



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
SEPTEMBER 12, 2024

2738 Prince Street

Use Permit #ZP2024-0001 to construct an approximately 650 square-foot major residential addition on the second-floor of an existing single-family dwelling, approximately 25 feet in average building height, and the creation of two new bedrooms (a total of six).

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:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.202.030(B), for the creation of two new bedrooms, six bedrooms total, in the R-2 district.
- Administrative Use Permit pursuant to BMC Section 23.202.030(A)(1) to permit a major residential addition over 600 square feet.
- Administrative Use Permit pursuant to BMC Section 23.202.080(D), to permit a residential addition over 14 feet up to 28 feet in average building height.
- Administrative Use Permit, pursuant to BMC Subsection 23.324.050(D), to permit an expansion and alteration into the nonconforming front setback.

C. CEQA Recommendation:

It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of

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Regulations, Section 15000, et seq.) pursuant to CEQA Guidelines Section 15301 (“Existing Facilities”).

D. Parties Involved:

- Applicant: Donna Roberts (DGR Architecture) – 1609 Leimert Boulevard, Oakland, CA 94602
- Property Owner: Reuben Arnold and Megan Gamache – 2738 Prince Street, Berkeley, CA 94705

Figure 1: Vicinity and Zoning Districts Map

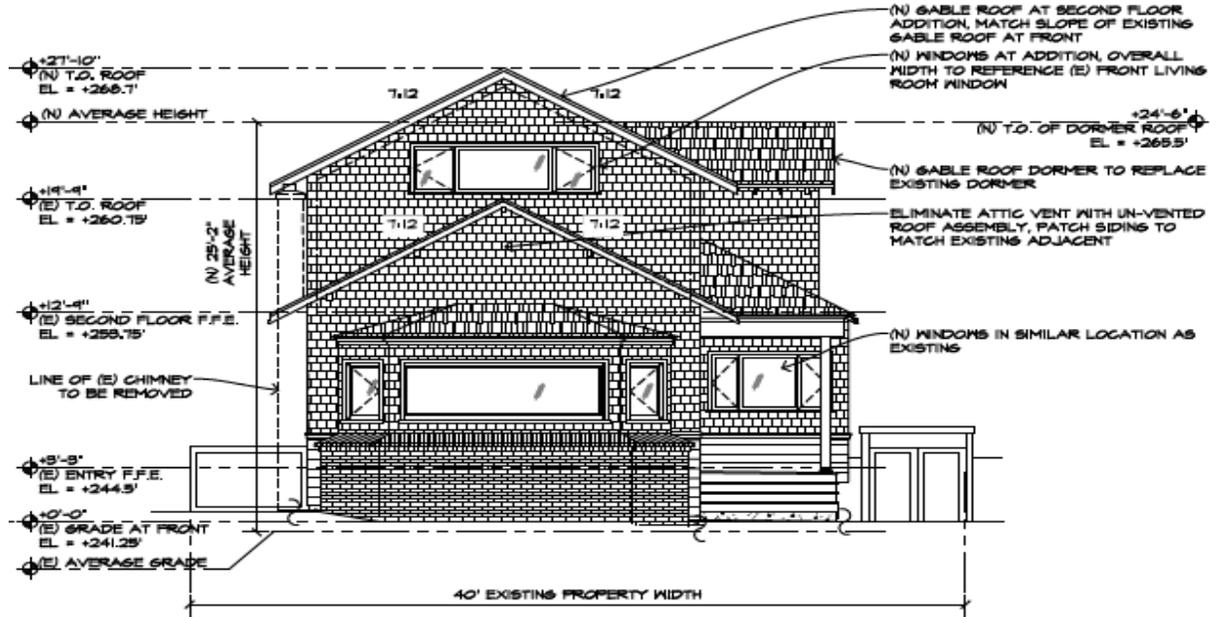


R-2: Restricted Two-Family Residential District
R-2A: Restricted Multiple-Family Residential District

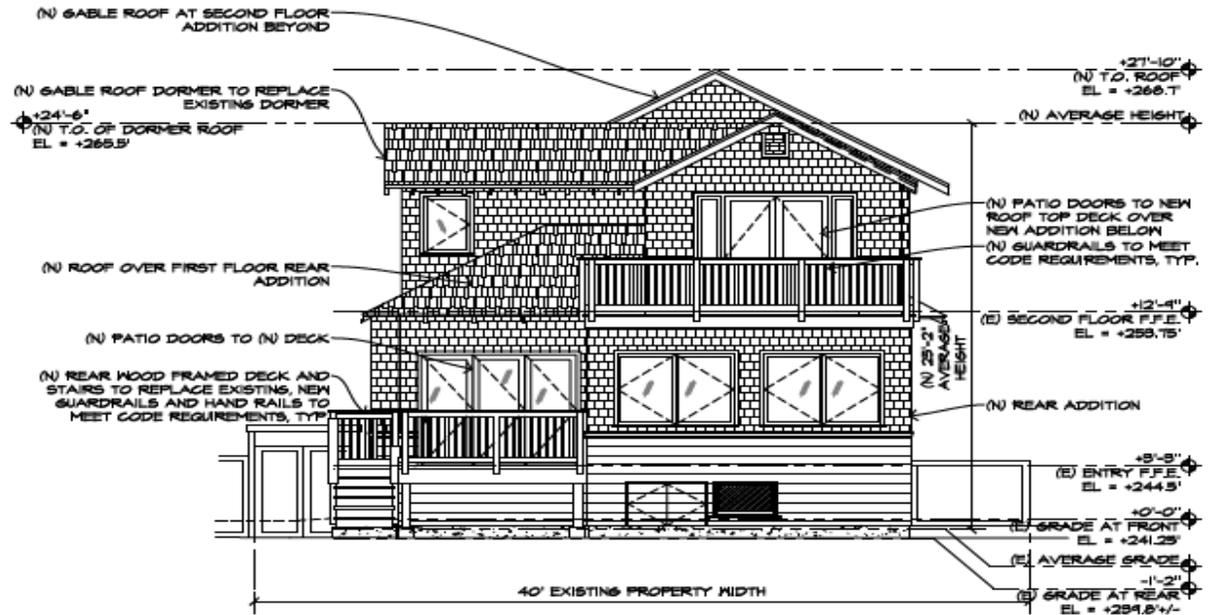
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Figure 3: Elevations



2 PROPOSED FRONT (NORTH) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"



4 PROPOSED REAR (SOUTH) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-Family Residence	Restricted Two-Family Residential (R-2) District	Low Medium Density Residential (LMDR)
Surrounding Properties	North			
	South			
	East			
	West			

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project would only include 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 ^a , because it does not include the new construction of at least one residential unit. The project involves an addition to an existing dwelling.
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 requesting a density bonus.
Historic Resources	No	Based on the applicant's preliminary research, the subject property does not appear to be an eligible cultural resource pursuant to CEQA Guidelines Section 15064. 5.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project is an addition to a single-family dwelling and does not include any new dwelling units. Therefore, it is not a "housing development project ^b " and the Housing Accountability Act does not apply.
Housing Crisis Act of 2019 (SB 330)	No	The project an addition to a single-family dwelling and does not include any new dwelling units, therefore, it is not a "housing development project ^b " and 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)	Yes	The site is located in an RPP zone (Area L). The project address has a residential eligibility for RPP permits because it is not a new dwelling unit.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture

Characteristic	Applicability	Explanation
		as shown on the State Seismic Hazard Zones map . ^c
Soil/Groundwater Contamination	No	The project site not located within the City's Environmental Management Area and is not on the Cortese List. ^d Standard Conditions of Approval related to hazardous materials would apply.
Transit	No	The project area is served by the AC Transit lines 79 and E (southwest), and 851 and 51B (southeast). The nearest bus stops are approximately 0.3 miles to the southwest near the intersection of Prince Street and College Avenue, and approximately 0.3 miles to the southeast near the intersection of Claremont Avenue and Woolsey Street.
<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: https://maps.conservation.ca.gov/geologic Hazards/</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 26, 2023	Use Permit Application submitted
January 19, 2024	Application deemed incomplete
March 4, 2024	Application resubmitted
March 28, 2024	Application deemed complete
August 29, 2024	Public hearing notices mailed/posted
September 12, 2024	ZAB hearing

Table 4: Restricted Two-Family Residential (R-2) District Development Standards BMC Sections 23.202.080(D) and 23.322 Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		4,400	No change	5,000 min
Gross Floor Area (sq. ft.)		2,180	2,827	No maximum
Dwelling Units	Total	1	1	2 max
Building Height (ft. - in.)	Average	22'-8"	25'-2"	28'-0" max
	Stories	2	2	3 max
Building Setbacks (ft. - in.)	Front (Prince Street)	2'-9"	12'-7" (at addition)	20' min
	Rear	37'-11"	31'-6"	20' min
	Left Side	6'-1"	no change	4' min
	Right Side	6'-0"	no change	4' min
Lot Coverage (%)		36.4	39.4	40 max
Usable Open Space (sq. ft.)		1,701	1,457	400 min
Parking	Automobile	1	1	1 max (0.5 per dwelling unit max)

II. Project Setting

A. Neighborhood/Area Description:

The project site is located in the Elmwood neighborhood, southeast of the College Avenue and Prince Street Intersection. The area is characterized as residential and comprised of one to two-story single- and multi-family residential dwellings and religious buildings, as well as a commercial corridor along College Avenue and neighborhood commercial along Claremont Avenue.

B. Site Conditions:

The 4,400 square foot rectangular shaped lot is located on the south side of Prince Street and oriented in a north-south direction. The property is relatively flat and is developed with a two-story single-family dwelling. There is one parking space located in the front setback which is accessed from a 13.5-foot wide driveway on the western side of the property.

III. Project Description

A. Proposed Project Details: The proposed project includes the following components:

- Construction of a second-story, 487 square foot addition to the front of the house

over the existing footprint and 160 square feet to the first-floor at the rear;

- Extension of the second-floor dormer on the west side of the residence;
- New 256 square foot second-story balcony accessed from a playroom at the rear of the house;
- Enlarged rear deck on the first floor, approximately 3 feet above grade; and
- Creation of two new bedrooms, including a new primary suite and playroom that meets the definition of a bedroom¹ under the Zoning Ordinance, for a total of six bedrooms on the lot. (The existing/proposed office also meets the criteria and is counted as a bedroom)

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 December 2024. On August 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 nearby three locations. At the time of writing this report, staff had not received any communications regarding the project.

B. Landmark Preservation Commission / Design Review Committee Review:

This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a residential district subject to design review, or in a commercial or manufacturing district, and does not involve the demolition of a nonresidential building, respectively.

¹ BMC 23.502.020(B)(8) *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.

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 650 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. 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; therefore, it is not located in an environmentally sensitive area -- as the project site and neighborhood historically has been primarily characterized for low impact residential housing since the early 1900's.
- 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; 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 65962.5²; and
- The project would not result in a substantial adverse change in the significance of a historical resource. apply to the project:

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

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. The proposed expansion of the existing dwelling will adhere to the zoning standards for the Restricted Two-Family Residential District (R-2) and will be consistent with

² California Environmental Protection Agency. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>

the prevailing two-story architectural style observed in the neighborhood. The project would be consistent with the zoning district's purpose, and enhances the current residence, aligning it with the established neighborhood character and design aesthetic.

2. The residential addition would expand the building vertically and horizontally without significantly increasing its height or expanding beyond the existing building footprint. Consequently, it will not notably reduce direct sunlight for neighboring properties, and any resulting shading will be minimal and not detrimental. Shadow studies provided in the plan set (Attachment 2, Sheets A1.2 and A1.3) confirm that the addition will have limited impact on sunlight availability.
3. The project aligns with the current building separation patterns in the R-2 District. It adheres to all side and rear setback requirements and will not worsen the existing front setback encroachment, thus maintaining minimal air impact. The neighborhood's flat terrain and existing mature vegetation ensure that views are adequately screened and will remain unaffected by the new construction.
4. Bedrooms: The addition would create two new bedrooms for a total of six 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.
5. 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. Basis for AUP Decision for Major Residential Additions (BMC Section 23.202.0303(A)(1))

To approve a major residential addition the Zoning Adjustment Board must find that, the residential addition would unreasonably obstruct sunlight, air, or views.

1. Shadows: The applicant submitted shadow studies (Attachment 2, Sheets A1.2 and A1.3) documenting sun angles at different three times throughout the day during the summer and winter solstice. New shadows would affect dwellings at the following locations:
 - a. 2740 Prince Street, east of the project site, casting new shadows during the Summer and Winter solstice two hours before sunset.
 - b. 2736 Prince Street, west of the project site, casting new shadows during the Summer and Winter solstice, two hours after sunrise.

Although the project would create new shadows on neighboring residences, the projected impacts would be in line with what is expected within a built urban environment. The shadow impacts from the project on adjacent residential uses would be reasonable and not detrimental.

2. Air: Staff believes the proposed project would be consistent with the existing development and building-to-building separation pattern – or air – in this R-2 District neighborhood. The building would meet the side and rear setback requirements, and would not further increase the existing encroachment in the front setback. The existing residence is setback 2 feet – 9 inches and the proposed second-story addition is setback 12 feet – 7 inches. Therefore, there would be minimal, if any, air impacts.
3. Views: The proposed project would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary) because there are limited significant views available to residences in the area. The area is generally flat, developed with one- to two-story residential buildings, including one three-story tall religious institutional building (Chinese for Christ Church) to the northwest of the project site. The neighborhood also includes mature vegetation which provides visual screening and views would not be impacted by the addition's vertical or horizontal off-site view angles.

D. Extending in a nonconforming setback (BMC Section 23.324.050(D))

Per BMC Section 23.324.050(D), an AUP is required for an addition or enlargement that vertically or horizontally extends a building wall projecting into a minimum required setback. The use of the building must be conforming, and the addition or enlargement cannot increase or exacerbate any nonconforming setbacks and cannot exceed maximum or calculated height limits.

Staff Analysis: A 20-foot front setback is required in the R-2 district, and the existing building is nonconforming because it is setback 2 feet – 9 inches from the front lot line. The second-story addition within the nonconforming front setback would be over the existing footprint and setback 12 feet and 7 inches. The proposed project would continue to conform to and exceed the required 4-foot side and 20-foot rear setbacks.

The single-family residential use is an allowed use in the R-2 Zoning District. The addition in the nonconforming front setback will not exacerbate or increase the nonconformity, and the project would be constructed to an average building height of 25 feet – 2 inches, which is within the 28-foot allowance.

Overall, the project would comply with the maximum allowable lot coverage and side and rear setback requirements, as allowed for two-story main buildings in BMC Section 23.202.080. Although, the project proposes an increase in average height to 25 feet – 2 inches and horizontal and vertical extension of the exterior walls -- the project will comply through an approval of an Administrative Use Permit, permitting an addition over 14 feet in average building height.

VI. Other Considerations (Zoning and Land Use Considerations)

A. District Purpose:

The purpose of the Restricted Two-Family Residential (R-2) district is to:

1. Implement the General Plan by encouraging the development of low medium-density residential areas characterized by a reasonably open and spacious type of development with a pattern of housing types ranging from single-family to duplexes and small apartment structures;
2. Make available housing for persons who desire a range of housing choice with a relatively large amount of open space; and
3. Protect adjacent properties from unreasonable obstruction of light and air.

Staff Analysis: The proposed project would update the existing residence, would provide a refreshed low-density residential choice, while accommodating a family in the neighborhood. In addition, the proposed project would retain open space beyond the minimum required and would not significantly impact adjacent properties from unreasonable obstruction of sunlight and air, and the final height of the residence will remain relatively similar in height to the existing house and adjacent and abutting properties.

B. 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.

Staff Analysis: The proposed project massing, proportions, design, and use of the residential building would be harmonious with the scale and design characteristics of the neighborhood. Due to the proposed project's existing conditions, and the proposed addition's consistency with the R-2 development standards, the project

would be compatible with surrounding uses and with the built environment in the area.

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:

1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"); and
2. **APPROVE** Use Permit #ZP2024-0001 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received July 29, 2024
3. Notice of Public Hearing

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 12, 2024

2738 Prince Street

Use Permit #ZP2024-0001 to construct an approximately 650 square-foot major residential addition on the second-floor of an existing single-family dwelling, approximately 25 feet in average building height, and the creation of two new bedrooms (a total of six).

ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Subsection 23.202.030(B), for the creation of two new bedrooms, six bedrooms total, in the R-2 district.
- Administrative Use Permit pursuant to BMC Subsection 23.202.030(A)(1) to permit a major residential addition over 600 square-feet.
- Administrative Use Permit pursuant to BMC Subsection 23.202.080(D), to permit a residential addition over 14-feet up to 28-feet in average building height.
- Administrative Use Permit, pursuant to BMC Subsection 23.324.050(D), to permit an expansion and alteration into the nonconforming front setback.

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 15301 of the CEQA Guidelines (“Existing Facilities”).
- B.** Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

II. 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 project is consistent with all R-2 objective development standards;

2. The proposed project will be consistent with the existing building-to-building separation pattern and will comply with all required setbacks – with the exception of the front non-conforming setback, and no portion of the addition will exceed the height or story limits specified for the R-2 Zoning District;
 3. The project will create two new bedrooms for a total of six on the lot. The new bedrooms will not increase density on the lot but would create more living area for the inhabitants of the single-family dwelling.
 4. The two-story rear addition will match the adjacent buildings in the neighborhood through the building mass and form and will not significantly obstruct sunlight from adjacent neighbors in the neighborhood. Due to the size and location of the addition, the addition will not result in significant shadows or a loss of direct sunlight on neighboring dwellings;
 5. The project will be subject to the City’s standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.
- B.** Pursuant to BMC Section 23.202.030(A)(2), ZAB finds that the major residential addition will not unreasonably obstruct sunlight, air, or views because:
1. **Sunlight:** Shadow studies provided by the applicant show that the two-story addition’s impact on neighboring properties will occur over a limited area and will only partially shade neighboring residences for a limited time during the year and only for a few hours of the day. The residential addition will not result in a significant loss of direct sunlight on adjoining residences, and these shading impacts are not deemed detrimental.
 2. **Air:** The proposed two-story addition will be consistent with the existing development and building-to-building separation pattern -- or air -- in this R-2 District neighborhood. Although the existing front setback is nonconforming, the addition meets the requirements for extending the walls, and the two-story addition will comply with the side and rear setback and lot coverage requirements.
 3. **Views:** The proposed major two-story addition will not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary) because there are limited significant views available to residences in the area. The area is generally flat, developed with one- to two-story buildings, and includes some mature vegetation, which provides visual screening therefore views would not be impacted by the addition’s vertical or horizontal off-site view angles.
- C.** Pursuant to BMC Section 23.324.050(D)(2)(a), the addition and alterations within the nonconforming front setback are permissible because the residential use is conforming and the addition will not further encroach into the existing non-conforming front setback or exceed the district height standards.

III. **STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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

- 1. Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
- 2. Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
- 3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
 - A.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
 - B.** When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
- 4. Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).**

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.
- 5. Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**
 - A.** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
 - B.** A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
 - C.** The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
 - D.** A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
7. **Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
8. **Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
9. **Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

IV. **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. 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.
- 12. 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.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.
- The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:
- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;

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

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

E. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

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

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

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

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

G. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

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

Prior to Issuance of Any Building (Construction) Permit

13. 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.

14. 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.

15. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility. **Prior to Demolition or Start of Construction:**

16. Construction/No Parking Permits. Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood.

During Construction:

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

18. Public Works - Implement Bay Area Air Quality Management District (BAAQMD)-

Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

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

19. 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.

20. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

21. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

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

- 23. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 24. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

- H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- I. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
25. **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.
26. **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.
27. **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.
28. **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.
29. **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.
30. **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.

- 31. 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:

- 32. 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.
- 33.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated July 29, 2024.

At All Times:

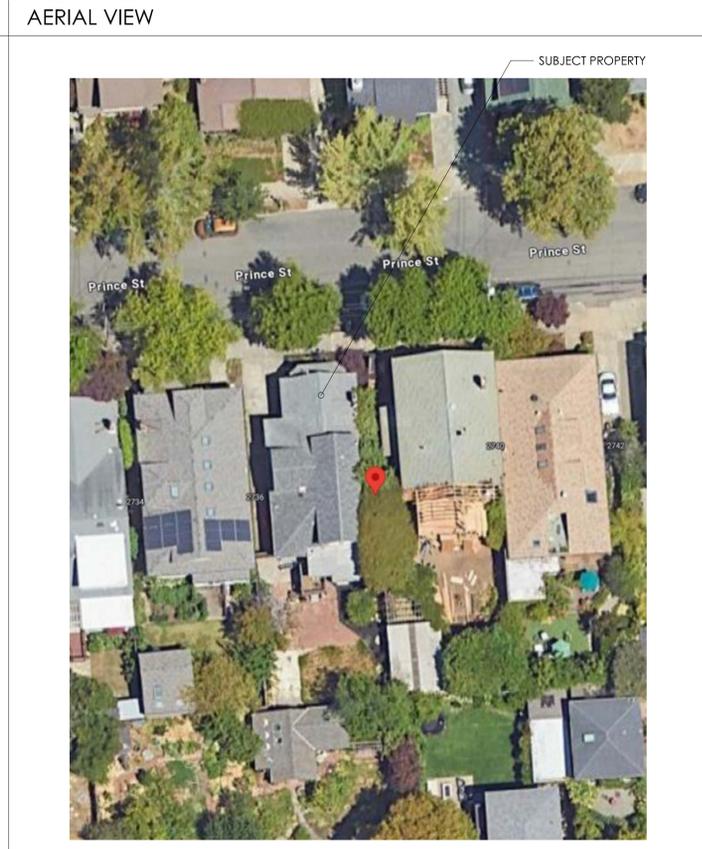
- 34. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 35. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond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

RESIDENTIAL ALTERATION AT 2738 PRINCE STREET, BERKELEY CA 94705



ABBREVIATIONS	
ABV	ABOVE
ADD	ADDITIONAL
AFF	ABOVE FINISH FLOOR
ALT	ALTERNATE
BM	BEAM
BLDG	BUILDING
BDRM	BEDROOM
CL	CENTERLINE
CAB	CABINET
CBD	CALIFORNIA BUILDING CODE
CLG	CEILING
CLO	CLOSET
COL	COLUMN
CONC	CONCRETE
CRC	CALIFORNIA RESIDENTIAL CODE
DET	DETAIL
DIA	DIAMETER
DN	DOWN
DWG	DRAWING
(E)	EXISTING
EL	ELEVATION
EQ	EQUAL
FD	FLOOR DRAIN
FCE	FINISHED CEILING ELEVATION
FFE	FINISHED FLOOR ELEVATION
FIN	FINISH
FIXT	FIXTURE
FLR	FLOOR
FOF	FACE OF FINISH
FOR	FACE OF FRAMING
FT	FOOT OR FEET
FURR	FURRED OR FURRING
GALV	GALVANIZED
GA	GAGE
GL	GLASS OR GLAZING
GYP	GYPSPUM BOARD
HT	HEIGHT
INT	INTERIOR
INFO	INFORMATION
LAV	LAVATORY
MTL	METAL
MFR	MANUFACTURER
(N)	NEW
NIC	NOT IN CONTRACT
NOM	NOMINAL
NTS	NOT TO SCALE
OC	ON CENTER
OFCl	OWNER FURNISHED CONTRACTOR INSTALLED
OPP	OPPOSITE
OS	OCCUPANT SENSOR
PL	PROPERTY LINE
PLY	PLYWOOD
REF	REFERENCE
RO	ROUGH OPENING
RM	ROOM
RTWL	RETAINING WALL
SCD	SEE CIVIL DRAWINGS
SCHED	SCHEDULE
SECT	SECTION
SF	SQUARE FOOT OR SQUARE FEET
SIM	SIMILAR
SLD	SEE LANDSCAPE DRAWINGS
SSD	SEE STRUCTURAL DRAWINGS
SED	SEE ELECTRICAL DRAWINGS
SPD	SEE PLUMBING DRAWINGS
SPEC	SPECIFICATIONS
SQFT	SQUARE FOOT OR SQUARE FEET
S,STL	STAINLESS STEEL
STD	STANDARD
STL	STEEL
STN	STAIN
STOR	STORAGE
STRUC	STRUCTURAL
SYM	SYMMETICAL
TO	TOP OF
TV	TELEVISION
TYP	TYPICAL
UBC	UNIFORM BUILDING CODE
UC	UNDER COUNTER
UON	UNLESS OTHERWISE NOTED
VAR	VARIES
W/	WITH
WC	WATER CLOSET
WD	WOOD
WH	WATER HEATER
W/O	WITHOUT

ARCHITECTURAL LEGEND	
	PROPERTY LINE
	SETBACK LINE
	AREA OF WORK
	EXISTING WALL
	EXISTING TO BE DEMOLISHED
	PROPOSED WALL
	(E) OR (N) WINDOW, PER PLANS
	(E) OR (N) SWING DOOR, PER PLANS
	(E) OR (N) SLIDING DOORS, PER PLANS
	FINISHED ELEVATION
	CEILING HEIGHT
	DOOR SYMBOL
	WINDOW SYMBOL
	ALIGN FINISHED SURFACES
	BUILDING GRIDLINE REFERENCE
	EXTERIOR ELEVATION REFERENCE
	SECTION CUT REFERENCE
	DETAIL REFERENCE
	INTERIOR ELEVATION REFERENCE
	REVISION

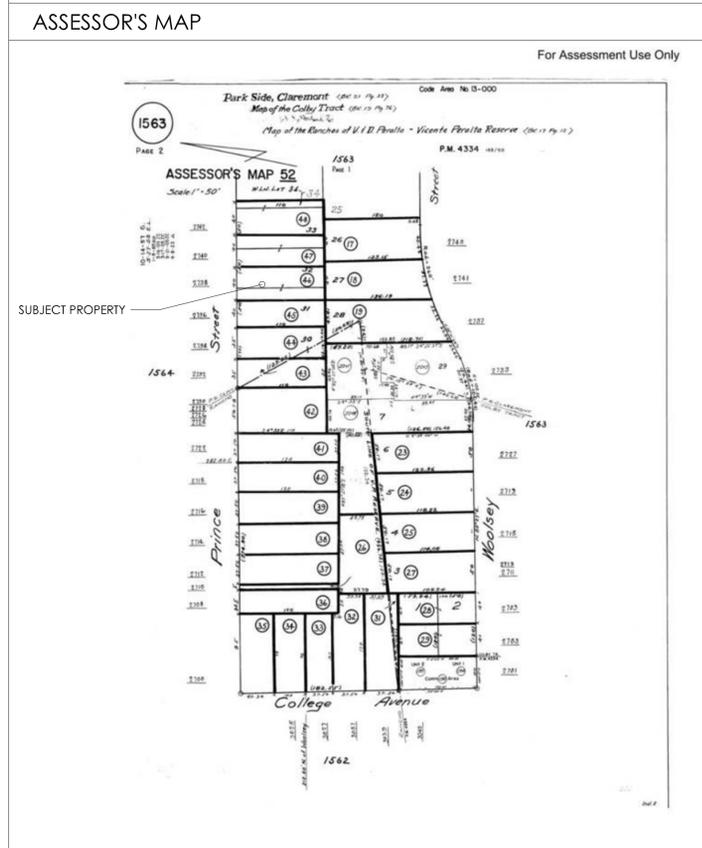


DRAWING INDEX	
A0.1	COVER SHEET
SU1	SITE SURVEY
ARCHITECTURAL	
A1.0	EXISTING & PROPOSED SITE PLANS
A1.1A	EXISTING & PROPOSED LOT COVERAGE PLANS & CALCULATIONS
A1.1B	EXISTING & PROPOSED LANDSCAPE PLANS & CALCULATIONS
A1.2	EXISTING & PROPOSED SHADOW STUDY
A1.3	EXISTING & PROPOSED SHADOW STUDY
A1.4	NEIGHBOR OUTREACH, SITE AND ELEVATION DIAGRAMS
A2.1	EXISTING & PROPOSED FIRST FLOOR PLANS
A2.2	EXISTING & PROPOSED SECOND FLOOR PLANS
A2.3	EXISTING & PROPOSED ROOF PLANS
A3.1	EXISTING & PROPOSED EXTERIOR ELEVATIONS
A3.2	EXISTING & PROPOSED EXTERIOR ELEVATIONS
A3.3	EXISTING & PROPOSED EXTERIOR ELEVATIONS

PROJECT DATA - SEE A1.0-A1.1B FOR MORE DATA	
ADDRESS	2738 PRINCE STREET, BERKELEY CA 94705
APN	52-1563-46
ZONING	R-2
OCCUPANCY GROUP	SINGLE FAMILY DWELLING, R-3
YEAR BUILT	1909
HISTORIC YES/NO	NO
CONSTRUCTION TYPE	WOOD FRAMED, V-B
NUMBER OF STORIES	2
LOT AREA	4,400 SF
SETBACKS	20' AT FRONT, 20' AT REAR, 4' AT SIDES
FIRE SPRINKLER SYSTEM	NONE EXISTING, NONE PROPOSED

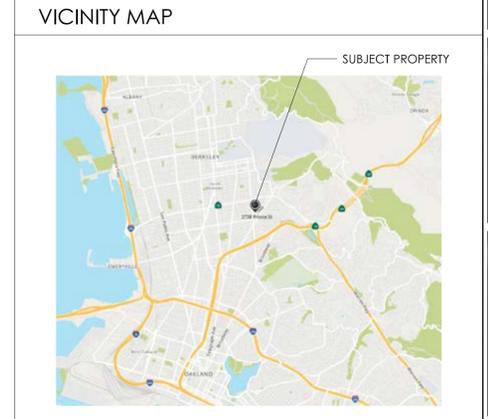
SCOPE OF WORK

ADDITION AND ALTERATION TO AN EXISTING SINGLE FAMILY RESIDENCE TO INCLUDE:
 FIRST FLOOR REAR EXTENSION AND NEW REAR DECK.
 SECOND FLOOR ADDITION AT FRONT FOR NEW PRIMARY SUITE
 SECOND FLOOR DORMER EXTENSION AT WEST SIDE FOR NEW BEDROOM.
 SECOND FLOOR ROOF TOP DECK OVER FIRST FLOOR REAR EXTENSION.
 IN-KIND WINDOW REPLACEMENT AND NEW WINDOWS TO COORDINATE WITH INTERIOR ALTERATIONS, NEW PATIO DOORS TO LOWER REAR DECK AND ROOF TOP DECK IN PLACE OF EXISTING DOORS AND WINDOWS AT SIMILAR LOCATIONS.
 NEW SKYLIGHT IN NEW PRIMARY BATH.

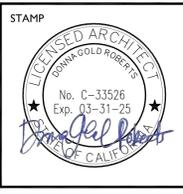


APPLICABLE CODES	
WORK SHALL COMPLY WITH THE FOLLOWING CODES:	
2022 TRIENNIAL EDITION OF CALIFORNIA CODE OF REGULATIONS, TITLE 24	
2022 CALIFORNIA BUILDING CODE	
2022 CALIFORNIA RESIDENTIAL CODE	
2022 CALIFORNIA ELECTRICAL CODE	
2022 CALIFORNIA MECHANICAL CODE	
2022 CALIFORNIA PLUMBING CODE	
2022 CALIFORNIA ELECTRICAL CODE	
2022 CALIFORNIA ENERGY CODE	
2022 CALIFORNIA FIRE CODE	
2022 CALIFORNIA GREEN BUILDING CODE	
ALL OTHER APPLICABLE STATE & LOCAL ORDINANCES, CODES & REGULATIONS	

PROJECT DIRECTORY	
OWNER	Reuben Arnold & Meagan Gornache P: 646-450-4054 rlangarnold@gmail.com
ARCHITECTURE	Donna Roberts, Architect DGR ARCHITECTURE P: 415-994-9111 donna@dgrarch.com
STRUCTURAL	TBD
ENERGY	TBD
CONTRACTOR	TBD



RESIDENTIAL RENOVATION
2738 PRINCE STREET
BERKELEY, CALIFORNIA 94705



DATE	ISSUE/REVISION

DRAWN BY: DGR
SCALE: AS NOTED

PROJECT TRUE NORTH

ISSUE

7.29.2024

USE PERMIT WITH PUBLIC HEARING (UP-PH)

DRAWING

COVER SHEET

SHEET

A0.1

IF THIS DRAWING SHEET IS NOT 24"x36" THEN THE DRAWING HAS BEEN REVISED FROM ITS ORIGINAL SIZE AND NOTED SCALES MUST BE ADJUSTED. DO NOT SCALE OFF DRAWINGS. NOTIFY OWNER AND ARCHITECT OF ANY DISCREPANCIES THAT AFFECT DESIGN INTENT AS SHOWN IN THIS DRAWING.

SHEET NOTES

THESE PLANS ARE FOR DESIGN REVIEW, NOT FOR CONSTRUCTION. DO NOT SCALE OFF DRAWINGS
SEE SHEET A0.1 FOR COMPLETE LEGEND, ABBREVIATIONS, GENERAL NOTES AND ADDITIONAL INFORMATION.

SITE / LANDSCAPE LEGEND

- PROPERTY LINE
- SETBACK LINE
- AREA-OF-WORK LINE
- - - OPEN USABLE SPACE AREA
- WOOD FENCE
- ⊕ EXTERIOR ELEVATION REFERENCE
- ▨ CONCRETE WALKWAY/DRIVEWAY
- ▨ WOOD DECK
- ▨ PAVERS / ON-GRADE PATIO
- ▨ GRAVEL
- ▨ LANDSCAPING: GRASS
- ▨ LANDSCAPING: PLANTING BED
- PROPOSED FIRST FLOOR ADDITION
- ▨ PROPOSED SECOND FLOOR ADDITION

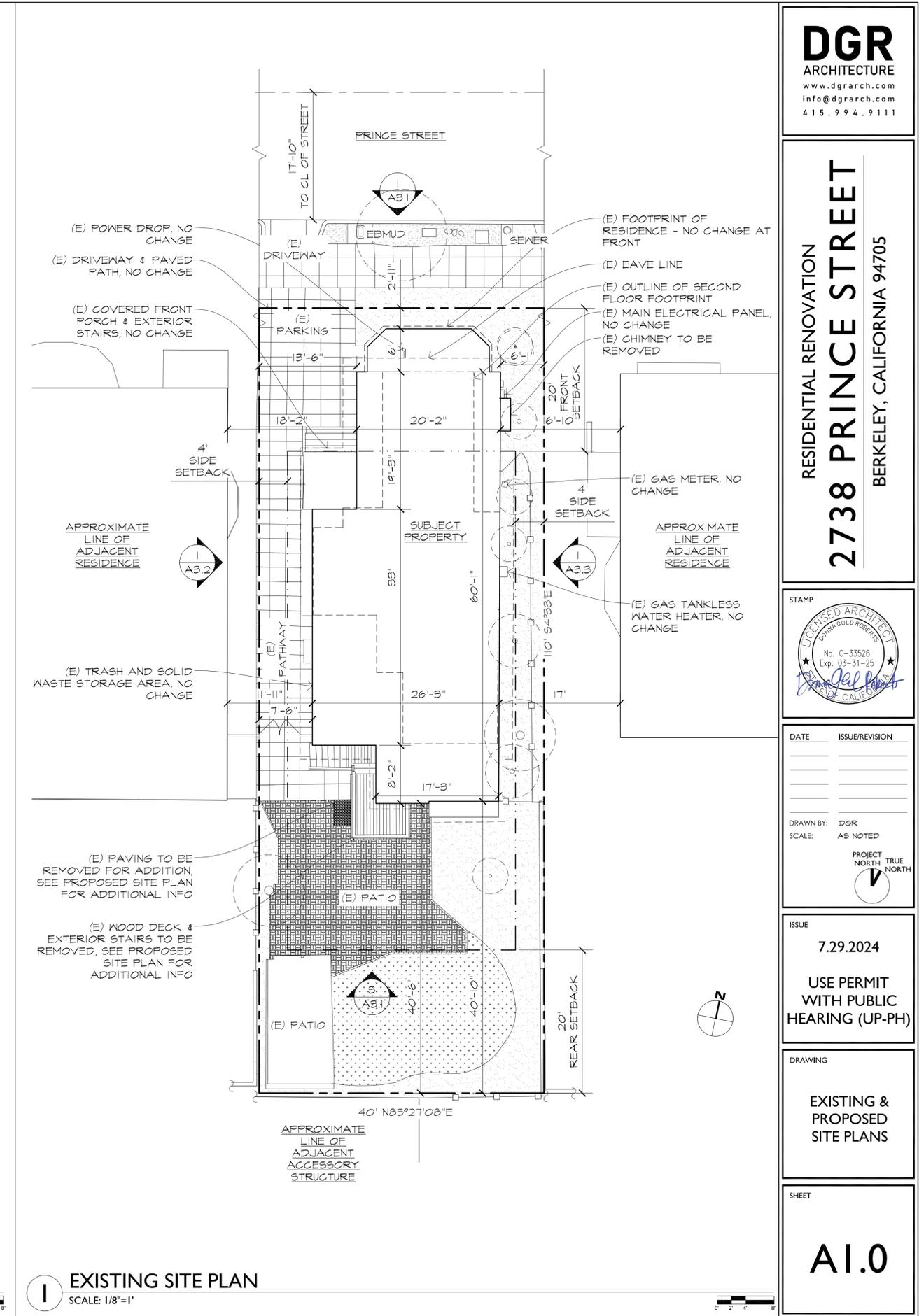
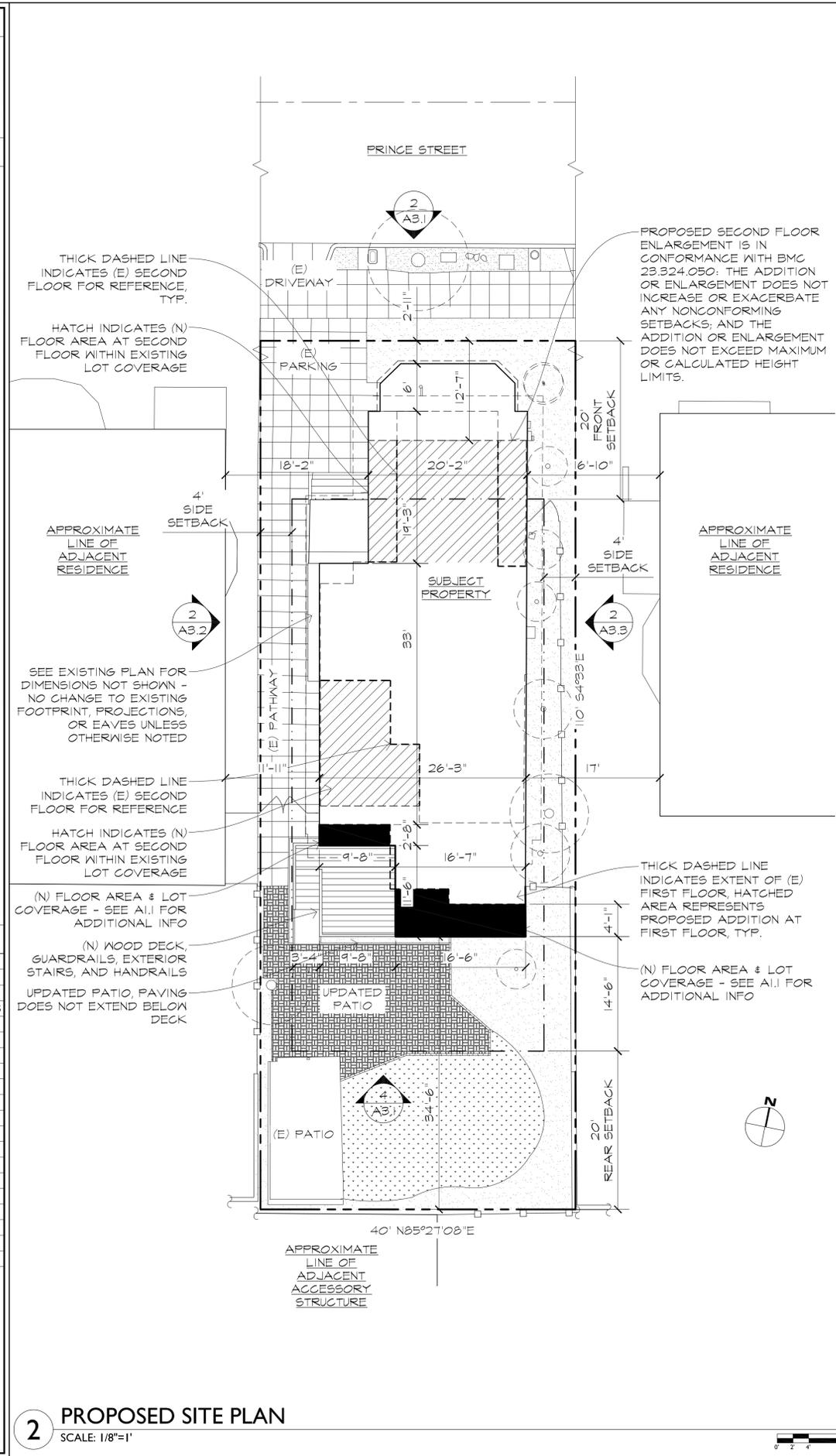
PROJECT DATA CALCULATIONS

REGULATION	ALLOWED	EXISTING	PROPOSED
MAX AVG. HEIGHT	28'-0" MAX.	23'-4"	25'-2"
LOT AREA	4,400 SF		
SETBACKS	20' AT FRONT*, 20' AT REAR, 4' AT SIDES		
LOT COVERAGE - ROUNDED TO NEAREST 10TH			
RESIDENCE	1,539 SF	1,635 SF	
FRONT PORCH	60 SF	60 SF	
REAR DECK	57 SF**	EXEMPT***	
EAVES EXCEEDING 18"	41 SF	37 SF	
LOT COVERAGE TOTAL	1,760 SF	1,697 SF	1,732 SF
LOT COVERAGE %	40%	38.5%	39.4%
LANDSCAPE/OPEN SPACE - ROUNDED TO NEAREST 10TH			
USABLE OPEN SPACE	400 SF MIN.	1,579 SF	1,360 SF
LANDSCAPE W/N OPEN SPACE		815 SF	752 SF
% W/N OPEN SPACE	40% MIN.	51.6%	55.3%
LANDSCAPING TOTAL	160 SF MIN.	1,393 SF	1,360 SF
FLOOR AREA - ROUNDED TO NEAREST 10TH			
1ST FLOOR AREA	1,539 SF	1,635 SF	
2ND FLOOR AREA	643 SF	1,130 SF	
FLOOR AREA TOTAL	NO MAX.	2,182 SF	2,765 SF

***BMC 23.324.050 NON-CONFORMING STRUCTURES AND BUILDINGS:** THE ADDITION OR ENLARGEMENT DOES NOT INCREASE OR EXAGGERATE ANY NONCONFORMING SETBACKS; AND THE ADDITION OR ENLARGEMENT DOES NOT EXCEED MAXIMUM OR CALCULATED HEIGHT LIMITS.

**** EXISTING REAR DECK OVER PAVING TO BE REMOVED, PAVING TO BE REMOVED.** THE EXISTING LANDING AND STEPS NOT COUNTED TOWARDS LOT COVERAGE SIMILAR TO UNCOVERED PORCH NOT COUNTING TOWARDS LOT COVERED - EXISTING LANDING AND STEPS ALSO TO BE REMOVED

***** PROPOSED DECK OVER DIRT IS EXEMPT FROM LOT COVERAGE PER BMC 23.106.020**



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STAMP
LICENSED ARCHITECT
DORIS GOLD ROBERTS
No. C-33526
Exp. 03-31-25
Doris Gold Roberts
STATE OF CALIFORNIA

DATE _____ ISSUE/REVISION _____
DRAWN BY: DGR
SCALE: AS NOTED
PROJECT NORTH TRUE NORTH

ISSUE
7.29.2024
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DRAWING
EXISTING & PROPOSED SITE PLANS

SHEET
A1.0

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SHEET NOTES

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SELECT ABBREVIATIONS

(E) EXISTING
MAX MAXIMUM ALLOWED / MAXIMUM CLEAR
MIN MINIMUM ALLOWED / MINIMUM CLEAR
(N) NEW / PROPOSED
SSD SEE STRUCTURAL DRAWINGS
TO TOP OF
TYP TYPICAL
UON UNLESS OTHERWISE NOTED
VIF VERIFY IN FIELD

SITE / LANDSCAPE LEGEND

- PROPERTY LINE
- SETBACK LINE
- - - - - AREA-OF-WORK LINE
- - - - - OPEN USABLE SPACE AREA
- WOOD FENCE
- ▤ CONCRETE WALKWAY/DRIVEWAY
- ▨ WOOD DECK
- ▩ PAVERS / ON-GRADE PATIO
- ▧ GRAVEL
- ▦ LANDSCAPING: GRASS
- ▥ LANDSCAPING: PLANTING BED
- █ EXISTING LOT COVERAGE
- █ PROPOSED LOT COVERAGE
- ▲ AS1 EXTERIOR ELEVATION REFERENCE

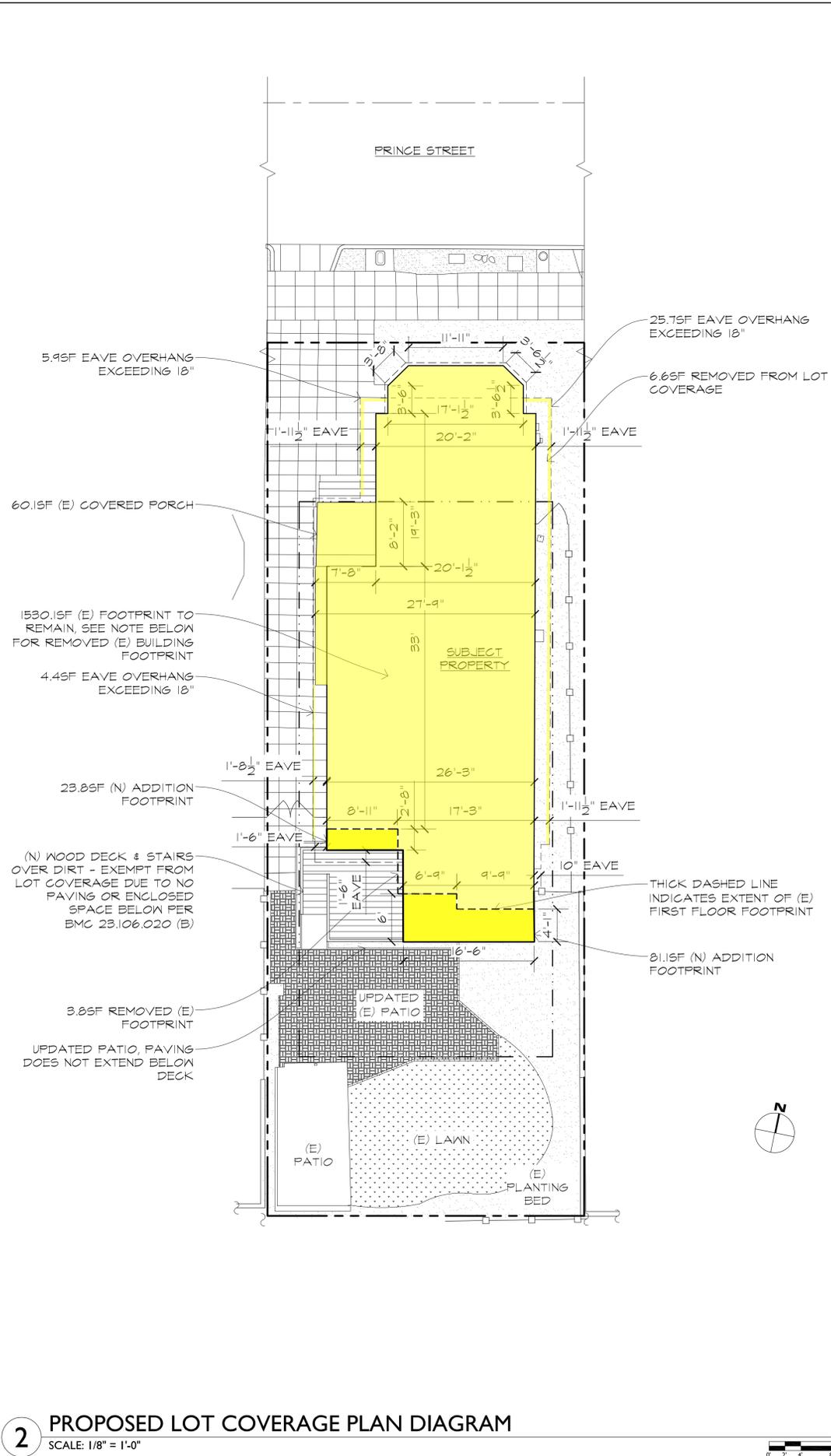
PROJECT DATA CALCULATIONS

REGULATION	ALLOWED	EXISTING	PROPOSED
MAX AVG. HEIGHT	28'-0" MAX.	23'-4"	25'-2"
LOT AREA	4,400 SF		
SETBACKS	20' AT FRONT*, 20' AT REAR, 4' AT SIDES		
LOT COVERAGE - ROUNDED TO NEAREST 10TH			
RESIDENCE	1,539 SF	1,635 SF	
FRONT PORCH	60 SF	60 SF	
REAR DECK	57 SF**	EXEMPT***	
EAVES EXCEEDING 18"	41 SF	37 SF	
LOT COVERAGE TOTAL	1,760 SF	1,697 SF	1,732 SF
LOT COVERAGE %	40%	38.5%	39.4%
LANDSCAPE/OPEN SPACE - ROUNDED TO NEAREST 10TH			
USABLE OPEN SPACE	400 SF MIN.	1,579 SF	1,360 SF
LANDSCAPE W/N OPEN SPACE		815 SF	752 SF
% W/N OPEN SPACE	40% MIN.	51.6%	55.3%
LANDSCAPING TOTAL	160 SF MIN.	1,393 SF	1,360 SF
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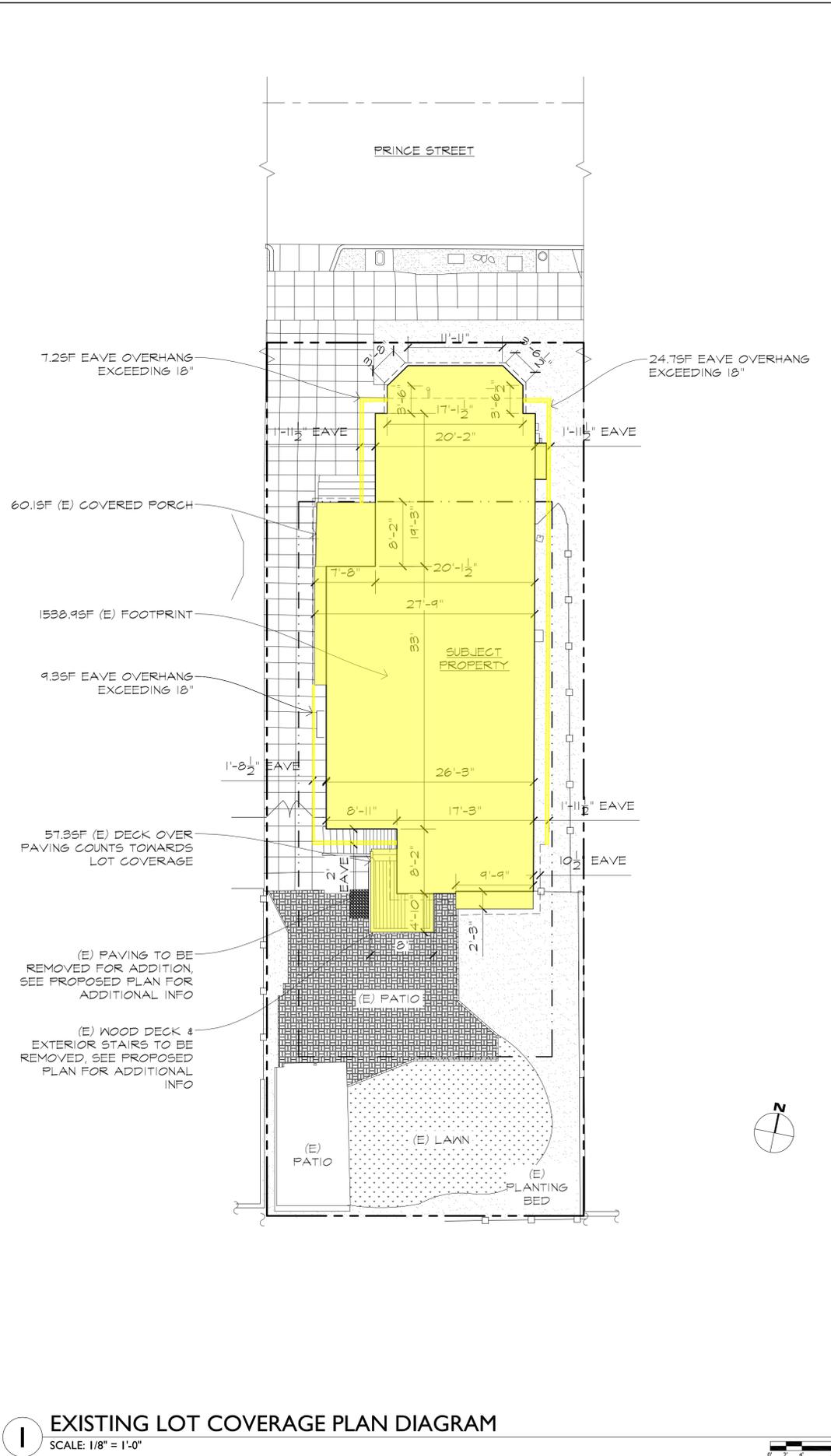
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***** PROPOSED DECK OVER DIRT IS EXEMPT FROM LOT COVERAGE PER BMC 23.106.020**



2 PROPOSED LOT COVERAGE PLAN DIAGRAM
SCALE: 1/8" = 1'-0"



1 EXISTING LOT COVERAGE PLAN DIAGRAM
SCALE: 1/8" = 1'-0"

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DRAWING
LOT COVERAGE PLANS & CALCULATIONS

SHEET
A1.1A

SHEET NOTES

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- SETBACK LINE
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- WOOD DECK
- PAVERS / ON-GRADE PATIO
- GRAVEL
- LANDSCAPING: GRASS
- LANDSCAPING: PLANTING BED
- EXISTING LOT COVERAGE
- PROPOSED LOT COVERAGE
- EXTERIOR ELEVATION REFERENCE
- EXISTING TREE OR MULTIPLE TREE
- USABLE OPEN SPACE

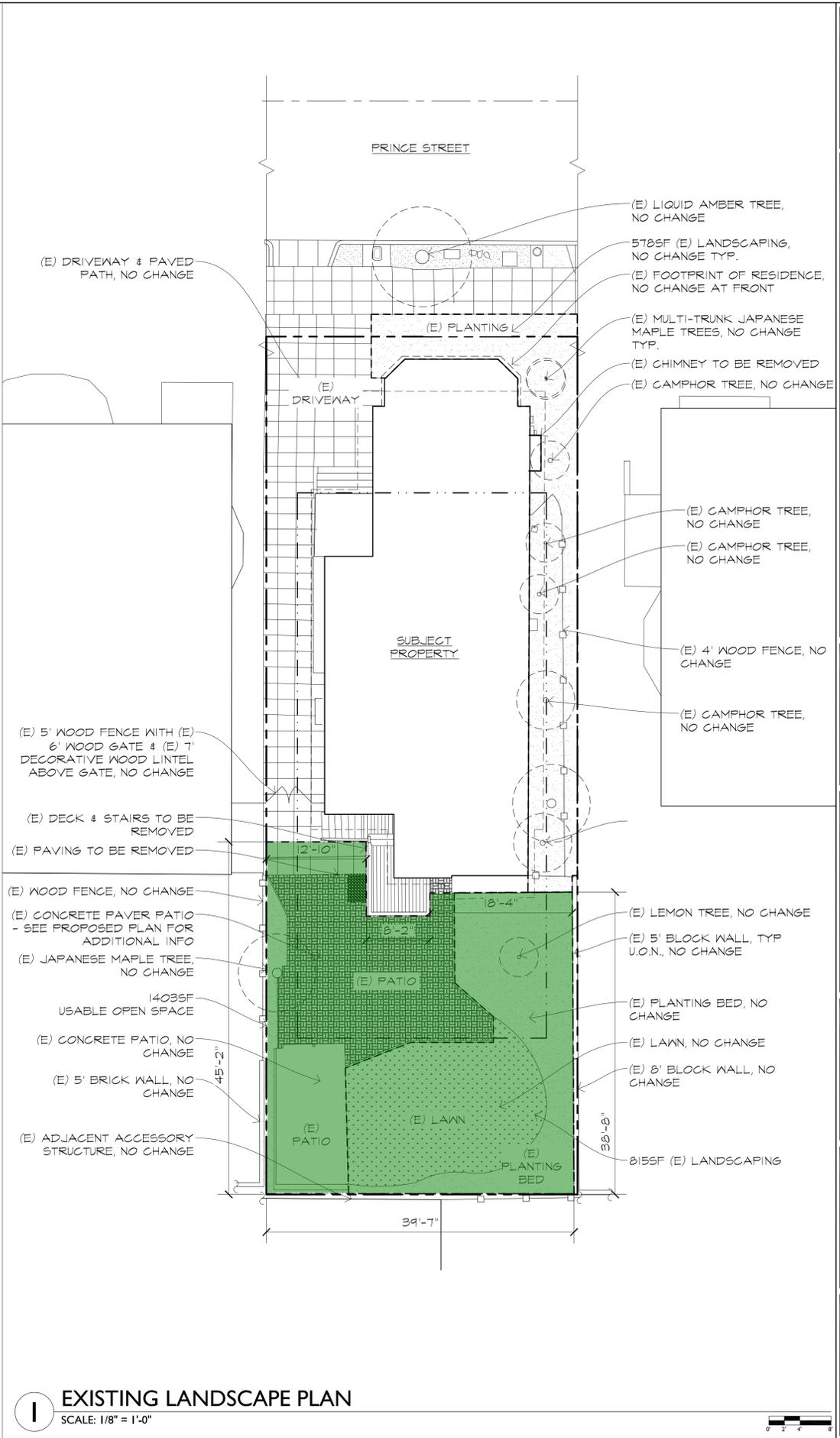
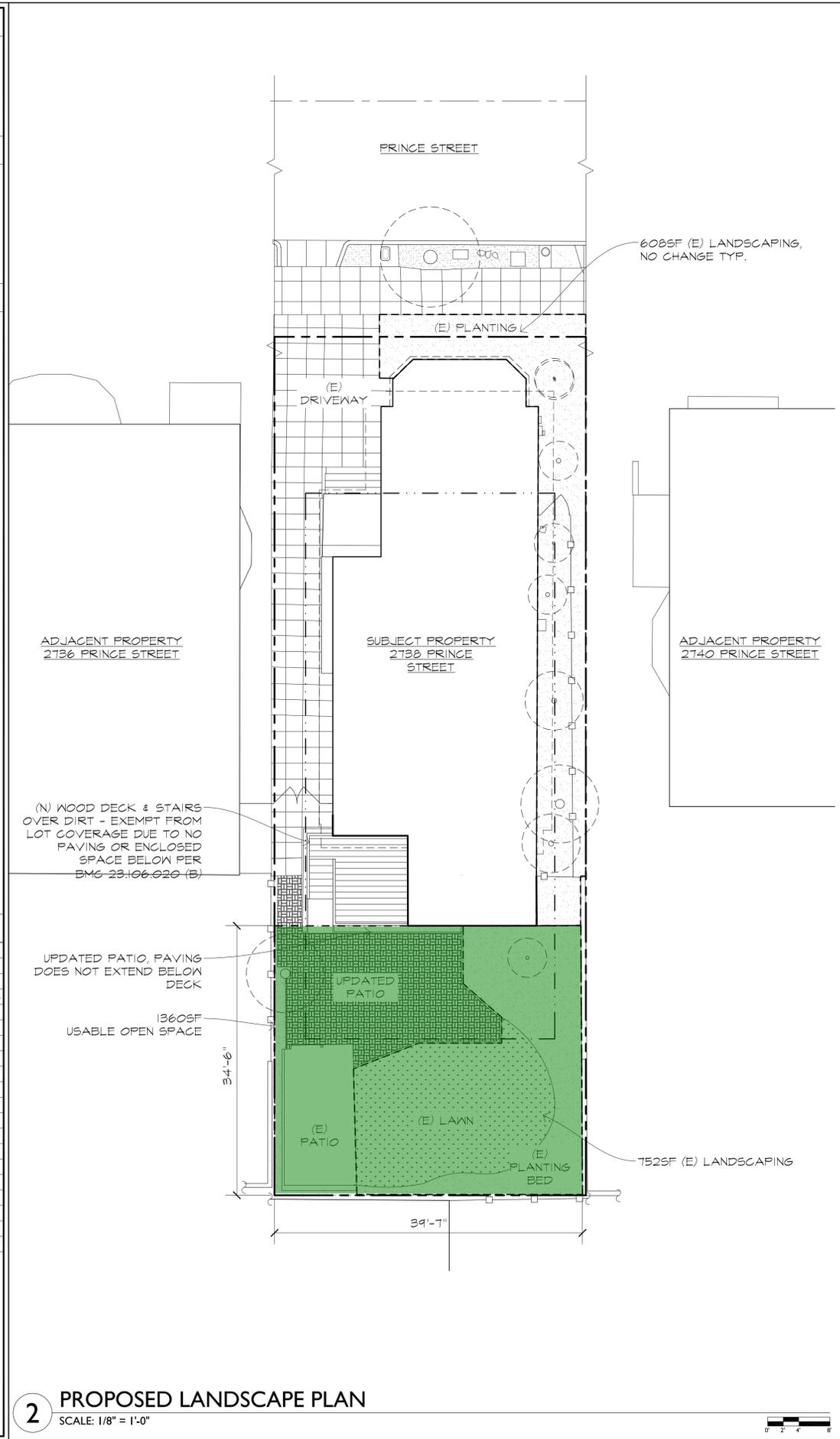
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STATE OF CALIFORNIA

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DRAWING
LANDSCAPE PLANS & CALCULATIONS

SHEET
AI.IB

SHEET NOTES

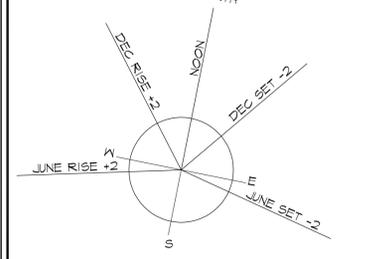
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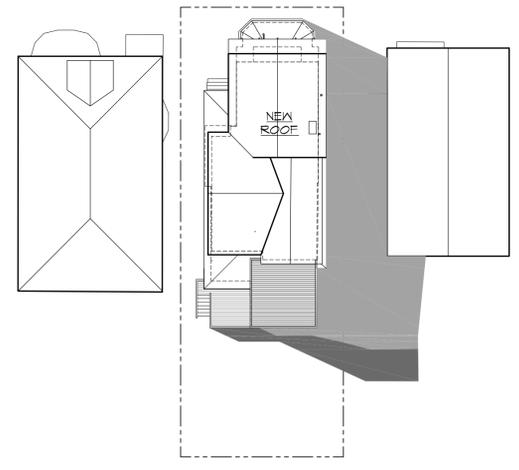
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 VIF VERIFY IN FIELD

SHADOW STUDY LEGEND

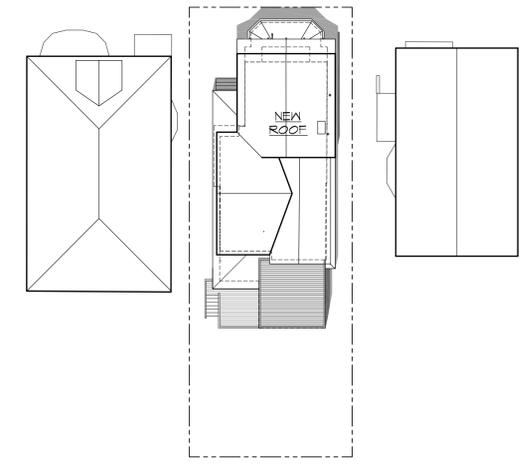


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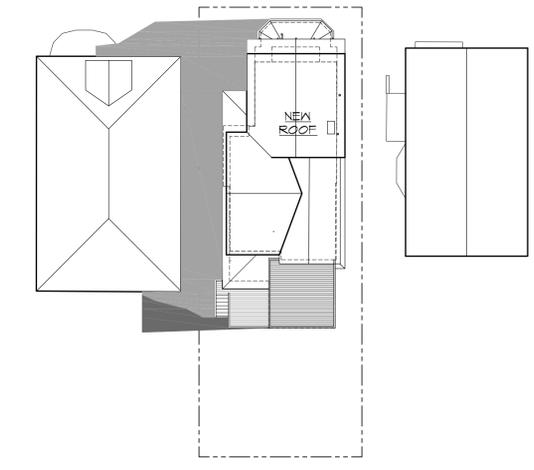
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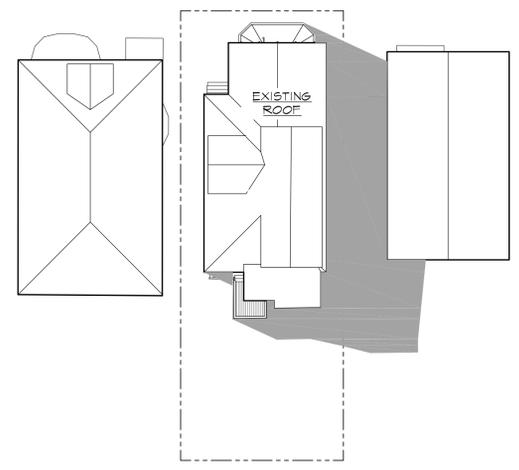
6 (N) JUNE 21 SET -2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



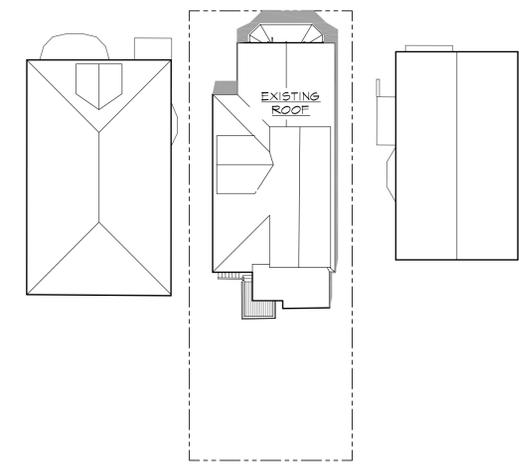
4 (N) JUNE 21 NOON SHADOW DIAGRAM
 SCALE: 1' = 20"



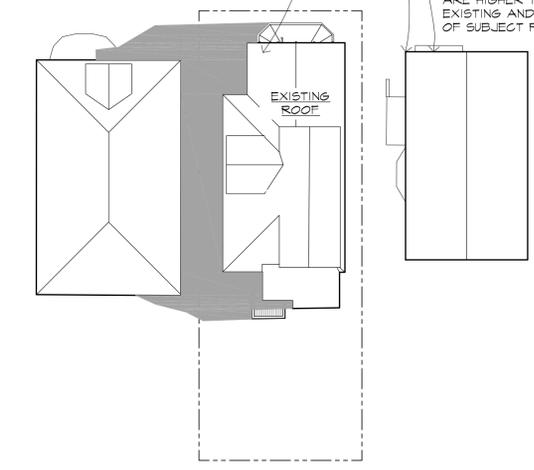
2 (N) JUNE 21 RISE +2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



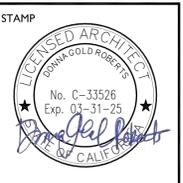
5 (E) JUNE 21 SET -2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



3 (E) JUNE 21 NOON SHADOW DIAGRAM
 SCALE: 1' = 20"



1 (E) JUNE 21 RISE +2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



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DRAWN BY: DGR
 SCALE: AS NOTED

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DRAWING
 EXISTING & PROPOSED SHADOW STUDY

SHEET
A1.2

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SHEET NOTES

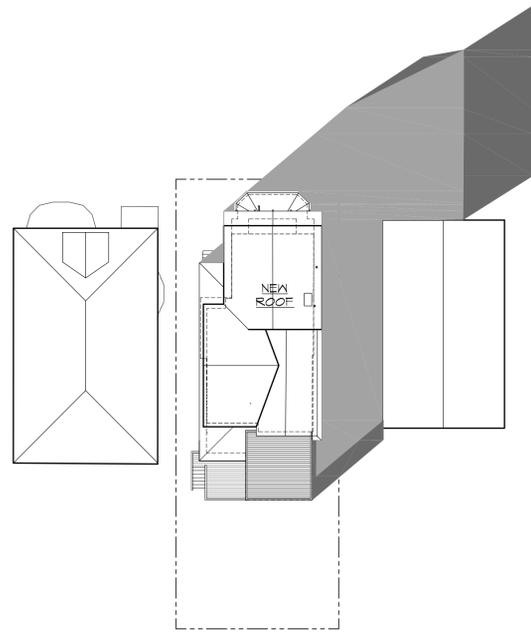
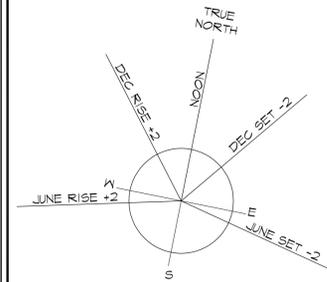
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SELECT ABBREVIATIONS

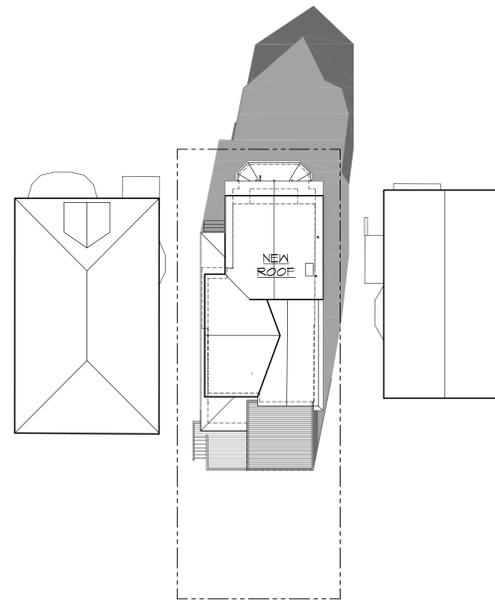
(E) EXISTING
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SHADOW STUDY LEGEND

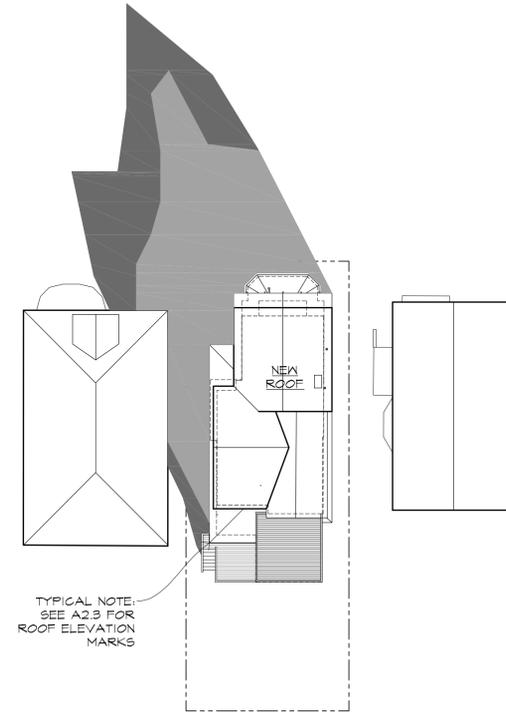
 EXISTING SHADOW
 PROPOSED SHADOW



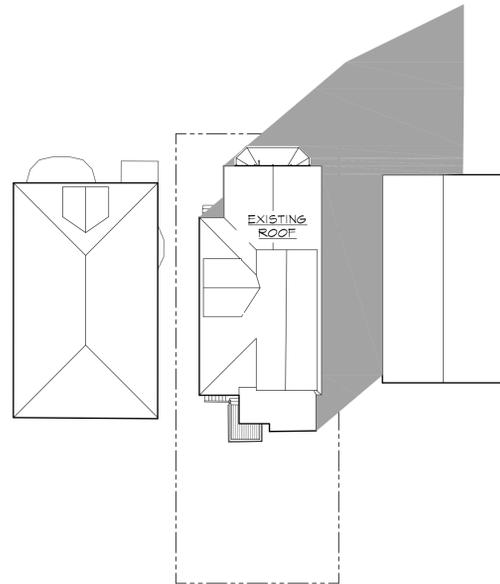
6 (N) DEC. 21 SET -2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



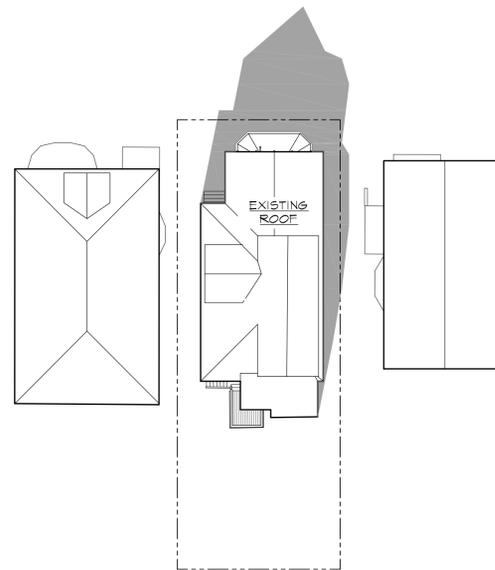
4 (N) DEC. 21 NOON SHADOW DIAGRAM
 SCALE: 1' = 20"



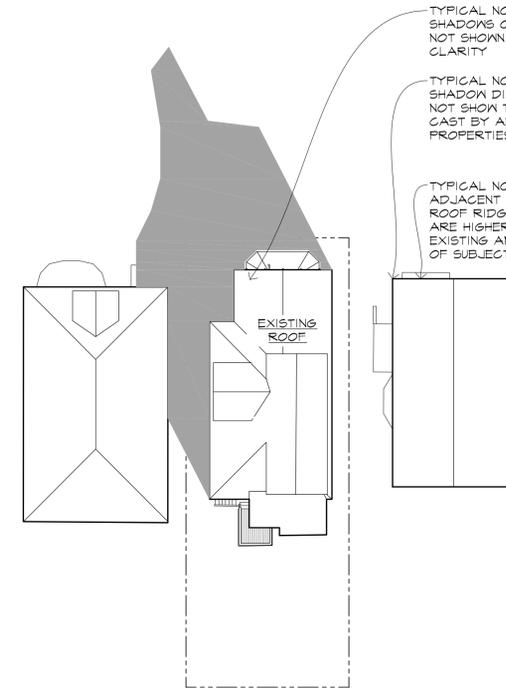
2 (N) DEC. 21 RISE +2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



5 (E) DEC. 21 SET -2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"



3 (E) DEC. 21 NOON SHADOW DIAGRAM
 SCALE: 1' = 20"



1 (E) DEC. 21 RISE +2HRS SHADOW DIAGRAM
 SCALE: 1' = 20"

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DRAWING
 EXISTING & PROPOSED SHADOW STUDY

SHEET
A1.3

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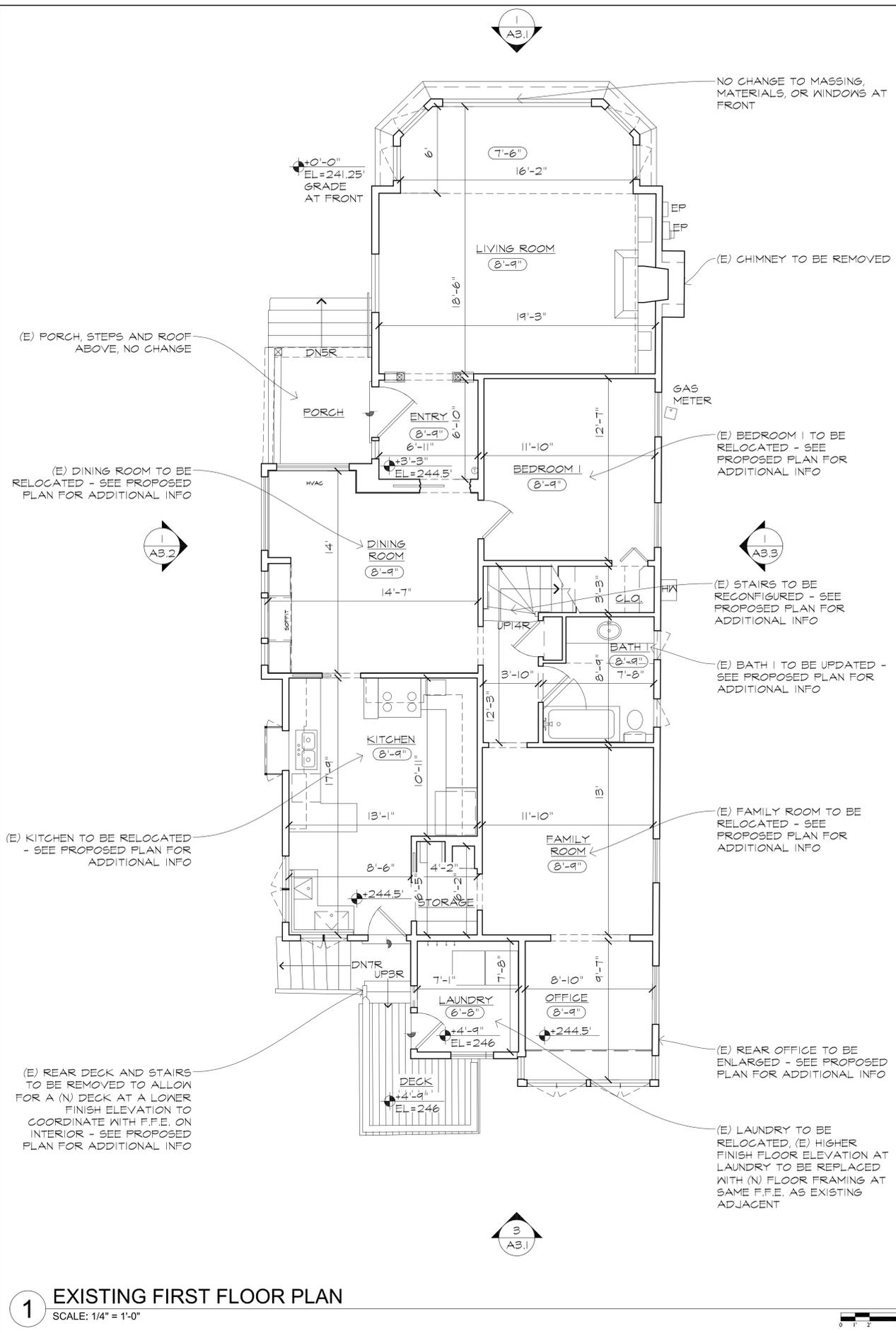
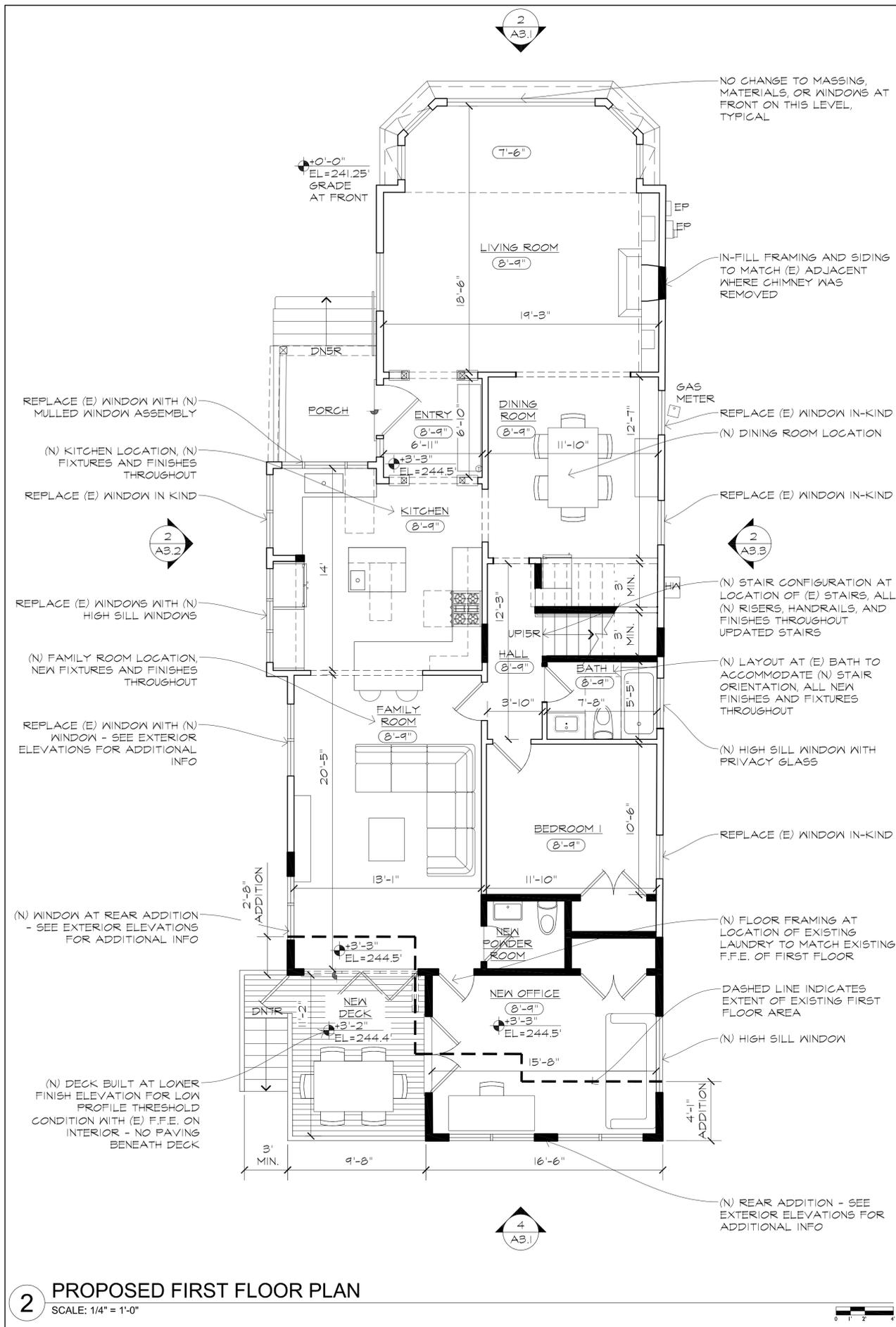
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DRAWING
EXISTING & PROPOSED FIRST FLOOR PLANS

SHEET
A2.1



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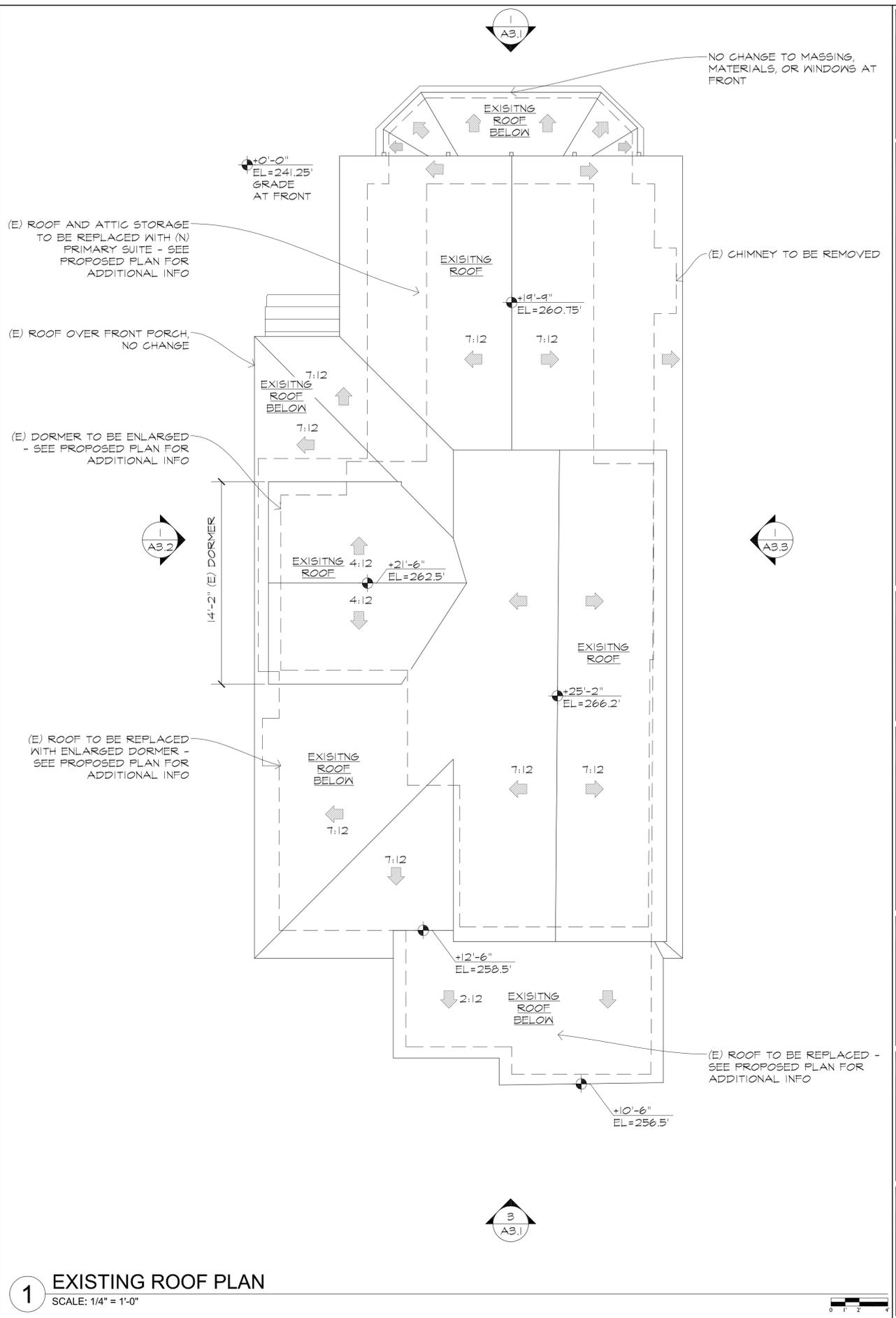
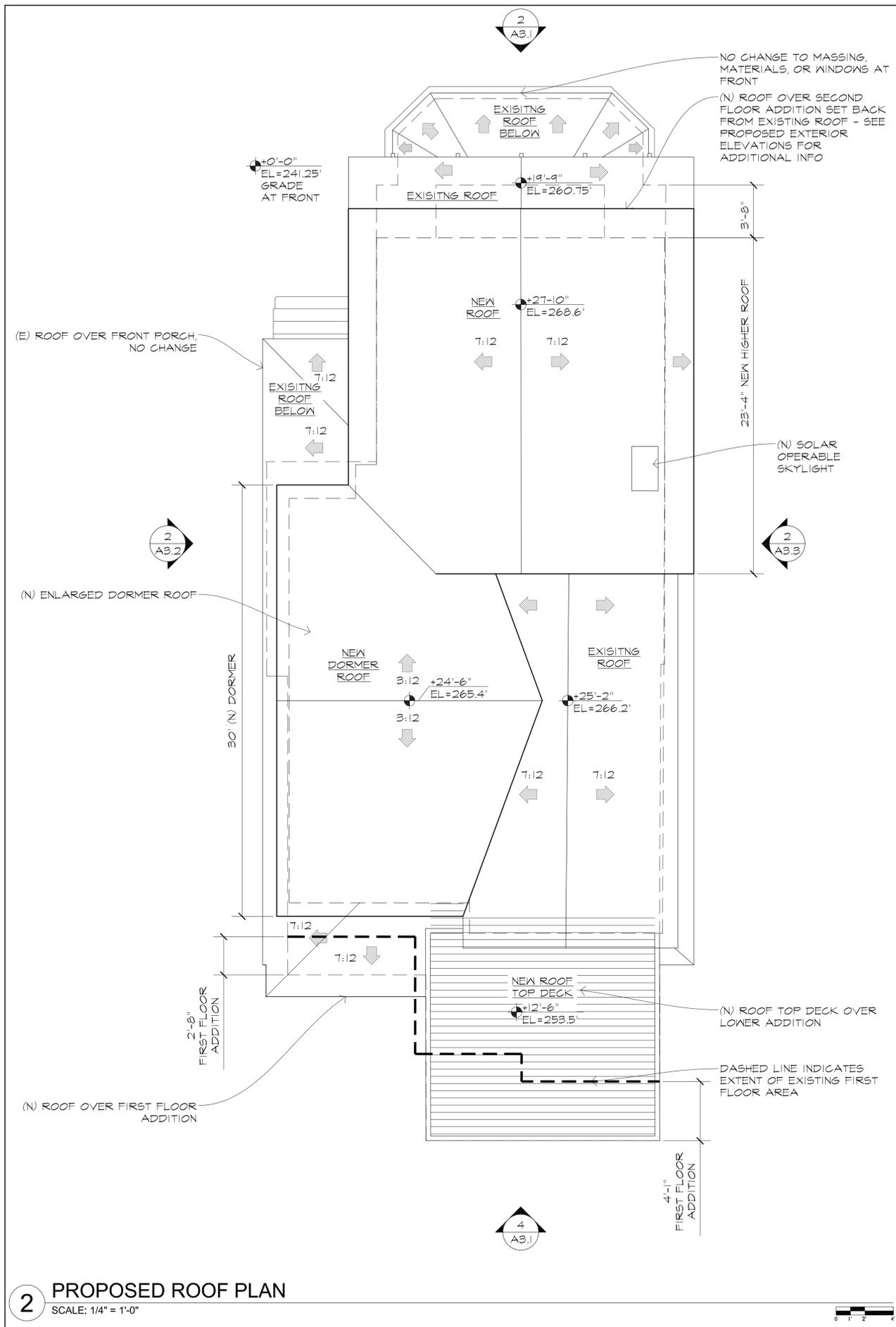
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DRAWING
 EXISTING & PROPOSED ROOF PLANS

SHEET
A2.3



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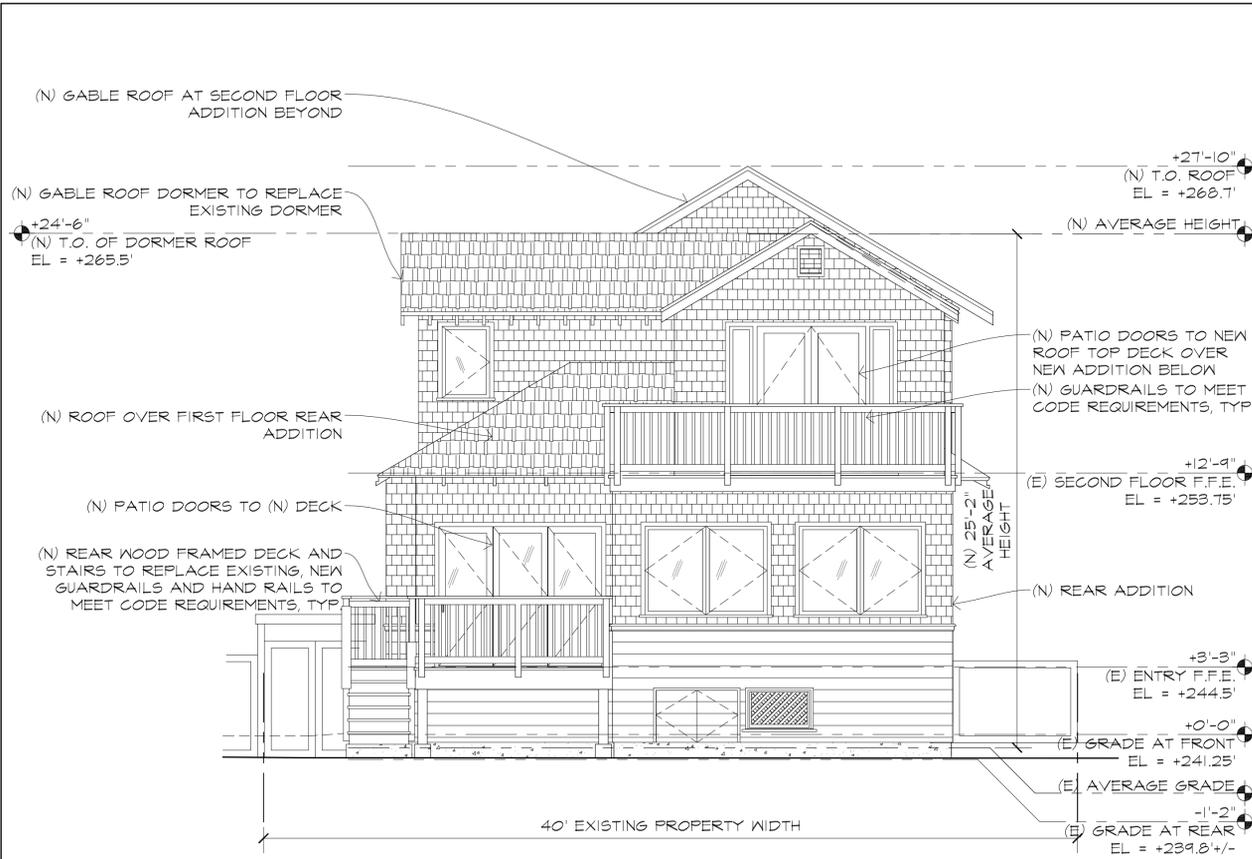
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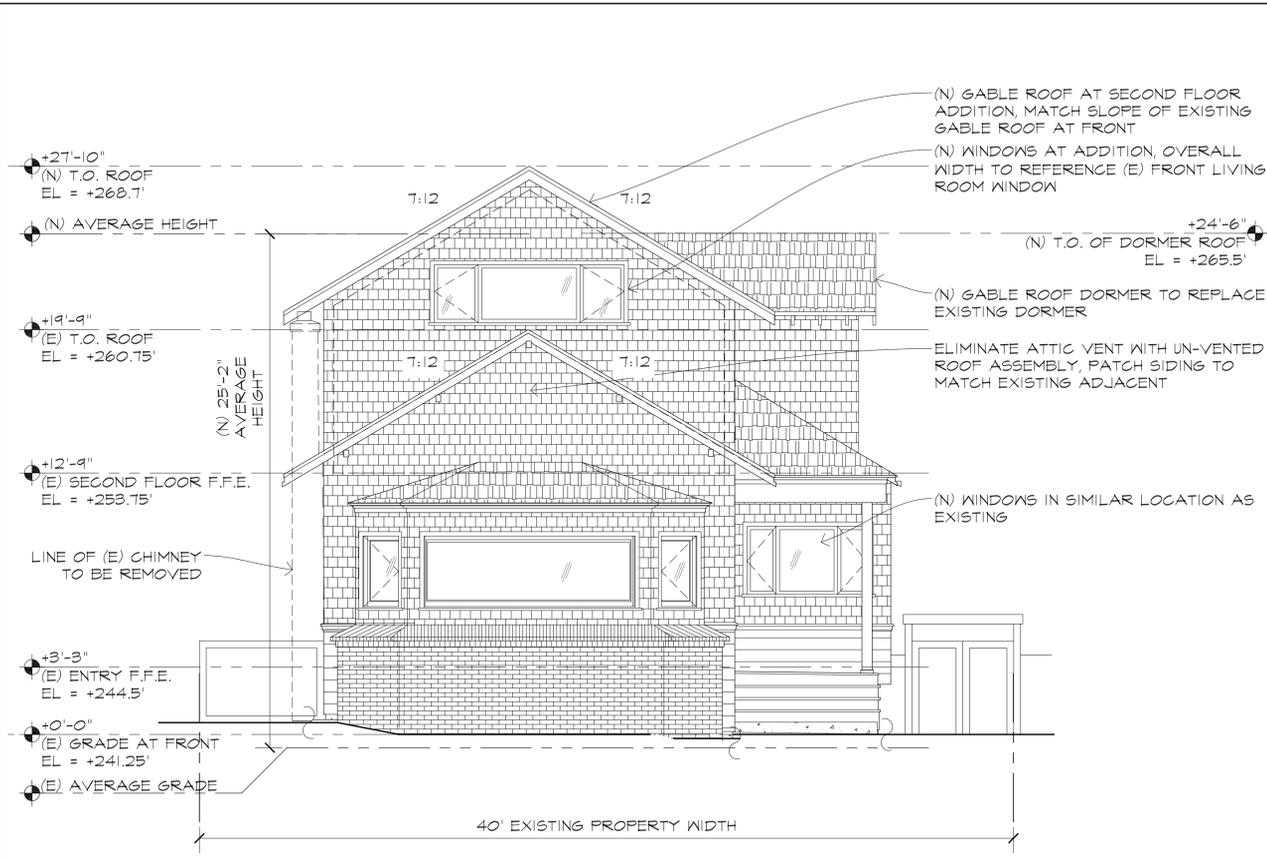
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DRAWING
 EXISTING & PROPOSED EXTERIOR ELEVATIONS

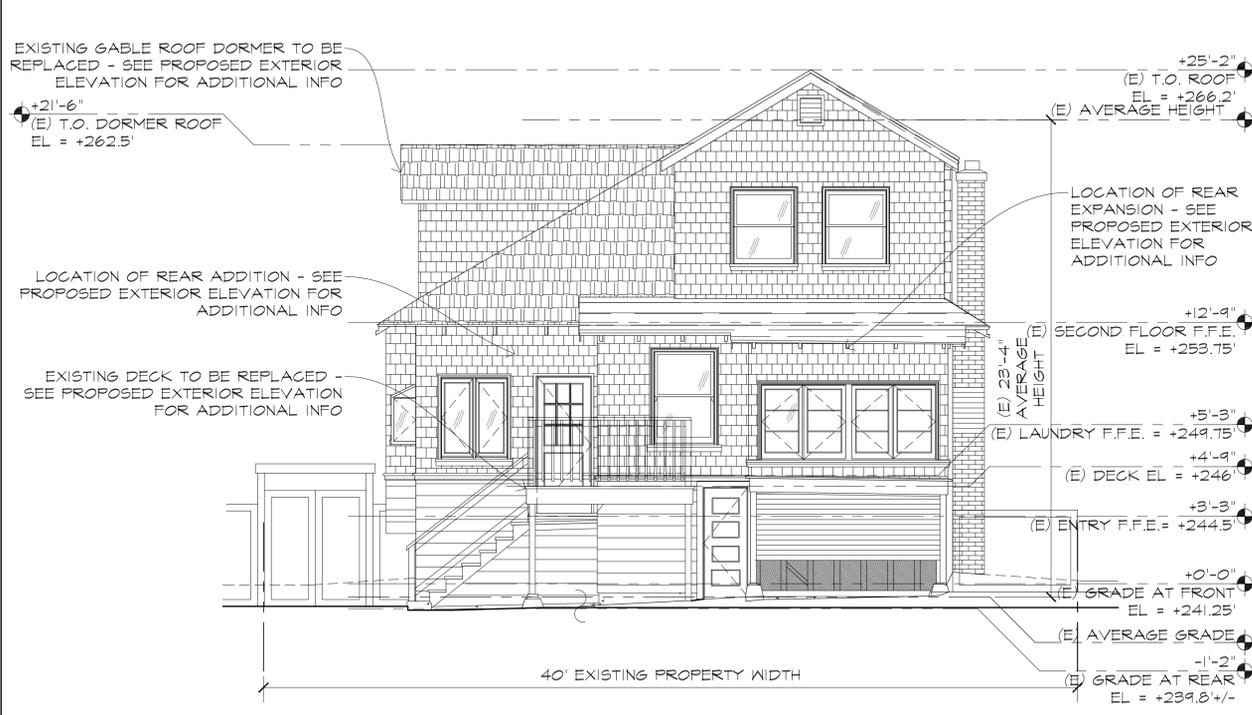
SHEET
A3.1



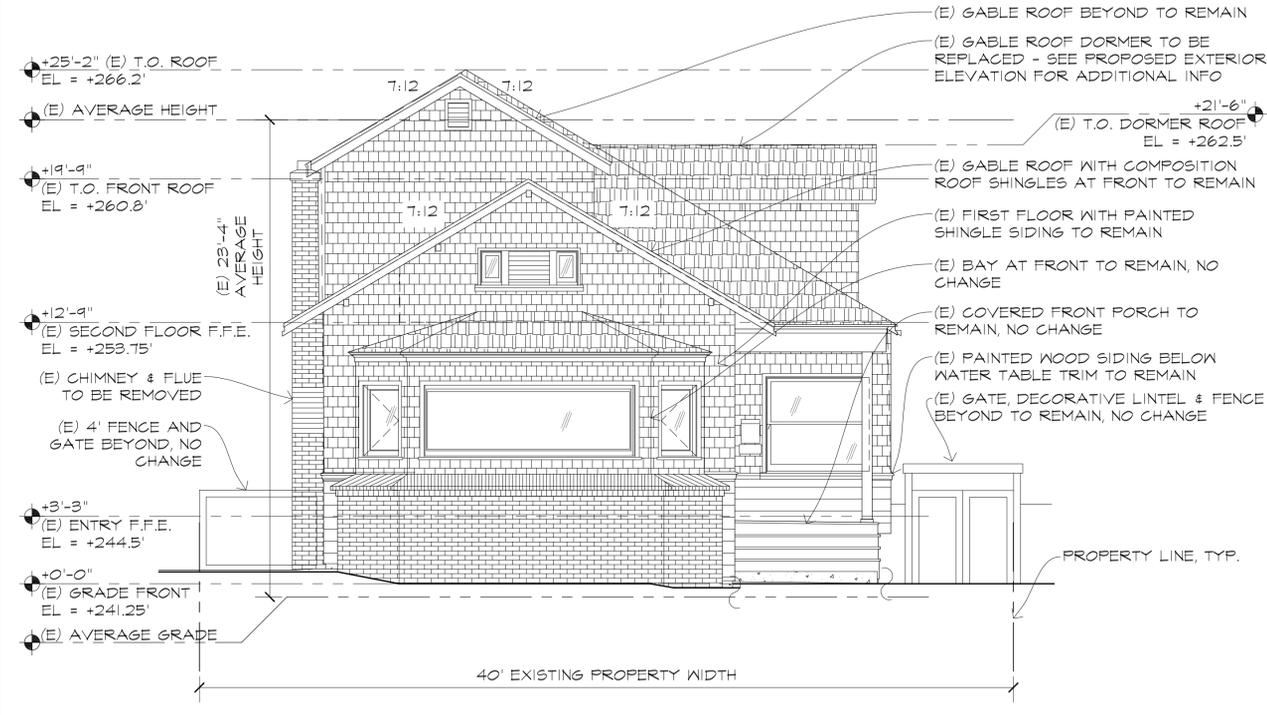
4 PROPOSED REAR (SOUTH) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"



2 PROPOSED FRONT (NORTH) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"



3 EXISTING REAR (SOUTH) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"



1 EXISTING FRONT (NORTH) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

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DRAWING
EXISTING & PROPOSED EXTERIOR ELEVATIONS

SHEET
A3.2



2 PROPOSED SIDE (WEST) EXTERIOR ELEVATION

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



1 EXISTING SIDE (WEST) EXTERIOR ELEVATION

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



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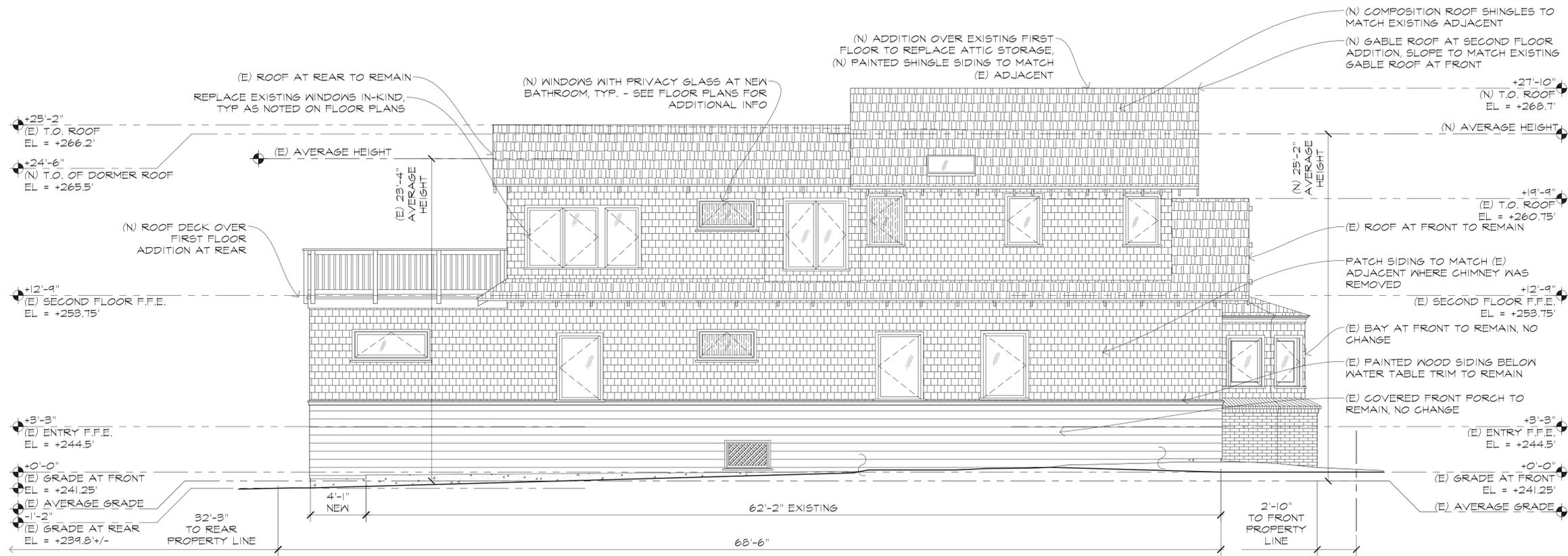
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DRAWING
 EXISTING &
 PROPOSED
 EXTERIOR
 ELEVATIONS

SHEET
A3.3



2 PROPOSED SIDE (EAST) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"



1 EXISTING SIDE (EAST) EXTERIOR ELEVATION
 SCALE: 1/4" = 1'-0"

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

NOTICE OF PUBLIC HEARING

2738 Prince Street

Use Permit #ZP2024-0001 to construct an approximately 650 square-foot major residential addition on the second-floor of an existing single-family dwelling, approximately 25 feet in average building height, and the creation of two new bedrooms (a total of six).

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, September 12, 2024, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zo om).

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:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Subsection 23.202.030(B), for the creation of three new bedrooms, six bedrooms total, in the R-2 district.
- Administrative Use Permit pursuant to BMC Subsection 23.202.030(A)(1)(a)(ii) to permit a major residential addition over 600 square feet.
- Administrative Use Permit pursuant to BMC Subsection 23.202.080(D), to permit a residential addition over 14 feet up to 28 feet in average height.
- Administrative Use Permit, pursuant to BMC Subsection 23.324.050(D), to permit an expansion and alteration into the nonconforming front setback.

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

D. Parties Involved:

- Applicant Donna Roberts (DGR Architecture) – 1609 Leimert Boulevard, Oakland, CA 94602
- Property Owner Reuben Arnold and Megan Gamache – 2738 Prince Street, Berkeley, CA 94705

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.

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.