



# 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

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FOR BOARD ACTION  
SEPTEMBER 8, 2022

## 2327 Oregon

Use Permit #ZP2021- 0207 to demolish an existing single-family dwelling and construct a new 2,614 square-foot, two-story single-family dwelling with one off- street parking space on a nonconforming lot.

### I. Background

#### A. Land Use Designations:

- General Plan: Low Medium Density Residential (LMD)
- Zoning: Restricted Two-Family Residential District (R-2)

#### B. Zoning Permits Required:

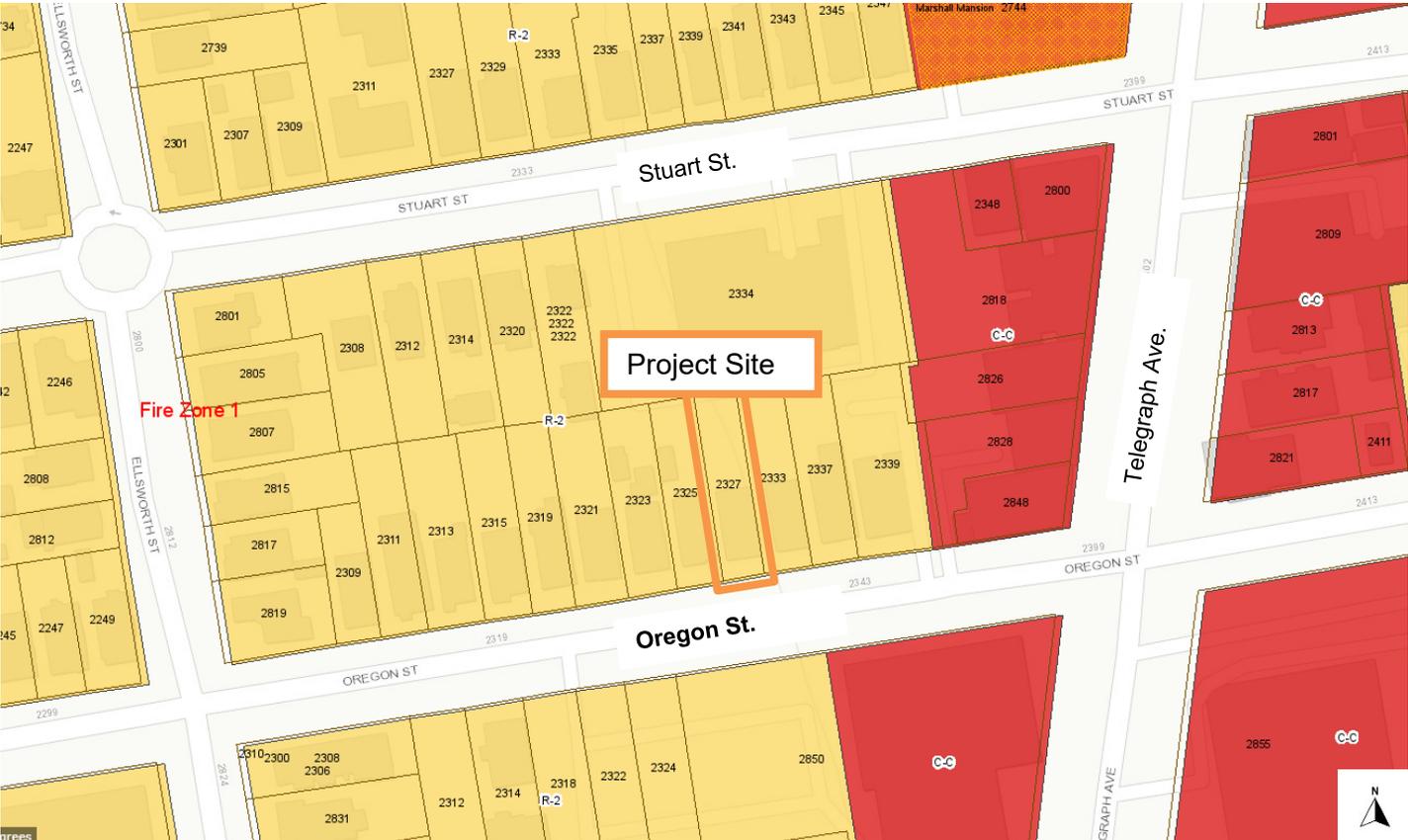
- Use Permit to demolish an existing dwelling unit, under Berkeley Municipal Code (BMC) Section 23.326.020(B); and
- Use Permit to establish a new dwelling unit, under BMC Section 23.202.020(A)

**C. CEQA Recommendation:** It is staff's recommendation that the project is categorically exempt pursuant to Section 15303(a) of the CEQA Guidelines ("New Construction or Conversion of Small Structures").

#### D. Parties Involved:

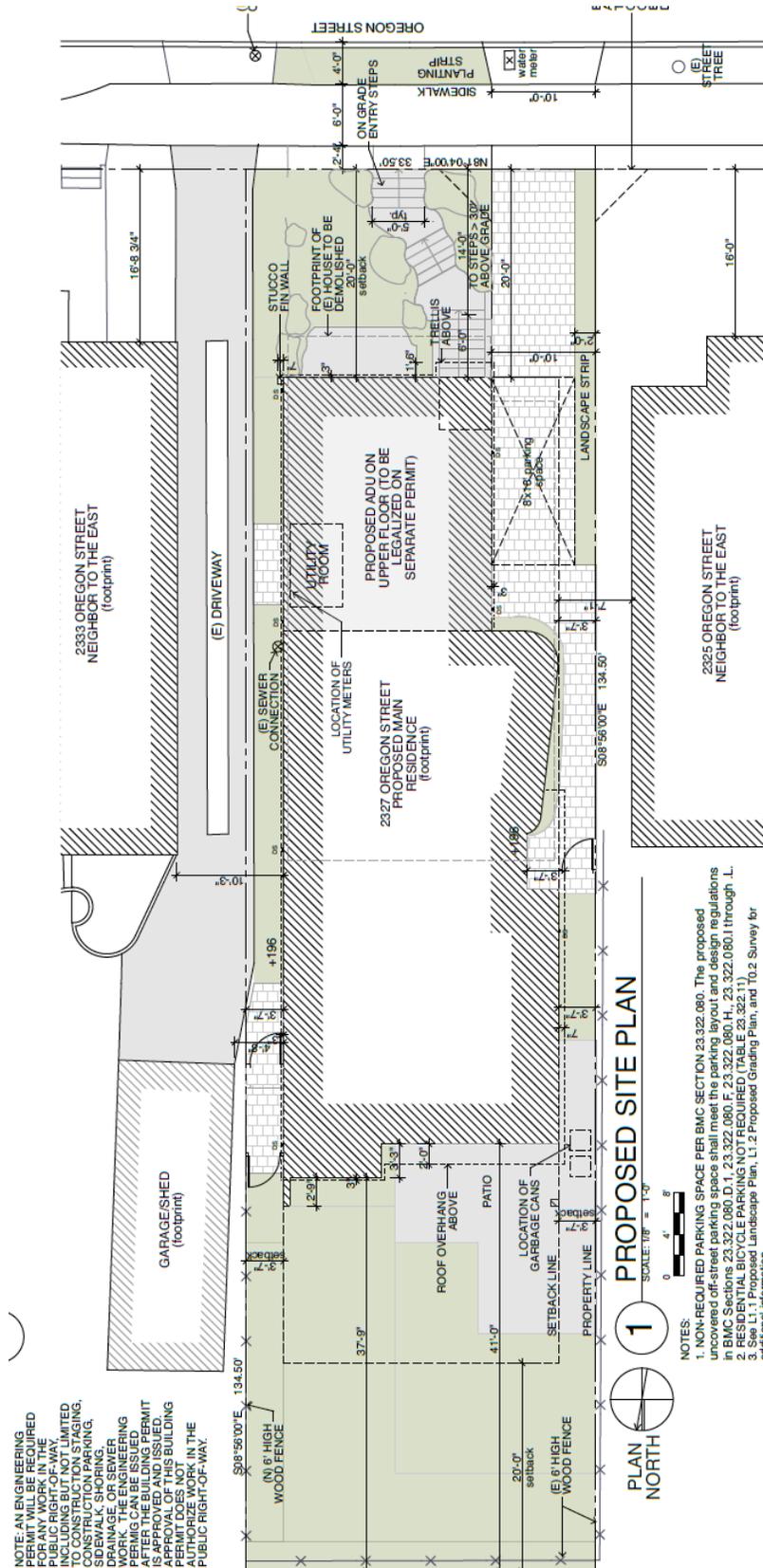
- Applicant & Property Owner:  
Michelle and Alex Bergtraun  
5500 Doyle Street  
Emeryville, CA 94608

Figure 1: Vicinity Map – 2327 Oregon Street



\*Map not to scale.

Figure 2: Site Plan



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family dwelling	R-2 Restricted Two-Family Residential	Low Medium Density Residential
Surrounding Properties	North	Religious Assembly		
	West	Single-family dwelling		
	East	Single-family dwelling		
	South	Parking lot for commercial and medical offices on Telegraph Avenue.	Split lot:  R-2 Restricted Two-Family Residential  C-C Corridor Commercial	Split lot:  Low Medium Density Residential  Avenue Commercial

**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	The project involves only new residential floor area, and thus this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	This fee applies to projects with net new 7,500 square feet of non-residential floor area. The project involves only new residential floor area, and thus this requirement does not apply.
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that propose 5 or more rental dwelling units. This project does not propose rental units.
Alcohol Sales/Service	No	The project is a residential project.
Creeks	No	The project is not located within the creek buffer.
Density Bonus	No	The project is not a density bonus project.
Inclusionary Housing Ordinance (BMC 23.328)	No	This fee applies to project that propose 5 or more ownership dwelling units or to projects on parcels that can accommodate 5 or more dwelling units. The project is proposing the maximum number of dwelling units supportable on a lot of this size: 1.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	The project is subject to the natural gas prohibition.
Historic Resources	N/A	The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies. See Section V.B of this report for

		additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	The project is a project that is: all residential, a mixed-use project with at least two-thirds of the square-footage residential, or for transitional or supportive housing. See Section III.A of this report for additional discussion on the sections of SB330 that apply to the project.
Coast Live Oak Trees (BMC 6.52.010)	No	There are no coast live oak trees on or abutting the project site.
Rent Controlled Units	No	There are no rent controlled units on the subject site.
Residential Preferred Parking (RPP)	No	The neighborhood surrounding the subject site is not located in an RPP Zone.
Seismic Hazards (SHMA)	No	The project is not located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), however it is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply.
Transit	Yes	From the site, AC Transit Bus 6 and 800 are within half a mile. Ashby BART is located within one mile.

**Table 3: Project Chronology**

Date	Action
January 6, 2022	Application submitted
February 1, 2022	Application deemed incomplete
March 16, 2022	Application resubmitted
April 14, 2022	Application deemed incomplete
May 6, 2022	Application resubmitted
June 6, 2022	Application deemed incomplete
June 7, 2022	Application resubmitted
July 6, 2022	Application deemed complete
August 25, 2022	Public hearing notices mailed/posted
September 8, 2022	ZAB hearing

**Table 4: Development Standards**

Standard	Existing	Proposed Total	Permitted/ Required
BMC Sections 23.202.080			
Lot Area (sq. ft.)	4,506	4,506	5,000 min
Gross Floor Area (sq. ft.)	1,230	2,804	N/A

Floor Area Ratio		N/A	N/A	N/A
Dwelling Units	Total	1	1	Two/Multifamily
	Affordable	0	0	N/A
Building Height	Average (ft.)	16'	18'	28' max
	Stories	1	2	3 max
Building Setbacks (ft.)	Front	16'	20'	20' min
	Rear	68'-2"	37'-9"	20' min
	Left Side	4'	3'-7"	3'3" min <sup>1</sup>
	Right Side	4'	3'-7"	3'3" min <sup>1</sup>
Lot Coverage (%)		28	39.57	40 max (two-story)
Usable Open Space (sq. ft.)		2,650	1,630	min
Parking	Automobile	1	1	N/A min or max
	Bicycle	N/A	N/A	N/A

## II. Project Setting

**A. Neighborhood/Area Description:** The project is located south of the UC Berkeley campus, three blocks east of Shattuck Avenue, and midblock along Oregon Street, between Ellsworth Street and Telegraph Avenue. Adjacent to the Corridor Commercial zoning district, the neighborhood consists of both one- two-story residential buildings, neighborhood-serving commercial, and multilevel medical/ office buildings. Within a block of the site, some uses of note include an elementary school located at the Oregon Street and Ellsworth Street and six-story office building at Telegraph Avenue and Oregon Street.

**B. Site Conditions:** The project site is a narrow and rectangular lot (33.5 feet-by 134.5 feet), generally level, and currently developed with a single-story dwelling unit constructed in 1924. The lot is nonconforming to lot size, as the minimum lot size required is 5,000 square feet, however, there is enough lot area to support two dwellings on the site. The lot is accessed by an existing driveway and curb cut located near the middle of the lot.

## III. Project Description

The proposed project would demolish the existing 1,230 square-foot, three-bedroom single-family dwelling unit with unfinished, lower-level storage space and garage, and develop a 2,804 square-foot, two-story, single-family dwelling unit with four bedrooms.

<sup>1</sup> Per BMC Section 23.304.030(B)(2), side setback reductions are permitted in the R-2 zoning district if the lot width is less than 40 feet. For First and second stories: 10 percent of lot width or 3 feet, whichever is greater.

The lower level of the project consists of two bedrooms, one bathroom, a kitchen, and additional common spaces. On the upper level there are two bedrooms, a bathroom, and a 72 square-foot roof deck. The bedroom located at the front of upper level of the project will be converted into a 464 square-foot accessory dwelling unit during the building permit application process. The subsequent ADU conversion will result in one 464 square-foot ADU and one 2,304 square-foot primary dwelling unit. The proposed ADU is not part of the subject use permit application, as ADUs are not subject to discretionary review pursuant to California Government Code Section 65852.2.

As part of the proposed project, one off-street parking space will be provided on the east portion of the lot, outside of the front setbacks.

The proposed dwelling unit is consistent with all applicable, objective development standards.

#### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant notified as well as owners and occupants within 300 feet of the project. A pre-application poster was erected by the applicant in January 2022.

On August 25, 2022, the City mailed public hearing notices to nearby property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of writing this report, staff has not received any communications regarding the project.

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

#### V. Issues and Analysis

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

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

The September 8, 2022 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

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

As discussed in an historic resource evaluation prepared for the property in December of 2021, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. Further, standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on July 6, 2022. Should ZAB determine the application is categorically exempt from CEQA at the September 8, 2022 public hearing, the application must be approved or disapproved by November 7, 2022.

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

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

The project complies with the applicable, objective general plan and zoning standards. The project does not reduce the density on the subject lot. The HAA is applicable to this project.

**C. General Non-Detriment for Use Permits and Administrative Use Permits**

As required under BMC Sections 23.406.040(E), the proposed demolition of the existing dwelling unit and the development of the new single-family dwelling unit is permissible and non-detrimental as it is consistent with all objective development

standards of the underlying zoning district. Additionally, the project is non-detrimental for the following reasons:

The shadow studies that were provided show that adjacent properties to the east and west of the project site will experience additional shading during the summer and winter months. During these seasons - two hours before sunset, the proposed project will cast shadows along the western elevation of 2333 Oregon, shadowing windows of the kitchen, dining room, and living room, and the rear of this neighboring lot. To the east of the project site, 2325 will also experience some increased shadowing during the summer months around sunset. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year.

As described in the sections above, the proposed project meets the required setback distances, and is within the allowable lot coverage and average height for the district, thereby ensuring a reasonable level of privacy and spatial separation.

**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-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: The proposed demolition and development of a single-family dwelling is consistent with all objective zoning standards (i.e. height, lot coverage, density, open space, setbacks) for the R-2 zoning and is compatible with existing low-medium residential uses within the neighborhood. Consistent with the height development standards, the proposed project does not create any new, significant shadows on neighboring lots, providing sufficient solar access similar to the existing structure.

## VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

- A. **APPROVE** ZP2021-0207 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, received June 7, 2022
3. Notice of Public Hearing
4. Correspondence Received

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

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

SEPTEMBER 8, 2022

### 2327 Oregon

**Use Permit #ZP2021- 0207 to demolish an existing single-family dwelling and construct a new 2,614 square-foot, two-story single-family dwelling with one off-street parking space on a nonconforming lot.**

#### PERMITS REQUIRED

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- Use Permit to demolish an existing dwelling unit, under Berkeley Municipal Code (BMC) Section 23.326.020(B); and
- Use Permit to establish a new dwelling unit, under BMC Section 23.202.020(A)

#### I. CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303(a) of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### II. FINDINGS FOR APPROVAL

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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 develop a two-story single-family dwelling unit, of which there are several examples in the neighborhood;
  - B. The project is consistent with all R-2 objective development standards (i.e. height; lot coverage, density, setbacks, and open space); and
  - C. 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. 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.

**IV. 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 #

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. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

13. 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.

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](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**

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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.
18. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."

#### **During Construction:**

19. 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.
20. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
21. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
22. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
  - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic

engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

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

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

- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
  - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 25. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 27. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 28. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the

discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

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

30. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
31. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
32. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
33. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
34. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

35. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
36. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 7, 2022, except as modified by conditions of approval.

**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.

# SEGRE-BERGTRAUN RESIDENCE

**3** → Detail number  
A2.1 → Drawing sheet where located

**2** → Section / Elevation number  
A3.1 → Drawing sheet where located

**(E)** → Existing

**(N)** → New  
D01 → Door ID #  
W02 → Window ID #  
1 → Revision number  
℄ → Center line

## Symbols

**Owner**  
Michelle & Alex Bergtraun  
2327 Oregon Street Berkeley CA 94705  
510.652.0612  
alex@studiobergtraun.com

**Structural Engineer**  
Gregory Wallace, SE  
510.564.6903 o  
415.595.6686 c  
gregory@gpwse.com

**Architect**  
Studio Bergtraun Architects, AIA  
5500 Doyle Street Emeryville, CA 94608  
v: 510.652.0612  
Contact: Alex Bergtraun / Janlee Wong  
email: alex@studiobergtraun.com /  
janlee@studiobergtraun.com

**Survey**  
Moran Engineering, Inc.  
Contact: Jim Moran  
1930 Shattuck Ave, Suite A  
Berkeley, CA 94704  
v: (510) 848-1930  
e: jmoran@moraneng.com

**Agency**  
City of Berkeley, Building & Safety  
1947 Center St, 3rd Floor  
Berkeley, CA 94704  
e: buildingandsafety@cityofberkeley.info  
v: (510) 981-7440

**Energy Consultant**  
Title 24 Data Corp  
633 Monterey Trail, P.O. Box  
Frazier Park, CA 93225  
v: 1-800-237-8824  
e: inbox@title24data.com

## Contact List

The building will not include any natural gas infrastructure in compliance with BMC Chapter 12.80. The proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by City Council on December 3rd, 2019, including solar PV system, electric vehicle charging, and low-carbon concrete requirements.

## Green Building Notes

- APPLICABLE CODES & REGULATIONS:**
- 2019 California Building Code (CBC) Volume 1
  - 2019 California Building Code (CBC) Volume 2
  - 2019 California Residential Code (CRC)
  - 2019 California Energy Code (CBEES)
  - 2019 California Green Building Standards Code (CALGreen)
  - 2019 California Electrical Code (CEC)
  - 2019 California Plumbing Code (CPC)
  - 2019 California Mechanical Code (CMC)
  - 2019 California Fire Code (CFC)
  - 2019 California Historical Building Code (CHBC)
  - 2019 California Existing Building Code (CEBC)

## Codes & Regulations

- Fire sprinklers
- Photovoltaic roof panels

## Deferred Submittals

**Property Address:** 2327 Oregon Street  
**APN:** 53-1689-9  
**Jurisdiction:** Berkeley, CA  
**Zoning:** R-2  
**Occupancy:** R-3  
**Construction Type:** Type-VB

**Building Height:**  
Proposed Main House: 19'-3 1/2" max.  
Average Main House: 14'-10" / 16'-11" average  
Max. Allowed Main: 28' average  
Proposed ADU: 18'-3"  
Max. Allowed ADU: 20' max.

**Lot Area:** 4506 SF  
**Lot Frontage:** 33.5 FT  
**Gross Floor Area**  
(E) House: 1230 SF  
Proposed Main: 2084 SF

**Building Footprint**  
(E) House: 1272 SF  
Proposed House: 1777 SF (1733+44)

**Lot Coverage**  
(E) House: 1272 SF = 28%  
Proposed Main House: 1783 SF (1733+44+6) = 39.57%  
Max. Allowed: 1802 SF = 40% (2-story)

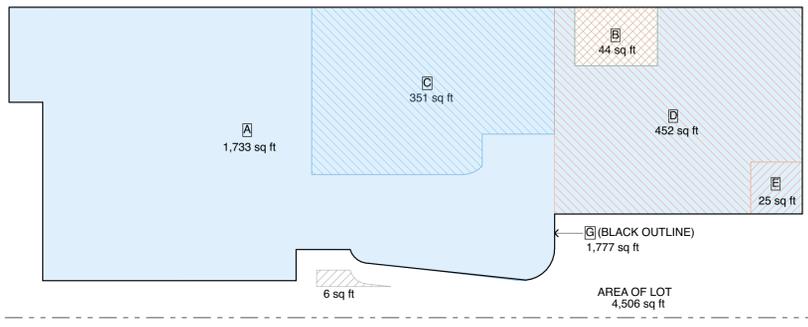
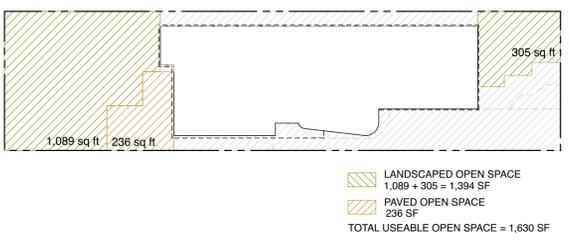
**Usable Open Space**  
Existing: 2650 SF  
Proposed: 1630 SF  
Required: 400 SF / unit

**Issue Date:** 6/07/22  
**Project No.:** 20002

## Project Data

- A. MAIN RESIDENCE GROUND FLOOR AREA
- B. MECHANICAL/UNCONDITIONED GROUND FLOOR AREA
- C. MAIN RESIDENCE UPPER FLOOR AREA
- D. ADU UPPER FLOOR AREA
- E. ADU PORCH EXTERIOR UPPER FLOOR AREA
- F. ROOF OVERHANG >2' (LOT COVERAGE)
- G. OVERALL BUILDING FOOTPRINT (LOT COVERAGE)

LOT AREA	AREA	GROSS FLOOR AREA	BUILDING FOOTPRINT	LOT COVERAGE	% LOT COVERAGE	UOS
EXISTING	4506	1230	1272	1272	28%	2650
A. Main Residence Ground Floor		1733				
B. Mech/Unconditioned Ground Floor	44					
C. Main Residence Upper Floor		351				
D. ADU Upper Floor		452				
E. ADU Porch Exterior Upper Floor	25					
F. Roof Overhang >2' (Lot Coverage)	6			6		
G. Building Footprint (Lot Coverage)		1777		1777		
PROPOSED MAIN RESIDENCE	2084	1733			0.00%	
PROPOSED ADU	452	452			39.57%	1630
PROPOSED TOTAL	2536	1777		1783	40%	
PERMITTED				1802		

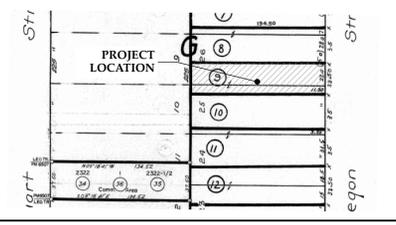


### Area Calculations

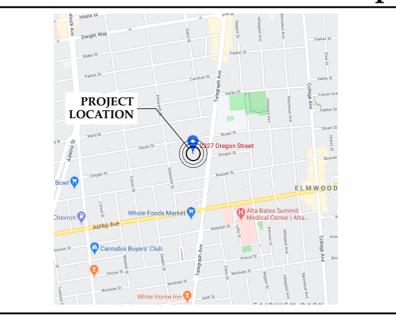
## UOS Diagram

## Lot Coverage/Areas Diagram

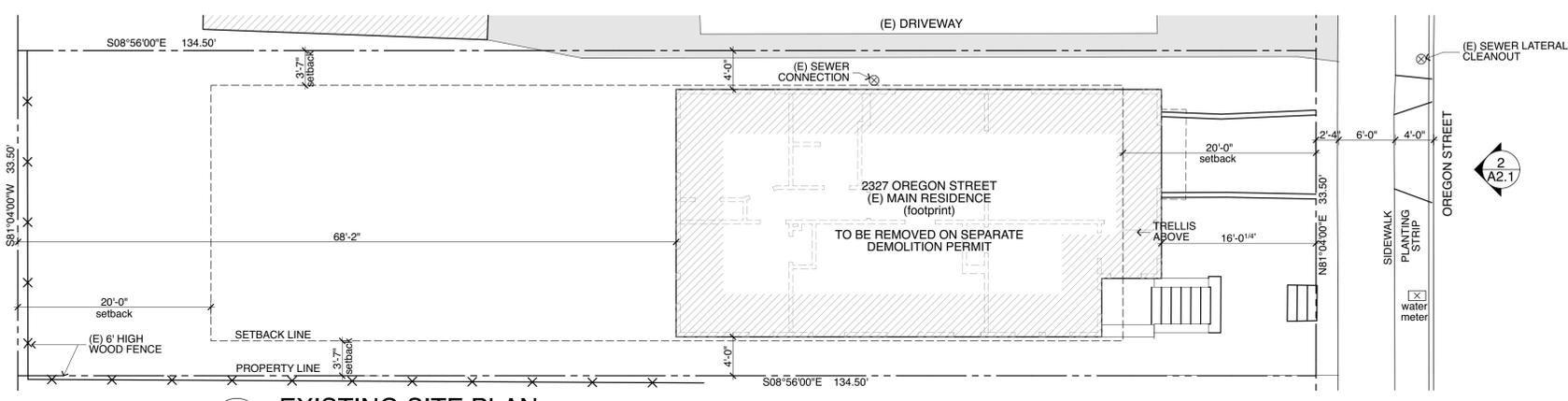
## Area Calculations



## Parcel Map

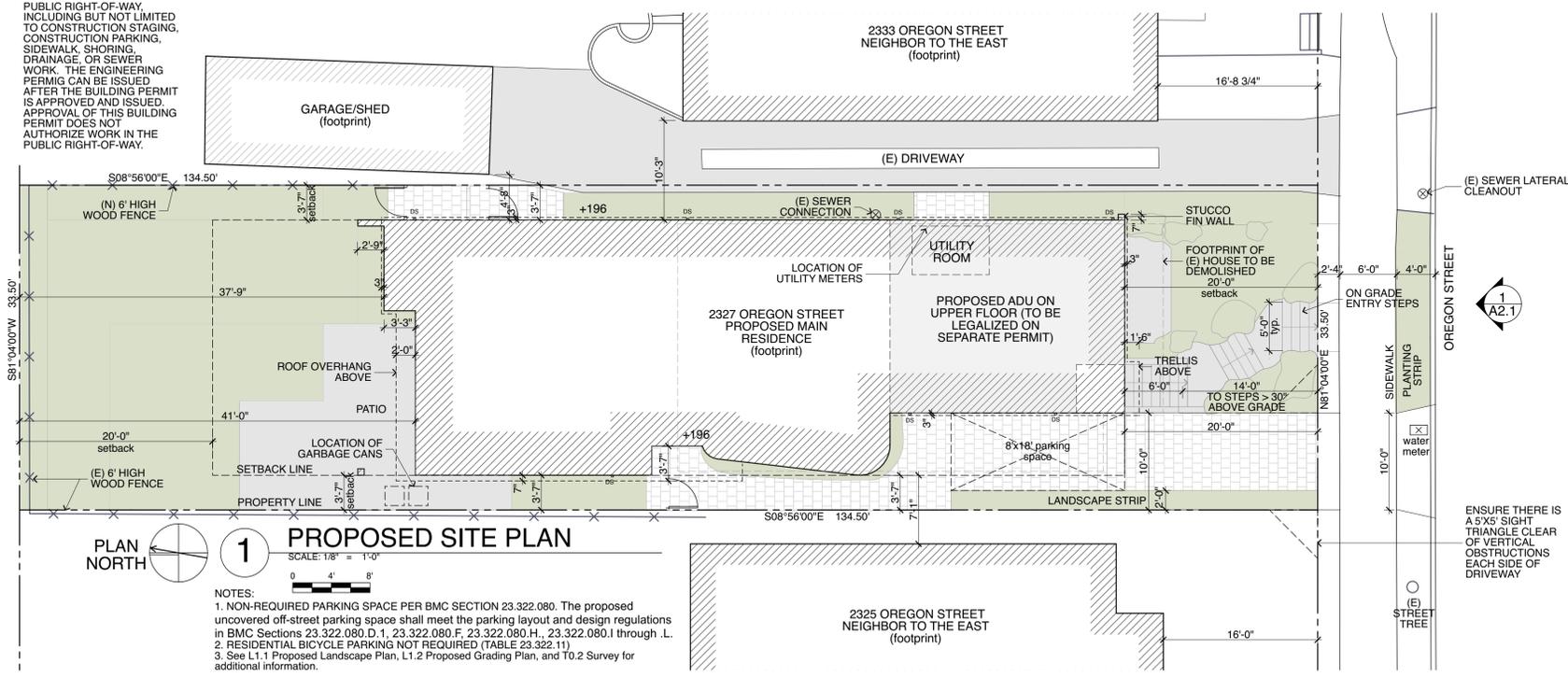


## Location Map



## EXISTING SITE PLAN

NOTE: AN ENGINEERING PERMIT WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO CONSTRUCTION STAGING, CONSTRUCTION PARKING, SIDEWALK, SHORING, DRAINAGE, OR SEWER WORK. THE ENGINEERING PERMIT CAN BE ISSUED AFTER THE BUILDING PERMIT IS APPROVED AND ISSUED. APPROVAL OF THIS BUILDING PERMIT DOES NOT AUTHORIZE WORK IN THE PUBLIC RIGHT-OF-WAY.



## PROPOSED SITE PLAN

NOTES:  
1. NON-REQUIRED PARKING SPACE PER BMC SECTION 23.322.080. The proposed uncovered off-street parking space shall meet the parking layout and design regulations in BMC Sections 23.322.080.D.1, 23.322.080.F, 23.322.080.H., 23.322.080.I through L.  
2. RESIDENTIAL BICYCLE PARKING NOT REQUIRED (TABLE 23.322.11)  
3. See L1.1 Proposed Landscape Plan, L1.2 Proposed Grading Plan, and T0.2 Survey for additional information.

## Architectural Sheets

- T0.1 Project Data/Site Plans
- T0.2 Survey
- T0.3 Shadow Studies
- A1.1 Existing Plans/Elevations
- A1.2 Proposed Ground Level/Upper Level Floor Plans
- A1.3 Proposed Roof Plan
- A2.1 Existing & Proposed Street Elevations/ Existing Photos
- A2.2 Proposed Exterior Elevations

## Landscape Sheets

- L1.1 Proposed Landscape Plan
- L1.2 Proposed Grading Plan

## Sheet Index

New Single Family home to replace existing Single Family home in disrepair. New structure includes attached ADU at the front of the building. A separate application will be submitted to legalize the subject ADU.

## Site Plans

## Project Description

## Project Data

STUDIOBERGTRAUN  
AIA · ARCHITECTS  
EMERYVILLE, CA · 510.652.0612  
WWW.STUDIOBERGTRAUN.COM

Written dimensions on these drawings shall have precedence over scaled dimensions. Contractor will verify and be responsible for all dimensions and conditions of the Project before construction. The drawings and conditions shown by variations from the dimensions and conditions shown by these drawings. These drawings and the ideas represented by them are and shall remain the property of the Architect and no part hereof shall be used for any other than this project without the written consent of the Architect.



SEGRE-BERGTRAUN RESIDENCE  
2327 Oregon Street  
Berkeley, CA 94705  
A.P.N.: 53-1689-9

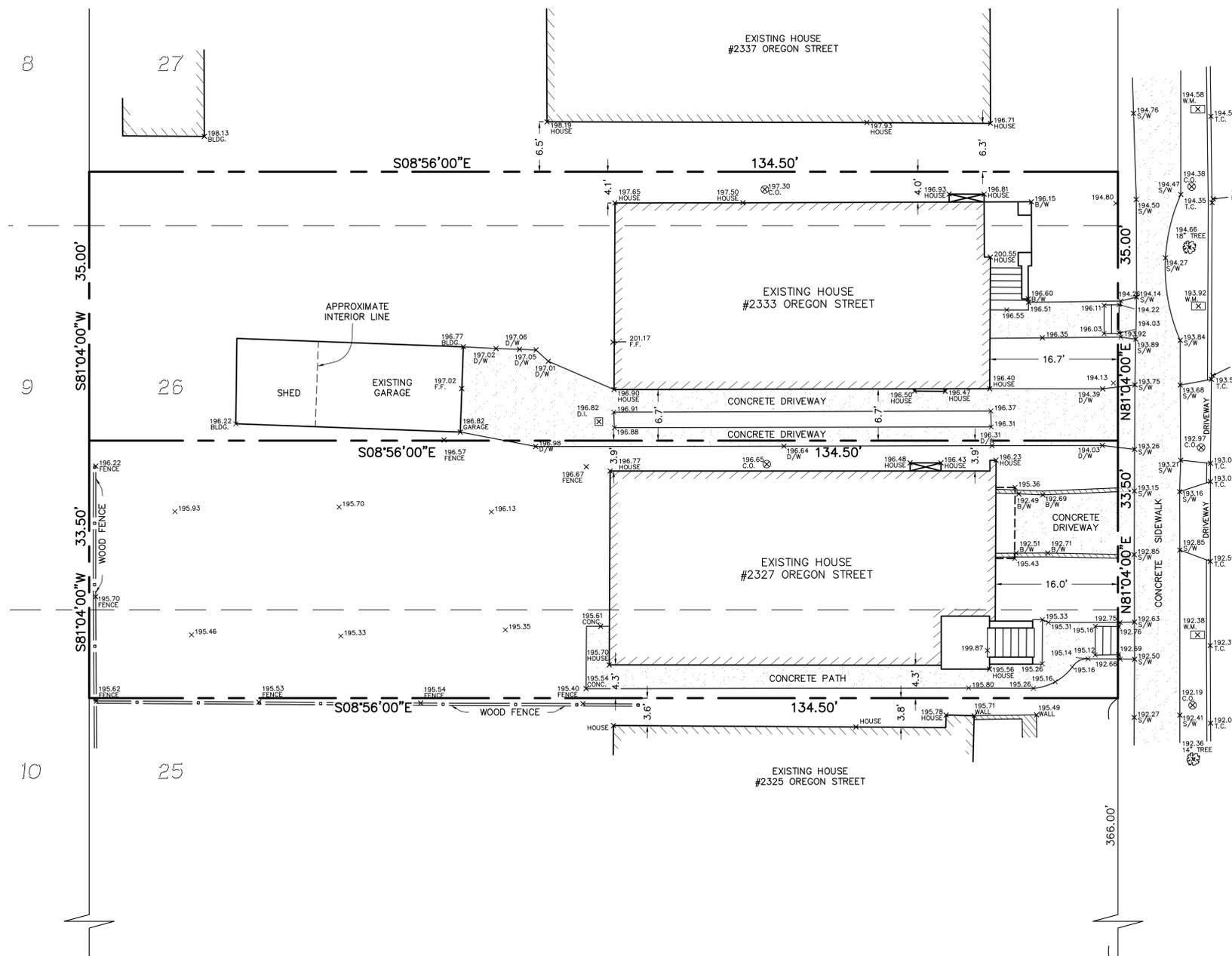
## DESIGN REVIEW

Revisions No.	Date

**Issue Date:** 6/07/22

**Project No.:** 20002

# T0.1



ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.

OREGON STREET  
(60' WIDE)

LEGEND	
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
D.I.	DRAIN INLET
D/W	DRIVEWAY
F.F.	FINISH FLOOR
F/L	FLOW LINE
S/W	SIDEWALK
W.M.	WATER METER



## BOUNDARY AND TOPOGRAPHIC SURVEY

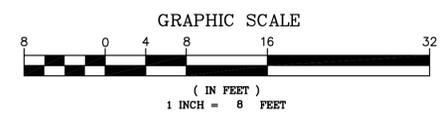
PORTIONS OF LOTS 25, 26 AND 27, BLOCK G,  
MAP OF THE LEONARD TRACT (5 M 11)  
LOCATED AT 2327 & 2333 OREGON STREET  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 12, 2014 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930

**ELLSWORTH STREET**  
(60' WIDE)



REVISIONS:  
MAR 1, 2022 UPDATE GARAGE FOOTPRINT

Written dimensions on these drawings shall have precedence over scaled dimensions. Contractor will verify and be responsible for all dimensions and conditions of the Project. The Architect shall not be responsible for any variations from the dimensions and conditions shown by these drawings. These drawings and the ideas represented by them are and shall remain the property of the Architect and no part hereof shall be used for any other than this project without the written consent of the Architect.



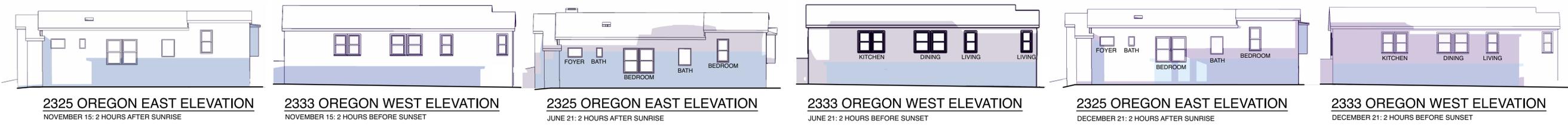
**SEGRE-BERGTRAU RESIDENCE**  
2327 Oregon Street  
Berkeley, CA 94705  
A.P.N.: 53-1689-9

**DESIGN REVIEW**

Revisions No.	Date

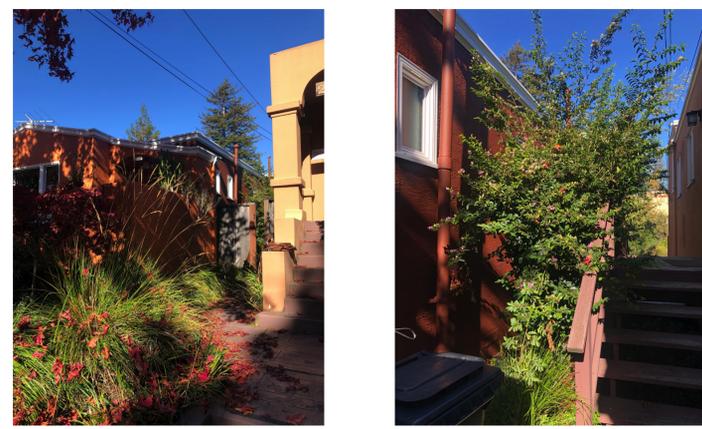
Issue Date: 6/07/22  
Project No.: 20002

**T0.3**



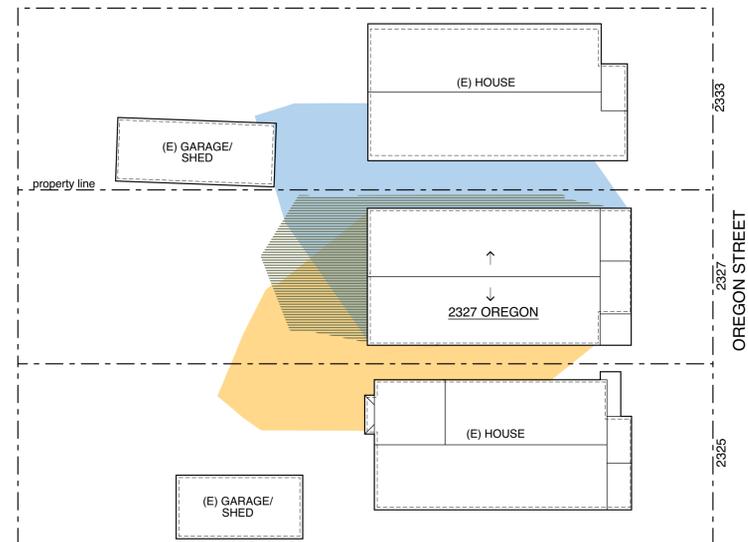
**2D SHADOWS ON EXISTING NEIGHBORING BUILDINGS**

ADDITIONAL SHADOW OF NEW HOUSE  
SHADOW OF EXISTING HOUSE

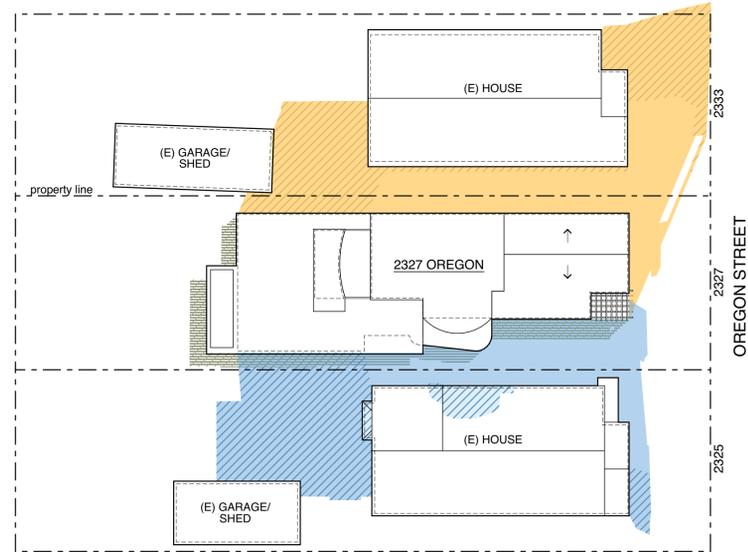


2325 OREGON EAST ELEVATION NOVEMBER 15: 2 HOURS AFTER SUNRISE  
2333 OREGON WEST ELEVATION NOVEMBER 15: 2 HOURS BEFORE SUNSET

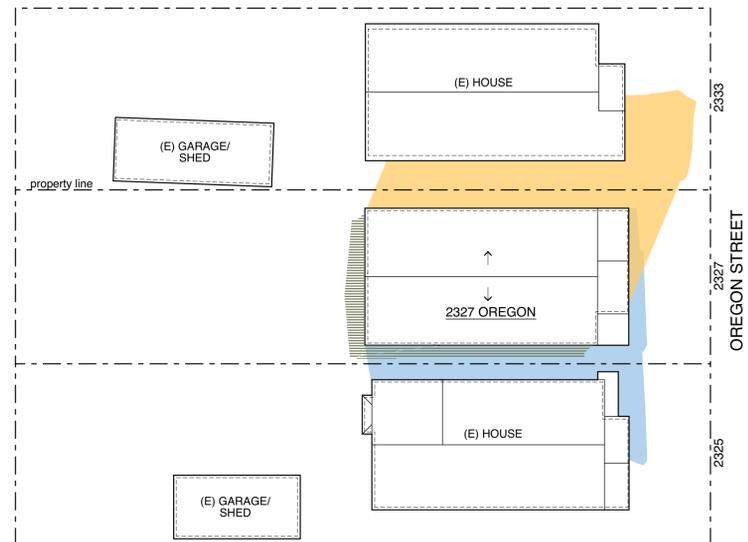
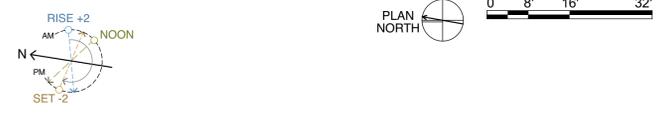
**2C PHOTOS OF SHADOWS ON (E) NEIGHBORING BUILDINGS**



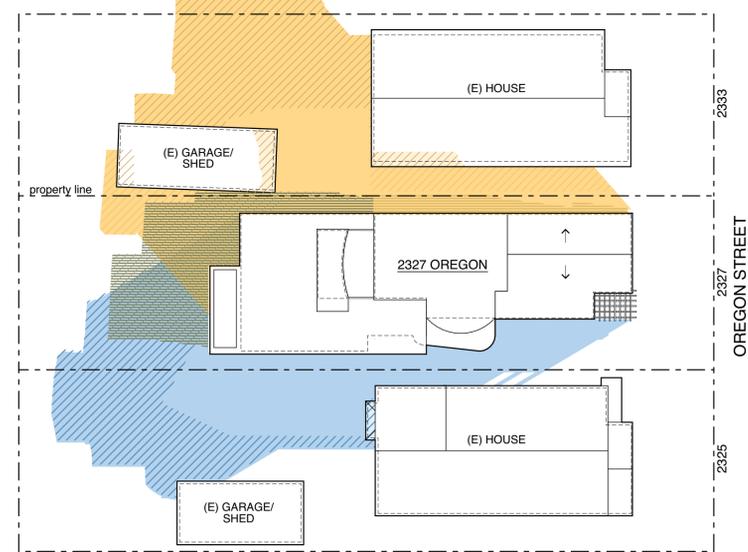
**1C (E) ROOF PLAN: SHADOW STUDY, NOVEMBER 15, 2021**



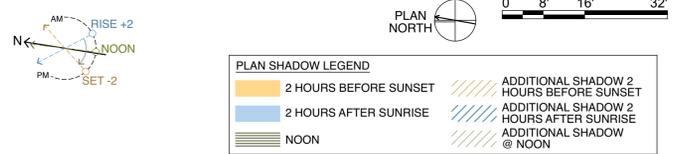
**2B NEW ROOF PLAN: SHADOW STUDY, JUNE 21**



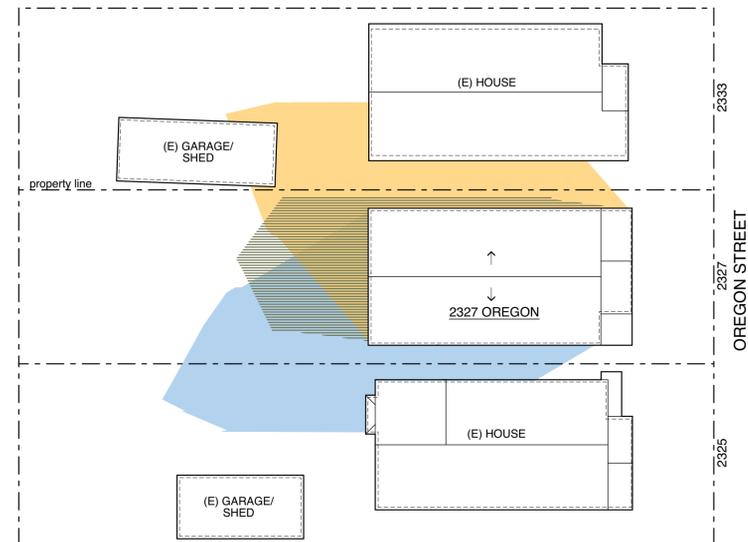
**1B EXISTING ROOF PLAN: SHADOW STUDY, JUNE 21**



**2A NEW ROOF PLAN: SHADOW STUDY, DECEMBER 21**



**PLAN SHADOW LEGEND**  
 2 HOURS BEFORE SUNSET  
 2 HOURS AFTER SUNRISE  
 NOON  
 ADDITIONAL SHADOW 2 HOURS BEFORE SUNSET  
 ADDITIONAL SHADOW 2 HOURS AFTER SUNRISE  
 ADDITIONAL SHADOW @ NOON



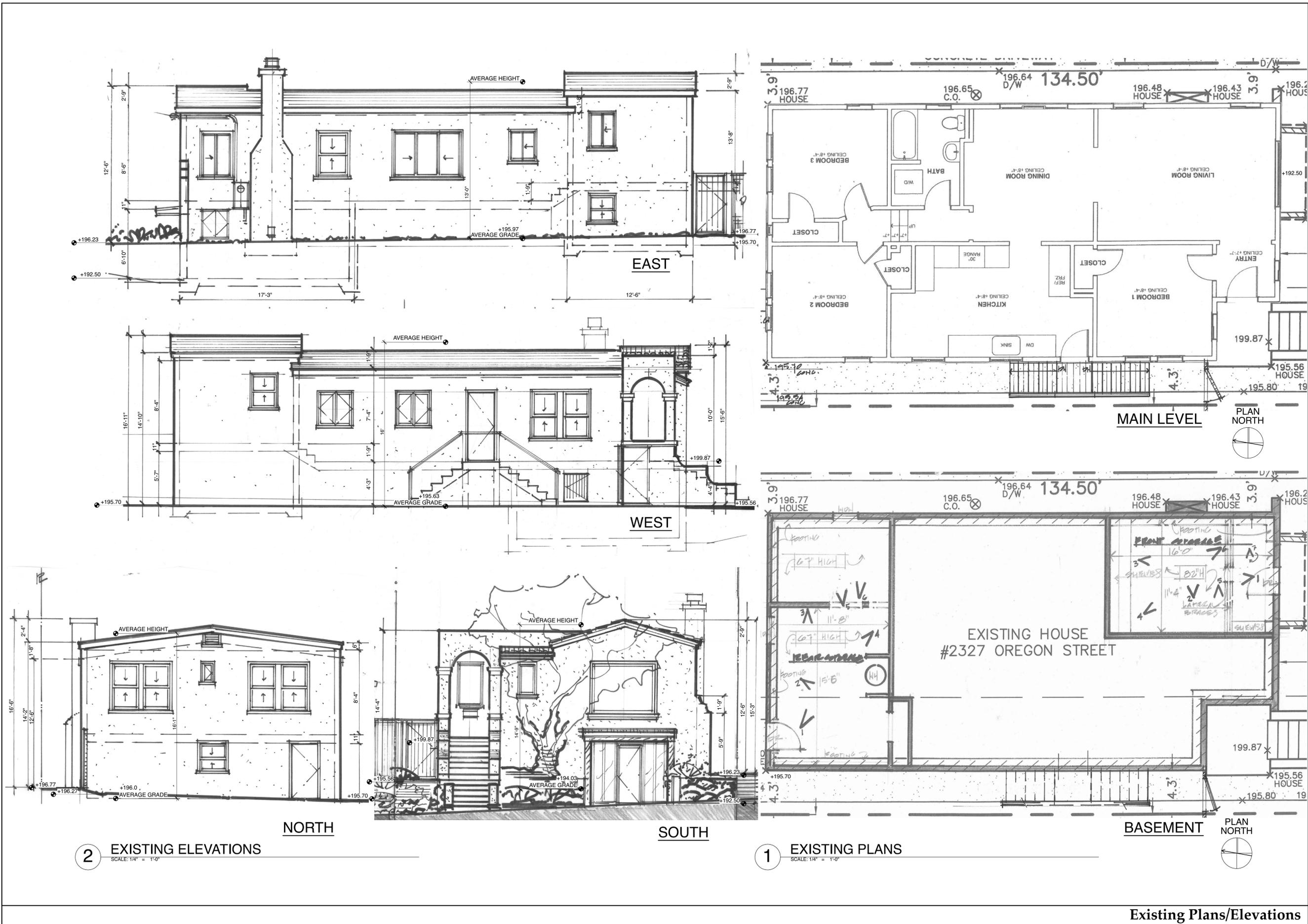
**1A (E) ROOF PLAN: SHADOW STUDY, DECEMBER 21**



NOTE: ALL BUILDINGS BEING SHADOWED ARE SHOWN IN THE DIAGRAMS.



Revisions No.	Date



**2** EXISTING ELEVATIONS  
SCALE: 1/4" = 1'-0"

**1** EXISTING PLANS  
SCALE: 1/4" = 1'-0"

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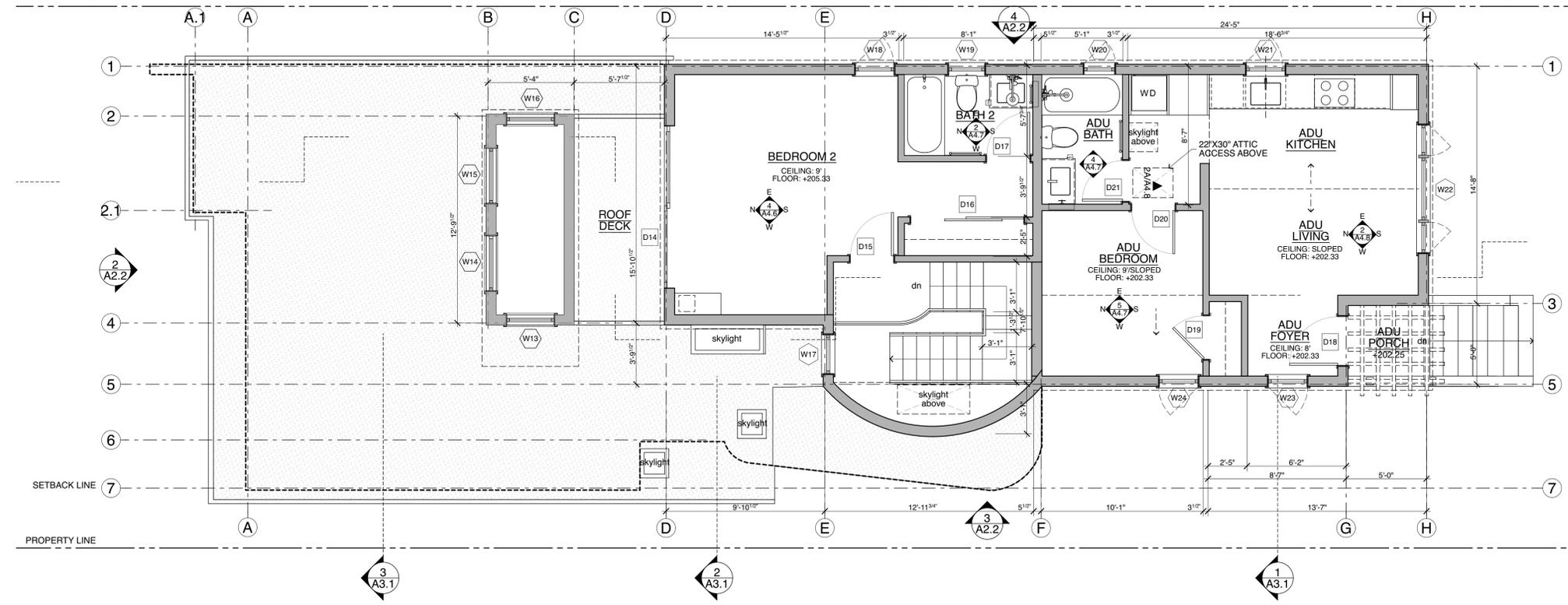
**DESIGN REVIEW**

Revisions	No.	Date

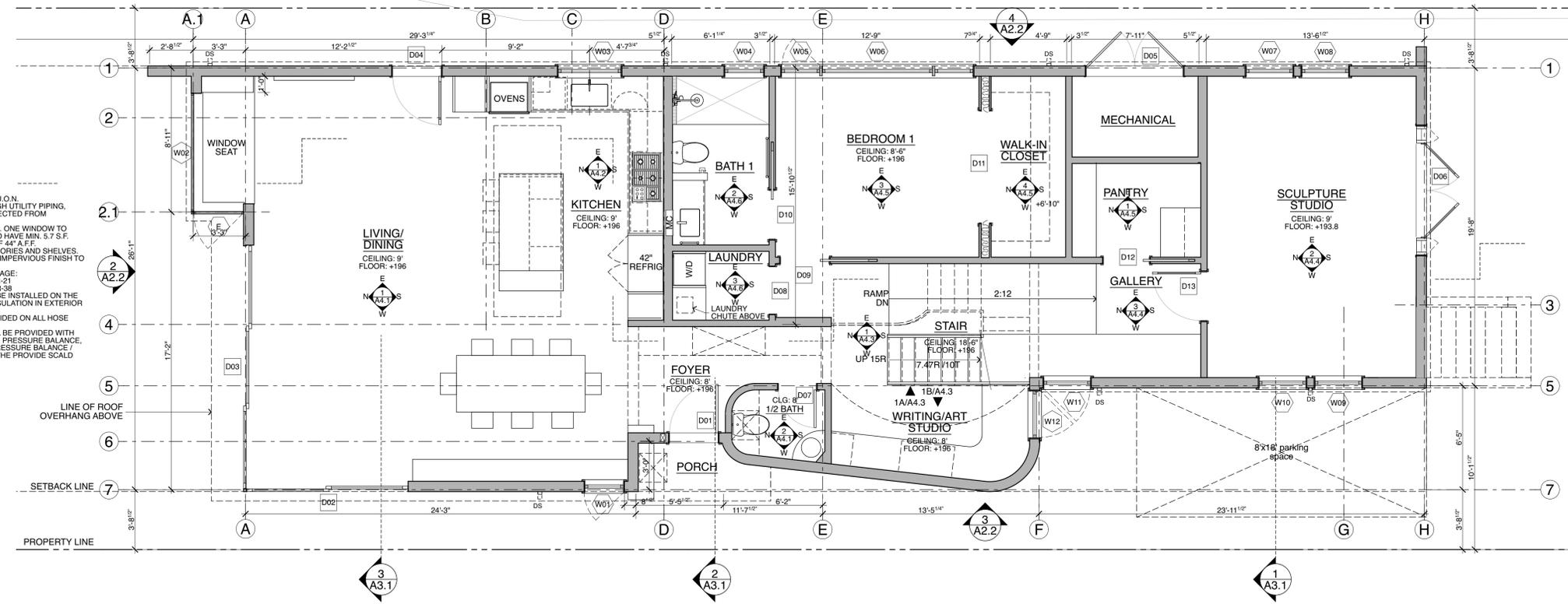
Issue Date:  
6/07/22

Project No.:  
20002

**A1.2**



**2 PROPOSED UPPER LEVEL PLAN**  
SCALE: 1/4" = 1'-0"



**1 PROPOSED GROUND LEVEL PLAN**  
SCALE: 1/4" = 1'-0"



**FLOOR PLAN GENERAL NOTES**

- ALL DIMENSIONS TO FACE OF STUD. U.O.N.
- ALL ANNULAR SPACES AROUND ROUGH UTILITY PIPING, WIRING & CONDUITS SHALL BE PROTECTED FROM INTRUSION OF AIR AND RODENTS.
- ALL SLEEPING ROOMS TO HAVE A MIN. ONE WINDOW TO MEET EGRESS. EGRESS WINDOWS TO HAVE MIN. 5.7 S.F. OPENING WITH A SILL HEIGHT MAX. OF 44" A.F.F.
- PROVIDE BLOCKING FOR ALL ACCESSORIES AND SHELVES. SHOWER WALLS TO HAVE MOISTURE IMPERVIOUS FINISH TO A MIN. HEIGHT OF 7'-0" A.F.F.
- MIN. INSULATION REQ. PER T-24 PACKAGE: NEW WALL ABOVE GRADE: R-21 ROOF RAFTER: R-38 A CLASS II VAPOR RETARDER SHALL BE INSTALLED ON THE CONDITIONED SPACE SIDE OF ALL INSULATION IN EXTERIOR WALLS.
- ANTI-SIPHON VALVES SHALL BE PROVIDED ON ALL HOSE BIBS.
- SHOWERS AND SHOWER-TUBS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE, THERMOSTATIC, OR COMBINATION PRESSURE BALANCE / THERMOSTATIC MIXING VALVE TYPE THAT PROVIDE SCALD AND THERMAL SHOCK PROTECTION.

Written dimensions on these drawings shall have precedence over scaled dimensions. Contractor will verify and be responsible for all dimensions and conditions of the Project. The Architect shall not be responsible for any variations from the dimensions and conditions shown by these drawings. These drawings and the ideas represented by them are and shall remain the property of the Architect and shall not be used for any other project without the written consent of the Architect.



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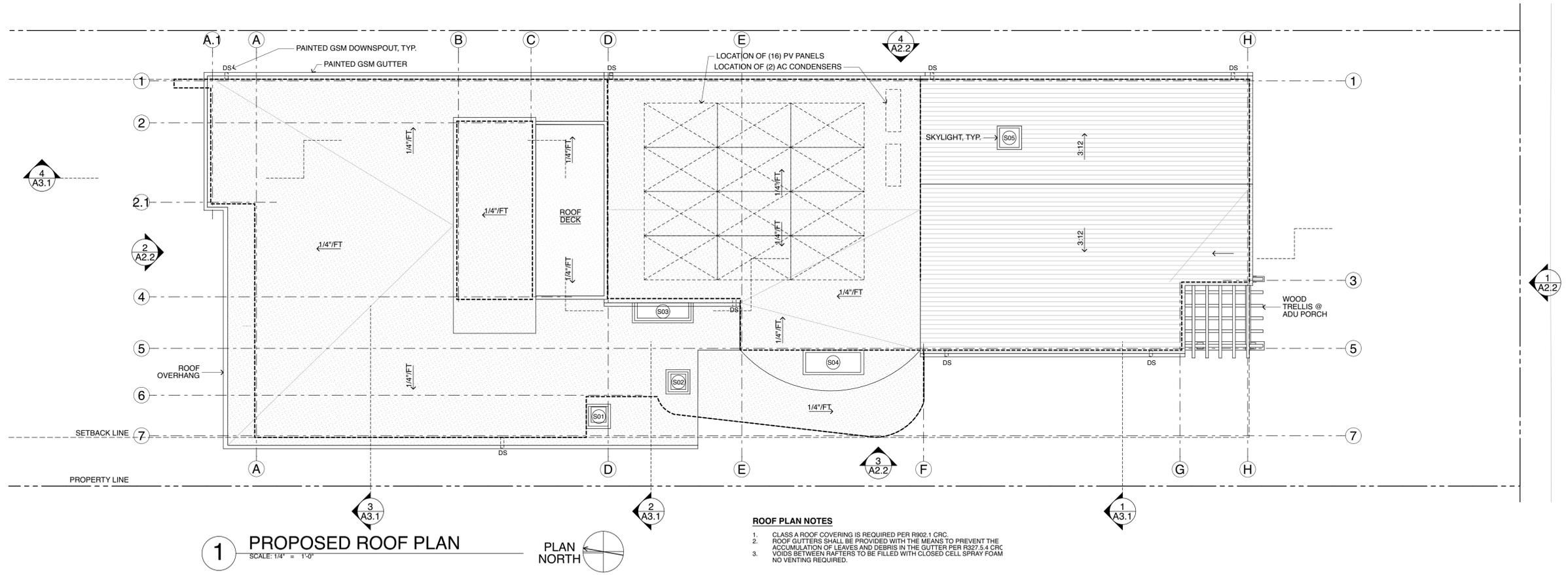
**DESIGN REVIEW**

Revisions No.	Date

Issue Date: 6/07/22

Project No.: 20002

**A1.3**



**Proposed Roof Plan**

Written dimensions on these drawings shall have precedence over scaled dimensions. Contractor will verify and be responsible for all dimensions and conditions of the Project. Variations from the dimensions and conditions shown by these drawings, and the ideas represented by them are and shall remain the property of the Architect and shall not be used for any other project without the written consent of the Architect.



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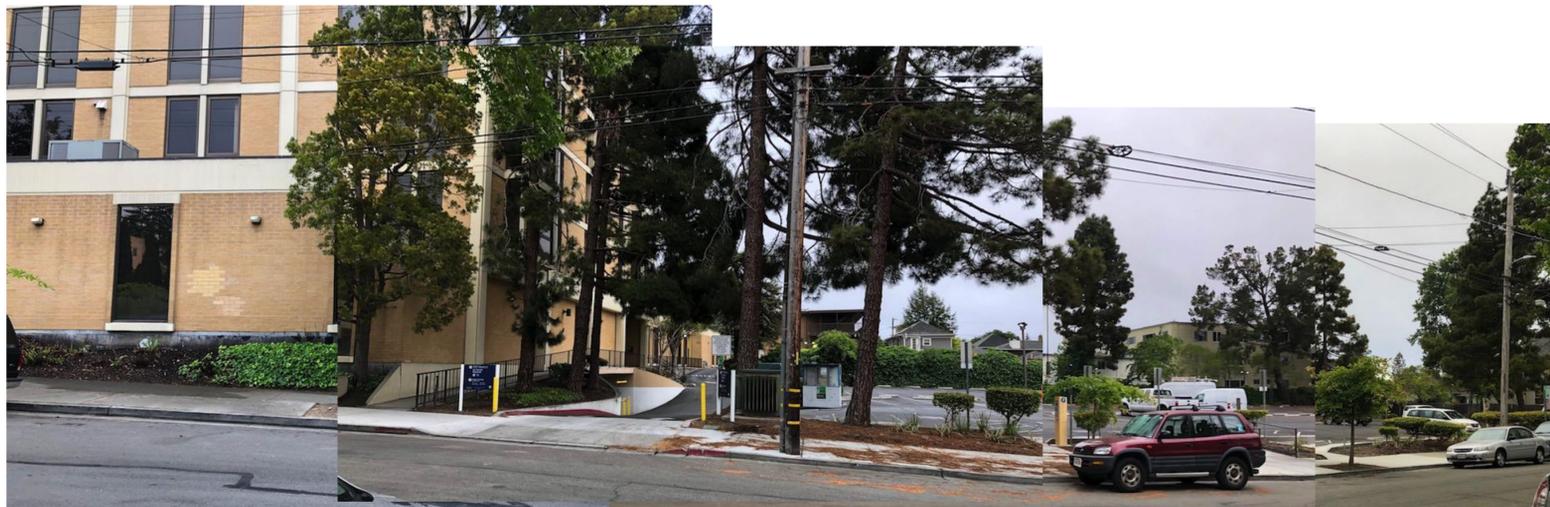
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A2.1



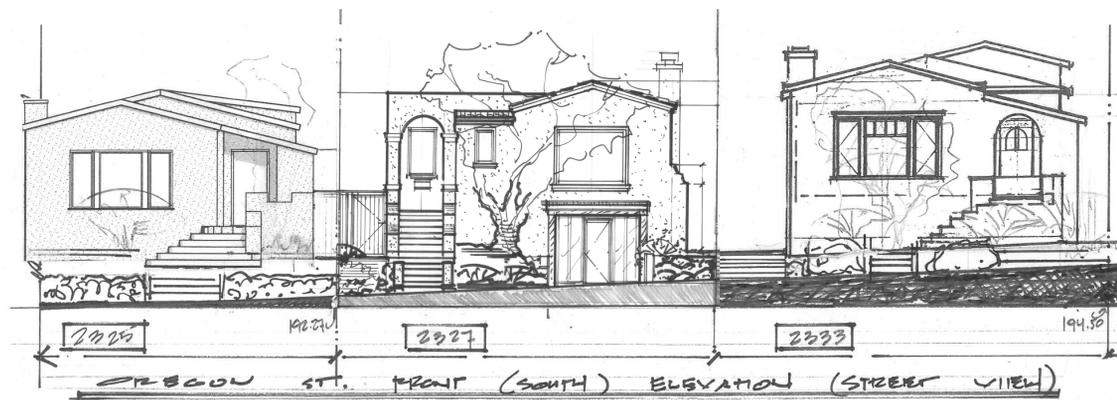
5 REAR YARD PHOTO



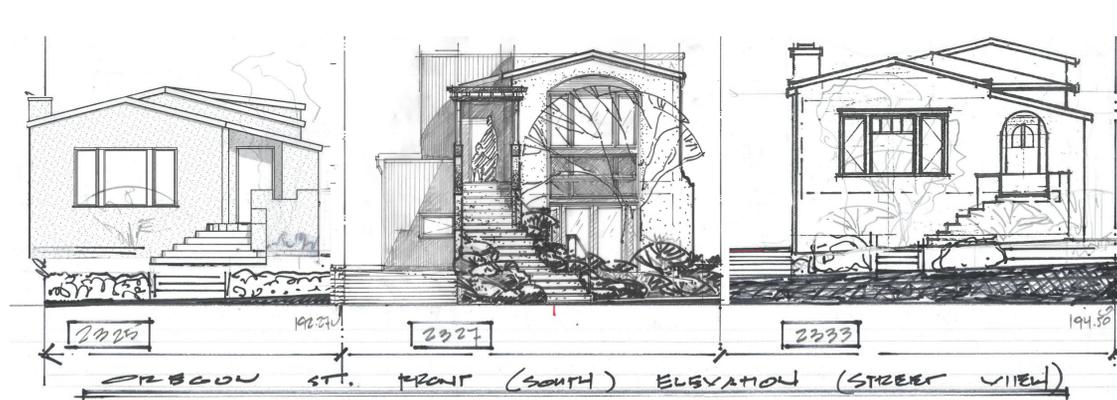
4 STREET PHOTOS LOOKING SOUTH



3 STREET PHOTOS LOOKING NORTH



2 EXISTING STREET ELEVATION  
SCALE: 1/8" = 1'-0"  
SEE 2/A1.1 (SOUTH) FOR ADDITIONAL INFORMATION



1 PROPOSED STREET ELEVATION  
SCALE: 1/8" = 1'-0"  
SEE 1/A2.2 FOR ADDITIONAL INFORMATION

Written dimensions on these drawings shall have precedence over scaled dimensions. Contractor will verify and be responsible for all dimensions and conditions of the Project. Variations from the dimensions and conditions shown by these drawings. These drawings and the ideas represented by them are and shall remain the property of the Architect and shall not be used for any other project without the written consent of the Architect.



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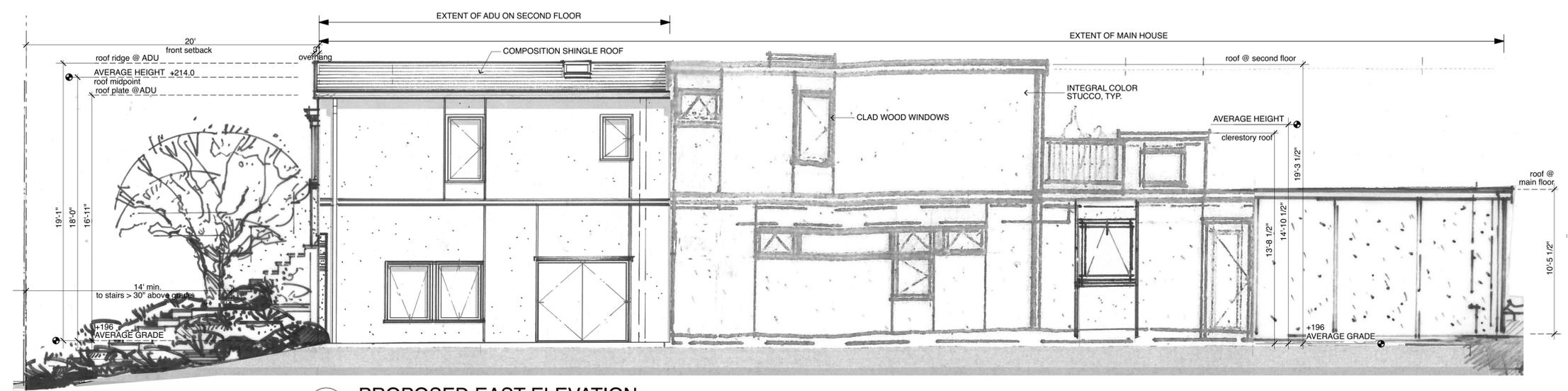
**DESIGN REVIEW**

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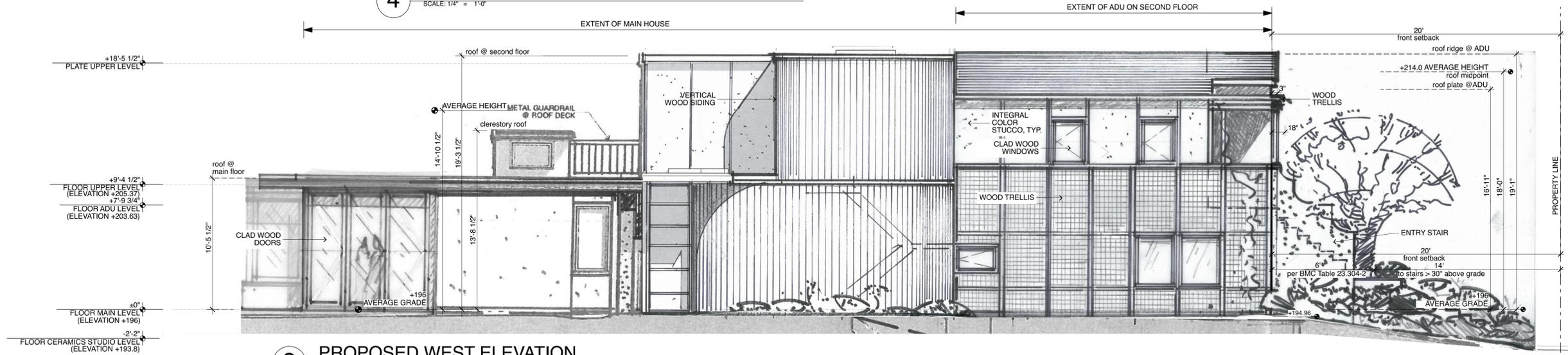
Issue Date: 6/07/22

Project No.: 20002

**A2.2**



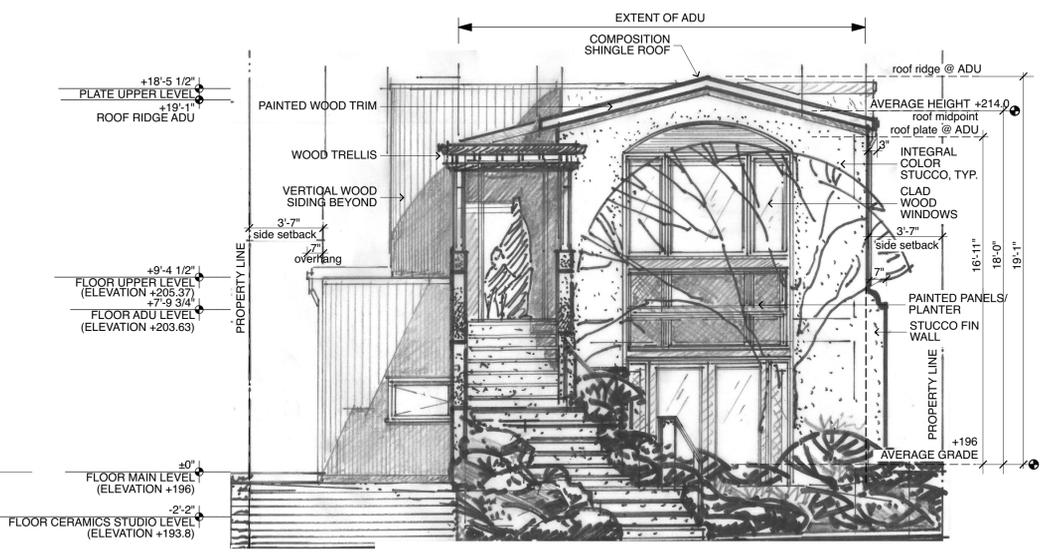
**4 PROPOSED EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**3 PROPOSED WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

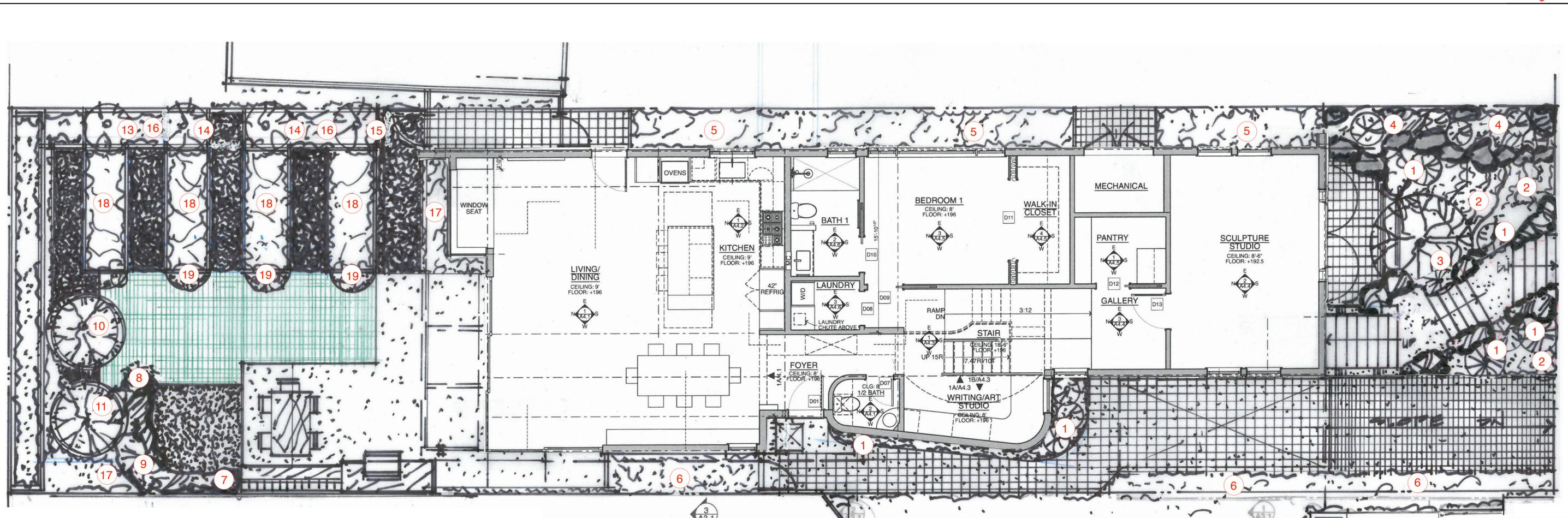


**2 PROPOSED NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 PROPOSED SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

Note:  
If lot width is less than 40 ft., may be reduced to 10% of width (without AUP), but not less than 3 ft. (5 ft. where 6 ft. is required). Not applicable to R-3 District or rear buildings in R-1A District. (4'-0" x .90 = 3'-7")



**LEGEND**

-  **Mulch**
-  **Gravel**
-  **Concrete Pad**
-  **Permeable Pavers**
-  **No-Mow Groundcover**
-  **Planting Area**
-  **Boulder**

Note: An irrigation plan will be submitted as a deferred item prior to final inspection during construction.

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



ID	BOTANICAL NAME	COMMON NAME	INSTALLATION SIZE	WULCOLS
1	Anigozanthos	Orange Kangaroo Paws	5 Gal	Low
2	Carex testacea	Orange New Zealand Sedge	1 Gal	Moderate/Medium
3	Arbutus X 'Marina' Multi	Marina Strawberry Tree Multi	24" box	Low
4	Arctostaphylos 'Pacific Mist'	Pacific Mist Manzanita	15 Gal	Low
5	Tropaeolum	Nasturtium	Flat	Low
6	Fragaria Vesca	Wild Strawberry	Flat	Moderate
7	Salvia Rosmarinus	Rosemary	1 Gal	Low
8	Muhlenbergia Rigens	Deer Grass	1 Gal	Low
9	Heteromeles Arbutifolia	Toyon	5 Gal	Low
10	Prunus domestica	Italian Plum	Existing	Moderate
11	'Blenheim'	Blenheim Apricot	Existing	Moderate
12	Bambusa chungii	Clumping Blue Bamboo	Existing	Low
13	Citrus tangerina	Tangerine	Existing	Low
14	Melo pumila	Fuji apple	Existing	Moderate
15	Citrus meyeri	Meyer Lemon Tree	Existing	Moderate/Medium
16	Rosa Setigera	'Ice Berg' Climbing Rose	5 Gal	Moderate/Medium
17	Polistichum munitum	Western Sword fern	4"	Low
18	Raised vegetable planter boxes		Flat	Moderate
19	Mint + Thyme planter boxes		Flat	Moderate

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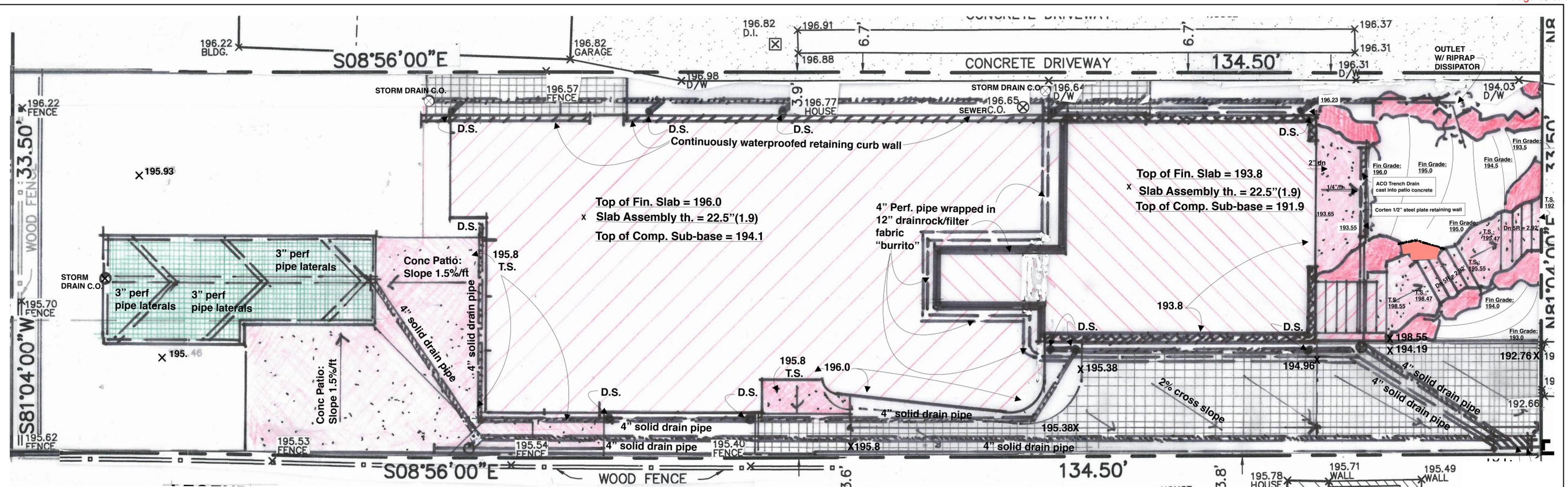
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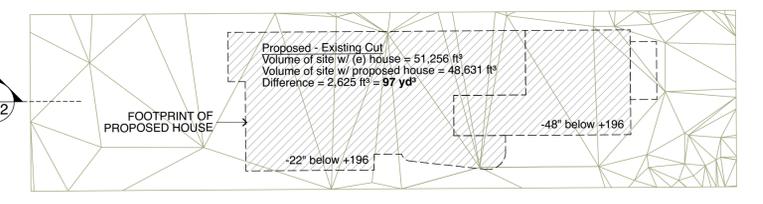
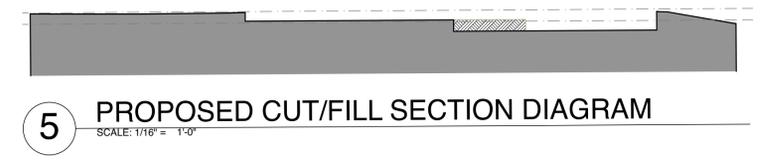
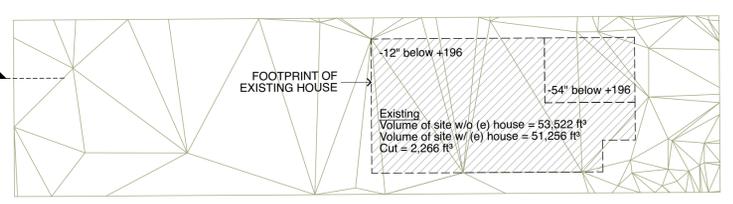
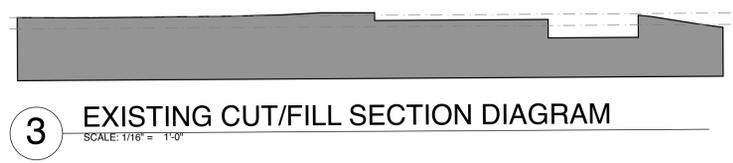
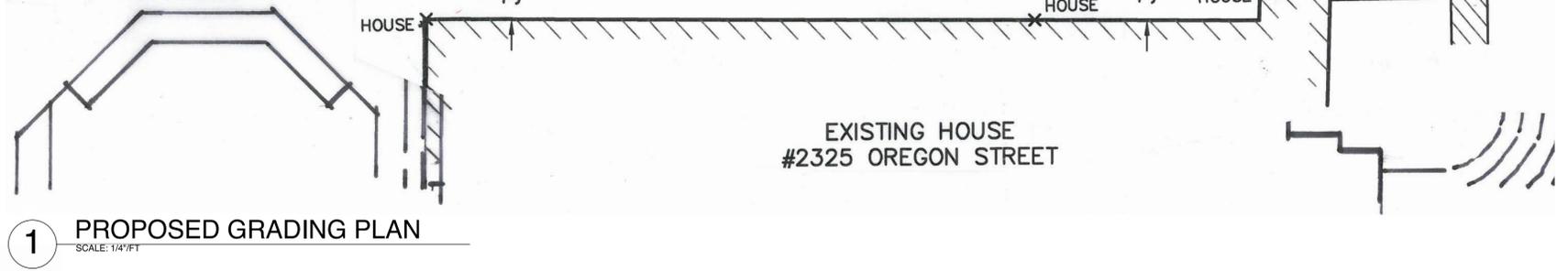
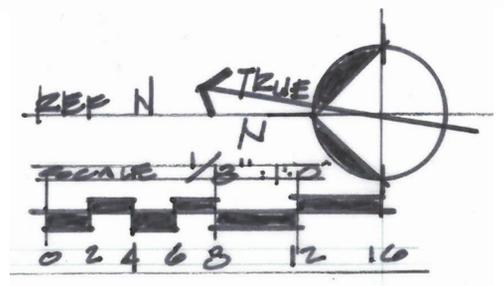
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WWW.STUDIOBERGTRAUN.COM

**L1.1**



**LEGEND**

-  Drain Field: Permeable artificial turf or filter fabric or 8" compacted sand w/ 3" diam lateral perf drains connected to 4" solid drain pipe to street outlet
-  Concrete patio slab (4" thick): Sloped to drain away from building
-  Concrete foundation assembly (upper Level)
-  Concrete foundation assembly (lower Level)
-  Basalite Permeable pavers or 8" compacted sand
-  Moss Rock boulder: to be transported from American Soil & Stone and installed on site



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**DESIGN REVIEW**

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Issue Date: 6/07/22  
Project No.: 20002

**L1.2**



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

## 2327 Oregon

**Use Permit #ZP2021- 0207 to demolish an existing single-family dwelling and construct a new 2,614 square-foot, two-story single-family dwelling with one off- street parking space on a nonconforming lot.**

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 September 8, 2022, conducted via Zoom, see the **Agenda for details at:** [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-09-08\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-09-08_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: Low Medium Density Residential (LMD)
- Zoning: Restricted Two-Family Residential District (R-2)

### B. Zoning Permits Required:

- Use Permit to demolish an existing dwelling unit, under Berkeley Municipal Code (BMC) Section 23.326.020(B); and
- Use Permit to establish a new dwelling unit, under BMC Section 23.202.020(A).

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

### D. Parties Involved:

- Applicants & Property Owners: Michelle and Alex Bergtraun, Emeryville, CA 94608

### Further Information:

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

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

[adjustments-board.](#)

Questions about the project should be directed to the project planner, Katrina Lapira, at (510) 981-7488 or [klapira@cityofberkeley.info](mailto: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](mailto: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](mailto: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](mailto: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.

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