



# ZONING ADJUSTMENTS BOARD – STAFF REPORT

FOR BOARD ACTION  
APRIL 24, 2025

## 1627 Jaynes Street

Use Permit #ZP2024-0129 to demolish a 1,476 square foot, two-story (15-foot), 3-bedroom, single family dwelling and construct a 2,234 square foot, two-story (27-feet, 6-inches), 5-bedroom, single family dwelling on a 4,684 square foot lot. The proposed project improves the rear and side (west) non-conforming setbacks by moving the new dwelling to a more centralized location on the lot.

### I. Background

#### A. Land Use Designations:

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

#### B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a single-family dwelling unit;
- Use Permit pursuant to BMC Section 23.202.020(A) to construct a single-family dwelling unit;
- Administrative Use Permit pursuant to BMC Section 23.202.030(B)(1) to add a fifth bedroom to a lot.

#### C. CEQA Recommendation:

It is staff's recommendation to the Zoning Adjustments Board 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. Project Recommendation:

Approval. The project is, on balance, consistent with the Zoning Ordinance and General Plan.

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**E. Parties Involved:**

- Applicant: Lori Bockholt, Sogno Design Group, 1496-C Solano Ave., Albany
- Property Owner: Shoana Humphries, 1627 Jaynes Street, Berkeley, CA

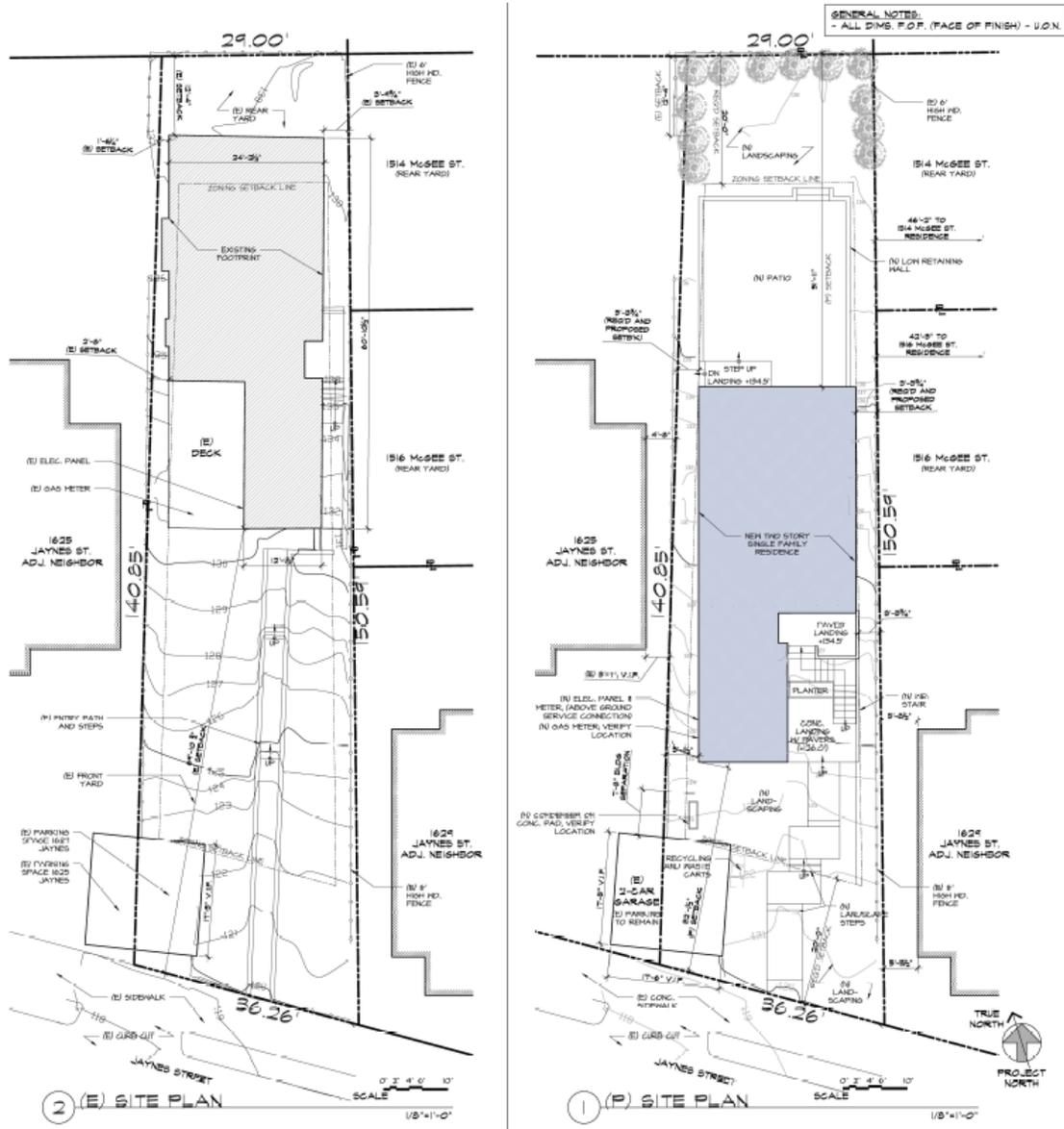
**Figure 1: Vicinity and Zoning Districts Map**



- R-1 Single-Family Residential District
- R-2 Restricted Two-Family Residential District



Figure 2: Site Plan submitted under SB 1214<sup>1</sup>: Drawings Protected by Copyright



<sup>1</sup> Effective January 1, 2023, Government Code Section 65103.5 (1214 1214) allows design professionals to limit the distribution and publication of copyrighted material associated with the review of development projects. A site plan and/or massing diagram was submitted with this application for public posting and distribution. The architectural plans cannot be posted online, provided electronically, or reproduced.

**Table 1: Land Use Information**

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

**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; therefore, the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet; therefore, the fee does not apply.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project is exempt from these provisions because the building has less than 10,000 sq.ft of gross floor area and has an average building height under 35 ft.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak ( <i>Quercus agrifolia</i> ) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	No	The project is not a Density Bonus Project.
Historic Resources	No	The project would demolish an existing building that is greater than 40 years old. A historic resource evaluation was prepared by Brad Brewster/Brewster Historic Preservation on September 12, 2024 concluded that the structure was not a significant cultural resource under CEQA.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project does not meet the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>2</sup> A development has to consist of more than one unit to qualify under the HAA. Therefore, HAA does not apply to this project.

<sup>2</sup> 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.

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Characteristic	Applicability	Explanation
Housing Crisis Act of 2019 (SB 330)	No	The project proposes only one dwelling unit and is not considered a "housing development project" therefore, SB 330 does not apply.
Rent Controlled Units	No	There are no rent controlled units at the site, nor would the new dwelling unit be subject to rent control restrictions.
Residential Preferred Parking (RPP)	No	The site is located in RPP zone E, but is not located on a street with RPP restrictions.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the <a href="#">State Seismic Hazard Zones</a> map. <sup>b</sup>
Soil/Groundwater Contamination	No	The project site not located within the City's Environmental Management Area and is not on the Cortese List. <sup>c</sup> Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is located less than one-fourth mile from from Alameda-Contra Costa Transit (AC Transit) bus service lines 52 and 688, and one-half mile from multiple lines on University Avenue. To the west of the block is California Street a Bicycle Boulevard.
<p>Notes:</p> <p>a. 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>b. 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>c. 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
August 29, 2024	Use Permit Application submitted
September 9, 2024	Application deemed incomplete
October 15, 2024	Application resubmitted
October 18, 2024	Application deemed complete
November 6, 2024	Application processing <sup>a</sup>
February 11, 2025	Application resubmittal
March 3, 2025	Memo from Rent Stabilization Board
April 10, 2025	Public hearing notices mailed/posted
April 24, 2025	ZAB hearing
<p>Notes:</p> <p>a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.</p>	

**Table 4: R-2 Zoning District Development Standards BMC Sections 23.202.080 and 23.322 Parking and Loading**

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		4,684	No change	5,000 min
Gross Floor Area (sq. ft.)		1,476	2,234	n/a
Bedrooms		3	5	4
Dwelling Units	Total	1	1	2 max
Building Height (ft. - in.)	Average	15'-1"	27'-6"	28' max (35' max with AUP)
	Stories	2	2	3 max
Building Setbacks (ft. - in.)	Front: Jaynes St.	69'-11"	32'	20 min
	Rear	12'-4"	52'	20 min
	Left Side (west)	1'-6"	3'-4"	3'-4" min <sup>a</sup>
	Right Side (east)	3'-10"	3'-4"	3'-4" min <sup>a</sup>
Lot Coverage (%)		29	32	40 max
Usable Open Space (sq. ft.)		>1000	>1000	400 min
Parking	Automobile	1	No change	n/a
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				
Notes:				
a. Side setback reductions for R-2 zoning district applied to parcel per BMC 23.304.030(B)(2); First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 5 ft.				

## II. Project Setting

### A. Neighborhood/Area Description:

The subject property is located in North Berkeley; one block north of Cedar Street, three blocks east of Sacramento Street, two blocks south of Rose Street, and five blocks west of Martin Luther King Jr. Way. The streets running north-to-south slightly upslope to the north towards Rose Street. Jaynes Street runs east-to-west and is relatively flat. The immediate area is residential and predominantly consists of one- to two-story single family dwellings and a few duplexes.

### B. Site Conditions:

The subject lot is 4,684 square feet in area, located on the northern side of Jaynes Street. It is long and narrow with a slightly trapezoidal shape and it slopes up towards the rear (north) by approximately 18-feet. The lot dimensions are 29 feet (rear), 151 feet (east), 36 feet (front) and 142 feet (west). The lot is abutting one neighbor property to the west at 1625 Jaynes Avenue and three neighbor properties to the east

at 1629 Jaynes Street, 1516 McGee Avenue, and 1514 McGee Avenue. The existing dwelling is within the rear and west-side setback located at 69-feet, 11-inches from the front property line at 12 feet, four inches from the rear property line and one-foot, six inches from the west-side property line. There is a covered parking structure within the front setback that was established in 1921 and extends over the side property line; two-thirds of the structure is located on the subject property and one-third on the parcel to the west at 1625 Jaynes. It is a garage with no front doors, therefore vehicles can easily drive right in. The site includes a variety of trees situated on the front two thirds of the lot.

### **III. Project Description**

#### **A. Proposed Project Details:**

The proposed project would demolish the 1,476 square foot, two story, single family dwelling and construct a new 2,234 square foot, two story, single family dwelling. The new dwelling would be moved forward approximately 38-feet to the center of the lot to satisfy the rear and side (west) setbacks.

Four bedrooms and three bathrooms are proposed at the main and second level. An office is proposed at the ground level and meets the BMC's definition of bedroom, therefore it counts as a bedroom for a total of five. New landscaping would be installed in the front, and the front entry path from the sidewalk would be reconstructed to feature a series of steps and landings which leads to the house. The outdoor space at the lower level would have a patio area which leads to a separate entrance for the office and where the stairway begins for the main entry. The relocated building footprint would allow for a private rear yard where there would be a new 890 square foot rear yard patio and new landscaping. The garage at the front of the lot would remain unchanged to provide one on-site parking space. Relocating the new dwelling to the more centralized location on the subject lot would change the existing relationship of the dwelling to these neighbor properties. The proposed dwelling would now be closer to the neighbor properties at 1625 Jaynes Avenue and 1629 Jaynes Avenue, However, since the proposed dwelling complies with the required side setbacks, height and building separation and it improves the rear setback, the relocation would be allowable.

### **IV. Community Discussion**

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

Prior to submitting this application, the owner of the property and abutting neighbors met to discuss the project. The applicant installed a pre-application poster on site in August 2024. At the time of writing this report, staff has received communications from three neighbors at 1625 Jaynes Street, 1516 McGee Avenue and 1515 McGee Avenue regarding sunlight, air, view and privacy concerns (see Attachment 5). The applicant has responded to the neighbors' concerns by making revisions to the plans, such as moving the building back by five feet and making the main roof a hip roof.

On April 10, 2025, 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.

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

This project is not subject to review by the Design Review Committee because it is not located in a residential district subject to design review, or a commercial or manufacturing district. The project is not subject to review by the Landmark Preservation Commission because it does not involve the demolition of a nonresidential building over 40 years in age.

**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 one single-family dwelling would be constructed in a residential zone. 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>3</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>4</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>5</sup> and
- The project would not result in a substantial adverse change in the significance of a historical resource.

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

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<sup>3</sup> California Department of Fish and Wildlife. California Natural Diversity Database. Available: <https://apps.wildlife.ca.gov/bios6/?tool=cnddbqv>

<sup>4</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>5</sup> California Environmental Protection Agency. Cortese List Data Resources. Available: <https://calepa.ca.gov/sitecleanup/corteselist/>

**B. Elimination of Dwelling Units through Demolition:**

1. BMC Section 23.326.020(B) allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City.
  - A. The demolition is necessary to permit construction approved pursuant to BMC Section 23.326 of at least the same number of dwelling units. The project would replace one dwelling unit with one dwelling unit. The proposed project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.
  - B. The project is compliant with all provisions of Government Code Section 66300(d) for the demolition and replacement of residential units.
2. BMC Section 23.326.030(B) allows the ZAB to approve the demolition of a single dwelling unit provided that the building was not removed from the rental market under the Ellis Act during the proceeding five years and there have been no verified cases of harassment, or threatened or actual eviction during the immediately preceding three years.
  - A. Rent Stabilization Board staff reviewed the property records and determined that the existing units have not been removed from the rental market under the Ellis Act at any time during the preceding five years, and there is no record of any verified cases of harassment or threatened or actual illegal eviction.

Furthermore, the dwelling proposed for demolition was vacated on March 31, 2025, and is not subject to tenant relocation provisions under BMC Chapter 23.326, as it does not involve the displacement of any tenants.

**C. 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. An analysis of sunlight/shadows, air, and views is included below:

1. Sunlight/Shadows: According to the shadow studies submitted by the applicant, new shadows would be cast on:
  - 1625 Jaynes Street (adjacent, west-side): all windows on the eastern elevation of the single family dwelling two hours after sunrise in winter and summer and partially shade two windows on the front façade two hours after sunrise in summer.

- 1629 Jaynes Street (adjacent, east-side): windows on the rear portion of the single family dwelling two hours before sunset during the winter and all the windows during summer.

Although shadow conditions would increase on the above-mentioned portions of neighboring properties, shadow impacts would occur for a limited time during the year and for a few hours of the day. Thus, the increase in shadow would be typical of a suburban setting and would not cause substantially detrimental shading impacts.

2. Air: The proposed dwelling would be approximately 15 feet from the east side dwelling (1629 Jaynes Street), eight feet from the adjacent west side dwelling (1625 Jaynes Street), and other adjacent dwellings abutting the property are over 40-feet away. The side setbacks would conform to district standards, providing sufficient building-to-building separation and there is plenty of open space at the front and rear to provide adequate air circulation. Therefore, impacts to air circulation are determined to be non-detrimental.
3. Views: The addition would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502.020 (Glossary). The neighborhood is developed with one and two-story residences and tall, mature vegetation that filters or obscures most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.
4. Privacy: The closest neighboring properties are to the east and west side of the subject property. The new openings are not expected to be detrimental to the privacy of neighbors because:
  - The windows on the west elevation which would face the neighboring building (1625 Jaynes) are not 'living areas'; there are three bathroom windows, two stairway windows, and a laundry window. There is a kitchen window at the main level's west elevation towards the rear which would align with the rear corner of this neighbor's dwelling. The proposed dwelling's three windows on the west elevation towards the front would align with the neighbor's front yard.
  - The only windows on the east elevation of the proposed project that would face the neighboring building (1629 Jaynes) is the ground level's office window, the main level bedroom window and a door which is slightly obscured by the main entry stairway. However, the neighbor's building is located at the front of the parcel, sits at a lower elevation, and is located about 20-feet from the east wall. Privacy impacts are minimal.
  - The balcony on the front elevation faces the public right-of-way and would not align with other buildings.

Dwellings to the north (rear) and west (facing McGee Avenue) are substantially setback to experience notable privacy impacts. Thus, privacy impacts from the proposal would be minimal and reasonable for this suburban setting.

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

#### **D. Administrative Use Permit for a Fifth Bedroom on a Parcel**

- A. The project proposes four bedrooms at the main level and second level. An office (104 square feet) is proposed at the ground level adjacent to a windowless storage room and crawl space. The office is the only habitable room at ground level with its own entry and an interior connection to the main dwelling. It can be used as a bedroom and brings the total proposed bedroom count to five. The additional bedroom would not change the use of the building; it would remain a single-family dwelling.

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

#### **A. District Purpose:**

The purpose of the R-2 district is to:

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

Staff Analysis: As shown in Table 4 above, the proposed dwelling meets the R-2 district standards for density, height, lot coverage, setbacks, and useable open space. Thus, the project conforms to the development standards for the district.

#### **B. General Plan Consistency:**

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

1. **Policy LU-7 Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
2. **Policy UD-16 Context:** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.

3. **Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
4. **Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
5. **Policy EM-5 “Green” Buildings:** Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

Staff Analysis: The project would meet all of the development standards for the R-2 zoning district, would not significantly impact sunlight, shadows, air, privacy, or views for the surrounding properties, and would follow mandatory California Green Building Standards Code. The project would be consistent with the character of the neighborhood and would be compatible with the General Plan policies.

## VII. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

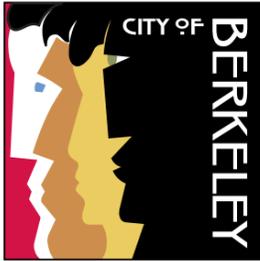
1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”); and
2. **APPROVE** Use Permit #ZP2024-0129 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (Attachment 1 and 2).

### Attachments:

1. Findings
2. Conditions
3. SB1214 Site Plan, received February 11, 2025
4. Notice of Public Hearing
5. Correspondence Received

**Staff Planner:** Vicky Schlepp, [vschlepp@berkeleyca.gov](mailto:vschlepp@berkeleyca.gov), (510) 981-7422





PLANNING AND  
DEVELOPMENT

# ZONING ADJUSTMENTS BOARD – FINDINGS

April 24, 2025

## 1627 Jaynes Street

**Use Permit #ZP2024-0129 to demolish a 1,476 square foot, two-story (15-foot), 3-bedroom, single family dwelling and construct a 2,234 square foot, two-story (27-foot, 6-inches), 5-bedroom, single family dwelling on a 4,684 square foot lot. The proposed project improves the rear and side (west) non-conforming setbacks by moving the new dwelling to a more centralized location on the lot.**

### ZONING PERMITS REQUIRED

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- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a single-family dwelling unit;
- Use Permit pursuant to BMC Section 23.202.020(A) to construct a single-family dwelling unit; and
- Administrative Use Permit pursuant to BMC Section 23.202.030(B)(1) to add a fifth bedroom to a lot.

### 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 Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15303 of the CEQA Guidelines (“New Construction or Conversion of Small Structures”).
- B. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

## II. FINDINGS FOR APPROVAL

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- A. As required by BMC Section 23.406.040(E), Findings for Approval, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
1. The project is consistent with all R-2 development standards and will replace a nonconforming dwelling unit with a dwelling unit that meets all development standards for the district.
  2. Because impacts to neighboring residences due to construction of one single-family dwelling will be limited to certain time of a year and during certain hours of a day, shading impacts will not be detrimental
  3. Air: The proposal will be consistent with the existing development and building-to-building separation pattern. Therefore, impacts to air circulation are determined to be non-detrimental.
  4. Views: The addition will not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502.020 (Glossary). The neighborhood is developed with one and two-story residences and tall, mature vegetation that filters or obscures most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.
  5. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

## III. OTHER FINDINGS FOR APPROVAL

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- A. As required by BMC 23.326.020(B), the elimination or demolition of a dwelling unit will not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project will replace one demolished dwelling unit with one newly constructed dwelling unit.
- B. Pursuant to BMC Section 23.326.030(A) demolition of a Residential Unit is not allowed if:
1. The Residential Unit(s) 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

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April 24, 2025

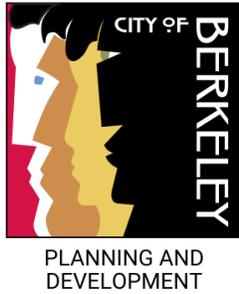
ZAB FINDINGS  
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threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

The elimination or demolition of this single-family dwelling unit is permissible because the existing unit has not been removed from the rental market under the Ellis Act at any time during the preceding five years, or there is no record of any verified cases of harassment or threatened or actual illegal eviction.

- C. Pursuant to BMC Section 23.326.030(B)(1)(c) the elimination of a unit is allowed if the demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units. The proposed project will demolish one dwelling unit and construct one new dwelling unit.
  
- D. Pursuant to Government Code §66300(d)(1), a City “shall not approve a housing development application that will require the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished.” This project proposes replacing the one dwelling proposed for demolition with one new dwelling unit; therefore, the application complies. Section §66300(d)(2) (regarding lower income units) does not apply because the existing unit is not considered a “protected” unit. The findings to approve the demolition of the dwelling unit under BMC Section 23.326.020(B) are therefore satisfied due to compliance with Government Code §66300(d)(3).
  
- E. As required by BMC Section 23.202.030(B) the Zoning Adjustments Board finds that the addition of a fifth bedroom is permissible because while it provides additional space for the dwelling, it will not change the use of the building; as a single-family dwelling.





# USE PERMIT ZP2024-0129

## CONDITIONS OF APPROVAL

April 24, 2025

### 1627 Jaynes Street

Use Permit #ZP2024-0129 to demolish a 1,476 square foot, two-story (15-feet), 3-bedroom, single family dwelling and construct a 2,234 square foot, two-story (27-feet, 6-inches), 5-bedroom, single family dwelling on a 4,684 square foot lot. The proposed project improves the rear and side (west) non-conforming setbacks by moving the new dwelling to a more centralized location on the lot.

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

**4. Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).**

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.

**5. Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**

**A.** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.

**B.** A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.

**C.** The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with 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.

**9. Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

**II. 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:**

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

**Project Liaison** \_\_\_\_\_  
Name Phone #

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

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

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- 12. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 13. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
- 14. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](#)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

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

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

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

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

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

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

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

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

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

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

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

### **Prior to Issuance of Any Building (Construction) Permit**

**15. HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

- 16. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 17. Electric Vehicle (EV) Charging.** Each dwelling unit shall install a listed raceway, wiring, and load capacity to allow for future Level 2 (40 amp) plug-in electric vehicle (EV) charging system installation, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Readiness for EV charging and EV charging station installations shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 18. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
- 19. 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).
- 20. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

**Prior to Demolition or Start of Construction:**

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

**During Construction:**

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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. 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.

**24. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:

- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
- C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

**25. 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.

**26. 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.)

**27. 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.

**28. 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.

**29. 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.

**30. 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.

**31. 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.

**32. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

- D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
  - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
  - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
  - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
  - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - I. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
  - J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 33. 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.

34. **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.
35. **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.
36. **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.
37. **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.
38. **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.
39. **Public Works / Building and Safety**. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

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

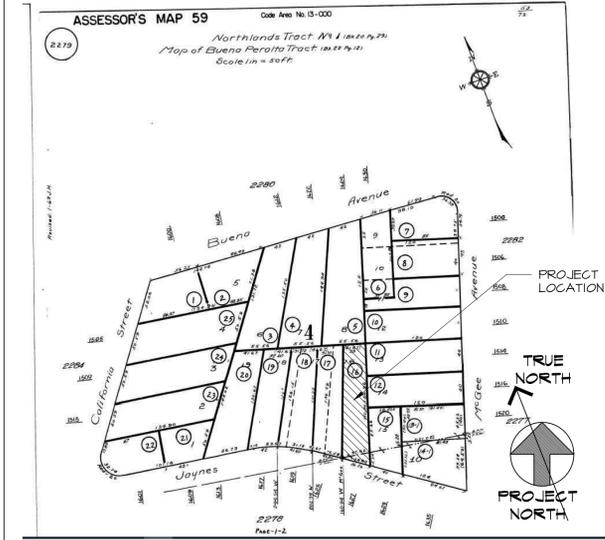
40. **Compliance with Conditions** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
41. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated February 11, 2025.

**At All Times:**

42. **Compliance with Approved Plan**. The project shall conform to the plans and statements in the Use Permit.
43. **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.
44. **Rooftop Projections**. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

- 45. 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.
- 46. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 47. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 48. Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

ASSESSOR'S PARCEL MAP



REDUCED SETBACKS ON NARROW LOTS:

CALCULATIONS:

THE SETBACK REDUCTION IS CALCULATED USING AN AVERAGE OF THE WIDEST DIMENSION OF THE SITE 36.26' AND THE NARROWEST DIMENSION 24' REAR PL (30' MIN USED).

THE 10% REDUCTIONS CANNOT EXCEED 3'-0".

$36.26' \text{ (WIDEST)} + 30.0' \text{ (NARROWEST)} = 66.26'$

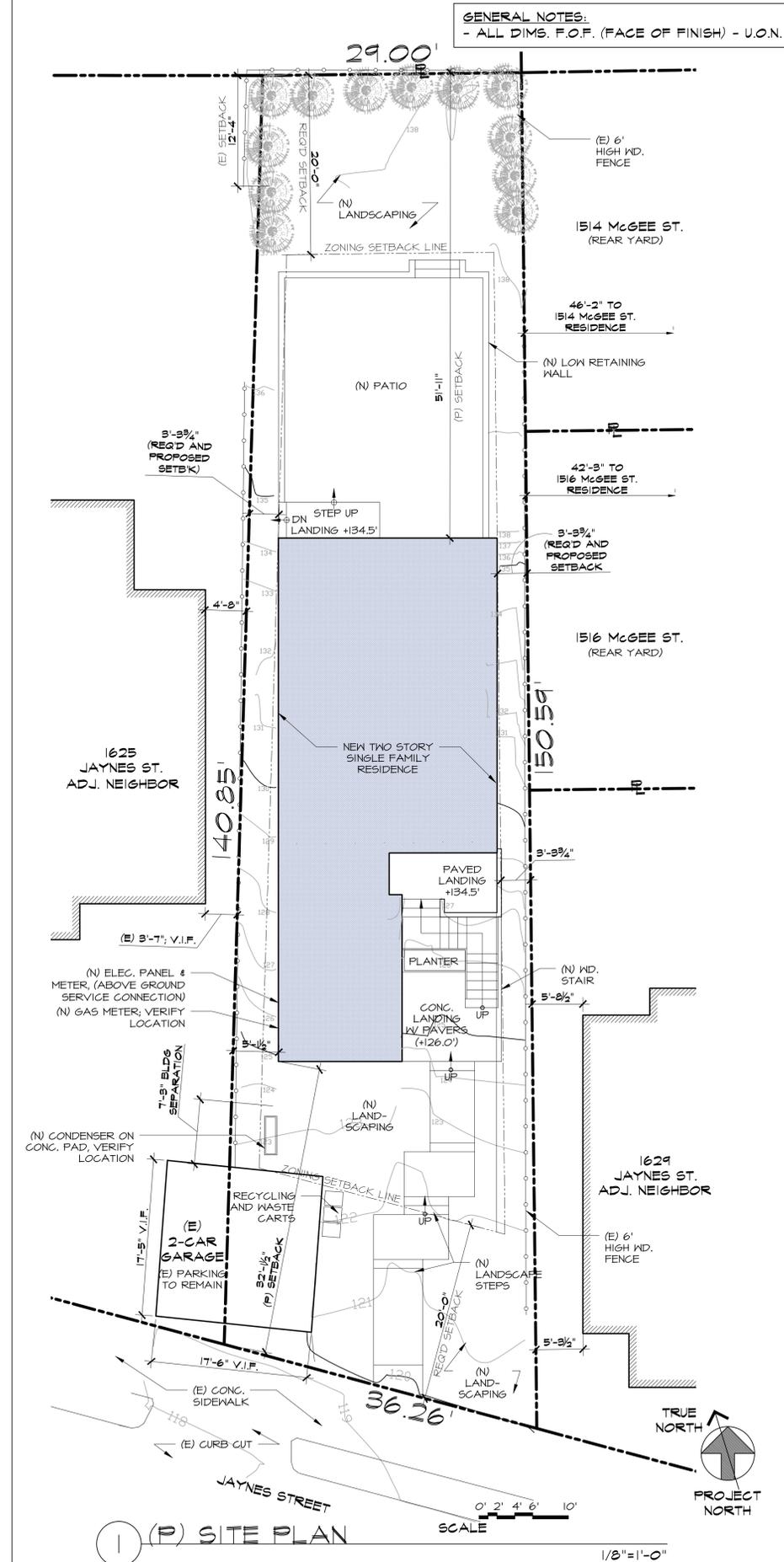
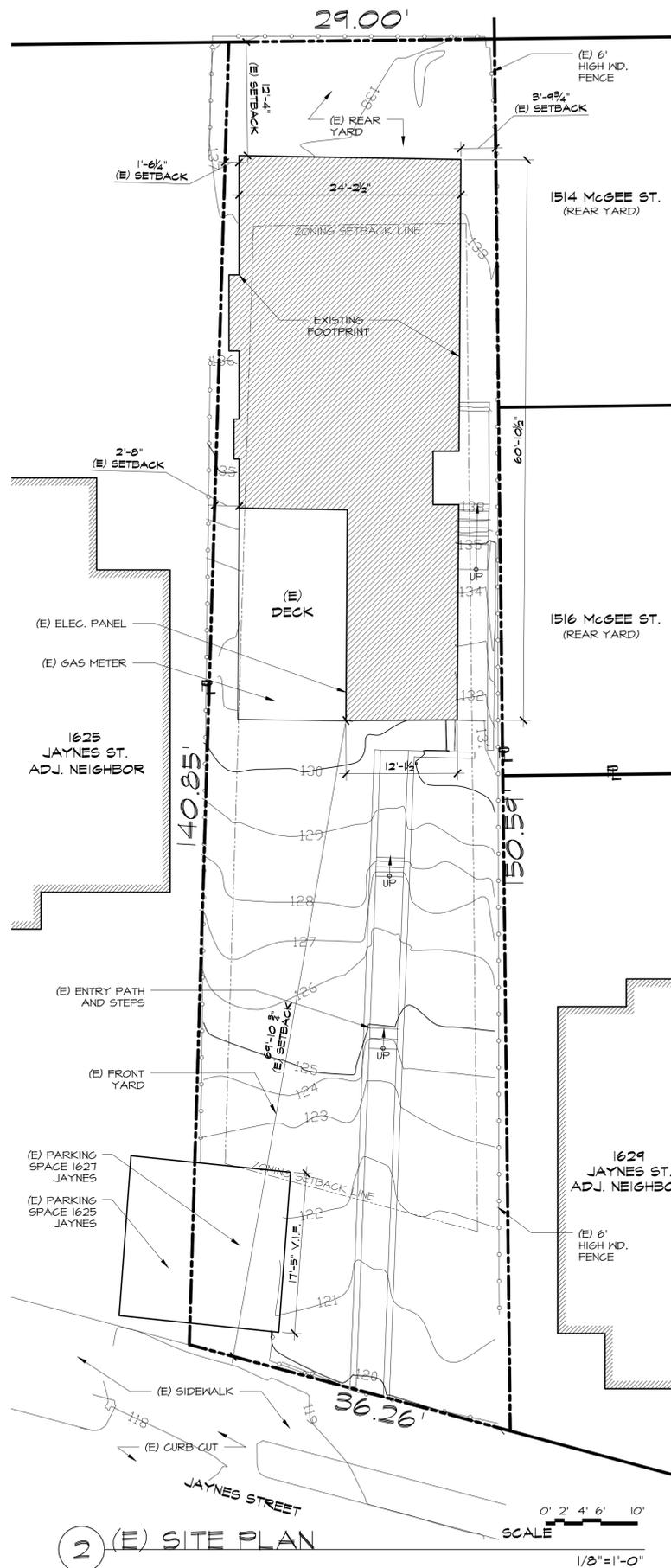
$66.26' / 2 = 33.13' \text{ AVG. WIDTH.}$

$10\% \text{ OF } 33.13' = 3.313'$

$3.313' = 3'-3\frac{3}{8}"$

SITE PLAN NOTES

- ANY SIDEWALK THAT IS IN DISREPAIR SHALL BE REPLACED IN ACCORDANCE WITH CITY OF BERKELEY STANDARDS (BMC 16.04.010).
- SEE ROOF PLAN, SHT. A-2.1 FOR ROOF DRAINAGE.
- WORK IN THE PUBLIC RIGHT-OF-WAY SHALL BE PERMITTED IN A SEPARATE PERMIT.
- AN ENGINEERING PERMIT WILL BE REQUIRED FOR CONSTRUCTION STAGING, CONSTRUCTION PARKING, SIDEWALK, DRAINAGE, OR SEWER WORK IN THE PUBLIC RIGHT-OF-WAY.
- PRIOR TO FOUNDATION INSPECTION AND POURING OF CONCRETE, PROVIDE A LETTER PREPARED BY A CALIFORNIA LICENSED LAND SURVEYOR STATING THAT "...THE NEW STRUCTURE IS LOCATED IN ACCORDANCE WITH THE APPROVED PLANS."
- WHERE LOT LINES, WALLS, SLOPES OR OTHER PHYSICAL BARRIERS PROHIBIT 6 INCHES OF FALL WITHIN 10 FEET, DRAINING OR SNALES SHALL BE CONSTRUCTED TO ENSURE DRAINAGE AWAY FROM THE STRUCTURE. IMPERVIOUS SURFACES WITHIN 10 FEET OF THE BUILDING FOUNDATION SHALL BE SLOPED A MINIMUM OF 2 PERCENT AWAY FROM THE BUILDING (CRC R401.3)
- VERIFY AN IMPROVED AUTOMATIC GAS SHUT-OFF VALVE ON THE DOWNSTREAM SIDE OF THE GAS UTILITY METER.
- THE ADDRESS IDENTIFICATION CHARACTERS SHALL CONTRAST WITH THEIR BACKGROUND AND EACH CHARACTER SHALL NOT BE LESS THAN 4-INCHES IN HEIGHT WITH A STROKE WIDTH OF NOT LESS THAN 0.5-INCH
- FINAL BACKFILL, FINISH GRADING AND SURFACE DRAINAGE SHOULD BE LEFT AS OUTLINED IN THE SOILS REPORT UPON COMPLETION OF THE WORK.



CONSTRUCTION REVISIONS		
NO.	REV.	DATE

1496C SOLANO AVENUE  
 ALBANY, CALIFORNIA 94706  
 TEL: 510.526.7770  
 FAX: 510.524.7036  
 info@sognoarchitecture.com  
 www.sognoarchitecture.com

**Sogno**  
 DESIGN GROUP ARCHITECTURE INTERIORS

**SINGLE FAMILY RESIDENCE**  
**HUMPHRIES RESIDENCE**  
 1627 JAYNES STREET  
 BERKELEY, CA 94710



ISSUE	DATE
USE PERMIT	02.11.25

EXISTING & PROPOSED SITE PLANS, SITE PLAN NOTES







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

## 1627 Jaynes Street

Use Permit #ZP2024-0129 to demolish a 1,476 square foot, two-story (15-foot), 3-bedroom, single family dwelling and construct a 2,234 square foot, two-story (27-feet, 6-inches), 5-bedroom, single family dwelling on a 4,684 square foot lot. The proposed project improves the rear and side (west) non-conforming setbacks by moving the new dwelling in a more centralized location on the lot.

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

**When:** Thursday, April 24, 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 Medium Density Residential (LMDR)
- Zoning: Restricted Two-Family Residential (R-2)

Land Use Planning Division  
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474  
E-mail: [zab@berkeleyca.gov](mailto:zab@berkeleyca.gov)

**B. Zoning Permits Required:**

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a single-family dwelling unit;
- Use Permit pursuant to BMC Section 23.202.020(A) to construct a single-family dwelling unit;
- Administrative Use Permit pursuant to BMC Section 23.202.030(B)(1) to add a fifth bedroom to a lot.

**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 #ZP2024-0129 pursuant to BMC Section 23.406.040(D)

**F. Parties Involved:**

- Applicant                      Lori Bockholt, Sogno Design Group, 1496-C Solano Ave., Albany
- Property Owner              Shoana Humphries, 1627 Jaynes Street, Berkeley, CA

**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, Vicky Schlepp, at (510) 981-7422 or [vschlepp@berkeleyca.gov](mailto:vschlepp@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 #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.



**Accessibility Information / ADA Disclaimer:**

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

**SB 343 Disclaimer:**

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

**Notice Concerning Your Legal Rights:**

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

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



## Schlepp, Victoria

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**Subject:** RE: 1627 Jaynes Street

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**From:** Victoria Eisen <[victoria@eisenletunic.com](mailto:victoria@eisenletunic.com)>  
**Sent:** Tuesday, January 7, 2025 11:57 AM  
**To:** Planning Dept. Mailbox <[Planning@berkeleyca.gov](mailto:Planning@berkeleyca.gov)>  
**Subject:** 1627 Jaynes Street

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

Hello Berkeley Land Use Planning planner,

I am a Berkeley resident whose back bordering neighbor is proposing to tear down their house and build a new one.

My husband and I (and other adjacent neighbors) are in conversation with them about their project, but I'd appreciate knowing from you the following:

- What is the status of their Use Permit application?
- What are the steps and approximate timeline until they are able to start demolishing the existing home and building a new one?
- What are their rights (e.g., placement of new home on parcel, setbacks, height, architectural style etc.)?
- What are our rights as neighbors?

Thank you so much for providing this information!

Victoria Eisen & David Wampler  
1516 McGee Avenue  
510-219-2991

**From:** [Tim Barber](#)  
**To:** [Schlepp, Victoria](#)  
**Cc:** [Victoria Eisen](#)  
**Subject:** 1627 Jaynes plan review  
**Date:** Wednesday, January 15, 2025 5:06:09 PM

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**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.

Dear Vicky,

Thank you for returning my call today. Sadly, I was on a Zoom and couldn't pick up. The homeowners adjacent to 1627 Jaynes Street met yesterday with the owner/applicant and her architect to try to understand the scale and impact of the proposed project. They had realized that the initial meetings with the owner left them with questions.

Most of those questions fall more under the category of, "Would you consider..." rather than what's allowed or required. We're writing them up and will give them to the applicant. We don't feel comfortable sharing those concerns with you until the applicant has had a chance to respond, but don't want that step to cause us to miss the boat in terms of ZAB, etc.

You are hearing from me because I am a friend of the neighbors and an architect, although the best representative of the group is Victoria Eisen (510-219-2991). I believe you both have already spoken, but just about process. I have put her in the cc – and hope that she can explain further if you have questions. We would appreciate it if you can answer the emailed questions below – or direct us to applicable code sections.

1. In this R2 zone, is there any requirement for the ability to divide/sublease a portion of the new construction to justify large square footage instead of merely 'mansionizing'?
2. Is Sogno's calculation for maximum height the correct protocol for North Berkeley? Is 35' the correct height limit?
3. Is Sogno's determination of 2-stories correct, justified by never having all 3 stories stacked vertically?
4. The existing house is one story, not two. When a 1-story building is demolished and replaced with a 2-story building – are there special setback or height limits?
5. When in the permitting process do story poles typically go up? Are they required?
6. The existing square footage is 1239 sq. ft., not 1475.8 sq. ft. Does this discrepancy matter?
7. Does a 7'-3" fire separation between the existing carport and the proposed home meet current code?
8. Is there a required distance between open raised decks and side property lines?
9. How are Shadow Studies evaluated? Is there any baseline for maximum negative impact on neighboring properties?
10. In this noteworthy district of small homes with varied details, textures, and materials - is there any requirement to prevent large flat stucco facades with

cheap windows and not detail. Is 'budgetary constraints' for a new home of this size justification for a large, very plain house?

11. Is there any minimum occupancy period required when a contributing home is demolished and replaced – to avoid speculative house-flipping? (fortunately, we believe that our owner intends to occupy the home).

Again, thank you for your time and expertise. We look forward to hearing from you.

My best,

**TIM BARBER**

AIA, NCARB, LEED AP | Principal

323 782 1000

[timbarberarchitects.com](http://timbarberarchitects.com)

**Schlepp, Victoria**

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**Subject:** FW: 1627 Jaynes proposed project

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**From:** Victoria Eisen <[victoria@eisenletunic.com](mailto:victoria@eisenletunic.com)>  
**Sent:** Wednesday, January 29, 2025 12:17 PM  
**To:** Schlepp, Victoria <[VSchlepp@berkeleyca.gov](mailto:VSchlepp@berkeleyca.gov)>  
**Subject:** Fwd: 1627 Jaynes proposed 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.

Hi Vicky,

Alvin (1625 Jaynes) just let me know that you had asked to see the list of concerns/ requests that we sent Shoana over the weekend. Please see the email below, including the paragraph at the beginning emphasizing that we don't expect her to do everything on the list, and a table laying out our ideas.

I'll let Shoana know that you have this now.

Thanks, Vicky!

Victoria  
510-219-2991

----- Forwarded message -----  
**From:** **Victoria Eisen** <[victoria@eisenletunic.com](mailto:victoria@eisenletunic.com)>  
**Date:** Sun, Jan 26, 2025 at 3:20 PM  
**Subject:** 1627 Jaynes proposed project  
**To:** Shoana Humphries <[shoana\\_h@hotmail.com](mailto:shoana_h@hotmail.com)>

Hi Shoana,

I hope you're feeling all better now!

We're finally ready to share with you what we've been discussing--see table below. It basically lays out our concerns, each with a corresponding request. Of course, no one is asking you to do all of these things; the list is meant to communicate our concerns and be the start of a brainstorming process so together we can come up with ways to address them in a way that allows you to build the new home you want.

**Neighbors' Concerns & Requests for 1627 Jaynes Demolition & Construction**

Concerns	Requests
Understanding the Project's Size & Location	

Anticipation: Difficulty imagining height, building edge locations, mass	Story poles
<b>Concerns &amp; Corresponding Requests About the Project</b>	
Sun loss (AM: 1625; PM: 1516)	Options include: - <b>Scale down</b> by reducing 2nd floor square footage or moving some 2nd floor uses to ground floor. - <b>Excavate</b> to bring down building heights relative to neighboring structures. - <b>Move entire bldg to rear of property.</b>
View loss (1625 to east; 1516 to west)	- <b>Move "front" uses to rear</b> so south-facing façade is in line with 1625 façade. - <b>Move some "front" uses to a separate bldg</b> at front of parcel so front section is 1-story.
Smaller side yard setbacks & bldg proximity to neighboring properties	<b>Pivot roofs</b> so peaks run N/S, which would move peak back from 1625 and 1516.
Style is neither 2-story craftsman (like 4 of 5 neighboring homes) or 1 story stucco, like the 4th neighboring home	<b>Scale down or use craftsman style</b> (e.g., shingles, eaves, symmetrical/aligned window placement, etc.)--see below
Stucco siding on west- and east-facing sides	<b>Use shingles or <a href="#">Hardie Plank</a></b> (whose corners can be mitered--see link)
<b>Windows:</b> - <b>Casements/trim</b> will be narrow on west- and east-facing sides. - <b>Placement</b> (i.e., not aligned and asymmetrical on sides)	- <b>Wide, traditional-style wood window casings</b> - <b>Align windows</b> on east- and west-facing elevations
Smaller side yard setbacks mean house is closer to neighbors, while being much taller than what's there now	<b>Plant mature trees or shrubs</b> to screen view of east-facing façade from 1516.
<b>Concerns about Construction Process</b>	
Construction impacts (e.g., dirt, dust, water on 1625, 1516, 1514)	<b>Barriers</b> such as "green screen" that will protect neighboring properties

1625: 1625 Jaynes (Alvin) | 1516: 1516 McGee (Wamplers) | 1514: 1514 McGee (Roger)

After you've had a chance to consider these requests, we'd like to meet with you again. Unfortunately, I just had to schedule a trip to Portland this Wednesday to move my mom into memory care, but I should be back sometime next week.

Please let me know if you have any questions, and if/when you'd like to meet with us next.

Thanks, Shoana!

Victoria  
 510-219-2991

**Schlepp, Victoria**

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**Subject:** FW: 1627 Jaynes Street: UP #ZP2024-0129

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**From:** The Browns <[browncat1515@gmail.com](mailto:browncat1515@gmail.com)>  
**Sent:** Saturday, April 12, 2025 1:49 PM  
**To:** Zoning Adjustments Board (ZAB) <[Planningzab@berkeleyca.gov](mailto:Planningzab@berkeleyca.gov)>  
**Subject:** 1627 Jaynes Street: UP #ZP2024-0129

**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.

Dear ZAB: we, the owners and residents of 1515 McGee Avenue, received a Notice of Public Hearing for the proposed project at 1627 Jaynes. We notice that the proposed height is 27 1/2 feet, which is high for this neighborhood. We also notice from the application materials that the new residence will be located closer to the street. We believe our view of downtown San Francisco (including Treasure Island, Salesforce Tower, Sutro Tower, and Transamerica Tower) will be significantly affected. **Could we request story poles to show the maximum height of the house, from front to back?** ZAB, architect and owners are invited to our house to take a look at our view. Unfortunately we are out of the country from April 22 to May 3 otherwise we would attend the hearing to register our concern. This is the first communication we have had regarding this project, and we would like this email to become part of the public record. Sincerely,

*Jeffrey and Cathleen Brown*  
1515 McGee Avenue  
Berkeley, CA 94703  
510-703-0083 (Cathy's cell)  
[browncat1515@gmail.com](mailto:browncat1515@gmail.com)