

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

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FOR BOARD ACTION

APRIL 25, 2024

## 1817-B Carleton Street

**Variance #ZP2023-0168 to a construct a 494 square foot third-story addition over 28 feet in average height (32 feet) that will exceed the allowable lot coverage by approximately 5 percent, encroach into the third-story setback, reduce the building separation, and add an thirteenth and fourteenth bedroom to the lot.**

### I. Background

#### A. Land Use Designations:

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

#### B. Zoning Permits Required:

- Variance from Berkeley Municipal Code (BMC) Section 23.202.080(D), pursuant to 23.406.050(A), to allow for deviation from the maximum lot coverage;
- Variance from BMC Section 23.202.080(D)(2), pursuant to 23.406.050(A), for a reduced side setback at the third story;
- Use Permit, pursuant to BMC Section 23.202.030(B), to add bedrooms beyond a fifth bedroom;
- Administrative Use Permit, pursuant to BMC Section 23.304.040(A), to reduce to the minimum building separation standards at the third story;
- Administrative Use Permit, pursuant to BMC 23.202.080(D), for a residential addition over 14-feet in average building height; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D), for a residential addition over 28-feet in average building height.

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**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 15301 ("Existing Facilities"). The determination is made by ZAB.

**D. Parties Involved:**

- **Applicant:** John Newton, 5666 Telegraph Avenue Ste A, Oakland, CA 94609
- **Property Owner:** Jamie Crook and Tefera Lemeneh, 1817-B Carleton Street, Berkeley, CA 94703

**Figure 1: Vicinity and Zoning Districts Map**

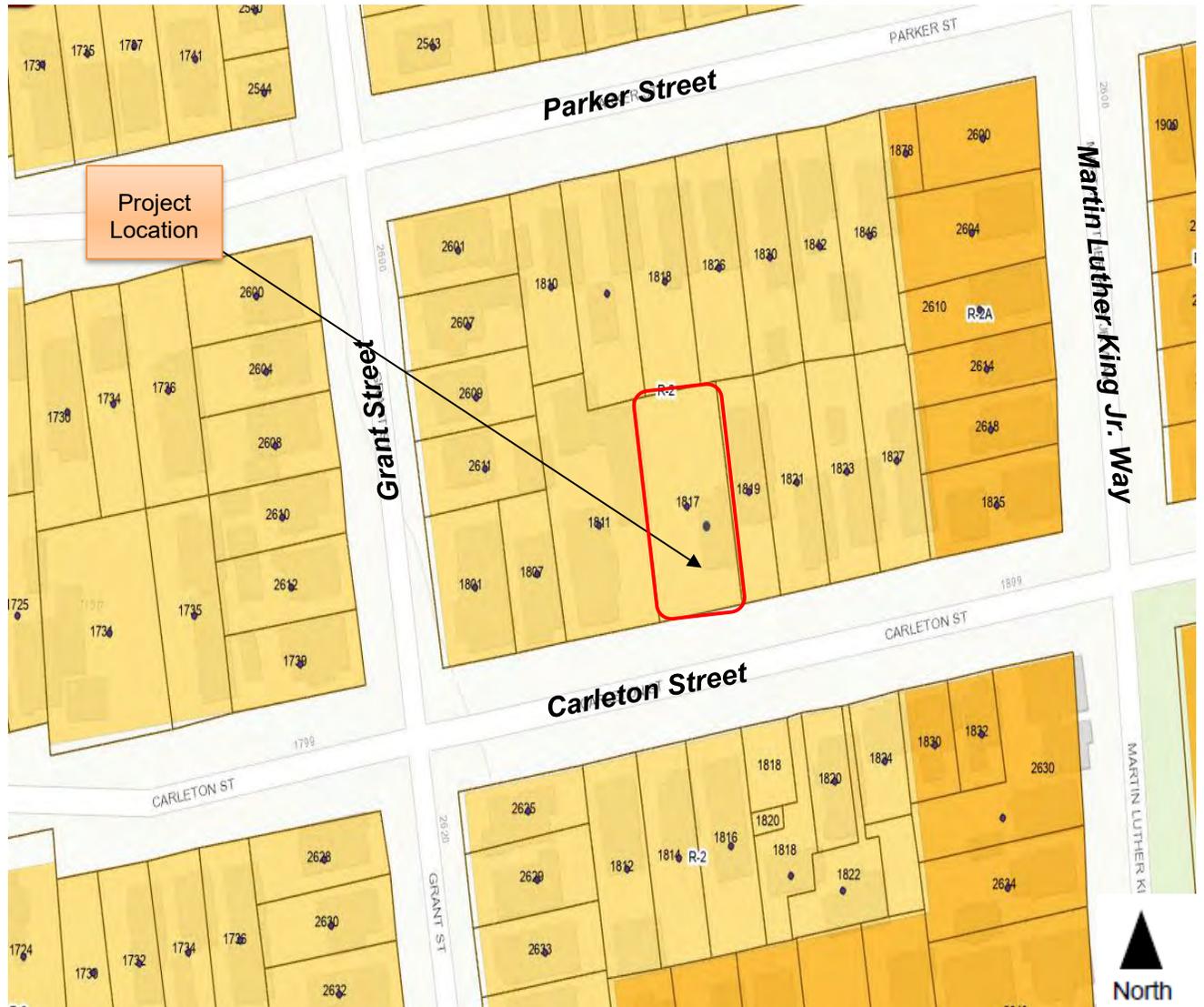


Figure 2: Site Plan

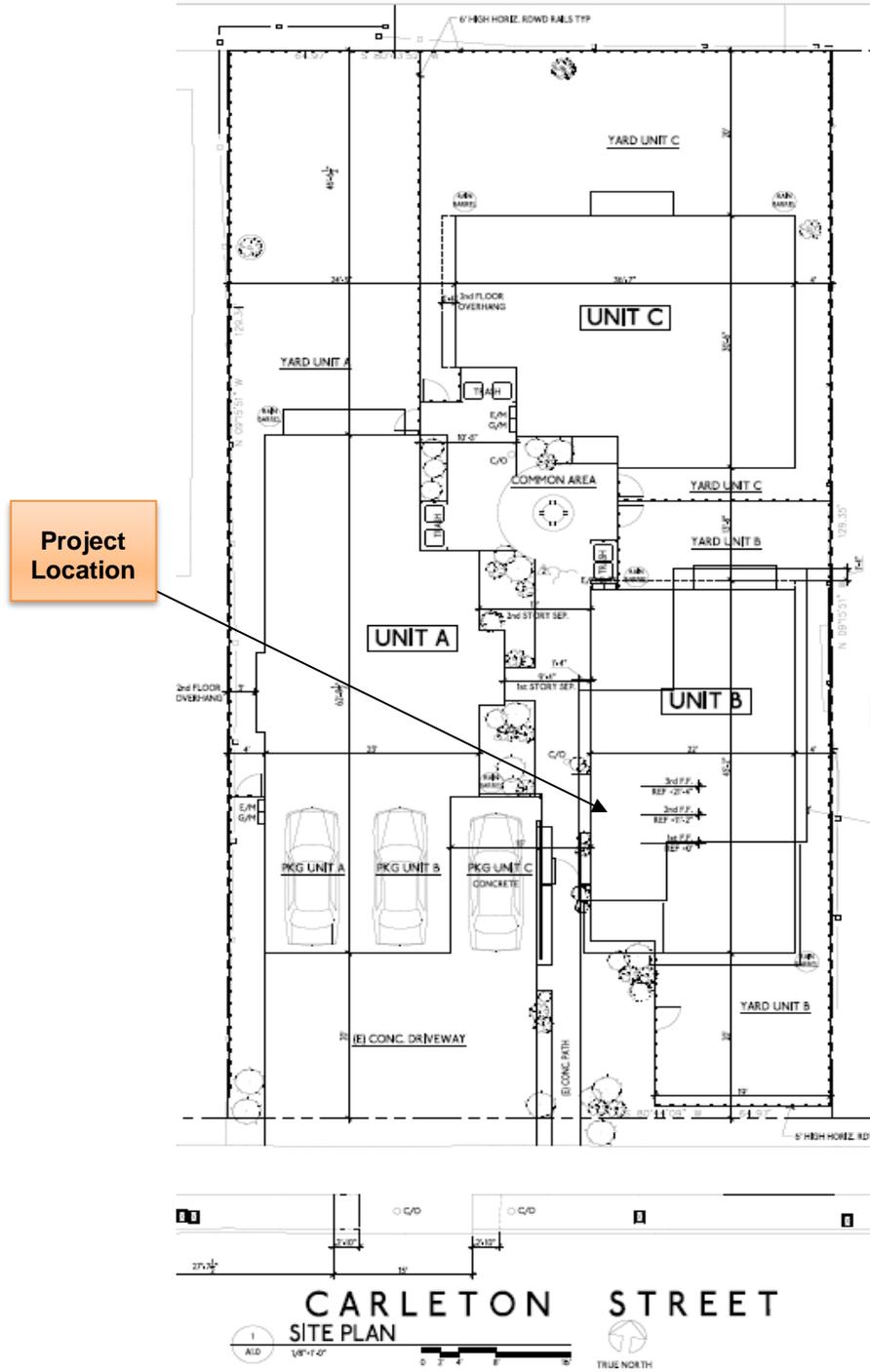
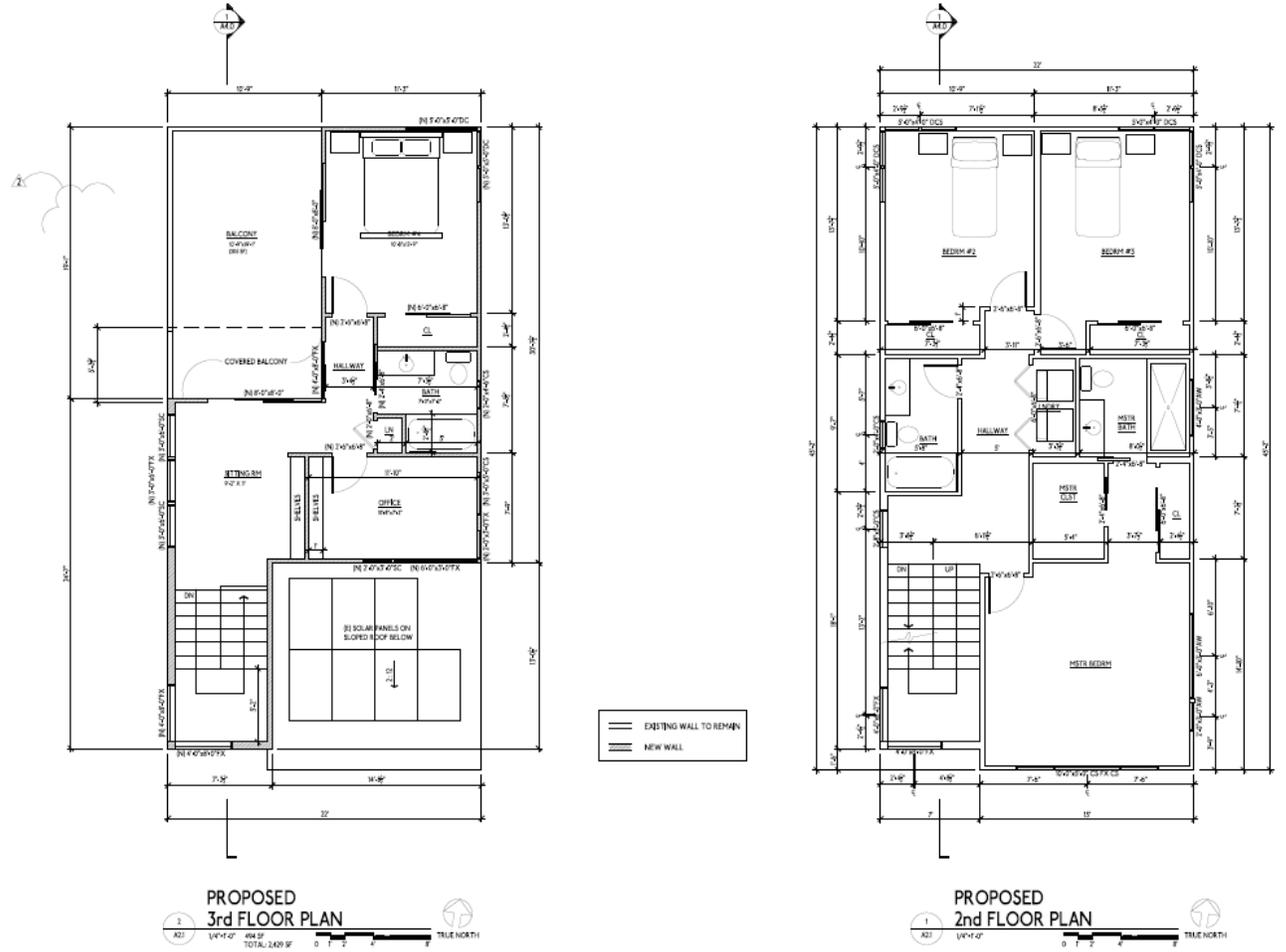


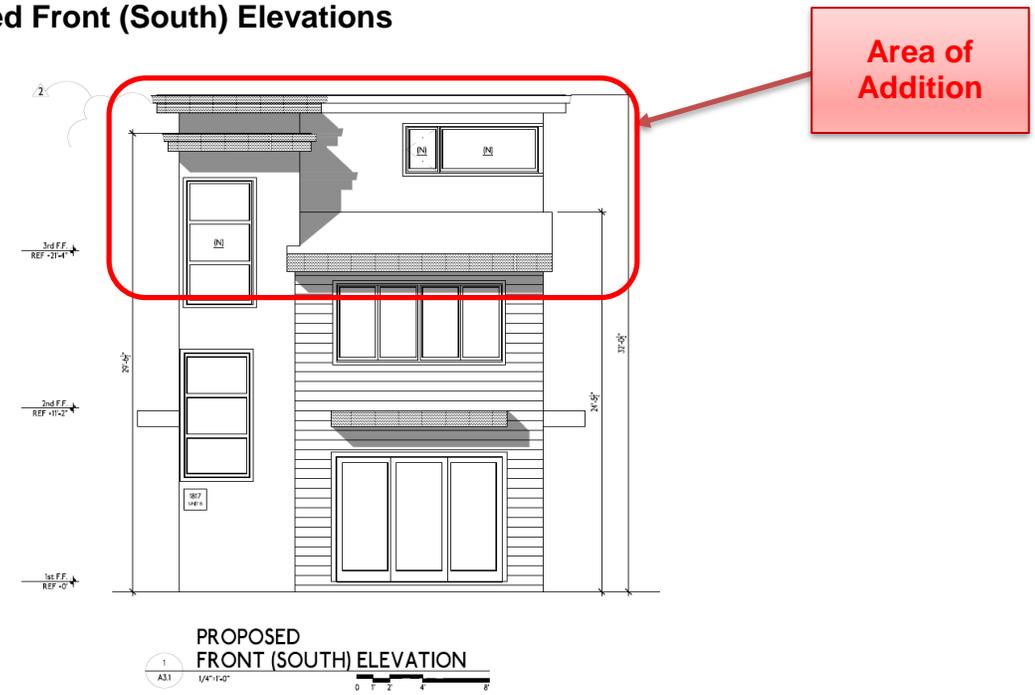
Figure 3: Floor Plans



**Figure 4: Existing Front (South) Elevations**



**Figure 5: Proposed Front (South) Elevations**



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**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Three single-family dwellings	Restricted Two-Family Residential District (R-2)	Low Medium Density Residential (LMDR)
Surrounding Properties	North	Two-family dwelling (duplex)		
	South	Seven-unit Multi-family dwelling Building		
	East	Three-unit multi-family dwelling		
	West	Six-unit multi-family (two buildings)		

**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 only involve new 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 not a housing development project, as defined in BMC 23.328.020 <sup>a</sup> because it would not construct a new residential unit.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak trees ( <i>Quercus agrifolia</i> ), 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 requesting a Density Bonus.
Historic Resources	No	The existing building is less than 40 years old and is not subject to the Landmarks Preservation Ordinance.
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) <sup>b</sup> because it is an addition to a single-family dwelling and does not include any new dwelling units. The Housing Accountability Act does not apply.
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) <sup>b</sup> because it is an addition to a single-family dwelling and does not include any new dwelling units. SB 330 does not apply.
Rent Controlled Units	No	The subject building is a single-family dwelling and therefore not subject to rent control provisions pursuant to BMC Chapter 13.76.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone.

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Characteristic	Applicability	Explanation
Seismic Hazards (SHMA)	No	The project site is not located in an area susceptible to liquefaction, landslide, or fault rupture as defined by the State Seismic Hazards Mapping Act (SHMA) <sup>c</sup> .
Soil/Groundwater Contamination	No	The project site not located within the City's Environmental Management Area and is not on the Cortese List <sup>d</sup> Standard Conditions of Approval related to hazardous materials would apply.
Transit	No	The project area is served by the AC Transit line 12. The nearest bus stops are approximately 0.1 miles to the northeast near the intersection of Parker Street and Martin Luther King Jr. Way, and approximately 0.1 miles to the southeast near the intersection of Derby Street and Martin Luther King Jr. Way.
<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. California Department of Conservation. DOC Maps: Geologic Hazards. Available: <a href="https://maps.conservation.ca.gov/geologichazards/">https://maps.conservation.ca.gov/geologichazards/</a></p> <p>d. 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
December 19, 2023	Variance Application submitted
January 5, 2024	Application deemed complete
April 11, 2024	Public hearing notices mailed/posted
April 25, 2024	ZAB hearing

**Table 4: R-2 Development and Parking Standards BMC Sections 23.202.080(D) and BMC 23.322**

Restricted Two-Family (R-2) Residential District Standards <u>BMC Section 23.202.080</u>		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		8,403	No change	5,000 min
Dwelling Units	Total	3	No change	3 max (1 dwelling unit/2,500 square-feet of lot area)
Bedrooms		Unit A-4 <b>Unit B-4</b> Unit C-4 12 total	Unit A-4 <b>Unit B-6</b> Unit C-4 14 total	Adding a bedroom beyond fifth permitted with a Use Permit
Building Height: Unit B (ft.-in.)	Average	24'-9 ½"	32'-0 ½"	35' max w/ an AUP
	Stories	2	3	3 max
Building Setbacks: Unit B (ft.-in.)	Front (Carleton Street)	20'	No change	20' min
	Rear	64'-2"	No change	20' min
	Left Side	37'	No change	6' min (3 <sup>rd</sup> story)
	Right Side	4'	No change	6' min (3 <sup>rd</sup> story)
Building Separation (ft.-in.): Unit B		12'-0" from unit A; 13'-8" from unit C	No change	12' min (2 <sup>nd</sup> story) 16' min (3 <sup>rd</sup> story)
Lot Coverage (%)		39.7 (conforming)	--  No change (nonconforming)	40 max (2-story building)  35 max (3-story building)
Usable Open Space (sq. ft.)		2,424	2,666	1,200 min (3 units)
Parking (Automobile)		3	No change	0 min; n/a max

## II. Project Setting

### A. Neighborhood/Area Description:

The subject site is located on the north side of Carleton Street, between Martin Luther King Jr. Way and Grant Street. The proposed project is set in a residential neighborhood that primarily consists of one- and two-story residential properties, which range in density to include single-family, duplexes, and multi-family dwellings. While the majority of the surrounding uses are residential, Tim Moellering Field, a public park, is within walking distance from the project site.

**B. Site Conditions:**

The 8,403-square-foot lot is generally rectangular-shaped and oriented in a northwest to southeast direction, with frontage onto Carleton Street. In 2017, the site was developed with three new two-story single-family residences. The site is accessed via a common walkway at the center of the lot and vehicular access to three parking spaces, one for each unit, located on the western side of the lot.

**III. Project Description**

**A. Proposed Project Details:**

The proposed project would construct a 494-square-foot third-story addition to Unit B, a 1,935-square-foot two-story single-family dwelling located on the southeast portion of the lot. The new third-story would include a bedroom, office<sup>1</sup>, common sitting room, balcony, and a fourth bathroom, all located above and within the existing footprint.

Although the current development complies with all of the applicable R-2 development standards, as approved under Use Permit # ZP2014-0058, some of the development standards are based on the number of stories of the main building(s). The addition of a third story on the lot would create nonconformities to the lot coverage, side setback, and building separation. Variances would be required to exceed the maximum lot coverage allowed on a lot with a three-story structure, and for the third-story to encroach into the side setback. An Administrative Use Permit would be required to reduce the building separation for the third story. Additionally, with new bedrooms proposed, a Use Permit is also required.

**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 September 2023. On April 11, 2024, the city mailed the 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 has received one letter of support for the project. (Attachment 4)

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<sup>1</sup> The proposed office meets the definition of a bedroom: Any habitable space in a dwelling unit or habitable accessory structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. (BMC 23.502.020(B)(8))

## **B. Design Review Committee Review / Landmark Preservation Commission:**

This project is not subject to review by the Design Review Committee because it is not located in a residential district subject to design review, or a commercial or manufacturing district. It is not subject to review by the Landmarks Preservation Commission because the existing residence is not a building that is 40 or more years old.

## **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 15301 ("Existing Facilities"). The project would comply with this exemption because it consists of approximately 500 square feet of additional gross floor area to an existing private structure, involves negligible expansion of the existing residential use and the addition to the existing residence would not result in an increase of more than 50 percent of the floor area of the structure before the addition. 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;<sup>2</sup> 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;<sup>3</sup> 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;<sup>4</sup> 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.

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<sup>2</sup> California Department of Fish and Wildlife. California Natural Diversity Database. Available: <https://apps.wildlife.ca.gov/bios6/?tool=cnddbqv>

<sup>3</sup> 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>

<sup>4</sup> California Environmental Protection Agency. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>

**B. Conformance with R-2 Development Standards**

The current development was approved under Use Permit # ZP2014-0058 and complies with all of the applicable R-2 development standards, which have not changed substantively since the project was approved. That project demolished the single-family dwelling and accessory structure that were on the lot and constructed three new detached, two-story single-family dwelling units, totaling approximately 6,348 square-feet. The project was built out to maximize the allowable density of three units, as well as the 40 percent lot coverage and 4-foot minimum side setback requirement for two-story structures on the site.

Within the R-2 Zoning District, some of the development standards are based on the number of stories of the main building(s). The addition of a third-story on the lot reduces the allowable lot coverage from 40 to 35 percent. While the required side setback for the first and second stories is 4 feet, the third story must be setback further, 6 feet from the interior side lot line. Lastly, the building separation increases from 8 feet and 12 feet for the first and second stories, respectively, and to 16 feet for the third story.

**Table 5: R-2 Lot Coverage - Setback and Building Separation Standards**

Table 23.202-6. R-2 SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				
Front	20 ft.	20 ft.	20 ft.	23.304.030--Setbacks
Rear	20 ft.	20 ft.	20 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	10 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040--Building Separation in Residential Districts

Table 23.202-7. R-2 LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum				
Interior and Through Lot	45%	40%	35%	23.304.120--Lot Coverage
Corner Lot	50%	45%	40%	

**Lot coverage:** The proposed third-story addition to Unit B would increase the building mass and, although no additional footprint is proposed, it would cause the lot's existing conforming lot coverage of 39.7 percent to exceed the 35 percent that is allowed for three story buildings. The proposed project would not be consistent with the R-2 District development standards that the recently developed lot was designed to meet.

**Side setback:** The two-story building is setback 4 feet from the interior side lot line, and the addition is proposed to vertically extend that side wall line for the third story, instead of stepping back an additional 2 feet. As different standards would now be applicable due to the development of a third story, a variance would be required to encroach the third story into the required 6-foot side setback. Because the current two-story building conforms to the side setback requirement, provisions that allow nonconforming walls in setbacks to be extended for additions<sup>5</sup> cannot be applied here.

**Bedrooms:** The addition would create two new bedrooms and a Use Permit is also required because there are already more than five bedrooms on the lot, and the proposed project would increase the total number of bedrooms from 12 to 14 bedrooms on the lot. The new bedrooms would not increase density on the lot but would create more living area for the inhabitants of the single-family dwelling.

**Building separation:** An Administrative Use Permit is required to reduce the building separation for the third story, as the existing building separation between the main buildings is currently 12 feet from unit A and 13 feet, 8 inches from unit C, less than the required 16-foot requirement. Reductions to building separation are permissible, subject to the non-detriment findings, to accommodate more than one main building with dwelling units on a lot.

Overall, the project does not meet the lot coverage and side setback requirements, as required for three-story main buildings in BMC Section 23.202.080. Although no additional lot coverage is proposed and the existing side wall line would be vertically extended, the project would create nonconformities and, therefore, variances are required.

### **C. Variance Findings (BMC Section 23.406.050)**

The project would require two variances to deviate from the R-2 Zoning District development standards. The first is to exceed the 35 percent maximum allowable lot coverage by 4.7 percent for a total lot coverage of 39.7 percent, and the second is to reduce the side setback for the third story by 2 feet on the right side. Pursuant to BMC Section 23.406.050(F), the ZAB must make all six required variance findings to approve a variance. Staff analyzed the information submitted by the applicant in support of granting the variances; however, staff believes that all of the findings cannot be made and recommends denial of the variances from lot coverage and the third-

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<sup>5</sup> BMC Section 23.324.050(D) Conforming and Nonconforming Structures and Buildings

story side setback. A summary of the findings along with the staff's recommendations follows.

1. **Finding:** There are exceptional circumstances applying to the property which do not apply generally in the same district.

**Evidence.** The lot is typical for the area and zoning district in which it is located. It is a rectangular, 8,403-square foot lot, where 5,000 square feet is the minimum, and was developed with three two-story single-family dwellings and three parking spaces. There is nothing exceptional about the property that wouldn't generally apply to lots in the same district.

Lot coverage: The current lot was fully developed within the applicable R-2 Zoning District standards in the last 10 years, in compliance with the approved Use Permit to demolish the existing single-family dwelling and accessory structure and construct three new detached, two-story single-family dwelling units. The existing lot coverage is 39.7 percent, and was developed in accordance with the same 40 percent allowance for a lot developed with two-story structures that applies now. The addition of a third story drops the allowable lot coverage to 35 percent, which would have also been the case when this lot was redeveloped, so the proposed vertical addition over the existing footprint creates a nonconformity. Similarly, an outward expansion of the second story of the residence would also create nonconforming lot coverage because, although the allowance would still be 40 percent, the lot has already been developed to the maximum allowed for the type of development. Taller developments are subject to a lower lot coverage as a measure to maintain an appropriate bulk and scale of development on a parcel. Because the lot was previously developed in a manner that maximized the allowable lot coverage under the same development standards that apply today, this is not an exceptional circumstance that wouldn't generally apply to lots in the same district.

Side setback: The existing residence at 1817-B Carleton is located 20 feet from the front property line and 4 feet from the right-side property line, as approved under the original Use Permit, and is consistent with the R-2 development standards for two-story structures that existed then and now. Whereas the first and second stories are required to be setback 4 feet from the interior side lot line, the third story must be setback further, to 6 feet. The proposed project would vertically continue the existing side wall for a third story, and would create a nonconformity. There are no provisions in the R-2 or general setback standards<sup>6</sup> that allow for this type of setback modification. Because the current two-story building conforms to the side setback requirement, provisions that

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<sup>6</sup> BMC Section 23.304.030(B) Setbacks, Residential Districts

allow nonconforming walls in setbacks to be extended for additions<sup>7</sup> cannot be applied here. There is nothing exceptional about the location of the two-story building that wouldn't generally apply to lots in the same district.

The existing development that was reviewed and approved by ZAB on July 23, 2015, complied with all development standards, and included maximizing the allowable lot coverage and meeting the minimum side setbacks for a lot developed with two-story buildings. The same development standards that were applied then for lot coverage and setbacks still apply now. Having a fully built out site that meets current standards is not an exceptional circumstance that wouldn't apply to other lots in the same district. This finding cannot be made in the affirmative.

2. **Finding:** The Variance is not necessary to preserve a substantial property right.

**Evidence.** The variance is not necessary to preserve a substantial property right because the lot is fully developed with residential uses. The current development was designed and built in conformance with the current zoning standards for the district, including residential use, maximum density, lot coverage, and setbacks. Per the R-2 Zoning District, the lot can accommodate three residential dwelling units based on the lot area and is developed with three residential dwelling units. Further, the lot was developed in a manner that maximized the development envelope for the lot with two-story buildings, and the application of the development standards that applied to the initial development of the lot and still apply now does not prevent the residential use of the lot. Expanding beyond the zoning allowances is not a property right; therefore, this finding cannot be made in the affirmative.

3. **Finding:** The Variance will not adversely affect the health or safety of persons residing or working near the property.

**Evidence.** The proposed third-story addition would not change the use of the lot from residential and would be unlikely to have an adverse impact on the health or safety of residents residing or working nearby. However, the project would result in impacts beyond what would be expected for the development because it would exceed the allowable lot coverage for the building height and have a reduced setback for the third story, neither of which could be accomplished without a variance. Although this finding could possibly be made, the ZAB must make all of the required findings to approve a variance.

4. **Finding:** The Variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements.

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<sup>7</sup> BMC Section 23.324.050(D) Conforming and Nonconforming Structures and Buildings

**Evidence.** The third-story addition would not detrimentally impact the public's welfare or be injurious to nearby properties or improvements; however, the project would result in impacts beyond what would be expected for the development because it would exceed the allowable lot coverage for the building height and have a reduced setback for the third story, neither of which could be accomplished without a variance. Although this finding could possibly be made, the ZAB must make all the required findings to approve a variance.

5. **Finding:** The Variance will promote the municipal health, welfare, and safety and benefit the city as a whole.

**Evidence.** The variance would allow the expansion of the living area through the addition of a third story to the existing single-family dwelling and provide more space for the current occupants. Exceeding the development standards for three-story residential development does not promote municipal health, welfare, and safety, or benefit the city as a whole. It would be a grant of special privilege that is not available to other properties in the same district. The lot was fully developed to comply with the legally established requirements for two-story residential development. This finding cannot be made in the affirmative.

6. **Finding:** Any other Variance findings required by Zoning Ordinance can be made.

**Evidence.** This finding is not applicable.

#### D. **General Non-detriment Findings:**

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.

#### **Evidence:**

1. Although the proposed project may meet some of non-detriment findings based on the scale and potential impacts, no portion of the project could be implemented without the approval of the Variance.

**VI. Recommendation**

Because of the project's inconsistency with the Zoning Ordinance and General Plan, staff recommends that the Zoning Adjustments Board:

- A. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"); and
- B. **DENY** Variance #ZP2023-0168 pursuant to Section 23.406.050(F) and subject to the attached Findings (Attachment 1).

**Attachments:**

- 1. Findings for Denial
- 2. Project Plans, received March 26, 2024
- 3. Notice of Public Hearing, April 11, 2024
- 4. Communications received

**Staff Planner:** Waqar Shah, [wshah@berkeleyca.gov](mailto:wshah@berkeleyca.gov), (510) 981-7469



# ATTACHMENT (1)

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## FINDINGS FOR DENIAL

APRIL 25, 2024

### 1817-B Carleton Street

**Variance #ZP2023-0168 to a construct a 494 square foot third-story addition over 28 feet in average height (32 feet) that will exceed the allowable lot coverage by approximately 5 percent, encroach into the third-story setback, reduce the building separation, and add a thirteenth and fourteenth bedroom to the lot.**

#### ZONING PERMITS REQUIRED

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- Variance from Berkeley Municipal Code (BMC) Section 23.202.080(D), pursuant to 23.406.050(A), to allow for deviation from the maximum lot coverage;
- Variance from BMC Section 23.202.080(D)(2), pursuant to 23.406.050(A), for a reduced side setback at the third story;
- Use Permit, pursuant to BMC Section 23.202.030(B), to add bedrooms beyond a fifth bedroom;
- Administrative Use Permit, pursuant to BMC Section 23.304.040(A), to reduce to the minimum building separation standards at the third story;
- Administrative Use Permit, pursuant to BMC 23.202.080(D), for a residential addition over 14-feet in average building height; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D), for a residential addition over 28-feet in average building height.

#### I. CEQA FINDINGS

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The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 (“Existing Facilities”).

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. VARIANCE FINDINGS FOR DENIAL

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As required by BMC Section 23.406.050(F) the Zoning Adjustments Board (ZAB) must make all required Variance Findings to approve a Variance. These cannot all be made and ZAB finds that:

- A. There are no exceptional circumstances applying to the property which do not apply generally in the same district.

**Evidence:** The lot is relatively flat, exceeds the minimum lot area (8,403 square feet, where 5,000 square feet is required), is a rectangular shape 65 feet in width at the street frontage and 129 feet deep, and is therefore of a typical size and shape for lots within the R-2 District. The property was developed in 2015 in accordance with the R-2 district development standards for two-story buildings, which have not substantively changed. Having a fully built-out residential development site that meets current standards is not an exceptional circumstance that wouldn't apply to other lots in the same district.

- B. The Variance is not necessary to preserve a substantial property right.

**Evidence.** The lot is fully developed with residential uses in conformance with the current zoning standards for the district, including a density of three dwelling units where three units is the maximum, and lot coverage and side setbacks for two-story buildings. The lot has already been developed in a manner that maximizes the development envelope for two-story buildings. The application of the development standards, which applied at the time the lot was developed and still applies now, does not prevent the residential use of the lot. Expanding beyond the zoning allowances is not a property right.

- C. Even if the Variance will not adversely affect the health or safety of persons residing or working near the property, the finding is irrelevant since all the required findings cannot be made.

- D. Even if the Variance will not be materially detrimental to the public welfare or injurious to nearby property or improvements, the finding is irrelevant since all the required findings cannot be made.

- E. The Variance will not promote the municipal health, welfare, and safety and benefit the city as a whole.

**Evidence.** The lot is fully developed to comply with the legally established requirements for two-story residential development. Creating nonconformities by exceeding the development standards for three-story residential development does not promote municipal health, welfare, and safety, or benefit the city as a whole because it would grant special privileges that are not available to similarly developed lots in the R-2 or other zoning districts.

- 
- F. There are no other Variance findings required by Zoning Ordinance that apply to the project.

### **III. NON-DETRIMENT FINDINGS**

---

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.

- A. The proposed project cannot proceed without the approval of the Variance; therefore, these findings are not relevant.







**LEGEND**

USEABLE OPEN SPACE  
 LANDSCAPED AREA  
 LOT COVERAGE

USEABLE OPEN SPACE (UNCHANGED)  
 MIN. OPEN SPACE - 400SF X 3 = 1,200 SF

UNIT A:  
 TOTAL: 948 SF (11.4%)  
 (909 SF LANDSCAPED-95.9%)

UNIT B:  
 TOTAL: 595 SF (7.1%)  
 (568 SF LANDSCAPED-95.5%)

UNIT C:  
 TOTAL: 881 SF (10.5%)  
 (854 SF LANDSCAPED-97.0%)

LOT COVERAGE (UNCHANGED)  
 LOT SIZE: 8,403 SF  
 UNIT A: 1,331 SF  
 UNIT B: 983 SF  
 UNIT C: 1,019 SF  
 TOTAL FOOTPRINT: 3,333 SF  
 LOT COVERAGE: 39.7%

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 & PROJECT MANAGEMENT

**CM Engineers**  
 (925) 818-0570  
 Cyrus Mashhoodi, PE  
 REGISTERED DESIGN  
 PROFESSIONAL IN  
 RESPONSIBLE CHARGE

**RESIDENCE  
 ADDITION**

**PROJECT ADDRESS:**  
 1817B Carleton Street  
 Berkeley, CA 94703  
 APN: 54-1812-34

**OWNERS:**  
 Lemeneh Tefera  
 Jamie Crook  
 (917) 361-9722

**LOT COVERAGE,  
 LANDSCAPED &  
 USEABLE OPEN SPACE  
 DIAGRAM**

REVISION		
No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
 DRAWN BY: SM  
 CHECKED BY: JMN  
 DATE: 8/2/23

**A1.1**

**CARLETON STREET**  
 SITE PLAN  
 1/8"=1'-0"  
 0 2 4 8 16  
 TRUE NORTH

**John Newton**  
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 Oakland, CA 94609  
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 DESIGN CONSULTATION  
 & PROJECT MANAGEMENT

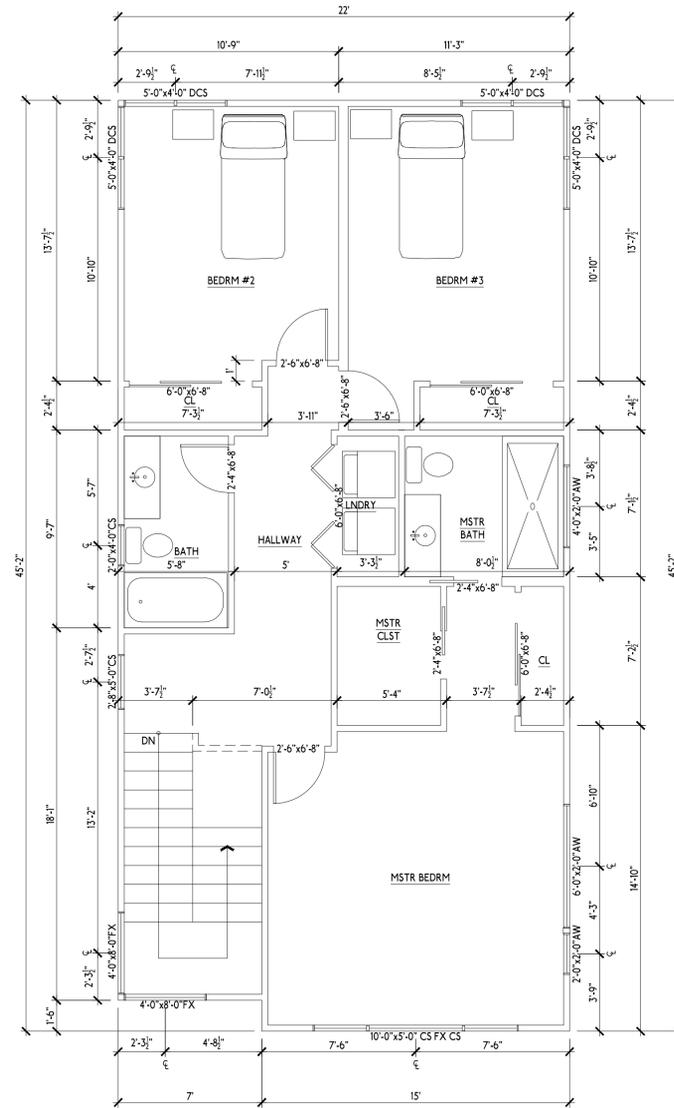
**CM Engineers**  
 (925) 818-0570  
 Cyrus Mashhoodi, PE  
 REGISTERED DESIGN  
 PROFESSIONAL IN  
 RESPONSIBLE CHARGE

**RESIDENCE  
 ADDITION**

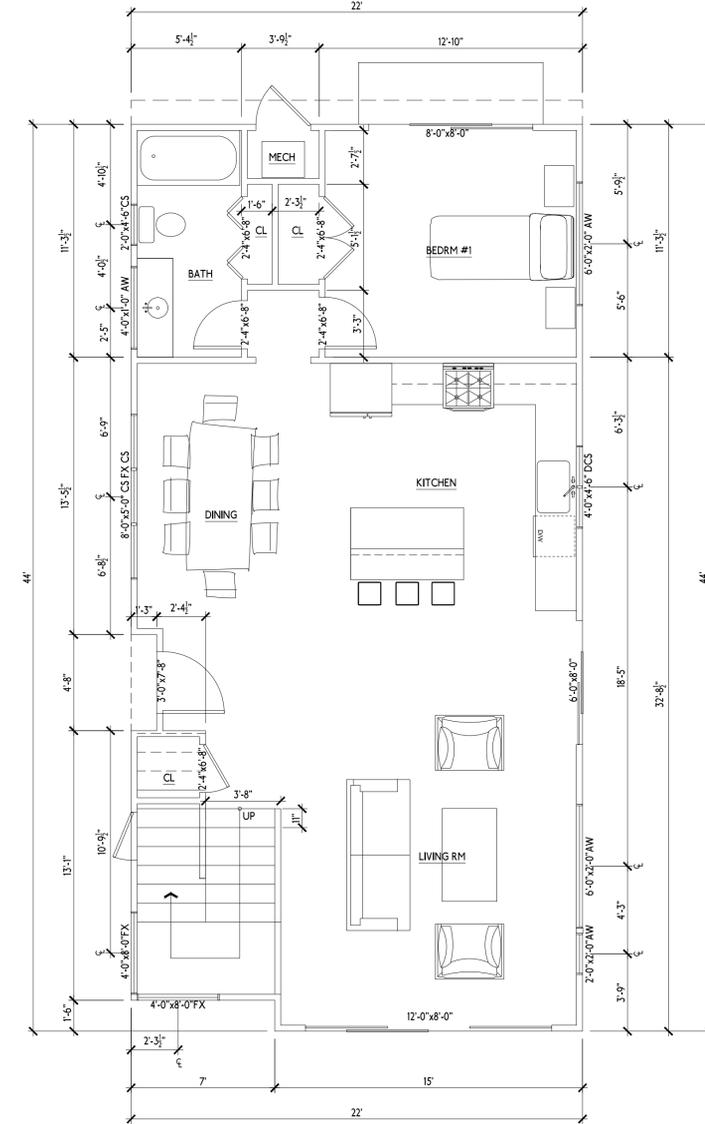
**PROJECT ADDRESS:**  
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 APN: 54-1812-34

**OWNERS:**  
 Lemeneh Tefera  
 Jamie Crook  
 (917) 361-9722

**FLOOR PLANS**



**EXISTING  
 2nd FLOOR PLAN**



**EXISTING  
 1st FLOOR PLAN**



NOTE: 1st FLOOR PLAN TO REMAIN UNCHANGED.

**REVISION**

No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
 DRAWN BY: SM  
 CHECKED BY: JMN  
 DATE: 8/2/23

**A2.0**

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Oakland, CA 94609  
(510) 847-4108  
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& PROJECT MANAGEMENT

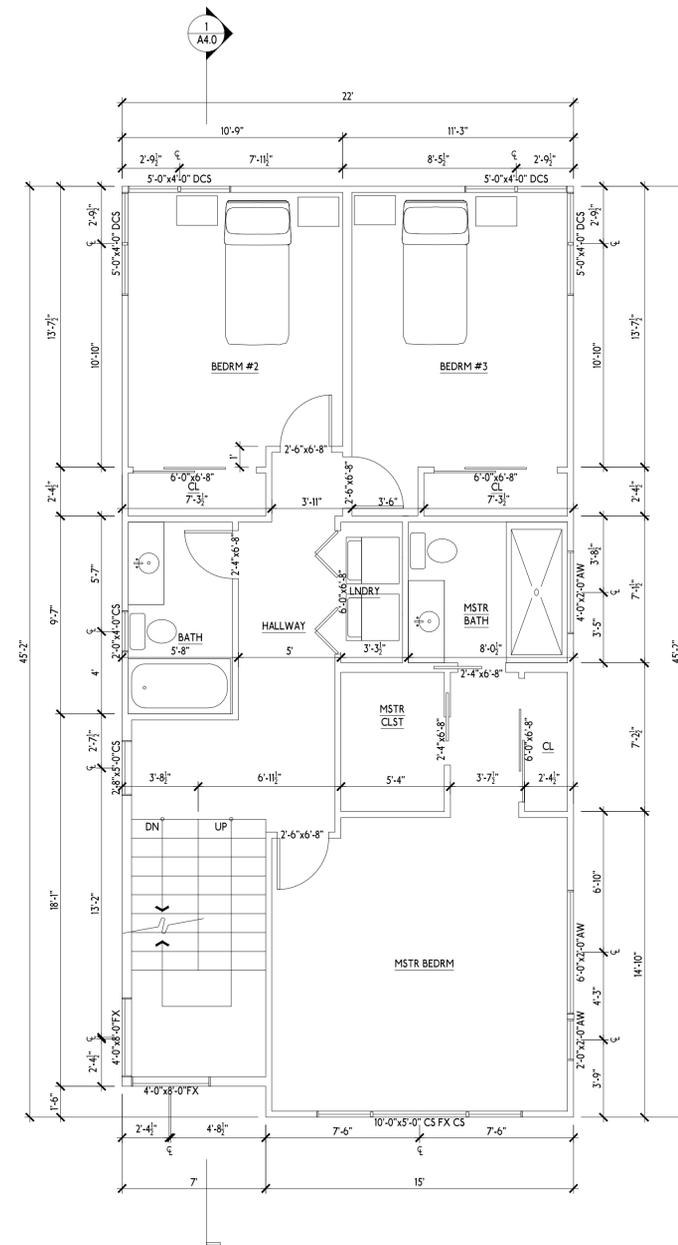
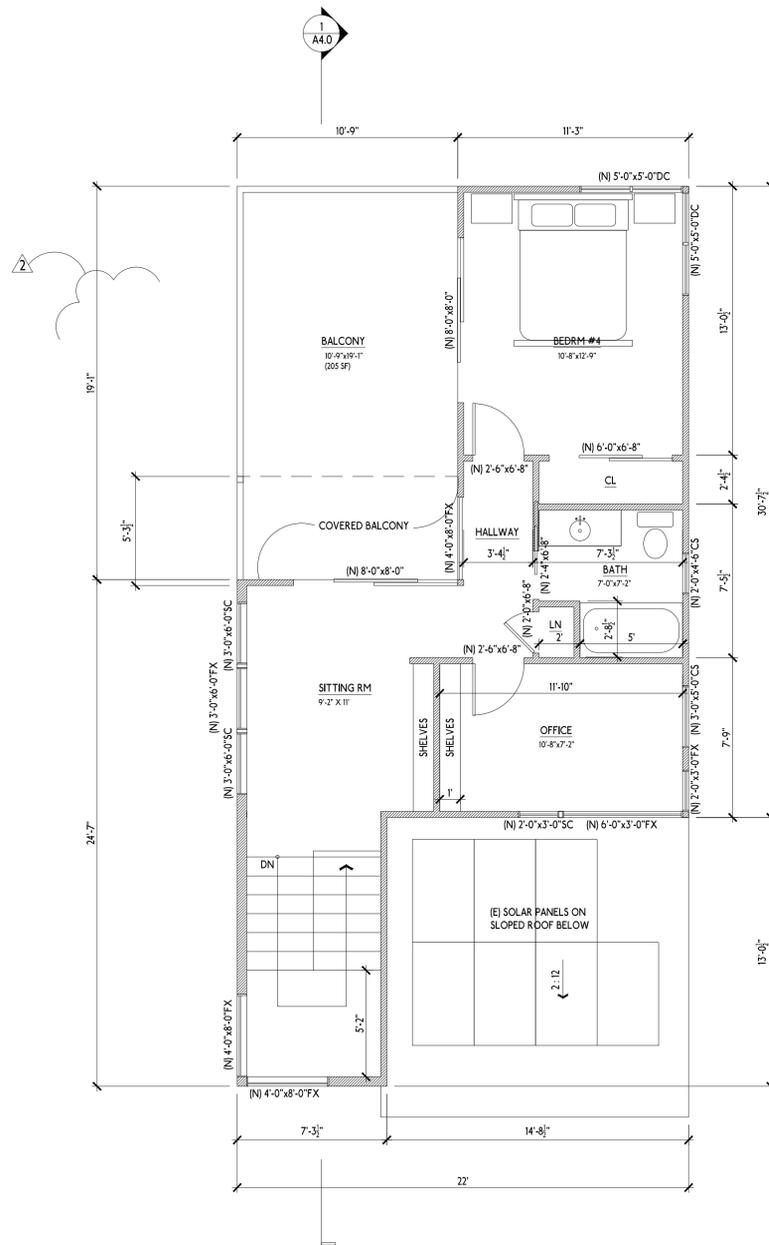
**CM Engineers**  
(925)818-0570  
Cyrus Mashhoodi, PE  
REGISTERED DESIGN  
PROFESSIONAL IN  
RESPONSIBLE CHARGE

**RESIDENCE  
ADDITION**

**PROJECT ADDRESS:**  
1817B Carleton Street  
Berkeley, CA 94703  
APN: 54-1812-34

**OWNERS:**  
Lemeneh Tefera  
Jamie Crook  
(917) 361-9722

**FLOOR PLANS**



**REVISION**

No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
DRAWN BY: SM  
CHECKED BY: JMN  
DATE: 8/2/23

**A2.1**

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 & PROJECT MANAGEMENT

*CM Engineers*  
 (925)818-0570  
 Cyrus Mashhoodi, PE  
 REGISTERED DESIGN  
 PROFESSIONAL IN  
 RESPONSIBLE CHARGE

**RESIDENCE  
 ADDITION**

**PROJECT ADDRESS:**  
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 Berkeley, CA 94703  
 APN: 54-1812-34

**OWNERS:**  
 Lemeneh Tefera  
 Jamie Crook  
 (917) 361-9722

**EXISTING  
 ELEVATIONS**

**REVISION**

No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

**PROJECT No.:**  
**DRAWN BY:** SM  
**CHECKED BY:** JMN  
**DATE:** 8/2/23

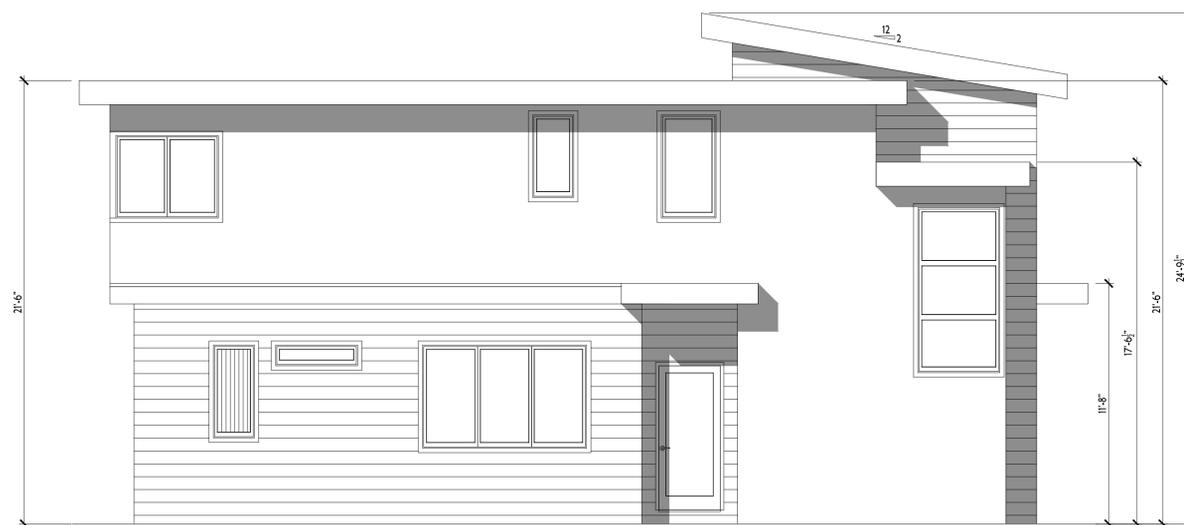
**A3.0**



**EXISTING  
 RIGHT (EAST) ELEVATION**  
 4  
 A3.0 1/4"=1'-0"  
 0 1 2 4 8



**EXISTING  
 REAR (NORTH) ELEVATION**  
 3  
 A3.0 1/4"=1'-0"  
 0 1 2 4 8



**EXISTING  
 LEFT (WEST) ELEVATION**  
 2  
 A3.0 1/4"=1'-0"  
 0 1 2 4 8



**EXISTING  
 FRONT (SOUTH) ELEVATION**  
 1  
 A3.0 1/4"=1'-0"  
 0 1 2 4 8

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**RESIDENCE  
 ADDITION**

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**PROPOSED  
 ELEVATIONS**

**REVISION**

No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

**PROJECT No.:**  
**DRAWN BY:** SM  
**CHECKED BY:** JMN  
**DATE:** 8/2/23

**A3.1**



**PROPOSED  
 RIGHT (EAST) ELEVATION**  
 4  
 A3.1  
 1/4"=1'-0"  
 0 1 2 4 8



**PROPOSED  
 REAR (NORTH) ELEVATION**  
 3  
 A3.1  
 1/4"=1'-0"  
 0 1 2 4 8



**PROPOSED  
 LEFT (WEST) ELEVATION**  
 2  
 A3.1  
 1/4"=1'-0"  
 0 1 2 4 8



**PROPOSED  
 FRONT (SOUTH) ELEVATION**  
 1  
 A3.1  
 1/4"=1'-0"  
 0 1 2 4 8

**TYPICAL CONSTRUCTION NOTES:**

**ROOF/ROOFING**  
NEW ROOF AND ROOFING SHALL BE CLASS "A" BITHUENE TORCH DOWN MEMBRANE. (SLOPES 1/4" / FT TOWARDS PERIMETER/GUTTER, TYP.) ROOF SHALL BE INSULATED WITH 2" SPRAY FOAM POLYURETHANE WITH BATT INSULATION BELOW TO EQUIVALENT OF R-30 (VERIFY THE SPECIFIED R-VALUE WITH TITLE-24 REQUIREMENTS). ALL VALLEYS ARE TO BE FORMED W/PAINTED GALVANIZED SHEET METAL. ALL ROOF EDGES FLASHING & GUTTERS SHALL BE PAINTED GALVANIZED SHEET METAL.

**EXTERIOR WALLS (SMOOTH STUCCO)**  
EXTERIOR WALLS SHALL BE 3 COAT STUCCO (7/8" ± THICK) ON GALV. EXPANDED MTL LATHE TO MATCH EXISTING. 3/4" BULLNOSE ALL STUCCO CORNERS UON. INSTALL OVER 2 LAYERS OF GRADE "D" BUILDING PAPER HOUSE WRAP, OVER WOOD FRAMING (2X6 UON). WEEP SCREED LOCATED MINIMUM 2" ABOVE PAVED AREAS OR 4" ABOVE EARTH. ALL WINDOW AND DOOR OPENINGS TO BE FLASHED WITH ICE AND WATER SHIELD PER WINDOW AND MEMBRANE MANUFACTURERS' RECOMMENDED PRACTICE. ALL WALLS TO BE FILLED WITH CRAFT FACE FIBERGLASS BATT PER ENERGY REQUIREMENTS INDICATED IN T-24 SPECIFICATIONS. EXTERIOR TRIMS, FLAT PANELS AND CASINGS SHALL BE EXTERIOR GRADE, PRIMED AND PAINTED WITH A MINIMUM 2 COATS PREMIUM GRADE EXTERIOR LATEX SATIN PAINT. (COLOR TBD, BENJAMIN MOORE OR EQUAL)

**TYPICAL TUB/SHOWER SURROUND**  
WALLS SHALL CONSIST OF FULL HEIGHT (EXTEND TO CEILING) MOISTURE RESISTANT STONE, PORCELAIN OR CERAMIC TILE THICKSET OVER GALVANIZED LATH ON 2 LAYERS OF 30LB B.I.F. MECHANICALLY FASTENED TO 1/2" GREEN BOARD OR DUROC. SHOWER FLOORS SHALL BE MUDSET OVER COPPER PAN OR EQUAL. SHOWER AND TUB/SHOWER COMBINATIONS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE THERMOSTATIC MIXING OR PRESSURE BALANCED TYPE. SHOWERS AND TUB/SHOWERS TO HAVE MAXIMUM VALUE OF 120°F.

**INTERIOR PARTITIONS AND CEILINGS**  
PARTITIONS AND CEILINGS SHALL BE FINISHED WITH 5/8" GYPSUM WALL BOARD AND COATED WITH PRIMER AND 3 COATS MINIMUM, PREMIUM GRADE, SATIN LATEX PAINT (COLOR TBD, BENJAMIN MOORE OR EQUAL). PARTITIONS SHALL BE 2X4 STUDS AT 16" OC UON, FILL PARTITIONS AND JOIST CAVITIES WITH ACOUSTIC FIBERGLASS BATT INSULATION TYPICAL.

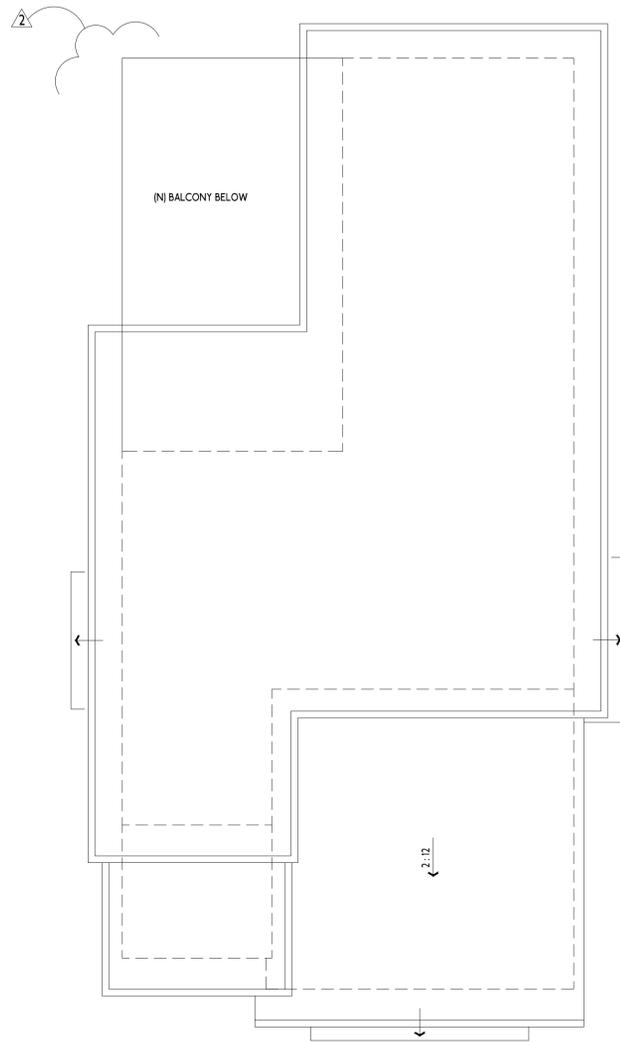
**INTERIOR TRIMS AND MOLDINGS**  
INTERIOR TRIMS AND MOLDINGS SHALL BE MDF OR POPLAR, TRIMS AND MOLDINGS SHALL BE COATED WITH ONE COAT PRIMER AND 2 COATS MINIMUM PREMIUM SATIN WATER BASED ALKYD ENAMEL PAINT BY BENJAMIN MOORE, COLORS TBD. SEE DETAILS FOR TRIM SHAPES TYP.

**FLOORS**  
FLOORS SHALL BE STAINED TONGUE AND GROOVED 3/4" HARDWOOD (SPECIES AND PLANKING TO BE DETERMINED) OR OWNER-APPROVED ENGINEERED WOOD FLOORING OVER 30# BIF UNDERLAYMENT UON. TILE FLOORING SHALL BE 3/8" TILE, THINSET ON 3/8" DUROC OVER WATERPROOF MEMBRANE UON.

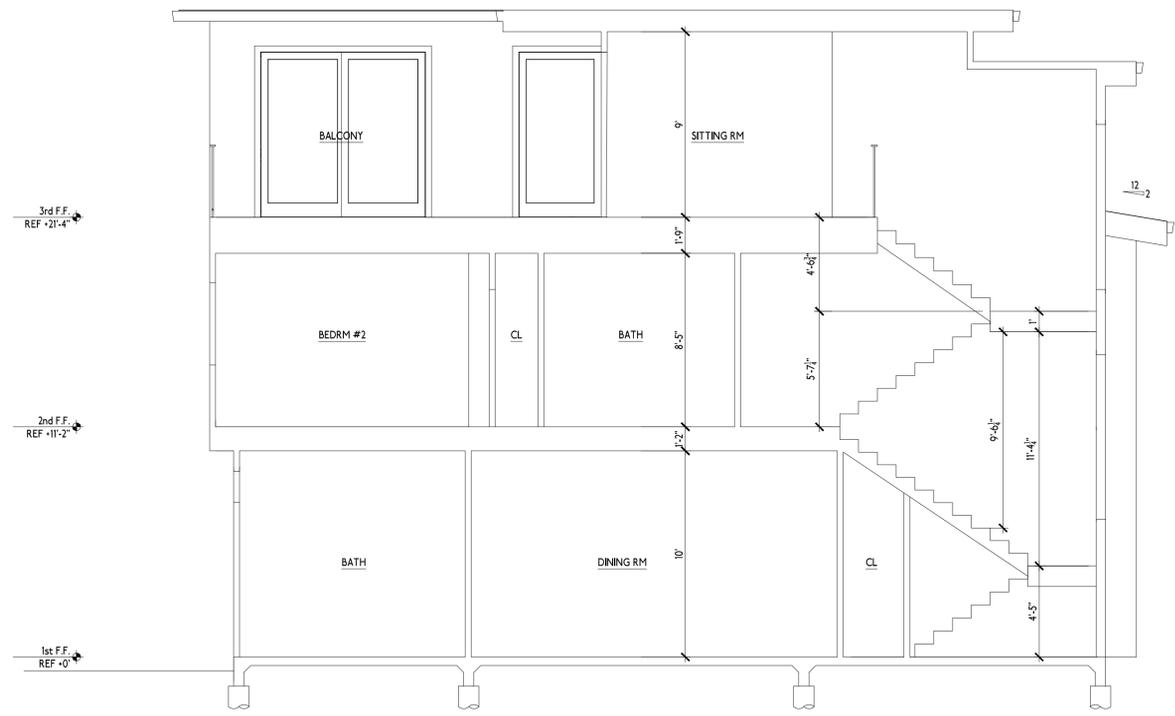
**MISCELLANEOUS**  
PROVIDE THAT ALL MECHANICAL, PLUMBING, ELECTRICAL AND SIMILAR PENETRATIONS OF FLOOR OR TOP PLATES SHALL BE CAULKED WITH A RESIDENTIAL RATED FIRE CAULK WITH AN ASTM E136 OR E814 RATING. PROVIDE THE ANNULAR SPACES AROUND THE PIPES, ELECTRIC CABLES, CONDUITS OR OTHER OPENINGS IN PLATES OR FOUNDATIONS SHALL BE PROTECTED AGAINST RODENTS BY CLOSING THE OPENING WITH CEMENT MORTAR OR CONCRETE MASONRY.

**WINDOW & EXTERIOR DOORS**  
WINDOWS AND DOORS SHALL BE DUAL-PANE WOOD CLAD TO MATCH EXISTING; SEE TITLE-24 FOR MINIMUM ENERGY EFFICIENCY AND OTHER REQUIREMENTS. WINDOWS TO BE TEMPERED WHERE INDICATED AND PROVIDED WITH TRANSLUCENT GLASS PERMANENTLY INSTALLED WHERE INDICATED. ENTRY DOOR SHALL BE SOLID WOOD.

**INTERIOR DOORS**  
WINDOWS AND DOORS SHALL BE PAINTED SOLID WOOD OR MDF (SIMPSON 8720 SHAKER FP; SIMPSON 8760 SHAKER FP) OR OWNER-APPROVED ALTERNATE) PAINTED DOORS; TRIMS AND MOLDINGS SHALL BE COATED WITH ONE COAT PRIMER AND 2 COATS MINIMUM PREMIUM SATIN WATER BASED ALKYD ENAMEL PAINT BY BENJAMIN MOORE, COLORS TBD.



**PROPOSED ROOF PLAN**  
2  
A4.0  
1/4"=1'-0"  
0 1 2 4 8  
TRUE NORTH



**PROPOSED SECTION**  
1  
A4.0  
1/4"=1'-0"  
0 1 2 4 8

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REGISTERED DESIGN  
PROFESSIONAL IN  
RESPONSIBLE CHARGE

**RESIDENCE ADDITION**

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1817B Carleton Street  
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APN: 54-1812-34

**OWNERS:**  
Lemeneh Tefera  
Jamie Crook  
(917) 361-9722

**SECTION, ROOF PLAN & CONSTRUCTION NOTES**

**REVISION**

No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
DRAWN BY: SM  
CHECKED BY: JMN  
DATE: 8/2/23

**A4.0**

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 RESPONSIBLE CHARGE

**RESIDENCE  
 ADDITION**

**PROJECT ADDRESS:**  
 1817B Carleton Street  
 Berkeley, CA 94703  
 APN: 54-1812-34

**OWNERS:**  
 Lemeneh Tefera  
 Jamie Crook  
 (917) 561-9722

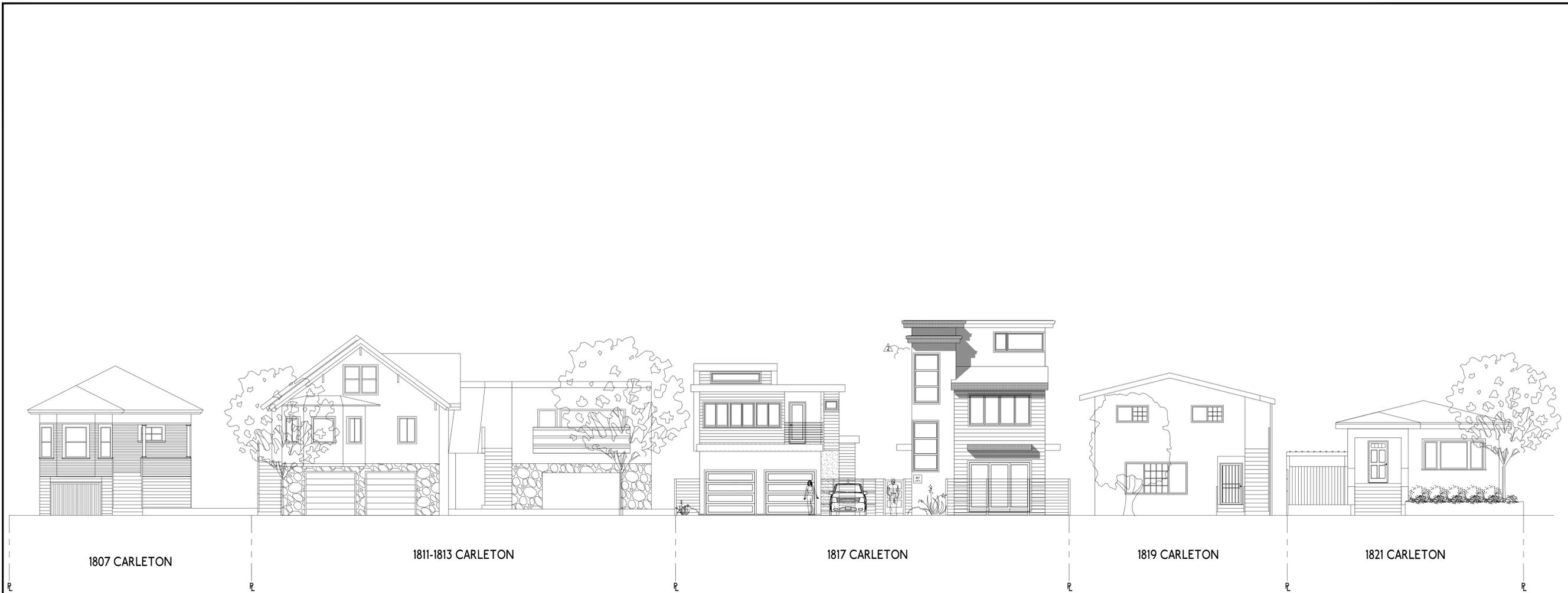
**EXISTING &  
 PROPOSED  
 STREETScape**

**REVISION**

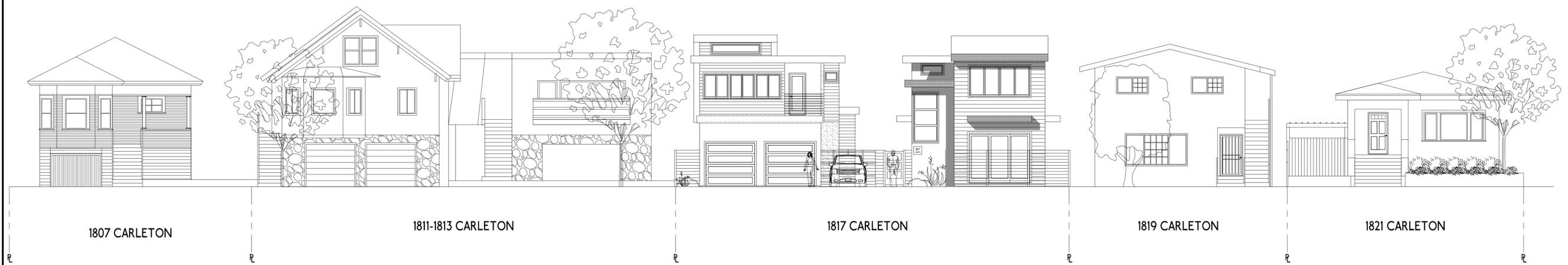
No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
 DRAWN BY: SM  
 CHECKED BY: JMN  
 DATE: 8/2/23

**A5.0**



**2 PROPOSED STREETScape**  
 A5.0 1/8"=1'-0"  
 0 2 4 8 16'



**1 EXISTING STREETScape**  
 A5.0 1/8"=1'-0"  
 0 2 4 8 16'

# RESIDENCE ADDITION

1817B Carleton St,  
 Berkeley, CA 94703  
 APN: 054-1812-34

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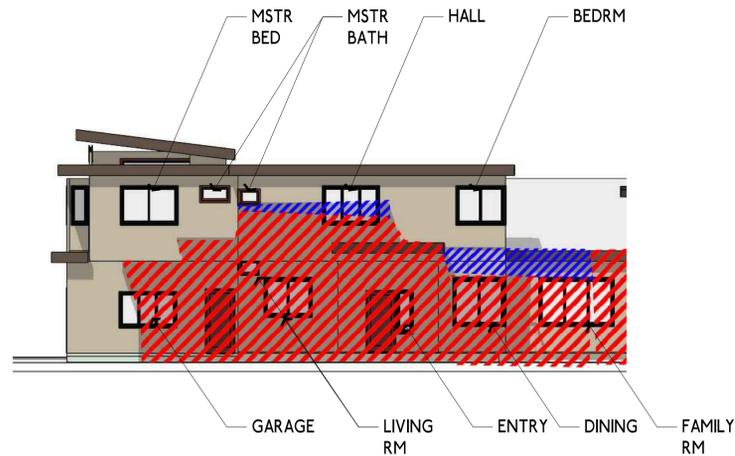
## SHADOW STUDY PART 1

### REVISION

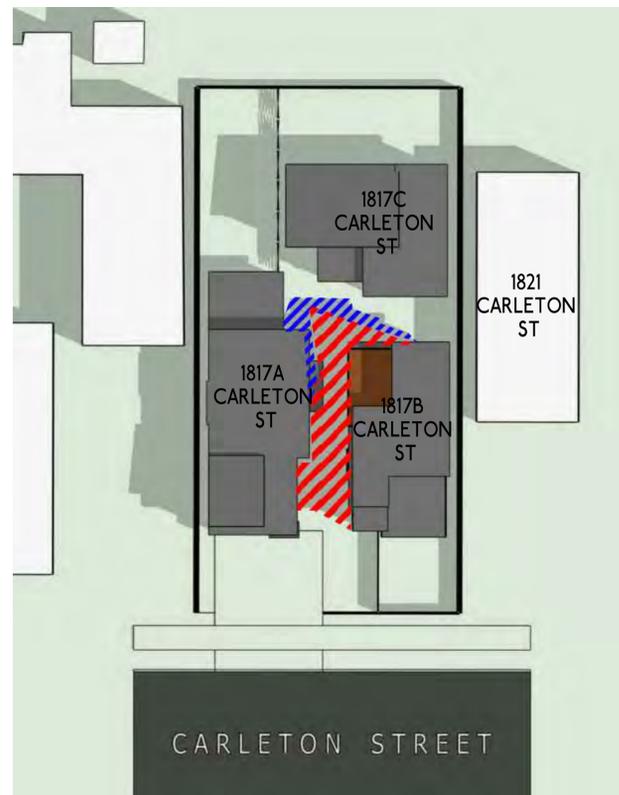
No.	Description	Date
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PROJECT No.:  
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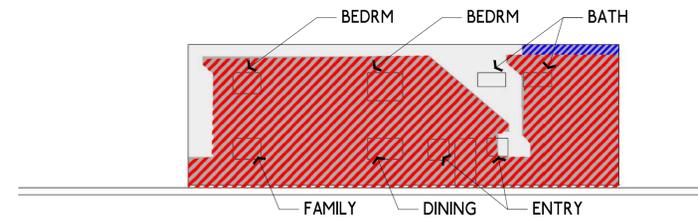
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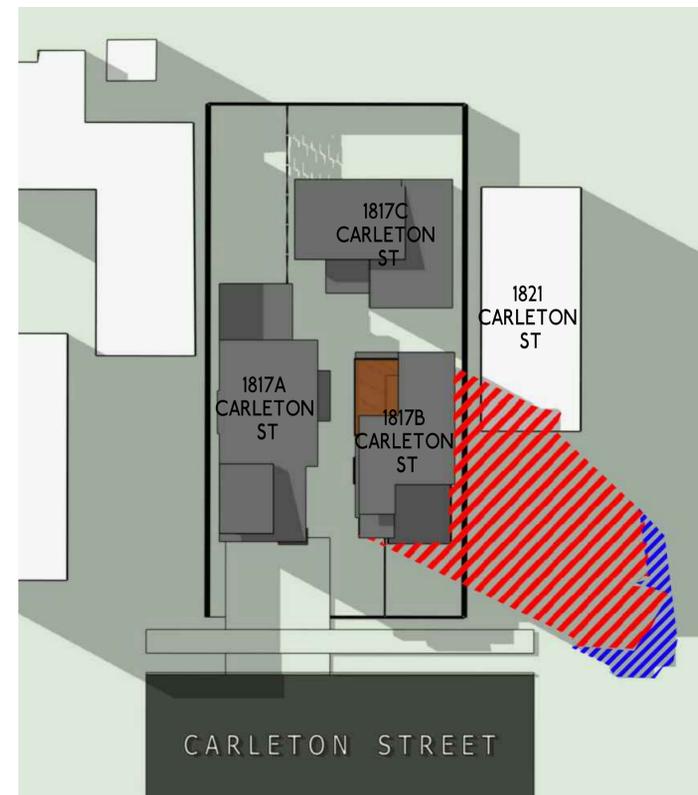
1817A CARELTON ST  
 JUNE 21- 7:47 AM



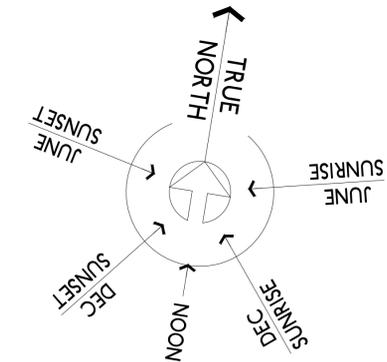
1 A6.0 JUNE 21- 7:47 AM TRUE NORTH



1821 CARELTON ST  
 JUNE 21- 6:35 PM



3 A6.0 JUNE 21- 6:35 PM TRUE NORTH



## LEGEND

- NEIGHBORING BUILDINGS EXISTING SHADOW
- NEW SHADOW
- 1817B CARLETON ST EXISTING SHADOW (EXISTING RESIDENCE)

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 1817B CARLETON ST. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.

# RESIDENCE ADDITION

1817B Carleton St,  
 Berkeley, CA 94703  
 APN: 054-1812-34

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 (925)818-0570  
 Cyrus Mashhoodi, PE  
 REGISTERED DESIGN  
 PROFESSIONAL IN  
 RESPONSIBLE CHARGE

## RESIDENCE ADDITION

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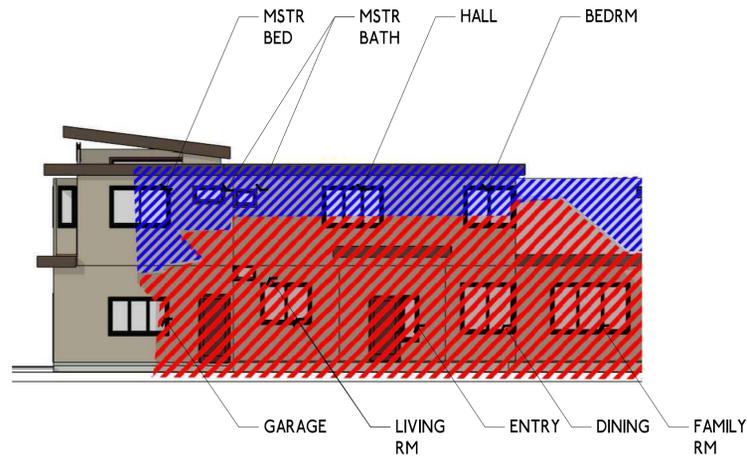
## SHADOW STUDY PART 2

### REVISION

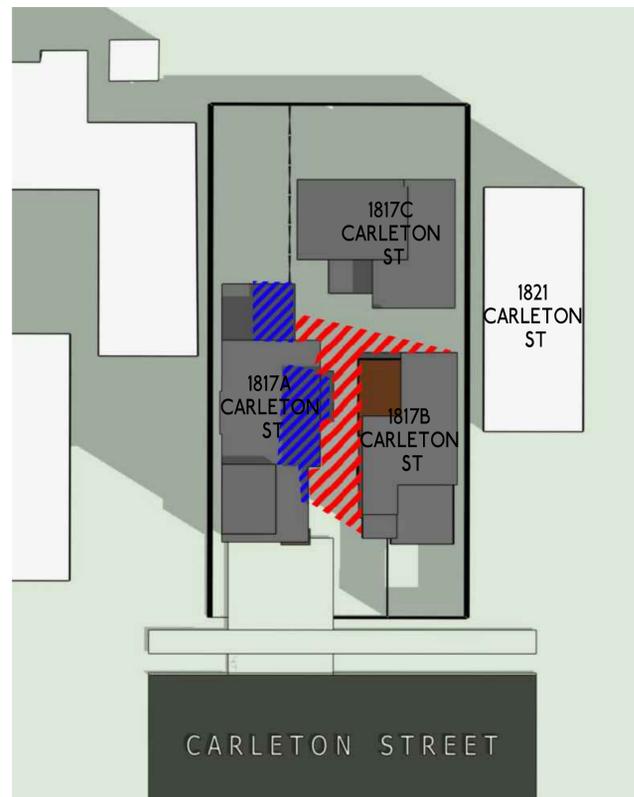
No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
 DRAWN BY: SM  
 CHECKED BY: JMN  
 DATE: 8/2/23

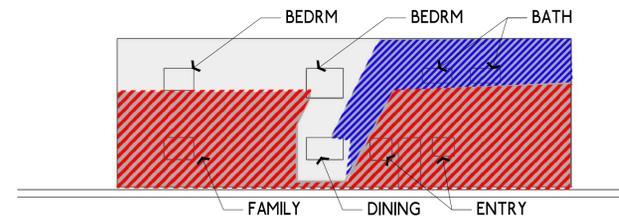
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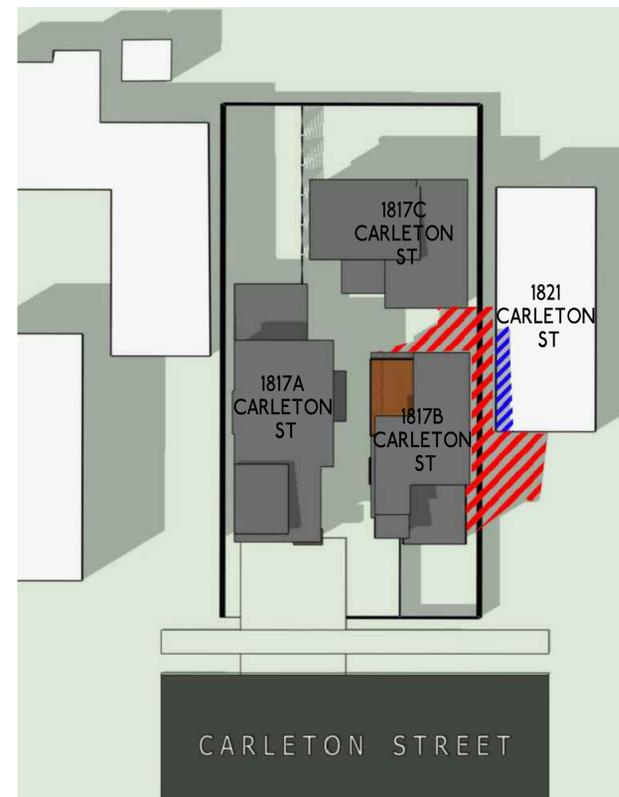
1817A CARELTON ST  
 SEPTEMBER 16- 8:52 AM



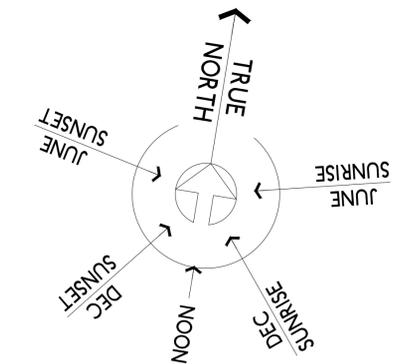
1  
 A6.1  
 SEPTEMBER 16- 8:52 AM  
 TRUE NORTH



1821 CARELTON ST  
 SEPTEMBER 16- 5:14 PM



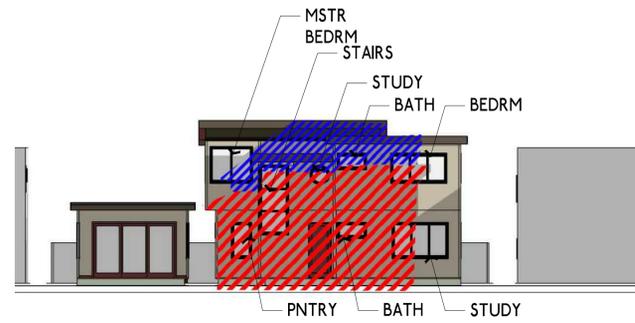
3  
 A6.1  
 SEPTEMBER 16- 5:14 PM  
 TRUE NORTH



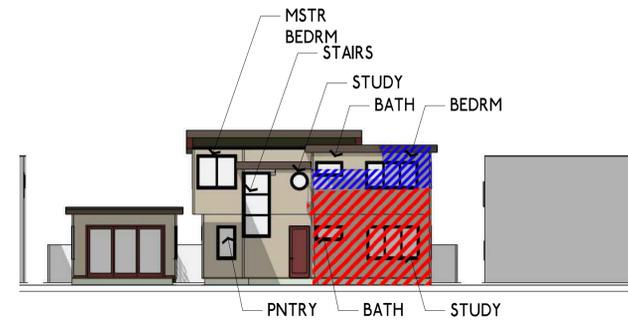
## LEGEND

-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW
-  1817B CARLETON ST EXISTING SHADOW (EXISTING RESIDENCE)

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 1817B CARLETON ST. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



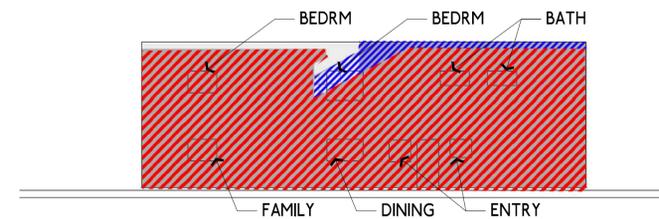
1817C CARELTON ST  
 DECEMBER 21- 9:21 AM



1817C CARELTON ST  
 DECEMBER 21- NOON



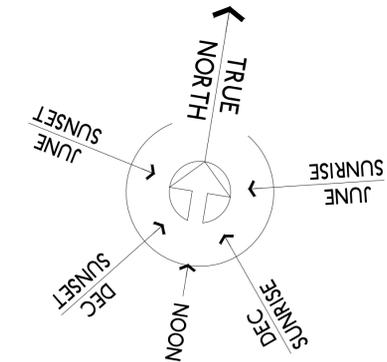
1817A CARELTON ST  
 DECEMBER 21- 9:21 AM



1821 CARELTON ST  
 DECEMBER 21- 2:53 PM

# RESIDENCE ADDITION

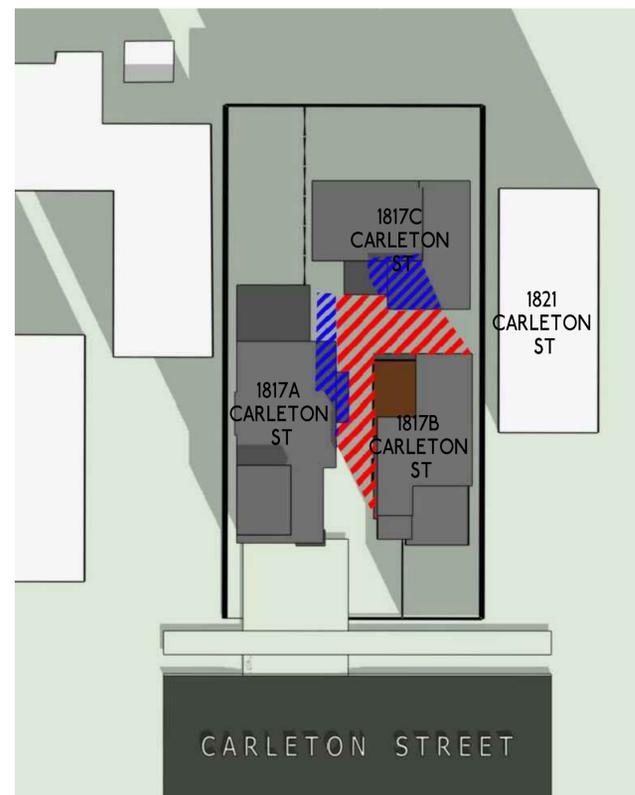
1817B Carleton St,  
 Berkeley, CA 94703  
 APN: 054-1812-34



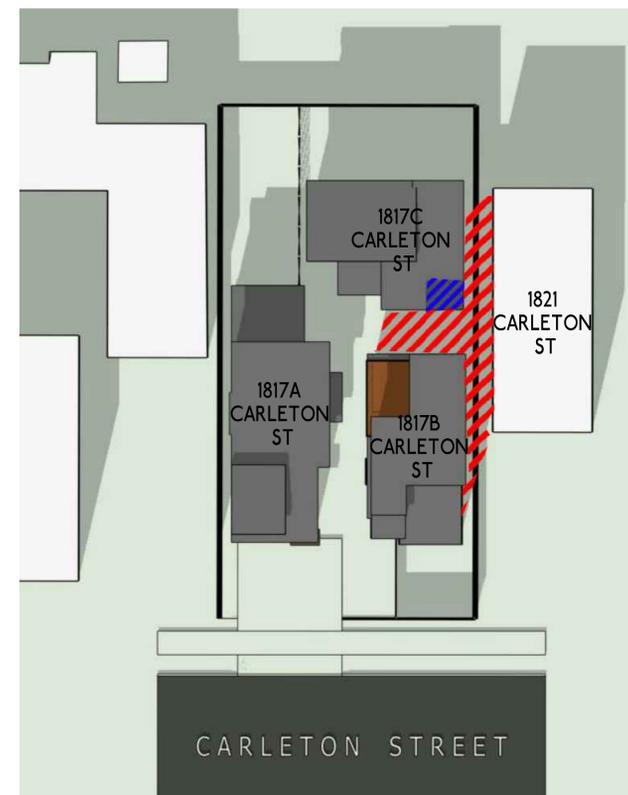
## LEGEND

-  NEIGHBORING BUILDINGS EXISTING SHADOW
-  NEW SHADOW
-  1817B CARELTON ST EXISTING SHADOW (EXISTING RESIDENCE)

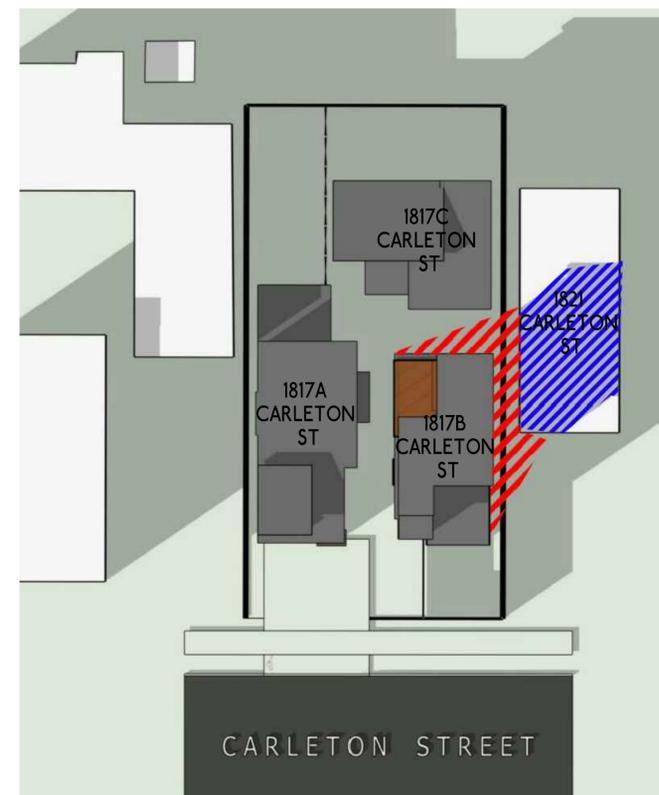
NOTE:  
 SHADOW STUDY PLAN VIEWS ANALYZE WORST CASE SCENARIO AND DOES NOT INDICATE THE MASS OF NEIGHBORING BUILDINGS AND (E) TREES. THIS STUDY ONLY GIVES MASS TO 1817B CARELTON ST. ALL HABITABLE BUILDINGS AFFECTED BY THE NEW SHADOWS CAST ARE SHOWN IN ELEVATION.



1  
 A6.2 DECEMBER 21- 9:21 AM TRUE NORTH



2  
 A6.2 DECEMBER 21- NOON TRUE NORTH



3  
 A6.2 DECEMBER 21- 2:53 PM TRUE NORTH

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

CM Engineers  
 (925) 818-0570  
 Cyrus Mashhoodi, PE  
 REGISTERED DESIGN  
 PROFESSIONAL IN  
 RESPONSIBLE CHARGE

### RESIDENCE ADDITION

PROJECT ADDRESS:  
 1817B Carleton Street  
 Berkeley, CA 94703  
 APN: 54-1812-34

OWNERS:  
 Lemeneh Tefera  
 Jamie Crook  
 (917) 361-9722

### SHADOW STUDY PART 3

#### REVISION

No.	Description	Date
1	DESIGN REV	1/16/24
2	DESIGN REV	3/25/24

PROJECT No.:  
 DRAWN BY: SM  
 CHECKED BY: JMN  
 DATE: 8/2/23

# A6.2





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

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NOTICE OF PUBLIC HEARING

## 1817-B Carleton Street

**Variance #ZP2023-0168 to a construct a 494 square foot third-story addition over 28 feet in average height (32 feet) that will exceed the allowable lot coverage by approximately 5 percent, encroach into the third-story setback, reduce the building separation, and adding an eleventh and twelfth bedroom to the 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, April 25, 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: Low Medium Density Residential (LMDR)
- Zoning: Restricted Two-Family Residential District (R-2)

**B. Zoning Permits Required:**

- Variance from Berkeley Municipal Code (BMC) Section 23.202.080(D), pursuant to 23.406.050(A), to allow for deviation from the maximum lot coverage;
- Variance, from BMC Section 23.202.080(D)(2), to permit for a reduced side setback at the third story;
- Use Permit, pursuant to BMC Section 23.202.030(B), to add bedrooms beyond a fifth bedroom;
- Administrative Use Permit, pursuant to BMC Section 23.304.040, to reduce to the minimum building separation standards in the R-2 Residential District;
- Administrative Use Permit, pursuant to BMC 23.202.080(D), for a residential addition over 14-feet in average building height; and
- Administrative Use Permit, pursuant to BMC 23.202.080(D), for a residential addition over 28-feet in average building height.

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

**D. Parties Involved:**

- Applicant John Newton, 5666 Telegraph Avenue Ste A, Oakland, CA 94609
- Property Owner Jamie Crook and Tefera Lemeneh, 1817-B Carleton Street, Berkeley, CA 94703

**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, Waqar Shah, at (510) 981-7469 or [wshah@berkeleyca.gov](mailto:wshah@berkeleyca.gov).

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

**Communication Disclaimer:**

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

**Written Comments, Communications, and Reports:**

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: [zab@berkeleyca.gov](mailto:zab@berkeleyca.gov). All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

**Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board.** Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.



**Accessibility Information / ADA Disclaimer:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division ([zab@berkeleyca.gov](mailto: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.
-

**Jacob, Melinda**

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: Comment re: 1817-B Carleton Street, Variance #ZP2023-0168

**From:** Gina Morris <ginamorris26@gmail.com>  
**Sent:** Monday, April 15, 2024 3:32 PM  
**To:** Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>  
**Subject:** Comment re: 1817-B Carleton Street, Variance #ZP2023-0168

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern,

I am writing regarding the project at 1817-B Carleton Street.

My family lives a few doors down from 1817-B, and we support the addition of a 3rd story as outlined in the project description.

Allowing these applicants to expand their home for their growing family keeps them in Berkeley vs. encouraging them to look for a larger home elsewhere. We believe that when families stay in a neighborhood, it contributes to the neighborhood's overall sense of community and stability. This family has made many positive contributions while living here and will no doubt continue to do so for many years to come.

Thank you for your time in this matter.

Sincerely,  
Gina Morris, Berkeley Resident