



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

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FOR BOARD ACTION  
JUNE 22, 2023

## 1432 Blake Street

Use Permit #ZP2022-0180 to construct exterior stairs and a 100 square-foot enclosed porch with a maximum height 17 feet 6 inches to an existing dwelling unit on a lot that is non-conforming for lot density.

### I. Background

#### A. Land Use Designations:

- General Plan: Low Density Residential (LDR)
- Zoning: Single-Family Residential District (R-1)

#### B. Zoning Permits Required:

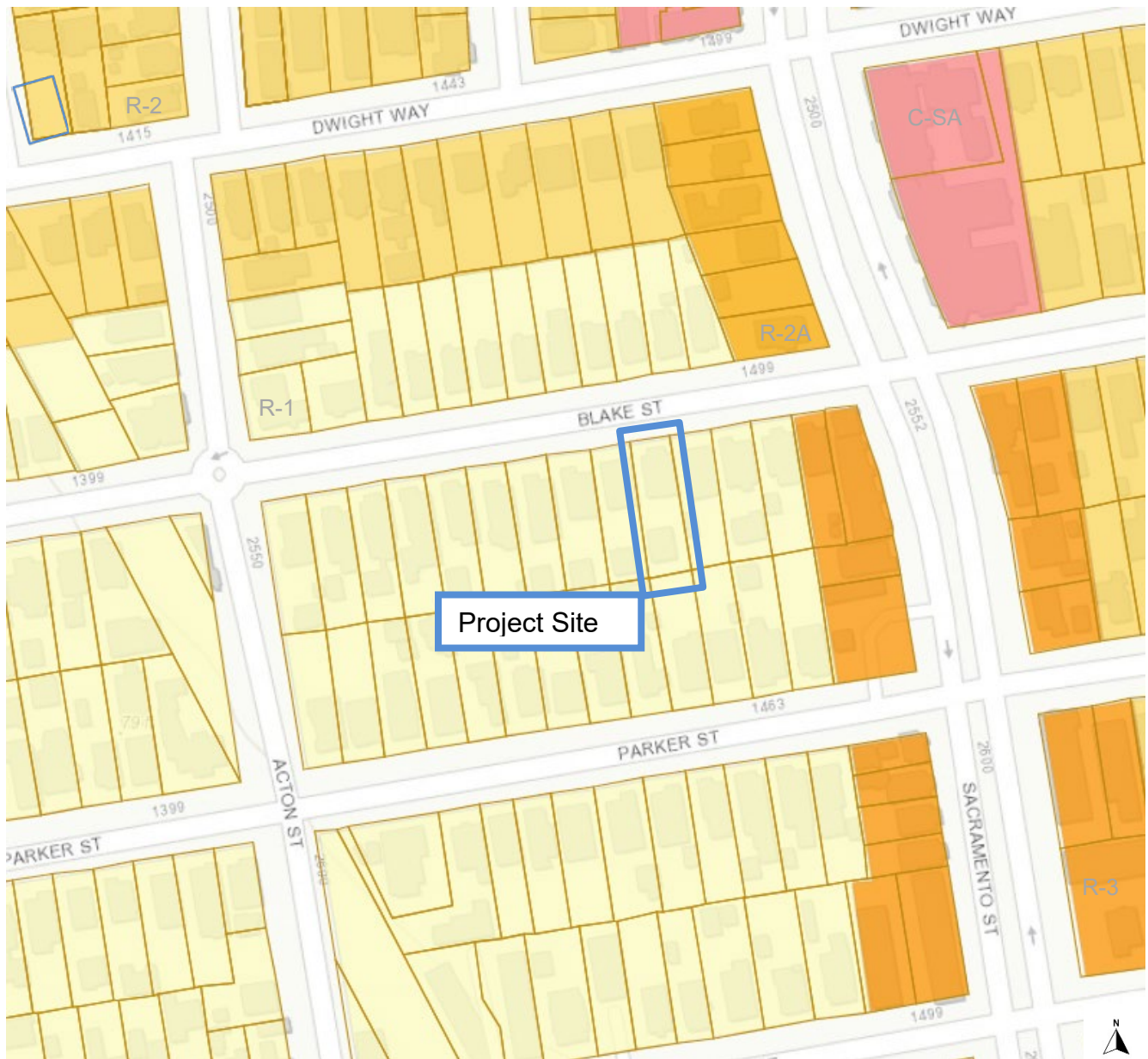
- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D)(3) to construct an addition to a structure that exceeds the maximum residential density
- Administrative Use Permit, pursuant to BMC Section 23.202.050(D) construct a residential addition over 14 feet in height

**C. CEQA Recommendation:** It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 153301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

#### D. Parties Involved:

- Applicant and Property Owner - Mariana Viturro, Berkeley

**Figure 1: Vicinity Map**



*\*Map not to scale.*

**Map Key**

- C-SA : South Area Commercial District
- R-1: Single Family Residential District
- R-2: Restricted Two-Family Residential District
- R-2A : Restricted Multiple-Family Residential District
- R-3 : Multi-Family Residential District



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Two, single-family dwellings	R-1	Low Residential Density
Surrounding Properties	North	Single-Family Dwelling	R-1	Low Residential Density
	South			
	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 net new nonresidential floor area over 7,500 square feet. The proposed project does not provide commercial space and is therefore not subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This provision is applicable to new rental housing projects. The proposed project would not provide additional rental dwellings and is therefore not subject to this requirement.
Alcohol Sales/Service	No	The project proposes an addition to an existing single-family dwelling unit and is not subject to this requirement.
Creeks	No	The site is not near a mapped creek or a creek culvert.
Density Bonus	No	This is not a Density Bonus project.
Natural Gas Prohibition (Per BMC 12.80.020)	No	This project does not include the construction of a new dwelling unit and is therefore not subject to this requirement.
Historic Resources	No	There are no identified historic resources on-site. The project does not include the demolition of the existing dwelling unit.
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	This project does not include the construction of a new dwelling unit and is not a "housing development project pursuant to Government Code Section 65589.5(h)(2)". <sup>1</sup> Therefore, the Housing Accountability Act (HAA) findings are not applicable to this project.
Housing Crisis Act of 2019 (SB330)		The project does not meet the definition of a "housing development project." Therefore, the Housing Crisis Act is not applicable to this project.
Oak Trees	No	There are no Coast Live Oak trees on the project site.

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

Rent Controlled Units	No	There are no existing rent-controlled residential units on the site.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP Zone.
Seismic Hazards (SHMA)	Yes	The site is located in California Geological Survey Landslide Zone. The project is exempt from additional geotechnical and seismic hazard investigation.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites pursuant to Government Code Section 65962.5). No further investigation is recommended. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The site is located mid-block along Blake Street between Sacramento Street and Acton Street. The site is one block south of Dwight Way, which is serviced by The Alameda-Contra Costa Transit District (AC Transit) Transit Line 36. Sacramento Street is serviced by AC Transit Lines 88, 688, and J.

**Table 3: Project Chronology**

Date	Action
December 29, 2022	Application submitted
January 27, 2023	Application deemed incomplete
January 28, 2023	Application resubmitted
February 27, 2023	Application deemed complete
May 18, 2023	Plans resubmitted
June 8, 2023	Public hearing notices mailed/posted
June 22, 2023	ZAB hearing

**Table 4: Development Standards**

R-1 District Standards BMC Section 23.202		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		5,288	No change	5,000 min.
Gross Floor Area (sq. ft.)		2,377	2,477	n/a
Dwelling Units		2	No change	1 max
Rear Building Height	Average (ft.)	19'-0"	No change	35 max
	Maximum (ft.)	19'-11"	No change	N/A
	Stories	2	No change	3 max
Rear Building Setbacks (ft.)	Front (Blake Street)	N/A	No change	20 min
	Rear	15'-9"	No change	20 min

	Right Side	13'-11"	6'-0"	4 min
	Left Side	3'-9"	No change	4 min
Lot Coverage (%)		33	35	40 max
Usable Open Space (sq. ft.)		3,539	3,439	400 min
Automobile Parking		2	No change	0min
Abbreviations: s.f.= square feet; f.t.: feet; min.=minimum; max.=maximum; %: percent; N/A: not applicable				

## II. Project Setting

**A. Neighborhood/Area Description:** The project site is located along Blake Street in a residential neighborhood located less than a block west of Sacramento Street and three blocks east of San Pablo Avenue. The immediate area is primarily comprised of single-family and two-family dwelling units. Parcels within the area are typically legally non-conforming for unit density, front, side, and rear setbacks- reflecting development patterns that pre-dated the existing R-1 zoning designation. The project site is proximate to AC transit transportation services located along Sacramento Street and Dwight Way.

**B. Site Conditions:** The project site is a rectangular, relatively flat lot. The 5,288 square foot lot maintains almost 40 feet of frontage along Blake Street. The lot is developed with two, two-story dwelling units – one unit located in the front portion of the lot and one in the rear. With two dwelling units, the site is over lot density where the maximum is one dwelling unit in the R-1 Zoning District. The site is accessed via one curb cut along Blake Street.

## III. Project Description

The project would remodel the existing rear single-family dwelling unit by relocating interior stairs along the eastern façade of the structure and constructing an accompanying 100 square foot enclosed entry porch at height of 17 feet 6 inches. The existing dwelling has two floors – with two bedrooms and all habitable facilities on the second floor and garage/ storage space located on the ground floor. The relocation of the stairs modifies the layout on the second floor, allowing for an expanded bedroom (bedroom 1) and new entry area, for a total of two bedrooms.

## IV. Community Discussion

**A. Neighbor/Community Concerns:** A pre-application poster was installed by the applicant in November 2022. On June 8, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations. The City also posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.

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

## V. Issues and Analysis

**A. Nonconforming Residential Density:** As required by BMC Section 23.324.050(D)(3), the ZAB must find that an addition to a building that exceeds the maximum residential density does not increase the nonconformity or exceed the height limit of the underlying zoning district. The proposed project adds 100 square feet and an exterior stairway over 14 feet in height to an existing single-family dwelling unit on a lot that exceeds the maximum residential density. The addition is consistent with the height standards of the district and does not result in an additional dwelling unit on the lot.

**B. General Non-Detriment Findings:** As required by BMC Section 23.406.040(E) and 23.406.030(F), the ZAB must find that the proposed structure will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons and adjacent properties for any Use Permit in the R-1 district:

- 1) The proposed project maintains conformance to the to the Restricted Two-Family Residential District Residential (R-1) district standards (BMC Section 23.202.080)
- 2) The proposed project relocates existing stairs located within the dwelling unit to the exterior, eastern façade of the dwelling. The relocation of the stairs and addition of covered porch allows for larger bedrooms on the second floor, enhancing the overall livability of the existing residential unit. The proposed project is consistent with the underlying development standards and detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood; and
- 3) Also, the project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

## VI. Other Considerations

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

1. 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.

Staff Analysis: The proposed project is consistent with the above general plan policies as it is residential addition to an existing single-family dwelling unit that meets the development standards of the underlying zoning district and is compatible with the existing built environment.

## VII. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

**APPROVE** ZP2022-0180 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 May 17, 2023
3. Notice of Public Hearing

**Staff Planner:** Katrina Lapira, klapira@berkeleyca.gov, (510) 981-7488

## FINDINGS AND CONDITIONS

JUNE 22, 2023

### 1432 Blake

**Use Permit #ZP2022-0180 to construct exterior stairs and a 100 square-foot enclosed porch with a maximum height 17 feet 6 inches to an existing dwelling unit on a lot that is non-conforming for lot density.**

#### PERMITS REQUIRED

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- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D)(3) to construct an addition to a structure that exceeds the maximum residential density
- Administrative Use Permit, pursuant to BMC Section 23.202.050(D) construct a residential addition over 14 feet in height

#### I. CEQA FINDINGS

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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 153301 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

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1. As required by Section 23.406.040 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 maintains conformance to the to the Restricted Two-Family Residential District Residential (R-1) district standards (BMC Section 23.202.080); and
  - B. The proposed project relocates existing stairs located within the dwelling unit to the exterior, eastern façade of the dwelling. The relocation of the stairs and addition of covered porch allows for larger bedrooms on the second floor, enhancing the overall livability of the existing residential unit. The proposed project consistent with the underlying development standards and detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood; and
  - C. The project is subject to the City’s standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such

proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

### **III. OTHER FINDINGS FOR APPROVAL**

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2. As required by BMC Section 23.324.050(D)(3), the Zoning Adjustments Board (ZAB) must find that an addition to building that exceed the maximum residential density does not increase the nonconformity or exceed the height limit of the underlying zoning district. The proposed project adds 100 square feet and an exterior stairway over 14 feet in height to an existing single-family dwelling unit on a lot that exceeds the maximum residential density. The addition is consistent with the height standards of the district and does not result in an additional dwelling unit on the lot.
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#### **IV. 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.

**V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

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

**Prior to Submittal of Any Building Permit:**

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

**Project Liaison** \_\_\_\_\_  
Name Phone #

11. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.

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

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

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

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

A. Environmental Site Assessments:

- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old\*) shall be submitted to TMD for developments for:
  - All new commercial, industrial and mixed use developments and all large improvement projects.
  - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
  - EMA is available online at: [http://www.cityofberkeley.info/uploadedFiles/IT/Level\\_3\\_-\\_General/ema.pdf](http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf)
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a

third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.

- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

### **Prior to Issuance of Any Building (Construction) Permit**

15. 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.
16. 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).
17. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

### **During Construction:**

18. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
19. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
  - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
  - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
20. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion

requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

21. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
22. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
  - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
  - Storage of building materials, dumpsters, debris anywhere in the public ROW;
  - Provision of exclusive contractor parking on-street; or
  - Significant truck activity.

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

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

23. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-

disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

**24. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

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

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

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

project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

- 27. 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.
- 28. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
  - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
  - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
  - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

- H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

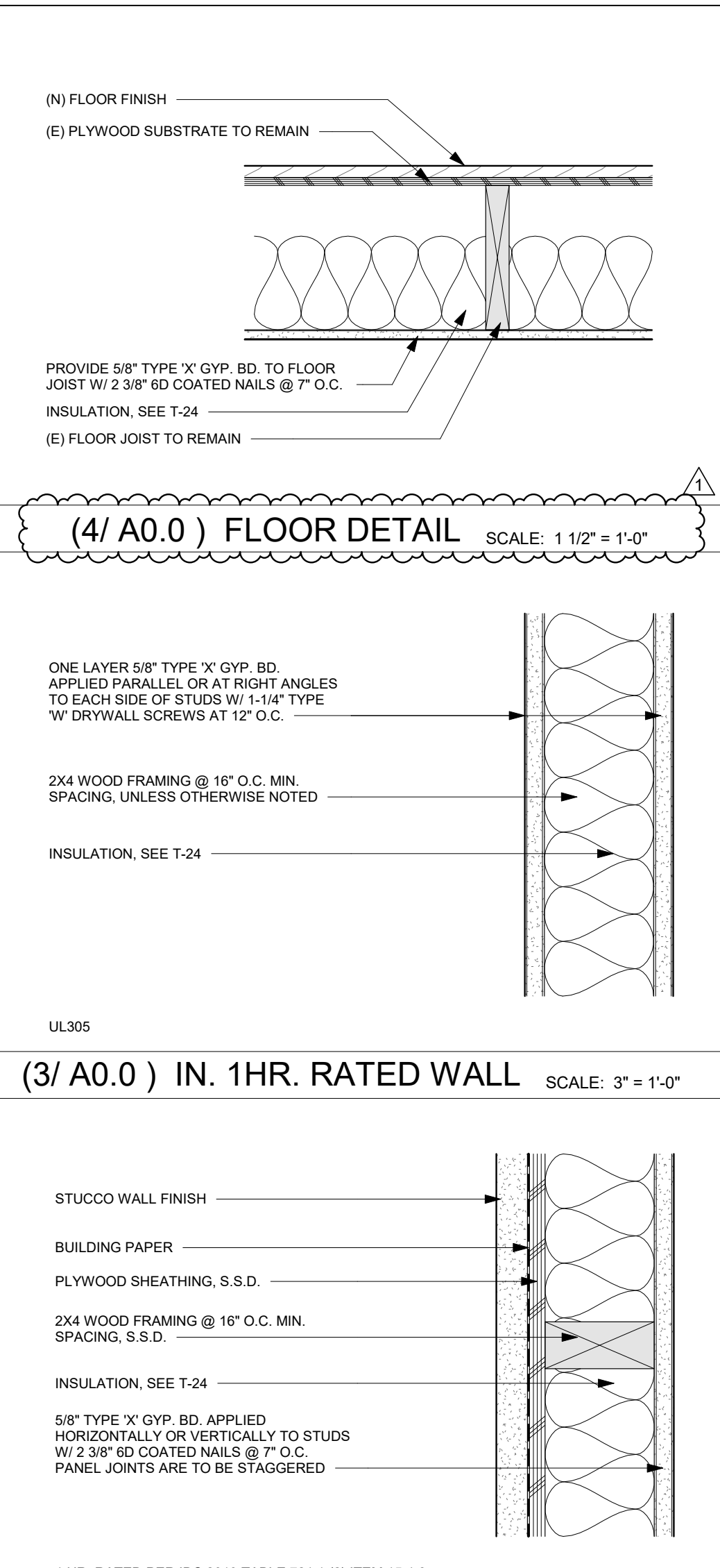
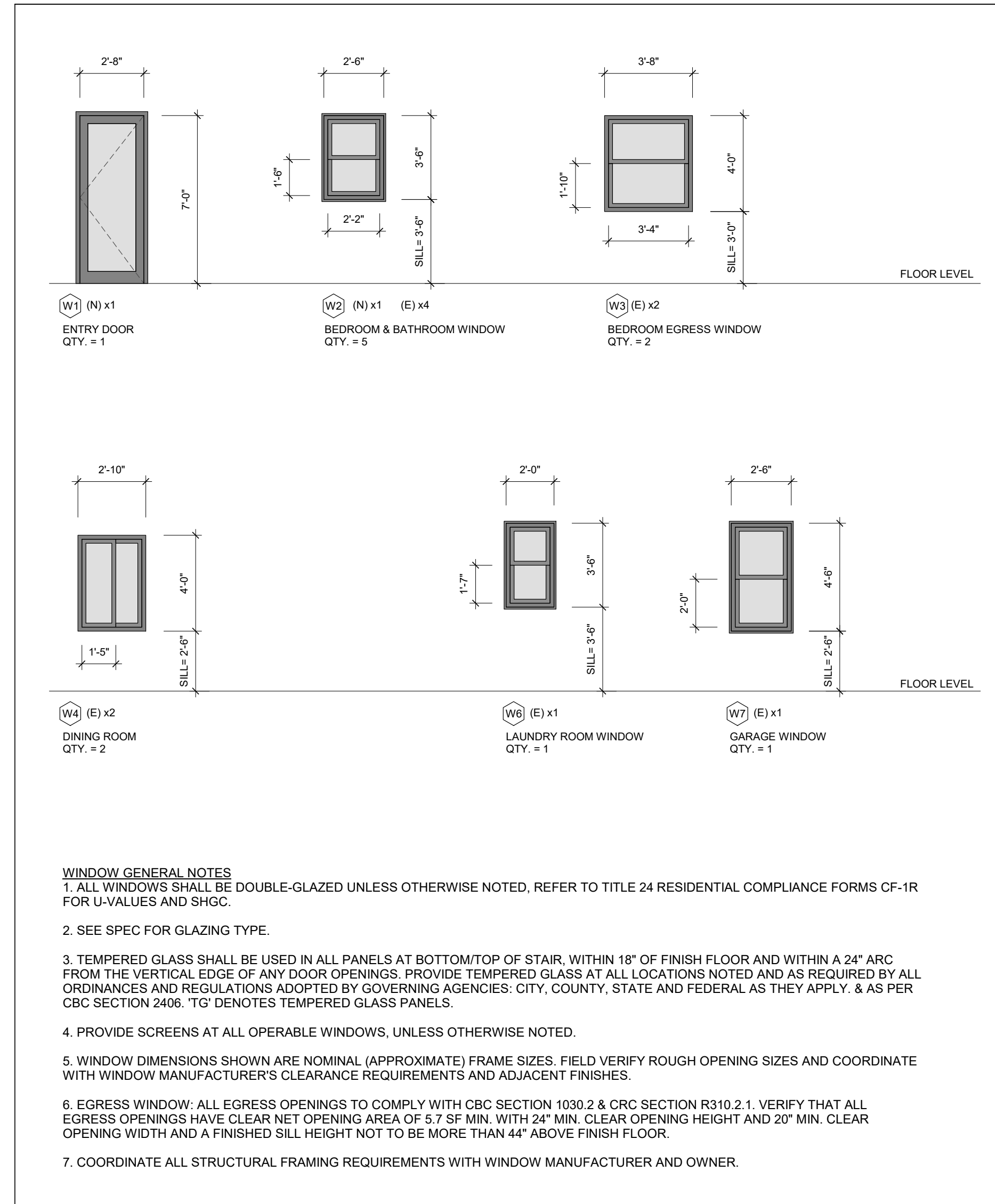
**Prior to Final Inspection or Issuance of Occupancy Permit:**

35. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

**At All Times:**

36. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
  
37. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated May 17, 2023, except as modified by conditions of approval.

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**PROJECT DESCRIPTION:** MOVE (E) INTERNAL STAIRS TO EXTERNAL AND RENOVATION OR 2ND FLOOR LIVING SPACES

**ZONING DISTRICT:** R2

**BUILDING HEIGHT TO RIDGE:** EXISTING 19'-11" PROPOSED 19'-11" CHANGE NO CHANGE

**APPLICABLE CODES:** 2019 CALIFORNIA RESIDENTIAL ELECTRICAL, MECHANICAL, AND PLUMBING CODES  
2019 CALIFORNIA ENERGY CODE  
2019 CALIFORNIA GREEN BUILDING CODE

**LOT COVERAGE:** EXISTING 5,288 SF NO CHANGE PROPOSED 1,849 SF +100 SF CHANGE +100 SF  
LOT SIZE: 1,749 SF 35%  
% COVERAGE: 33%

**FLOOR AREAS:** EXISTING 1,256 GSF NO CHANGE PROPOSED 1,256 GSF NO CHANGE

**PROGRAM:** EXISTING PROPOSED CHANGE  
KITCHEN: 1 1 +0  
BEDROOMS: 1 1 +0  
BATHROOMS: 2 2 +0  
LIVINGROOM: 1 1 +0

**OWNER:** MARIANA VITURRO  
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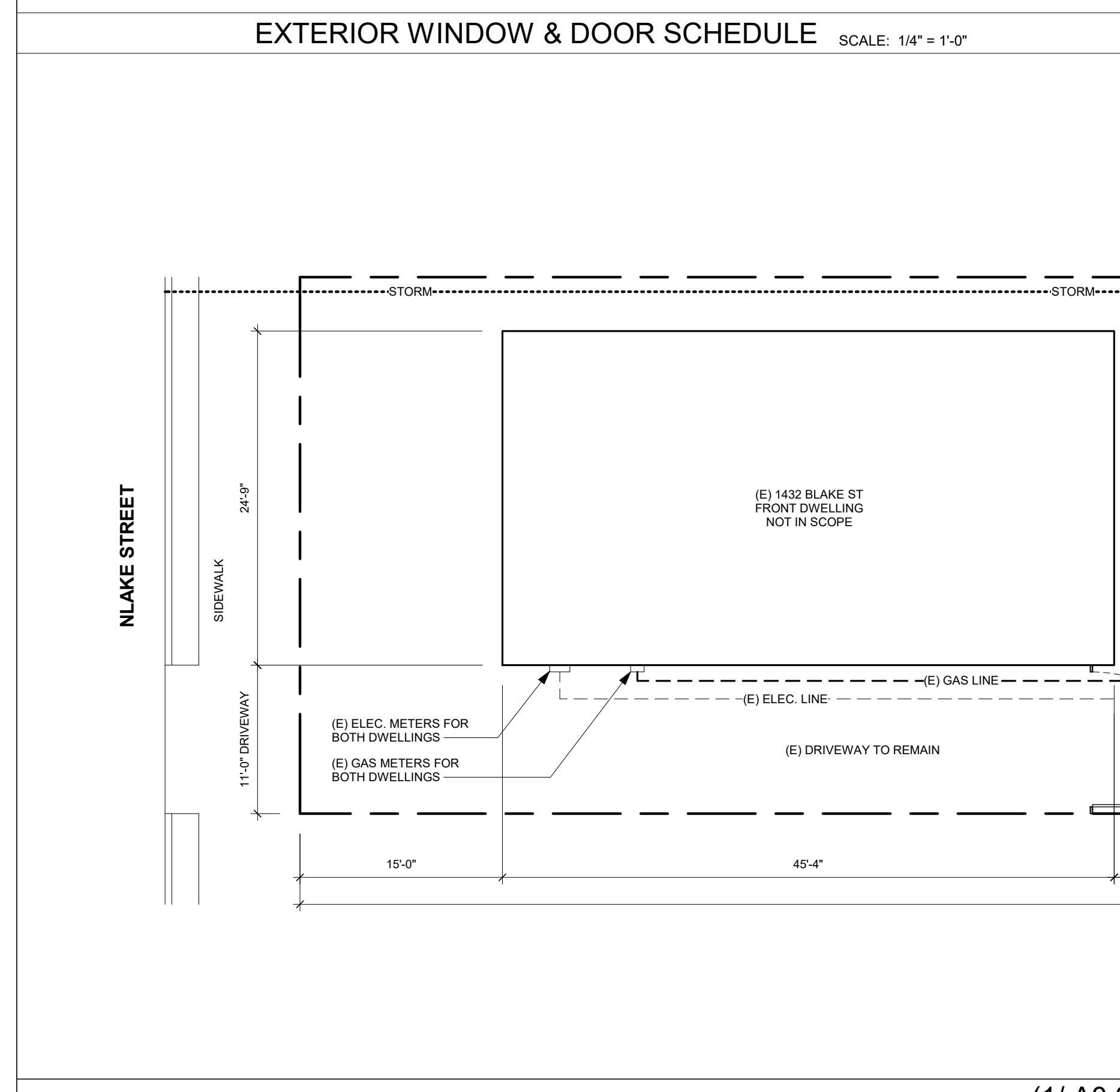
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M3 LOCAL EXHAUST TO KITCHEN SHALL BE ACCOMPLISHED BY VENTING A MIN. 400 CFM RATED HOOD TO OUTSIDE W/ 6" DUCT.  
M4 HVAC CONTRACTOR SHALL COVER ALL DUCT OPENINGS IMMEDIATELY UPON INSTALLATION AND TO BE OPENED UPON COMPLETION OF CONSTRUCTION.

**ELECTRICAL GENERAL NOTES**  
E1 ALL LIGHT SWITCH, OUTLET & COVERPLATE SHALL BE LUTRON CLARO OR AS VERIFIED BY OWNER.  
E2 FIELD VERIFY ALL SWITCH LOCATION AND GROUPINGS W/ OWNER. INSTALL SWITCHES TO HAVE TO OF COVERPLATE AT 44" A.F.F. INSTALL OUTLETS TO HAVE TOP OF COVERPLATE AT 18" A.F.F. U.O.N. DRAWINGS SHOW APPROXIMATE LOCATIONS BUT DO NOT CONSIDER POTENTIAL FRAMING OR OTHER CONFLICTS.  
E3 ELECTRICIAN TO PROVIDE BOTH CODE REQUIRED OUTLET QUANTITIES AND THOSE REQUIRED BY APPLIANCES AND OTHER MEP SYSTEMS. NEITHER OF WHICH ARE NECESSARILY INDICATED IN THE MEP PLANS. ELECTRICIAN SHALL PROVIDE ADDITIONAL OUTLETS AS SHOWN IN PLANS AND AS FIELD VERIFIED BY OWNER.  
E4 ELECTRICIAN TO PROVIDE DATA, PHONE/CABLE, AND AUDIO/VIDEO WIRING AS SHOWN IN PLANS OR AS VERIFIED BY OWNER.  
E5 FIELD VERIFY ALL LIGHT LOCATIONS W/ OWNER. DRAWINGS SHOW DESIGN INTENT BUT DO NOT CONSIDER POTENTIAL FRAMING OR OTHER CONFLICTS.  
E6 OUTLETS SHALL BE WITHIN 6" OF ANY OPENINGS AND NOT EXCEED 12" APART. ANY ISOLATED WALL 2' OR WIDER SHALL HAVE OUTLETS. AT KITCHEN COUNTER, GFCI OUTLETS SHALL BE WITHIN 2' OF EDGE OF ALL COUNTERS, SINKS, STOVES, ETC. AND ARE NOT TO EXCEED 4' APART. GFCI OUTLETS ARE REQUIRED AT ALL KITCHEN ISLANDS AND PENINSULAS AND WITHIN 6' RADIUS OF SINK.  
E7 LUMINAIRES RECESSED INTO INSULATED CEILING SHALL BE LISTED FOR ZERO CLEARANCE INSULATION CONTACT AND BE SEALED WITH A GASKET OR CAULK BETWEEN THE LUMINAIRE HOUSING AND CEILING.  
E8 ALL LIGHTING SHALL COMPLY W/ THE 2019 TITLE 24 REQUIREMENTS INCLUDING:  
a) ALL INSTALLED LUMINAIRES SHALL BE HIGH-EFFICIENCY IN ACCORDANCE WITH TABLE 150.0.A  
b) IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS, AT LEAST ONE LUMINAIRE IN EACH OF THESE SPACES SHALL BE CONTROLLED BY A VACUANCY SENSOR.  
c) UNDER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY FROM OTHER LIGHTING SYSTEMS.  
E9 ALL NEW 120-VOLT, SINGLE PHASE, 15 AND 20 AMP BRANCH CIRCUITS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DEN, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY ROOMS OR SIMILAR ROOMS OR AREA SHALL BE PROTECTED BY A LISTED ARC-FULT CIRCUIT INTERRUPTER, COMBINATION TYPE, INSTALLATION TO PROVIDE PROTECTION OF THE BRANCH CIRCUITS. CEC 210.12(A)  
E10 KITCHEN NOTE: ALL 15 & 20 AMP, 125 VOLT RECEPTACLES, INCLUDING THE GARBAGE DISPOSER RECEPTACLE, WITHIN 6' OF THE KITCHEN SINK SHALL BE GFCI PROTECTED PER CEC 210.8  
E11 ALL EXTERIOR LIGHTING SHALL BE SHIELDED TO PREVENT GLARE ONTO NEIGHBORING PROPERTIES.  
E12 ALL 15 & 20 AMP, 125 VOLT RECEPTACLES INSTALLED OUTDOORS IN WET LOCATIONS MUST BE LISTED, "EXTRA DUTY", THAT IS WEATHER PROOF WHETHER OR NOT THE PLUG IS INSERTED PER CEC 406.9(B)  
E13 ALL OUTDOOR LIGHTING SHALL BE CONTROLLED BY A MANUAL ON AND OFF SWITCH THAT DOES NOT OVERRIDE TO ON AND ONE OF THE FOLLOWING: CONTROLLER, MOTION SENSOR, PHOTO CONTROL, AND AUTOMATIC SWITCH CONTROL, ASTRONOMICAL TIME CLOCK, OR ENERGY MANAGEMENT CONTROL SYSTEM.

**PLUMBING GENERAL NOTES**  
P1 FLOW RATES OF ALL NEW PLUMBING FIXTURES SHALL MEET THE FOLLOWING 2019 COBQ 4.303.1 REQUIREMENTS:  
a) WATER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY FROM OTHER LIGHTING SYSTEMS.  
b) SINGLE SHOWERHEADS: <1.8 GPM @ 80 PSI  
c) MULTIPLE SHOWERHEADS: COMBINED FLOW RATE OF ALL SHOWERHEADS AND OR OTHER SHOWER OUTLETS CONTROLLED BY A SINGLE VALVE SHALL NOT EXCEED 1.8 GPM @ 80 PSI OR ONLY ONE SHOWER OUTLET IS TO BE OPERATING AT A TIME.  
d) RESIDENTIAL LABORATORY FAUCETS: <1.2 GPM @ 80 PSI  
e) KITCHEN FAUCETS: <1.8 GPM @ 80 PSI. TEMPORARY INCREASE TO 2.2 GPM ALLOWED BUT SHALL DEFAULT TO 1.8 GPM  
P2 IF THE WATER HEATER INPUT RATING EXCEEDS 6 BTU/HR, THEY SHALL HAVE ISOLATION VALVES ON BOTH THE COLD WATER SUPPLY AND HOT WATER PIPE LEAVING THE WATER HEATER, AND HOSE BIBS OR OTHER FITTINGS ON EACH VALVE FOR FLUSHING THE WATER WHEN THE VALVES ARE CLOSED PER CEC 110.3(C).  
P3 ALL HOT WATER SUPPLY PIPING 3/4" AND GREATER SHALL BE INSULATED PER CEC SECTION 150.0(J)(2)(III). ALL HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0

**GENERAL NOTES**  
G1 CONSTRUCTION LIABILITY: THE GENERAL CONTRACTOR AND SUBCONTRACTORS AGREE THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE GENERAL CONTRACTOR AND SUBCONTRACTORS WILL BE REQUIRED TO ASSUME SCOR AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, AND THAT THIS REQUIREMENT SHALL BE MADE TO APPLY TO CONTINUOUSLY, AND NOT LIMITED TO NORMAL WORKING HOURS. THE GENERAL CONTRACTOR AND SUBCONTRACTORS FURTHER AGREE TO DEFEND, INDEMNIFY, AND HOLD THE DESIGNER PROFESSIONAL HARMLESS FROM ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.  
G2 CONTRACTOR ACKNOWLEDGES THAT THE OWNER IS THE AUTHOR OF THESE CONSTRUCTION DOCUMENTS AND IS THE OWNER OF THE COPYRIGHT TO THEM. CONTRACTOR IS ENTITLED TO USE THESE CONSTRUCTION DOCUMENTS ONLY FOR THE PROJECT FOR WHICH THEY WERE DESIGNED AND NOT FOR ANY OTHER PURPOSE OR PROJECT.  
G3 ALL CONSTRUCTION AND MATERIALS SHALL BE AS SPECIFIED BY THE DRAWINGS OR AS VERIFIED BY THE OWNER, AND/OR AS REQUIRED BY THE ADOPTED EDITION OF THE UNIFORM BUILDING CODE AND ALL LOCAL CODES AND AUTHORITIES.  
G4 ALL FLOOR PLAN DIMENSIONS ARE TO FACE OF FINISH OR UNLESS OTHERWISE NOTED. CONFIRM DIMENSIONAL QUESTIONS WITH OWNER, DO NOT SCALE OFF OF THE PLANS.  
G5 EGRESS WINDOWS TO HAVE MIN. CLR. OPENING OF 20" WIDE, 24" TALL AND 5.7 SQUARE FEET W/ A SILL HEIGHT NO HIGHER THAN 44" ABOVE FINISHED FLOOR. THE NET CLR. OPENING DIMENSIONS SHALL BE THE RESULT OF NORMAL OPERATION OF THE OPENING AND REQUIRE NO SPECIAL KNOWLEDGE OR TOOLS.  
G6 FOR ALL DOORS AND WINDOWS, CONTRACTOR SHALL VERIFY ROUGH OPENINGS, SIZES, FUNCTION & MANUFACTURER W/ OWNER PRIOR TO ORDERING. ADDITIONALLY CONTRACTOR SHALL VERIFY INSTALLATION INSTRUCTIONS & DETAILS W/ OWNER AND/OR MANUF. PRIOR TO INSTALLATION.  
G7 HANDRAILS TO BE 1 1/2" SQ. WOOD W/ METAL BRACKET @ 1-1/2" MIN. FROM WALL & 3" ABOVE STAIR NOSING. SEE PLANS & DETAILS.  
G8 PER CALGREEN 2019, ANNUAL SPACES AROUND PIPES, ELECTRICAL CABLES, CONDUITS OR OTHER OPENINGS IN SOLE/BOTTOM PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST INTRUSION OF RODENTS.  
G9 PER CALGREEN 2019, FINISH MATERIALS, ADHESIVES, SEALANTS, CAULKS, PAINTS, AND COATINGS SHALL COMPLY WITH SECTION 4.504 POLLUTANT CONTROL.  
4.504.2.1 ADHESIVES, SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS.  
4.504.2.2 PAINTS, STAINS AND FINISH COATINGS SHALL BE COMPLIANT WITH VOC LIMITS.  
4.504.2.3 AEROSOL PAINTS AND OTHER COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS.  
4.504.2.4 DOCUMENTATION SHALL BE PROVIDED TO VERIFY THAT COMPLIANT VOC LIMIT FINISH MATERIALS HAVE BEEN USED. VERIFICATION OF COMPLIANCE WITH THIS SECTION SHALL BE PROVIDED AT THE REQUEST OF THE ENFORCING AGENCY. DOCUMENTATION MAY INCLUDE: 1. MANUFACTURER'S PRODUCT SPECIFICATION.  
2. FIELD VERIFICATION OF ON-SITE PRODUCT CONTAINERS  
4.504.4 RESILIENT FLOORING SYSTEMS  
4.504.5 PARTICLEBOARD, MEDIUM DENSITY FIBERBOARD (MDF), AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS.  
G10 PER CAL GREEN 2019 CONCRETE SLAB FOUNDATIONS SHALL COMPLY WITH SECTION 4.505.2 WITH RESPECT TO VAPOR RETARDERS AND CAPILLARY BREAKS.  
G11 BUILDING MATERIALS WITH VISIBLE SIGNS OF WATER DAMAGE SHALL NOT BE INSTALLED PER CALGREEN 2019 SECTION 4505.3.  
G12 THE FOLLOWING BEST MANAGEMENT PRACTICES (BMPs) SHALL BE IMPLEMENTED AS PART OF CONSTRUCTION TO PREVENT EROSION, SEDIMENTATION, AND WATER QUALITY IMPACTS DURING CONSTRUCTION:  
a) PROVIDE FILTERS AT NEARBY CATCH BASINS TO PREVENT DEBRIS AND DIRT FROM FLOWING INTO THE CITY'S STORM DRAIN SYSTEM AND CREEKS.  
b) SEDIMENT BERMS SHALL BE USED AT THE PERIMETER OF THE SITE DURING GRADING TO PREVENT RUN OFF FROM THE SITE.  
c) IF SEDIMENT BERMS ARE INSUFFICIENT FOR SEDIMENT CONTROL, MORE SUBSTANTIAL SEDIMENT CONTROL MEASURES SUCH AS CHECK DAMS AND INTERCEPTOR DITCHES SHALL BE IMPLEMENTED.  
d) NO GRADING SHALL OCCUR DURING WET WEATHER. IF WET WEATHER IS ANTICIPATED, ANY OPEN GRADED AREAS OR BARE SOIL SHALL BE COVERED WITH PLASTIC, MESH OR PLANTS TO PREVENT RUNOFF OF SOIL FROM THE SITE.

**G13 ALL EXTERIOR FRAMING CAVITIES EXPOSED DURING THE COURSE OF CONSTRUCTION IS TO BE INSULATED WITH A MINIMUM OF R-13 AT WALLS, R-19 AT FLOORS AND R-22 AT CEILING. WHERE THE SPACE IS NOT LARGE ENOUGH TO ACCOMMODATE THE REQUIRED R-VALUE, THE ENTIRE SPACE SHALL BE FILLED WITH INSULATION.**



**PROJECT INFORMATION**

**OWNER:** MARIANA VITURRO  
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b) IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS, AT LEAST ONE LUMINAIRE IN EACH OF THESE SPACES SHALL BE CONTROLLED BY A VACUANCY SENSOR.  
c) UNDER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY FROM OTHER LIGHTING SYSTEMS.  
E9 ALL NEW 120-VOLT, SINGLE PHASE, 15 AND 20 AMP BRANCH CIRCUITS INSTALLED IN DWELLING UNIT FAMILY ROOMS, DINING ROOMS, LIVING ROOMS, PARLORS, LIBRARIES, DEN, BEDROOMS, SUNROOMS, RECREATION ROOMS, CLOSETS, HALLWAYS, LAUNDRY ROOMS OR SIMILAR ROOMS OR AREA SHALL BE PROTECTED BY A LISTED ARC-FULT CIRCUIT INTERRUPTER, COMBINATION TYPE, INSTALLATION TO PROVIDE PROTECTION OF THE BRANCH CIRCUITS. CEC 210.12(A)  
E10 KITCHEN NOTE: ALL 15 & 20 AMP, 125 VOLT RECEPTACLES, INCLUDING THE GARBAGE DISPOSER RECEPTACLE, WITHIN 6' OF THE KITCHEN SINK SHALL BE GFCI PROTECTED PER CEC 210.8  
E11 ALL EXTERIOR LIGHTING SHALL BE SHIELDED TO PREVENT GLARE ONTO NEIGHBORING PROPERTIES.  
E12 ALL 15 & 20 AMP, 125 VOLT RECEPTACLES INSTALLED OUTDOORS IN WET LOCATIONS MUST BE LISTED, "EXTRA DUTY", THAT IS WEATHER PROOF WHETHER OR NOT THE PLUG IS INSERTED PER CEC 406.9(B)  
E13 ALL OUTDOOR LIGHTING SHALL BE CONTROLLED BY A MANUAL ON AND OFF SWITCH THAT DOES NOT OVERRIDE TO ON AND ONE OF THE FOLLOWING: CONTROLLER, MOTION SENSOR, PHOTO CONTROL, AND AUTOMATIC SWITCH CONTROL, ASTRONOMICAL TIME CLOCK, OR ENERGY MANAGEMENT CONTROL SYSTEM.

**PLUMBING GENERAL NOTES**  
P1 FLOW RATES OF ALL NEW PLUMBING FIXTURES SHALL MEET THE FOLLOWING 2019 COBQ 4.303.1 REQUIREMENTS:  
a) WATER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY FROM OTHER LIGHTING SYSTEMS.  
b) SINGLE SHOWERHEADS: <1.8 GPM @ 80 PSI  
c) MULTIPLE SHOWERHEADS: COMBINED FLOW RATE OF ALL SHOWERHEADS AND OR OTHER SHOWER OUTLETS CONTROLLED BY A SINGLE VALVE SHALL NOT EXCEED 1.8 GPM @ 80 PSI OR ONLY ONE SHOWER OUTLET IS TO BE OPERATING AT A TIME.  
d) RESIDENTIAL LABORATORY FAUCETS: <1.2 GPM @ 80 PSI  
e) KITCHEN FAUCETS: <1.8 GPM @ 80 PSI. TEMPORARY INCREASE TO 2.2 GPM ALLOWED BUT SHALL DEFAULT TO 1.8 GPM  
P2 IF THE WATER HEATER INPUT RATING EXCEEDS 6 BTU/HR, THEY SHALL HAVE ISOLATION VALVES ON BOTH THE COLD WATER SUPPLY AND HOT WATER PIPE LEAVING THE WATER HEATER, AND HOSE BIBS OR OTHER FITTINGS ON EACH VALVE FOR FLUSHING THE WATER WHEN THE VALVES ARE CLOSED PER CEC 110.3(C).  
P3 ALL HOT WATER SUPPLY PIPING 3/4" AND GREATER SHALL BE INSULATED PER CEC SECTION 150.0(J)(2)(III). ALL HOT WATER SUPPLY PIPING FROM THE HEATING SOURCE TO THE KITCHEN FIXTURES SHALL BE INSULATED PER CEC SECTION 150.0

**GENERAL NOTES**  
G1 CONSTRUCTION LIABILITY: THE GENERAL CONTRACTOR AND SUBCONTRACTORS AGREE THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE GENERAL CONTRACTOR AND SUBCONTRACTORS WILL BE REQUIRED TO ASSUME SCOR AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, AND THAT THIS REQUIREMENT SHALL BE MADE TO APPLY TO CONTINUOUSLY, AND NOT LIMITED TO NORMAL WORKING HOURS. THE GENERAL CONTRACTOR AND SUBCONTRACTORS FURTHER AGREE TO DEFEND, INDEMNIFY, AND HOLD THE DESIGNER PROFESSIONAL HARMLESS FROM ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.  
G2 CONTRACTOR ACKNOWLEDGES THAT THE OWNER IS THE AUTHOR OF THESE CONSTRUCTION DOCUMENTS AND IS THE OWNER OF THE COPYRIGHT TO THEM. CONTRACTOR IS ENTITLED TO USE THESE CONSTRUCTION DOCUMENTS ONLY FOR THE PROJECT FOR WHICH THEY WERE DESIGNED AND NOT FOR ANY OTHER PURPOSE OR PROJECT.  
G3 ALL CONSTRUCTION AND MATERIALS SHALL BE AS SPECIFIED BY THE DRAWINGS OR AS VERIFIED BY THE OWNER, AND/OR AS REQUIRED BY THE ADOPTED EDITION OF THE UNIFORM BUILDING CODE AND ALL LOCAL CODES AND AUTHORITIES.  
G4 ALL FLOOR PLAN DIMENSIONS ARE TO FACE OF FINISH OR UNLESS OTHERWISE NOTED. CONFIRM DIMENSIONAL QUESTIONS WITH OWNER, DO NOT SCALE OFF OF THE PLANS.  
G5 EGRESS WINDOWS TO HAVE MIN. CLR. OPENING OF 20" WIDE, 24" TALL AND 5.7 SQUARE FEET W/ A SILL HEIGHT NO HIGHER THAN 44" ABOVE FINISHED FLOOR. THE NET CLR. OPENING DIMENSIONS SHALL BE THE RESULT OF NORMAL OPERATION OF THE OPENING AND REQUIRE NO SPECIAL KNOWLEDGE OR TOOLS.  
G6 FOR ALL DOORS AND WINDOWS, CONTRACTOR SHALL VERIFY ROUGH OPENINGS, SIZES, FUNCTION & MANUFACTURER W/ OWNER PRIOR TO ORDERING. ADDITIONALLY CONTRACTOR SHALL VERIFY INSTALLATION INSTRUCTIONS & DETAILS W/ OWNER AND/OR MANUF. PRIOR TO INSTALLATION.  
G7 HANDRAILS TO BE 1 1/2" SQ. WOOD W/ METAL BRACKET @ 1-1/2" MIN. FROM WALL & 3" ABOVE STAIR NOSING. SEE PLANS & DETAILS.  
G8 PER CALGREEN 2019, ANNUAL SPACES AROUND PIPES, ELECTRICAL CABLES, CONDUITS OR OTHER OPENINGS IN SOLE/BOTTOM PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST INTRUSION OF RODENTS.  
G9 PER CALGREEN 2019, FINISH MATERIALS, ADHESIVES, SEALANTS, CAULKS, PAINTS, AND COATINGS SHALL COMPLY WITH SECTION 4.504 POLLUTANT CONTROL.  
4.504.2.1 ADHESIVES, SEALANTS AND CAULKS SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS.  
4.504.2.2 PAINTS, STAINS AND FINISH COATINGS SHALL BE COMPLIANT WITH VOC LIMITS.  
4.504.2.3 AEROSOL PAINTS AND OTHER COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MIR LIMITS FOR ROC AND OTHER TOXIC COMPOUNDS.  
4.504.2.4 DOCUMENTATION SHALL BE PROVIDED TO VERIFY THAT COMPLIANT VOC LIMIT FINISH MATERIALS HAVE BEEN USED. VERIFICATION OF COMPLIANCE WITH THIS SECTION SHALL BE PROVIDED AT THE REQUEST OF THE ENFORCING AGENCY. DOCUMENTATION MAY INCLUDE: 1. MANUFACTURER'S PRODUCT SPECIFICATION.  
2. FIELD VERIFICATION OF ON-SITE PRODUCT CONTAINERS  
4.504.4 RESILIENT FLOORING SYSTEMS  
4.504.5 PARTICLEBOARD, MEDIUM DENSITY FIBERBOARD (MDF), AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS.  
G10 PER CAL GREEN 2019 CONCRETE SLAB FOUNDATIONS SHALL COMPLY WITH SECTION 4.505.2 WITH RESPECT TO VAPOR RETARDERS AND CAPILLARY BREAKS.  
G11 BUILDING MATERIALS WITH VISIBLE SIGNS OF WATER DAMAGE SHALL NOT BE INSTALLED PER CALGREEN 2019 SECTION 4505.3.  
G12 THE FOLLOWING BEST MANAGEMENT PRACTICES (BMPs) SHALL BE IMPLEMENTED AS PART OF CONSTRUCTION TO PREVENT EROSION, SEDIMENTATION, AND WATER QUALITY IMPACTS DURING CONSTRUCTION:  
a) PROVIDE FILTERS AT NEARBY CATCH BASINS TO PREVENT DEBRIS AND DIRT FROM FLOWING INTO THE CITY'S STORM DRAIN SYSTEM AND CREEKS.  
b) SEDIMENT BERMS SHALL BE USED AT THE PERIMETER OF THE SITE DURING GRADING TO PREVENT RUN OFF FROM THE SITE.  
c) IF SEDIMENT BERMS ARE INSUFFICIENT FOR SEDIMENT CONTROL, MORE SUBSTANTIAL SEDIMENT CONTROL MEASURES SUCH AS CHECK DAMS AND INTERCEPTOR DITCHES SHALL BE IMPLEMENTED.  
d) NO GRADING SHALL OCCUR DURING WET WEATHER. IF WET WEATHER IS ANTICIPATED, ANY OPEN GRADED AREAS OR BARE SOIL SHALL BE COVERED WITH PLASTIC, MESH OR PLANTS TO PREVENT RUNOFF OF SOIL FROM THE SITE.

**G13 ALL EXTERIOR FRAMING CAVITIES EXPOSED DURING THE COURSE OF CONSTRUCTION IS TO BE INSULATED WITH A MINIMUM OF R-13 AT WALLS, R-19 AT FLOORS AND R-22 AT CEILING. WHERE THE SPACE IS NOT LARGE ENOUGH TO ACCOMMODATE THE REQUIRED R-VALUE, THE ENTIRE SPACE SHALL BE FILLED WITH INSULATION.**

**GENERAL NOTES**

NEW STUD WALL TO BE 2X4 (INTERIOR) OR 2X6 (EXTERIOR), S.S.D.

EXTERIOR WINDOWS & DOORS, SEE EXTERIOR WINDOW&DOOR SCHEDULE

INTERIOR DOOR, SEE INTERIOR DOOR SCHEDULE

DASHED LINE INDICATES ITEM ABOVE OR BEYOND

DASHED LINE & TONE INDICATES SOFFIT (LOWER CEILING) ABOVE, VERIFY HEIGHT W/ OWNER

WALL MOUNTED LIGHT, SEE LIGHT FIXTURE SCHEDULE & FIELD VERIFY LOCATION W/ OWNER

CEILING MOUNTED LIGHT, SEE LIGHT FIXTURE SCHEDULE & FIELD VERIFY LOCATION W/ OWNER

RECESSED LIGHT FIXTURE, FIELD VERIFY ALL LOCATION W/ OWNER

DOWNSPOUT

SPRINKLER HEAD, SEE SPRINKLER DRAWINGS

FIRE ALARM BELL

WALL SWITCH FOR BATH EXHAUST, USE HUMIDITY SENSOR SWITCH IN BATHROOMS WITH SHOWERS OR BATHTUBS

WALL SWITCH, FIELD VERIFY LOCATIONS AND GROUPING W/ OWNER

110 VAC DUPLEX OUTLET, FIELD VERIFY LOCATIONS, HEIGHT AND QUANTITIES W/ OWNER

110 VAC DUPLEX GFCI OUTLET, FIELD VERIFY LOCATIONS, HEIGHT W/ OWNER

110 VAC DUPLEX OUTLET AT OUTDOOR "WET" LOCATION TO BE A LISTED "EXTRA DUTY" RECEPTACLE, FIELD VERIFY LOCATIONS, HEIGHT W/ OWNER

DATA OUTLET W/ PHONE AND COAXIAL CABLE, VERIFY W/ OWNER. AT TV LOCATIONS, PROVIDE FOR WALL MTD. INSTALL

COMBO SMOKE / CO DETECTOR, INTERCONNECTED, HARDWIRED & W/ BATTERY BACK-UP

GAS BIB FOR LAUNDRY, RANGE, FURNACE, WATER HEATER & FIREPLACE

HOSE BIB WITH ANTI-SIPHON DEVICE, FIELD VERIFY LOCATION W/ OWNER

DOORBELL, VERIFY REQTS W/ OWNER

THERMOSTAT, FIELD VERIFY LOCATION W/ OWNER

CEILING/WALL REGISTER FOR HVAC

EXTERIOR EXHAUST VENT, VERIFY STYLE AND FINISH AND FIELD VERIFY LOCATION W/ OWNER

DASH LINE INDICATES DUCT LOCATION, FIELD VERIFY LOCATION W/ OWNER

ELECTRICAL PANEL OR AV HOMERUN PANEL

HAOMAN JIA, DESIGNER/DRAFTER  
5505 BAYVIEW AVE  
RICHMOND CITY, CA 94804  
(415)528-9534

PROJECT  
1432 BLAKE STREET RENOVATION  
PERMIT SET  
BERKELEY, CA 94702  
APN: 54-1795-26

ISSUED FOR: DATE:  
BUILDING PERMIT 04/29/22  
PERMIT REV. 1 09/12/22

DRAWING TITLE  
**COVER PAGE**

SHEET NUMBER  
**A0.0**

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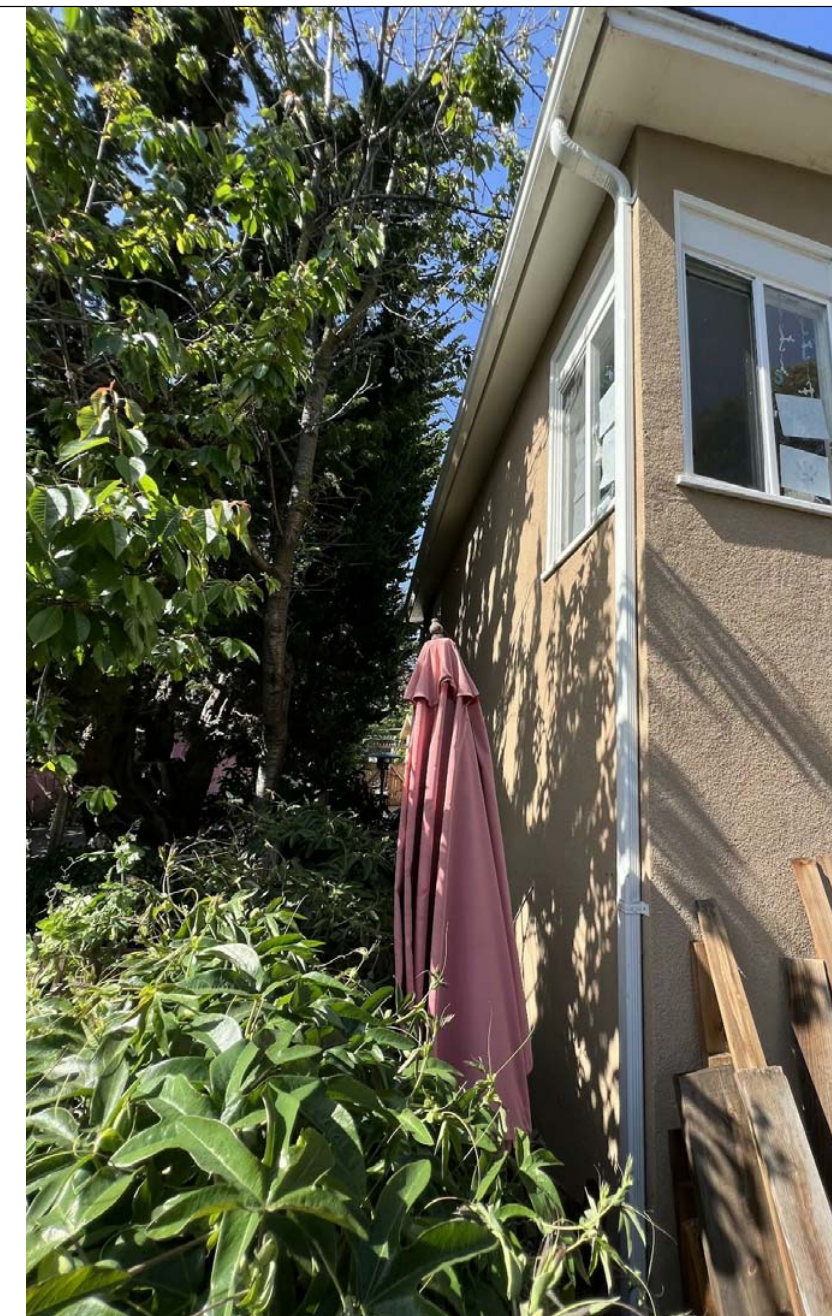
HAOMAN JIA, DESIGNER/DRAFTER  
5505 BAYVIEW AVE  
RICHMOND CITY, CA 94804  
(415)528-9534



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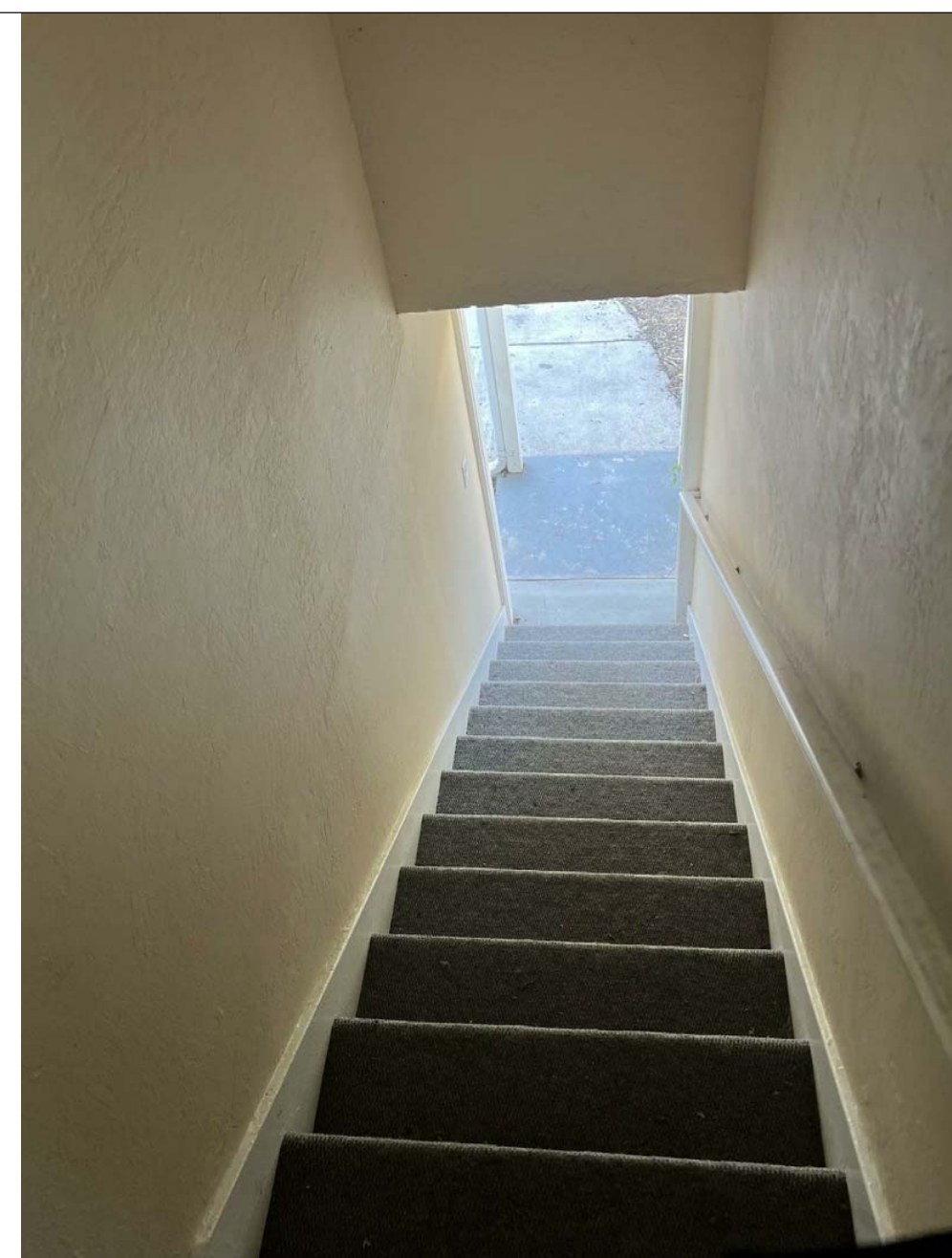
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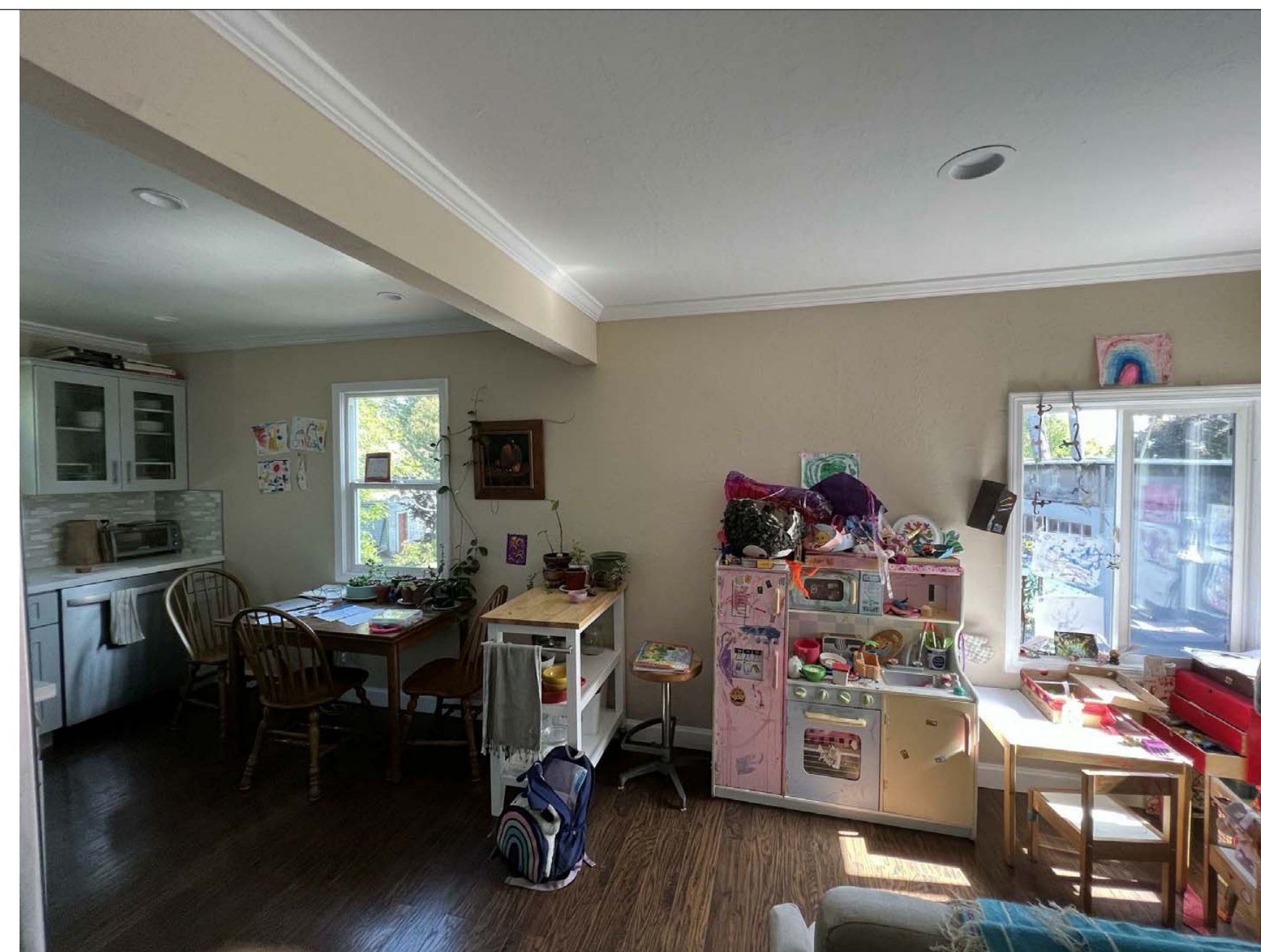
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EXISTING EAST



EXISTING STAIRS



EXISTING KITCHEN & DINING



EXISTING LIVING

PROJECT  
**1432 BLAKE STREET RENOVATION**  
**PERMIT SET**  
BERKELEY, CA 94702  
APN: 54-1795-26

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BUILDING PERMIT	04/29/22
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SHEET NUMBER  
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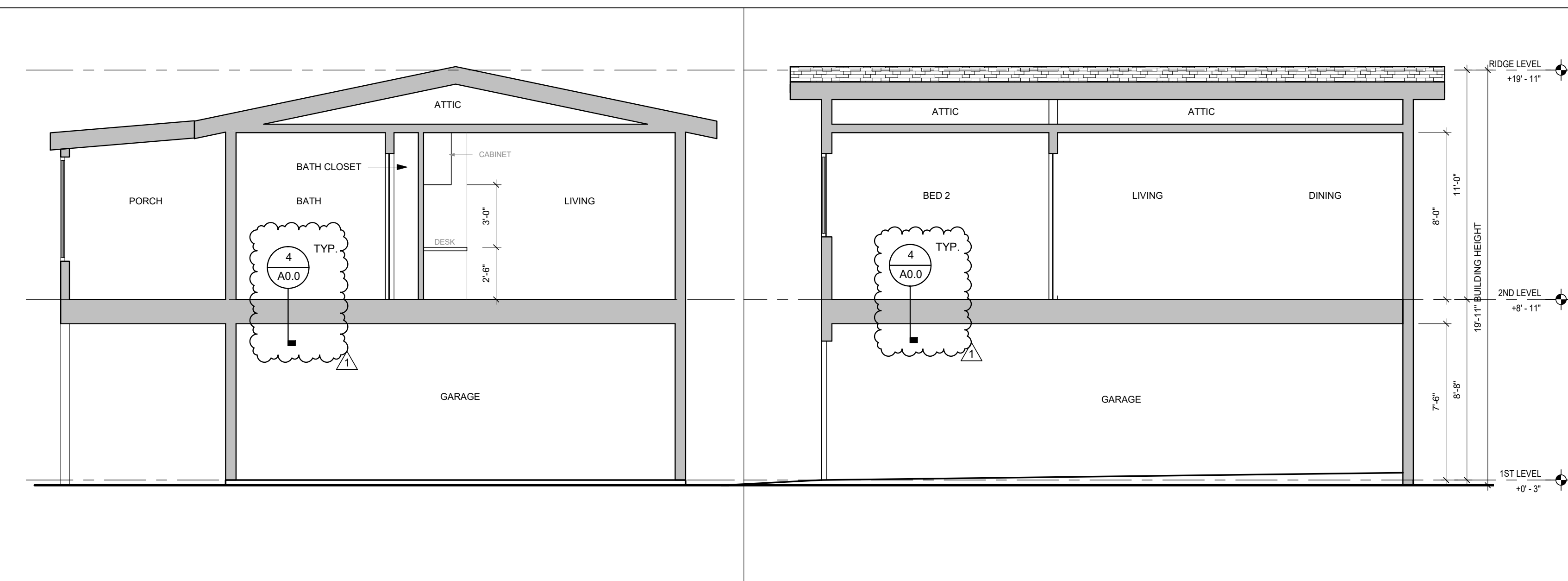
HAOMAN JIA, DESIGNER/DRAFTER  
5505 BAYVIEW AVE  
RICHMOND CITY, CA 94804  
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**PROJECT**  
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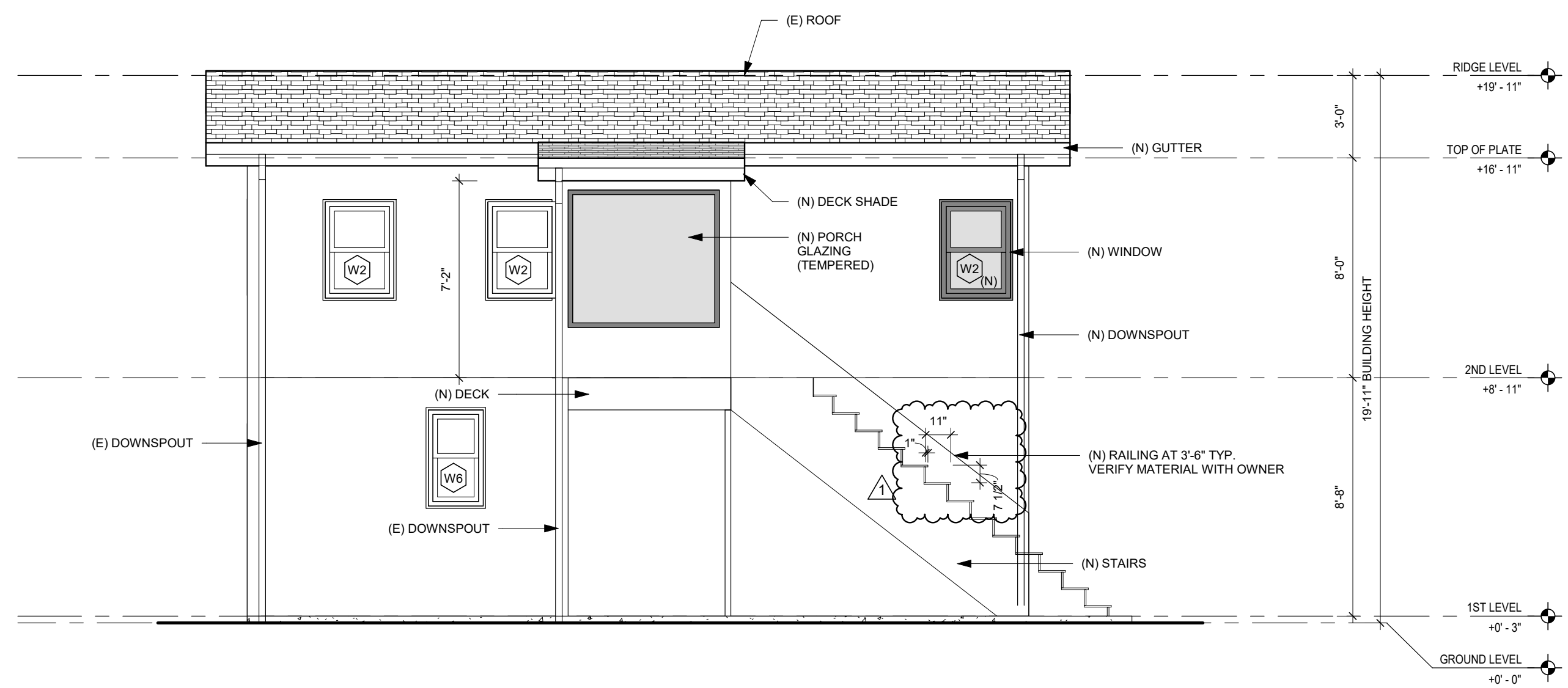
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**PROPOSED SECTIONS & ELEVATIONS AND POWER PLAN**

SHEET NUMBER  
**A2.2**

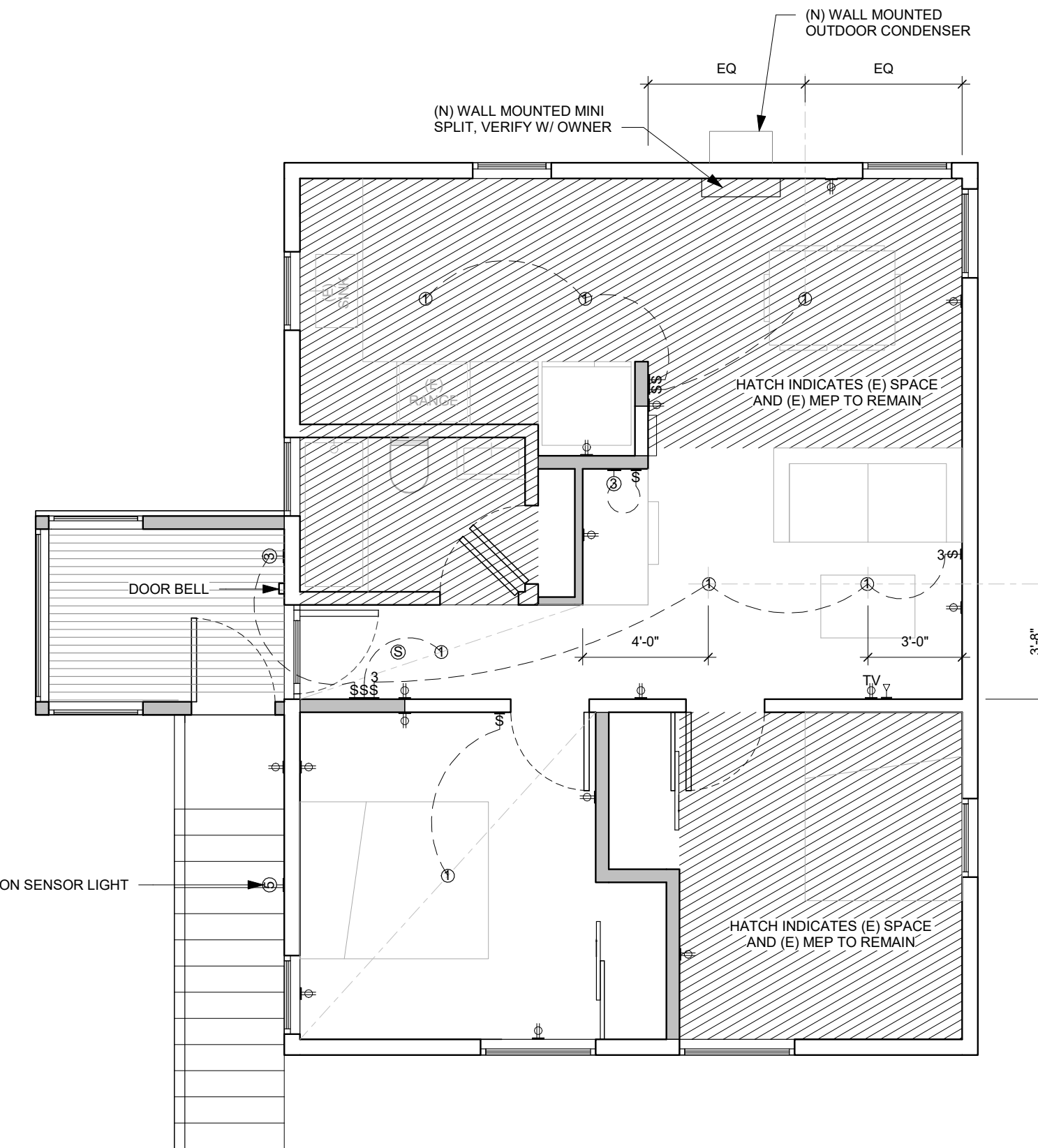


(7/ A2.2) BUILDING SECTION 2 SCALE: 1/4" = 1'-0"

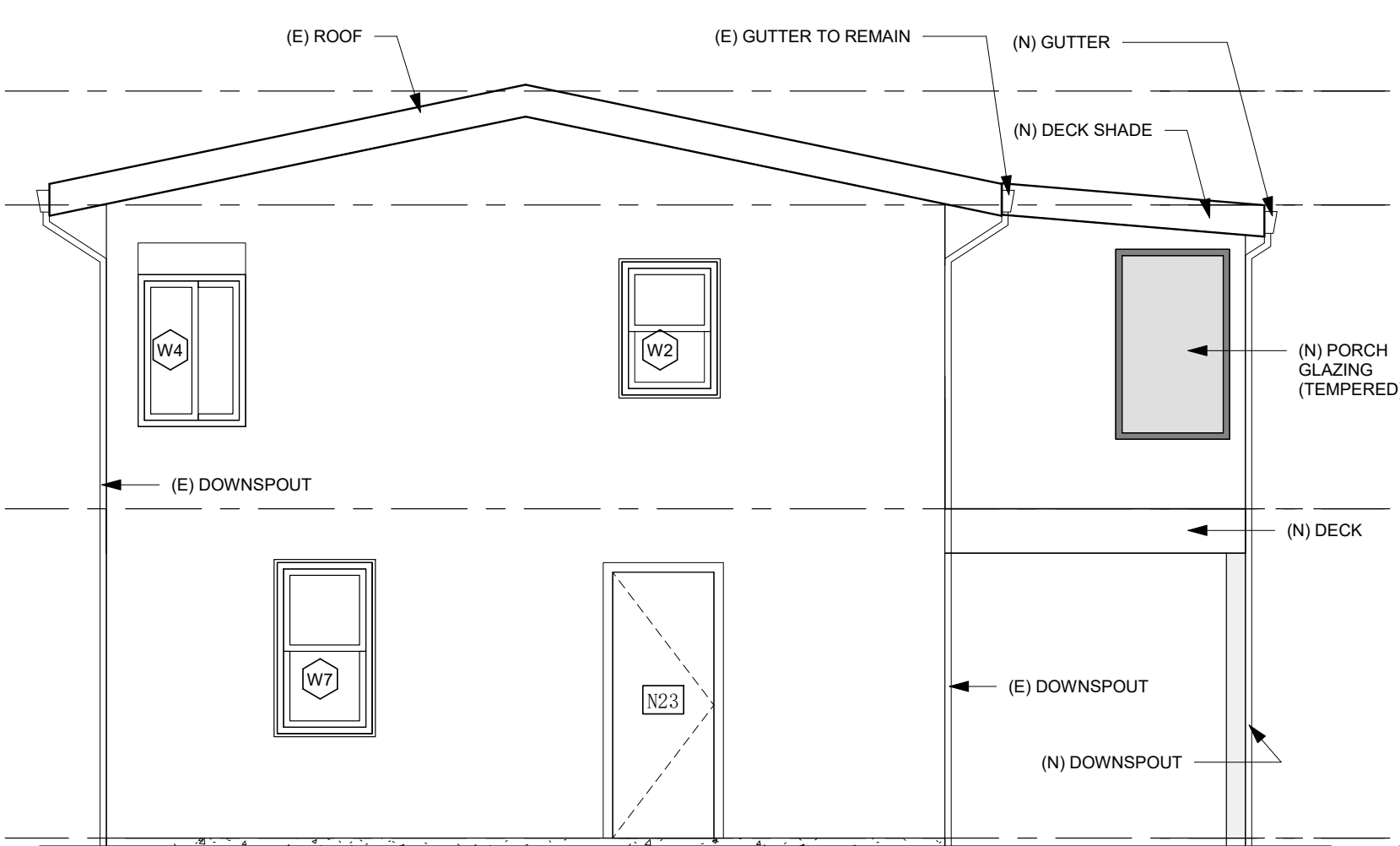
(6/ A2.2) BUILDING SECTION 1 SCALE: 1/4" = 1'-0"



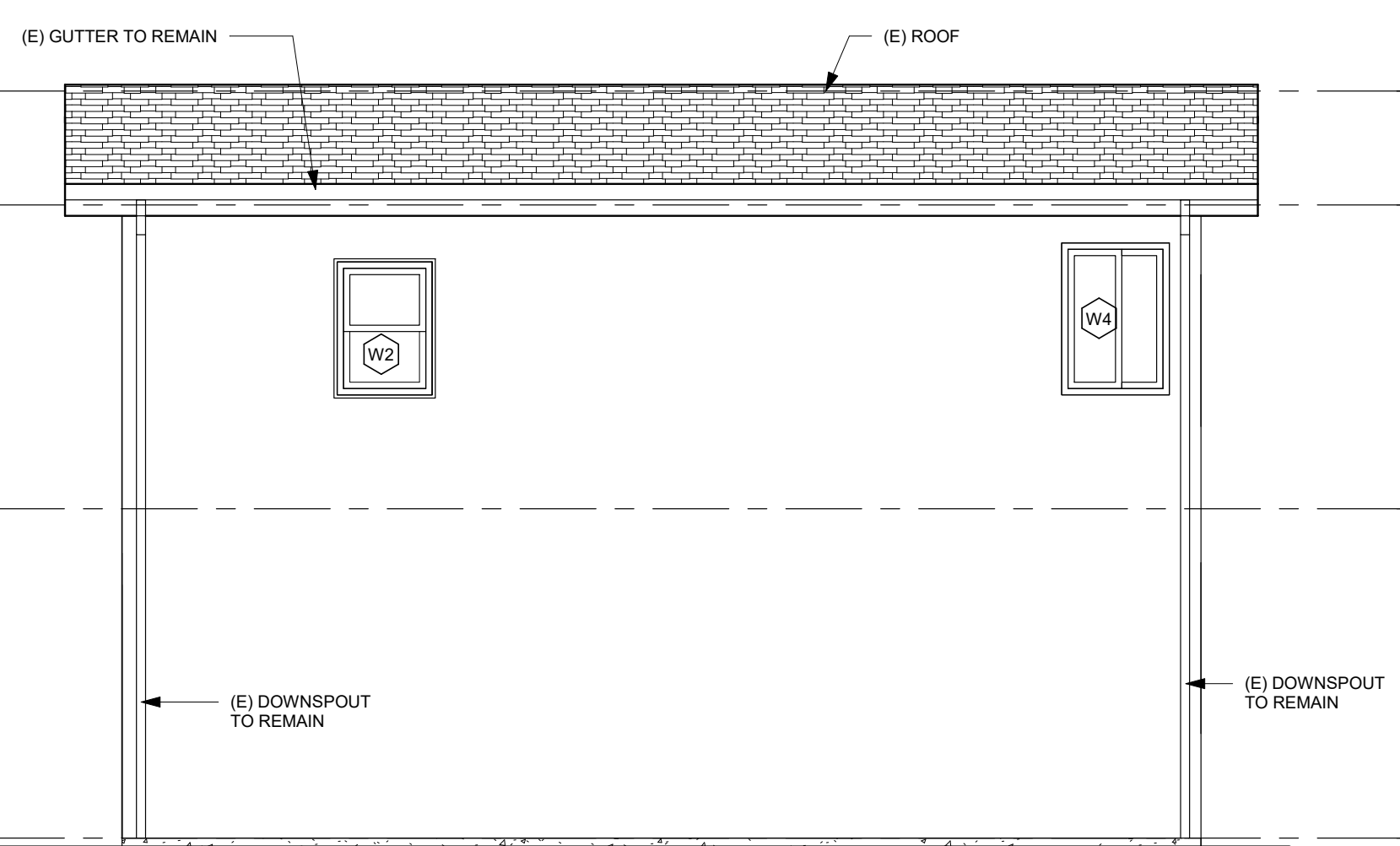
(5/ A2.2) EAST ELEVATION SCALE: 1/4" = 1'-0"



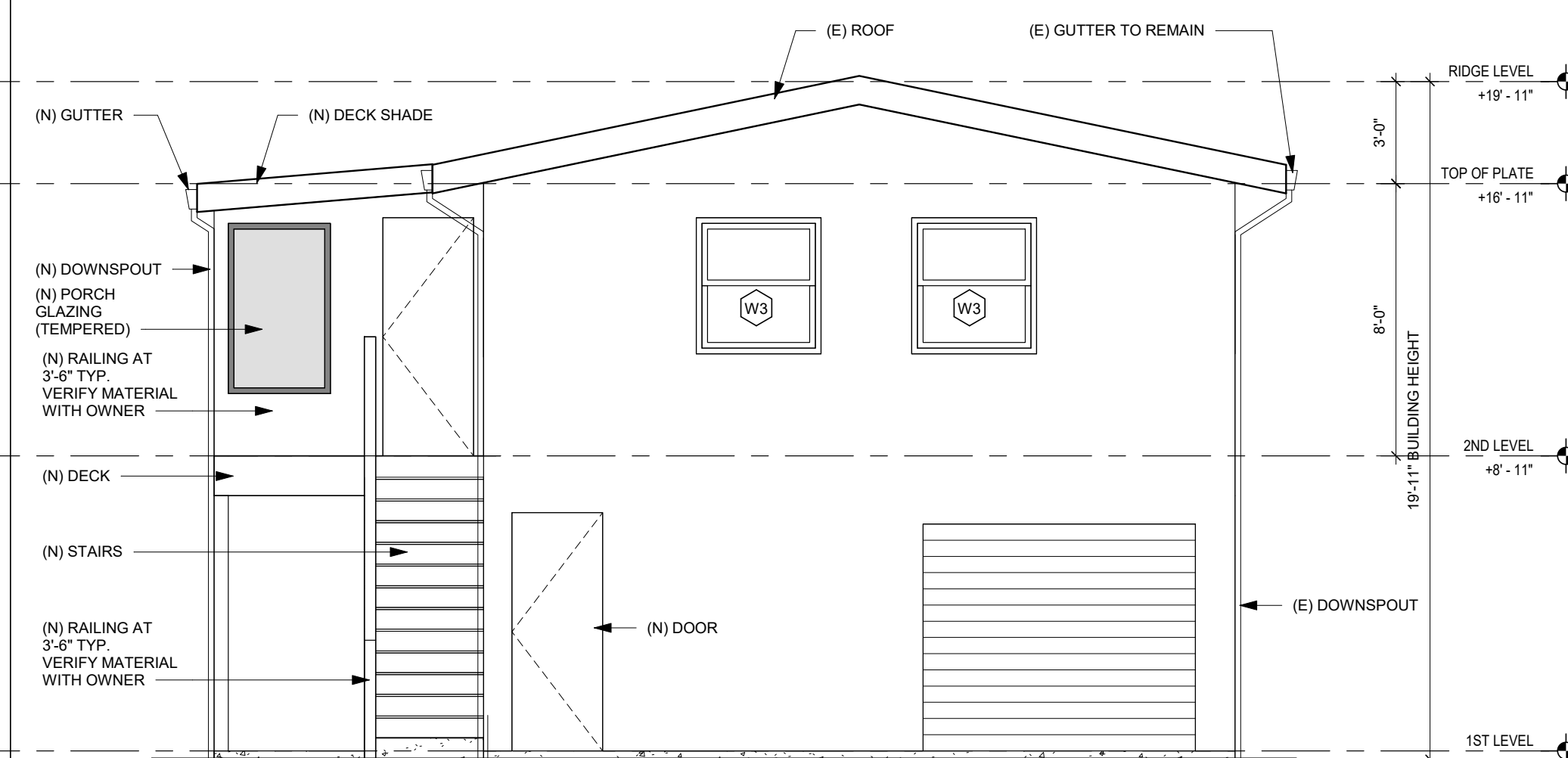
(2/ A2.2) 2ND FLOOR POWER PLAN SCALE: 1/4" = 1'-0"



(4/ A2.2) SOUTH ELEVATION SCALE: 1/4" = 1'-0"



(3/ A2.2) WEST ELEVATION SCALE: 1/4" = 1'-0"



(1/ A2.2) NORTH ELEVATION SCALE: 1/4" = 1'-0"





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

## 1432 Blake Street

**Use Permit #ZP2022-0180 to construct exterior stairs and a 100 square-foot enclosed porch with a maximum height 17 feet 6 inches to an existing dwelling unit on a lot that is non-conforming for lot density.**

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 22, 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:**

- B. General Plan: Low Density Residential (LDR)
- C. Zoning: Single-Family Residential District (R-1)

**D. Zoning Permits Required:**

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D)(3) to construct an addition to a structure that exceeds the maximum residential density
- Administrative Use Permit, pursuant to BMC Section 23.202.050(D) construct a residential addition over 14 feet in height

**D. CEQA Recommendation:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

**E. Parties Involved:**

- Applicant and Property Owner - Mariana Viturro, 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, Katrina Lapira, at (510) 981-7488 or [klapira@berkeleyca.gov](mailto:klapira@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](mailto: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@berkeleyca.gov](mailto:zab@berkeleyca.gov). 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](mailto: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.