



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

2708 Prince Street

Use Permit #ZP2024-0024 to demolish an existing 13 foot 9-inch-tall one-story 1,052 square-foot house and accessory building (garage), and construct a new 24 foot 4-inch-tall two-story 3,118 square-foot duplex.

I. Background

A. Land Use Designations:

- General Plan: MDR– Medium Density Residential
- Zoning District: R2-A– Restricted Multiple-Family Residential

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish a dwelling unit
- Use Permit pursuant to BMC Section 23.202.020(A) to construct a two-family dwelling

C. CEQA Recommendation:

It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to CEQA Guidelines Section 15303 ("New Construction").

D. Parties Involved:

- Applicant: Jeff Svitak, 3037 Redwood Street, San Diego
- Property Owner: Linda Joseph, 2700 Prince Street, Berkeley

Figure 1: Vicinity and Zoning Districts Map



Legend

-  Site Boundary
- R-1: Single-Family Residential
- R-2: Restricted Two-Family Residential
- R-2A: Restricted Multiple-Family Residential



Figure 2: Site Plan

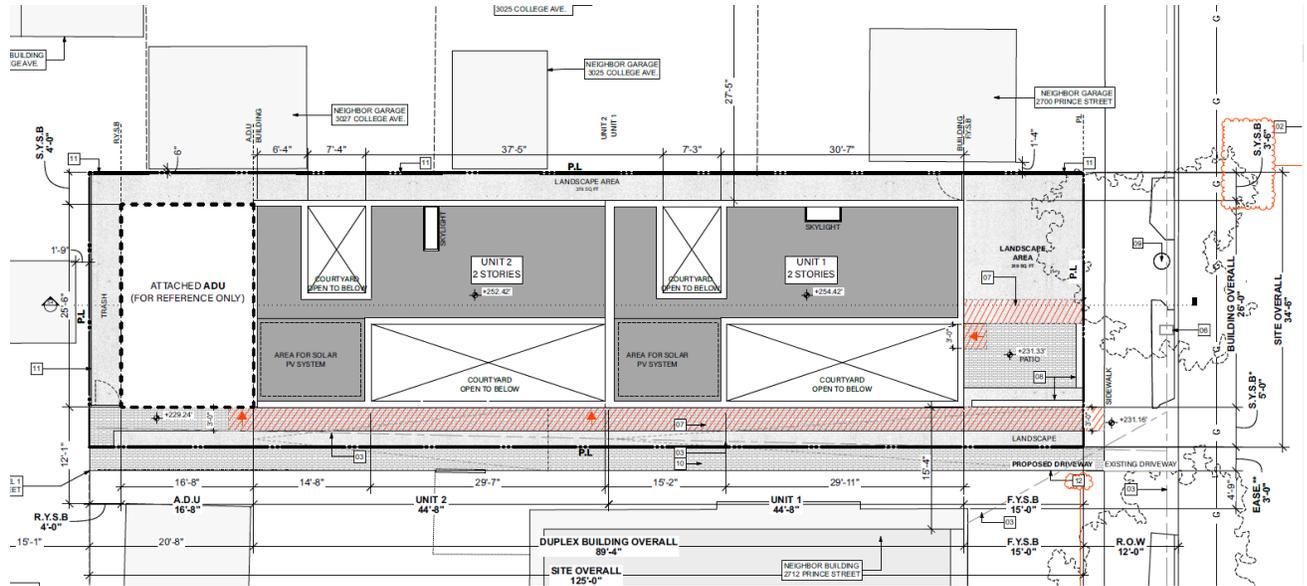


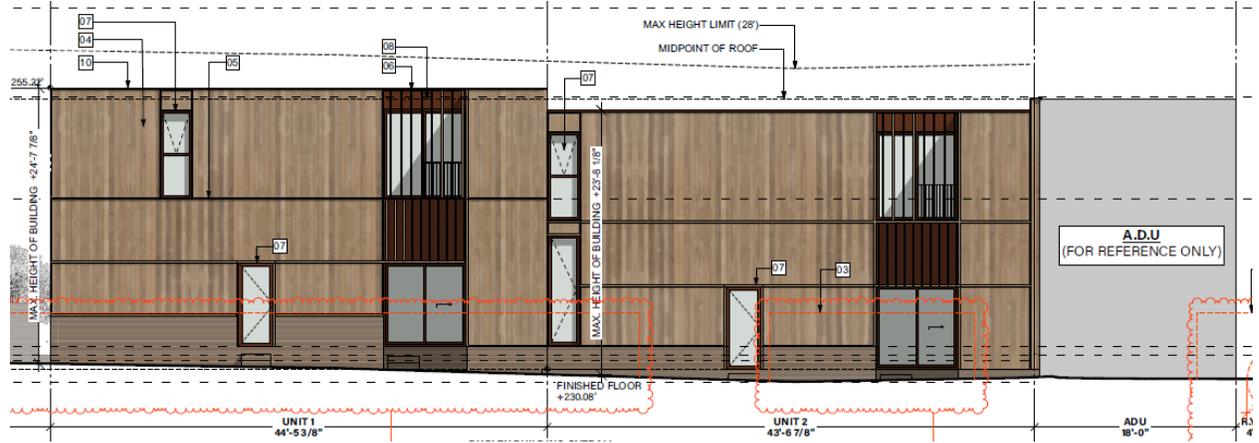
Figure 3: North Elevation (Prince Street)



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Figure 4: West Elevation



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Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single-family dwelling	R-2A	Medium Density Residential
	North			
Surrounding Properties	South	Multi-family (4 units)	R-2 (Restricted Two-Family Residential)	Low Medium Density Residential
	East	Single-family dwelling		
	West	Two single-family dwellings, two multi-family buildings (4 units each)	R-2A	Medium Density Residential

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 a housing development project, as defined in BMC 23.328.020 ^a . The project would provide 5,000 square feet or less of residential unit floor area and is not part of a larger housing development project, and is exempt from the inclusionary housing provisions.
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	The Historic Resource Evaluation prepared by Mark Hulbert (October 4, 2023, revised April 12, 2024) concluded that the property does not meet the criteria for the California Register or City of Berkeley Structure of Merit or Landmark.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act does apply, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section

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Characteristic	Applicability	Explanation
		V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^b See Section V.C of this report for additional discussion on the sections of SB 330 that apply to the project.
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. See Section III.B, Replacement of Demolished Units.
Residential Preferred Parking (RPP)	Yes	The site is located in an RPP zone. The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	No	The project site is 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	Yes	The project area is served by the AC Transit lines 6, 7, 51B, and 79. The nearest bus stops are approximately 400 to the south, near the intersection of College Avenue and Woolsey Street, and approximately 0.2 miles to the north, near the intersection of Ashby Avenue and College Avenue.
<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>		

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Table 3: Project Chronology

Date	Action
February 16, 2024	Use Permit Application submitted
March 7, 2024	Application deemed complete
August 29, 2024	Public hearing notices mailed/posted
September 12, 2024	ZAB hearing

**Table 4: R-2A Development Standards BMC Sections 23.202.090 and 23.322
Parking and Loading**

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		4,312	No change	5,000 min
Gross Floor Area (sq. ft.)		1,052	3,118	N/A
Dwelling Units	Total	1	2	2 max (one dwelling unit/1,650 square-feet of lot area, and one additional dwelling unit is allowed for remaining lot area between 1,300 and 1,650 square feet)
Building Height (ft. - in.)	Average	13'-9"	24'-4"	max
	Stories	1	2	3 max
Building Setbacks (ft. - in.)	Front (Prince Street)	16'-7"	15'	15' min
	Rear	54'-11"	22'	15' min
	Left Side	7'	5'	3.45' min (10 percent of the lot width per BMC Section 23.304.030(B)(2))
	Right Side	3'-1"	3'-6"	3.45' min (10 percent of the lot width per BMC Section 23.304.030(B)(2))
Lot Coverage (%)		24	40	40 max
Usable Open Space (sq. ft.)		2,139	645	600 min (300/dwelling)
Parking	Automobile	1	0	1 max, 0 required
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				

II. Project Setting

A. Neighborhood/Area Description:

The subject site is located on the south side of Prince Street, between College Avenue and Claremont Avenue. The proposed project is in a residential neighborhood that primarily consists of one- and two-story residential properties, which include single-family, duplexes, and multi-family dwellings. A church is located across the street.

B. Site Conditions:

The 4,312-square-foot lot is generally rectangular-shaped and oriented north to south, with frontage on Prince Street. The project site is relatively flat and is developed with a one-story residential building and a garage. An easement along the left side of the property provides shared 8-foot wide vehicular access to the site and the adjacent flag lot at 2710 Prince Street, with a 5-foot easement on the subject site and a 3-foot easement on the flag lot 2710 Prince Street.

III. Project Description

A. Proposed Project Details: The proposed project would demolish the existing dwelling and garage, and construct a two-story duplex. Each three-bedroom dwelling would be approximately 1,500 square feet in area. Approximately 400 square feet of shared useable open space would be located in the front setback, and each dwelling would have 145 square feet of private useable open space in patios adjacent to each dwelling. Additional landscaping spaces would be located at the ground level between the walls of the living area, and would be open to the sky. Since those landscaping spaces would not meet the minimum dimensions for useable open space they would not count toward useable open space. An ADU would be attached at the rear of the duplex, and is shown only for reference since it is not subject to discretionary review.

B. Replacement of Demolished Units:

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

The existing unit is not considered a “protected” unit as defined in Section 66300(d) because it was not rent-controlled or designated as affordable or occupied by lower income households, within the last five years. The dwelling unit proposed to be demolished is vacant, and is not subject to tenant relocation provisions.

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 February 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 has received letters in opposition to the project from two parties. The rear yard of the neighbor at 3025 College Avenue is next to the proposed duplex, and they are concerned about light and air, and density impacts, and have asked the applicant to reduce the massing of the project, or break up the wall on the west elevation with architectural screens, as was done on the east elevation. The rear yard of the neighbor at 3027 College Avenue is close to the proposed ADU, and they are concerned about the ADU setbacks and the density of the project. The neighbor at 3025 College Avenue also requested a later hearing date because they would be unable to attend in person. Because the proposal is a housing development project that complies with the Housing Accountability Act, staff did not delay the hearing. Staff provided information on how to join the ZAB hearing remotely. See Attachment 4 for all correspondence.

On August 9, 2024, staff visited the home of the neighbor at 3025 College Avenue to view the existing conditions. The neighbor shared their concerns about the massing of the proposed project, the loss of light to their patio, and the impacts to the existing trees.

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 a commercial or manufacturing district, and does not involve the demolition of a nonresidential building, respectively.

V. Issues and Analysis

A. CEQA Approach and Recommendation

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

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- The project site is currently characterized as developed by the California Natural Diversity Database;¹ therefore, it is not located in an environmentally sensitive area;
- The cumulative impact of successive projects of the same type in the same place, over time would not be significant;
- There are no “unusual circumstances” at the project site that would result in significant environmental effects;
- There are no eligible or designated scenic highways within the City of Berkeley;² therefore, the project site is not in view of a state scenic highway;
- The site is not included on a list compiled pursuant to Government Code Section 65962.5;³ and
- The project would not result in a substantial adverse change in the significance of a historical resource.

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

B. Housing Accountability Act Analysis:

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

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

The project is a “housing development project” consisting of all residential uses. As shown in Table 4 above, the project complies with the zoning standards. The ZAB has the discretion to approve, deny, or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

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

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

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

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

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

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

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

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

The September 12, 2024 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

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

As discussed in an historic resource evaluation prepared for the project on October 4, 2023, and revised April 12, 2024, the property does not appear to be historically significant, and therefore is not eligible for listing on the California Register of Historical Resources, or as a City of Berkeley Landmark or Structure of Merit.

3. Government Code Section 65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA. Should ZAB determine the application is categorically exempt from CEQA at the September 12, 2024 public hearing, the application must be approved or disapproved by November 11, 2024.

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D. Elimination of Dwelling Units through Demolition:

1. BMC Section 23.326.020(B) allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project would replace one dwelling unit with two dwelling units. The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.020(B) would be met. The project would also provide housing in proximity to regional transit, bicycle facilities, retail, and services, therefore reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts. The proposed project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.
2. The project is compliant with all provisions of Government Code Section 66300(d) for the demolition and replacement of residential units.
3. BMC Section 23.326.030(B) allows the ZAB to approve the demolition of a single dwelling unit provided that the building was not removed from the rental market under the Ellis Act during the proceeding five years and there have been no verified cases of harassment, or threatened or actual eviction during the immediately preceding three years. Rent Stabilization Board staff reviewed the property records and determined that the existing units have not been removed from the rental market under the Ellis Act at any time during the preceding five years, and there is no record of any verified cases of harassment or threatened or actual illegal eviction. (Attachment 5)
4. The dwelling proposed to be demolished is vacant, and is not subject to tenant relocation provisions pursuant to BMC Chapter 23.326.

VI. Other Considerations (Zoning and Land Use Considerations)

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because the proposed project is HAA-compliant. See section V.B for discussion of the HAA. All permits are subject to the General Non-Detriment findings discussed in section VI.B.

A. District Purpose:

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

B. General Non-Detriment Finding:

BMC Section 23.406.040(E) states that before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

1. Shadows: The applicant submitted shadow studies 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:

- 3025 College Avenue, west of the project site, casting new shadows on the summer solstice two hours after sunrise.
- 2712 Prince Street, east of the project site, casting new shadows on the summer solstice two hours before sunset.
- 2700 Prince Street and 3025 College Avenue, west of the project site, casting new shadows on the winter solstice two hours after sunrise.
- 2712 Prince Street, east of the project site, casting new shadows on the winter solstice two hours before sunset.

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

2. Air: The proposed project would be consistent with the existing development and building-to-building separation pattern, or air, in this R-2A District neighborhood. Because the project would meet the required setbacks, the project would not unreasonably obstruct air.

3. Views: The view corridor as defined in BMC Section 23.502.020 (Glossary) includes views of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the campanile, Golden Gate Bridge, or any other views that substantially enhances the value and enjoyment of real property. The project's proposed location is in a generally flat neighborhood, developed with one- to two-story buildings, and includes some mature vegetation that obscures these views from off-street angles. Because significant views are generally not available in this neighborhood due to grade, current development patterns, and mature vegetation, the proposed project would not create detrimental impacts to views.

4. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

C. General Plan Consistency:

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

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. **Policy LU-7 Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. **Policy UD-16 Context:** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. **Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
5. **Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.
7. **Policy EM-5 "Green" Buildings:** Promote and encourage compliance with "green" building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
8. **Policy UD-33 Sustainable Design:** Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed replacement of one single-family dwelling with a duplex would be consistent with neighboring land uses. The proposed size and design would be compatible with the existing scale and design characteristics of the neighborhood, and would be consistent with zoning requirements. Since the project is consistent with

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zoning requirements, shadow impacts would not be detrimental. By adding two dwellings, the project would support regional housing needs. The project would be subject to standard conditions of approval that promote sustainable building design, including solar PV systems.

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 15303 of the CEQA Guidelines ("New Construction"); and
2. **APPROVE** Use Permit ZP2024-0024 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 August 26, 2024
3. Notice of Public Hearing
4. Correspondence Received
5. Email from Rent Stabilization Board staff, dated August 1, 2024

Staff Planner: Allison Riemer, ariemer@berkeleyca.gov, (510) 981-7433

ATTACHMENT 1

FINDINGS AND CONDITIONS

SEPTEMBER 12, 2024

2708 Prince Street

Use Permit #ZP2024-0024 to demolish an existing 13 foot 9-inch-tall one-story 1,052 square-foot house and accessory building (garage), and construct a new 24 foot 4-inch-tall two-story 3,118 square-foot duplex.

ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish a dwelling unit
- Use Permit pursuant to BMC Section 23.202.020(A) to construct a two-family dwelling

I. CEQA FINDINGS

- A.** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction”).
- B.** Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A.** The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B.** The project includes construction of two dwelling units. Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. FINDINGS FOR APPROVAL

- A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
1. The proposed project is consistent with the purpose of the R-2A District because the proposed project will help maintain the medium-density residential concentration of the existing neighborhood through the development of a duplex on a single lot. The proposed project will provide usable open space beyond the 300-square-foot minimum per dwelling unit required in the R-2A District, and will not conflict with any of the principles of the district purpose.
 2. The proposed duplex will have an average height of 24-feet 4-inches, and will be below the 28-foot average height allowed in the R-2A District. Though the project will create new shadow impacts to abutting lots, the impacts will be minimal as they are limited to certain times of the day and not outside of what is expected in a built urban environment.
 3. The proposed project will meet the required setbacks, and therefore the project will not unreasonably obstruct air.
 4. Due to grade, current development patterns, and mature vegetation, views as defined in BMC Section 23.502.020, are generally not available in this neighborhood. As a result, the proposed project will not create detrimental impacts to views.
 5. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

IV. OTHER FINDINGS FOR APPROVAL

- A. As required by BMC 23.326.020(B), the elimination or demolition of a dwelling unit will not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project will replace one demolished dwelling unit with two dwelling units. The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target.
- C. Pursuant to BMC Section 23.326.030(B), the elimination or demolition of a single dwelling unit is permissible because the existing unit has not been removed from the rental market under the Ellis Act at any time during the preceding five years, or there is no record of any verified cases of harassment or threatened or actual illegal eviction.

V. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

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

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

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

- 7. Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
- 8. Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
- 9. Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

VI. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

Project Liaison _____

Name	Phone #
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11. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned in accordance with BMC 16.28.030, and, except for new buildings on vacant lots, entered into the City's database after the building permit is issued but prior to final inspection.

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

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

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

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

A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527). A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](#)

B. Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.

C. Environmental Site Clearance. The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.

D. Soil and Groundwater Management Plan. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

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

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

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

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

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.

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

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

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

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

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

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

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

Prior to Issuance of Any Building (Construction) Permit

- 15. 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.
- 16. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 17. 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 at recyclingprogram@berkeleyca.gov.
- 18. 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:

- 19. 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:

- 20. 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.
- 21. 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.

22. 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.

- 23. 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.
- 24. 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.)
- 25. 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.
- 26. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 27. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 28. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

- 29. 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.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. 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.

- 36. 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.
- 37. 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:

- 38. 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.
- 39.** All landscape, site and architectural improvements shall be completed per the attached approved drawings received August 26, 2024.

At All Times:

- 40. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 41. 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.
- 42. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
- 43. 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.
- 44. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 45. 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.
- 46. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.

EXTERIOR RENDERING (FOR REFERENCE ONLY)



EXISTING BUILDING

PROPOSED BUILDING



VICINITY MAP (NOT TO SCALE)



DEVELOPMENT SUMMARY

PROJECT NAME:	PRINCE ROW HOUSES
PROJECT ADDRESS:	2708 PRINCE ST BERKELEY CA 94705
APN:	538-250-10-00
LOT AREA:	4,312 SF
DETAILED SCOPE OF WORK:	- DEMOLITION OF EXISTING ONE STORY HOUSE AND GARAGE. - NEW CONSTRUCTION OF DUPLEX BUILDING WITH TWO-DWELLING UNITS (2 STORIES, 24'-4" FT. AVERAGE HEIGHT) - NEW CONSTRUCTION OF ATTACHED A.D.U (3 STORIES, 25' HEIGHT)
ZONING DATA:	R-2A (MEDIUM DENSITY RESIDENTIAL)
EXISTING USE TYPE:	RESIDENTIAL
PROPOSED USE TYPE:	RESIDENTIAL
BUILDING CODE CONSTRUCTION TYPE:	TYPE V-B
GOVERNING CODES:	2024 CALIFORNIA STANDARDS BUILDING CODE BERKELEY MUNICIPAL CODE (BMC)
REQUIRED DISCRETIONARY PERMITS:	A.U.P

ZONING CODE DATA

ZONE R-2A	EXISTING	REQUIRED/ALLOWED	PROPOSED
NUMBER OF DWELLINGS	1	n/a	2 + 1
PARKING	1	n/a	0
BIKE PARKING [1]	0	n/a	0
FRONT YARD SETBACK (F.Y.S.B) (FT)	15'	15'	15'
SIDE YARD SETBACK (S.Y.S.B) (FT)	3.1'	DUPLEX BUILDING	3.45' [2]
		ADU	4'
SIDE YARD SETBACK (EASEMENT) (FT)	7.1'	DUPLEX BUILDING	4'
		ADU	5'
REAR YARD SETBACK (FT) [2]	55'	DUPLEX BUILDING	15'
		ADU	20'-8"
AVERAGE BUILDING HEIGHT (FT)	14'	DUPLEX BUILDING	28' [3]
		ADU	25'
BUILDING STORIES	1	DUPLEX BUILDING	3
		ADU	n/a
LOT AREA (SF)			4,312
GROSS FLOOR AREA (SF)	1,052	DUPLEX BUILDING	n/a
		ADU	850 sf. max. for Studio or 1B and 1,000 sf. for 2+ bedrooms [4]
		TOTAL	3,880
GARAGE AREA (SF) [5]	237	n/a	0
BUILDING FOOTPRINT (SF)	1,309	DUPLEX BUILDING	n/a
		ADU	n/a
		TOTAL	2,173
LOT COVERAGE (SF) [6]	24%	DUPLEX BUILDING	40% max (2 stories)
		ADU	n/a
		TOTAL	40%
F.A.R	0.2	DUPLEX BUILDING	n/a
		ADU	n/a
LANDSCAPE AREAS (SF)	2,139	n/a	1,403
USABLE OPEN SPACE (SF)	2,139	DUPLEX BUILDING	min 600 SF
		ADU	n/a
IMPERVIOUS SURFACE		DUPLEX BUILDING	n/a
		ADU	n/a
		TOTAL	2,173

- [1] Dwelling Units (fewer than four) and Accessory Dwelling Units - No Spaces Required. Per BMC - Bicycle Plan, Appendix F
- [2] Rear and Side Setback Reductions allowed on district R-2A and on a lot with two or more main buildings with dwelling units. AUP permit required. Per BMC 23.304.030, Table 23.304-1
- Side setback (S.Y.S.B): 1st and 2nd stories = 10% of lot width (34'-6" x .1 = 3.45') or 3 ft. Whichever is greater.
- Side setback (Easement): (1998-273924, PARCEL 3) 5' WIDE EASEMENT (3016 DEEDS 126) per Survey Plan
- [3] Maximum 35 ft. with AUP. Per BMC 23.202.090, Table 23.202-8
- [4] Per BMC 23.306.030
- [5] Garage area not counted towards Gross Floor area Per BMC 23F.04.
- [6] Per BMC 23.202.080

SHEET INDEX

SHEET NO. & TITLE	DATE	SUBMISSION			
		Z.P.A SUBMITTAL	Z.P.A RE-SUBMITTAL	Z.P.A RE-SUBMITTAL	ZAB MEETING
G GENERAL					
G01 COVER SHEET	02.16.24	●	●	●	●
G02 RENDERINGS (FOR REFERENCE ONLY)	04.20.24	○	○	○	○
A ARCHITECTURE					
A100 ARCHITECTURAL SITE PLAN	02.16.24	●	●	○	●
A100.1 COMMUNITY OUTREACH	04.20.24	●	●	○	●
A101 LANDSCAPE AND USABLE OPEN SPACE PLAN	05.17.24	●	●	○	●
A102 LOT COVERAGE DIAGRAM AND CALCULATIONS	09.12.24	●	●	○	●
A103 FLOOR PLANS		●	●	○	●
A104 EXISTING BUILDING PLANS		●	●	○	●
A105 PROPOSED EXTERIOR ELEVATIONS		●	●	○	●
R RESOURCE					
A106 STREET STRIP ELEVATION		●	○	○	○
R01 SITE SURVEY		●	○	○	○
R02 SITE PHOTOGRAPHS		●	○	○	○
R03 SHADOW STUDY		●	○	○	○
R04 SHADOW STUDY - NEIGHBORS ELEVATIONS		●	○	○	○
L LANDSCAPE					
L1.0 LANDSCAPE PLAN		●	○	○	○
L1.1 PLANT SCHEDULE		●	○	○	○
L1.2 PLANTING NOTES AND DETAILS		●	○	○	○
L1.3 PLANTING NOTES AND DETAILS		●	○	○	○
L1.4 MWELO CHECKLIST CALCS		●	○	○	○

PROJECT DIRECTORY

OWNER: LINDA JOSEPH 2700 Prince Street Berkeley, CA 94705	ARCHITECT: JEFF SVITAK INC. 3037 Redwood Street San Diego, CA 92013
CONTACT: Linda Joseph PHONE: 415.235.3897 EMAIL: ljoseph97@gmail.com	CONTACT: Tomas Tironi PHONE: 619.372.0779 EMAIL: tomas@jeffsvitak.com
SURVEYOR: BAY AREA LAND SURVEYING, INC. 350 Townsend Street, 839 San Francisco, CA 94107	LANDSCAPE ARCHITECT: COSTELLO KENNEDY 16 De La Guerra Road San Rafael, CA 94903
CONTACT: Keith Bush PHONE: 510.223.5167 EMAIL: info@balsinc.net	CONTACT: Teresa Kennedy PHONE: 415.686.0423 EMAIL: kennedypartyof5@gmail.com

SYMBOL LEGEND

±100.00'	FLOOR / STORY LEVEL	A	GRID LINE
▬	STEP	1	ELEVATION / SECTION MARKER
101	UNIT NUMBER	A100	INTERIOR ELEVATION MARKER
W-1	WALL TAG	1	DETAIL CLOUD
W-1	WINDOW TAG	1	DETAIL SECTION
D-1	DOOR TAG	1	REVISION CLOUD
F-1	FLOOR TAG	1'-0"	PROPERTY LINE
F-1, F-1	FINISH TRANSITION		
K01	KEYNOTE		
UP	RISE (STAIRS)		
DN	DOWN (STAIRS)		
1'-0"	DIMENSION		

Jeff Svitak Inc.

3037 Redwood St.
San Diego, CA 92104
www.jeffsvitak.com

SEAL



NOT FOR CONSTRUCTION

PRINCE

2708 PRINCE ST
BERKELEY CA 94705
APN: 052-1563-036

ISSUED FOR:	DATE:
Z.P.A SUBMITTAL	02.16.2024
Z.P.A RE-SUBMITTAL	04.20.2024
Z.P.A RE-SUBMITTAL	05.17.2024
ZAB MEETING	09.12.2024

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G01
COVER SHEET

SHEET # 1 OF 21



FRONT FACADE LOOKING FROM PRINCE ST



SIDE FACADE LOOKING FROM ALLEY / EASEMENT

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ENTRY COURT



LIVING ROOM AND ENTRY COURT



A.D.U LIVING ROOM

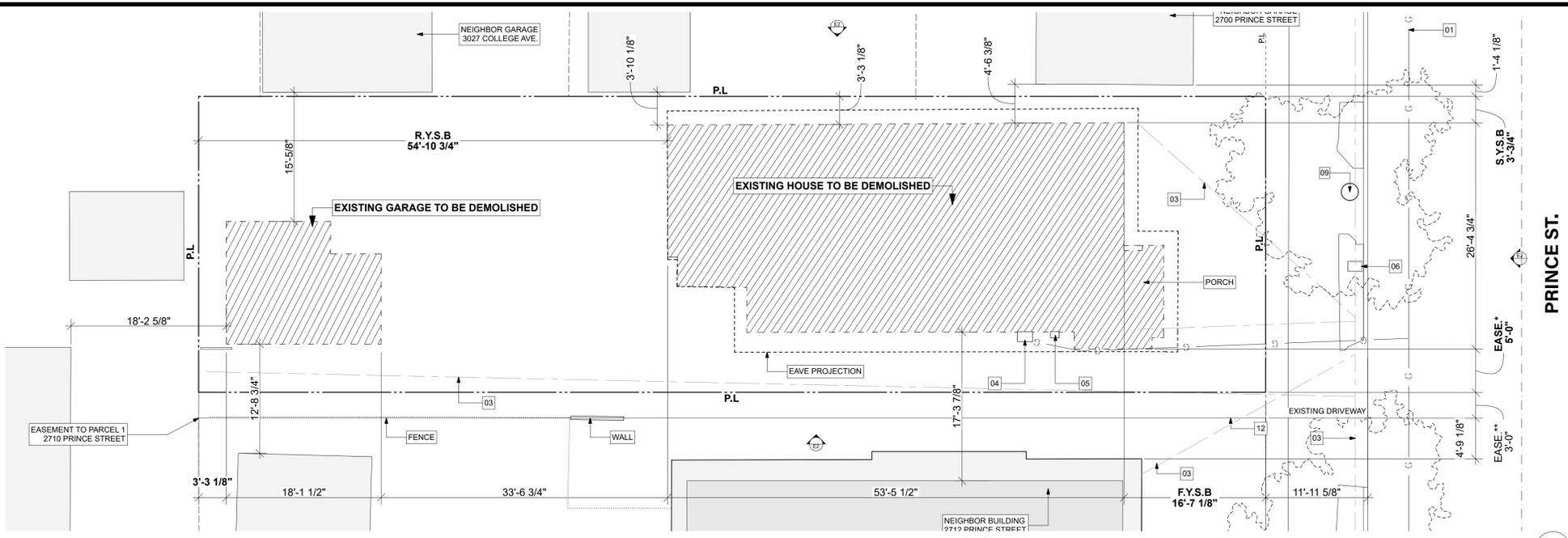


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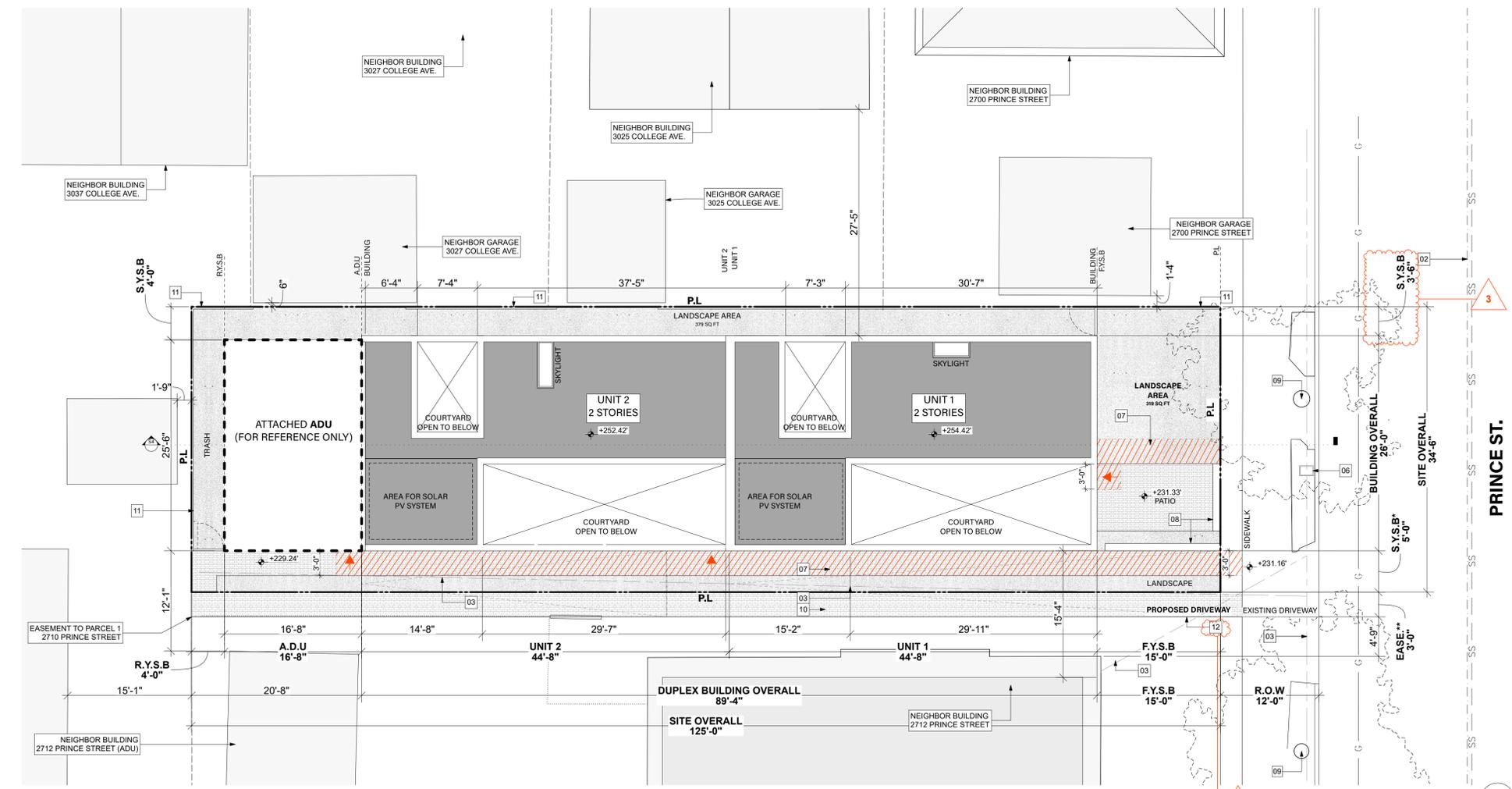
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G02
 RENDERINGS
 (FOR REFERENCE
 ONLY)

SHEET # 2 OF 21



1 EXISTING SITE PLAN
SCALE: 1/8" = 1'-0"



2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"

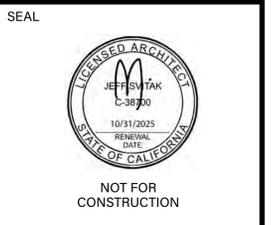
- SITE PLAN GENERAL NOTES:**
- PARKING SPACE SHOWN IN GROUND FLOOR PLAN (SHEET N. A101).
 - TRASH/SOLID WASTE STORAGE AREA SHOWN IN FLOOR GROUND FLOOR PLAN (SHEET N. A101).
 - EASEMENT* = (1998-273924, PARCEL 3) 5' WIDE EASEMENT (2016 DEEDS 126) EASEMENT** = 3' WIDE EASEMENT (2002-273924, PARCEL 2) CARLO (1998-273924, PARCEL 2)
 - BICYCLE PARKING NOT REQUIRED, PER BMC BICYCLE PLAN, APPENDIX F

- ARCHITECTURAL SITE PLAN KEYNOTES:**
- GAS LINE UNDERGROUND (PER SURVEY PLANS)
 - SEWER LINE UNDERGROUND (PER SURVEY PLANS)
 - OVERHEAD WIRE (PER SURVEY PLANS)
 - GAS METER (PER SURVEY PLANS)
 - ELECTRIC METER (PER SURVEY PLANS)
 - WATER METER
 - PATHWAY(S) FROM RESIDENTIAL UNITS TO PUBLIC R.O.W
 - FENCE - BRICK WALL (5 FT. HEIGHT)
 - EXISTING TREE (TO REMAIN) - CHINAR TREE, 24" T; 12" DRIP LINE
 - NEW DRIVEWAY - BRICK PAVERS
 - FENCE - WOODEN PAINTED BOARDS (6 FT. HEIGHT)
 - PROPOSED DRIVEWAY TO PROVIDE ACCESS TO 2710 PRINCE STREET

- ABBREVIATIONS:**
- P.L. PROPERTY LINE
 - S.Y.S.B. SIDE YARD SETBACK
 - F.Y.S.B. FRONT YARD SETBACK
 - R.Y.S.B. REAR YARD SETBACK
 - EASE. EASEMENT
 - R.O.W. RIGHT OF WAY

- LEGEND:**
- PROPERTY LINE
 - ROOF
 - ROOF CAP
 - BRICK PAVER
 - LANDSCAPING
 - PATHWAY(S) FROM RESIDENTIAL STRUCTURES TO PUBLIC R.O.W
 - EXISTING STRUCTURES TO BE DEMOLISHED

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PRINCE

2708 PRINCE ST
BERKELEY CA 94705
APN: 052-1563-036

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ZPA SUBMITTAL	02/16/2024
ZPA RE-SUBMITTAL	04/20/2024
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A100
ARCHITECTURAL
SITE PLAN

I HAVE REVIEWED THE PLANS FOR A DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF TWO 1,524 sq. ft. SINGLE FAMILY HOMES AND ONE 830 sq.ft. ADU, 24' AVERAGE HIGH, AT 2708 PRINCE ST. BERKELEY, CA 94705

NAME (printed)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
SHAYLA SM	[Signature]	2712 PRINCE ST	OWNER	9/8/24	NO	N/A	Come it!
Dorian Morello	[Signature]	2707 PRINCE ST.	OWNER	2/8/24	NO	N/A	Looks Great!
Benjamin Yu	[Signature]	2715 PRINCE ST.	OWNER	2/19/24	NO	N/A	Good!
WINFIELD BLOOM	[Signature]	3037 COLLEGE AVE	OWNER	2/6/24	NO	N/A	—
JOSPH THOMAS	[Signature]	2701 PRINCE	OWNER	2/1/24	NO	N/A	Good
JUNE CARLO	[Signature]	2710 PRINCE	OWNER	2/1/24	NO	N/A	Looks good
David Carlo	[Signature]	2710 PRINCE	OWNER	2/1/24	NO	N/A	Good!
Brendan Byrne	[Signature]	2701 PRINCE #2	RENTER	2/1/24	No objections	N/A	Looks great!
Elizabeth Garcia	[Signature]	2701 PRINCE #1	RENTER	2/1/24	NO	N/A	Looks great!
Rina Lopez	[Signature]	2700 PRINCE	OWNER	2/1/24	NO	N/A	—
Austin Bullock	[Signature]	2701 PRINCE #3	RENTER	2/1/24	NO	N/A	—
Edith Lynn	[Signature]	3027 COLLEGE AVE	OWNER	2/1/24	N/A	BLDG. TAKEN UP. ENTIRE PROPERTY.	—
Shale M or on	[Signature]	3025 COLLEGE AVE	OWNER	2/1/24	N/A	Shading of Plants and back of House	—

I HAVE REVIEWED THE PLANS FOR A DEMOLITION OF EXISTING HOUSE AND CONSTRUCTION OF TWO 1,524 sq. ft. SINGLE FAMILY HOMES AND ONE 830 sq.ft. ADU, 24' AVERAGE HIGH, AT 2708 PRINCE ST. BERKELEY, CA 94705

NAME (printed)	SIGNATURE	ADDRESS	RENTER OR OWNER	DATE	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
Catherine Wright	[Signature]	2712A Prince St Berkeley, CA 94705	Renter	04/10/2024	NO	objections	N/A
WINFIELD BLOOM	[Signature]	3037 College Apt B	Owner	02/19/2024	NO	N/A	NO
		3037 College Apt C	Owner				
		3037 College Apt A	Owner				
Polter H. K...	[Signature]	3037 College B	Renter	12/24	No	NO	NO
Linda M. Joseph	[Signature]	2701 Prince Street #1	Owner	4/12/2024	NO	NO	NO
		2701 Prince Apt 2	Owner				
		Apt 3	Owner				
		Apt 4	Owner				

SITE PLAN GENERAL NOTES:

- A. PARKING SPACE SHOWN IN GROUND FLOOR PLAN (SHEET N. A101).
- B. TRASH/SOLID WASTE STORAGE AREA SHOWN IN FLOOR GROUND FLOOR PLAN (SHEET N. A101).
- C. EASEMENT* = (1998-273924, PARCEL 3) 5' WIDE EASEMENT (3016 DEEDS 126) EASEMENT** = 3' WIDE EASEMENT (2002-273924, PARCEL 2) CARLO (1998-273924, PARCEL 2)
- D. BICYCLE PARKING NOT REQUIRED, PER BMC BICYCLE PLAN, APPENDIX F

KEYNOTES

- 01. GAS LINE UNDERGROUND (PER SURVEY PLANS)
- 02. SEWER LINE UNDERGROUND (PER SURVEY PLANS)
- 03. OVERHEAD WIRE (PER SURVEY PLANS)
- 04. GAS METER (PER SURVEY PLANS)
- 05. ELECTRIC METER (PER SURVEY PLANS)
- 06. WATER METER
- 07. PATHWAY(S) FROM RESIDENTIAL UNITS TO PUBLIC R.O.W
- 08. FENCE - BRICK WALL (5 FT. HEIGHT)
- 09. EXISTING TREE (TO REMAIN) - CHINAR TREE, 24" T; 12" DRIP LINE
- 10. NEW DRIVEWAY - BRICK PAVERS
- 11. FENCE - WOODEN PAINTED BOARDS (6 FT. HEIGHT)
- 12. PROPOSED DRIVEWAY TO PROVIDE ACCESS TO 2710 PRINCE STREET

ABBREVIATIONS:

- PL: PROPERTY LINE
- S.Y.S.B: SIDE YARD SETBACK
- F.Y.S.B: FRONT YARD SETBACK
- R.Y.S.B: REAR YARD SETBACK
- EASE: EASEMENT
- R.O.W: RIGHT OF WAY

LEGEND:

- PROPERTY LINE
- ROOF
- ROOF CAP
- BRICK PAVER
- LANDSCAPING
- PATHWAY(S) FROM RESIDENTIAL STRUCTURES TO PUBLIC R.O.W
- EXISTING STRUCTURES TO BE DEMOLISHED

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ZPA RE-SUBMITTAL	05/17/2024
ZAB MEETING	09/12/2024

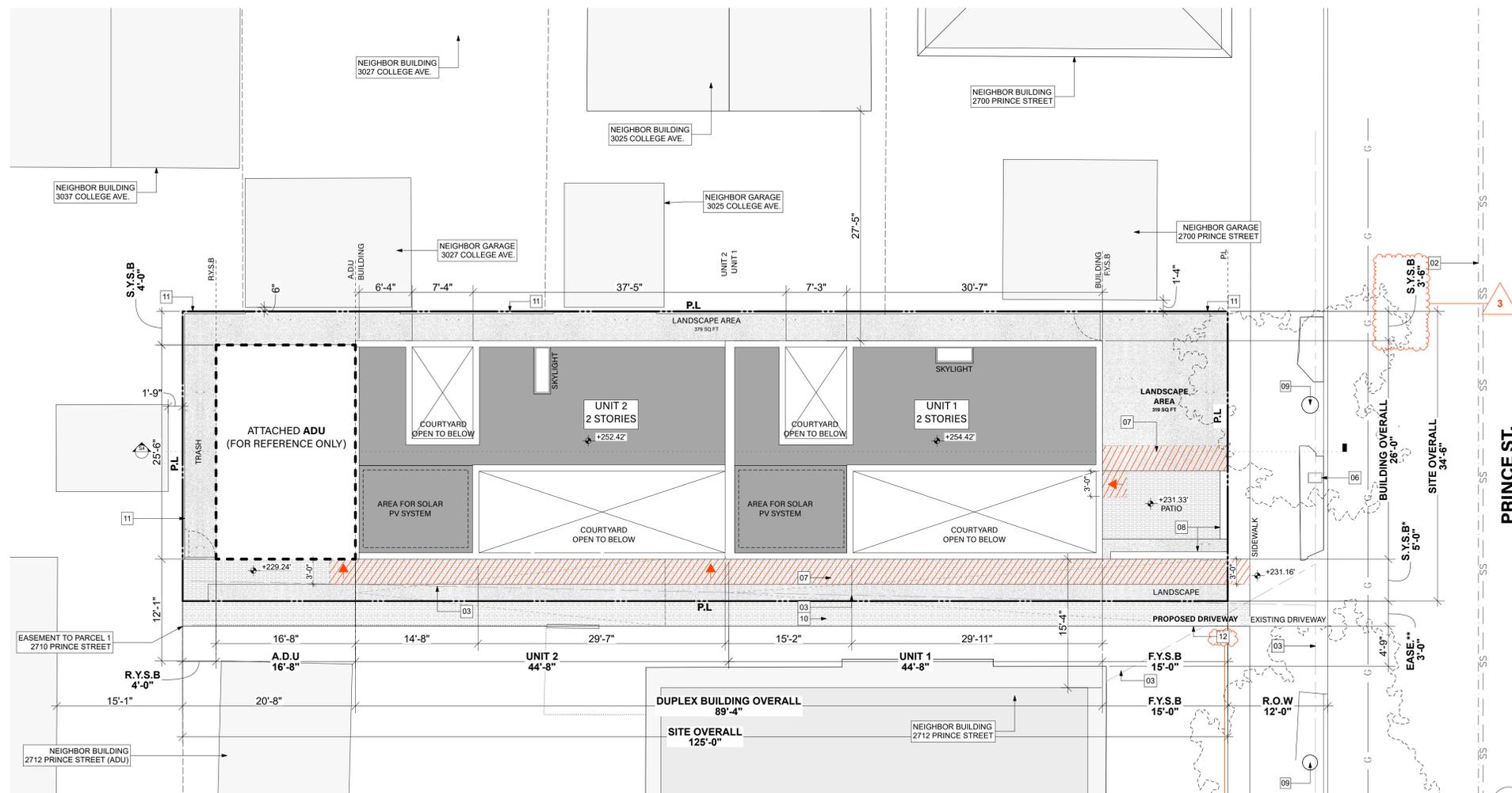
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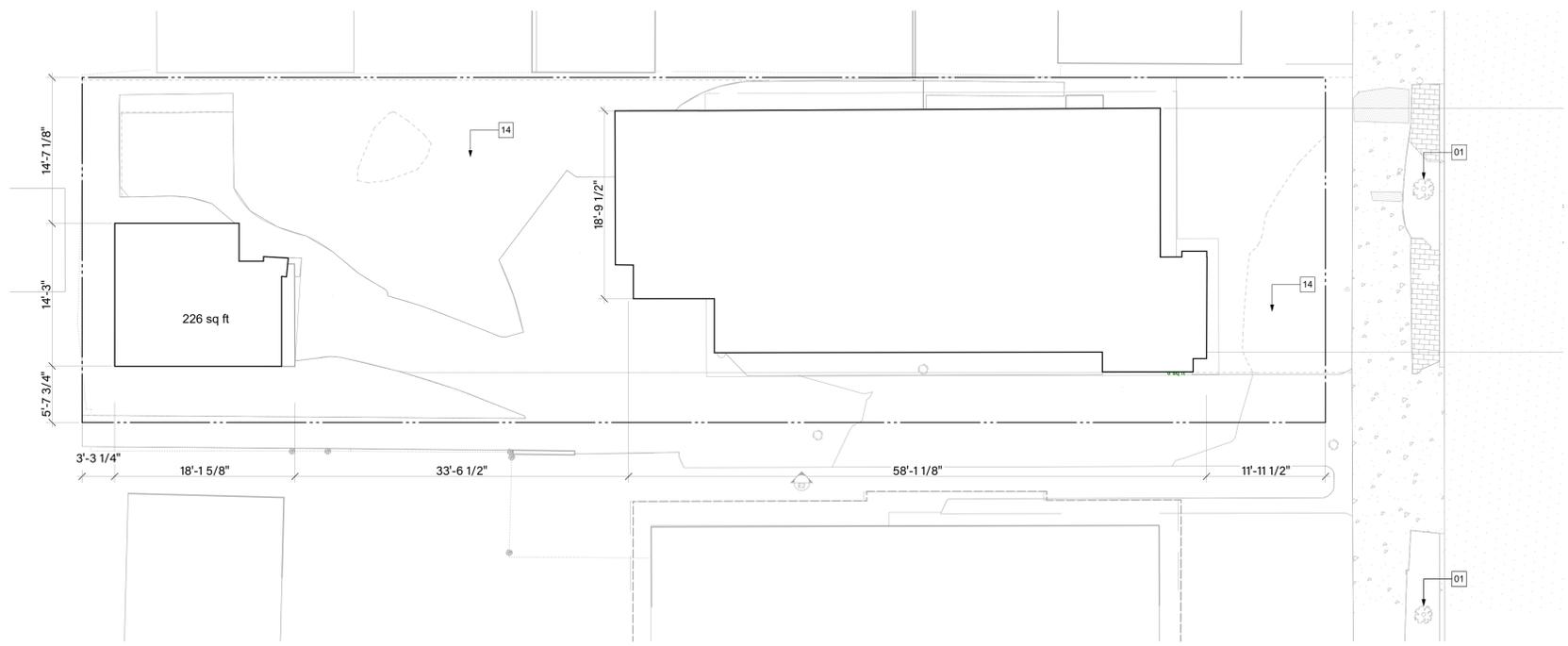
A100.1
COMMUNITY
OUTREACH

SHEET # 4 OF 21

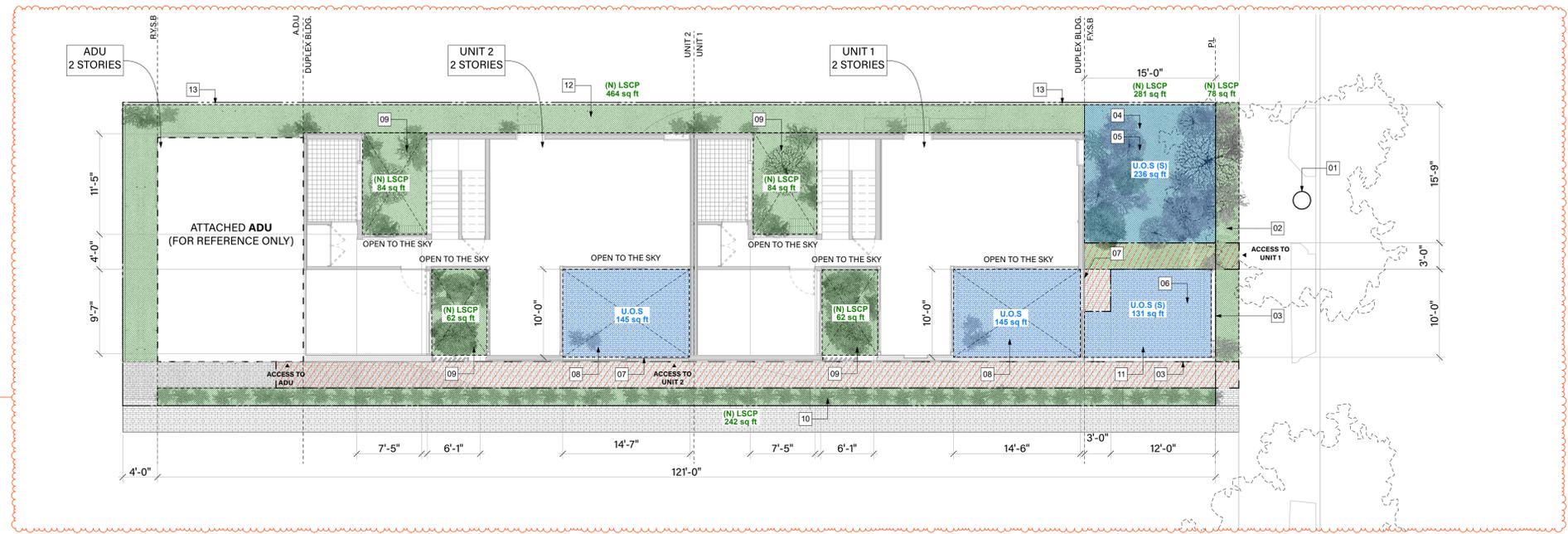
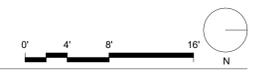
1 COMMUNITY OUTREACH
NOT TO SCALE



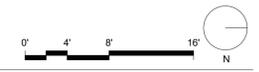
2 PROPOSED SITE PLAN
SCALE: 1/8" = 1'-0"



1 EXISTING LANDSCAPE AND USABLE OPEN SPACE PLAN
SCALE: 1/8" = 1'-0"



2 PROPOSED LANDSCAPE AND USABLE OPEN SPACE PLAN
SCALE: 1/8" = 1'-0"



CALCULATIONS:

	EXISTING (SF)	REQUIRED (SF)	PROPOSED (SF)	NOTES
USABLE OPEN SPACE (SF)	2,139	300	UNIT 1	
			145	private
			184	shared
			329	subtotal
			300	UNIT 2
145	private			
184	shared			
329	subtotal			
			657	total
LANDSCAPED USABLE OPEN SPACE (SF)		253	327	(40% of total)
LANDSCAPED AREAS (SF)	1,571	n/a	1,403	

ALL LANDSCAPE AREAS AND USABLE OPEN SPACE CALCULATIONS PER BMC 23.304.090

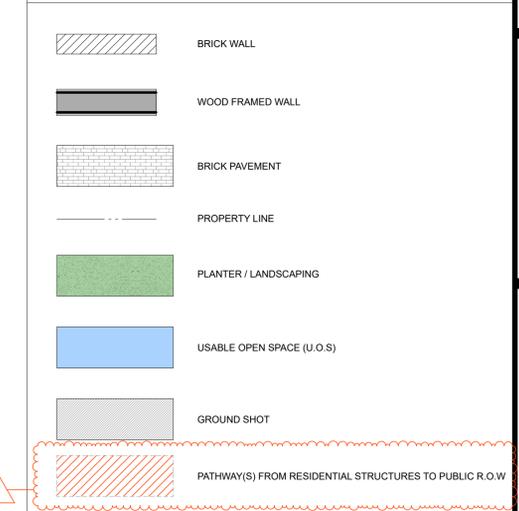
LANDSCAPE AND USABLE OPEN SPACE PLAN KEYNOTES:

- EXISTING TREE (TO REMAIN) - CHINAR TREE, 24" T; 12' DRIP LINE
- NEW LANDSCAPING - UTILITY EASEMENT - MULCH SURFACE
- FENCE - BRICK WALL (5 FT. HEIGHT)
- NEW LANDSCAPING - FRONT YARD - PLANTER + MULCH SURFACES
- (SHARED) USABLE OPEN SPACE - LANDSCAPE (PART OF 40% LANDSCAPING REQ)
- (SHARED) USABLE OPEN SPACE - BRICK PAVEMENT
- SLIDING ENTRY DOOR - WOODEN STUD CURTAIN SYSTEM
- USABLE OPEN SPACE - BRICK PAVEMENT
- NEW LANDSCAPING - PATIOS - PLANTER
- NEW LANDSCAPING - DRIVEWAY - PLANTER
- NEW LANDSCAPING - ENTRY - PLANTER
- NEW LANDSCAPING - SIDE YARD SETBACK - GRAVEL
- FENCE - WOODEN PAINTED BOARDS (6 FT. HEIGHT)
- EXISTING LANDSCAPING - TO BE REMOVED

ABBREVIATIONS:

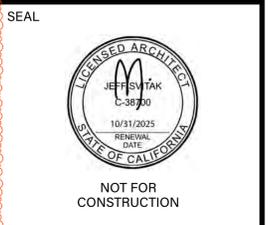
- U.O.S.: USABLE OPEN SPACE
- U.O.S.(S): USABLE OPEN SPACE (SHARED)
- LSCP: LANDSCAPE
- G.R.: GROUND SHOT
- S.F.: SQUARE FOOT
- N: NEW OR PROPOSED
- R.Y.S.B.: REAR YARD SET BACK

LEGEND:



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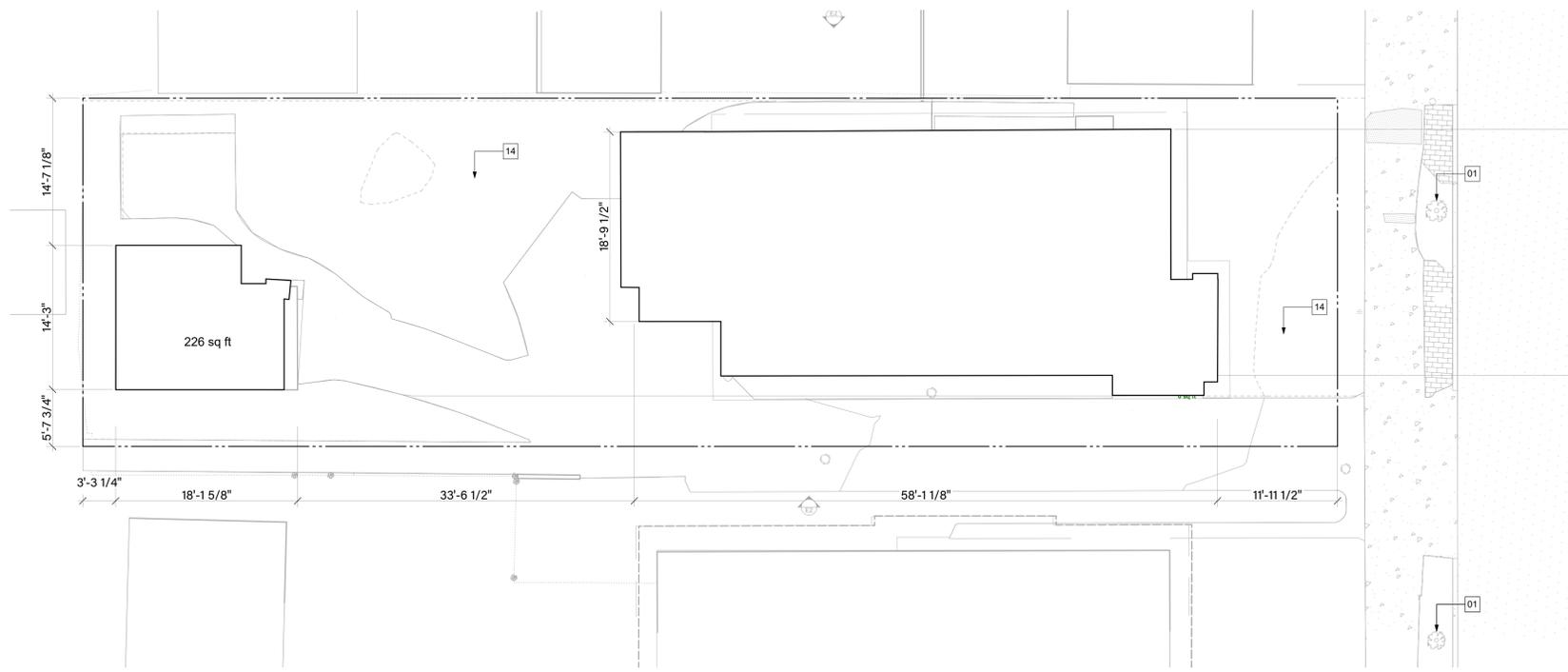
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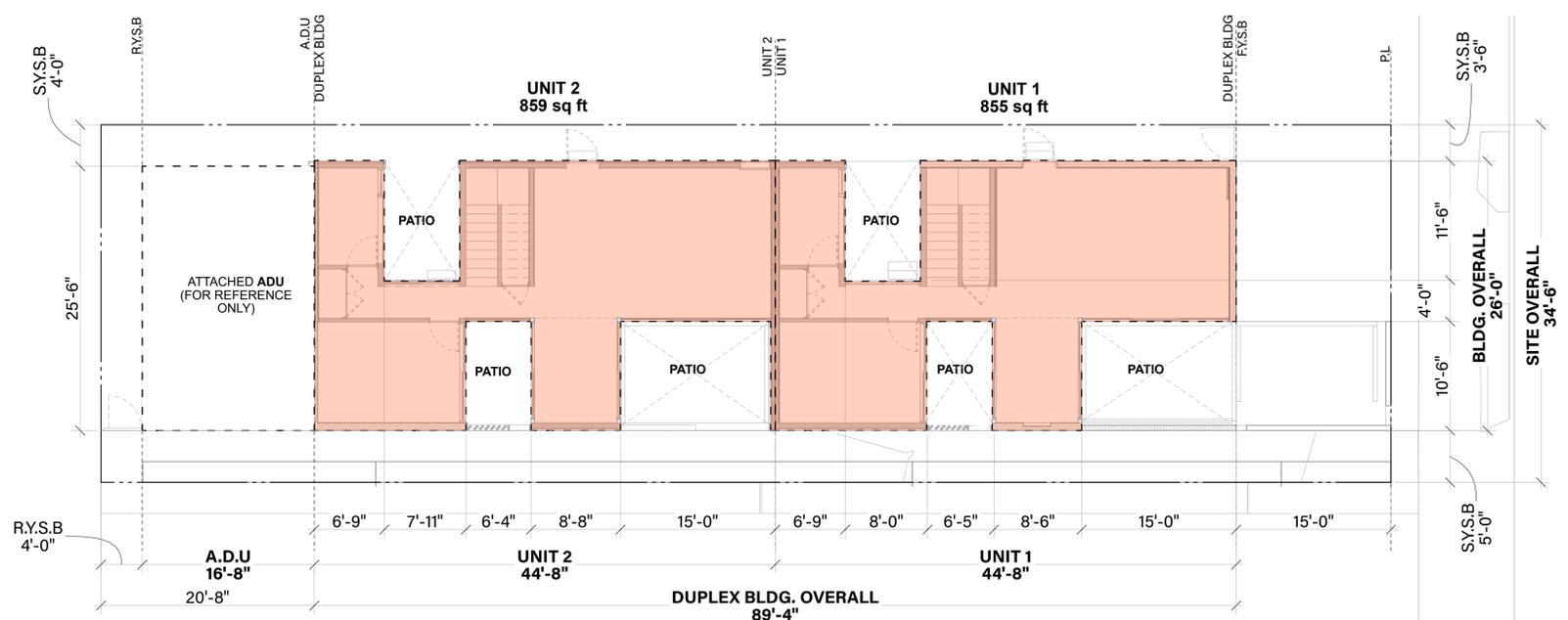
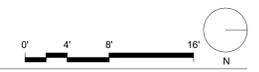
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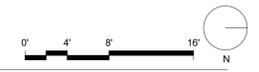
A101
LANDSCAPE AND
USABLE OPEN
SPACE PLAN



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



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



CALCULATIONS

GROSS FLOOR AREA*	EXISTING	UNIT 1	UNIT 2	ADU**
1ST FLOOR		855	859	227
2ND FLOOR		694	698	307
3RD FLOOR		-	-	264
SUBTOTAL	1,052	1,549	1,557	798
SUBTOTAL 2		3,106		798
TOTAL				3,904

LOT AREA	EXISTING	UNIT 1	UNIT 2	ADU
				4,312
BUILDING FOOTPRINT	1,309	855	859	0**
LOT COVERAGE SUBTOTAL	24%	19.8%	19.9%	0.0%
LOT COVERAGE TOTAL	24%		40%	

* Gross area calculations per BMC 23.106.030
** ADU is excluded from the calculation per BMC 23.106.020
subtract up to 800 sq. ft. of the ADU footprint from the total proposed lot coverage for the site (BMC Section 23.106.020(B)(4))

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ZAB MEETING	09/12/2024

ABBREVIATIONS:

A.D.U.	ACCESSORY DWELLING UNIT
SQ. FT.	SQUARE FOOT
G.R.	GROUND SHOT
S.Y.S.B.	SIDE YARD SETBACK
F.Y.S.B.	FRONT YARD SETBACK
R.Y.S.B.	REAR YARD SETBACK

LEGEND:

	BRICK WALL
	WOOD FRAMED WALL
	PROPERTY LINE
	GROSS AREA
	GARAGE AREA
	EXISTING HOUSE AREA

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A102
LOT COVERAGE
DIAGRAM AND
CALCULATIONS

SHEET # 6 OF 21

FLOOR PLANS GENERAL NOTES:

- A. EASEMENT* = (1998-273924, PARCEL 3) 5' WIDE EASEMENT (3016 DEEDS 126)
 EASEMENT** = 3' WIDE EASEMENT (2002-273924, PARCEL 2) CARLO (1998-273924, PARCEL 2)
- B. BICYCLE PARKING NOT REQUIRED, PER BMC BICYCLE PLAN, APPENDIX F

FLOOR PLANS KEYNOTES:

- 01. FENCE - BRICK WALL (5 FT. HEIGHT)
- 02. SLIDING ENTRY DOOR - WOODEN STUD SCREEN SYSTEM
- 03. EMERGENCY ESCAPE AND RESCUE OPENING.
 IN ACCORDANCE TO CALIFORNIA RESIDENTIAL CODE, S. R310.1
- 04. NEW ELECTRICAL METER(S)
- 05. TRASH/SOLID WASTE STORAGE AREA
- 06. FENCE - WOODEN PAINTED BOARDS (6 FT. HEIGHT)
- 07. BATTERY ENERGY STORAGE
- 08. ELECTRIC VEHICLE CHARGING

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ZPA RE-SUBMITTAL	05/17/2024
ZAB MEETING	09/12/2024

ABBREVIATIONS:

- A.D.U.: ACCESSORY DWELLING UNIT
- SQ. FT.: SQUARE FOOT
- S.Y.S.B.: SIDE YARD SETBACK
- F.Y.S.B.: FRONT YARD SETBACK
- R.Y.S.B.: REAR YARD SETBACK

LEGEND:

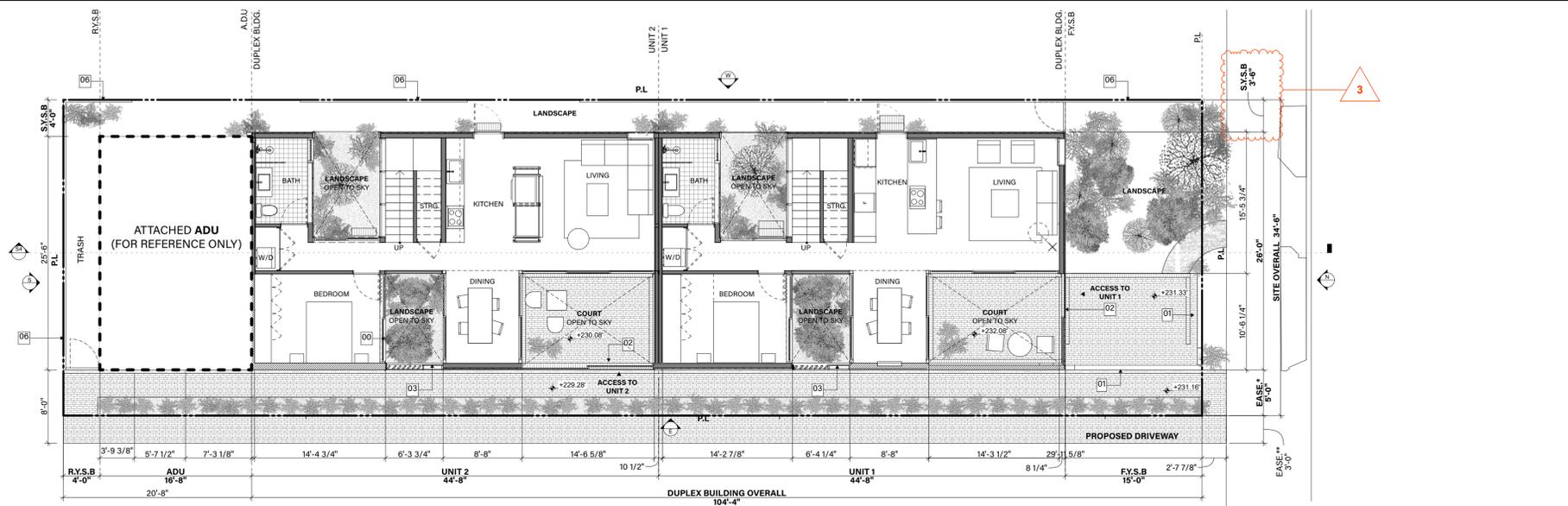
- PROPERTY LINE
- ▨ WOOD FLOOR
- ▩ TILE
- ▧ BRICK PAVER
- ▦ LANDSCAPING
- ▨ BRICK WALL
- WOOD FRAMED WALL
- ROOF
- ROOF CAP

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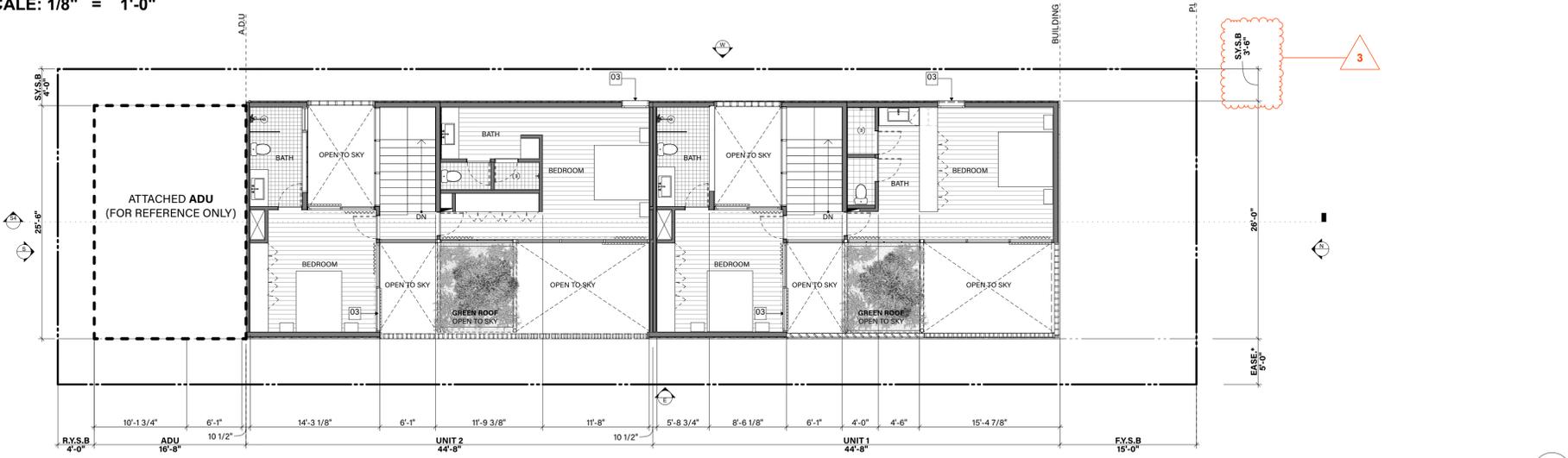
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A103
FLOOR PLANS

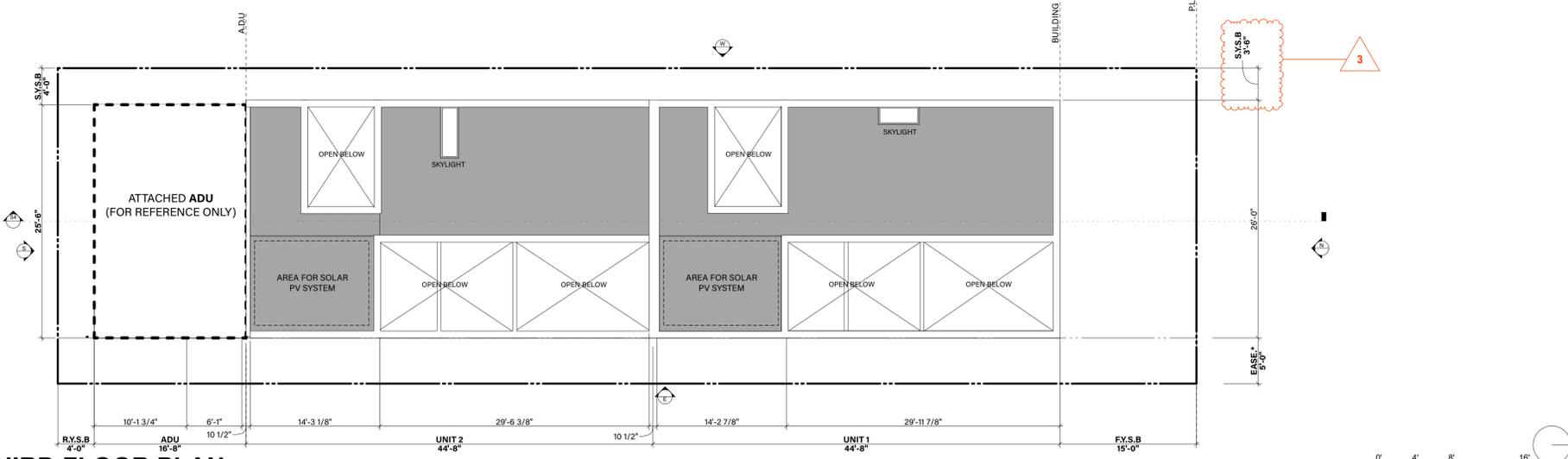
SHEET # 7 OF 21



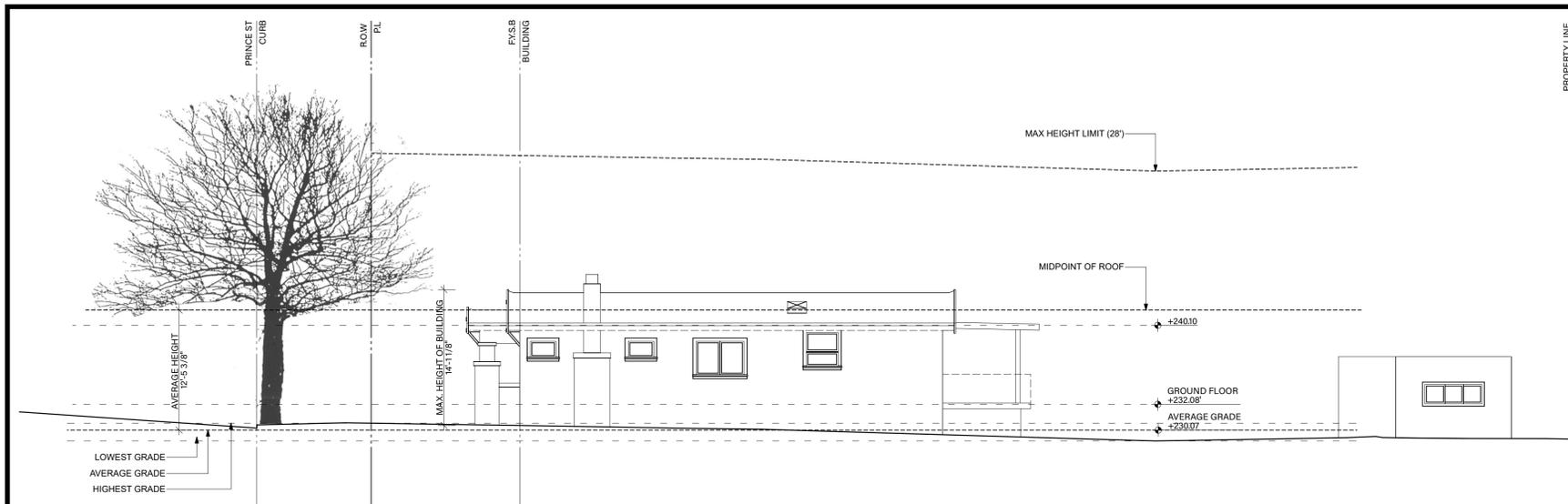
1
FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



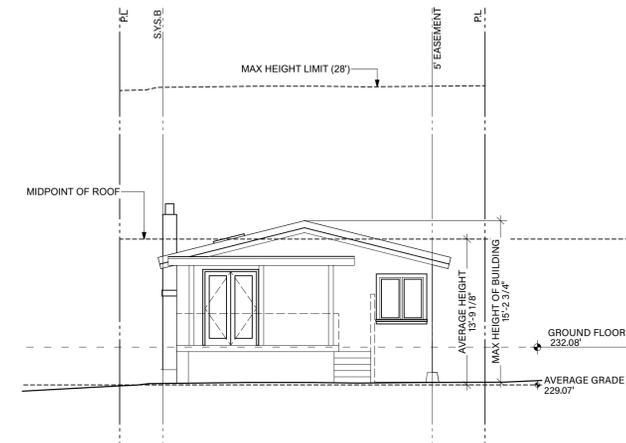
2
SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"



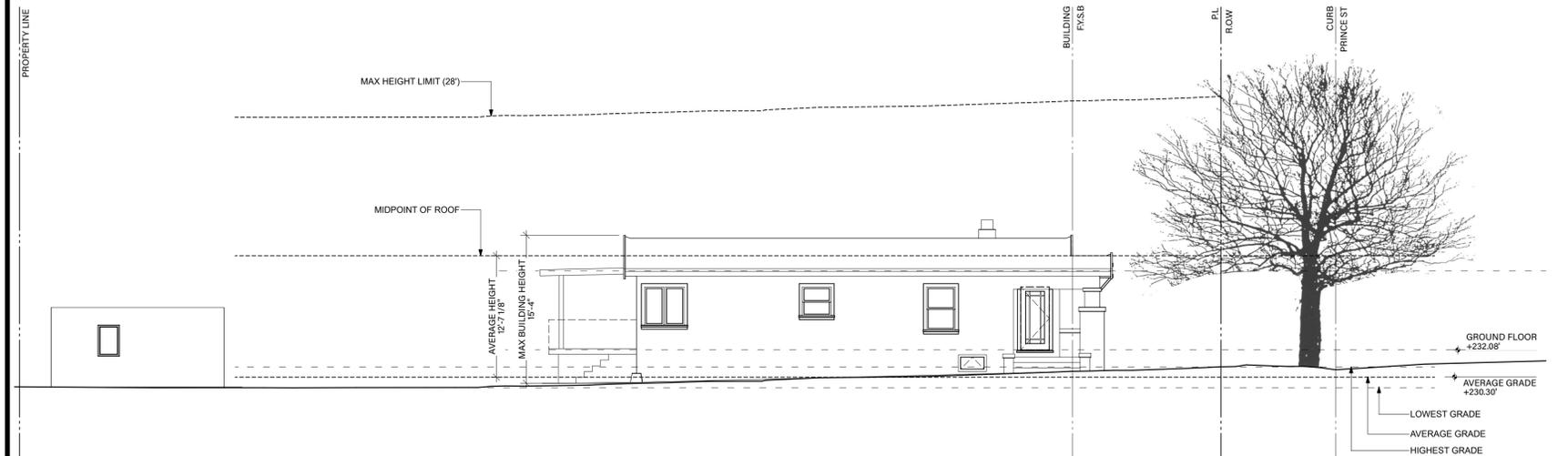
3
THIRD FLOOR PLAN
 SCALE: 1/8" = 1'-0"



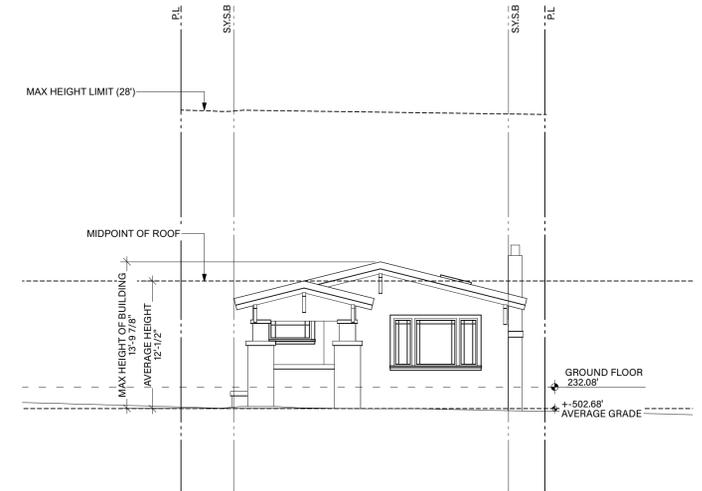
1 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



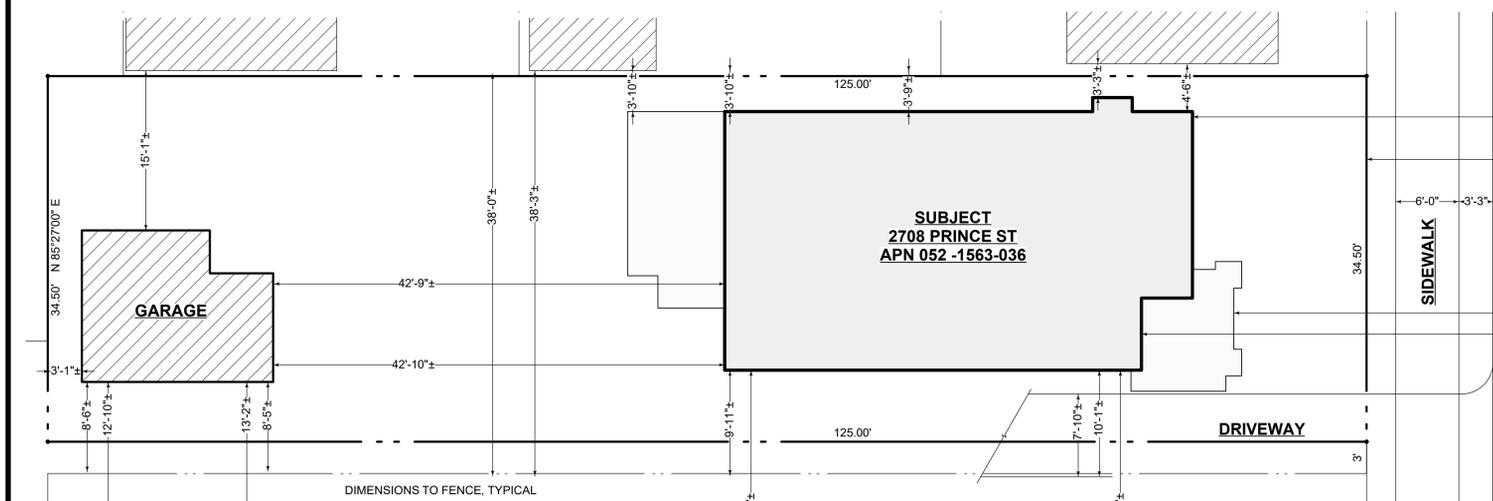
4 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



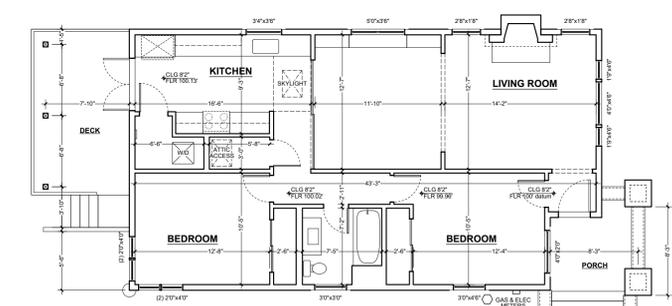
2 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



5 SITE PLAN
 NOT TO SCALE



6 FLOOR PLAN
 NOT TO SCALE

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ZPA RE-SUBMITTAL	05/17/2024
ZAB MEETING	09/12/2024

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A104
 EXISTING
 BUILDING PLANS

SHEET # 8 OF 21



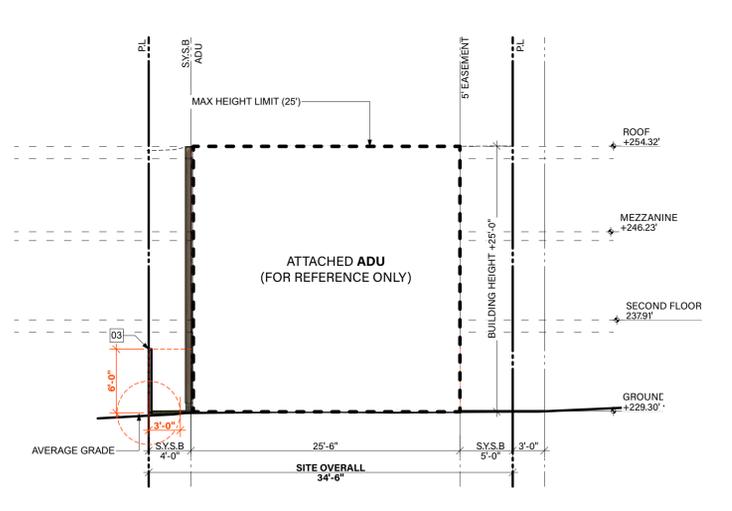
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED EXTERIOR ELEVATIONS KEYNOTES:

01. BRICK WALL
02. SLIDING ENTRY DOOR - WOODEN STUD SCREEN SYSTEM
03. FENCE - PAINTED WOOD, 6' HEIGHT
04. WALL - NATURAL WOOD VERTICAL SIDING
05. WOOD REVEAL
06. WOODEN STUD SCREEN SYSTEM
07. WINDOW / DOOR - ALUMINUM FRAME (COLOR: RAL 3007) AND WOOD TRIM
08. (BEHIND) CEMENT BOARD PANEL (COLOR: RAL 3007)
09. EMERGENCY ESCAPE AND RESCUE OPENING
10. PARAPET CAP - PAINTED SHEET METAL
11. FENCE - BRICK WALL, 5' HEIGHT

ABBREVIATIONS:

- A.D.U.: ACCESSORY DWELLING UNIT
 SQ. FT.: SQUARE FOOT
 S.Y.S.B.: SIDE YARD SETBACK
 F.Y.S.B.: FRONT YARD SETBACK
 R.Y.S.B.: REAR YARD SETBACK

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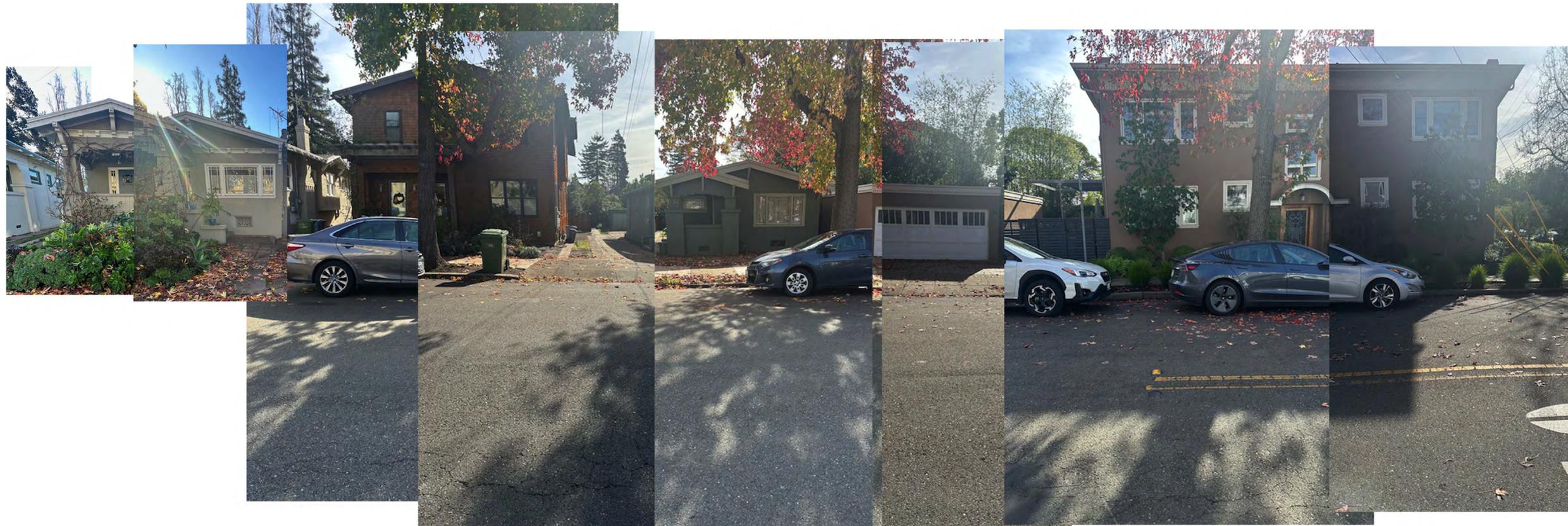
ISSUED FOR:	DATE:
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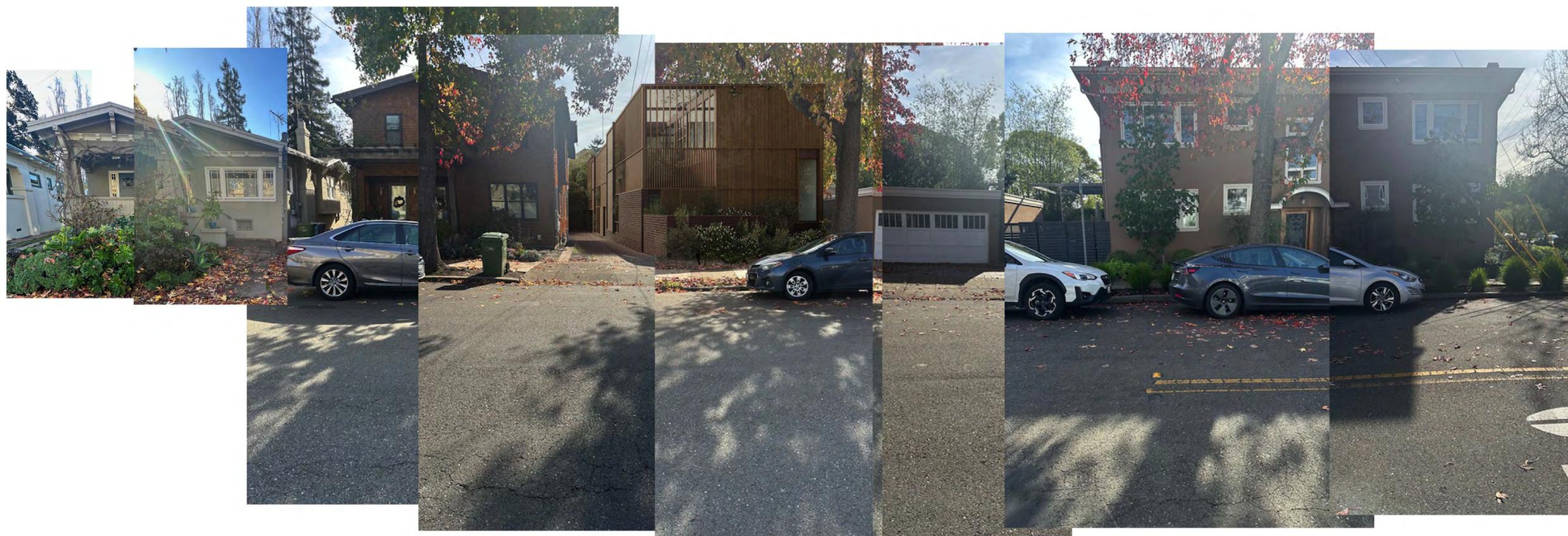
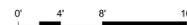
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A105
PROPOSED
EXTERIOR
ELEVATIONS

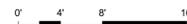
SHEET # 9 OF 21



1 EXISTING STREET STRIP ELEVATION
 SCALE: 1/8" 1' = 1'-0"



2 PROPOSED STREET STRIP ELEVATION
 SCALE: 1/8" 1' = 1'-0"



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ZAB MEETING	09/12/2024

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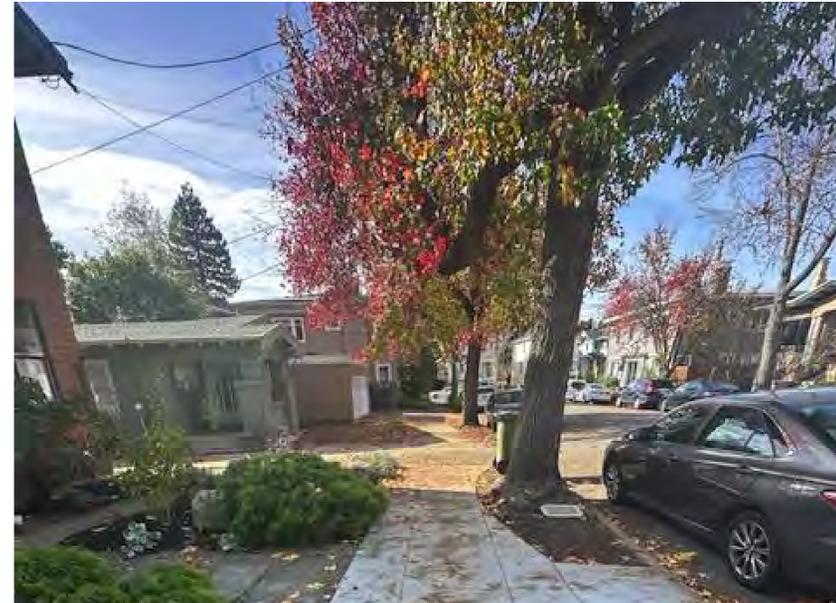
A106
 STREET STRIP
 ELEVATION

SHEET # 10 OF 21

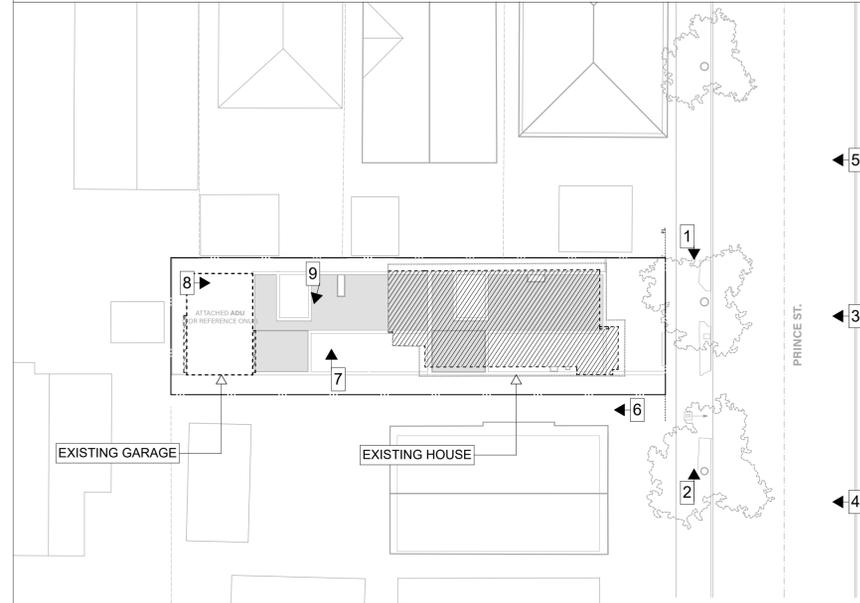
1 - SIDEWALK (E)



2 - SIDEWALK (W)



KEYMAP SITE PHOTOGRAPHS



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ZAB MEETING	09/12/2024

3 - ACROSS THE STREET (S)



4 - NEIGHBOR @ EAST SIDE



5 - NEIGHBOR @ WEST SIDE



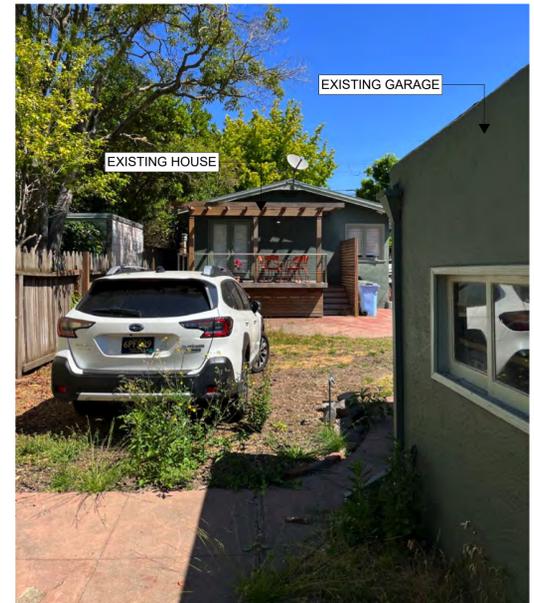
6 - EASEMENT (S)



7 - WITHIN SITE (W)



8 - 9 - WITHIN SITE



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R02
 SITE
 PHOTOGRAPHS

SHEET # 12 OF 21



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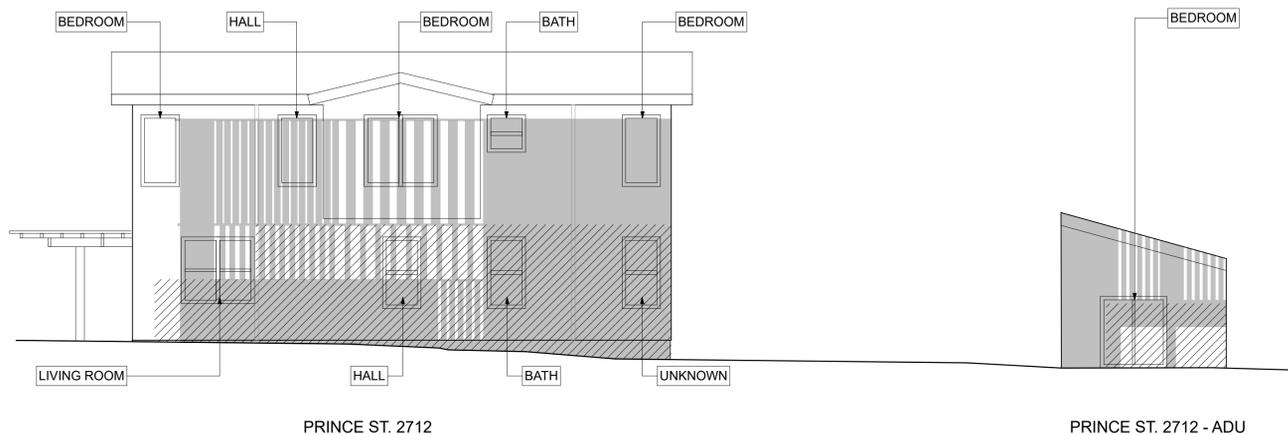
ISSUED FOR:	DATE:
ZPA SUBMITTAL	02/16/2024
ZPA RE-SUBMITTAL	04/20/2024
ZPA RE-SUBMITTAL	05/17/2024
ZAB MEETING	03/09/2024

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R03
 SHADOW STUDY

SHEET # 13 OF 21

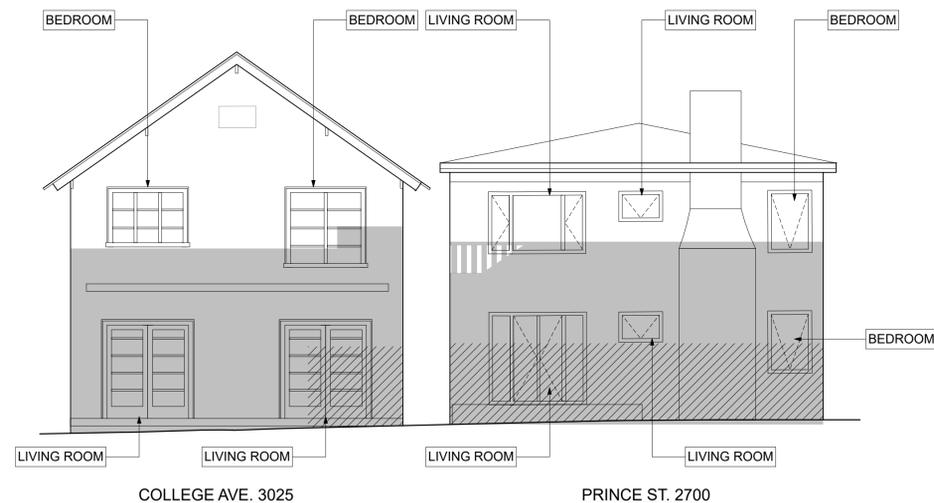
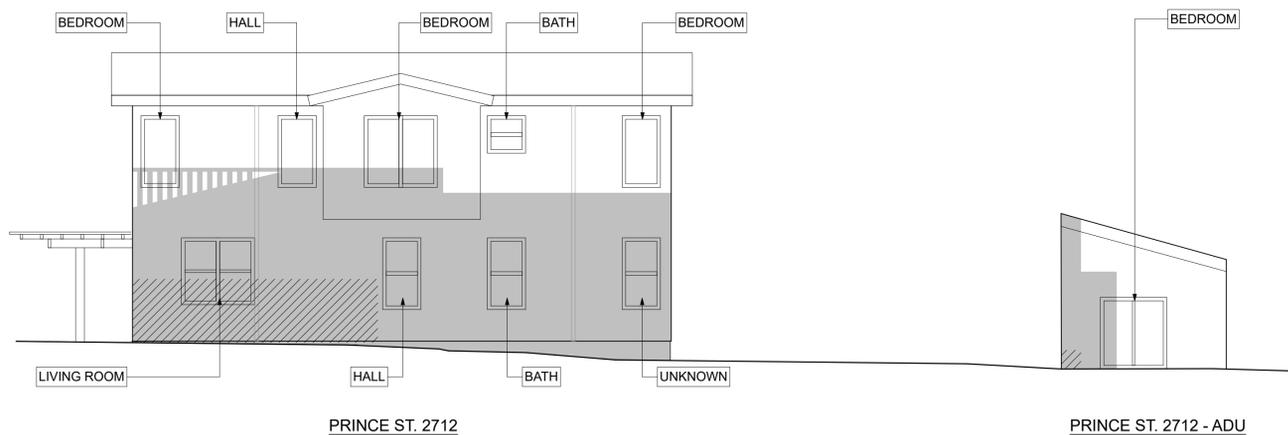


EASTERN NEIGHBORS - JUNE 21_6:35 PM

EXISTING SHADOW NEW SHADOW

WESTERN NEIGHBORS - DEC 21_9:21 AM

EXISTING SHADOW NEW SHADOW

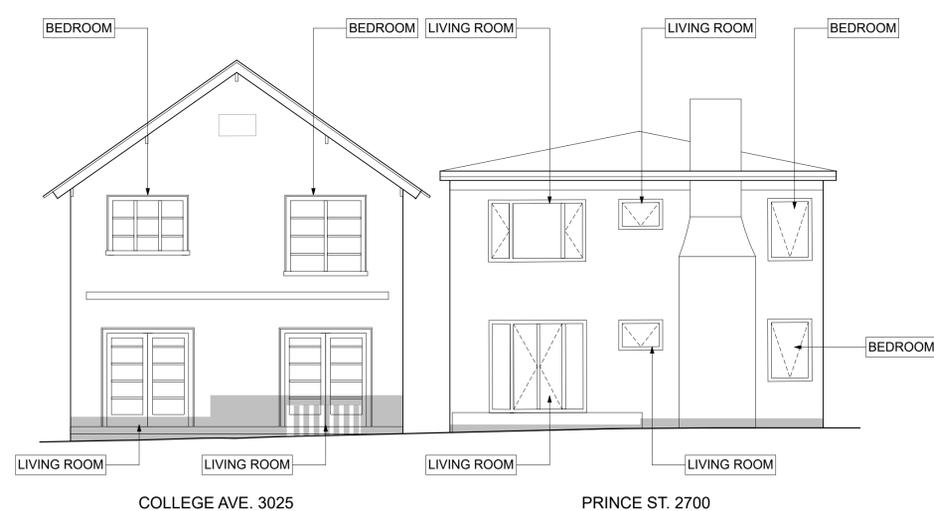
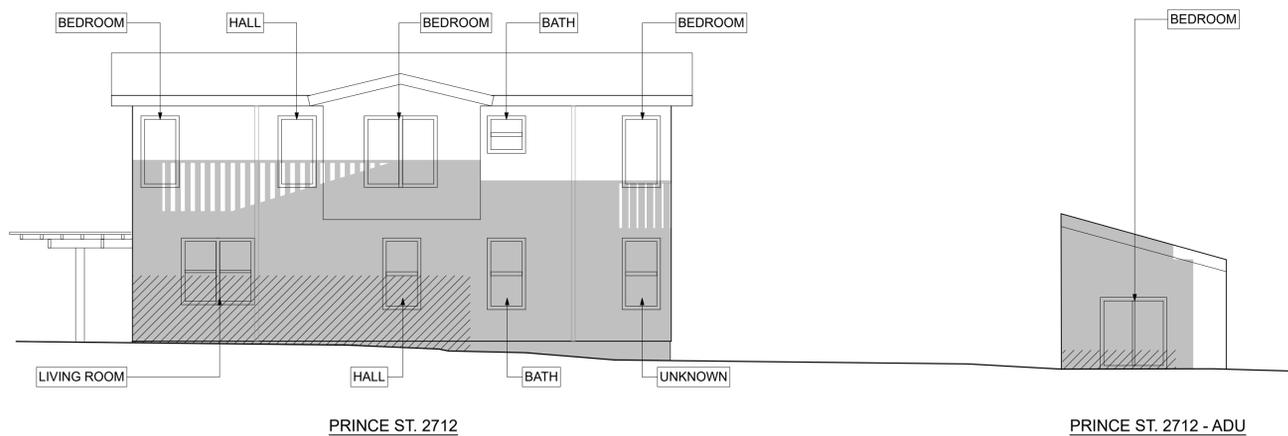


EASTERN NEIGHBORS - DIC 21_2:54 PM

EXISTING SHADOW NEW SHADOW

WESTERN NEIGHBORS - FEB 18_8:56 AM

EXISTING SHADOW NEW SHADOW



EASTERN NEIGHBORS - FEB 18_3:51 PM

EXISTING SHADOW NEW SHADOW

JUNE 21_7:47 AM

EXISTING SHADOW NEW SHADOW

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R04
 SHADOW STUDY
 - NEIGHBORS
 ELEVATIONS

SHEET # 14 OF 21

PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	TYPE	QU	SIZE	HEIGHTXWIDTH	WATER USE
ACC	ACER 'CRIMSON QUEEN'	DWARF JAPANESE MAPLE	TREE	2	24" BOX	10'X10'	M
AI	ACACIA ITEAPHYLLA	ELDERBERRY	TREE	1	15 GAL - MULTI	10'X10'	L
AC	ACACIA 'COUSIN ITT'	RIVER WATTLE	SHRUB	3	5 GAL	4'X4'	L
ARL	AGAVE ATTENUATA 'RAY OF LIGHT'	FOX TAIL AGAVE	SUCCULENT	3	5 GAL	4'X4'	L
LP	LOMANDRA 'PLATINUM BEAUTY'	VARIEGATED MATRUSH	GRASS	3	1 GAL	4'X4'	L
LB	LOMANDRA 'BREEZE'	MATRUSH	GRASS	5	1 GAL	4'X4'	L
PC	PLECTRANTHUS CILIATUS 'DREDGE'	SPUR FLOWER	GROUND COVER	2	5 GAL	1.5'X5'	L
AV	ASPIDISTRA ELIATOR 'VARIEGATA'	CAST IRON PLANT	SHRUB	10	5 GAL	3'X3'	L
MS	MAHONIA 'SOFT CARESS'	OREGON GRAPE	SHRUB	16	5 GAL	3'X3'	L
HLL	HYDRANGEA PANICULATA 'LITTLE LIME'	HARDY HYDRANGEA	SHRUB	3	5 GAL	4'X4'	M
CD	CAREX DIVULSA	BERKELEY SEDGE	GRASS	34	1 GAL	2'X2'	L
HM	HELLEBORUS 'MOLLY'S WHITE'	LENTEN ROSE	PERENNIAL	20	1 GAL	2'X2'	L
HO	HEUCHERA 'OBSIDIAN'	CORAL BELLS	PERENNIAL	36	4" POT	1.5'X1.5'	L
EE	ECHEVERIA ELEGANS	HEN AND CHICKS	SUCCULENT	36	4" POT	6"X12"	L
EP	ECHEVERIA 'PURL VON NURNBERG'	HEN AND CHICKS	SUCCULENT	36	4" POT	12"X12"	L
DM	DYMONDIA MARGARETAE	DYMONDIA	GROUND COVER	8	LANDSCAPE FLAT**	FLAT	L
**	LANDSCAPE FLAT TO BE CUT INTO 16 PIECES AND SPACED 12" OC						

PLANT IMAGES



THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECT'S SEAL AND WET SIGNATURE ALONG WITH THE GOVERNING AGENCY'S REVIEW SEAL OF APPROVAL AND WET SIGNATURE. COSTELLO KENNEDY LANDSCAPE ARCHITECTURE EXPRESSLY RESERVES COMMON LAW COPYRIGHT AND OTHER PROPRIETARY RIGHTS TO ALL DESIGNS AND INFORMATION IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF COSTELLO KENNEDY LANDSCAPE ARCHITECTURE.

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revisions:

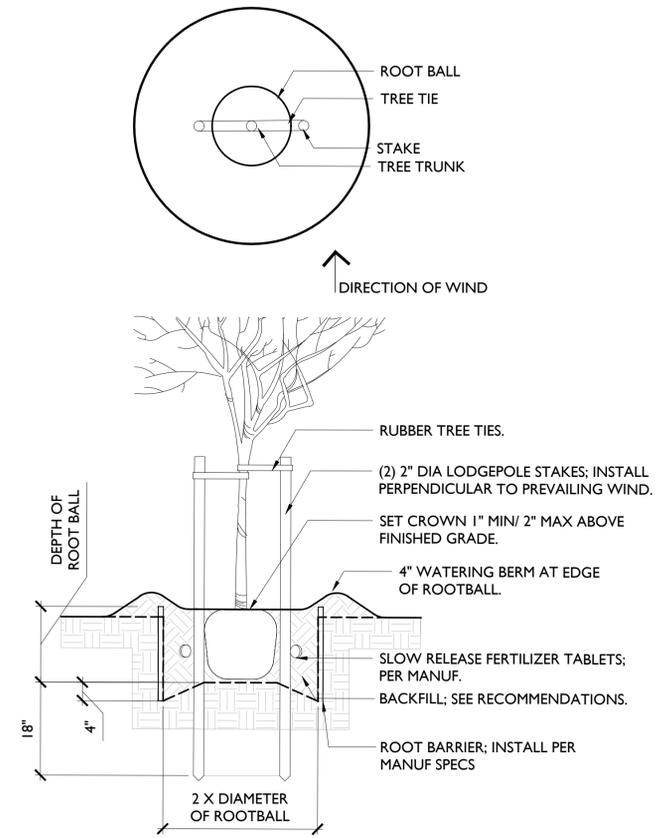


I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE PRESCRIPTIVE COMPLIANCE OPTION TO THE MWEL0

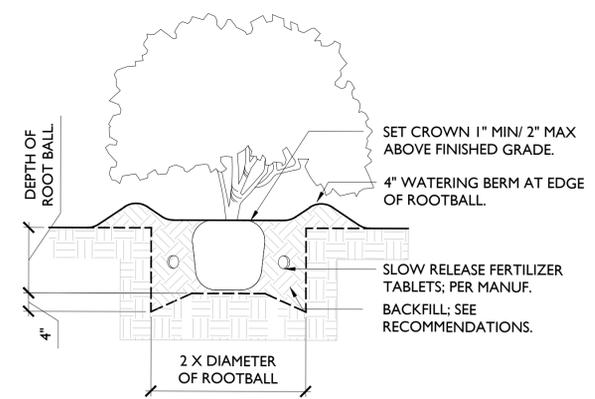
TOTAL LANDSCAPE AREA: 1,403 SF
TOTAL LAWN AREA: 0 SF
TOTAL PLANTS WITH WULCOLS PLANT FACTOR <=0.3: (88%)

PLANT SCHEDULE
date: 08-25-2024
scale: AS NOTED
sheet: L1.1

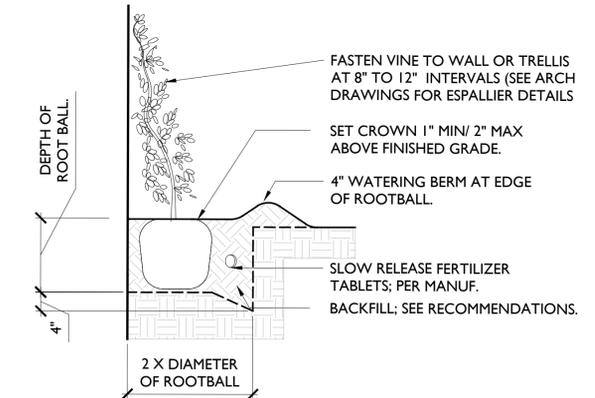
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1 TREE PLANTING
 NO SCALE



2 SHRUB PLANTING
 NO SCALE



3 VINE PLANTING DETAIL
 NO SCALE

PRINCE STREET TOWNHOMES
 2708 PRINCE STREET
 BERKELEY, CA 94705

revisions:



PLANTING
 NOTES AND
 DETAILS
 date: 08-25-2024
 scale: AS NOTED
 sheet: L1.2

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PRINCE STREET TOWNHOMES
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 BERKELEY, CA 94705

revisions:



PLANTING NOTES AND DETAILS
 date: 08-25-2024
 scale: AS NOTED
 sheet: L1.3

PLANTING NOTES

1. SEE COMPLETE SPECIFICATIONS MANUAL THAT HAS BEEN CREATED FOR THIS JOB FOR ADDITIONAL NOTES AND REQUIREMENTS. REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT.
2. EXAMINE SITE OF PROPOSED WORK NOTING EXISTING CONDITIONS AND THE PROPOSED PLANTING AS SHOWN ON THE PLAN. ALERT LANDSCAPE ARCHITECT OF DISCREPANCIES.
3. ALL WORK SHALL BE IN STRICT ACCORDANCE WITH SOUND NURSERY PRACTICE AND SHALL INCLUDE MAINTENANCE AND WATERING OF ALL MATERIALS INSTALLED IN THIS CONTRACT UNTIL FINAL ACCEPTANCE BY CLIENT OR LANDSCAPE ARCHITECT.
4. ALL PLANTS SHALL BE NURSERY GROWN, AND SHALL BE IN ACCORDANCE WITH THE AMERICAN NURSERYMEN ASSOCIATION STANDARDS IN ALL WAYS (SEE AMERICAN STANDARD FOR NURSERY STOCK SPONSORED BY AMERICAN ASSOCIATION OF NURSERYMEN, INC, CURRENT EDITION).
5. ALL PLANTS TO BE REVIEWED BY LANDSCAPE ARCHITECT FOR VARIETY, SIZE AND CONDITION PRIOR TO INSTALLATION.
6. PLANT LIST IS FOR CONTRACTOR CONVENIENCE ONLY, VERIFY PLANT QUANTITIES WITH THE PLAN.
7. SUBMIT THE FOLLOWING TO THE LANDSCAPE ARCHITECT FOR APPROVAL BEFORE DELIVERY: SAMPLES AND CERTIFIED ANALYSES OF FERTILIZER, MINERALS AND SOIL AMENDMENTS, STATING SOURCE, PHYSICAL/CHEMICAL COMPOSITION AND QUANTITY AVAILABLE.
8. CONTRACTOR TO EXERCISE DUE CARE WHEN EXCAVATING WITHIN THE ROOT ZONE OF EXISTING VEGETATION TO REMAIN. ALL EXCAVATION WITHIN THIS ZONE SHALL BE PERFORMED WITH HAND TOOLS. SEE ARBORIST REPORT FOR ADDITIONAL REQUIREMENTS AROUND EXISTING TREES.
9. IN THE EVENT THAT UNDERGROUND CONSTRUCTION WORK OR OBSTRUCTIONS ARE ENCOUNTERED IN ANY PLANT PIT EXCAVATION WORK TO BE DONE, ALTERNATE LOCATIONS MAY BE SELECTED BY CLIENT OR LANDSCAPE ARCHITECT. WHERE THESE LOCATIONS CANNOT BE CHANGED, REMOVE THE OBSTRUCTION TO A DEPTH OF NOT LESS THAN THREE (3) FEET BELOW GRADE AND NO LESS THAN SIX (6) INCHES BELOW BOTTOM OF BALL OR ROOTS WHEN PLANT IS PROPERLY SET AT THE REQUIRED GRADE. CONTACT LANDSCAPE ARCHITECT IMMEDIATELY FOR A RESOLUTION BEFORE CONTINUING WORK IN THAT AREA.
10. ALL PLANTING AREAS SHALL BE CLEANED AND WEEDED WITH ALL SURFACE DEBRIS CONSTRUCTION DEBRIS, CONTAMINANTS, BASEROCK LAYERS, AND STONES LARGER THAN ONE INCH IN DIAMETER TO BE REMOVED FROM SITE.
11. TO ESTABLISH PROPER SOIL FERTILITY AND TEXTURE PROVIDE SOIL SAMPLES (ONE PER 10,000 SQUARE FEET LANDSCAPED AREA AND ONE PER 50 CUBIC YARDS OF IMPORTED TOPSOIL) TO A CERTIFIED SOIL TESTING LABORATORY. TEST FOR SOIL FERTILITY, DRAINAGE, AND TEXTURE AND PROVIDE AMENDMENT AND FERTILIZER RECOMMENDED FOR ALL AREAS TO BE PLANTED. CONTRACTOR SHALL REVIEW TEST RESULTS WITH THE LANDSCAPE ARCHITECT AND WILL AMEND SOIL AND PLANTER BACKFILL AS SPECIFIED BY THE TESTING LAB.
12. PRIOR TO AMENDING SOIL, CONTRACTOR SHALL DIG SEVERAL PLANT PITS AND FILL WITH WATER TO TEST FOR DRAINAGE. IF WATER DOES NOT DRAIN WITHIN 24 HOURS, PROVIDE METHODS TO IMPROVE DRAINAGE FOR REVIEW BY LANDSCAPE ARCHITECT.
13. AMEND SOIL IN PLANTING AREAS BY APPLYING FOUR (4) CUBIC YARDS OF COMPOST/ 1,000 SF TO A DEPTH OF (6) INCHES INTO LANDSCAPE AREAS (UNLESS CONTRA-INDICATED BY A SOILS TEST). THIS SHALL BE DONE IN TWO EQUAL LAYERS TO INSURE AN EVEN DISTRIBUTION TO THE PROPER DEPTH.
14. REMAINING SOIL PREPARATION SHALL BE ON A PER PLANT BASIS ACCORDING TO PLANTING DETAILS AND SPECIFICATIONS.
15. WHEREVER TOPSOIL IS REQUIRED TO RAISE GRADE TO FINISHED ELEVATIONS, CONTRACTOR SHALL USE ONLY HIGH QUALITY TOPSOIL TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. INSTALL TOPSOIL AS FOLLOWS:
 - a. RIP SUBSURFACE AS PREVIOUSLY DESCRIBED
 - b. LAY DOWN 4" OF TOPSOIL AND ROTOTILL INTO 4" OF RIPPED SUBGRADE
 - c. LAY DOWN REMAINING TOPSOIL
16. FERTILIZER: DROP FERTILIZER TABLETS (AGRIFORM 20-10-5 NPK, OR EQUAL) ALONGSIDE ROOTBALL WHEN BACKFILL IS TWO-THIRDS IN PLACE, ACCORDING TO THE FOLLOWING SCHEDULE.

1 GALLON	2 TABS	(21 GRAM AGRIFORM PLANT TABLETS)
5 GALLON	3 TABS	(21 GRAM AGRIFORM PLANT TABLETS)
15 GALLON	5 TABS	(21 GRAM AGRIFORM PLANT TABLETS)
24" BOX	8 TABS	(21 GRAM AGRIFORM PLANT TABLETS)
36" BOX	12 TABS	(21 GRAM AGRIFORM PLANT TABLETS)
48" BOX	16 TABS	(21 GRAM AGRIFORM PLANT TABLETS)
60" BOX	20 TABS	(21 GRAM AGRIFORM PLANT TABLETS)

FOR 4" POTS AND CELL-PACKS, USE OSMOCOTE 18-6-12 FORMULA AT THE MANUFACTURER'S RECOMMENDED APPLICATION RATE, SPREAD EVENLY THROUGHOUT THE PLANTING AREA.

17. ALL PLANTS SHALL BE PLACED IN THE LOCATIONS SHOWN ON THE PLANTING PLAN AND THE APPROVAL OF THE LANDSCAPE ARCHITECT AND CLIENT SHALL BE OBTAINED PRIOR TO PLANTING. THE LANDSCAPE ARCHITECT SHOULD BE INFORMED SEVEN (7) DAYS IN ADVANCE OF PLANTING.
18. PLANT AND STAKE ALL TREES AND SHRUBS PER PLANTING DETAILS. PLANT CROWN TO BE THREE (3) INCHES ABOVE GRADE FOR ALL SHRUBS AND TREES.
19. INSTALL THREE (3) INCH LAYER OF APPROVED MULCH IN ALL PLANTING AREAS EXCEPT IN TURF AREAS, CREEPING OR ROOTING GROUND COVERS, OR DIRECT SEEDING APPLICATIONS WHERE MUCH IS CONTRA-INDICATED. SUBMIT SAMPLE FOR LANDSCAPE ARCHITECT'S APPROVAL PRIOR TO DELIVERY OF MULCH TO JOB SITE.
20. APPLY WEED BARRIER FABRIC TO ALL PLANTING BEDS BELOW MULCH.
21. PLANTS SHALL BE WATERED TWO TIMES, THOROUGHLY, BY HAND IMMEDIATELY AFTER PLANTING. PLANTS DAMAGED FROM WATER STRESS BEFORE OR AFTER PLANTING WILL NOT BE ACCEPTED.
22. CONTRACTOR TO BE RESPONSIBLE FOR ALL FINISH GRADES IN PLANTING AREAS AND FOR ANY FINE GRADING REQUIRED FOR SURFACE DRAINAGE AND UNIFORMITY TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT.
23. CONTRACTOR TO GUARANTEE ALL PLANT MATERIAL PER SPECIFICATION PACKAGE.
24. ALL POTS TO HAVE A DEDICATED IRRIGATION RISER TIED INTO AUTOMATIC IRRIGATION SYSTEM, AND HAVE A DEDICATED DRAINLINE TIED INTO STORM DRAINAGE SYSTEM.
25. INSTALL LINEAR ROOT BARRIER 24" DEEP WHERE TREES ARE WITHIN 5' OF PAVEMENT

IRRIGATION NOTES

1. IRRIGATION TO BE DESIGN BUILD AND BE AN AUTOMATIC DRIP IRRIGATION SYSTEM
2. AUTOMATIC IRRIGATION CONTROLLERS ARE REQUIRED AND MUST USE EVAPOTRANSPIRATION OR SOIL MOISTURE SENSOR DATA AND PROVIDE A RAIN SENSOR WHOSE SIGNAL IS COMPATIBLE WITH THE MASTER CONTROL VALVE
3. IRRIGATION CONTROLLERS SHALL BE OF A TYPE WHICH DOES NOT LOSE PROGRAMMING DATA IN THE EVENT THE PRIMARY POWER SOURCE IS INTERRUPTED.
4. PRESSURE REGULATORS SHALL BE INSTALLED ON THE IRRIGATION SYSTEM TO ENSURE THE DYNAMIC PRESSURE OF THE SYSTEM IS WITHIN THE MANUFACTURERS RECOMMENDED PRESSURE RANGE.
5. MANUAL SHUT-OFF VALVES (SUCH AS A GATE VALVE, BALL VALVE, OR BUTTERFLY VALVE) SHALL BE INSTALLED AS CLOSE AS POSSIBLE TO THE POINT OF CONNECTION OF THE WATER SUPPLY.
6. ALL IRRIGATION EMISSION DEVICES MUST MEET THE REQUIREMENTS SET IN THE ANSI STANDARD, ASABE/ICC 802-2014. "LANDSCAPE IRRIGATION SPRINKLER AND EMITTER STANDARD," ALL SPRINKLER HEADS INSTALLED IN THE LANDSCAPE MUST DOCUMENT A DISTRIBUTION UNIFORMITY LOW QUARTER OF 0.65 OR HIGHER USING THE PROTOCOL DEFINED IN ASABE/ICC 802-2014.
7. AREAS LESS THAN TEN (10) FEET IN WIDTH IN ANY DIRECTION SHALL BE IRRIGATED WITH SUBSURFACE IRRIGATION OR OTHER MEANS THAT PRODUCES NO RUNOFF OR OVERSPRAY
8. FOR NON-RESIDENTIAL PROJECTS WITH LANDSCAPE AREAS OF 1,000 SQ. FT. OR MORE, A PRIVATE SUBMETER(S) TO MEASURE LANDSCAPE WATER USE SHALL BE INSTALLED

2708 PRINCE STREET	
MWELO PRESCRIPTIVE COMPLIANCE CHECKLIST	
ITEM	NOTES
LANDSCAPE DESIGN PLAN	
1. Attach a landscape plan indicating the following:	SEE PLANTING PLANS ON SHEET L1.0
a. Turf areas	NA
b. High water use planting areas	NA
c. Moderate water use planting areas	12% LANDSCAPE AREA
d. Low water use planting areas	88% LANDSCAPE AREA
e. Water features including swimming pools	NA
f. Edible planting areas	NA
g. Areas irrigated with recycled water	NA
SOIL	
1. Incorporate compost at a rate of at least 4 cubic yards per 1,000 square feet to a depth of 6 inches into the landscape area (unless contra-indicated by a soil test).	SEE PLANTING NOTE 13 ON SHEET L1.3
This project will apply <u>5.61</u> cubic yards of compost	
2. A minimum 3-inch layer of recycled mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, or direct seeding applications where mulch is contra-indicated	SEE PLANTING NOTE 19 ON SHEET L1.3
PLANTS	
1. Plant material shall comply with the following:	
a. Residential projects only:	
I. 75% of landscape area shall consist of plants that use little or no summerwater (WUCOLS plant factor of 0.3 or lower), excluding edibles or areas using recycled water.	SEE PLANT SCHEDULE ON SHEET L1.1
II. No more than 25% of the landscape area will be planted with high waterusing plants	SEE PLANT SCHEDULE ON SHEET L1.1
b. Non-residential projects only :	
I. 100% of the landscape area shall consist of plants that use little or nosummer water (WUCOLS plant factor of 0.3 or lower), excluding edibles or areas using recycled water	NA
c. No invasive plants are planted. No plant species listed by the California Invasive Plant Council's "Don't Plant a Pest" brochure as invasive in the San Francisco Bay Area shall be planted.	NA
2. The use of turf shall comply with all of the following:	
a. In nonresidential areas, turf is not used	NA
b. In residential areas:	
I. Turf, high water use plants, and water features shall, combined, not exceed 25% of the landscape area	NO TURF IS SPECIFIED
II. Turf shall not be planted on slopes which exceed a slope of 1 foot verticalelevation change for every 4 feet or horizontal length	NO TURF IS SPECIFIED
III. Turf is prohibited in parkways less than 10 feet wide. Exception: Parkway adjacent to a parking strip and used to exit and enter vehicles AND turf is irrigated with subsurface irrigation	NO TURF IS SPECIFIED
WUCOLS plants database can be found online at: http://ucanr.edu/sites/WUCOLS/	
"Don't Plant a Pest" brochure can be found at http://cal-ipc.org/landscaping/dpp/	
IRRIGATION	
1. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture data and utilize a rain sensor.	SEE IRRIGATION NOTES ON SHEET L1.3
2. Irrigation controllers should be the type which does not lose programming data in the event the primary power source is interrupted	SEE IRRIGATION NOTES ON SHEET L1.3
3. Pressure regulators are installed on the irrigation system to ensure dynamic pressure of the components are within the manufacturer's recommended pressure range.	SEE IRRIGATION NOTES ON SHEET L1.3
4. Manual-shut-off valves (such as gate, ball or butterfly valves) are installed as close as possible to the point of connection of the water supply.	SEE IRRIGATION NOTES ON SHEET L1.3
5. All irrigation emission devices must meet the requirements set in the ANSIstandard ASABE/ICC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed must have a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.	SEE IRRIGATION NOTES ON SHEET L1.3
6. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.	SEE IRRIGATION NOTES ON SHEET L1.4
7. For non-residential projects with landscape areas of 1,000sf or more, a private submeter(s) to measure landscape water use shall be installed.	NA
I certify the above information and agree to comply with these Prescriptive Compliance requirements for the Water Efficient Landscape Plan Review.	
Applicant Signature:	
	Matthew Kennedy, Costello Kennedy Landscape Architecture
Date:	8-25-2024

PROJECT NAME: 2708 PRINCE STREET
PROJECT ADDRESS: 2708 PRINCE STREET
PREPARED BY: Matthew Kennedy
Costello Kennedy Landscape Architecture
16 De La Guerra Rd
San Rafael, CA 94903
415-479-7552
costellokennedy@gmail.com

"I agree to comply with the requirements of the prescriptive compliance option to the MWELO"

Signed: 

PART ONE	MAXIMUM APPLIED WATER ALLOWANCE (MAWA)
MAWA = Eto x .62 x [(ETAF x HA) + ((1-ETAF) X SLA)]	
Yearly Eto	41.8
CONVERSION FACTOR	0.62
ETAF	0.45
TOTAL IRRIGATED LANDSCAPE AREA	1,403 SQUARE FEET
SPECIAL LANDSCAPE AREA (SLA)	0 SQUARE FEET
LANDSCAPE WATER ALLOWANCE	16,362 GALLONS PER YEAR
TOTAL ACRE FEET	0.05 ACRE FEET

PART TWO	ESTIMATED TOTAL WATER USE (ETWU)
*AVERAGE ETAF AND ETWU CALCULATED PER WATER EFFICIENT LANDSCAPE WORKSHEET	
AVERAGE ETAF FOR REGULAR LANDSCAPE AREAS (TOTAL ETAF X AREA / TOTAL AREA)	0.26
ETWU FOR REGULAR LANDSCAPE AREAS	14,548 GALLONS PER YEAR
SITE WIDE ETAF	0.26
ETWU FOR ALL LANDSCAPE AREAS	14,548 GALLONS PER YEAR
TOTAL ACRE FEET	0.04 ACRE FEET

2708 PRINCE STREET										
PRELIMINARY WATER EFFICIENT LANDSCAPE WORKSHEET										
Reference Evapotranspiration (Eto)		41.8								
ZONE NO.	PLANT TYPE	HYDROZONE * (PLANT WATER USE)	PLANT FACTOR	IRRIGATION METHOD **	IRRIGATION EFFICIENCY (IE)	ETAF (PF/IE)	HYDROZONE AREA (square feet) (HA)	ETAF x HA	ESTIMATED TOTAL WATER USE (ETWU)	% LANDSCAPE AREA
REGULAR LANDSCAPE AREA										
1	TREES	MW	0.5	DRIP	0.81	0.405	16	6	256	1%
2	SHRUBS	MW	0.5	DRIP	0.81	0.405	153	62	2,448	11%
3	TREES	LW	0.3	DRIP	0.81	0.243	16	4	154	1%
4	SHRUBS	LW	0.3	DRIP	0.81	0.243	787	191	7,554	56%
5	GROUNDCOVERS	LW	0.3	DRIP	0.81	0.243	243	59	2,332	17%
6	ROOFDECK	LW	0.3	DRIP	0.81	0.243	188	46	1,805	13%
TOTALS (REGULAR LANDSCAPE AREAS)							1,403	368	14,548	100%
SPECIAL LANDSCAPE AREA										
NA	NA	NA	NA	NA	NA	1	0	0	0	0%
TOTALS (SPECIAL LANDSCAPE AREAS)							0	0	0	0%

HYDROZONE SUMMARY		
Hydrozone Description *	Total Square Feet	% of Landscape
Cool Season Turf (CST)	0	0%
Warm Season Turf (WST)	0	0%
High Water Use Plants (HW)	0	0%
Bioretention Plants (BR)	0	0%
Medium Water Use Plants (MW)	169	12%
Low Water Use Plants (LW)	1,234	88%
Very Low Water Use Plants (VLW)	0	0%
Water Feature	0	0%
Special Landscape Area (SLA)	0	0%
TOTAL	1,403	100%

IRRIGATION METHOD SUMMARY		
Irrigation Method **	Total Square Feet	% of Landscape
Rotor (FC-R, PC-R)	0	0%
Multi-Stream Rotor (MR)	0	0%
Spray (S)	0	0%
Bubbler (B)	0	0%
Drip (D)	1,403	100%
In-Line Drip (DL)	0	0%
Micro Spray (MS)	0	0%
Other (O)	0	0%
TOTAL	1,403	100%

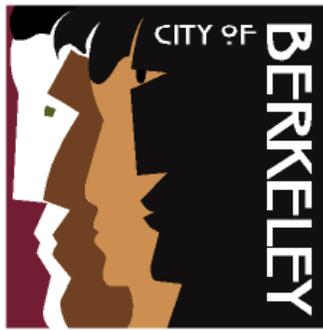
THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECT'S SEAL AND WET SIGNATURE ALONG WITH THE GOVERNING AGENCY'S REVIEW SEAL OF APPROVAL AND WET SIGNATURE. COSTELLO KENNEDY LANDSCAPE ARCHITECTURE EXPRESSLY RESERVES COMMON LAW COPYRIGHT AND OTHER PROPRIETARY RIGHTS TO ALL DESIGNS AND INFORMATION IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF COSTELLO KENNEDY LANDSCAPE ARCHITECTURE.

PRINCE STREET TOWNHOMES
2708 PRINCE STREET
BERKELEY, CA 94705

revisions:



MWELO CHECKLIST CALCS
date: 08-25-2024
scale: AS NOTED
sheet: L1.4



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

NOTICE OF PUBLIC HEARING

2708 Prince Street

Use Permit #ZP2024-0024 to demolish an existing 13 foot 9-inch-tall one-story 1,052 square-foot house and accessory building (garage), and construct a new 24 foot 4-inch-tall two-story 3,118 square-foot duplex.

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 Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: MDR– Medium Density Residential
- Zoning: R2-A– Restricted Multiple-Family Residential

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish a dwelling unit

- Use Permit pursuant to BMC Section 23.202.020(A) to construct a two-family dwelling

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

D. Parties Involved:

- Applicant Jeff Svitak, 3037 Redwood Street, San Diego
- Property Owner Linda Joseph, 2700 Prince Street, Berkeley

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, Allison Riemer, at (510) 981-7433 or ariemer@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@cityofberkeley.info) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
 2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
 3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
 4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
-

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2708 Prince Request to ZAB for Continuance --grounds in support

From: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Sent: Wednesday, September 4, 2024 4:18 PM
To: Rena Rickles <rena@rickleslaw.com>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Robert Riemer <robert@av.co>
Subject: RE: 2708 Prince Request to ZAB for Continuance --grounds in support

Thank you. This will be in the packet.

Best,
Samantha

From: Rena Rickles <rena@rickleslaw.com>
Sent: Wednesday, September 04, 2024 3:11 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>; Robert Riemer <robert@av.co>
Subject: 2708 Prince Request to ZAB for Continuance --grounds in support
Importance: High

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.

Good afternoon Samantha,

Would you please provide this letter and the attachment to the ZAB Chair and members as well as to the applicant ASAP? It is our belief that waiting until the hearing date for a determination of our request places an undue burden on my client, the applicant and Staff especially where, as here, the grounds are compelling, there is not statutory prohibition for this continuance, nor any substantive threat to the policy of moving housing proposals through expeditiously.

With the continuance, it is likely that a design compromise (not loved by any but acceptable to all) can be reached a ZAB hearing where all parties are present. Without the Continuance, my client is denied meaningful participation, resulting in a continuance to resolve issues, and/or a City Council appeal which could be avoided.

Thank you for your assistance.

Should you have any questions please get back to me via email or my mobile phone (number below)

Rena

RENA RICKLES

Law offices of Rena Rickles

1970 Broadway, Suite 1100

Oakland, CA 94612

Phone: (510) 452-1600

Mobile: (510) 326-4899

Fax: (510) 451-4115

Rena@RicklesLaw.com

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify the sender immediately, and destroy all copies of this message and any attachments.

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

September 4, 2024

Yes Duffy, Chairperson
Members Zoning Adjustments Board ("ZAB")
1947 Center Street, 3rd Floor
Berkeley, CA 94704
Via email: ZAB@Berkeleyca.gov

Re: 2708 Prince Street, September 12, 2024, Agenda, Continuance Request Urgent Based on a Party's physical inability to be present; public policy to provide reasonable opportunity to be heard.

Dear Chair Duffy and ZAB members,

On behalf of Robert Riemer and Sheila Moran, ("Riemer's") the immediate and most impacted neighbor to the above-captioned project, I am asking that you reverse the Staff position and grant the Riemer's request for a 4-week continuance to the October 10, 2024 meeting because they have a scheduled family tradition vacation to Spain for the month of September.¹ Staff's denial was not based on any statutory mandated deadline but on "long-standing policy" .

It is our position that where one party cannot physically be present, and that information was well known to staff,² and the request is a *de minimus* extension, well within statutory requirements, that public policy demands that this very brief continuance be granted.

Asking the ZAB on the night of the hearing for a continuance places an undue burden on all parties (like preparing for a final that may not be administered), we are asking for a pre-hearing determination, or, at least notice to all parties that a continuance is being requested.³

The underlying facts which are both persuasive and not in dispute and which for reasons of public policy and courtesy require this continuance are:

- The Riemer's are immediately adjacent to this proposal and are the most negatively impacted by the project design (we believe the developer made design modifications with the other surrounding neighbors to obtain their support).
- The developers did not reach out to the Reimers, as they did with the other neighbors, to discuss alternate design solutions.
- Robert discovered the change in date from August to September only by accident: he in good faith reached out to the developer to request a meeting to discuss the design of the proposed project; the developer refused to consider any modifications and stated that he would see him at the ZAB in September.

¹ Staff's grounds are that "it is our long-standing practice that housing developments that are subject to the Housing Accountability Act ("HAA") and the Housing Crisis Act (HCA") are promptly taken to the ZAB for action once the staff review and analysis is completed."

² See attached email thread (between the Riemers and Staff) of the grounds for and request of a continuance.

³ . "You or your client may request a hearing continuation to the ZAB through public comment at the hearing (in person or remotely) and/or in writing," ZAB secretary.

- The Riemer's opposition is focused on the design: They will face a 24' high, uninterrupted wall, 3' 4" from the property line, running the full length of the property. A dispute which can often be resolved and disposed of at a ZAB hearing.
- **Participation via Zoom under these facts** where there is a 9-hour time difference, and a high likelihood (not helped by the length of the time the connection would have to work) of broken and/or poor connection for himself and his exhibits, **means that he is denied meaningful participation.**
- This is the Riemer's only request, and it is of a short duration.
- There has been no mention of harm to the developer and/or the creation of new housing which would result by granting this *de minimis* request.

Conclusion

it has been my experience, in over 30 years of appearing before ZAB, that under significantly less persuadable facts, a onetime continuance is customarily granted as a courtesy. This request, even under confines of the HAA and HCA, is allowed.

If this request is denied and because of technical and physical limitations the Riemer's cannot reasonably participate in the September 12, 2024, hearing, the matter will have to be continued to the next ZAB hearing date, October 10, 2024, and/or appealed to the City Council.

Thus, in the interests of sound public policy, expediency, lack of harm to the developer, and fairness dictate the granting of this reasonable and *di minimus* request.

Thank you in advance for your attention to this important matter. If you have any questions, please feel free to call me at 510-326-4899.

Very sincerely yours,



Attachment: email thread between the Riemer's and Staff re: continuance want to take a bath club or a family?

EMAIL THREAD BETWEEN ROBERT RIEMER AND PLANNING STAFF REQUESTING A
CONTINUANCE FROM THE SEPTEMBER 12, 2024 ZAB HEARING
In reverse order

Hi Rena,

As Samantha noted, it is our long-standing practice that housing development projects that are subject to the requirements of the Housing Accountability Act and the Housing Crisis Act are promptly taken to ZAB for action once staff review and analysis is completed, regardless of whether that is strictly required by the statutes. Scheduling the hearing for ZAB is a procedural matter and is not appealable.

Jordan

Jordan Klein
Director, Department of Planning & Development
City of Berkeley
Phone: (510) 774-1337
jklein@berkeleyca.gov

From: Rena Rickles <rena@rickleslaw.com>
Sent: Friday, August 30, 2024 5:21 PM
To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Cc: Robert Riemer <robert@av.co>; Klein, Jordan <JKlein@berkeleyca.gov>
Subject: RE: 2708 Prince Street: Statutory limitation Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy

Good afternoon Samantha,

Thank you for responding so quickly. In your answer you said that both the Housing Accountability Act and the Housing Crisis Act as put limitations on your ability to grant a continuance.

My question is, does moving this matter to the first Meeting in October violate any of the time limitations set out in either statute?

I have reviewed both statutes and I do not see anything in the language that would prohibit moving this matter to October. I would appreciate you advising me as to whether I have missed something in the language of either or both statutes.

Best,
Rena

RENA RICKLES
Law offices of Rena Rickles
1970 Broadway, Suite 1100
Oakland, CA 94612
Phone: (510) 452-1600
Mobile: (510) 326-4899
Fax: (510) 451-4115
Rena@RicklesLaw.com

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify the sender immediately, and destroy all copies of this message and any attachments.

From: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Sent: Tuesday, August 27, 2024 4:24 PM
To: Rena Rickles <rena@rickleslaw.com>
Cc: Robert Riemer <robert@av.co>; Klein, Jordan <JKlein@berkeleyca.gov>
Subject: RE: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy

Thank you for reaching out, Rena.

This housing development project is slated for the September 12, 2024 Zoning Adjustments Board (ZAB) hearing, and the date is not being changed. As previously noted, housing development projects that are subject to the requirements of the Housing Accountability Act and the Housing Crisis Act are taken to ZAB for action once staff review and analysis is completed. Scheduling the hearing for ZAB is a procedural matter, not an action on the permit, and is not appealable.

At the hearing, ZAB may approve, modify, or deny the application, or continue the hearing to a future date. You or your client may request a hearing continuation to the ZAB through public comment at the hearing (in person or remotely) and/or in writing. Correspondence to ZAB that are submitted no later than 5 pm on September 4 will be included with the staff report and other project documents. I've included the full schedule for submitting written comments below. While this correspondence will be included, I recommend provide comments in writing to ZAB.

Schedule for correspondence to ZAB with dates added (also published on each ZAB agenda):

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, 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>.

Correspondence received by 5:00 PM eight days before this public hearing (September 4) – 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, 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 (September 10)** – will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM the day of this public hearing (September 12)** will be provided to the Board at the hearing.
- **Correspondence received after 12:00 PM the day of this public hearing** will be saved in the project administrative record.

Best,
Samantha

From: Rena Rickles <rena@rickleslaw.com>
Sent: Monday, August 26, 2024 5:52 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Cc: Robert Riemer <robert@av.co>
Subject: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable

response Under the facts of this case and public policy
Importance: High

Dear Jordan and Samantha,

I represent Robert Riemer, who along with his wife live adjacent to this proposed project and are clearly and uniquely, the most negatively impacted by it. I have left Samantha to voicemails on this matter, hence this email to both of you. Their opposition is not to the project itself but to its current design which disproportionately affects only them.

Under the circumstances which I am about to recite below, I find it unconscionable and a ¹major injustice to deny Robert Riemer's reasonable and timely request for continuance in this matter. The justification in Samantha's last email misstates the grounds upon which Robert Riemer's requests this continuance. Never in my almost 30 years of appearing before the Zoning Adjustments Board, have I known of a continuance being denied the persuasive facts in this case. In fact, it's been my experience that under significantly less persuadable facts a onetime continuance is customarily granted. This is especially true whereas here there is no harm to developer by this minor delay. Therefore, it escapes me why in this instance it is being denied to Robert Reimer.

I have a twofold request: 1) grant Robert Riemer's request for a continuance to October from the currently scheduled September 12th hearing date; or, 2) provide me with the avenue to appeal your denial as well as your grounds for denying this timely and reasonable request

..

The facts as I understand them are this:

- As soon as Robert Riemer became aware of the details of this proposed project (late this spring I believe), he immediately contacted Planner Alison Reimer, both to learn more about the specifics of the project, and to advise her that he would be opposing it.
- At that time Allison Reimer advised Robert Riemer (no relation) that the hearing would be scheduled sometime in August.
- Accordingly, in early July, Robert Reimer booked his and his family's annua one month trip to Spain for the month of September. At no time since early spring did Allison Riemer advise Robert Riemer that the Hearing date had been moved to September 12th. (True Robert Riemer was not an official party to this matter, but his presence and interest were well known to planning, and at least as a courtesy he should have been consulted regarding the change in date.
- Robert discovered the change in date only by accident: he in good faith reached out to the developer to request a meeting to discuss the design that was proposed project; the developer refused to consider any modifications and stated that he would see him at the ZAB Hi in September.
- Robert Riemer immediately acted to request a continuance. This was his first and only request for a continuance.
- Contrary to what was stated in your denial, Robert Riemer will be in Europe which is a far cry from the inconvenience of not being in the area. The alternative "Participation", Zoom, in this case is illusory. It amounts to a denial of participation. There is a nine-hour time-zone difference and the ability to maintain a Zoom connection on Zoom throughout the length of a ZAB hearing is minuscule.
- Robbie Carman It is well known to all three of us that not being physically present to organize speakers and documents in the week before the hearing constitutes a major disadvantage. (it is also not possible for me to appear in Robert Riemer's stead as I will be in the Midwest attending my husband's 60th high school reunion, followed immediately by a large family reunion there).

Thank you in advance for your attention to this very important matter. If you have any questions, please feel free to call me at 510-326-4899.

Best,
Rena

¹ Edited/removed unintended communication which occurred due to the vagaries of voice activated communication

On Aug 21, 2024, at 9:56 AM, Updegrave, Samantha <SUpdegrave@berkeleyca.gov> wrote:

Good morning, Robert.

I understand that you will be out of the area on September 12, and that it is disappointing to not be able to attend the hearing in person. You may participate in the hearing virtually and also provide direct written comments to the ZAB, which if received by 5pm on Wednesday, September 4, will be included with the staff report that is sent to the commissioners on the following day. The link to join the meeting remotely will be available on the final agenda, which is posted by the end of the day on September 5.

The hearing date was not delayed from August – the staff analysis was not complete therefore the project was not ready for final action. This is why dates remain tentative until the notices are posted, to ensure that they are ready to be heard. Once a housing development project is ready for ZAB action, it is scheduled at the next available hearing.

This email will be included in the communications attachment that ZAB receives, however, it does not contain your specific concerns related to the project. I encourage you to provide separate written comments to ZAB that address your concerns or questions, in addition to joining remotely from a computer or mobile device.

Best,
Samantha

From: Robert Riemer <robert@av.co>
Sent: Tuesday, August 20, 2024 4:03 PM
To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>; Rena Rickles <rena@rickleslaw.com>
Subject: Re: *4th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, good to hear back. But as the initial August date was delayed to accommodate some other parties' needs or vacation schedules, I am upset that my many diligent requests to discuss in advance the impact of my unavailability during 3 weeks in September have been unanswered. Early on, I made myself a known party to this matter and I worked to avoid all of this by reaching out, but I still was not advised of your date until at least 10 days after the Applicant was advised of it. Even as of July 22, the September 12 date was only tentative.

From a public policy and due process perspective this project should have fair voice by not just one but by both sides. This is a uniquely drawn project which will have a unique impact on the neighborhood with density front and center and with very precedential impact. I should be granted the courtesy of being allowed to attend in person especially when it's clear that others' availability was taken into account.

Again I'm offering my time to speak with you - I am free all week.

Sincerely,

Robert Riemer
COO, Artis Ventures
c: 415.517.9498
e: robert@av.co

On Aug 20, 2024, at 10:01 AM, Updegrave, Samantha <SUpdegrave@berkeleyca.gov> wrote:

Good morning, Robert.

Thank you for reaching out about the Zoning Adjustments Board (ZAB) hearing for the project at 2708 Prince Street, and your patience while I assessed the project's readiness for action. I understand that you have been contact with the owner or applicant at various stages of the project, as well as the project planner Allison.

The project is slated for the next ZAB hearing on September 12, 2024 and, at this time, will not be moved to a later date. This is a housing development project that will demolish a single-family dwelling and construct a new duplex, and is subject to the requirements of the Housing Accountability Act and the Housing Crisis Act. As such, taking the project to ZAB for action once our review and analysis is completed is a City priority under State requirements.

I understand that you expected an earlier hearing date and are now requesting staff to consider a later date because you will be out of town for the month of September. All ZAB hearings are a hybrid format which provides the opportunity to attend in person or remotely via video conferencing. These meetings are conducted in accordance with the Brown Act, Govt' Code Section 54950, linked [here](#) for reference. Correspondence that you've already shared with staff, including myself, will be included as an attachment to the staff report for ZAB. You may submit additional written comments to the ZAB as well. If you provide comments no later than 5 pm on September 4, they will also be included with the staff report. (see below)

The public hearing notice will be mailed and posted on site Thursday. The final agenda with the link to join the hearing remotely and the staff report will be posted one week prior, on September 5. (Note that the draft agenda is also posted this week, however, it will not have the meeting link or staff report.) We will email you the link and the PDF copies of the notice, agenda, and staff report as a courtesy to ensure you receive them.

Here is the information regarding submitting additional written comments to the ZAB. This information is also in the agenda.

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, 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>.

Correspondence received by 5:00 PM eight days before this public hearing (September 4) – 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, 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 (September 10) –** will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM the day of this public hearing (September 12)** will be provided to the Board at the hearing.
- **Correspondence received after 12:00 PM the day of this public hearing** will be saved in the project administrative record.

Best,
Samantha

<image001.png>**Samantha Updegrave**, LEED AP (she/her)
Zoning Officer, Principal Planner
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981.7414

Website: www.berkeleyca.gov

Email: supdegrave@berkeleyca.gov

The Permit Service Center (PSC), including the zoning counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.

To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

All permit-related and Zoning services are available online. Please visit us [online](#) for more information.

From: Robert Riemer <robert@av.co>

Sent: Thursday, August 15, 2024 12:17 PM

To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>

Cc: Riemer, Allison <ARiemer@berkeleyca.gov>

Subject: Re: *4th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, forgive my pressing, I've been seeking some transparency into this scheduling and not getting a lot of help. Stressing that I will be absolutely unable to attend a video meeting in September. I'm not just a "member of the public" in this matter, but a party directly adjacent with a direct and not just a general interest. Do you have a moment this afternoon?

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 13, 2024, at 4:19 PM, Robert Riemer <robert@av.co> wrote:

Hi Samantha, it is good to hear from you, but I do believe we should speak before the date is in fact set which is why I have been reaching out. How about 10 minutes tomorrow, say around 10 a.m.?

Robert Riemer

On Aug 13, 2024, at 3:53 PM, Updegrave, Samantha <SUpdegrave@berkeleyca.gov> wrote:

Good afternoon, Robert.

Sorry for the delay in responding. As you probably gathered from my out of office reply, I have just returned to work yesterday, and I'm currently going through emails and calls. I received your emails, and will be looking at 2708 Prince Street later this week. I will let you know by the end of the week when the project will go to ZAB for hearing.

Best,
Samantha

From: Robert Riemer <robert@av.co>

Sent: Tuesday, August 13, 2024 11:41 AM

To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>

Subject: Re: *3d Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, just a quick follow up on the below. Do you have a moment to speak today? Write back, thanks!

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 11, 2024, at 11:54 AM, Robert Riemer <robert@av.co> wrote:

Hello Samantha, hope you are well. Could I ask you a favor? I'd like to take a minute to discuss the ZAB hearing with you, as you can see I've been voicing this issue with Planning since Mid-July. I am free tomorrow at 10:00 forward! I promise not to take too much of your time.

Thank you very much in advance,

Robert Riemer
3025 College Ave
c: 415.517.9498
e: robert@av.co

Begin forwarded message:

From: "Crane, Fatema" <FCrane@berkeleyca.gov>
Subject: RE: *2d Follow up* 2708 Prince Street: Critical Need for Continuance of September 13th date
Date: July 31, 2024 at 4:10:12 PM PDT
To: Robert Riemer <robert@av.co>
Cc: "Riemer, Allison" <ARiemer@berkeleyca.gov>

Thanks for your message.

Allison has returned to the office and is currently catching up on emails and other messages. She'll be in touch with you shortly.

We have had positive experiences with hearing participation from abroad, this includes our staff as well as members of the public. Again, I do hope you will consider joining a hearing using video conferencing as an option.

Your patience is appreciated.

Sincerely,
Fatema

Fatema Crane (pronouns: s/her)
Principal Planner, LPC Secretary
Land Use Planning Division
Planning & Development Dept.
City of Berkeley

Direct tel.: 510-981-7413
Office tel.: 510-981-7410

As a cost-savings measure, the City will close non-essential offices (including Planning & Development) on the second Friday of each month. Please also note these upcoming City Holiday closures and observations: Labor Day, September 2; Indigenous Peoples' Day, October 14; Veterans' Day, November 11; and Thanksgiving, November 28 & 29.

My regular office hours are Monday through Thursday, 8:30AM to 6:30PM, and *every other* Friday until 5PM.

From: Robert Riemer <robert@av.co>
Sent: Wednesday, July 31, 2024 3:51 PM
To: Crane, Fatema <FCrane@berkeleyca.gov>
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: Re: *2d Follow up* 2708 Prince Street: Critical Need for Continuance of September 13th date

Hi Fatema, just a note of follow up post our conversation last week. I really appreciate you speaking with me and I followed with a voicemail Monday, but I feel the need to write a quick follow to reiterate what I stated on the call.

Attendance via Zoom in September will not work due to time differences and known connectivity issues and if they proceed while I am out of town it would deny me due process. I intentionally made myself a known party to this matter early on, and I worked to avoid this situation by reaching out early but I still was not advised of the date until at least 10 days after the Applicant was. I just want to respectfully restate that I would definitely appeal to the City Council if this proceeds in September, which would be guaranteed to cost everyone much added time and money. The ZAB should have the opportunity to resolve this in a manner not guaranteed to generate an appeal.

Thank you and please keep me posted!

Robert Riemer
COO, Artis Ventures
499 Jackson St. | Suite 400
San Francisco, CA | 94111
c: 415.517.9498
e: robert@av.co

On Jul 22, 2024, at 7:34 PM, Crane, Fatema <FCrane@berkeleyca.gov> wrote:

Rob,

Thanks for your message.

Allison is presently departing on a (well-deserved) vacation, so I would like to assist you in her absence. Our staff will confer with the ZAB Secretary and schedule the Use Permit hearing for the proposal at 2708 Prince Street on the next available meeting date. Unfortunately, the August 8 ZAB meeting is not possible, and the September 12 date is more likely though that date is only tentative at this time. *Tentative* Use Permit hearing dates are suggested as part of our estimated timeline for the regulatory review of entitlement requests, but the actual hearing date is confirmed only when the requisite 14-day Public Hearing Notice has been issued. Your patience and understanding are appreciated.

All interested parties would be able to attend the Use Permit hearing either in-person or remotely via video conferencing – this is the City’s established meeting format for both ZAB and City Council meetings, and these meetings are conducted in accordance with the Brown Act, Govt’ Code Section 54950, linked [here](#) for reference.

ZAB meeting agendas are posted on-line one week in advance, and Use Permit Public Hearing Notices are mailed and posted at the project site 14 days prior to the meeting, in accordance with Berkeley Municipal Code 23.404.040 (linked [here](#) for reference).

We will ensure that you receive a Public Hearing Notice for the Use Permit consideration at 2708 Prince Street. Because we are aware that you may be traveling, we will provide a copy via email transmittal as a courtesy. The Notice will include information about one’s legal rights and instructions for filing an appeal.

I understand that you expected the Prince Street ZAB hearing to occur sooner, as early as August. I sympathize with your disappointment. Please consider making arrangements to attend remotely via video conferencing and, at a minimum, to share a written statement to ZAB in the meantime. Staff will include your statement with the hearing materials.

Please reply or telephone me directly with further questions.

Sincerely,
Fatema Crane

Fatema Crane (pronouns: s/her)
Principal Planner, LPC Secretary
Land Use Planning Division
Planning & Development Dept.
City of Berkeley

Direct tel.: 510-981-7413
Office tel.: 510-981-7410

From: Robert Riemer <robert@av.co>
Sent: Thursday, July 18, 2024 3:46 PM
To: Riemer, Allison <ARiemer@berkeleyca.gov>
Cc: Klein, Jordan <JKlein@berkeleyca.gov>; Planning Dept. Mailbox <Planning@berkeleyca.gov>
Subject: 2708 Prince Street: Critical Need for Continuance of September 13th date

Dear Allison,

The current communicated (“tentative”) date, is impossible for us. This email is a request for a Continuance without which would constitute a denial of due process, because of the following compelling grounds:

- I have not previously requested a Continuance in this matter;
- I have reviewed all our correspondence commencing in May, where you initially stated that this matter would likely be on the August docket; accordingly I cleared my August calendar in order to be available to prepare for and attend the ZAB hearing;
- It was not until I was sent a letter on July 7, when the architect/Applicant advised that the ZAB hearing would be in September that I was made aware that the hearing would not be in August. You yourself did not advise me to confirm this asserted date, until you replied to my email on July 17;
- I had stated that unless the architect/Applicant made certain adjustments in the design which would reduce the negative impact of the current design on me and the neighborhood, I would have to oppose the project. Therefore, I am a known party to this matter. Yet, it appears that you advised only the applicant and not me of the September date;
- Had you asked me of my availability at any time during this process, I could have told you that a September date was impossible for me to attend. My annual family vacation in Europe is in September. This year we booked the vacation on June 22 for a trip from September 7 through the 29th. (I can provide proof if you so desire);
- Granting my request is in the interest of public policy and because it reduces the time and expense for all parties: If the ZAB hearing proceeds during my absence, I will have no choice but to appeal to the

City Council, which would most likely remand this matter to the ZAB for reconsideration or, hold a hearing de novo. It is possible that the ZAB would resolve this matter in a way (via a compromise) that would render an appeal unnecessary, saving all parties both time and money;

- Your suggestion that I attend via Zoom does not resolve the due process issues. In addition to 8-9 hour time difference, Zoom connections from Europe are known to be spotty and unreliable which will be compounded by the hours waiting for my matter to be called;

Therefore, I am respectfully submitting my request for a Continuance in this matter. If you are not willing to do so, please advise me on how to appeal your decision.

Sincerely,

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Jul 17, 2024, at 10:50 AM, Riemer, Allison <ARiemer@berkeleyca.gov> wrote:

Hi Robert,

It looks like the project will be going to ZAB on September 12. The meeting will be in a hybrid format, and you can join via Zoom. I'll forward the link to the agenda with the Zoom link. The agenda will be ready on the Thursday or Friday before the meeting.

Best,
Allison

From: Robert Riemer <robert@av.co>
Sent: Friday, July 12, 2024 10:35 AM
To: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: Re: 2708 Prince- lot coverage and usable open space

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.

Hi Allison, hope you are doing well this summer.

I left you a vm regarding Zab meeting. No news on when that would transpire and it appears the project has not moved beyond CEQA determination. I am out of country 9/1/24-9/22/24.

Many thanks, looking forward to hearing from you.

Robert Riemer
c: 415.517.9498
e: robert@av.co

On May 9, 2024, at 4:49 PM, Riemer, Allison <ARiemer@berkeleyca.gov> wrote:

Hi Rob,

A trellis counts toward lot coverage. This is not stated in the Berkeley Municipal Code, but is a longstanding Zoning Officer interpretation of the Code. The [lot coverage example diagram](#) includes a trellis.

Lot coverage defined in the BMC.

Building, defined in the Glossary: Building. An enclosed structure having a roof and supported by columns or walls.

Useable open space

Best,

Allison

Allison Riemer, AICP (she/her)

Associate Planner

Land Use Planning Division | (510) 981-7433

1947 Center Street, 2nd Floor | Berkeley, CA 94704

ariemer@berkeleyca.gov

The Permit Service Center (PSC), including the Zoning Counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.

Zoning Project Submittal Requirements (updated October 2023)

General Planning Department questions: Planning@berkeleyca.gov

Zoning questions: ZoningCounter@berkeleyca.gov

Planning Department Forms

City of Berkeley holidays and reduced service days

Jacob, Melinda

Subject: FW: Link: Please Help Me???

From: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Sent: Wednesday, September 4, 2024 5:20 PM
To: cypanjun@hotmail.com
Cc: Jacob, Melinda <MJacob@berkeleyca.gov>
Subject: RE: Link: Please Help Me???

Hi Doris,

Thank you for reaching out.

We do not provide copies of materials to members of the public for their personal distribution, and cannot provide you with 60 postcards for our upcoming hearing. You are welcome to make copies of and distribute any publicly available materials on your own.

The City fulfilled the notice obligations for the September 12, 2024 Zoning Adjustments Board public hearing, including posting the draft agenda, mailed postcards, and onsite posting. The final agenda with links to the staff report and a link to join the meeting remotely will be posted online here by the end of the business day tomorrow:

<https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

Best,
Samantha, ZAB Secretary

Samantha Updegrave, LEED AP (she/her/they)
Principal Planner, Zoning Officer
Land Use Planning Division
City of Berkeley, [Planning and Development Department](#)
supdegrave@berkeleyca.gov

From: Doris Nassiry <cypanjun@hotmail.com>
Sent: Wednesday, September 4, 2024 2:19 PM
To: Jacob, Melinda <MJacob@berkeleyca.gov>
Subject: Re: Link: Please Help Me???

Hello, again, Melinda, Please tell me if I could please get at least 60 more of the blue postcards some time today?? I can come downtown to get them, Neighbors on Prince haven't all received the card, so we're going to deliver them to various neighbors ourselves. Please call me at (510) 409-1030 to tell me if I can get those postcards. Many thanks. Doris

From: Jacob, Melinda <MJacob@berkeleyca.gov>
Sent: Wednesday, September 4, 2024 9:01 AM
To: Doris Nassiry <cypanjun@hotmail.com>
Subject: RE: Link: Please Help Me???

Hello Doris. I'm responding to your voicemail about the postcard notices for 2708 Prince Street. As per the noticing requirements, we send out notices to property owners, tenants/occupants and neighborhood groups that are within 300 feet of the project property. I've attached an electronic copy of the list of addresses who received the notices.

Thanks,
Melinda



Melinda Jacob
Office Specialist II
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981-7421

Website: www.berkeleca.gov, Email: mjacob@berkeleyca.gov

REDUCED LAND USE HOURS ARE IN EFFECT! Land Use / Zoning counter services are available at the Permit Service Center (PSC) between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday. To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

[Construction & Development | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/construction-development/)

<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>

[Zoning Lookup | City of Berkeley \(berkeleyca.gov\)](https://www.berkeleyca.gov/zoning-lookup/)

From: Doris Nassiry <cypanjun@hotmail.com>

Sent: Tuesday, September 3, 2024 9:58 AM

To: Jacob, Melinda <MJacob@berkeleyca.gov>

Subject: Re: Link: Please Help Me???

Hi, Thanks so much. I'll look forward to receiving your draft agenda on Thursday.....be well. Doris

From: Jacob, Melinda <MJacob@berkeleyca.gov>

Sent: Tuesday, September 3, 2024 9:56 AM

To: Doris Nassiry <cypanjun@hotmail.com>

Subject: RE: Link: Please Help Me???

Hello Ms. Nassiry. The link I sent to you is the **draft agenda** for the upcoming meeting, which doesn't have the zoom link yet (indicated by the highlighted parts). The final agenda, which gets posted this Thursday at 5pm, will have the zoom links. I will email you the final agenda once I post it on Thursday.

Sorry for the confusion. I should've explained that to you in the email.

Thanks,
Melinda



Melinda Jacob
Office Specialist II
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981-7421

Website: www.berkeleca.gov, Email: mjacob@berkeleyca.gov

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through Thursday. To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

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<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>
[Zoning Lookup | City of Berkeley \(berkeleyca.gov\)](https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center)

From: Doris Nassiry <cypanjun@hotmail.com>
Sent: Tuesday, September 3, 2024 9:52 AM
To: Jacob, Melinda <MJacob@berkeleyca.gov>
Subject: Re: Link: Please Help Me???

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.

Hello, again, Melinda, Please send me JUST the link to access where people can sign up to attend the zoom access to the September hearing re: 2708 Prince Street. I tried, but failed to access that link.....I've been unable to find/access the link. The purpose of such meetings is to invite and engage Berkeley residents in local issues, but the complicated details on this website are very cumbersome, Please copy and paste the link to me, so we can easily access the sing-up to attend the zoom option. Many thanks. Doris

From: Jacob, Melinda <MJacob@berkeleyca.gov>
Sent: Tuesday, September 3, 2024 8:38 AM
To: cypanjun@hotmail.com <cypanjun@hotmail.com>
Subject: Link

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2024-09-12_ZAB%20Agenda.pdf



Melinda Jacob
Office Specialist II
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981-7421
Website: www.berkeleca.gov, Email: mjacob@berkeleyca.gov

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<https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center>
[Zoning Lookup | City of Berkeley \(berkeleyca.gov\)](https://berkeleyca.gov/construction-development/permits-design-parameters/permit-process/permit-service-center)

Riemer, Allison

From: Updegrave, Samantha
Sent: Tuesday, August 27, 2024 5:02 PM
To: Riemer, Allison
Subject: FW: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy

Follow Up Flag: Follow up
Flag Status: Flagged

Internal

From: Updegrave, Samantha
Sent: Tuesday, August 27, 2024 4:24 PM
To: Rena Rickles <rena@rickleslaw.com>
Cc: Robert Riemer <robert@av.co>; Klein, Jordan <JKlein@berkeleyca.gov>
Subject: RE: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy

Thank you for reaching out, Rena.

This housing development project is slated for the September 12, 2024 Zoning Adjustments Board (ZAB) hearing, and the date is not being changed. As previously noted, housing development projects that are subject to the requirements of the Housing Accountability Act and the Housing Crisis Act are taken to ZAB for action once staff review and analysis is completed. Scheduling the hearing for ZAB is a procedural matter, not an action on the permit, and is not appealable.

At the hearing, ZAB may approve, modify, or deny the application, or continue the hearing to a future date. You or your client may request a hearing continuation to the ZAB through public comment at the hearing (in person or remotely) and/or in writing. Correspondence to ZAB that are submitted no later than 5 pm on September 4 will be included with the staff report and other project documents. I've included the full schedule for submitting written comments below. While this correspondence will be included, I recommend provide comments in writing to ZAB.

Schedule for correspondence to ZAB with dates added (also published on each ZAB agenda):

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley CA 94704, 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>.

Correspondence received by 5:00 PM eight days before this public hearing (September 4) – 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, 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 (September 10)** – will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM the day of this public hearing (September 12)** will be provided to the Board at the hearing.

- **Correspondence received after 12:00 PM the day of this public hearing will be saved in the project administrative record.**

Best,
Samantha

From: Rena Rickles <rena@rickleslaw.com>

Sent: Monday, August 26, 2024 5:52 PM

To: Klein, Jordan <JKlein@berkeleyca.gov>; Updegrave, Samantha <SUpdegrave@berkeleyca.gov>

Cc: Robert Riemer <robert@av.co>

Subject: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy

Importance: High

Dear Jordan and Samantha,

I represent Robert Riemer, who along with his wife live adjacent to this proposed project and are clearly and uniquely, the most negatively impacted by it. I have left Samantha to voicemails on this matter, hence this email to both of you. Their opposition is not to the project itself but to its current design which disproportionately affects only them. Under the circumstances which I am about to recite below, I find it unconscionable and a Looking for John River High School Call Sharon Bloomberg Mobile I'm so pale I don't know I'm sorry Elliot Elliott I'll be right home I'm talking to you I'm home major injustice to deny Robert Riemer's reasonable and timely request for continuance in this matter. The justification in Samantha's last email misstates the grounds upon which Robert Riemer's requests this continuance. Never in my almost 30 years of appearing before the Zoning Adjustments Board, have I known of a continuance being denied the persuasive facts in this case. In fact, it's been my experience that under significantly less persuadable facts a onetime continuance is customarily granted. This is especially true whereas here there is no harm to developer by this minor delay. Therefore, it escapes me why in this instance it is being denied to Robert Reimer.

I have a twofold request: 1) grant Robert Riemer's request for a continuance to October from the currently scheduled September 12th hearing date; or, 2) provide me with the avenue to appeal your denial as well as your grounds for denying this timely and reasonable request

..

The facts as I understand them are this:

- As soon as Robert Riemer became aware of the details of this proposed project (late this spring I believe), he immediately contacted Planner Alison Reimer, both to learn more about the specifics of the project, and to advise her that he would be opposing it.
- At that time Allison Reimer advised Robert Riemer (no relation) that the hearing would be scheduled sometime in August.
- Accordingly, in early July, Robert Reimer booked his and his family's annua one month trip to Spain for the month of September. At no time since early spring did Allison Riemer advise Robert Riemer that the Hearing date had been moved to September 12th. (True Robert Riemer was not an official party to this matter, but his presence and interest were well known to planning, and at least as a courtesy he should have been consulted regarding the change in date.
- Robert discovered the change in date only by accident: he in good faith reached out to the developer to request a meeting to discuss the design that was proposed project; the developer refused to consider any modifications and stated that he would see him at the ZAB Hi in September.
- Robert Riemer immediately acted to request a continuance. This was his first and only request for a continuance.
- Contrary to what was stated in your denial, Robert Riemer will be in Europe which is a far cry from the inconvenience of not being in the area. The alternative " Participation", Zoom, in this case is illusory. It amounts to a denial of participation. There is a nine-hour time-zone difference and the ability to maintain a Zoom connection on Zoom throughout the length of a ZAB hearing is minuscule.

Riemer, Allison

From: Updegrave, Samantha
Sent: Tuesday, August 27, 2024 5:12 PM
To: Riemer, Allison
Subject: FW: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy

Importance: High

Internal

From: Rena Rickles <rena@rickleslaw.com>
Sent: Monday, August 26, 2024 5:52 PM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Cc: Robert Riemer <robert@av.co>
Subject: 2708 Prince Street: Critical Need for Continuance of September 12th date-- Unacceptable response Under the facts of this case and public policy
Importance: High

Dear Jordan and Samantha,

I represent Robert Riemer, who along with his wife live adjacent to this proposed project and are clearly and uniquely, the most negatively impacted by it. I have left Samantha to voicemails on this matter, hence this email to both of you. Their opposition is not to the project itself but to its current design which disproportionately affects only them. Under the circumstances which I am about to recite below, I find it unconscionable and a Looking for John River High School Call Sharon Bloomberg Mobile I'm so pale I don't know I'm sorry Elliot Elliott I'll be right home I'm talking to you I'm home major injustice to deny Robert Riemer's reasonable and timely request for continuance in this matter. The justification in Samantha's last email misstates the grounds upon which Robert Riemer's requests this continuance. Never in my almost 30 years of appearing before the Zoning Adjustments Board, have I known of a continuance being denied the persuasive facts in this case. In fact, it's been my experience that under significantly less persuadable facts a onetime continuance is customarily granted. This is especially true whereas here there is no harm to developer by this minor delay. Therefore, it escapes me why in this instance it is being denied to Robert Reimer.

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- At that time Allison Reimer advised Robert Riemer (no relation) that the hearing would be scheduled sometime in August.
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and interest were well known to planning, and at least as a courtesy he should have been consulted regarding the change in date.

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- Robbie Carman It is well known to all three of us that not being physically present to organize speakers and documents in the week before the hearing constitutes a major disadvantage. (it is also not possible for me to appear in Robert Riemer’s stead as I will be in the Midwest attending my husband’s 60th high school reunion, followed immediately by a large family reunion there).

Thank you in advance for your attention to this very important matter. If you have any questions, please feel free to call me at 510-326-4899.

Best,
Rena

0

RENA RICKLES
Law offices of Rena Rickles
1970 Broadway, Suite 1100
Oakland, CA 94612
Phone: (510) 452-1600
Mobile: (510) 326-4899
Fax: (510) 451-4115
Rena@RicklesLaw.com

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the email to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please notify the sender immediately, and destroy all copies of this message and any attachments.

From: Robert Riemer <robert@av.co>
Sent: Thursday, August 22, 2024 12:37 PM
To: Rena Rickles <rena@rickleslaw.com>
Subject: Re: *4th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Texting with Igor. He agrees go to Jordan.
And fact correction on Samantha's em
Sent from Rena Rickles I Phone. All mistakes are the fault of a hyperactive autocorrect or failure to proofread dictated message

On Aug 21, 2024, at 9:56 AM, Updegrave, Samantha
<SUpdegrave@berkeleyca.gov> wrote:

Good morning, Robert.

I understand that you will be out of the area on September 12, and that it is disappointing to not be able to attend the hearing in person. You may participate in the hearing virtually and also provide direct written comments to the ZAB, which if received by 5pm on Wednesday, September 4, will be included with the staff report that is sent to the commissioners on the following day. The link to join the meeting remotely will be available on the final agenda, which is posted by the end of the day on September 5.

The hearing date was not delayed from August – the staff analysis was not complete therefore the project was not ready for final action. This is why dates remain tentative until the notices are posted, to ensure that they are ready to be heard. Once a housing development project is ready for ZAB action, it is scheduled at the next available hearing.

Riemer, Allison

From: Riemer, Allison
Sent: Friday, August 23, 2024 10:23 AM
To: Robert Riemer
Subject: RE: *6h Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Robert,

Thank you for sharing your concerns with me about the impact of the massing and setbacks on your yard and home. I will make note of them in the staff report. If you have another letter you want to share that explains your concerns you should email it to zab@berkeleyca.gov by 5 PM on September 4 so that it will be included in the ZAB packet.

Best,
Allison

From: Robert Riemer <robert@av.co>
Sent: Tuesday, August 20, 2024 10:09 AM
To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>
Subject: Re: *6h Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

All - just bringing the whole group back to the chain from my original notification July 18. As you indicated you'd let me know *when* the date would be set, I have some urgency in seeking a discussion prior to the ZAB meeting date being set, and I am not hearing back. I really understand the press of business, but I registered my interest in the timing for the ZAB meeting back in early May.

Allison, I really appreciate you having come by my home a couple of Fridays ago to view the impact, and now that some time has passed, I thought it would be fair to hear your thoughts on what we discussed. Let me know when you have time for that.

Many thanks again.

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 19, 2024, at 2:58 PM, Robert Riemer <robert@av.co> wrote:

Hi Samantha, dropping in another follow up here. Wish to speak with you for the below stated purposes, in advance of any date-setting. I am generally available. Many thanks,

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 15, 2024, at 12:17 PM, Robert Riemer <robert@av.co> wrote:

Riemer, Allison

From: Updegrave, Samantha
Sent: Wednesday, August 21, 2024 9:57 AM
To: Robert Riemer
Cc: Riemer, Allison; Rena Rickles
Subject: RE: *4th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Good morning, Robert.

I understand that you will be out of the area on September 12, and that it is disappointing to not be able to attend the hearing in person. You may participate in the hearing virtually and also provide direct written comments to the ZAB, which if received by 5pm on Wednesday, September 4, will be included with the staff report that is sent to the commissioners on the following day. The link to join the meeting remotely will be available on the final agenda, which is posted by the end of the day on September 5.

The hearing date was not delayed from August – the staff analysis was not complete therefore the project was not ready for final action. This is why dates remain tentative until the notices are posted, to ensure that they are ready to be heard. Once a housing development project is ready for ZAB action, it is scheduled at the next available hearing.

This email will be included in the communications attachment that ZAB receives, however, it does not contain your specific concerns related to the project. I encourage you to provide separate written comments to ZAB that address your concerns or questions, in addition to joining remotely from a computer or mobile device.

Best,
Samantha

From: Robert Riemer <robert@av.co>
Sent: Tuesday, August 20, 2024 4:03 PM
To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>; Klein, Jordan <JKlein@berkeleyca.gov>; Rena Rickles <rena@rickleslaw.com>
Subject: Re: *4th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, good to hear back. But as the initial August date was delayed to accommodate some other parties' needs or vacation schedules, I am upset that my many diligent requests to discuss in advance the impact of my unavailability during 3 weeks in September have been unanswered. Early on, I made myself a known party to this matter and I worked to avoid all of this by reaching out, but I still was not advised of your date until at least 10 days after the Applicant was advised of it. Even as of July 22, the September 12 date was only tentative.

From a public policy and due process perspective this project should have fair voice by not just one but by both sides. This is a uniquely drawn project which will have a unique impact on the neighborhood with density front and center and with very precedential impact. I should be granted the courtesy of being allowed to attend in person especially when it's clear that others' availability was taken into account.

Again I'm offering my time to speak with you - I am free all week.

Sincerely,

Rierner, Allison

From: Robert Rierner <robert@av.co>
Sent: Tuesday, August 20, 2024 4:03 PM
To: Updegrave, Samantha
Cc: Rierner, Allison; Klein, Jordan; Rena Rickles
Subject: Re: *4th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, good to hear back. But as the initial August date was delayed to accommodate some other parties' needs or vacation schedules, I am upset that my many diligent requests to discuss in advance the impact of my unavailability during 3 weeks in September have been unanswered. Early on, I made myself a known party to this matter and I worked to avoid all of this by reaching out, but I still was not advised of your date until at least 10 days after the Applicant was advised of it. Even as of July 22, the September 12 date was only tentative.

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Again I'm offering my time to speak with you - I am free all week.

Sincerely,

Robert Rierner
COO, Artis Ventures
c: 415.517.9498
e: robert@av.co

On Aug 20, 2024, at 10:01 AM, Updegrave, Samantha <SUpdegrave@berkeleyca.gov> wrote:

Good morning, Robert.

Thank you for reaching out about the Zoning Adjustments Board (ZAB) hearing for the project at 2708 Prince Street, and your patience while I assessed the project's readiness for action. I understand that you have been contact with the owner or applicant at various stages of the project, as well as the project planner Allison.

The project is slated for the next ZAB hearing on September 12, 2024 and, at this time, will not be moved to a later date. This is a housing development project that will demolish a single-family dwelling and construct a new duplex, and is subject to the requirements of the Housing Accountability Act and the Housing Crisis Act. As such, taking the project to ZAB for action once our review and analysis is completed is a City priority under State requirements.

I understand that you expected an earlier hearing date and are now requesting staff to consider a later date because you will be out of town for the month of September. All ZAB hearings are a hybrid format which provides the opportunity to attend in person or remotely via video conferencing. These meetings are conducted in accordance with the Brown Act, Govt' Code Section 54950, linked [here](#) for reference. Correspondence that you've already shared with staff, including myself, will be included as an attachment to the staff report for ZAB. You may submit additional written comments to the ZAB as well.

Riemer, Allison

From: Robert Riemer <robert@av.co>
Sent: Tuesday, August 20, 2024 10:09 AM
To: Updegrave, Samantha
Cc: Riemer, Allison; Klein, Jordan
Subject: Re: *6h Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Follow Up Flag: Follow up
Flag Status: Flagged

All - just bringing the whole group back to the chain from my original notification July 18. As you indicated you'd let me know *when* the date would be set, I have some urgency in seeking a discussion prior to the ZAB meeting date being set, and I am not hearing back. I really understand the press of business, but I registered my interest in the timing for the ZAB meeting back in early May.

Allison, I really appreciate you having come by my home a couple of Fridays ago to view the impact, and now that some time has passed, I thought it would be fair to hear your thoughts on what we discussed. Let me know when you have time for that.

Many thanks again.

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 19, 2024, at 2:58 PM, Robert Riemer <robert@av.co> wrote:

Hi Samantha, dropping in another follow up here. Wish to speak with you for the below stated purposes, in advance of any date-setting. I am generally available. Many thanks,

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 15, 2024, at 12:17 PM, Robert Riemer <robert@av.co> wrote:

Hi Samantha, forgive my pressing, I've been seeking some transparency into this scheduling and not getting a lot of help. Stressing that I will be absolutely unable to attend a video meeting in September. I'm not just a "member of the public" in this matter, but a party directly adjacent with a direct and not just a general interest. Do you have a moment this afternoon?

Robert Riemer
c: 415.517.9498
e: robert@av.co

Riemer, Allison

From: Robert Riemer <robert@av.co>
Sent: Monday, August 19, 2024 2:59 PM
To: Updegrave, Samantha
Cc: Riemer, Allison
Subject: Re: *5th Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, dropping in another follow up here. Wish to speak with you for the below stated purposes, in advance of any date-setting. I am generally available. Many thanks,

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 15, 2024, at 12:17 PM, Robert Riemer <robert@av.co> wrote:

Hi Samantha, forgive my pressing, I've been seeking some transparency into this scheduling and not getting a lot of help. Stressing that I will be absolutely unable to attend a video meeting in September. I'm not just a "member of the public" in this matter, but a party directly adjacent with a direct and not just a general interest. Do you have a moment this afternoon?

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 13, 2024, at 4:19 PM, Robert Riemer <robert@av.co> wrote:

Hi Samantha, it is good to hear from you, but I do believe we should speak before the date is in fact set which is why I have been reaching out. How about 10 minutes tomorrow, say around 10 a.m.?

Robert Riemer

On Aug 13, 2024, at 3:53 PM, Updegrave, Samantha
<Supdegrave@berkeleyca.gov> wrote:

Good afternoon, Robert.

Sorry for the delay in responding. As you probably gathered from my out of office reply, I have just returned to work yesterday, and I'm currently going through emails and calls. I received your emails, and will be looking at 2708 Prince Street later this week. I will let you know by the end of the week when the project will go to ZAB for hearing.

Riemer, Allison

From: Updegrave, Samantha
Sent: Tuesday, August 27, 2024 5:03 PM
To: Riemer, Allison
Subject: FW: *3d Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Internal

From: Updegrave, Samantha
Sent: Tuesday, August 13, 2024 3:54 PM
To: Robert Riemer <robert@av.co>
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: RE: *3d Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Good afternoon, Robert.

Sorry for the delay in responding. As you probably gathered from my out of office reply, I have just returned to work yesterday, and I'm currently going through emails and calls. I received your emails, and will be looking at 2708 Prince Street later this week. I will let you know by the end of the week when the project will go to ZAB for hearing.

Best,
Samantha

From: Robert Riemer <robert@av.co>
Sent: Tuesday, August 13, 2024 11:41 AM
To: Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Subject: Re: *3d Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, just a quick follow up on the below. Do you have a moment to speak today? Write back, thanks!

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Aug 11, 2024, at 11:54 AM, Robert Riemer <robert@av.co> wrote:

Hello Samantha, hope you are well. Could I ask you a favor? I'd like to take a minute to discuss the ZAB hearing with you, as you can see I've been voicing this issue with Planning since Mid-July. I am free tomorrow at 10:00 forward! I promise not to take too much of your time.

Thank you very much in advance,

Robert Riemer
3025 College Ave

c: 415.517.9498
e: robert@av.co

Begin forwarded message:

From: "Crane, Fatema" <FCrane@berkeleyca.gov>
Subject: RE: *2d Follow up* 2708 Prince Street: Critical Need for Continuanace of September 13th date
Date: July 31, 2024 at 4:10:12 PM PDT
To: Robert Riemer <robert@av.co>
Cc: "Riemer, Allison" <ARiemer@berkeleyca.gov>

Thanks for your message.

Allison has returned to the office and is currently catching up on emails and other messages. She'll be in touch with you shortly.

We have had positive experiences with hearing participation from abroad, this includes our staff as well as members of the public. Again, I do hope you will consider joining a hearing using video conferencing as an option.

Your patience is appreciated.

Sincerely,
Fatema

Fatema Crane (pronouns: s/her)
Principal Planner, LPC Secretary
Land Use Planning Division
Planning & Development Dept.
City of Berkeley

Direct tel.: 510-981-7413
Office tel.: 510-981-7410

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on the second Friday of each month. Please also note these upcoming City Holiday closures and observations: Labor Day, September 2; Indigenous Peoples' Day, October 14; Veterans' Day, November 11; and Thanksgiving, November 28 & 29.

My regular office hours are Monday through Thursday, 8:30AM to 6:30PM, and *every other* Friday until 5PM.

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Cc: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: Re: *2d Follow up* 2708 Prince Street: Critical Need for Continuanace of September 13th date

Riemer, Allison

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To: Updegrave, Samantha
Cc: Riemer, Allison
Subject: Re: *3d Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Hi Samantha, it is good to hear from you, but I do believe we should speak before the date is in fact set which is why I have been reaching out. How about 10 minutes tomorrow, say around 10 a.m.?

Robert Riemer

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Riemer, Allison

From: Updegrave, Samantha
Sent: Tuesday, August 27, 2024 5:13 PM
To: Riemer, Allison
Subject: FW: *3d Follow up* 2708 Prince Street: Critical Need for Continuance of September 12th date

Internal

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To: Robert Riemer
Cc: Riemer, Allison
Subject: RE: *2d Follow up* 2708 Prince Street: Critical Need for Continuance of September 13th date

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Flag Status: Flagged

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Thank you and please keep me posted!

Robert Riemer
COO, Artis Ventures
499 Jackson St. | Suite 400
San Francisco, CA | 94111
c: 415.517.9498
e: robert@av.co

On Jul 22, 2024, at 7:34 PM, Crane, Fatema <FCrane@berkeleyca.gov> wrote:

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All interested parties would be able to attend the Use Permit hearing either in-person or remotely via video conferencing – this is the City’s established meeting format for both ZAB and City Council meetings, and these meetings are conducted in accordance with the Brown Act, Govt’ Code Section 54950, linked [here](#) for reference.

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I understand that you expected the Prince Street ZAB hearing to occur sooner, as early as August. I sympathize with your disappointment. Please consider making arrangements to attend remotely via video conferencing and, at a minimum, to share a written statement to ZAB in the meantime. Staff will include your statement with the hearing materials.

Please reply or telephone me directly with further questions.

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Fatema Crane

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Land Use Planning Division
Planning & Development Dept.
City of Berkeley

Direct tel.: 510-981-7413
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From: Robert Riemer <robert@av.co>
Sent: Thursday, July 18, 2024 3:46 PM
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Cc: Klein, Jordan <JKlein@berkeleyca.gov>; Planning Dept. Mailbox <Planning@berkeleyca.gov>
Subject: 2708 Prince Street: Critical Need for Continuance of September 13th date

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Subject: Re: 2708 Prince- lot coverage and usable open space

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Hi Allison, hope you are doing well this summer.

I left you a vm regarding Zab meeting. No news on when that would transpire and it appears the project has not moved beyond CEQA determination. I am out of country 9/1/24-9/22/24.

Many thanks, looking forward to hearing from you.

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[Lot coverage](#) defined in the BMC.

Building, defined in the [Glossary](#): Building. An enclosed structure having a roof and supported by columns or walls.

[Useable open space](#)

Best,

Allison

Allison Riemer, AICP (she/her)

Associate Planner

Land Use Planning Division | (510) 981-7433

1947 Center Street, 2nd Floor | Berkeley, CA 94704

ariemer@berkeleyca.gov

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[Zoning Project Submittal Requirements](#) (updated October 2023)

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Planning Department [Forms](#)

City of Berkeley [holidays and reduced service days](#)

Received

JUL 24 2024

Land Use Planning

July 14, 2024

Edith Yu
3027 College Ave.
Berkeley, CA 94705

Allison Riemer
Planning & Development
City of Berkeley

Dear Ms Riemer,

Thank you for talking with me on July 3rd regarding the proposed development at 2708 Prince Street.

I found the so-called ADU in the proposed plan questionable. As you have informed me that an ADU needed to have a 4' setback from the property line and a 5' separation from the main building, the proposed "ADU" is directly connected to the proposed main building. It is really a third row residence in disguise in order to circumvent the 20' setback requirement from the back (south) property line. I have enclosed a diagrammatic section showing the proper placement of the true ADU.

This is a small site, 4,313 sq. ft. The proposed plan will increase the floor area from 1,052 sq. ft. to 3,882 sq. ft. If approved, it will certainly set a bad precedent for other developers to follow and increase the density of the Elmwood Residential Area astronomically.

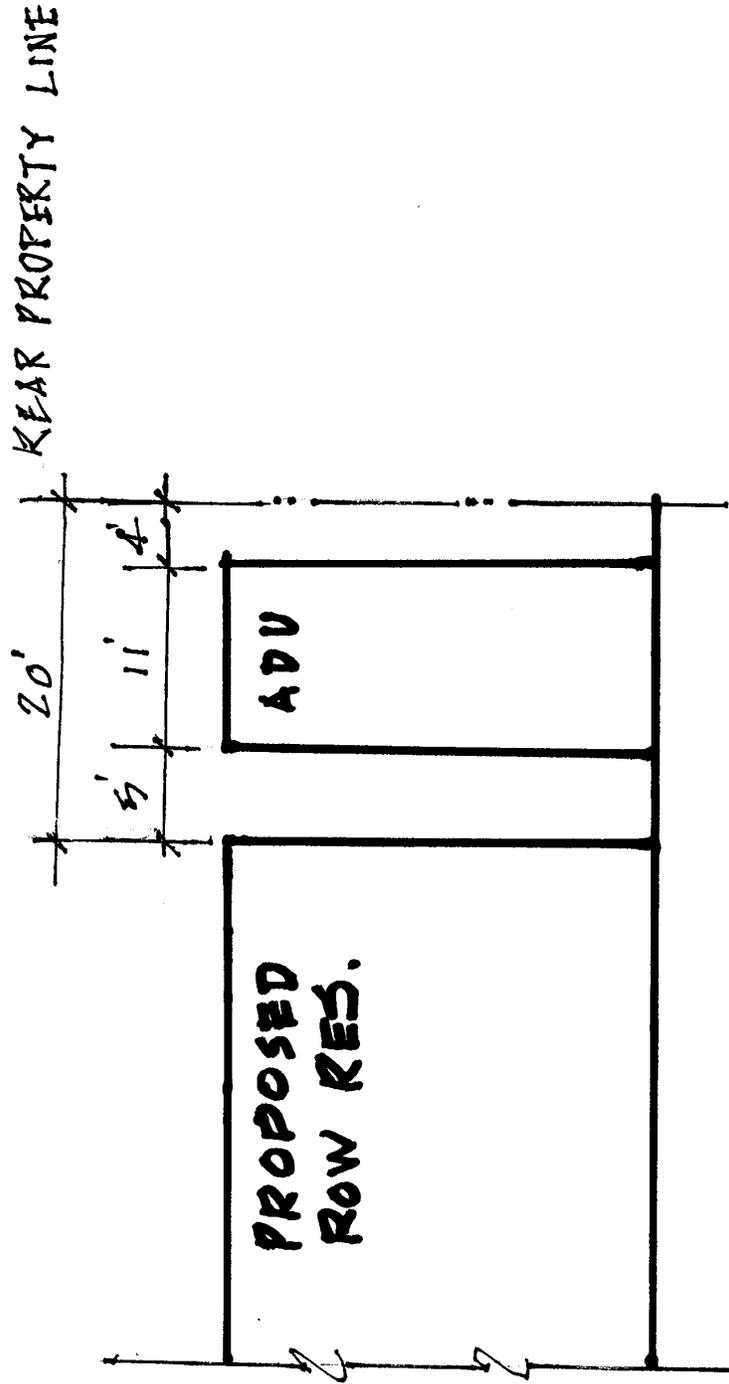
I hope you will consider these comments in reviewing the proposed development for 2708 Prince St.

Sincerely,

Edith Yu



enclosure



DIAGRAMMATIC SECTION

NOT TO SCALE

2708 PRINCE ST.

Riemer, Allison

From: Crane, Fatema
Sent: Monday, July 22, 2024 7:35 PM
To: robert@av.co
Cc: Riemer, Allison
Subject: RE: 2708 Prince Street: Critical Need for Continuance of September 13th date

Rob,

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Associate Planner
Land Use Planning Division | (510) 981-7433
1947 Center Street, 2nd Floor | Berkeley, CA 94704
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Hi Allison, hope you are doing well this summer.

I left you a vm regarding Zab meeting. No news on when that would transpire and it appears the project has not moved beyond CEQA determination. I am out of country 9/1/24-9/22/24.

Many thanks, looking forward to hearing from you.

Robert Riemer
c: 415.517.9498
e: robert@av.co

On May 9, 2024, at 4:49 PM, Riemer, Allison <ARiemer@berkeleyca.gov> wrote:

Hi Rob,

A trellis counts toward lot coverage. This is not stated in the Berkeley Municipal Code, but is a longstanding Zoning Officer interpretation of the Code. The [lot coverage example diagram](#) includes a trellis.

[Lot coverage](#) defined in the BMC.

Building, defined in the [Glossary](#): Building. An enclosed structure having a roof and supported by columns or walls.

[Useable open space](#)

Best,

Allison

Allison Riemer, AICP (she/her)

Associate Planner

Land Use Planning Division | (510) 981-7433

1947 Center Street, 2nd Floor | Berkeley, CA 94704

ariemer@berkeleyca.gov

The Permit Service Center (PSC), including the Zoning Counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.

[Zoning Project Submittal Requirements](#) (updated October 2023)

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Riemer, Allison

From: Linda Joseph <ljoseph97@gmail.com>
Sent: Sunday, July 7, 2024 3:08 PM
To: Robert Riemer
Cc: Riemer, Allison
Subject: Re: 2708 Prince Impact | Following up
Attachments: 24_0703_JSI Response .pdf

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Hi Robert,

Thank you for your invitation to meet at your home. I humbly decline. Please see our response in the attached letter. We look forward to presenting and defending our design at ZAB. We will see you there.

-cheers, linda

On Wed, Jul 3, 2024 at 3:15 PM Robert Riemer <robert@av.co> wrote:

Hi Linda, hope all is well. I understand some delay due to travel since my original letter. Thought I would follow up on my meeting request to see when both you and Allison would be available for a meeting at my home.

Sincerely,

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Thu, Jun 27, 2024 at 8:15 AM Linda Joseph <ljoseph97@gmail.com> wrote:

Hi Robert,

I have been out of the country and just got back last night. I have received your email and have forwarded it to my architect. We will let you know how we plan to proceed.

Thanks.

Cheers,
Linda

On Jun 21, 2024, at 3:02 PM, Robert Riemer <robert@av.co> wrote:

Hi Linda, please see attached.

Robert Riemer
c: 415.517.9498
e: robert@av.co

ROBERT RIEMER AND SHEILA MORAN
3025 COLLEGE AVE. | BERKELEY, CA 94705
415.517.9498 | ROBERT@AV.CO

June 21, 2024

Linda Joseph
2708 Prince St.
Berkeley CA. 94705
e: ljoseph97@gmail.com

Re: 2708 Proposed Construction Project ZP2024-0024

Dear Ms. Joseph,

The purpose of this letter is to express our opposition to the proposed project at 2708 Prince as currently drawn. It is our hope that by meeting with you we can arrive at design compromises, which will reduce the now designed project's complete and unreasonable blockage of our air and light to a reasonable level, taking into consideration all of/ the facts of this application.

The problem we see with your project is that it stuffs far too much structure on a narrow substandard-sized lot. The design provides no relief from the shading and blockage of airflow caused by the uninterrupted 24' wall. In addition, the east side aesthetic which is as little as 3' 5 3/8" from our property (per the 4/20/24 Resub Packet) creates a suffocating feeling to that entire side of our property.

Moreover, the attached ADU structure extends this visual barrier far to the south, further boxing in property to the west. Together this significantly robs us of light and sky in our home and over our patio, which is much closer to the property line. True, the wall on your side is open to the sky, letting in light and air for your clients, but we face an uninterrupted suffocating 2-story closed wall.

With regards to density, the intent of the "5-bedroom rule" is to prevent the transformation of a residential neighborhood into a dormitory environment, especially where, such as here, this vast expansion is packed into a narrow substandard sized lot. Here, the impact of 5+ (here it is 6) bedrooms is the same, regardless of whether it is "new construction" or an "addition", the impact on the residents surrounding your property is the same. Others in the immediate neighborhood are impacted by the significant density of this project on the narrow lot.

The neighbors who support or are not opposed are either not impacted at all or not impacted to the extent we are.¹ Yet, all three of the east bordered properties (one being

¹ There is a dramatic difference between the east and west elevations of this development project. The east side design features include screening of the enclosed

yours, one ours, and the third being the Yu residence, one lot south) are bearing almost the entire negative aesthetic, loss of light and airflow burden of this design decision. Your drawings barely reveal, if at all, the full destructive impact your design has upon us. They poorly illustrate the proximity to our neighboring property, and there is no comparable presentation of the east facing walls within the drawings to truly allow one to evaluate the aesthetic consequence.

This imbalance can be corrected by a/ providing the same design aesthetic to both sides or b/ reducing the massing of the overall project, or some combination of the two.

We request that you install story poles to best depict the impact. While story poles are not required in this zone for new development, we believe that the facts of this development mandate them.

As we said at the beginning of this letter, we hope that we could come to a meeting of the minds and avoid having to formally oppose your development. We are inviting you and your team to our home to see for yourself the impact your current design would have. At our meeting we would like to explore possible design alternatives that would minimize the impact of your current design.

Very truly yours,



Robert Riemer



Sheila Moran

Cc: Allison Riemer, Planner
Edith Yu

“open spaces” which significantly breaks up this building visually and allows midday and afternoon light to filter through. This is well illustrated on sheet 14 of the drawings. Nearly all the meaningful aesthetics that allow pass-through light and the appearance of reduced density are pointed in that property’s direction, while we face basically a single walled structure, covering the entire east side of our property. This west facing structure and aesthetic is barely displayed in the drawings.

Riemer, Allison

From: Riemer, Allison
Sent: Monday, June 10, 2024 11:21 AM
To: Robert Riemer
Subject: RE: 2708 Prince- lot coverage and usable open space

Hi Robert,

I don't know of other projects with a similar patio area. Per BMC Section [23.304.030\(B\)\(2\)](#) the applicant can reduce the side setback since the lot is less than 40 feet wide. This provision is used throughout the City in the R-1 to R-2A Zoning Districts. So the applicant could build a solid wall with a side setback of 3.45 ft. You could look at past [ZAB agendas](#) to find similar projects, but the setback reduction also applies to building permits and AUPs (which don't go to ZAB unless appealed).

Best,
Allison

From: Robert Riemer <robert@av.co>
Sent: Wednesday, May 22, 2024 2:56 PM
To: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: Re: 2708 Prince- lot coverage and usable open space

That's a big help. It might save time later if I could know how to find a few examples of residential projects

1. Which have included significant walled in but roofless structures into the open space calculation;
2. Which have obtained setback exception due to narrowness of property

The big concern is this contiguous wall (seems to have been approved due to the lot coverage rule) just 3 feet from my property line has an outsized impact, essentially walls us in as we have a shallow backyard. I would love to know of similar projects - how might I find this out?

Thank you so much!

Robert Riemer
COO, Artis Ventures
499 Jackson St. | Suite 400
San Francisco, CA | 94111
c: 415.517.9498
e: robert@av.co

On May 22, 2024, at 9:19 AM, Riemer, Allison <ARiemer@berkeleyca.gov> wrote:

Hi Robert,

Based on the due dates and my schedule I think this project could be on August 8 agenda.

Best,
Allison

From: Robert Riemer <robert@av.co>
Sent: Wednesday, May 22, 2024 8:52 AM
To: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: Re: 2708 Prince- lot coverage and usable open space

Thank you - based on where the project has progressed to date would that be a month? Longer?

Robert Riemer
COO, Artis Ventures
499 Jackson St. | Suite 400
San Francisco, CA | 94111
c: 415.517.9498
e: robert@av.co

On Wed, May 22, 2024 at 8:36 AM Riemer, Allison <ARiemer@berkeleyca.gov> wrote:

Hi Robert,

The public hearing posters are posted and the postcards are mailed two weeks before the ZAB meeting.

Best,
Allison

From: Robert Riemer <robert@av.co>
Sent: Wednesday, May 22, 2024 6:34 AM
To: Riemer, Allison <ARiemer@berkeleyca.gov>
Subject: Re: 2708 Prince- lot coverage and usable open space

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Hi Allison, just a quick follow up on the below. Thank you.

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Mon, May 20, 2024 at 12:47 PM Robert Riemer <robert@av.co> wrote:

Hi Allison, hope you are well. My notes Is this project set for a ZAB meeting this summer? Once the date is set, how will all of the neighbors be notified? Thank you.

Robert Riemer
COO, Artis Ventures
[499 Jackson St. | Suite 400](#)
[San Francisco, CA | 94111](#)

c: 415.517.9498
e: robert@av.co

On May 9, 2024, at 4:49 PM, Riemer, Allison <ARiemer@berkeleyca.gov> wrote:

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[Useable open space](#)

Best,

Allison

Allison Riemer, AICP (she/her)

Associate Planner

Land Use Planning Division | (510) 981-7433

[1947 Center Street, 2nd Floor | Berkeley, CA 94704](#)

ariemer@berkeleyca.gov

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Riemer, Allison

From: Bursell, Lief
Sent: Thursday, August 1, 2024 10:15 AM
To: Riemer, Allison
Subject: Re: 2708 Prince Street Demolition Proposal

Hi Allison,

That is definitely doable, though I am not sure that a memo is necessary if the unit is actually vacant. I can tell you through this email that we have no record of Ellis Act evictions, or cases of harassments or illegal eviction at 2708 Prince Street. That is really what the primary content of the memo, as the bulk of the Demo Ord. requirements do not apply to a SFH demo.

One thing I am concerned is that the owner paid registration fees to the Rent Board for FY 2025, which she would only need to do if she intended to keep renting the unit after the previous tenant moved-out in April. I would like to know more more about this, has she rented the unit to a new tenant, or did she pay regiustration fees for FY 2025 mistakenly - and actually intends to leave the unit vacant until the building is demolished.

Please confirm if you still think you need a memo or if this email suffices for the Demo Ord. findings.

Best,
Lief

From: Riemer, Allison <ARiemer@berkeleyca.gov>
Sent: Thursday, August 1, 2024 9:53 AM
To: Bursell, Lief <LBursell@berkeleyca.gov>
Subject: RE: 2708 Prince Street Demolition Proposal

[Internal](#)

Hi Lief,

This project is tentatively going to ZAB on September 12. Would you be able to prepare a memo in the next couple of weeks?

Best,
Allison

From: Bursell, Lief <LBursell@berkeleyca.gov>
Sent: Wednesday, April 10, 2024 11:34 AM
To: Linda Joseph <ljoseph97@gmail.com>
Cc: jeff@jeffsvitak.com; Riemer, Allison <ARiemer@berkeleyca.gov>; John Fingerle <johnfingerle@gmail.com>
Subject: RE: 2708 Prince Street Demolition Proposal

Thanks Linda,