



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

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FOR BOARD ACTION  
FEBRUARY 13, 2025

## 654 Woodmont Avenue

Use Permit ZP2023-0109 to eliminate one of two single-family dwelling units from single-family zoned lot through combination, construct a 2-story major residential addition (1,988 square feet) above 14 feet in average building height (22 feet) and above 20 feet maximum building height within the Hillside Overlay (24 feet), vertically extend a wall within a nonconforming setback, construct an accessory structure (garage) within the first half of the lot, fence exceeding 6 feet in height on a lot line, and 9 foot, 8-inch retaining wall within a minimum required setback on a lot nonconforming for density.

### I. Background

#### A. Land Use Designations:

- General Plan: Low-Density Residential [LDR]
- Zoning District: Single-Family Residential Zone within the Hillside Overlay [R-1H]

#### B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code Section (BMC) 23.326.040(A) to eliminate a dwelling unit through combination.
- Use Permit pursuant to BMC Section 23.324.020(D)(3) to expand a single-family dwelling on a lot nonconforming for density;
- Administrative Use Permit pursuant to 23.324.050(D)(2) to vertically extend an exterior wall within a nonconforming rear setback;
- Administrative Use Permit pursuant to BMC Section 23.202.030(A)(1) to construct a major residential addition;
- Administrative Use Permit pursuant to BMC Section 23.202.050(D)(2) to construct an addition over 14 feet in average building height;

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- Administrative Use Permit pursuant to BMC Section 23.210.020(C)(2) to construct an addition over 20 feet in maximum building height within the Hillside Overlay;
- Administrative Use Permit pursuant to BMC Section 23.304.060(C)(2) to construct an accessory structure within the first 50 percent of the lot;
- Administrative Use Permit pursuant to BMC Section 23.304.080(A) to construct a fence exceeding 6 feet in in height; and
- Administrative Use Permit pursuant to 23.324.050(D)(2) to construct a retaining wall within a minimum required side setback

**C. CEQA Recommendation:**

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

**D. Parties Involved:**

- Applicant/Property Owner: Lauren Van Den Bosch, 656 Woodmont Avenue, Berkeley

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

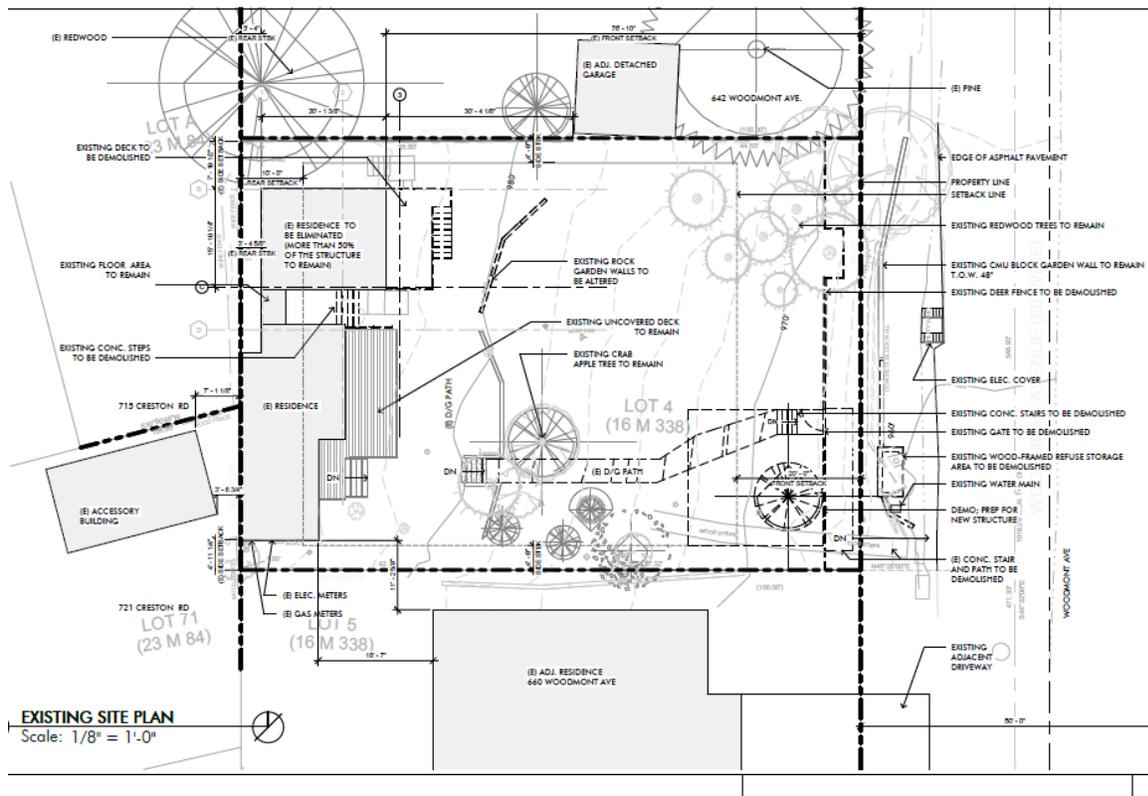


R1-H Single-Family Residential Zone within the Hillside Overlay

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Figure 2: Existing Site Plan:



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Figure 3: Proposed Site Plan:

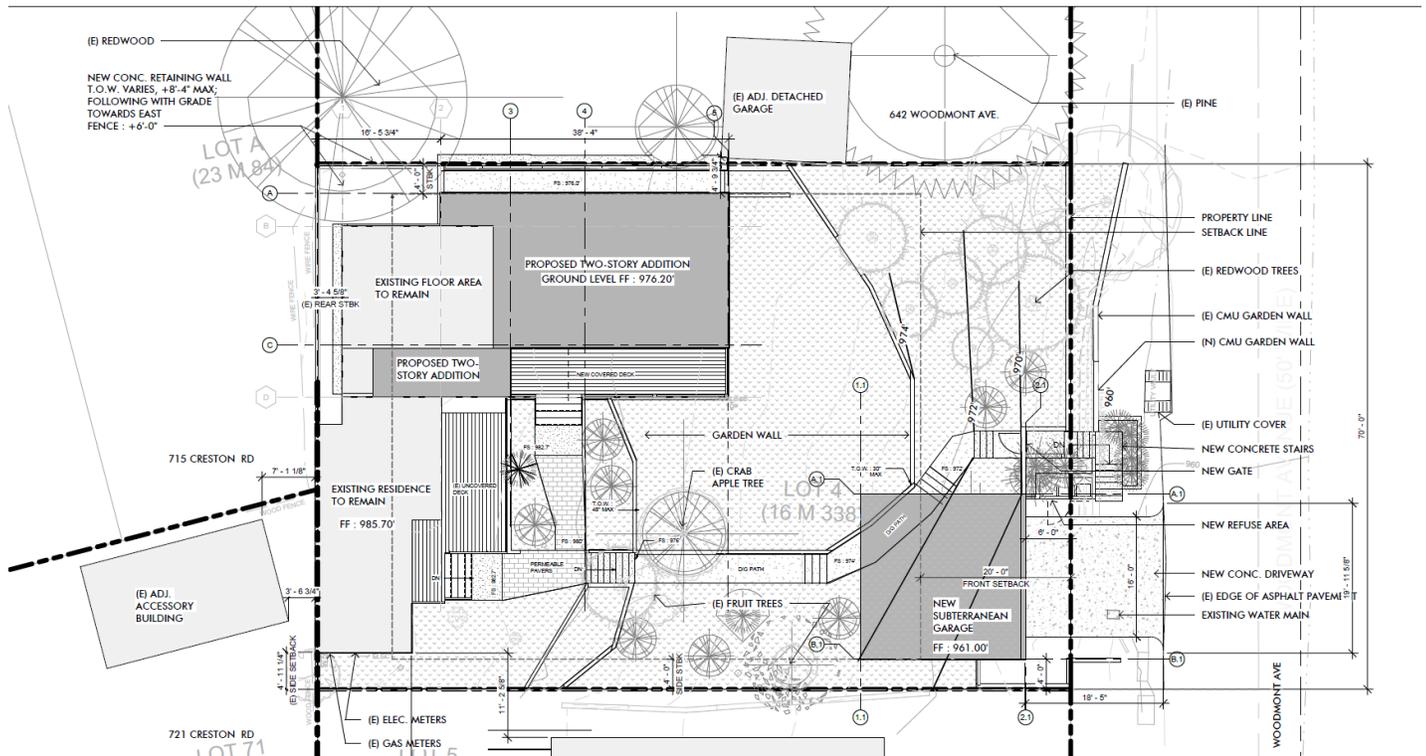


Figure 4: North Elevation

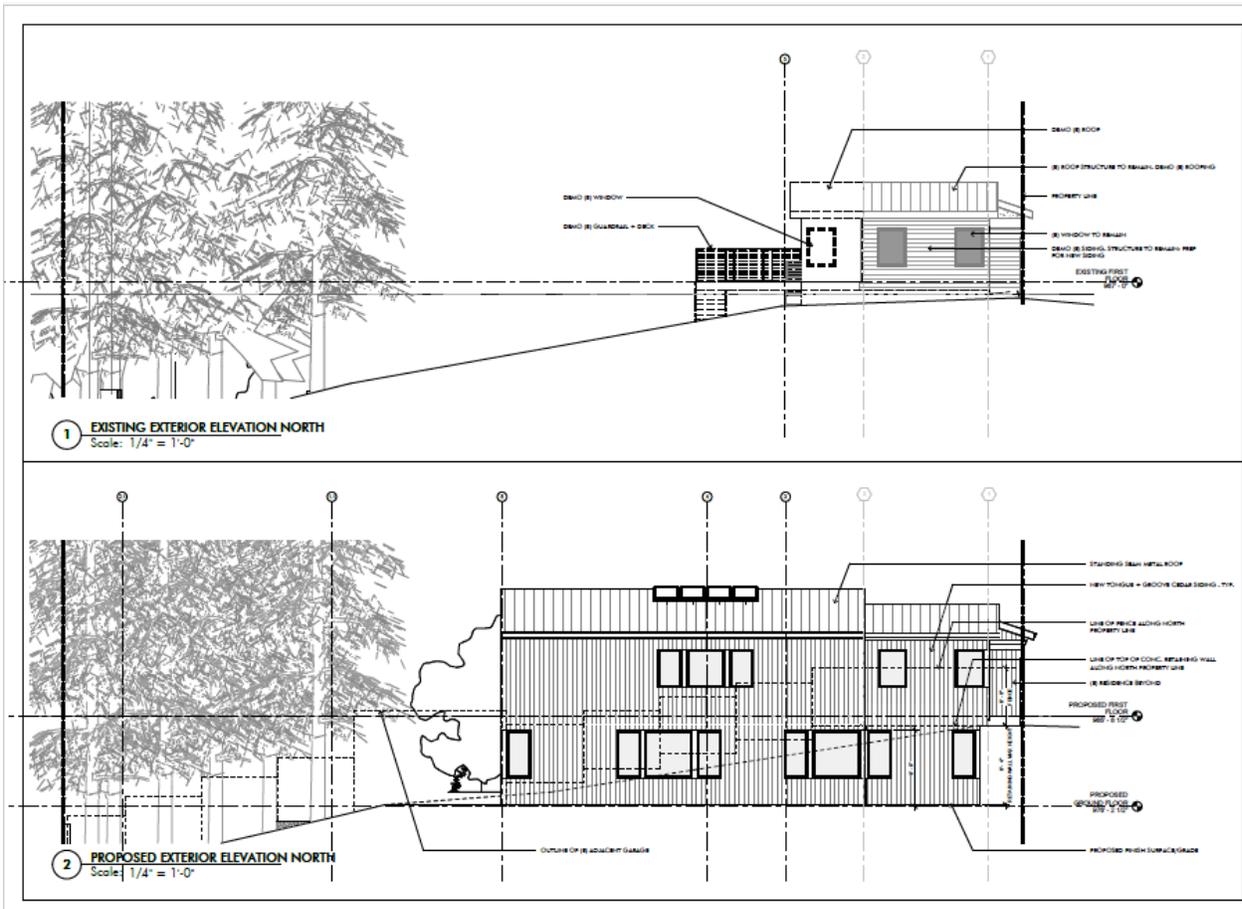
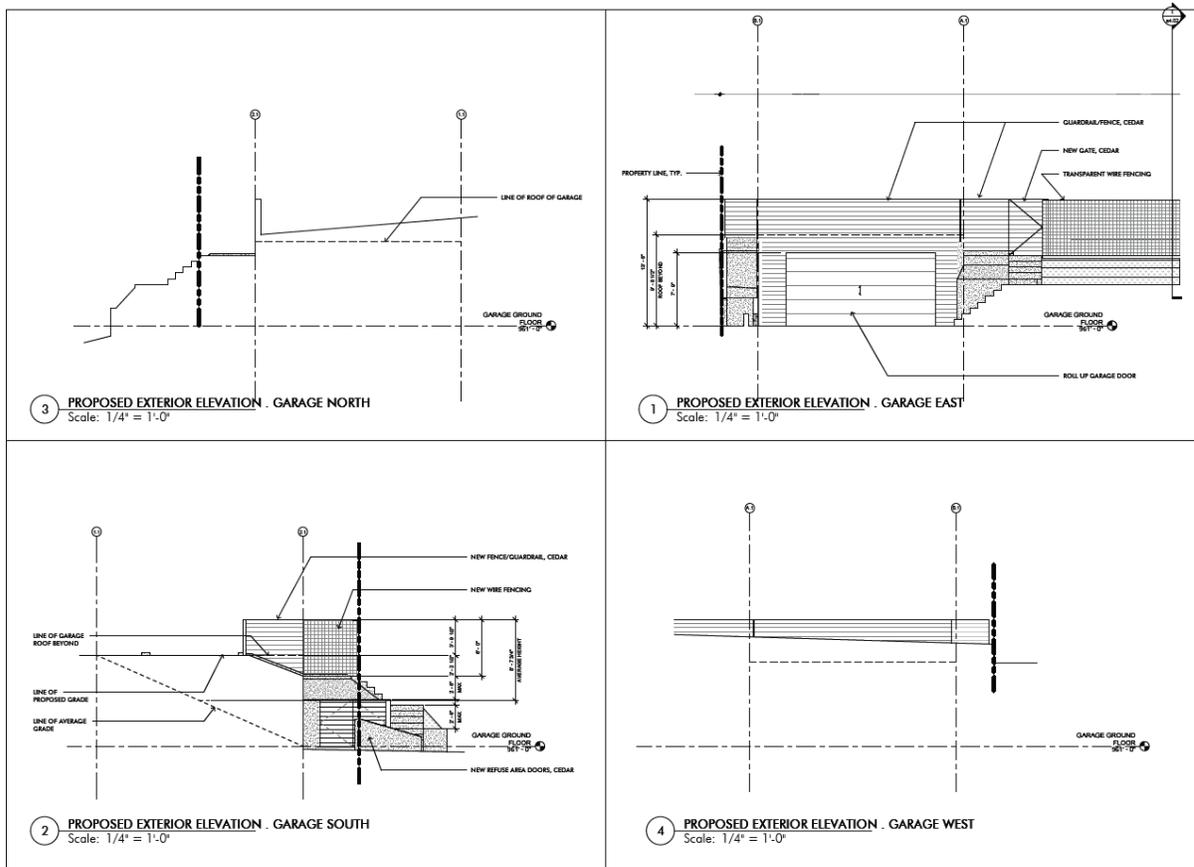




Figure 6: Accessory Structure Elevations



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Two single-Family Dwellings	Single-Family Residential District within Hillside Overlay	Low-Density Residential
Surrounding Properties	North	Single-Family Dwelling		
	South			
	East			
	West			

**Table 2: Special Characteristics**

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project would not add non-residential floor area; therefore, the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020(E) <sup>a</sup> , as it is expanding an existing residential unit, and would not result in a construction of at least one unit. As a result, the project is exempt from the inclusionary housing provisions.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project is exempt from these provisions because the addition is less than 10,000 square feet and has an average building height less than 35 feet.
Alcohol Sales/Service Public Convenience or Necessity	No	The project is not proposing alcohol sales/service, therefore, public convenience and necessity findings are not required.
Coast Live Oak Trees (BMC Chapter 6.52)	No	The survey submitted as part of the application from 2012, which pre-dates the applicant's occupancy of the property, shows Oak Trees were present on the property. City Arborist Darya Barar visited the site on January 14, 2025 and verified that no Oak Trees were present on the lot .
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 will not include a density bonus.
Hard Hats (BMC Chapter 13.107)	Yes	The project is subject to these requirements and a condition of approval to demonstrate compliance at building permit is included.
Historic Resources	No	The existing building is more than 40 years old and as a result subject to the Historical Resource Evaluation requirement, however, a request to waive the HRE was submitted by the applicant on June 23, 2023. Cultural resources staff concluded that the project would not propose an adverse change to a potential resource under CEQA. No further analysis or conditions are required.

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Characteristic	Applicability	Explanation
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project is an addition to a single-family dwelling and does not include any new dwelling units, therefore, it is not a "housing development project" per Government Code Section 65589.5(h)(2) <sup>c</sup> . and the Housing Accountability Act does not apply.
Housing Crisis Act of 2019 (SB 330)	No	The project is an addition to a single-family dwelling and does not include any new dwelling units, therefore, it is not a "housing development project" and SB 330 does not apply.
Rent Controlled Units	No	The project would not demolish/reconfigure/alter rent controlled dwelling units.
Residential Preferred Parking (RPP)	No	The project is not adding residential units to a site located in an RPP zone . The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1).
Seismic Hazards (SHMA)	No	The eastern portion of the project site is located within earthquake-induced landslide zone. as shown on the <a href="#">State Seismic Hazard Zones</a> map. <sup>d</sup> The applicant submitted a revised geotechnical investigation for the project ([Earth Focus Geological Services, January, 2024]), which was peer-reviewed on June 18, 2024 by Cotton, Shires, and Associates, Inc. and recommended geotechnical approval pending compliance with added conditions of approval (attachment 1)
Soil/Groundwater Contamination	No	The project site not located within the City's Environmental Management Area and is not on the Cortese List <sup>e</sup> Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project is located within 0.5 miles of Alameda County line #65.
<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. Project vested under SB 330 on/before April 1, 2023, prior to effective date of new inclusionary housing requirements and is therefore subject to the Affordable Housing Mitigations in BMC 22.20.065 that was in effect at the time of vesting.</p> <p>c. 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>d. California Department of Conservation. DOC Maps: Geologic Hazards. Available: <a href="https://maps.conservation.ca.gov/geologichazards/">https://maps.conservation.ca.gov/geologichazards/</a></p> <p>e. 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
July 24, 2023	Project application submitted
September 25, 2023	Application deemed incomplete
October 10, 2023	Application resubmitted
October 11, 2023	Application deemed incomplete
May 24, 2024	Application resubmitted
June 26, 2024	Application deemed complete
January 9, 2025	Public hearing notices mailed/posted
February 13, 2025	ZAB hearing

**Table 4: (Single-Family Residential within Hillside Overlay) Development Standards BMC Sections 23.202.050 and 23.210.020**

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		7,022	No change	5,000 min.	5,000 min.
Gross Floor Area (sq. ft.)		867	+1,714	2,581	n/a
Dwelling Units	Total	2	-1 unit	1	1
Building Height (ft. - in.)	Average	14'-9.5"	+7'- .25"	21'-9.75"	28'-0" max
	Maximum	16'-4.25"	+7'-2.25"	23'-6"	35'-0"max
	Stories	1	1	2	3 max
Building Setbacks (ft. - in.)	(654 Woodmont Avenue)	76'-10"	-43'-2.5"	33'-7.5"	20'-0" min
	Rear	3'-4.75"	No change	No change	20'-0" min
	Left Side	4'-11.25"	No change	4'-11.25"	4'-0" min
	Right Side	8'-3.5"	-3'-2.75"	5'-0.75"	4'-0" min
Building Separation (Single-Family Dwellings)		6'-0"	-6"-0"	0'-0"-	n/a
Lot Coverage (%)		12	+14	26	40 max
Usable Open Space (sq. ft.)		6,155	-1,133	5,022	400 min
Parking		0	2	2	1 min <sup>a</sup>
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")					
Notes: 1 space per unit is required if located on a roadway less than 26 feet in width.					

## II. Project Setting

### A. Neighborhood/Area Description:

The neighborhood is developed with 2-3 story single-family dwellings on sloping lots west of Wildcat Canyon Road and Tilden Park with areas of open space in excess of what is typically required in the zoning district, and mature vegetation. Parcels in the neighborhood are generally rectangular in shape with some irregularities due to existing slopes and curved roadways. Given the hilly terrain, and limited availability of on-street parking due to narrow streets, the dwellings in the neighborhood tend to include attached one or two-car garages within front yards.

### B. Site Conditions:

The project site is an east-west oriented rectangular shaped interior lot, developed, with two single-family dwellings in the rear. The lot is on a roadway less than 26 feet and slopes up westward from the street. The lot is screened by mature vegetation on the rear (west) and partially screened on the side (north), accessed by a pedestrian pathway and does not have off street parking.

## III. Project Description

**A. Proposed Project Details:** The proposed project would construct a two-story major residential addition to one of the detached single-family dwellings on a lot nonconforming for density through the construction of a new covered external stairwell to combine the two detached dwelling units. The project includes the following primary components:

1. Eliminate one single-family dwelling (352 square feet) through combination with the second existing single story (1,198 square feet) single-family dwelling, and construct a 1,714 square-foot addition resulting in one 2,340 square foot single family dwelling.

Increase the dwelling's height from 14 feet, 4 inches (average) and 16 feet, 4 inches (maximum) to 21 feet, 9.75 inches in average height and 23 feet, 6 inches in maximum height. The dwelling would change from one story to two stories, Create a 19-foot wide curb cut and 16-foot wide driveway to access the proposed accessory structure setback 18 feet, 5 inches from the right of way subject to an Engineering Permit pending review by the Public Works.

2. Construct an 484 square-foot accessory structure (detached garage) that would provide two off-street parking spaces (8 feet in width, 18 feet in length) 8 feet, 9 inches in average height, within the first half of the lot pending review by City Traffic Engineer.
3. Extend the exterior wall within the rear (west) nonconforming setback.

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4. Construct a 6-foot fence on the northern property line.
5. Place a retaining wall, 9 feet-8 inches in height, within a minimum required side (north) setback
6. Add a 20-foot wide curb cut and create a driveway, 16 feet in width, on the southeastern side of the parcel subject to an engineering permit pending compliance review by Public Works.

#### **IV. Community Discussion**

##### **A. Neighbor/Community Concerns:**

A pre-application poster was installed on site by the applicant in August 2024. On January 9, 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. Staff received one comment on January 14, 2025 from the neighbor at 642 Woodmont Avenue requesting staff rescind the story pole waiver and require the applicant to erect story poles, citing concerns about the height of the addition and its potential impacts to their sunlight access. In response to the neighbor's concerns, the applicant provided additional drawings to the neighbor on January 16, 2025, demonstrating how the addition design would result in minimal impact to his property. On January 18, 2025 the neighbor sent an email withdrawing the request for story poles, and indicated no further objections to the project.

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

This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a residential district subject to design review, 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 it proposing the construction of an addition to a single-family dwelling and an accessory building which is below the allowed threshold allowed 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 is currently developed/characterized as developed by the California Natural Diversity Database;<sup>1</sup> therefore, it is not located in an environmentally sensitive area;
- The cumulative impact of successive projects of the same type in the same place, over time would not be significant;
- There are no "unusual circumstances" at the project site that would result in significant environmental effects;
- There are no eligible or designated scenic highways within the City of Berkeley;<sup>2</sup> therefore, the project site is not in view of a state scenic highway;
- The site is not included on a list compiled pursuant to Government Code Section 65962.5;<sup>3</sup> and
- The project would not result in a substantial adverse change in the significance of a historical resource.

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

### 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.

The project would combine two separate single-family dwellings through the construction of a new wall, 13 feet in width, within the rear setback to enclose an external stairwell and connect the two detached dwellings and create one single-family dwelling in the rear of the lot bringing it into conformance for density for the R-1H. The project

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

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

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

proposes construction of a second-story major residential addition, approximately 1,174 square-feet in size, and would approximately increase the average height to 22 feet where 28 feet average height is allowed and the maximum height to 23 feet which is below the maximum height of 35 feet max allowed with an Administrative Use Permit. Due to the lot's upsloping topography and the addition's proposed primary location on the northwestern corner, the project would not further impede views already unavailable to the closest potentially impacted confronting neighbor located downhill to the project and screened by vegetation. Additionally, the project would not be taller than existing dwellings on is not expected to create new detriments to sunlight, privacy or views.

Additionally, the project proposal includes excavating 670 cubic yards from approximately within the front setback, 6 feet from the front (east) lot line and 4 feet from the side (south) lot line, to construct a subterranean garage 9 feet, 8.5 inches in average height. The accessory structure will provide two off street parking spaces on a narrow roadway less than 26 feet in width which would potentially improve emergency vehicle access and emergency evacuation for the residents through increased roadway surface resulting from the decreased demand for on-street parking.

The project would also construct a 9-foot, 8 inch retaining wall and 6-foot within the side (north) setback creating additional privacy screening for the neighboring property to the North and would not create detrimental impacts to other neighboring dwellings as they are not within 20 feet of the proposed fence/retaining wall combination.

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. Eliminating Dwelling Units through Combination with Other Units (23.326.040(A):**

BMC Section 23.326.040(A) states that before ZAB can approve a Use Permit for the elimination of one or more Residential Units by combining with another unit, it must find that:

- a. The existing number of Residential Units has been owner occupied as a principal place of residence for no less than 2 years before the date of the application and none of the affected units are currently occupied by the tenant; and
- b. One of the following is true:
  1. All of the affected Residential Units has been owner-occupied as a principal place of residence for no less than two years before the date of the application and none of the affected units are currently occupied by a tenant

2. All of the affected Residential Units are being sold by an estate and the decedent occupied the Residential Units as their principal residence for no less than two years before the date of their death.

The property is not be being sold by an estate and has been owner-occupied as a principal residence for approximately four years. A memo from the Berkeley Rent Stabilization Board received on December 12, 2024 (see Attachment 5) verified that the property is not a registered rental and is not currently occupied by a tenant.

**D. Proposed addition to a dwelling on a lot non-conforming for density (23.324.050(D)(2)):**

BMC Section BMC 23.324.050(D)(3) states that before ZAB approves a Use Permit for an addition or enlargement of a structure or building that exceeds the maximum allowed lot coverage, floor area ratio, or residential density, it must find the project would not increase or exacerbate the nonconformity or exceed the height limit:

1. The project proposes an addition to one of the two dwellings on a lawful non-conforming single-family zoned lot. The proposed project would expand existing gross floor area for residential use, but would not result in an additional dwelling unit, thereby not contributing to an increase in residential density. The addition would increase the average and maximum height, but would remain within allowed limits in the R-1H Zoning District In accordance with BMC Section 23.324.050(D)(2).

**E. Major Residential Addition Finding (23.202.030(A)(2)):**

Sunlight: The applicant submitted shadow studies that recorded angles and lengths three times throughout the day during the summer and winter solstice. The proposed 2-story addition would be approximately 23 feet, 6 inches. Overall, the studies show an increase in the shadow cast on the western portion of the subject lot itself 2 hours before sunrise, during the Summer Solstice and Winter Solstice. The studies also show an increase in shadows cast on the garage on the neighboring lot to the north 2 hours before sunrise on the winter solstice; However, the shadow studies show the project would not result in loss of direct sunlight on the dwellings of neighboring lots.

The 2-story addition would be 22 feet, in average height and 23 feet, 9.5 inches in maximum height. The addition would be constructed on the rear and side of a lot that slopes upwards from the street. Because the proposed addition would be more than 20 feet away from any dwellings on abutting properties, the addition would not exceed the heights of dwellings and would not create new detriments to sunlight;

Air: The proposed addition would not expand the footprint closer to the immediately adjacent dwellings on abutting lots and as a result, would not contribute to a decrease in existing building-to-building separation. As a result, the project would not be detrimental to air;

Views: The proposed addition would not exceed existing heights of immediately adjacent neighboring structures, would be located uphill to the closest confronting lots, which currently cannot access protected views as defined in BMC Section 23.502.020(V)(12) (Glossary), and as result would not introduce new detrimental impacts to views.

**F. Hillside Overlay – Height (23.210.020(C)(2)):**

BMC Section 23.210.020(C)(2) and 23.210.020(C)(4) allows an increase to the allowed average and maximum of height of main buildings upon finding the project is consistent with the purpose of the Hillside Overlay as stated in BMC Section 23.210.020(A):

- Implement General Plan policies for hillside development;
  - Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
  - Protect the character of Berkeley’s hillside areas and their immediate environs;
  - Give reasonable protection to views yet allow appropriate development of all property; and
  - Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.
1. The project would allow appropriate development of the property through the construction of an addition that would expand gross floor area in an existing single-family dwelling unit but would not create additional density. Although the addition would result in an increase to average and maximum height of the main building, it would remain compatible with the character of the Berkeley Hillside Overlay as the project would not decrease the existing separation between the subject residence and dwelling on neighboring rear properties and would remain outside of the 4-foot required side setback. The project would not exceed the heights of neighboring dwellings. For these reasons, the project would be compatible with the protect the character of the Berkeley’s hillside area because is not expected to obstruct to views or exacerbate special aspects of the hillside area. Additionally, it would not conflict with any other stated principle of the district purpose.

**G. Alteration within a nonconforming setback (23.324.050)(D):**

BMC Section BMC 23.324.050(D)(2) states that an addition within a required setback is allowed if the addition does not increase or exacerbate any nonconforming setbacks and the addition does not exceed maximum or calculated height limits:

1. The project proposes an addition to one of the two single-family dwelling units on a lot lawfully nonconforming for density. The proposed addition would horizontally extend an exterior wall within a nonconforming rear setback. Although, the proposed project would expand existing gross floor area of 654 Woodmont, it would not result in additional dwelling units, and therefore not intensifying the use on the lot. The addition would increase the average and maximum height, within a nonconforming setback, but would not exceed allowed limits in the R-1H zoning district or expand the footprint further into the nonconforming setback, and as a result would be permissible in accordance with BMC Section 23.324.050(D)(2).

**H. Enclosed Accessory Structure (BMC 23.304.060(C)(2))**

BMC Section 23.304.060(C)(2) states that before an accessory structure that deviates from the standards can be approved, the review authority must find that the structure will not be detrimental to the light, air, privacy, and view of adjacent properties.

1. Approximately, 620 cubic yards will be excavated from the front of the lot to accommodate a proposed 484 square-foot, subterranean garage. The proposed height of the accessory structure which would be 9 feet, 8.5 inches in average height, and 13 feet, six inches in maximum height, and would provide two covered off-street parking spaces. The accessory structure would be approximately 6 feet from the front property line and 4 feet from the side (south) property line within the first 50 percent of the lot. The garage would not exceed the heights of any existing neighboring structures and as a result would not impede light or views to any neighboring properties. In addition, the garage would be directly abutting a neighboring driveway to the south and is not proposing openings on that side that could potentially align with windows on the abutting neighboring property. For these reasons, the project would not create detrimental impacts to privacy.

**I. Unenclosed Accessory Structure (BMC 23.304.070)**

BMC 23.304.070(C) states that an unenclosed Accessory Structure requires an AUP if placed within a required setback:

1. Fences are measured from the lowest existing grade point within a 3-foot radius of any point of the structure to the highest point of the structure. The project proposes the construction of a 6-foot fence on top of an 9-foot, 8 inch retaining wall with within the side setback (north).
2. The proposed retaining wall and fence would follow the grade sloping eastward and would provide additional screening to neighboring properties. Additionally, it would not exceed heights of adjacent dwellings, and as a result would not create new detrimental impacts to sunlight or views.

**VI. Other Considerations (Zoning and Land Use Considerations)**

**A. General Plan Consistency:**

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

**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.

**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.

**Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: The proposed major combination of the existing dwelling units on a lot nonconforming for density and the horizontally extension of a wall within a nonconforming rear setback would expand the existing gross floor area but not increase density, nor exceed the average, or maximum height limits allowed in the Hillside. The project would remain consistent with zoning standards, the scale of existing homes in

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the Hillside, and would not introduce new detrimental impacts to shadows, views, or privacy.

**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:

- a. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15303 of the CEQA Guidelines ("Construction or Conversion of Small Structures"); and
- b. **APPROVE** ZP2023-0109 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

**Attachments:**

1. Findings
2. Conditions of Approval
3. Project Plans, received December 5, 2024
4. Notice of Public Hearing, January 9, 2024
5. Rent Board Memo, December 12, 2024
6. Neighbor Communication, received January 18, 2025

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



# ATTACHMENT (1)

## FINDINGS

FEBRUARY 13, 2025

### 654 Woodmont Avenue

Use Permit ZP2023-0109 to eliminate one of two single-family dwelling units from single-family zoned lot through combination, construct a 2-story major residential addition (1,988 square feet) above 14 feet in average building height (22 feet) and above 20 feet maximum building height within the Hillside Overlay (24 feet), vertically extend a wall within a nonconforming setback, construct an accessory structure (garage) within the first half of the lot, fence exceeding 6 feet in height on a lot line, and 9 foot, 8-inch retaining wall within a minimum required setback on a lot nonconforming for density.

#### ZONING PERMITS REQUIRED:

- Use Permit pursuant to Berkeley Municipal Code Section (BMC) 23.326.040(A) to eliminate a dwelling unit through combination;
- Use Permit pursuant to BMC Section 23.324.020(D)(3) to expand a single-family dwelling on a lot nonconforming for density;
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- Administrative Use Permit pursuant to BMC Section 23.202.030(A)(1) to construct a major residential addition;
- Administrative Use Permit pursuant to BMC Section 23.202.050(D)(2) to construct an addition over 14 feet in average building height;
- Administrative Use Permit pursuant to BMC Section 23.210.020(C)(2) to construct an addition over 20 feet in maximum building height within the Hillside Overlay;
- Administrative Use Permit pursuant to BMC Section 23.304.060(C)(2) to construct an accessory structure within the first 50 percent of the lot;
- Administrative Use Permit pursuant to BMC Section 23.304.080(A) to construct a fence exceeding 6 feet in in height; and
- Administrative Use Permit To construct a retaining wall within a minimum required side setback pursuant to 23.324.050(D)(2).

## **I. CEQA FINDINGS**

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- A.** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).

## **II. FINDINGS FOR APPROVAL**

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- 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:

The project will eliminate one 352 square-foot single-family dwelling through combination with a second 1,1174 square-foot single family dwelling and bring the site into conformance with density limits for the R-1H Zoning District. The project will also include a proposed major residential addition (1,988 square feet) which with a proposed average height of approximately 22 feet and proposed maximum height of 23 feet, which will remain within height limits for the R-1H district, and will not exceed heights of neighboring properties. As a result, the major residential addition will not create new significant detriments to sunlight or views. Additionally, a 484 square feet accessory structure subterranean garage, 9 feet, 8.5 inches in average height will be constructed within the first-half of the lot which will provide 2 off-street parking spaces on a narrow street. The project also includes a 6-foot fence on top of a 9-foot, 8-inch retaining wall which will provide additional privacy screening. The project will not be detrimental.

- B.** As required by BMC Section 23.326.040(A), the Zoning Adjustments Board finds eliminating a dwelling unit through combination with other units will be allowed because:

Lots in the R-1H are limited to one single-family dwelling pursuant to BMC Section 23.202.020 (Allowed Land Uses). The subject lot contains two Single-Family Dwellings (654 and 656 Woodmont). The project will horizontally extend an existing wall and roof that will attach to a newly constructed covered stairwell effectively combining 654 and 656 Woodmont into one single-family dwelling unit bringing it into conformance for density in the R-1H. Both buildings on the project site have been owner-occupied for over 2 years before the date of the application. 656 Woodmont Avenue, which will be eliminated is not a registered rental unit and therefore has no associated history of tenant harassment, illegal eviction, nor has it been removed from the rental market through a no-fault addition. It is also not being sold by an estate where a descendant occupied as their principal residence two years before their death.

- C.** As required by 23.324.050(D)(3) Addition to a dwelling on a lot non-conforming for density (BMC 23.324.050) will be allowed because:

The addition is proposed for a one of two single-family dwelling units on a lot nonconforming for density. The addition will expand gross floor for residential use, not result in an increase in residential density and would therefore not intensify the use. The addition would increase the average and maximum height, but would remain within allowed limits in the R-1H Zoning Districts and not exacerbate any existing nonconformities related to use and setbacks. Additionally, the extension of the exterior wall within the nonconforming rear setback will allow the two dwelling units to be combined bringing it into conformance for density in the R-1H.

**D. As required by 23.202.030(A)(2) meets the Zoning Adjustments Board Major Residential findings and will be allowed because:**

Sunlight: The shadow studies submitted by the applicant show a minimal increase to shadows on the subject lot itself and the accessory structure on the abutting lot to the north but would not be outside of what is typical for a developed urban environment. The addition will not exceed the height of neighboring properties, the project will not create significant detrimental impacts to sunlight;

Air: The project will vertically and horizontally extend the walls to construct a second-story addition. However, the project would not encroach further into the required rear setback and will not reduce existing building-to-building separation between the project and dwelling units on neighboring lots. As a result, the project will not create new detrimental impacts to air; and

Views: The project would not exceed existing heights of neighboring structures and would not further obscure views that are already not accessible to confronting properties due to topography and vegetation. The project will not introduce new impacts to view.

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

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USE PERMIT FINDINGS

February 13, 2025

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### III. OTHER FINDINGS FOR APPROVAL

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- A.** As required by BMC Section 23.210020(C)(2) the Zoning Adjustments Board finds that the addition exceeding the average height and maximum height for main buildings in the Hillside Overlay meets the requirements for approval because:

The project will allow development of the property through construction of an addition while not increasing residential density on a lot lawfully nonconforming for density and not exceed allowable height limits within the district, nor decrease setbacks beyond the minimum 4 feet required, nor exacerbate any other special purposes in the district the project will be in conformance with the purpose of the Hillside Overlay as stated in BMC 23.210.020(A)(2).

- B.** As required by Section BMC 23.324.050(D)(2), the Zoning Adjustments Board finds that the addition within a nonconforming setback meets the requirements for approval because:

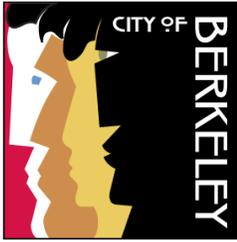
The project will construct an addition to an existing dwelling, a lawfully conforming within a required rear setback which will not result in an intensification of density nor exceed allowable height limits in the district and as a result will not exacerbate the nonconforming conditions.

- C.** As required by BMC Section 23.304.030(C)(2) the Zoning Adjustments Board finds that the accessory structure within the first-half of the lot meets the requirements for approval because:

The garage will be constructed on the first-half of the lot and have a maximum height of 13 feet, six inches in maximum height from the lowest point of grade to the top railing of the structure. The accessory structure will provide two off-street parking spaces on a street less than 26 feet in width which will decrease the demand for on-street parking and will increase roadway and potentially improve emergency vehicle access evacuation. The garage will not project beyond heights, nor align with windows of structures on abutting lots, and as a result will not be detrimental to light, view, or privacy.

- D.** As required by BMC 23.304.070(C), the Zoning Adjustments Board finds that the fence exceeding 6 feet in height and retaining wall within a setback an meets the requirements for approval because:

The proposed 6-foot fence wall and 8 foot, 4-inch retaining wall on the northern property line will follow grade and not exceed the heights of adjacent structures, would provide additional privacy screening, and will not create new detrimental impacts to sunlight or views.



PLANNING AND  
DEVELOPMENT

# USE PERMIT ZP2023-0109 CONDITIONS OF APPROVAL

February 13, 2025

## 654 Woodmont Avenue

Use Permit ZP2023-0109 to eliminate one of two single-family dwelling units from single-family zoned lot through combination, construct a 2-story major residential addition (1,988 square feet) above 14 feet in average building height (22 feet) and above 20 feet maximum building height within the Hillside Overlay (24 feet), vertically extend a wall within a nonconforming setback, construct an accessory structure (garage) within the first half of the lot, fence exceeding 6 feet in height on a lot line, and 9 foot, 8-inch retaining wall within a minimum required setback on a lot nonconforming for density.

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### I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, 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 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.

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USE PERMIT CONDITIONS

February 13, 2025

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- 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 BMC 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.

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USE PERMIT CONDITIONS

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9. **HARD HATS (BMC Section 13.107).** Pursuant to BMC Chapter 13.107 “Establishing Healthcare and Apprenticeship Standards for Private Development” projects within City limits consisting of construction of either a new building, addition to an existing building, alteration of existing floor area, or demolition of 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. The combination of alterations, additions and/or demolition that impacts 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. This includes compliance with the requirements contained in BMC Sections 13.107.040 - 13.107.090.
- A. Prior to Building Permit issuance and during project construction,** the applicant shall comply with the following sections and submit the required document(s):
- i. BMC Section 13.107.040(a)-(d), Apprenticeship Requirements
  - ii. BMC Section 13.107.050(a)-(e), Health Care Expenditures
  - iii. Submit: Contractor Prequalification Questionnaire
- B. At the time Building Permit Issuance,** the applicant shall comply with the following section and submit the required document(s):
- i. BMC Section 13.107.060, Required Applicant and Contractor Statements
  - ii. Submit: Applicant Declaration
  - iii. Submit: Statement of Compliance seven days before contractor starts work
- C. Within 30 Days of completing each contractor’s respective work**
- i. BMC Section 13.107.060, Required Applicant and Contractor Statements
  - ii. Submit: Contractor Satisfaction Statement
- D. Prior to Issuance of Certificate of Occupancy,** or prior to approved final inspection for alterations, additions, or demolition projects that do not change the occupancy class of the structure or space:
- i. BMC Section 13.107.060, Required Applicant and Contractor Statements
  - ii. Submit: Applicant Certification of Compliance
- E. During Project Construction,** the applicant shall comply with the following sections:
- i. BMC Section 13.107.070(a)-(b), Notice and Posting
  - ii. BMC Section 13.107.080, Retaliation Prohibited
- F. On-Going and at least three years after receiving approved Final Inspection,** the applicant shall comply with the following section:
- i. BMC Section 13.107.090, Retention of Records

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**10. 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.

**11. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

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

**Prior to Submittal of Any Building Permit:**

**12. 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 #

**13. Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

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

**14. 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.

15. **Geotechnical Plan Review.** The applicant shall retain a Geotechnical Consultant to review building, grading, site surface, subsurface drainage improvements including site runoff discharge, and design parameters for foundations, temporary shoring, excavation and installation to ensure the residential addition and detached garage will be supported on a 12-inch thick concrete mat slab and excavations shored with retaining walls and supported by drilled piers.
16. **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](http://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**

#### **17. Elimination of Dwelling Units**

- A. **Building Permit Required.** The Owner shall apply for a building permit to restore this residential building to no more than one Residential Unit, and building permit application materials must state that this reduction will occur.
- B. **Meters.** Removal of gas, electrical, and/or water meters and meter connections for the eliminated dwelling unit(s) shall be depicted within the building permit plans and shall be removed prior to final inspection. The applicant shall provide proof of the elimination of utility service and associated meters to the project planner prior to final inspection.
- C. **Plumbing Lines to be Removed.** Water, sewer, gas & electrical lines providing service to kitchen sinks or appliances and/or bathrooms to be removed, shall be eliminated (capping at the appliance does not suffice).
- D. **Dwelling Partitions.** All partitions separating the remaining dwelling unit and the demolished unit shall be removed or replaced with an opening.
- E. **Address Elimination.** The Owner shall submit an Address Assignment Request to the Building and Safety Division for the removal of the address associated with the unit to be eliminated prior to submittal of the building permit, and associated addresses must be removed from the record by the issuance of a Certificate of Occupancy or Final Inspection.
- F. **Entrance.** Separate entrance, if any, shall be removed.

#### **18. Elimination of Dwelling Units through Combination. For the elimination of a Residential Unit through combination with another Residential Unit for purposes of occupancy by a single household:**

- A. **Occupancy.** If the Residential Unit is not owner-occupied for at least two years from the date of elimination then the affected Residential Unit(s) must either be restored as

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separate Residential Unit(s) and the vacant Residential Unit(s) offered for rent within six months or the owner must pay a fee of \$75,000 in 2013 dollars, adjusted in May of each year according to the Consumer Price Index for the San Francisco Bay Area. The fee shall be deposited into the City of Berkeley's Housing Trust Fund.

- B. Notice of Limitation.** All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" (available from Land Use Planning Division) and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate the limitations on the unit per [BMC Section 23.326.040\(C\)](#), that the Condition for Occupancy shall be observed. This limitation may not be revised or removed from this property without the prior written permission of the Zoning Officer of the City of Berkeley.

19. **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.
20. **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](mailto:RecyclingProgram@berkeleyca.gov).
21. **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.

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**During Construction:**

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22. **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.
23. **Survey Required.** The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
24. **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.
25. **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:

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- 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.
26. **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.
27. **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.)

**28. 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.

**29. 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.

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30. **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.
31. **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.
32. **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.
33. **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.

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- 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 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.

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USE PERMIT CONDITIONS

February 13, 2025

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- 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.
34. **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.
35. **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.
36. **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.
37. **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.
38. **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.
39. **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.
40. **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.

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USE PERMIT CONDITIONS

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**Prior to Final Inspection or Issuance of Occupancy Permit:**

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41. **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.
42. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 4, 2024.
43. Consistent with BMC Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.
44. **Geotechnical Construction Inspections** Prior to review for final occupancy by the City Engineer, the applicant shall retain a Geotechnical Consultant to inspect, test, and approve all geotechnical aspects of the construction including but not limited to site preparation, grading, site surface, and subsurface drainage improvements, and excavations for foundations, and other improvements prior to the placement of steel and concrete.

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**At All Times:**

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45. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
46. **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.
47. **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.



**GENERAL NOTES**

- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF LOCAL BUILDING CODES, ZONING CODES, THE NATIONAL ELECTRICAL CODE, N.E.P.A., AND ALL OTHER APPLICABLE CODES, RULES, AND REGULATION IN THEIR LATEST ADOPTED EDITION. THE CONTRACTOR SHALL ENFORCE THESE REQUIREMENTS WITH ALL SUBCONTRACTORS.
- THE CONTRACTOR SHALL VISIT THE SITE TO BECOME FAMILIAR WITH THE PROJECT AS IT RELATES TO THE PLANS AND SPECIFICATIONS AND ALL SCOPE OF WORK. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPORT TO THE ARCHITECT ANY ERRORS, OMISSIONS OR DISCREPANCIES THAT MAY AFFECT THE WORK. THE ARCHITECT WILL PROVIDE APPROPRIATE CLARIFICATIONS AS NECESSARY. ANY WORK THAT PROCEEDS OTHERWISE SHALL BE, IF INCORRECTLY PERFORMED, REPLACED OR REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL WORK SHALL BE PROPERLY PROTECTED AT ALL TIMES. THE CONTRACTOR SHALL FOLLOW ALL ACCEPTED METHODS OF SAFETY PRACTICE AS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER THE WORK. THEY SHALL REPAIR AT THEIR OWN COST, ANY DAMAGES TO THE PREMISES OR ADJACENT WORK CAUSED BY HIS/HER OPERATION.
- ALL PERMITS, INSPECTIONS, APPROVALS, ETC. SHALL BE APPLIED FOR AND PAID FOR BY THE CONTRACTOR. THEY SHALL BE RESPONSIBLE FOR THE COORDINATION OF INSPECTIONS AND APPROVALS OF THE WORK.
- BEFORE COMMENCING WITH ANY WORK, THE CONTRACTOR SHALL SEND THE OWNER CURRENT INSURANCE CERTIFICATES IN THE AMOUNT REQUESTED BY THE OWNER FOR WORKMAN'S COMPENSATION, COMPREHENSIVE GENERAL LIABILITY, BODILY INJURY AND PROPERTY DAMAGE.
- ALL SUBCONTRACTORS SHALL SUBMIT SHOP DRAWINGS TO THE CONTRACTOR FOR APPROVAL. THE CONTRACTOR SHALL SUBMIT ANY MATERIAL SUBSTITUTIONS TO THE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF WORK.
- WITH PRIOR WRITTEN NOTICE, THE ARCHITECT SHALL HAVE ACCESS TO THE PROJECT.
- ANY INTERIOR MATERIALS OR WORKMANSHIP SHALL BE REMOVED AS DIRECTED BY THE ARCHITECT, AND RECONSTRUCTED TO MEET THE ARCHITECT'S APPROVAL AT THE COST OF THE CONTRACTOR.
- A COPY OF THE AGENCY APPROVED CONSTRUCTION DRAWINGS SHALL BE KEPT AT THE JOB SITE AT ALL TIMES.
- THE CONTRACTOR SHALL GUARANTEE IN WRITING ALL LABOR, MATERIAL, AND WORKMANSHIP INSTALLED FOR A PERIOD OF NOT LESS THAN ONE (1) YEAR AFTER DATE OF ACCEPTANCE OF THE WORK BY THE OWNER. SHOULD DEFECTS OCCUR, ALL WORK SHALL BE REPLACED OR PROPERLY REPAIRED AT NO COST TO THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE TO MAINTAIN A CLEAN AND ORDERLY WORK AREA AT ALL TIMES AND PROMPTLY CLEAN UNKEMPT AREAS WHEN DIRECTED BY THE OWNER OR THE ARCHITECT.
- COORDINATE THE TRADES, CRAFTS, AND SUBCONTRACTS AS REQUIRED TO PROVIDE CORRECT AND ACCURATE CONNECTION OF ABUTTING, ADJOINING, OVERLAPPING AND RELATED WORK. PROVIDE ANCHORS, FASTENERS, BLOCKING, ACCESSORIES, APPURTENANCES, CAULKING AND SEALING AND INCIDENTAL ITEMS AS REQUIRED TO COMPLETE THE WORK PROPERLY, FULLY, AND CORRECTLY IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL BE IN CHARGE OF THIS PROJECT WITHIN THE LIMITS OF THE SITE AND ACCESS TO AND FROM THE SITE. THEY SHALL DIRECT, SCHEDULE AND MONITOR THE WORK. FINAL RESPONSIBILITY FOR PERFORMANCE, INTERFACE AND COMPLETION OF THE WORK AND THE PROJECT SHALL BE THE CONTRACTOR'S.
- ALL MATERIALS AND FINISHES USED ON THE PROJECT SHALL BE NEW AND FREE OF DEFECTS OR DAMAGE, U.N.D.
- ITEMS OF EQUIPMENT, FIXTURES, SIZE, CAPACITY, MODEL, STYLE AND MATERIALS NOT DEFINITELY SPECIFIED HEREIN OR INDICATED ON THE DRAWINGS, BUT NECESSARY FOR THE COMPLETION OF THE WORK, SHALL BE PROVIDED. SUCH ITEMS SHALL MEET APPLICABLE CODE REQUIREMENTS AND BE THE TYPE AND QUALITY SUITABLE FOR THE SERVICE REQUIRED AND COMPARABLE TO ADJACENT OR SIMILAR ITEMS IN THE PROJECT. WHERE THESE ARE VISIBLE IN THE FINAL WORK, OBTAIN ARCHITECT'S APPROVAL BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR IS RESPONSIBLE FOR COOPERATING AND COORDINATING WITH OTHERS AS IT EFFECTS THE PROJECT.
- DRAWINGS AND SPECIFICATIONS ARE INTENDED FOR ASSISTANCE AND GUIDANCE, BUT EXACT DIMENSIONS AND CLEARANCES SHALL BE VERIFIED BY THE CONTRACTOR. CHECK LEVELS AND LINES INDICATED BEFORE COMMENCING WITH THE WORK. THE ARCHITECT SHOULD BE NOTIFIED OF ANY DISCREPANCIES FOR ADJUSTMENTS, CORRECTIONS OR CLARIFICATIONS.
- THE CONTRACTOR SHALL INSTALL WORK PLUMB, LEVEL, SQUARE, TRUE AND IN PROPER ALIGNMENT AND PERFORM ALL THE WORK IN A WELL MANNER.
- DO NOT SUBSTITUTE, REVISE, OR CHANGE THE WORK WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT OR OWNER.
- THE CONTRACTOR SHALL PROVIDE SOLID BLOCKING FOR ALL WALL AND CEILING MOUNTED ACCESSORIES AND HARDWARE. THE CONTRACTOR SHALL PROVIDE SUBMITTALS FOR ELECTRICAL, MECHANICAL, PLUMBING, WOOD, PAINT, TILE, AND STONE TO THE ARCHITECT FOR REVIEW AND APPROVAL.



EXISTING VIEW FROM STREET



PROPOSED VIEW FROM STREET

**PROJECT INFORMATION**

**PROJECT ADDRESS:**  
656 + 654 WOODMONT AVE  
BERKELEY, CA 94708

**APN:** 63-3110-9  
**ZONE:** R-1H  
**YEAR BUILT:** 1925 / 2015 REMODEL  
**EXISTING USE:** TWO SINGLE-FAMILY RESIDENCES  
**PROPOSED USE:** ONE SINGLE-FAMILY RESIDENCE  
**EXISTING + PROPOSED OCCUPANCY:** R3

**EXISTING CONSTRUCTION TYPE:** VB  
**SPRINKLERED:** NONE REQUIRED

**LOT AREA:** 7,022 SF

**EARTHQUAKE FAULT ZONE:** YES  
**LIQUEFACTION HAZARD:** NO  
**LANDSLIDE HAZARD:** YES  
**FIRE ZONE:** 2  
**CREEK BUFFER:** NONE  
**FLOOD ZONE:** NO

**LANDMARK:** NO

**BUILDING ONE**  
**EXISTING FLOOR AREA TO REMAIN:** 515 SF

**BUILDING TWO**  
**EXISTING FLOOR AREA:**  
FIRST FLOOR: 328 SF  
ANNEX: 24 SF  
TOTAL: 352 SF

**PROPOSED FLOOR AREA:**  
GROUND FLOOR: 1,198 SF  
FIRST FLOOR: 1,142 SF (352(EXISTING) + 790 (ADDITION))  
TOTAL: 2,340 SF

**TOTAL PROPOSED RESIDENCE' FLOOR AREA:** 2,855 SF

**PROPOSED DETACHED GARAGE:** 484 SF

\*LOT COVERAGE CALCULATION ON SHEETS A1.00 + A1.01

**MAX AVERAGE BUILDING HEIGHT:** 28'-0"  
**PROPOSED AVERAGE BUILDING HEIGHT:** 16'-9"

**MAX ALLOWABLE BUILDING HEIGHT:** 35'-0"  
**EXISTING BUILDING HEIGHT:** 16'-5"  
**PROPOSED BUILDING HEIGHT:** 23'- 6"

**MAX ALLOWABLE STORIES:** 3  
**PROPOSED STORIES:** 2

**MIN. VEHICLE PARKING:** 1 SPACE PER UNIT  
**PROVIDED PARKING:** 2 COVERED SPACES

**APPLICABLE CODE:** CALIFORNIA BUILDING CODE 2019  
BERKELEY MUNICIPAL CODE AMENDMENTS

**SCOPE OF WORK:**  
ALTERATION TO EXISTING RESIDENCE TO INCLUDE A NEW TWO-STORY RESIDENTIAL ADDITION, AND A NEW DETACHED, SUBTERRANEAN GARAGE.

**COMBINATION OF TWO SINGLE FAMILY RESIDENCES TO ONE SINGLE FAMILY RESIDENCE PER BMC SECTION 23.326.040.**

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- a0.01 PROJECT INFORMATION
  - a0.02 SITE SURVEY
  - a0.03 SITE PHOTOS
  - a0.04 SHADOW STUDIES . SUMMER SOLSTICE
  - a0.05 SHADOW STUDIES . WINTER SOLSTICE
  - a0.06 STORY POLE PLAN
  - a1.00 SITE PLAN EXISTING
  - a1.01 SITE PLAN PROPOSED
  - a2.00 DEMO PLANS
  - a2.02 FLOOR PLAN GROUND FLOOR
  - a2.03 FLOOR PLAN FIRST FLOOR
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  - a3.01 EXTERIOR ELEVATIONS SOUTH
  - a3.02 EXTERIOR ELEVATIONS EAST
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  - a3.05 EXTERIOR ELEVATIONS GARAGE
  - a4.01 BUILDING SECTIONS
  - a4.02 BUILDING SECTIONS



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- ALL MEASUREMENTS TO BE FIELD VERIFIED.
- ALL EXISTING UTILITY LOCATIONS TO BE FIELD VERIFIED WITH THE BUILDER + THEIR SUBCONTRACTORS.
- LVA ASSURES THAT ITS SERVICES ARE RENDERED IN ACCORDANCE WITH A PROFESSIONAL STANDARD, BUT DOES NOT WARRANT THE ACCURACY OF THE DRAWINGS.
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06.27.2023	PLNG SUBMIT
10.06.2023	PLNG SUBMIT 02
05.24.2024	PLNG SUBMIT 03
12.04.2024	PLNG SUBMIT 04

**PROJECT TEAM**

**OWNER:**  
DOUGLAS HUGHES + LAURA VAN DEN BOSCH  
656 + 654 WOODMONT AVE  
BERKELEY, CA 94708  
VDBHUGHES@GMAIL.COM

**ARCHITECT:**  
LAURA VAN DEN BOSCH  
656 WOODMONT AVE  
BERKELEY, CA 94708  
510.463.4112

**STRUCTURAL ENGINEER:**  
TBD

**BUILDER:**  
TBD

**GEOTECHNICAL ENGINEER:**  
DAVE OLNES

**WOODMONT RESIDENCE**  
656 + 654 WOODMONT AVE  
BERKELEY . CA 94708



**PROJECT INFORMATION**

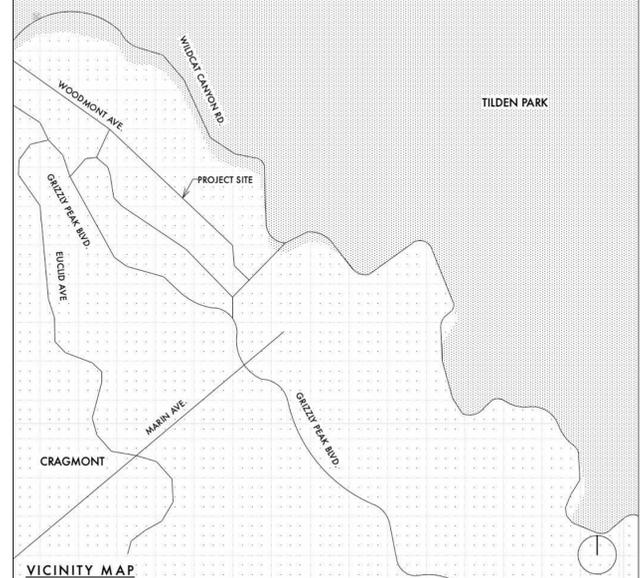
**a0.01**

**ABBREVIATIONS**

&	AND	CONN	CONNECTION	FF&E	FURNITURE, FIXTURES AND EQUIPMENT	INSUL	INSULATED / NSULATION	PERIM	PERIMETER	SC	SOLID CORE
@	AT	CONT	CONTINUOUS					PERP	PERPENDICULAR	SCHED	SCHEDULE
AB	ANCHOR BOLT	CTR	CENTER	FIN	FINISH	INT	INTERIOR	PLAS	PLASTER	SD	STORM DRAIN
AC	AIR CONDITIONING	CW	COLD WATER	FIXT	FIXTURE	JST	JOIST	PLBG	PLUMBING	SF	SQUARE FEET/FOOT
ACT	ACOUSTIC CEILING TILE			FLR	FLOOR	PLF	POUNDS PER LINEAR FOOT	SH	SHOWER	SHR	SHOWER HEAD
AD	AREA DRAIN	DBL	DOUBLE	FO	FACE OF	JT	JOINT	PLYWD	PLYWOOD	SHT	SHEET
ADJ	ADJACENT / ADJUSTABLE	DEM	DEMOLISH/DEMOLITION	FP	FIRE PROTECTION	LF	LINEAR FOOT	PNT	PANEL	SIM	SIMILAR
AFF	ABOVE FINISHED FLOOR	DIA	DIAMETER	FT	FIREPROOFING	MAX	MAXIMUM	PREFAB	PREFABRICATED	SPEC	SPECIFIED OR SPECIFICATION
ALT	ALTERNATE	DN	DOWN	FTG	FOOTING	MECH	MECHANICAL	PROJ	PROJECT	SQ	SQUARE
ALUM	ALUMINIUM	DR	DRAIN	FURN	FURNITURE	MED	MEDIUM	PSF	POUNDS PER SQUARE FOOT	STC	SOUND TRANSMISSION COEFFICIENT
AP	ACCESS PANEL	DRN	DRAIN	FURR	FURRING	MFR	MANUFACTURER	PT	PRESSURE TREATED	STL	STEEL
APPROX	APPROXIMATE	DTL	DETAIL	GA	GAUGE	MH	MANHOLE	PTD	PAINTED	STOR	STORAGE
ARCH	ARCHITECTURAL	DW	DISHWASHER	GALV	GALVANIZED	MISC	MISCELLANEOUS	PTN	PARTITION	STRUCT	STRUCTURE OR STRUCTURAL
AV	AUDIOVISUAL	DWG	DRAWING	GC	GENERAL CONTRACT(OR)	MTD	MOUNTED	PVC	POLYVINYL CHLORIDE	SUSP	SUSPENDED
BD	BOARD	E	EAST	GEN	GENERAL	MTL	METAL	QTY	QUANTITY	SYM	SYMMETRICAL
BLDG	BUILDING	EA	EACH	GL	GLASS/GLAZING	MULL	MULLION	RA	RETURN AIR	SYS	SYSTEM
BLKS	BLOCKING	EJ	EXPANSION JOINT	GV	GAS VALVE	N	NORTH	RAD	RADIUS	T	TREAD
BM	BEAM	ELEC	ELECTRICAL	GYP	GYPSUM BOARD	NA	NOT APPLICABLE	RCP	REFLECTED CEILING PLAN	TEL	TELEPHONE/TELECOM
BO	BOTTOM OF	ENCL	ENCLOSURE	HB	HOSE BIBB	NOM	NOMINAL	RD	ROOF DRAIN	THK	THICKNESS
CAT	CATEGORY	ENG	ENGINEER	HC	HANDICAPPED	NTS	NOT TO SCALE	REF	REFERENCE	THRU	THROUGH
CEM	CEMENT	EP	ELECTRICAL PANEL	HDWD	HARDWOOD	OA	OUTSIDE AIR	REFR	REFRIGERATOR	TO	TOP OF
CER	CERAMIC	EQ	EQUAL	HDWR	HARDWARE	OC	ON CENTER	REIN	REINFORCED	TV	TELEVISION
CG	CORNER GUARD	EQUIP	EQUIPMENT	HGT	HEIGHT	OD	OUTSIDE DIAMETER	REQD	REQUIRED	TYP	TYPICAL
CIP	CAST-IN-PLACE	EXIST	EXISTING	HM	HOLLOW METAL	OH	OVERHEAD	REV	REVISION/REVISED	UNO	UNLESS NOTED OTHERWISE
CJ	CONTROL JOINT	EXP	EXPANSION	HNDRL	HANDRAIL	OPNG	OPENING	RM	ROOM	VAR	VARIES
CL	CENTERLINE	EXT	EXTERIOR	HORIZ	HORIZONTAL	OPP	OPPOSITE	RO	ROUGH OPENING	VERT	VERTICAL
CLG	CEILING	FA	FIRE ALARM	HR	HOUR	ORD	OVERFLOW ROOF DRAIN	RTD	RATED	VEST	VESTIBULE
CLR	CLEAR	FD	FLOOR DRAIN	HVAC	HEATING VENTILATION & AIR CONDITIONING	PERF	PERFORATED	RTG	RATING	VERIFY	VERIFY IN FIELD
CMU	CONCRETE MASONRY UNIT	FDC	FIRE DEPARTMENT CONNECTION	HW	HOT WATER			SA	SOUTH	W	WIDE/WEST
CO	CLEANOUT	FE	FIRE EXTINGUISHER	ID	INSIDE DIAMETER			SAF	SUPPLY AIR		
COL	COLUMN	FEC	FIRE EXTINGUISHER CABINET	IN	INCH/INCHES				SELF ADHERED FLASHING		
CONC	CONCRETE			INCL	INCLUDING						
COND	CONDITION			INFO	INFORMATION						

**DRAWING LEGEND**

	NORTH ARROW		ROOM NAME		ROOM NUMBER
	BUILDING ELEVATION		DOOR TAG		WINDOW TAG
	INTERIOR ELEVATION		EQUIPMENT TAG		FINISH TAG
	BUILDING SECTION		LEVEL MARKER		
	DETAIL SECTION				
	BUILDING CALLOUT				



VICINITY MAP



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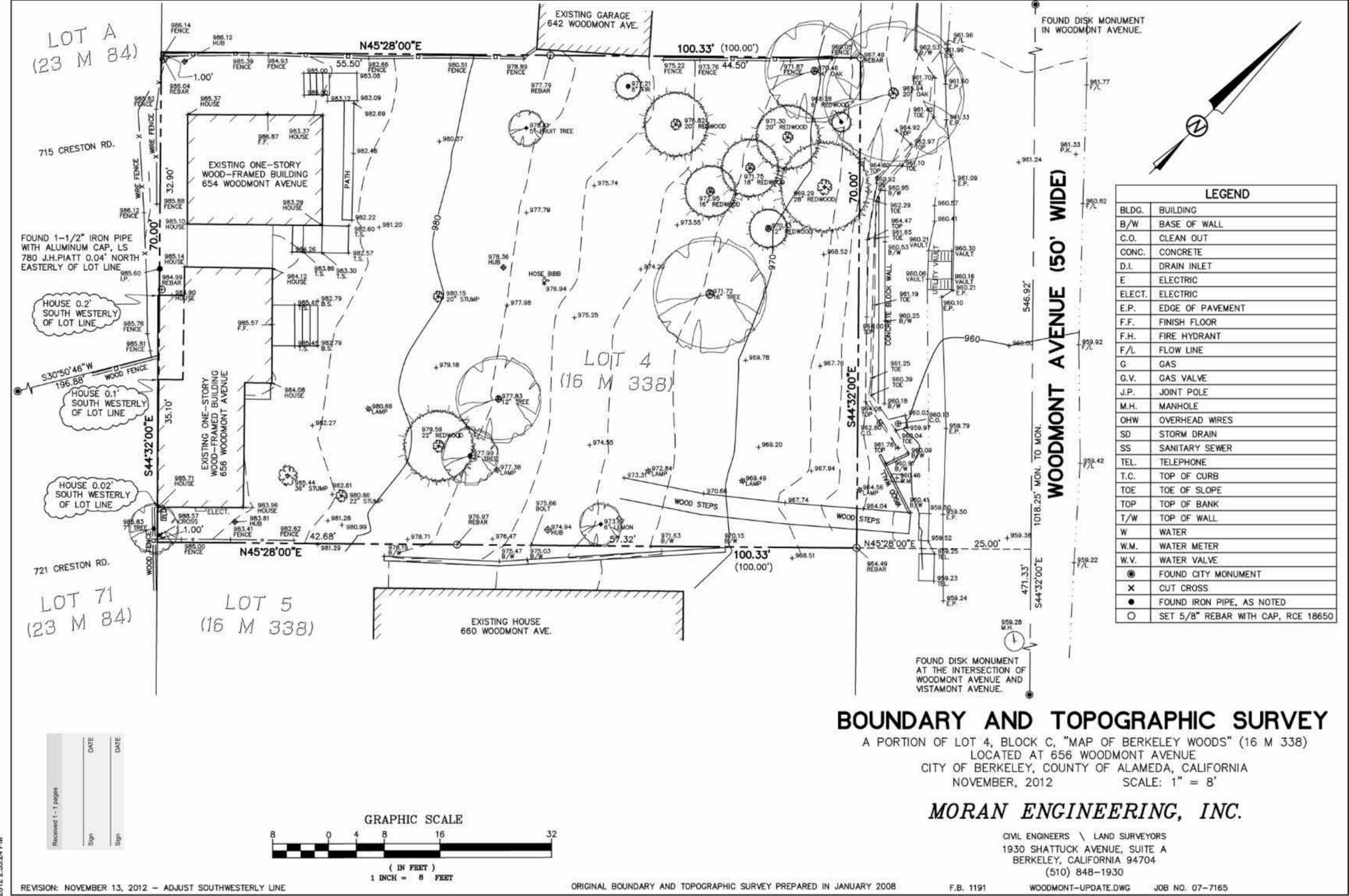
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- 12.04.2024 PLNG SUBMIT 04

**WOODMONT RESIDENCE**  
656 + 654 WOODMONT AVE  
BERKELEY . CA 94708



SITE SURVEY

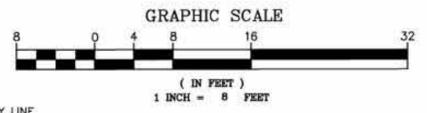
**a0.02**



11/13/2012 2:33:24 PM

Revision	Date	By
1		

REVISION: NOVEMBER 13, 2012 - ADJUST SOUTHWESTERLY LINE



ORIGINAL BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED IN JANUARY 2008

F.B. 1191 WOODMONT-UPDATE.DWG JOB NO. 07-7165

**BOUNDARY AND TOPOGRAPHIC SURVEY**

A PORTION OF LOT 4, BLOCK C, "MAP OF BERKELEY WOODS" (16 M 338)  
LOCATED AT 656 WOODMONT AVENUE  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA  
NOVEMBER, 2012 SCALE: 1" = 8'

**MORAN ENGINEERING, INC.**

CIVIL ENGINEERS \ LAND SURVEYORS  
1930 SHATTUCK AVENUE, SUITE A  
BERKELEY, CALIFORNIA 94704  
(510) 848-1930



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650 WOODMONT AVE



656 + 654 WOODMONT AVE



642 WOODMONT AVE

VIEW FROM JUST INSIDE EXISTING FRONT GATE



YELLOW SIGN INSTALLATION



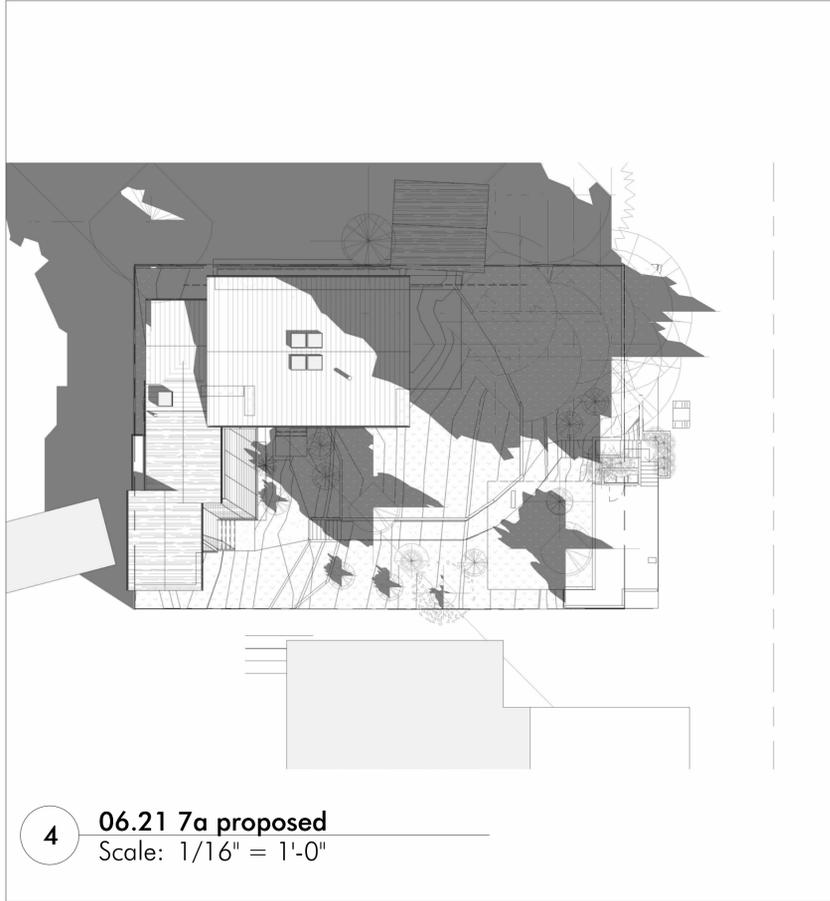
VIEW FROM STREET

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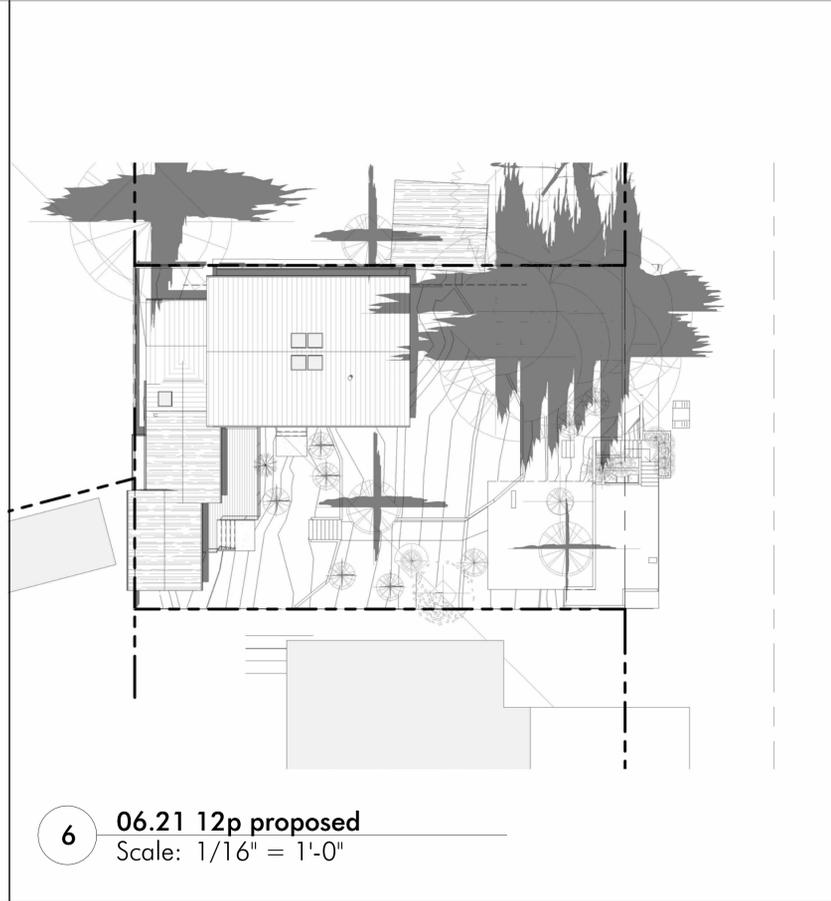


SITE PHOTOS

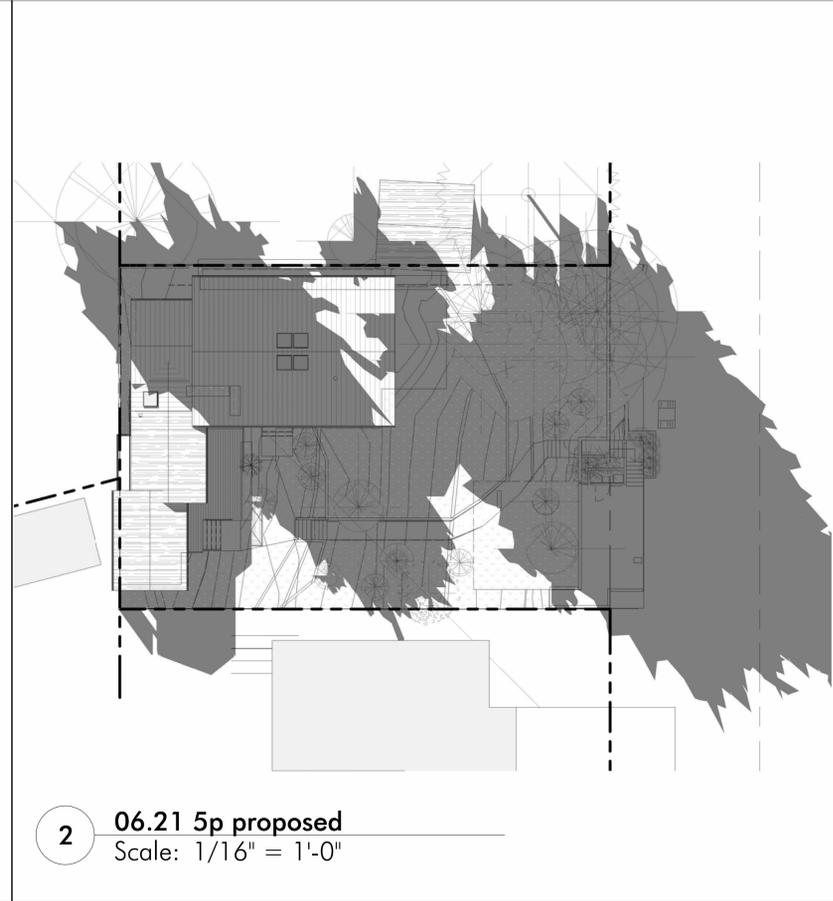
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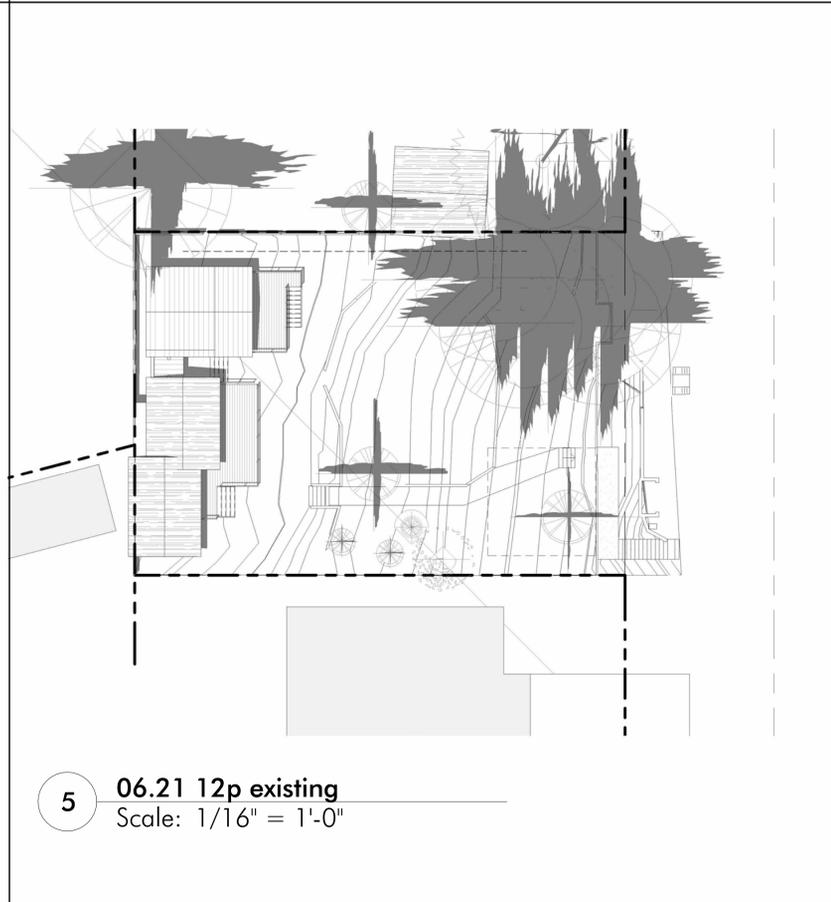
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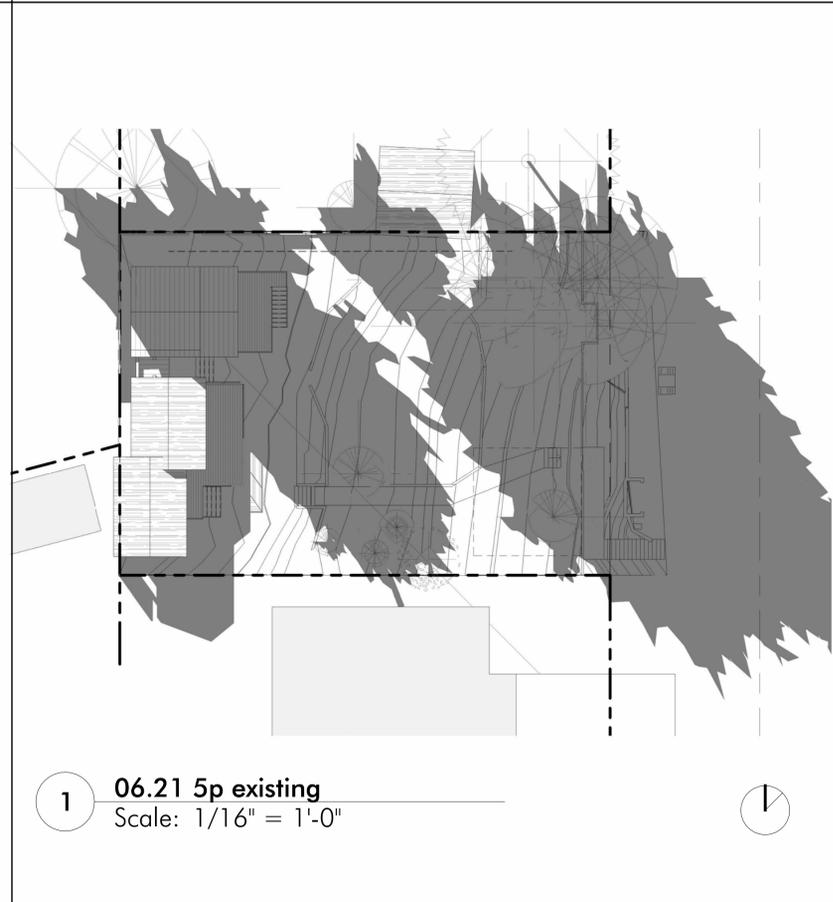
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 Scale: 1/16" = 1'-0"



3 06.21 7a existing  
 Scale: 1/16" = 1'-0"



5 06.21 12p existing  
 Scale: 1/16" = 1'-0"



1 06.21 5p existing  
 Scale: 1/16" = 1'-0"



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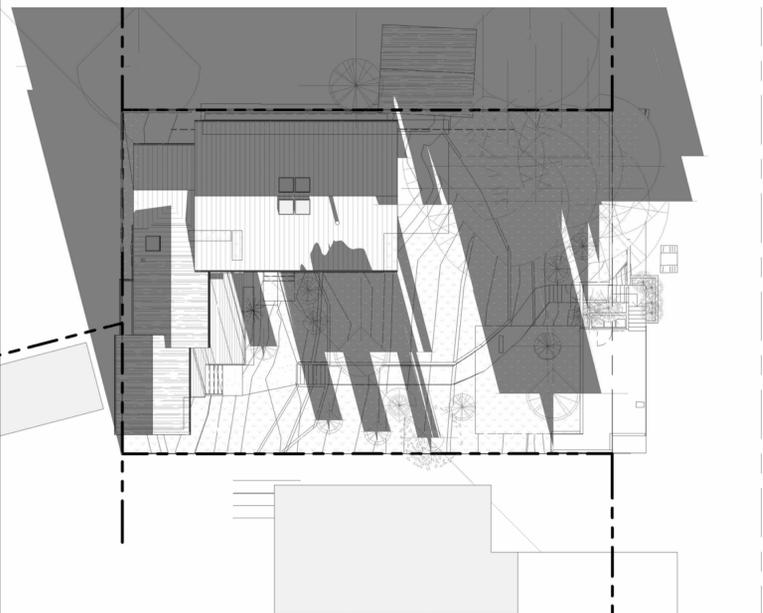
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SHADOW  
 STUDIES .  
 SUMMER  
 SOLSTICE

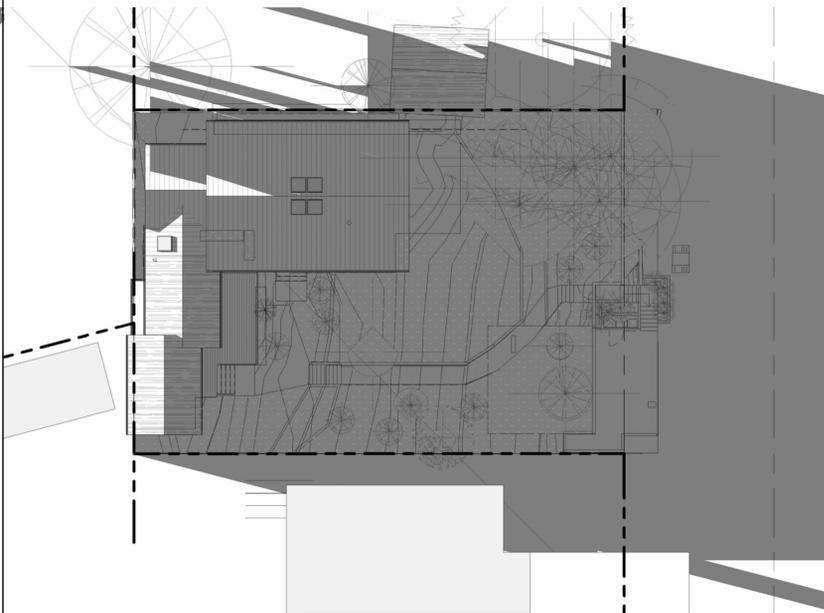
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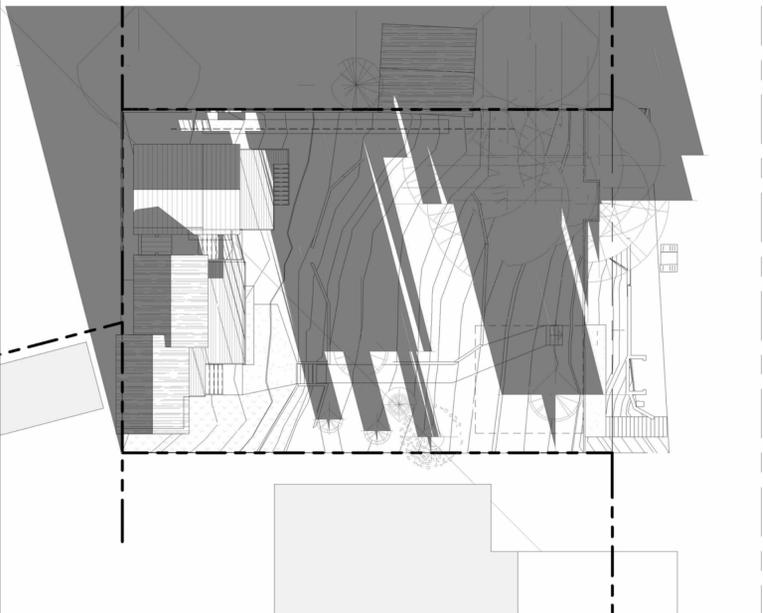
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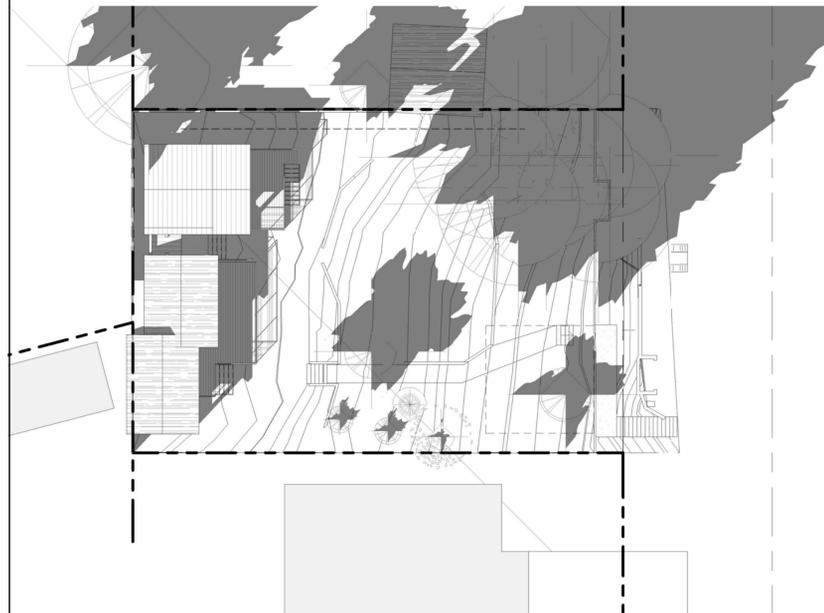
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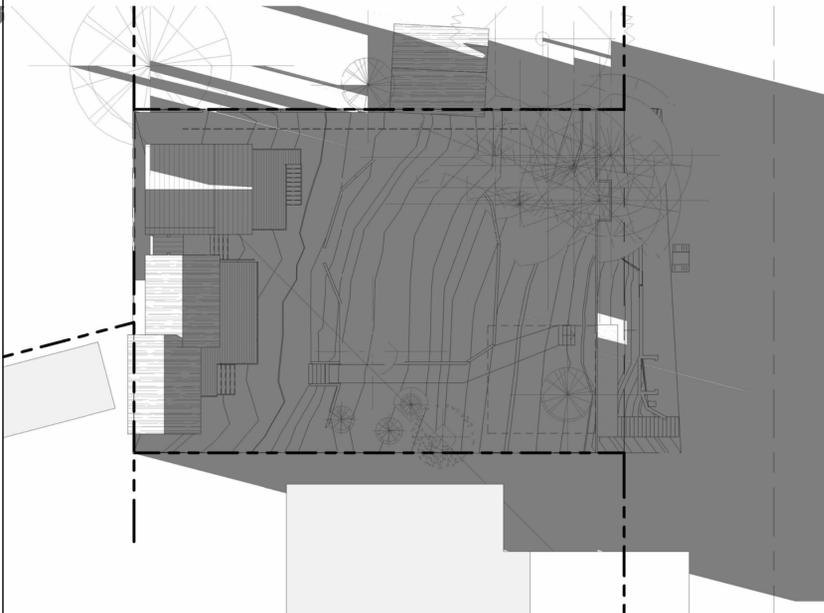
2 12.21 5p proposed  
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SHADOW STUDIES .  
 WINTER SOLSTICE

**a0.05**





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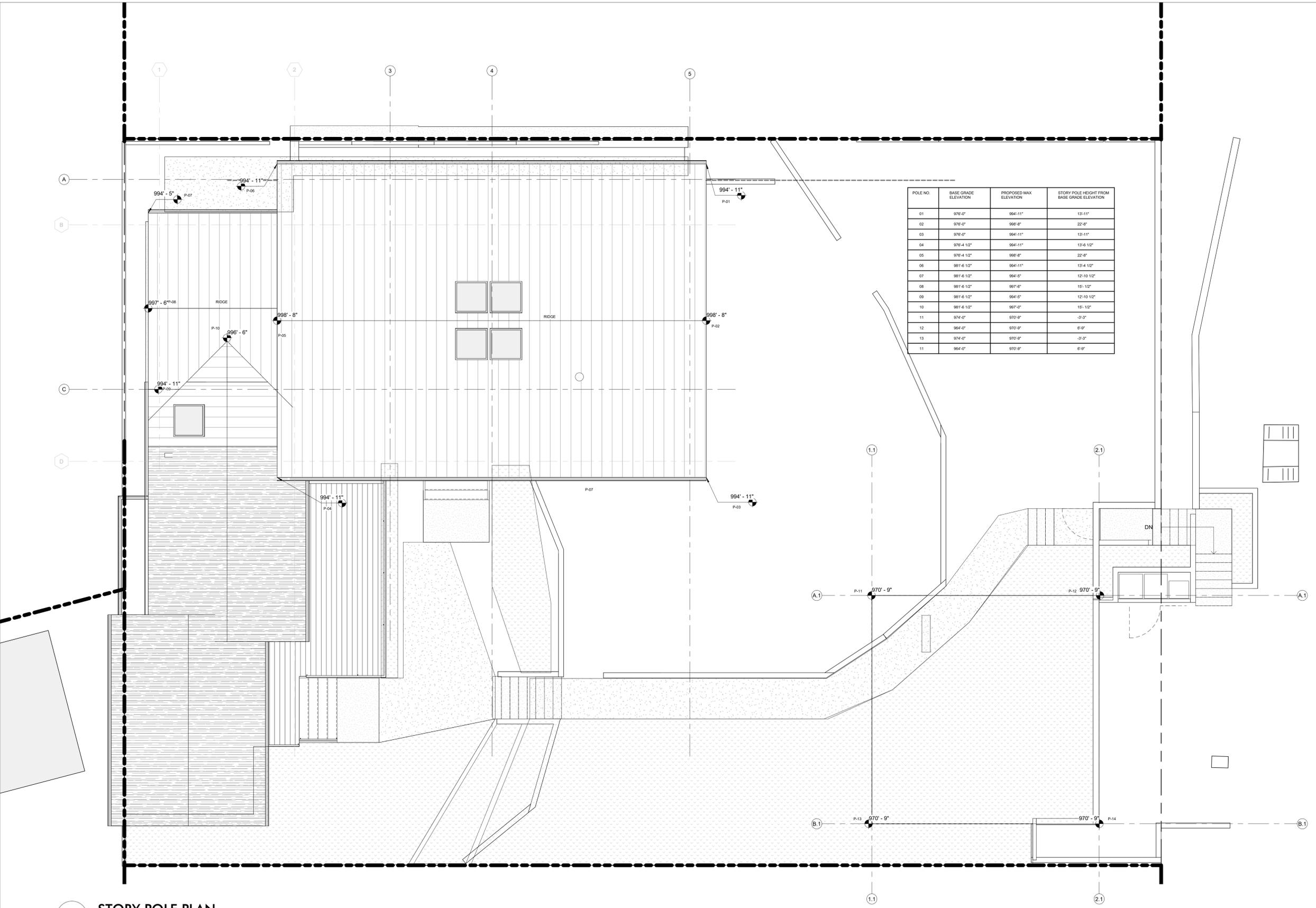
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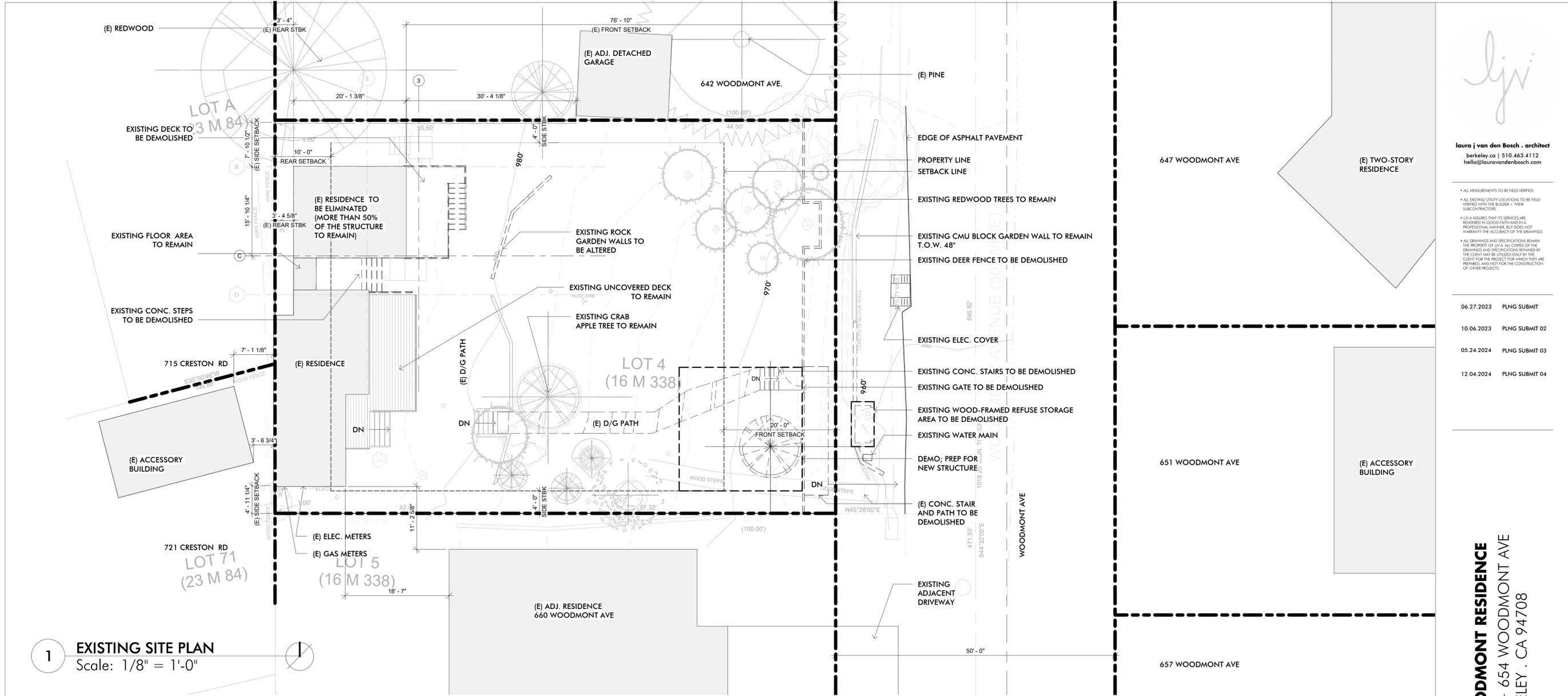
STORY POLE PLAN

**a0.06**



POLE NO.	BASE GRADE ELEVATION	PROPOSED MAX ELEVATION	STORY POLE HEIGHT FROM BASE GRADE ELEVATION
01	976'-0"	994'-11"	13'-11"
02	976'-0"	998'-8"	22'-8"
03	976'-0"	994'-11"	13'-11"
04	976'-4 1/2"	994'-11"	13'-8 1/2"
05	976'-4 1/2"	998'-8"	22'-8"
06	981'-6 1/2"	994'-11"	13'-4 1/2"
07	981'-6 1/2"	994'-5"	12'-10 1/2"
08	981'-6 1/2"	997'-0"	15'-1 1/2"
09	981'-6 1/2"	994'-5"	12'-10 1/2"
10	981'-6 1/2"	997'-0"	15'-1 1/2"
11	974'-0"	970'-9"	-3'-3"
12	964'-0"	970'-9"	6'-9"
13	974'-0"	970'-9"	-3'-3"
14	964'-0"	970'-9"	6'-9"

**1 STORY POLE PLAN**  
 Scale: 1/4" = 1'-0"



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



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SITE PLAN  
 EXISTING

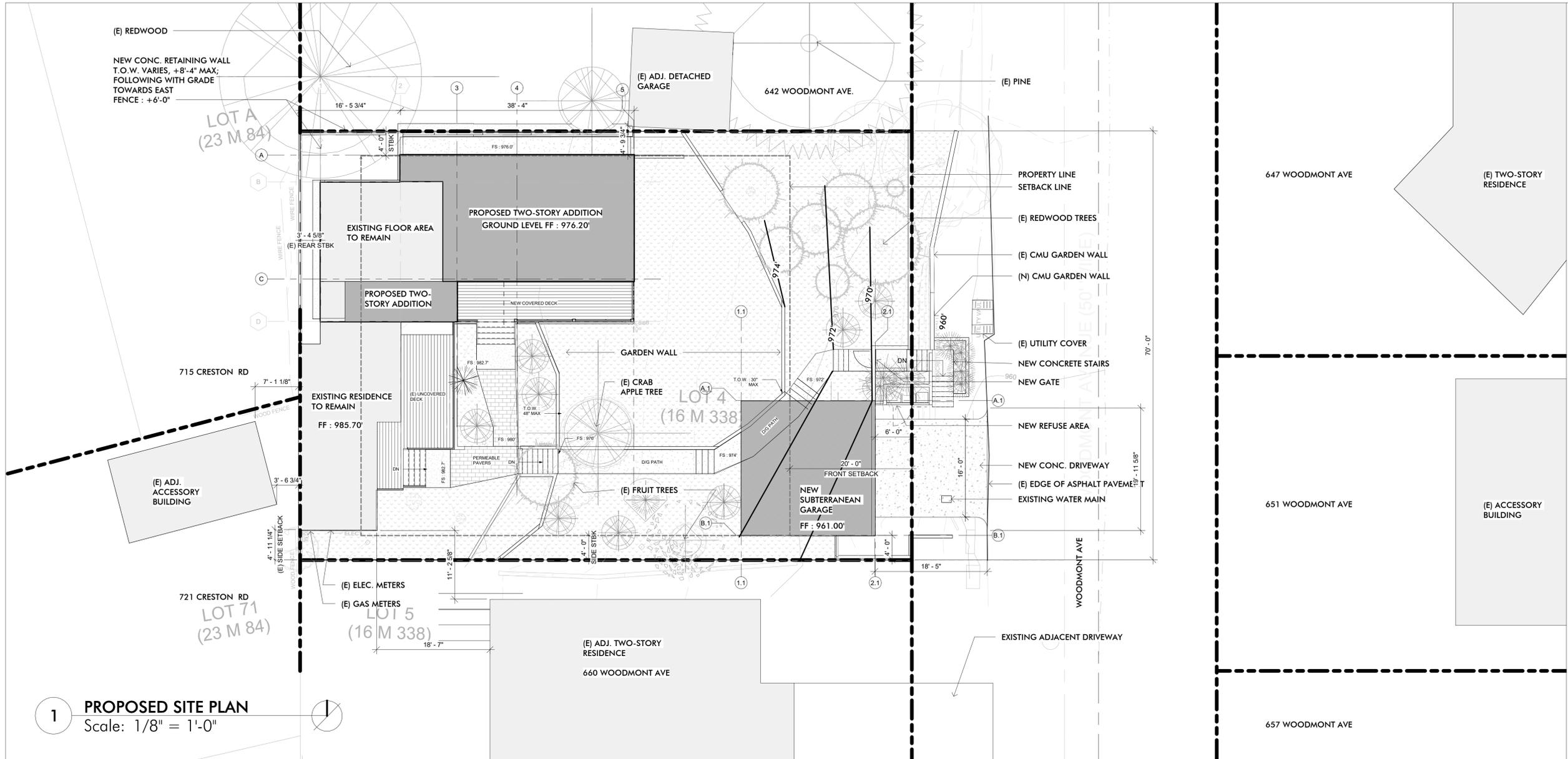
**a1.00**

LOT COVERAGE CALCULATION

ALLOWABLE LOT COVERAGE :	.4 ; (7,022 SF (LOT AREA) X .4 = 2,808 SF)
EXISTING LOT COVERAGE :	515 SF (656 RESIDENCE) + 328 SF (654 RESIDENCE) + 24 SF (UTILITY AREA) 867 SF TOTAL

SITE PLAN LEGEND

- DEMO EXISTING
- EXISTING BUILDING FOOTPRINT
- NEW BUILDING FOOTPRINT
- LANDSCAPE PLANTS
- HARDSCAPE
- GRAVEL PATH



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**WOODMONT RESIDENCE**  
 656 + 654 WOODMONT AVE  
 BERKELEY . CA 94708



**SITE PLAN PROPOSED**

**a1.01**

NAME	SIGNATURE	ADDRESS	DATE	NO OBJECTIONS	OBJECTIONS (STATE BELOW)
		642 WOODMONT AVE			
		647 WOODMONT AVE			
		651 WOODMONT AVE			
		657 WOODMONT AVE			
		660 WOODMONT AVE			
		721 CRESTON RD			
		715 CRESTON RD			

**LOT COVERAGE CALCULATION**  
 ALLOWABLE LOT COVERAGE : .4 ; (7,022 SF (LOT AREA) X .4 = 2,808 SF)  
 PROPOSED LOT COVERAGE :  
 515 SF (EXISTING)  
 + 328 SF (EXISTING) + 675 SF (PROPOSED ADDITION)  
 + 197 SF (PROPOSED COVERED ROOF DECK)  
 + 24 SF (EXISTING) + 115 SF (PROPOSED ADDITION)  
 1,854 SF TOTAL LOT COVERAGE

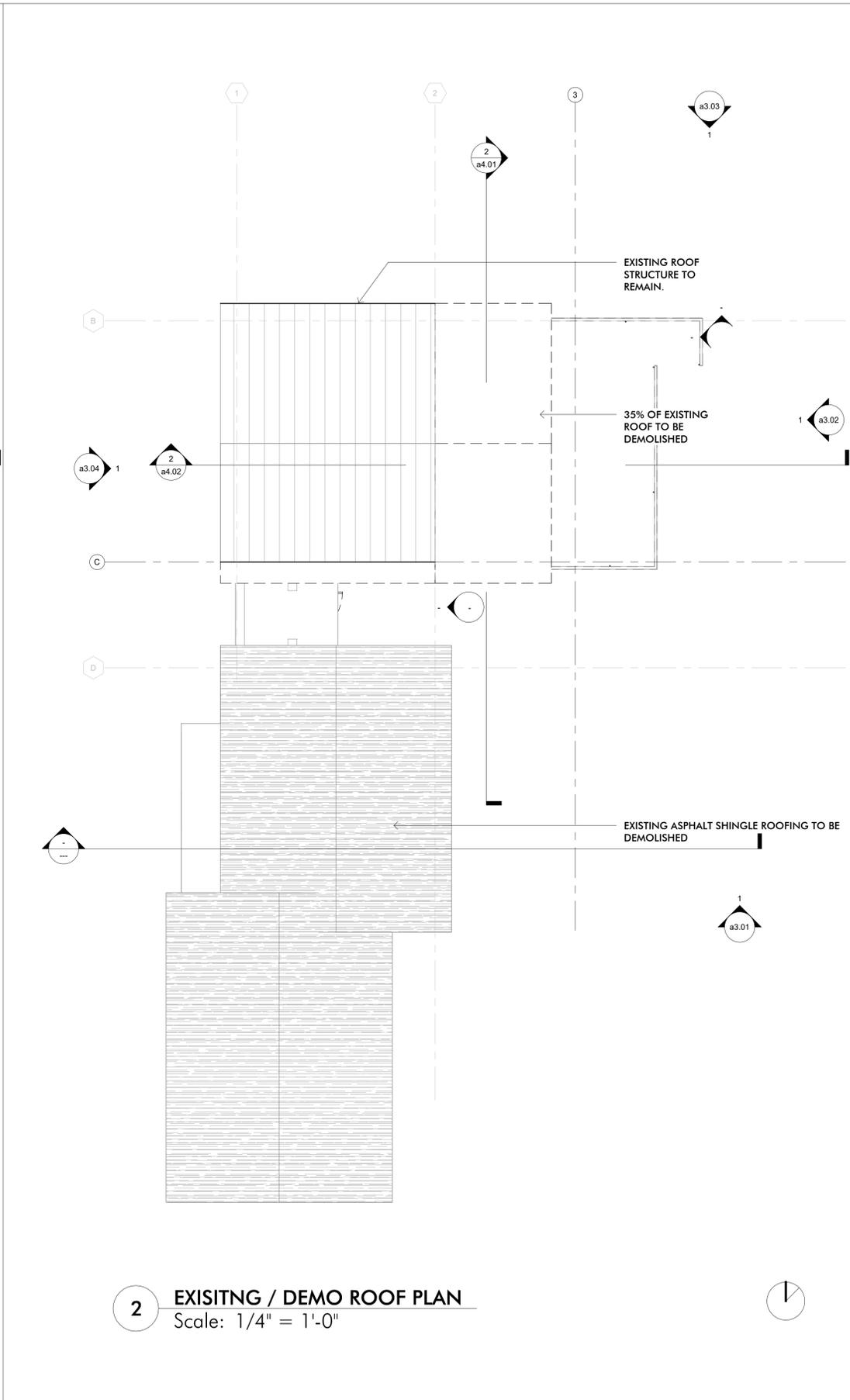
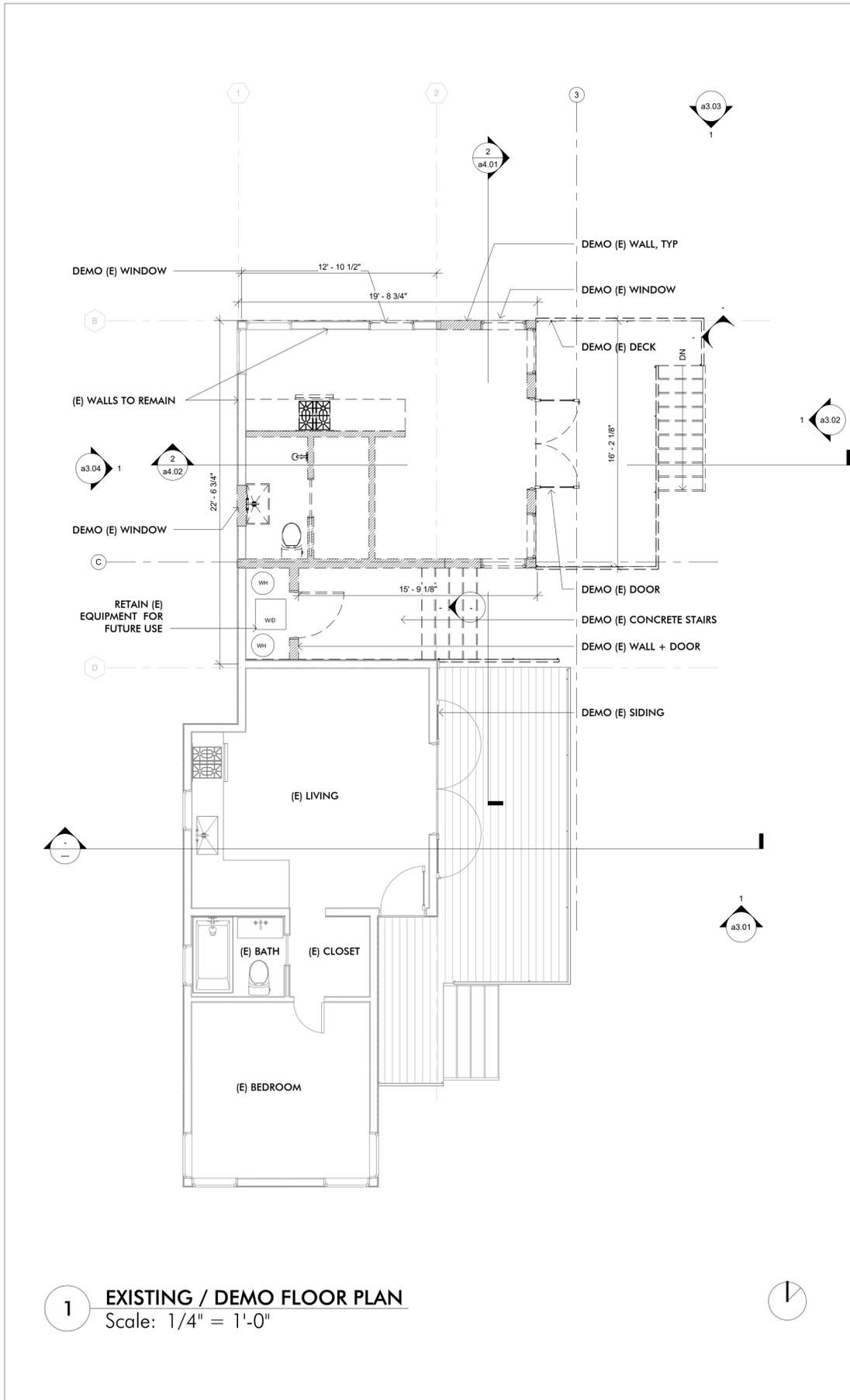
**NOTE :**  
 SUBTERRANEAN GARAGE DOES NOT COUNT TOWARDS LOT AREA PER BERKELEY MUNICIPAL CODE.

**ESTIMATED EARTHWORK**  
 670 CUBIC YARDS EXCAVATION  
 50 CUBIC YARDS EMBANKMENT  
 620 CUBIC YARDS NET EXCAVATION

**NOTES :**  
 1. ESTIMATE DOES NOT INCLUDE UTILITY TRENCH VOLUMES OR ANY OVEREXCAVATION, IF REQUIRED BY SITE CONDITIONS  
 2. CONTRACTORS TO CONFIRM ESTIMATES PRIOR TO COMMENCEMENT OF CONSTRUCTION  
 3. EXCESS MATERIAL SHALL BE DISPOSED OF OFFSITE AT AN APPROVED DISPOSAL SITE.

**SITE PLAN LEGEND**

- DEMO EXISTING
- EXISTING BUILDING FOOTPRINT
- NEW BUILDING FOOTPRINT
- LANDSCAPE PLANTS
- HARDSCAPE
- GRAVEL PATH



**NOTE**  
 NO WORK PROPOSED AT 656 WOODMONT AVE. RESIDENCE.

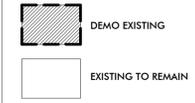


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**DEMO LEGEND**



**WOODMONT RESIDENCE**  
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DEMO PLANS

**a2.00**



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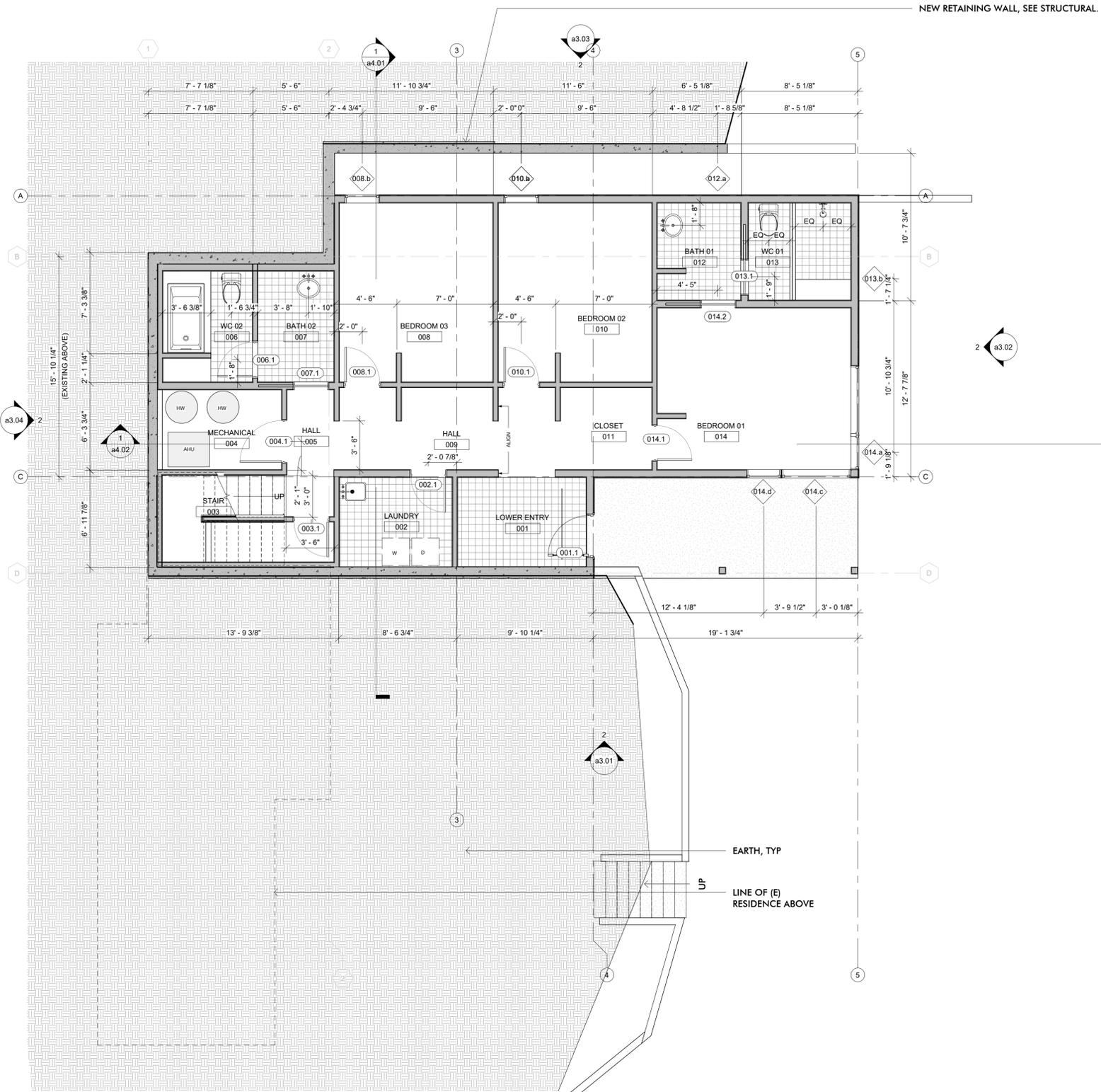
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FLOOR PLAN  
 GROUND FLOOR

**a2.02**



FLOOR PLAN LEGEND

- EXISTING WALL TO REMAIN
- NEW 2X4 WALL
- NEW 2X6 WALL
- NEW CONCRETE FOUNDATION WALL

**1 PROPOSED GROUND FLOOR**  
 Scale: 1/4" = 1'-0"





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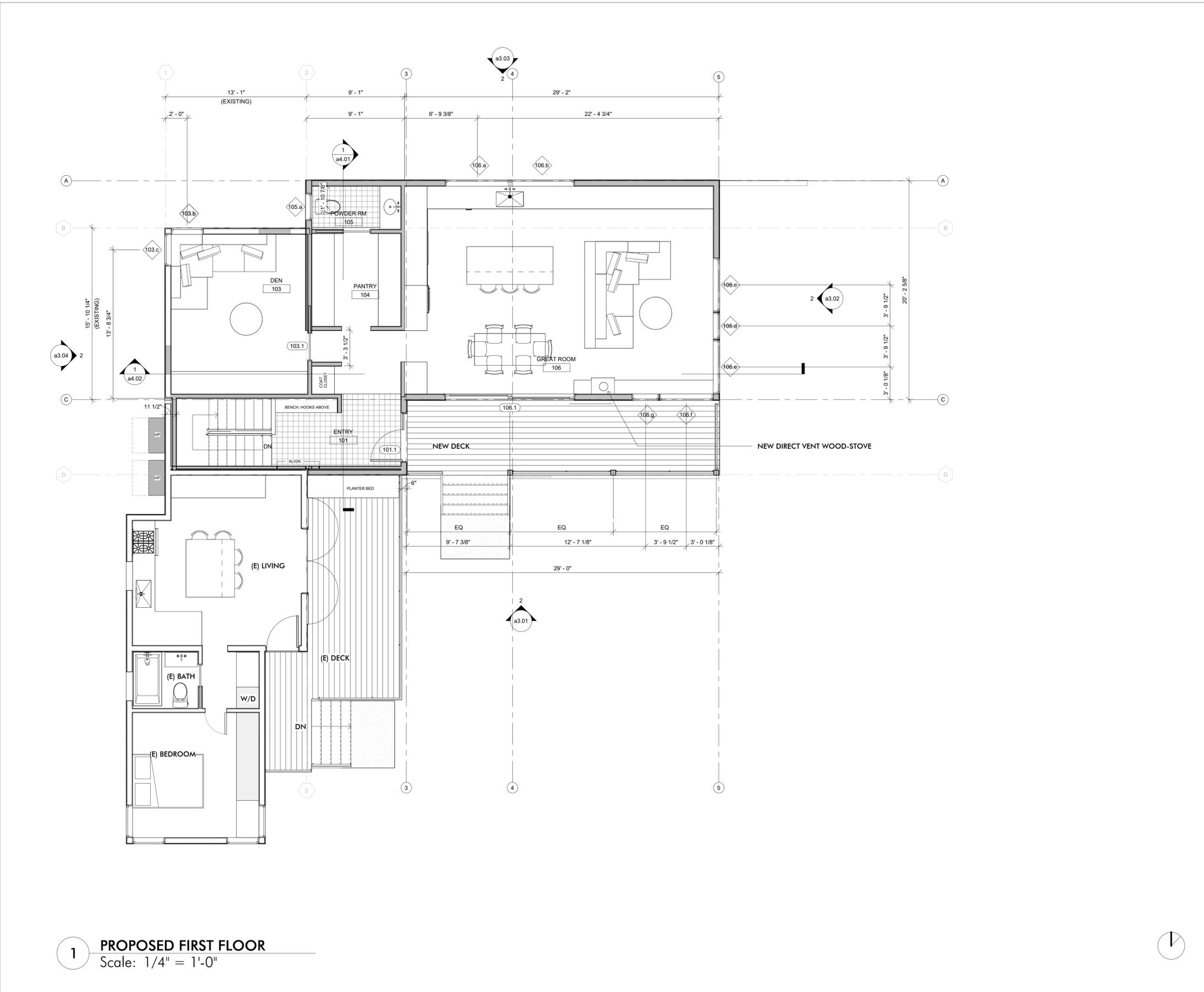
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FLOOR PLAN  
 FIRST FLOOR

**a2.03**



**FLOOR PLAN LEGEND**

- EXISTING WALL TO REMAIN
- NEW 2X4 WALL
- NEW 2X6 WALL
- NEW CONCRETE FOUNDATION WALL

**1 PROPOSED FIRST FLOOR**  
 Scale: 1/4" = 1'-0"





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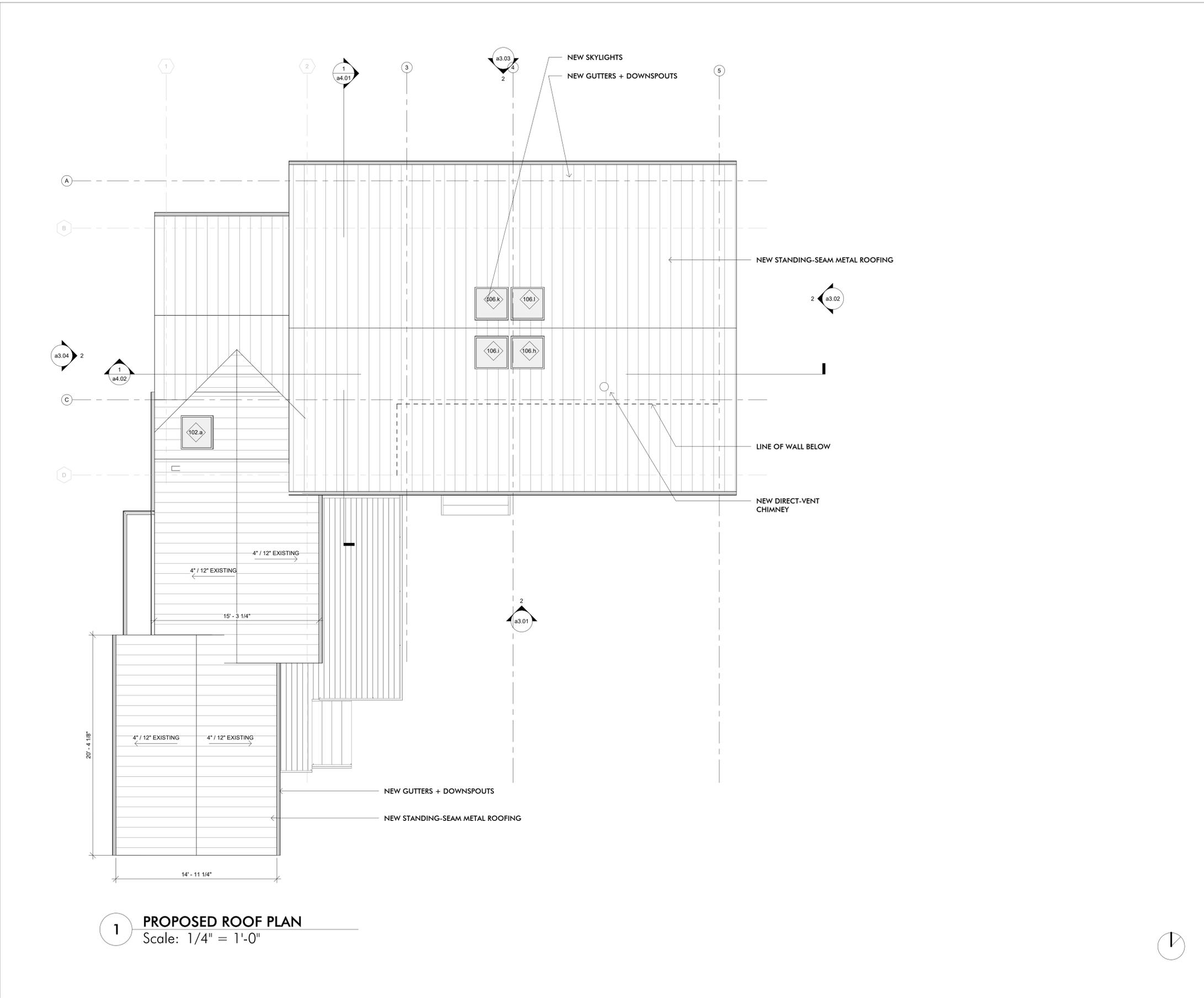
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FLOOR PLAN  
 ROOF

**a2.04**

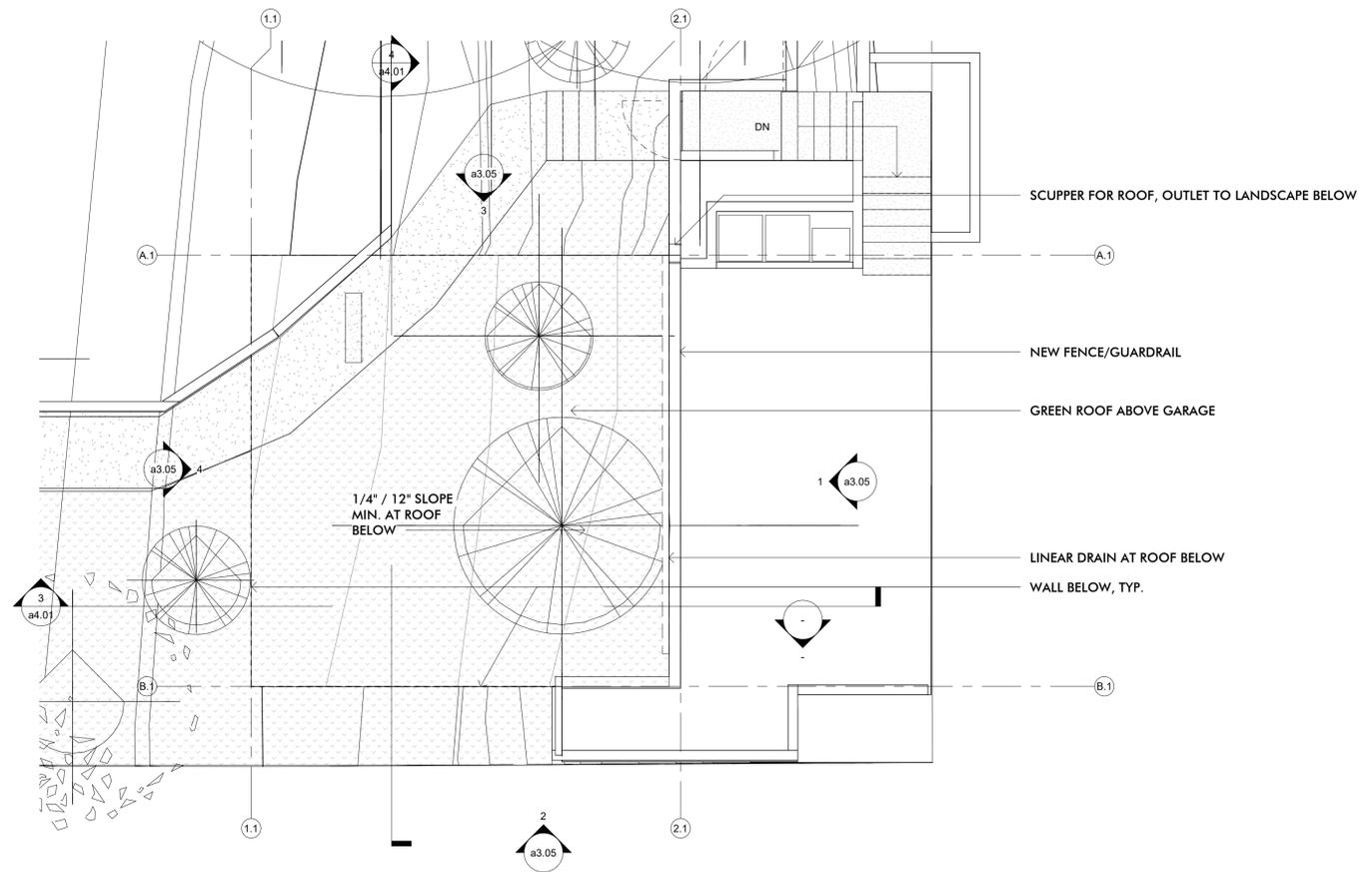


**1 PROPOSED ROOF PLAN**  
 Scale: 1/4" = 1'-0"

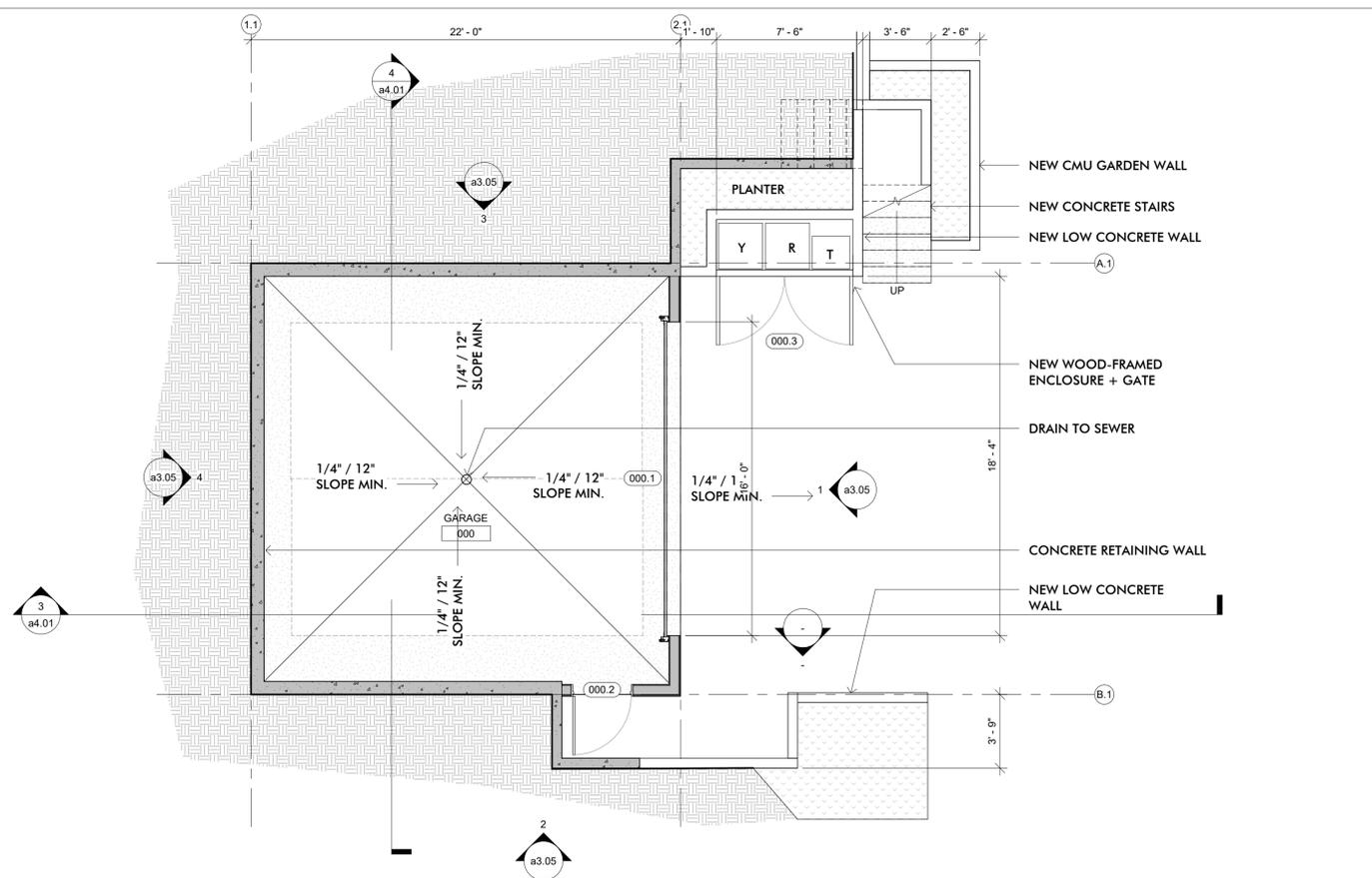
**FLOOR PLAN LEGEND**

- EXISTING WALL TO REMAIN
- NEW 2X4 WALL
- NEW 2X6 WALL
- NEW CONCRETE FOUNDATION WALL





**2 PROPOSED GARAGE ROOF PLAN**  
 Scale: 1/4" = 1'-0"



**1 PROPOSED GARAGE PLAN**  
 Scale: 1/4" = 1'-0"

**FLOOR PLAN LEGEND**

- EXISTING WALL TO REMAIN
- NEW 2X4 WALL
- NEW 2X6 WALL
- NEW CONCRETE FOUNDATION WALL



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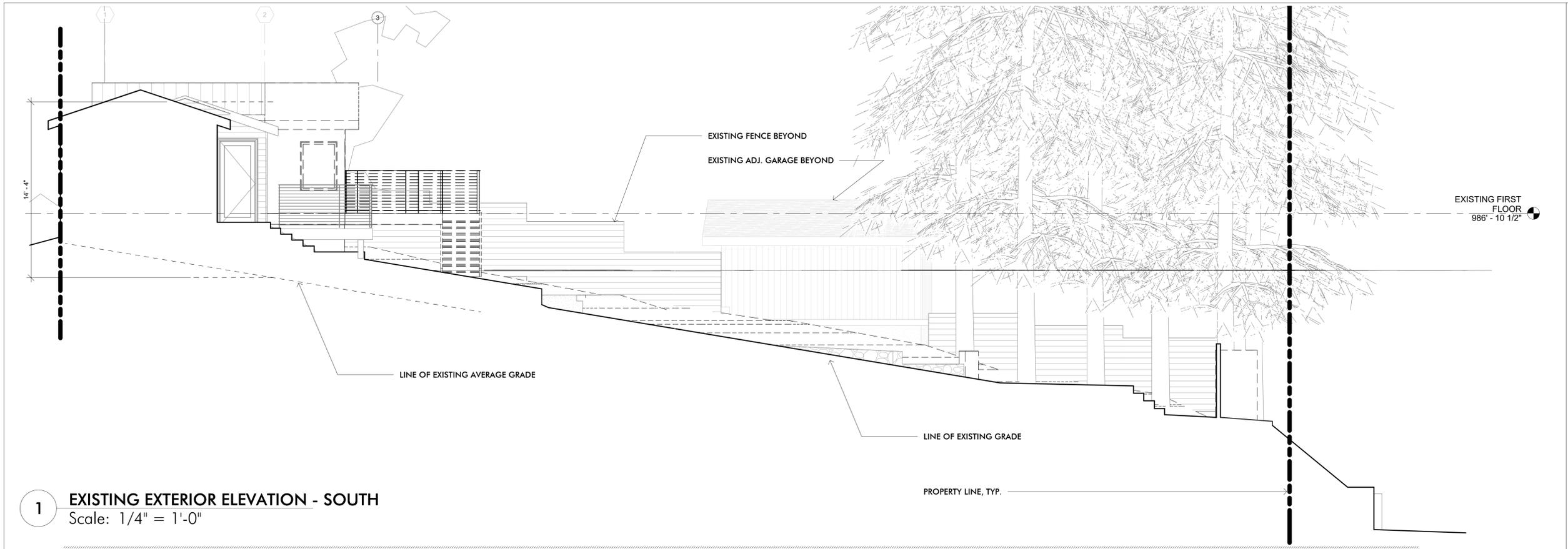
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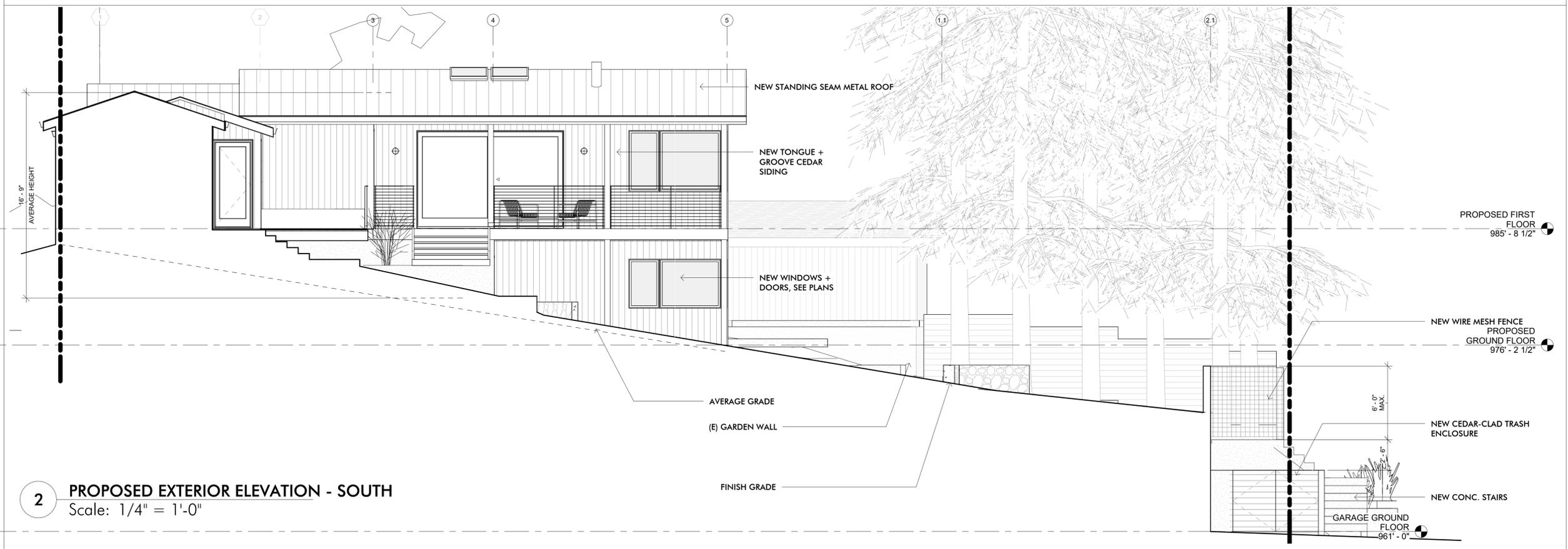


FLOOR PLANS  
 GARAGE

**a2.05**



**1** EXISTING EXTERIOR ELEVATION - SOUTH  
 Scale: 1/4" = 1'-0"



**2** PROPOSED EXTERIOR ELEVATION - SOUTH  
 Scale: 1/4" = 1'-0"



**laura j van den Bosch . architect**  
 berkeley.ca | 510.463.4112  
 hello@lauravandenbosch.com

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- 06.27.2023 PLNG SUBMIT
- 10.06.2023 PLNG SUBMIT 02
- 05.24.2024 PLNG SUBMIT 03
- 12.04.2024 PLNG SUBMIT 04

**WOODMONT RESIDENCE**  
 656 + 654 WOODMONT AVE  
 BERKELEY . CA 94708



EXTERIOR ELEVATIONS SOUTH

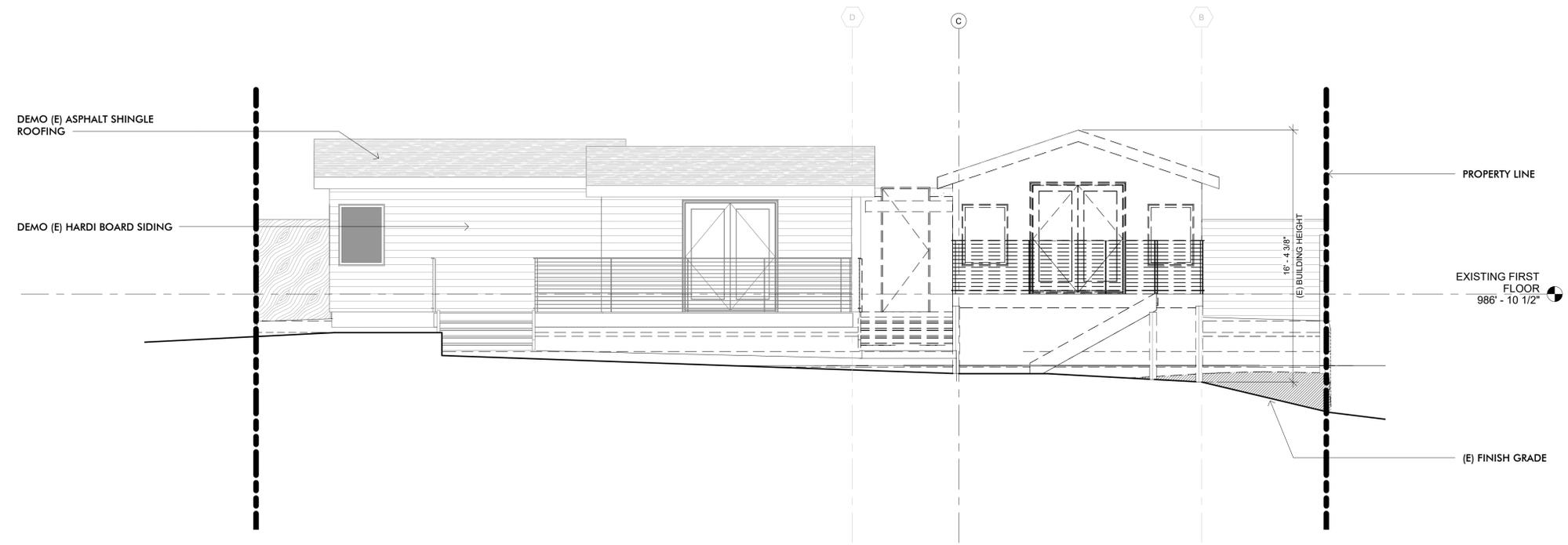
**a3.01**



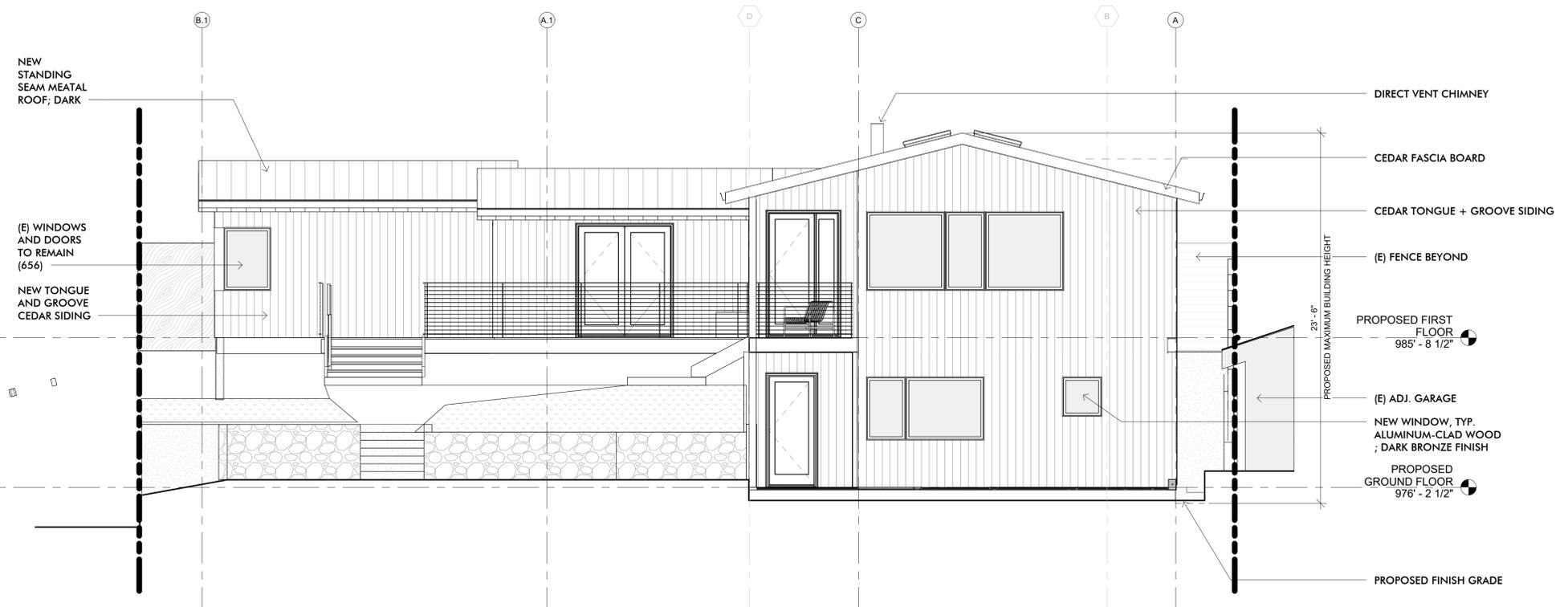
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**1** EXISTING EXTERIOR ELEVATION EAST  
 Scale: 1/4" = 1'-0"



**2** PROPOSED EXTERIOR ELEVATION EAST  
 Scale: 1/4" = 1'-0"

**WOODMONT RESIDENCE**  
 656 + 654 WOODMONT AVE  
 BERKELEY . CA 94708



EXTERIOR  
 ELEVATIONS  
 EAST

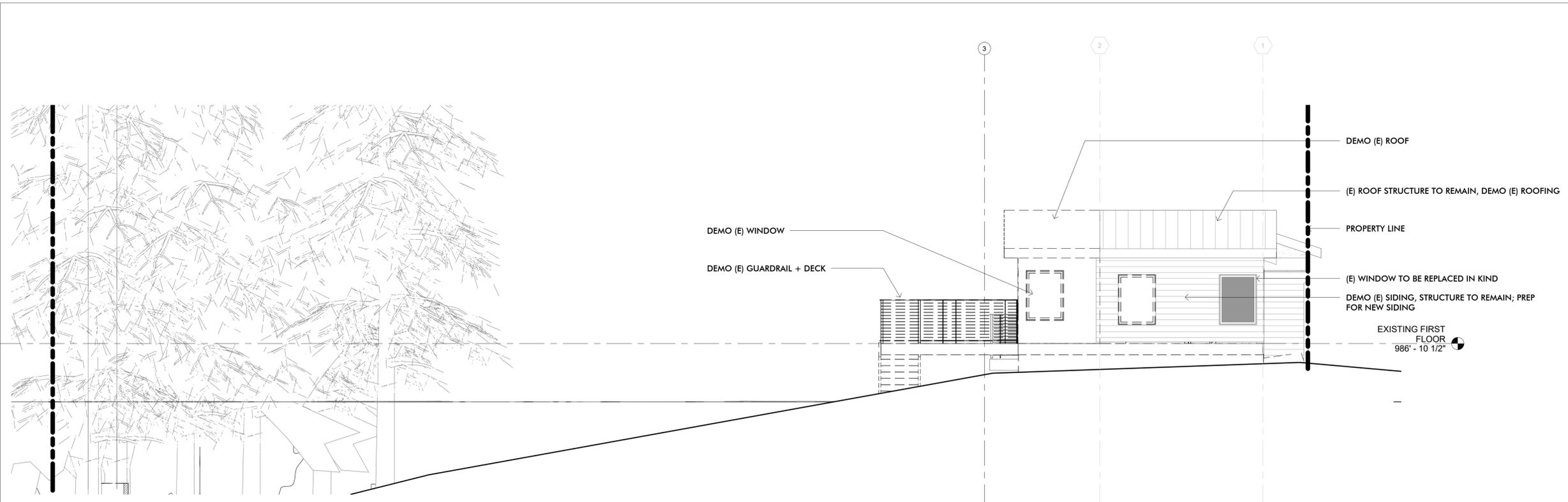
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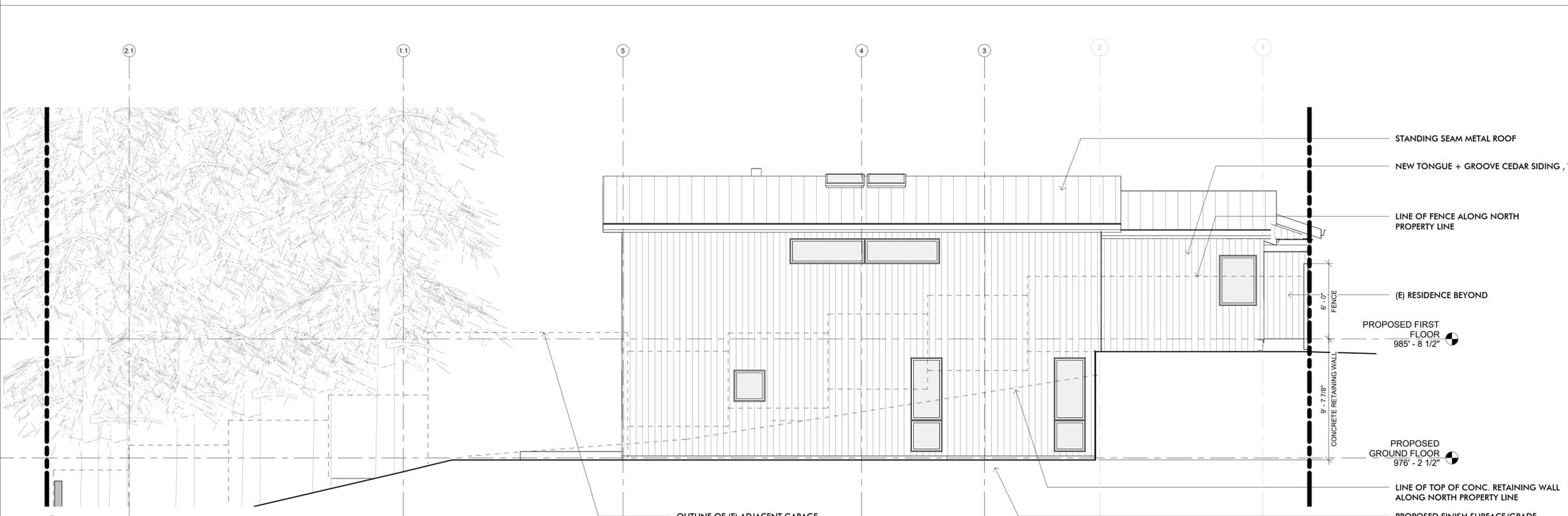
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**1 EXISTING EXTERIOR ELEVATION NORTH**  
 Scale: 1/4" = 1'-0"



**2 PROPOSED EXTERIOR ELEVATION NORTH**  
 Scale: 1/4" = 1'-0"

**WOODMONT RESIDENCE**  
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**EXTERIOR ELEVATIONS NORTH**

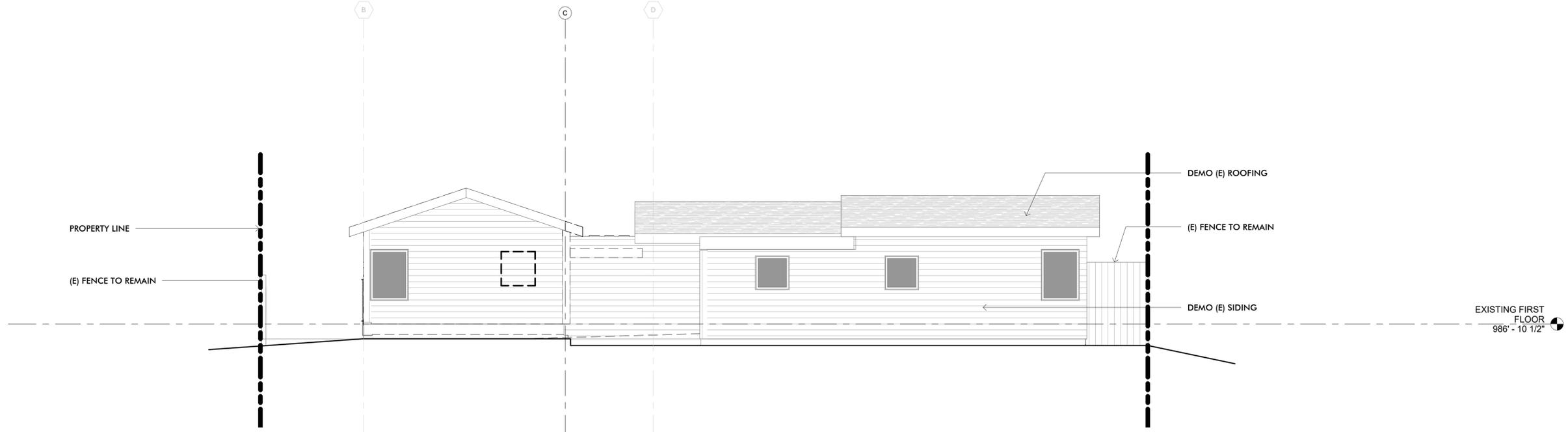
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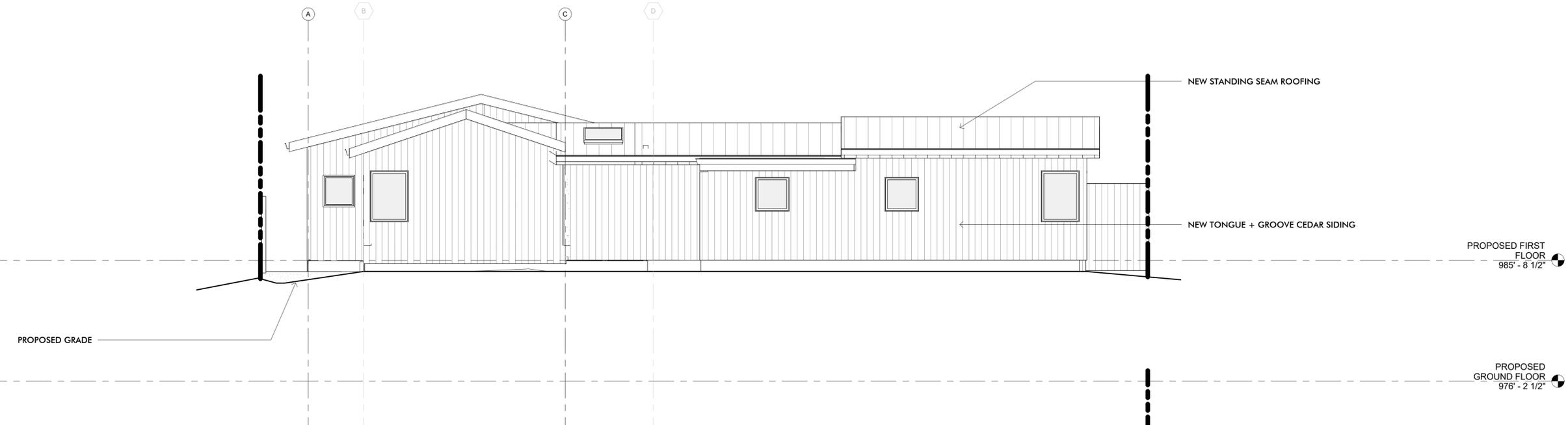
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**1 EXISTING EXTERIOR ELEVATION WEST**  
 Scale: 1/4" = 1'-0"



**2 PROPOSED EXTERIOR ELEVATION WEST**  
 Scale: 1/4" = 1'-0"

**WOODMONT RESIDENCE**  
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**EXTERIOR ELEVATIONS WEST**

**a3.04**



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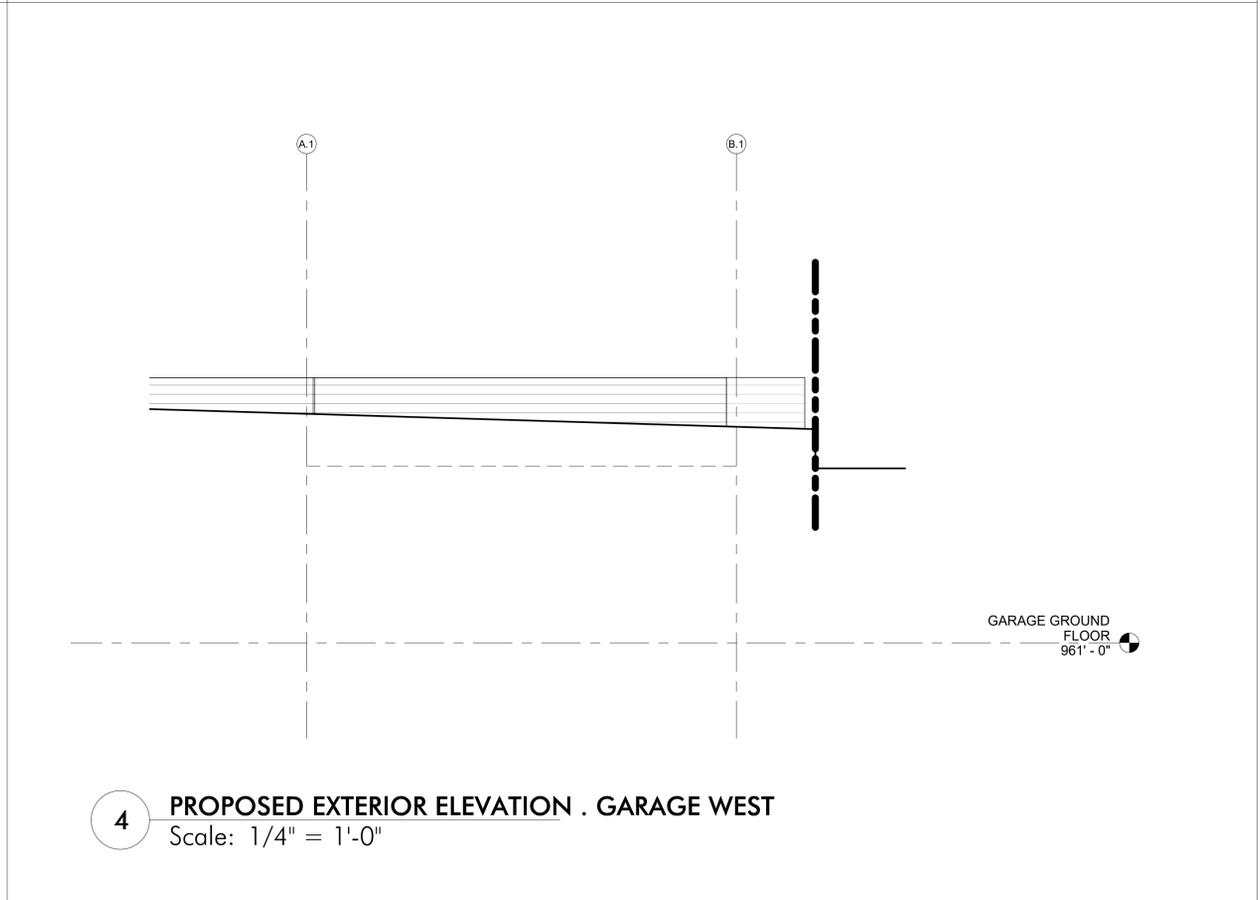
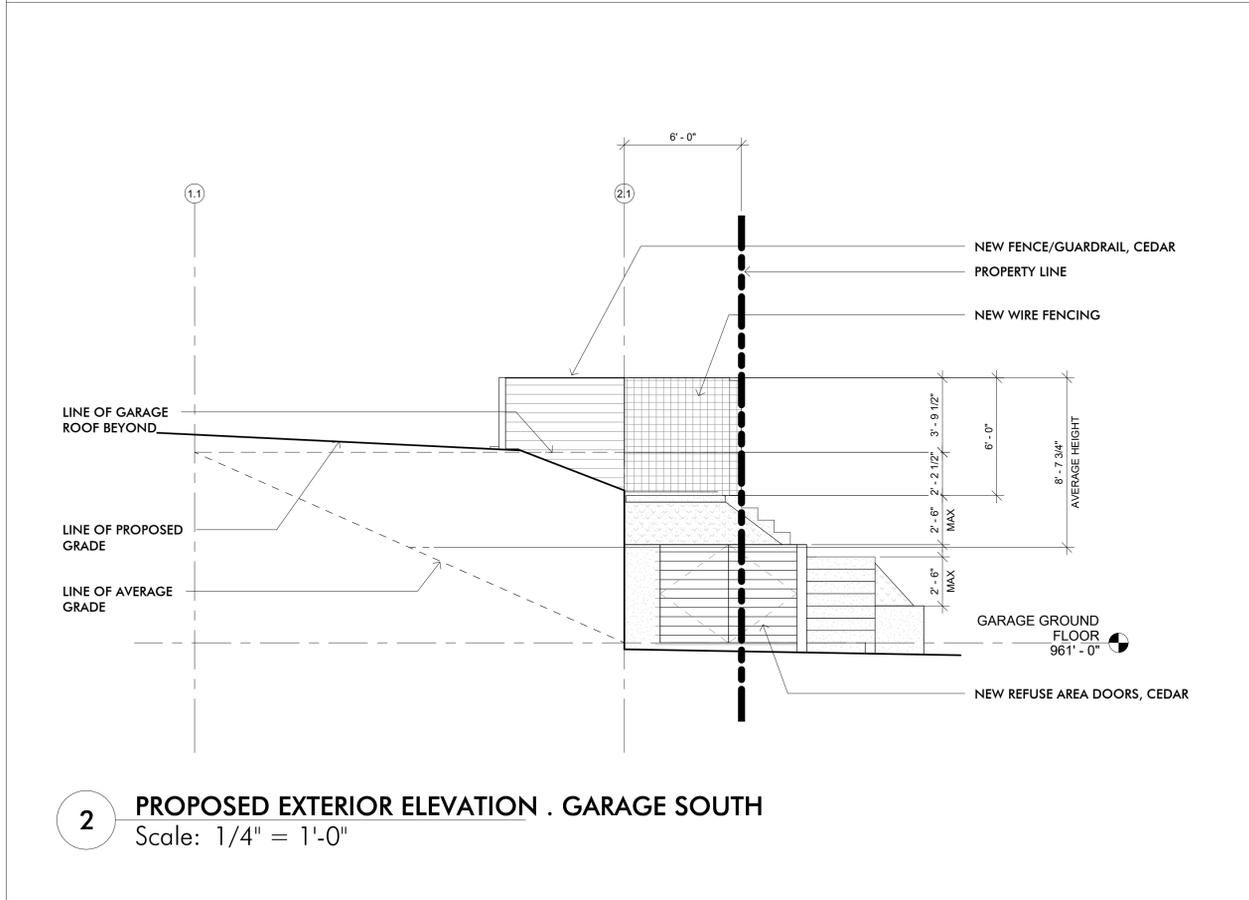
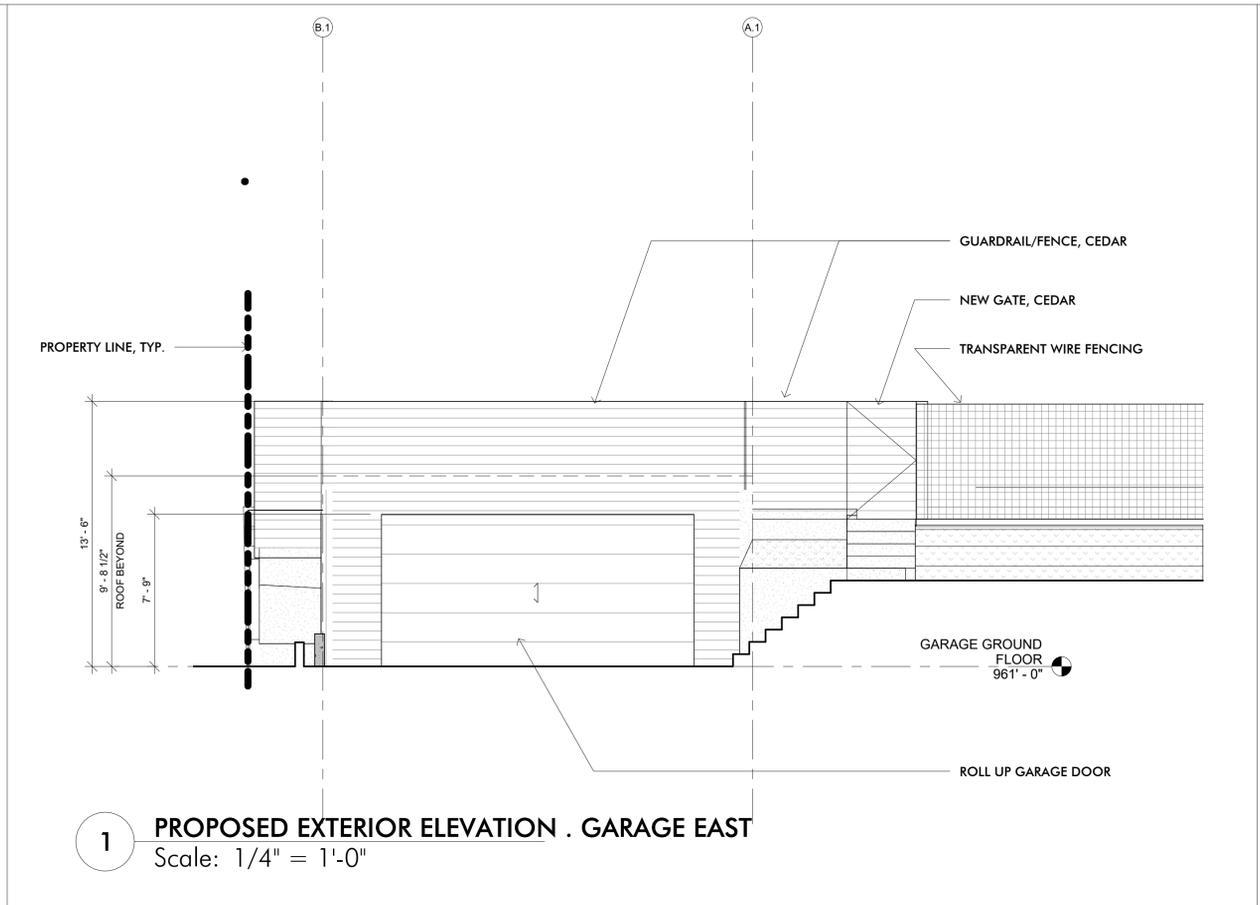
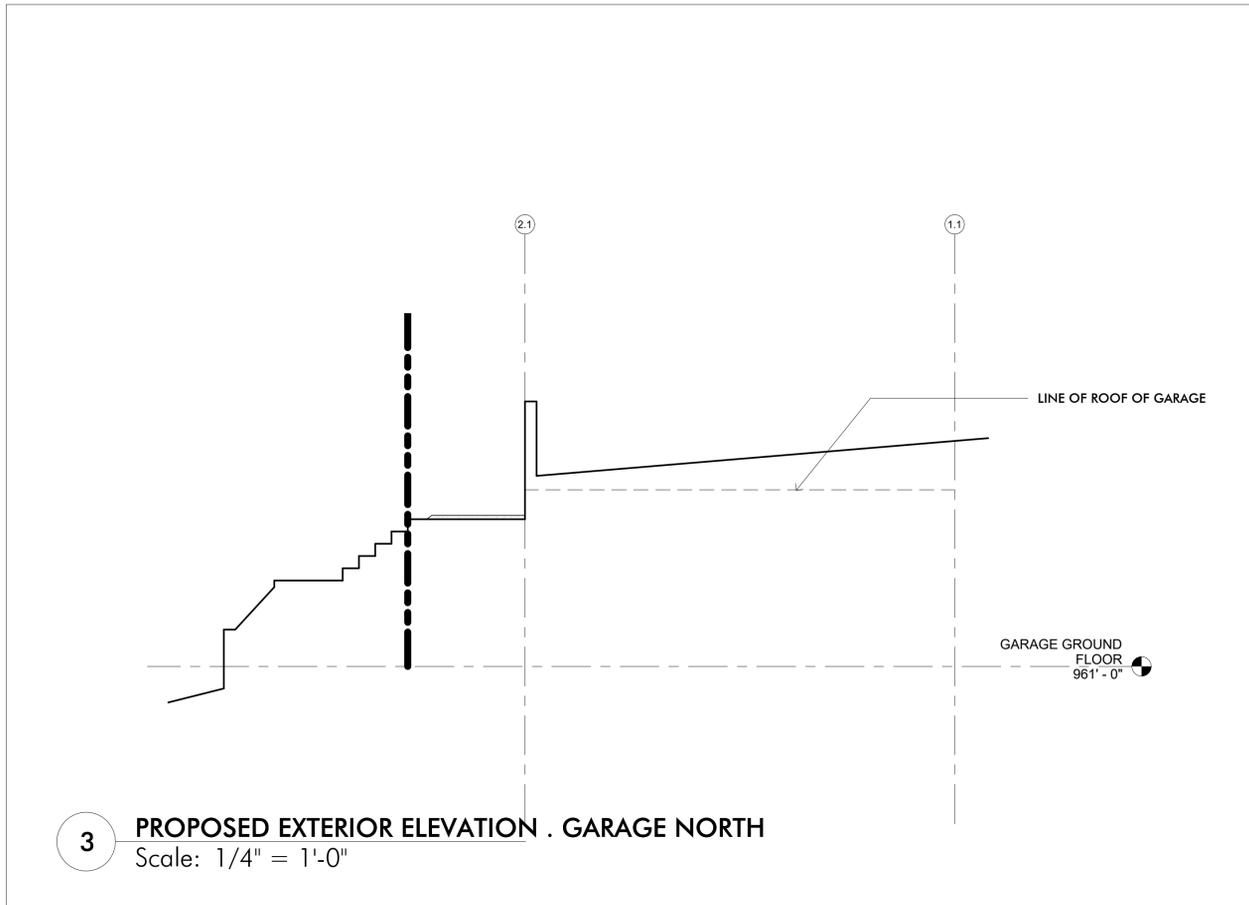
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**EXTERIOR ELEVATIONS GARAGE**

**a3.05**





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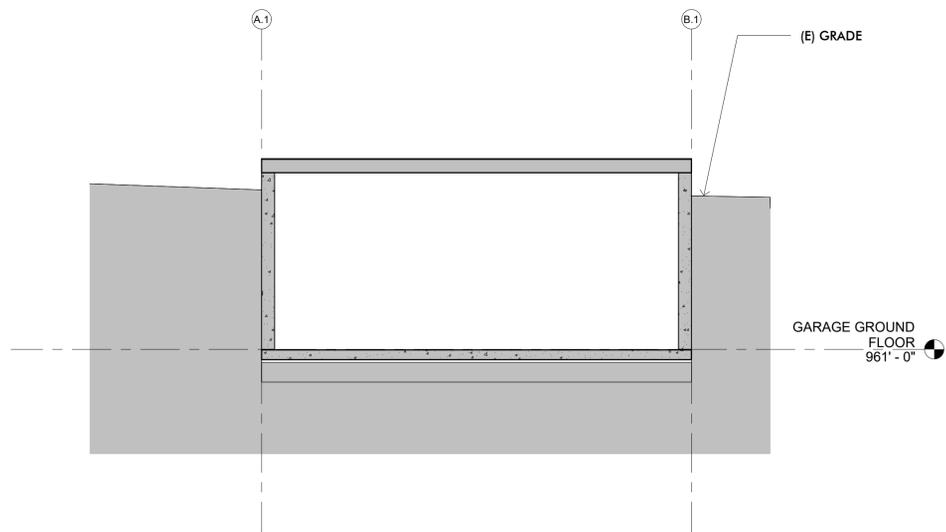
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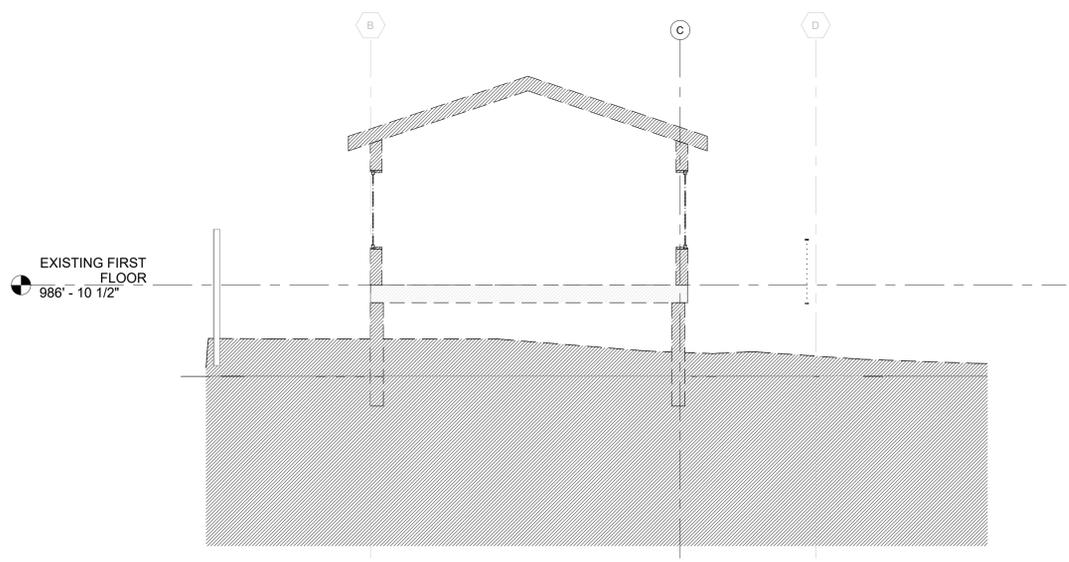


BUILDING SECTIONS

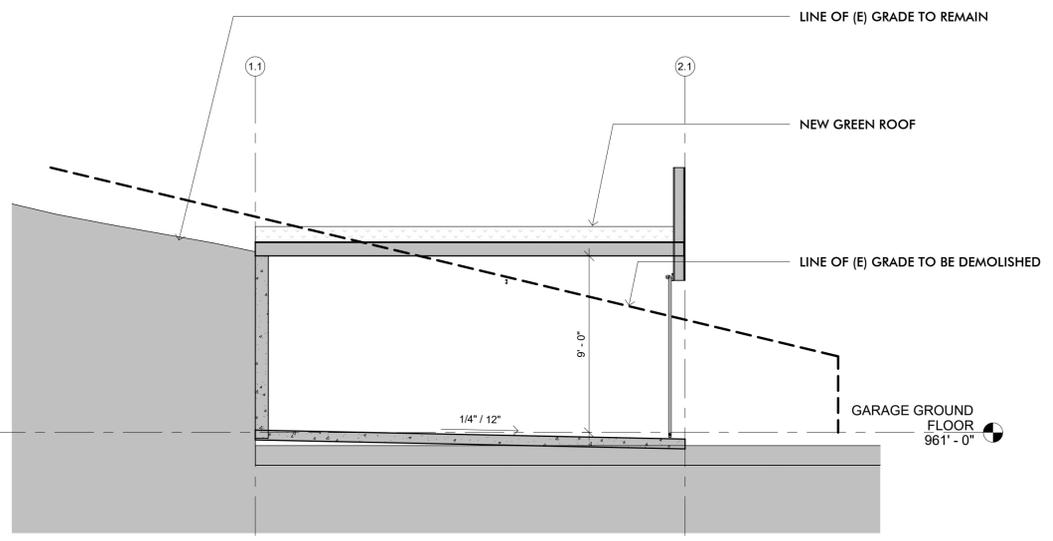
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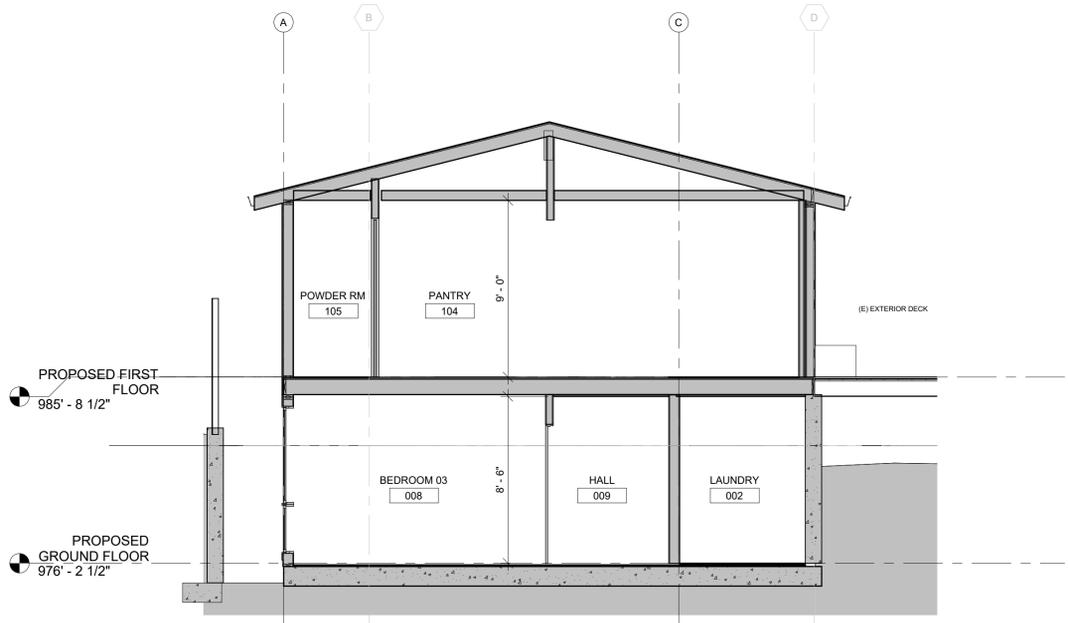
**4 GARAGE SECTION CROSS . PROPOSED**  
 Scale: 1/4" = 1'-0"



**2 BUILDING SECTION CROSS . EXISTING**  
 Scale: 1/4" = 1'-0"



**3 GARAGE SECTION LONG . PROPOSED**  
 Scale: 1/4" = 1'-0"



**1 BUILDING SECTION CROSS . PROPOSED**  
 Scale: 1/4" = 1'-0"



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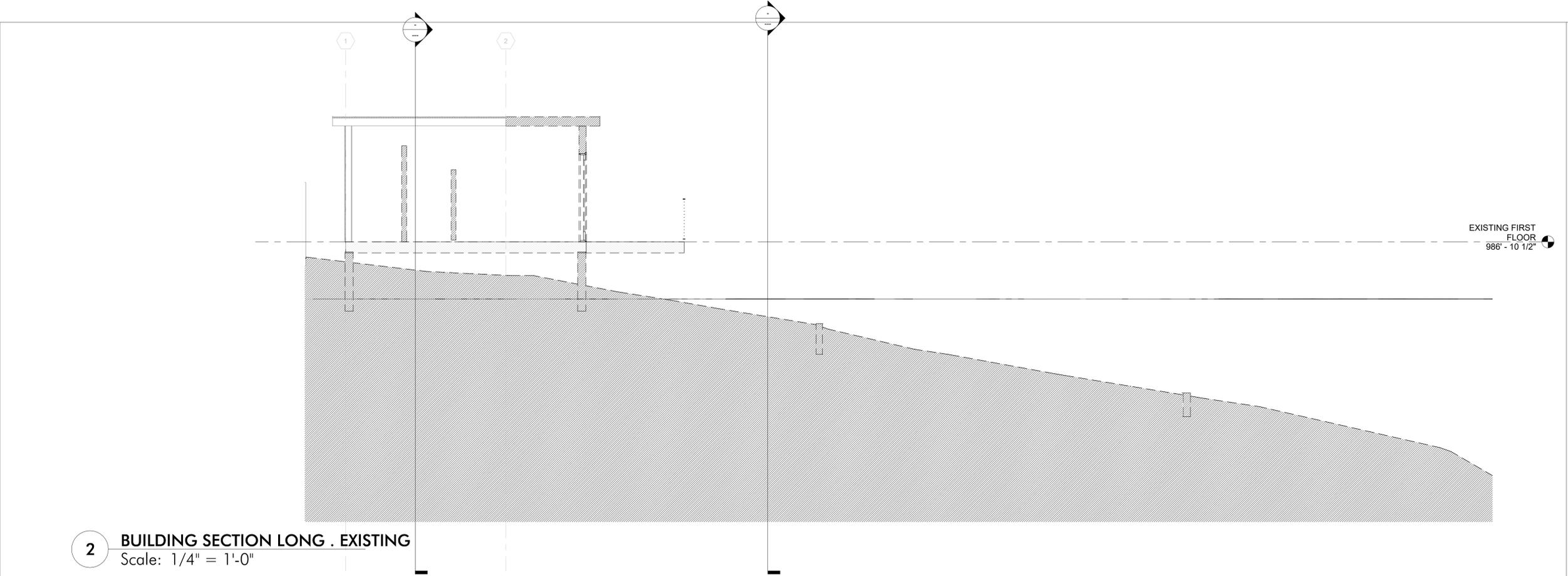
12.04.2024 PLNG SUBMIT 04

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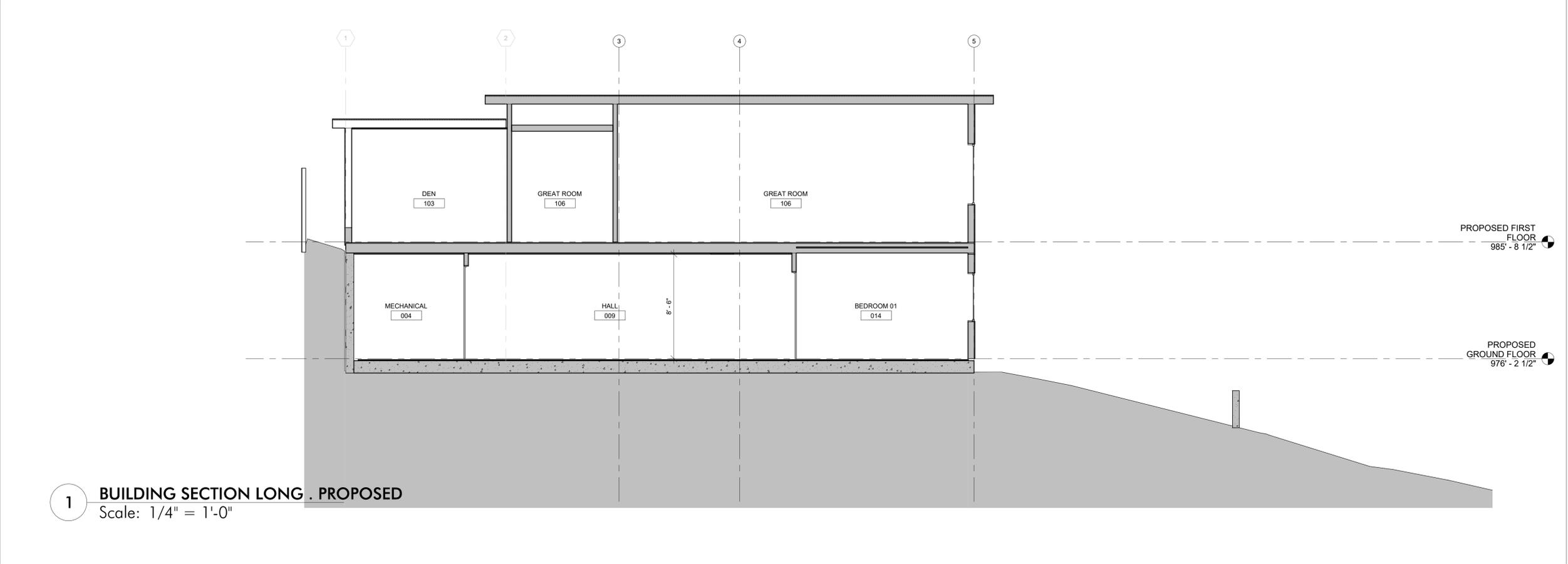


BUILDING SECTIONS

**a4.02**



**2 BUILDING SECTION LONG . EXISTING**  
 Scale: 1/4" = 1'-0"



**1 BUILDING SECTION LONG . PROPOSED**  
 Scale: 1/4" = 1'-0"



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

## 654 Woodmont Avenue

Use Permit ZP2023-0109 to eliminate one of two single-family dwelling units from single-family zoned lot through combination, construct a 2-story major residential addition (1,988 square feet) above 14 feet in average building height (22 feet) and above 20 feet maximum building height within the Hillside Overlay (24 feet), vertically extend a wall within a nonconforming setback, construct an accessory structure (garage) within the first half of the lot, fence exceeding 6 feet in height on a lot line, and 9 foot, 8-inch retaining wall within a minimum required setback on a lot nonconforming for density

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

**When:** Thursday, February 13, 2025 7:00 pm

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

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

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

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

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

**A. Land Use Designations:**

- General Plan: Low-Density Residential-[LDR]
- Zoning: Single-Family Residential Zone within the Hillside Overlay [R-1H]

**B. Zoning Permits Required:**

- C. Use Permit pursuant to Berkeley Municipal Code Section (BMC) 23.326.040(A) to eliminate a dwelling unit through combination.
- D. Use Permit pursuant to BMC Section 23.324.020(D)(3) to expand a single-family dwelling on a lot nonconforming for density;
- E. Administrative Use Permit pursuant to 23.324.050(D)(2) to vertically extend an exterior wall within a nonconforming rear setback;
- F. Administrative Use Permit pursuant to BMC Section 23.202.030(A)(1) to construct a major residential addition;
- G. Administrative Use Permit pursuant to BMC Section 23.202.050(D)(2) to construct an addition over 14 feet in average building height;
- H. Administrative Use Permit pursuant to BMC Section 23.210.020(C)(2) to construct an addition over 20 feet in maximum building height within the Hillside Overlay;
- I. Administrative Use Permit pursuant to BMC Section 23.304.060(C)(2) to construct an accessory structure within the first 50 percent of the lot;
- J. Administrative Use Permit pursuant to BMC Section 23.304.080(A) to construct a fence exceeding 6 feet in in height; and
- K. Administrative Use Permit To construct a retaining wall within a minimum required side setback pursuant to 23.324.050(D)(2).

**D. CEQA Recommendation:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures")..

**E. Project Recommendation:** Approve Use Permit #ZP2023-0109 pursuant to BMC Section 23.406.040(D)

**F. Parties Involved:**

- Applicant/Property Owner     Laura van Den Bosch, 656 Woodmont Avenue

**Further Information:**

All application materials are available online at:  
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Cecelia Mariscal, at (510) 981-7439 or [cmariscal@berkeleyca.gov](mailto:cmariscal@berkeleyca.gov).

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

**Communication Disclaimer:**

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

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

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

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

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

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



**Accessibility Information / ADA Disclaimer:**

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

**SB 343 Disclaimer:**

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

**Notice Concerning Your Legal Rights:**

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

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

**From:** [Lapira, Katrina](#)  
**To:** [Mariscal, Cecelia](#)  
**Cc:** [Bursell, Lief](#)  
**Subject:** RE: 654 Woodmont Ave-Use Permit to eliminate dwelling units through combination  
**Date:** Thursday, December 12, 2024 4:44:41 PM  
**Attachments:** [image.png](#)  
[image.png](#)

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Internal

Hi Cecelia,

To clarify my last message – the units at 654/656 Woodmont Avenue are not registered with the Rent Board and staff does not have any record of the buildings being removed from the rental market through a no-fault eviction from the rental market within the last five years, or any records that indicate that there has then there been any substantial evidence of harassment within the last three years.

Thanks,

Katrina

---

**From:** Lapira, Katrina  
**Sent:** Thursday, December 12, 2024 4:31 PM  
**To:** Mariscal, Cecelia <CMariscal@berkeleyca.gov>  
**Cc:** Bursell, Lief <LBursell@berkeleyca.gov>  
**Subject:** RE: 654 Woodmont Ave-Use Permit to eliminate dwelling units through combination

Internal

Hi Cecelia,

Thanks for your message.

Staff can confirm that the units at 654/656 Woodmont Avenue are not, and have not been registered with the Rent Board. As such, the buildings have not been removed from the rental market through a no-fault eviction from the rental market through a no-fault eviction within the last five years, nor has then there been any substantial evidence of harassment within the last three years.

Let me know if you have any questions and thanks,

Thanks,

**Katrina Lapira** (she/her)  
Associate Planner  
(510) 981-4921

Rent Stabilization Board  
2000 Center Street, Suite 400 | Berkeley, CA 94704  
rentboard.berkeleyca.gov

**We Moved!** Our NEW office is located at 2000 Center Street, Suite 400

---

**From:** Mariscal, Cecelia <[CMariscal@berkeleyca.gov](mailto:CMariscal@berkeleyca.gov)>  
**Sent:** Monday, December 9, 2024 3:58 PM  
**To:** Bursell, Lief <[LBursell@berkeleyca.gov](mailto:LBursell@berkeleyca.gov)>; Lapira, Katrina <[KLapira@berkeleyca.gov](mailto:KLapira@berkeleyca.gov)>  
**Subject:** 654 Woodmont Ave-Use Permit to eliminate dwelling units through combination

Internal

Hello Lief and Katrina,

I have a Use Permit proposing to eliminate a residential unit through on a lot with two-family dwelling units on a lot lawfully nonconforming for density. The applicant proposes to eliminate one dwelling unit through combination under [BMC Section 23.326.040\(A\)](#). Can you provide a memo summarizing what, if any, rental history you have for 654 Woodmont/656 Woodmont Avenue and if your records are consistent with the conditions required by 23.326.040 included below:

1. The building was removed from the rental market through a no-fault eviction during the preceding five years; or
2. There is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

I look forward to hearing back.

Best,  
Cecelia

**Cecelia Mariscal** (she/her/s)  
Associate Planner  
Planning and Development, Land Use Division  
1947 Center St., 2<sup>nd</sup> Floor, Berkeley, CA 94704  
**Phone:** (510) 981-7439  
**Email:** [cmariscal@berkeleyca.gov](mailto:cmariscal@berkeleyca.gov)

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

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



**From:** [George Putris](#)  
**To:** [Laura van den Bosch](#); [Mariscal, Cecelia](#)  
**Subject:** 654 Project  
**Date:** Saturday, January 18, 2025 9:05:08 AM

---

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

Ms. Van Der Bosch,

Thank you for your response to my questions. I now have a much better understanding of your project. Based on the information you've provided, I am withdrawing my request for story poles, as your drawings have clarified the view I was previously missing.

However, I do have one remaining concern: whether the excavation might potentially damage the roots of any trees, which could pose a hazard to both our homes. I would request that an arborist be engaged to assess this matter.

While I am willing to share the cost of such a report if you request it, I believe it is ultimately your responsibility to cover the expense since the excavation is part of your project.

I want to extend my best wishes to you and your family as you move forward with the construction of your new home, pending resolution of this concern. Thank you again for providing me with the necessary information and time to make an informed decision.

George Putris

From: Laura van den Bosch  
 To: George Patris  
 Cc: Mariscal Cecelia  
 Subject: Re: 654 Project  
 Date: Thursday, January 16, 2025 3:13:44 PM  
 Attachments: 654-2025-02-13-01.pdf  
 654-2025-02-13-02.pdf  
 654-2025-02-13-03.pdf

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

Hi George,

The existing non-conforming setback exists at our rear property line which is perpendicular to the lot line that we share, per the site plan. The existing structure is not in the side setback between our properties. We are not proposing any vertical or horizontal extensions or additions within a setback that are beyond what is already existing on the site.

Having said that, please find more detailed answers to your questions below in line, in pink.

I'd also like to share a bit of history with you since we're in communication now. We had attempted to gain your contact information from our neighbors: a few neighbors who have lived in the neighborhood for over 40 years, your current tenants Gabriela + Peter, and past tenants Jess and Jon (all of whom we are friends with and have discussed the project with), and your property management company. Please find an email I had sent to Cassandra at Utopia Management in May of 2023 attached, where I had asked for your contact information. We would have loved to have had these conversations with you earlier in the process and ideally in person, but we simply have not been able to reach you.

Please let me know if there is anything else I can help clarify.

All the best,

**laura j van den Bosch . architect**

berkeley, ca | 510.465.8112  
[www.lauravandenbosch.com](http://www.lauravandenbosch.com)

On Jan 16, 2025, at 11:05 AM, Mariscal, Cecelia <CMariscal@berkeleyca.gov> wrote:

Hi George,

Please see my responses below in red.

-----Original Message-----

From: George Patris <gpatris@uopm.com>

Sent: Thursday, January 16, 2025 10:25 AM

To: Mariscal, Cecelia <CMariscal@berkeleyca.gov>; Laura van den Bosch <lvd@lauravandenbosch.com>

Subject: 654 Project

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

Subject: Questions Regarding 654 Woodmont Project

Dear Ms. Mariscal and Ms. Van Der Bosch,

I hope this email finds you well. I have a few questions regarding the proposed project at 654 Woodmont Avenue.

For Ms. Mariscal

My understanding is that appeals from Use Permit decisions must be filed within 14 days of the Notice of Decision being issued. However, as I mentioned previously, neither I nor my property management agent was contacted about this project and only became aware of it upon receiving the Zoning Adjustments Board (ZAB) Notice of Meeting. Could you please confirm the date of the decision regarding the Use Permit? Additionally, if such decision was more than 14 days ago, is there a provision enabling me to extend the appeal filing period given this lack of notice? Particularly in view of the fact that the applicant's statement indicates that all relevant parties had been notified.

This item was taken off the ZAB meeting on 1/23 in response to your request for Story Poles. We do not have a confirmed hearing date for this project because I do not know when the applicant can erect the story poles. The story poles must be up for a month before the hearing date and remain throughout the appeal period. The appeal period starts 14 days from when the Zoning Adjustments Board Decision is posted, usually a few days after the hearing. If you decide to appeal within those 14 days, the item will be put on the schedule to be heard before the City Council. Unfortunately, we will not extend the appeal period. Instructions for filing an appeal can be found on our website linked [here](https://www.berkeleyca.gov/development-services/zoning-appeals). I hope this helps.

For Ms. Van Der Bosch or Ms. Mariscal

It is my understanding that the structure at 654 Woodmont is nonconforming due to its placement along the property boundary not meeting the required setback. To better understand the extent of this nonconformity and its implications for the proposed project, I would appreciate clarification on the following:

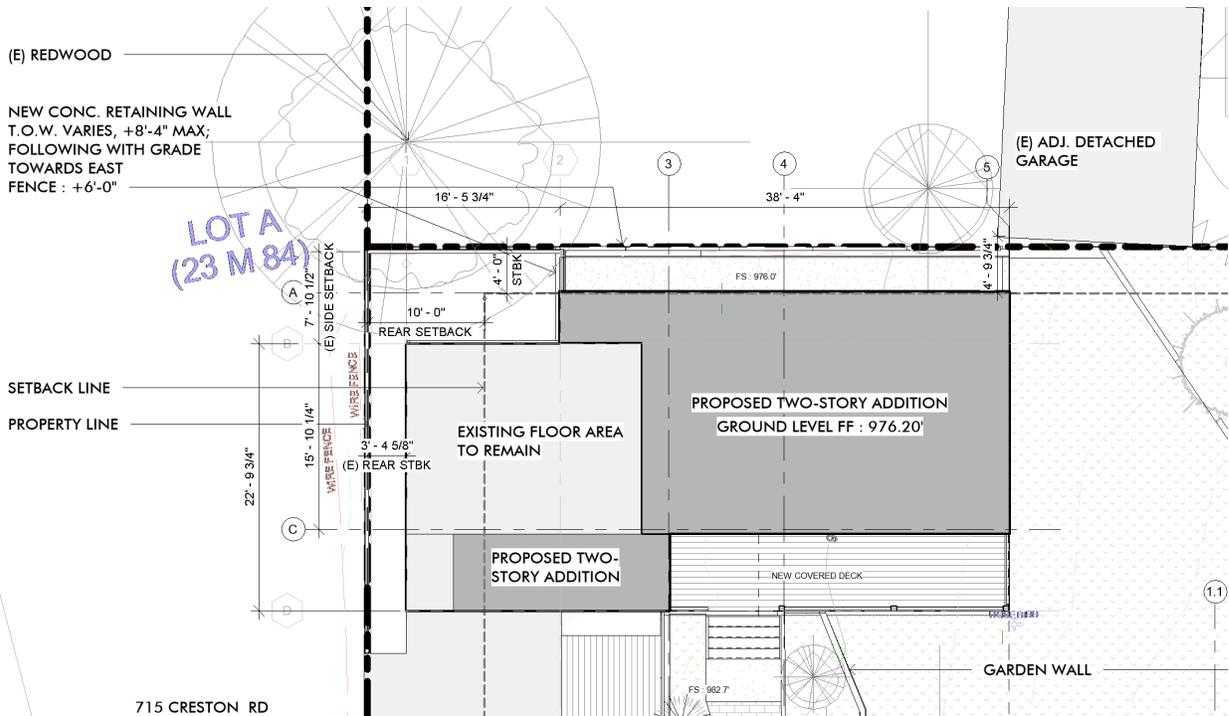
1. What is the required setback for this property?  
 654 and 656 Woodmont are located in the Single-Family Residential Zone within the Hillside Overlay (R-1H), Development Standards, including setbacks, for the R-1 District can be found in Table 23-202-2 under BMC Section 23.202.050(D)(2) linked [here](#) and Height Limits for the Hillside Overlay can be found in Table 23-210-1 under BMC Section 23.210.020 linked [here](#).  
 The setbacks for the property (and all properties in this zone) is 4'-0" from each side property line (lines perpendicular to the street), 20'-0" from the front property line (line parallel with the street), 10'-0" from the rear property line. Subterranean garages (which is what we've proposed) are allowed to be 6'-0" from the front property line, as we've proposed. Please refer to Sheet a3.00 and a3.01 in our drawings for reference.

2. What is the actual setback of the existing structure?

The existing structure is currently 3'-4 5/8" from the rear property line, which is the existing non-conformity. It is also currently 76'-10" from the front setback, and 7'-10 1/2" from the side property line that we share with your property. Please refer to the site plans (Sheets a3.00 and a3.01) in our planning submittal set for reference and see a screenshot below of the relationship to your property to the north.

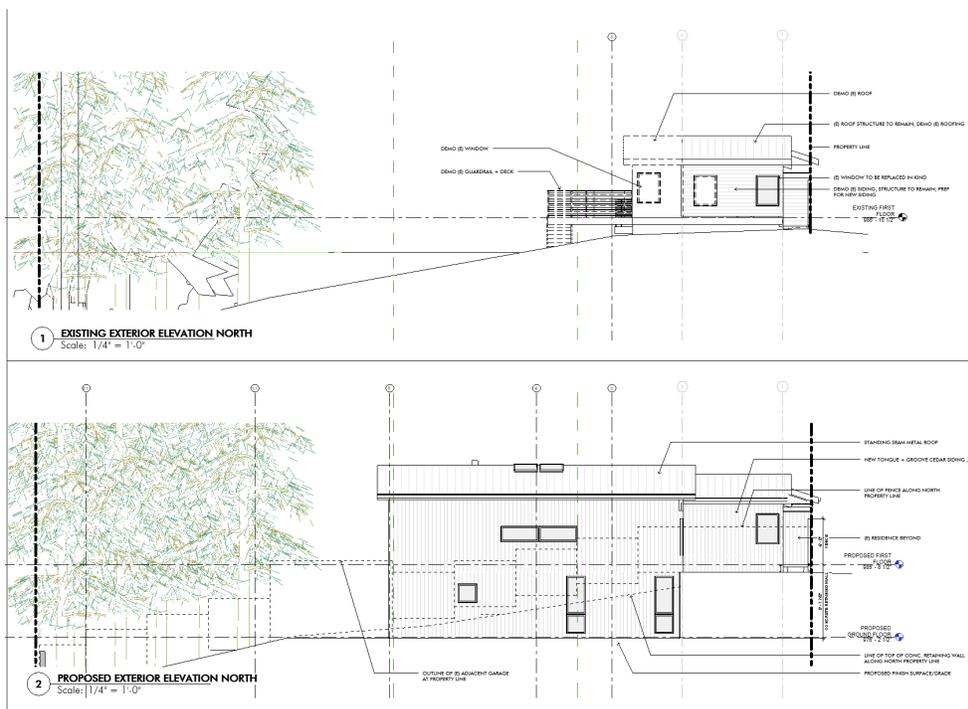
3. What is the length of the structure that is currently nonconforming?

The portion of the existing building that is 3' - 4 5/8" away from the rear property line (nonconforming) is 22' - 9 3/4" in length from north to south, perpendicular to your property. Please refer to the site plans for reference as well as a screenshot below of the proposed site plan with these dimensions included.



4. What would be the length of nonconformance for the proposed structure (i.e., how much would it increase)? There is no vertical or horizontal extension of this nonconformance proposed in the project. The height of the existing structure will remain unchanged, and the grade will remain unchanged against the existing portion of the home, thus no change in height.

Please refer to Sheet a3.03, the north elevation, which shows the grade at the existing portion of the home largely unchanged, and a screenshot below of that page, for convenience.



5. What is the height of the current structure measured from my property? [See next question.](#)
6. What is the height of the proposed structure, also measured from my property? [Gabriela and Peter let me come by the other night to gather as-built dimensions at your property. Based on my measurements, the current structure is 19' 3 5/8" in height from the driveway elevation on your property. The existing non-conforming structure will remain the same height. The proposed addition is 20' 5 7/8" in height from the driveway elevation on your property, which is higher than the grade at our house. I've expanded the east exterior elevation drawings to include both structures and the existing grade \(height of the ground/driveway\) at your property. Please see these drawings on Sheet 2.03 attached. Please let me know if I'm answering your question, or if there is a different height that you're interested in understanding. I'm happy to provide any dimensions that are unclear.](#)

Thank you both for your time and assistance in addressing these questions. I look forward to your response and am happy to provide any additional information if needed.

Best regards,  
 George W. Putris