



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
MARCH 9, 2023

2600 Benvenue Avenue

Use Permit #ZP2019-0211 to legalize an unpermitted addition and add two Accessory Dwelling Units (ADU's) (1,723 square feet) to a two story 4,906 square foot apartment building with eight dwelling units.

I. Background

A. Land Use Designations:

- General Plan: LMDR – Low-Medium Density Residential
- Zoning: R-2 – Restricted Two-Family Residential District

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) 23.324.050, to construct a residential addition to a non-conforming building which exceeds the allowed residential density; and
- Administrative Use Permit, pursuant to BMC 23.202.030 to construct a major residential addition; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D) to construct a major residential addition over 14 feet in average height; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D) to construct a major residential addition over 28 feet in average height

C. CEQA Recommendation: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 1500, et seq.) pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by the ZAB.

D. Parties Involved:

- Applicant: Ronald Giddings, 2501 Rosewalk, Berkeley
- Property Owner: Jack and Margaret Phillips, 2625 Alcatraz Ave #332, Berkeley

Figure 1: Aerial Photo/Zoning Map



| Zoning District | |
|-----------------|---|
| R-2: | Restricted Two-Family Residential District |
| R-2A: | Restricted Multiple-Family Residential District |
| R-3: | Multiple Family Residential District |
| C-T: | Telegraph Avenue Commercial District |
| C-C: | Corridor Commercial District |

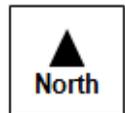


Figure 2: Site Plan

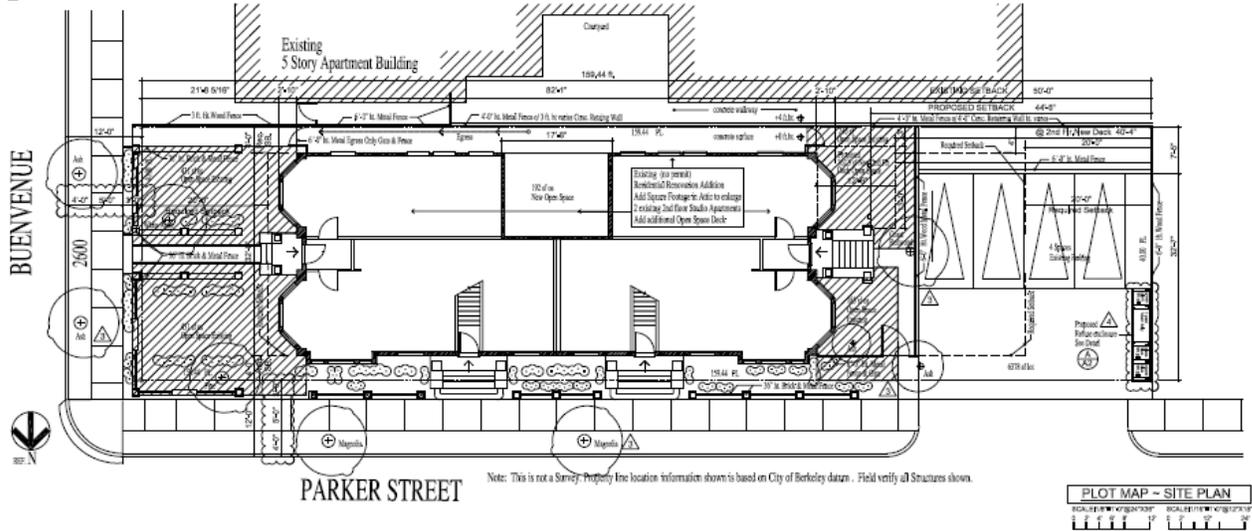


Figure 3: Attic/Third Floor Plan

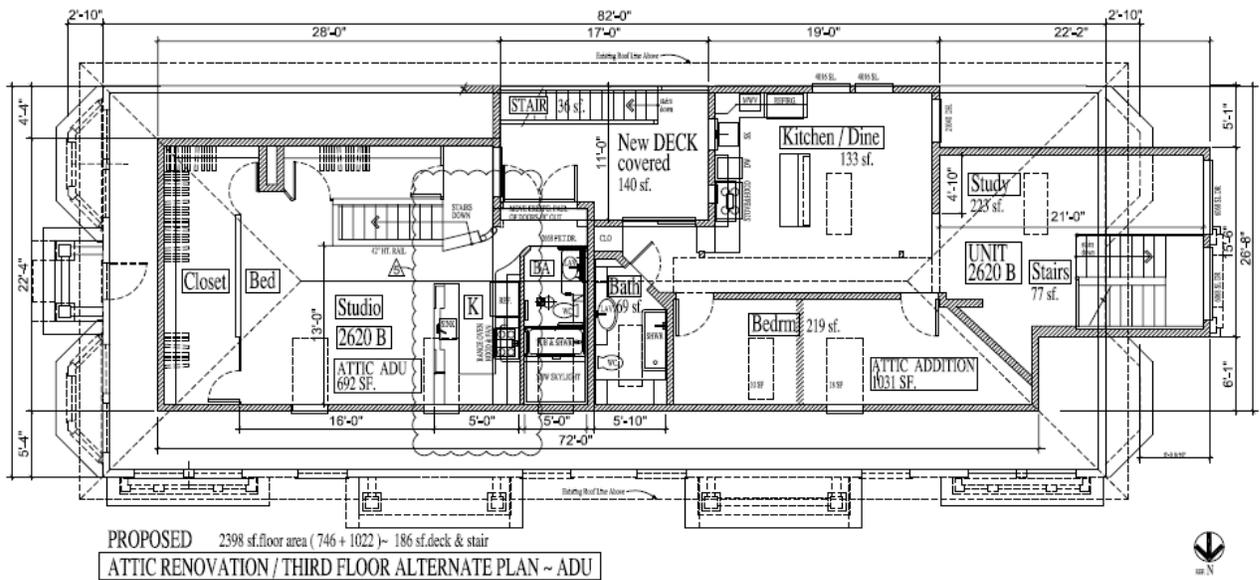


Table 1: Land Use Information

| Location | | Existing Use | Zoning District | General Plan Designation |
|------------------------|-------|---------------------------------------|-----------------|--------------------------------|
| Subject Property | | 8-unit residential building (2-story) | R-2 | Low-Medium Density Residential |
| Surrounding Properties | North | Fourplex (2-story) | | |
| | South | 19-unit apartment building (3-story) | | |
| | East | Single-family dwelling (2-story) | | |
| | West | Duplex (2-story) | | |

Table 2: Special Characteristics

| Characteristic | Applies to Project? | Explanation |
|--|---------------------|---|
| Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.) | No | These fees apply to projects with new non-residential floor area. The project involves only new residential floor area, and thus these requirements do not apply. |
| Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.) | | |
| Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065) | No | This fee applies to projects that involve five or more dwelling units on the same lot. The project involves an addition within a portion of the existing residential building on the parcel; therefore, this requirement does not apply. |
| Creeks (Per BMC Section 17.08.045) | No | No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site. |
| Density Bonus | No | The applicant has not applied for a State Density Bonus. |
| Historic Resources (Per Gov't Code §15064.5 or BMC Chapter 3.24) | No | The project does not propose the demolition or substantial alteration of a main building. |
| Housing Accountability Act (Per Gov't Code Section 65589.5(j)) | No | The project does not meet applicable objective general plan standards. As noted under Section II.B, the project site has non-conforming residential density, usable open space, and off-street parking standards. For this reason, the project does not meet applicable objective general plan standards and the Housing Accountability Act (HAA) does not apply. |
| Housing Crisis Act of 2019 (SB 330) | No | The project does not meet applicable objective general plan standards, and is not a density bonus project. Therefore, SB 330 does not apply. |
| Natural Gas Prohibition (Per BMC 12.80.020) | No | The project would not result in a newly constructed building. Therefore, the Natural Gas Prohibition Ordinance does not apply. |
| Coast Live Oak Trees (Per BMC Section 6.52.010) | No | There are no Coast Live Oak trees on the project site. |
| Rent Controlled Units (Per BMC Chapter 13.76) | Yes | The subject property contains eight dwelling units that are all currently registered as being rented or available for rent, and are therefore subject to BMC Chapter 13.76. The project must comply with Rent Stabilization Board (RSB) noticing and vacancy rules. |
| Residential Preferred Parking (RPP) (Per BMC Chapter 14.72) | Yes | The RPP applies to the project site and surrounding neighborhood; the site is located in Zone "B". |
| Seismic Hazards (Per State Hazards Mapping Act) | No | The project 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 site pursuant to Government Code Section 65962.5), and is not located within the City's Environmental Management Area. |

| | | |
|---------|-----|--|
| Transit | Yes | The site is three blocks east of Telegraph Avenue, which is served by AC Transit lines 6 and 800 (all-nighter) as well as bike share stations, and is located one block west of College Avenue, which is served by AC Transit lines 51B and 851. The site is one-half block east of the Bicycle Boulevard on Hillegass Avenue and fronts Benvenue Avenue, which is a designated Bikeway. |
|---------|-----|--|

Table 3: Project Chronology

| Date | Action |
|-------------------|--|
| December 12, 2019 | Application submitted |
| January 7, 2020 | Application deemed incomplete |
| August 6, 2020 | Revised application submitted |
| March 16, 2020 | Shelter in Place order issued, multiple ZAB hearings cancelled |
| August 17, 2020 | Application deemed incomplete |
| August 20, 2020 | Revised application submitted |
| August 28, 2020 | Application deemed incomplete |
| December 11, 2020 | Revised application submitted |
| January 8, 2021 | Application deemed incomplete |
| December 7, 2022 | Revised application submitted |
| January 5, 2023 | Application deemed complete |
| February 9, 2023 | Public hearing notices mailed/posted |
| March 9, 2023 | ZAB hearing |

Table 4: Development Standards

| Standard | | Existing | Proposed | Permitted/Required | |
|----------------------------|----------------------|----------|-----------|--------------------------------|-------------|
| BMC Sections 23.202.080.D | | | | | |
| Lot Area (sq. ft.) | | 6,380 | No change | 5,000 min. | |
| Building Footprint | | 2,542 | No change | N/A | |
| Gross Floor Area (sq. ft.) | | 4,906 | 6,674 | N/A | |
| Dwelling Units (Parcel) | | 8 | No change | 2 max. | |
| Bedrooms (Parcel) | | 8 | No change | 4 max. (5 w/AUP; 6 w/ UPPH) | |
| Building Height | Maximum | 34'-4" | No change | 35' | |
| | Average | 27'-5" | No change | 28' max. (35' max. w/AUP) | |
| | Stories | 2 | 3 | 3 | |
| Building Setbacks | Front (Benvenue Ave) | | 21'-8" | No Change | 20'-0" min. |
| | Rear | | 50' | 44'-6" | 20'-0" min. |
| | Left (interior) Side | First | 4'-0" | No change | 4'-0" min. |
| | | Second | 4'-0" | No change | 4'-0" min. |
| | | Third | n/a | 8' | 6'-0" min. |
| Right | First | 4'-0" | No change | 10 | |

| | | | | | |
|-----------------------------|----------------------|--------|-------|-----------|--------------------------|
| | (Parker Street) Side | Second | 4-0" | No change | 10 |
| | | Third | n/a | 10' | 10 |
| Lot Coverage (%) | | | 39.8 | No change | 40 max. (3-story) |
| Usable Open Space (sq. ft.) | | | 1,293 | 1,605 | 3,200 min. (400/unit) |
| Automobile Parking | | | 4 | No change | 8 min. |

II. Project Setting

- A. Neighborhood/Area Description:** The project site is located on the corner of Benvenue Avenue and Parker Street, fronting two blocks east of Telegraph Avenue and one block west of College Avenue within the Elmwood neighborhood. The area has land-use designation of low-medium density residential and is located within the R-2 zoning district, which is characterized by two- and three-story multi-family buildings (See Figure 1: Aerial Photo/Zoning Map and Table 1: Land Use Information). The subject property is in a transitional area within the Elmwood neighborhood where the land use pattern intensifies from medium-density residential farther to the north and east towards the University of California, Berkeley (UC Berkeley) campus; and smaller-scale multi-family buildings, as well as Willard Park and Middle School, to the south.
- B. Site Conditions:** The project site is a relatively flat rectangular 6,380-square-foot lot that measures approximately 159 feet in length and 40 feet in width. The site is developed with a two-story, eight-unit residential building with 4,906 square feet in gross floor area. The residential building was constructed in 1911, and additions to the building were constructed in 1916 and 1945. The first and second floors of the residential building are developed with two studio units and two one-bedroom units each for a total of eight dwelling units. The building also includes a basement and unpermitted finished attic space. The building has an average height of 27 feet and 5 inches and maximum height of 34 feet and 4 inches. The building is located on a corner lot and has a conforming 21 feet and 8 inches front yard setback where the minimum is 20 feet, a 50-foot rear yard setback where the minimum is 20 feet, a 4-foot left (interior) side setback where the minimum is 4 feet on the first and second floors, and a 4-foot right (Parker Street) side setback where the minimum is 1 foot and 3 inches. The lot has non-conforming residential density – eight dwellings, where two are allowed. The site also has non-conforming usable open space – 1,293 square feet where 3,200 square feet is the minimum, and non-conforming off-street parking. The site contains four off-street parking spaces at the rear of the property where eight is the minimum, which are accessible from a parking apron at Parker Street. The current parking layout was approved by the Planning Division in 1958 (UP #239). A trash enclosure is located near the parking pad along the rear property line. The building is accessible from each façade through an entry porch and stairs. There are various

wood and metal/brick fences along the perimeter of the property and building that range from three to six feet in height.

III. Project Description

The applicant proposes to construct a 1,768 square-foot, one-story addition by converting the existing unused attic to usable floor area, which would result in two new Accessory Dwelling Units (ADUs). A new addition on the west end of the building would provide a staircase that would allow access to the second and third floors. Additional usable open space would be provided by adding a 140 square-foot covered deck at the south façade of the building, with an egress staircase to grade and exit to Benvenue Avenue. The non-conforming parking layout would remain the same.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City on December 18, 2019, a pre-application poster was installed by the applicant at the project site and the project plans were reviewed by all abutting and confronting neighbors (See Attachment 3: Neighbor Notification).

On February 9, 2023, the City mailed 503 public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices at three locations within the neighborhood. As of the date of this report, no public comments have been received.

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 subject to design review, commercial or manufacturing district, and does not involve the demolition of a non-residential building, respectively.

V. Issues and Analysis

A. Additional Dwelling Units (Not subject to ZAB Approval): This project originated due to unpermitted construction that resulted in finishing previously unpermitted space in the attic to vertically expand the existing second floor dwelling units. As the project evolved it was decided that the second-floor dwelling units would remain in their previous condition. The attic space would be turned into two ADU's. The conversion of the attic from unfinished to finished space constitutes a Residential Addition, per the definition provided in BMC 23.502.020(A)(8).

A Use Permit is required to approve a residential addition to a property with an addition to and/or enlargement of a lawful non-conforming structure or building that exceeds the maximum allowed lot coverage, floor area ratio, or residential density, per BMC 23.324.050(D)(3)(a). With respect to the project, a Use Permit is required because the project site contains a legal non-conforming building with eight dwelling units in a district that allows for a maximum of two dwelling units.

Per BMC Section 23.306.010, the purpose of ADU's is to:

- A. Implement California Government Code Section 65852.2 and 65852.22, which allow a local government agency to "provide for the creation of accessory dwelling units and junior accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use".
- B. Increase overall supply and range of housing options in Berkeley.
- C. Expedite small-scale infill development.
- D. Support Housing Element goals of facilitating construction of accessory dwelling units and increasing the number of housing units that are more affordable to Berkeley residents.
- E. Encourage development of accessory dwelling units in zoning districts with compatible land uses and infrastructure.
- F. Reduce potential impacts of new development in Very-High Fire Hazard Severity Zones and Wildland-Urban Interface Fire Areas, and the Hillside Overlay District.

Staff Analysis: Per BMC 23.306.030, ADU's are allowed by right and are not subject to ZAB approval. Information on the ADU's is, therefore, given here strictly to provide context for the residential addition. The addition of two new ADU's would be in keeping with the purposes of BMC 23.306 as listed above. It is consistent with California Government Code, increases much need housing supply in Berkeley, expedites infill development, it is compatible with the existing land uses and infrastructure, and it is not in any of the Fire Districts or the Hillside Overlay District.

As described above, the subject parcel contains eight dwelling units in a residential district that is zoned for single-family and two-family use, making it a legal non-conforming structure. The proposed additions would increase the amount of usable open space on the parcel to 1,605 square feet, which exceeds the minimum requirement of 1,600 square feet. Except for the non-conforming front, left side and rear yards, which would not be reduced, the additions would meet or exceed all minimum setbacks. Impacts to light and air are discussed in Section V.B below. Because the addition would provide space for more housing (in the form of two ADU's) staff believes the addition would support the residential use currently on the parcel, consistent with the purposes of the R-2 District (per BMC 23.202.080).

B. Nonconforming Coverage, FAR, and Density: Pursuant to BMC Section 23.324.050(D)(3), a Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, floor area ratio, or residential density. The ZAB may approve the Use Permit only if the project does not:

1. Increase or exacerbate the nonconformity; or
2. Exceed the maximum or calculated height limits.

The existing front of the building is located within the minimum setback at the front property line and is therefore non-conforming to the standards of the R-2 District. The existing rear of the building is also located within the minimum setback, and is therefore non-conforming to the standards of the R-2 District. The proposed addition and renovations would reduce

the west setback to 40'4" in an area with a required 20' setback. Therefore, none of the additions would exacerbate the existing nonconformities.

C. Findings for Use Permits and Administrative Use Permits: Pursuant to BMC 23.406.040(E), the ZAB may approve an application for a Use Permit for the proposed project if the non-detriment finding can be made. Staff believes that this finding can be made. A discussion of the project's impact on sunlight/shadows, air, privacy, and views as they relate to potential detriment follows:

- a. Sunlight/Shadow:** Shadow studies submitted by the applicant document the addition of the enclosed staircase on the west end of the building, including the projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. The studies show that the addition would result in new shadows during morning hours on the winter solstice and during morning and evening hours on the summer solstice, as described below:
 - i. During morning hours on the winter solstice, new shadows would be cast on the eastern edge of the residential building across the street at 2611 Parker Street. However, this end of the building is already shaded due shadows cast by the building next door to the east and adjacent vegetation.
 - ii. During morning hours on the summer solstice, new shadows would be cast on the adjacent residence to the west at 2612 Parker Street. However, this end of the building is already mostly shaded due to shadows cast by adjacent vegetation.
 - iii. During evening hours on the summer solstice, new shadows would be cast on the adjacent apartment building to the south at 2606 Benvenue Avenue by fully shading some north-facing windows during a few hours of the day. However, this area the building is currently shaded by shadows cast from a tall tree located adjacent to the stairwell.

Staff Analysis: No significant new shadows from the addition are apparent during any other times depicted in the studies. New shadow impacts would therefore be relatively modest in duration during the winter, occurring during the morning hours, and in the summer during the morning and evening hours, limited to certain elevations of adjacent residential buildings. Though the proposed addition would increase shading on the adjacent properties, the addition meets the minimum side and rear yard setbacks in the R-2 district and no shadow-sensitive use would be completely shaded for the majority of any day. Thus, the shading from the proposed addition is considered typical of urban settings and would not be substantial or detrimental.

- b. Air:** The addition is outside of setbacks and would not have a detrimental effect on availability of air or air circulation.
- c. Privacy:** Due to already-existing windows on the south side of the subject building, the new deck would not add any additional privacy issues. No significant impact to privacy is anticipated from the proposed additions on the parcel.

- d. Views:** Because of the relatively flat topography and the existing one-, two-, and three-story buildings in the vicinity, the project site does not offer significant views of features such as Berkeley Hills or the San Francisco Bay. Therefore, staff believes that this project would not be substantially detrimental with respect to views.

D. General Non-Detriment Finding: The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and storm water requirements, thereby ensuring the project would 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 (BMC Section 23.406.040(E)).

VI. Other Considerations (Zoning and Land Use 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.

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

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

Staff Analysis: The addition is permissible because it is mostly within the existing walls of the structure and the external additions do not substantially alter the existing character of the building; the addition would not reduce the existing non-conforming front yard setback of the building, nor the non-conforming rear or east side yard setbacks, and would meet all other minimum yard setbacks. Furthermore, the project would complement the existing building, as the proposed materials would match or be similar to the existing finishes, and would be consistent with the character of the neighborhood.

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

Staff Analysis: As discussed in section V.C(a) above, the proposed addition would result in only minimal new shadows for brief periods of time on neighboring properties. It would, therefore, not be detrimental to adjacent dwellings.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2019-0211 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 December 7, 2022
3. Neighbor Notification
4. Notice of Public Hearing

Staff Planner: Russell Roe, rroe@cityofberkeley.info, (510) 981-7548

ATTACHMENT 1

FINDINGS AND CONDITIONS

MARCH 9, 2023

2600 Benvenue Avenue

Use Permit #ZP2019-0211 to legalize an unpermitted addition and add two Accessory Dwelling Units (ADU's) (1,723 square feet) to a two story 4,906 square foot apartment building with eight dwelling units.

PERMITS REQUIRED

- Use Permit, pursuant Berkeley Municipal Code (BMC) 23.324.050, to construct a residential addition to a non-conforming building which exceeds the allowed residential density; and
- Administrative Use Permit, pursuant to BMC 23.202.030 to construct a major residential addition; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D) to construct a major residential addition over 14 feet in average height; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D) to construct a major residential addition over 28 feet in average height

I. CEQA FINDINGS

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

II. FINDINGS FOR APPROVAL

1. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. Due to existing buildings and vegetation on nearby properties, and only minor exterior changes to the structure, new shadow, light, and air effects will be minimal;
 - B. Due to already-existing windows on the south side of the subject building, the new deck would not add any additional privacy issues. No significant impact to privacy is anticipated from the proposed additions on the parcel; and
 - C. There are no significant views in the project vicinity. Therefore, the project would not be substantially detrimental with respect to views.

2. As required by Section 23.324.050(D)(3) of the BMC, the Zoning Adjustments Board finds that the project does not:
 - A. Increase or exacerbate the existing nonconformities related to lot coverage, floor area ratios, or residential density, because the proposed additions do not increase the nonconformities in the setbacks, and they will increase the available usable open space; and
 - B. Exceed the maximum or calculated height limits (the proposed project will not affect the existing height limits).

 3. As required by Section 23.202.030(A)(2) of the BMC, the Zoning Adjustments Board finds that the proposed residential addition does not unreasonably obstruct light, air, or views because no significant views exist in the vicinity of the proposed project, and because the project will only create minimal new shadow effects.
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III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

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

2. Compliance Required (BMC Section 23.102.050)

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

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

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

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

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

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

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

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

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

7. Permit Modifications (BMC Section 23.404.070)

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

8. Permit Revocation (BMC Section 23.404.080)

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

9. Indemnification Agreement

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

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

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

11. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.

12. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: 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

13. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
14. 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.
15. 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).
16. 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.

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

During Construction:

18. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
19. 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 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.
20. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
21. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.

- 22. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

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

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

- 23. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 25. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

27. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).

- A. *Qualified Paleontologist.* The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- B. *Paleontological Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.
- C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
- D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the

fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.

- 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

28. 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.

29. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
 - A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to

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

- C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 30. 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.
- 31. 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.

32. 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.
33. 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.
34. 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.
35. 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:

36. 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.
37. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 7, 2022, except as modified by conditions of approval.
38. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.

At All Times:

39. 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.
40. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
41. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
42. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.

- 43. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
- 44. Periodic Review and Reporting.** The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
- 45.** This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
- 46.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- 47.** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
-

Building Arts
Ronald A. Giddings
Architect
2501 Rosewalk
Berkeley, California 94708
415-756-1017
ronogiddings@yahoo.com



| NEIGHBOR SIGNATURES | | | |
|---------------------|-----------|---------|----------|
| NAME PRINTED | SIGNATURE | ADDRESS | COMMENTS |
| | | | |
| | | | |
| | | | |
| | | | |

NEIGHBOR NOTIFICATION
NO SCALE

2600 Benvenue Attic Renovation Floor Areas

| | |
|---|----------------------|
| 1768 sf. floor area ~ Attic | New Exist. (no perm) |
| 2398 sf. floor area ~ 2nd | Exist. |
| 2508 sf. floor area ~ Lower | Exist. |
| * 4906 sf. floor area Existing Building Total | |
| * 6674 sf. floor area | |
| * New Building Total | |
| * New Attic Renovation / 3rd flr. | |
| 1768 sf. floor area ~ (746 + 1022) | |
| 186 sf. deck & stair | |
| * Existing Second Floor | |
| 2398 sf. floor area | |
| 226 sf. deck & stair | |
| * Existing Lower Floor | |
| 2508 sf. floor area | |
| 226 sf. deck & stair | |

Applicant Statement @ 2600 Benvenue Attic Renovation

Owner: Phillips Jack L. & Margaret C. Somers LLC
2625 Alcatraz Av. #332 Berkeley Ca 94705

Applicant: Ronald A. Giddings
2501 Rose Walk Berkeley CA, 94708
BL-005360

This Permit Application seeks to Legalize the Unpermitted As-Built Construction. Residential Attic Renovation Addition @ Existing 8 Unit Apartment Building. Add Square Footage in Attic to enlarge 2 existing 2nd floor Studio Apartments, adding one bedroom to each. Create 2 new interior Stairs up to attic renovation additions. Add new 3rd floor / attic level Exterior Deck and Stair down to connect with existing exterior deck & stair at 2nd flr level.

New proposed: Add Open Space Deck at 2nd flr.
New proposed: Trash Enclosure at ground floor parking.

ATTIC RENOVATION
UNIT A : 746 SF.
UNIT B : 1022 SF.
NEW DEVELOPED SF: TOTAL: 1768 SF.

Applicant Statement @ 2600 Benvenue Attic Renovation

AREAS - Main Building Existing
2542 sf. Main Bldg. Footprint (e) (8 units)

MAIN BUILDING AREA lot coverage footprint
2542 sf Floor Plan / Lot Coverage
40.00 ft x 159.44 ft = 6377.60 sf. lot
6380 sf lot

LOT COVERAGE
159.44' x 40.0' = 6380.00 sf lot size
2542 sf prop FOOTPRINT / 6380 sf lot = 39.8% Coverage
39.8% lot Coverage OK Less than 40%
Existing Lot Coverage no change

Lot Coverage Calculation

Applicant Statement @ 2600 Benvenue Attic Renovation

Existing Unit enlargement Addition
Total Existing 8 Apartment Units / no change
City of Berkeley Planning Zoning-Useable Open Space.
200 sf per unit; 8 units x 200sf = 1600 sf. min
Minimum 10'-0" W & L except Balconies minimum 6'-0".
No more than 50 % of required sf by balcony.
Except balconies 75% open to the sky.
Min. 40 % Landscaped Usable Space. 655/ 1179 = 55%
Ground Floor Level Open Space

At rear PL: 185 SF (Landscaped)
At rear PL: 246 SF (Landscaped)
At Front PL: 431 SF (landscaped)
At Front PL: 431 SF (Landscaped)

Sub Total Existing 1293 SF (Landscaped)

Upper Floor Level Open Space New
Existing Upper Unit Balcony: 150 SF new
Existing Upper Unit Balcony: 162 SF new
Sub Total: 312 SF new
Proposed Open Space Total: 1605 SF

City of Berkeley Planning Zoning
Open Space Calculation

INDEX to DRAWINGS

Sht # Contents

| | |
|-------|--|
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| A2 | Site Plan |
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| A3.3 | Existing Second Floor Plan |
| A3.4 | Existing Unpermitted Attic Plan |
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| A3.5 | Proposed Roof Plan |
| A4 | Exterior Elevations |
| A5 | Photo Study |
| A6 | Shadow Study |
| A6.1 | Shadow Study |
| A7.2 | PreDD Original Record Document |

EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents
Index to Drawings
SITE PLAN
Vicinity Map
Notes

New
Refuse Enclosure Only.
NO OTHER WORK
PROPOSED @ Site Plan

Date: 13 Aug. 2019

Job: #2019.2

Drawn: RON

Revisions:

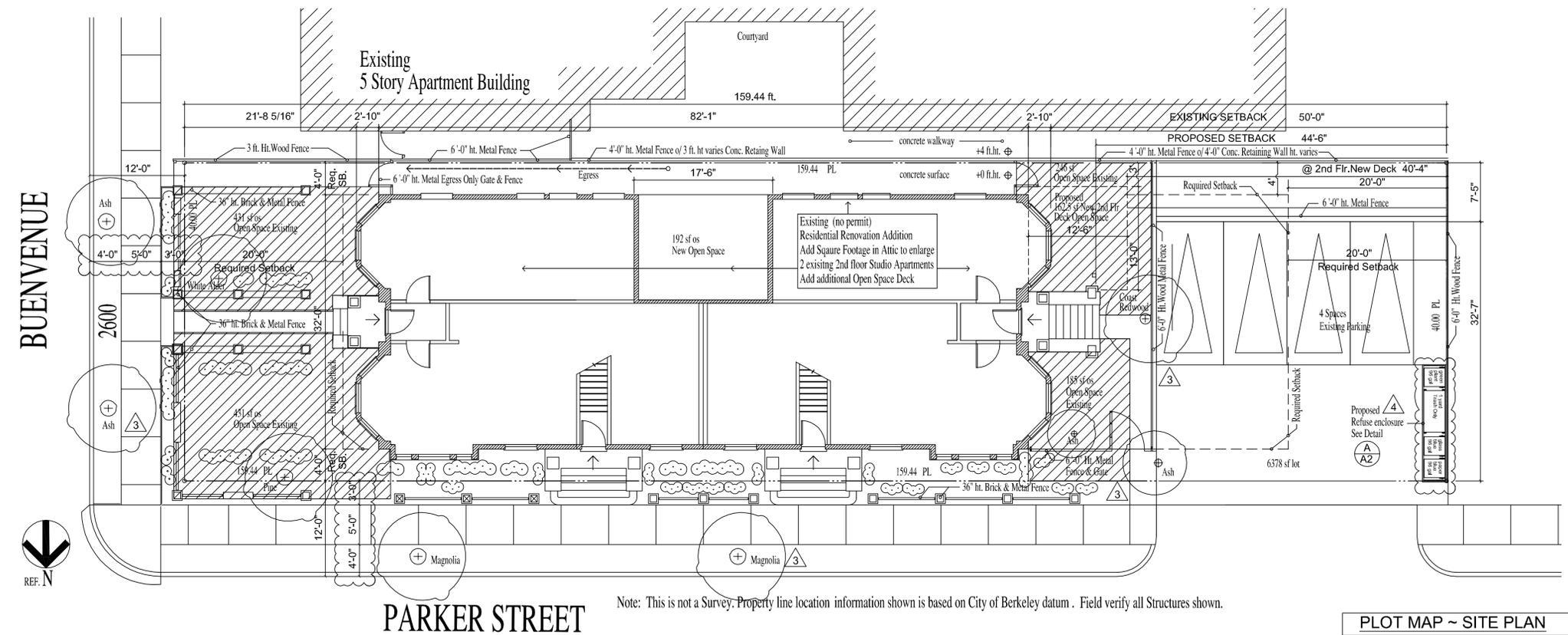
- Plang Dept.DD1.1D19
- Seismic BP CDI. 30A20
- Plang Dept.DD1.30I20
- Plang Dept.DD1.10Au20
- Plang Dept.DD1.28Au20
- Indicates New Work
- Plang Dept.DD.28Oc20
- Planning Permit. 4N221

Scale: 1/8"=1'-0" @ 24"X36"

1/16"=1'-0" @ 12"X18"

Sheet Number: A1

LOF: 12



PLOT MAP ~ SITE PLAN
SCALE: 1/8"=1'-0" @ 24"X36" SCALE: 1/16"=1'-0" @ 12"X18"

Note: This is not a Survey. Property line location information shown is based on City of Berkeley datum. Field verify all Structures shown.

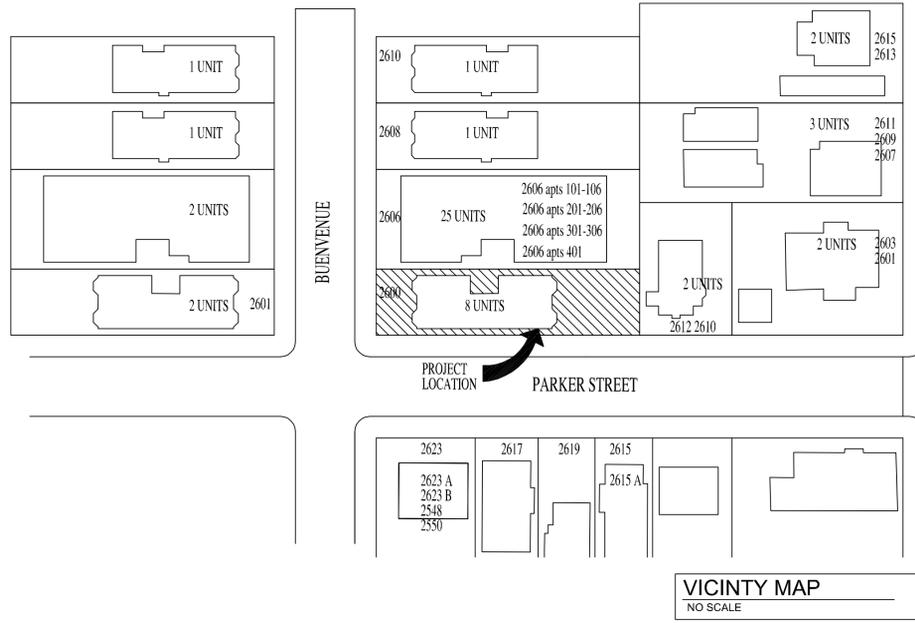
RE: # ZP2019-0000 at 2600 Benvenue
Subject: Project Data Requirement

| Standard BMC Sections 23D.36.070-080 | Existing | Proposed | Permitted / Required |
|--------------------------------------|---------------------------------|----------|-------------------------------|
| Lot Area (sq. ft.) | 6380 | 6380 | 5,000 min. |
| Gross Floor Area (sq.ft.) | 4906 | 6674 | Not Regulated |
| Dwelling Units | 8 | 8 | 2 |
| Total bedrooms on parcel | 8 | 8 | 6+ |
| Main Building Height | Average (ft.) 27'-5" | 27'-5" | 28' |
| | Maximum (ft.) 34'-4" | 34'-4" | 28 average / 35 max. |
| | Stories 2 | 3 | 3 |
| Main Building Set Backs (ft.) | Front East / on Benvenue 21'-8" | 21'-8" | 20 min. |
| | Rear West 50' | 44'-6" | 20 min. |
| | Left Side South 1-2 stories 4' | 4' | 10' |
| | -3rd story - | 8' & 4' | 6' |
| | Right Side North 1-2 stories 4' | 4' | 4 min. |
| | 3rd story - | 10' | 10' |
| Building Footprint Lot Coverage (%) | 39.8 | 39.8 | 40 max. |
| Useable Open Space (sq. ft.) ** | 1293 | 1605 | 1,000, or 200 SF. / unit min. |
| Parking | 4 | 4 | 1 / unit min. |

PROJECT DATA
NO SCALE

INDICATES: THIS DWG. CONTAINS PROPOSED NEW WORK, AS NOTED, SEE SHEET A7.2 ORIGINAL RECORD DOCUMENT FOR MORE INFORMATION

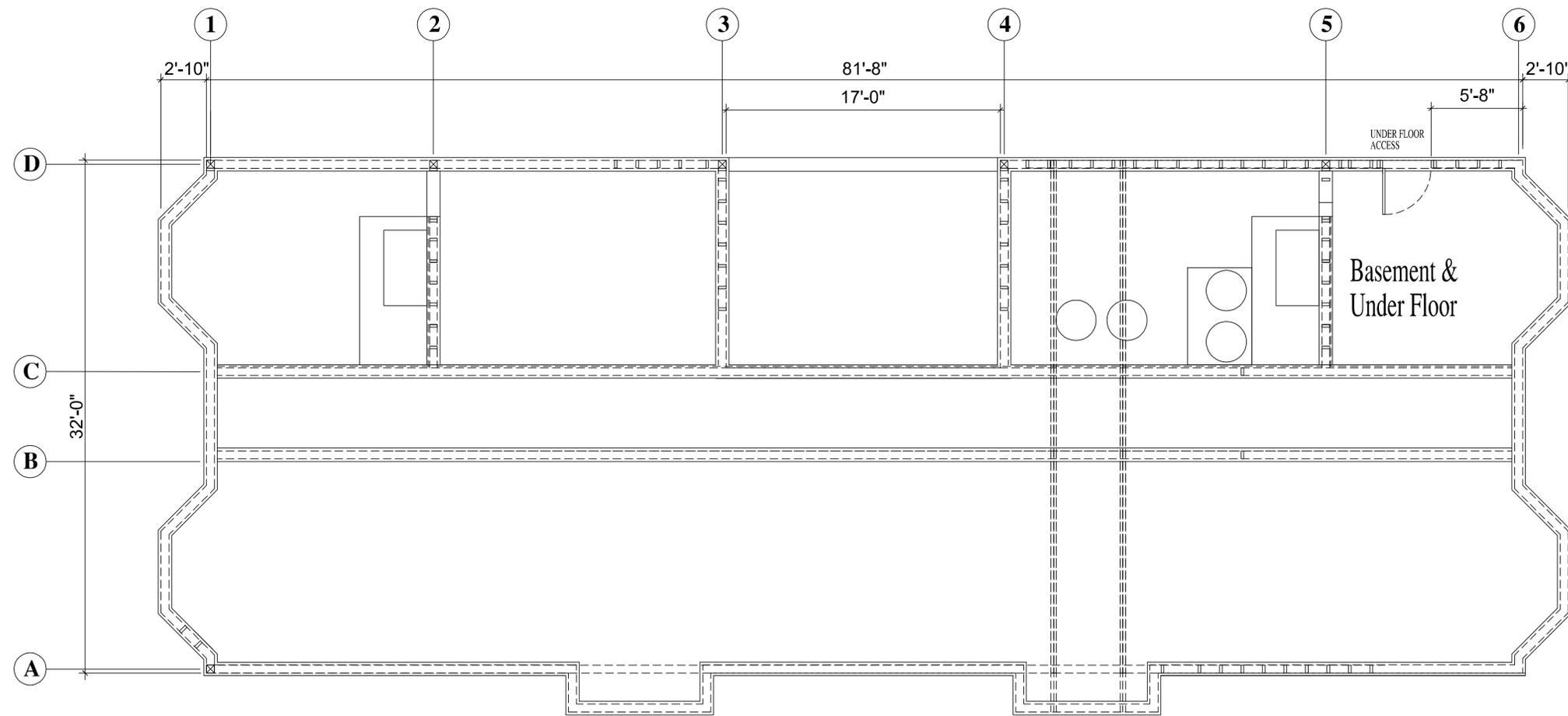
SHEET KEY



VICINITY MAP
NO SCALE

Sheet Size: 11" x 17" (24 inches x 36 inches). All dimensions are in feet and inches. The number of inches shown in the graphic scale is for all measurements.

Building Arts
 Ronald A. Giddings
 Architect
 2501 Rosewalk
 Berkeley, California 94708
 415-756-1017
 ronogiddings@yahoo.com



EXISTING
 BASEMENT FOUNDATION FLOOR PLAN

EXISTING 8 Unit Apts.
 ATTIC RENOVATION
 ADDITION
 2600 Benvenue Avenue
 Berkeley California 94708

As Built Drawings &
 2 New ADU Unit Conversion

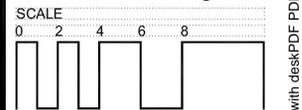
Sheet Contents
 Project Description

Existing Record Document
 Basement Floor Plan
 Foundation Floor Plan

NO WORK PROPOSED
 THIS SHEET
 PLAN'G. SUBMITTAL

| | |
|-----------|---|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.DD :1D19 ▲ Seismic BP CD: 30A20 ▲ Plang Dept.DD: 30J20 ▲ Plang Dept.DD :10Au20 ▲ Plang Dept.DD :28Au20 ▲ Plang Dept.DD :28Oc20 ▲ indicates New Work ▲ Planning Permit :4N22 |

Scale 1/8" @ 12" X 18"



Sheet Number SHT

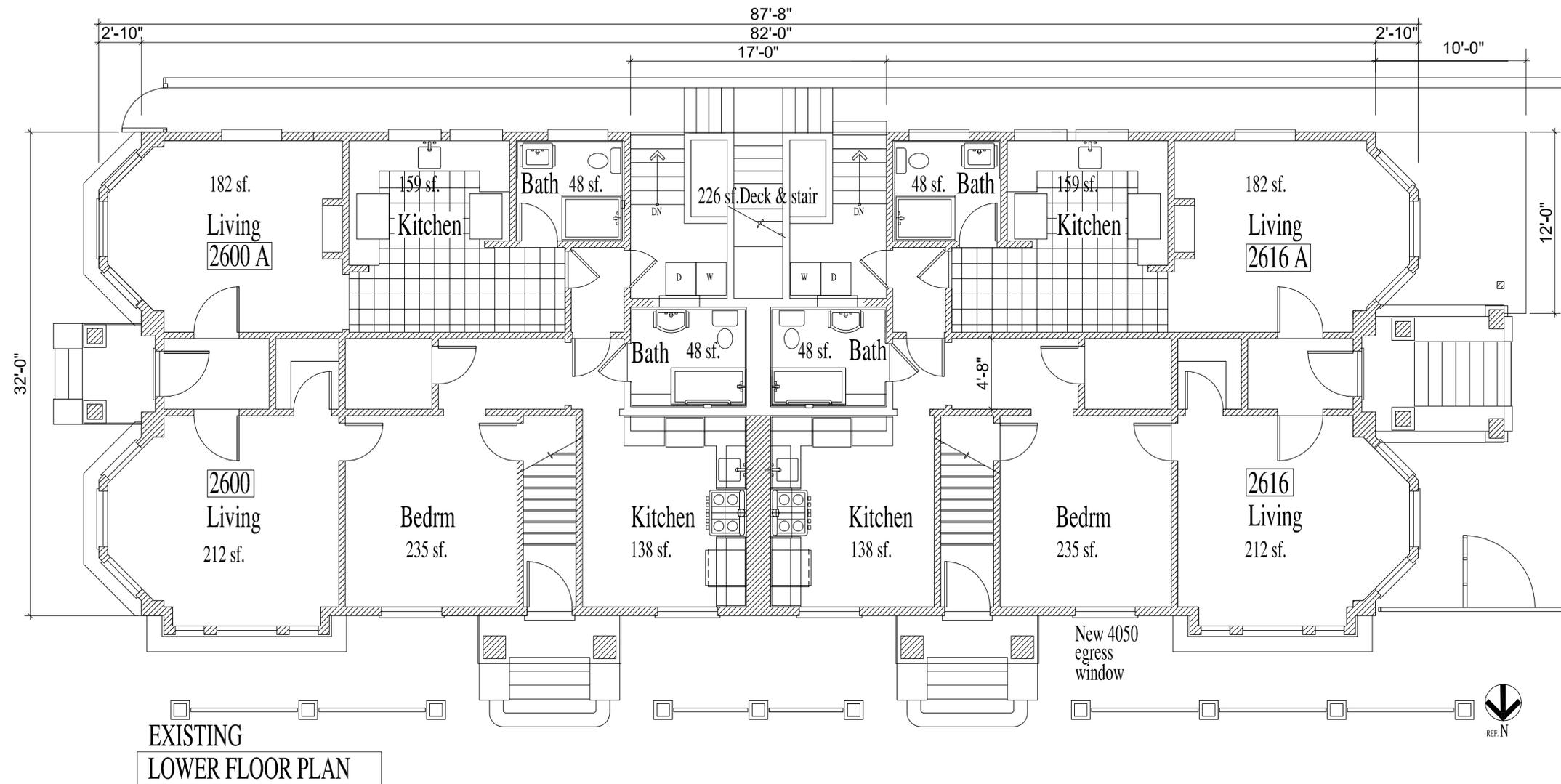


A3.1

OF
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EXISTING 8 Unit Apts.
 ATTIC RENOVATION
 ADDITION
 2600 Benvenue Avenue
 Berkeley California 94708

As Built Drawings &
 2 New ADU Unit Conversion

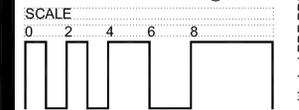
Sheet Contents
 Project Description

Existing Record Document
 Lower Floor Plan

NO WORK PROPOSED
 Lower Floor
 PLAN'G.SUBMITTAL

| | |
|-----------|---|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.LD: 1D19 ▲ Seismic BP CD: 30A20 ▲ Plang Dept.LD: 30j20 ▲ Plang Dept.LD: 10Au20 ▲ Plang Dept.LD: 28Au20 ▲ Plang Dept.LD: 28Oc20 ▲ indicates New Work ▲ Planning Permit: 4N22 |

Scale 1/8" @ 12' X 18"



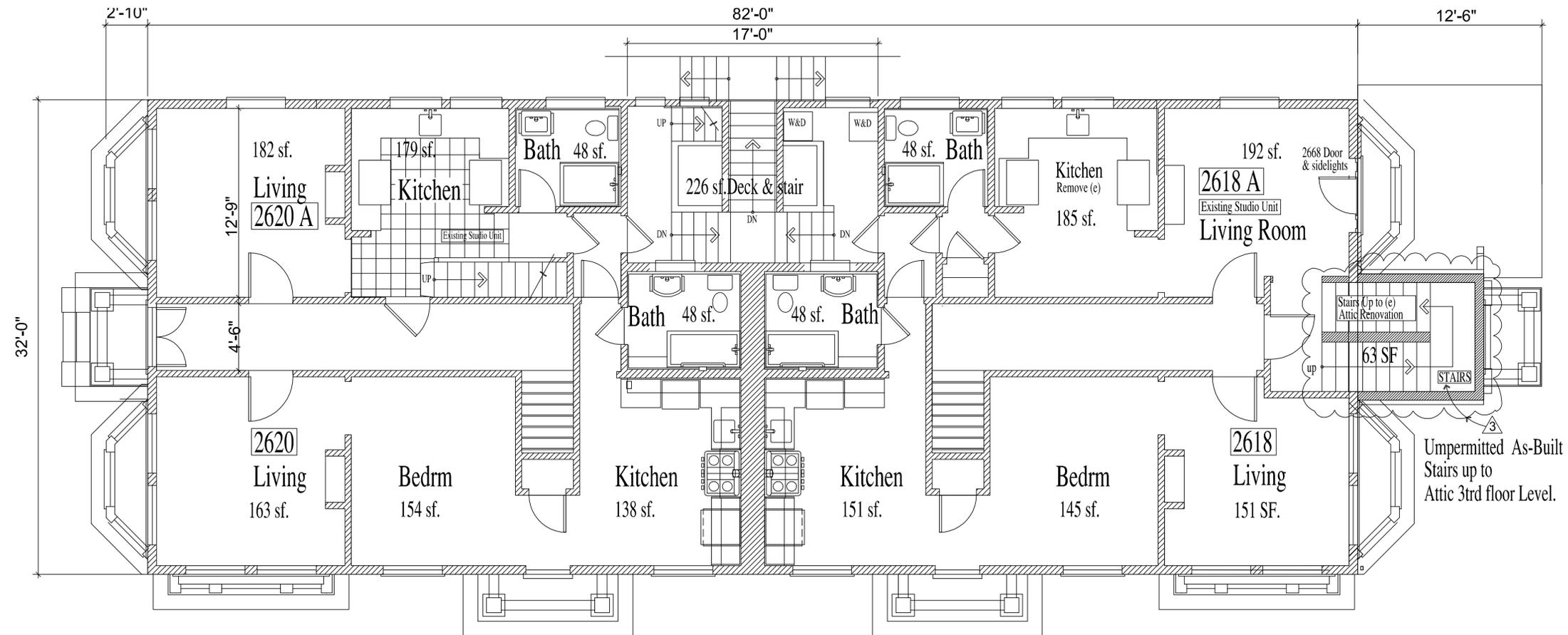
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OF

Sheet Size Note:
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**EXISTING
SECOND FLOOR PLAN**

FOR PRE UNPERMITTED CONSTRUCTION PLANS
SEE SHEET A7.2 FOR MORE INFORMATION.



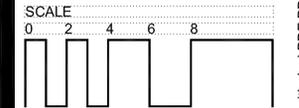
**EXISTING BUILDING &
NON PERMITTED WORK**
EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents
Project Description
Unpermitted Construction
As-Built
Existing 2nd Floor Plan
w/ unpermitted Stairs

| | |
|-----------|---|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.LD: 1D19 ▲ Seismic BP CD: 30A20 ▲ Plang Dept.LD: 30j20 ▲ Plang Dept.LD: 10Au20 ▲ Plang Dept.LD: 28Au20 ▲ Plang Dept.LD: 28Oc20 ▲ indicates New Work ▲ Planning Permit: 4N22 |

Scale 1/8" @ 12" X 18"



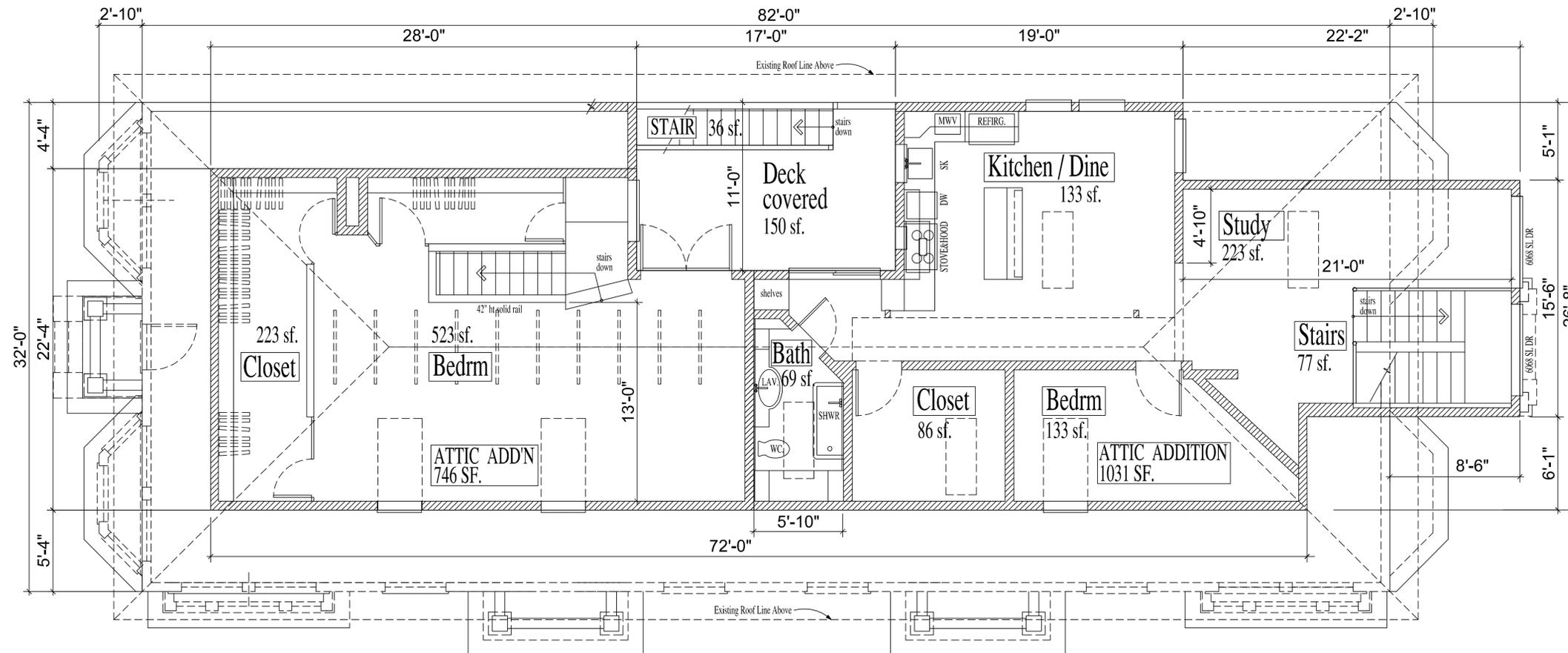
Sheet Number SHT

INDICATES: THIS DWG. CONTAINS
EXISTING UNPERMITTED WORK,
AS NOTED,
SEE SHEET A7.2 ORIGINAL RECORD
DOCUMENT FOR MORE INFORMATION

SHEET KEY

A3.3 OF 12

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EXISTING
ATTIC RENOVATION / THIRD FLOOR PLAN

FOR PRE UNPERMITTED CONSTRUCTION PLANS
SEE SHEET A7.2 FOR MORE INFORMATION.

Project Description:
Residential Attic Renovation Addition @
Existing 8 Unit Apartment Building
Add Square Footage in Attic to enlarge
adding one bedroom at each of
2 existing 2nd floor Studio Apartments.
Add additional Open Space Deck at
at 2nd floor and Create 2 unit interior
Stairs up to attic renovation additions.

ATTIC RENOVATION
UNIT A : 746 SF.
UNIT B: 1022 SF.
NEW DEVELOPED SF.TOTAL: 1768 SF.



EXISTING ATTIC
UNPERMITTED WORK
EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

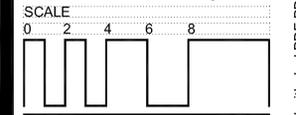
As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents
Project Description

Existing
Attic Renovation
3rd Floor Plan

| | |
|-----------|---|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept. DD 1D19 ▲ Seismic BP CD 30A20 ▲ Plang Dept. DD 30J20 ▲ Plang Dept. DD 10Au20 ▲ Plang Dept. DD 28Au20 ▲ Indicates New Work ▲ Plang Dept. DD 28Oc20 ▲ Planning Permit 4N22 |

Scale 1/8" @ 12" X 18"



Sheet Number SHT

A3.4 OF

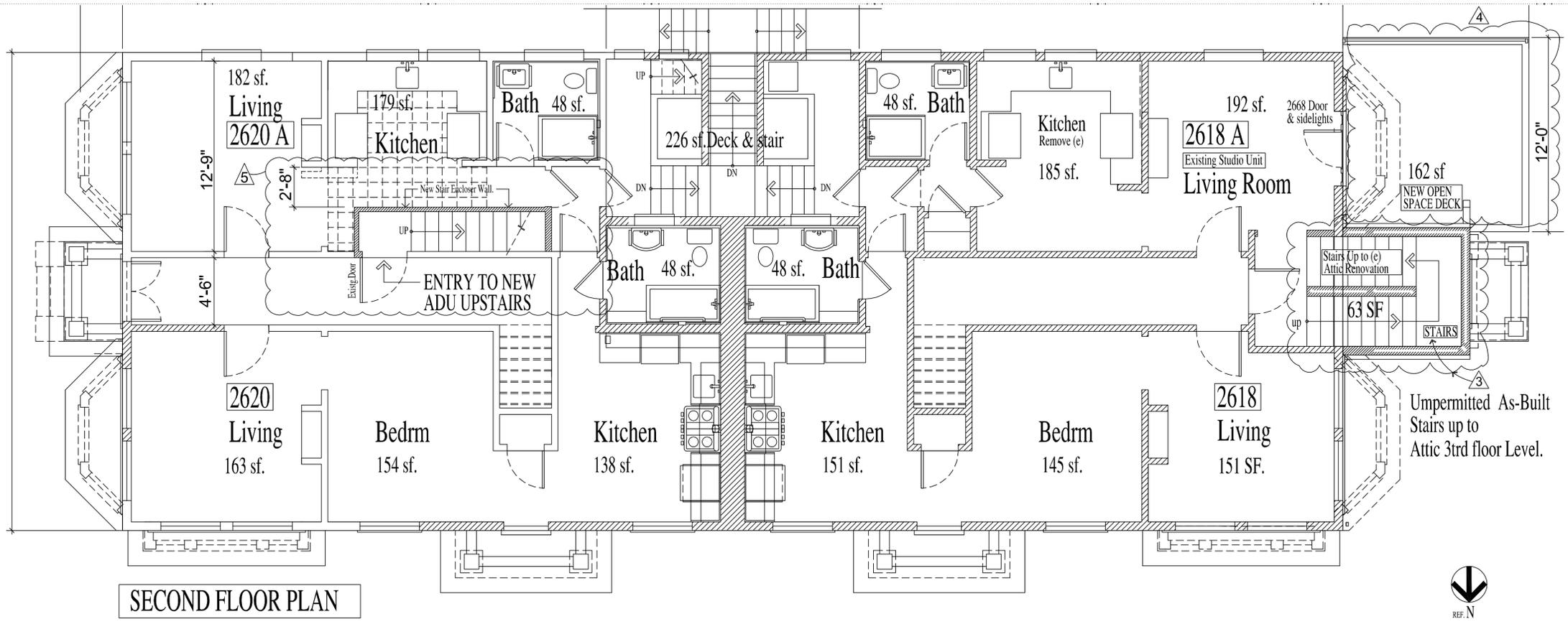
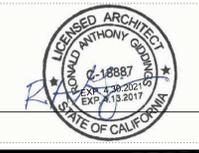
INDICATES: THIS DWG. CONTAINS
EXISTING UNPERMITTED WORK,
AS NOTED,
SEE SHEET A7.2 ORIGINAL RECORD
DOCUMENT FOR MORE INFORMATION

SHEET KEY

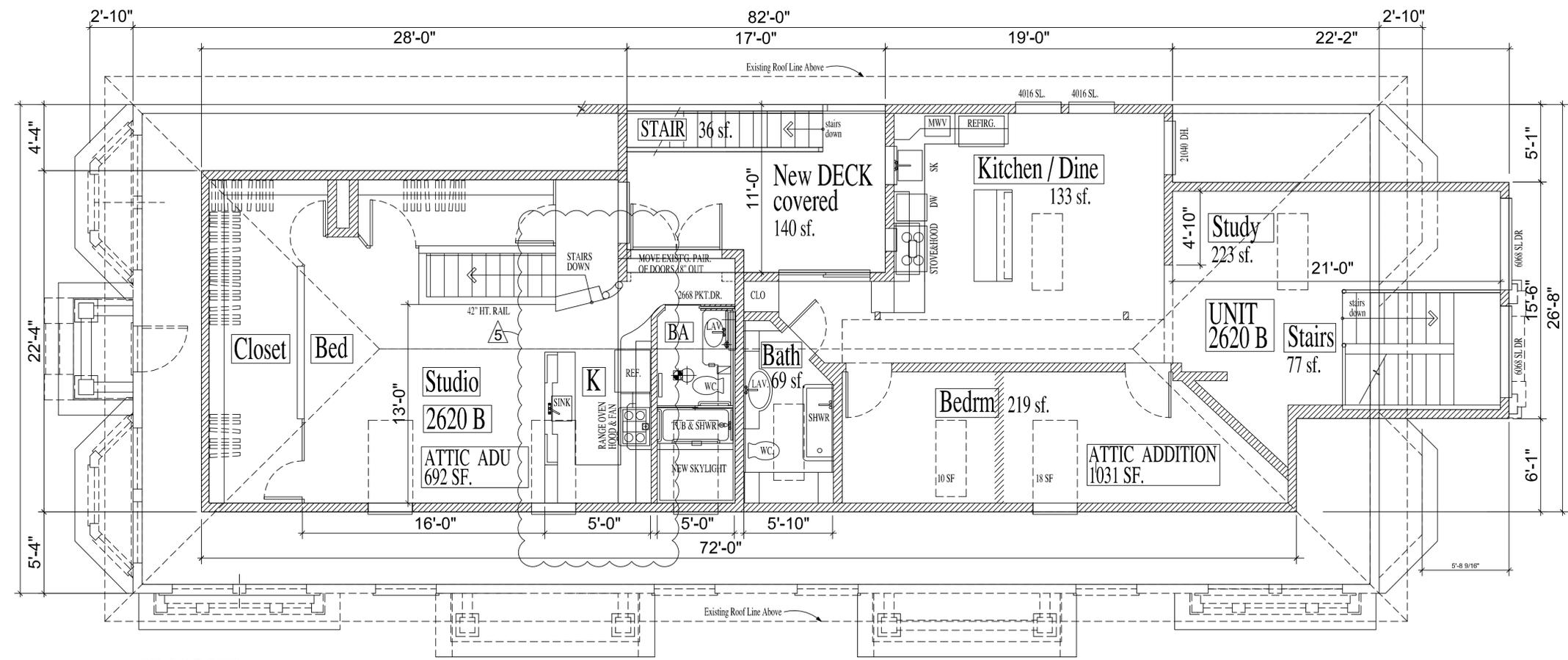
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SECOND FLOOR PLAN



PROPOSED 2398 sf.floor area (746 + 1022) ~ 186 sf.deck & stair
ATTIC RENOVATION / THIRD FLOOR ALTERNATE PLAN ~ ADU



INDICATES: THIS DWG. CONTAINS PROPOSED NEW WORK, AS NOTED, SEE SHEET A7.2 ORIGINAL RECORD DOCUMENT FOR MORE INFORMATION

SHEET KEY

Project Description:
Residential Attic Renovation Addition @ Existing 8 Unit Apartment Building
Add Square Footage in Attic to enlarge adding one bedroom at each of 2 existing 2nd floor Studio Apartments. Add additional Open Space Deck at 2nd floor and Create 2 unit interior Stairs up to attic renovation additions.

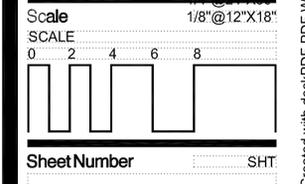
ATTIC RENOVATION
UNIT A : 746 SF.
UNIT B : 1022 SF.
NEW DEVELOPED SF.TOTAL: 1768 SF.

PROPOSED ATTIC
2 NEW ADU UNITS
CONVERSION
EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

As Built Drawings &
2 New ADU Unit Conversion
Sheet Contents
Project Description

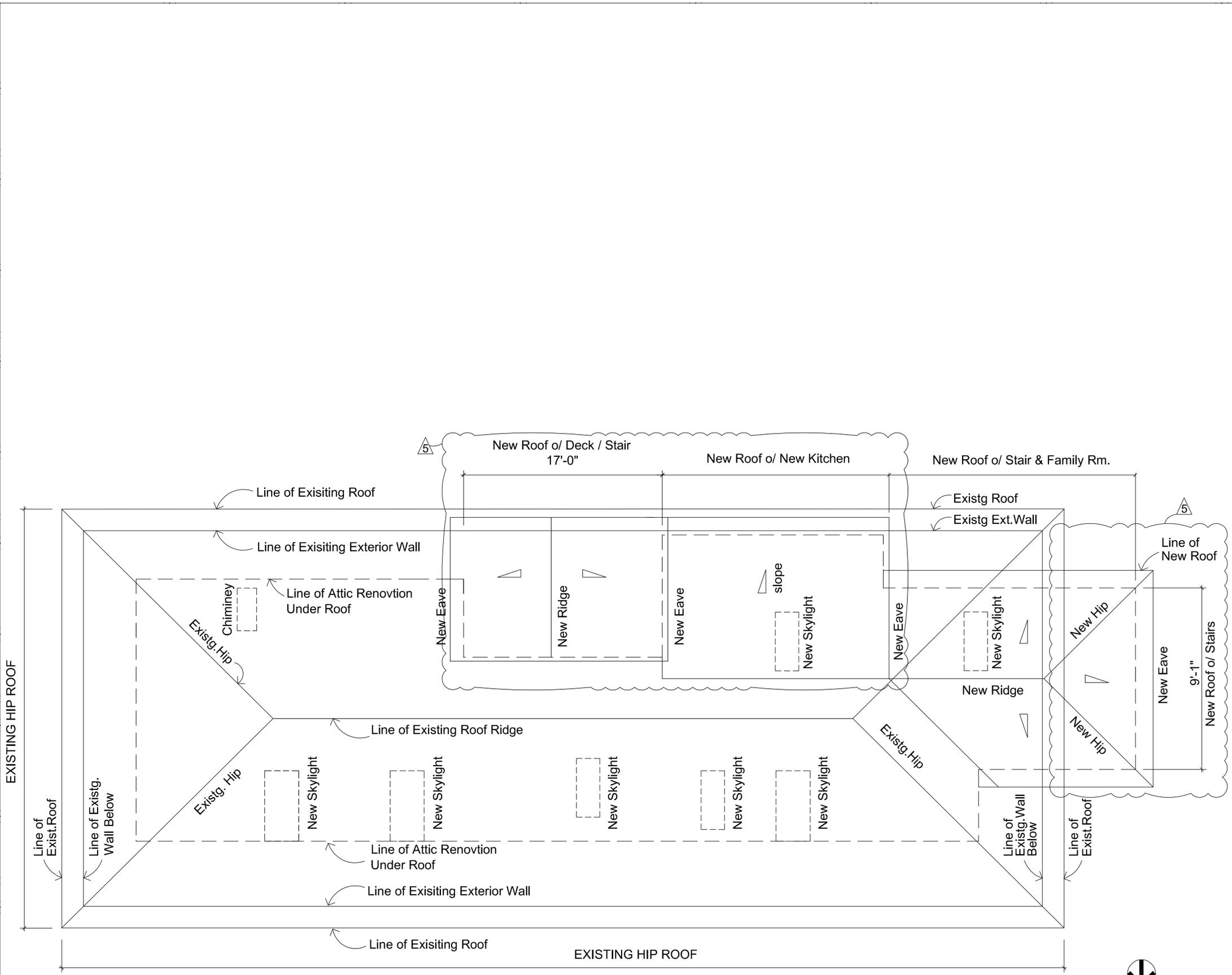
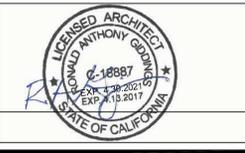
Proposed
Attic Renovation
3rd Floor Plan ~ ADU
CONVERSION PLAN A

| | |
|-----------|--|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.DD: 1D19 ▲ Seismic BP CD: 30A20 ▲ Plang Dept.DD: 30I20 ▲ Plang Dept.DD: 10Au20 ▲ Plang Dept.DD: 28Au20 ▲ Plang Dept.DD: 28Cc20 ▲ indicates New Work ▲ Plang Dept.DD: 28Cc20 ▲ Planning Permit: 4N22 |



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ROOF PLAN

FOR PRE UNPERMITTED CONSTRUCTION PLANS
SEE SHEET A7.2 FOR MORE INFORMATION.



INDICATES: THIS DRAWING CONTAINS EXISTING ORIGINAL & UNPERMITTED NEW WORK, AS NOTED, SEE SHEET A7.2 ORIGINAL RECORD DOCUMENT FOR MORE INFORMATION

SHEET KEY

Project Description:
Residential Attic Renovation Addition @ Existing 8 Unit Apartment Building
Add Square Footage in Attic to enlarge adding one bedroom at each of 2 existing 2nd floor Studio Apartments.
Add additional Open Space Deck at 2nd floor and Create 2 unit interior Stairs up to attic renovation additions.

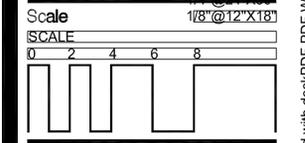
ATTIC RENOVATION
UNIT A : 746 SF.
UNIT B : 1022 SF.
NEW DEVELOPED SF.TOTAL: 1768 SF.

EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents
Project Description
Unpermitted Construction
As-Built
Attic Renovation
Roof Plan

| | |
|-----------|--|
| Date | 13 Aug 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.DD1.1019 ▲ Seismic.BP.CDI.30A20 ▲ Plang Dept.DD1.30A20 ▲ Plang Dept.DD110Au20 ▲ Plang Dept.DD.28Au20 ▲ indicates New Work ▲ Plang Dept.DD.28Oc20 ▲ Planning.Permitt.4N22 |



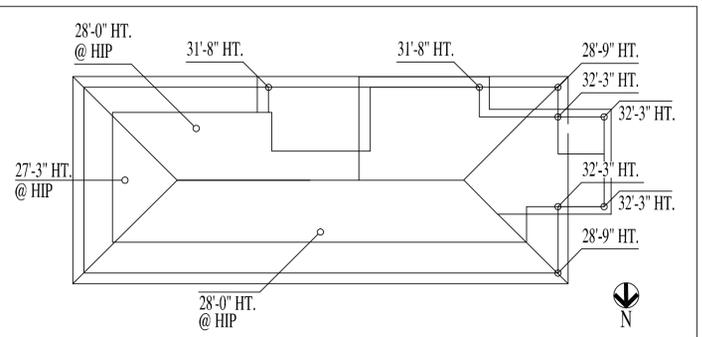
Scale 1/8" @ 12' X 18"
SCALE

Sheet Number SH1

A3.5 12

Sheet Size Note:
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BUILDING AVERAGE HT. CALCULATIONS SCHEMATIC PLAN
NO SCALE - SEE CALCULATIONS

EAST ELEVATION
PRE-PROPOSED 32 LF. @ 27'-3" AVERAGE HT. NO CHANGE
PROPOSED 32 LF. @ 27'-3" AVERAGE HT. NO CHANGE
27'-3" AVERAGE HT. @ EAST ELEVATION

WEST ELEVATION
PRE-PROPOSED: 32 LF. @ 28'-9" AVERAGE HT.
PROPOSED: $32 \times 4 + 28 \times 9 + 28 \times 9 = 186 \times 6$
 $\frac{186}{6} = 31 \times 1$ AVERAGE HT. @ WEST ELEVATION

NORTH ELEVATION
PRE-PROPOSED 82 LF. @ 28'-0" AVERAGE HT. NO CHANGE
PROPOSED 82 LF. @ 28'-0" AVERAGE HT. NO CHANGE
28'-0" AVERAGE HT. @ NORTH ELEVATION

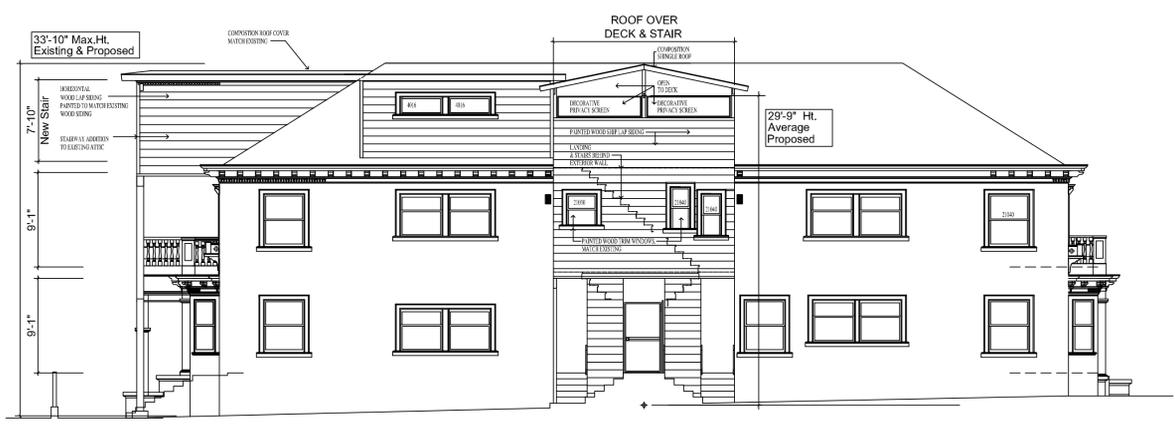
SOUTH ELEVATION
PRE-PROPOSED 82 LF. @ 28'-0" AVERAGE HT.
PROPOSED 46 LF. @ 28'-0" AVERAGE HT. + 36 LF. @ 31'-8" AVERAGE HT.
 $\frac{31 \times 8 + 28 = 59 \times 8}{2} = 29 \times 9$ AVERAGE HT. @ SOUTH ELEVATION

TOTAL BUILDING AVERAGE HEIGHT

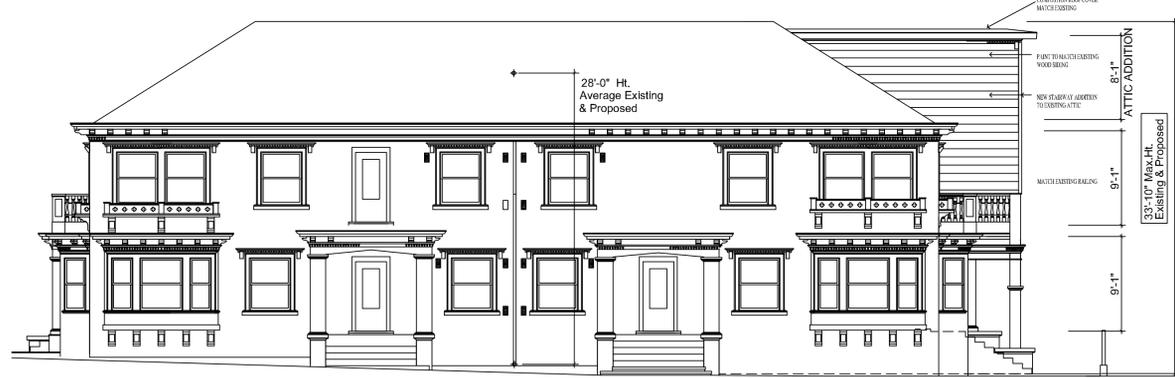
PRE-PROPOSED (E) 27'-3" + (W) 28'-9" + (N) 28'-0" + (S) 28'-0" = 112'
 $\frac{112}{4} = 28 \times 0$ AVERAGE HT. TOTAL BUILDING - PRE-PROPOSED

PROPOSED (E) 27'-3" + (W) 29'-9" + (N) 28'-0" + (S) 28'-0" = 116'-1"
 $\frac{116 \times 1}{4} = 29 \times 1$ AVERAGE HT. TOTAL BUILDING - PROPOSED

HEIGHT OF BUILDING, AVERAGE, CALCULATIONS
SEE EXTERIOR ELEVATIONS FOR MORE INFORMATION
NO SCALE - SEE SCHEMATIC ABOVE



SOUTH ELEVATION ~ PROPOSED



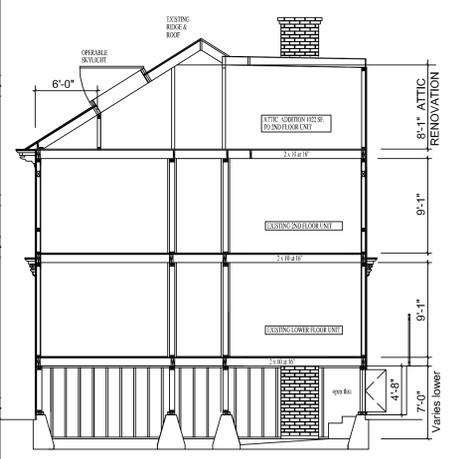
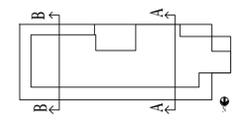
NORTH ELEVATION @ PARKER ST.



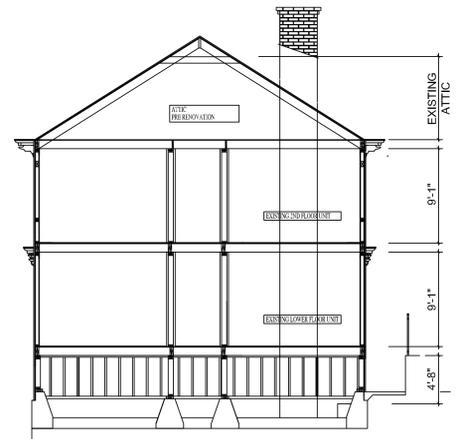
WEST ELEVATION @ PARKING



EAST ELEVATION @ BENVENUE



BUILDING SECTION A-A



BUILDING SECTION ORIGINAL B-B

INDICATES: THIS DWG. CONTAINS EXISTING & EXISTING UNPERMITTED WORK, AS NOTED, SEE SHEET A7.2 ORIGINAL RECORD DOCUMENT FOR MORE INFORMATION

SHEET KEY

EXISTING BUILDING
NON PERMITTED WORK
EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

As Built Drawings &
2 New ADU Unit Conversion
Sheet Contents

Exterior Elevations
Building Sections

| | |
|-----------|--|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.DD.1019 ▲ Seismic.BP.CDI.30A20 ▲ Plang Dept.DD.3020 ▲ Plang Dept.DD.10Au20 ▲ Plang Dept.DD.28Au20 ▲ Plang Dept.DD.28Oc20 ▲ Planning Permit.4N22 |

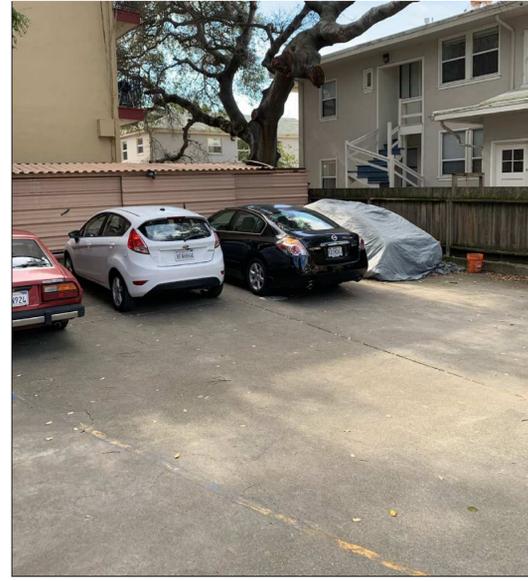
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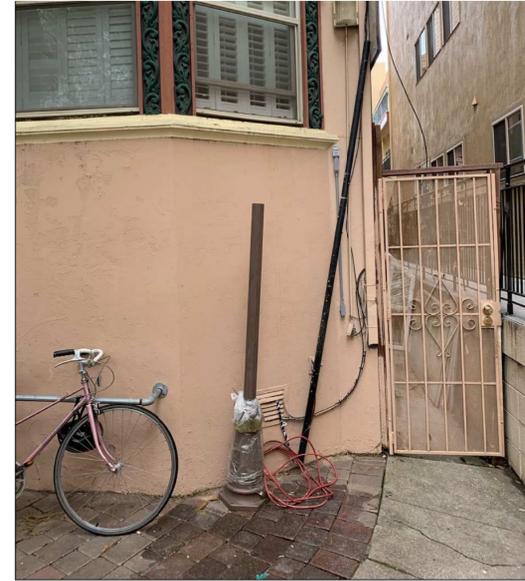
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ronogiddings@yahoo.com



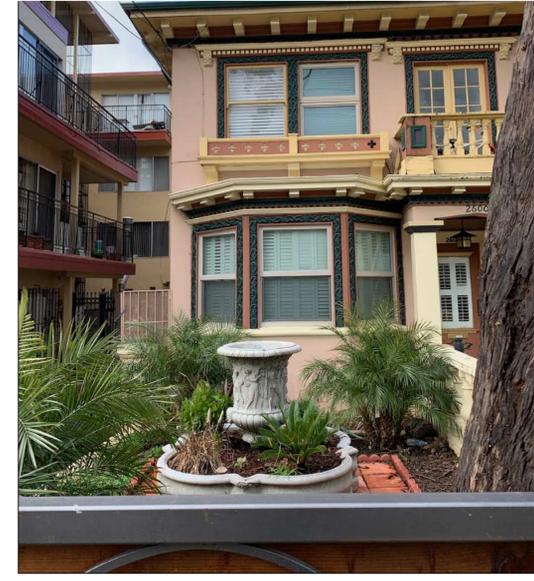
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2



3



4



5



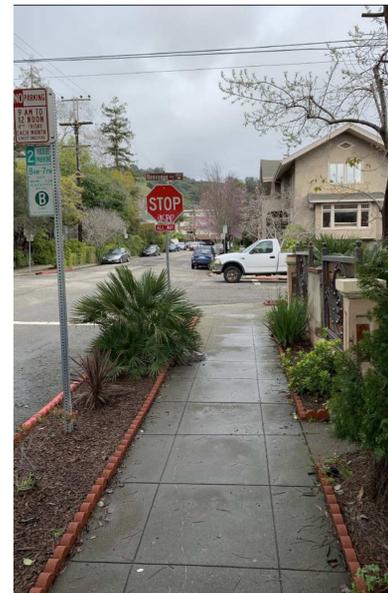
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7



8



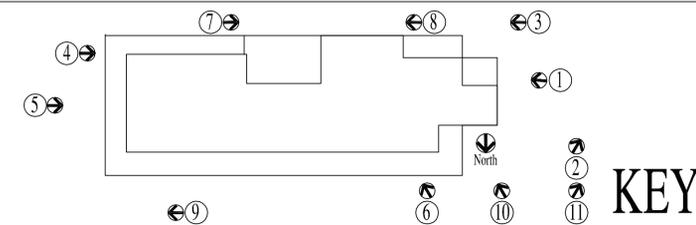
9



10



11



KEY

EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

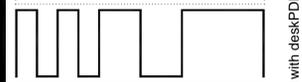
As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents

Photos

| | |
|-----------|---|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.DD: 1D19 ▲ Seismic BP CD: 30A20 ▲ Plang Dept.DD: 30I20 ▲ Plang Dept.DD: 10Au20 ▲ Plang Dept.DD: 28Au20 ▲ Indicates New Work ▲ Plang Dept.DD: 28Oc20 ▲ Planning Permit: 4N22 |

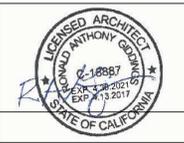
Scale
SCALE



Sheet Number SHT

A5 OF

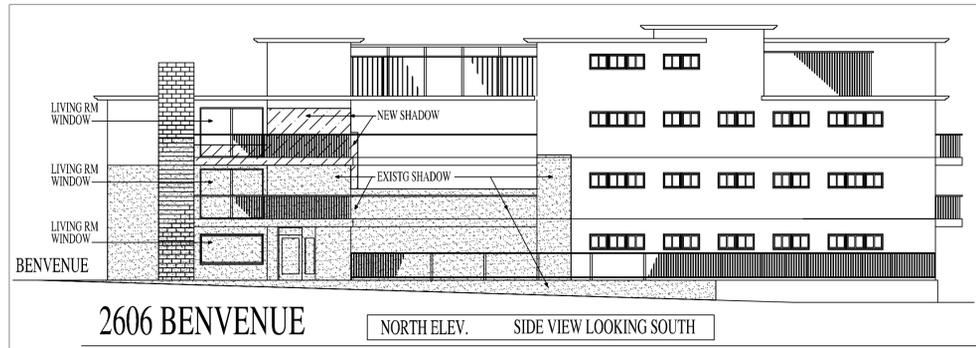
Building Arts
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ronogiddings@yahoo.com



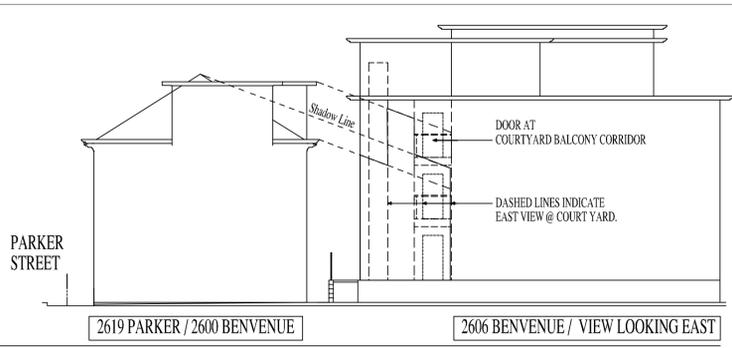
2611 PARKER



2615 PARKER



2606 BENVENUE NORTH ELEV. SIDE VIEW LOOKING SOUTH
JUNE 21 2 HOURS BEFORE SUNSET



2619 PARKER / 2600 BENVENUE 2606 BENVENUE / VIEW LOOKING EAST

ALL BUILDINGS BEING SHADOWED ARE SHOWN ON THE DIAGRAM.



2617 PARKER



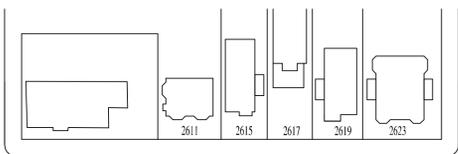
2619 PARKER



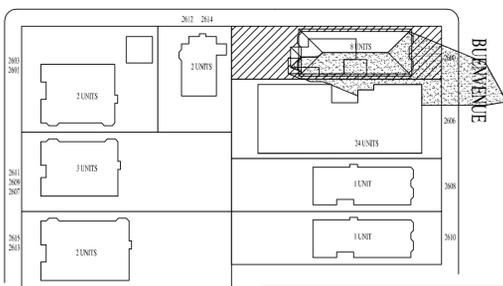
2610 PARKER



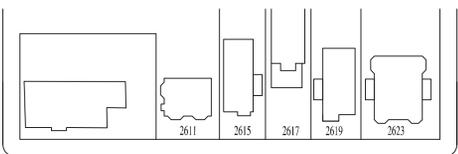
2611 PARKER 2615 PARKER 2617 PARKER 2619 PARKER 2610 PARKER
STREET FRONT VIEW ~ Dec 21 2 hours after sunrise SEE A6.1 FOR MORE INFORMATION



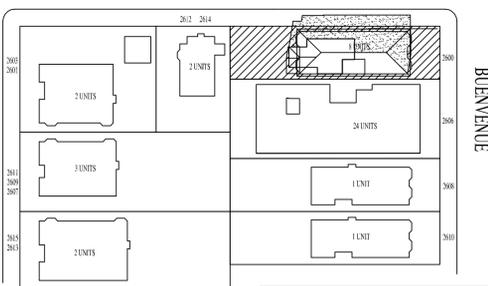
PARKER STREET



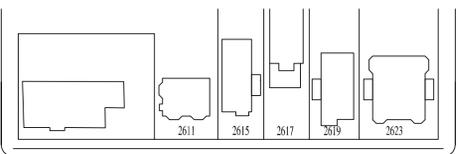
June 21 - 2 hours before sunset



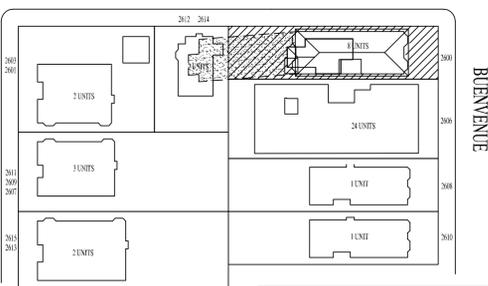
PARKER STREET



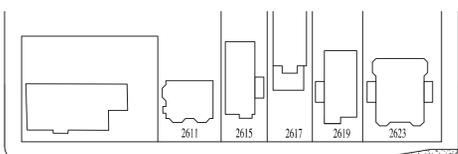
June 21 noon



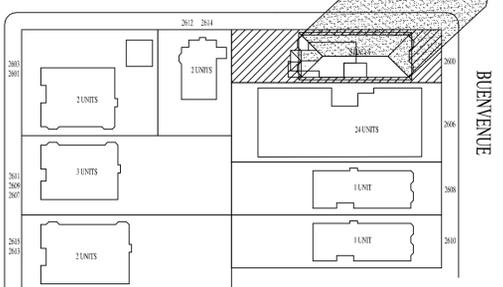
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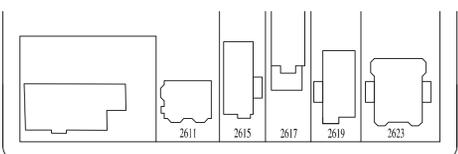
June 21 - 2 hours after sunrise



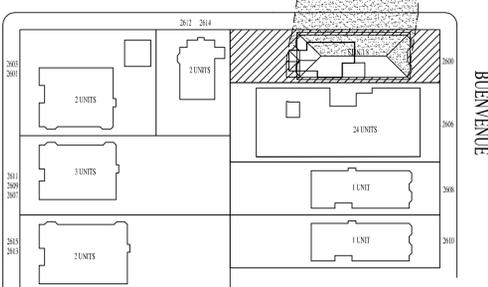
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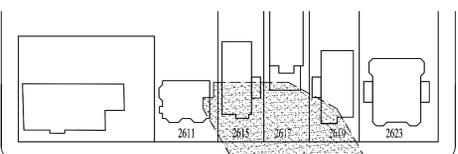
Dec 21 - 2 hours before sunset



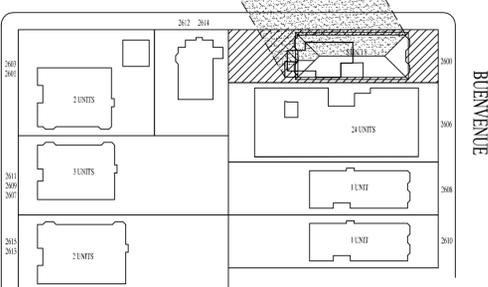
PARKER STREET



Dec 21 noon



PARKER STREET



Dec 21 - 2 hours after sunrise

ALL BUILDINGS BEING SHADOWED ARE SHOWN ON THE DIAGRAM.

Note: Shadow Study graphic information based on Sanborn maps and City of Berkeley Datum.

EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

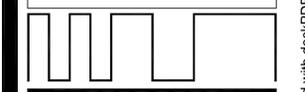
As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents

Shadow Study
PHOTOS

| | |
|-----------|--|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Plang Dept.DD.1019.1 ▲ Seismic.BF.CDI.30A20 ▲ Plang Dept.DD.3020 ▲ Plang Dept.DD.10Au20 ▲ Plang Dept.DD.28Au20 ▲ indicates New Work ▲ Plang Dept.DD.28Oc20 ▲ Planning Permit_4N22 |

Scale
SCALE



Sheet Number SHT

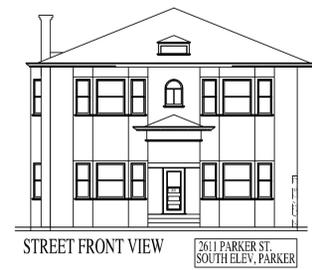
A6

7

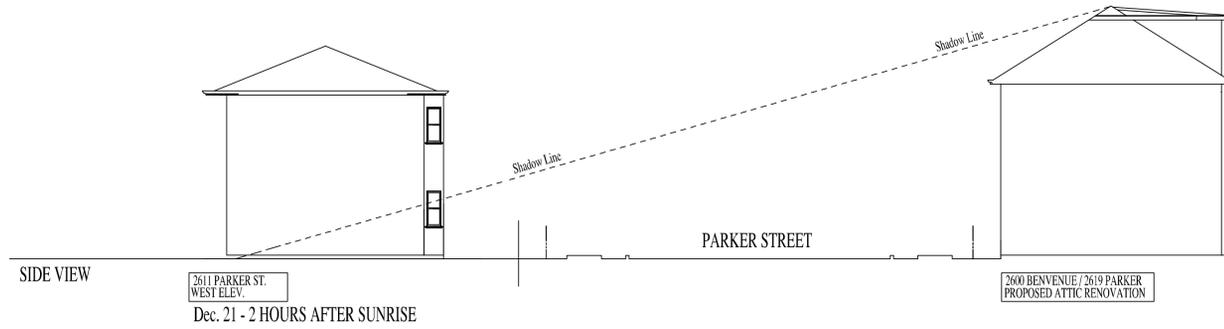
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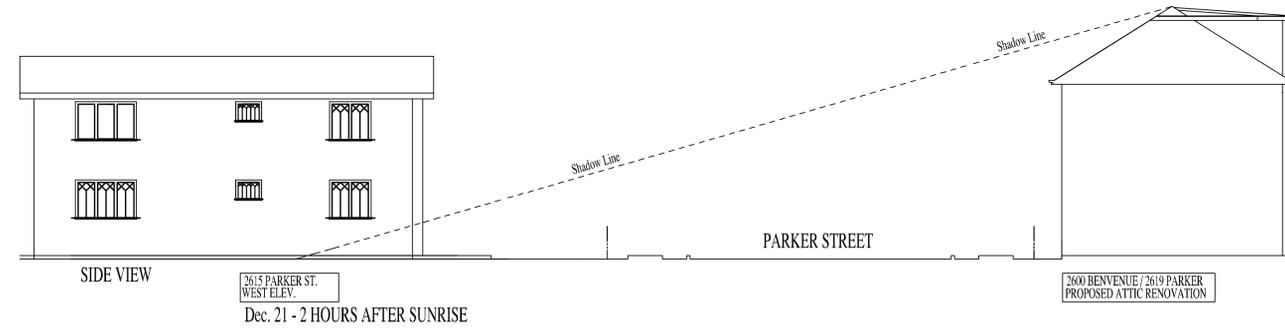
Building Arts
Ronald A. Giddings
Architect
2501 Rosewalk
Berkeley, California 94708
415-756-1017
ronogiddings@yahoo.com



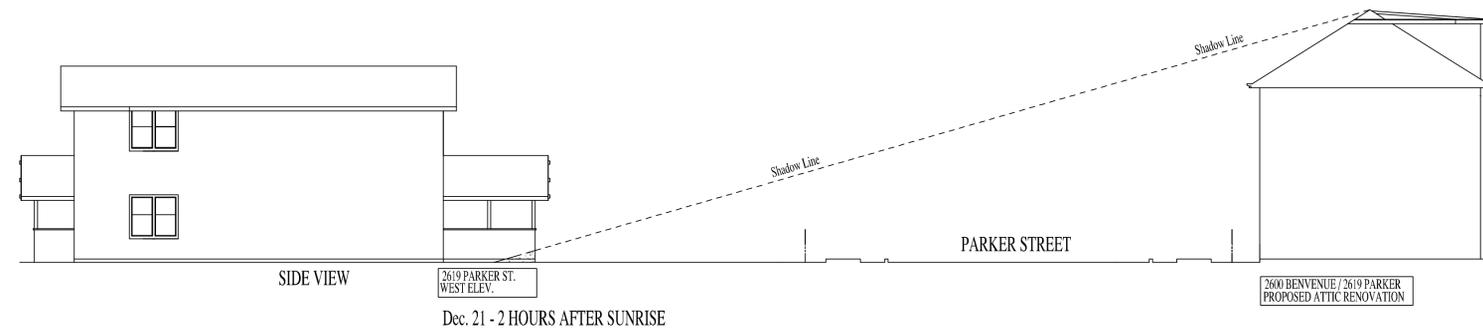
2611 PARKER



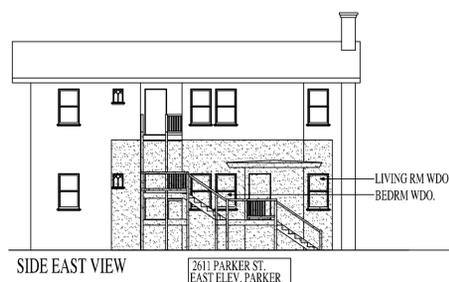
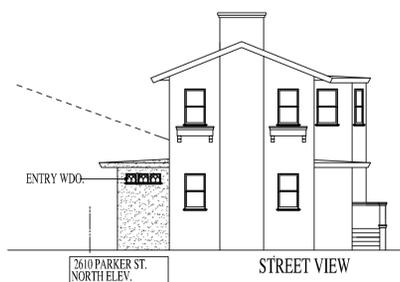
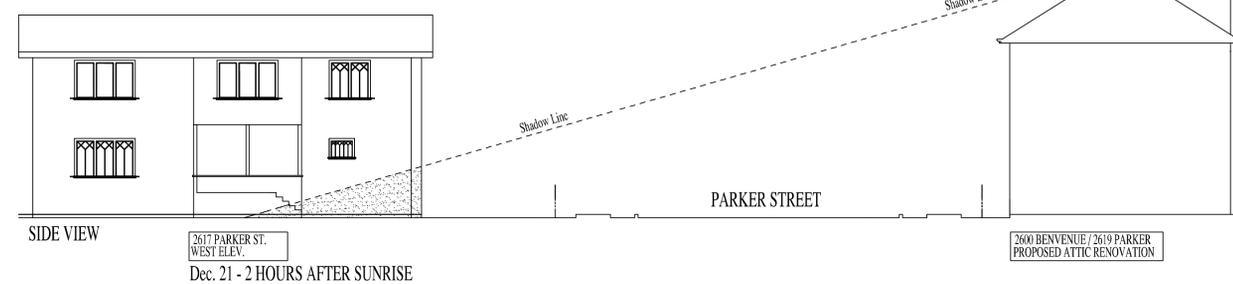
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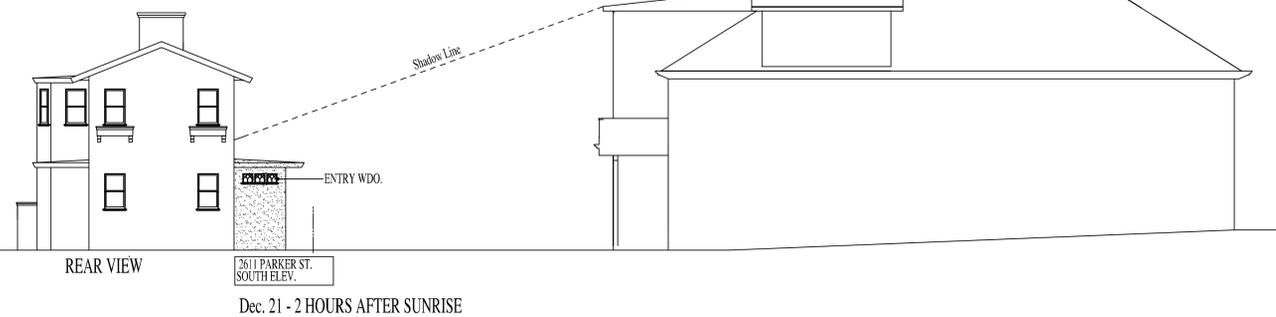
2617 PARKER



2619 PARKER



2610 & 2612 PARKER



EXISTING 8 Unit Apts.
ATTIC RENOVATION
ADDITION
2600 Benvenue Avenue
Berkeley California 94708

As Built Drawings &
2 New ADU Unit Conversion

Sheet Contents

Shadow Study
Dec 21 2hrs after sunrise

| | |
|-----------|--|
| Date | 13 Aug. 2019 |
| Job | #2019.2 |
| Drawn | RON |
| Revisions | <ul style="list-style-type: none"> ▲ Flang Dept.DD.1019 ▲ Seismic.BP.CDI.30A20 ▲ Flang Dept.DD.30J20 ▲ Flang Dept.DD.110Au20 ▲ Flang Dept.DD.28Au20 ▲ Flang Dept.DD.28Oc20 ▲ Indicates New Work ▲ Planning Permit 4N22 |

Scale
SCALE



Sheet Number SHT

A6.1 7

Building Arts
 Ronald A. Giddings
 Architect
 2501 Rosewalk
 Berkeley, California 94708
 415-756-1017
 ronogiddings@yahoo.com



NORTH ELEVATION @ PARKER ST.



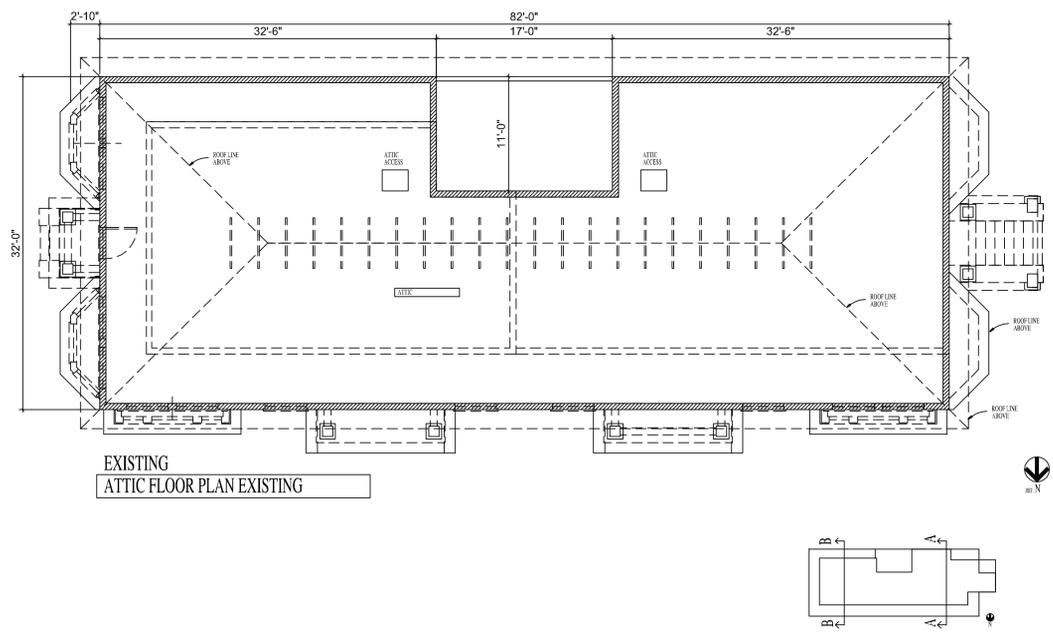
EAST ELEVATION @ BENVENUE



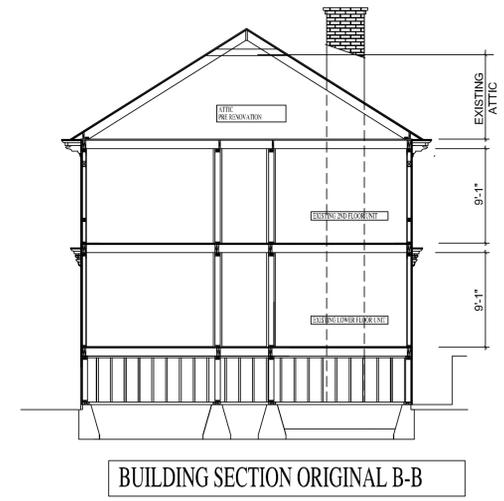
SOUTH ELEVATION



WEST ELEVATION @ PARKING



EXISTING ATTIC FLOOR PLAN EXISTING



BUILDING SECTION ORIGINAL B-B

EXISTING 8 Unit Apts.
 ATTIC RENOVATION
 ADDITION
 2600 Benvenue Avenue
 Berkeley California 94708

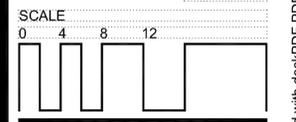
Add square footage @ 2
 Existing Studio Apt.Units

Sheet Contents

 Original Record Document
 PreProposed
 Attic Floor Plan
 Exterior Elevations
 Building Section

Date 13 Aug. 2019
 Job #2019.2
 Drawn RON
 Revisions Plang Dept.DD: 1D19

Scale 1/8"



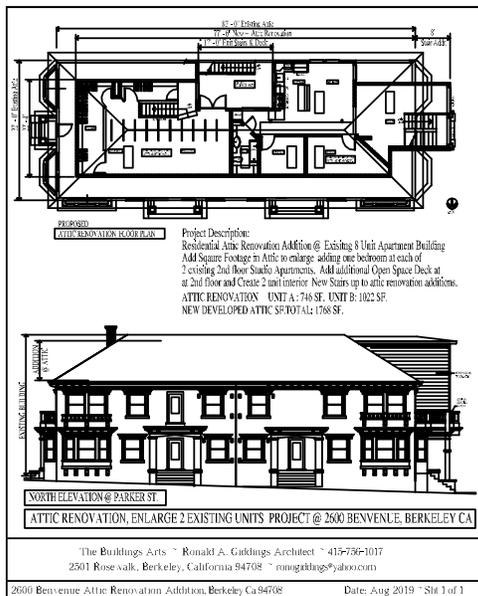
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A7.2 OF

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 the reader should use the graphic scale for all measurements.

PROPOSED PROJECT

PROJECT INFORMATION

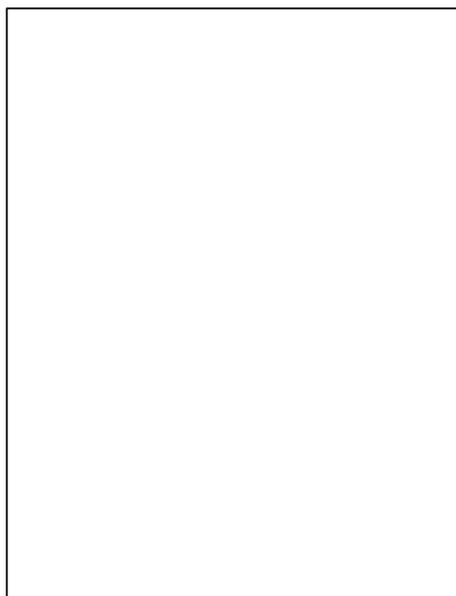


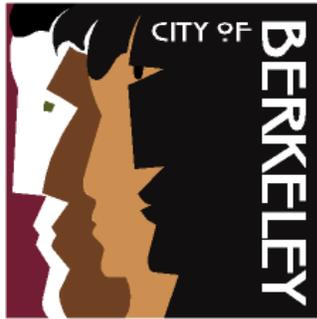
2600 Benvenue
Residential Attic Renovation
in Existing 8 Unit Apartment Building
create 1768 sf in exist'g Attic enlarging
2 exist'g 2nd floor Studio Apartments,
adding one bedroom at each. Add new
Open Space Deck at 2nd floor

APPLICANT INFORMATION:

The Building Arts
Ronald A. Giddings Architect
2501 Rosewalk, Berkeley Ca 94708
415-756-1017 ronogiddings@yahoo.com

For more information check the
Planning Department Web Page:
www.ci.berkeley.ca.us/planning
or call 510-981-7410





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

2600 Benvenue Avenue

Use Permit #ZP2019-0211 to legalize an unpermitted addition and add two Accessory Dwelling Units (ADU's) (1,723 square feet) to a two story 4,906 square foot apartment building with eight dwelling units.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.404.

When: March 9, 2023, 7:00 pm

Where: Berkeley Unified School District Meeting Room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please see the Agenda for details: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-03-09_ZAB_Agenda.pdf

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: LMDR – Low-Medium Density Residential
- Zoning: R-2 – Restricted Two-Family Residential District

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) 23.324.050, to construct a residential addition to a non-conforming building which exceeds the allowed residential density; and
- Administrative Use Permit, pursuant to BMC 23.202.030 to construct a major residential addition; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D) to construct a major residential addition over 14 feet in average height; and

- Administrative Use Permit, pursuant to BMC 23.202.080(D) to construct a major residential addition over 28 feet in average height

C. CEQA Recommendation: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”)

D. Parties Involved:

- Applicant Ronald Giddings, 2501 Rose Walk, Berkeley
- Property Owner Jack and Margaret Phillips, 2625 Alcatraz Ave #332, Berkeley

Further Information:

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

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

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@cityofberkeley.info.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

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

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