



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  
JULY 27, 2023

## 2208 Roosevelt Avenue

Use Permit #ZP2023-0059 to legally convert a 2,535 square-foot two-story single-family dwelling unit into two individual units.

### I. Background

#### A. Land Use Designations:

- General Plan: Low Medium-Density Residential (LMDR)
- Zoning: Restricted Two-Family Residential (R-2)

#### B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23.202.020, to add a second dwelling unit to a residential lot

**C. CEQA Recommendation:** It is staff's recommendation to 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 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

#### D. Parties Involved:

- Applicant/Property Owners: Marilyn Ichioka and Sheila Malone, 2208 Roosevelt Avenue

Figure 1: Vicinity

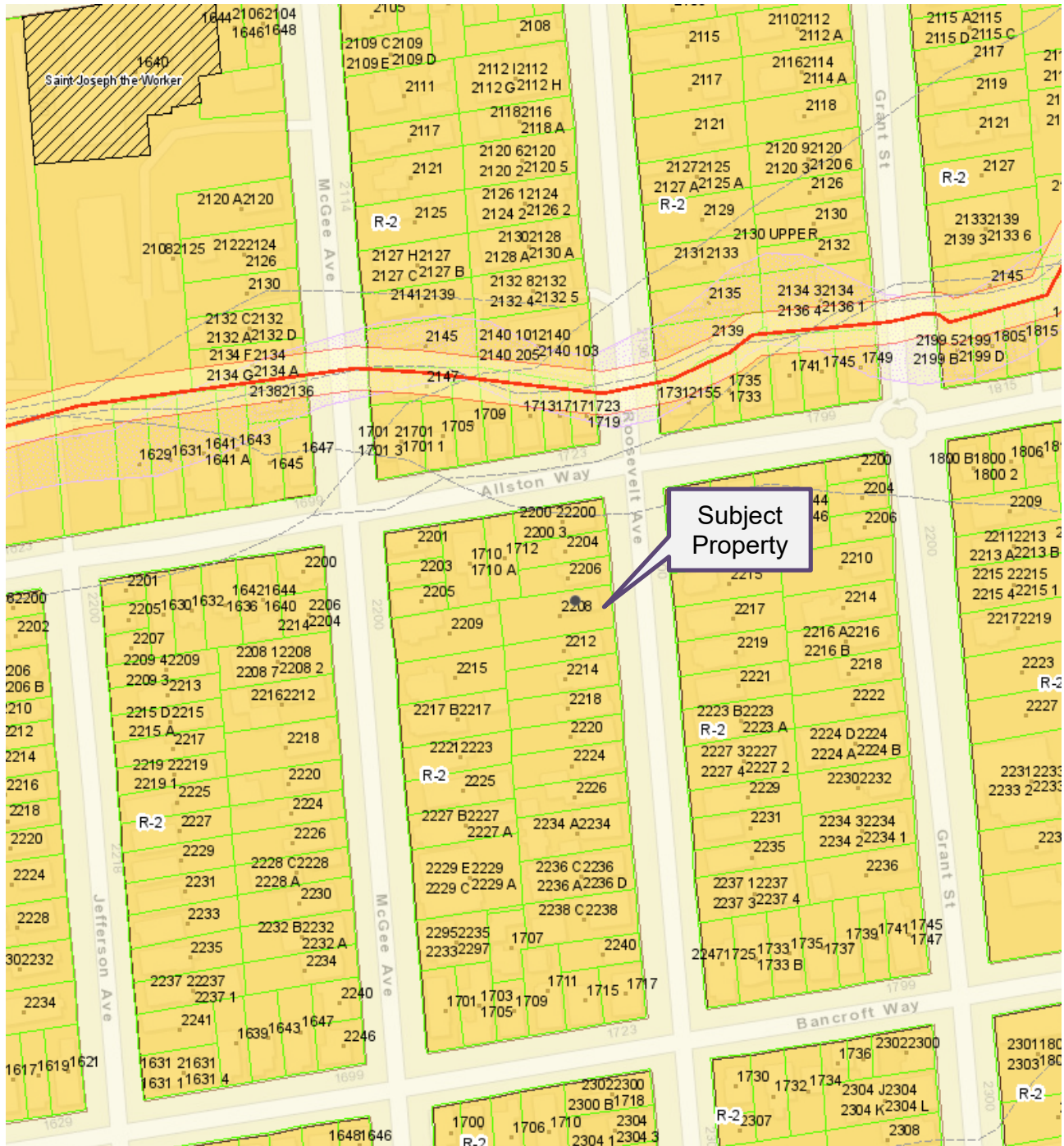
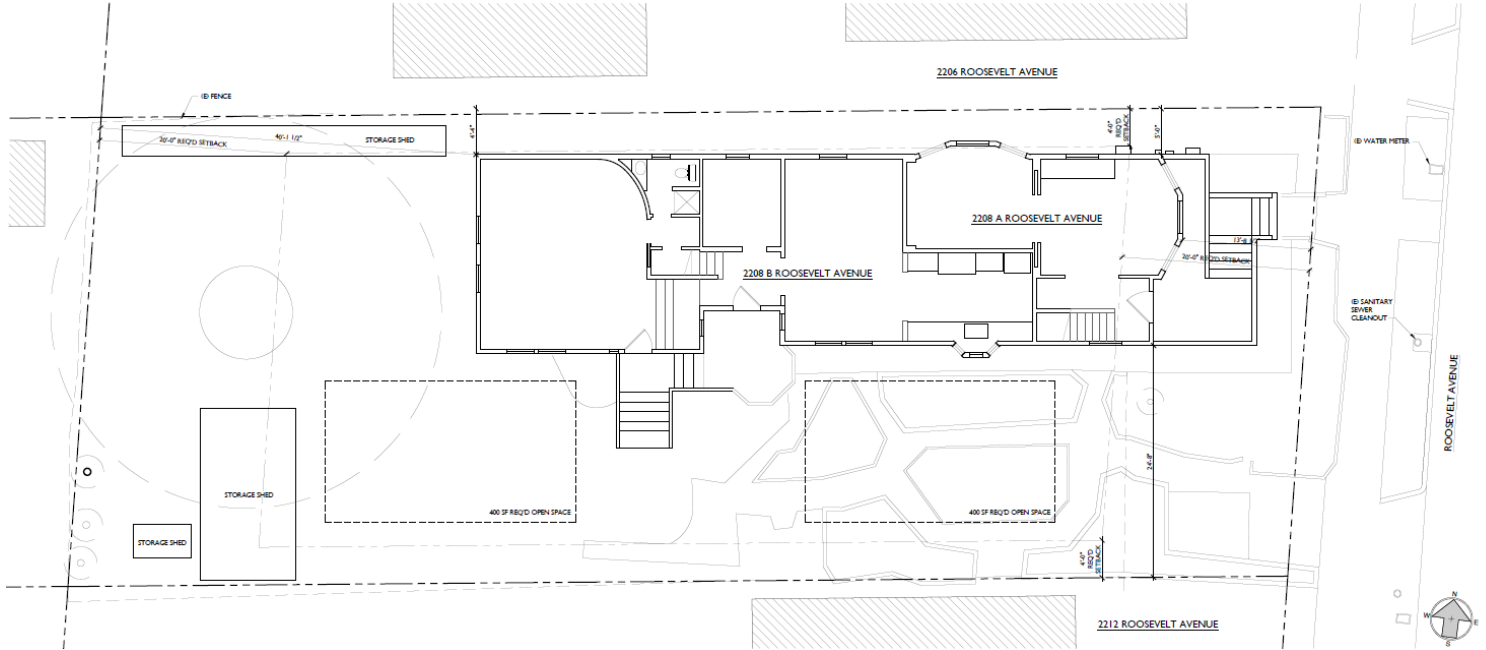


Figure 2: Site Plan



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family Residential	R-2	LMDR
Surrounding Properties	North	One-and Two-family Residential	R-2	LMDR
	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 net new 7,500 square feet of non-residential floor area. The project involves only new residential floor area; therefore, this requirement does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This fee applies to projects that propose 5 or more rental dwelling units. This project would legalize an existing unit does not propose to construct new units
Creeks (Per BMC 17.08)	No	The project site is not within a creek buffer zone. <sup>1</sup>
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	New natural gas service may not be added to this project.
Historic Resources	No	The property is not designated a historic structure.
Housing Accountability Act (Gov't Code Section 65589.5(j))	No	No additional units would be constructed; therefore, the Housing Accountability Act (HAA) does not apply.
Housing Crisis Act of 2019 (SB330)	No	The proposed is not a "housing development project" because no new residential units would be constructed. <sup>2</sup> Therefore, SB 300 does not apply.
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>3</sup>
Residential Preferred Parking (RPP)	Yes	The new dwelling unit would be eligible for residential parking permits.
Transit	Yes	Nearby AC Transit stops (within about 1,500 feet) serve the following bus lines: 51B, 52, 88, J, and FS. A Bay Area Rapid Transit (BART) station is approximately 2,500 feet away. A network of bike

<sup>1</sup> City of Berkeley, Community GIS Portal, available: <https://berkeley.maps.arcgis.com/apps/webappviewer/index.html?id=2c7dfafbb1f64e159f4fdf28a52f51c6&showLayers=Berkeley%20Parcels:Environment>

<sup>2</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>3</sup> California Department of Conservation. Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/>

Characteristic	Applies to Project?	Explanation
		routes and e-bike stations make multi-modal transportation a desirable option.

**Table 3: Project Chronology**

Date	Action
May 3, 2023	Application submitted
May 26, 2023	Application deemed complete
July 13, 2023	Public hearing notices mailed/posted
July 27, 2023	ZAB hearing

**Table 4: Development Standards**

Standard		Existing	Proposed Total	Permitted/ Required
BMC Section 23.202.080(D)				
Lot Area (sq. ft.)		6,482	6,482	5,000 min
Gross Floor Area (sq. ft.)		2,535	2,535	N/A
Dwelling Units	Total	1 legal	2	2 max
Building Height	Average (ft.)	31	31	35 max
	Maximum (ft.)	31	31	N/A
	Stories	2	2	3 max
Building Setbacks (ft.)	Front	17	17	20 min
	Rear	41	41	20 min
	Left Side	24.5	24.5	4 min
	Right Side	4.7	4.7	4 min
Lot Coverage (%)		23	23	40 max
Usable Open Space (sq. ft.)		4,976	4,976	800 min
Parking	Automobile	1	1	0 min
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; N/A = not applicable; % = percent				

## II. Project Setting

**A. Neighborhood/Area Description:** The subject property is located in a large residential neighborhood consisting mostly of one- and two-story single- and multi-family homes, and a few small apartment buildings. The terrain is mostly level, with lots that are mostly rectangular in shape, and contain scattered mature vegetation. Off-street parking is fairly minimal, typically with one or two spaces per lot and few garages. On-street parking is generally available, but somewhat competitive.

- B. Site Conditions:** The site is occupied by a 2,535 square-foot two-story dwelling unit and a few small storage sheds near the back of the lot. The house has historically been a single-family home. However, sometime before the current owners purchased it in 1985, it had been converted into a duplex without the required land use permits.

### III. Project Description

Between 1998 and 2000, the property owners extensively remodeled the two residential units and attained City of Berkeley building permits. However, the Land Use Planning Division inadvertently signed off on the building permits without discovering that the structure wasn't legally a duplex. The two families occupying the two units, currently as tenants-in-common, want to convert them into condominiums. Before they can do this however, they need to legalize the second unit. This use permit is solely for purposes of legalizing that unit. The condominium conversion process would be initiated after ZAB's decision on the Use Permit. No new construction is proposed as part of the project.

### IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting this application to the City, the applicant contacted surrounding neighbors to share their plans for legalizing the second unit. The applicant also installed a pre-application poster at the front of the property. On July 13, 2023, the City mailed 180 public hearing notices to property owners and occupants, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.
- B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not a use located in a district subject to design review, commercial or manufacturing district, and does not involve the demolition of a non-residential building, respectively.

### V. Issues and Analysis

- A. Findings for Use Permit Approval in the R-2 District:** Pursuant to BMC Section 23.202.020(B), a two-family dwelling is allowed in the R-2 zoning district with a Use Permit, provided that its siting meets applicable development standards, and subject to the non-detriment finding. As shown in Table 4, the proposed project would meet or exceed all development standards for the dwelling, with the exception of the front setback, which falls 3 feet short of the required twenty foot minimum. However, since no new construction is proposed, and the historic building footprint will not change, this can be considered legally non-conforming.
- B. General Non-Detriment Finding:** Per BMC 23.406.040(E)(1), staff believes the project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of residents or workers in the area, and it would not 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 it would be consistent with the development pattern in the area. Furthermore, staff believe that the proposed project would not unreasonably obstruct sunlight, privacy, air, or views because no construction or other exterior changes are proposed.

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

1. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
2. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The proposed project does not alter the exterior of the structure. Therefore, the design characteristics, and the structure’s effect on the surrounding built environment, would be negligible.

3. Policy H-19–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Staff Analysis: Legalizing the already existing second unit will ensure its future availability, thereby helping to meet local and regional housing needs.

## VI. Recommendation

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

- A. APPROVE Use Permit ZP2023-0059 pursuant to Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, dated April 17, 2023, and received May 3, 2023
3. Notice of Public Hearing

**Staff Planner:** Russell Roe, rroe@berkeleyca.gov, (510) 981-7548

# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

JULY 27, 2023

### 2208 Roosevelt Avenue

**Use Permit #ZP2023-0059 to legally convert a 2,535 square-foot two-story single-family dwelling unit into two individual units.**

#### **PERMITS REQUIRED**

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- Use Permit, under BMC Section 23.202.020, to add a second dwelling unit to a residential lot

#### **I. CEQA FINDINGS**

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

#### **II. GENERAL NON-DETRIMENT FINDINGS FOR APPROVAL**

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1. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
  - A. The second unit has already existed for many years without having undesirable effects on the neighborhood;
  - B. No new construction is proposed
  - C. It is consistent with the development pattern in the area; and
  - D. It will not unreasonably obstruct sunlight, privacy, air, or views.

#### **III. R-2 DISTRICT FINDINGS FOR APPROVAL**

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2. As required by Section 23.202.020(B) of the BMC, the Zoning Adjustments Board can approve a two-family dwelling in the R-2 District with a Use Permit, provided that it meets the non-detriment findings, and the applicable development standards for the district. Per the R-2 District Standards, the ZAB finds that:
  - A. The existing structure meets or exceeds all of the R-2 District development standards except the front setback standard, for which it comes up short of the 20-foot minimum by three feet;

- B. Since the structure is pre-existing, the three-foot front setback difference is considered to be legally non-conforming;
- C. The proposed project does not involve new construction and, therefore, will not modify the front setback; and
- D. Therefore, the proposed project meets the required R-2 District findings.

#### **IV. General Plan Consistency**

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- 3. The ZAB finds that the proposed project is consistent with the goals and policies of the Berkeley General Plan in the following ways:
  - A. Per Policies UD-16 and UD-24, the proposed project does not alter the exterior of the structure and, therefore, the design characteristics, and the structure's effect on the surrounding built environment, will be negligible.
  - B. Per Policy H-19, legalizing the already existing second unit will ensure its future availability, thereby helping to meet local and regional housing needs.

#### **IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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

**1. Conditions Shall be Printed on Plans**

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

**2. Compliance Required (BMC Section 23.102.050)**

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

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

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

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

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

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

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

**6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

**7. Permit Modifications (BMC Section 23.404.070)**

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

**8. Permit Revocation (BMC Section 23.404.080)**

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

**9. Indemnification Agreement**

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

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

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

### Prior to Submittal of Any Building Permit:

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

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

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

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

12. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
13. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

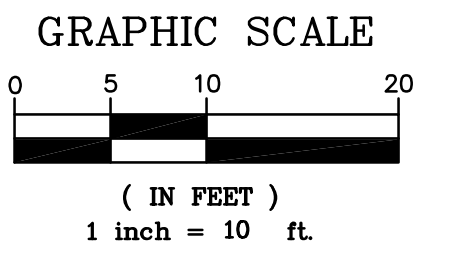
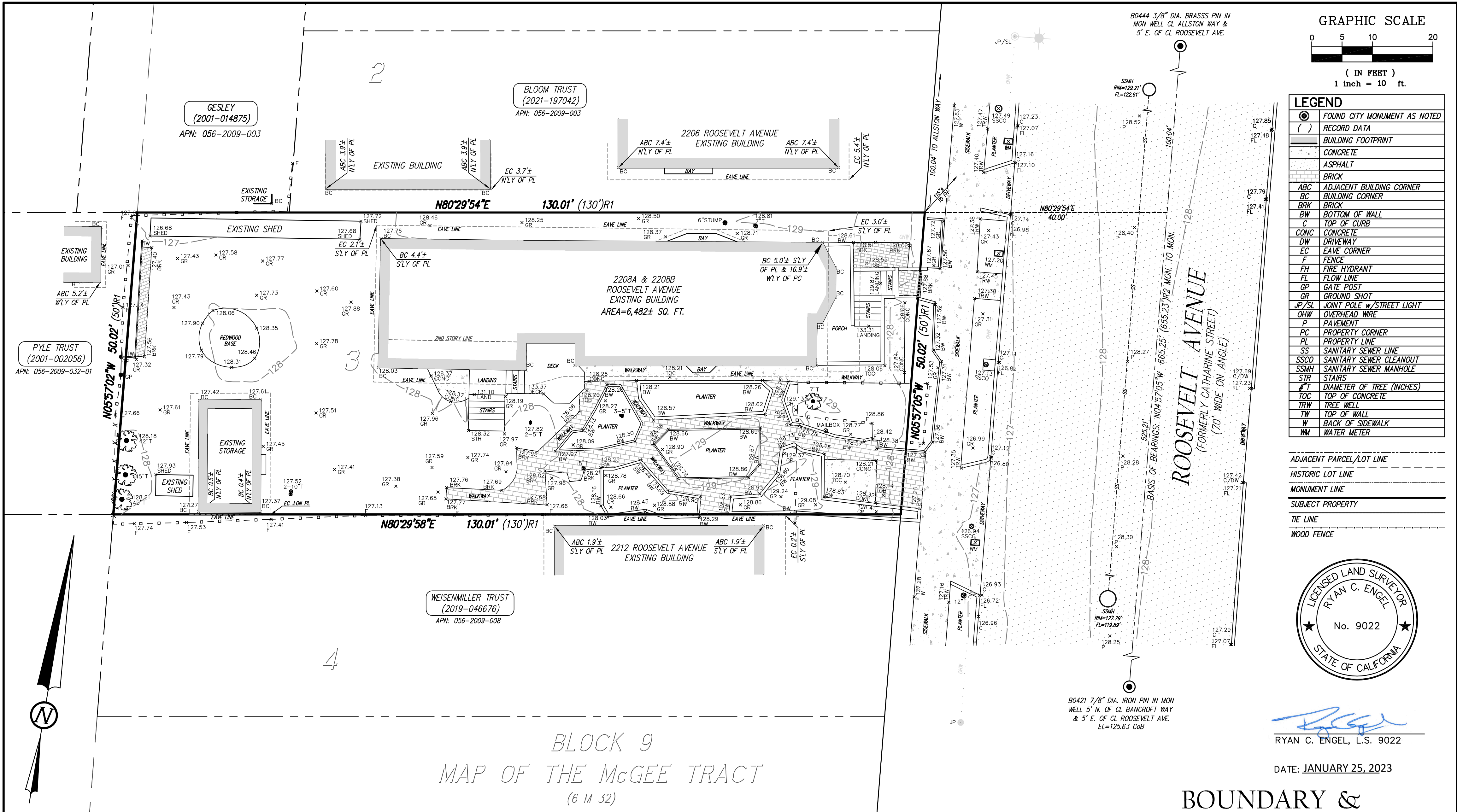
### Prior to Final Inspection or Issuance of Occupancy Permit:

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

### At All Times:

15. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
16. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.

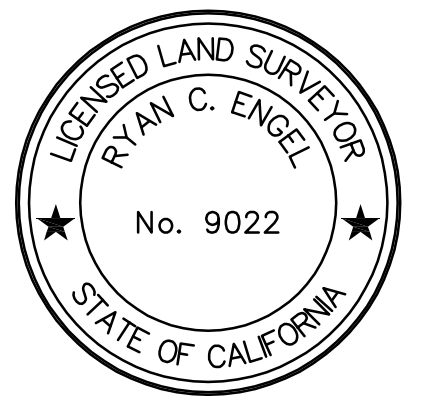




**LEGEND**

	FOUND CITY MONUMENT AS NOTED
	RECORD DATA
	BUILDING FOOTPRINT
	CONCRETE
	ASPHALT
	BRICK
	ADJACENT BUILDING CORNER
	BUILDING CORNER
	BRICK
	BOTTOM OF WALL
	TOP OF CURB
	CONCRETE
	DRIVEWAY
	EAVE CORNER
	FENCE
	FIRE HYDRANT
	FLOW LINE
	GATE POST
	GROUND SHOT
	JOINT POLE w/ STREET LIGHT
	OVERHEAD WIRE
	PAVEMENT
	PROPERTY CORNER
	PROPERTY LINE
	SANITARY SEWER LINE
	SANITARY SEWER CLEANOUT
	SANITARY SEWER MAINHOLE
	STAIRS
	# T DIAMETER OF TREE (INCHES)
	TOC TOP OF CONCRETE
	TRW TREE WELL
	TW TOP OF WALL
	W BACK OF SIDEWALK
	WM WATER METER

	ADJACENT PARCEL/LOT LINE
	HISTORIC LOT LINE
	MONUMENT LINE
	SUBJECT PROPERTY
	TIE LINE
	WOOD FENCE



*[Signature]*  
RYAN C. ENGEL, L.S. 9022

DATE: JANUARY 25, 2023

# BOUNDARY & TOPOGRAPHIC SURVEY

LOT 3, BLOCK 9, MAP OF MCGEE TRACT (6 M 32)  
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA  
JANUARY, 2023 SCALE 1" = 10'

**OWNERS**  
ICHIOKA FAMILY TRUST & MALONE FAMILY TRUST  
2208 ROOSEVELT AVENUE  
BERKELEY, CA 94703

**SURVEYOR:**  
BAY AREA LAND SURVEYING INC.  
3065 RICHMOND PKWY, SUITE 101, RICHMOND, CA 94806

**BASIS OF BEARINGS:**  
MONUMENT LINE WITHIN ROOSEVELT AVENUE AS SHOWN ON PARCEL MAP NO. 8803 (286 M 80)  
BEARING: N04°57'05"W

**MAP REFERENCES:**  
R1 MAP OF MCGEE TRACT (6 M 32)  
R2 PARCEL MAP NO. 8803 (286 M 80)  
R3 CITY OF BERKELEY MONUMENT CARDS

**BENCHMARK:**  
B0421, 7/8" IRON PIN IN MONUMENT WELL AT FBANCROFT WAY & ROOSEVELT AVE.  
ELEVATION: 125.63 FEET, BASED UPON CITY OF BERKELEY DATUM.





# SRG

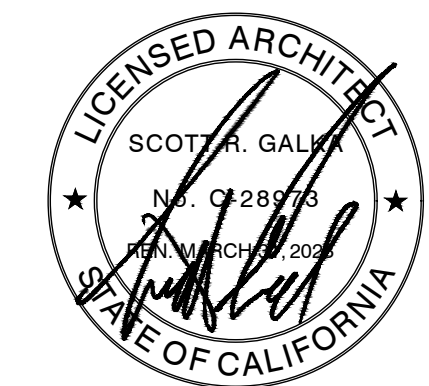
562 61ST STREET  
OAKLAND, CALIFORNIA  
510.550.5314

REVISIONS: ISSUES:

NO.	DATE	DESCRIPTION
①	04.17.2023	CONDOMINIUM DRAWINGS

PROJECT:  
**CONDOMINIUM  
DRAWINGS**  
2208 ROOSEVELT AVENUE  
BERKELEY, CA 94703

ARCHITECT OF RECORD:



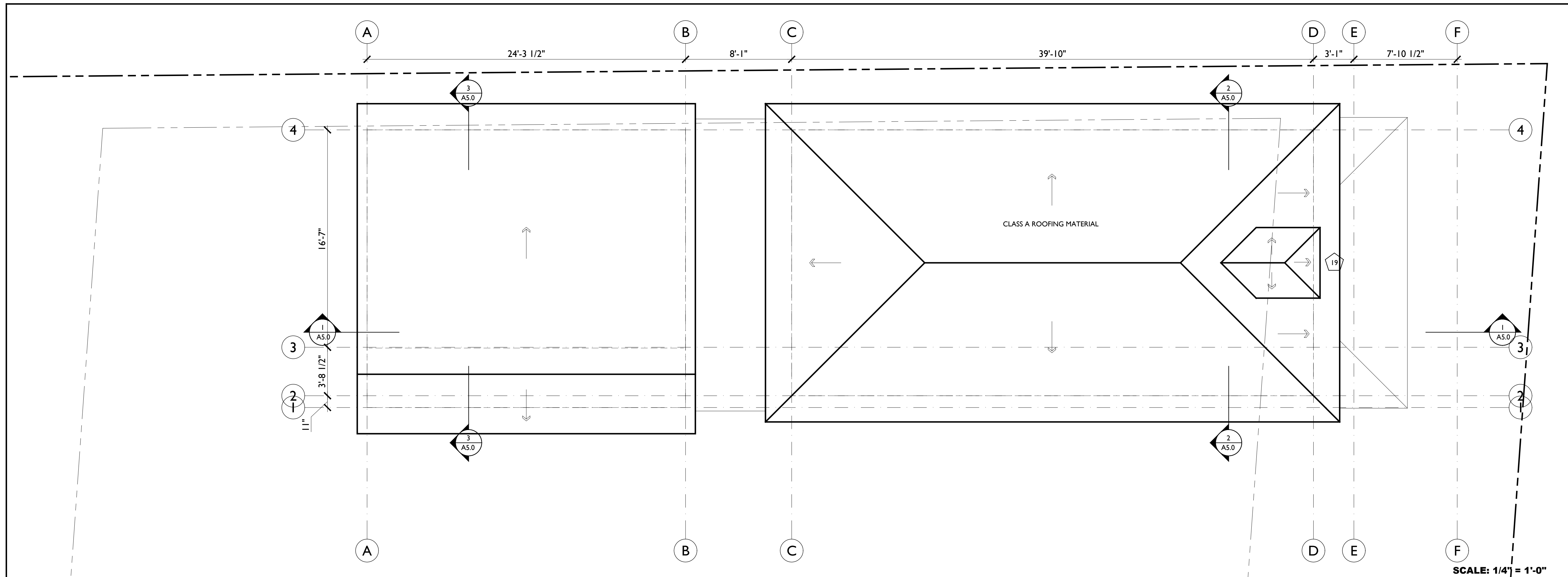
CONSULTANTS:

SHEET DESCRIPTION:  
**EXISTING  
FLOOR PLANS**

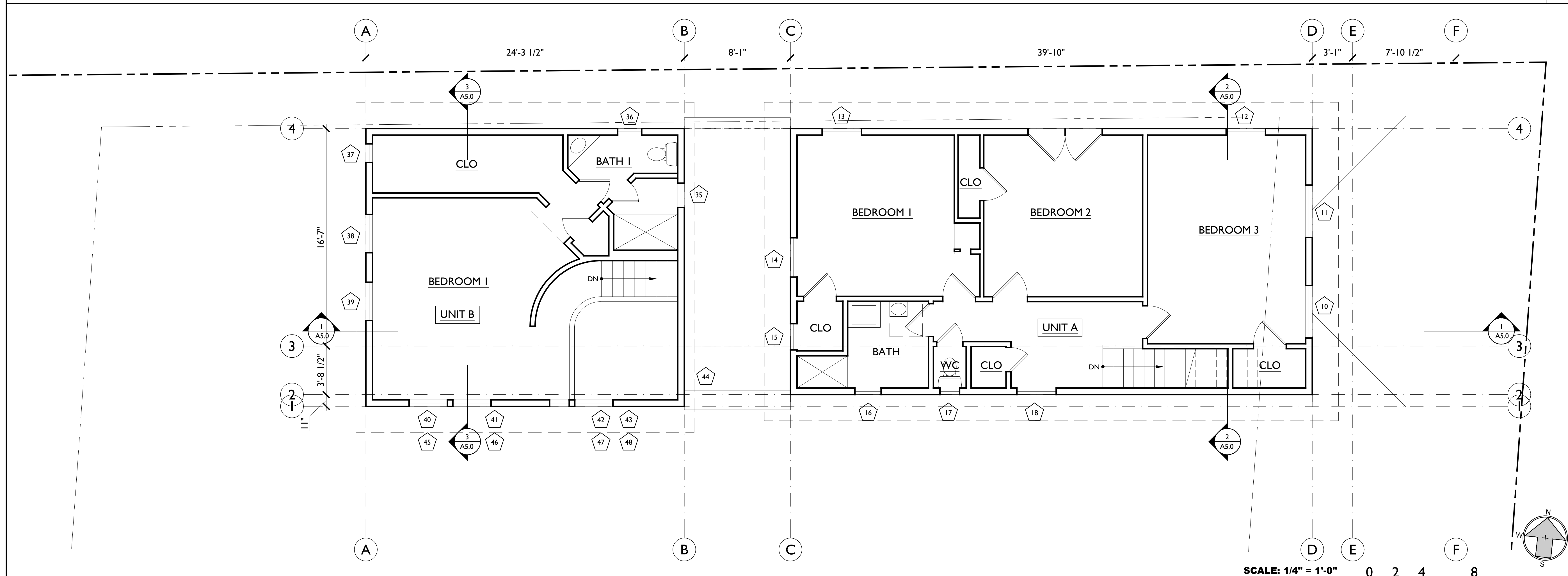
JOB NUMBER: 2023.005  
SCALE: AS NOTED  
DATE: 03/10/2023  
DRAWN BY: SPF  
CHECKED BY: SRG  
CAD TITLE: A02.00 - FLR PLAN 1-4 SCALE.dwg  
SHEET NUMBER:

## A2.1

OF XX SHEETS



EXISTING ROOF PLAN 2



SCALE: 1/4" = 1'-0" 0 2 4 8

EXISTING UPPER FLOOR PLAN 1



#	LOCATION	SIZE (W x H)	TYPE	DBL OR SNGL PANE	MATERIAL	NOTES	#	LOCATION	SIZE (W x H)	TYPE	DBL OR SNGL PANE	MATERIAL	NOTES
CRAWLSPACE							UNIT B						
1	CRAWLSPACE	2'-8"X3'-6"	FIX	SNGL	WOOD		20	DINING	3'-0"X4'-6"	DH	DBL	WOOD	
2	CRAWLSPACE	3'-6"X2'-4"	FIX	SNGL	WOOD		21	DOME ROOM	2'-6"X4'-6"	DH	SNGL	WOOD	
UNIT A							UNIT B						
3	KITCHEN/DINING	3'-0"X4'-6"	DH	SNGL	WOOD		22	BATH 2	2'-0"X3'-0"	SLDR	DBL	ALUM	
4	KITCHEN/DINING	3'-6"X4'-6"	DH	SNGL	WOOD		23	LIVING	3'-0"X4'-6"	DH	DBL	ALUM	
5	KITCHEN/DINING	3'-0"X4'-6"	DH	SNGL	WOOD		24	LIVING	3'-0"X4'-6"	DH	DBL	ALUM	
6	KITCHEN/DINING	3'-6"X1'-4"	FIX	SNGL	WOOD		25	LIVING	3'-0"X4'-6"	DH	DBL	ALUM	
7	LIVING	3'-0"X4'-6"	DH	SNGL	WOOD		26	LIVING	3'-0"X4'-6"	DH	DBL	ALUM	
8	LIVING	3'-6"X4'-6"	DH	SNGL	WOOD		27	LIVING	1'-0"X4'-6"	DH	DBL	ALUM	
9	LIVING	3'-0"X4'-6"	DH	SNGL	WOOD		28	LIVING	1'-10"X4'-6"	FIX	DBL	ALUM	
10	ENTRY	3'-6"X1'-4"	FIX	SNGL	WOOD		29	DINING	1'-10"X4'-6"	DH	DBL	WOOD	
11	BEDROOM 3	4'-0"X4'-6"	DH	SNGL	WOOD		30	DINING	2'-10"X4'-6"	DH	DBL	WOOD	
12	BEDROOM 3	4'-0"X4'-6"	DH	SNGL	WOOD		31	DINING	2'-10"X4'-6"	DH	DBL	WOOD	
13	BEDROOM 3	3'-0"X4'-6"	DH	SNGL	WOOD		32	KITCHEN	1'-6"X4'-0"	CSMT	DBL	WOOD	
14	BEDROOM 1	3'-0"X4'-6"	DH	SNGL	WOOD		33	KITCHEN	1'-6"X4'-0"	FIX	DBL	WOOD	
15	BEDROOM 1	3'-0"X4'-6"	DH	SNGL	WOOD		34	KITCHEN	1'-6"X4'-0"	CSMT	DBL	WOOD	
16	CLO	2'-0"X2'-10"	FIX	SNGL	WOOD		35	BATH 1	2'-0"X3'-0"	CSMT	DBL	ALUM	
17	BATH	2'-0"X2'-10"	DH	SNGL	WOOD		36	BATH 1	1'-10"X3'-0"	SLDR	DBL	ALUM	
18	W.C.	1'-6"X2'-10"	DH	SNGL	WOOD		37	CLO	1'-6"X3'-0"	DH	DBL	ALUM	
19	HALL	3'-0"X4'-6"	DH	SNGL	WOOD		38	BEDROOM 1	3'-0"X3'-6"	DH	DBL	ALUM	
							39	BEDROOM 1	3'-0"X3'-6"	DH	DBL	ALUM	
							40	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
							41	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
							42	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
							43	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
							44	BEDROOM 1	1'-10"X4'-6"	FIX	DBL	ALUM	
							45	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
							46	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
							47	BEDROOM 1	1'-6"X4'-6"	FIX	DBL	ALUM	
							48	BEDROOM 1	3'-0"X4'-6"	DH	DBL	ALUM	
CRAWLSPACE							CRAWLSPACE						
							49	CRAWLSPACE	1'-6"X1'-6"	FIX	SNGL	WOOD	
							50	CRAWLSPACE	3'-6"X2'-4"	FIX	SNGL	WOOD	
							51	CRAWLSPACE	2'-0"X3'-0"	FIX	SNGL	WOOD	

NOTE: ALL WINDOW SIZES SHALL BE CONFIRMED IF REPLACEMENTS ARE PROPOSED IN THE FUTURE

WINDOW SCHEDULE 2



EXISTING SIDE (NORTH-FACING) ELEV 1

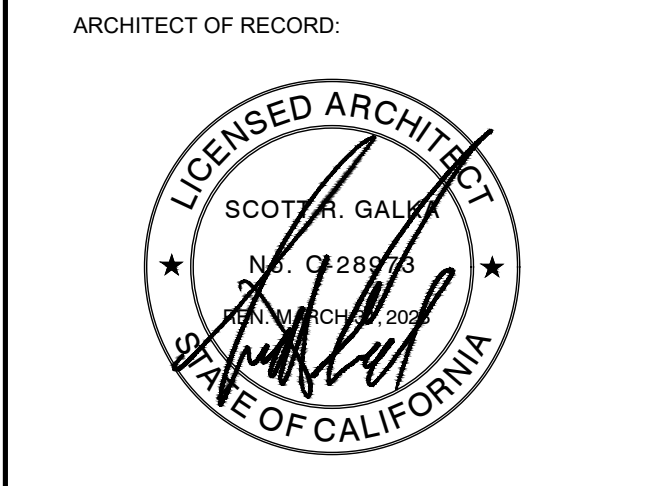
1/4" = 1'-0" 0 2 4 8

**SRG**  
562 61ST STREET  
OAKLAND, CALIFORNIA  
510.550.5314

REVISIONS:  ISSUES:

NO.	DATE	DESCRIPTION
①	04.17.2023	CONDOMINIUM DRAWINGS

PROJECT:  
**CONDOMINIUM DRAWINGS**  
2208 ROOSEVELT AVENUE  
BERKELEY, CA 94703



CONSULTANTS:

SHEET DESCRIPTION:  
**EXISTING EXTERIOR ELEVATIONS**

JOB NUMBER: 2023.005  
SCALE: AS NOTED  
DATE: 03/10/2023  
DRAWN BY: SPF  
CHECKED BY: SRG

ADD TOLERANCES AND SECTIONS 1-4 SCALE.dwg  
SHEET NUMBER:

**A4.1**

OF XX SHEETS





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

## 2208 Roosevelt Avenue

**Use Permit #ZP2023-0059 to legally convert a 2,535 square-foot two-story single-family dwelling unit into two individual units.**

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, July 27, 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 Medium-Density Residential (LMDR)
- Zoning: Restricted Two-Family Residential (R-2)

**B. Zoning Permits Required:**

- Use Permit, under BMC Section 23.202.020, to add a second dwelling unit to a residential lot

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15301 of the CEQA

Guidelines (“Existing Facilities”).

**D. Parties Involved:**

- Applicants/Property Owners: Marilyn Ichioka and Sheila Malone, 2208 Roosevelt Avenue

**Further Information:**

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

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

Questions about the project should be directed to the project planner, Russell Roe, at (510) 981-7548 or [roer@berkeleyca.gov](mailto:roer@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) 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.
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