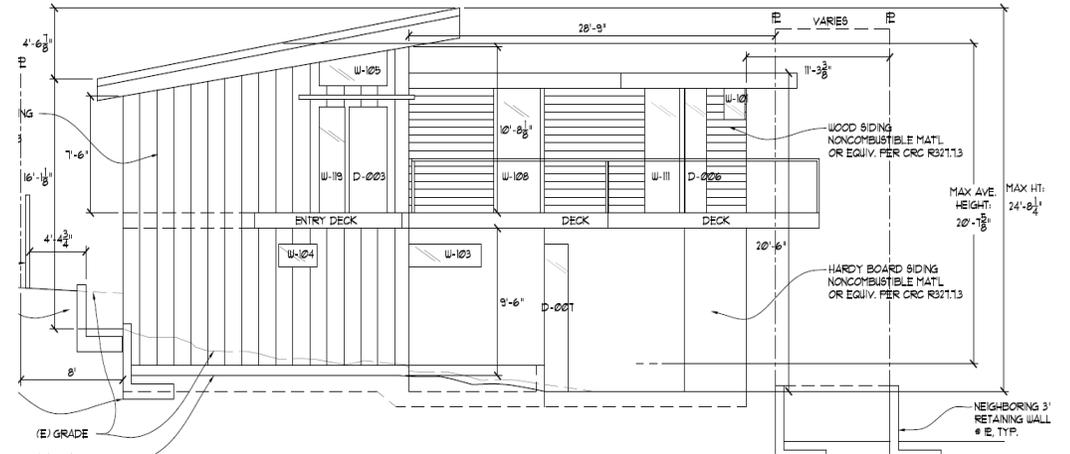


1048 Keith Avenue

Use Permit #ZP2024-0014

To demolish a 2,760 square-foot single family dwelling and construct a two-story (25 feet tall), 3,600 square-foot single family dwelling.



Proposed Front Elevation (North)

Review History

January 11, 2024

Application submitted

February 29, 2024

Application deemed complete

September 26, 2024

ZAB hearing continued to October 10, 2024

October 10, 2024

Project continued to a date uncertain

October 15, 2024

Applicant submitted a revised survey

January 9, 2025

Approved by ZAB

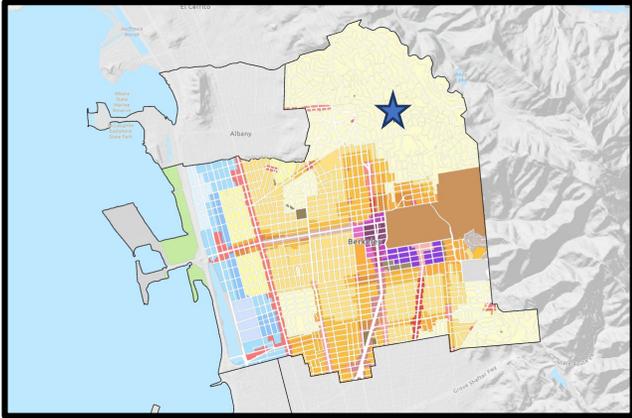
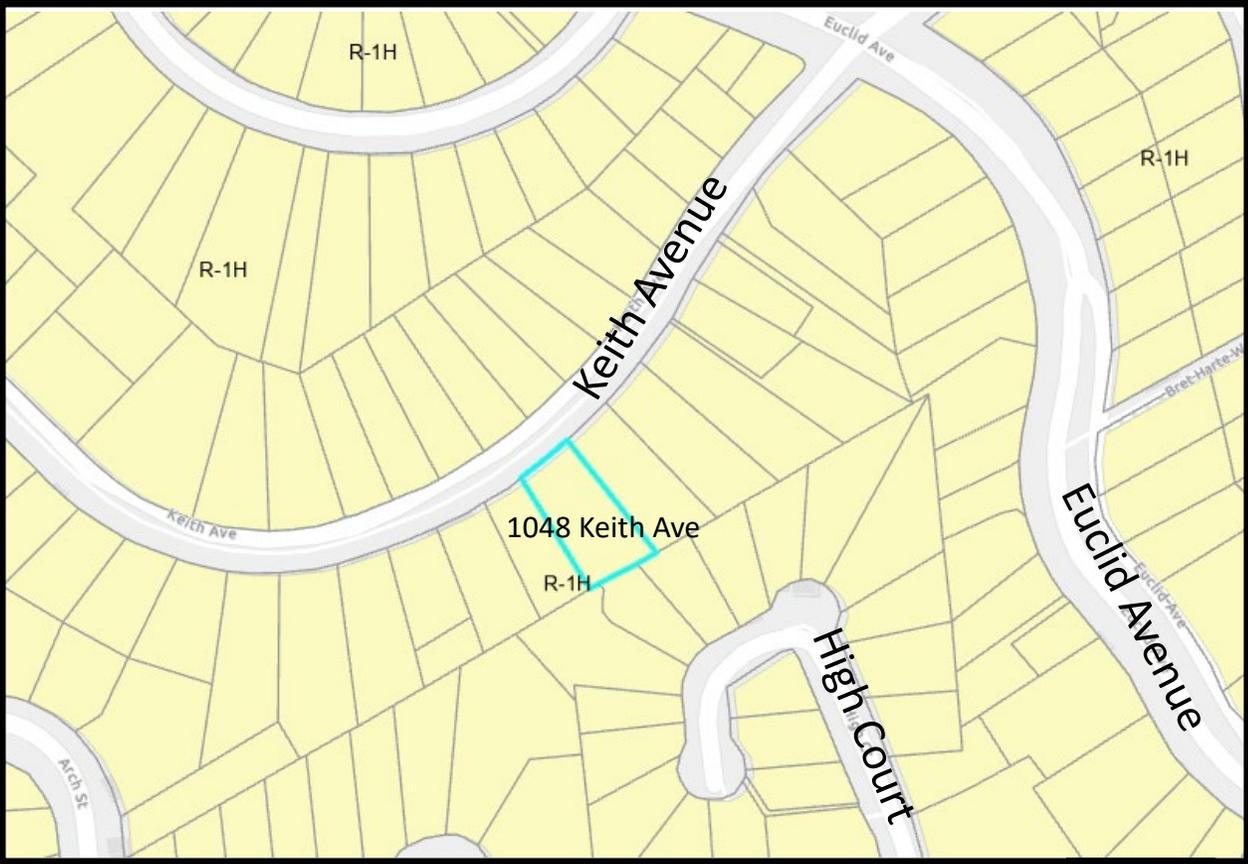
January 25, 2025

Appeal received

May 6, 2025

Council Hearing

Project Location



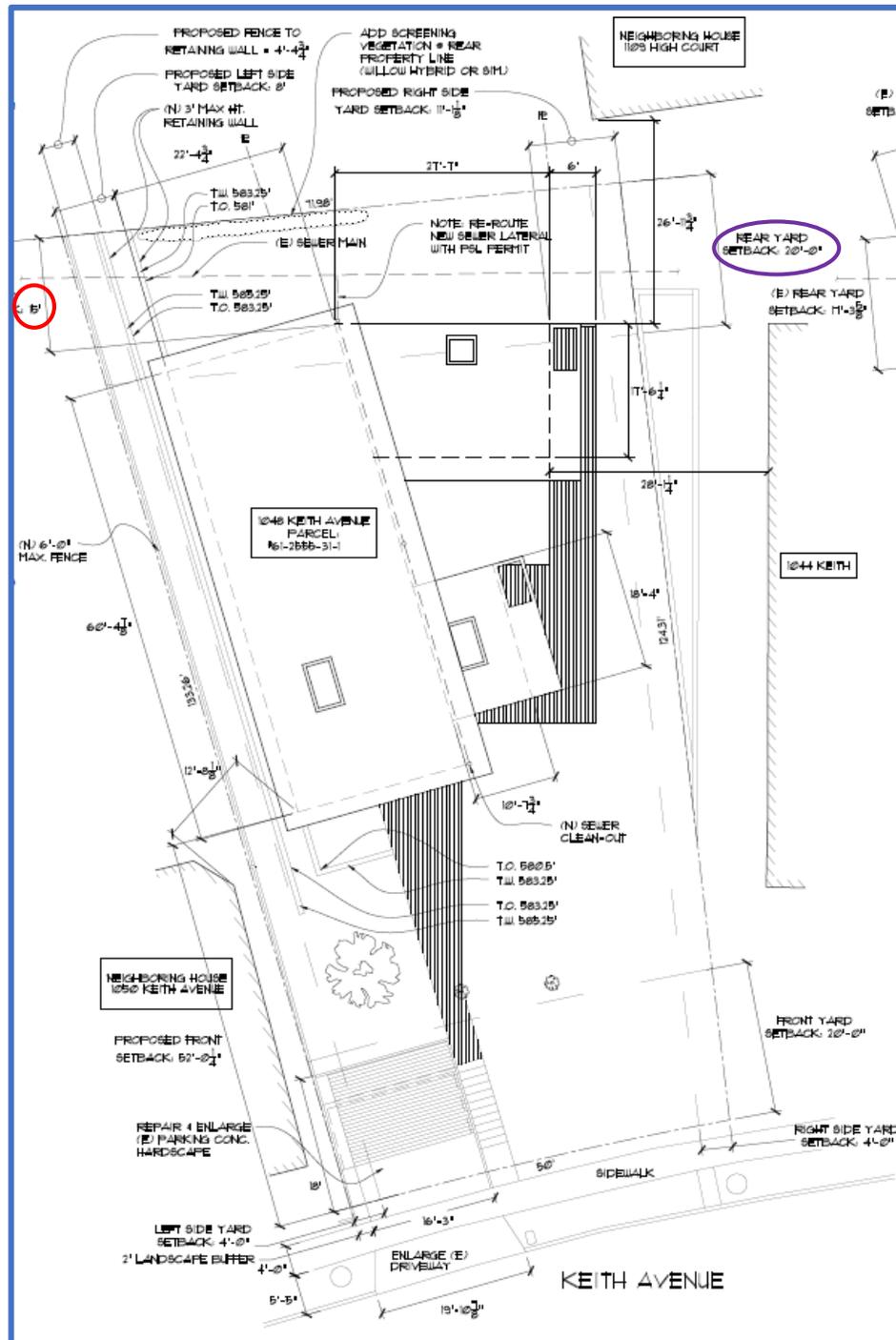
Legend:

 R-1H: Single-Family Residential District within Hillside Overlay



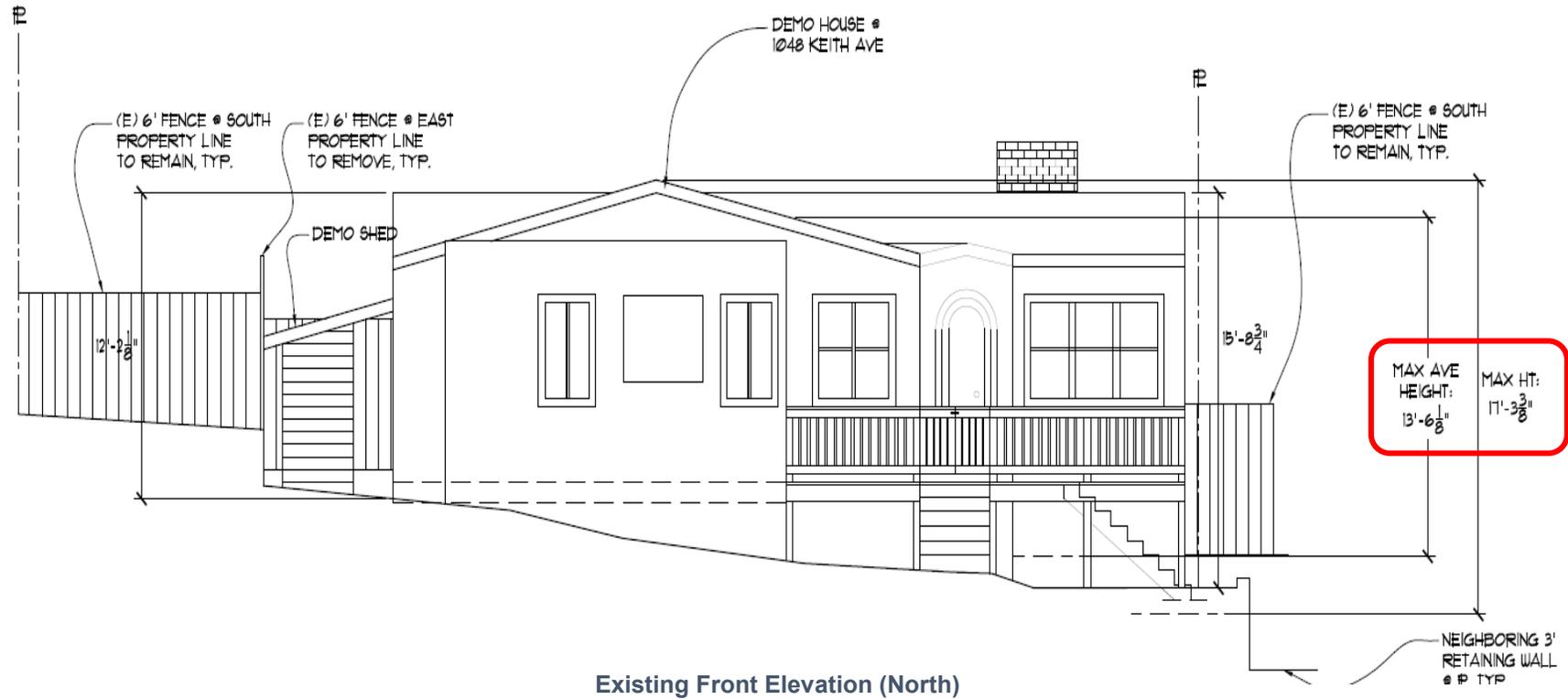
Site Plan

Proposed Rear Setback 15 feet

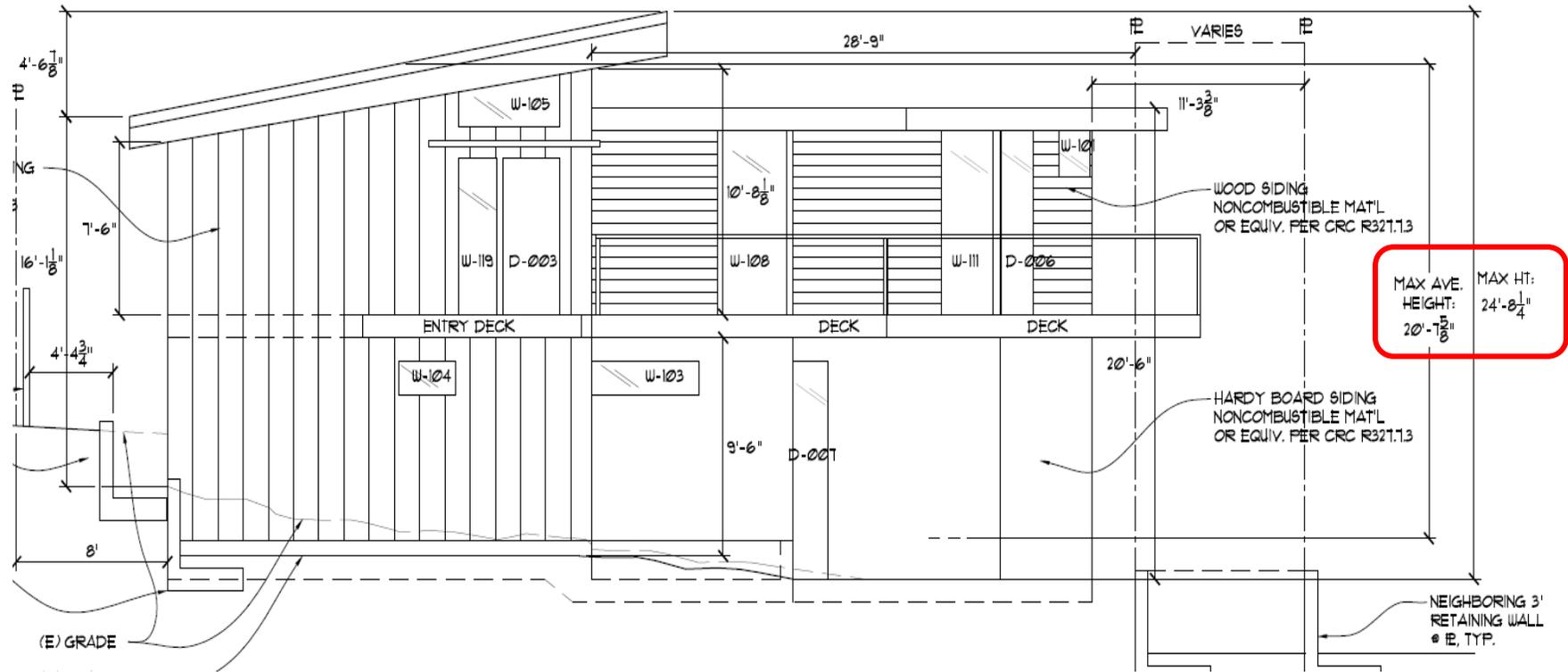


Required Rear Setback – 20 feet

Existing Elevation

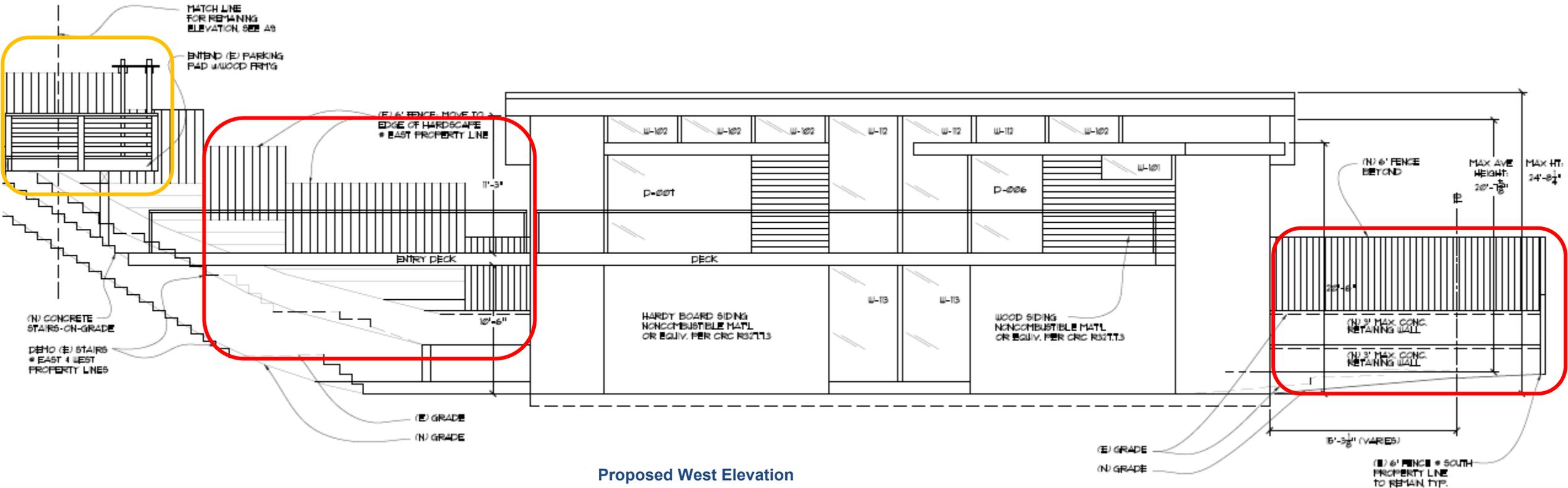


Proposed Elevation



Proposed Front Elevation (North)

Proposed Project



Proposed West Elevation

Appeal Issue 1: Inaccurate Survey

Appellants: Claim the proposed project encroaches into their property and that the survey is inaccurate.

Staff: Proposed project does not alter or modify existing lot lines, and staff finds no evidence to support the appellants' claim of encroachment or inaccuracies.

BOUNDARY NOTE:

THIS PROPERTY BOUNDARY SHOWN IS BASED ON THE SURVEY MONUMENTS AS DETAILED HEREON. THESE THREE MONUMENTS FIT TOGETHER WITHIN AN INCH. DUE TO HISTORIC LAND MOTION IN THIS AREA, BOUNDARIES DETERMINED FROM MONUMENTS FURTHER AWAY, OR FROM THE ADJACENT SUBDIVISION TO THE SOUTH, MAY NOT AGREE.

REVISIONS:

OCT 10, 2024 ADD BASIS OF BEARINGS,
CHANGE BOUNDARY NOTE.

Appeal Issue 2: Impact on Neighboring Properties

Appellants: Claim the proposed project creates a lot line adjustment, which would shift property lines across multiple adjacent properties creating legal and logistical complications.

Staff: Proposed project does not include a lot line adjustment. Property boundaries were verified to remain unchanged. The proposed single-family dwelling complies with established setbacks of the R-1H Zoning District, except for the allowable encroachment into the rear setback.

Appeal Issue 3: Request for Broader Survey

Appellants: Assert that a broader survey of surrounding properties is necessary to ensure equitable lot line adjustments

Staff: The project has been evaluated for its compatibility with neighboring properties and its overall impact on the community. The scope of review does not extend to assessing adjacent properties, as each development is considered independently.

Appeal Issue 4: Procedural Concern

Appellants: Claim the ZAB Decision lacked consideration for neighbor concerns.

Staff: The ZAB held two public hearings and determined the project to be consistent with the public health, safety, peace, morals, comfort, and general welfare of the surrounding neighborhood. The project was found to balance reasonable development with maintaining the character of area.

Appeal Issue 5: Infrastructure and Utility Concerns

Appellants: Claims that the proposed project relocates structures over existing sewer and storm drainage systems for 1050 Keith Avenue, without providing a relocation plan in the project documents.

Staff: Staff found no recorded sewer or storm drain easements, and found no such easements affecting the property and no infrastructure conflicts related to sewer or storm drainage systems. Additionally, standard conditions of approval require immediate notification if underground utilities are damaged or uncovered.

Appeal Issue 6: Disputed Property Boundaries and Request

Appellants: Allege the application demolished structures on disputed property and request the City to adjust property boundaries based on deeded square footage.

Staff: The City of Berkeley does not have jurisdiction over property line disputes, as these are private civil matters between property owners. Adjustments of lot lines falls outside the scope of this project proposal.

Recommendation

- **Conduct a Public Hearing**
- **Adopt a resolution**
 - **Affirming the ZAB decision to approve the Use Permit, and the Findings and Conditions, and dismiss the appeal.**
- **Alternative Actions:**
 - **Continue the Public Hearing**
 - **Reverse or modify the ZAB's decision**
 - **Remand the matter to the ZAB**