



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 22, 2023

## 1524 Campus Drive

Appeal of Zoning Officer decision (ZP2022-0122) to approve a permit that would allow the construction of a third story major residential addition over 20-foot maximum height, alterations in the nonconforming front setback, addition of a fifth bedroom, outside deck, and a new pedestrian access bridge.

### I. Background

#### A. Land Use Designations:

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

#### B. Zoning Permits Required:

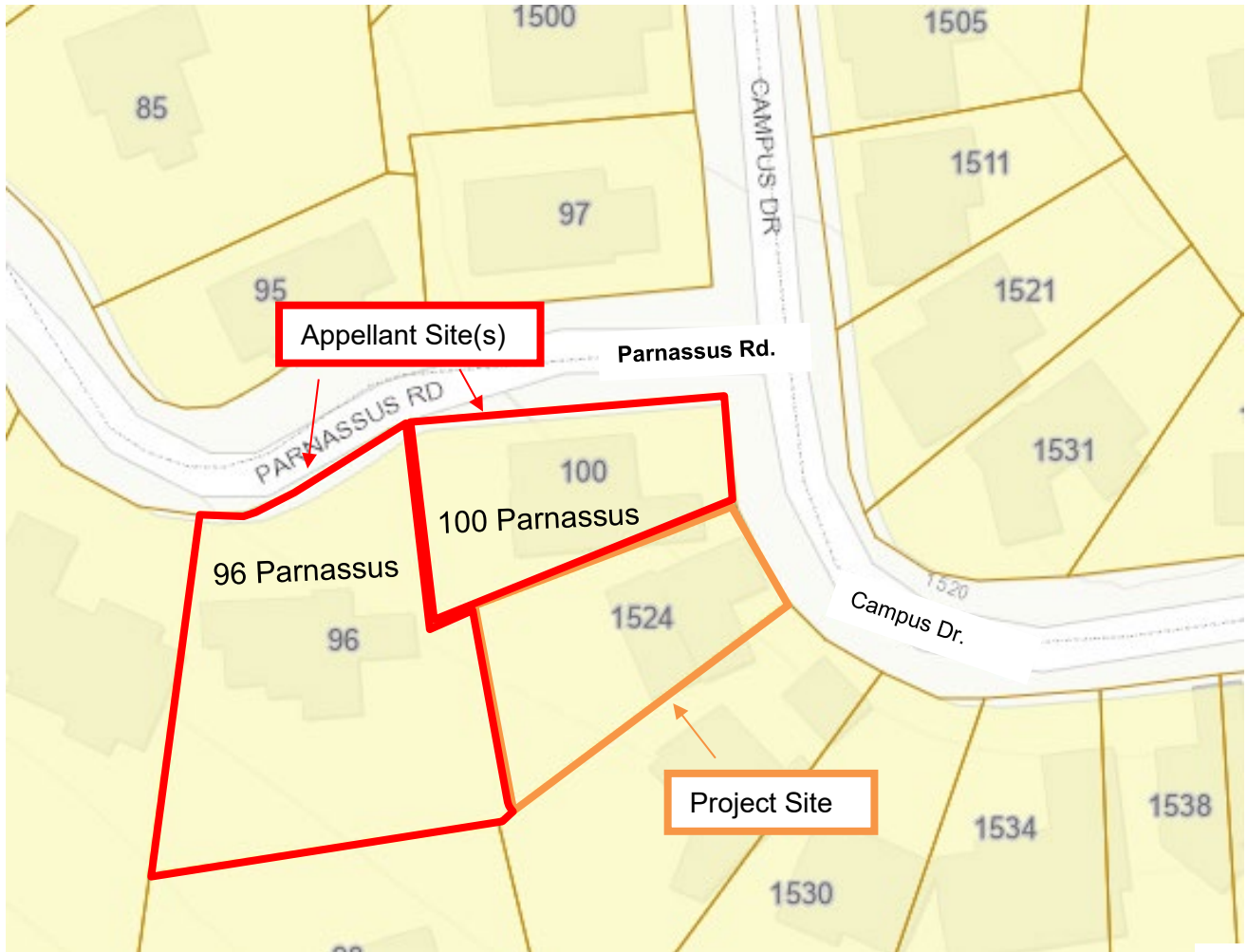
- Administrative Use Permit per BMC 23.202.030(A) for a Major Residential addition over 600 square feet.
- Administrative Use Permit per BMC Section 23.202.050 for an addition over 14 feet in average height.
- Administrative Use Permit per BMC Section 23.210.020 for an addition over 20 feet in maximum height in the Hillside Overlay.
- Administrative Use Permit per BMC Section 23.202.030(B) for an addition of a fifth bedroom.
- Administrative Use Permit per BMC Section 23.324.050(D) for alterations to a wall in the non-conforming front setback.
- Administrative Use Permit per BMC Section 23.304.070 for an unenclosed accessory structure in the front setback.

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

**D. Parties Involved:**

- Applicant Mike Pourzand, 79 Arlington Avenue, Kensington, CA
- Property Owner Behrouz & Rana Mazandarani, 1524 Campus Drive, Berkeley
- Appellants: Armod Chopra & Vicky Gellon, 96 Parnassus Road, Berkeley  
Jesse King, 100 Parnassus Road, Berkeley

**Figure 1: Vicinity Map – 1524 Campus Drive (Project Site) + (Appellant Site)**



\*Map not to scale.



Yellow = R-1H Zoning District

Figure 2 : Site Plan

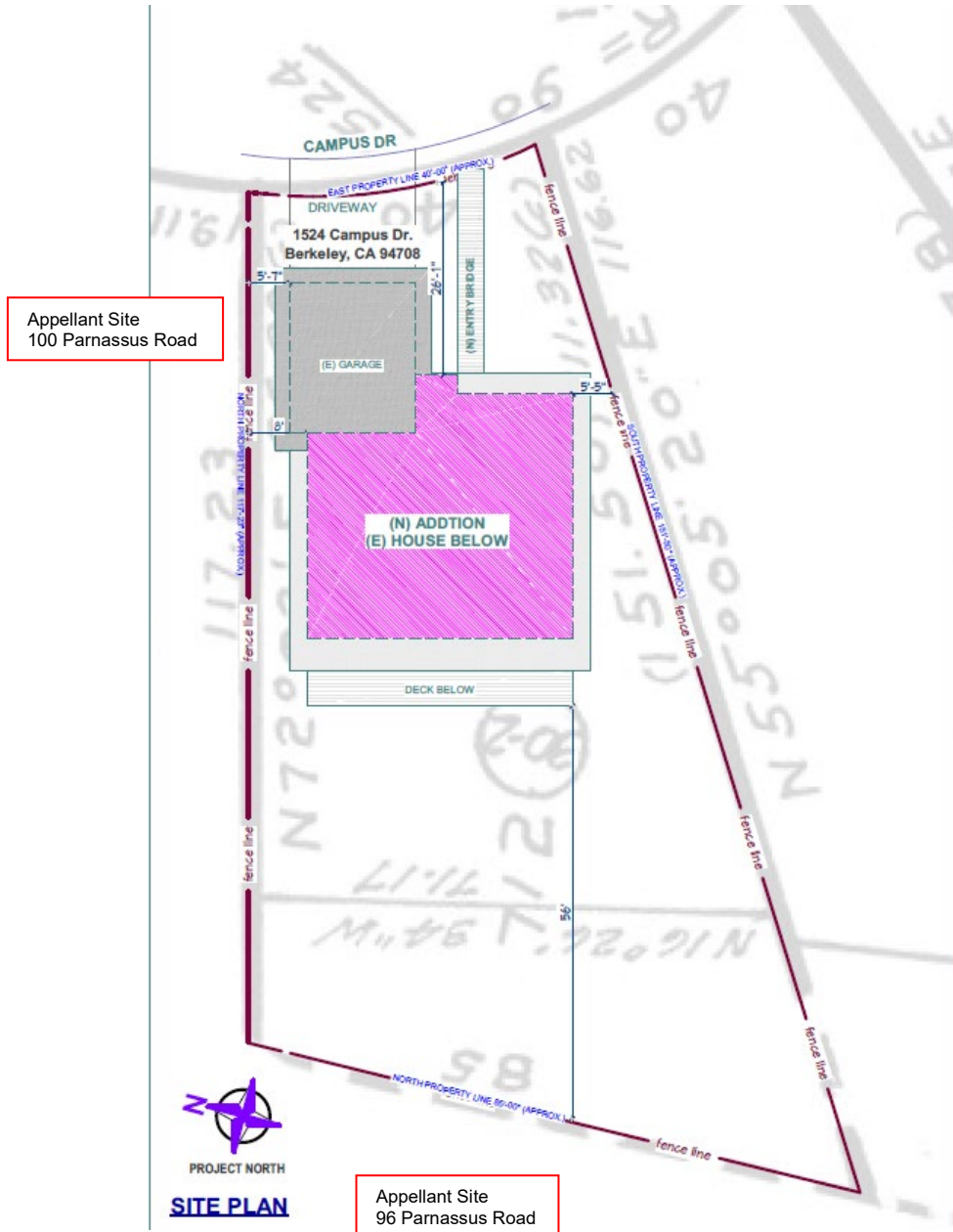


Figure 3: Proposed Basement Floor Plan

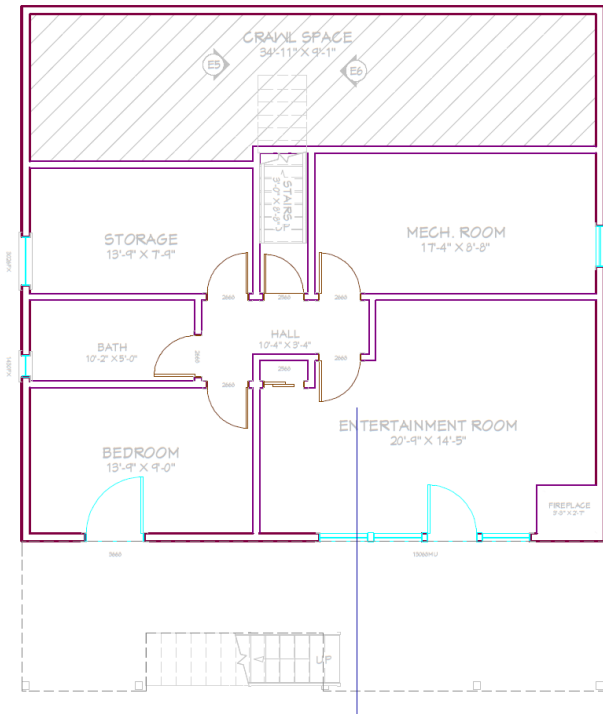
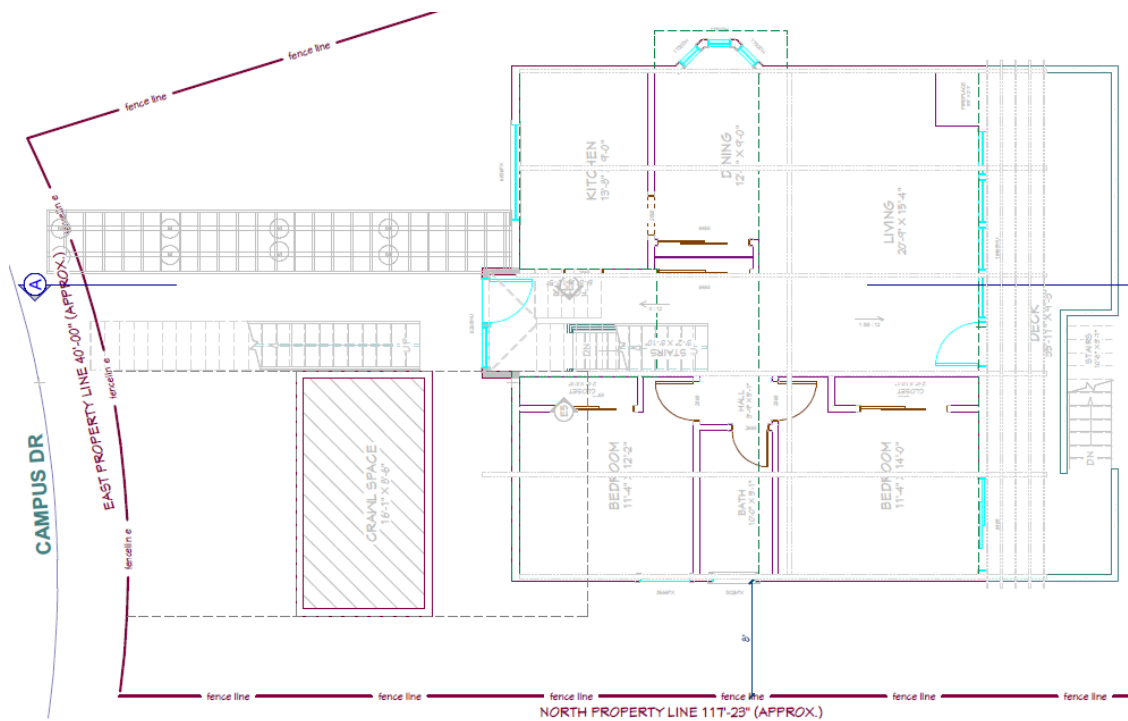
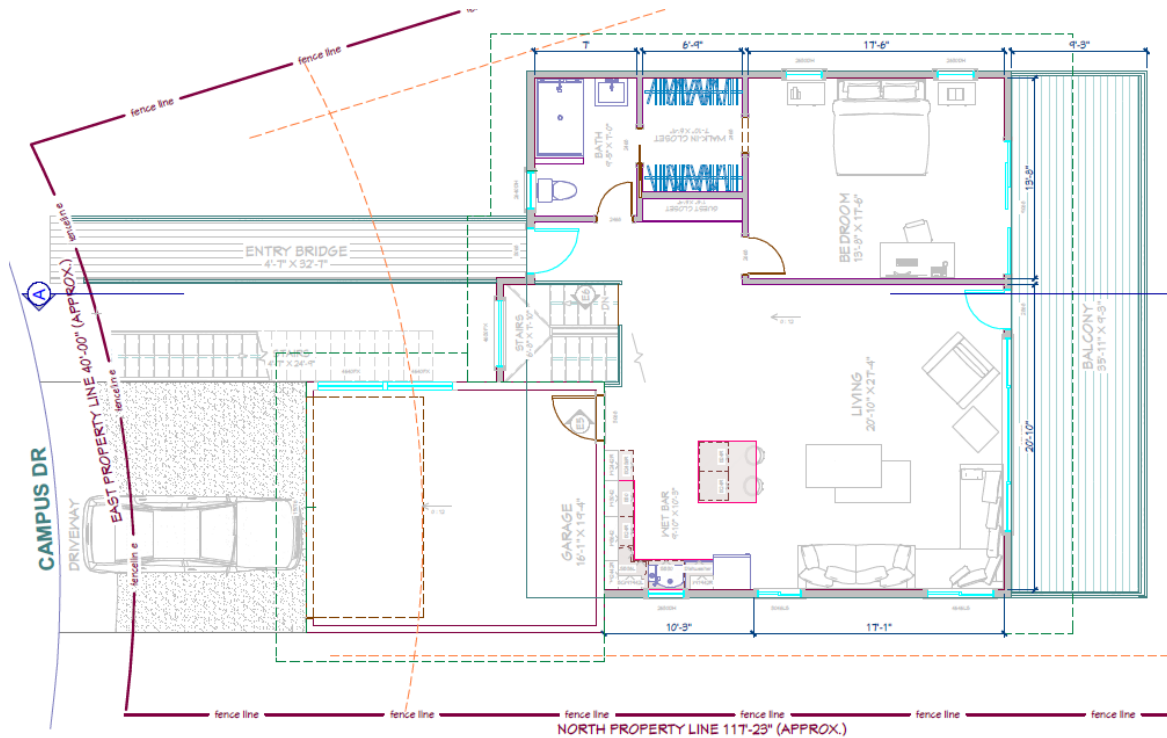


Figure 4: Proposed Main Floor Plan



**Figure 5: Existing Garage / Proposed Floor Plan**



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single – Family Dwelling	R-1	LDR (Low Density Residential)
Surrounding Properties	North			
	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	These fees apply to projects with new on-residential floor area. The project includes new residential floor area, only. Therefore, this requirement does not apply to the project.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		

Characteristic	Applies to Project?	Explanation
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that propose 5 or more dwelling units on the same lot. The project would increase the floor area of an existing residential building; therefore, this requirement does not apply
Creeks (Per BMC 17.08.045)	No	The project is not located within the creek buffer.
Density Bonus	No	The project is not a density bonus project.
Natural Gas Prohibition (Per BMC 12.80.020)	No	The project would not result in a newly constructed building. Therefore, the natural gas prohibition does not apply.
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	The project 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)	No	The project proposes modifications to an existing dwelling unit and does not meet the definition of a "housing development project." Therefore the Housing Crisis Act is not applicable to this project.
Coast Live Oak Trees (BMC 6.52.010)	No	There is one Coast Live Oak tree located on the adjacent property at 96 Parnassus Road. Proposed construction activities would not occur within drip line of oak tree.
Rent Controlled Units	No	There are no rent controlled units on the project site.
Residential Preferred Parking (RPP)	No	The neighborhood surrounding the project site is not located in an RPP Zone.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map. <sup>2</sup>
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites compiled pursuant to Government Code Section 65962.5), however it is located within the City's Environmental Management Area. Standard Toxics Conditions of Approval apply.
Transit	Yes	The project site is within 0.5 miles of Alameda County Transit route 52 on Centennial Drive.

<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.

<sup>2</sup> Department of Conservation. Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>.

**Table 3: Project Chronology**

Date	Action
September 21, 2022	AUP (ZP2022-0122) application submitted
November 2, 2022	Application deemed complete
January 19, 2023	Notice of Decision Issued
February 7, 2023	Appeal Received (#1)
February 9, 2023	Appeal Received (#2)
June 8, 2023	Public hearing notices for appeal hearing mailed/posted
June 22, 2023	ZAB appeal hearing

**Table 4: Development Standards**

R-1H District Standards BMC Sections 23.202.050 and 23.210.020		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		5,824	No change	5,000 min.
Gross Floor Area (sq. ft.) (main building)		2,425	3,218	n/a
Dwelling Units		1	No change	2
Building Height	Average	20'-7"	No change	28'
	Maximum	25'-6"	31'-4"	35' with AUP
	Stories	2	3	3 max.
Building Setbacks	Front (east) (Campus Drive)	11'-10"	No change	20' min.
	Rear (north)	56'	No change	20' min.
	Right Side (east)	5'-5"	No change	4' min.
	Left Side (west)	5'-7"	8'	4 min.
Lot Coverage (%)		25%	34%	40% max.
Usable Open Space (sq. ft.)		1000+	No change	400 sq. ft. min.
Parking	Automobile	1	1	n/a
Abbreviations: s.f.= square feet; min.=minimum; max.=maximum; % : percent; n/a: not applicable; AUP: administrative use permit				

## II. Project Setting

- A. Neighborhood/Area Description:** The project site is located on the corner of Campus Drive and Parnassus Road in the Berkeley hills. The surrounding area is comprised of single-family dwelling units.
- B. Site Conditions:** The project site is rectangular in shape and is currently developed with a two-story building and garage. The project site is accessed via an existing driveway and curb cut along Campus Street that leads directly to the garage.

## III. Project Description

The project approved by the Zoning Officer (ZP2022-0122) would construct a third-story residential addition over 20-foot maximum height including a new deck, alterations in the nonconforming front setback, addition of a fifth bedroom on the lot, and a new pedestrian access bridge.

The existing single-family dwelling has four bedrooms and a fifth bedroom would be added on the new third floor. The new upper-level floor would also include a new bathroom, living area, and a wet bar. An entry bridge is proposed in the front yard that would provide dedicated pedestrian access from the street to new living area. The addition would increase the living area available for residents, including a more accessible space for current residents, and will not increase density on the lot.

## IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting the application on September 21, 2022, the applicant installed a yellow poster at the project site. On January 19, 2023, staff posted the Notice of Administrative Decision for approval of the Administrative Use Permit. On January 24, 2023, staff received communications from the residents at 100 Parnassus about the third story addition expressing concern regarding potential impacts on privacy, sunlight, and noise.
- B. Zoning Officer's Decision to Approve:** The Zoning Officer determined that the proposed project, which would construct a third-story addition, alterations in the nonconforming setback and pedestrian access bridge, would not result in detrimental air, views, light, or privacy impacts and would be consistent with the underlying development standards in BMC Section 23.202.080. As noted above, Staff posted the Notice of Administrative Decision at the site on January 19, 2023 and sent notices to abutting and confronting property owners, occupants, and to interested neighborhood groups.
- C. Appeal.** The first appeal of the administrative decision was filed on February 7, 2023 by Armod Chopra and Vicky Gellon, residents of 96 Parnassus Road. The second appeal was filed on February 9, 2023 by Jesse King, residents of 100 Parnassus Road. The issues raised by the appellants are summarized in Section V., below.
- D. Public Notice:** On June 8, 2023, the City mailed public hearing notices to all adjacent property owners and occupants within 300 feet of the subject property. 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 issues raised in the appellants' letter and staff's responses are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety. Other issues were raised in the appeal letter, however, only the appeal points and analysis that are within the purview of the ZAB are discussed below. Please refer to the appeal letters (Attachment 3) for the full text.

### A. Appeal Issue 1: Reduction of natural light

The appellants at both 96 Parnassus Road and 100 Parnassus Road state that the additional story creates a reduction of light on their property and have concerns that story poles were not installed. Both appellants state that sunlight will be blocked which would create a greater shadow impact on their properties.

#### Staff Analysis:

Staff requested story poles be installed for the addition over 20 feet in height. The applicant submitted a story pole plan on April 29, 2023. Staff inspected the story poles on May 9, 2023 and determined accuracy of the story pole plan and installation. The appellant, Jesse King at 100 Parnassus Road addressed additional concerns of the proximity of the deck at the time the story poles were in place. The applicant agreed to revise the deck length as seen from the final plans dated June 7, 2023.

Shadow studies were provided by the applicant at time of submittal, dated August 8, 2022. The shadow studies show the addition projecting shadow angles and lengths at three times throughout the day during the summer and winter solstice. According to the shadow studies provided, new shadows would be cast on 100 Parnassus Road primarily during the winter months. Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the R-1H district, which allows heights of up to 28 feet. Staff believes that shadow impacts from the project would be reasonable for a second-story addition and are not detrimental. Further, shadows cast during the winter months around noon would be temporary and would partially shade the neighboring buildings for a few hours a day. Because the impacts would occur on limited areas and would only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the residential addition would not result in a significant loss of direct sunlight on abutting residences, and the shading impacts were not deemed detrimental. Based on the information provided, it is staff's determination that project would not result in a significant increase to existing shadow impacts and the shading impacts would not be detrimental.

The proposed project meets the development standards of the R-1H Zoning District and the shadows caused by the proposed addition are normal for an urbanized area.

**B. Appeal Issue 2: Privacy**

The appellants at both 96 Parnassus Road and 100 Parnassus Road state that the increased building height and outdoor deck area would create a decrease in privacy to the bedrooms and bathrooms of their houses.

Staff Analysis:

As shown in Figure 2, the proposed addition is setback approximately 5 feet from the fence line adjacent to both 96 Parnassus Road and 100 Parnassus Road. The proposed addition is also setback 26 feet from the front property line. The addition meets all setback and height limitations in the R-1H Zoning District, therefore a privacy impact cannot be made. The addition above the lower level of the house will not create any new impacts to views from surrounding properties, and the portion that extends to the side of the garage is a single-story when viewed from street level. New window openings are proposed on all elevations but will be outside of all required setbacks so impacts are deemed not detrimental. The proposed addition meets setbacks and building separation, therefore the proposed addition and deck will not result in significant privacy impacts.

**C. Appeal Issue: Construction Noise**

The appellant at both 96 Parnassus Road and 100 Parnassus Road noted concerns related to construction noise and resulting detriment to their health and comfort.

Staff Analysis:

Construction activity is limited to the hours of 7:00 a.m. and 7:00 p.m. Monday – to Friday, and between 9:00 a.m. and 8:00 p.m. on Saturday. Noise resulting from construction and demolition activities is regulated in BMC Section 13.40 under the authority of the Environmental Health Department. The following information is provided for reference. Exterior noise limits are established to mitigate the detrimental impacts of specific sound levels and vibrations. Shown below, Figure 6 outlines the exterior noise limit levels.

**Figure 6: Exterior Noise Limits by Zoning District**

Table 13.40-3.

	R-1, R-2 Residential	R-3 and above Multi-Family Residential	Commercial/Industrial
Weekdays 7:00 a.m. to 7:00 p.m.	75 dBA	80 dBA	85 dBA
Weekends 9:00 a.m. to 8:00 p.m. and legal holidays	60	65	70

### C. Appeal Issue: Redwood Tree

The appellant at 96 Parnassus Road stated concerns with the proximity of the proposed construction to their redwood tree separating 96 Parnassus Road and 100 Parnassus Road. The appellant states that construction within 100 feet would damage the roots.

#### Staff Analysis:

The redwood tree located on 96 Parnassus Road is separated by a driveway from the subject lot and is approximately 75 feet from the proposed third story addition. The proposed construction activities would be primarily located on the third story and would not impact to the redwood tree roots. Ground disturbing activities would result from installation of support structures for the outside rear deck, located approximately 60 feet from the base of the redwood tree, and entry bridge located at the front of the property along Campus Drive, approximately 300 feet from the base of the redwood tree. Redwood tree roots can extend up to 50 feet from the base in every direction. Therefore, it is likely that ground disturbing activities may come into contact with sections of shallow roots but would not require removal of large sections of the overall root system leading to substantial compromise of the tree. Based on the location of the redwood tree, findings cannot be made regarding the potential damage to the redwood tree. An arborist report is only required for projects within the drip line of a Coast Live Oak tree with a circumference of at least 18 inches at 4 feet above the ground. As noted Table 2, construction activities would not occur within drip line of the Coast Live Oak located on the adjacent property.

## 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 #ZP2022-0122** pursuant to Section 23.406.030.F and subject to the attached Findings and Conditions (see Attachment 1) and **DISMISS the Appeal**.

#### **Attachments:**

1. Findings and Conditions, #ZP2022-0122 dated June 22, 2023
2. Project Plans, dated June 7, 2023
3. Story Pole Plan, dated April 29, 2023
4. Appeal Letters
5. Notice of Public Hearing

**Staff Planner:** Brian Garvey, bgarvey@berkeleyca.gov, (510) 981-7424

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

JUNE 22, 2023

### 1524 Campus Drive

**Administrative Use Permit #ZP2022-0122 to construct a third-story major residential addition over 20-foot maximum height, alterations in the nonconforming front setback, addition of a fifth parcel on the lot, and a new pedestrian access bridge.**

#### PERMITS REQUIRED

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- Administrative Use Permit per BMC 23.202.030(A) for a Major Residential addition over 600 square feet.
- Administrative Use Permit per BMC Section 23.202.050 for an addition over 14 feet in average height.
- Administrative Use Permit per BMC Section 23.210.020 for an addition over 20 feet in maximum height in the Hillside Overlay.
- Administrative Use Permit per BMC Section 23.202.030(B) for an addition of a fifth bedroom.
- Administrative Use Permit per BMC Section 23.324.050(D) for alterations to a wall in the non-conforming front setback.
- Administrative Use Permit per BMC Section 23.304.070 for an unenclosed accessory structure in the front setback.

#### 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 CEQA Guidelines Section 15301 "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.

#### FINDINGS FOR APPROVAL

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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. Table 1 describes the proposed project and its conformance to the Single-Family Residential District and Hillside Overlay (R-1H) (BMC Sections 23.202.080 and 23.210.020):

**Table 1: Development Standards for 1524 Campus Dr.**

<b>R-1H District Standards BMC Sections 23.202.050 and 23.210.020</b>		<b>Existing</b>	<b>Proposed</b>	<b>Permitted/Required</b>
Lot Area (sq. ft.)		5,824	No change	5,000 min.
Gross Floor Area (sq. ft.) (main building)		2,425	3,218	n/a
Dwelling Units		1	No change	2
Building Height	Average	20'-7"	No change	28'
	Maximum	25'-6"	31'-4"	35' with AUP
	Stories	2	3	3 max.
Building Setbacks	Front (east) (Campus Drive)	11'-10"	No change	20' min.
	Rear (north)	56'	No change	20' min.
	Right Side (east)	5'-5"	No change	4' min.
	Left Side (west)	5'-7"	8'	4 min.
Lot Coverage (%)		25%	34%	40% max.
Usable Open Space (sq. ft.)		1000+	No change	400 sq. ft. min.
Parking	Automobile	1	1	n/a

- B. The proposed addition is compatible with the existing pattern of low-density residential areas while maintaining usable open space and protecting adjacent properties from unreasonable obstruction of light and air. The project will expand an existing two-story, single-family residence.
- C. The lot drops steeply at the front line, and the addition is located behind and to the side of the street-level garage and above the existing stories below. The maximum building will increase in height from 25 feet 6 inches to 31 feet 4 inches to match the roof line of the existing garage. The height complies with the maximum building height of 35 feet in the R-1H District. The area of the new addition will increase the gross floor area by 1,125 square feet.
- D. The existing single-family dwelling has four bedrooms and a fifth bedroom will be added to the lot on the new third floor. The new upper-level floor will also include a new

bathroom, living, and wet bar. The addition will increase the area available for residents, including providing a more accessible space for current residents, and will not increase density on the lot.

- E. Minor alterations to the openings on the northern façade of the garage are proposed within the nonconforming front setback, but the addition is located outside of all required setbacks.
  - F. The lot drops steeply at the front lot line. The entry bridge will be approximately 4 feet wide and provide dedicated pedestrian access from the street to the new living area. It will be at the same elevation as the street and include safety railings as required by the building code.
  - G. The residential addition and new entry bridge are not detrimental.
4. Pursuant to BMC Section 23.210.020(C), the addition over 20 feet in height the Hillside Overlay District is permissible as the addition is consistent with the purposes of the H District, which includes protecting the character of Berkeley's hill Districts and their immediate environs, and giving reasonable protection to views while allowing appropriate development of all property. The addition above the lower level of the house will not create any new impacts to views from surrounding properties, and the portion that extends to the side of the garage is a single-story when viewed from street level.
5. Pursuant to BMC Section 23.202.030(A) (Basis for AUP Decision), the Zoning Officer finds that:
- A. Sunlight: Shadow studies provided by the applicant show that the impact to neighboring properties/property will occur on a limited area, and will only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day. There are existing shadow impacts from the building, and the residential addition will not significantly increase existing shadow impacts. The residential addition will not result in a significant loss of direct sunlight on abutting residences, and these shading impacts are not deemed detrimental.
  - B. Air: The project retains the minimum required open space area of 400 square feet per dwelling unit, by retaining over 1000 square feet of open space. Lot coverage will increase from 25 percent to 34 percent, and remains compliant with maximum lot coverage requirements. The proposed unenclosed accessory structure will provide dedicated pedestrian access, as described above. The project is found to be consistent with the surrounding development and zoning district, as the additions are proposed in compliance with required setbacks. The addition will not exceed height, story, or lot coverage maximums. Therefore, impacts to air circulation are not deemed detrimental.
  - C. Views: The area is characterized by sloping lots with views outward toward the Bay. The subject lot is located primarily below street grade. The area is developed with one- to

three-story residences and includes mature vegetation. The addition would not result in obstruction of significant views in the neighborhood.

6. Pursuant to BMC Section 23.324.050(D), the Zoning Officer finds that the alterations within the nonconforming front setback is permissible because the residential use is conforming and:
    - A. The alterations of the building will not further reduce the existing non-conforming front setback.
    - B. The alterations proposed will not exceed the average or maximum height limit.
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## STANDARD CONDITIONS

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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 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 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**

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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. 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.
23. 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.

**24. 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.

**25. 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:**

- 26.** All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
- 27.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated June 7, 2023.

**At All Times (Operation):**

- 28.** 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.
- 29.** 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: Brian Garvey  
For Samantha Updegrave, Zoning Officer

# MAZANDARANI RESIDENCE

**PRELIMINARY SET**

**PROJECT DATA:**

**OWNER:**  
BEHROUZ & RANA MAZANDARANI  
1524 CAMPUS DR.  
BERKELEY, CA 94708  
CELL: (510) 848-4455  
EMAILS: BMAZ@MSN.COM

**PROJECT ADDRESS:**  
1524 CAMPUS DR.  
BERKELEY, CA 94708

**ZONING:**  
R1H: RESIDENTIAL SINGLE FAMILY

**PROJECT TEAM :**

**DESIGN / BUILD CONSULTING ENGINEER**  
GEHL DESIGN/BUILD  
79 ARLINGTON AVE.  
KENSINGTON CA. 94707  
TEL: (510) 812 - 1039

**SHEET INDEX:**

- A-1. SITE PLAN, VICINITY MAP RESIDENTIAL DEVELOPMENT STANDARDS, PROJECT DATA, SHEET INDEX.
- A-2. DEVELOPMENT STANDARDS
- A-3. LOT COVERAGE DIAGRAM/USABLE OPEN SPACE AND STORY POLE PLAN
- A-4. EXISTING BASEMENT FLOOR PLAN.
- A-5. EXISTING MAIN FLOOR PLAN.
- A-6. EXISTING GARAGE/ROOF PLAN.
- A-7. EXISTING EXTERIOR ELEVATIONS
- A-8. PROPOSED BASEMENT FLOOR PLAN.
- A-9. PROPOSED MAIN FLOOR PLAN.
- A-10. EXISTING GARAGE/PROPOSED FLOOR PLAN.
- A-11. PROPOSED EXTERIOR ELEVATIONS.
- A-12. PROPOSED EXTERIOR ELEVATION AND BUILDING SECTION -AA.
- A-13. EXISTING & PROPOSED SHADOW STUDY AND SITE PHOTOGRAPHS (EAST).
- A-14. SITE PHOTOGRAPHS (WEST).
- A-15. SITE PHOTOGRAPHS (BIRD EYE VIEW).
- A-16. NEIGHBORS PHOTOGRAPHS (STREET VIEW).
- A-17. TOPOGRAPHIC AND BOUNDARY SURVEY.
- A-18. NEIGHBORS REQUESTED SHADOW STUDY.

**BUILDING INFORMATION:**

**PARCEL NO:** 060 247803002  
**Lot Size:** 5,824.00 sq. ft.  
**OCCUPANCY:** R-3  
**BUILT:** 1954  
**TYPE OF CONSTRUCTION:** TYPE VB  
**SPRINKLERS:** NO  
**STORIES:** 1.5

**DESIGN GUIDELINES:**

**NATURAL GAS PROHIBITION, BERKELEY ENERGY CODE, AND BERKELEY GREEN CODE**  
The building will not include any natural gas infrastructure in compliance with BMC Chapter 12.80, or documentation to support an application for an exception or public interest exemption to the Natural Gas Prohibition if the conditions of BMC Section 12.80.040A.1 or 12.80.050 are met.  
The proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by City Council on December 3rd, 2019, including solar PV system, electric vehicle charging, and low-carbon concrete requirements. Building design must incorporate all-electric systems unless an exception or public interest exemption to the Natural Gas Prohibition is granted. Electric readiness and increased energy efficiency is required for any mixed-fuel building.

**SCOPE OF WORK:**

CREATE AN ADA ACCESSIBLE FLOOR  
THE SCOPE OF WORKS INCLUDES CONSTRUCTION OF A NEW FLOOR ADDITION OF 1,125.00 SQ. FT. CONSTRUCTION OF 342 SQ FT NEW DECK AND CONSTRUCTION OF A NEW LEVEL ACCESS DECK BRIDGE FOR 150 SQ. FT. ALL THE NEW WORK IS WITHIN THE LIMITS OF ZONING ORDINANCE FOR R1H: RESIDENTIAL SINGLE FAMILY.



**PLANNING & DEVELOPMENT**  
Land Use Planning, 1947 Center Street, Berkeley, CA 94704  
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

**TABULATION FORM**

Project Address: 1524 Campus Dr. Berkeley, CA 94708 Date: July 30th  
Applicant's Name: Mike M. Pourzand  
Zoning District: R1H: RESIDENTIAL SINGLE FAMILY

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/ Required <sup>1</sup>
<b>Units, Parking Spaces &amp; Bedrooms</b>			
Number of Dwelling Units (#)	1	no change	n/a
Number of Parking Spaces (#)	1	no change	n/a
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	4	5	n/a
<b>Yards and Height</b>			
Front Yard Setback (Feet)	11'-10"	26'-01"	20'-00"
Side Yard Setbacks: (facing property)			
Left: (Feet)	5'-05"	no change	4'-00"
Right: (Feet)	5'-07"	8'-00"	4'-00"
Rear Yard Setback (Feet)	56'-00"	no change	20'-00"
Building Height* (# Stories)	2	3	3
Average* (Feet)	n/a	n/a	n/a
Maximum* (Feet)	25'-06"	31'-04"	35'-00"
<b>Areas</b>			
Lot Area (Square-Feet)	5,824 Sq. Ft.	no change	5,000 Sq. Ft.
Gross Floor Area* (Square-Feet)	2,425 Sq. Ft.	3,218 Sq. Ft.	n/a
Total Area Covered by All Floors			
Building Footprint* (Square-Feet)	1,460 SQ FT	1,965 SQ FT	n/a
Total of All Structures			
Lot Coverage* (%)	25%	34%	40%
Residential districts only (Building Footprint/Lot Area)			
Useable Open Space* (Square-Feet)	+1,000 sq. ft.	no change	n/a
Floor Area Ratio* Non-Residential districts only (Except ES-R)			

<sup>1</sup>See Glossary - BMC Chapter 23.502.

Revised: 12/21

<sup>1</sup> See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204  
g:\landuseforms & instructions\land use planning forms\word files\forms\_zoning project application\december 2021- bzo related\zoning project application\_tabulation form.docx



**1524 CAMPUS DR**

**Summary**

APN: 060 247803002  
Full Address: 1524 CAMPUS DR  
**Zoning / General Plan Regulation Applies**  
Zoning District: \* R-1H  
\*Please check map for multiple zoning districts or contact City of Berkeley for official designations.  
General Plan Area: LDR  
Downtown Arts District Overlay: No  
Commercial Districts with Use Quotas: No  
**Seismic Safety**  
Earthquake Fault Rupture (Alquist-Priolo) Zone: No  
Landslide (Seismic Hazards Mapping Act): Yes  
Liquefaction (Seismic Hazards Mapping Act): No  
Un-reinforced Masonry Building Inventory: No  
**Historic Preservation**  
Landmarks or Structure of Merit: No  
**Environmental Safety**  
Creek Buffer: Culverted  
Fire Zone: 2  
Flood Zone (100-year or 1%): No  
**Additional Parcel Info**  
Parcel Larger than or equal to 10,000 Square Feet: No  
Parcel Larger than or equal to one acre (43,560 square feet): No  
Redevelopment Area: No  
**BESO Data**  
Current Status: Due at Sale  
Associated Score: **Type M**  
1524 CAMPUS DR

**MAZANDARANI RESIDENCE**

Project Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708

Owners:  
BEHROUZ & RANA MAZANDARANI

Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708  
CELL:  
EMAILS:



**DESIGN + CONSTRUCTION**  
79 Arlington Avenue  
Kensington, CA 94707  
Tel: 510. 812-1039  
GEHLDESIGNBUILD@GMAIL.COM

Sheet Contents:  
SITE PLAN, VICINITY MAP  
RESIDENTIAL DEVELOPMENT  
STANDARDS, PROJECT DATA,  
SHEET INDEX

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

Revisions:  
1. STORY POLE AND SITE PLAN REVISION APRIL 16, 2023  
2. REAR DECK REVISION JUNE 7, 2023  
3.

4.  
Due at Sale  
**Type M**

Sheet  
**A-1** of 18

**Table 1: Residential Development Standards**

Zoning District*	Density (Min. Lot Area Per Unit; sq. ft.)	Height Limit (ft.)**					Min. Setbacks (ft.)**					Max. Lot Coverage**			Min. Open Space** (sq. ft. per unit)
		Additions		New Main Buildings		Stories	Front	Rear	Side	Street Side (Corner Lots)	Between Main Bldgs. on Same Lot	Stories in Main Bldg.	Non-Corner Lots (%)	Corner Lots (%)	
		Average	Max.	Avg.	Max.										
R-1	--	14 <sup>5</sup>	--	28 <sup>7</sup>	--	3	20	20 <sup>8</sup>	4 <sup>11</sup>	4 <sup>12</sup>	--	All	40	40	400
R-1A	-- <sup>1</sup>	14 <sup>5</sup>	--	Front Bldg.: 28 <sup>7</sup>	--	Front Bldg.: 3	20	20 <sup>8,9</sup>	4 <sup>11</sup>	4 <sup>12</sup>	1 <sup>st</sup> story: 8 <sup>10</sup>	All	40	45	400
				Rear Bldg.: 22		Rear Bldg.: 2					2 <sup>nd</sup> story: 12 <sup>10</sup>				
R-2	2,500 <sup>2</sup>	14 <sup>5</sup>	--	28 <sup>7</sup>	--	3	20	20 <sup>10</sup>	1 <sup>st</sup> story: 4 <sup>11</sup> 2 <sup>nd</sup> story: 4 <sup>11</sup> 3 <sup>rd</sup> story: 6 <sup>11</sup>	10 <sup>12</sup>	See R-1A	1 2 3	45 40 35	50 45 40	400
R-2A	1,650 <sup>3</sup>	14 <sup>5</sup>	--	28 <sup>7</sup>	--	3	15	15 <sup>10</sup>	See R-2	1 <sup>st</sup> story: 6 <sup>12</sup> 2 <sup>nd</sup> story: 8 <sup>12</sup> 3 <sup>rd</sup> story: 10 <sup>12</sup>	See R-1A	See R-2			300
R-3	-- <sup>4</sup>	16 <sup>5</sup>	--	35	--	3	15	15 <sup>10</sup>	See R-2	See R-2A	See R-1A	1-2 3	45 40	50 45	200 <sup>13</sup>
Hillside Overlay	See applicable R district	Top of existing roof or R district limit, whichever is less <sup>5</sup>	20 <sup>6</sup>	See applicable R district <sup>6</sup>	35 <sup>6</sup>	See applicable R district <sup>6</sup>	See applicable R district <sup>6</sup>					See applicable R district			See applicable R district

**FLOOR AREA:** The above districts do not include floor area ratios (FARs); however, additions over 600 sq. ft. or 15% of lot area require an AUP.

**PARKING:** For dwelling units, the parking standard is one space per unit in all districts. See page 3 for additional details.

**Notes:**

\* See [Zoning Ordinance](#) for ES-R, R-4, R-S, and R-SMU Districts.

\*\* See pages 4-6 for definitions and special provisions.

- Max. 2 units; min. 4,500 sq. ft. required for 2 units.
- Additional unit allowed for any remaining area over 2,000 sq. ft.
- Additional unit allowed for any remaining area over 1,300 sq. ft.
- For Group Living Accommodations (e.g. dormitories), standard is 350 sq. ft. per resident, plus 1 resident for any remaining area over 200 sq. ft.
- May be exceeded with an AUP, up to main building limit.
- May be exceeded with an AUP, if necessary due to steep topography, irregular lot pattern, unusual street conditions, or other special hillside conditions.
- May be exceeded with an AUP, up to 35 ft.
- If lot depth is less than 100 ft., may be reduced to 20% of depth (without AUP).

- For 2<sup>nd</sup> unit (not ADU), may be reduced to 12 ft. with AUP.
- For lots with 2 or more main buildings, may be reduced with AUP.
- If lot width is less than 40 ft., may be reduced to 10% of width (without AUP), but not less than 3 ft. (5 ft. where 6 ft. is required). Not applicable to R-3 District or rear buildings in R-1A District.
- If the adjacent lot to the rear is not a corner lot, the street side setback shall be at least one-half the existing or required front setback of the lot to the rear, whichever is smaller. If the subject lot has a rear setback of 50 ft. or greater, the street side setback may be reduced to 4 ft. without an AUP (6 ft. for rear buildings in R-1A). This provision does not apply in the R-3 District.
- For Group Living Accommodations, standard is 90 sq. ft. per person.

**NATURAL GAS PROHIBITION, BERKELEY ENERGY CODE, AND BERKELEY GREEN CODE**

The building will not include any natural gas infrastructure in compliance with BMC Chapter 12.80, or documentation to support an application for an exception or public interest exemption to the Natural Gas Prohibition if the conditions of BMC Section 12.80.040A.1 or 12.80.050 are met.

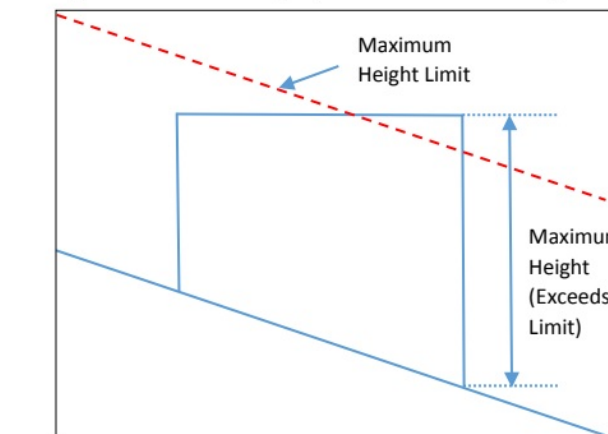
The proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by City Council on December 3rd, 2019, including solar PV system, electric vehicle charging, and low-carbon concrete requirements. Building design must incorporate all-electric systems unless an exception or public interest exemption to the Natural Gas Prohibition is granted. Electric readiness and increased energy efficiency is required for any mixed-fuel building.

**Key Definitions and Provisions (continued)**

**MAXIMUM HEIGHT**

Buildings in the Hillside Overlay District and Accessory Dwelling Units are subject to Maximum Height limits. Unlike average height, maximum height is measured continuously from the finished grade to the top of the roof or parapet walls, as shown in Figure 4 below:

Figure 4. Maximum Height (see Table 1 for standards)

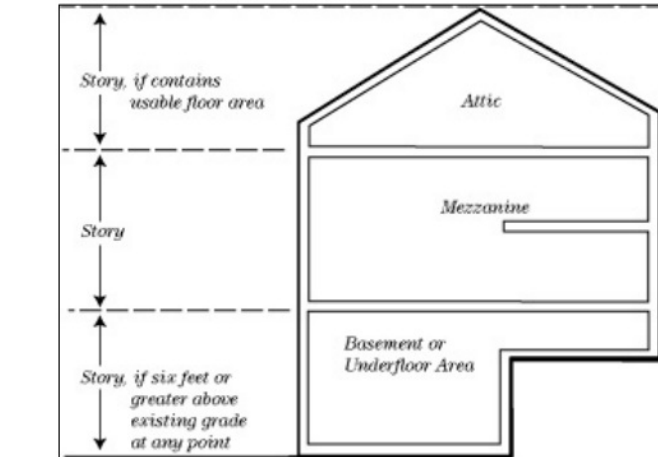


**STORY**

A "story" includes usable attics (with a fixed stair and/or conditioned space) and basements and crawl spaces where the floor level above is more than 6 feet above exterior grade at any point. See Figure 5 below.

**Note:** Because the lot coverage standard varies with the number of stories in some districts, it is important to check lot coverage when creating a new story.

Figure 5. Determination of Stories



**SETBACKS**

A setback (or "yard" in the Zoning Ordinance) is a required clear space between a building and a property line. See Table 1, notes 8-12 for allowable setback reductions. Other key provisions include:

- On a corner lot, the front setback is measured from the shortest street frontage (regardless of building address or front door location).
- Eaves, water heaters, chimneys, and similar features may project 1.5 feet\* into required interior side setbacks, and 2.5 feet into required front, rear and street side setbacks.
- Uncovered porches, decks over 30 inches tall (not including railing), stairs and landings may project 1.5 feet\* into required interior side setbacks, and 6 feet into required front, rear and street side setbacks.
- Decks under 30 inches tall (not including railing) are not subject to setback requirements.

\* **Note:** A side setback of 3 feet is required for such features (even if minimum building setback is 4 feet).

**LOT COVERAGE**

Lot coverage (also known as "building footprint") is the percentage of the lot covered by the following:

- Buildings or structures with a roof (to exterior wall surface, or posts/columns for open structures such as porches and carports)
- Upper-story overhangs (e.g. cantilevers)
- Portions of eaves projecting more than 2 feet from building walls (or posts/columns for open structures)
- Decks over a paved surface, or with boards or lattice enclosing the space beneath the deck
- Balconies, decks or stairs covered by eaves or by another balcony, deck or stair
- Horizontal trellises, pergolas, arbors, etc.

**Special Site Conditions**

**LANDMARKS**

Alterations to City landmark buildings require approval of a Structural Alteration Permit by the [Landmarks Preservation Commission](#) (LPC). In some cases, separate buildings on properties with a landmark building may also require LPC review. For further details, see BMC Section 3.24.200, or contact the LPC Secretary at 510-981-7410.

**CREEKS**

The City's [Creeks Ordinance](#) (BMC Chapter 17.08) regulates construction near [open](#) and [culverted](#) creeks. For open creeks, additions are not permitted within 25 feet, and an AUP is required for additions within 25-30 feet. For culverted creeks, additions are not permitted within 15 feet, and a creek permit is required for additions within 15-25 feet. For further information or to verify if a protected creek or culvert is present on your property, contact Vincent Chen at 510-981-6409.

**SEISMIC HAZARDS**

The State [Seismic Hazards Mapping Act](#) (SHMA) and [Alquist-Prilo Earthquake Fault Zoning Act](#) (EFZA) require additional geological investigation for new construction and major additions in designated landslide, liquefaction and fault rupture zones. The following projects are exempt from the SHMA and EFZA:

- Single-family, wood-frame dwellings 2 stories or less in height (note that for split-level homes, each level counts as a separate story)
- Additions under 50 percent of existing floor area and value (a recent appraisal may be required to document this).

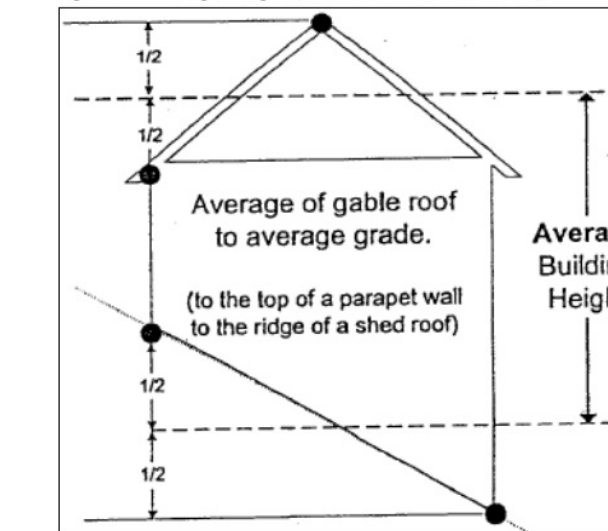
For further details, see the California Geological Survey's [Special Publication 117](#) for landslide and liquefaction zones, or [Special Publication 42](#) for fault rupture zones.

**Key Definitions and Provisions**

**AVERAGE HEIGHT**

Except for Accessory Dwelling Units, building height is measured using the Average Height method, which is illustrated in Figure 2 below:

Figure 2. Average Height (see Table 1 for standards)

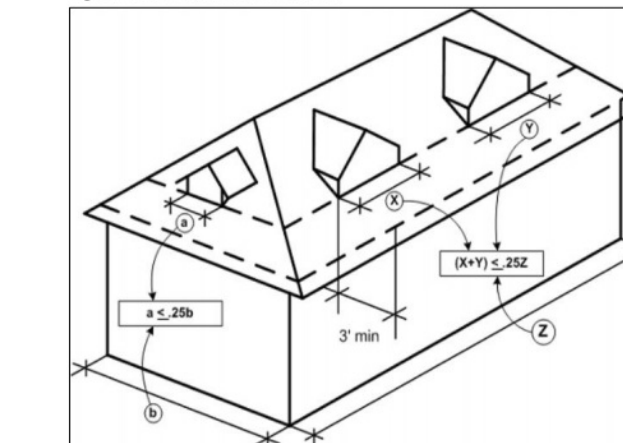


**Note:** For shed and parapet roofs, height is measured to the top of the shed roof or parapet wall.

**DORMERS**

Dormers are exempt from the average height limit if they are: (1) set back at least 3 feet from the wall below; (2) have eaves that project no more than 2 feet; (3) are located below the main roof ridge; and (4) the total horizontal dimension of the dormer(s) facing a given side of a building, as measured parallel to that side, do not exceed 25% of the length of the exterior wall(s), as shown in Figure 3 below:

Figure 3. Dormer Calculation



**MAZANDARANI RESIDENCE**

Project Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708

Owners:  
BEHROUZ & RANA  
MAZANDARANI

Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708  
CELL:  
EMAILS:



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Kensington, CA 94707  
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Sheet Contents:  
DEVELOPMENT STANDARDS

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

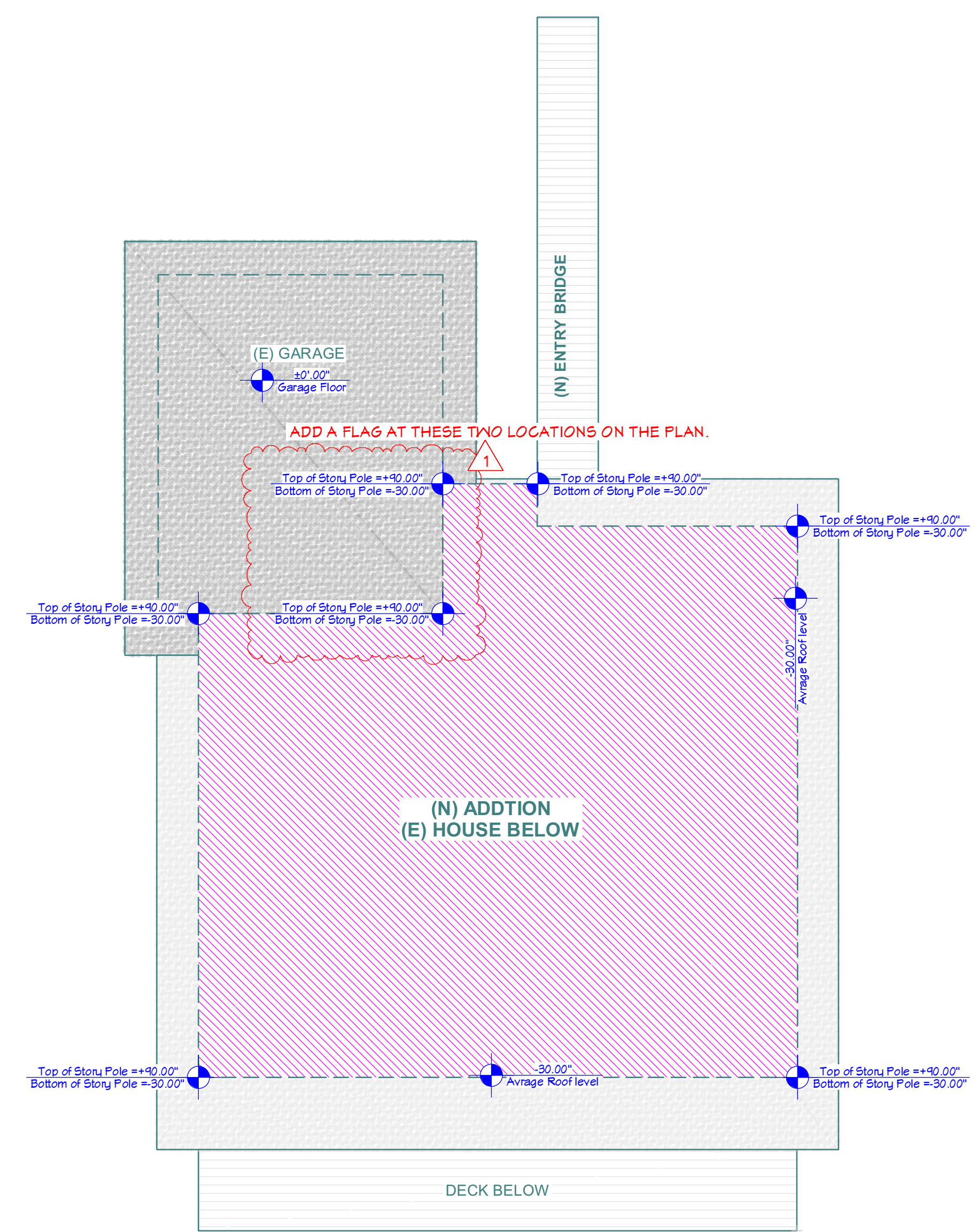
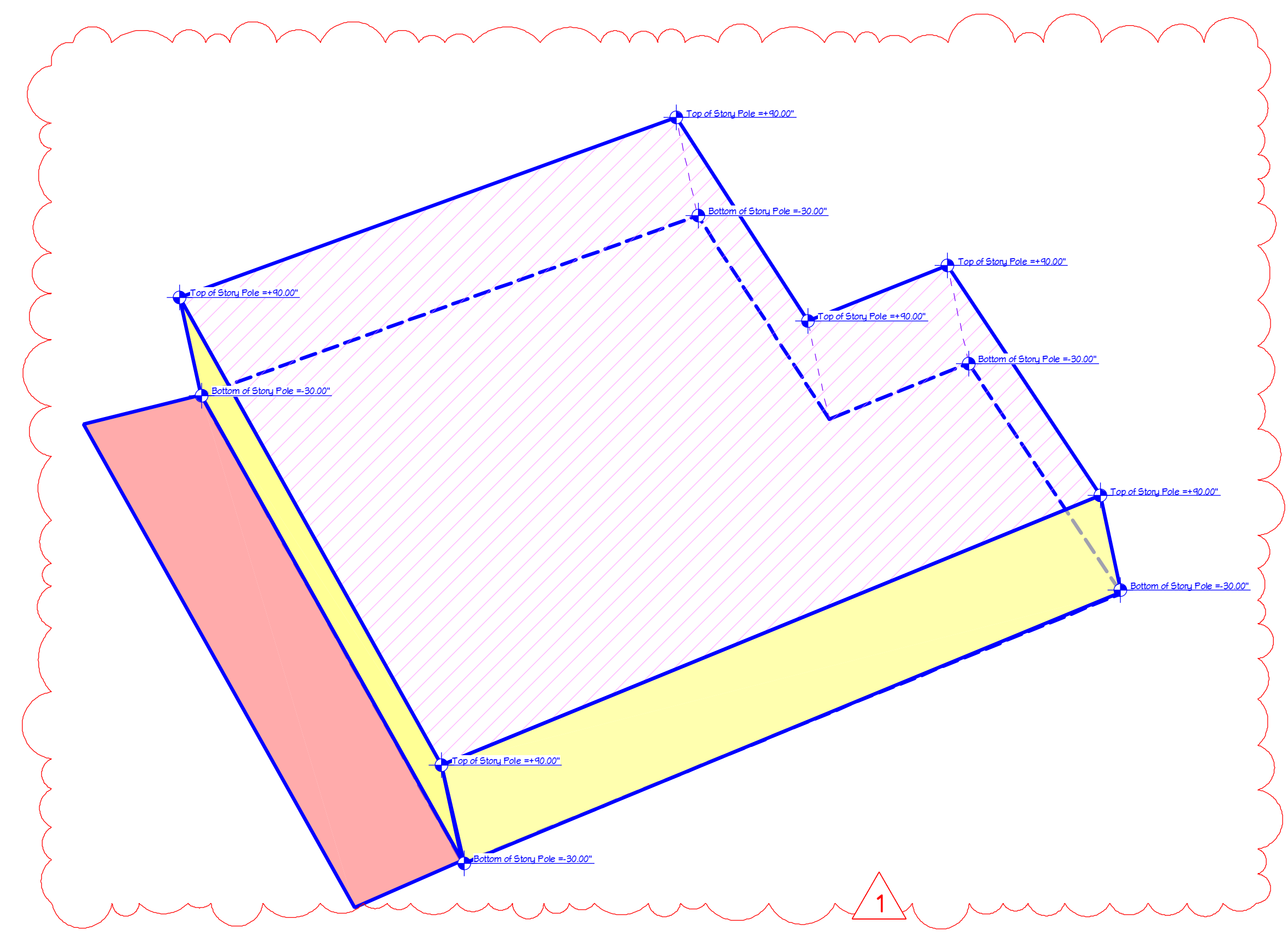
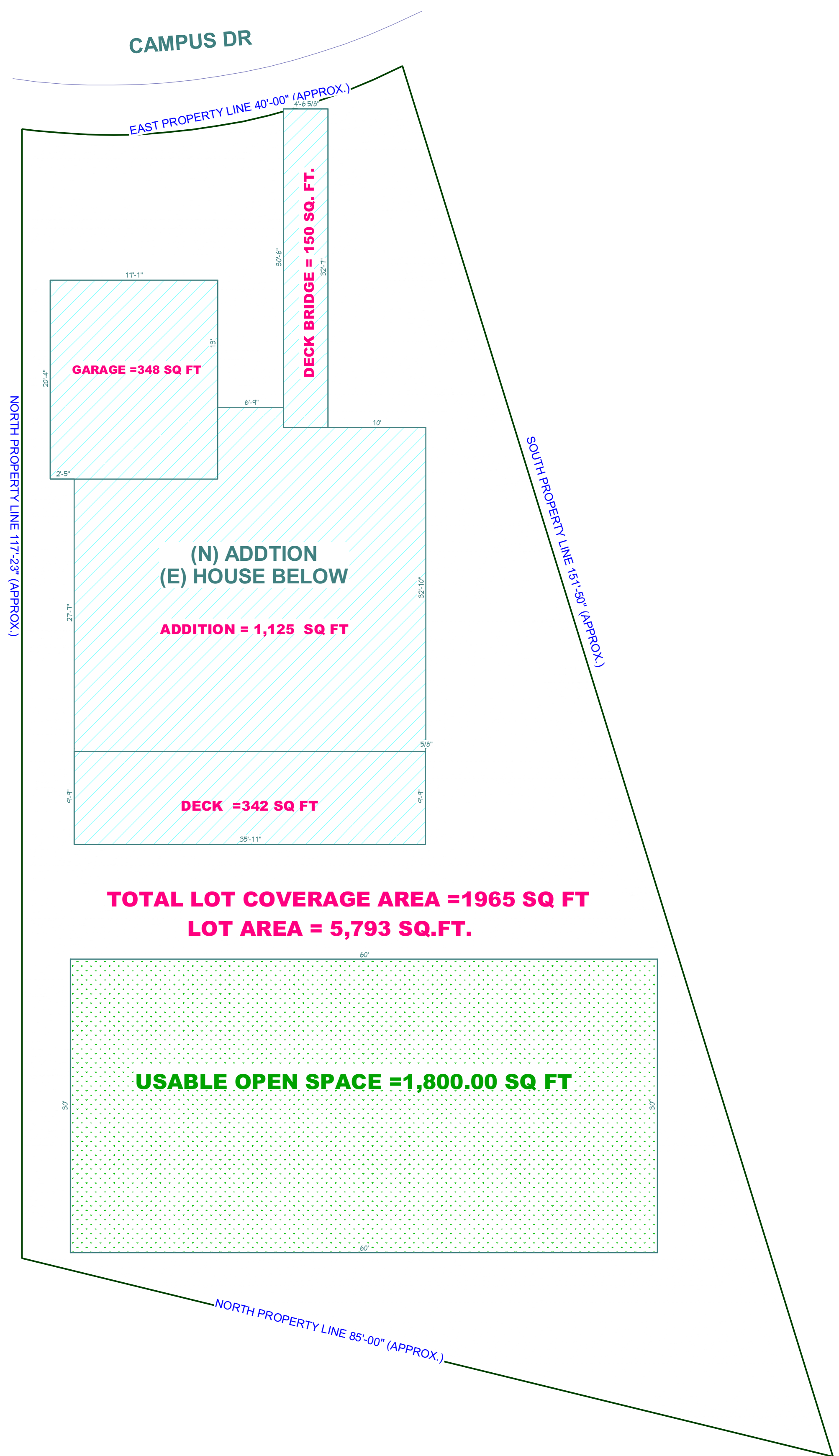
Revisions:  
1. STORY POLE AND SITE PLAN REVISION APRIL 16, 2023

2. REAR DECK REVISION JUNE 7, 2023

3.

4.

Date: .....



**MAZANDARANI RESIDENCE**

Project Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708

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EMAILS:



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Kensington, CA 94707  
Tel: 510. 812-1039  
GEHLDESIGNBUILD@GMAIL.COM

Sheet Contents:  
LOT COVERAGE DIAGRAM/USABLE  
OPEN SPACE AND STORY POLE  
PLAN

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

- Revisions:
1. STORY POLE AND SITE PLAN REVISION APRIL 16, 2023
  2. REAR DECK REVISION JUNE 7, 2023
  - 3.
  - 4.

Sheet  
**A-3** of 18

**MAZANDARANI  
RESIDENCE**

Project Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708

Owners:  
BEHROUZ & RANA  
MAZANDARANI

Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708  
CELL:  
EMAILS:



DESIGN ■ CONSTRUCTION  
79 Arlington Avenue  
Kensington, CA 94707  
Tel: 510. 812-1039  
GEHLDDESIGNBUILD@GMAIL.COM

Sheet Contents:

EXISTING BASEMENT  
FLOOR PLAN

Design:

GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

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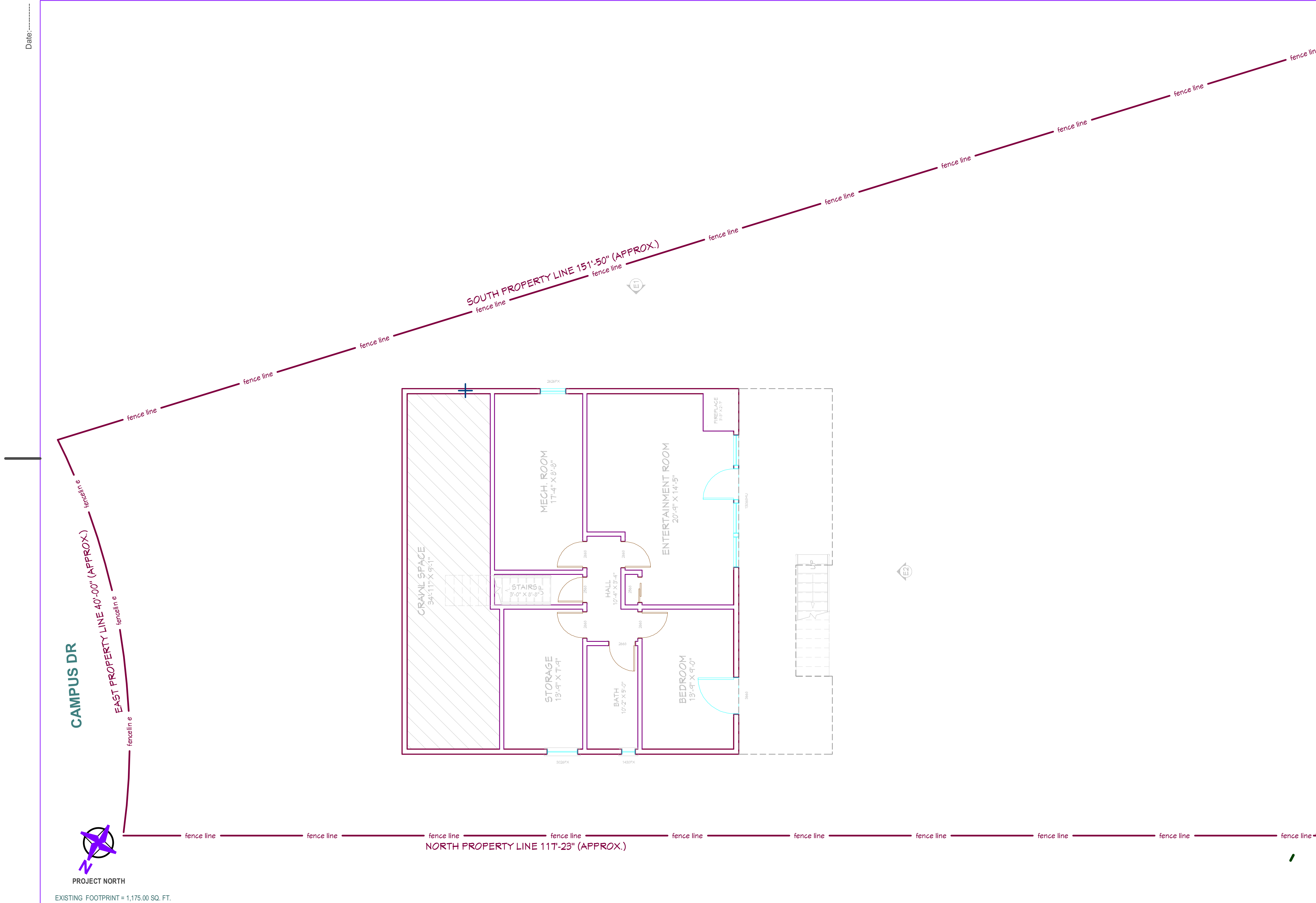
Revisions:

1. STORY POLE AND SITE PLAN REVISION APRIL 16, 2023
2. REAR DECK REVISION JUNE 7, 2023
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- 4.

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**A-4** of **18**

Date: .....

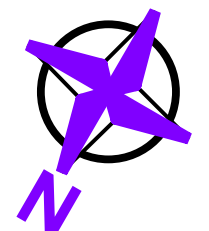


**CAMPUS DR**

EAST PROPERTY LINE 40'-00" (APPROX.)

SOUTH PROPERTY LINE 151'-50" (APPROX.)

NORTH PROPERTY LINE 117'-23" (APPROX.)



PROJECT NORTH

EXISTING FOOTPRINT = 1,175.00 SQ. FT.

**1**

**EXISTING BASEMENT PLAN** BASEMENT = 880.00 SQ. FT.

SCALE = 1'-0" = 1/4"

**MAZANDARANI  
RESIDENCE**

Project Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708

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Sheet Contents:  
EXISTING MAIN FLOOR PLAN

Design:  
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Date: April 16, 2023

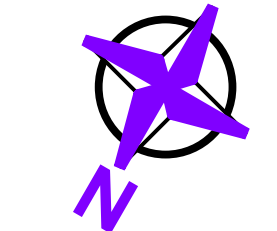
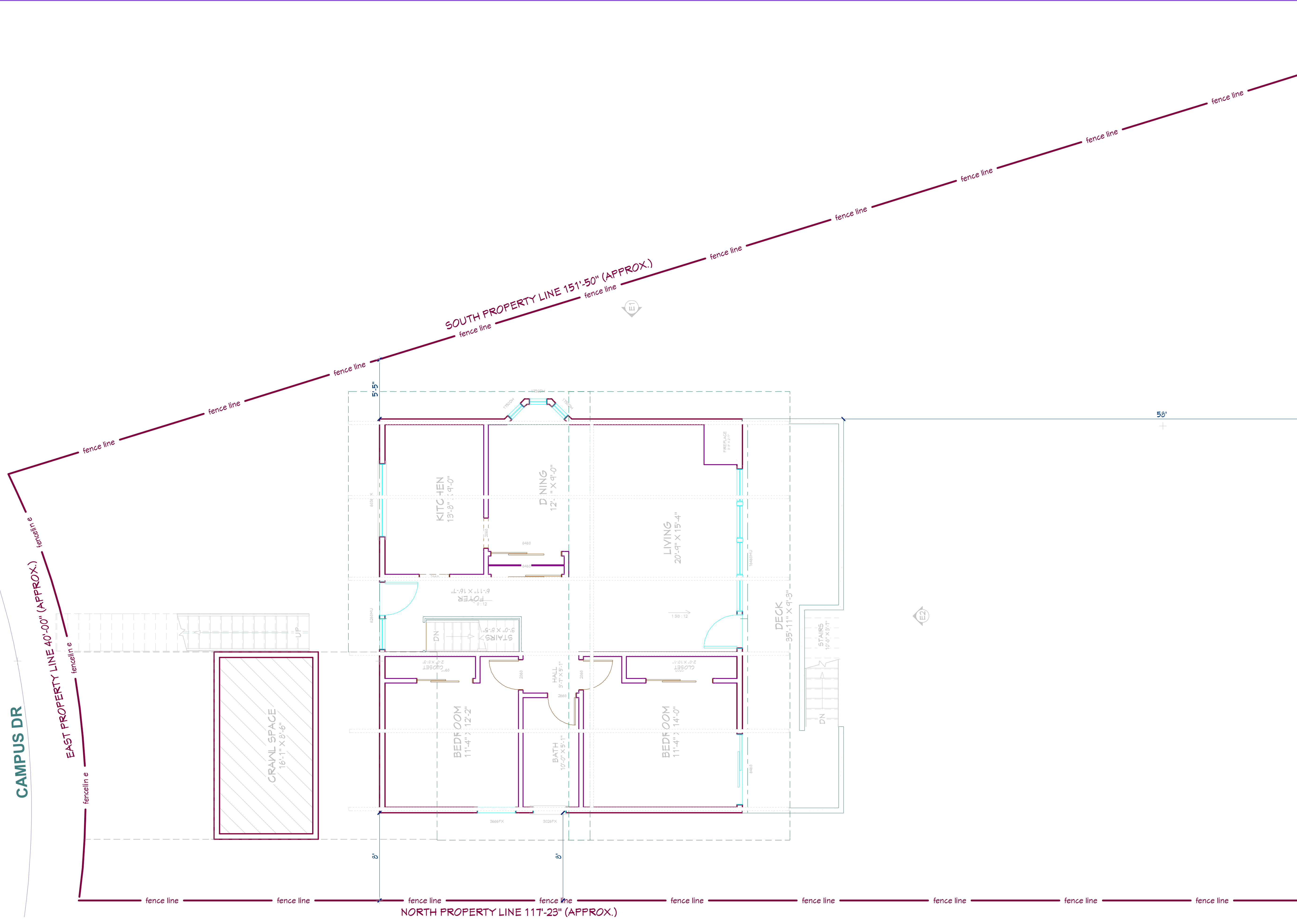
Drawn By: P.P.

Checked By: MP

- Revisions:
1. STORY POLE AND SITE PLAN REVISION APRIL 16, 2023
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Sheet  
**A-5** of 18

Date: .....



PROJECT NORTH  
EXISTING FOOTPRINT = 1,175.00 SQ. FT.

**MAZANDARANI  
RESIDENCE**

Project Address:  
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Sheet Contents:  
EXISTING GARAGE/ROOF PLAN

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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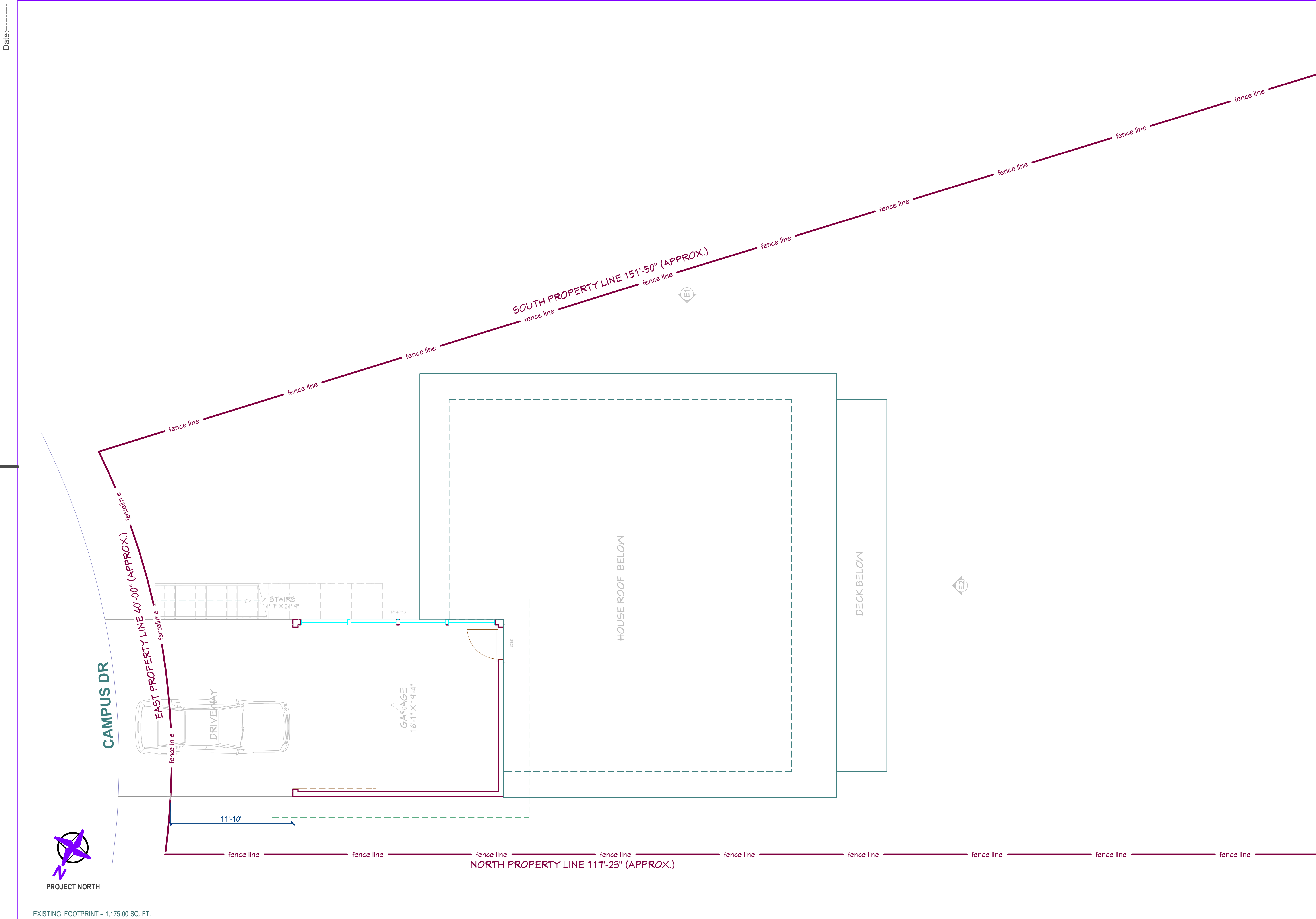
Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

- Revisions:
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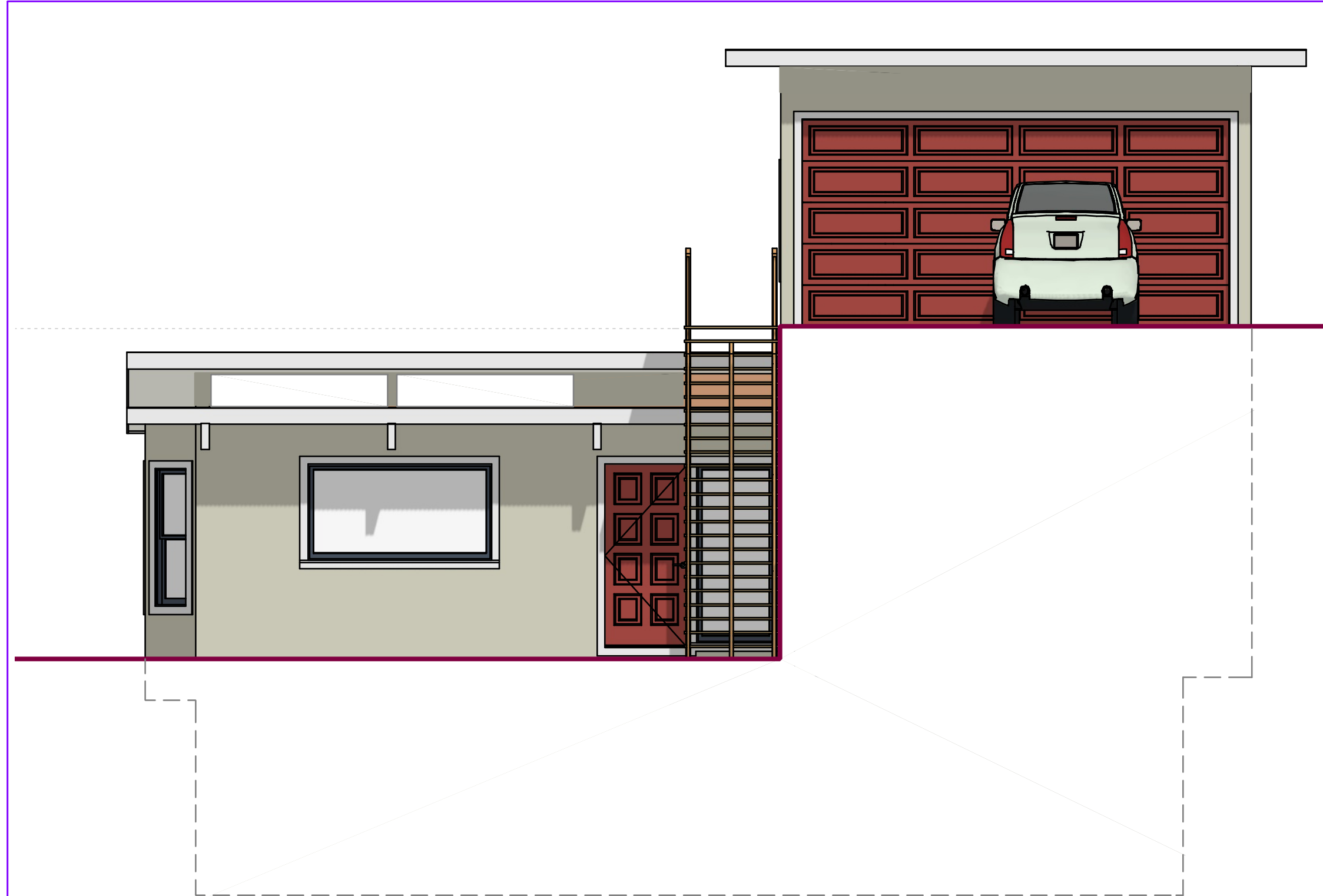
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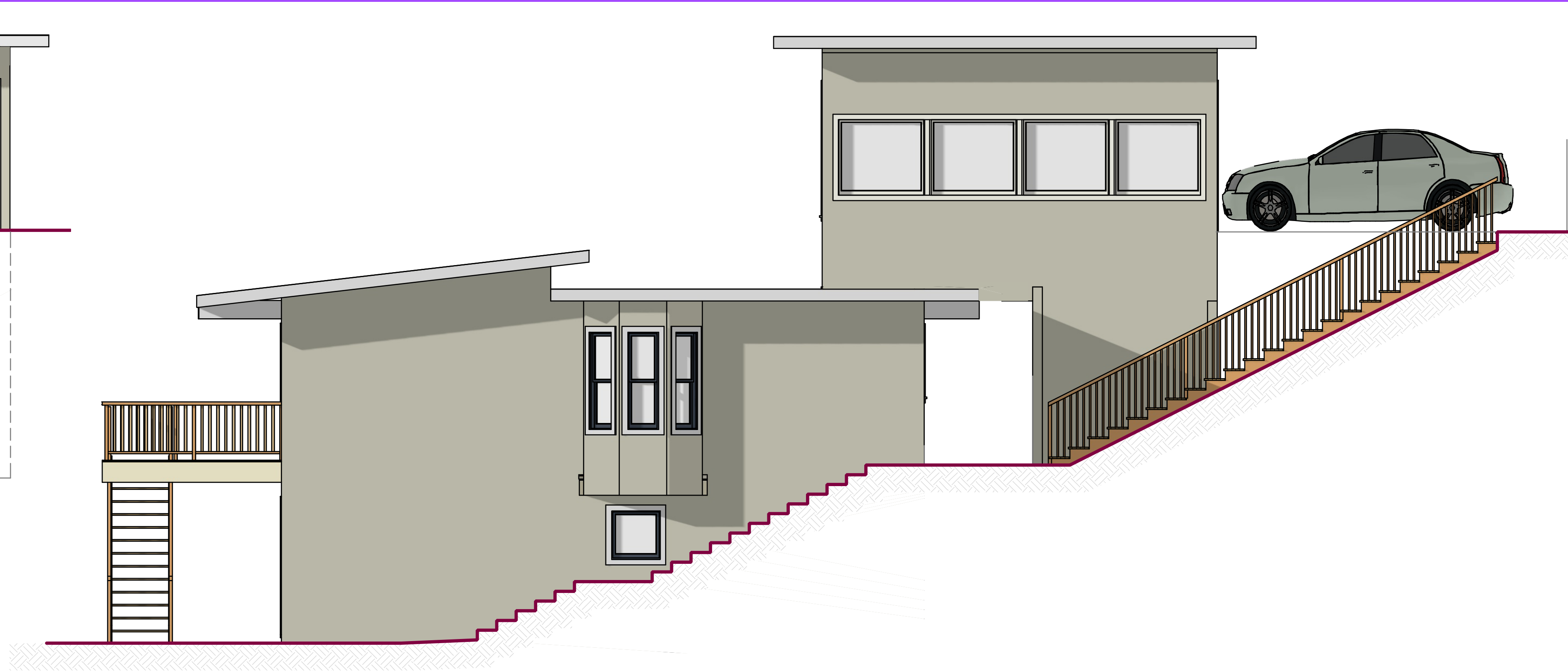
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EXISTING FOOTPRINT = 1,175.00 SQ. FT.

Date: \_\_\_\_\_



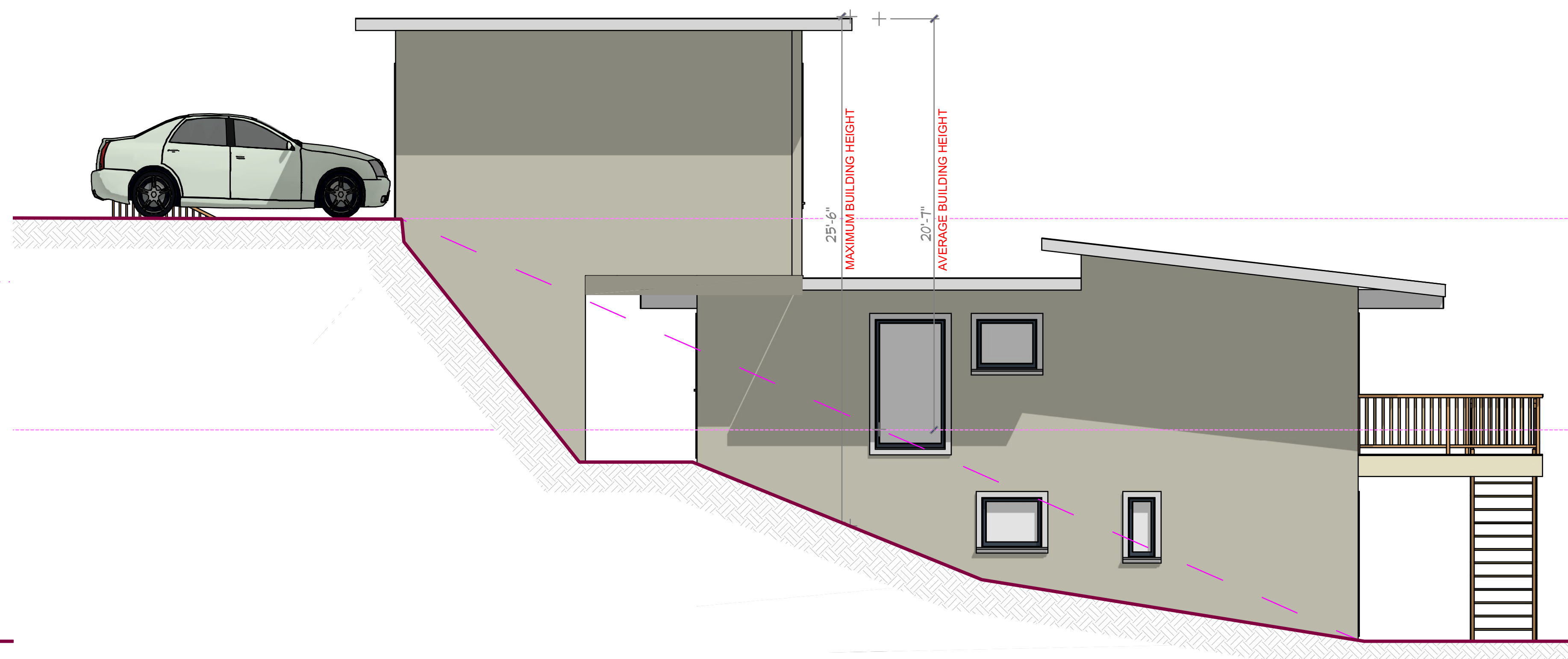
**FRONT EXISTING EXTERIOR ELEVATION**



**LEFT EXISTING EXTERIOR ELEVATION**



**RIGHT EXISTING EXTERIOR ELEVATION**



**REAR EXISTING EXTERIOR ELEVATION**

**MAZANDARANI RESIDENCE**

Project Address:  
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Sheet Contents:  
 EXISTING EXTERIOR ELEVATIONS

Design:  
 GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

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Drawn By: P.P.

Checked By: MP

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**A-7** of 18

**MAZANDARANI  
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Project Address:  
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Sheet Contents:

PROPOSED BASEMENT  
FLOOR PLAN

Design:

GEHL DESIGN/BUILD

Structural Engineer:

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Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

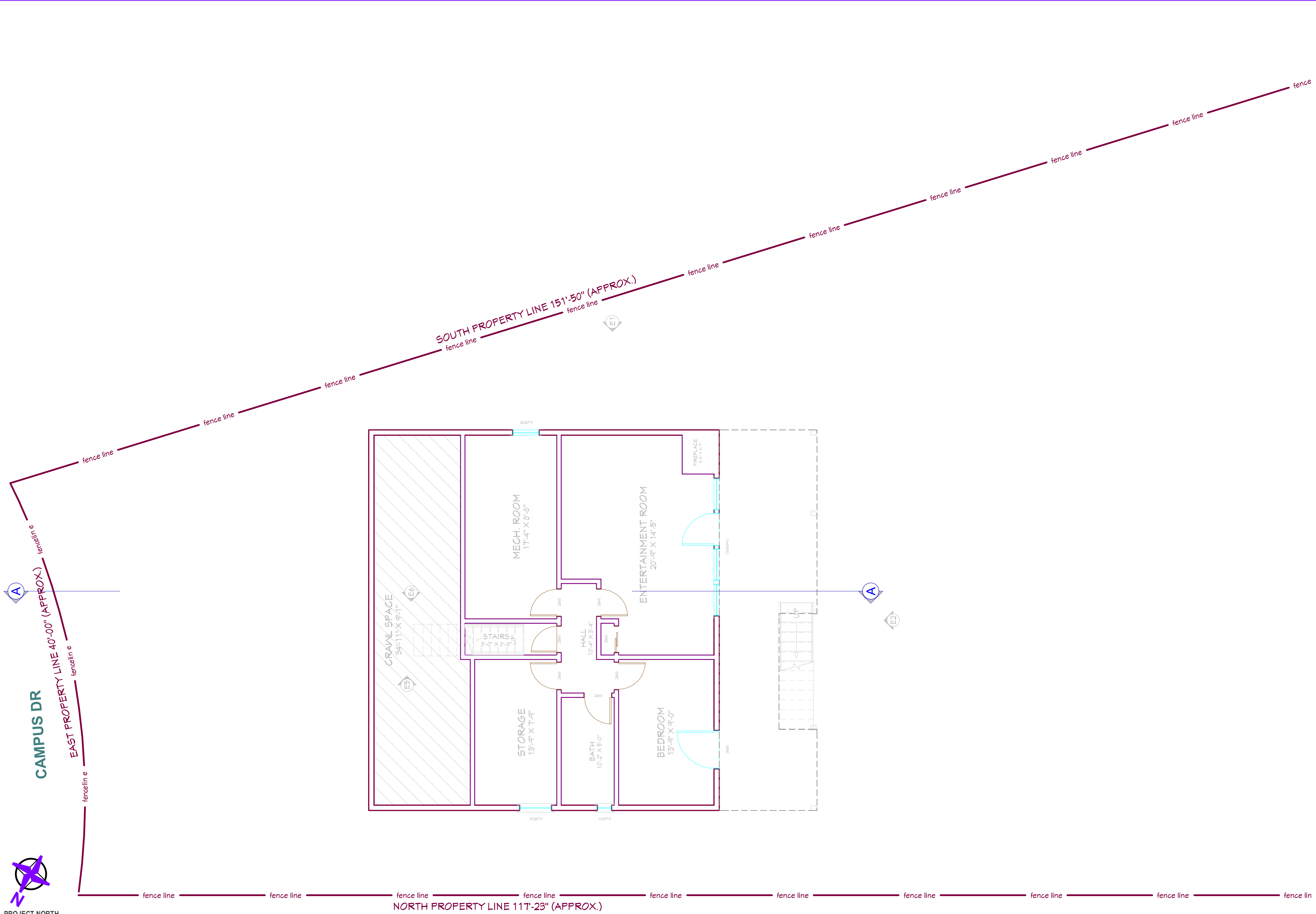
Revisions:

1. STORY POLE AND SITE PLAN REVISION APRIL 16, 2023
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- 4.

Sheet

**A-8** of **18**

Date: .....



EXISTING FOOTPRINT = 1,175.00 SQ. FT.

**1**

**PROPOSED BASEMENT FLOOR PLAN** BASEMENT = 880.00 SQ. FT.

SCALE = 1'-0" = 1/4"

**MAZANDARANI  
RESIDENCE**

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Sheet Contents:  
PROPOSED MAIN FLOOR PLAN

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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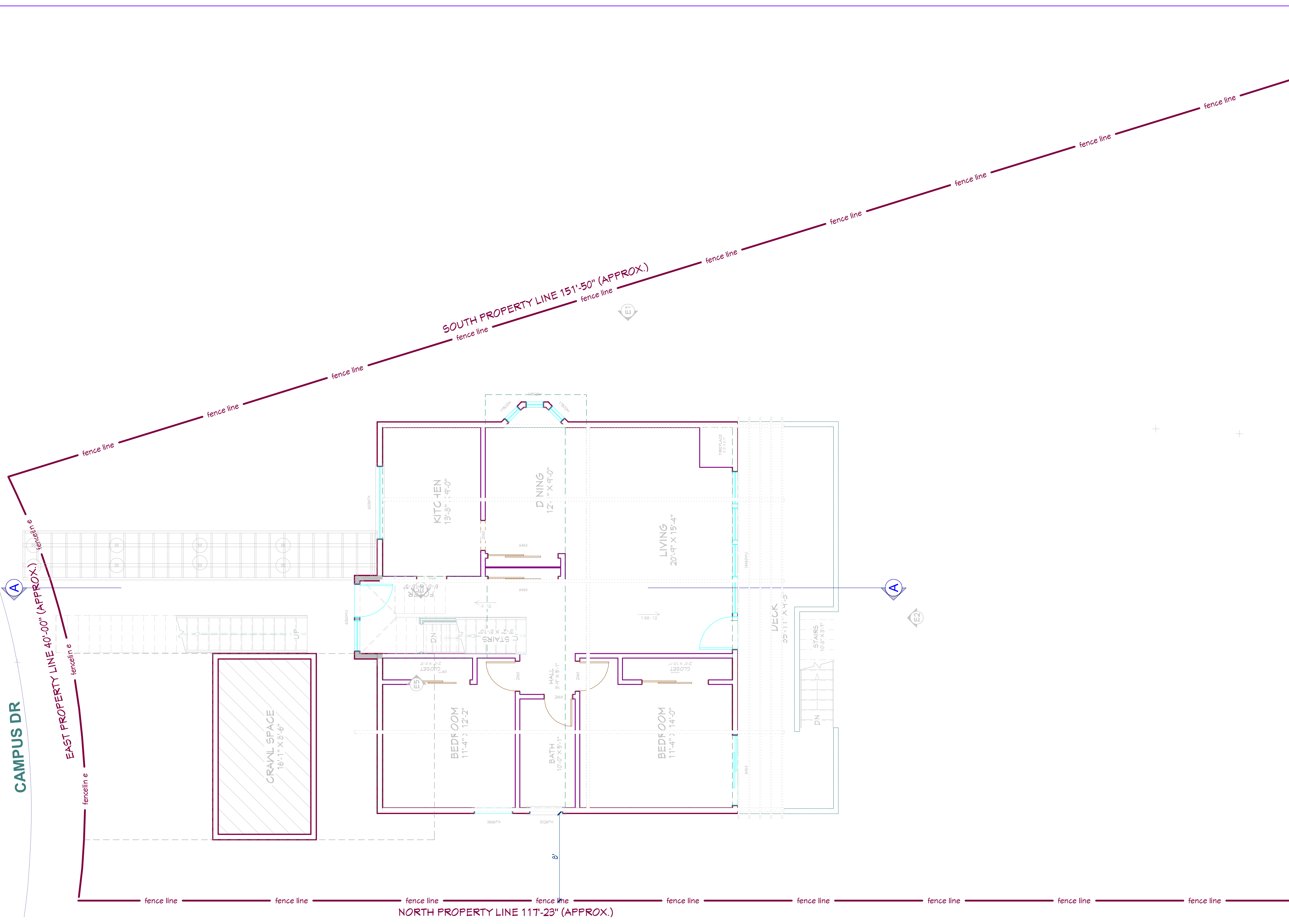
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Sheet  
**A-9** of 18

Date: .....



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Sheet Contents:  
EXISTING GARAGE/  
PROPOSED FLOOR PLAN

Design:  
GEHL DESIGN/BUILD

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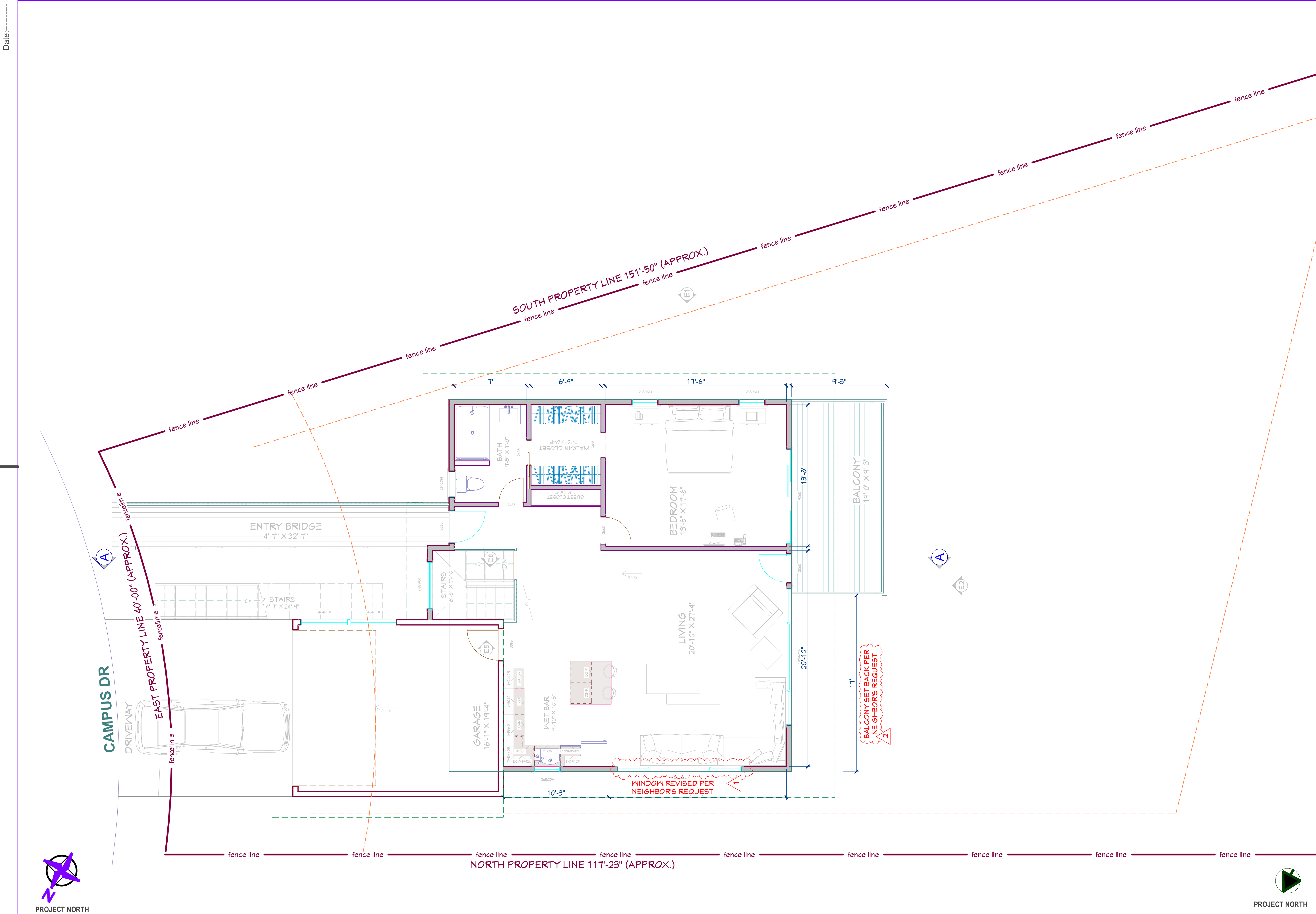
Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

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Sheet  
**A-10** of 18



Date: .....

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Sheet Contents:  
PROPOSED EXTERIOR  
ELEVATIONS

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

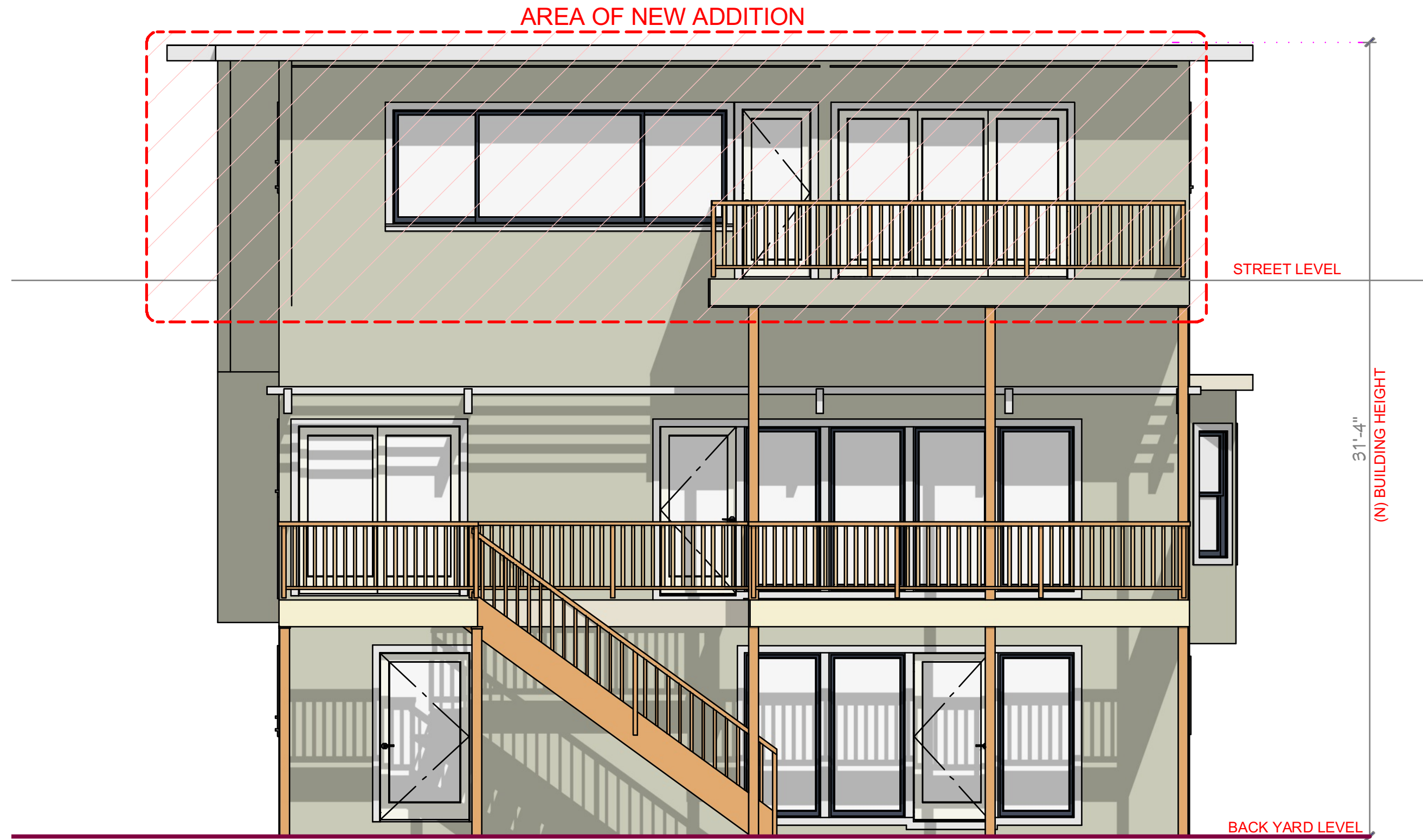
Date: April 16, 2023

Drawn By: P.P.

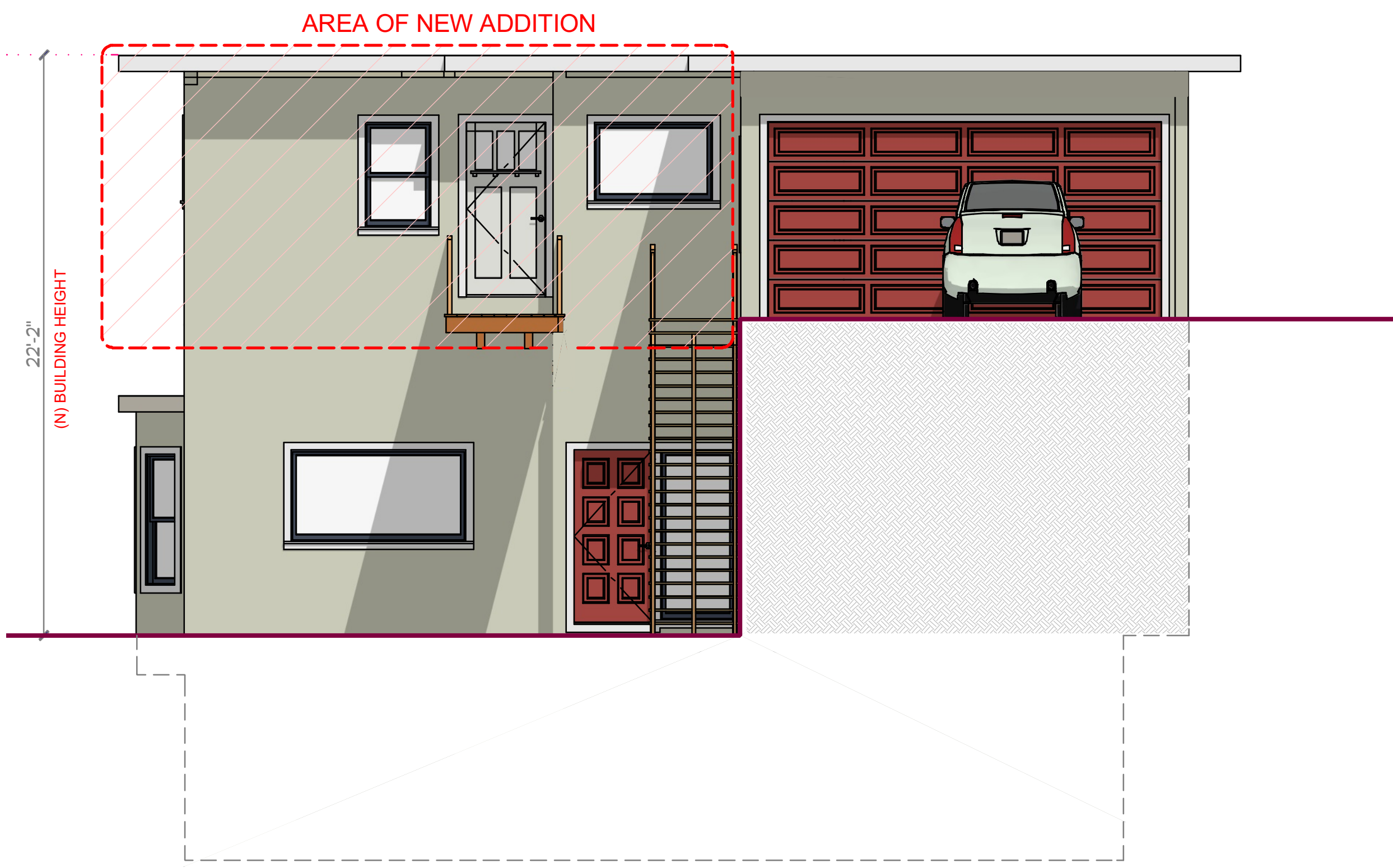
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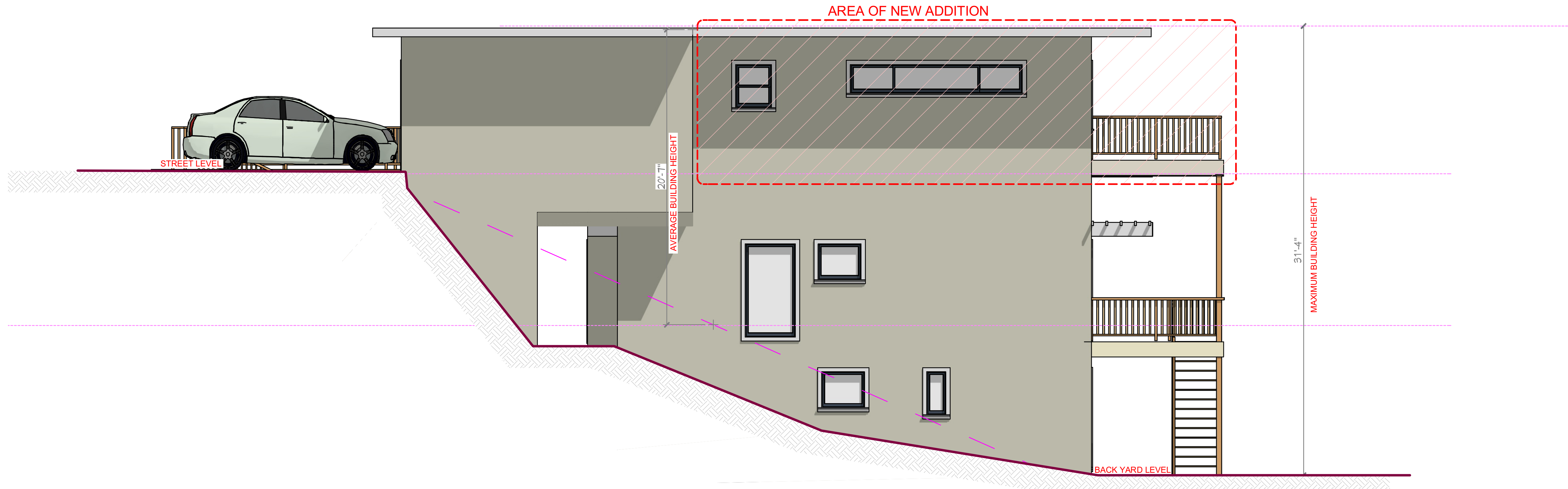
Sheet  
**A-11** of 18



**REAR ELEVATION**

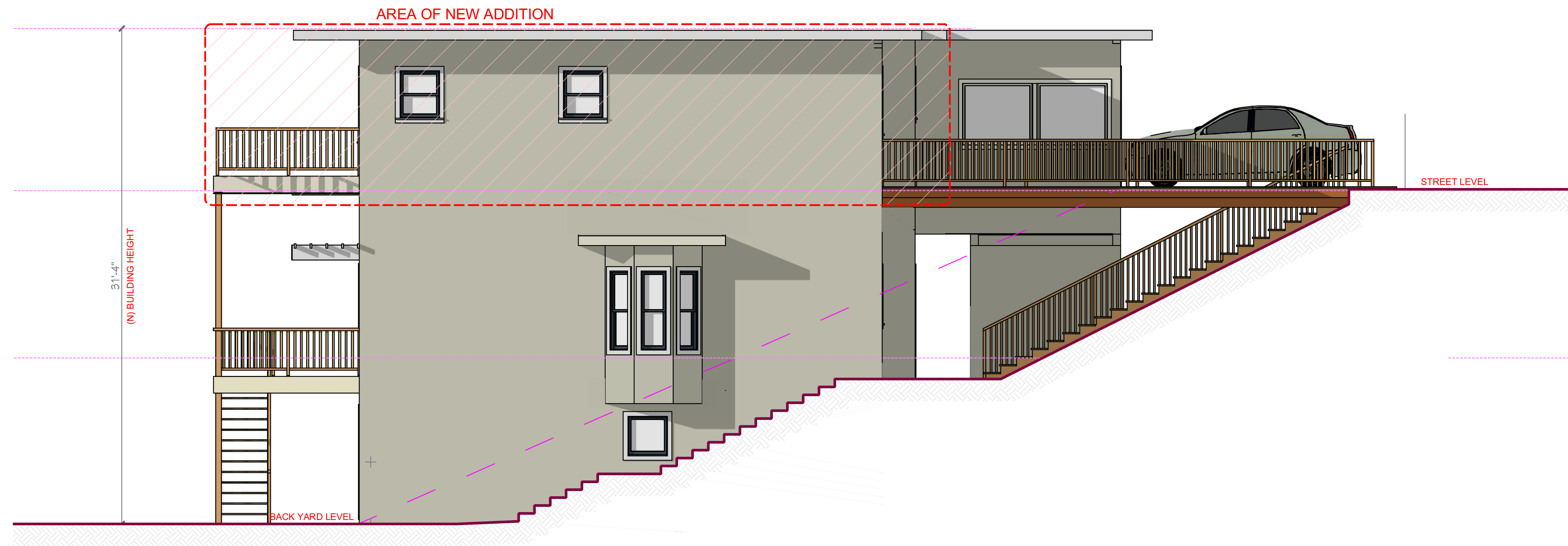


**FRONT ELEVATION**



**RIGHT ELEVATION**

Date: \_\_\_\_\_

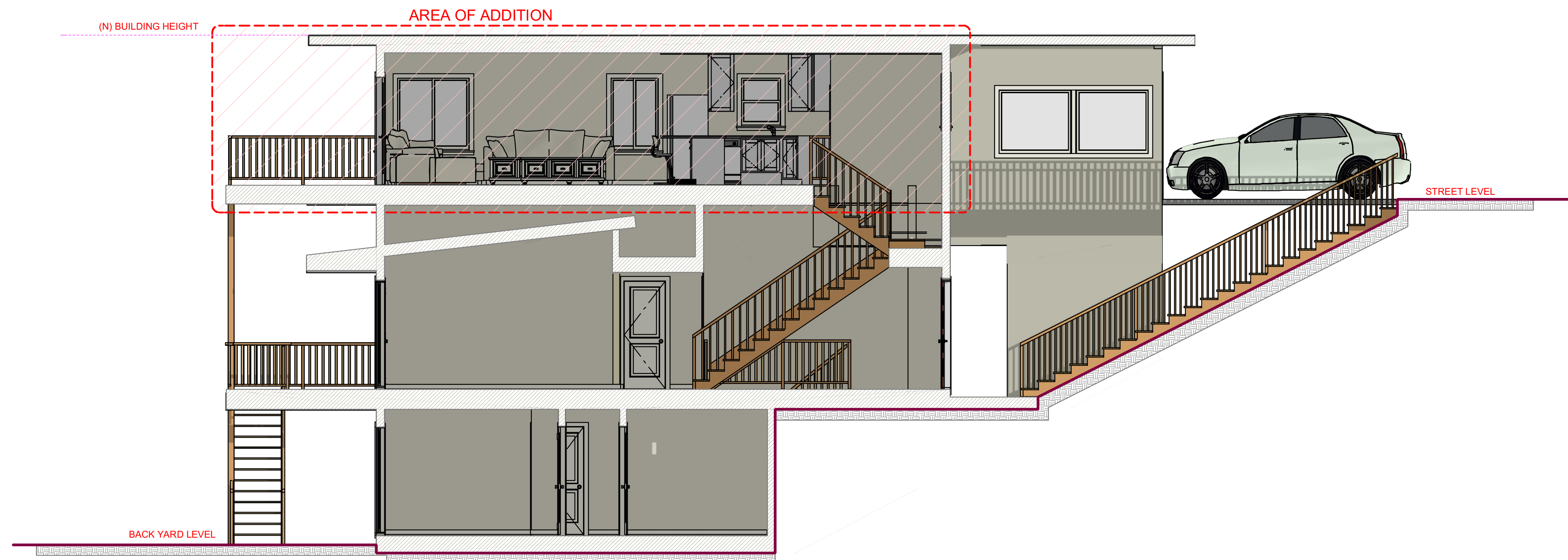


**LEFT ELEVATION**

**2**

**PROPOSED EXTERIOR ELEVATION**

SCALE = 1'-0" = 1/4"



**PROPOSED BUILDING SECTION-AA**

**1**

SCALE = 1'-0" = 1/4"

**MAZANDARANI RESIDENCE**

Project Address:  
1524 CAMPUS DR.  
BERKELEY, CA 94708

Owners:  
BEHROUZ & RANA  
MAZANDARANI

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GEHLDESIGNBUILD@GMAIL.COM

Sheet Contents:  
PROPOSED EXTERIOR  
ELEVATION AND BUILDING  
SECTION AA

Design:  
GEHL DESIGN/BUILD

Structural Engineer:


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Project No: 11182021

Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

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APRIL 16, 2023

2. REAR DECK REVISION   
JUNE 7, 2023

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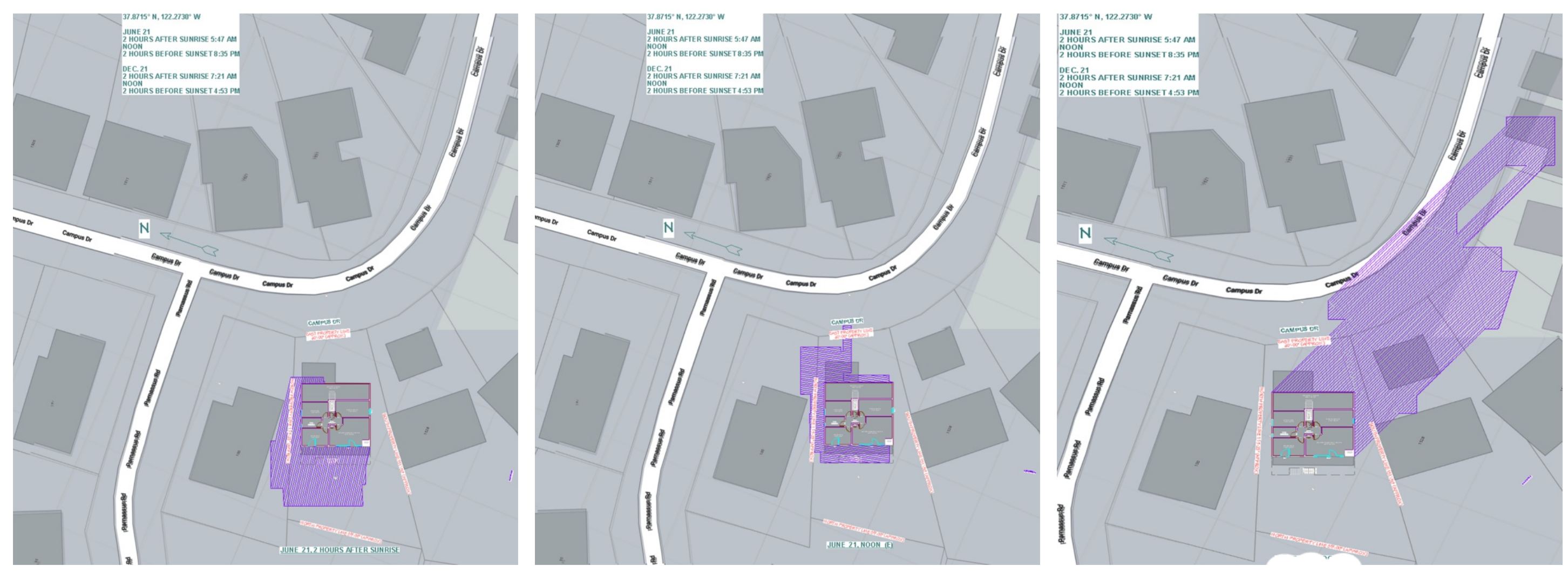
Date: \_\_\_\_\_



2 HOURS AFTER SUNRISE 5:47 AM

NOON  
DECEMBER EXISTING BUILDING

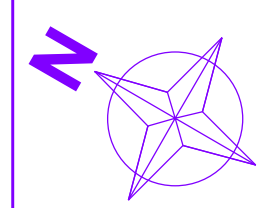
2 HOURS BEFORE SUNSET



2 HOURS AFTER SUNRISE 5:47 AM

NOON  
JUNE EXISTING BUILDING

2 HOURS BEFORE SUNSET



PROJECT NORTH



2 HOURS AFTER SUNRISE 5:47 AM

NOON  
DECEMBER PROPOSED BUILDING

2 HOURS BEFORE SUNSET



2 HOURS AFTER SUNRISE 5:47 AM

NOON  
JUNE PROPOSED BUILDING

2 HOURS BEFORE SUNSET

2

**EXISTING & PROPOSED SHADOW STUDY (37.8715° N, 122.2730° W)**

SCALE = N.T.S.



1

**SITE PHOTOGRAPHS (EAST)**

SCALE = N.T.S.

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MAZANDARANI

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Sheet Contents:  
EXISTING & PROPOSED  
SHADOW STUDY AND SITE  
PHOTOGRAPHS (EAST)

Design:  
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Sheet  
**A-13** of 18

Date: \_\_\_\_\_



**MAZANDARANI RESIDENCE**

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DESIGN + CONSTRUCTION  
79 Arlington Avenue  
Kensington, CA 94707  
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GEHLDESIGNBUILD@GMAIL.COM

Sheet Contents:  
SITE PHOTOGRAPHS (WEST)

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

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2. REAR DECK REVISION JUNE 7, 2023  
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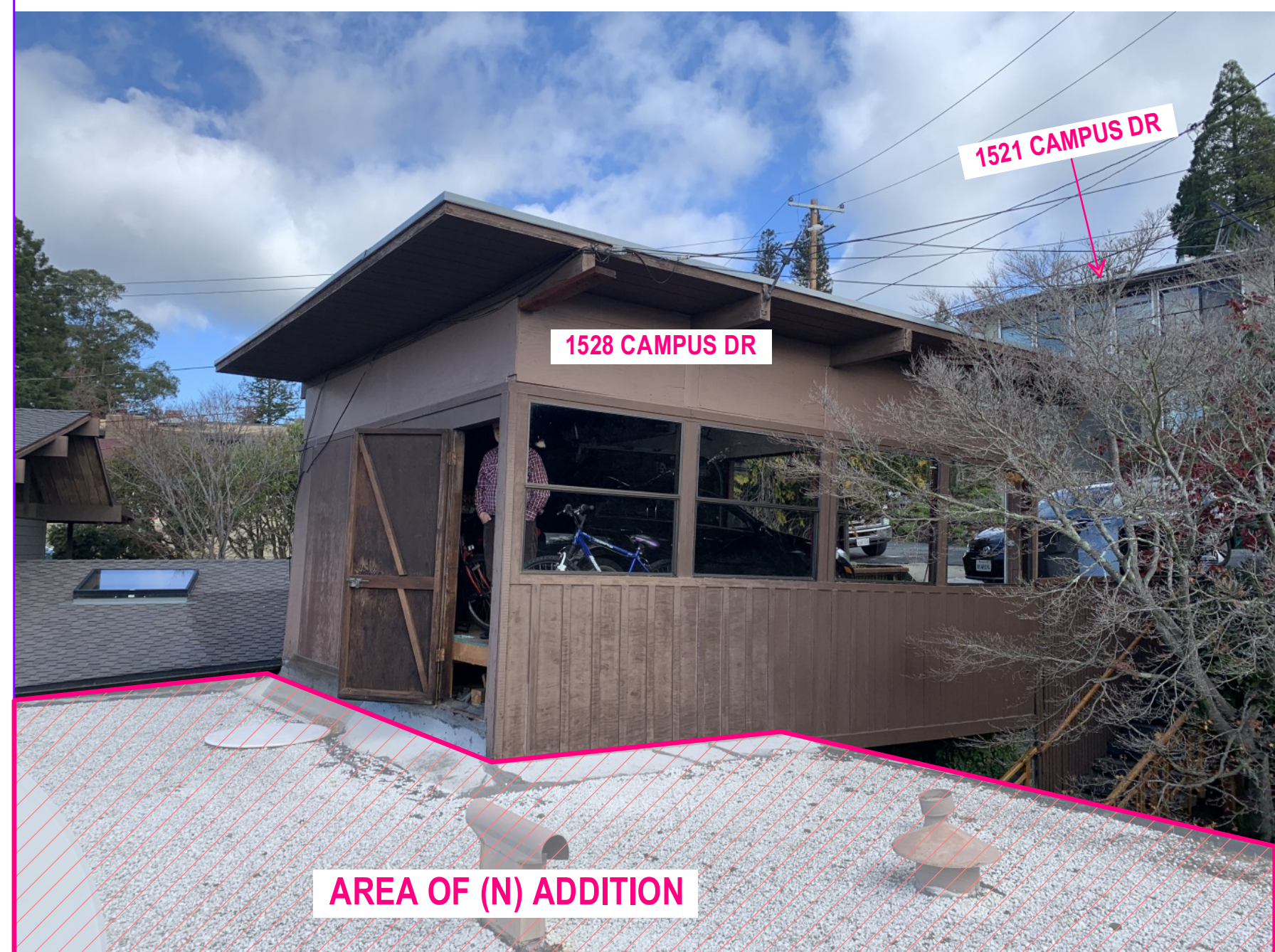
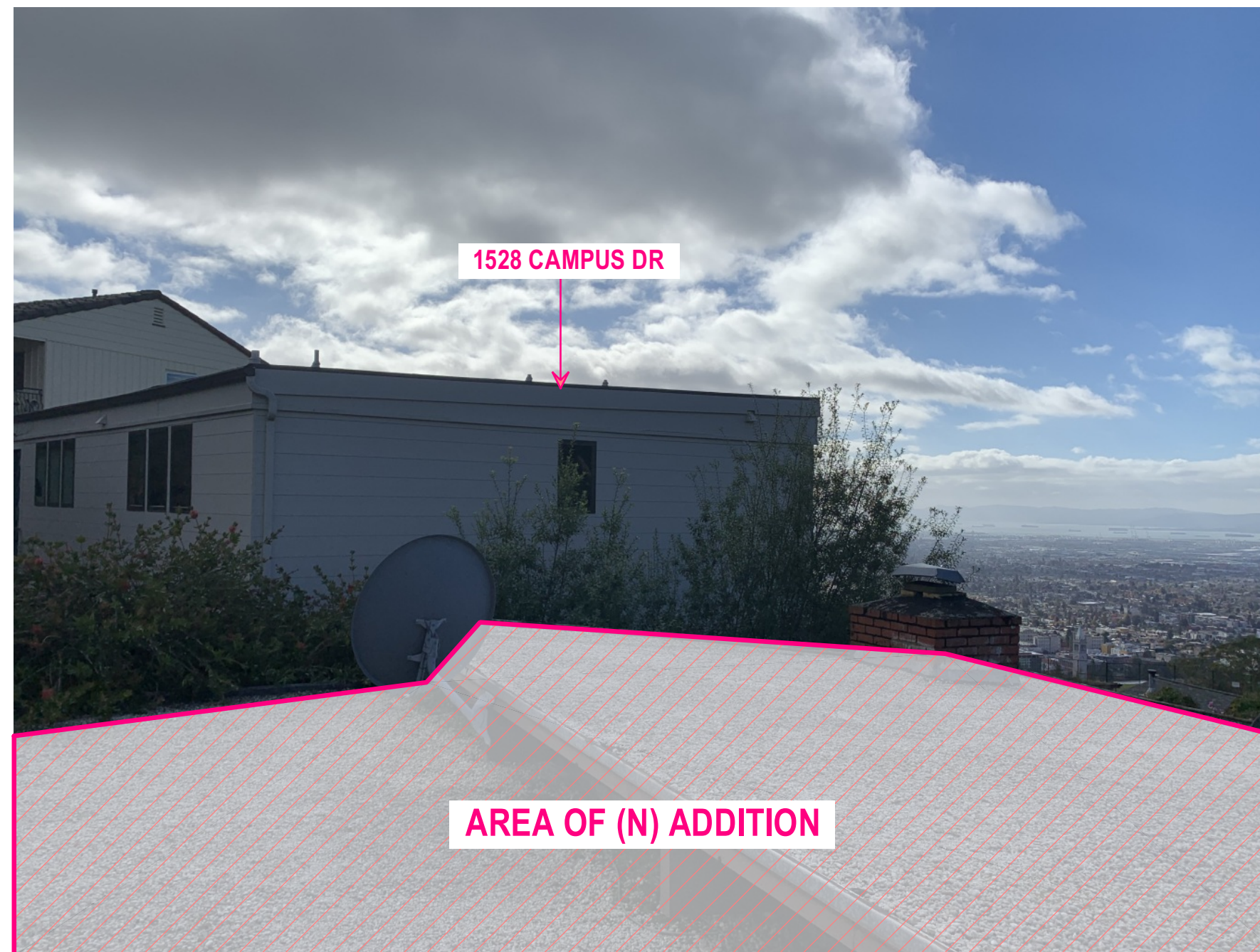
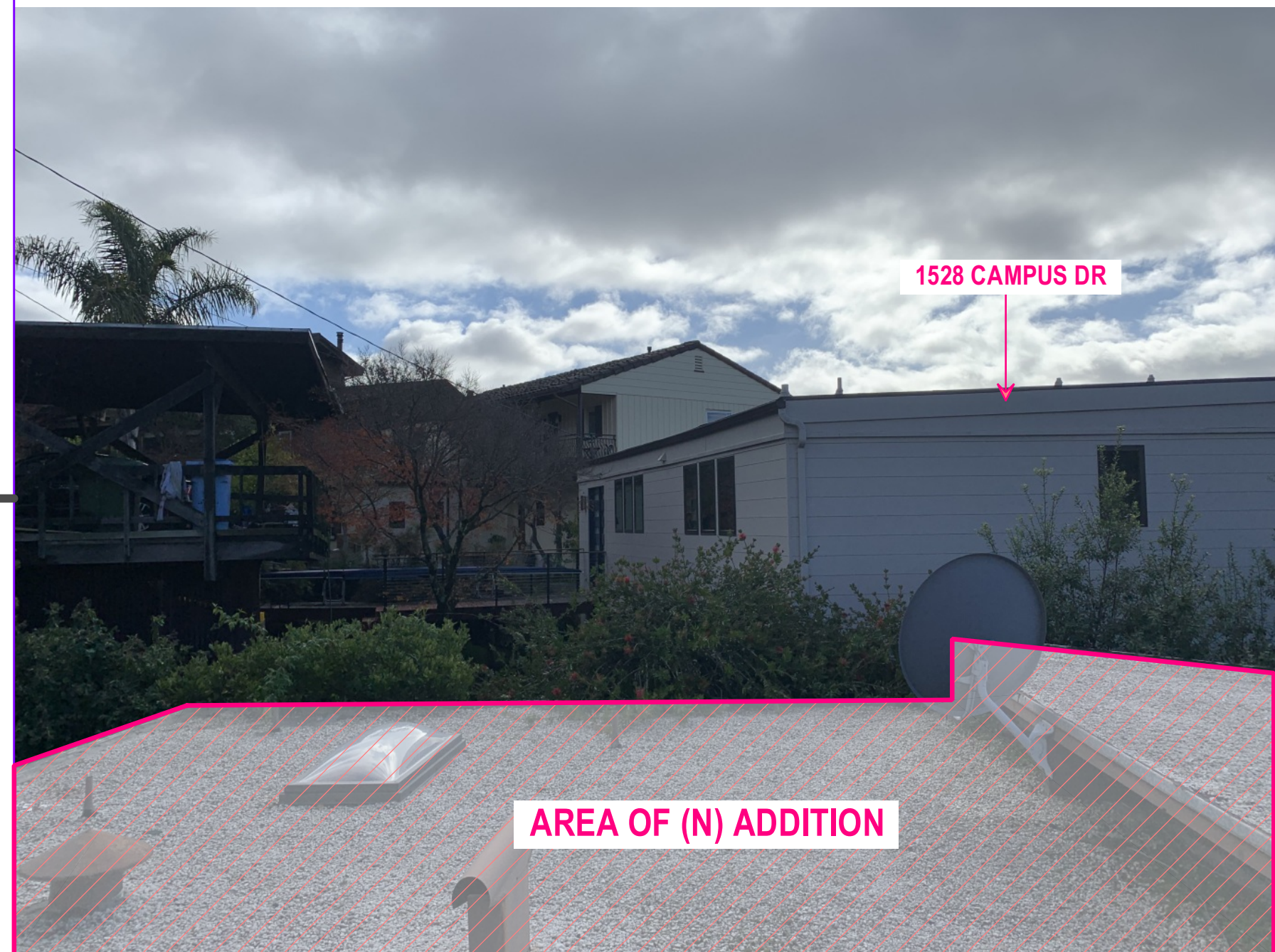
Sheet  
**A-14** of 18

Date: \_\_\_\_\_



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Owners: BEHROUZ & RANA MAZANDARANI	
Address: 1524 CAMPUS DR. BERKELEY, CA 94708 CELL: EMAILS:	
	
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Sheet Contents: SITE PHOTOGRAPHS (BIRD EYE VIEW)	
Design:	GEHL DESIGN/BUILD
Structural Engineer:	
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Project No:	11182021
Date:	April 16, 2023
Drawn By:	P.P.
Checked By:	MP
Revisions:	<ol style="list-style-type: none"> <li>1. STORY POLE AND SITE PLAN REVISION  APRIL 16, 2023</li> <li>2. REAR DECK REVISION  JUNE 7, 2023</li> <li>3.</li> <li>4.</li> </ol>
Sheet	<b>A-15</b> of 18

Date: \_\_\_\_\_



**MAZANDARANI RESIDENCE**

Project Address:  
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Sheet Contents:  
NEIGHBORS PHOTOGRAPHS  
(STREET VIEW)

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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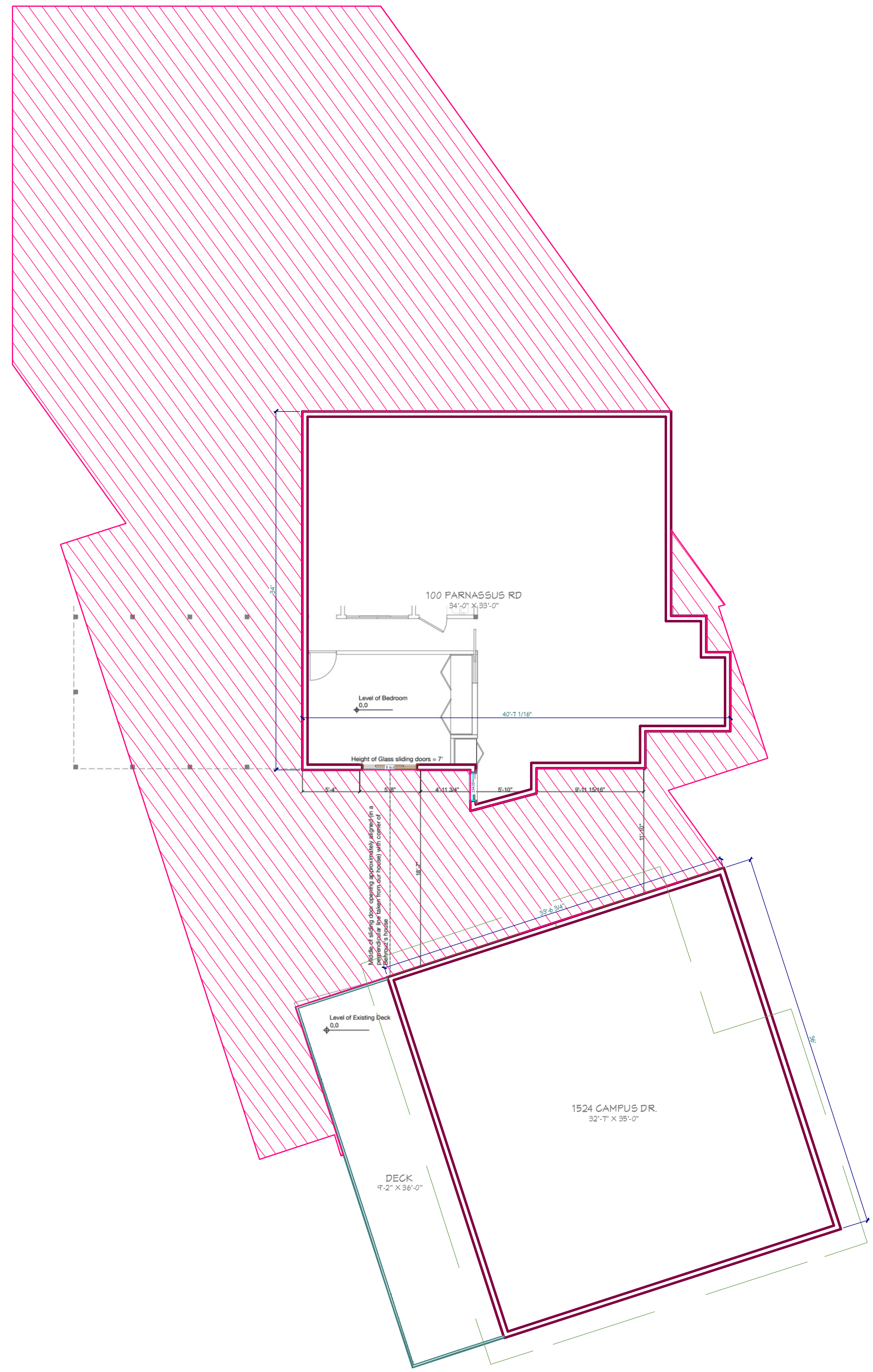
Drawn By: P.P.

Checked By: MP

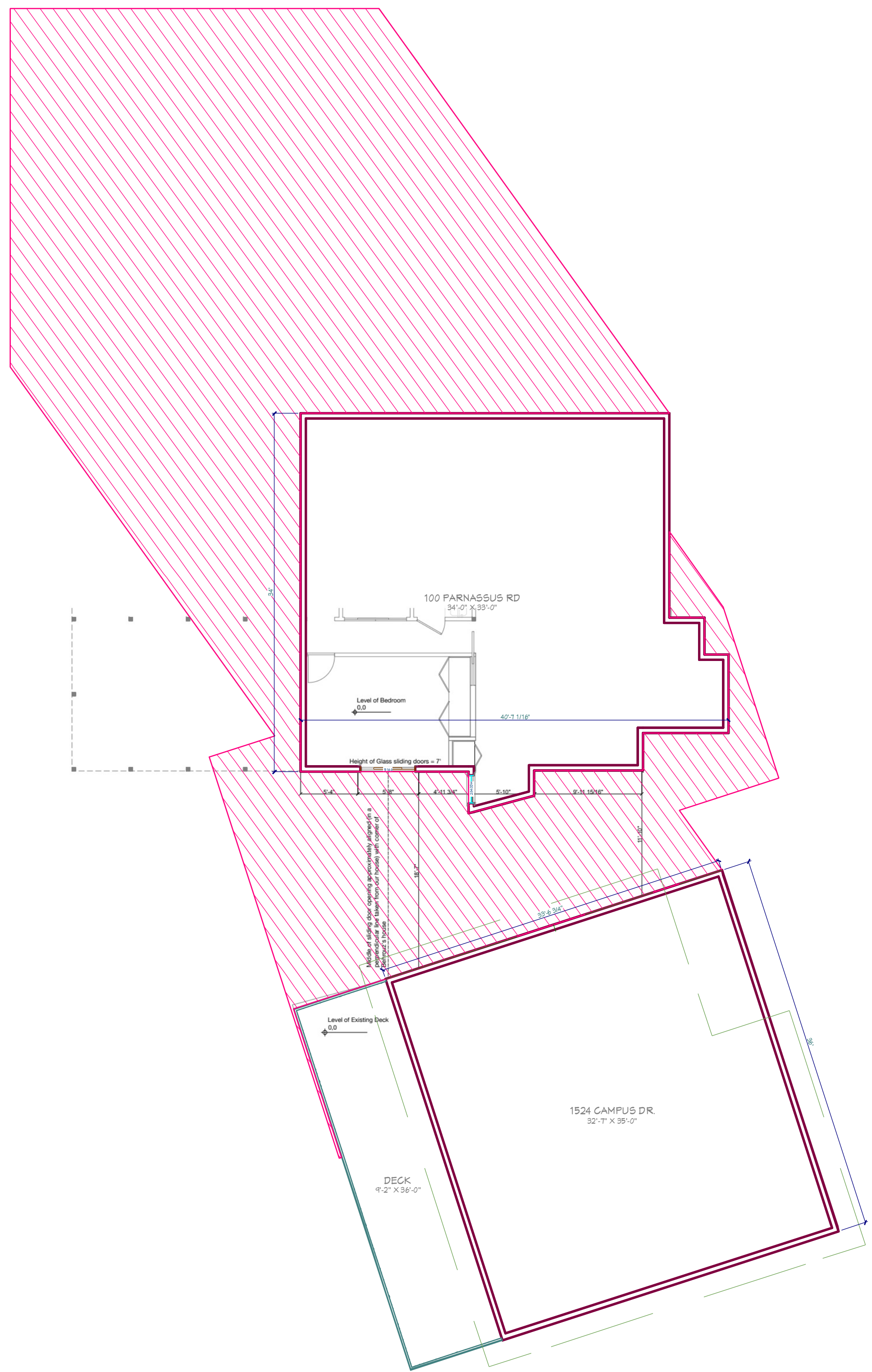
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Sheet  
**A-16** of 18

Date: .....



**SHADOW WITH 2ND FLOOR ADDITION**



**SHADOW OF EXISTING BUILDING**

Shadow at 10:00 am, December 21th  
BERKELEY LATITUDE: 37.8715926  
BERKELEY LONGITUDE: -122.27274699999998

**MAZANDARANI RESIDENCE**

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Sheet Contents:  
NEIGHBORS  
REQUESTED SHADOW  
STUDY

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Checked By: MP

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Sheet  
**A-17** of 18

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RESIDENCE**

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Owners:  
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EMAILS:



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Kensington, CA 94707  
Tel: 510. 812-1039  
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Sheet Contents:  
TOPOGRAPHIC AND  
BOUNDARY SURVEY

Design:  
GEHL DESIGN/BUILD

Structural Engineer:

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Project No: 11182021

Date: April 16, 2023

Drawn By: P.P.

Checked By: MP

Revisions:

1. STORY POLE AND  
SITE PLAN REVISION  
APRIL 16, 2023

2. REAR DECK REVISION  
JUNE 7, 2023

3.

4.

Sheet  
**A-18** of 18

ENGINEER'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION.

I HEREBY STATE THAT THE TOPOGRAPHIC AND BOUNDARY SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME.

CARLOS R. DOMINGUEZ  
R.C.E. NO C 26949  
LICENSE EXPIRES MARCH 31, 2025

DATE



NOTES:

ALL DISTANCE ARE IN FEET AND DECIMAL.  
UNDERGROUND UTILITY LOCATION IS BASED  
ON SURFACE EVIDENCE.

BASIS OF BEARINGS:

THE BEARING N 5°46'10"W ALONG THE MONUMENT LINE ON CAMPUS DRIVE AS SHOWN ON BERKELEY VIEW TERRACE FILED IN BOOK, 12, DF MAP, AT PAGE 62, ALAMEDA COUNTY RECORD IS TAKEN AS THE BASIS OF BEARING FOR THIS MAP



LEGEND

- PROPERTY LINE
- ADJOINER PROPERTY LINE
- ▲ FOUND CITY MONUMENT
- ⊕ BENCHMARK
- SPOT ELEVATION
- ⊕ WATER VALVE
- ⊕ WATER METER
- ⊕ JOINT POLE
- ⊕ ELEC. METER
- ⊕ GAS METER
- ⊕ FIRE HYDRANT
- ⊕ CATCH BASIN
- ⊕ SEWER CLEANOUT
- TREE

**TOPOGRAPHIC AND BOUNDARY SURVEY**

LOT 712  
BERKELEY VIEW TERRACE  
CITY OF BERKELEY  
ALAMEDA COUNTY, CALIFORNIA

DOMINGUEZ ASSOCIATES LLC  
4360 COOPER HOLLOW RD. DALLAS, OR 97338  
(650) 359-0947 CARLOS@DOMINGUEZASSOCIATES.COM

SHEET 1 OF 1



IMG\_2351.jpg



IMG\_2352.jpg



IMG\_2353.jpg



IMG\_2354.jpg



IMG\_2355.jpg



IMG\_2356.jpg



IMG\_2358.jpg



IMG\_2359.jpg



IMG\_2360.jpg



IMG\_2361.jpg

Amod Chopra & Vicky Gellon  
96 Parnassus Road  
Berkeley, CA 94708

February 7th, 2023

City of Berkeley - Zoning/Design Committee  
2180 Milvia Street, 1st floor  
Berkeley, CA 94704

RE: AUP#2022-0122; 1524 Campus Dr

To Whom It May Concern:

We are neighbors of the property 1524 Campus Drive and we have the following concerns regarding their planned extension.

We have not seen story poles erected during this project. This project and its approval and short appeal window is concerning. We are at a loss as to how this project got approval by the City of Berkeley without any input from the affected neighbors or notification of the neighbors until this approval.

The extension involves an additional floor and balcony which will decrease the privacy in our children's bathroom, our master bathroom and master bedroom. We are also concerned that sunlight will be blocked. We are concerned about the noise and effects of construction and would like to know what the hours of construction would be and their plan to manage debris and airborne dust.

The setback on the side of the property seems like it might be less than 6 feet from the property line to the proposed deck. We are also unsure about the lot coverage due to the vertical extension and would like this addressed. It seems like it exceeds 600 sq feet.

There is a coast live Oak separating our two properties and a 100+ foot Redwood tree on our lot. Additionally, we have a redwood tree that is about 100 years old, planted on the original estate before it was parceled. Last year, we had 3 separate arborists evaluate the health and risk of the tree. We were informed that any construction into the ground will damage the roots which expand up to 100 feet from the tree in each direction and this is something to consider. If the roots of the Redwood tree get damaged, it will be a danger to the neighbors including 1524 Campus drive.

We are surprised this project has been approved and we would like our concerns addressed by the City of Berkeley, the applicant or the person that has been handling this project.

Amod Chopra and Vicky Gellon  
96 Parnassus Road  
510-847-1163

PLN 2023-0012

Received

FEB 09 2023

Land Use Planning

Appeal of Administrative Decision

Jesse King - [jessemking@gmail.com](mailto:jessemking@gmail.com)  
100 Parnassus Road  
Berkeley, CA 94708  
650-709-9487  
Attn: Zoning Officer  
Permit Service Center  
1947 Center Street, 3<sup>rd</sup> floor  
Berkeley, CA

AUP #2022-0122, 1524 Campus Drive

This AUP was given "To construct a third-story major residential addition over 20-feet maximum height, alterations in the nonconforming front setback, addition of a fifth parcel on the lot, and a new pedestrian access bridge."

#### *Summary*

We are a family with one-year-old child living in the house immediately adjacent to 1524 Campus Drive. Our living room and kitchen look onto the current roof of 1524 Campus Drive and our back yard and nursery receive light above the existing house. Since we initially raised concerns with the proposed project with Mr. Mazandarani in September 2022, we have tried to gather more information and agree upon concessions. Because we haven't been able to reach a final agreement outside of the appeal process, we regretfully file this appeal.

#### *Natural Light Incidence*

The first basis of our appeal is the reduction of light on our property created by an additional story in close proximity to our house. We initially raised concerns about this issue when Mr. Mazandarani provided us with the application materials in September 2022. We requested access to the files used to develop the shadow study because we observed that the houses in the study were not correctly proportioned and that the deck did not appear to have been factored into the calculations. Mr. Mazandarani did not respond to our request at the time, so we considered the matter unresolved.

When we saw that the application had been approved, we also saw that it indicated that the applicant would erect story poles. Contrary to the city's stated application requirements, no story poles have ever been erected. After the approval we approached Mr. Mazandarani to raise this concern. He verbally offered to erect story poles, but did not offer to do so before the appeal period had concluded and has not done so to date. Accordingly, our neighbors and we have not been given the opportunity to observe the effects of the new construction on our light

and views. We understand that the city has claimed that because this is considered an "infill" project, that does not go beyond the height of the existing building, these concerns were not considered by them in the approval process. It is our understanding, however, that the new addition is considerably larger than the existing garage and that the impacts of the construction of such addition could be very relevant to us as neighbors.

On February 8, 2023, at 5:32pm, Mr. Mazandarani's architect shared an updated shadow study with us that only takes into account one day and hour of the year. Because we received the study with such little time before the appeal deadline, we could only perform our own shadow study on the morning of February 9, 2023. This study shows a material impact on our property from September through March (with a particular effect on the light in the nursery). Even assuming that the updated study from Mr. Mazandarani's architect is accurate, it shows a materially greater shadow impact on our house than was shown in the shadow study that was included in the application. We think that this will reduce the hours in the day that we will receive sunlight throughout the year in several rooms (including in our nursery).

Had we been able to view the erected shadow poles or had access to the shadow study files earlier in the process, we would have been able to either approve the project as approved or to request specific modifications to mitigate the impact on our property.

#### ***Privacy Effect***

The second basis for the appeal is the impact the project will have on our privacy. We have requested two design changes that Mr. Mazandarani has agreed to, but not implemented in any enforceable way.

If the complete deck as approved in the AUP is built, then the deck would create a privacy issue. The deck would look straight into our living room, just feet from our property line, and would look over our fence. Mr. Mazandarani represented that the size of the deck would be reduced but has not shared a revised plan of the project that confirms that this will be incorporated in the final construction. The updated shadow representation, from February 8, 2023, also includes the deck along the full length of the house, which makes us fear that our concerns will not be addressed in the final build of the expansion.

Likewise, Mr. Mazandarani has conceded that the North facing windows create a privacy concern and that he would be willing to remove or, if they are necessary for light, use opaque windows on that side of the house.

Both of these concessions are conceptually acceptable to us, but these changes should be incorporated into a revised permit, given that we did not receive an official written agreement that they would be incorporated into the final design.

#### ***Construction Impact***

Finally, we wanted to note that the construction itself will be quite impactful on our property. The construction process will create a great deal of noise and likely result in dust on our property. We both work from home and our child takes two naps a day in the nursery facing the 1524 Campus property. The noise from the project will make it difficult to conduct video calls and for our child to sleep and the dust could limit our ability to use (and let our child use) our outdoor spaces due to health concerns. Because we do not have air conditioning, this will be particularly problematic in the summer when we would otherwise open our windows and doors to cool the house.



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

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NOTICE OF PUBLIC HEARING

## 1524 Campus Drive

**Appeal of Zoning Officer's decision (ZP2022-0122) to approve a permit that would allow the construction of a third story major residential addition over 20-foot maximum height, alterations in the nonconforming front setback, addition of a fifth bedroom, outside deck, and a new pedestrian access bridge.**

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:**

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

**B. Zoning Permits Required:**

- Administrative Use Permit per BMC 23.202.030(A) for a Major Residential addition over 600 square feet.
- Administrative Use Permit per BMC Section 23.202.050 for an addition over 14 feet in average height.
- Administrative Use Permit per BMC Section 23.210.020 for an addition over 20 feet in maximum height in the Hillside Overlay.
- Administrative Use Permit per BMC Section 23.202.030(B) for an addition of a fifth bedroom.
- Administrative Use Permit per BMC Section 23.324.050(D) for alterations to a wall in the non-conforming front setback.
- Administrative Use Permit per BMC Section 23.304.070 for an unenclosed accessory structure in the front setback.

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

**D. Parties Involved:**

- Applicant                      Mike Pourzand, 79 Arlington Avenue, Kensington, CA
- Property Owner                Behrouz & Rana Mazandarani, 1524 Campus Drive, 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, Brian Garvey, at (510) 981-7424 or [bgarvey@berkeleyca.gov](mailto:bgarvey@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.