



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
SEPTEMBER 22, 2022

1436 Campus Drive

Use^[US1] Permit #ZP2022-0053 to establish a three-story single-family dwelling with an average and maximum height of 35 feet and a reduced front setback of 8 feet on a vacant lot^[US2].

I. Background

A. Land Use Designations:

- General Plan: Low Density Residential (LDR)
- Zoning: Single - Family Residential District (R-1)
- Overlay District: Hillside Overlay District (HOD)

B. Zoning^[US3] Permits Required:

- Use Permit to establish a new single-family dwelling unit on a vacant lot, pursuant to Berkeley Municipal Code (BMC) 23.202.020(A).
- Use Permit to add a fifth bedroom to a lot, pursuant to BMC Section 23.202.030(B)(1).
- Administrative Use Permit to establish a new building with a maximum height of 35 feet, pursuant to BMC Section 23.210.020(C)(2).
- Administrative Use Permit to increase the allowed average height to 35 feet, pursuant to 23.202.050(D)(2) and 23.210.020(C)(2).
- Administrative Use Permit to reduce the minimum required main building front setback to 8 feet, pursuant to BMC 23.210.020(C)(4)^[US4]^[US5].
- Administrative Use Permit to allow an architectural element to project above the maximum height limit, pursuant to BMC 23.304.050(A)^[US6].
- Administrative Use Permit to allow a 6-foot retaining wall in the front setback, pursuant to BMC Section 23.304.070.

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant Lot	R1-H Single - Family Residential Hillside Overlay District	Low Density Residential
Surrounding Properties	North	Single-family dwelling		
	West			
	East			
	South			

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to projects with net new 7,500 sq. ft. of non-residential floor area. 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 sq. ft. 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 then 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))[US7]	No	A "housing development project" is defined as a is a project that is: residential units only, a mixed-use project with at least two-thirds of the square-footage residential, or for transitional or supportive housing. The project proposes one dwelling unit and does not meet the definition of a "housing development project," therefore HAA is not applicable.
Housing Crisis Act of 2019 (SB330)	No	A "housing development project" is defined as a is a project that is: residential units only, a mixed-use project with at least two-thirds of the square-footage residential, or for transitional or supportive housing. The project proposes one dwelling unit and does not meet the definition of a "housing

		development project," therefore the Housing Crisis Act is not applicable.
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)	Yes	The project is not located within an area susceptible to landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), however it is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply.
Transit	Yes	AC Transit Bus 65

Table 3: Project Chronology

Date	Action
4/13/2022	Application submitted
5/13/2022	Application deemed incomplete
6/15/2022	Application resubmitted
7/13/2022	Application deemed complete
9/15/2022	Public hearing notices mailed/posted[LK8]
9/22/2022	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23.202.080				
Lot Area (sq. ft.)		6,803	6,803	5,000 min
Gross Floor Area (sq. ft.)		0	4,137	N/A
Floor Area Ratio		N/A	N/A	N/A
Dwelling Units	Total	0	1	Single-family
	Affordable	0	0	N/A
Building Height	Average (ft.)	0	34'-6"	28' max (35' w/ AUP)
	Maximum (ft.)	0	35'	35'
	Stories	0	3	3 max
Building Setbacks (ft.)	Front	0	8'	20' min Reduction with AUP
	Rear	0	37'-9"	20' min
	Left Side	0	4'	4' min

	Right Side	0	3'-7"	4' min
Lot Coverage (%)		0	28.5%	40 max
Usable Open Space (sq. ft.)		0	462	min
Parking	Automobile	0	1	1[US9]

II. Project Setting

A. Neighborhood/Area Description: The project is located in the Hillside Overlay District, about half a mile southeast of the Berkeley Rose Garden, less than half a mile west of Tilden Regional Park, and sits half a mile northwest of Lawrence Berkeley National Laboratory. The neighborhood consists of one- three story single-family dwelling units. Dwellings along Campus Drive generally step with the hill, downward along the slope.

B. Site Conditions: The project site is a through lot situated between Del Mar Avenue along the western property line and [US10] Campus Drive along the eastern property line. The project site slopes steeply downward from east to west, with a 48% grade change. This lot is relatively rectangular with irregular northern lot lines that angle and jog. The lot [US11] is relatively barren, with vegetation (bamboo grove) primarily along the Northern property line. The 6,083 square foot lot is vacant and is not currently accessible via automobile.

III. Project Description [US13][LK14]

The proposed project would develop a 4,137 square-foot, five-bedroom single-family dwelling unit over three stories. Characterized with increasingly steep terrain towards the Del Mar Avenue, the proposed project is oriented toward Campus Drive, on the eastern half of the lot. The dwelling unit is accessed from Campus Drive through the garage on the street level and access stairs down to the second level.

The upper level (street) includes a two-car garage and a guest room suite, replete with a full bathroom and 170 square foot balcony. The second level of the unit includes one bedroom (office), and living, dining and kitchen space, along with a 315 square foot patio. The lower level of the project consists of three bedrooms, two bathrooms, storage space, and a laundry room.

The western portion of the lot will remain largely undeveloped, in pattern with neighboring development oriented along Campus Drive, due in part to the sloped elevation.

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 March 2022.

On September 15, 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. General Non-Detriment for Use Permits and Administrative Use Permits

As required under BMC Sections 23.406.040(E), the proposed development of the new single-family dwelling unit is permissible and non-detrimental as it is consistent with the development standards of the underlying zoning district. The AUPs for a reduced front setback and 35-foot heights are consistent with the purposes of the HOD and development patterns in the area, as discussed below. Additionally, the project is non-detrimental with respect to potential impact on sunlight, air, and views for the following reasons:

- Sunlight: Shadow studies provided, show that adjacent properties to the North and South of the project site will experience additional shading during throughout the year. These changes in sunlight pattern are found to be reasonable given that the project site currently vacant and that the orientation of these properties in relation to the subject building. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year.
- Air: The proposed project meets the required rear and side setback standards distances for the lot and is expected to achieve a suitable building-to-building pattern in relation to all abutting developments, thereby ensuring a reasonable level of privacy and spatial separation.
- Views: There are no protected views or view corridors as defined in BMC Section 23.502.020 (Glossary) to consider with this project.

B. Addition of a Fifth Bedroom^{[LK15][US16]}

The project establishes five bedrooms on this parcel, as defined in BMC Section 23.502.020 (Glossary^[US17])¹. The fifth bedroom, labeled as an “office” on the

¹ *Bedroom.* Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a

proposed plans would provide more room for the residents within the single-family dwelling and does not conflict with the purposes of the Hillside Overlay Zone (BMC Section 23.210.020(A)).

C. Reduced Front Setback, Average and Maximum Height of 35 Feet, and Rooftop Projection

Pursuant to BMC Section 23.210.020(C)(2) modifications to the standard setback and height requirements are permissible, provided that the reduction is consistent with the purposes of the HOD. The purposes of the HOD explicitly allow modifications to standards because of steep topography, irregular lot pattern, and various site constraints characteristic of hillside lots. As described above, the grade change towards the latter half of the lot – towards Del Mar Avenue – is significant, and constrains the buildable area of the lot. The reduced front setback makes use of the more level portions of the lot by adjusting the development closer to Campus Drive. This is consistent with development patterns within the neighborhood.

Similarly, the increased average height of the project aligns with the purposes of the HOD. With an average height of 35 feet, the project takes into consideration the steep topography of the lot, stepping along with the slope of the lot from east to west, without disturbing the natural grade of the latter half of the lot. From Campus Drive, the house presents as single-story. Approximately 10 inches of the parapet projects above the maximum height. This increase in average and maximum height and projection will not obstruct any protected views defined in BMC Section 23.502.020^[US18]².

- D. Retaining Wall in Front Setback.** Due to the downward slope from the street, access stairs that start in the right-of-way are proposed and would require review and approval of an encroachment permit by Public Works (see condition #12).

The stairs would be supported by a retaining wall in the front setback that does not exceed 6 feet in height in the front setback, and steps down with the grade to the second-level patio.

- E. 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.

bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

² *View Corridor.* A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property

Staff Analysis: The proposed demolition and development of a single-family dwelling is consistent with all development standards (i.e. height, coverage, density, open space, setbacks) for the R-1H zoning and is compatible with existing low density residential uses within the neighborhood. Consistent with the height development standards, the proposed project is 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

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 22, 2022

1436 Campus Drive

Use Permit #ZP2022-0053 to establish a three-story single-family dwelling with an average and maximum height of 35 feet and a reduced front setback of 8 feet on a vacant lot.

PERMITS REQUIRED

- Use Permit to establish a new single-family dwelling unit on a vacant lot, pursuant to Berkeley Municipal Code (BMC) 23.202.020(A).
- Use Permit to add a fifth bedroom to a lot, pursuant to BMC Section 23.202.030(B)(1).
- Administrative Use Permit to establish a new building with a maximum height of 35 feet, pursuant to BMC Section 23.210.020(C)(2).
- Administrative Use Permit to increase the allowed average height to 35 feet, pursuant to 23.202.050(D)(2) and 23.210.020(C)(2).
- Administrative Use Permit to reduce the minimum required main building front setback to 8 feet, pursuant to BMC 23.210.020(C)(4).
- Administrative Use Permit to allow an architectural element to project above the maximum height limit, pursuant to BMC 23.304.050(A).
- Administrative Use Permit to allow a 6-foot retaining wall in the front setback, pursuant to BMC Section 23.304.070.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303(a) ("New Construction or Conversion of Small Structures") and 15332(a) ("In-Fill Development Projects") of the CEQA Guidelines.

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.

- D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
 - E. The site can be adequately served by all required utilities and public services.
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 BMC Section 23.406.040(E)(1), 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 three-story single-family dwelling unit, of which there are several examples in the neighborhood;
 - B. The project is consistent with all R-1 and Hillside Overlay Zone development standards as modified by the permit (i.e. height; lot coverage, density, setbacks, and open space);
 - C. The project maintains an average height of 34'-6", stepping with the steep slope, and does not have a significant impact on sunlight, air, and views for the following reasons:
 - Sunlight: Shadow studies provided, show that adjacent properties to the North and South of the project site will experience additional shading during throughout the year. These changes in sunlight pattern are found to be reasonable given that the project site currently vacant and that the orientation of these properties in relation to the subject building. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year.
 - Air: The proposed project meets the required rear and side setback standards distances for the lot and is expected to achieve a suitable building-to-building pattern in relation to all abutting developments, thereby ensuring a reasonable level of privacy and spatial separation.
 - Views: There are no protected views or view corridors as defined in BMC Section 23.502.020 (Glossary) to consider with this project.
 - D. The project establishes five bedrooms on this parcel, as defined in BMC Section 23.502.020 (Glossary), providing more room for the residents within one of the dwelling and would not significantly impact the use of the dwelling or create nonconformities; and

- E. The project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental.

III. OTHER FINDINGS FOR APPROVAL

- 2. As required by Section 23.210.020(C)(2) of the BMC, the proposed modifications to the front setback, and average and maximum heights are consistent with the purposes of the Hillside Overlay Zone because:
 - A. The grade changes towards the latter half of the lot – towards Del Mar Avenue – is significant, and constrains the buildable area of the lot.
 - B. The reduced setback makes use of the more level portions of the lot by adjusting the development closer to Campus Drive, which is consistent with development patterns within the neighborhood; and
 - C. The increased average height takes into consideration the steep topography of the lot, stepping along with the slope of the lot from east to west, without disturbing the natural grade of the latter half of the lot.
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IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

11. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned in accordance with BMC 16.28.030, and entered into the City's database after the building permit is issued but prior to final inspection.
12. Encroachment Permit. The applicant shall apply for an Encroachment Permit with Public Works for all features proposed within the public-right-of-way, including stairs and retaining walls. The Encroachment Permit must be approved and issued prior to issuance of the building permit.
13. Driveway width. The driveway width at the lot line must be reduced to 20 feet and shown on the building permit plans.
14. 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.
15. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.

- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

16. Geotechnical Plan Review. The applicant's geotechnical consultant must review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls). Detailed logs and supporting appendices must be submitted, as part of the plan review letter or similar.

The results of the plan review, along with appropriate supporting documents, must be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

17. 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.
18. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
19. 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).
20. 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:

21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
- 27. 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.
- 28. 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.
- 29. 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.

- 30. 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. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
 - J. 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.

K. 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.

31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.

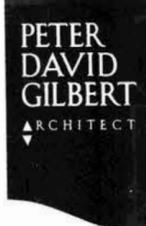
Prior to Final Inspection or Issuance of Occupancy Permit:

37. Geotechnical Construction Inspections. The Geotechnical Consultant must inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections may include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete.
The results of these inspections and the as-built conditions of the project must be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

38. 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.
39. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings received July 13, 2022, except as modified by conditions of approval.

At All Times:

40. 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.
 41. 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.
 42. 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.
 43. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 44. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
 45. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
-



TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

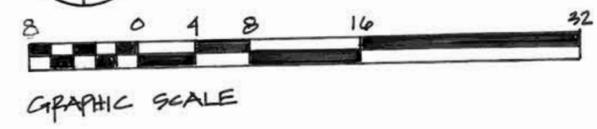
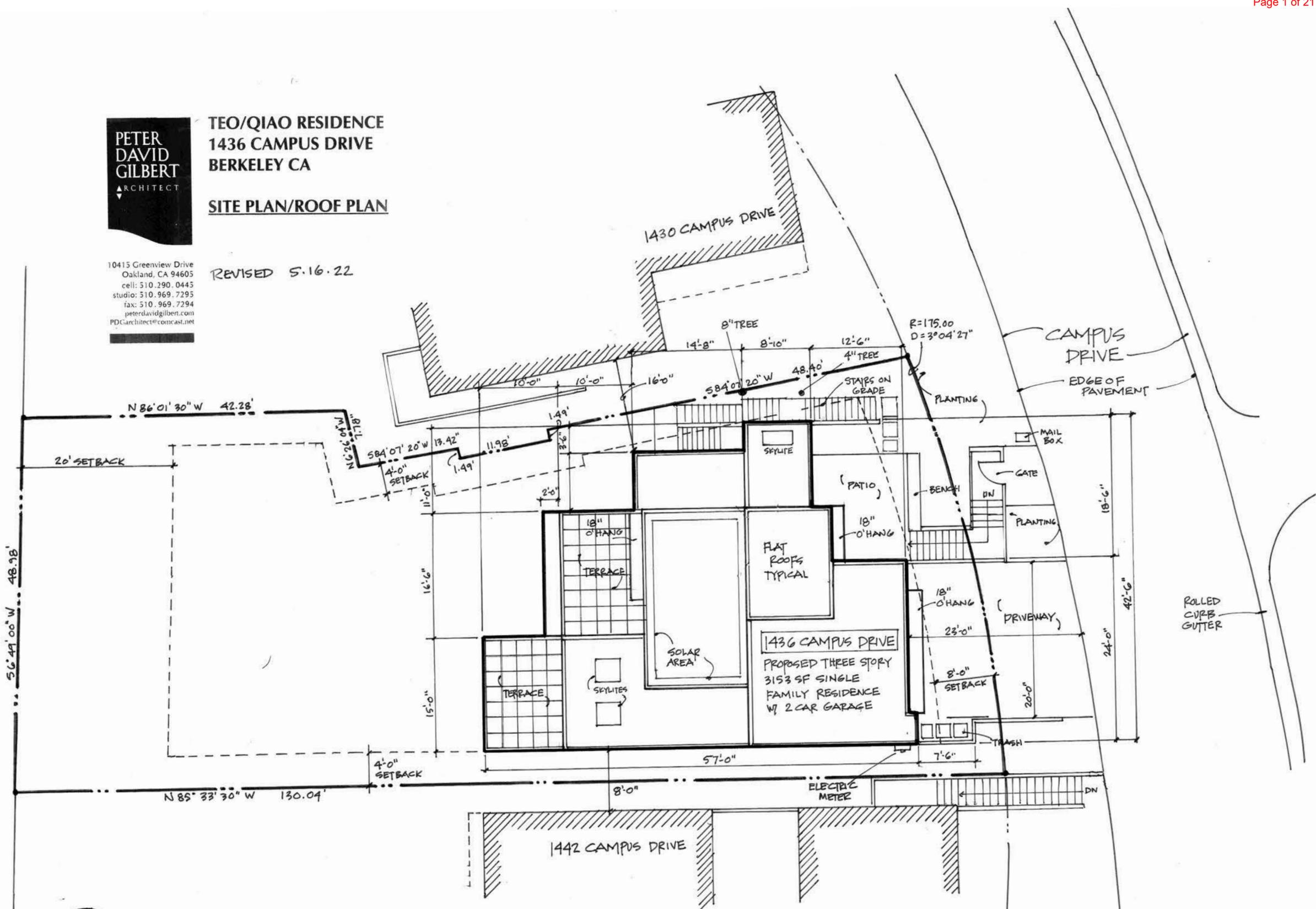
SITE PLAN/ROOF PLAN

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDGarchitect@comcast.net

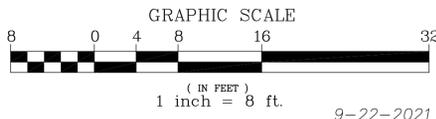
REVISED 5.16.22

DELMAR AVENUE

SEWITARY SEWER



THIS RESIDENCE WILL BE ALL ELECTRIC
AND WILL NOT INCLUDE ANY NATURAL GAS.



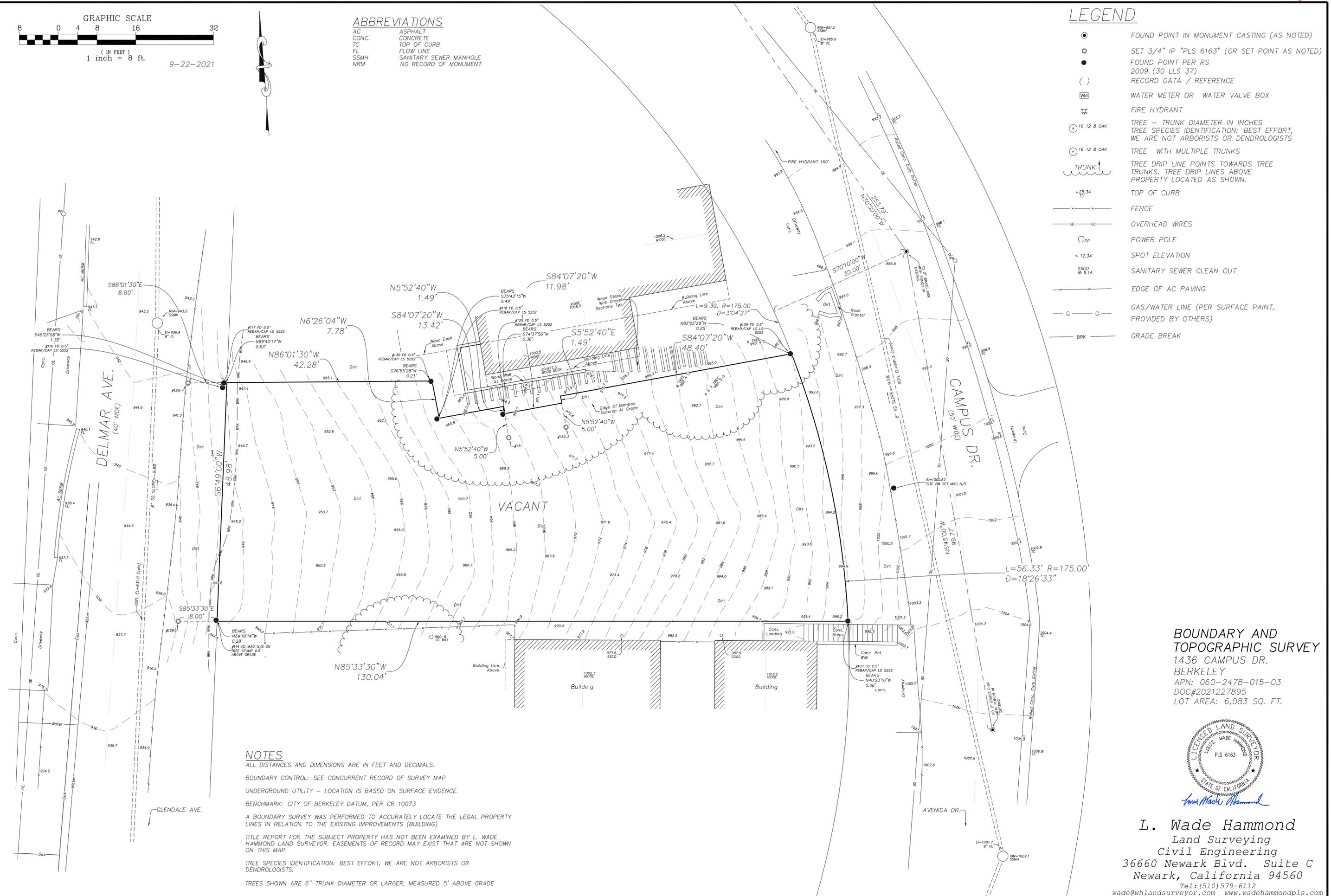
9-22-2021

ABBREVIATIONS

AC	ASPHALT	CONC.	CONCRETE
TC	TOP OF CURB	FL	FLOW LINE
SSMH	SANITARY SEWER MANHOLE	NRM	NO RECORD OF MONUMENT

LEGEND

- FOUND POINT IN MONUMENT CASTING (AS NOTED)
- SET 3/4" IP "PLS 6163" (OR SET POINT AS NOTED)
- FOUND POINT PER RS 2009 (30 LLS 37)
- () RECORD DATA / REFERENCE
- WM WATER METER OR WATER VALVE BOX
- ⊕ FIRE HYDRANT
- ⊕ 16 12 8 OAK TREE - TRUNK DIAMETER IN INCHES
- ⊕ 16 12 8 OAK TREE SPECIES IDENTIFICATION: BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS
- ⊕ 16 12 8 OAK TREE WITH MULTIPLE TRUNKS
- TRUNK TREE DRIP LINE POINTS TOWARDS TREE TRUNKS. TREE DRIP LINES ABOVE PROPERTY LOCATED AS SHOWN.
- +25.34 TOP OF CURB
- x — FENCE
- o — OVERHEAD WIRES
- PP POWER POLE
- + 12.34 SPOT ELEVATION
- SSCO @ 8.14 SANITARY SEWER CLEAN OUT
- — EDGE OF AC PAVING
- G — GAS/WATER LINE (PER SURFACE PAINT, PROVIDED BY OTHERS)
- BRK — GRADE BREAK



NOTES

- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS.
- BOUNDARY CONTROL: SEE CONCURRENT RECORD OF SURVEY MAP
- UNDERGROUND UTILITY - LOCATION IS BASED ON SURFACE EVIDENCE.
- BENCHMARK: CITY OF BERKELEY DATUM, PER CR 10073
- A BOUNDARY SURVEY WAS PERFORMED TO ACCURATELY LOCATE THE LEGAL PROPERTY LINES IN RELATION TO THE EXISTING IMPROVEMENTS (BUILDING)
- TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY L. WADE HAMMOND LAND SURVEYOR. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
- TREE SPECIES IDENTIFICATION: BEST EFFORT, WE ARE NOT ARBORISTS OR DENDROLOGISTS.
- TREES SHOWN ARE 6" TRUNK DIAMETER OR LARGER, MEASURED 5' ABOVE GRADE

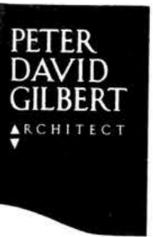
BOUNDARY AND TOPOGRAPHIC SURVEY
1436 CAMPUS DR.
BERKELEY
APN: 060-2478-015-03
DOC#2021227895
LOT AREA: 6,083 SQ. FT.



L. Wade Hammond

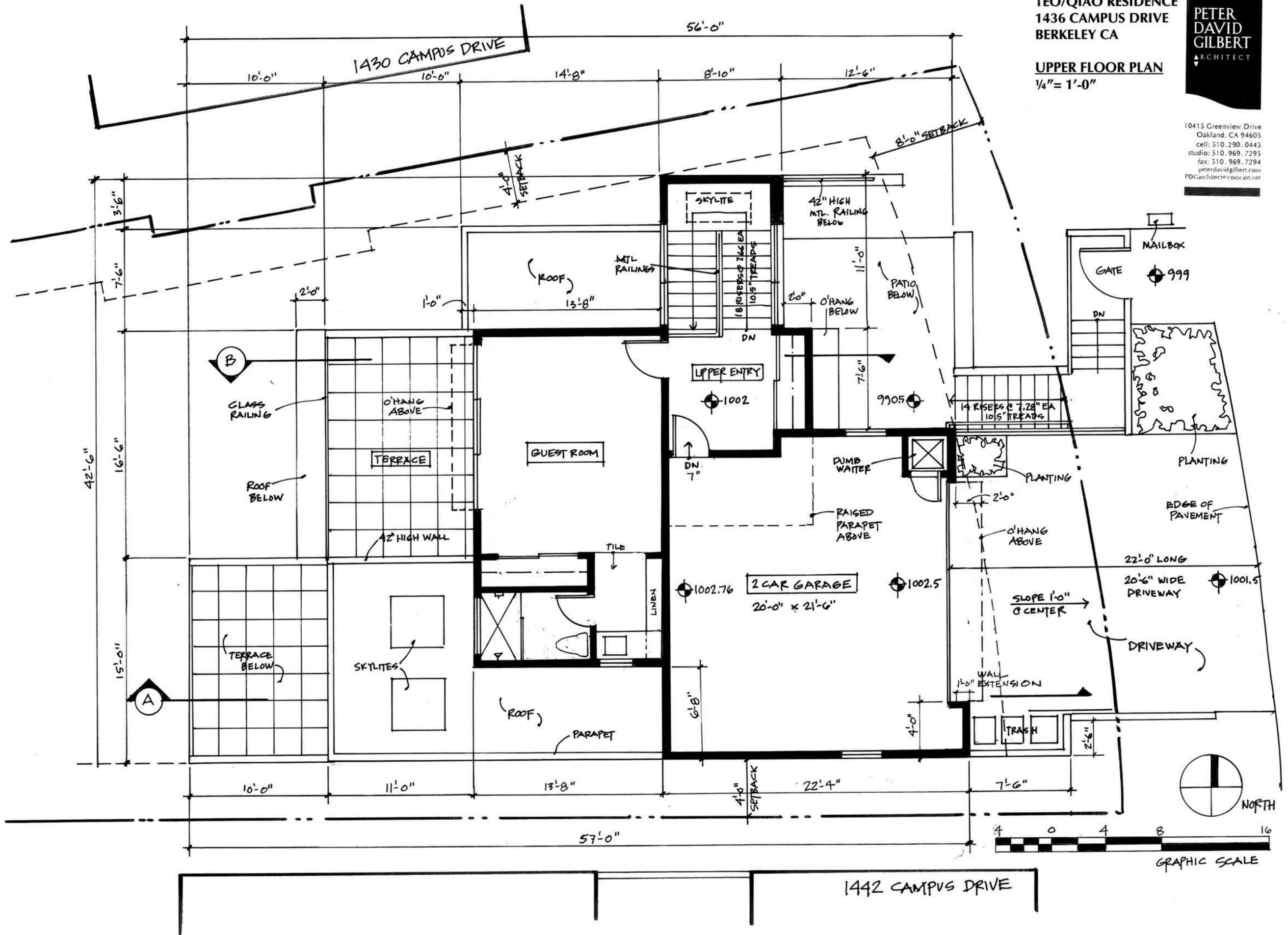
L. Wade Hammond
Land Surveying
Civil Engineering
36660 Newark Blvd. Suite C
Newark, California 94560
Tel: (510) 579-6112
wade@whlandsurveyor.com www.wadehammondpls.com

TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

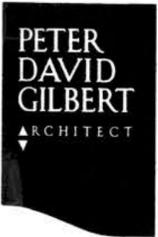


UPPER FLOOR PLAN
1/4" = 1'-0"

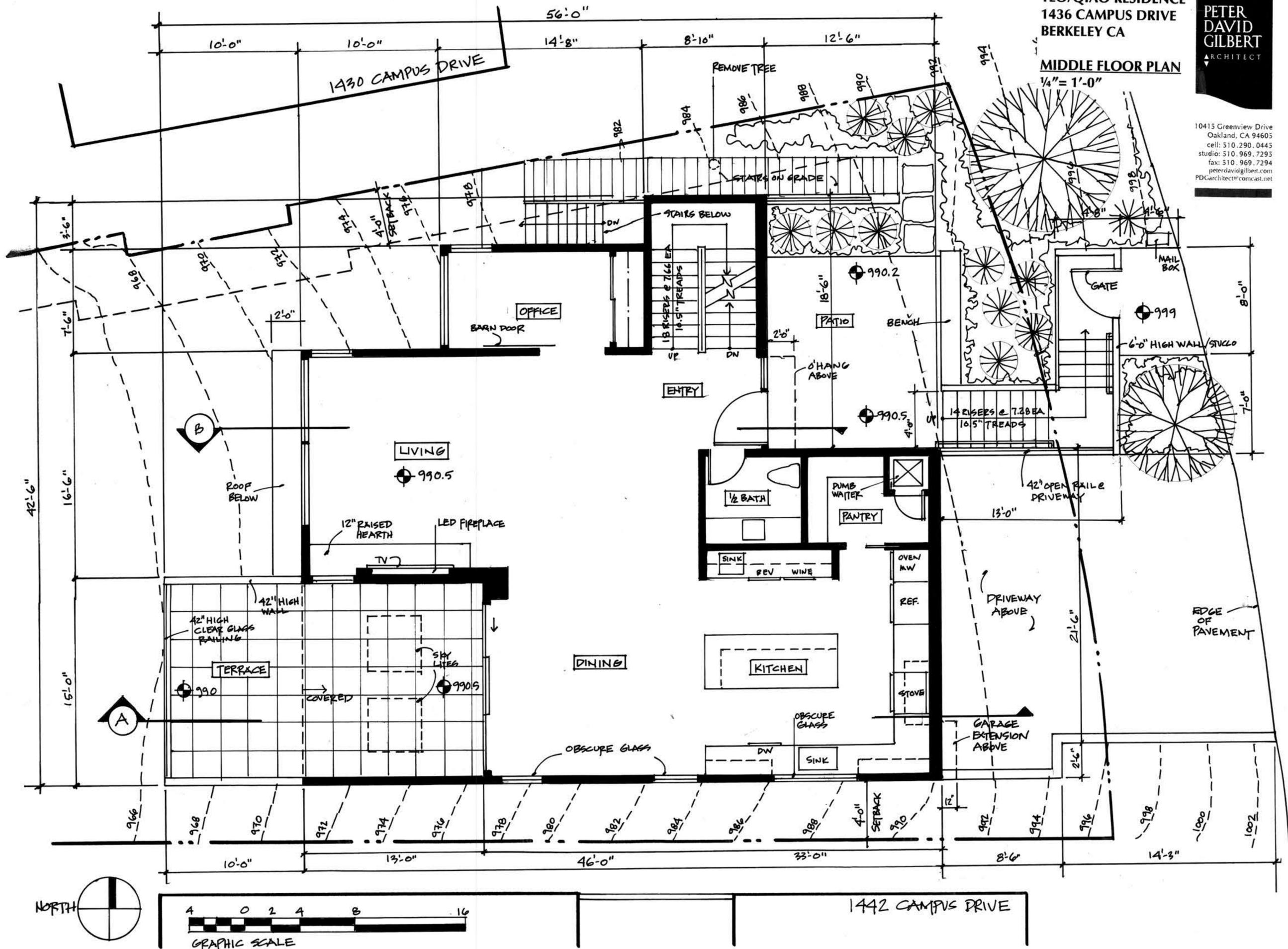
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Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDCArchitect@comcast.net



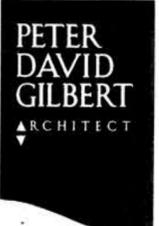
TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA
MIDDLE FLOOR PLAN
 1/4" = 1'-0"



10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
 fax: 510.969.7294
 peterdavidgilbert.com
 PDGarchitect@comcast.net

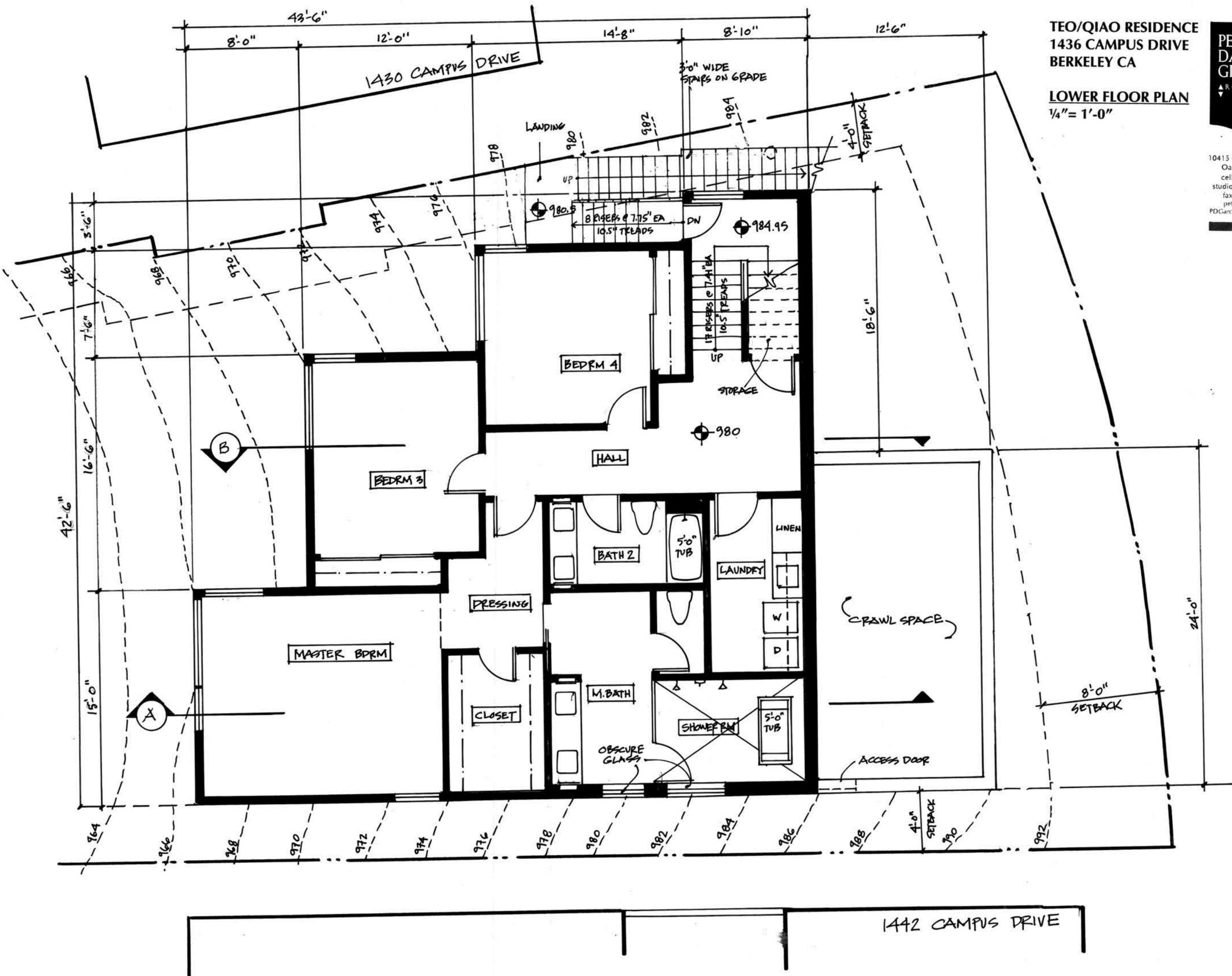


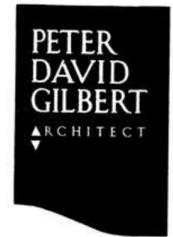
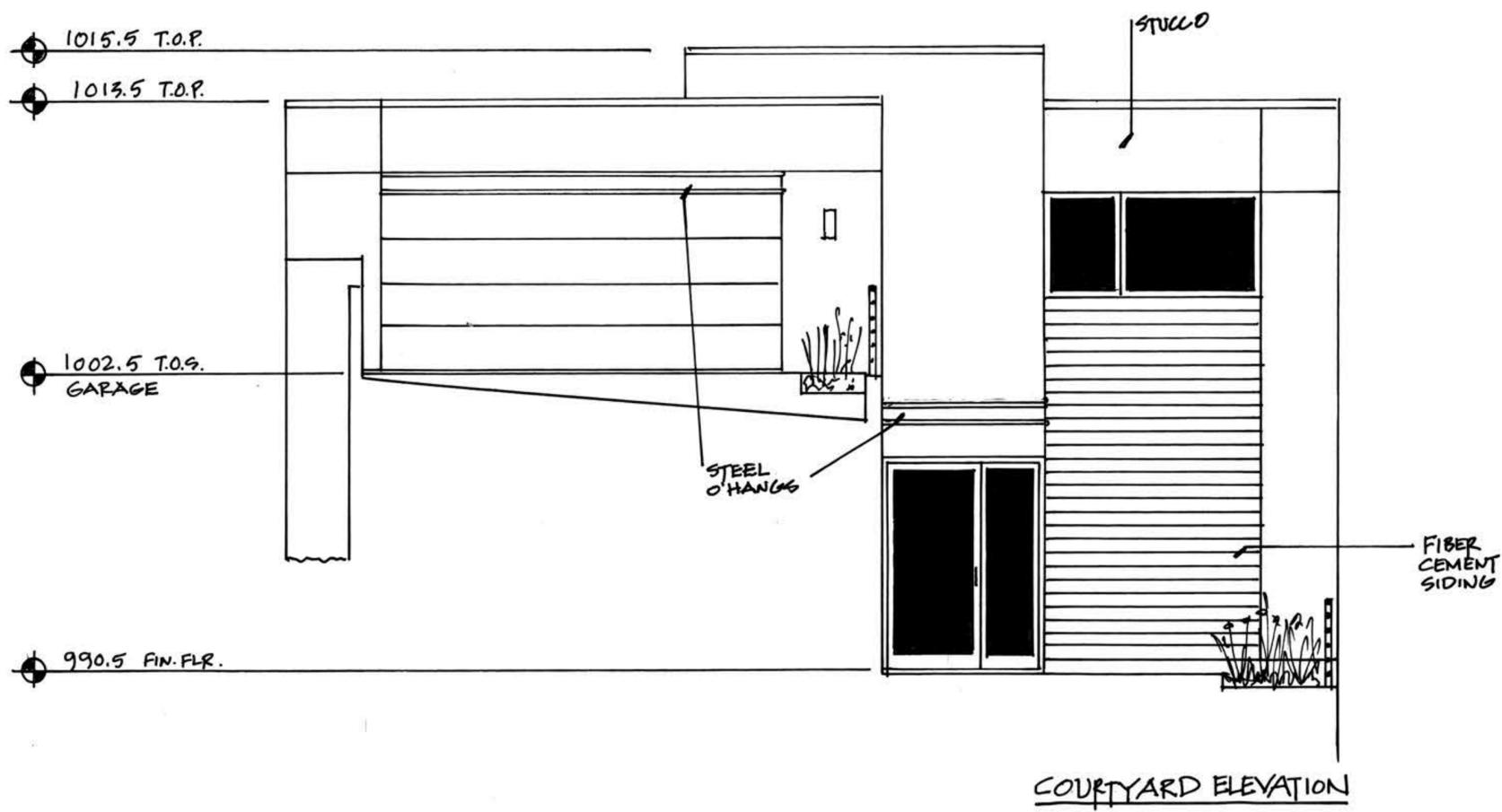
TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA



LOWER FLOOR PLAN
1/4" = 1'-0"

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDGarchitect@comcast.net

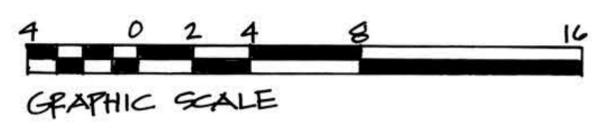
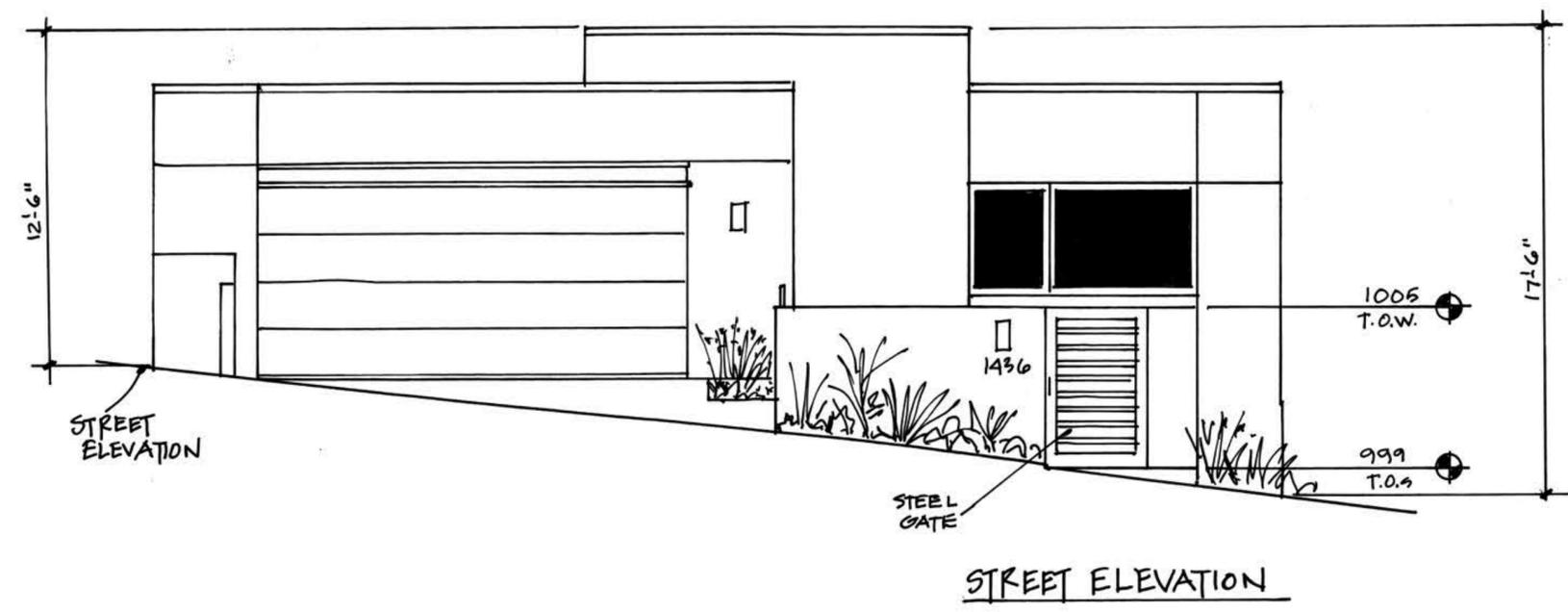


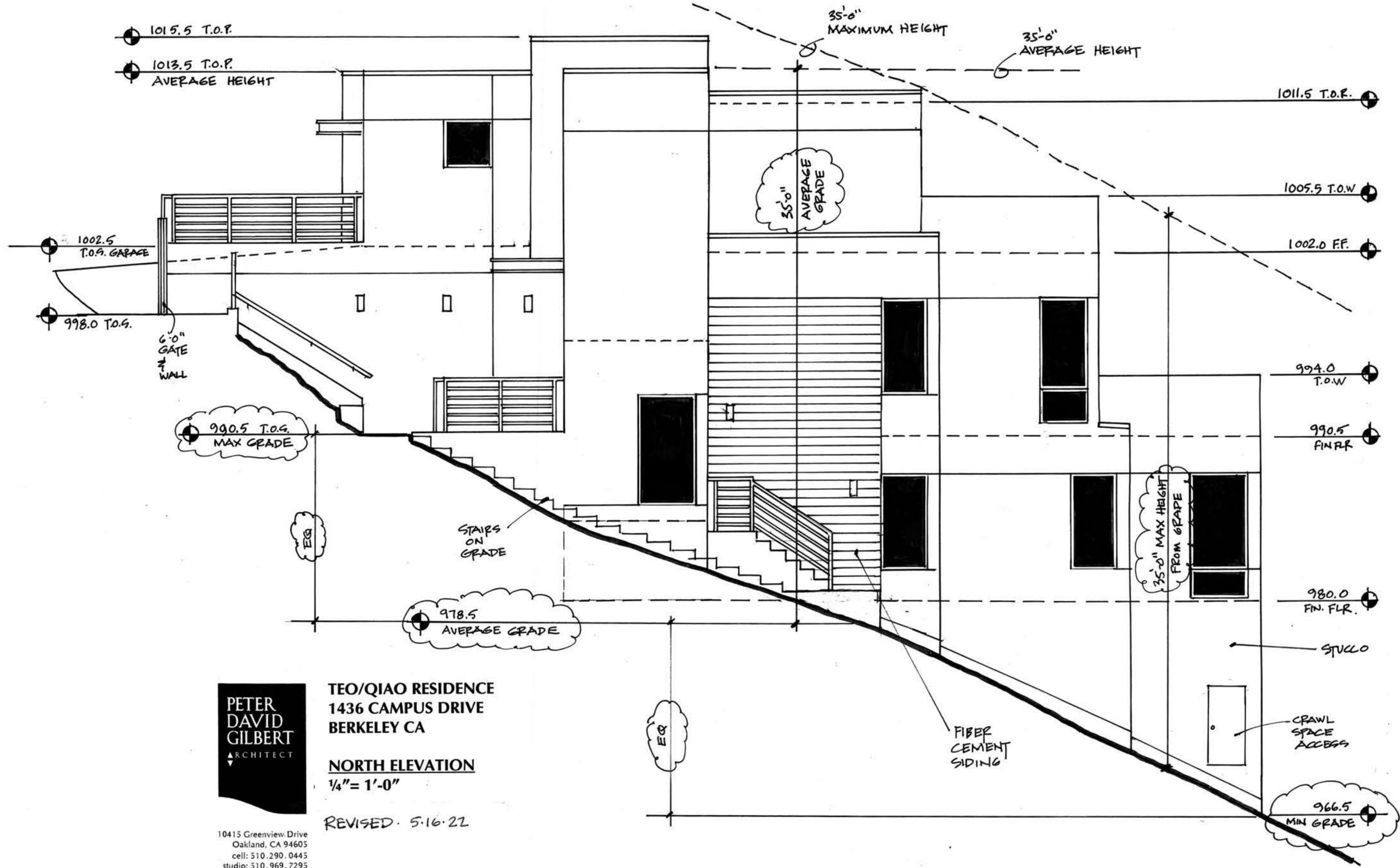


TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

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

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDGarchitect@comcast.net



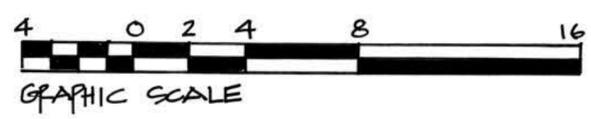


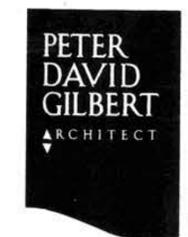
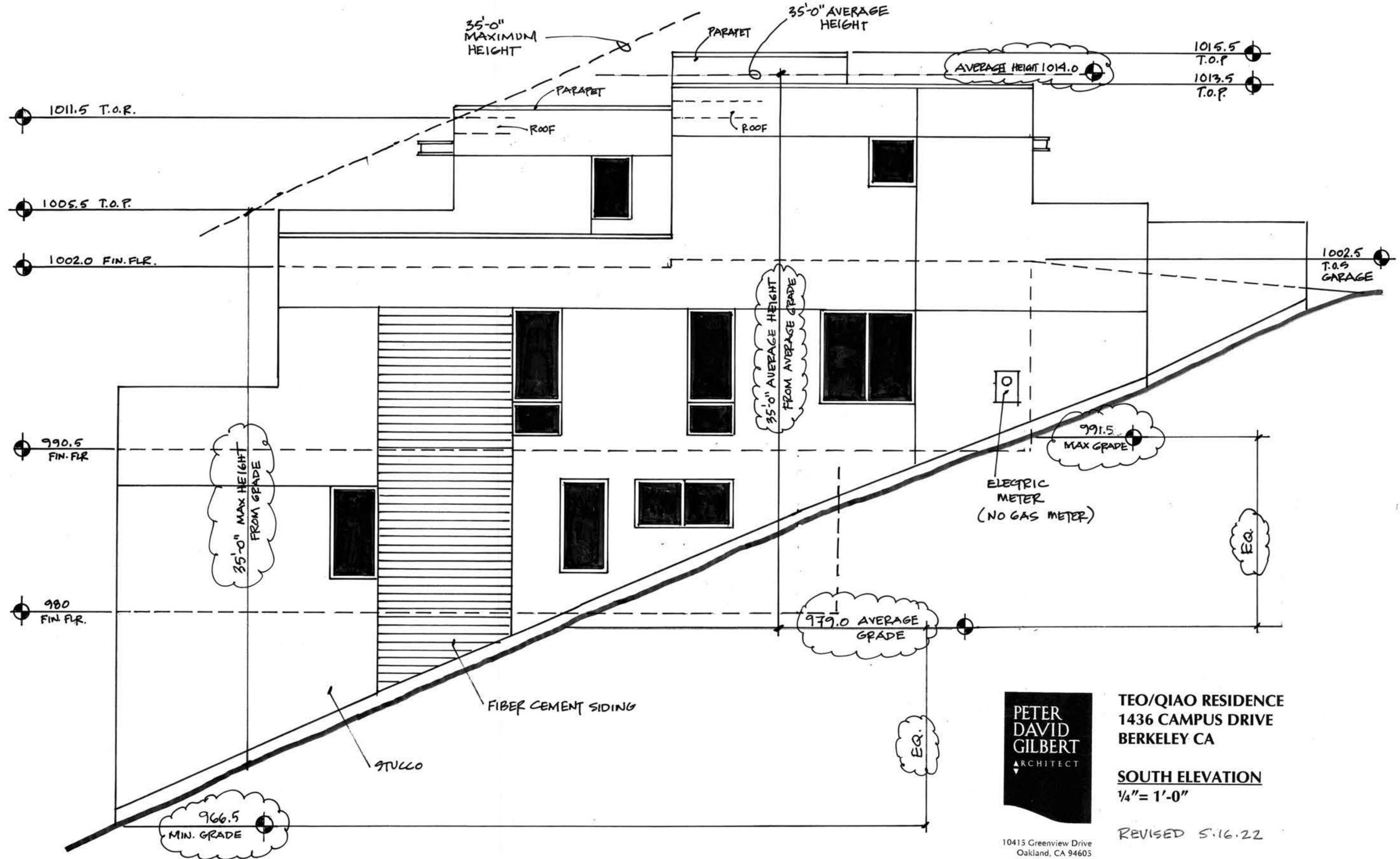
TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

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

REVISED: 5.16.22

10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
 fax: 510.969.7294
 peterdavidgilbert.com
 PDGarchitect@comcast.net



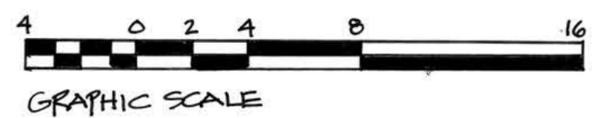


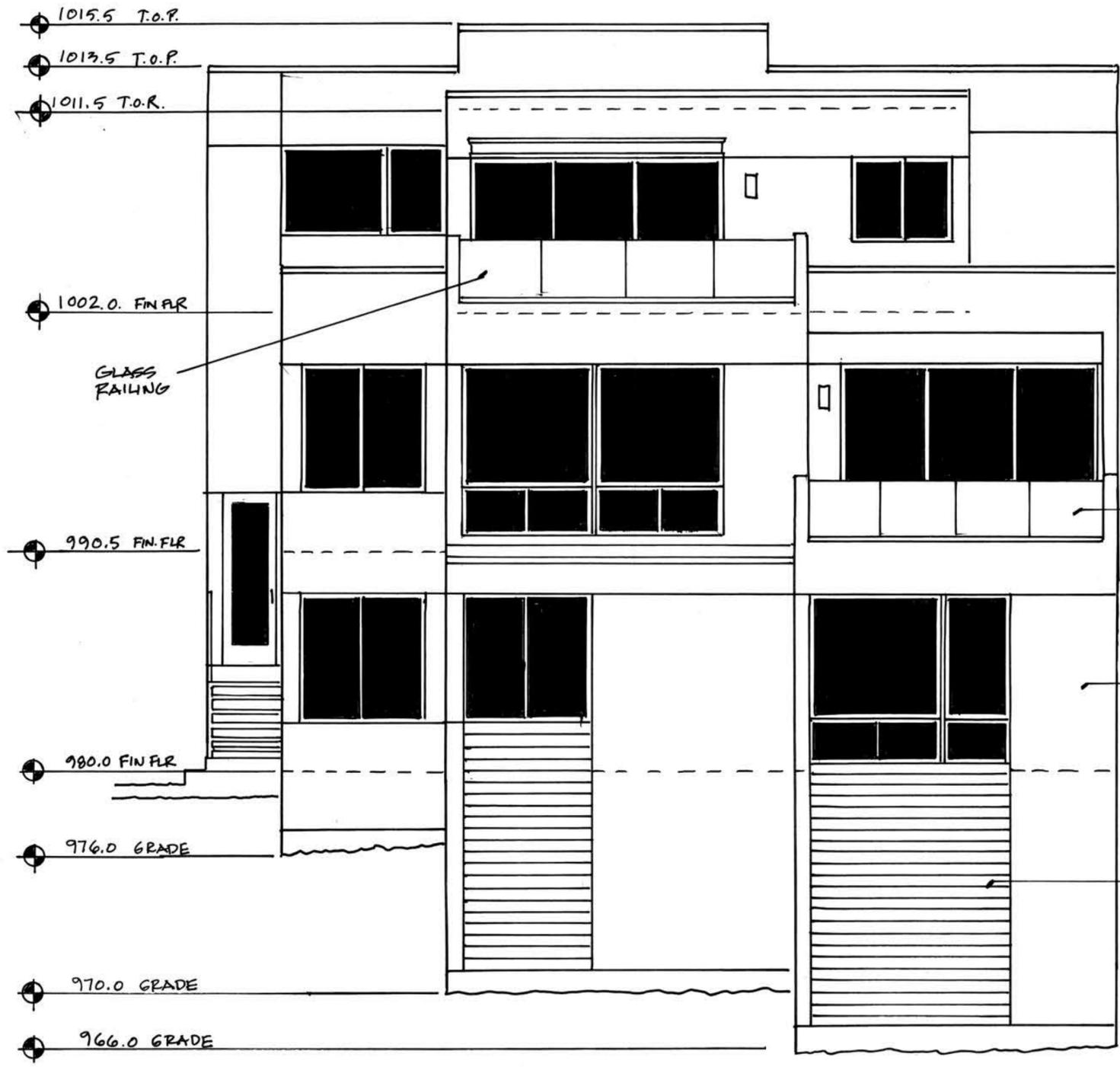
TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

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

REVISED 5.16.22

10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
 fax: 510.969.7294
 peterdavidgilbert.com
 PDG@architect@comcast.net



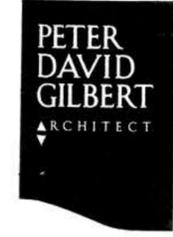


GLASS RAILING

GLASS RAILINGS

STUCCO

FIBER CEMENT SIDING

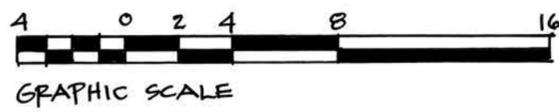
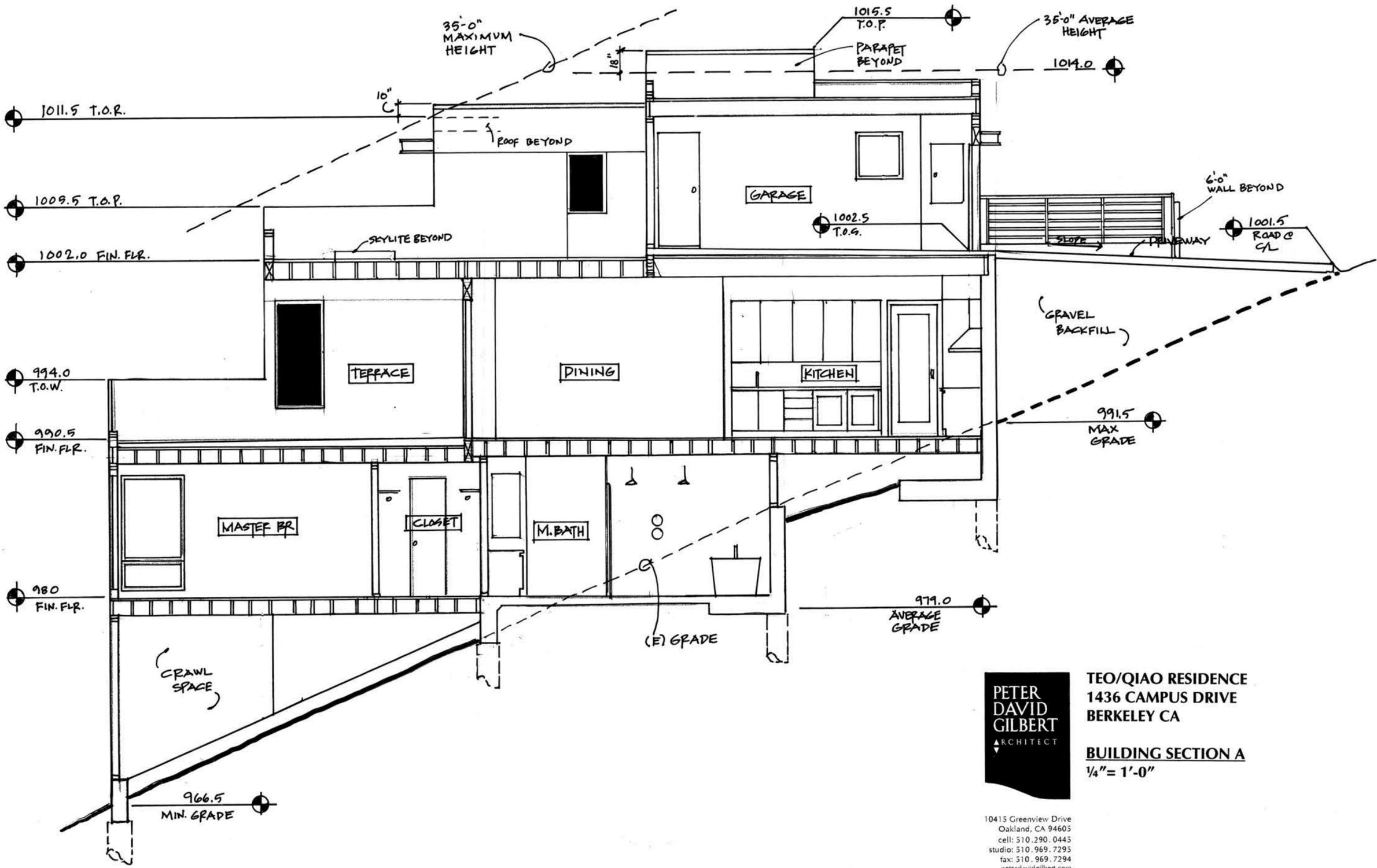


TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

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

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDGarchitect@comcast.net



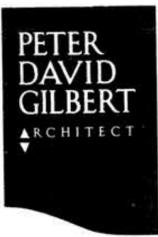
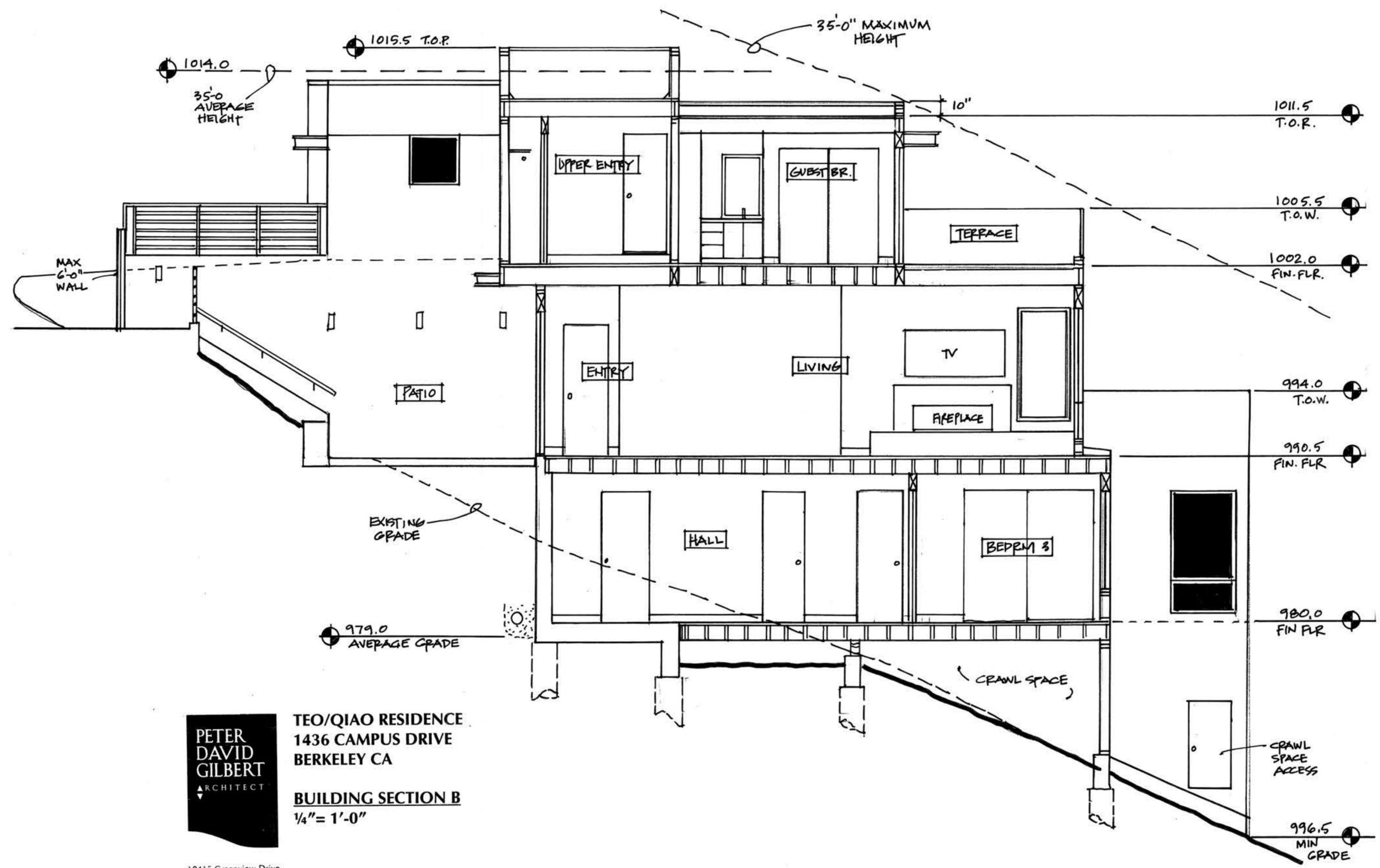


PETER DAVID GILBERT
 ARCHITECT

TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

BUILDING SECTION A
 1/4" = 1'-0"

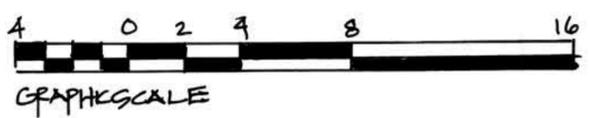
10415 Greenview Drive
 Oakland, CA 94603
 cell: 510.290.0443
 studio: 510.969.7293
 fax: 510.969.7294
 peterdavidgilbert.com
 PDGarchitect@comcast.net

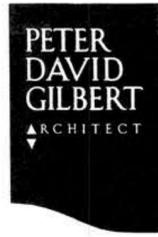
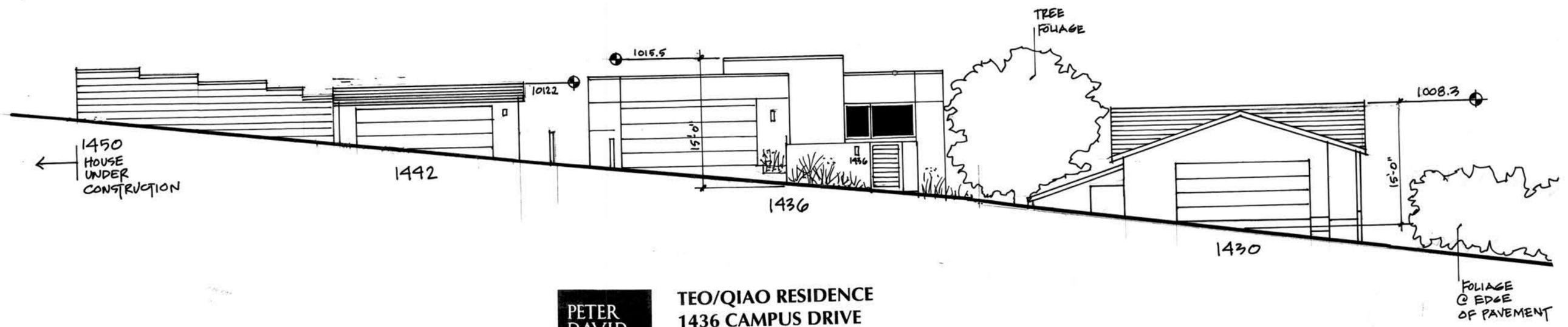


TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

BUILDING SECTION B
 1/4" = 1'-0"

10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
 fax: 510.969.7294
 peterdavidgilbert.com
 PDGarchitect@comcast.net

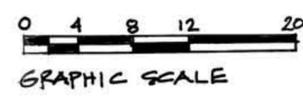




TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

STREET STRIP ELEVATION
1/16" = 1'-0"

10415 Greenview Drive
Oakland, CA 94603
cell: 510.290.0443
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDGarchitect@comcast.net

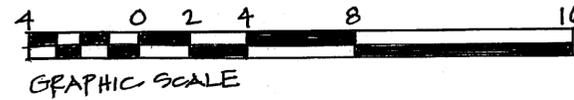


PETER DAVID GILBERT
 ARCHITECT

10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
 fax: 510.969.7294
 peterdavidgilbert.com
 PDGarchitect@comcast.net

TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

LANDSCAPE PLAN
 1/4" = 1'-0"



LANDSCAPE NOTE

There is a total of 627 sf of landscaped area but only 254 sf is within the property lines. The other 373 is within the right of way. There are no plans to landscape the lower portion of the property at this time but to leave it in existing grasses and bamboo grove.

There are two ornamental Pear trees (one 8" in diameter and one 4" in diameter) at the north property line that we plan to keep, just trimming them back during construction. Only the 4" tree is located on 1436 Campus Drive.

MWELO REQUIREMENTS

New Landscaping to

- (1) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);
- (2) Plant material shall comply with all of the following:
 - a. For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water
 - b. A minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- (3) No turf is to be installed anywhere on the property as the slope of the property is too great.
- (4) Irrigation systems shall comply with the following:
 - a. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
 - b. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
 - c. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
 - d. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
 - e. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
 - f. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- (5) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

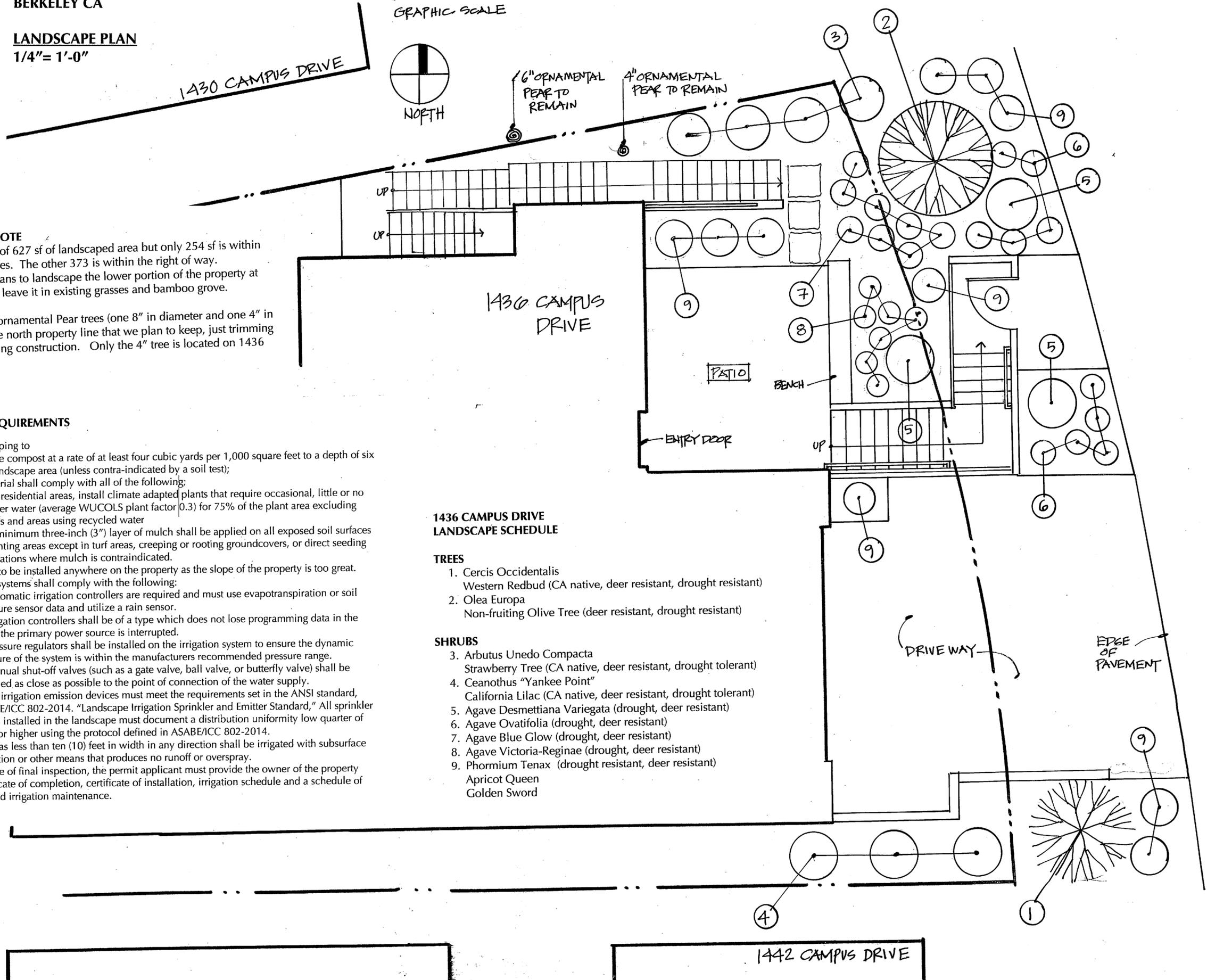
**1436 CAMPUS DRIVE
 LANDSCAPE SCHEDULE**

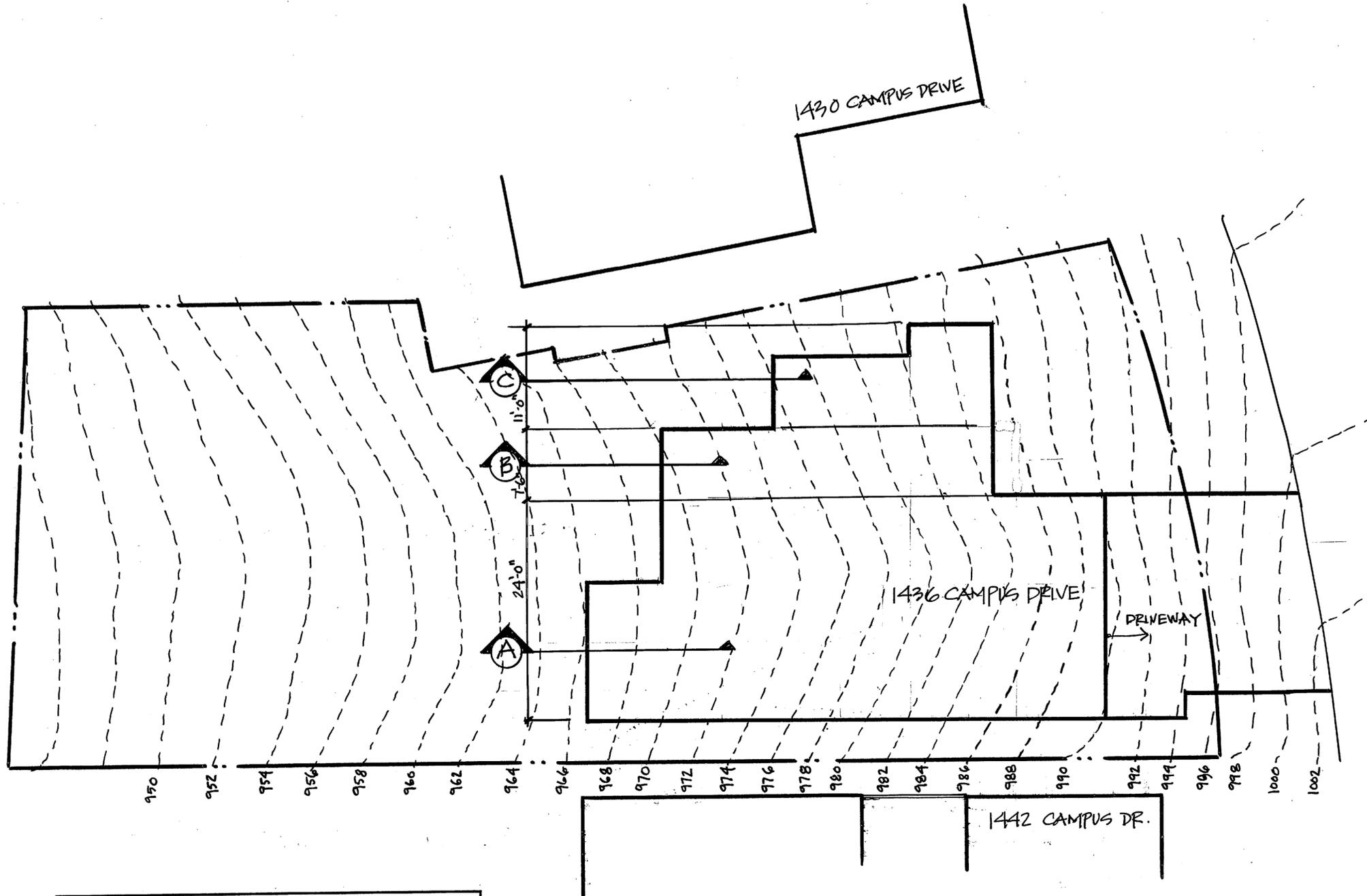
TREES

1. Cercis Occidentalis
 Western Redbud (CA native, deer resistant, drought resistant)
2. Olea Europa
 Non-fruiting Olive Tree (deer resistant, drought resistant)

SHRUBS

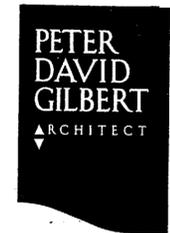
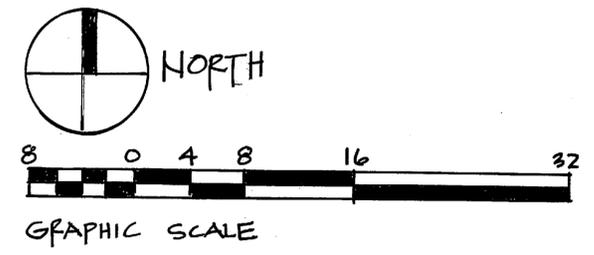
3. Arbutus Unedo Compacta
 Strawberry Tree (CA native, deer resistant, drought tolerant)
4. Ceanothus "Yankee Point"
 California Lilac (CA native, deer resistant, drought tolerant)
5. Agave Desmettiana Variegata (drought, deer resistant)
6. Agave Ovatifolia (drought, deer resistant)
7. Agave Blue Glow (drought, deer resistant)
8. Agave Victoria-Reginae (drought, deer resistant)
9. Phormium Tenax (drought resistant, deer resistant)
 Apricot Queen
 Golden Sword





SECTION	AREA SF	LENGTH	VOLUME CF + 10%	CUT or FILL
A	115	24	2875	CUT
	105	24	2625	FILL
B	70	7.5	577.5	CUT
	25	7.5	206.25	FILL
C	38	11	459.8	CUT
	32	7.5	264	CUT
	25	11	302.5	FILL

TOTALS	CUBIC FEET	CUBIC YARDS
CUT	4248.5 CF	157.35
FILL	3133.75	116

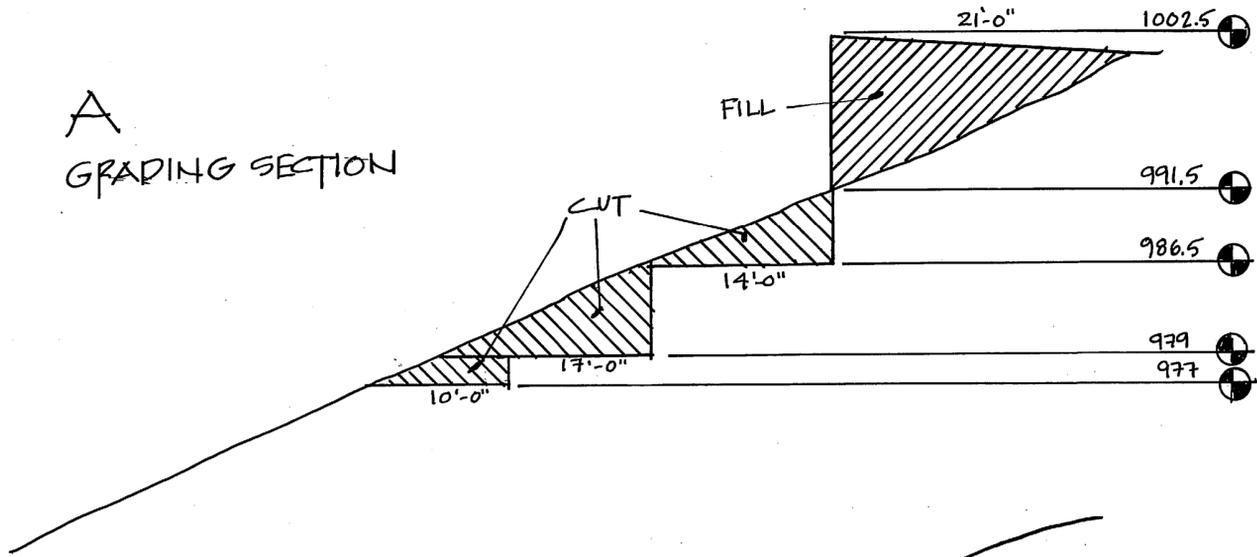


TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

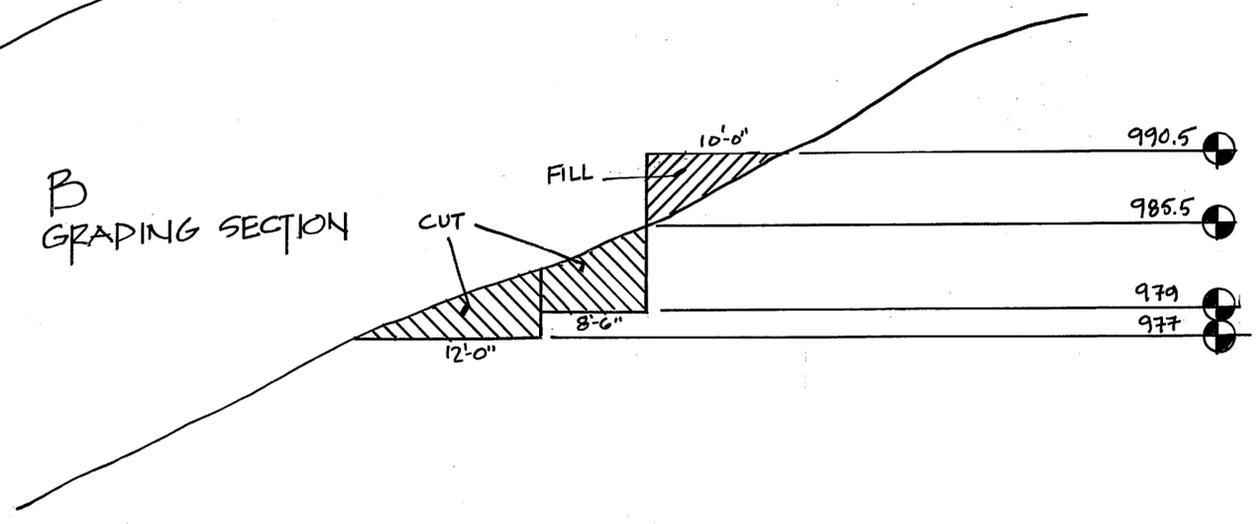
GRADING PLAN: QUANTITY TAKEOFFS

10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
 fax: 510.969.7294
 peterdavidgilbert.com
 PDGarchitect@comcast.net

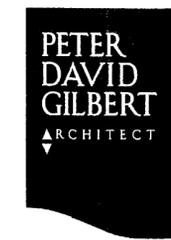
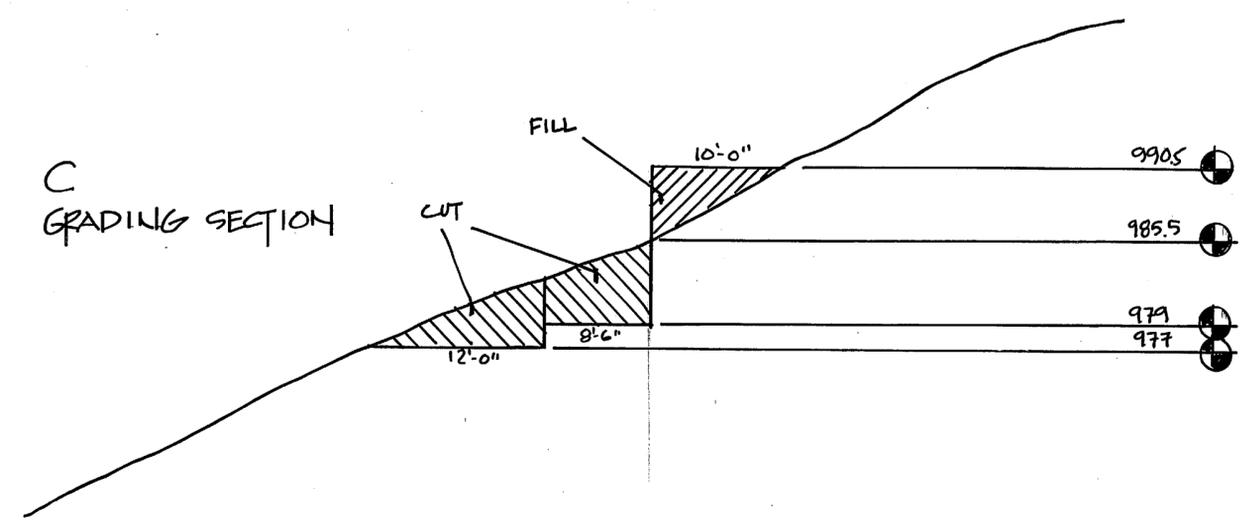
A
GRADING SECTION



B
GRADING SECTION



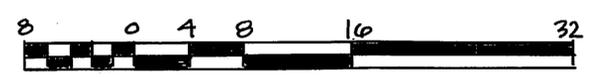
C
GRADING SECTION



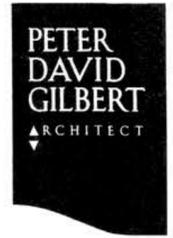
TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

GRADING PLANS: SECTIONS

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDGArchitect@comcast.net



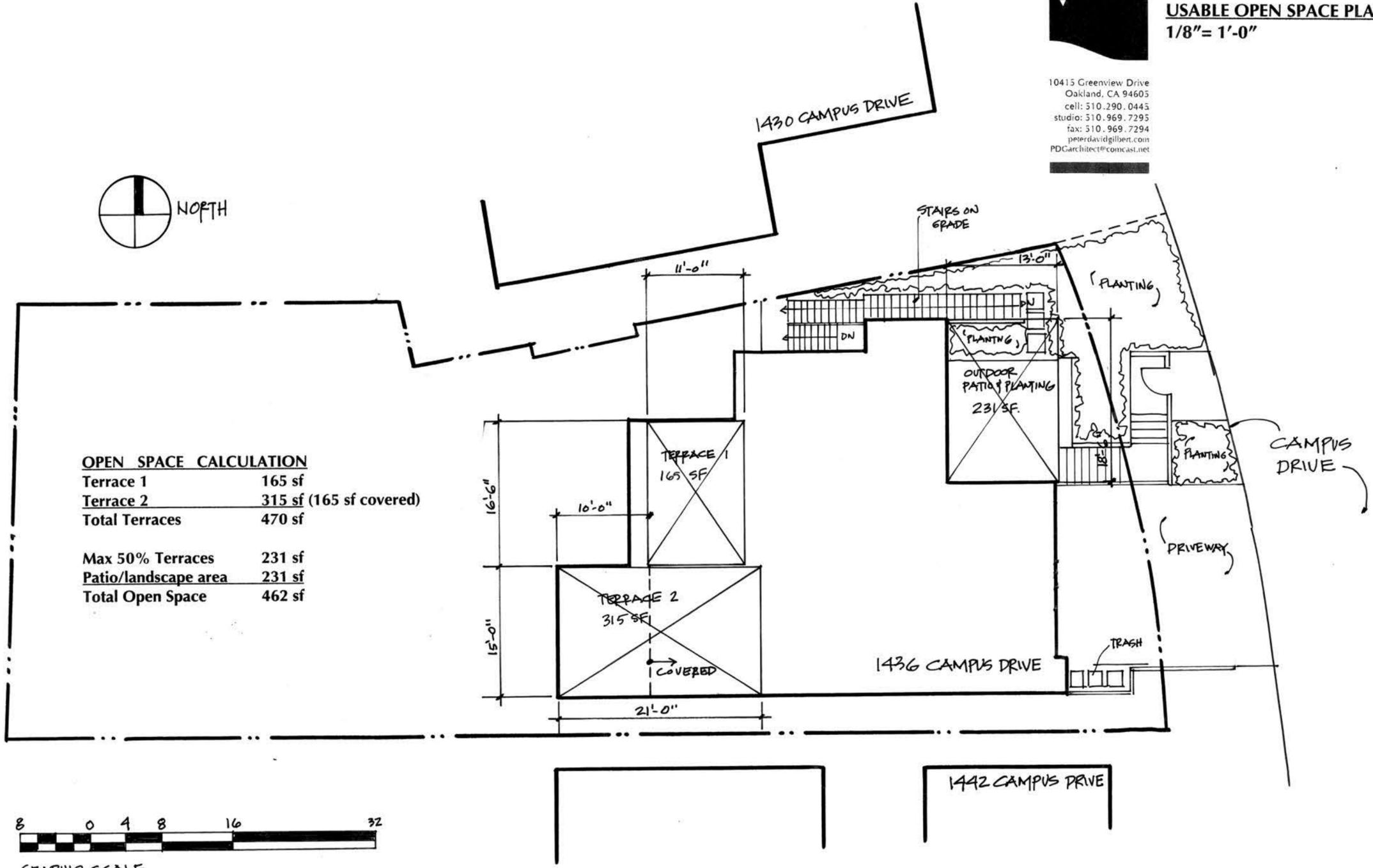
GRAPHIC SCALE



TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

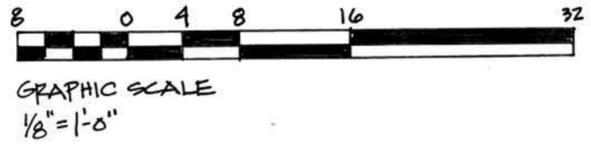
USABLE OPEN SPACE PLAN
 1/8" = 1'-0"

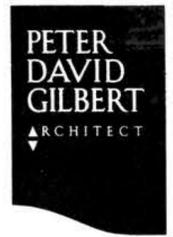
10415 Greenview Drive
 Oakland, CA 94605
 cell: 510.290.0445
 studio: 510.969.7295
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OPEN SPACE CALCULATION

Terrace 1	165 sf
Terrace 2	315 sf (165 sf covered)
Total Terraces	470 sf
Max 50% Terraces	231 sf
Patio/landscape area	231 sf
Total Open Space	462 sf

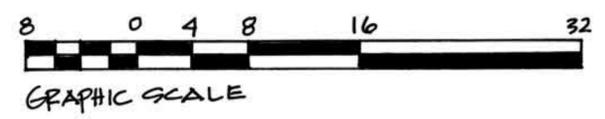
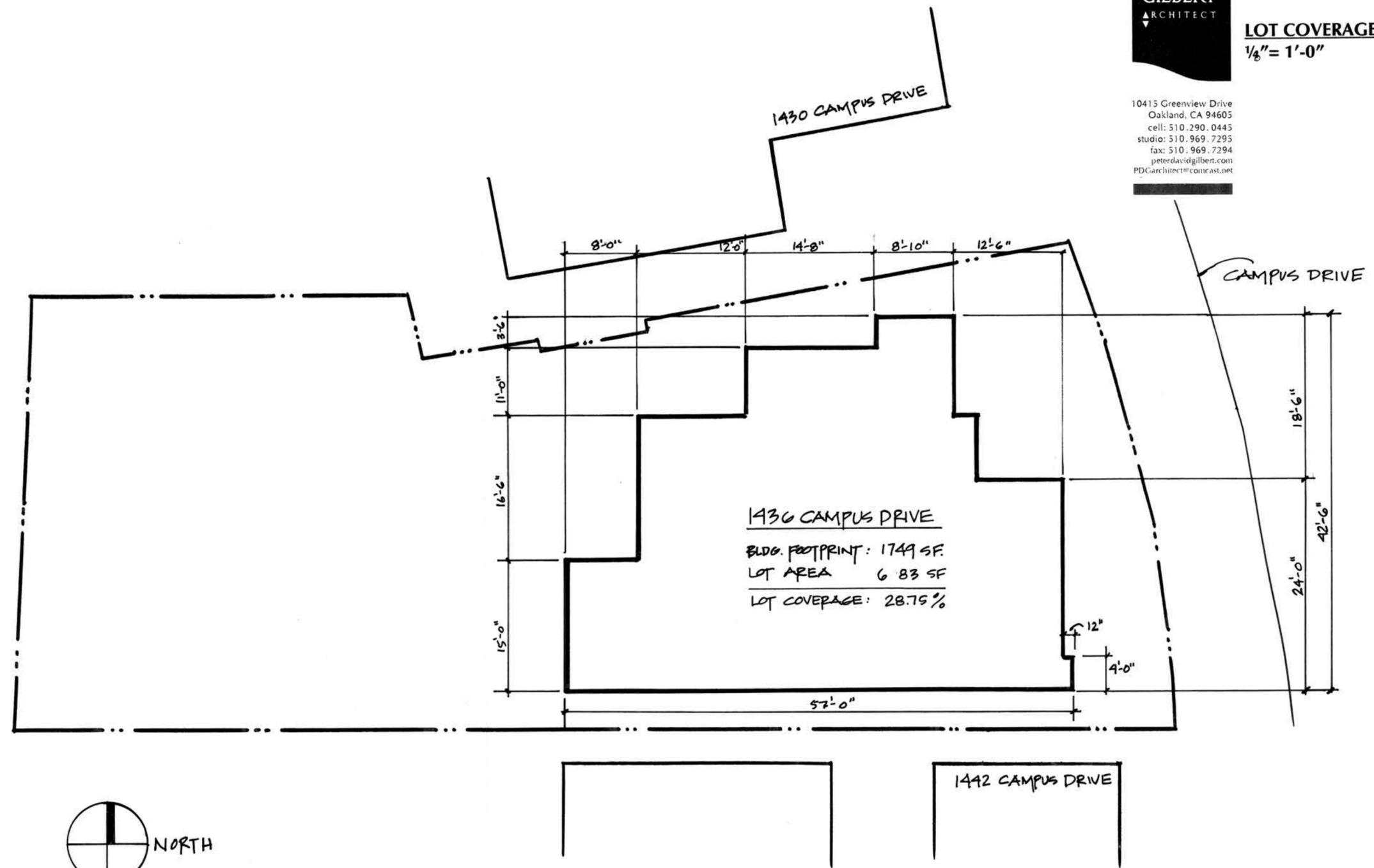


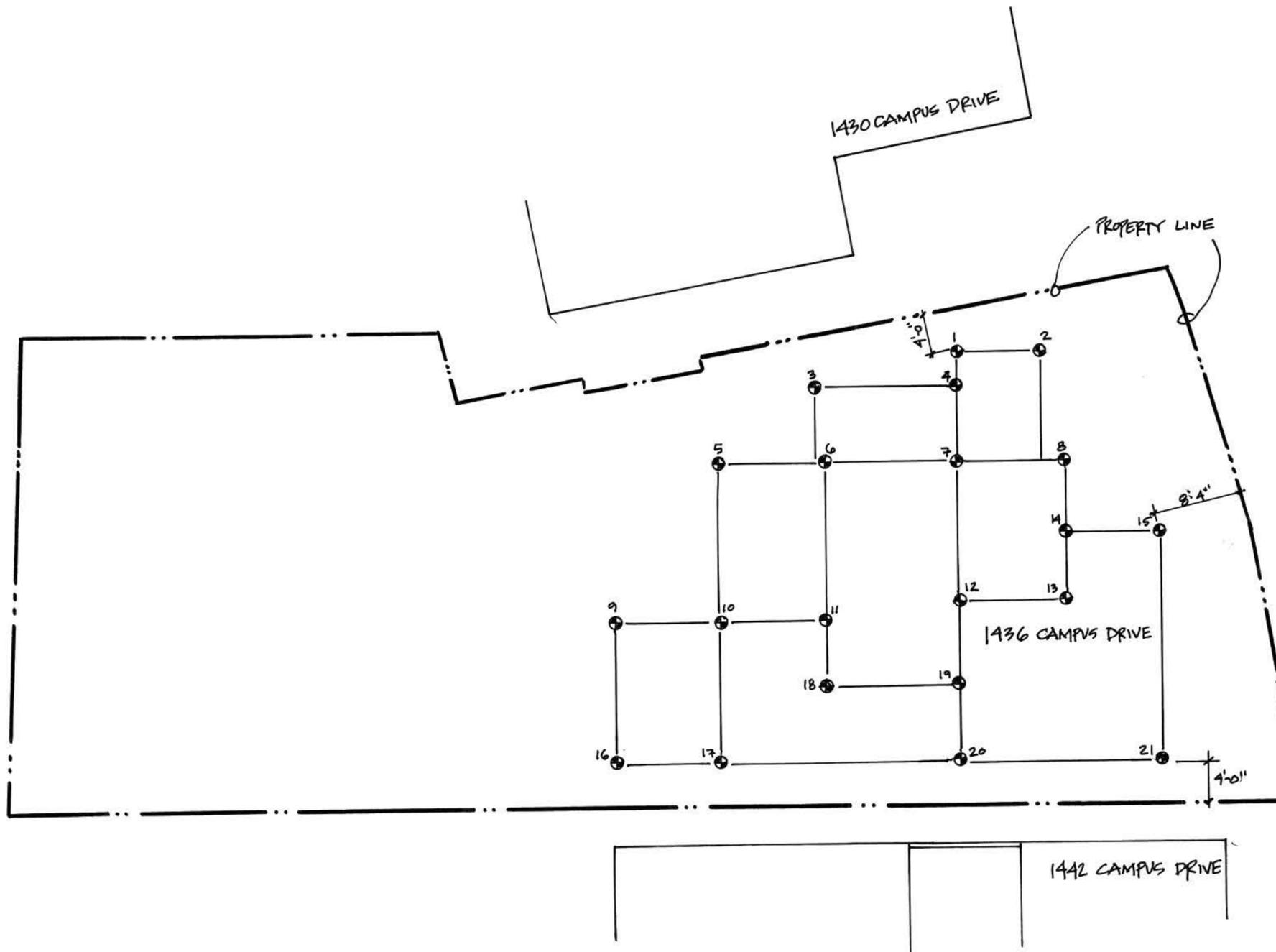


TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

LOT COVERAGE DIAGRAM
1/8" = 1'-0"

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDCArchitect@comcast.net

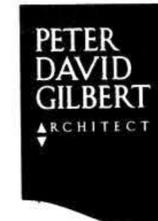




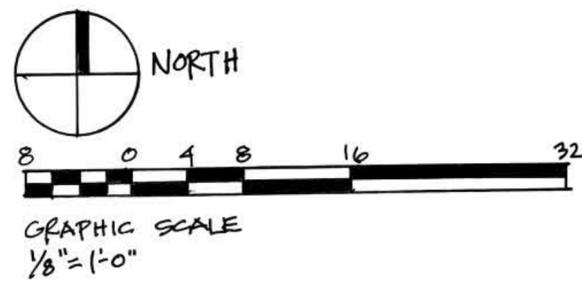
POLE NUMBER	BASE GRADE ELEVATION	PROPOSED MAXIMUM ELEVATION	STORY POLE HEIGHT FROM BASE GRADE ELEVATION
1	982.5	1015.5	33
2	985.5	1015.5	30
3	976.3	1003.3	27
4	982.5	1003.3	20.8
5	971	1005.5	34.5
6	976	1011.5	35.5
7	881.5	1015.5	34
8	984	1015.5	21.5
9	966	994	28
10	969.3	1004	34.7
11	973.3	1004	30.7
12	979	1015.5	36.5
13	984	1015.5	31.5
14	984	1013.5	29.5
15	990	1013.5	23.5
16	966.5	994	27.5
17	970.75	1004	33.25
18	974	1011.5	37.5
19	980.5	1013.5	33
20	982	1013.5	31.5
21	990	1013.5	23.5

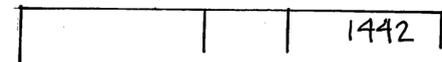
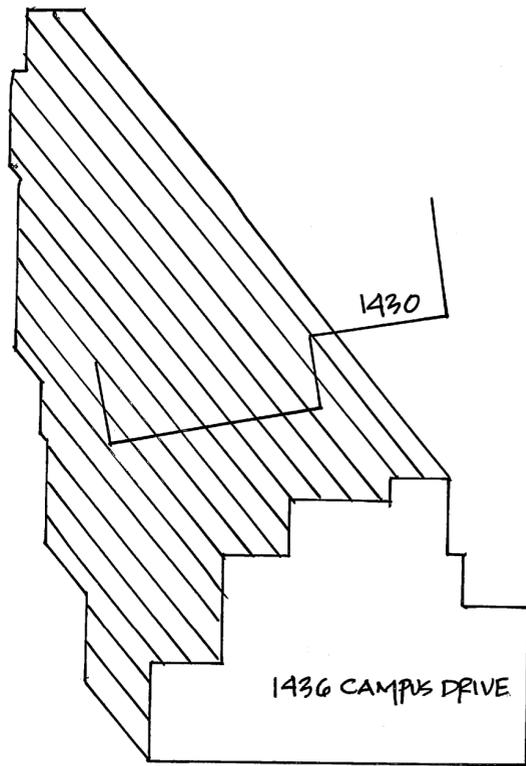
TEO/QIAO RESIDENCE
 1436 CAMPUS DRIVE
 BERKELEY CA

STORY POLE PLAN
 1/8" = 1'-0"

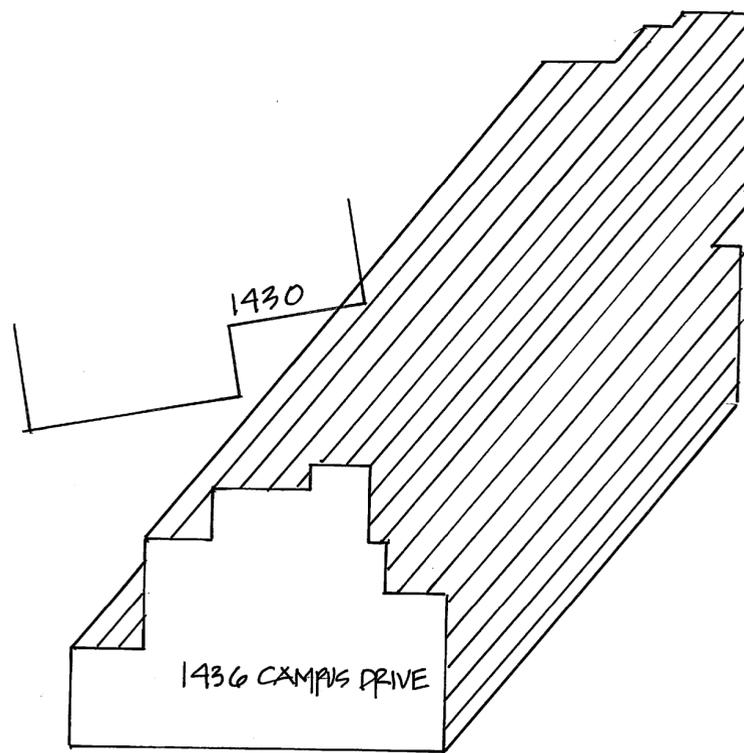


10415 Greenview Drive
 Oakland, CA 94605
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 studio: 510.969.7295
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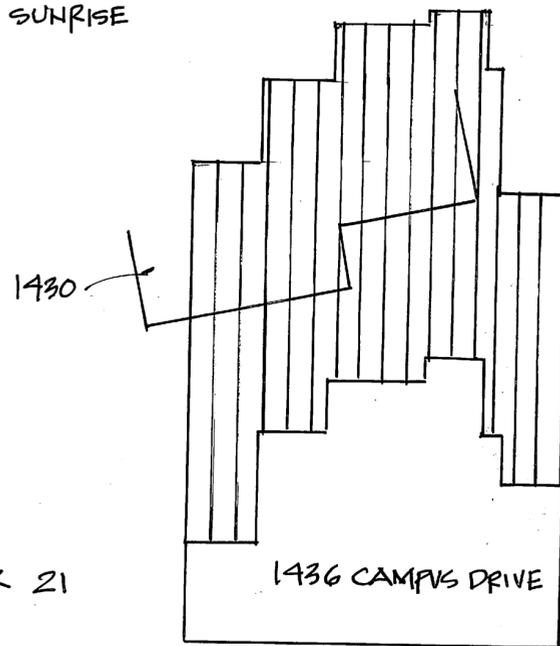




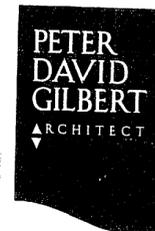
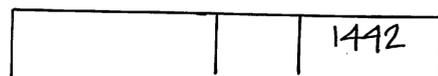
DECEMBER 21
2 HRS AFTER SUNRISE



DECEMBER 21
2 HRS BEFORE SUNSET



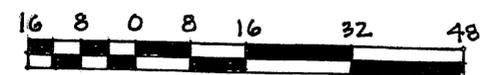
DECEMBER 21
NOON

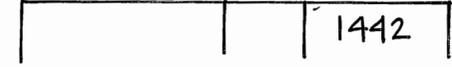
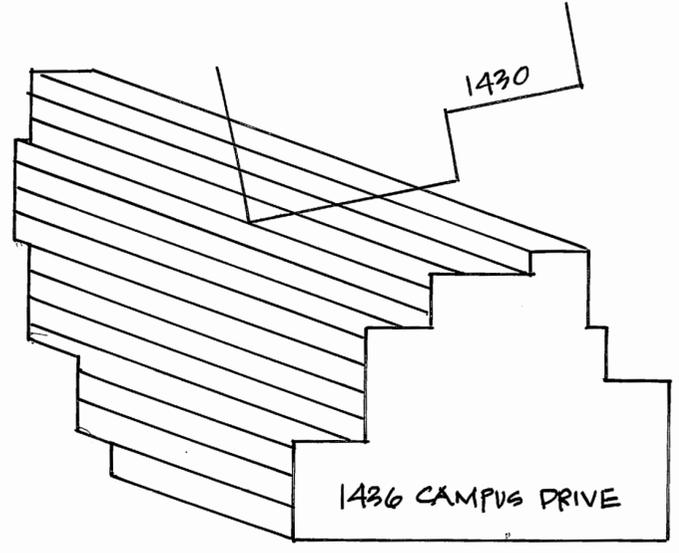


TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

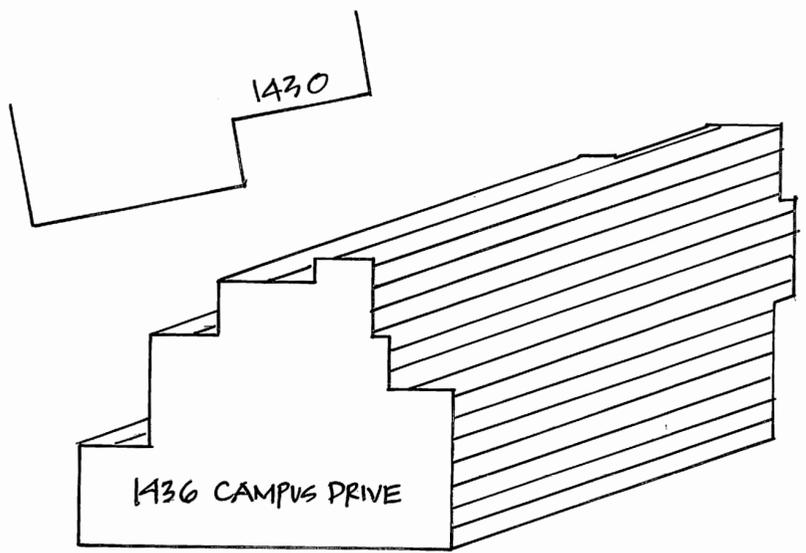
SHADOW STUDY: DECEMBER 21

10415 Greenview Drive
Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDC@architect@comcast.net

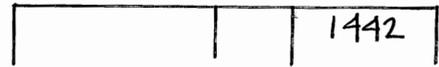
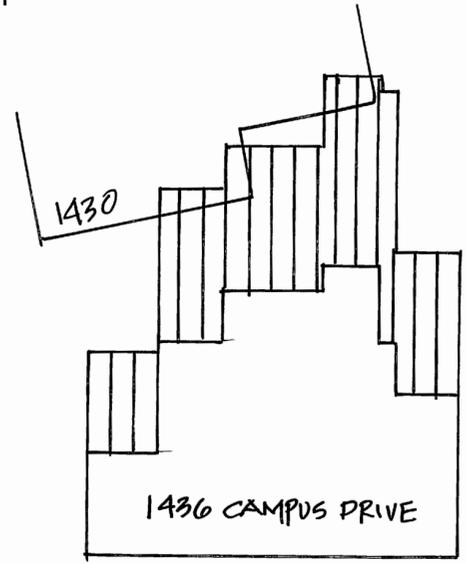




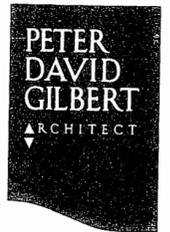
MARCH 21
2 HRS. AFTER SUNRISE



MARCH 21
2 HRS. BEFORE SUNSET



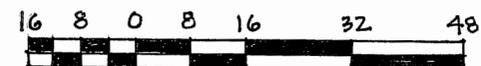
MARCH 21
NOON

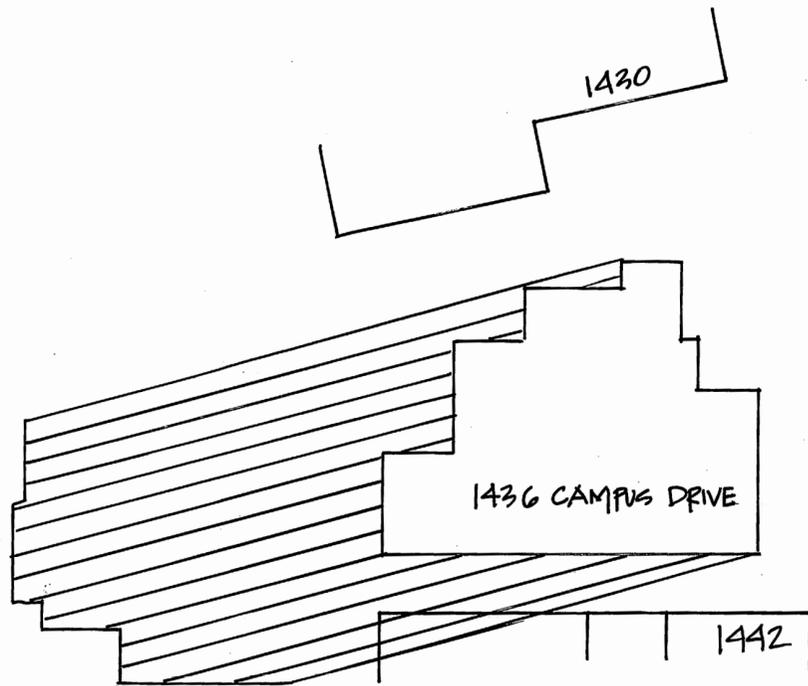


TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

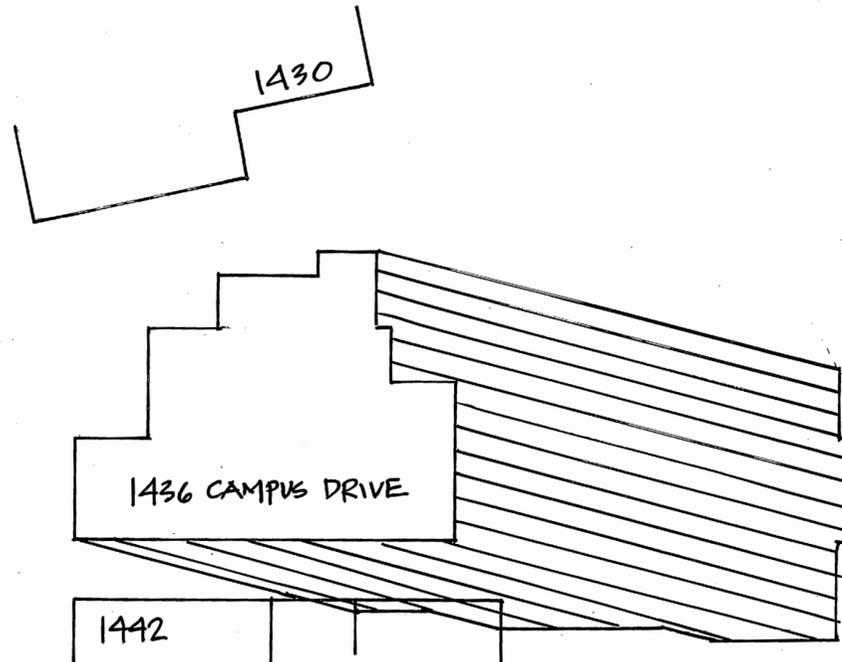
SHADOW STUDY: MARCH 21

10415 Greenview Drive
Oakland, CA 94605
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studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
PDC@architect.comcast.net

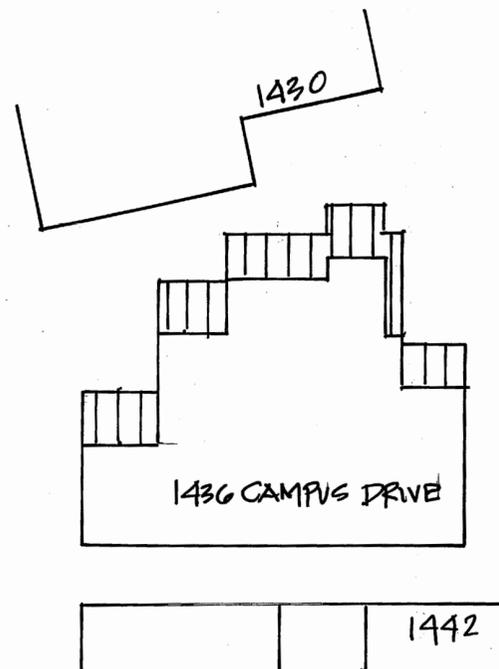




JUNE 21
2 HRS AFTER SUNRISE



JUNE 21
2 HRS BEFORE SUNSET



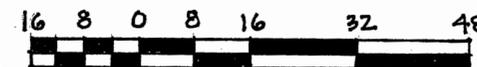
JUNE 21
NOON



TEO/QIAO RESIDENCE
1436 CAMPUS DRIVE
BERKELEY CA

SHADOW STUDY: JUNE 21

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Oakland, CA 94605
cell: 510.290.0445
studio: 510.969.7295
fax: 510.969.7294
peterdavidgilbert.com
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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

1436 Campus Drive

Use Permit #ZP2022-0053 to establish a three-story single-family dwelling with an average and maximum height of 35 feet and a reduced front setback of 8 feet on a vacant 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 22, 2022, **conducted via Zoom, see the Agenda for details at:**
https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2022-09-22_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: Single - Family Residential District (R-1)
- Overlay District: Hillside Overlay District (HOD)

B. Zoning Permits Required:

- Use Permit to establish a new single-family dwelling unit on a vacant lot, pursuant to Berkeley Municipal Code (BMC) 23.202.020(A).
- Use Permit to add a fifth bedroom to a lot, pursuant to BMC Section 23.202.030(B)(1).
- Administrative Use Permit to establish a new building with a maximum height of 35 feet, pursuant to BMC Section 23.210.020(C)(2).
- Administrative Use Permit to increase the allowed average height to 35 feet, pursuant to 23.202.050(D)(2) and 23.210.020(C)(2).
- Administrative Use Permit to reduce the minimum required main building front setback to 8 feet, pursuant to BMC 23.210.020(C)(4).

- Administrative Use Permit to allow an architectural element to project above the maximum height limit, pursuant to BMC 23.304.050(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") and 15332(a) ("In-Fill Development Projects").

D. Parties Involved:

- Applicant: Peter David Gilbert, Oakland, CA 94605
- Property Owners: Ivan Koon Heng Teo and Ruimin Qiao, Berkeley, 94707

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.

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.
-