

# 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  
FEBRUARY 9, 2023

## 1341 Addison Street

**Use Permit #ZP2022-0089 to construct an addition for a new dwelling unit and convert the single-family dwelling to a two-story (23 feet), 3,500 square foot duplex with six bedrooms total and two off-street parking spaces.**

### I. Background

#### A. Land Use Designations:

- General Plan: Medium Density Residential
- Zoning: (R-2A) Restricted Multiple-Family District

#### B. Zoning Permits Required:

- Use Permit to a construct a new dwelling unit, under Berkeley Municipal Code (BMC) Section 23.202.020
- Use Permit to add a sixth bedroom to a lot, under BMC 23.202.030(B)
- Administrative Use Permit for a major residential addition, under BMC Section 23.202.030(A)
- Administrative Use Permit for a residential addition over 14 feet in average height, under BMC 23.202.090
- Administrative Use Permit for a total of two parking spaces where up to a half space per unit is permitted under BMC 23.322.070
- Administrative Use Permit to add an uncovered, off-street parking space within a required front setback, under BMC Section 23.322.080
- Administrative Use Permit for a new relocated window opening in the non-conforming front setback, under BMC Section 23.324.050(D)(2)

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

#### D. Parties Involved:

- Applicant/Owner Benjamin Bechtolsheim, Caroline, Scanlan, Ari Johnson, Jessica Beckerman, 1341 Addison Street, Berkeley

### Figure 1: Vicinity Map



Project Site: 1341 Addison Street  
Zoning District: Restricted Multiple Family District (R2-A)

Figure 2: Site Plan

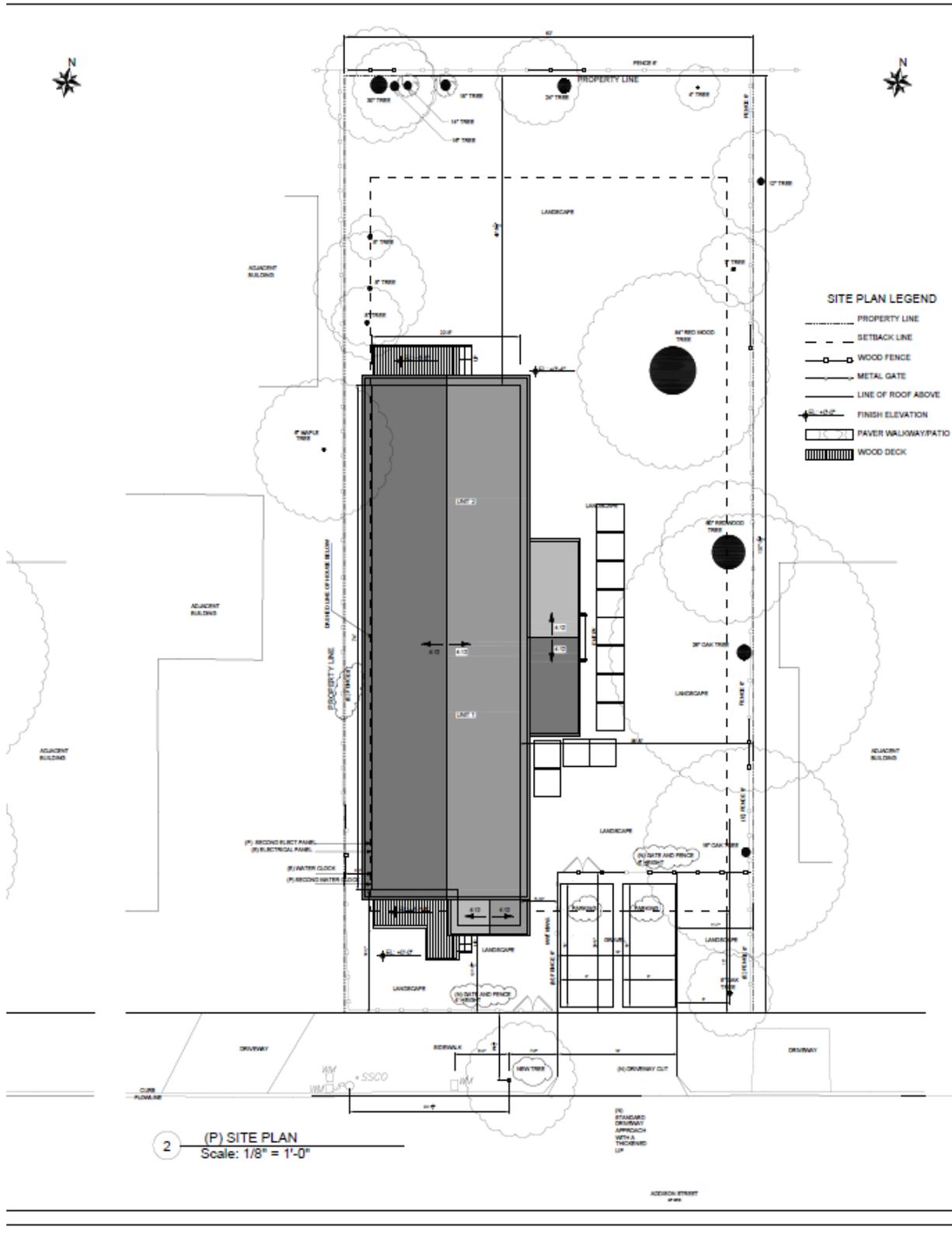


Table 1: Land Use Information

Location	Existing Use	Zoning District	General Plan Designation
Subject Property	Single-Family Dwelling	Restricted Two-Family Residential (R2-A)	Medium Density Residential
North	Multiple-Family Dwelling	University Commercial District (C-U)	Avenue Commercial
South	Multiple-Family Dwelling	Restricted Two-Family Residential District (R2-A)	Medium Density Residential
West	Multiple-Family Dwelling		
East	Single-Family Dwelling		

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	The project is not subject to BMC Section 22.20.065 Affordable Housing Mitigation Fee (AHMF) or BMC Section 23.328 because there will be two units in total on the lot.
Creeks	No	The project site is not within a creek buffer zone. Strawberry Creek is located across the street, about mid-block.
Density Bonus	No	The project is not requesting a Density Bonus.
Historic Resources	No	No designated landmarks or buildings on State Historic Resources Inventory on the site.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	Project is a "housing development project <sup>1</sup> " consisting of dwelling units only. The project would add one unit to create a duplex and is subject to the Housing Accountability Act (HAA). See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	No	Project is a "housing development project <sup>2</sup> " consisting of dwelling units only. See Section V.A of this report for additional discussion on the sections of SB330 that apply to the project.
Natural Gas Prohibition (Per BMC 12.80.020)	No	This would be an addition to an existing building and not a new constructed building. The prohibition on natural gas does not apply.
Oak Trees	Yes	There are three Coast Live Oak trees on the project site. A memo with conditions from the City arborist, was issued on January 26, 2023. The project design was modified to comply with the conditions outlined in the memo. Those guidelines have been added as conditions of approval to the permit. See Section V.G for further discussion.
Rent Controlled Units	No	There are no rent-controlled units on the subject site.

<sup>1</sup> Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.

<sup>2</sup> See above.

Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, Fault Rupture, or 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), nor is it within the City's Environmental Management Area.
Transit	Yes	The project is located 0.2 miles from an AC Transit Line 51B and Transbay Line 800.

**Table 3: Project Chronology**

Date	Action
July 25, 2022	Application submitted
August 23, 2022	Application deemed incomplete
September 28, 2022	Application resubmitted
October 28, 2022	Application deemed incomplete
November 16, 2022	Application resubmitted
December 13, 2022	Application deemed complete
January 26, 2023	Public hearing notices mailed/posted
February 9, 2023	ZAB hearing

**Table 4: Development Standards**

R-2A District Standards BMC Sections 23.202.090		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		8,534	No change	5,000
Gross Floor Area (sq. ft.)		1,814	3,579	n/a
Dwelling Units	Total	1	2	5
Building Height	Average (ft.)	21'-8"	22'-10"	28'
	Stories	2	No Change	3
Building Setbacks (ft.)	Front (south)	12'-10"	No Change	15'
	Rear (north)	65'-5"	45'-5'	15'
	Left Side (west)	4'-2"	No change	15'
	Right Side (east)	35'-5"	27'-5"	15'
Lot Coverage (%)		15%	22.5%	45%
Usable Open Space (sq. ft.)		1,000+	1,000+	300 per dwelling unit
Parking	Automobile	1	2	1 (0.5 per unit maximum)

## II. Project Setting

- A. Neighborhood/Area Description:** The project site is located on the north side of Addison Street between Bonar Street and Acton Street. While the area is residential in nature and consists predominantly of one- and two-story single-family and duplex dwellings, it is located in close proximity to several institutional and community uses. The project site is located directly across the street Strawberry Creek Lodge, a Senior housing complex, a half-block away from Strawberry Creek Park, located on western side of Addison, and 0.2 miles from Oxford Elementary, and West Campus Pool. The project site shares a rear property line with a property zoned University Commercial District (C-U).
- B. Site Conditions:** The subject property is an 8,534 square foot rectangular lot, 62 feet wide along Addison Street and approximately 138 feet deep. It is developed with an 1,814 square foot, two-story single-family dwelling and has a driveway on the right side of the residence. There are three protected Coast Live Oak trees of various sizes along the right (east) property line of the site.

## III. Project Description

The proposed project would construct an attached second dwelling unit for a duplex building. One unit would be oriented toward the front of the lot and the second toward the rear. As a result, the building will expand by approximately 1,765 square feet, expanding the building footprint and height and reconfiguring the interior layout of the existing residence. The project will increase the number of bedrooms from four to six.

The average height would increase from 21 feet, 8 inches to 22 feet, 10 inches, and the project would maintain all existing setbacks except the rear setback. The rear setback will decrease from approximately 65 feet to 45 feet, which exceeds the minimum 20-foot setback. A new covered entry porch on the right side would provide access to both units, and the front unit would also maintain the existing entry on the front façade. A small porch with a south oriented stairwell will be demolished on the north-eastern elevation and replaced with a new porch leading into an expanded entryway on the northern façade.

Additionally, two new openings will be added on the upper level, outside of all required setbacks. The proposed alteration to the existing single-family dwelling (for interior remodeling and adding a second dwelling unit) adheres to all required development standards except the alteration of windows in the front setback as well as the location of parking spaces in the front setback.

A new driveway and two new parking spaces (including one relocated parking space) are proposed in the front setback on the right side of the lot to minimize impact on the existing Coast Live Oak trees. An existing street tree would be removed and replaced.

#### IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting this application to the city, the applicant installed a pre-application poster in July of 2022. On January 26, 2023, the City mailed public hearing notices to property owners and occupants within a 300-foot radius of the project site and to interested neighborhood organizations, and 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 review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a residential district that requires design review, or a commercial or manufacturing district, and does not involve the demolition of a non-residential building.

#### 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 (5) 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 February 9, 2023 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 waiver request prepared by the owner and dated September 25, 2022, 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 December 13, 2022. Should ZAB determine the application is categorically exempt from CEQA at the February 9, 2023 public hearing, the application must be approved or disapproved by April 10, 2023.

**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 is a “housing development project” consisting of all residential uses. As described in Table 4 above, the project complies with the applicable general plan and zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify certain development standards, there are no objective criteria in the findings therefore the project still complies with the HAA. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is not aware of specific adverse impacts that could occur with the construction of the of the project.

**C. General Non-Detriment Finding:** BMC Section 23.406.040(E) states that before the ZAB approves and application for a Use Permit, it must find that the project, under the

circumstances of this particular case existing at the time at which the application is granted, would not be determinantal 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 determinantal or injurious to property an improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

1. The proposed project would conform to development standards allowed with a Use Permit in the R-2A. The proposed dwelling is outside of all setbacks and would not exceed the 28-foot height limit allowed, nor and conflict with the purposes of the district. Therefore, this project would not be detrimental.
2. There are no additional findings for number of bedrooms, however, while the project increases the number of bedrooms on this parcel, they would provide more room for the existing residents within the single-family residence and would not result in an increase in density or intensity of the parcel.
3. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or 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.

**D. Major Residential Addition Findings.** Pursuant to BMC 23.202.030(A)(2) (Basis for AUP Decision), ZAB must find that the proposed major residential addition would not unreasonably obstruct sunlight, air, or views.

1. Sunlight: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths three times a day throughout the day during the summer and winter solstice. The studies show the addition will cast an incremental increase in shadows on the lot of 1323 located northwest to the rear of the subject property on Winter Solstice and incremental increase in shadows on 1321 Addison, located east of the subject property. The addition will not result in a significant loss of sunlight on abutting residences and therefore will not unreasonably obstruct light.
2. Air. The addition is found to be consistent with the existing development and building-to-building separation pattern in the R-2A neighborhood because the addition will be outside of all required setbacks and not exceed height or story limits. and therefore, there would be no impacts to air circulation.
3. Views: The two-story-story residential addition would increase the average height by 1 foot, 2-inches. The increase in height and expansion of the footprint is minimal to the existing scale of the dwelling unit and those on neighboring properties. The neighborhood is generally flat and developed with one and two-story residences that

filter or obscure most view that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.

**E. Alteration within the Nonconforming Front Setback.** Pursuant to BMC Section 23.324.050(D) The addition or enlargement does not increase or exacerbate any nonconforming setbacks.

1. One new opening is being added to the front (south) elevation within the required minimum front setback. The window does not align directly with windows of adjacent properties and will not encroach further into the front setback. The proposed opening would not be detrimental or exacerbate a non-conforming setback.

**F. Off-street, Uncovered Parking in the Front Setback:**

1. The proposed project is subject to a parking maximum of 0.50 spaces per unit because it is located within a 0.25 mile of a major transit stop, or along a transit corridor with service at 15-minute headways during the morning and afternoon peak periods (BMC 23.322.070(B). Pursuant to BMC 23.322.070(D), off-street residential parking in excess of the maximum number may be approved with an AUP if the review authority finds one or both of the following:
  - (a) Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this section, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; or
  - (b) The anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health or safety that require the provision of additional off-street residential parking.
2. The applicant is requesting to exceed the parking maximum in order to provide dedicated parking for two electric vehicles. The applicant states that neighborhood's close proximity to Strawberry Creek Park, Strawberry Creek Lodge, and a commercial district, and being outside of the Residential Preferred Parking zone, contributes to a demand for off-street parking that exceeds the current supply. The applicant believes being allowed two spaces will serve the needs of each dwelling.
3. The two parking spaces are being proposed to be located within the front setback. One of the proposed uncovered spaces would accommodate the second dwelling unit. Both spaces meet the minimum required dimensions of 8 feet wide, 18 feet long, as well as all other design and location standards.

### **G. Coastal Live Oaks:**

There is a moratorium on the removal of Coastal Live Oak Trees in the City of Berkeley. There are three Coast Live Oak trees and one city-owned street tree (*Pistacia Chinesis*) within the development envelope of the proposed project. Two Coast Live Oak Trees, 8 and 16 inches in diameter, are located along the eastern property line directly adjacent to the proposed driveway. The city-owned street tree is located in the public right of way on the front (south)side of the lot.

The proposed design has been modified to increase the distance from the proposed driveway and parking spaces to the two Coast Live Oaks. The width of the proposed driveway was be reduced from 20 feet to 18 feet and shifted 5 feet to the left (west) from its original location. The city-owned tree would be replaced with a box tree, a species approved by the City Arborist, and relocated to the left (west) side of the proposed driveway. Maintenance of the relocated street tree would be the owner's responsibility for the first three years from establishment, pending approval of a tree removal permit. This project would be subject to tree protection measures listed under Conditions of Approval #12-15 and #26-28.

### **VI. Other Considerations:**

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context.

**H. Compatibility with District Purposes:** The proposed project would meet the following purposes of the Restricted Multiple-Family Residential, R-2A Zoning District:

- Implement Master Plan policy by encouraging the development of medium density residential areas characterized by small multiple-family and garden type apartment structures with a maximum amount of open space consistent with this type of development;
- Make available housing for persons who desire apartment-type accommodations with a maximum of open space;
- Protect adjacent properties from unreasonable obstruction of light and air;
- Permit only that intensity of use which will be compatible with existing low-density residential structures and will not be detrimental to the immediate neighborhood

The proposed project would add a dwelling unit within a district zoned for additional density while maintaining a large amount of open space and three existing Coast Live Oak trees. It will provide additional housing that will not unreasonably obstruct light and air nor conflict with any of the other principles outlined in the district's purpose.

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. 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.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
5. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.
7. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
8. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: As discussed in section VI.B above, the two new dwelling units would create shadows, but they would not result in a significant loss of direct sunlight on neighboring residences. The proposed project would increase the number of dwelling units from one to two dwellings on a parcel located in the R-2A District, near transit.

## **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, staff recommends that the Zoning Adjustments Board APPROVE Use Permit

#ZP2022-0889 pursuant to BMC Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

**Attachments:**

1. Findings and Conditions
2. Project Plans, received November 16, 2022.
3. Arborist Memorandum, dated January 26, 2023
4. Notice of Public Hearing

**Staff Planner:** Cecelia Mariscal, [cmariscal@cityofberkeley.info](mailto:cmariscal@cityofberkeley.info), (510) 981-7439



# ATTACHMENT 1

---

## FINDINGS AND CONDITIONS

FEBRUARY 9, 2023

### 1341 Addison Street

**Use Permit #ZP2022-0089 to construct an addition for a new dwelling unit and convert the single-family dwelling to a two-story (23 feet), 3,500 square foot duplex with six bedrooms total and two off-street parking spaces.**

#### PERMITS REQUIRED

---

- Use Permit to a construct a new dwelling unit, under Berkeley Municipal Code (BMC) Section 23.202.020
- Use Permit to add a sixth bedroom to a lot, under BMC 23.202.030(B)
- Administrative Use Permit for a major residential addition, under BMC Section 23.202.030(A)
- Administrative Use Permit for a residential addition over 14 feet in average height, under BMC 23.202.090
- Administrative Use Permit for a total of two parking spaces where up to a half space per unit is permitted under BMC 23.322.070
- Administrative Use Permit to add an uncovered, off-street parking space within a required front setback under BMC Section 23.322.080
- Administrative Use Permit for a new relocated window opening in the non-conforming front setback under BMC Section 23.324.050(D)(2)

#### 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 (“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

---

1. The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:

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

Because the project will comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff. The project includes the addition of one dwelling unit, resulting in conversion of the existing single-family dwelling to a duplex.

2. 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, the granting of the use permit to construct a new dwelling unit will 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. Consistency with Development Standards: The proposed project conforms to the applicable Development Standards for the R-2A District, BMC section 23.202.090. The proposal to construct one dwelling unit at this site is permissible because: (1) the proposed construction of one dwelling unit on the subject property conforms to the R-2A District standards for Uses Permitted; (2) the proposed front, side, and rear setbacks meet the R-2A District requirements; (3) the proposed two-story will be 22 feet, 10 inches in average height will not exceed the R-2A District limit of 28 feet; (4) The proposed project does not exceed the lot coverage minimum of 40 percent for an interior lot in the R2-A; and (6) the project includes over 1,000 square feet of usable open space where A minimum of 600 square feet is required. The six bedrooms will provide additional living space for the occupants of each dwelling.

B. General Non-Detriment: The proposed project provides one new residential dwelling unit, new shading will be limited on nearby residential uses, and privacy impacts are minimal and typical of an urban setting. In addition, 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 to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or 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.

**3.** As required by BMC Section 23.202.030(A)(2) (Basis for AUP Decision), the review authority finds that the residential addition would unreasonably obstruct sunlight, air, or views.

- A. Shadows: Shadow studies submitted by the applicant document the shadow angles and lengths at three times each day at the summer and winter solstice that will result from the project. During the winter solstice, new shadows will be cast upon the adjacent residences at 1323, located to the east and 1347 Addison located to the west. While shadows will be cast on portions of these residential buildings, such impacts to light access are limited in duration and is considered typical of urban settings and not considered substantial or detrimental.
- B. Views: The proposed project will not result in additional obstruction of significant views in the neighborhood because there are limited significant views, as defined in BMC Section 23.502.020, available to residences in the area. The area is generally flat, and includes mature vegetation which provides visual screening.
- C. Air: The proposed dwelling will meet or exceed the District minimum for both the rear and side setbacks, with the exception of uncovered parking proposed to be placed within the required front (south) setback. One new opening will be added but since the setbacks largely comply, detrimental impacts to neighbors are not anticipated.

**4.** Pursuant to BMC Section to BMC Section 23.322.070(D), parking in excess of the maximum of 0.5 per until is allowable because:

- A. the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this section or transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area; and
- B. The current off-street parking supply is not insufficient for the proposed duplex. The current off-street parking supply does not meet the demand due to its close proximity to a variety of institutional and community uses, being outside of the residential preferred program boundary, and to accommodate the project's proposed conversion of a single-family dwelling unit to a duplex. The proposed parking will accommodate charging for two electric vehicles.

**5.** Pursuant to BMC Section 23.322.080(D)(2) the parking may be located within the front setback because it meets all other applicable design requirements and minimizes impacts to the Coast Live Oak trees.

**6.** Pursuant to BMC Section 23.324.050(D)(2), alterations to the openings in the nonconforming front setback are permissible because the residential use of the property is conforming, the existing nonconformity will not be increased, and the project remains within the height allowances for the district.

### **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.

**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**

V. 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 & Safety 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 and entered into the City's database prior to the applicant's submittal of a building permit application.

12. Tree Preservation Conditions. The City Arborist Memo dated January 26, 2023 must be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, with the Conditions of Approval.

13. Trees and parking location. The building permit plans shall reflect the parking stalls located at least 8 feet and 11-13 feet from the trunks of the 8-inch and 16-inch Coast Live Oak trees, respectively.

14. Tree Protection Fencing to protect the Specified Tree Protection Zone will be shown on all applicable site, landscape, grading, and utility plans. . Tree Protection fencing must be located 6 feet from the trunk of trees #1 and #2, and fencing for tree #3, identified in the City Arborist Memo dated January 26, 2023, should be placed as far from the trunk as possible.

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

15. Street Tree. The applicant shall apply for and receive approval for removal and replacement of the street tree.

16. 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.

17. 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**

---

18. **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.
19. **Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 DLN (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
20. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
21. **Electric Vehicle (EV) Charging.** Each dwelling unit shall install a listed raceway, wiring, and load capacity to allow for future Level 2 (40 amp) plug-in electric vehicle (EV) charging system installation, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
22. **Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.

23. 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).
24. 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:**

---

25. 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.
26. Tree Protection Fencing to protect the Specified Tree Protection Zone must be installed prior to any site or demolition work, in accordance with the approved plans, and remain during all stages of site work and construction.
27. Tree Monitoring. Trees must be monitored monthly during construction by a consulting arborist.
28. Tree Roots. Removal of roots larger than 2 inches should be avoided. If roots larger than 2 inches are identified in the excavation area, the project arborist should be contacted. Cut roots clearly with a sharp hand tool as indicated in the Arborist report.
29. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
  - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- 30. 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.
- 31. 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.
- 32. 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.

- 33. 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.

**34. 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.

**35. 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.

**36. 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.

- 37. 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.
- 38. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
  - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
  - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated

with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

- G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
  - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 39.** 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.
- 40.** 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.
- 41.** 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.
- 42.** 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.
- 43.** 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.
- 44.** 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:**

---

45. 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.
46. 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 November 16, 2022, except as modified by conditions of approval.

**At All Times:**

---

47. 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.
  48. 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.
  49. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
-

**GENERAL NOTES**

- It is intended that the work described on these drawings comply with all applicable codes and ordinances. The Contractor shall not proceed with any work that is non-compliant.
- This project shall comply with 2019 California Building, Residential, Mechanical, Electrical, Plumbing, Energy, Historical, Fire and Green Building Standards Code as amended by this jurisdiction, and as applicable.
- All work shall be compliant with the contract documents. Any not compliant work shall be removed at the Contractor's sole expense.
- The Contractor shall not make any changes in the work without a change order that has been approved by the Owner and the Designer.
- The term "work" shall mean all materials, labor and equipment necessary to erect a fully functional and complete building, including all incidental tasks and items that are required but not shown on the drawings or described in the specifications.
- Examination of the site and portions thereof which will affect the Contractor's work shall be made by the Contractor, who shall compare it with the drawings and satisfy themselves as to the conditions under which the work is to be performed. The Contractor shall, at such time, ascertain and check all existing conditions and dimensions which may affect the work. No allowance shall subsequently be made for the failure or neglect on the Contractor's part to make such examination. Any conflicts or omissions, etc., shall be reported to the Designer and Owner prior to start the work.
- Do not scale the drawings. Coordinate all work with the dimensions shown on the drawings. Notify the Designer and Owner immediately upon the discovery of a dimensional inconsistency on the drawings. Do not proceed with the work until the discrepancy has been resolved.
- All dimensions to face of stud unless otherwise noted.
- Written dimensions and notes take precedence over scaled dimensions and line drawings.
- The drawings are a complementary set. What is shown and required on one drawing is applicable all other drawings whether shown or referenced on the other drawings or not including the structural drawings. Notify the Designer and Owner of any inconsistencies between the drawings immediately upon discovery. Do not proceed with the work until the Designer has provided a written clarification regarding the discrepancy.
- Errors, omissions or inconsistencies in the data contained in any of the schedules, in the specifications, or on the drawings do not relieve the Contractor from the obligation to complete the work in a fully functional manner. It is the Contractor's responsibility to obtain clarifications and additional information as may be required to complete the work.
- The Contractor shall always be required to furnish the greater quality, the higher quality or the largest extent of work that may be interpreted from any of the drawings, schedules, notes or specification sections. When in doubt, request a clarification before ordering the material in question.
- When the term "furnish" is used, it shall also require the installation of the product or system. When the term "install" is used, it shall also require Contractor to furnish the item, unless it is specifically shown and described as an Owner furnished item in these documents.
- Any substitutions proposed for use by the Contractor shall be included as an alternative to the bid. No substitutions shall be allowed after the contract has been signed except as authorized and approved by a written Change Order.
- It is the Contractor's responsibility to order the specified or owner selected materials or equipment in a timely manner. Failure to do so shall not be justification for a material substitution or a schedule extension.
- All workmanship shall be of the highest quality, and shall be approved by the Owner and Designer. Any work not approved shall be removed and replaced at the Contractor's sole cost.
- The Contractor shall furnish all temporary heat, electric power, gas and potable water that may be required to complete the work.
- The Contractor shall provide a waste container on site and shall remove waste from the workplace regularly. The waste container shall be replaced as necessary. Place the waste container in a location approved by the Owner.
- The Contractor shall be responsible for removing left over materials, debris, tools, and equipment involved at the conclusion of the installation. The Contractor shall leave all areas clean and in perfect condition. All fixtures and reusable materials to be removed are to be stored and disposed off per the Owner's direction.
- Verify all dimensions, site conditions and grades at the job site before proceeding with the work. Notify the Designer and Owner of any discrepancies immediately upon discovery.
- Verify all locations and opening sizes required for utilities and equipment. Coordinate the work of all trades to avoid any conflicts.
- Provide all necessary personnel, equipment, and temporary barricades to protect the public during excavation work. Protect structures, sidewalks, pavement, fences, benches and facilities within or adjacent to the construction site from damage due to settlement, undermining, washout, or other hazards created during earthwork operations. Maintain benchmarks, monuments, and other reference points. Repair broken or cracked sidewalk curb and gutter damage due to earthwork.
- Verify all anchorage requirements and install all required backing blocking and support whether or not it is shown in the drawings.
- Cutting of any fabricated structural members on the job site shall not be permitted. Obtain the Designer and Structural Engineer's written permission prior to making any site modifications to structural members, fabrications or assemblies.
- The Contractor shall maintain a safe work site at all times. Provide temporary barriers, safety railings, shoring and supports as may be required. Provide temporary lighting systems and maintain safe exit ways at all times during work hours. Provide temporary fire extinguishing equipment as required.
- The Contractor shall install all permanent emergency lighting, exit lighting, lighted exit signs and fire extinguishers as required by these documents, and as approved by the local fire marshal.
- All work furnished by the Contractor shall be powered by a one-year warranty. The warranty shall begin on the day the final occupancy certificate is issued by the permitting authority. Any failure in function or appearance shall be corrected to the Owner's satisfaction including the complete replacement of the product or system.
- By accepting and using these drawings, Contractor agrees that he shall assume sole and complete responsibility for job site conditions during the course of construction of this Project, including safety of all persons and property; that this responsibility shall apply continuously and not be limited to normal working hours; and that the Contractor shall defend, indemnify, and hold the Owner, the Designer, its employees and consultants harmless from any and all liability, real or alleged, in connection with the performance of the work on this Project, excepting for liability arising from the sole negligence of the Owner, the Designer, or its employees and consultants.
- Contractor acknowledges that he has thoroughly familiarized himself with the building site conditions. Due to the nature of the work, adjustments may be required in the field to meet existing site conditions. Such adjustments that could be reasonably expected, based on general experience in this type of construction, are part of the contract and shall be made by the Contractor without additional cost to Owner.
- Note locations of light fixtures on interior and exterior elevations and floor plan. Adjust framing as required for proper placement of fixtures. Notify Designer if conflicts arise. All dimensions are to exterior face of rough framing unless otherwise noted.
- The Contractor and the Contractor's agents shall maintain proper worker's compensation and general liability insurance throughout the duration of construction. The Contractor is solely responsible for the means and methods of construction and for all safety requirements at the site for the protection of workers, Owners and visitors.

**PROJECT SUMMARY**

1. Alteration to Single family home, to develop 2 townhouses of approximately 1,700 sf each.  
The proposed total floor area to be built is 3,580 sf, and the lot is 8,534 sf lot.

a. To expand existing lower floor 20' North, beyond existing footprint  
b. To expand existing upper floor 20' North, and 16' South, beyond existing footprint

2. Alteration to driveway cut to accommodate the new development, and create another parking space.

**PROJECT DATA**

**OWNER**  
Benjamin Bechtolsheim (benbech@gmail.com)  
Caroline Scanlan (c.n.scanlan@gmail.com)  
Ari Johnson (aridjohnson@gmail.com)  
Jessica Beckerman (jessica.beckerman@gmail.com)

**ADDRESS** 1341 Addison St, Berkeley CA, 94702  
**APN** 056199501001  
**ZONING** R2-A, Restricted Multiple-Family Residential  
**OCCUPANCY GROUP** R-3

**CONSTRUCTION TYPE** Wood Framed, V-B  
**NUMBER OF STORIES** EXISTING: 2 PROPOSED 2  
**LOT AREA** 8,534SF  
**MINIMUM SETBACKS** 15' front & rear set back, 4' side setbacks

**MAX. LOT COVERAGE** 40% - 3,413.6 SF Maximum Allowed  
**BUILDING HEIGHT** EXISTING 23' 3 1/2" PROPOSED 25'  
**MAX. BUILDING HEIGHT** 28'  
**PARKING** 2

**AREA CALCULATIONS** EXISTING PROPOSED  
**UPPER FLOOR** 552.8 SF 1,659 SF  
**ENTRY LEVEL - MAIN FLOOR AREA** 1,261 SF 1,920 SF  
**TOTAL FLOOR AREA** 1,813.8 SF 3,579 SF

**DRAWING INDEX**

**ARCHITECTURAL**

- A1.0 General Notes, Project Data, Graphic Calculations, Vicinity Map
- A2.0 Proposed and Existing Site Plan
- A2.1 Proposed and Existing Roof Plan
- A2.2 Proposed and Existing Main Floor Plan
- A2.3 Proposed and Existing Upper Floor Plan
- A3.0 Existing and Proposed Elevations
- A3.1 Existing and Proposed Elevations
- A3.2 Existing and Proposed Elevations
- A4.0 Survey

**PROJECT TEAM**

**Client:**  
Benjamin Bechtolsheim (benbech@gmail.com)  
Caroline Scanlan (c.n.scanlan@gmail.com)  
Ari Johnson (aridjohnson@gmail.com)  
Jessica Beckerman (jessica.beckerman@gmail.com)  
1341 Addison St, Berkeley CA, 94702  
(860) 550-3949

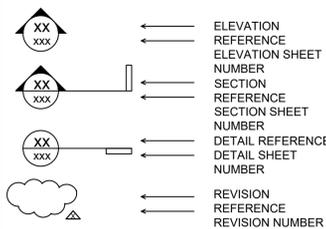
**APPLICABLE CODES**  
WORK SHALL COMPLY WITH THE FOLLOWING CODES:  
2019 TRIENNIAL EDITION OF CALIFORNIA CODE OF REGULATIONS, TITLE 24  
2019 CALIFORNIA BUILDING CODE 2019 CALIFORNIA RESIDENTIAL CODE  
2019 CALIFORNIA ELECTRICAL CODE 2019 CALIFORNIA MECHANICAL CODE  
2019 CALIFORNIA PLUMBING CODE 2019 CALIFORNIA MECHANICAL CODE  
2019 CALIFORNIA ENERGY CODE  
2019 CALIFORNIA FIRE CODE  
2019 CALIFORNIA GREEN BUILDING CODE AND ALL OTHER APPLICABLE STATE & LOCAL ORDINANCES, CODES & REGULATIONS

**Designer:**  
Fabiana Isaac  
606 Longridge Road  
Oakland, CA 94610  
(415) 680-6085  
contact@fabisaacadesignstudio.com

**ABBREVIATIONS**

ABV ABOVE	DF DRINKING FOUNTAIN	GWB GYPSUM WALL BOARD	SHT SHEET
ADJ ADJACENT	DISP DISPENSER	HWWR HARDWARE	SM SIMILAR
AFF ABOVE FINISHED FLOOR	EL EX EXISTING	HORIZ HORIZONTAL	SQ SQUARE
AP ACCESS PANEL	EA EACH	INT INTERIOR	ST STAINLESS STEEL
ACT ACOUSTICAL CEILING TILE	EL ELEV ELEVATION	INSUL INSULATION	SSD SEE STRUCTURAL DRAWINGS
ELECT ELECTRICAL	ELECT ELECTRICAL	KEC KITCHEN EQUIPMENT CONTRACTOR	TSD TO BE DETERMINED
ALT ALTERNATE	EP ELECTRICAL PANEL	MAX MAXIMUM	TYP TYPICAL
ARCH ARCHITECT	EPS EXPANDED POLYSTYRENE	MECH MECHANICAL	UNON UNLESS OTHERWISE NOTED
BLKG BLOCKING	EWC ELECTRIC WATER COOLER	MIN MINIMUM	VF VERIFY IN FIELD
BO BOARD	EQ EQUAL	MTR MATERIAL	WST WAINSCOT
BOT BOTTOM	EXT EXTERIOR	MTL METAL	WH WATER HEATER
BLDG BUILDING	FBO FURNISHED BY OTHERS	NI NEW	
CLR CLEAR	FF FINISHED FLOOR	NIC NOT IN CONTRACT	
CLG CEILING	FT FEET	NTS NOT TO SCALE	
CONC CONCRETE	FLR FLOOR	O OVER	
COL COLUMN	FLUOR FLUORESCENT	O.C. ON CENTER	
OPT CARPET	FFF FACE OF FINISH	O.S.C.I. OWNER SUPPLIED, CONTRACTOR INSTALLED	
CMU CONCRETE MASONRY UNIT	FOS FACE OF STUD	PBO PROVIDED BY OWNER	
CONST CONSTRUCTION	FIN FINISH (ED)	PLM PLASTIC LAMINATE	
CG CORNER GUARD	FRP FIBERGLASS REINFORCED PANEL	PLYWD PLYWOOD	
DTL DETAIL	FO FACE OF	REF REFRIGERATOR	
DIAM DIAMETER	GA GAUGE	REG REGISTER	
DIM DIMENSION	GC GENERAL CONTRACTOR	RO ROOF RAIN	
DR DOOR	GL GLAZING GLASS	RO ROOF OPENING	
DWG DRAWING	GSM GALVANIZED SHEET METAL	SEC SECTION	
	GYP GYPSUM		

**SYMBOL LEGEND**



**REVISION REFERENCES:**

- ARX ARCHITECTURAL REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST
- ERX ELECTRICAL REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST
- MRX MECHANICAL REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST
- PRX PLUMBING REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST
- ENX ENERGY REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST
- LUPRL LAND USE PLANNING REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST
- PWX PUBLIC WORKS REQUIREMENTS / NUMBER REFERENCE IN CORRECTIONS LIST



(E) SOUTH ELEVATION



(E) NORTH ELEVATION



(E) WEST ELEVATION



(E) EAST ELEVATION

**PLANNING & DEVELOPMENT**  
Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
Tel: 510.961.7410 TDD: 510.961.6993 Fax: 510.961.7420 Email: [Planning@CityofBerkeley.info](mailto:Planning@CityofBerkeley.info)

**TABULATION FORM**

Project Address: 1341 Addison St Date: 09/08/2022  
Applicant's Name: Fabiana Isaac Design Studio  
Zoning District: R2-A

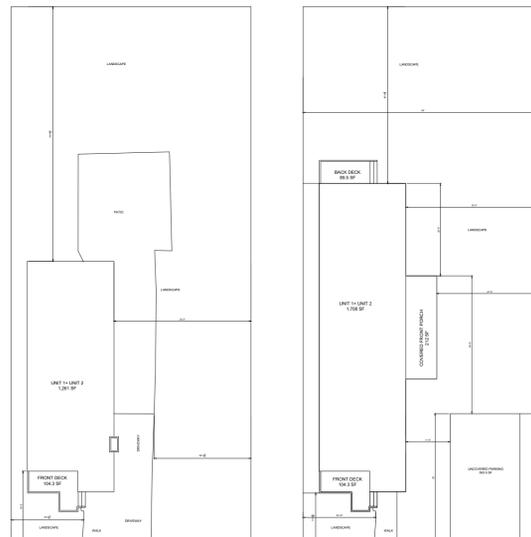
Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted Required
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	1	2	
Number of Parking Spaces (#)	1	2	
Number of Bedrooms (#)	4	6 (3 each unit)	
<b>Yards and Height</b>			
Front Yard Setback (Feet)	12' 10 1/2"	12' 10 1/2"	15'
Side Yard Setbacks: (facing property)	Left: (Feet) 4' 2"	4' 2"	4'
	Right: (Feet) 35' 5"	35' 5"	4'
Rear Yard Setback (Feet)	35' 5"	45' 5 1/2"	15'
Building Height* (# Stories)	2	2	
Average* (Feet)	21' 8"	22' 10"	
Maximum* (Feet)	23' 3 1/2"	24' 11 1/2"	28'
<b>Areas</b>			
Lot Area (Square-Feet)	8,534	8,534	
Gross Floor Area* (Square-Feet)	1,813.8	3,579	
Total Area Covered by All Floors (Square-Feet)	1,261	1,920	
Lot Coverage* (Footprint/Lot Area) (%)	15	22.5	
Useable Open Space* (Square-Feet)	6,618	5,447	
Floor Area Ratio* Non-Residential only (Except ES-R)			

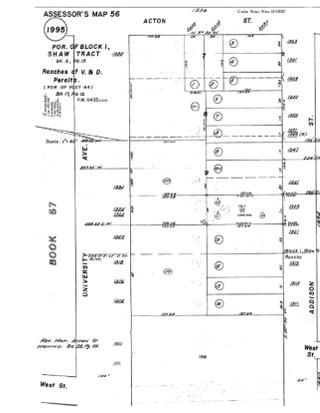
\*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15  
g:\landuse\forms & instructions\land use planning forms\word file\forms\_alltabulation\_form\_05-15.doc

**EXISTING**

**PROPOSED**



1 AERIAL VIEW NTS



2 ASSESSOR'S MAP NTS

**GRAPHIC CALCULATIONS**

EXISTING STRUCTURE COVERAGE	
HOUSE FOOTPRINT	1,261 SF
FRONT DECK (<30" HIGH)	104.3 SF
TOTAL	1,261 SF
TOTAL AS % OF LOT	15% (40% MAX ALLOWED)

PROPOSED STRUCTURE COVERAGE	
HOUSE FOOTPRINT	1,708 SF
COVERED FRONT PORCH	212 SF
FRONT DECK (<30" HIGH)	104.3 SF
BACK DECK (<30" HIGH)	89.5 SF
TOTAL	1,920 SF
TOTAL AS % OF LOT	22.5% (40% MAX ALLOWED)

LANDSCAPE AREA	
(E) LANDSCAPE AREA	5,770.4 SF
% OF LOT	67.6% (MIN 30% ALLOWED)
(P) LANDSCAPE AREA	5,954.5 SF
% OF LOT	70% (MIN 30% ALLOWED)

USABLE OPEN SPACE	
(E) U.O.S.	6,618 SF
(P) U.O.S.	5,447 SF

**GENERAL NOTES, PROJ. DATA, GRAPHIC CALCULATIONS**

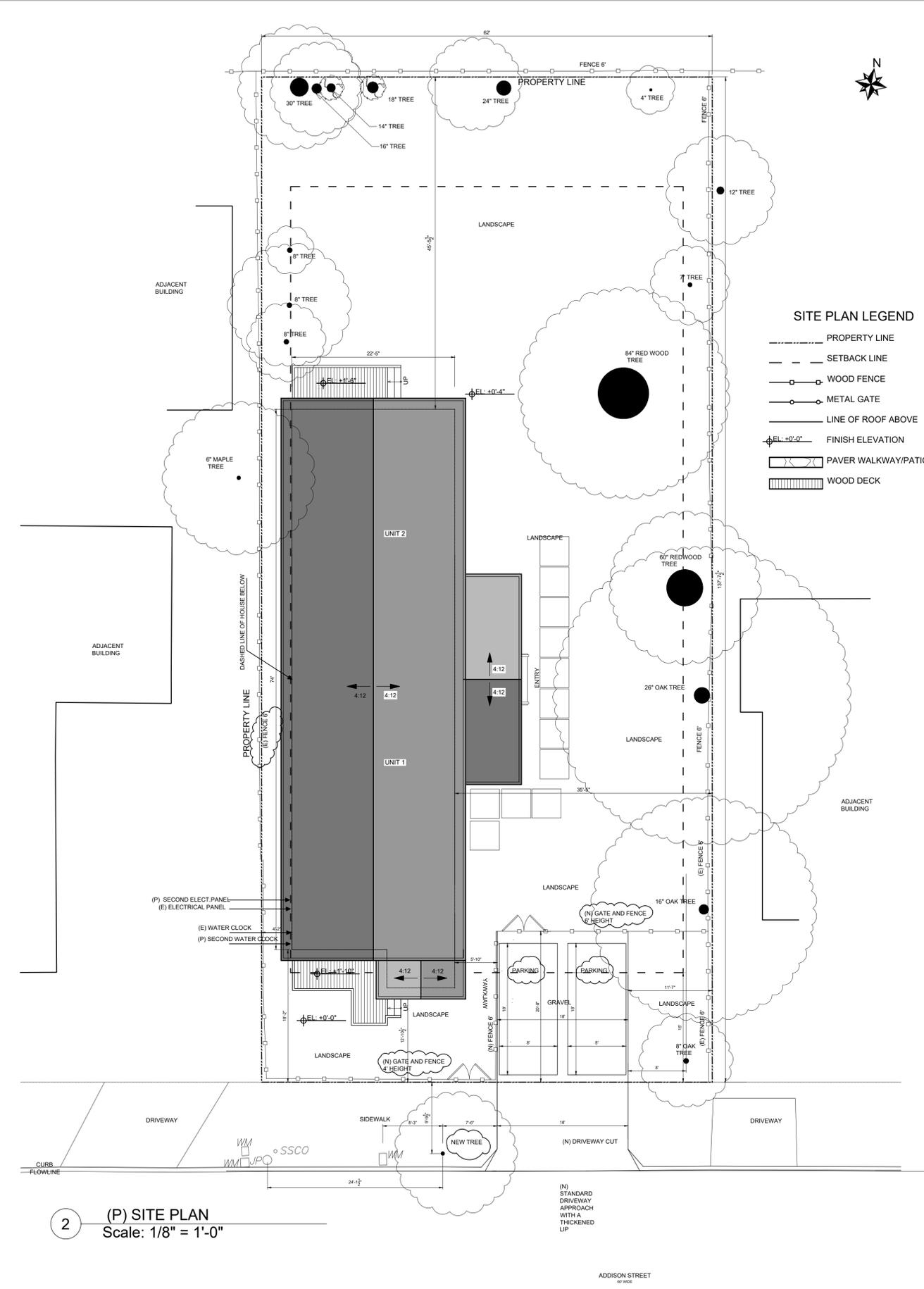
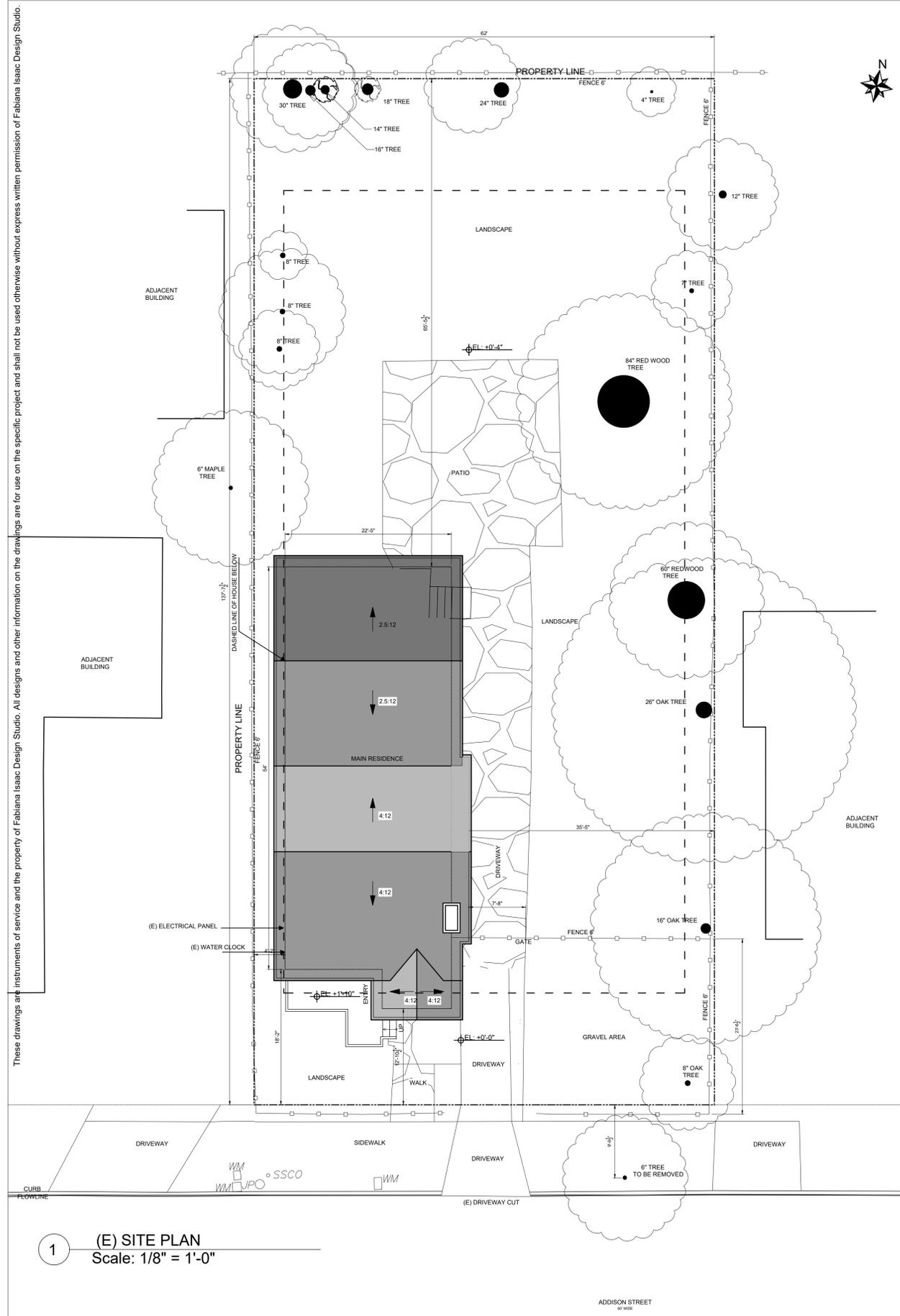
Date:	05/03/22
Issue:	Zoning Permit Submittal
Drawn by:	Fabiana Isaac
Issue:	Date
REV 1	09/08/22

Sheet

**A 1.0**

Benjamin Bechtolsheim · Caroline Scanlan  
Ari Johnson · Jessica Beckerman  
1341 Addison St, Berkeley CA, 94702

**FABIANA ISAAC DESIGN STUDIO**  
606 Longridge Road  
Oakland, CA 94610  
415.680.0085  
contact@fabisaacadesignstudio.com



**SITE PLAN LEGEND**

- PROPERTY LINE
- - - SETBACK LINE
- WOOD FENCE
- METAL GATE
- LINE OF ROOF ABOVE
- ⊕ EL. +10'-0" FINISH ELEVATION
- ▨ PAVER WALKWAY/PATIO
- ▩ WOOD DECK

FABIANA ISAAC  
DESIGN STUDIO  
606 Longridge Road  
Oakland, CA 94610  
415.680.0085  
contact@fabianaacdesignstudio.com

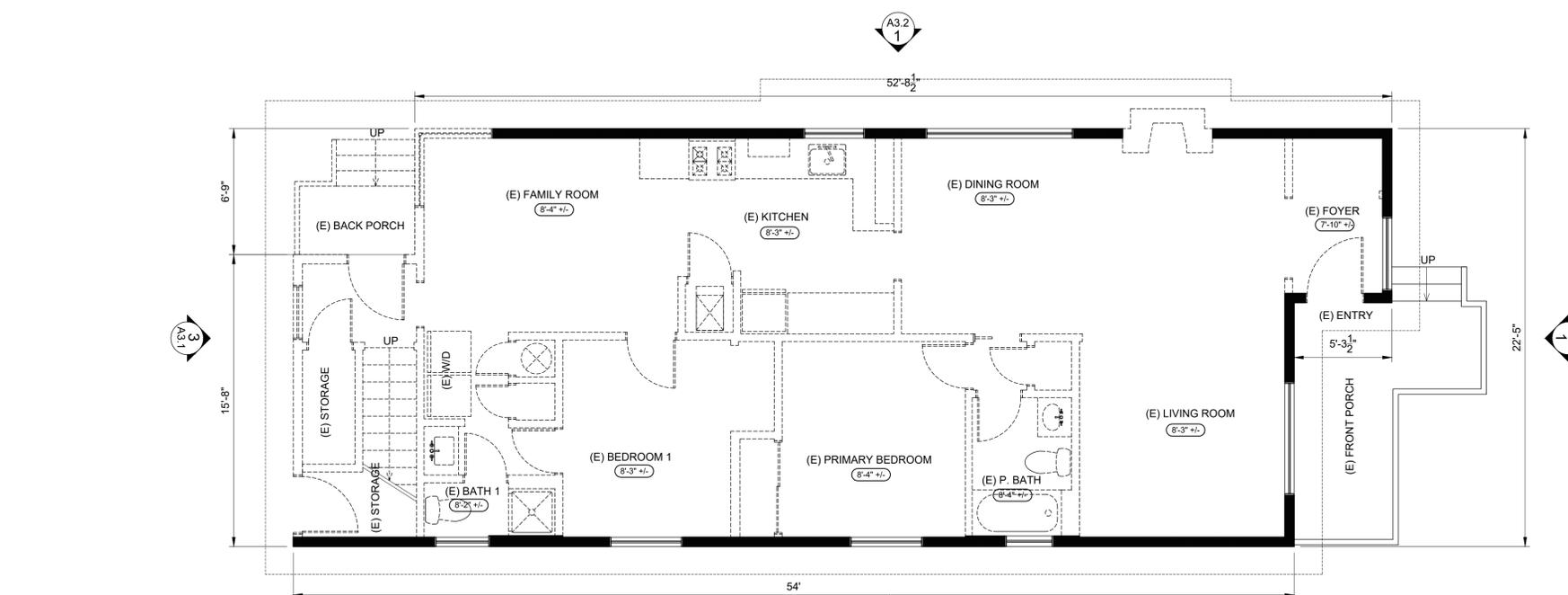
Benjamin Bechtolsheim · Caroline Scanlan  
Ari Johnson · Jessica Beckerman  
1341 Addison St, Berkeley CA, 94702

EXISTING AND PROPOSED SITE/ROOF PLANS

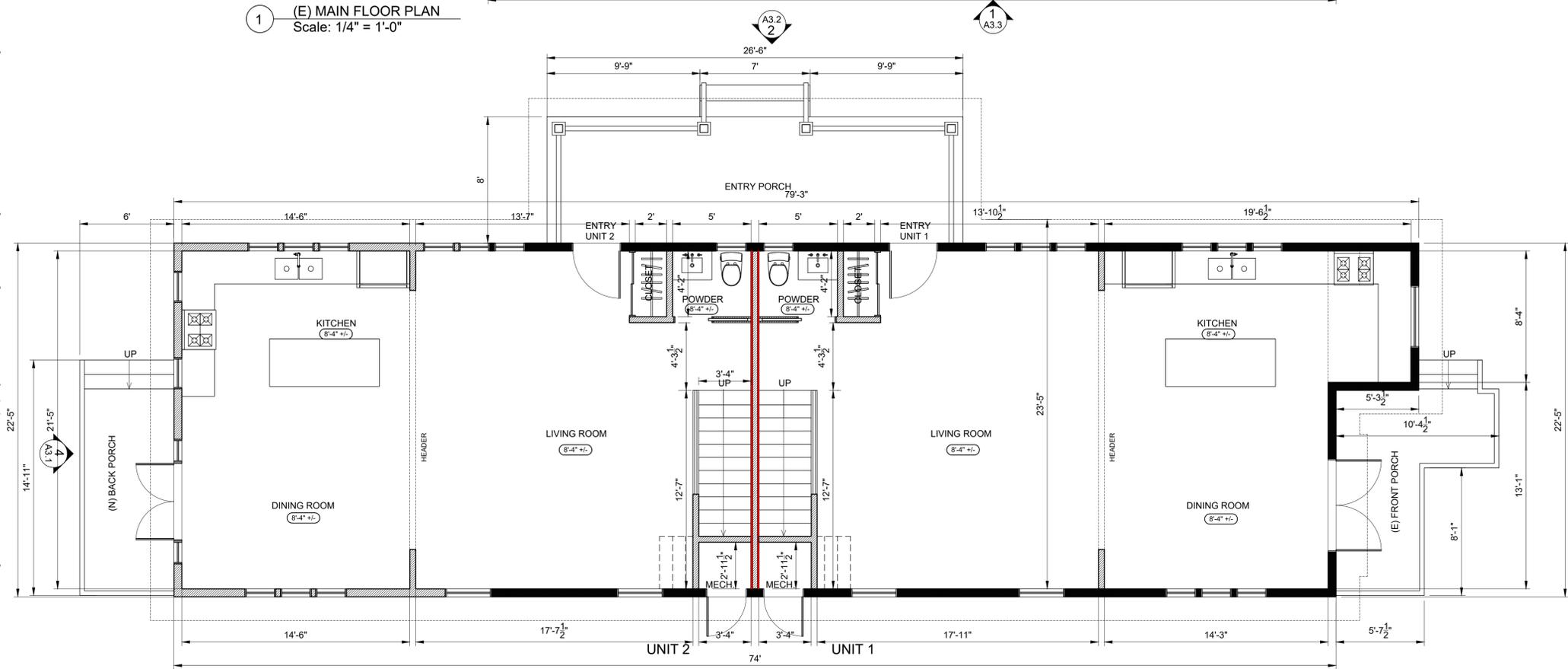
Date:	06/01/22
Issue:	Zoning Permit Submittal
Drawn by:	Fabiana Isaac
Issue	Date
REV 1	09/08/22
REV 2	11/16/22
Sheet	A 2.0



These drawings are instruments of service and the property of Fabiana Isaac Design Studio. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without express written permission of Fabiana Isaac Design Studio.



1 (E) MAIN FLOOR PLAN  
Scale: 1/4" = 1'-0"



2 (P) MAIN FLOOR PLAN  
Scale: 1/4" = 1'-0"

- EXISTING NOTES:**
- DEMOLITION PLANS AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE. FIELD VERIFY ALL EXISTING CONDITIONS, IDENTIFY THE TOTAL EXTENT OF DEMOLITION REQUIRED IN ORDER TO ACHIEVE THE PROPOSED DESIGN, AND INCLUDE THIS CONSIDERATION IN THE DEMOLITION BID.
  - COORDINATE SHORING PRIOR TO ANY DEMOLITION TO MAINTAIN THE STRUCTURAL INTEGRITY OF THE REMAINING ELEMENTS OF THE BUILDING AND ITS SYSTEMS AS REQUIRED.
  - NOTIFY THE DESIGNER, ENGINEER AND/OR OWNER IF EXISTING CONDITIONS DEVIATE FROM DRAWINGS PRIOR TO EXECUTING THE WORK.
  - THE CONTRACTOR SHOULD BE RESPONSIBLE FOR THE DEMOLITION, AND REMOVAL OF ALL EXISTING BUILDING COMPONENTS, MATERIALS AND EQUIPMENT AS REQUIRED TO BUILD, ERECT, INSTALL OR ACCOMMODATE ALL NEW CONSTRUCTION.
  - DISPOSE ALL REMOVED MATERIALS IN AN APPROVED MANNER, AND AS PER CITY CONSTRUCTION WASTE MANAGEMENT AND DISPOSAL REQUIREMENTS.
  - PATCH AND REPAIR ALL FLOOR, WALL, AND CEILING SURFACES DAMAGED DURING DEMOLITION OR TEMPORARY SHORING. WHERE FINISH IS TO REMAIN, MATCH EXISTING ADJACENT FINISH. PATCH AND REPAIR EXISTING ADJOINING AREAS TO REMAIN.
  - THE CONTRACTOR IS RESPONSIBLE FOR THE ERECTION, MAINTENANCE AND REMOVAL OF ALL CONSTRUCTION ASSISTANCE DEVICES SUCH AS SCAFFOLDING AND BARRIERS.
  - PROVIDE TEMPORARY ROOFING AS REQUIRED DURING DEMOLITION. DO NOT LEAVE ANY AREAS EXPOSED TO THE ELEMENTS WITHOUT TEMPORARY ROOFING.
  - PROTECT FROM DAMAGE EXISTING ITEMS, MATERIALS, AN/OR FINISHES THAT ARE TO REMAIN.
  - PROVIDE TEMPORARY PARTITIONS/ DUST PROTECTION, REVIEW LOCATIONS OF TEMPORARY PARTITIONS/ DUST PROTECTIONS WITH OWNERS AND/OR DESIGNER PRIOR TO START OF WORK.
  - DEMOLISH ALL FLOOR FINISHES, BASE AND SUBFLOORING AS INDICATED ON THE PLANS. PATCH FLOOR TO BE LEVEL WITH EXISTING ADJACENT FLOOR U.O.N.
  - SCHEDULE ALL SHUTDOWNS THAT AFFECT UTILITIES WITH THE LOCAL UTILITIES CITY DEPARTMENTS AS APPLICABLE.
  - ISOLATE, DRAIN AND REFILL EXISTING SYSTEMS AS REQUIRED TO ACCOMMODATE INSTALLATION OF NEW SYSTEMS.
  - PROVIDE ALL NECESSARY TEMPORARY OR PERMANENT CAPS OR PLUGS FOR PIPING. DO NOT LEAVE PIPING OPEN ENDED.
  - IN THE EVENT THAT THE CONTRACTOR ENCOUNTERS ON SITE MATERIAL REASONABLY BELIEVED TO BE ASBESTOS, LEAD-BASE PAINT, OR ANY OTHER HAZARDOUS MATERIAL WHICH HAS NOT BEEN RENDERED HARMLESS, THE CONTRACTOR SHALL IMMEDIATELY REPORT THE CONDITION, AND TAKE NECESSARY MEASURES TO INSULATE, REMOVE AND DISPOSAL THE MATERIAL.

- PROPOSED NOTES:**
- ALL PARTITIONS ARE DIMENSIONED FROM FACE OF FINISHED U.O.N. ALL VERTICAL DIMENSIONS ARE ABOVE FINISHED FLOOR U.O.N. VERIFY ALL DIMENSIONS IN FIELD PRIOR TO CONSTRUCTION.
  - ALL WORK SHALL BE INSTALLED PLUMB, LEVEL, SQUARE AND TRUE, AND IN PROPER ALIGNMENT.
  - "ALIGN" SHALL MEAN TO ACCURATELY LOCATE FINISH FACES IN THE SAME PLANE.
  - "SIMILAR" MEANS COMPARABLE CHARACTERISTICS FOR THE CONDITION NOTED.
  - SEE SCHEDULES FOR ADDITIONAL INFORMATION.
  - PROVIDE INSULATION ON ALL NEW WALLS, U.O.N.
  - THE CONTRACTOR/ SUB-CONTRACTOR SHALL PROVIDE NECESSARY BACKING/ BLOCKING FOR WALL MOUNTED ITEMS INCLUDED BUT NOT LIMITED TO HANDRAILS, CABINETS, COUNTERS, GRAB BARS, AND FIXTURES, PROVIDE BACKING PLATES FOR ALL N.I.C AND O.F.C.I. WALL AND FLOOR MOUNTED EQUIPMENT.
  - FLOOR FINISH TRANSITIONS TO BE LOCATED AT THE CENTERLINE OF A DOOR LEAF, WHERE OCCURS, IN CLOSED POSITION U.O.N.
  - ALL FLOOR FINISHES TO BE INSTALLED OVER A SMOOTH AND LEVEL SURFACE, FREE OF CRACKS, CHIPS, VOIDS, BUMPS AND OTHER IRREGULARITIES.
  - GYPSUM BOARD WALLS AND CEILINGS TO RECEIVE LEVEL 4 FINISH U.O.N.
  - INSTALL WATER RESISTANT GYPSUM BOARD IN AREAS EXPOSED TO MOISTURE.
  - ADJUST PARTITION THICKNESS AND CAVITY FOR INTERNAL INCLUSIONS, SUCH AS PLUMBING AND FOR CORRECT INSTALLATION OF FIXTURES, PANELS, BOXES, ETC.
  - ALL GLAZING SHALL MEET THE REQUIREMENT OF CBC CHAPTER 24. PROVIDE TEMPERED GLASS WHERE REQUIRED.
  - ALL PIPE, DUCT, PENETRATIONS, ETC. THROUGH WALLS SHALL BE ACOUSTICALLY SEALED.
  - ALL FINISHES, FIXTURES, EQUIPMENT, ETC TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS, INSTRUCTIONS AND RECOMMENDATIONS.
  - OWNER FURNISHED CONTRACTOR INSTALLED (OFCI) ITEMS: THE CONTRACTOR AND/OR HIS AGENTS SHALL RECEIVE, STORE, PROTECT, INSTALL, CONNECT, AND TEST EACH OFCI ITEM. THE CONTRACTOR SHALL INSPECT ALL OFCI ITEMS PROMPTLY UPON THE ARRIVAL OF THE OFCI ITEMS AT THE JOBSITE. WHEN POSSIBLE, THE CONTRACTOR SHALL INSPECT OFCI ITEMS FOR DAMAGE BEFORE ACCEPTING DELIVERY. THE CONTRACTOR SHALL PROMPTLY NOTIFY THE OWNER AND/OR THE DESIGNER OF ANY DEFECTS OR DAMAGE DISCOVERED ON THE OFCI ITEMS.

**GRAPHIC SYMBOLS**

- EDGE OF OBJECT BELOW
- EDGE OF OBJECT ABOVE
- LOW WALL
- (E) WALL TO BE REMOVED
- (N) 2X STUD WALL
- (N) 2X STUD WALL WITH SOUND INSULATION
- (E) WALL
- FLOORPLATE

NOTE: DIMENSIONS TO FACE OF FINISHED WALL

**FABIANA ISAAC  
DESIGN STUDIO**  
606 Longridge Road  
Oakland, CA 94610  
415.680.0085  
contact@fabisaacdesignstudio.com

Benjamin Bechtolsheim · Caroline Scanlan  
Ari Johnson · Jessica Beckerman  
1341 Addison St, Berkeley CA, 94702

EXISTING AND PROPOSED MAIN FLOOR PLAN

Date:	06/01/22
Issue:	Zoning Permit Submittal
Drawn by:	Fabiana Isaac

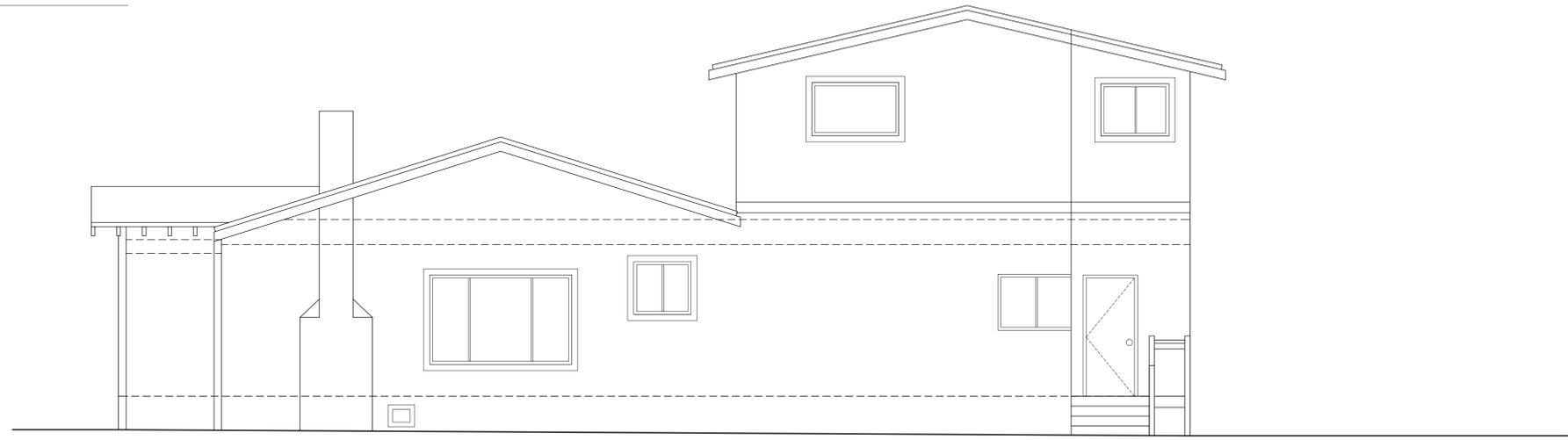
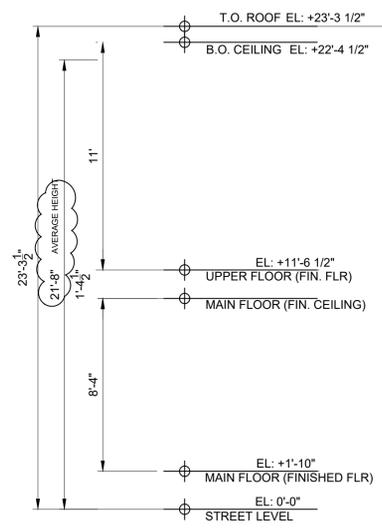
Issue	Date

Sheet  
**A 2.2**

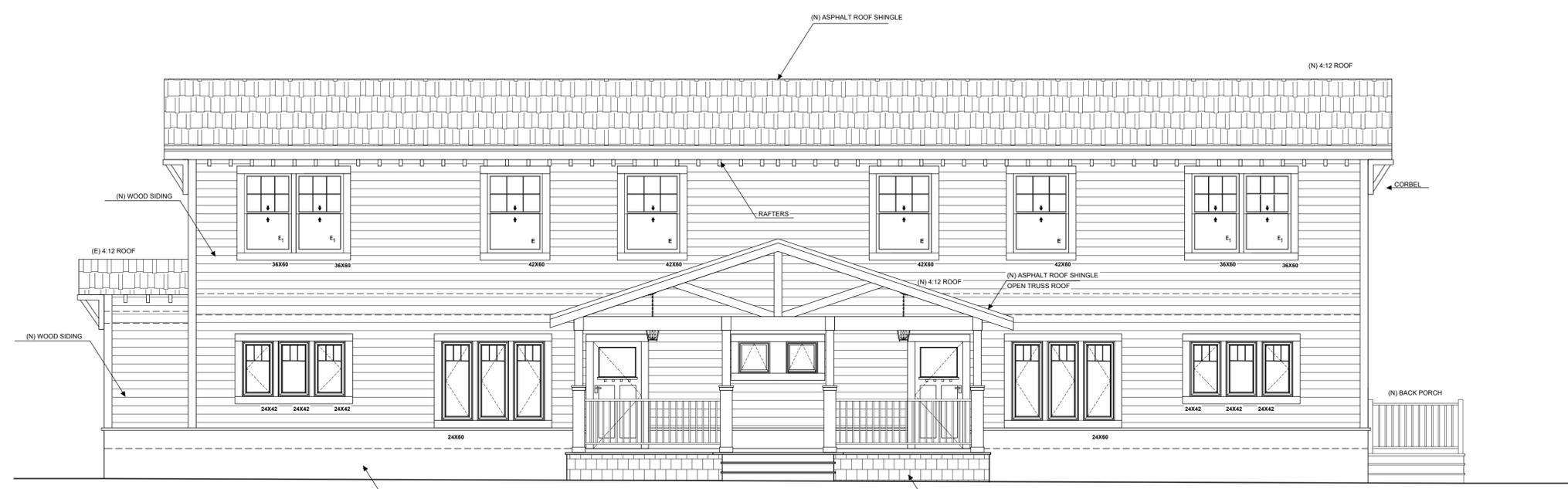
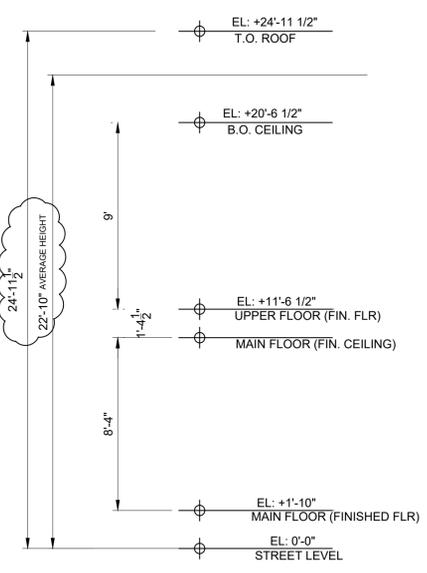




These drawings are instruments of service and the property of Fabiana Isaac Design Studio. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without express written permission of Fabiana Isaac Design Studio.



1 (E) EAST ELEVATION  
Scale: 1/4" = 1'-0"



2 (P) EAST ELEVATION  
Scale: 1/4" = 1'-0"

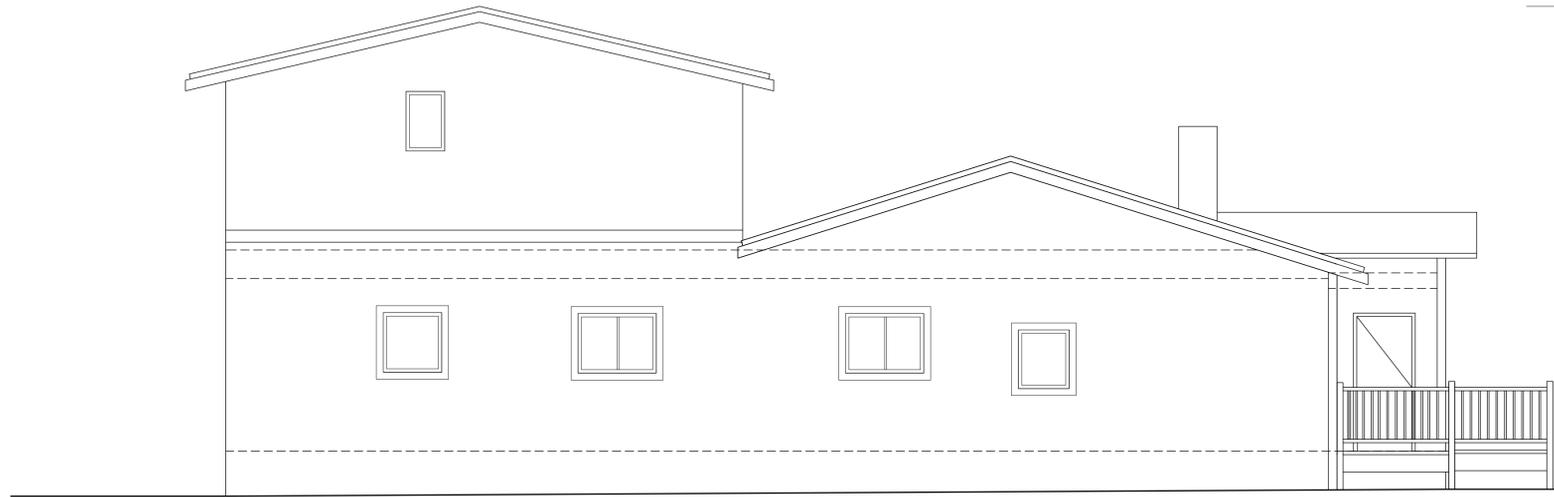
FABIANA ISAAC  
DESIGN STUDIO  
606 Longridge Road  
Oakland, CA 94610  
415.680.0085  
contact@fabisaacdesignstudio.com

Benjamin Bechtolsheim · Caroline Scanlan  
Ari Johnson · Jessica Beckerman  
1341 Addison St, Berkeley CA, 94702

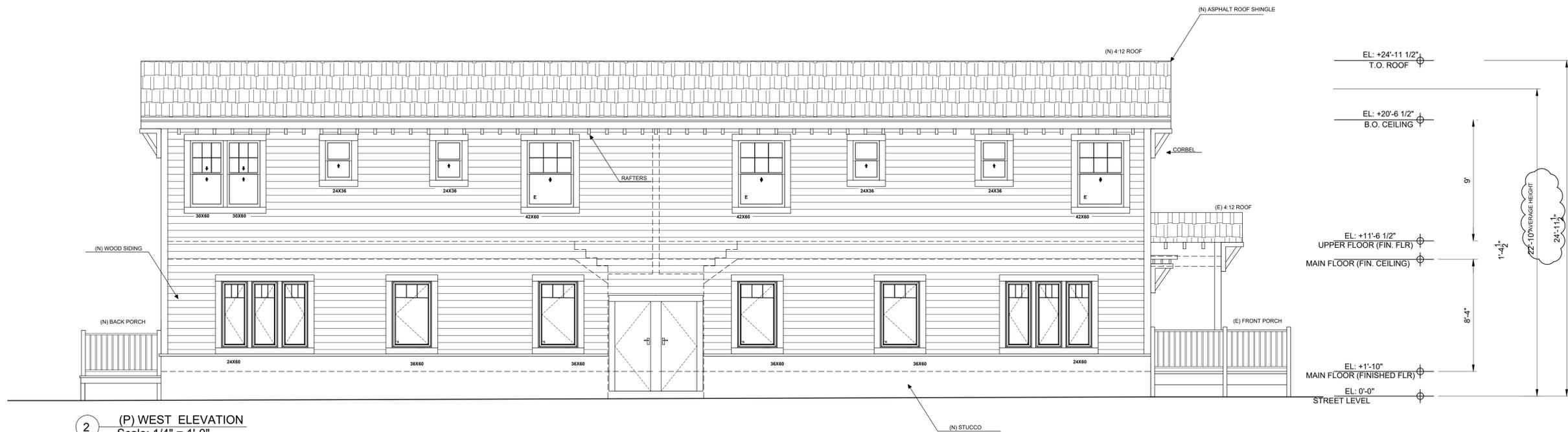
EXISTING AND PROPOSED ELEVATIONS	
Date:	06/01/22
Issue:	Zoning Permit Submittal
Drawn by:	Fabiana Isaac
Issue	Date
REV 1	09/08/22

Sheet  
**A 3.1**

These drawings are instruments of service and the property of Fabiana Isaac Design Studio. All designs and other information on the drawings are for use on the specific project and shall not be used otherwise without express written permission of Fabiana Isaac Design Studio.



1 (E) WEST ELEVATION  
Scale: 1/4" = 1'-0"



2 (P) WEST ELEVATION  
Scale: 1/4" = 1'-0"

**FABIANA ISAAC  
DESIGN STUDIO**  
606 Longridge Road  
Oakland, CA 94610  
415.680.0085  
contact@fabisaacdesignstudio.com

**Benjamin Bechtolsheim · Caroline Scanlan  
Ari Johnson · Jessica Beckerman**  
1341 Addison St, Berkeley CA, 94702

EXISTING AND PROPOSED ELEVATIONS	
Date:	06/01/22
Issue:	Zoning Permit Submittal
Drawn by:	Fabiana Isaac
Issue	Date
REV 1	09/08/22

Sheet  
**A 3.2**







**MEMORANDUM**  
Planning and Development Department

**DATE:** January 26, 2023  
**TO:** Cecelia Mariscal, Planner  
**FROM:** Darya Barar, Consulting Urban Forester  
**SUBJECT:** Peer review of updated Arborist Report and plans  
1341 Addison Street

I reviewed Caroline Scanlan's revised arborist report (November 11, 2022), and the Existing and revised Proposed Site/Roof Plans prepared by Fabiene Isaac Design Studio November 16, 2022. The report described three coast live oaks (*Quercus agrifolia*) on the property and one Chinese pistache (*Pistachia chinensis*) a street tree. Project plans propose an addition to the rear of the existing house. Existing on-site parking would be relocated farther east. The new parking and driveway arrangement would require removing the Chinese pistache #4. The edge of the new parking would be 8 ft. from the trunk of coast live oak #1 and 11 to 13 ft. from coast live oak #2. The oaks are 8 and 16 in. in diameter respectively.

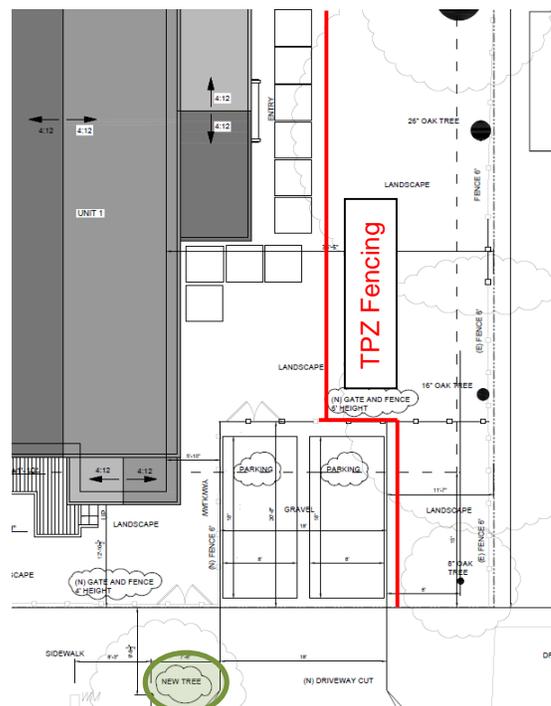
Removal of a public tree is regulated by City of Berkeley Municipal Code section 12.44.020 (cutting, trimming or removal).

**Comments**

Please submit an application for removal and send the application to [dbarar@bartlett.com](mailto:dbarar@bartlett.com). Approval for removal will be contingent on planting a replacement in the approved location (Figure 1).

Tree Protection Fencing to protect the Specified Tree Protection zone will be required. Place Tree Protection fencing at 6 ft. from the trunk of trees #1 and 2. Fencing for tree #3 should be placed as far from the trunk as possible (Figure 1).

I recommend monthly monitoring of trees during construction. Removal of roots larger than 2 inches should be avoided. If roots larger than 2 inches are identified in the excavation area, the project arborist should be contacted. Cut roots clearly with a sharp hand tool.







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

## 1341 Addison Street

**Use Permit #ZP2022-0089 to convert a single-family dwelling unit into a 3,500 square-foot, two-story duplex, 23 feet in average height, with a total of 6 bedrooms.**

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 February 9, 2023, **conducted via Zoom**, see the **Agenda for details at: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-02-09\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-02-09_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 Government Code Section 54953(e) and the state declared emergency, this meeting of the Zoning Adjustments Board (ZAB) will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.**

**A. Land Use Designations:**

- General Plan: Medium Density Residential
- Zoning: (R-2A) Restricted Multiple-Family District
- 

**B. Zoning Permits Required:**

- Use Permit to a construct a new dwelling unit, under Berkeley Municipal Code (BMC) Section 23.202.020
- Use Permit to add a sixth bedroom to the subject property, under BMC Section 23.202.030
- Administrative Use Permit for a major residential addition, under BMC Section 23.202.090
- Administrative Use Permit to add an uncovered, off-street parking space within a required front setback under BMC Section 23.322.080.
- Administrative Use Permit for a total of two parking spaces where up to a half space per unit is permitted under BMC 23.322.070.
- Administrative Use Permit for a new relocated window opening in the non-conforming front setback.

**C. CEQA Determination:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made my ZAB.

**D. Parties Involved:**

- Applicant Benjamin Bechtolsheim, Caroline, Scanlan, Ari Johnson, Jessica Beckerman, 1341 Addison Street, Berkeley
- Property Owner Benjamin Bechtolsheim, Caroline, Scanlan, Ari Johnson, Jessica Beckerman, 1341 Addison Street, Berkeley

**Further Information:**

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

Questions about the project should be directed to the project planner, (click and enter name), at (510) 981-7439 or [cmariscal@cityofberkeley.info](mailto:cmariscal@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://www.cityofberkeley.info/zoningadjustmentboard/>.

**Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board.** Note that if you submit a document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or

- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.



**Accessibility Information / ADA Disclaimer:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 Disclaimer:**

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

**Notice Concerning Your Legal Rights:**

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set

forth above.

C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

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.

---