



P U B L I C
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
MARCH 14, 2024

2833 Seventh Street

Use Permit #ZP2023-0123 to convert a 1,024-square-foot two-story commercial unit to a residential dwelling unit for a total of five dwelling units on a mixed-use lot.

I. Background

A. Land Use Designations:

- General Plan: Manufacturing Mixed-Use
- Zoning District: Mixed-Use Residential

B. Zoning Permits Required:

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.206.090(B)(7) for a sixth dwelling unit.
- Use permit, pursuant to BMC Section 23.206.090(B)(8), to establish a dwelling unit in the Mixed Use-Residential District (M-UR) within 150 feet of an M or MM District.

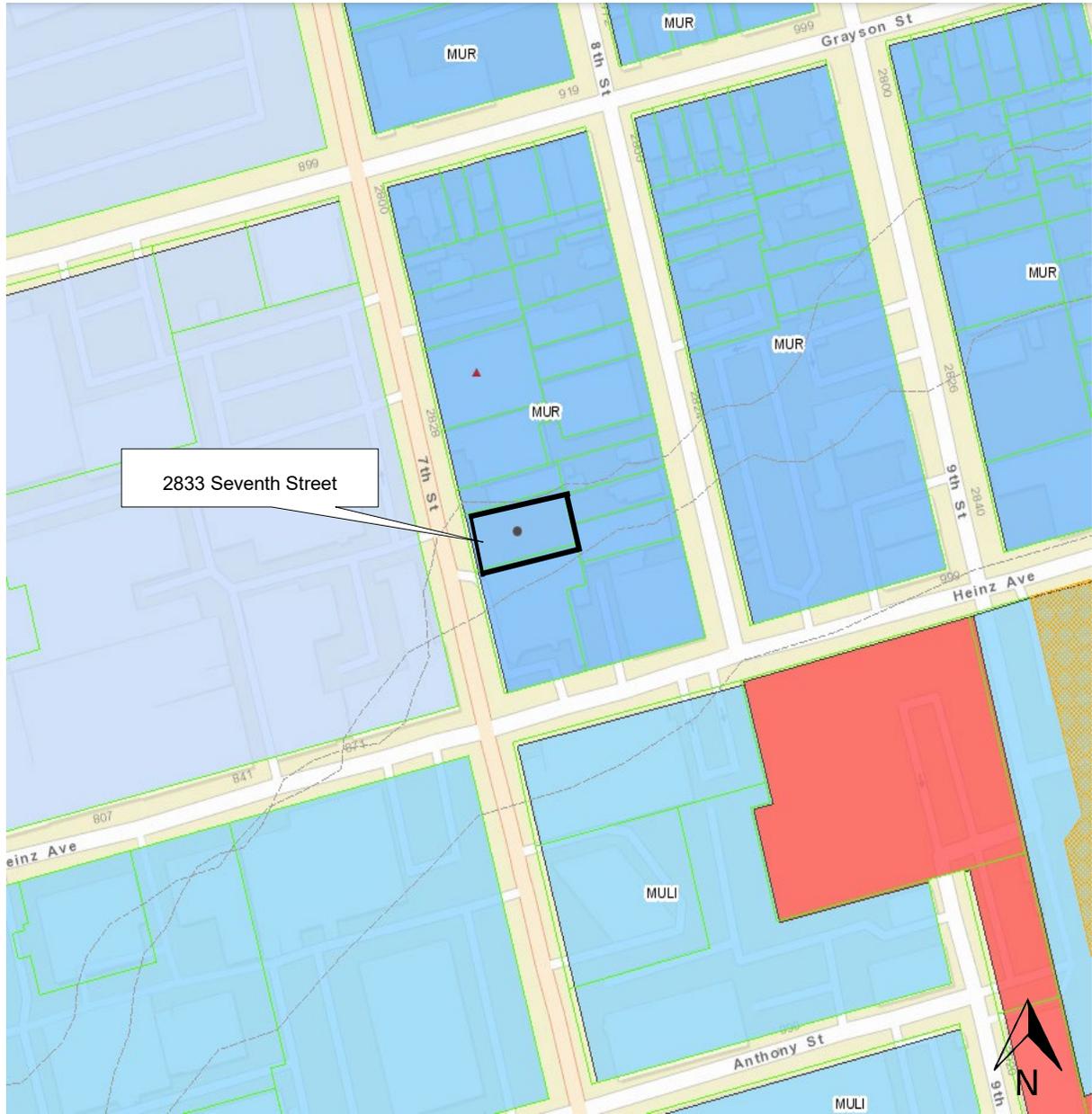
C. CEQA Recommendation:

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").

D. Parties Involved:

- Applicant/Owner: Daryoush John Davidi, 3135 Kerner Blvd. San Rafael, CA 94901

Figure 1: Vicinity and Zoning Districts Map



	C-W	C-W Commercial West
	M	M-Manufacturing
	MM	MM-Mixed Manufacturing
	MULI	MU-LI Mixed Use-Light Industrial
	MUR	M-UR-Mixed use Residential

Figure 2: Site Plan

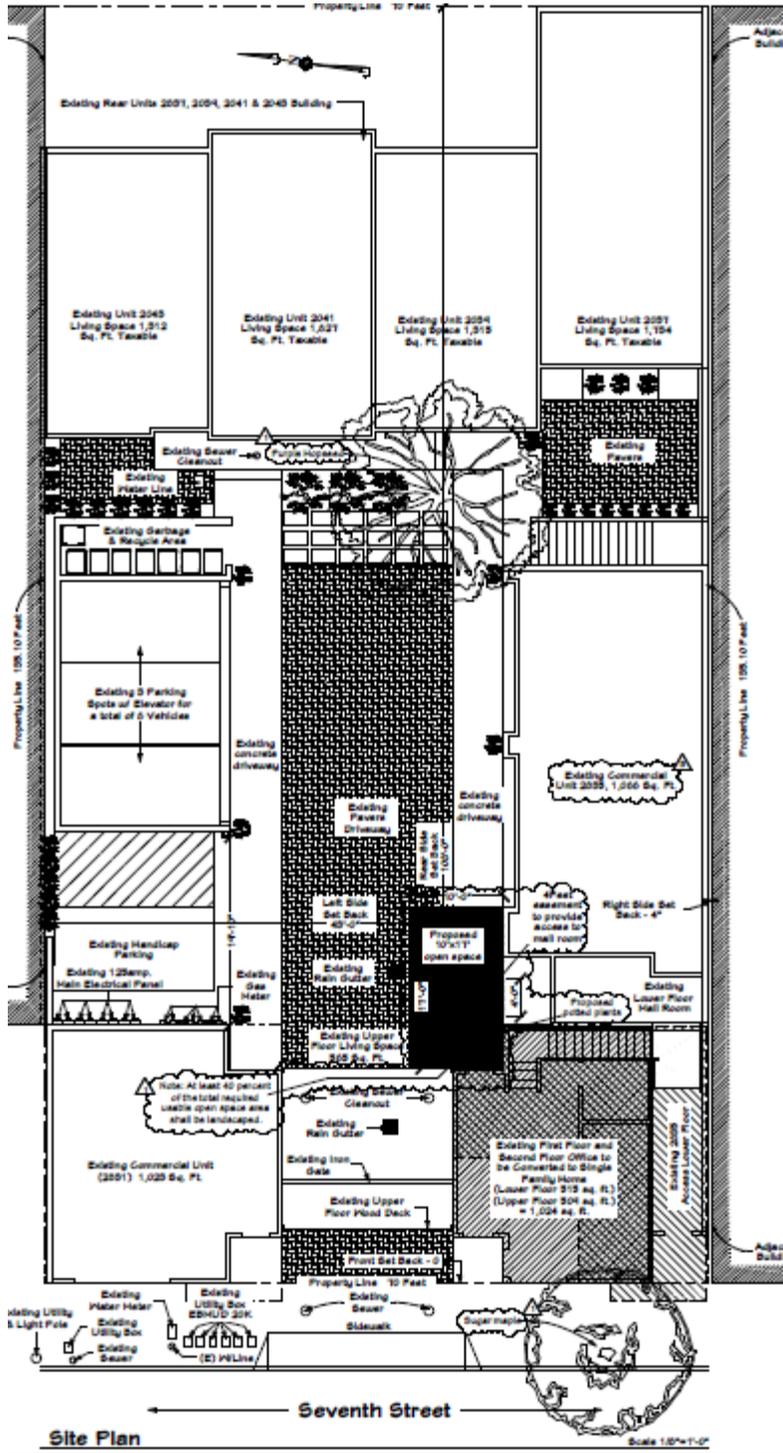
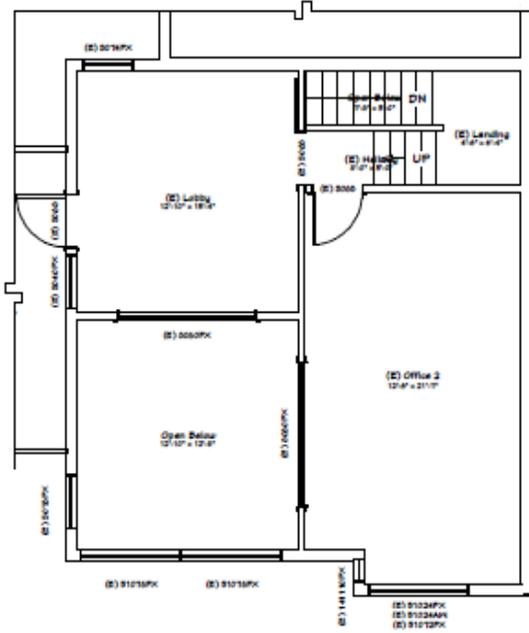
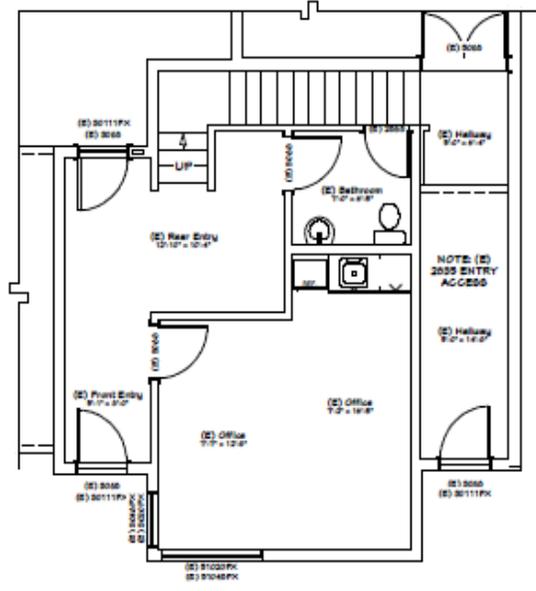


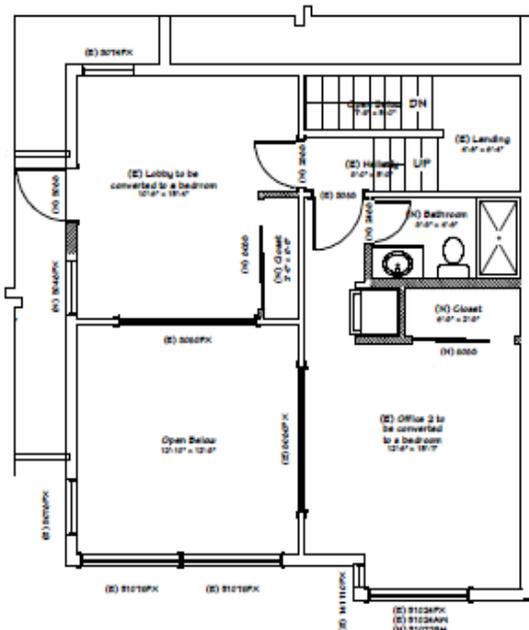
Figure 3: Floor Plans



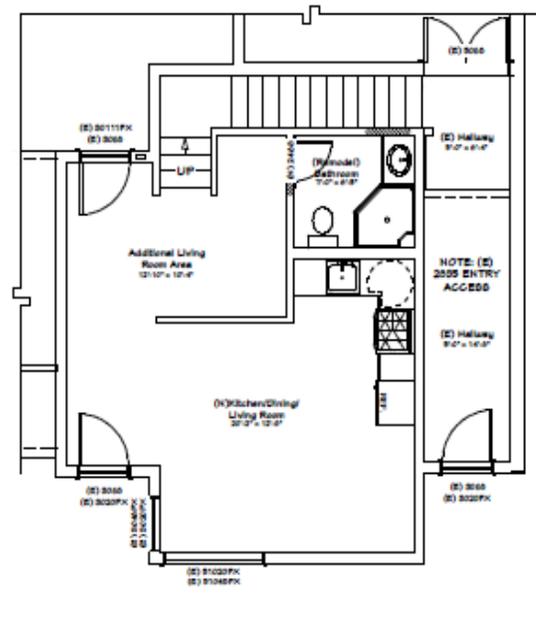
EXISTING UPPER FLOOR PLAN Scale 1/4" = 1' - 0"



EXISTING LOWER FLOOR PLAN Scale 1/4" = 1' - 0"



PROPOSED UPPER FLOOR PLAN Scale 1/4" = 1' - 0"



PROPOSED LOWER FLOOR PLAN Scale 1/4" = 1' - 0"

Figure 4: Existing Elevations

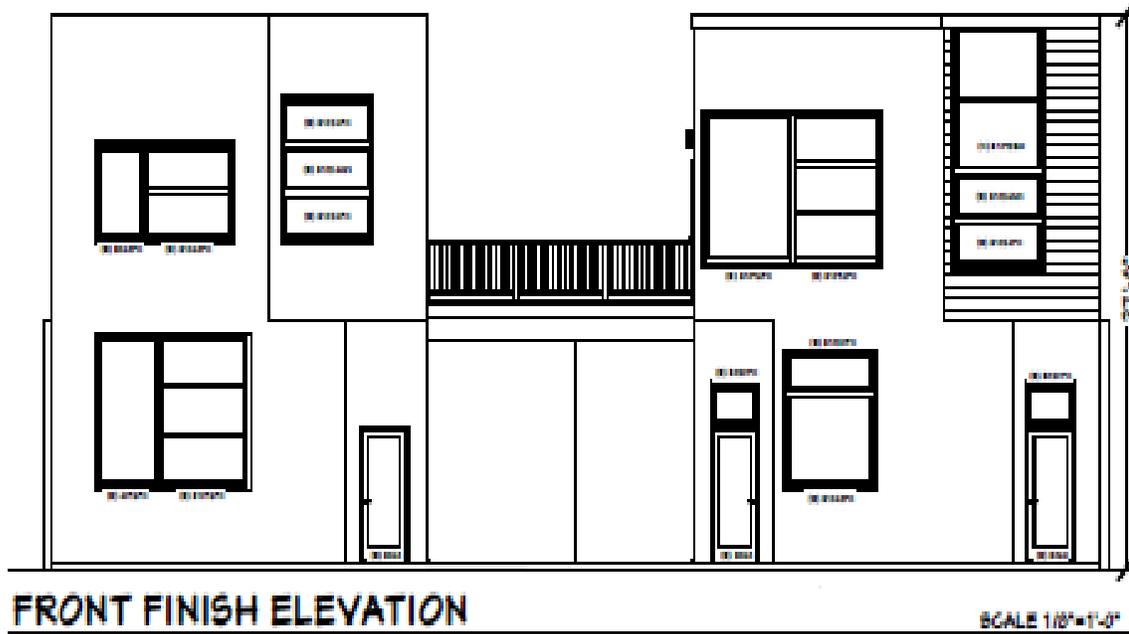


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial	Mixed Use- Residential	Manufacturing-Mixed Use
Surrounding Properties	North	Commercial		
	South	Research and Development		
	East	Multi-Family Dwelling		
West	Medical Practitioner	Mixed Manufacturing	Manufacturing	

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 would convert a 1,024-commercial space to residential floor area. Therefore, the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is a housing development project, as defined in BMC 23.328.020 ^a , and would provide 5,000 square feet or less of residential unit floor area and is not part of a larger housing development project, and is exempt from the inclusionary housing provisions.
Alcohol Sales/Service Public Convenience or Necessity	No	The project would not propose the sale or service of alcohol.
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 is not applying a density bonus. See Section III.B for discussion.
Historic Resources	No	The building was constructed in 2002 and is less than 40 years old and therefore not eligible for the local, state, or national registry of historic places, and does not meet the threshold of significance under CEQA.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^a .
Housing Crisis Act of 2019 (SB 330)	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^a .
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. The project is not eligible for RPP permits per BMC

Characteristic	Applicability	Explanation
		Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	Yes	The project site is located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map . ^b
Soil/Groundwater Contamination	No	The project site is within the city's environmental management area however not located on the Cortese List. ^c The project would convert an existing structure – there is no excavation or other ground disturbance. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project is within a 0.5 mile of Alameda Country Transit Lines #36, #72, and Transbay line #802.
<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. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p> <p>c. 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 23, 2023	Application submitted
September 21, 2023	Application deemed incomplete
December 1, 2023	Application resubmitted
December 26, 2023	Application deemed incomplete
February 9, 2024	Application resubmitted
February 26, 2024	Application deemed complete
February 29, 2024	Public hearing notices mailed/posted
March 14, 2024	ZAB hearing

Table 4: (Mixed-Use Residential M-UR) Development Standards BMC Sections 23.206.090(D) and 23.322 Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		9,457	No change	No minimum
Gross Floor Area (sq. ft.)		9,101	No change	14,185 max
Floor area ratio		1.0	No change	1.5 max
Dwelling Units	Total	4	5	7 max (1 per 1,250 sq. ft. lot area)
	Stories	2	No change	3 max
Building Setbacks (ft. - in.)	Front (Seventh Street)	0	No change	5' min
	Left Side	0	No change	5' min
	Right Side	0	No change	5' min
Usable Open Space (sq. ft.)		979	170	1,149 (150 per dwelling unit)
Parking	Automobile	10 (6 nonresidential; 4 residential)	No change	0 min (nonresidential) 3 max (residential use)

II. Project Setting

A. Neighborhood/Area Description:

The project is located on the eastern side of Seventh Street between Heinz Avenue and Grayson Street, in a mixed-use district consisting of one- and two-story buildings. The neighborhood is on the west side of the city and consists of residential, commercial, and manufacturing uses. It is within one-quarter mile of a high-quality transit corridor.

B. Site Conditions:

The project site is a flat rectangular lot. The parcel is 70 feet wide and 135 feet long, with a non-conforming front setback and developed with a 2-story commercial building facing the front (west) property line. Four residential units are located along the rear of the lot (east) and one commercial unit is on the side property line (south). A two-story parking elevator, which serves the entire site, contains six parking spaces, is located on the side (north) property line, with four additional spaces on the south side property line beneath one of the commercial units.

III. Project Description

The proposed project includes converting an existing 1,024-square-foot, two-story commercial space to a dwelling unit with no proposed changes to the exterior. New useable open space for the unit, totaling 170 square feet, is proposed outside of the unit at the ground level.

IV. Community Discussion

A. Neighbor/Community Concerns:

Prior to submitting this application to the city, a pre-application poster was installed on site by the applicant in August 23, 2024. On February 29, 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 have not received any communications regarding the project.

B. Landmark Preservation Commission / Design Review Committee Review:

This project is not subject to review by the Landmarks Preservation Commission because the structure was constructed in 2002 and not subject to historic review due to age and the project does not involve the demolition of a nonresidential building. Design Review Committee review is not required they are not proposing exterior changes to the building.

V. Issues and Analysis

A. CEQA Approach and Recommendation

It is staff's recommendation that the project qualifies for a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15303 ("New Construction of Small Structures"). The project complies with this exemption because the project is a conversion of an existing commercial unit to one residential unit, does not include an expansion of the footprint, envelope, or changes to the exterior, and does not exceed the maximum of three allowable conversions to single-family residences. 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 cumulative impact of 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.

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

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/>

1. The proposed project would convert a vacant commercial space to a residential unit, an allowed use in the M-UR, that would add a unit to the local and regional housing supply.
2. This proposed addition would help to address the statewide housing shortage. In light of the diminished demand for commercial space, and increased demand for housing, the proposed conversion would not be detrimental.
3. Sunlight The project does not include changes to the existing footprint or envelope and as a result would not create detrimental impacts to sunlight on neighboring properties.
4. Air: The proposed project will not expand the footprint resulting in reduced minimum required setbacks or building-to-building separation in the M-UR, and as a result would not create detrimental impacts to air.
5. 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 and development patterns, the proposed project would not create detrimental impacts to views.
6. 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. Residential Uses within 150 feet of an M or MM district

BMC Section 23.206.090(B)(8) states that before ZAB approves an application for a Use Permit to establish a residential use within 150 feet of an M or MM district, it must find that:

1. The proposed residential use would not unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M or MM District; or
2. Existing or reasonably foreseeable adjacent land uses in the M or MM District would have a material adverse effect on the proposed residential use.

- a) The proposed project is being proposed for a mixed-use lot that has four residential units and three commercial spaces on a block made up of light manufacturing and commercial uses and one single-family dwelling. Because the project would convert only one of the three existing commercial spaces to a residential unit, and not expand the existing footprint, the proposed conversion would remain confined to the parcel and the lot would retain its mixed-use character. Additionally, a condition of approval has been included that would require the property owner will be required to record an acknowledgement that existing or reasonably foreseeable adjacent land uses in the M or MM district may create noise, dust, odors, light/glare, and other impacts that will not be considered a nuisance if they are developed and conducted pursuant to the standards of the district. As a result, the conversion would not unreasonably interfere with existing uses or foreseeable adjacent land uses.
- b) The neighboring lot to the north of the project site is zoned for wholesale trade use and the properties to the south is zoned for light manufacturing use. The property to the (west) is a commercial building with multiple tenants that range from light manufacturing to medical practitioner uses. Because these uses are not expected to emit, the heat, noise, glare, and odors typically associated with heavy manufacturing uses, the adjacent land uses would not have a material adverse effect on the proposed residential unit.

D. Permit Findings for Manufacturing Districts

Pursuant to BMC 23.206.100(A), to approve a Use Permit in a Manufacturing District, ZAB must find that the project is consistent with the purposes of the district, completable with the surrounding uses and buildings, complies with the West Berkeley Plan, and meets any applicable performance standards.

Evidence:

The project would be consistent with the purposes of the M-UR District because it would add a residential unit, contribute to the strengthening of existing residential concentrations within the district and contribute to a transitional district connecting residential districts to the east and manufacturing districts to the west. The addition of a residential unit is in alignment with the purpose of the district to encourage housing production and does not conflict with any of its other stated principles.

The proposed project would be on a mixed-use lot, containing both residential and commercial units, in a neighborhood with mostly light manufacturing, commercial uses and residential uses. Because the proposed project is located within a mixed-use setting and shares a block with an existing single-family dwelling, it would be compatible with immediate surrounding uses and buildings. Additionally, the residential use would not produce detrimental effects common

with non-residential uses, and will not intrude on the operability of light manufacturing uses. As a result, the project is in alignment with the district purpose and will provide additional housing further contributing to the mixed-use residential setting. For these reasons, the project would be aligned with the district purpose.

E. The 1993 West Berkeley Area Plan contains several policies applicable to the project, including the following:

- Land Use Goal 1, Policy A: Retaining, through planning, zoning and land use policies which shield manufactures from economic and physical incompatibilities with other uses, sufficient land and buildings to maintain the current level of manufacturing employment at a minimum.
- Land Use Goal 2, Policy D: Create a Mixed Residential district as a special mixed-use district which will recognize and support the continued evolution of a unique mix of residential, light industrial, and arts and crafts uses, with a particular effort to strengthen residential concentrations existing there.
- Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.

Evidence: As discussed above, the conversion would not propose changes to massing or scale as a result, the project would be compatible with the surrounding neighborhood context and would not detract from the industrial nature of West Berkeley. The project would also provide one new dwelling unit that meet all applicable zoning requirements for new residential uses.

Lastly, because the project would be residential, off-site impacts are not expected.

1. Pursuant to BMC 23.206.100(B)(3), ZAB must find that the proposed project is s unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts use; and designed to be supportive of the character and purposes of the district.

Evidence:

The proposed project would convert one of three commercial spaces of the mixed-use lot to residential, a use supported by the M-UR District purpose, which would not result in a cumulative change away from permissible uses.

The proposed added residential unit would be located in a mixed-use neighborhood that is designed to support both light-manufacturing uses

alongside housing. The addition of the residential on a mixed-use lot would be supportive of the character and purposes of the district.

VI. Other Considerations (Zoning and Land Use Considerations)

A. General Plan Consistency:

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

- 1. 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.
- 2. 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.
- 3. 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.
- 4. Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
- 5. Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Staff Analysis: The project would contribute to housing production in the district by adding one net unit, remain compatible with the design, scale, and character of the neighborhood because not exterior changes are being proposed, and encourage residential density located in close proximity to public transit.

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; and

APPROVE Use Permit #ZP2023-0123 pursuant to Section 23.406.040(D) subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. [Findings and Conditions](#)
2. [Project Plans, received March 6, 2024](#)
3. [Notice of Public Hearing](#)

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

ATTACHMENT (1)

FINDINGS AND CONDITIONS

MARCH 14, 2024

2833 Seventh Street

Use Permit #ZP2023-0123 to convert a 1,024-square-foot two-story commercial unit to a residential dwelling unit for a total of five dwelling units on a mixed-use lot.

ZONING PERMITS REQUIRED

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.206.090(B)(7) for a sixth dwelling unit.
- Use permit, pursuant to BMC Section 23.206.090(B)(8), to establish a dwelling unit in the Mixed Use-Residential District (M-UR) within 150 feet of an M or MM District.

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”).

II. 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 conversion of an existing vacant commercial space to one residential unit will contribute to the regional and local health by adding to the available housing supply. Because there are no exterior changes being proposed, the project would be compatible with the scale and design of the neighborhood and would not result in detrimental impacts to sunlight, air, or views;

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2. The project is compatible with the district purpose and support the goals of the West Berkeley Plan because it would add a residential unit in a mixed-use building strengthening residential concentrations, contribute to residential development, not produce off-site impacts nor conflict any of the other principals outlined in the district purpose; and
3. 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.

III. OTHER FINDINGS FOR APPROVAL

- A. As required by BMC Section 23.206.090(B)(8) the Zoning Adjustments Board finds that proposed project would not interfere with existing or foreseeable adjacent land uses in the M or MM District and that adjacent land uses in the M or MM District would have a material adverse effect on the proposed residential use because:
 1. The proposed project will not extend beyond the existing parcel, retaining its existing character, and would not interfere with existing or foreseeable adjacent land uses; and
 2. The surrounding lots are inhabited by a range of uses that are not associated with heat, noise, glare, and odors is not expected to have a material adverse effect on the proposed unit.
- B. As required by BMC Section 23.206.090(B)(9), the Zoning Adjustments Board finds that:
 1. The proposed conversion of the existing commercial space to residential would not change significantly change mixed-use nature of the lot or introduce new hazards or detrimental impacts to the persons living and or/working on the site within the project vicinity as a result.
 2. The proposed expansion of the mixed-use building would not include changes to the exterior or the introduction of new hazards to person's living or working on the site or the project vicinity. As a result, the expansion of a mixed-use building would not be detrimental.
- C. As required by BMC Section 23.206.100(A) of the BMC, the Zoning Adjustments Board finds that the project is consistent with the purposes of the district, completable with the surrounding uses and buildings, complies with the West Berkeley Plan, and meets any applicable performance standards because:
 1. The project will add a residential unit, contribute to the strengthening of existing residential concentrations within the district and contribute to a transitional district connecting residential districts to the east and manufacturing districts to the west. The addition of a residential unit will increase the housing supply and strengthen residential concentrations within the district, and would be compatible with surrounding uses and would not produce off-site impacts.

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2. The project is located within a mixed-use setting and shares a block with an existing single-family dwelling and will be compatible with immediate surrounding uses and buildings. Additionally, the residential use will not produce detrimental effects common with non-residential uses, and will not intrude on the operability of light manufacturing uses.
 3. The project does not propose changes to massing or scale and is therefore compatible with the surrounding neighborhood context and will not detract from the industrial nature of West Berkeley. The project would also provide one new dwelling unit that meet all applicable zoning requirements for new residential standards.
 4. Because the project creates one new dwelling unit, there are no additional performance standards.
- C. As required by BMC Section 23.206.100(B)(3), the Zoning Adjustments Board finds that proposed project is s unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts use; and designed to be supportive of the character and purposes of the district because:
1. The proposed project will only convert one of three commercial spaces on the lot and would not result in a cumulative change current and permissible uses; and
 2. The added residential unit will be located in a mixed-use neighborhood that is designed to support both light-manufacturing uses alongside housing. The addition of the residential on a mixed-use lot is supportive of the character and purposes of the district and would not detract from the character and purpose of the district.

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IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

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

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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.
 - A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
 - B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.
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.

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V. 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 #
------	---------

11. Lease/Deed Covenant. The owner shall record an acknowledgement of, and provide tenant notification, via a lease rider or deed covenant, that the residential unit is located in the MU-R District, which is primarily a mixed-use area that includes manufactures and other light industrial uses and that each occupant shall not seek to impede their lawful operation.

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

12. 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.

13. 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 \(arcgis.com\)](#)
- 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.

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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.

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- 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.

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Prior to Issuance of Any Building (Construction) Permit

- 14. 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.
- 15. 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.
- 16. 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.
- 17. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
- 18. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 19. 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.

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- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

20. 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.

21. 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:

- D. 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.

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- E.** 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.
- F.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- G.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- H.** 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.
- I.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- J.** 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.
- K.** 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.
- L.** 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.
- M.** 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.

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- 22. 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.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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:

- 29. 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.
- 30.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated March 6, 2024.

At All Times:

- 31. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 32. 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.
- 33. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

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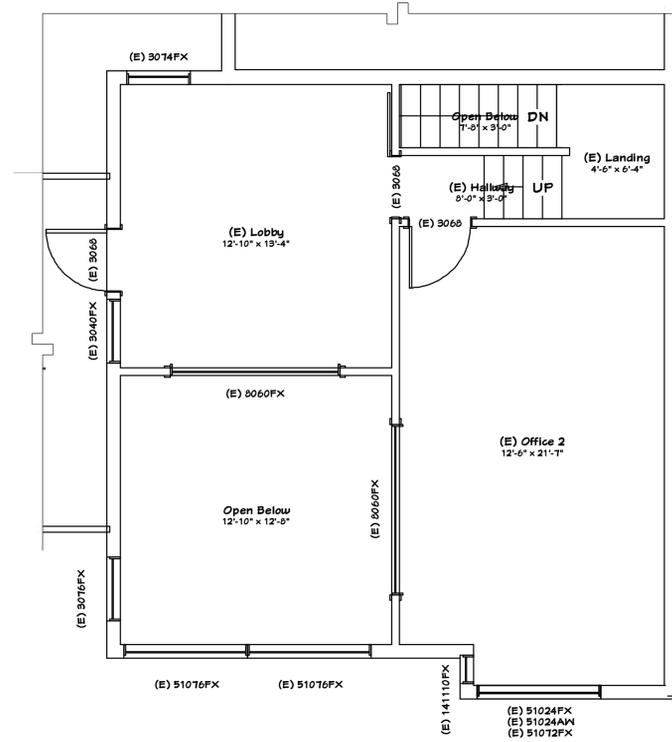
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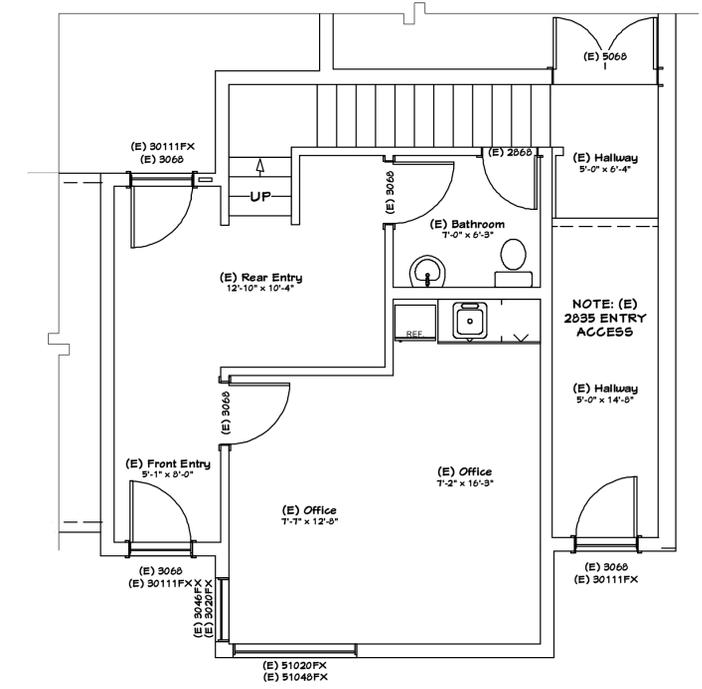
March 14, 2024

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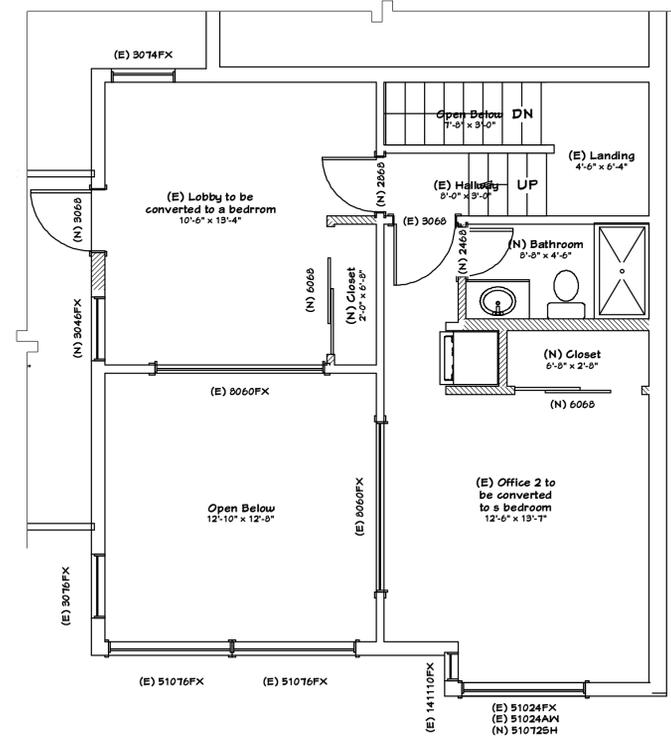
- 34. Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 35. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 36. 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.
- 37. 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.



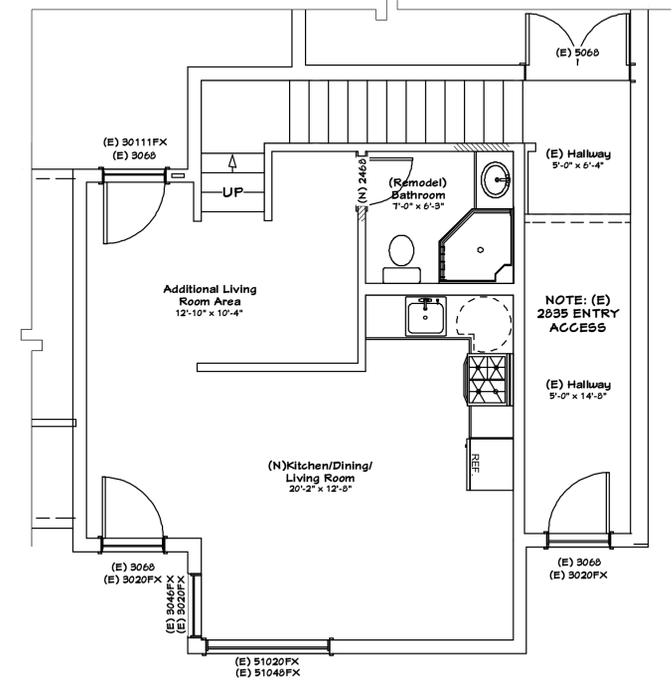
EXISTING UPPER FLOOR PLAN Scale 1/4" = 1' - 0"



EXISTING LOWER FLOOR PLAN Scale 1/4" = 1' - 0"



PROPOSED UPPER FLOOR PLAN Scale 1/4" = 1' - 0"



PROPOSED LOWER FLOOR PLAN Scale 1/4" = 1' - 0"

Owner Info:
 Name: Daryoush Davidi
 Phone Number: 818-523-9955
 ddavidi@unitedwithearth.com

Designed by: Jose Jimenez
 1005 West Eighth Street
 Stockton California 95206
 PHONE # (650) 743-1491
 EMAIL: jose@indesigners.com



Proposed (E) office bldg.
 conversion to residential use
 At: 2833 Seventh Street
 Berkeley California 94710

DATE: July 10, 2023

REVISIONS

- 1. Dec. 1, 2023
 Response to requested information on letter dated September 20, 2023
- 2. Feb. 10, 2024
 Response to requested information on Incomplete Application: Use Permit #ZP2023-0123 sent to us on Dec. 26, 2023

**SECTION R703
EXTERIOR COVERING**

2022 CRC SECTION R703 EXTERIOR COVERING

R703.1 General. Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.4.

R703.1.1 Water resistance. The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior cladding as required by Section R703.2 and a means of draining to the exterior water that penetrates the exterior cladding.

Exceptions:
1. A weather-resistant exterior wall envelope shall not be required over concrete or masonry walls designed in accordance with Chapter 6 and flashed according to Section R703.4 or R703.5.

R703.1.2 Wind resistance. Wall coverings, backing materials and their attachments shall be capable of resisting wind loads in accordance with Tables R301.2(2) and R301.2(3). Wind-pressure resistance of the siding, soffit and backing materials shall be determined by ASTM E530 or other applicable standard test methods. Where tests-pressure resistance is determined by design analysis, data from approved design standards and analysis conforming to generally accepted engineering practice shall be used to evaluate the siding, soffit and backing material and its fastening.

R703.2 Water-resistive barrier. Not fewer than one layer of water-resistive barrier shall be applied over studs or sheathing of all exterior walls with flashing as indicated in Section R703.4, in such a manner as to provide a continuous water-resistive barrier behind the exterior wall veneer. The water-resistive barrier material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R703.1. Water-resistive barrier materials shall comply with one of the following:

1. No. 15 felt complying with ASTM D226, Type 1.
2. ASTM E2556, Type 1 or 2.
3. ASTM E331 in accordance with Section R703.1.1.
4. Other approved materials in accordance with the manufacturer's installation instructions.

No. 15 asphalt felt and water-resistive barriers complying with ASTM E2556 shall be applied horizontally with the upper layer lapped over the lower layer not less than 2 inches (51 mm), and where joints occur, shall be lapped not less than 6 inches (152 mm).

R703.3 Fasteners. Exterior wall coverings and roof overhang soffits shall be securely fastened with aluminum, galvanized, stainless steel or rust-preventative coated nails or staples in accordance with Table R703.3(1) or with other approved corrosion-resistant fasteners in accordance with the wall covering manufacturer's installation instructions. Nails and staples shall comply with ASTM F1667. Nails shall be T-head, modified round head, or round head with smooth or deformed shanks. Staples shall have a minimum crown width of 7/16 inch (11.1 mm) outside diameter and be manufactured of minimum 16-gauge wire. Where fiberboard, gypsum, or foam plastic sheathing backing is used, nails or staples shall be driven into the studs. Where wood or wood structural panel sheathing is used, fasteners shall be driven into studs unless otherwise permitted to be driven into sheathing in accordance with either the siding manufacturer's installation instructions or Table R703.3.3.

R703.3.4 Minimum fastener length and penetration. Fasteners shall have the greater of the minimum length specified in Table R703.3(1) or as required to provide a minimum penetration into framing as follows:

1. Fasteners for horizontal aluminum siding, steel siding, particleboard panel siding, wood structural panel siding in accordance with ANSI/APA-PRG 210, fiber-cement panel siding and fiber-cement lap siding installed over foam plastic sheathing shall penetrate not less than 1 1/2 inches (38mm) into framing or shall be in accordance with the manufacturer's installation instructions.
2. Fasteners for hardboard panel and lap siding shall penetrate not less than 1 1/2 inches (38 mm) into framing.
3. Fasteners for vinyl siding and insulated vinyl siding installed over wood or wood structural panel sheathing shall penetrate not less than 1 1/2 inches (32 mm) into sheathing and framing combined. Vinyl siding and insulated vinyl siding shall be permitted to be installed with fasteners penetrating into or through wood or wood structural sheathing of minimum thickness as specified by the manufacturer's instructions or test report, with or without penetration into the framing. Where the fastener penetrates fully through the sheathing, the end of the fastener shall extend not less than 3/4 inch (6.4mm) beyond the opposite face of the sheathing. Fasteners for vinyl siding and insulated vinyl siding installed over foam plastic sheathing shall be in accordance with Section R703.11.2. Fasteners for vinyl siding and insulated vinyl siding installed over fiberboard or gypsum sheathing shall penetrate not less than 1 1/2 inches (32 mm) into framing.
4. Fasteners for vertical or horizontal wood siding shall penetrate not less than 1 1/2 inches (38mm) into studs, studs and wood sheathing combined, or blocking.
5. Fasteners for siding material installed over foam plastic sheathing shall have sufficient length to accommodate foam plastic sheathing thickness and to penetrate framing or sheathing and framing combined, as specified in items 1 through 4.

R703.4 Flashing. Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Self-adhered membranes used as flashing shall comply with AAMA T11. Fluid-applied membranes used as flashing in exterior walls shall comply with AAMA T14. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashing shall be installed at the following locations:

1. Exterior window and door openings. Flashing at exterior window and door openings shall be installed in accordance with Section R703.4.1.
2. At the intersection of masonry or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
3. Under and at the ends of masonry, wood or metal copings and sills.
4. Continuously above all projecting wood trim.
5. Where exterior porches, decks or stairs attach to a wall or floor assembly or wood-frame construction.
6. At wall and roof intersections.

R703.5.1 Vertical wood siding. Wood siding applied vertically shall be nailed to horizontal nailing strips or blocking set more than 24 inches (610 mm) on center.

R703.5.2 Panel siding. 3/8-inch (9.5 mm) wood structural panel siding shall not be applied directly to studs spaced more than 16 inches (406 mm) on center where long dimension is parallel to studs. Wood structural panel siding 7/16 inch (11.1 mm) or thinner shall not be applied directly to studs spaced more than 24 inches (610 mm) on center. The stud spacing shall not exceed the panel span rating provided by the manufacturer unless the panels are installed with the face grain perpendicular to the studs or over sheathing approved for that stud spacing.

Joints in wood, hardboard or wood structural panel siding shall be made as follows unless otherwise approved. Vertical joints in panel siding shall occur over framing members, unless wood or wood structural panel sheathing is used, and shall be shiplapped or covered with a batten. Horizontal joints in panel siding shall be lapped not less than 1 inch (25mm) or shall be shiplapped or flashed with Z-flashing and occur over solid blocking, wood or wood structural panel sheathing.

R703.5.3 Horizontal wood siding. Horizontal lap siding shall be installed in accordance with the manufacturer's recommendations. Where there are no recommendations the siding shall be lapped not less than 1 inch (25 mm), or 3/4 inch (12.7 mm) if rabbeted, and shall have the ends caulked, covered with a batten or sealed and installed over a strip of flashing.

R703.7 Exterior plaster (stucco). Installation of these materials shall be in compliance with ASTM C1063 and the provisions of this code.

R703.7.1 Lath. Lath and lath attachments shall be of corrosion-resistant materials in accordance with ASTM C1063. Expanded metal, welded wire, or woven wire lath shall be attached to wood framing members or furring. Where the exterior plaster is serving as wall bracing in accordance with Table R602.10.4, the lath shall be attached directly to framing. The lath shall be attached with 1 1/2-inch-long (38 mm), 11-gauge nails having a 7/16-inch (11.1 mm) head, or 7/8-inch-long (22.2 mm), 16-gauge staples, spaced not more than 7 inches (178 mm) on center along framing members or furring and not more than 24 inches (610 mm) on center between framing members or furring, or as otherwise approved. Additional fastening between wood framing members shall not be prohibited. Lath attachments to cold-formed steel framing or to masonry, stone, or concrete substrates shall be in accordance with ASTM C1063. Where lath is installed directly over foam sheathing, lath connections shall also be in accordance with Section R703.15, R703.16 or R703.17. Where lath is attached to furring shall be in accordance with R703.15, R703.16 or R703.17.

Exception: Lath is not required over masonry, cast-in-place concrete, precast concrete or stone substrates prepared in accordance with ASTM C1063.

R703.7.2 Plaster. Plastering with cement plaster shall be in accordance with ASTM C926. Cement materials shall be in accordance with one of the following:

1. Masonry cement conforming to ASTM C91 Type M, S or N.
2. Portland cement conforming to ASTM C150 Type I, II, or III.
3. Blended hydraulic cement conforming to ASTM C695 Type IP, IS (< T0), IL, or IT (S < T0).
4. Hydraulic cement conforming to ASTM C1157 Type GU, HE, MS, HS, or MH.
5. Plastic (stucco) cement conforming to ASTM C1329.

Plaster shall be not less than three coats where applied over metal lath or wire lath and shall be not less than two coats where applied over masonry, concrete, pressure-preservative-treated wood or decay-resistant wood as specified in Section R317.1 or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1).

On wood-frame construction with an on-grade floor slab system, exterior plaster shall be applied to cover, but not extend below, lath, paper and screed.

The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

R703.7.2.1 Weepscreeds. A minimum 0.019-inch (0.5 mm) No. 26 galvanized sheet gage), corrosion-resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3/4 inch (94 mm), shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C926. The weep screed shall be placed not less than 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather-resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.

R703.7.4 Application. Each coat shall be kept in a moist condition for at least 48 hours prior to application of the next coat.

R703.7.5 Curing. The finish coat for two-coat cement plaster shall not be applied sooner than seven days after application of the first coat. For three-coat cement plaster, the second coat shall not be applied sooner than 48 hours after application of the first coat. The finish coat for three-coat cement plaster shall not be applied sooner than seven days after application of the second coat.

**SECTION R405
REQUIREMENTS FOR
ROOF COVERINGS**

2022 CRC R405.2.2 Slope. Asphalt shingles shall be used only on roof slopes of two units vertical in 12 units horizontal (17-percent slope) or greater. For roof slopes from two units vertical in 12 units horizontal (17-percent slope) up to four units vertical in 12 units horizontal (33-percent slope), double underlayment application is required in accordance with Section R405.1.1.

R405.1.1 Underlayment. Underlayment for asphalt shingles, clay and concrete tile, metal roof shingles, mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles, wood shakes, metal roof panels and photovoltaic shingles shall conform to the applicable standards listed in this chapter. Underlayment materials required to comply with ASTM D226, D1910, D4864 and D6151 shall bear a label indicating compliance to the standard designation and, if applicable, type classification indicated in Table R405.1.1(1). Underlayment shall be applied in accordance with Table R405.1.1(2). Underlayment shall be attached in accordance with Table R405.1.1(3).

R405.2.4.1 Wind resistance of asphalt shingles. Asphalt shingles shall be tested in accordance with ASTM D7150. Asphalt shingles shall meet the classification requirements of Table R405.2.4.1 for the appropriate ultimate design wind speed. Asphalt shingle packaging shall bear a label to indicate compliance with ASTM D7150 and the required classification in Table R405.2.4.1.

R405.2.5 Fasteners. Fasteners for asphalt shingles shall be galvanized steel, stainless steel, aluminum or coated roofing nails, minimum 12-gauge (0.105 inch (3 mm)) shank with a minimum 3/8-inch-diameter (9.5 mm) head, complying with ASTM F1667, of a length to penetrate through the roofing materials and not less than 3/4 inch (19.1 mm) into the roof sheathing. Where the roof sheathing is less than 3/4 inch (19.1 mm) thick, the fasteners shall penetrate through the sheathing.

R405.2.6 Attachment. Asphalt shingles shall have the minimum number of fasteners required by the manufacturer's approved installation instructions, but not less than four fasteners per strip shingle or two fasteners per individual shingle. Where the roof slope exceeds 21 units vertical in 12 units horizontal (21:12, 175-percent slope), shingles shall be installed in accordance with the manufacturer's approved installation instructions.

From TABLE R405.1.1(2) for Asphalt shingles Section R405.2 Underlayment application. For roof slopes from two units vertical in 12 units horizontal (2:12) up to four units vertical in 12 units horizontal (4:12), underlayment shall be two layers applied in the following manner: apply a 14-inch strip of underlayment felt parallel to and starting at the eaves. Starting at the eave, apply 36-inch-wide sheets of underlayment, overlapping successive sheets 14 inches. Distortions in the underlayment shall not interfere with the ability of the shingles to seal. End laps shall be 4 inches and shall be offset by 6 feet. For roof slopes of four units vertical in 12 units horizontal (4:12) or greater, underlayment shall be one layer applied in the following manner: underlayment shall be applied shingle fashion, parallel to and starting from the eave and lapped 2 inches. Distortions in the underlayment shall not interfere with the ability of the shingles to seal. End laps shall be 4 inches and shall be offset by 6 feet.

R405.2.6.2 Valleys. Valley linings shall be installed in accordance with the manufacturer's instructions before applying shingles. Valley linings of the following types shall be permitted:

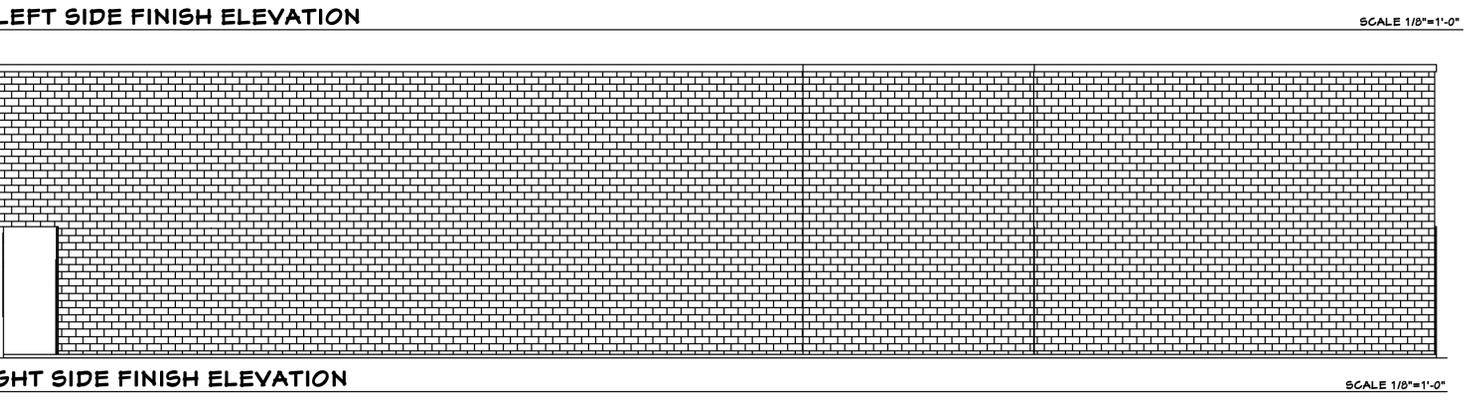
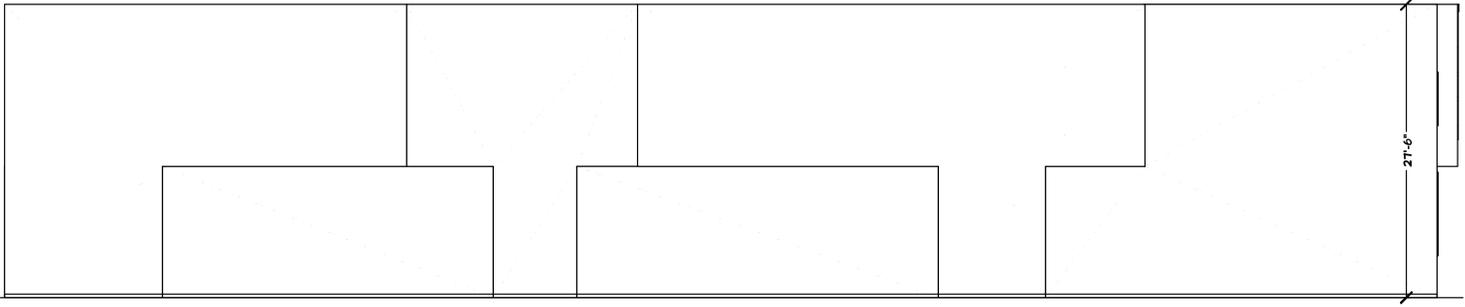
1. For open valleys (valley lining exposed) lined with metal, the valley lining shall be not less than 24 inches (610 mm) wide and of any of the corrosion-resistant metals in Table R405.2.2.
2. For open valleys, valley lining of two plies of mineral-surfaced roll roofing, complying with ASTM D3904 or ASTM D6380 Class M, shall be permitted. The bottom layer shall be 18 inches (457 mm) and the top layer not less than 36 inches (914 mm) wide.
3. For closed valleys (valley covered with shingles), valley lining of one ply of smooth roll roofing complying with ASTM D6380 and not less than 36 inches wide (914 mm) or valley lining as described in item 1 or 2 shall be permitted. Self-adhering polymer-modified bitumen underlayment complying with ASTM D1970 shall be permitted in lieu of the lining material.

Elevation Notes

Roof:
Existing roofing to remain.

Exterior Finish:
Existing stucco/siding/concrete block finish to remain.

Windows:
Existing windows to remain.



Owner Info:
Name: Daryoush Davidi
Phone Number: 818-523-9955
ddavidi@unitedwithearth.com

Designed by: Jose Jimenez
1005 West Eighth Street
Stockton California 95206



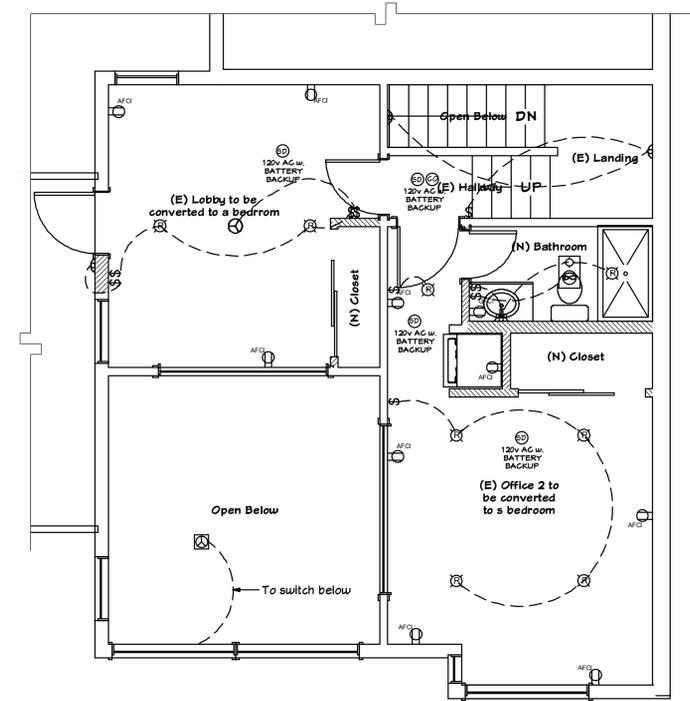
Proposed (E) office bldg.
conversion to residential use
At: 2833 Seventh Street
Berkeley California 94710

DATE: July 10, 2023

REVISIONS	
1	Dec. 1, 2023 Response to requested information on letter dated September 20, 2023
2	Feb. 10, 2024 Response to requested information on Incomplete Application: Use Permit #ZP203-0123 sent to us on Dec. 26, 2023

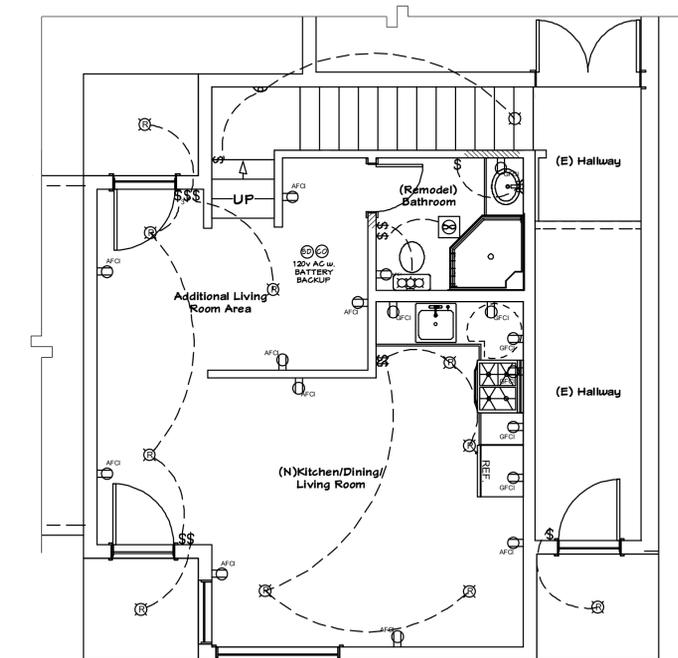
Sheet **A-3**
Of **3**

- = HARDWIRED
- = BATHROOM FAN
- = BATHROOM FAN W/ LED LIGHT
- = RECESSED LIGHT
- = EXTERIOR LIGHT
- = BATHROOM LIGHT
- = ELECTRICAL SWITCH
- = GFCI ELECTRICAL OUTLET
- = AFGI ELECTRICAL OUTLET
- = HARDWIRED CARBON MONOXIDE ALARM
- = HARDWIRED SMOKE DETECTOR



(E) Upper Floor Electrical Plan

Scale 1/4"=1'-0"



(E) Lower Floor Electrical Plan

Scale 1/4"=1'-0"

Owner Info:
 Name: Daryoush Davidi
 Phone Number: 818-523-9955
 ddavidi@unitedwithearth.com

Designed by: Jose Jimenez
 1005 West Eighth Street
 Stockton California 95206

PHONE # (650) 743-1441
 EMAIL: jose@indesigners.com

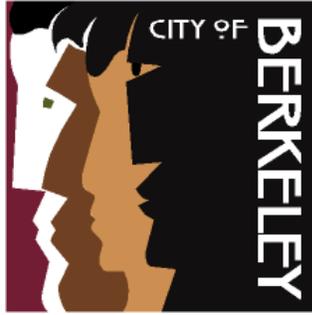


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Z O N I N G
A D J U S T M E N T S
B O A R D
NOTICE OF PUBLIC HEARING

2833 Seventh Street

Use Permit #ZP2023-0123 to convert a 1,024 square-foot two-story commercial unit to a residential dwelling unit in a mixed-use building, for a total of six dwelling units on a mixed-use lot.

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

When: Thursday, March 14, 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: Manufacturing Mixed Use
- Zoning: Mixed Use-Residential (M-UR)

B. Zoning Permits Required:

- Use Permit, pursuant to Berkeley Municipal Code (BMC) Section 23.206.090(B)(7) for a sixth dwelling unit.
- Use permit, pursuant to BMC Section 23.206.090(B)(8), to establish a dwelling unit in the Mixed Use-Residential District (M-UR) within 150 feet of an M or MM District.

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

D. Parties Involved:

- Applicant/Owner: Daryoush John Davidi, 3135 Kerner Blvd. San Rafael, CA 94901

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.