INDEX TO ADMINISTRATIVE RECORD

469 KENTUCKY AVENUE

Use Permit #ZP2022-0087

Prepared: April 28, 2023

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ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
JANUARY 12, 2023

469 KENTUCKY AVENUE

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.

I. Background

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1)

CEQA Recommendation: It is staff's recommendation to ZAB that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Sections 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines. The determination is made by ZAB

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.

A. Parties Involved:

- Applicant: Maurice Levitch, 1029 Heinz Avenue, Berkeley
- Property Owner: Aidan Keefe, 469 Kentucky Avenue, Berkeley

ITEM 7
ZAB 01-12-2023

Figure 1: Vicinity Map

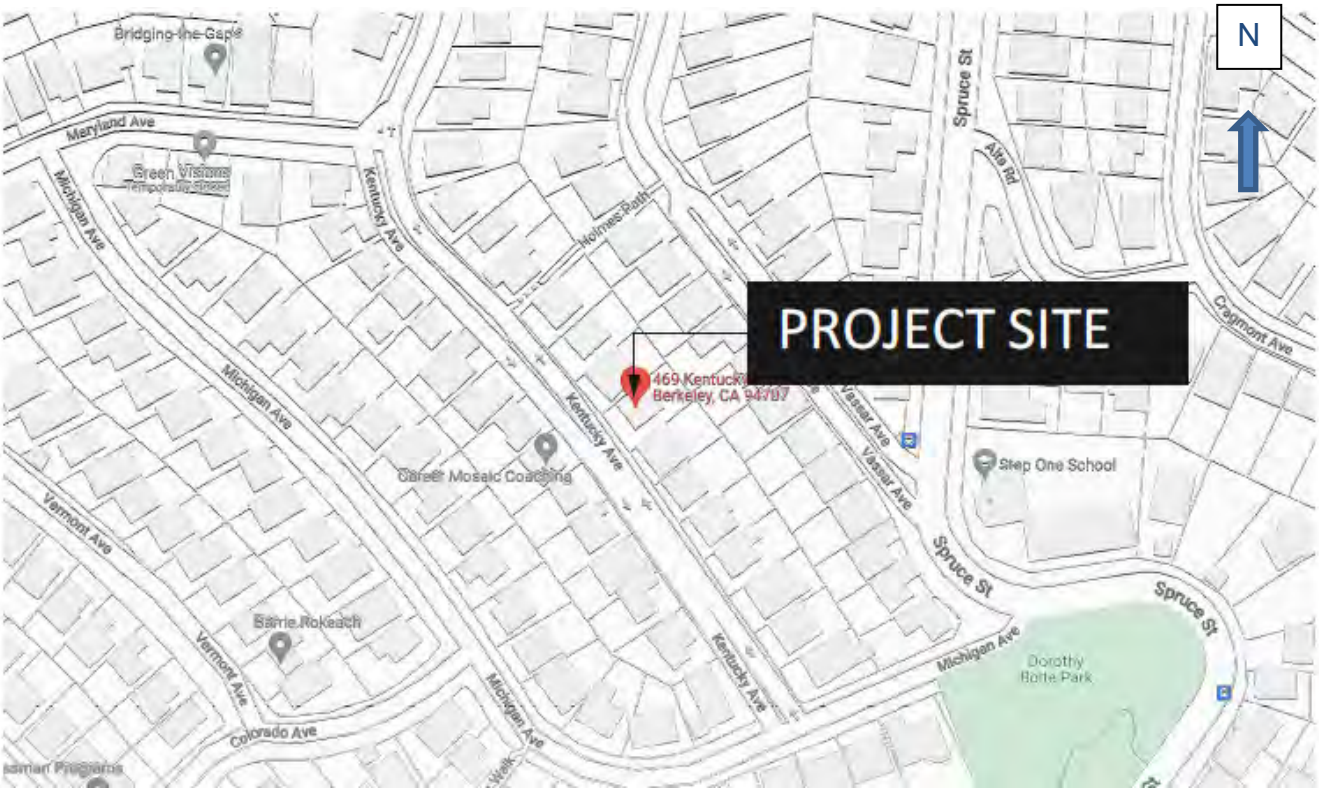

Figure 2: Proposed Site Plan

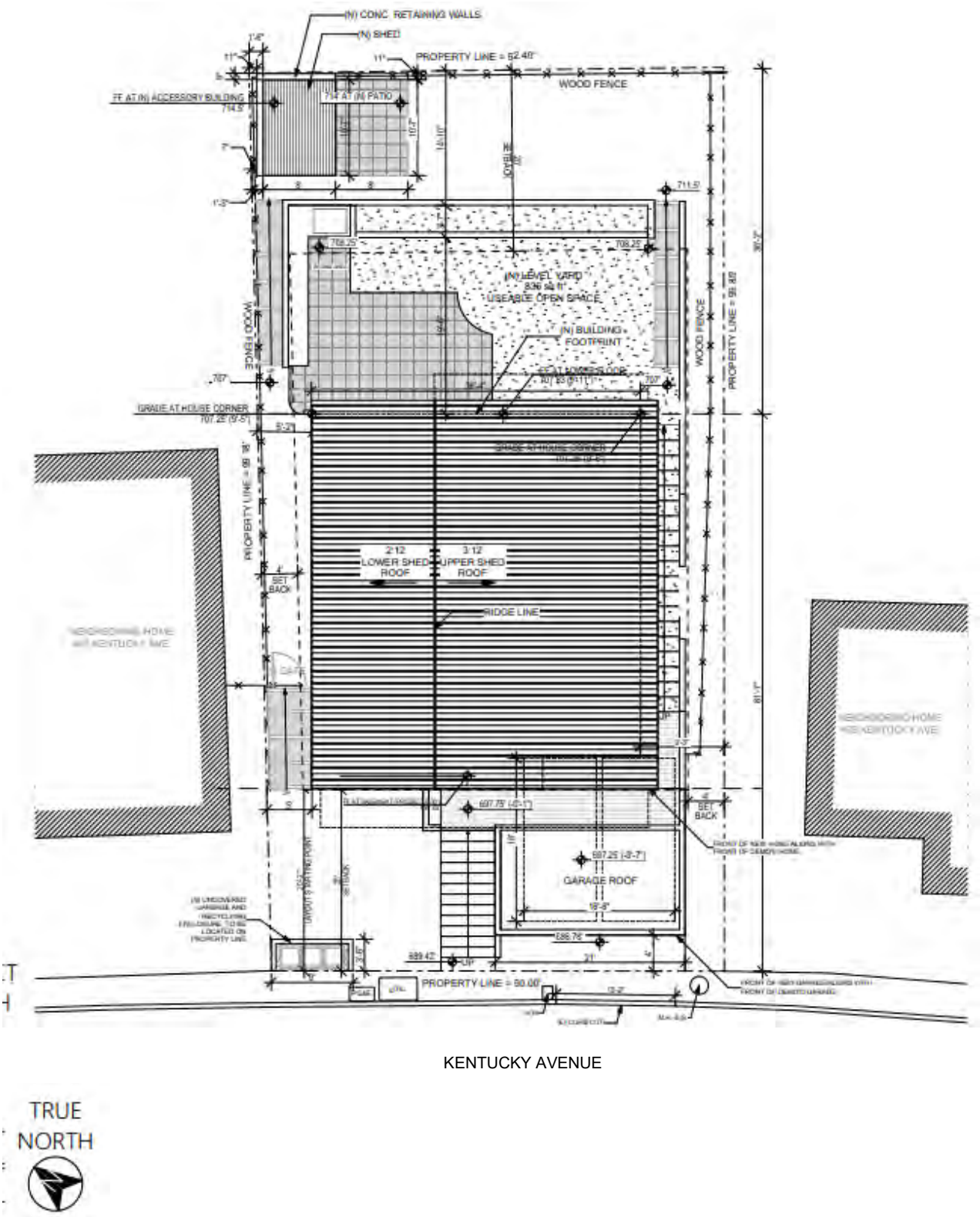

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Figure 3: Front Elevation

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Figure 4: South Elevation

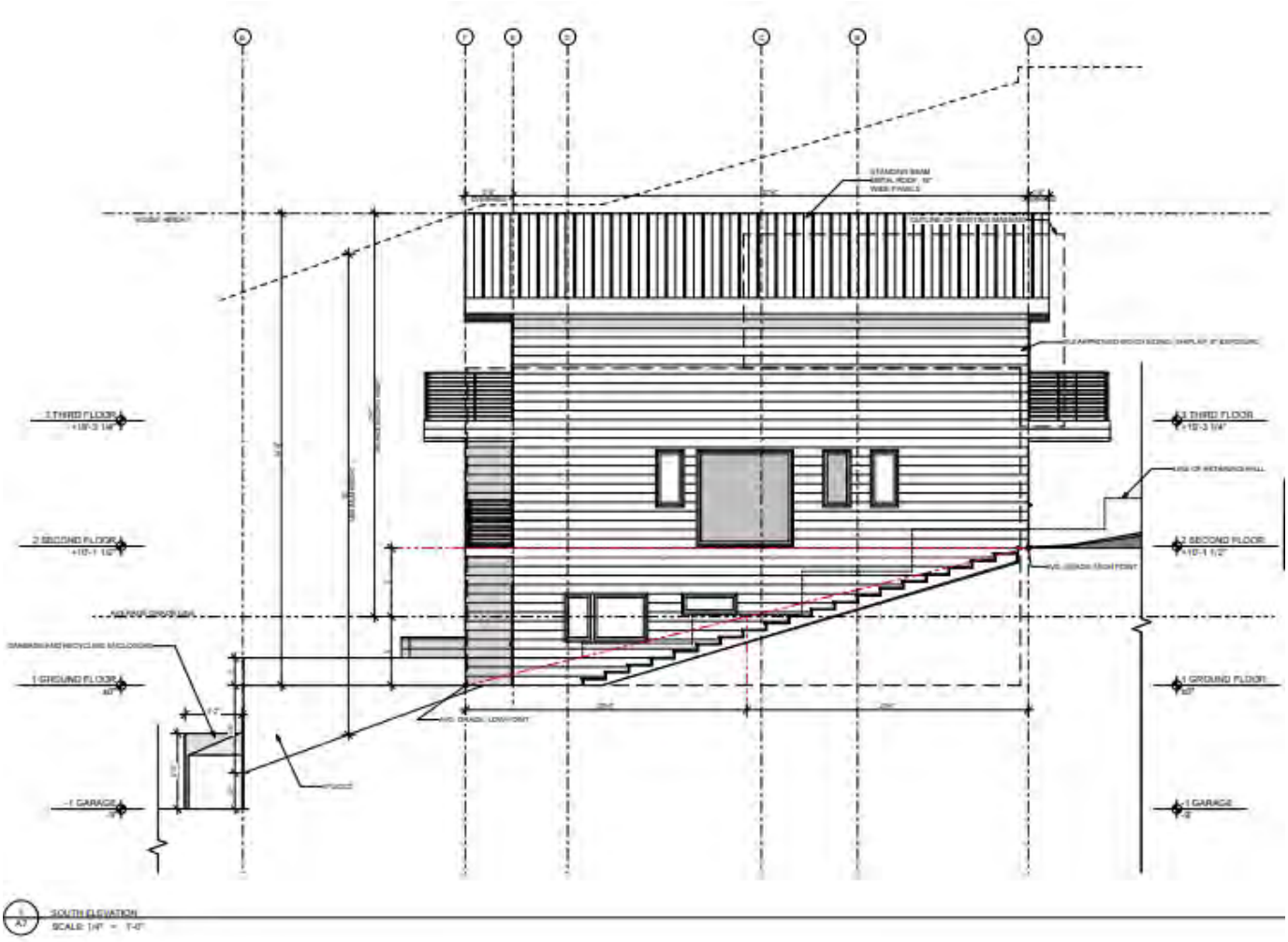


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-Family Dwelling	R-1(H) – Single-Family Residential, Hillside Overlay	Low Density Residential
Surrounding Properties	North	Single-Family Dwelling (467 Kentucky Avenue)		
	South	Single-Family Dwelling (475 Kentucky Avenue)		
	East	Single-family Dwellings (476 & 480 Vassar Avenue)		
	West	Kentucky Avenue (Single-Family Residential across the street)		

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 net 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 applicant proposes only one new dwelling unit, and thus this requirement does not apply.
Creeks (Per BMC Section 17.08.045)	No	The project site is not within a creek buffer zone.
Density Bonus	No	The project is not requesting a Density Bonus.
Historic Resources	Yes	The project involves the demolition of an existing residential building that is greater than 40 years old. An historic resource evaluation (HRE) was prepared by the California Department of Parks and Recreation and found that this property is not eligible for listing in the California Register of Historic Resources (Attachment 4).
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	The project only consists of one unit.
Housing Crisis Act of 2019 (SB330)	No	The project proposes only one dwelling unit and is not considered a "housing development project," therefore SB 330 does not apply.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	This project is an application for new construction and was submitted after January 1, 2020, and is therefore subject to the Natural Gas Prohibition.
Oak Trees (Per BMC Section 6.52.010)	No	There are no Coast Live Oak trees on the site.
Rent Controlled Units (Per BMC Chapter 13.76)	No	There are no rent-controlled units at the site, nor would the new unit be subject to rent control restrictions.
Residential Preferred Parking (RPP)	No	The project site is not within an RPP zone.
Seismic Hazards (Per State Hazards Mapping Act SHMA)	Yes	The site is located within an area susceptible to liquefaction, Fault Rupture, or Landslides as

		shown on the State Seismic Hazard Zones map. A geotechnical report was submitted by the applicant that has been peer reviewed by the City's consultant. Conditions of approval will be included in the permit to ensure oversight by the applicant's geotechnical consultant.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites), nor is it within the City's Environmental Management Area.
Transit	Yes	The project area is served by AC Transit line 67. There is an existing bus stop within 0.2 miles to the east near the intersection of Vasser Avenue and Spruce Street.

Table 3: Project Chronology

Date	Action
July 8, 2022	Application submitted
July 22, 2022	Application incomplete
August 24, 2022	Application resubmitted
September 7, 2022	Application incomplete
October 25, 2022	Application resubmitted
November 8, 2022	Application deemed complete
December 22, 2022	Public hearing notices mailed/posted
December 23, 2022	Received revised drawings
January 12, 2022	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23D16.070-080 & 23E.96.070		**Existing**	**Proposed Total**	**Permitted/Required**
Lot Area (sq. ft.)		5,088	No Change	5,000 min
Gross Floor Area (sq. ft.)		1,733	4,350	n/a
Dwelling Units		1	1	1 max
Building Height	Average (ft.)	25.5	29.3	28 max (35 with AUP)
	Maximum (ft.)	28.75	31.687	35 max
	Stories	3	3	3 max
Building Setbacks (ft.)	Front (Kentucky Ave)	4	4	20 min
	Rear	38.8	38.16	20 min

	Left Side	4.7	5	4 min
	Right Side	9.7	9.25	4 min
Lot Coverage (%)		31.5	39.7	40 max
Usable Open Space (sq. ft.)		181	922	400 min
Parking	Automobile	1	2	1 min

II. Project Setting

A. Neighborhood/Area Description: This is a residential area with a mix of one-, two-, and three-story single-family dwellings, with areas of open space in excess of that required, and mature vegetation. Lots in the neighborhood are generally rectangular with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downwards from the northeast to the southwest and provide primary views westward towards the San Francisco Bay. Given the hilly terrain and limited availability of on-street parking, the dwellings in the neighborhood tend to include attached one- or two-car garages within front setbacks, and often right up to the sidewalks.

B. Site Conditions: The project site is located on the east side of Kentucky Avenue, half a block north of Michigan Avenue in the North Berkeley hills, on an upslope lot. The generally rectangular project site is 50 feet wide along Kentucky Avenue, and approximately 99.5 feet deep. Vegetation on the lot is dominated by a large red maple in the back yard. There are not, nor has there recently been, protected Coast Live oak trees on the site.

III. Project Description

A. Proposed Project: The subject parcel is currently developed with a 1,773 square foot three-story single-family home with a single-car garage within the front setback. The owner has applied to demolish the house and garage and replace them with a 3,310 square foot three-story single-family home with an attached Accessory Dwelling Unit (ADU)[1], and a two-car garage with the same front setback as the original garage. The project also includes a detached shed in the rear of the property, and an uncovered garbage and recycling enclosure at the front property line. The proposed dwelling unit is contemporary in style and would have a shed roof with a maximum height of 31 feet, 8.5 inches and an average height of 29 feet, 4 inches. The applicant team have shared that the new home is designed to only minimally expand the footprint beyond that of the existing home, and that the proposed full excavation of the ground floor level adds floor area while minimizing taller construction.

The proposed ground floor level would consist of a TV room, a laundry room, and a studio-style ADU with access via an exterior staircase and landing over the garage roof. The second floor would consist of four bedrooms and two bathrooms, with access to a front balcony. The top floor would contain the kitchen, dining room, family room, and a study. This floor would open onto front and rear balconies. Both the TV room

[1] Per BMC 23.306.030, ADU's are permitted with a Zoning Certificate. They are not part of ZAB's discretionary review. They ADU is only mentioned here for purposes of context.

and the study meet the definition of a bedroom[2] (23.502.020(B)), bringing the total number of bedrooms to six. Bedrooms located in ADUs are not included in the count because they are not subject to discretionary review, however, if the ADU is not developed concurrently with the proposed project a Use Permit Modification would be required for any additional rooms that meet the zoning criteria for a bedroom.

Because of the steep terrain, the partially-subterranean attached two-car garage will be located at the front of the lot. It will have a 4-foot nonconforming setback, which is identical to that of the existing garage.

Two accessory structures are also proposed. A 9-foot high, 85 square foot workout shed will be at the rear of the backyard. There will be a roofless garbage and recycling enclosure at the front of the lot at the property line.

The red maple in the back yard is not slated for removal. A small lemon tree and a yucca in the front of the lot are slated for removal, but they are to be replaced by a new tree (species yet to be determined) and other plantings.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, the applicant erected a pre-application poster at the project site. They also submitted drawings of the proposed plans to all adjacent and abutting neighbors (Attachment 2). No comments in opposition were received at that time.

However, upon erection of the story poles, the new owners of a house behind the subject site (480 Vasser Avenue) objected to what they perceived as excessive obstruction of their view, and expressed this directly to the applicants. The applicants responded by negotiating a compromise with them, which involved adjusting the roof height and orientation and erecting new story poles. After installation of the new story poles, the next-door neighbor at 467 Kentucky Avenue expressed concerns about privacy. Specifically, he was concerned that the front balcony would allow occupants to look down onto his deck and into his bedroom window. He said he was in contact with the applicant about working out a solution. However, the complaint, came in too late for any solution to be included in this report.

On December 22, 2022, public hearing notices were mailed to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations (Attachment 3). The City also posted notices within the neighborhood at

[2] *Bedroom.* Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

three locations. As of the date of this report, Staff has not received any public comments regarding the project.

B. Committee Review: This project is not subject to Design Review.

V. Issues and Analysis

A. Findings for Use Permit Approval in the R-1(H) District: Pursuant to BMC Section 23.202.020(B), a new single-family dwelling is allowed in the R-1 zoning district with a Use Permit, provided that its siting meets applicable development standards and subject to the non-detriment finding. As shown in Table 4, the proposed project would meet or exceed all development standards for the dwelling, with the exception of front setback. The average height may be increased from 28 feet up to 35 feet with an Administrative Use Permit (AUP) in the R-1 (BMC 23.202.050(D) as well as under the Hillside Overlay (BMC 23.210.020(C)(2). Since it comes in well below the allowed maximum height, and the applicant revised the proposed height in response to concerns raised by a neighbor, it is Staff's opinion that height-related issues will be negligible.

In the Hillside Overlay, an AUP to reduce required setbacks (BMC 23.210.020(C)(4)) can be approved upon finding the project is consistent with the purpose of the Hillside overlay zone as state in BMC 23.210.020(A). While the main dwelling meets the 20-foot front setback, the proposed two-car garage would be located in the front setback, about 4 feet from the front lot line. This is necessary due to the steep upward slope of the lot. It is also consistent with many neighboring properties, which also have garages at the fronts of their lots.

The proposed project would meet the following purposes of the Single-Family Residential, Hillside Overlay, R-1(H) District:

1. Implement General Plan policies regarding Hillside Development while recognizing and protecting the existing pattern of development in the low density, single family residential areas of the City;

2. Make available housing for persons who desire detached housing accommodations and a relatively large amount of Usable Open Space;

3. Protect adjacent properties from unreasonable obstruction of light and air;

4. Protect the character of Berkeley's Hillside Districts and their immediate environs;

5. Give reasonable protection to views yet allow appropriate development of all property; and

6. Allow modifications in standard yard and height requirements when justified

because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the Hillside District area.

B. General Non-Detriment Finding: Staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or workers in the area because it would be consistent with the development pattern in the area. The applicant proposes to construct a single-family dwelling in a neighborhood of single-family dwellings and with a siting/design that would be compatible with the surrounding built environment. Staff believes that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views as analyzed below:

1. Sunlight/Shadow: Shadow studies submitted by the applicant document the existing and proposed shadow effects at three times each day at the summer and winter solstices and the spring equinox. The studies show that the new dwelling would cast slight new shadows on neighboring yards and buildings at certain times of year and times of day. However, while the proposed dwelling would cast new shadows, impacts would be limited in duration and effect and would not substantially diminish sunlight for the affected residences. The most significant shadow effects on neighboring properties are already in existence due to the existing house at 469 Kentucky. Additional effects due to increased heights mostly avoid impacts on neighboring lots. Staff recommends that the Board find that these potential impacts are non-detrimental.

2. Privacy: The proposed dwelling would result in smaller setbacks from property lines, but would still exceed required minimums except in the front of the lot. The main dwelling is setback 20 feet, while the two-car garage would be located in the required front setback in the same area as the existing single-car garage. The garage location is necessary due to topography. The proposed new garage would not change this setback (see Table 4 above).

   Front and rear third-floor balconies are proposed for the new house. Due to window locations and terrain, the rear balcony does not appear to be cause for any privacy concerns. The front balcony could potentially cause privacy concerns for the properties at 469 and 475 Kentucky Avenue. While there is already a balcony on the third floor of the existing house, views of 475 Kentucky are currently blocked by a row of juniper trees. However, those would be removed, which would open up views between dwellings. Other than this issue, which is common in an urban residential environment, Staff believes the proposed dwelling would not be detrimental regarding privacy.

3. Air: As discussed above, the proposed single-family dwelling unit exceeds all side and rear setback requirements in the R-1(H) Zoning District, and would be consistent with the existing development and building-to-building separation pattern – or air – in this neighborhood. The reduced front setback to accommodate the garage on this uphill lot is a common in this area, and is

adjacent to the open area of the street. Additionally, the proposed project would exceed the usable open space requirement. (See Table 4 above).

4. Views: Per BMC Chapter 23.502.020(V), a significant view is a view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark or any other significant vista that substantially enhances the value and enjoyment of real property. As described above under Project Setting, substantial southwestward views are available from the area surrounding the project site, including from Kentucky Avenue, neighboring residences, and the residences uphill to the northeast of the project site.

   The proposed three-story residence replaces an existing three-story residence. The new residence would be approximately three feet higher than the existing residence. Story poles, erected in November 2022, revealed that the view of San Francisco Bay from at least one residence, 480 Vasser Avenue, would be partially diminished due to the width of the new third story. After receiving this feedback from the owners of 480 Vasser Avenue, the applicants revised their plans and erected new story poles. The new plans changed the orientation of the proposed roof so that views of the bay were substantially preserved. (Attachment 5). Staff believes the proposed project, as revised, would not unreasonably obstruct views.

VI. Other Considerations

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
5. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. Policy H-16–Family Housing: Support and encourage housing projects that include units affordable and suitable for households with children and large families.

7. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

   Staff Analysis: The proposed project is architecturally compatible with neighboring development. It is consistent with development standards of the Hillside Overlay Zone. It does not cause substantial air, sunlight, or privacy issues for the adjacent properties, and it is compatible with the General Plan goal of providing family housing in the R-1 District.

VII. 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 ZP2022-0087 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (Attachment 1).

Attachments:
1. Findings and Conditions
2. Project Plans, received December 23, 2022
3. Notice of Public Hearing
4. Historic Evaluation Report
5. Story Pole Photos

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 12, 2022

469 Kentucky Avenue

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.

PERMITS REQUIRED

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1)

I. CEQA FINDINGS

1. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Sections 15303 ("New Construction or Conversion of Small Structures")

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by BMC Section 23.326.020-030 of the BMC, the demolition phase of the project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley. It does not eliminate two or more units constructed before June 1980. The building was not removed from the rental market under the Ellis Act during the preceding five years, and there have not been any verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

2. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons

residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. Consistency with Development Standards: The proposed project conforms to the applicable Development Standards for the R-1(H) District (BMC Sections 23.202.050(D) & 23.210.020(C)(2), with the exception of the front setback. The proposal to construct one dwelling unit at this site is permissible because: (1) the proposed construction of a dwelling on the subject property conforms to the R-1(H) District standards for Uses Permitted; (2) the proposed side and rear setbacks meet or exceed the R-1(H) District requirements; (3) the proposed three-stories and 31.687 foot maximum height will not exceed the R-1 District limit of 35 feet; (4) the proposed average height is 29.3 feet, which is approvable with an AUP; (5)the proposed lot coverage is 39.7 percent where 40 percent is allowed, and (6) the project includes 1,308 square feet of usable open space where 400 square feet is required.

B. Shadows: The new dwelling will cast slight new shadows on neighboring yards and buildings at certain times of year and times of day. However, impacts would be limited in duration and effect and would not substantially diminish sunlight for the affected residences.

C. Views: Substantial southwestward views are available from the area surrounding the project site, including from Kentucky Avenue, neighboring residences, and the residences uphill to the northeast of the project site. Sightlines available from these residences occur mostly over and beyond the proposed residence, and views of the San Francisco Bay will be substantially maintained. Thus, given existing conditions, including existing trees that obstruct views and the existing slope in the neighborhood, and the proposed height of the new dwelling, the proposed project will not unreasonably obstruct views.

D. Privacy and Air: The proposed single-family dwelling unit exceeds side and rear setback requirements in the R-1(H) Zoning District, and is consistent with the existing development and building-to-building separation pattern in this neighborhood.

E. Accessory Building and Unenclosed Accessory Structure. The proposed eighty-five square foot accessory building at the rear of the lot is under ten feet in average height and is more than seventy-five feet from the front lot line, and meets the applicable development standards. The garbage enclosure within the front setback will provide screening of solid waste containers.

F. Number of Bedrooms. The sixth bedroom will provide additional living area for the residents of the single-family dwelling and will not increase the density on the lot.

G. General Non-Detriment: The proposed project will have minimal impact on the neighborhood. New shading will be limited on nearby residential uses, and privacy impacts have been kept minimal. In addition, the project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the

adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

3. Per BMC 23.210.020(A), the project will meet the purpose of the Hillside Overlay Zone because:

A. The proposed two-car garage in the front setback is necessary due to the steep upward slope of the lot and is consistent with neighboring properties, which also have garages at the fronts of their lots. It will provide two off-street parking spaces on a narrow street in a location that is vulnerable to wildfire.

B. The additional height responds to the topography of the site while giving reasonable protection to views.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

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

2. Compliance Required (BMC Section 23.102.050)

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

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

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

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

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

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

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

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)
No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

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

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

☐ **Project Liaison** _____
Name Phone #

11. Roof Color. To avoid glare towards above grade residents, the roof shall be a shade of gray, green, brown or blue. The roof shall not be white or a similarly bright color, and shall not be of reflective material. Prior to issuance of a Building Permit, the applicant shall provide a sample and/or information regarding roof material and color for review and approval by the Zoning Officer.

12. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

Prior to Issuance of A Building Permit

13. Per the Supplemental Geotechnical Peer Review prepared by Cotton, Shires and Associates, Inc., and dated November 8, 2022:

Geotechnical Plan Review - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

14. Number of Bedrooms / Accessory Dwelling Unit (ADU): If the proposed ADU is not developed concurrently with the project, the applicant shall obtain a Use Permit Modification if the additional rooms that meet the definition of a bedroom bring the total number of bedrooms over six.

15. 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.

16. 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

17. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

18. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation as specified by the Berkeley Green Code (BMC Section 19.37.040). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.

19. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

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

21. 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).

22. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

23. 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.

24. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.

25. Per the Supplemental Geotechnical Peer Review prepared by Cotton, Shires and Associates, Inc., and dated November 8, 2022:

Geotechnical Construction Inspections - The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete.

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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 and 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 micro-screening 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.

35. 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.

36. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system;

these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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:

40. 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.

41. 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 19, 2022, except as modified by conditions of approval.

At All Times:

42. 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.

43. 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.

44. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

45. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

46. 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.

KEEFE RESIDENCE

469 KENTUCKY AVE., BERKELEY CA 94707

MASSING PERSPECTIVE

N.T.S.

SCOPE OF WORK

DEMOLISH EXISTING 3 STORY SINGLE FAMILY 4 BEDROOM HOME: 1,733 SF WITH EXISTING DETACHED 240 SF 1-CAR CARAGE. CONSTRUCT NEW 3 STORY SINGLE FAMILY 3.5 BATH, 5 BEDROOM (4 BEDROOMS ON SECOND FLOOR + 1 BEDROOM ON GROUND FLOOR, LABELLED TV ROOM) HOME WITH ATTACHED GROUND FLOOR ADU: 3,310 SF PRIMARY UNIT AND 494 SF ADU WITH DETACHED 488 SF 2-CAR GARAGE. PROJECT INCLUDES NEW GRADING/LANDSCAPING, TRASH ENCLOSURE, AND 85 SF ACCESSORY BUILDING.

SITE INFORMATION

APN#: 062 294502800
ZONING DISTRICT: R-1H
LOT SIZE: 5,088 sq. ft.
YEAR BUILT: 1926
WILDFIRE ASSESSMENT DISTRICT:
HISTORIC: NO
LIQUEFACTION (SEISMIC HAZARDS MAPPING ACT): NO
LIQUEFACTION SEVERITY: N/A

FLOOD ZONE (100-YEAR OR 1%): NO
LANDSLIDE (SEISMIC HAZARDS MAPPING ACT): YES
CREEK BUFFER: NONE
FIRE ZONE: 2

BUILDING INFORMATION

EXISTING:

NUMBER OF UNITS: 1
CONSTRUCTION TYPE: V
OCCUPANCY: R
FIRE SPRINKLERS: NO
STORIES: 2 + PARTIAL BASEMENT
GROSS FLOOR AREA: 1773 SF
YEAR BUILT: 1926

PROPOSED:

NUMBER OR UNITS: 2
PRIMARY DWELLING UNIT (3310 SF) + ATTACHED ADU (494 SF)

CONSTRUCTION TYPE: TBD
OCCUPANCY: R
FIRE SPRINKLERS: YES
STORIES: 3
GROSS FLOOR AREA: 3,804 SF

PROJECT TEAM

ARCHITECT

MAURICE LEVITCH, AIA
LEVITCH ASSOCIATES, INC.

1029 HEINZ AVENUE
BERKELEY, CA 94710
TEL: 510.845.6941
FAX: 510.845.6950
EMAIL: MAURICE@LEVITCH.COM

SURVEYORS

MORAN ENGINEERING, INC.

1930 SHATTUCK AVE. SUITE A
BERKELEY, CA 94704
TEL: 510.848.1930

APPROVALS

AREA TABULATIONS

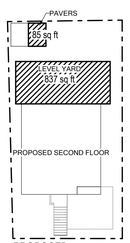
	EXISTING	PROPOSED	REQUIRED/ PERMITTED
# OF DWELLING UNITS	1	1 + ADU	-
# OF PARKING SPACES	1	2	1
# OF BEDROOMS	4	5	-
# OF BATHROOMS	2	3.5	-
FRONT YARD SETBACK	4'	4'	20'
SIDE YARD SETBACK (LEFT)	4.7'	5'	4'
SIDE YARD SETBACK (RIGHT)	9.7'	9.25'	4'
REAR YARD SETBACK	38.8'	38.16'	20'
BUILDING HEIGHT (# OF STORIES)	3	3	3
AVERAGE HEIGHT	25.5'	29.3'	28'
MAXIMUM HEIGHT	28.75'	31.687'	35'
LOT AREA	5,088 sq ft	5,088 sq ft	5,000 sq ft
GROSS FLOOR AREA	1,773 sq ft	4,350 sq ft	-
BUILDING FOOTPRINT	1,601 sq ft	2,020 sq ft	2,035.2
LOT COVERAGE	31.5%	39.7%	40%
USEABLE OPEN SPACE	181 sq ft	922 sq ft	800 sq ft

SHEET INDEX

PRELIMINARY

A1 COVER SHEET
A2 SITE PLAN
A3 EXISTING FLOOR PLANS
A4 PROPOSED FLOOR PLANS
A5 PROPOSED FLOOR PLANS
A6 PROPOSED ELEVATIONS
A7 PROPOSED ELEVATIONS
A8 PROPOSED ELEVATIONS
A9 PROPOSED ELEVATIONS
A10 PROPOSED SECTIONS
A11 LANDSCAPE AND GRADING PLAN
A12 SHADOW STUDY
A13 SHADOW STUDY ELEVATIONS
S1 SITE SURVEY

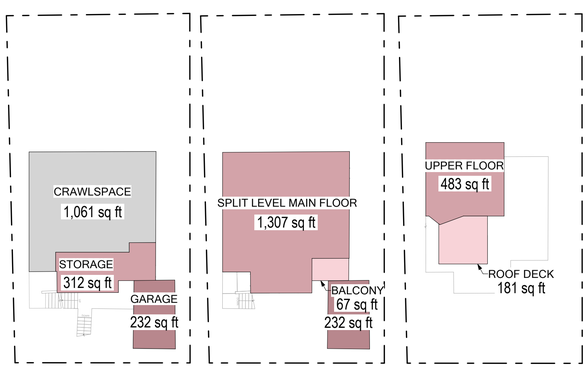
USABLE OPEN SPACE DIAGRAM



TOTAL USABLE OPEN SPACE =
837 + 85 = 922 SQ FT

VICINITY MAP

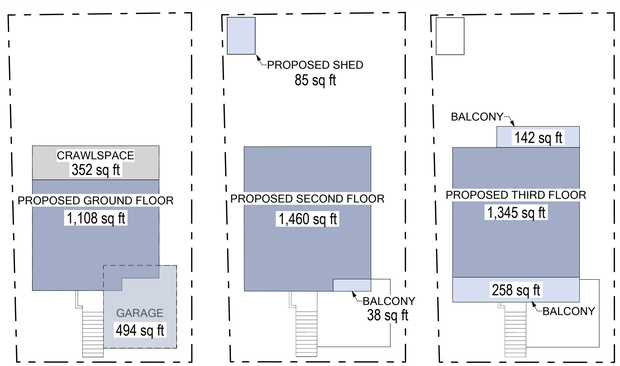
AREA CALCULATIONS AND DIAGRAMS



EXISTING GROUND FLOOR / GARAGE

EXISTING SPLIT LEVEL SECOND FLOOR

EXISTING THIRD FLOOR

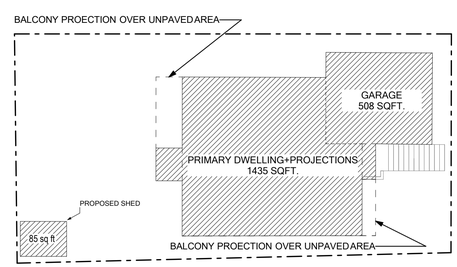


PROPOSED GROUND FLOOR / GARAGE

PROPOSED SECOND FLOOR

PROPOSED THIRD FLOOR

LOT COVERAGE DIAGRAM



LOT COVERAGE = PROPOSED FOOTPRINT + PROJECTIONS OVER PAVED AREAS=
1,435 + 508 + 85 = 2,028 SQFT.
2,028/5,088 = 0.3985 X 100 = 39.85%

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH
ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

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COVER SHEET

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Project No:
2136

Date:
December 19, 2023

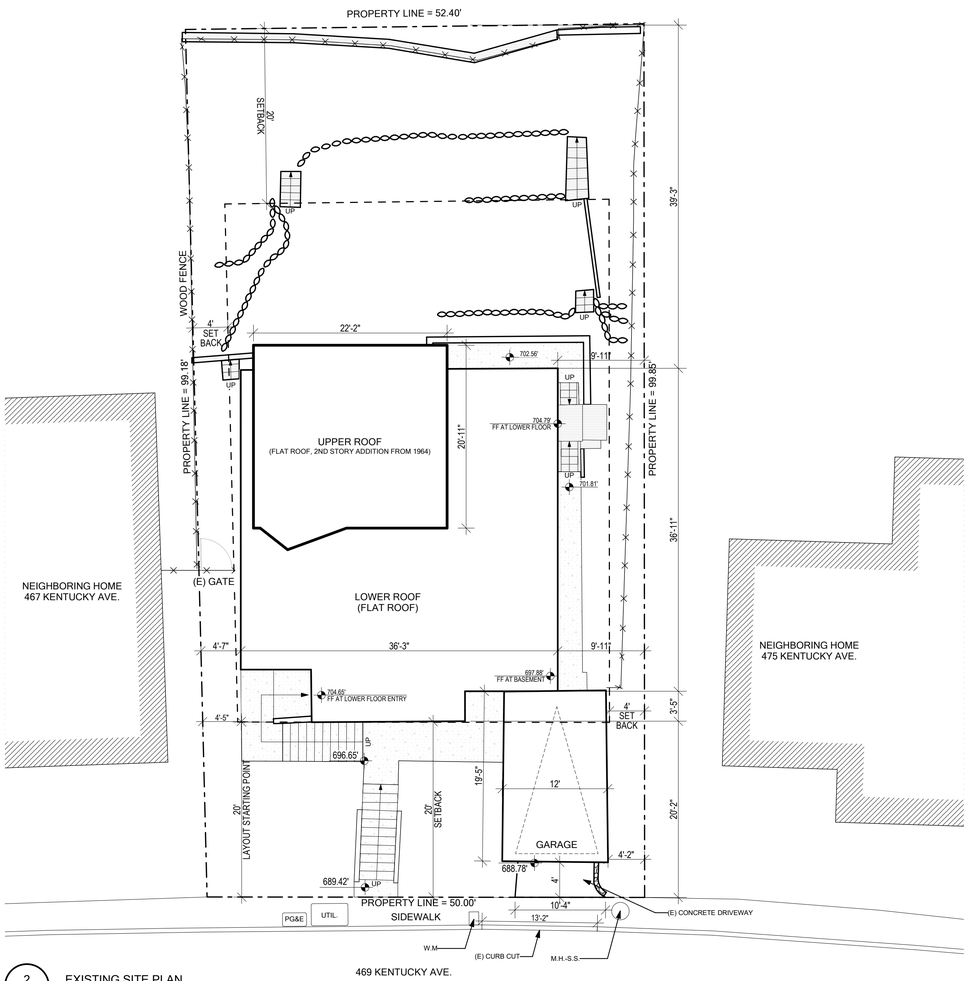
Drawn By:
CH/KM

Checked By:
SG

A1

I HAVE REVIEWED THE PLANS FOR DEMOLITION OF EXISTING 4-BEDROOM HOME AND CONSTRUCTION OF A NEW 4,292 GROSS SQUARE FOOT PROJECT, INCLUDING A 5-BEDROOM HOME WITH AN ATTACHED 1-BEDROOM ACCESSORY DWELLING UNIT AND AN ATTACHED 2-CAR GARAGE AT 469 KENTUCKY AVE

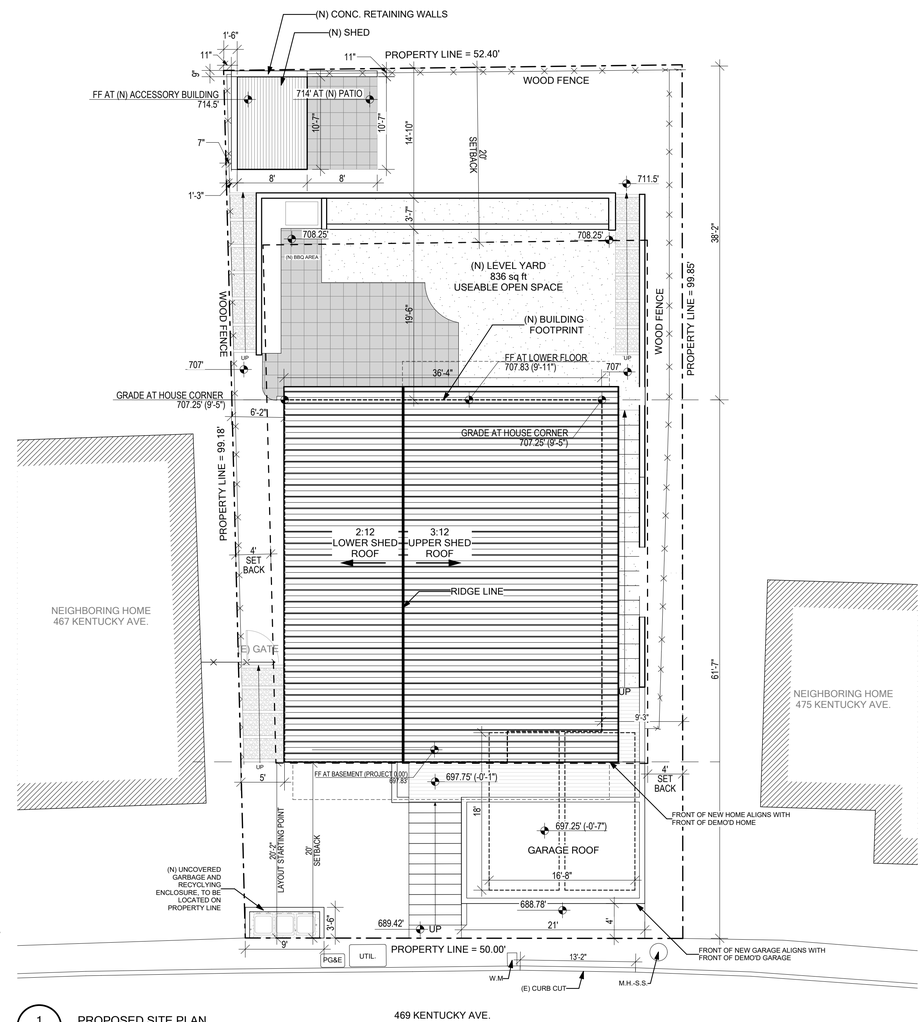
NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENT
		467 KENTUCKY AVE.	RENT / OWN				
		475 KENTUCKY AVE.	RENT / OWN				
		462 KENTUCKY AVE.	RENT / OWN				
		466 KENTUCKY AVE.	RENT / OWN				
		472 KENTUCKY AVE.	RENT / OWN				
		470 VASSAR AVE.	RENT / OWN				
		476 VASSAR AVE.	RENT / OWN				
		480 VASSAR AVE.	RENT / OWN				



2 A2 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

TRUE NORTH

PROJECT NORTH



1 A2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS

LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

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SITE PLAN

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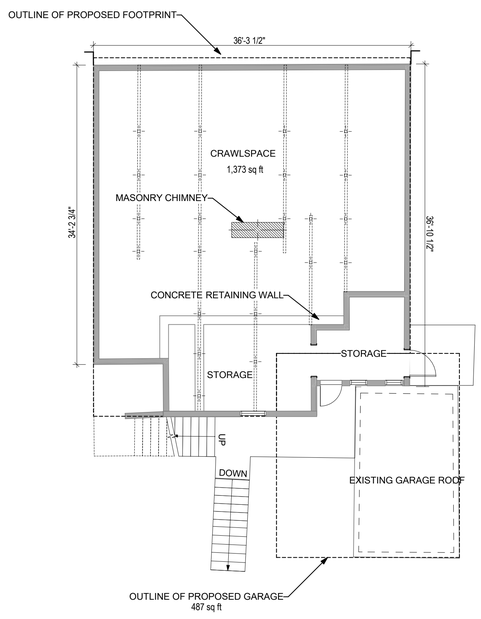
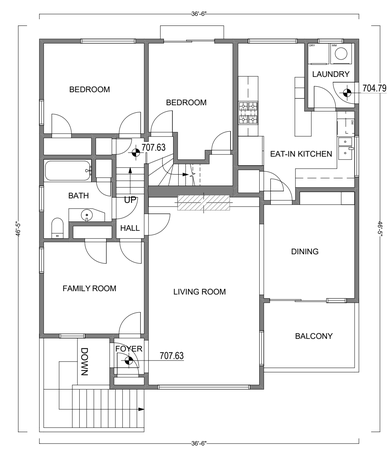
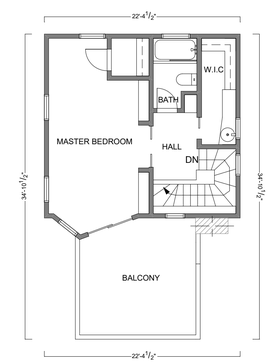


1 A3 EXISTING GROUND FLOOR / GARAGE
SCALE: 1/8" = 1'-0"



2 A3 EXISTING SPLIT LEVEL SECOND FLOOR
SCALE: 1/8" = 1'-0"



3 A3 EXISTING THIRD FLOOR
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

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BERKELEY, CA 94707

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469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
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LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

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Sheet Contents:
EXISTING FLOOR PLANS

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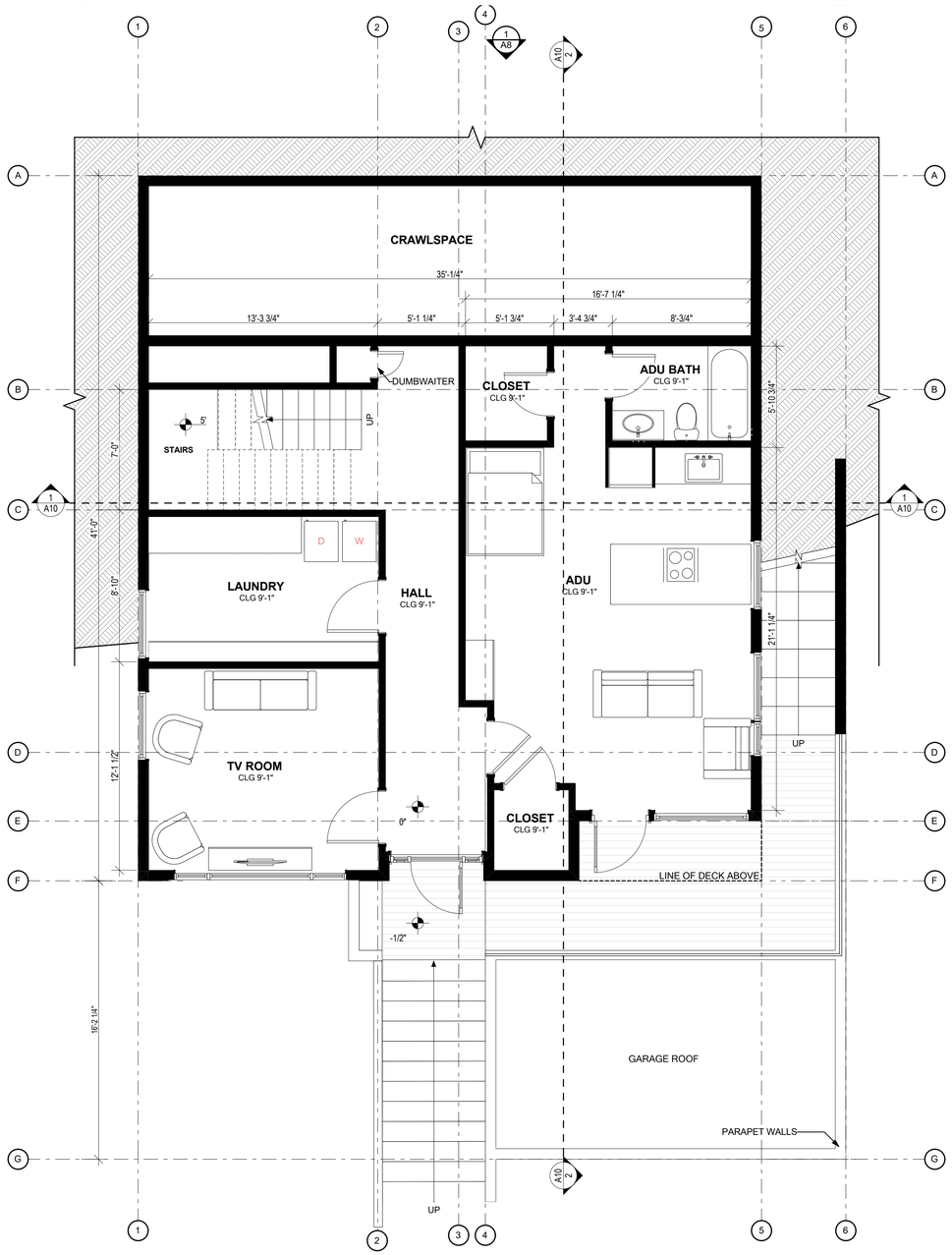
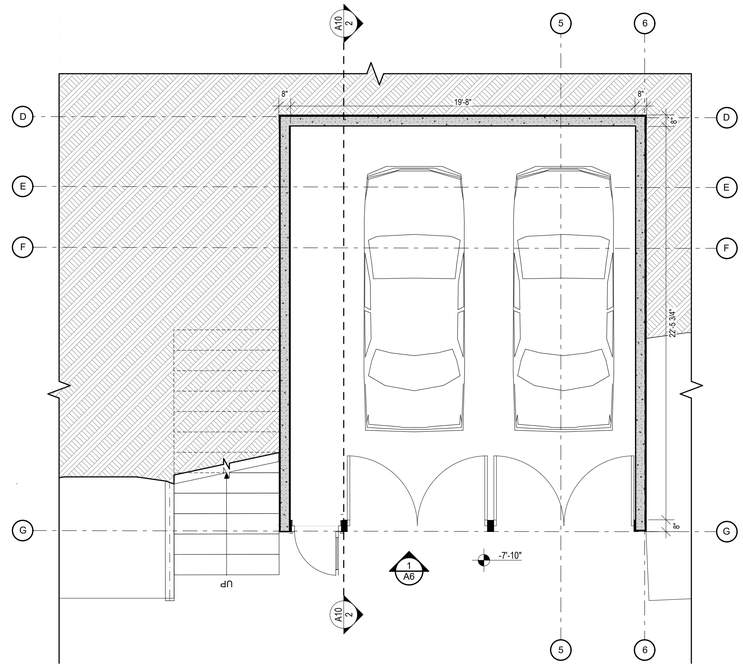
A3



2 A4 PROPOSED GROUND FLOOR
SCALE: 1/4" = 1'-0"



1 A4 PROPOSED GARAGE FLOOR
SCALE: 1/4" = 1'-0"

0 2 4 8 12

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
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1029 HEINZ AVENUE BERKELEY CA 94710
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PROPOSED FLOOR PLANS

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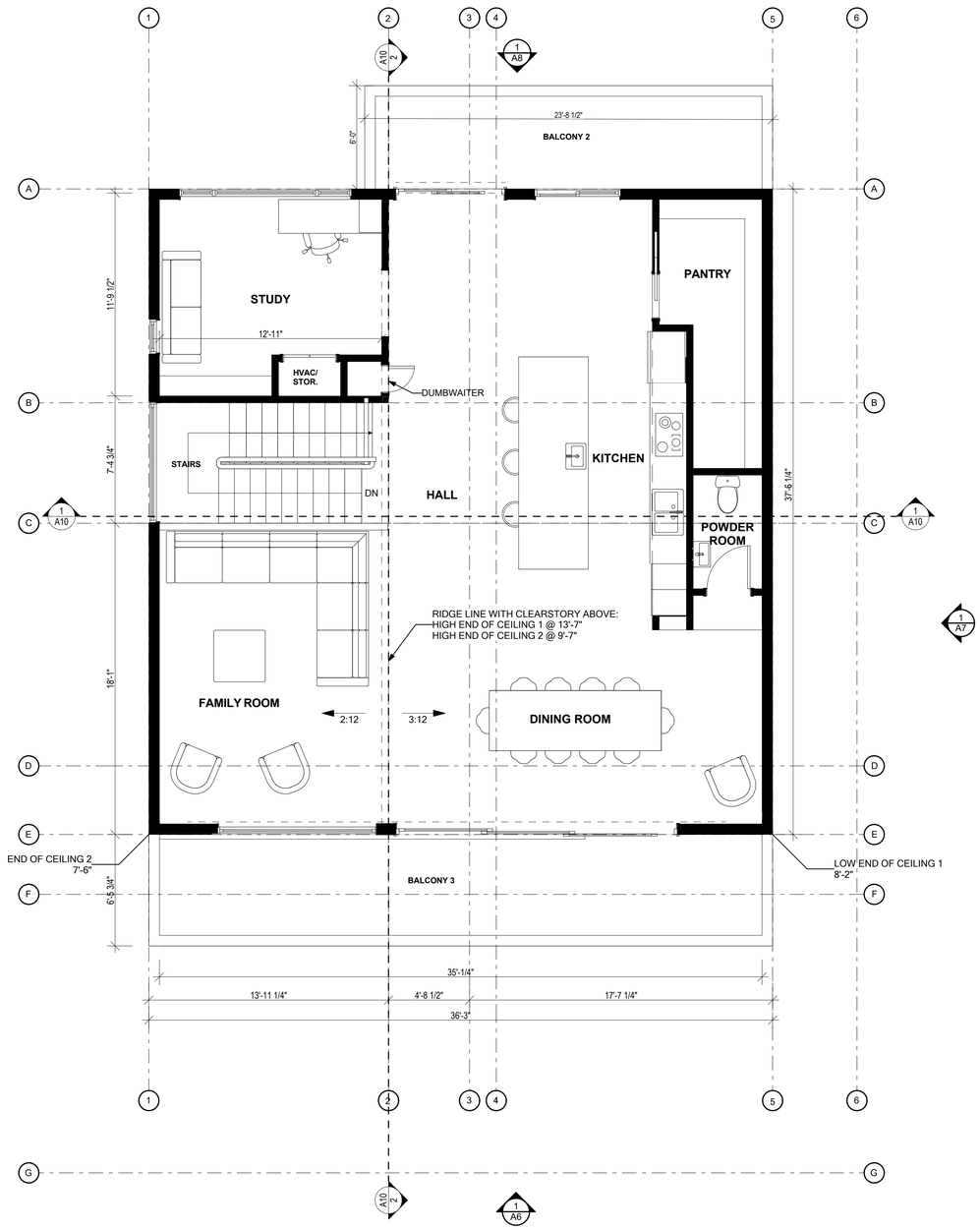
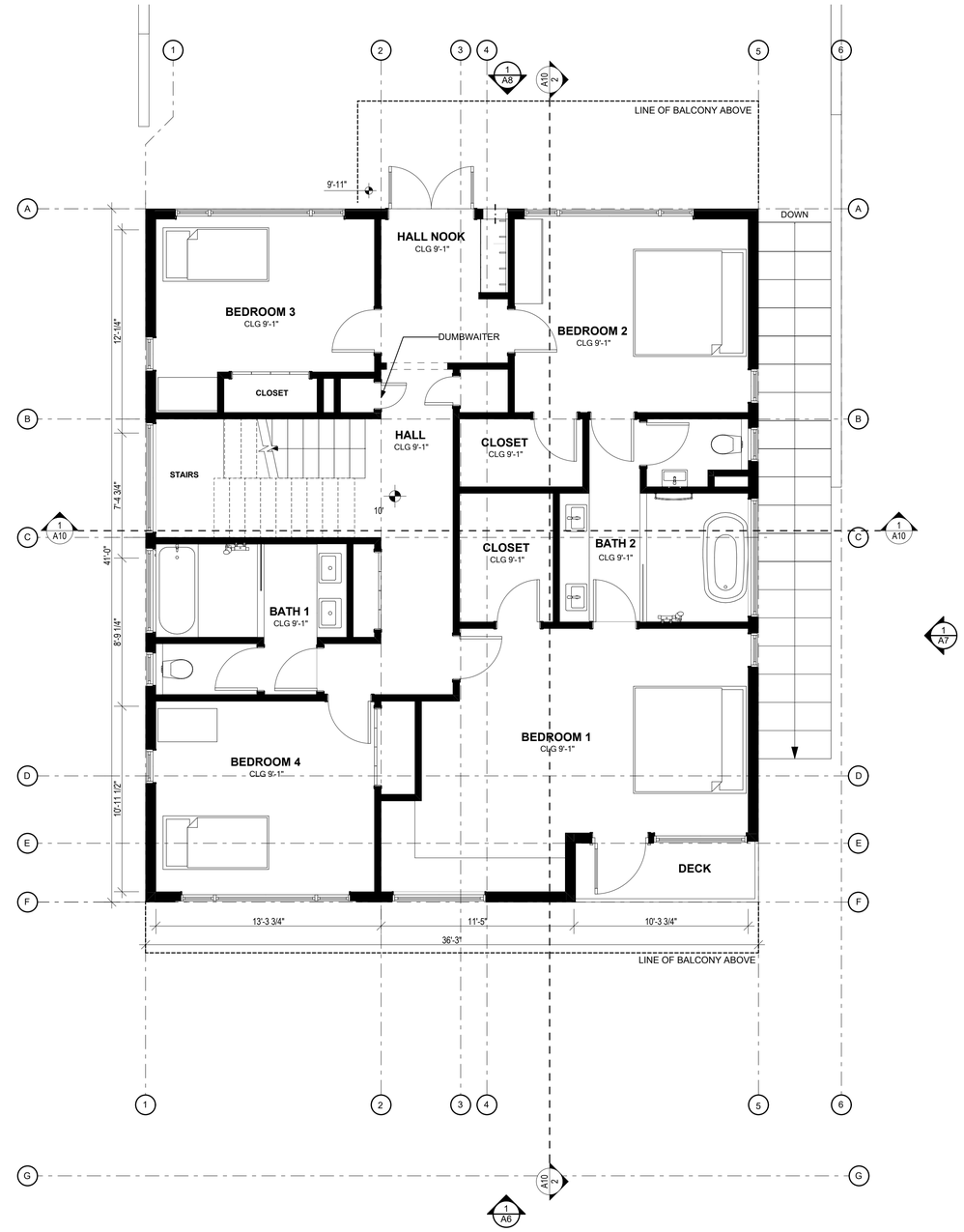


2 A5 PROPOSED THIRD FLOOR
SCALE: 1/4" = 1'-0"



1 A5 PROPOSED SECOND FLOOR
SCALE: 1/4" = 1'-0"

0 2 4 8 12

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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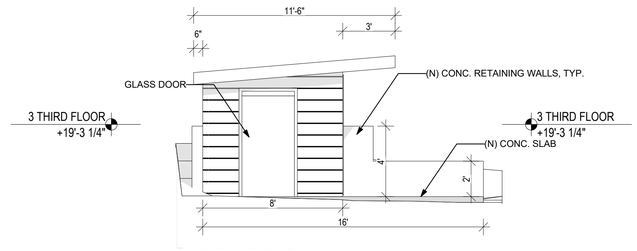
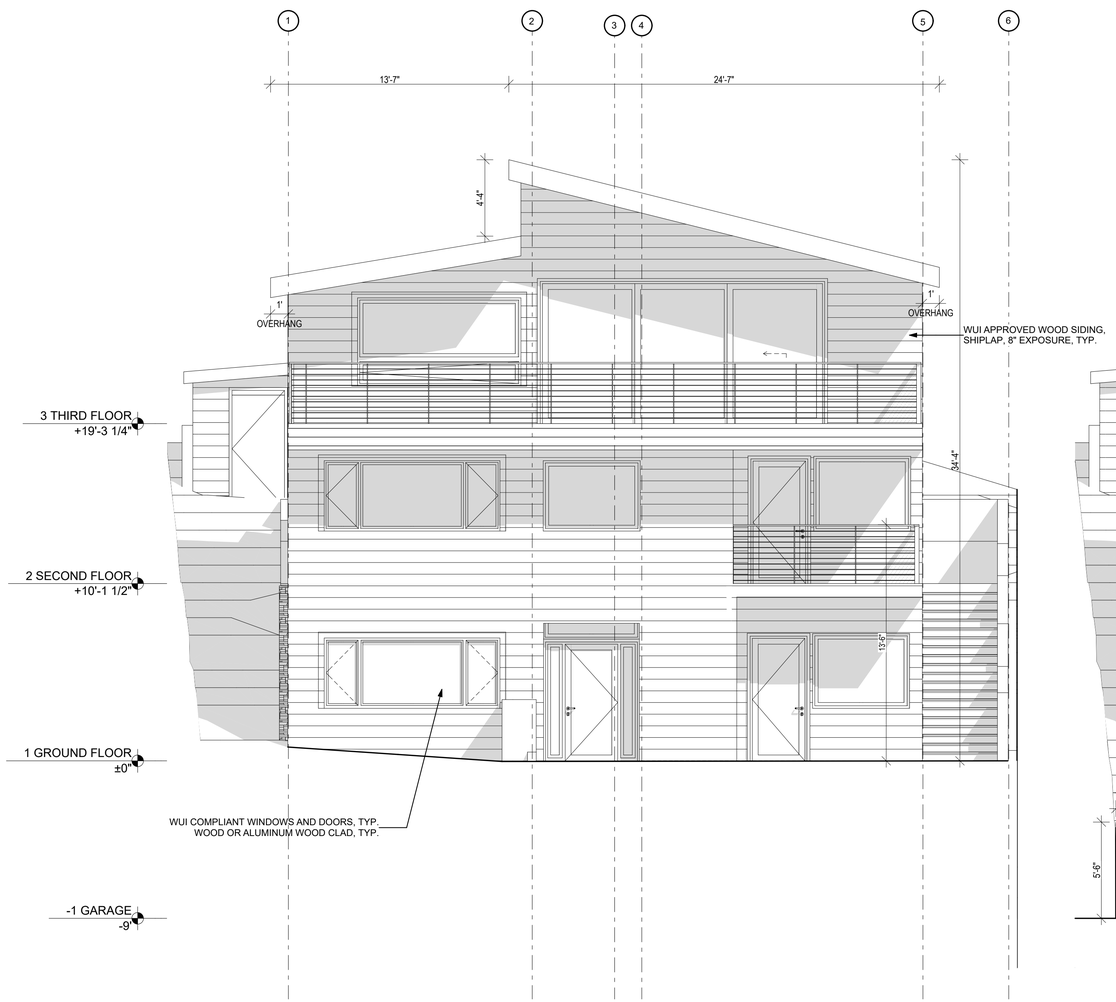
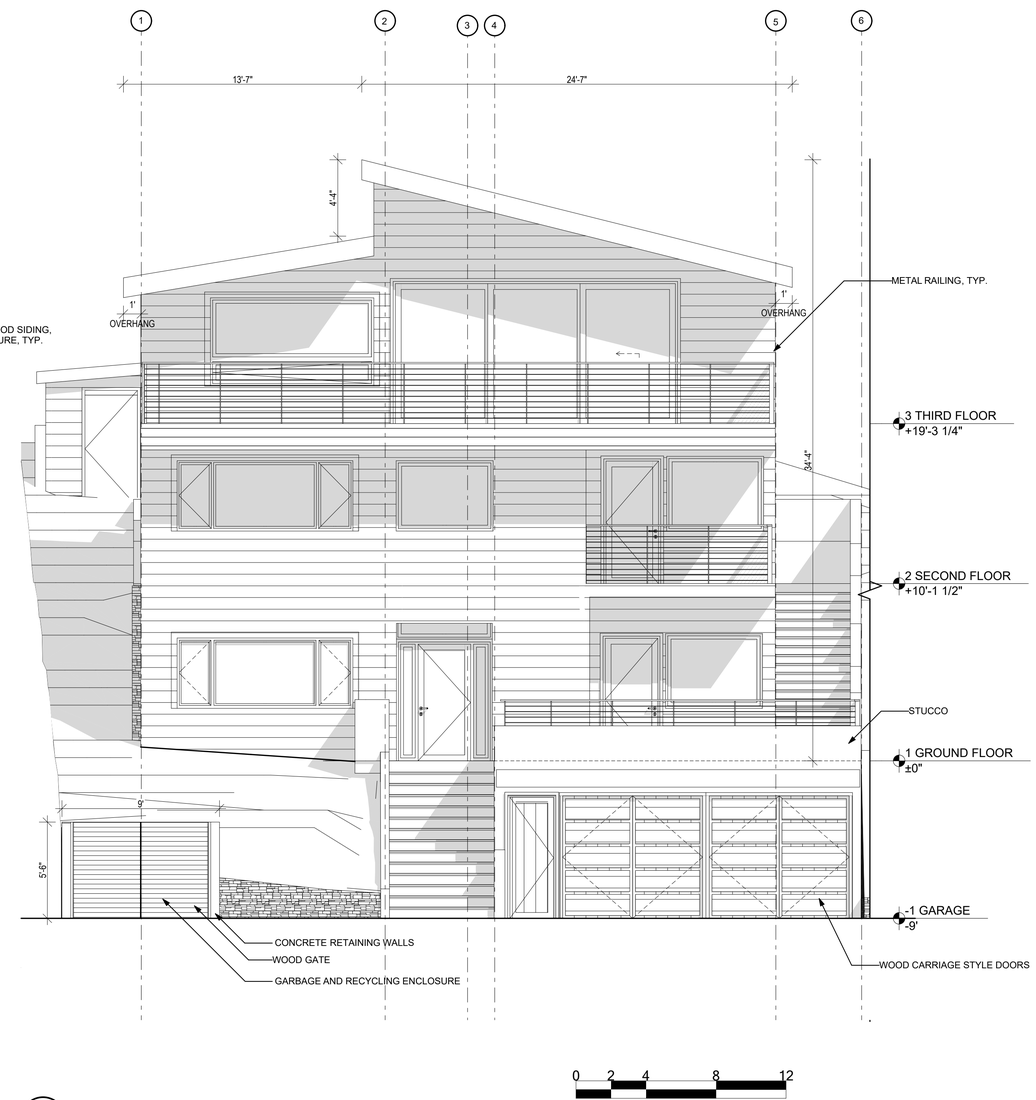
A5



3 / A6 WEST ELEVATION: SHED
SCALE: 1/4" = 1'-0"



1 / A6 WEST ELEVATION MAIN HOUSE
SCALE: 1/4" = 1'-0"



2 / A6 WEST ELEVATION STREET VIEW
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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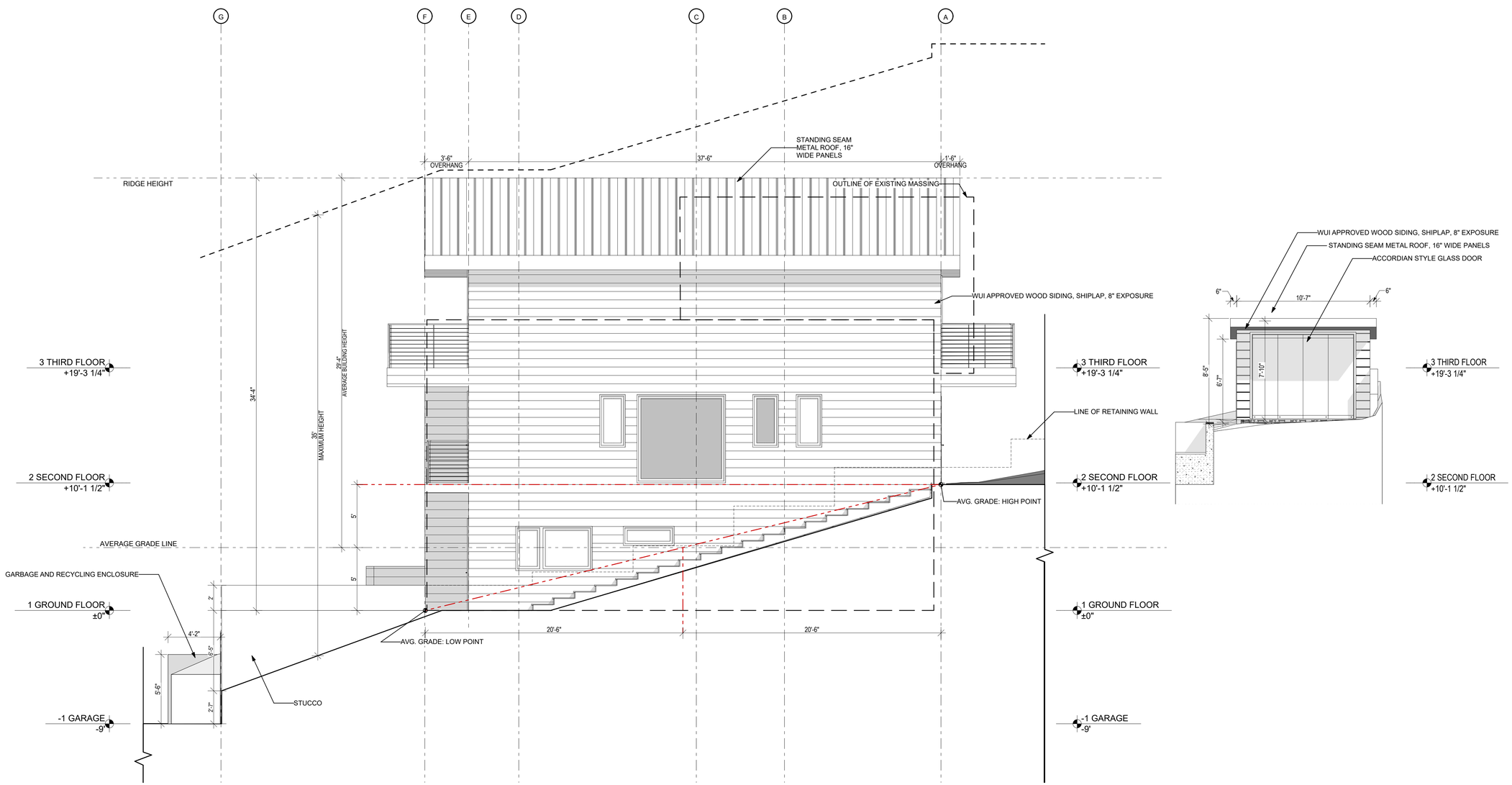
A6



1 / A7 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS

LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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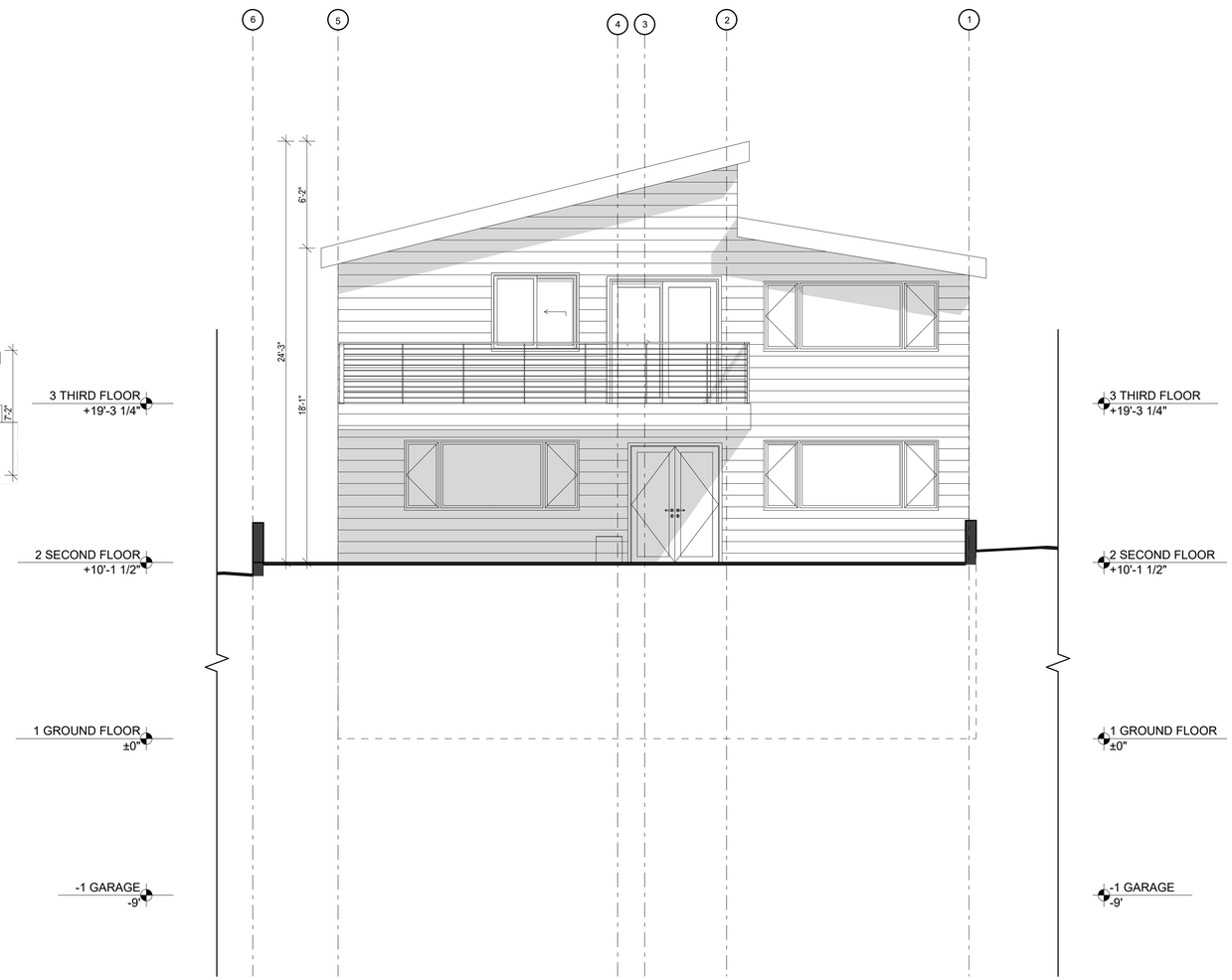
A7

2 A8 EAST ELEVATION: SHED
SCALE: 1/4" = 1'-0"



1 A8 EAST ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH
ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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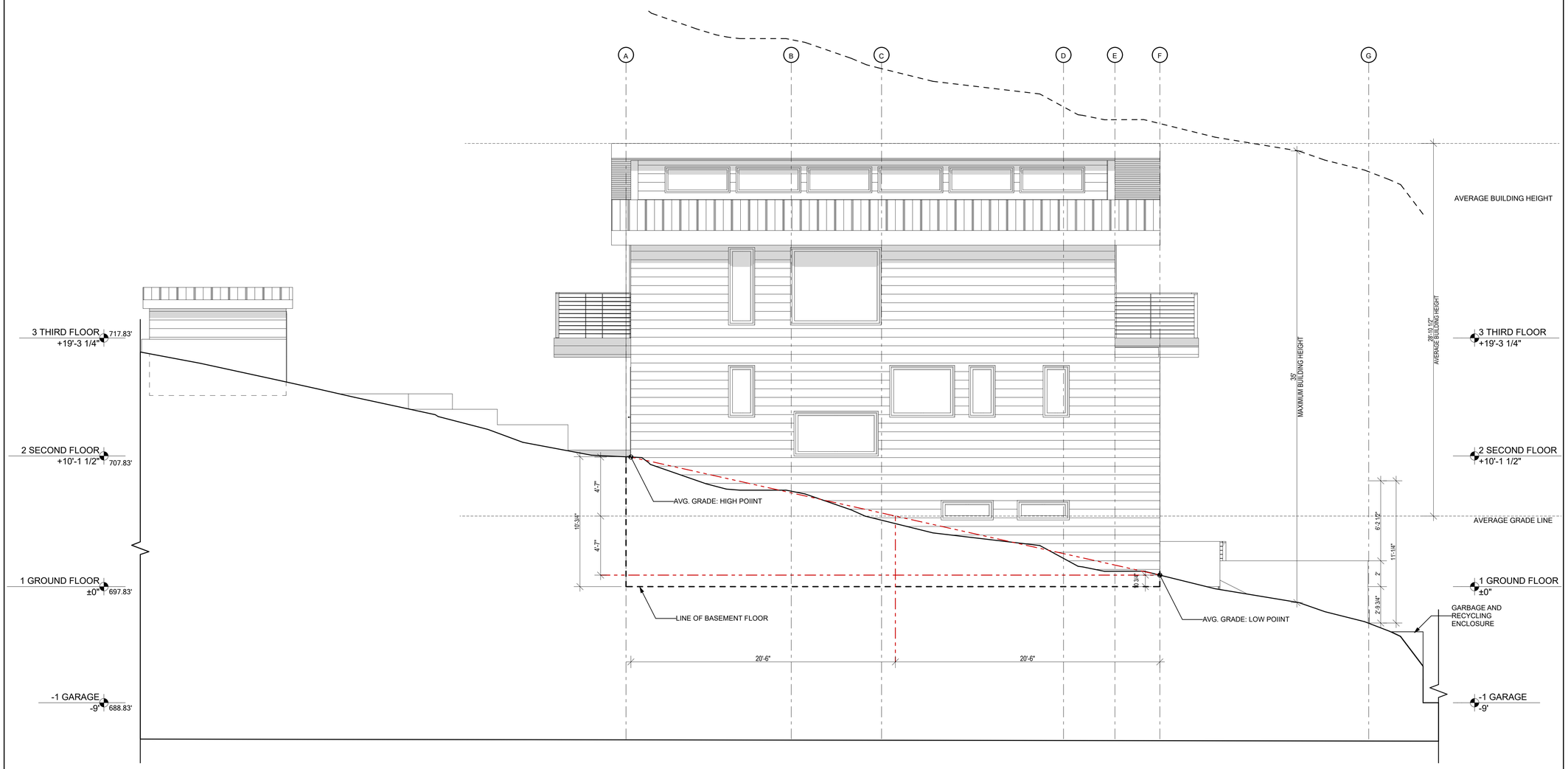
A8



1
A9
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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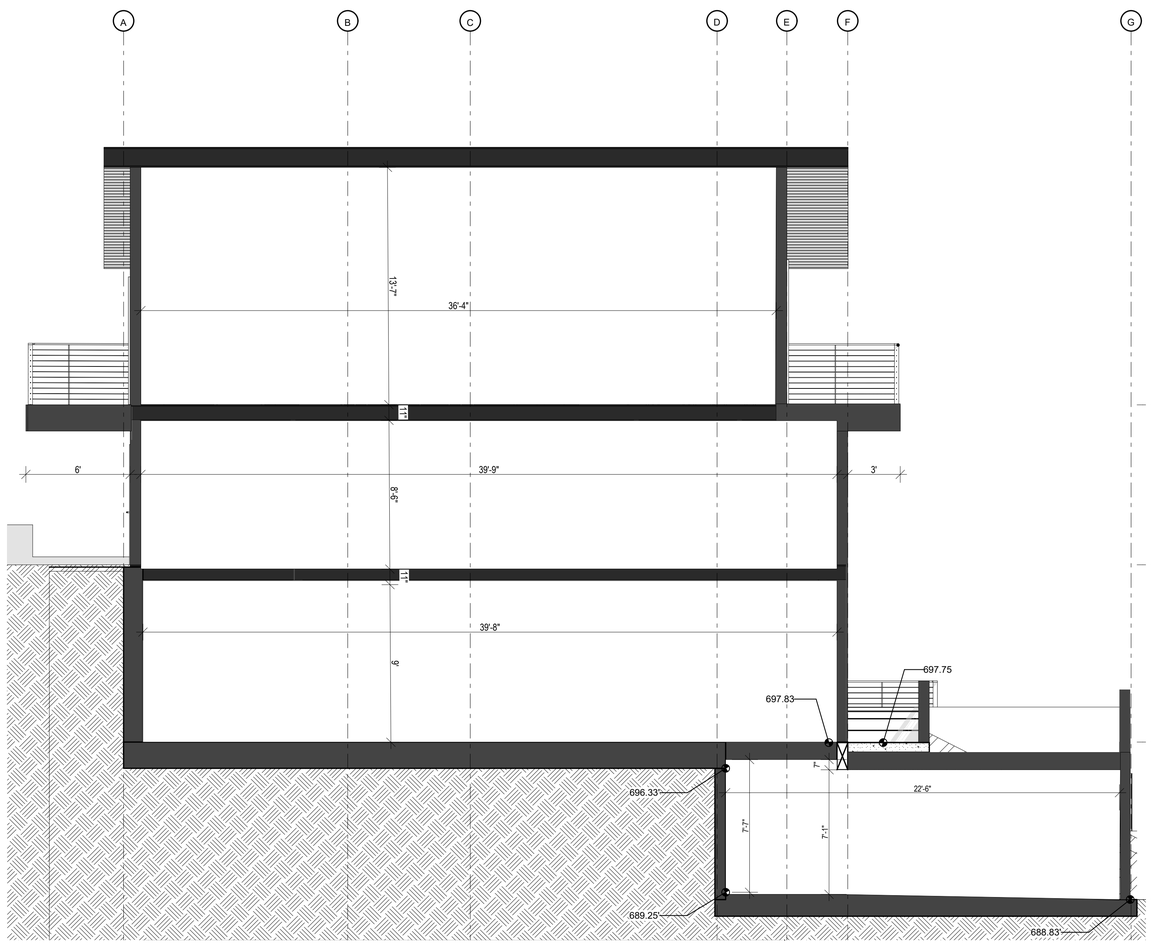
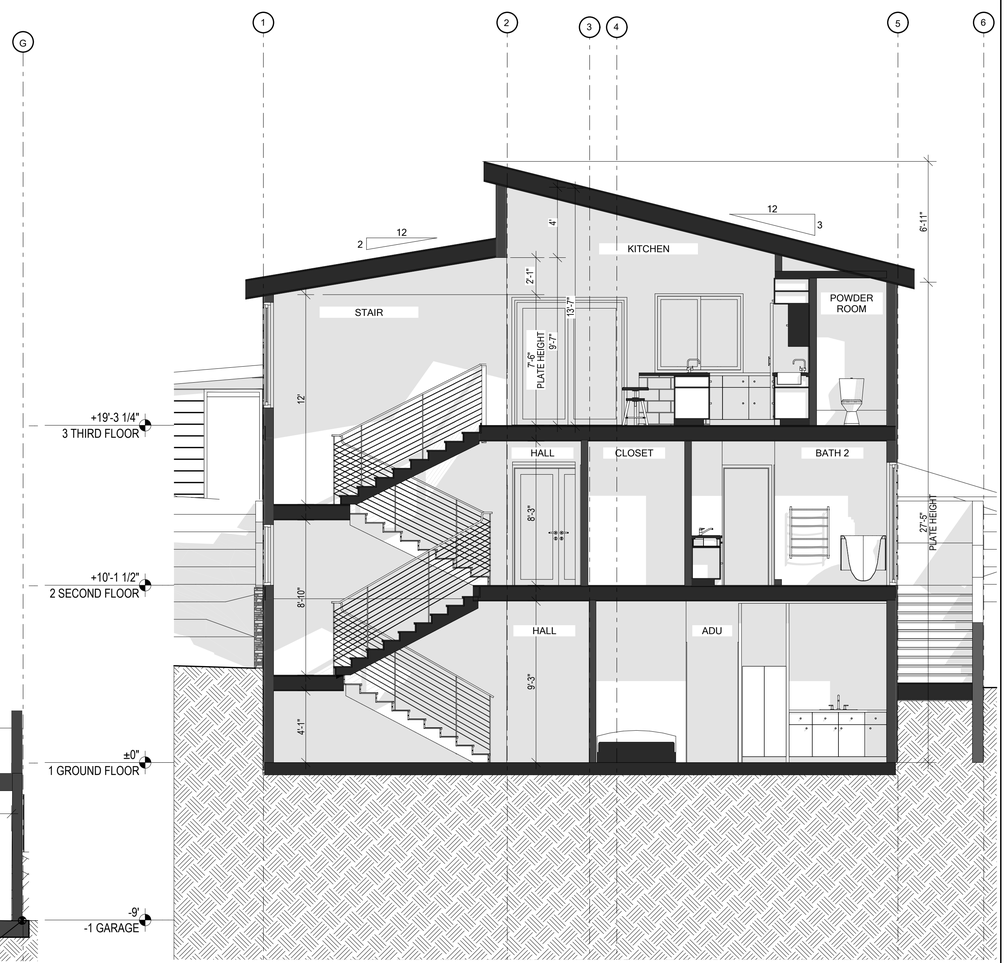
A9



2 A10 SECTION B
SCALE: 1/4" = 1'-0"



1 A10 SECTION A
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
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Sheet Contents:
PROPOSED SECTIONS

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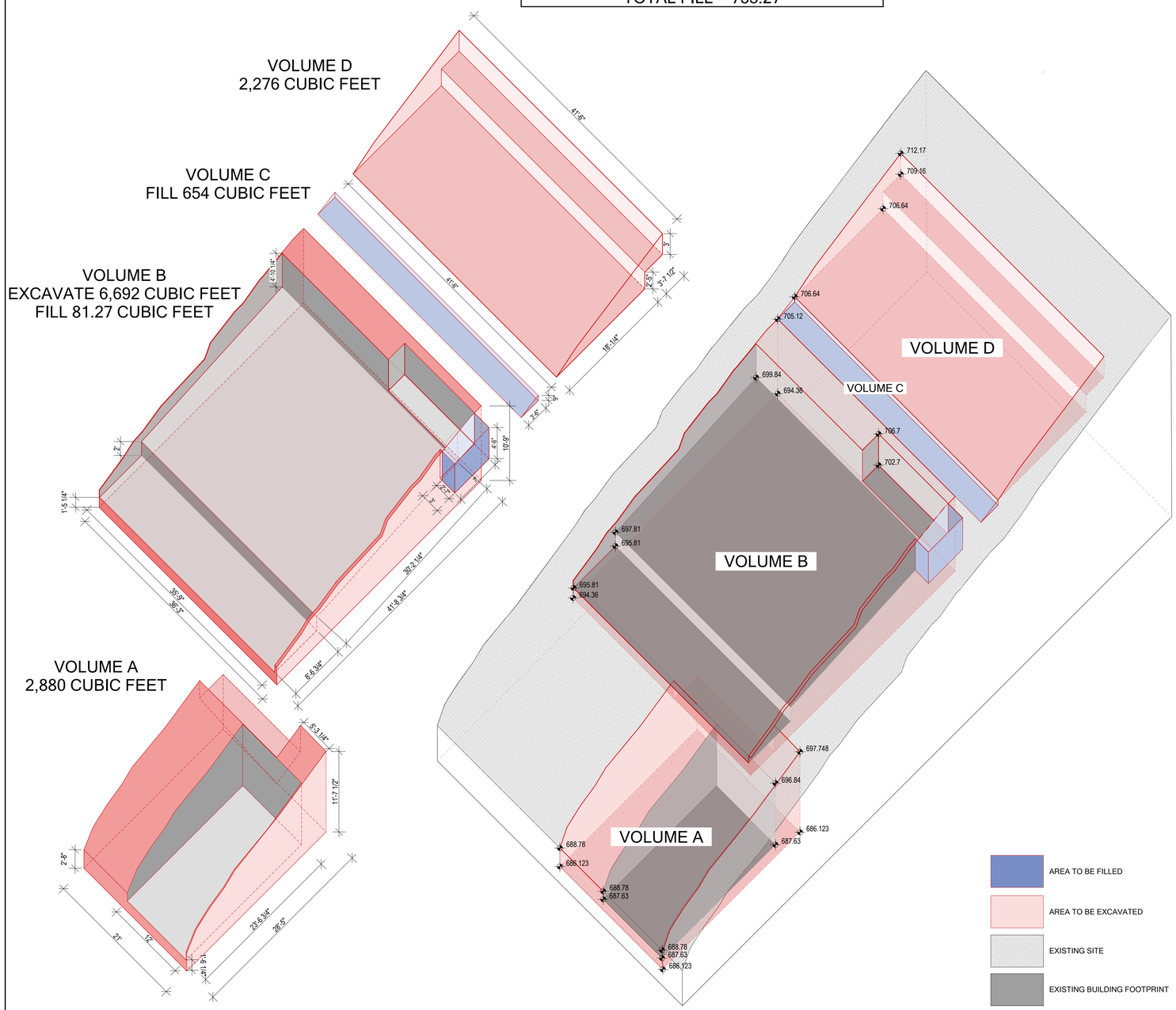
Drawn By:
CH/KM

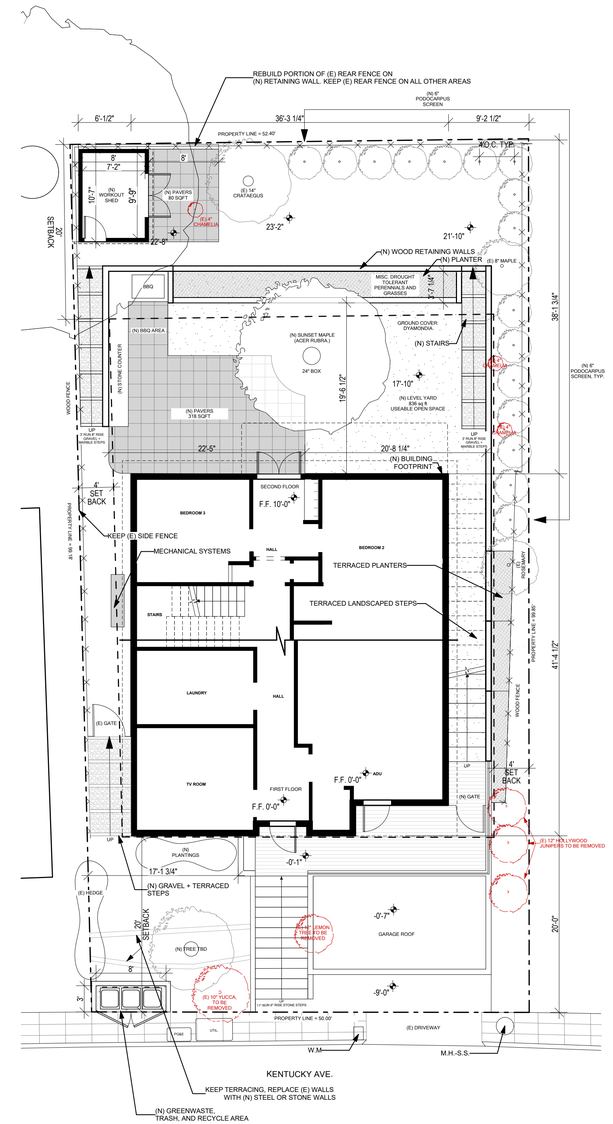
Checked By:
SG

A10

TOTAL EXCAVATION = 11,848 CUBIC FEET
TOTAL FILL = 735.27



5
A11
CONCEPTUAL GRADING DIAGRAM
SCALE: 1/8" = 1'-0"



1
A11
LAMDSCAPE PLAN
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

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Sheet Contents:
LANDSCAPE AND GRADING PLAN

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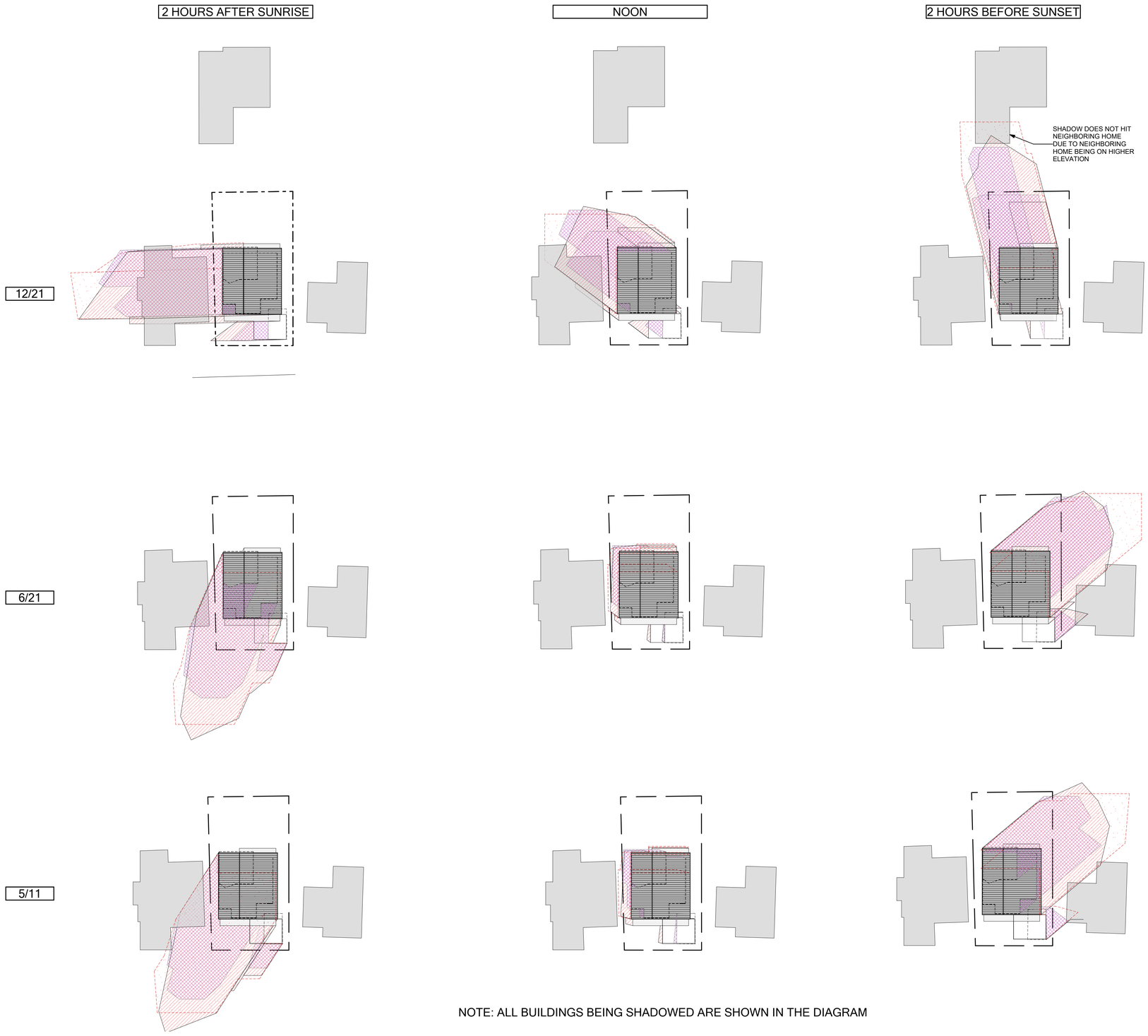
Project No:
2136

Date:
December 19, 2023

Drawn By:
CH/KM

Checked By:
SG

A11



469 KENTUCKY BACKYARD:
PHOTO TAKEN ON 5/11/22 AT 12:00 PM

NOTE: ALL BUILDINGS BEING SHADOWED ARE SHOWN IN THE DIAGRAM

2 / A12 SHADOW STUDY
SCALE: 1/32" = 1'-0"

PREVIOUSLY PROPOSED SHADOW
PROPOSED SHADOW
EXISTING SHADOW

TRUE NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

USE PERMIT

Sheet Contents:
SHADOW STUDY

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Project No:
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Date:
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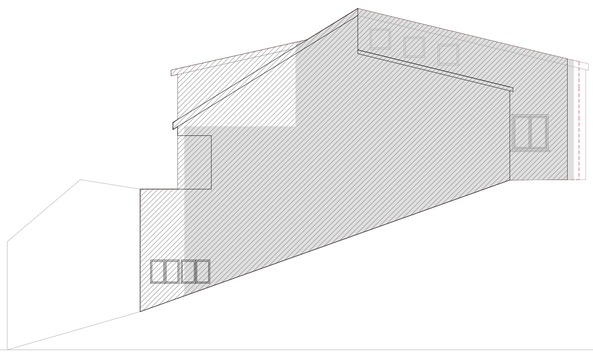
Drawn By:
CH/KM

Checked By:
SG

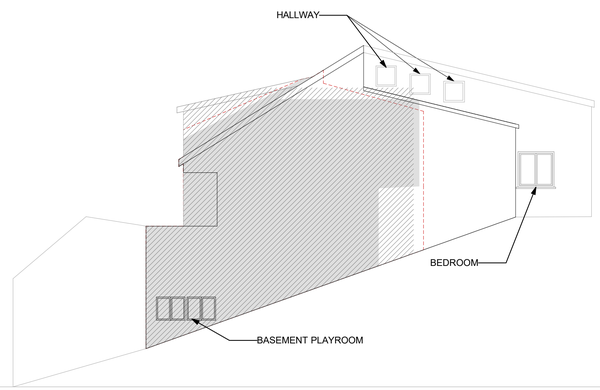
A12

467 KENTUCKY AVE.



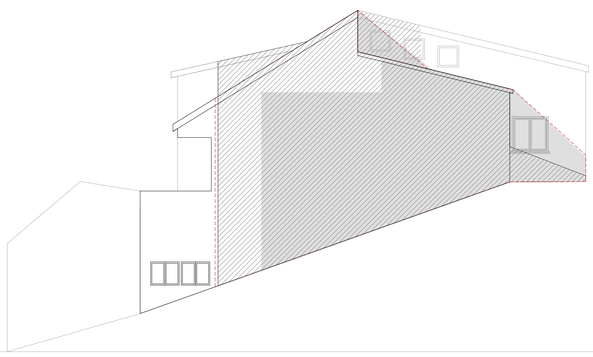
DECEMBER 2 HOURS AFTER SUNRISE

467 KENTUCKY AVE.



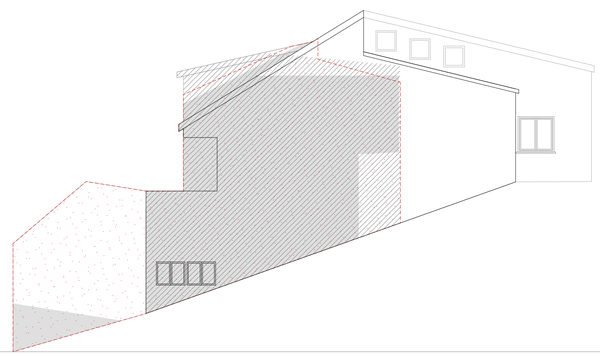
JUNE- 2 HOURS AFTER SUNRISE

467 KENTUCKY AVE.



DECEMBER, NOON

467 KENTUCKY AVE.

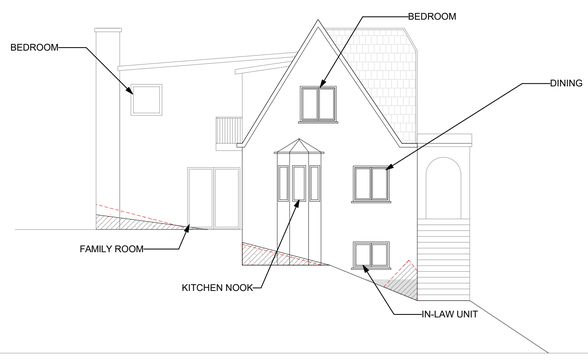


5/11- 2 HOURS AFTER SUNRISE

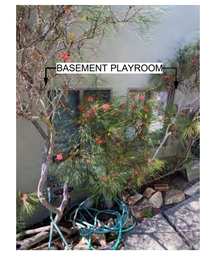
475 KENTUCKY AVE.

JUNE- 2 HOURS BEFORE SUNSET

475 KENTUCKY AVE.



5/11 - 2 HOURS BEFORE SUNSET



1
A13

SHADOW STUDY ELEVATIONS
SCALE: 1/8" = 1'-0"

EXISTING SHADOW
PROPOSED SHADOW
PREVIOUSLY PROPOSED SHADOW

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH
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Tel: (510)845-6941 Fax: (510) 845-6950
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USE PERMIT

Sheet Contents:
SHADOW STUDY
ELEVATIONS

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Project No:
2136

Date:
December 19, 2022

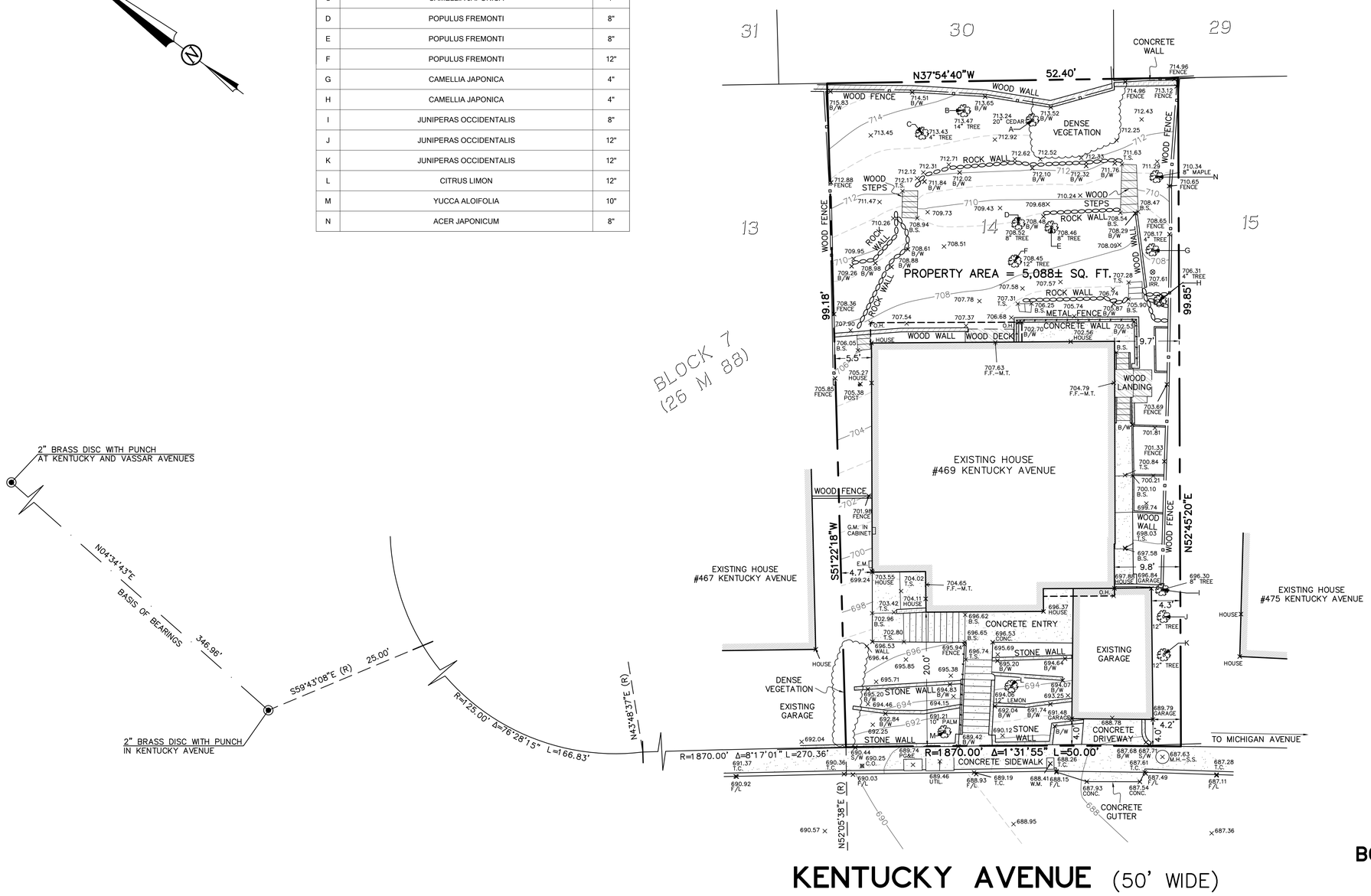
Drawn By:
CH/KM

Checked By:
SG

A13

TREE INVENTORY
PREPARED BY LEVITCH ASSOCIATES

X	SPECIES NAME	DBH
A	CALOCEDRUS DECURRENS	20"
B	CRATAEGUS PHAENOPYRUM	14"
C	CAMELLIA JAPONICA	4"
D	POPULUS FREMONTI	8"
E	POPULUS FREMONTI	8"
F	POPULUS FREMONTI	12"
G	CAMELLIA JAPONICA	4"
H	CAMELLIA JAPONICA	4"
I	JUNIPERAS OCCIDENTALIS	8"
J	JUNIPERAS OCCIDENTALIS	12"
K	JUNIPERAS OCCIDENTALIS	12"
L	CITRUS LIMON	12"
M	YUCCA ALOIFOLIA	10"
N	ACER JAPONICUM	8"



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
G.M.	GAS METER
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
O.H.	OVERHANG
PG&E	PACIFIC GAS AND ELECTRIC
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
UTIL.	UKNOWN UTILITY
W.M.	WATER METER
	BUILDING LINE
	CONCRETE
	CONCRETE WALL
	ROCK WALL
	STONE
	WOOD
	WOOD WALL
	METAL FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
(R)	RADIAL

GENERAL NOTES:
THIS MAPPING IS BASED ON A FIELD SURVEY PERFORMED ON APRIL 19, 2021.

DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN TO THE PROPERTY LINES WERE MEASURED FROM THE BUILDING CORNERS.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BASIS OF BEARINGS:
THE MONUMENT LINE IN KENTUCKY AVENUE WAS TAKEN AS NORTH 04°34'43" EAST AS SHOWN ON THOUSAND OAKS HEIGHTS (26 M 88).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE 2" BRASS DISC MONUMENT AT THE INTERSECTION OF KENTUCKY AND VASSAR AVENUES, DESIGNATED "B1625" WAS TAKEN AS ELEVATION = 697.93 FEET PER CITY OF BERKELEY ENGINEERING RECORDS.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA
05-28-2021

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BLOCK 7, THOUSAND OAKS HEIGHTS (26 M 88)
LOCATED AT 469 KENTUCKY AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 28, 2021 SCALE: 1" = 8'

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

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

F.B. NO. 1824 & RR-94 KENTUCKY-TOPO.DWG JOB NO. 21-10668

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

469 Kentucky Avenue

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story, single-family residence and two-car garage.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on January 12, 2023**, conducted via Zoom, see the Agenda for details at:** *https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf*. The meeting starts at 7:00 p.m.

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

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for an enclosed accessory structure in the first 50 percent of the lot depth and less than 4 feet from the side lot line, per BMC 23.304.060(C)(2)

C. CEQA Recommendation: It is staff's recommendation to ZAB that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.)

pursuant to Sections 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines.

D. Parties Involved:

- Applicant Maurice Levitch, 1029 Heinz Avenue, Berkeley CA 94710
- Property Owner Aidan Keefe, 469 Kentucky Avenue, Berkeley, CA 94707

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

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

Questions about the project should be directed to the project planner, 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@citofberkeley.info.

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

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

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

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

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

It will not be possible to submit written comments at the meeting.

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

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

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

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

State of California ☐ The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Review Code | Reviewer | Date | Listings

Page 1 **of** 4 ***Resource Name or #:** 469 Kentucky Ave., Berkeley, CA
P1. Other Identifier: None

***P2. Location:** ☐ **Not for Publication** ■ **Unrestricted**
***a. County** Alameda
***b. USGS 7.5' Quad** Oakland West **Date** 1993 **Township & Range** T1S/R3W
c. Address 469 Kentucky Ave. City Berkeley Zip 94707
d. UTM: Zone __, _____ mE/ _____ mN
e. Other Locational Data: Assessor's Parcel Number: 62-2945-28

***P3a. Description:**
The subject residential property lies on the upper (northeast) side of Kentucky Ave., which site is steeply sloped, with the house standing a full story above the street and with a small garage at the street. The lot, with a slightly curved 50 foot frontage and approximately 100 foot depth, occupies some 5,095 square feet. The wood frame, single family house is partly 1 and partly 2-stories with a partial basement. It is basically square in plan with a central projection at the front and, alongside, a notch in its southern corner, where there is a deck at the first floor and a basement room below. Exterior cladding is a mix of stucco and wood board siding. Both upper and lower roofs are flat. (cont.)

P5a. Photograph

Fig.1 – 469 Kentucky Ave., front, from street

***P3b. Resource Attributes:** HP2: Single-family property
***P4. ResourcesPresent:** ■ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
P5b. Description of Photo: Fig.1,3,4) MH, 2022; 2) Sanborn map, 1950
***P6. Date Constructed/Age and Source:** ■ Historic ☐ Prehistoric ☐ Both
1926 (bldg.permit #23525)
***P7. Owner and Address:**
Aiden Keefe
469 Kentucky Ave.,
Berkeley, CA 94708
***P8. Recorded by:**
Mark Hulbert
446 17th St. #302
Oakland, CA 94612
***P9. Date Recorded:**
April 22, 2022
***P10. Survey Type:**
Intensive
***P11. Report Citation:**
none

***Attachments:** ☐NONE ☐Location Map ■Continuation Sheet ■Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

***Resource Name or #:** 469 Kentucky Ave., Berkeley ***NRHP Status Code**
Page 2 **of** 4

B1. Historic Name: - -
B2. Common Name: 469 Kentucky Ave.
B3. Original Use: Single-family residence B4. Present Use: same
***B5. Architectural Style:** Minimal Spanish/Mediterranean
***B6. Construction History:**

The subject, single-family house was permitted in Dec. 1925, thus constructed in 1926 on a previously vacant parcel first mapped as lot 13 and a portion of lot 14 in block 3 of the 1912 map of Thousand Oaks Heights. The 1925 permit record identified the owner and builder as the Berkeley Building Co., who developed a range of other residences in the Thousand Oaks neighborhoods (including, across the street, 452 and 472 Kentucky). A Dec. 1925 entry in the periodical *Building & Engineering News* reported the permit application for 469 Kentucky and additionally noted that no architect was engaged. Both the 1929 and 1950 Sanborn maps depict the plan of the original, 1-story house with its detached garage. (cont.)

***B7. Moved?** ☒No ☐Yes ☐Unknown **Date:** **Original Location:**
***B8. Related Features:** None
B9a. Architect: none (original); Charles Bloszies (1986 addition) b. Builder: Berkeley Building Co. (original)
***B10. Significance: Theme** - - **Area** North Berkeley, CA
Period of Significance - - **Property Type** Residential **Applicable Criteria** - -

Per the following evaluation, the subject property and building have no identifiable associations to any events or persons important to history. Additionally, the existing house is a basic and undistinguished design without construction characteristics of interest, without an identifiable original architect, and its original developed developer is of no identifiable historic importance. Additionally, the residence has been substantially altered. Consequently, as the property, residence and garage at 469 Kentucky Ave. in Berkeley do not meet any California Register (CR) criteria, they are not CR eligible. (cont.)

B11. Additional Resource Attributes: none

***B12. References:**
City of Berkeley permit records; Alameda County Assessor's records; 1929 and 1950 Sanborn maps (@sfpl.org); U.S. censuses (@heritagequest.org); Alameda County directories (@loc.org); *Building & Engineering News* (@sfpl.org).

B13. Remarks:

***B14. Evaluator:** Mark Hulbert, Preservation Architect
***Date of Evaluation:** April 22, 2022

(This space reserved for official comments.)

(Sketch Map with north arrow required.)

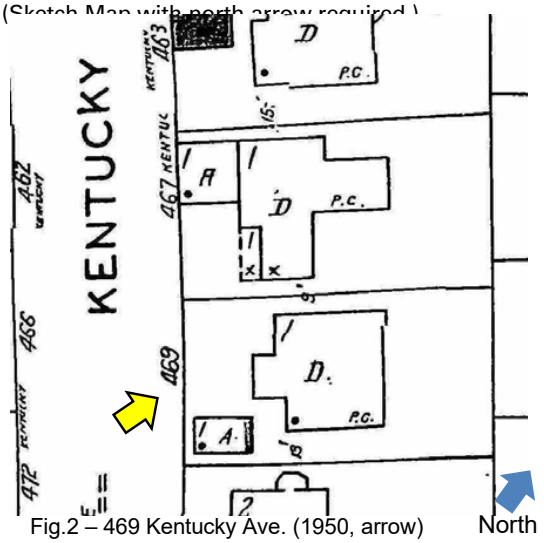


Fig.2 – 469 Kentucky Ave. (1950, arrow)

Description (cont.)

Fig.3 – 469 Kentucky Ave. – Front

Fig.4 – 469 Kentucky Ave. – Rear

Like the exterior siding, doors and windows are a mix of types – swinging, sliding, fixed, casement and hung – and wood and metal siding materials. These mixed treatments reflect the sequential development of the existing residence and garage, which were first built and occupied in 1926. Subsequent permit records identify the structural alteration of the garage, including a widened door, in 1958; then repairs and an addition to the house in 1964, that addition presumably the first floor deck and wood clad, ground floor room at the southern front corner, when it would also appear that design changes to the front exterior were made. In 1986, the house was again altered and added to with the existing second story bedroom and bath addition above and to the rear. Thus, the designed character of the original house is not readily discerned. Given its period of origin, it was presumably a minimal "Spanish style," though the vestiges thereof – the tripartite arched window front and center and the embedded tile pediment above – are few and appear to have been altered or, if original, were at most curious design treatments. In sum, the extant house and garage are a mix of 1926, 1958, 1964 and 1986 design and construction.

Construction History (cont.)

Available permits include (from City of Berkeley microfiche records):

date	*work*	*owner/architect*
Dec.1925	New dwelling and garage	Berkeley Building Co./--
Mar.1958	Garage alterations	F. A. Holmes/--
Jun.1958	Reroof	F. A. Holmes/--
Jan.1964	Repairs and addition	Mogens Ring/--
Apr.1986	New bed and bath addition	David & Deborah Keefe/Charles Bloszies
Feb.2001	Kitchen and bath remodel	Deborah & David Keefe/Custom Kitchens

Significance (cont.)

Associated Persons

The Berkeley Building Co., a real estate and development company under the partnership of T. R. Wheldon, Percy Nutt and R. W. Thomas, speculatively developed this residential property in 1925-1926.

Per deed records, in Mar. 1926, the then yet incomplete residence was sold to Frederick Austin Holmes (1889-1975) and Bodel Marie Holmes (1888-1962), who were first listed at this address in the 1926 directory. Census and directory listings throughout their 1926-1963 ownership period identified F. A. Holmes as a U.S. post office clerk. After his wife's passing, Holmes sold the property to Mogens and Marianne Ring in June 1963 who, in turn, deeded it to its current owners c1980.

Evaluation

The following addresses historic resource potential per the four California Register of Historical Resources (CR) evaluation criteria:

Under ***criterion 1*****,** the 1926 residence falls under the historic context of single-family residential development in Berkeley and the San Francisco Bay region in the early 20th century. In that broad context, the subject house was one of a large number of residences of its type built in the 1920s in the immediate vicinity as well as throughout the Bay Area and California. In its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance.

Under ***criterion 2*****,** no persons of potential historic importance are associated with the subject property.

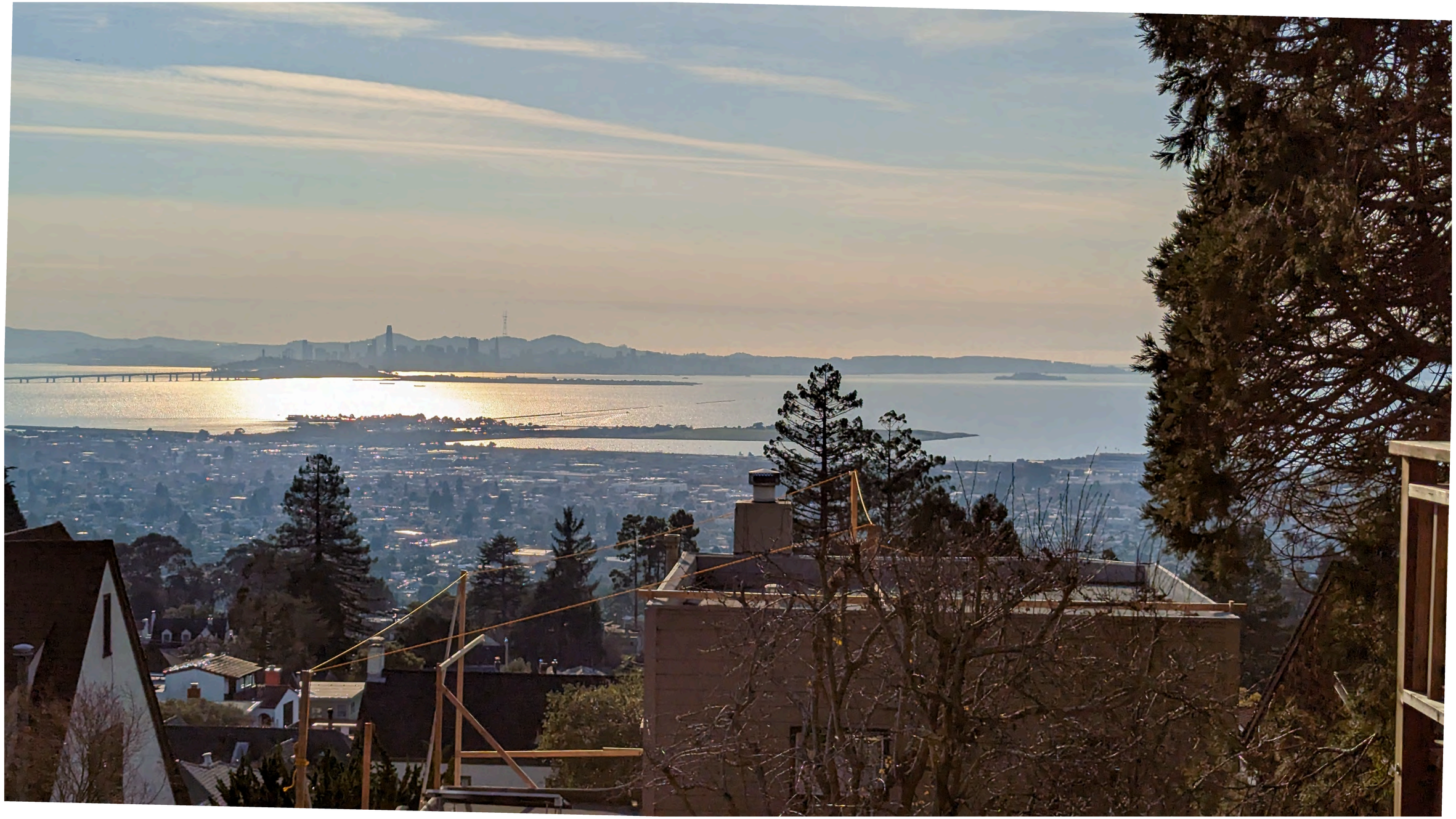
Under ***criterion 3*****,** in terms of its design and construction, the extant residence is a mix of original construction and later additions. Overall, the extant house clearly lacks architectural distinction as it is a highly modest and minor residential design without any distinctive forms or embellishments. The original design was by the developer and builder, Berkeley Building Co., who are also without identifiable importance. One architect has been identifiably engaged, Charles Bloszies, yet his involvement was less than 40 years ago so is, at this juncture, without potential historic importance. This residential property is also without any artistic values.

As the subject house does not embody design or construction distinction or embody artistry, is not the work of any identifiable architect or of an historically important builder, and lacks artistic value, the residence at 469 Kentucky Ave. does not meet *CR criterion 3.*

Lastly, under ***criterion 4,*** beyond the current effort, the subject property and house have not yielded any historical information and do not have further historical information potential.

Conclusion

In conclusion, the property and residence at 469 Kentucky Ave. in Berkeley do not meet any CR criteria so are not CR eligible.



From: Ren Ng <yirenng@gmail.com>
Sent: Wednesday, January 04, 2023 5:17 PM
To: Roe, Russell; Zoning Adjustments Board (ZAB)
Cc: Yi Xu; Aidan K; Maurice Levitch
Subject: Letter Regarding Use Permit #ZP2022-0087 for ZAB Meeting on January 12th 2023
Attachments: Regarding 469 Kentucky Permit.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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

To: ZAB Secretary and Russell Roe, planner
CC: Aidan Keefe, owner, and Maurice Levitch, architect

1. Please find attached a letter to the Zoning Adjustments Board regarding Use Permit #ZP2022-0087 (469 Kentucky) for the January 12th ZAB meeting. Could you please confirm receipt? I apologize for tardiness with regards to the 5pm deadline. Let me know if you have any questions.

2. I would like to make a request of Notice of Decision for #ZP2022-0087.

3. Could I ask when will the zoom meeting information be posted? It is missing from the meeting agenda. (https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf)

Sincerely,
- Yi and Ren Ng

Ren and Yi Ng
467 Kentucky Ave
Berkeley, CA 94707

January 4th, 2023

To: Zoning Adjustments Board, City of Berkeley

Regarding: Request to Postpone Approval of Use Permit ZP2022-0087 for 469 Kentucky Ave

Dear Members of the Zoning Adjustments Board,

We are the neighbor immediately north of the site for Use Permit ZP2022-0087.

We are writing to respectfully request that you postpone approval of this use permit, for two reasons. First, to provide us more time to work with the owner and architect regarding our objections to the current design. Second, to provide time for them to add information about how they will mitigate the potential detrimental effects of demolition/construction with respect to property damage, health and safety, traffic access, etc. Both are described in detail below, and we request that these important issues be addressed in the application before a permit is approved.

(A) Information Flow Problems and The Need for More Time

The architect has sent us two sets of detailed design plans directly – the first in February 2022 and the second on December 20th, 2022. However, two days ago, we discovered that the versions of these plans on the city website include additional documents that we did not previously receive and were unaware of. These documents include additions, design revisions, soil studies, shadow studies, landscaping plans, etc. The latest design revisions were only uploaded yesterday, on January 3rd 2023. We have only had what we believe is the complete version of the documents for 1-2 days, and need more time to study and absorb this large body of information and discuss all our concerns with the owner and architect. We are writing now to meet the deadline in advance of the January 12th ZAB meeting.

(B) Objections to the Current Design Based on Privacy Intrusion and Sun Shadowing

The following design problems emerged only after erection of the story poles, and examination of changes in the latest design documents.

Our chief objection to the current proposal is privacy intrusion. Our home has a secluded deck adjoining the master bedroom. The proposed design for 469 has a balcony that will provide direct views from a close distance onto our private deck (3rd floor) and into our master bedroom (see Figure 1 below). If built as designed, this balcony will intrude on two of our most private spaces, and be detrimental to our peace, comfort and property. We are currently in discussions with the owner and architect regarding this problem, and request more time to design a well considered, mutually acceptable modification and document it in the use permit before approval.

Additional design concerns include:

- Privacy loss on our main deck area with barbeque and dining seating (2nd floor). This deck area is not visible from existing 469 Kentucky decks or windows, except the front door and adjacent window. The proposed balcony and potentially the proposed windows on the 3rd floor look down on our deck area. In the latest changes to the plan, the proposed balcony has changed from opaque siding to a wraparound glass design (see Figure 2), which increases the problem of visual privacy loss. We are working with the architect to understand the implications of the latest design, and request time to document any modifications, if necessary, in the use permit before approval.
- There is a new shadow study in the latest design documents. We need more time to study and understand its implications, but a preliminary examination shows that the proposed structure will block more morning light onto our deck.

(C) Concerns About Demolition, Property Damage, Health and Safety, Traffic, Etc.

In studying the latest versions of the documents proposed for approval, we were left with many questions and concerns about how the project plans to mitigate detrimental effects of demolition and construction to property, health and safety, traffic, parking, etc. We have not had time to discuss these with the owner and architect yet. We request that you postpone approval of the use permit so that they can provide more information to us and the neighborhood to allay these concerns.

Demolition.

We request addition of a demolition plan, that details how the project will mitigate detrimental effects related to the following issues:

- Hazardous materials. We have two children, ages 7 and 9, and we will be living at the demolition and construction site for 1-2 years. We are concerned about detrimental health effects due to hazardous materials, such as lead dust and asbestos. We request addition of a hazardous material study, and for health and safety issues for neighbors to be addressed comprehensively in the demolition plan.
- Property damage. We are concerned about potential damage to our home during demolition and construction. Our house is separated from 469 Kentucky by just 8 feet for the full depth and height of our three-story houses (see Figure 3) on a steep hill.
- Erosion and settling. Given the proximity of our houses (again, 8 feet separation for the full depth), we are concerned that excavating and levelling the hill for the new house may cause unintended hillside erosion and/or settling that damages the foundation and/or structural integrity of our home.
- Tree Safety. In the backyard of our property is a notable tree – a healthy 90-year-old Giant Sequoia (see Figure 3B). It appears that the landscaping plan for 469 Kentucky will excavate and/or hardscape a backyard area covering approximately ¼ of the root system for this tree. We are concerned of unintended detrimental impacts to the tree's health and stability, potentially creating a safety risk to surrounding residents and property.
- How will shared property between our houses be preserved or replaced during demolition and construction? In the space between our houses are shared fences, walking path, and a ~10 foot tall pergola that touches both buildings (see Figure 3). The pergola's doors have for years

prevented deer access to both our backyards – how will we prevent deer access to our backyard after demolition? We realized that the current document plans do not mention these pieces of property, and we have not had a chance to discuss yet.

- Drainage is a serious problem on our steep hillside, but we fortunately do not currently experience a problem on our lot or for our foundation. We are concerned about drainage changes and potential new problems due to the demolition, excavation and new construction.
- Noise. How will demolition and construction noise be managed to acceptable levels not to interfere with professional requirements for work from home? This is a very important issue, because one of us works from a home office 4-5 days a week.

Community Impacts: Traffic, Street Safety, Street Access and Parking

Our street is unusual, because it is comprised of two one-way roads separated by a steep median drop (8 feet tall at the site). The one-way roads are narrow enough that traffic cannot pass if cars park normally, so residents much park partially atop the sidewalk. The road itself has a steep hill section, and access is via Michigan Avenue, one of the steepest hills in Berkeley. These are some of the significant environmental challenges facing the project and the neighborhood.

The project to completely demolish and build a new 3800 square foot home is by far the most complex construction project on the street in years, possibly decades. We request that the application add a plan for mitigating detrimental impacts to neighborhood traffic, street safety, street access and parking. The concerns include:

- How will construction parking be managed so as not block thoroughfare?
- How will access by fire trucks and emergency vehicles be preserved at all times, given that this is already very challenging due to the narrow one-way road and parking situation.
- Construction vehicle accidents are a serious concern. Near the intersection with Michigan Avenue, in the past two years there were several serious accidents involving construction vehicles due to the steepness and narrowness of the roads. One accident destroyed the railing and part of the front steps of the house at the end of Kentucky Ave. Another serious incident involved a moving backhoe that threatened the safety of two children, including one of our own, and was referred to Councilmember Sophie Hahn for follow up.
- The street surface itself is old and in poor repair. On our side of the street, there is a long sunken strip of asphalt that already causes tire damage to resident cars (including rupturing one of the tires on our car). This project will require innumerable trips by heavy vehicles that will have a detrimental effect on this fragile surface, and damage must be mitigated.
- How will construction parking by managed to avoid depriving residents of parking?
- Last but not least, there are many families living on this street with young children, who often play and bike on the street – everyday in the summer. Visibility is poor, especially in a tall truck coming over and down the steep hill towards the construction site. What safety measures will be put in place to protect the neighborhood?

In summary, we request that you postpone the approval of this use permit until the above issues are addressed. Thank you for your consideration of our request.

Yours sincerely,
Ren and Yi Ng

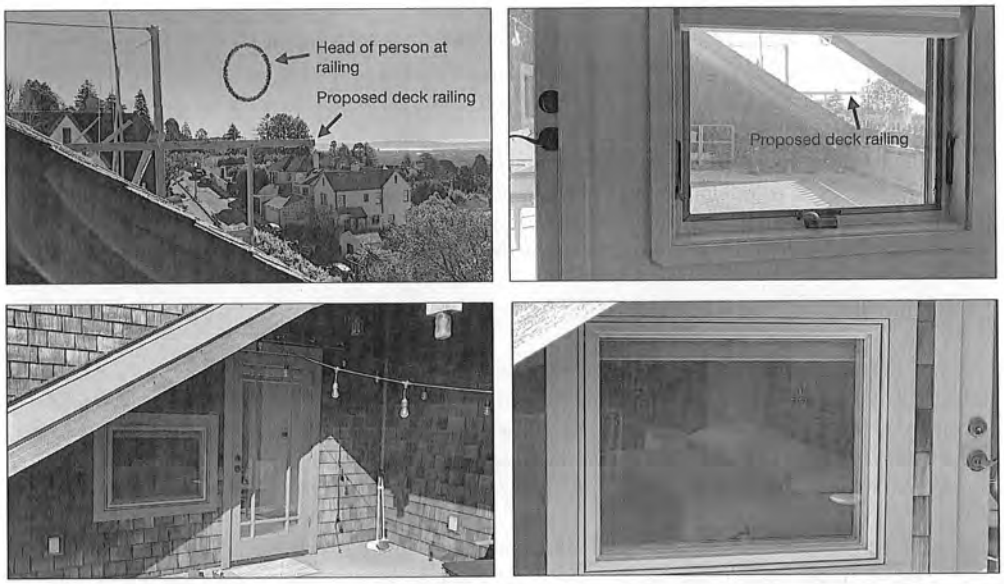


Figure 1: Privacy intrusion from proposed deck onto our private deck and master bedroom.
Top left: photo from our deck showing location of proposed deck railing (story poles).
Top right: photo sitting on bed inside bedroom showing location of proposed deck railing.
Bottom left: photo from direction of proposed 469 deck towards our bedroom.
Bottom right: detail of direct view of bed in bedroom.

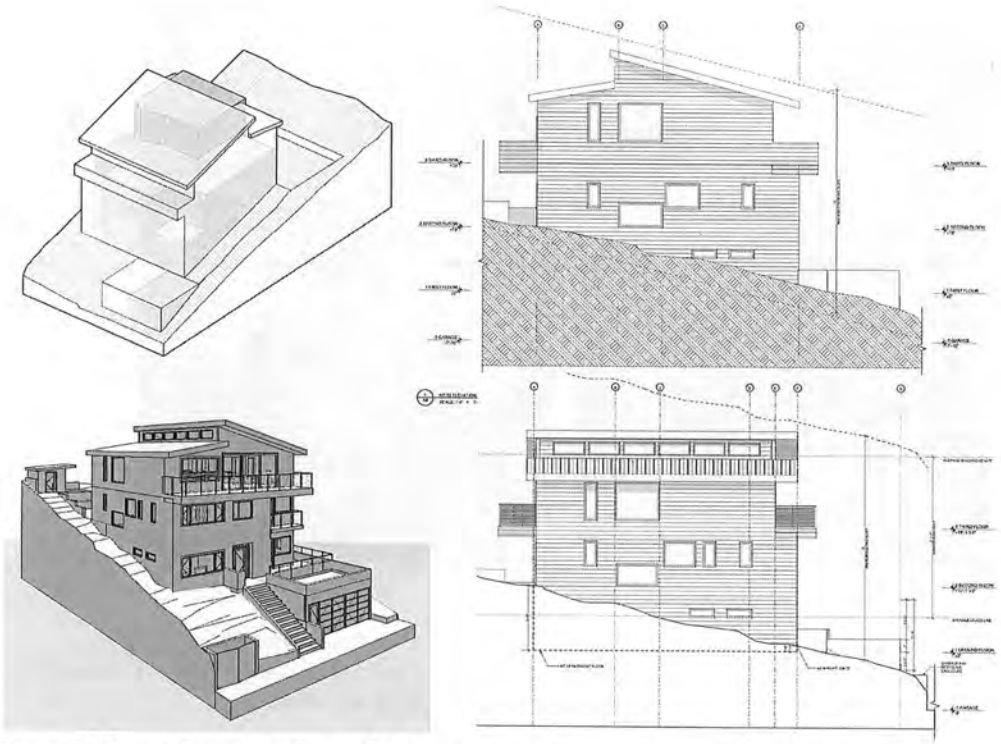


Figure 2: Recent changes in design. We have been sent two versions of the design.
Top row: rendering and elevation from previous design sent to us in February 2022, with proposed balcony as opaque siding.
Bottom row: rendering and elevation from latest design (uploaded January 3rd, 2023) with proposed balcony as wraparound glass. This change increases loss of privacy concerns.

Figure 3.
Left, A Rear view of pergola between 469 Kentucky (left) and our home (right).
Right, B: Front view of pergola, with 90-year-old Giant Sequoia in background. The houses are separated by 8 feet as shown for the full depth and height of the houses.

From: Maurice Levitch
To: Ren Ng
Cc: Roe, Russell; Zoning Adjustments Board (ZAB); Yi Xu; Aidan K
Subject: Re: Letter Regarding Use Permit #ZP2022-0087 for ZAB Meeting on January 12th 2023
Date: Wednesday, January 04, 2023 6:01:40 PM

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

Ren and Yi,

Thank you for sharing your concerns. We can look at this together on Friday when I'm at your home. I believe that a solid railing and privacy screen at the North End of the Deck will take care of the issue. I believe that Aidan will be OK with this solution but I need to make sure that the privacy screen will not have a negative impact on his view. We can discuss some of the other issues when we meet. I can also tell you more about the planned demolition and how we plan to work with traffic and parking. We are very interested in maintaining a safe environment for all the neighbors throughout the project.

Best,

Maurice

On Wed, Jan 4, 2023 at 5:17 PM Ren Ng <yirenng@gmail.com> wrote:

> To: ZAB Secretary and Russell Roe, planner
> CC: Aidan Keefe, owner, and Maurice Levitch, architect
>
> 1. Please find attached a letter to the Zoning Adjustments Board regarding Use Permit #ZP2022-0087 (469 Kentucky) for the January 12th ZAB meeting. Could you please confirm receipt? I apologize for tardiness with regards to the 5pm deadline. Let me know if you have any questions.
>
> 2. I would like to make a request of Notice of Decision for #ZP2022-0087.
>
> 3. Could I ask when will the zoom meeting information be posted? It is missing from the meeting agenda. (https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf)
>
> Sincerely,
> - Yi and Ren Ng

STEPHEN B. BEDRICK
---------- ATTORNEY AT LAW ----------
1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900
FAX: (510) 452-1980
sbedrick@sonic.net

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St., 2nd Floor
Berkeley, CA 94704

also by e-mail to
zab@cityofberkeley.info

Re: 469 Kentucky Ave.
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

My family and I live at 485 Kentucky Avenue, four houses south of the proposed project at 469 Kentucky Avenue. I write to oppose the project, the use permit, and the demolition permit, because they will be detrimental to the health and safety of the neighborhood residents.

Our block of Kentucky Avenue is highly unusual, as it consists of two one-way streets. You need to see it to understand it. It is terraced, with a divider strip between the upper, northbound lane - - where my house and the proposed project are located - - and the lower southbound lane.

The divider strip is six to eight feet wide and six to ten feet high. There is a curb on the left side of the northbound lane. There is a six to ten foot drop off from the upper northbound side of Kentucky to the lower southbound side. Trucks have partially fallen over the edge, because the street was not wide enough for them.

Each lane of the street is effectively a one-way street. Each lane is so narrow, that people must park their cars half-way on the sidewalk to avoid being

struck by passing cars and trucks. There have been several such accidents. The street is so narrow that boxy UPS trucks can barely get by.

We oppose the demolition, because it is not necessary, and because it would be detrimental to our health and safety. The house at 469 Kentucky is an attractive Mediterranean. It is quite liveable and has been continuously occupied for many years. Demolition would be contrary to our much beloved Neighborhood Preservation Ordinance, and should not be allowed.

Demolition would involve a huge amount of dust, debris, and air pollution. The neighborhood needs to be protected from that.

Demolition would require hundreds of empty dumpsters to be hauled in by multiple trucks, and hundreds of full dumpster loads of debris to be hauled out. That would result in the street being blocked for hours at a time.

The neighbors south of the project, including us, would be essentially trapped in our houses, unable to drive away in our cars, because the one lane, one-way northbound exit route would be blocked by demolition trucks and dumpsters. The neighbors north of the project might be able to leave their houses, but they would not be able to drive home, because the return route to their houses would be blocked.

Parking on the opposite side of the street does not solve the problem. All of the parking spaces on the non-obstructed southbound side of the street are usually filled. And even if there were available spaces on the southbound (lower) side of the street, the divider strip is too steep for most of us to walk up from the lower side of the street to the upper side, especially when carrying groceries or other packages. And people often slip trying to walk down the steep divider strip.

There also is a potential flooding problem. The upper side of the street is hilly. The street goes down and up and down again. During the first year of the pandemic, it was a wonderful place for neighborhood children to learn how to ride their bicycles on hills. But when it rains, the hilly street funnels heavy water run off down to the storm drains, which are just below, and one house away from, the

proposed project. There is a serious risk that dirt, dust, and debris from the demolition would clog the storm drains and the fragile neighborhood drainage system. That would lead to flooding on both sides of Kentucky Ave., especially of houses on the lower side of Kentucky.

There is a natural spring which bubbles up, even on dry summer days, near the storm sewer drain on the lower side of the street. The spring needs to be protected. In addition, because of the spring, the water table on that side of the street is probably relatively high. That exacerbates the potential flooding risk to the houses on the lower side of the street.

There are further problems. The applicant's geotechnical engineer's December 29, 2021 letter states at p. 2 that Berkeley does not require compliance with CGS 117A, regarding seismic hazards, for a "partial repair or remodel." But the proposed project is a complete teardown, not a remodel, so that exception to the CGS 117A guidelines does not apply.

Finally, City staff wrote a letter to the applicant on July 22, 2022, saying that the application was incomplete. Your website does not contain any response, especially regarding lot coverage.

For all these reasons, we oppose the demolition project. We also request that any hearing or decision be postponed or continued. The 20 day period initially available to the public to examine the application and its 100 pages of supporting documents included the long Christmas and New Year's weekends. That made it difficult for some neighbors to obtain, examine, and comment on the application.

Very truly yours,

STEPHEN B. BEDRICK
SBB/SBM

KATHRYN ANN SELIGMAN
485 KENTUCKY AVENUE
BERKELEY, CA 94707
kseligman@comcast.net

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 469 Kentucky Avenue
Use Permit ZP 2022-0087
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it

impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-land one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped our poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available

places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, incoveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

Sincerely yours,

KATHRYN ANN SELIGMAN

Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street

Cars Parked Along the Curb on the East / Uphill Side of Street
Please note that the cars have their passenger side tires on the curb, so traffic can pass by.

Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets

Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.

Storm Drain on the East / Uphill Block of Kentucky Avenue
Please note that the storm drain is near the project site.

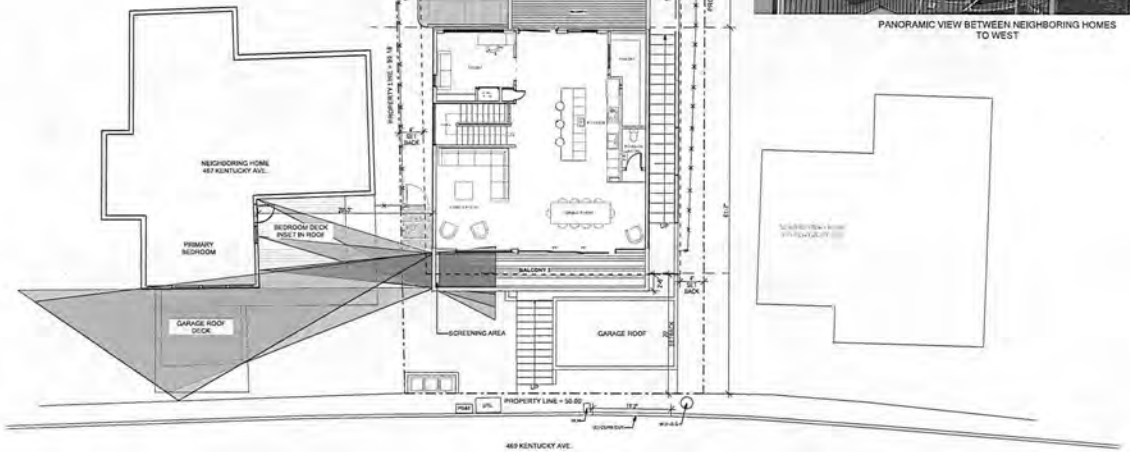
VIEW FROM EXISTING ROOF DECK TO 467 DECK

EXISTING ROOF DECK

EXISTING VIEW OF 467 DECK FROM 469 FRONT ENTRY PORCH

RELATIONSHIP OF NORTH RAILING TO 467

PANORAMIC VIEW BETWEEN NEIGHBORING HOMES TO WEST



SK1 SITE PLAN: PRIVACY STUDY 1/8" = 1'-0"

TRUE NORTH PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS-BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

USE PERMIT

Sheet Contents:
VISUAL CORRIDORS FROM DECKS (1)

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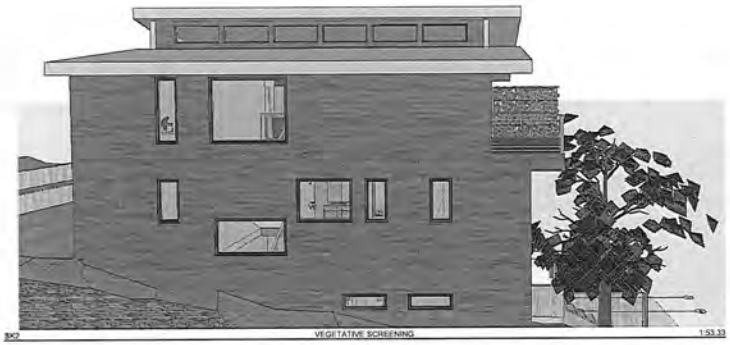
Project No:
2136

Date:
January 10, 2023

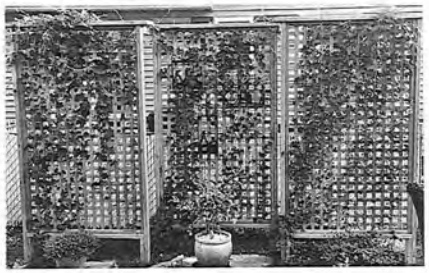
Drawn By:
KM

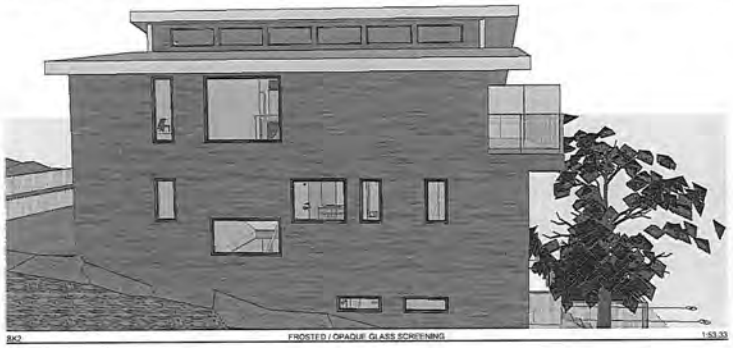
Checked By:
ML

SK1

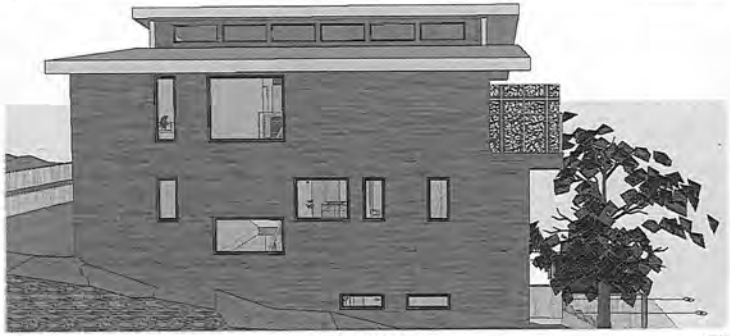


SK2 VEGETATIVE SCREENING 1:53.33





SK2 FROSTED / OPAQUE GLASS SCREENING 1:53.33



SK2 PATTERNED SCREENING PANEL 1:53.33

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS

LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel. (510)845-6941 Fax. (510) 845-6950
www.levitch.com

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Sheet Contents:
SCREENING OPTIONS

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Project No:
2136

Date:
January 10, 2023

Drawn By:
KM

Checked By:
ML

SK2

The Carrolls
475 Vassar Avenue
Berkeley, CA 94708
510-525-8023

January 8, 2023

Russell Roe
City of Berkeley Planner
RRoe@CityofBerkeley.info

Dear Mr. Roe,

We are writing to voice our support for the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our home is directly one street up from the Keefes and we see over their home to the San Francisco skyline. They have been conscientious about their neighbors, including us, with their planning and communication for this work, and their project will not have a negative impact on our home nor our neighborhood.

We have lived in our home since 1968, and, like the Keefes, raised our family here. We are very glad to see that their family will be able to continue to live in the neighborhood through the project they are taking on.

Please feel free to call us if you have any questions. We are signing as two generations of Carrolls who are living in our home.

Sincerely,

Susan Carroll (homeowner)
Charles Carroll (son)
Scott Carroll (son)

David Z. Ritvo and Phyllis F. Ritvo
471 Vassar Ave.
Berkeley, CA, 94708

January 8, 2023

Russel Roe
Planning Manager
City of Berkeley
Rroe@cityofberkeley.info

re: Zoning Adjustment Board Meeting regarding the proposed project at 469 Kentucky Ave., Berkeley

Dear Mr. Roe:

Thank you for sending us the announcement of the Zoning Adjustment Board's meeting regarding the proposed project at 469 Kentucky Ave., Berkeley and for its invitation to neighbors to provide input regarding the project. We would like to take this opportunity to do so.

We have resided at 471 Vassar Ave., just uphill from the proposed project at 469 Kentucky Ave., for the past forty two plus years. As long-term residents of the neighborhood we love, we have a deep interest in maintaining its sense of community and neighborliness.

We have reviewed the project and seen the Planning Department staff report regarding the project.

We are in complete agreement with the staff report: This project is in keeping with the nature of the neighborhood and will not adversely effect the neighbors or the neighborhood.

We urge the Zoning Adjustment Board to agree with the staff report, and we look forward to the folks at 469 Kentucky Ave. being able to go ahead with their project without delay.

Sincerely,

David Z. Ritvo

Phyllis Freund Ritvo

Phyllis F. Ritvo

cc: Aidan Keefe, 469 Kentucky Ave., Berkeley, CA

Pam and Les Bradford
476 Vassar Avenue
Berkeley, CA 94708
510-527-8421

January 9, 2023

Russell Roe
City of Berkeley Planner
Rroe@CityofBerkeley.info

Dear Mr. Roe,

This letter is in support of the home project of the Keefe family at 469 Kentucky Avenue in Berkeley. Our property sits east of that property, directly behind their residence; we share a fence and have been their neighbors since 1990. Their project will not have any negative impact on our home or view of the San Francisco Bay and Aidan Keefe has communicated with us from the beginning of his efforts to make home improvements. We certainly hope he will be able to continue with the work projected and be a part of our neighborhood.

Sincerely,

Pamela Bradford
Lester Bradford

STEPHEN B. BEDRICK
---------- ATTORNEY AT LAW ----------
1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900
FAX: (510) 452-1980
sbedrick@sonic.net

January 9, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St., 2nd Floor
Berkeley, CA 94704

also by e-mail to
zab@cityofberkeley.info

Re: 469 Kentucky Ave. (Second letter)
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

We oppose the demolition project in the R-1-H zone for multiple reasons:

1. The blocking of a narrow one-way street will prevent some neighborhood residents from driving to and from their homes. It also will obstruct emergency vehicles and delivery trucks.

2. The demolition on a hillside lot threatens the geologic stability of the abutting homes.

3. The demolition and removal of debris risks damaging and threatening the integrity of the abutting homes.

4. The demolition threatens to obstruct nearby storm drains, and threatens neighborhood flooding.

The staff report supplied to the Board Members on Friday January 6, 2023 is so incomplete as to be misleading. The staff report claims that no objections were made by neighbors. That is false. Several neighbors (including me) wrote opposition letters to the Board on January 4 and January 5, 2023, before the staff report is ordinally sent to the Board members. At the minimum, we request that the January 12, 2023 hearing be continued until the opposition letters are presented to the Board in time for staff and Board members to consider them.

If, in the alternative, the Board is inclined to approve the demolition of this attractive and perfectly functional house, we request that the following mitigation measures be taken:

1. No demolition or excavation during rainy weather or rainy season (Oct. 15- May 1).

2. Demolition only to be performed by a contractor with experience in demolition on hillsides as steep as this one.

3. A certified engineer must be on site during demolition, to supervise, and to prevent accidents.

4. A retaining wall of sufficient height should be constructed on either side of the project, the entire length of the property, to prevent soil and foundation slippage.

5. A temporary fence should be constructed to protect the neighboring houses from flying debris.

6. The applicant should post a bond sufficient to compensate the abutting houses from any damage.

7. Regarding obstruction of the street by demolition activities:

a) Obstruction traffic by demolition activities, including use of trucks and dumpsters, should be limited to 30 minutes per day.

b) The time or times of street obstruction should be posted in the neighborhood at least 48 hours in advance, so neighbors can plan their exits and entrances.

c) Traffic monitors shall be on the scene whenever trucks or dumpsters are present, to prevent unwarranted street blockage, and to assist residents who have difficulty in getting to or from their homes.

Very truly yours,

STEPHEN B. BEDRICK
SBB/SBM

From: Ben and Sherry <hellobenandsherry@gmail.com>
Sent: Tuesday, January 10, 2023 12:45 PM
To: Zoning Adjustments Board (ZAB); Roe, Russell
Cc: Stephen Bedrick
Subject: 469 Kentucky Ave
Attachments: ZP 2022-0087, 469 Kentucky Avenue.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Hi, attached is a letter regarding the proposed project at 469 Kentucky Ave. Please forward to the Board for consideration at the hearing on 1/12.

Thank you,
Ben Young

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St 2nd Floor
Berkeley, CA 94704

Re: 469 Kentucky Ave.
Use Permit ZP 2022-0087
Hearing: January 12. 2023

Dear Sirs/Madams:

I live at 483 Kentucky Avenue, three doors south of this project. I oppose this demolition project at 469 Kentucky Ave because it risks damage to the adjacent houses, geologic slippage, flooding, and traffic obstruction. As a parent of a 6 month old, I am particularly concerned with the persistent and extraordinary noise and potential for toxic pollutants resulting from the demolition. As a committee member on the Kentucky Ave Disaster Preparedness Group, I am concerned a project of this scale on such a narrow street could seriously impede evacuation and emergency personnel in the event of an earthquake or wildfire.

I largely agree with the letters sent by our neighbors Stephen Bedrick and Ren Ng. The staff and Board should continue the hearing to consider our objections.

Thank you.
Ben Young

Sachiko Uno-Keefe and Aidan Keefe
469 Kentucky Ave
Berkeley, CA 94707
(415) 317-7845
aidan.keefe@gmail.com

ZAB Secretary Land Use Planning Division
Attn: ZAB Secretary
zab@cityofberkeley.info
Reference 469 Kentucky Ave #ZP2022-0087

January 10, 2023

Dear Members of the Zoning Adjustment Board,

We are writing to you today to introduce ourselves, explain what we are trying to build at 469 Kentucky Ave and why we are trying to build it. While a significant residential construction project is often disruptive to neighbors and the immediate vicinity, our belief is that the benefits of this project will outweigh the negatives for most parties involved.

First, who are Sachiko and Aidan? Aidan was born and raised in Berkeley (Alta Bates, 1972; Berkeley High, Class of 1990). Sachiko was born in Japan and raised in Japan and France, she came to the US in 2001 where she met Aidan in graduate school. We married in 2007 at the Brazilian Room in Tilden and have worked in Silicon Valley since then. This project is for our family of four to relocate back to Berkeley and live in Aidan's rebuilt childhood home. Aidan's father was living alone in the house since the passing of Aidan's mother in 2016, so this construction including an ADU in the design was for our three generational family to live together under one roof. Unfortunately, Aidan's father suddenly passed away in December 2022. Despite this loss, we intend to continue with the ADU construction for either our disabled son's nanny or Sachiko's family and friends visiting from Japan to stay with us.

Why do the plans call for new construction vs a remodel of the existing home? The existing home, as detailed in the historical report, is about one hundred years old and has gone through various middling additions and remodels. It lacks insulation so much of the natural gas used to heat it is wasted as energy drifting out through walls and cracks. Piping, electric, foundation and pretty much everything else need replacement and upgrading. Fire and earthquake safety are poorly addressed with the current materials and foundation. And finally, the layout is not well designed for a family of four and certainly not for three generations as was the original plan. The opinion of our architect and structural engineer is that new construction vs a remodel would be a more efficient and satisfactory solution to these issues.

What are the benefits of this new construction project that justify the cost and community disruption of major construction? First, of course, the benefit to us would be our family relocating to Berkeley and living in a comfortable new home with improved fire and earthquake safety. Benefits, however, extend to the neighborhood and community as well. The current home in its old state is likely dragging down surrounding property values while new construction would lift those values. As the home is in a WUI designated fire risk area and is not well protected from wildfire hazard, new

construction with Class A fire resistant materials and a sprinkler system would act as a buffer against spreading fire vs today where it is likely to act as an accelerant in the event of wildfire embers floating over from Tilden. Beyond the immediate neighborhood, benefits for the city come from increased tax revenues: the existing home has a tax basis well below market value due to CA Proposition 13. With a major rebuild the basis would increase, driving increased funding of city services. Finally, and most important of all, we are replacing a dilapidated old home that is burning fossil fuels and then wasting much of that energy via leaks and cracks. By replacing this old home with a highly efficient, well insulated home using solar, batteries, heat pumps, passive shading and induction cooking we take a small but positive step toward addressing global warming.

These positives aside, a project of this scale may be disruptive to neighbors. We have worked diligently since February 2022 to review plans, socialize, and incorporate feedback from neighbors to ensure that views, air space and sunlight access are not materially worsened. As a step in this process, we constructed story poles in November 2022 and we reached out proactively to all neighbors to collect feedback and discuss compromise as needed. For example, after story pole construction, neighbors uphill from us at 480 Vassar Ave had concerns about the new roofline impacting their view of the bay and Golden Gate Bridge. After discussion we lowered the height of the building and adjusted the roof design to their satisfaction. As of early January 2023, all neighbors except for one are in support of the project and welcome us back to the neighborhood (please see the separate letters that we have included to demonstrate this support). Unfortunately the neighbor at 467 Kentucky Ave, who did not voice any objections during multiple reviews from February to December 2022, decided to voice objections in early January 2023 right before the ZAB meeting. This neighbor has requested a postponement of the meeting so that they can further study the design as they state that they are busy with work and did not have proper opportunity between February 2022 and January 2023 to review to their satisfaction. Their primary objection is around a privacy impact to their street facing 2nd and 3rd story decks as well as a window at the front of their house, facing southeast, now having visibility to our new proposed deck. The resident at 467 Kentucky Ave has declined multiple meeting requests to discuss a compromise in person as well as rejected via email various proposals for compromise including an opaque deck railing and other privacy shield options. As both the open, front of house decks as well as the window in question are visible from street level and Google Street Views, and the neighbor has refused to engage in timely discussion around a reasonable compromise solution, we believe that these claims lack merit and a commitment to compromise resolution so we request that the ZAB dismiss the objection.

We look forward to discussing our project and answering any questions at the ZAB meeting on January 12, 2023.

Best Regards,

Sachiko Uno-Keefe and Aidan Keefe

From: Maurice Levitch
To: Roe, Russell
Subject: Fwd: 469 Kentucky ZP#2022-0087 Communication for ZAB Meeting 1/12/2023
Date: Tuesday, January 10, 2023 4:57:55 PM
Attachments: 469 Kentucky Visual Corridors and Screening Options.pdf

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We sent this to Zab and the owner of 467 FYI

Thanks and see you Thursday!

Best,
Maurice

---------- Forwarded message ---------
From: **Kanta Morinaga** <kanta@levitch.com>
Date: Tue, Jan 10, 2023 at 4:52 PM
Subject: 469 Kentucky ZP#2022-0087 Communication for ZAB Meeting 1/12/2023
To: <zab@cityofberkeley.info>, <yirenng@gmail.com>
Cc: Aidan K <aidan.keefe@gmail.com>, Maurice Levitch <maurice@levitch.com>

To: ZAB Secretary, Land Use Planning Division and Ren (Owner 467 Kentucky)
Re 469 Kentuck Ave.
ZP#2022-0087

Please find attached diagrams related to the privacy issue Ren has brought up.
We are sharing a site plan where you can see the sight lines along with some options for possible solutions.

We do not think privacy will be a big issue based on the fact that this arrangement of front/street/west facing decks on uphill lots is common and understandable given the significant view available.

Ren also has other deck areas he and his family can use if he feels his privacy is being invaded. Privacy goes both ways so we are offering to create a privacy screen at the North side of our deck

Thank you,

Maurice Levitch, AIA
President
Levitch Associates, Inc.
1029 Heinz Ave.
Berkeley, CA 94710
Main 510-845-6941
Direct 510-488-6236

Kanta Morinaga

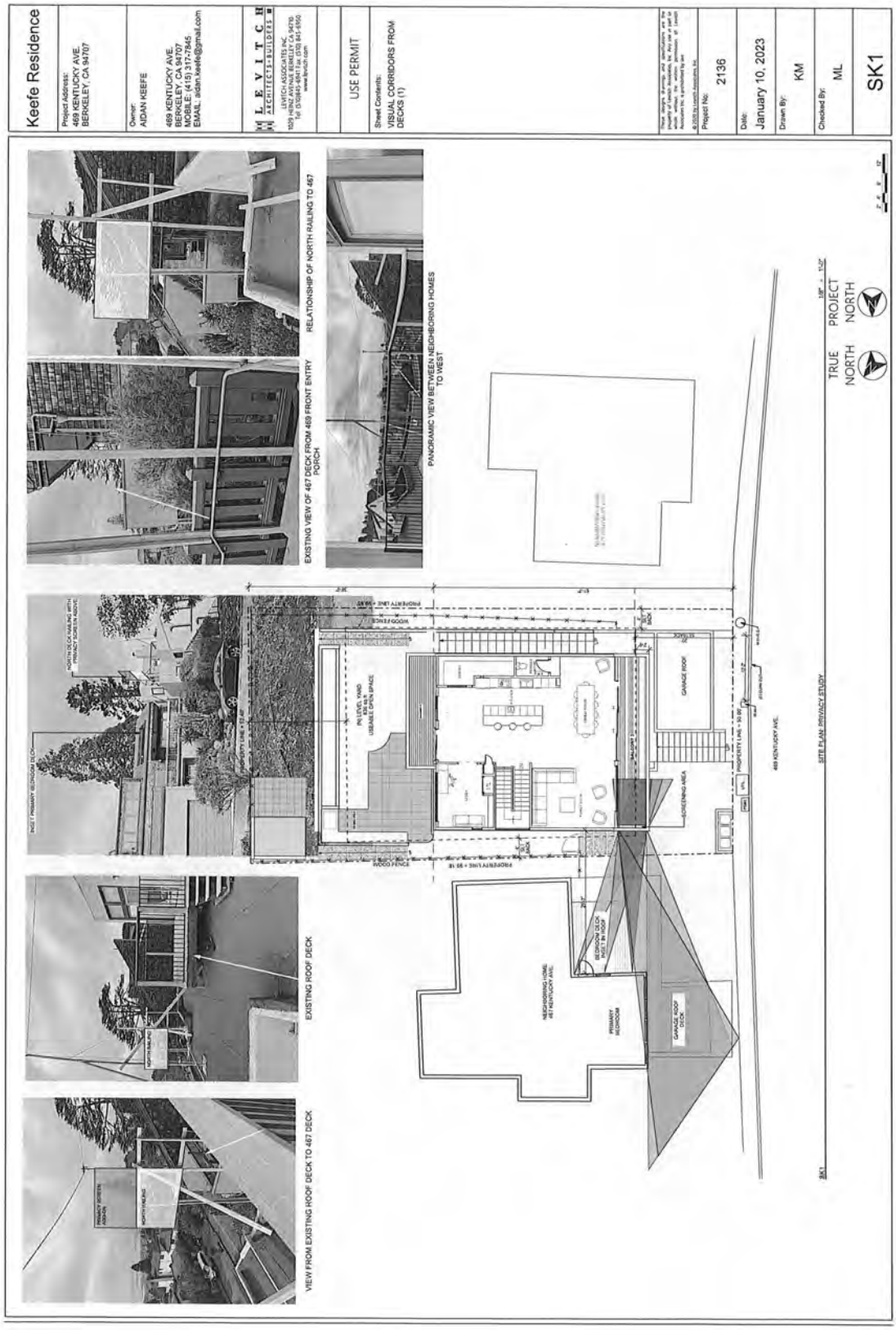
Design Associate / Project Engineer

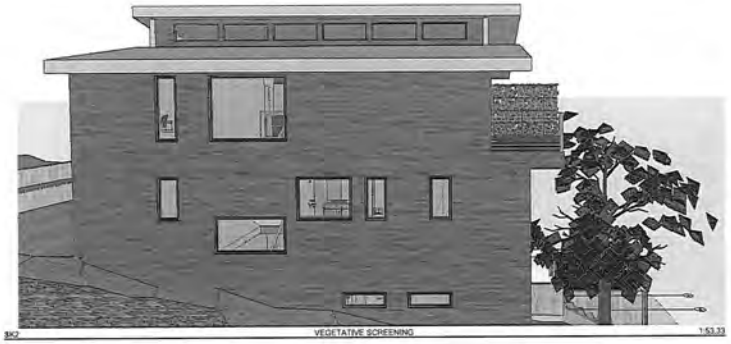
(c) +1 510-613-4725 | (o) 510.845.6941

kanta@levitch.com | www.levitch.com

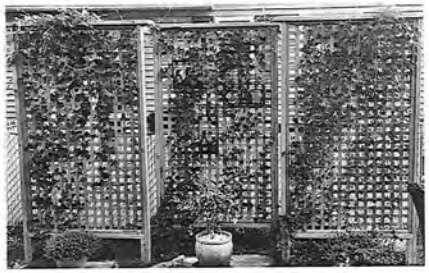
1029 Heinz Avenue, Berkeley, CA 94710

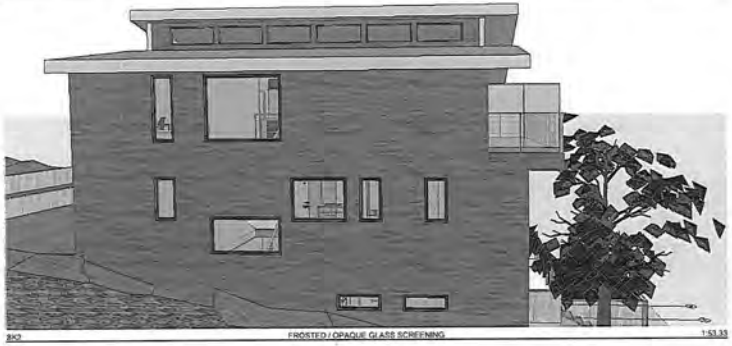
Our Core Values


Keefe Residence
Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707
Owner:
AIDAN KEEFE
469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com
LEVITCH
ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510) 845-6841 Fax: (510) 845-6950
www.levitch.com
USE PERMIT
Sheet Contents:
VISUAL CORRIDORS FROM DECKS (1)
Project No:
2136
Date:
January 10, 2023
Drawn By:
KM
Checked By:
ML
SK1
EXISTING VIEW OF 467 DECK FROM 469 FRONT ENTRY PORCH
RELATIONSHIP OF NORTH RAILING TO 467
PANORAMIC VIEW BETWEEN NEIGHBORING HOMES TO WEST
EXISTING ROOF DECK
VIEW FROM EXISTING ROOF DECK TO 467 DECK
TRUE NORTH
PROJECT NORTH
SITE PLAN PRIVACY STUDY
469 KENTUCKY AVE.
GARAGE ROOF
GARAGE ROOF DECK
PRIMARY BEDROOM
NEIGHBORING HOME 467 KENTUCKY AVE.
WOOD FENCE
PROPERTY LINE

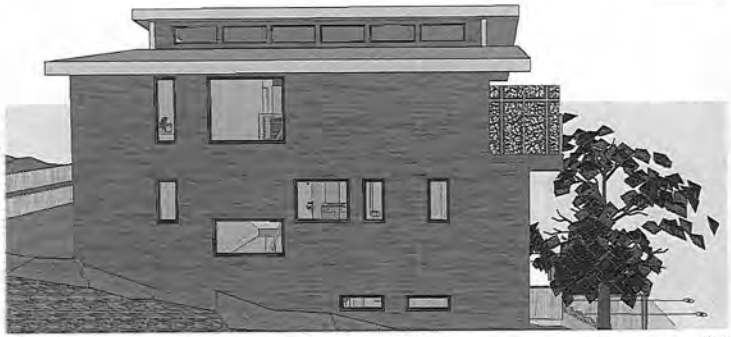


SK2 VEGETATIVE SCREENING 1:53.33





SK2 FROSTED / OPAQUE GLASS SCREENING 1:53.33



SK2 PATTERNED SCREENING PANEL 1:53.33

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS-BUILDERS

LEVITCH ASSOCIATES INC
1029 HEINZ AVENUE BERKELEY CA 94710
Tel (510)845-6941 Fax (510) 845-6950
www.levitch.com

USE PERMIT

Sheet Contents:
SCREENING OPTIONS

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Project No:
2136

Date:
January 10, 2023

Drawn By:
KM

Checked By:
ML

SK2

From: Cynthia Foster
To: Roe, Russell
Subject: Fwd: Use Permit #ZP2022-0087, 469 Kentucky Avenue
Date: Tuesday, January 10, 2023 2:49:32 PM

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Sent from my iPad

Begin forwarded message:

From: Cynthia Foster <cynthiamfoster@gmail.com>
Date: January 10, 2023 at 2:48:45 PM PST
To: zab@cityofberkeley.info
Subject: Use Permit #ZP2022-0087, 469 Kentucky Avenue

Land Use Planning Division
Attn: ZAB Secretary

City of Berkeley

1947 Center St., 2nd Floor Berkeley, CA 94704

Sent via email

Dear Sirs/Madams,

I live at 479 Kentucky Avenue and am writing to oppose the project at 469 Kentucky Avenue. I have several concerns, including the size of the proposed residence, demolition, parking, and access to the street during both demolition and construction.

I will assume the project will be approved based on where we are in the project proposal, so I will focus on concerns of demolition/construction and access to the street.

Kentucky Avenue is 2 one-way streets with a median in the middle of the upper and lower portions of the street. It's a small neighborhood

street and additional traffic will be disruptive at best. Parking is already limited.

Emergency vehicles, delivery trucks, USPS, and City refuse/recycling trucks carefully manage access to the street. The City trucks are cognizant of neighborhood traffic on Tuesday mornings and quite considerate of the neighbors as they seem to understand our unique street.

My concerns with the demolition and subsequent construction have to do with access to entering and exiting the street. It's a narrow (one way) street and with the amount of trucks and dumpsters involved in this project, it's most likely the street with be blocked for extended periods of time. It is very difficult to turn a car around and exit in the wrong direction. It's been done in emergencies, but should not be done on a consistent basis, particularly due to construction blocking the street.

* With large trucks even partially blocking part of the street, emergency vehicles may not be able to access the street.

* Will neighbors be given 48 hours notification when the street will be blocked in order to make plans for access to their homes?

* Will this project create geologic slippage due to hillside and/or geologic stability issues to houses adjacent to this project?

* When the street is obstructed during this project, can the time be limited to specific hours and/or a set amount of time?

* Will construction companies work with neighbors when large delivery trucks are expected? What is their responsibility with monitoring traffic?

* Last, but not least, where will the construction crews park? Can they be informed not to block stairs which limits access to homes? I'm asking this specifically as on multiple occasions, a vehicle from the architect's firm has blocked the stairs to, and also the driveway at, my house.

Thank you for your consideration,

Cynthia Foster

479 Kentucky Avenue

Berkeley, CA 94707

510-499-6880

Sent from my iPad

THIS BRINGS US TO OUR NEXT ITEM NUMBER SEVEN.

469 KENTUCKY AVENUE.

HE YES, YOU SHOULD REJOIN US, PLEASE.

HE WELCOME.

HANDSOME DESIGN.

>> THANK YOU.

>> C. KAHN: WE'LL CONDUCT THE PUBLIC HEARING FOR 469 KENTUCKY AVENUE, THE PENULTIMATE ITEM ON THE AGENDA TONIGHT.

I BELIEVE RUSSELL IS THE PLANNER.

>> RUSSELL IS HERE.

>> I'M HERE.

CAN YOU ALL HEAR ME?

>> YES.

>> IT WAS ACTING FUNNY THERE.

OKAY.

LET ME SHARE MY SCREEN.

OKAY.

IS MY PRESENTATION ON SCREEN NOW?

OKAY.

NOW I'M HEARING YOU.

THE PROJECT IS 469 KENTUCKY AVENUE.

IT'S TO DEMOLISHED A SINGLE-FAMILY DWELLING AND ONE-CAR GARAGE AND YOU CAN CONSTRUCT A THREE STOREY RESIDENCE AND TWO-CAR GARAGE.

IT IS IN THE R-1(H) ZONING DISTRICT, SINGLE-FAMILY RESIDENTIAL IN THE HILLSIDE OVERLAY ZONE.

THIS IS A SITE PLAN.

YOU CAN SEE THE OUTLINE OF THE PROPOSED HOUSE HERE, THE GARAGE OUT AT THE STREET WHICH IS TYPICAL OF THE NEIGHBORHOOD BECAUSE OF THE STEEP TERRAIN AND ACCESSORY BUILDING AT THE BACK OF THE LOT.

THIS IS JUST ANOTHER IMAGE SO YOU CAN GET ANOTHER IDEA OF WHAT THE PROPOSED PROJECT WOULD LOOK LIKE.

I WANT TO SAY A LITTLE ABOUT THE CHRONOLOGY.

THE APPLICANT NOTIFIED NEIGHBORS AND COLLECTED SIGNATURES BACK IN JANUARY AND FEBRUARY OF 2022.

IN MAY 2022, A HOME BEHIND THE PROJECT SITE AT 480 VASSER WAS PURCHASED BY NEW OWNERS WHO APPARENTLY WERE NOT NOTIFIED OF THIS PROJECT WHEN THEY BROUGHT THE HOUSE.

WHEN STOREY POLES WERE ERECTED IN NOVEMBER, THE NEIGHBORS ON VASSER EXPRESSED CONCERNS ABOUT THE EFFECT ON THEIR VIEW AND THEY EXPRESSED THE CONCERNS DIRECTLY TO THE APPLICANT.

THE APPLICANT TOOK THEIR CONCERNS SERIOUSLY AND MET WITH THEM AND THEN REVISED THEIR PLANS IN DECEMBER RIGHT BEFORE THE DEADLINE.

THEY REVISED THE PLANS SO THE ROOF WAS BASICALLY CHANGED 45-DEGREES WHICH ALLOWED LESS OBSTRUCTION OF THE EXISTING VIEW.

THOSE DRAWINGS ARE WHAT ARE SUBMITTED TO YOU IN YOUR PACKETS.

THIS IS A VIEW FROM VASSER TAKEN I THINK FROM THE SECOND FLOOR SHOWING THE STOREY POLES.

I DON'T KNOW HOW WELL YOU CAN ALL SEE IT.

THIS JUST GIVES YOU AN IDEA OF WHAT THE VIEW WILL LOOK LIKE WHEN THE NEW HOUSE IS BUILT.

OF COURSE, THERE ARE VARIOUS FINDINGS IN ORDER TO APPROVE THE PROJECT.

STAFF FEELS THAT THE DEMOLITION PHASE OF THE PROJECT WOULD NOT BE MATERIAL DETRIMENTALLY TO THE HOUSING NEEDS AND PUBLIC INTERESTS OF THE AFFECTED NEIGHBORHOOD AND BERKELEY BECAUSE IT DOES NOT ELIMINATE UNITS AND IT HAS NOT REMOVED -- RESULTED IN ANY EVICTIONS OR REMOVING ANYBODY FROM THE RENTAL MARKET.

THERE IS A GENERAL NON-DETRIMENT FINDINGS AND -- DETRIMENTAL AND IT WOULD NOT BE INJURIOUS TO PROPERTY AND IMPROVEMENTS OFTEN THE ADJACENT PROPERTIES AND SURROUNDING NEIGHBORHOOD.

FINALLY, THERE ARE SOME REQUIRED HILLSIDE OVERLAY ZONE FINDINGS AND WE BELIEVE THAT THE PROJECT WOULD BE CONSISTENT WITH THE HILLSIDE OVERLAY ZONE AS I NOTED EARLIER, THE TWO-CAR GARAGE IS UP FRONT.

NECESSARILY TO THE STEEP TERRAIN IT IS IN KEEPING WITH OTHER PROPERTIES IN THE NEIGHBORHOOD AND ALSO THE ADDITIONAL HEIGHT RESPONSE TO THE TOPOGRAPHY OF THE SITE WHILE GIVING REASONABLE PROTECTION TO VIEWS.

STAFF RECOMMENDS THAT YOU APPROVE THE PROJECT.

FINALLY, I HAVE ONE LAST SORT OF ADDENDUM BEFORE WE MOVE ON.
LAST MINUTE WE REALIZED THAT OUR STANDARD SOLAR CONDITION OF APPROVAL WAS INADVERTENTLY LEFT OFF THE FINDINGS AND CONDITIONS DOCUMENT.
SO WE RECOMMEND ADDING TO PARTICULAR CONDITION AND IF IT'S APPROPRIATE, WOULD I LIKE TO READ INTO THE RECORD NOW.
>> C. KAHN: I THINK IT'S SUFFICIENT SINCE WE HAVE A VISUAL OF IT -- GO AHEAD AND READ IT.
>> SOLAR AND BATTERY ENERGY SYSTEMS.
A SOLAR PV SYSTEM SHALL BE INSTALLED SUBJECT TO THE SPECIFIED LIMITED EXCEPTIONS AS SPECIFIED BY THE BERKELEY CODE BMC 19.36.
ENERGY STORAGE SYSTEM READINESS OR ESS INSTALLATION SHALL BE COMPLETE AS SPECIFIED BY BMC CHAPTER 19.36 AND NOTED ON THE CONSTRUCTION PLANS.
>> C. KAHN: THANK YOU.
ANY QUESTIONS FOR RUSSELL FROM THIS COMMISSION?
SEEING NONE, I WOULD LIKE TO INVITE -- THANK YOU,
RUSSELL -- INVITE THE APPLICANT TO JOIN US AND MAKE THEIR PRESENTATION TO THE COMMISSION.
AND RUSSELL, DO YOU KNOW WHO THAT WOULD BE?
>> I BELIEVE THAT WOULD BE MAURICE LEVITCH AND MAYBE AIDEN KEEFE?
>> YES.
THIS IS MAURICE.

>> C. KAHN: YOU HAVE FIVE MINUTES BETWEEN YOU.

>> AM I JOINING AS A PANELIST?

>> YOU MAY HAVE TO BE DEMOTED AND PULLED IN AS A PANELIST.

>> I MOVED HIM OVER AS A PANELIST.

THEY SHOULD BOTH BE PANELISTS.

>> YOU SHOULD BE ABLE TO SHARE YOUR SCREEN.

>> GOOD EVENING CHAIRMAN KHAN AND ZONING COMMISSIONER.

WE HAVE HERE A REPLACEMENT OF THE 1925 CHILDHOOD HOME OF OUR CLIENT AIDEN KEEFE.

AIDEN WENT TO BERKELEY HIGH SCHOOL.

HE MOVED DOWN TO SANTA CLARA FOR WORK BUT NOW WITH THE WORKING REMOTELY, HE'S ABLE COME TO BACK HOME.

HE HAD INTENDED TO LIVE IN THIS HOME WITH HIS FATHER IN THE NEW ADU PLANNED BUT HIS FATHER PASSED AWAY LATE DECEMBER.

HOWEVER, WE'RE COMMITTED TO CONTINUING WITH THE ADU AND IT'S GOING TO TURN OUT TO BE A PLACE FOR HIS NANNY.

HE HAS TWO KIDS AND A WIFE AND THEY BOTH WORK AT HOME.

WE STARTED THIS WITH THE OPEN MIND ON WHETHER TO DEMOLISH OR RETROFIT THIS HOME.

AS SPECIALISTS IN REMODELING, I TOOK IT AS A PERSONAL CHALLENGE TO SEE WHAT WE WOULD SAVE UNTIL THIS HOME.

IT NEED FULL FOUNDATIONAL REPLACEMENT AND EXCAVATION.

IT HAS AN ODD ADDITION BUILT IN '86.

IT'S STATED THAT THEY HAVE NO IDENTIFIABLE ASSOCIATION TO

IMPORTANT HISTORY.

ADDITIONALLY, THE EXISTING HOUSE IS BASIC AND UNDISTINGUISHED WITHOUT CONSTRUCTION CHARACTERISTICS OF INTEREST AND WITHOUT AN IDENTIFIABLE ORIGINAL ARCHITECT IN AND HISTORICAL IMPORTANCE -- HISTORICAL IMPORTANCE.

IT MADE MORE SENSE TO DEMOLISH THIS BUILDING.

IT'S SAFER AND IT'S MORE COST EFFECTIVE AND IT WILL BE A BOATER BUILT AND ENERGY EFFICIENT HOME FOR THIS FAMILY WHO WILL CONTINUE TO LIVE HERE.

WE'RE VERY HAPPY TO HAVE MADE STOREY POLE ADJUSTMENTS IN TIME AND THE NEW OWNER ABOVE WAS COMFORTABLE WITH THE CHANGE.

AND WE'VE HEARD OF ADDITIONAL CONCERNS FROM OUR NEIGHBOR TO THE NORTH ON PRIVACY.

I THINK THAT'S IT FOR ME.

AIDEN, WOULD YOU LIKE TO SHARE ANYTHING?

>> NO, JUST THANK YOU EVERYONE FOR THE TIME THIS EVENING.

I APPRECIATE IT.

BERKELEY HIGH CLASS OF '90.

THE OPPORTUNITY TO MOVE BACK TO BERKELEY HAS BEEN HUGE.

I'VE SPENT MORE TIME WORKING OUTSIDE OF BERKELEY BUT NOW THERE IS THE OPPORTUNITY TO GO BACK HOME.

BERKELEY ALWAYS FELT LIKE HOME.

WE WANTED TO MOVE BACK.

WE NOW HAVE THE OPPORTUNITY DO IT.

I WAS HOPING TO LIVE TOGETHER WITH THREE GENERATIONS WITH MY FATHER BUT HE UNFORTUNATELY PASSED AWAY.

WE'RE LOOKING FORWARD TO COMING BACK.

THE HOUSE SELL OLD, IT'S BEAT UP AND NOT SAFE OR STABLE.

WE THINK BUILDING SOMETHING NEW THERE TO SUPPORT ALL OF US TO WORK FROM HOME I THINK IT WILL BE A HUGE VALUE.

I THINK IT'S A VALUE-ADD FOR EVERYBODY INVOLVED.

I THINK NEIGHBORS WILL BENEFIT BECAUSE THE OLD HOUSE DRAGGING DOWN VALUES WILL BE REPLACED WITH SOMETHING NICER.

EMBERS COULD MAKE AN ACCELERANT.

PUTTING CLASS-A FIRE MATERIALS AND HAVING SPRINKLERS WOULD BE A VALUE ADD FOR THE NEIGHBORHOOD AND EARTHQUAKE SAFETY.

THESE ARE HUGE FACTORS.

THE MOST IMPORTANT ONE FOR ME, I'M GOING FROM A HOUSE BURNING NATURAL GAS AND ALLOWING THE ENERGY TO DRIFT OUT THROUGH INSULATED WALLS UPSETS ME.

BUILDING A GREEN EFFICIENT HOME AND I LOVE THAT THERE ARE BAT RYE REQUIREMENTS IS A CHANCE TO DO SOMETHING TO ADDRESS WHAT FEELS LIKE THE BIGGEST PROBLEM FACING HUMANITY.

I CAN FINALLY DO A LITTLE STEP THAT IS POSITIVE TOWARDS ADDRESSING THAT IS IMPORTANT TO ME.

AND SO, I'LL BE MINDFUL OF TIME.

I APPRECIATE ALL THE TIME THAT YOU'VE GIVEN US AND THANKS.

>> C. KAHN: THANK YOU MAURICE AND AIDEN.

ANY QUESTIONS FROM THE COMMISSION BEFORE WE GO TO THE PUBLIC?

SHOSHANA.

>> KEVIN: I'M SORRY TO HEAR ABOUT YOUR FATHER.

>> C. KAHN: WITH THAT, WE'LL OPEN IT TO ATTENDEES.

I SEE TWO HANDS, KELLY, CYNTHIA AND ANONYMOUS.

ANONYMOUS.

FIVE HANDS.

ANONYMOUS, KEN NG AND KATHY SULLIVAN.

I'M GOING TO CLOSE IT OUT AND IF THERE IS ANYONE ELSE THAT

WISHES TO SPEAK, RAISE YOUR HAND NOW.

OKAY.

THEN WE'LL START AND TAKE IT IN ORDER STARTING WITH KELLY AND

FINISHING WITH CATHERINE.

KELLY, YOU ARE UP.

>> THANK YOU AIDEN AND MAURICE.

I'M SURE YOU YOU'VE BEEN HERE ALL NIGHT AND HEARD ME MAKE MY

PLEA FOR BIRD-SAFE GLASS.

I WOULD ASK THAT YOU PLEASE USE BIRD-SAFE GLASS ON THIS HOUSE

AND YOU CAN MAKE YOUR WINDOWS BIRD SAFE BY PUT SCREENS -- HAVING

WINDOWS THAT OPEN AND HAVING SCREENS ON THE OUTSIDE WOULD MAKE

THEM BIRD SAFE.

THAT WOULD BE A GREAT BENEFIT.

I APPRECIATE THAT YOU'RE CONCERNED ABOUT NATURAL GAS.

THIS WILL BE ALL ELECTRIC SO THAT IS WONDERFUL.

I WAS LOOKING AT THE LANDSCAPE PLANS AND I WAS WONDERING
IF -- YOU PROBABLY HAVE 50% NON-NATIVE, IF THOSE ARE PLANTINGS
THAT ALREADY EXIST THAT YOU'RE NOT PUTTING IN NEW PLANTS WHAT IS
NAMED ON THE SITE IS WHAT ALREADY EXISTS ON THE PROPERTY.
IF NOT, I WOULD ASK THAT YOU USE CAL SCAPE AND YOU CAN PICK OUT
NATIVE PLANTS AND THAT WOULD REALLY ADD A LOT OF VALUE TO
BIODIVERSITY.
THOSE ARE MY REQUESTS.
THANK YOU.
>> C. KAHN: THANK YOU, KELLY.
CYNTHIA FOSTER.
>> HI.
I LIVE AT 479 KENTUCKY.
TWO DOORS DOWN FROM THE PROJECT.
MY CONCERNS HAVE TO DO WITH HOW THE PROJECT IS GOING TO AFFECT
TRAFFIC ON THE STREET BOTH DEMOLITION AND CONSTRUCTION.
KENTUCKY AVENUE IS TWO BLOCKS LONG.
THE BLOCK THAT THE PROJECT IS TAKING PLACE ON ACTUALLY CONSISTS
OF TWO ONE-LANE ROADS WITH A MEDIAN IN THE MIDDLE.
THAT'S NOT A MEDIAN THAT CAN BE USED IF ONE SIDE OF THE STREET
IS BLOCKED.
MY CONCERNS HAVE TO DO WITH HOW TRAFFIC IS GOING TO BE MANAGED
AND IF WE'RE GOING TO GET ADVANCED NOTICE WHEN THE STREET HAS TO
BE CLOSED.

I DO APPRECIATE ON THE LAST PROJECT IF WE COULD HAVE A HOTLINE SO WE CAN ACCESS NOT ONLY WITH CONSTRUCTION BUT STREET ACCESS AND GET NOTIFICATION 48 HOURS IN ADVANCE ON TRUCKS AND BLOCKING THE STREET.

IT'S DIFFICULT TO TURN AROUND ON OUR STREET.

WE'VE ALL DONE IT DURING AN EMERGENCY.

I WOULDN'T WANT TO DO IT ON AN ON-GOING BASE.

MY CONCERN IS ACCESS TO THE STREET.

WE HAVE DELIVERY TRUCKS AND RECYCLING TRUCKS THAT ARE CAUTIOUS ON THE STREET BECAUSE IT'S NARROW.

I HAVE CONCERNS ABOUT PARKING IN THE SENSE THAT PARKING IS LIMITED IN OUR NEIGHBORHOOD.

NEIGHBORS ARE COGNIZANT OF NOT BLOCKING STAIRS AND DRIVEWAYS.

AND ENTRIES TO HOUSES.

I WANT THOUGH MAKE SURE ANYONE WORKING ON THE PROJECT IS COGNIZANT OF NOT BLOCKING ENTRANCES.

>> C. KAHN: THANK YOU CYNTHIA.

THE NEXT PERSON IS IDENTIFIED AS ANONYMOUS.

IF YOU CAN -- THERE YOU GO.

>> HI.

CAN YOU HEAR ME?

>> C. KAHN: YES.

>> THIS IS A QUESTION, I WAS CURIOUS IN REGARDS TO THE DEMOLITION WHAT PROTECTIONS WILL BE IN PLACE TO ENSURE THAT THE

DUST AND DEBRIS BECAUSE THIS WILL GO ON A LONG TIME THAT IT DOESN'T DISRUPT THE NEIGHBORS.

SECOND QUESTION IS MORE ABOUT, IF YOU CAN PROVIDE MORE COLOR INTO WHAT IS DONE TO ADDRESS THE FACT THAT THIS IS A BIG PROJECT GOING ON A STEEP HILL.

IN TERMS OF THE GRADING IN THE BACK OF THE HOUSE, IF YOU COULD GIVE MORE COUPLE TO ENSURE THAT HOUSES ON THE NEIGHBORING STREET BEHIND DON'T HAVE NEGATIVE REPRESS CUSHIONS FROM SLIPPAGE, SO TO PROVIDE MORE COLOR.

>> C. KAHN: THANK YOU.

IT IS APPROPRIATE TO ASK QUESTIONS.

THEY WILL BE ANSWERED HOPEFULLY BY THE APPLICANT WHEN THEY HAVE A CHANCE TO ANSWER ALL THE QUESTIONS THAT YOU OR OTHERS MAY RAISE.

THANK YOU FOR COMING TONIGHT.

REN NG.

>> MY FAMILY LIVES AT 469 KENTUCKY.

WE WROTE A LETTER TO ASK THE BOARD TO POSTPONE THE PERMIT.

THE FIRST IS PROBLEMS WITH INFORMATION FLOW.

THE FINAL VERSIONS OF THE DOCUMENTS ARE ONLY AVAILABLE SINCE JANUARY THIRD.

THE LATEST IS DESIGN REVISIONS AND CONDITIONS.

WE NEED MORE TIME TO STUDY IT AND ALL NEIGHBORS SHOULD HAVE THAT OPPORTUNITY.

THE SECOND IS OUR OBJECTIONS TO ASPECTS OF THE DESIGN.

THE DESIGN HAS A BALCONY TO PROVIDE CLOSE DIRECT VIEWS ON OUR EXCLUDED DECK AND MASTER BEDROOM.

WE ASK FOR MORE TIME TO WORK WITH THE ARCHITECT THROUGH THIS AND OTHER DESIGN PROBLEMS.

WE HAVE TWO CHILDREN, 7 AND 9 AND WORRIED ABOUT HAZARDOUS MATERIALS.

OUR HOUSES ARE SEPARATED BY 8 FEET FROM THE DEPTH AND HEIGHT AND THREE STOREYS WILL BE DEMOLISHED HERE.

IT'S ALSO ON A STEEP HILL.

WE WORRY ABOUT DAMAGE TO OUR HOME DURING DEMOLITION OR LEVELING OF THE HILL.

WE EVEN HAVE A SHARED STRUCTURE BETWEEN OUR HOMES.

WE ASK THAT A DEMOLITION PLAN BE ADDED.

THE FOURTH CONCERN IS ABOUT STREET SAFETY.

THIS IS NARROW.

IN THE LAST TWO YEARS SEVERAL CONSTRUCTION ACCIDENTS HAPPENED.

A TRUCK COULDN'T STOP AND DESTROYED THE RAILING AND STEPS ON A HOUSE.

A MOVING BACKHOE HURT TWO CHILDREN.

THIS IS THE MOST COMPLEX ON OUR STREET IN YEARS AND DECADES AND WE REQUEST THE ADDITION OF A TRAFFIC SAFETY PLAN.

WE ASK YOU TO POSTPONE APPROVAL UNTIL THE ISSUES IN OUR LETTER ARE ADDRESSED.

>> C. KAHN: THANK YOU.

WE HAVE ONE MORE INDIVIDUAL TO SPEAK, CATHERINE SULLIVAN, YOU ARE RECOGNIZED.

CATHERINE.

FOR SOME REASON WE CAN'T HEAR YOU.

YOU ARE UNMUTED.

I DON'T KNOW IF THERE IS A VOLUME CONTROL ON YOUR MICROPHONE BUT WE'RE NOT GETTING ANY AUDIO.

WHILE CATHERINE IS ABLE TO COME BACK, I WANT TO GIVE HER A CHANCE TO SPEAK.

IF YOU CAN MANAGE THAT, CATHERINE, YOU'RE WELCOME TO REJOIN US.

>> CHARLES, IT'S 9:00.

>> C. KAHN: TIME FOR A CAPTIONER'S BREAK.

BEFORE WE -- LET'S TAKE A CAPTIONER'S BREAK NOW.

IT WILL BE 10-MINUTE HEALTH BREAK.

SO IT'S PRECISELY 9:00.

LET'S BE BACK AT 9:10.

WE HAVE ANOTHER ITEM TO GO AND I WANT TO GET THIS DONE BEFORE WE ALL TURN INTO WHATEVER WE TURN INTO AT MIDNIGHT.

SEE YOU IN 10 MINUTES.

THANKS.

>> C. KAHN: IT LOOKS LIKE WE NEED A FEW MORE PEOPLE AND WE CAN GET BACK IN THE SADDLE.

OKAY.

SO, I WOULD LIKE TO CONTINUE THE PUBLIC HEARING BY GIVING MAURICE AND AIDEN AN OPPORTUNITY TO ADDRESS THE CONCERNS BROUGHT TO OUR ATTENTION BY THE COMMUNITY.

AND I BELIEVE YOU HAVE THREE MINUTES.

>> YES.

OKAY, AM I ON?

>> YES.

>> OKAY.

THANK YOU FOR QUESTIONS BY INTERESTED PARTIES.

KELLY, I'VE LEARNED A LOT TONIGHT FROM THE BIRDS AND LANDSCAPING COMMENTS.

DEFINITELY WE'RE INTERESTED IN THE BIRD-SAFE WINDOW SCREENS AS WELL AS THE LANDSCAPE.

WE'VE ENGAGED BERNARDO LOPEZ WHO IS A SUSTAINABLE GARDEN SPECIALIST.

50% NON-NATIVE.

WE'LL MAKE SURE NOT TO PUT NATIVE PLANTS IN THE WINDOWS.

WE'LL KEEP THEM OUTSIDE.

THEN CYNTHIA, IT'S A SITE STREET.

AS A BUILDER, I CAN GIVE YOU DIRECT ANSWERS ON THAT.

THERE ARE TRAFFIC CONTROL PLANS FOR MANY PROJECTS AND WE'RE ALWAYS GOING TO DO WHAT WE CAN TO NOT HAVE THE STREET CLOSURE.

WE'LL PUT SIGNS -- WE HAVE A PRELIMINARY PLAN WE COULD SHARE IF

IT COMES TO THAT.

RUSSELL HAS THAT SHARED ON HIS SCREEN.

WE PLAN ON PUTTING SIGNS UP TO DIG THE SIDEWALK.

I'M NOT SURE HOW YOU GUYS GET AROUND.

YOU MUST BE WALKING IN THE STREETS TO GET PAST THE PARKED CARS.

THERE ARE STREET CLOSURES THAT WILL BE NEEDED AND WE COULD WORK WITH VINCENT CHAN AND I HAVE A CALL IN TO HIM TO TALK ABOUT THE SPECIFICS OF THE PROJECT.

IT'S FORTUNATE THAT WE HAVE EASY DETOURED AROUND THESE AREAS.

ROADS WOULD BE CLOSED TO THROUGH TRAFFIC BUT LOCAL TRAFFIC COULD GET THROUGH SO EVERYONE COULD GET TO THEIR HOUSE.

CERTAINLY WE'LL GIVE YOU NOTICE.

WE ARE THE CONTRACTOR.

THIS WILL BE A CONDITION OF APPROVAL, I'M ALL FOR THAT FOR SAFETY FOR EVERYONE AROUND INCLUDING OUR CREWS.

I'M DEFINITELY AWARE OF THE RECYCLE.

WE WOULD NOT SCHEDULE CONCRETE POURS OR ROAD CLOSURES WHEN TRASH GUYS ARE COMING.

STAIRS AND DRIVEWAYS AND ENTRANCES, THERE WILL BE CONTACT INFORMATION.

WE AND MOST CONTRACTORS ARE COMMUNICATING WITH NEIGHBORS.

WE ARE ALL OVER THAT.

AND WE HAD ANOTHER QUESTION ABOUT DEMOLITION AND DEBRIS.

THIS HAS BEEN COVERED AT SOME OF THE OTHER HEARINGS WHERE THE

CITY HAS STRICT REGULATIONS AND WE PLAN TO FOLLOW THOSE TO REDUCE ANY KIND OF AIRBORNE OR TOXIC SPREDDING FROM OUR JOB SITE.

THE DEMOLITION IS FAIRLY CONTAINED PROCESS.

I'VE HAD MY DEMOLITION CONTRACTOR UP THERE TODAY TALKING ABOUT HOW IT WILL BE DONE SAFELY.

WE PLAN TO TAKE THE ROOF OFF THE GARAGE SO WE CAN USE THAT AS A TRUCK LOADING AREA.

BEST MANAGEMENT PRACTICES THAT ARE REQUIRED TO BE FOLLOWED WHICH HANDLE EROSION DURING CONSTRUCTION AND UNCOVERED PILES OF MATERIAL, DIRT IS NOT ALLOWED.

THAT WILL BE HANDLED IN OUR CONDITIONS.

REN -- WE DIDN'T GET TO MEET EACH OTHER BUT WE COMMUNICATED ABOUT THE INFORMATION.

YOU HAVE THE INFORMATION VERY EARLY ON.

THE ONLY CHANGE INFORMATION IS BECAUSE WE MADE A QUICK CHANGE IN RESPONSE TO AN UPHILL VIEW CONCERN.

THAT CHANGE REDUCED SOME OF THE SHADOW ON YOUR PLACE.

IT DIDN'T CHANGE ANYTHING ABOUT FRONT PRIVACY.

ALL OF THE INFORMATION HAS BEEN THERE.

ANY OTHER CHANGES WERE MINOR TO THE ROOF.

AS FAR AS THE PERGOLA, WE COULD RAISE IT OR TAKE IT DOWN.

WHATEVER YOU WANT AND AIDEN WOULD HAVE TO AGREE ON THAT TOO.

IT'S INTERESTING THERE IS NO FENCE BETWEEN THE HOMES.

WE WOULDN'T WANT TO PUT UP A TEMPORARY CONSTRUCTION FENCE
BETWEEN THE HOMES ON EITHER SIDE.
I THINK THAT IT WOULD BE UP TO THE TWO OF YOU TO DECIDE IF YOU
WANT A FENCE THERE IN THIS PORTION OF THE LOT.
YOU HAD CONCERNS ABOUT THE TRAFFIC CONTROL PLAN WHICH WE WILL
DEFINITELY HAVE TO RUN BY THE CITY.
I THINK -- LET'S SEE, CATHERINE -- I THINK I CAUGHT EVERYTHING
BUT IF NOT, WE'LL CATCH IT ON THE NEXT ROUND.
>> C. KAHN: I WANT TO THANK MAURICE FOR ADDRESSING CONCERNS.
I THINK IT'S COURTEOUS.
>> I. TREGUB: I SAW THERE WAS A CONCERN AROUND PRIVACY BY
PROFESSOR NG, AND I WANTED TO SEE HOW YOU WOULD ADDRESS.
>> THANK YOU AND I'M SORRY FOR NOT CATCHING THAT ONE.
WE'VE PROPOSED A FEW DIFFERENT OPTIONS.
I'M NOT SURE IF THAT IS SOMETHING THAT RUSSELL OR ANY OF YOU
HAVE IN YOUR PACKET.
THIS IS COMMON.
WE'RE ON THE WEST FACING -- WE HAVE A SIGNIFICANT VIEW IN FRONT
OF US.
I THINK THERE ARE A LOT OF HOMES ON THE STREET THAT ENJOY A DECK
IF THE FRONT WHICH IS A PRIMARY VIEW.
SOME OF THE DECK GOES FROM SIDE TO SIDE AS OURS DOES.
A SCREEN MAY BE THE BEST WAY DO THIS WITH EITHER A PRIVACY
GLASS, SCREEN OR FIXED WALL SCREEN.

WE'RE HAPPY TO WORK WITH REN.

WE HAD A SCHEDULE TO TALK ABOUT IT BUT COULDN'T FOLLOW THROUGH.

HOWEVER YOU WANT TO HANDLE THAT, WE'RE OPEN.

IT'S THE NORTH END OF OUR RAILING WHERE THIS PRIVACY SCREEN

WOULD TAKE CARE OF THE ISSUE.

>> C. KAHN: THANK YOU, ANY OTHER QUESTIONS?

CECELIA?

>> LINDA: NO.

>> C. KAHN: I WOULD TENDER A MOTION OR DISCUSSION OF ANY ITEMS

YOU MAY WANT TO WISH TO BRING TO OUR ATTENTION.

CECELIA.

>> LINDA: THANK YOU.

SO I WAS WONDERING IF THERE IS A NEW LEGISLATION COMING TO

COUNCIL THIS TUESDAY.

THE CITYWIDE AFFORDABLE HOUSING REQUIREMENTS THAT WILL CHANGE

HOW MUCH PEOPLE WOULD HAVE TO PAY TO AFFORDABLE HOUSING PER UNIT

TO SCARE FOOT.

I WONDER HOW MUCH WOULD APPLY TO THIS PROJECT.

>> I DON'T HAVE AN ANSWER.

WE DON'T KNOW YET WHAT SORT OF -- LIKE WHAT THE POINT WILL BE

WITH THE CITY COUNCIL.

FOR LIKING WHEN NEW REGULATIONS WOULD APPLY.

IF IT WOULD -- IF THEY WOULD APPLY A BUILDING PERMIT OR BASED ON

YOUR ENTITLEMENT DATE, THAT'S NOT CLEAR YET BECAUSE IT HASN'T

BEEN DETERMINED.

>> LINDA: I WOULD BE INTERESTED IN POSTPONING THIS DECISION UNTIL AFTER THAT IS DECIDED BECAUSE I'M INCLINED FOR THIS PROJECT TO PAY AFFORDABLE HOUSING REQUIREMENTS PER SQUARE FOOT RATHER THAN UNIT.

>> C. KAHN: BASED ON MY EXPERIENCE, CECELIA, THE DECISION WOULD ENSURE THAT.

IT'S NEVER BEEN THE CASE.

ANY HE LEGISLATION THAT IS TIED TO THE DATE OF APPROVAL BUT RATHER TO THE TYPE OF THE APPLICATION FOR EITHER AS SAMANTHA SAID, WHEN THEY ACTUALLY APPLIED FOR THE USE PERMIT, THERE IS NOTHING WE CAN DO TO CHANGE, OR WHEN THEY APPLY FOR THE BUILDING PERMIT IN WHICH CASE THEY COULD BE COVERED BY THE NEW ORDINANCE.

IT'S USUALLY TIED TO THE DAY OF APPLICATION.

>> EITHER WAY OUR DECISION WOULDN'T AFFECT IT.

OKAY.

>> C. KAHN: IGOR.

>> I. TREGUB: AND I HAVE YET TO REVIEW THE SUBSTANCE OF THE ITEM ON TUESDAY.

BUT MY UNDERSTANDING RIGHT NOW IS THE AFFORDABLE HOUSING MITIGATION FEE WOULD ONLY APPLY TO A PROJECT OF FOUR UNITS OR MORE.

I THINK THE SPIRIT OF THIS WILL IF THERE IS A CHANGE TO SQUARE FOOTAGE, I WOULD BE HARD PRESSED TO IMAGINE THAT SINGLE FAMILY

WOULD BE IN THE APPLICABILITY ZONE.

>> C. KAHN: WE CAN MAKE IT A CONDITION OF APPROVAL TO ENSURE THAT IT HAPPENS.

YOU OFFERED, MAURICE TO DISCUSS THE PERGOLA WITH REN AS WELL AS DISCUSSING A PRIVACY GLASS OR OTHER SCREENING SYSTEM.

ON THE NORTH SIDE OF THE DECK.

I THINK THIS IS A MATTER THAT SHOULD BE RESOLVED BETWEEN NEIGHBORS, HOWEVER, I WOULD LIKE TO SEE RUSSELL'S INVOLVEMENT TO SEE THAT IT'S HANDLED IN A FAIR AND REASONABLE WAY BUT I'M HAPPY TO LEAVE IT TO RUSSELL'S JUDGMENT THAT THAT IS THE CASE.

S WE'VE TRAINED IN MEDIATING MATTERS SUCH AS THIS.

I WOULD LIKE TO MAKE A CONDITION THAT RUSSELL IS SUBMITTED WITH A RESOLUTION THAT ADDRESS THE CONCERNS OF REN'S BY THE APPLICANT FOR HIS APPROVAL.

MAKE THAT A CONDITION SUBJECT TO OUR APPROVAL.

THAT IS A CONDITION OF HIS APPROVAL THAT IS A CONDITION OF OUR APPROVAL.

I THINK WITH THOSE THINGS, I COULD SUPPORT A MOTION FOR APPROVAL OF THE PROJECT AND ALL OTHER REGARDS THAT CONFORMS TO THE STANDARDS FOR THIS DISTRICT AND THE COMMUNITY.

I WOULD LOVE TO HEAR A MOTION FOR APPROVAL FROM A MEMBER OF THE COMMISSION.

DO I HAVE A MOTION?

>> D. SANDERSON: I WILL MAC A MOTION TO APPROVE.

CONDITIONS OF APPROVAL THAT ARE MENTIONED.

>> C. KAHN: THANK YOU.

AND MICHAEL, IS THAT A SECOND?

>> M. THOMPSON: THAT'S A SECOND BUT I THINK SOMEBODY BEAT ME TO IT.

>> C. KAHN: I RECOGNIZED YOU, SO IT LOOKS LIKE YOU GOT THE SECOND.

>> M. THOMPSON: THANK YOU.

>> C. KAHN: AND I BELIEVE ANOTHER ELEMENT OF THE MOTION, WOULD I LIKE TO -- DEBBIE WITH YOU AND MICHAEL'S PERMISSION THAT THEY DETERMINED THE BIRD-SAFE GLASS OR SCREENING TO ENSURE THE SAFETY OF THE BIRDS.

YES, YOU HAD YOUR HAND UP, WE'RE STILL DISCUSSION, NOT VOTING.

>> Y. DUFFY: ISN'T THAT CONDITION OF APPROVAL NUMBER 29 ALREADY A TRANSPORTATION CONSTRUCTION PLAN?

SO WE DON'T NEED THAT, IS THAT RIGHT?

>> C. KAHN: WE'RE NOT REQUIRING THAT THEY DO A TRANSPORTATION CONSTRUCTION PLAN.

I ADDED SOME SPECIFIC COMPONENTS TO THAT PLAN THAT WE WOULD LIKE TO SEE.

THE 48 HOUR NOTICE WHICH MIGHT OR MIGHT NOT HAVE BEEN PART OF THAT PLAN AND RESTRICTION ON CLOSURES DURING GARBAGE DAYS OR

RECYCLING DAYS.

THAT IS PART OF THE PLAN SUBMITTED TO THEM.

>> C. KAHN: IF THERE ARE NO FURTHER QUESTIONS OR COMMENTS, MAYBE WE CAN GET A VOTE.

SHOSHANA IS ABOUT TO DROP FROM EXHAUSTION.

I'M SURE SHE'S NOT THE ONLY ONE AND WE HAVE ANOTHER ITEM TO HEAR TONIGHT.

SO WITH YOUR PERMISSION, I WOULD LIKE TO TAKE A VOTE, SAMANTHA.

>> BOARD SECRETARY: I'M GOING TO READ BACK THE CONDITIONS.

ONE OF THEM I HAVE TO WRITE OUT.

TO APPROVE 469 KENTUCKY WITH THE CONDITION THAT THE APPLICANT WILL INVESTIGATE BIRD-SAFE GLASS OR OTHER MEASURES TO PROVIDE 48-HOUR NOTICE TO NEIGHBORS FOR ROAD CLOSURES.

NO ROAD CLOSURES --

>> C. KAHN: 48 HOURS.

THAT WAS THE REQUEST.

>> BOARD SECRETARY: AND NO CLOSURES ON SOLID WASTE AND RECYCLING PICKUP DAYS CONDITIONED AND TO HAVE PRIVACY SCREENING FOR REVIEW AND APPROVAL.

>> AND THE PERGOLA AS WELL.

SUBMITTED TO RUSSELL.

>> PRIVACY SCREENING AND THE PERGOLA.

I'M GOING TO SAY REVIEW AND APPROVAL AS PART OF THE BUILDING PERMIT.

WHAT IS RUSSELL NOT HERE?

>> BOARD SECRETARY: TO STAFF.

>> STAFF APPROVAL.

OKAY.

BOARD MEMBER TREGUB.

>> AYE.

>> DUFFY.

>> AYE.

>> GAFFNEY.

>> YES.

>> THOMPSON.

>> YES.

>> LUNAPARRA.

>> YES.

>> VICE CHAIR O'KEEFE.

>> YES, AND I WANT TO CONFIRM -- I'M GOING TO LEAVE AFTER THIS VOTE.

I'M TOO TIRED.

YES IS MY VOTE.

>> BOARD SECRETARY: CHAIR KAHN.

>> AYE.

>> AND SANDERSON.

>> YES.

>> C. KAHN: PASSES UNANIMOUSLY AND WE'LL MOVE FORWARD WITH YOUR

PROJECT SUBJECT TO APPEAL.

THAT'S IT FOR 469 KENTUCKY.

THANK YOU EVERYBODY FOR COMING WHO SPOKE TONIGHT ON THE ITEM.

Permit Service Center
Building and Safety Division
1947 Center St. 3rd Floor
Berkeley, CA 94704

INVOICE

Date: 07/08/22

Invoice #: 505549

Record #: ZP2022-0087

Bill to:

Address: 469 KENTUCKY AVE

ZP: 469 KENTUCKY AVE
MAURICE LEVITCH
1029 HEINZ AVE
BERKELEY CA 94710-2718

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
7/8/2022	Records Management RM	$50.00	$0.00	$50.00
7/8/2022	AUP: Additional Administrative Use Permits AUP080	$920.00	$0.00	$920.00
7/8/2022	UPPH: Additional Use Permit (on same project) UPPH060	$920.00	$0.00	$920.00
7/8/2022	UPPH: ZAB Public Hearing Fee UPPH070	$1,025.00	$0.00	$1,025.00
7/8/2022	Community Planning Fee (15%) ADDCPF_ACP97	$1,104.00	$0.00	$1,104.00
7/8/2022	UPPH: Base Tier 2 - Complex Projects (< 24 hrs staff time) UPPH020	$5,520.00	$0.00	$5,520.00
	Totals:	$9,539.00	$0.00	$9,539.00

Zoning Project Application

Land Use / Zoning

Planning and Development

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformance with the Zoning Ordinance.

Information on different types of permits can be found at the links below.

Overview of the Permitting Process
https://www.cityofberkeley.info/Planning_and_Development/Permit_Service_Center/Permitting_Process.aspx

Types of Permits
https://www.cityofberkeley.info/Planning_and_Development/Home/Types_of_Land_Use_Permits.aspx

Zoning Project Submittal Requirements
https://tinyurl.com/rahe8ld

*Dedicated Consultant Review involves a competitive bid process to select an outside consultant. Please note: The consultant costs are *in addition* to Use Permit fees already paid.

(This box for staff use only.)

ZP20___-_____ ZP2022-0087

☐ Administrative Use Permit ☐ Variance
☐ Use Permit ☐ Modification of any of the Above

Zoning District(s): R-1H

Intake Planner: S. STOVER

DATE STAMP HERE

06/21/2022

Project Information:

Project Address: 469 KENTUCKY AVE. Unit/Suite #:_____

Assessor Parcel Number: 062 294502800

Project Description:

DEMOLISH EXISTING 3 STORY SINGLE FAMILY 4 BEDROOM HOME: 1,733 SF WITH EXISTING DETACHED 240 SF 1-CAR CARAGE.
CONSTRUCT NEW 3 STORY, SINGLE FAMILY, 3.5 BATH, 5 BEDROOM (4 ON SECOND FLOOR AND 1 ON GROUND FLOOR LABELLED TV ROOM) HOME WITH ATTACHED GROUND FLOOR ADU: 3,310 SF PRIMARY UNIT AND 494 SF ADU WITH DETACHED 488 SF 2-CAR GARAGE. PROJECT INCLUDES NEW GRADING/LANDSCAPING/TRASH ENCLOSURE, AND 85 SF ACCESSORY BUILDING.

Dedicated Consultant Review* Requested for UP (PH)? ☐ (Check box if requested)

Property Owner's Name: AIDAN KEEFE
Owner's Mailing Address: 469 KENTUCKY AVE.
Phone #: (415) 317-7845
Email: aidan.keefe@gmail.com

Applicant's Name (or enter "same"): MAURICE LEVITCH
Applicant's Mailing Address: 1029 HEINZ AVE.
Phone #: (510) 773-0606
Email: maurice@levitch.com susangabe@levitch.com kanta@levitch.com

Under penalty of perjury, I certify that:
(1) the application materials are true and complete to the best of my knowledge;
(2) the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application.
*(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)*

Applicant Signature:	**Owner Signature:**
MAURICE LEVITCH	
Printed Name: MAURICE LEVITCH	Printed Name: Aidan Keefe
Date: 03/14/2022	Date: Jun 10, 2022

Land Use / Zoning
1947 Center Street
2nd Floor
Berkeley, CA 94704
Phone: 510-981-7410
TDD: 510-981-7450
planning@cityofberkeley.info

(This page is for staff use only)

Zoning District(s):	
Zoning Section	**Description**
1. 23._____._____	UP/AUP to
2. 23._____._____	UP/AUP to
3. 23._____._____	UP/AUP to
4. 23._____._____	UP/AUP to
5. 23._____._____	UP/AUP to
6. 23._____._____	UP/AUP to
7. 23._____._____	UP/AUP to
8. 23._____._____	UP/AUP to
9. 23._____._____	UP/AUP to
10. 23._____._____	UP/AUP to

June 6, 2022

LEVITCH
ARCHITECTS+BUILDERS

Project:
Keefe Residence
469 Kentucky Avenue
Berkeley, CA 94708

Applicant:
Levitch Associates
1029 Heinz Avenue
Contact: Maurice Levitch
Maurice@levitch.com
510.845.6941

Applicant's Statement

The owners of 479 Kentucky Ave would like to remove their existing home and rebuild a new home in the same location. Demolition and new construction are a more feasible option for them to increase floor area for the primary residence, add an ADU, provide a more energy efficient envelope, upgrade the mechanical, plumbing, and electrical systems, as well as provide adequate foundation and seismic support on a site with steep topography.

EXISTING CONDITIONS:
The existing home is located on a hillside site in the R-1H zoning district. The lot is 5,088 SF, meeting the development standards for homes located in an R-1 zoning district.

The garage is located at street level, 4 feet back from the property line. Because it is located within the front setback, the garage is a legal non-conforming accessory building. Although partially subterranean, the front half of the structure does exceed more than 3 feet in height above grade.

The main building is located up the hill, 9 feet higher, and accessed from the street by exterior steps. The ground floor is a basement and crawl space. The second level is the main floor (split level) and there is a partial upper floor and roof deck at the northeast corner of the home. The primary dwelling appears to meet all current development standards. See the DPR primary record for more information.

PROPOSED:

The proposed project will meet all of the basic and supplemental development standards and follow the District Purpose for the R-1 zoning district and Hillside Overlay:

- The proposed project will continue to be a single family residence and with only the addition of the attached ADU at the ground floor level, the project will protect the existing pattern of development that is consistent with the General Plan for the zoning district and hillside development.

- The proposed maximum height is under 32 feet, below the 35 foot allowed maximum.

- The proposed gross floor area is 38.6% of the lot area so the project will not exceed the 40% maximum allowable lot coverage.

- The proposed project also will retain a relatively large amount of usable open space, far more than the open space area requirements.

- The primary residence and ADU meet all the lot line setback requirements.

- The proposed expanded garage will have the same 4-foot front setback as the existing garage. Although this is a non-conforming location within the front setback, the location of the garage at the front of the property is common on adjacent sites. The steep slope of the site means the garage will be partially subterranean. This location will minimize any impact on light, air, and view access or impact privacy for the neighbors.

- The proposed project will minimally expand the footprint beyond the footprint of the existing home. The proposed full excavation of the ground floor level adds floor area yet minimizes taller construction. This will help to preserve obstruction of light and air on adjacent properties.

- All new construction will allow the buildings to meet current building codes and therefore improve the safety and health of the residents. Upgrading the site with new construction will help to minimize severe risk from wildfire and minimize foundation failure risks that can be associated with the steep topography.

- The proposed design will minimally impact views of the neighbors. The existing home has a split level second floor below which the third floor was built. The proposed design will not have a split level second floor, so the proposed third level, although larger, is lower than the existing third level. This will minimize the change in building height that may impact the neighbors.

Large Format Yellow Poster Board at 469 Kentucky Ave., Berkeley, CA

463 KENTUCKY AVE
467 KENTUCKY AVE
469 KENTUCKY AVE
475 KENTUCKY AVE
479 KENTUCKY AVE
483 KENTUCKY AVE

GEOTECHNICAL INVESTIGATION
KENTUCKY AVENUE RESIDENCE FOUNDATION IMPROVEMENTS
BERKELEY, CALIFORNIA

ALAN KROPP
& ASSOCIATES, INC.
GEOTECHNICAL
CONSULTANTS

ALAN KROPP, CE, GE
JAMES R. LOTT, CE, GE
JEROEN VAN DEN BERG, CE
THOMAS M. BRENCIC, CE

December 29, 2021
3079-1, L-32600

Mr. Aidan Keefe
2840 Concord Avenue
Santa Clara, CA 95051

RE: Geotechnical Investigation
Kentucky Avenue Residence Foundation Improvements
469 Kentucky Avenue
Berkeley, California

Dear Mr. Keefe:

As authorized, we have performed a geotechnical investigation for the proposed foundation improvements to your house located at 469 Kentucky Avenue in Berkeley, California. This location is shown on the attached Vicinity Map, Figure 1 (Latitude: 37.9022°, Longitude: -122.2718°) and is designated parcel APN: 62-2945-28.

1.00 PROPOSED CONSTRUCTION

Based on our discussions with you, it is our understanding the proposed project will involve replacing portions of the house foundation system in order to repair past movement and to minimize the effect of potential future ground movement. Building loads are anticipated to be typical for this type of construction.

Earthwork operations at the site will primarily consist of excavations within and slightly outside of the footprint of the house for replacement of the foundation.

2.00 PURPOSE OF STUDY

The purpose of our investigation was to evaluate the general geotechnical suitability of the site for the proposed project and provide geotechnical design and construction criteria for the proposed work.

3.00 SCOPE OF SERVICES

As outlined in our proposal dated September 27, 2021, the scope of our work to accomplish the stated purpose included the following:

1. A reconnaissance of the lot, existing structure, and portions of the immediate surrounding properties to observe the general surficial conditions regarding vegetation, uneven ground, or possible obvious geotechnical concerns;

2. A review of published topographic and geotechnical/geologic materials to obtain geotechnical/geologic data relevant to the investigation;

3. A field subsurface exploration program consisting of drilling two exploratory test borings to evaluate the subsurface materials. The borings were to be extended to depths on the order of 10 to 25 feet below ground surface or shallower if refusal conditions were encountered. We also obtained the legally required City of Berkeley drilling permit and backfilled the borings with lean grout upon completion of drilling in accordance with permit requirements. Spoils (soil cuttings and water) from the borings were left on site;

4. Laboratory testing for classification, index and moisture-density, as required, to evaluate various soil properties of the materials recovered;

5. Geotechnical engineering analyses of the collected data; and

6. Preparation of this geotechnical investigation report for the project presenting the results of our studies along with pertinent geotechnical design and construction requirements for the project earthwork, foundations, and general site drainage.

The scope of our services did not include an environmental assessment or investigation for the presence of hazardous or toxic materials in the soil, groundwater, or air on, below, or around this site. An evaluation of the potential presence of sulfates in the soil, or other possibly corrosive, naturally occurring elements was beyond our scope.

Should you consider a complete demolition and rebuild of the home on the subject property, we should note that this report is not intended to specifically comply with requirements contained in California Geological Survey (CGS), Special Publication 117A (SP-117), "Guidelines for Evaluating and Mitigating Seismic Hazards in California". It is our understanding that although the property is located in a CGS designated Seismic Hazard Zone, the City of Berkeley generally does not require compliance with SP-117A for a partial remodel or repair to an existing home.

4.00 SITE INVESTIGATION AND CONDITIONS

4.01 Surface Reconnaissance Visit and Existing Site Conditions

The subject parcel is essentially rectangular-shaped and is bounded by Kentucky Avenue to the southwest and developed residential lots to the northwest, northeast and southeast. The site slopes up from Kentucky Avenue at about 700 feet to about 720 feet at the rear of the lot. A detached garage exists below the house at the Kentucky Avenue frontage. We did not observe any obvious indications of soil-related distress to the house or site.

4.02 Existing Geotechnical Data Review

A variety of published sources were reviewed to evaluate geotechnical data relevant to the subject parcel. These sources included geotechnical literature, reports, and maps published by various public agencies. Maps that were reviewed included topographic and geologic maps prepared by the United States Geological Survey (USGS), as well as geologic and seismic hazard maps prepared by the California Geological Survey (formerly the California Division of Mines and Geology).

The topographic map for this area (the Richmond Quadrangle) prepared by the United States Geological Survey indicates the site is located on a moderately steep, southwest facing slope on the western flank of the Berkeley Hills. The site generally slopes down from the northeast to the southwest with elevations varying from about 720 feet to 700 feet.

A widely used geologic map of the area (Dibblee, 2005) indicates the surficial soils at the site are underlain by a formation designated as Franciscan Assemblage, described as "*Submetamorphosed eugeosynclinal marine sedimentary and mafic igneous rocks; age Jurassic and Cretaceous*." As shown on Figure 2, Geology Map, the map describes the bedrock unit underlying the site as "*Mélange (mixture), of Franciscan rock fragments in matrix of pervasively sheared dark claystone and graywacke*."

A geologic map of the Hayward Fault Zone prepared by Graymer et al. (1995) also indicates the site is underlain by bedrock belonging to the Franciscan Complex. The text accompanying this map describes the bedrock as follows: "*Franciscan mélange, JKfm (Late Jurassic and Early Cretaceous). Sheared black argillite, graywacke, and meta-graywacke containing blocks and slabs of meta-graywacke and shale (fs), chert and metachert (fc), serpentinite (sp), greenstone (gs), amphibolite, tuff, eclogite, quartz schist, greenschist, basalt, marble, conglomerate, and blueschist*."

Lienkaemper (1992, 2006) shows a single trace of the Hayward-Rodgers Creek fault passing approximately 900 feet southwest of the site. The fault trace is shown as approximate and assigned an accuracy of +/- 40 meters. We should point out that the evidence cited by Lienkaemper in that area indicates that the location of the fault is not well established, probably as a result of masking due to landslide movement.

During historical times, well-documented surface creep has occurred along the Hayward-Rodgers Creek fault at average rates ranging from about 0.2 to 0.4 inches per year (Lienkaemper et al., 1991). More recently, there has been recognition of variability in creep rates, both spatially along the fault trace and temporally. Lienkaemper et al. (2012) describe several discrete fault segments that have experienced increased or decreased creep rates since the 1989 Loma Prieta earthquake, including one apparent locked segment that may indicate it to be the next segment to rupture.

A preliminary photointerpretive landslide map of the area by Nilsen (1975) does not indicate the presence of any landslides extending onto the site, nor in the immediate area downslope of the site. Nilsen maps the center of the valley (which includes most of the site) as colluvium. As shown on Figure 3, Seismic Hazard Map, mapping by the California Geological Survey (CGS, 2003) indicates that the site is located within a State of California Seismic Hazard Zone for earthquake-induced landslides.

The Alquist-Priolo earthquake fault zone map published by the California Division of Mines and Geology (CDMG, 1982, currently the California Geologic Survey - CGS) shows that the site is located within the Alquist-Priolo (A-P) Earthquake Fault Zone associated with the Hayward-Rodgers Creek fault. No faults are shown within 900 feet of the subject site.

Studies by the United States Geological Survey's Working Group on California Earthquake Probabilities (Aagaard et al., 2016) have estimated a 72-percent probability that at least one magnitude-6.7-or-greater earthquake will occur in the San Francisco Bay Region before the year 2043. As part of their prediction, they estimated the probability to be 33 percent for a magnitude-6.7-or-greater earthquake to occur on the Hayward-Rodgers Creek fault, 22 percent for a magnitude-6.7-or-greater earthquake to occur on the Northern San Andreas fault, and 16 percent for a magnitude-6.7-or-greater earthquake to occur on the Concord fault during that same period.

4.03 Subsurface Exploration

On October 26, 2021, we explored the subsurface conditions at the project site by drilling two exploratory test borings at the approximate locations shown on the attached Site Plan, Figure 4. Boring 1 was drilled to a depth of about 21 feet and Boring 2 was drilled to a depth of about 12 feet.

Limited-access (minuteman), solid-flight auger drilling equipment was employed to advance the borings. During drilling, our field representative monitored the advancement of the drilling and made notes of any changes in drilling conditions that were observed or commented on by the driller. Soil samples were obtained using 2-inch O.D. Standard Penetration Test (SPT) and 3-inch O.D. Modified California samplers. The samplers used during the drilling were driven using a 140-pound hammer falling 30 inches using a rope and cathead drive hammer system. The hammer blows required to drive the sampler the final 12 inches of each 18-inch drive are presented on the attached boring logs.

The surficial materials encountered in both of the exploratory borings generally consisted of about 5 to 6 feet of stiff sandy fat clay (B-1) and medium dense to dense clayey sand (B-2). Below the fill, we encountered sandstone and shale bedrock which heavily weathered and fractured. The soils encountered generally correlated with the Franciscan mélange material described on the referenced geology maps.

Detailed descriptions of the materials encountered in the borings are found on the boring logs presented at the end of this report in Appendix A. A Key to Exploratory Boring Logs and Physical Properties Criteria for Rock Descriptions are also presented. The attached logs and related information depict subsurface conditions only at the specific locations shown on the Site Plan (Figure 4) and on the particular date designated on the logs. The logs may have been modified from the original logs recorded during drilling, as a result of further study of the collected samples, laboratory tests, or other efforts. Also, the passage of time may result in changes in the subsurface conditions due to environmental changes. The locations of the borings were approximately determined by hand tape measurements from existing field landmarks, and the ground surface elevations at each boring location were approximately determined by interpolation of topographic map contours. The locations and elevations should be considered accurate only to the degree implied by the method used.

4.04 Groundwater

Groundwater was encountered in Boring 1 at about 20½ feet deep and about 10 feet deep in Boring 2 shortly after drilling. The borings were grouted after drilling in accordance with City of Berkeley drilling permit requirements. It should be noted that groundwater measurements in the borings may have been made prior to allowing a sufficient period of time for the equilibrium groundwater conditions to become established. In addition, fluctuations in the groundwater level may occur due to variations in rainfall, temperature, and other factors not evident at the time the measurements were made.

4.05 Laboratory Testing

Our geotechnical laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site. The following geotechnical laboratory tests were performed on selected soil samples:

- Water content per ASTM Test Designation D-2216;
- Dry density per ASTM Test Designation D-2937;

- Percent passing the No. 200 sieve per ASTM Test Designation D-1140; and
- Atterberg Limits per ASTM Test Designation D-4318.

The tests were conducted in general accordance with the current edition of the referenced standards at the time the tests were performed. The results of the laboratory tests are presented at corresponding depths on the boring logs in Appendix A.

5.00 EVALUATION AND CONCLUSIONS

5.01 General Site Suitability

Based on our investigation, it is our opinion the site is suitable for the construction of the proposed new foundations from a geotechnical standpoint. However, all of the conclusions and recommendations presented in this report should be incorporated in the design and construction of the project to minimize possible geotechnical problems.

The primary considerations for geotechnical design at the site are:

- Hillside construction;
- Seismic considerations;
- Expansive surficial soils;
- Site drainage; and
- Future slope performance.

Each of these conditions is discussed individually below.

5.02 Hillside Construction

Based on the results of our field explorations and site reconnaissance, the site slopes appear to be overlain with shallow colluvial soils. Colluvial soils are typically deposited via gravity from sources upslope and are not well compacted and may creep downslope if saturated or during seismic events. This provides justification for our recommendation that proposed new foundations at the site consist of piers extending through the native soils and into the underlying bedrock. Due to the potential for downward creep of the colluvium, the piers should be designed to resist a creep load.

5.03 Seismic Considerations

The subject site is located in the highly seismic San Francisco Bay Area, and there is a strong probability that a moderate to severe earthquake will occur during the life of the structure. Based on our review of the fault maps listed below, no active or inactive faults are known to pass through the site. However, the site is located at the distal edge of a mapped Alquist-Priolo Zone (CDMG, 1982) and about 900 feet northeast of the nearest active trace of the Hayward-Rodgers Creek fault (Lienkaemper, 1992). Based on the proximity to the mapped splay of the Hayward-Rodgers Creek fault, we judge that the likelihood of a surface fault rupture encroaching into the project site is unlikely.

During strong earthquakes, various forms of ground failure can occur, such as liquefaction and earthquake-induced landsliding. Liquefaction primarily occurs in relatively loose granular (sandy) soils below the groundwater table. However, some soft low plasticity silts and clays can also be subject to liquefaction type behavior. The site is underlain by generally stiff clay and dense sandy clay soils that are underlain at shallow depth by weathered bedrock. Groundwater was encountered below the top of bedrock in the exploratory borings at the time of drilling. Based on these conditions, it is our opinion that liquefaction is not a significant site hazard. The site is located in a hillside environment with colluvial soils and weak bedrock and therefore, the possibility of seismically-induced landsliding during a major seismic event cannot be ruled out entirely. However, if the recommendations for grading and foundation construction as given in this report are incorporated into the project design, it is our opinion that the potential for earthquake-induced landsliding to significantly impact the new structure is relatively low and well within the normal risk tolerance level for residential hillside construction in the Berkeley Hills area.

The structures on the new foundations at the site will very likely experience strong ground shaking during a major earthquake in the life of the structure. The California Building Code has adopted provisions for incorporation of strong ground shaking into the design of all structures and foundations. Our recommendations for geotechnical parameters to be used in the structural seismic design of the buildings are presented in Section 6.03, "California Building Code Seismic Design Parameters."

5.04 Expansive Surficial Soils

Based on our review of the laboratory tests performed on the samples from the borings, we expect that the surficial soils at the site are highly expansive and are prone to volume changes (shrinkage and swelling) with seasonal fluctuations in soil moisture. These soils tend to lose strength after prolonged rains, and when located on moderate slopes, they have a tendency to creep. Such shrink/swell behavior can damage lightly loaded near-surface elements (such as sidewalks and driveway slabs) located directly on them. The pier and grade-beam foundation proposed for support of the existing house and garage is well suited to minimizing the potential for movement due to moderately expansive soils on the site.

Due to the expansive surficial soils and sloping site terrain, we recommend site retaining walls be supported on drilled, cast-in-place friction piers that are extended through the expansive upper soils into underlying materials where shrinkage and swelling of the soil due to seasonal changes in moisture does not occur. However, drilled piers may experience distress and rotation due to active slope creep movement at the site. A well-designed site retaining wall foundation system should consider effects of both expansive soils and movements due to deep rotational/translational landslide movements.

To help minimize tilting and cracking of exterior slabs or other flatwork, we recommend that such areas be underlain by a layer of imported, non-expansive material.

5.05 Site Drainage

To minimize infiltration of surface runoff at the site that results in weakening along with shrink/swell behavior of the surficial soils, drainage should be carefully controlled in the vicinity of the house and site structures. Additionally, drainage in and adjacent to the portions of the house with a crawlspace should be controlled to minimize saturation of the crawlspace soils and related moisture problems should a crawlspace exist after completion of the planned construction.

5.06 Future Slope Performance

It should be noted that because of the geologic setting and the sloping terrain, there is always the possibility for shallow local sliding and erosion adjacent to the home. Such movements, if they do occur, may not seriously affect the performance of the home (even if they extend below the house foundations), but significant costs may be incurred to repair the area.

All owners or occupants of homes on slopes in the Bay Area should be aware of the potential for landslides. We recommend that our clients follow the drainage and erosion control recommendations we present in our geotechnical investigation reports. In addition, we recommend they maintain these facilities once they are installed. We should note extreme environmental conditions outside the control of the homeowner, such as very heavy rains or breaks in water lines, could induce shallow and/or deep landsliding even if the drainage systems outlined in this report are installed and properly maintained.

6.00 RECOMMENDATIONS

It is the responsibility of you and your representative to confirm that the recommendations presented in this report are called to the attention of the contractor, subcontractors, and any governmental body which may have jurisdiction, and that these recommendations are carried out in the field. Our recommendations for the geotechnical aspects of design and construction are presented below.

6.01 Site Preparation and Earthwork

6.01.1 Clearing, Site Preparation, Excavations, and Temporary Shoring

The site should initially be cleared of existing buried structures that conflict with the new foundations and site improvements designated for removal, and these materials should be removed from the site. The new foundations area around the outside perimeter of the house should then be stripped to sufficient depth to remove any surface vegetation and weeds and these materials should also be removed from the site.

After the new foundation area has been appropriately cleared and stripped, the excavations for construction of the new pier foundations and site retaining walls can be made. During these excavations, temporary shoring should be used as required to prevent the movement of materials exposed in the face of the excavations, or the cut slopes may be sloped back in accordance with Cal-OSHA requirements. The selection, design, construction, and performance of any needed temporary shoring are considered the sole responsibility of the contractor. However, it is recommended that our firm review the shoring plan prior to construction in order to evaluate the potential interaction between the temporary shoring and the permanent structure.

6.01.2 Subgrade Preparation

The subgrade surface in those areas to receive structural fill (including excavations created from the removal of existing structures and trees), grade-beams, slabs-on-grade, or pavements should be confirmed by the project geotechnical engineer to be firm, non-yielding materials. Areas beneath slabs-on-grade and pavements that are to receive non-expansive, select fill should be over-excavated as necessary to accommodate the recommended select fill layer. The exposed soils in those areas receiving non-expansive select fill or structural fill should be scarified to a depth of 6 inches or the full depth of any existing shrinkage cracks, whichever is deeper. The scarified soils should then be moisture-conditioned to 2 to 5

points above optimum water content, and compacted to the specified relative compaction indicated in Section 6.01.4, "Compaction." In areas to receive select fill, the moisture-conditioned subgrade should be covered as soon as possible to prevent drying of the subgrade soils.

6.01.3 Material for Fill

All onsite soils having an organic content of less than 3 percent by volume are suitable for use as fill, except where non-expansive select fill material is required. All fill placed at the site, including onsite soil, should not contain rocks or lumps greater than 6 inches in greatest dimension with not more than 15 percent larger than 2.5 inches. Non-expansive fill, where specified, should meet the requirements for general fill and should be predominantly granular with a Plasticity Index of 15 percent or less. All import material should be evaluated by our firm prior to importation to the site.

6.01.4 Compaction

All fill should be placed on a firm, unyielding base surface in lifts not exceeding 8 inches in un-compacted thickness. The fill should be compacted to at least 90 percent relative compaction by mechanical means only as determined by ASTM Test Designation D1557-latest revision. It is possible that exposed soils may be excessively wet or dry depending on the moisture content at the time of construction. If the soils are too wet, then they may be dried by aeration or mixing with drier materials. If the soils are too dry, then they may be wetted by the addition of water or by mixing with wetter materials.

6.02 Pier and Grade Beams Foundations

We recommend the proposed new foundations should consist of drilled, cast-in-place, straight-shaft piers which are designed to develop their load-carrying capacity through friction between the sides of the piers and the surrounding subsurface materials. Friction piers should have a minimum diameter of 18 inches, and there should be a minimum center-to-center spacing of at least three pier diameters between adjacent piers.

The piers should generally extend to a depth adequate to provide at least 8 feet of embedment into bedrock. Since bedrock was encountered at depths of about 5 to 6 feet in the exploratory borings, the piers should generally extend to a minimum depth of about 14 feet below the existing ground surface. To determine whether these depths are adequate to carry the structural loads of the proposed structures, the following allowable (factored) skin friction values should be used:

In the native soils overlying bedrock, we recommend allowable (factored) friction values of 500 pounds per square foot (psf) for dead plus live loads (factor of safety ≈ 2), and 650 psf for all loads, including wind or seismic (factor of safety ≈ 1.5). These values can be used starting at a depth of 5 feet.

In bedrock, we recommend allowable (factored) friction values of 1,000 pounds per square foot (psf) for dead plus live loads (factor of safety ≈ 2), and 1,500 psf for all loads, including wind or seismic (factor of safety ≈ 1.5). These values can be used starting at the top of bedrock.

To minimize damage resulting from the potential surficial soil creep forces, we recommend the piers be designed to resist an ultimate (non-factored), uniform lateral pressure of 500 psf against the projected diameter of the pier to a depth of 5 feet below the ground surface. In addition, to account for the potential for a void to be created along the downslope sides of the piers due to creep of the surficial soil, we recommend the upper 5 feet of the piers be designed as free-standing columns. For piers located in areas where there is a level surface for a horizontal distance of at least 10 feet around the proposed pier location and to the nearest adjacent face of the slope, creep loads can be omitted.

Lateral loads on the piers may be resisted by passive pressures acting against the sides of the piers. We recommend an allowable passive pressure equal to an equivalent fluid weighing 350 psf per foot of depth to a maximum value of 3,500 psf (factor of safety ≈ 2). This value can be assumed to be acting against two times the diameter of the individual pier shafts starting at a depth of 5 feet.

The piers should be tied together in at least one direction with grade beams and tie beams. The maximum horizontal distance between the grade beams and tie beams should be approximately 20 feet. The grade beams and tie beams should be designed to span between the piers in accordance with structural requirements. If the grade beams or tie beams are to retain more than 30 inches of soil, they should be designed to resist a lateral earth pressure equivalent to a fluid weighing 80 pcf. In order to minimize the possible detrimental effects of the expansive soils, we recommend that the grade beams be designed to resist an ultimate (non-factored) uplift pressure of 1,500 psf.

The bottom of pier excavations should be reasonably free of loose cuttings and soil fall-in prior to installing reinforcing steel and placing concrete. Any accumulated water in pier excavations should be removed prior to placing reinforcing steel and concrete, or the concrete should be tremied from the bottom of the hole. Care should be taken during concrete placement to avoid "mushrooming" at the top of the pier because distress in the structure may result from expansive soil uplift forces on the “mushroom caps.”

The proper handling of spoils excavated during the pier drilling is very important. If these materials are left in a loose condition on a slope, they will have a tendency to creep downhill and/or erode during periods of heavy rainfall. Therefore, we recommend these materials be removed from the site, placed and compacted as engineered fill, or placed as wall backfill where settlement would not cause a problem.

Observations during pier drilling operations should be performed by a representative of our firm to confirm that anticipated conditions are being encountered. If drilling refusal is encountered, we can coordinate a review of the conditions and drilling equipment adequacy, as well as conduct discussions with the project structural engineer.

The floor system (for that portion of the structure located on the slope) for the proposed new residence should be structurally supported and derive all of its support from the pier and grade beam foundations.

6.03 California Building Code Seismic Design Parameters

This section provides seismic design parameters based on the 2019 California Building Code (CBC) and ASCE 7-16. The reported seismic design parameters, as presented in Table 1, below, were developed utilizing the ASCE 7 online hazard report tool and are based on the site coordinates, site class (geology), and the assumed risk category of the structure.

Table 1: Ground Motion Parameters Based on ASCE 7-16
(Site Coordinates: Latitude 37.9022°, Longitude -122.2718°)

Parameter	Value	ASCE 7-16 Reference
Building Risk Category (assumed)	II	Table 1.5-1
Site Class	C	Table 20.3-1
S_s	2.293	Figure 22-1
S_1	0.885	Figure 22-2
F_a	1.2	Table 11.4-1
F_v	1.4	Table 11.4-2
S_{MS}	2.752g	Equation 11.4-1
S_{M1}	1.239g	Equation 11.4-2
S_{DS}	1.835g	Equation 11.4-3
S_{D1}	0.826g	Equation 11.4-4
Cv	1.3	Table 11.9-1
PGA	0.963g	Figure 22-9
F_{PGA}	1.2	Table 11.8-1
PGA_M	1.156g	Equation 11.8-1
T_L	8 seconds	Figure 22-14

6.04 Retaining Walls

Retaining walls should be designed to resist both ultimate (non-factored) lateral earth pressures, and any additional lateral loads caused by surcharge loads on the adjoining ground surface. We recommend walls be designed to resist the equivalent fluid pressures indicated in the table below. The appropriate design values should be chosen based on the condition of the wall (restrained or unrestrained) and the angle of the slope behind the wall. Unrestrained wall pressures should only be considered appropriate where it would be structurally and architecturally acceptable for the wall to laterally deflect 2 percent of the wall height. All residence walls should be designed for the restrained condition.

Back-Slope Condition	4:1[1] or flatter	2½:1
Unrestrained	45 pcf[2]	55 pcf
Restrained	65 pcf	75 pcf

[1] Inclination behind wall, horizontal to vertical.
[2] "pcf" signifies "pounds per cubic foot" equivalent fluid pressure.

- A linear interpolation should be used to determine design values for retaining walls where the slope behind the wall is between 4:1 and 2½:1. Slopes steeper than 2½:1 are not recommended at the site.
- For surcharge loads, increase the ultimate (non-factored) design pressures behind the wall by an additional uniform pressure equivalent to one-half (for restrained condition) or one-third (for unrestrained condition) of the maximum anticipated surcharge load applied to the surface behind the wall.

Walls more than 6 feet in height should also be designed for a temporary seismic load. The temporary seismic load can be modeled as a uniform lateral pressure applied over the height of the wall of 10H psf, where H is the wall height in feet.

The above wall design pressures assume that the wall is provided with adequate drainage. Either a geo-composite drainage system or a conventional gravel drainage system that meets the minimum requirements outlined below would be acceptable. If a geo-composite drainage system is used it should consist of a pre-fabricated drainage composite system such as CCW MiraDRAIN 6000/6200 with CCW QuickDRAIN, or an approved equivalent installed in accordance with the manufacturer's recommendations. If a drainage composite system is to be used, the manufacturer's specifications for the system should be submitted to our office for review in order to confirm that it is appropriate for the intended use. A pre-fabricated drainage composite system is typically used when shoring is used as the backside form for the wall. However, an acceptable alternative system where there is sufficient space for installation behind the wall would be a gravel subdrain system (see Typical Retaining Wall Subdrain Detail, Figure 5) consisting of a 4-inch, rigid, perforated pipe, bedded in ¾-inch, clean, open-graded rock. The perforated drainpipe should be sloped to drain with a minimum positive gradient of 2 percent. The entire rock/pipe unit should be wrapped in an approved, non-woven, polyester geotextile such as Mirafi 140N or 140NL, or a 4-ounce equivalent. The rock and fabric placed behind the wall should be at least one foot in width and should extend to within one foot of finished grade. The upper one foot of backfill (6 inches for walls less than 5 feet in height) should consist of onsite, compacted, relatively impervious soils (an impermeable plug).

We note flexible, perforated pipe (flexline), 2000-Pound Crush, Leachfield, and ASTM F810 pipe are not acceptable for use in the subdrain because of the likelihood of damage to the pipe during installation and the difficulty of future cleaning with mechanical equipment without damaging the pipe. We recommend the use of Schedule 40 PVC or SDR 35 PVC or ABS drainpipe, or equivalent for both the perforated and non-perforated piping components of the drainage system. The subdrain pipe should be connected to a system of closed pipes (non-perforated) that lead to suitable discharge facilities. We also recommend that surface and sub-surface drainage systems should be kept entirely separate and only connected at the point of discharge. At the location where the perforated subdrain pipe connects with the solid discharge drainpipe, drainrock backfill should be discontinued. A "clay plug" should be constructed out of relatively impervious soils to direct collected water into the perforated pipe and minimize the potential for water collecting around the solid drainpipe and saturating the adjacent soils. We recommend waterproofing be applied to any proposed retaining walls where applicable. The specification of the type of waterproofing and the observation of its installation should be performed by the architect and/or structural engineer.

In addition to the drainage details noted above, the "high" end and all 90-degree bends of the subdrain pipe should be connected to a riser which extends to the surface and acts as a cleanout. The number of cleanouts can be reduced by installing "sweep" 90-degree bends or pairs of 45-degree bends in succession instead of using "tight" 90-degree bends. "Sweep" 90-degree bends are similar to those used in sanitary sewer pipe connections.

Lined surface ditches with a minimum width of 12 inches should be provided behind any walls that will have an exposed sloping surface steeper than 4:1 behind them. These ditches, which will collect runoff water from the slopes, should be sloped to drain (minimum 2 percent positive gradient) to suitable discharge facilities. If the lined surface ditches consist of reinforced concrete, expansion joints should be provided every 10 feet. The top of the walls should extend at least one foot above the ditch (6 inches for walls less than 5 feet in height). All structural backfill placed behind retaining walls should be compacted

in accordance with the requirements provided in Section 6.01, “Site Preparation and Earthwork.” Special care (such as the use of lightweight equipment) should be taken during wall backfill compaction operations to minimize overstressing of the wall.

Retaining walls may be supported on pier foundations designed in accordance with Section 6.02.

6.05 Interior Slabs-on-Grade

We recommend that the floor system should be structurally supported and derive all of its support from the pier foundations. To limit vapor transmission through the interior slab, at least 4-inches of free-draining gravel should be placed beneath the floor slab to serve as a capillary barrier between the subgrade material and the slab. In spaces where vapor transmission through the slab would be unacceptable, a vapor-retardant membrane (Class A vapor retarder [ASTM E 1745, latest revision]) should be placed over the gravel. 2 inches of clean sand may be placed on top of the vapor retarder if specified by the project structural engineer. If the vapor retarder is upgraded to a more substantial material (such as Stego Wrap 15-mil or approved equivalent), consideration could be given to elimination of the 2-inch sand layer. Again, any tears in the retarder and all plumbing penetrations should be sealed with an appropriate taping material. The gravel, membrane, and sand layer (if used) can be used in lieu of an equivalent thickness of the 12 inches of non-expansive import fill recommended under slabs.

6.06 Exterior Slabs-on-Grade

Due to anticipated highly expansive surficial soils at the site, we recommend any exterior slabs-on-grade be supported on a minimum of 12 inches of imported, compacted (90% relative compaction based on ASTM D1557-latest revision), non-expansive fill. In order to minimize volume change of the subgrade soils below the non-expansive fill layer, prior to placement of the non-expansive fill, the subgrade soils should be scarified to a depth of 6 inches, moisture conditioned to 2 to 5 points above optimum water content, and compacted (90% relative compaction based on ASTM D1557-latest revision).

The slabs should be structurally independent from the perimeter foundation of structures and be free floating. Score cuts or construction joints should be provided at a maximum spacing of 10 feet in both directions. The slabs should be appropriately reinforced according to structural requirements; concentrated loads may require additional reinforcing. Steps to structures from the slab area should be created with a void (expansion joint) between the steps and the structure foundation. Minor movement of the concrete slab with resulting cracking should be expected. The recommendations presented above, if properly implemented, should help minimize the magnitude of this cracking.

It has been our experience that the installation of wire mesh for slab reinforcement has often not been performed properly during construction of the slab. As a result, we recommend that steel bar reinforcement be used to reinforce any proposed slabs.

6.07 Surface and Subsurface Drainage

Positive surface drainage should be provided adjacent to structures to direct surface water away from their foundations and into closed pipes that discharge downslope of the residence in an appropriate discharge area. In addition, all roof water should be routed via tightline pipes to similar discharge facilities. Flexible drain pipe (flexline), 2000-pound crush pipe, leachfield, and ASTM F810 pipe are not recommended for use in these drainage systems because of the likelihood of damage to the pipe during installation due to

the weak strength of these pipes. In addition, these drainpipes are sometimes difficult to clean with mechanical equipment without damaging the pipe. We recommend the use of Schedule 40 PVC, SDR 35 PVC or ABS, Contech A-2000 PVC drainpipe, or equivalent for the drain system. Ponding of surface water should not be allowed in any areas adjacent to structures. Concentrated flows of water should not be allowed across the rear slope of the property as erosion or weakening of the slope could occur.

Some nominal maintenance of the drainage facilities should be expected after the initial construction has been completed. To assist in maintaining proper drainage and erosion control measures for the site, we have included a "Guide to the Maintenance of Hillside Home Sites," Appendix B.

Should ownership of this property change hands, the new owner should be informed of the existence of this report, not adversely change the grading or drainage facilities, and understand the importance of maintaining proper surface drainage.

7.00 ADDITIONAL GEOTECHNICAL SERVICES

7.01 Plan Review

We recommend our firm be provided the opportunity for a general review of the geotechnical aspects of the final plans and specifications for this project in order that the geotechnical recommendations may be properly interpreted and implemented. Specific items that we recommend our firm review and that the plans should contain include, but are not limited to, the following:

- General: a citation of this geotechnical investigation report (in the general notes);
- Building foundations: drilled pier dimensions and embedment into bedrock, grade-beam subgrades, slab-on-grade subgrade and vapor barrier, as applicable;
- Exterior slabs: import fill depth, recompaction of subgrade, as required;
- Retaining walls: foundation requirements (as noted above), wall back drainage systems; and
- Drainage: gradient away from structures and adverse locations of infiltration systems.

If our firm is not accorded the privilege of making the recommended review, we can assume no responsibility for misinterpretation of our recommendations. Additionally, we recommend that a copy of this report be provided to the general and grading contractors so that the site conditions are properly understood.

7.02 Construction Observation

The analyses and recommendations submitted in this report are based in part upon the data obtained from the two soil borings at the adjacent site. The nature and extent of variations across the site may not become evident until construction. If variations then become apparent, it will be necessary to re-examine the recommendations of this report.

We recommend our firm be retained to provide geotechnical engineering services during the earthwork, foundation construction, and drainage phases of the work. This is to observe compliance with the design concepts, specifications, and recommendations and to allow design changes in the event that subsurface conditions differ from those anticipated prior to the start of construction.

In order to effectively accomplish our observations during the project construction, we recommend that a pre-construction meeting be held to develop a mechanism for proper communications throughout the project. We also request that the client or the client's representative (the contractor) contact our firm at least two working days prior to the commencement of any of the items listed above. If our representative makes a site visit in response to a request from the client or the client's representative and it turns out that the visit was not necessary, our charges for the visit will still be forwarded to the client.

8.00 OTHER CONSIDERATIONS

8.01 Wet Weather Construction

Although it is possible for construction to proceed during or immediately following the wet winter months, a number of geotechnical problems may occur which may increase costs and cause project delays. The water content of on-site soils may increase during the winter and rise significantly above optimum moisture content for compaction of subgrade or backfill materials. If this occurs, the contractor may be unable to achieve the recommended levels of compaction without using special measures and would likely have to:

- Wait until the materials are dry enough to become workable;
- Dispose of the wet soils and import dry soils; and
- Use lime or cement on the native materials to absorb water and achieve workability.

If utility trenches, pier holes, or footing excavations are open during winter rains, then caving of the trenches, pier walls, or footing excavations may occur. Also, if the pier holes or footing trenches fill with water during construction, or if saturated materials are encountered at the anticipated bottom of the excavations, the piers or footings may need to be extended to greater depths to reach adequate support capacity than would be necessary if dry weather construction took place.

We should also note that it has been our experience that increased clean-up costs will occur, and greater safety hazards will exist, if the work proceeds during the wet winter months. Furthermore, engineering costs to observe construction are increased because of project delays, modifications, and rework.

8.02 Contingencies

As with any type of construction, project delays could result from unfavorable environmental conditions or unanticipated site conditions. As discussed in Section 8.01, “Wet Weather Construction,” poor weather, particularly heavy rains, could saturate site soils such that the recommended levels of soil compaction could not be attained without the use of special construction measures. Heavy rains could also cause caving of existing excavations, pier holes, or trenches that may require the contractor to perform clean-up and additional excavation work to meet project specifications. The presence of unanticipated old fill, buried debris, or deeper bedrock could also require the contractor to perform additional work to remove these materials or extend proposed foundations to deeper depths. Project delays resulting from unfavorable or unanticipated conditions cannot be predicted but should be incorporated into the overall planning of the project as a contingency in both the project schedule and budget.

Delays may also result from poor project management and/or poor contractor performance. Typical problems that may occur during construction include scheduling conflicts, failure to schedule our representative’s site visits efficiently, or failed tests. Good project communication between our firm’s representative(s) and you and/or your representative should help to reduce the occurrence of these problems.

However, despite thorough planning and effective communication, delays on some projects are unavoidable and will often result in additional engineering and construction costs. Based on our experience with similar projects, a contingency fund of about 10 to 15 percent of the total project cost should be included in the final project budget to cover these additional expenses.

8.03 Future Performance

All owners or occupants of homes on hillsides should realize that landslide movements are always a possibility, although generally the likelihood is very low that such an event will occur. The probability that landsliding will occur is substantially reduced by the proper maintenance of drainage measures at the site (see detailed discussion in Appendix B). Therefore, the homeowners should recognize their responsibility for performing such maintenance. Consequently, we recommend that a copy of our report be provided to any future homeowners of the property if the home is sold, so they will also be aware of their maintenance responsibilities.

9.00 REPORT LIMITATIONS AND CLOSURE

This report has been prepared for the exclusive use of you and your consultants for specific application to the proposed project in accordance with generally accepted geotechnical engineering practices. No other warranty, either expressed or implied, is made. In the event the nature, design, or location of the improvements differ significantly from what has been noted above, or if any future additions are proposed, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing.

The findings of this report are valid as of the present date. However, the passing of time will likely change the conditions of the existing property due to natural processes or the works of man. In addition, due to legislation or the broadening of knowledge, changes in applicable or appropriate standards may occur. Accordingly, the findings of this report may be invalidated, wholly or partly, by changes beyond our control. Therefore, this report should not be relied upon after three years without being reviewed by this office.

We are pleased to have been of service to you on this project and look forward to working with you during the plan review and construction phases of the work.

If you have any questions concerning this report, please call us.

Very truly yours,

REGISTERED PROFESSIONAL ENGINEER
M. JEROEN VAN DEN BERG
M. No. C 67789
Exp. 6/30/23
CIVIL
STATE OF CALIFORNIA

M. Jeroen van den Berg, C.E.
Senior Engineer
Alan Kropp & Associates

MJV/jc

Copies: Addressee (PDF) - aidan.keefe@gmail.com

Attachments: Figure 1 - Vicinity Map
Figure 2 - Geology Map
Figure 3 - Seismic Hazards Map
Figure 4 - Site Plan
Figure 5 - Typical Retaining Wall Subdrain Detail

Appendix A - Logs of Borings
Appendix B - Homeowner's Guide to Maintenance

3079-1 Kentucky Avenue Residence Foundation Improvements - GI Report

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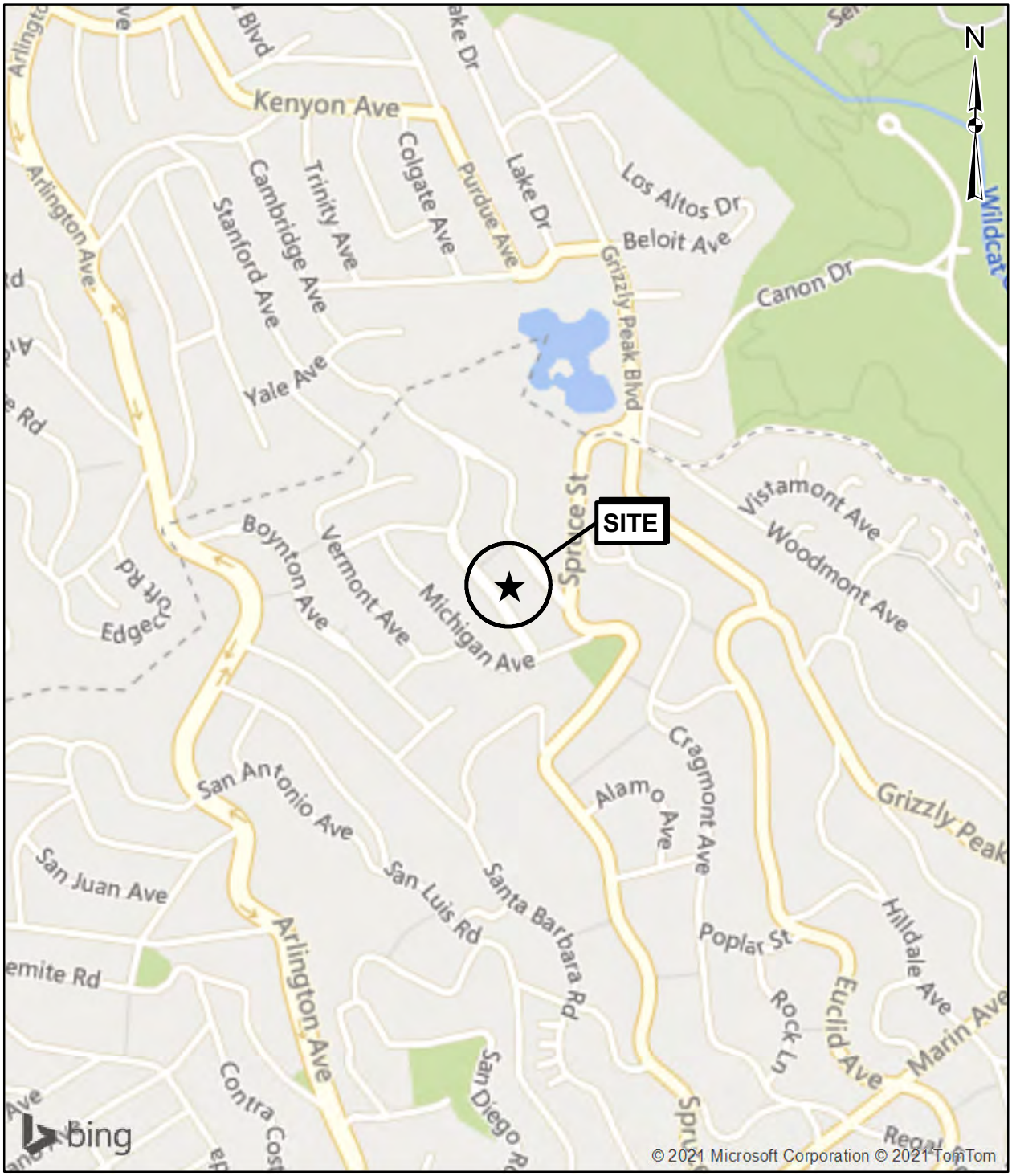

0 500 1,000 2,000 Feet

Original figure produced in color.

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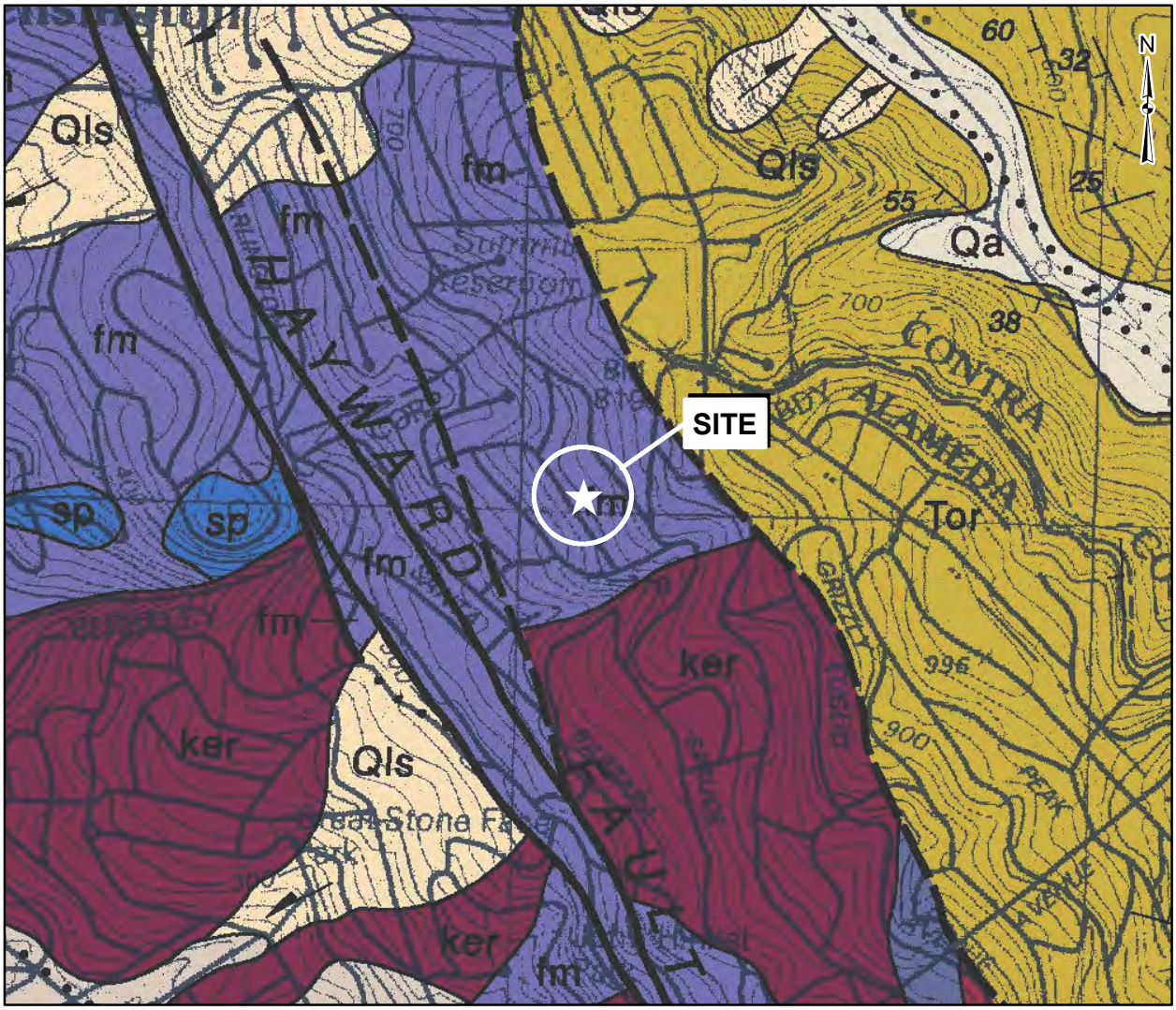
VICINITY MAP

KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	FIGURE
3079-1	**December 2021**	**1**



Source: "Geologic Map of the Richmond Quadrangle, Alameda and Contra Costa Counties, California," Dibblee, 2005 and "Geologic Map of the Briones Valley Quadrangle, Alameda and Contra Costa Counties, California," Dibblee, 2005.

LEGEND

SURFICIAL DEPOSITS

af *Manmade artificial fill for dam*
Qa *Alluvial gravel, sand and clay of valley areas*
Qbm *Bay mud*

LANDSLIDE RUBBLE

FRANCISCAN ASSEMBLAGE

Submetamorphosed eugeosynclinal marine sedimentary and mafic igneous rocks; age Jurassic and Cretaceous

fs *Graywacke sandstone, gray, massive, fine grained, hard*
fm *Melange (mixture) of Franciscan rock fragments in matrix of pervasively sheared dark claystone and graywacke*
fg *Greenstone (metabasalt) (may be in part of the Coast Range ophiolite complex)*
fc *Chert or metachert, thin bedded, varicolored red and green, brittle, contorted*
gl *Glaucophane blue-schist*

ORINDA FORMATION

(of Lawson, 1914) Terrestrial valley sediments, weakly to moderately lithified; age Pliocene to possibly latest Miocene

Tor *Terrestrial pebble conglomerate of Franciscan detritus, sandstone and claystone, interbedded, gray to greenish gray; includes basaltic volcanics in lower part in SW area, as follows:*
Tbb *Bald Peak Basalt, similar to Tbm*
Tbm *Moraga Basalt (of Lawson, 1914), black, fine grained, massive, locally vesicular*
Tot *Tuff-breccia of thin rhyolitic gray-white, massive to irregularly bedded*
Tb *Basalt, unnamed, similar to Tbm*

COAST RANGE OPHIOLITE COMPLEX

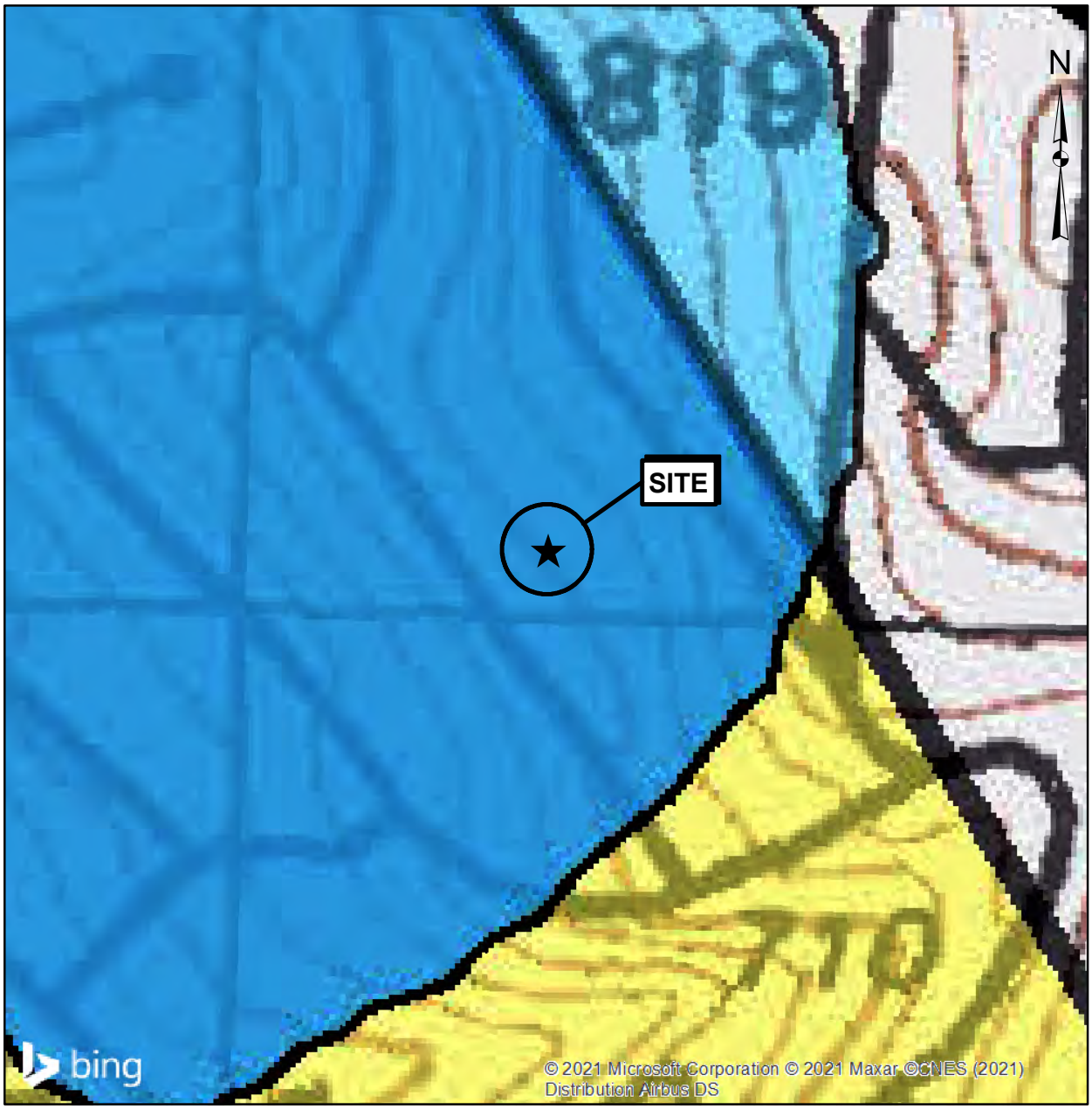
Igneous complex intrusive into Franciscan Assemblage; age Jurassic to Cretaceous

sp *Serpentinite, hydrothermally metamorphosed from ultramafic igneous rocks, such as dunite, hydrous magnesium silicate, massive, amorphous, blue-green gray, much fractured, sheared, slickensided*
Ker *Volcanic rocks, mostly keratophyre andesitic rock, brown, massive, aphanitic, much altered, includes basaltic rocks in Hayward Fault*

0 1,000 2,000
SCALE FEET

Original figure produced in color.

ALAN KROPP & ASSOCIATES Geotechnical Consultants	GEOLOGY MAP		
	KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS Berkeley, California		
	PROJECT NO.	DATE	FIGURE 2
	3079-1	December 2021	



LEGEND

Earthquake-Induced Landslide Zones - Areas where previous occurence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

0 200 400 Feet

Source: California Geological Survey, http://gmw.consrv.ca.gov/shmp/MapProcessor.asp?Action=Download&Location=NoCal

Earthquake Fault Zone - Zone boundaries are delineated by straight-line segments; the boundaries define the zone encompassing active faults that constitute a potential hazard to structures from surface faulting or fault creep such that avoidance as described in Public Resources Code Section 2621.5(a) would be required.

Overlapping Earthquake Fault and Seismic Hazard Zones-Overlap of Earthquake Fault Zone and Earthquake-Induced Landslide Zone - Areas that are covered by both Earthquake Fault Zone and Earthquake-Induced Landslide Zone. Note: Mitigation methods differ for each zone - AP Act only allows avoidance; Seismic Hazard Mapping Act allows mitigation by engineering/geotechnical design as well as avoidance.

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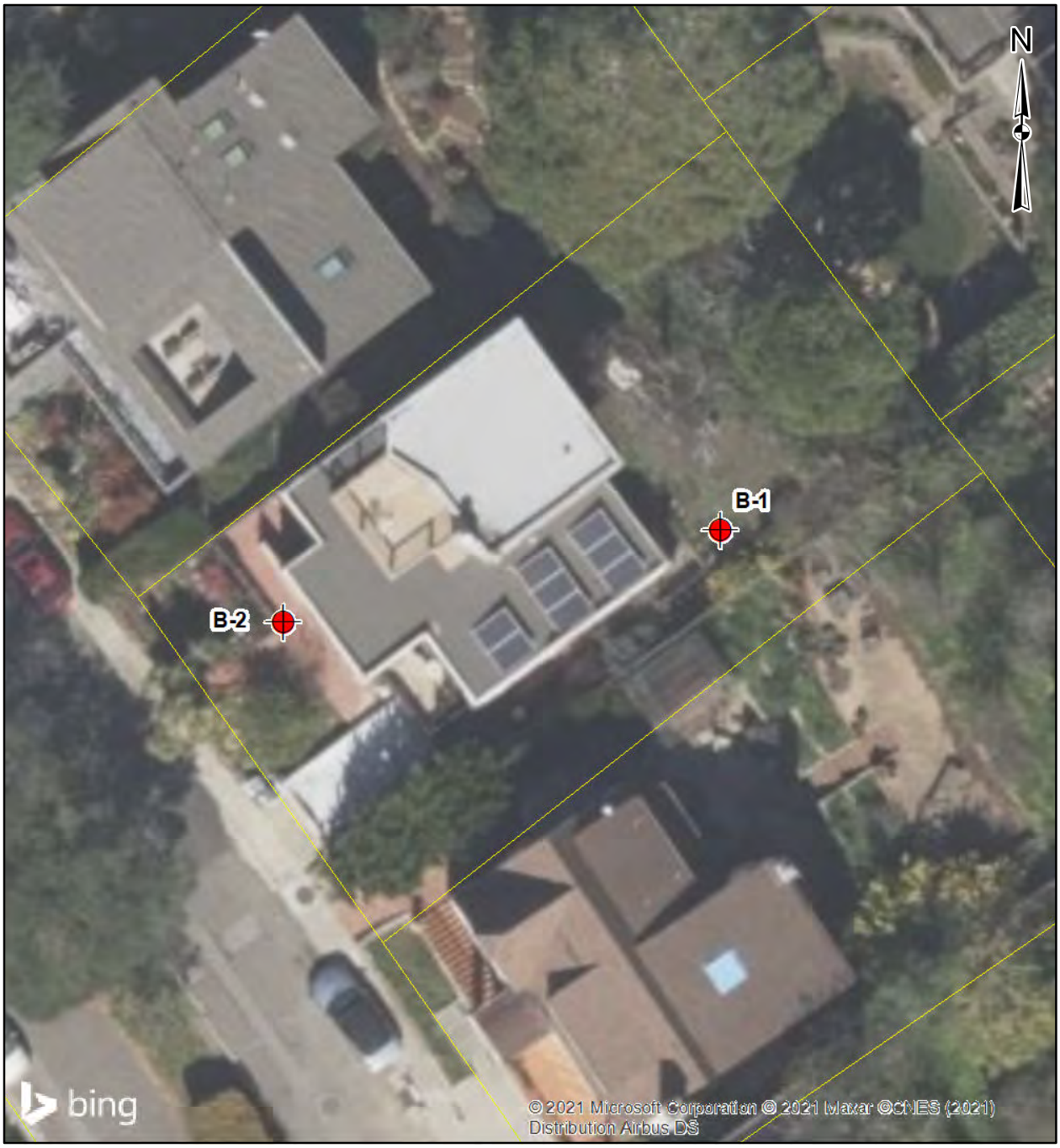
SEISMIC HAZARDS MAP

KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	FIGURE 3
3079-1	**December 2021**	



LEGEND

B-2 Approximate location of exploratory boring

0 10 20 40 Feet

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SITE PLAN

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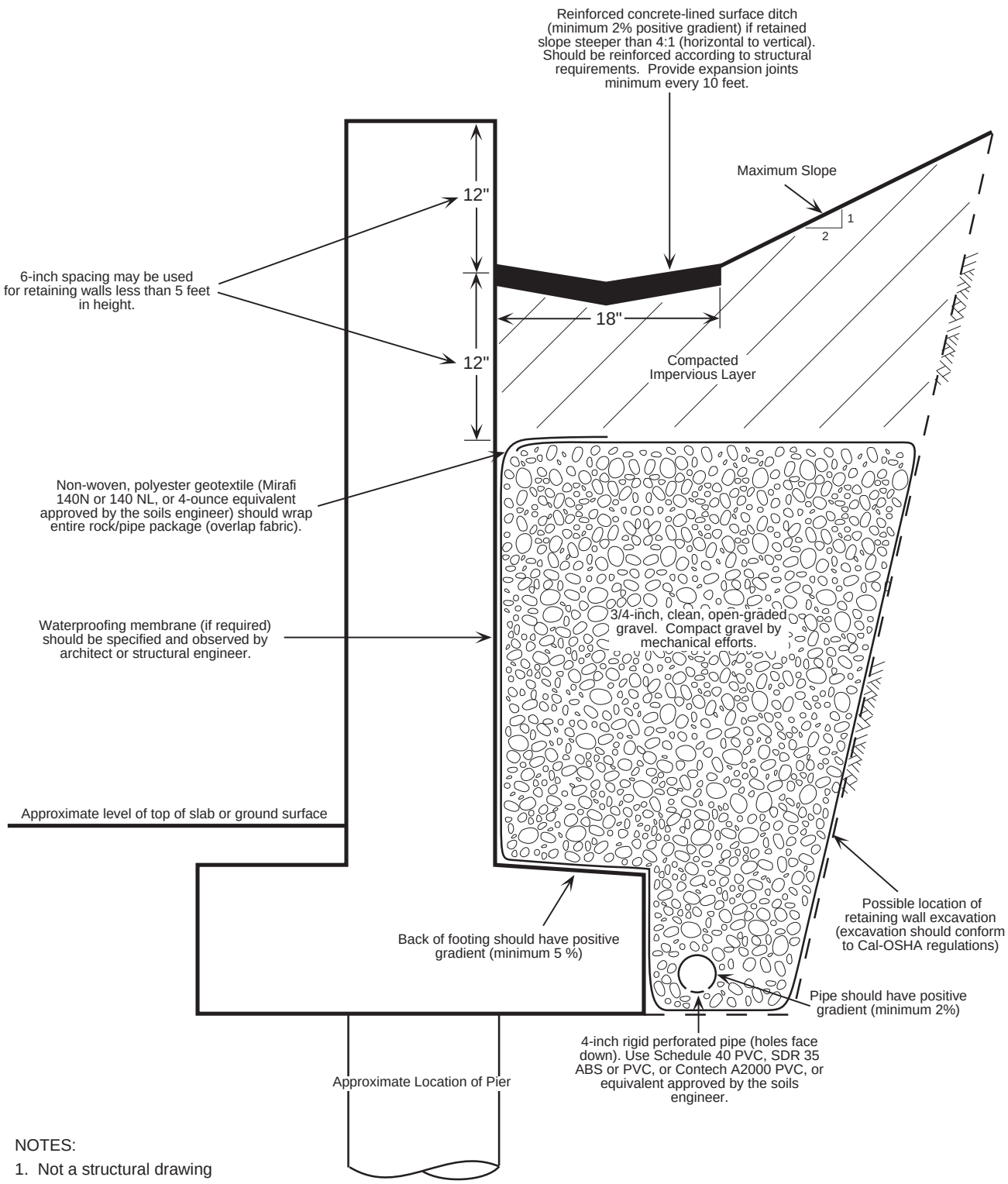
Berkeley, California

PROJECT NO.	DATE	FIGURE **4**
3079-1	**December 2021**	



NOTES:

1. Not a structural drawing
2. All dimensions should be considered minimums
3. See text for further discussion of detail

NOT TO SCALE

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TYPICAL RETAINING WALL SUBDRAIN DETAIL

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APPENDIX A
LOG OF BORINGS

SOIL CLASSIFICATION CHART

PRIMARY DIVISIONS			SECONDARY DIVISIONS		
			CRITERIA *	GROUP SYMBOL	GROUP NAME
COARSE-GRAINED SOILS MORE THAN 50% RETAINED ON NO.200 SIEVE	GRAVELS MORE THAN 50% OF COARSE FRACTION RETAINED ON NO.4 SIEVE	CLEAN GRAVELS LESS THAN 5% FINES	$Cu \geq 4$ AND $1 \leq Cc \leq 3$ [A]	GW	Well-graded gravel
			$Cu < 4$ AND/OR $1 > Cc > 3$	GP	Poorly-graded gravel
		GRAVELS WITH FINES - MORE THAN 12% FINES	FINES CLASSIFY AS ML OR MH	GM	Silty gravel
			FINES CLASSIFY AS CL OR CH	GC	Clayey gravel
	SANDS 50% OR MORE OF COARSE FRACTION PASSES NO. 4 SIEVE	CLEAN SANDS LESS THAN 5% FINES	$Cu \geq 6$ AND $1 \leq Cc \leq 3$	SW	Well-graded sand
			$Cu < 6$ AND/OR $1 > Cc > 3$	SP	Poorly-graded sand
		SANDS WITH FINES - MORE THAN 12% FINES	FINES CLASSIFY AS ML OR MH	SM	Silty sand
			FINES CLASSIFY AS CL OR CH	SC	Clayey sand
FINE-GRAINED SOILS 50% OR MORE PASSES THE NO.200 SIEVE	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50%	INORGANIC	PI > 7 AND PLOTS ON OR ABOVE "A" LINE	CL	Lean clay
			PI < 4 OR PLOTS BELOW "A" LINE	ML	Silt
		ORGANIC	$\frac{\text{LIQUID LIMIT - OVEN DRIED}}{\text{LIQUID LIMIT - NOT DRIED}} < 0.75$	OL	Organic Clay & Organic Silt
	SILTS AND CLAYS LIQUID LIMIT 50% OR MORE	INORGANIC	PI PLOTS ON OR ABOVE "A" LINE	CH	Fat clay
			PI PLOTS BELOW "A" LINE	MH	Elastic silt
		ORGANIC	$\frac{\text{LIQUID LIMIT - OVEN DRIED}}{\text{LIQUID LIMIT - NOT DRIED}} < 0.75$	OH	Organic Clay & Organic Silt
	HIGHLY ORGANIC SOILS		PRIMARILY ORGANIC MATTER, DARK IN COLOR, AND ORGANIC ODOR	PT	Peat

REFERENCE: Unified Soil Classification System (ASTM D2487-11)

* Criteria may be done on visual basis, not necessarily based on lab testing

A – $C_u = D_{60}/D_{100}$ & $C_c = (D_{30})^2 / (D_{10} \times D_{60})$

GRAIN SIZES

U. S. STANDARD SERIES SIEVE				CLEAR SQUARE SIEVE OPENINGS		
200	40	10	4	3/4"	3"	12"

SILTS AND CLAYS	SAND			GRAVEL		COBBLES	BOULDERS
	FINE	MEDIUM	COARSE	FINE	COARSE		

ABBREVIATIONS

INDEX TESTS

LL - Liquid Limit (%) (ASTM D4318-17$^{\varepsilon 1}$)
PI - Plasticity Index (%) (ASTM D4318-17$^{\varepsilon 1}$)
-200 - Passing No. 200 Sieve (%) (ASTM D1140-17)

STRENGTH TESTS

PP - Field Pocket Penetrometer test of unconfined compressive strength (tsf)
TV - Field Torvane test of shear strength (psf)
UC - Laboratory unconfined compressive strength (psf) (ASTM D2166/2166M-16)
TXUU - Laboratory unconsolidated, undrained triaxial test of undrained shear strength (psf) (ASTM D2850-15)

MISCELLANEOUS

ATOD - At time of drilling
psf/tsf - pounds per square foot / tons per square foot
psi - pounds per square inch (indicates relative force required to advance Shelby tube sampler)

SYMBOLS

Standard Penetration Test Split Spoon (2-inch O.D.)

Modified California Sampler (3-inch O.D.)

Thin-walled Sampler Tube (either Pitcher or Shelby) (3-inch O.D.)

Rock Core

Bag Sample

Groundwater Level during drilling

Groundwater Level after drilling

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KEY TO EXPLORATORY BORING LOGS

KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	FIGURE
3079-1	December 2021	A-1

CONSOLIDATION OF SEDIMENTARY ROCKS; usually determined from unweathered samples. Largely dependent on cementation.

U = unconsolidated
P = poorly consolidated
M = moderately consolidated
W = well consolidated

BEDDING OF SEDIMENTARY ROCK

Splitting Property	Thickness	Stratification
Massive	Greater than 4.0 feet	Very thick-bedded
Blocky	2.0 to 4.0 feet	Thick-bedded
Slabby	0.2 to 2.0 feet	Thin-bedded
Flaggy	0.05 to 0.2 feet	Very thin-bedded
Shaly or platy	0.01 to 0.05 feet	Laminated
Papery	Less than 0.01 feet	Thinly laminated

FRACTURING

Intensity	Size of Pieces in Feet
Very little fractured	Greater than 4.0 feet
Occasionally fractured	1.0 to 4.0 feet
Moderately fractured	0.5 to 1.0 feet
Closely fractured	0.1 to 0.5 feet
Intensely fractured	0.05 to 0.1 feet
Crushed	Less than 0.05 feet

HARDNESS

1. **Soft** - Reserved for plastic material alone.
2. **Low Hardness** - Can be gouged deeply or carved easily by a knife blade.
3. **Moderately Hard** - Can be readily scratched by a knife blade; scratch leaves a heavy trace of dust and is readily visible after the powder has been blown away.
4. **Hard** - Can be scratched by a knife blade with difficulty; scratch produces little powder and is often faintly visible.
5. **Very Hard** - Cannot be scratched by a knife blade; leaves a metallic streak

STRENGTH

1. **Plastic -** Very low strength.
2. **Friable** - Crumbles easily by rubbing with fingers.
3. **Weak** - An unfractured specimen of such material will crumble under light hammer blows.
4. **Moderately Strong** - Specimen will withstand a few heavy hammer blows before breaking.
5. **Strong** -Specimen will withstand a few heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments.
6. **Very Strong** -Specimen will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments.

WEATHERING - the physical and chemical disintegration and decomposition of rocks and minerals by natural processes such as oxidation, reduction, hydration, solution, carbonation, and freezing and thawing.

D. **Deep** - Moderate to complete mineral decomposition; extensive disintegration; deep and thorough discoloration; many fractures, all extensively coated or filled with oxides, carbonates and/or clay or silt.
M. **Moderate** - Slight change or partial decomposition of minerals; little disintegration; cementation little to unaffected. Moderate to occasionally intense discoloration. Moderately coated fractures.
L. **Little** - No megascopic decomposition of minerals; little or no effect on normal cementation. Slight and intermittent, or localized discoloration. Few stains on fracture surfaces.
F. **Fresh** - Unaffected by weathering agents. No disintegration or discoloration. Fractures usually less numerous than joints.

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PHYSICAL PROPERTIES CRITERIA FOR ROCK DESCRIPTIONS

KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	FIGURE
3079-1	**December 2021**	**A-2**

DRILL RIG: Minuteman, Solid Flight Auger	**SURFACE ELEVATION:** 710 feet +/- MSL	**LOGGED BY:** PB
DEPTH TO GROUNDWATER: (see note 1)	**BORING DIAMETER:** 3.5 inches	**DATE DRILLED:** 10/26/21

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
CLAY, Fat - with sand, high plasticity, fine sand, trace fine gravel, roots, moist	Brown	Stiff	CH	1, 2, 3, 4, 5, 6		[18], [35]	32	83	LL = 67 PI = 40 -200 = 83% PP = 1.25 tsf
CLAYSTONE - low hardness, deep weathering, intensely fractured, platy shaley texture, clay films, dry (BEDROCK)	Dark Olive Brown	Weak	BR	7, 8, 9			15	105	PP = 4 tsf
CLAYSTONE - deep weathering, crushed fragmented texture, dry (BEDROCK)	Olive Brown	Friable	BR	10					
CLAYSTONE - moderately hard, siliceous, moderate weathering, intensely fractured, dry (BEDROCK)	Dark Olive Brown	Moderately Strong	BR	11, 12, 13, 14		60	6		
CLAYSTONE - deep weathering, intensely fractured, platy shaley texture, dry (BEDROCK)	Dark Gray	Friable	BR	15, 16, 17, 18, 19		37			

(Continued on Next Page)

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EXPLORATORY BORING LOG
KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
3079-1	**December 2021**	**1 of 2**	**B-1**

AKA BORING LOG 3079-1 BORING LOGS.GPJ AKA_TEMPLATE.GDT 12/23/21

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
(Continued from Previous Page)									
CLAYSTONE - deep weathering, intensely fractured, platy shaley texture, dry (BEDROCK)	Dark Gray	Weak	BR			50/5"	8		▼
Bottom of boring at 20.9 feet.									

NOTES:

1. No groundwater was encountered at the time of drilling, but was observed at an approximate depth of 20.7 feet 3.25 hours after drilling.
2. Stratification lines represent the approximate boundaries between material types and the transitions may be gradual.
3. Penetration resistance values (blow counts) enclosed in brackets ([ ]) were recorded with a 3.0-inch O.D. Modified California sampler; these are not standard penetration resistance values.
4. Elevations were estimated from USGS Topography Richmond Quad, 2018.
5. Approximate unconfined compressive strength values were recorded in the field using a pocket penetrometer. These values are shown on the logs and are preceded by the symbol "PP".

ALAN KROPP & ASSOCIATES
Geotechnical Consultants

EXPLORATORY BORING LOG

KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
3079-1	**December 2021**	**2 of 2**	**B-1**

DRILL RIG: Minuteman, Solid Flight Auger	**SURFACE ELEVATION:** 695 feet +/- MSL	**LOGGED BY:** PB
DEPTH TO GROUNDWATER: (see note 1)	**BORING DIAMETER:** 3.5 inches	**DATE DRILLED:** 10/26/21

DESCRIPTION AND REMARKS	COLOR	CONSISTENCY	SOIL TYPE	DEPTH (ft)	SAMPLER TYPE	SAMPLER BLOW COUNTS	MOISTURE CONTENT (%)	DRY DENSITY (pcf)	OTHER TESTS
SAND, Clayey - low plasticity clay, fine to medium-grained sand, platy shaley texture, dry	Dark Yellowish Brown	Medium Dense to Dense	SC	1, 2, 3, 4, 5		41, [31]	20	95	PP = 4.5 tsf LL = 45 PI = 20 -200 = 48%
CLAYSTONE - deep weathering, intensely fractured, clay coating, shaly texture, dry (BEDROCK)	Dark Olive Brown	Weak	BR	6, 7		[57]	10	111	
SANDSTONE - hard, siliceous cemented, closely fractured (BEDROCK)	Dark Gray	Moderately Strong	BR	8					
CLAYSTONE - low hardness, deep weathering, intensely fractured, clay coatings, dry (BEDROCK)	Dark Olive Brown	Friable	BR	9					▼
SANDSTONE - hard, siliceous, cemented intermixed with claystone/shale, intensely fractured, wet (BEDROCK)	Dark Gray and Brown	Strong to Weak	BR	10, 11, 12		50/3", 50/5"	13		

Bottom of boring at 12.1 feet.

NOTES:

1. No groundwater was encountered at the time of drilling, but was observed at an approximate depth of 9.8 feet 0.5 hour after drilling.
2. Stratification lines represent the approximate boundaries between material types and the transitions may be gradual.
3. Penetration resistance values (blow counts) enclosed in brackets ([ ]) were recorded with a 3.0-inch O.D. Modified California sampler; these are not standard penetration resistance values.
4. Elevations were estimated from USGS Topography Richmond Quad, 2018.
5. Approximate unconfined compressive strength values were recorded in the field using a pocket penetrometer. These values are shown on the logs and are preceded by the symbol "PP".

ALAN KROPP & ASSOCIATES
Geotechnical Consultants

EXPLORATORY BORING LOG

KENTUCKY AVE RESIDENCE FOUNDATION IMPROVEMENTS
Berkeley, California

PROJECT NO.	DATE	SHEET	BORING NO.
3079-1	**December 2021**	**1 of 1**	**B-2**

APPENDIX B
GUIDE TO THE MAINTENANCE OF HILLSIDE HOME SITES

APPENDIX B

GUIDE TO THE MAINTENANCE OF HILLSIDE HOME SITES

During the wet winter season, homeowners, particularly those living in houses placed on fill (man-placed earth) or in the vicinity of excavated (cut) slopes, become concerned about the condition of their building site. In general, modern design and construction practice minimizes the probability of serious landsliding (slope failure). The grading codes of the local jurisdictions (cities and counties) in California concerning filled land, excavation, terracing, and slope construction are among the most stringent in the country and, if followed, are adequate to meet almost any natural occurrence. Therefore, the concern of the homeowner should be directed toward maintaining slopes, drainage provisions, and facilities so that they will perform as designed.

The following discussion, general recommendations, and simple precautions are presented to help the homeowner maintain their hillside building site.

The general public often regards the natural terrain as stable — "terra firma." This is, of course, an erroneous concept. Nature is always at work altering the landscape. Hills and mountains are worn down by mass wasting (erosion, sliding, creeping, etc.) and the valleys and lowlands collect these products. Thus the natural process is toward leveling the terrain. Periodically (over tens of millions of years), major land movements rebuild mountains and hills, and these processes begin again. In some areas these processes are very slow, and in others they are more rapid.

Development of hillsides for residential use is carried out, as far as possible, to enhance the natural stability of the site and to minimize the potential for instability resulting from the grading necessary to provide home sites, streets, yards, and other improvements. This has been done by the developer and designers on the basis of geologic and soil mechanics investigations. In order to be successful, the slope, drainage provisions, and facilities must be maintained by the homeowner.

Homeowners are accustomed to maintaining their homes. They expect to paint their houses periodically, replace wiring, clean out clogged plumbing, and repair roofs. Maintenance of the home site, particularly on hillsides, should be considered on the same basis, or even on a more serious basis because neglect can result in serious consequences. In most cases, lot and site maintenance can be taken care of along with landscaping, and can be carried out more economically than repair after neglect.

Most slope and hillside lot problems are associated with water. Uncontrolled water from a broken pipe, cesspool, or wet weather causes most damage. Wet weather is the largest cause of slope problems, particularly in California where rain is intermittent, but may be torrential. Therefore, drainage and erosion control are the most important aspects of home site stability; these provisions must not be altered without competent professional advice. Further, maintenance must be carried out to assure their continued operation.

As geotechnical engineers concerned with the problems of building sites in hillside developments, we offer the following list of recommended "Do's and Don'ts" as a guide to homeowners.

--- --- ---

1. DO check roof drains, gutters and down spouts to be sure they are clear. Depending on your location, if you do not have roof gutters and down spouts, you may wish to install them because roofs, with their wide, flat area can shed tremendous quantities of water. Without gutters or other adequate drainage, water falling from the eaves collects against foundation and basement walls, which can be undesirable.

2. DO clear surface and terrace drainage ditches, and check them frequently during the rainy season. Use a shovel, if necessary. Ask your neighbors to do likewise.

3. DO be sure that all drainage ditches have outlet drains that are open. This should be tested during dry weather and can usually be done with a hose. If blockage is evident, you may have to clear the drain mechanically.

4. DO check all drains at top of slopes to be sure they are clear and that water will not overflow the slope itself, causing erosion.

5. DO keep subsurface drain openings (weep-holes) clear of debris and other material which could block them in a storm.

6. DO check for loose fill above and below your property if you live on a slope or terrace.

7. DO monitor hoses and sprinklers. During the rainy season, little, if any, irrigation is required. Over-saturation of the ground is unnecessary, increases watering costs, and can cause subsurface drainage.

8. DO watch for water backup of drains inside the house and toilets during the rainy season, as this may indicate drain or sewer blockage.

9. DO exercise ordinary precaution. Your house and building site were constructed to meet certain standards which should protect against any natural occurrence if you do your part in maintaining them.

--- --- ---

1. DON'T block terrace drains and brow ditches on slopes or at the tops of cut or fill slopes. These are designed to carry away runoff to a place where it can be safely distributed. Generally, a little shovel work will remove any accumulation of dirt and other debris which may clog the drain. If several homes are located on the same terrace, it is a good idea to check with your neighbors. Water backed up on their property may eventually reach you. Water backed up in surface drains will tend to overflow and seep into the terraces, creating less stable slopes. Maintain the ground surface upslope of lined ditches to ensure that surface water is collected in the ditch and is not permitted to be trapped behind or under the lining.

2. DON'T permit water to collect or pond on your home site. Water gathering here will tend to either seep into the ground (loosening fill or natural ground), or will overflow into the slope and begin erosion. Once erosion is started, it is difficult to control and severe damage may result rather quickly.

3. DON'T connect roof drains, gutters, or down spouts to subsurface drains. Rather, arrange them so that water either flows off your property in a specially designed pipe or flows out into a paved driveway or street. The water then may be dissipated over a wide surface or, preferably, may be carried away in a paved gutter or storm drain. Subdrains are constructed to take care of ordinary subsurface water and cannot handle the overload from roofs during a heavy rain.

4. DON'T permit water to spill over slopes, even where this may seem to be a good way to prevent ponding. This tends to cause erosion and, in the case of fill slopes, can eat away carefully designed and constructed sites.

5. DON'T drop loose soil or debris over slopes. Loose soil soaks up water more readily than compacted fill. It is not compacted to the same strength as the slope itself and will tend to slide when laden with water; this may even affect the soil beneath the loose soil. The sliding may clog terrace drains below or may cause additional damage in weakening the slope. If you live below a slope, try to be sure that loose fill is not dumped above your property.

6. DON'T discharge water into subsurface blanket drains close to slopes. Trench drains are sometimes used to get rid of excess water when other means of disposing of water are not readily available. Overloading these drains saturates the ground and, if located close to slopes, may cause slope failure in their vicinity.

7. DON'T discharge surface water into septic tanks or leaching fields. Not only are septic tanks constructed for a different purpose, but they will tend, because of their construction, to naturally accumulate additional water from the ground during a heavy rain. Overloading them artificially during the rainy season is bad for the same reason as subsurface subdrains, and is doubly dangerous since their overflow can pose a serious health hazard. In many areas, the use of septic tanks should be discontinued as soon as sewers are made available.

8. DON'T over-irrigate slopes. Naturally, ground cover of ice plant and other vegetation will require some moisture during the hot summer months, but during the wet season, irrigation can cause ice plant and other heavy ground cover to pull loose. This not only destroys the cover, but also starts serious erosion. In some areas, ice plant and other heavy cover can cause surface sloughing when saturated due to the increase in weight and weakening of the near-surface soil. Planted slopes should be planned where possible to acquire sufficient moisture when it rains.

9. DON'T let water gather against foundations, retaining walls, and basement walls. These walls are built to withstand the ordinary moisture in the ground and are, where necessary, accompanied by subdrains to carry off the excess. If water is permitted to pond against them, it may seep through the wall, causing dampness and leakage inside the basement. Further, it may cause the foundation to swell up, or the water pressure could cause structural damage to walls.

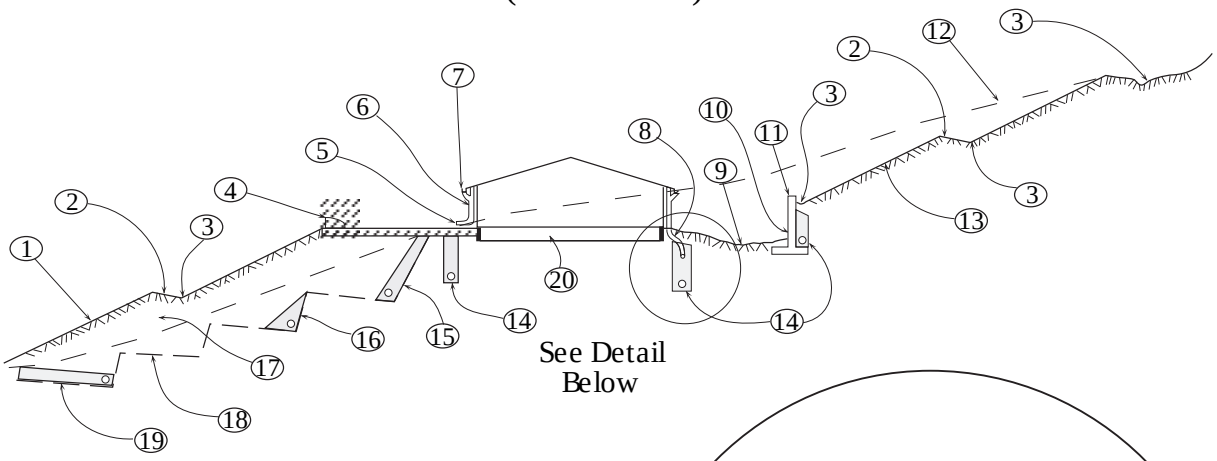
10. DON'T try to compact soil behind walls or in trenches by flooding with water. Not only is flooding the least efficient way of compacting fine-grained soil, but it could damage the wall foundation or saturate the subsoil.

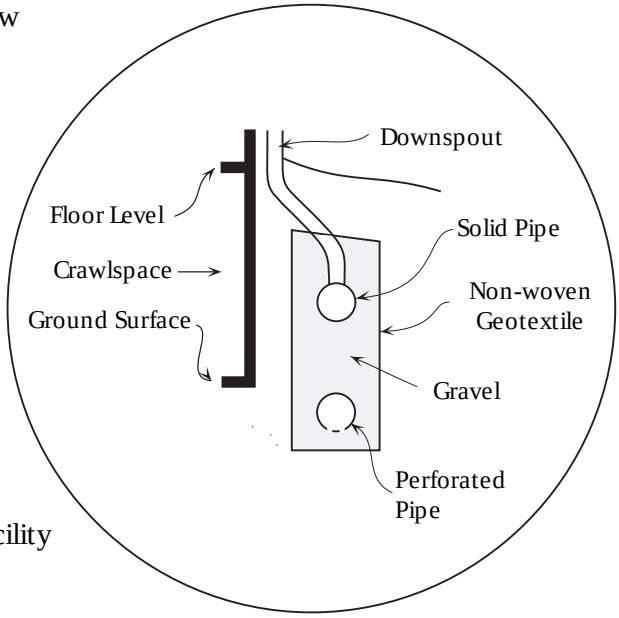
11. DON'T leave a hose and sprinkler running on or near a slope, particularly during the rainy season. This will enhance ground saturation which may cause damage.

12. DON'T block ditches which have been graded around your house or the lot pad. These shallow ditches have been put there for the purpose of quickly removing water toward the driveway, street or other positive outlet. By all means, do not let water become ponded above slopes by blocked ditches.

A typical slope section showing various grading and drainage requirements, as well as terms used for hillside developments, is attached.

TYPICAL SLOPE SECTION
(Not to Scale)





DETAIL
(Not to Scale)

CONDITIONS:

1. Fill Slope
2. Drainage Terrace
3. Lined Ditch
4. Curb to Prevent Slope Erosion
5. Drain Pipe Provided with Positive Outlet on Paved Surface
6. Downspout
7. Roof Gutter
8. Drain Pipe Connected to Solid Pipe and Discharged to an Approved Drainage Facility
9. Drainage Swale
10. Weep Holes Through Retaining Wall
11. Retaining Wall
12. Original Ground Surface
13. Cut Slope
14. Subdrain
15. Curtain Drain
16. Wedge Drain
17. Fill Compacted to Engineering Specifications and Benched into Competent Material
18. Bench
19. Blanket Drain
20. Crawlspace

Note: Acknowledgment is hereby made to the San Diego Chapter of the California Council of Civil Engineers and Land Surveyors

ALAN KROPP
& ASSOCIATES
Geotechnical Consultants

TYPICAL SLOPE DETAIL

FIGURE B-1

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Email: Planning@cityofberkeley.info

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

http://www.calepa.ca.gov/SiteCleanup/CorteseList/

https://www.envirostor.dtsc.ca.gov/public/

Applicant's Information:

Name: MAURICE LEVITCH

Street Address: 1029 HEINZ AVE.

City, State, Zip Code: BERKELEY, CA. 94710

Phone Number: 510-845-6941 Email: MAURICE@LEVITCH.COM

Project Information:

Address: 469 KENTUCKY AVE.

City, State, Zip Code: BERKELEY, CA 94707

Assessor's book, page, and parcel number: 062 294502800

Specify any list that the site appears on:

Regulatory identification number: _____

Date of list: _____

Site Use (if known):

Past: RESIDENTIAL Present: RESIDENTIAL

Proposed: RESIDENTIAL

Submittals (check all that are available):

__Phase I Report __Phase II Report __Closure Letter __Other:_____

Applicant's verification:

Signature: _____ Date: 3/25/22

State of California ☐ The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code

Other Review Code | Reviewer | Date | Listings

Page 1 **of** 4 ***Resource Name or #:** 469 Kentucky Ave., Berkeley, CA
P1. Other Identifier: None

***P2. Location:** ☐ **Not for Publication** ■ **Unrestricted**
***a. County** Alameda
***b. USGS 7.5' Quad** Oakland West **Date** 1993 **Township & Range** T1S/R3W
c. Address 469 Kentucky Ave. City Berkeley Zip 94707
d. UTM: Zone __, _____ mE/ _____ mN
e. Other Locational Data: Assessor's Parcel Number: 62-2945-28

***P3a. Description:**
The subject residential property lies on the upper (northeast) side of Kentucky Ave., which site is steeply sloped, with the house standing a full story above the street and with a small garage at the street. The lot, with a slightly curved 50 foot frontage and approximately 100 foot depth, occupies some 5,095 square feet. The wood frame, single family house is partly 1 and partly 2-stories with a partial basement. It is basically square in plan with a central projection at the front and, alongside, a notch in its southern corner, where there is a deck at the first floor and a basement room below. Exterior cladding is a mix of stucco and wood board siding. Both upper and lower roofs are flat. (cont.)

P5a. Photograph

Fig.1 – 469 Kentucky Ave., front, from street

***P3b. Resource Attributes:** HP2: Single-family property
***P4. ResourcesPresent:** ■ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
P5b. Description of Photo:
Fig.1,3,4) MH, 2022;
2) Sanborn map, 1950
***P6. Date Constructed/Age and Source:** ■ Historic ☐ Prehistoric ☐ Both
1926 (bldg.permit #23525)
***P7. Owner and Address:**
Aiden Keefe
469 Kentucky Ave.,
Berkeley, CA 94708
***P8. Recorded by:**
Mark Hulbert
446 17th St. #302
Oakland, CA 94612
***P9. Date Recorded:**
April 22, 2022
***P10. Survey Type:**
Intensive
***P11. Report Citation:**
none

***Attachments:** ☐NONE ☐Location Map ■Continuation Sheet ■Building, Structure, and Object Record
☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI# _____

BUILDING, STRUCTURE, AND OBJECT RECORD

***Resource Name or #:** 469 Kentucky Ave., Berkeley ***NRHP Status Code** _____
Page 2 **of** 4

B1. Historic Name: - -
B2. Common Name: 469 Kentucky Ave.
B3. Original Use: Single-family residence B4. Present Use: same
***B5. Architectural Style:** Minimal Spanish/Mediterranean
***B6. Construction History:**

The subject, single-family house was permitted in Dec. 1925, thus constructed in 1926 on a previously vacant parcel first mapped as lot 13 and a portion of lot 14 in block 3 of the 1912 map of Thousand Oaks Heights. The 1925 permit record identified the owner and builder as the Berkeley Building Co., who developed a range of other residences in the Thousand Oaks neighborhoods (including, across the street, 452 and 472 Kentucky). A Dec. 1925 entry in the periodical *Building & Engineering News* reported the permit application for 469 Kentucky and additionally noted that no architect was engaged. Both the 1929 and 1950 Sanborn maps depict the plan of the original, 1-story house with its detached garage. (cont.)

***B7. Moved?** ☒No ☐Yes ☐Unknown **Date:** _____ **Original Location:** _____
***B8. Related Features:** None
B9a. Architect: none (original); Charles Bloszies (1986 addition) b. Builder: Berkeley Building Co. (original)
***B10. Significance: Theme** - - **Area** North Berkeley, CA
Period of Significance - - **Property Type** Residential **Applicable Criteria** - -

Per the following evaluation, the subject property and building have no identifiable associations to any events or persons important to history. Additionally, the existing house is a basic and undistinguished design without construction characteristics of interest, without an identifiable original architect, and its original developed developer is of no identifiable historic importance. Additionally, the residence has been substantially altered. Consequently, as the property, residence and garage at 469 Kentucky Ave. in Berkeley do not meet any California Register (CR) criteria, they are not CR eligible. (cont.)

B11. Additional Resource Attributes: none

***B12. References:**
City of Berkeley permit records; Alameda County Assessor's records; 1929 and 1950 Sanborn maps (@sfpl.org); U.S. censuses (@heritagequest.org); Alameda County directories (@loc.org); *Building & Engineering News* (@sfpl.org).

B13. Remarks:

***B14. Evaluator:** Mark Hulbert, Preservation Architect
***Date of Evaluation:** April 22, 2022

(This space reserved for official comments.)

(Sketch Map with north arrow required.)

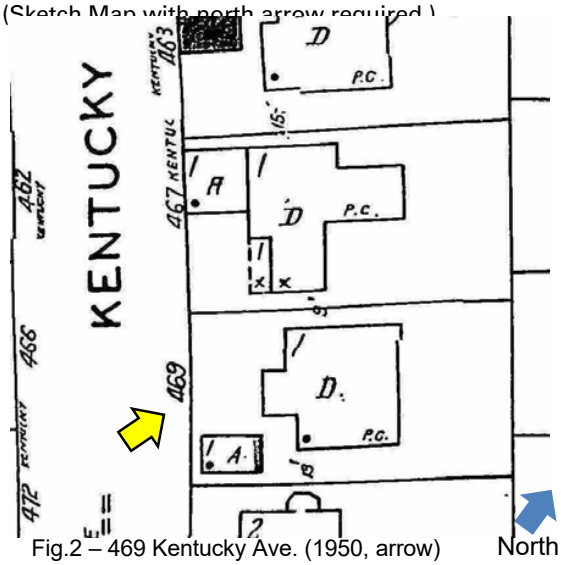


Fig.2 – 469 Kentucky Ave. (1950, arrow) North

Description (cont.)

Fig.3 – 469 Kentucky Ave. – Front

Fig.4 – 469 Kentucky Ave. – Rear

Like the exterior siding, doors and windows are a mix of types – swinging, sliding, fixed, casement and hung – and wood and metal siding materials. These mixed treatments reflect the sequential development of the existing residence and garage, which were first built and occupied in 1926. Subsequent permit records identify the structural alteration of the garage, including a widened door, in 1958; then repairs and an addition to the house in 1964, that addition presumably the first floor deck and wood clad, ground floor room at the southern front corner, when it would also appear that design changes to the front exterior were made. In 1986, the house was again altered and added to with the existing second story bedroom and bath addition above and to the rear. Thus, the designed character of the original house is not readily discerned. Given its period of origin, it was presumably a minimal “Spanish style,” though the vestiges thereof – the tripartite arched window front and center and the embedded tile pediment above – are few and appear to have been altered or, if original, were at most curious design treatments. In sum, the extant house and garage are a mix of 1926, 1958, 1964 and 1986 design and construction.

Construction History (cont.)

Available permits include (from City of Berkeley microfiche records):

date	*work*	*owner/architect*
Dec.1925	New dwelling and garage	Berkeley Building Co./--
Mar.1958	Garage alterations	F. A. Holmes/--
Jun.1958	Reroof	F. A. Holmes/--
Jan.1964	Repairs and addition	Mogens Ring/--
Apr.1986	New bed and bath addition	David & Deborah Keefe/Charles Bloszies
Feb.2001	Kitchen and bath remodel	Deborah & David Keefe/Custom Kitchens

Significance (cont.)

Associated Persons
The Berkeley Building Co., a real estate and development company under the partnership of T. R. Wheldon, Percy Nutt and R. W. Thomas, speculatively developed this residential property in 1925-1926.

Per deed records, in Mar. 1926, the then yet incomplete residence was sold to Frederick Austin Holmes (1889-1975) and Bodel Marie Holmes (1888-1962), who were first listed at this address in the 1926 directory. Census and directory listings throughout their 1926-1963 ownership period identified F. A. Holmes as a U.S. post office clerk. After his wife's passing, Holmes sold the property to Mogens and Marianne Ring in June 1963 who, in turn, deeded it to its current owners c1980.

Evaluation

The following addresses historic resource potential per the four California Register of Historical Resources (CR) evaluation criteria:

Under ***criterion 1*****,** the 1926 residence falls under the historic context of single-family residential development in Berkeley and the San Francisco Bay region in the early 20th century. In that broad context, the subject house was one of a large number of residences of its type built in the 1920s in the immediate vicinity as well as throughout the Bay Area and California. In its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance.

Under ***criterion 2*****,** no persons of potential historic importance are associated with the subject property.

Under ***criterion 3*****,** in terms of its design and construction, the extant residence is a mix of original construction and later additions. Overall, the extant house clearly lacks architectural distinction as it is a highly modest and minor residential design without any distinctive forms or embellishments. The original design was by the developer and builder, Berkeley Building Co., who are also without identifiable importance. One architect has been identifiably engaged, Charles Bloszies, yet his involvement was less than 40 years ago so is, at this juncture, without potential historic importance. This residential property is also without any artistic values.

As the subject house does not embody design or construction distinction or embody artistry, is not the work of any identifiable architect or of an historically important builder, and lacks artistic value, the residence at 469 Kentucky Ave. does not meet *CR criterion 3.*

Lastly, under ***criterion 4,*** beyond the current effort, the subject property and house have not yielded any historical information and do not have further historical information potential.

Conclusion

In conclusion, the property and residence at 469 Kentucky Ave. in Berkeley do not meet any CR criteria so are not CR eligible.

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: _____ Date: _____

Applicant's Name: _____

Zoning District: _____

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

	Existing	Proposed	Permitted/ Required[1]
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)			
Number of Parking Spaces (#)			
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)			
Yards and Height			
Front Yard Setback (Feet)			
Side Yard Setbacks: (facing property) Left: (Feet)			
Right: (Feet)			
Rear Yard Setback (Feet)			
Building Height* (# Stories)			
Average* (Feet)			
Maximum* (Feet)			
Areas			
Lot Area (Square-Feet)			
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors			
Building Footprint* (Square-Feet) Total of All Structures			
Lot Coverage* (%) Residential districts only (Building Footprint/Lot Area)			
Useable Open Space* (Square-Feet)			
Floor Area Ratio* Non-Residential districts only (Except ES-R)			

*See Glossary – BMC Chapter 23.502.

Revised: 12/21

[1] See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204

Zoning Project Application

Land Use / Zoning

Planning and Development

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformance with the Zoning Ordinance.

Information on different types of permits can be found at the links below.

Overview of the Permitting Process
https://www.cityofberkeley.info/Planning_and_Development/Permit_Service_Center/Permitting_Process.aspx

Types of Permits
https://www.cityofberkeley.info/Planning_and_Development/Home/Types_of_Land_Use_Permits.aspx

Zoning Project Submittal Requirements
https://tinyurl.com/rahe8ld

*Dedicated Consultant Review involves a competitive bid process to select an outside consultant. Please note: The consultant costs are *in addition* to Use Permit fees already paid.

Land Use / Zoning
1947 Center Street
2nd Floor
Berkeley, CA 94704
Phone: 510-981-7410
TDD: 510-981-7450
planning@cityofberkeley.info

(This box for staff use only.)

ZP20___-_____

☐ Administrative Use Permit ☐ Variance
☐ Use Permit ☐ Modification of any of the Above

Zoning District(s):_____

Intake Planner:_____

DATE STAMP HERE

Project Information:

Project Address: 469 KENTUCKY AVE. Unit/Suite #:_____

Assessor Parcel Number: 062 294502800

Project Description:

DEMOLISH EXISTING 3 STORY SINGLE FAMILY 4 BEDROOM HOME: 1,733 SF WITH EXISTING DETACHED 240 SF 1-CAR CARAGE.
CONSTRUCT NEW 3 STORY, SINGLE FAMILY, 3.5 BATH, 5 BEDROOM (4 ON SECOND FLOOR AND 1 ON GROUND FLOOR LABELLED TV ROOM) HOME WITH ATTACHED GROUND FLOOR ADU: 3,310 SF PRIMARY UNIT AND 494 SF ADU WITH DETACHED 488 SF 2-CAR GARAGE. PROJECT INCLUDES NEW GRADING/LANDSCAPING/TRASH ENCLOSURE, AND 85 SF ACCESSORY BUILDING.

Dedicated Consultant Review* Requested for UP (PH)? ☐ (Check box if requested)

Property Owner's Name: AIDAN KEEFE
Owner's Mailing Address: 469 KENTUCKY AVE.
Phone #: (415) 317-7845
Email: aidan.keefe@gmail.com

Applicant's Name (or enter "same"): MAURICE LEVITCH
Applicant's Mailing Address: 1029 HEINZ AVE.
Phone #: (510) 773-0606
Email: maurice@levitch.com susangabe@levitch.com kanta@levitch.com

Under penalty of perjury, I certify that:
(1) the application materials are true and complete to the best of my knowledge;
(2) the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application.
*(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)*

Applicant Signature:	**Owner Signature:**
MAURICE LEVITCH	
Printed Name: MAURICE LEVITCH	Printed Name: Aidan Keefe
Date: 03/14/2022	Date: Jun 10, 2022

(This page is for staff use only)

Zoning District(s):	
Zoning Section	**Description**
1. 23._____._____	UP/AUP to
2. 23._____._____	UP/AUP to
3. 23._____._____	UP/AUP to
4. 23._____._____	UP/AUP to
5. 23._____._____	UP/AUP to
6. 23._____._____	UP/AUP to
7. 23._____._____	UP/AUP to
8. 23._____._____	UP/AUP to
9. 23._____._____	UP/AUP to
10. 23._____._____	UP/AUP to

Zoning Project Application Submittal Requirements

(This box for staff use only.)

ZP202___-_____

☐ Administrative Use Permit ☐ Variance
☑ Use Permit ☐ Modification to any of the Above

Intake Planner: _____

DATE STAMP HERE

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects; Sections 2-7 comprise a list of materials that may be required based on the project type or location. Other information not included on this checklist may be requested to address unique situations. All documents, reports and plans must be provided in hard copy and digital format.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description: 1) identifies whether an item is required, and 2) indicates how to prepare each document, drawing, material, and/or report.

Pages 1 and 2 of this packet must be completed and submitted with the Application. Staff will verify that the minimum submittal requirements have been included with your package during the application submittal appointment. Applications that are missing the materials in this checklist will not be accepted for review.

Section 1 – Required for all Projects

A. ☑ Completed Zoning Project Application Packet comprised of the following individual sections:
- **1.** ☑ Zoning Project Application Form
- **2.** ☑ Completed copy of this Zoning Project Submittal Requirements Checklist (Pages 1-2)

B. ☑ Applicant Statement / Waiver Request

C. ☐ Payment of Application Fees (Please Refer to Current Fee Schedule)

D. ☑ Hazardous Waste and Substances Statement

E. ☑ Tabulation Form

F. ☑ Pre-Application Yellow Poster

G. ☑ Pre-Application Neighborhood Contact

Section 2 – Required for All Development Projects
(Involving New Structures, Additions, Demolitions, or Exterior Alterations)

A. ☑ Site Plan

B. ☑ Landscape and Usable Open Space Plan

C. ☑ Lot Coverage Diagram

D. ☑ Floor Plans

E. ☑ Building Elevations

F. ☑ Street Strip Elevation

G. ☑ Section Drawings

H. ☑ Boundary and/or Topographic Survey

I. ☑ Grading Plan

Zoning Project Application Submittal Requirements

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

- **A.** ☑ Site Photographs
- **B.** ☑ Shadow Study
- **C.** ☑ Story Pole Plan
- **D.** ☐ Arborist Report
- **E.** ☐ Structural Evaluation
- **E.** ☐ Parking Survey
- **F.** ☐ Transportation Demand Management
- **G.** ☐ Photo Simulations
- **H.** ☐ Public Art Declaration

Section 4 –Environmental Review

- **A.** ☐ Creek Protection Documentation
- **B.** ☑ Historic Resource Evaluation
- **C.** ☐ Phase I or Phase II Site Assessment
- **D.** ☑ Geotechnical and Seismic Hazard Investigation
- **E.** ☐ Transportation Impact Study
- **F.** ☐ State General Construction Permit
- **G.** ☐ Stormwater Requirements Checklist

Section 5 – Required for Projects Subject to Affordable Housing Requirements

- **A.** ☐ Housing Affordability Statement
- **B.** ☐ Anti-Discrimination Housing Policies
- **C.** ☐ Density Bonus Eligibility Statement
- **D.** ☐ Area of Potential Effects (APE) Statement

Section 6 – Landscape and Green Building Requirements

- **A.** ☐ WELO Landscape Requirements
- **B.** ☐ Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code
- **C.** ☐ Green Building Requirements

Section 7 – Related Land Use Planning Division Applications

- **A.** ☐ Design Review
- **B.** ☐ Structural Alteration Permit
- **C.** ☐ Zoning Use Questionnaire
- **D.** ☐ Home Occupation Questionnaire - Class II and III

Zoning Project Application Submittal Requirements

Section 1 – Required for all Projects

A. Zoning Project Application Packet

1. **Zoning Project Application Form** available at: https://tinyurl.com/tu7v7rb
2. **Zoning Project Submittal Requirements** (Checklist on pages 1 and 2)

Note: *Please review the Guide to Submitting a Zoning Project Application for more information about the submittal process, available online at:* https://tinyurl.com/ye4jldt9

B. Applicant Statement / Request to Waive a Submittal Requirement

Submit a written statement (on separate 8½" x 11" paper) that briefly describes the proposed project and how it satisfies the findings required by the Zoning Ordinance, as well as any request to waive a submittal requirement.

For applications to modify a prior permit, **submit** the following information:

1. Describe the proposed changes from the approved project
2. Clearly list and describe all changes from the approved project and the basis for the change.

C. Payment of Application Fees

Submit required fees to the cashier in the Permit Service Center immediately after your application intake appointment.

If supplemental technical studies are required, a Peer Review deposit will be required (e.g., Traffic Impact Analysis, Geotechnical Report, Arborist Report).

Fee schedule is available online at:
https://tinyurl.com/34tvtbzr

D. Hazardous Waste and Substances Statement

Required for all projects, pursuant to Government Code Section 65928.

Submit the form, which is available online at: https://tinyurl.com/w2nu4j8

E. Tabulation Form

Required for all projects.

Submit the form on 8½" x 11" paper, completely filling out each column, using the applicable development standards of the Zoning Ordinance as a guide.

The form is available online at: https://tinyurl.com/yxxq47jt

Zoning Project Application Submittal Requirements

Section 1 – Required for all Projects

F. Pre-Application Yellow Poster

Required for all projects.

Install the poster prior to submittal, and submit color photos that clearly show the poster installed at the front of the site and that clearly show the sign content.

Instructions are available online at: https://tinyurl.com/tu7xjlc

Small Project Sample Poster is available online at: https://tinyurl.com/yfwuk2nj

Large Project Sample Poster is available online at: https://tinyurl.com/yepcrgno

G. Pre-Application Neighborhood Outreach

Required for the following projects:

1. All **residential projects located in a Residential District**, and all **non-residential projects that abut a Residential District are required to** contact all abutting and confronting residential occupants and residential property owners to advise them of the proposed development.
2. All **projects of community or neighborhood interest,** which consist of the following:
   i. Any project in a Residential District that would create 6 or more bedrooms on a parcel within ½ mile of the UC Campus (or the area confined by Grant Avenue on the west, Derby Street on the south, and Rose Street on the north), or
   ii. Any project in a Non-Residential District that involves three or more stories, a Density Bonus under Section 65919 of California State Law, or a Floor Area Ratio > 2.00, or more than 10,000 square feet gross floor area,
   iii. **Are required to** contact all property owners, residents, and neighborhood organizations within 300 feet of the project site to advise them of the proposed development.
3. All **residential projects that propose to alter an existing dwelling unit or eliminate a dwelling unit that is subject to the Rent Ordinance** (BMC Chapter 13.76) through demolition, including elimination of a dwelling unit through conversion, **are required to** provide all sitting tenants notice of the application no later than the date the application is submitted to the City.

Instructions regarding Neighborhood Outreach are available online at:
https://tinyurl.com/tvhbaos

Zoning Project Application Submittal Requirements

Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

Plans – General Requirements

1. **All plans must be fully dimensioned, and include:**

   - Name of person preparing plans (licensed architect required for certain projects, see Item 3 below)
   - Dates of preparation and revision
   - Project address
   - Graphic scale (see Item 2 below for minimum scales)
   - North arrow
   - Legend describing all symbols and notations
   - Building Code construction and occupancy types.

   For applications to modify a prior permit, the plans must clearly show the approved and modified project, and you must "cloud" all changes from the approved project.

   Note: *The City of Berkeley Community GIS Portal is an online resource indicating site features and characteristics listed above, which are required to be shown on the Site Plan: https://www.cityofberkeley.info/gisportal/*

2. **Number of Plan Sets / Minimum Scale (Hard Copies):**

   Two (2) sets, drawn to scale, no larger than 11" x 17" or 12" x 18". Must meet minimum scale of 1/16" for site plan and 1/8" for all other drawings. If site or building is too large to fit on sheets at minimum scale, provide one (1) additional larger set meeting minimum scale. Label the scale at full and reduced plan sizes (i.e., ¼" at 24" x 36", 1/8" at 12" x 18" paper). **Note that these plans are often released to the public on paper no larger than 8½" x 11", and that you must format your plans so that all images and text are legible at this size.**

   Additional plan sets may be required by the project planner, if necessary to facilitate project review. Also, **for Use Permit applications only,** fifteen (15) additional 11" x 17" or 12" x 18" sets must be submitted at least two weeks prior to the hearing.

3. **Architect or Engineer Required for Certain Projects**

   Plans that require preparation by a licensed California architect or engineer under the California Architects Practice Act (Business and Professions Code Sections 5537 and 6737) shall bear the architect or engineer's stamp and signature on each sheet.[1] This requirement may be waived for projects involving only minor alterations or repairs; consult with a planner. ***For further information, visit www.cab.ca.gov***

[1] Projects requiring an architect or engineer include construction, alteration, improvement or repair of (1) any non-residential or mixed-use building; (2) any residential building or group of buildings over 4 units; (3) any residential building over 2 stories or not of wood frame construction; and (4) any garage or other residential accessory structure over 2 stories.

Zoning Project Application Submittal Requirements

Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

4. **Changes of Use**

Applications that ***only*** propose to **change the type of activity or use** occurring within the building must submit the following site-related information:

- Plans meeting the general requirements listed on page 5
- Site Plan showing the following:
  - i. Property lines and lot dimensions
  - ii. Existing and proposed building footprint(s), dimensions, **setbacks (required, existing and proposed)**, and projections such as eaves, balconies and bays. Show all buildings, including garages, sheds, etc.
  - iii. Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.
- Floor Plans showing the following:
  - i. All floors, including mezzanines, basements, and attics
  - ii. Use of all rooms (existing and proposed), per the California Building Code
  - iii. For buildings with multiple commercial tenant spaces, label the use of each tenant space within the subject building.

Note: *For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.*

A. Site Plan

Required for all projects. A sample Site Plan is available online at: https://tinyurl.com/w9k4umy

The Site Plan must show the following:

- Property lines and lot dimensions
- Existing and proposed building footprint(s) (dimensioned), **setbacks (required, existing and proposed)**, and projections such as eaves, balconies, and bays. Show all accessory structures, such as garages, sheds, etc.
- Delineation of proposed additions, if any, with shading, hatching or another appropriate method
- Any portions of neighboring buildings within 20 feet of property lines, including the building-to-building separation (measured in feet)
- Pathway(s) from the residential structure to the public right of way
- Driveways and parking spaces with dimensions, location of ADA spaces, , and security gates
- Trash/solid waste storage area
- Bicycle racks (short-term bicycle parking) subject to the Berkeley Bicycle Plan – Appendix F – Facility Design Toolbox
- Utility meters / boxes / equipment for all wet and dry utilities – including above-ground and under-ground, in conformance with utility company standards, including on the site and in the public right of way (subject to approval by the Public Works Department).
- Decks, patios, hot tubs, and all unenclosed accessory structures

Zoning Project Application Submittal Requirements

Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

B. Landscape and Usable Open Space Plan

Required for all projects. A sample Landscape and Usable Open Space Plan is available online at: https://tinyurl.com/t6bppt82

The Landscape Plan must show the following:

- Fully dimension all areas that qualify as existing and proposed Usable Open Space, in compliance with the applicable zoning district development standard and BMC Section 23D.04.050; and
- Any existing landscaping to remain and to be removed
- All proposed landscaping, including all existing and proposed trees, including street trees (indicate species, trunk diameter, drip line), hedge rows, and ground cover
- All paved areas and surface treatments
- Fences and retaining walls (materials and height)
- Significant natural features such as creeks (indicate banks or culvert outline), and prominent landforms.

C. Lot Coverage Diagram

Required for all residential projects (or the residential portion of a mixed-use project).

- **Submit** the Lot Coverage Diagram, using the Site Plan as a base map, which must show the fully dimensioned diagrams to depict existing and proposed lot coverage in compliance with the applicable zoning district development standard and BMC Section 23D.04.040.

A sample Lot Coverage Diagram is available online at: https://tinyurl.com/2vyn28r4

D. Floor Plans

Required for all projects.

The Floor Plan (s) must show the following:

- All floors, including mezzanines, basements, and attics
- Trash room pursuant to Public Works Department requirements
- Long-Term Bicycle parking, showing location of lockers or racks suitable for secure locks and subject to the Berkeley Bicycle Plan – Appendix F – Facility Design Toolbox
- Use of all rooms (existing and proposed), per the California Building Code
- For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, use dashed lines for demolished features and solid lines for new features.

Zoning Project Application Submittal Requirements

Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

E. Building Elevations

Required for all projects.

The Elevations must show the following:

- All exterior features and openings, including finishes and materials
- Existing and proposed average building height (as defined in the Zoning Ordinance; see Instructions linked below), finished floor elevations, and grade (within five feet of the building). For projects in the "H" District, also indicate maximum building height
- Adjacent features such as fences, landscaping, and other buildings and property lines.
- For changes to existing buildings, provide separate elevations for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.

Height Instructions – Residential Average Height (all projects in residential districts) are available online at: https://tinyurl.com/yx6cezyq

Height Instructions – Residential Maximum Height (all projects in residential districts within the Hillside (H) overlay, or R-S District) are available online at: https://tinyurl.com/vkmrs3b

Height Instructions regarding Non-Residential Building Height (all non-residential projects) are available online at: https://tinyurl.com/r94c6kw

F. Street Strip Elevation

Required for any new buildings (except accessory buildings).

Submit a street elevation exhibit showing existing conditions on the parcel and the proposed project in elevation view; include at least two (2) parcels on either side of the subject parcel on a single sheet. Minimum scale is 1/8" = 1'.

G. Section Drawings

Required for the following projects:

- New main buildings in the "H" District
- Additions exceeding 14 feet in average height in the "H" District.

Submit drawings that show adjacent uphill or downhill buildings where views may be affected. Minimum scale is 1/8" = 1'. Show existing and proposed finished grades.

Zoning Project Application Submittal Requirements

Section 2 – Required for all Development Projects (involving New Structures, Additions, Demolitions, or Exterior Alterations)

H. Boundary and/or Topographic Survey

Required for the following projects:

- Any new main building
- Expansions of a building footprint or the creation of accessory building/structures less than two feet from, or within, a required setback.

Submit a survey meeting the following requirements:

1. Wet-stamped, signed by a licensed CA surveyor or appropriately licensed civil engineer[2]
2. Minimum scale of 1/10" = 1'
3. All property lines, curb and sidewalk, spot elevations, existing structures, building dimensions, and setbacks to all property lines
4. For projects in the "H" District, survey must be no more than five years old and must show contour lines with minimum 5-foot intervals.

I. Conceptual Grading Plan

Required for projects with more than 50 cubic yards of cut and/or fill.

Submit a grading plan meeting the following requirements:

1. Prepared by a licensed surveyor, architect or engineer
2. Estimated quantities and locations of cut and fill
3. Existing and final elevations

[2] Classification must be specified. Check with project planner.

Zoning Project Application Submittal Requirements

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

A. Site Photographs

Required for all projects.

Submit one set of exterior photos, that meet the following requirements:

1. Mount or copy photos on 8½" x 11" paper with captions or a key indicating the location (perspective) of each photo.
2. Provide an adequate number of photos to show entire project site and all adjacent buildings for context. Where possible, take wide-angle shots showing project site and adjacent buildings together.

B. Shadow Study

Required for the following projects:

- Buildings exceeding 14 feet in average height, located in or adjacent to a residential (R) district (excluding ADUs)
- Additions exceeding 14 feet in average height on sites adjacent to a residential use
- Projects in either the C-T or C-DMU District, requiring a Use Permit to increase the maximum building height/number of stories

Shadow Study Instructions are available online at: https://tinyurl.com/sv8kkjo

C. Story Pole Plan

Required for the following projects:

- New main buildings exceeding 14 feet in average height in the "H" District (excluding ADUs)
- Additions exceeding 14 feet in average height in the "H" District

Story Pole Instructions are available online at: https://tinyurl.com/vqko4uf

D. Arborist Report

Required for projects involving any construction activity (including excavation, trenching, demolition, paving, storage of materials, and parking of vehicles) **within the drip line of a Coast Live Oak** (*quercus agrifolia*) **tree** with a *circumference* of at least 18 inches at 4 feet above the ground (or at least 26 inches aggregate circumference for a multi-stemmed tree).

Submit a report by a certified arborist assessing the project's impacts on the affected tree(s) (tree may be located either on- or off-site) and recommending preservation measures both during and after construction, as applicable.

Tree Protection Instructions are available online at: https://tinyurl.com/wqgocgo

Oak Tree Ordinance are available online at: https://tinyurl.com/txa8otz

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

E. Structural Evaluation

Required for any project that is not a demolition, but is removing between 25% and 49% of a main building's exterior wall and between 25% and 49% of a main building's roof framing (including in-kind replacement of existing framing), in order to confirm the feasibility of retaining the remaining portions of any wall and roof. A Structural Evaluation is not required for projects requesting a Use Permit for demolition.[3]

Submit a demolition diagram that indicates the percentage of each wall and roof that is proposed to be replaced or removed, as well as a report by an independent, fully credentialed structural engineer that evaluates whether, in the operator's opinion, retention of structural elements not proposed for removal is actually feasible.

F. Parking Survey

Required for projects requesting a waiver of any required off-street vehicular parking spaces pursuant to the Zoning Ordinance, located in a Commercial or Manufacturing District (C, M, MM, or MU)[4].

Parking Survey Instructions are available online at: https://tinyurl.com/t8ry9gk

G. Transportation Demand Management (TDM)

Required for projects creating 10 or more dwelling units outside of the C-DMU.
(Not required for projects where 50% of total units are affordable, ADUs, projects located in ES-R, or projects on properties in the Hillside overlay on narrow streets 26-feet wide or less.)

Review the Transportation Demand Management (TDM) Program General Information: https://tinyurl.com/y32e4sdz

Submit a Transportation Demand Management (TDM) Program Supplemental Application, which is available online at: https://tinyurl.com/xsxwht47

[3] Demolition: Destroyed in whole or in part. Destroyed in part means when 50% or more of the enclosing exterior walls and 50% or more of the roof are removed (BMC Section 23F.04.010)
[4] BMC Section 23E.28.140 and 23E.28.145

Zoning Project Application Submittal Requirements

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

H. Photo Simulations

Required for a project creating any of the following:

- Wireless telecommunications projects
- A "Large Scale Development Project," which consists of project located in a non-residential district that proposes **any** of the following:
  - Density Bonus under Section 65919 of California State Law,
  - Three or more stories in height,
  - Floor Area Ratio ≥ 2.00, or
  - 10,000 square feet or more of gross floor area.

Photo Simulation Instructions are available online at: https://tinyurl.com/wcesqu8

I. Public Art Declaration

Required for any of the following projects:

- A new commercial or industrial building
- A project that creates five or more dwelling units
- An addition of more than 10,000 square feet to any commercial or industrial building[5]

Submit a Public Art Allocation Declaration form, which is available online at: https://tinyurl.com/a7kdve3s

[5] BMC Chapter 23C.23.

Zoning Project Application Submittal Requirements

Section 4 – Environmental Review

A. Creek Protection Documentation

Required for any project within 40 feet of the centerline of an open creek, and/or within 25 feet of a culverted creek, that is protected by the Creeks Ordinance.[6]

Creek Protection Instructions are available online at: https://tinyurl.com/u9gsce9

***Note**: This requirement applies even if a protected creek or culvert has not yet been identified by the City.*

B. Historic Resource Evaluation

Required for:

- Demolition of a non-residential building > 40 years old, subject to referral to the Landmarks Preservation Commission in accordance with BMC Section 23C.08.050.C
- Demolition/Substantial Change of any building > 40 years old subject to environmental review pursuant to CEQA

Submit: State of California Department of Parks and Recreation (DPR) 523 forms. Evaluation(s) to include references to development history documentation (including but not limited to photographs, building permits, Sanborn maps, and directory listings); completed by a qualified historian, architectural historian or historic architect. Provide supplemental information in accordance with the Landmarks Preservation Ordinance criteria (BMC Section 3.24.110).

The Environmental Review Officer may waive this requirement for residential addition and alteration proposals after determining that the project complies with preservation standards and environmental practices **OR** that qualified sources other than an HRE can provide the relevant information.

California guidelines are available online at:
http://ohp.parks.ca.gov/pages/1054/files/manual95.pdf

C. Phase I or II Site Assessment

Required for any project that includes the following:

- Substantial excavation in non-residential zoning districts
- A site with a history of soil and/or groundwater contamination (see the Hazardous Waste and Substances Statement)
- A site within an Environmental Management Area (https://www.cityofberkeley.info/gisportal/)

Contact the Toxics Management Division (510) 981-7460 for more information.

[6] BMC Chapter 17.08

D. Geotechnical and Seismic Hazard Investigation

Required for all development projects located in a State-designated Seismic Hazard Zone, as defined by the California Seismic Hazards Mapping Act and shown on the "Environmental Constraints Map"[7], such as liquefaction, landslide, or earthquake fault zone.

Exemptions: Projects that propose to construct the following are exempt from this requirement:

- An alteration/addition to an existing non-residential building where the total value of the work is less than 50 percent of the replacement value of the existing building and the added floor area is less than 50 percent of the floor area of the existing building
- Accessory buildings, including accessory dwelling units (ADU's)
- Accessory structures (enclosed and unenclosed)
- Pools, hot tubs and decks
- Conversion of an existing apartment building into a condominium

Submit the following:

1. Geotechnical report satisfying the California Building Code and requirements of "Special Publication 117"[8] (for landslide and liquefaction zones) and/or California Geological Survey Note 49[9] (for fault zones); and
2. Deposit of $1,500 for peer review of report (additional funds may be required for more complicated projects).

E. Transportation Impact Study

Required for projects that do not meet at least one of the City's screening criteria for determining if detailed VMT or vehicular parking analysis is necessary.

Consult with the Transportation Division and request a copy of the screening criteria and thresholds by calling (510) 981-7010

F. State General Construction Permit

Required for projects disturbing one acre or more of soil (or less than one acre if part of a larger development plan that disturbs one acre or more).

Submit a copy of the Notice of Intent (NOI) submitted for the State General Construction Permit, and Storm Water Pollution Prevention Plan (SWPPP) prior to building permit issuance.

Further information is available online at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

G. Stormwater Requirements Checklist

Required for projects creating or replacing 2,500 sq.ft. or more of impervious surface, including single-family dwellings. Includes new buildings, additions, and alterations to existing roofs that affect drainage; *does not include* maintenance/re-surfacing of existing impervious surfaces.

An overview of the requirements is available online at: https://tinyurl.com/yh5w8ena

[7] Available in Permit Service Center or at https://www.cityofberkeley.info/gisportal/
[8] Available at http://www.conservation.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf.

Section 5 – Required for Projects Subject to Affordable Housing Requirements

A. Housing Affordability Statement

Required for a project creating any of the following:

- Five (5) or more new dwelling units and/or five (5) or more live/work units
- New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units (R-2, R-2A, and MU-R Districts)
- One (1) to four (4) new dwelling units and/or five (5) or more live/work units, which are added to an existing one (1) to four (4) unit property developed after August 14, 1986, and the resulting number of units totals five (5) or more
- Additional condominium units, resulting in five (5) or more condominium units converted and/or created after August 14, 1986 on the site[10]

Submit a written statement describing the following:

1. How the project complies with the Inclusionary Housing Ordinance[11]
2. Level of affordability that will be provided and/or amount of in lieu fee that will be paid
3. Number and location of any affordable units provided
4. Size and amenities (bedrooms, bathrooms, parking facilities) of any affordable units

B. Anti-Discrimination Housing Policies

Required for a project creating any of the following:

- Five (5) or more new dwelling units and/or five (5) or more live/work units
- New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units (R-2, R-2A, and MU-R Districts)
- One (1) to four (4) new dwelling units and/or five (5) or more live/work units, which are added to an existing one (1) to four (4) unit property developed after August 14, 1986, and the resulting number of units totals five (5) or more
- Additional condominium units, resulting in five (5) or more condominium units converted and/or created after August 14, 1986 on the site

Submit a written statement answering the following questions and **provide** the requested documentation, if applicable:

- Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in states or jurisdictions outside of California?
- If the answer to (1) is yes, which?
- If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have policies in individual states that prohibit discrimination based on sexual orientation, gender identity, and/or gender expression in the sale, lease, or financing of any dwelling units enforced on every property in the state or states where the applicant or sponsor has an ownership or financial interest?

[9] Available at https://www.conservation.ca.gov/cgs/Documents/SP_042.pdf
[10] BMC Section 23C.12.020
[11] BMC Section 23C.12.020

Section 5 – Required for Projects Subject to Affordable Housing Requirements

- If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?
- If the answer to (3) or (4) is yes, please provide a copy of that policy or policies as part of this application.

The Land Use Division will not accept an application as complete unless the applicant provides a response to this section. The processing of and recommendations or determinations made by the Land Use Division regarding an application will be unaffected by the applicant's response to this section.

C. Density Bonus Eligibility Statement

Required for projects requesting a density bonus pursuant to Government Code Section 65915.

Submit the following information

1. A written statement that includes the following information:
   a. Number of "base project" units
   b. Number and percent of affordable units and level of affordability
   c. Percent density bonus requested and allowed pursuant to Government Code Section 65915
   d. Waivers or modifications of development standards necessary to physically accommodate "density bonus" units (e.g., increased height or FAR, reduced setbacks or parking, etc.)
   e. Explanation of why each waiver or modification is needed to accommodate "density bonus" units
   f. If the project is requesting an incentive or concession, describe each incentive or concession being requested **in addition to** (or instead of) waivers or modifications necessary to accommodate density bonus
2. Plans showing a "base project" that complies with all applicable Zoning Ordinance requirements, without any additional Use Permits to waive or modify development standards.

D. Area of Potential Effects (APE) Statement

Required for projects seeking federal funds (either directly or through the City of Berkeley Housing Trust Fund).

Submit a statement identifying the project's "Area of Potential Effects" as defined in federal regulations (36 CFR Part 800). Contact the Housing Department at (510) 981-5400 for more information and requirements.

Zoning Project Application Submittal Requirements

Section 6 – Landscape and Green Building Requirements

A. WELO Landscape Requirements

Required for projects with either:

- 500 square feet or more of new, or
- 2,500 square feet or more of renovated irrigated area.

These projects must comply with water efficient landscaping as specified in the Model Water Efficient Landscape Ordinance (MWELO) and East Bay Municipal Utility District (EBMUD) Water Efficiency Review: Section 31 Regulations and MWELO Compliance, and all applicable measures in the Bay Friendly Basics checklist.

Submit the following:

1. MWELO-compliant landscape documentation including a planting, grading, and irrigation plan. Water budget calculations are also required for landscapes of 2,500 square feet or more. The reference evapotranspiration rate (ETo) for Berkeley is 41.8. For more information, visit: https://www.ebmud.com/index.php/download_file/force/6341/1167/?EBMUD_-_Water_Efficiency_Review_-_Outdoor_Water_Use_Requirements.pdf

Further information is available online at:
https://www.cityofberkeley.info/Green_Building_Requirements/

B. Natural Gas Prohibition, Berkeley Energy Code, and Berkeley Green Code

Required for newly constructed buildings (buildings that have never before been used or occupied for any purpose).

Submit the following:

1. A statement that the building will not include any natural gas infrastructure in compliance with BMC Chapter 12.80, or documentation to support an application for an exception or public interest exemption to the Natural Gas Prohibition if the conditions of BMC Section 12.80.040A.1 or 12.80.050 are met.
2. A statement, and corresponding features on plans, that the proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by City Council on December 3rd, 2019, including solar PV system, electric vehicle charging, and low-carbon concrete requirements. Building design must incorporate all-electric systems unless an exception or public interest exemption to the Natural Gas Prohibition is granted. Electric readiness and increased energy efficiency is required for any mixed-fuel building.

Note: *Carefully consider the Building Code prior to submitting a Use Permit application. Per the standard Conditions of Approval for all development projects, only the Zoning Adjustments Board may approve a modification to the use or structure for which the Permit is issued, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.*

Zoning Project Application Submittal Requirements

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with BMC Section 23B.56.030.D. 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.

Further information is available online at:
https://www.cityofberkeley.info/Green_Building_Requirements/

C. Green Building Requirements

Required for newly constructed buildings and additions of more than 20,000 square feet for projects located in the Downtown area (Commercial-Downtown Mixed Use District, generally bounded by MLK Jr. Way to the west, Dwight Way to the south, Oxford Street to the east, and Hearst Avenue to the north).

Submit the following:

1. A completed LEED Checklist (typically for commercial projects), showing that the proposed project is on track for LEED Gold certification or above, or a completed GreenPoint Rated (GPR) Checklist (for residential and most mixed-use projects), showing that the proposed project is on track for GPR Silver certification or above.

Further information is available online at:
https://www.cityofberkeley.info/Green_Building_Requirements/

Zoning Project Application Submittal Requirements

Section 7 – Related Land Use Planning Division Applications

A. Design Review

Required for:

- Projects with exterior changes in non-residential districts
- Non-residential projects in R-3, R-4, R-S and R-SMU Districts
- Other projects as required by the Zoning Officer

Submit separate Design Review application form and one set of plans (11 x 17"), per the Design Review Submittal Requirements.

Form and submittal requirements available online at:
https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/DR_Basic_Submittal_Packet.pdf

B. Structural Alterations Submittal

Required for exterior alterations to designated City Landmarks, Structures of Merit, and structures within a Historic District (or interior alterations to such structures if publicly owned).

Submit separate Structural Alteration Permit application and three sets of plans (two 11 x 17" and one 8.5 x 11"), per the Structural Alteration Permit & Design Review Submittal Requirements.

Form and submittal requirements available online at:
https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/LPCAlterationPermitDesignReviewSubmittalRequirements.pdf

C. Zoning Use Questionnaire

Required for projects that establish a new business or create a new commercial space with the tenant/operator already selected.

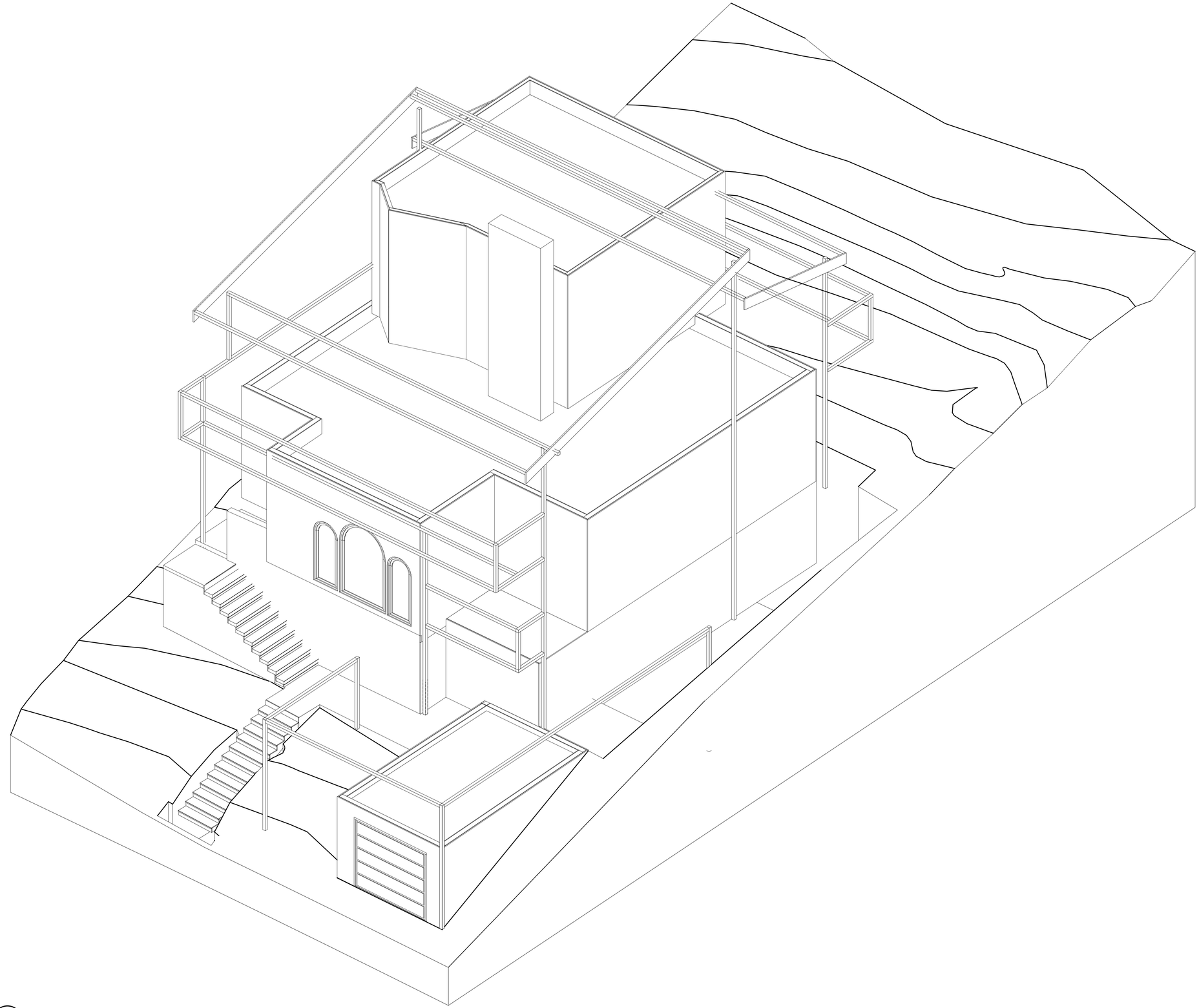
Form available online at: https://tinyurl.com/yx6pm9zt

D. Home Occupation Questionnaire – Class II and III

Required for Class II or Class III Home Occupations that establish a new home-based business.

Submit a Zoning Permit Application (Section 1.A, above), and fill out the Home Occupation Questionnaire. For more information, see Home Occupation FAQ document at:
https://tinyurl.com/3hh4ec9c

Form available online at: https://tinyurl.com/5yt5jy3x



1 / 1 STORY POLE ISOMETRIC
SCALE: 1/4" = 1'-0"

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH
ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

USE PERMIT

Sheet Contents:
STORY POLE ISOMETRIC

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Project No:
2136

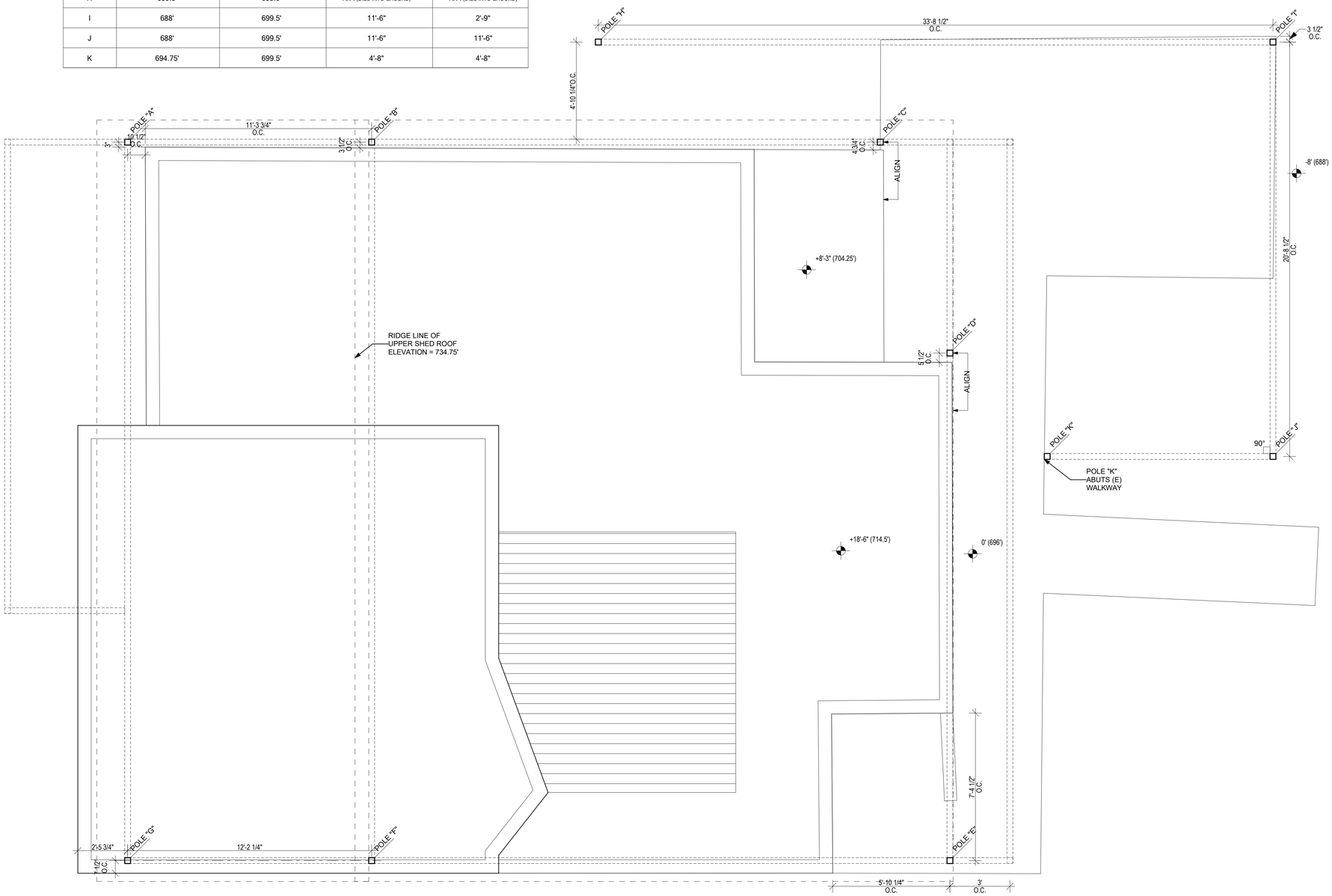
Date:
June 08, 2022

Drawn By:
CH/KM

Checked By:
SG

1

POLE	BASE ELEVATION	TOP ELEVATION	HEIGHT (FROM GRADE)	HEIGHT (FROM (E) SURFACE)
A	705'	727.75'	22'-9"	22'-9"
B	701'	734.5'	33'-5"	33'-5"
C	698'	727.75'	29'-10"	29'-10"
D	698.25'	720.5'	22'-4"	19'-6"
E	698.25'	720.5'	22'4"	16'-2"
F	704.75'	734.5'	29'-10"	6'-7"
G	706.75'	727.75'	21'-0"	N/A (BELOW (E) ROOF)
H	699.5'	699.5'	N/A (DIES INTO GROUND)	N/A (DIES INTO GROUND)
I	688'	699.5'	11'-6"	2'-9"
J	688'	699.5'	11'-6"	11'-6"
K	694.75'	699.5'	4'-8"	4'-8"



1/2 STORY POLE PLAN
SCALE: 3/8" = 1'-0"

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Project Address:
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BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
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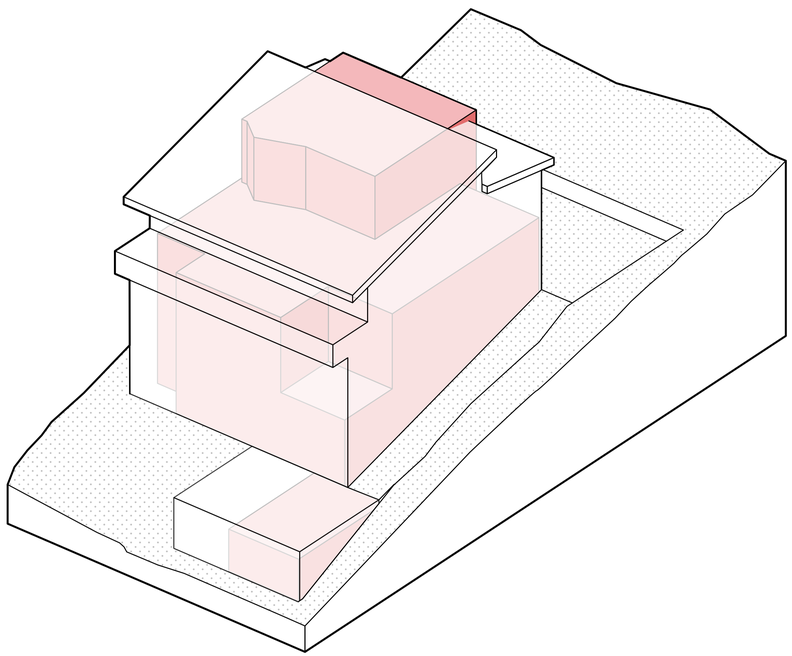
CH/KM

Checked By:
SG

2



4
A1
MASSING AXON - REDDISH COLOR REPRESENTS EXISTING HOME
N.T.S.

Keefe Residence

469 KENTUCKY AVE., BERKELEY CA 94707

SCOPE OF WORK

DEMOLISH (E) 4-BEDROOM HOUSE AND BUILD (N) ENERGY-EFFICIENT 5-BEDROOM HOUSE (4-BED MAIN UNIT, 1-BED IN-HOUSE ADU). NEW HOUSE TO INCLUDE 2-CAR GARAGE, 1ST FLOOR ADU UNIT, AND RE-GRADING FOR LANDSCAPING STRATEGY. ENERGY EFFICIENT SYSTEMS TO INCLUDE SIP CONSTRUCTION FOR A CONTINUOUS THERMAL ENVELOPE, STRATEGIC BUILDING ORIENTATION FOR PASSIVE HEAT GAINS AND VENTILATION, RADIANT FLOOR HEATING AND COOLING, AND ALL ELECTRIC SYSTEMS WITH SOLAR PV PANELS ON ROOF.

SITE INFORMATION

APN#: 062 294502800
ZONING DISTRICT: R-1H
LOT SIZE: 5,088 sq. ft.
YEAR BUILT: 1926
WILDFIRE ASSESSMENT DISTRICT:
HISTORIC: NO
LIQUEFACTION (SEISMIC HAZARDS MAPPING ACT): NO
LIQUEFACTION SEVERITY: N/A

FLOOD ZONE (100-YEAR OR 1%): NO
LANDSLIDE (SEISMIC HAZARDS MAPPING ACT): YES
CREEK BUFFER: NONE
FIRE ZONE: 2

BUILDING INFORMATION

EXISTING:

CONSTRUCTION TYPE: V
OCCUPANCY: R
FIRE SPRINKLERS: NO
STORIES: 3

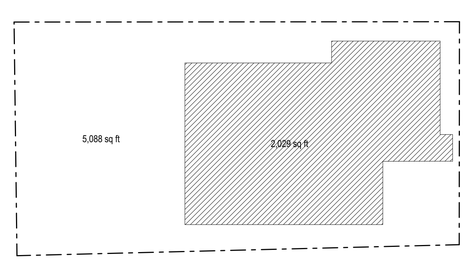
PROPOSED:

CONSTRUCTION TYPE: TBD
OCCUPANCY: R
FIRE SPRINKLERS: YES
STORIES: 3

AREA TABULATIONS

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
# OF DWELLING UNITS	1	1 + ADU	-
# OF PARKING SPACES	1	2	1
# OF BEDROOMS	4	5	1
FRONT YARD SETBACK	20'	20'	20'
SIDE YARD SETBACK (LEFT)	4.7'	5'	4'
SIDE YARD SETBACK (RIGHT)	9.7'	9.25'	4'
REAR YARD SETBACK	38.8'	38.1'	20'
BUILDING HEIGHT (# OF STORIES)	3	3	3
AVERAGE HEIGHT	25.5'	32.5'	-
MAXIMUM HEIGHT	28.75'	32.75'	35'
LOT AREA	5,088 sq ft	5,088 sq ft	5,088 sq ft
GROSS FLOOR AREA	1,773 sq ft	3,804 sq ft	-
BUILDING FOOTPRINT	1,987 sq ft	2,029 sq ft	2,035.2
LOT COVERAGE	39%	39.8%	40%
USEABLE OPEN SPACE	169 sq ft	1,266 sq ft	800 sq ft

AREA CALCULATIONS AND DIAGRAMS



LOT COVERAGE -

2,032 SQ FT (LOT COVERAGE)/5,088 SQ FT (LOT AREA) = .398 = 39.8%

PROJECT TEAM

ARCHITECT

MAURICE LEVITCH, AIA
LEVITCH ASSOCIATES, INC.

1029 HEINZ AVENUE
BERKELEY, CA 94710
TEL: 510.845.6941
FAX: 510.845.6950
EMAIL: MAURICE@LEVITCH.COM

CONTRACTOR

LEVITCH ASSOCIATES, INC.

1029 HEINZ AVENUE
BERKELEY, CA 94710
TEL: 510.845.6941
FAX: 510.845.6950
EMAIL: MAURICE@LEVITCH.COM

APPROVALS

SHEET INDEX

PRELIMINARY

A1 COVER SHEET
A2 SITE SURVEY
A2.1 SITE PLAN AND NEIGHBOR SIGNATURES
A3 EXISTING FLOOR PLANS
A4 PROPOSED FLOOR PLANS
A5 PROPOSED FLOOR PLANS
A6 PROPOSED ELEVATIONS
A7 PROPOSED ELEVATIONS
A8 PROPOSED ELEVATIONS
A9 PROPOSED ELEVATIONS
A10 PROPOSED SECTIONS

VICINITY MAP

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH
ARCHITECTS+BUILDERS

LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

PRELIMINARY

Sheet Contents:
COVER SHEET

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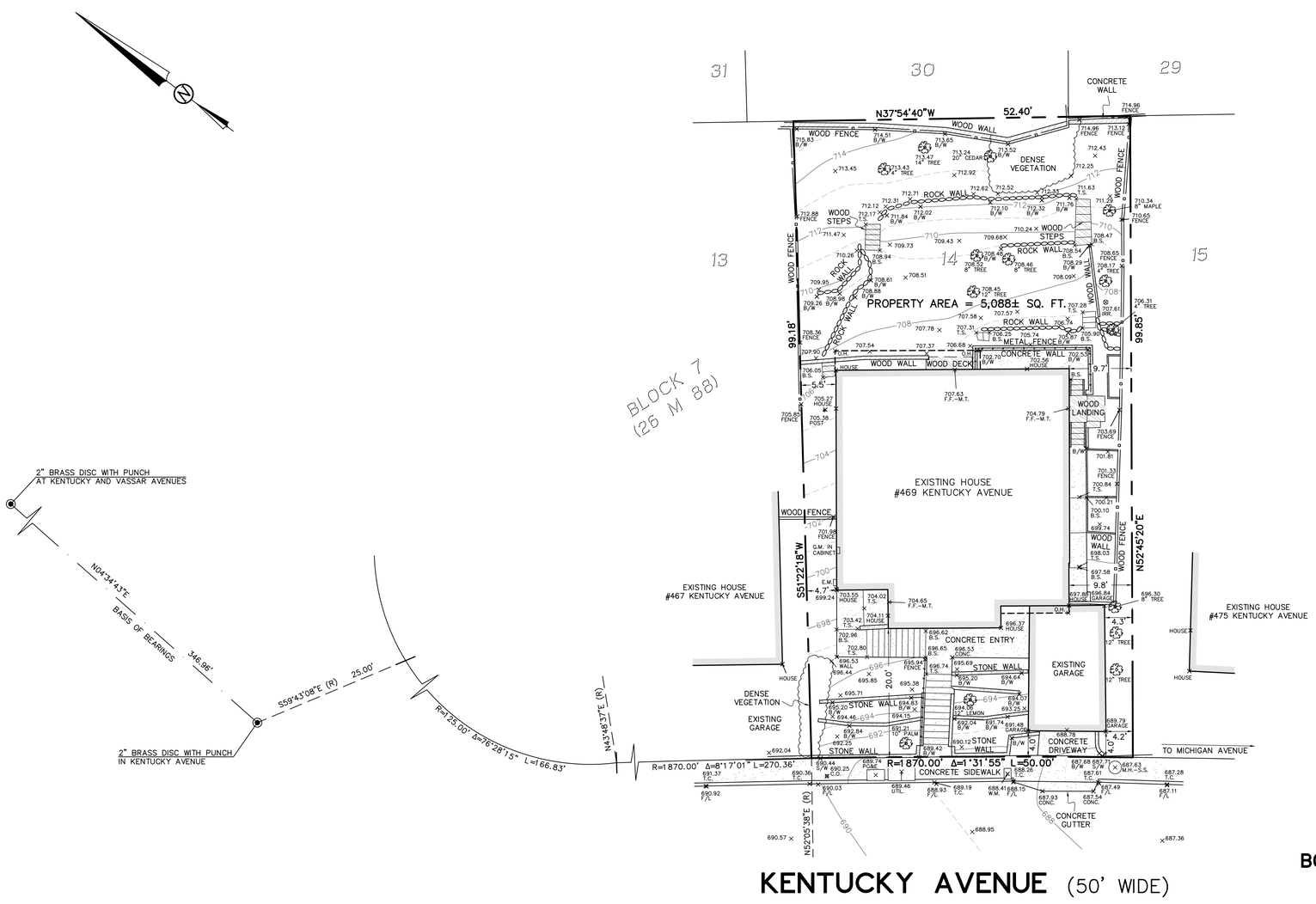
Project No:
2136

Date:
February 24, 2022

Drawn By:
CH

Checked By:
SG

A1



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
G.M.	GAS METER
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
O.H.	OVERHANG
PG&E	PACIFIC GAS AND ELECTRIC
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
UTIL.	UKNOWN UTILITY
W.M.	WATER METER
	BUILDING LINE
	CONCRETE
	CONCRETE WALL
	ROCK WALL
	STONE
	WOOD
	WOOD WALL
	METAL FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
(R)	RADIAL

GENERAL NOTES:
THIS MAPPING IS BASED ON A FIELD SURVEY PERFORMED ON APRIL 19, 2021.

DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN TO THE PROPERTY LINES WERE MEASURED FROM THE BUILDING CORNERS.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BASIS OF BEARINGS:
THE MONUMENT LINE IN KENTUCKY AVENUE WAS TAKEN AS NORTH 04°34'43" EAST AS SHOWN ON THOUSAND OAKS HEIGHTS (26 M 88).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE 2" BRASS DISC MONUMENT AT THE INTERSECTION OF KENTUCKY AND VASSAR AVENUES, DESIGNATED "B1625" WAS TAKEN AS ELEVATION = 697.93 FEET PER CITY OF BERKELEY ENGINEERING RECORDS.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

05-28-2021

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BLOCK 7, THOUSAND OAKS HEIGHTS (26 M 88)
LOCATED AT 469 KENTUCKY AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 28, 2021 SCALE: 1" = 8'

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

F.B. NO. 1824 & RR-94 KENTUCKY-TOPO.DWG JOB NO. 21-10668

NOTE: SURVEY NOT TO SCALE

Keefe Residence

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469 KENTUCKY AVE.
BERKELEY, CA 94707

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AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
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1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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PRELIMINARY

Sheet Contents:
SITE SURVEY

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Date:
February 24, 2022

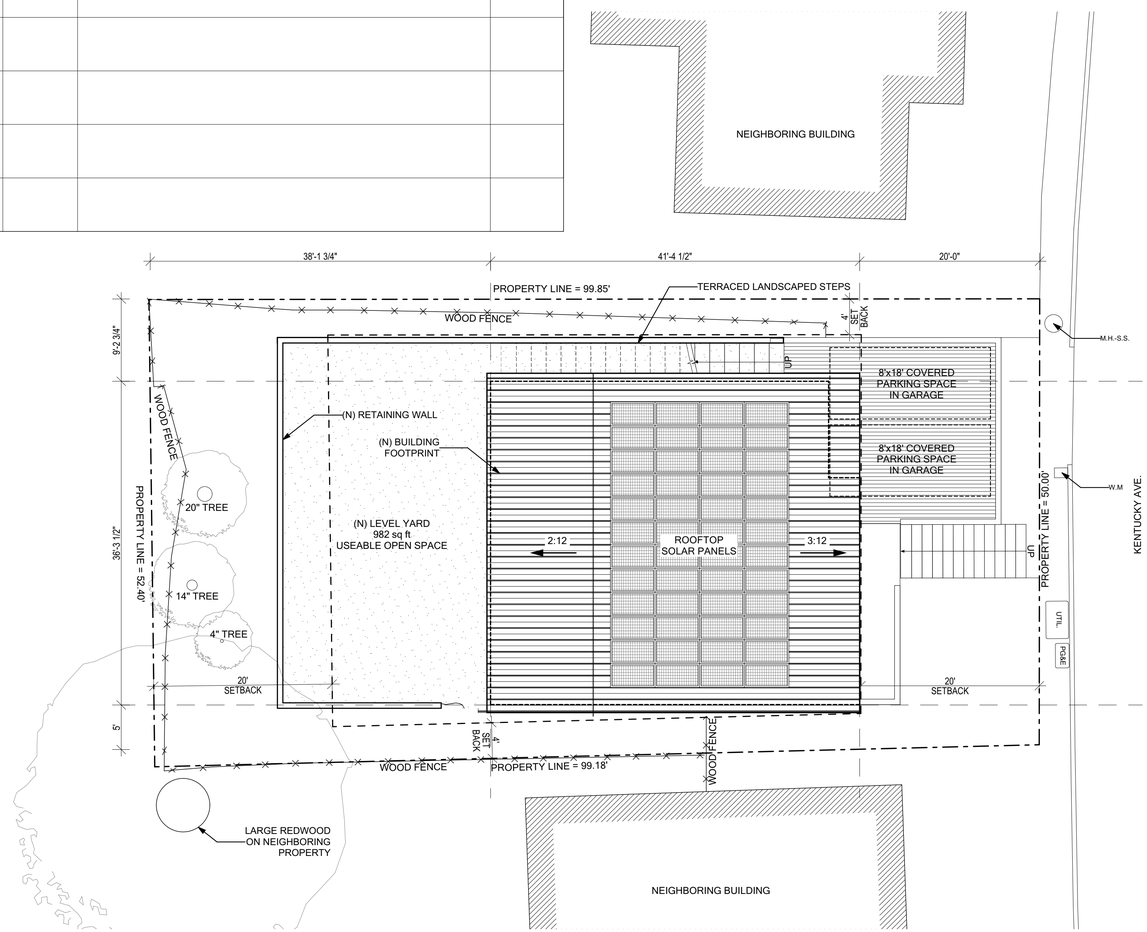
Drawn By:
CH

Checked By:
SG

A2

I HAVE REVIEWED THE PLANS FOR DEMOLITION OF EXISTING 4-BEDROOM HOME AND CONSTRUCTION OF A NEW 3,804 GROSS SQUARE FOOT PROJECT, INCLUDING A 5-BEDROOM HOME WITH AN ATTACHED 1-BEDROOM ACCESSORY DWELLING UNIT AND AN ATTACHED 2-CAR GARAGE AT 469 KENTUCKY AVE

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENT
		467 KENTUCKY AVE.	RENT / OWN				
		475 KENTUCKY AVE.	RENT / OWN				
		462 KENTUCKY AVE.	RENT / OWN				
		466 KENTUCKY AVE.	RENT / OWN				
		472 KENTUCKY AVE.	RENT / OWN				
		470 VASSAR AVE.	RENT / OWN				
		476 VASSAR AVE.	RENT / OWN				
		480 VASSAR AVE.	RENT / OWN				
			RENT / OWN				
			RENT / OWN				
			RENT / OWN				
			RENT / OWN				



1 A2.1 SITE PLAN
SCALE: 1/8" = 1'-0"

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

PRELIMINARY

Sheet Contents:
SITE PLAN AND NEIGHBOR SIGNATURES

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CH

Checked By:
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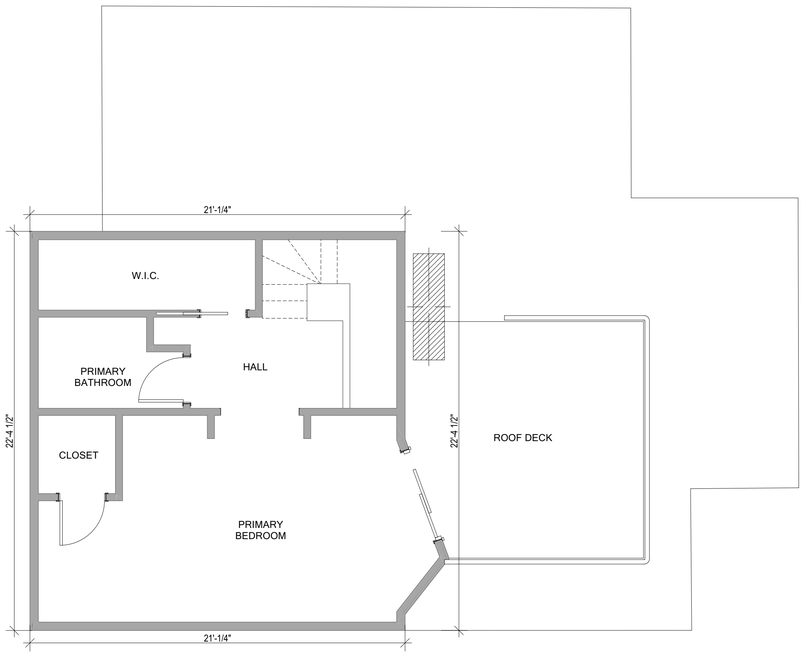
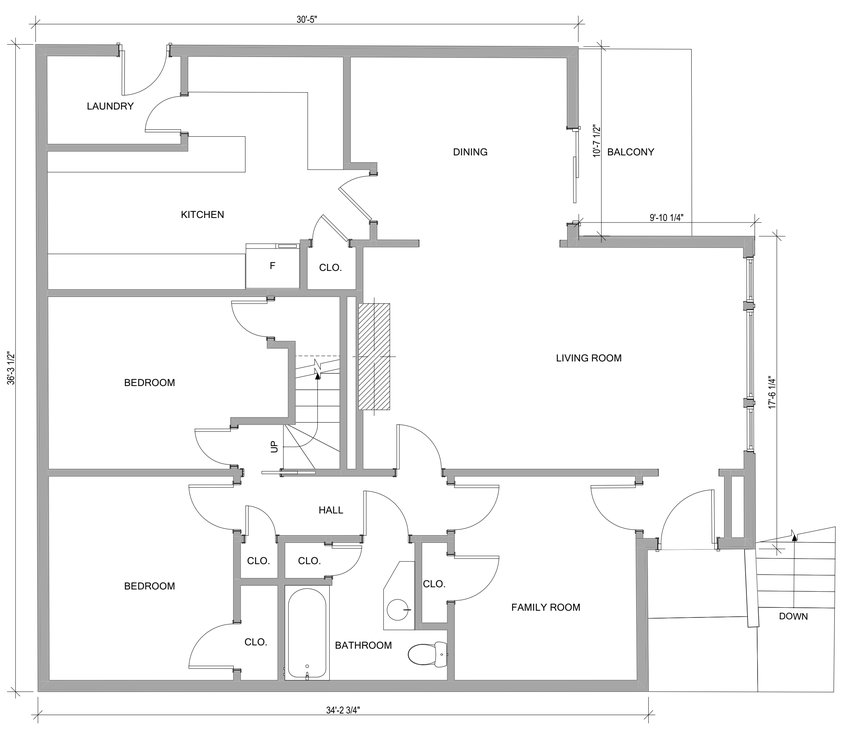
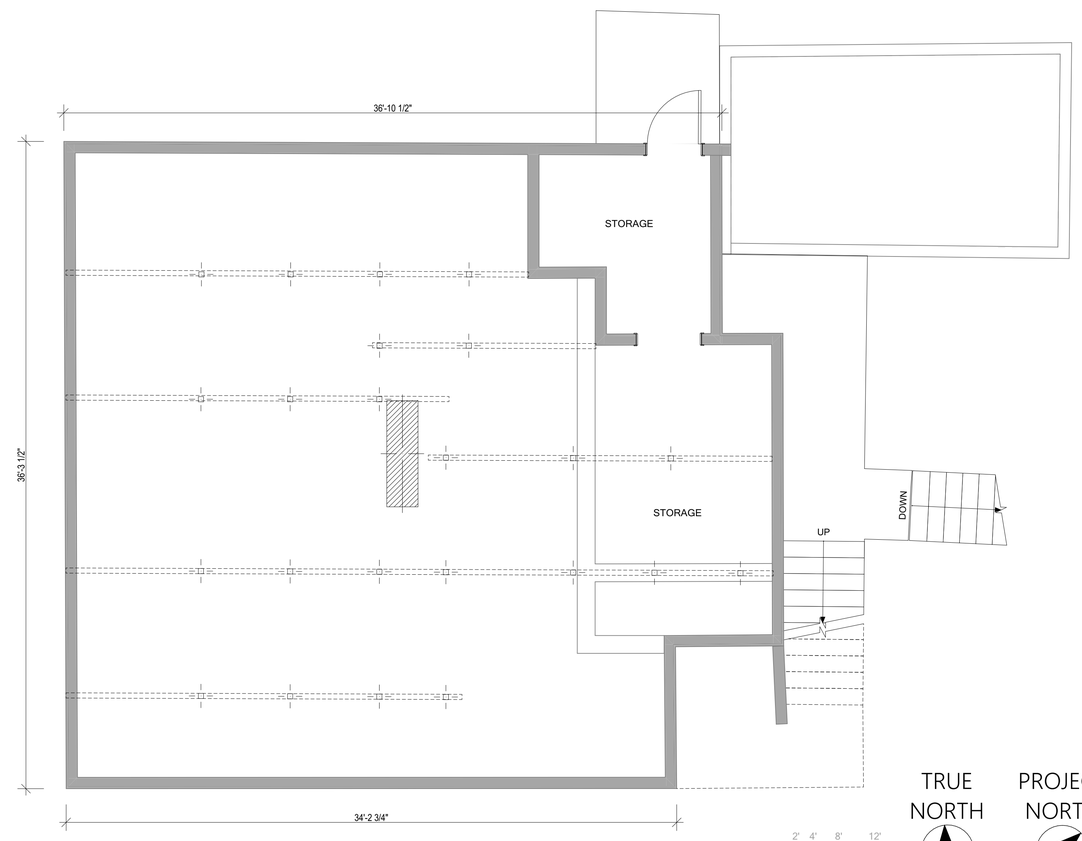
A2.1



3 / A3 EXISTING SECOND LEVEL
SCALE: 1/4" = 1'-0"



2 / A3 EXISTING FIRST LEVEL
SCALE: 1/4" = 1'-0"



1 / A3 EXISTING BASEMENT
SCALE: 1/4" = 1'-0"

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Sheet Contents:
EXISTING FLOOR PLANS

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Date:
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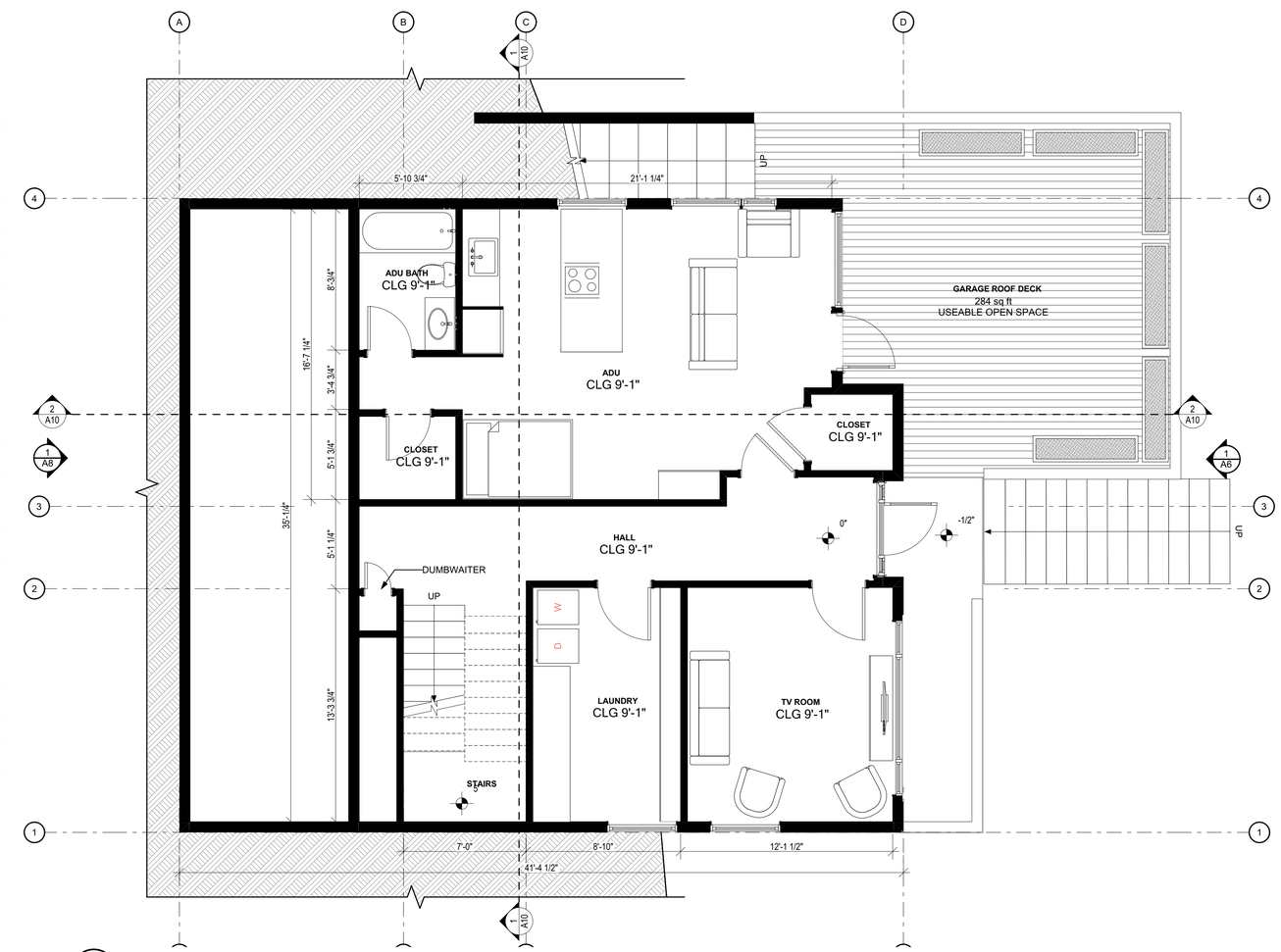
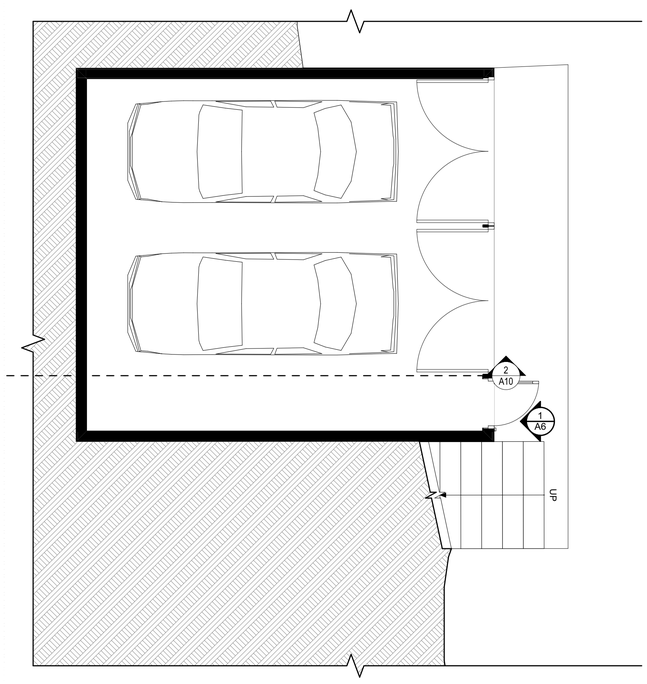
A3



1 / A4 PROPOSED 1ST FLOOR
SCALE: 1/4" = 1'-0"



2 / A4 PROPOSED GARAGE FLOOR PLAN
SCALE: 1/4" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

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PROPOSED FLOOR PLANS

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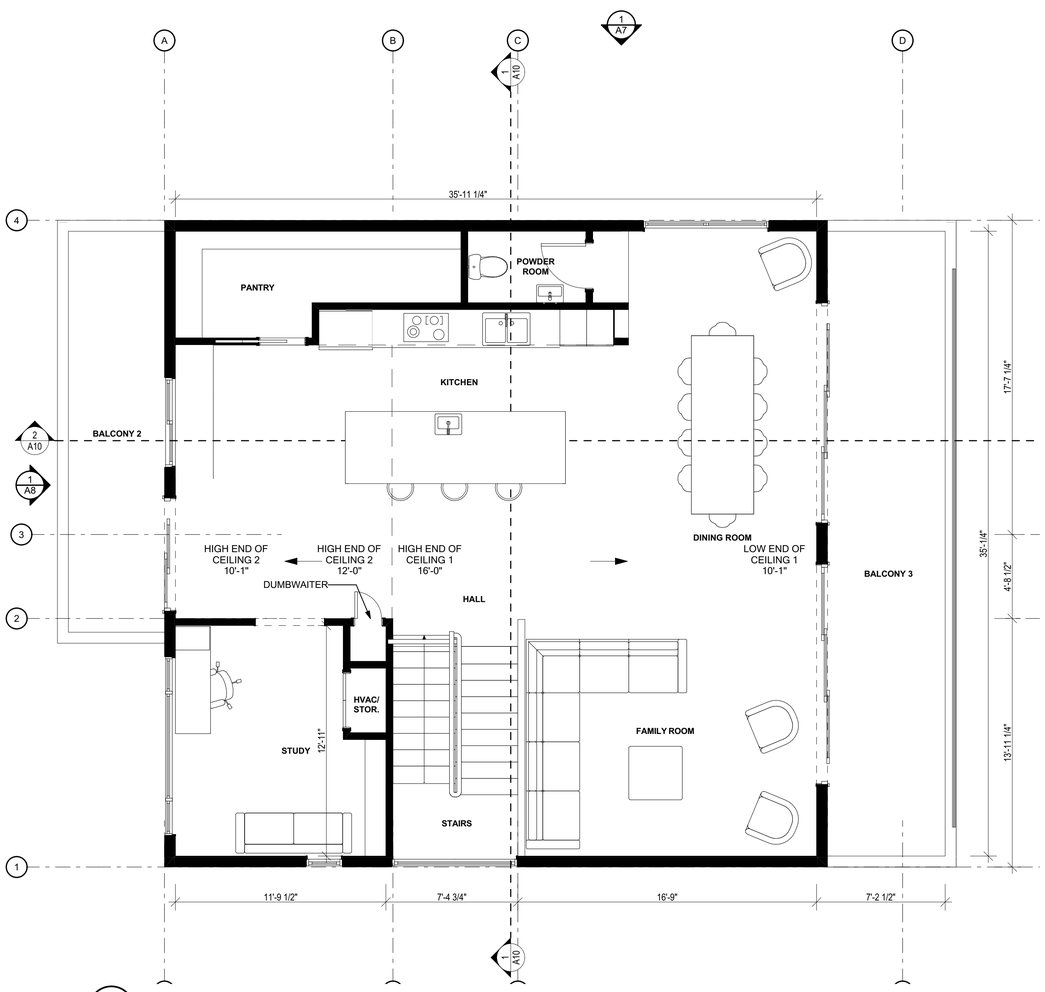
Date:
February 24, 2022

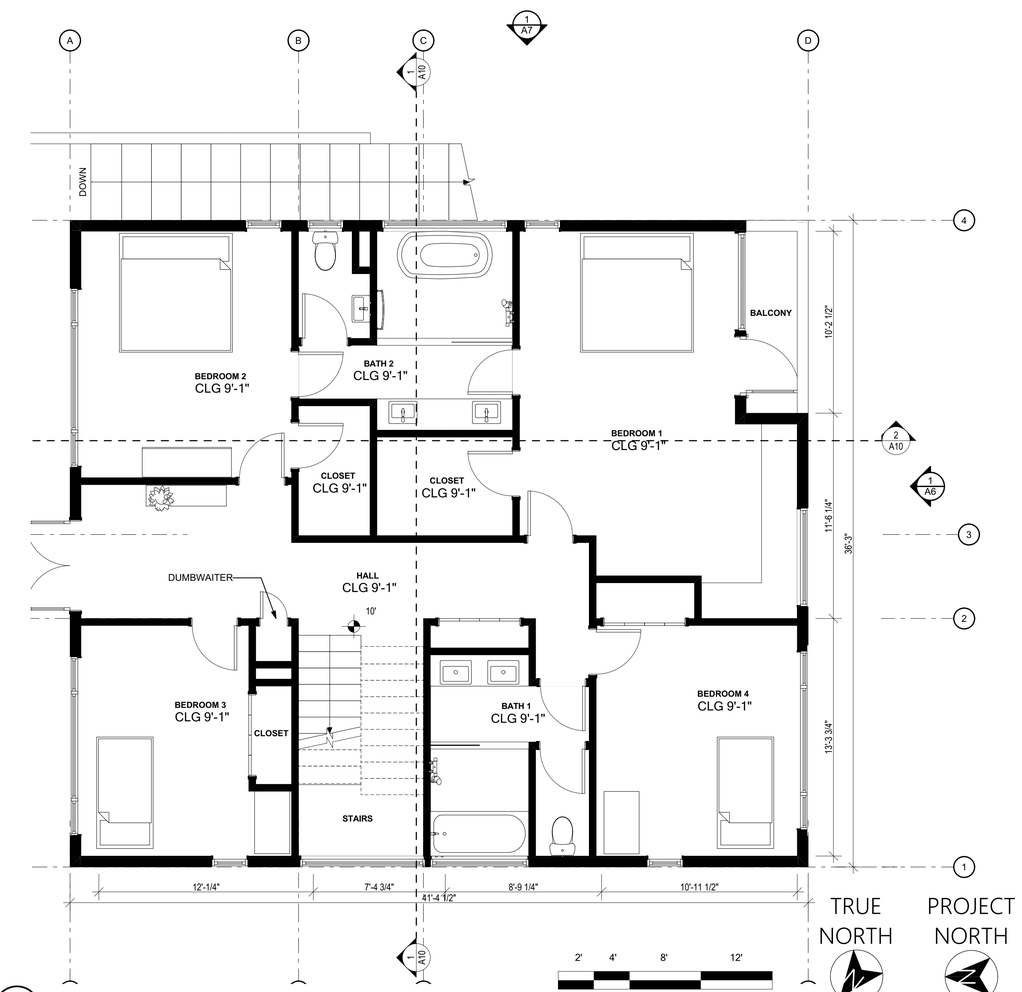
Drawn By:
CH

Checked By:
SG

A4



1 A5 PROPOSED 3RD FLOOR
SCALE: 1/4" = 1'-0"



2 A5 PROPOSED 2ND FLOOR
SCALE: 1/4" = 1'-0"

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BERKELEY, CA 94707

Owner:
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BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
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PRELIMINARY

Sheet Contents:
PROPOSED FLOOR PLANS

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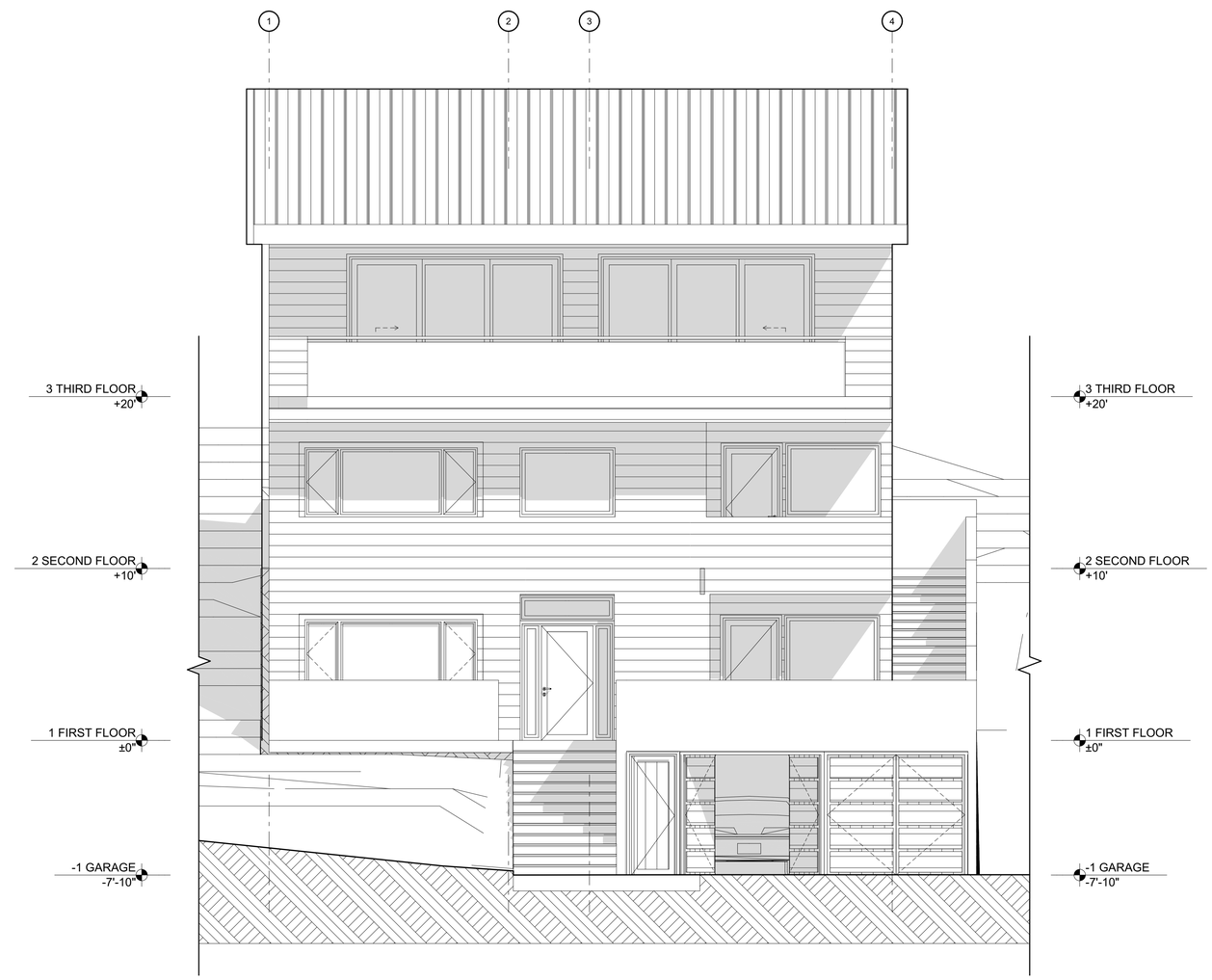
Project No:
2136

Date:
February 24, 2022

Drawn By:
CH

Checked By:
SG

A5



1 / A6 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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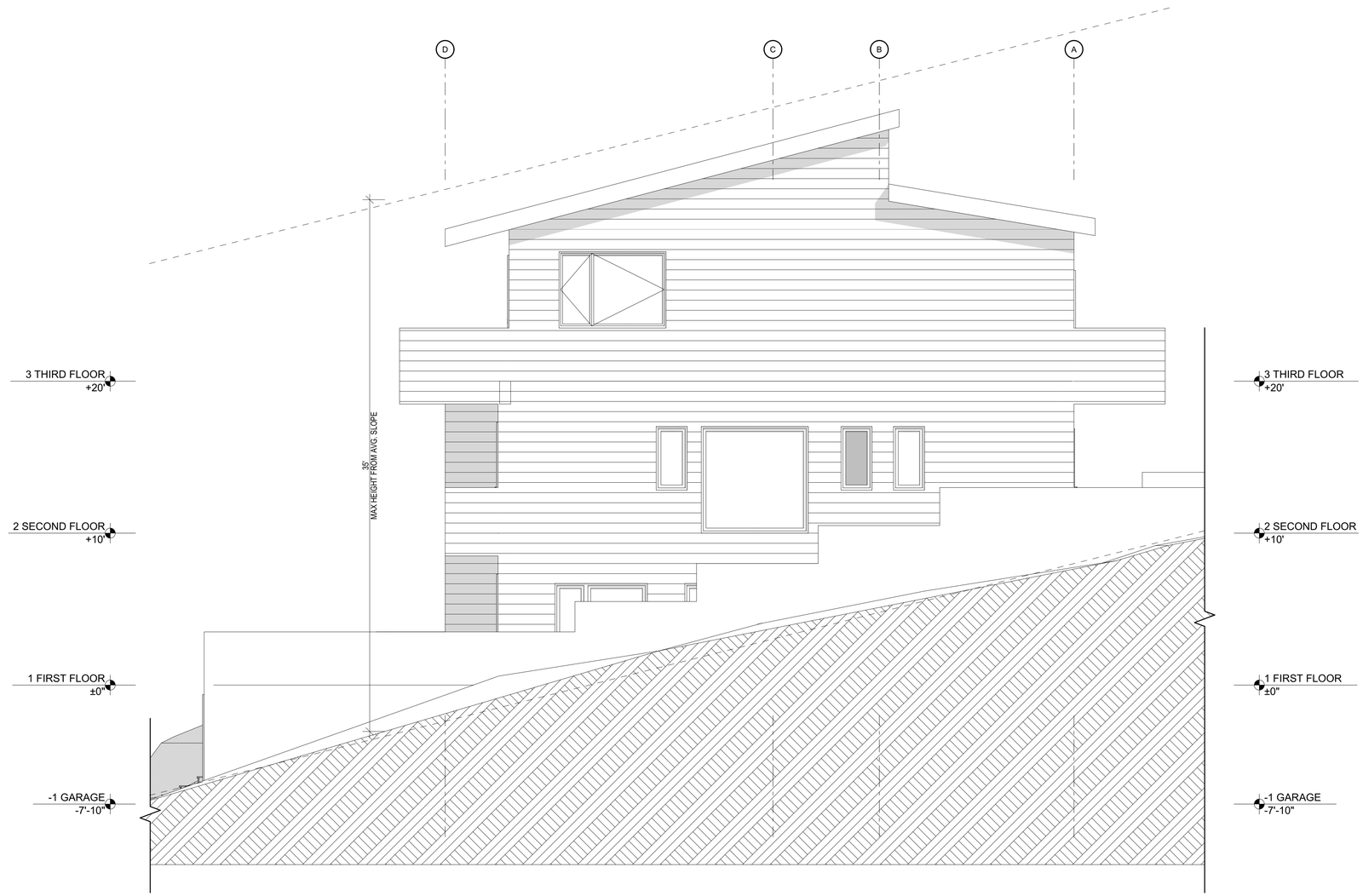

1 / A7 EAST ELEVATION
SCALE: 1/4" = 1'-0"

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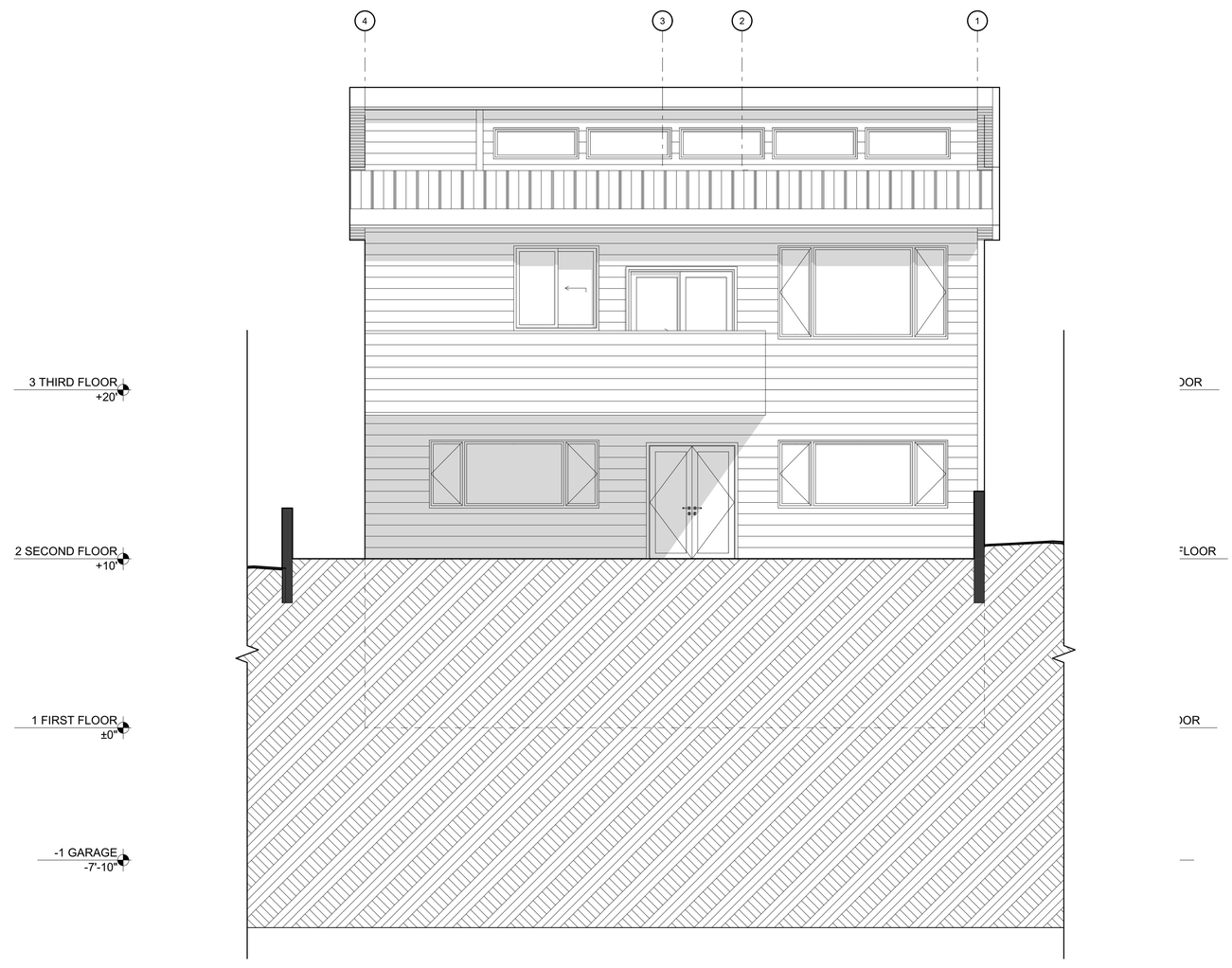

1
A8
NORTH ELEVATION
SCALE: 1/4" = 1'-0"

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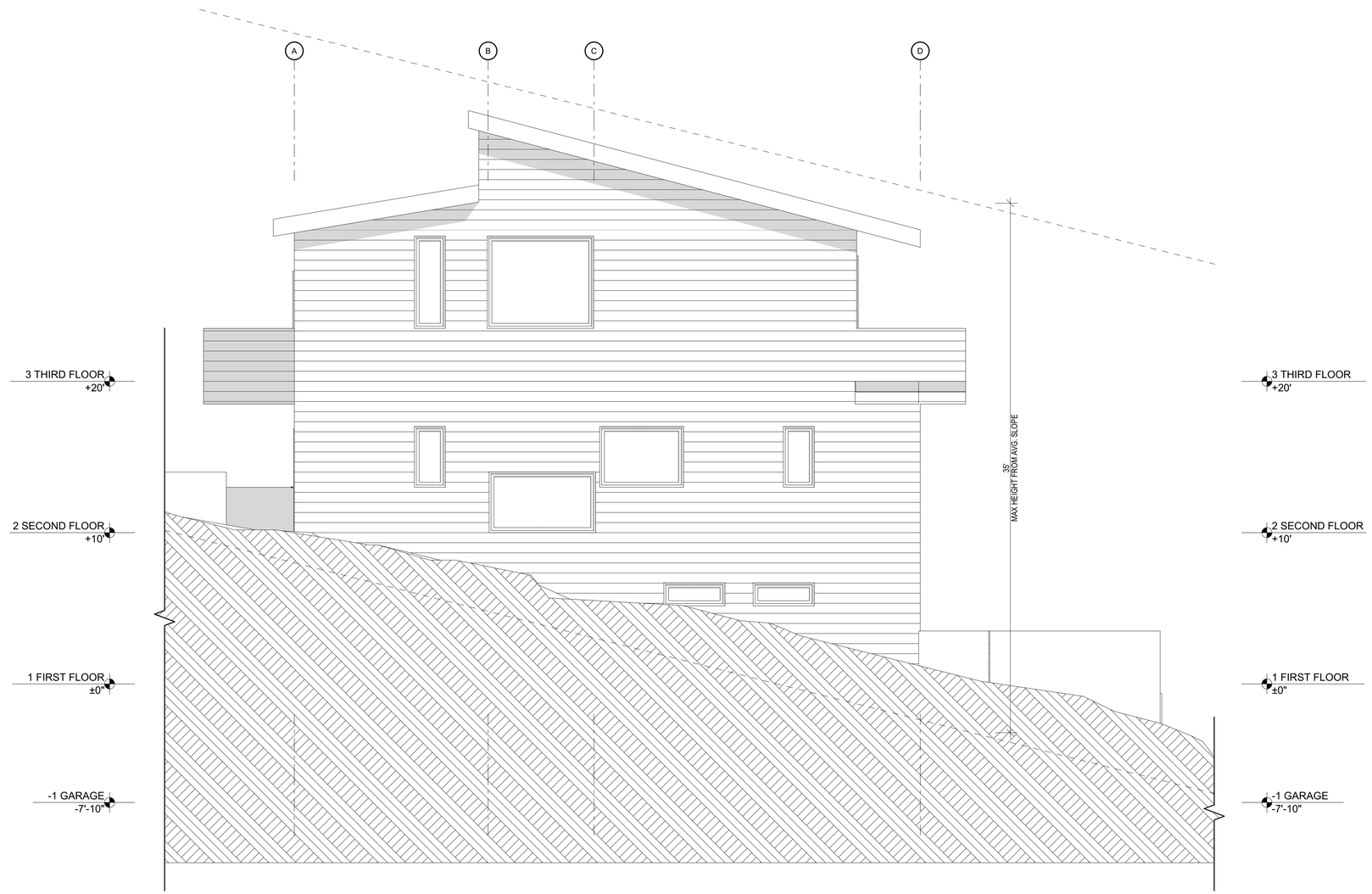

1 / A9 WEST ELEVATION
SCALE: 1/4" = 1'-0"

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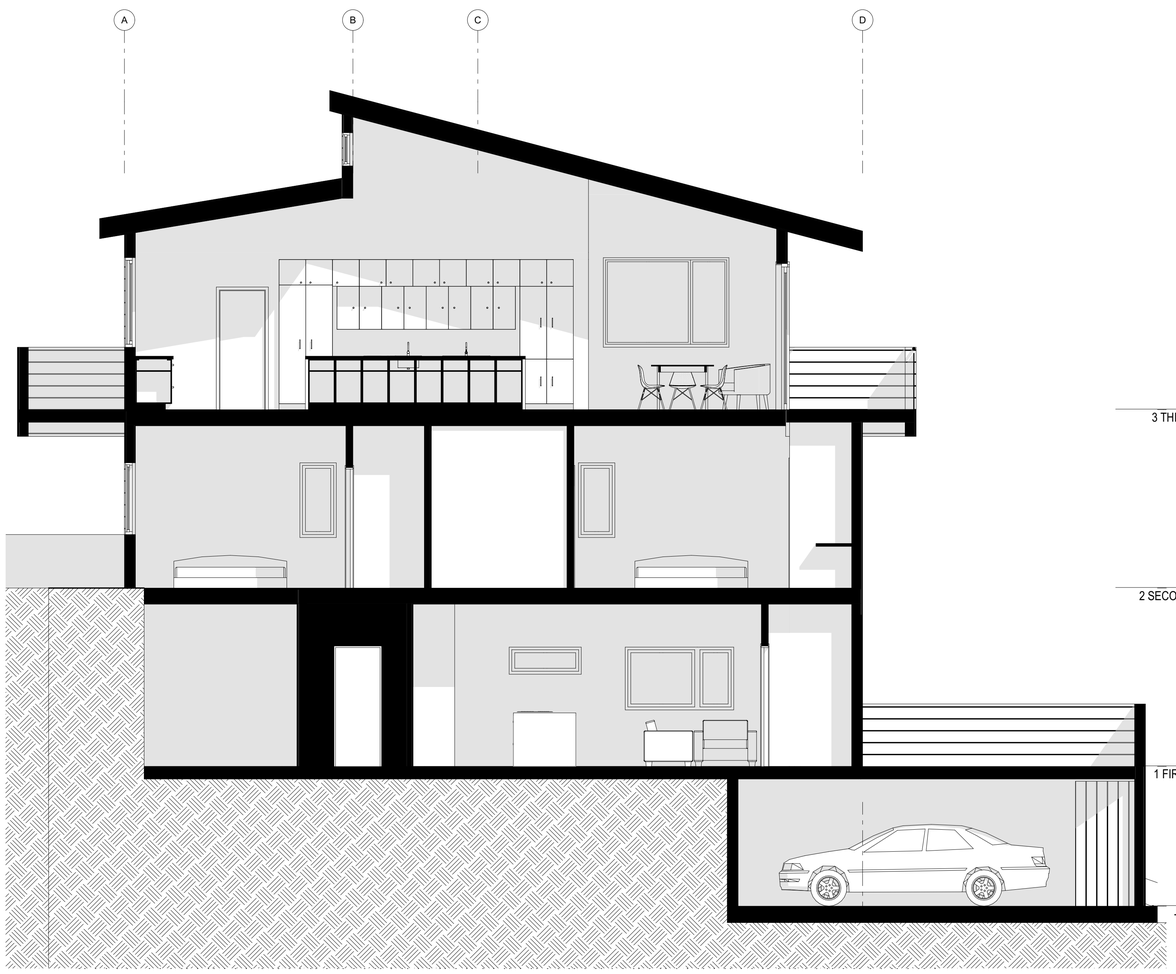
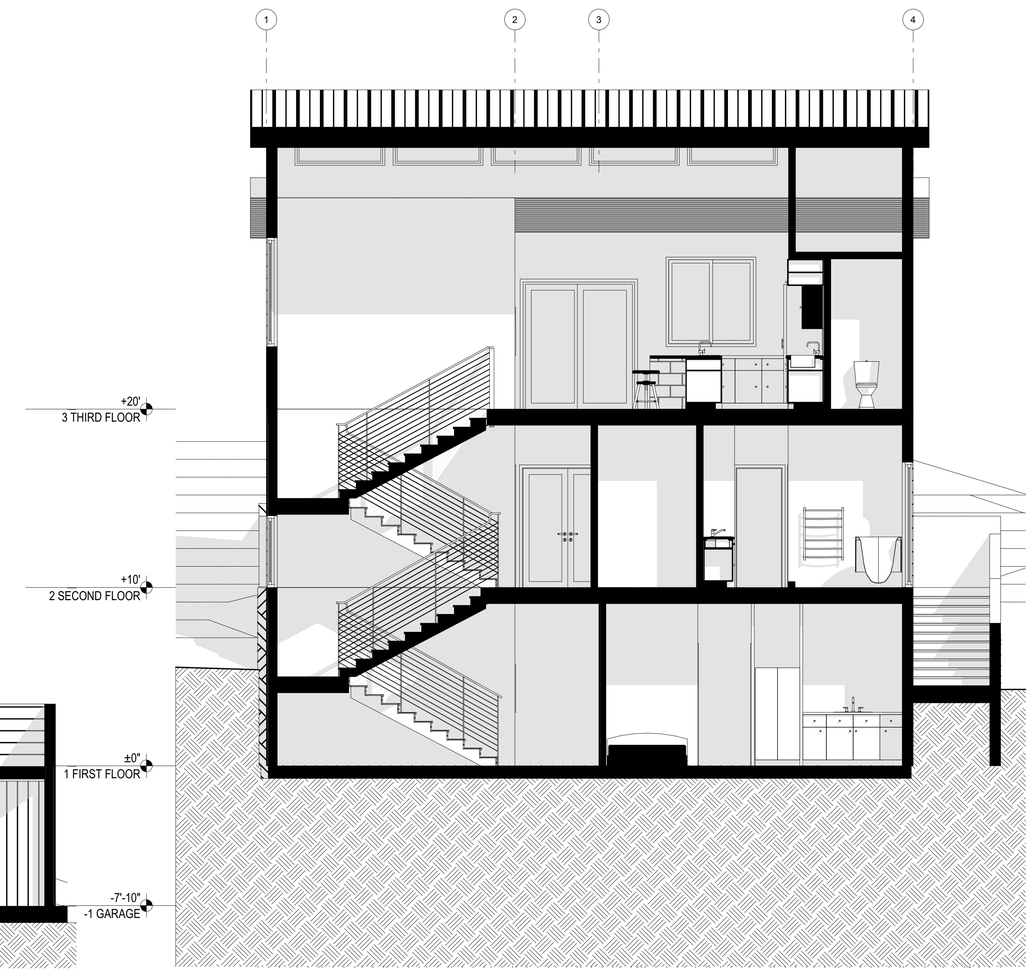


2 A10 SECTION B
SCALE: 1/4" = 1'-0"



1 A10 SECTION A
SCALE: 1/4" = 1'-0"

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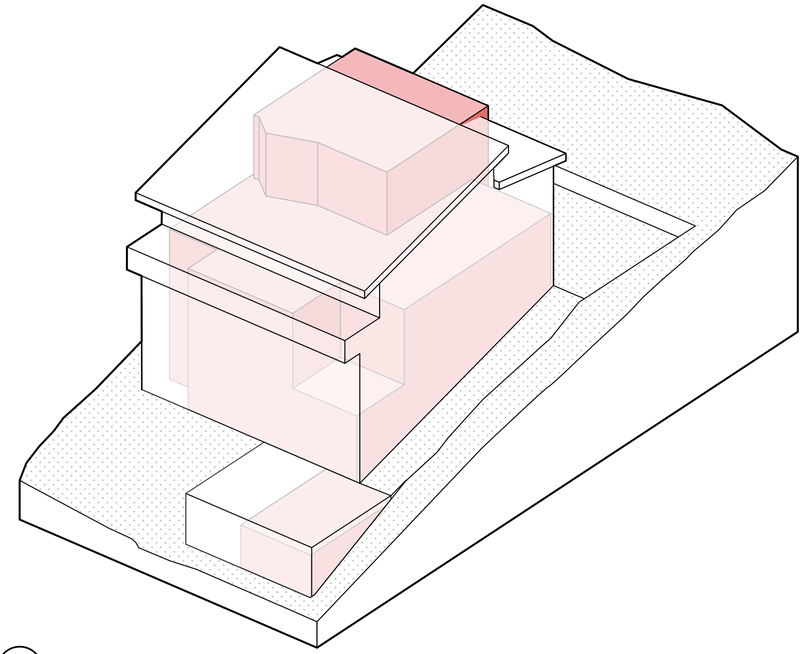
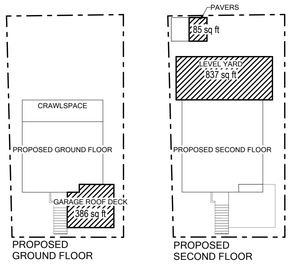
A10

MASSING AXON- PROPOSED (WHITE) OVER EXISTING (RED)



3 / A1 MASSING AXON - PROPOSED (WHITE) OVER EXISTING (RED)
N.T.S.

USABLE OPEN SPACE DIAGRAM



TOTAL USABLE OPEN SPACE =
837 + 386 + 85 = 1,308 SQ FT

KEEFE RESIDENCE

469 KENTUCKY AVE., BERKELEY CA 94707

SCOPE OF WORK

DEMOLISH EXISTING 3 STORY SINGLE FAMILY 4 BEDROOM HOME: 1,733 SF WITH EXISTING DETACHED 240 SF 1-CAR CARAGE.
CONSTRUCT NEW 3 STORY SINGLE FAMILY 5 BEDROOM HOME WITH ATTACHED GROUND FLOOR ADU: 3,310 SF PRIMARY UNIT AND 494 SF ADU WITH DETACHED 488 SF 2-CAR GARAGE. PROJECT INCLUDES NEW GRADING/LANDSCAPING, TRASH ENCLOSURE, AND 85 SF ACCESSORY BUILDING.

SITE INFORMATION

APN#: 062 294502800
ZONING DISTRICT: R-1H
LOT SIZE: 5,088 sq. ft.
YEAR BUILT: 1926
WILDFIRE ASSESSMENT DISTRICT:
HISTORIC: NO
LIQUEFACTION (SEISMIC HAZARDS MAPPING ACT): NO
LIQUEFACTION SEVERITY: N/A

FLOOD ZONE (100-YEAR OR 1%): NO
LANDSLIDE (SEISMIC HAZARDS MAPPING ACT): YES
CREEK BUFFER: NONE
FIRE ZONE: 2

BUILDING INFORMATION

EXISTING:

NUMBER OF UNITS: 1
CONSTRUCTION TYPE: V
OCCUPANCY: R
FIRE SPRINKLERS: NO
STORIES: 2 + PARTIAL BASEMENT
GROSS FLOOR AREA: 1773 SF
YEAR BUILT: 1926

PROPOSED:

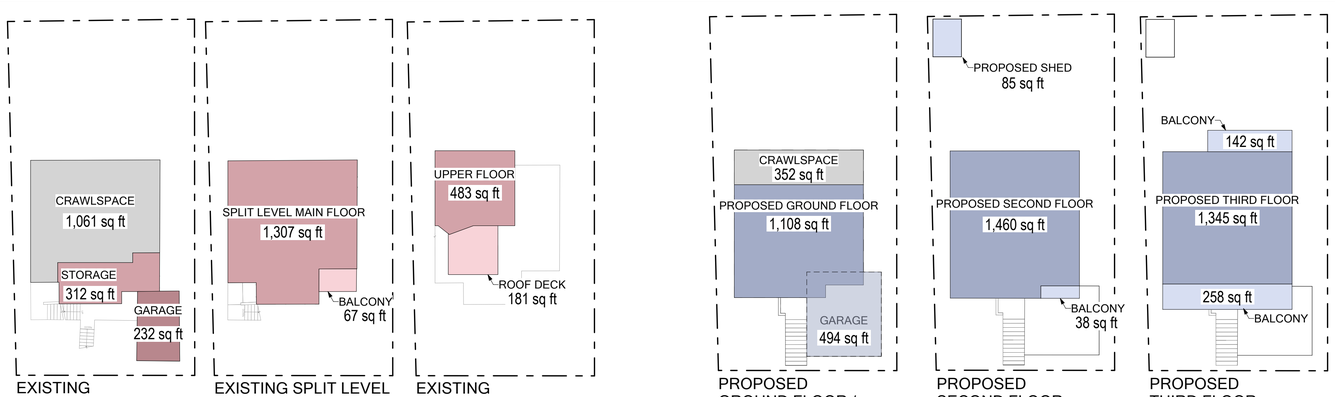
NUMBER OR UNITS: 2
PRIMARY DWELLING UNIT (3310 SF) + ATTACHED ADU (494 SF)

CONSTRUCTION TYPE: TBD
OCCUPANCY: R
FIRE SPRINKLERS: YES
STORIES: 3
GROSS FLOOR AREA: 3,804 SF

AREA TABULATIONS

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
# OF DWELLING UNITS	1	1 + ADU	-
# OF PARKING SPACES	1	2	1
# OF BEDROOMS	4	5	1
FRONT YARD SETBACK	20'	20'-2"	20'
SIDE YARD SETBACK (LEFT)	4.7'	5'	4'
SIDE YARD SETBACK (RIGHT)	9.7'	9.25'	4'
REAR YARD SETBACK	38.8'	38.16'	20'
BUILDING HEIGHT (# OF STORIES)	3	3	3
AVERAGE HEIGHT	25.5'	28.354'	28'
MAXIMUM HEIGHT	28.75'	31.687'	35'
LOT AREA	5,088 sq ft	5,088 sq ft	5,000 sq ft
GROSS FLOOR AREA	1,773 sq ft	4,350 sq ft	-
BUILDING FOOTPRINT	1,601 sq ft	1,963 sq ft	2,035.2
LOT COVERAGE	31.5%	38.6%	40%
USEABLE OPEN SPACE	181 sq ft	1,308 sq ft	800 sq ft

AREA CALCULATIONS AND DIAGRAMS



PROJECT TEAM

ARCHITECT	SURVEYORS
MAURICE LEVITCH, AIA LEVITCH ASSOCIATES, INC. 1029 HEINZ AVENUE BERKELEY, CA 94710 TEL: 510.845.6941 FAX: 510.845.6950 EMAIL: MAURICE@LEVITCH.COM	MORAN ENGINEERING, INC. 1930 SHATTUCK AVE. SUITE A BERKELEY, CA 94704 TEL: 510.848.1930

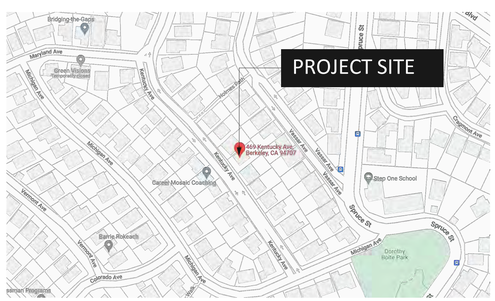
APPROVALS

SHEET INDEX

PRELIMINARY

A1 COVER SHEET
A2 SITE PLAN
A3 EXISTING FLOOR PLANS
A4 PROPOSED FLOOR PLANS
A5 PROPOSED FLOOR PLANS
A6 PROPOSED ELEVATIONS
A7 PROPOSED ELEVATIONS
A8 PROPOSED ELEVATIONS
A9 PROPOSED ELEVATIONS
A10 PROPOSED SECTIONS
A11 LANDSCAPE AND GRADING PLAN
A12 SHADOW STUDY
A13 SHADOW STUDY
ELEVATIONS
S1 SITE SURVEY

VICINITY MAP



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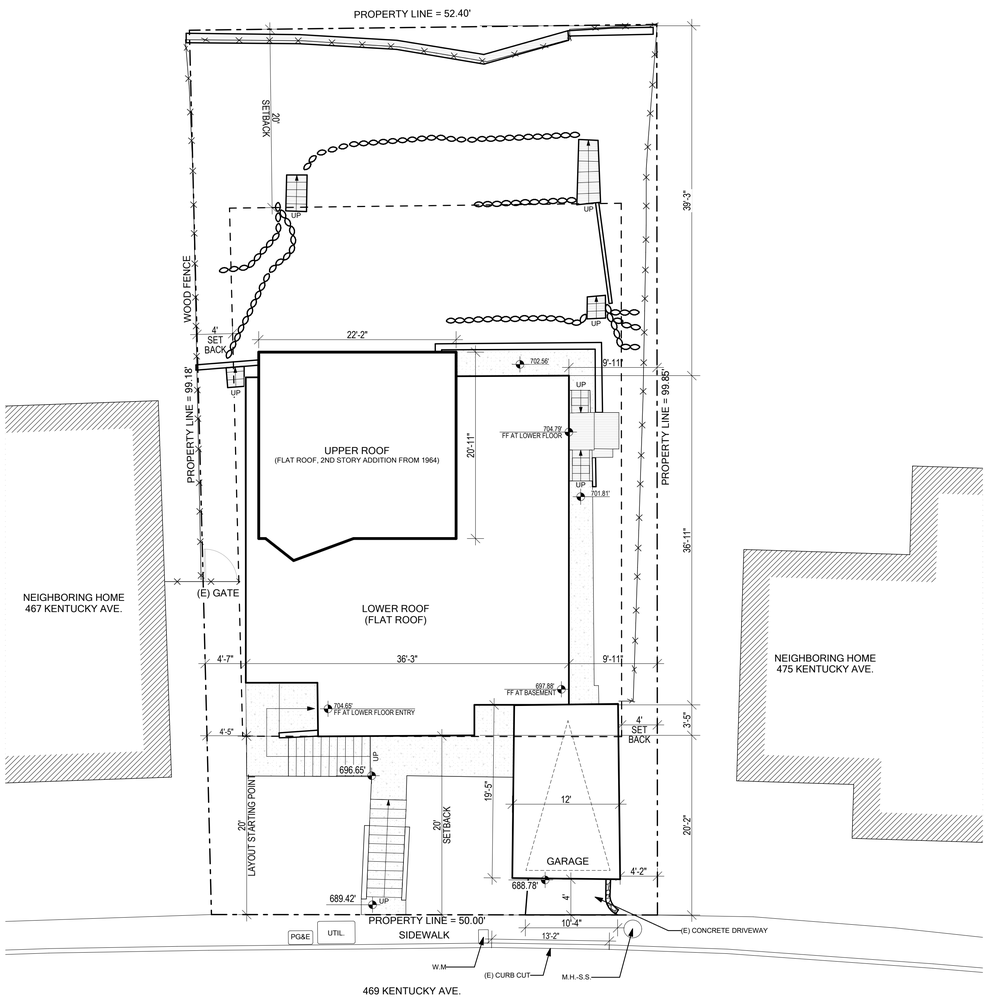
Date:
June 06, 2022

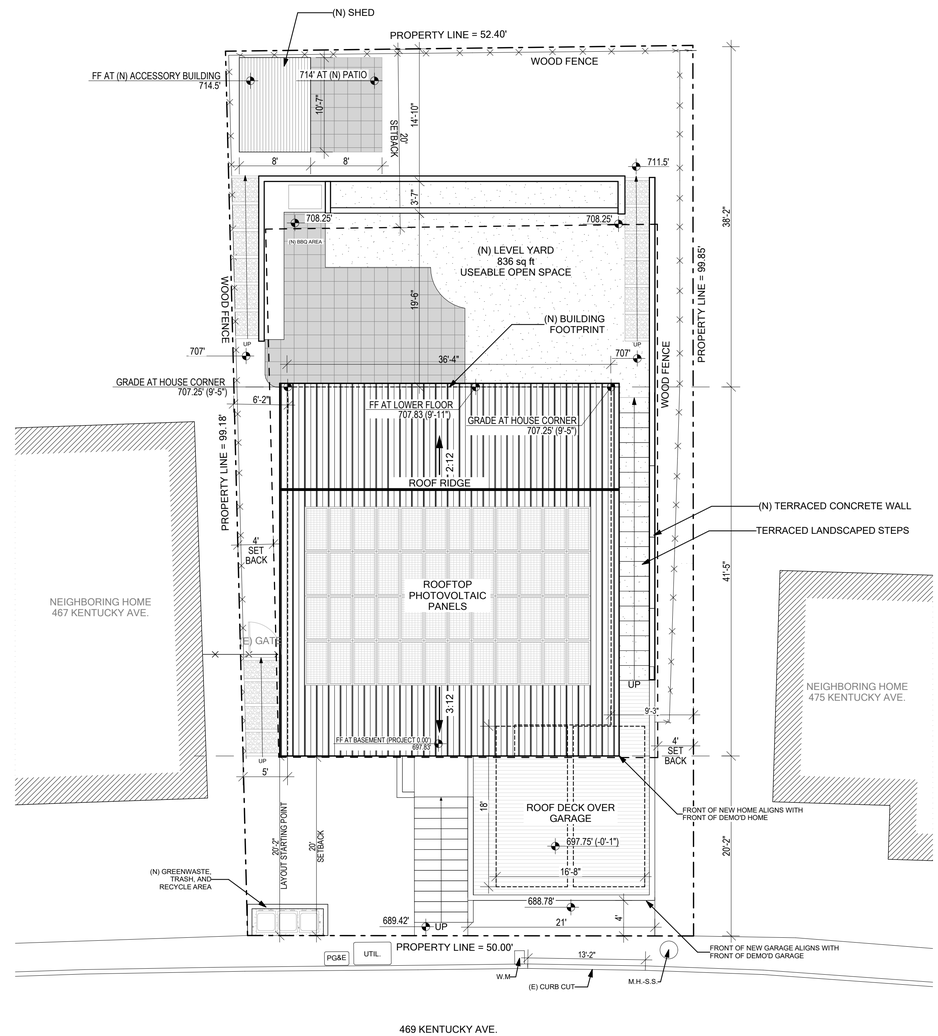
Drawn By:
CH/KM

Checked By:
SG

A1



2
A2
EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"



1
A2
PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

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BERKELEY, CA 94707

Owner:
AIDAN KEEFE

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BERKELEY, CA 94707
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SITE PLAN

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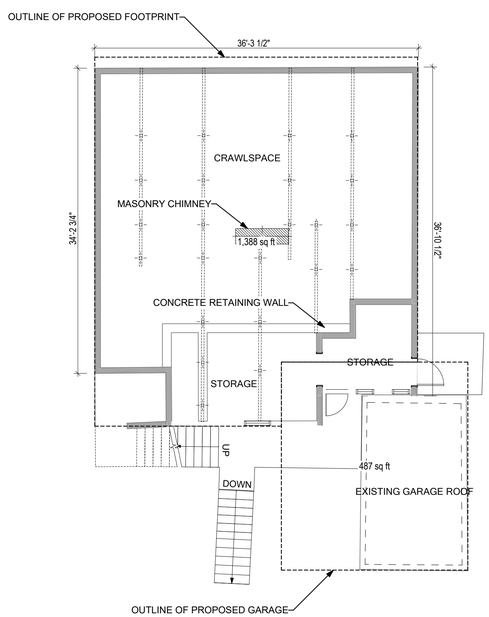
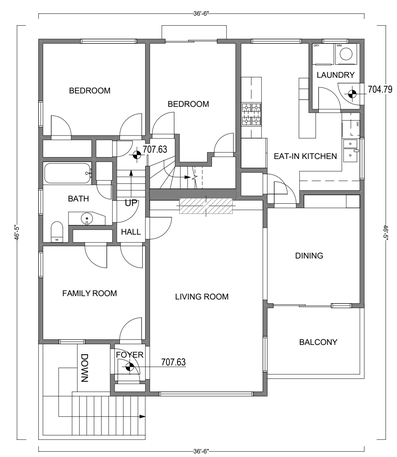
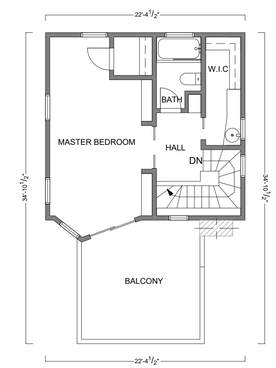


1 / A3 EXISTING GROUND FLOOR / GARAGE
SCALE: 1/8" = 1'-0"



2 / A3 EXISTING SPLIT LEVEL SECOND FLOOR
SCALE: 1/8" = 1'-0"



3 / A3 EXISTING THIRD FLOOR
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

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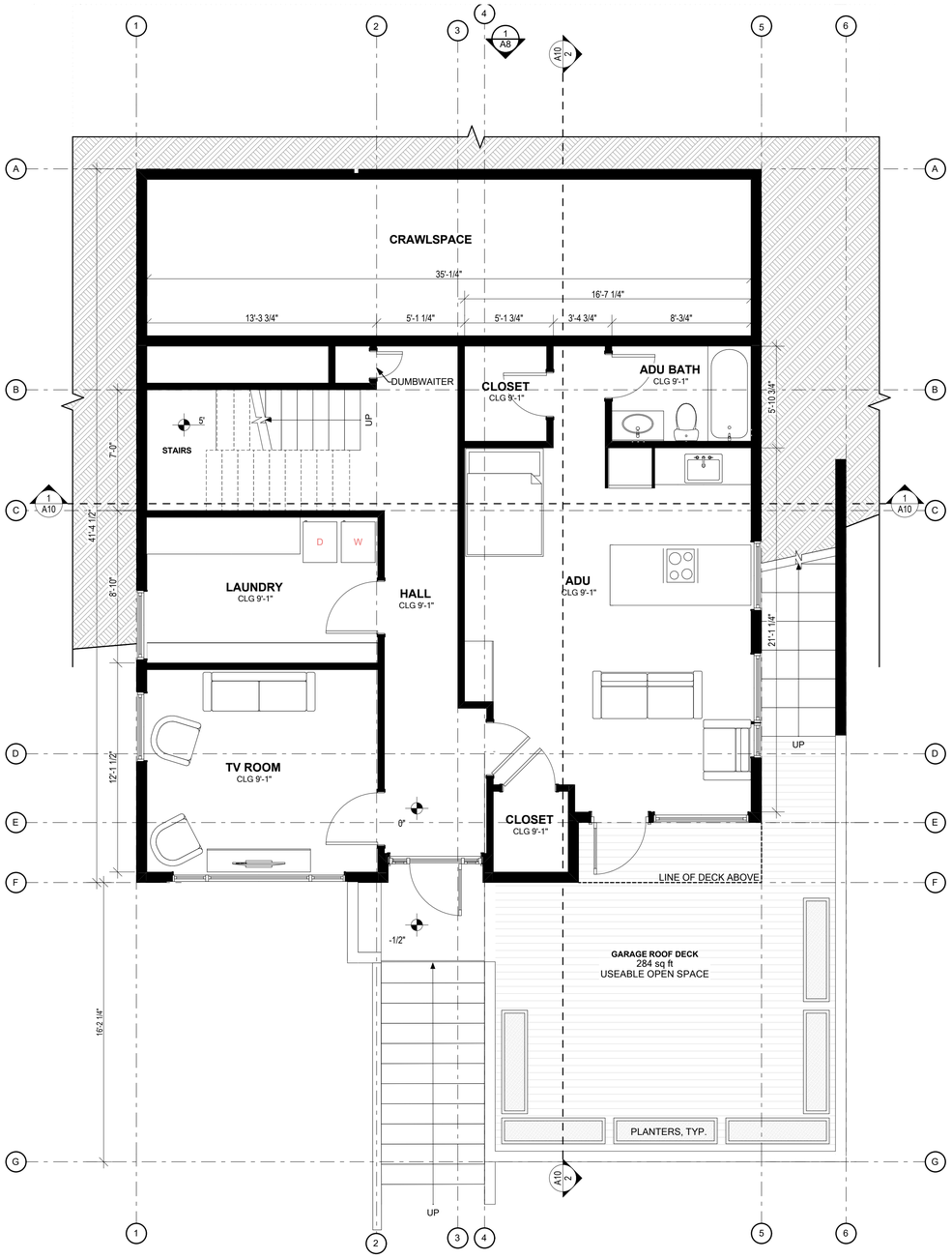
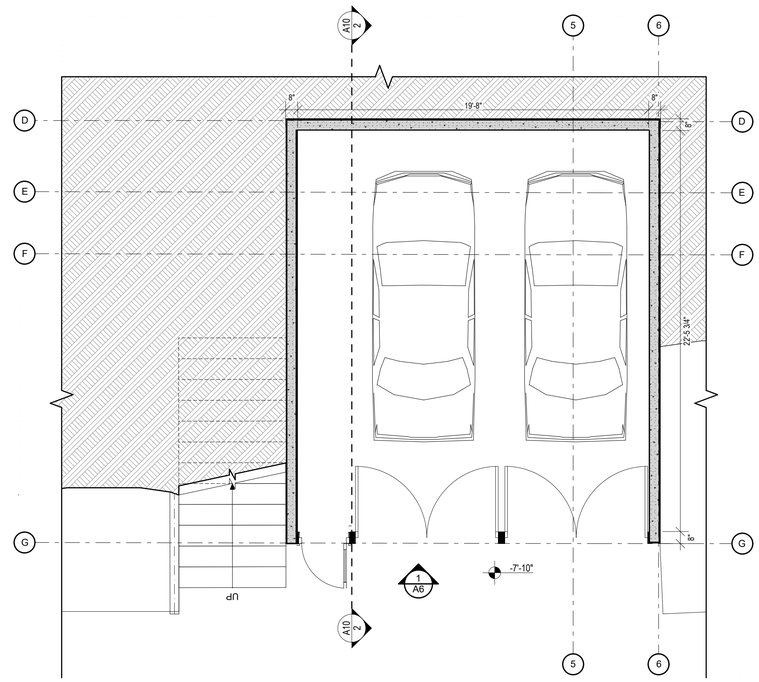
A3



2 / A4 PROPOSED GROUND FLOOR
SCALE: 1/4" = 1'-0"



1 / A4 PROPOSED GARAGE FLOOR
SCALE: 1/4" = 1'-0"

0 2 4 8 12

TRUE NORTH

PROJECT NORTH

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BERKELEY, CA 94707

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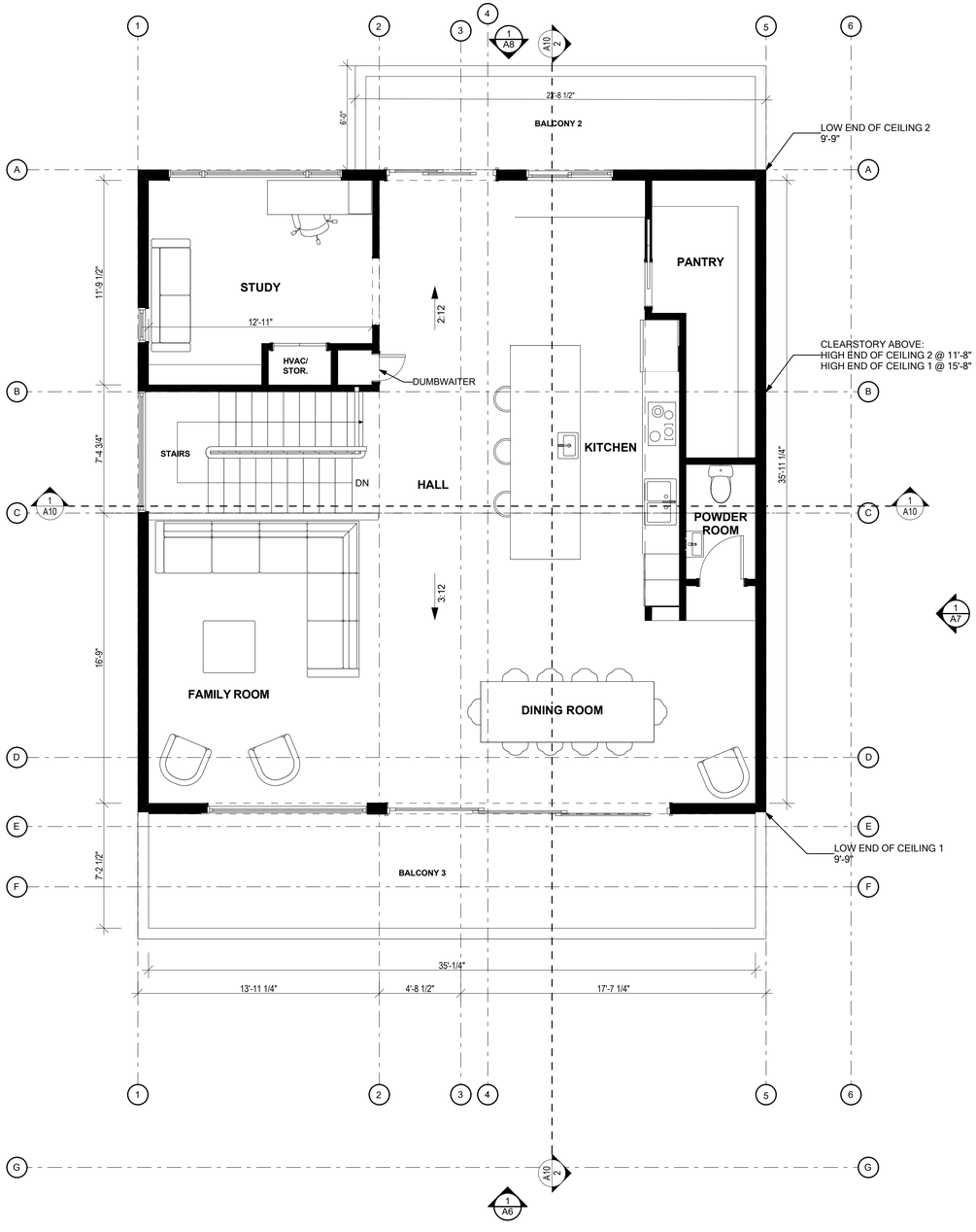
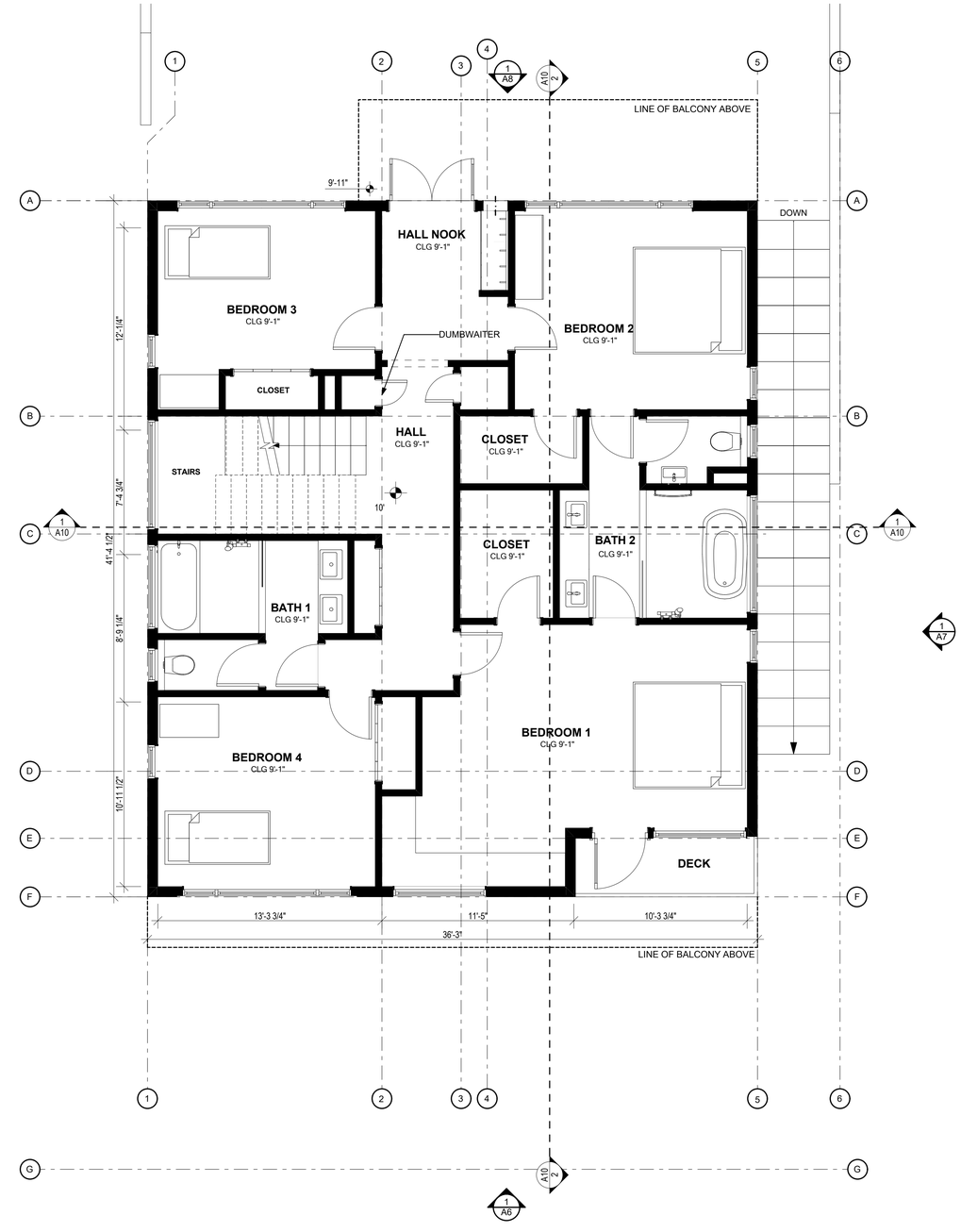


2 A5 PROPOSED THIRD FLOOR
SCALE: 1/4" = 1'-0"



1 A5 PROPOSED SECOND FLOOR
SCALE: 1/4" = 1'-0"

0 2 4 8 12

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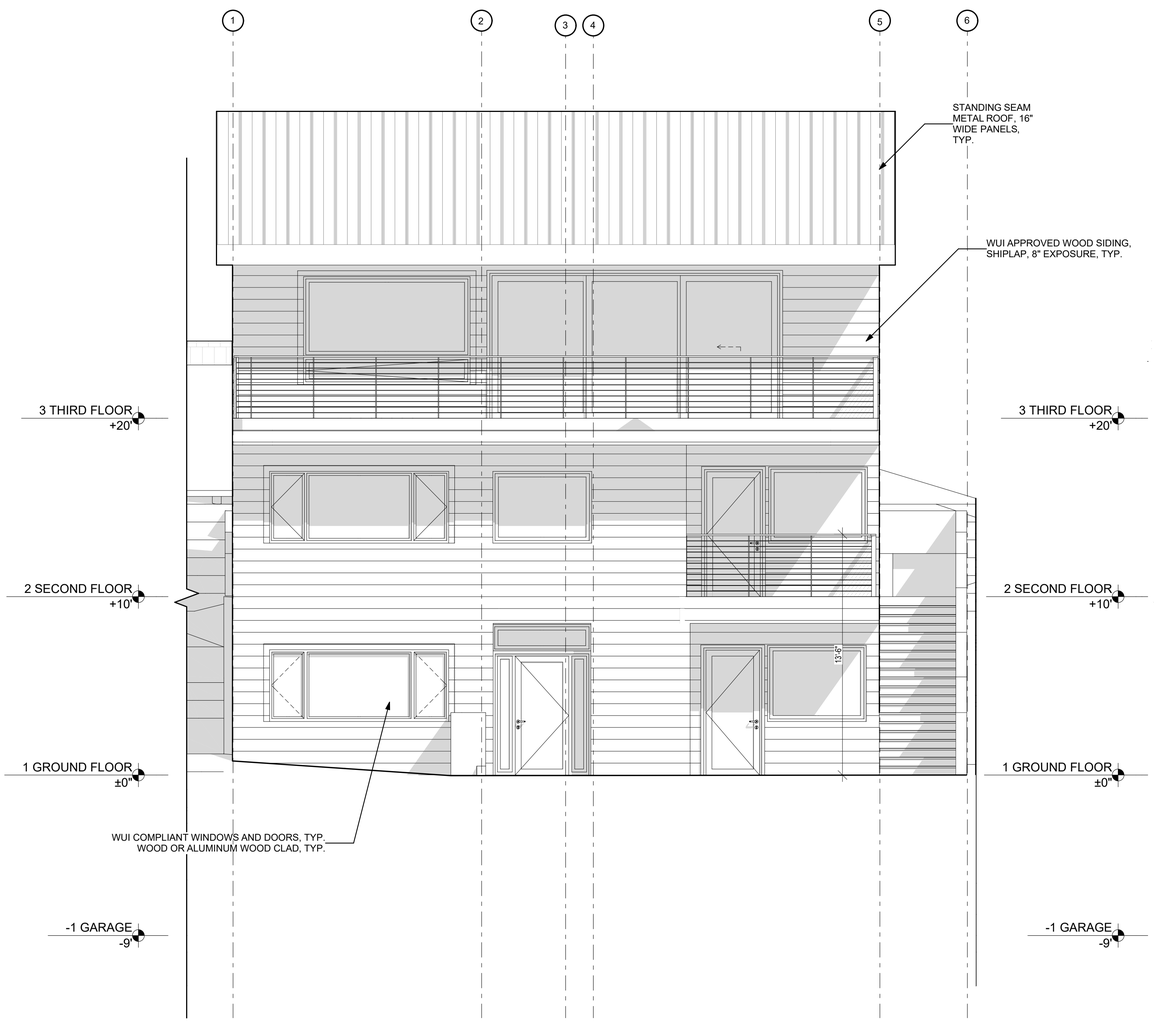
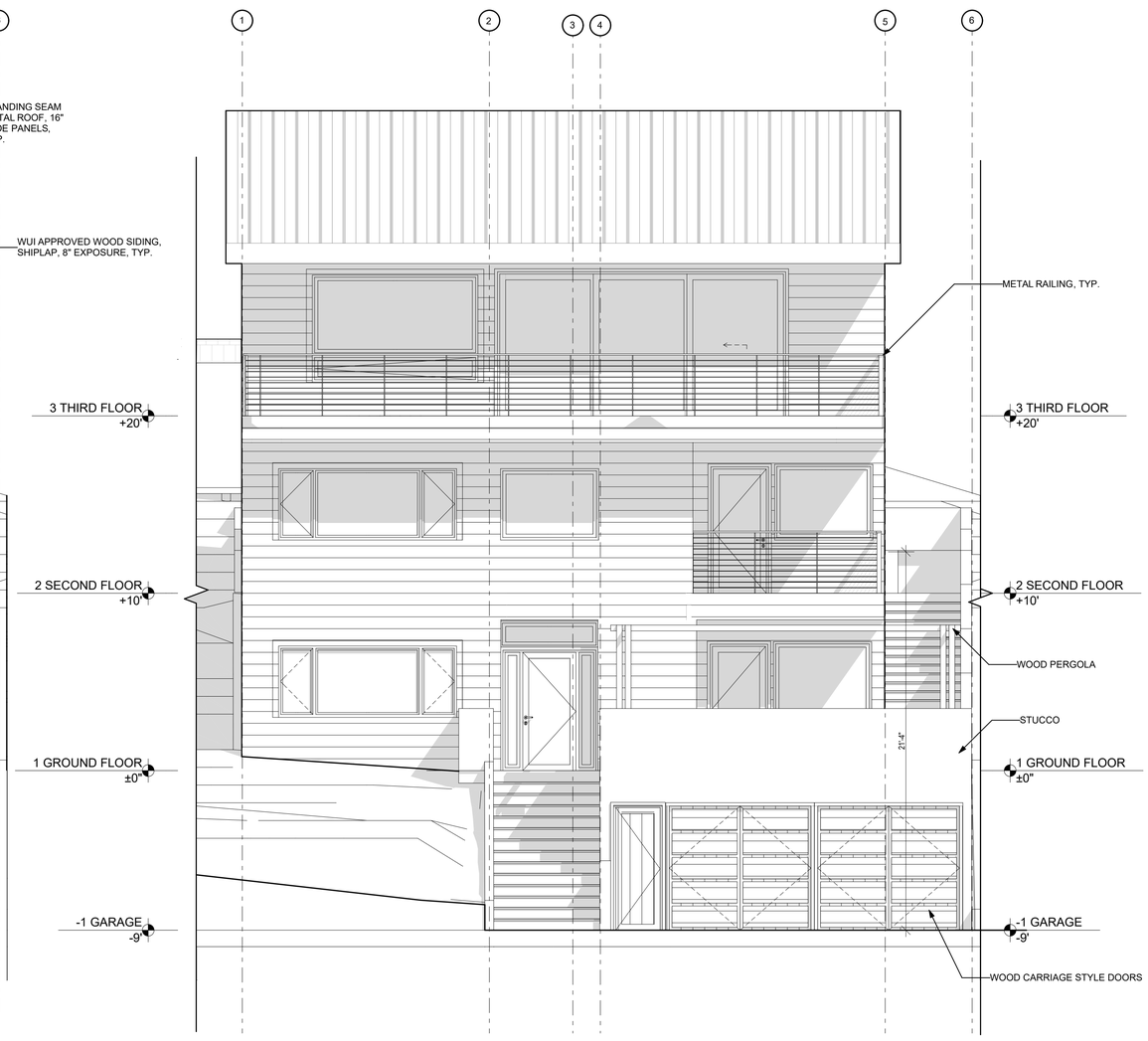


1 / A6 WEST ELEVATION MAIN HOUSE
SCALE: 1/4" = 1'-0"



2 / A6 WEST ELEVATION STREET VIEW
SCALE: 1/4" = 1'-0"

0 2 4 8 12

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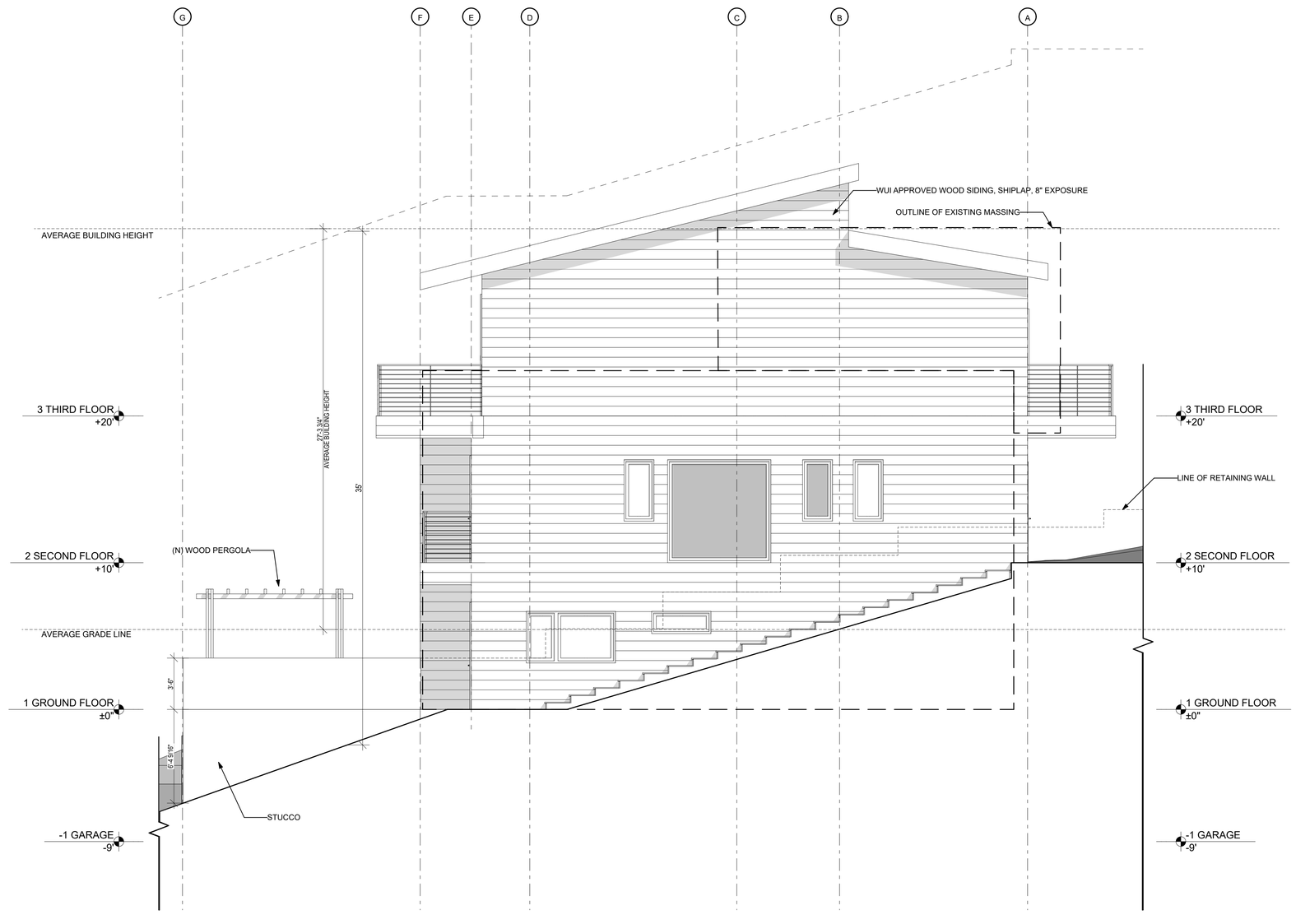

1
A7
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

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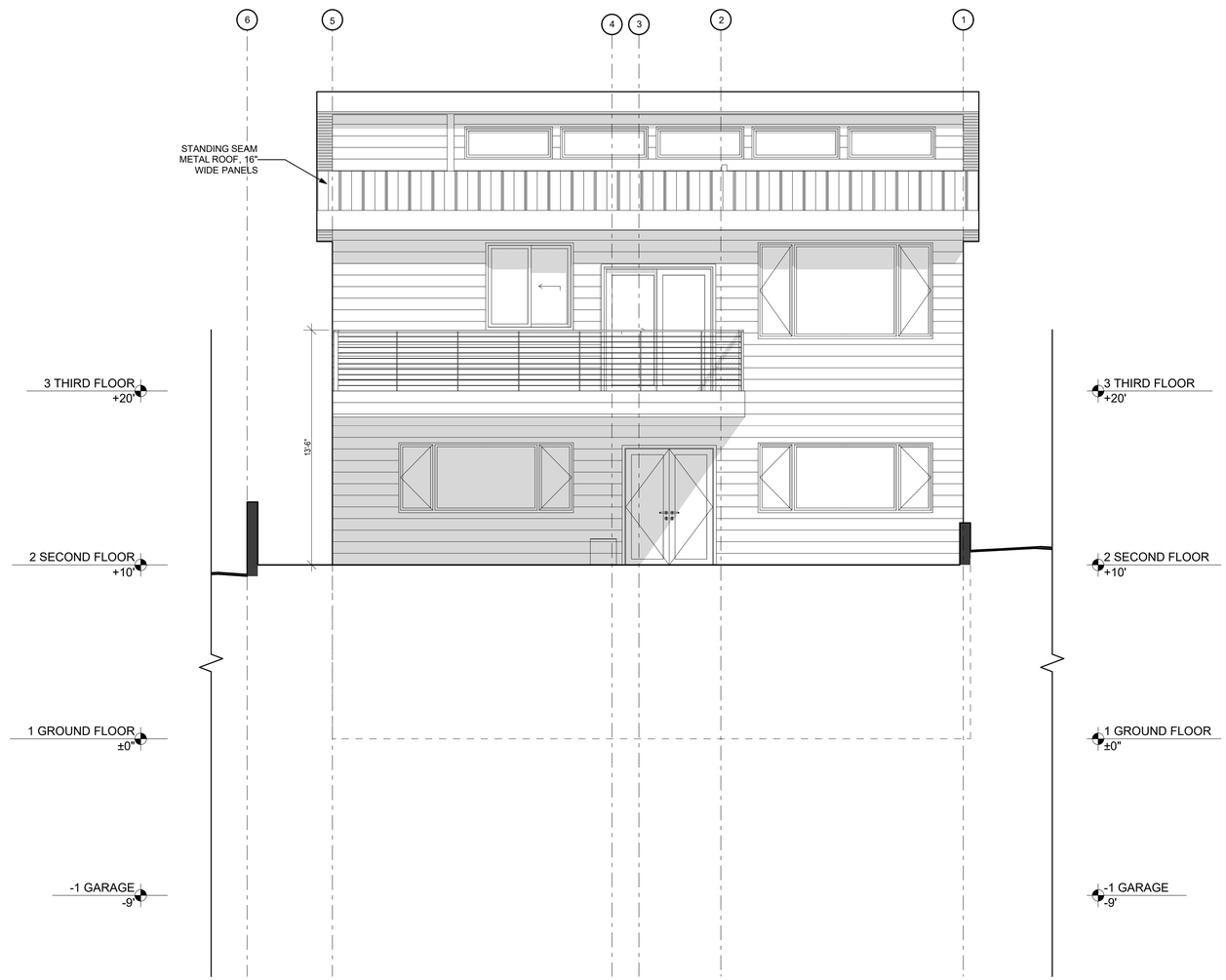
Date:
June 06, 2022

Drawn By:
CH/KM

Checked By:
SG

A7



1 / A8 EAST ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

USE PERMIT

Sheet Contents:
PROPOSED ELEVATIONS

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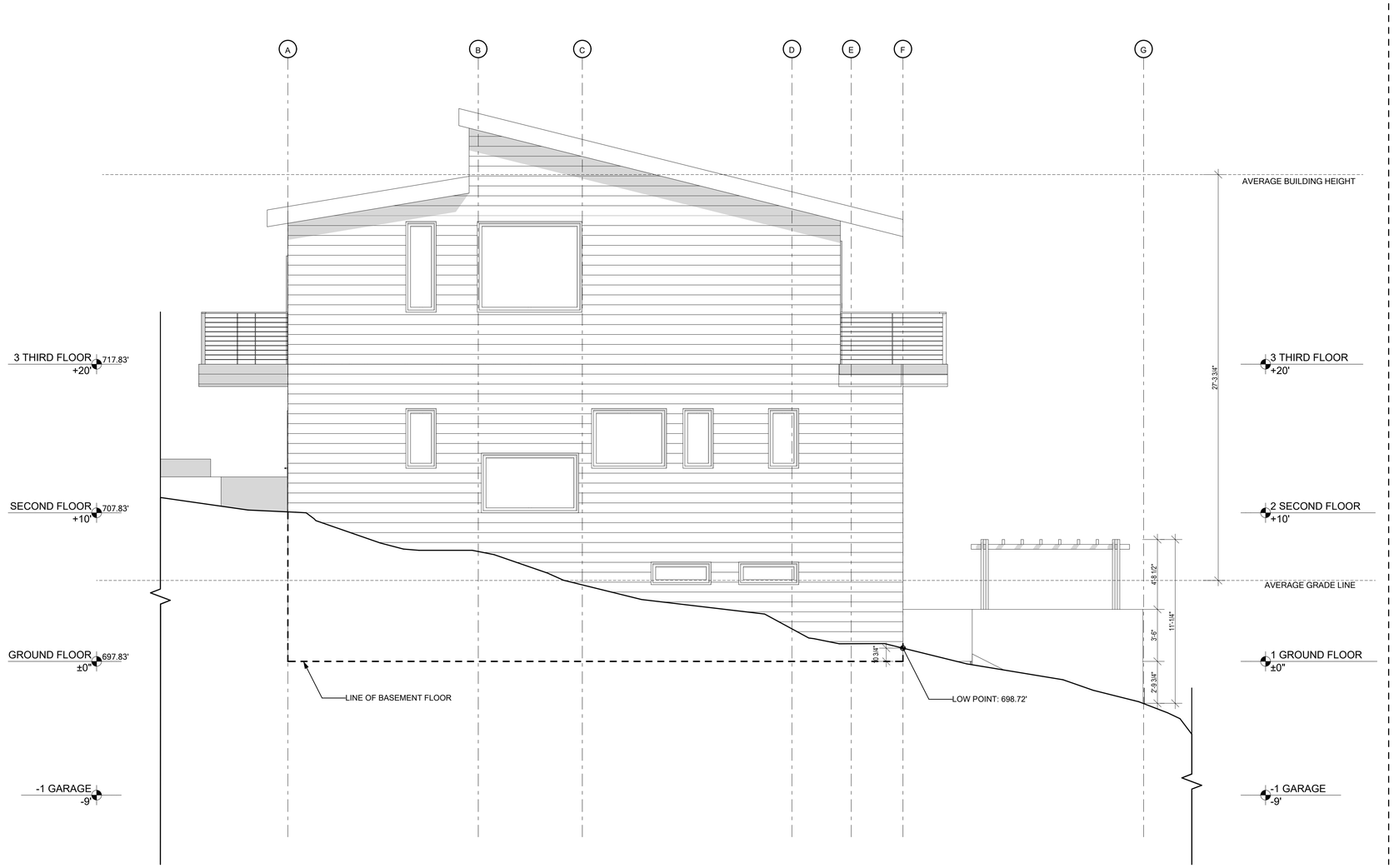
Project No:
2136

Date:
June 06, 2022

Drawn By:
CH/KM

Checked By:
SG

A8



1 / A9 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

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BERKELEY, CA 94707

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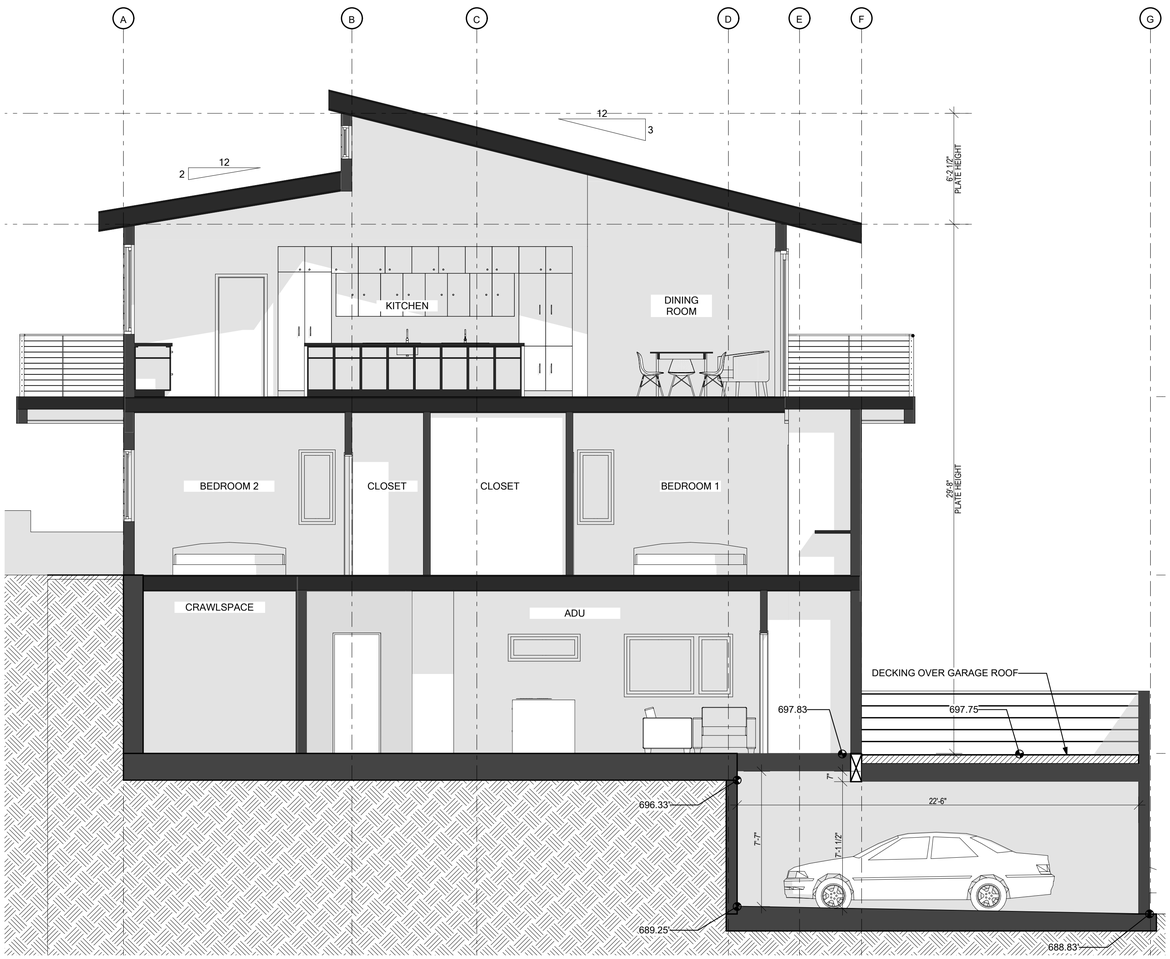
Project No:
2136

Date:
June 06, 2022

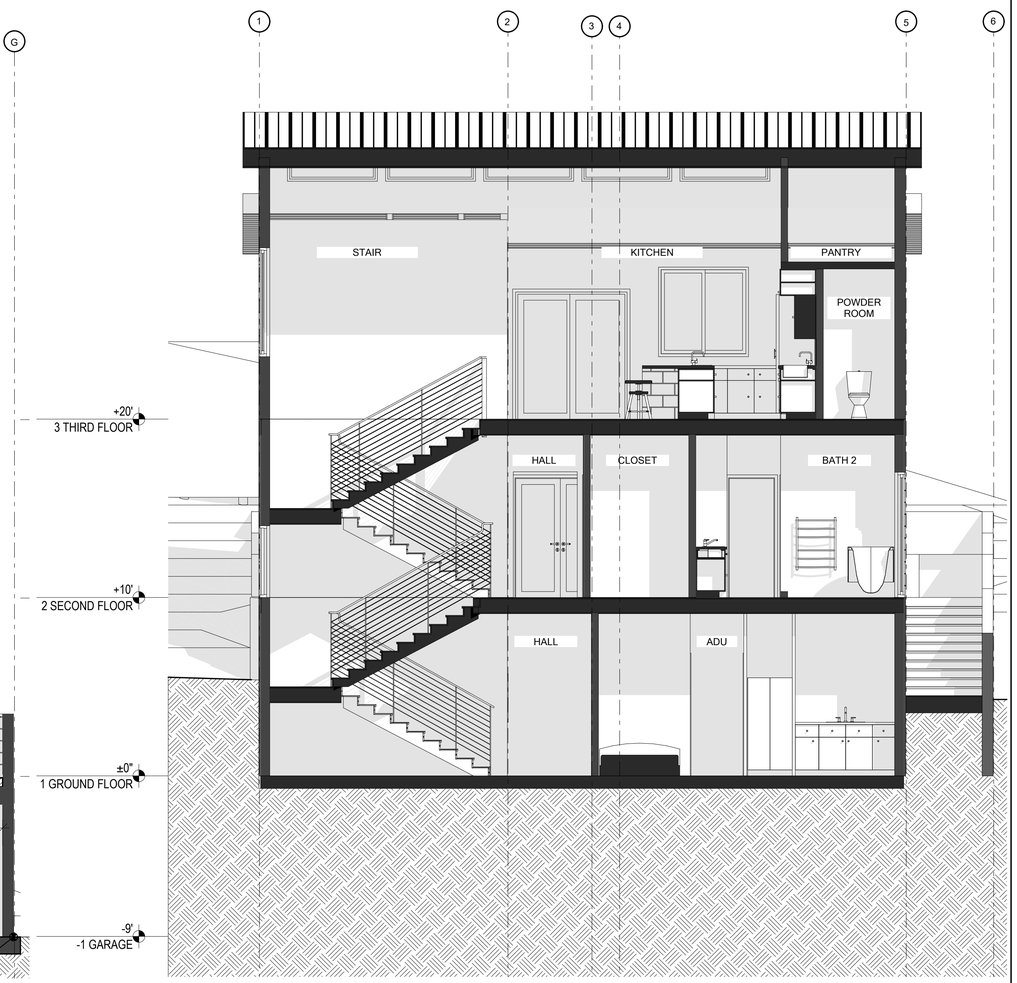
Drawn By:
CH/KM

Checked By:
SG

A9



2 A10 SECTION B
SCALE: 1/4" = 1'-0"



1 A10 SECTION A
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
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BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
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MOBILE: (415) 317-7845
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Sheet Contents:
PROPOSED SECTIONS

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Project No:
2136

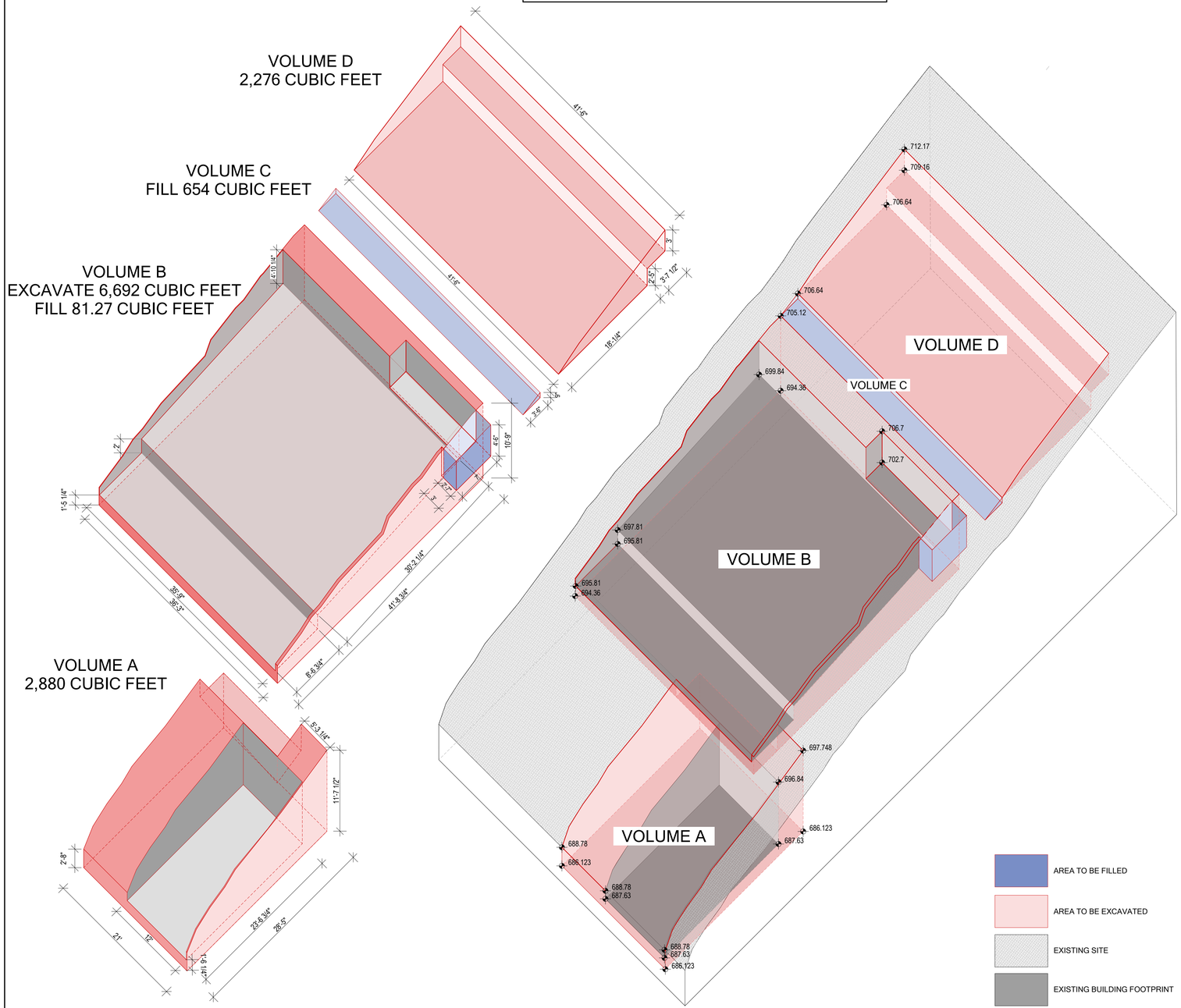
Date:
June 06, 2022

Drawn By:
CH/KM

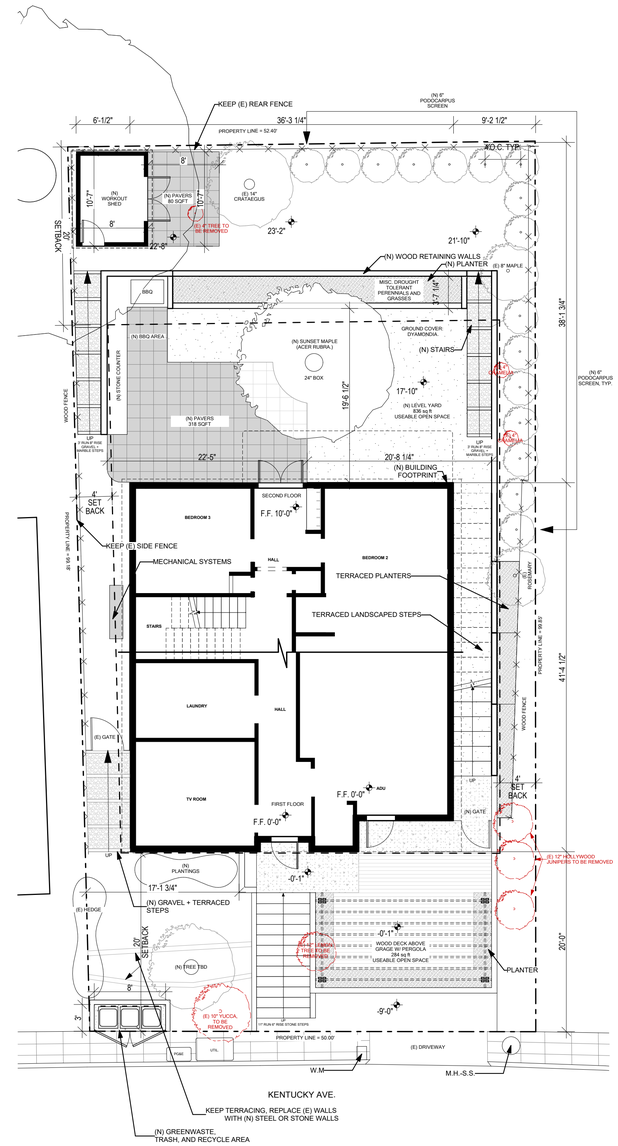
Checked By:
SG

A10

TOTAL EXCAVATION = 11,848 CUBIC FEET
TOTAL FILL = 735.27



5 A11 CONCEPTUAL GRADING DIAGRAM
SCALE: 1/8" = 1'-0"



1 A11 LAMDSCAPE PLAN
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

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AIDAN KEEFE

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Sheet Contents:
LANDSCAPE AND GRADING PLAN

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Project No:
2136

Date:
June 06, 2022

Drawn By:
CH/KM

Checked By:
SG

A11

469 KENTUCKY BACKYARD:
PHOTO TAKEN ON 5/11/22 AT 12:00 PM

NOTE: ALL BUILDINGS BEING SHADOWED ARE SHOWN IN THE DIAGRAM

2 / A12 SHADOW STUDY
SCALE: 1/32" = 1'-0"

PROPOSED SHADOW

EXISTING SHADOW

TRUE NORTH

Keefe Residence

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BERKELEY, CA 94707

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Sheet Contents:
SHADOW STUDY

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Project No:
2136

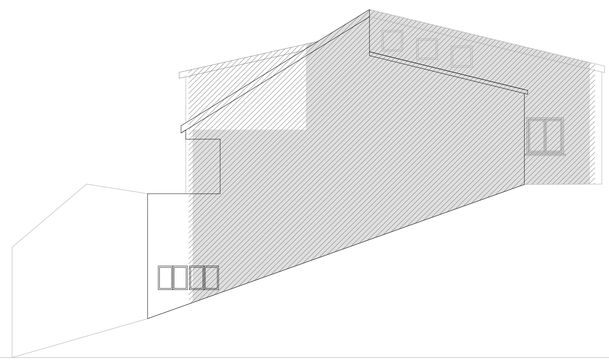
Date:
June 06, 2022

Drawn By:
CH/KM

Checked By:
SG

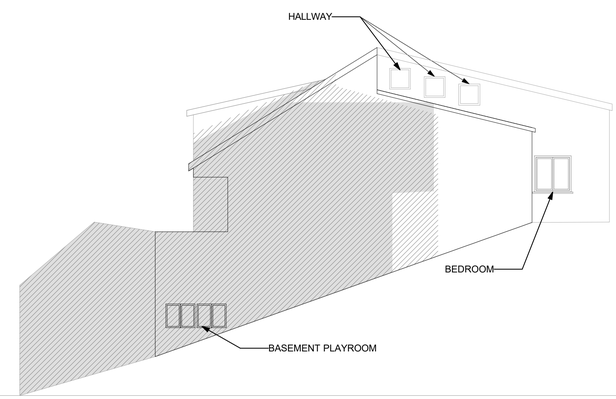
A12

467 KENTUCKY AVE.



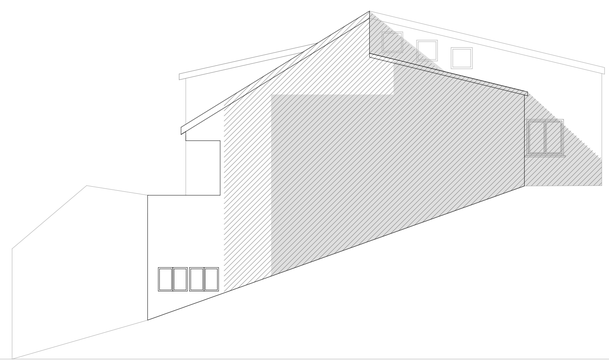
DECEMBER 2 HOURS AFTER SUNRISE

467 KENTUCKY AVE.



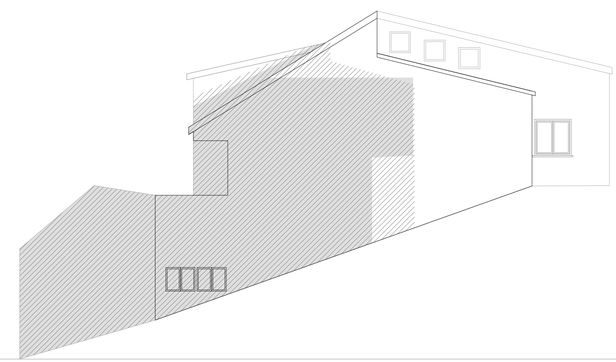
JUNE- 2 HOURS AFTER SUNRISE

467 KENTUCKY AVE.



DECEMBER, NOON

467 KENTUCKY AVE.

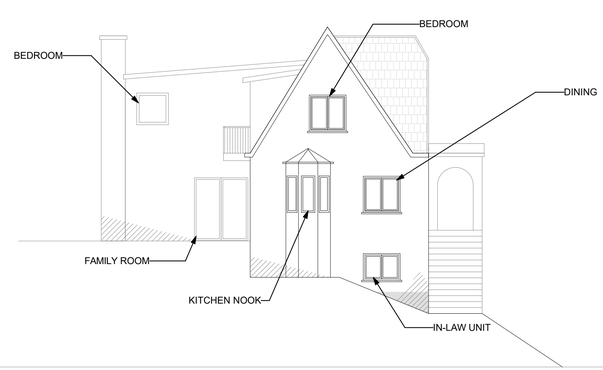


5/11- 2 HOURS AFTER SUNRISE

475 KENTUCKY AVE.

JUNE- 2 HOURS BEFORE SUNSET

475 KENTUCKY AVE.



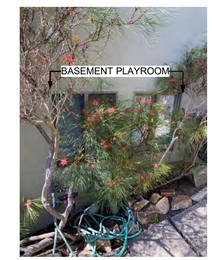
5/11 - 2 HOURS BEFORE SUNSET

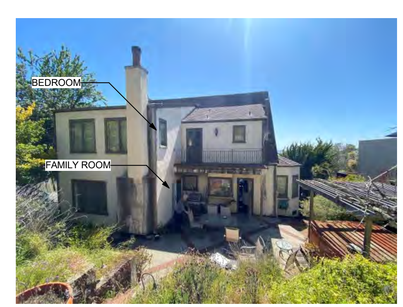
1
A13

SHADOW STUDY ELEVATIONS
SCALE: 1/8" = 1'-0"

EXISTING SHADOW

PROPOSED SHADOW





Keefe Residence

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Owner:
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www.levitch.com

USE PERMIT

Sheet Contents:
SHADOW STUDY
ELEVATIONS

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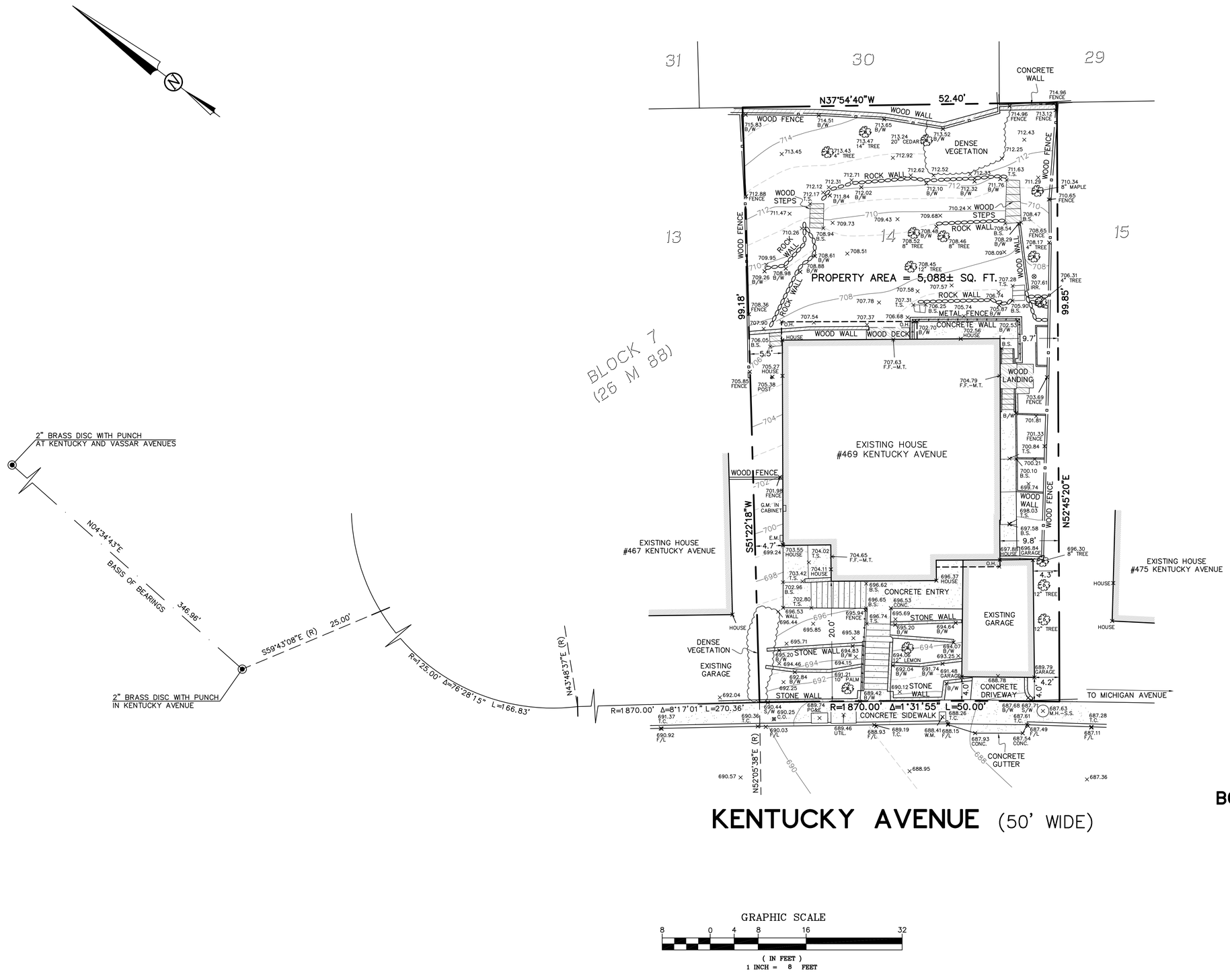
Project No:
2136

Date:
June 06, 2022

Drawn By:
CH/KM

Checked By:
SG

A13



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
G.M.	GAS METER
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
O.H.	OVERHANG
PG&E	PACIFIC GAS AND ELECTRIC
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
UTIL.	UKNOWN UTILITY
W.M.	WATER METER
	BUILDING LINE
	CONCRETE
	CONCRETE WALL
	ROCK WALL
	STONE
	WOOD
	WOOD WALL
	METAL FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
(R)	RADIAL

GENERAL NOTES:
THIS MAPPING IS BASED ON A FIELD SURVEY PERFORMED ON APRIL 19, 2021.

DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN TO THE PROPERTY LINES WERE MEASURED FROM THE BUILDING CORNERS.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BASIS OF BEARINGS:
THE MONUMENT LINE IN KENTUCKY AVENUE WAS TAKEN AS NORTH 04°34'43" EAST AS SHOWN ON THOUSAND OAKS HEIGHTS (26 M 88).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE 2" BRASS DISC MONUMENT AT THE INTERSECTION OF KENTUCKY AND VASSAR AVENUES, DESIGNATED "B1625" WAS TAKEN AS ELEVATION = 697.93 FEET PER CITY OF BERKELEY ENGINEERING RECORDS.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

05-28-2021

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BLOCK 7, THOUSAND OAKS HEIGHTS (26 M 88)
LOCATED AT 469 KENTUCKY AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 28, 2021 SCALE: 1" = 8'

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

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

F.B. NO. 1824 & RR-94 KENTUCKY-TOPO.DWG JOB NO. 21-10668

Planning and Development Department
Land Use Planning Division

July 22, 2022

Maurice Levitch
1029 Heinz Avenue
Berkeley, CA 94710

Sent via email:
maurice@levitch.com

Re: Administrative Use Permit #ZP2022-0087 for 469 Kentucky Avenue

Dear Applicant,

The Land Use Division has reviewed the above referenced application and materials submitted on June 21, 2022 requesting an Administrative Use Permit to Demolish an existing 3-story single family home and construct a new 3-story single family home at 469 Kentucky Avenue. Staff has determined that the application is incomplete for processing. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

Items Required for Submittal or Correction:

- Accessory Building in rear of yard: Provide detailed elevation drawings and site plans. In particular, show all dimensions of the structure, including height, and exact distances of the structure from the lot lines.

- Accessory Structure (garbage enclosure): Provide detailed elevation drawings and show the distance from the lot line.

- Lot Coverage: Provide detailed lot coverage drawings and calculations. Show exactly how you arrived at your stated number of 39.7%. Be sure to consider enclosed accessory structures, accessory buildings, paved areas under balconies, and other criteria detailed in Berkeley Municipal Code (BMC) Section 23.106.020.

- Correct the front setback distance in your tabulation table. The proposed setback for the project appears to be only 4 feet because the proposed garage would be attached to the main building. Be advised that this condition would be permissible only upon discretionary approval, per BMC Section 23.210.020.A.

- Geotechnical Report fee: Your project includes a geotechnical report, which we have reviewed by an outside consultant. The consultant's estimated fee is $1500. We need a deposit from you for this amount. This fee has been invoiced and you can pay it in our online system. It is very important that you pay this fee **as soon as possible** because we cannot send your report to the consultant until the deposit is paid.

- Advisory Comment. Please be advised that additional queries may result from staff's review of the information request above.

Please submit responses to **all** requested items at once, and not incrementally. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you.

I look forward to working with you on this project. Please feel free to reach out if you have any questions. I can be reached at (510) 981-7548 or rroe@cityofberkeley.info.

Sincerely,

Russell Roe, Associate Planner

Planning & Development Department
Land Use Planning Division

August 30, 2022

Maurice Levitch
1029 Heinz Avenue
Berkeley, CA 94710

Sent via email:
maurice@levitch.com

Re: Administrative Use Permit #ZP2022-0087 for 469 Kentucky Avenue

Use Permit to demolish an existing 3-story single family home and construct a new 3-story single family home at 469 Kentucky Avenue.

Dear applicant:

On behalf of the City of Berkeley, I would like to introduce myself as the project planner for the above referenced application. Staff from various City departments will be reviewing your application, including the Building and Safety, Land Use Planning and Transportation divisions, as well as other interested parties, to ensure that the project application is complete. If any questions arise, City staff will either contact you in writing or by phone at the number supplied on your application. Unless you inform us otherwise, you will be the primary contact during the application process.

I will be contacting you within 30 days to follow-up with the status of the project and to request any additional information needed for your application to be deemed complete. If you have other questions or comments about your application, I can be reached by email at: rroe@cityofberkeley.info or by phone at (510) 981-7548.

Please know that this application is subject to the Permit Streamlining Act, Government Code Section 65921, which (1) sets forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once (and only once) by agreement between the parties.

I look forward to working with you.

Sincerely,

Russell Roe
Associate Planner

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

August 31, 2022
Z6122

TO: Russell Roe
Associate Planner
CITY OF BERKELEY
1947 Center Street, 2nd floor
Berkeley, California 94704

SUBJECT: **Geotechnical Peer Review – Hillside Overlay District**
RE: Keefe, New Residence
ZP2022-0087
469 Kentucky Avenue

At your request, we have completed a geotechnical peer review of the proposed use permit application at the subject property using:

- Geotechnical Investigation (report) prepared by Alan Kropp & Associates, Inc., dated December 29, 2021.

In addition, we have reviewed pertinent technical maps and reports from our office files and completed a recent site reconnaissance. We've also reviewed the preliminary project plans accessed through the citizen's access portal.

DISCUSSION

We understand the applicant proposes to demolish the existing residence to construct a new single-family residence with an Additional Dwelling Unit on the lot. The subject site is located within an earthquake-induced landslide hazard zone and an earthquake fault rupture hazard zone as mapped by the California Geological Survey. According to the State's Seismic Hazards Mapping Act and Alquist-Priolo Earthquake Fault Zoning Act, a qualifying project in this zone must be supported by a site-specific geotechnical investigation (report) addressing the mapped hazard.

The purpose of this geotechnical peer review is to determine whether the referenced Geotechnical Investigation is consistent with State criteria for project approval with respect to seismic hazards. When site seismic hazards are confirmed to exist, the State requires that a minimum level of mitigation for a project be performed to reduce the risk of ground failure during an earthquake to a level that does not cause the collapse of buildings for human occupancy. Our geotechnical peer review does not include evaluation of detailed construction plans and is not intended to address all geotechnical aspects of proposed project design.

SITE CONDITIONS AND GEOTECHNICAL EVALUATIONS

The Project Geotechnical Consultant (Alan Kropp & Associates) has completed an investigation at the subject site for a limited scope of improvements that included foundation underpinning of an existing residence. The applicant's Consultant notes that complete demolition and reconstruction of the residence would require additional investigative tasks and evaluations in order to comply with requirements published in SP-117A for seismic hazards. To date, we understand the applicant's Consultant advanced a subsurface exploration program consisting of two borings extended to a maximum depth of 21 feet below the ground surface. Groundwater was measured during subsurface exploration at depths of 10 and 20 feet below the ground surface; however, groundwater levels may not have stabilized during subsurface exploration prior to grouting of the borings. Up to 5.5 to 6 feet of sandy clay or fat clay was encountered, overlaying interbedded claystone and sandstone bedrock materials to the maximum depth explored.

CONCLUSIONS AND RECOMMENDATIONS

The subject property is constrained by mapped fault rupture and earthquake-induced landslide hazards, steep slopes, and anticipated strong seismic ground shaking. Based on our review of the referenced Geotechnical Investigation dated December 29, 2021, it appears that the scope of the proposed project has been modified. Consequently, it appears that the applicant's Consultant completed geotechnical investigation does not address potential geotechnical hazards associated with the currently proposed improvements including requirements outlined within State Special Publication 117A and Special publication 42 for similar projects. Prior to potential geotechnical approval of the subject land use permit application, we recommend completion of the following Item:

1. **Supplemental Geologic and Geotechnical Investigation** - The applicant's Geotechnical Consultant should review the currently proposed project scope and perform supplemental investigative tasks and analysis to satisfy State requirements associated with mapped hazards zones, consistent with their recommendations. Supplemental evaluations and analysis should present findings regarding the risk of

fault rupture and earthquake-induced landsliding to impact the project, and recommend mitigative measures if found necessary.

The results of the Supplemental Geologic and Geotechnical Investigation should be summarized by the Geotechnical Consultant in an updated report with appropriate supporting figures and appendices and submitted to the City for supplemental peer review and approval prior to approval of subject land use permit applications.

LIMITATIONS

This geotechnical peer review has been performed to provide technical advice to assist the City with its discretionary permit decisions. Our services have been limited to review of the documents previously identified. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.
CITY GEOTECHNICAL CONSULTANT

Craig Stewart
Senior Geologist
PG 9786

David T. Schrier
Principal Geotechnical Engineer
GE 2334

DTS:CS:TS:CRS

Planning and Development Department
Land Use Planning Division

September 7, 2022

Maurice Levitch
1029 Heinz Avenue
Berkeley, CA 94710

Sent via email:
maurice@levitch.com

Re: Use Permit #ZP2022-0087 for 469 Kentucky Avenue

Dear Applicant,

The Land Use Division has reviewed the above referenced application and materials submitted on June 21, 2022 and additional materials submitted on August 24, 2022, requesting a Use Permit to Demolish an existing 3-story single family home and construct a new 3-story single family home at 469 Kentucky Avenue. Staff has determined that there are additional items that need correction. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

Items Required for Submittal or Correction:

- Geotechnical Report fee: Your project includes a geotechnical report which was reviewed for the Land Use Planning Division by an outside consultant (Cotton, Shires and Associates, Inc.). The consultant's review of the report (attached) indicated that additional geotechnical investigations are necessary. Therefore, you will need to submit an updated geotechnical report that addresses the concerns in the consultant's analysis.

- Advisory Comment. Please be advised that additional queries may result from staff's review of the information request above. In addition, *you will be invoiced* for the additional review by the consultant, and you will be notified when the invoice is ready. It will need to be paid before your project can be deemed complete.

Please submit the required geotechnical report as soon as possible. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you.

Feel free to reach out if you have any questions or concerns. I can be reached at (510) 981-7548 or rroe@cityofberkeley.info.

Sincerely,

Russell Roe, Associate Planner

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

September 29, 2022
Invoice No.: 922275
PO#22302553 Project: Z6122

TO: City of Berkeley
Planning & Development
Land Use Division
1947 Center St., 2nd Floor
Berkeley, CA 94704

APPROVED FOR PAYMENT
Russell Roe
DATE: 10/17/22

SUBJECT: **Statement of Professional Services**
Billing Period: August 1, 2022 through August 31, 2022

RE: Keefe, 469 Kentucky Avenue, ZP2022-0087 (Z6122)
Ref.by: Russel Roe

PROFESSIONAL SERVICES

Personnel	Hours	Rate	Amount
T. Sayre, Principal Engineering Geologist	0.50	175.00	$87.50
D. Schrier, Principal Geotechnical Engineer	1.00	175.00	$175.00
C. Sanford, Senior Staff Geologist	4.00	120.00	$480.00
C. Stewart, Senior Geologist	6.50	120.00	$780.00
	Hours		Amount
Professional Fees Subtotal:	12.00		**$1,522.50**

EXPENSES

2022 Mileage @ $0.625/mile	$26.25
Expenses Subtotal:	**$26.25**
TOTAL AMOUNT OF THIS INVOICE:	**$1,548.75**

cc: Samella Stover , Land/Zoning: SStover@cityofberkeley.info
Christina Franco, Building/Safety: cfranco@cityofberkeley.info

Federal Tax ID: 94-2246887

Please remit payments to:
Cotton, Shires and Associates, Inc.
330 Village Lane
Los Gatos, CA 95030

FROM LAND USE/OESD
P O#:
Line(s):
Date:
Total Amount:
Received by:
Appr'd By:
RECEIVED

Respectfully submitted,
COTTON, SHIRES AND ASSOCIATES, INC.
Patrick O. Shires MH
Patrick O. Shires

Project No.: Z6122

September 29, 2022
Invoice No.: 922275

PROFESSIONAL SERVICES

Date	Init.	Description	Hours	Rate	Amount
08/22/22	CS	Project management	1.00	120.00	120.00
08/25/22	CRS	Review consultant's report(s) and plans	1.00	120.00	120.00
	CS	Prepare review letter	1.50	120.00	180.00
	CRS	Inspect and/or map site	2.00	120.00	240.00
	CS	Review consultant's report(s) and plans	3.00	120.00	360.00
08/26/22	CRS	Compile data and/or filing	1.00	120.00	120.00
08/30/22	DTS	Engineering analysis; review letter	1.00	175.00	175.00
	TS	Prepare review letter	0.50	175.00	87.50
08/31/22	CS	Project management	1.00	120.00	120.00

Permit Service Center
Building and Safety Division
1947 Center St. 3rd Floor
Berkeley, CA 94704

INVOICE

Date: 10/06/22

Invoice #: 510651

Record #: ZP2022-0087

Bill to:

Address: 469 KENTUCKY AVE

ZP: 469 KENTUCKY AVE
MAURICE LEVITCH
1029 HEINZ AVE
BERKELEY CA 94710-2718

Date Assessed	Invoiced Fee Item		Fee	Paid	Balance
10/6/2022	Expedited Permit Processing ADD010		$48.75	$0.00	$48.75
		Totals:	$48.75	$0.00	$48.75

Permit Service Center
Building and Safety Division
1947 Center St. 3rd Floor
Berkeley, CA 94704

INVOICE

Date: 10/26/22

Invoice #: 511730

Record #: ZP2022-0087

Bill to:

Address: 469 KENTUCKY AVE

ZP: 469 KENTUCKY AVE
MAURICE LEVITCH
1029 HEINZ AVE
BERKELEY CA 94710-2718

Date Assessed	Invoiced Fee Item		Fee	Paid	Balance
10/26/2022	Expedited Permit Processing ADD010		$1,500.00	$0.00	$1,500.00
		Totals:	$1,500.00	$0.00	$1,500.00

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

November 8, 2022
Z6122A

TO: Russell Roe
Associate Planner
CITY OF BERKELEY
1947 Center Street, 2nd floor
Berkeley, California 94704

SUBJECT: **Supplemental Geotechnical Peer Review – Hillside Overlay District**
RE: Keefe, New Residence
ZP2022-0087
469 Kentucky Avenue

At your request, we have completed a supplemental geotechnical peer review of the proposed use permit application at the subject property using:

- Geotechnical Investigation and Geologic Hazards Evaluation (report) prepared by Alan Kropp & Associates, Inc., dated October 25, 2022.

In addition, we have reviewed pertinent technical maps and reports from our office files.

DISCUSSION

We understand the applicant proposes to demolish the existing residence to construct a new single-family residence with an additional dwelling unit (ADU) on the lot. The subject site is located within an earthquake-induced landslide hazard zone and an earthquake fault rupture hazard zone as mapped by the California Geological Survey. According to the State's Seismic Hazards Mapping Act and Alquist-Priolo Earthquake Fault Zoning Act, a qualifying project in this zone must be supported by a site-specific geotechnical investigation (report) addressing the mapped hazard.

The purpose of this supplemental geotechnical peer review is to evaluate whether the referenced Geotechnical Investigation and Geologic Hazard Evaluation is consistent with State criteria for project approval with respect to seismic hazards. When site seismic hazards are confirmed to exist, the State requires that a minimum level of mitigation for a project be performed to reduce the risk of ground failure during an earthquake to a level that does not cause the collapse of buildings for human occupancy. Our geotechnical peer review does not include evaluation of detailed construction plans and is not intended to address all geotechnical aspects of proposed project design.

In our previous geotechnical peer review letter dated August 31, 2022, we noted that the scope of the project was inconsistent with the previously submitted report and also noted that the prior report was not intended to address potential hazards in accordance with State requirements for qualifying projects. We recommended the applicant's Consultant complete additional evaluations and provide supplemental recommendations for the current project scope.

SITE CONDITIONS AND GEOTECHNICAL EVALUATIONS

The Project Engineering Geologic and Geotechnical Consultant (Alan Kropp & Associates) has completed an investigation at the subject site for the currently proposed improvements. The applicant's Consultant reviewed pertinent technical maps and historic stereopaired aerial photographs, performed a geologic reconnaissance of the site vicinity and discusses their interpretation as well as provides an engineering geologic cross section of the site. We understand the applicant's Consultant advanced a subsurface exploration program consisting of two borings extended to a maximum depth of 21 feet below the ground surface. Groundwater was measured during subsurface exploration at depths of 10 and 20 feet below the ground surface; however, groundwater levels may not have stabilized during subsurface exploration prior to grouting of the borings. Up to 5.5 to 6 feet of sandy clay or fat clay was encountered, overlaying Franciscan Mélange bedrock materials to the maximum depth explored. The active Hayward fault is mapped approximately 900 feet southwest of the subject site. We understand the Consultant finds the risk of static and seismic slope instability to be low. We also understand the Consultant finds the risk of fault rupture to the project to be low. The Consultant provides grading and foundation recommendations considering the site's slopes and the potential for creep forces in surficial soils overlying reported mélange bedrock.

CONCLUSIONS AND RECOMMENDATIONS

The subject site is constrained by moderately steep slopes, existing site improvements and fill, surficial soils subject to creep and shallow slope instability, and anticipated seismic shaking conditions. The applicant's Consultant has completed an investigation to address seismic hazards that is generally consistent with the prevailing

standard of practice. We understand the Consultant finds that the site is not located within the limits of a deep-seated landslide, and that the risk of surface faults rupture and earthquake induced landsliding to the project is low. Consequently, we recommend approval of the subject permit applications with the following conditions attached:

1. **Geotechnical Plan Review** - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

   The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

2. **Geotechnical Construction Inspections** - The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete.

   The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

LIMITATIONS

This supplemental geotechnical peer review has been performed to provide technical advice to assist the City with its discretionary permit decisions. Our services have been limited to review of the documents previously identified. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the geotechnical profession. This warranty is in lieu of all other warranties, either expressed or implied.

Respectfully submitted,

COTTON, SHIRES AND ASSOCIATES, INC.
CITY GEOTECHNICAL CONSULTANT

Craig Stewart
Senior Geologist
PG 9786

David T. Schrier
Principal Geotechnical Engineer
GE 2334

DTS:CS:

Planning and Development Department
Land Use Planning Division

November 9, 2022

Sent via email:
maurice@levitch.com

Maurice Levitch
1029 Heinz Avenue
Berkeley, CA 94710

Re: Application Complete – Use Permit #ZP2022-0087 for 469 Kentucky Avenue

Thank you for the zoning permit application dated July 10, 2022, to demolish an existing 1,773 square foot 3-story single-family 4-bedroom home with existing detached 240 square foot garage, and construct a new 3,310 square foot 3-story single-family 5-bedroom, 3-bath home with attached ground floor 494 square foot ADU, with 488 square foot 2-car garage, and 85 square foot enclosed accessory structure. Our geotechnical consultant has completed review of your geotechnical report and has recommended approval of your project.t I have reviewed the application and determined that it is complete as of November 9, 2022.

Required Zoning Permits
Based on my preliminary review, the following zoning permits are required:

- Use Permit (UP) per Berkeley Municipal Code (BMC) 23.202.020(A) to construct a new single-family dwelling
- Use Permit per BMC 23.326.030 for demolition of a dwelling unit.
- Use Permit per BMC 23.202.030 for a sixth bedroom on a parcel.
- Administrative Use Permit (AUP) per BMC 23.202.050(D)for exceeding 28-feet in average height.
- Administrative Use Permit per BMC 23.210.020(C) for a reduced front setback in the Hillside Overlay.

Level of review under the California Environmental Quality Act (CEQA)

Staff has determined that this project meets the criteria for a **Categorical Exemption**, pursuant to CEQA Guidelines Section 15302 (Replacement or Reconstruction).

Project Review

Now that your application is deemed complete, I will finish my analysis of this project and prepare the analysis and staff report for review and consideration by the Zoning Adjustments Board (ZAB) at the public hearing, which is scheduled for January 12, 2023. You will receive more information about the hearing in early January.

During the course of the review, staff may request additional information to correct, clarify, or amplify the information provided in the application that is necessary to act on the project. This may include fees if additional zoning permits are identified.

Please reach out to me directly if you have any questions.

Sincerely,

Russell Roe
Associate Planner
510-981-7548
rroe@cityofberkeley.info

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

November 29, 2022
Invoice No.: 1122230
Project: Z6122

TO: City of Berkeley
Planning & Development
Land Use Division
1947 Center St., 2nd Floor
Berkeley, CA 94704

APPROVED FOR PAYMENT
Russell Roe
DATE: 11/29/2022

SUBJECT: **Statement of Professional Services**
Billing Period: November 4, 2022 through November 29, 2022

RE: Keefe, 469 Kentucky Avenue, ZP2022-0087 (Z6122)
Ref.by: Russel Roe

PROFESSIONAL SERVICES

Personnel	Hours	Rate	Amount
D. Schrier, Principal Geotechnical Engineer	2.00	175.00	$350.00
C. Stewart, Senior Geologist	6.00	120.00	$720.00

	Hours	Amount
Professional Fees Subtotal:	8.00	**$1,070.00**

cc: Samella Stover , Land/Zoning: SStover@cityofberkeley.info
Christina Franco, Building/Safety: cfranco@cityofberkeley.info

FROM LAND USE/OESD
P O#:
Line(s):
Date:
Total Amount:
Received by:
Appr'd By:
RECEIVED

Federal Tax ID: 94-2246887

Please remit payments to:
Cotton, Shires and Associates, Inc.
330 Village Lane
Los Gatos, CA 95030

Respectfully submitted,
COTTON, SHIRES AND ASSOCIATES, INC.
Patrick O. Shires MH
Patrick O. Shires

Project No.: Z6122

November 29, 2022
Invoice No.: 1122230

PROFESSIONAL SERVICES

Date	Init.	Description	Hours	Rate	Amount
11/04/22	CS	Research and discuss	1.00	120.00	120.00
	CS	Review consultant's report(s) and plans	2.00	120.00	240.00
	CS	Review maps/plans/specs/calculations	2.00	120.00	240.00
11/08/22	DTS	Review consultant's report(s) and plans	1.00	175.00	175.00
	CS	Research and discuss	1.00	120.00	120.00
	DTS	Prepare review letter	1.00	175.00	175.00

From: Aidan K
To: Roe, Russell
Cc: Maurice Levitch; Kanta Morinaga
Subject: RE Record ZP2022-0087 (469 Kentucky Ave), Neighbor Feedback on Views from 480 Vassar Ave
Date: Friday, December 02, 2022 10:31:01 AM
Attachments: ~~2022-02 vs 2022-11 - 480 & [redacted] Vassar Vis[redacted]parison ([redacted]ucky Keefe Project) v2.pdf~~

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

Dear Russell,

I am writing to you to share that we have been in contact with our uphill Neighbor at 480 Vassar Ave., Chris and Haley, regarding concerns they have now that the story poles are installed for the project to rebuild my home at 469 Kentucky Ave (Record ZP2022-0087). At the time of collecting signatures in Jan/Feb 2022, the home at 480 Vassar was owned by Michael Friedman, who is a realtor and represented himself in the sale of the home to Chris and Haley. Michael reviewed the design and signed off on our drawings at that time. He also communicated with me that he had no issues with the project. Part of his willingness to sign off was based on my agreeing to cut down large trees on my property that affected his view. The understanding was that the net improvement in the view made it worthwhile to him (please see attached PDF for before and after comparison).

Chris and Hayley purchased the property in May 2022. They say that they were not informed of the project by Michael. I've reached out to Michael to see if it was in transfer disclosures and/or other closing paperwork.

Since the story poles have gone up, no other neighbors have so far objected (I spoke with two others), including 476 Vassar which is directly behind. 476 Vassar is most impacted but the owners, Pam and Les Bradford, state that they are happy with the new lines and increased overall visibility with the trees removed. The third house uphill is 470 Vassar, north of 469 Kentucky and behind a large redwood that completely obscures our house, thus no objections from them either so far.

<u>History of communication with Chris and Hayley</u>

- I proactively reached out and had an email exchange with Chris on 11/22/22 after the Story Poles went up. Chris shared photos from his deck, kitchen and upper level bedroom. He expressed concern for the impact to his view at those locations.
- I visited Chris and Haley's home on 11/27/22 and met Chris (wife was not there). I took attached photos from his deck and kitchen at that time (deck photo in attached PDF).
    - Chris mentioned that if we could lower the roofline down to the current chimney height that this may be sufficient but that he would check with his wife.
    - Our current design still leaves Albany land visible, not blocking water, Albany Hill, GGB, SF, port of Oakland, etc (see attached PDF).
- Chris emailed on 11/28/22 with new photos from the Basement Bedroom window (attached), complaining about the impact to his view at that location. This was not discussed in the original email or at my visit to his home on 11/27/22.
- I reached out to Chris on 11/29/22 asking for external photos of the back of the house to clearly see window placement as well as more views from the basement inside looking out toward SF, Port of Oakland (attached).

While it is troubling and unfortunate if Chris and Haily had no advance warning from Michael Friedman about our proposed addition I do not think their view is impacted in any significant way at the upper level. The Basement Bedroom view may be the most affected but this is not a primary/public space in the home and they have many other places to enjoy their spectacular views. While we are willing to compromise by a slight lowering of the roof this will not solve the Basement issue.

Please let us know if you have any questions or suggestions.

Best,
Aidan Keefe
(415) 317-7845
CC Levitch team

Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Zoning Adjustments Board
NOTICE OF PUBLIC HEARING

SUBJECT: 469 Kentucky Avenue
Use Permit #ZP2022-0087

WHEN: Thursday, January 12, 2023.
Meeting starts at 7:00 pm.

WHERE: ***This meeting will be conducted exclusively through videoconference and teleconference; there will not be a physical meeting location available. Please see link to agenda at: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf for details.***

«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

CITY OF BERKELEY	**SUBJECT: 469 Kentucky Avenue, Use Permit #ZP2022-0087** to demolish a single-family dwelling and construct a 3,310 square foot, three-story single-family residence and two-car garage. **CEQA RECOMMENDATION:** Categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines.
NOTICE CONCERNING YOUR LEGAL RIGHTS: 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. **Post and Mail Date: December 22, 2022**	**All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.** S Send written comments to the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley, CA 94704 or via e-mail to: **zab@cityofberkeley.info.** For further information, see the Agenda at: *https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf* or call the Land Use Planning division (510) 981-7410. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date. PLEASE NOTE: If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website.
All application materials are available at the Land Use Planning Division 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	

Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA 94708	
North East Berkeley Association	P.O. BOX 7477	BERKELEY CA 94707	
Santa Barbara-Florida Neighborhood Group	581 SANTA BARBARA RD	BERKELEY CA 94707	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Urban Creeks Council	861 REGAL RD	BERKELEY CA 94708	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000,	SOUTH SAN FRANCISCO CA 94080	
BECKETT MICHAEL TR	1633 DWIGHT WAY	BERKELEY CA	94703
CHEN PEARL L TR	2202 FALLON LN	ALAMEDA CA	94501
DEMINGO BARRY R & DEBRA C	425 MICHIGAN AVE	BERKELEY CA	94707
MILLS JOHN R & KATRAK SHEREEN	429 MICHIGAN AVE	BERKELEY CA	94707
WHITSON KENT A & DANA H ETAL	433 MICHIGAN AVE	BERKELEY CA	94707
TEHRANI HAMID M & AZARM FARIMAH	437 KENTUCKY AVE	BERKELEY CA	94707
WALDON BESSIE L & LORI A TRS	437 MICHIGAN AVE	BERKELEY CA	94707
BOURQUE MARTIN TR & WEBER LEE A TR	441 MICHIGAN AVE	BERKELEY CA	94707
DUBINER BENNETT TR	443 KENTUCKY AVE	BERKELEY CA	94707
JONES LINDA B & ALAN S TRS	445 MICHIGAN AVE	BERKELEY CA	94707
WAH DOUGLAS & DONNA	446 KENTUCKY AVE	BERKELEY CA	94707
MERRILL JANE E TR	447 KENTUCKY AVE	BERKELEY CA	94707
TRUAX GARY & HARASEMOVITCH JEANNE C TRS	448 KENTUCKY AVE	BERKELEY CA	94707
ROQUE CAESAR M & EDNA G TRS	449 MICHIGAN AVE	BERKELEY CA	94707
COLOMBATTO PAUL R & CAROLYN TRS	449 VASSAR AVE	BERKELEY CA	94708
BROTSKY DANIEL C & SHAWNA H TRS	451 KENTUCKY AVE	BERKELEY CA	94707
MARRUS STEPHANIE K TR	451 MICHIGAN AVE	BERKELEY CA	94707
MARKLEY CHARLES W & WALTHALL NICOLE J TRS	452 KENTUCKY AVE	BERKELEY CA	94707
CHINOWSKY WILLIAM TR	453 MICHIGAN AVE	BERKELEY CA	94707
NEUWIRTH PETER J	454 VASSAR AVE	BERKELEY CA	94708
SCHRAG GAY TR	455 VASSAR AVE	BERKELEY CA	94708
STORCH JANET & RAYMOND TRS	456 VASSAR AVE	BERKELEY CA	94708
RUGGIERI RICHARD R & LAVIN EDITH V TRS	457 KENTUCKY AVE	BERKELEY CA	94707
CHIN JAMES & ANNE T TRS	4578 PINE VALLEY CIR	STOCKTON CA	95219
WIEDLIN ANDREW & HARUE TRS	459 MICHIGAN AVE	BERKELEY CA	94707
WAGNER JEREMY & HEIDI	460 KENTUCKY AVE	BERKELEY CA	94707
GUENDELMAN SIMON J & SYLVIA D TRS	460 SPRUCE ST	BERKELEY CA	94708
GROTE CLAIRE E & NAMGYAL RIGZIN ETAL	460 VASSAR AVE	BERKELEY CA	94708
YE GORDON & PEARCE KENNETH TRS	462 KENTUCKY AVE	BERKELEY CA	94707
FARNKOPF JOHN W & CHUN MADELINE TRS	462 SPRUCE ST	BERKELEY CA	94708
MORAN EVERETT S JR & CATHARINE D TRS	463 KENTUCKY AVE	BERKELEY CA	94707

Internal

DAVIS EDITH L & SHELBY M	463 MICHIGAN AVE	BERKELEY CA	94707
AFSARI FAROOK & MAHVASH TRS	464 SPRUCE ST	BERKELEY CA	94708
NI QIAOYUN & TSUI RAY	464 VASSAR AVE	BERKELEY CA	94708
WILLIAMS WILLIAM R & DEBORAH L TRS	466 KENTUCKY AVE	BERKELEY CA	94707
NG YIREN & YI	467 KENTUCKY AVE	BERKELEY CA	94707
COUCH MARILYN B TR	467 MICHIGAN AVE	BERKELEY CA	94707
KEEFE AIDAN B	469 KENTUCKY AVE	BERKELEY CA	94707
LAU HENRY & BING TRS	470 SPRUCE ST	BERKELEY CA	94708
RITVO DAVID Z & PHYLLIS F TRS	471 VASSAR AVE	BERKELEY CA	94708
GHASSEMI KOUROSH F & GANNAWAY LAURA E	472 KENTUCKY AVE	BERKELEY CA	94707
GEORGES ALEXANDER L & DENISE L	475 KENTUCKY AVE	BERKELEY CA	94707
CARROLL WILLIAM A & SUSAN B TRS	475 VASSAR AVE	BERKELEY CA	94708
BULLARD MIRIAM K TR	476 KENTUCKY AVE	BERKELEY CA	94707
BRADFORD LESTER J & PAMELA S TRS	476 VASSAR AVE	BERKELEY CA	94708
FOSTER CYNTHIA M	479 KENTUCKY AVE	BERKELEY CA	94707
HOLDERMAN REED & COPLAN RISSA J TRS	479 VASSAR AVE	BERKELEY CA	94708
SULLIVAN STEVEN D & SUSAN C TRS	480 KENTUCKY AVE	BERKELEY CA	94707
FRIEDMAN FAM TRUST	480 VASSAR AVE	BERKELEY CA	94708
HEBERT CATHERINE A & JOHN D	482 VASSAR AVE	BERKELEY CA	94708
YOUNG BENJAMIN F & SHERRY C	483 KENTUCKY AVE	BERKELEY CA	94707
SIPPY ELAINE R TR	484 KENTUCKY AVE	BERKELEY CA	94707
GREGG KIMBERLEY & FORTNER DAVID TRS	484 SPRUCE ST	BERKELEY CA	94708
JOHN OLIVER P & THOMPSON MONIQUE	484 VASSAR AVE	BERKELEY CA	94708
SELIGMAN KATHRYN A & BEDRICK STEPHEN B	485 KENTUCKY AVE	BERKELEY CA	94707
STURMFELS BERND & KIM HYUNGSOOK	486 VASSAR AVE	BERKELEY CA	94708
EREDIA ANTHONY H & BERMUDEZ DIANA TRS	487 KENTUCKT AVE	BERKELEY CA	94707
WASSON CHANNELL B & MARCELLA TRS	488 KENTUCKY AVE	BERKELEY CA	94707
COMER DANIELLE & HUGHES JON TRS	488 SPRUCE ST	BERKELEY CA	94708
ECONOMIDES CANDICE & HILL DAVID M JR	490 SPRUCE ST	BERKELEY CA	94708
WONG KWAN L & JONES ALICE A TRS	492 SPRUCE ST	BERKELEY CA	94708
FERRANDIZ JOSEP M & BODOFF STEPHANIE TRS	494 KENTUCKY AVE	BERKELEY CA	94707
RADER RALPH W & JUNE W TRS	62 SANDPOINT DR	RICHMOND CA	94804
KISSIAH GARY F & PAMELA D TRS	6237 OLYMPIA DR	HOUSTON TX	77057
FORCE LINDA M	P.O. BOX 202	OCCOQUAN VA	22125
OCCUPANT(S)	440 MICHIGAN AV	BERKELEY CA	94707
OCCUPANT(S)	444 MICHIGAN AV	BERKELEY CA	94707
OCCUPANT(S)	450 VASSAR AV	BERKELEY CA	94708
OCCUPANT(S)	456 KENTUCKY AV	BERKELEY CA	94707
OCCUPANT(S)	456 VASSAR AV A	BERKELEY CA	94708
OCCUPANT(S)	463 VASSAR AV	BERKELEY CA	94708

Internal

OCCUPANT(S)	465 VASSAR AV	BERKELEY CA	94708
OCCUPANT(S)	466 KENTUCKY AV	BERKELEY CA	94707
OCCUPANT(S)	470 VASSAR AV	BERKELEY CA	94708
OCCUPANT(S)	489 KENTUCKY AV	BERKELEY CA	94707
Maurice Levitch	1029 Heinz Avenue	Berkeley CA	94710

From: Maurice Levitch
To: Roe, Russell
Cc: Kanta Morinaga; Updegrave, Samantha
Subject: Re: 469 Kentucky Revised Plans with Adjusted Roof
Date: Wednesday, December 28, 2022 3:23:50 PM

Thank you, Russell!

We now have signed drawings without comment from the following Addresses:
466 Kentucky
477 Vassar
We have this email from 480 Vassar the home who had the issue with the roof line

Hi Aidan,

Thank you for putting up the new story poles based on your updated plans. Based on the sight lines from the new story poles, we are ok with this updated footprint. It is a bit bright outside right now so the photos have a glare but I think they do the job. Can you please confirm the new updated peak height of the house based on the new plans? Thanks for your willingness to reach a compromise.

Thanks,
Hayley & Chris

We have other drawings out for review DocuSign - folks seem to be away for the Holidays

Best,

Maurice

On Wed, Dec 28, 2022 at 1:50 PM Roe, Russell <RRoe@cityofberkeley.info> wrote:

> Kanta,
>
> I'm not sure whether Samantha already replied to you or not. We did receive the drawings and they look good. I believe you're still scheduled for the January 12 ZAB meeting.
>
> Russell Roe
>
> Associate Planner/ Code Enforcement
>
> City of Berkeley
>
> (510) 981-7548

From: Kanta Morinaga <kanta@levitch.com>
Sent: Wednesday, December 28, 2022 9:25 AM
To: Roe, Russell <RRoe@cityofberkeley.info>; Updegrave, Samantha <SUpdegrave@cityofberkeley.info>
Cc: Maurice Levitch <maurice@levitch.com>
Subject: Re: 469 Kentucky Revised Plans with Adjusted Roof

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

Hi Ms. Updegrave,

I'm reaching out to confirm if you have received the updated drawings sent over last Friday 12/23.

Will this allow us to get a spot at the February ZAB meeting?

Thank you,

Kanta

Kanta Morinaga

Design Associate / Project Engineer

(c) +1 510-613-4725 | (o) 510.845.6941

kanta@levitch.com | www.levitch.com

1029 Heinz Avenue, Berkeley, CA 94710

Our Core Values

On Fri, Dec 23, 2022 at 6:18 PM Kanta Morinaga <kanta@levitch.com> wrote:

Hi Ms. Updegrave,

Please find attached the updated plans for 469 Kentucky Ave.

Please also find attached photos of the new story poles.

Please let us know if we can provide any other information, and happy holidays!

Thank you,

Kanta

469 Kentucky Revised Plans 12.23.22.pdf

Kanta Morinaga

Design Associate / Project Engineer

(c) +1 510-613-4725 | (o) 510.845.6941

kanta@levitch.com | www.levitch.com

1029 Heinz Avenue, Berkeley, CA 94710

Our Core Values

From: Maurice Levitch
To: Ren Ng
Cc: Roe, Russell; Zoning Adjustments Board (ZAB); Yi Xu; Aidan K
Subject: Re: Letter Regarding Use Permit #ZP2022-0087 for ZAB Meeting on January 12th 2023
Date: Wednesday, January 04, 2023 6:01:40 PM

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

Ren and Yi,

Thank you for sharing your concerns. We can look at this together on Friday when I'm at your home. I believe that a solid railing and privacy screen at the North End of the Deck will take care of the issue. I believe that Aidan will be OK with this solution but I need to make sure that the privacy screen will not have a negative impact on his view. We can discuss some of the other issues when we meet. I can also tell you more about the planned demolition and how we plan to work with traffic and parking. We are very interested in maintaining a safe environment for all the neighbors throughout the project.

Best,

Maurice

On Wed, Jan 4, 2023 at 5:17 PM Ren Ng <yirenng@gmail.com> wrote:

> To: ZAB Secretary and Russell Roe, planner
> CC: Aidan Keefe, owner, and Maurice Levitch, architect
>
> 1. Please find attached a letter to the Zoning Adjustments Board regarding Use Permit #ZP2022-0087 (469 Kentucky) for the January 12th ZAB meeting. Could you please confirm receipt? I apologize for tardiness with regards to the 5pm deadline. Let me know if you have any questions.
>
> 2. I would like to make a request of Notice of Decision for #ZP2022-0087.
>
> 3. Could I ask when will the zoom meeting information be posted? It is missing from the meeting agenda. (https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf)
>
> Sincerely,
> - Yi and Ren Ng

KATHRYN ANN SELIGMAN
485 KENTUCKY AVENUE
BERKELEY, CA 94707
kseligman@comcast.net

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 469 Kentucky Avenue
Use Permit ZP 2022-0087
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it

impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-land one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped our poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available

places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, incoveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

Sincerely yours,

KATHRYN ANN SELIGMAN

Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street

Cars Parked Along the Curb on the East / Uphill Side of Street
Please note that the cars have their passenger side tires on the curb, so traffic can pass by.

<u>Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets</u>
Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.

<u>Storm Drain on the East / Uphill Block of Kentucky Avenue</u>
Please note that the storm drain is near the project site.

Ren and Yi Ng
467 Kentucky Ave
Berkeley, CA 94707

January 4th, 2023

To: Zoning Adjustments Board, City of Berkeley

Regarding: Request to Postpone Approval of Use Permit ZP2022-0087 for 469 Kentucky Ave

Dear Members of the Zoning Adjustments Board,

We are the neighbor immediately north of the site for Use Permit ZP2022-0087.

We are writing to respectfully request that you postpone approval of this use permit, for two reasons. First, to provide us more time to work with the owner and architect regarding our objections to the current design. Second, to provide time for them to add information about how they will mitigate the potential detrimental effects of demolition/construction with respect to property damage, health and safety, traffic access, etc. Both are described in detail below, and we request that these important issues be addressed in the application before a permit is approved.

(A) Information Flow Problems and The Need for More Time

The architect has sent us two sets of detailed design plans directly – the first in February 2022 and the second on December 20th, 2022. However, two days ago, we discovered that the versions of these plans on the city website include additional documents that we did not previously receive and were unaware of. These documents include additions, design revisions, soil studies, shadow studies, landscaping plans, etc. The latest design revisions were only uploaded yesterday, on January 3rd 2023. We have only had what we believe is the complete version of the documents for 1-2 days, and need more time to study and absorb this large body of information and discuss all our concerns with the owner and architect. We are writing now to meet the deadline in advance of the January 12th ZAB meeting.

(B) Objections to the Current Design Based on Privacy Intrusion and Sun Shadowing

The following design problems emerged only after erection of the story poles, and examination of changes in the latest design documents.

Our chief objection to the current proposal is privacy intrusion. Our home has a secluded deck adjoining the master bedroom. The proposed design for 469 has a balcony that will provide direct views from a close distance onto our private deck (3rd floor) and into our master bedroom (see Figure 1 below). If built as designed, this balcony will intrude on two of our most private spaces, and be detrimental to our peace, comfort and property. We are currently in discussions with the owner and architect regarding this problem, and request more time to design a well considered, mutually acceptable modification and document it in the use permit before approval.

Additional design concerns include:

- Privacy loss on our main deck area with barbeque and dining seating (2nd floor). This deck area is not visible from existing 469 Kentucky decks or windows, except the front door and adjacent window. The proposed balcony and potentially the proposed windows on the 3rd floor look down on our deck area. In the latest changes to the plan, the proposed balcony has changed from opaque siding to a wraparound glass design (see Figure 2), which increases the problem of visual privacy loss. We are working with the architect to understand the implications of the latest design, and request time to document any modifications, if necessary, in the use permit before approval.
- There is a new shadow study in the latest design documents. We need more time to study and understand its implications, but a preliminary examination shows that the proposed structure will block more morning light onto our deck.

(C) Concerns About Demolition, Property Damage, Health and Safety, Traffic, Etc.

In studying the latest versions of the documents proposed for approval, we were left with many questions and concerns about how the project plans to mitigate detrimental effects of demolition and construction to property, health and safety, traffic, parking, etc. We have not had time to discuss these with the owner and architect yet. We request that you postpone approval of the use permit so that they can provide more information to us and the neighborhood to allay these concerns.

Demolition.

We request addition of a demolition plan, that details how the project will mitigate detrimental effects related to the following issues:

- Hazardous materials. We have two children, ages 7 and 9, and we will be living at the demolition and construction site for 1-2 years. We are concerned about detrimental health effects due to hazardous materials, such as lead dust and asbestos. We request addition of a hazardous material study, and for health and safety issues for neighbors to be addressed comprehensively in the demolition plan.
- Property damage. We are concerned about potential damage to our home during demolition and construction. Our house is separated from 469 Kentucky by just 8 feet for the full depth and height of our three-story houses (see Figure 3) on a steep hill.
- Erosion and settling. Given the proximity of our houses (again, 8 feet separation for the full depth), we are concerned that excavating and levelling the hill for the new house may cause unintended hillside erosion and/or settling that damages the foundation and/or structural integrity of our home.
- Tree Safety. In the backyard of our property is a notable tree – a healthy 90-year-old Giant Sequoia (see Figure 3B). It appears that the landscaping plan for 469 Kentucky will excavate and/or hardscape a backyard area covering approximately ¼ of the root system for this tree. We are concerned of unintended detrimental impacts to the tree's health and stability, potentially creating a safety risk to surrounding residents and property.
- How will shared property between our houses be preserved or replaced during demolition and construction? In the space between our houses are shared fences, walking path, and a ~10 foot tall pergola that touches both buildings (see Figure 3). The pergola's doors have for years

prevented deer access to both our backyards – how will we prevent deer access to our backyard after demolition? We realized that the current document plans do not mention these pieces of property, and we have not had a chance to discuss yet.

- Drainage is a serious problem on our steep hillside, but we fortunately do not currently experience a problem on our lot or for our foundation. We are concerned about drainage changes and potential new problems due to the demolition, excavation and new construction.
- Noise. How will demolition and construction noise be managed to acceptable levels not to interfere with professional requirements for work from home? This is a very important issue, because one of us works from a home office 4-5 days a week.

Community Impacts: Traffic, Street Safety, Street Access and Parking

Our street is unusual, because it is comprised of two one-way roads separated by a steep median drop (8 feet tall at the site). The one-way roads are narrow enough that traffic cannot pass if cars park normally, so residents much park partially atop the sidewalk. The road itself has a steep hill section, and access is via Michigan Avenue, one of the steepest hills in Berkeley. These are some of the significant environmental challenges facing the project and the neighborhood.

The project to completely demolish and build a new 3800 square foot home is by far the most complex construction project on the street in years, possibly decades. We request that the application add a plan for mitigating detrimental impacts to neighborhood traffic, street safety, street access and parking. The concerns include:

- How will construction parking be managed so as not block thoroughfare?
- How will access by fire trucks and emergency vehicles be preserved at all times, given that this is already very challenging due to the narrow one-way road and parking situation.
- Construction vehicle accidents are a serious concern. Near the intersection with Michigan Avenue, in the past two years there were several serious accidents involving construction vehicles due to the steepness and narrowness of the roads. One accident destroyed the railing and part of the front steps of the house at the end of Kentucky Ave. Another serious incident involved a moving backhoe that threatened the safety of two children, including one of our own, and was referred to Councilmember Sophie Hahn for follow up.
- The street surface itself is old and in poor repair. On our side of the street, there is a long sunken strip of asphalt that already causes tire damage to resident cars (including rupturing one of the tires on our car). This project will require innumerable trips by heavy vehicles that will have a detrimental effect on this fragile surface, and damage must be mitigated.
- How will construction parking by managed to avoid depriving residents of parking?
- Last but not least, there are many families living on this street with young children, who often play and bike on the street – everyday in the summer. Visibility is poor, especially in a tall truck coming over and down the steep hill towards the construction site. What safety measures will be put in place to protect the neighborhood?

In summary, we request that you postpone the approval of this use permit until the above issues are addressed. Thank you for your consideration of our request.

Yours sincerely,
Ren and Yi Ng

Figure 1: Privacy intrusion from proposed deck onto our private deck and master bedroom.
Top left: photo from our deck showing location of proposed deck railing (story poles).
Top right: photo sitting on bed inside bedroom showing location of proposed deck railing.
Bottom left: photo from direction of proposed 469 deck towards our bedroom.
Bottom right: detail of direct view of bed in bedroom.

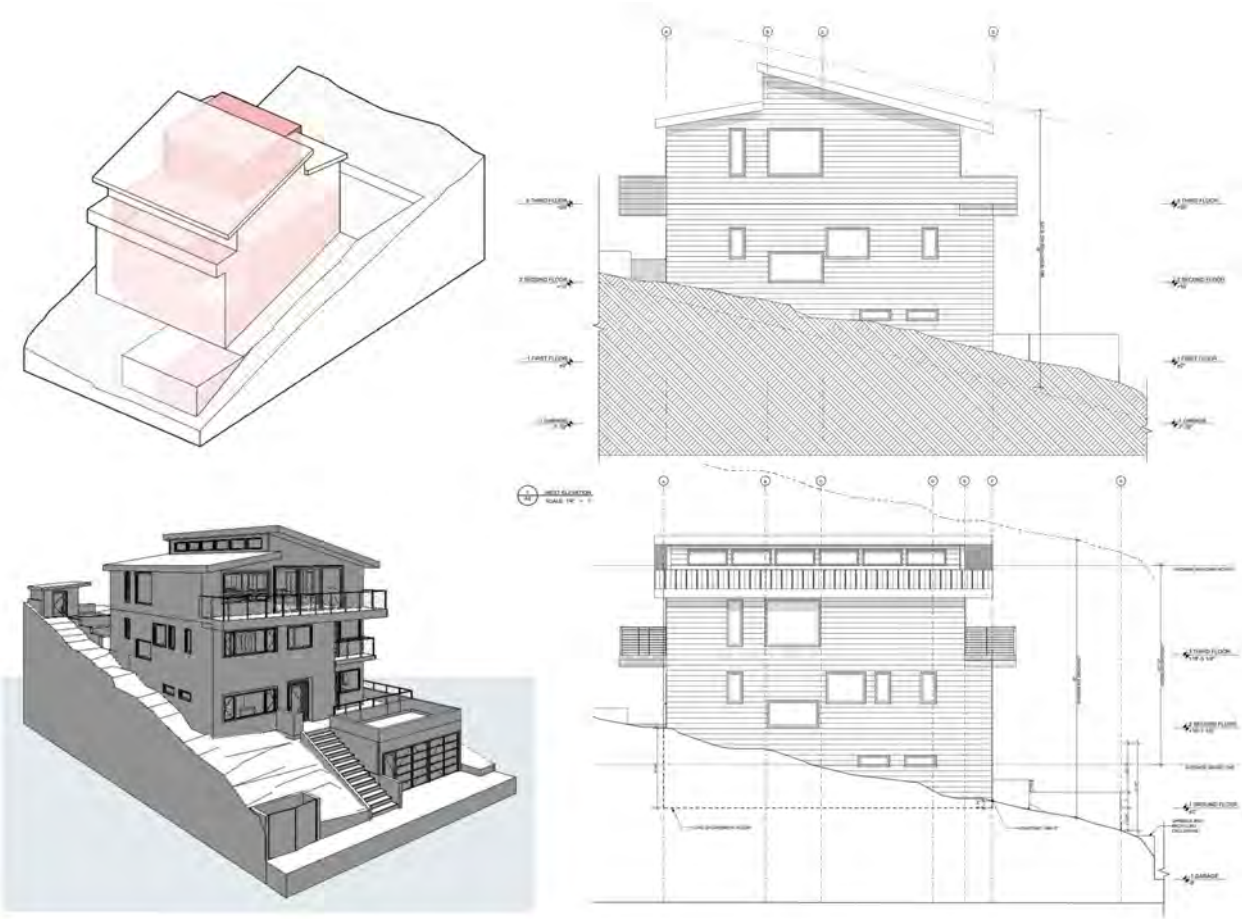


Figure 2: Recent changes in design. We have been sent two versions of the design.
Top row: rendering and elevation from previous design sent to us in February 2022, with proposed balcony as opaque siding.
Bottom row: rendering and elevation from latest design (uploaded January 3rd, 2023) with proposed balcony as wraparound glass. This change increases loss of privacy concerns.

Figure 3.
Left, A Rear view of pergola between 469 Kentucky (left) and our home (right).
Right, B: Front view of pergola, with 90-year-old Giant Sequoia in background. The houses are separated by 8 feet as shown for the full depth and height of the houses.

From: Stephen Bedrick
To: Roe, Russell
Subject: 469 Kentucky
Date: Wednesday, January 18, 2023 9:50:50 AM

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

Dear Mr. Roe, Could you please send me the Board's notice of decision, and a copy of the Board's decision, when it is prepared. We intend to appeal. Could you also please let me know how we appeal to the city council, and what the time limits are. Thank you.

Finally, although it is probably too late to do anything about it, Kathryn Seligman and I intended to speak at the ZAB hearing last Thursday January 12 on zoom. At the beginning of the evening, were able to tell Mr. Kahn that we intended to speak. But when it became time to speak at the actual hearing, the Board's zoom system did not allow us to unmute our microphones. That was very frustrating, because it prevented us from making our comments to the ZAB members. Stephen Bedrick

Stephen B. Bedrick
Attorney at Law
1970 Broadway, Suite 1200
Oakland, CA 94612
tel: (510) 452-1900
fax: (510) 452-1980

Planning and Development Department
Land Use Planning Division

PROOF OF SERVICE

DATE: January 31, 2023

TO: Whom It May Concern

FROM: Melinda Jacob, OSII

SUBJECT: **USE PERMIT #ZP2022-0087 – 469 KENTUCKY AVENUE**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

ZONING ADJUSTMENTS BOARD NOTICE OF DECISION

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Maurice Levitch 1029 Heinz Avenue Berkeley, CA 94710	Aidan Keefe 469 Kentucky Avenue Berkeley, CA 94707	Stephen Bedrick 1970 Broadway, #1200 Oakland, CA 94612

☒ By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with First Class postage thereon fully prepaid, in Berkeley, California, for mailing to the addressee following ordinary business practices.

☐ By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 31, 2023 at Berkeley, California.

Melinda A. Jacob

Melinda Jacob, OSII

ZONING ADJUSTMENTS BOARD

NOTICE OF DECISION

DATE OF BOARD DECISION: January 12, 2023
DATE NOTICE MAILED: January 31, 2023
APPEAL PERIOD EXPIRATION: February 14, 2023
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)[1]: February 15, 2023

469 Kentucky Avenue

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1)

ZONING: R-1(H) – Single-Family Residential, Hillside Overlay

APPLICANT: Maurice Levitch, 1029 Heinz Avenue, Berkeley CA

PROPERTY OWNER: Aidan Keefe, 469 Kentucky Avenue, Berkeley CA

[1] Pursuant to BMC Section 23.410.050(C), the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

INTERESTED PARTY: Stephen Bedrick, 1970 Broadway, Suite 1200, Oakland CA 94612

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15303 ("New Construction or Conversion of Small Structures") of the CEQA Guidelines.

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent	Recused
DUFFY	x				
KAHN	x				
O'KEEFE	x				
LUNAPARRA	x				
SANDERSON	x				
THOMPSON	x				
GAFFNEY	x				
TREGUB	x				
BOARD VOTE:	**8**	**0**	**0**	**0**	**0**

ATTEST:
Samantha Updegrave, Zoning Adjustments Board Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23B.32.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or rroe@cityofberkeley.info. All project application materials, including full-size plans, may be viewed online at: https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
   A. The fee for persons other than the applicant is $1500. This fee may be reduced to $500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
   B. The fee for all appeals by Applicants is $5,520.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 12, 2022

469 Kentucky Avenue

Use Permit #ZP2022-0087 to demolish a single-family dwelling and construct a 3,310 square foot three-story single-family residence and two-car garage.

PERMITS REQUIRED

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1)

I. CEQA FINDINGS

1. This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Sections 15303 ("New Construction or Conversion of Small Structures")

2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by BMC Section 23.326.020-030 of the BMC, the demolition phase of the project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley. It does not eliminate two or more units constructed before June 1980. The building was not removed from the rental market under the Ellis Act during the preceding five years, and there have not been any verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

2. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be

detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. Consistency with Development Standards: The proposed project conforms to the applicable Development Standards for the R-1(H) District (BMC Sections 23.202.050(D) & 23.210.020(C)(2), with the exception of the front setback. The proposal to construct one dwelling unit at this site is permissible because: (1) the proposed construction of a dwelling on the subject property conforms to the R-1(H) District standards for Uses Permitted; (2) the proposed side and rear setbacks meet or exceed the R-1(H) District requirements; (3) the proposed three-stories and 31.687 foot maximum height will not exceed the R-1 District limit of 35 feet; (4) the proposed average height is 29.3 feet, which is approvable with an AUP; (5)the proposed lot coverage is 39.7 percent where 40 percent is allowed, and (6) the project includes 1,308 square feet of usable open space where 400 square feet is required.

B. Shadows: The new dwelling will cast slight new shadows on neighboring yards and buildings at certain times of year and times of day. However, impacts would be limited in duration and effect and would not substantially diminish sunlight for the affected residences.

C. Views: Substantial southwestward views are available from the area surrounding the project site, including from Kentucky Avenue, neighboring residences, and the residences uphill to the northeast of the project site. Sightlines available from these residences occur mostly over and beyond the proposed residence, and views of the San Francisco Bay will be substantially maintained. Thus, given existing conditions, including existing trees that obstruct views and the existing slope in the neighborhood, and the proposed height of the new dwelling, the proposed project will not unreasonably obstruct views.

D. Privacy and Air: The proposed single-family dwelling unit exceeds side and rear setback requirements in the R-1(H) Zoning District, and is consistent with the existing development and building-to-building separation pattern in this neighborhood.

E. Accessory Building and Unenclosed Accessory Structure. The proposed eighty-five square foot accessory building at the rear of the lot is under ten feet in average height and is more than seventy-five feet from the front lot line, and meets the applicable development standards. The garbage enclosure within the front setback will provide screening of solid waste containers.

F. Number of Bedrooms. The sixth bedroom will provide additional living area for the residents of the single-family dwelling and will not increase the density on the lot.

G. General Non-Detriment: The proposed project will have minimal impact on the neighborhood. New shading will be limited on nearby residential uses, and privacy impacts have been kept minimal. In addition, the project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood

of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

3. Per BMC 23.210.020(A), the project will meet the purpose of the Hillside Overlay Zone because:

A. The proposed two-car garage in the front setback is necessary due to the steep upward slope of the lot and is consistent with neighboring properties, which also have garages at the fronts of their lots. It will provide two off-street parking spaces on a narrow street in a location that is vulnerable to wildfire.

B. The additional height responds to the topography of the site while giving reasonable protection to views.

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 comply with the approved plans and any conditions of approval.

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

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

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)
No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

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

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

☐ **Project Liaison** _____
Name Phone #

11. Roof Color. To avoid glare towards above grade residents, the roof shall be a shade of gray, green, brown or blue. The roof shall not be white or a similarly bright color, and shall not be of reflective material. Prior to issuance of a Building Permit, the applicant shall provide a sample and/or information regarding roof material and color for review and approval by the Zoning Officer.

12. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

13. Pergola: The applicant shall submit a detailed plan, signed by both parties, showing how the shared pergola between 467 and 469 Kentucky Avenues will be protected and/or modified during and after construction.

14. Privacy Screening: The applicant shall submit a detailed plan, signed by both parties, showing the agreed-upon method of protecting privacy at 467 Kentucky Avenue from views from the front deck of the proposed house.

Prior to Issuance of A Building Permit

15. Per the Supplemental Geotechnical Peer Review prepared by Cotton, Shires and Associates, Inc., and dated November 8, 2022:

Geotechnical Plan Review - The applicant's geotechnical consultant should review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading, shoring design, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations and retaining walls) to ensure that their recommendations have been properly incorporated.

The results of the plan review should be summarized by the Geotechnical Consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.

16. Number of Bedrooms / Accessory Dwelling Unit (ADU): If the proposed ADU is not developed concurrently with the project, the applicant shall obtain a Use Permit Modification if the additional rooms that meet the definition of a bedroom bring the total number of bedrooms over six.

17. 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.

18. 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

19. 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.

20. Electric Vehicle (EV) Charging. Each dwelling unit shall install a listed raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation as specified by the Berkeley Green Code (BMC Section 19.37.040). Readiness for EV charging and EV charging station installations shall be noted on the construction plans.

21. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

22. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).

23. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

24. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

25. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

26. The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.

27. Per the Supplemental Geotechnical Peer Review prepared by Cotton, Shires and Associates, Inc., and dated November 8, 2022:

Geotechnical Construction Inspections - The Geotechnical Consultant should inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections should include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete.

The results of these inspections and the as-built conditions of the project should be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

28. 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.

29. 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.

30. 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.

31. 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.

32. Road Closures: Occupants of all homes on Kentucky Avenue between Michigan Avenue and Maryland Avenue shall be notified of all road closures at least 48 hours in advance. Roads shall not be closed on garbage and recycling collection days.

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

34. Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

35. Human Remains (*Ongoing throughout demolition, grading, and/or construction*). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site

preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

36. Paleontological Resources (*Ongoing throughout demolition, grading, and/or construction*). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

37. 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 and 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 micro-screening 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.

38. 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.

39. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not

discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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:

46. 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.

47. 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 19, 2022, except as modified by conditions of approval.

At All Times:

48. 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.

49. Windows. Windows shall be fitted with screens located on the outer side of the glass.

50. 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.

51. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

52. Privacy Screening. The agreed-upon privacy screening plan shall be maintained.

53. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

54. 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.

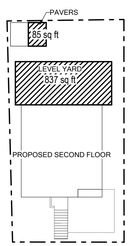
KEEFE RESIDENCE

469 KENTUCKY AVE., BERKELEY CA 94707

MASSING PERSPECTIVE

N.T.S.

USABLE OPEN SPACE DIAGRAM



PROPOSED
SECOND FLOOR

TOTAL USABLE OPEN SPACE =
837 + 85 = 922 SQ FT

SCOPE OF WORK

DEMOLISH EXISTING 3 STORY SINGLE FAMILY 4 BEDROOM HOME: 1,733 SF WITH EXISTING DETACHED 240 SF 1-CAR CARAGE.
CONSTRUCT NEW 3 STORY SINGLE FAMILY 3.5 BATH, 5 BEDROOM (4 BEDROOMS ON SECOND FLOOR + 1 BEDROOM ON GROUND FLOOR, LABELLED TV ROOM) HOME WITH ATTACHED GROUND FLOOR ADU: 3,310 SF PRIMARY UNIT AND 494 SF ADU WITH DETACHED 488 SF 2-CAR GARAGE. PROJECT INCLUDES NEW GRADING/LANDSCAPING, TRASH ENCLOSURE, AND 85 SF ACCESSORY BUILDING.

SITE INFORMATION

APN#: 062 294502800
ZONING DISTRICT: R-1H
LOT SIZE: 5,088 sq. ft.
YEAR BUILT: 1926
WILDFIRE ASSESSMENT DISTRICT:
HISTORIC: NO
LIQUEFACTION (SEISMIC HAZARDS MAPPING ACT): NO
LIQUEFACTION SEVERITY: N/A

FLOOD ZONE (100-YEAR OR 1%): NO
LANDSLIDE (SEISMIC HAZARDS MAPPING ACT): YES
CREEK BUFFER: NONE
FIRE ZONE: 2

BUILDING INFORMATION

EXISTING:

NUMBER OF UNITS: 1
CONSTRUCTION TYPE: V
OCCUPANCY: R
FIRE SPRINKLERS: NO
STORIES: 2 + PARTIAL BASEMENT
GROSS FLOOR AREA: 1773 SF
YEAR BUILT: 1926

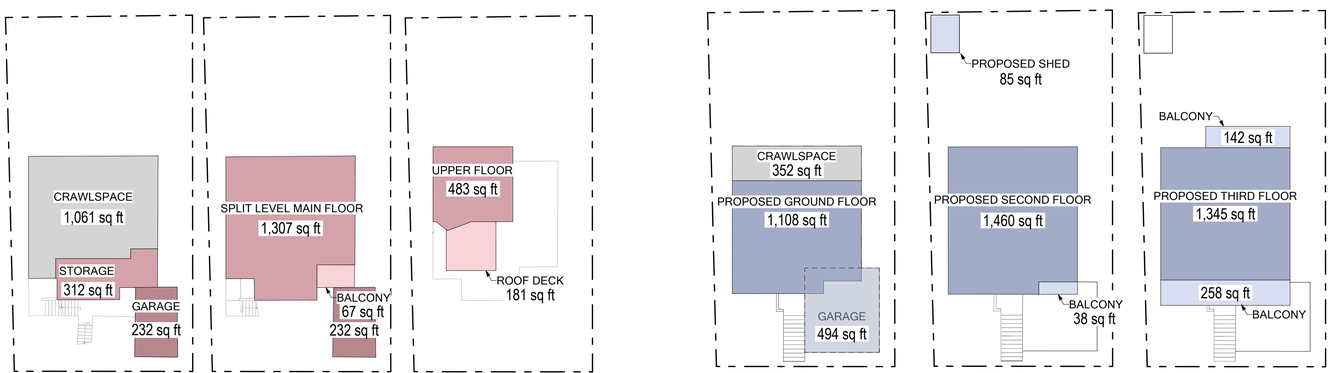
PROPOSED:

NUMBER OR UNITS: 2
PRIMARY DWELLING UNIT (3310 SF) + ATTACHED ADU (
CONSTRUCTION TYPE
OCCUPANCY: R
FIRE SPRINKLERS: YES
STORIES: 3
GROSS FLOOR AREA:

AREA TABULATIONS

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
# OF DWELLING UNITS	1	1 + ADU	-
# OF PARKING SPACES	1	2	1
# OF BEDROOMS	4	5	-
# OF BATHROOMS	2	3.5	-
FRONT YARD SETBACK	4'	4'	20'
SIDE YARD SETBACK (LEFT)	4.7'	5'	4'
SIDE YARD SETBACK (RIGHT)	9.7'	9.25'	4'
REAR YARD SETBACK	38.8'	38.16'	20'
BUILDING HEIGHT (# OF STORIES)	3	3	3
AVERAGE HEIGHT	25.5'	29.3'	28'
MAXIMUM HEIGHT	28.75'	31.687'	35'
LOT AREA	5,088 sq ft	5,088 sq ft	5,000 sq ft
GROSS FLOOR AREA	1,773 sq ft	4,350 sq ft	-
BUILDING FOOTPRINT	1,601 sq ft	2,020 sq ft	2,035.2
LOT COVERAGE	31.5%	39.7%	40%
USEABLE OPEN SPACE	181 sq ft	922 sq ft	800 sq ft

AREA CALCULATIONS AND DIAGRAMS



EXISTING GROUND FLOOR / GARAGE

EXISTING SPLIT LEVEL SECOND FLOOR

EXISTING THIRD FLOOR

PROPOSED GROUND FLOOR / GARAGE

PROPOSED SECOND FLOOR

PROPOSED THIRD FLOOR

PROJECT TEAM

ARCHITECT

MAURICE LEVITCH, AIA
LEVITCH ASSOCIATES, INC.

1029 HEINZ AVENUE
BERKELEY, CA 94710
TEL: 510.845.6941
FAX: 510.845.6950
EMAIL: MAURICE@LEVITCH.COM

SURVEYORS

MORAN ENGINEERING, INC.

1930 SHATTUCK AVE. SUITE A
BERKELEY, CA 94704
TEL: 510.848.1930

APPROVALS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE

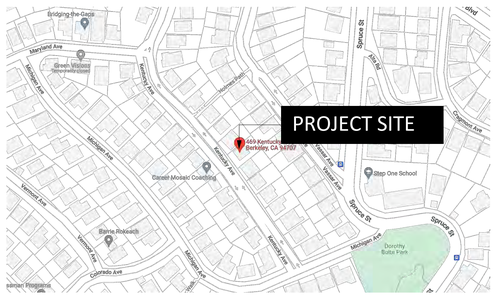
January 12, 2023
DATE

* Findings and Conditions Attached

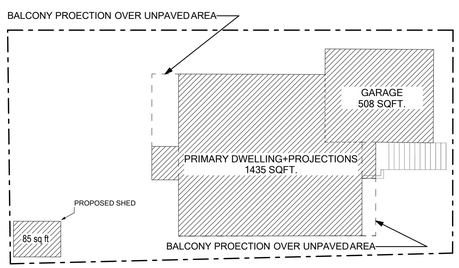
PRELIMINARY

A1	COVER SHEET
A2	SITE PLAN
A3	EXISTING FLOOR PLANS
A4	PROPOSED FLOOR PLANS
A5	PROPOSED FLOOR PLANS
A6	PROPOSED ELEVATIONS
A7	PROPOSED ELEVATIONS
A8	PROPOSED ELEVATIONS
A9	PROPOSED ELEVATIONS
A10	PROPOSED SECTIONS
A11	LANDSCAPE AND GRADING PLAN
A12	SHADOW STUDY
A13	SHADOW STUDY ELEVATIONS
S1	SITE SURVEY

VICINITY MAP



LOT COVERAGE DIAGRAM



LOT COVERAGE = PROPOSED FOOTPRINT + PROJECTIONS OVER PAVED AREAS=
1,435 + 508 + 85 = 2,028 SQFT.
2,028/5,088 = 0.3985 X 100 = 39.85%

Keefe Residence

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BERKELEY, CA 94707

Owner:
AIDAN KEEFE

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MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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Sheet Contents:
COVER SHEET

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Project No:
2136

Date:
December 19, 2023

Drawn By:
CH/KM

Checked By:
SG

A1

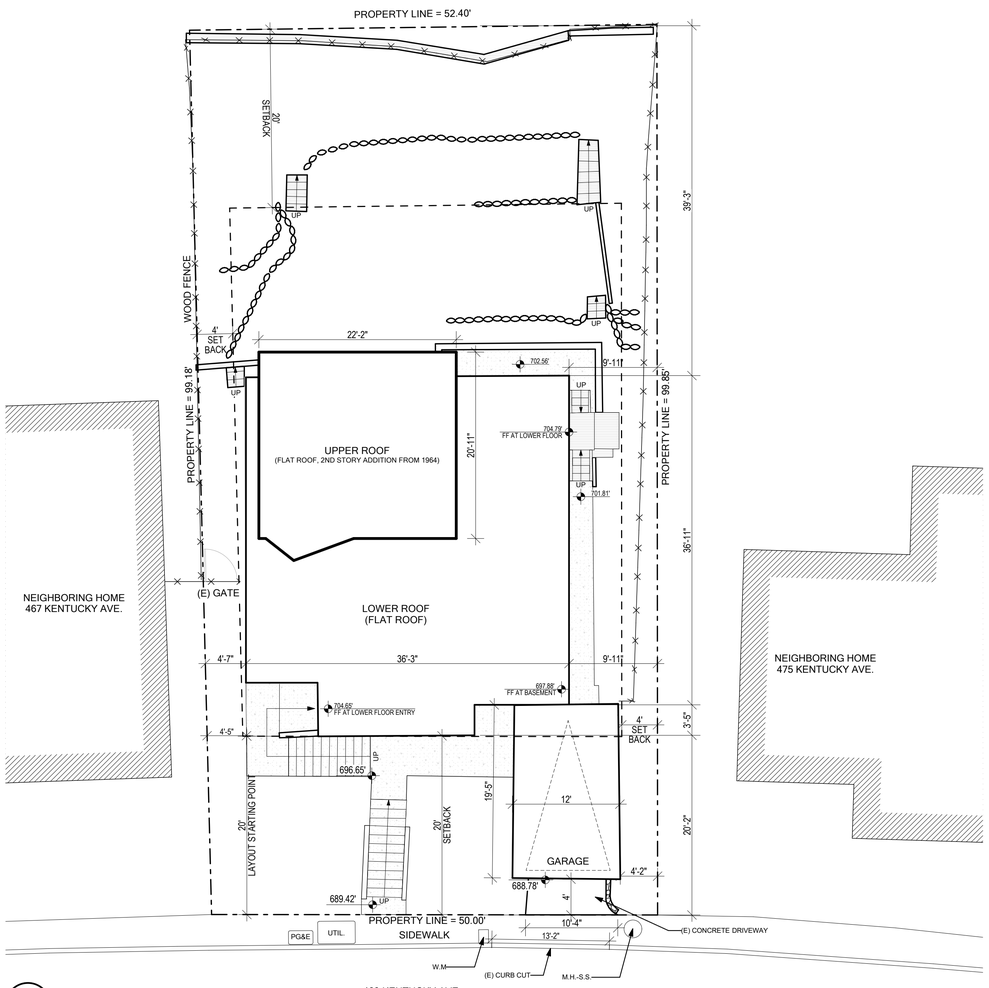
I HAVE REVIEWED THE PLANS FOR DEMOLITION OF EXISTING 4-BEDROOM HOME AND CONSTRUCTION OF A NEW 4,292 GROSS SQUARE FOOT PROJECT, INCLUDING A 5-BEDROOM HOME WITH AN ATTACHED 1-BEDROOM ACCESSORY DWELLING UNIT AND AN ATTACHED 2-CAR GARAGE AT 469 KENTUCKY AVE

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (PLEASE STATE BRIEFLY)	HAVE NO COMMENT
		467 KENTUCKY AVE.	RENT / OWN				
		475 KENTUCKY AVE.	RENT / OWN				
		462 KENTUCKY AVE.	RENT / OWN				
		466 KENTUCKY AVE.	RENT / OWN				
		472 KENTUCKY AVE.	RENT / OWN				
		470 VASSAR AVE.	RENT / OWN				
		476 VASSAR AVE.	RENT / OWN				
		480 VASSAR AVE.	RENT / OWN				

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **January 12, 2023**

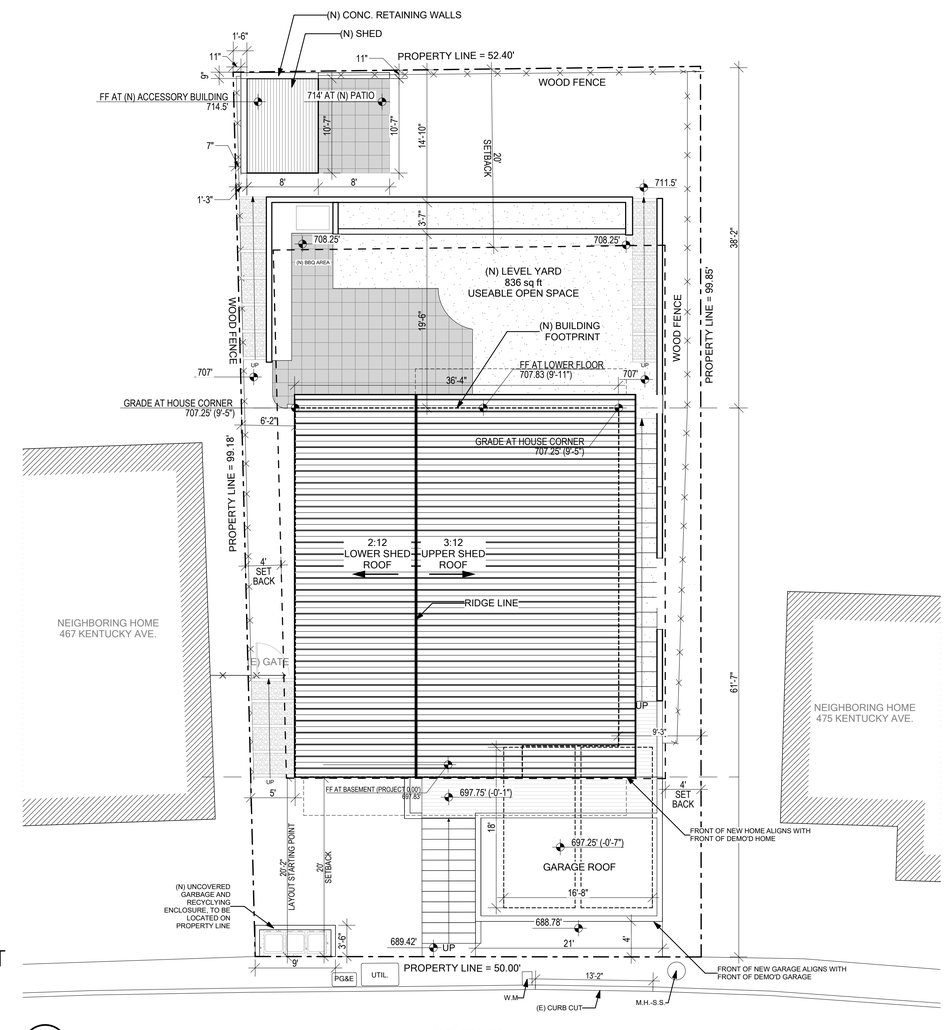
* Findings and Conditions Attached



2 / A2 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"

TRUE NORTH

PROJECT NORTH



1 / A2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

Keefe Residence

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BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH ARCHITECTS+BUILDERS

LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
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SITE PLAN

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Date:
December 19, 2023

Drawn By:
CH/KM

Checked By:
SG

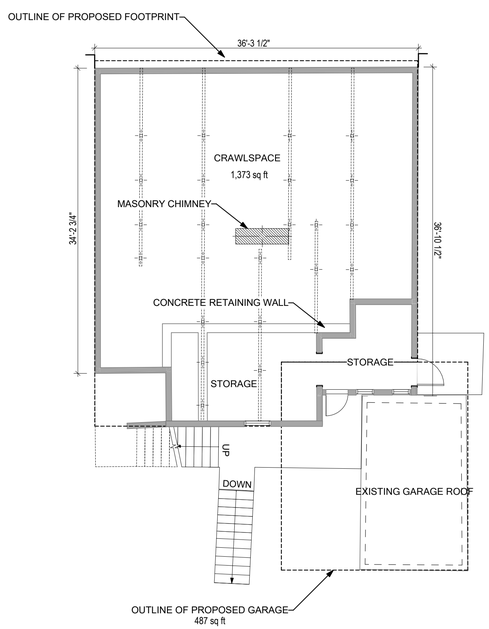
A2

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

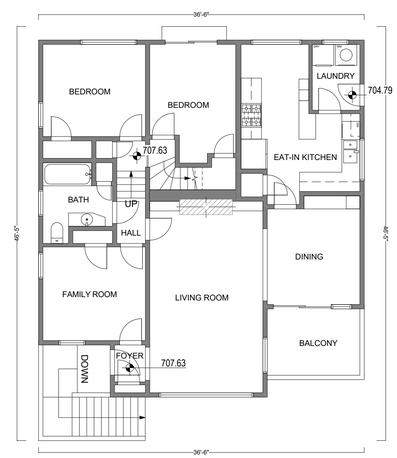
January 12, 2023

SIGNATURE DATE

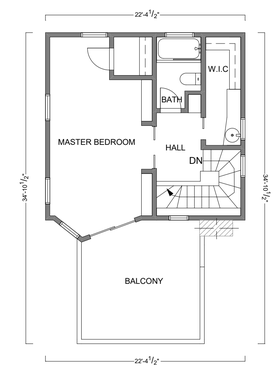
* Findings and Conditions Attached



1 / A3 EXISTING GROUND FLOOR / GARAGE
SCALE: 1/8" = 1'-0"



2 / A3 EXISTING SPLIT LEVEL SECOND FLOOR
SCALE: 1/8" = 1'-0"



3 / A3 EXISTING THIRD FLOOR
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

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Sheet Contents:
EXISTING FLOOR PLANS

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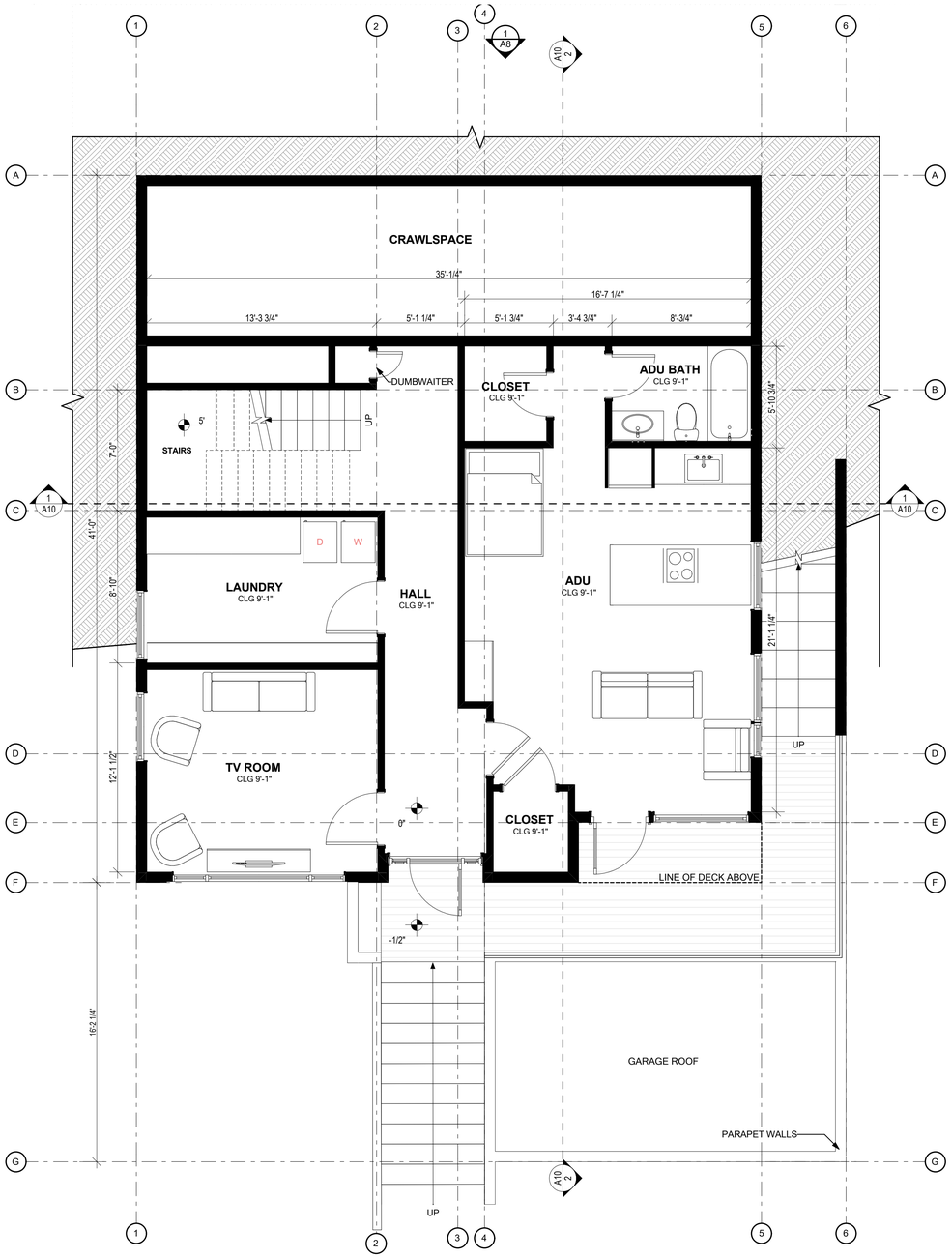
A3

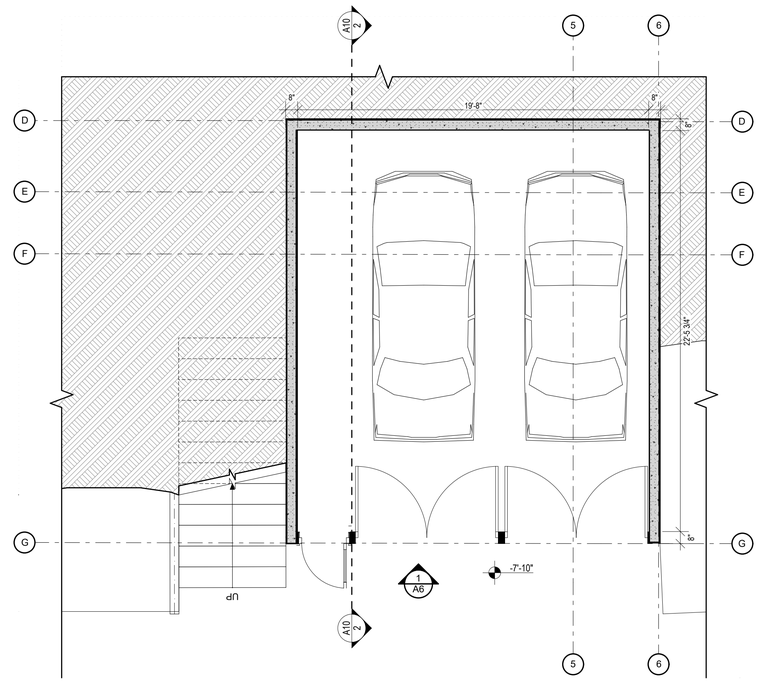


2 A4 PROPOSED GROUND FLOOR
SCALE: 1/4" = 1'-0"

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE DATE **January 12, 2023**

* Findings and Conditions Attached



1 A4 PROPOSED GARAGE FLOOR
SCALE: 1/4" = 1'-0"

0 2 4 8 12

TRUE NORTH

PROJECT NORTH

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AIDAN KEEFE

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BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

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PROPOSED FLOOR PLANS

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CH/KM

Checked By:
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A4

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

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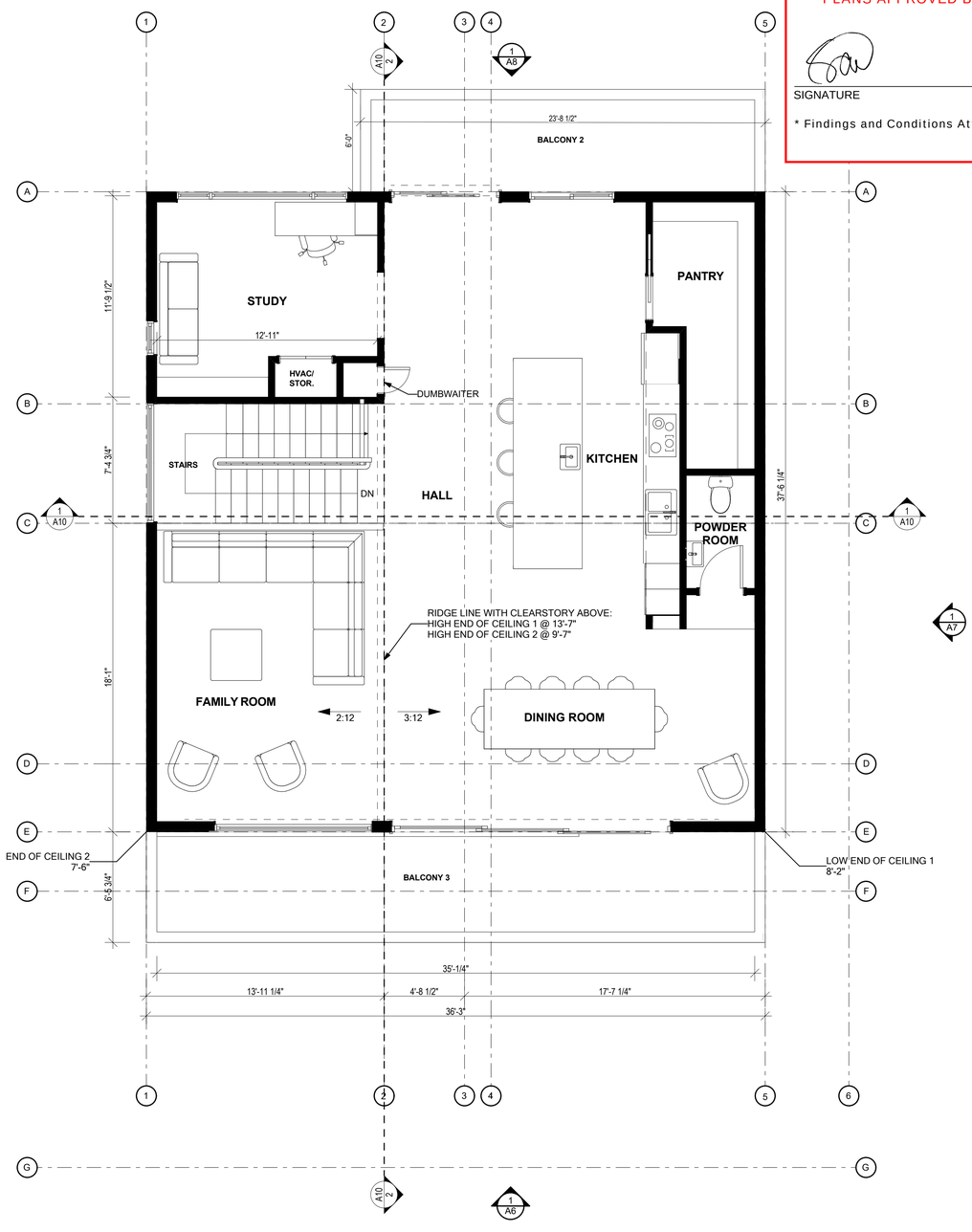
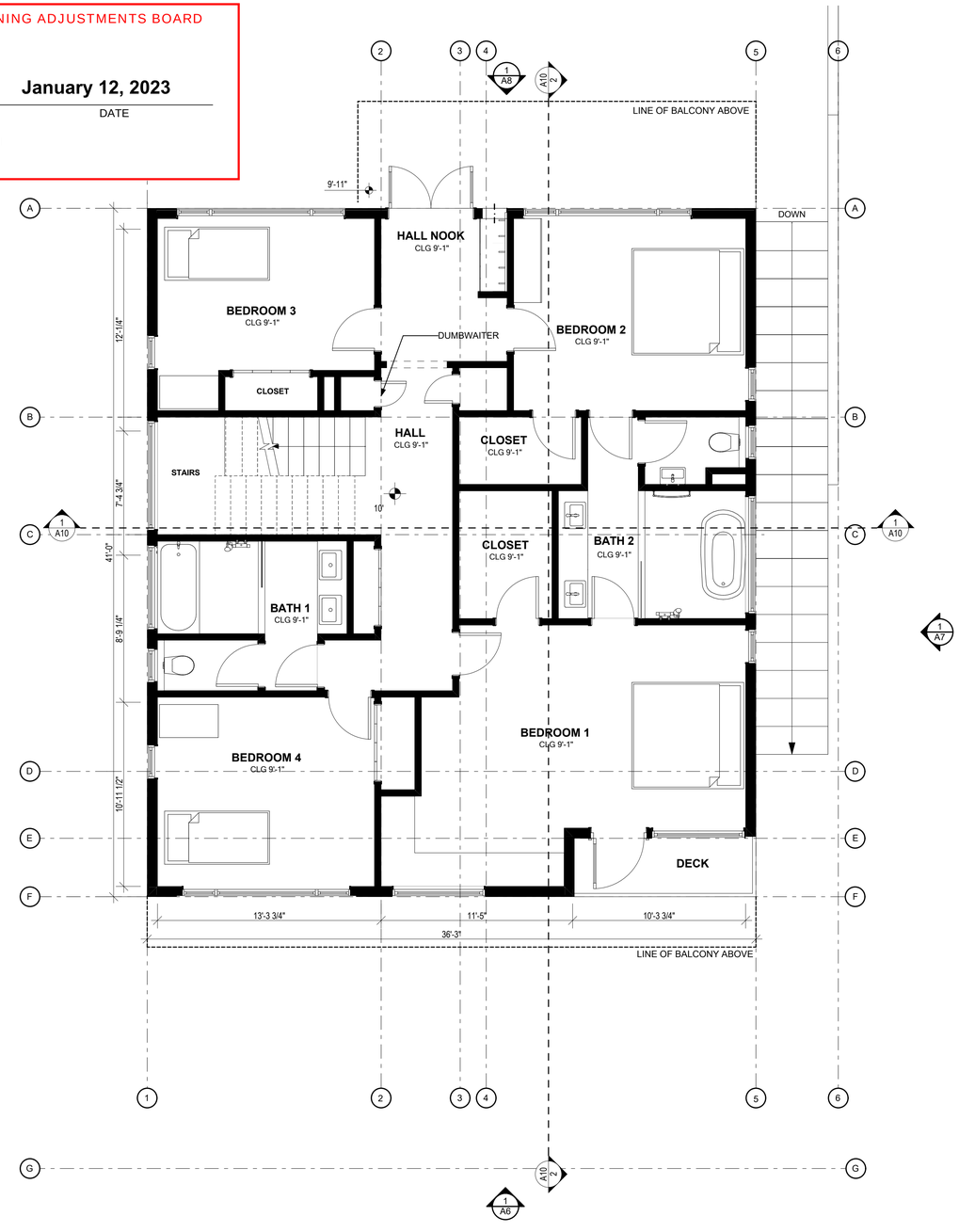


2 / A5 PROPOSED THIRD FLOOR
SCALE: 1/4" = 1'-0"



1 / A5 PROPOSED SECOND FLOOR
SCALE: 1/4" = 1'-0"

0 2 4 8 12

TRUE NORTH

PROJECT NORTH

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CH/KM

Checked By:
SG

A5

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January 12, 2023

SIGNATURE DATE

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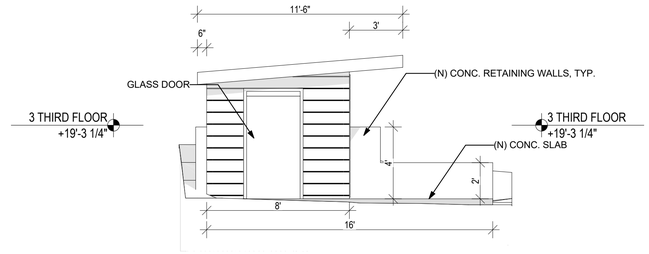
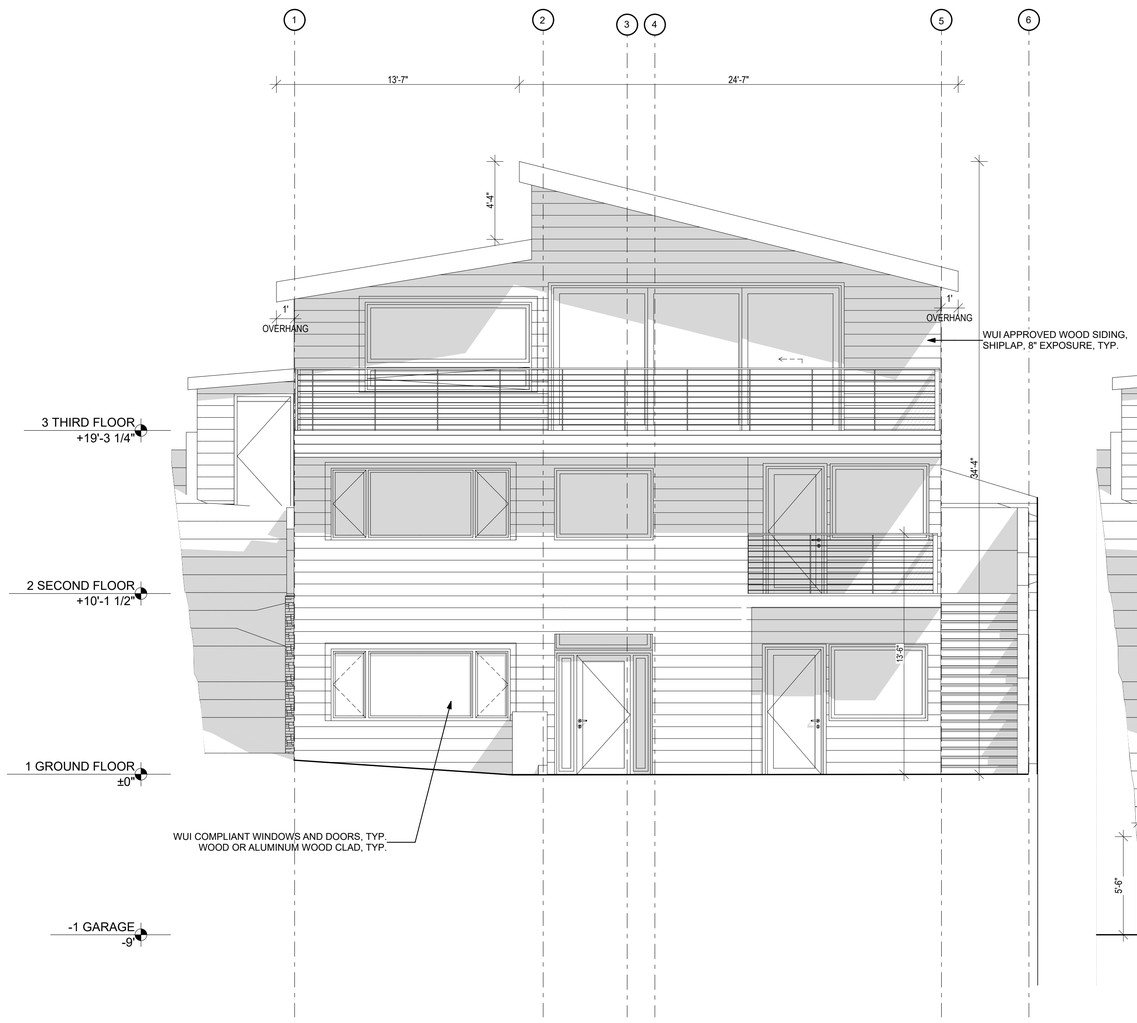
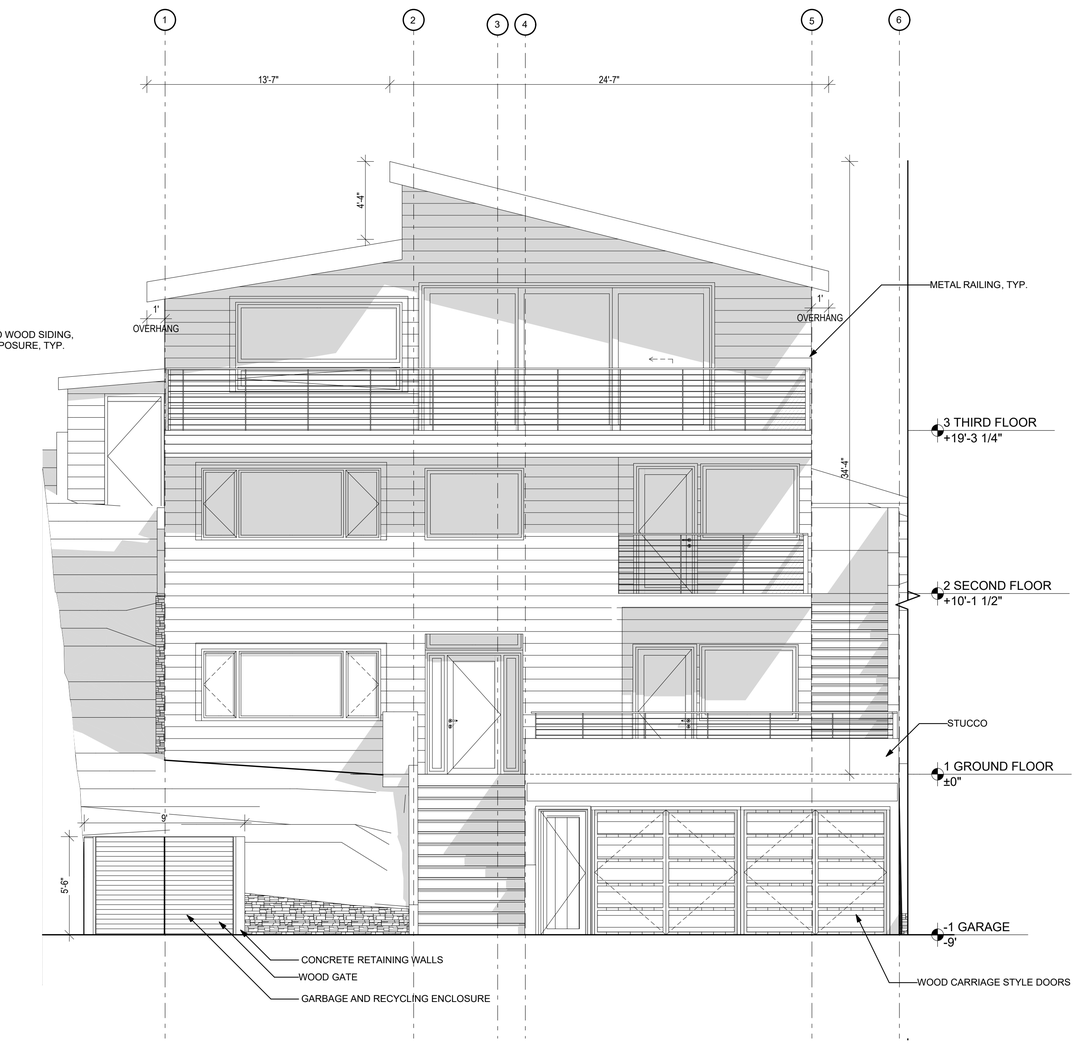


3 A6 WEST ELEVATION: SHED
SCALE: 1/4" = 1'-0"



1 A6 WEST ELEVATION MAIN HOUSE
SCALE: 1/4" = 1'-0"



0 2 4 8 12

2 A6 WEST ELEVATION STREET VIEW
SCALE: 1/4" = 1'-0"

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Sheet Contents:
PROPOSED ELEVATIONS

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Project No:
2136

Date:
December 19, 2023

Drawn By:
CH/KM

Checked By:
SG

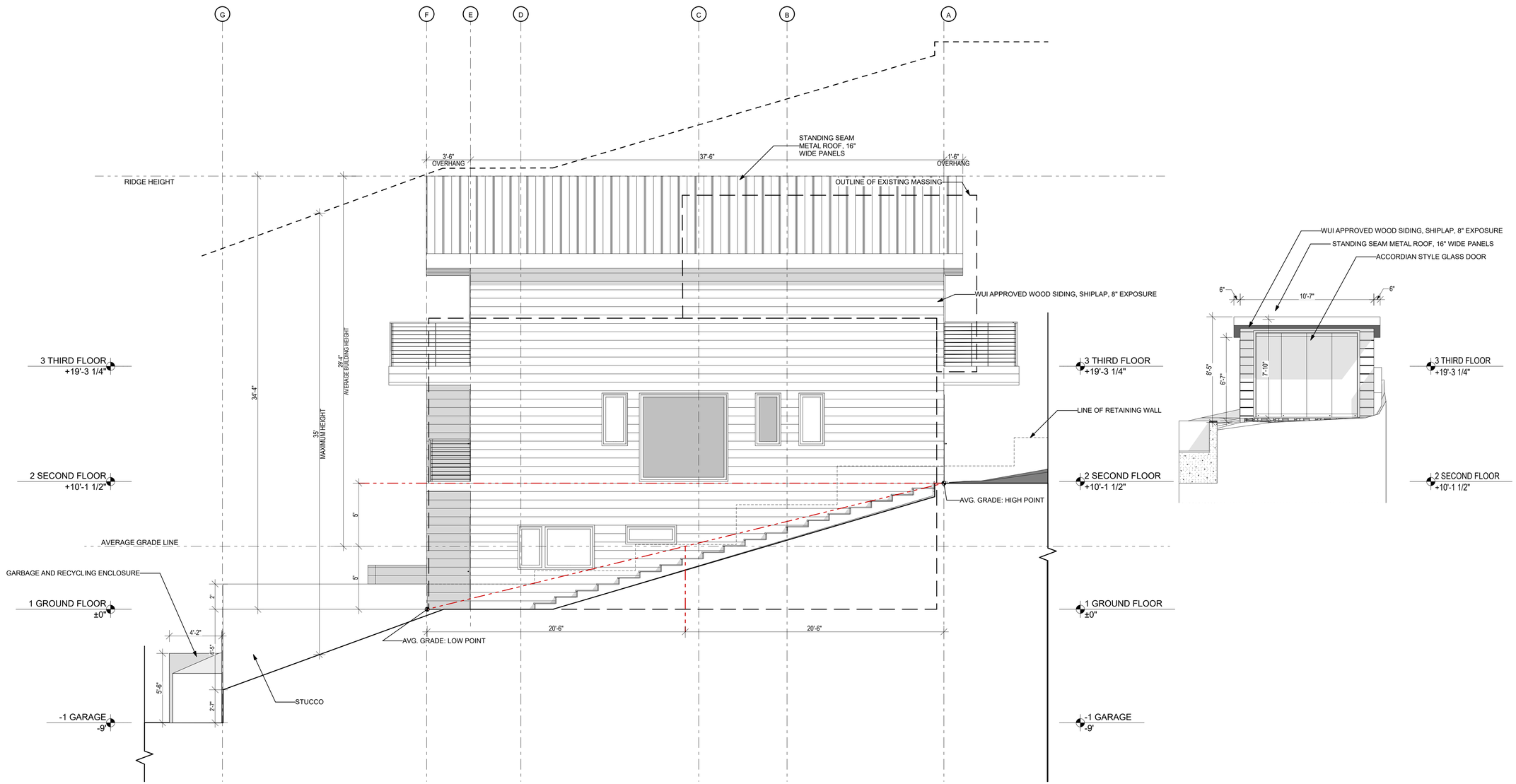
A6

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



1 / A7 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

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BERKELEY, CA 94707

Owner:
AIDAN KEEFE

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MOBILE: (415) 317-7845
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Sheet Contents:
PROPOSED ELEVATIONS

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Project No:
2136

Date:
December 19, 2023

Drawn By:
CH/KM

Checked By:
SG

A7

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

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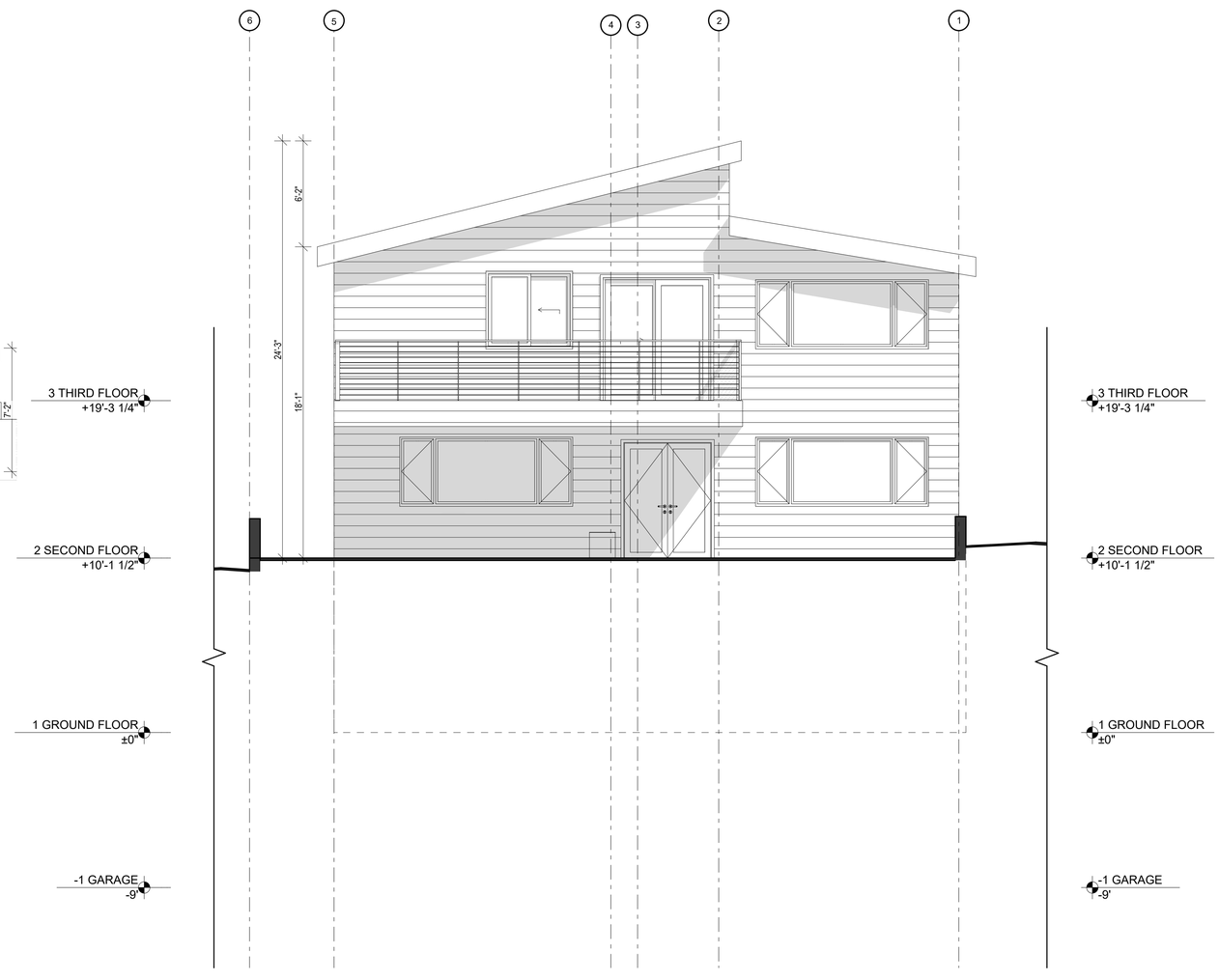

2 / A8 EAST ELEVATION: SHED
SCALE: 1/4" = 1'-0"

1 / A8 EAST ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

Keefe Residence

Project Address:
469 KENTUCKY AVE.
BERKELEY, CA 94707

Owner:
AIDAN KEEFE

469 KENTUCKY AVE.
BERKELEY, CA 94707
MOBILE: (415) 317-7845
EMAIL: aidan.keefe@gmail.com

LEVITCH
ARCHITECTS+BUILDERS
LEVITCH ASSOCIATES INC.
1029 HEINZ AVENUE BERKELEY CA 94710
Tel: (510)845-6941 Fax: (510) 845-6950
www.levitch.com

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Sheet Contents:
PROPOSED ELEVATIONS

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Project No:
2136

Date:
December 19, 2023

Drawn By:
CH/KM

Checked By:
SG

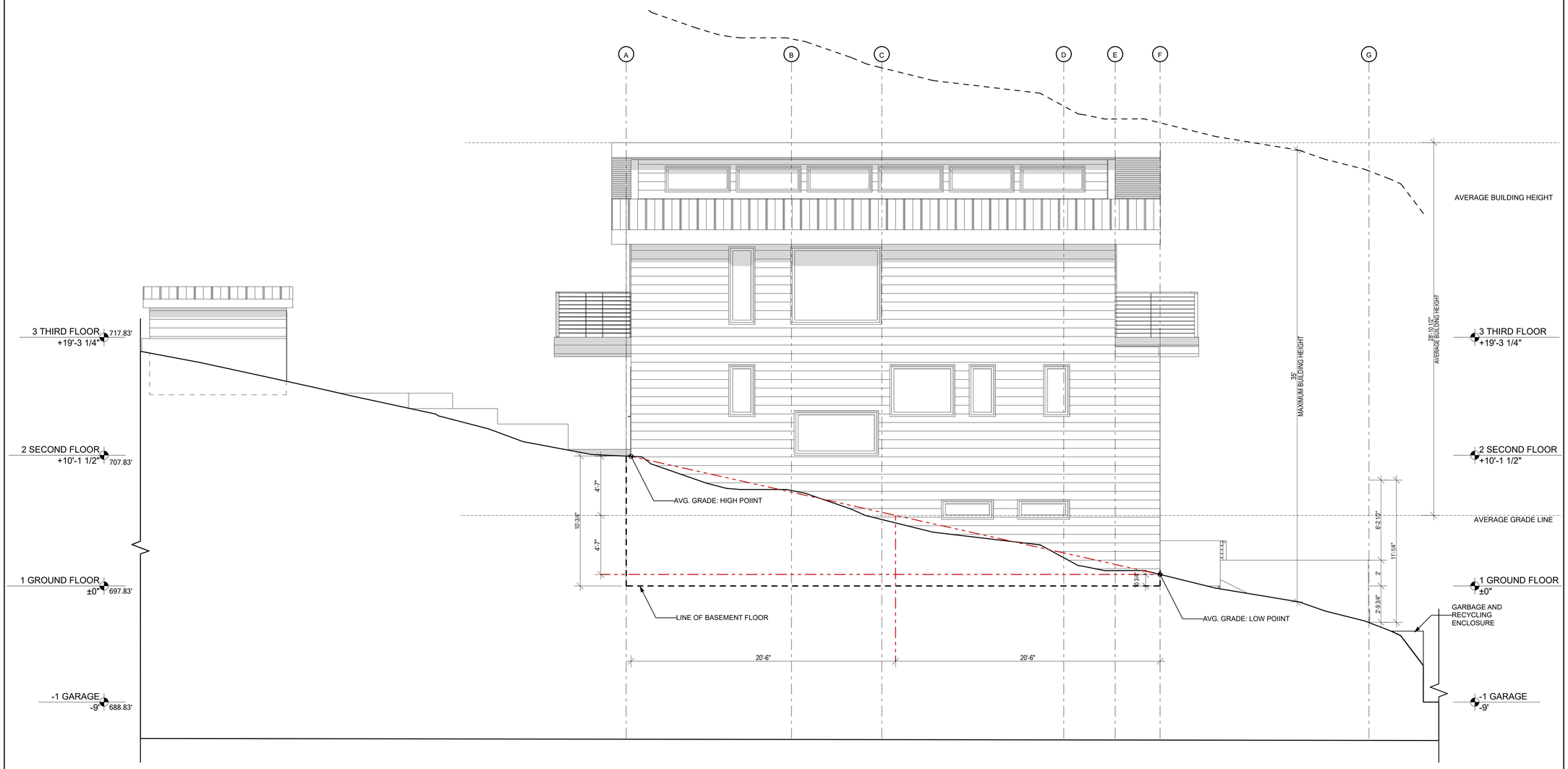
A8

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



1 / A9 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

0 2 4 8 12

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Checked By:
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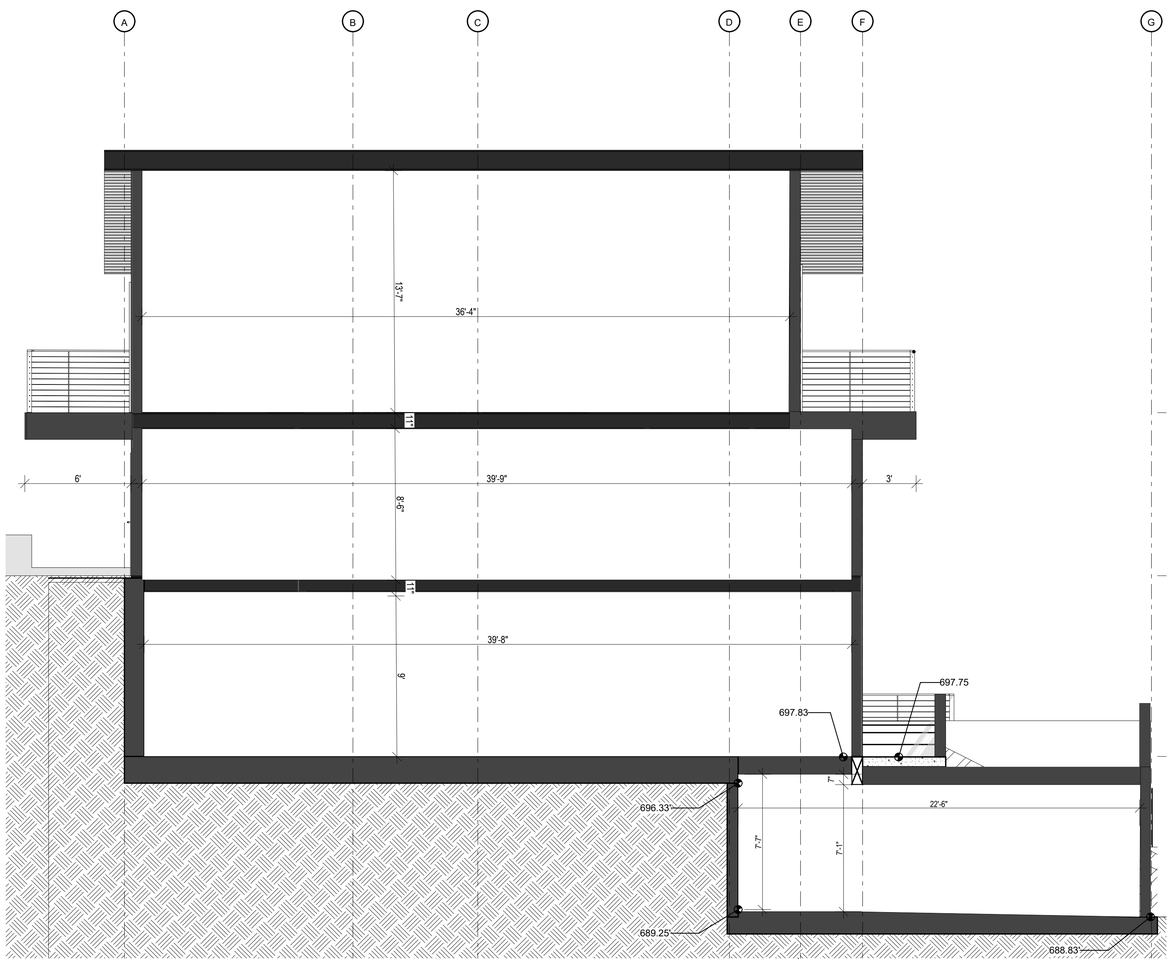
A9

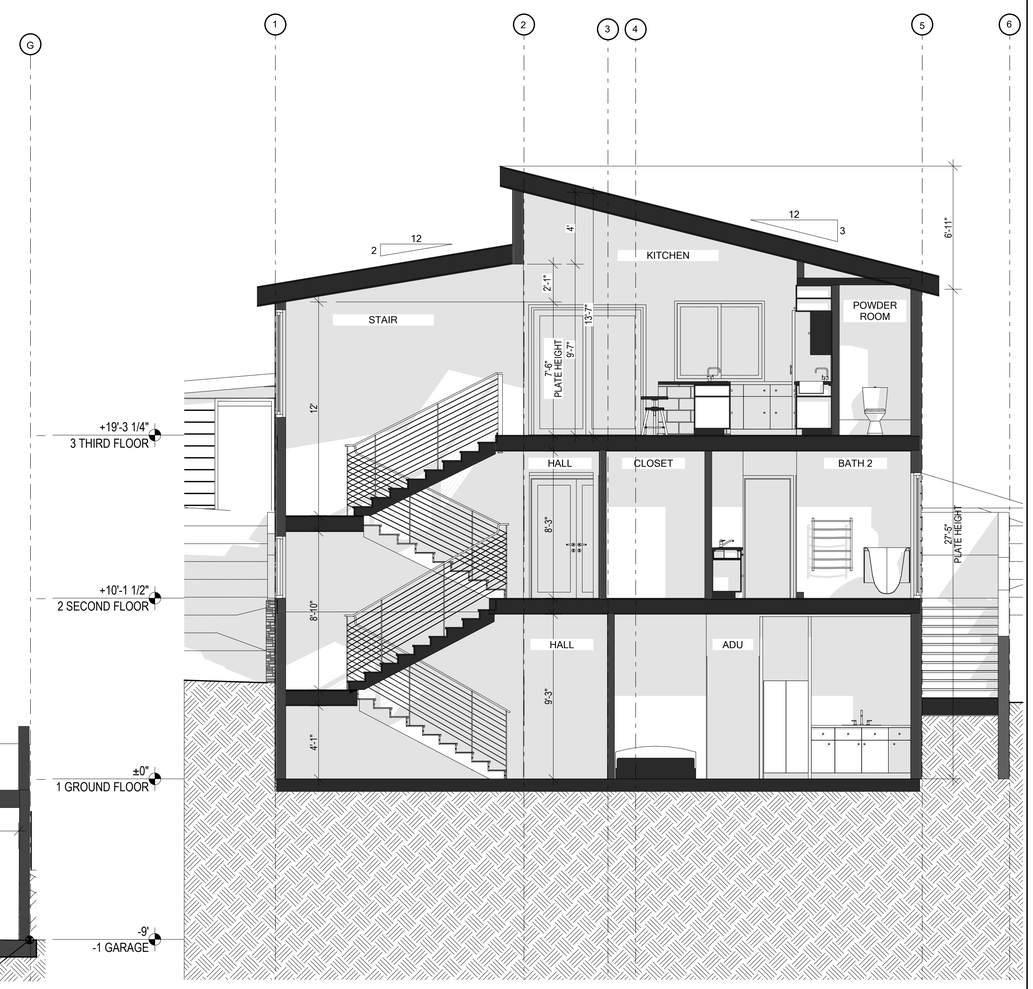
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **January 12, 2023**

* Findings and Conditions Attached



2 A10 SECTION B
SCALE: 1/4" = 1'-0"



1 A10 SECTION A
SCALE: 1/4" = 1'-0"

0 2 4 8 12

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Sheet Contents:
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Checked By:
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A10

TOTAL EXCAVATION = 11,848 CUBIC FEET
TOTAL FILL = 735.27

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

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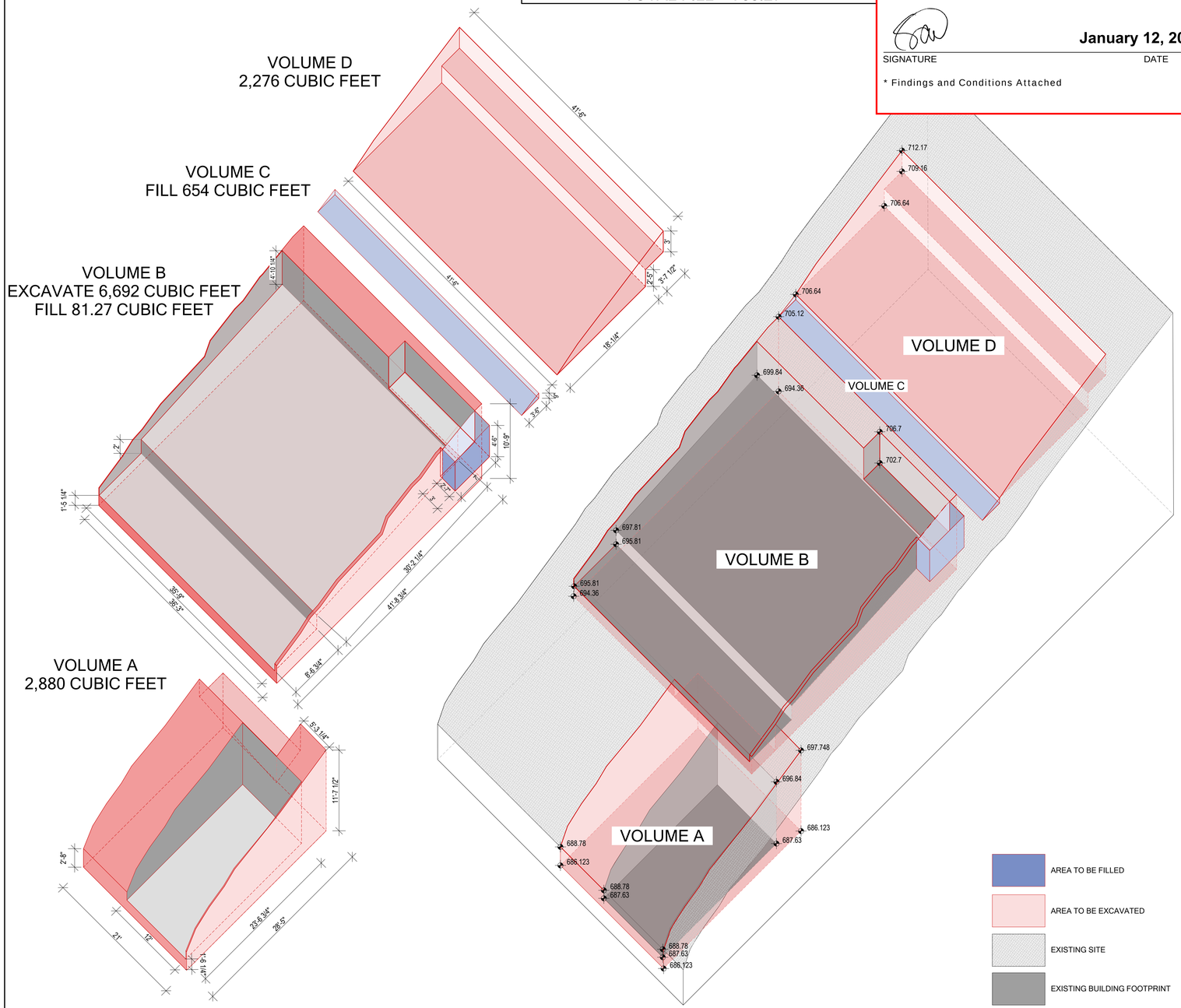
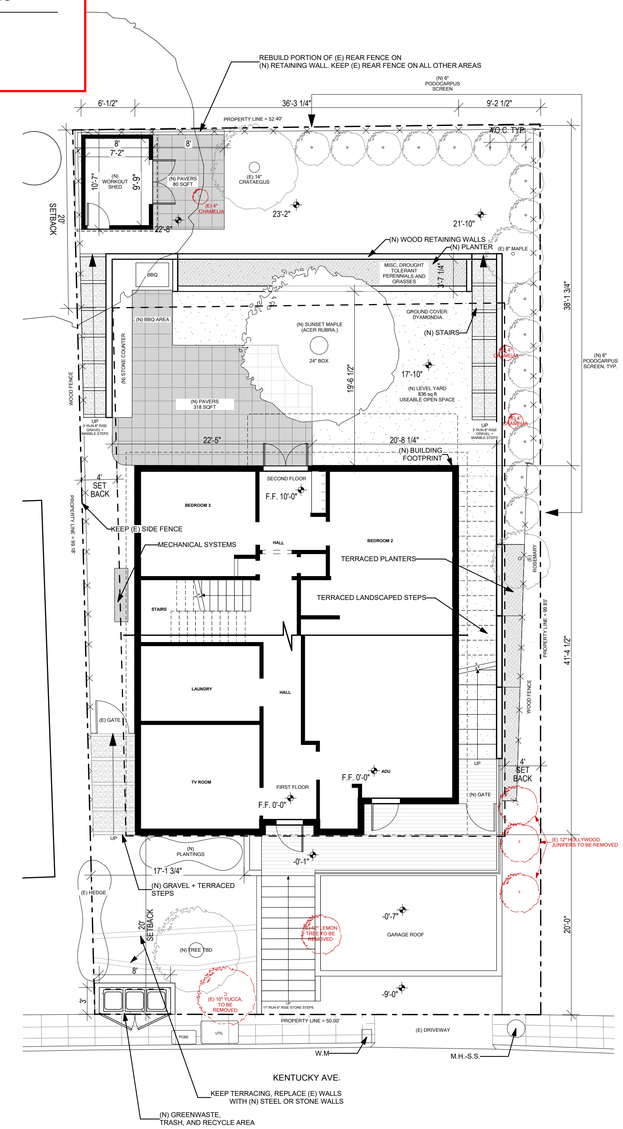


5 A11 CONCEPTUAL GRADING DIAGRAM
SCALE: 1/8" = 1'-0"



1 A11 LAMDSCAPE PLAN
SCALE: 1/8" = 1'-0"

2' 4' 8' 12'

TRUE NORTH

PROJECT NORTH

Keefe Residence

Project Address:
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BERKELEY, CA 94707

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Sheet Contents:
LANDSCAPE AND GRADING PLAN

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Drawn By:
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A11

2 HOURS AFTER SUNRISE | NOON | 2 HOURS BEFORE SUNSET

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

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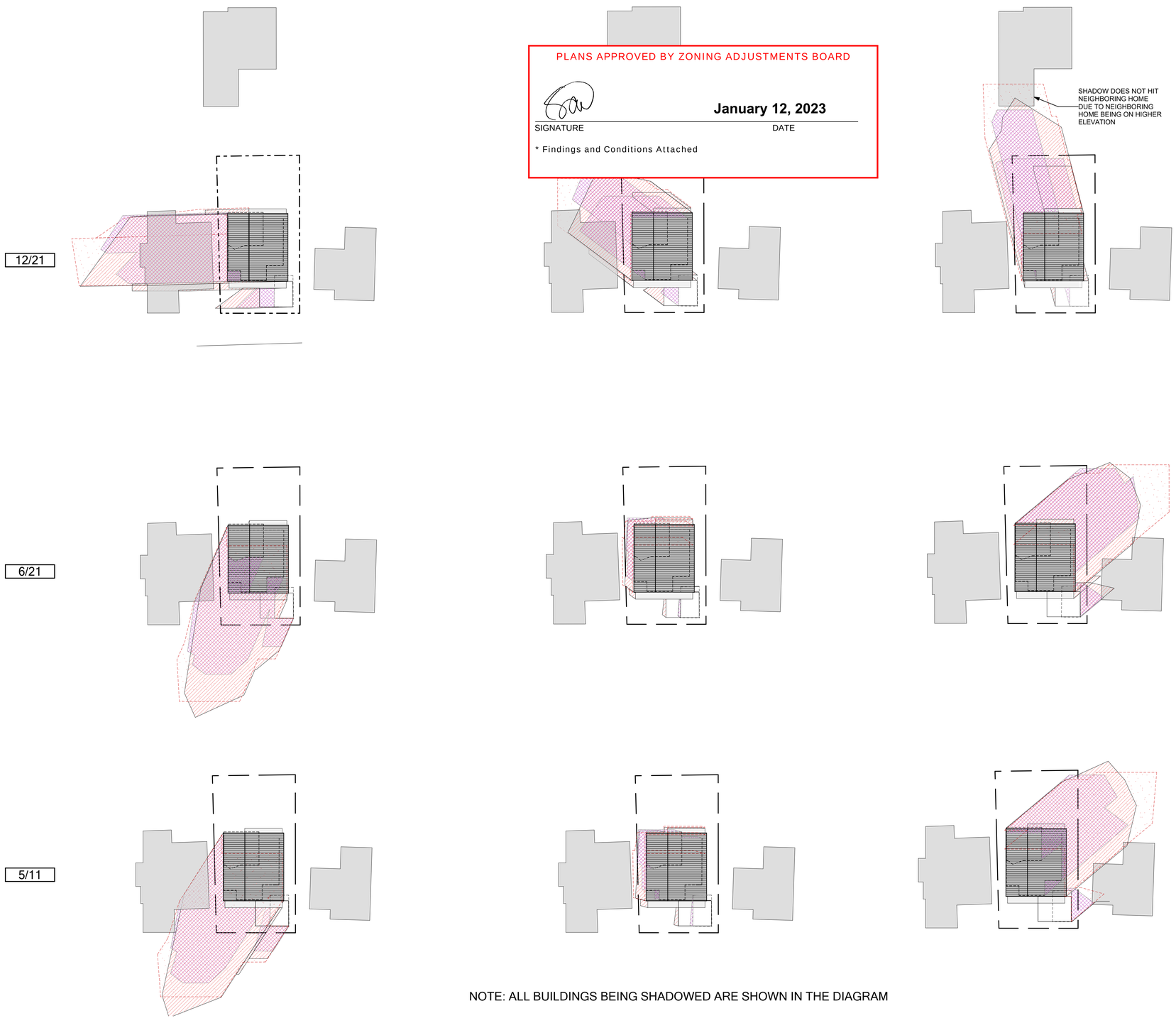

469 KENTUCKY BACKYARD:
PHOTO TAKEN ON 5/11/22 AT 12:00 PM

NOTE: ALL BUILDINGS BEING SHADOWED ARE SHOWN IN THE DIAGRAM

2 A12 SHADOW STUDY
SCALE: 1/32" = 1'-0"

PREVIOUSLY PROPOSED SHADOW | PROPOSED SHADOW | EXISTING SHADOW

TRUE NORTH

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Sheet Contents:
SHADOW STUDY

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Date:
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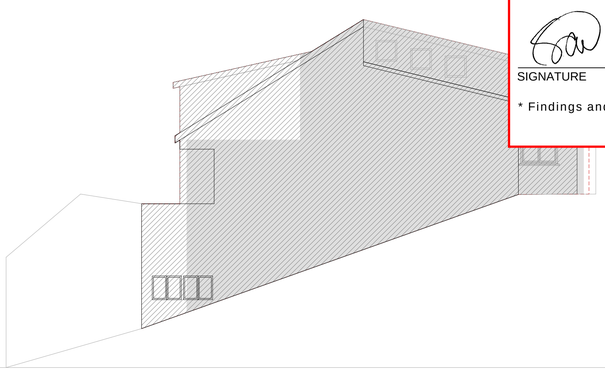
CH/KM

Checked By:
SG

A12

467 KENTUCKY AVE.



DECEMBER 2 HOURS AFTER SUNRISE

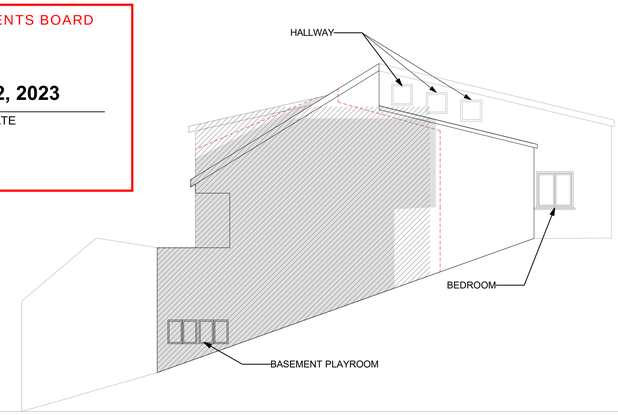
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

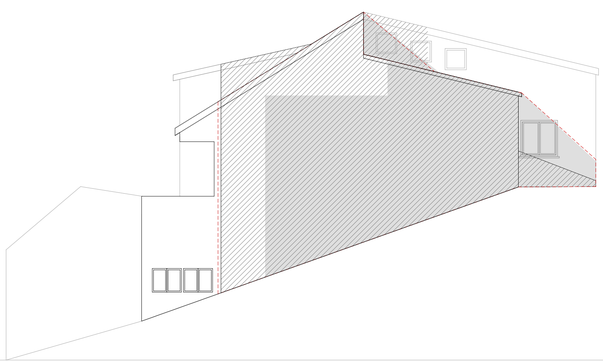
* Findings and Conditions Attached

467 KENTUCKY AVE.



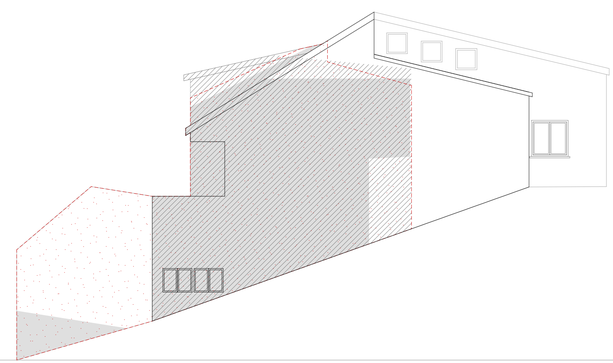
JUNE- 2 HOURS AFTER SUNRISE

467 KENTUCKY AVE.



DECEMBER, NOON

467 KENTUCKY AVE.

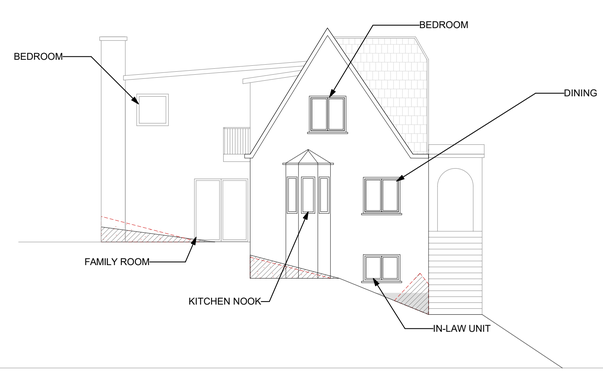


5/11- 2 HOURS AFTER SUNRISE

475 KENTUCKY AVE.

JUNE- 2 HOURS BEFORE SUNSET

475 KENTUCKY AVE.

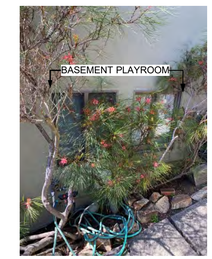


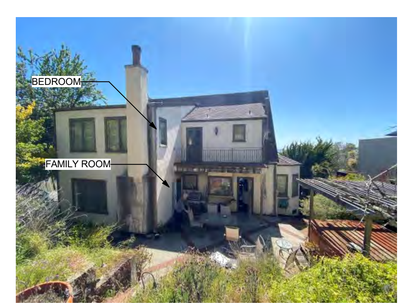
5/11 - 2 HOURS BEFORE SUNSET

1
A13

SHADOW STUDY ELEVATIONS
SCALE: 1/8" = 1'-0"

EXISTING SHADOW PROPOSED SHADOW PREVIOUSLY PROPOSED SHADOW





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Sheet Contents:
SHADOW STUDY
ELEVATIONS

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Project No:
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Date:
December 19, 2022

Drawn By:
CH/KM

Checked By:
SG

A13

TREE INVENTORY
PREPARED BY LEVITCH ASSOCIATES

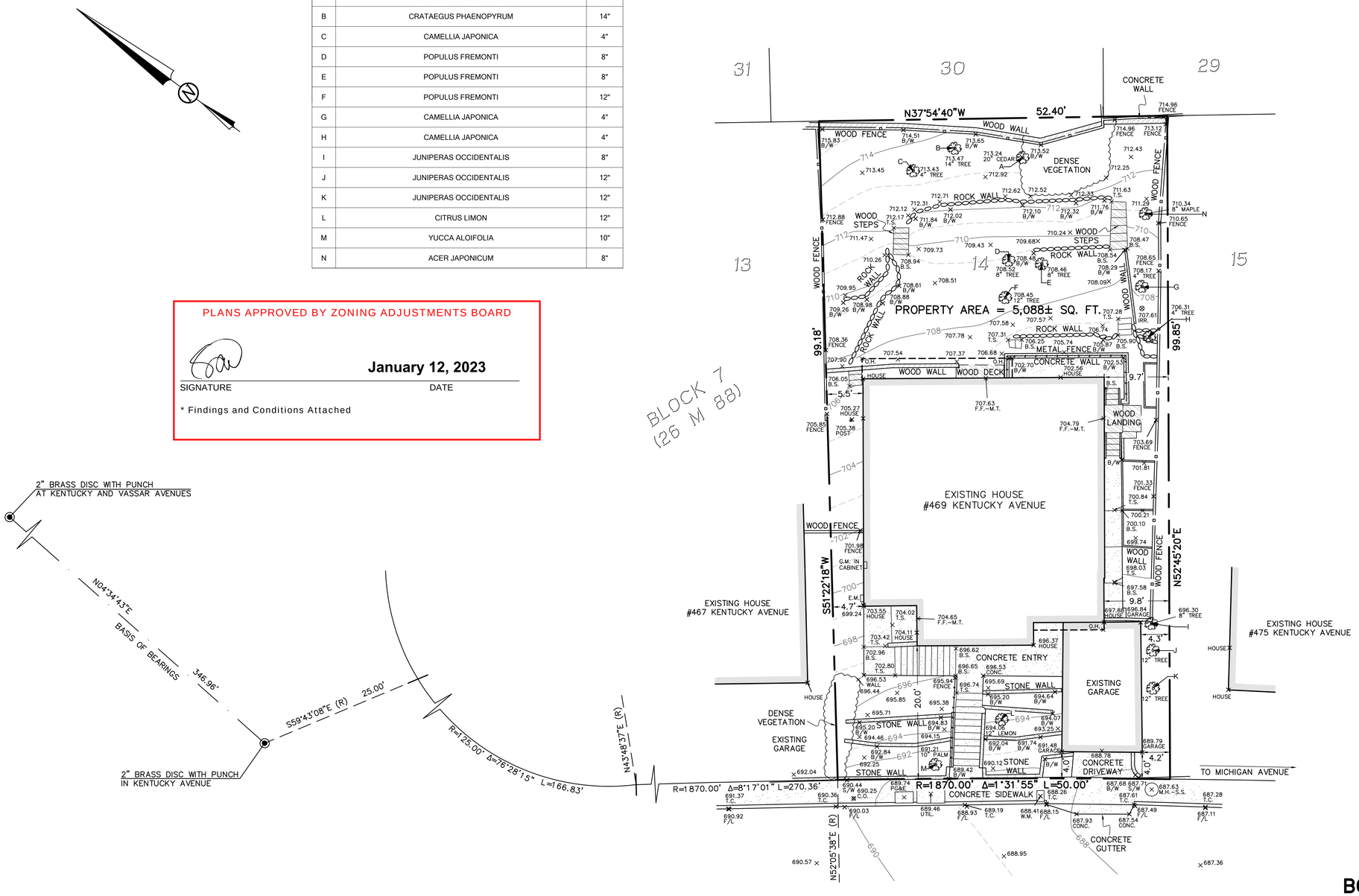
X	SPECIES NAME	DBH
A	CALOCEDRUS DECURRENS	20"
B	CRATAEGUS PHAENOPYRUM	14"
C	CAMELLIA JAPONICA	4"
D	POPULUS FREMONTI	8"
E	POPULUS FREMONTI	8"
F	POPULUS FREMONTI	12"
G	CAMELLIA JAPONICA	4"
H	CAMELLIA JAPONICA	4"
I	JUNIPERAS OCCIDENTALIS	8"
J	JUNIPERAS OCCIDENTALIS	12"
K	JUNIPERAS OCCIDENTALIS	12"
L	CITRUS LIMON	12"
M	YUCCA ALOIFOLIA	10"
N	ACER JAPONICUM	8"

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 12, 2023

SIGNATURE DATE

* Findings and Conditions Attached



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
C.O.	CLEAN OUT
CONC.	CONCRETE
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
G.M.	GAS METER
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
O.H.	OVERHANG
PG&E	PACIFIC GAS AND ELECTRIC
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
UTIL.	UKNOWN UTILITY
W.M.	WATER METER
	BUILDING LINE
	CONCRETE
	CONCRETE WALL
	ROCK WALL
	STONE
	WOOD
	WOOD WALL
	METAL FENCE
	WOOD FENCE
	FOUND MONUMENT IN WELL, AS NOTED
(R)	RADIAL

GENERAL NOTES:
THIS MAPPING IS BASED ON A FIELD SURVEY PERFORMED ON APRIL 19, 2021.

DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN TO THE PROPERTY LINES WERE MEASURED FROM THE BUILDING CORNERS.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BASIS OF BEARINGS:
THE MONUMENT LINE IN KENTUCKY AVENUE WAS TAKEN AS NORTH 04°34'43" EAST AS SHOWN ON THOUSAND OAKS HEIGHTS (26 M 88).

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE 2" BRASS DISC MONUMENT AT THE INTERSECTION OF KENTUCKY AND VASSAR AVENUES, DESIGNATED "B1625" WAS TAKEN AS ELEVATION = 697.93 FEET PER CITY OF BERKELEY ENGINEERING RECORDS.

LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA

05-28-2021

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 14, BLOCK 7, THOUSAND OAKS HEIGHTS (26 M 88)
LOCATED AT 469 KENTUCKY AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

MAY 28, 2021 SCALE: 1" = 8'

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

F.B. NO. 1824 & RR-94 KENTUCKY-TOPO.DWG JOB NO. 21-10668

STEPHEN B. BEDRICK
---------- ATTORNEY AT LAW ----------
1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900
FAX: (510) 452-1980
sbedrick@sonic.net

CITY OF BERKELEY - CITY CLERK
2023 FEB 9 AM9:19

February 8, 2023

City Clerk
City of Berkeley
2180 Milvia St.
Berkeley, CA 94704

Re: Appeal of ZAB's approval of demolition permit and use permit at 469 Kentucky Avenue

Dear Sirs/Madams:

My wife and I live at 485 Kentucky Avenue, four houses south of the subject property. I appeal the ZAB's approval of permits to demolish a perfectly good single family house at 469 Kentucky Avenue. The notice of decision was mailed January 31, 2023. I attach the appeal fee.

The major problem is that the demolition process, including dumpsters and dump trucks, is likely to totally block our narrow, one-lane, one-way street for hours at a time. This will prevent us and several other residents from being able to drive away from our houses. This will obstruct fire trucks, emergency vehicles, and delivery vans. This will be detrimental to the health and safety of the neighbors and the neighborhood.

I attach prior letters to the ZAB which describe the problem in more detail. Other neighbors have opposed this project on similar grounds.

We were unable to properly present our objections to the ZAB for two reasons. First, city staff failed to submit my January 4, 2023 letter of objection (attached here) to the ZAB in a timely fashion. Second, at the beginning of the ZAB zoom hearing, we informed the chair that we wished to speak, but the ZAB

staff failed to "unmute" us at the appropriate time, so we were not allowed to speak.

I oppose the grant of the demolition permit and the use permit. In the alternative, I request that the following conditions, at a minimum, be imposed:

1. That the street not be obstructed for more than 10 minutes at a time;
2. That the street not be obstructed for more than 30 minutes per day;
3. That notice of any intended street obstruction be given to the affected neighbors at least 48 hours in advance; (ZAB approved this one condition);
4. That traffic monitors be on site whenever the street is blocked so they can ensure that these time limits are complied with;
5. That traffic monitors be on site when the street is blocked, to assist residents who have difficulty getting to or from their homes;
6. That the city traffic engineer prepare a plan which includes these conditions; and
7. That the city traffic engineer be tasked with enforcing these conditions.

Thank you.

Very truly yours,

S B Bedrick

STEPHEN B. BEDRICK
SBB/AD

Encl.

STEPHEN B. BEDRICK
---------- ATTORNEY AT LAW ----------
1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900
FAX: (510) 452-1980
sbedrick@sonic.net

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St., 2nd Floor
Berkeley, CA 94704

also by e-mail to
zab@cityofberkeley.info

Re: 469 Kentucky Ave.
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

My family and I live at 485 Kentucky Avenue, four houses south of the proposed project at 469 Kentucky Avenue. I write to oppose the project, the use permit, and the demolition permit, because they will be detrimental to the health and safety of the neighborhood residents.

Our block of Kentucky Avenue is highly unusual, as it consists of two one-way streets. You need to see it to understand it. It is terraced, with a divider strip between the upper, northbound lane - - where my house and the proposed project are located - - and the lower southbound lane.

The divider strip is six to eight feet wide and six to ten feet high. There is a curb on the left side of the northbound lane. There is a six to ten foot drop off from the upper northbound side of Kentucky to the lower southbound side. Trucks have partially fallen over the edge, because the street was not wide enough for them.

Each lane of the street is effectively a one-way street. Each lane is so narrow, that people must park their cars half-way on the sidewalk to avoid being

struck by passing cars and trucks. There have been several such accidents. The street is so narrow that boxy UPS trucks can barely get by.

We oppose the demolition, because it is not necessary, and because it would be detrimental to our health and safety. The house at 469 Kentucky is an attractive Mediterranean. It is quite liveable and has been continuously occupied for many years. Demolition would be contrary to our much beloved Neighborhood Preservation Ordinance, and should not be allowed.

Demolition would involve a huge amount of dust, debris, and air pollution. The neighborhood needs to be protected from that.

Demolition would require hundreds of empty dumpsters to be hauled in by multiple trucks, and hundreds of full dumpster loads of debris to be hauled out. That would result in the street being blocked for hours at a time.

The neighbors south of the project, including us, would be essentially trapped in our houses, unable to drive away in our cars, because the one lane, one-way northbound exit route would be blocked by demolition trucks and dumpsters. The neighbors north of the project might be able to leave their houses, but they would not be able to drive home, because the return route to their houses would be blocked.

Parking on the opposite side of the street does not solve the problem. All of the parking spaces on the non-obstructed southbound side of the street are usually filled. And even if there were available spaces on the southbound (lower) side of the street, the divider strip is too steep for most of us to walk up from the lower side of the street to the upper side, especially when carrying groceries or other packages. And people often slip trying to walk down the steep divider strip.

There also is a potential flooding problem. The upper side of the street is hilly. The street goes down and up and down again. During the first year of the pandemic, it was a wonderful place for neighborhood children to learn how to ride their bicycles on hills. But when it rains, the hilly street funnels heavy water run off down to the storm drains, which are just below, and one house away from, the

proposed project. There is a serious risk that dirt, dust, and debris from the demolition would clog the storm drains and the fragile neighborhood drainage system. That would lead to flooding on both sides of Kentucky Ave., especially of houses on the lower side of Kentucky.

There is a natural spring which bubbles up, even on dry summer days, near the storm sewer drain on the lower side of the street. The spring needs to be protected. In addition, because of the spring, the water table on that side of the street is probably relatively high. That exacerbates the potential flooding risk to the houses on the lower side of the street.

There are further problems. The applicant's geotechnical engineer's December 29, 2021 letter states at p. 2 that Berkeley does not require compliance with CGS 117A, regarding seismic hazards, for a "partial repair or remodel." But the proposed project is a complete teardown, not a remodel, so that exception to the CGS 117A guidelines does not apply.

Finally, City staff wrote a letter to the applicant on July 22, 2022, saying that the application was incomplete. Your website does not contain any response, especially regarding lot coverage.

For all these reasons, we oppose the demolition project. We also request that any hearing or decision be postponed or continued. The 20 day period initially available to the public to examine the application and its 100 pages of supporting documents included the long Christmas and New Year's weekends. That made it difficult for some neighbors to obtain, examine, and comment on the application.

Very truly yours,

STEPHEN B. BEDRICK
SBB/SBM

KATHRYN ANN SELIGMAN
485 KENTUCKY AVENUE
BERKELEY, CA 94707
kseligman@comcast.net

January 4, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: 469 Kentucky Avenue
Use Permit ZP 2022-0087
Hearing: January 12, 2023

I reside with my family at 485 Kentucky Avenue, four houses south of the proposed demolition and rebuilding project at 469 Kentucky Avenue. We have lived in our home since July 1988 – more than 34 years. I write to oppose the proposed project, the use permit and the demolition permit, because the project will be detrimental to the health, safety, and quality of life of those of us who reside on the northbound one-way street that is on the east side of Kentucky Avenue, specifically the block between the intersections of Michigan and Maryland Avenues.

The lengthy proposed project will undoubtedly cause significant adverse effects detrimental to those who live on both sides of the street – noise, dust, debris, pollution, blockages and disruption.

However, I am particularly concerned with the effect the project will have on the ability of myself and similarly situated neighbors to safely drive away from our homes and return to our homes on our northbound one-way one-lane block of Kentucky Avenue. Simply put, large trucks needed to bring supplies and workers and to haul away the significant debris resulting from demolition and reconstruction, as well as dumpsters full of debris will inevitably block most or all of our very narrow one-way street for significant periods of time, making it

impossible or very perilous to drive our cars past the project on our block of the street. Not only will residents be prevented from driving down the street to get from or to our homes, but so will the vehicles of persons who visit us, work for us, deliver mail and packages, haul garbage, or most importantly, provide emergency services (e.g. ambulances, firetrucks, water and power trucks).

To understand this significant impairment of our ability to leave from or return to our homes by vehicle, you need to understand the unusual configuration of our block of Kentucky Avenue. I hope the photos sent along with this letter will be helpful, but you really need to see it in person to understand.

Our block of Kentucky Avenue (between Michigan and Maryland) is essentially two one-lane one-way streets. We live on the eastern side of the street, so traffic on our side (our lane) heads only north towards Maryland. Traffic on the western side of the street heads only south towards Michigan. The proposed project is also on the eastern side of the street.

The street is terraced and the two sides or lanes of the street are separated by a wide divider strip that is planted with bushes, shrubs and a few trees and slants downward from our side (the eastern side of the street) to the other side (the western side of the street). The planted divider strip is about 6 to 10 feet high and wide, so there is a 6 to 10 foot drop off from the upper (eastern) side of the street to the lower (western) of the street. Obviously, one cannot drive across the divider strip to the other side of the street. Moreover, it is very, very difficult to traverse the divider on foot, particularly for us older adults.

Thus, if the single one-way northbound lane on the eastern side of the street is completely or significantly blocked, there is no way to turn one's car around or make a u-turn in the middle of the terraced block to head the other way. It would be difficult and unsafe to navigate a u-turn in the narrow lane, with parked cars on one-side and the drop off on the other side. The person driving northbound is essentially stuck until the vehicle blocking the street moves on. This happens, unfortunately, with some frequency, on days when garbage is being picked up or many packages are being delivered.

If the proposed demolition and rebuilding project at 469 Kentucky Avenue is approved, we anticipate there would be many days over months when large

trucks and dumpsters would completely or mostly be blocking our narrow one-lane one-block northbound street. Those of us who live south of 469 Kentucky (which is near the middle of the block) would be prevented from driving away from our homes. The street is too narrow and hilly to safely navigate a u-turn and drive south. Trying to back out towards Michigan is also dangerous. Those who live north of 469 Kentucky would have difficulty returning to their homes, unless they dangerously drove the wrong way on the northbound street

These significant and inevitable problems of egress and ingress on our narrow one-land one-way street are aggravated by the fact that so many of us park at least some of our vehicles on the street in front of our homes. You will note that we usually park our vehicles in the proper northbound direction with the passenger side wheels up on the curb. We do this out of necessity because the street is so narrow. Many of us have had our vehicles hit or sideswiped when we do not park on the curb.

Many of us park on the street at the curb because we do not have usable garages and driveways. The garages are too small or converted to other uses. Or, as is the case in our family, our garage only holds one vehicle. My husband parks his car in the garage (when it is not flooded) and my son and I park our vehicles along the curb in front of our house. Many of the driveways on our block are narrow, sloped our poorly graded, so parking in the driveway is not always an option.

Parking is often hard to find on our block of Kentucky Avenue, and on intersecting streets, as persons who visit us or work in our homes are all too aware. The vehicles, dumpsters and equipment needed for the proposed demolition and remodeling project will also take up needed parking spaces and make it impossible, difficult or hazardous for us to continue parking our cars on the street on our block.

Parking elsewhere – across the street on the other side of Kentucky or on neighboring streets is not a viable option. The other side of our block of Kentucky (the western side with the southbound lane) has few available parking spaces. As noted above, traversing the planted barrier is difficult and hazardous, particularly if one is carrying groceries or something else from the car to home. We live closer to the intersection of Kentucky and Michigan. Michigan is a very steep street heading downhill from Spruce Street to Kentucky. There are not a lot of available

places to park on Michigan, and carrying groceries or other items from the vehicle to the home is also difficult. The street is steep and not well lighted. The options for Kentucky Avenue residents parking their vehicle on other intersecting or nearby streets are uncertain, difficult, hazardous or inconvenient –not to mention the inconvenience caused to people who live on these other streets when we park our vehicles in front of their home for months.

Those of us who live on the eastern side of the divided block of Kentucky Avenue, particularly those of us who live south the proposed demolition and rebuilding project should not have to face these hazards, incoveniences and disruptions to our lives for the many months (possibly years) that it will take to complete this project.

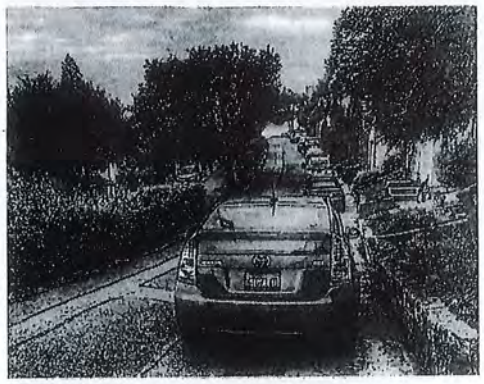
For the reasons discussed above, I oppose the demolition and rebuilding project at 469 Kentucky on behalf of myself, my family and similarly situated neighbors.

Sincerely yours,

KATHRYN ANN SELIGMAN

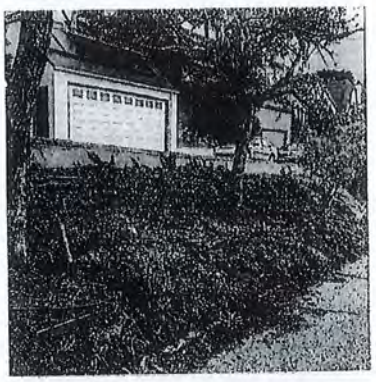
Photographs of Kentucky Avenue, 400 Block: Divided Portion of Street

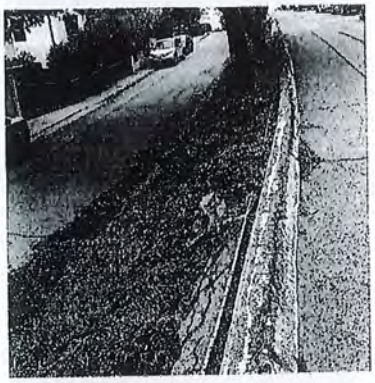
Cars Parked Along the Curb on the East / Uphill Side of Street
Please note that the cars have their passenger side tires on the curb, so traffic can pass by.

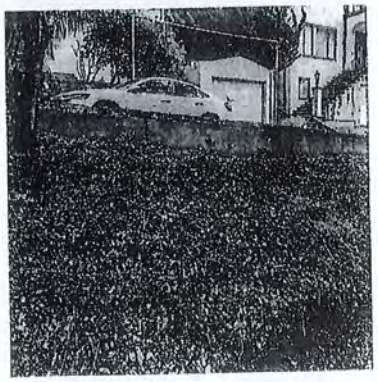


Planted Divider in the Middle of Kentucky Avenue Separating Two One-way Streets

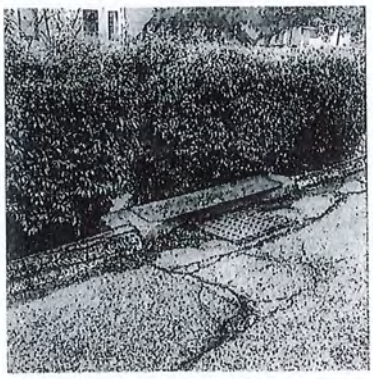
Please note that the West / downhill block is many feet below the East / Uphill block and most residents cannot safely walk across the street from one side to the other.







Storm Drain on the East / Uphill Block of Kentucky Avenue
Please note that the storm drain is near the project site.



STEPHEN B. BEDRICK
---------- ATTORNEY AT LAW ----------
1970 BROADWAY, SUITE 1200
OAKLAND, CALIFORNIA 94612

TELEPHONE: (510) 452-1900
FAX: (510) 452-1980
sbedrick@sonic.net

January 9, 2023

Land Use Planning Division
(Attn: ZAB Secretary)
City of Berkeley
1947 Center St., 2nd Floor
Berkeley, CA 94704

also by e-mail to
zab@cityofberkeley.info

Re: 469 Kentucky Ave. (Second letter)
Use Permit ZP 2022-0087
Hearing: January 12, 2023

Dear Sirs/Madams:

We oppose the demolition project in the R-1-H zone for multiple reasons:

1. The blocking of a narrow one-way street will prevent some neighborhood residents from driving to and from their homes. It also will obstruct emergency vehicles and delivery trucks.

2. The demolition on a hillside lot threatens the geologic stability of the abutting homes.

3. The demolition and removal of debris risks damaging and threatening the integrity of the abutting homes.

4. The demolition threatens to obstruct nearby storm drains, and threatens neighborhood flooding.

The staff report supplied to the Board Members on Friday January 6, 2023 is so incomplete as to be misleading. The staff report claims that no objections were made by neighbors. That is false. Several neighbors (including me) wrote opposition letters to the Board on January 4 and January 5, 2023, before the staff report is ordinally sent to the Board members. At the minimum, we request that the January 12, 2023 hearing be continued until the opposition letters are presented to the Board in time for staff and Board members to consider them.

If, in the alternative, the Board is inclined to approve the demolition of this attractive and perfectly functional house, we request that the following mitigation measures be taken:

1. No demolition or excavation during rainy weather or rainy season (Oct. 15- May 1).

2. Demolition only to be performed by a contractor with experience in demolition on hillsides as steep as this one.

3. A certified engineer must be on site during demolition, to supervise, and to prevent accidents.

4. A retaining wall of sufficient height should be constructed on either side of the project, the entire length of the property, to prevent soil and foundation slippage.

5. A temporary fence should be constructed to protect the neighboring houses from flying debris.

6. The applicant should post a bond sufficient to compensate the abutting houses from any damage.

7. Regarding obstruction of the street by demolition activities:

a) Obstruction traffic by demolition activities, including use of trucks and dumpsters, should be limited to 30 minutes per day.

b) The time or times of street obstruction should be posted in the neighborhood at least 48 hours in advance, so neighbors can plan their exits and entrances.

c) Traffic monitors shall be on the scene whenever trucks or dumpsters are present, to prevent unwarranted street blockage, and to assist residents who have difficulty in getting to or from their homes.

Very truly yours,

STEPHEN B. BEDRICK
SBB/SBM

City Clerk Department

February 22, 2023

Stephen Bedrick
485 Kentucky Ave
Berkeley, CA 94707

RE: 469 Kentucky Avenue – Appeal ZAB Decision Use Permit # ZP2022-0087

Dear Appellant:

This will acknowledge receipt of your appeal of the Zoning Adjustments Board decision of January 12, 2023, approving the following permits:

- Use Permit to demolish a dwelling unit, per Berkeley Municipal Code (BMC) Section 23.326.030
- Use Permit to construct a new single-family dwelling, per BMC Section 23.202.020(A)
- Use Permit for a sixth bedroom on a parcel, per BMC Section 23.202.030
- Administrative Use Permit for exceeding 28-feet in average height, per BMC Sections 23.202.050(D) and 23.210.020(C)(2)
- Administrative Use Permit for a reduced front setback in the Hillside Overlay, per BMC Section 23.210.020(C)(4)
- Administrative Use Permit for a new accessory building, per BMC 23.304.060(A)
- Administrative Use Permit for an unenclosed accessory structure within a required setback, per BMC 23.304.070(C)(1).

Your appeal has been referred to the Planning Department.

The Planning Department will transmit to Council a statement setting forth the reasons for the Zoning Adjustments Board decision. This report, as well as a copy of the appeal, will appear on the Council agenda of **May 23, 2023**.

This meeting of the Council will commence at 6:00 p.m. and will be held in the School District Board Room located at 1231 Addison Street. The meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.

Pursuant to the City Council Rules of Procedure, this appeal will appear on the City Council's agenda as a public hearing. Time shall be provided for five-minute presentations each by the appellant and applicant. Where the appellant is not the

applicant, the appellants collectively shall have five minutes to comment and the applicant shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment.

After the conclusion of the five-minute comment periods, members of the public may comment on the appeal pursuant to the Rules of Procedure in effect for the Council meeting.

The Council will then deliberate and determine to do one of three things: 1) continue the public hearing; 2) based on the record of the Council's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or requirement of the Board's original action; or 3) remand the matter to the Board to reconsider the application, or any revisions thereto submitted after the Board's action.

Communications to the City Council that are received by the City Clerk pursuant to the following deadlines will be accepted and distributed as follows:

Submission Deadline	**Distributed**	**Packet**
May 8, 2023, by 5:00 p.m. (Monday)	Twelve days before the meeting (Thursday)	Agenda Packet
May 16, 2023, by 5:00 p.m. (Tuesday)	Five days before the meeting (Thursday)	Supplemental 1
May 22, 2023, 12:00 p.m. (Monday)	By 5:00 pm the day before the meeting (Monday)	Supplemental 2

Communications should be submitted directly to the City Clerk to ensure receipt by all Councilmembers. Electronic communications may be submitted to council@cityofberkeley.info for immediate distribution to the Mayor, each City Councilmember, and the City Clerk for inclusion in the official record. Please note that for communications submitted in hardcopy, if the communication includes maps or photos or any other material not reproducible on a copy machine, fifteen copies should be provided to the City Clerk.

Please note that Berkeley's Lobbyist Registration Act (Berkeley Municipal Code Chapter 2.09) is effective beginning on January 1, 2020. Information and resources regarding the Lobbyist Registration Act are available from the City's website at:
https://berkeleyca.gov/your-government/lobbyist-registration

If you have any additional questions regarding this matter, please do not hesitate to contact me at (510) 981-6908.

A copy of the staff report and a City Council agenda will be available from this office upon request after 4:00 p.m. on Thursday, May 11, 2023, or can be viewed on our website at: https://berkeleyca.gov/your-government/city-council/city-council-agendas.

Sincerely,

Mark Numainville
City Clerk

cc: Jordan Klein, Director of Planning
Steven Buckley, Land Use Planning Manager
Russell Roe, Staff Planner
Farimah Brown, City Attorney
Maurice Levitch (Applicant)
Aidan Keefe (Owner)
Stephen Bedrick (Interested Party)

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) Pursuant to Government Code Section 66020(d)(1), 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. 3) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

From: Roe, Russell
To: Stephen Bedrick
Cc: Garcia, Claudia; Updegrave, Samantha
Subject: RE: 469 Kentucky, ZP 2022-0087, appeal to be heard at Council hearing May 23, 2023
Date: Monday, April 24, 2023 9:58:00 AM

Mr. Bedrick,
The normal procedure is that a traffic control plan is submitted by the applicant at the time the building permit is applied for. It must be approved by the Traffic Engineer before that permit can be issued. That permit has not been applied for yet because we're still working on getting the zoning permit approved, and that comes first. That being said, since you have appealed the zoning approval, the applicants have been working on a draft traffic control plan, in consultation with the traffic engineer, for preliminary review. I believe the latest draft is in review with Engineering and Fire right now. It is also my understanding that the applicants plan on presenting it to you sometime before the appeal hearing.

Russell Roe
Associate Planner/ Code Enforcement
City of Berkeley
(510) 981-7548

From: Stephen Bedrick <sbedrick@sonic.net>
Sent: Friday, April 21, 2023 3:39 PM
To: Roe, Russell <RRoe@cityofberkeley.info>
Subject: 469 Kentucky, ZP 2022-0087, appeal to be heard at Council hearing May 23, 2023

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

Dear Mr. Roe, As I understand it, the applicant is supposed to submit a traffic management plan in support of his proposal. Has the plan been submitted? If so, could I please obtain a copy. If it has not been submitted , could we have some input on it. Thank you. Steve Bedrick