

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
FEBRUARY 22, 2024

1340 Haskell Street

Use Permit #ZP2023-0113 to demolish one 1,908 square-foot single-family dwelling unit and construct two single-family dwelling units; a two-story (23 feet) 4,037 square foot single-family dwelling unit at the front of the lot (Front House), and a two-story house (24 feet, 1.5 inches) 4,037 square-foot single family dwelling at the rear of the lot (Rear House). The project also includes one off-street parking spot for each dwelling (2 in total) which exceeds the parking maximum.

Background

A. Land Use Designations:

- General Plan: Medium Density Residential (MDR)
- Zoning District: Restricted Multiple-Family Residential District (R-2A)

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(A), to demolish a single-family dwelling
- Use Permit, pursuant BMC Section 23.202.020(A), to construct two single-family dwelling units
- Administrative Use Permit pursuant to BMC Section 23.322.070(D), to exceed the off-street residential parking maximum

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 CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures").

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D. Parties Involved:

- Applicant John Newton, 5666 Telegraph Avenue, Ste. A, Oakland
- Property Owner Joaquin Pochat, 1373 Curtis Street, Berkeley, 94702

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Figure 1: Vicinity and Zoning Districts Map



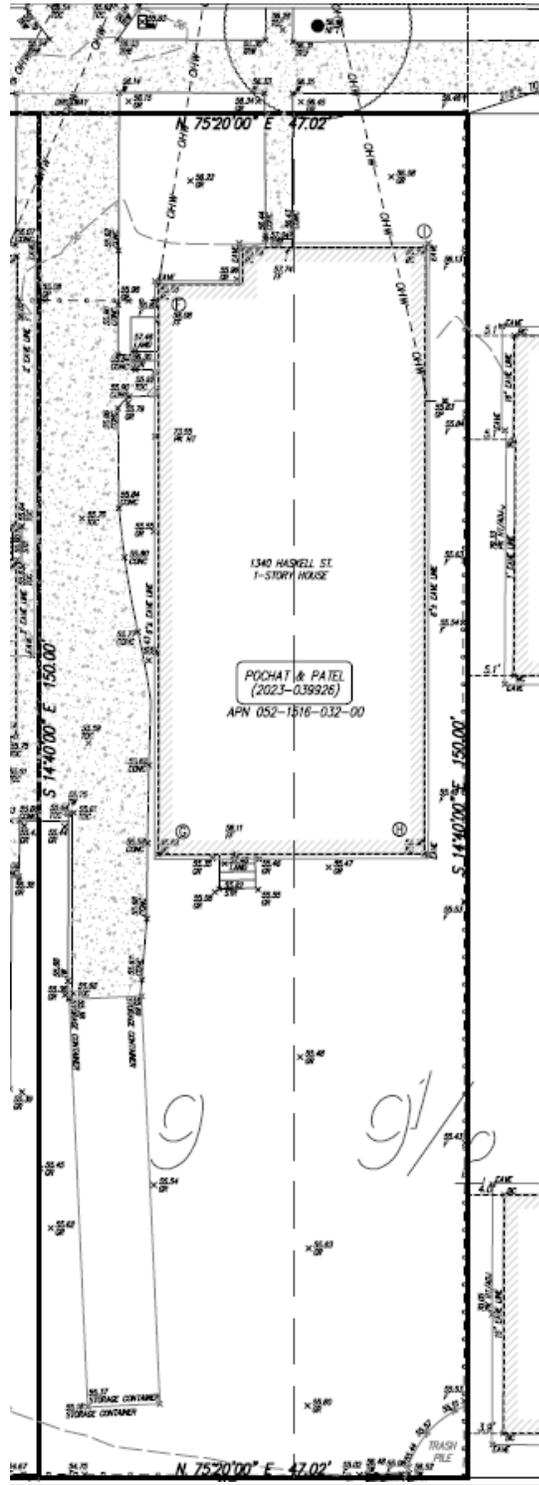
Zoning District-Restricted Multiple-Family Residential District (R-2A)

Legend

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

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Figure 1: Site Plan

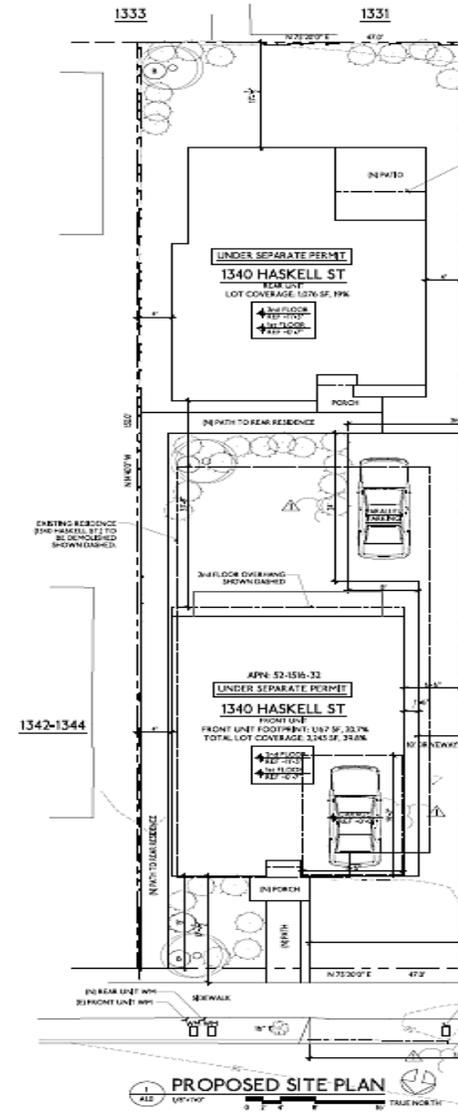


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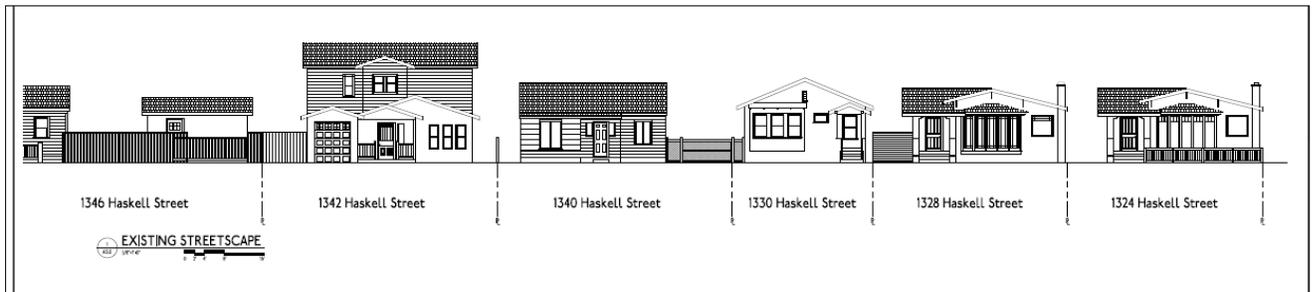
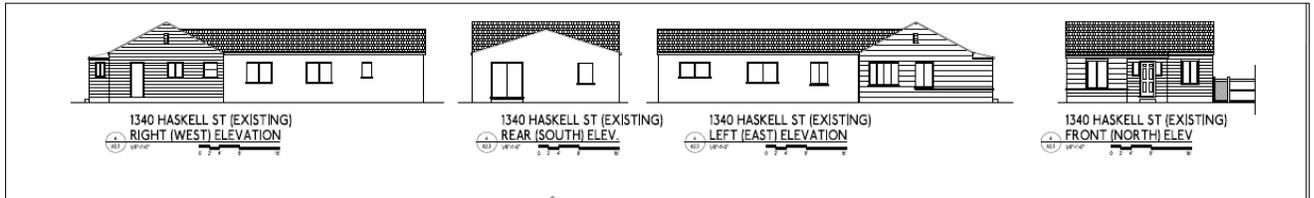
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Figure 3: Proposed Site Plan



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Figure 4: Existing Elevations and Streetscape



Proposed Elevations/Floor Plan (Front House)



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Proposed Elevation/Floor Plan (Rear House)



Table 1: Land Use Information

G:\LANDUSE\Projects by Address\Haskell\1340\ZP2023-0113\DOCUMENT FINAL\2024-02-22_ZAB_SR_1340 Haskell.docx

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Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-Family Dwelling	Restricted Multiple-Family Residential District (R-2A)	Medium-Density Residential
Surrounding Properties	North			
	South			
	East	Duplex		
	West			

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project does not propose to construct non-residential gross floor area; therefore, the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project is not proposing to construct non-residential floor area; therefore, the fee does not apply.
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The proposed housing development project, as defined in BMC 23.328.020(E), ^a would provide less than 5,000 square feet of residential unit floor area and is not part of a larger housing development project. Therefore, this project is exempt from the inclusionary housing provisions.
Affordable Housing Mitigations for rental housing projects (BMC Section 22.20.065) ^c	No	This fee applies to projects that propose five or more rental dwelling units. This project does not propose 5 or more rental units; therefore, the project is exempt from the provision.
Alcohol Sales/Service Public Convenience or Necessity	No	The project is residential and does not include alcohol sales or service. Therefore, public convenience and necessity findings are not required.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	No	The project did not apply for a Density Bonus.
Historic Resources	No	The Historic Resource Evaluation (HRE) prepared by Brad Brewster (October 10, 2023) concluded that the subject property does not appear to be an eligible historic resource. See Section III.B for additional discussion.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" pursuant to Government Code Section 65589.5(h)(2). ^b Refer to Section IV.B of this report for additional discussion on compliance with the Housing Accountability Act. ^b

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Characteristic	Applicability	Explanation
Housing Crisis Act of 2019 (SB 330)	No	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^c See Section V.C of this report for additional discussion.
Rent Controlled Units	No	1340 Haskell Street is a single-family dwelling and therefore not eligible for eviction protections. Therefore, the project would not demolish any rent controlled dwelling units. Please see Section V.E and attachment 5, email communication from the rent board, dated January 9, 2024, for additional discussion.
Residential Preferred Parking (RPP)	No	The site is/is not located in an RPP zone. The project is not eligible for RPP permits pursuant to BMC Section 14.72.080(C)(1) which prohibits the issuance of parking permits to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^d
Soil/Groundwater Contamination	No	The project site is not located within the City's Environmental Management Area and is not on the Cortese List. ^e Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project is within 1 mile of the Alameda-Contra Costa County (AC) transit lines 7,J, Transbay line 688, and the Bay Area Rapid Transit (BART) Ashby station.
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. 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.</p> <p>c. See footnote b.</p> <p>d. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic/hazards/</p> <p>e. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: Project Chronology

Date	Action
August 15, 2023	Application submitted
September 15, 2023	Application deemed incomplete

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Date	Action
October 23, 2023	Application resubmitted
August 15, 2023	Application submitted
November 11, 2023	Application deemed incomplete
December 6, 2023	Application resubmitted
December 11, 2023	Application deemed complete
February 8, 2024	Public hearing notices mailed/posted
February 22, 2024	ZAB hearing

Table 4: Restricted Multiple-Family Residential District Development Standards BMC Sections 23.202.090 and BMC 23.322 Parking and Loading

Standard		Existing	Front House	Rear House	Permitted/ Required
Lot Area (sq. ft.)		7,050	5,625		1,650 min per unit
Gross Floor Area (sq. ft.)		1908	1,161	2,017	NA
Dwelling Units	Total	1	1	1	1,650 per unit
Building Height (ft. - in.)	Average	12 ft., 11 in.	23 ft.	23 ft.	28 max
	Stories	1	2	2	3 max
Building Setbacks (ft. - in.)	Front (Haskell)	14 ft., 9 in.	15 ft.	92 ft.	15 ft. min
	Rear	69 ft., 9 in.	91 ft., 6 in.	17 ft., 1.5 in.	15 ft. min
	Interior Side (Left)	4 ft., 7.5 in.	4 ft.	4 ft.	4 ft. min
	Interior Side (Right)	13 ft., 1.5 in.	6 ft., 6 in.	4 ft.	4 ft. min
Lot Coverage (%)		27.1	20.6	19	40 max
Usable Open Space (sq. ft.)		3,232	796	632	300 per dwelling unit min
Parking	Automobile	0	1	1	0 min ^a
Notes:					
a. Should the ZAB approve the proposed project, the applicant plans to submit an application for a lot line adjustment to decrease the size of the lot from 7,050 square feet to 5,625 square feet					
b. AB-2097 , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses.					

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II. Project Setting

A. Neighborhood/Area Description:

The project site is located on the south side of Haskell Street, between Mabel and Acton Street in a residential district consisting of one- and two-story dwellings. The neighborhood is located on the southeast end of the city and is located within 0.25 miles of a high-quality transit corridor and one mile away from the BART station.

B. Site Conditions:

The project site is a relatively flat interior parcel oriented in a north-south direction. The parcel is approximately 47 feet wide, 150 feet long, and developed with a 1,908 square-foot vacant single-family dwelling. A driveway located along Haskell Street provides access to the project site and the adjacent lot located at 1330 Haskell Street.

III. Project Description

A. Proposed Project Details:

The proposed project would demolish an existing 1,908 square foot vacant single-family dwelling and construct two single-family dwelling units; a two-story (23 feet) 4,037 square foot single family dwelling unit at the front of the lot (Front House), and a two-story house (24 feet, 1.5 inches) 4,037 square-foot single family dwelling at the rear of the lot (Rear House). The project would also construct a shared driveway along the eastern portion of the lot with a curb cut on Haskell Street and would include one parking space for each dwelling accessed via the shared driveway. Should the ZAB approve the proposed project, the applicant plans to apply for a lot line adjustment to decrease the size of the lot from 7,050 square feet to 5,625 square feet. This potential decrease in area would allow setbacks that meet the R-2A development standards resulting in the 15 feet minimum required for the front, 4 feet minimum required on each side, and 17 feet, 5 inches in the rear exceeding the 15 feet required. The two detached single-family dwellings combined account for 39.6 percent of the allowable 40 percent lot coverage maximum allowed in the R-2A district.

B. Replacement of Demolished Units:

Government Code Section 66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years that will be demolished; prohibits the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units), unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes to replace the two demolished dwelling units with two new dwelling units. Please see section V.D for discussion.

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IV. . Community Discussion

A. Neighbor/Community Concerns:

A pre-application poster was installed on site by the applicant in August 2023. On February 6, 2024, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices within the neighborhood at three nearby locations. At the time of writing this report, staff had not received any communications regarding the project.

B. Landmark Preservation Commission / Design Review Committee Review:

The Landmark Preservation Commission must review a proposed demolition of a non-residential building or structure that is 40 years old or greater pursuant to 23.3206.070(C). A Historic Resources Evaluation (HRE) was prepared by Brewster Historic Preservation on September 19, 2023, and concluded that the duplex does not meet the evaluation criteria provided by the California Register of Historical Resources or the City of Berkeley Landmark Ordinance (See attachment 3). Additionally, due to the many alterations to this property over time, it would not be historically significant under CEQA. Therefore, no further review by the LPC is required.

C. Design Review Committee

The proposed project and not located in a residential district subject to design review, commercial or manufacturing district; therefore, the project is not subject to Design Review.

V. Issues and Analysis

A. CEQA Approach and Recommendation

It is staff's recommendation that the project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures"). The project complies with this exemption because the proposed project is below the size threshold for this exemption. In addition, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project:

- The project is currently developed/characterized as developed by the California Natural Diversity Database;¹ therefore, it is not located in an environmentally sensitive area;
- The project applicant is proposing to construct a similar project on the site directly adjacent to 1340 Haskell Street. Construction activities on these potential projects, would be temporary and short-term and consistent with construction activities that take place in the City of Berkeley. Each project would be required to comply with City standards, regulations, and conditions of approval. Therefore, cumulative impact of

¹ California Department of Fish and Wildlife. California Natural Diversity Database. Available: <https://apps.wildlife.ca.gov/bios6/?tool=cnddbqv>

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successive projects of the same type in the same place, over time would not be significant;

- There are no “unusual circumstances” at the project site that would result in significant environmental effects;
- There are no eligible or designated scenic highways within the City of Berkeley;² therefore, the project site is not in view of a state scenic highway;
- The site is not included on a list compiled pursuant to Government Code Section 65962.5;³ and
- The project would not result in a substantial adverse change in the significance of a historical resource.

The CEQA determination is made by ZAB, as the decision-making body.

B. Housing Accountability Act Analysis:

Pursuant to the Housing Accountability Act (HAA), California Government Code Section 65589.5(j), when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety⁴ unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The project is a “housing development project” consisting of at least two-thirds of the residential floor area. As shown in Table 4 above, the project complies with the zoning standards. While the project includes an Administrative Use Permits to modify parking standards, there are no objective criteria in the findings. Therefore, the project still complies with the HAA. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is not aware of specific adverse impacts that could occur with the construction or operation of the project.

² California Department of Transportation. California Scenic Highway Program’s Scenic Highway System List. Available: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

³ California Environmental Protection Agency. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>

⁴ A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

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D. Housing Crisis Act of 2019 – Senate Bill (SB) 330:

The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

- 1. Government Code Section 65905.5(a)** states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

The February 22, 2024 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

- 2. Government Code Section 65913.10(a)** requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in an HRE prepared for the project on September 19, 2023, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit.

E. Elimination of Dwelling Units through Demolition:

- 1. BMC Section 23.326.020(B)** allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project would replace one dwelling unit with two dwelling units; therefore, the project would not result in a net loss of housing. As a result, the City’s need for additional housing and Regional Housing Needs Assessment target would not increase, and thus, the Finding under BMC Section 23.326.020(B) would be met. The project would also retain housing in proximity to regional transit, bicycle facilities, retail, and services. Therefore, the project would

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not result in an increase in vehicle miles traveled, and air quality and greenhouse gas emission impacts. The proposed project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.

2. The project is compliant with all provisions of Government Code Section 66300(d) for the demolition and replacement of residential units; because the project would create at least as many units as will be demolished resulting in no net loss of units.
3. BMC Section 23.326.030(B) allows the ZAB to approve the demolition of a single dwelling unit provided that the building was not removed from the rental market under the Ellis Act during the proceeding five years and there have been no verified cases of harassment, or threatened or actual eviction during the immediately preceding three years. Rent Stabilization Board staff reviewed the property records and determined that the existing unit does have eviction protections because it is single-family dwelling. (Attachment 5)
4. The dwelling proposed to be demolished is vacant, and is not subject to tenant relocation provisions pursuant to BMC Chapter 23.326.

VI. Other Considerations (Zoning and Land Use Considerations)

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because the proposed project is HAA-compliant. The following permits have been determined by the City to be included in the project proposal, and are subject to Section 65589.5(j) of the HAA. See section V.B for discussion of the HAA. All permits are subject to the General Non-Detriment findings discussed in section VI.B.

A. District Purpose:

Pursuant to BMC Section 23.202.090(A), the proposed project is consistent with the purposes of the R-2A District because the proposed project would help maintain the medium-density residential concentration of the existing neighborhood through the development of two single-family dwellings on a single lot. The proposed project would not intensify the existing use and would provide usable open space beyond the 300-square-foot minimum per dwelling unit required in the R-2A and would not conflict with any of the other principles of the district purpose.

B. General Non-Detriment Finding:

BMC Section 23.406.040(E) states that before the ZAB approves an application for a Use Permit, it must find that 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.

1. Shadows: The applicant submitted Sunlight-Shadow studies documenting sun angles at different three times throughout the day during the summer and winter solstice. As the shadow studies illustrate, there would be increased, but minimal,

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shadows on the subject lot itself and the two proposed detached single-family dwellings on the adjacent lot located at 1330 Haskell Street, during the winter and summer solstice.

The study indicates that shadows would slightly increase on 1348 Haskell Street at approximately 2 hours before sunrise during winter solstice but would otherwise decrease throughout the day. Though the project will create new shadow impacts on neighboring residences, the projected impacts would be in line with what is expected within a built urban environment.

2. **Air:** The proposed project would be consistent with the existing development and building-to-building separation pattern, or air, in this R-2A District neighborhood. Because the building would meet the required rear, front, and side setbacks, the existing building-to-building separation would not be further reduced, and therefore not unreasonably obstruct air.
3. **Views:** The view corridor as defined in BMC Section 23.502.020 (Glossary) includes views of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the campanile, Golden Gate Bridge, or any other views that substantially enhances the value and enjoyment of real property. The project's proposed location is in a generally flat neighborhood, developed with one- to two-story buildings, and includes some mature vegetation that obscures these views from off-street angles. Because these views are not generally available in this neighborhood due to grade, current development patterns, and mature vegetation, the proposed project would not create detrimental impacts to views.
4. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

C. Off-Street Parking Maximums for Residential Development:

1. As required by BMC Section 23.322.070(D), the ZAB must find the apparent demand for additional parking cannot be satisfied by the amount of parking permitted under the BMC,⁵ or that the anticipated residents of the proposed project have special needs or require reasonable accommodation that relate to disability, health, or safety that require the provision of additional off-street parking available in the area.
2. The applicant is requesting parking in the excess of the allowed 0.5 parking spaces allowed per unit to accommodate a wide range of needs of potential tenants, which could not be met by public transit or more efficient use of on-street or off-street parking. The limited current parking availability and the infrequency and distance of public transit may

⁵ BMC Section 23.322.070(B) limits off street parking to a 0.5 parking space per dwelling unit.

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be an infeasible option for future tenants with restricted mobility and tenants with young children who may face challenges completing daily tasks such as grocery shopping, going to and from work or school, or obtaining medical care. The absence of Residential Preferred Parking permits, and limited supply of parking in the area would not serve the proposed use. In addition, allowing two parking spaces on the lot would allow for the installation of electric vehicle (EV) chargers that are easily accessible and would support the electric charging needs of both households. In addition, having the capability to install EV chargers would also support the City's goal to transition to renewable energy.

D. General Plan Consistency:

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

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design
2. **Policy LU-7 Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. **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.
4. **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.
5. **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.
6. **Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: The proposed replacement of one single-family dwelling with two detached single-family dwelling units would be consistent with neighboring land uses. The proposed size and design would be compatible with the existing scale and design characteristics of the neighborhood, and the height and placement of the project would create minimal impacts on sunlight for neighboring residences. As a result, detrimental impacts to potential solar access on neighboring lots are not expected. Additionally, the project would add one additional housing unit ensuring the continuation of the City's local and regional housing supply.

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VII. Recommendation

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

FIND that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Existing Facilities"); and

APPROVE ZP2023-0113 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received October 23, 2023
3. Historical Resource Evaluation, dated September 19, 2023
4. Notice of Public Hearing
5. Email communication from the Rent Stabilization Board, received January, 9 2024

Staff Planner: Cecelia Mariscal, cmariscal@berkeleyca.gov, (510) 981-7439

FINDINGS AND CONDITIONS

FEBRUARY 22, 2024

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Use Permit #ZP2023-0113 to demolish one 1,908 square-foot single-family dwelling unit and construct two single-family dwelling units; a two-story (23 feet) 4,037 square foot single-family dwelling unit at the front of the lot (Front House), and a two-story house (24 feet, 1.5 inches) 4,037 square-foot single family dwelling at the rear of the lot (Rear House). The project also includes one off-street parking spot for each dwelling (2 in total) which exceeds the parking maximum.

ZONING PERMITS REQUIRED

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(A), to demolish a single-family dwelling
- Use Permit, pursuant (BMC) Section 23.202.020(A), to construct two single-family dwelling units
- Administrative Use Permit pursuant to BMC Section 23.322.070(D), to exceed the off-street residential parking maximum

I. CEQA FINDINGS

- A.** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
- B.** 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 will not affect any historical resource.

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A.** The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

- B. The project includes construction of two detached single-family dwelling units and meets the definition of a housing project because it is at least two-thirds residential floor area. Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.
- C. Staff is not aware of specific adverse impacts that could occur with the construction or operation of the project.

III. FINDINGS FOR APPROVAL

- A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will 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:
 - 1. The proposed project is consistent with the purposes of the R2-A district because the project would help maintain the existing residential use and the medium density residential concentration by building two detached single-family dwellings to replace the existing duplex, and provide usable open space exceeding the 300 square-foot minimum. The project will not conflict with any of the other principles of the chapter purpose.
 - 2. The proposed project proposes to demolish a vacant single-family dwelling and replace it with two detached single-family dwellings. The dwelling in the front will have an average height of 23 feet, and the house proposed in the rear will have an average height of 24 feet, 1.5 inches. Both houses will be below the 35-foot average height maximum allowed in the R-2A. Though the project will create new shadow impacts to abutting lots, the impacts will be minimal as they are limited to certain times of the day and not outside of what is expected in a built urban environment.
 - 3. The project will meet required setback minimums and as a result, will not further reduce building-to-building separation, and therefore will not unreasonably obstruct air.
 - 4. Due to grade, current development patterns and mature vegetation, views as defined in BMC Section 23.502.020, are not generally available in this neighborhood. As a result, the proposed project will not create detrimental impacts to views.
 - 5. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

IV. OTHER FINDINGS FOR APPROVAL

- A. As required by BMC 23.326.020(B), the elimination or demolition of a dwelling unit will not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project will replace two demolished dwelling units with two dwelling units. The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target.
- B. The demolition of residential units is allowed because:
1. Pursuant to BMC Section 23.326.030(A)(2), the existing units were not removed from the rental market under the Ellis Act at any time during the preceding five years, or there is no record of any verified cases of harassment or threatened or actual illegal eviction; and
 2. Pursuant to BMC Section 23.326.030(A)(3), ZAB finds that the building containing the units will be rebuilt on the same lot resulting in no net loss of units and no change in the affordability levels of the units. The proposed demolition of the existing duplex is necessary to permit construction of at least the same number of dwelling units which will result in the construction of two detached single-family homes on the same lot
- C. As required by BMC Section 23.322.070(D), to approve off-street residential parking in excess of the maximum number in Section 23.322.070(B) must make the followings:
1. Trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking permitted by this section, by transit service which exists or is likely to be provided in the foreseeable future, or by more efficient use of existing on-street and off-street parking available in the area.
 2. Because the existing on-street and off-street parking cannot be and public transit availability cannot meet the needs of a potential residents with limited mobility of those with young children, two on-site parking spaces, exceeding the 0.5 space per dwelling allowed by right, are permissible. Additionally, allowing the two parking spaces on the lot will allow for the installation of EV chargers which will support the City's goal to transition to renewable energy.

V. 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.
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 re-establish 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 comply 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. Hold Harmless. The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

VI. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____

Name	Phone #
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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 in accordance with BMC 16.28.030, and, except for new buildings on vacant lots, entered into the City’s database after the building permit is issued but prior to final inspection.

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

12. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

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

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

- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](http://arcgis.com)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i.** procedures for soil and groundwater management including identification of pollutants and disposal methods;
- ii.** procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii.** notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv.** the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

- E. Demolitions & Renovations – Building Materials Survey.** A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.
- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
 - ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
 - iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
 - iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

- F. Hazardous Materials Business Plan.** A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

- G. Petroleum Storage.** An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:
- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

- 15. Parcel Merger/Lot Line Adjustment.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
- 16. HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
- 17. Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
- 18. Electric Vehicle (EV) Charging.** Each dwelling unit shall install a listed raceway, wiring, and load capacity to allow for future Level 2 (40 amp) plug-in electric vehicle (EV) charging system installation, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Readiness for EV charging and EV charging station installations shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 19. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division's Recycling Program Manager, Julia A. Heath, at jheath@berkeleyca.gov.
- 20. 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 Demolition or Start of Construction:

21. Construction/No Parking Permits. 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.

During Construction:

22. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

23. Public Works - Implement Bay Area Air Quality Management District (BAAQMD)- Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

24. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:

- A.** The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
- B.** All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
- C.** In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
- i.** An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - ii.** A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
- 25. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 26. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

27. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

28. 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.

- 29. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 30. 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.
- 31. 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.
- 32. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- H.** Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- I.** All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- J.** Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- K.** The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 33. Public Works.** 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.
- 34. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 35. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 36. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 37. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 38. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
- 39. Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

- 40. 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.
- 41.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 23, 2024.

At All Times:

- 42. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 43. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

- 44. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
- 45. 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.
- 46. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 47. 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.
- 48. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.
- 49. Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)



LEGEND

- USEABLE OPEN SPACE
- LANDSCAPED AREA
- LOT COVERAGE

1340	1330
<p>FRONT UNIT 164 SF USEABLE OPEN SPACE (FRONT YARD) 632 SF USEABLE OPEN SPACE (BACK YARD) 796 SF TOTAL USEABLE OPEN SPACE 79% SF LANDSCAPED-100%</p> <p>REAR UNIT 744 SF USEABLE OPEN SPACE (BACK YARD) 670 SF LANDSCAPED-90%</p> <p>TOTAL USEABLE OPEN SPACE AREA: 1,540 SF TOTAL LANDSCAPED AREA: 1,466 SF-95.2%</p> <p>FRONT UNIT FOOTPRINT: 1,161 SF REAR UNIT FOOTPRINT: 1,070 SF TOTAL FOOTPRINT: 2,231 SF LOT COVERAGE: 39.6%</p>	<p>FRONT UNIT 157 SF USEABLE OPEN SPACE (FRONT YARD) 632 SF USEABLE OPEN SPACE (BACK YARD) 789 SF TOTAL USEABLE OPEN SPACE 78% SF LANDSCAPED-100%</p> <p>REAR UNIT 805 SF USEABLE OPEN SPACE (BACK YARD) 701 SF LANDSCAPED-87%</p> <p>TOTAL USEABLE OPEN SPACE AREA: 1,594 SF TOTAL LANDSCAPED AREA: 1,254 SF-93.5%</p> <p>FRONT UNIT FOOTPRINT: 1,167 SF REAR UNIT FOOTPRINT: 1,076 SF TOTAL FOOTPRINT: 2,243 SF LOT COVERAGE: 39.8%</p>

John Newton
 Design & Development
 5666 Telegraph Ave, Ste A
 Oakland, CA 94609
 (510) 847-4108

NEW RESIDENCES

PROJECT ADDRESS:
 1330-1340 Haskell St.,
 Berkeley, CA 94703
 APN: 52-1516-31
 APN: 52-1516-32

OWNERS:
 Joaquin Pochat
 Nina Patel
 (510) 708-5959

1340 USEABLE OPEN SPACE & LOT COVERAGE DIAGRAM & EXISTING SITE PLAN

REVISION

No.	Description	Date
1	DESIGN REV	10/16/23

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 10/16/23

A1.1

TYPICAL MATERIALS:

ROOF: CLASS "A" ASPHALT COMP SHINGLE ROOF;
MEMBRANE AT FLAT ROOFS TYP

SIDING: BOARD & BATTEN SIDING (WOOD BATTENS
OVER SMOOTH HARDIE BOARD), LAP SIDING, STUCCO,
BRICK WHERE SHOWN AT ENTRYWAYS

WINDOWS: DUAL-PANE VINYL

DOORS: DUAL PANE VINYL SLIDING DOORS; SOLID
WOOD/GLASS DOOR AT ENTRY; ALUMINUM/GLASS
AT GARAGE DOOR

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Nina Patel
(510) 708-5959

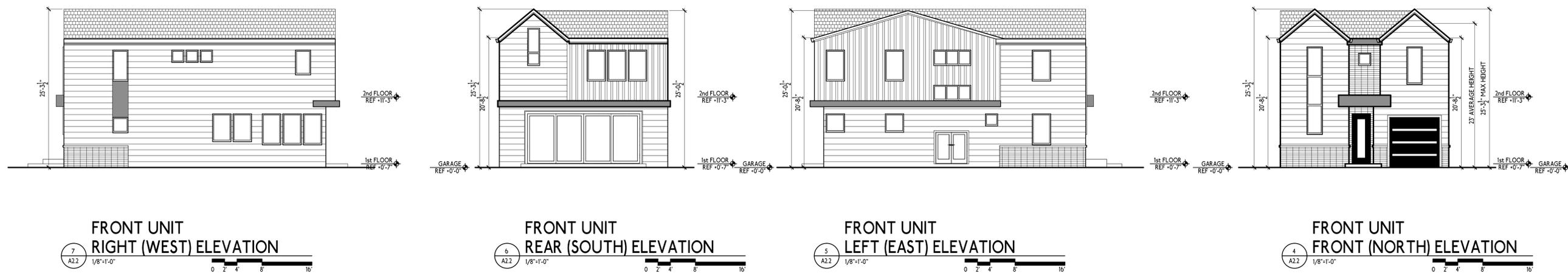
**1340
1340 HASKELL ST
FRONT UNIT
PROPOSED FLOOR
PLANS, ELEVATIONS
& SECTIONS**

REVISION

No.	Description	Date
1	DESIGN REV	10/16/23

PROJECT No.:
DRAWN BY: ML
CHECKED BY: JMN
DATE: 10/16/23

A2.0

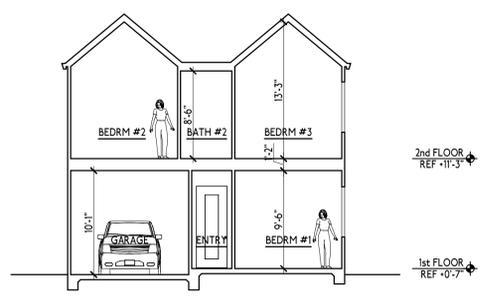


**FRONT UNIT
RIGHT (WEST) ELEVATION**

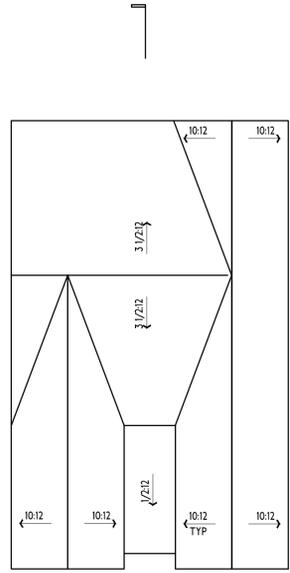
**FRONT UNIT
REAR (SOUTH) ELEVATION**

**FRONT UNIT
LEFT (EAST) ELEVATION**

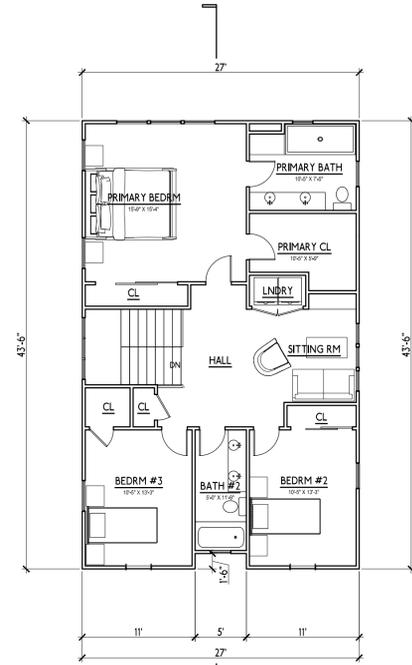
**FRONT UNIT
FRONT (NORTH) ELEVATION**



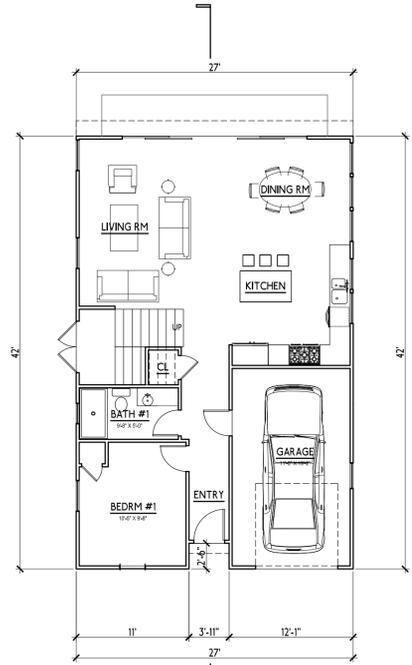
**FRONT UNIT
SECTION B**



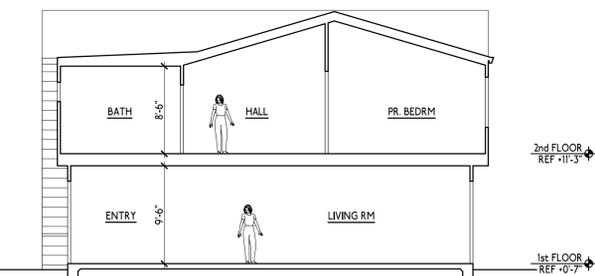
**FRONT UNIT
ROOF PLAN**



**FRONT UNIT
2nd FLOOR PLAN**



**FRONT UNIT
1st FLOOR PLAN**



**FRONT UNIT
SECTION A**

**FRONT UNIT
ROOF PLAN**

**FRONT UNIT
2nd FLOOR PLAN**

**FRONT UNIT
1st FLOOR PLAN**

894 SF
GARAGE: 230 SF
TOTAL: 2,020 SF

TYPICAL MATERIALS:

ROOF: CLASS "A" ASPHALT COMP SHINGLE ROOF;
 MEMBRANE AT FLAT ROOFS TYP

SIDING: BOARD & BATTEN SIDING (WOOD BATTENS
 OVER SMOOTH HARDIE BOARD), LAP SIDING, STUCCO,
 BRICK WHERE SHOWN AT ENTRYWAYS

WINDOWS: DUAL-PANE VINYL

DOORS: DUAL PANE VINYL SLIDING DOORS; SOLID
 WOOD/GLASS DOOR AT ENTRY

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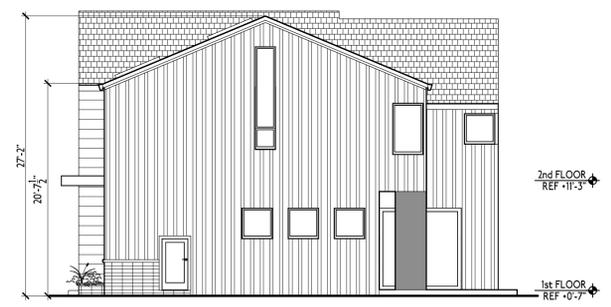
**1340
 1340 HASKELL ST
 REAR UNIT
 PROPOSED FLOOR
 PLANS, ELEVATIONS
 & SECTIONS**

REVISION

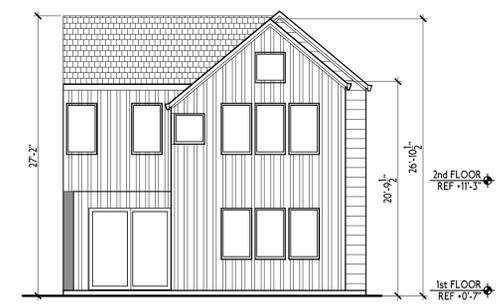
No.	Description	Date
1	DESIGN REV	10/16/23

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 10/16/23

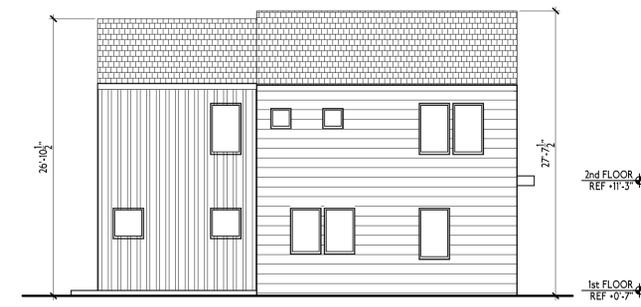
A2.1



**REAR UNIT
 RIGHT (WEST) ELEVATION**
 7
 A2.3 1/8"=1'-0"
 0 2' 4' 8' 16'



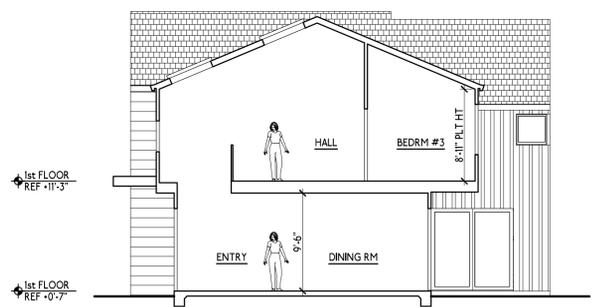
**REAR UNIT
 REAR (SOUTH) ELEVATION**
 6
 A2.3 1/8"=1'-0"
 0 2' 4' 8' 16'



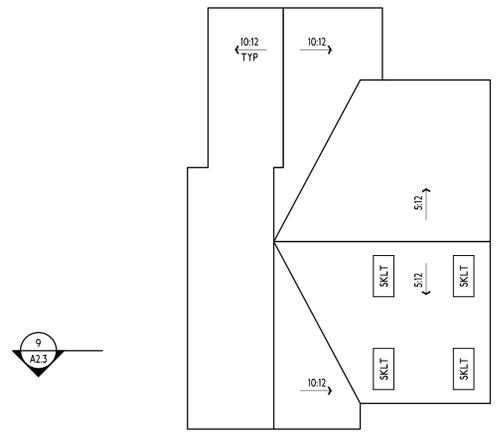
**REAR UNIT
 LEFT (EAST) ELEVATION**
 5
 A2.3 1/8"=1'-0"
 0 2' 4' 8' 16'



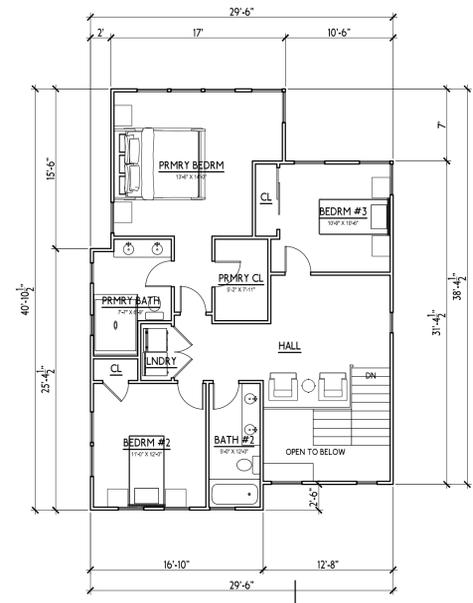
**REAR UNIT
 FRONT (NORTH) ELEVATION**
 4
 A2.3 1/8"=1'-0"
 0 2' 4' 8' 16'



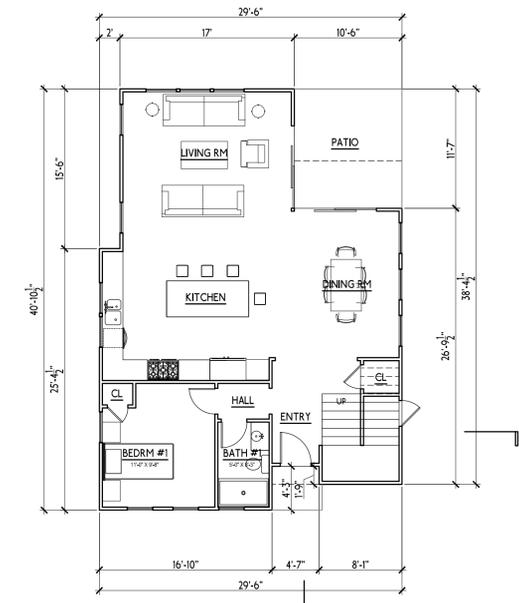
**REAR UNIT
 SECTION**
 8
 A2.3 1/8"=1'-0"
 0 2' 4' 8' 16'



**REAR UNIT
 ROOF PLAN**
 3
 A2.3 1/8"=1'-0"
 0 2' 4' 8' 16' TRUE NORTH



**REAR UNIT
 2nd FLOOR PLAN**
 2
 A2.3 1/8"=1'-0"
 1,004 SF
 0 2' 4' 8' 16' TRUE NORTH



**REAR UNIT
 1st FLOOR PLAN**
 1
 A2.3 1/8"=1'-0"
 1,013 SF
 TOTAL: 2,017 SF
 0 2' 4' 8' 16' TRUE NORTH

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NEW
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 APN: 52-1516-32

OWNERS:
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 (510) 708-5959

1340

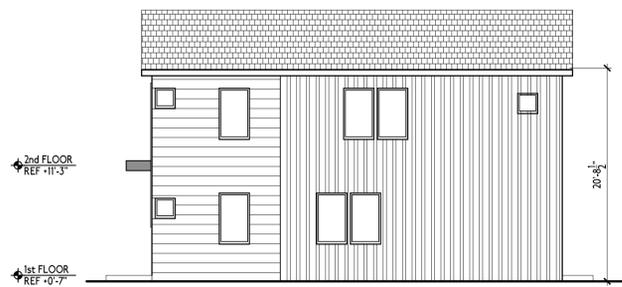
1330 HASKELL ST
 PROPOSED
 ELEVATIONS

REVISION

No.	Description	Date
1	DESIGN REV	10/16/23

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 10/16/23

A2.2



7
 A2.1
 1/8"=1'-0"
 0 2' 4' 8' 16'



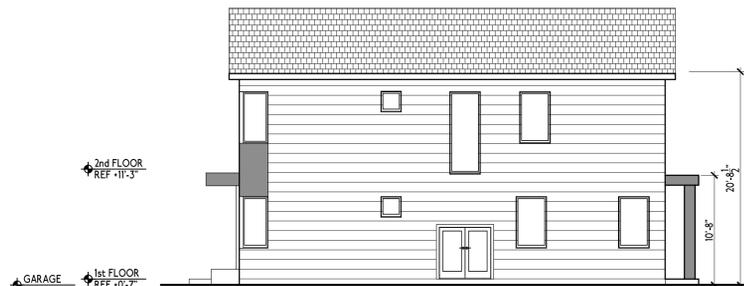
6
 A2.1
 1/8"=1'-0"
 0 2' 4' 8' 16'



5
 A2.1
 1/8"=1'-0"
 0 2' 4' 8' 16'



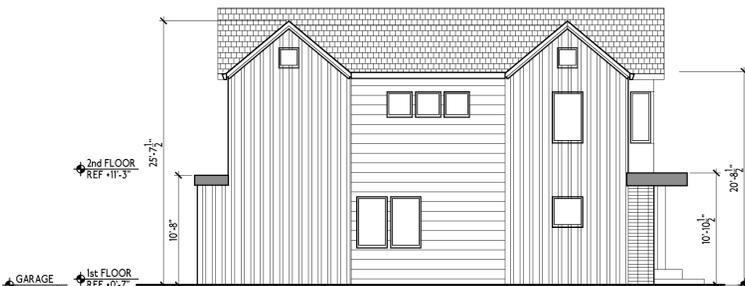
4
 A2.1
 1/8"=1'-0"
 0 2' 4' 8' 16'



7
 A2.0
 1/8"=1'-0"
 0 2' 4' 8' 16'



6
 A2.0
 1/8"=1'-0"
 0 2' 4' 8' 16'



5
 A2.0
 1/8"=1'-0"
 0 2' 4' 8' 16'



4
 A2.0
 1/8"=1'-0"
 0 2' 4' 8' 16'

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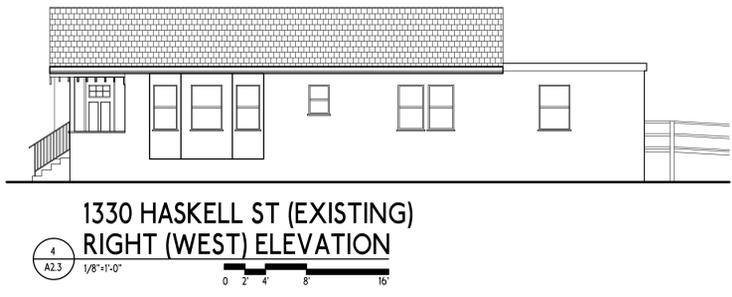
1340
 EXISTING ELEV.-
 EXISTING &
 PROPOSED
 STREETScape

REVISION

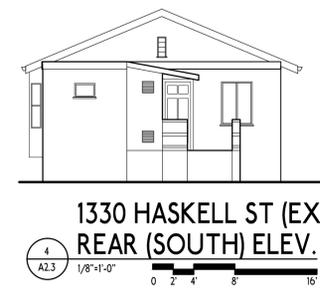
No.	Description	Date
△ 1	DESIGN REV	10/16/23

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 10/16/23

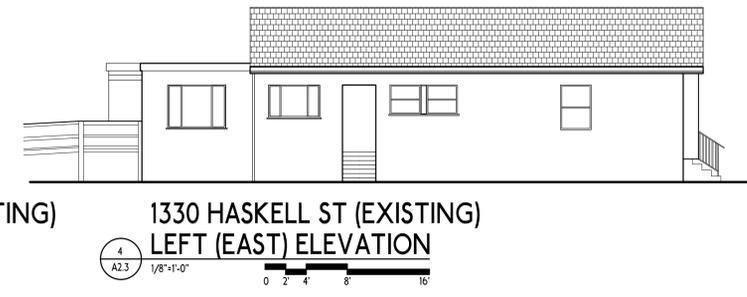
A3.0



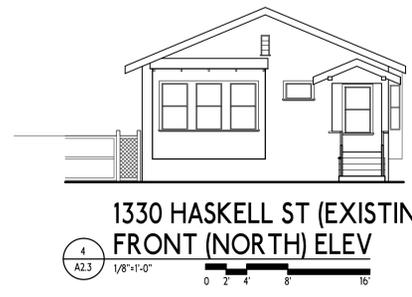
1330 HASKELL ST (EXISTING)
 RIGHT (WEST) ELEVATION



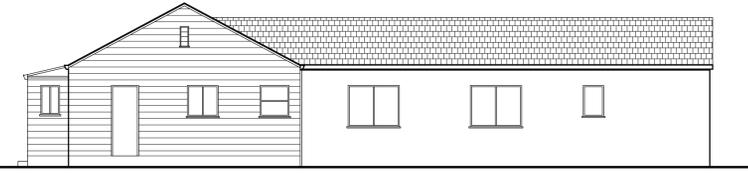
1330 HASKELL ST (EXISTING)
 REAR (SOUTH) ELEV.



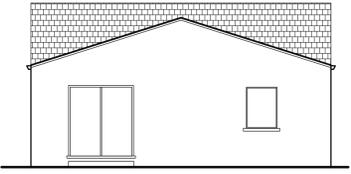
1330 HASKELL ST (EXISTING)
 LEFT (EAST) ELEVATION



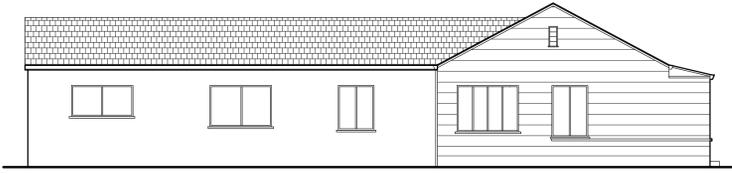
1330 HASKELL ST (EXISTING)
 FRONT (NORTH) ELEV



1340 HASKELL ST (EXISTING)
 RIGHT (WEST) ELEVATION



1340 HASKELL ST (EXISTING)
 REAR (SOUTH) ELEV.



1340 HASKELL ST (EXISTING)
 LEFT (EAST) ELEVATION



1340 HASKELL ST (EXISTING)
 FRONT (NORTH) ELEV



1346 Haskell Street

1342 Haskell Street

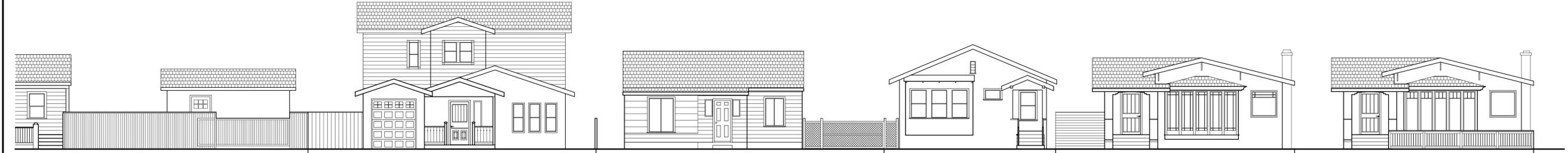
1340 Haskell Street

1330 Haskell Street

1328 Haskell Street

1324 Haskell Street

2
 A3.0
 1/8"=1'-0"
 0 2 4 8 16
 PROPOSED STREETScape



1346 Haskell Street

1342 Haskell Street

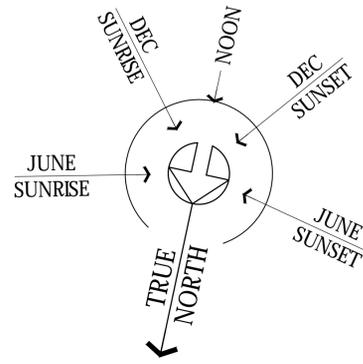
1340 Haskell Street

1330 Haskell Street

1328 Haskell Street

1324 Haskell Street

1
 A3.0
 1/8"=1'-0"
 0 2 4 8 16
 EXISTING STREETScape

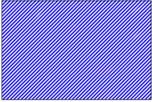


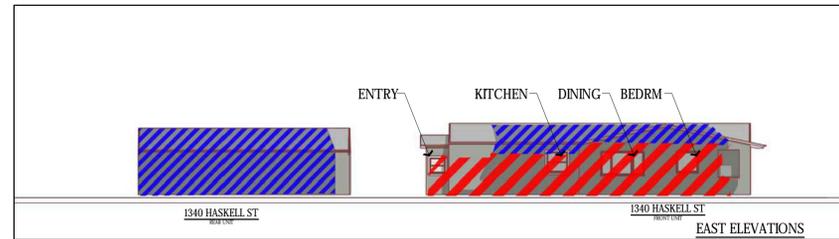
NOTE:
 SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 1330-1340 HASKELL ST. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.

NEW RESIDENCES

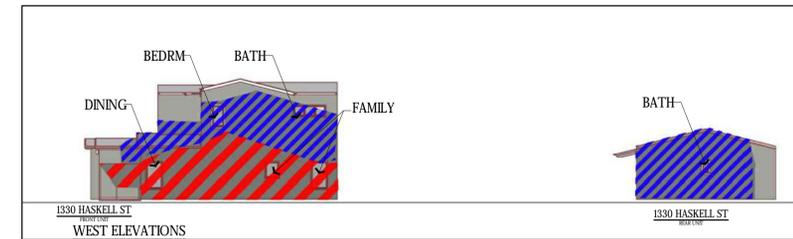
1330-1340 Haskell St, Berkeley, CA 94702
 APN# 52-1516-31 & 52-1516-32

LEGEND

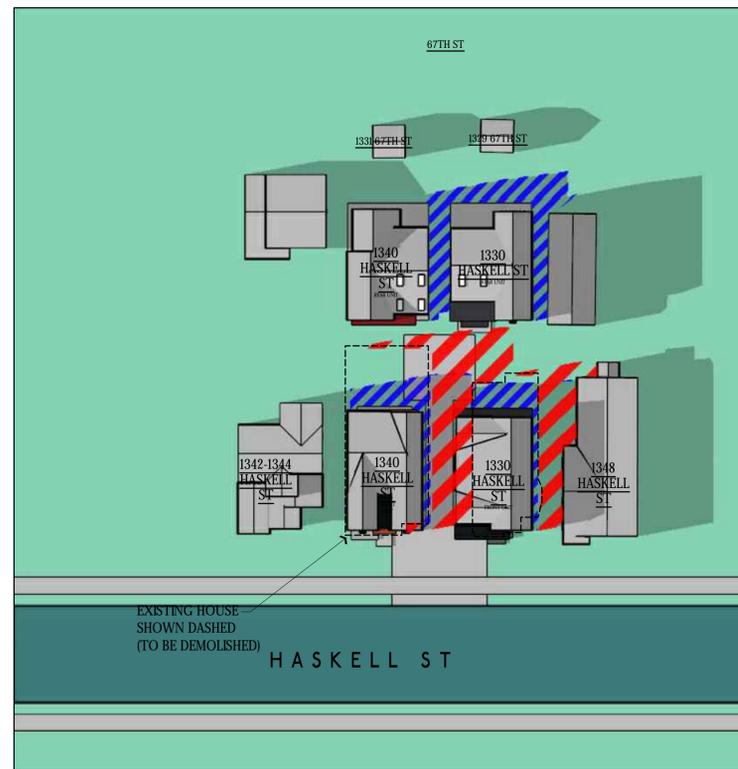
-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW
-  1330-1340 HASKELL ST EXISTING SHADOW (EXISTING RESIDENCE & GARAGE)



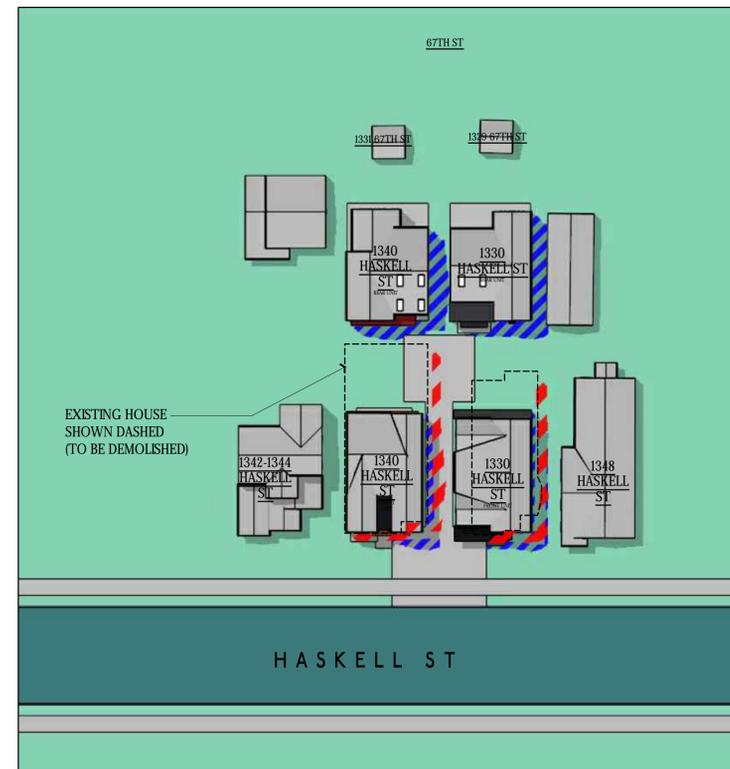
5
 A4.2 JUNE 21ST- 5:47 AM



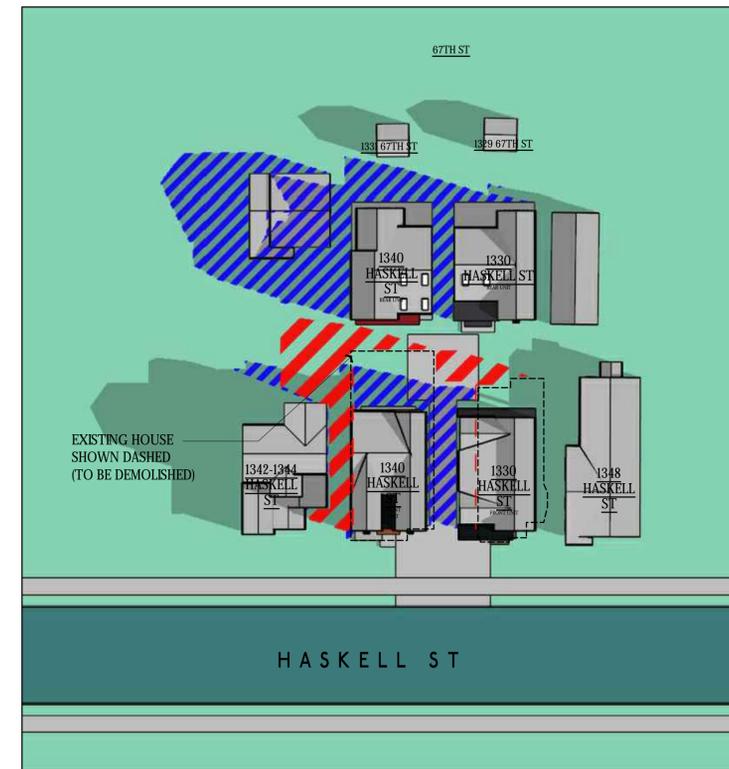
4
 A4.2 JUNE 21ST- 8:35 PM



3
 A4.2 JUNE 21ST- 5:47 AM



2
 A4.2 JUNE 21ST- NOON



1
 A4.2 JUNE 21ST- 8:35 PM



John Newton
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 5666 Telegraph Ave, Ste A
 Oakland, CA 94609
 (510) 847-4108

NEW RESIDENCES

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 APN: 52-1516-31
 APN: 52-1516-32

OWNERS:
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 Nina Patel
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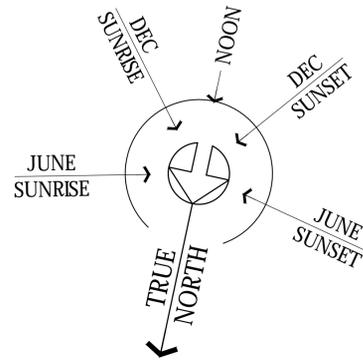
1340 SHADOW STUDY PART 3

REVISION

No.	Description	Date

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 7/17/23

A4.2

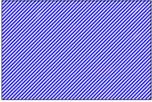


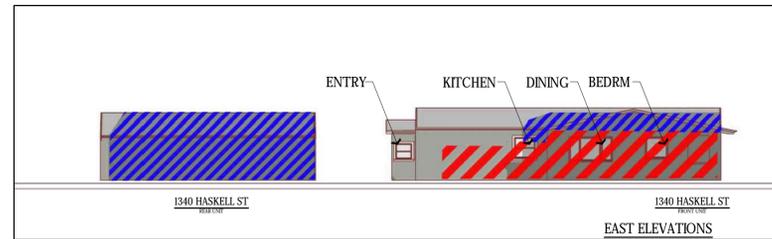
NOTE:
 SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 1330-1340 HASKELL ST. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.

NEW RESIDENCES

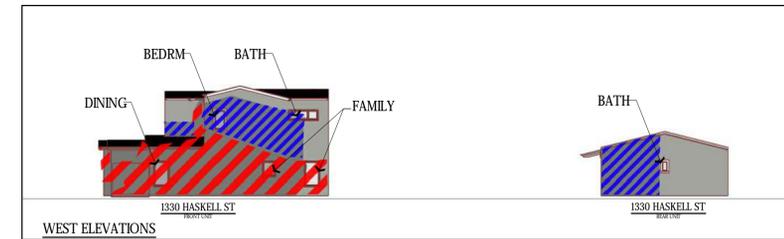
1330-1340 Haskell St, Berkeley, CA 94702
 APN# 52-1516-31 & 52-1516-32

LEGEND

-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW
-  1330-1340 HASKELL ST EXISTING SHADOW (EXISTING RESIDENCE & GARAGE)



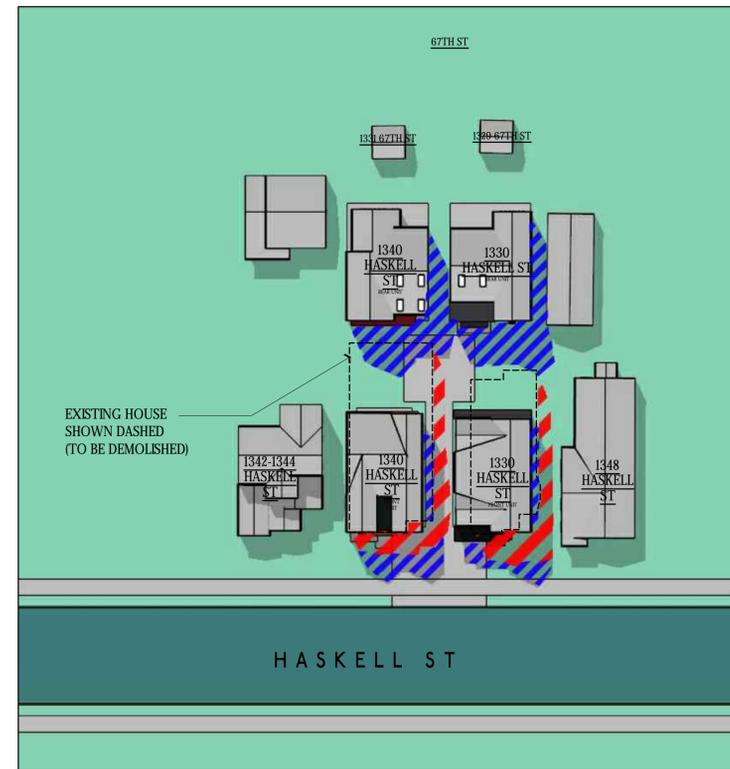
5
 A4.1
 MAR 24TH- 7:05 AM



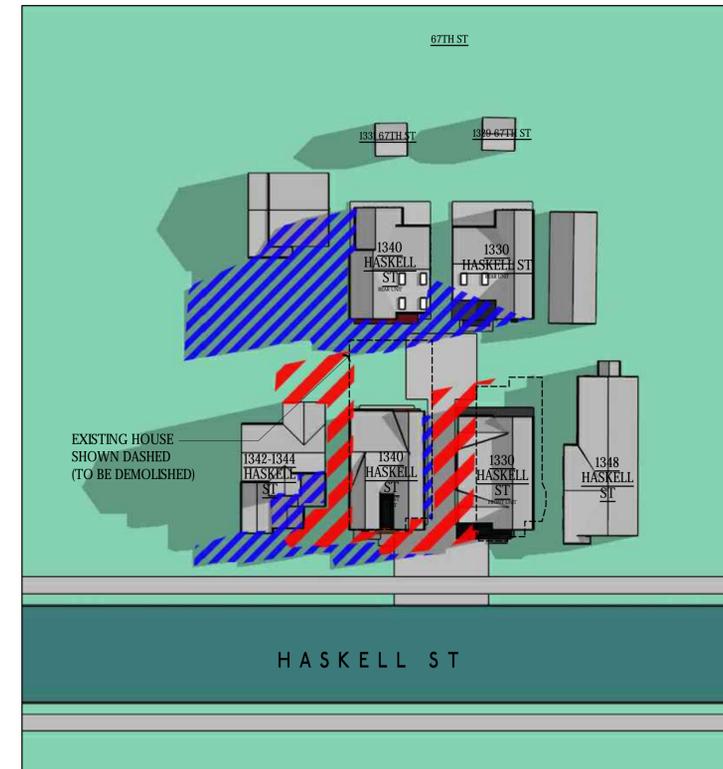
4
 A4.1
 MAR 24TH- 7:25 PM



3
 A4.1
 MAR 24TH- 7:05 AM
 TRUE NORTH



2
 A4.1
 MAR 24TH- NOON
 TRUE NORTH



1
 A4.1
 MAR 24TH- 7:25 PM
 TRUE NORTH

John Newton
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 Oakland, CA 94609
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NEW RESIDENCES

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 APN: 52-1516-32

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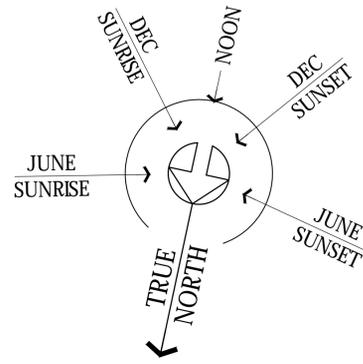
1340 SHADOW STUDY PART 2

REVISION

No.	Description	Date

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 7/17/23

A4.1

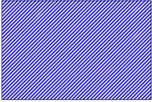


NOTE:
 SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 1330-1340 HASKELL ST. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.

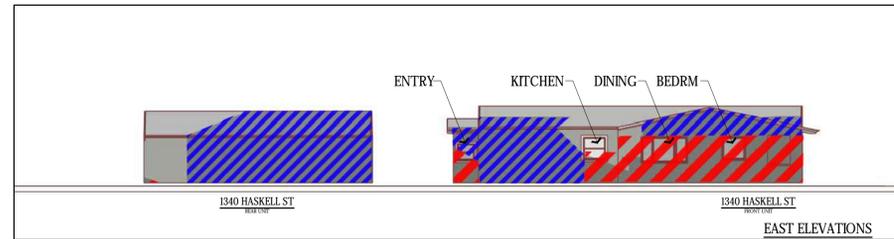
NEW RESIDENCES

1330-1340 Haskell St, Berkeley, CA 94702
 APN# 52-1516-31 & 52-1516-32

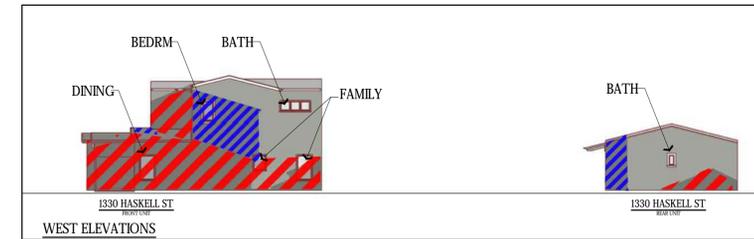
LEGEND

-  NEIGHBORING BUILDINGS
-  EXISTING SHADOW
-  NEW SHADOW
-  1330-1340 HASKELL ST EXISTING SHADOW (EXISTING RESIDENCE & GARAGE)

John Newton
 Design & Development
 5666 Telegraph Ave, Ste A
 Oakland, CA 94609
 (510) 847-4108



5
 A3.2 DEC 21ST- 7:21 AM

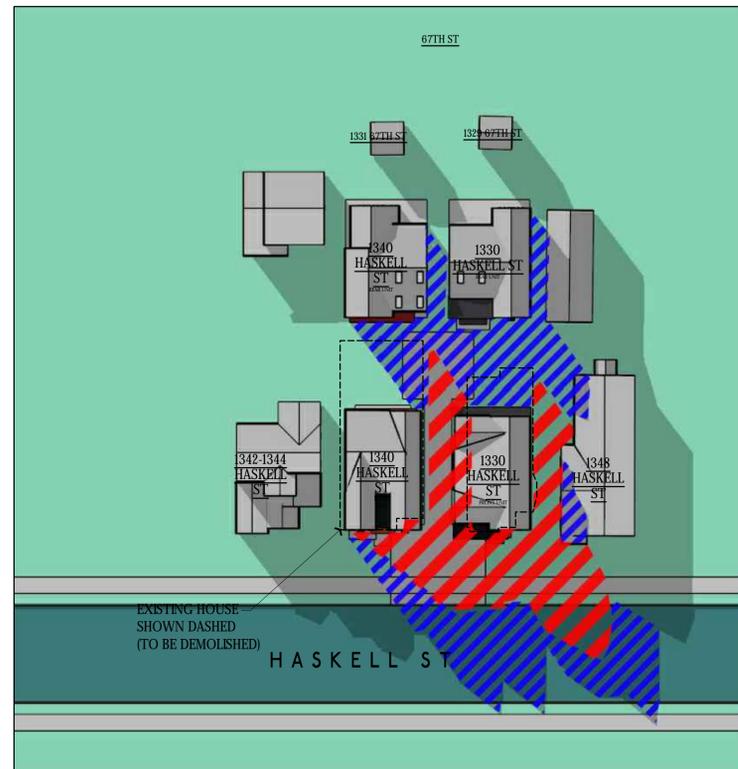


4
 A3.2 DEC 21ST- 4:53 PM

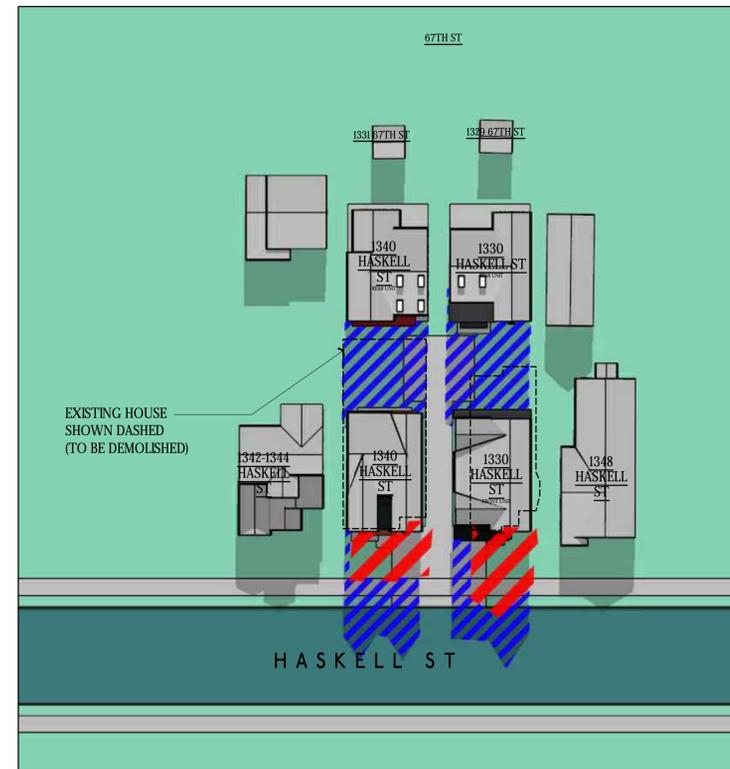
NEW RESIDENCES

PROJECT ADDRESS:
 1330-1340 Haskell St.,
 Berkeley, CA 94703
 APN: 52-1516-31
 APN: 52-1516-32

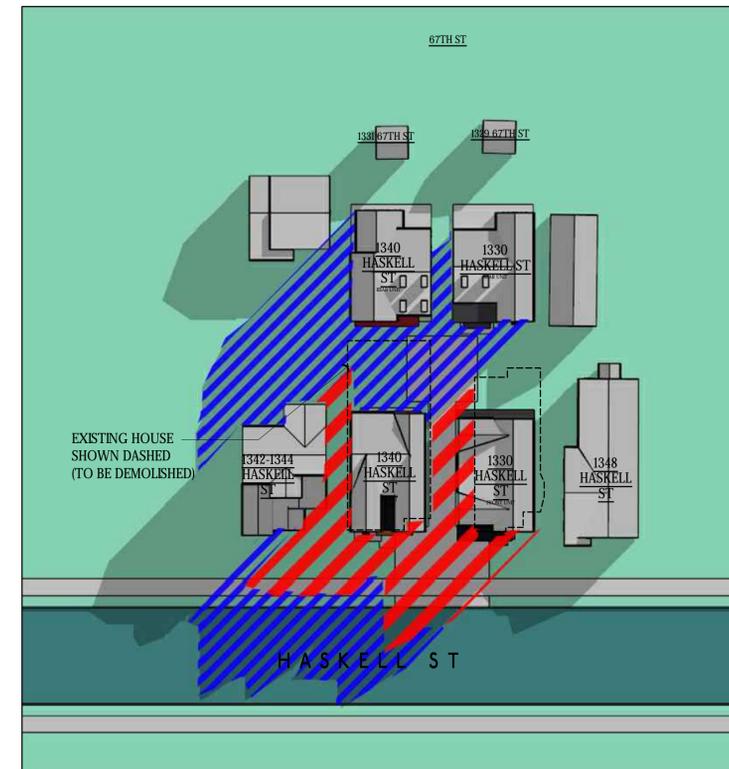
OWNERS:
 Joaquin Pochat
 Nina Patel
 (510) 708-5959



3
 A3.2 DEC 21ST- 7:21 AM



2
 A3.2 DEC 21ST- NOON



1
 A3.2 DEC 21ST- 4:53 PM



1340 SHADOW STUDY PART 1

REVISION

No.	Description	Date

PROJECT No.:
 DRAWN BY: ML
 CHECKED BY: JMN
 DATE: 7/17/23

A4.0

State of California <input type="checkbox"/> The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____ Other Listings _____ Review Code _____ Reviewer _____ Date _____
--	---

Page 1 of 21 *Resource Name or #: (Assigned by recorder) 1330 Haskell Street

P1. Other Identifier: None

*P2. Location: Not for Publication • **Unrestricted**

*a. County Alameda and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Oakland West Date 2018 T 1S; R 3W; of of Sec

c. Address 1330 Haskell Street City Berkeley Zip 94702

d. UTM: (Give more than one for large and/or linear resources) Zone , 122E mE/ 38N mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, decimal degrees, etc., as appropriate)

APN:52-1516-31. Property is approximately 4,181 square feet (0.10 acres) in size

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Located on the south side of Haskell Street between Acton Street on the east and Mabel Street on the west, the subject property at 1330 Haskell Street is a one-story, two-family residence approximately 1,215 square feet in size with a generally rectangular plan and a gable roof clad in composite shingles, with unenclosed eaves and exposed rafter tails, wood eave brackets and trim, stucco siding, and constructed of wood framing over a concrete perimeter foundation. Concrete steps with wrought iron hand railings lead to a recessed front porch at the northwestern corner of the building. (see Continuation sheet)

*P3b. Resource Attributes: (List attributes and codes) HP3 Multiple Family Property

*P4. Resources Present: • Building Structure Object Site District Element of District Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



P5b. Description of Photo: (view, date, accession #) 9/19/23

View SE

*P6. Date Constructed/Age and Source: • Historic Prehistoric

Both

1914 (Factual)

*P7. Owner and Address:

Joaquin Pochat

1375 Curtis Street

Berkeley, CA 94702

*P8. Recorded by: (Name, affiliation, and address) Brewster Historic Preservation

143 Pierce Street

San Francisco, CA 94117

*P9. Date Recorded: 10/10/23

*P10. Survey Type: (Describe)

Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

None

*Attachments: NONE Location Map • Continuation Sheet

• Building, Structure, and Object Record

Archaeological Record District Record Linear Feature Record

Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List): _____

State of California The Resources Agency Primary # _____
 DEPARTMENT OF PARKS AND RECREATION HRI# _____
BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Name or # (Assigned by recorder) 1330 Haskell Street *NRHP Status Code 6Z
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B1. Historic Name: 1330 Haskell Street
 B2. Common Name: same B3. _____
 Original Use: Residential B4. Present Use: Residential

*B5. Architectural Style: Craftsman Bungalow (altered)

*B6. Construction History: (Construction date, alterations, and date of alterations)
 Originally permitted in 1914 as a small, single-story Craftsman Bungalow, the home was substantially altered in 1952 with a rear addition/secondary unit. The large, wood framed wheelchair ramp was constructed without a permit sometime in the 1980s.

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____ *B8. _____

Related Features:
 Metal shipping container in rear yard.

B9a. Architect: George H. Johnson b. Builder: George H. Johnson

*B10. Significance: Theme Post-1906 Earthquake Development Area Berkeley

Period of Significance 1906 - 1930 Property Type Residential Applicable Criteria N/A
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Brief History of Berkeley. The following history of Berkeley was obtained from two primary sources; *City of Berkeley General Plan: A Guide for Public Decision-Making*, Urban Design and Preservation Element, and the *Berkeley General Plan Environmental Impact Report*, Cultural Resources Section, both of which were prepared by the City of Berkeley and its planning consultants in 2001.

Prior to the arrival of the Spanish in the 18th Century, the native Costanoan people inhabited the Bay Area including today's Berkeley beginning in approximately 500 A.D. By 1797, seven Spanish missions had been established within Costanoan Territory. (see Continuation Sheet)

B11. Additional Resource Attributes: (List attributes and codes) HP3 Multiple Family Property

*B12. References:

See footnotes on continuation sheets

B13. Remarks:

*B14. Evaluator: Brad Brewster/Brewster Historic Preservation

*Date of Evaluation: October 10, 2023

(This space reserved for official comments.)



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P3a Description (Continued)

Over the entry lies a short gable roof with decorative wood roof brackets. The front door is a wood frame paneled door with a 4-pane inset window. Located on the front (north) elevation is a large bay containing a row of three wood frame, double-hung windows with 1-over-1 panes. A shallow three-part bay is located on the side (west) elevation, also containing three wood frame, double-hung windows with 1-over-1 panes. The majority of the fenestration is wood frame, double-hung windows of varying sizes, while a rear addition/secondary unit contains a variety of fixed and casement style metal frame windows. This rear addition/secondary unit has a shed roof clad in rolled asphalt, stucco siding, and a recessed rear entry porch framed with plywood panels on the southwest corner. This rear addition accessed by a large, wood frame wheelchair ramp which projects deeply into the rear yard. A concrete driveway on the east side yard leads to the back yard. At the end of the driveway lies a large metal shipping container. The architectural style of the residence is Craftsman Bungalow (altered), while the rear addition/secondary unit is more contemporary in style. The structure is in fair-to-poor condition. Provided below are photos of all visible elevations of the subject property, as well as adjacent properties.



Front (north) elevation (left) and entry detail (right)

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South (rear) and east (side) elevations showing 1952 addition and unpermitted changes



South (rear) elevations showing 1952 addition and unpermitted changes

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Southerly view into backyard with wheelchair ramp and container on left



Southerly view down shared driveway with 1340 Haskell Street (subject on right)

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Context view of adjacent properties to west (subject property on left)



Context view of adjacent property (1340 Haskell St) to west (subject property on right)

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B10. Significance (Continued)

Rancho San Antonio encompassed all of the land between San Francisco Bay and the crest of the Contra Costa Hills. This land was granted to Luis Maria Peralta in 1820. In 1842, the rancho lands were divided between the three sons of Luis Peralta, and the City of Berkeley lies within the portion given to Jose Domingo Peralta. Ranching was the main activity that took place on this land grant.

By 1861, Berkeley began to emerge out of a small community known as Ocean View, generally located in what is now West Berkeley. Ocean View was an agricultural, commercial and industrial center primarily serving San Francisco and Oakland.

The first telegraph line in the area was installed on Telegraph and Claremont Avenues in 1861, the same year as the establishment of Ocean View. The establishment of the University of California in 1873 provided the impetus for many newcomers to establish residency in the City. The subsequent rise of industry and commerce in Berkeley and surrounding cities prompted further growth of an already multi-ethnic community. The city of Berkeley was incorporated in 1878, following Ocean View's decision to merge with Berkeley.

After the Mexican-American war, the United States claimed possession of and promoted homesteading in the area that contains South Berkeley. Between 1872 and 1892, the South Berkeley community grew as a local center of commercial activity and as a suburb of Oakland. The community became known as Lorin, the name of the railway stop at the intersection of Adeline Street and Alcatraz Avenue.

Downtown Berkeley's industrial component developed quickly after 1878, when Francis Kittredge Shattuck bought a spur line of the Southern Pacific Railroad that terminated at what is now Berkeley Square. Downtown Berkeley's form and location are the result of transit patterns established at this time. The large width of Shattuck Avenue marks the location of the station, freight yards, and tracks, and University Avenue was the east-west horsecar route to Ocean View. Shattuck Avenue became the civic center as well as the business center of Berkeley, joining Ocean View with the campus community.

In the early 1900s, dramatic changes and rebuilding reflected Berkeley's civic pride as the Athens of the West. The growth and development was stimulated by the advent of the electric rail system which connected Berkeley with Oakland and San Francisco, the move of many San Franciscans into the East Bay after the 1906 earthquake, and the growth of the University of California. The 1920s saw more development in the Downtown area. A number of new buildings rose on Shattuck Square, which had been converted in 1923 from the Southern Pacific terminus into a commercial block. Another period of development occurred in the Downtown in the 1920s and 1930s. Street facade remodeling and small periods of development

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in the 1970s and 1980s were the only changes that occurred since the 1920s and 1930s, until a series of new developments occurred in the 1990s. Development of the Downtown in the 1990s included several low-rise retail establishments, and multiple-unit residential buildings with ground floor retail and cultural uses.

Building Types and Styles. Berkeley has a great diversity of buildings and landscapes that reflect the city's history. Most of its buildings were constructed between 1875 and 1940: a fact that expresses Berkeley's essential physical character today. Notably, the expression here of the Bay Region's response to the Arts and Crafts Movement, inspired around the turn of the century largely by the city's natural setting, has given Berkeley a particular architectural distinction.

Building styles, which are usually traceable to particular periods, vary from area to area and often from street to street. In some places, different stages of development are revealed by an occasional remnant Victorian, or by the area's general mixture of later styles. The early transportation hubs can still be detected by the evidence of commercial centers and building clusters from different decades.

The areas closest to the University were initially construction in the 19th Century, though many of them were later substantially rebuilt. West Berkeley, and the village of Lorin in South Berkeley, also had their start in the 19th Century. The initial pattern was a response to the original transportation system of boats, streetcars, and trains. The areas in between remained largely open for some time then filled in, especially in the 20th Century's first three decades. The expanded suburban development in the hills followed the opening of new streetcar lines, the 1906 earthquake, and ultimately the common use of the automobile.

Preservation Legislation. Reflecting widespread concern about loss of historic resources in the latter half of the 20th Century, the Berkeley City Council adopted the Landmarks Preservation Ordinance (LPO) in 1974. The ordinance created the Landmarks Preservation Commission (LPC), composed of nine Berkeley residents each appointed by the Mayor or another member of the City Council. The LPO gives the Commission authority to make landmark, structure of merit, and historic district designations. The LPC also reviews permit applications for alteration, construction, or demolition of landmarks, structures of merit, and structures in historic districts. The Landmarks Preservation Ordinance also establishes criteria that the LPC must use when considering proposed landmark and historic district designations. There are currently 346 designated landmarks and structures of merit in Berkeley.

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History of the Subject Property. The following history of the subject property was obtained from a review of City of Berkeley phone directories, building permits on file with the City of Berkeley Permit Service Center, historical information provided by the Berkeley Architectural Heritage Association (BAHA), sales transactions at the Alameda County Assessor for parcel #53-1516-31, historic City of Berkeley and Sanborn Fire Insurance Company maps, and US Census Bureau, Berkeley city Directories, and family tree data provided by Ancestry.com. Please also see **Table 1, Building Permit History; 1914 - 1964,** and **Table 2, Ownership and Occupation, 1914 - Present,** below.

A review of historic maps of the City of Berkeley show that in 1878, the subject property was located just northwest of the Dohr Tract, the vast majority of which was undeveloped.¹ At the time, approximately 23 acres of land subdivided into three large parcels east of San Pablo Avenue between Russell Street on the north and Prince Street on the south in the location of the subject property was under the ownership of an early Berkeley resident and land owner, Edward Wilder (E.W.) Haskell (1816-1911).² By 1884, the Haskell properties had been subdivided into numerous standard size blocks and lots, and Haskell Road had been identified, although the area remained mostly undeveloped.³ Around this time the Haskell properties were renamed the Teachers Tract. By 1911, only four small, single-story dwellings had been constructed on the subject block, with similarly sparse development on the surrounding blocks. By 1950, however, nearly all of the lots on the subject block, including the subject property at 1330 Haskell Street, were developed with similarly-sized, single-family dwellings or duplexes on standard city lots, with one large, undeveloped lot fronting on San Pablo Avenue.⁴ See attached Sanborn Maps.

The subject property at 1330 Haskell Street was permitted in May, 1914, and likely completed by the end of that year by local house carpenter George H. Johnson (see discussion of Johnson, below). The original building permit identifies the new dwelling as a one-story, four-room, wood-frame 'cottage' 23' wide, 42' long, and 18' tall with a concrete foundation and cedar siding, built at a cost of \$1,100 (see attached building permit and **Table 1, Building Permit History**).

The house was built for Anna B. Blanchard (1888 - 1934), who was the first owner of the property. Anna was the wife of Julius Blanchard (1884 - 1936), who worked as a bookkeeper with Metropolitan Life Insurance Co. in San Francisco.

¹ Historic Mapworks, *Southwest Berkeley, 1878*. Available at <https://www.berkeleypubliclibrary.org/topics/berkeley-history/geography-berkeley>

² Ibid.

³ William J. Dingee, *Berkeley Real Estate Map, 1884*. Available at Davidrumsey.com.

⁴ Sanborn Fire Insurance Company Maps of Berkeley, Vol. 2, page 187, 1911 and 1950.

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The couple lived at 1309 Harmon Street in Berkeley with their son, Adrien Blanchard (1907 - 1993). The Blanchard's rented the subject property to its first residents, Ross H. and Hazel Blythe, beginning in 1915. Ross Blythe (1884 - 1974) was identified as a collector/adjustor for the Pacific Telephone Company in his World War I Registration Card from 1917. By 1918, the house was sold to Harry T. Smith (1885 - 1945), who resided in the house with his wife, Dorothy, and was occupied as a furniture polisher in the 1910s, and later as a pipefitter for an oil company in the 1920s. In the early 1920s, the couple resided in the property along with Mary Noble, who was a widow. Between 1924 and 1926, the home was occupied by Howard J. and Mae E. Dorsey. Howard Dorsey was occupied as a salesman. The home appears to have been unoccupied between 1927 and 1929, but by 1930, it was occupied by Axel and Mildred Nielsen, and their son, Richard. Axel Nielsen (1903 - 1974) was born in Denmark, immigrated to the US in 1903 as a child, and was occupied as a truck driver while paying \$35/month in rent, according to the 1930 US Census. The property appears to have been unoccupied between 1931 and 1939, as there are no listings for this address in the Berkeley phone directories. By 1940, however, the residence was occupied by Theodore and Frances Grow and their four children. Theodore Grow (1905 - 1988), worked as press feeder at a box factory. By 1942, however, the Grow family had moved to Ellis Street in Berkeley, and Theodore was working for the US Navy in Alameda Naval Air Station. The property was sold in 1942 to Arthur F. Stevenson and his wife Othella M. (Washington) La Motte, about whom little is known.⁵ In 1942 and again in 1944, Othella La Motte applied for two building permits to construct two 1-room sheds at a cost of \$60 each, and in 1946, she applied for a permit to build a sunporch of the rear of the property at a cost of \$180 (see **Table 1, Building Permit History**). In 1951, Arthur F. Stevenson applied for a building permit to construct a two-room addition to the rear of the property to form a secondary apartment at a cost of \$2,900, to be built by Pacific Construction. In January 1952, the building permit was renewed by Stevenson, and the rear addition was completed in June of that year. By 1953, the property was sold to Dorothy Lark, who applied for another permit in that same year to make termite repairs to the building at a cost of \$250. Little is known about the life of Dorothy Lark, but it appears that Stevenson and La Motte continued to reside in the building until 1959. In that year, the property was sold to Shellie D. Carter, an African-American woman who was born in Oakland around 1920. In that same year, Carter had also purchased the adjacent property at 1340 Haskell Street where she resided, while Dorothy Lark continued to reside in 1330 Haskell Street. Little is known about the life or work of Shellie Carter, other than she worked as a home kitchen caterer and was involved in Christ Lutheran Church in

⁵ A review of historic newspapers revealed that in 1959, Arthur F. Stevenson was working as a disbursing clerk with the US Navy, was serving on the destroyer USS Braine in the Western Pacific, and was married to former Miss Othella M. Washington of 1330 Haskell Street. ("So We Hear," *The Berkeley Gazette*, October 27, 1959.)

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El Cerrito.⁶ An inspection report from 1959 identified wood rot in various foundation locations at the subject property, with an estimated cost to repair of \$570. In 1961, residents of 1330 Haskell Street included Julia V. Leonard and her son, Richard G. Norton.⁷ In 1964, Shellie Carter, and her sister, Marguerite, applied to the City of Berkeley for a change in use to run a catering business out of the rear unit of the property while retaining the front unit for residential uses. In that same year, the City of Berkeley Food Sanitation Program recommended a number of improvements to the interior of the house to support a catering kitchen. Shellie Carter had four children, Julie M. Carter (b. 1956), Kevin Carter (b. 1960), Steven D. Carter (b. 1961), and Gregory Carter (b. 1963), all of whom lived in 1330 and 1340 Haskell Street on and off in the 1970s through the 1990s. Shellie Carter died around 1985, after which both properties at 1330-1340 Haskell Street were transferred the Carter Family Trust. Within the last 30 years, the property was occupied by the elderly Marguerite Carter (for whom it is likely the wheelchair ramp was built), and various non-family members named Mario Valle, GG Dawson, and Nina Patel. The property remained in the ownership of the Carter Family Trust until it was sold in 2023 to Joaquin Pochat, who is the current owner. The property currently unoccupied.

George H. Johnson, Designer and Builder

The original building permits provided by the City of Berkeley (attached) shows the subject property was designed and built in 1914 by George H. Johnson (1869 - c.1928). Johnson was born in England in 1869 and immigrated to the US with his family in 1870. By 1900 he was living on Vicente Street in Oakland with his wife, Nellie, and her six children, and was employed as a house carpenter. He is identified in the 1910 and 1920 US Censuses as living in the same place with his wife, and continued to be employed as a house carpenter. It appears that George Johnson may have died around 1928, as Nellie is identified as a widow in the 1930 US Census. Although it is unknown exactly how many homes Johnson designed and built in Berkeley or Oakland, it appears that he was a small-scale house designer and builder who was active in the Oakland-Berkeley area from about 1900 to 1928. A review of historic Berkeley and Oakland newspapers revealed that aside from a brief mention of the building permit provided to Johnson to construct a four-room 'bungalow' valued at \$1,100 for owner Anna B. Blanchard,⁸ he received a permit to build one other residence on Pleasant Valley Avenue near

⁶ "EC Church Pays Honor to Librarian," *The Berkeley Gazette*, June 24, 1978).

⁷ "Woman Injured in Crash Here," *The Berkeley Gazette*, December 2, 1961.

⁸ "Builders Active in College City," *The Oakland Tribune*, May 31, 1914.

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Moraga Avenue in Oakland valued at \$3,000 in 1916.⁹ No other mention of George H. Johnson is made in either of these city newspapers between 1900 and 1928.

Table 1. Building Permit History; 1914 - 1964

- May 19, 1914. Permit #3770 for 23' X 42' by 18' tall single-story, four-room 'cottage' with concrete foundation and cedar shingle siding (\$1,100) for owner Anna B. Blanchard. Architect & Builder: George H. Johnson
- November 27, 1942. Permit #53613 to construct a 1 room shed for owner Othella M. La Motte (\$60).
- October 4, 1944. Permit #56355 to construct a 1 room shed for owner Othella M. La Motte (\$60).
- November 6, 1946. Permit #60204 to construct a sunporch of the rear of the property for owner Mrs. Othella La Motte (\$180). The porch was completed in April, 1946, according to city inspection records.
- August 14, 1951. Permit #69961 to construct a two-room addition with alterations to existing building to form a three room apartment at the rear of the property (\$2,900) for owner Arthur F. Stevenson. Builder: Pacific Construction.
- January 29, 1952, Permit #71275 to renew previous building permit for owner Arthur F. Stevenson. The rear addition was completed in June of that year according to the city inspection record.
- May 11, 1953. Permit #87737 for termite repair for owner Dorothy Lark (\$250). Builder: Perry Richardson
- December 7, 1959. Tag #22134 City of Berkeley Inspection Record from identified wood rot in various foundation locations at the subject property, with an estimated cost to repair of \$570.
- 1964, City of Berkeley Application for Approval of Change of Occupancy and/or use to run a catering business out of the rear unit for Shellie and Marguerite Carter.

Table 2. Ownership and Occupation, 1914 - Present

- 1914 - 1918: Owned by Anna B. Blanchard (no occupation), occupied by Ross H. and Hazel Blythe (collector/adjustor for the Pacific Telephone Company).
- 1918 - 1942: Owned and occupied by Harry T. and Dorothy Smith (furniture polisher and pipefitter). Occupied by them from 1918 - c. 1923. Occupied by Howard J. and Mae E. Dorsey (salesman) and Mary Noble (widow) from 1924 - 1926. Occupied by Axel and Mildred Nielsen (truck driver) in 1930. No

⁹ "Big Mill Unit Permit Issued; Work to Start Soon; Many Structures," *The Oakland Tribune*, May 14, 1916.

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occupant data from 1931 - 1939. Occupied by Theodore and Frances Grow and 4 children (press feeder at a box factory) from 1940 - 1941.

- 1942 - 1953: Owned and occupied by Arthur F. Stevenson and Othella M. (Washington) La Motte (unknown occupations).
- 1953 - 1959: Owned by Dorothy Lark (unknown occupation), and occupied by Stevenson and La Motte.
- 1959 - 2023: Owned by Shellie Carter/Carter Family Trust (Shellie - home kitchen caterer). Occupied by Julia V. Leonard and son, Richard G. Norton (1961), Julie, Steven, Kevin, Gregory, and Marguerite Carter (1970s and 1980s), Mario Valle and GG Dawson (1990s), and Nina Patel (2010s).
- Present: Owned by Joaquin Pochat. Currently unoccupied

Evaluation of Potential Historical Significance. The subject property has been evaluated for its potential historical significance against the evaluation criteria provided by the California Register of Historical Resources (CRHR), and the City of Berkeley Landmarks Preservation Ordinance (LPO). These criteria are provided below.

CRHR Criteria 1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.

The subject property at 1330 Haskell Street was originally permitted in 1914 as a small, single-story residence in an area of West Berkeley that quickly developed during the first three decades of the 20th Century, accelerated by the relocation of thousands of former San Francisco residents who were left homeless by the 1906 Earthquake and Fire, as well as an area-wide building boom of the 1910s and 1920s. The subject property is not individually significant in this context, as many hundreds of small homes were built, sometime speculatively, during this period to accommodate the influx of new residents not only fleeing areas which had been devastated by the earthquake, but also attracted to the jobs provided by the growing economy of the East Bay in the first three decades of the 20th Century. Research revealed no historic events occurred at the property itself. As such, the subject property is not individually significant under CRHR Criteria 1.

CRHR Criteria 2. Associated with the lives of persons important to local, California or national history.

The subject property at 1330 Haskell Street was owned and occupied by a wide variety of individuals and families over the last 109 years of existence. The home was built for its first owner, Anna B. Blanchard (1888 - 1934), who was the wife of Julius Blanchard (1884 - 1936), a bookkeeper with Metropolitan Life Insurance Co. The family lived elsewhere in Berkeley while renting the residence

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to its first occupants, Ross H. and Hazel Blythe, beginning in 1915. Ross Blythe (1884 - 1974) was a collector/adjustor for the Pacific Telephone Company. In 1918, the house was sold to Harry T. Smith (1885 - 1945), who resided in the house with his wife, Dorothy, between this time and about 1923. Smith worked as a furniture polisher and later as an oil company pipefitter. Also residing with them was Mary Noble, a widow. Other residents of the home in the 1920s and 1930s were Howard J. and Mae E. Dorsey (salesman), as well as Axel, Mildred, and Adrien Nielsen (truck driver.) In 1940, the residence was occupied by Theodore and Frances Grow and their four children. Theodore Grow (1905 - 1988), worked as press feeder at a box factory. Between 1942 and 1953, the property was owned and occupied by Arthur F. Stevenson and his wife, Othella M. (Washington) La Motte, about whom little is known. Between 1953 and 1959, the property was owned by Dorothy Lark (unknown occupation), and continued to be occupied by previous owners, Stevenson and La Motte. In 1959, the subject property and the one adjacent to it at 1340 Haskell Street was sold to Shellie D. Carter, an African-American woman who was the mother of four children and worked as a home kitchen caterer. The Carter family owned and occupied both properties for the next several decades, while also occasionally renting the property to others in more recent years, until it was sold in 2023 to the present owner, Javier Pochat.

While the long-term, multi-generational ownership of a property by a family of African-American descent are interesting from a social and historical perspective, these factors alone are not particularly unique for Berkeley residents or for the West Berkeley neighborhood at-large during the latter half of the 20th Century. None of the owners or occupants associated with the subject property would be recognized as individuals who were important in the history of Berkeley, the Bay Area, or the State of California. For these reasons, the subject property is not individually significant under CRHR Criteria 2.

CRHR Criteria 3. Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.

The subject property at 1330 Haskell Street was originally permitted in 1914 as a small, single-story Craftsman Bungalow during a period of rapid residential growth of West Berkeley after the 1906 Earthquake and Fire and about 1930. With its recessed front porch, front-facing gable roof, exposed rafter tails, decorative eave brackets, large front bay, and (mostly) wood sash windows, the home retains some of the characteristics of a Craftsman Bungalow from the period. However, substantial alterations to the home's siding (cedar shingles or wood channel siding replaced with stucco at an unknown date), rear fenestration with metal frame units, and a substantial rear addition in 1952 along with various other unpermitted changes in more recent years have erased many of the character-defining features of the style of architecture that had likely existed

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earlier. These alterations were completed in a more contemporary style, contrasting not only with the home's original style and materials, but also with many of the homes immediately adjacent to it and those across Haskell Street. Given these later alterations, it would not be considered the embodiment of the Craftsman Bungalow style, but rather, a very moderate representation of it.

The home was designed and built by Oakland-based house carpenter George H. Johnson (1869 - c.1928). Johnson was identified as a house carpenter in the 1900 through 1920 US Censuses and Oakland city directories. While it is unknown exactly how many homes Johnson designed and built in the Oakland-Berkeley area aside from two mentioned in local newspapers (including the subject property), he was likely one of many small-scale builders working in Berkeley and Oakland during this period of substantial residential growth, and his work is not particularly well-known. As such, the property cannot be said to represent the work of a master or possess high artistic values. For these reasons, the subject property is not individually significant under CRHR Criteria 3.

City of Berkeley Landmarks Preservation Ordinance Criteria

1. Architectural merit:

- a. Property that is the first, last, only or most significant architectural property of its type in the region;

The subject property was completed in 1914 as a small, single-story bungalow similar in use and form as many of the other homes in the neighborhood, but was substantially altered in later years with a rear addition, large wheelchair ramp at the rear, replacement siding and some replacement fenestration. The home would not be considered the first, last, only, or most significant architectural property of its type in the region.

- b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or

The subject property was originally a single-story Craftsman Bungalow completed in 1914, but its plan, siding materials, and some fenestration was altered in later years. Given these later alterations, the home would not be considered an outstanding example of a period, style, or architectural movement. The home was not designed by an architect, but was built by local carpenter-builder, George H. Johnson, of whom very little is known.

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c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

Due to the alterations to the subject property during the Post-War period, which erased many of the original, character-defining features of a typical Craftsman Bungalow, the home departs stylistically from many of the other homes on the subject block, some of which are more intact examples from their original period of construction from the late 1910s and early 1920s. As such, the subject property would not be considered an architectural examples worth preserving as part of the neighborhood fabric.

2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;

The subject property is not associated with religious, cultural, governmental, social and economic developments of the City. The subject property has been a residence from its original completion in 1914 to today, and although its construction is generally associated with the residential growth which occurred in Berkeley during the first three decades of the 20th Century and particularly after the 1906 Earthquake and Fire which drew thousands of former San Francisco residents to the east bay, the home is not individually significant for these associations. As such, the subject property would not be considered to have high cultural value to the City of Berkeley.

3. Educational value: Structures worth preserving for their usefulness as an educational force;

Originally completed in 1914 and altered in the Post-War period, the home is one of hundreds of single-family homes built around the same time in west Berkeley, and later converted to a two-family home. For these reasons the property has little educational value.

4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States.

The subject property was originally completed as a small, single-family home in 1914 along with many other similar homes in this west Berkeley neighborhood, and later altered in the Post-War period to be a two-family home, but it would not be considered one that embodies or expresses the history of the city, the county, the state, or the country. As described above, the home would not be considered individually significant for its association with city growth in the immediate aftermath of the 1906

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Earthquake and Fire, or for its association with an area-wide building boom of the first three decades of the 20th Century, as tens of thousands of residential structures were built during this period.

5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The subject property is not listed in the National Register of Historic Places, nor would it be eligible for listing, due to a lack of historical and architectural value.

2. Structures of merit. Criteria which the commission shall use when considering a structure for structure of merit designation are as follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

2. Specific criteria include, but are not limited to one or more of the following:

- a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

There are no designated landmarks or structures of merit located on subject block, and is one of many of the other small homes in the area which were built in the 1910s and 1920s. The block itself contains a variety of residential structures built throughout the 20th Century representing a variety of architectural styles from this period. As such, the subject property would not meet Structure of Merit criteria a.

- b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

Although the structure is compatible in size and scale with many other residences on the subject block, it departs stylistically with many others that were built in later years that represent

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different and more Modern style of architecture. There are no designated landmarks or structures of merit in the immediate vicinity. As such, the subject property would not meet Structure of Merit criteria b.

- c. The structure is a good example of architectural design.

The subject property retains some of the characteristics of a typical Craftsman Bungalow style of architecture. Some of these characteristics have been lost due to later alterations to the plan, the siding materials, and some of the replacement fenestration completed in the Post-War period which contrast not only with the home's original style and materials, but also with many of the homes immediately adjacent to it. It would not be considered the embodiment of the Craftsman Bungalow style, but a rather an exceptionally moderate representation of it. As such, the subject property would not meet Structure of Merit criteria c.

- d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings. (Ord. 5686-NS § 1 (part), 1985: Ord. 4694-NS § 3.1, 1974)

Completed in 1914 with later alterations to the residence's plan, siding, and some fenestration, the subject property lacks historical significance to the City, neighborhood, or group of buildings. As such, the subject property would not meet Structure of Merit criteria d.

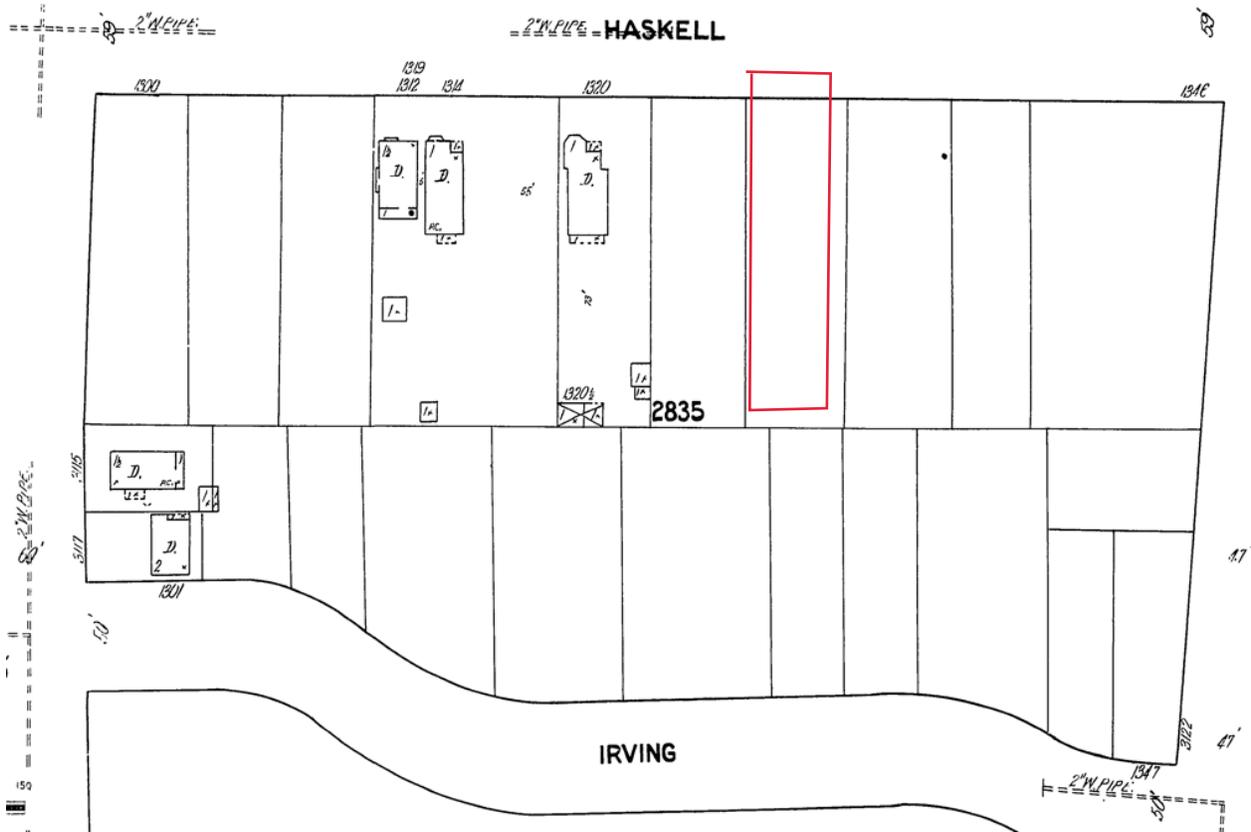
Conclusion. Although the subject property at 1330 Haskell Street meets the minimum age threshold of 45 years for potential historical significance, it does not meet any of the evaluation criteria provided by the California Register of Historical Resources or the City of Berkeley Landmarks Preservation Ordinance (LPO), due to a lack of historical, cultural, and architectural significance. The property also lacks physical integrity due to the many changes which have occurred during the Post-War period. As such, the property would not be considered historically significant under the California Environmental Quality Act (CEQA).

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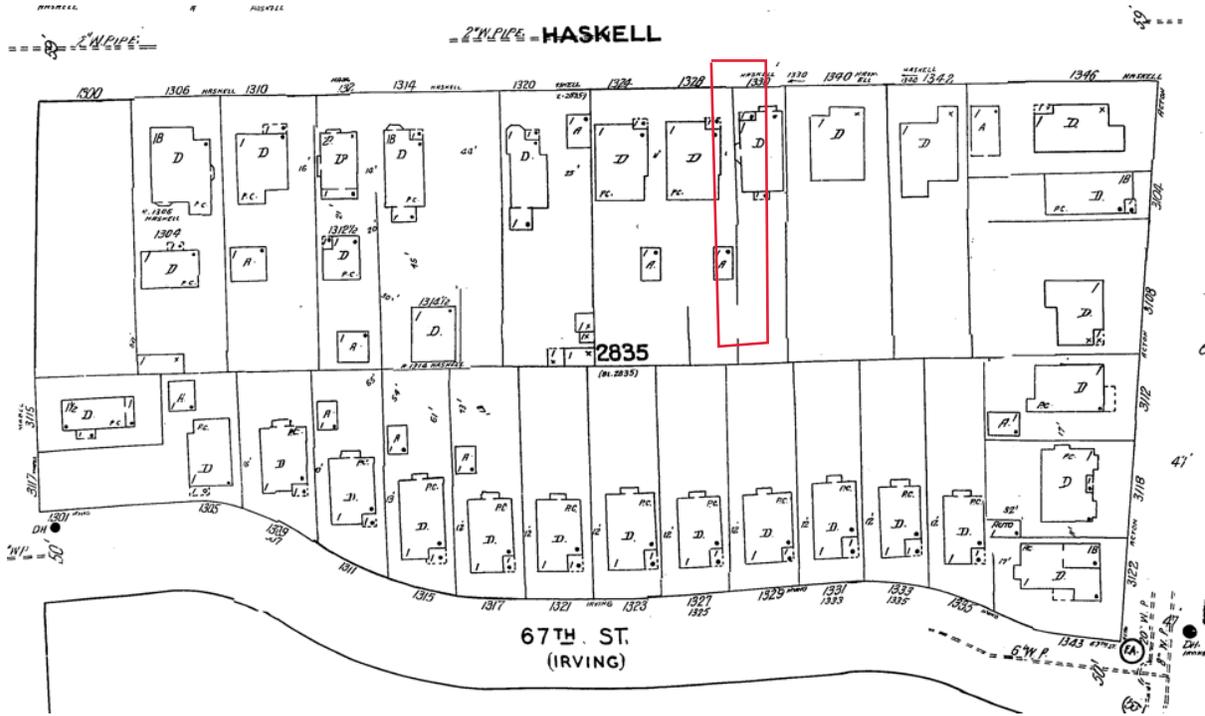
1911 Sanborn Fire Insurance Company Map (subject property highlighted)

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1950 Sanborn Fire Insurance Company Map (subject property highlighted)



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

NOTICE OF PUBLIC HEARING

1340 Haskell Street

Use Permit #ZP2023-0113 to Use Permit #ZP2023-0113 to demolish one 1,908 square-foot single-family dwelling unit, construct two single-family dwelling units; a 4,037 square foot, two-story (23 feet) in the front of the lot (front house), and one 4,037 square-foot, two-story house (24 feet, 1.5 inches) in the rear of the lot (rear house) and exceed the residential and establish one parking spot for each dwelling (2 in total) which exceeds the off-street parking maximum.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, February 22, 2024, 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: MDR Medium Density Residential
- Zoning District: (R-2A) Restricted Multiple-Family Residential District

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(A), to demolish a single-family dwelling
- Use Permit, pursuant Berkeley (BMC) Section 23.202.020(A), to construct two single-family dwelling units
- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.322.070(D), to exceed the off-street residential parking maximum

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

D. Parties Involved:

- Applicant John Newton, 5666 Telegraph Avenue, Ste. A, Oakland
- Property Owner Joaquin Pochat, 1373 Curtis Street, Berkeley, 94702

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, Cecelia Mariscal, at (510) 981-7439 or cmariscal@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@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@berkeleyca.gov) 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 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 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 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.
-

Reply Reply All Forward
Fri 2/2/2024 9:42 AM

 **Tran, Be**
RE: request for assistance confirming RB records for 1330 Haskell/1340 Haskell

To: Mariscal, Cecelia
Cc: Bursell, Lief
i You replied to this message on 2/2/2024 9:57 AM.

 1330 Haskell_RSB memo_FINAL.pdf
170 KB

 Open PDFs in Adobe Acrobat

From: Tran, Be
Sent: Tuesday, January 9, 2024 1:40 PM
To: Mariscal, Cecelia <CMariscal@berkeleyca.gov>
Cc: Bursell, Lief <LBursell@berkeleyca.gov>
Subject: RE: request for assistance confirming RB records for 1330 Haskell/1340 Haskell

Internal

Hi Cecelia,

Happy 2024! The unit at 1340 Haskell is a single-family residence and they do not have eviction protections. We don't have any records of 1330 Haskell but RealQuest indicates this is a duplex. Can you confirm the number of units at 1330 Haskell?

Thanks,
Be