



Z O N I N G
A D J U S T M E N T S
B O A R D
S T A F F R E P O R T

FOR BOARD ACTION
JUNE 8, 2023

2610 Russell Street

Use Permit #ZP2022-0183 to construct a 113 square foot addition to a two-story single-family residence over 14 feet in average height (22 feet) on a lot that exceeds the lot coverage limit for the district.

I. Background

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) 23.324.050(D)(3) for an addition to a building on a lot that is nonconforming for lot coverage;
- Administrative Use Permit, pursuant to BMC 23.202.080 to construct a residential addition exceeding 14' feet in average height;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D)(2) to extend a wall in the nonconforming rear setback;
- Administrative Use Permit, pursuant to BMC 23.202.030(B) to allow the addition of a fifth bedroom on a lot.

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 Section 15301 ("Existing Facilities") of the CEQA Guidelines. The determination is made by ZAB.

D. Parties Involved:

- Applicant Sundeep Grewal, Studio G+S Architecture, 2223 5th Street, Berkeley
- Property Owner Steve Swen and Ning Tang, 2610 Russell Street, Berkeley

Figure 1: Vicinity Map

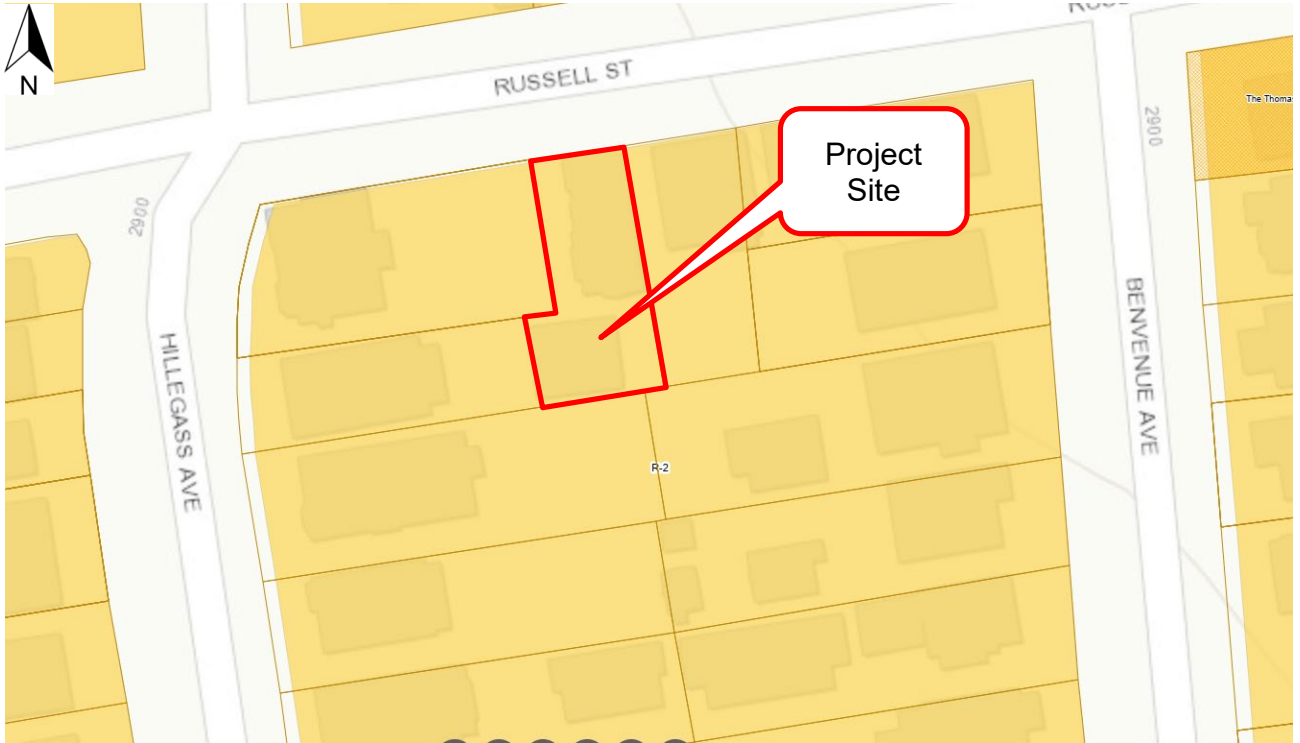


Figure 2: Site Plan

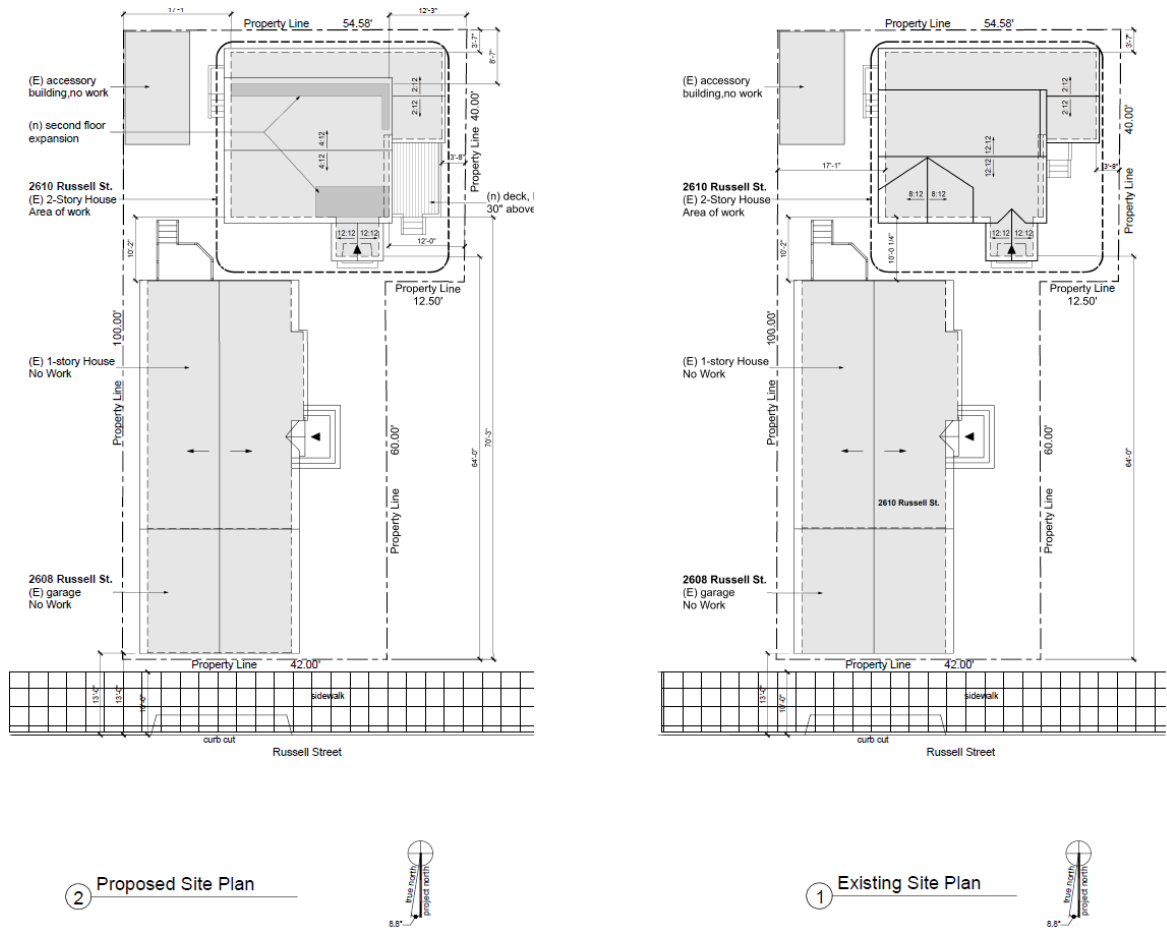
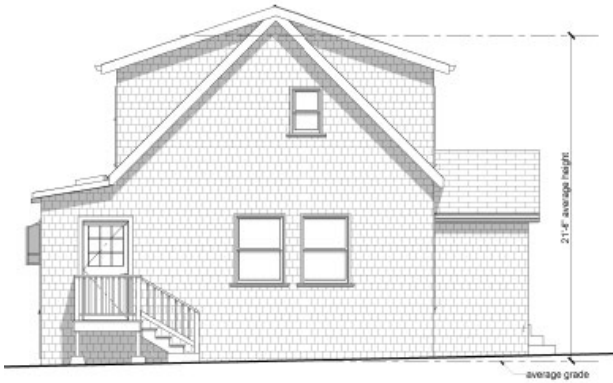


Figure 3 : Building Elevations



④ Proposed East Elevation - Left Side



③ Proposed North Elevation - Front



② Existing East Elevation - Left Side



① Existing North Elevation - Front

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single family dwelling	R-2	Low Medium Density Residential
Surrounding Properties	North	Single family dwelling		
	South			
	East			
West	Multi-family dwelling			

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. This is a residential project and this fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC 23.328)		The project is a housing development project, as defined in BMC 23.328.020 ¹ , and involves a residential unit existing as of April 1, 2023 that is being expanded, renovated, or rehabilitated, and is exempt from the provisions of BMC 23.328.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Historic Resources	No	The subject property is not a historical resource pursuant to CEQA Guidelines Section 15064.5 and, therefore, does not represent an exception to the categorical exemptions of Section 15300.2. The project does not propose the demolition or substantial alteration of a building over 40 years old.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project is not a "housing development project ² ," as no additional units would be created. The project is a small addition to a single-family dwelling. Therefore, the HAA findings do not apply to this project.
Housing Crisis Act of 2019 (SB330)		The project is an addition to a single-family dwelling and does not include any new dwelling units, therefore SB 330 does not apply.
Natural Gas Prohibition (BMC 12.80.020)		This project would not result in the construction of a new building and is therefore not subject to the natural gas prohibition.
Oak Trees		There are no existing oak trees on the site.

¹ BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.

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

Rent Controlled Units		The subject building is a single-family dwelling and is therefore not subject to BMC Chapter 13.76.
Residential Preferred Parking (RPP)	Yes	The residence is located within RPP Area "B". Only existing residences are eligible.
Seismic Hazards (SHMA)	No	The project site is not located in an area susceptible to liquefaction, fault rupture or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	No	The site is not located within the City's Environmental Management Area and is not on the Cortese List.
Transit		Bus stops for AC transit routes 581 are within 0.1 miles of the project site on College Avenue and Russell Street

Table 3: Project Chronology

Date	Action
December 27, 2022	Application submitted
January 30, 2023	Application deemed complete
May 25, 2023	Public hearing notices mailed/posted
June 8, 2023	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23.202.050				
Lot Area (sq. ft.)		4,700	No Change	5,000 min
Dwelling Units on Lot		2	No Change	2 main dwelling units for a lot of this size
Bedrooms (Lot)		4	5	AUP required for addition of 5 th bedroom from non-habitable space
Gross Floor Area (Sq. ft.) (Lot)		2,077 sq. ft.	2,190 sq. ft.	N/A
Building Height (Rear Building)	Average	20'-4"	21'-6"	28' max. (35' with AUP)
	Stories	2	No Change	3 max.
Building Setbacks (ft.) (Rear Building)	Front	70'-3"	No Change	20' min.
	Rear	8'-7"	No Change	20' min.
	Left Side	17'-1"	No Change	4' min.
	Right Side	3'-8"	No Change	4' min.
Lot Coverage (%)		50.57%	No Change	40% max.

Usable Open Space (sq. ft.)	1,400 sq. ft.	No Change	400 sq. ft. per unit
Parking	2	No Change	1 max.

II. Project Setting

A. Neighborhood/Area Description: The subject property is located on Russell Street between Benvenue Avenue and Hillegass Avenue in an R-2 Residential district. The area is residential in nature and consists predominantly of one- to three-story single-family dwellings with some multi-family buildings.

A. Site Conditions: The subject lot is 4,700 square feet and is “L” shaped with two single-family dwellings (2608 Russell Street and 2610 Russell Street) and an existing accessory building. The site is non-conforming for lot coverage and the structure where the addition is proposed has non-conforming rear- and side-setbacks. Lot coverage for the parcel is currently at 50.57 percent where 40 percent is permitted. There is an existing curb cut at the East side of the property on Russell Street, which leads to a two-car garage that is attached to 2608 Russell Street.

III. Project Description

The project proposes to remodel and expand the second story of a single family residence within the non-conforming rear setback. The site is over lot coverage, however the lot coverage would not be altered by the proposed scope. The addition of 113 feet would be created by raising the roof to allow for a habitable ceiling height at the northwest corner and south edge of the second floor where the roof is currently slanted. The average height of the building would increase by 14 inches by raising portions of the slanted roof. The project would create an additional bedroom, resulting in five rooms that meet the definition of a bedroom on the lot (23.502.020(B)).

IV. Community Discussion

A. Neighbor/Community Concerns: The applicant erected a yellow poster and contacted abutting and confronting neighboring property owners and occupants to show them a copy of the proposed project plans and obtain their signature on the proposed plans. On May 25, 2023, the City mailed notices for the ZAB hearing to property owners and occupants within a 300-foot radius, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of writing this report, staff has not received any additional written communications.

B. Committee Review: This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a commercial or manufacturing district, and does not involve the demolition of a nonresidential building.

V. Issues and Analysis

- A. Addition to Structure on Parcel with Nonconforming Lot Coverage:** Pursuant to BMC Section 23.324.050(D)(3), additions and/or enlargements of lawful nonconforming structures that are nonconforming by reason of exceeding lot coverage are permitted with a Use Permit if the existing use of the property is conforming, the addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase lot coverage or exceed the height limit.

As described in Site Conditions, the lot has a coverage of 50.57 percent where 40 percent is the maximum. The proposed alterations to the dwelling would not increase lot coverage. Furthermore, the proposed average height is 21 feet and 6 inches where 28 feet is the maximum allowed without an additional Administrative Use Permit, the existing residential use is conforming, and the project conforms with all other aspects of the Zoning Code, as modified by the AUP for the fifth bedroom and extension of a wall into a nonconforming setback.

- B. Extension of a Wall in a Nonconforming Setback:** Pursuant to BMC Section 23.324.050(D)(2), additions and/or enlargements of lawful non-conforming structures that vertically or horizontally extends a wall in the nonconforming setback is permitted with an AUP if the existing use of the property is conforming, the addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase or exacerbate any nonconforming setbacks and does not exceed the height limit.

As described in the Project Description, the subject dwelling is located within the nonconforming rear setback. The addition would raise portions of the roof at the northwest corner and the south edge of the second floor to allow for an additional 113 square feet of habitable space. While the proposed alterations occur within the rear setbacks, the existing foot print would not be expanded. The average building height would be increased minimally, but the maximum roof height would not be altered.

- C. Addition of a Fifth Bedroom:** Pursuant to BMC Section BMC 23.202.030(B), the addition of a fifth bedroom to a lot is permitted with an AUP.

There are no additional findings for number of bedrooms, however, while the project increases the number of bedrooms on this parcel, they would provide more room for the existing residents within the single-family residence and would not result in an increase in density or intensity of the parcel.

- D. General Non-Detriment for Use Permits and Administrative Use Permits:** Pursuant to BMC Section 23.406.040, the Board may issue a Use Permit if it meets the findings for non-detriment. An analysis of sunlight/shadows, air, privacy and views follows:

Sunlight/Shadow: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the

summer and winter solstice. The studies show that the addition would create an incremental increase in shadows to the east and west sides of the property and would not result in a significant loss of direct sunlight on abutting residences. It would not unreasonably obstruct sunlight.

Air: The alterations would not increase the footprint of the dwelling, and would not further reduce setbacks. The addition would be consistent with the existing development and building-to-building separation pattern in this R-2 neighborhood because the alteration would not further reduce the front and right-side setbacks, and would not exceed height or story limits. Therefore, there would be minimal, if any, air impacts.

Views: The project proposes alterations that would change the shape and configuration of the roofline, but would not alter the maximum heights or unduly obstruct site lines. The dormer at the Northeast corner would be extended to create a continuous sloped roof on the North side of the building while the south edge of the second floor would be extended slightly with no change to the roof on this side. The increase expansion of the roofline is minimal to the existing scale of the dwelling unit and those on neighboring properties. This portion of the neighborhood is generally flat and developed with one- to three-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.

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

1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
2. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
3. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
4. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
5. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

Staff Analysis: As discussed above, the project would not substantially block views, cast shadows, or create impacts on the privacy of adjacent neighbors. The proposed alterations occur within the existing building footprint, meet the R-2 District development standards, and would not increase the non-conforming lot coverage. While the project increases the number of bedrooms on this parcel from four to five, the addition of a fifth bedroom would provide more room for the existing residents within the single-family residence and would not result in an increase in density or intensity of the parcel. Additionally, the project is consistent with the single-family use and residential design character of other buildings in the vicinity.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and its minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2022-0183 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received December 27, 2022
3. Notice of Public Hearing

Staff Planner: Desiree Dougherty, ddougherty@berkeleyca.gov, (510) 981-7431

FINDINGS AND CONDITIONS

JUNE 8, 2023

2610 Russell Street

ZP2022-0183 to construct a 113 square foot addition to a two-story single-family residence over 14 feet in average height (22 feet) on a lot that exceeds the lot coverage limit for the district.

PERMITS REQUIRED

- Use Permit, pursuant Berkeley Municipal Code (BMC) 23.324.050(D)(3) for an addition to a building on a lot that is nonconforming for lot coverage;
- Administrative Use Permit, pursuant to BMC 23.202.080 to construct a residential addition exceeding 14 feet in average height;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D)(2) to extend a wall in the nonconforming rear setback;
- Administrative Use Permit, pursuant to BMC 23.202.030(B) to allow the addition of a fifth bedroom on a lot.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. FINDINGS FOR APPROVAL

1. As required by Section 23.406.040(E)(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. The proposed project conforms to the R-2 District standards, with the exception of the rear setback, and does not worsen any nonconforming condition. The addition is small and allowed on a lot with a legal non-conforming lot coverage, subject to issuance of a Use Permit because the proposed project will not increase lot coverage or exceed the height

limit. Therefore, light and air impacts to surrounding properties due to the project are determined to not be detrimental.

- Sunlight/Shadow: Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. The studies show that the addition will create an incremental increase in shadows to the east and west sides of the property and will not result in a significant loss of direct sunlight on abutting residences. It will not unreasonably obstruct sunlight.
- Air: The alterations will not increase the footprint of the dwelling, and will not further reduce setbacks. The addition will be consistent with the existing development and building-to-building separation pattern in this R-2 neighborhood because the alteration will not further reduce the front and right-side setbacks, and will not exceed height or story limits. Therefore, there will be minimal, if any, air impacts.
- Views: The project proposes alterations that will change the shape and configuration of the roofline, but will not alter the maximum heights or unduly obstruct site lines. The dormer at the Northeast corner will be extended to create a continuous sloped roof on the North side of the building while the south edge of the second floor will be extended slightly with no change to the roof on this side. The increase expansion of the roofline is minimal to the existing scale of the dwelling unit and those on neighboring properties. This portion of the neighborhood is generally flat and developed with one- to three-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.

B. The project will result in a total of five bedrooms and will provide more room for the existing residents within the single-family residence. This would not result in an increase in density or intensity of the parcel and will not be detrimental.

2. Pursuant to BMC Section 23.324.050(D), an expansion or enlargement of a nonconforming structure is permitted if the addition complies with all applicable laws, the use of the existing building is conforming, and the addition or enlargement obtains all permits required under BMC 23.324.050(D).

A. The project will comply with all applicable laws, and will be subject to review and approval under a building permit.

B. The existing use is a single-family dwelling, which is a permitted use in the residential district.

C. As required by Section 23.324.050(D)(3) of the BMC, the Zoning Adjustments Board finds that the residential addition to a nonconforming structure on a lot that is nonconforming by reason of the lot coverage will not increase the nonconforming lot coverage or exceed the height limit.

D. As required by Section 23.324.050(D)(2) of the BMC, the Zoning Adjustments Board finds that the vertical and horizontal extensions of the walls within the nonconforming rear and

side setbacks will not further reduce the non-conforming setbacks or exceed the height limit.

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.

III. 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 #

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

11. 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

12. 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.
13. 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).
14. 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.
15. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."

During Construction:

16. Construction Hours. Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.
17. 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.
18. 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.
19. 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 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
20. 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

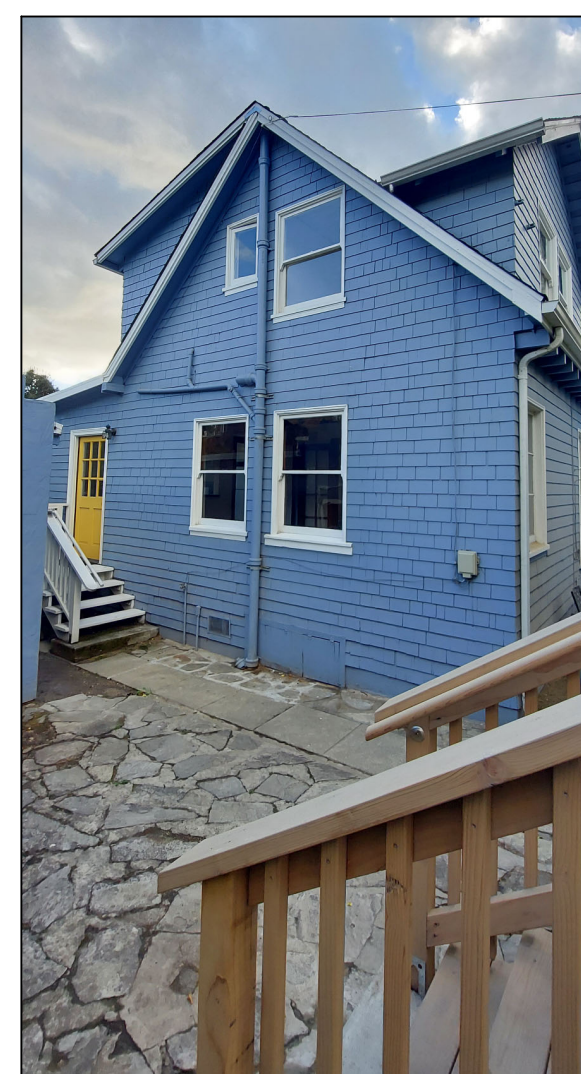
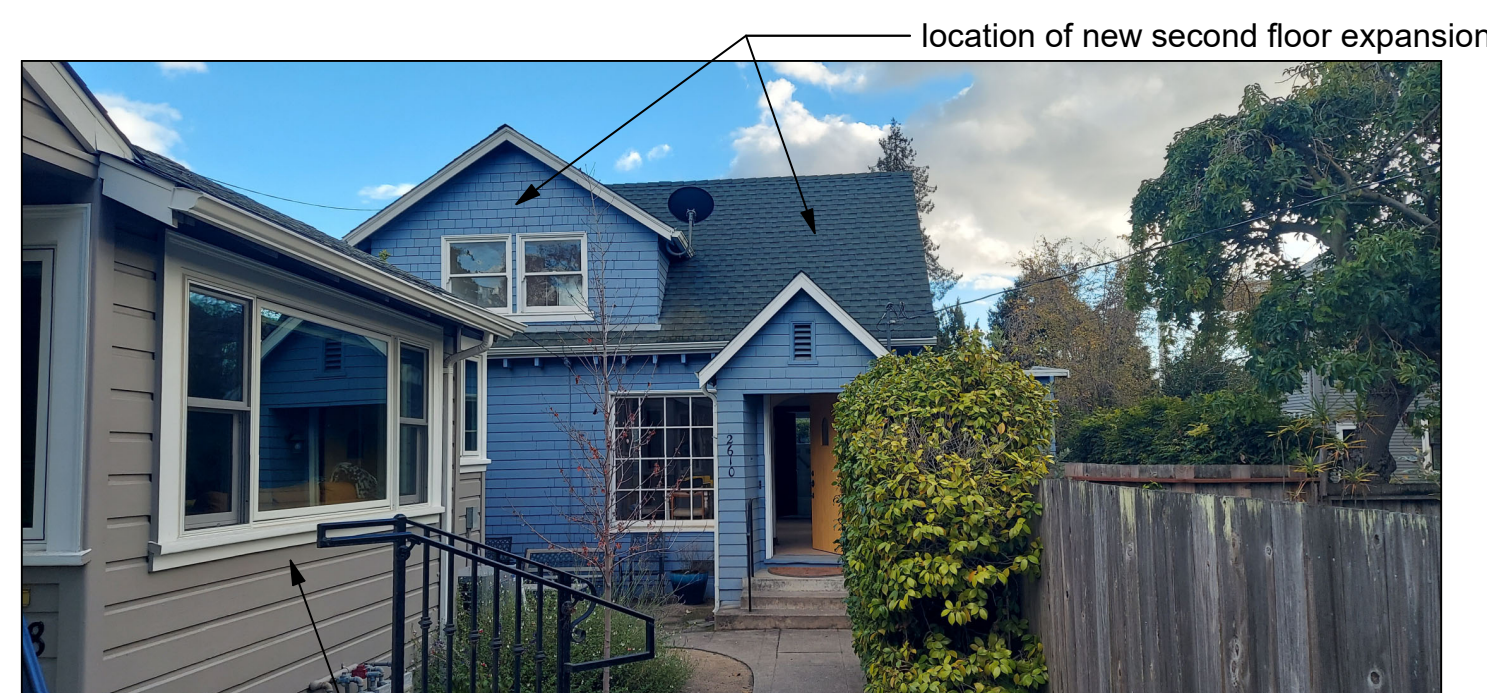
Prior to Issuance of Occupancy Permit or Final Inspection:

21. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
22. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 27, 2022.

At All Times (Operation):

23. 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.
24. 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.

SITE PHOTOS



Left Side

Right Side

SWEN + TANG RESIDENCE

2610 Russell St. Berkeley, CA 94705

SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, two-story, single-family residence at the rear of the property.

Components of the project include:

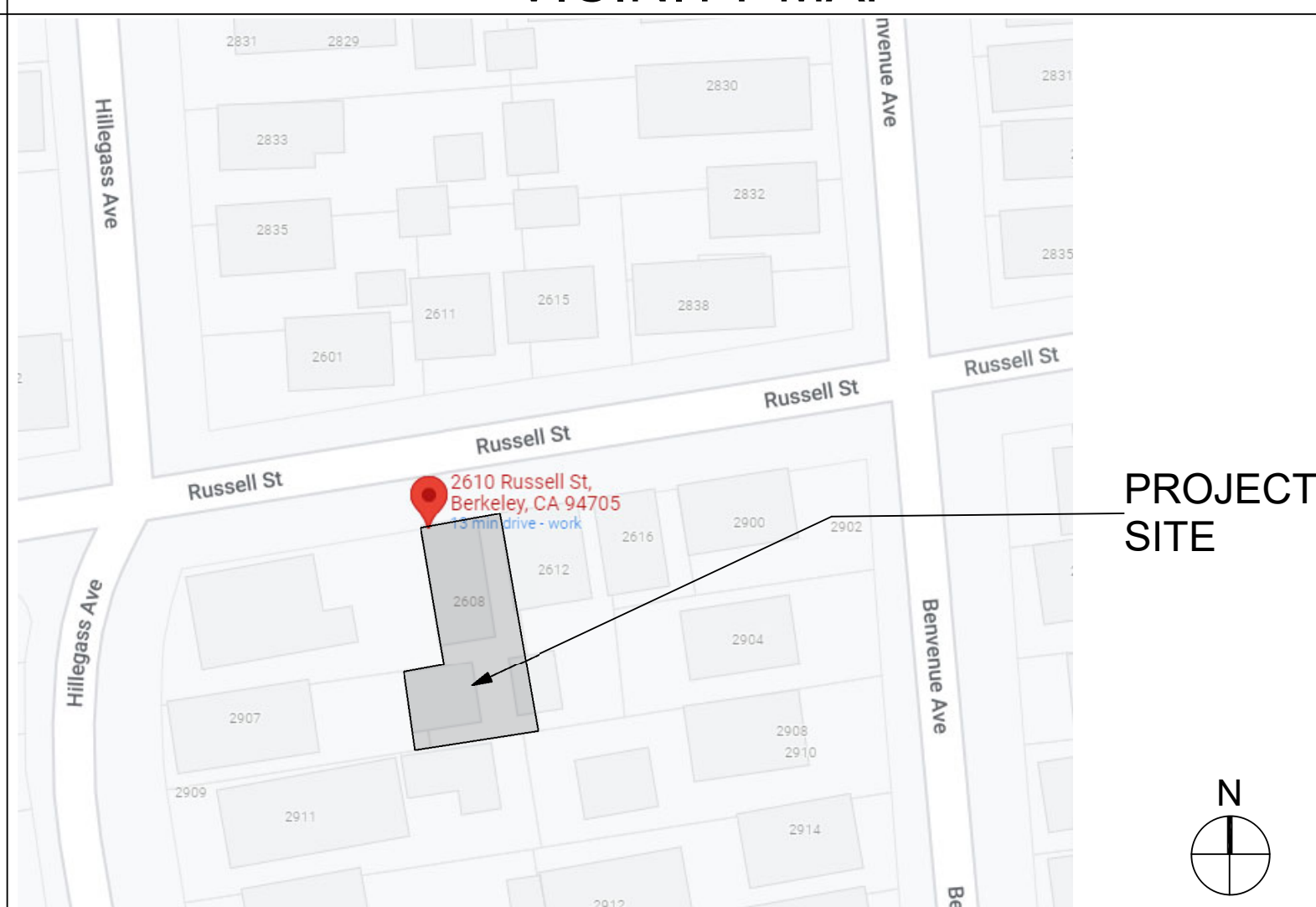
First Floor:

- Remodel existing kitchen and bathroom
- Add new deck at right side
- Create new door from living room to bedroom

Second Floor:

- Expand floor horizontally
- Reconfigure interior layout
- Relocate existing bathroom and add one new bathroom
- Reconfigure existing bedroom and add one new bedroom
- Add new roof structure to raise ceiling height to 8'-0"

VICINITY MAP



PROJECT SITE

PROJECT DIRECTORY

Owner:
Steve Swen and Ning Tang
2608 Russell St
Berkeley, CA 94705
Tel: 408-307-7313 (Steve)
Email: Swen@mac.com (Steve)

Project Address:
2608 Russell St
Berkeley, CA 94705
APN: 52-1569-2

Architect:
Sundeep Grewal
Studio G+S, Architects
2223 5th St.
Berkeley, CA 94710
Tel: 510-548-7448
Email: sunny@sgsarch.com

Occupancy: R-3 Single Family Residential
U - Private garage
Type V-B
No

Proposed Construction: No

Fire Sprinkler System: No

Zoning/General Plan Regulation
Zoning District: R-2 Restricted Two-Family Residential
District:

Seismic Safety
Earthquake Fault Rupture(Alquist-Priolo) Zone: No
Landslide (Seismic Hazards Mapping Act): No
Liquefaction (Seismic Hazards Mapping Act): No
Un-reinforced Masonry Building Inventory: No

Historic Preservation
Landmarks or Structure of Merit: No

Environmental Safety
Creek Buffer: No
Fire Zone: 1
Flood Zone(100-year or 1%): No

Wildlife Urban Interface No

APPLICABLE CODES

- 2019 California Building Code (CBC) Volume 1
- 2019 California Building Code (CBC) Volume 2
- 2019 California Residential Code (CRC)
- 2019 California Energy Code (CBEES)
- 2019 California Green Building Standards Code (CALGreen)
- 2019 California Electrical Code (CEC)
- 2019 California Plumbing Code (CPC)
- 2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

PROJECT DATA

Tabulations

	Required/Allowed	Existing	Proposed
Rear Building:			
Area of new work			
Set Backs:			
Front	20'-0"	64'-0"	70'-3"
Rear:	no minimum w/ AUP for 2 stories	3'-7"	8'-7"
Left side:	4'-0"	17'-1"	17'-1"
Right side:	4'-0"	3'-8"	12'-3"
Habitable Floor Area:			
First floor:		764 s.f.	764 s.f.
Second floor:		390 s.f.	503 s.f. (113 s.f. new)
Total Area:		1,154 s.f.	1,267 s.f. (113 s.f. new)
Building Height:			
Average Height:	28'-0" 35'-0" w/ AUP	20'-4"	21'-6"
Bedroom Count:	N/A	4	5
Non-Habitable Area:			
Garage:		451 s.f.	451 s.f.
Accessory Structure:		185 s.f.	185 s.f.
Total:		636 s.f.	636 s.f.
Parking:	2	2	2
Lot Size:	5,000 s.f.	4,700 s.f.	4,700 s.f.
Total Foot Print:			
Building:		2,377 s.f.	2,377 s.f.
Lot Coverage:	40 %	50.57%	50.57%
Usable Open Space:	400 s.f./unit	1,400 s.f.	1,400 s.f.

SHEET INDEX

Architectural:

- A0.0 Scope Of Work, Vicinity Map, Project Data, Sheet Index, Abbreviations, Applicable Codes, Project Directory, General Notes, Photos
- A0.1 Existing Site Plan, Proposed Site Plan
- A1.1 Existing Floors Plans, Proposed Floor Plans
- A2.1 Existing Exterior Elevations, Proposed Exterior Elevations Renderings
- A2.2 Existing Exterior Elevations, Proposed Exterior Elevations Existing Building Section, Proposed Building Section
- A3.1 Shadow Study
- A3.2 Shadow Study
- A3.3 Shadow Accuracy Simulation

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinfr.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
bldg.	building	gnd.	ground	r.w.l.	rain water leader
bik.	block	gr.	grade	s.	south
blkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bn.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
b/w	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	std.	standard
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	medicine cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	nec.	necessary	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
end.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

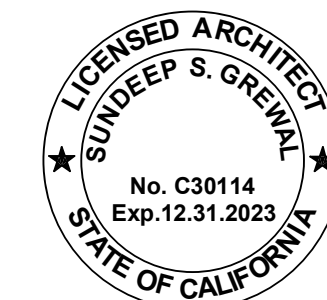
NEIGHBORS' SIGNATURES

I/We have reviewed the attached proposed plans.

Name (print)	Signature	Owner or Renter	Date	Have no Objections	Have Objections (state briefly)	Have No Comments



2223 Fifth St.
Berkeley, CA 94710
Ph: 510.548.7448
info@sgsarch.com
www.sgsarch.com



SWEN + TANG
RESIDENCE
2610 Russell St.
Berkeley, CA 94705
APN: 52-1569-2

Sheet Contents:
Sheet Index
Applicable Codes
Vicinity Map
Project Data
Scope of Work
Project Directory
General Notes
Photos

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Checked By: SSG

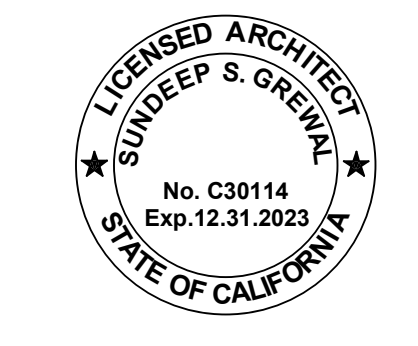
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Revisions:
UP Submittal
12-18-2022

Sheet A0.0



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Sheet Contents:
Existing Site Plan
Proposed Site Plan

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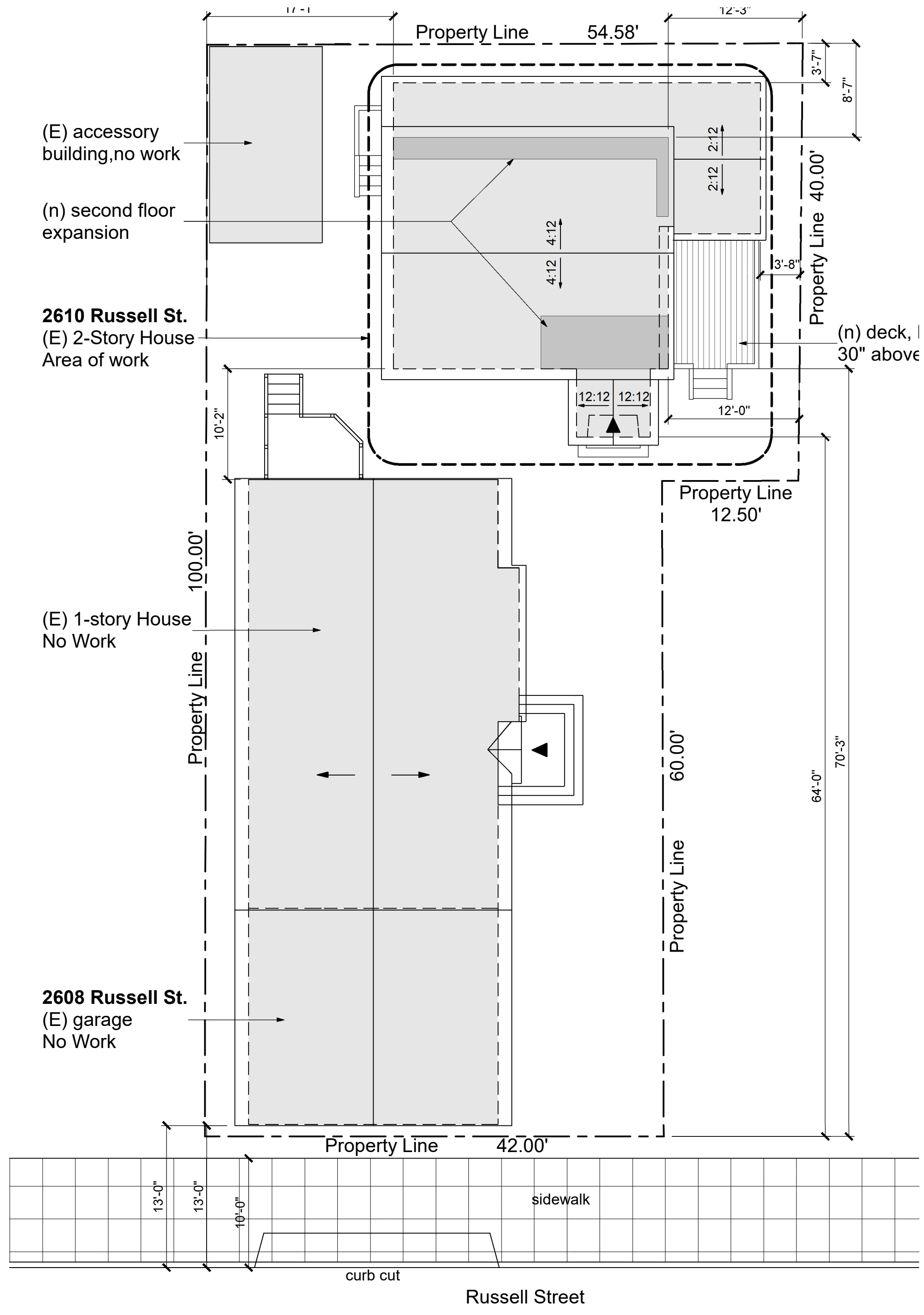
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SSG

Checked By:
SSG

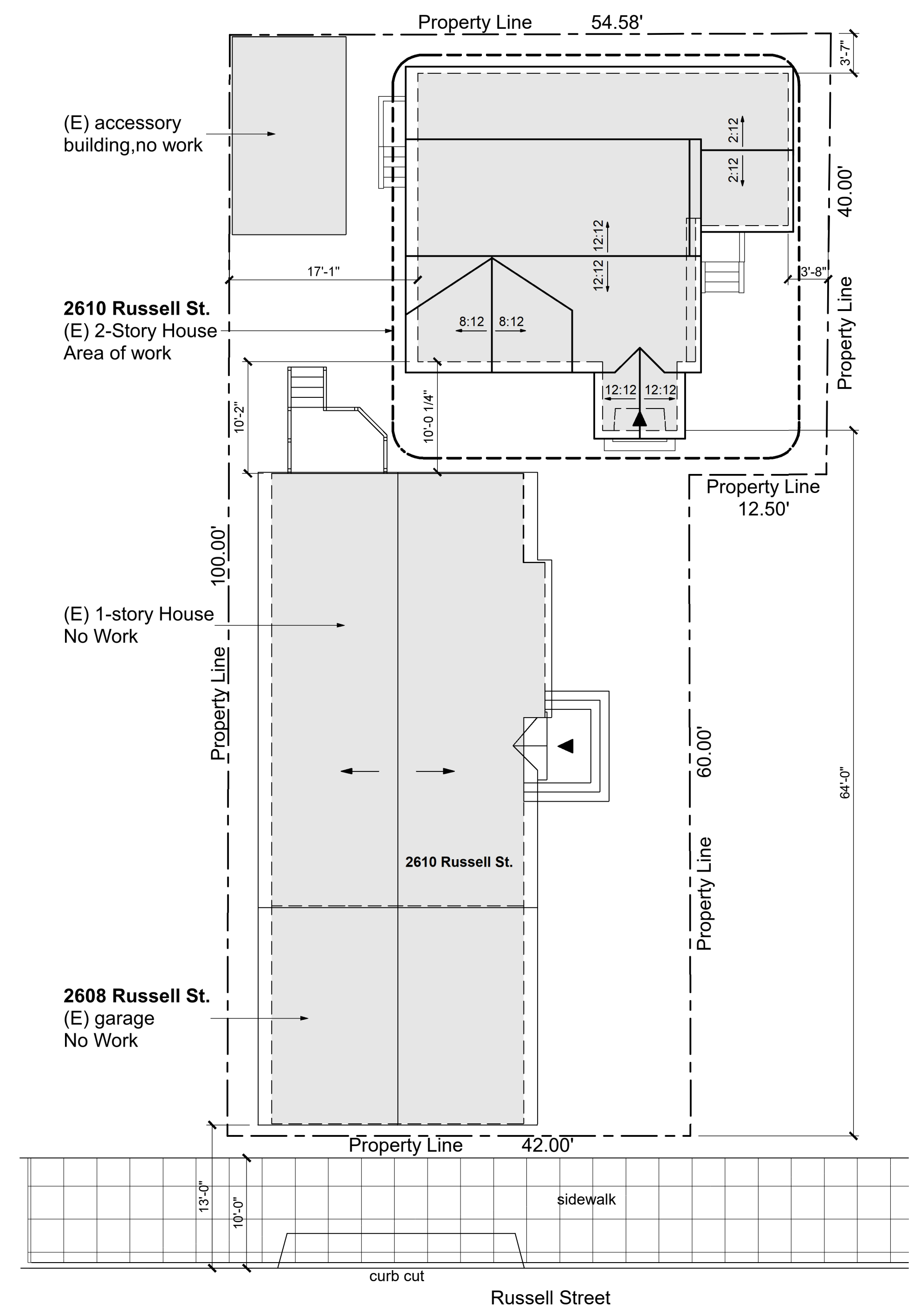
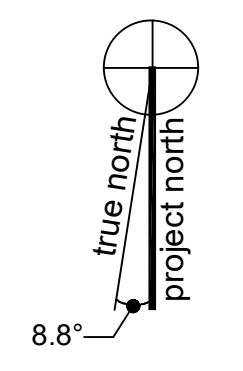
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12-18-2022

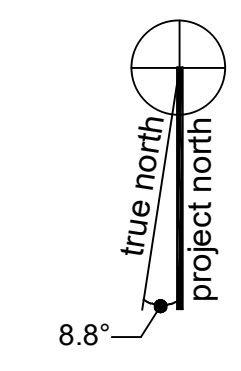
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2 Proposed Site Plan



1 Existing Site Plan





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Sheet Contents:
Existing Floor Plans
Proposed Floor Plans

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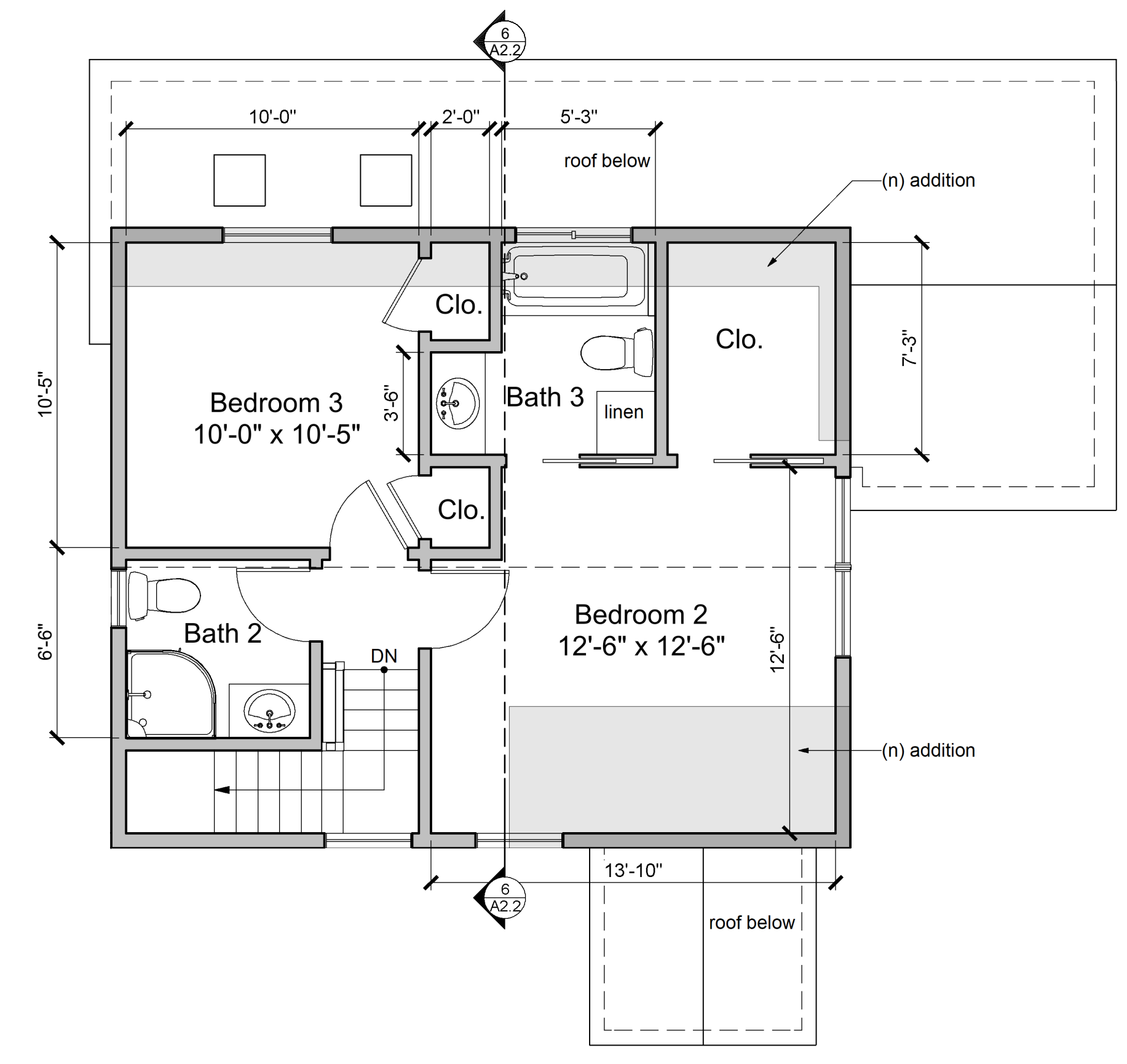
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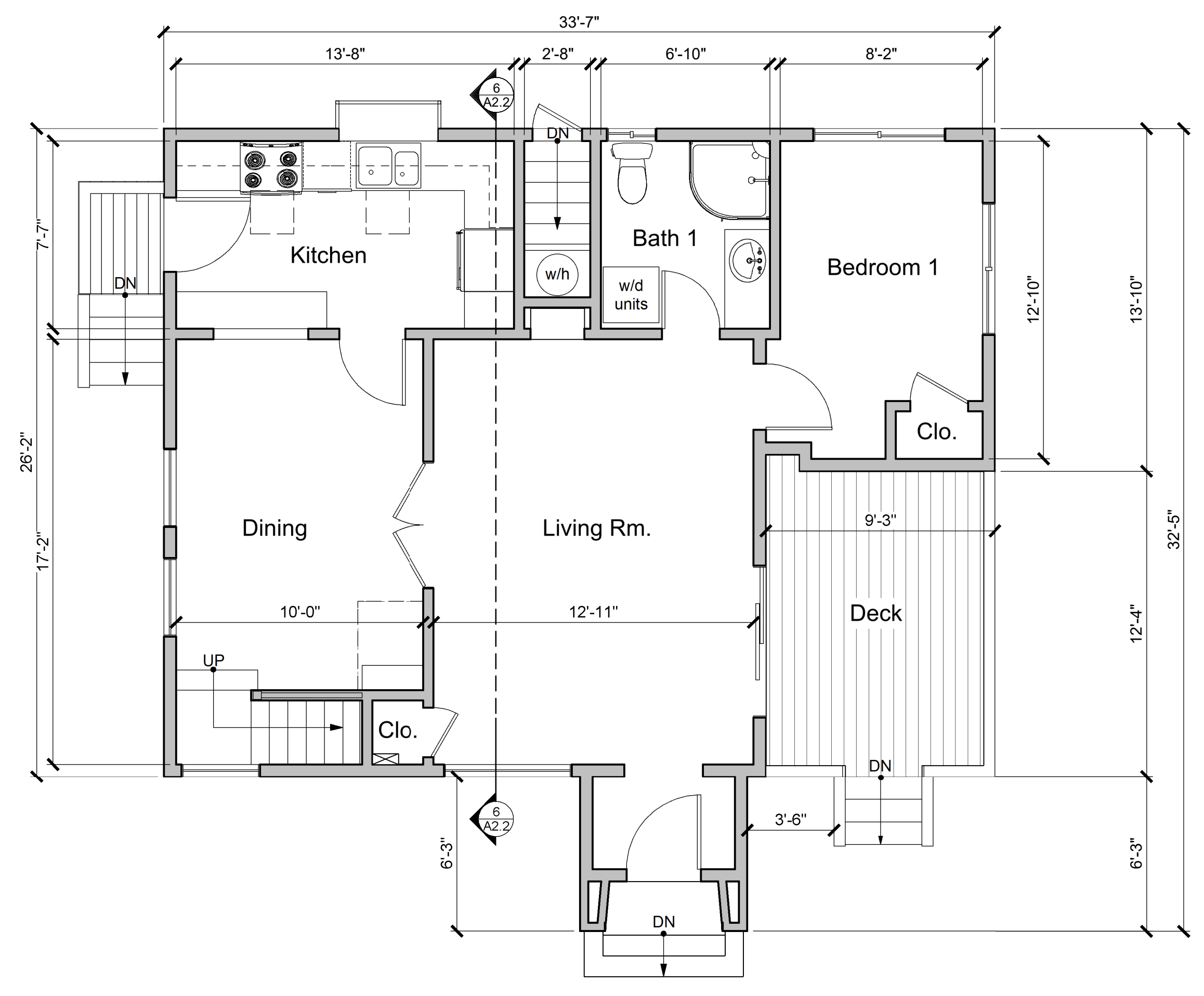
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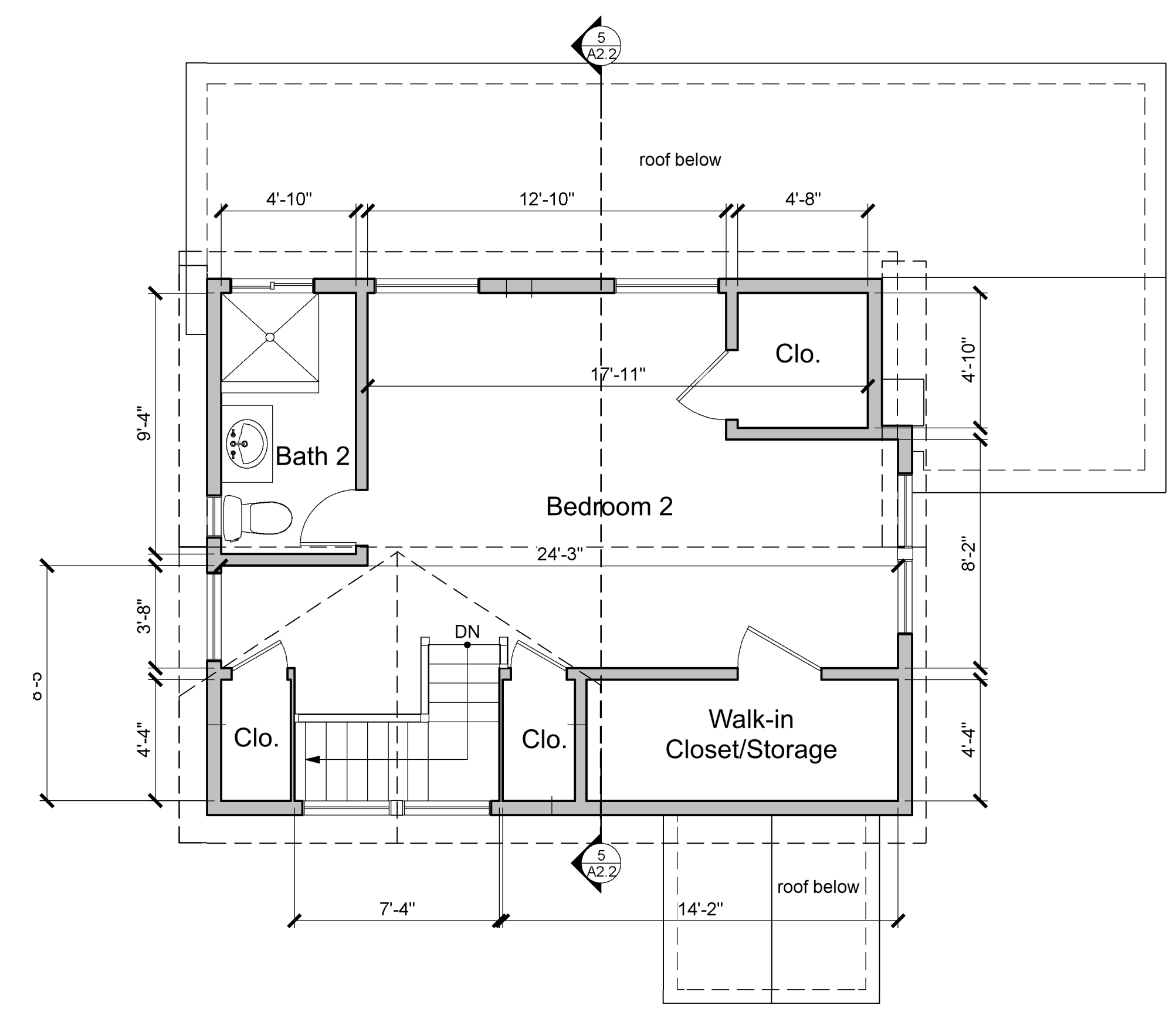
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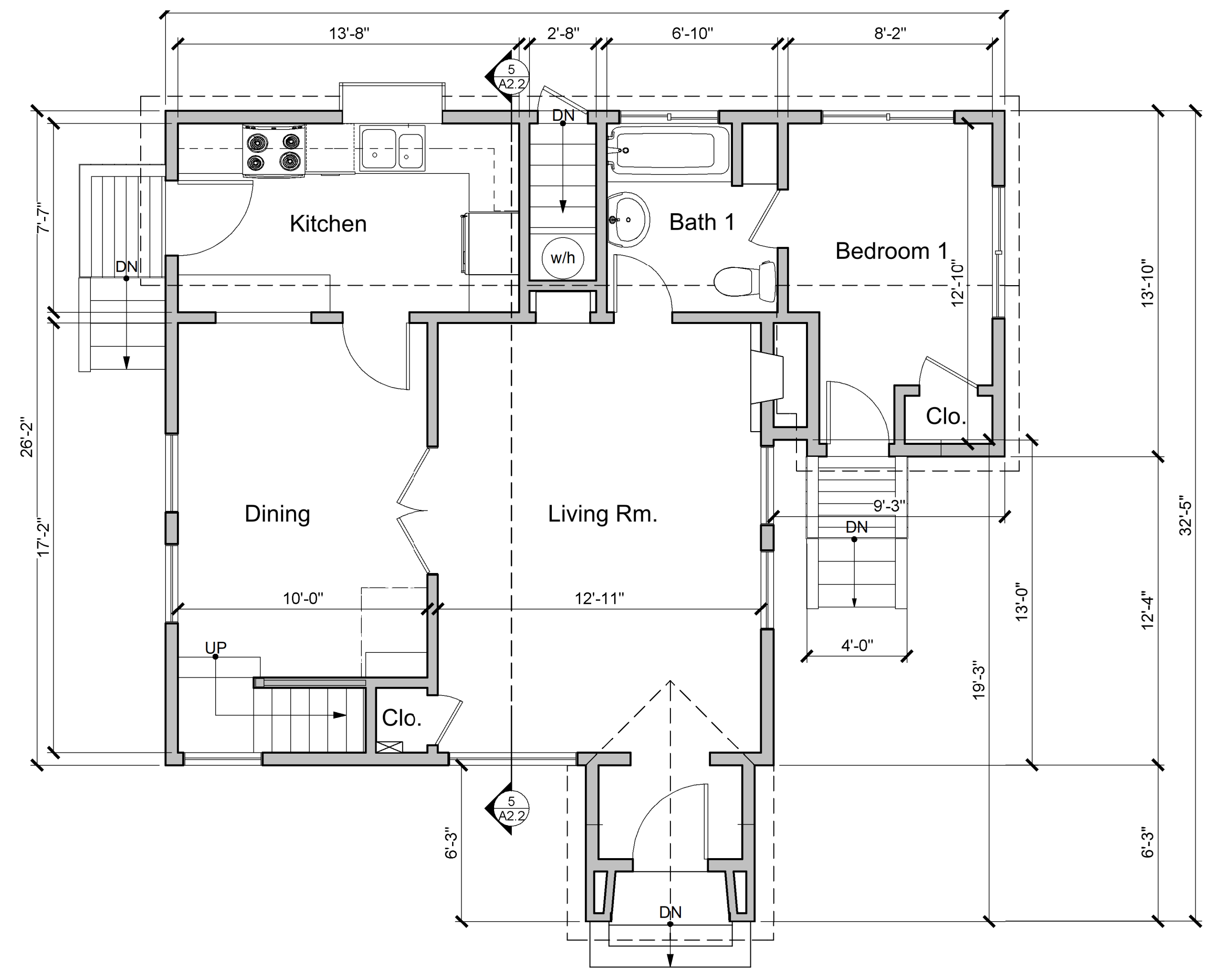
4 Proposed Second Floor Plan



3 Proposed First Floor Plan



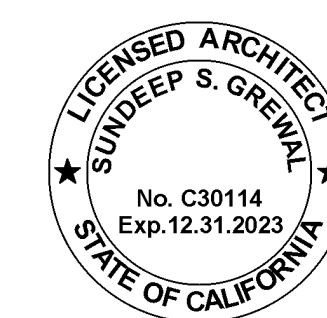
2 Existing Second Floor Plan



1 Existing First Floor Plan



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Sheet Contents:

Existing Exterior Elevations
 Proposed Exterior Elevations
 Renderings

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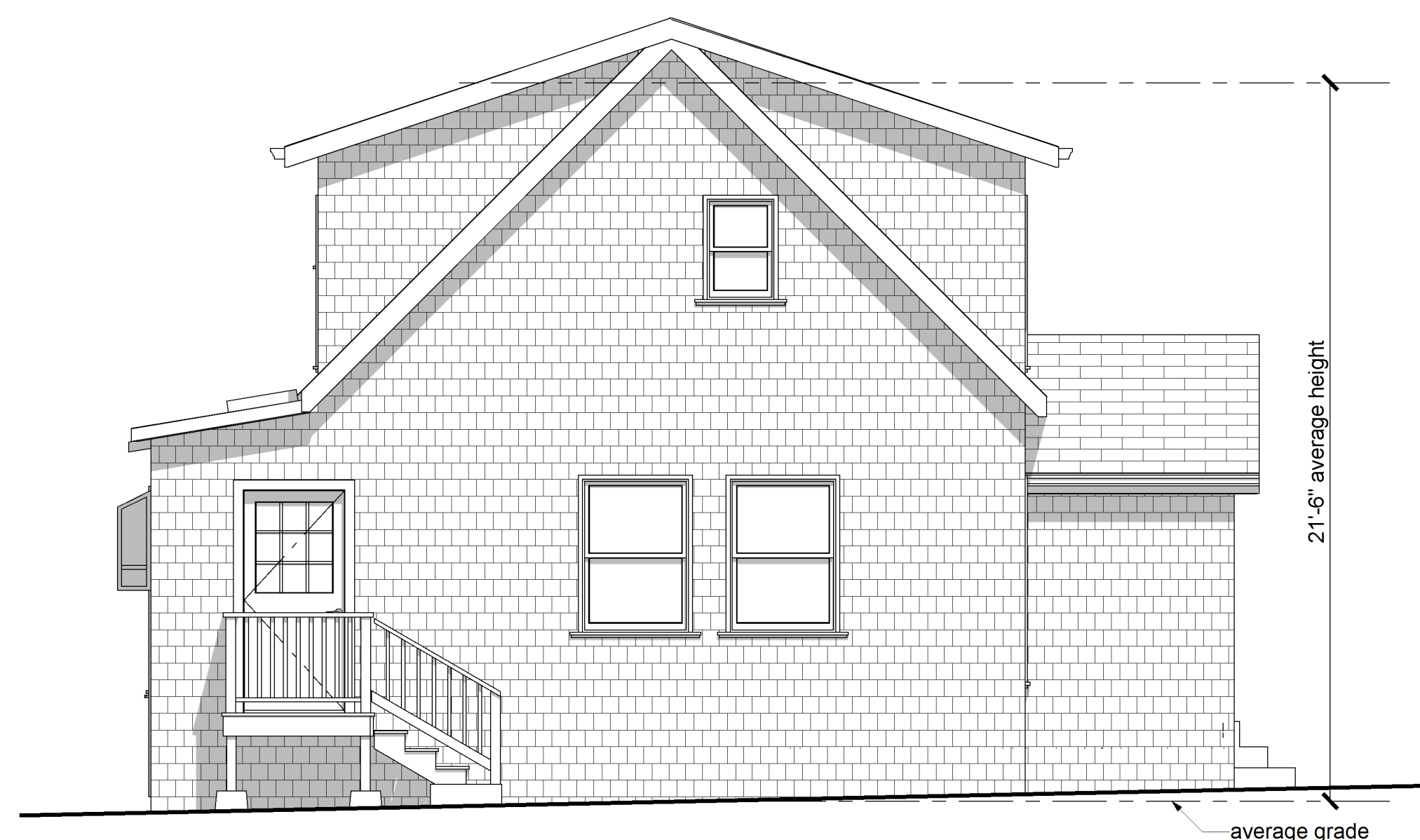
Revisions:

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 12-18-2022

Sheet **A2.1**



6 Proposed Rendering



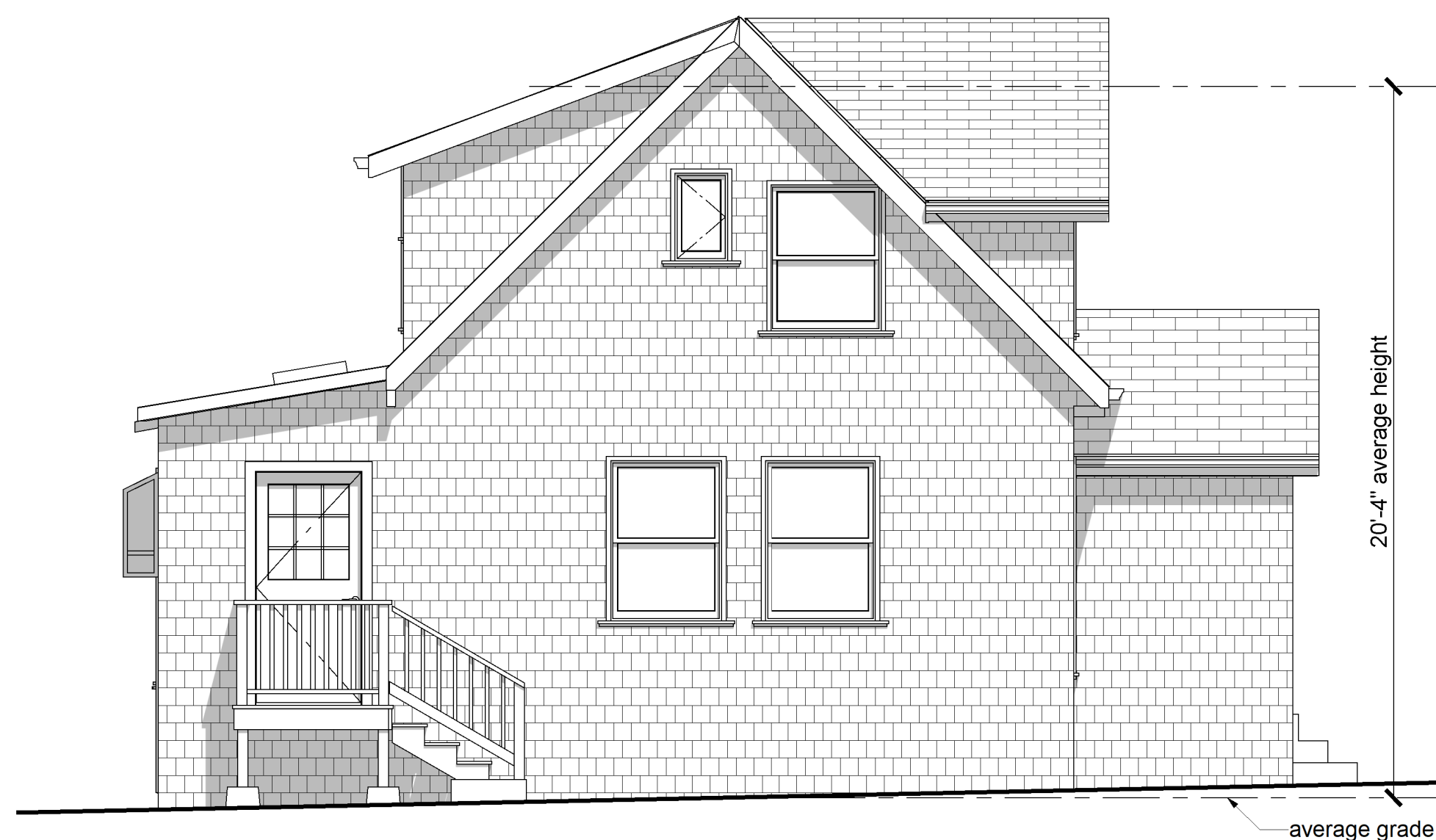
4 Proposed East Elevation - Left Side



3 Proposed North Elevation - Front



5 Existing Rendering



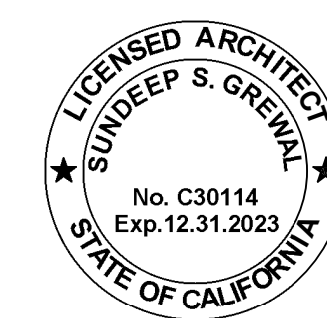
2 Existing East Elevation - Left Side



1 Existing North Elevation - Front



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Sheet Contents:
 Existing Exterior Elevations
 Proposed Exterior Elevations
 Existing Building Section
 Purposed Building Section

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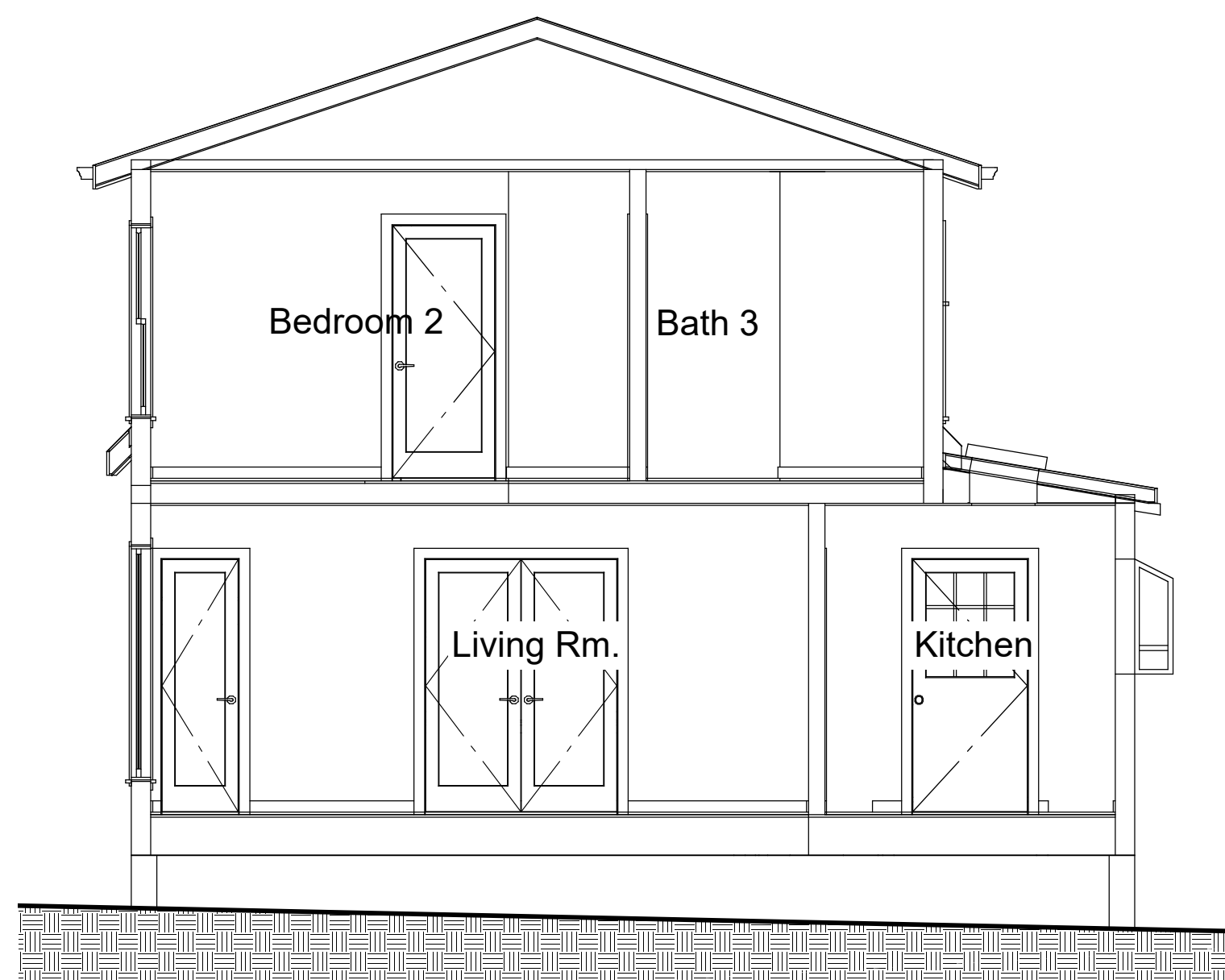
Drawn By: SSG

Checked By: SSG

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Revisions:
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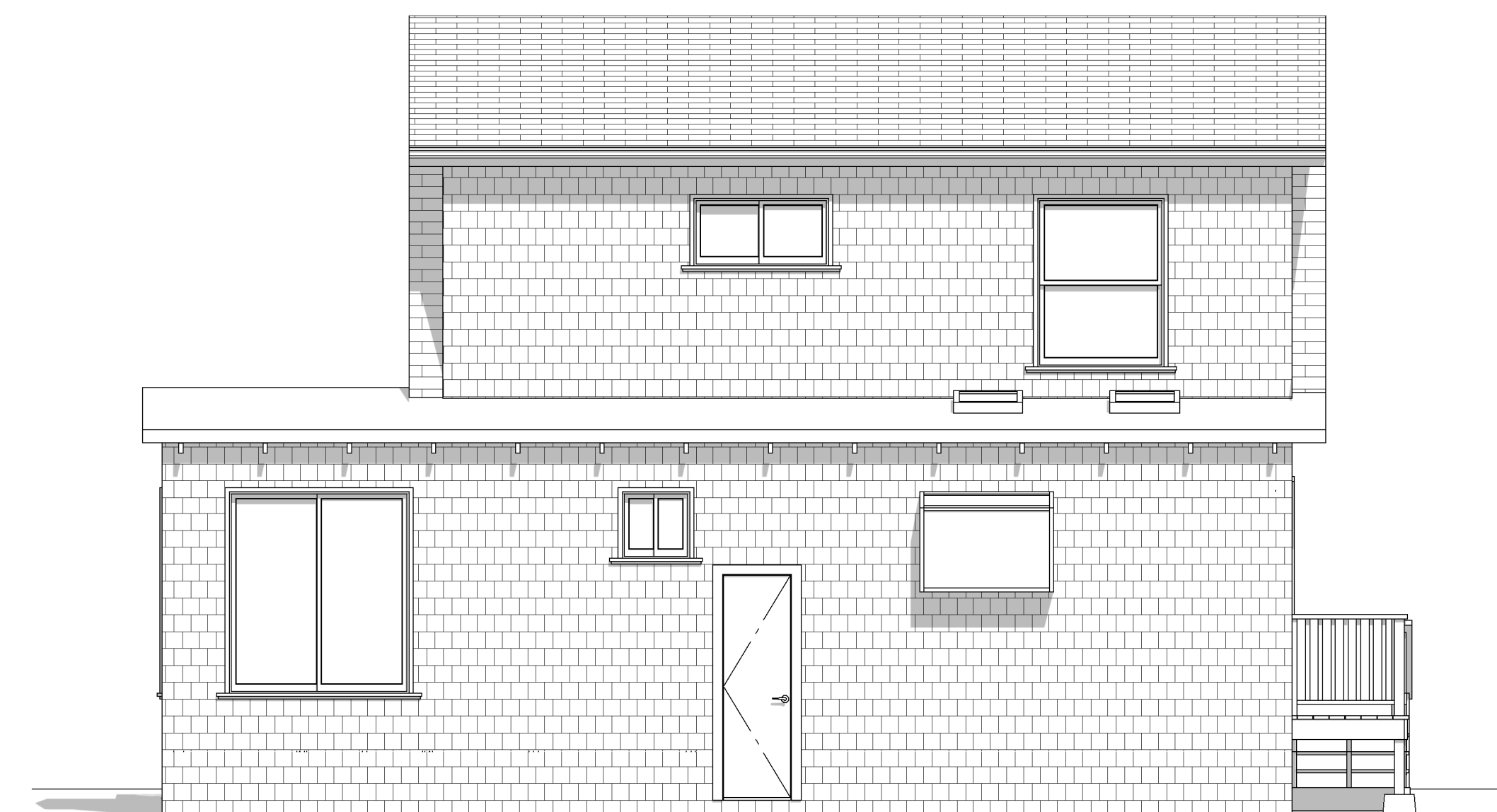
Sheet **A2.2**



6 Proposed Building Section



4 Proposed West Elevation - Right Side



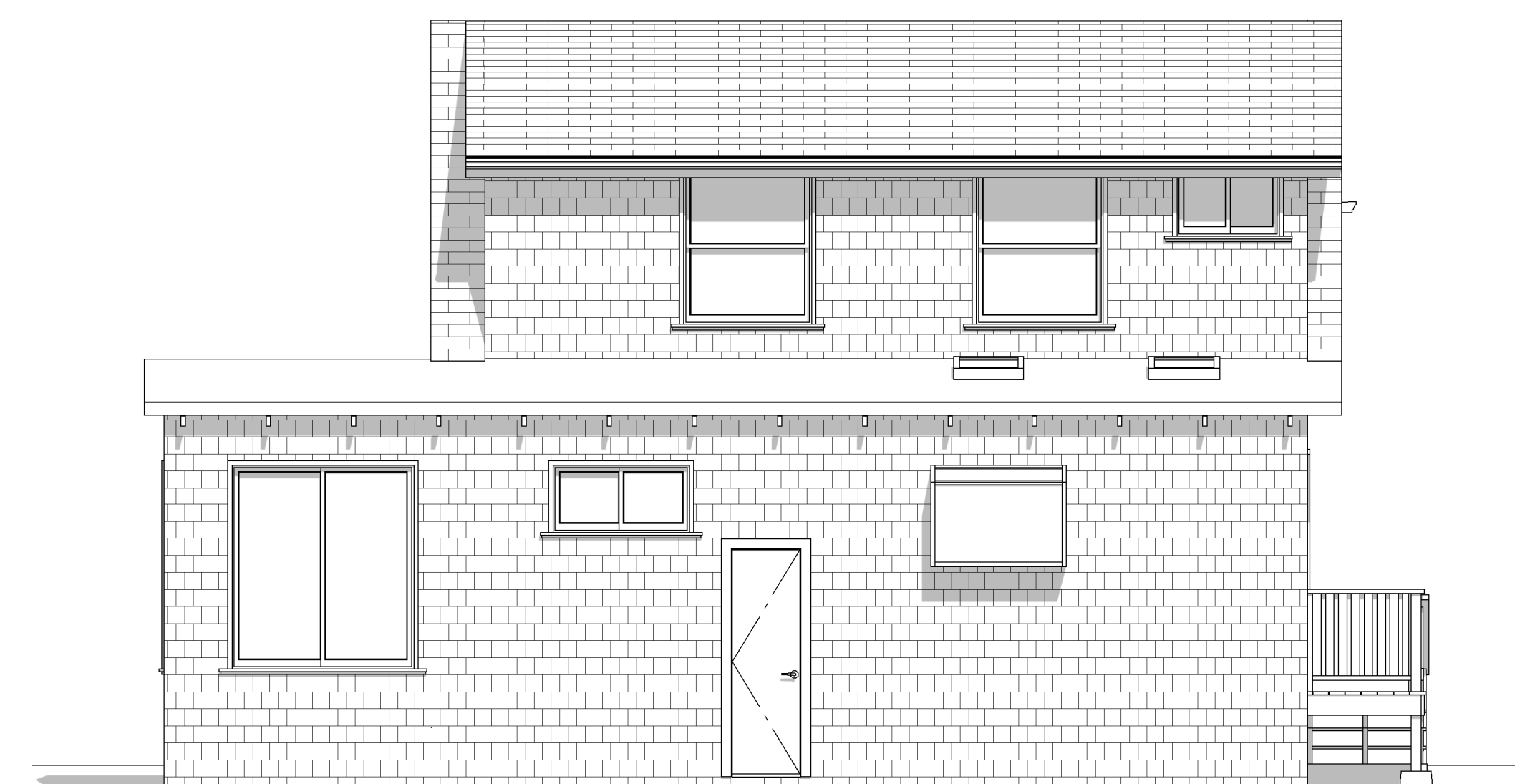
3 Proposed South Elevation - Rear



5 Existing Building Section



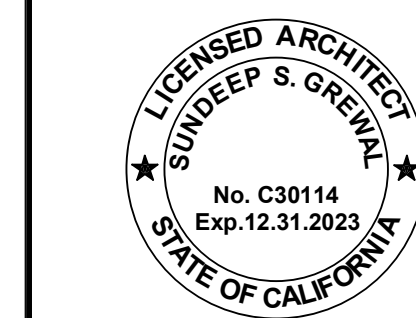
2 Existing West Elevation - Right Side



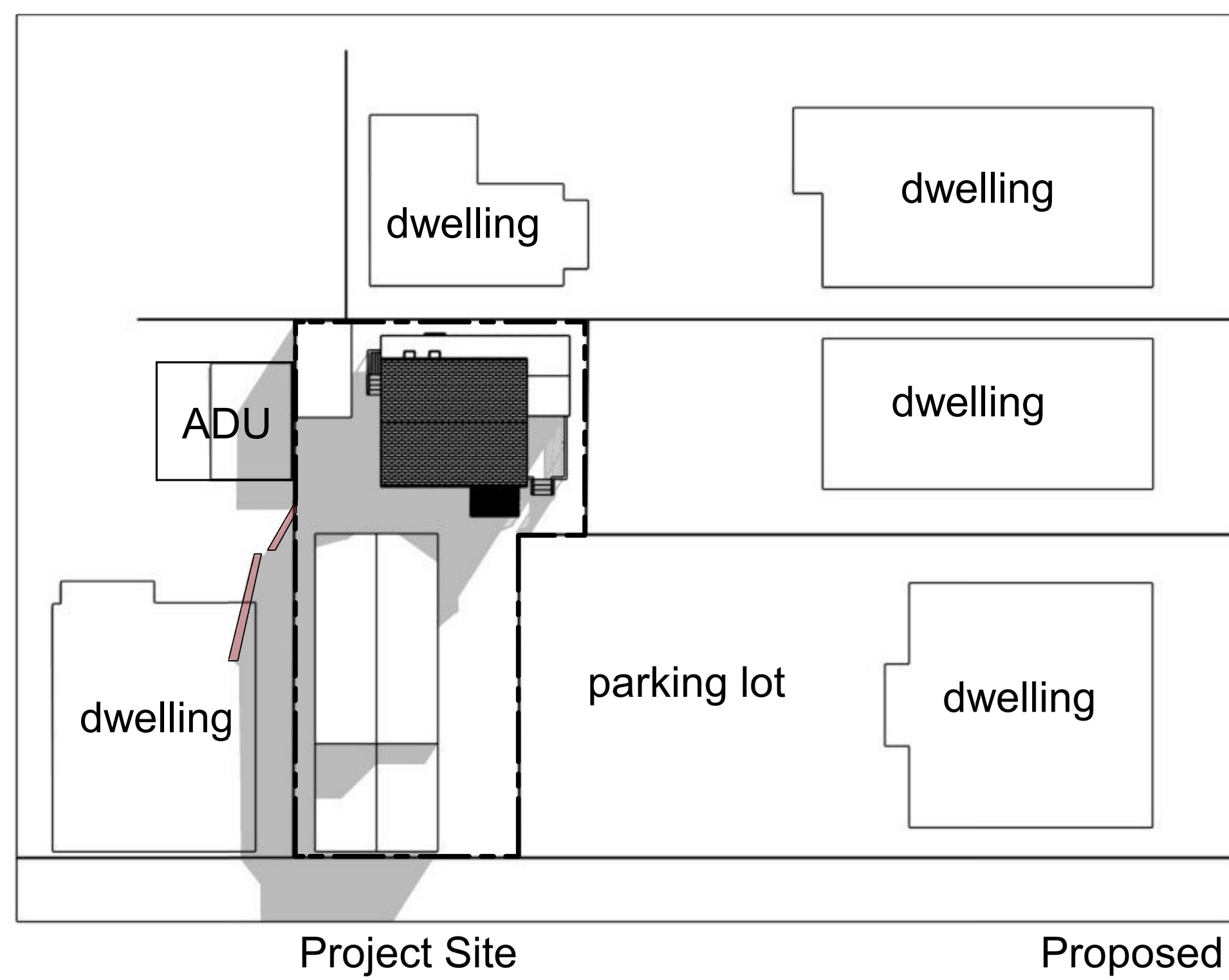
1 Existing South Elevation - Rear



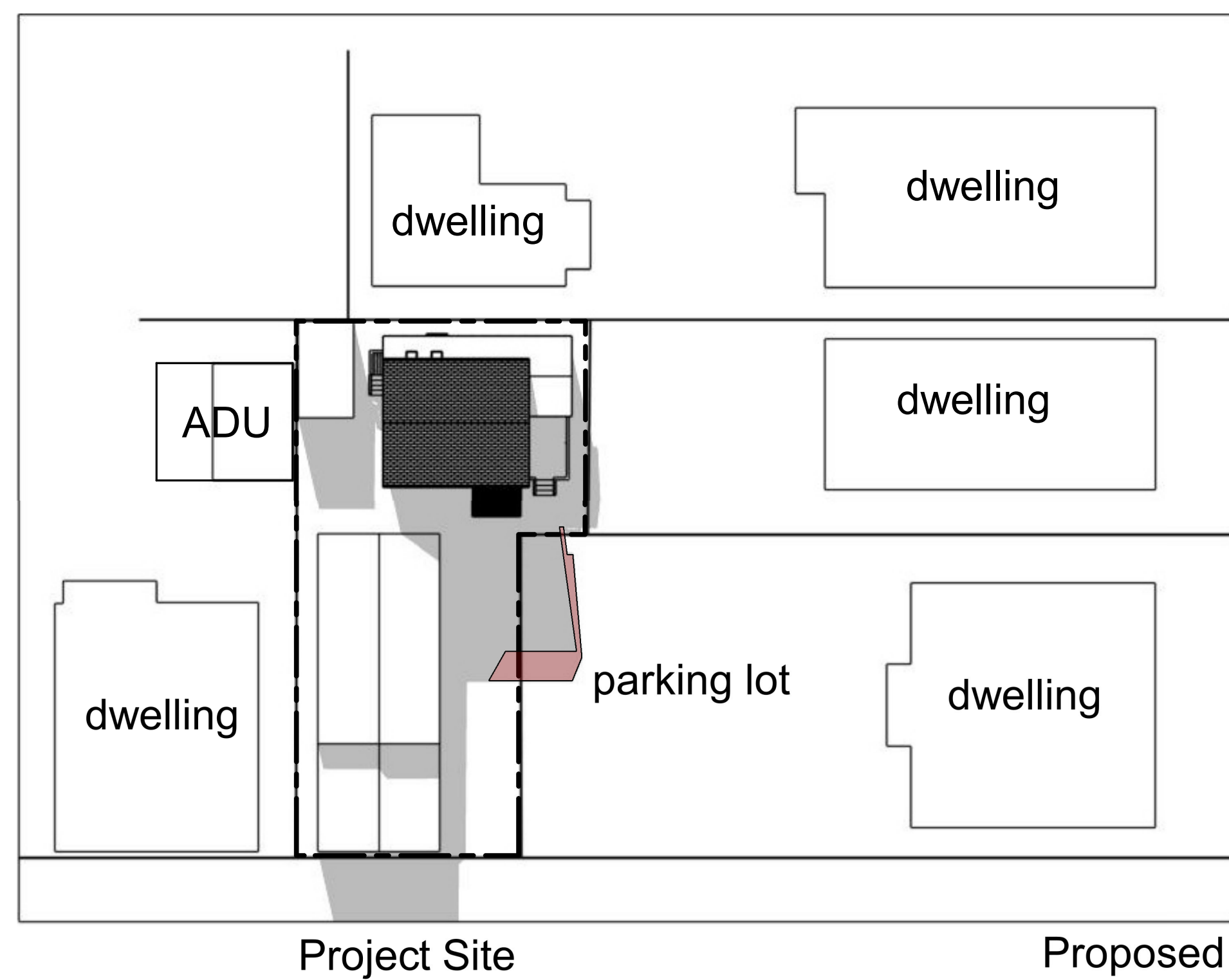
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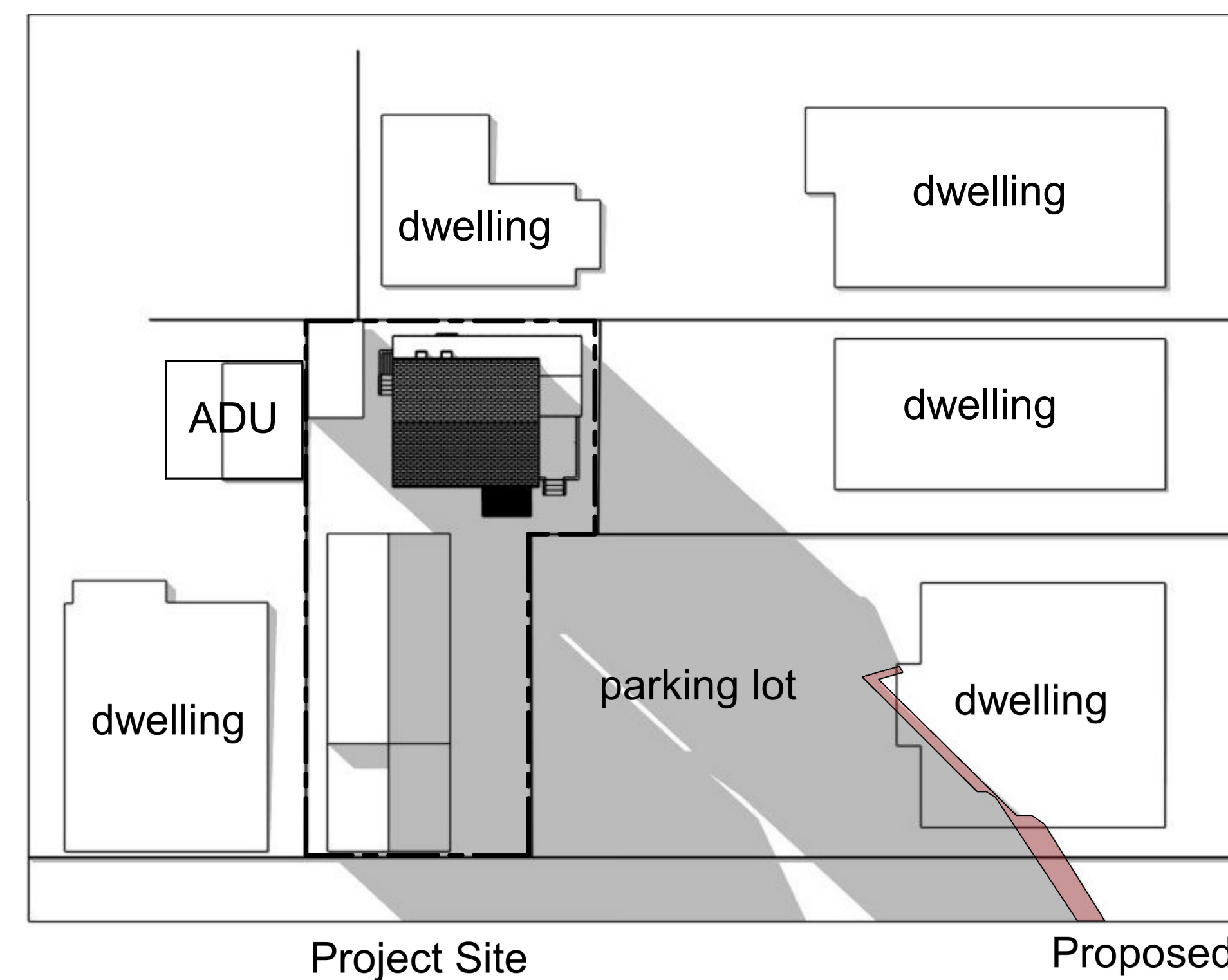
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APN: 52-1569-2



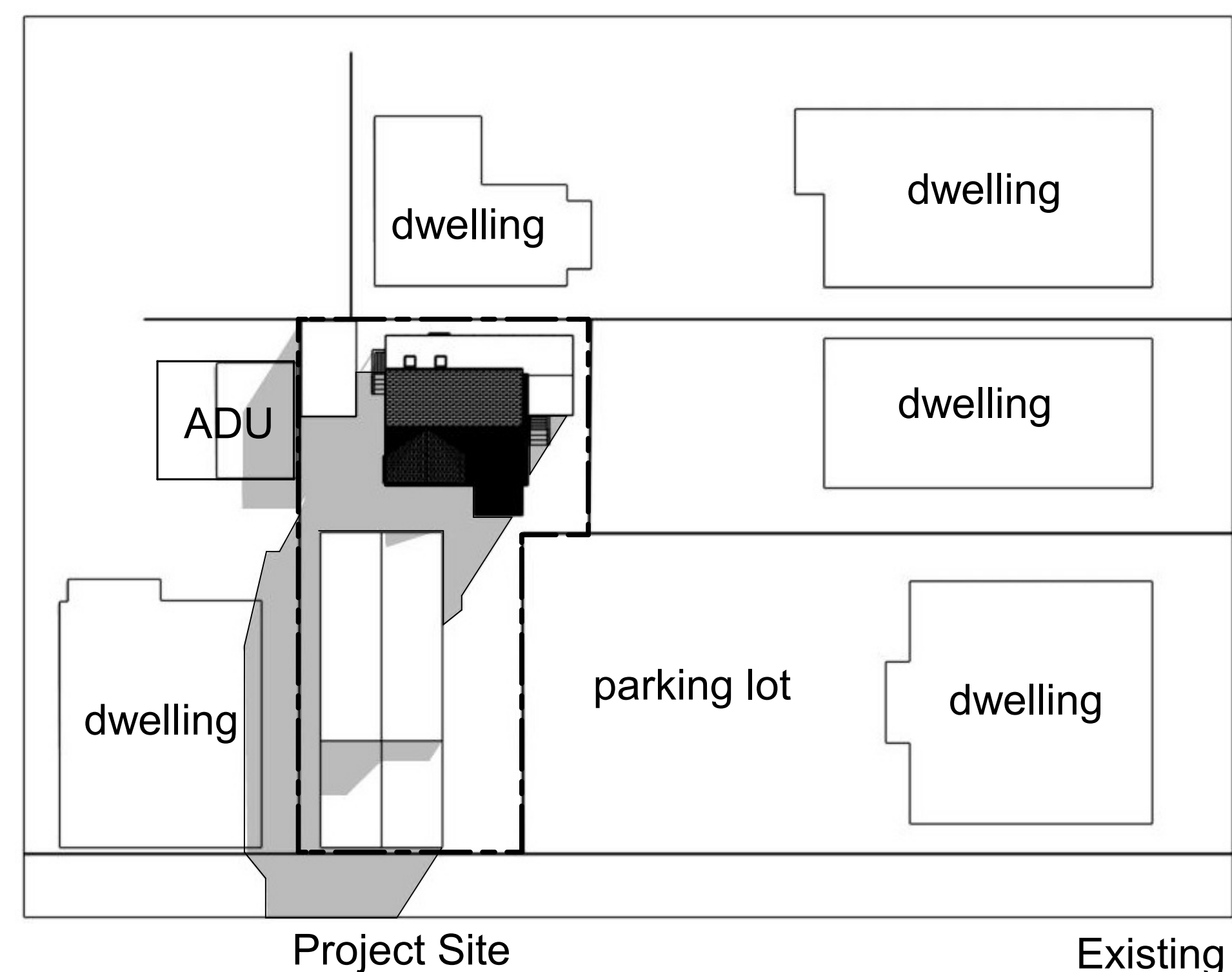
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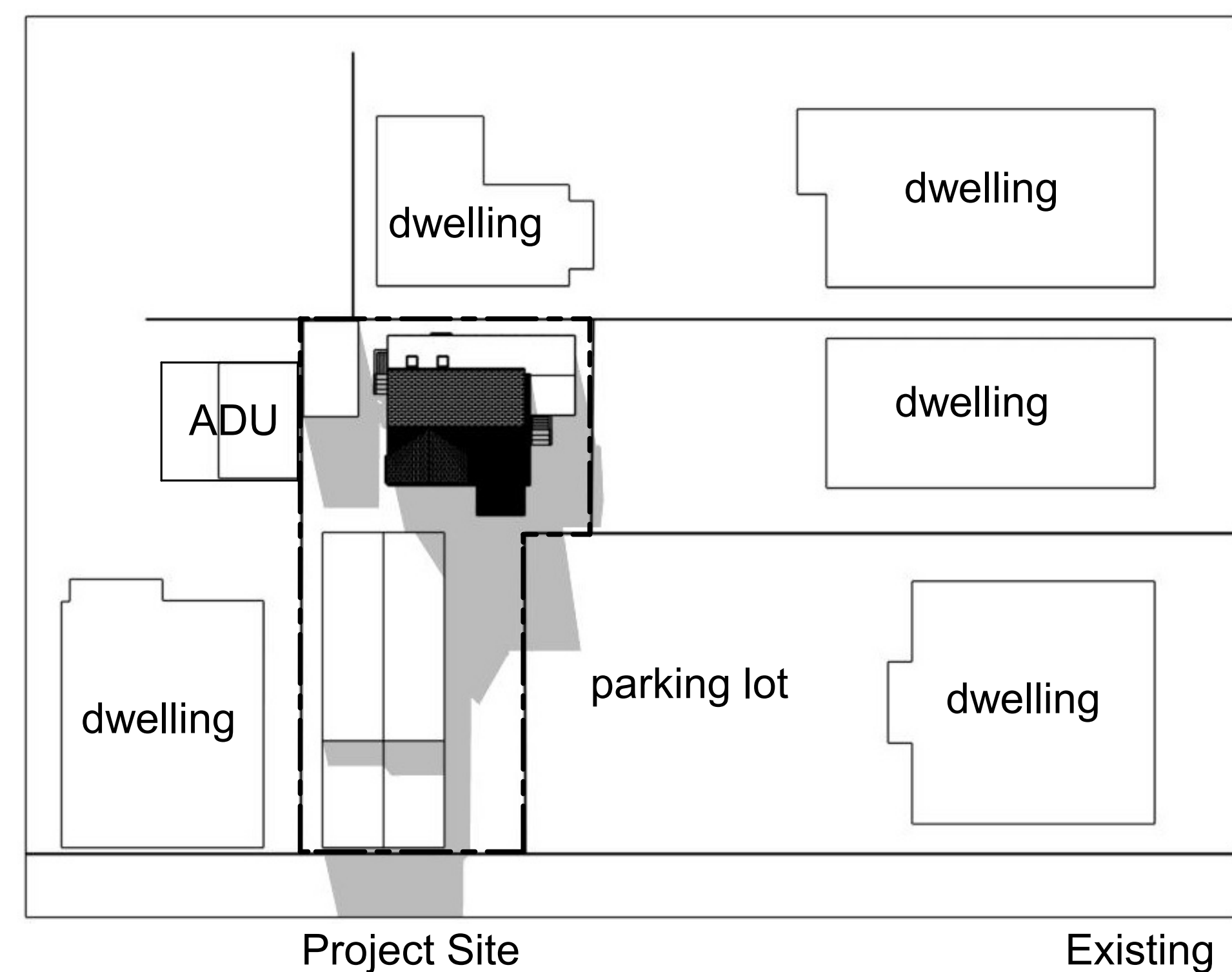
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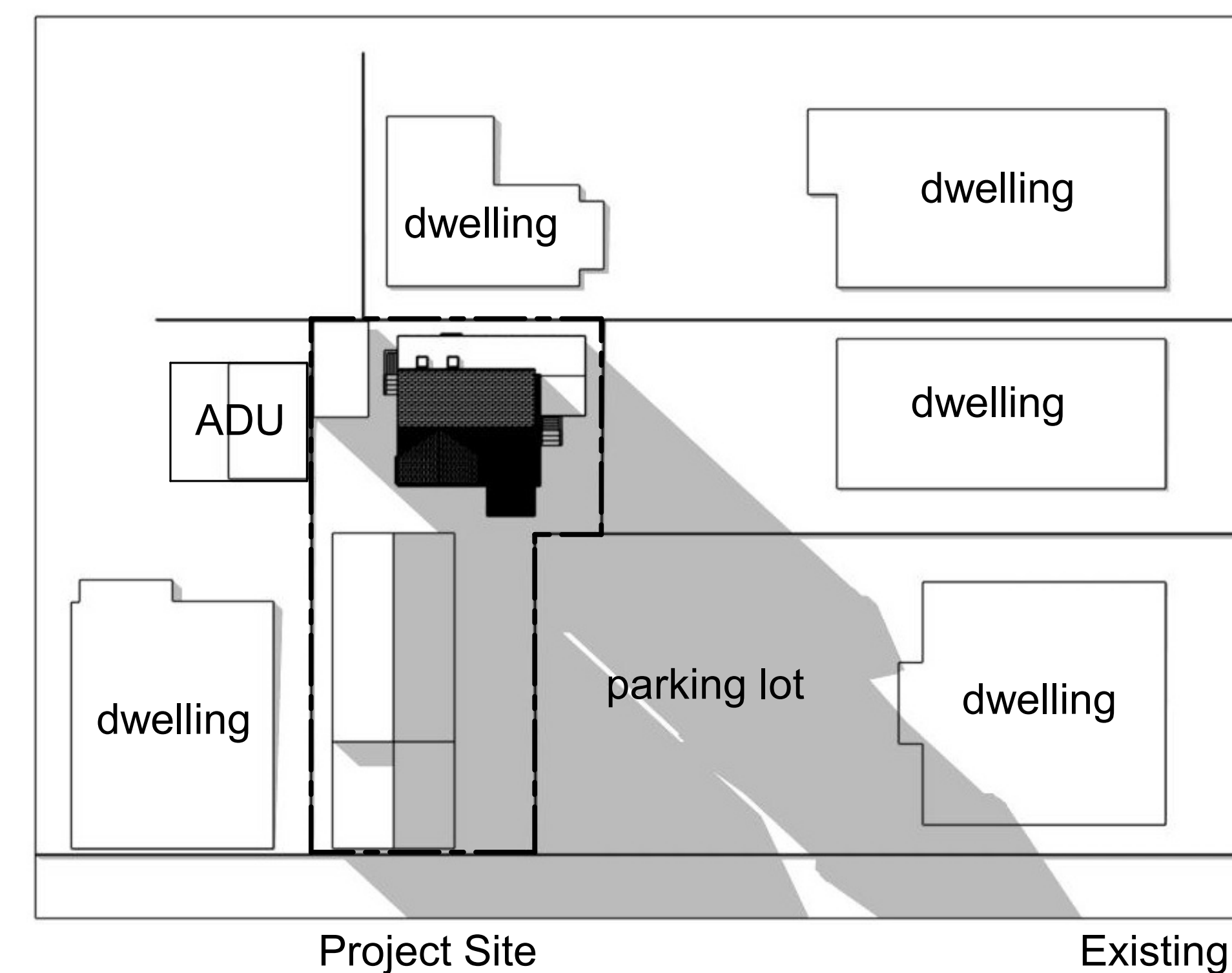
12-21-2022 / 9:21 am



12-21-2022 / 2:54 pm



12-21-2022 / 12:00 pm



12-21-2022 / 9:21 am

Sheet Contents:
Shadows Studies
Existing Shadow
New Shadow

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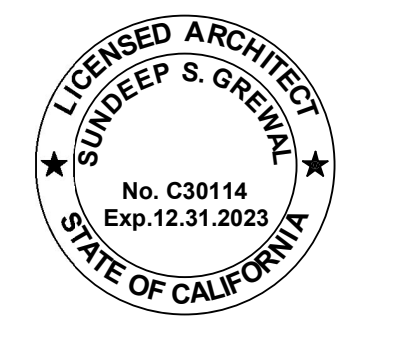
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12-18-2022

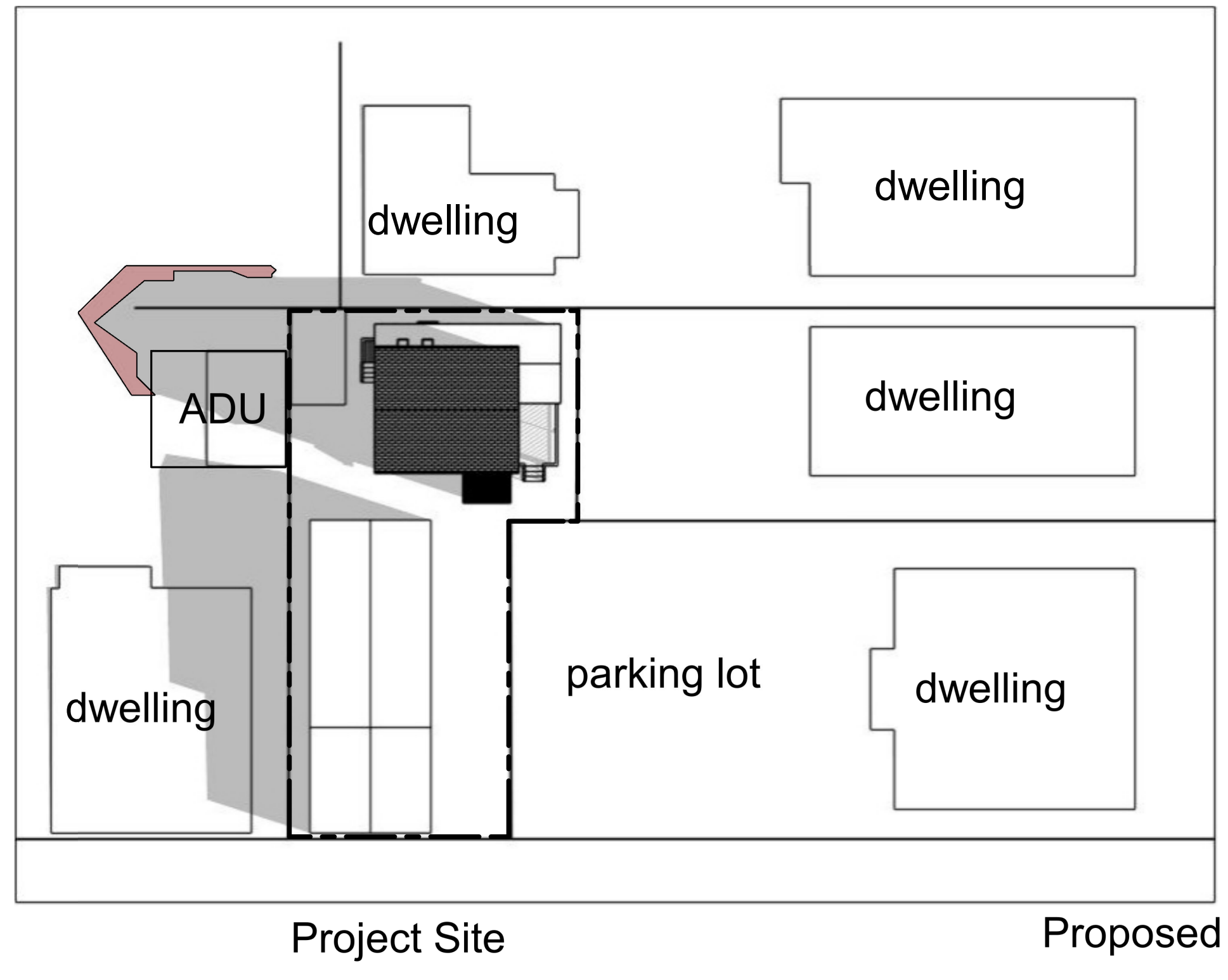




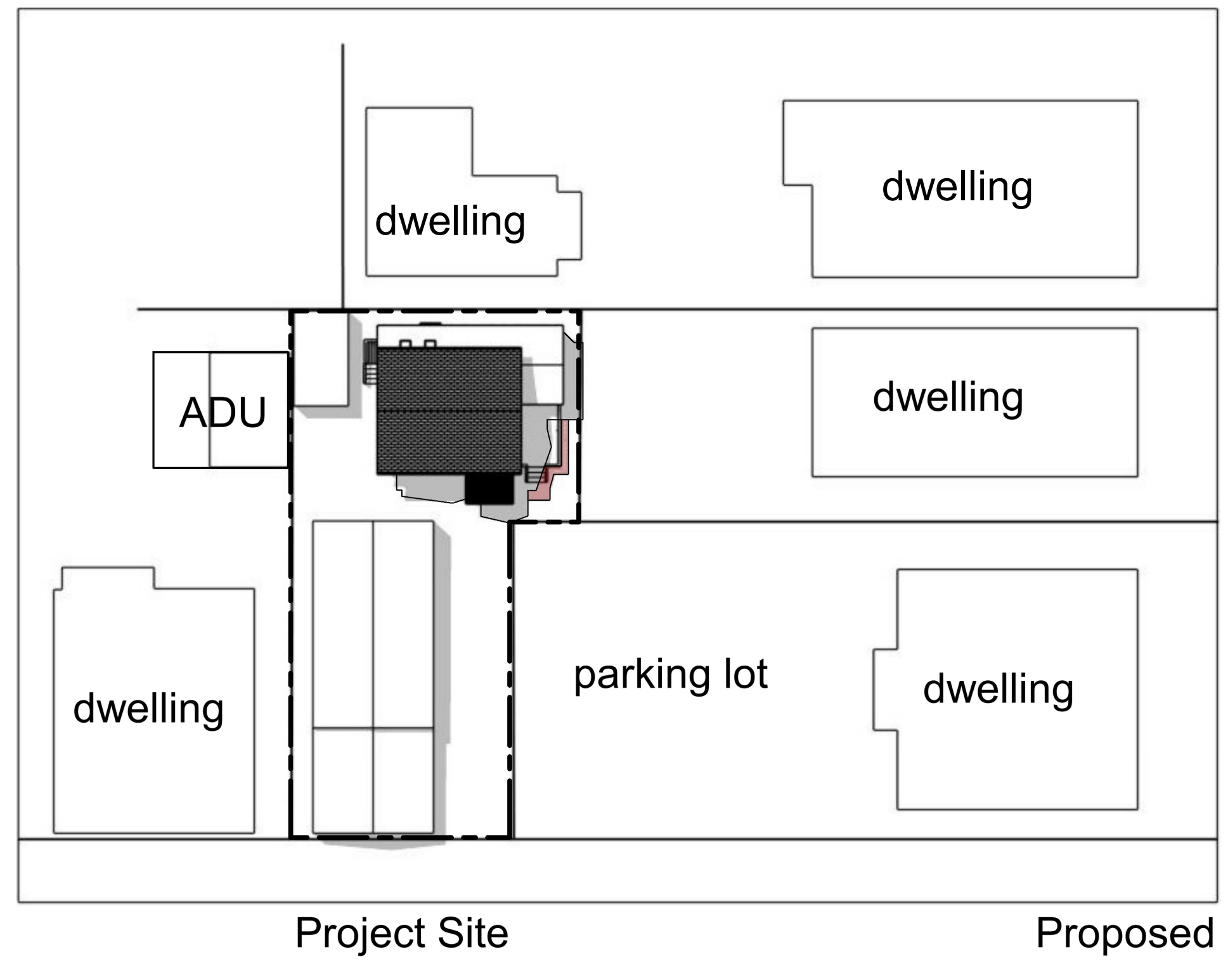
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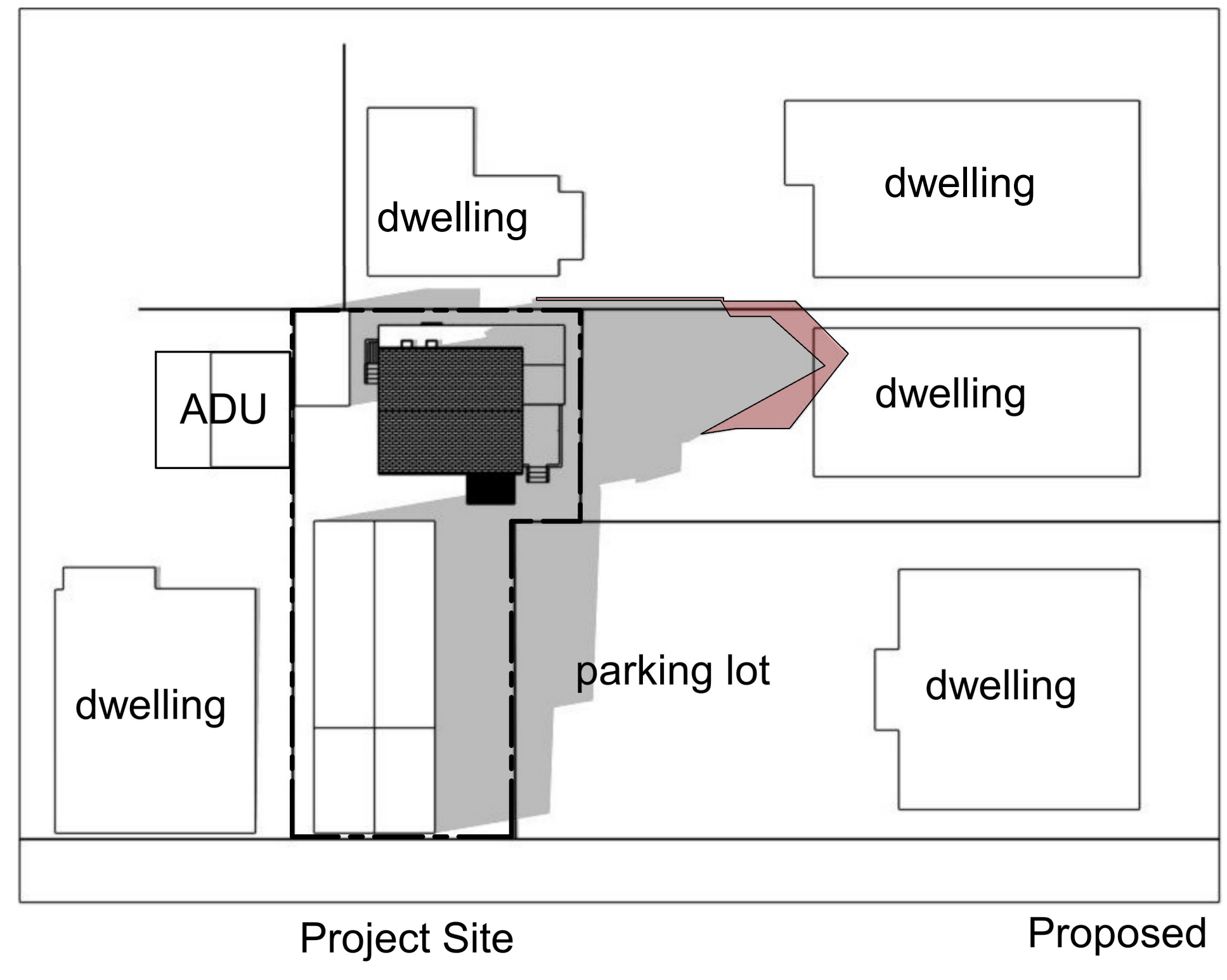
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Berkeley, CA 94705
APN: 52-1569-2



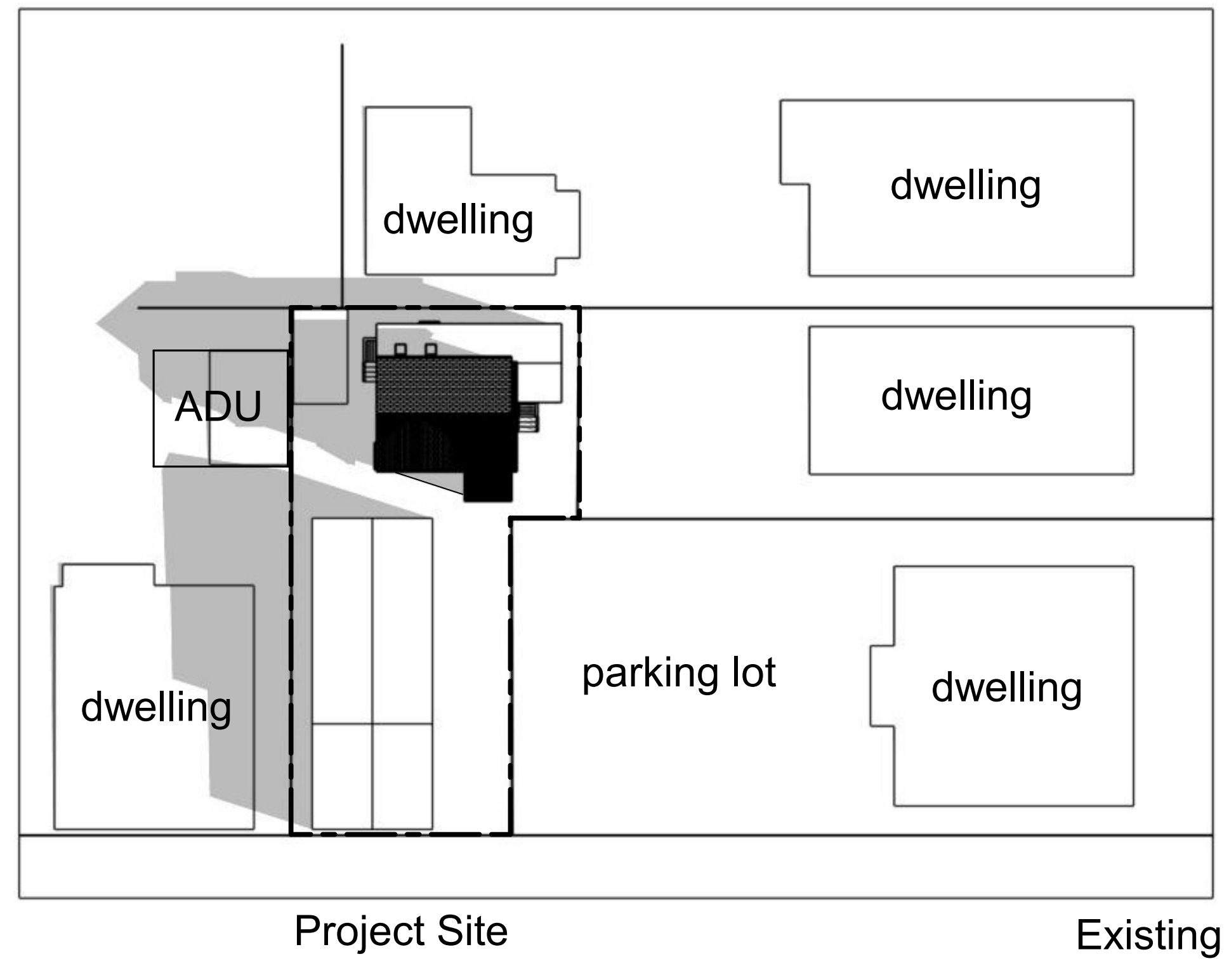
6-21-2022 / 6:35 pm



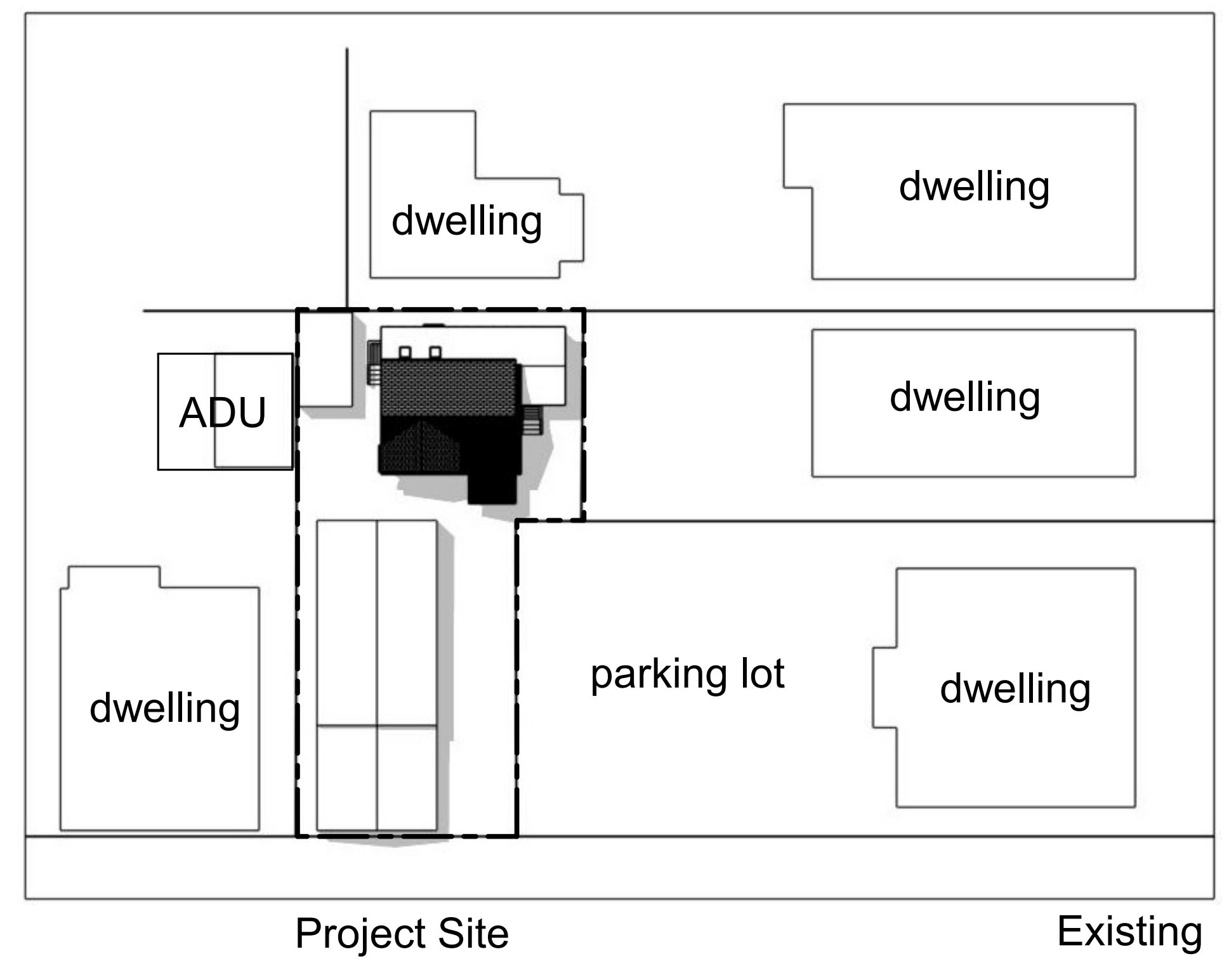
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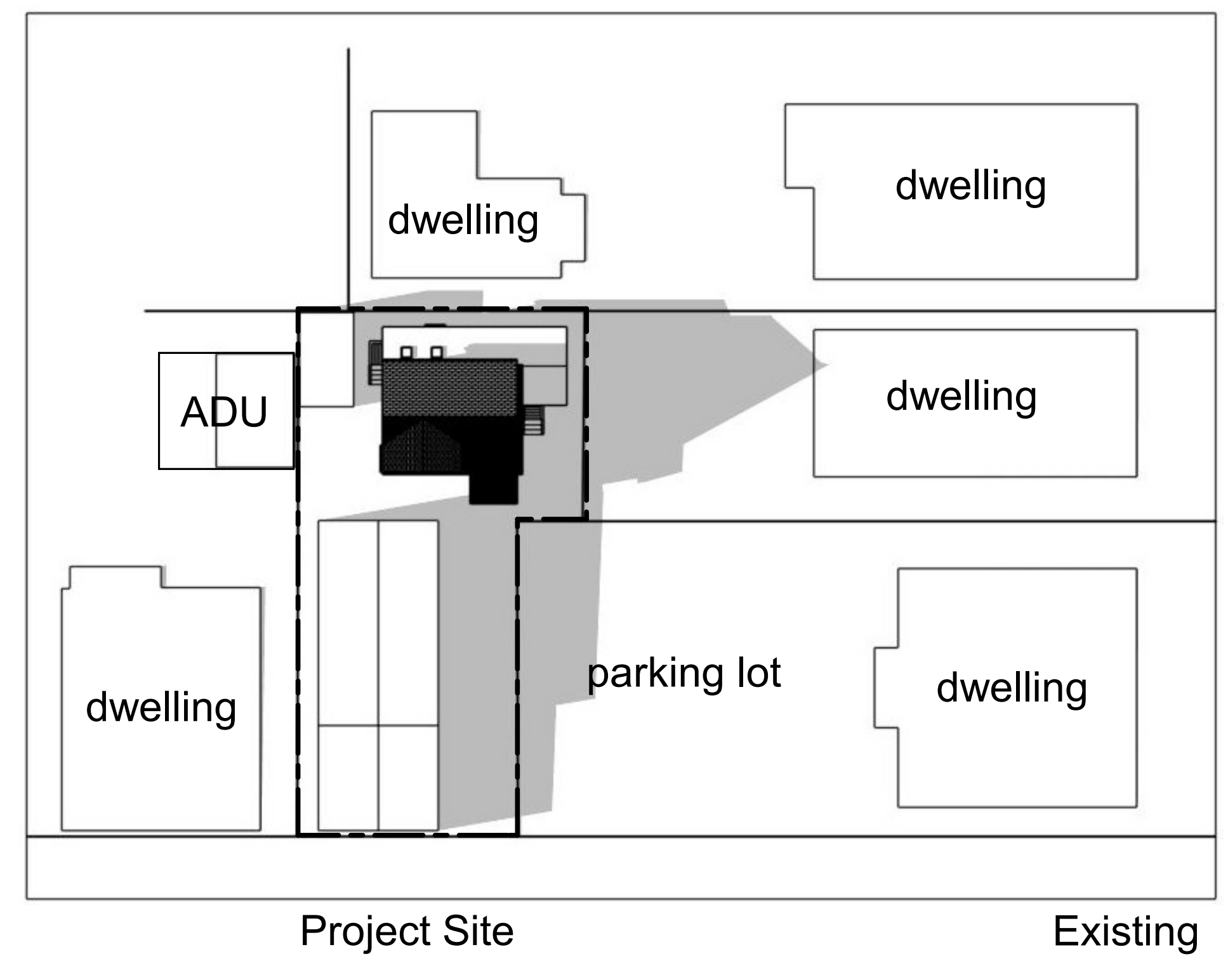
6-21-2022 / 7:48 am



6-21-2022 / 6:35 pm



6-21-2022 / 12:00 pm



6-21-2022 / 7:48 am

Sheet Contents:
Shadows Studies
Existing Shadow
New Shadow

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Project No: 22-18-471

Drawn By: SSG

Checked By: SSG

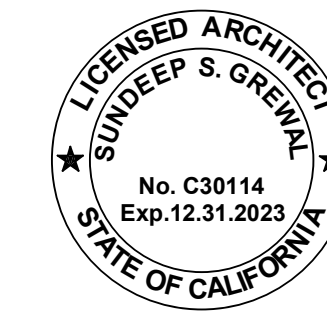
Scale: NTS

Revisions:
UP Submittal
12-18-2022





2223 Fifth St.
Berkeley, CA 94710
Ph: 510.548.7448
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www.sgsarch.com



**SWEN + TANG
RESIDENCE**
2610 Russell St.
Berkeley, CA 94705
APN: 52-1569-2

Sheet Contents:

Shadow Accuracy
Simulation

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Project No: 22-18-471

Drawn By: SSG

Checked By: SSG

Scale: NTS

Revisions:
UP Submittal
12-18-2022

Sheet

A3.3



Shadow Accuracy Simulation
6-19-2022 / 2:00 pm



Actual Shadow
6-19-2022 / 2:00 pm

Shadow Accuracy Simulation



Z O N I N G
A D J U S T M E N T S
B O A R D

NOTICE OF PUBLIC HEARING

2610 Russell Street

Use Permit #ZP2022-0183 to construct a 113 square foot addition to a two-story single-family residence over 14 feet in average height (22 feet) on a lot that exceeds the lot coverage limit for the district.

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

When: Thursday, June 8, 2023, 7:00 pm

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

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

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

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

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

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) 23.324.050(D)(3) for an addition to a building on a lot that is nonconforming for lot coverage;

- Administrative Use Permit, pursuant to BMC 23.202.080 to construct a residential addition exceeding 14' feet in average height;
- Administrative Use Permit pursuant to BMC Section 23.324.050(D)(2) to extend a wall in the nonconforming rear setback;
- Administrative Use Permit, pursuant to BMC 23.202.030(B) to allow the addition of a fifth bedroom on a lot.

C. CEQA Recommendation: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities").

D. Parties Involved:

- Applicant Sundeep Grewal, Studio G+S Architecture, Berkeley
- Property Owner Steve Swen and Ning Tang, Berkeley

Further Information:

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

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

Questions about the project should be directed to the project planner, Desiree Dougherty, at (510) 981-7431 or ddougherty@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

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