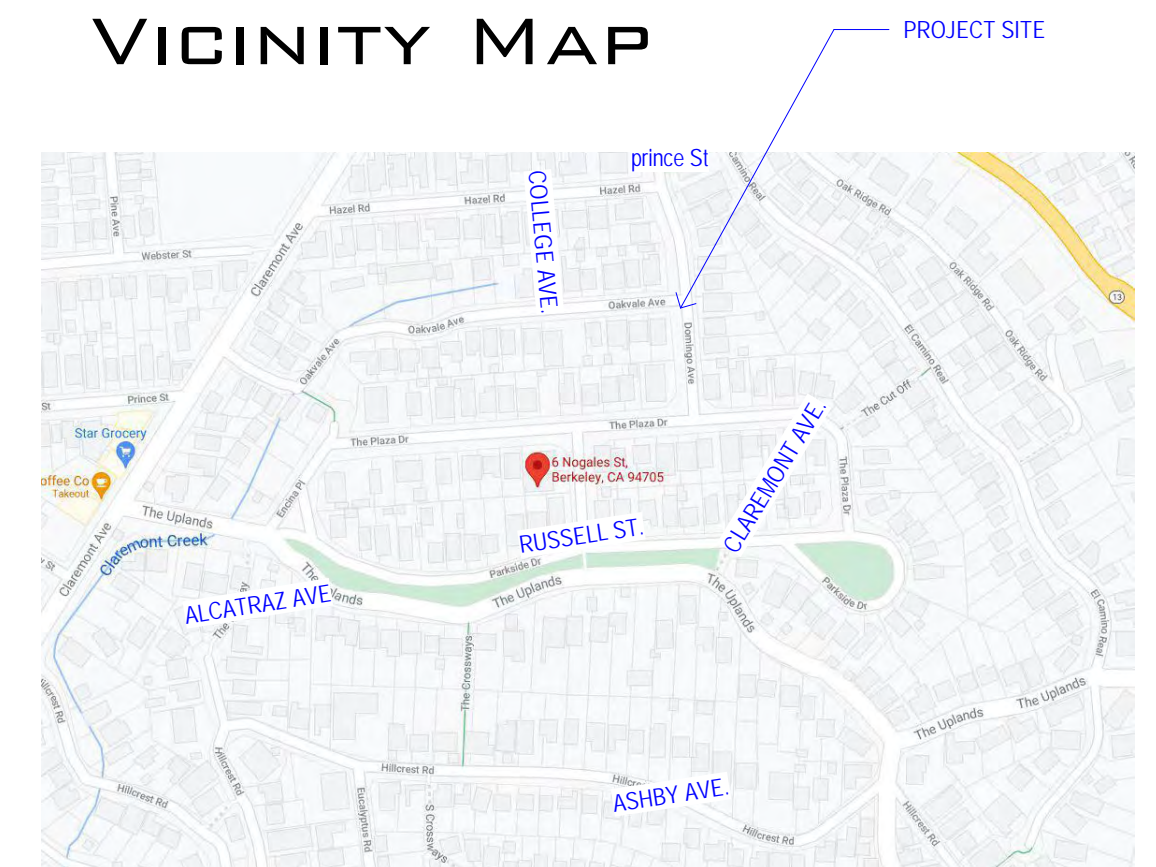
Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/ Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	NO CHANGE	1
Number of Parking Spaces (#)	2	NO CHANGE	2
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	3	NO CHANGE	3
Yards and Height			
Front Yard Setback (Feet)	24'-11"	UNCHANGED	20 FT
Side Yard Setbacks (facing property)	Left: (Feet) 5'-8" (1'-5" GARAGE)	UNCHANGED	4 FT
	Right: (Feet) 7'-2"	UNCHANGED	4 FT
Rear Yard Setback (Feet)	13'-4"	UNCHANGED	20 FT
Building Height* (# Stories)	2	UNCHANGED	3
Average* (Feet)	17'-9 1/4"	23'-8"	
Maximum* (Feet)	22'-6 3/4"	24-10 3/4"	28'-0"
Areas			
Lot Area (Square-Feet)	5,250 SF	UNCHANGED	5,000 SF
Gross Floor Area* (Square-Feet)	2,236.59 SF	2,378.98 SF	N/A
Total Area Covered by All Floors (Square-Feet)	2,467 SF	UNCHANGED	2,100 SF
Lot Coverage* (%) (Footprint/Lot Area)	47% (2,467 SF)	UNCHANGED	40% (2,100 SF)
Useable Open Space* (Square-Feet)	410 SF	UNCHANGED	400 SF
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15



VICINITY MAP



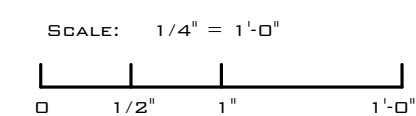
APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING BUILDING CODES AND STANDARDS:

- 2019 CALIFORNIA RESIDENTIAL CODE (CRC)
- 2019 CALIFORNIA BUILDING CODE (CBC)
- 2019 CALIFORNIA ELECTRICAL CODE (CEC)
- 2019 CALIFORNIA MECHANICAL CODE (CMC)
- 2019 CALIFORNIA PLUMBING CODE (CPC)
- 2019 CALIFORNIA ENERGY CODE (CEC)
- 2019 CALIFORNIA FIRE CODE (CFC)
- 2019 CALIFORNIA GREEN BUILDING STANDARDS (CGBC)
- 2019 BERKELEY BUILDING CODE

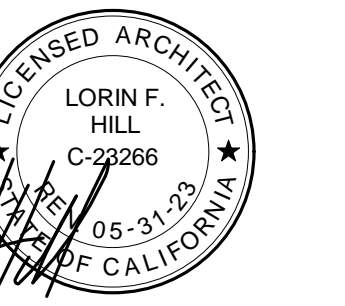
DRAWING INDEX

GENERAL	COVER SHEET
A0.1	SITE PHOTOS
A0.2	SHADOW STUDY
A0.3	
ARCHITECTURAL	LOT PLAN
A1.0	PROPOSED SITE PLAN
A1.1	PROPOSED FLOOR PLANS - REFERENCE ONLY
A2.0	EXISTING FIRST FLOOR PLAN - REFERENCE ONLY
A2.1	EXISTING ATTIC FLOOR DEMOLITION PLAN
A2.2	EXISTING DEMO ROOF PLAN
A2.3	PROPOSED ATTIC FLOOR PLAN
A2.4	PROPOSED ROOF PLAN
A2.5	EXISTING/DEMOS AND PROPOSED FRONT ELEVATIONS
A3.0	EXISTING/DEMOS AND PROPOSED NORTH ELEVATIONS
A3.1	EXISTING/DEMOS AND PROPOSED WEST ELEVATIONS
A3.2	EXISTING/DEMOS AND PROPOSED SOUTH ELEVATIONS
A3.3	BUILDING SECTIONS
A4.0	



project no.:
2012

LORIN HILL ARCHITECT
6573 Shattuck Avenue
Oakland, California 94609
lh@lharch.com
Tel.: 510.654.2552



NOGALES ST. RESIDENCE REMODEL
6 NOGALES ST, BERKELEY, CA 94705

- AUP 9/14/2021
- AUP-NOI REV1 12/07/2021

Drawing Title:
COVER SHEET

by: CG
date: December 07, 2021

scale: 1/4" = 1'-0"

sheet no.:

A0.1

project no.: 2012



85 PARKSIDE

6 NOGALES ST.



85 PARKSIDE

6 NOGALES ST.

42 THE PLAZA



42 THE PLAZA

VIEW FROM THE NEW MAIN BEDROOM WINDOW



85 PARKSIDE

6 NOGALES

42 THE PLAZA



POSSIBLE VIEW FROM NOGALES STREET



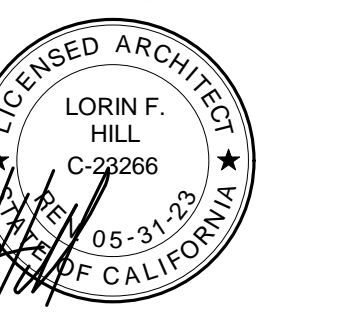
PROPOSED ADDITION



EXISTING

project no.:
2012

LORIN HILL ARCHITECT
lorin@lorinhill.com
510.854.2652
657 Shattuck Avenue
Oakland, California 94609



**NOGALES ST. RESIDENCE
REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

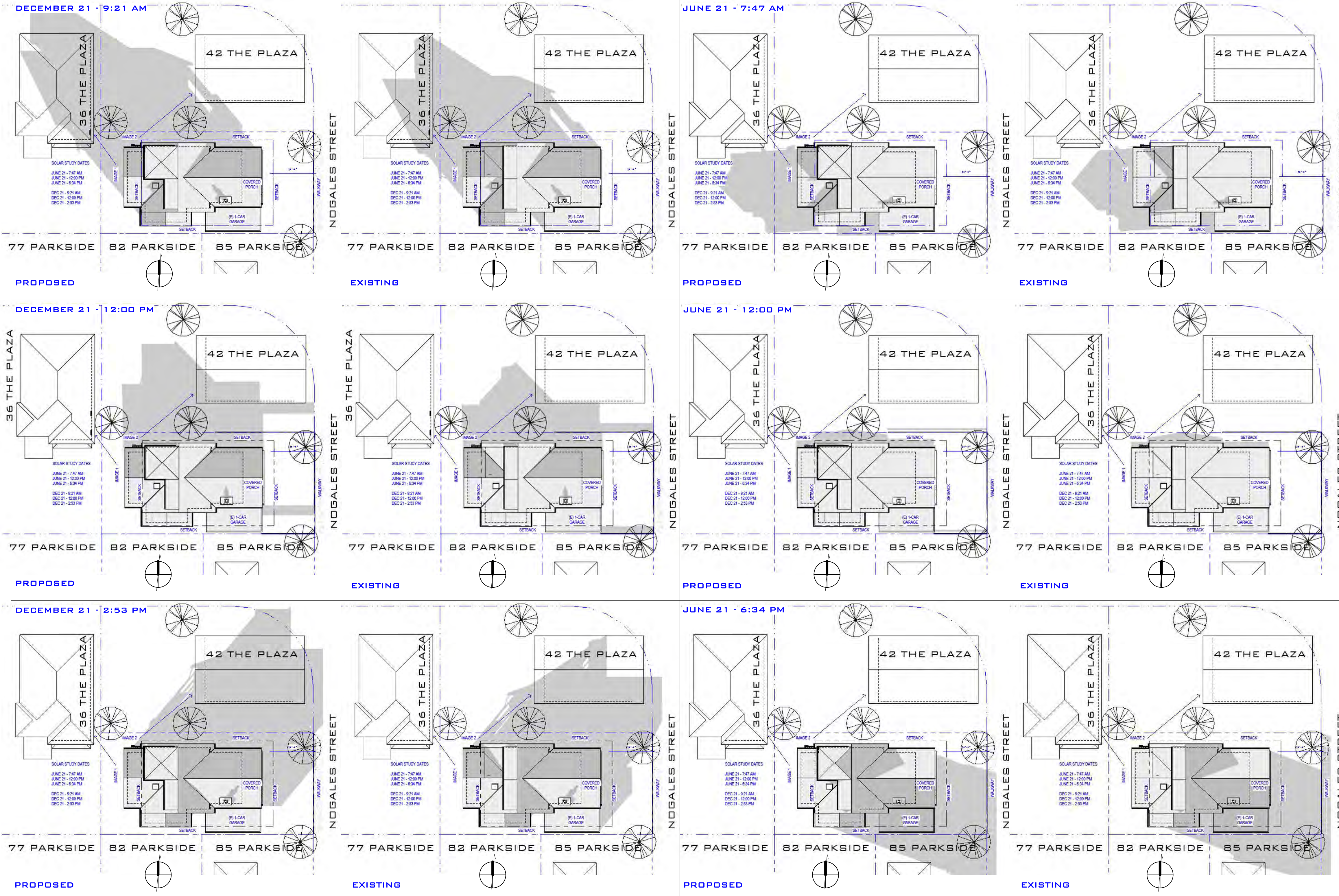
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- △ AUP-NOI REV1 12/07/2021

Drawing Title:
SITE PHOTOS

by:
CG
date:
December 07, 2021
scale:

sheet no.:

A0.2
project no.: 2012



SHEET NOTES:

KEYNOTES:

LEGEND:

project no. 2012

LORIN HILL ARCHITECT

6570 Shattuck Avenue
Oakland, California 94609

510.854.2652

LORIN F. HILL
C-22266
05-31-2013
LICENSED ARCHITECT
STATE OF CALIFORNIA

**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

- △ AUP 9/14/2021
- ▲ AUP-NOI REV1 12/07/2021

Drawing Title:
SHADOW STUDY

by:
CG

date:
December 07, 2021

scale:

sheet no.:

A0.3

project no. 2012

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BEDROOM
BEDROOM

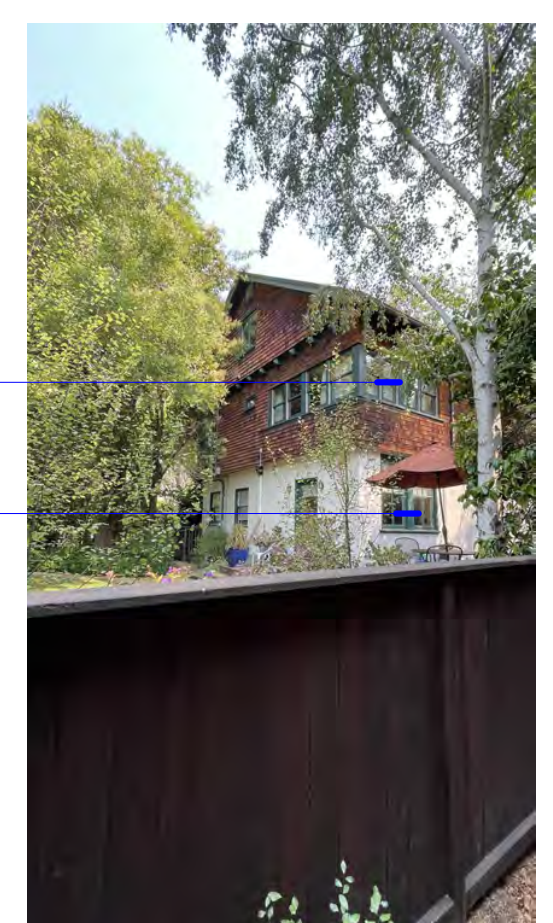
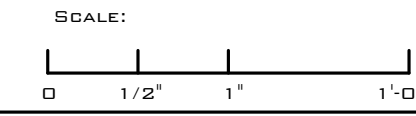


IMAGE 2

BEDROOM
KITCHEN



IMAGE 1



project no. 2012

LORIN HILL ARCHITECT

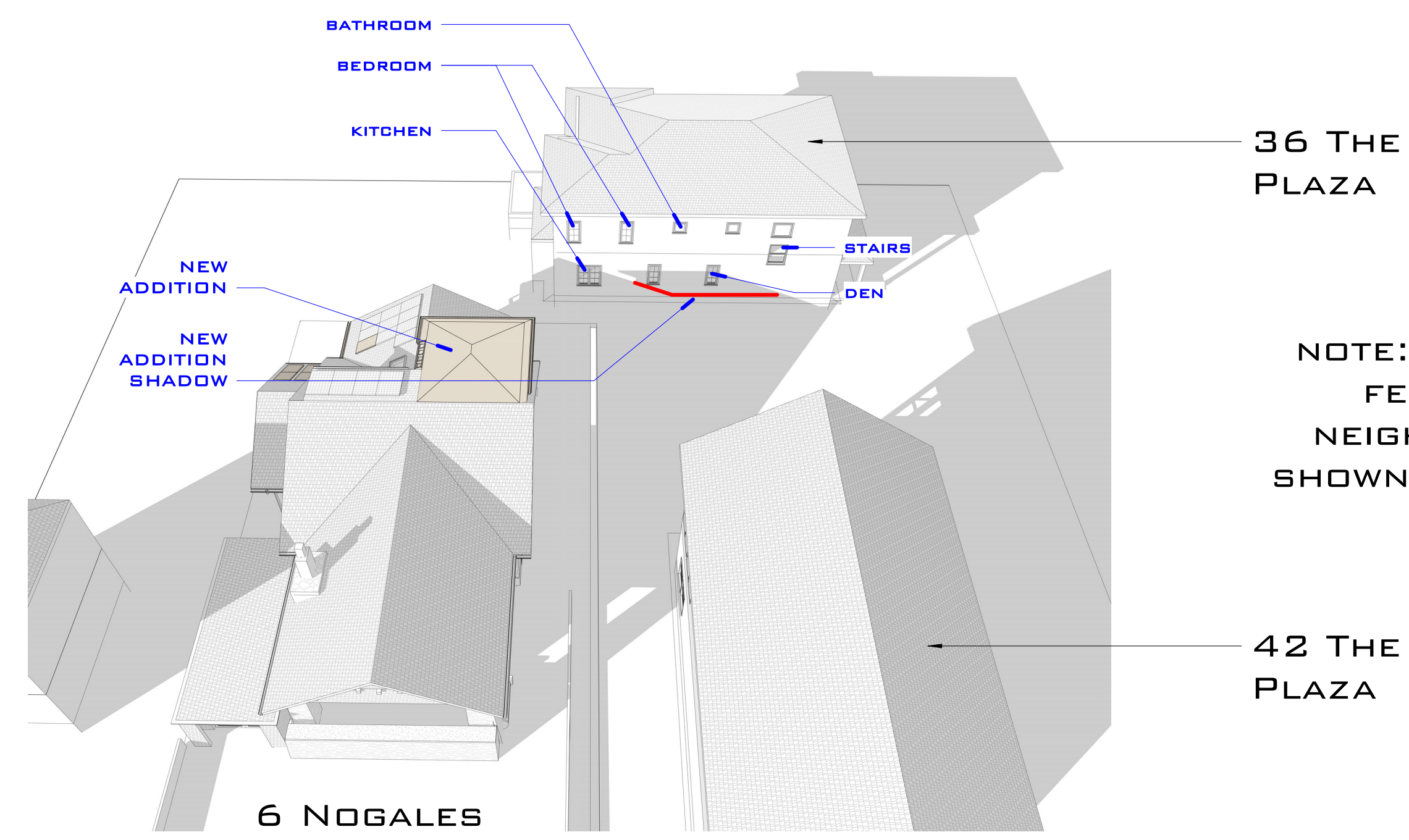
lorin@lhillarch.com
949.854.2652

857 Shattuck Avenue
Oakland, California 94609

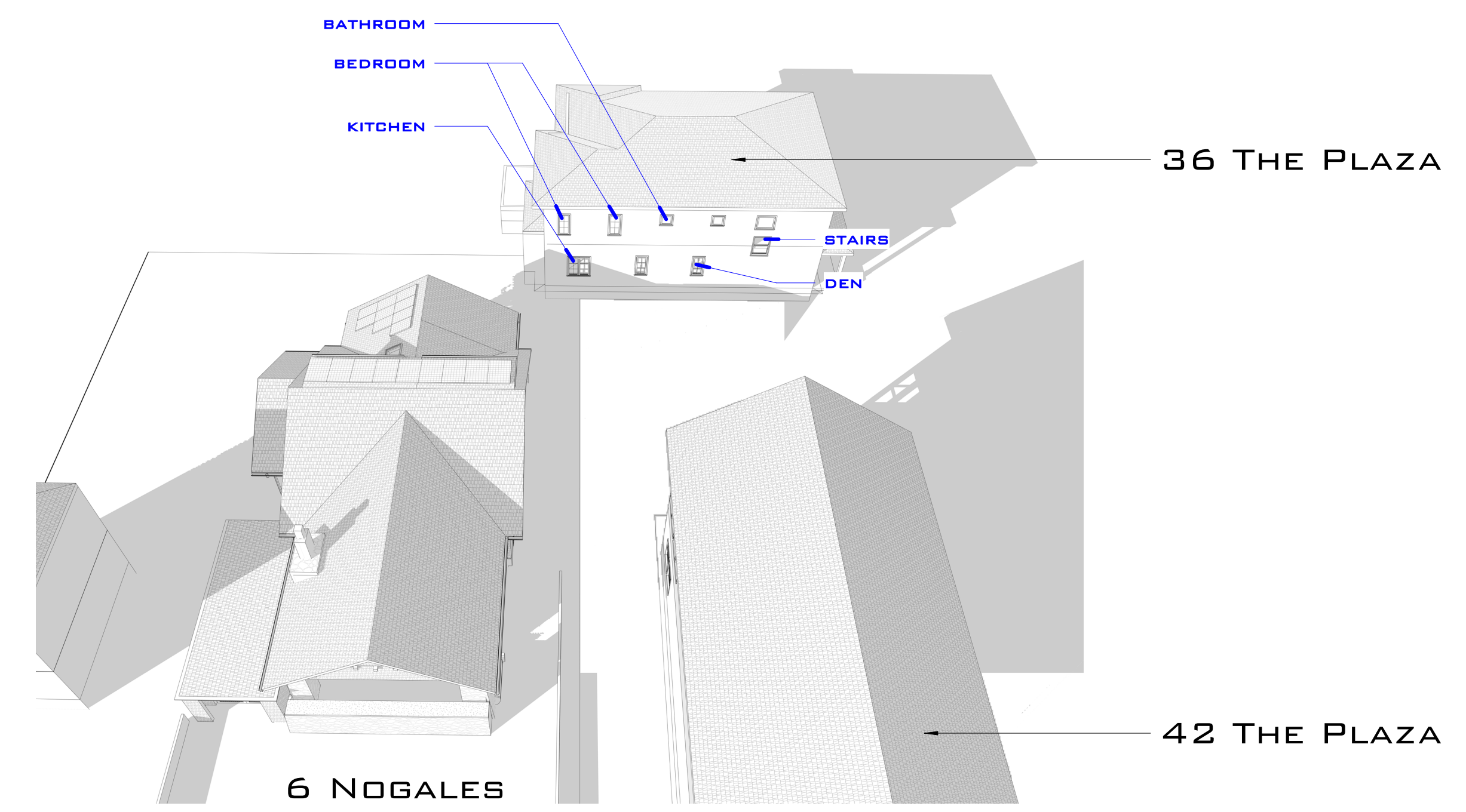
LICENSED ARCHITECT
LORIN F. HILL
C-22266
05-31-23
STATE OF CALIFORNIA

**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

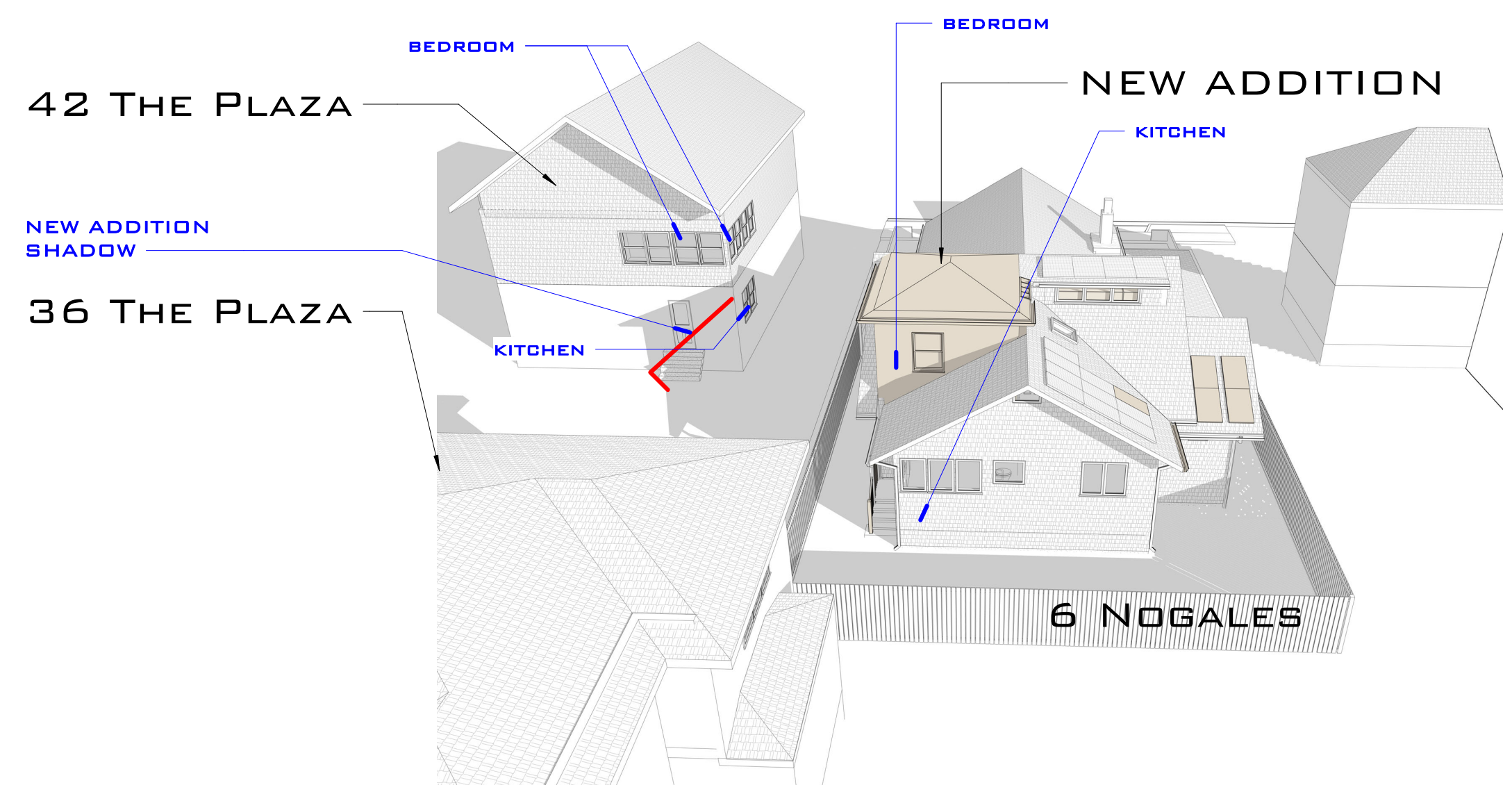


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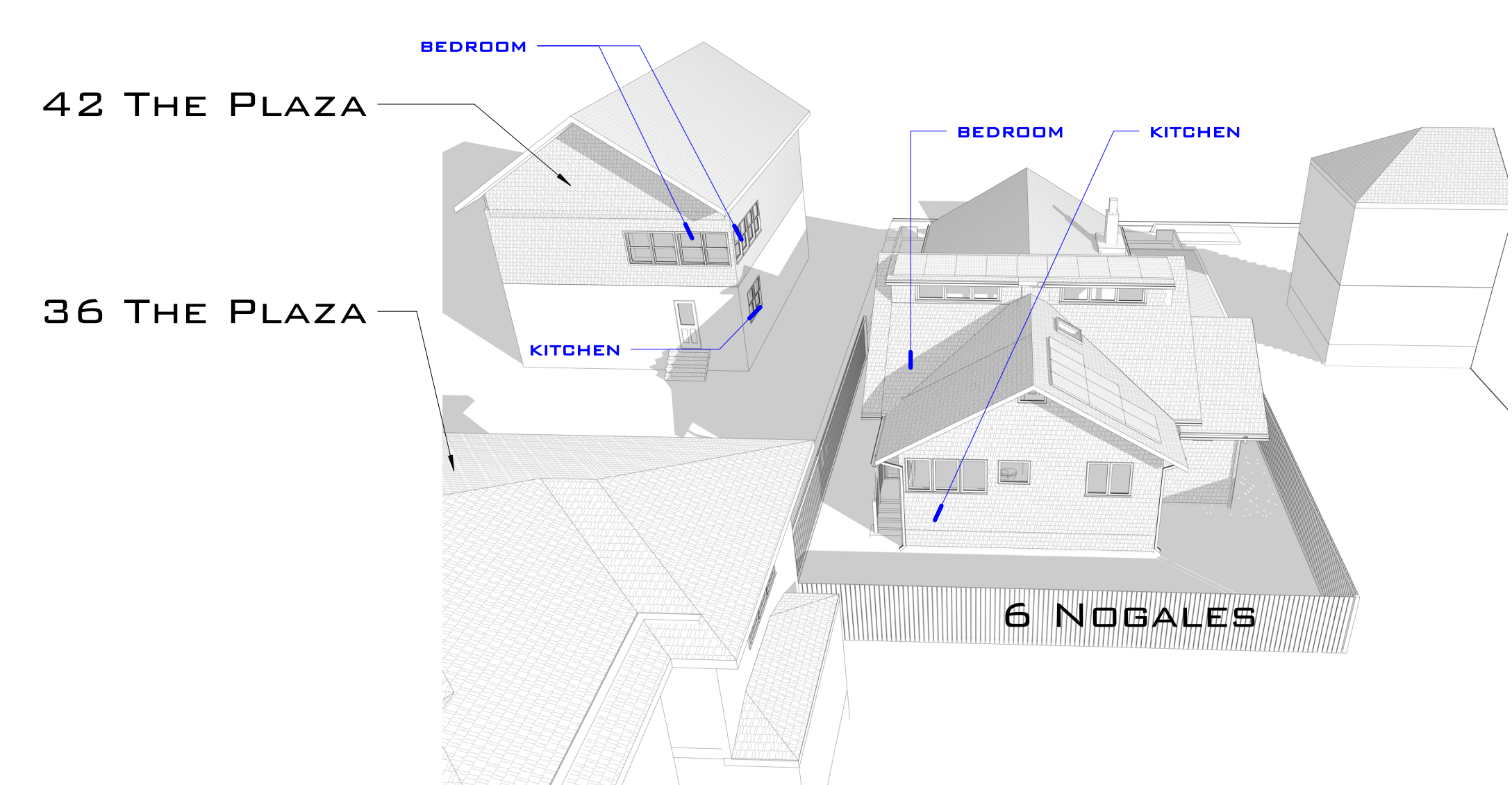


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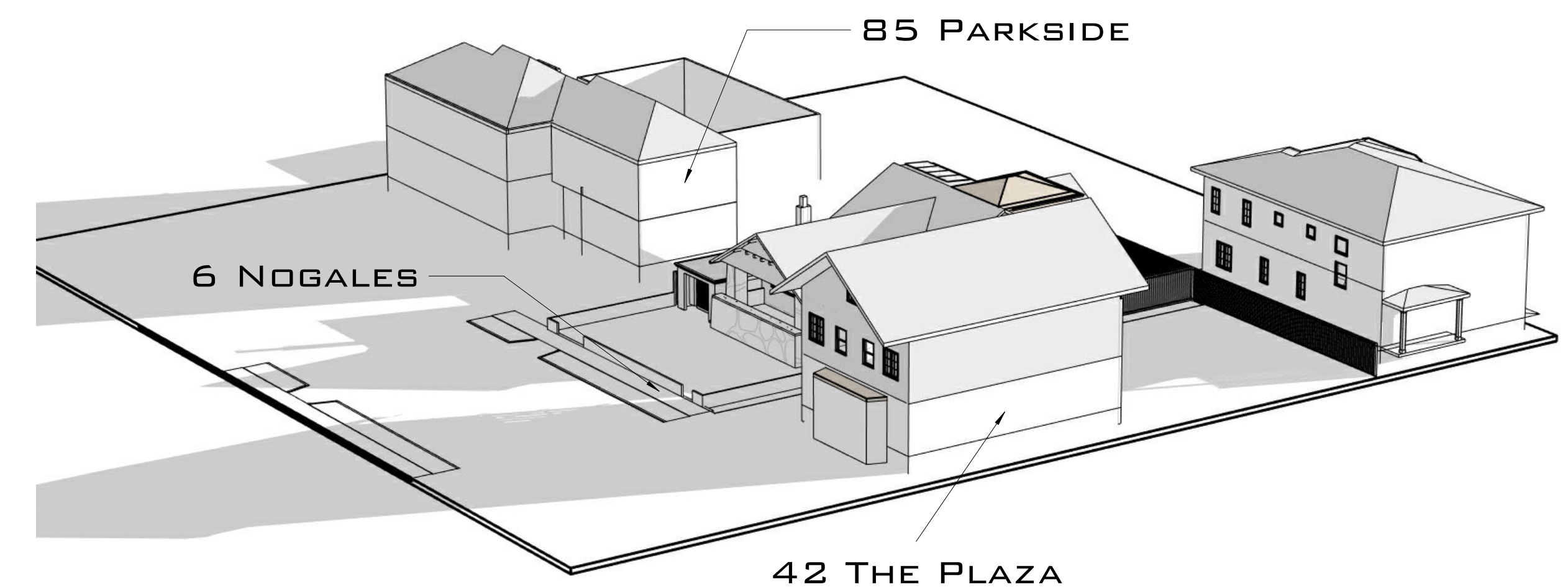
NOTE: TREES AND
FENCES OF
NEIGHBORS NOT
SHOWN FOR CLARITY



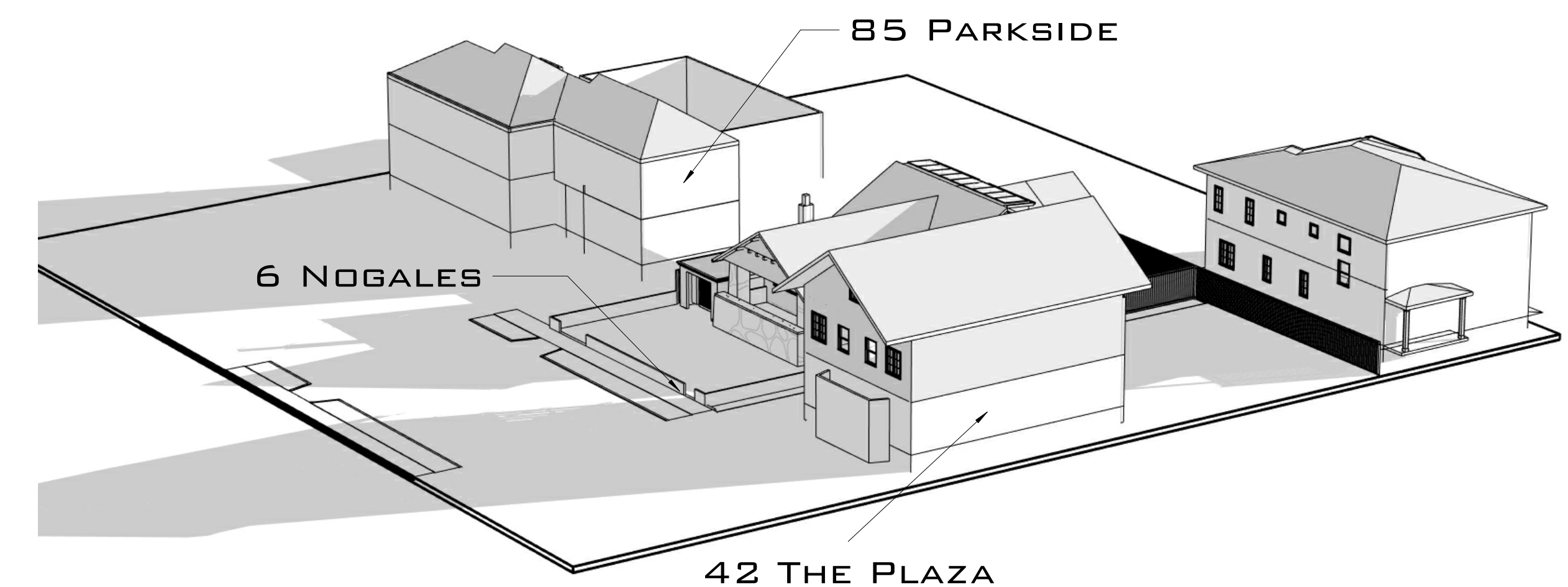
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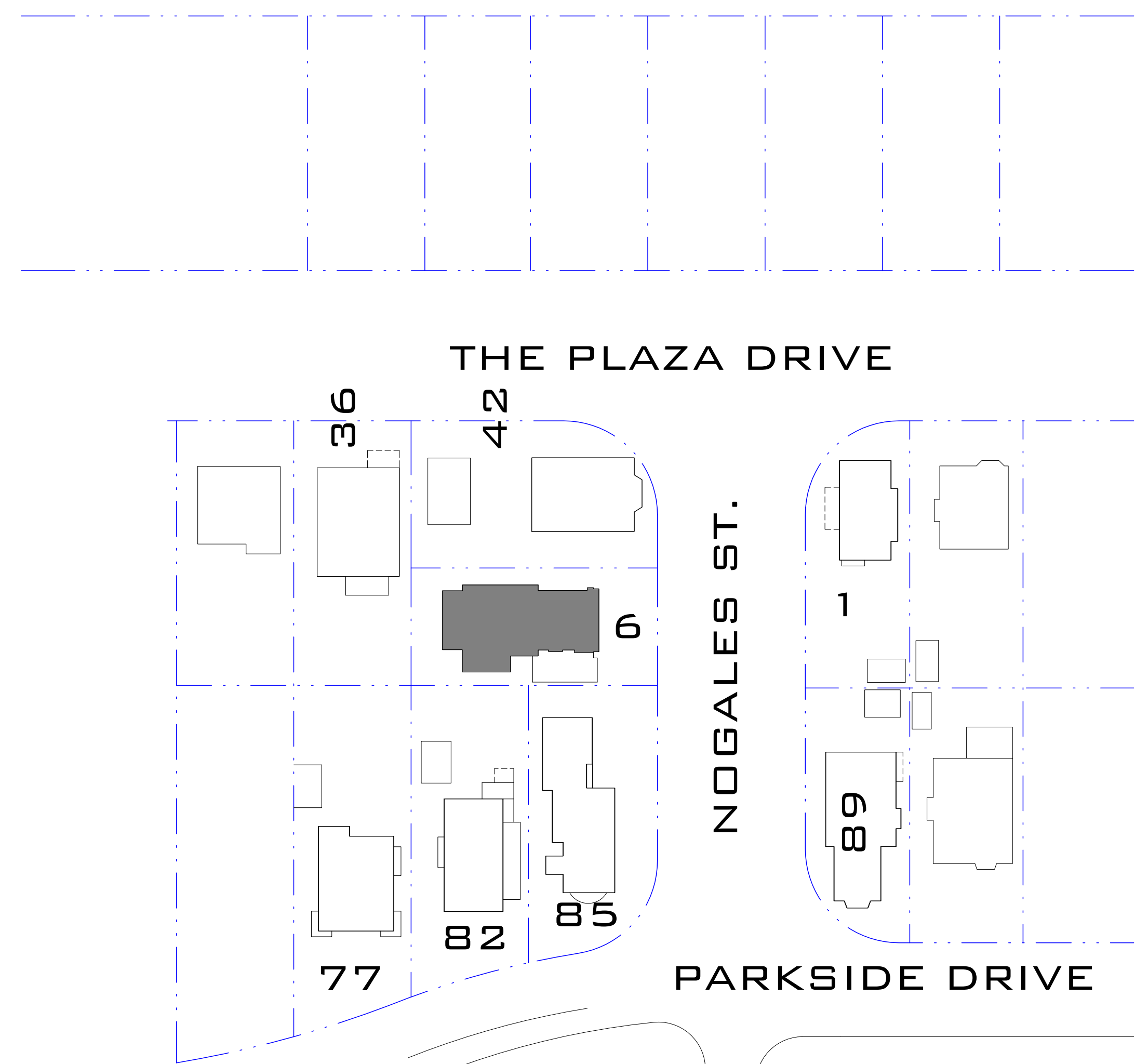
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- △ AUP 9/14/2021
- ▲ AUP-NOI REV1 12/07/2021

Drawing Title:
SHADOW STUDY
ON ELEVATIONS

by:
CG
date:
January 27 2022
scale:
sheet no.:

A0.4
project no. 2012



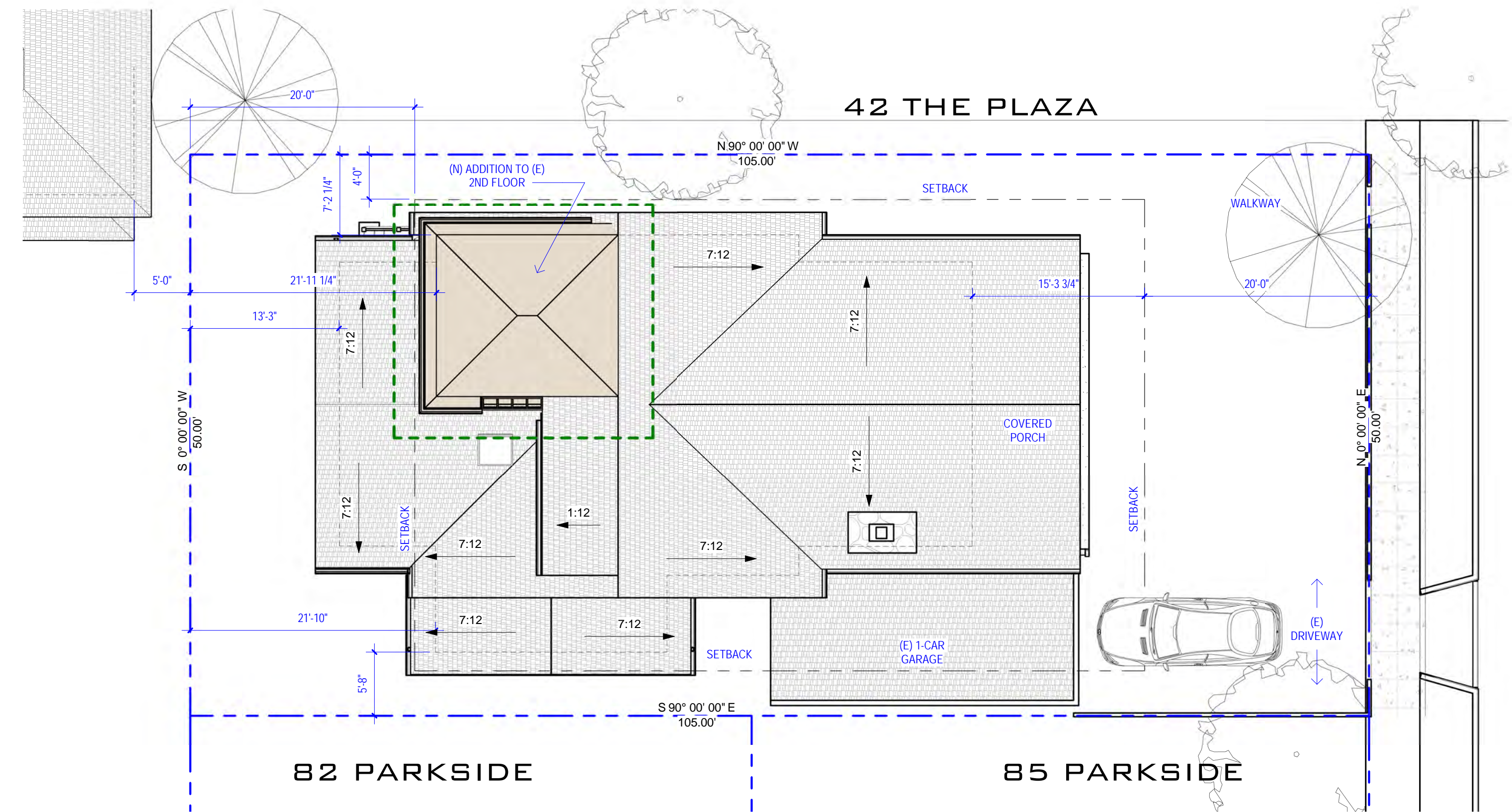
2 LOT PLAN
1" = 40'-0"



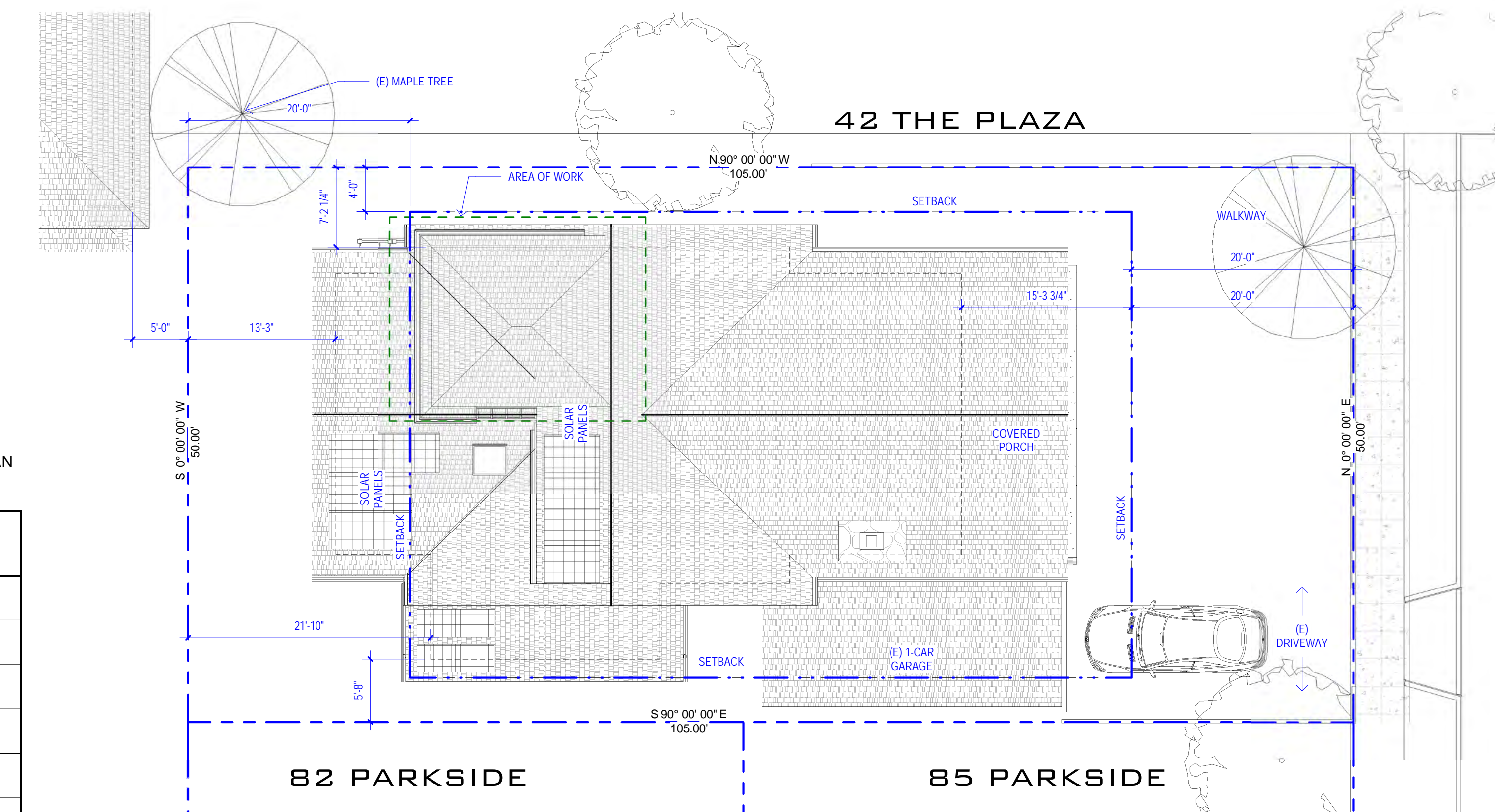
I HAVE REVIEWED THE PLANS FOR A **A 143 SF, HORIZONTAL ADDITION AT SECOND FLOOR (10'-1" X 14'-2")** AND INTERIOR RENOVATIONS OF AN EXISTING TWO-STORY SINGLE FAMILY RESIDENCE AT 6 NOGALES STREET.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS (PLEASE PUT INITIALS)	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENT
		42 PLAZA DR					
		36 PLAZA DR					
		85 PARKSIDE DRIVE					
		81 PARKSIDE DRIVE					
		77 PARKSIDE DRIVE					
		89 PARKSIDE DRIVE					
		1 NOGALES STREET					

1 NEIGHBOR SIGNATURES
1 1/2" = 1'-0"



3 (N) SITE PLAN
1/8" = 1'-0"



4 (E) SITE PLAN
1/8" = 1'-0"

SCALE: AS INDICATED
0 1/2" 1" 1'-0"

project no.: 2012

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05-31-23
STATE OF CALIFORNIA

**NOGALES ST. RESIDENCE
REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

- ▲ AUP 9/14/2021
- ▲ AUP-NOI REV1 12/07/2021

Drawing Title:
LOT PLAN

by:
CG
date:
December 07, 2021
scale:
As indicated
sheet no.:

A1.0
project no.: 2012

project no.: **2012**

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**NOGALES ST. RESIDENCE
REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

- △ AUP 9/14/2021
- △ AUP-NOI REV1 12/07/2021

Drawing Title:
EXISTING FLOOR PLANS - REFERENCE ONLY

by: CG
date: December 07, 2021
scale: 1/4" = 1'-0"
sheet no.:

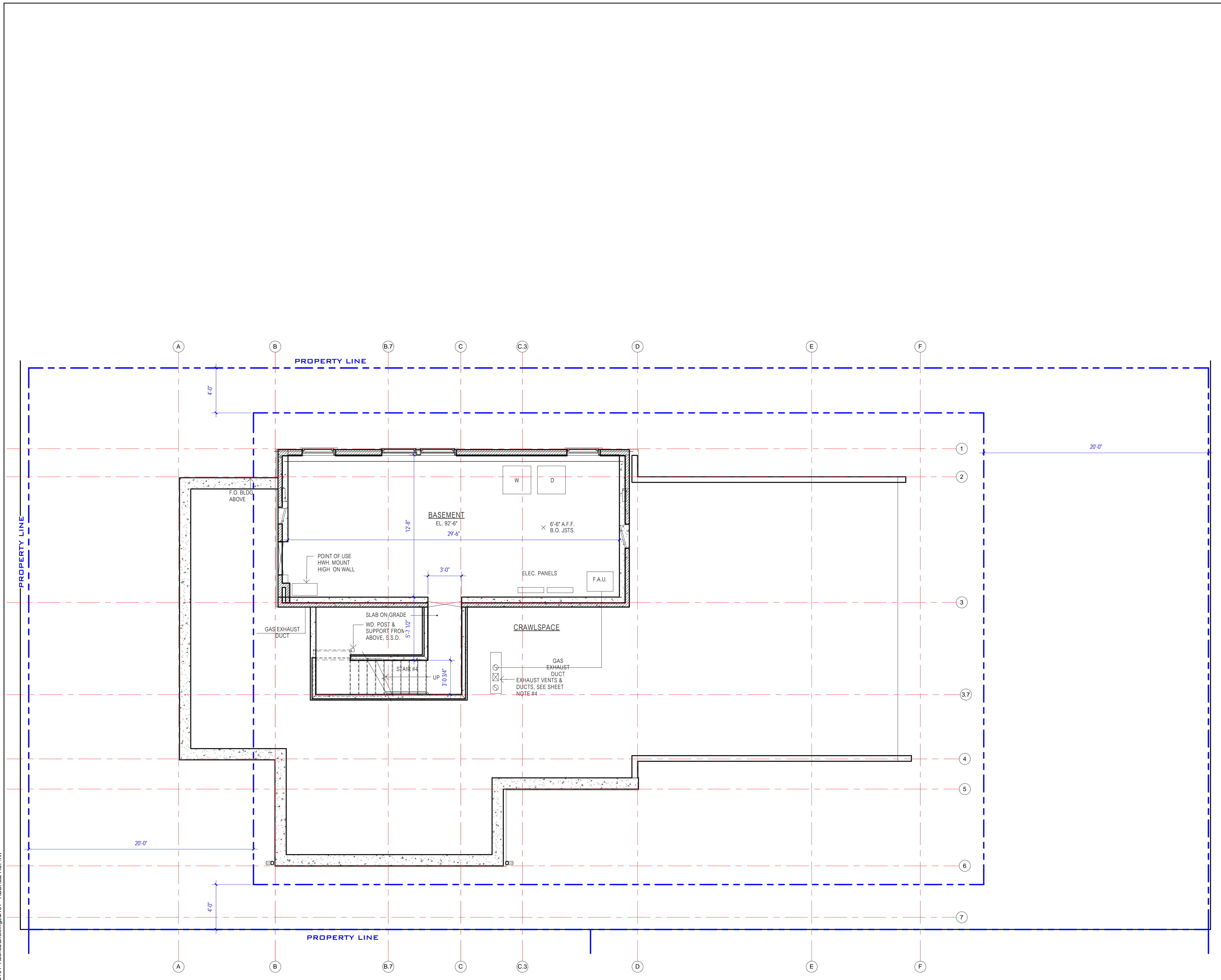
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project no.: 2012

SHEET NOTES:

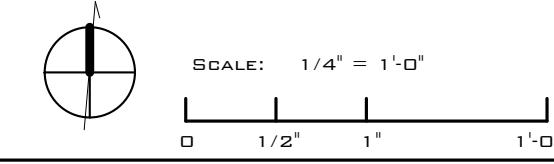
KEYNOTES:

LEGEND:

- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS



1 (E) BASEMENT BASEMENT PLAN - REFERENCE ONLY
1/4" = 1'-0"



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project no.: 2012

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**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

SHEET NOTES:

KEYNOTES:

LEGEND:

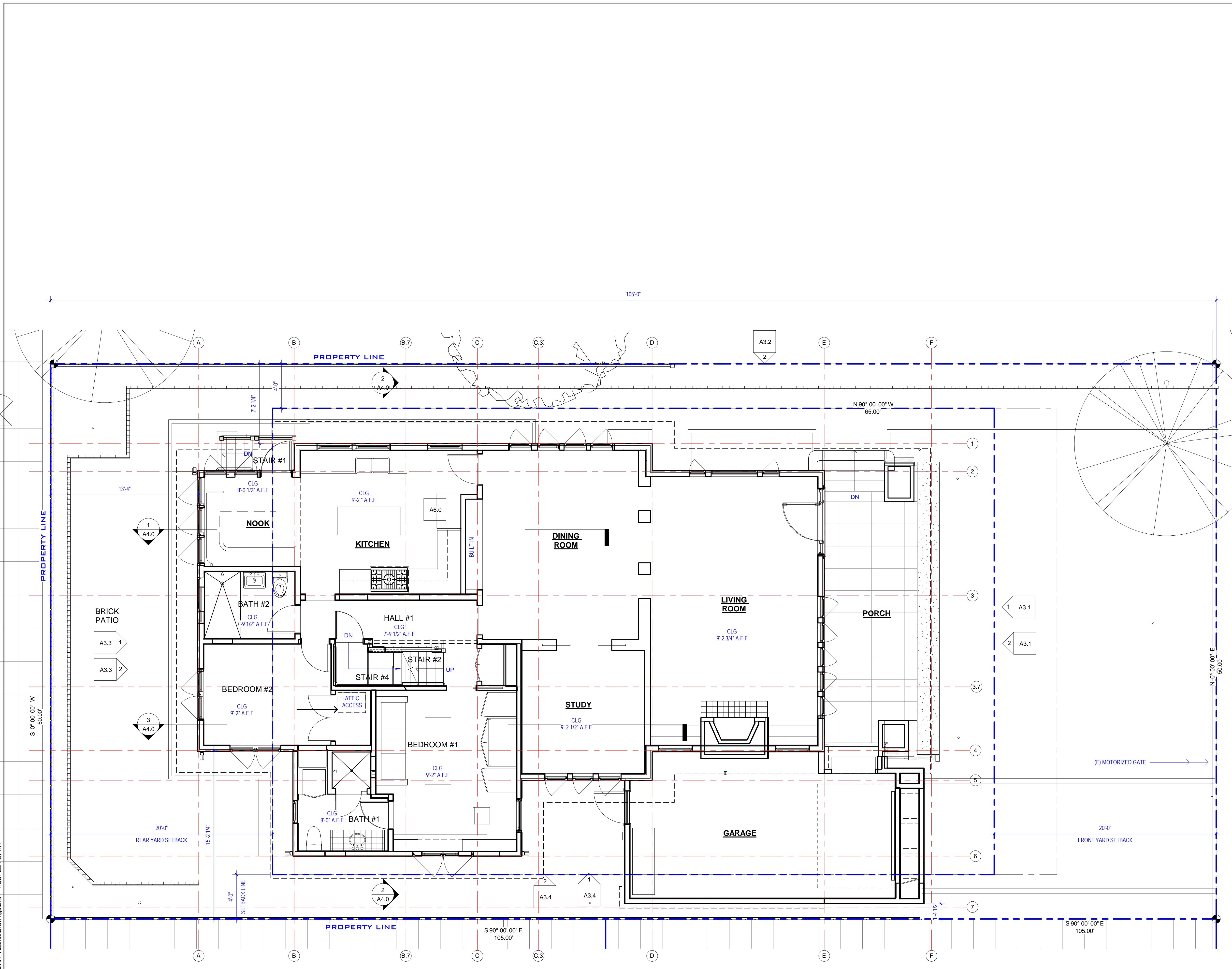
- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS

- AUP 9/14/2021
- AUP-NOI REV1 12/07/2021

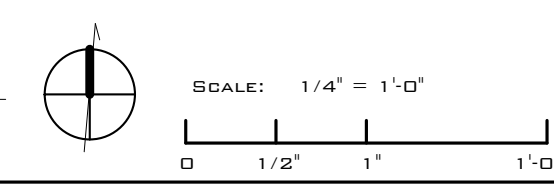
Drawing Title:
EXISTING FIRST FLOOR PLAN - REFERENCE ONLY

by: Author
date: December 07, 2021
scale: 1/4" = 1'-0"
sheet no.:

A2.1
project no.: 2012



1 EXISTING FIRST FLOOR PLAN - REFERENCE ONLY
1/4" = 1'-0"



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project no.: 2012

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**NOGALES ST. RESIDENCE
REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

SHEET NOTES:
1. ALL DOORS AND WINDOWS SHOWN ARE EXISTING UNLESS NOTED.
2. ALL DIMENSIONS TO FINISH U.O.N.
3. PROVIDE FIRESTOP PROTECTION @ EA. FLOOR PENETRATION FOR GAS VENTS & DUCTS PER UBC, SEC. 711.3.

KEYNOTES:

LEGEND:

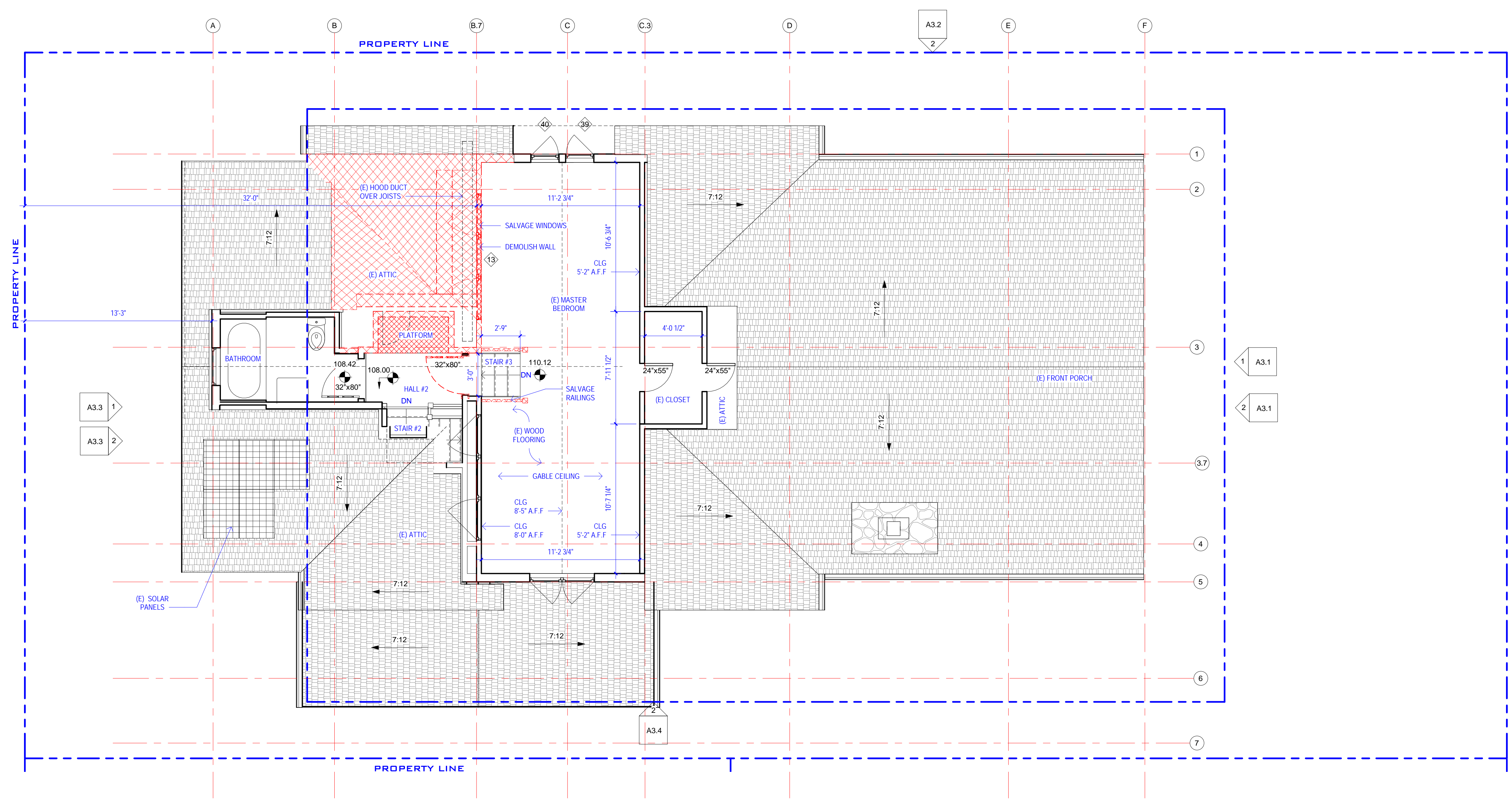
- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS

AUP
9/14/2021
AUP-NOI REV1
12/07/2021

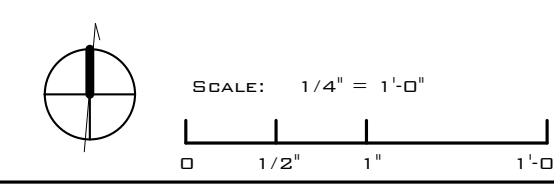
Drawing Title:
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by: Author
date: December 07, 2021
scale: 1/4" = 1'-0"
sheet no.:

A2.2
project no.: 2012



1 ATTIC FLOOR DEMO PLAN
1/4" = 1'-0"



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project no.: 2012

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**NOGALES ST. RESIDENCE
REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

△ AUP
9/14/2021
△ AUP-NOI REV1
12/07/2021

Drawing Title:
**EXISTING/ DEMO
ROOF PLAN**

by:
CG
date:
December 07, 2021
scale:
1/4" = 1'-0"
sheet no.:

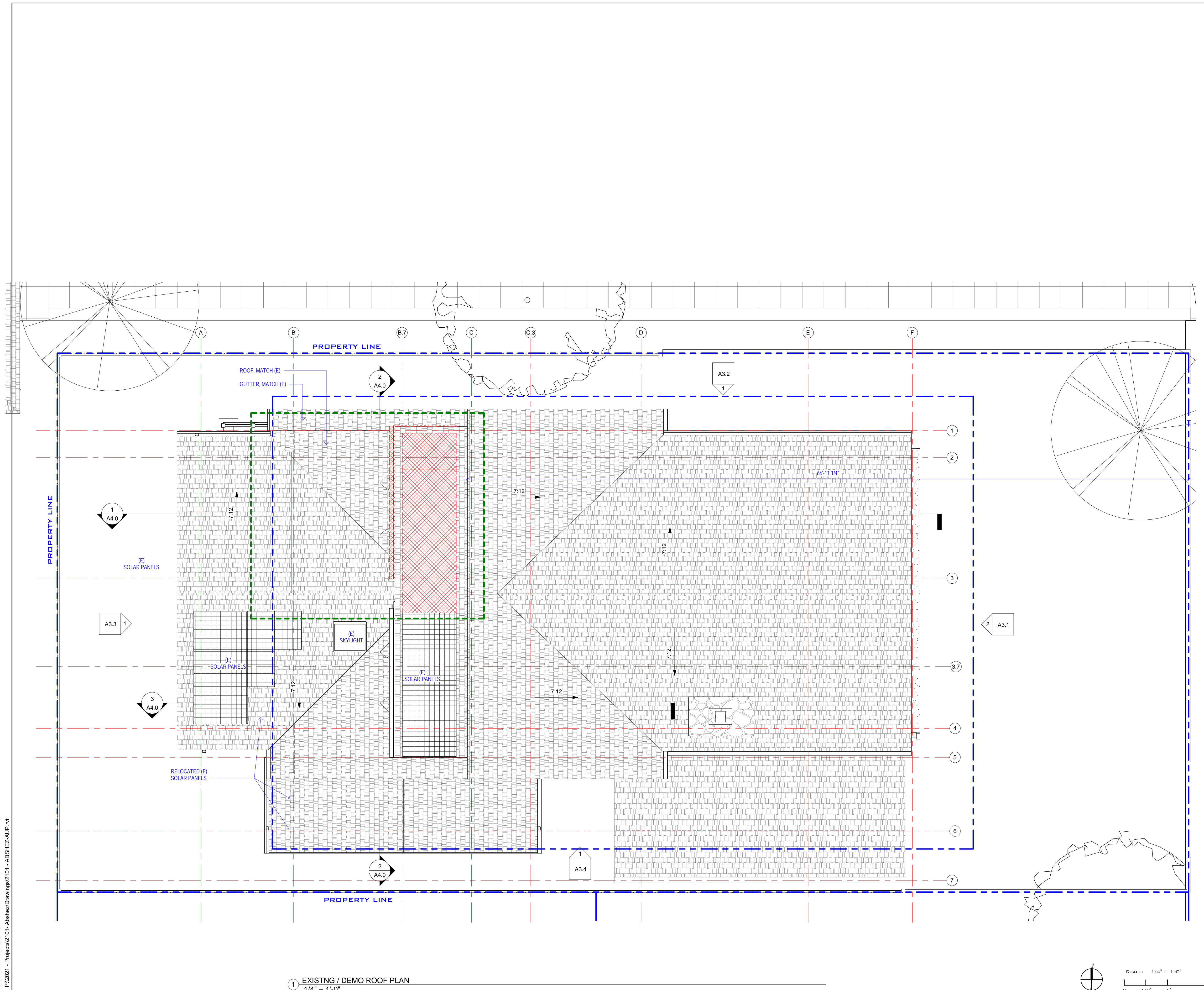
A2.3
project no.: 2012

SHEET NOTES:

KEYNOTES:

LEGEND:

- - - LIMITS
- - - AREA OF WORK
- - - PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS



1 EXISTING / DEMO ROOF PLAN
1/4" = 1'-0"

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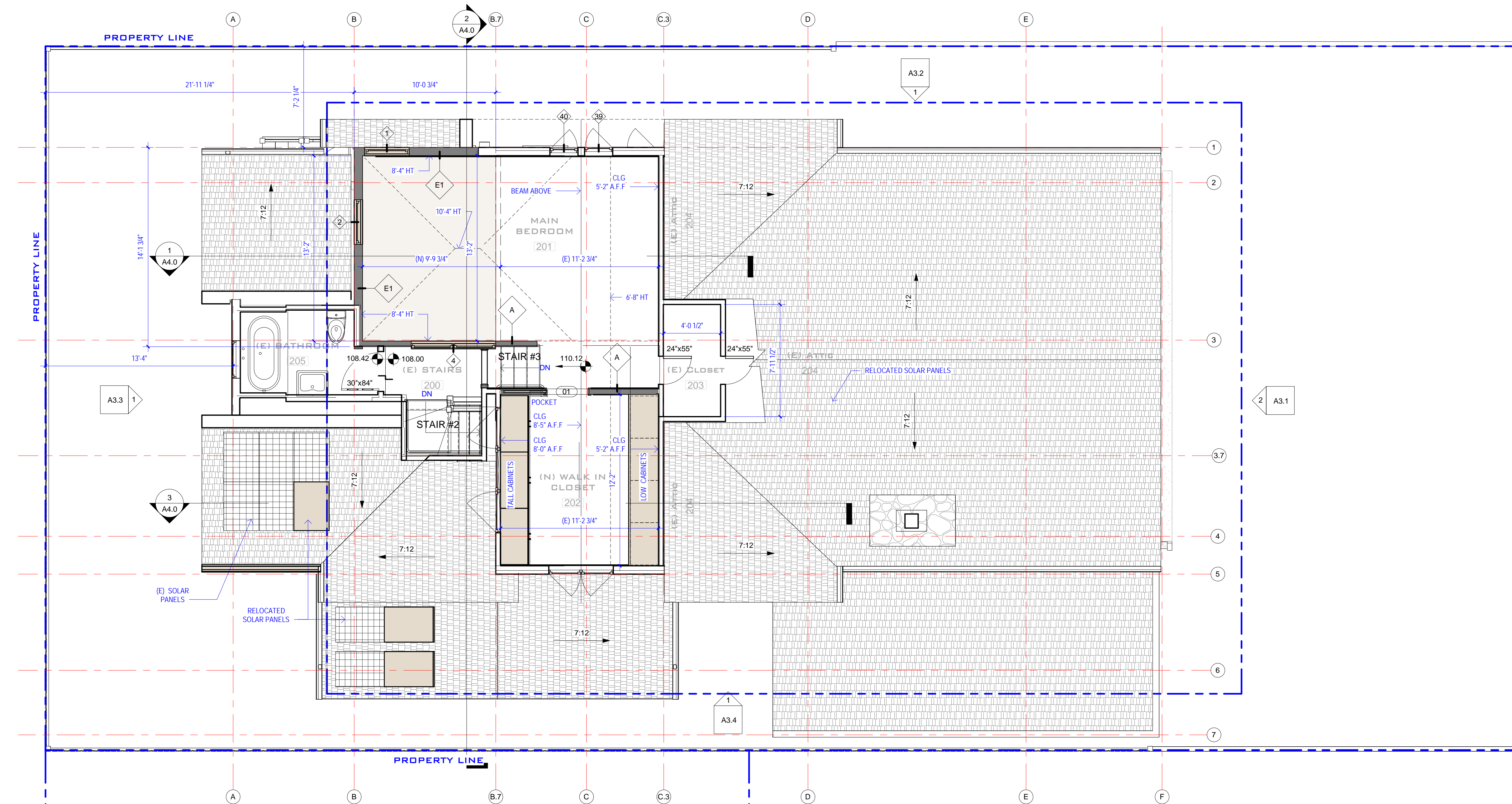
WINDOW SCHEDULE									
Level	Phase Created	Mark	Type	From Room: Number	From Room: Name	Sill Height	Width	Height	Keynote
Level 02-FF	New Construction	1	38" x 52"	201	MAIN BEDROOM	2' - 4 7/16"	3' - 2"	4' - 4"	wui compliant
Level 02-FF	New Construction	2	38" x 52"	201	MAIN BEDROOM	2' - 4 7/16"	3' - 2"	4' - 4"	wui compliant
Level 02-FF	New Construction	4	72" x 17"	200	(E) STAIRS	6' - 7"	6' - 0"	1' - 5"	

ROOM SCHEDULE					
Number	Name	Floor Finish	Base Finish	Wall Finish	Ceiling Finish
200	(E) STAIRS	WOOD	wood (stain)		
201	MAIN BEDROOM	WOOD	WOOD (STAIN)	gyp bd. painted	gyp. bd painted
202	(N) WALK IN CLOSET	WOOD	WOOD (STAIN)	gyp bd. painted	gyp. bd painted
203	(E) Closet	WOOD	WOOD (STAIN)		
204	(E) Attic	NOT FINISHED	NOT FINISHED		
205	(E) BATHROOM	TILE	TILE		

DOOR SCHEDULE												
Level	Phase Created	Mark	Type Mark	From Room: Number	Sill Height	From Room: Name	Width	Height	Thickness	Fire Rating	Finish	Keynote
Level 02-FF	New Construction	01	A	202	0' - 0"	(N) WALK IN CLOSET	3' - 0"	6' - 8"	0' - 1 3/8"			

SHEET NOTES:

1. ALL DOORS AND WINDOWS SHOWN ARE EXISTING UNLESS NOTED.
2. ALL DIMENSIONS TO FINISH U.O.N.
3. PROVIDE FIRESTOP PROTECTION @ EA. FLOOR PENETRATION FOR GAS VENTS & DUCTS PER UBC. SEC. 711.3.

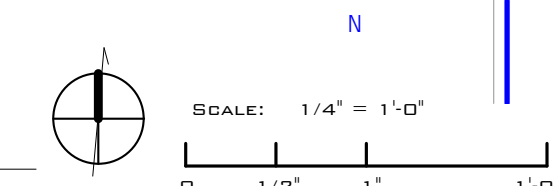


KEYNOTES:

- LEGEND:**
- LIMITS
 - AREA OF WORK
 - PROPERTY LINE
 - NEW PARTITIONS
 - NEW ITEMS
 - EXISTING PARTITIONS
 - DEMOLISHED PARTITIONS

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1 2ND FLOOR PLAN
1/4" = 1'-0"



project no.:
2012

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STATE OF CALIFORNIA

**NOGALES ST. RESIDENCE
REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

- ▲ AUP
9/14/2021
- ▲ AUP-NOI REV1
12/07/2021

Drawing Title:
**PROPOSED ATTIC
FLOOR PLAN**

by:
CG

date:
December 07, 2021

scale:
1/4" = 1'-0"

sheet no.:

A2.4
project no.: 2012

project no.: 2012

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STATE OF CALIFORNIA

**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

SHEET NOTES:

KEYNOTES:

LEGEND:

- - - LIMITS
- - - AREA OF WORK
- - - PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS

- AUP 9/14/2021
- AUP-NOI REV1 12/07/2021

Drawing Title:
PROPOSED ROOF PLAN

by:
Author

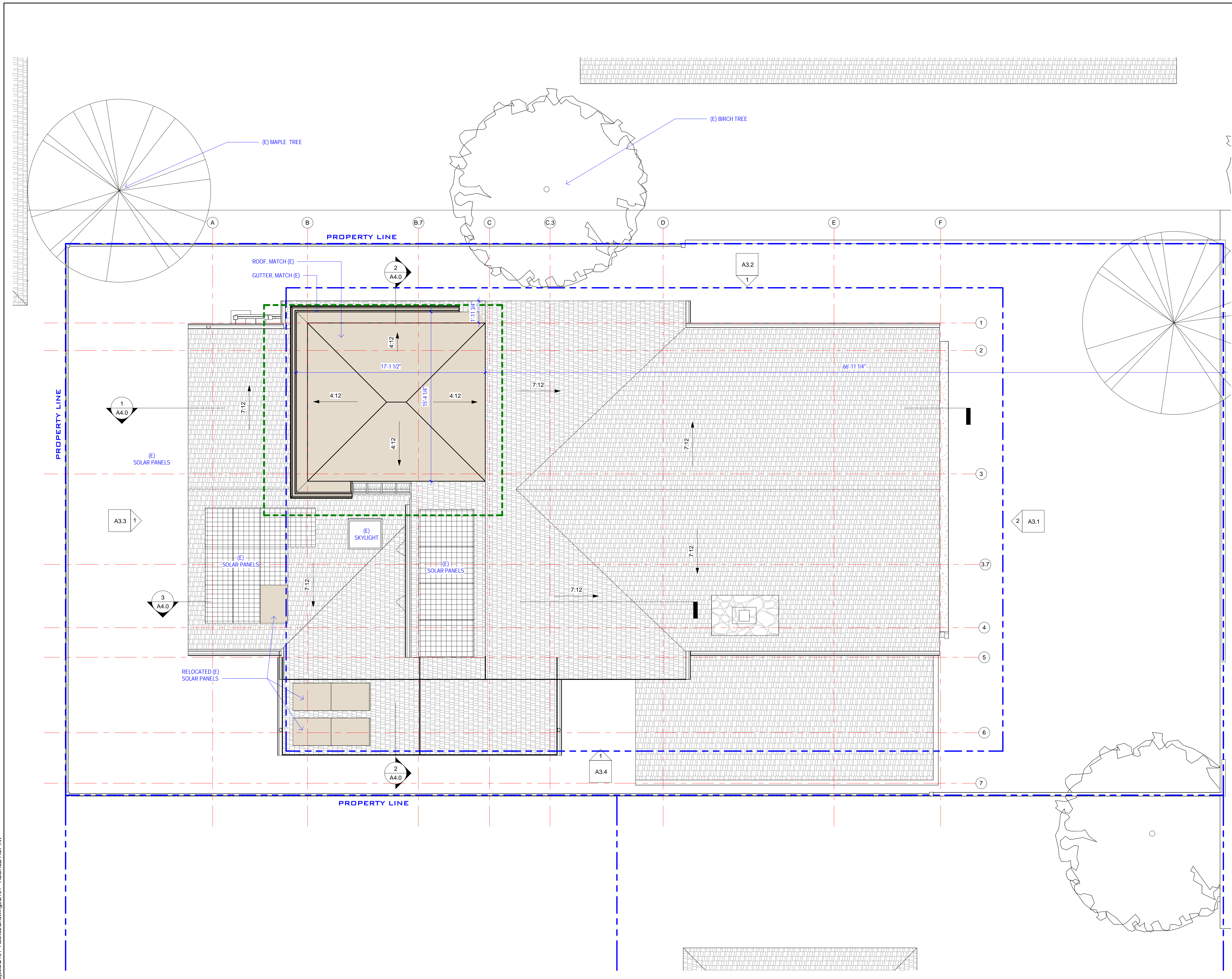
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December 07, 2021

scale:
1/4" = 1'-0"

sheet no.:

A2.5

project no.: 2012

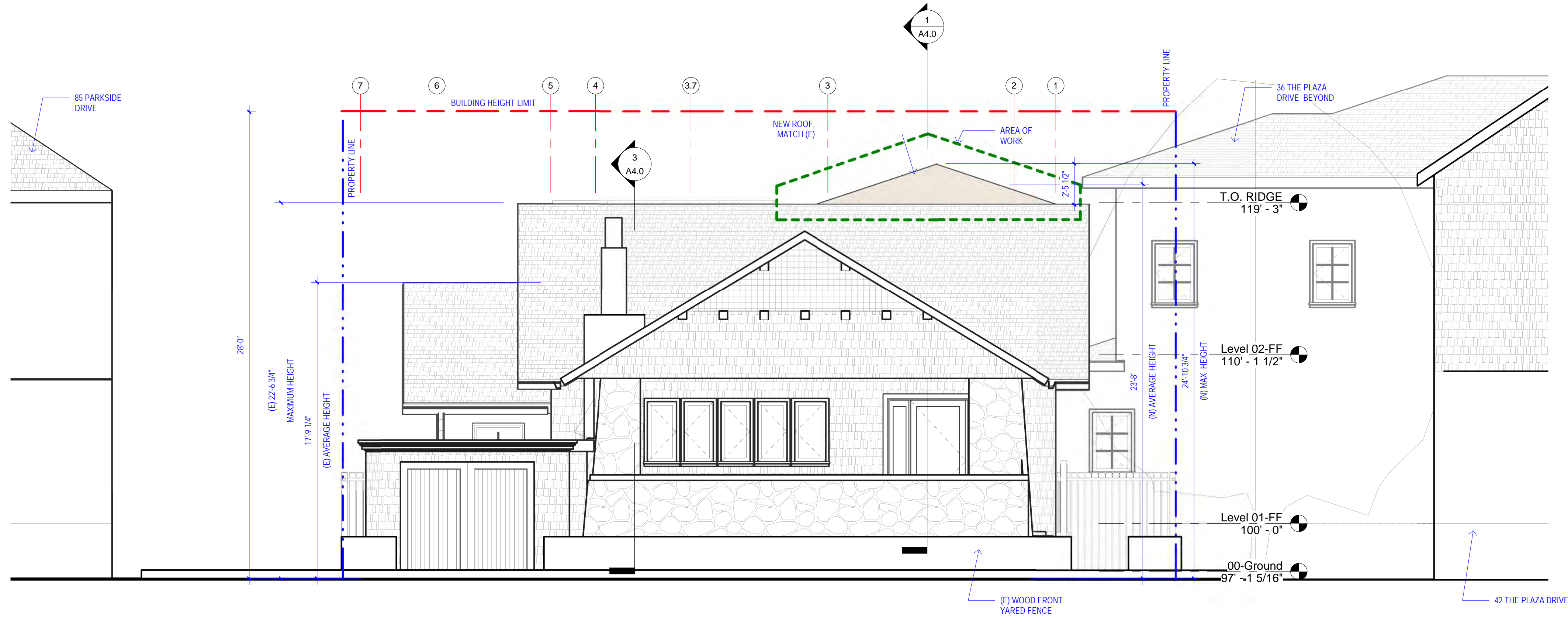


SCALE: 1/4" = 1'-0"

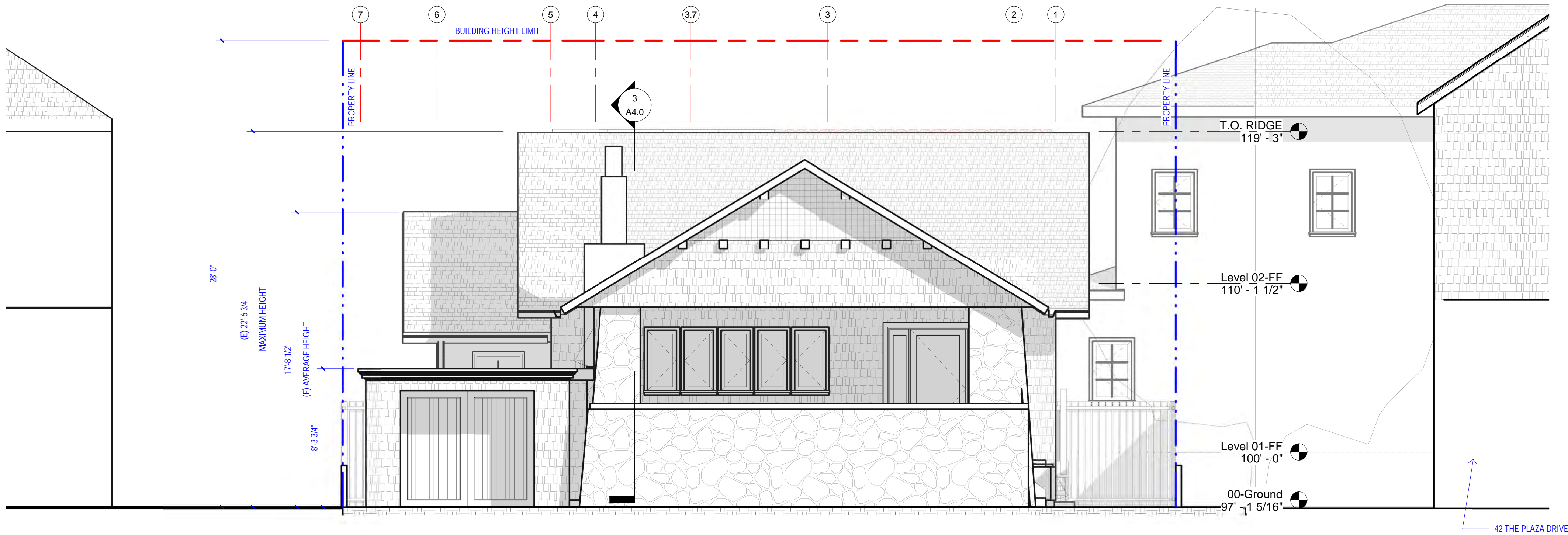
0 1/2" 1" 1'-0"

Level 1
1/4" = 1'-0"

2/14/2021 14:12:34 PM
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2 PROPOSED FRONT ELEVATION
1/4" = 1'-0"



1 EXISTING FRONT ELEVATION
1/4" = 1'-0"

SHEET NOTES:

KEYNOTES:

LEGEND:

- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS

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

project no.:

2012

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NOGALES ST. RESIDENCE
REMODEL

6 NOGALES ST, BERKELEY, CA 94705

- △ AUP 9/14/2021
- △ AUP-NOI REV1 12/07/2021

Drawing Title:

EXISTING/DEMO
AND PROPOSED
FRONT
ELEVATIONS

by:
CG

date:
December 07, 2021

scale:
1/4" = 1'-0"

sheet no.:

A3.1

project no. 2012

project no.: 2012

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05-31-23
STATE OF CALIFORNIA

**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

- △ AUP
9/14/2021
- ▲ AUP-NOI REV1
12/07/2021

Drawing Title:
EXISTING/DEMO AND PROPOSED NORTH ELEVATIONS

by:
CG

date:
December 07, 2021

scale:
1/4" = 1'-0"

sheet no.:

A3.2

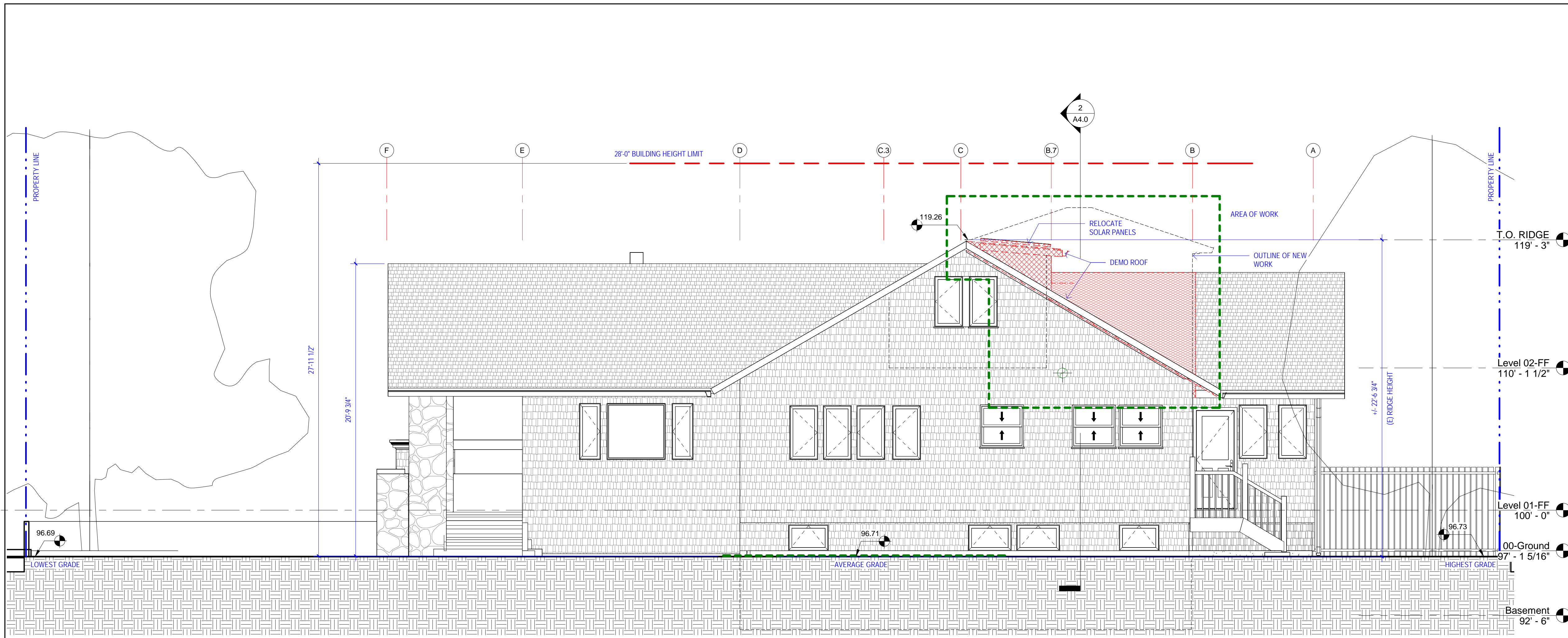
project no.: 2012

SHEET NOTES:

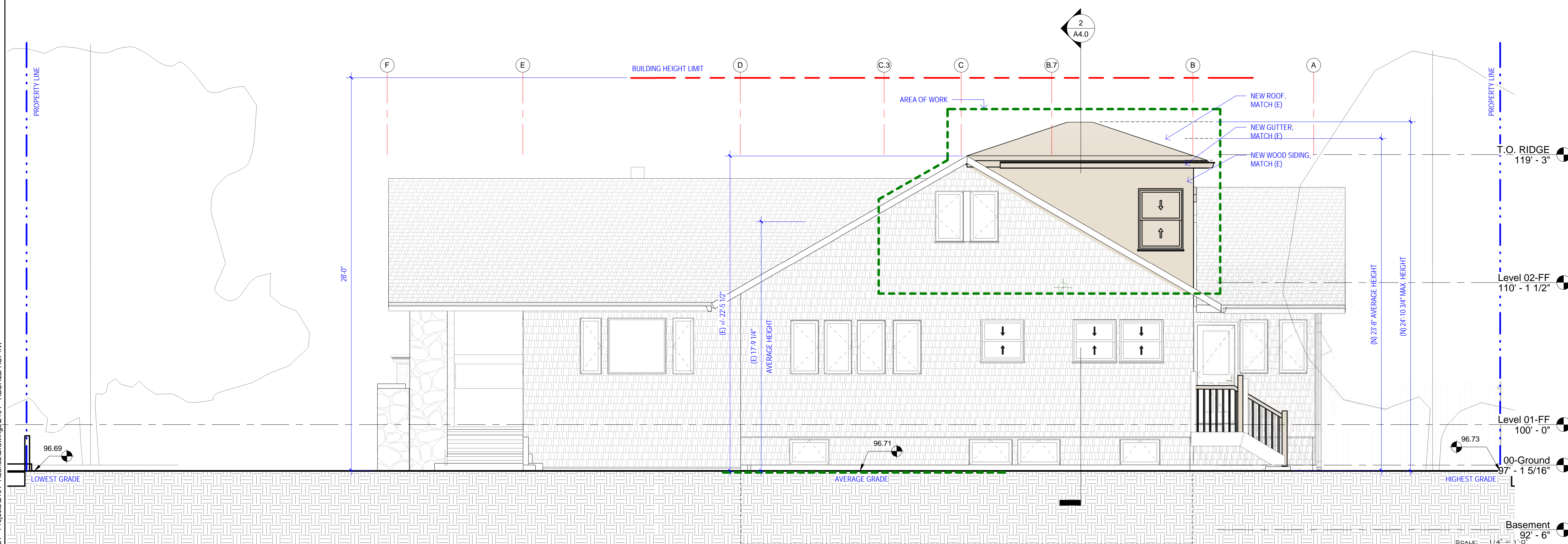
KEYNOTES:

LEGEND:

- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS



2 EXISTING AND DEMO NORTH ELEVATION
1/4" = 1'-0"



1 PROPOSED NORTH ELEVATION
1/4" = 1'-0"

12/14/2021 14:12:44 PM
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project no: 2012

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**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

SHEET NOTES:

KEYNOTES:

LEGEND:

- - - LIMITS
- - - AREA OF WORK
- - - PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS

- ▲ AUP
9/14/2021
- ▲ AUP-NOI REV1
12/07/2021

Drawing Title:
EXISTING/DEMO AND PROPOSED WEST ELEVATIONS

by:
CG

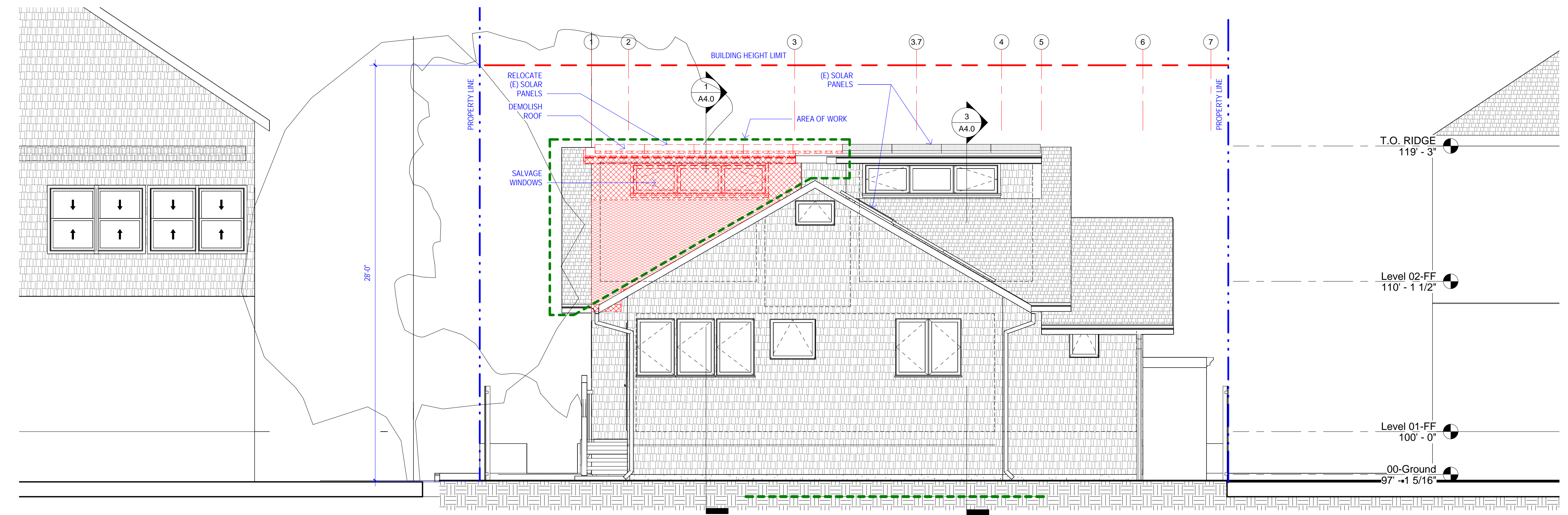
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December 07, 2021

scale:
1/4" = 1'-0"

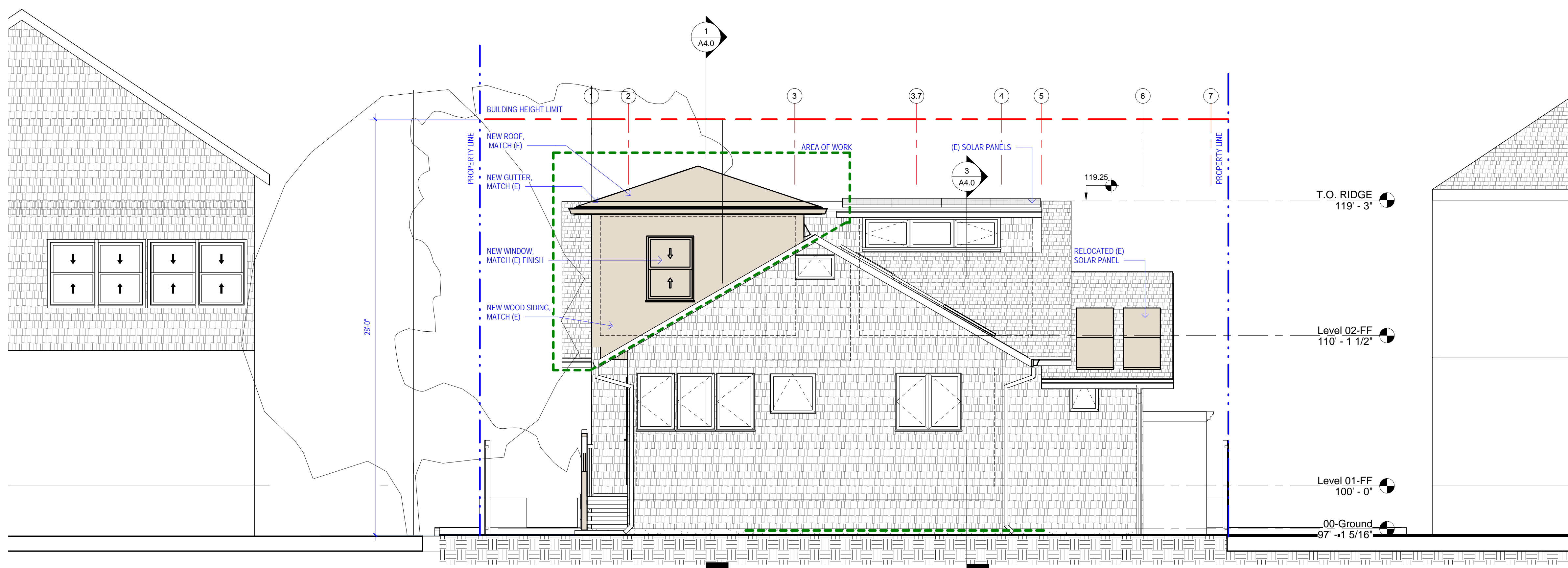
sheet no.:

A3.3

project no: 2012



② EXISTING AND DEMO WEST ELEVATION
1/4" = 1'-0"



① PROPOSED WEST ELEVATION
1/4" = 1'-0"

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

0 1/2" 1" 1'-0"

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project no.:
2012

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05-31-23
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REMODEL**
6 NOGALES ST, BERKELEY, CA 94705

- △ AUP 9/14/2021
- ▲ AUP-NOI REV1 12/07/2021

Drawing Title:
EXISTING/DEMO AND PROPOSED SOUTH ELEVATIONS

by:
CG

date:
December 07, 2021

scale:
1/4" = 1'-0"

sheet no.:

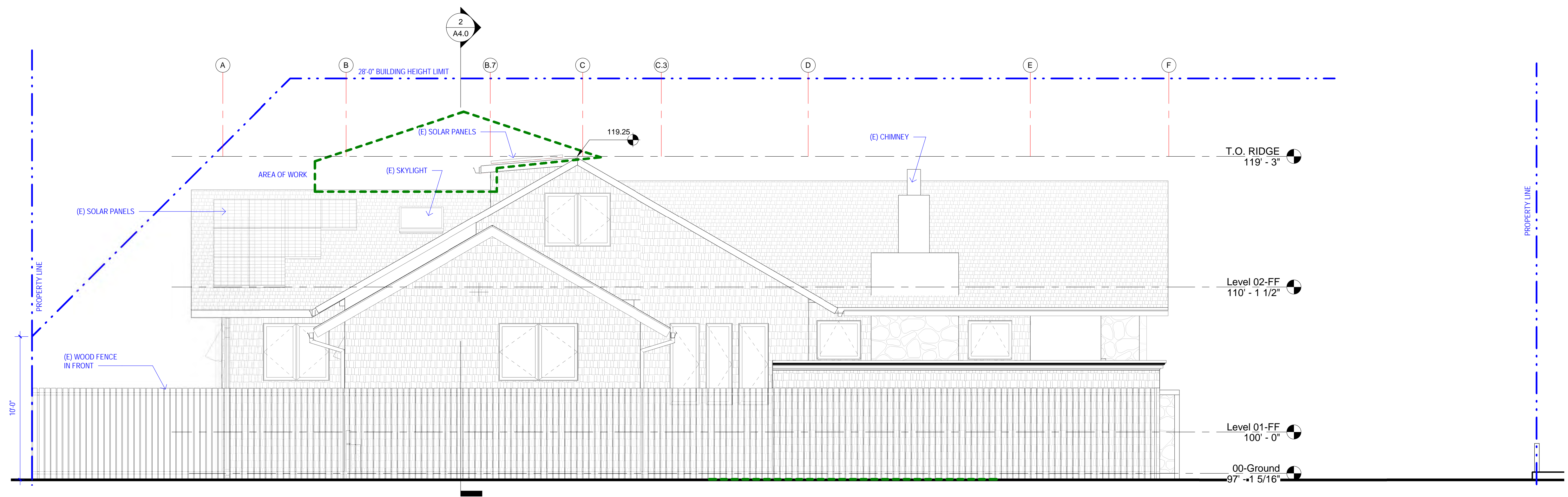
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project no.: 2012

SHEET NOTES:

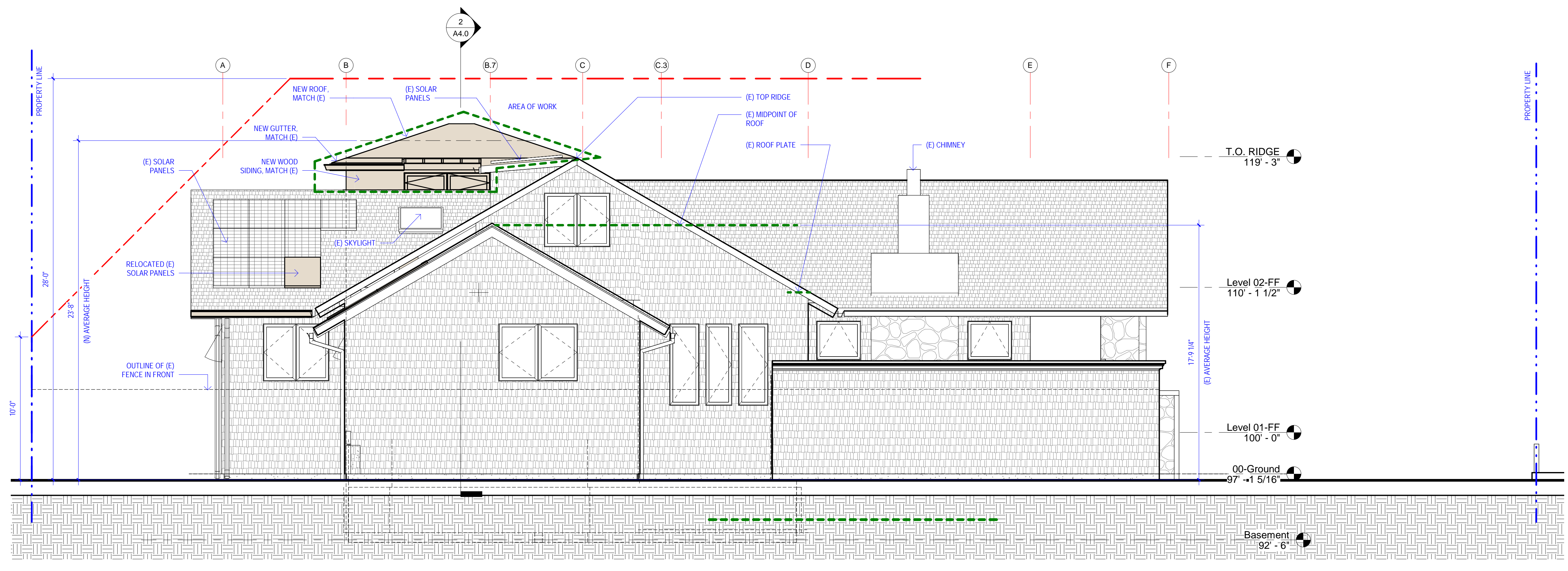
KEYNOTES:

LEGEND:

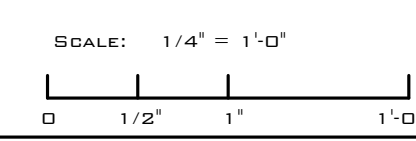
- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS



② SOUTH ELEVATION
1/4" = 1'-0"



① PROPOSED SOUTH ELEVATION
1/4" = 1'-0"



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project no.: **2012**

LORIN HILL ARCHITECT

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**NOGALES ST. RESIDENCE
REMODEL**

6 NOGALES ST, BERKELEY, CA 94705

AUP
9/14/2021
AUP-NOI REV1
12/07/2021

Drawing Title:
BUILDING SECTIONS

by:
CG
date:
December 07, 2021
scale:
1/4" = 1'-0"
sheet no.:

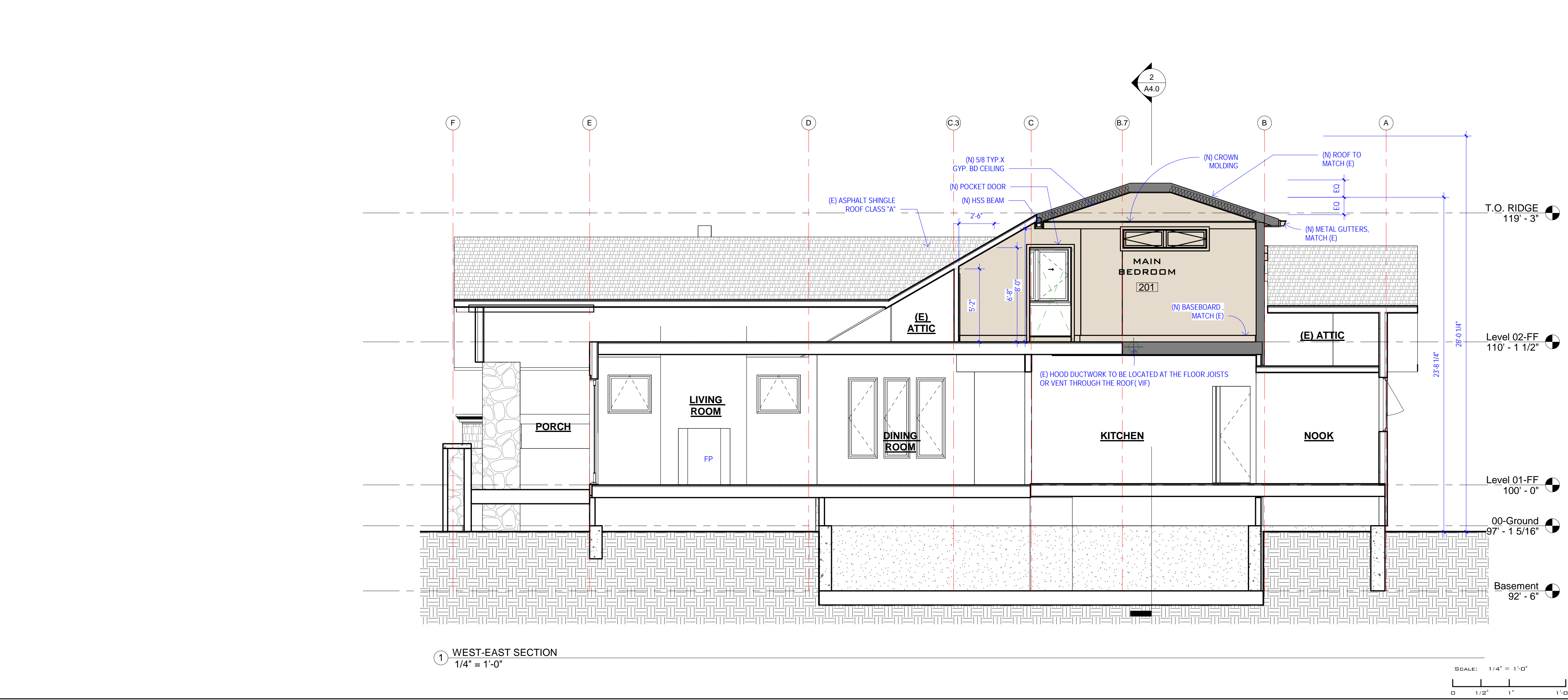
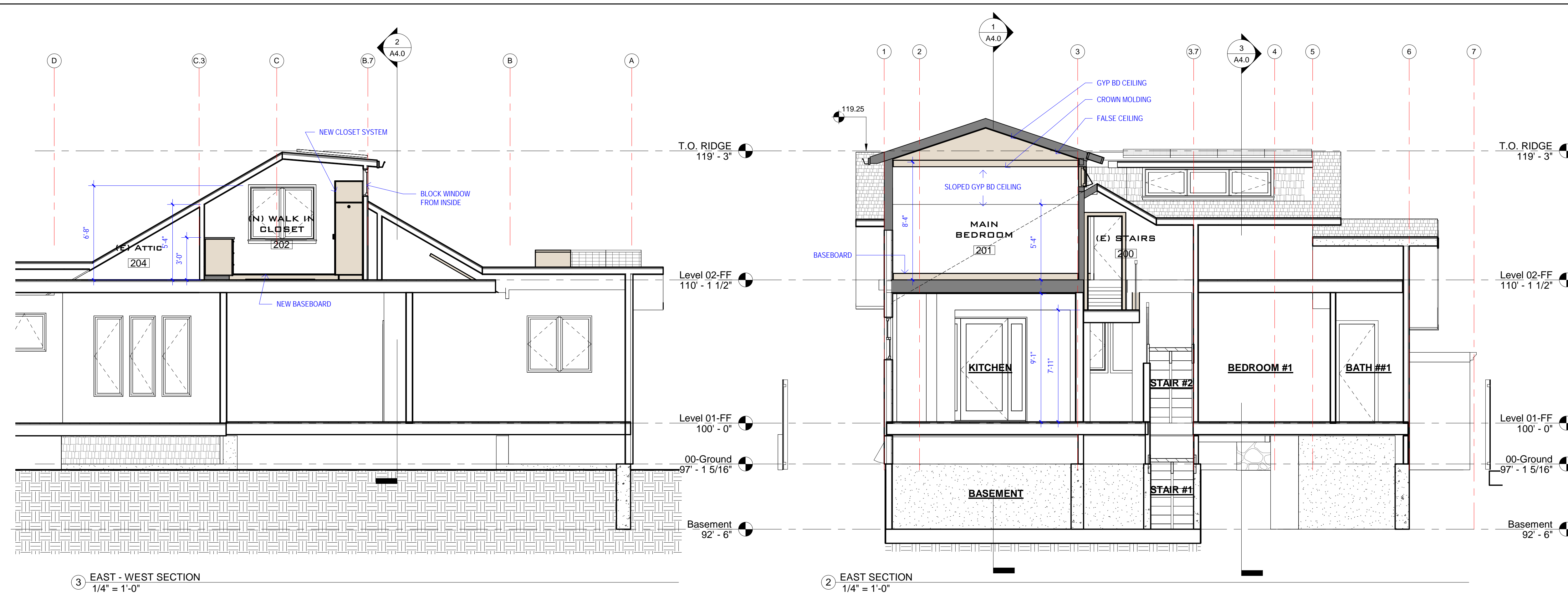
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project no.: 2012

SHEET NOTES:

KEYNOTES:

LEGEND:

- LIMITS
- AREA OF WORK
- PROPERTY LINE
- NEW PARTITIONS
- NEW ITEMS
- EXISTING PARTITIONS
- DEMOLISHED PARTITIONS



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



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

6 Nogales Street

Use Permit #ZP2021-0189 to add a 143 square-foot addition above 14 feet in average height and 20 feet in maximum height, on a lot that is non-conforming for lot coverage.

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 August 11, 2022, **conducted via Zoom, see the Agenda for details at:**

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-08-11_ZAB_Agenda.pdf. The meeting starts at 7:00 p.m.

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

A. Land Use Designations:

- General Plan: LDR – Low Density Residential
- Zoning: R-1, H – Single-Family Residential, Hillside Overlay

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D), to construct an addition to a dwelling that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Administrative Use Permit pursuant to BMC Section 23.202.050(D) to add an addition above 14 feet in average height; and
- Administrative Use Permit pursuant to BMC Section 23.210.020(C)(2)(b) to add an addition above 20 feet in maximum height.

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

D. Parties Involved:

- Applicant Lorin Hill, 6573 Shattuck Avenue, Oakland
- Owner Allan and Wendy Abshez, 6 Nogales Street, Berkeley

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

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

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@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.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 6 Nogales Street, Use Permit #ZP2021-0189

From: Paul Churchill <paulchurchill1@gmail.com>
Sent: Tuesday, August 2, 2022 9:53 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Shelly Ross <shellyross@gmail.com>
Subject: 6 Nogales Street, Use Permit #ZP2021-0189

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

Hello. We reside at 85 Parkside Drive in Berkeley, and because our house is situated such that the front door is on Nogales, we are Wendy and Allan Abshez's next door neighbors. For many years our neighbors at 6 Nogales were Patrick and Andrew McCabe, and they were really nice neighbors. A few years ago, they relocated to San Francisco and sold the house to Wendy Chen. Wendy bought the house for her parents, but we understand they found the house not to be workable due to the "master bedroom" ceiling height and lack of closet space. They never moved in, and the house sat vacant for about 2 years. Wendy Chen then sold the house to a young couple who also never moved in, and the house sat vacant again for about a year. Finally, Wendy and Allan Abshez purchased the house and moved in, and are terrific neighbors. Their proposed improvement to add ceiling height and closet space is very modest (143 sf) and has been designed to preserve the original character of the house. We are supportive of the proposed improvement and we hope it is approved, as we would hate to lose them as neighbors. Thank you.

--Shelly Ross and Paul Churchill

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 6 Nogales Street Use Permit #ZP2021-0189 - Opposition Based on Privacy Intrusion

From: Myers, Marty <mmyers@cov.com>
Sent: Tuesday, August 2, 2022 6:48 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: allanabshez@sbcglobal.net; Deborah Lewis <deborahlewis500@gmail.com>
Subject: 6 Nogales Street Use Permit #ZP2021-0189 - Opposition Based on Privacy Intrusion

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

Honorable Board:

My wife Deborah Lewis and I own an adjacent property at 36 The Plaza Drive in Berkeley. We oppose the proposed addition to 6 Nogales due to its size and location, which will interfere with privacy of our bedroom. Specifically, it will significantly increase proximity to and visibility from 6 Nogales of our master bedroom windows. While the Applicants originally agreed to make some minimal changes regarding certain windows on the proposed addition, they declined to share information about the potential to reduce or to make a reduction in the footprint or placement of the addition in order to adequately address our concerns.

We continue to oppose the addition, and unless Applicants discuss and sufficiently address our concerns in advance of the August 8 Meeting, we wish to have the opportunity to appear at the Meeting (in remote format), in order to note and explain our Opposition.

Accordingly, we hereby request that: (a) the Chair allocate a short block of time for us to present on this issue remotely at the August 8 Meeting; (b) the clerk provide us with the Final Agenda and a link for and guidance on how to connect to and participate in that Meeting; (c) the clerk include this Opposition in the materials provided to the Board in advance of the August 8 Meeting; and (d) the clerk confirm receipt of this Opposition by reply email.

Many thanks in advance for your attention, consideration and cooperation,

Marty Myers

Covington & Burling LLP
Salesforce Tower, 415 Mission Street, Suite 5400
San Francisco, CA 94105-2533
T +1 415 591 7026 | mmyers@cov.com
www.cov.com

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This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: August 11, 2022 ZAB Hearing re: 6 Nogales Street addition

From: Tracy Bosche <tbbart@pacbell.net>
Sent: Monday, August 1, 2022 6:37 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: August 11, 2022 ZAB Hearing re: 6 Nogales Street addition

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

Hi,

I am writing in support of the modest change being proposed to the bungalow behind my house, located at 6 Nogales Street.

I have lived at 81 Parkside Drive, Berkeley, 94705 since April 1990, over 32 years. We share a property line that runs the width of my back yard, on the south side of the property at 6 Nogales. I think that I have the longest adjacent property line to the Bungalow under review.

Wendy and Allan Abshez are, in my opinion, the best kind of neighbors to have and the ideal owners of a true Berkeley gem - a perfectly restored bungalow originally designed by Walter Ratcliff. I have known 5 owners of this home since 1990 - the last never officially moved in and the house was empty for 2+ years.

It is my understanding that the Abshez family hopes to add 143 square feet to the northwest corner of the second floor - which will still be well away from the outside corner of the existing first floor. The roof line will not be changed significantly. Nor will the small addition be visible from the street. Most importantly - attention and care are being made to enhance the original bungalow, not - distract from it's overall integrity as a residence.

I appreciate the zoning board's requirement for a neighbor's notification and hope that my support of the proposed changes will be noted.

Sincerely,
Tracy Bosworth Bosche
81 Parkside Drive
Berkeley, CA 94705
mobile: (510)798-7580

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: August 11 ZAB Hearing/Agenda Item 2, Use Permit for 6 Nogales St.

-----Original Message-----

From: Wendy Gibney <gibney@pacbell.net>
Sent: Monday, August 1, 2022 10:31 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Re: August 11 ZAB Hearing/Agenda Item 2, Use Permit for 6 Nogales St.

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

Ladies/Gentlemen: I am contacting you in support of the Proposed Use Permit #ZP2021-0189 for Wendy and Allan Abshez at 6 Nogales Street, Berkeley. My husband and I live directly across the street from 6 Nogales (at 1 Nogales), and we are familiar with the Abshezes' desire to create adequate bedroom and closet space in their low-ceilinged "attic space". I am familiar with the interior space itself, and also familiar with the specifics of their expansion plan. We love having the Abshezes as neighbors, and frankly, would likely be applying for the same or similar permission to increase this "room" if the house belonged to us. My understanding is that the proposed dimensions of the addition would not be problematic or unsightly from any of the neighboring homes' perspectives, and would make 6 Nogales a much more comfortable home for its residents. I hope you will approve this proposed Use Permit for the 6 Nogales Street owners as quickly as possible.

Thank you. Wendy Gibney (One Nogales Street, Berkeley 94705)

Sent from my iPad