



Office of the City Manager

PUBLIC HEARING

January 21, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Jordan Klein, Director, Planning & Development Department
Subject: ZAB Appeal: 2708 Prince Street, Use Permit ZP2024-0024

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit ZP2024-0024 to demolish a single-family home and accessory building (garage), and construct a 2-story (24 feet in height) 3,118 square-foot duplex, and dismiss the appeal.

SUMMARY

On September 12, 2024, ZAB approved the Use Permit for 2708 Prince Street allowing construction of a duplex. The ZAB approval was appealed to the City Council by an attorney representing an adjacent neighbor on October 1, 2024. The appellant has identified issues with the proposed west elevation and is requesting design modifications.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On February 16, 2024, Jeff Svitak submitted a Use Permit application (ZP2024-0024) to demolish the single-family home and garage, and construct a new duplex, at 2708 Prince Street.

In May 2024, Robert Riemer, an adjacent neighbor at 3025 College Avenue, contacted staff to learn more about the project and understand the development standards.

On September 12, 2024, ZAB conducted a public hearing for the Use Permit. After hearing public comments and holding a discussion, ZAB approved the Use Permit by a vote of 5-0-0-3 (Yes: Duffy, Gaffney, Sanderson, Thompson, Yung; No: None; Abstain: None; Absent: Jersey, Kahn, O'Keefe).

On September 17, 2024, the ZAB Notice of Decision was issued, starting the 14-day appeal period.

On October 1, 2024, Rena Rickles filed an appeal of the ZAB decision on behalf of Robert Riemer and Sheila Moran of 3025 College Avenue.

On or before January 7, 2025, staff posted the public hearing notice at the site and three nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area.

The City Council must conduct a public hearing to resolve the appeal.

BACKGROUND

The subject site is located on the south side of Prince Street, between College Avenue and Claremont Avenue in the R-2A Restricted Multiple-Family Residential District. Multiple-family dwellings are a principally permitted use with a Use Permit. The neighborhood primarily consists of one- and two-story residential properties, which include single-family dwellings, duplexes, and multi-family dwellings.

The 4,312-square-foot lot is rectangular-shaped and oriented north to south, with frontage on Prince Street. The west side lot line abuts the rear lot lines of 2700 Prince Street, 3025 College Avenue, and 3037 College Avenue. The project site is relatively flat and is developed with a one-story residential building and a garage. An easement is located along the east side of the property and provides shared 8-foot wide vehicular access to the site and the adjacent flag lot at 2710 Prince Street. There is a 5-foot easement on the subject site and a 3-foot easement on the flag lot 2710 Prince Street.

The proposed project would demolish the one-story single-family dwelling and garage, and construct a two-story duplex. Each new dwelling unit would have three bedrooms and be approximately 1,500 square feet in area. Since the lot is less than 40-feet wide, the required side yard setback is 10 percent of the lot width, or 3.45 feet. The proposed right or west side setback is 3.5 feet, and the proposed left or east side setback is 5 feet because of the access easement along the east side of the property.

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 with a patio. Additional landscaping areas would be located at the ground level between the walls of the living area and would be open to the sky. The landscaping spaces do not meet the minimum dimensions for useable open space and are excluded from useable open space requirements.

An Accessory Dwelling Unit (ADU) is shown for reference only in the plans, and is not part of the proposed project because it is subject to ministerial review and approval under local and State laws. An application for an ADU would be required to meet the applicable objective standards in place at the time of building permit approval.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter (Attachment 2) and staff's responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety.

Issue 1: The appellant states that there are inconsistencies between the project design and what was presented by the applicant and supporters at the ZAB hearing (Attachment 2, pages 1-2).

The appellant refers to the west elevation of the proposed project as an "unbroken wall" (Attachment 2, page 1). The appellant states that the Use Permit drawings showed a solid wall with zero light passing through it, which, in the appellant's view, was confirmed by the shadow study, but that the applicant later provided a drawing that showed light coming through the screening, which was inconsistent with the shadow study. The appellant also states that a neighbor in support of the project (David Trachtenberg) shared drawings that showed breaks between the units and the proposed ADU, but that those drawings were inaccurate.

Response: The statements made by the appellant about the elevations and shadow studies are incorrect. The proposed west wall would not be solid. Wood screens would be in front of the inset landscaped areas at each duplex, and recessed windows and doors would create articulation in the facade. The west elevation has been shown consistently throughout the review process.

On September 11, 2024, the applicant submitted a response letter to ZAB, addressing letters submitted by the appellant. The letter was included in the second round of Supplemental Communications for the September 12, 2024 ZAB meeting. The applicant's response letter included renderings of a hypothetical project next to the existing buildings on the adjacent lots, and additional renderings of the proposed building next to the existing buildings on the adjacent lots. The renderings of the proposed project submitted on September 11 are consistent with the elevation drawings in the Use Permit plan set.

A neighbor in support of the project, David Trachtenberg, also submitted a letter that was included in the second round of Supplemental Communications for the September 12, 2024 ZAB meeting. The letter included an overhead view of current conditions of 2708 Prince Street and nearby properties, and did not show the proposed project, as the appellant stated.

Issue 2: The appellant states that the Housing Crisis Act of 2019 (Senate Bill 330, or SB 330), and the Housing Accountability Act (HAA, California Government Code Section 65589.5(j)) do not preclude consideration of "detriment" (Attachment 2, page 2).

During the ZAB meeting, Commissioner Brandon Yung stated that due to State law, ZAB could not use a finding of detriment for shadow impacts as a basis for project denial, and that the required findings under the HAA prevent ZAB from denying the project. The appellant states that they only asked ZAB for modifications to the design, and not to reduce the density of the project.

Response: The purpose of SB 330 is to reduce restrictions on housing development, including limiting the number of hearings on a project. The HAA is another law intended to address housing in California, with a focus on approving projects that meet objective standards. The ZAB staff report (Attachment 4) provides background on SB 330 and the HAA.

A memorandum on the HAA prepared by the Land Use Planning Manager in 2021 explains that reducing/lowering the density of a project would include adding conditions that could impact the ability of the project to provide housing, which could include modifying the square footage, number of bedrooms, and height (Attachment 3, page 3). The memorandum also states that the Berkeley Municipal Code non-detriment finding (BMC Section 23.406.040(E)) is subjective, and ZAB should not apply subjective findings to housing development projects, which are protected by the HAA.

The proposed project meets the height and setback requirements, which are objective standards. The staff report and findings address the requirements of the municipal code for granting the requested permits, including the non-detriment finding, but the project is still protected by the HAA. ZAB did make a finding of non-detriment when it approved the Use Permit.

Thus, the appellant is incorrect; because the design modifications proposed by the appellant could have the effect of reducing/lowering the density of the project, the ZAB was limited to consideration of objective standards unless the specific findings under the HAA can be made. More details are available in the memo provided as Attachment 3.

Issue 3: The appellant states that consulting with impacted neighbors during the application process is a long-standing requirement, and dropping that requirement would be a “major step backward” (Attachment 2, page 2).

The appellant states that the applicant did not meet with the neighbors at 3025 College Avenue to consider design changes to reduce perceived detriment.

Response: The applicant conducted the required neighborhood outreach per the procedures in the Zoning Project Submittal Requirements. The neighbor at 3025 College Avenue reviewed a copy of the plans and signed in the table on the site plan (see sheet A100.1 of Attachment 1 Exhibit B). Applicants are not obligated to change plans, negotiate, or mediate at the request of neighbors. The project meets the objective

standards of the R2-A District. Neighbor contact was completed in compliance with the Land Use Planning Division's written procedures.

Issue 4: The appellant states that because their request to delay the ZAB meeting to a date when they could attend in person was denied, that they were unable to participate in the ZAB meeting (Attachment 2, page 2).

In May 2024, staff communicated to the neighbors at 3025 College that the project could go to ZAB during the summer, tentatively August 8. In July 2024, the neighbors followed up with staff to determine the ZAB date, and staff confirmed the project would be scheduled for ZAB review on September 12. The neighbors requested a continuance since they would be out of the country on September 12. The neighbors said that attending via Zoom would not be a suitable option because of the time difference and internet connectivity issues. Staff encouraged the neighbors to submit a written statement to ZAB if they would be unable to attend the September 12 hearing. The neighbors emphasized that failing to accommodate their schedule request would deny them their "due process."

In August 2024, staff reiterated that the hearing date was confirmed for September 12; since the project is a housing development project, the ZAB hearing could not be delayed. The neighbors' attorney (Rena Rickles) stated in an email to staff that the neighbors' interest in the project was well-known to staff, and they should have been consulted about the hearing date. On September 12, their attorney shared additional communications to staff and ZAB, but communications provided after 12 pm the day of the meeting could not be sent to ZAB before the meeting, and their attorney was unable to attend the meeting in person to bring hard copies of the late communications. During the hearing, the attorney requested a continuance, and commented on the project; since she was commenting as a member of the public she could not share a presentation.

Response: Public hearings for development projects are not scheduled around interested party availability. Communications from the neighbors were attached to the ZAB staff report, and supplemental communications were also shared with ZAB. During the ZAB meeting, the neighbors' attorney was given time to speak during the public comment period for the subject project.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project complies with all state and local environmental requirements.

Action Deadline:

Pursuant to BMC Section 23.410.040(l), if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Allison Riemer, Associate Planner, (510) 981-7433

1. Resolution

Exhibit A: Findings and Conditions, dated September 12, 2024

Exhibit B: Project Plans, received August 26, 2024

2. Appeal Letter, received October 1, 2024

3. Land Use Planning Manager Memorandum on Housing Accountability Act and Density Bonus, dated August 2, 2021

4. ZAB Staff Report, dated September 12, 2024

5. Index to Administrative Record

6. Administrative Record

7. Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

AFFIRMING THE ZONING ADJUSTMENTS BOARD APPROVAL OF USE PERMIT ZP2024-0024 TO DEMOLISH AN EXISTING ONE-STORY HOUSE AND ACCESSORY BUILDING (GARAGE), AND CONSTRUCT A NEW TWO-STORY (24-FOOT) 3,118 SQUARE-FOOT DUPLEX, AND DISMISS THE APPEAL.

WHEREAS, on February 16, 2024, Jeff Svitak submitted a Use Permit application to demolish the existing house and garage, and construct a new duplex; and

WHEREAS, on September 12, 2024, ZAB conducted a public hearing for the Use Permit. After hearing public comments and holding a discussion, ZAB approved the Use Permit by a vote of 5-0-0-3 (Yes: Duffy, Gaffney, Sanderson, Thompson, Yung; No: None; Abstain: None; Absent: Jersey, Kahn, O'Keefe); and

WHEREAS, on September 17, 2024, staff issued the notice of the ZAB decision, and on October 1, 2024 Rena Rickles filed an appeal of the ZAB decision on behalf of Robert Riemer and Sheila Moran of 3025 College Avenue; and

WHEREAS, on or before January 7, 2025, staff posted the public hearing notice at the site and three nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

WHEREAS, on January 21, 2024, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings made by ZAB in Exhibit A to affirm the decision made by ZAB, to approve Use Permit #ZP2024-0024 adopts the conditions of approval in Exhibit A, adopts the project plans in Exhibit B; and dismisses the appeal.

Exhibits

- Exhibit A: Findings and Conditions, dated September 12, 2024
- Exhibit B: Project Plans, received August 26, 2024

Attachment 1, Exhibit A

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.



FRONT FACADE LOOKING FROM PRINCE ST



SIDE FACADE LOOKING FROM ALLEY / EASEMENT

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San Diego, CA 92104
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SEAL



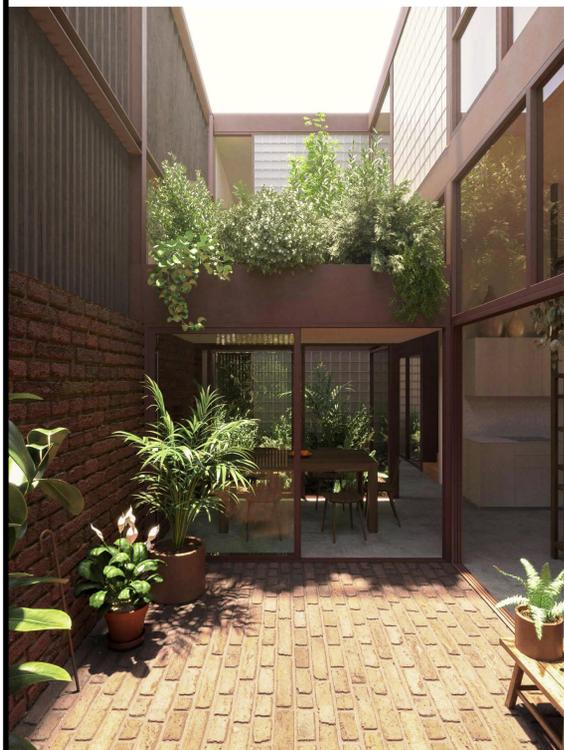
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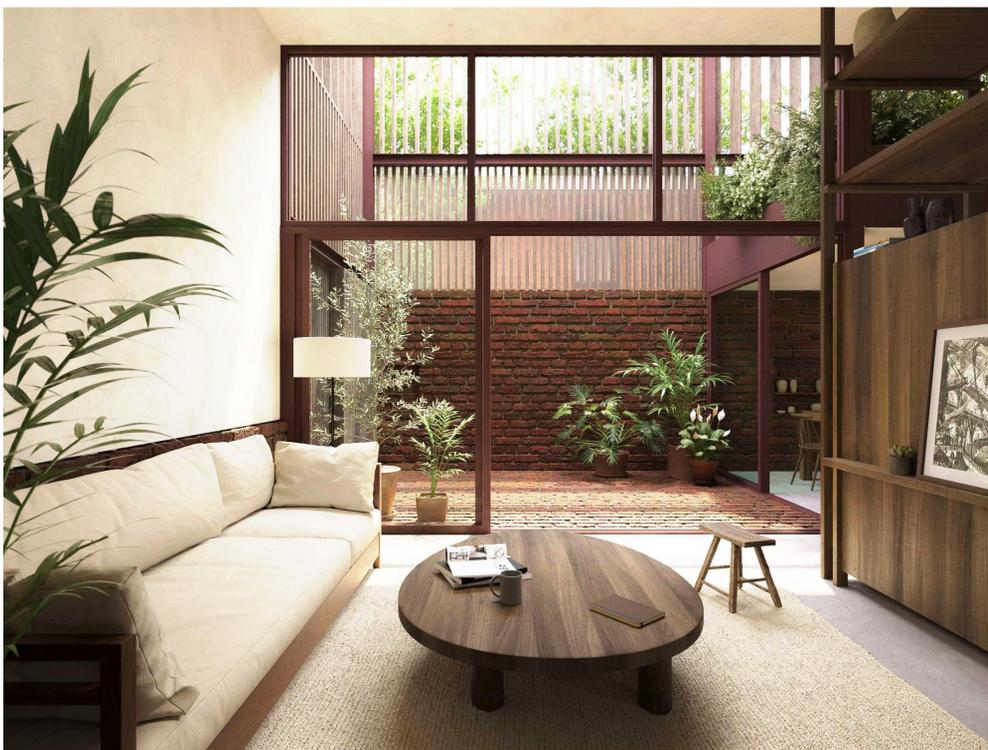
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BERKELEY CA 94705
APN: 052-1563-036

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Z.P.A RE-SUBMITTAL	04.20.2024
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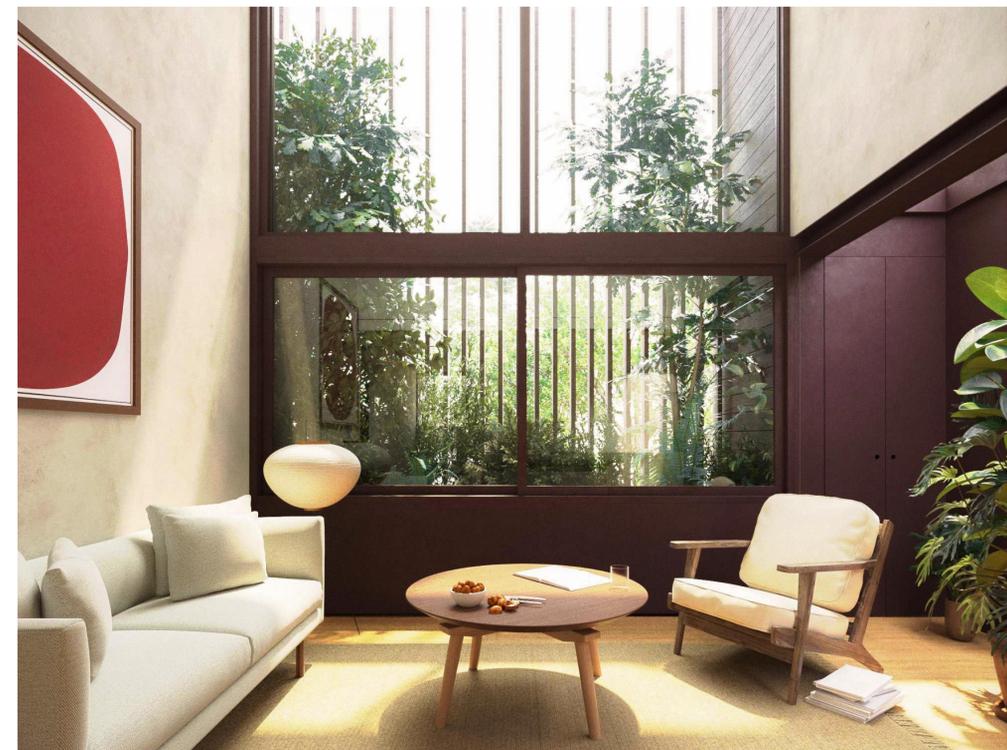
ENTRY COURT



LIVING ROOM AND ENTRY COURT



A.D.U LIVING ROOM

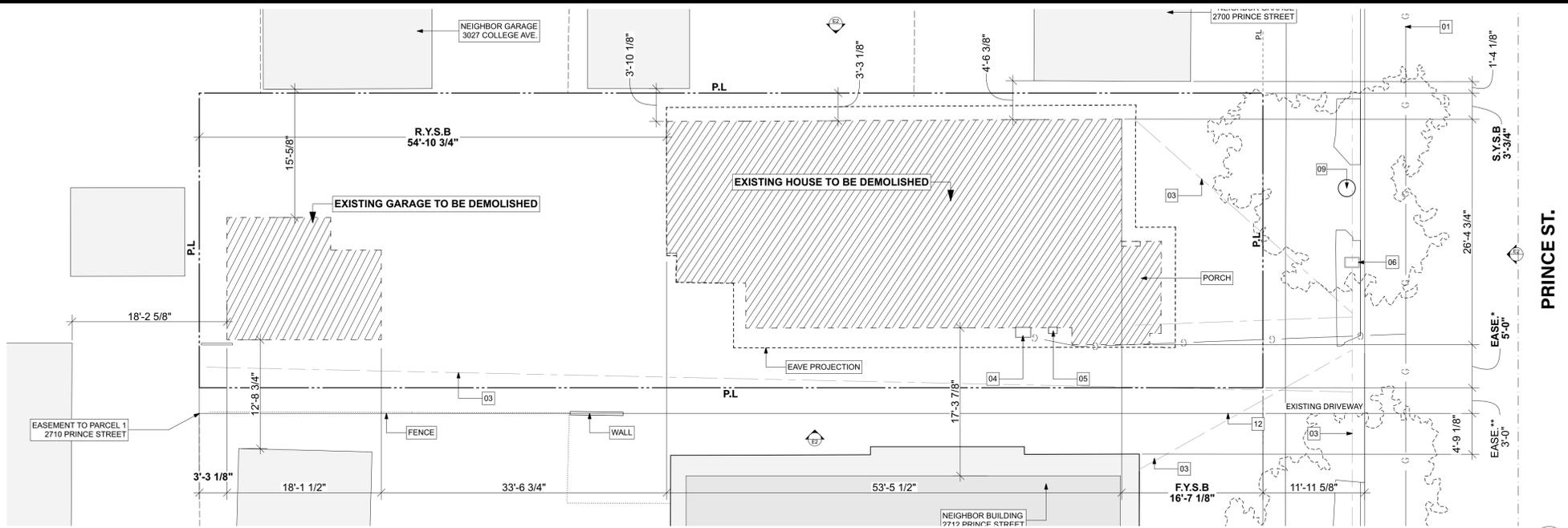


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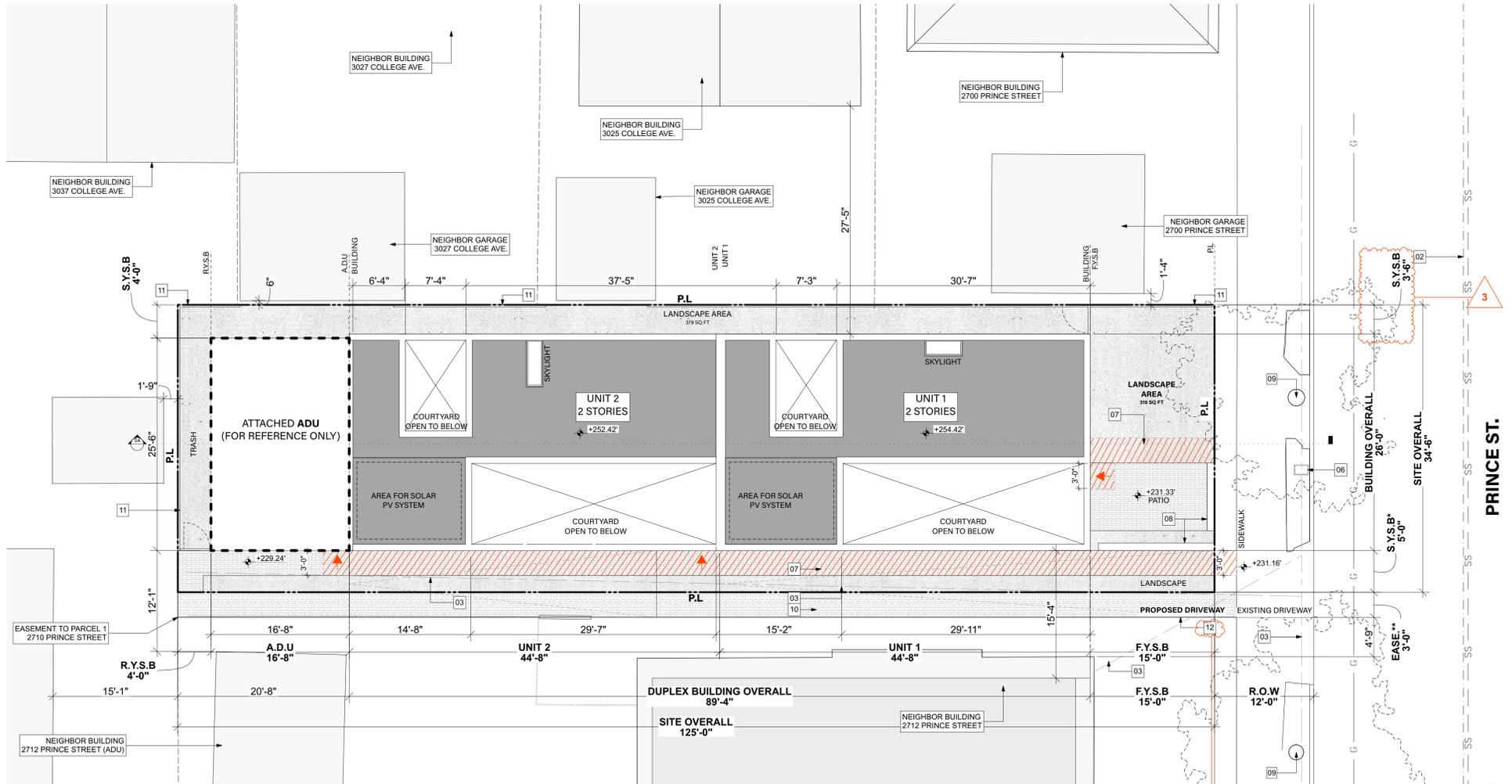
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G02
RENDERINGS
(FOR REFERENCE ONLY)

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 (3016 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:**
- 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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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 SN	[Signature]	2712 PRINCE ST	OWNER	2/8/24	NO	N/A	Come in!
Dorian Morello	[Signature]	2705 PRINCE ST.	owner	2/8/24	NO	N/A	looks great!
Benjamin Yu	[Signature]	2715 Prince St.	chuck chiu	2/9/24	NO	N/A	Good!
WIMFIELD BLOOM	[Signature]	3037 COLLEGE AVE	OWNER	2/9/24	NO	N/A	
JOSEPH THOMAS	[Signature]	2701 PRINCE	OWNER	2/9/24	NO	N/A	Good
Juan R. CARLO	[Signature]	2710 PRINCE	OWNER	2/9/24	NO	N/A	looks good!
David Carlo	[Signature]	2710 PRINCE	owner	2/10/24	NO	N/A	Good!
Brandon Byrne	[Signature]	2701 Prince St	Renter	2/10/24	No objections	N/A	Looks great!
Elizabeth Garcia	[Signature]	2701 Prince St #1	Renter	2/10/24	No	N/A	Looks great!
Rafael Lopez	[Signature]	2700 Prince	Owner	2/9/24	No	N/A	
Austin Salbeck	[Signature]	2701 Prince St	Rent	2/10/24	NO	N/A	
Edith Lopez	[Signature]	3027 COLLEGE AVE	OWNER	2/10/24	NO	BLDG. TAKEN UP. ENTIRE PROPERTY.	
Shalee M. Moran	[Signature]	3025 College Ave	Owner	2/10/24	No score	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	NO Comments
WIMFIELD BLOOM	[Signature]	3037 College Apt B	owner	02/19/2024	NO	N/A	NO
		3037 College Apt C	owner				
		3037 College Apt A	owner				
Robert H. Kean	[Signature]	3037 College St	Renter	12/24/24	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).
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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
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- 12. PROPOSED DRIVEWAY TO PROVIDE ACCESS TO 2710 PRINCE STREET

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LEGEND:

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

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SEAL



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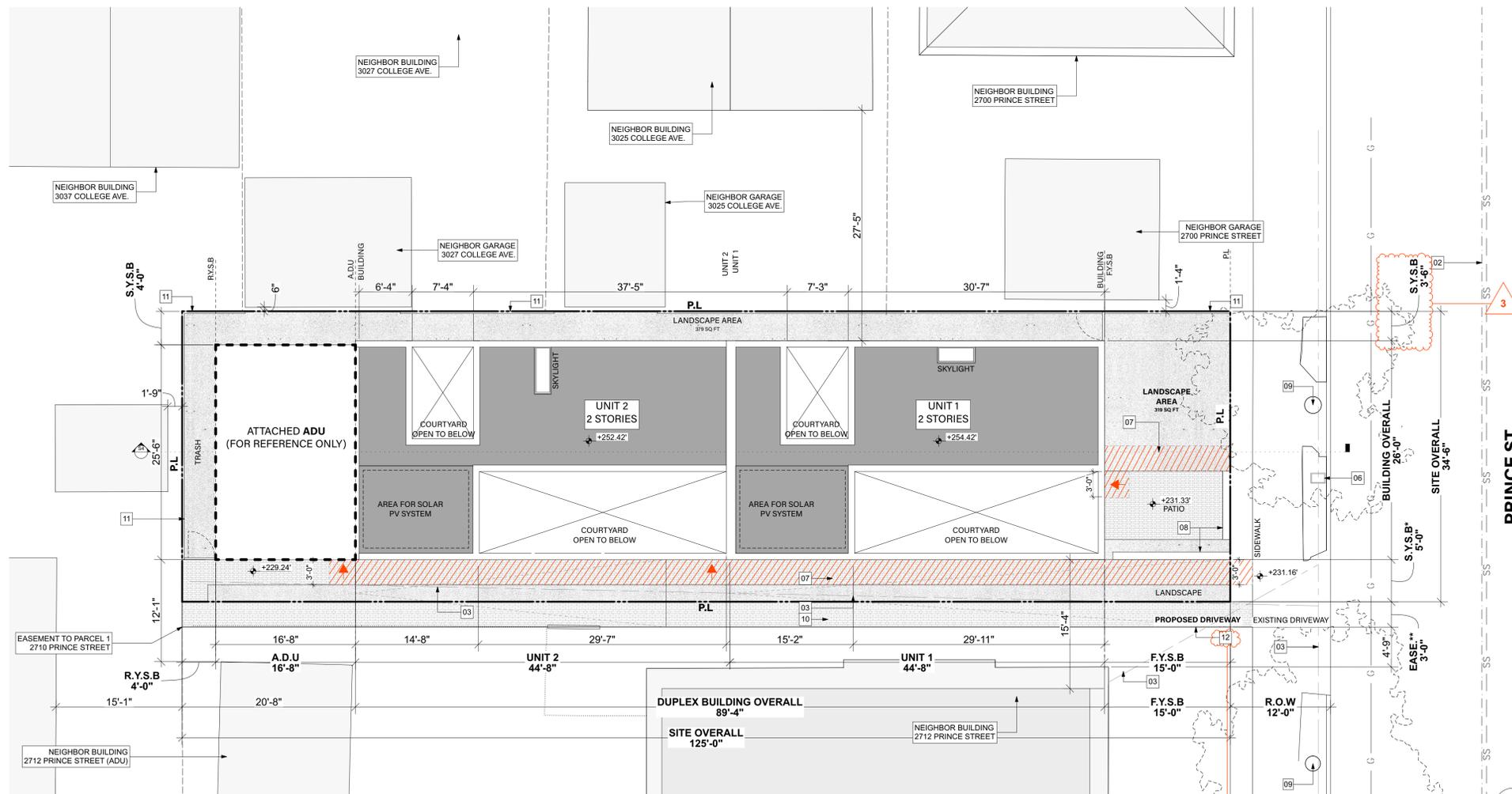
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A100.1
COMMUNITY
OUTREACH

SHEET # 4 OF 21

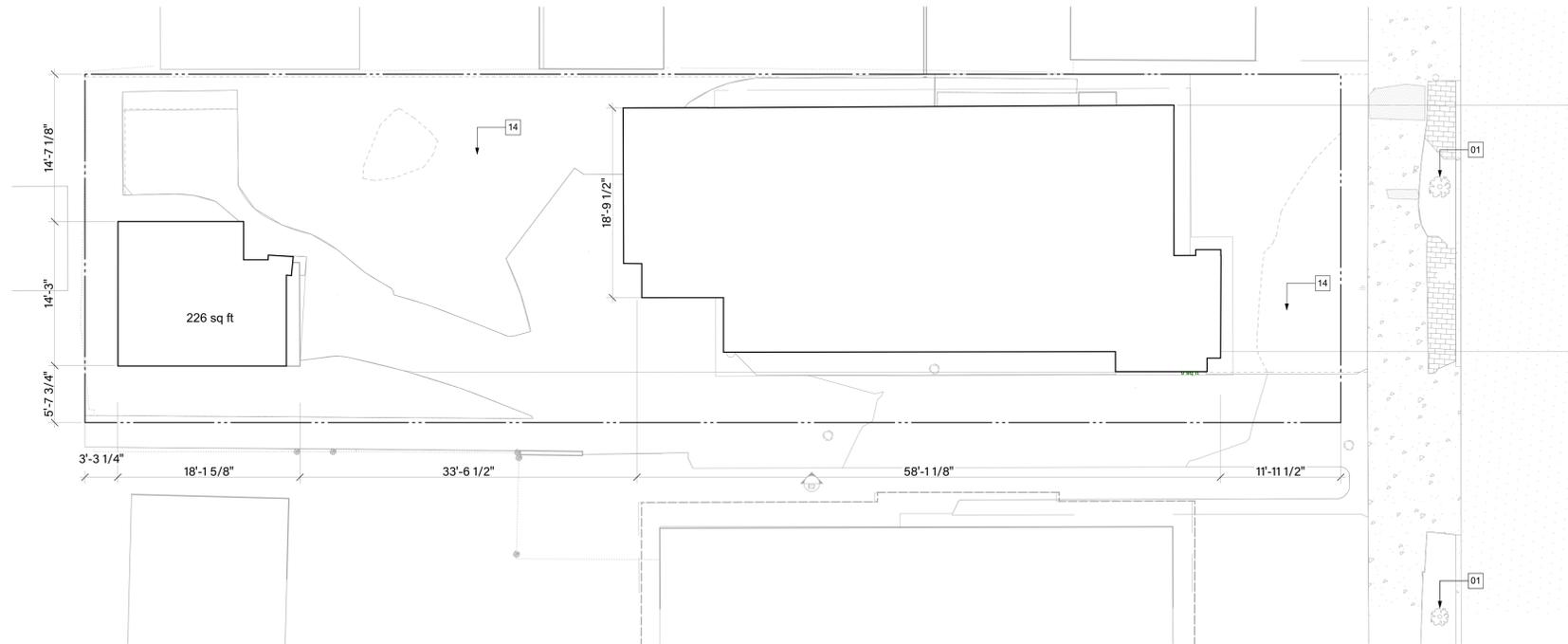
1 COMMUNITY OUTREACH

NOT TO SCALE

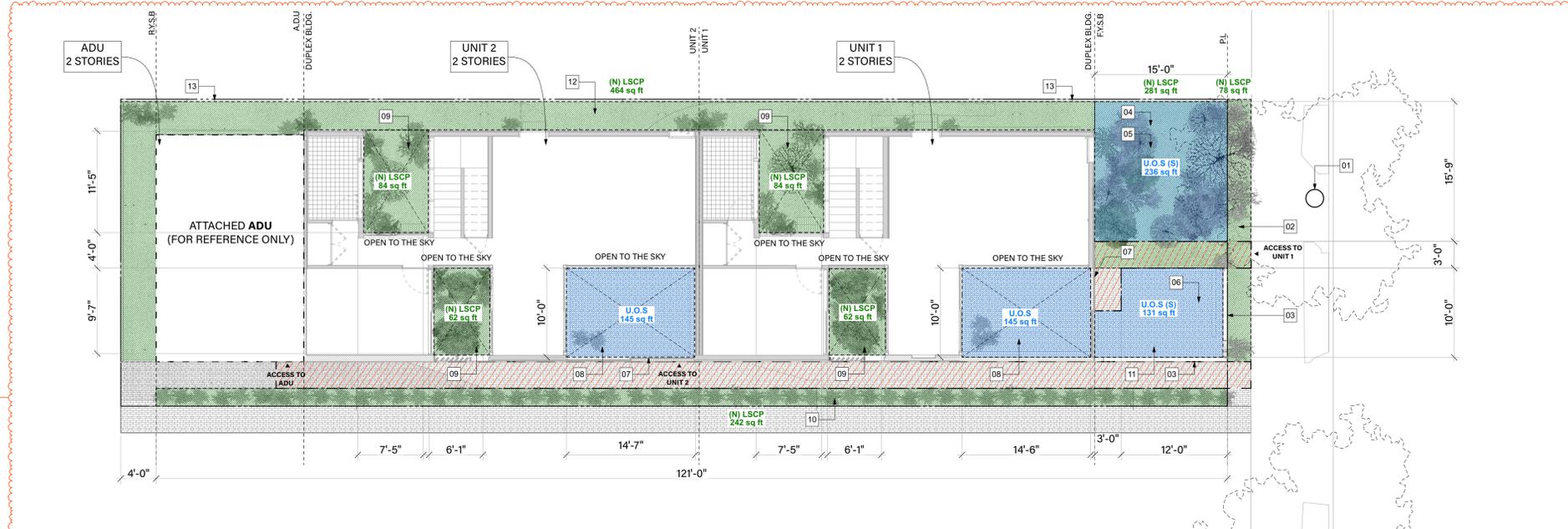
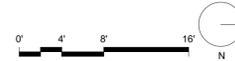


2 PROPOSED SITE PLAN

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
			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

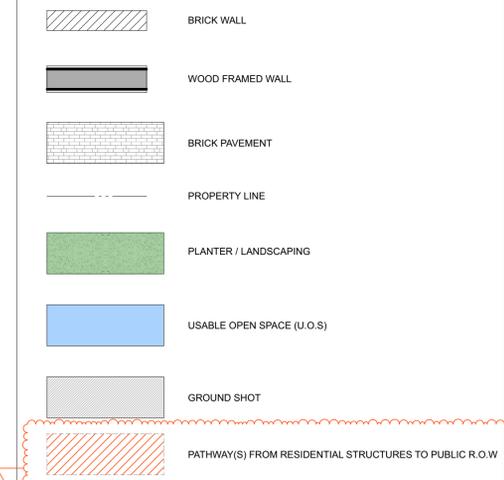
LANDSCAPE AND USABLE OPEN SPACE PLAN KEYNOTES:

01. EXISTING TREE (TO REMAIN) - CHINAR TREE, 24" T; 12' DRIP LINE
02. NEW LANDSCAPING - UTILITY EASEMENT - MULCH SURFACE
03. FENCE - BRICK WALL (5 FT. HEIGHT)
04. NEW LANDSCAPING - FRONT YARD - PLANTER + MULCH SURFACES
05. (SHARED) USABLE OPEN SPACE - LANDSCAPE (PART OF 40% LANDSCAPING REQ)
06. (SHARED) USABLE OPEN SPACE - BRICK PAVEMENT
07. SLIDING ENTRY DOOR - WOODEN STUD CURTAIN SYSTEM
08. USABLE OPEN SPACE - BRICK PAVEMENT
09. NEW LANDSCAPING - PATIOS - PLANTER
10. NEW LANDSCAPING - DRIVEWAY - PLANTER
11. NEW LANDSCAPING - ENTRY - PLANTER
12. NEW LANDSCAPING - SIDE YARD SETBACK - GRAVEL
13. FENCE - WOODEN PAINTED BOARDS (6 FT. HEIGHT)
14. 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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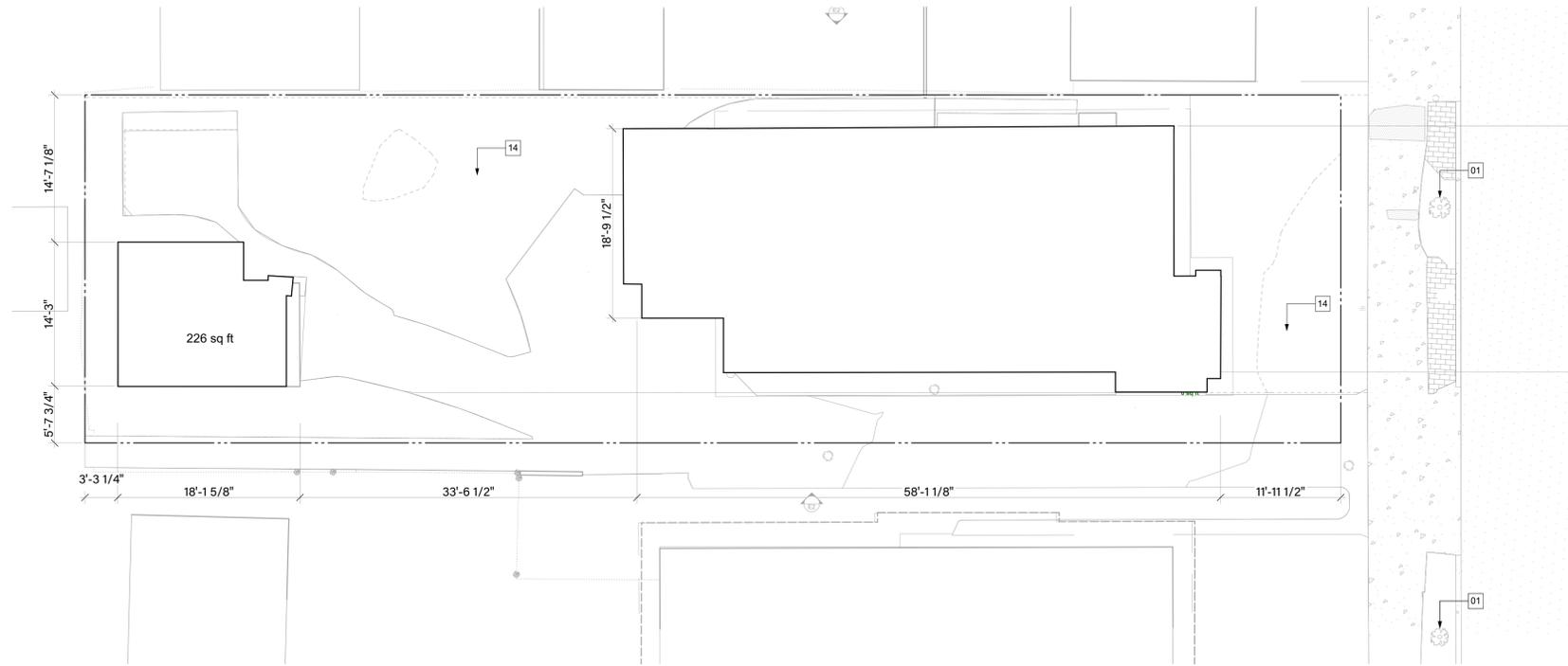
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Z.P.A RE-SUBMITTAL	05.17.2024
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A101
LANDSCAPE AND
USABLE OPEN
SPACE PLAN

SHEET # 5 OF 21



1 EXISTING 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	4,312			
	EXISTING	UNIT 1	UNIT 2	ADU
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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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:

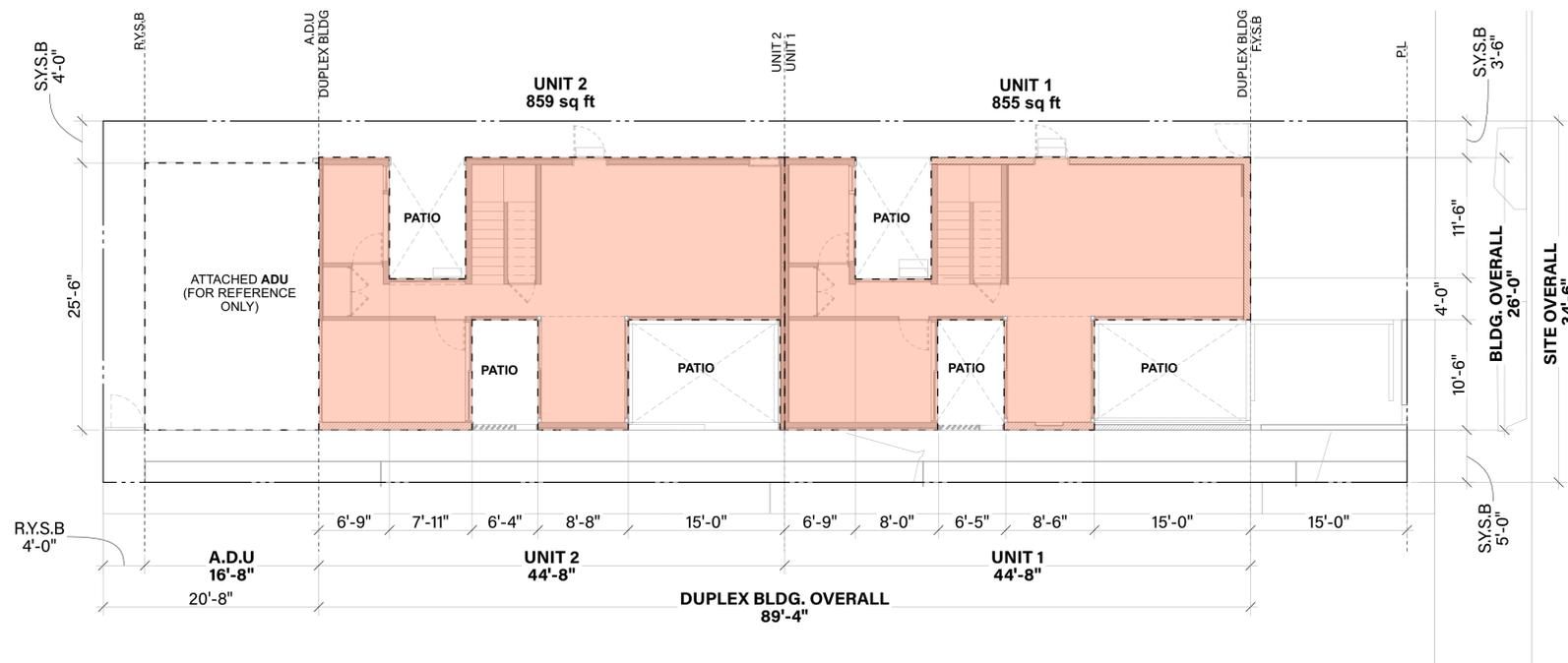
	BRICK WALL
	WOOD FRAMED WALL
	PROPERTY LINE
	GROSS AREA
	GARAGE AREA
	EXISTING HOUSE AREA

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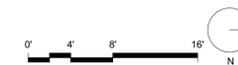
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A102
LOT COVERAGE
DIAGRAM AND
CALCULATIONS

SHEET # 6 OF 21



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



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. R3101
- 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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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:

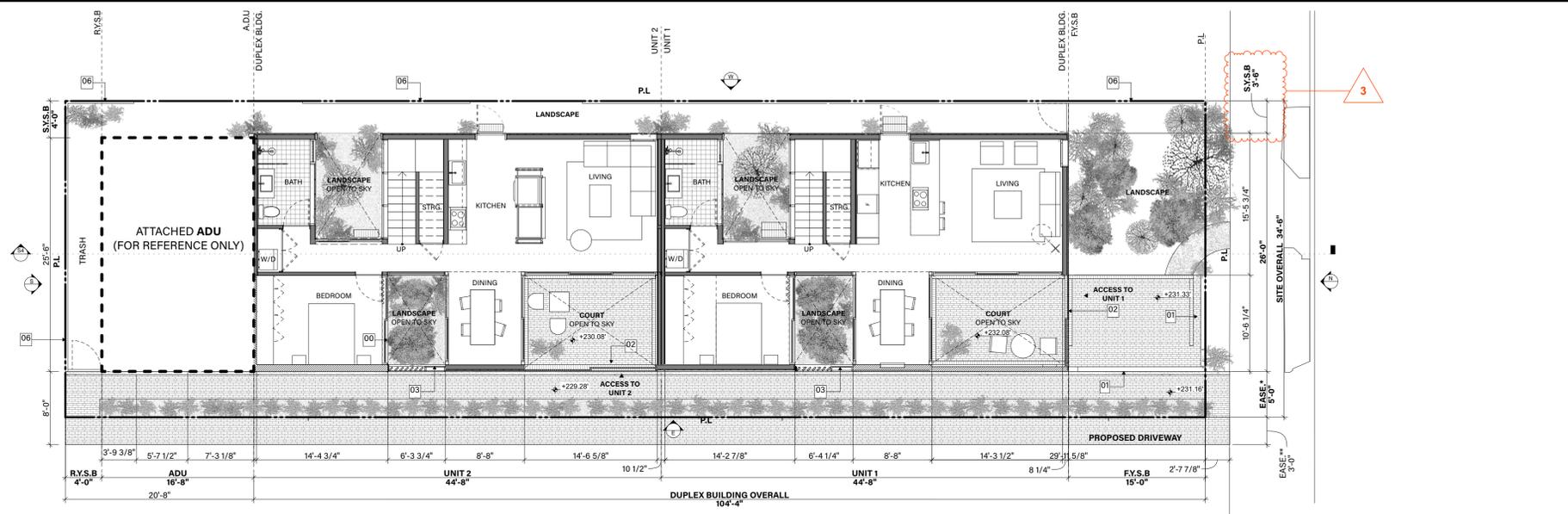
- PROPERTY LINE
- WOOD FLOOR
- TILE
- BRICK PAVER
- LANDSCAPING
- BRICK WALL
- WOOD FRAMED WALL
- ROOF
- ROOF CAP

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A103
FLOOR PLANS

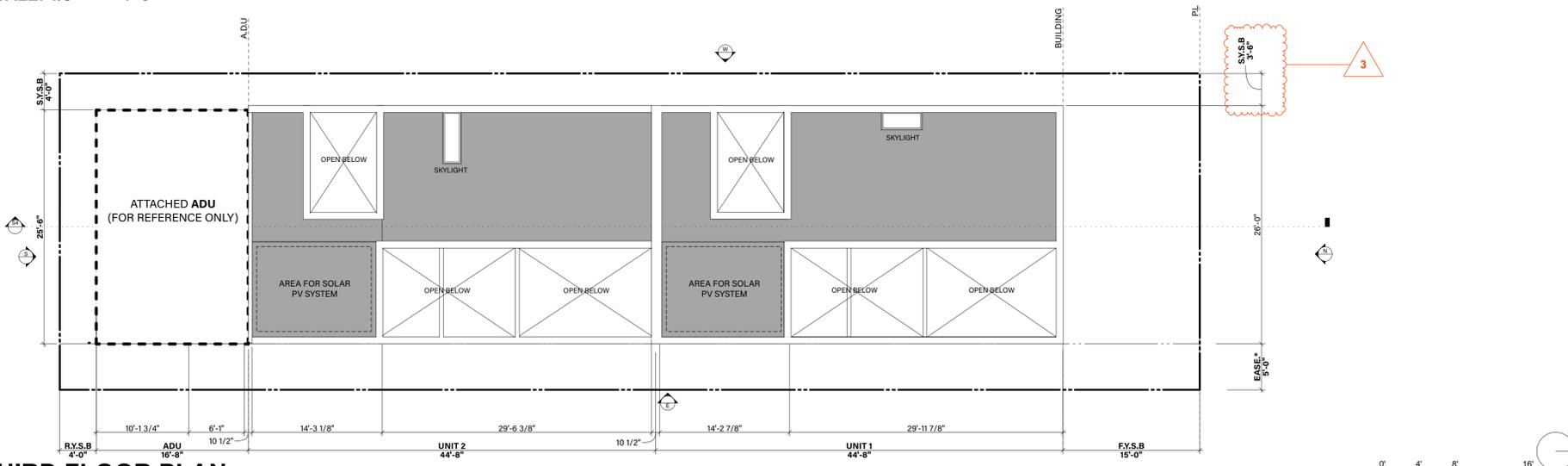
SHEET # 7 OF 21



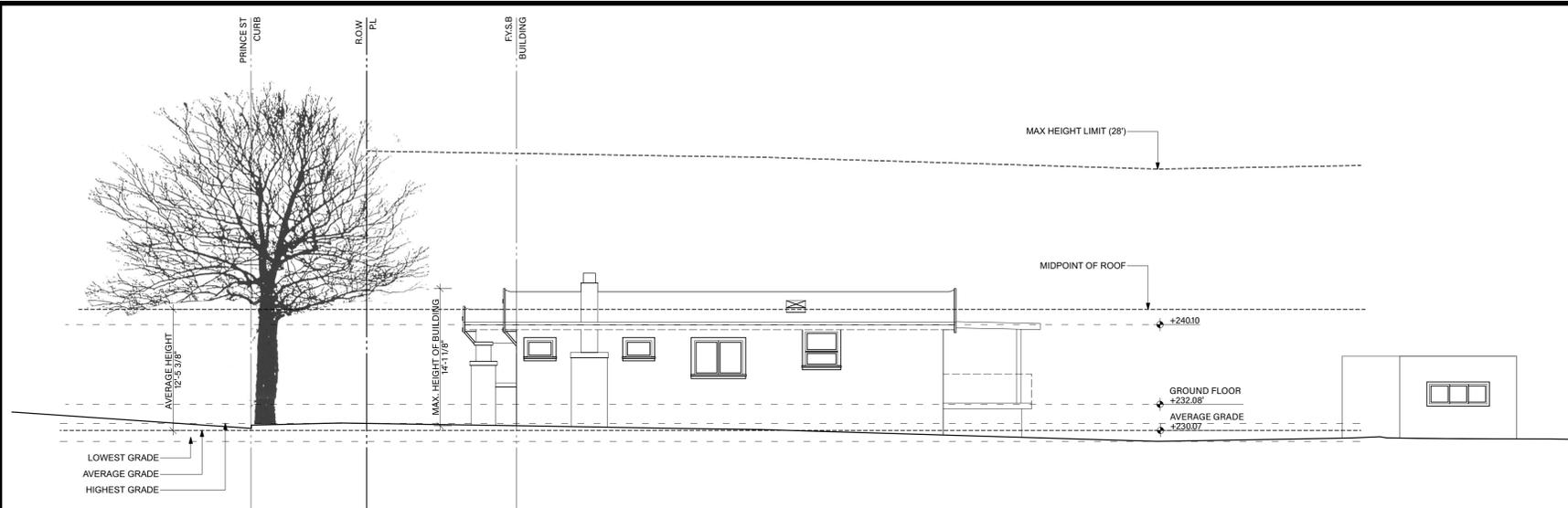
1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



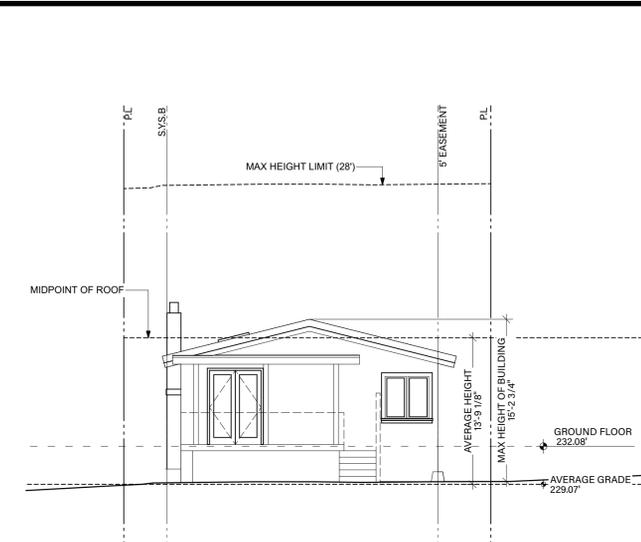
2 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



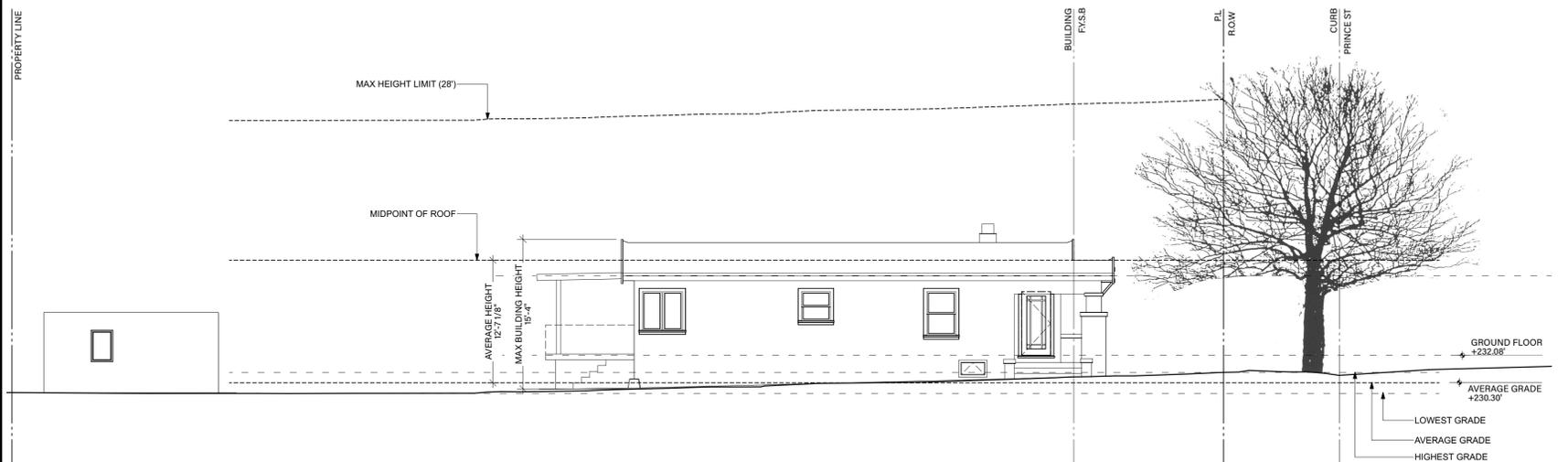
3 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"



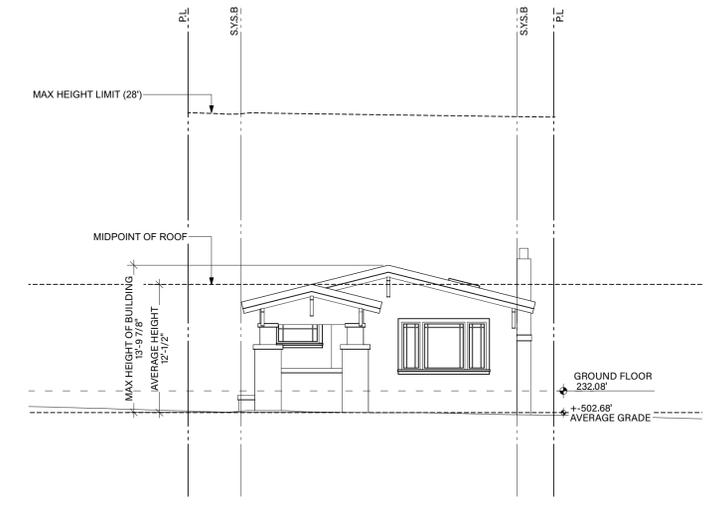
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



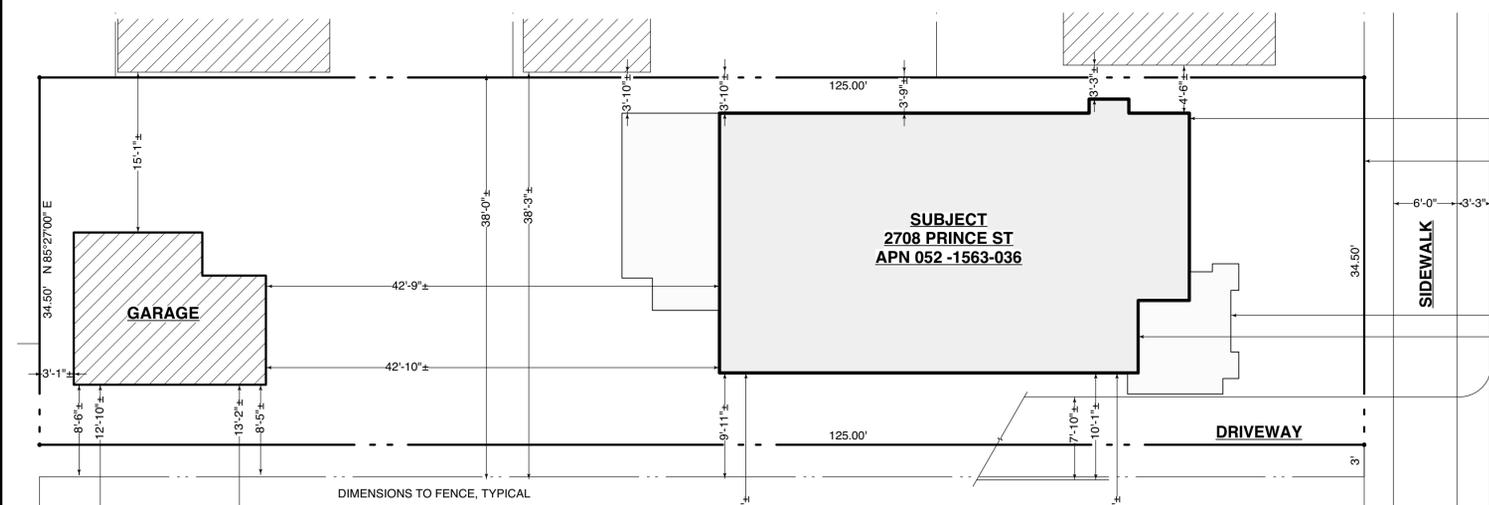
4 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



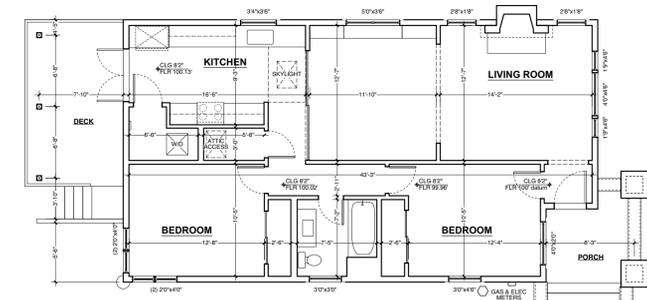
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"



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



5 SITE PLAN
NOT TO SCALE



6 FLOOR PLAN
NOT TO SCALE

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A104
EXISTING
BUILDING PLANS

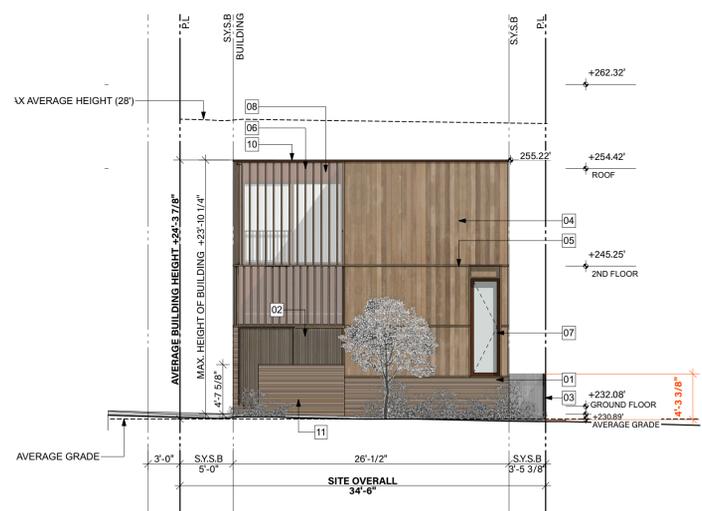
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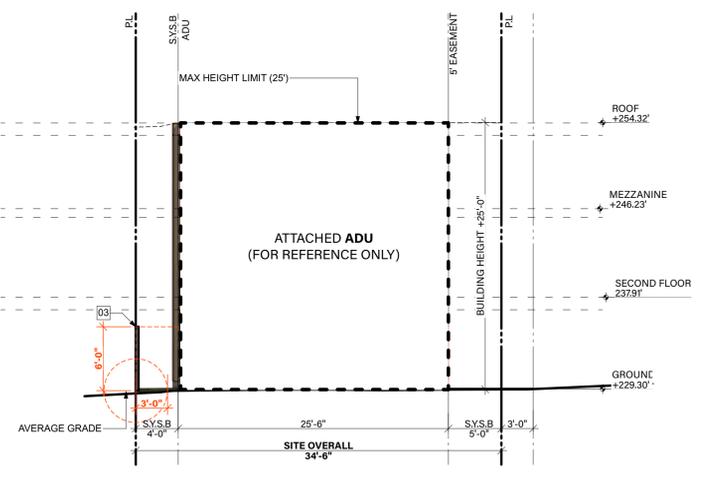
1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



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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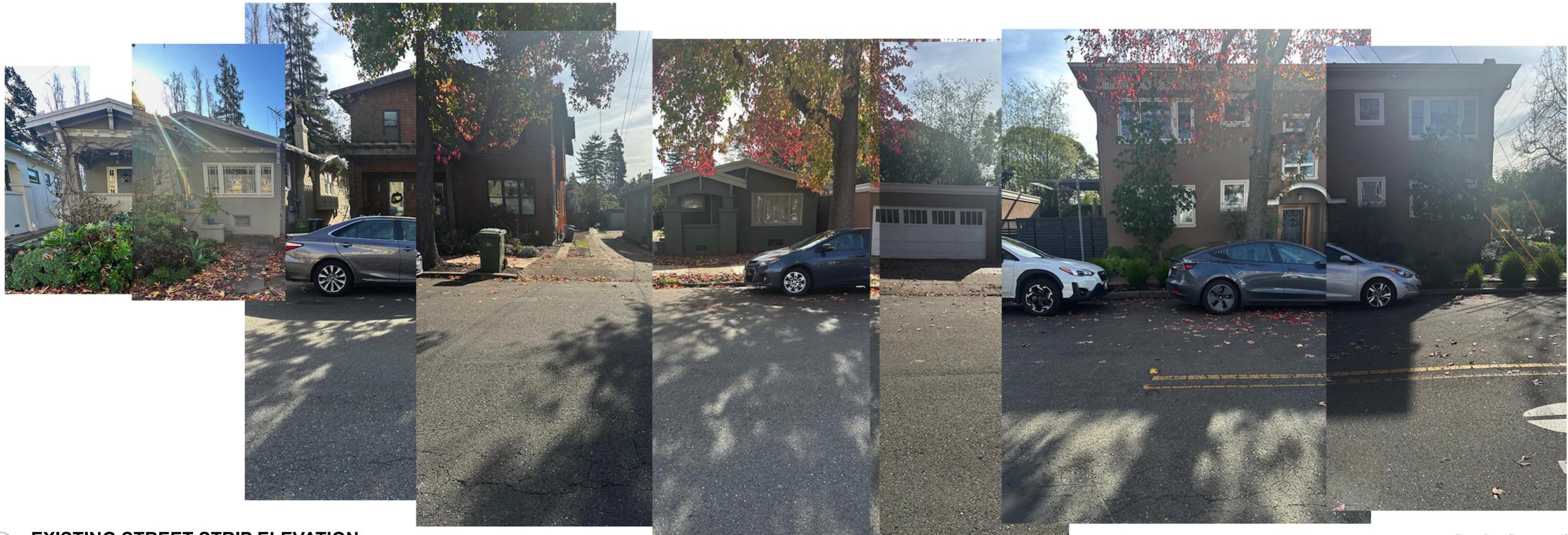
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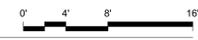
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A105
 PROPOSED
 EXTERIOR
 ELEVATIONS

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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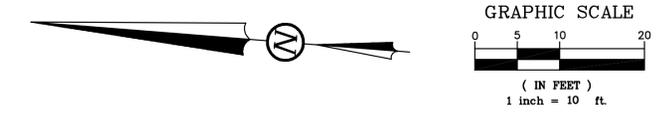
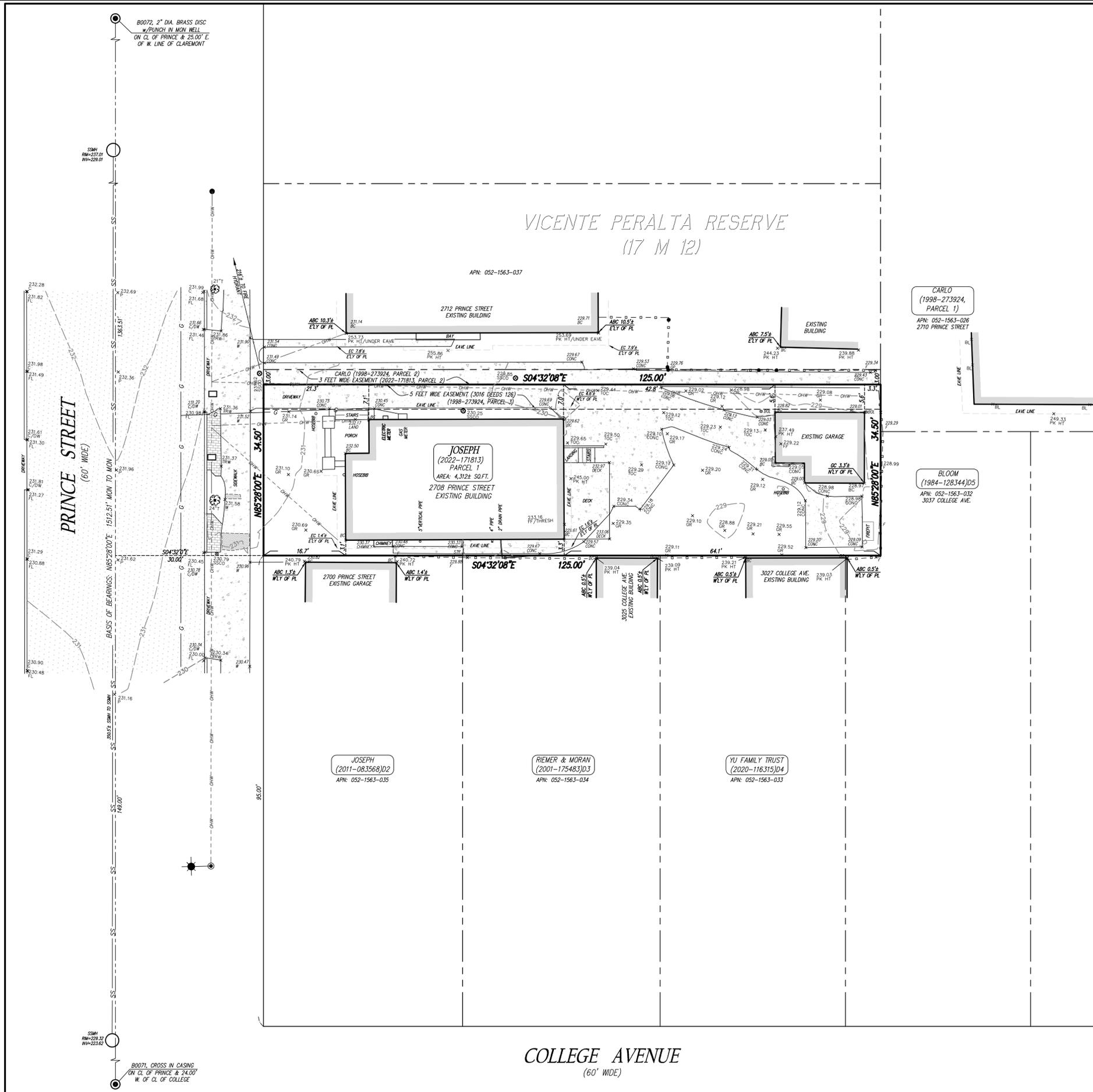
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A106
STREET STRIP
ELEVATION

SHEET # 10 OF 21



OWNER:
LINDA JOSEPH
2700 PRINCE STREET
BERKELEY, CA 94705

BASIS OF BEARINGS:
MONUMENT LINE IN PRINCE STREET
BEARING: N85°28'00"E.

MAP REFERENCES:
R1 MAP OF THE COLBY TRACT (19 M 76)
R2 MAP OF PARK SIDE, CLAREMONT (21 M 33)
R3 PARCEL MAP NO. 4334 (149 M 68)
R4 CITY OF BERKELEY MONUMENT CARDS

BENCHMARK:
B2144, 2" DIA. DISC CITY OF BERKELEY
BRASS DISK w/PUNCH IN MONUMENT WELL
ELEVATION = 224.49, BASED UPON
CITY OF BERKELEY.

- LEGEND**
- FOUND CITY MONUMENT AS NOTED
 - ▭ BUILDING FOOTPRINT
 - ▨ ASPHALT
 - ▩ CONCRETE
 - () RECORD DATA PER (140 M 26)
 - (DX) RECORDED DEEDS
 - #T DIAMETER OF TREE (INCHES)
 - ABC ADJACENT BUILDING CORNER
 - BC BUILDING CORNER
 - BL BUILDING LINE
 - C TOP OF CURB
 - CONC CONCRETE
 - DW DRIVEWAY
 - EB ELECTRIC BOX
 - EM ELECTRIC METER
 - EC EAVE CORNER
 - F FENCE
 - FF FINISHED FLOOR
 - FH FIRE HYDRANT
 - FL FLOWLINE
 - GC GARAGE CORNER
 - GR GROUND SHOT
 - GM GAS METER
 - GP GATE POST
 - INV INVERT
 - JP JOINT POLE
 - JP/SL JOINT POLE/STREET LAMP
 - P PAVEMENT
 - PL PROPERTY LINE
 - PK HT PEAK HEIGHT
 - OHW OVERHEAD WIRE
 - SS SANITARY SEWER LINE
 - SSMH SANITARY SEWER MANHOLE
 - SSCO SANITARY SEWER CLEAN OUT
 - STR STAIR
 - TOC TOP OF CONCRETE
 - TRW TREE WELL
 - W BACK OF SIDEWALK
 - WM WATER METER
- ADJACENT PARCEL/LOT LINE
--- EASEMENT LINE
--- MONUMENT LINE
--- SUBJECT PROPERTY
--- TIE LINE
--- WOOD FENCE

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Keith A. Bush
KEITH S. BUSH, L.S. 8494
DATE: 07/21/2023

BOUNDARY & TOPOGRAPHIC SURVEY

THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED OCTOBER 14, 2022 SERIES NO. 2022-171813 ALAMEDA COUNTY RECORDS CITY OF BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA JULY, 2023 SCALE: 1" = 10'

BA LS BAY AREA LAND SURVEYING INC

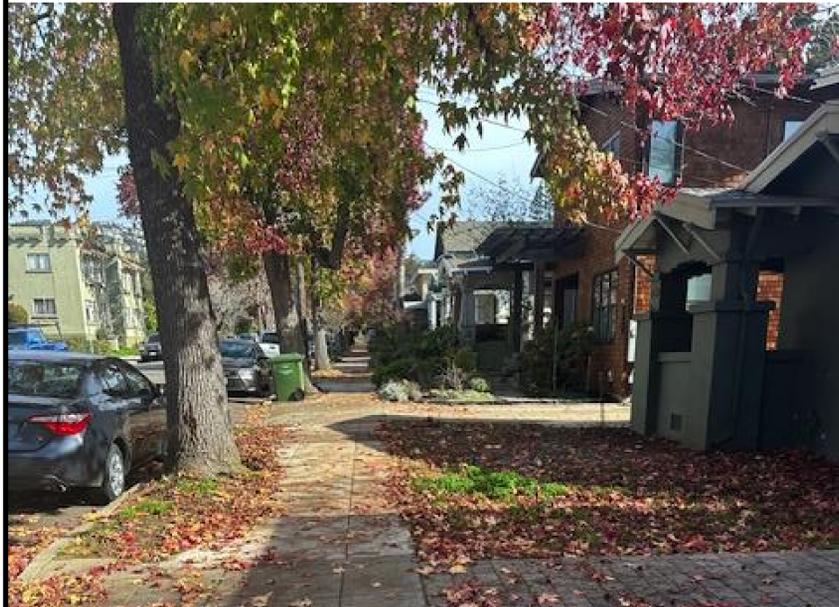
3065 RICHMOND PARKWAY, SUITE 101
RICHMOND, CA 94806
(510) 223-5167

APN: 052-1563-036 SHEET 1 OF 1 22-4844

R01
SITE SURVEY

SHEET # 11 OF 21

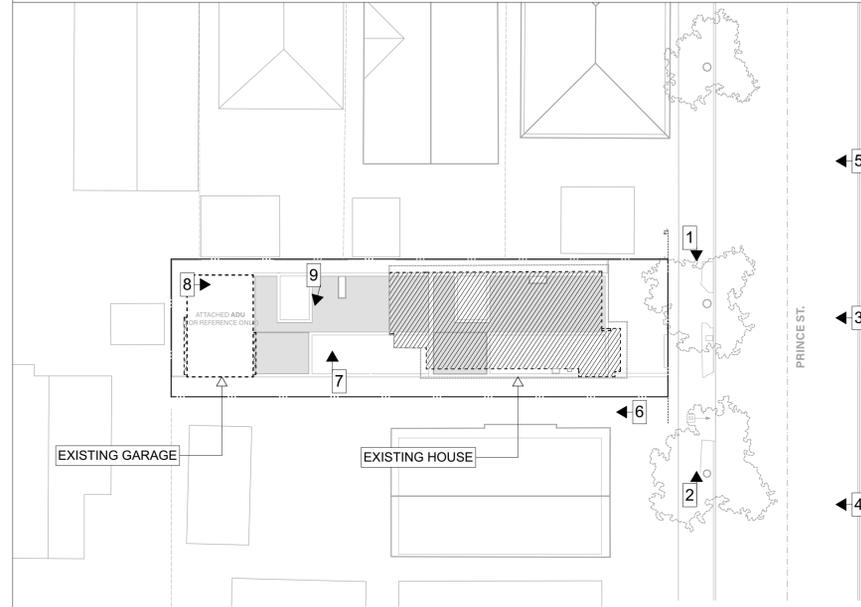
1 - SIDEWALK (E)



2 - SIDEWALK (W)



KEYMAP SITE PHOTOGRAPHS



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3 - ACROSS THE STREET (S)



4 - NEIGHBOR @ EAST SIDE



5 - NEIGHBOR @ WEST SIDE



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6 - EASEMENT (S)



7 - WITHIN SITE (W)



8 - 9 - WITHIN SITE



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R02
SITE
PHOTOGRAPHS

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PRINCE

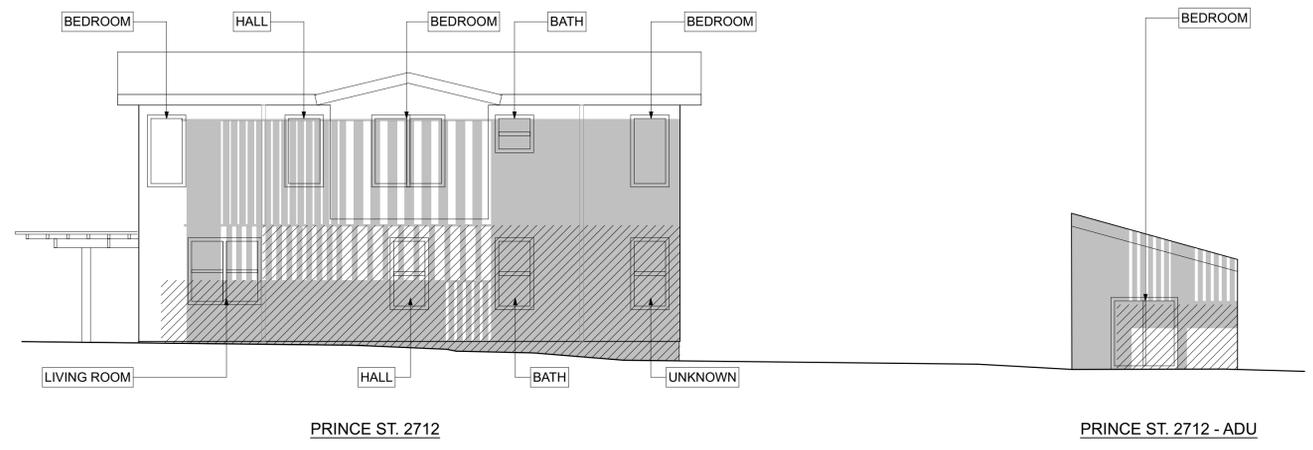
2708 PRINCE ST
BERKELEY CA 94705
APN: 052-1563-036

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	03 08.12.2024

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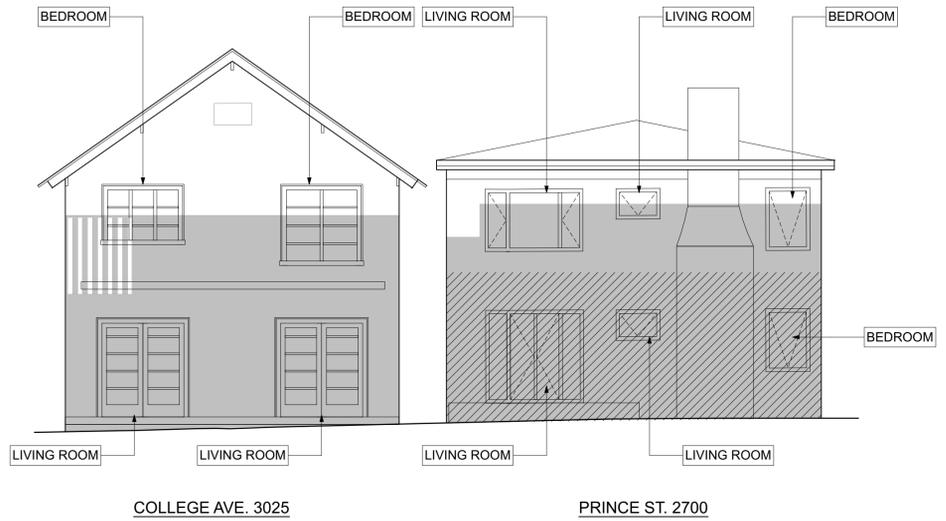
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R03
SHADOW STUDY



PRINCE ST. 2712

PRINCE ST. 2712 - ADU



COLLEGE AVE. 3025

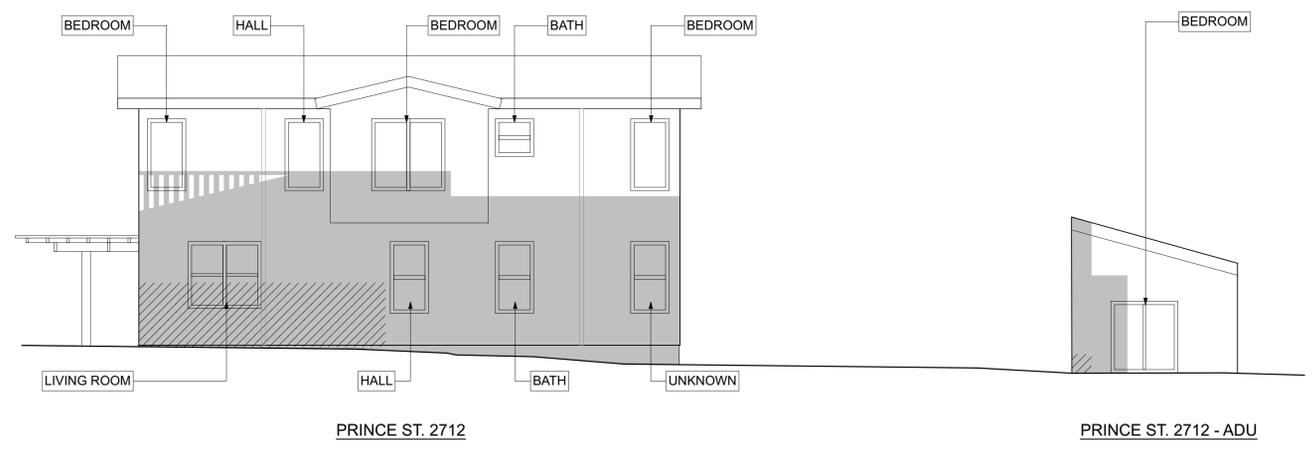
PRINCE ST. 2700

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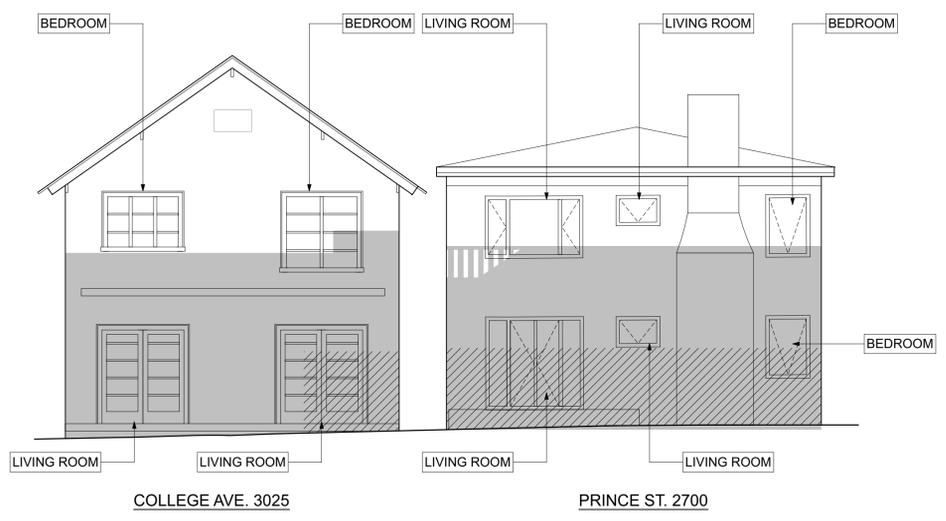
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EXISTING SHADOW NEW SHADOW



PRINCE ST. 2712

PRINCE ST. 2712 - ADU



COLLEGE AVE. 3025

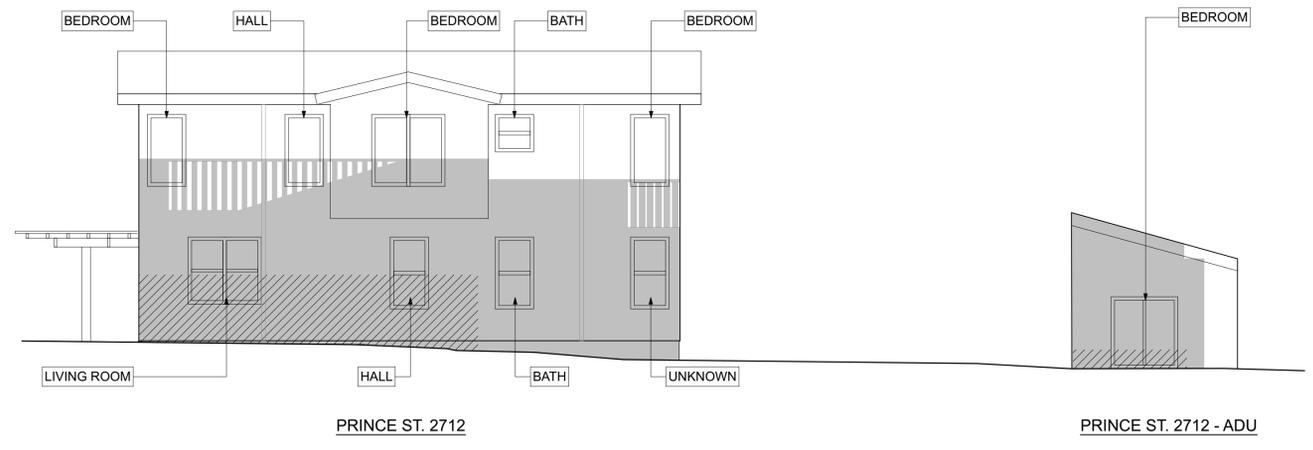
PRINCE ST. 2700

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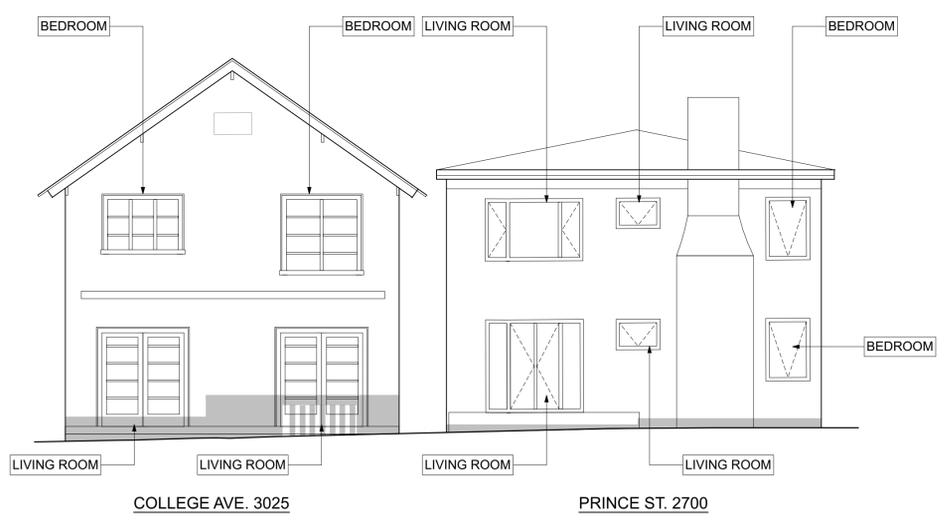
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EASTERN NEIGHBORS - FEB 18_3:51 PM

EXISTING SHADOW NEW SHADOW

JUNE 21_7:47 AM

EXISTING SHADOW NEW SHADOW

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

SEAL



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PRINCE

2708 PRINCE ST
BERKELEY CA 94705
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R04
SHADOW STUDY
- NEIGHBORS
ELEVATIONS

SHEET # 14 OF 21

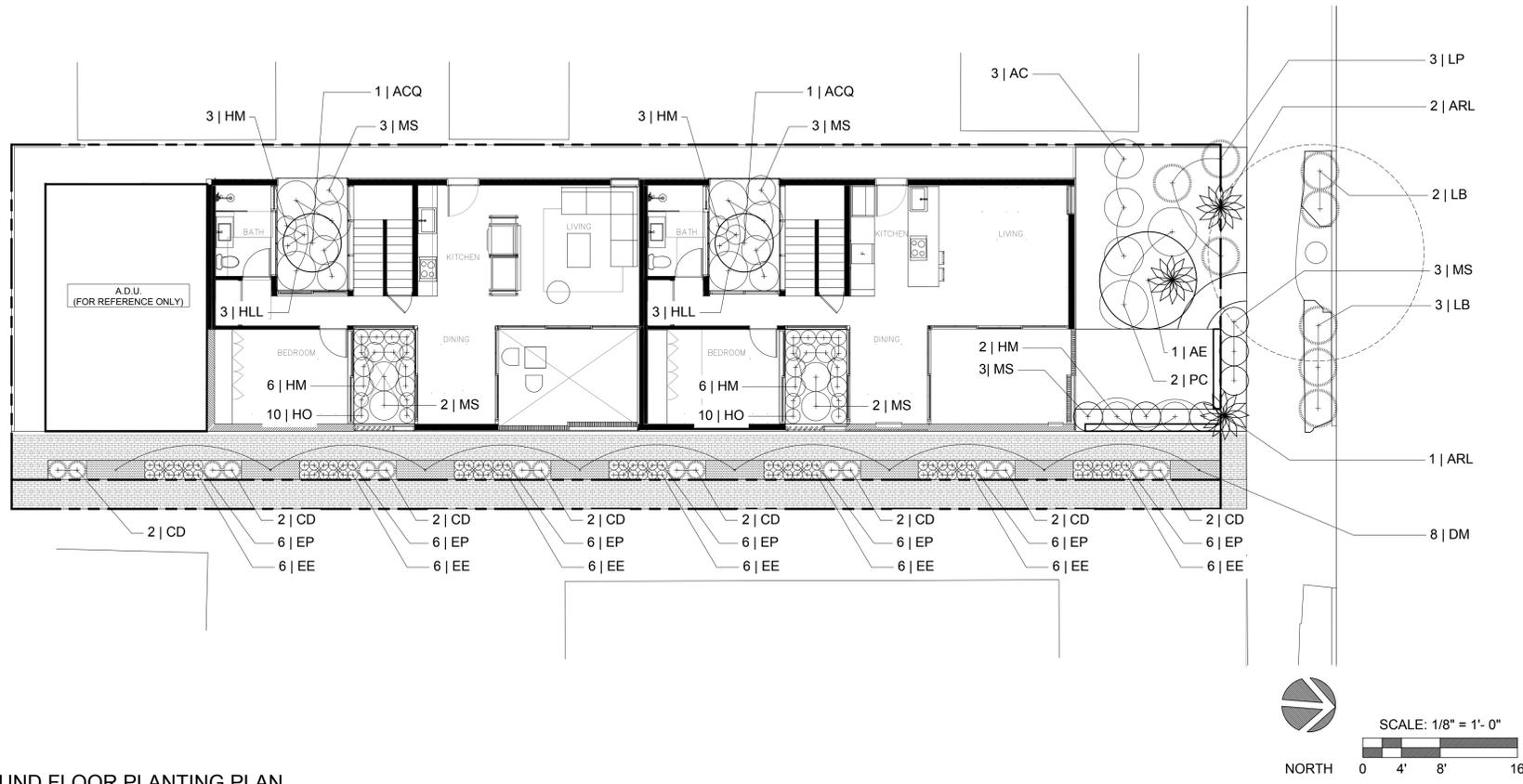
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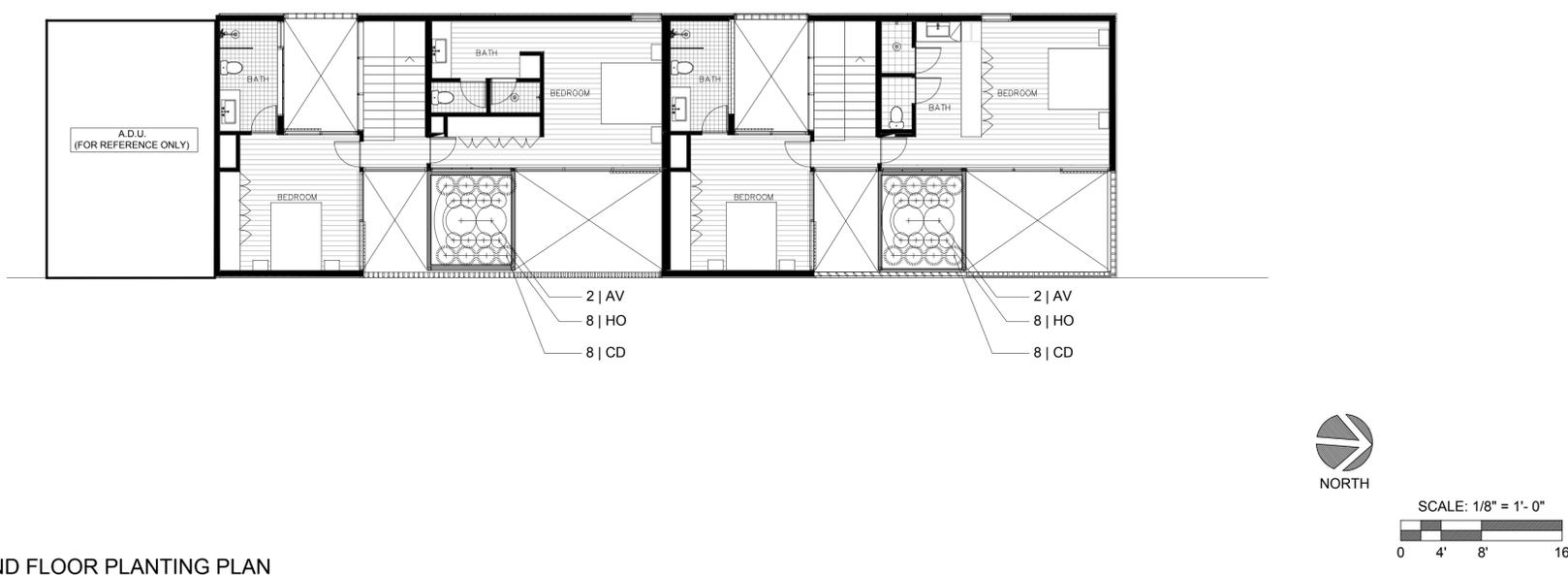
revisions:



LANDSCAPE PLAN
08-25-2024
AS NOTED
L1.0



GROUND FLOOR PLANTING PLAN
1/8"=1'-0"



SECOND FLOOR PLANTING PLAN
1/8"=1'-0"

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

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

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



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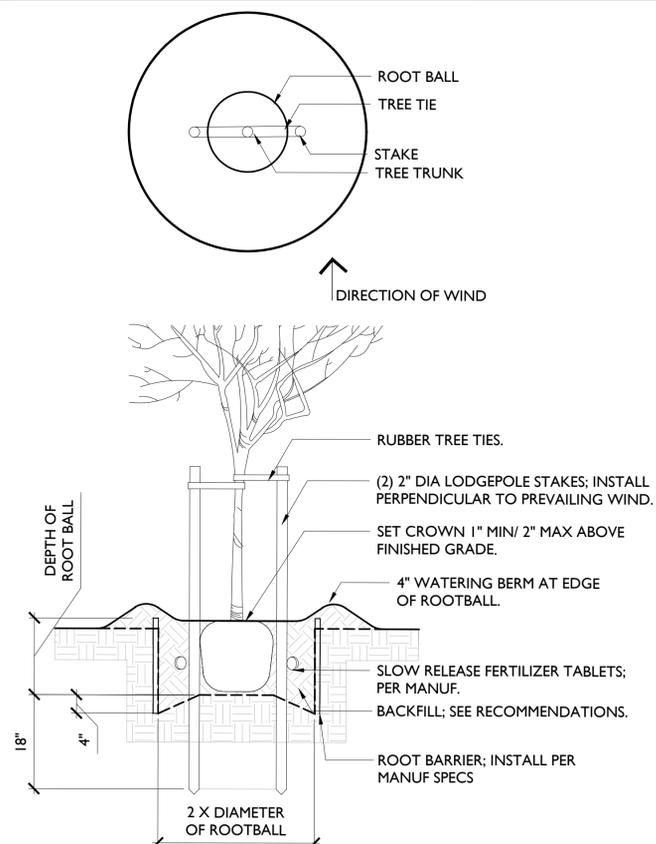


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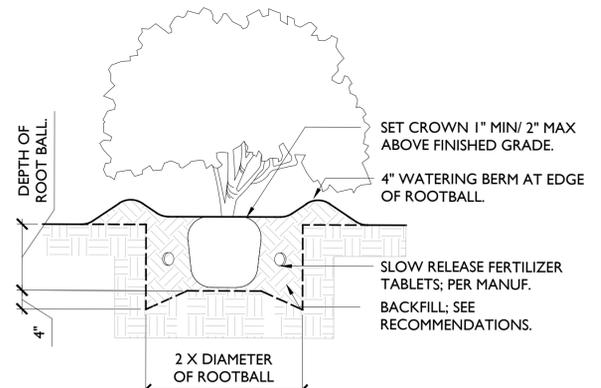
TOTAL LANDSCAPE AREA: 1,403 SF
TOTAL LAWN AREA: 0 SF
TOTAL PLANTS WITH WULCOLS PLANT FACTOR <=0.3: (88%)

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

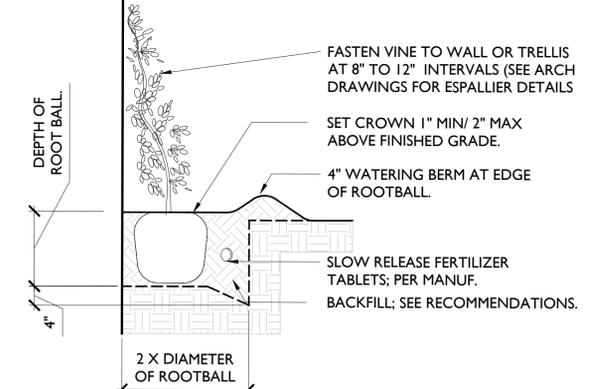
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1 TREE PLANTING
NO SCALE



2 SHRUB PLANTING
NO SCALE



3 VINE PLANTING DETAIL
NO SCALE

PRINCE STREET TOWNHOMES
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revisions:



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

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

costello
kennedy

LANDSCAPE ARCHITECTURE
16 de la Guerra Road San Rafael, CA 94903
ph:415-479-7552 www.costellokennedy.com

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PRINCE STREET TOWNHOMES
2708 PRINCE STREET
BERKELEY, CA 94705

revisions:



PLANTING
NOTES AND
DETAILS

date: 08-25-2024

scale: AS NOTED

sheet: L1.3

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 5.61 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 watering 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 no summer 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
<p><i>WUCOLS plants database can be found online at: http://ucanr.edu/sites/WUCOLS/</i> <i>"Don't Plant a Pest" brochure can be found at http://cal-ipc.org/landscaping/dpp/</i></p>	
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 ANSIS standard 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 1,000 sf 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 **		
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 DESIGN 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**

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1100
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

CITY OF BERKELEY - CITY CLERK
2024 SEP 30 AM 8:34

October 1, 2024

Mayor Jesse Arreguin
Councilmembers City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Via hand delivery: Berkeley City Clerk 2180 Milvia Street, first floor

Re: 2708 Prince Street, Appeal from ZAB decision; failure to consider design modifications to a housing 'project' that would reduce detriment but would not reduce density.

Dear Mayor Arreguin and Berkeley City Councilmembers:

This office represents Sheila Moran and Robert Riemer ("Riemer" or "Riemers") who live directly to the west of the proposed project. The west elevation of the project as designed would block out their morning sun, and create a 24' high solid wall, 89' long, which would loom over the most of their home and entire rear yard. They made a modest request: modify the solid wall with cutouts that would admit sunshine and break up the overbearing nature of the wall. These modifications could be made without reducing the size or density of the proposed property.

The ZAB rejected their request on the grounds that SB 330 Housing Accountability Act did not allow for considerations of detriment on a housing project, and, that design before them did not show detriment. A decision that in this case was incorrect as a matter of fact and law.

On behalf of the Riemers, I am appealing on the following general grounds:

- The evidence does not support the findings;
- As such, the findings do not support the decision; and
- Acting as it did the ZAB acted in excess of or without jurisdiction.

Mistake in Fact: Material Inconsistencies Between the Project Design as Presented by Staff and That Presented by Applicant and their Architect Witness at the Hearing.

The Riemers' objection to the project's design was directed at the western elevation's looming, 24' high, unbroken 89' long wall, 3.25' from the property line. (110' feet when the ADU is added) All they asked for was to have cut outs in that wall (similar to the cut-outs on Applicant's eastern elevation) that would allow a break in the massing and allow for the passage of some light.

The drawings in the packet showed zero light coming from the proposed project—a solid wall, a fact confirmed by the shadow study. The drawings provided by

Applicant in their response to our letter, showed wall light coming through the side screening onto the Riemers house and yard. If this drawing by Applicant is correct, the shadow study is not and vice versa. The drawings upon which Mr. Trachtenberg commented showed breaks between the units and between the units and the proposed ADU.¹

Mistake in law: ZAB Members (incorrectly) Accused the Riemers of not Mentioning/Considering SB 330², by Asking the ZAB to Consider detriment When That Consideration would not result in a Reduction in Density.

The Riemer's request was for minor modifications in the proposed design which would not decrease the project's density. The Housing Accountability Act ("HAA") does not prohibit design modifications that do not decrease density, nor modifications that do not make the project economically infeasible. The Riemer's design modification requests could not reasonably be interpreted to be economically infeasible. Therefore, statements by ZAB members to the effect that we should have included discussion of the HAA were erroneous as a matter of law.

The Housing Accountability Act does not preclude consideration of detriment when considering a housing project that requires a Use Permit.

Applicant's proposal to build a new duplex requires a Use Permit. Granting of a Use Permit under Berkeley's Zoning Law demands a finding of "non-detriment." Berkeley's Zoning Ordinances require a Use Permit for a new single-family house. There is no rationale to support a legal conclusion that the findings of non-detriment should not be applied to a new multi-unit structure.

Consulting with impacted neighbors during the application process has long been an inherent requirement for approval in Berkeley; to drop that requirement would constitute a major step backward in Berkeley's land use public policy.

The Planning Department's written instructions require working with adjacent neighbors. Here, Applicants admitted that they did not meet with the Riemer's to discuss their concerns. Instead, they made impact analysis based on their "calculations." The Riemers made three requests to the Applicant to meet at their home to consider design changes which would reduce the detrimental impact. Applicants declined every request.

Planning Denied the Riemer's Reasonable (and only) Request to Move the Hearing to October. That Denial constituted de facto denial of their ability to participate in the hearing.

The Riemer's communicated their concern regarding the loss of light and air to Planning last spring and numerous times after. Planning emailed Robert Riemer

¹ Moreover, Mr. Trachtenberg wrote and testified that the project before you were essentially the same as his design at 2716 Prince. If that were the proposal the Riemers would not have objected.

² SB 330, the Housing Crisis Act/Housing Accounting Act Prohibits denying a housing project or approving it conditional on reduction of density. The two names will be used interchangeably.

that the ZAB hearing would be in August, Relying on that representation, Robert, made non-refundable reservations for three weeks in Spain from September 6-26. It was Applicant, not Staff that told the Riemers that the hearing date would be September 12. Robert immediately requested a short continuance to October 12 because and Sheila would have no reasonable ability to participate. Staff denied the request, stating Zoom access would allow participation.

Zoom under these circumstance was not participation: 1) the 9-hour time difference, meant attending @ 3:00 AM; 2) there was no internet connection at their tiny hotel; 3) the Zoom connection failed from my home in Oakland; and, 4) screen sharing is not allowed on Zoom calls which prevented either of us to provide drawings disputing Applicant's late submission allegations of non-detriment.

CONCLUSION

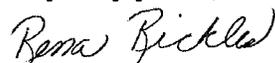
The Riemers need your help to obtain their very minimal ask: Some cut-outs in the 89' (110' with the ADU) solid wall confronting the back half of their home and entire back yard. These cut outs will allow some light and air flow to flow through and break up what is now a monotonous wall. And will not result in any reduction in density. In fact, Applicant made similar cuts for air flow and light on his eastern elevation.

Their repeated written requests to the Applicant were summarily dismissed. Their participation before ZAB was marred by their inability to physically appear and by technical failures of the Zoom connect. Perhaps if they had been able to appeal and participate the ZAB result would have been different.³

As set out above, the errors in fact and law during the hearing call out for Council intervention.

Finally, by granting this appeal the City Council can show that it will continue to require sensitive designs as it moves forward in its mission to address the housing crisis by significantly increasing the density in residential districts.

Very truly yours,



³ In fact, Zoom technical issues prevented my participation on screen from Oakland, and the phone connection was almost as bad notwithstanding the above and beyond efforts from ZAB members to make it work.



Planning and Development Department
Land Use Planning Division

MEMORANDUM

DATE: August 2, 2021

TO: Land Use Planning Staff

FROM: Steven Buckley, Land Use Planning Manager

SUBJECT: Housing Accountability Act & Density Bonus – Objective Standards

QUESTION / ISSUE

State law requires the City to identify objective zoning standards for the purpose of defining housing development projects that qualify for protections under the Housing Accountability Act (HAA) and to define a base project for the purposes of calculating density bonuses. An issue arises in defining those projects when the City's Zoning Ordinance provides development standards that can be modified with a use permit or administrative use permit, i.e. should all modifications be assumed to be granted when defining the qualifying or base project for these purposes?

DETERMINATION

The protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits.

BACKGROUND

The City's zoning code distinguishes between use permits required for any construction to take place (e.g., BMC sections 23B.32.040 and 23C.08.010) and additional use permits required to modify the "base" development standards, e.g. reduced setbacks, increased height, location of parking, etc. The decision-maker responsible for determining whether to grant such modifications usually has no objective basis for adjudicating whether to approve these modifications, i.e. the zoning ordinance uniformly relies on a traditional land use permit finding of non-detriment and consistency with the General Plan and zoning district purposes. As such, adjudicative decisions are made based on qualitative aspects such as shadow impacts, view obstruction, privacy, air circulation and other "compatibility" factors.

For example, BMC section 23D.32.070 allows the Zoning Officer to issue an administrative use permit to construct a building up to 35 feet in average height, which exceeds the nominal height limit of 28 feet in the R-2A district. Despite the fact that a discretionary permit is required, the 35-foot height limit is the applicable objective standard, and a project that complies with that standard cannot be denied or reduced in density unless it fails to comply

with another objective development standard (or if the findings in Government Code section 65589.5(j)(1) can be made).

ANALYSIS

Effect of the HAA on Discretionary Permits

Government Code section 65589.5(j) (the most broadly applicable provisions of the HAA) states:

When a proposed *housing development project* complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to *disapprove the project* or to impose a condition that the project be developed at a *lower density*, the local agency shall base its decision regarding the proposed *housing development project* upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist

The written findings must establish that “the housing development project would have a *specific, adverse impact upon the public health or safety* unless the project is *disapproved* or approved upon the condition that the project be developed at a *lower density*” and that there is no other *feasible method to mitigate* that adverse impact. In the absence of such findings, the City must approve any housing development project that complies with applicable objective standards.¹

Government Code section 65589.5(h)(2) defines “housing development project” as “a use consisting of any of the following”:

- (A) Residential units only.
- (B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
- (C) Transitional housing or supportive housing.

Any project comprised of two or more residential units or mixed-use developments with at least two-thirds of the square footage designated for residential use may be subject to the Housing Accountability Act, including modifications to an existing property that qualifies as a residential development project (e.g. multi-family residential additions).

¹ Italicized terms are defined in the Government Code; interpretation of their meaning is also provided in the HAA. Technical Assistance Advisory published by the State Department and Housing and Community Development. <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/hcd-memo-on-haa-final-sept2020.pdf>

For purposes of the HAA, “lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing, generally understood to mean the total number of dwelling units, but also related to overall square footage, number of bedrooms, etc. This could include a condition that directly lowers the overall number of units proposed (e.g., the development proposes 50 units, but the local government approves only 45 units). Another example would be a reduction in proposed building height that would result in the project being able to provide fewer units than originally proposed.

Therefore, the Zoning Officer, ZAB, DRC and LPC should refrain from applying subjective findings (e.g., non-detriment) to any application to construct a qualifying housing development project (including remodeling or reconfiguration of housing) if that project satisfies objective standards for permit issuance, unless specific findings for denial under the Housing Accountability Act can be made. While decision-makers retain discretion in the overall land use and design review process, i.e., whether the use is properly located or the building and site improvements are compatibly designed, the ultimate decision on density and development intensity is protected by the HAA.

Obviously, those standards that are objective or that are not subject to modification with a use permit remain in effect, e.g. maximum floor-area-ratios are generally not subject to modification, and certain design standards for commercial storefronts are numeric and enforceable as written.

Staff reports and findings for these development projects should still address the requirements of the zoning code for granting the requested permits, while also acknowledging the protections afforded by the HAA.

Effect on Density Bonus Projects

State Density Bonus Law requires local agencies to grant a density increase over “the otherwise maximum allowable gross residential density” for the zoning district and the General Plan Land Use Element for qualifying housing development projects. Density bonus can include a bonus in number of units, as well as additional incentives, concessions, and/or waivers to development standards.

To implement the State Density Bonus Law, the City has developed the administrative concept of a “base project” that excludes the modified development standards available with use permits. In addition, current density bonus procedures do not account for residential density standards in the General Plan Land Use Element. This approach must be modified.

State Density Bonus Law defines “maximum allowable residential density” as:

the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is

inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

This definition of maximum allowable residential density requires the City to consider the base density to be the higher densities allowed pursuant to the modified standards available with discretionary permits, i.e. all “density allowed under the zoning ordinance” must be considered in establishing the maximum allowable base residential density.²

Furthermore, Density Bonus Law (Government Code section 65915) requires that a request for a density bonus does not constitute a valid basis on which to find a proposed housing development project is not compliant with the HAA.

Next Steps

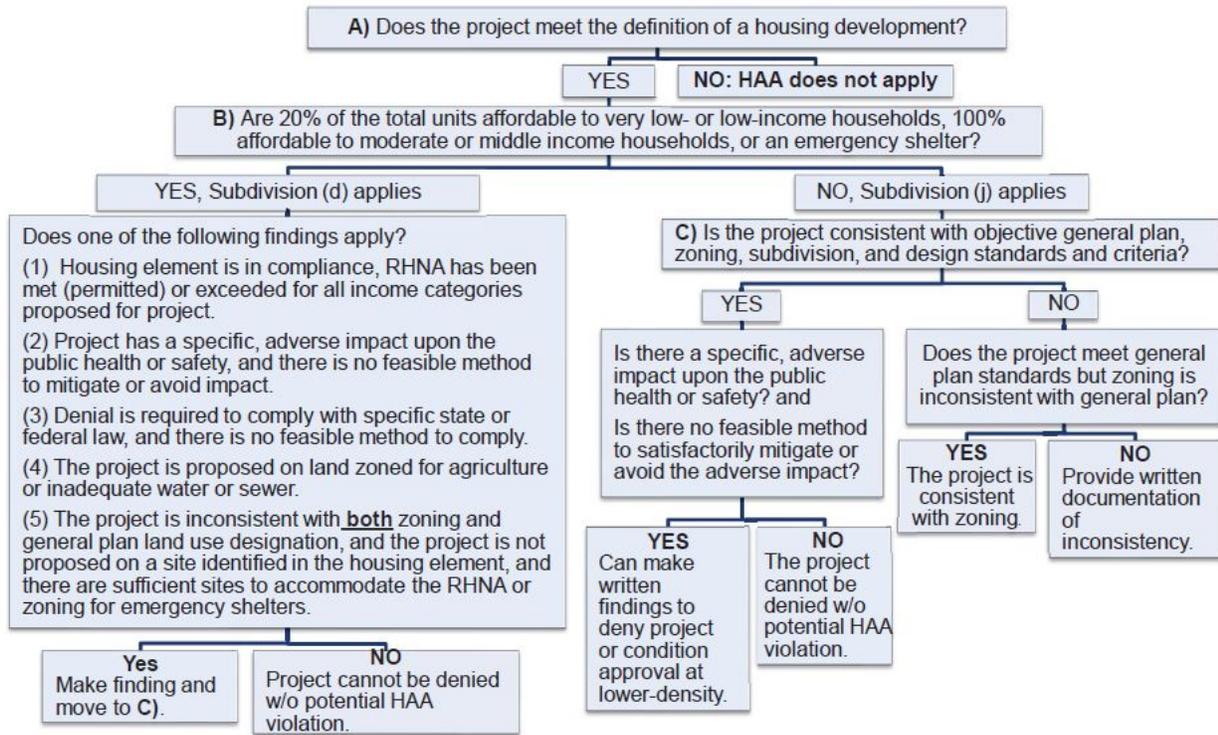
In order to address the need for additional objective standards, the City is undertaking studies of objective standards for a variety of development impact issues, as well as overhauling the organization and clarity of the existing zoning ordinance. The next step in the process will be studying and recommending zoning ordinance revisions, including objective design review criteria, to address the necessity of more predictable outcomes.

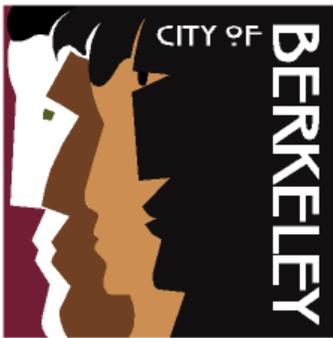
² In addition, State Density Bonus Law explicitly requires the City to consider “the density allowed under the land use element of the general plan” in determining maximum allowable residential density. If the General Plan conflicts with the Zoning Ordinance, the density allowed under the General Plan must be used to calculate allowed density under State Density Bonus Law. Where the General Plan specifies a range of densities for a land use classification (as is the case in the City of Berkeley), state law requires the City to apply the maximum density in that range to determine maximum allowable residential density. However, the Berkeley General Plan does not apply the stated densities on a parcel-specific basis, so this provision is inapplicable.

Housing Accountability Act Decision Matrix

Housing Accountability Act Decision Matrix

This decision tree generally describes the components of the HAA. Both affordable and market-rate developments are protected by components of the HAA. The statute contains detailed requirements that affect the applicability of the HAA to a specific housing project based on its characteristics.





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

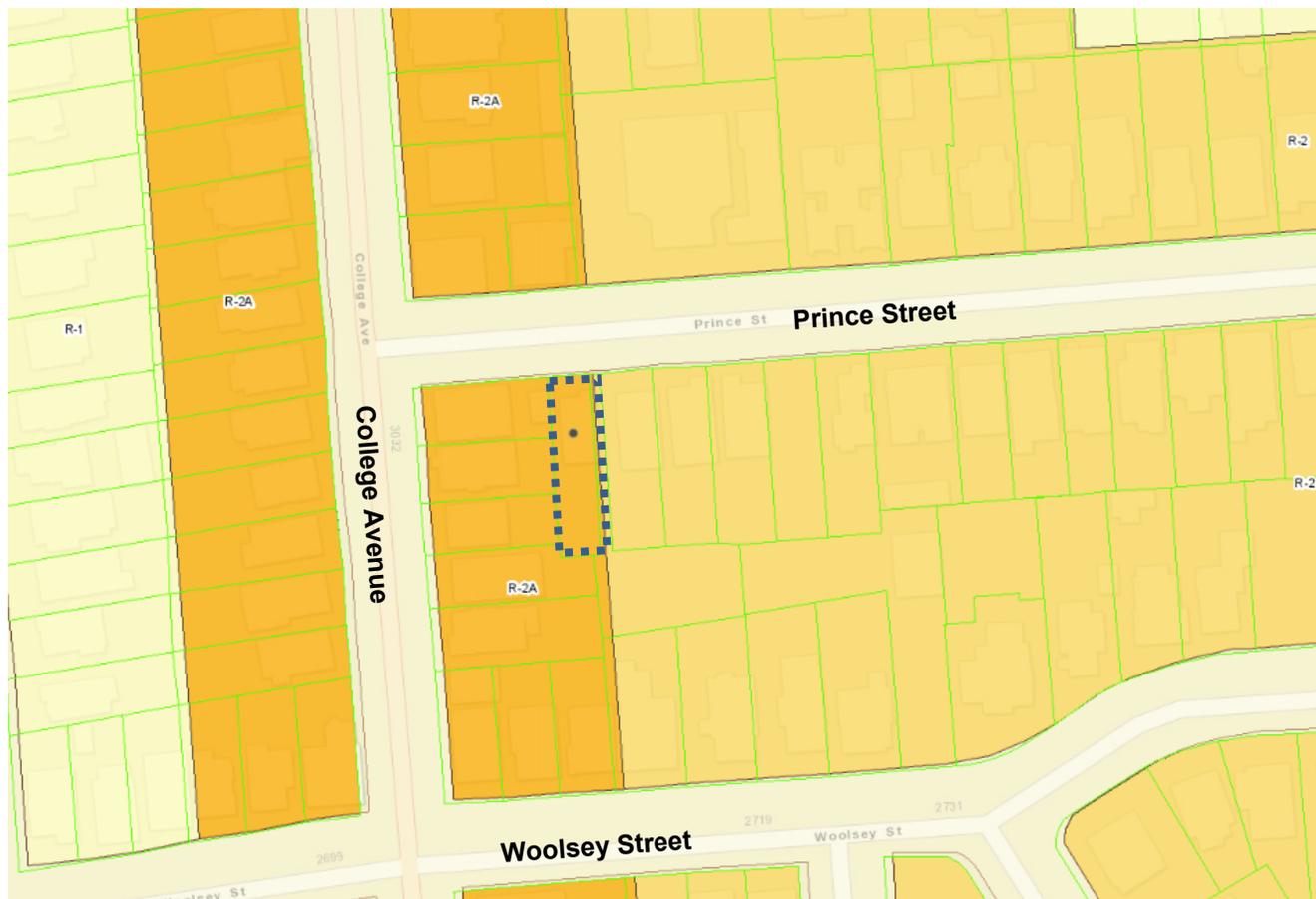
C. CEQA Recommendation:

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

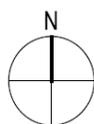


Figure 2: Site Plan

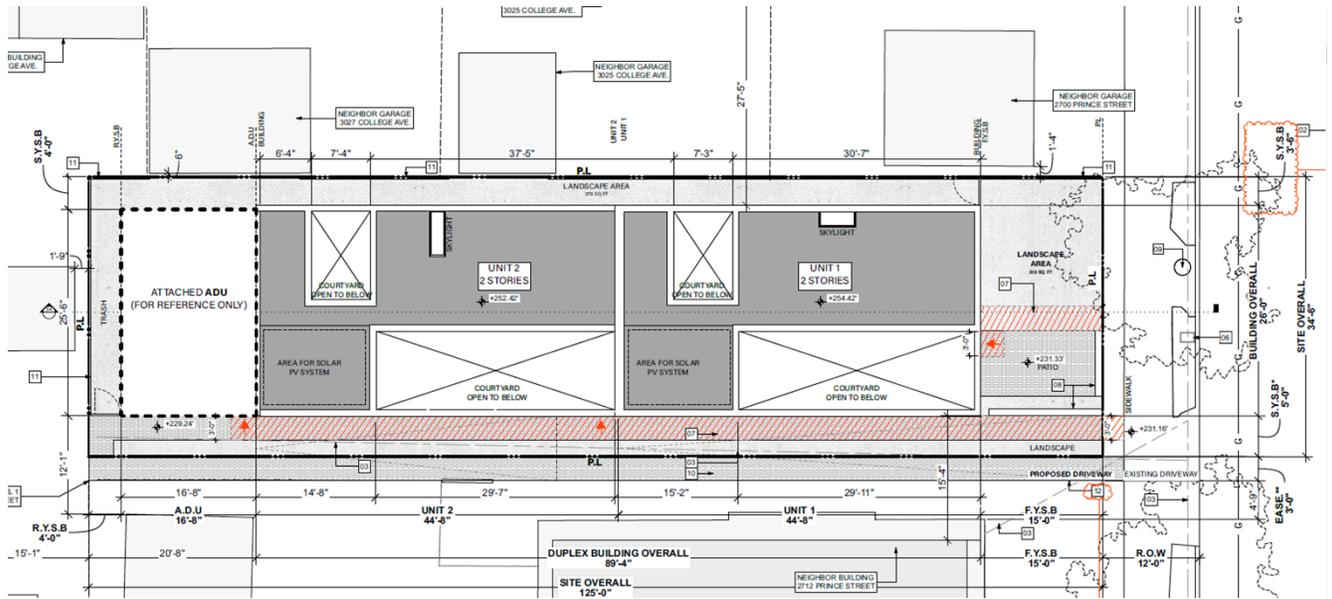


Figure 3: North Elevation (Prince Street)



Figure 4: West Elevation

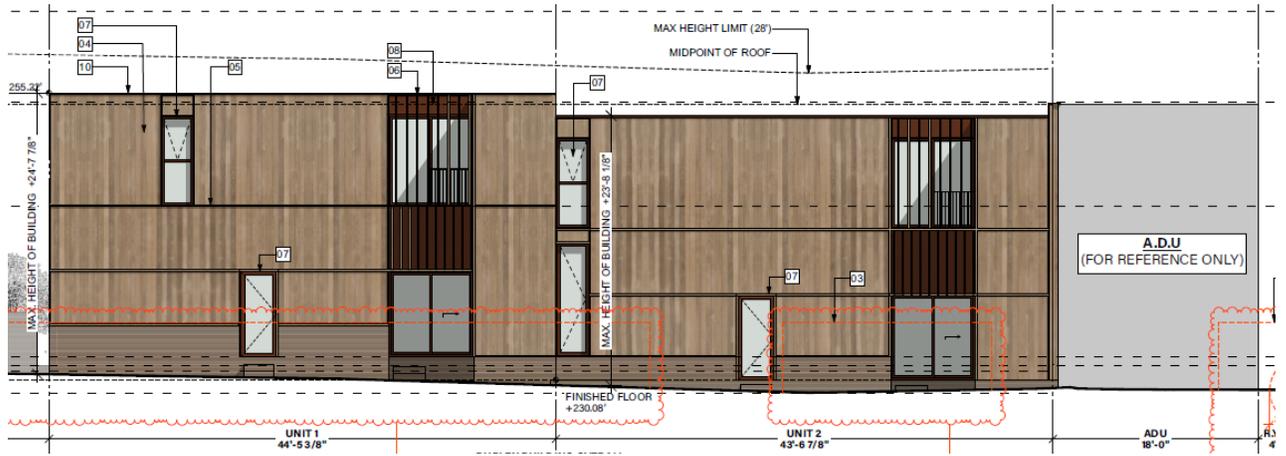


Table 1: Land Use Information

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

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/geologichazards/</p> <p>d. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: Project Chronology

Date	Action
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:

- 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=cnddbq>

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

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

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

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 affect 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.

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

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



Administrative Record

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
<http://www.berkeleyca.gov>

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

ZAB APPEAL: 2708 PRINCE STREET, USE PERMIT #ZP2024-0024

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, JANUARY 21, 2025 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of a decision by the Zoning Adjustments Board to **APPROVE Zoning Permit #ZP2024-0024 to demolish a single-family home and accessory building (garage), and construct a 2-story (24 feet in height) 3,118 square-foot duplex.**

The hearing will be held on, January 21, 2025 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Allison Riemer, Project Planner at (510) 981-7433 or email ariemer@berkeleyca.gov

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of January 9, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Mark Numainville, City Clerk

Mailed by: January 7, 2025

Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. § 1094.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may*

Attachment 7

be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

