



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

974 Euclid Avenue

Appeal of Zoning Officer's Decision to approve Administrative Use Permit ZP#2022-0134 to construct a 420 square foot two-car garage (enclosed accessory structure), approximately 17 feet in average height, with a car lift, within the front half of the lot.

I. Background

A. Land Use Designations:

- General Plan: Low Density Residential
- Zoning: Single-Family Residential District within the Hillside Overlay (R-1H)

B. Zoning Permits Required:

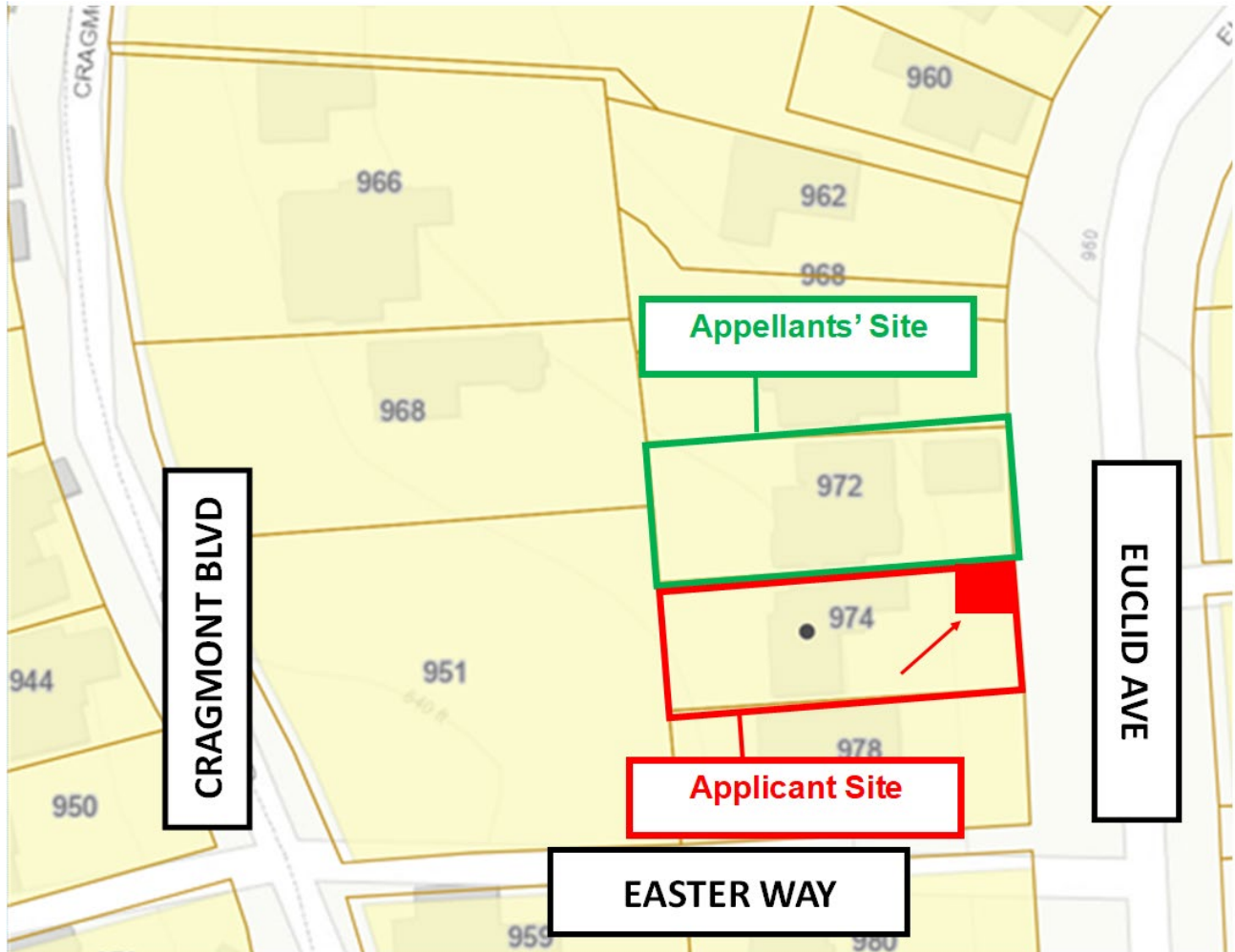
- Administrative Use Permit for an enclosed accessory structure less than 4 feet from a lot line and over 10 feet in average height, under Berkeley Municipal Code (BMC) Section 23.304.060(C)(1)
- Administrative Use Permit for an enclosed accessory structure within the first 50 percent of the lot depth, under BMC Section 23.304.060(C)(2).

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

D. Parties Involved:

- Applicant Lauri Puchall (Designer), Mill Valley
- Property Owner Sowmya Swaminathan & Stuart Strickland,
974 Euclid, Berkeley
- Appellants Christopher Buckley & Sandra Sardjono,
972 Euclid, Berkeley

Figure 1: Vicinity Map – 974 Euclid (Project Site) & 972 Euclid (Appellant Site)



*Map not to scale
Yellow = R-1H Zoning District

Figure 2: Area of Proposed Work

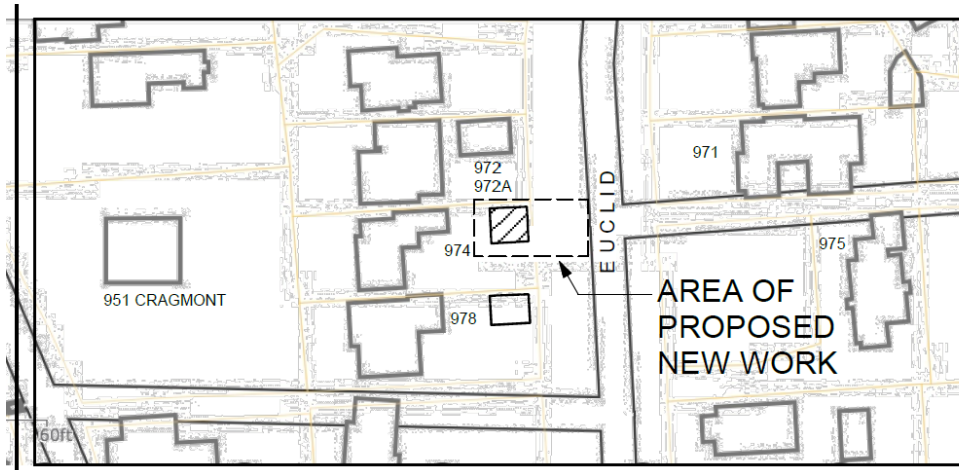
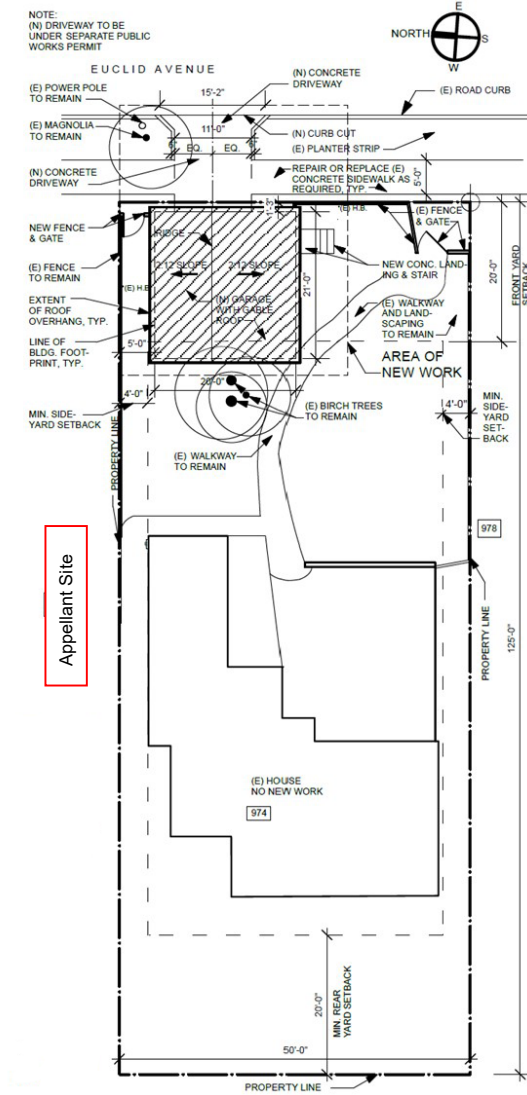


Figure 3: Site Plan – Proposed Accessory Structure (Garage)



Appellant Site

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family Dwelling	R-1H	LDR (Low Density Residential)
Surrounding Properties	North	Two, detached Single-Family Dwellings		
	South	Single-family dwelling		
	East			
	West			

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to projects with net new 7,500 square feet of non-residential floor area. The project is an accessory structure for a residential use, and thus this requirement does not apply
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020 ¹ and the inclusionary housing provisions do not apply.
Alcohol Sales/Service	No	This project is a residential project.
Creeks	No	This project is not located within the creek buffer.
Density Bonus	No	This project is not a density bonus project.
Historic Resources	No	The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	A "housing development project" is defined as a project that is: residential units only, a mixed-use project with at least two-thirds of the square-footage, or for transitional or supportive housing. The project is a residential accessory structure and does not create new dwelling units, therefore HAA and the Housing Crisis Act are not applicable.
Housing Crisis Act of 2019 (SB330)		
Natural Gas Prohibition (Per BMC 12.80.020)	No	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	No	There are no coast live oak trees on or abutting the project 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.

Rent Controlled Units	No	There are no rent controlled units on the subject site.
Residential Preferred Parking (RPP)	No	The neighborhood surrounding the subject site is not located in an RPP zone.
Seismic Hazards (SHMA)	Yes	This property is located within an area susceptible to earthquakes and landslides as shown on the State Seismic Hazard Zones Map, however the project is exempt because the structure is not habitable.
Soil/Groundwater Contamination	No	The project site is not located within the City's Environmental Management Area and is not on the Cortese List. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The property is located on the AC Transit #65 Bus Route.

Table 3: Project Chronology

Date	Action
October 3, 2022	Application submitted
October 25, 2022	Application deemed complete
March 2, 2023	Notice of Administrative Decision issued ²
March 6, 2023	Appeal letter received
May 25, 2023	Public hearing notices mailed/posted
June 8, 2023	ZAB appeal hearing

² The Notice of Administrative Decision was first posted on February 9, 2023, however, there was an administrative error and the decision was not posted online. The notice was properly posted online and re-issued on March 2, 2023 with a new, corresponding 20-day appeal period.

Table 4: Development Standards

R-1H District Standards BMC 23.202.050 & BMC 23.210.020		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		6,250 sq. ft	No change	5,000 min.
Accessory Structure Gross Floor Area (sq. ft.)		N/A	420 sq. ft	n/a
Accessory Structure Height	Average	N/A	16'-10"	Between 4' – 10' from lot line: 12' average height max. (AUP to exceed)
Accessory Building Setbacks	Front (east) (Euclid Avenue)	N/A	1'-3"	50% of lot depth
	Rear (west)	N/A	102'-9"	10' or more from lot line: 24' average height max.
	Right Side (north)	N/A	5'-0"	Between 4' – 10' from lot line: 12' average height max. (AUP to exceed)
	Left Side (south)	N/A	25'-0"	10' or more from lot line: 24' average height max.
Lot Coverage (%)		20%	27%	40% max.
Usable Open Space (sq. ft.)		400+	400+	400 min.
Parking	Automobile	0	2	N/A

II. Project Setting

- A. Neighborhood/Area Description:** The subject site is located in the north Berkley hills between Easter Way (pedestrian pathway/stairs) and Regal Road, along the Euclid Avenue. The surrounding area is composed of one- to three-story single-family dwellings and has mature street trees and vegetation. Along this side of the street, parking is generally provided in detached and attached garages located close to the front lot line due to the downhill slope from the street.
- B. Site Conditions:** The project site is a rectangular, interior lot, located on the west side of Euclid Avenue, that slopes steeply downhill from the street. It is developed with a three-story single-family dwelling that is setback far from the street, has mature trees, and no parking.

III. Project Description

The project approved by the Zoning Officer would construct a 420 square foot, two-car garage on the northeastern portion of the lot, near the front and side lot line, that is 16-feet and 10-inches in average height. The proposed garage is 20 feet wide by 21 feet deep with a single-car door and interior car lift to provide parking for two motor vehicles, and would be accessed by a new 10-foot wide curbcut and driveway.

The placement would accommodate a mature magnolia tree in the right-of-way to the north of the structure, as well as three mature birch trees on site, behind the proposed garage.

IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting the application to the City, the applicant conducted the required neighborhood outreach, and installed a yellow application poster in September 2022.

Zoning Officer's Decision to Approve: The Zoning Officer determined that the proposed project would not result in detrimental air, views, light, or privacy impacts and would be consistent with the underlying development standards in the R-1H zoning district (BMC Section 23.202.050 and 23.210.020).

- B. Appeal:** The appeal of the Administrative Use Permit approval was filed on March 6, 2023 by the owner of 972 Euclid Avenue.
- C. Public Notice:** On May 25, 2023, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property, and to interested parties. Staff also posted the Notice of Public Hearing at three locations within the immediate vicinity of the subject site. At the time of this writing, Staff has not received any communications, outside of the appellants, regarding this project.

V. Appeal Issues and Analysis

The issue raised in the appellants' letter are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the appeal letter (Attachment #4) for full text.

- A. Appeal Issue:** The appellants state the proposed garage is too tall, and would block light to their property, and request that the height of the garage be limited to 12 feet to reduce the shadows impacts.

Staff Analysis

Both abutting lots have detached garages similarly located in the northeast portions of their respective lots. There is a two-car detached garage at 978 Euclid that is single-story at street level. At 972 Euclid, there is a two-story building with a garage at street level and a second unit located above located within the front setback. Due to the sloping nature of the lot, the back portion is cantilevered over the slope, which makes the average height almost 17 feet, however, the proposed garage would be approximately 14-feet in height as seen from the street level. Two-car garages are common in the area, and the additional height would accommodate a car lift so that two motor vehicles could be parked in the space. Although there is parking on both sides of Euclid Street at this location, there is a bus stop directly across the street and approximately 60 feet to the south on the same side of the street, both with red painted curbs that prohibit parking at all times.

Sunlight: Shadow studies provided by the applicant (Attachment #3) show that the proposed garage would cast new shadows on the residence located at 972 Euclid Avenue on a limited area, and will shade two windows that serve habitable space for a limited time during the wintertime, and only for a few hours of the morning. During other times of the year and in winter evenings, no new shadows will be cast on the neighboring dwelling. There is also a tall street tree located between the two sites. The accessory structure will not result in a significant loss of direct sunlight on abutting residences, and would not be detrimental.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board APPROVE ZP2022-0134 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment #1).

Attachments:

1. Findings and Conditions, dated March 2, 2023
2. Project Plans, received October 3, 2022
3. Shadow Studies, received October 3, 2022
4. Site Survey, received October 3, 2022
5. Appeal Letter, received March 6, 2023
6. Notice of Public Hearing

Staff Planner: Samella Stover, sstover@berkeleyca.gov, (510) 981-7425

ATTACHMENT 1

REVISED FINDINGS AND CONDITIONS MARCH 2, 2023

974 EUCLID AVENUE

Administrative Use Permit #ZP2022-0134

To construct a 420 square foot, two-car garage (enclosed accessory structure), approximately 17 feet in average height, with car lift within the front half of the lot.

PERMITS REQUIRED

- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.060(C)(1) for an enclosed accessory structure less than 4 feet from a lot line and over 10 feet in average height, and
- Administrative Use Permit pursuant to BMC Section 23.304.060(C)(2)(b) for an enclosed accessory structure within the first 50 percent of the lot depth.

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 CEQA Guidelines Section 15303 (“New Construction or Conversion of Small Structures”).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

FINDINGS FOR APPROVAL

3. As required by BMC Section 23.406.030(F), 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 lot slopes downward from the street, with a relatively level section in the front where the garage will be located. Currently, there is no established parking on site. Based on

the survey, an existing driveway leads to an undersized small concrete pad that runs parallel to the front line and needs to meet current parking design and layout standards.

- B. The proposed garage is 20 by 21 feet with a 10-foot wide roll-up door. The structure is located 1 foot, 3 inches from the front lot to minimize alterations to the existing grade and allows for access from the street. It is also located in an area that will allow the retention of three mature birch trees.
 - C. The garage will be 16 feet, 10 inches in average height, accessed from an 11-foot wide driveway and include a small lift to park two stacked vehicles. The additional height will allow parking for two vehicles while maintaining a smaller curb cut and driveway than a standard two-car garage, which allows the retention of a street tree and street parking.
 - D. Due to the constraints created by the downhill sloping topography common in the hillside overlay, most garages in the immediate area of the subject property are located within the front setback. As a result, the proposed project is consistent with the existing neighborhood building separation pattern and will not cause detrimental impacts to air circulation. The garage will not result in obstruction of significant views in the neighborhood. The confronting neighboring property is located uphill of the subject property, and as a result, potential views would not be impacted by the new accessory structure.
 - E. The garage is nondetrimental because it will provide two off-street parking spaces where none exist in an area with limited street parking. The location in the front of the lot will minimize grading and the design of the garage with a car lift will retain one street space and a street tree.
4. Pursuant to BMC Section 23.304.060(C)(2)(b), the Zoning Officer finds that:
- A. Sunlight: Shadow studies provided by the applicant show that the impact to neighboring properties/properties will occur on a limited area, and will shade two windows that serve habitable space at 972 Euclid Avenue for a limited time during the year, and only for a few hours of the morning. The accessory structure will not result in a significant loss of direct sunlight on abutting residences but will absorb the loss of direct sunlight on its own lot.
 - B. Air: The new accessory structure is located in the front setback due to the sharp drop in topography from the street to the lot but exceeds the side setback requirements. Other garages along Euclid Avenue are in the front setback, including the immediate neighbors on each side, and the structure is found to be consistent with the existing, surrounding development. The accessory structure will not reduce the useable open space below the minimum. Therefore, impacts to air circulation are not deemed detrimental.
 - C. Privacy: There will be no detrimental privacy impacts as the garage opening (east) is facing the street, the people door is located on the south side 25 feet from the side lot line and accesses the a fenced open space area, and there are no windows on the accessory structure.

D. Views: The structure will not result in obstruction of significant views in the neighborhood. The garage will be located on the uphill portion of the lot, at street level, and will not create significant increased impacts to views.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, 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 and begun 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 approved by the review authority which originally approved the permit. 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.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER

Pursuant to BMC Section 23.404.050(H), the Zoning Officer 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 #

Standard Construction-related Conditions Applicable to all Projects:

11. 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.

12. 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.

13. 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.

14. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
15. 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 in thickness and secured to the ground.
16. All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered.
17. Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.
18. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.
19. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.
20. 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.
21. Any construction during the wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
22. 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.
23. 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.
24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

25. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

26. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the

resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Prior to Issuance of Occupancy Permit or Final Inspection:

27. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
28. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **October 3, 2022**.

At All Times (Operation):

29. 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.
30. 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.



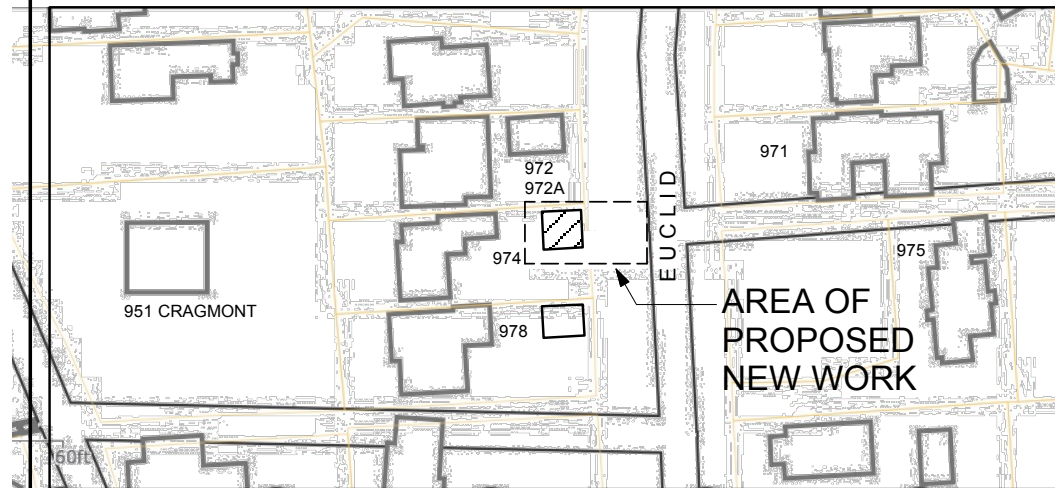
Prepared by: Samella Stover, Planning Technician
For Samantha Updegrave, Zoning Officer



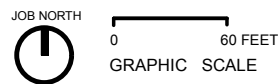
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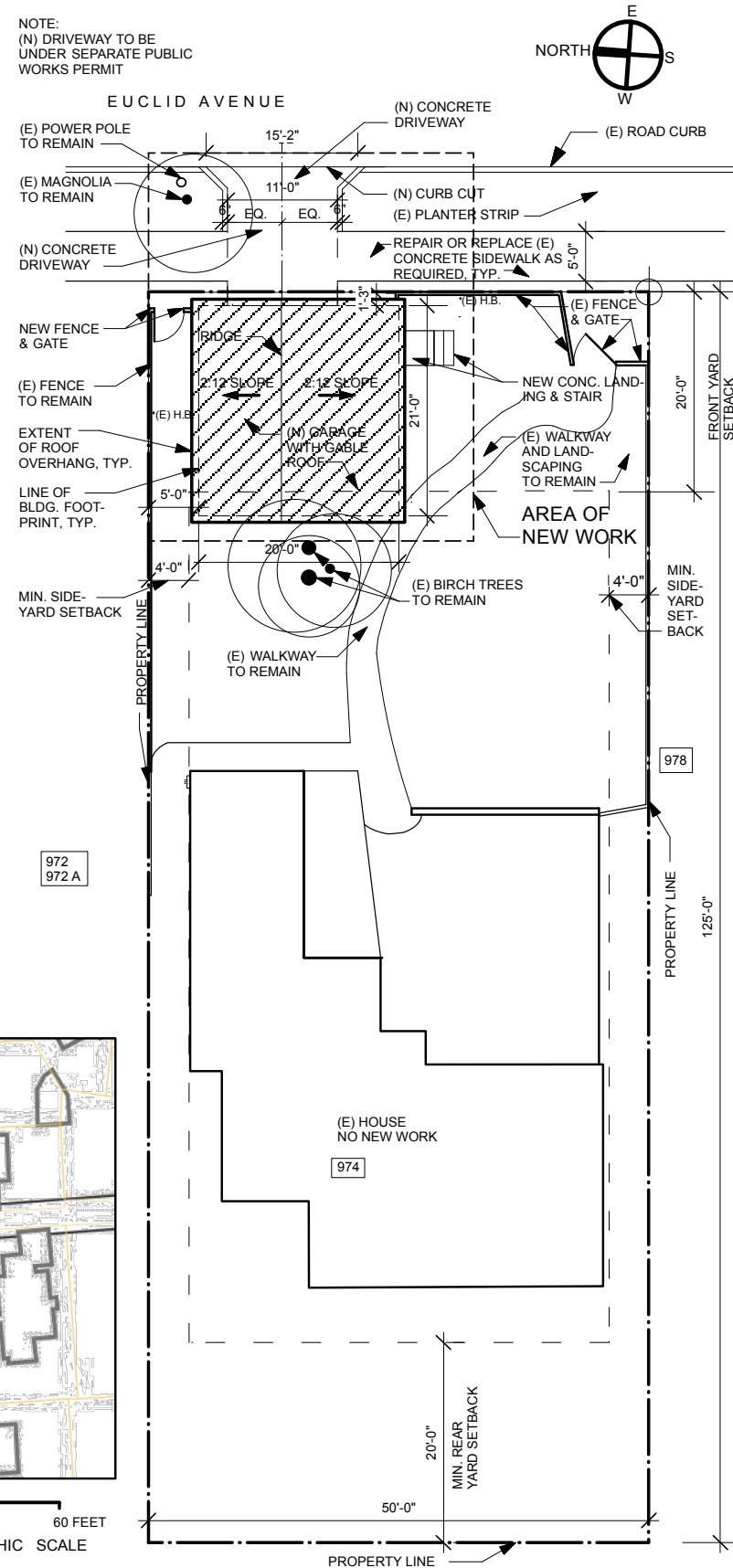
AERIAL PHOTO AREA OF PROPOSED NEW WORK



VICINITY MAP

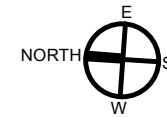


NOTE:
(N) DRIVEWAY TO BE UNDER SEPARATE PUBLIC WORKS PERMIT



SITE PLAN / ROOF PLAN PROPOSED NEW GARAGE

SCALE: 1/16" = 1'-0"



I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED NEW GARAGE:

NAME (Printed)	SIGNATURE	ADDRESS	DATE	I HAVE NO CONCERNS	I HAVE CONCERNS	COMMENTS

PROJECT INFORMATION:

APN: 63-2972-28
 PARCEL AREA: 6,250 SF
 ZONING: R-1H, HILLSIDE RESIDENTIAL DEVELOPMENT OVERLAY
 SEISMIC-EARTHQUAKE: YES
 LANDSLIDE: YES
 MAXIMUM ALLOWABLE LOT COVERAGE: 6,250 x .40 = 2,500 SF
 EXISTING LOT COVERAGE: 1264 SQ. FT.
 PROPOSED LOT COVERAGE: 1684 SQ. FT.

EXISTING AND PROPOSED:

(3-LEVEL)
 TOTAL LIVING AREA: 2,469 SF

PROPOSED NEW ACCESSORY CONSTRUCTION:

(N) GARAGE: 420 SQ. FT.

ALLOWABLE MIN. SETBACKS: 4'-0" SIDEYARD
 20'-0" FRONT YARD
 20'-0" REAR YARD

PROPOSED GARAGE SETBACKS: 5'-0" SIDEYARD (NORTH)
 25'-0" SIDEYARD (SOUTH)
 1'-3" FRONT YARD

AVERAGE MAXIMUM ALLOWABLE HEIGHT WHEN WITHIN 4' TO 10' OF PROP. LINE: 12'-0"

PROPOSED AVERAGE HEIGHT OF (N) GARAGE / ACCESSORY STRUCTURE: 16'-10"

NUMBER OF EXISTING OFF-STREET PARKING SPACES: 0


NUMBER OF PROPOSED OFF STREET PARKING SPACES: 1-2

TYPE OF CONSTRUCTION: V-B (UNPROTECTED WOOD FRAME)

SPRINKLERS: NO

SHEET INDEX:

ARCHITECTURAL
 A-0 ROOF/ SITE PLAN, PROJECT LOCATION, PROJECT DATA
 A-0.1 NEIGHBOR NOTIFICATION SIGNATURES SUR (PARTIAL) SITE SURVEY
 A 1.0 PROPOSED GARAGE PLAN, GEN NOTES, SCHEDULES
 A 2.0 PROPOSED GARAGE ELEVATIONS
 A 2.1-2.2 SHADOW STUDY

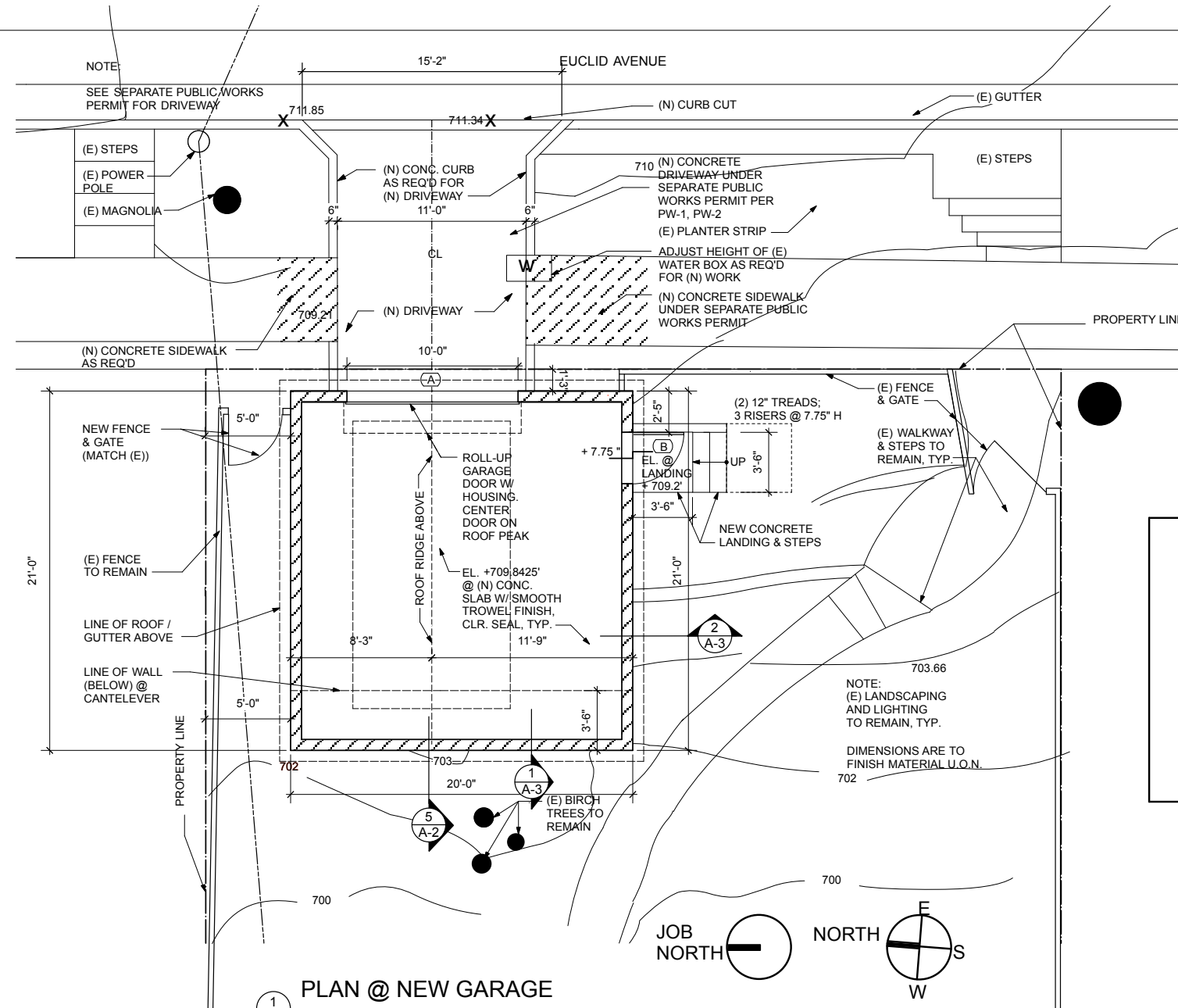
RECEIVED by

 SIGNATURE
October 3, 2022
 DATE

DESIGNER
 LAUR RUCHALL
 TURK KAUFFMAN ARCHITECTURE
 131 ELDORGE AVENUE
 MILL VALLEY, CA 94641
 916-947-0897

PROJECT
 NEW GARAGE & DRIVEWAY
 974 EUCLID AVENUE
 BERKELEY, CA 94708

TITLE
 SITE/ROOF PLAN, VIC. MAP,
 PROJECT DATA, NOTES,
 NEIGHBOR NOTIFICATION
 DATE: OCTOBER 2022
 PHASE: PLANNING PERMIT
 SCALE: AS NOTED

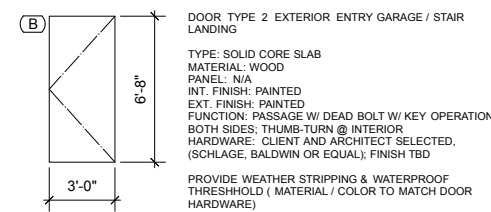
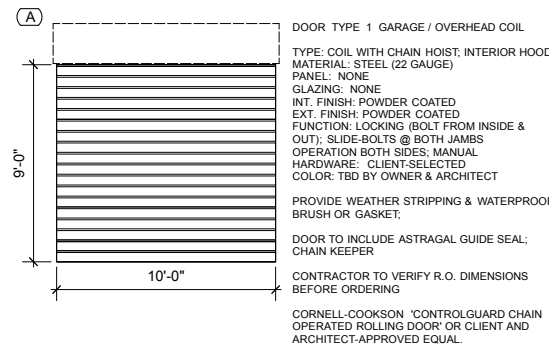
SHEET
A-0



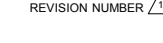
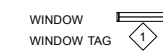
PLAN @ NEW GARAGE

SCALE: 1/8" = 1'-0"

DOOR SCHEDULE	
(A)	GARAGE ROLL-UP ENTRY, TYPE 1. EXTERIOR 10'-0" W x 9'-0" H POWDER-COATED ALUMINUM OR APPROVED EQUAL
(B)	GARAGE ENTRY, TYPE 2. EXTERIOR 3'-0" W x 6'-8" H x 1-3/4" THICK. SOLID WOOD.



SYMBOLS



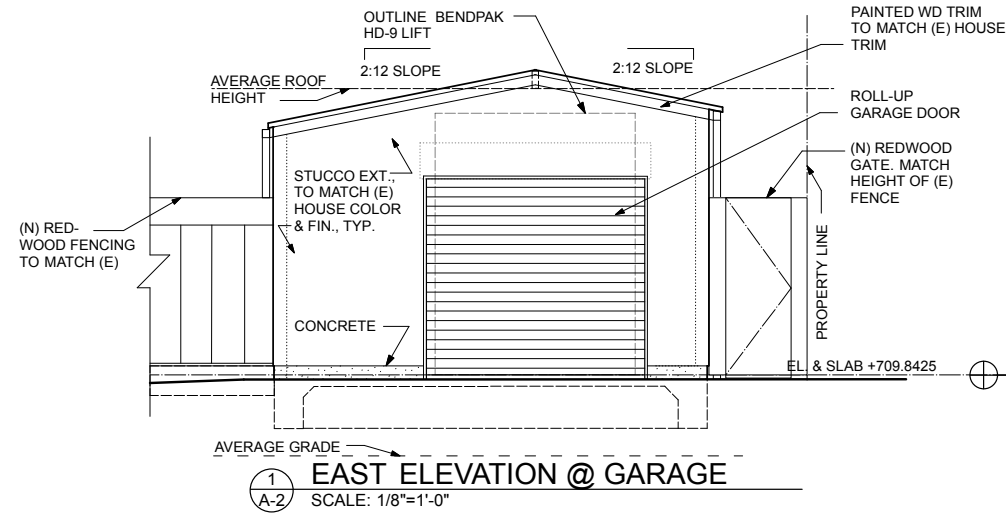
RECEIVED by

Samella Stone October 3, 2022

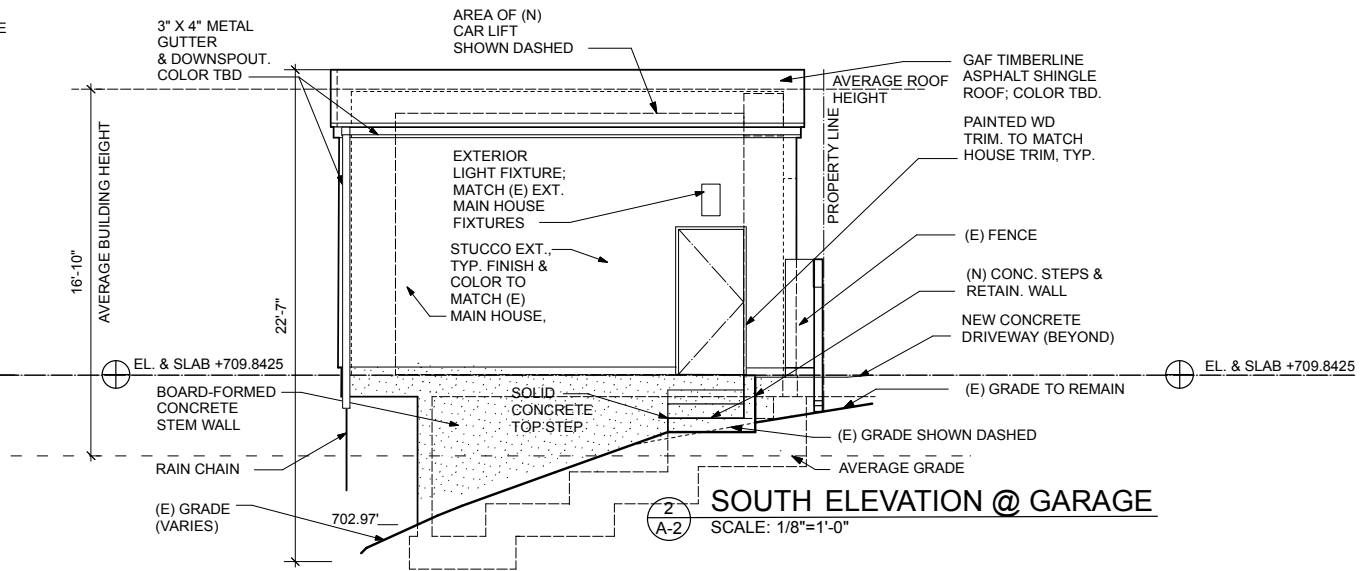
SIGNATURE DATE

ARCHITECT	TURK KAUFFMAN ARCHITECTURE 131 ELDRIDGE AVENUE MILL VALLEY, CA 94941 510-847-0897
PROJECT	SWAMINATHAN-STRICKLAND 974 EUCLID AVENUE BERKELEY, CA 94708 NEW GARAGE APN: 63-2972-28
TITLE	FLOOR PLAN DOOR SCHEDULE
SHEET	A-1

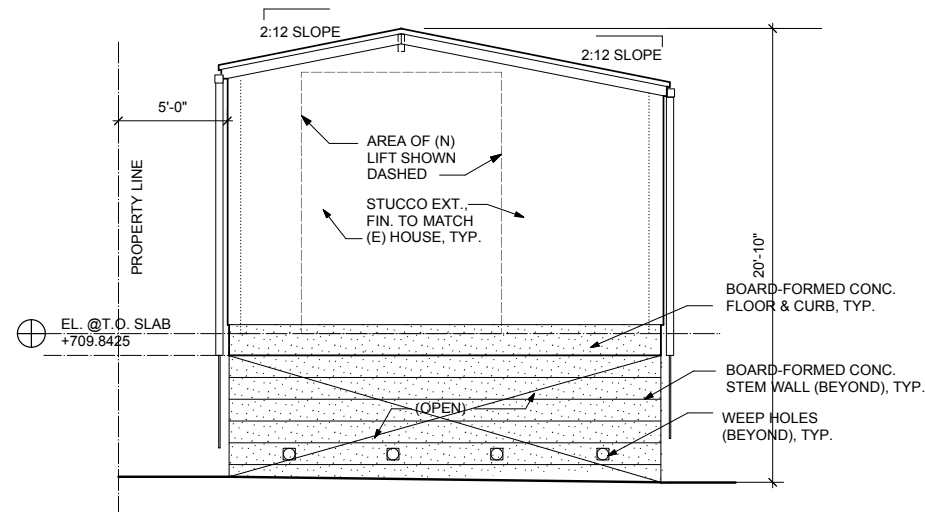
DATE: OCTOBER 2022
PHASE: PLANNING PERMIT
SCALE: AS NOTED



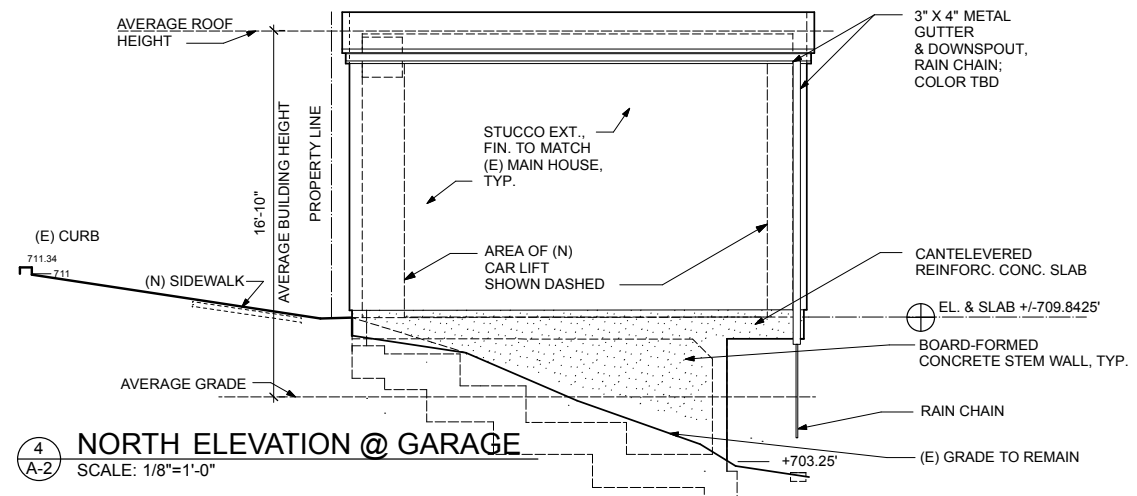
1 EAST ELEVATION @ GARAGE
SCALE: 1/8"=1'-0"



2 SOUTH ELEVATION @ GARAGE
SCALE: 1/8"=1'-0"



3 WEST ELEVATION @ GARAGE
SCALE: 1/8"=1'-0"

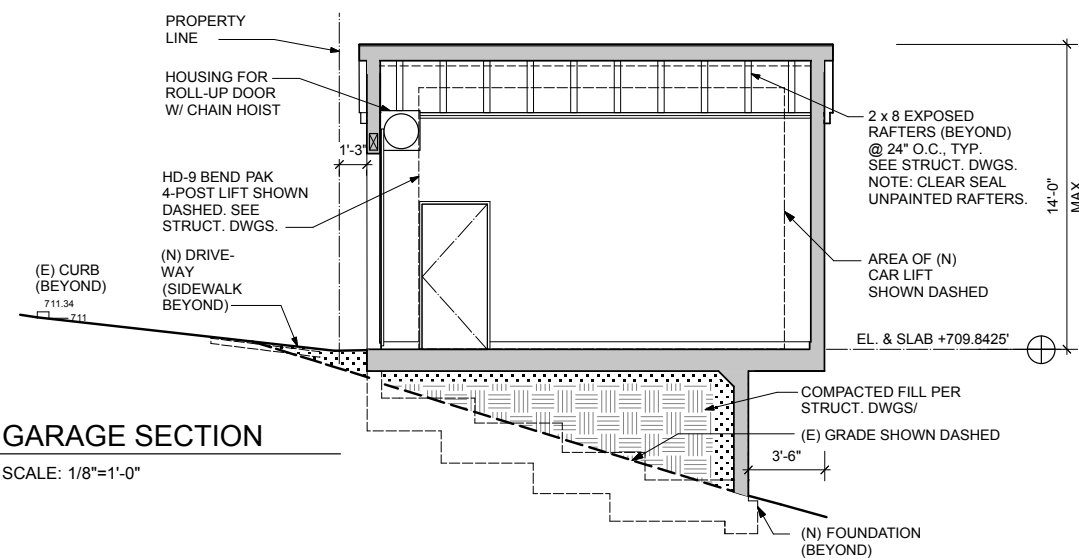


4 NORTH ELEVATION @ GARAGE
SCALE: 1/8"=1'-0"

RECEIVED by

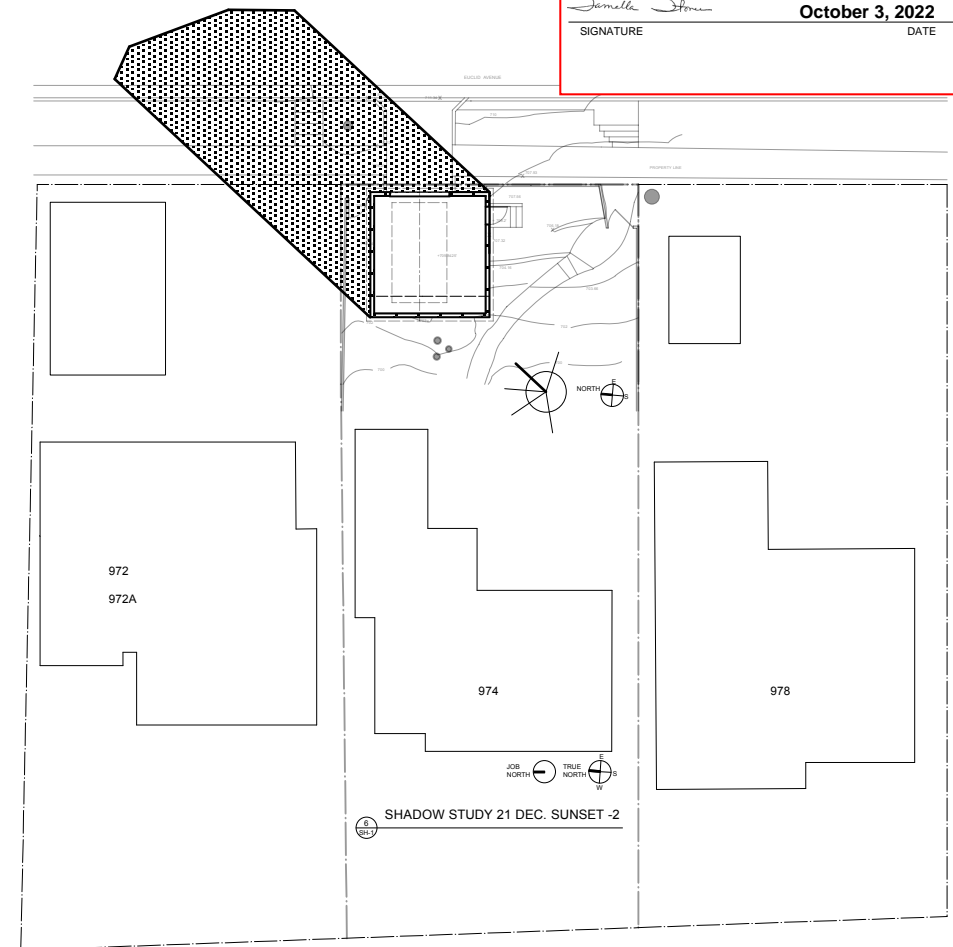
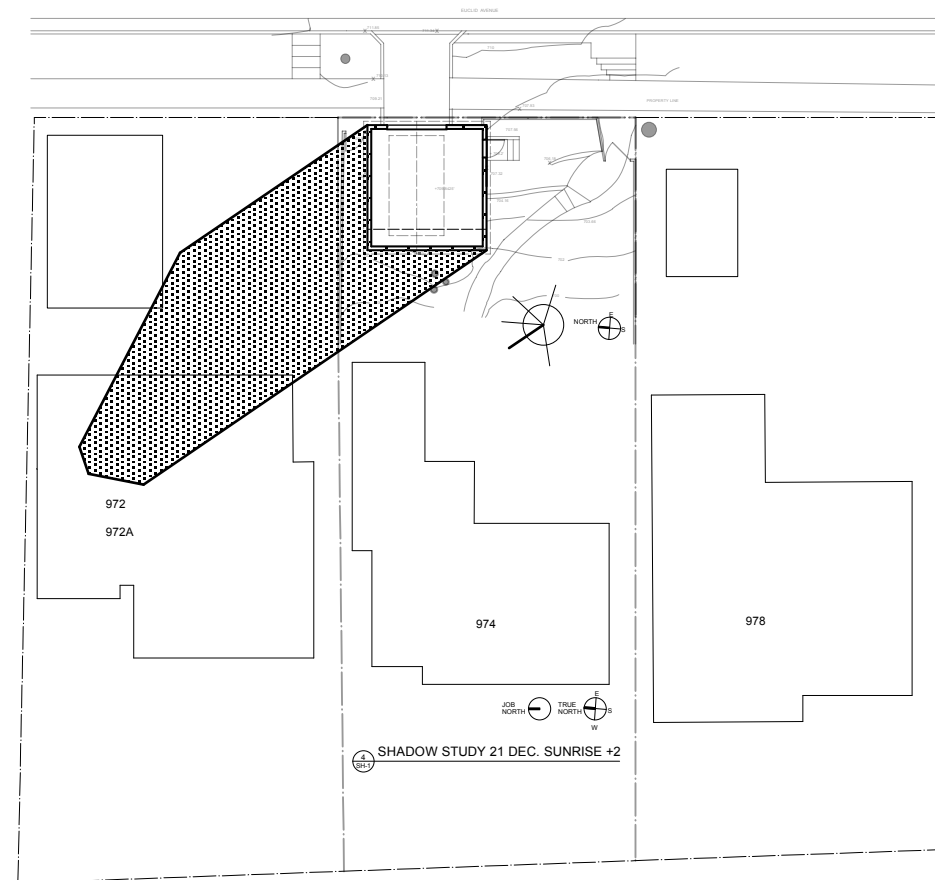
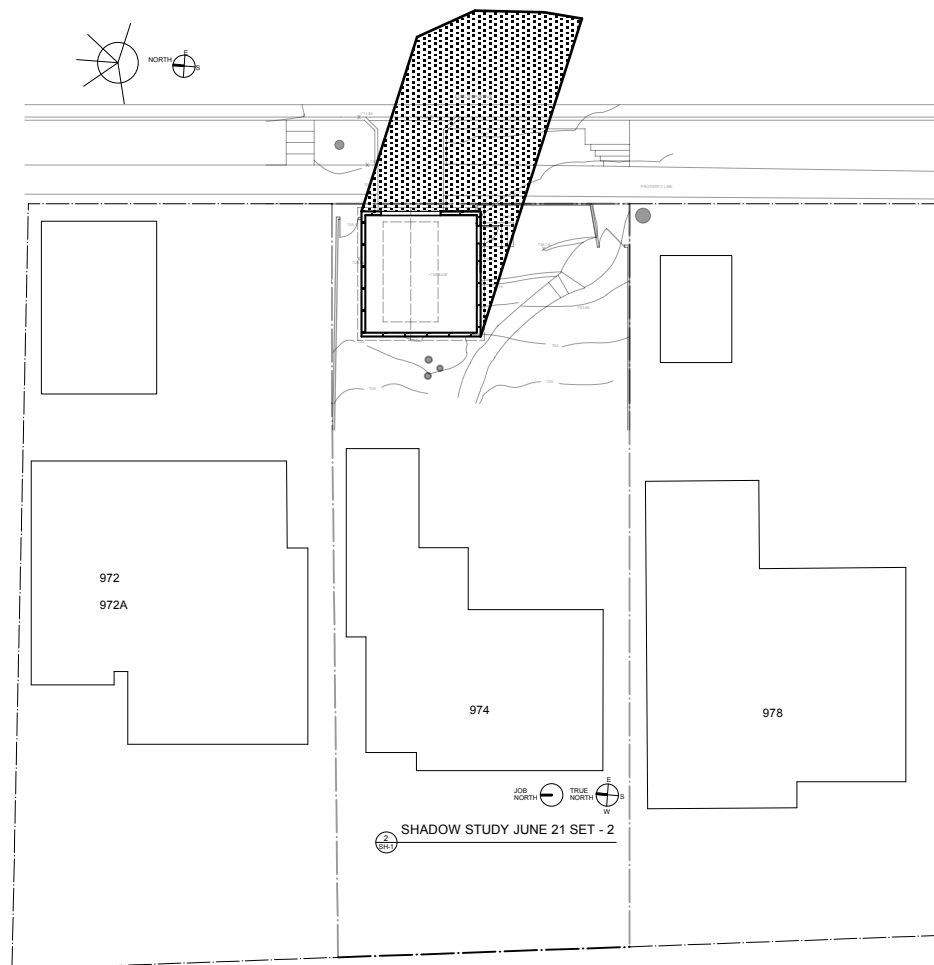
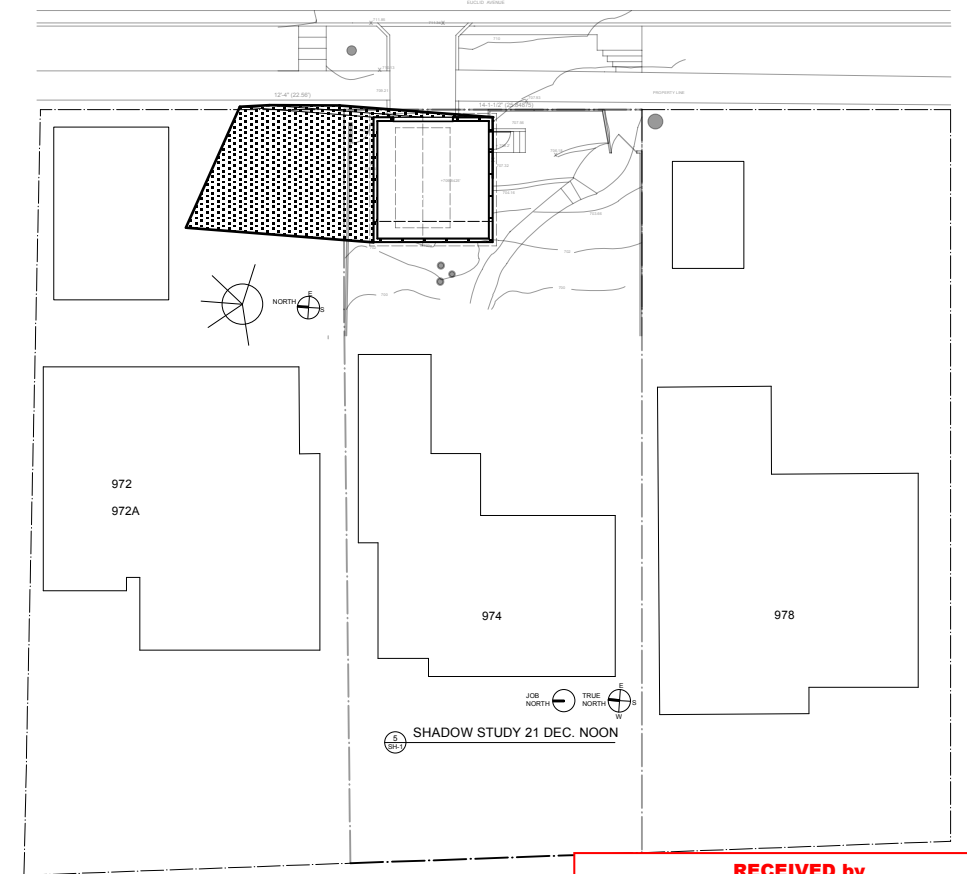
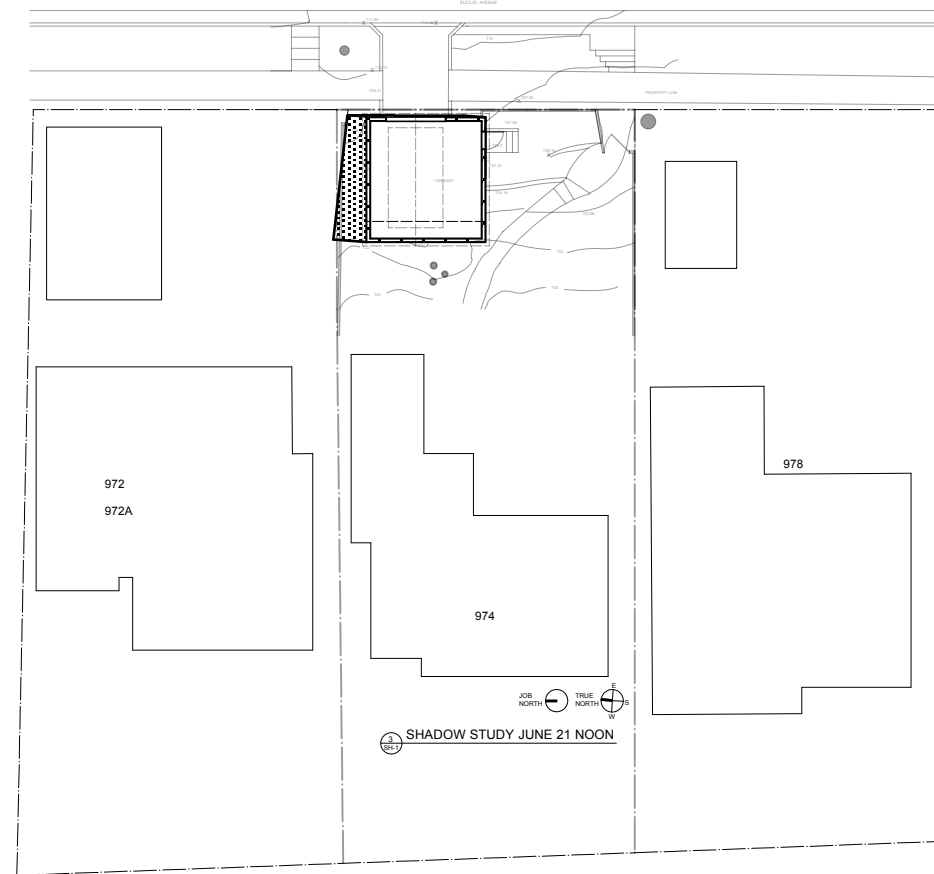
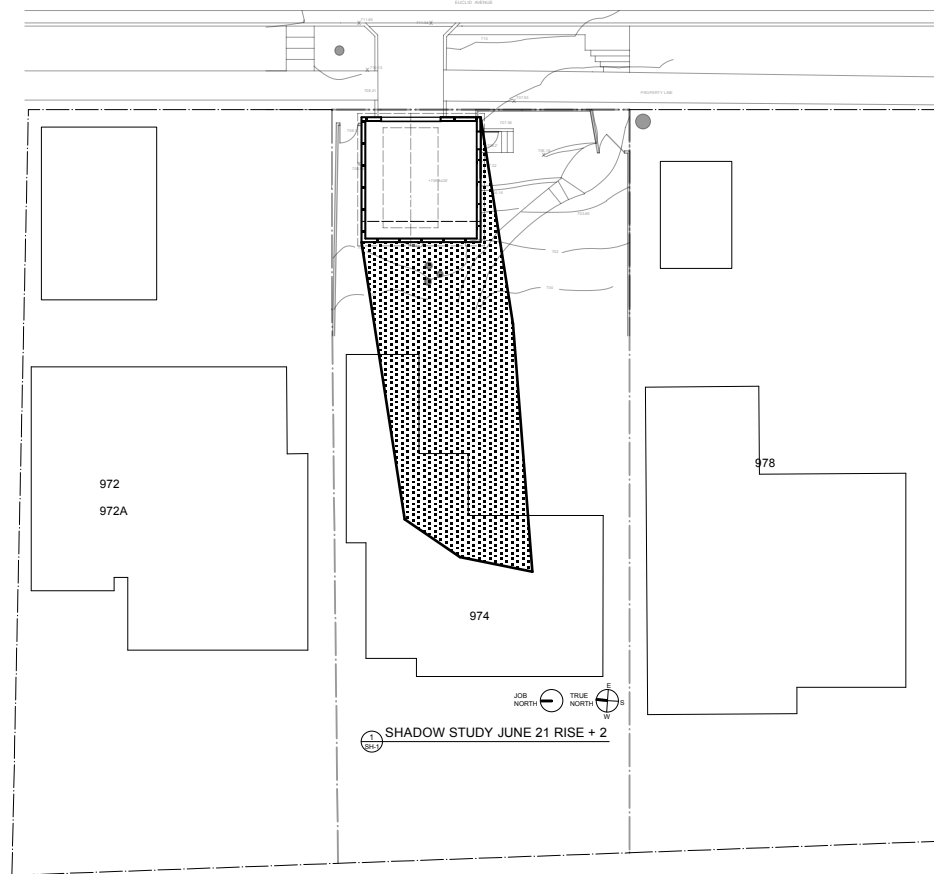
Samella Stone **October 3, 2022**

SIGNATURE DATE

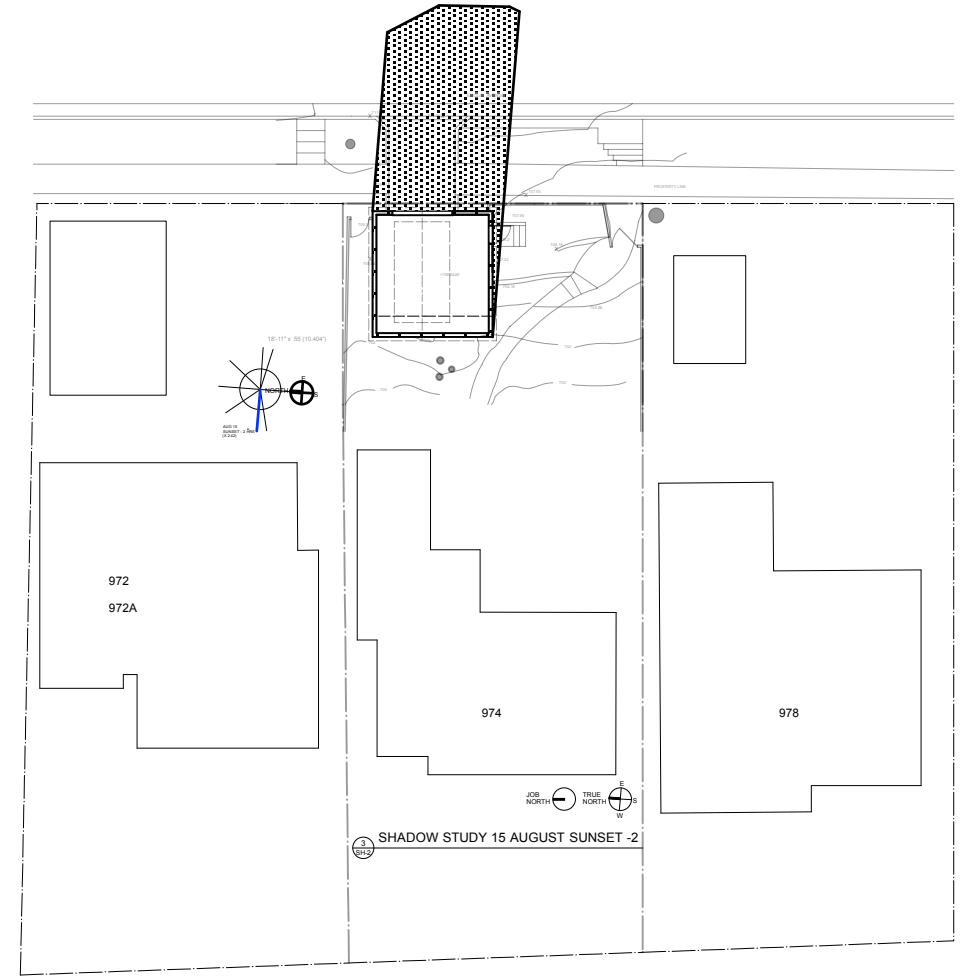
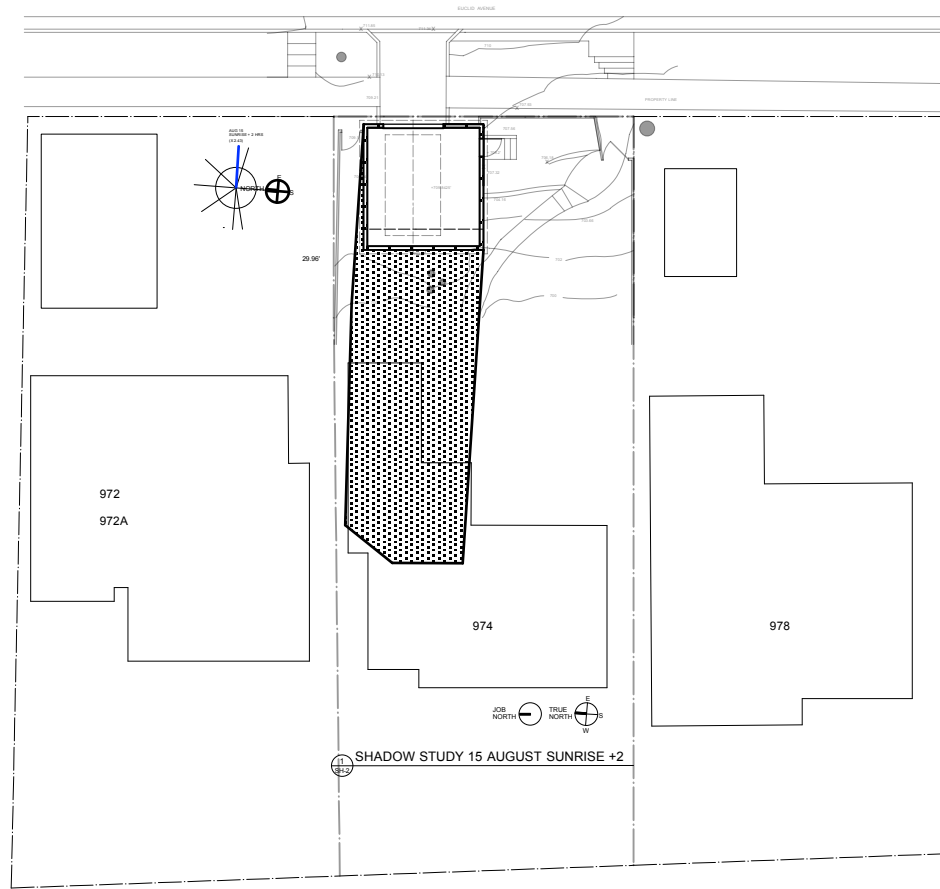


5 GARAGE SECTION
SCALE: 1/8"=1'-0"

ARCHITECT	TURK KAUFMAN ARCHITECTURE 131 ELDRIDGE AVENUE MILL VALLEY, CA 94941 510-847-0897	
PROJECT	SWAMINATHAN-STRICKLAND 974 EUCLID AVENUE BERKELEY, CA 94708 NEW GARAGE APN: 63-2972-28	
TITLE	EXTERIOR ELEVATIONS	
DATE:	OCTOBER 2022	
PHASE:	PLANNING PERMIT	
SCALE:	AS NOTED	
SHEET	A-2	



RECEIVED by
Samella Stone
SIGNATURE
October 3, 2022
DATE



RECEIVED by

Semelle Stone **October 3, 2022**

SIGNATURE DATE

GENERAL NOTES

THE SCOPE AND LIMIT OF THIS SURVEY WAS DEFINED IN OCTOBER 2021 BY TURK KAUFFMAN, ARCHITECT. USE OF THIS SURVEY IS LIMITED TO THE PROPERTY OWNER AS REFERENCED IN THE TITLE BLOCK AND CONSULTANTS FOR THE SPECIFIC PROJECT. OTHERS MAY NOT USE THIS MAP WITHOUT THE PERMISSION OF THE CLIENT AND HUMANN COMPANY. BOUNDARY AND BASIS OF BEARINGS ARE PER THE UNDERLYING RECORD MAP AS REFERENCED IN THE TITLE BLOCK HEREON.

TITLE REPORT FOR THIS SURVEY WAS PREPARED BY CHICAGO TITLE COMPANY, DATED JUNE 10, 2013, TITLE NO. 13-58415398.

THE ELECTRONIC FILE IF SUPPLIED, IS BEING DONE SO AS A COURTESY AND CONVENIENCE, AND IS SUBORDINATE TO THE PROVIDED SIGNED HARD COPY MAP WITH RESPECT TO CONTENT, ACCURACY AND QUALITY. HUMANN COMPANY MAKES NO WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED FOR ANY COPIES OF THE DRAWINGS OR WORK ASSOCIATED WITH THE ELECTRONIC FILE BY OTHERS.

BUILDING(S) SHOWN HEREON CONTAINS DECORATIVE ARCHITECTURAL ELEMENTS ALONG ITS WALLS AND CORNERS WHICH ARE NOT NECESSARILY ACCOUNTED FOR IN THE BUILDING FOOTPRINT AS SURVEYED AND MAPPED. PRIOR TO THE PREPARATION OF WORKING DRAWINGS, THE ARCHITECT/DESIGNER SHOULD FIELD INSPECT ANY AREAS ON THE BUILDING WHERE AN ADDITION OR OTHER IMPROVEMENT IS EXPECTED TO OCCUR (IF SETBACKS OR OTHER CONSTRAINTS ARE AN ISSUE), AND CONSULT WITH THE SURVEYOR OR ENGINEER AS NEEDED.

TREES AND DRIP LINES AS SHOWN ARE LOCATED SUFFICIENTLY FOR GENERAL ARCHITECTURAL SITE PLANNING. ANY CONSTRUCTION ACTIVITY PLANNED IMMEDIATELY ADJACENT TO THE TREES OR DRIP LINES SHOULD BE REVIEWED WITH THE APPROPRIATE CONSULTANT. IF IT IS DETERMINED THAT DETAILED TREE AND/OR BRANCH MEASUREMENTS ARE NEEDED, FURTHER SURVEYING MAY BE NECESSARY AND SHOULD BE ARRANGED BY THE OWNER AND/OR CONSULTANT. SPECIES AS REFERENCED ON THE SURVEY SHOULD BE CONFIRMED BY A LICENSED ARBORIST OR LANDSCAPE ARCHITECT IF THE SPECIFIC TREE(S) IS SUSPECTED OF BEING A PROTECTED OR CRITICAL ONE(S).

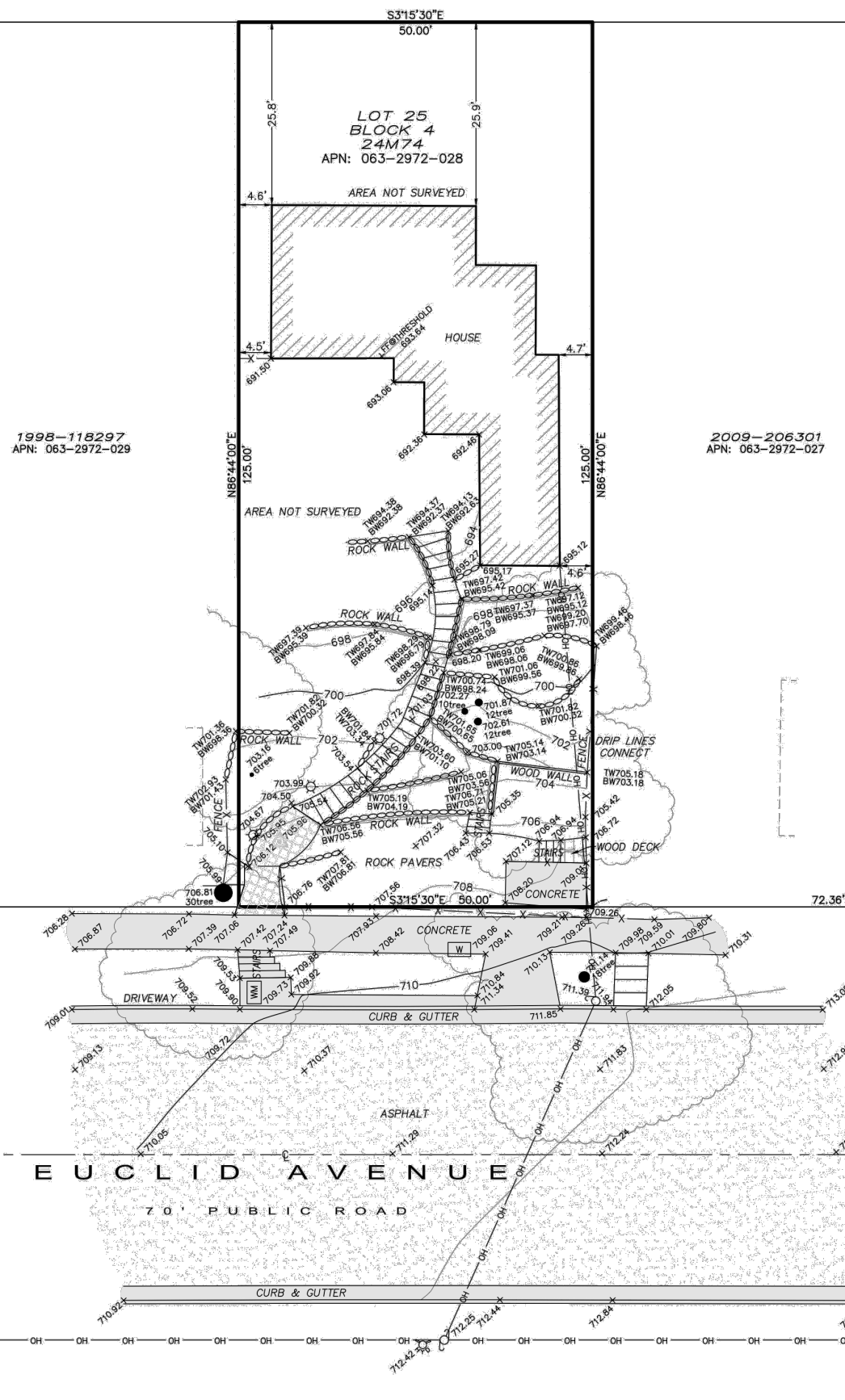
BASIS OF BEARINGS: THE LINE BETWEEN FOUND CITY OF BERKELEY MONUMENTS AS SHOWN ON 14LSM10, BEARING TAKEN AS S42°50'25"W.

DATUM: ELEVATIONS SHOWN HEREON ARE BASED UPON FOUND BRASS PIN CITY WELL MONUMENT IN THE SIDEWALK AT 951 EUCLID AVENUE, BENCHMARK B1148, ELEVATION TAKEN AS 714.43'.

CONTOUR INTERVAL: 2 FEET

LEGEND

- FOUND CITY OF BERKELEY STREET MONUMENT AS NOTED
- ▲ SURVEY CONTROL POINT
- () RECORD DATA PER 14LSM10
- [] RECORD DATA PER 33LSM38
- CENTERLINE
- PROPERTY LINE
- R/W RIGHT OF WAY
- LIGHT
- JOINT POLE
- HYDRANT
- OH OVERHEAD ELECTRIC LINE
- X FENCE
- ROCK WALL
- WM WATER METER
- W WATER BOX



RECEIVED by

Samella Stone **October 3, 2022**

SIGNATURE DATE



ERIC (RICK) A. HUMANN PLS 5452 DATE 1/25/2022

BEFORE EXCAVATING CALL U.S.A.

OWNER AND/OR CONTRACTOR ARE RESPONSIBLE FOR LOCATION AND VERIFICATION OF ALL EXISTING UNDERGROUND UTILITIES. UNDERGROUND SERVICE ALERT (USA) SHOULD BE NOTIFIED FOR ASSISTANCE IN THIS MATTER AT (800) 227-2600, 48 HOURS PRIOR TO ANY CONSTRUCTION.

THE (USA) AUTHORIZATION NUMBER SHALL BE KEPT AT THE JOB SITE.

LOCATION AND CHARACTER OF ANY UTILITIES IF SHOWN HEREON ARE APPROXIMATE AND TAKEN FROM A COMBINATION OF SURFACE STRUCTURE OBSERVATION AND/OR THE RECORDS OF THE CONTROLLING AGENCY. HUMANN COMPANY DOES NOT ASSUME RESPONSIBILITY FOR THE LOCATION OF ANY EXISTING UTILITIES OR OTHER UNDERGROUND FEATURES SUCH AS VAULTS, TANKS, BASEMENTS, BURIED OBJECTS, ETC.

REVISIONS	SCALE 1" = 10'	DATE 01/2022	DRAW RRG	CHECKED CS, RH	JOB NO. 21-217
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PARTIAL TOPOGRAPHIC SURVEY

LOT 25 OF MAP OF RESUBDIVISION OF A PORTION OF NORTH CRAGMONT, 24M74

STUARTSTRICKLAND & SOWMYA SWAMINATHAN -- 974 EUCLID AVENUE

BERKELEY CALIFORNIA

HUMANN COMPANY, INC.

ENGINEERING - SURVEYING
1051 BROWN AVE. LAFAYETTE, CA 94549
PH (925)283-5000 FAX (925)283-3576
www.humannco.com

SHEET 1
OF 1 SHEETS

JOB NO. 21-217

From: Christopher Buckley and Sandra Sardjono
972 Euclid Avenue
Berkeley CA 94708

11th February 2023

To: The Zoning Officer
City of Berkeley Planning Office
1947 Center Street, 2nd Floor
Berkeley CA 94704

RECEIVED

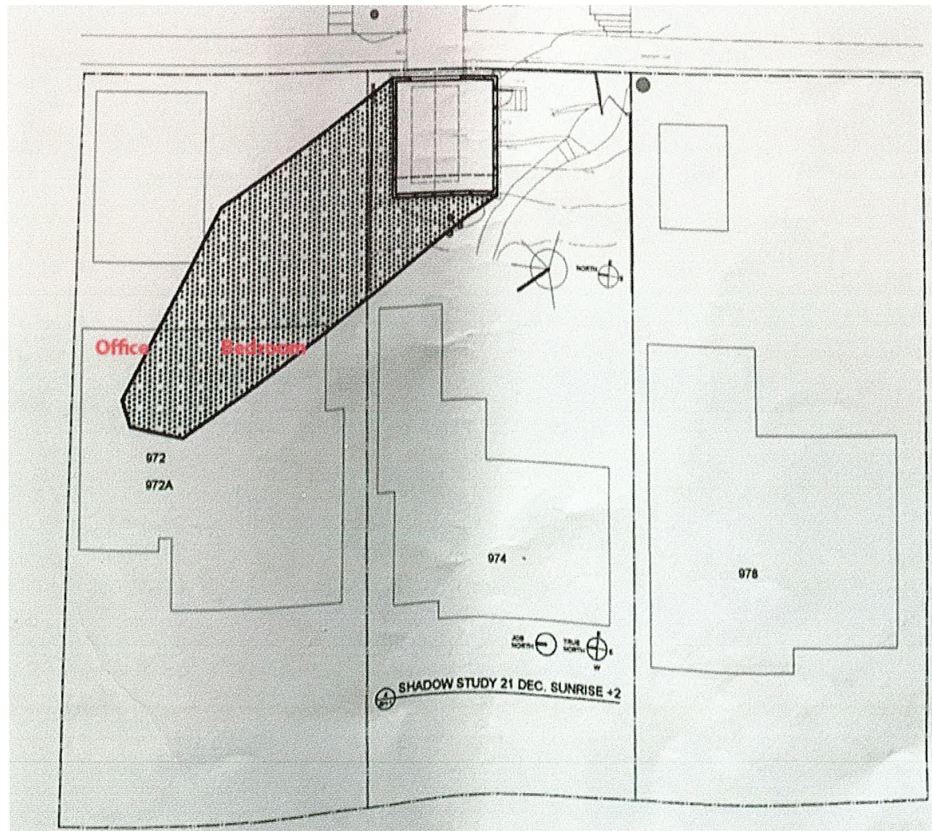
MAR 03 2023

LAND USE PLANNING

Administrative Use Permit #ZP2022-0134

This is with regard to Administrative Use Permit #ZP2022-0134, which has recently been posted near our home. We are owners and residents of the adjoining property. We appeal against this decision on the following grounds:

The planned building is significantly taller (17ft) than is required for the intended purpose and would block light to our property. It would reduce light to the office that we both use (we work from home). We request that the height be limited to 12ft, which would be adequate for the intended purpose (a garage) and would have less impact on our quality of life. The drawing below, prepared by the project architect, shows the shadow cast by a 17ft garage (equivalent to a 2-storey building) on our property, and its impact on our office and bedroom at the front of our home.



We commented directly to the architect that the planned garage was too tall on September 19th, 2022, when the project was first mooted (see image attached on the next page). Apparently, this feedback was ignored.

We tried the URL given on the notification poster for the project, but it did not load a web page. We then emailed planning@cityofberkeley.info on November 10th, 2022, asking how we could give feedback on the proposal, but received no response:

 Chris Buckley
To: planning@cityofberkeley.info
Cc: Sandra Sardjono

  
Tue 11/10/2022 9:



Hi, we'd like to comment on our neighbor's **planning** application, but the address given on the poster (see attached) doesn't load a web page.

What is the correct URL please.

Regards

Chris Buckley and Sandra Sardjono, 972 Euclid Avenue, Berkeley

Regards,

Christopher Buckley and Sandra Sardjono

chrisbuckley888@hotmail.com 5105028087
sandra.sardjono@gmail.com

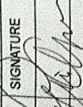
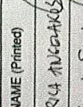

Please notify us at the address at the top of this letter of the decision of this appeal.

Enclosed: check for \$200 made out to 'City of Berkeley'

Attachment

This was the feedback we gave on the plans shown to us by the architect, on September 19th 2022.

I HAVE REVIEWED THE DRAWINGS FOR THE PROPOSED NEW GARAGE:

NAME (Printed)	SIGNATURE	ADDRESS	DATE	I HAVE NO CONCERNS	I HAVE CONCERNS	COMMENTS
ERIC MONTAGNA		978 Euclid Ave	8/26/22		DO NOT BACK AWAY FROM THE DRIVEWAY	CONSIDER THE DRIVEWAY
Sandra Song		972 Euclid Avenue	9/19/22		The proposed garage is too tall and will block light from our property and our garden / house.	
Christophe Boudry		972 Euclid Avenue	9/19/22			- It will make our house darker, especially in winter.

PROJECT: NEW GARAGE & DRIVEWAY
 972 EUCLID AVENUE
 BERKELEY, CA 94708
 DATE SUBMITTED: 08/22/22
 PLANNING PERMIT
 SCALE: AS NOTED
 SHEET: A-0.1

DESIGNER:
 LAM PROSPECT
 131 RUSSELL AVENUE
 BERKELEY, CA 94704
 925.842.8822



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

974 Euclid Ave

Appeal of Zoning Officer's Decision to approve Administrative Use Permit ZP#2022-0134 to construct a 420 square foot two-car garage (enclosed accessory structure), approximately 17 feet in average height, with car lift, within the front half of the lot.

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

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: Low Density Residential
- Zoning: Single-Family Residential (R-1H) District within the Hillside Overlay

B. Zoning Permits Required:

- Administrative Use Permit for an enclosed accessory structure less than 4 feet from a lot line and over 10 feet in average height, under BMC Section 23.304.060(C)(1)
- Administrative Use Permit for an enclosed accessory structure within the first 50 percent of the lot depth, under BMC Section 23.304.060(C)(2)(b).

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

D. Parties Involved:

- Appellants: Christopher Buckley & Sandra Sardjono, Berkeley
- Applicant: Lauri Puchall (Designer), Mill Valley
- Property Owner: Sowmya Swaminathan & Stuart Strickland, 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, Samella Stover, at (510) 981-7425 or SStover@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.
-