INDEX TO ADMINISTRATIVE RECORD

1048 KEITH AVENUE

USE PERMIT #ZP2023-0014

Prepared: April 11, 2025

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ZONING ADJUSTMENTS BOARD
MEMORANDUM

FOR BOARD ACTION
September 26, 2024

1048 Keith Avenue –

Use Permit #ZP2024-0014 to demolish an existing 2,760 square-foot single-family residence and construct a two-story (approximately 25 feet), 3,600 square-foot single-family dwelling unit within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback.

Request for Continuance

On September 12, 2024, a public hearing notice was published and mailed to surrounding neighbors for the above-referenced project to be heard at the September 26, 2024 Zoning Adjustments Board hearing. After publication of the public hearing notice, staff, in coordination with the applicant, requested additional project details required to support the findings. Staff is requesting that the project be continued to October 10, 2024, to allow more time for the applicant to provide the required information.

ZONING ADJUSTMENTS BOARD
MEMORANDUM

FOR BOARD ACTION
October 10, 2024

1048 Keith Avenue

Use Permit #ZP2024-0014 to demolish an existing 2,760 square-foot single-family residence and construct a two-story (approximately 25 feet), 3,600 square-foot single-family dwelling unit within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback.

Request for Continuance

On September 12, 2024, a public hearing notice was published and mailed to surrounding neighbors for the above-referenced project to be heard at the September 26, 2024 Zoning Adjustments Board (ZAB) hearing. After publication, staff requested a revised survey and additional project details required to support the findings for approval from the applicant, and requested that ZAB continue the project to the next available hearing on October 10, 2024.

At their September 26, 2024 hearing, ZAB voted to continue the project to October 10, 2024.

Staff did not receive the required information needed to fully evaluate the project for compliance with the findings for approval in time for the new hearing date. Therefore, staff requests that the project be continued to a date uncertain, to allow more time for the applicant to provide the required information and for staff review.

ZONING ADJUSTMENTS BOARD

STAFF REPORT

FOR BOARD ACTION
JANUARY 9, 2025

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 within the rear setback and parking pad in the front setback.

I. Background

A. Land Use Designations:

- General Plan: Low Density Residential (LDR)
- Zoning District: Single-Family Residential – Hillside Overlay (R-1H) District

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a dwelling unit
- Use Permit, pursuant to BMC Section 23.202.020(B) to construct a single-family dwelling unit
- Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks in the Hillside Overlay Zone
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to allow unenclosed off-street parking within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(B) to construct an unenclosed structure (trellis) within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.080(A), to construct a fence more than 6 ft in height on the lot line

C. CEQA Recommendation:

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

Regulations, Section15000, et seq.) pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures").

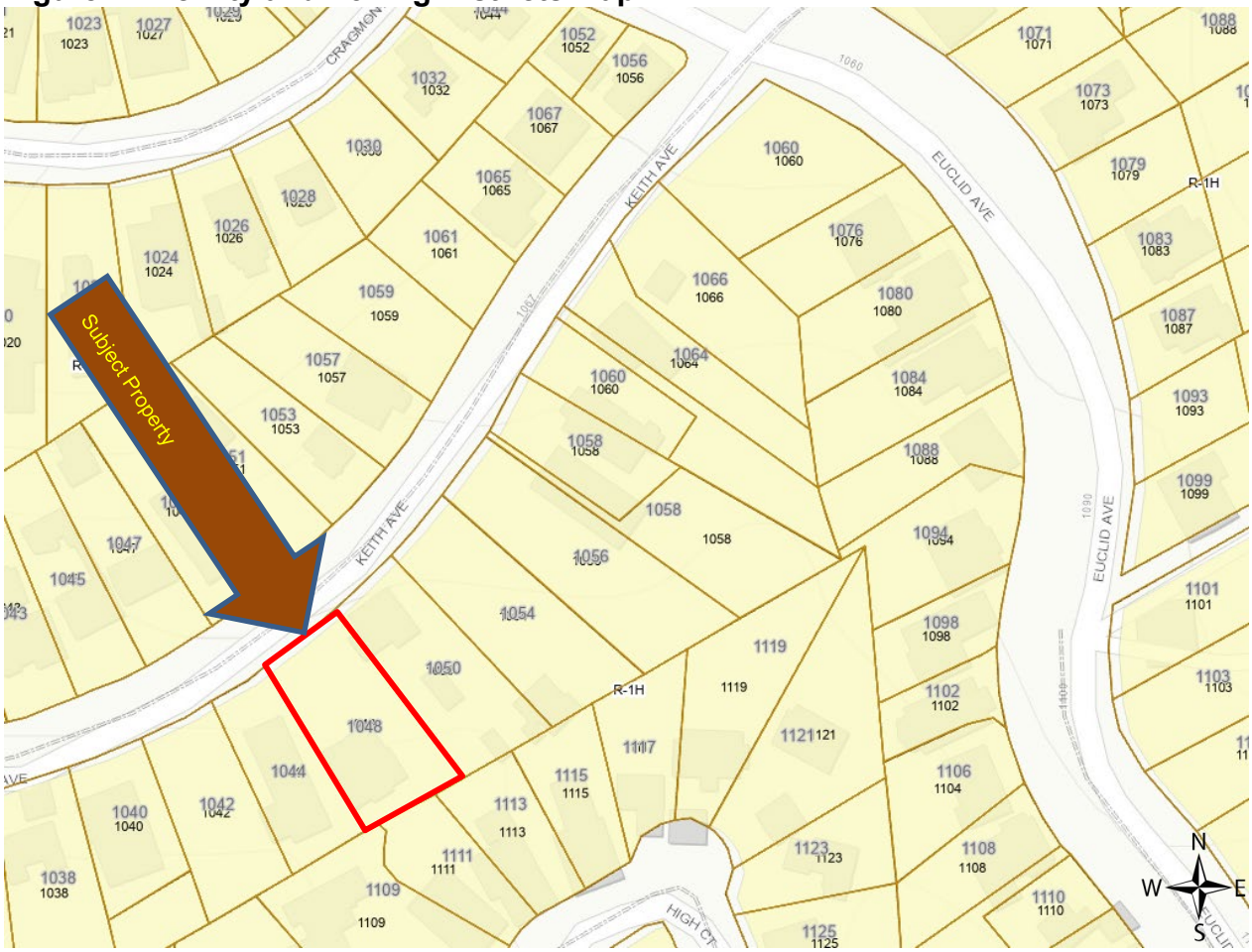
D. Project Recommendation:

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

E. Parties Involved:

- Applicant/Property Owner: Lindsay Newman, 1048 Keith Avenue, Berkeley, CA, 94708

Figure 1: Vicinity and Zoning Districts Map



R-1H = Single-Family Residential – Hillside Overlay (R-1H) District

Figure 2: Site Plan

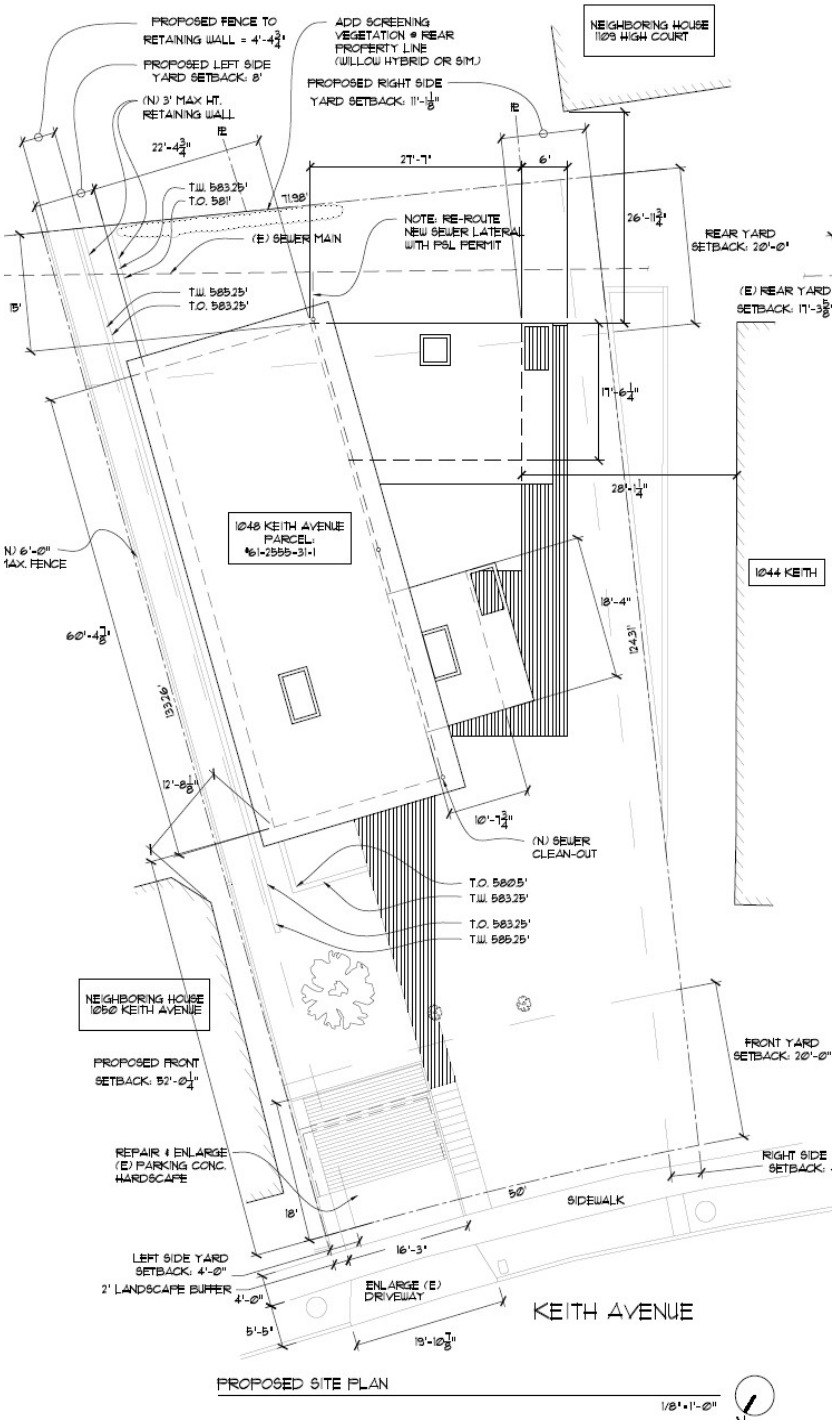
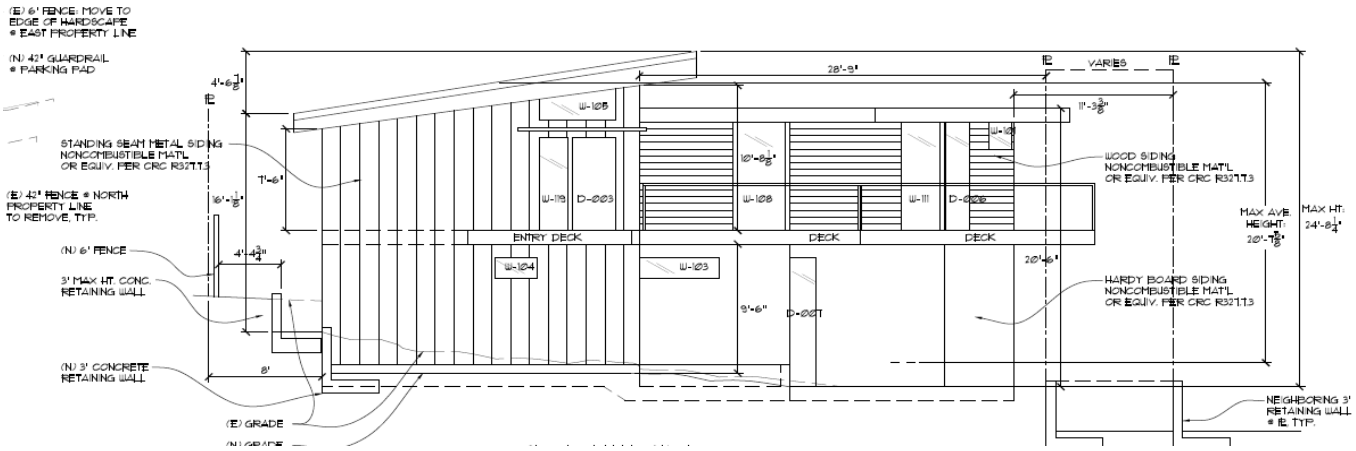
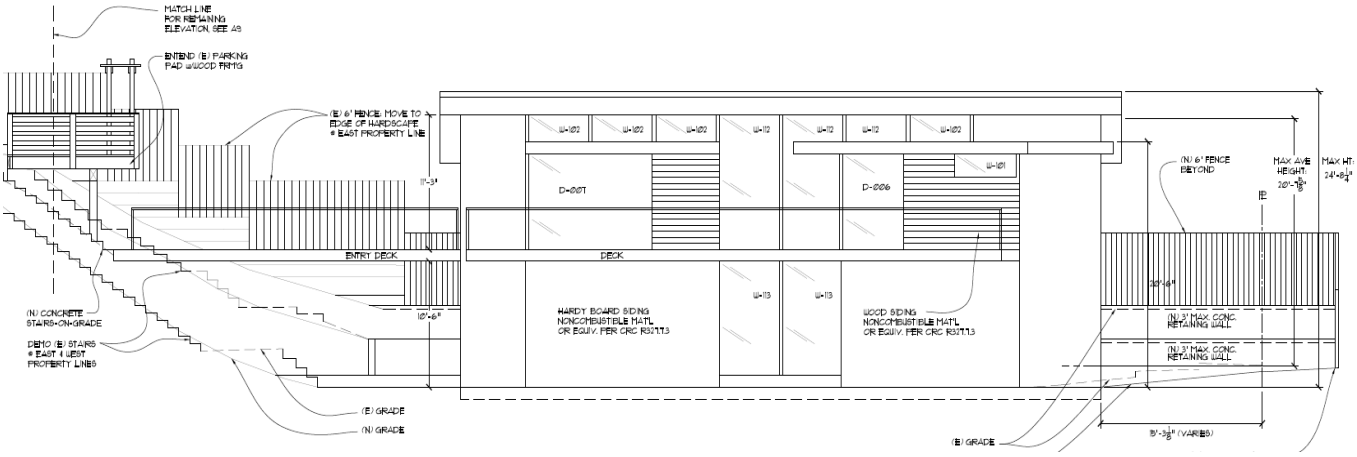


Figure 3: Elevations



Proposed Front (North) Elevation



Proposed Side (West) Elevation

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Single Family Residences	Single-Family Residential – Hillside Overlay District (R-1H)	Low Density Residential (LDR)
Surrounding Properties	North			
	South			
	East			
	West			

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Housing Fee for qualifying non-residential projects (Resolution 66,617-N.S.)	No	These fees apply to projects with net new non-residential floor area over 7,500 square feet. The project only proposes new residential floor area; therefore, these requirements do not apply.
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The proposed project is a housing development project, as defined in BMC 23.328.020(E),[6] would provide less than 5,000 square feet of residential unit floor area, and is not part of a larger housing development project. Therefore, this project is exempt from the inclusionary housing provisions.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (*Quercus agrifolia*) 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 does not utilize a density bonus.
Historic Resources	No	The project would demolish an existing residential building that is greater than 40 years old. An historic resource evaluation was prepared by Mark Hulbert on January 5, 2021 and was revised on April 10, 2024, which concludes that this property is not eligible for listing in the California Register of Historic Resources.
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) [b.] The project proposes to construct one dwelling; therefore, the Housing Accountability Act does not apply.
Housing Crisis Act of 2019 (SB 330)	No	The project proposes only one dwelling unit and is not considered a "housing development project"[7]; therefore SB 330 does not apply.

Characteristic	Applicability	Explanation
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 not located in an RPP zone. Should an RPP zone be established in the future, the project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in a newly constructed residential unit.
Seismic Hazards (SHMA)	Yes	The site is located within an area susceptible to liquefaction, Fault Rupture, or Landslides as shown on the State Seismic Hazard Zones map[8]. A geotechnical report prepared by Rutherford + Keene (October 30, 2017) was submitted by the applicant, however, the project is exempt from this requirement because it includes the construction of one, two-story, single-family dwelling unit.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List [9], nor is it within the City's Environmental Management Area.
Transit	Yes	The project area is served by AC Transit line 65. There is an existing bus stop within 0.2 miles to the east near the intersection of Keith Avenue and Euclid, serving AC Transit line 65.

Notes:
a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.
b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.
c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/
d. The Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.

Table 3: Project Chronology

Date	Action
January 11, 2024	Use Permit Application submitted
February 8, 2024	Application deemed incomplete
February 15, 2024	Application resubmitted
February 27, 2024	Application deemed incomplete
February 27, 2024	Application resubmitted
February 29, 2024	Application deemed complete

Date	Action
March 22, 2024	Application Processing letter issued
April 29, 2024	Application resubmitted
May 23, 2024	Application Processing letter issued
June 27, 2024	Application resubmitted
June 27, 2024	Application Processing letter issued
June 27, 2024	Application resubmitted
July 10, 2024	Complete Application Processing letter issued
August 12, 2024	Revised application materials resubmitted.
September 12, 2024	Public hearing notices mailed/posted
September 26, 2024	ZAB hearing – project continued to October 10, 2024
October 10, 2024	ZAB hearing - project continued to date uncertain
October 15, 2024	Revised final survey dated October 10, 2024 received
December 18, 2024	Public hearing notices mailed/posted
January 9, 2025	ZAB hearing

Table 4: R-1H Development Standards BMC Sections 23.202.050 and 23.210.020, and 23.322 Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		7,800	7,800	5,000 min
Dwelling Units	Total	1	1	1 max
Building Height (ft. - in.)	Average	13'-6"	20'-8"	28' max
	Maximum	17' - 3"	24'-8"	35' max
	Stories	1	2	3 max
Building Setbacks (ft. - in.)	Front (Keith Avenue)	50'-0"	52'-0"	20' min
	Rear	17'-4"	15'-0"	20' min
	Left Side	13'-8"	8'-0"	4' min
	Right Side	0'-10"	11'-1"	4' min
Lot Coverage (%)		18%	29%	40% max
Usable Open Space (sq. ft.)		6,378	5,753	400 sq. ft. min (400 sq. ft. per dwelling unit)
Parking	Automobile	1	2	1 min (for roadway width less than 26 ft.)

II. Project Setting

A. Neighborhood/Area Description:

The project site is located in the northern area of the Berkeley hills in the R-1H, Single-Family Residential – Hillside Overlay District. The area is characterized by a residential development pattern of one- to three-story single-family dwellings. Lots in the neighborhood are generally rectangular with some irregularities due to existing slopes and curved roadways. The neighborhood hills generally slope downward from the northeast to the southwest and provide west facing views of the San Francisco Bay.

B. Site Conditions:

The 7,800 square-foot lot is rectangular-shaped, located on the south side of the street, and oriented in a northwest and southeast direction. The lot slopes downward by 20 ft. from Keith Avenue to a level section towards the middle and rear portions of the property where the front of the lot is set at a higher elevation. The lot has 50-feet of frontage along Keith Avenue, is approximately 128 feet deep, and developed with a one-story 2,760 square-foot residence. Existing vegetation on the lot includes various trees such as Plum, Red Fir, Loquat, and Yucca, as well as dense shrubbery. There are no, nor has there recently been, protected Coast Live oak trees on this project site.

III. Project Description

A. Proposed Project Details: The proposed project would demolish the one-story 2,760 square-foot residence built in 1924 and construct a two-story 3,600 residence in its place. The new residence would include five bedrooms including an office, a recreation room, first and second story decks along the southern face of the residence. In addition, the project would include two new parking spaces that would encroach into the northern front setback, and fence and retaining walls along the eastern property line that are in the required side setback.

IV. Community Discussion

A. Neighbor/Community Concerns:

Prior to application submittal, a pre-application poster was installed on site by the applicant in January 2024. On September 12, 2024 the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices at nearby three locations within the neighborhood on these dates. Prior to the first hearing on September 26, a neighbor raised questions about the surveyed lot lines.

During the September 26 hearing, neighbors raised concerns about the impact of landslides on property boundaries, boundary disputes, landslide impacting shifting property lines, and questioned the accuracy of the site survey dated November 16, 2020. As a result, staff recommended that the project be continued to October 10. The project

was continued a second time to a date uncertain to allow the applicant time to obtain a revised survey for staff review.

On December 18, 2024, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations for the hearing on January 9, 2024. At the time of writing this report, staff has received nine letters opposing the project, stating concerns regarding project impacts related to views, privacy, and the location of property lines (Attachment 4).

B. Landmark Preservation Commission / Design Review Committee Review:

The project is not subject to review by the Landmarks Preservation Commission because it does not propose the demolition of a nonresidential building. The project is not subject to review by the Design Review Committee because it is located in a residential district that is not subject to design review, or in a commercial or manufacturing district.

V. Issues and Analysis

A. CEQA Approach and Recommendation

It is staff's recommendation that the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures"). The proposed project is consistent with the example projects listed under this categorical exemption and is below the size threshold. In addition, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project:

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

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

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

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

historical resource.

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

B. Site Survey

The original site survey prepared and stamped by Moran Engineering and dated November 16, 2020 contains a note indicating that the exact location of the property boundaries shown on the survey could vary up to five feet, due to significant historic land motion in the area.[4] Due to the uncertainty of the property boundary locations on the survey, staff was unable to review the project for compliance with district development standards. Staff requested that the survey be revised and the boundary lines confirmed.

The applicant submitted a revised survey prepared by Moran Engineering, dated October 10, 2024, that confirmed the accuracy of property boundaries to within an inch, based on three site survey monuments.[5] (See Attachment 2, Project Plans, Sheet A13.) The Public Works Department and Building and Safety Division reviewed the revised survey and confirmed that it meets surveying standards. Staff reviewed the project design with the revised survey and determined the project is in compliance with applicable development standards.

C. General Non-Detriment Finding:

BMC Section 23.406.040(E) "Findings for Approval" establishes that before the ZAB approves an application for a Use Permit, it must find that the project 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.

Staff recommends that the ZAB find that these potential impacts are not detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood, for the reasons outlined below.

1. Shadows: Shadow studies submitted by the applicant documented sun angles at different times throughout the day during the summer and winter solstice. The studies indicate that new shadows would affect the following property:
   - 1044 Keith Avenue (west of the project site): New shadows would be cast two hours after sunrise during the summer solstice onto the windows of two of the

[4] The Boundary Note on the original survey reads: "Due to significant land motion in this area, it is not possible to establish the property boundary with certainty. The boundary shown could vary based on the consideration of alternate survey reference points. This variance is very likely on the order of 5.0 feet or more in magnitude."

[5] The Boundary Note on the October 10,2024 revised survey reads: "This property boundary shown is based on the survey monuments as detailed hereon. These three monuments fit together within an inch"

bedrooms and bathrooms, kitchen, and living room (Attachment 2, Project Plans, Sheet A17).

Although the project would create new shadows on neighboring residences, the projected impacts would only occur during certain times of the day and limited times of the year. The shadow impacts from the project on adjacent residential uses would be reasonable and not detrimental.

2. Air: The construction of the new residence would be consistent with the existing development pattern and building-to-building separation (air criterion) in this R-1H zoned neighborhood. The proposed residence complies with the 20-foot front setback and 5-foot side setbacks. However, the rear building wall would encroach 5 feet into the required 20-foot rear setback. This encroachment is proposed to position the residence on the flatter portion of the lot, accommodating site conditions while maintaining appropriate separation from neighboring residences.

3. Privacy: The proposed residence would result in reduced setbacks from the rear property line, and complies with the other required minimum setbacks. A rear primary bedroom with an attached deck and new windows and doors openings is proposed on the second story. The second-story deck and openings would not result in privacy concerns onto the abutting properties. The resident at the adjacent property to the south (1111 High Court), has expressed privacy concerns to the applicant. In response, the applicant has proposed improvements to address these concerns, including the installation of a fence that measures over 6 feet tall along the eastern and southern lot lines, as well as the planting of screening trees along the southeastern portion of the property to screen views (Attachment 2, Project Plans, Sheet A1). Staff believes the proposed dwelling would not be detrimental regarding privacy.
4. Views: The proposed project would not result in obstruction of a View Corridor [6] as defined in BMC Section 23.502 (Glossary). As described above under Project Settings, the neighborhood hills generally slope downwards from the northeast to the southwest and provide primary views westward towards the San Francisco Bay. However, the view to the San Francisco Bay in this location is partially obstructed by existing structures and mature trees.
   The proposed two-story residence would replace the existing one-story residence. The overall height would increase by eight feet. Story poles installed in August 2024, revealed that the views of the San Francisco Bay from at least one residence,1050 Keith Avenue, may be marginally diminished due to the height and width of the proposed two-story residence. Therefore, the proposed dwelling would not result in a significant impact to views in the area.
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

[6] *View Corridor.* A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.

property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

D. Demolition of Residential Unit

Per BMC Section 23.326.030(B), the ZAB approves a Use Permit to eliminate or demolish one or more Residential Units, upon finding that the demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units.

The proposed project would replace an existing dwelling unit with a newly constructed dwelling unit. The Rent Stabilization Board confirmed that the existing residence has not been removed from the rental market under the Ellis Act in the past five years and there is no evidence of harassment or any threatened or actual illegal eviction over the past three years. Furthermore, the dwelling proposed for demolition was vacated in July of 2024, and is not subject to tenant relocation provisions under BMC Chapter 23.326, as it does not involve the displacement of any tenants.

E. Off-Street Parking Space in Front Setback

Per BMC Section 23.322.080(E)(2), to approve an AUP for unenclosed parking in the front setback, ZAB must find that the space meets all applicable requirements in this section.

The proposed project would enlarge the 12-foot wide driveway and construct a 16 ¼ foot wide by 18-foot long concrete parking pad within the required front setback, in order to minimize additional site grading. A 2-foot-wide by 18-foot long landscaped buffer would be included to provide visual screening. In addition, nearby residences along the southern frontages off Keith Avenue also have off-street parking within in the front setback due to restrictive site conditions. After review of the proposed parking, the City's Traffic Engineer determined that the proposed parking pad, driveway approach, and increased curb cut do not present any traffic engineering concerns. The proposed parking location would meet all parking layout and design requirements in BMC Section 23.322.080.

F. Reduced rear building setback in the H Overlay Zone

Per BMC Section 23.210.020(C)(4), the minimum required main building lot line setbacks in the underlying base district can be reduced upon finding that the reduction is consistent with BMC 23.210.020(A), Purpose of the Hillside Overlay.

The purpose of the Hillside Overlay district is to:

- Implement General Plan policies for hillside development;
- Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
- Protect the character of Berkeley's hillside areas and their immediate environs;

- Give reasonable protection to views yet allow appropriate development of all property;
- Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.

The project proposes to construct a two-story residential structure that would encroach 5 feet into the required 20-foot required rear setback. The site has an irregular shape and features a 20 ft. drop from the street elevation to a level area. These site characteristics limit the building and off-street parking placement. The proposed residence is sited on the relatively flat area of the site, while the parking pad is located within the front setback, at the street, eliminating the need for a steep driveway and associated costs. The project design otherwise maintains setback and height requirements by limiting the height to 23.5 feet, below the 35-foot maximum and is consistent with the aesthetic and character of the Berkeley hillside area.

G. Unenclosed Accessory Structures Within A Required Lot Line Setback

Per BMC Section 23.304.070 (B), unenclosed accessory structures require an AUP if placed on the ground within a required setback.

The project proposes the installation of a new 8-foot-tall unenclosed entry trellis located on the southern end of the proposed parking pad within the required 20-foot front setback (Attachment 2, Project Plans, Sheet A8). The trellis is designed to serve as a privacy screen for the main residence, shielding the main residence from public view. Additionally, the entry trellis also provides for an access to the entry deck to access the residence from the front or northern side of the property. Its open design, scale, and wood materials align with nearby residences, ensuring compatibility with the neighborhood character.

H. Fences more than 6 ft in height and On the Lot Line

Per BMC Section 23.304.080(A), an AUP is required for fences more than 6 ft in height and on lot line or within required lot line setbacks for main building.

The project proposes a 12-foot fence along the eastern lot line, consisting of a 6-foot wood fence atop two 3-foot staggered concrete retaining walls – measuring 6 feet, that would be used for privacy screening for the main residence and the adjacent property at 1050 Keith Avenue (Figure 3). The wood fence and concrete retaining walls would not contain barbed or razor wire, sharp or jagged glass, sharp or jagged metal components, or similar hazardous materials, adhering to the construction material restrictions in BMC Section 23.304.080(C).

VI. Other Considerations (Zoning and Land Use Considerations)

A. General Plan Consistency:

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

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-33 Sustainable Design:** Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed residence was designed to be architecturally compatible with the neighboring residences by maintaining a similar ridge height and massing with neighboring two-story residences. Additionally, the design includes Hardie board exterior siding similar to the neighboring residences. It is consistent with development standards of the Hillside Overlay Zone and the R-1H Single-Family Residential zoning district. The project would not cause substantial air, sunlight, or privacy issues for the adjacent properties, and it would be compatible with the General Plan policy to encourage housing production in the city.

VII. Recommendation

The project is consistent with the Zoning Ordinance and General Plan, and will have 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 #ZP2024-0014 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received December 9, 2024
3. Revised Site Survey, dated October 10, 2024
4. Neighbor Correspondences

5. Notice of Public Hearing

Staff Planner: Waqar Shah, wshah@berkeleyca.gov, (510) 981-7469

ATTACHMENT (1)

FINDINGS AND CONDITIONS

JANUARY 9, 2025

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 within the rear setback and parking pad in the front setback.

ZONING PERMITS REQUIRED

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a 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 23.210.020(C)(4), to reduce the building setbacks in the Hillside Overlay Zone
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to allow unenclosed off-street parking within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(C)(1) to construct an unenclosed structure (trellis) within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.080(A), to construct a fence more than 6 ft in height on lot line

I. CEQA FINDINGS

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

II. FINDINGS FOR APPROVAL

A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City for the reasons outlined below:

1. Shadows: Shadow studies submitted by the applicant documented sun angles at different times throughout the day, and during the summer and winter solstice. Although the project will create new shadows on neighboring residences, the projected impacts will only occur during certain times of the day at certain times of the year. Thus, the shadow impacts from the project on adjacent residences will be reasonable and not detrimental;
2. Air: The construction of the new residence will be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H zoned neighborhood. The new residence's rear building wall that encroaches into the required 20-foot rear setback is sited on the flatter portion of the lot to suit the site conditions while maintaining appropriate separation and air with neighboring residences;
3. Privacy: A rear primary bedroom with new window, door openings and a deck are proposed on the second story. The second-story rear deck and openings will not result in privacy concerns with any neighboring residences. In addition, to mitigate any potential privacy concerns, the project will incorporate fencing along the eastern, western, and southern lot lines and screening trees along the southeastern portion of the property, ensuring adequate visual separation from neighboring properties. Thus, the proposed project will not be detrimental regarding privacy;
4. Views: The proposed two-story residence will replace the existing one-story residence. The overall height will increase by eight feet. Although, the proposed residence will contribute to an already diminished view of the San Francisco Bay it will not completely obstruct it. Therefore, the proposed dwelling will not result in a significant impact to views in the area;
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.

B. Pursuant to BMC Section 23.304.070 (B), unenclosed accessory structures require an AUP if placed on the ground within a required setback.

1. The project proposes installing a new 8-foot-tall unenclosed entry trellis strategically located on the southern end of the proposed parking pad within the required 20-foot front setback.
2. The trellis will be used as a provide access to the entry deck to the front of the proposed residence south of Keith Avenue and will be used as a privacy screen and will provide access to the entry deck to access the residence from the northern side of the property.
3. Its open design, scale, and use of wood materials align with nearby residences, ensuring compatibility with the neighborhood character, as well as minimizes potential impacts within its location of the required front setback.

C. Pursuant to BMC Section 23.304.080(A), an AUP is required for fences more than 6 ft in height and on lot line or within required lot line setbacks for main building.

1. The project proposes a 12-foot fence along the eastern lot line, consisting of a 6-foot wood fence atop two 3-foot staggered concrete retaining walls – measuring 6 feet, that will be used for privacy screening for the main residence and the adjacent property at 1050 Keith Avenue.
   The wood fence and concrete retaining walls will not contain barbed or razor wire, sharp or jagged glass, sharp or jagged metal components, or similar hazardous materials, adhering to the construction material restrictions in BMC Section 23.304.080(C).

III. OTHER FINDINGS FOR APPROVAL

D. Pursuant to BMC Section 23.326.030(B), the Zoning Adjustments Board (ZAB) may approve a Use Permit to eliminate or demolish a dwelling unit only upon finding that eliminating the dwelling unit will not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley.

1. The proposed project will replace an existing dwelling unit with a newly constructed dwelling unit.
2. The Rent Stabilization Board had reviewed that the existing residence has confirmed that the residence has not been removed from the rental market under the Ellis Act in the past five years, and there is no evidence of harassment or any threatened or actual illegal eviction over the past three years.
3. The dwelling proposed for demolition was vacated in July of 2024, and is not subject to tenant relocation provisions under BMC Chapter 23.326, and it does not involve the displacement of any tenants.

E. Per BMC Section 23.210.020(C)(4), the minimum required main building lot line setbacks in the underlying base district can be reduced upon finding that the reduction is consistent with BMC 23.210.020(A), Purpose of the Hillside Overlay.

The purpose of the Hillside Overlay district is to:

- Implement General Plan policies for hillside development;
- Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
- Protect the character of Berkeley's hillside areas and their immediate environs;
- Give reasonable protection to views yet allow appropriate development of all property;
- Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.
  1. The proposed two-story residence will be constructed and will encroach 5 feet into the required 20-foot required rear setback. The site is lot that has an irregular shape, and features a steep drop from the street down to a more level area, characteristics which limit the placement options for the residence and the parking pad.

2. The proposed residence is sited on the relatively flat area of the site, while the parking pad is placed within the front setback, close to the street, to eliminate the need for a steep driveway, (and its associated costs).
3. Consistent with the purpose of the Hillside Overlay district, the residence's design will allow for the structure to adhere to the aesthetic and character of the Berkeley hillside areas, through maintaining reasonable setbacks and by limiting the height to 23.5 feet, below the 35-foot maximum.

F. Pursuant to BMC Section 23.322.080(E)(2), no portion of an off-street parking space may be located in a required front, street side, or rear setback area unless: The Zoning Adjustments Board, in consultation with the Traffic Engineer, and the space meets all applicable requirements in this section.

1. The proposed project will enlarge the 12-foot driveway and construct a 16 1/4-foot-wide by 18-foot long two car parking pad within the required front setback, in order to minimize additional site grading.
2. A 2-foot-wide by 18-foot long landscaped buffer will be included to provide visual screening.
3. Residences along the southern frontages off Keith Avenue also include off-street parking within in the front setback due to limiting site conditions.
4. The proposed parking is authorized, as it was determined by the City's Traffic Engineer that the proposed parking pad, driveway approach, and increased curb cut do not present any traffic engineering concerns.

IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. **Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
2. **Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
   - **A.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
   - **B.** When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
4. **Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).** All work performed under an approved permit shall comply with the approved plans and any conditions of approval.
5. **Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**
   - **A.** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
   - **B.** A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
   - **C.** The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
   - **D.** A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

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

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

☐ **Project Liaison** _____
Name Phone #

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

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

12. **Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
13. **Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
14. **Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

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

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

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

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

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

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

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

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

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

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

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

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

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

i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/

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

Prior to Issuance of Any Building (Construction) Permit

15. **HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
16. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

17. **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. **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's Recycling Program Manager, Julia A. Heath, at jheath@berkeleyca.gov.
19. **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:

20. **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:

21. **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.
22. **Survey Required.** The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
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 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. 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.

L. 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.

At All Times:

41. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
42. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 9, 2024.
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. **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.
45. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
46. **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.
47. **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.)

USE PERMIT

SHEET INDEX

A1	GENERAL NOTES & SITE PLAN
A2	LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3	EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4	PROPOSED GROUND FLOOR PLAN
A5	PROPOSED ROOF AND SECOND FLOOR PLAN
A6	EXISTING EAST & WEST ELEVATIONS
A7	EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8	PROPOSED EAST & WEST ELEVATIONS
A9	PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10	PROPOSED LONGITUDINAL SECTIONS
A11	PROPOSED EAST WEST SECTIONS
A12	STREET STRIP ELEVATION
A13	BOUNDARY & TOPOGRAPHIC SURVEY
A14	GRADING PLAN
A15	STORY POLE PLAN
A16	SHADOW STUDY: EXISTING DWELLING
A17	SHADOW STUDY: PROPOSED DWELLING
A18	SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

PROPOSED REAR SETBACK: 15'

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.

2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL RH-3

CONSTRUCTION TYPE: V-B

ENERGY CODE & GREEN CODE STATEMENT

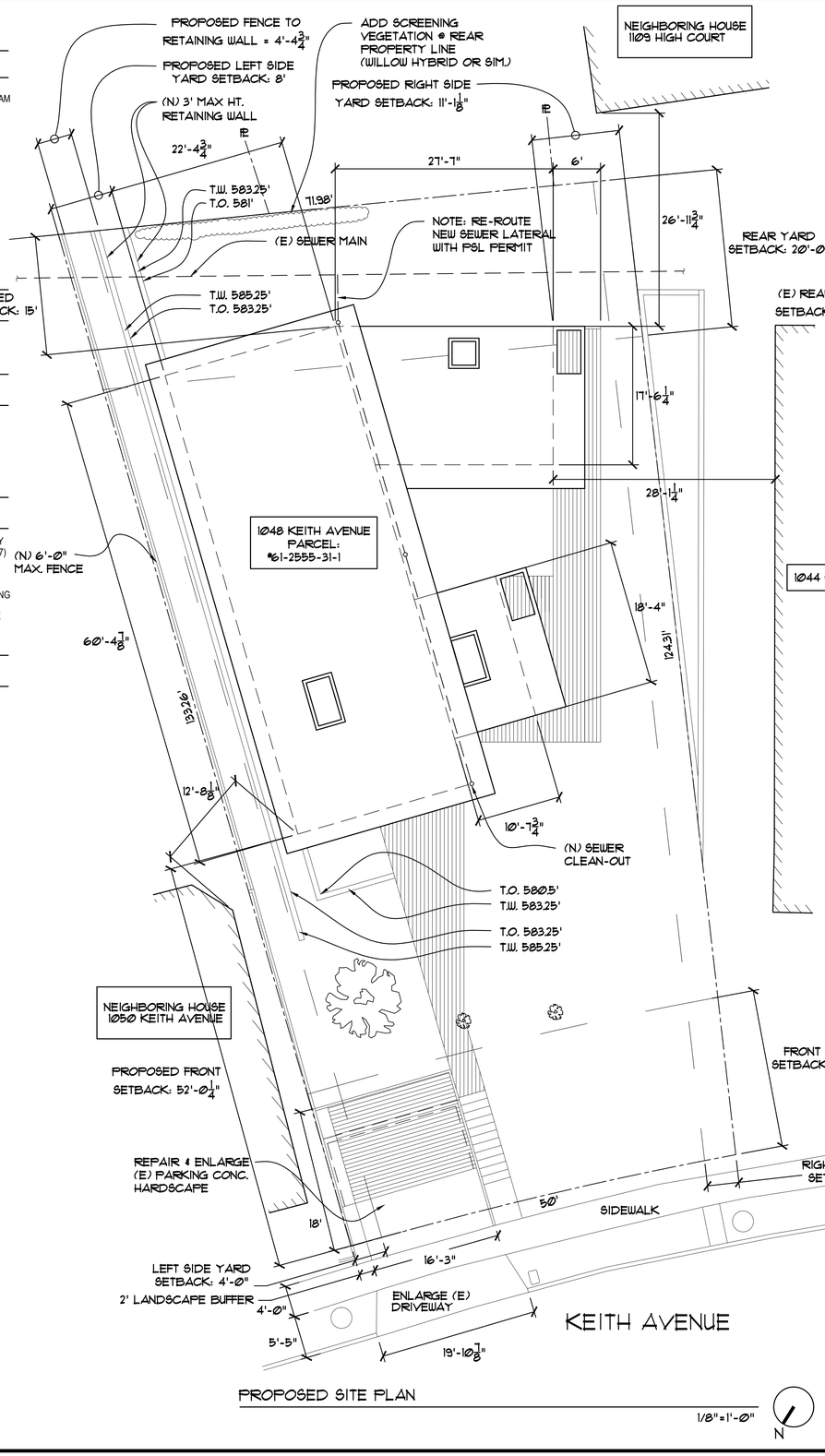
THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CH. 19.36) & BERKELEY GREEN CODE (BMC CH. 19.37) INCLUDING SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, & LOW-CARBON CONCRETE REQUIREMENTS. NOTE THAT FOR BUILDING PERMIT SUBMITTAL, QUANTITATIVE VALUES FOR APPLIANCE FUEL EFFIECIENCY MUST BE INCLUDED IN RELEVANT BUILDING PERMIT ARCHITECTURAL SHEETS, WINDOW & DOOR SCHEDULES, & ON ARCHITECTURAL, PLUMBING, & MECHANICAL SHEETS, MATCHING THOSE VALUES STIPULATED IN PRESCRIPTIVE OR PERFORMANCE ENERGY COMPLIANCE DOCUMENTS.

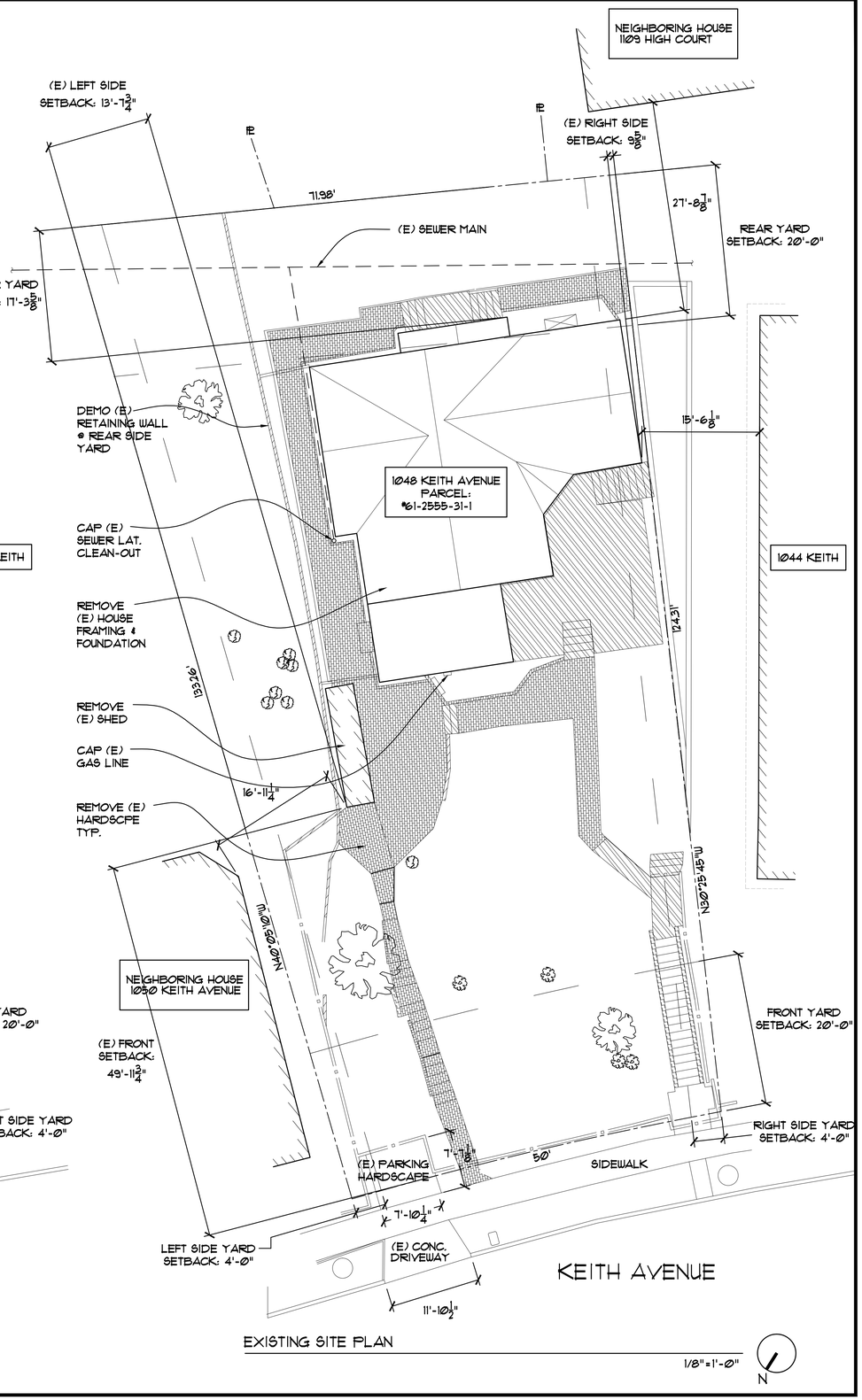
CEQA GUIDELINE NOTES:

ALL PROJECT CONSTRUCTION EQUIPMENT SHALL HAVE AT LEAST EPA-RATED TIER 3 DIESEL ENGINES.

I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				





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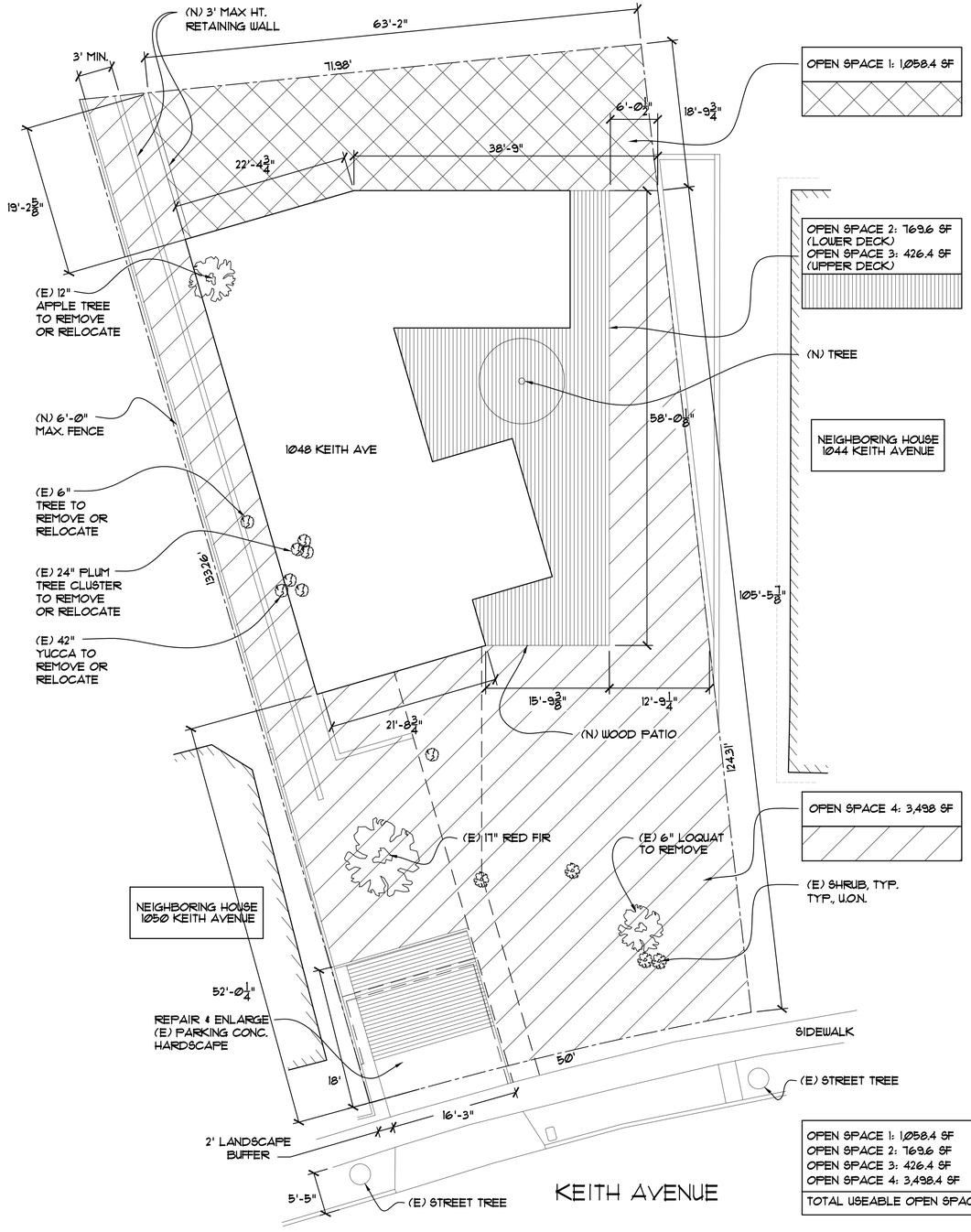
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING SITE PLAN &
PROPOSED SITE PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-Ø"
DRAWN: LN

A1

OF 18 SHEETS

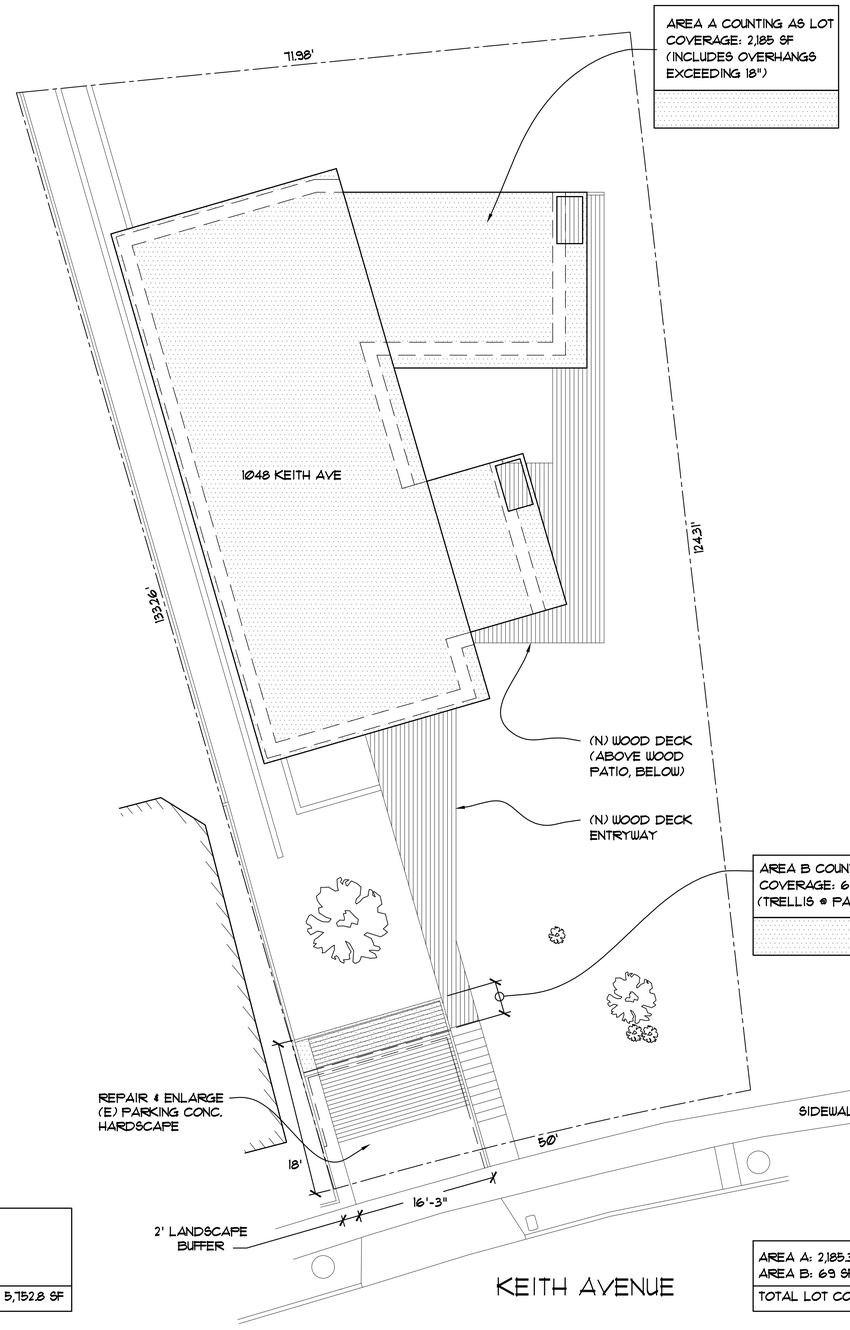


OPEN SPACE 1: 1,058.4 SF
OPEN SPACE 2: 769.6 SF
OPEN SPACE 3: 426.4 SF
OPEN SPACE 4: 3,498.4 SF
TOTAL USEABLE OPEN SPACE = 5,752.8 SF

LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-Ø"

USEABLE OPEN SPACE DEFINED PER BMC CHAPTER 23.502:
OUTDOOR SPACE, INCLUDING NATURAL AND LANDSCAPED GROUND AREAS, POOLS, PATIOS, DECKS & BALCONIES DESIGNED FOR ACTIVE OR PASSIVE RECREATIONAL USE AND WHICH IS ACCESSIBLE TO THE OCCUPANTS OF A BUILDING ON THE SAME LOT.



AREA A: 2,185.3 SF
AREA B: 69 SF
TOTAL LOT COVERAGE = 2,254.3 SF

LOT COVERAGE DIAGRAM

1/8"=1'-Ø"

LOT COVERAGE DEFINED PER BMC CHAPTER 23.502:
ALL THE AREA OF A LOT, AS PROJECTED ON A HORIZONTAL PLANE, WHICH IS:
1. ENCLOSED BY THE EXTERIOR WALLS OF BUILDINGS OR ENCLOSED ACCESSORY STRUCTURES, OR
2. COVERED BY DECKS, PORCHES, STAIRS AND/OR LANDINGS WHICH COVER AN ENCLOSED SPACE OR PAVED GROUND AREA.

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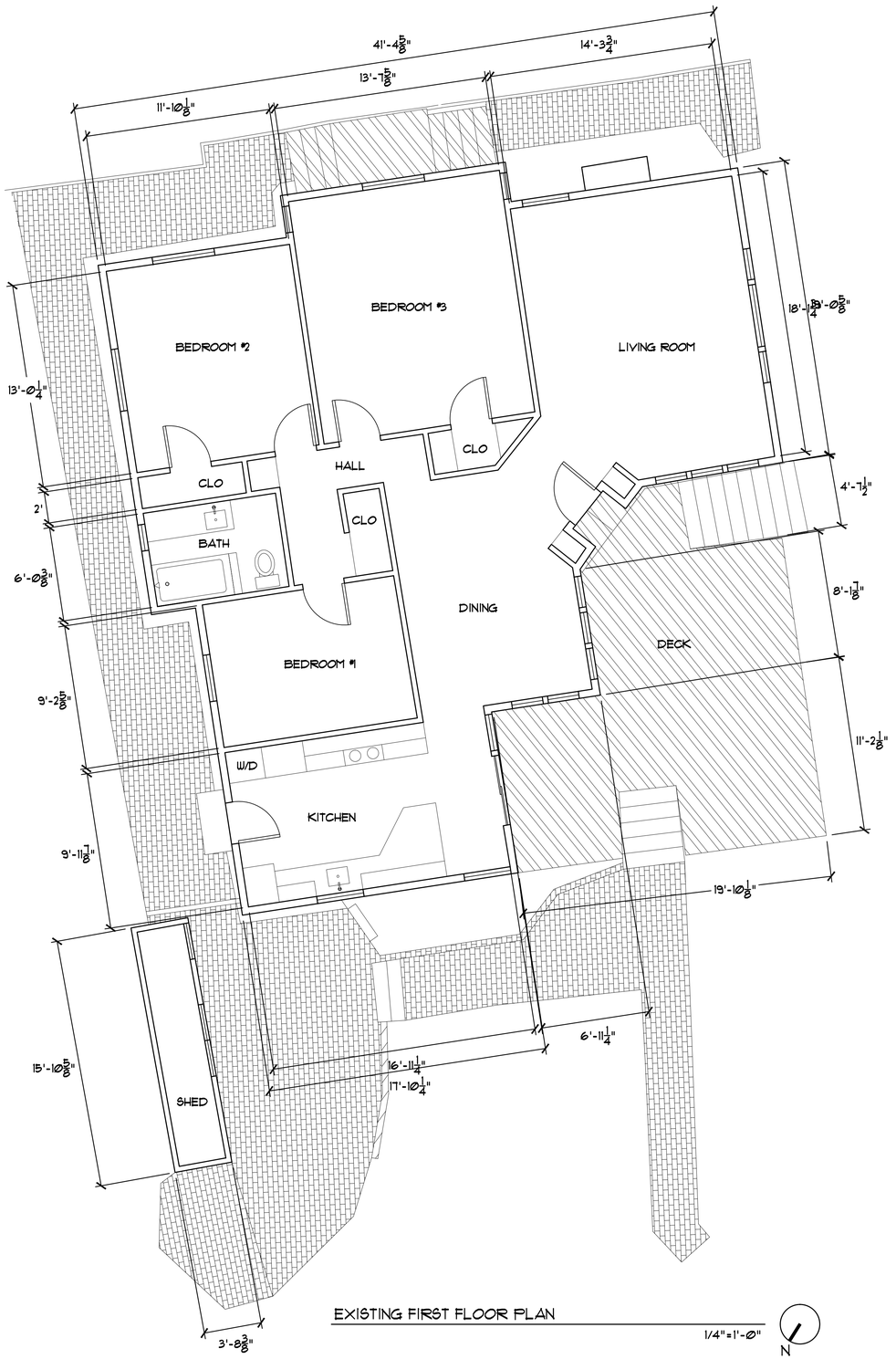
REGISTERED PROFESSIONAL ENGINEER ★ VIRGINIA ★ LINDSAY T. NEWMAN ★ No. C 94808 ★ CIVIL ★ STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
LANDSCAPE & USEABLE OPEN SPACE
PLAN & LOT COVERAGE DIAGRAM

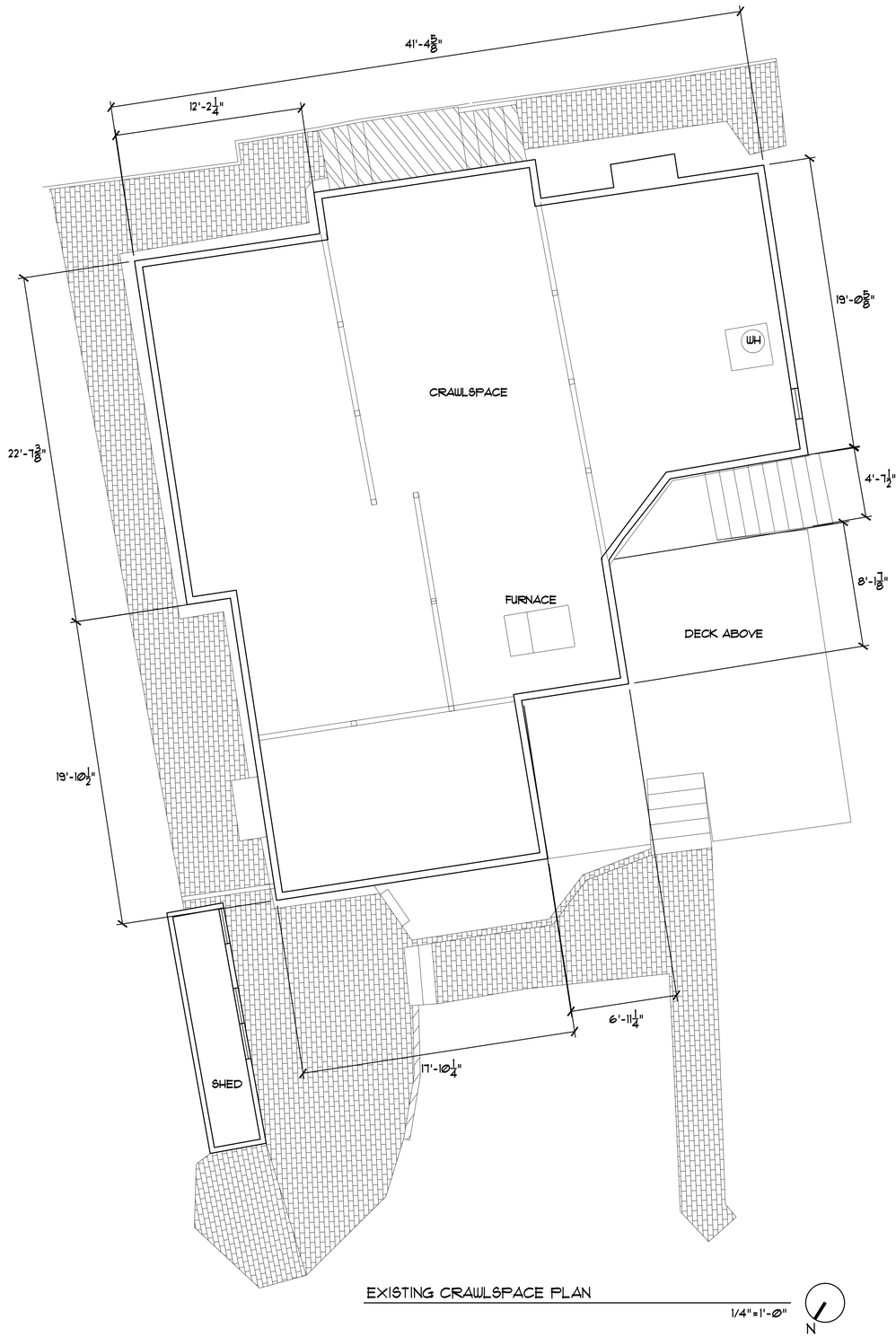
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-Ø"
DRAWN: LN

A2
OF 18 SHEETS



EXISTING FIRST FLOOR PLAN

1/4"=1'-0"



EXISTING CRAWLSPACE PLAN

1/4"=1'-0"

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

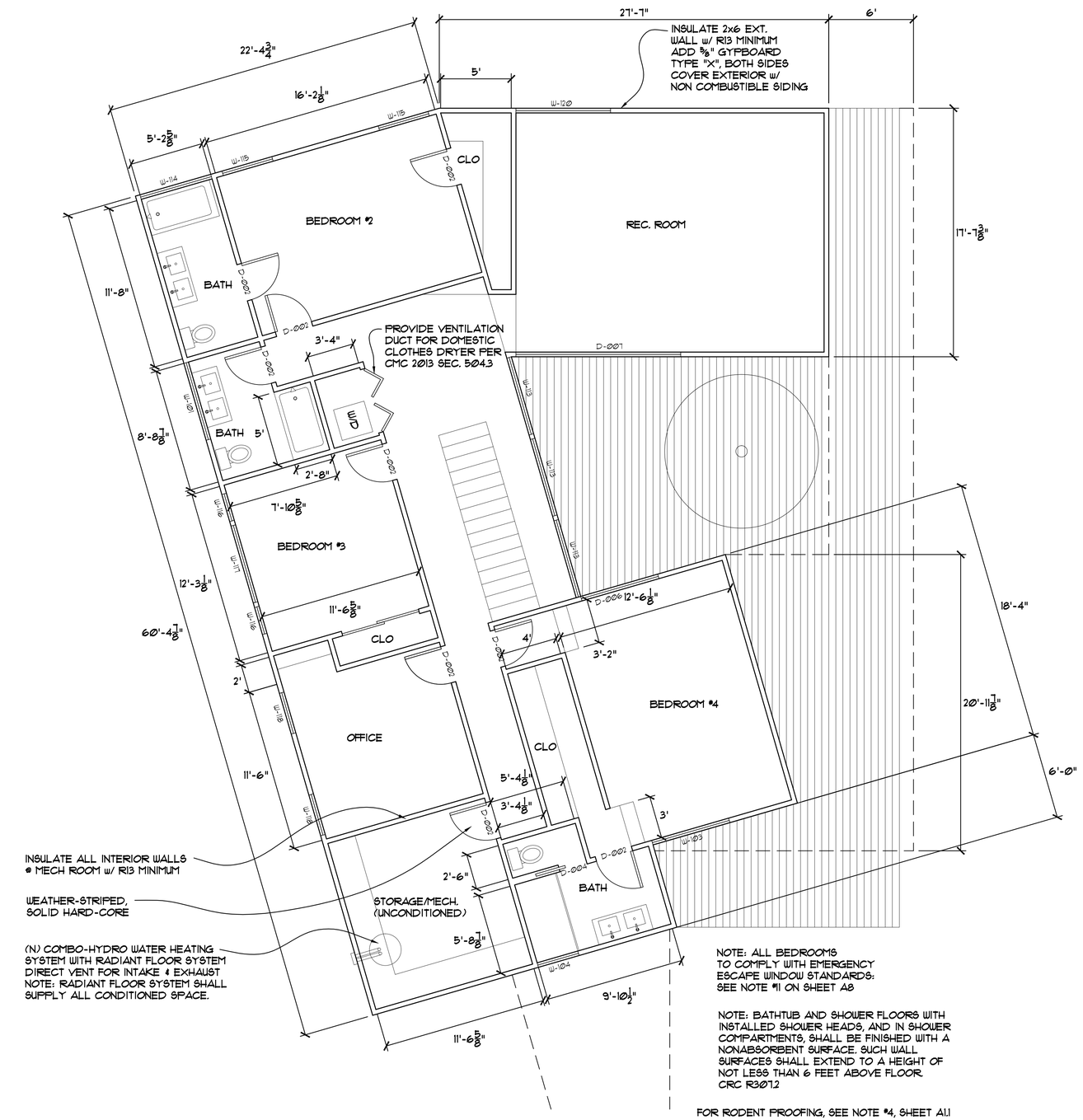
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A3

OF 18 SHEETS

LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE W/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

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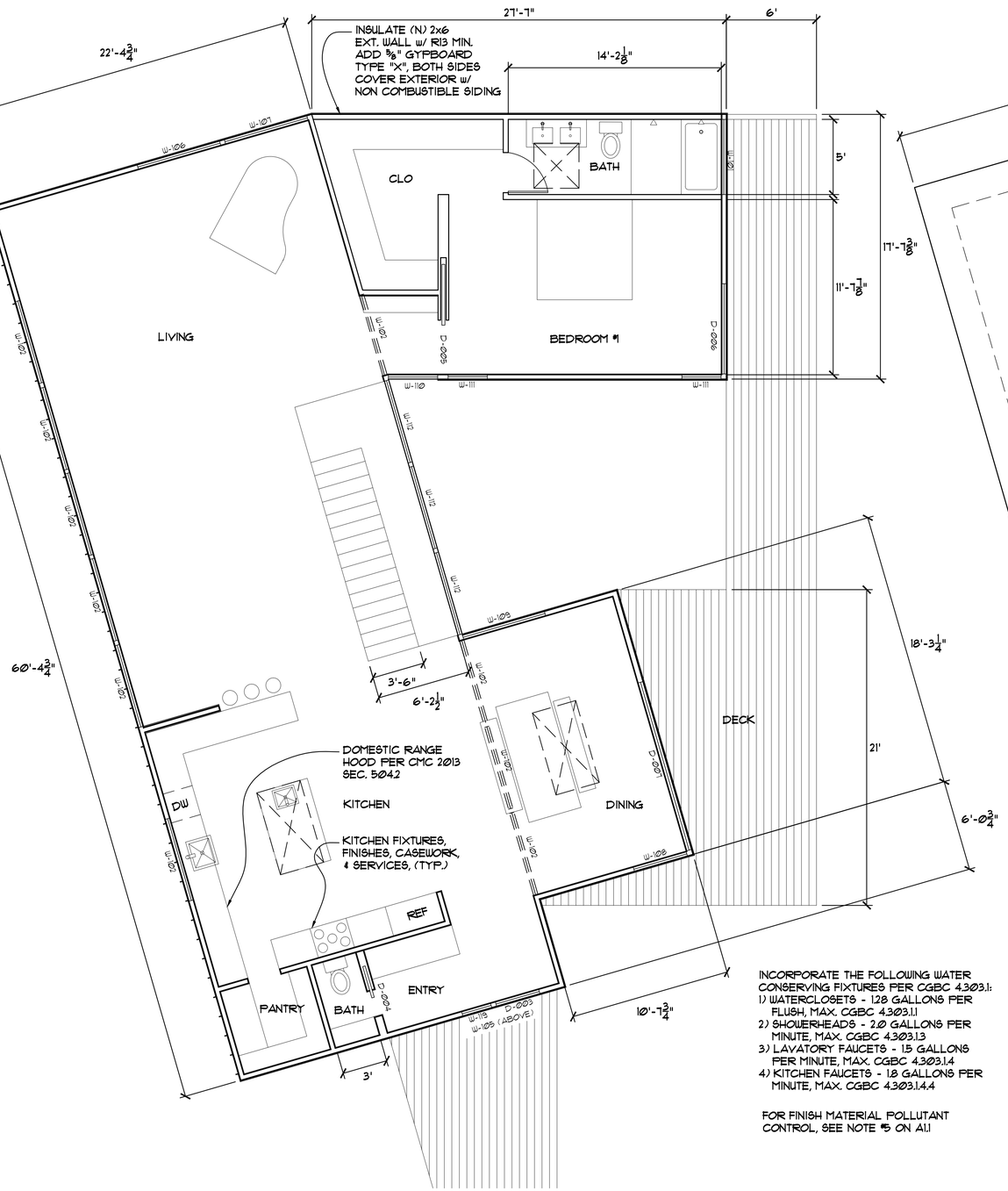
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

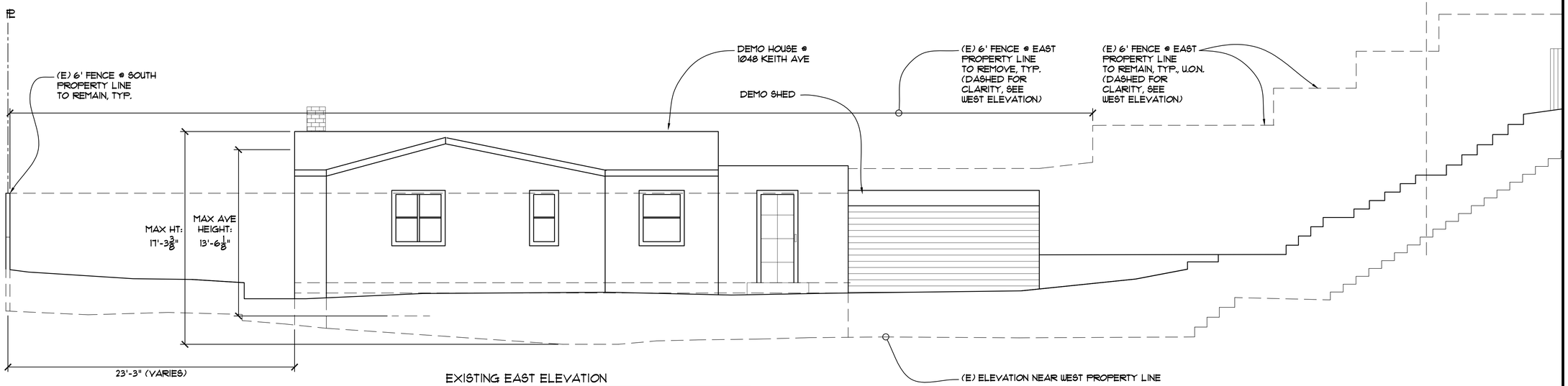
USE PERMIT PLANS - 1048 KEITH
PROPOSED GROUND FLOOR PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A4

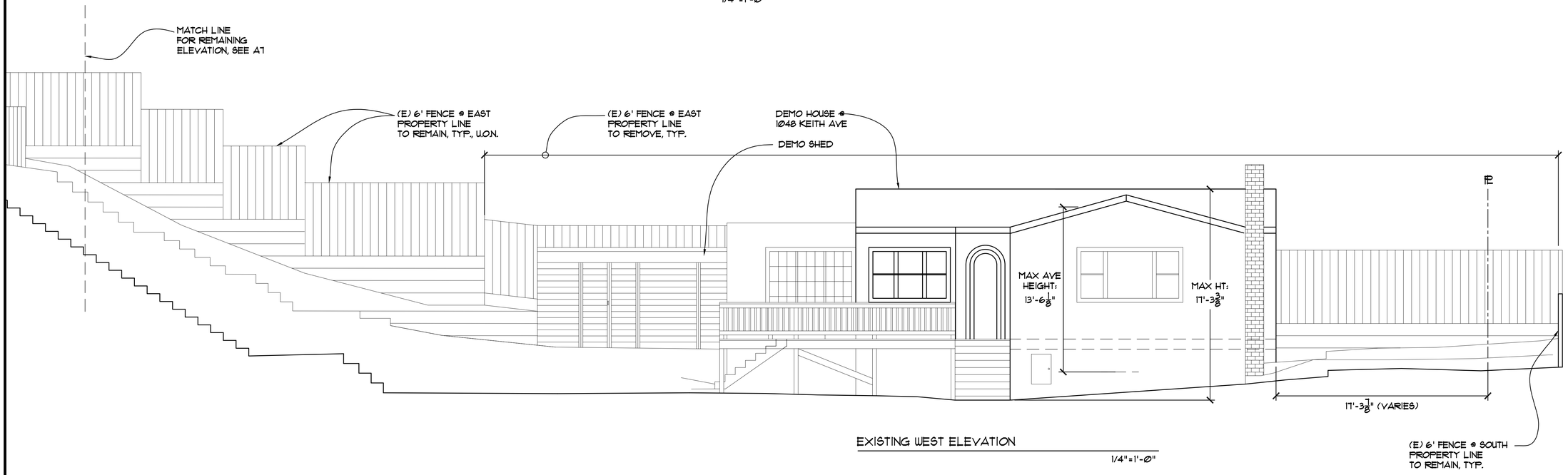
OF 18 SHEETS


22'-4¾"
27'-7"
6'
INSULATE (N) 2x6 EXT. WALL w/ R13 MIN. ADD ⅝" GYPBOARD TYPE "X", BOTH SIDES COVER EXTERIOR w/ NON COMBUSTIBLE SIDING
14'-2⅛"
W-106
W-107
CLO
BATH
W-104
5'
17'-7⅜"
11'-7⅛"
LIVING
BEDROOM #1
W-103
D-005
D-006
W-110
W-111
W-112
W-113
W-114
W-115
W-116
W-117
W-118
W-119
W-120
W-121
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W-144
W-145
W-146
W-147
W-148
W-149



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

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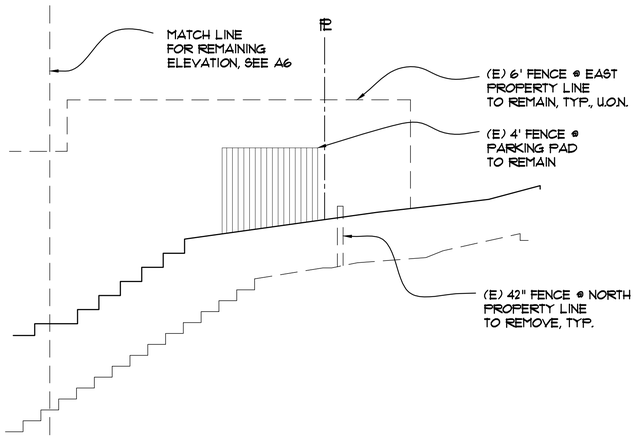
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING EAST & WEST
ELEVATIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

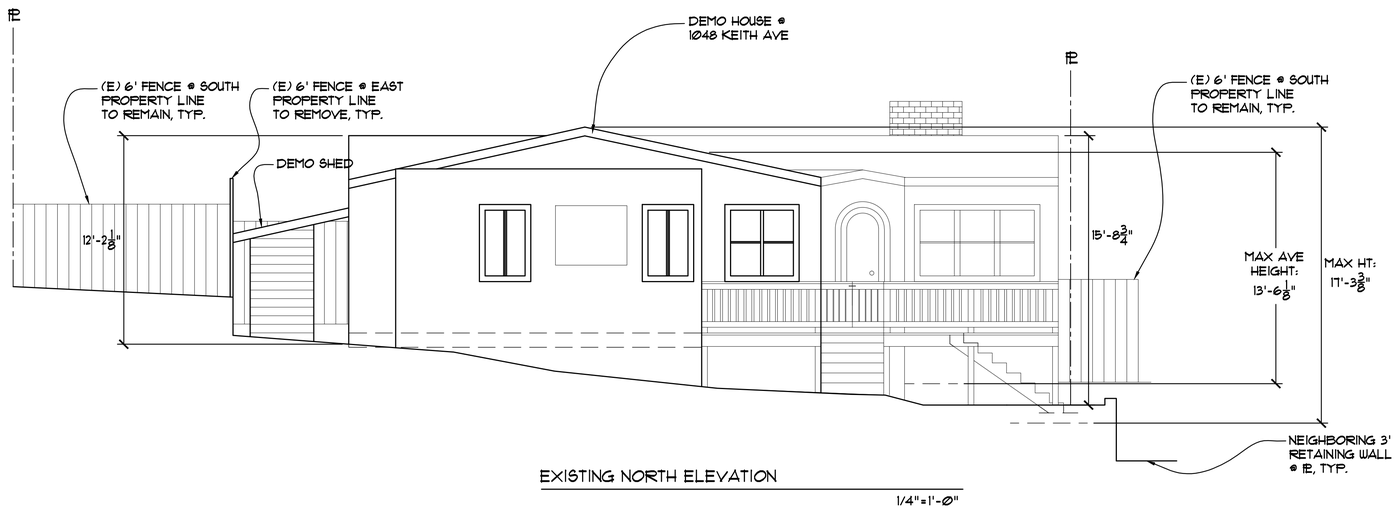
A5

OF 18 SHEETS



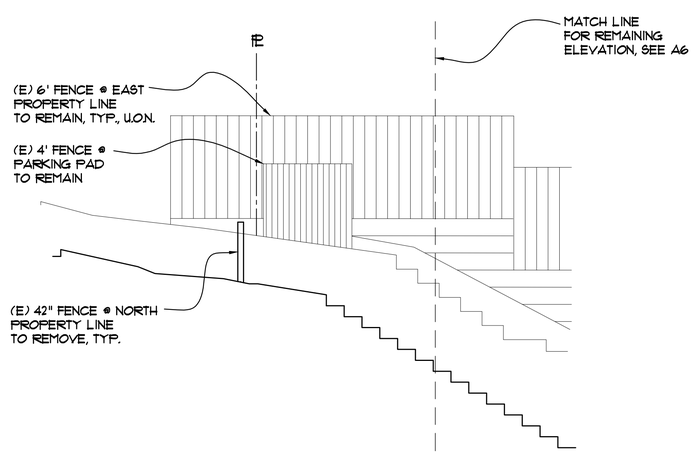
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



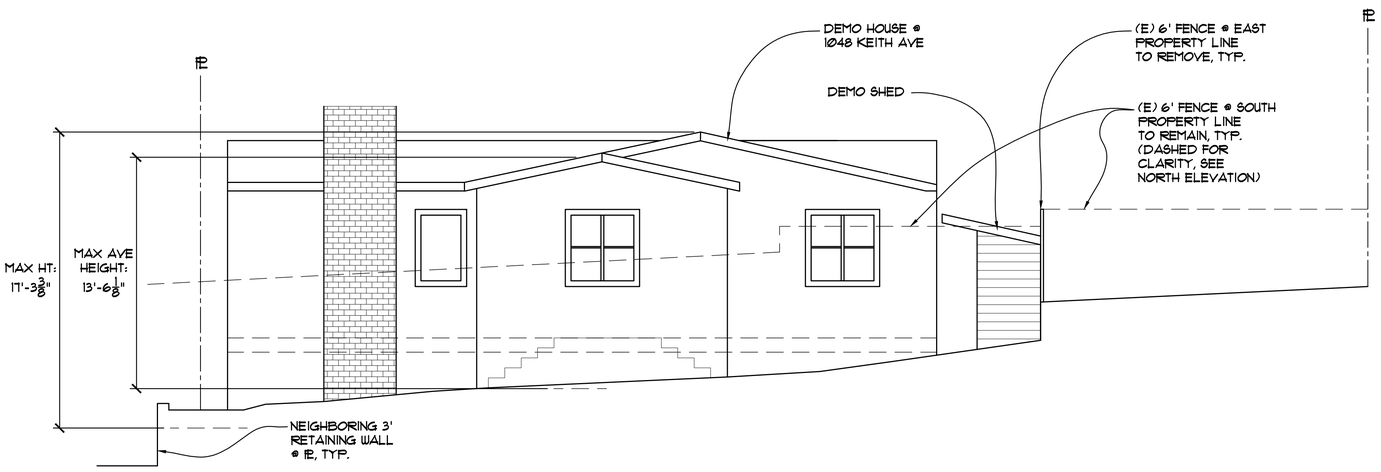
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

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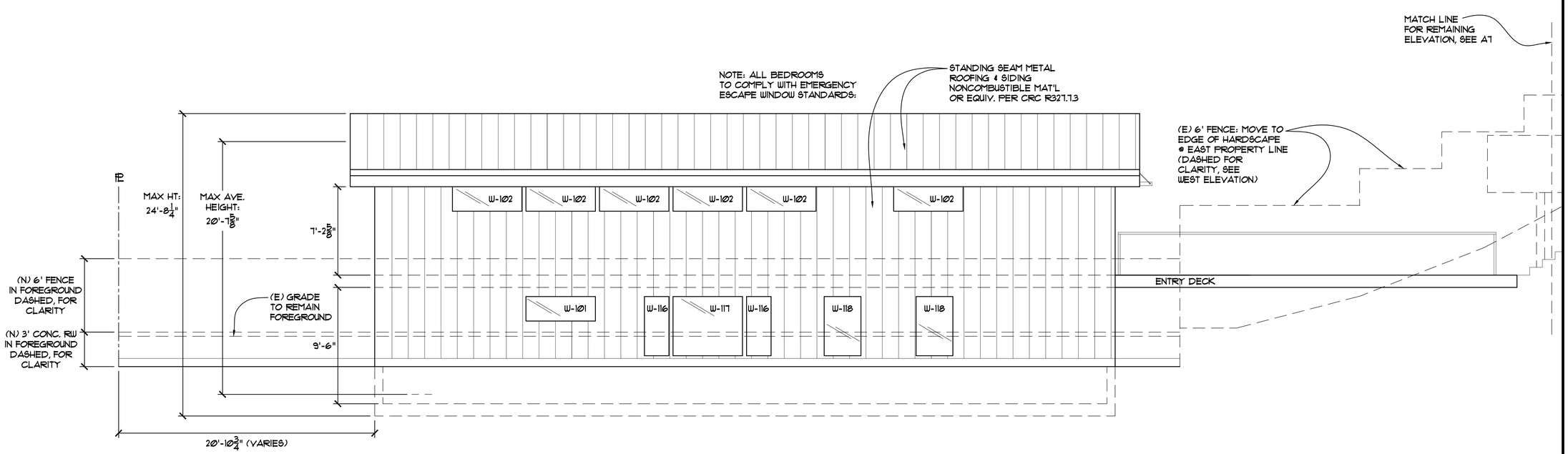
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
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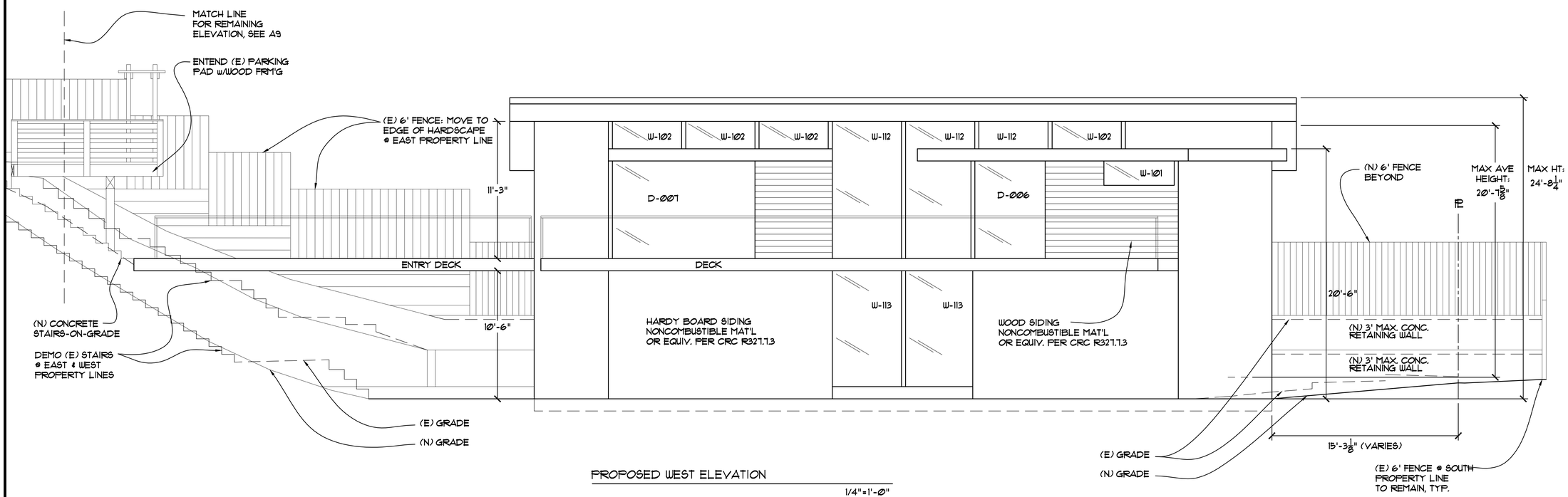
A7

OF 18 SHEETS



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

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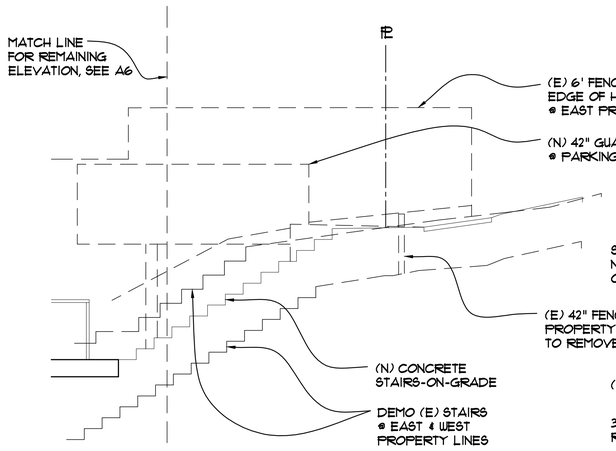
NEW SINGLE-FAMILY RESIDENCE
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BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED EAST & WEST
ELEVATIONS

DATE: 12.09.24
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SCALE: 1/4"=1'-0"
DRAWN: LN

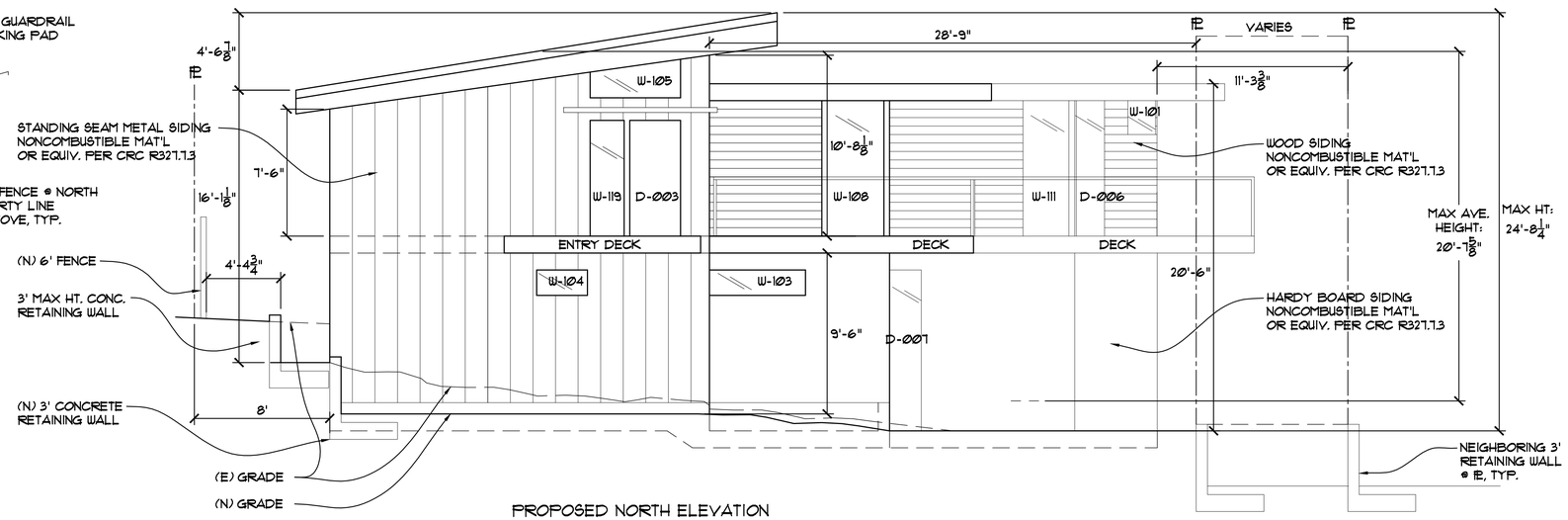
A8

OF 18 SHEETS



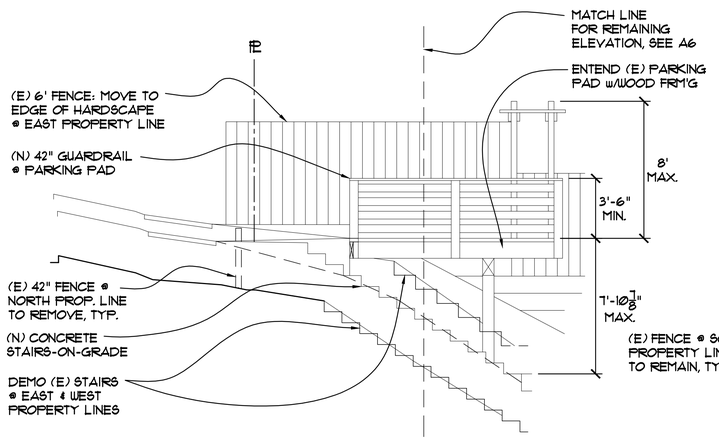
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



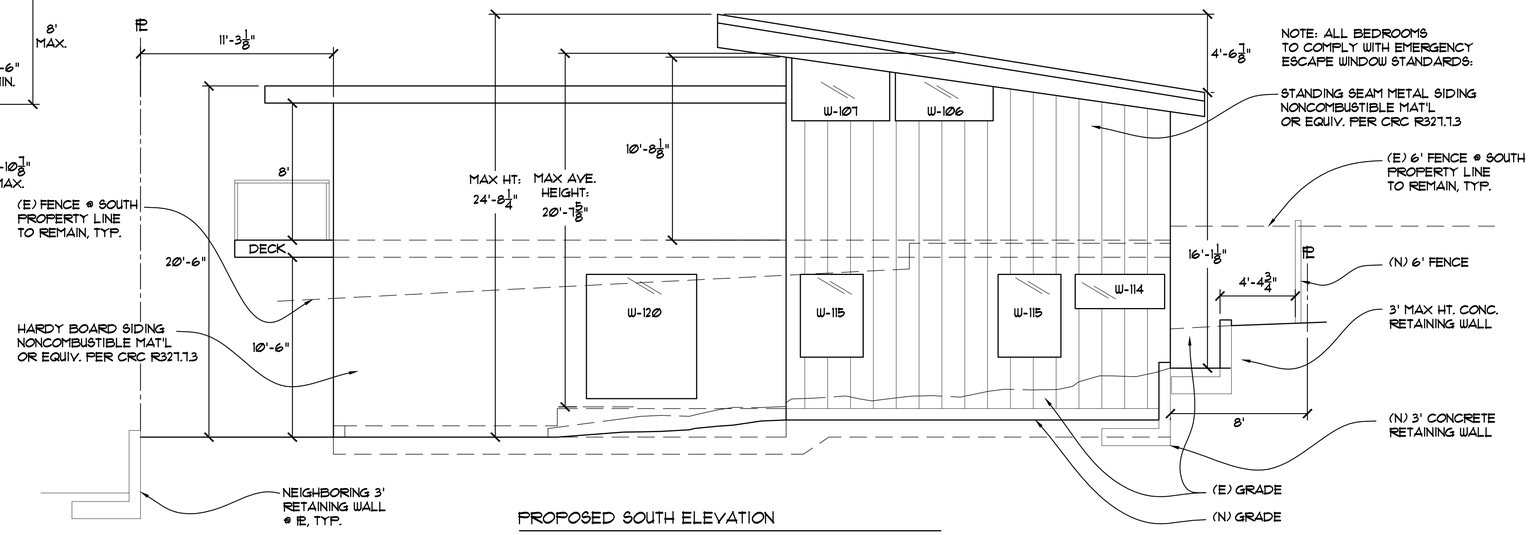
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER ★ LINDSAY T. NEWMAN ★ No. C 94808 Exp. 06/30/26 CIVIL ★ STATE OF CALIFORNIA ★

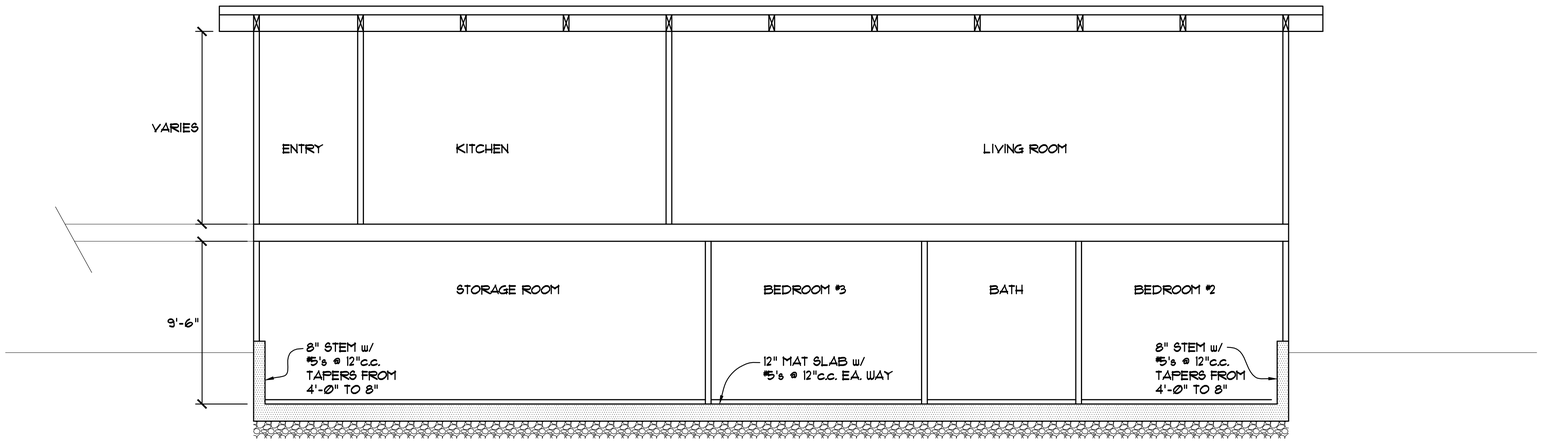
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

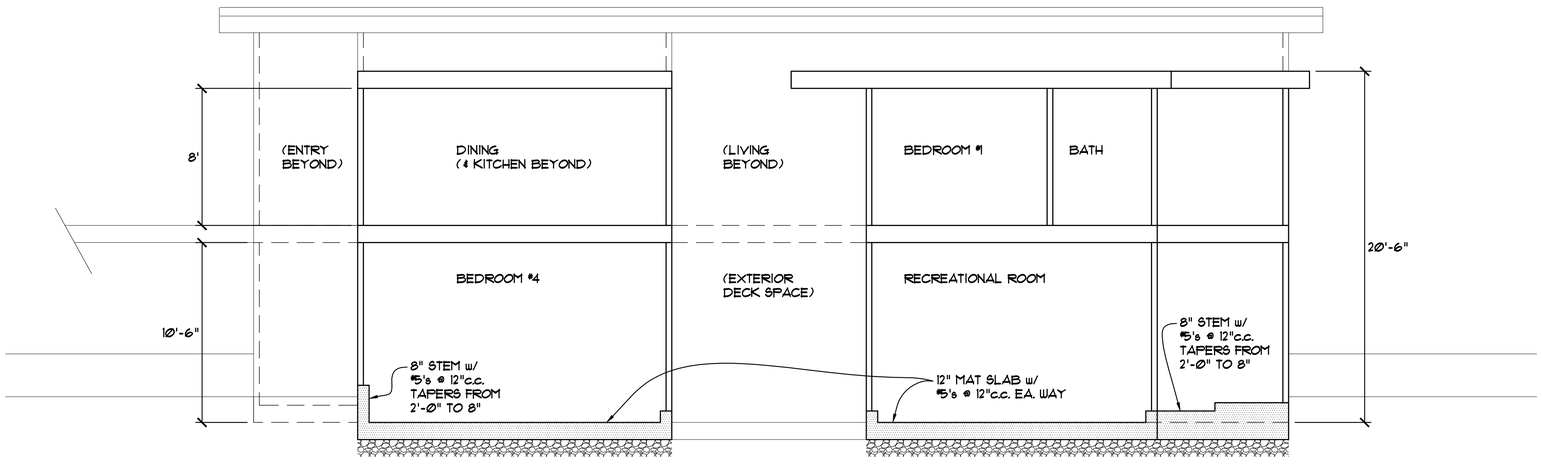
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A9

OF 18 SHEETS



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

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No. C 94808 Exp. 06/30/25 CIVIL

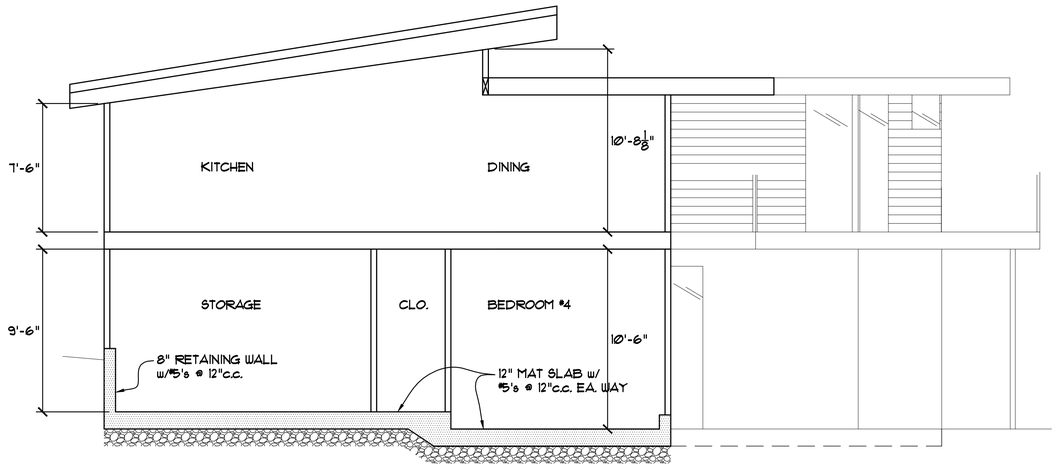
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED LONGITUDINAL SECTIONS

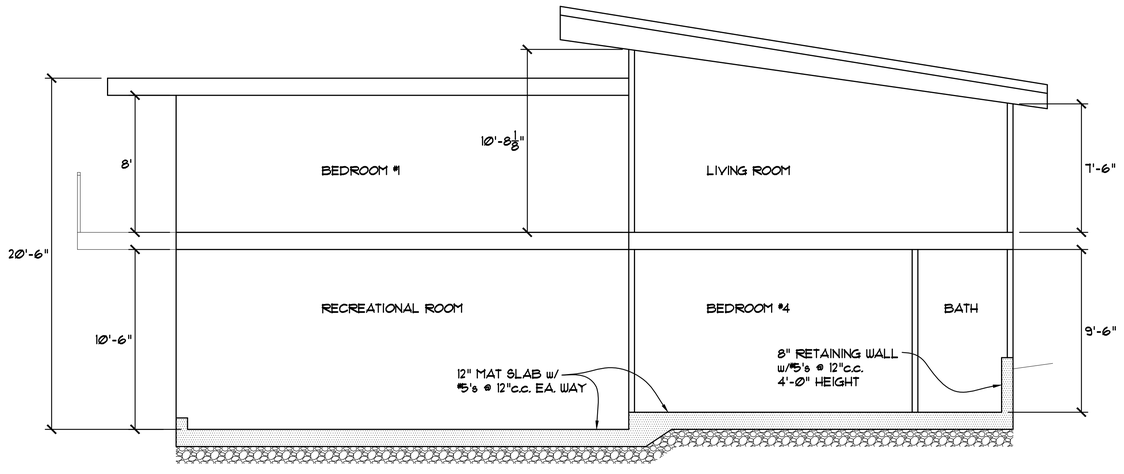
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A10

OF 18 SHEETS



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

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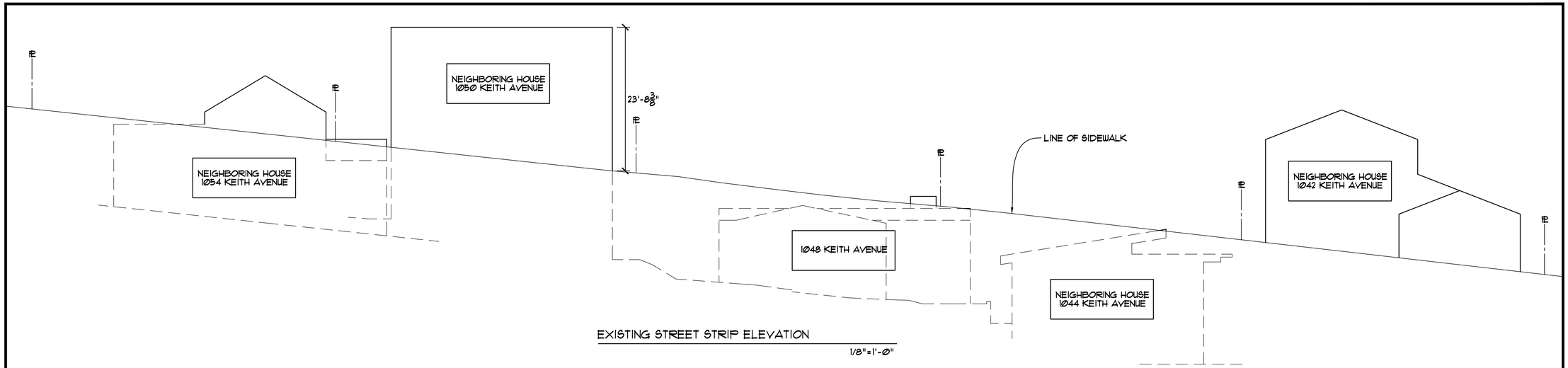
REGISTERED PROFESSIONAL ENGINEER ★ VIRGINIA ★ LINDSAY T. NEWMAN No. 046808 CIVIL ★ STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED EAST WEST SECTIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

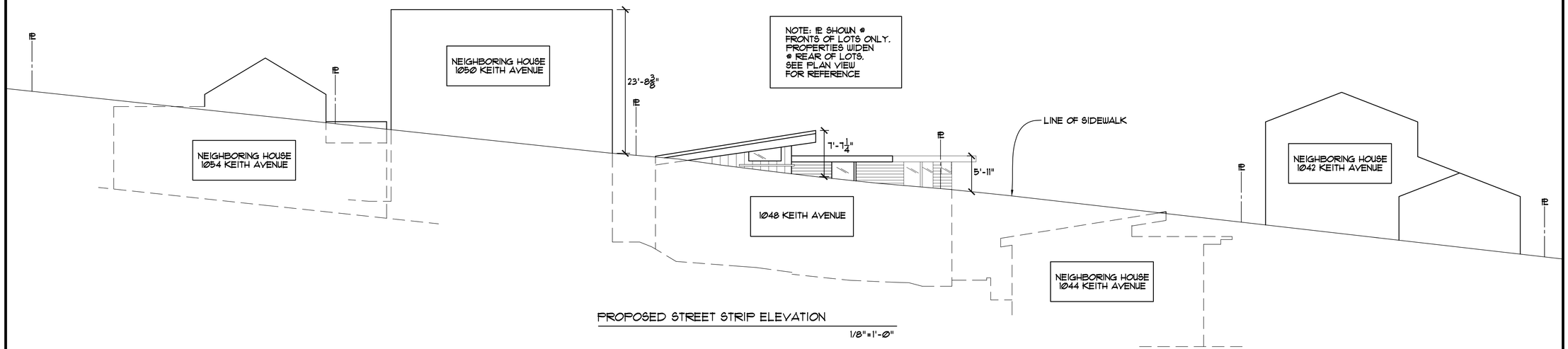
A11
OF 18 SHEETS



EXISTING STREET STRIP ELEVATION

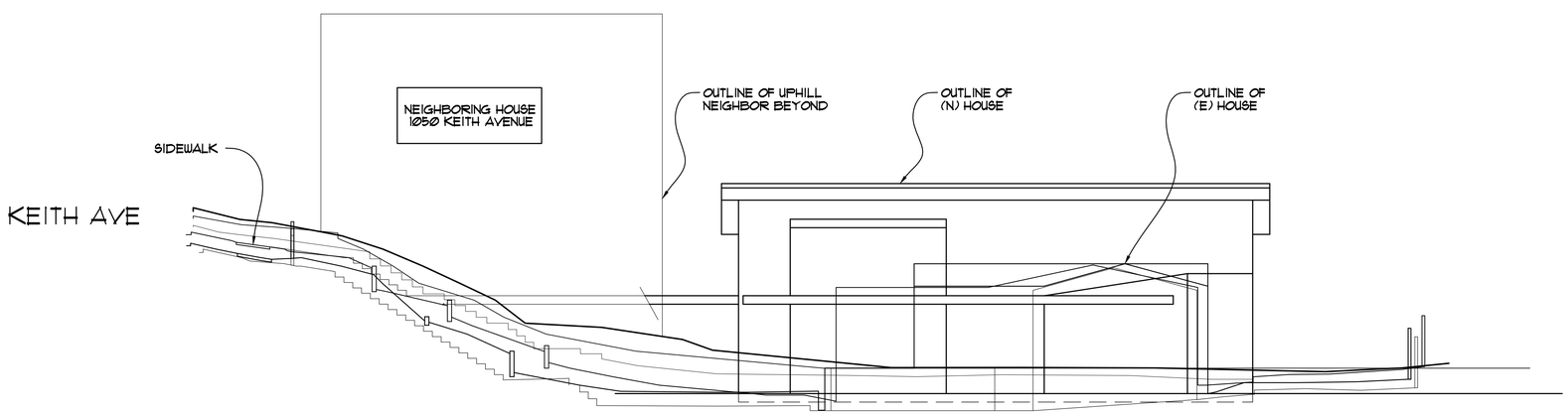
1/8"=1'-0"

NOTE: fF SHOWN @ FRONTS OF LOTS ONLY. PROPERTIES WIDEN @ REAR OF LOTS. SEE PLAN VIEW FOR REFERENCE



PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

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REGISTERED PROFESSIONAL ENGINEER * VIRGINIA * LINDSAY T. NEWMAN No. 046808 CIVIL STATE OF CALIFORNIA

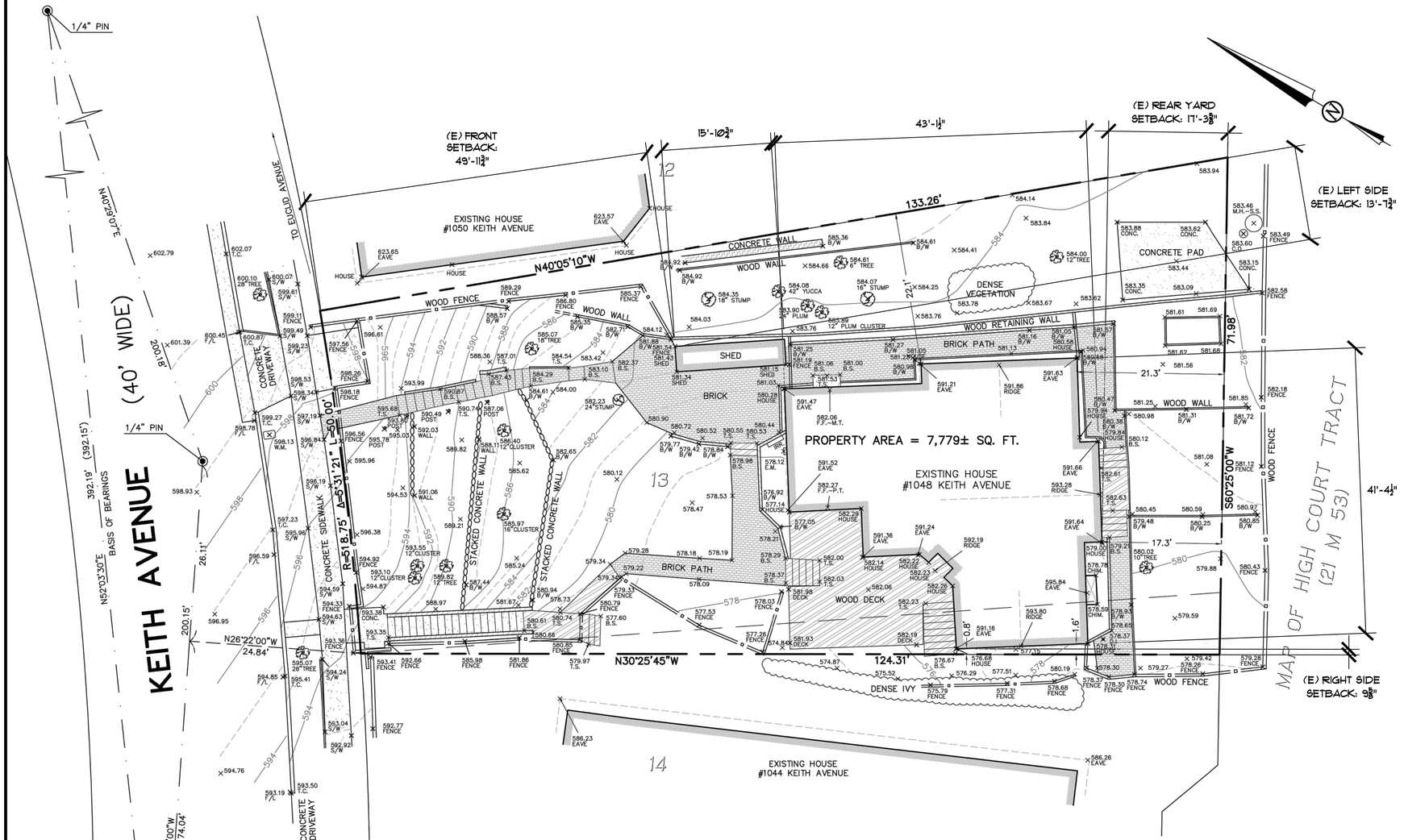
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A12

OF 18 SHEETS



GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BASIS OF BEARINGS:
THE BASIS OF BEARINGS OF N52°03'30"E BETWEEN THE MONUMENTS IN KEITH AVENUE IS BASED ON THE MAP OF NORTH CRAGMONT (23 M 84), CALCULATED FROM THE NORTH CRAGMONT CALCULATION MAP (ON FILE IN THE CITY ENGINEERING DEPARTMENT) ROTATED BY 23° 30".

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.

LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA

10-10-2024

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

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

REVISIONS	BY

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newmanl26@gmail.com

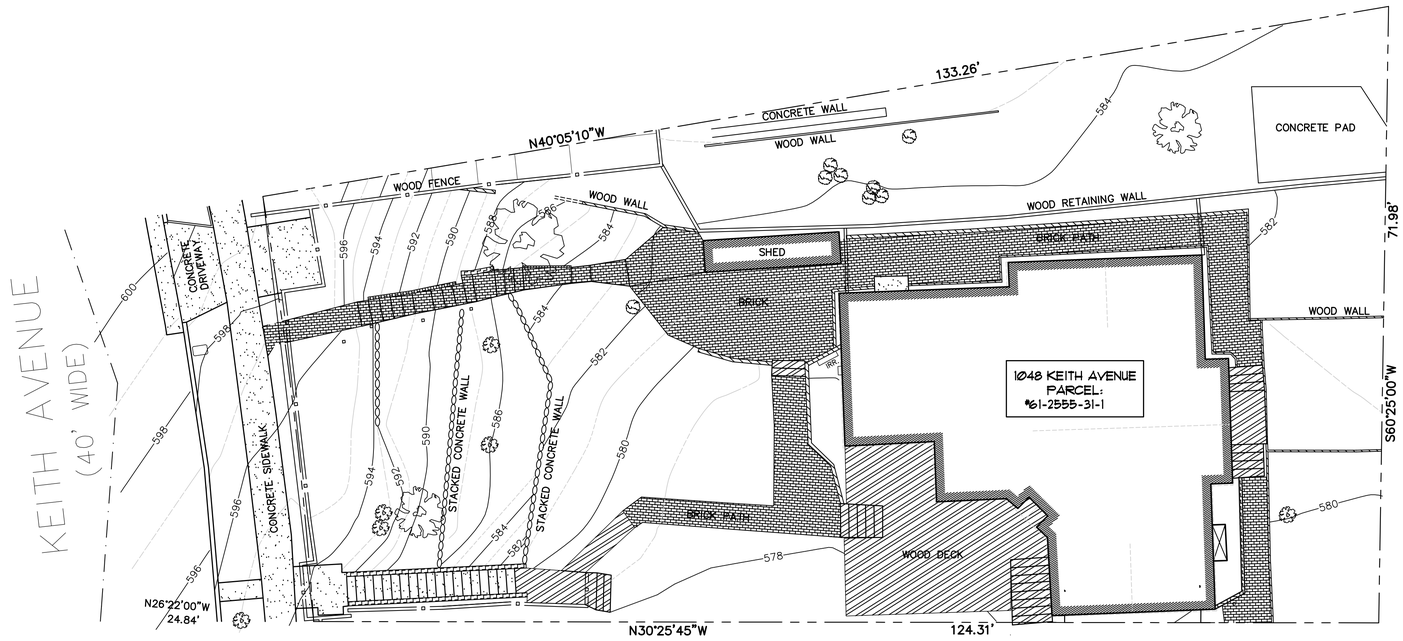
REGISTERED PROFESSIONAL ENGINEER LINDSAY A. NEWMAN No. C 94808 Exp. 06/30/25 CIVIL STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
BOUNDARY & TOPOGRAPHIC SURVEY

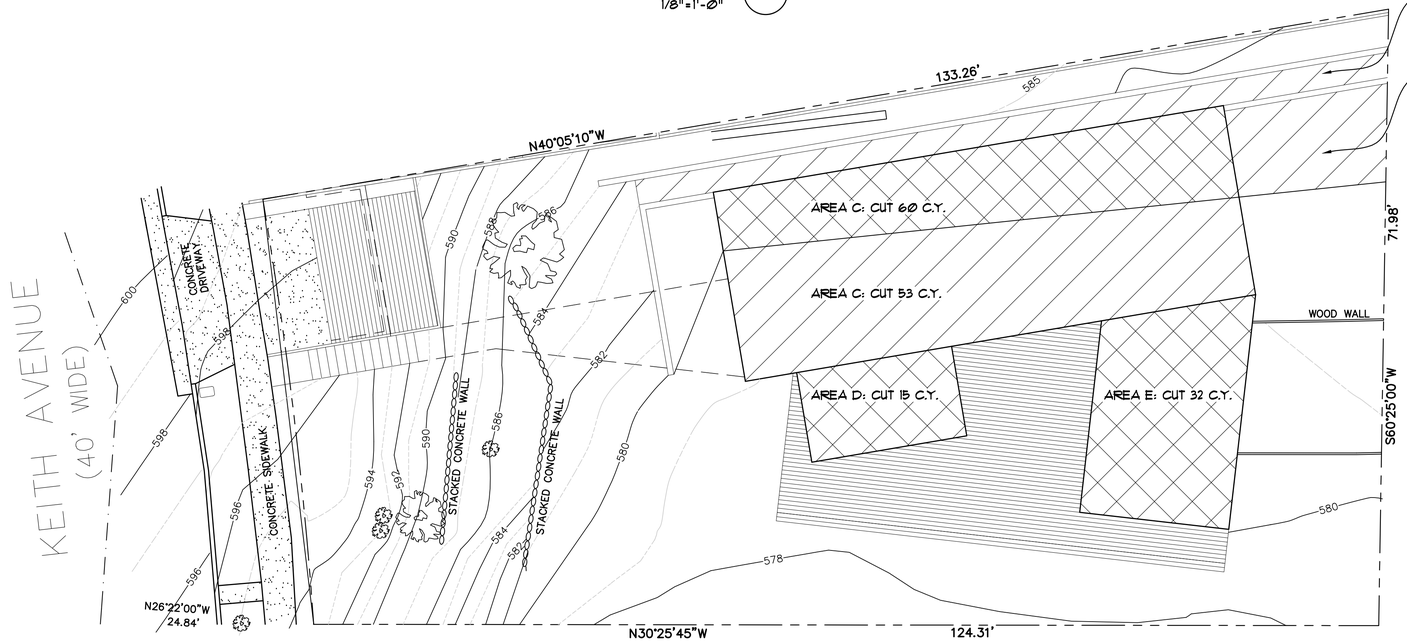
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.3
OF 18 SHEETS



EXISTING GRADING PLAN

1/8"=1'-0"



NOTE: FOR ELEVATION VIEW OF CUTS, SEE A6

TOTAL CUT:
228 C.Y.

PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

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newmanl26@gmail.com

REGISTERED PROFESSIONAL ENGINEER ★ LINDSAY T. NEWMAN ★ No. C 94808 ★ CIVIL ★ STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
GRADING PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4
OF 18 SHEETS

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	583.97'	598.62'	14.65'
2	582.28'	598.62'/602.12'	16.34'/19.84'
3	578.9'	598.62'	19.72'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	578.32'	598.62'	20.3'
9	579.52'	598.62'/602.12'	19.1'/22.6'
10	579.16'	602.12'	22.96'
11	584.66'	598.62'	13.96'
12	578.7'	589.62'	10.92'
13	578.24'	589.62'	11.38'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

L. Newman

Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE

Name (Printed or typed)

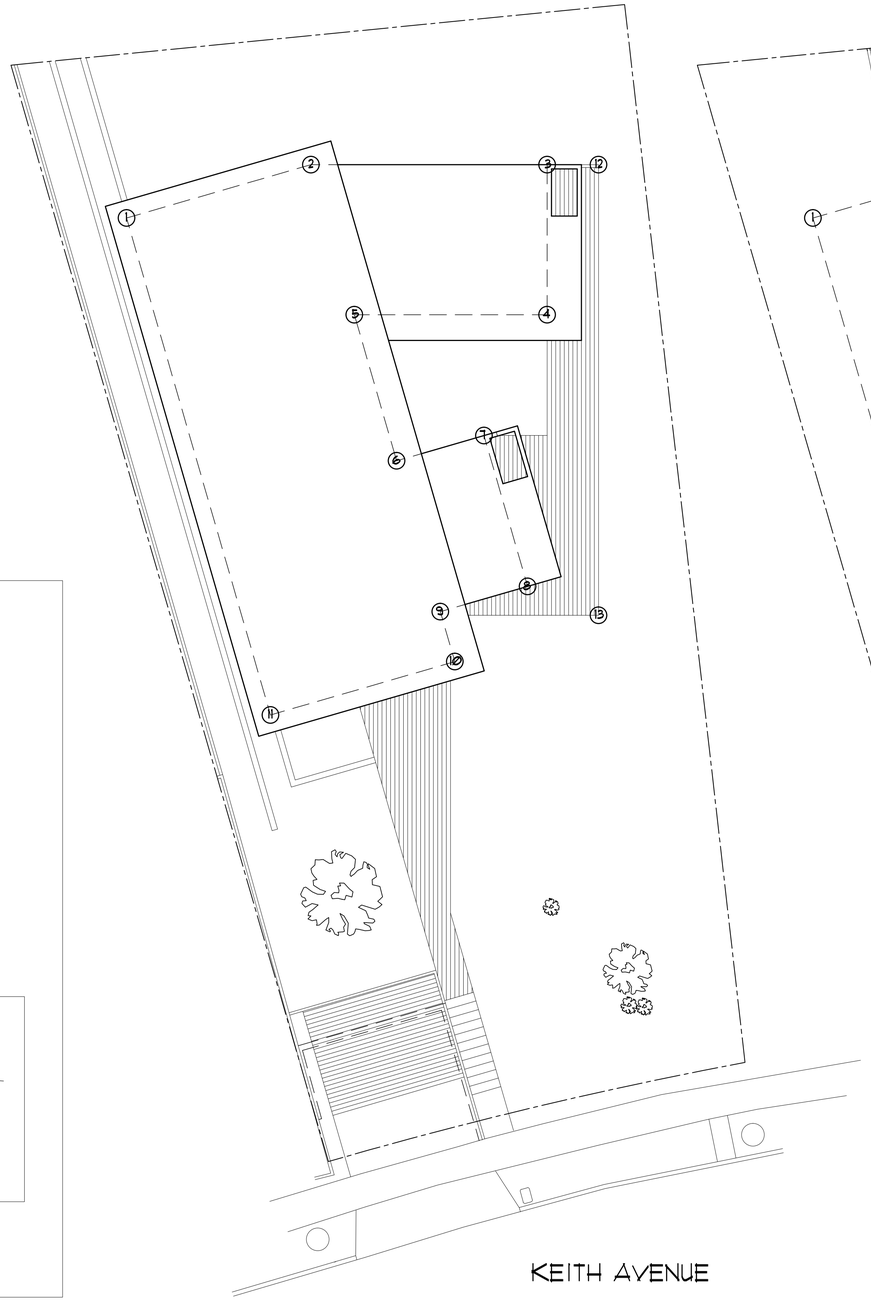
C-94808 / 06.30.2025

License No./ Expiration Date

8.21.2024

Date

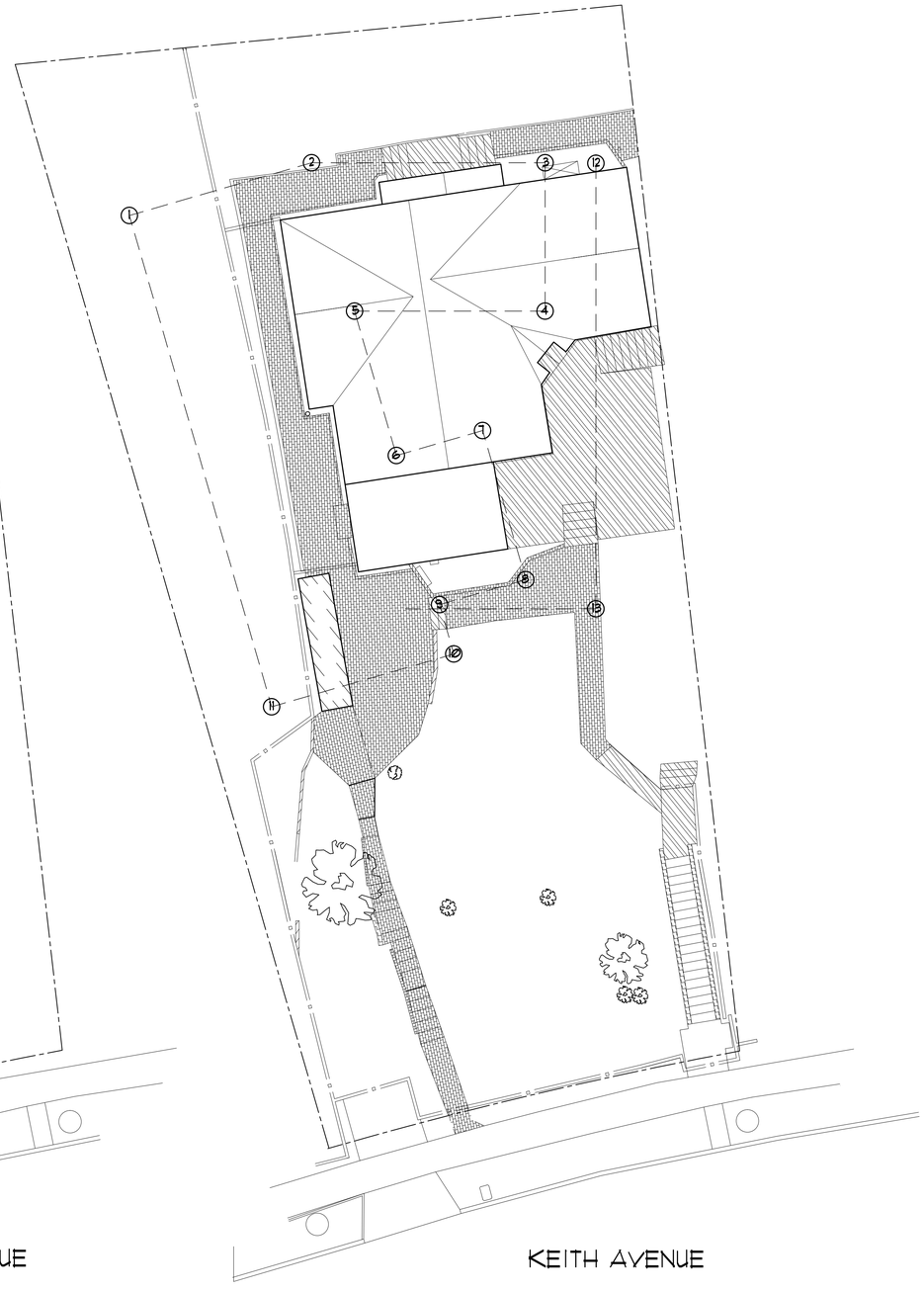
REGISTERED PROFESSIONAL ENGINEER ★ LINDSAY NEWMAN ★ No. C 94808 Exp. 06/30/25 CIVIL ★ STATE OF CALIFORNIA ★



STORY POLE PLAN (PROPOSED HOUSE ONLY)

1/8"=1'-0"

N



STORY POLE PLAN (SHOWN OVER EXISTING)

1/8"=1'-0"

N

REVISIONS	BY

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newmanl26@gmail.com

REGISTERED PROFESSIONAL ENGINEER ★ LINDSAY NEWMAN ★ No. C 94808 Exp. 06/30/25 CIVIL ★ STATE OF CALIFORNIA ★

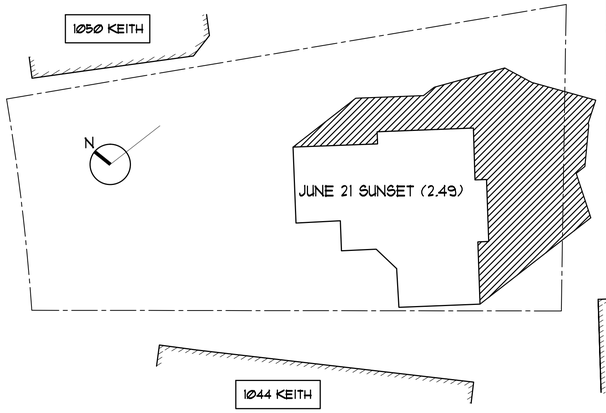
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
STORY POLE PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

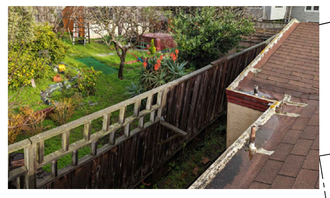
A1.5

OF 18 SHEETS

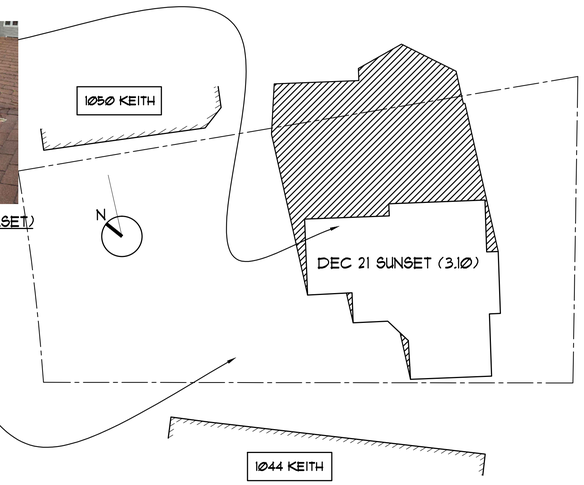




FRONT VIEW OF 1048 KEITH: 15.24 @ 3pm (-2h SUNSET)

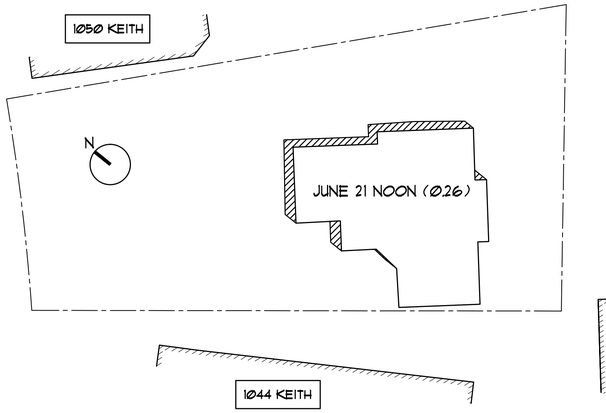


REAR ROOF VIEW: 15.24 @ 3pm (-2h SUNSET)



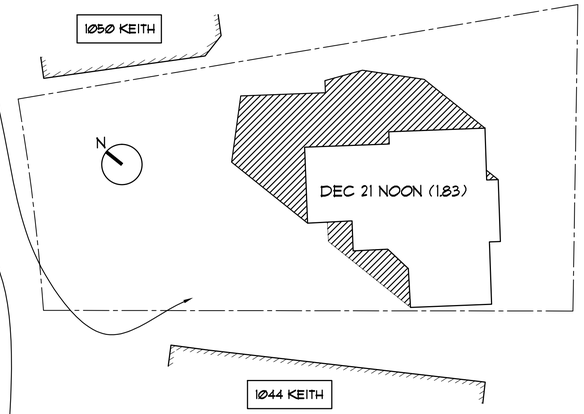


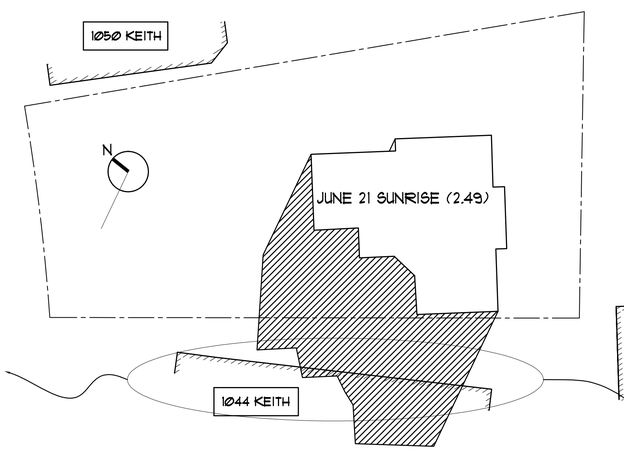
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON

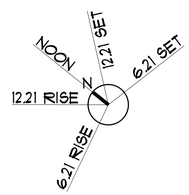


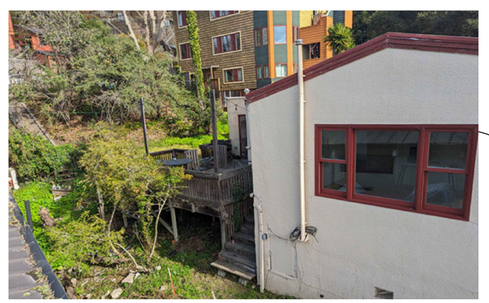


FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

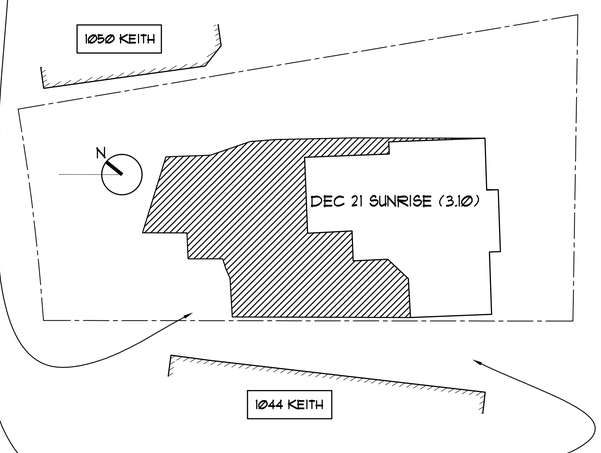


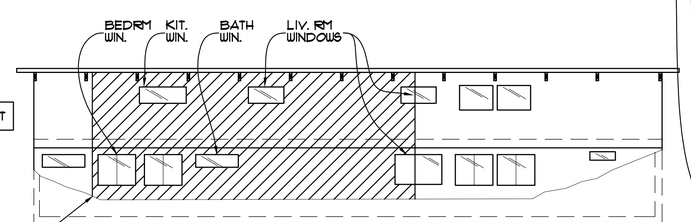






REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)





NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * VIRGINIA * LINDSAY T. NEWMAN * No. C 94608 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *

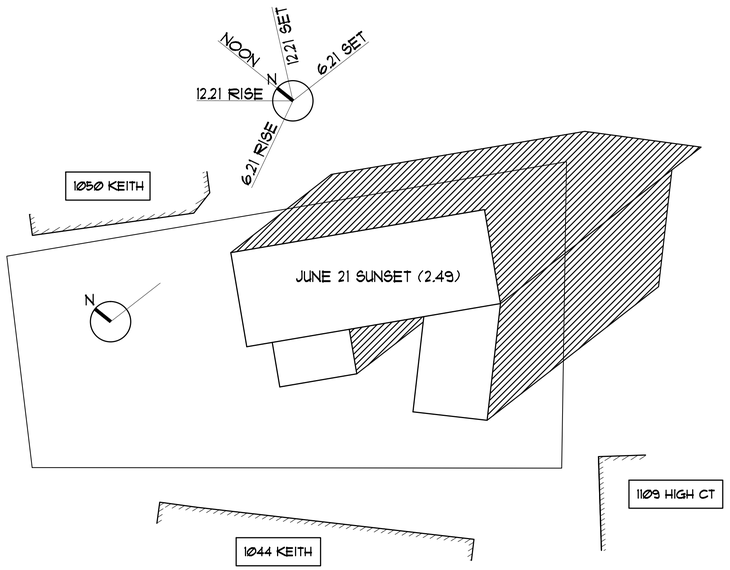
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

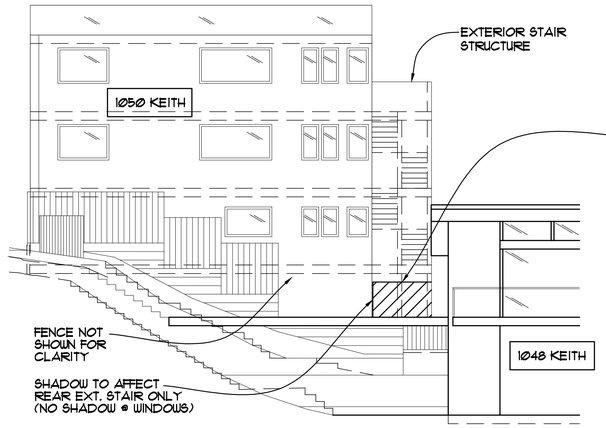
USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/16"=1'-0"
DRAWN: LN

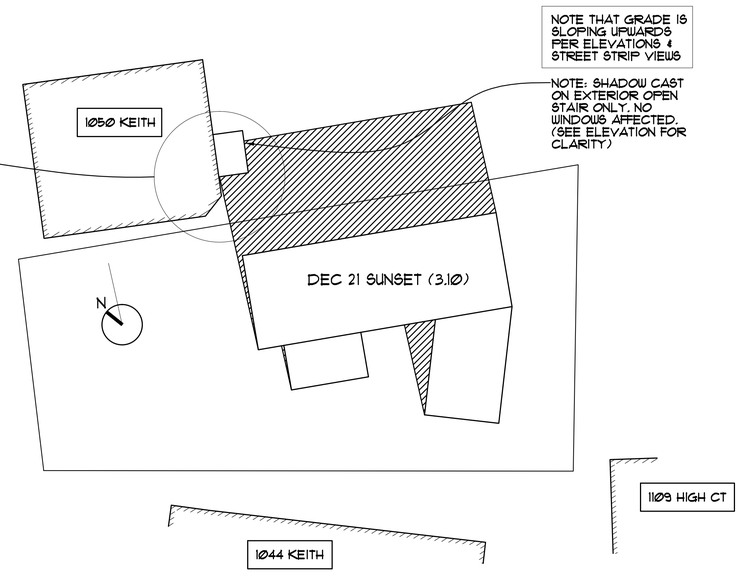
A16

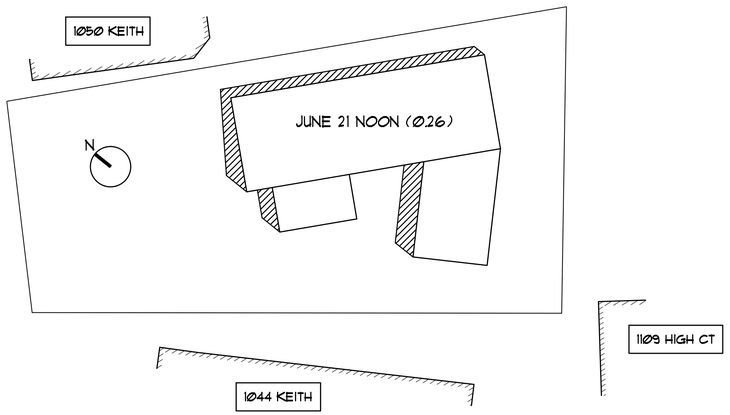
OF 18 SHEETS

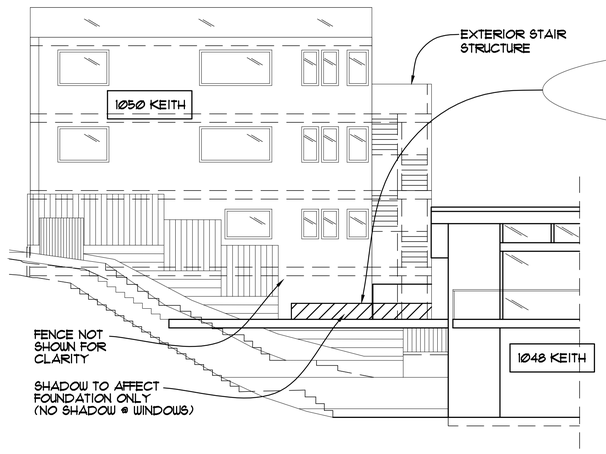




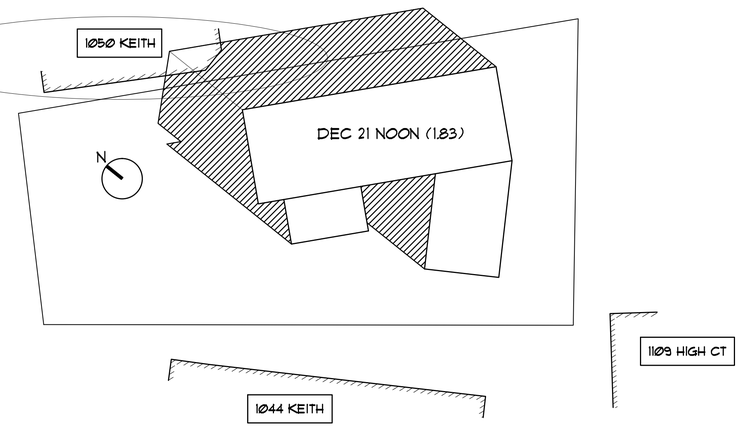
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

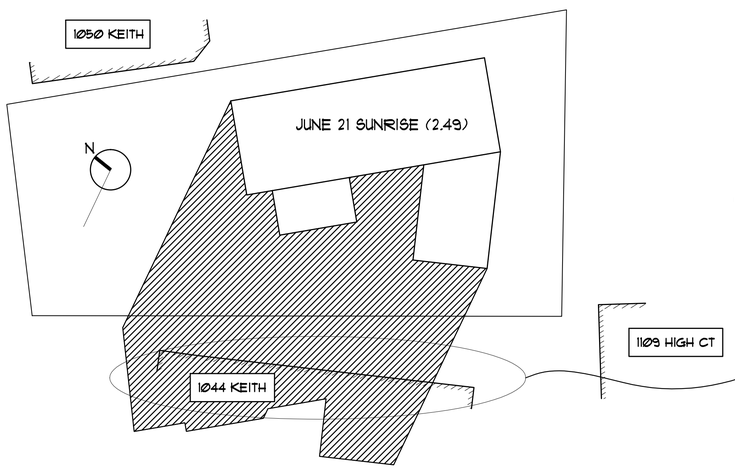




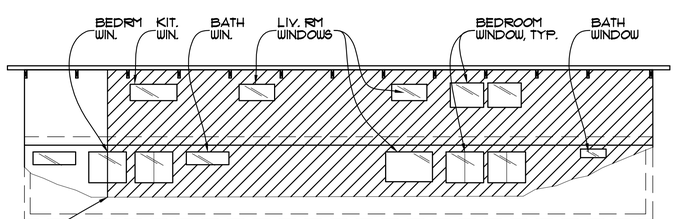


NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"

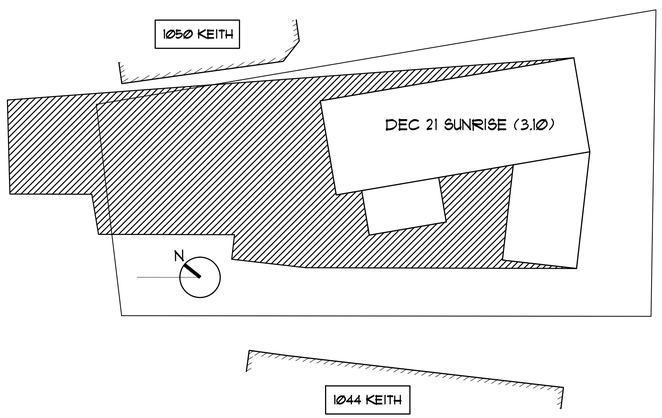




NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE.
(NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanl26@gmail.com

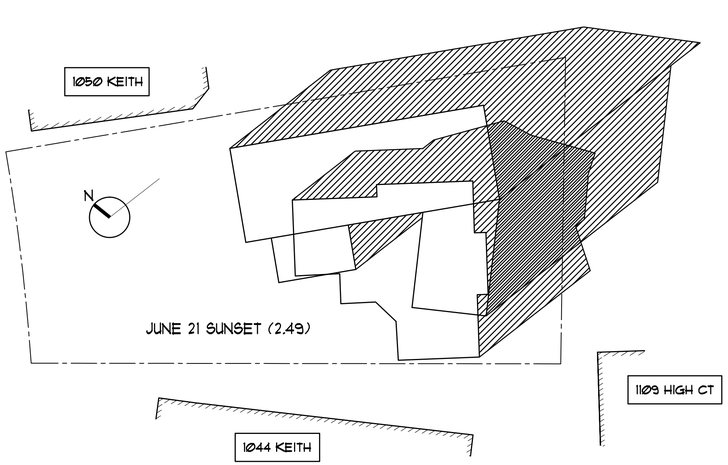
REGISTERED PROFESSIONAL ENGINEER ★ VIRGINIA ★ LINDSAY T. NEWMAN ★ No. C 94808 ★ CIVIL ★ STATE OF

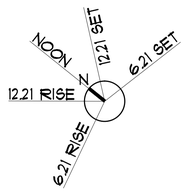
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

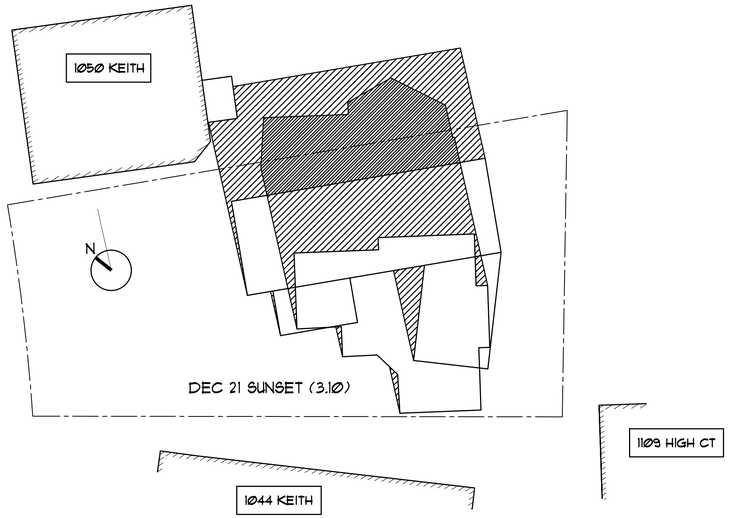
USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

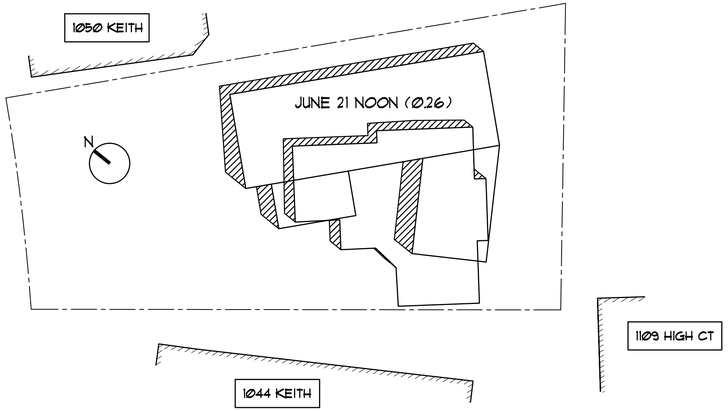
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

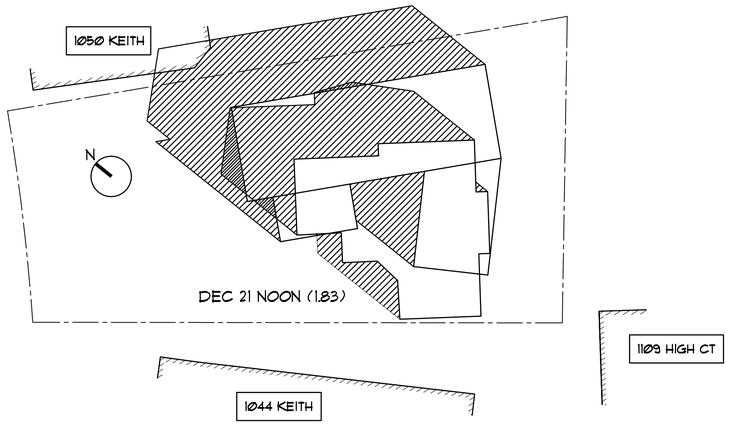
A1.7
OF 18 SHEETS



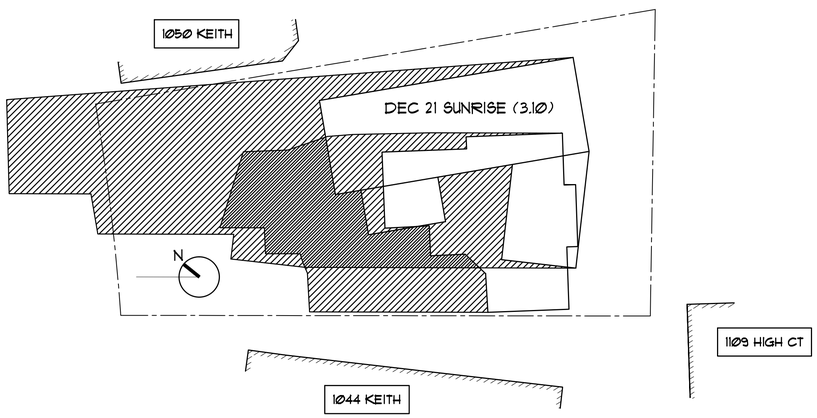












REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanl26@gmail.com

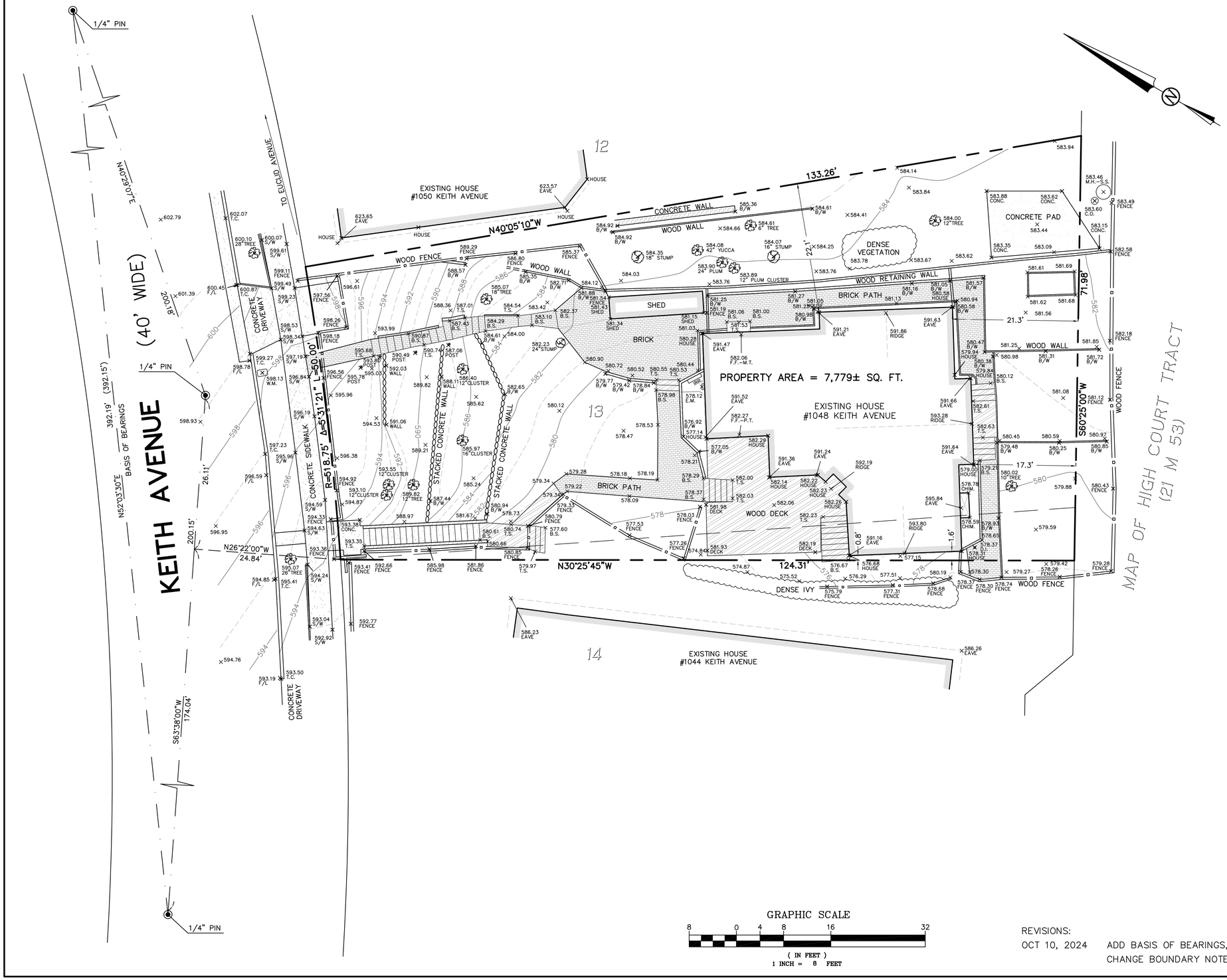
REGISTERED PROFESSIONAL ENGINEER ★ LINDSAY T. NEWMAN ★ No. C 94608 Exp. 06/30/25 CIVIL ★ STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A18
OF 18 SHEETS



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BASIS OF BEARINGS:
THE BASIS OF BEARINGS OF N52°03'30"E BETWEEN THE MONUMENTS IN KEITH AVENUE IS BASED ON THE MAP OF NORTH CRAGMONT (23 M 84), CALCULATED FROM THE NORTH CRAGMONT CALCULATION MAP (ON FILE IN THE CITY ENGINEERING DEPARTMENT) ROTATED BY 23' 30".

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.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

10-10-2024

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

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

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

From: John Doppke <john@doppke.com>
Sent: Wednesday, October 9, 2024 7:13 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

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,

I live at 1051 Keith Ave, and wanted to add a comment to the permit application for 1048 Keith:

Like a number of my neighbors I've spoken to, I'm very concerned by the prospect of my neighbors trying to claim land from one another in a well-known landslide zone. I have no interest in being the judge of who should own the disputed area—that's not my job. But if this process continues, it threatens to upend our whole street, leading to a chain of neighbors suing one another only to wind up with the same amount of land, just a few feet up the hill. That seems like madness to me, and not the spirit in which we've lived alongside each other for years.

I'm also disturbed by the fact that the permit applicant has already destroyed property in the disputed area—the fence, an unused chicken coop, and I believe some trees. It's possible that those actions were provoked; I don't claim to know everything that has transpired. But regardless, I think it's only fair to block any further permanent actions, including building in the disputed area, until the dispute has been resolved.

Thank you,
John Doppke

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1048 Keith Avenue
Attachments: Greetings Berkley ZAP.pdf

From: Darius Gangei <dariusgangei@gmail.com>
Sent: Monday, September 23, 2024 11:08 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 1048 Keith Avenue

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 there, Zoning Adjustment Board,

I've attached our letter to add to the September 26th Meeting for the ZP2024-0014 permit. We are objecting to the permit and will be there in person to share our grievances.

Sincerely,

Darius Gangei | Lighting Designer & Architectural Designer
dariusgangei@gmail.com
Mobile Line (415) 706-3902

Please keep in mind that the contents of this e-mail and any attachments are private, confidential, and intended for the recipient. They may contain information subject to legal privilege and protected by the Electronic Communications Privacy Act, 18 U.S.C. §2510 et seq. Please also be sure to check any attachments for viruses before opening them. Thank you for your cooperation and understanding.

Greetings Berkeley Zoning Adjustment Board,

My name is Darius Gangei, Son of the Gangei Family residing at 1050 Keith since 2001. I Graduated from my Alma mater, Berkeley High School, in 2011. Growing up in a community such as Berkeley has been a blessing.

Many of you may already know that Berkeley Hills is in a Fault Zone and Landslide Zone and that movement of the land beneath our homes has caused Fences, Yards, and entire buildings to slip downhill, causing each neighbor's historically identified property corners to encroach into the neighbors and vice versa. Most good neighbors mitigate conflict by accepting the status quo. Lose some ground on the uphill side and gain some ground on the downhill side. Some neighbors wish to fight the status quo, keep their gained downhill ground, and take back land from their uphill neighbor. This is what is happening to my family.

On 9/24/2019, the Newman/ Kainz Family residing at 1044 Keith bought the next uphill home,1048 Keith, from Peter and Cyndi Berck, which abuts 1050 Keith uphill from it.
On 11/16/20 Mr. Kainz hired Moran Engineering to perform a survey of 1048 Keith, the survey showed that 20 feet of land being used at 1050 Keith for the previous 23 years, fence line, Mature 50+ year-old apple trees were inside of 1048 Keith's property lines. Subsequently, they developed a plan to Demolish the existing home at 1048 Keith and build a new 2-story house in a new location, requiring the demolition and construction of a retaining wall in what is currently my family's backyard. All are based on a survey where the surveyor states that the survey is not reliable by 5 or MORE feet. see (Exhibit A. and B).

Rather than go through the legal route to obtain approval and mutual agreement, on 4/7/24, Newman/ Kainz CUT DOWN my family's fence himself with a power saw. My family awoke to this invasion and called the police, but the police did nothing. Kainz ignored cease-and-desist letters and in-person pleas to stop as he used powered tools to clear-cut the land, rip out trees, tear down chicken coops, and remove pet grave markers to erase their existence. The invasion, harassment, and destruction has been nearly everyday since. Even as I write this letter they are creating a hostile environment in the neighborhood. My family is fearful to go into their own yard.

Neighbors have experienced and some have even called the cops as they witness the harassment and have been there to condole us as this invasion happens on a daily basis. As it states in the Berkeley city ordnance no noise on weekends before 9am but Mr.Kainz starts at 7am to remind us and the whole neighborhood of their presence while abusing the rights of the cease-and-desist, lawsuit and lis pendens filed against the property.

Multiple conversations have taken place since October of 2023 Bahram Gangei and Erica Eagle have objected in person, over email and on the phone dating back before the community outreach (Exhibit D) that stated we have not been informed and that a letter was sent certified to avoid our objection to their plans for submittal. We had tried the mediation through the city personal in recommendation from both parties but no resolution or agreement could be reached.

We ask you the Zoning Adjustment Board to halt all permit progress until a resolution in the courts can be reached.

Exhibit A.

BOUNDARY NOTE: DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY [SIC] ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

Exhibit B.

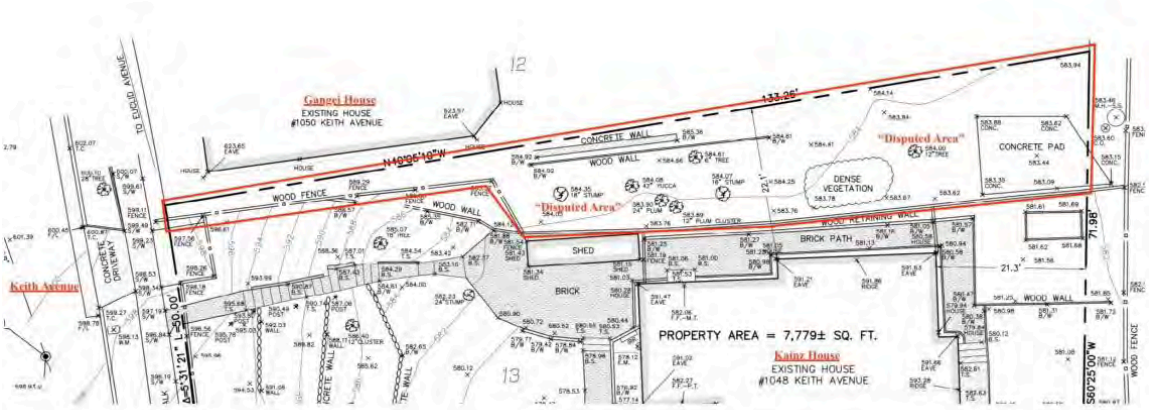


Exhibit C. A cascade of encroachments 1058 > 1056 > 1054 > 1050 > 1048 > 1044 > 1042

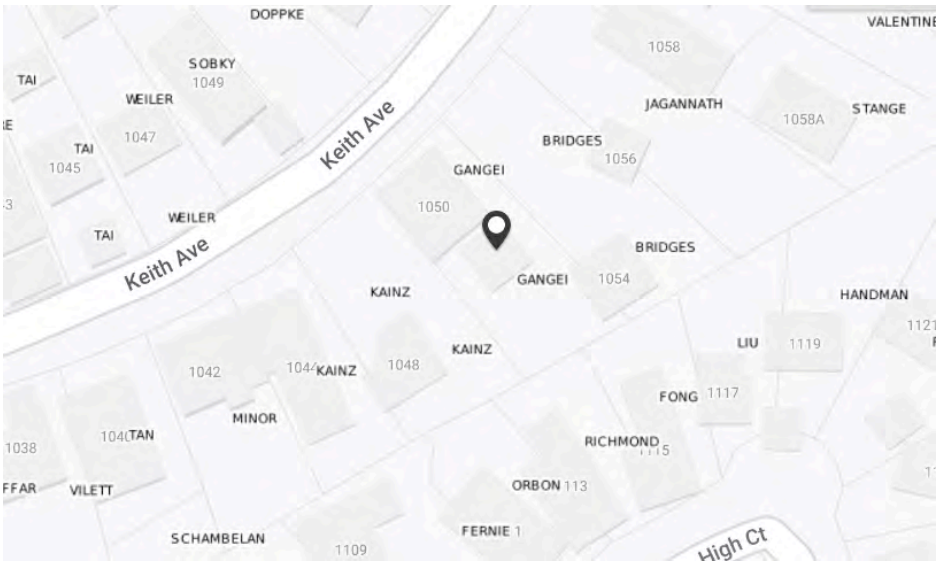
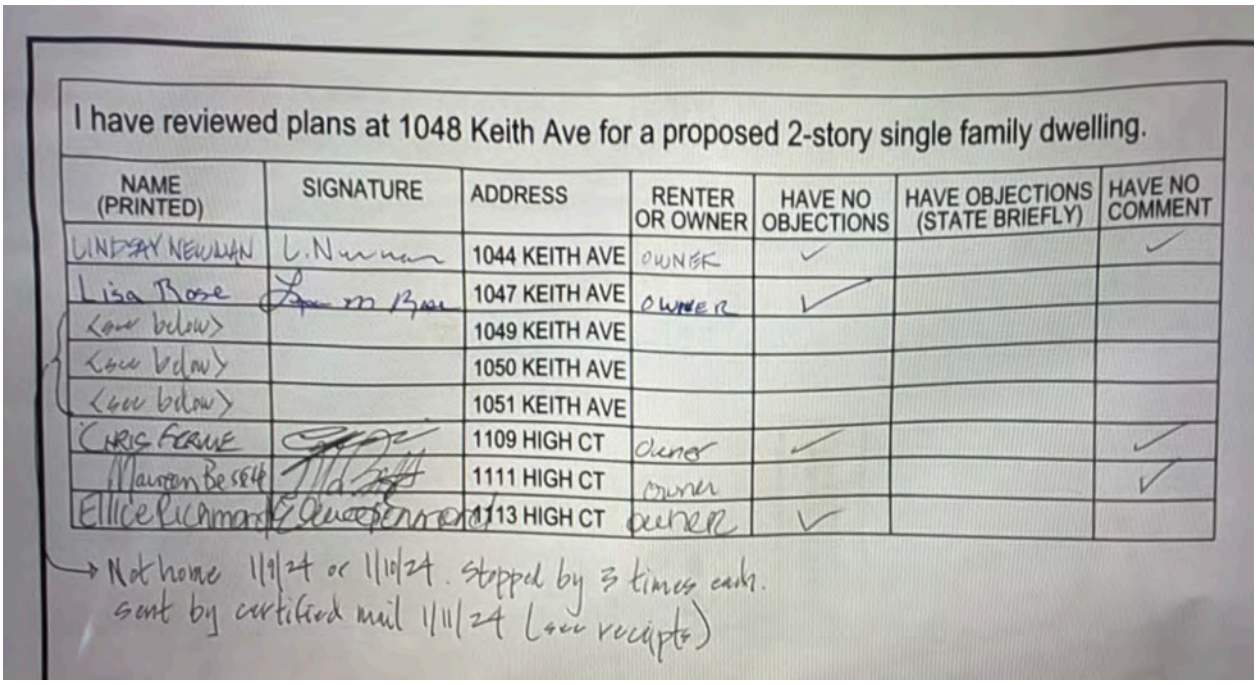


Exhibit D.



I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
LINDSAY NEWMAN	L. Newman	1044 KEITH AVE	OWNER	✓		✓
Lisa Rose		1047 KEITH AVE	OWNER	✓		
<see below>		1049 KEITH AVE				
<see below>		1050 KEITH AVE				
<see below>		1051 KEITH AVE				
CHRIS FERRIE		1109 HIGH CT	owner	✓		✓
Maureen Bessette		1111 HIGH CT	owner			✓
ELLICE RICHMOND		1113 HIGH CT	owner	✓		

→ Not home 1/9/24 or 1/10/24. Stopped by 3 times each.
Sent by certified mail 1/11/24 (see receipts)

From: Bahram Gangei
To: Shah, Waqar
Subject: RE: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley
Date: Tuesday, November 19, 2024 5:52:31 PM
Attachments: image002.png

Hi Mr. Shah,
The Newman family specially Joachim, has become more aggressive in their conduct being emboldened by the city allowing them to put the story poles in a disputed area. On a daily basis they destroy our trees/plants and leave the debris/trash scattered on our property.
Please ask the Newman family to remove the story poles from the disputed area until it is mitigated either amicably as it should be or with the lawsuit.
He came close to me this afternoon on several occasions while cleaning the grounds in my own yard and shouted at me and my gardner and proceeded to block me from walking to my back shed and followed me for minutes not giving me an inch of space. He came back with a pair of loppers while continuing to get dangeroulsy close and proceeded to grab a chair and gaze into our yard for 2 hours.
This is just one example of why my wife at this moment does not feel safe living in this environment, forcing her to spend her time elsewhere causing extreme emotional distress to my family.
Our neighbors are very concerned with this unsafe condition and the implications it may cause.
We appreciate your support to resolve this issue amicably and hope you can support in providing peace for my family and the greater Keith Ave community.
Best Regards,
Bahram Gangei.

> On 11/12/2024 4:55 PM PST Shah, Waqar <wshah@berkeleyca.gov> wrote:
>
> Hi Bahram—Thank you for your email. At this time, it is still pending.
>
> Best,
>
> Waqar

Waqar Shah (he/him)

Associate Planner

Planning and Development, Land Use Division

1947 Center St., 2nd Floor, Berkeley, CA 94704

Phone: (510) 981.7469

Website: www.berkeleyca.gov

Email: wshah@berkeleyca.gov

The Permit Service Center (PSC), including the zoning counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.
To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

All permit-related and Zoning services are available online. Please visit us online for more information.

From: BG Personal <bgangei@comcast.net>
Sent: Tuesday, November 12, 2024 1:49 PM
To: Shah, Waqar <wshah@berkeleyca.gov>
Subject: Re: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

Hi Mr. Shah,
We are anticipating the city decision on the referenced permit that will ripple effect multiple immediate neighbors property deeded area square footage with property vales and taxes etc.,
Please let me know if the city is planning to postpone the permit until the dispute is settled.

The Newman family have been emboldened to increase their aggression of threatening, stealing and damaging our properties and caught on video last Sunday in the disputed area saying there is going to be a bulldozer coming to clear 60-year old apple trees, walls etc.,

Please let us know the status of this permit while we are tryring to make sence of their conduct and with City's help to amicably resolve this issue.

Best Regards,
Bahram Gangei.

Sent from my iPhone

On Oct 15, 2024, at 4:18 PM, BG Personal <bgangei@comcast.net> wrote:

Hi Mr, Shah,
Thank you for the update. Much appreciated.
My attorney and other neighbors are inquiring if the city is considering the property line dispute logistics to mitigate, in addition to the standard plan check reviews?

Thank you,
Bahram Gangei.

Sent from my iPhone

> On Oct 15, 2024, at 3:13 PM, Shah, Waqar <wshah@berkeleyca.gov> wrote:
>
> Hi Bahram-- Thank you for this supplemental item. This will be included in the staff report to ZAB when the project goes to hearing. At this time 1048 Keith's Project is continued to an unknown date, and that the hearing notice will be mailed and posted two weeks before it goes back to ZAB. You will be informed as progress is made.
>
> Best,
>
> Waqar
>
> ---
>
> Waqar Shah (he/him)
>
> Associate Planner
>
> Planning and Development, Land Use Division
>
> 1947 Center St., 2nd Floor, Berkeley, CA 94704
>
> Phone: (510) 981.7469
>
> Website: www.berkeleyca.gov

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

From: Bahram Gangei <bgangei@comcast.net>

Sent: Tuesday, October 15, 2024 11:55 AM

To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Garcia, Claudia <CGarcia@berkeleyca.gov>; dariusgangei@gmail.com

Subject: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

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 Board Members & Ms. Garcia,

Attached, please find the documents and exhibits for your review in regards to the encroachment intended by the new peoject at the referenced site.

The 44-page geological report was sent to Mr. Shah with respect to the 15-page max. limit submittal to the ZAB board members.

Please let me know if you have any questions.

Best Regards,

Bahram Gangei.

Mobile: 510-612-5821

Email: bgangei@comcast.net

<attachment 1.pdf>

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley
Attachments: attachment 1.pdf

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From: Bahram Gangei <bgangei@comcast.net>
Sent: Tuesday, October 15, 2024 11:55 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Garcia, Claudia <CGarcia@berkeleyca.gov>; dariusgangei@gmail.com
Subject: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

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Best Regards,
Bahram Gangei.
Mobile: 510-612-5821
Email: bgangei@comcast.net

From: Bahram Gangei
To: Shah, Waqar
Subject: Re: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley
Date: Wednesday, December 4, 2024 10:01:00 AM

Hi Mr. Shah,
Hope all is well.
Please let us know the results of the new survey as referenced in your email.
I had cancelled my appointment for a new survey based on your recommendation on 10/3 to hold off.
Please let me know if the city has a new survey that aligns with the downhill neighbors added GSF parcels.
Best Regards,
Bahram Gangei.

> On 11/20/2024 2:15 PM PST BG Personal <bgangei@comcast.net> wrote:
> Hi Mr. Shah,
> Could you elaborate on what a revised survey means?
> We and the immediate neighbors are expecting the City/Newman family to follow the deeded square footage for all properties with an equitable and fair adjustment to all parties.
> Given the hearing being pushed back to January, could we please have the story poles taken down on the disputed area as they have already been reviewed by the city and will be adjusted based on the outcome of the dispute.
> Also we have called the police several times and we are consistently told there is nothing to be done until the land dispute is finalized. We as a community feel the city has the power to find an equitable agreement/solution to end this dispute and prevent any further property line issues of this magnitude in the future.
> Best Regards,
> Bahram Gangei
>
> > On Nov 20, 2024, at 9:23 AM, Shah, Waqar <wshah@berkeleyca.gov> wrote:
> >
> > Hi Bahram—Your message is received. The applicant has submitted a revised survey with the most current information and is now scheduled for the January 9th, 2024 ZAB hearing. As I work in the planning department, I am only able to address zoning-related matters and am unable to assist with neighborhood relations concerns. For those issues, please contact the police department.
> >
> > Best regards,
> > Waqar
> >
> > ---
> >
> > <image003.png>
> > **Waqar Shah** (he/him)
> >
> > Associate Planner
> >
> > Planning and Development, Land Use Division
> >
> > 1947 Center St., 2nd Floor, Berkeley, CA 94704
> >
> > **Phone:** (510) 981.7469
> >
> > **Website:** www.berkeleyca.gov

Email: wshah@berkeleyca.gov

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From: Bahram Gangei <bgangei@comcast.net>
Sent: Tuesday, November 19, 2024 5:52 PM
To: Shah, Waqar <wshah@berkeleyca.gov>
Subject: RE: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

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He came close to me this afternoon on several occasions while cleaning the grounds in my own yard and shouted at me and my gardner and proceeded to block me from walking to my back shed and followed me for minutes not giving me an inch of space. He came back with a pair of loppers while continuing to get dangeroulsy close and proceeded to grab a chair and gaze into our yard for 2 hours.

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Best Regards,

Bahram Gangei.

> On 11/12/2024 4:55 PM PST Shah, Waqar <wshah@berkeleyca.gov> wrote:
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> Hi Bahram—Thank you for your email. At this time, it is still pending.
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> ---
>
> <image004.png>
> **Waqar Shah** (he/him)
>
> Associate Planner
>
> Planning and Development, Land Use Division
>
> 1947 Center St., 2nd Floor, Berkeley, CA 94704
>
> **Phone:** (510) 981.7469
>
> **Website:** www.berkeleyca.gov
> **Email:** wshah@berkeleyca.gov
>
> ***The Permit Service Center (PSC)*, including the zoning counter, is open *between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday*.**
> *To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.*

All permit-related and Zoning services are available online. Please visit us online for more information.

From: BG Personal <bgangei@comcast.net>
Sent: Tuesday, November 12, 2024 1:49 PM
To: Shah, Waqar <wshah@berkeleyca.gov>
Subject: Re: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

Hi Mr. Shah,
We are anticipating the city decision on the referenced permit that will ripple effect multiple immediate neighbors property deeded area square footage with property vales and taxes etc.,
Please let me know if the city is planning to postpone the permit until the dispute is settled.

The Newman family have been emboldened to increase their aggression of threatening, stealing and damaging our properties and caught on video last Sunday in the disputed area saying there is going to be a bulldozer coming to clear 60-year old apple trees, walls etc.,

Please let us know the status of this permit while we are tryring to make sence of their conduct and with City's help to amicably resolve this issue.

Best Regards,
Bahram Gangei.

Sent from my iPhone

> On Oct 15, 2024, at 4:18 PM, BG Personal <bgangei@comcast.net> wrote:
>
> Hi Mr, Shah,
> Thank you for the update. Much appreciated.
> My attorney and other neighbors are inquiring if the city is considering the property line dispute logistics to mitigate, in addition to the standard plan check reviews?
>
> Thank you,
> Bahram Gangei.
>
> Sent from my iPhone

On Oct 15, 2024, at 3:13 PM, Shah, Waqar <wshah@berkeleyca.gov> wrote:

Hi Bahram-- Thank you for this supplemental item. This will be included in the staff report to ZAB when the project goes to hearing. At this time 1048 Keith's Project is continued to an unknown date, and that the hearing notice will be mailed and posted two weeks before it goes back to ZAB. You will be informed as progress is made.

Best,

Waqar

Waqar Shah (he/him)

Associate Planner

Planning and Development, Land Use Division

1947 Center St., 2nd Floor, Berkeley, CA 94704

Phone: (510) 981.7469

Website: www.berkeleyca.gov

Email: wshah@berkeleyca.gov

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All permit-related and Zoning services are available online. Please visit us online for more information.

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

From: Garcia, Claudia <CGarcia@berkeleyca.gov>

Sent: Tuesday, October 15, 2024 12:02 PM

To: Shah, Waqar <wshah@berkeleyca.gov>; Updegrave, Samantha <SUpdegrave@berkeleyca.gov>

Subject: FW: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

Internal

HI Waqar and Samantha,

Please see email and attached document. I'm assuming this is from the neighboring property owner?

@Shah, Waqar: perhaps you should respond to acknowledge receipt of the information.
@Updegrave, Samantha: what do you think?

Best,

Claudia

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

From: Bahram Gangei <bgangei@comcast.net>

Sent: Tuesday, October 15, 2024 11:55 AM

To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Garcia, Claudia <CGarcia@berkeleyca.gov>; dariusgangei@gmail.com

Subject: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

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 Board Members & Ms. Garcia,

Attached, please find the documents and exhibits for your review in regards to the encroachment intended by the new peoject at the referenced site.

The 44-page geological report was sent to Mr. Shah with respect to the 15-page max. limit submittal to the ZAB board members.

Please let me know if you have any questions.

Best Regards,

Bahram Gangei.

Mobile: 510-612-5821

Email: bgangei@comcast.net

<attachment 1.pdf>

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Comments on Public Hearing for 1048 Keith Avenue on 9.26.24

-----Original Message-----
From: khortan@mac.com <khortan@mac.com>
Sent: Thursday, September 26, 2024 5:52 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Comments on Public Hearing for 1048 Keith Avenue on 9.26.24

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 Zoning Adjustment Board Members,

We are homeowners of 1040 Keith Avenue. We respectfully request that you do NOT issue a permit to build in the disputed area until after this land dispute is resolved. To issue a permit at this time when the land dispute has not been resolved would unnecessarily further complicate matters. It would also suggest that the Board is already taking sides prematurely in favor of one side of this dispute over the other when there is no formal resolution on this land dispute.

As a matter of consistent practice, it seems prudent NOT to issue any new building permit in any disputed area in our City which has not been officially resolved.

Thank you for considering this.

Respectfully Yours,

Shu Yang Tan & Karen Khor
Homeowners of 1040 Keith Avenue, Berkeley, CA 94708

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

-----Original Message-----
From: Margit Stange <mkstange@sbcglobal.net>
Sent: Tuesday, October 8, 2024 4:02 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

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.

ATTN: ZAB Secretary
RE: Use Permit application #ZP2024-0014 1048 Keith OBJECTION
FROM: Margit Stange 1058A Keith Ave. 510 693 7032

I own the property at 1058A Keith Ave., four plots uphill from 1048 Keith. I oppose granting the referenced demo/building permit or allowing any building on the site until the ongoing property line dispute with the uphill neighbor at 1050 Keith has been settled. We on the lower side of Keith Ave. sit on the Keith Avenue Landslide. Since the original property lines were laid out more than a century ago, the land--and our structures and property lines -- has been moving downhill (S/SW) by as much as two inches a year. As long as we retained the use of the original square footage shown on the deed, we have lived peaceably with the situation, refraining from interfering with our neighbors' use of their original plot area. The owners of 1048 Keith contend there has been no land movement. Their building plan is based on a survey which redraws the property lines such that 1050's plot would shrink significantly. But this survey, like previous surveys on the Slide, includes a disclaimer: "Due to significant land motion. . . . The boundary shown could vary . . . . on the order of 5.0' or more." (11/16/20 Moran Engineering Survey of 1048 Keith). Do not approve use permit application #ZP2024-0014, as it is based on uncertain and disputed plot boundaries.

From: Lindsay Newman
To: Shah, Waqar
Subject: Re: September 26, 2024 ZAB meeting comment on 1048 Keith
Date: Monday, September 23, 2024 5:40:01 PM

Thank you for sending this. I will email her later tonight.

Yahoo Mail: Search, Organize, Conquer

On Mon, Sep 23, 2024 at 5:07 PM, Shah, Waqar <wshah@berkeleyca.gov> wrote:

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Friday, September 20, 2024 10:49 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: September 26, 2024 ZAB meeting comment on 1048 Keith

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,

This parcel at 1048 Keith looks like a foolish place to add density as this parcel sits in the fire zone, earthquake fault zone, landslide zone trifecta.

My bigger question is, if this project is what it looks like, speculation building for sale, is the developer required to inform potential buyers they have hit the Berkeley hazard trifecta of fire, earthquake and landslide? If the "two houses" are for rent instead of sale, is the same notification required?

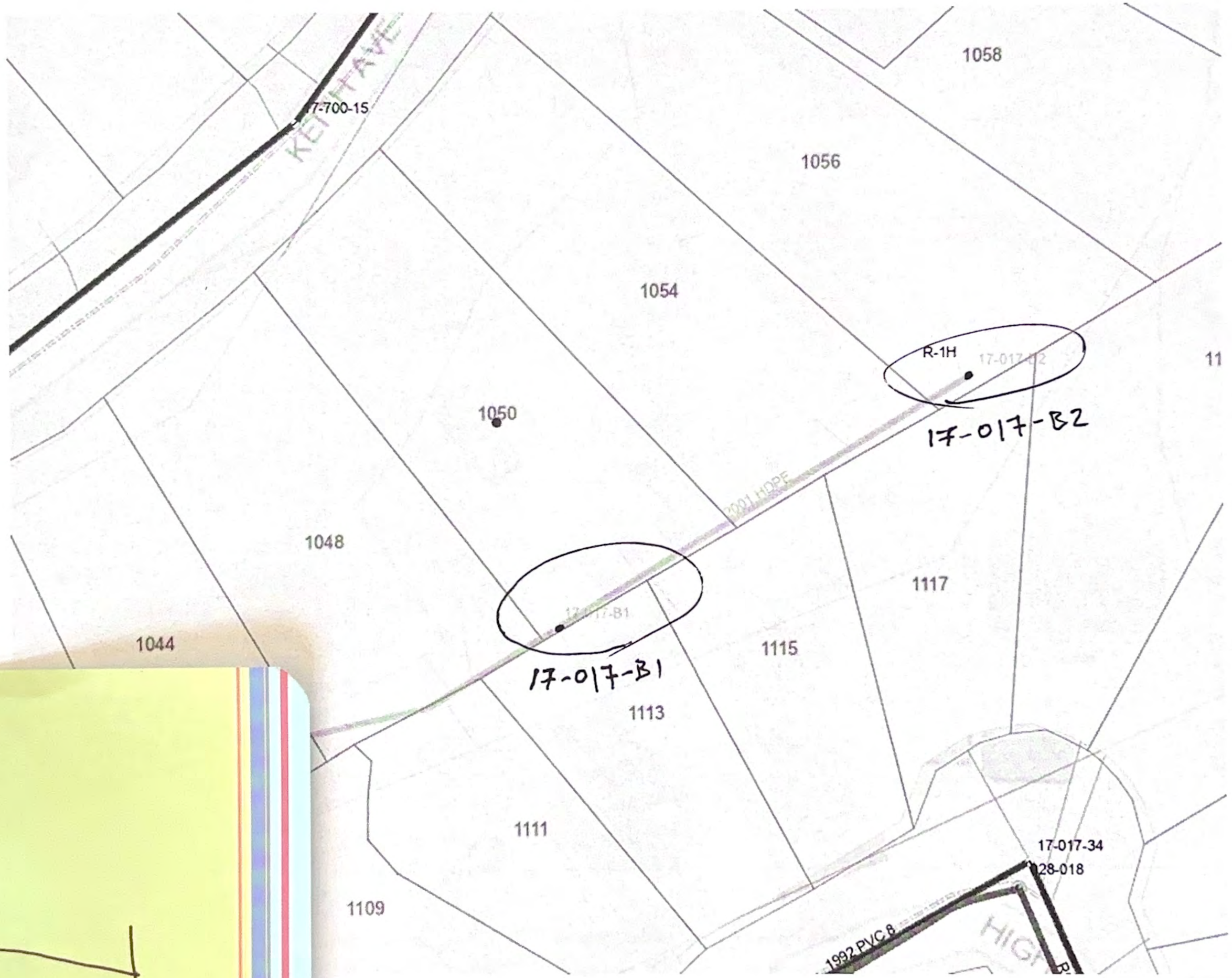
Checked the Earthquake Zones of Required Investigation map and found **THIS PARCEL IS IN THE EARTHQUAKE FAULT ZONE practically on top of the mapped fault and A LANDSLIDE ZONE** **https://maps.conservation.ca.gov/cgs/EQZApp/app/**

kelly hammargren

Table of content for exhibits/documents attached for ZAB review

Documents & References	**Name: Bahram Gangei** **Address: 1050 Keith Ave, Berkeley, Ca. 94708** **Mobile: 510-612-5821** **Email: bgangei@comcast.net**	**Permit# ZP2024-0014** **Name: Lindsay Newman** **Address: 1048 Keith Ave. Berkeley Ca. 94708**

Exhibit #	Description
1	Current Berkeley public utility plan show the existence of a 24" sewer manhole at 1050 Keith Ave. back yard. Ironically, three days ago city engineers came over to 1050 Keith ave to schedule an appointment for the sewer line inspection. It validates the accuracy of the manhole placement since it was built in 1908 or there of.
2	Letter submitted to ZAB from Cyndi Berk (Previous owner of 1048 Keith Ave address) stating the fact that Peter Berk had claims on the 1044 Keith Ave. eastern property line since 1979. The letter also confirms that the fence replaced in 2002 was installed where it was known to Mr. Berk since 1979 or beyond, possibly built in 1949 as we discussed.
3	Notice filed by Peter Berk in 08/25/2000 that references the dashed area on the site plan attached as exhibit-3. The last paragraph references the encroachment of the deck retaining wall on the South west of the house.
4	Recent survey map denoting inaccuracy of the results with a huge disclaimer that the survey could be wrong by 5 or more feet.
5	Alan Kropp extensive Geological research, studies and other legal cases compiled in collaboration with other subject matter experts providing the facts for Keith Ave. and Berkeley hills area having shifted 10-20 feet since community inception in year 1908, since Keith Ave. area is situated in a three fault line zone. The 44-page geological report was submitted to Mr. Shah via. email for your reference.
6	Lawsuit Case #24CV083292 filed with superior court Alameda County on 07/12/24
7	Plot map of Keith Ave. for ready reference. It shows 1050 back yard distance to be 65.29-feet, but we currently only have 61-feet. All other neighbors distances above us toward Euclid Ave. are also different from the distances shown on the plot-map with a few feet less than expected.
8	Email from Mr. Shah W/City of Berkeley on 3/25/24 clarifying that there are no permits issued for the referenced project, where Newman family unilaterally began demolishing the fence starting on 04/14/24 and continuing to date destroying our property, invading our privacy daily, and intentionally stealing our belongings.
9	Summary of the damages and abusive code of conduct since 03/06/24 that has taken a big toll on my family's mental health, as we have from the start looked for ways to resolve the matter amicably for both parties while the Newman family continue to harass and terrorize. Petition signed by concerned neighbors disputing the property take over by inaccurate surveys and changing the taxing brackets etc.,
Reference	The Missing 20-feet from 1048 Keith Ave, has to be claimed from the properties down the hill as supported in Exhibit-2.
Reference	There was a public pathway between 1048 and 1040 Keith Ave. address since inception in year 1908. Peter Berk told me that the pathway was discontinued to be maintained by the City of Berkeley and was distributed to the neighboring properties and the deeds. This could also attribute to the confusion to properly address the discrepancies. I could not find more specific data on the pathway with the Berkeley City staff and other city departments. ZAB board members may have resources available to investigate this matter further as this is a known subject amongst Keith Ave. neighbors.


17-700-15
KENTAVE
1058
1056
1054
1050
1048
1044
1117
1115
1113
1111
1109
R-1H
17-017-B2
17-017-B1
17-017-34
28-018
1992 PVC 8

2

c of you in this forwarded email. I wish
a g this matter.

I o ZAB. The last sentence, referring to
th nowledge, should read "1997 to
2019."

Sincerely,
Cyndi

---------- Forwarded message ---------
From: **Cyndi Berck** <cyndi.berck@gmail.com>
Date: Tue, Sep 24, 2024, 1:35 PM
Subject: 1048 Keith - application # ZP2024-0014
To: <zab@berkeleyca.gov>

Dear Zoning Board:

I previously owned and lived at 1048 Keith. I have no opinion or interest as to the outcome of this application. The owners of 1050

Keith, Bahram Gangei and Erica Eagle, have asked me to share some information.

As background, my late husband, Peter Berck, owned 1048 from 1979 (initially with his first wife) until his death in 2018. I inherited the house from Peter, and sold it to Lindsay Newman (owner and resident at 1044 Keith) in 2019.

I lived at 1048 with Peter from 1997 to 2016, except for two academic sabbatical years, when the house was rented out. The house was again rented out 2016-19.

Before I sold 1048, I contacted a surveyor about the possibility of having a survey done. I was told that it is difficult to get accurate results because of land movement on that block.

During the time of my personal knowledge (1997-2019), the yard used by the residents of 1044 included some land that was part of 1048, according to a survey marker that was located in the yard used by 1044. As of 1997, these yards were separated by a hedge and , I believe, some damaged fencing. In 2000, Peter built a new fence between the yards used by 1044 and 1048. Peter

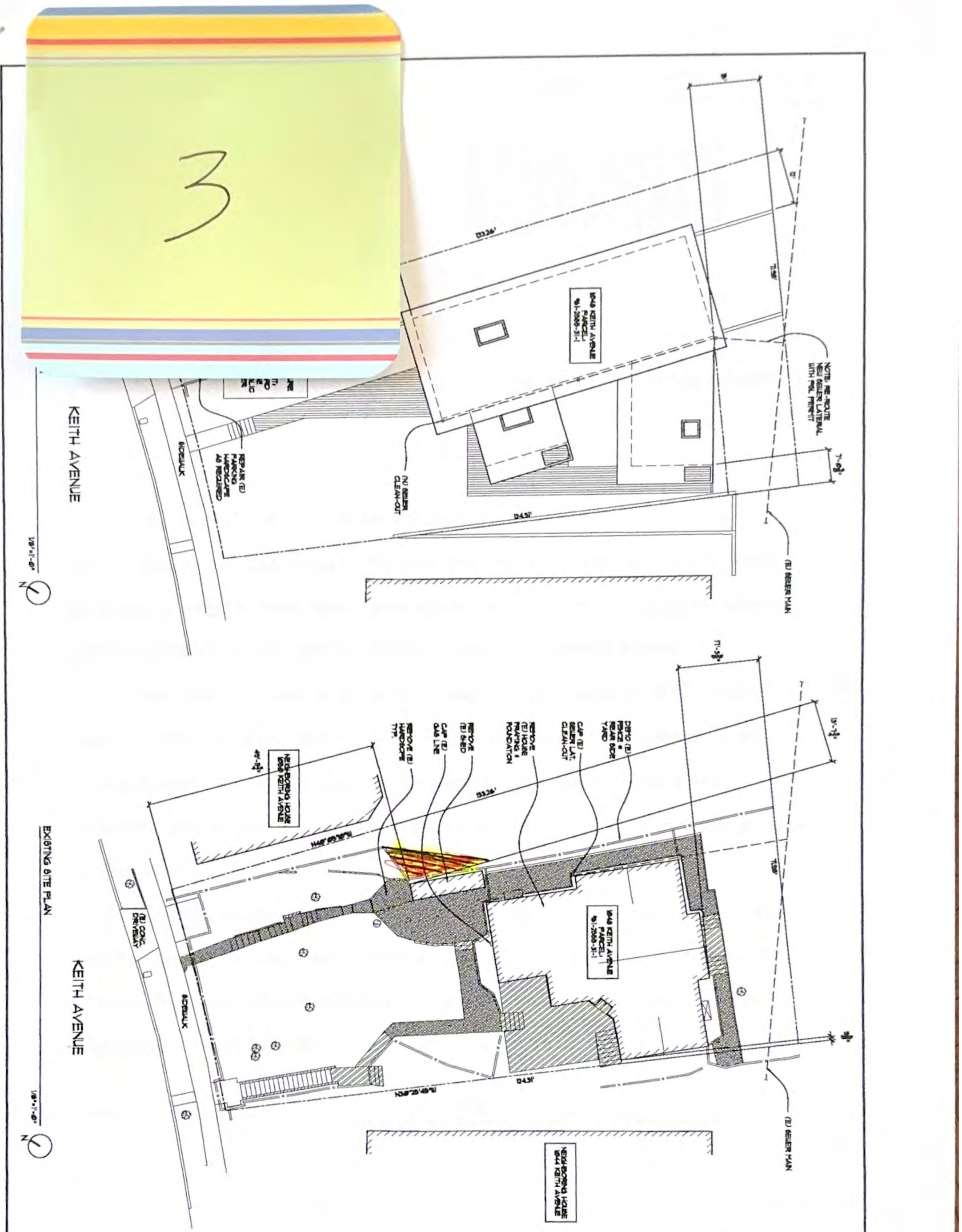
included a gate in the fence and on occasion entered onto the portion of his property located in the yard used by the residents of 1044.

In 2000, Peter had a notice of encroachment filed with the county recorder's office, regarding encroachment of a structure from 1050 onto the front yard of 1048. The notice gave revocable permission for that encroachment.

In 2000 or 2001, Bahram and Erica asked Peter for permission to build a new fence between the back yards used by 1048 and 1050, to replace a dilapidated fence. Peter gave permission and the fence was built. It followed the line of the dilapidated fence that had separated 1048's back yard from 1050's back yard prior to the construction of the new fence. During the period of my personal knowledge (1979-2019), this was the practical demarcation of the back yards.

Sincerely,
Cynd Berck

3



A2 OF SEVEN SHEETS	EXISTING SITE PLAN & PROPOSED SITE PLAN	NEW SINGLE-FAMILY RESIDENCE 1048 KEITH AVENUE BERKELEY, CA 94708		LINDSAY NEWMAN, PE CIVIL ENGINEER P.313.615.9400 newmanli26@gmail.com

2000266681 09/01/2000 11:21 AM
OFFICIAL RECORDS OF RECORDING FEE: 20.00
ALAMEDA COUNTY
PATRICK O'CONNELL

3 PGS

RECORDING REQUESTED BY
Peter Berck
1048 Keith Avenue
Berkeley, CA 94708

WHEN RECORDED MAIL TO:
Peter Berck
1048 Keith Avenue
Berkeley, CA 94708

NOTICE OF CONSENT TO USE OF LAND AND NOTICE OF ENCROACHMENT

APN: 61-2555-031-01

APN: 61-2555-32

The parcel of land owned by Peter Berck (APN 61-2555-031-01) is affected by this notice. The parcel of land owned by Margaret Webb (APN 61-2555-32), which is adjacent to the parcel owned by Peter Berck, also is affected by this notice. The legal descriptions of APN 61-2555-031-01 and APN 61-2555-32 are set forth on Exhibit A hereto.

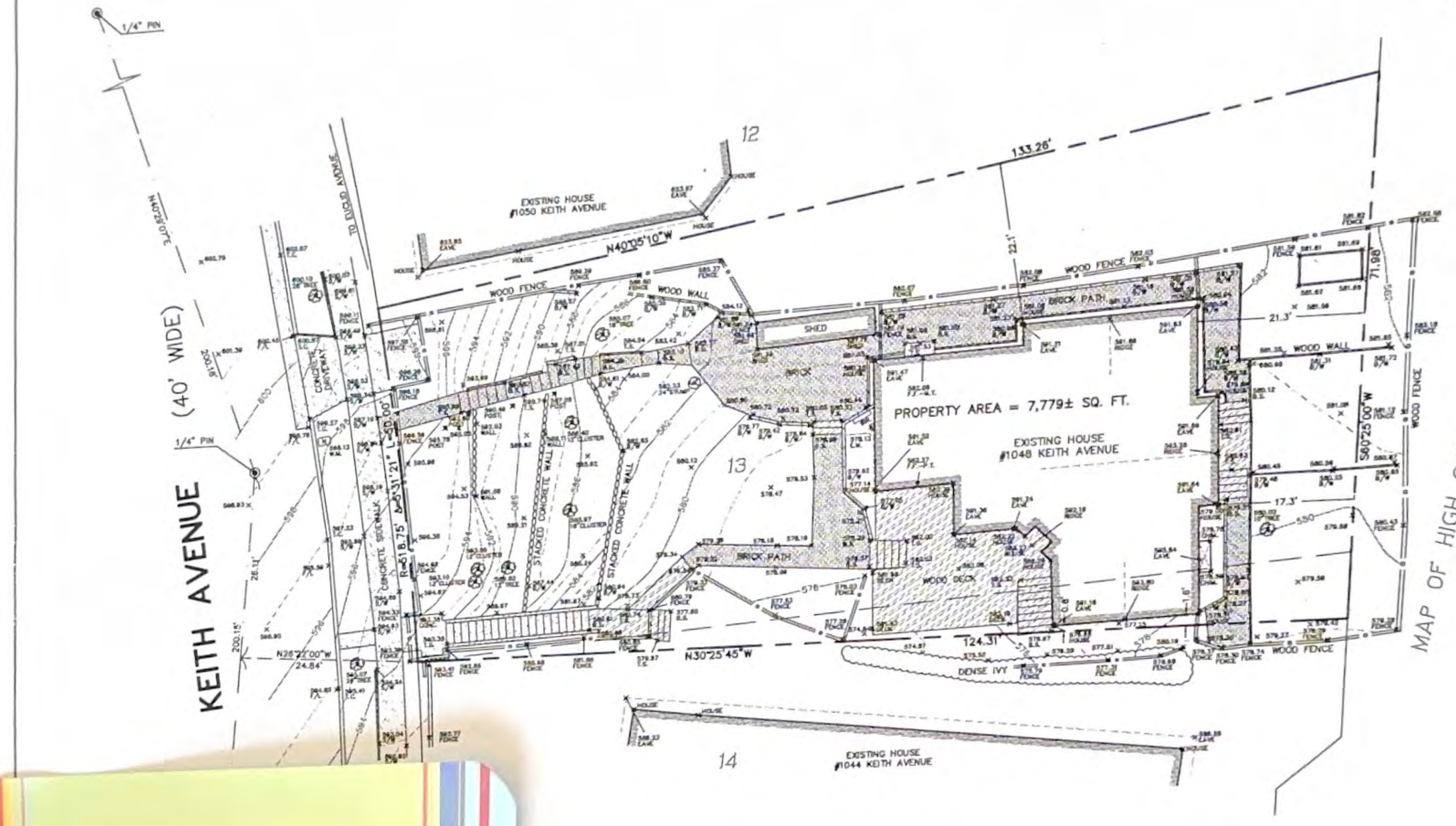
The right of the public or any person to make any use whatsoever of the parcel of land owned by Peter Berck, APN 61-2555-031-01, described in Exhibit A hereto, or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed or dedication), is by permission and subject to control of the owner pursuant to Section 813, California Civil Code.

This instrument also shall serve as notice that a portion of the retaining wall located near the southwest portion of the house on the property owned by Margaret Webb, APN 61-2555-32, described on Exhibit A, encroaches upon the adjacent parcel of land owned by Peter Berck, APN 61-2555-031-01, described on Exhibit A.

Dated: 8/25/2000

Peter Berck

Peter Berck



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
◉	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

4

From: Alan Kropp akropp@akropp.com
Subject: Gangei Property Movement
Date: Sep 24, 2024 at 5:55:33 PM
To: Bahram Gangei bgangei@comcast.net

Bahram-

You asked that I comment on the issue of property line movement in the active Keith Avenue Landslide area where you live. You indicated that a neighbor had a survey performed and wants to build a new structure within their surveyed property lines. The problem is that the land has moved between 10 and 20 feet in your area since the property lines were established, so houses and improvements have partially migrated across property lines and this is no longer the normal situation where a person can just rely on a standard survey map. I have attached a series of articles and professional papers on this topic to help demonstrate the complexity of the situation and show how extensive the problem is. The first article is from the San Francisco Chronicle 20 years ago and focusses on this specific problem in your neighborhood, but also shows how it impacts other properties on other slowly moving landslides in the Berkley Hills and Kensington. The movement of the Keith Avenue Landslide was also highlighted in my firm's recent study of the Oxford School site located within the slide (a copy of our report can be found on our website).

I have been an expert witness in litigation on four such property line disputes in the area, and I can say that litigation never really resolved the issues. In my experience, the best way dozens of people I have worked with the situation is to acknowledge the property lines are not a good determiner of the lot limits, but simply to take the property dimensions and fit them as well as possible to the existing improvements. However, this takes cooperation between neighbors so the cascading problem from lot to lot for entire blocks can be avoided.

I hope this is helpful. Let me know if you have any questions.

Alan Kropp, G.E.
President, Principal Engineer
Alan Kropp & Associates
2140 Shattuck Avenue, Suite 910
Berkeley, CA 94704
(510) 841-5095 (office)
(510) 841-8357 (fax)
www.akropp.com

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Email: jtripathy@schorr-law.com

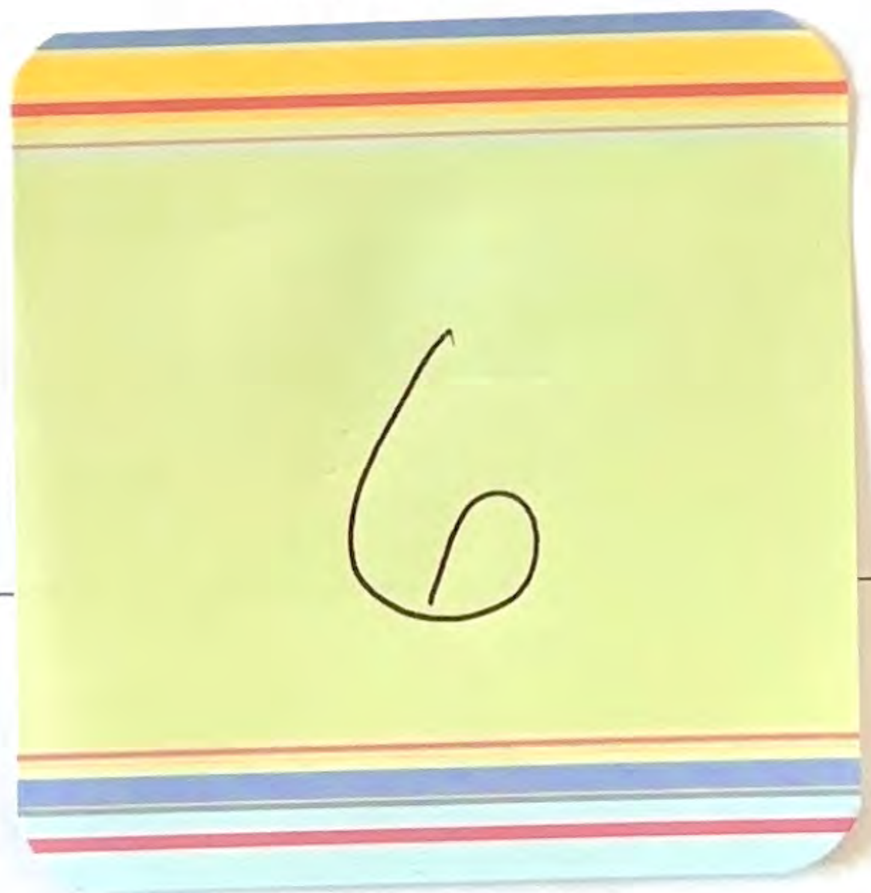
Attorneys for Plaintiffs
BAHRAM GANGEI AND ERICA LORENE EAGLE

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
07/12/2024 at 04:27:41 PM
By: Mar Thomas,
Deputy Clerk

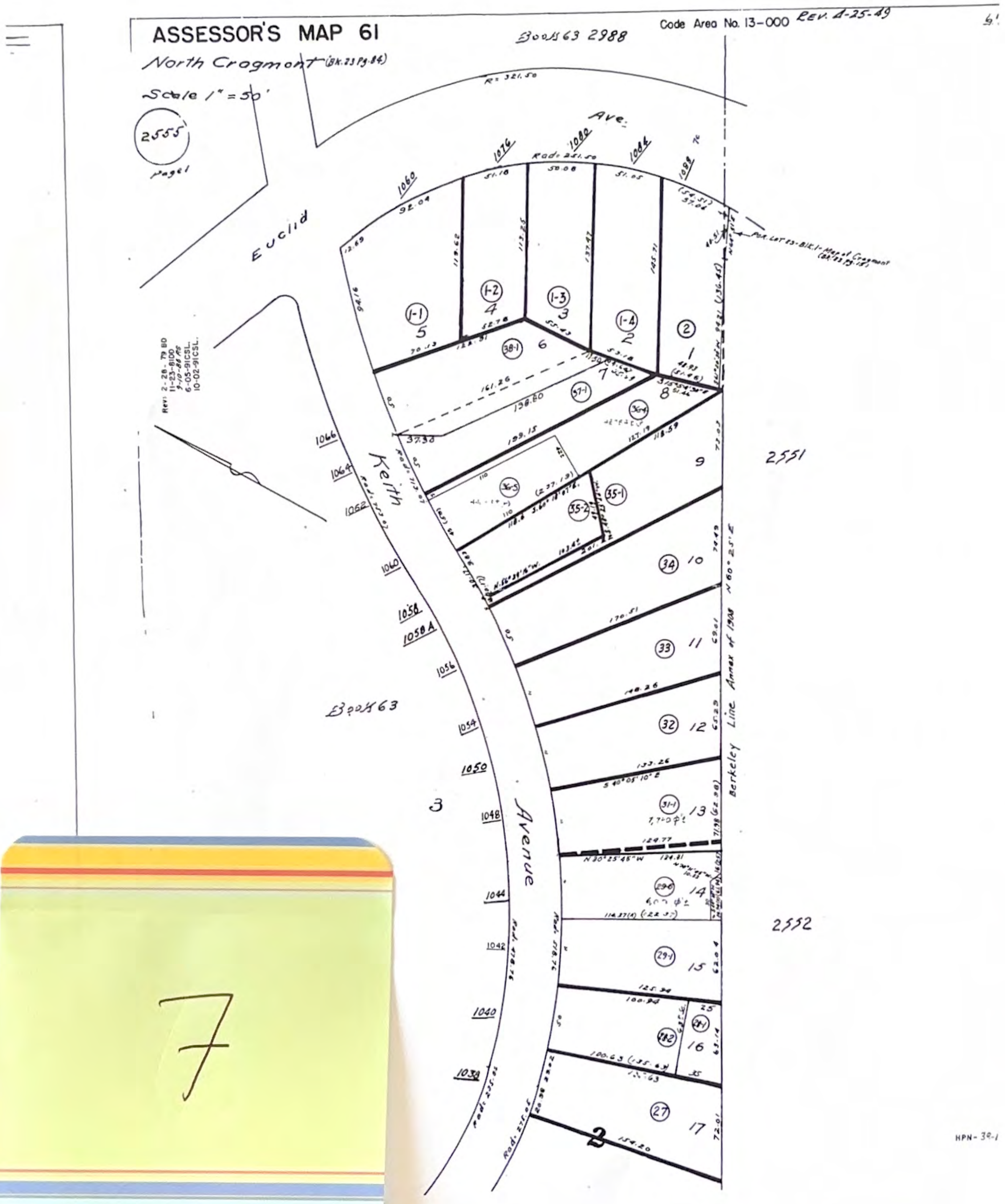
SUPERIOR COURT FOR THE STATE OF CALIFORNIA

ALAMEDA COUNTY

BAHRAM GANGEI, an individual; and ERICA LORENE EAGLE, an individual, Plaintiffs, vs. JOACHIM KAINZ, an individual; LINDSAY NEWMAN, an individual; all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to Plaintiffs' title, or any cloud upon Plaintiffs' title thereto; and DOES 1 through 20, inclusive, Defendants.	Case No.: 24CV083292 **PLAINTIFFS' VERIFIED COMPLAINT FOR:** **1) QUIET TITLE;** **2) PRIVATE NUISANCE;** **3) TRESPASS;** **4) CONVERSION;** **5) QUIET TITLE (IRREVOCABLE LICENSE);** **6) QUIET TITLE (EQUITABLE EASEMENT);** **7) INJUNCTIVE AND DECLARATORY RELIEF.**



For Assessment Use Only


ASSESSOR'S MAP 61
Books 63 2988
Code Area No. 13-000 Rev. 4-25-49
North Crogmont (Bk. 23 Pg. 84)
Scale 1" = 50'
2555
page 1
Euclid
Ave.
R = 321.50
Rad. 251.50
1060
1076
1080
1084
1088
92.04
51.10
50.08
51.05
Keith
Avenue
Rad. 235.01
Rad. 275.07
Rad. 318.75
Rad. 275.07
Rad. 275.07
Rad. 275.07

From: Shah, Waqar wshah@berkeleyca.gov
Subject: RE: Zoning Project at 1048 Keith Avenue
Date: Mar 25, 2024 at 9:33:48 AM
To: BG Personal bgangei@comcast.net

The city is currently continuing to review the use permit for the demolition and rebuild of a single family residence.

The city has not approved the demolition of a fence and start of any construction. I have informed the applicant that they have to go through the use permit process and apply for a demolition permit in order to achieve permission for the proposed work.

I apologize for the inconvenience, this project is causing you. I will work with the applicant to understand what is going on and advise them on the proper plan of action.

Best,
Waqar

Waqar Shah (he/him)
Associate Planner
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981.7469
Website: www.berkeleyca.gov
Email: wshah@berkeleyca.gov

The Permit Service Center (PSC), including the zoning counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.
To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.

8

Name: Bahram Gangei
Address: 1050 keith ave, Berkeley Ca. 94708
Mobil: 510-612-5821
Email: bgangei@comcast.net

Defendant's Unilateral Self-Help assults without our permission and/or city apporoved permits

RED-FONTS highlights sentimental and other personal affiliations

	Demolished sentimental Private structures (Built with two sons in 2002-3)	Qty	Age (Years)
1	Bird Cage	1	21
2	Multi-function Chicken House with divided sections for different animals	1	21
3	Dog House	1	21
	Total		

	Stolen Private Properties	Qty.	
1	Cat House	1	19
2	Firewood 2-Chord	2	2
3	Planter Clay Round	1	5
4	Planter Box with irrigation	20-feet	7
5	Retaining wall decorative stones	45	14
6	Memorable Tombstones and plaques	4	5 & 10 Years
7	Irrigation drip systerm	40-feet	12
8	Wood Fence	110-feet	22
9	Chain link Fence enclosure panels & Door assembly	6	19
	Total		

	Stolen trees and plants	Qty.	
1	Boxwood	5	7
2	Grapefruit Tree (Grandfater gift to the kids)	1	17+
3	Japaneese Maple (Grandfater gift to the kids)	4	18+
4	Jasmine	1	35+
5	Jewish artichoke	20	35+
6	Lime Tree (Memorial Plant on the Grave)	1	4
7	Flowers aound the graves	6	4
8	Roses	4	8
9	Evergreen shrubs	15	5
10	Bogunvellia	1	3
11	Misc. Ice plants	10	3



Name: Bahram Gangei
Address: 1050 keith ave, Berkeley Ca. 94708
Mobil: 510-612-5821
Email: bgangei@comcast.net

Defendant's Unilateral Self-Help assults without our permission and/or city apporoved permits

RED-FONTS highlights sentimental and other personal affiliations

	Total		
	Damaged and Disturbed items without permission	**Qty.**	
1	Large Planters	7	5
2	Hameck	1	4
3	Personal Boxes	4	3
4	Jacuzzi steps	1	4
5	Stone fountain with statue	1	15
6	Garden chime	1	10
7	Figs and Pomegranite trees	3	3
	Total		

	6--Months Delibrate Agrressive, Threathening and provocative interactions with assult tools. At times heavily Intoxidated with foaming mouth seems to be under influence of heavy drugs All incidents below have been them acting none-verbal with literal scary zombie conduct Since 4/14/24	**Date of occurance**	
1	We met defendants to discuss and mediate the disputed area, They seemed nervous and agitated where Mr. Kains told my wife and I that he was casterated and missing one of his testicals. We had told them the sanctity of the animal graves to be dear to us	2/26/2024	
2	We met for the second time to continue our mediation and the defandants were acting nervous and agitated, after 30-min Mr. Kains started to shout loudly sweating with foaming mouth telling us they were going to act unilaterally etc.,	3/6/2024	
3	My wife felt unsafe at the second meeting on 3/6/24 and told them she feels unsafe with their conduct and we proceeded to leave while Mrs. Newman was trying to calm him down.	3/6/2024	
4	Demolishing the Fence while acting aggressive with electric tools at hand and acting MAD	4/14/2024	
5	Demolish Personal property while acting aggressive with assult tools at hand wiith evil intentions to hurt us psychologically	4/21/2024	
6	Deliberately Video taping my Younger son in his own house to make him uncomfortable	4/28/2024	
7	Cutting our flowers with weed wacker every other days to be invokive and disturbing peace on weekends most often	Ongoing	
8	We hired Zach Schorr-Law office to mediate for us in the absence of their amicable conduct	Ongoing	
9	At this point the property dispute is secondary for us than our safety and mental health at risk	Ongoing	

Name: Bahram Gangei
Address: 1050 keith ave, Berkeley Ca. 94708
Mobil: 510-612-5821
Email: bgangei@comcast.net

Defendant's Unilateral Self-Help assults without our permission and/or city apporoved permits

RED-FONTS highlights sentimental and other personal affiliations

10	Zach's office sent two cease and desist letters to stop unilateral self help while the dispute is being negotiatged but they disregarded the letters and continued their emotional and psycological assults	**June & July**	
11	They refused our proposal through Zach office and offered to use City of Berkeley Free SEED program mediation in which we agreed on		
12	After a few attempts for a few weeks SEED could not find any mediators and informed us all accordigly		
13	At this point my family's mental helth and safety was being jeopordised and we filed a lawsuit against them	**7/12/2024**	
14	Delibertately cutting flowers on CJ's Cat grave that we lost 3-months ago after 15-years	**Ongoing**	
15	Disturbing out pet cemetry after being told to be respectful with no disturbance.	**Continual**	
16	Endanger Cyrus with weed wacker while present at his own yard since he was 3-years old and getting hit with debris to invoke him for a reaction	**5/4/2024**	
17	Threatening CJ that he was going to get his chain saw.	**5/4/2024**	
18	Continual Thresspassing and damaging our yard	**since 4/14**	
19	They issued a TRO wrongfully to our older son and tried to deliver for days where I had told them he lives in S.Cal.	**Ongoing**	
20	Then they issued a new TRO for Cyrus for telling Mr Kains to leave and not to intentionally disturbe his animal sanctua	**Ongoing**	
21	**They tried to deliver the TRO to our house a few times but Cyrus was out and they would not hand it to me**	**Ongoing**	
22	**They instead decided to deliver it to a stanger at the front reception of Cyrus's work to tarnish his reputation**	**Ongoing**	
23	**They instead decided to deliver it to a stanger at the front reception of Cyrus's work to tarnish his reputation**	**Ongoing**	
24	**The delivery of the TRO may invalidate the TRO issued and none-binding**		
25	We hired Ms. Suzan Boulad to defend Cyrus against the wrongful TRO issued to Cyrus while on his own property	**Ongoing**	
26	Invading our privacy and being continually filmed at our own house under survalance for years	**since 2019**	
27	Phsychological Trauma by continually picking at the graves daily to redicule our family values with ill evil intents	**since 2/22**	
28	Distress and disrupt our daily life progress and business damage	**since 12/23**	
	Total		
	Property damage Total		
	Delibrate Family Distress and harm with threatening atmosphere		
	Grand Total		

7-30-1997

SHIFTING BOUNDARY LINES

The neighborhood in which I live (Arch St. near Eunice St. in Berkeley) is in the middle of a large slow moving landslide. Recent surveys in our area have indicated that structures and other long standing geographical landmarks (i.e.: fences) are slowing moving in a southwesterly direction.

This poses a challenging situation for neighbors whose houses have moved considerable from the location on which they where originally constructed. Several houses have moved 10 feet or more and large portions of these houses are no longer on their own lot according to recent surveys. At this time several sets of neighbors including myself, are experiencing major conflict regarding this matter and it is proving to be a very challenging legal issue. What are we going to do when a survey and a long established boundary between properties no longer agree? We are not just talking about a few isolated incidents of movement. We are talking about a whole hillside that is moving up to an inch a year. We are talking about houses that are several feet into the public right of way. And vice- versa.

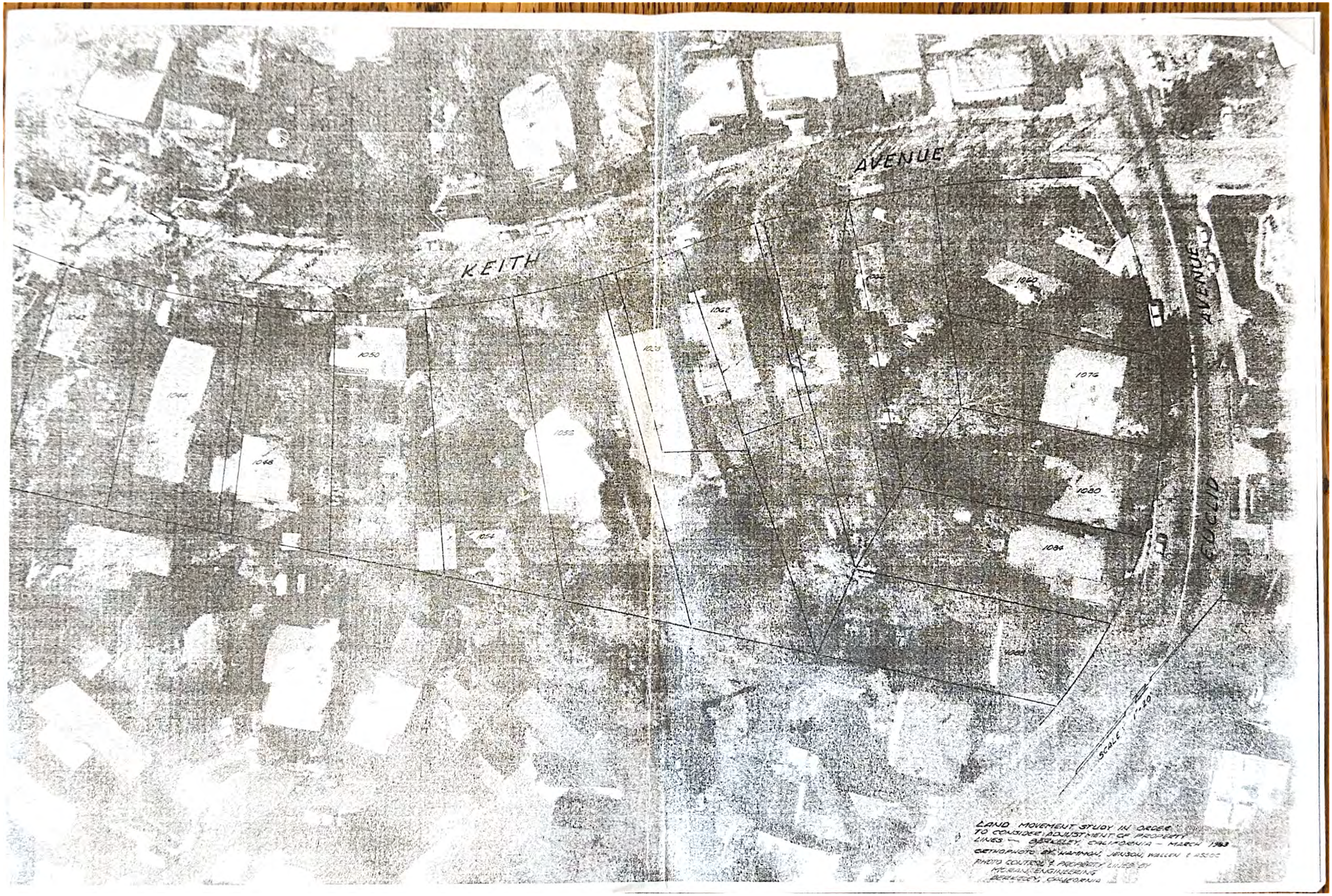
The situation creates a major problem for property owners and civic entities alike. The city of Berkeley now requires a land survey for all major residential additions. Homeowners may become aware that their structures and or setbacks no longer comply with building codes or sit within their surveyed property lines. In this situation will homeowners be allowed to do improvements on their structures?

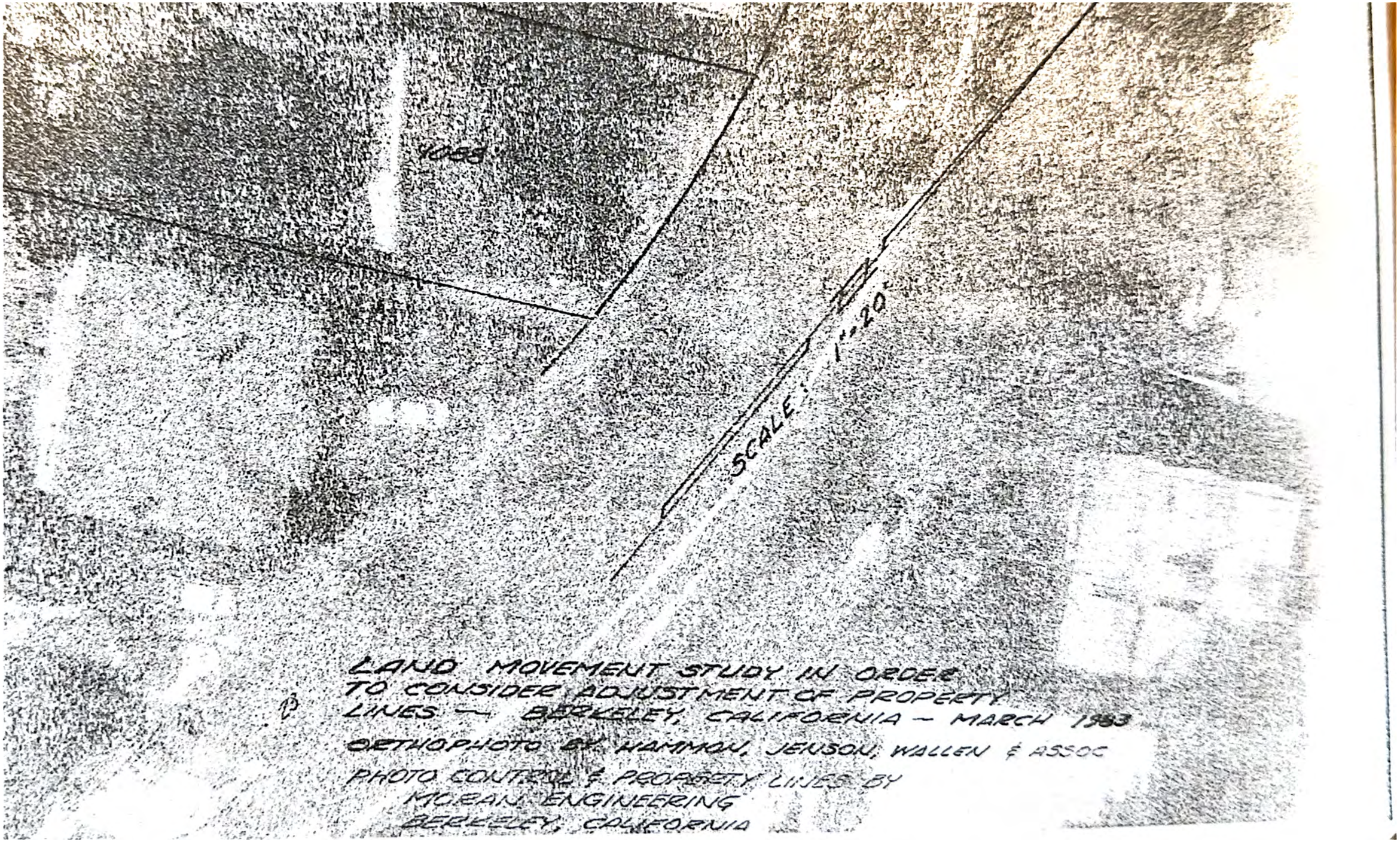
As a public entity the City of Berkeley has both the responsibility and difficult challenge of coming up with an equitable solution or guidelines to resolves this complex issue which challenges traditional notions of land ownership. The research has shown these slides will continue to move resulting in ever changing boundary lines. It seems prudent to open up the discussion and bring this to a larger forum rather than put out individual fires as they erupt between neighbors.

I am writing this in hopes that further discussion of this difficult issue will spark interest in the larger hillside community and the City of Berkeley that will help move us forward in coming up with an equitable solution for everyone. We have started a web site www.propertylines.org at which can sign up for the Email list and stay informed of Berkeley hills land movement issues.

I look forward to hearing from you,

Richard Schwarzmann
1170 Arch St
Berkeley CA 94708
510-501-8667
Email: rschwarzmann@yahoo.com


KEITH
AVENUE
SEVENTH
EUCLID
1042
1050
1046
1058
1054
1062
1070
1076
1080
1084
1088
SCALE 1"=40'
LAND MOVEMENT STUDY IN ORDER TO CONSIDER ADJUSTMENT OF PROPERTY LINES — BERKELEY, CALIFORNIA — MARCH 1963
GEOPHOTO BY HAMMAL, JENSON, WALLEN & ASSOC
PHOTO CONTROL & PROPERTY LINES BY MORAN ENGINEERING BERKELEY, CALIFORNIA


4088'
SCALE: 1"=20'
LAND MOVEMENT STUDY IN ORDER
TO CONSIDER ADJUSTMENT OF PROPERTY
LINES — BERKELEY, CALIFORNIA — MARCH 1983
ORTHOPHOTO BY HAMMON, JENSON, WALLEN & ASSOC
PHOTO CONTROL & PROPERTY LINES BY
MORAN ENGINEERING
BERKELEY, CALIFORNIA

REPORT ON PROPOSED DRAINAGE SYSTEMS FOR CONTROL OF EARTH MOVEMENT IN THE BERKELEY HILL AREA

The following report has been prepared from the detailed technical report which resulted from geological studies, soil analyses, and test borings which have been conducted during the past two years. It is intended to summarize briefly the situation with reference to earth movement in the specific areas studied and the measures which might be taken to control each movement.

While the report from which this summary has been prepared is more comprehensive than any attempted in the past, it must be emphasized that it is necessarily preliminary in nature. It is designed to provide a general picture of the nature and scope of the problem, to serve as a background and guide for future and more specific studies and to give to the residents of the particular areas concerned a basis upon which they might decide upon a course of remedial action.

Although additional test borings and design review must be made before final proposals can be made and specific areas defined, it is felt that if any changes in the proposed corrective measures are required, they will be of a minor nature.

The detailed engineering studies from which this report has been prepared are on file in the office of the City Engineer and are available for review by interested parties.

A. HISTORY AND BACKGROUND

In order that we may have an overall picture of the earth movement situation in the Berkeley Hills, the following brief historical background of local drainage systems is pertinent:

1. In 1904 a tunnel was driven at Euclid Avenue and Cedar Street to drain this area. Thus far, it appears that this tunnel has eliminated local earth movement.

2. In 1915 two trenches were constructed on Cragmont Avenue at Halkin Lane. These trenches connected to a tunnel on the west side of Euclid Avenue. This installation appears to have reduced the earth movement in this area.

3. In 1930 a tunnel with two wings was driven into the bank on the east side of Cragmont Avenue between Bret Harte Way and Regal Road. This project was shortened due to excessive earth movement and lack of funds. Earth movement was reduced somewhat by the insertion of a perforated pipe in the tunnel which was covered with rock and connected to a street catch basin on Cragmont Avenue.

4. In 1933 the City dug a well and installed a pump in the low area near High Court. Lack of labor forces prevented the well from extending to a depth greater than 22.5 feet.

5. In 1942 a trench was dug to bed rock across the moving earth on Keith Avenue and Eleanor Walk. The trench was filled with rock and drained by pipes into the adjacent creek. This installation has apparently halted the earth movement in this area.

6. In 1944 approximately 200 feet of rock drain was installed on Corona Court by property owners. The drain was not installed deep enough to intercept the subsurface water. This installation has not stopped the movement of earth in this location.

7. In 1952 the property owners on Vassar Street north of Spruce Street installed a drainage system to prevent damage to their homes from earth movement. To date no local earth movement has been reported.

B. REVIEW OF PRESENT SITUATION

Generally speaking, local drainage systems have been helpful in controlling earth movement within their respective areas. They have not, however, succeeded in restricting the overall earth movement of the entire Berkeley hill area. For example, there has been increased earth movement near the intersections of Spruce Street and Los Angeles Ave; Keith Ave. and Euclid Avenue; Arch Street and Corona Court; and on Cragmont Avenue at several locations.

It has been pointed out that the apparent ineffectiveness of local drainage systems is due primarily to the location and type of systems used below ground. These systems are probably intercepting ground water in the upper strata only. Lower ground water, in most cases, is probably flowing beneath these local systems.

In 1952 the City of Berkeley engaged a consulting geologist to report on the geologic formations and earthquake faults in the hill area. The report included some statements concerning causes of earth movement which are quoted as follows:

1. "Slides result primarily from one or a combination of the following conditions: increasing ground slopes above the natural angle of repose, overloading the ground, reduction of the stability by saturation and by slippage along a plane or zone of weakness".

2. "The natural slope of the ground is increased by excavations for roads and structures both by the cut which undermines the toe, and by the fill where placed on an already steep hill slope."

3. "Overloading may occur by the placement of fill, by building structures on the ground or by a saturation of the ground with water".

4. "Instability of the ground is increased when earth fill is placed without proper compaction or when the ground absorbs water and approaches a plastic state".

5. "Slippage is most likely to occur along a fault contact, a formational contact, or a contact where the foundation has not been properly prepared by stripping and drainage before new fill is placed upon it."

In the conclusion of the report prepared by the consulting geologist there appeared the following statements which are particularly significant:

"It is to be noted that of all the causes of slides, free water is the greatest contributing factor, and in an area already developed it is the most easily controlled".

"The interception, drainage, and diversion to storm sewers of the water entering the slides is the solution to reducing further movement in these areas to a minimum."

Many property owners in the Berkeley hill area have gone to great expense to protect their property from movement damage. In addition to building repairs and retaining walls, subsoil drains adjacent to the building foundation have been installed.

The interception of underground water in order to stabilize soil formations and control earth movement seems to be a sound basic concept.

In order to determine the subsurface conditions where earth movements are evident an exploratory boring survey was conducted in 1952. The purpose of this survey was to obtain data on the location of underground water at various depths below the surface and to examine the soils for moisture content and physical characteristics with the objective of locating the stratas under shear due to earth movement.

The scope of the work at the time permitted boring samples to be taken only from the most active sections of earth movement. These sections are as follows and will be referred to as the Spruce-Cragmont area for the purposes of this report.

A-1 Keeler Avenue between Poppy Lane and Sterling Avenue and easterly to Miller Avenue.

A-B-C Cragmont Ave., south of Regal Road, including the low area west between Cragmont and Keith Avenues; Keith Avenue east of Euclid Avenue; Cragmont Avenue, west of Regal Road

D-E Euclid Avenue at, and south of Keith Avenue, including High Court and the low area between Euclid Avenue and High Court

F-G Arch Street, Oak Street, Glen Avenue; Arch Street and Corona Court

H - Spruce Street between Los Angeles and Eunice

I - Cragmont Avenue west of Covert Path

J - San Luis Road and Southampton Avenue

The following data concerning proposed methods for controlling earth movement will cover the active sections A-1 through H, of the Spruce Cragmont area.

Extensive and precise surveys checked over a long period of time would be required to clearly define the entire slide limits and the varying amount and rates of movement. The benefits of drainage systems to property owners in or adjacent to the earth movement areas may sometimes appear indefinite or intangible, but if the property is subject to earth movement the owners may be faced with extensive repair costs or loss in the market value of the property.

An interesting phase of these borderline sections is the rapidity in which damage decreases west of Spruce Street. This decrease occurs at the approximate bisection of the slide by the Hayward Fault. It may be that a great part of the underground water is being drained by this fault, thus reducing the underground waters in the sections west of this fault.

The absence of usable existing gravity drains in portions of this earth movement area is one of the major items affecting the cost of installing underground drainage systems. Most of the existing gravity drains are either too shallow or so situated as to provide little aid to the proposed underground drainage systems.

1. Section A-1 Keeler Avenue Between Poppy Lane and Sterling Avenue and Easterly to Miller Avenue

This most easterly area of the main Spruce-Cragmont movement is covered with a very dense growth of brush which made a detailed inspection of the area impossible at some locations. It was possible, however, to inspect the general characteristics of the area from its perimeter.

The area is in the form of an oval shaped ravine with the axis extending from Cragmont Avenue to Miller Avenue. The north and east edges of the movement are sharply defined by perpendicular bluffs ranging to thirty feet in height which were formed during past earth movement. A high mound is located in the center of the area and was probably formed by erosion of the loose materials around the edges of the area and the benching of materials which is typical of earth slides with a rotating slip plane. This mound divides the area into two ravines, the deepest being located on the north edge and continuing easterly in a semicircle following the top shear edge of the movement. Most of the surface run-off water enters this ravine which was also the site of a large pond located about seventy-five feet east of the Keeler Avenue right of way.

The ravine following the south edge of the movement also picks up surface run-off water from the surrounding high points.

The Proposed Main Underground Drainage System would be located in the deep north ravine and the south ravine and then combined to drain into the existing storm drain on Cragmont Avenue.

The north ravine would be bisected by a deep underground interceptor built by the well and tunnel method. The interceptor as planned would be 100 feet long and approximately 50 feet deep. This deep interceptor would be drained by a hydrauger bored drain and then would enter a shallow gravity drain leading to the existing storm drain on Cragmont Avenue.

C. SPRUCE-CRAGMONT AREA

The Spruce-Cragmont movement area in the Berkeley hills covers a large area and has adverse topographical features which complicate the planning of underground drainage systems. The locations in which drainage systems should be installed are obstructed in most cases by extensive home development.

The underground drainage systems proposed in Sections A-1 through H for the Spruce-Cragmont area are the most readily apparent methods by which drainage in these sections may be facilitated. The proposed systems are subject to change as final design may require revisions to overcome unforeseen construction difficulties.

The depths of some of the drainage systems may at first appear to be excessive. Boring logs indicate that these depths are the minimum which should be considered if effective control of earth movement is to be obtained. The logs of depths of underground water were recorded in a dry season and some deeper penetration of water may be expected in the winter wet season and must be anticipated in planning drainage systems. It should also be noted that in some sections slide action is occurring at a greater depth than the bottom of the recorded water zone. Therefore, these proposed drains are relatively shallow in respect to total depth of movement. Borings indicate that the deeper earth movement of some sections is of a secondary nature occurring in the dry underlying strata. This movement is caused by the great weight and movement of the top saturated mass and not due to direct water penetration into these strata. It appears that there is very little to be gained by the installation of interceptor drains deeper than the lowest depth of expected water penetration.

During past years a great deal of work and money has been expended in the installation of wells, tunnels and drains in the Spruce-Cragmont area with relatively negligible results. Lack of complete planning due to limited funds was probably the cause of incomplete corrective measures. Underestimating the scope of work now necessary to obtain effective control of earth movement caused by ground water will conceivably result in the same failure.

Exploratory holes were drilled in the most active northern section where underground drainage systems would be constructed to stabilize the entire movement because the general course of underground waters appears to be southwesterly toward Codornices Creek. The southerly section adjacent to Codornices Creek comprises the toe where pressures and movement are spread over a greater area. The potential damage in this section, while not as easily foreseen, is still very real.

Portions of these lower sections which appear to be relatively stable may influence the distribution of costs for the proposed project. Close inspection of the lower sections discloses a slow erratic movement. In certain locations the movement is more apparent than in others. The exact extent of the earth movement has not been accurately determined. It is apparent from the general topography and surface indications that larger movements in these lower sections have taken place in the past and may occur again at any time when conditions of underground water and earth stresses are favorable unless stabilization is secured by interception of underground water in the upper sections.

It is proposed also to intercept surface water at the north ravine interceptor site and in the south ravine, by use of catch basins with horizontally bored well points bored into the upper portions of the movement. These well points would eliminate the necessity of extending the deep interceptor completely across the area of movement; shallow gravity drains would be used to carry the run-off from the surface water catch basins and the bored well points.

The details of this proposed drainage system are subject to change pending necessary test borings.

It is possible that the installation of this system may eliminate the need for some of the systems in the lower sections of the earth movement.

The cost of the proposed system is estimated at $37,000.00.

2. Section A-B-C Cragmont Avenue south of Regal Road, including the low area west between Cragmont and Keith Avenues; Keith Avenue east of Euclid Avenue; Cragmont Avenue west of Regal Road

In 1928 probable observations were made when reference points were set on Euclid Avenue. Records dated October 1930, indicate that a tabulation of earth movement was noted in this section.

The present trend of movement in general is to the southwest toward Euclid Avenue. The rate of movement seems to be fairly uniform across the width of the section on Cragmont Avenue. In portions of the section other than Cragmont Avenue the rate appears to be erratic. The most noticeable sectors of movement appear on Cragmont Avenue at the edges of the section and on the south edge of the slide area on Keith Avenue. The movement is most noticeable in the street and sidewalk area where cracks appear and extensive displacement occurs.

Borings and visual observations lead to the conclusion that this slow creeping movement existed prior to the development of the area and is related to the earth faults of the region.

The low area between Cragmont and Keith Avenues is apparently a creek area which was formed by previous slides which destroyed the old creek ravines and formed new channels. This is the extension of the creek which crossed Euclid Avenue at Keith Avenue.

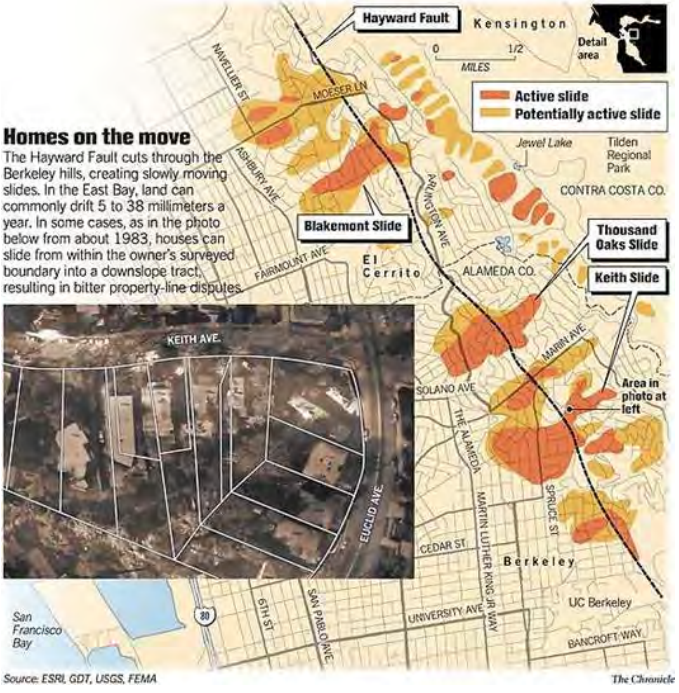
During the development of this area these water courses have become filled without the installation of proper drains and culverts. This is a major factor influencing earth movement in this area.

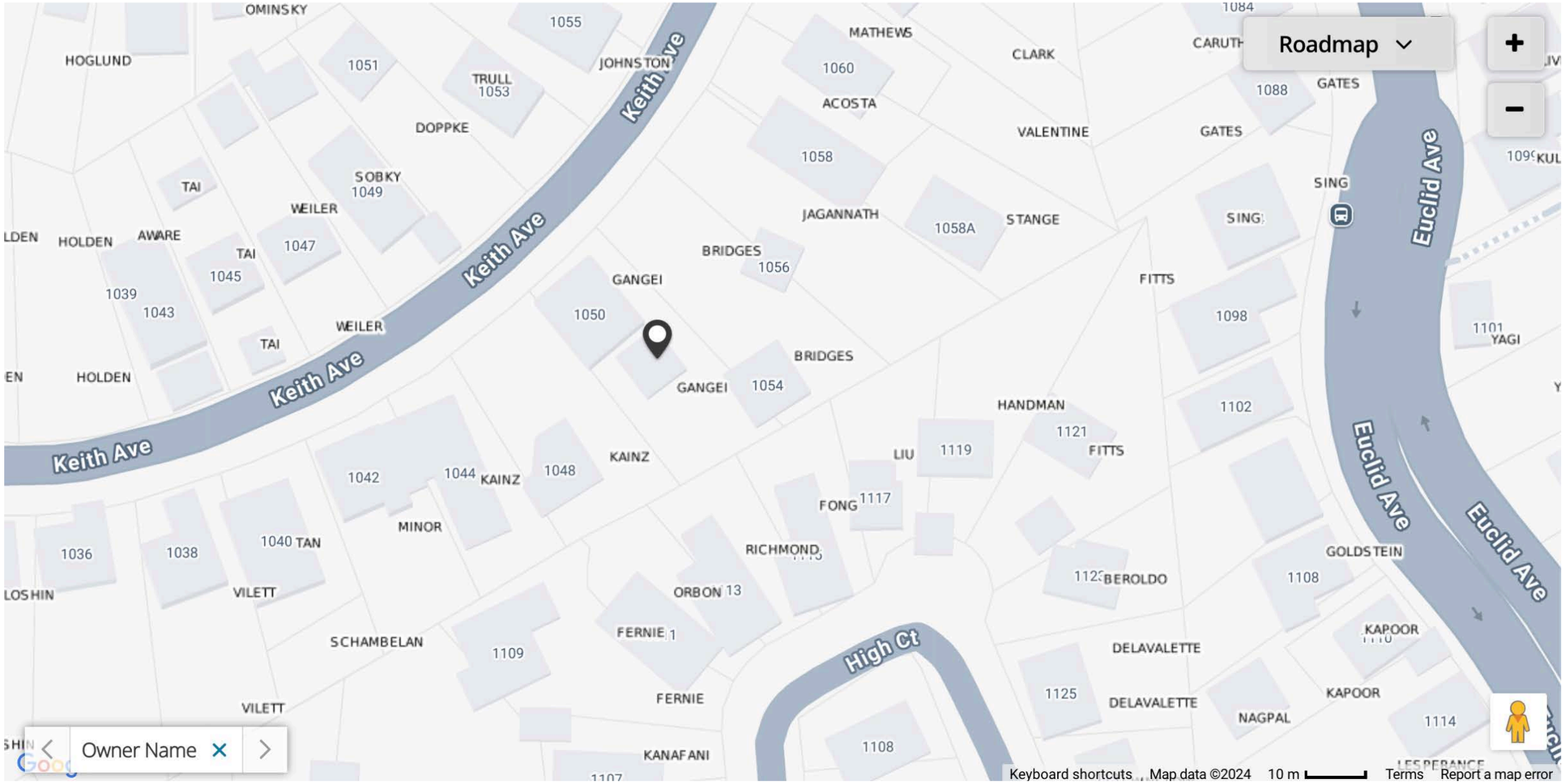
The Cragmont Avenue section west of Regal Road is an off-shoot of the main Spruce-Cragmont slide area and has a record of movement since 1931. The definite limits of the movement are not clearly discernable except at its east edge on Cragmont Avenue west of Regal Road. Here the movement appears to be more of a settlement than a horizontal movement.

This movement appears to be a secondary action caused by movement in the adjacent areas to the south and east which removes support from the toe of this section.


If love could
have saved you,
you would have
lived forever.
Forever in my
heart...




Hayward Fault
Kensington
Detail area
0
1/2
MILES
Active slide
Potentially active slide
Homes on the move
The Hayward Fault cuts through the Berkeley hills, creating slowly moving slides. In the East Bay, land can commonly drift 5 to 38 millimeters a year. In some cases, as in the photo below from about 1983, houses can slide from within the owner's surveyed boundary into a downslope tract, resulting in bitter property-line disputes.
Jewel Lake
Tilden Regional Park
CONTRA COSTA CO.
Blakemont Slide
Thousand Oaks Slide
Keith Slide
El Cerrito
ALAMEDA CO.
KEITH AVE.
Area in photo at left
SOLANO AVE
CEDAR ST
Berkeley
UC Berkeley
UNIVERSITY AVE
BANCROFT WAY
San Francisco Bay
80
Source: ESRI, GDT, USGS, FEMA
The Chronicle


Roadmap
Keith Ave
Euclid Ave
High Ct
OMINSKY
HOGLUND
1051
1055
TRULL
1053
JOHNSTON
MATHEWS
1060
CLARK
ACOSTA
DOPPKE
VALENTINE
GATES
1088
1058
SOBKY
1049
TAI
WEILER
JAGANNATH
1058A
STANGE
SING
HOLDEN
AWARE
1047
1045
1039
1043
BRIDGES
1056
GANGEI
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FITTS
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1101
YAGI
1054
HANDMAN
1102
1121
1119
LIU
KAINZ
1048
1044
1042
KAINZ
1117
FONG
MINOR
1040
TAN
1036
1038
RICHMOND
GOLDSTEIN
1108
BEROLDO
VILETT
ORBON
13
SCHAMBELAN
1109
FERNIE
1
DELAVALETTE
KAPOOR
1125
NAGPAL
1114
FERNIE
KANAFANI
1107
Owner Name
Keyboard shortcuts
Map data ©2024
10 m
Terms
Report a map error


Roadmap
Keith Ave
Cragmont Ave
Euclid Ave
Bret Harte Rd
Bret Harte Way
High Ct
Arch St
El Mirador Path
Owner Name
Keyboard shortcuts
Map data ©2024 Google
10 m
Terms
Report a map error

ITEM #2,
HMENT 4
)25-01-09
e 50 of 50



ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

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 within the rear setback and parking pad in the front setback.

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, January 9, 2025, 7:00 pm
Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

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

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

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

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

A. Land Use Designations:

- General Plan: Low Density Residential (LDR)
- Zoning: Single-Family Residential – Hillside Overlay (R-1H) District

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a dwelling unit
- Use Permit, pursuant to BMC Section 23.202.020(B) to construct a single-family dwelling unit
- Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks in the Hillside Overlay Zone
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to allow unenclosed off-street parking within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(C)(1) to construct an unenclosed structure (trellis) within the front setback

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

D. Parties Involved:

- Applicant/Property Owner: Lindsay Newman, 1048 Keith Avenue, Berkeley, CA, 94708

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, Waqar Shah, at (510) 981-7469 or WSHAH@berkeleyca.gov.

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

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

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

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

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

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

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@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.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave

From: Gary Feiner <gary@feinerfinancial.com>
Sent: Wednesday, January 8, 2025 11:58 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Shah, Waqar <wshah@berkeleyca.gov>
Subject: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave

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.

Zoning Adjustment Board:

I am writing this letter in support of Lindsay Newman's application for a building/use permit to build at 1048 Keith Avenue.

1048 Keith is in disrepair, a blight to the neighborhood. The Newman family performed a beautiful remodeled to their home on Keith Ave that is fitting to the neighborhood. They are dedicated to improving 1048 Keith with quality design and construction.

I will comment that from a neutral legal standpoint in reviewing the neighbor's claim on boundary dispute, they certainly have an uphill battle litigating. Their claim is unfounded and are merely seeking a partial land grab in my opinion.

Lindsay and Joaquim Newman are a loving family involved in our community. I hope your committee will take all factors into consideration and approve the Newmans moving forward with their project.

Best,
Gary Feiner
880 Keeler Ave
Berkeley, CA 94708

FEINER FINANCIAL
P 415 464 1040
700 Larkspur Landing Circle, Suite 199
Larkspur, CA 94939
www.FeinerFinancial.com

This communication may contain information that is privileged or confidential. If you are not the intended recipient, please notify the sender by reply e-mail
and delete the message and any attachments.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZAB-Use Permit#ZP2024-0014-1048 Keith Ave
Attachments: Zoning Adjustment Board.docx

From: alyona marenchuk <alyona8@hotmail.com>
Sent: Wednesday, January 8, 2025 11:44 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Shah, Waqar <wshah@berkeleyca.gov>
Subject: ZAB-Use Permit#ZP2024-0014-1048 Keith Ave

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 Zoning Adjustment Board,
Please see document attached.

Sincerely,
Alyona Marenchuk

Sent from my iPhone

Alyona Marenchuk
1566 Olympus ave.
Berkeley, CA 94708
Alyona8@hotmail.com
415-940-5370

January 8, 2025

Dear Zoning Adjustment Board,

I am writing this letter in support of Lindsay Newman's application to rebuild 1048 Keith Avenue that is currently in a state of disrepair.

I voice it is the right of property owners to legally build on their property within the confines of the City of Berkeley regulations.

Lindsay has shared her design concept with me and it is an improvement to the neighborhood. Lindsay is a talented engineer. She remodeled her current house transforming it into a beautiful property with integrity to the neighborhood.

I would like to point out that the Newman family are dedicated and involved in our Berkeley community. I trust that ZAB will approve their moving forward with their project.

Sincerely,
Alyona Marenchuk

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Letter of Support for Use Permit #ZP2024-0014 at 1048 Keith Avenue
Attachments: 1048 Keith Ave - Letter of Support - DWinokur_ARichardson - 1.6.25.pdf

From: Daniel Winokur <dwinokur@gmail.com>
Sent: Tuesday, January 7, 2025 7:58 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Shah, Waqar <wshah@berkeleyca.gov>; Anne <ann1eliz@yahoo.com>
Subject: Letter of Support for Use Permit #ZP2024-0014 at 1048 Keith Avenue

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 Zoning Adjustment Board,

Please find attached a letter of support for the Use Permit #ZP2024-0014 at 1048 Keith Avenue from Daniel Winokur and Anne Richardson.

We hope to attend the ZAB meeting on Thursday and to participate in the public comment, voicing our support for the project.

Please let me know if you have any questions.

Best,
Daniel

Daniel Winokur
San Francisco Bay Area, CA
cell: +1-415-465-0614
www: http://www.linkedin.com/in/dwinokur

January 6, 2025

FROM
Daniel Winokur & Anne Richardson
1225 Contra Costa Drive
El Cerrito, CA 94530
dwinokur@gmail.com / ann1eliz@yahoo.com
415.465.0614 / 734.678.1606

TO
Zoning Adjustment Board
Berkeley, CA

RE
In Support of Use Permit #ZP2024-0014 at 1048 Keith Avenue

Dear Committee Members,

Our names are Daniel Winokur and Anne Richardson, and we are lifelong friends of Lindsay Newman and Joachim Kainz. We are also East Bay Hills Residents – and Daniel is a Berkeley Native, with a family home at Grizzly Peak and Marin with parents who still live there. As local homeowners who ourselves are deeply invested in this community, we are writing to voice our support for their project at 1048 Keith Avenue.

We believe that Lindsay and Joachim are well within their rights as property owners to construct a new home at 1048 Keith. Lindsay and Joachim have followed the regulations assiduously to ensure that their plans respect property lines, that they respect and enhance the unique local built environment, and that their neighbors and community were informed and engaged with the project. We are confident in the ZAB's capacity to analyze the applicable regulations, and are committed to the principle that homeowners should be supported to improve their land per local regulations, which is what Linday and Joachim seek to do.

Beyond the point that they are simply exercising their rights, we believe that this project will significantly enhance the neighborhood. The current residence at 1048 Keith is very dilapidated and something of an eyesore in bad condition. Additionally, the site is very hard to redevelop since it is affected by the highly expansive soil in the hills. Properties in this area are at risk of becoming red-tagged, so if 1048 Keith is not redeveloped with this project, it may sit vacant interminably and decay further; this would adversely affect the entire neighborhood and effectively remove a housing unit from Berkeley.

Lindsay is a structural engineer who is uniquely equipped to construct a new residence at 1048 Keith that can thrive in this area of expansive soil. In fact, Lindsay just completed the same exercise with her neighboring house at 1044 Keith, which was previously red-tagged before she and Joachim remodeled it. Lindsay has successfully retrofitted other properties as well, including a previous house in San Francisco and our current home in El Cerrito. She is well versed in the appropriate building techniques to construct something that will not only thrive in this location structurally, but

also enhance its appearance considerably. We have seen the designs for the proposed home at 1048 Keith, and it is very understated and beautiful in the mid-century design theme, just as her existing home at 1044 Keith.

Finally, Lindsay and Joachim take their duty to enhance the neighborhood beyond their house seriously. They approach their family and community with love and openness, and we feel that the dispute over this project doesn't reflect the true narrative, which is that Lindsay and Joachim are committed to the ethos of North Berkeley and want to enhance it through this project. A good way to illustrate this commitment is their regular practice of holding concerts in their house that are open to the neighborhood. Featuring both aspiring child musicians and professionals, they have hosted a regular music series that is open to the community. There is not much more North Berkeley than hearing amazing classical music a stone's throw away from the Rose Garden, and allowing the 1048 Keith project to go forward will directly support that way of life.

Thank you for reading and considering our letter.

Regards,
Daniel Winokur & Anne Richardson

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Development of 1048 Keith Ave., Use Permit #zp2024-0014

-----Original Message-----
From: Leslie Winokur <leslie.winokur@gmail.com>
Sent: Tuesday, January 7, 2025 2:03 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Shah, Waqar <wshah@berkeleyca.gov>
Subject: Development of 1048 Keith Ave., Use Permit #zp2024-0014

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,

I am writing in support of the development of the property located at 1048 Keith Ave. I have known Lindsay and Joachim, through my son and daughter-in-law, for many, many years. Lindsay developed the plans for renovation of my son's home in the hills, and supervised the construction. I was struck by her attentiveness to every last detail, ensuring that the construction was sound and in compliance with the regulations. Not only that, she is creative in solving construction problems and very attentive to aesthetic concerns. I'm sure that anything she designs will be attractive inside and out, and soundly built.

I particularly love the inclusion of living roofs in the design. As a longtime member of the Northside Community Garden, which is lucky to have an adobe structure with a living roof, I can attest to the value of these roofs, both functionally and aesthetically. The many advantages of living roofs, not only to the structure they protect, but to the community at large, are well known and include such things as improved air quality, and creation of a habitat for wildlife. Additionally they are absolutely more aesthetically pleasing than traditional roofing materials. As a Berkeley Hills resident, I think it would be wonderful to have a living roof as part of the community of architecturally significant structures Berkeley is justifiably proud of.

Although this is probably not an argument usually used in property disputes, I have to say that I can't imagine Lindsay and Jooachim doing anything that they knew was out of bounds for their own personal gain. After all, Lindsay's professional life, in large part, deals with compliance to rules and regulations.

Sincerely,
Leslie Winokur
771 Grizzly Peak
Berkeley 94708

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1048 Keith Avenue
Attachments: 1048 Keith Support Letter.pdf

From: Aaron Forrest <aaron@ultramoderne.net>
Sent: Tuesday, January 7, 2025 1:08 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Shah, Waqar <wshah@berkeleyca.gov>; Yasmin Vobis <yasmin@ultramoderne.net>
Subject: 1048 Keith Avenue

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 there

Please see attached our letter of support for Lindsay Newman and Joachim Kainz's proposed project at 1048 Keith Avenue, which I believe is scheduled to be considered at this week's meeting.

All best,

Aaron

--
Aaron Forrest
Principal, Ultramoderne
Associate Adjunct Professor of Architecture, UC Berkeley
http://ultramoderne.net
o 401.228.7595
m 917.678.0254

ULTRAMODERNE

1061 Keith Ave
Berkeley, California
www.ultramoderne.net
401 228 7595
info@ultramoderne.net

7 January 2025

To the City of Berkeley Zoning Adjustments Board

We are writing to you in support of Lindsay Newman and Joachim Kainz's project to build a new house at 1048 Keith Avenue. We write both as practicing architects and residents of the neighborhood, only a few doors up the street at 1061 Keith Avenue. Lindsay and Joachim's proposed design will replace a dilapidated existing house that is at the end of its life as a useful structure, thus improving the neighborhood and continuing to ensure the existence of a much-needed family housing in the city.

To provide some background information, we originally moved to Berkeley in January 2023 to teach at UC Berkeley and to practice (Aaron is a licensed California architect and Yasmin is licensed in Rhode Island, our former home). At that time, we were in search of long term housing and there was very little available that was suitable for our family of three (soon to be four). We originally rented the Gangeis' JADU at 1050A Keith via Airbnb for several months. As luck would have it, we met Lindsay shortly before our lease was set to expire and ended up renting the house at 1048 Keith until we were able to purchase and move into our own house in September 2023, which we were lucky enough to find at 1061 Keith. We are very grateful to both families for renting us their spaces and for welcoming us to the city and the neighborhood during a tumultuous time in our lives. Lindsay and Joachim in particular were tremendously generous in allowing us to extend our stay twice until we were ready to move into the new house, relieving a key point of stress for our family when we were expecting our second daughter, who was born just a week after we moved out.

Based on a letter we received from Darius Gangei last year and more recent discussions with Lindsay and Joachim, we understand there is some contention over the property line dividing 1050 and 1048 Keith Ave. We have reviewed the plans for the new house at 1048, including the property survey, and see no reason that the design should not be approved as proposed. Though some of the neighboring properties may be in the slide zone, the survey does not indicate any change in the location of the houses relative to the property line in recent years. Simply because the previous owner of 1048 allowed the Gangeis to build a fence across the property line is no reason that Lindsay and Joachim should not be able to develop the property within the process set forth by the zoning ordinance. Attempts to prevent them to do so will further the blight of the existing house and reduce the availability of housing in Berkeley by one more unit. Though we are sympathetic to the Gangeis' situation, allowing the permit process to be derailed would set a bad precedent for housing development throughout the hills.

Beyond the issues above, the design of the new house will be a much needed improvement to the property. What little of it will be visible from the street will be the attractive combination of a living green roof and

standing seam metal, both of which will beautify the neighborhood and mitigate fire risk and energy usage on the property. We are excited to see the project move forward.

Sincerely,

Aaron Forrest, RA
Principal, Ultramoderne
Associate Adjunct Professor, UC Berkeley

Yasmin Vobis, RA
Principal, Ultramoderne
Assistant Professor, UC Berkeley

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: In the matter of 1048 Keith Project

-----Original Message-----
From: Mary Mugglebee <mmugglebee@gmail.com>
Sent: Tuesday, January 7, 2025 8:27 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Shah, Waqar <wshah@berkeleyca.gov>
Subject: In the matter of 1048 Keith Project

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In the matter of 1048 Keith Project

Dear Berkeley Zoning Adjustment Board,

I hereby express my support for approval of the 1048 Keith Project.

I have known Joachim Kainz and Lindsay Newman for several years and have attended many social and musical gatherings at their home at 1044 Keith Ave.

The beauty and design of their home is breathtaking in its simplicity and elegance, and attributable to the engineering and architectural talents of Lindsay. It is no less remarkable for the vast improvement and value the 1044 Kainz home added to the surrounding homes and neighborhood.

The 1048 project represents a major improvement of its current condition, and has been designed with the same degree of simplicity and understatement, which will benefit the surrounding neighborhood values without impinging on the overall aesthetics of the other homes and landscapes.

Based on Lindsay's outstanding performance on the 1044 Keith home, I am both proud and excited to endorse the approval of her plans for the 1048 Keith Project.

Sincerely,
Michael J. Mugglebee
Retired inactive member of the State Bar of California #86499 Sent from my iPad

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Support for 1048 Keith Ave, Berkeley

From: Dominic Glynn <dominicglynn@comcast.net>
Sent: Monday, January 6, 2025 10:17 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Shah, Waqar <wshah@berkeleyca.gov>
Subject: Support for 1048 Keith Ave, Berkeley

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ATTN: planning/ZAB department, city of Berkeley.

I'm writing in support of the proposed residential home project at **1048 Keith Avenue, Berkeley** by Lindsay Newman & Joachim Kainz.

We've been residents of the Berkeley Hills for 19+ years and have long cherished both the heritage & diversity of architecture in this special part of the world.
We hope to spend many more years in Berkeley.
As we frequently walk the steep & winding streets, our exertions are rewarded by the visage of many proud individual homes, each unique in its own way but comparatively few of recent construction.

We applaud the proposed new construction on their owned property at 1048 Keith Ave and think it will add significant value & diversity to the neighborhood, improving the average safety for all surrounding neighbors with new code-compliant methods & materials and invigorating the hills with solid, thoughtfully designed architecture that is both beautiful and functional.

An exquisite green roof, sustainable solar power as both great examples of how to secure the future of this unique neighborhood and set an inspiring, sensitive example for all residents.

In short, we hope **the city moves to approve the proposed development at 1048 Keith Avenue** & look forward to seeing a new gem of the neighborhood at this address.

Sincerely
Dominic Glynn
dominicglynn@comcast.net
ph: 5104571207

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Regards 1048 Keith Avenue planning application

From: Will Harwood <harwood.will@gmail.com>
Sent: Monday, January 6, 2025 9:45 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Shah, Waqar <wshah@berkeleyca.gov>; Fang Xu <fangfangxx@gmail.com>
Subject: Regards 1048 Keith Avenue planning application

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.

We've been hearing about Joachim and Lindsay's planning application at 1048 Keith, and would like to say, as near neighbors of theirs who visit frequently, their current house is a delight, a great success as a renovation, and I've no doubt they'll do the same great job with their second project on Keith.

Best,
Will & Fang

917 Euclid Ave,
Berkeley,
CA 94708
Jan 5th, 2025

To whom it may concern,

I have known Joachim Kainz for a decade, first as a colleague and friend, and now as a friend and neighbor. I know him to be a serious, careful person, who does things properly and by the book. My partner Fang Xu and I have visited him, Lindsay, and their young family at their beautiful and wonderfully renovated home many times. Their house is truly a delight, and Joachim and Lindsay love to explain how thoroughly they worked to create such a solid place.

In relation to landslides: we live up the hill, on a steep slope adjacent to Billie Jean Walk, so should be prone to landslides. We have no doubt that were we to need it, we could have a survey done of our current boundaries. Nevertheless, there is no evidence of anything more than minor movement, and our house has stood since 1936.

Yours faithfully,

Will Harwood

Fang Xu

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave

From: Minor, Kajsa M. <KMinor@sflaw.com>
Sent: Monday, January 6, 2025 1:18 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Shah, Waqar <wshah@berkeleyca.gov>
Subject: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave

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:

My husband and I own and live at 1042 Keith Avenue and write in support of the contemplated project at 1048 Keith Ave (ZAB - Use Permit #ZP2024-0014), which is one parcel uphill from our property. We have owned our property since 2009, and my mom owned it prior to our purchase (since 1979). From our home, we can see and hear activity at 1048 Keith from many rooms.

For years prior to its purchase by Joaquim and Lindsay, the property at 1048 Keith was rented to students who had disruptive parties and was in a state of disrepair, overgrown by ivy and rodents. It was very good news when 1048 Keith went on the market as a "fixer" in 2019, and we anticipated that after reconstruction, the neighborhood would benefit from new owners and updated property. However, the property had no takers at its listed price of $900K, which was distressing. Luckily for the neighborhood, Lindsay and Joaquim, who had already significantly improved 1044 Keith (which had also been a rental in significant state of disrepair and infested with rodents when they purchased it), purchased 1048 Keith – albeit for significantly less than $900K. The $775K purchase price of 1048 Keith reflected the state of blight, considering other sales in the neighborhood.

We support the rebuild of 1048 and look forward to the general aesthetic improvement to the neighborhood, our view uphill, and property values. I understand that there have been assertions that properties uphill from 1048 Keith and my property are sliding downhill. My property is built into the bedrock with pilings, so is not subject to any slide. To the extent any uphill property "slides" onto my property, the remedy will be for the owner to remove it from my property, not attempt to draw new property lines.

Thank you,

Kajsa M. Minor | Partner
Shartsis Friese LLP
425 Market Street, 11th Floor | San Francisco, CA 94105
415-421-6500 Phone | 415-421-2922 Fax | kminor@sflaw.com

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Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1048 Keith Avenue Use Permit
Attachments: 1024_Map.jpg; sacramento_rose_city_map.JPG; Rose_Chestnut_city_map.JPG

From: Eric Scheie <escheie@verizon.net>
Sent: Sunday, January 5, 2025 1:28 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Shah, Waqar <wshah@berkeleyca.gov>
Subject: 1048 Keith Avenue Use Permit

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.

To the Zoning Adjustment Board:

This letter is written in support of Lindsay Newman's application for a building/use permit to build at 1048 Keith Avenue.

Like most citizens in Berkeley or elsewhere, I think it is the right of property owners to build whatever is legally permitted to be built on their property.

With regard to the 1048 property, however, I received a disturbing letter purporting to be from the son of the owner of the adjoining property at 1050 Keith, regarding a protracted property line dispute. For the record, I don't think it is appropriate to drag otherwise uninvolved neighbors into property disputes that don't concern them. I've lived here (at 1024 Keith) since 1987 and I never saw neighbors being set against each other as seems to be happening in this instance. As I see it, Lindsay and her family have the right to build on their land, according to wherever the legal boundaries may be. But it is inappropriate for neighbors to weigh in on property lines that don't concern them, and not only do I refuse to do that, but I resent the idea that this property dispute should be escalated to spill over to other neighbors -- something I don't want to happen and would like to prevent from happening to the extent I can.

In particular, I would like to address the unsolicited letter, written by one Darius Gangei on behalf of his family and claiming that my property -- 1024 Keith Avenue -- is "in an encroachment situation." This claim was accompanied by a map purporting to show that a portion of my house is on a neighbor's lot on one side, and that a portion of the other neighbor's lot is on my property. (See attachment.)

This disturbed me, because not long after I bought my house I had a survey done which confirmed that the fences on both of the adjoining sides conformed to the property lines, and I have never had a dispute with either neighbor in all these years.

Naturally, I wondered what could be going on with purported maps which supposedly show otherwise, so I did a little research and learned that they are projections of GIS mapping onto city maps, and do not represent actual property lines.

As to the idea that the scary-looking "maps" which result from these superimpositions are a result of movement in the Keith Avenue neighborhood, it didn't take long for me to see that the same misleading map result occurs all over Berkeley, including the flatlands. (See attachments illustrating

the same phenomenon in the area of Rose and Sacramento.)

Now, I am not a surveyor, but surveyors are very familiar with this problem and have warned people not to be misled by superimposed GIS mapping data:

https://www.geographyrealm.com/why-gis-doesnt-replace-the-need-for-surveyors/

"GIS data is pulled together from a variety of sources with varying degrees of accuracy and precision. Overlaid together, the error found within each dataset is amplified. Therefore, overlaying a parcel database that may have an accuracy of +/- 10 feet onto aerial imagery with an accuracy of +/- 30 feet can lead to features ending up over 80 feet away from their true point. In addition, sometimes the source data is unknown, and the accompanying metadata is missing that would provide the user with an understanding of the currency and accuracy of the data.

"Legal disputes that arise over the precise location of property boundary lines need to be resolved based on the origination and use of legal boundary data documented over time by licensed surveyors. Surveying is highly regulated and comes with legal requirements for the methods used to record property information."

More here:

https://www.reddit.com/r/landsurveying/comments/msgqua/question_for_the_pros_how_accurate_are_the/

"The key thing about GIS that the general public and most professionals who are not surveyors (and some that are) that use it is that it is an amalgamation of data from many sources. These sources will have vastly different accuraccies. Some will be surveyed lines that are georeferenced to state plane coordinate systems (but what datum & epoch?), WGS84, UTM, etc. Some of the data may have a positional quality of +/-5 or 10 feet, think city utility data bases. Some of it has far, far poorer quality and is a best fit of an existing assessor's map, etc.

"Further complicating is that the data sets that make up the databases are collected at different times. Some is from 2004, some from 2021, and all the years between, that data is then best fit smashed together with no statement of accuracy or information on the data collection procedures, coordinate transformations, etc. on the face of the data that the average user sees. That info is the metadata. Sometimes it is easy to find, sometimes not. But this info will allow you to see positional accuracy, method of collection, source, etc.

"GIS is extremely useful for big picture use. It is not good if you want to use it to establish boundaries. Licensed surveyors have very strict technical standards that they must meet. These are establised by state licensing boards. Depending on the property, they can tell you the corner position and line location within hundreths of a foot, less than an inch."

And again:

https://gis.stackexchange.com/questions/283789/why-cant-lines-plotted-on-google-maps-suffice-for-legal-determination-of-proper

"The lines you see on Google Earth or GIS software mean nothing legally but are for information only."

I should not have had to do this research, and I want no part of the property line dispute between 1048 and 1050 Keith. However, I resent scare tactics like the frightening and misleading letter I received -- which strikes me as likely to pit neighbor against neighbor. In that regard, it is also worth noting that I spoke with a couple who live on Santa Barbara Avenue who also received a similar letter from Darius Gangei, and they live nowhere near the disputed properties.

Lindsay Newman and her family have been good neighbors, and while I lack the expertise to determine the location of the disputed property line, it appears that they did have a survey done. It is unclear to me whether the Gangei family also had a survey, but I find myself wondering whether they did, and if so, just how much of a conflict there is between the two surveys. That, in my opinion, ought to be the focus of the inquiry, and not misleading attempts to frighten neighbors like me, who have always tried to get along with other neighbors.

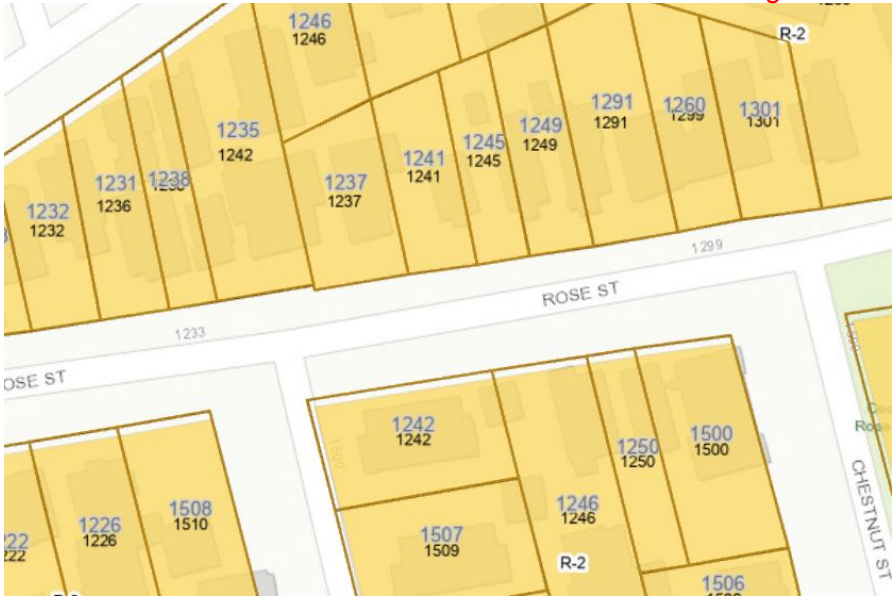
With the above in mind, I support Lindsay and her family in their application for a permit to build on their property within whatever are determined to be their legitimate boundaries. I should also point out that they did a great job of remodeling their existing home at 1044 Keith Avenue, which they transformed from an ugly and very deteriorated house into a beautiful place which has dramatically improved the neighborhood. It is my hope that she will do something similar to transform the rundown house at 1048 Keith.

Sincerely yours,

Eric Scheie
1024 Keith Ave.
Berkeley, CA 94708

484-557-2424


Keith Ave
Keith Ave
36'
17'
142'
162'
66'
Keyboard shortcuts
1022
1071
1024
1028
1026
1075
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1510
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1507
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R-1
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1513
1499
ROSE ST
1500
1498
1500
1475
1701
Jefferson School
CRAMENTO ST

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1048 Keith Avenue Use Permit #ZP2024-0014

From: Lindsay Newman <newmanli26@yahoo.com>
Sent: Thursday, January 9, 2025 11:10 AM
To: Shah, Waqar <wshah@berkeleyca.gov>
Subject: Fw: 1048 Keith Avenue Use Permit #ZP2024-0014

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email #1

----- Forwarded Message -----
From: Peter Weiler <pdweiler@gmail.com>
To: "zab@berkeleyca.gov" <zab@berkeleyca.gov>; "planningzab@berkeleyca.gov" <planningzab@berkeleyca.gov>; "wshah@berkeleyca.gov" <wshah@berkeleyca.gov>; Lisa M. Rose <lisarosesf@gmail.com>
Sent: Wednesday, January 8, 2025 at 11:20:40 AM PST
Subject: 1048 Keith Avenue Use Permit #ZP2024-0014

Land Use Division
Attn: ZAB Secretary
1947 Center Street,
Second Floor
Berkeley, CA 94704

January 7, 2025

Re: 1048 Keith Avenue Use Permit #ZP2024-0014

To the Members of the Zoning Board:

My name is Peter Weiler. I live at 1047 Keith Avenue, which is directly across the street from Lindsay Newman and Joachim Kainz's home at 1044. I am writing to express my strong support for their proposed project.

I am a geologist and geophysicist, so I have been very mindful of the potential effects of landslides on our property and neighborhood. Significantly, we completed a new survey of our property in 2012 which confirmed that there had been no movement of any structures or property markers since construction in 1969.

I would also like to share some thoughts about our neighbors. We have known Lindsay and Joachim since 2017, sharing a close and trusting relationship. They have hosted classical music concerts in their home, welcoming the neighborhood—especially children—to experience the arts. My family attended these concerts with our young son, and it remains a cherished memory. Over the years, we've shared meals, exchanged small acts of kindness, and supported one another during emergencies. For example, while we were away during a red flag warning, we entrusted them to collect our dog in the event of a fire. We have built deep trust and connection as neighbors.

Regarding the proposed project, Lindsay and Joachim extensively remodeled their current home (1044 Keith) and demonstrated exceptional thoughtfulness and respect for their neighbors in their previous project. They consistently checked in with us to ensure there were no inconveniences caused by the construction, which we greatly appreciated. The home they remodeled was in a state of disrepair, and they transformed it into a beautifully aesthetic residence that is both sensitive to the natural surroundings and a significant improvement to the neighborhood. Their choices allowed the home to blend seamlessly into the environment, demonstrating a keen eye for aesthetics and scale. The entire process was smooth and considerate, leaving us with a positive experience and admiration for their approach to design and neighborly care.

1048 Keith Avenue, the home next door to the property they previously remodeled, is also in considerable disrepair. Their proposed project will undoubtedly bring the same thoughtful attention to detail, sensitivity to the surroundings, and improved aesthetics that have already benefited our neighborhood. As residents living directly across the street, we will be directly impacted by the project, and we are confident that the result will be another remarkable transformation.

We feel this project will enhance the property and contribute to the overall improvement of our neighborhood. Based on our previous positive experience and their commitment to thoughtful, considerate design, we strongly support their plans and trust that this project will again be carried out with the utmost care and respect for the community. These neighbors are considerate, respectful, and community-oriented, and we are fortunate to have them in our neighborhood.

Thank you for your time and consideration. Please don't hesitate to contact me with any questions or if you need additional information.

Sincerely,

Peter Weiler and Lisa Rose
1047 Keith AvenueBerkeley, CA 94708

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Support for 1048 Keith Ave, Berkeley

---------- Forwarded message ---------
From: **Tony Quan** <tcquan@gmail.com>
Date: Wed, Jan 8, 2025, 8:35 AM
Subject: Support for 1048 Keith Ave, Berkeley
To: <planningzab@berkeleyca.gov>
Cc: <wshah@berkeleyca.gov>

Dear City of Berkeley Planning and Development Department,

We are writing to express our strong support for the proposed home construction project at 1048 Keith Ave. As East Bay Hills residents who have known Lindsay Newman and Joachim Kainz for two decades, we can personally attest to their commitment to responsible development and community values. As your website states, your mission is:

> "...to enhance safety, livability and resilience in the built environment and to work with the community to promote and protect Berkeley's distinctive neighborhoods...and natural resources for current and future generations."

We have witnessed firsthand their dedication to thoughtful, sustainable construction practices that directly align with your mission. Their previous projects, including their current home, have demonstrated conscientious approaches to building on challenging terrain, employing structurally sound engineering practices specifically designed for hillside construction, the use of environmentally conscious building materials that minimize environmental impact while ensuring longevity, and an unwavering commitment to maintaining neighborhood character while enhancing property values.

Their track record speaks to their reliability as neighbors who enhance, rather than diminish, neighborhood value. This project represents an opportunity to add another well-constructed, sustainable home to the community's housing stock.

As we have seen their children grow up alongside ours and witnessed their genuine commitment to community well-being, we can assure you that they approach this project with the same care and consideration they have demonstrated throughout their time in the community.

We urge you to approve this project, as it will add a sustainable, well-engineered property that enhances neighborhood safety, set a positive precedent for future construction projects in challenging terrain, and be a shining example to the city's commitment to responsible development.

Thank you for your consideration of this matter.

Sincerely,

Tony Quan & Alice Lee

Jacob, Melinda

Subject: FW: Fwd: Support for Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

From: Lindsay Newman <newmanli26@yahoo.com>
Sent: Thursday, January 9, 2025 12:46 PM
To: Shah, Waqar <wshah@berkeleyca.gov>
Subject: Fw: Fwd: Support for Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

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This is the third email that I couldn't find earlier...

Yahoo Mail: Search, Organize, Conquer

---------- Forwarded message ---------
From: **Dan Haddick** <haddick@gmail.com>
Date: Tue, Jan 7, 2025, 23:18
Subject: Support for Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley
To: <planningzab@berkeleyca.gov>
Cc: <wshah@berkeleyca.gov>

Dear City of Berkeley Zoning Adjustments Board,

I am writing to express my support for Use Permit #ZP2024-0014, which proposes demolishing a 2,760-square-foot single-family dwelling and constructing a modern, two-story, 3,600-square-foot single-family dwelling in its place.

As someone born and raised in Berkeley, and with an educational background in geology, I'm very sensitive to the matters of hillside development in our area. Currently, I live with my family in the Northside neighborhood of Berkeley, not far from this site, which is why I am particularly concerned with the design of projects like this. After reviewing the staff report with attachments, I'd like to make these key points in support of the project:

1. The proposed construction involves removing 228 cubic yards of soil and regolith. This material is likely heavier in weight than the proposed new two-story house, including its roughly 2,000-square-foot, 12-inch-thick slab foundation. Effectively, this means the weight of the old structure is being removed from the site, reducing the overall load on the hillside.

2. By transitioning from a raised foundation single-story house to a slab foundation, along with the material removal, this design allows for a two-story structure while adding only 7.5 feet to the overall height. This is a remarkably compact design, making the resulting sight lines entirely compatible with the surrounding neighborhood.

3. The property lies within the Keith Avenue landslide zone, a fact well-documented in the staff report. However, two critical points need to be made in relation to this. The recent Moran Engineering survey provides highly accurate property line data using three City of Berkeley survey monuments within 200 feet of the site. The

proximity and precision of these measurements suggest that any dispute about a single lot line should be mitigated by the proximity of these monuments. Second, this project should be welcomed in the slide area for its potential to reduce the load on the hillside.

4. The existing house is over 100 years old and was in a state of disrepair prior to its purchase in 2019. Replacing it with a state-of-the-art structure built to modern codes significantly enhances both the aesthetic value and the safety of the neighborhood. After this project is completed the property will be far safer, particularly in terms of fire and seismic safety.

This project exemplifies responsible and thoughtful development in our challenging hillside area. Given the cost and effort of its remarkably compact design, along with the soil removal and advanced building construction methods, the owners are going out of their way to make this project a model for responsible development in the Berkeley Hills. I urge the city to approve this use permit to support sustainable growth and safe buildings in our neighborhood.

Sincerely,
Dan Haddick
2300 Le Conte Ave., Berkeley

3457 Arlington Avenue, Ste. 104
Riverside, Ca 92506
951-779-0787 (V)
www.QuickCaption.com

CITY OF BERKELEY

ZONING ADJUSTMENT BOARD

SEPTEMBER 26, 2024

>> YES. YES WHY IS THE MOTION PASSES. PENDING TWO WEEKS IF THERE ARE NO APPEALS DURING THAT PERIOD, YOU WILL HAVE YOUR USE PERMIT. THE MOTION PASSES. OKAY. NOW WE'RE ONTO THE ACTION CALENDAR. AND THE ACTION CALENDAR HAS ONE ITEM, ITEM NUMBER 3, 1040 KEITH AVENUE IT IS SCHEDULED TO HAVE A NEW PUBLIC HEARING BUT ALSO IT IS RECOMMENDED TO BE CONTINUED. AND I THINK IF STAFF COULD MAYBE SHARE OR IF I WOULD LIKE ME TO SHARE THE NEED FOR CONTINUANCE

>> SURE WE'RE REQUESTING THE BOARD CONTINUE TO ITEM BECAUSE WE ARE... COORDINATING WITH THE APPLICANT TO RECEIVE THE NECESSARY INFORMATION THAT WE NEED TO FULLY PROCESS THE PERMIT

>>YES DUFFY: SO IF MORE INFORMATION IS NEEDED WE CANNOT VOTE ON THE ITEM THIS EVENING. BUT WE CAN RECEIVE PUBLIC COMMENT ON THE ITEM. SO EVEN THOUGH THERE ISN'T A PRESENTATION I KNOW THERE IS

PEOPLE HERE TO SPEAK ON IT. I WANT TO WELCOME YOU. AND THANK YOU FOR YOUR PATIENCE. I SEE WE HAVE FOUR GREEN CARDS HERE TO SPEAK ON THE ITEM. AND LET'S BEGIN WITH DARIUS. AND THEN YOUR NAME -- I'M SORRY, STARTS WITH A B.

>> POINT OF --

>> ORDER?

>> YES. AS CHAIR, I THINK ENDORSE YOUR OFFER FOR PEOPLE GONE TO THE TROUBLE OF COMING HERE TONIGHT TO SPEAK TONIGHT, BUT ALSO, IT'S CORRECT THAT THEY COULD HAVE AN OPPORTUNITY TO SPEAK WHEN WE ACTUALLY HEAR THE ITEM. SO IF YOU PREFER TO SPEAK THAT NIGHT THAT'S YOUR CHOICE. IS THAT RIGHT?

>>YES DUFFY: YES. DEFINITELY.

>> YES. JUST SPEAKING FOR MYSELF, IF I WERE TO SPEAK CONCERNS ABOUT A PROJECT I WOULD LIKE TO HAVE IT HEARD ON THE NIGHT THAT THE THING IS HEARD. THAT WOULD BE MY PERSONAL CHOICE IN A NON -- I CAN'T SAY I'M RECOMMENDING THAT BUT THIS WOULD BE MY CHOICE IF I HAD CONCERNS ABOUT A PROJECT. BUT EVERYONE'S WELCOME TO SPEAK TONIGHT THAT WANTS TO.

>> THANK YOU YOU ALSO HAVE ABILITY TO SUBMIT IN WRITING AS WELL. SO WE WILL BEGIN WITH DARIUS AND THEN... STARTS WITH THE LETTER B AND THEN ROBERT AND THEN RICHARD. WELCOME, DARIUS

>> I WANT TO SPEAK ON BEHALF OF 1048 KEITH CURRENTLY THERE IS A LAWSUIT ON THIS PROJECT. THERE HAS BEEN SELF-HELP ACTIONS THAT HAVE TAKEN PLACE WITH THE NEIGHBORS THAT HAVE OWNED 1048 KEITH AND

THIS HAS BEEN ON GOING SINCE OCTOBER. WITH MY FAMILY TAKING PLACE. AND CURRENTLY THE SELF-HELP ACTIONS HAVE BEEN TAKE TAKING OF STEALING PERSONAL BELONGINGS TO THE A DAILY BASIS OF THE THINGS HAPPENING AND I WANTED TO PUT THINGS ON THE BOUNDARY, IN THE SURVEY ITSELF FOR THE PROPERTY LINE. THEY ARE SAYING THEY OWN ABOUT 20 FEET ONTO ON PROPERTY THAT THE BOUNDARY NOTES ON THE SURVEY ITSELF DUE TO SIGNIFICANT LAND MOTION IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITHIN CERTAINTY THE BOUNDARIES SHOWN HAVE VARY. THIS VARIANCES IS LIKELY IN FIVE FEET OR MORE. IT IS NOT ABLE TO DETERMINE THE EXACT LOCATIONS OF THE PROPERTY. WE'VE ALSO REACHED OUT TO MULTIPLE SURVEYORS TO REFERENCE AND THEY ALSO SAY THAT WITH TENT TO 20 FEET WE CANNOT DETERMINE THE EXACT BOUNDARY MARKINGS AND THE FENCE THAT HAS BEEN THERE, WE HAVE WRITING FROM ALL TENANTS THAT HAVE OWNED IT AND THE NEIGHBORS THAT HAVE LIVED THERE THAT THE FENCE HAS BEEN EXISTING IN THE LOCATION SINCE BEFORE 1957. SO FOR THEM TO TAKE DOWN SELF-HELP ACTIONS WITHOUT MEDIATION WHICH WE HAVE DONE AND WE HAVE TRIED TO DO AND WE ARE NOW HAVING TO GO THROUGH COURT TO TRY TO SOLVE THIS CASE. THANK YOU SO MUCH.

>>YES DUFFY: THANK YOU FOR YOUR SPEAKING. NEXT, WE HAVE THE MEMBER THAT STARTS WITH THE THE LETTER B, BARAM. I'M GOING TO GUESS. WELCOME.

>> THANK YOU. I HAD SURGERY LAST WEEK I AM HERE TO SPEAK ON THE PROJECT THAT MY SON JUST SPOKE TO. SO YES, TO CONTINUE WE HAVE BEEN AMICABLY TRYING TO RESOLVE THIS ISSUE. WHAT THE ENCROACHMENT

SHOULD BE WITHOUT REALLY ANYBODY GETTING HURT. BUT THEY ARE ADAMANT THEY WILL GO BASED ON THE SURVEY. AND THEY WANT ALL OF IT. BECAUSE I HAVE NUMEROUS DOCUMENTS HERE THAT I CAN SHARE WITH YOU ONLINE. I DON'T HAVE THE HARD COPY. SOME OF THEM ARE ONLINE. BUT WE WILL DO IT ONLINE. THERE'S -- NUMEROUS ITEMS THAT FOR INSTANCE THE CITY OF BERKELEY PLAN RIGHT NOW CURRENTLY SHOWS THERE'S 24-INCH MANHOLE. EXACTLY WHERE THE PLANS SHOW IT SHOULD BE. SO WITH THE ACTION THEY ARE TAKING MOVING THE PROPERTY LINE BACK IT WOULD MOVE THAT TO 350 TO 1048. WHICH IS THE OPPOSITE OF WHAT THE SURVEY IS SHOWING. THERE'S ITEM NUMBER 2 THAT I WANT TO SPEAK TO. IS THAT THERE IS A AGREEMENT THAT MR. BURKE WHO LIVED THERE SINCE 1979 THAT THE FENCE THAT THEY PUT UP IN 2001 THAT WAS IN AGREEMENT WITH MR. BURKE AND IT WAS... SINCE 1979. THE CURRENT HOMEOWNERS ARE DISPUTING THAT. ALSO IN THAT HIS WIFE CINDY HAS STATED THAT THERE WAS A -- ENCROACHMENT THAT THEY ALWAYS CLAIM IT WAS PART OF THEIR PROPERTY. THEY PUT A GATE AND MADE SURE IT WAS KNOWN. BUT THE CURRENT OWNERS ARE GOING THE OPPOSITE OF THAT. THEY PUSH THE FENCE AGAINST THE LANDSLIDE VERSUS DOWN THE HILL. IT'S A REALLY BIG ISSUE. THERE'S MORE ITEMS THAT I CAN COVER HERE BUT I DON'T WANT TO TAKE YOUR TIME. BECAUSE THEY DON'T WANT TO AMICABLY NEGOTIATE. AND THEIR BEHAVIORS HAVE BEEN SO -- SO UNHUMANE AND TERRORIZING MY SON AND DESECRATING OUR CAT'S GRAVES AND NOT RESPECTING IT. AND RIDICULING -- IT'S JUST VERY SAD.

>>YES DUFFY: IF YOU COULD WRAP IT UP.

>> AND ALSO 34-PAGE THAT TALKS ABOUT THE --... BERKELEY HILLS WITH SO MANY OTHER ENGINEERS AND SUBJECT MATTERS EXPERT I WILL HAVE YOU GUYS LOOK AT THAT AS WELL.

>>YES DUFFY: THANK YOU.

>> THANK YOU.

>>YES DUFFY: NEXT, WE HAVE ROBERT MATTHEWS.

>> ROBERT MATTHEWS: HI, GOOD EVENING SO MY NAME'S ROBERT MATTHEWS AND I HAVE LIVE THE AT 1060 KEITH AVENUE THAT'S FIVE HOUSES UPHILL ON THE SAME SIDE OF THE STREET AS THE 1048 THAT'S UNDER DISCUSSION. I HAVE A GREAT DEAL OF EXPERIENCE WITH GROUND MOVEMENT AROUND THE LANDSLIDE. IN FACT MY HOUSE WAS THE SUBJECT OF THE FRONT PAGE ARTICLE IN THE SAN FRANCISCO CHRONICLE ABOUT IT IN 2004 WHICH BY THE WAY IS A GREAT WAY TO LOSE A LOT OF YOUR PROPERTY VALUE. BE ON THE FRONT PAGE OF THE CHRONICLE ON HOW YOUR HOUSE IS ON YOUR NEIGHBOR'S PROPERTY. THE LANDSLIDE IS WHY THE OXFORD SCHOOL IS HERE AND NOT WHERE IT WAS. IT'S SOMETHING THAT'S COME UP MANY TIMES OVER THE YEARS. TONIGHT I'M HERE BECAUSE OF THE DISPUTE ABOUT WHETHER THE PROPOSED BUILDING OF 1048 WOULD CROSS THE PROPERTY LINE BOUNDARIES AND POTENTIALLY DERIVE ANOTHER NEIGHBOR OF THEIR EXISTING YARD. I DON'T PERSONALLY KNOW THE APPLICANTS OR THE OTHER PARTY IN THE DISPUTE. AND I WOULD HAVE NO ISSUE WITH THE PROPOSED CONSTRUCTION IF IT WAS BUILT WITHIN THE FOOTPRINT OF THE CURRENT HOUSE THAT'S THERE THAT WOULD BE DEMOLISHED OR IF THE PROPOSED PROPERTY WAS BUILT ON ANOTHER PART OF THE LOT THAT'S NOT IN DISPUTE

BUT I OPPOSE THE CURRENT PLAN BECAUSE I BELIEVE THE APPLICANT SIMPLY MAY NOT OWN THE PROPERTY. MY UNDERSTANDING IS THAT THE APPLICANT WANTS TO BUILD A FENCE BY ABOUT 20 FEET AND BUILD ON AN AREA THAT THEY GAINED FROM THAT BASED ON A SURVEY. BUT THAT SURVEY HAS A DISCLAIMER SAYING IT MAY NOT BE ACCURATE OF 5 FEET OR MORE AND THERE HAS BEEN GROUND MOVEMENT, MULTIPLE DECADES INCLUDING THE WHOLE AREA IN THE KEITH AVENUE LANDSLIDE ZONE. AND THE FENCINGS OF THE OTHER SIDE AND PACK OF THE APPLICANT'S PROPERTY ALSO ARE NOT WHERE A SURVEY SAYS THEY SHOULD BE. I THINK THE BOUNDARIES SHOWN ON THE SURVEY THAT THEY WANT TO USE FOR ARE NOT USABLE. THE UNDERLYING DISPUTE IS SOMETHING THAT YOU GUYS DON'T RESOLVE. BUT I STILL DON'T THINK THAT IT DOESN'T SEEM REASONABLE TO APPROVE THE PERMIT FOR A PROPERTY BASED ON THE SURVEY. AND I URGE YOU NOT TO APPROVE ANY CONSTRUCTION IN THE AREA UNTIL THE DISAGREEMENT IS RESOLVED BETWEEN THE PARTIES. AT WHICH POINT I WOULD HAVE NO OBJECTION. THANK YOU.

>>YES DUFFY: THANK YOU SO MUCH. OKAY. NEXT IN PERSON, WE HAVE RICHARD. WELCOME. HELLO?

>> HELLO.

>> WELCOME.

>> THANK YOU I LIVE DOWN BELOW KEITH STREET ON ARCH STREET. I WAS ALSO PART OF THAT ARTICLE IN THE CHRONICLE. AND YOU KNOW UNFORTUNATELY, MY HOUSE ON ARCH STREET, I -- I HAVE TWO HOUSES ON ARCH STREET. ONE IS AT 1170 BUT IT HAD SLID DOWN INTO THE NEIGHBOR'S

YARD AND WHEN THE NEIGHBOR BOUGHT THE HOUSE HE GOT A SURVEY YEAH WELL YOUR GARAGE IS ON SOMEONE ELSE'S PROPERTY AND THIS HOUSE IS IN YOUR PROPERTY AND DECIDE TO DO TEAR DOWN THE FENCE AND BUILD A FENCE THAT RAN RIGHT INTO MY HOUSE AND WE WENT THROUGH THE WHOLE PROCESS. BUT WITH THAT, IT FINALLY HAND COCK... I CONTACTED HER TRYING TO FIGURE OUT WHAT DO YOU DO? AND SHE TRIED TO WORK WITH THE STATE TO FIGURE OUT WHAT DO YOU DO WITH THIS KIND OF SITUATION? THERE'S AN OLD THING THAT WAS THE COLLIN ACT IT WAS CALLED AND IT WAS FOR TRYING TO ADDRESS SLIDING MOVING LAND. BUT IN THIS SITUATION, EVERY YEAR IF IT RAINS MORE THE LAND MOVES MORE. AND SO IT'S ON GOING, YOU KNOW IT'S NOT GOING TO STOP. AND IT'S DIFFERENTIAL. SO IT CHANGES SOME YEARS IT BARELY MOVES AT ALL. BUT YOU NOTICE IT ON YOUR PROPERTY. YOU KNOW EVERYTHING CRACKS. YOUR WALLS YOU KNOW THINGS LIKE THAT. IT'S DEFINITELY A MOVING HILLSIDE. BUT I WOULD LIKE TO KIND OF REITERATE EXACTLY WHAT MATTHEWS SAID ABOUT I THINK THERE'S NO WAY AT THE END OF AFTER THE STATE SAID THERE'S REALLY NO SOLUTION NO REAL SOLUTION TO SAY THIS. THERE WAS A RETIRED JUDGE THAT LIVED UP ON KEITH STREET AND HE WROTE UP A DOCUMENT THAT A LOT OF US IN THE NEIGHBORHOOD HAVE USED BETWEEN NEIGHBORS THAT GET ALONG AND IT'S AGREED UPON BOUNDARY LINES. AND SO THAT'S AS BINDING AS YOU CAN GET. BECAUSE YOU PAY LET'S SAY YOU HAVE A LOT THAT'S 66 HUNDRED SQUARE FEET. YOU PAY YOUR TAXES ON THAT. SOMEWHERE YOU JUST TRY TO WORK OUT AN EQUITABLE SOLUTION THAT EVERYBODY HAS SOMETHING LIKE THE LOT THAT THEY PURCHASE IN

SOME SHAPE OR FORM AND THE OLD LONG STANDING FENCE LINES TEND TO BE THAT FOR YEARS. IF THIS SITUATION GOES ON THE HILL AND EVERYTHING, THE CITY STREET IS IN SOMEBODY'S FRONT YARD. AND SO YOU CAN'T SOLVE IT. ONE PERSON CAN'T SAY, OKAY THIS IS THE WAY IT IS. IT JUST CAN'T WORK THAT WAY SO.

>>YES DUFFY: THANK YOU FOR COMING IN PERSON AND SHARING YOUR PERSPECTIVE AND COMMENTS. WE HAVE TWO MORE PEOPLE ONLINE. AS WELL. KELLY HAMMARGREN.

>> THANK YOU. THIS HAS REALLY BEEN AN INTERESTING MEETING I DID GET A LETTER FROM THE OWNER WHICH I CHOSE NOT TO RESPOND TO. AND THIS IS -- THIS IS TOTALLY FASCINATING. I COINED THE TERM THE BERKELEY HAZARD TRIFECTA, WHICH MEANS THAT A PARCEL SITS ON TOP OF THE FAULT LINE IN A LANDSLIDE AREA IN THE FIRE ZONE. AND THIS PROPERTY'S CERTAINLY HIT THE BERKELEY HAZARD TRIFECTA WHERE YOU COULDN'T FIGURE OUT WHERE THE PROPERTY LINE IS. I JUST WANT TO THANK EVERYBODY TONIGHT. I'M SURE IT WILL MAKE MY NEXT ACTIVIST DIARY EVEN MORE INTERESTING. THANK YOU SO MUCH.

>>YES DUFFY: THANK YOU FOR YOUR COMMENTS, KELLY.

>> HELLO, CAN YOU HEAR ME? LOVELY I OWN THE PROPERTY AT 1054 AVENUE WHICH IS THE ONE OPT OTHER SIDE OF 1050 KEITH WHEN WE MOVED INTO THAT HOUSE MY HUSBAND AND I WE REALIZED RIGHT AWAY THERE WAS NO FENCE LINE BETWEEN OURSELVES AND 1050 BECAUSE THE SAME FAMILY OWNED BOTH HOUSES. NOW WHEN... ERICA PURCHASED THE HOUSE WE DECIDED TO PUT UP A FENCE AND WE WENT TO A SURVEYOR AND WE WENT TO ANOTHER

ONE AND THEY ALL LAUGHED AT US. AND THEY SAID, THIS IS KEITH AVENUE. WE CAN'T SURVEY. NOT IN THOSE WORDS BUT THAT WAS THEIR TONE OF VOICE. THE EASIEST WAY TO DECIDE WHERE THE FENCE SHOULD GO IS TO MEASURE HOW MUCH PROPERTY YOU HAVE PAID FOR IN SQUARE FOOTAGE. AND FIGURE OUT AN EQUITABLE SOLUTION BETWEEN THE TWO OF YOU. BOTTOM AND MY HUSBAND AND MYSELF GOT TOGETHER FIGURED OUT HOW MUCH PROPERTY WE WERE SUPPOSED TO HAVE AND FIGURED OUT WHERE THE LINE SHOULD BE. AND BUILT A FENCE THERE. IT WAS VERY CIVIL. NOW THE TROUBLE THAT I WOULD HAVE WITH GOING BACK TO THE ORIGINAL SURVEY LINES IS THAT IT'S UNFEASIBLE. I UNDERSTAND POT TO ME WAS GIVEN THE ADVICE IF HIS TOWN HILL NEIGHBOR AT 1048 WERE TO TAKE SOME OF HIS SQUARE FOOTAGE THAT HE COULD MAKE UP FROM THE UPHILL SIDE THAT WOULD BE US. I LIKE BOTTOM I DECLINE TO GIVE HIM OUR OFFICE. I DON'T THINK UP UPHILL NEIGHBORS WOULD LIKE IF WE CLAIM THEIR GARAGE, AMICABLY OR THROUGH LITIGATION.

>>YES DUFFY: THANK YOU VERY MUCH. THAT CONCLUDES THE PUBLIC COMMENT PERIOD ON THIS ITEM. LIKE I SAID BEFORE THE RECOMMENDATION MY STAFF IS TO CONTINUE. OBVIOUSLY, THIS IS AN ITEM THAT HAS SOME ISSUES TO RESOLVE REGARDING ITS APPLICATION MATERIALS. SO I WOULD LIKE TO MAKE A MOTION TO CONTINUE ITEM NUMBER 3.

>> SECOND

>> I HAVE A SECOND FROM BOARD MEMBER SANDER SON. ANY DISCUSSION? SEEING NONE, LET'S TAKE A VOTE.

>> THANK YOU I HAVE A MOTION FROM DUFFY AND A SECOND FROM SANDERSON.

WHEN I CALL YOUR NAME, STATE YOUR NAME

>> COMMISSIONER JERRY.

>> YES.

>> COMMISSIONER YOUNG.

>> YES.

>> COMMISSIONER SANDER SON.

>> YES.

>> THANK YOU.

>>YES DUFFY: OKAY THE MOTION PASSES THE ITEM IS CONTINUED. AND THANK YOU VERY MUCH FOR YOUR PUBLIC COMMENT. ONE THING JUST TO MENTION ABOUT THAT THIS WAS A BIT UNUSUAL AS PUBLIC COMMENT WITHOUT A PRESENTATION AND I WOULD JUST SAY I THINK MOST OF YOU KNOW THIS, HAVING YOUR COMMUNICATION IN WRITING AS WELL WILL BE VERY IMPORTANT FOR THE RECORD. AND OF COURSE WORKING HAND IN HAND WITH STAFF TO RESOLVE THESE ISSUES THAT'S WHAT STAFF DOES SO WELL SO WE LOOK FORWARD TO THAT. AND WE LOOK FORWARD TO SEEING A REVISED APPLICATION IN THE FUTURE IF THAT'S WHAT THE APPLICANT CHOOSES TO DO. OKAY. WELL, THANK YOU EVERYBODY. NEXT WE HAVE SUBCOMMITTEE REPORTS. DESIGN REVIEW COMMITTEE.

>> KIM IS NOT HERE.

>> KIM IS NOT HERE BECAUSE WE DO HAVE BOARD MEMBER KAHH

>> IT'S GOOD TO BE BACK ON DESIGN REVIEW. I HAVE MISSED IT AND I ENJOY BEING BACK THERE. LILYIAN IS BACK ASK SHE'S ALWAYS BEEN A HUGE CONTRIBUTOR. SO WE'RE DOING OUR WORK. ROCKING AND ROLLING.

YES WHY IS WE'RE ROCKING AND ROLLING. OKAY. WELL THANK YOU FOR THE UPDATE. ANY STAFF COMMUNICATIONS?

>> NO STAFF COMMUNICATIONS

>>YES DUFFY: OKAY ALL RIGHT I WOULD LIKE TO MAKE A MOTION TO ADJOURN, THEN. AND WE DO HAVE TO VOTE.

>> A SECOND FROM KAHN OR JERSEY?

>> OKAY. THANK YOU. I HAVE A MOTION FROM DUFFY WHEN I CALL YOUR NAME, PLEASE STATE YOUR VOTE.

>> COMMISSIONER JERRY.

>> YES.

>> COMMISSIONER KAHN

>> COMMISSIONER YOUNG.

>> YES.

>> COMMISSIONER SANDERSON.

>> YES.

>> THANK YOU.

>>YES DUFFY: I WOULD LIKE TO SAY THANK YOU TO EVERYBODY AND THANK YOU FOR EVERYBODY ONLINE FOR THIS IMPORTANT PROCESS. [END MEETING]

3457 Arlington Avenue, Ste. 104
Riverside, CA 92506
951-779-0787 (V)
www.QuickCaption.com

CITY OF BERKELEY

ZONING ADJUSTMENTS BOARD

OCTOBER 10, 2024

>> Clerk: THIS IS TO APPROVE THE ACTION MINUTES FROM SEPTEMBER 26th, 2024, APPROVE THE USE PERMIT FOR 1637 WOOLSEY AND CONTINUE THE PROJECT FOR 1048 KEITH TO A DATE UNCERTAIN. CHAIR DUFFY?

>> Chair Duffy: YES.

>> Clerk: VICE CHAIR GAFFNEY?

>> Vice Chair Gaffney: YES.

>> Clerk: COMMISSIONER THOMPSON?

>> M. Thompson: YES.

>> Clerk: COMMISSIONER JERSEY?

>> T. Jersey: YES.

>> Clerk: COMMISSIONER O'KEEFE?

>> S. O'Keefe: YES, BUT ABSTAIN FROM THE MINUTES.

>> Clerk: COMMISSIONER YUNG?

>> B. Yung: YES.

>> Clerk: AND COMMISSIONER SANDERSON?

>> D. Sanderson: YES.

>> Clerk: THAT MOTION PASSES.

>> Chair Duffy: THE MOTION PASSES. ITEM #2, 1637 WOOLSEY STREET, THERE IS A NOTICE OF DECISION THAT WILL BE MAILED. TWO WEEKS AFTER THAT, IF THERE ARE NO APPEALS WITHIN THAT TWO WEEKS THEN YOU HAVE YOUR USE PERMIT. OKAY. SO NOW WE MOVE TO THE ACTION CALENDAR. AND ON THE ACTION CALENDAR, WE DON'T HAVE ANYTHING TODAY. SO, NOW WE GO TO SUBCOMMITTEE REPORTS. DESIGN REVIEW COMMITTEE.

G HERE.

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CITY OF BERKELEY

ZONING ADJUSTMENT BOARD MEETING

JANUARY 9, 2025

>> CHAIR DUFFY: THE MOTION IS APPROVED. THE ACTION MINUTES FROM LAST YEAR ARE APPROVED. NOW WE MOVE ON TO THE ACTION CALENDAR, WE HAVE ONE ITEM AS ALL OF YOU KNOW, THIS IS ITEM 2. 1048 KEITH AVENUE CONTINUED FROM SEPTEMBER 26. A RECOMMENDATION TO APPROVE FROM STAFF. THE WAY THIS WORKS IS STAFF WILL MAKE A PRESENTATION. ALSO THEN THE APPLICANT WILL HAVE 5 MINUTES FOR THEM TO MAKE THEIR PRESENTATION. WE THEN GO TO PUBLIC COMMENT. AND TYPICALLY, IF THERE ARE MORE THAN 10 COMMENTERS FROM THE PUBLIC ON A PROJECT THEN THEY EACH GET 1 MINUTE. SO THIS EVENING, I'M GOING TO LIMIT PUBLIC COMMENT TO 1 MINUTE PER PERSON. AND PLEASE PREPARE ACCORDINGLY. I KNOW IT'S HARD TO SEE. WHEN YOU COMMENT IN PUBLIC, THERE IS A LITTLE TIMER. AND YOU CAN SEE IT UP ON THE SCREEN THERE. IT'S HARD TO SEE BUT I'LL REMIND

YOU AS WELL. OKAY, SO THEN LET'S BEGIN WITH OUR PRESENTATION FROM STAFF. AND THEN WE'LL GO TO THE APPLICANT.

>> W. SHAH: GOOD EVENING, ZONING ADJUSTMENTS BOARD MEMBERS.

>> CHAIR DUFFY: ACTUALLY, IF YOU -- IF YOU -- [MULTIPLE SPEAKERS] I'M ECHOING AGAIN. GOT IT.

>> W. SHAH: ALL RIGHT. GOOD EVENING, ZONING ADJUSTMENTS BOARD MEMBERS.

>> CHAIR DUFFY: HOLD ON ONE SECOND. THERE IS A TECH ISSUE. I THINK I CAN SOLVE IT. YOUR MIC, YOUR COMPUTER, THE MIC IS THIS TALL LOOKING ONE. THAT'S THE ONE THAT YOU'LL SPEAK INTO. ONE OF THOSE. YEP. AND IF YOU MOVE IT ABOUT THIS CLOSE TO YOUR MOUTH, THEN EVERYONE CAN HEAR YOU ONLINE, AND REALLY I WANT TO MAKE SURE EVERYBODY CAN HEAR YOU.

>> W. SHAH: HELLO. PERFECT.

>> CHAIR DUFFY: GREAT.

>> W. SHAH: GOOD EVENING, ZONING ADJUSTMENTS BOARD MEMBERS. MY NAME IS WAQAR SHAH. THE ASSOCIATE PLANNER WITH THE LAND USING PLANNING DIVISION. I'M PRESENTING THE LAND USE APPLICATION FOR 1048 KEITH AVENUE. THIS INVOLVES DEMOLISHING AN EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTING A NEW TWO STORY, 3,600-SQUARE-FOOT SINGLE-FAMILY DWELLING WITHIN THE REAR SETBACK AND PARKING PAD IN THE FRONT SETBACK.ADDITIONALLY, A PARKING UNENCLOSED TRELLIS IS PROPOSED WITHIN THE REQUIRED FRONT SETBACK. AND A FENCE OVER SIX FEET IN HEIGHT IS PLANNED IN THE REQUIRED SIDE

SETBACK. THE PROJECT SITE IS LOCATED IN THE NORTH BERKELEY HILLS, SINGLE-FAMILY RESIDENTIAL HILLSIDE OVERLAY DISTRICT, SOUTH OF THE KEITH AVENUE AND EUCLID EVERY INTERSECTION AS SHOWN THROUGH THE ARROW. THE AREA IS CHARACTERIZED BY A RESIDENTIAL DEVELOPMENT PATTERN COMPRISED OF 1 TO 3 STORY FAMILY DWELLINGS AND LOT DEVELOPED WITH ONE SINGLE STORY SINGLE-FAMILY DWELLING UNIT. SHOWN HERE IS THE EXISTING CONDITION OF THE 1048 KEITH AVENUE RESIDENCE FROM A SOUTHEAST FACING VIEW. THE 1048 KEITH AVENUE USE PERMIT APPLICATION WAS SUBMITTED A YEAR AGO AND DEEMED COMPLETE ON FEBRUARY 29TH, 2024. THE PROJECT WAS SCHEDULED FOR THE SEPTEMBER 26, 2024, HEARING. BUT THEN THE ITEM WAS CONTINUED TO OCTOBER 10TH, 2024 PENDING A REVISED SURVEY, THE SURVEY WAS NOT RECEIVED UNTIL OCTOBER 15TH, 2024. AND NOW THE 1048 KEITH AVENUE PROJECT IS NOW BEING PRESENTED FOR YOUR CONSIDERATION. THE SITE PLAN AS SHOWN SHOWS THE PROPOSED RESIDENCE. THROUGH THE CONSTRUCTION OF THE NEW RESIDENCE, REQUIRED 20-FOOT YEAR SETBACK AT POINTED OUT IN THE RED CIRCLE. THERE WILL BE A SLIGHT REDUCTION TO THE OPEN SPACE AREA AND THERE WILL BE AN 11% INCREASE TO A LOT COVERAGE FROM 18 TO 29% WHERE 40% IS THE MAXIMUM ALLOWABLE. SHOWN IS THE EXISTING RESIDENCE TO BE DEMOLISHED WITH AN AVERAGE HEIGHT OF 13 AND A HALF FEET AND MAXIMUM HEIGHT OF 17 FEET. SHOWN THE PROPOSED NEW RESIDENCE THAT SHOWS A RESULTING APPROXIMATE AVERAGE HEIGHT INCREASE TO APPROXIMATELY 21 FEET AND A MAXIMUM HEIGHT OF 25

FEET. STAFF BELIEVES THE PROJECT AS PROPOSED WOULD NOT UNREASONABLY IMPACT THE HEALTH, SAFETY, PEACE OR GENERAL WELFARE AS CONSTRUCTED. IT'S CONSISTENT WITH THE R-1H ZONING CORRECT DEVELOPMENT STANDARDS WITH THE EXCEPTION TO THE 5-FOOT ENCROACHMENT INTO THE REAR SETBACK, WHICH CONTINUES TO COMPLY WITH R1 AND HILLSIDE OVERLAY DISTRICT STANDARDS PERTAINING TO LOT COVERAGE AND OPEN SPACE AND EXISTING DEVELOPMENT AND BUILDING TO BUILDING SEPARATION PATTERN. THERE ARE THREE ADMINISTRATIVE USE PERMIT FINDINGS I'LL BE PRESENTING FOR THE FIRST ONE, THE PROJECT WILL WIDEN THE EXISTING 12-FOOT WIDE, ONE-CAR, OFF-STREET PARKING SPACE WITH A NEW 16-FEET, THREE INCH WIDE BY 18-FOOT-LONG PARKING PAD WITHIN THE FRONT SETBACK. SIMILAR TO NEIGHBORING RESIDENCES SOUTH OF KEITH AVENUE AND FEATURE A TWO-FOOT WIDE BY 18-FOOT-LONG LANDSCAPE BUFFER. SECOND, THE PROJECT INCLUDES A WOOD PRIVACY FENCE EXCEEDING SIX FEET IN MAXIMUM HEIGHT ALONG THE EASTERN LOT LINE. REQUIRING PER THE BERKELEY MUNICIPAL CODE ADHERING TO RESTRICTIONS AS SPECIFIED IN THE ZONING CODE. THIRD, PROPOSES AN 8-FOOT-TALL ENTRY TRELLIS ON THE SOUTHERN END OF THE PROPOSED PARKING PED WITHIN THE SETBACK. SERVING AS A PRIVACY SCREEN AND PROVIDING ACCESS TO THE ENTRY DECK. ITS OPEN DESIGN, SKILL AND MATERIALS ALIGN WITH NEARBY RESIDENCES IN SHARING COMPATIBILITY WITH THE NEIGHBORHOOD CHARACTER. THE ORIGINAL SURVEY SUBMITTED WITH THE USE PERMIT APPLICATION INDICATED PROPERTY BOUNDARY LINES. THE

APPLICANT SUBMITTED A REVISED VERSION ON OCTOBER 15TH, 2024, CAN WHICH WAS THEN REVIEWED AND USED FOR THE USE PERMIT APPLICATION REVIEW. DUE TO THE PROJECT'S CONSISTENCY WITH THE ZONING ORDINANCE AND GENERAL PLAN AND MINIMAL IMPACTS ON SURROUNDING PROPERTIES STAFF RECOMMENDS THE ZONING ADJUSTMENTS BOARD APPROVE THE USE PERMIT FOR 1048 KEITH AVENUE. THIS CONCLUDES MY PRESENTATION. I'M AVAILABLE FOR FURTHER QUESTIONS.

>> CHAIR DUFFY: THANK YOU. THIS IS THE TIME WHERE ANYONE FROM THE BOARD IF YOU HAVE QUESTIONS FOR STAFF, THIS ISN'T YOUR ONLY CHANCE TO ASK STAFF BUT THIS IS A GOOD CHANCE SHOULD YOU HAVE QUESTIONS AT THIS TIME, PLEASE RAISE YOUR HAND. BOARD MEMBER SANDERSON.

>> D. SANDERSON: I DON'T KNOW IF THIS THE RIGHT TIME TO ADDRESS THIS. I HAVE A MAJOR DISCOMFORT WITH THE USE OF SURVEY PROPERTY LINES THAT DIFFER SIGNIFICANTLY FROM THE ORIGINAL HISTORIC PROPERTY LINES. IT'S NOT AN ERROR ON THE STATUTE'S PART. IT'S A CATCH 22. I THINK IT'S BEEN CREATED BY THE CODE. I DON'T KNOW IF BUILDING AND SAFETY CAN MODIFY, CAN CREATE A VARIANCE OF SORTS FOR THEIR REQUIREMENT THAT NO BUILDING CROSS THE PROPERTY LINE. I DON'T KNOW IF YOU WANT ME TO EXPLAIN IT NOW OR HOLD OFF.

>> CHAIR DUFFY: I THINK YOU INTRODUCED THE IDEA. WHEN THE APPLICANT CAN PRESENTS, THEY CAN MENTION IT. IF YOU WANT TO SAVE IT, IT COULD BE FOR WHEN AFTER BOTH PRESENTATIONS, UP TO YOU.

>> D. SANDERSON: I THINK IT'S VERY SERIOUS. SO I'LL SAVE IT.

>> CHAIR DUFFY: YOU WANT TO SAVE IT AND HAVE THE DISCUSSION AFTER EVERYBODY PRESENTS?

>> D. SANDERSON: SURE.

>> CHAIR DUFFY: ANY OTHER QUESTIONS FOR STAFF AT THIS TIME? OR RELATED TO STAFF? BOARD MEMBER ALLEN.

>> S. ALLEN: CAN YOU TAKE A MINUTE OR TWO TO TALK THROUGH THE SIDE YARD FENCE THAT THE AUP IT IS PROPOSED FOR. AND IT'S -- IS IT LIKE IT'S SIX FEET ON TOP OF THREE FEET OR SIX FEET ON TOP OF SIX FEET. IT'S SHOWN ON THE EAST ELEVATION BUT I WOULD APPRECIATE A LITTLE HANDHOLDING.

>> I WILL HAVE SHARON HELP ME WITH THE ANSWER.

>> SO ACCORDING TO THE DRAWINGS, THERE IS A FENCE THAT IS ALONG THE EASTERN PROPERTY LINE. IT STEPS DOWN THE HILL FOUR FEET AWAY INBOARD ON THE PROPERTY FROM THE FENCE IS A RETAINING WALL AND A SECOND RETAINING WALL FROM THERE. THE FENCE DOES NOT SIT ON TOP OF THE RETAINING WALL AS WE UNDERSTAND IT. IT STEPS DOWN THE HILL ON THE TERRAIN. IT MEASURES BY THE DEFINITION OF MEASURING FENCES IN THE BMC, YOU MEASURE FROM THREE FOOT OUT TO THE TOP OF THE FENCE TO THE MAXIMUM HEIGHT. AND SO BECAUSE IT STEPS DOWN THE HILL, YOU ARE MEASURING OUT TO THE LOWER PART OF THE FENCE AND MEASURING UP TO THE TOP OF THE HIGHER PART OF THE FENCE, AND IT'S ABOUT NINE TO 10 FEET HIGH IN TOTAL.

>> S. ALLEN: OKAY. I WANTED YOU TO CLARIFY THE FENCE ON TOP OF THE RETAINING WALL?

>> STAFF'S UNDERSTANDING IS IT IS NOT. IT'S SEPARATE FROM THE RETAINING WALL, YES.

>> S. ALLEN: IT'S FEET ARE IN THE GROUND, ON THE RETAINING WALL, WHICH WOULD MAKE IT SIX FEET FROM THE ADJACENT SECTION OF THE FENCE. THANK YOU.

>> CHAIR DUFFY: PLEASE, VICE CHAIR GAFFNEY.

>> VICE CHAIR GAFFNEY: YEAH. I'M CURIOUS, THE REASON THE REAR SETBACK IS ALLOWED TO BE REDUCED BY FIVE FEET BECAUSE IT'S IN THE HILLSIDE OVERLAY DISTRICT?

>> YES. THERE WAS A GEOLOGIC AND TOPOGRAPHIC ISSUES SITING THE HOUSE OUTSIDE OF THE 20 FEET REAR SETBACK. THE APPLICANT HAD TO DESIGN THE PROJECT AS SUCH.

>> VICE CHAIR GAFFNEY: THAT'S A GENERAL THING WITHIN THE OVERLAY. IT'S NOT A VARIANCE. OBVIOUSLY, IT CAN BE DONE IN OTHER PROJECTS AS WELL. IT'S NOT JUST THIS ONE SPECIFICALLY.

>> ADMINISTRATIVE USE PERMIT. ADMINISTRATIVE USE PERMIT.

>> CHAIR DUFFY: ANY OTHER QUESTIONS FOR STAFF AT THIS TIME? BOARD MEMBER YUNG.

>> B. YUNG: JUST A CLARIFICATION ON TABLE 2, SPECIAL CHARACTERISTICS. IT SAYS, SO IN THE SECOND COLUMN IT SAYS THE PROJECT DOES QUALIFY AS A HOUSING DEVELOPMENT PROJECT UNDER SB330 BUT THEN THE THIRD COLUMN SAYS IT DOESN'T. I JUST LEG INFO, AND I THINK IT DOES. I THINK THE SECTION OF CODE DOES INCLUDE A SINGLE UNIT BUT I JUST WANTED TO CONFIRM.

>> SO THIS PROJECT DOES NOT FALL UNDER SB330 BECAUSE IT'S A SINGLE UNIT SB330 APPLIES TO MULTIPLE UNITS MORE THAN ONE.

>> THANK YOU FOR THE CLARIFICATION.

>> CHAIR DUFFY: GOOD CHECK. GOOD CATCH. ANY OTHER QUESTIONS FOR STAFF BEFORE WE HAVE THE APPLICANT PRESENT. WE CAN ALSO ASK QUESTIONS OF THE APPLICANT AT THIS TIME AND ALSO STAFF. ANY OTHER QUESTIONS? SEEING NONE, OKAY. NOW WE WILL MOVE TO THE APPLICANT PRESENTATION. YOU HAVE 5 MINUTES. AND ARE THEY HERE? THEY SHOULD BE HERE. GREAT. OKAY. YOUR 5 MINUTES HAS NOW STARTED. MAKE YOURSELF COMFORTABLE AND LET'S GET THE TECHNOLOGY SET UP PROPERLY. WE SEE IT ON OUR SCREENS. AND -- YEP.

>> OKAY. HI, THANK YOU SO MUCH FOR HAVING US HERE. THANK YOU ALSO TO OFFERING US VALUABLE ADVICE THROUGH THIS PROCESS AND VERY THOROUGH PRESENTATION. I WOULD LIKE TO THANK THE COMMUNITY THAT CAME TO TALK ABOUT OUR PROJECT TODAY. MY NAME IS LINDSAY NEWMAN, THE OWNER AND DESIGNER OF THIS PROJECT. I HAVE MY PE LICENSE IN CIVIL ENGINEERING WHERE I WORKED SINCE 2005. I'M GOING TO GIVE YOU BACKGROUND ON THE INITIAL DESIGN PROCESS AND HOW I GOT TO WHERE THE DESIGN IS CURRENTLY. I'M FROM ANN ARBOR, MICHIGAN. I GREW UP IN A SOLAR HOUSE BUILT BY THE DEAN OF ARCHITECTURE, WALTER SANDERS AT THE UNIVERSITY OF MICHIGAN AS A STUDENT PROJECT IN 1953. HIM AND HIS WIFE'S ASHES WERE IN THE YARD. MY HUSBAND AND I GOT MARRIED IN THE YARD THERE THREE CHILDREN AGO. IT INSPIRES ME TO DESIGN HOUSES THAT ARE

ENVIRONMENTALLY FRIENDLY WHILE BLENDING IN WITH THE SURROUNDING LANDSCAPE AND COMMUNITY. THIS IS SIMPLIFIED VERSION OF THE SITE PLAN THAT WAS SHARED WITH YOU. I DESIGNED THE HOUSE AS A MID-CENTURY MODERN AND WANTED TO MATCH THE ANGLES ON KEITH AVENUE. I USED THE DECKS TO TIE IN THE ANGLES WITH EACH OTHER. ANOTHER CONSIDERATION I TOOK WITH BUILDING A HOUSE WAS THE LOCATION OF THE MAIN HOUSE ON THE LOT. BEFORE SUBMITTING PLANS I CONTACTED THE UP-HILL NEIGHBOR AT 1050 AND THE STRONG PREFERENCE TO HAVE IT LOCATED IN THE SUNKEN PART OF THE LOT WHERE IT IS CURRENTLY. I WORKED WITH THE EXISTING AND ALLOWABLE SETBACKS AND PUT THE HOUSE 8 FEET FROM THE SHARED PROPERTY LINE BETWEEN OUR HOUSES INSTEAD OF PUTTING IT CLOSER AT THE 4-FOOT ALLOWABLE SETBACK. HERE'S A PICTURE OF THE EXISTING HOUSE, OOPS, SORRY. HERE'S A PICTURE OF THE EXISTING HOUSE TO BE DEMOED. SINCE THE ORIGINAL HOUSE IS ONE STORY OVER CRAWL SPACE AND PROPOSED TWO STORY HOUSE DOES NOT HAVE A CRAWL SPACE, THE MAXIMUM HEIGHT IS NOT MUCH HIGHER THAN THE EXISTING HOUSE OR TREE LINE. IT'S LESS THAN THE 3-STORY, 35-FOOT HEIGHT LIMIT. I TRIED TO MATCH THE ADJACENT HOUSES WITH THE HILLSIDE SURROUNDING US. WE'RE NOT PART OF THE ACTIVE SITE. I INTEND TO ADD FOUNDATION AND RETAINING WALLS TO HELP WITH LAND MOVEMENT THAT CAUSED BY THE HIGHLY EXPANSIVE CLAY SOIL IN OUR AREA. HERE'S A RENDERING THAT I COMMISSIONED MY DAUGHTER ALEX, A FRESHMAN AT BERKELEY HIGH TO DRAW FOR ME BASED ON A PICTURE I TOOK FROM THE PREVIOUS SLIDE. ONE OF MY FAMILY'S

FAVORITE FEATURES, THE FLAT ROOFS HAS VEGETATION GROWING. WE'RE EXCITED TO IMPLEMENT IT HERE AS MANY NEIGHBORS WILL BE ABLE TO LOOK DOWN UPON OUR ROOF EVEN IF JUST ON A SHORT NEIGHBORHOOD WALK. THIS SLIDE CONTAINS PICTURES OF OUR RENOVATION NEXT DOOR AS WELL AS DESIGN IDEAS FROM HOUSES AROUND THE NEIGHBORHOOD. WE WANTED TO USE A DESIGN THAT MARCHED OUR SURROUNDING NEIGHBORS AND USED IDEAS WE ADMIRED ON OUR OWN. STARTING AT THE LEFT AND CIRCLING DOWN, HERE'S LIVING ROOF OF OUR NEIGHBORS ON LOS ANGELES AND SPRUCE EVERY. THE NEXT PICTURE SHOWS A STANDING METAL ROOF THAT CONTINUES DOWN THE REAR WALL. WHICH I THOUGHT WAS AN INTERESTING AND FUNCTIONAL SOLUTION FOR SIDING. THE NEXT TWO PICTURES THIS NEIGHBOR FURTHER UP THE HILL THOUGHTFULLY IMPLEMENTED WOODSIDEING, CONCRETE VEGETATION. THE LAST PICTURE SHOWS A PORTION OF OUR CURRENT HOUSE WE RENOVATED NEXT DOOR.

>> CHAIR DUFFY: SORRY TO INTERRUPT, A TIME CHECK, A MINUTE, AND 45 SECONDS LEFT.

>> PERFECT, THANK YOU. THE NEXT SLIDE I WAS CONCERNED ABOUT BLOCKING EXISTING FUSE OF THE 1050 NEIGHBOR. THE HOUSE IS AT STREET LEVEL. THE UPPER TWO LEVELS ARE ABOVE THE ROOF LINE OF THE PROPOSED HOUSE. THEY HAVE A LOWER UNIT THEY RENT AS AN AIRBNB. THE WORST-CASE WINDOW IS HIGHLIGHTED BY THE RED BOX. THE OUTLINE IS HIGHLIGHTED IN YELLOW. THE PICTURE ON THE RIGHT IS A CLOSE-UP WHERE I PUT MY LADDER ON THE PROPERTY IN FRONT OF THE LOWER WINDOW TO BE USED FOR THE NEXT SLIDE. SO IN THE VIEW

PICTURE ON THE LEFT THIS IS THE VIEW FROM THE LADDER. CIRCLED IN THE YELLOW, RECTANGLE. THE PICTURE ON THE RIGHT IS ONE OF MANY PICTURES THE OWNER OF 1050 HAS POSTED ON THEIR WEBSITE FROM THE LOWER WINDOW. AS YOU CAN SEE NO CHANGE IN VIEW. OUR INTENT TO BUILD SOMETHING SUSTAINABLE, SAFE AND BEAUTIFUL OUR NEIGHBORHOOD CAN BE PROUD OF FOR YEARS TO COME. THANK YOU TO OUR CITY PLANNER AND THANK YOU EVERYONE FOR LISTENING.

>> CHAIR DUFFY: THANK YOU. WITH 30 SECONDS TO SPARE.

>> OH.

>> CHAIR DUFFY: IF THERE IS ANYTHING ELSE YOU WOULD LIKE TO TELL US.

>> I GUESS I SPEAK A LITTLE FASTER WHEN I'M NERVOUS.

>> CHAIR DUFFY: THANK YOU. THIS IS THE TIME WHERE IF THERE IS ANY QUESTIONS FROM THE BOARD, THE BOARD MAY ASK THE APPLICANT. PLEASE BOARD MEMBER KAHN.

>> S. HAHN: THANK YOU FOR THE CLEAR PRESENTATION. WE DON'T USUALLY GET A FAMILY STORY LIKE THAT ACCOMPING THE APPLICATION. ONE OF THE THINGS YOU SAID IS THAT THE HOUSES ALONG THE STREET IN THE NEIGHBORHOOD ARE ALL TWO AND THREE STORY HOMES. AND IF I'M CORRECT, 1050, WHICH IS ONE OF YOUR IMMEDIATE NEIGHBORS APPEARS TO BE A THREE STORY HOME.

>> CORRECT.

>> C. KAHN: IT'S ABOVE YOU BECAUSE OF THE TOPOGRAPHY.

>> THEY ARE QUITE A BIT HIGHER.

>> C. KAHN: THE OTHER SIDE IS THAT A TWO-STORY HOME?

>> WE ACTUALLY OWN THE PROPERTY DOWNHILL, WHICH IS 1044, IT'S A 2-STORY ON THE SUNKEN PART OF THE LOT. IT'S LOWER, NOT AT THE STREET LEVEL.

>> C. KAHN: YOU ARE NOT PROTESTING YOUR DESIGN AS A NEIGHBOR OF YOUR OWN PROPERTY.

>> WE ARE ONE ADJACENT. YEAH.

>> C. KAHN: I JUST WANTED TO ESTABLISH SOME OF THE LOCAL IMMEDIATE CONTEXT. THANK YOU VERY MUCH.

>> CHAIR DUFFY: BOARD MEMBER YUNG AND THEN BOARD MEMBER SANDERSON.

>> B. YUNG: I SAW ON ONE OF THE ELEVATIONS THAT THE SIDING MATERIAL WILL BE METAL ROOFING AND SIDING, NOT COMBUSTIBLE. CAN YOU TALK ABOUT THE EXISTING MATERIALS, SPECIFICALLY THE SIDING OF THE EXISTING STRUCTURE AND WHAT IT WILL BE REPLACED WITH, PARTICULARLY IN TERMS OF COMBUSTIBLE?

>> THE EXISTING STRUCTURE IT'S A SINGLE-FAMILY HOUSE, OVER A CRAWL SPACE. IT WAS BUILT IN 1924. IT HAS STUCCO ON THE EXTERIOR. AND IT'S JUST ASPHALT SHINGLES FOR THE ROOFING MATERIAL RIGHT NOW.

>> CHAIR DUFFY: BOARD MEMBER SANDERSON.

>> D. SANDERSON: I'LL HOLD MY QUESTION.

>> CHAIR DUFFY: ANY OTHER QUESTIONS FROM THE BOARD AT THIS TIME? I JUST HAVE A QUESTION. HAVE YOU DONE A GEOTECHNICAL SOILS

REPORT. I'M NOT AN ENGINEER BUT I RESPECT THEM HIGHLY.

>> YEAH, SO I DID DO A LITTLE BIT OF RESEARCH IN THE NEIGHBORHOOD. AND I HAPPEN TO HAVE A SOIL'S REPORT FROM LIKE DOWN THE BLOCK AT 1024 KEITH AVENUE. OUR NEXT HILL NEIGHBOR AT 1050 HAS A GEOTECHNICAL REPORT. AND HE HAD DONE PERMITS IN 2008 I BELIEVE. AND SO HE HAS A SOIL'S REPORT FROM HIS PROJECT THAT I REVIEWED.

>> CHAIR DUFFY: COOL. THANK YOU. BOARD MEMBER SANDERSON.

>> D. SANDERSON: DO YOU KNOW HOW FAR THIS PROPERTY IS FROM THE ALQUIST-PRIOLO FAULT LINE.

>> IT'S VERY CLOSE.

>> IS IT INSIDE IT?

>> IT'S NOT. I THINK YOU HAVE TO BE 50 OR MORE FEET. EVEN IN THE SOIL'S REPORT, THAT 1050 HAS THAT IT'S BEYOND THAT. SO WE'RE FURTHER AWAY THAN THEY ARE.

>> D. SANDERSON: THANK YOU.

>> CHAIR DUFFY: THANK YOU. BOARD MEMBER KAHN.

>> C. KAHN: FOLLOWING UP ON THE QUESTION FROM CHAIR DUFFY. I KNOW THAT ONE OF THE CONCERNS THAT NEIGHBORS SPOKE ABOUT LAST TIME WE MET WAS SEISMIC IN THE AREA. AND I UNDERSTAND YOU ARE A REGISTERED CIVIL ENGINEER IN THE STATE OF CALIFORNIA, IS THAT RIGHT?

>> THAT'S CORRECT.

>> C. KAHN: CONGRATULATIONS.

>> THANK YOU.

>> C. KAHN: I ASSUME YOU WILL DESIGN THE HOME SO IT DOESN'T FALL ON YOU AND YOUR FAMILY.

>> ABSOLUTELY.

>> C. KAHN: GLAD TO HEAR IT.

>> CHAIR DUFFY: NOW TO THE PUBLIC COMMENT PERIOD. FIRST THOSE THAT ARE HERE IN PERSON. I'VE GOT ALL OF YOU HERE. IF ANYONE HAS JOINED SINCE AND YOU WISH TO SPEAK ON THIS PROJECT, YOU CAN FILL OUT A CARD AND SUBMIT IT TO STAFF. I'LL GO DOWN THE LIST. I THINK THIS IS IN THE ORDER RECEIVED. THOSE OF YOU ONLINE, YOU CAN RAISE YOUR HAND AND I WILL CALL ON YOU IN THE ORDER RECEIVED AFTER. LET'S BEGIN. WE'VE GOT 1 MINUTE EACH. I'LL BEGIN WITH JOHN, GARY, MAUREEN, TONY, PETER. JOHN, WELCOME.

>> THANK YOU FOR THE WORK YOU DO FOR THE CITY OF BERKELEY. MY WIFE AND I LIVED AT 1111 HIGH COURT, IMMEDIATELY BEHIND THE PROJECT IN QUESTION, AND THE NEW CONSTRUCTION IN QUESTION. WE SHARE A FENCE. OUR HOME IS JUST UNDER 1400 SQUARE FEET WHERE WE RAISED OUR KIDS. MOST HOMES ON HIGH COURT THAT ARE IMMEDIATELY BEHIND THIS PROPOSED STRUCTURE ARE ABOUT THAT SAME SIZE, MAYBE THEY ARE 13 UNTO -- 1300 TO 2000 SQUARE FEET. WITH GREAT RESPECT FOR OUR NEIGHBORS THAT LIVE UP HILL FROM THE PROPOSED PROJECT, HAD WE NOT BEEN CHASING TODDLERS AROUND TO APPROVE THAT, WE HAVE FOUGHT IT TOOTH AND NAIL. IT LOOMS LARGE OVER OUR HOME. THIS PROJECT WILL LOOM SO HIGH OVER OUR BACK YARD THAT ALL PRIVACY

WILL BE LOST AND A HOME WE BOUGHT 24 YEARS AGO. SO OVERALL, TO ME A STRUCTURE THIS HIGH CLEARLY DOES NOT FEEL CONSISTENT WITH THE NEIGHBORHOOD THAT I LIVE IN ON HIGH COURT. THAT THE SCHEDULED SEPTEMBER MEETING GARY HAMMAN OR NEIGHBORS WERE GOING TO TALK ABOUT THE BLOCKAGE OF THEIR VIEW FROM THEIR HOUSE FROM THE PROPOSED STRUCTURE. THEY ASKED ME TO CONVEY THAT IS A SIGNIFICANT CONCERN TO THEM. THEY WEREN'T ABLE TO BE HERE TONIGHT.

>> CHAIR DUFFY: THANK YOU. IF YOU CAN WRAP IT UP.

>> THE OUTLINE APPEARS TO BE CLEARLY OUTSIDE THE ACCEPTABLE. WE HEARD IT IS OUTSIDE THE ACCEPTABLE REAR SETBACK. THAT BRINGS THAT TOWER CLOSER TO OUR BACK YARD, AND IT'S OUTSIDE THE SETBACK AS I UNDERSTAND IT. I THINK THAT'S UNACCEPTABLE.

>> CHAIR DUFFY: THANK YOU. YOU'VE GOT ONE MORE SENTENCE?

>> I APPRECIATE IT.

>> CHAIR DUFFY: THANK YOU VERY MUCH. OKAY. NEXT, NOW JUST FOR EVERYONE THAT'S HERE TOO, I JUST WANT YOU TO KNOW, TYPICALLY THE BOARD TAKES NOTES AND RESPONDS TO SOME OF THE PARTICULAR THEMES. I HOPE THE APPLICANT DOES TOO SOMETIMES THE APPLICANT DOES AND THE APPLICANT IS ALLOWS 2 MINUTES TO ADDRESS PUBLIC COMMENT ONCE ALL THE PUBLIC COMMENT PERIOD IS OVER. IT'S THEIR CHOICE. SO WE WILL ADDRESS EVERYTHING IN BULK WHEN DONE. THANK YOU AND WELCOME, JOHN. ARE YOU JOHN? JOHN WAS THERE. GARY.

>> I'M GARY. MAY IT PLEASE THE COMMISSION, I AM WRITING, I LIKE

TO SAY I'M IN SUPPORT OF THE APPLICATION FOR A BUILDING USE PERMIT, TO BUILD AT 1048 KEITH AVENUE. IT'S IN DISREPAIR, A BLIGHT TO THE NEIGHBORHOOD. THE NEWMAN FAMILY PERFORMED A BEAUTIFUL REMODEL AS YOU'VE SEEN ON KEITH EVERY, THAT IS FITTING TO THE NEIGHBORHOOD. THEY ARE DEDICATED TO IMPROVING 1048 KEITH WITH QUALITY, DESIGN AND CONSTRUCTION. I WILL ALSO COMMENT THAT FROM A NEUTRAL LEGAL STANDPOINT IN REVIEWING THE NEIGHBOR'S CLAIM ON BOUNDARY DISPUTE, THEY CERTAINLY HAVE AN UPHILL BATTLE. THE CLAIM ISN'T FOUNDED AND SEEKING A PARTIAL LAND GRAB IN MY OPINION. LINDSAY AND HER HUSBAND ARE A LOVING FAMILY INVOLVED IN THE BERKELEY COMMUNITY. I HOPE YOUR COMMITTEE WILL TAKE ALL FACTORS INTO CONSIDERATION. AND APPROVE THE NEWMAN'S MOVING FORWARD WITH THEIR PROJECT. THEY ARE TRULY DEDICATED TO THE BERKELEY COMMUNITY AND AS YOU SEE FROM LINDSAY, SHE'S PASSIONATE ABOUT THE PROJECT AND PASSIONATE ABOUT BUILDING A NICE HOME. A VERY NICE HOME. THANK YOU.

>> CHAIR DUFFY: THANK YOU. THANK YOU FOR YOUR COMMENTS. NEXT, WE HAVE MAUREEN. AND THEN TONY. AND THEN PETER.

>> GOOD AFTERNOON. I APPRECIATE THE OPPORTUNITY TO SPEAK TO YOU ALL. I LIVE WITH MY HUSBAND, JOHN, ON THE OTHER SIDE OF THE FENCE IN WHICH THE HOUSE THAT IS BEING REMODELED WILL COME CLOSER TO OUR FENCE. FOR THE LAST 24 YEARS, THE HOUSE THAT IS EXISTING THERE HAS BEEN RELATIVELY LOW LEVEL. SO THE TINY HOME OF HIGH COURT, WHICH IS ONE OF THE GEMS OF BERKELEY IS A

NEIGHBORHOOD OF VERY SMALL HOMES AND VERY BIG COMMUNITY. WE KNOW EACH OTHER. WE'RE CLOSE FRIENDS WITH EACH OTHER. I WALKED INTO MY BACKYARD RECENTLY AND I UNDERSTAND THE APPLICANT STATED THERE IS VIRTUALLY NO CHANGE TO THE WALK. FOR THE FIRST TIME I HAD TO CLOSE THE CURTAINS IN 19 YEARS BECAUSE LINDSAY WAS ON THE ROOF OF THE HOUSE AND LOOKING INTO OUR HOME. WHICH THE NEW HOUSE WILL NOW DO. AND THE PIECES OF WOOD SHOWING HOW HIGH IT WILL GO, IT'S SUBSTANTIAL A HIGHER THAN IT CURRENTLY IS DESTROYING OUR TINY PIECE OF COMMUNITY. AND WHILE I UNDERSTAND THERE MAY BE REASON SOMEONE HAS TO BREAK AN ABUTMENT, I DON'T UNDERSTAND HERE. THIS IS A LARGE HOME. WHEN SOMEONE TRIED TO EXPLAIN I BELIEVE SOME STATEMENT MADE ABOUT WHY THE HOUSE HAD TO ABUT INTO THE FENCE LINE OUR LITTLE BACKYARD IT MADE NO SENSE. BERKELEY IS SPECIAL AND UNIQUE, AND PEOPLE COME BECAUSE WE HAVE SMALL HOME AND LOVELY SPACES. I DON'T WANT TO TAKE ANYTHING AWAY FROM SOMEONE WHO OWNS A PIECE OF PROPERTY TO PUT A NICE HOME UP. I DON'T BELIEVE PEOPLE SHOULD BE ABLE TO TAKE AWAY WHAT HAS BEEN A LOVELY COMMUNITY OF SMALL HOMES. THAT'S ONE OF THE THINGS THAT MAKES BERKELEY MOST SPECIAL. LOOK CLOSELY AND ASSUME YOU ARE IN HIGH COURT IN THIS CHARMING NEIGHBORHOOD AND NOW YOU HAVE TWO VERY LARGE HOMES IN YOUR BACKYARD. IT CHANGES EVERYTHING IN A WAY THAT IS NOT PLEASANT AND NOT COMMUNITY. I DON'T BELIEVE IS BERKELEY.

>> CHAIR DUFFY: THANK YOU. NEXT, WE HAVE TONY. PETER. AND THEN I

BELIEVE BURAM.

>> HI, GOOD EVENING. WE ARE HERE TO EXPRESS OR STRONG SUPPORT FOR THE PROPOSED PROJECTS ON 1048 KEITH AVENUE. AS EAST BAY HILLS RESIDENTS OURSELVES WE CAN PERSONALLY ATTEST TO HER COMMITMENT TO RESPONSIBLE DEVELOPMENT AND COMMUNITY VALUES AS WE HAVE PERSONALLY CONSULTED HER ON A STRUCTURAL SAFETY CONCERN ON OUR VERY OWN PROPERTY WHEN WE FIRST MOVED INTO THE HILLS IN 2014. WE'VE WITNESSED FIRSTHAND AS STATED ON YOUR WEBSITE. THERE ARE PREVIOUS PROJECTS INCLUDING THEIR CURRENT HOME AS YOU SAW EARLIER HAVE DEMONSTRATED CONSCIENTIOUS APPROACHES TO BUILDING ON CHALLENGES TERRAIN EMPLOYING STRUCTURALLY SOUND ENGINEERING PRACTICES, SPECIFICALLY DESIGNED FOR HILLSIDE CONSTRUCTION, THE USE OF ENVIRONMENTALLY CONSCIOUS BUILDING MATERIALS AND UNWAVERING COMMITMENT TO MAINTAINING CHARACTER BY ENHANCING PROPERTY VALUES. THE TRACK RECORD SPEAKS TO THEIR RELIABILITY AS NEIGHBORS WHO ENHANCE NEIGHBORHOOD VALUE. THIS REPRESENTS AN OPPORTUNITY TO ADD ANOTHER SUSTAINABLE HOME TO THE COMMUNITY'S HOUSING STOCK.

>> CHAIR DUFFY: THANK YOU. YOUR TIME IS UP. THANK YOU SO MUCH. NEXT WE HAVE PETER. WELCOME, PETER.

>> HI, THANK YOU. PETER WEYLER. 1047 KEITH AVENUE, DIRECTLY ACROSS THE STREET FROM LINDSAY'S CURRENT HOME. I'M HERE TO SUPPORT THE PROJECT. MY PROFESSION, I'M A GEOLOGIST AND GEOPHYSICIST. I'M AWARE OF THE LAND SLIDES ON OUR PROPERTY AND

IN OUR NEIGHBORHOOD. SIGNIFICANTLY WE COMPLETED A NEW SURVEY OF OUR PROPERTY IN 2012, WHICH CONFIRMED NO MOVEMENT OF ANY STRUCTURES OR PROPERTY MARKERS ON OUR PROPERTY SINCE CONSTRUCTION, WHICH WAS 1969. REGARDING THE PROJECT, A FEW PEOPLE HAVE ALLUDED TO THIS ALREADY, I WOULD LIKE TO EMPHASIS THIS IS THE SECOND PROJECT THAT LINDSAY HAS DONE. WE WERE DIRECTLY ACROSS THE STREET FROM THE FIRST, WHICH WAS BUILT WITH EXCEPTIONAL THOUGHTFULNESS AND RESPECT FOR THE NEIGHBORHOOD AND FOR THE NEIGHBORS. AND IT WAS A SIGNIFICANTLY BLIGHTED HOUSE BEFORE REMODELED. WE ANTICIPATE THAT THIS HOME NEXT DOOR TO THAT PROPERTY WILL BE IT'S ALSO IN CONSIDERABLE DISREPAIR. THIS PROPOSED PROJECT WILL BRING THE SAME THOUGHTFULNESS AND THE SAME RESPECT FOR THE NEIGHBORHOOD. AND THAT'S THE -- I'M DONE.

>> CHAIR DUFFY: THANK YOU.

>> THANK YOU VERY MUCH.

>> CHAIR DUFFY: ONE MINUTE IS OVER BEFORE IT STARTS. NEXT, WE HAVE BURAM. I BELIEVE THAT'S A "B." SORRY, IF I SAID -- RIGHT. AND THEN DARREN AND ELIANA.

>> THANK YOU. THANKS FOR YOUR TIME. I'LL TRY. KEITH AVENUE, WE KNEW IT WAS THE BACK YARD WAS 51 FEET VERSUS 65 SHOWN ON THE DEEDED PROPERTY BUT WE ACCEPTED THE WAY IT IS. AND NEWMAN FAMILY BOUGHT THE HOUSE KNOWING THE SAME, THEY BOUGHT WHAT IS THERE. AND CITY OF BERKELEY CONTACTED ME AND WANTED DO VISIT THE BACK OF OUR YARD THAT'S BEEN THERE SINCE 1949 AND BEYOND. AND STILL

THERE TODAY. YOUR MAPS IN THE CITY MAPS SHOW THE MANHOLE TO BE EXACTLY WHERE IT IS TODAY. CITY OF BERKELEY PREVIOUS OWNER HAS A LETTER THAT YOU HAVE IT IN THE FILE, THAT SAYS THAT SINCE 1979, THE ONLY BUILDING THERE WAS NO ISSUES WITH THE PROPERTY LINE AT THE 1050. AND BUT THEY HAD TO CLAIM AT 1044 AND HAD A DAY TO BE ABLE TO ACCESS THAT, THEY HAD A CLAIM THAT [OFF MIC] SO IF YOU HAVE THAT LETTER. AND SO -- I KNOW MY TIME IS UP.

>> CHAIR DUFFY: IF YOU CAN SUMMARIZE YOUR POINT.

>> SUPPORT FOR THE BOARD MEMBERS THE ZAB IS THAT WE CAN'T GO BASED ON A SURVEY THAT'S THE OPPOSITE OF WHAT HAS HAPPENED THE LAST 200 YEARS. THE LAND HAS SLIPPED. SO IT WOULD BE A VERY -- PRUDENT TO HAVE THE PROPERTY OWNERS TO SURVEY THE SURROUNDING HOMES, NOT ONLY ONE BASED ON A SURVEY, TO MAKE SURE EVERYONE HAS THE DEEDED SQUARE FOOTAGE BASED ON THE NEW SURVEYS. RIGHT NOW THEY ARE TAKING 20 FEET OF OUR PROPERTY SAYING IT'S OUR PROPERTY. WE LIVED THERE SINCE 2001, THE FENCE HAS BEEN THERE THE WHOLE TIME. WE HAVE STUFF THERE AND THEY DECIDED TO DEMOLISH IT UNILATERAL AND TERRORIZE OUR FAMILY AND ALL OF THAT.

>> CHAIR DUFFY: THANK YOU VERY MUCH. I WANT TO BE CLEAR. I KNOW ONE MINUTE FEEL SAID VERY SHORT. BUT I KNOW ALSO WE'VE RECEIVED YOUR COMMUNICATION IN THE PACKET. WE GET PHYSICAL COPIES OF ALL EMAIL COMMUNICATIONS OVER THE PAST TWO WEEKS AND PRIOR FROM THE PROJECT. AND SO, THIS ISN'T THE ONLY MOMENT AT WHICH THE PUBLIC CAN SPEAK. I WANT TO ASSURE EVERYBODY THAT THAT PROCESS IS

EMBEDDED IN THE INFORMATION THAT WE HAVE. THANK YOU VERY MUCH.

>> THANK YOU.

>> WHAT'S YOUR ADDRESS?

>> 1050 KEITH AVENUE.

>> THANK YOU.

>> CHAIR DUFFY: OKAY. NEXT, WE HAVE -- YOU GOT ONE SENTENCE.

>> WE ALSO HAVE A [INDISCERNIBLE] MARCH 25 TO MEDIATE A DISPUTE AND A AS WELL.

>> CHAIR DUFFY: WE'RE FAMILIAR. WE'VE SEEN IT IN THE PACKET. OKAY, DARREN. LAST NAME IS DARIEN. I'M SORRY, DARIEN. AND THEN ALEONA AND LAWRENCE AND THEN DAN.

>> GOOD EVENING, ZAB COMMITTEE. I WOULD LIKE TO START WITH A QUESTION. HOW WOULD YOU FEEL IF YOUR NEIGHBORS HAD A WELL DECIDED PROPERTY TAKEN AWAY FROM THEM OVERNIGHT WITH NO CIVIL CARE FROM OFFICERS OF THE LAW OR CITY EMPLOYEE? HOW WOULD YOU FEEL IF A FRIEND, NEIGHBOR, SUDDENLY LOST A QUARTER, A THIRD, HALF OF A PROPERTY BECAUSE THEIR NEIGHBOR TOOK IT BASED ON A SURVEY 100 YEARS AGO, IN AN AREA WITH MASSIVE LAND MOVEMENT. WOULD YOU FEEL SAFE IN YOUR INVESTMENT? IT'S CALLED YOUR HOME. IT'S YOUR HOME. 1050 I CALL MY HOME. UP HILL NEIGHBOR OF 1048 KEITH AVENUE. SINCE 2001. WE TRIED MEDIATIONS WITH THE TOWN AND THEY CONTINUE TO BULL DOZE OUR YARD. THERE ARE MARKINGS 5 TO 10 FEET IN MAGNITUDE. 1060 KEITH WHO HAS A REPORT SENT IN THE EMAIL. A PROPERTY LINE GOING DIRECTLY THROUGH THIS HOUSE. WHO

OWNS THAT PORTION OF THE HOUSE? DOES THE NEIGHBOR PUT UP A PARTITION WALL? WHO DECIDES? WHAT IF THE NEIGHBOR SAYS IT'S MINE. IF WE ALLOW THE STANDARD TO BE HERE IN THE BERKELEY HILLS THEN ANYONE CAN CLAIM ANYTHING BACK THAT HAS MOVED OVER THE ONE-HUNDRED-YEAR-OLD LINE. THIS IS VERY DANGEROUS FOR THE COMMUNITY OF BERKELEY. I'M GOING TO LEAVE YOU WITH ONE LAST THING. I SPOKE WITH INSURANCE ADJUSTORS IN MY RESEARCH AND A HOME BURNT DOWN WHILE UNDER THE ENCROACHMENTS, THEY WOULD NOT ISSUE FUNDS TO REBUILD THE SAME FOOTPRINT OR THE FOOTPRINT OVERLAPPED WITH UP HILL EXISTING ENCROACHMENT. THANK YOU SO MUCH AND HAVE A GREAT EVENING.

>> CHAIR DUFFY: THANK YOU. NEXT, WE HAVE ALEONA. LAWRENCE. AND THEN DAN. I KNOW ONE MINUTE IS HARD BUT ONE MINUTE IS ABOUT FAIRNESS FOR EVERYBODY.

>> GOOD EVENING, EVERYBODY. HAPPY NEW YEAR. IT'S NICE TO BE HERE TO SUPPORT MY FRIEND AND VERY TALENTED ENGINEER, LINDSAY. SHE'S A WONDERFUL MEMBER OF THE BERKELEY COMMUNITY. I AM HERE TO SUPPORT LINDSAY NEWMAN'S APPLICATION TO REBUILD 1048 KEITH AVENUE. THAT IS CURRENTLY IN A STATE OF DISREPAIR AS MANY PROPERTIES IN BERKELEY THERE. I VOICE IT IS THE RIGHT OF PROPERTY OWNERS TO LEGALLY BUILD ON THEIR PROPERTY WITHIN CONFINES OF THE CITY OF BERKELEY REGULATIONS. LINDSAY SHARED HER DESIGN CONCEPT WITH ME, IT IS AN IMPROVEMENT TO THE NEIGHBORHOOD. SHE'S A TALENTED ENGINEER, SHE MODELED HER CURRENT

HOUSE INTO A BEAUTIFUL PROPERTY WITH INTEGRITY TO THE NEIGHBORHOOD. I WOULD LIKE TO POINT OUT THAT LINDSAY NEWMAN'S FAMILY ARE DEDICATED AND INVOLVED IN OUR BERKELEY COMMUNITY. AND I TRUST THAT YOU WILL BE ABLE TO APPROVE THIS PROJECT TO IMPROVE THE NEIGHBORHOOD E. THANK YOU FOR YOUR TIME.

>> CHAIR DUFFY: THANK YOU FOR COMING. NEXT WE HAVE LAWRENCE AND THEN DAN. AND THEN RICHARD AND THEN DANIEL.

>> YES, GOOD EVENING.

>> CHAIR DUFFY: WELCOME.

>> I THINK IT'S A FUNDAMENTAL THING OF FANS. IF YOU DO EVERYTHING BY THE RULES, YOU GO THROUGH THE CITY AND DO ALL THE PLANNING AND YOU DO YOUR DRAWINGS AND FIND OUT THE SURVEY LINES AND DO EVERYTHING YOU ARE SUPPOSED TO DO AND THERE IS NOTHING THAT YOU CAN SEE IN THE PLANS THAT SHOULD HAVE THIS PROJECT OVER TURNED JUST BECAUSE A NEIGHBOR IS UPSET, I THINK IT'S UNFAIR THIS SHOULDN'T BE APPROVED. THAT'S ALL.

>> CHAIR DUFFY: THANK YOU VERY MUCH FOR YOUR COMMENT. NEXT WE HAVE DAN.

>> GOOD EVENING. AS SOMEONE BORN AND RAISED IN BERKELEY WITH AN EDUCATIONAL BACKGROUND IN GEOLOGY AND CURRENTLY LIVING ON THE NORTH SIDE NEIGHBORHOOD, I WOULD LIKE TO MAKE POINTS IN SUPPORT. FIRST THE CONSTRUCTION REMOVES 228 CUBIC YARDS OF SOIL. BY REMOVING THE SOIL, THE NEW STRUCTURE WILL ONLY ADD 7 AND A HALF FEET TO THE HEIGHT. THIRD, THE ENGINEERING SURVEY PROVIDES

HIGHLY ACCURATE DATA, 200 FEET OF THE SITE. THE PROXIMITY MEASUREMENTS SUGGEST ANY DISPUTE SHOULD BE MITIGATED. REPLACING IT WITH A STRUCTURE INCREASE THE FIRE AND SEISMIC SAFETY OF THE PROPERTY. I URGE THE BOARD TO APPROVE THE PERMIT WITH SAFE BUILDINGS IN OUR NEIGHBORHOODS.

>> CHAIR DUFFY: THANK YOU. NEXT, WE HAVE RICHARD.

>> GOOD EVENING. HELLO.

>> CHAIR DUFFY: WELCOME.

>> I LIVE DOWN ON ARCH STREET BELOW KEITH STREET. AND HAVE HAD OVER THE YEARS, THERE IS A LARGE REGIONAL SLIDE THAT GOES THROUGH THAT AREA. IT EFFECTS A LOT OF THE DIFFERENT PROPERTIES. AND I KIND OF BELIEVE IT'S HARD TO BELIEVE THAT SOMEONE WOULD PURCHASE SOMETHING IN THAT AREA AND NOT HAVE THE REAL ESTATE AGENT AND PEOPLE DISCLOSE TO THEM, YEAH, THERE IS A MAP THAT SHOWS THE SLIDE. AND IT'S ONGOING. THE BIGGEST ISSUE I HAVE IS THAT THE ONLY WAY THEY HAVE COME UP WITH TO DEAL WITH THIS IS MUTUALLY AGREED UPON BOUNDARY LINES. YOU HAVE FENCES BUILT MORE THAN 100 YEARS AGO, AND THOSE MOVED DIFFERENTIALLY ON THE PROPERTY, THE PROPERTY MOVES SIX FEET IN THE BACK AND BARELY A FOOT IN THE FRONT. IT'S ALL MOVING ALL OVER THE PLACE UP THERE. THAT'S THE SURVEYS EVEN MARIN SURVEY, I THINK YOU GOT A COPY FROM 88, SHOWS ROB'S HOUSE WHERE THE PROPERTY LINE GOES THROUGH THE MIDDLE OF THE STRUCTURES. AND THERE IS OTHER SURVEYS I HAVE WHERE THE STREET OF SPRUCE WHEN IT WAS FIRST BUILT WAS STRAIGHT.

IF YOU LOOK AT IT, THERE IS A HOUSE THAT IS 12 FEET OUT INTO SPRUCE STREET. THE CITY HAS 12 FEET OF SIDEWALK AND ROAD IN SOMEONE'S FRONT YARD. AS SOON AS YOU START THE PRECEDENCE OF THIS IS WHAT THE SURVEY SAYS, SUDDENLY PART OF THE STREET, COULD THEY PUT THE FENCE IN THE MIDDLE OF THE ROAD, NO. IT CAN'T WORK THAT WAY. IT HAS TO WORK WITH THE FLUCTUATING WAY. THE STATE OF CALIFORNIA TRIED TO DEAL WITH IT TRYING TO WORK WITH A PERSON FROM THE STATE OF CALIFORNIA AND THEY SAID THEY COULD NOT COME UP WITH AN EQUITABLE SOLUTION. THEY SAID IT'S ONGOING, SO IT'S NEVER GOING TO REALLY STOP SLOWLY MOVING. EACH YEAR IT'S A DIFFERENTIAL. YOU HAVE A WET YEAR, IT MAY MOVE THREE QUARTERS OF AN INCH TO INCH AND DRY YEARS BARELY AT ALL.

>> CHAIR DUFFY: YOUR TIME IS UP.

>> BUT IT'S DIFFERENTIAL. IT MOVES MORE IN ONE AREA THAN THE OTHER. AND SO I THINK AS THE PROJECT ESTHETICALLY AND THOSE THINGS, I DON'T HAVE ISSUE, AS FAR AS A PRESIDENT, I THINK PRECEDENCE, IT'S A SLIPPERY SLOPE. THEY NEED TO RESOLVE THAT ISSUE.

>> CHAIR DUFFY: THANK YOU VERY MUCH. NEXT, WE HAVE DANIEL. AND THEN, DANA OR DONNA.

>> GOOD EVENING, EVERYBODY. HOW COOL IS IT TO SEE THIS LOCAL DEMOCRACY IN ACTION. THANK YOU. SO I'M HERE TO SPEAK IN FAVOR OF THE PROJECT. MY NAME IS DANIEL WHITTAKER, BORN AND RAISED IN BERKELEY, FIRST IN SOUTH AND THEN NORTH BERKELEY. WE'RE

HOMEOWNERS IN THE HILLS AND HAVE A FAMILY HOME IN NORTH BERKELEY AS WELL. SO THE FIRST PIECE, THERE IS THREE POINTS I WANT TO MAKE IS ABOUT THE RIGHTS OF THE HOMEOWNER TO IMPROVE THEIR PROPERTY PURSUANT TO THE LOCAL REGULATIONS. THAT EFFECTS US, IT EFFECTS A LOT OF PEOPLE. AS I THINK WE HEARD FROM THE CITY STAFF, THEY APPROVED IT FITS WITHIN THOSE REGULATIONS AND WE SUPPORT THE RIGHT OF PEOPLE TO FOLLOW THE CITY GUIDELINES AND MAKE THEIR PLANS COME TRUE. I ALSO WANT TO COMMENT THE HOUSE THAT'S THERE RIGHT NOW IS IN EXTREMELY POOR SHAPE. PEOPLE CALLED IT DELAPIDATED, BLIGHTED IT IT'S BAD. IT'S GOING TO TAKE A SPECIAL HUMAN BEING TO RETROFIT THE PROPERTY. SOMEONE WITH SPECIAL EXPERTISE WORKING WITH EXPANDING SOILS AND CAN ADAPT THE LOCAL COMMUNITY. WE HAVE SOMEBODY RIGHT NOW WHO DID THAT LITERALLY AT THE PROPERTY NEXT DOOR. IT'S VERY UNLIKELY TO ME THAT SOMEBODY ELSE WOULD HAVE THE SKILLS AND MOTIVATION TO TACKLE THE PROJECT. THE LAST POINT IS IN ADDITION TO BEING OUR FRIENDS, THE NEWMAN'S HAVE AN INCREDIBLE INVESTMENT AND COMMITMENT TO THIS COMMUNITY. AND THE EXAMPLE I WANT TO SHARE IS THAT THEY FREQUENTLY OPEN THEIR HOUSE FOR HOUSE CONCERTS FOR LOCAL KIDS WHO ARE LEARNING BUT ALSO PROFESSIONAL MUSICIANS OPEN TO THE COMMUNITIES. WE'VE BEEN THERE MANY TIMES. AND NOTHING REALLY MORE BERKELEY AND I GET TO SAY THIS BECAUSE I'M BORN AND RAISED, THEN WALKING AROUND THE ROSE GARDEN HEARING CLASSICAL MUSIC SEEING YOUR FRIENDS AND FAMILY. THANK YOU SO MUCH.

>> CHAIR DUFFY: THANK YOU VERY MUCH. NEXT, WE HAVE DANA. I GET SO NERVOUS ABOUT HOW I'M GOING TO SAY IT. DANA, WELCOME.

>> HI, THANK YOU. LOOKS LIKE A BEAUTIFUL HOUSE ACTUALLY. I'M SOUTH ON THE NEXT PARALLEL STREET TO KEITH, CORONA COURT. WHERE THE FAULT RUNS THROUGH OUR COURT. SO JUST MY QUESTION, I WANTED CLARITY. MY NEIGHBOR'S QUESTION WHO IS ON CORONA COURT. WE'RE SOUTH, A LITTLE BIT EAST AND SHE'S MORE EAST. THE DURATION OF THE PROJECT. THE SECOND I HEARD GENERALLY A 20-FOOT SETBACK BUT 15 IN THIS SCENARIO. DID I MISUNDERSTAND THAT? ON THE DOWNHILL SIDE? SO 15 OR 20?

>> CHAIR DUFFY: THAT'S CORRECT. 15 I BELIEVE.

>> OKAY. NOT --

>> CHAIR DUFFY: THAT'S WHAT THEY ARE PROPOSING.

>> AND NOT SUBJECT TO CHANGE?

>> CHAIR DUFFY: NO, IF THERE WAS A ZONING ADJUSTMENTS BOARD DECISION IT CANNOT.

>> CAN I ASK FOR MY OTHER NEIGHBOR, THE PROPOSED DURATION OF THE PROJECT. IS THAT PROJECTABLE?

>> CHAIR DUFFY: I DON'T HAVE THAT INFORMATION BUT YOU CAN ASK STAFF AFTER OR MAYBE WHEN THE APPLICANT SPEAKS AGAIN THEY MIGHT BE ABLE TO ADDRESS THAT.

>> GREAT. THANK YOU.

>> CHAIR DUFFY: THE DURATION OF PROJECTS VARIES GREATLY. IT'S A GOOD QUESTION. OKAY. SO THAT IS FOR EVERYBODY IN PERSON. NEXT WE

HAVE ANYBODY ONLINE. I SEE ONE PERSON ONLINE, WITH A HAND RAISED. AND I WILL CLICK ALLOW TO TALK. JOE.

>> HI, MY NAME IS JOE. I'M A REALTOR IN CALIFORNIA. I HAVE TAKEN SIGNIFICANT INTEREST IN THIS SLIDE ZONE TOTAL PERIOD. I MEAN, IT'S KIND OF INSANE BUT IT ALSO SETS A GIANT PRECEDENT FOR EVERYTHING IN CALIFORNIA. LIKE WHAT ARE WE GOING TO DO WITH, YOU KNOW, PROPERTY THAT'S IN LIKE A SLIDE ZONE. IS THE NEXT PERSON GOING TO JUST CEDE. SECEDE. IT'S TOTALLY ABSURD. TOTALLY ABSURD.

>> CHAIR DUFFY: YOU'VE GOT 8 SECONDS LEFT. OKAY. THANK YOU VERY MUCH FOR YOUR COMMENT. THERE ARE NO MORE HANDS RAISED ONLINE. AND SO, THAT IS IT FOR PUBLIC COMMENT. NOW, BEFORE WE CLOSE THE PUBLIC COMMENT PERIOD, ACTUALLY THE APPLICANT HAS THE OPPORTUNITY, HAS 2 MINUTES TO ADDRESS ANY OF THE COMMENTS THEY HEARD. THEY DO NOT HAVE TO. SOME APPLICANTS DO NOT. AND SOME APPLICANTS DO. AND IF -- UNMUTE THE PERSON ONLINE. THANK YOU.

>> OKAY.

>> CHAIR DUFFY: WELCOME BACK.

>> THANK YOU. SINCE OUR FRIEND MAUREEN AND HER HUSBAND FROM HIGH COURT, I GUESS I'LL TALK A LITTLE BIT ABOUT THAT. I DID, WE BOUGHT OUR HOUSE NEXT DOOR AT 1044 IN 2015. I NEEDED AN ADU FOR OUR PARKING PAD AT THE TIME. I ACTUALLY WENT AND TALKED TO HER. I KNEW SHE WAS VERY SENSITIVE TO PEOPLE LOOKING UP ABOVE HER HOUSE AND INTO HER YARD. I WAS CAREFULLY MAKING SURE ON THAT SIDE OF THE HOUSE FACING HER, YOU KNOW, HAD CLEAR STORY WINDOWS

SO NOBODY WOULD BE ABLE TO LOOK DOWN INTO HER PROPERTY. AND ALSO, I DID ADD LIKE ON ONE OF OUR REVISIONS WITH WAQAR HAD ME ADD SCREENING THAT'S NOT A PROBLEM IN THE FUTURE. AND THEN, I DO -- SHE ALSO TOLD ME SHE WAS VERY UPSET ABOUT THE 1050 HOUSE AND WHEN THEY DID THEIR THIRD STORY ADDITION AND HOW BIG IT WAS. SHE DIDN'T REALIZE IT WAS GOING TO BE THAT. I WAS VERY AWARE THE NEIGHBORS COULD BE UPSET. MOVING ON, THERE WERE SOME MENTIONS ABOUT THE SURVEY. SO I WANTED TO GO OVER A LITTLE BIT MORE CLARIFICATION WITH THAT. LAND SURVEYS ARE TAKEN USING THE CITY OF BERKELEY MONUMENTS. THE SURVEY OF OUR PROPERTY DEMONSTRATES BASED ON THREE MONUMENTS WITHIN TWO HUNDRED FEET OF THE SITE. BASED ON THIS, MARIN ENGINEERING CONFIRMED THE ACCURACY TO WITHIN ONE INCH OF THESE MONUMENTS. FURTHER, I FOUND IN RESEARCHING PERMITS AT THE BUILDING DEPARTMENT THAT THERE WAS A ZONING PERMIT FROM 1949 OF OUR UPHILL NEIGHBORS HOUSE AND SHOWED THE EXISTING DISTANCE WAS THREE FEET FROM THE SHARED PROPERTY LINE. THIS MATCHES THE SURVEY WE INCLUDED TO CLARIFY THAT PART OF IT.

>> CHAIR DUFFY: THANK YOU.

>> IS THAT ALL?

>> CHAIR DUFFY: THAT'S IT. YOUR TIME IS UP. IF THE BOARD HAS ANY QUESTIONS FOR STAFF OUR FOR THE APPLICANT AT THIS TIME, THE PUBLIC FORUM IS STILL OPEN. PLEASE, BOARD MEMBER KAHN.

>> C. KAHN: ONE OF YOUR NEIGHBORS, THE FIRST ONE I BELIEVE TO --

THE NEIGHBOR TO THE REAR, THE FIRST OR SECOND PERSON WHO SPOKE VOICED CONCERNS ABOUT PRIVACY. AND I TOOK A LOOK AT SHEET A9, CORRECT ME IF I'M WRONG, THE SOUTH ELEVATION WOULD BE ADJACENT TO THEIR PROPERTY. THE PROPOSED --

>> THE PROPOSED SOUTH ELEVATION.

>> C. KAHN: OKAY. I TAKE A LOOK AT THAT BECAUSE ONE OF THE THINGS WE ASK APPLICANTS TO DO IN THE INTEREST OF PROVIDING PRIVACY FOR NEIGHBORS IS TO MODIFY THEIR WINDOWS.

>> SURE.

>> C. KAHN: I DON'T THINK I CAN ASK YOU TO DO THAT BECAUSE YOU DON'T HAVE ANY.

>> YEAH. I DID THAT ON PURPOSE BECAUSE I KNEW.

>> C. KAHN: YOU DO HAVE TWO CLEAR STORY WINDOWS WHICH YOU WOULD HAVE TO GET ON A LADDER IN YOUR UNIT IF I'M CORRECT TO LOOK OUT OF, TO OFFEND THEIR PRIVACY.

>> THAT'S CORRECT.

>> C. KAHN: ALSO THE FIRST FLOOR THERE ARE WINDOWS. BUT I NOTICED THERE IS AN EXISTING FENCE THAT IS HIGHER THAN ALL OF THOSE WINDOWS, IS THAT TRUE?

>> THAT IS ALSO CORRECT.

>> C. KAHN: OKAY, THEN I LOOKED AT A7, THE EXISTING SOUTH ELEVATION, IT LOOKS LIKE THREE WINDOWS WHICH ARE ACTUALLY HIGHER IN THE CURRENT HOUSE RELATIVE TO THE FENCE, IS THAT TRUE?

>> YES, BUT THE FENCE IS THERE BUT THERE IS ACTUALLY A LOT OF

TREES THERE TOO.

>> C. KAHN: OKAY. BUT -- [MULTIPLE SPEAKERS]

>> C. KAHN: I MEAN, THE REASON I'M PUTTING IT OUT, I WANT TO GIVE THE NEIGHBORS TO YOUR SOUTH, BECAUSE PEOPLE ARE AFRAID OF CHANGE AND ARE AFRAID OF NEW THINGS, AND BIG NEW THINGS, ET CETERA. AND I JUST WANT TO CONFIRM AND REASSURE THEM THAT IN TERMS OF YOU LOOKING AT, WE'RE DONE WITH THE PUBLIC HEARING. I'M JUST TALKING TO HER.

>> YOU ARE SPEAKING TO -- [MULTIPLE SPEAKERS]

>> C. KAHN: YOU ARE IN VIOLATION.

>> CHAIR DUFFY: I'M SORRY. THIS IS NOT A DISCUSSION WITH THE PUBLIC RIGHT NOW. SO I WOULD ASK YOU TO PLEASE --

>> C. KAHN: HAPPY TO SPEAK TO YOU AFTER THE MEETING. YOU ARE IN VIOLATION OF OUR MEETING STANDARDS RIGHT NOW. ANYWAY, I WAS TRYING TO SPEAK. I WOULD BE HAPPY TO TALK TO YOU AFTER THE MEETING ABOUT IT. THAT THOSE WINDOWS WILL NOT BE LOOKING INTO HIS HOUSE AS THEY DO NOW. THANK YOU.

>> CHAIR DUFFY: OKAY. ARE THERE ANY OTHER QUESTIONS AT THIS TIME FOR THE APPLICANT OR FOR STAFF? THIS IS NOT A TIME WHEN THE PUBLIC IS ALLOWED TO SPEAK. THE PUBLIC HAD 1 MINUTE EACH TO SPEAK. AND HAD ADEQUATE TIME TO SPEAK WITH STAFF. I'M SORRY. IN ALL FAIRNESS, I'M SORRY. ANY QUESTIONS FROM --

>> C. KAHN: I GET THE LAST WORD BECAUSE I'M A COMMISSIONER AND YOU ARE NOT. PLEASE SIT DOWN. I AM TOO, SIR.

>> CHAIR DUFFY: ARE THERE ANY OTHER QUESTIONS NOW FOR THE APPLICANT OR FOR STAFF? SEEING NONE. BOARD MEMBER JERSEY.

>> THANK YOU. I HAVE A QUESTION FOR THE APPLICANT. I'M GENERALLY IN SUPPORT OF YOUR PROJECT SO YOU KNOW. YOU'VE DONE AN AMAZING AMOUNT OF WORK. I AM CONCERNED YOU SAID YOU HAVEN'T GOTTEN A GEOTECHNICAL REPORT. I'M ASSUMING YOU WILL BE REQUIRED TO GET ONE.

>> I THINK, I BELIEVE THAT THE -- YOU NEED A GEOTECHNICAL REPORT FOR A THREE-STORY CONSTRUCTION.

>> YOU ARE IN A SLIDE ZONE, YOU SHOULD DEFINITELY GET ONE.

>> I DO HAVE THE GEOTECHNICAL REPORT FROM DIRECTLY NEXT DOOR. THEY DID --

>> YOU TALKED TO ALLEN ABOUT THAT.

>> I ACTUALLY WORKED WITH ALLEN ON ANOTHER PROJECT BUT YES.

>> THANK YOU.

>> CHAIR DUFFY: THANK YOU. ANY OTHER QUESTIONS? OKAY, IF THERE ARE NO QUESTIONS FOR THE APPLICANT YOU ARE FREE FOR THE MOMENT. AND -- FOR THE MOMENT. AND NOW, I WOULD MAKE A MOTION TO CLOSE THE PUBLIC COMMENT PERIOD. IS THERE A SECOND.

>> CHAIR DUFFY: SECOND.

>> CHAIR DUFFY: A SECOND FROM BOARD MEMBER SANDERSON. ALL IN FAVOR, SAY, "AYE." ALL THOSE AGAINST, SAY "NAY". OKAY. SO NOW THE PUBLIC COMMENT PERIOD IS OFFICIALLY CLOSED. THIS IS THE TIME WHERE THE BOARD GIVEN ALL THE INFORMATION WE'VE RECEIVED THIS

EVENING AND IN OUR PACKETS GET TO DISCUSS AND MAKE DECISIONS AMONGST THE BOARD. AT THIS TIME, ANYBODY CAN BRING UP AN ISSUE, MAKE A MOTION, EVEN IF ONCE A MOTION IS MADE OR SECONDED WE CAN HAVE DISCUSSION ABOUT THE MOTION. THAT'S HOW IT TYPICALLY GOES. IS ANYBODY WANT TO START? BOARD MEMBER SANDERSON AND THEN BOARD MEMBER JERSEY

>> D. SANDERSON: I JUST WANT TO BE CLEAR. THEY ARE NICE PEOPLE AND PEOPLE HAVE DIFFERENT OPINIONS ABOUT WHO IS NICE AND WHO IS NOT. IT DOESN'T MATTER HOW GOOD OR BAD YOU ARE. IT'S A LAND USE DECISION, NOT ABOUT THE PEOPLE WHO LIVE THERE OR MIGHT LIVE THERE IN THE FUTURE. THE CONCERN HAS NO RELATIONSHIP TO REALLY TO THE PROPOSAL. I'M CONCERNED AND I HAVE BEEN FOR 20 SOME ODD YEARS, THE PROBLEM IN BERKELEY AND LOTS OF OTHER CALIFORNIA COMMUNITIES ABOUT THE USE OF SURVEYS TO DETERMINE WHERE A PROPERTY LINE IS. IN THEORY, YOU WOULD THINK IF THE LAND IS SLIDING THAN THE MONUMENTS WOULD SLIDE WITH IT. SO THE HISTORIC PROPERTY LINES WOULD BE CONSISTENT WITH THE CURRENT SURVEY PROPERTY LINES. BUT IT DOESN'T SEEM TO WORK THAT WAY. BECAUSE THE LAND SLIDES, AT DIFFERENTIAL RATES AND DIFFERENT PARTS OF AN ACTIVE SLIDE. WHAT YOU END UP WITH AND IT'S HAPPENED BEFORE, IS THAT SOME WHEN YOU USE THE CORRECTLY SURVEYED PROPERTY LINE, WHICH I FULLY BELIEVE WHAT HAS BEEN GIVEN TO US IS THE CORRECT PROPERTY LINE, WHEN I FIRST MOVED TO BERKELEY, I LIVED IN THE HILLS, I CAME FROM BOSTON. THEY WENT ALL THE AWAY AROUND THE

BLOCK AND SAID IT ALL MET WITHIN LIKE 15 INCHES. AND WE WERE APPALLED. BECAUSE THAT WOULD NEVER HAPPEN IN A PLACE WHERE THE LAND DIDN'T MOVEMENT WE BEGAN TO UNDERSTAND THIS IS LAND THAT MOVES AROUND AND IT'S DIFFICULT. BUT I HAVE A LOT OF CONFIDENCE IN THE CURRENT SURVEY THAT HAS BEEN PROPOSED. MY ISSUE IS AND IT'S A CATCH 22 FOR BOTH THE NEIGHBORS AND THE APPLICANT, THAT IF THE OWNERS OF 1048 PUT THE PROPERTY LINES WHERE THE CURRENT SURVEY SAYS THEY ARE, THEN THERE IS SOME PROPERTY LOST AND SOME PROPERTY GAINED. THERE IS A DIAGRAM THAT DEMONSTRATES THIS ON PAGE, IN ATTACHMENT 4, PAGE 31 OF 50. AND MY QUESTION, MAYBE THIS IS A STAFF QUESTION, I'M NOT SURE. BUT WHEN YOU LOOK ON THIS, THIS IS THE ASSESSOR'S MAP FOR THIS PARCEL. WHEN YOU LOOK AT 1048 AND 1044, YOU SEE A VERY HEAVY LINE WHICH I THINK IS TELLING ME THAT 1048 HAS LOST SOME PROPERTY TO 1044. I BELIEVE THE HEAVY LINE IS NEWER THAN THE LIGHT LINE. THERE IS NO INDICATION THAT FROM 1050 THERE WAS ANY DIFFERENCE BETWEEN HISTORIC PROPERTY LINE AND THE CURRENT LINE. SO MY CONCERN IS THE NON-DETRIMENT FINDING I'M NOT SURE WE CAN MAKE IN THIS CASE. IF WE APPROVE A PROPERTY THAT HAS SIGNIFICANTLY DIFFERENT LOCATION THAN THE ORIGINAL PROPERTY LINE THAN THAT'S GOING TO BE KIND OF DOMINOED UP AND DOWN THE HILL. SOME MAY CROSS THE PROPERTY LINE. IF THAT HAPPENS, THEY ARE VERY DEEP TROUBLE WITH THE PUBLIC WORKS DEPARTMENT. SO IT CREATES A PROBLEM FOR EVERYONE UP AND DOWN THIS HILLSIDE. IT'S NOT A PROBLEM, IT'S NOT

MADE BY THE APPLICANT OR NEIGHBORS, IT'S IN MY OPINION A LACK OF LAWS AND PUBLIC POLICY THAT REFLECT REALITY IN THE STATE OF CALIFORNIA WHERE PROPERTY MOVES AND PROPERTY LINES MOVE WITH IT. BUT IT'S DIFFERENT THAN IT WAS ORIGINALLY. WE'VE HAD PRIVATE PROPERTY BECOME PUBLIC IN BERKELEY. WE'VE HAD PUBLIC PROPERTY BECOME PRIVATE IN BERKELEY. SIDEWALKS WHICH WERE FIRST THE CITY, ARE NOW PART THE PRIVATE PROPERTY. IT MAKES NO SENSE BUT NO ONE IN THE 20 YEARS I'VE BEEN WORKING ON THIS HAS FOUND A SOLUTION. SO WHAT I WANT TO ASK STAFF IS MY PREFERENCE WOULD BE FOR ALL OF US TO FOLLOW THE GENTLEMAN-LIKE AGREEMENT, GENTLE PEOPLE AGREEMENT OF DECIDING TO USE THE HISTORIC PROPERTY LINE AS LONG AS YOUR PARCEL HAS THE SAME NUMBER OF FEET IN IT THAT IT'S SUPPOSED TO. IN THIS DIAGRAM, 1044 HAS GAINED SQUARE FOOTAGE BECAUSE IT HAS NOT CHANGED THE PROPERTY LINE BELOW IT THAT WOULD GIVE SOME OF ITS PROPERTY TO ITS DOWNHILL NEIGHBOR. IT RIPPLES ALL THE WAY THROUGH. MY QUESTION IS THE GEOTECH ENGINEERS SEVERAL HAVE SAID THE ONLY SOLUTION TO BE A GOOD NEIGHBOR AND MAKE AN UNDERSTANDING WITH YOUR NEIGHBORS ABOUT WHAT YOU ARE GOING TO USE. SO YOU DON'T HAVE THIS RIPPLE AFFECT ALL THE WAY DOWN AND UP THE HILL. THE PROBLEM AS I SEE IT IS THAT WE HAVE SOMETHING CALLED A VARIANCE. WHERE WE CAN APPROVE A UNIQUE SITUATION, WE WOULD WAIVE THE STANDARDS FOR A VERY UNIQUE SITUATION. AND THERE IS THREE OR FOUR OTHER STANDARDS. BUT THAT ONLY CHANGES ZONING. WE DON'T, I DON'T KNOW WHETHER THE BUILDING

AND SAFETY HAS A SIMILAR PROVISION WHERE THEY CAN SAY IN THIS AREA GIVEN THE PROBLEMS THAT WILL BE CREATED FOR EVERYONE, CAN THEY VARY THE REQUIREMENT TO USE THE CURRENT SURVEYED PROPERTY LINE VERSUS THE HISTORIC PROPERTY LINE? SO THAT'S WHY I SAY, WE'RE IN A CATCH 22. THIS ISSUE HAS MADE ME ANGRY AND FRUSTRATED FOR MANY YEARS AS A PLANNER IN BERKELEY. NO ONE SEEMS TO BE WILLING TO TAKE UP THE SOLUTION. SO THE ONLY THING I CAN THINK IS IF THERE IS SOME POWER OF THE BUILDING AND SAFETY FOR SOMETHING COMPARABLE TO THE VARIANCE AND ZONING. I DON'T KNOW IF YOU CAN ANSWER NOW. I THINK IT'S VERY HARD FOR ME TO AGREE WITH A NON-DETRIMENT FINDING BECAUSE IF WE GO DOWN THIS PATH, WHICH IS THE ONLY LEGAL PATH AVAILABLE TO THE APPLICANT. IF WE GO DOWN THIS PATH THAN IT'S GOING TO CREATE HARDSHIP ON THE ADJACENT PROPERTIES WHEREVER THE PROPERTY HAS MOVED, WHICH IS MOST OF THAT AREA. SO I FEEL LIKE WE'RE IN A CATCH 22, WE CAN'T APPROVE A PROPERTY UNLESS THE SATISFIES THE GENERAL NON-DETRIMENT FINDING. BUT CURRENT LAW PROVIDES NO ALTERNATIVE UNLESS THEY MOVE 1048'S PROPERTY LINES SHIFT, THEN 1044 SHIFT, THEN 1040'S SHIFT. THAT AFFECTS A WHOLE LOT OF PEOPLE. AND YOU CAN END UP WITH SITUATIONS WHERE THE CURRENT STRUCTURE CROSSES A PROPERTY LINE, WHICH IS FORBIDDEN. THEN WHAT DID YOU DO? SO WHICHEVER WAY YOU GO, IT'S A MESS. SO THE ONLY THING I CAN THINK OF, AND I'M OPEN TO ANY OTHER SOLUTIONS IS THAT BUILDING AND SAFETY ALLOW PEOPLE IN NEIGHBORHOODS THAT ARE SLIDING TO USE AS AN AGREEMENT

IN ORDER TO PREVENT PUBLIC KIND OF CHAOS UP AND DOWN THE HILL, ALLOW THEM TO USE THE HISTORIC PROPERTY LINE WHICH SEEMS TO BE, IS BEING USED BY OTHER PROPERTIES IN THAT AREA. BUT I DON'T KNOW IF THAT'S POSSIBLE. SO I'M PUTTING FORTH A PROBLEM AS I SEE IT THAT'S A PUBLIC POLICY PROBLEM AND A LEGAL PROBLEM. IT'S NOT CAUSED BY THE APPLICANT. IT'S NOT CAUSED BY THE NEIGHBORS. AND WE MAY OR MAY NOT APPROVE THIS PROJECT. AND THE APPLICANTS OR NEIGHBORS CAN APPEAL IT TO THE COUNCIL AND PERHAPS AT THAT POINT WE CAN GET SOMEONE'S ATTENTION. SO I HATE LAYING OUT A PROBLEM FOR WHICH I HAVE NO SOLUTION. BUT I THINK THIS IS A VERY SERIOUS ISSUE FOR ANY RESIDENTIAL PROPERTY IN AN ACTIVE SLIDE ZONE. FORTUNATELY, WE DON'T BUILD VERY MANY NEW HOMES IN THE HILLS. A COUPLE OF A YEAR MAYBE. AND WE DON'T HAVE -- NOT ALL OF THOSE ARE IN ACTIVE SLIDE ZONES. THIS IS GOING TO HAPPEN EVERY NOW AND THEN BUT IT DOESN'T HAPPEN EVERY TIME SOMEONE BUILDS A HOUSE, IT'S JUST IN THE ACTIVE SLIDES AND JUST FOR A CHANGE IN THE FOOTPRINT. BUT SO I DON'T KNOW, I DON'T HAVE A SOLUTION. BUT I JUST WANT TO EXPRESS MY CONCERN AND IF ANYBODY HAS A BETTER IDEA, LET ME KNOW. BECAUSE I THINK IT'S -- IT DOESN'T MEET THE NON-DETRIMENT FINDING. THANK YOU.

>> CHAIR DUFFY: THANK YOU. JUST WILL STATE THAT NONE OF US HAVE AN ENGINEER'S LICENSE ON THIS BOARD. AND SO ANY RECOMMENDATIONS WE MAKE MUST BE KNOWN ABOUT THAT. BOARD MEMBER KASHANI, YOU WERE GOING TO SPEAK. AND THEN BOARD MEMBER JERSEY. I'M SORRY, JERSEY

AND THEN BOARD MEMBER KASHANI. MY APOLOGIES.

>> NO WORRIES. YEAH, THAT WAS INTERESTING. I WANTED TO EXTEND A LISTENING EAR TO OUR DOWNHILL NEIGHBOR. AND NOT -- AND YOUR CONCERNS I THINK ARE REAL. WHETHER THERE ARE WINDOWS THERE OR NOT, THE, YOU KNOW, THE WAY YOU WERE DESCRIBING IT, THE PRESENCE OF MASSING A BIG CHANGE IN THE MASSING IS A BIG DEAL. I'M NOT SAYING I DON'T SUPPORT THE PROJECT. I WANT TO BE REAL ABOUT THIS AS AN ARCHITECT PRACTICING FOR 35 YEARS. IT'S ONE OF OUR JOBS AS DESIGNERS TO BE SENSITIVE TO THAT. I HEAR YOU ON THAT. AND I'M SORRY FOR YOUR UPSET. I THINK I WOULD FEEL SIMILARLY. AND WHY I SAY THAT IS RELATED TO THE ONE PROBLEM I REALLY HAVE, THE PROPERTY LINE IS A STICKY WICK, IS WAY BEYOND MY PAY GRADE. I DON'T THINK IT'S THE ZAB'S JOB TO LITIGATE THAT. I DON'T KNOW WHO DOES IT. DEFINITELY NOT OUR JOB. I THINK SO. IT'S A LEGAL ISSUE. BUT I THINK, IT IS PART OF FOR THE APPLICANT, IT IS SORT OF PART OF WHAT YOU GOT YOURSELF INTO. WHICH IS A STICKY WICKET AND SOMETHING YOU ARE GOING TO HAVE TO SORT OF WORK THROUGH. MY CONCERN IS THE SORT OF NON-DETRIMENT FINDING FOR THE AUP TO ALTER THE REAR YARD SETBACK BECAUSE IT'S CLEARLY -- THERE IS IMPACT. AND IT'S IMPACTING THIS GUYS RIGHT THERE. IT'S ONLY 5 FEET BUT 5 FEET IS 5 FEET. I TEND TO NOT TO APPROVE THAT FOR THAT REASON ALONE. IF I WAS THE ARCHITECT I WOULD STRONGLY ENCOURAGE THE OWNER TO STAY AWAY FROM THAT STICKY WICKET, JUST WORK WITHIN THE SETBACKS, THE BIG -- IT'S A BIG HOUSE. SO I

THINK IT'S A -- IT WOULD BE A STRONG STATEMENT OF GOOD NEIGHBORLINESS TO PULL BACK TO WITHIN 20 FEET. I ALSO THINK IT WOULD BE, YOU KNOW, I WON'T GET INTO THE PROPERTY LINE THING. THAT'S IT. THANK YOU.

>> CHAIR DUFFY: THANK YOU, BOARD MEMBER JERSEY. BOARD MEMBER KASHANI.

>> A. KASHANI: THANK YOU VERY MUCH. I HAVE ULTIMATE RESPECT FOR MY COLLEAGUE DEBBIE SANDERSON AND HER REMARKS ABOUT NON-DETRIMENT BUT I DISAGREE WITH HER. WE'RE LOOKING AT A GEOLOGIC EVENT WHERE DETRIMENT HAS BEEN CREATED OVER HUNDREDS, THOUSANDS OF YEARS BY THE MOVEMENT OF THE HILLS. AND IF WE JUST SAY THIS PROJECT IS GOING TO CREATE NEW DETRIMENT, IT'S THE WRONG CONCLUSION. BECAUSE THIS DETRIMENT HAS BEEN ONGOING IF WE CALL IT A DETRIMENT. AND IT'S GOING TO CONTINUE TO HAPPEN. WE DO NOT HAVE A SOLUTION. I CANNOT AGREE WE CANNOT REACH A NON-DETRIMENT FINDING. THAT'S MY COMMENTS.

>> CHAIR DUFFY: THANK YOU. BOARD MEMBER ALLEN.

>> S. ALLEN: THANK YOU. I AGREE WITH ALI KASHANI. ALSO, DEBBIE, I'VE NOT SAT IN YOUR SEAT BUT I'VE SAT NEXT TO YOUR SEAT. AND HAVE IN THE CITY OF BERKELEY, THIS IS THE LAND SLIDES ARE AN ISSUE AND SHIFTING PROPERTY LINES IS AN ISSUE. AND SOMEBODY DOES NEED TO DO SOMETHING. BUT IT'S NOT US. AND IT'S NOT TONIGHT. THAT THIS PROJECT IS THE DEMOLITION OF AN EXISTING SINGLE-FAMILY HOME AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY HOME IS VERY

MUCH IN THE SIMILAR VOCATION AT THE EXISTING HOME. THE ONLY TWEAK IS THAT 2 FEET AT THE REAR YARD. OTHERWISE IT MEETS THE REQUIRED SETBACKS. AND GOING BACK TO THE SITE SURVEY PIECE, STAFF HAS AND THE APPLICANT TEAM HAVE BUTTONED UP THEIR ISSUES. AND THE REVISED SURVEY CONFIRMED THAT IT MEETS THE SURVEYING STANDARDS. IT'S BEEN, IT'S GONE THROUGH PUBLIC WORKS AND BUILDING AND SAFETY DIVISIONS AND THE PROJECT IS IN COMPLIANCE. SO I MAKE A MOTION TO APPROVE THE PROJECT. I THINK THE STAFF HAS DONE A NICE JOB OF MAKING THE FINDINGS. AND THEY ARE WELL ARTICULATED IN THE STAFF REPORT. THAT'S THE DIRECTION --

>> A. KASHANI: I SECOND THAT.

>> CHAIR DUFFY: WE HAVE A SECOND FROM BOARD MEMBER KASHANI.

>> CAN I MAKE A CLARIFICATION. I BELIEVE IT'S 5-FOOT. THE DIFFERENCE BETWEEN 20 FEET AND 5 FEET.

>> YES, BUT THE EXISTING HOUSE IS WITHIN THE SETBACK, FROM 17 FEET 4 INCHES TO 15 FEET.

>> I DON'T THINK IT'S RELEVANT.

>> YOU ASKED FOR MY CLARIFICATION AND I GAVE IT TO YOU.

>> I'M TALKING ABOUT THE LEGAL, THAT HOUSE IS GOING TO BE DEMOLISHED AND A NEW HOUSE PUT UP. SO THE NEW HOUSE MUST CONFORM TO THE 20-FOOT SETBACK. WE'RE ASKING FOR A 5-FOOT DISTINCTION BETWEEN WHAT THE ZONING REQUIRES AT 20 FEET AND WHAT THE APPLICANT IS PROPOSING AT 15 FEET. I WANTED TO CLARIFY.

>> CHAIR DUFFY: CLARIFICATION NOTED. IT'S FROM 20 TO 15. AND

ALSO NOTED THE EXISTING IS AT 17, IT'S HERE ACTUALLY IN OUR PLANS TOO. AND WE'VE SEEN THAT. OKAY. ARE THERE ANY OTHER DISCUSSIONS? WE HAVE A MOTION ON THE FLOOR. THIS IS THE TIME, WE DON'T VOTE, WE DISCUSS THE MOTION. OR PROPOSE AN ALTERNATE MOTION OR WHAT HAVE YOU UNTIL WE DO VOTE. SO ARE THERE ANY DISCUSSION ON THE MOTION CURRENTLY? THERE IS A MOTION TO APPROVE THE PROJECT AS PROPOSED AND REVIEWED BY STAFF. AND THERE IS A SECOND. BOARD MEMBER THOMPSON.

>> M. THOMPSON: I'M JUST CURIOUS FROM BOARD MEMBER SANDERSON, WHERE DO WE GO FROM HERE? LIKE TONIGHT IF WE'RE --

>> D. SANDERSON: LET ME CLARIFY. I MADE THE STATEMENTS BECAUSE I'VE BEEN STRUGGLING WITH THIS, I WORK FOR THE CITY FOR 11 YEARS. AND I DEALT WITH IT AS A PRINCIPAL PLANNER AND PLANNING MANAGER AND NO ONE IN CITY GOVERNMENT WILL TAKE IT SERIOUSLY. AND THIS HURT A LOT OF PEOPLE. SO I AGREE, WE HAVE TO GO BY THE RULES. BUT I ALSO AGREE THIS OLD LADY WHO HAS BEEN DOING THIS FOR A LONG TIME. I WANT SOMEONE TO HEAR ME. I SAID MY PIECE BECAUSE IT BOTHERED ME FOR SO MANY YEARS, IT HAPPENS ALL OVER THE STATE. AND IT'S AMAZING TO ME THERE IS QUOTE, NO SOLUTION. I THINK THERE IS. UNDERSTAND.

>> CHAIR DUFFY: THANK YOU. YOU ARE HEARD. IF I MAY SPEAK TO IT AS AN ARCHITECT, SOMEONE WHO DEALS WITH SURVEYS FOR THE PAST 25 YEARS, SOME COMFORT IN THE SURVEYING EXPERTISE GETTING MUCH BETTER OVER THE YEARS, PART OF IT IS ONE THING THAT IS IMPORTANT

TO KNOW IS THAT I DON'T KNOW COMPLECT WHERE THE MONUMENTS, THE THREE MONUMENTS ARE THEY TRIANGULATED TO MAKE THE SURVEY. THESE MONUMENTS ARE EMBEDDED IN LAND THERE. AND SO, THE MONUMENTS THAT THEY TRIANGULATE THE SURVEY FROM ALSO MOVE WITH THE LAND. AND SO THAT MAKES IT MORE TRICKY AND A BIT MORE ACCURATE. AND SO THERE IS SOME TRUST WITH THAT. AND IN GENERAL, I PUT MY TRUST IN THE ENGINEERING AND THE SURVEYING COMMUNITY. IF ANYTHING THAT'S ALL I CAN DO. AT THE MOST. FOR ME, I PLAN TO SUPPORT THE MOTION. BASED ON THE ACCURACY OF THE SURVEY AND FOR ME, THAT FEELS LIKE THE APPROPRIATE AND MOST PRECISE WAY TO APPROACH.

>> I HAVE AN UNRELATED QUESTION.

>> CHAIR DUFFY: BOARD MEMBER SANDERSON.

>> D. SANDERSON: PAGE A1 OF THE PLAN SHEETS. SHOWS THE EXISTING BUILDING ON RIGHT AND PROPOSED ON THE LEFT. THE EXISTING BUILDING IS MUCH MORE COMPACT. AND THE PROPOSED BUILDING IS MORE DISPERSED. MY UNDERSTANDING IS WHEN YOU ARE IN THIS KIND OF AREA, THE ADVICE IS TO PULL YOUR BUILDING IN AS COMPACT AS YOU CAN MAKE IT SO YOU STAY AWAY FROM THE PROPERTY BOUNDARIES. UNDER MY REIN, IT WAS A POLICY, IT SEEMS TO HAVE DROPPED OFF SOMEWHERE ALONG THE LINE. THE FOUNDATION IS I UNDERSTAND IS THE CORRECT FOUNDATION BECAUSE YOU CAN CORRECT THE TILT OF THE BUILDING AS THE LAND SLIDES. SO YOU GO OUT AND JACK IT UP AND DO WHAT YOU GOT TO DO AND THEN YOU WAIT ANOTHER 5 YEARS UNTIL THE LAND SLIDES AND GO OUT AND SO IT'S CORRECTABLE. AND IT'S NOT LIKELY

TO SLIDE INTO SOMEONE ELSE'S YARD, WHICH IS THE PURPOSE OF THE COMPASSION. I WOULD LIKE TO SEE, AND YOU KNOW, IT'S TOO LATE FOR THIS COMMENT. BUT I WILL JUST MAKE IT ANYWAY. I WOULD LIKE TO SEE THE BUILDING MORE COMPACT, PULLED AWAY FROM THE PROPERTY LINES AS MUCH AS POSSIBLE. WHICH MAYBE MORE THAN THE SETBACKS, THAT WAY THE PROPERTIES BELOW DOWNHILL ARE MORE PROTECTED SHOULD WE HAVE AN EARTHQUAKE AND THE BUILDING MOVE RAPIDLY. ANYWAY, MY ONLY OTHER ADVICE IS A SILLY ONE. I LIVE IN A HOUSE THAT'S OVER 3000 SQUARE FEET. MY KIDS ARE GROWN AND GONE. IT'S TOO MUCH HOUSE FOR TWO PEOPLE. WE WOULD LIKE TO SUBDIVIDE AND MAKE AN ADU. IT IS NOT DESIGNED IN A WAY THAT CAN BE DONE CONVENIENTLY. THINK ABOUT 15 YEARS FROM NOW IF YOU WANT TO SUBDIVIDE THIS PROPERTY INTO TWO PARCELS, TWO HOMES, DOES IT WORK. YOU DON'T HAVE TO ANSWER. BUT THINK ABOUT WHEN THE FAMILY GETS SMALL, HOW YOU MODIFY YOUR PROPERTY TO FIT THE CURRENT FAMILY NEEDS.

>> CHAIR DUFFY: THANK YOU. BOARD MEMBER JERSEY.

>> THANK YOU. THANK YOU, CHAIR DUFFY. BOARD MEMBER SANDERSON, IT'S NOT TOO LATE FOR YOUR COMMENTS. THOSE ARE I THINK, I MEAN, THAT'S WHAT WE'RE HERE FOR. I DO THINK THE APPLICANT MADE A STRATEGIC ERROR BY NOT STICKING WITH THE PROPERTY LINES. AND THEN LITIGATING IT AFTERWARDS, I THINK YOU SET YOURSELF UP FOR SOMETHING. THAT'S REALLY YOUR BUSINESS. MY BUSINESS AS A ZAB MEMBER IS REALLY TO FOCUS ON DETRIMENT AND TO BE THE VOICE OF THE NEIGHBORS. AND THE NEIGHBORS HAVE A REAL ISSUE. I WISH YOU

HAD-- I'M NOT SAYING I'M NOT GOING TO VOTE NO. BUT I WISH YOU WOULD PULLED BACK TO THE 20 FEET. I'M SORRY YOU DIDN'T.

>> CHAIR DUFFY: ANY OTHER DISCUSSIONS ABOUT THE MOTION? BOARD MEMBER YUNG.

>> B. YUNG: I WAS BY ENTHUSIASTIC ABOUT VOTING ON IT.

>> CHAIR DUFFY: OKAY. THEN LET'S TAKE A VOTE.

>> SO WE HAVE A MOTION FROM COMMISSIONER ALLEN AND A SECOND FROM COMMISSIONER KASHANI TO APPROVE THE PROJECT AS PROPOSED. PLEASE STATE THE MOTION, SORRY. WHEN I CALL YOUR NAME, PLEASE STATE YOUR VOTE. COMMISSIONER KASHANI.

>> A. KASHANI: YES.

>> CHAIR DUFFY.

>> CHAIR DUFFY: YES.

>> VICE CHAIR GAFFNEY.

>> VICE CHAIR GAFFNEY: YES.

>> COMMISSIONER THOMPSON.

>> M. THOMPSON: ABSTAIN.

>> COMMISSIONER JERSEY.

>> T. JERSEY: ABSTAIN.

>> COMMISSIONER ALLEN.

>> S. ALLEN: YES.

>> COMMISSIONER KAHN.

>> C. KAHN: YES.

>> COMMISSIONER YUNG.

>> B. YUNG: YES.

>> COMMISSIONER SANDERSON.

>> D. SANDERSON: I VOTE NO BASED ON THE PROBLEMS OF THE SLIDING PROPERTY IN CONFLICT WITH PROPERTY LINES AND THE FACT THAT THE BUILDING IS NOT MORE COMPACT.

>> CHAIR DUFFY: THANK YOU. WE HAVE A MAJORITY VOTES. THE MOTION PASSES. SO THIS APPROVAL IS APPEALABLE TO THE CITY COUNCIL. SO WHAT HAPPENS NEXT IS THE ZAB, THE ZONING ADJUSTMENTS BOARD HAS MADE A DECISION TO APPROVE. AND STAFF WILL SEND A NOTICE OF THIS DECISION TO THE APPLICANT. FROM THE TIME AT WHICH THAT NOTICE OF DECISION IS SENT, THERE IS A TWO-WEEK PERIOD WHICH THIS PROJECT AND OUR DECISION CAN BE APPEALED TO GO TO CITY COUNCIL. IF THERE ARE NO APPEALS WITHIN THAT TWO-WEEK PERIOD, THEN THE APPLICANT WILL HAVE THEIR USE PERMIT. THANK YOU, EVERYBODY, FOR COMING IN PERSON REGARDING THIS PROJECT. THAT IS IT FOR THE ACTION CALENDAR. AND WE ARE GOING TO MOVE TO DESIGN REVIEW COMMITTEE UPDATES. BOARD MEMBER, VICE CHAIR GAFFNEY.

>> VICE CHAIR GAFFNEY: PRETTY EASY. WE HAVE NOT HAD ONE SINCE WE LAST SAW YOU. I HAVE ONE NEXT WEEK AND REPORT BACK AS SOON AS I SEE YOU AGAIN. YEAH.

>> CHAIR DUFFY: OKAY. AND THEN, WELL, WE ALSO NEXT IS STAFF COMMUNICATIONS.

>> YES. I'M HAPPY TO SHARE WITH THE BOARD THAT SHARON GONG, WHO YOU HAVE SEEN IN ACTION ON DENSITY BONUS PROJECTS AND OTHER

CURRENT PLANNING APPLICATIONS IS NOW A PRINCIPAL PLANNER. YOU WILL BE SEEING SHARON ONCE A MONTH AS YOUR SECRETARY.

>> CHAIR DUFFY: YAY. WONDERFUL. AND THEN I HAVE OTHER COMMUNICATIONS TOO. WHICH IS THAT I'VE BEEN CHAIR FOR THE PAST TWO YEARS. AND BOARD MEMBER GAFFNEY HAS BEEN THE VICE CHAIR FOR TWO YEARS. AND THERE ARE NEW CHAIR ELECTIONS FOR THIS COMING YEAR. THE ELECTIONS WILL HAPPEN IN OUR NEXT MEETING. SO TALK AMONGST YOURSELVES, DECIDE WHO YOU WISH TO NOMINATE OR WHO YOU HOPE TO NOMINATE YOU. WE'LL HAVE A DISCUSSION AND ELECTION IN THE FOLLOWING ZONING ADJUSTMENTS BOARD MEETING. OH, YES. SORRY. DON'T TALK AMONGST YOURSELVES. TALK WITHIN YOUR OWN MIND ABOUT THIS. IN GROUPS OF LESS THAN THREE. OKAY. ANY OTHER COMMENTS?

>> I WANTED TO SHARE ONE THING THAT IS INFORMATIONAL. ONE OF THE PRINCIPAL PLANNERS AND MYSELF WILL BE ON A PANEL AT THE SAN FRANCISCO PLANNING AND RESEARCH OFFICES TALKING ABOUT THE NORTH BERKELEY B.A.R.T. APPROVALS WITH COLLEAGUES IN EL CERRITO. YOU ARE WELCOME TO ATTEND. IT'S OPEN TO THE PUBLIC. IT'S WITH SPUR. YEAH.

>> CHAIR DUFFY: THANK YOU. ANYTHING ELSE?

>> I REALLY WANT TO MAKE A COMMENT. DON'T TALK AMONGST YOURSELVES FOR REAL FOR REAL. THAT WAS A BIG MISTAKE. THANK YOU.

>> CHAIR DUFFY: OKAY. THE MEETING IS OVER AT 8:44. THANK YOU, EVERYBODY. WE HAVE TO CLOSE THE MEETING. I THOUGHT THAT WAS A LITTLE AWKWARD. OKAY. I WAS THROWN OFF BY MY LACK OF

PROFESSIONALISM. OKAY, SO NOW I WOULD LIKE TO MAKE A MOTION TO ADJOURN AND WE HAVE TO VOTE. IT'S NOT ALL THOSE IN INNOVATIVE SAY AYE. I MAKE A MOTION TO ADJOURN. SECOND FROM VICE CHAIR GAFFNEY. AND WE TAKE A VOTE.

>> GREAT. FOR A FINAL VOTE OF THE EVENING. WE HAVE A MOTION FROM CHAIR DUFFY AND A SECOND FROM VICE CHAIR GAFFNEY. TO ADJOURN. PLEASE STATE YOUR VOTE WHEN I CALL YOUR NAME. COMMISSIONER KASHANI.

>> A. KASHANI: YES.

>> CHAIR DUFFY.

>> CHAIR DUFFY: YES.

>> VICE CHAIR GAFFNEY.

>> VICE CHAIR GAFFNEY: YES.

>> COMMISSIONER THOMPSON.

>> M. THOMPSON: YES.

>> COMMISSIONER JERSEY.

>> YES.

>> COMMISSIONER ALLEN.

>> S. ALLEN: YES.

>> COMMISSIONER KAHN.

>> C. KAHN: YES.

>> COMMISSIONER YUNG.

>> B. YUNG: YES.

>> COMMISSIONER SANDERSON.

>> D. SANDERSON: YES.

>> CHAIR DUFFY: THANK YOU, THE MOTION PASSES. AND NOW WE'RE OFFICIALLY CLOSED.

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

☐ YES ☑ NO

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☑ YES ☐ NO

Is your project vested by a preliminary housing development pre-application under SB 330?

☐ YES, Pre-Application #PLN20 _____ - _____

☑ NO

Does your project utilize State Density Bonus?

☐ YES ☑ NO

Does your project include on-site below market rate units (affordable housing)?

☐ YES ☑ NO

DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate "site plan" or "massing diagram" for posting online or for distribution to the public.

If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

"Site plan" means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

PLEASE CHECK ONE OF THE FOLLOWING (required):

☐ **My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.**

☑ **Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.**

Under penalty of perjury, I certify that:

(1) the application materials are true and complete to the best of my knowledge; and
(2) if provided, the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

APPLICANT'S SIGNATURE:		OWNER'S SIGNATURE:	
L. Newman		L. Newman	
Printed Name:	Date:	Printed Name:	Date:
Lindsay Newman	1.7.2024	Lindsay Newman	1.7.2024

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

Zoning Project Application

APPLICATION TYPE? CHECK ALL THAT APPLY:

- ☑ **Administrative Use Permit(s)**
- ☐ **Use Permit(s)**
- ☐ **Variance(s)**
- ☐ **Telecommunications Use Permit**
- ☐ **Modification to an Administrative Use Permit or Use Permit**

PROJECT INFORMATION

Project Address(es):

1048 Keith Avenue

Unit(s)/Suite(s) #:

Assessor Parcel Number(s):

61-2555-31-1

Project Description:
(include applicable demolition/removal, proposed use(s) total square feet of new/addition, height, number of units and very-low income units, and parking)

Demolition of existing single family dwelling. Build new 2-story, 3,600SF, 4bd/45ba, single family dwelling. No change in use. 23.5' maximum height.

☐ **DEDICATED CONSULTANT REVIEW REQUESTED FOR USE PERMIT? (Check box if requested)**

Dedicated Consultant Review involves a competitive bid process to select an outside consultant, and is only available for Use Permits, substantial modifications to a Use Permit, Variances. Consultant costs are in addition to Use Permit fees already paid.

PROPERTY OWNER'S NAME:

Lindsay Newman & Joachim Kainz

Owner's Property Address:

1044 Keith Ave, Berkeley, CA 94708

Phone Number::

313.615.9400

Email:

newmanli26@yahoo.com

APPLICANT'S NAME:

Lindsay Newman

Owner's Property Address:

1044 Keith Ave, Berkeley, CA 94708

Phone Number::

313.615.9400

Email:

newmanli26@yahoo.com

GENERAL INFORMATION

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformancde with the Zoning Ordinance, Title 23 of the Berkeley Municipal Code.

Additional information about zoning permits:

Types of Zoning Permits

How to Submit a Zoning Project Application

Supplemental Land Use applications, forms, and instructions

Zoning Project Submittal Requirements (must accompany this application)

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

☐ YES ☑ NO

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☑ YES ☐ NO

Is your project vested by a preliminary housing development pre-application under SB 330?

☐ YES, Pre-Application #PLN20 _____ - _____

☑ NO

Does your project utilize State Density Bonus?

☐ YES ☑ NO

Does your project include on-site below market rate units (affordable housing)?

☐ YES ☑ NO

DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate "site plan" or "massing diagram" for posting online or for distribution to the public.

If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

"Site plan" means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

PLEASE CHECK ONE OF THE FOLLOWING (required):

☐ **My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.**

☑ **Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.**

Under penalty of perjury, I certify that:

(1) the application materials are true and complete to the best of my knowledge; and
(2) if provided, the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

APPLICANT'S SIGNATURE:

Printed Name: Lindsay Newman Date: 1.7.2024

OWNER'S SIGNATURE:

Printed Name: Lindsay Newman Date: 1.7.2024

INFORMATION & SUBMITTAL CHECKLIST CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects. Sections 2-7 is a checklist of materials that may be required based on the project type or location.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description identifies whether an item is required, and indicates how to prepare each document, drawing, material, and/or report. Hyperlinked forms and instructions are also online under Land Use at **https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms**.

Pages 1—2 of this packet must be completed and submitted with the Application. Staff will verify that the minimum submittal requirements have been included with your package during the application screening and submittal. Applications that are missing the materials will not be accepted for review.

All documents, reports and plans must be provided in digital format, unless requested in hard copy. See the **Guide to Submitting a Zoning Project Application** for digital plans and document standards.

SECTION 1 - REQUIRED FOR ALL PROJECTS

- ☑ **A. Completed Application**
  - ☑ **1. Zoning Project Application Form**
  - ☑ **2. Completed Copy of This Zoning Project Submittal Requirements Checklist (Pages 1-2)**
- ☑ **B. Applicant Statement/Waiver Request**
- ☐ **C. Payment of Application Fees**
- ☑ **D. Hazardous Waste and Substance Statement**
- ☑ **E. Tabulation Form**
- ☑ **F. Pre-Application Yellow Poster**
- ☑ **G. Pre-Application Neighborhood Contact**

SECTION 2 - PLANS REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

PLAN SET (I.E. ARCHITECTURAL DRAWINGS)

- ☑ **A. Site Plan**
- ☑ **B. Landscape and Usable Open Space Plan**
- ☑ **C. Lot Coverage Diagram**
- ☑ **D. Floor Plans**
- ☑ **E. Building Elevations**
- ☑ **F. Street Strip Elevation**
- ☑ **G. Section Drawings**
- ☑ **H. Boundary and/or Topographic Survey**
- ☑ **I. Grading Plan**

SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS

- ☑ **A. Site Photographs**
- ☑ **B. Shadow Study**
- ☑ **C. Story Pole Plan**
- ☐ **D. Arborist Report**
- ☐ **E. Structural Evaluation**
- ☐ **F. Parking Survey**
- ☐ **G. Transportation Demand Management**
- ☐ **H. Photo Simulations**
- ☐ **I. Public Art Declaration**
- ☐ **J. Bird Safe Requirements**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 4 - ENVIRONMENTAL REVIEW

- ☐ A. Creek Protection Documentation
- ☑ B. Historic Resource Evaluation
- ☐ D. Geotechnical and Seismic Hazard Investigation
- ☐ C. Phase I or Phase II Site Assessment
- ☐ E. Transportation Impact Study
- ☐ F. State General Construction Permit
- ☐ G. Stormwater Requirements Checklist

SECTION 5 - REQUIRED FOR HOUSING DEVELOPMENT PROJECTS SUBJECT TO AFFORDABLE HOUSING REQUIREMENTS

- ☐ A. Affordable Housing Compliance Plan (Preliminary)
- ☐ B. Anti-Discrimination Housing Policies
- ☐ C. Density Bonus Eligibility Statement
- ☐ D. Area of Potential Effects (APE) Statement

SECTION 6 - LANDSCAPE AND GREEN BUILDING REQUIREMENTS

- ☐ A. WELO Landscape Requirements
- ☐ B. Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code
- ☐ C. Green Building Requirements

SECTION 7 - RELATED LAND USE PLANNING DIVISION APPLICATIONS

- ☐ A. Design Review
- ☐ B. Structural Alteration Permit
- ☐ C. Zoning Use Questionnaire
- ☐ D. Home Occupation Questionnaire - Class II and III

City of Berkeley
Department of Land Use Planning
1947 Center Street
Berkeley, CA 94704

January 7, 2024

Subject:	Applicant Statement & Request to waive a submittal requirement
Project Address:	1048 Keith Ave, Berkeley, CA
Job. No. :	LN-1048

This letter is to describe the propped project and how it satisfies the findings required by the Zoning Ordinance, as well as any request to waive a submittal requirement.

Proposed Changes:

1) Demolish existing single family dwelling
2) Build new 2-story, 3,600 SF, 4bd/4.5ba, single family dwelling in place of old structure. Maximum height = 23.5'.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Lindsay Newman, PE
p.313.615.9400



CITY OF BERKELEY

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Email: Planning@cityofberkeley.info

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

http://www.calepa.ca.gov/SiteCleanup/CorteseList/

https://www.envirostor.dtsc.ca.gov/public/

Applicant's Information:

Name: LINDSAY NEWMAN

Street Address: 1044 KEITH AVE

City, State, Zip Code: BERKELEY, CA 94708

Phone Number: 313.615.9400 Email: NEWMANLI26@YAHOO.COM

Project Information:

Address: 1048 KEITH AVE

City, State, Zip Code: BERKELEY, CA 94708

Assessor's book, page, and parcel number: 61-2555-31-1

Specify any list that the site appears on:

Regulatory identification number:

Date of list:

Site Use (if known):

Past: R-3 Present: R-3

Proposed: R-3 (NO CHANGE)

Submittals (check all that are available):

__Phase I Report __Phase II Report __Closure Letter __Other:

Applicant's verification:

Signature: L. Newman Date: 1.7.24

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1048 Keith Ave Date: 1.7.2024

Applicant's Name: Lindsay Newman

Zoning District: R-3

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

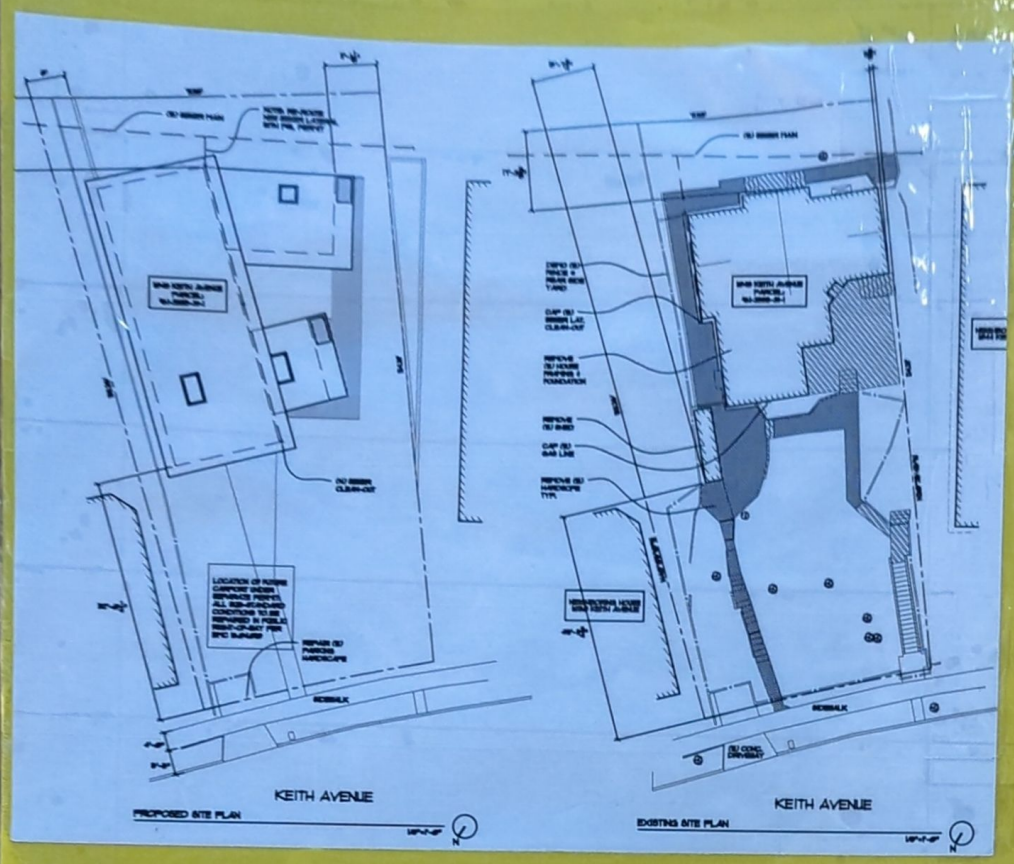
	Existing	Proposed	Permitted/ Required[1]
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	1	
Number of Parking Spaces (#)	1	1	
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	3	4	
Yards and Height			
Front Yard Setback (Feet)	50'	52'	
Side Yard Setbacks: (facing property) Left: (Feet)	13.67'	8'	
Right: (Feet)	0.83'	11.1'	
Rear Yard Setback (Feet)	17.33'	15'	
Building Height* (# Stories)	1+crawlspace	2 (no crawlspace)	
Average* (Feet)	15.5'	20.5'	
Maximum* (Feet)	18.5'	23.5'	
Areas			
Lot Area (Square-Feet)	7,800	7,800	
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	2,760	3,600	
Building Footprint* (Square-Feet) Total of All Structures	1,410	1,800	
Lot Coverage* (%) Residential districts only (Building Footprint/Lot Area)	18.1	23.1	
Useable Open Space* (Square-Feet)	6,390	6,000	
Floor Area Ratio* Non-Residential districts only (Except ES-R)			

*See Glossary – BMC Chapter 23.502.

Revised: 12/21

[1] See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204

PROPOSED PROJECT



PROJECT INFORMATION

1048 KEITH AVENUE

1) Demo existing single-family dwelling
2) Construct proposed 2-story single family dwelling, max. ht = 24'

APPLICANT INFORMATION

Lindsay Newman
newmanli26@gmail.com

For more information check the Planning Department Web Page:
www.cityofberkeley.info/planning
or call: 510.981.7410

Public Notices:


PROPOSED PROJECT
PROJECT INFORMATION
1048 KEITH AVENUE
1) Demo existing single-family dwelling
2) Construct proposed 2-story single family dwelling, max. ht = 24'
APPLICANT INFORMATION
Lindsay Newman
newmanli26@gmail.com
For more information check the Planning Department Web Page: www.cityofberkeley.info/planning or call: 510.981.7410
Public Notices:


1048



I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
LINDSAY NEWMAN	L. Newman	1044 KEITH AVE	OWNER	✓		✓
Lisa Rose	Lisa Rose	1047 KEITH AVE	OWNER	✓		
<see below>		1049 KEITH AVE				
<see below>		1050 KEITH AVE				
<see below>		1051 KEITH AVE				
CHRIS FERNE		1109 HIGH CT	Owner	✓		✓
Maureen Bessette		1111 HIGH CT	owner			✓
Ellice Richmond & Owen Brenner		1113 HIGH CT	owner	✓		

→ Not home 11/9/24 or 11/10/24. Stopped by 3 times each. sent by certified mail 11/11/24 (see receipts)

ADMINISTRATIVE USE PERMIT

SHEET INDEX

A1 GENERAL NOTES & SITE PLAN
A2 LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3 PROPOSED FLOOR PLAN
A4 PROPOSED ROOF AND SECOND FLOOR PLAN
A5 PROPOSED EAST & WEST ELEVATIONS
A6 PROPOSED NORTH & SOUTH ELEVATIONS
A7 PROPOSED LONGITUDINAL SECTIONS
A8 PROPOSED EAST WEST SECTIONS
A9 STREETSCAPE ELEVATION
A10 BOUNDARY & TOPOGRAPHIC SURVEY
A11 GRADING PLAN

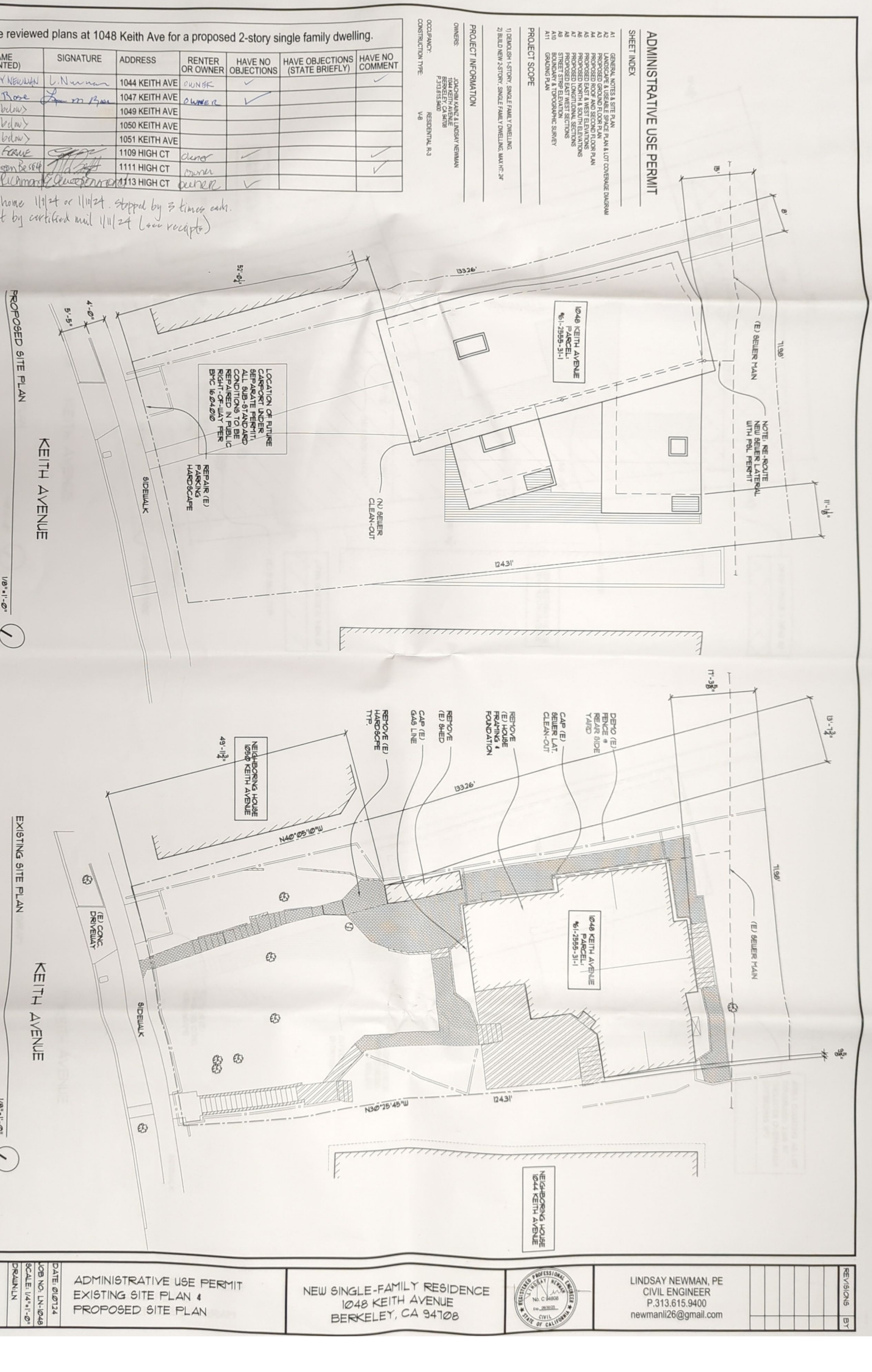
PROJECT SCOPE

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING
2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 24'

PROJECT INFORMATION

OWNERS: JOACHIM KANZ & LINDSAY NEWMAN
1048 KEITH AVENUE
BERKELEY, CA 94708
P.313.815.9400

OCCUPANCY: R-3
CONSTRUCTION TYPE: V-B RESIDENTIAL



ADMINISTRATIVE USE PERMIT
EXISTING SITE PLAN & PROPOSED SITE PLAN

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REVISIONS | BY

DATE: 01.01.24
JOB NO. LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1
OF ELEVEN SHEETS



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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $1.14
Total Postage and Fees $5.49

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ALBANY CA 94706
JAN 11 2024
Postmark Here
01/11/2024

Sent To HEATHER & CHRIS
Street and Apt. No., or PO Box No. 1049 KEITH AVE
City, State, ZIP+4® BERKELEY, CA 94708

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage $1.14
Total Postage and Fees $5.49

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USPS ALBANY STATION
ALBANY CA 94706
JAN 11 2024
Postmark Here
01/11/2024

Sent To BAHRAM & ERICA
Street and Apt. No., or PO Box No. 1050 KEITH AVE
City, State, ZIP+4® BERKELEY, CA 94708

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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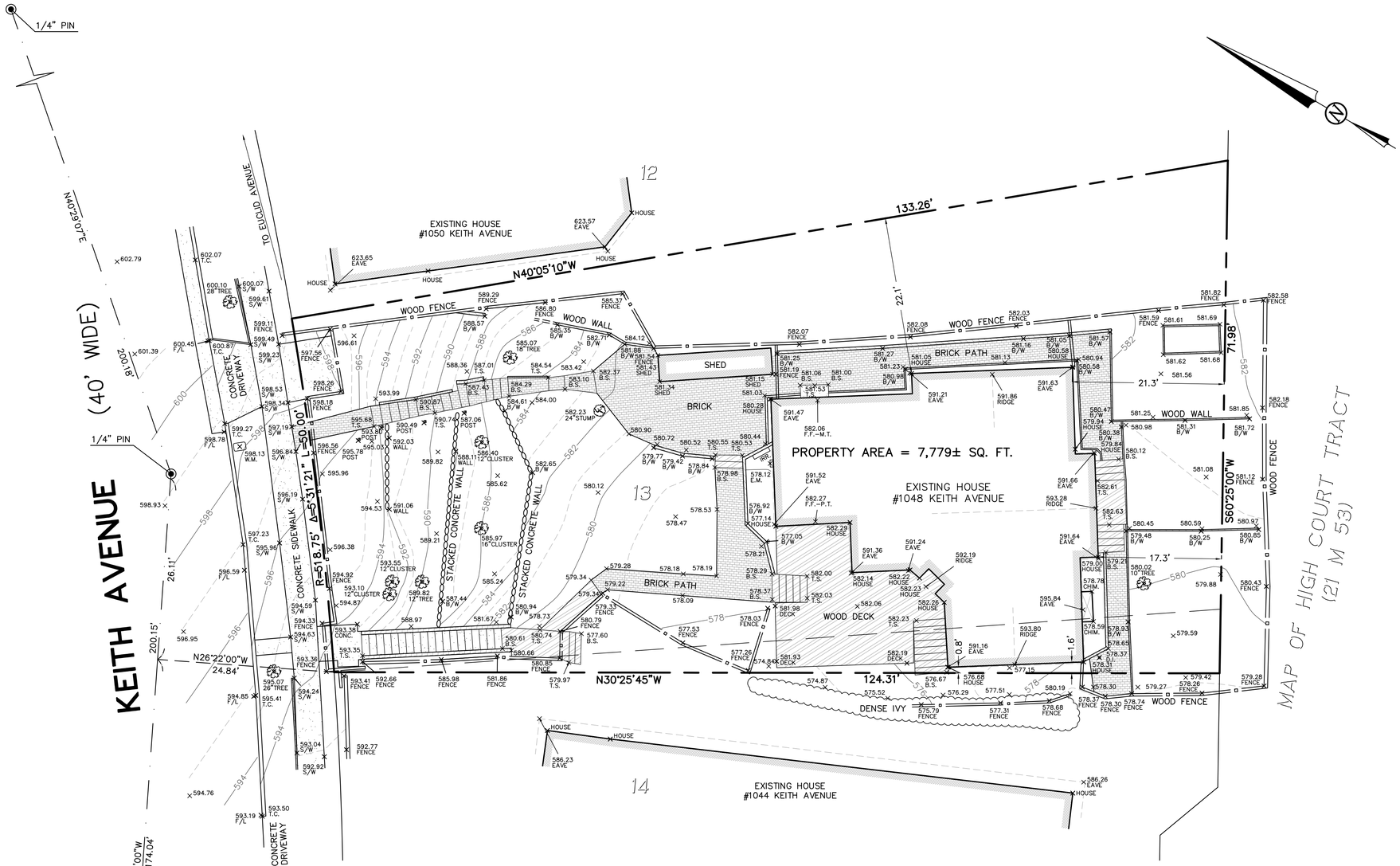
Certified Mail Fee $4.35
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ALBANY CA 94706
JAN 11 2024
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01/11/2024

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Street and Apt. No., or PO Box No. 1051 KEITH AVE
City, State, ZIP+4® BERKELEY, CA 94708

9589 0710 5270 1232 3241 07



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544



Street view from sidewalk between 1049 and 1047 Keith, looking SE



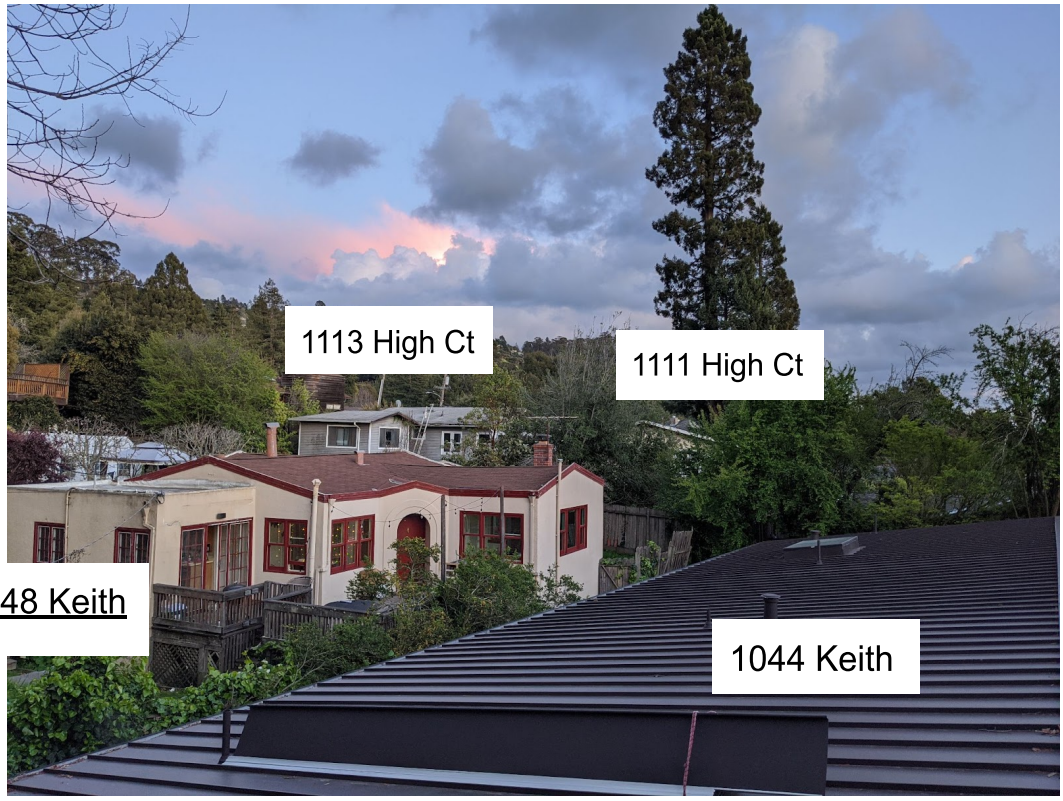
Street view from sidewalk between 1047 and 1049 Keith, looking south



View from 1048 sidewalk, looking north



View from 1048 sidewalk, looking NW



View from SE corner of neighboring parking pad at 1044 Keith Ave



View from flat front roof of 1048 Keith Ave looking west



View from rear stair of 1050 Keith looking west



View from south corner roof of 1048 Keith looking north

PRESERVATION
ARCHITECTURE

January 5, 2021

1048 Keith Ave., Berkeley
City of Berkeley Historical Evaluation

As delineated below, per the City of Berkeley's *Landmarks Preservation Ordinance (LPO)*, the residential property and building located at 1048 Keith Ave. are not eligible for designation as a City of Berkeley Landmark or Structure of Merit.

3.24.110 Landmarks, historic districts and structures of merit--Designation--Criteria for consideration.

A. Landmarks and historic districts. General criteria which the commission shall use when considering structures, sites and areas for landmark or historic district designation are as follows:

1. *Architectural merit:*

   a. *Property that is the first, last, only or most significant architectural property of its type in the region;*

   The subject residential building is not the first, last, only or most significant residence of its type in the City of Berkeley.

   b. *Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or*

   The subject residential building is not prototypical or outstanding in any respect, has no identified architect, etc., nor was it the work of a master builder.

   c. *Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.*

   This minor residential building has no exceptional values to offer to the neighborhood fabric.

2. *Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;*

   The subject residential building was one of a large number of typical residences built in the 1920s in the immediate vicinity and beyond. Thus, in its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance

3. *Educational value: Structures worth preserving for their usefulness as an educational force;*

   The subject residential building has no educational value.

4. *Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;*

   The subject property and its building do not embody and express historic value.

446 17th Street #302 Oakland 94612
510 418 0285 mhulbert@earthlink.net

5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The subject property and building are not listed on the National Register.

B. Structures of merit. Criteria which the commission shall use when considering a structure for structure of merit designation are as follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

2. Specific criteria include, but are not limited to one or more of the following:

a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

The subject residential building is not contemporary with a designated landmark within its neighborhood or with any historic period or event of identifiable significance specific to the City of Berkeley or its neighborhoods.

b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

The subject building is not compatible with a designated structure within its neighborhood, etc.

c. The structure is a good example of architectural design.

This highly modest, minor residential building is not a good example of architectural design.

d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

The subject residential building has no identifiable historical significance relative to the City of Berkeley or to its neighborhood, etc.

In conclusion, the property and building at 1048 Keith Ave. in Berkeley do not have potential historical significance under the criteria of the City of Berkeley's LPO.

Signed:



Mark Hulbert
Preservation Architect & Historic Resources Consultant

State of California ☐ The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI #
PRIMARY RECORD Trinomial
NRHP Status Code
Other Listings
Review Code Reviewer Date

Page 1 **of** 4 ***Resource Name or #:** 1048 Keith Ave., Berkeley, CA
P1. Other Identifier: None

***P2. Location:** ☐ **Not for Publication** ■ **Unrestricted**
***a. County** Alameda
***b. USGS 7.5' Quad** Oakland West **Date** 1993 **Township & Range** T1S/R3W
c. Address 1048 Keith Ave. City Berkeley Zip 94709
d. UTM: Zone __, _____ mE/ _____ mN
e. Other Locational Data: Assessor's Parcel Number: 61-2555-31-1

***P3a. Description:**
The subject residential property lies on the south side of Keith Ave. and is steeply downsloping, with the house substantially set back from and below the street. Per Alameda County Assessor's information, the lot occupies some 7,780 square feet. The wood frame, single family house is a single-story over a high crawl space with a floor area of approximately 1,400 square feet. Its plan is an inverted L-shape, its main front-gabled form the leg with a small, centered frontward extension, an east side ell that is a secondary gable and another shallow side gable facing east. Gabled roofs are low-sloped, the forward extension is flat-roofed. (cont.)

P5a. Photograph



Fig.1 – 1048 Keith Ave., front (north) and west side from street

***P3b. Resource Attributes:** HP2: Single-family property
***P4. ResourcesPresent:** ■ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
P5b. Description of Photo: (view, date, accession #)
Fig.1)MH,2020;
2)Sanborn map,1950
***P6. Date Constructed/Age and Source:** ■ Historic ☐ Prehistoric ☐ Both
1924 (bldg.permit #18401)
***P7. Owner and Address:**
Joachim Kainz & Lindsay Newman, 1044 Keith Ave., Berkeley, CA 94708
***P8. Recorded by:**
Mark Hulbert
446 17th St. #302
Oakland, CA 94612
***P9. Date Recorded:**
January 5, 2021

***P10. Survey Type:**
Intensive
***P11. Report Citation:**
none

***Attachments:** ☐NONE ☐Location Map ■Continuation Sheet ■Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List): _____

State of California □ The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

***Resource Name or #**: 1048 Keith Ave., Berkeley ***NRHP Status Code**
Page 2 **of** 4

B1. Historic Name: --
B2. Common Name: 1048 Keith Ave.
B3. Original Use: Single-family residence B4. Present Use: same
***B5. Architectural Style:** Minimal Spanish/Mediterranean
***B6. Construction History:**

The subject, single-family house was permitted in Sept. 1924 thus constructed in 1924-25 on a presumably previously vacant parcel first mapped as lot 13 and a portion of lot 14 in block 2 of the April 1908 map of North Cragmont, which neighborhood was then annexed into north Berkeley.

Both the 1929 and 1950 Sanborn maps depict the plan of the existing house, including the front extension, the appearance of which is that of an addition rather than an integral part of the house.

Original permit records exist for the house and for the former single-car garage that stood at the street in the northeastern corner of the site, that original garage also depicted in both Sanborns. The 1924 permit identified the owner as Miss E. Hogue and the builder O.H. Butzke. (cont.)

***B7. Moved?** ■**No** □**Yes** □**Unknown** **Date:** **Original Location:**
***B8. Related Features:** None
B9a. Architect: none b. Builder: O.H. Butzke
***B10. Significance: Theme** -- **Area** North Berkeley, CA
Period of Significance -- **Property Type** Residential **Applicable Criteria** --

Per the following evaluation, the subject property and building have no identifiable associations to any events or persons important to history. Additionally, the 1924 house is a basic and undistinguished design without construction characteristics of interest, without an identifiable architect, etc., and its builder is of no identifiable importance. Consequently, as the property and residence at 1048 Keith Ave. in Berkeley do not meet any CR criteria, they are not CR eligible. (cont.)

B11. Additional Resource Attributes: none

***B12. References:**
City of Berkeley permit records (microfiche); 1929 and 1950 Sanborn maps (@sfpl.org); 1910-1940 U.S. censuses (@heritagequest.org); Alameda County directories (@loc.org).

B13. Remarks:
***B14. Evaluator:** Mark Hulbert, Preservation Arch.
***Date of Evaluation:** January 5, 2021

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



Fig.2 – 1048 Keith Ave. (arrow)

Description: (cont.)

An elevated wood deck fills the space of the L and the front entry is via an arched opening in a chamfered wall at the inside crook of the L. Exterior walls are stucco (cement plaster) with nominal wood trim at window openings and tracing the tops of walls. Windows are a mix of materials (wood, aluminum) and types (hung, casement, sliding). Sloped roofing is shingled, flat is built-up.

Construction History: (cont.)

Other permit records include:

date	*work*	*owner*
1951	Termite repairs	R. Jackson
1966	Gas	Rodney Jackson
1974	New foundation	Franklin Galves
1981	Reroof	Berck
1986	Interior alts	Peter & Janet Berck
1989	Reroof	Janet Lord
1992	Deck replaced/enlarged	Peter Berck
1999	Reroof	Cyndi Berck

The 1924 permit identified the owner as Miss E. Hogue and the builder O.H. Butzke. As discussed below, research confirms that the original owner was Ms. Effa L. Hogue (1891-1950).

Significance: (cont.)

Associated Persons
In the 1920 U.S. census, a 28 year old Effie L. Hogue was identified as a high school teacher sharing a residence with her mother on High Court, a dead end street in the ravine directly below the subject property. Hogue was also listed on High Court in the 1924 directory but was not listed in Berkeley in subsequent 1920s directories (and no directories between 1916 and 1923 are available online). The earliest indication of Hogue residing in Berkeley is a 1916 state education directory that listed Effa L. Hogue as a teacher in Richmond and a resident of Hawthorne Terrace in Berkeley. The 1930 census located her in Merced, California, also identified as a schoolteacher. During the 1930s, Hogue was again listed on High Court in Berkeley. By the 1940 census, Hogue resided in Pasadena. Death records indicate that she died in 1950 in Los Angeles.

Hogue was not listed at 1048 Keith Ave. in any directories or censuses, so evidently built this house speculatively. In fact, there is evidence that she and the builder Butzke had previously teamed up to construct another house in the vicinity, at 1173 Sutter St. (from *Organized Labor*, 18 Aug. 1923, p7).

No deed research has been undertaken as the County Assessor's office is presently closed. At this juncture, no original or early occupants have been identified. In two permit records, the first in 1951 and the second in 1966, the next name associated with 1048 Keith Ave. was Rodney Jackson and who was first listed at 1048 Keith in the 1951 directory. As Hogue died in 1950, it is possible that Jackson acquired the property from Hogue c1950. By 1967, Jackson was no longer listed at 1048 Keith Ave.

Permit records indicate a subsequent owner, Franklin Galves, in the mid-1970s, when Galves was also listed at 1048 Keith Ave. in the 1975 directory. Peter Berck first permitted work under his ownership in 1981 and the Berck family sold the property to its current owners in 2019. (cont.)

Significance: (cont.)

Evaluation

The following addresses historic resource potential per the four California Register of Historical Resources (CR) evaluation criteria:

Under ***criterion 1*****,** the 1924 residence falls under the historic context of single-family residential development in Berkeley and the San Francisco Bay region in the early 20th century. In that broad context, the subject house was one of a large number of residences of its type built in the 1920s in the immediate vicinity as well as throughout the Bay Area and California. Thus, in its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance.

Under ***criterion 2*****,** no persons of potential historical importance are associated with the subject property.

Under ***criterion 3*****,** in terms of its design and construction, the extant residence appears to be mostly original and/or early excepting for windows and decks and its original garage, which was removed in the 1950s. The minimal Spanish/Mediterranean design of the extant house clearly lacks architectural distinction as it is a highly modest and minor residential example without any period embellishments. There is additionally no identified architect while the builder, O.H. Butzke, is also without identifiable importance.

As the subject house does not embody design or construction distinction or embody artistry, is not the work of any identifiable architect or of an historically important builder, the residence at 1048 Keith Ave. does not meet *CR criterion 3.*

Lastly, under ***criterion 4,*** beyond the current effort, the subject property and house have not yielded any historical information and do not have further historical information potential.

In conclusion, the property and residence at 1048 Keith Ave. in Berkeley do not meet any CR criteria so are not CR eligible.

Planning and Development Department
Land Use Planning Division

February 8th, 2024

Sent via email to:
newmanli26@yahoo.com

Lindsay Newman
1044 Keith Ave
Berkeley, CA, 94708

Re: Application Status Incomplete – Use Permit #ZP2024-0014 for 1048 Keith Avenue

Dear Lindsay Newman,

Thank you for the Zoning Permit application submittal received on January 11th, 2024 to demolish a single-family residence and construct a new two-story, 3,600 square-foot single-family dwelling unit in the R-1H district. The application has been evaluated for completeness with the submittal checklist and application guidelines.

Application – Based on my review, the following zoning permits are required:

- **Use Permit (Public Hearing)**, pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B), to demolish a dwelling unit.
- **Additional Use Permit (Public Hearing)**, pursuant to Berkeley Municipal Code (BMC) Section 23.202.020, to construct a two-story Single-Family Dwelling unit.
- **Additional Administrative Use Permit**, pursuant to Berkeley Municipal Code (BMC) Section BMC 23.210.020(C)(4), to reduce the building setbacks to 15 feet, consistent with purpose of the H overlay zone.

Items Required for Submittal or Correction

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 Title 7), the application has been deemed incomplete as of February 8th, 2024. Please prepare and resubmit the following additionally required information:

1. **Payment of Application Fees:**
    - The project has been entered into Accela and invoiced. Please submit required fees to the cashier in the Permit Service Center or pay through the Online Permit Portal. I have attached a PDF of your invoice for reference. The project planner may charge additional permit fees if applicable.

2. **Tabulation Form:**
    - Please change the Zoning District to R-1H
    - Using development standards from the Zoning Code, please complete **all** portions (the "Permitted/Required" sections) with applicable regulations.

3. **Site Plan:**
    - Please dimension the building footprints for any proposed buildings.
    - Please include building-to-building separations for neighboring buildings within 20 feet of the property lines.
    - Please indicate driveways and parking spaces with dimensions. (Feel free to ignore this comment if the proposed project has no off-street parking and/or driveways.)
    - Please include and label any trash/solid waste storage areas as needed.

4. **Landscape and Open Space Plan:**
    - Please callout any fences and retaining walls.
    - As stated in Number 12 of this letter, the property is within vicinity of an open creek. Please label this in the landscape and open space plan if findings support the existence of an open creek.
    - In the site photographs, there appears to be existing trees on the property. Please identify all types of trees that are currently on the property. Or state in the plans that there are no existing trees on the property.

5. **Floor Plans** – Please provide and separate plans for existing conditions.

6. **Building Elevations:**
    - Please include existing elevation with accurately labeled building heights, finished floor elevations and existing and finished grade.
    - Please callout all adjacent features such as fences, the deck shown in the site plan, and property lines.
    - In the R-1H zone, both average and maximum height must be clearly labeled. Please callout both average height and maximum height, per the instructions. Please also reflect this change on the tabulation form if the dimensions change.

7. **Boundary and Topographic Survey**
    - The survey does not include any topography on the East and rear side of the house. Please resubmit with updated survey to reflect this.
        - See Number 12 (Creek Protection Documentation) for more details.

8. **Street Strip Elevation:**
    - Street strip elevation must include at least two parcels on each side of the subject parcel on a single sheet. Please revise the plans to reflect this requirement.

9. **Conceptual Grading Plan:**
    - Sheet A11 is titled "Grading Plan" but the plans labeled are "ELEVATION PLAN". Please confirm that these are grading plans and revise the labels as needed.

10. **Shadow Study:**
    - Shadow studies are required new buildings exceeding 14 feet in average height in a residential district.
    - Please provide a set of Shadow Studies per the requirements in the Zoning Project Application Submittal Checklist. Use the embedded link as a guide.

11. **Story Pole Plan**
    - Story pole plans are required for new main buildings exceeding 14 feet in average height in the "H" District. Please use the embedded link as a guide.

12. **Creek Protection Documentation**
    - Revise the project plans to show the location of the open creek center line (typically this would be the low point of elevation) and the 30-feet setback on either side of the centerline.
    - Provide the requisite findings as prescribed for new construction in the creek protection documentation from a licensed engineer or geologist.
    - The subject property is within vicinity of an open creek and, therefore, this project proposal would be subject to a Public Works Creek Permit. Please submit a Creek Protection Documentation.
        - Be advised that the proposed new construction appears to be within proximity of a mandatory setback from the center of line a creek. The applicant must confirm the location of the creek with respect to the proposed new structure. Additional queries may result from zoning staff's review of this information. New structures within 30-feet setback of the centerline are prohibited unless a variance is first obtained.
        - Please contact Vincent Chen with Public Works at VChen@berkeleyca.gov for questions regarding the Creek Permit.
        - **If you believe that the City's map is inaccurate, please submit the following items in the plan resubmittal:**
            - Revised Topographic Survey with topography on the Eastern and rear side of the property, as this is approximately where the open creek centerline is located.
            - Photographs of the site at this location to verify the lack of low point that would otherwise exist for an open creek.

13. **Geotechnical and Seismic Hazard Investigation**
    - Geotechnical and seismic hazard investigation is required for all development projects intended for human occupancy located in a State-designated Seismic Hazard Zone.
    - Please provide this in the resubmittal unless you're able to provide evidence that the project is exempt under one of the exemptions listed in the Zoning Project Application Submittal Checklist:

- It's built on a parcel with an approved geologic report within an approved subdivision.
- Any alterations or additions comply with the specific limitations related to the value and size of the structure (not exceeding 50% of the structure's value or existing floor area).

- If the project does not meet one of the above exemptions, please submit the required documents as listed in the Zoning Project Application Submittal Checklist.

Next Steps

Please submit the outstanding information for staff review. Once revised information is submitted, staff will review for application completeness.

Permit Processing Review

During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application. This may result in additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

If you have any questions about the additionally, requested information, please reach out to me directly. Thank you in advance for your cooperation.

Sincerely,

Boshi Fu

Planning Technician

bfu@berkeleyca.gov

510-981-7544

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

Zoning Project Application

APPLICATION TYPE? CHECK ALL THAT APPLY:

- ☑ **Administrative Use Permit(s)**
- ☐ **Use Permit(s)**
- ☐ **Variance(s)**
- ☐ **Telecommunications Use Permit**
- ☐ **Modification to an Administrative Use Permit or Use Permit**

PROJECT INFORMATION

Project Address(es):

1048 Keith Avenue

Unit(s)/Suite(s) #:

Assessor Parcel Number(s):

61-2555-31-1

Project Description:
(include applicable demolition/removal, proposed use(s) total square feet of new/addition, height, number of units and very-low income units, and parking)

Demolition of existing single family dwelling. Build new 2-story, 3,600SF, 4bd/45ba, single family dwelling. No change in use. 23.5' maximum height.

☐ **DEDICATED CONSULTANT REVIEW REQUESTED FOR USE PERMIT? (Check box if requested)**

Dedicated Consultant Review involves a competitive bid process to select an outside consultant, and is only available for Use Permits, substantial modifications to a Use Permit, Variances. Consultant costs are in addition to Use Permit fees already paid.

PROPERTY OWNER'S NAME:	**APPLICANT'S NAME:**
Lindsay Newman & Joachim Kainz	Lindsay Newman
Owner's Property Address:	Owner's Property Address:
1044 Keith Ave, Berkeley, CA 94708	1044 Keith Ave, Berkeley, CA 94708
Phone Number::	Phone Number::
313.615.9400	313.615.9400
Email:	**Email:**
newmanli26@yahoo.com	newmanli26@yahoo.com

GENERAL INFORMATION

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformancde with the Zoning Ordinance, Title 23 of the Berkeley Municipal Code.

Additional information about zoning permits:

Types of Zoning Permits

How to Submit a Zoning Project Application

Supplemental Land Use applications, forms, and instructions

Zoning Project Submittal Requirements (must accompany this application)

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

☐ YES ☑ NO

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☑ YES ☐ NO

Is your project vested by a preliminary housing development pre-application under SB 330?

☐ YES, Pre-Application #PLN20 _____ - _____

☑ NO

Does your project utilize State Density Bonus?

☐ YES ☑ NO

Does your project include on-site below market rate units (affordable housing)?

☐ YES ☑ NO

DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate "site plan" or "massing diagram" for posting online or for distribution to the public.

If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

"Site plan" means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

PLEASE CHECK ONE OF THE FOLLOWING (required):

☐ **My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.**

☑ **Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.**

Under penalty of perjury, I certify that:

(1) the application materials are true and complete to the best of my knowledge; and
(2) if provided, the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

APPLICANT'S SIGNATURE:

Printed Name: Lindsay Newman Date: 1.7.2024

OWNER'S SIGNATURE:

Printed Name: Lindsay Newman Date: 1.7.2024

City of Berkeley
Department of Land Use Planning
1947 Center Street
Berkeley, CA 94704

January 7, 2024

Subject:	Applicant Statement & Request to waive a submittal requirement
Project Address:	1048 Keith Ave, Berkeley, CA
Job. No. :	LN-1048

This letter is to describe the propped project and how it satisfies the findings required by the Zoning Ordinance, as well as any request to waive a submittal requirement.

Proposed Changes:

1) Demolish existing single family dwelling
2) Build new 2-story, 3,600 SF, 4bd/4.5ba, single family dwelling in place of old structure. Maximum height = 23.5'.

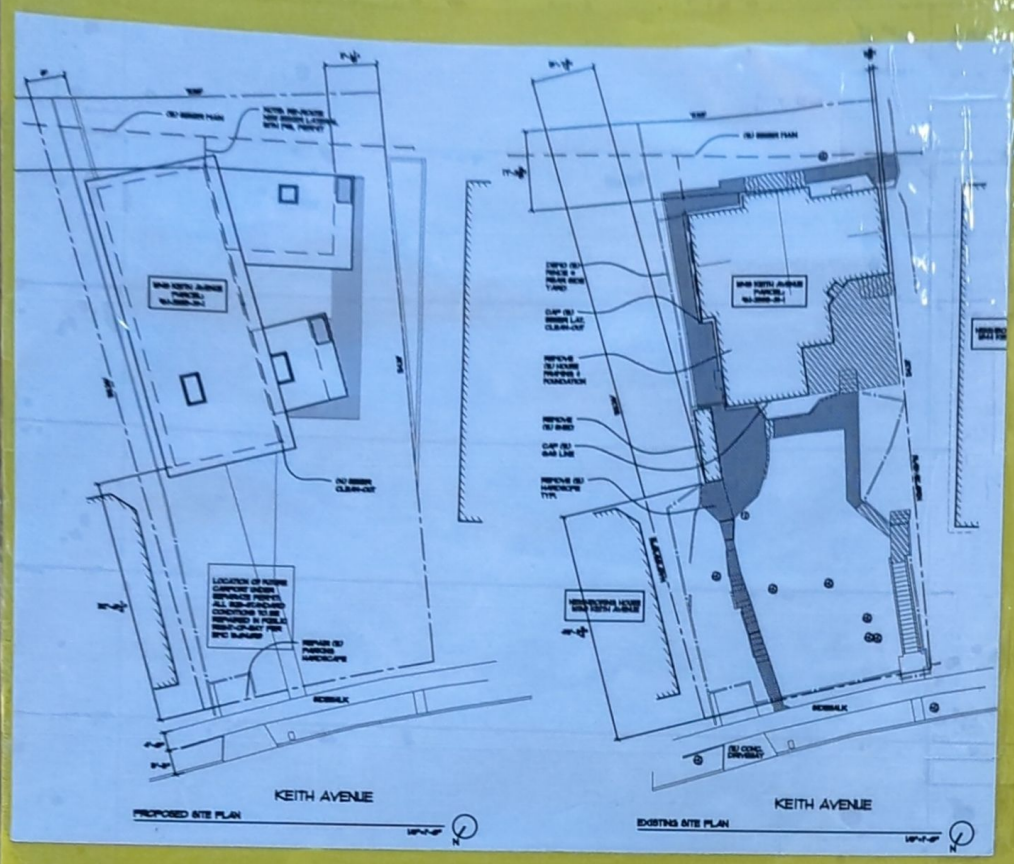
If you have any questions, please do not hesitate to contact me.

Sincerely,

Lindsay Newman, PE
p.313.615.9400



PROPOSED PROJECT



PROJECT INFORMATION

1048 KEITH AVENUE

1) Demo existing single-family dwelling
2) Construct proposed 2-story single family dwelling, max. ht = 24'

APPLICANT INFORMATION

Lindsay Newman
newmanli26@gmail.com

For more information check the Planning Department Web Page:
www.cityofberkeley.info/planning
or call: 510.981.7410

Public Notices:


PROPOSED PROJECT
PROJECT INFORMATION
1048 KEITH AVENUE
1) Demo existing single-family dwelling
2) Construct proposed 2-story single family dwelling, max. ht = 24'
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1048

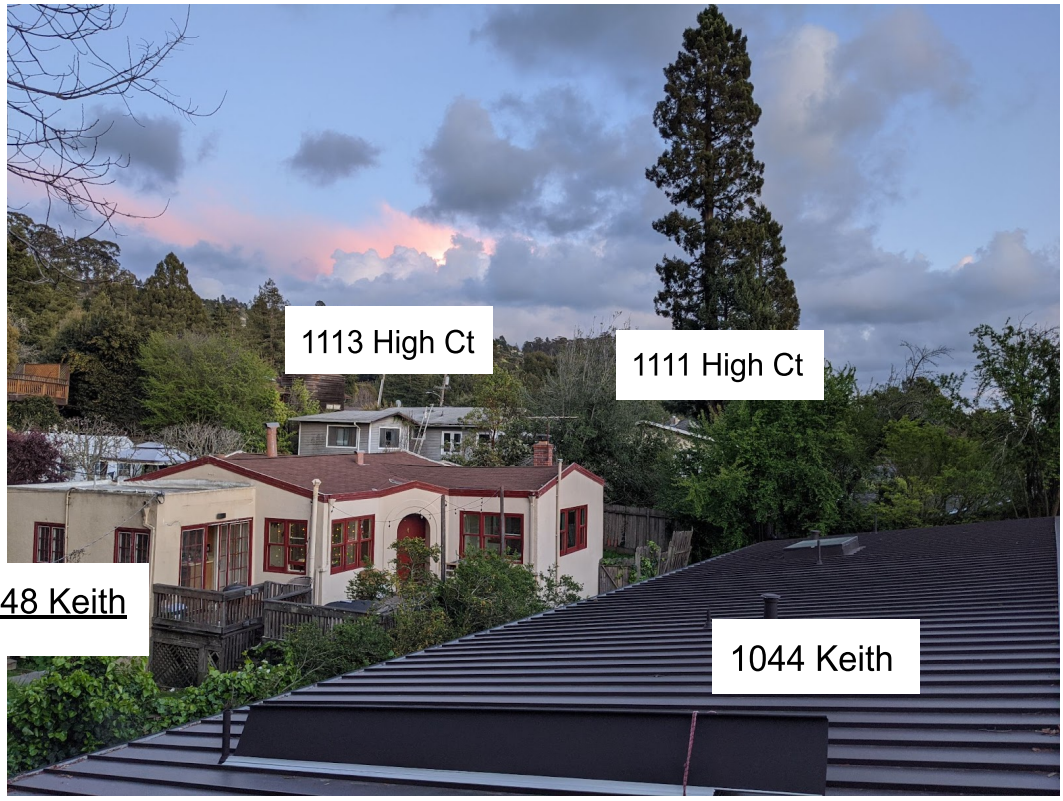




Street view from sidewalk between 1049 and 1047 Keith, looking SE



Street view from sidewalk between 1047 and 1049 Keith, looking south



View from SE corner of neighboring parking pad at 1044 Keith Ave



View from flat front roof of 1048 Keith Ave looking west



View from 1048 sidewalk, looking north



View from 1048 sidewalk, looking NW



View from rear stair of 1050 Keith looking west



View from south corner roof of 1048 Keith looking north

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

☐ YES ☑ NO

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☑ YES ☐ NO

Is your project vested by a preliminary housing development pre-application under SB 330?

☐ YES, Pre-Application #PLN20 _____ - _____

☑ NO

Does your project utilize State Density Bonus?

☐ YES ☑ NO

Does your project include on-site below market rate units (affordable housing)?

☐ YES ☑ NO

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If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

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PLEASE CHECK ONE OF THE FOLLOWING (required):

❑ **My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.**

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(1) the application materials are true and complete to the best of my knowledge; and
(2) if provided, the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

APPLICANT'S SIGNATURE: L. Newman

Printed Name: Lindsay Newman Date: 1.7.2024

OWNER'S SIGNATURE: L. Newman

Printed Name: Lindsay Newman Date: 1.7.2024

INFORMATION & SUBMITTAL CHECKLIST CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects. Sections 2-7 is a checklist of materials that may be required based on the project type or location.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description identifies whether an item is required, and indicates how to prepare each document, drawing, material, and/or report. Hyperlinked forms and instructions are also online under Land Use at **https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms**.

Pages 1—2 of this packet must be completed and submitted with the Application. Staff will verify that the minimum submittal requirements have been included with your package during the application screening and submittal. Applications that are missing the materials will not be accepted for review.

All documents, reports and plans must be provided in digital format, unless requested in hard copy. See the **Guide to Submitting a Zoning Project Application** for digital plans and document standards.

SECTION 1 - REQUIRED FOR ALL PROJECTS

- ☑ **A. Completed Application**
  - ☑ **1. Zoning Project Application Form**
  - ☑ **2. Completed Copy of This Zoning Project Submittal Requirements Checklist (Pages 1-2)**
- ☑ **B. Applicant Statement/Waiver Request**
- ☐ **C. Payment of Application Fees**
- ☑ **D. Hazardous Waste and Substance Statement**
- ☑ **E. Tabulation Form**
- ☑ **F. Pre-Application Yellow Poster**
- ☑ **G. Pre-Application Neighborhood Contact**

SECTION 2 - PLANS REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

PLAN SET (I.E. ARCHITECTURAL DRAWINGS)

- ☑ **A. Site Plan**
- ☑ **B. Landscape and Usable Open Space Plan**
- ☑ **C. Lot Coverage Diagram**
- ☑ **D. Floor Plans**
- ☑ **E. Building Elevations**
- ☑ **F. Street Strip Elevation**
- ☑ **G. Section Drawings**
- ☑ **H. Boundary and/or Topographic Survey**
- ☑ **I. Grading Plan**

SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS

- ☑ **A. Site Photographs**
- ☑ **B. Shadow Study**
- ☑ **C. Story Pole Plan**
- ☐ **D. Arborist Report**
- ☐ **E. Structural Evaluation**
- ☐ **F. Parking Survey**
- ☐ **G. Transportation Demand Management**
- ☐ **H. Photo Simulations**
- ☐ **I. Public Art Declaration**
- ☐ **J. Bird Safe Requirements**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 4 - ENVIRONMENTAL REVIEW

- ☐ A. Creek Protection Documentation
- ☑ B. Historic Resource Evaluation
- ☐ D. Geotechnical and Seismic Hazard Investigation
- ☐ C. Phase I or Phase II Site Assessment
- ☐ E. Transportation Impact Study
- ☐ F. State General Construction Permit
- ☐ G. Stormwater Requirements Checklist

SECTION 5 - REQUIRED FOR HOUSING DEVELOPMENT PROJECTS SUBJECT TO AFFORDABLE HOUSING REQUIREMENTS

- ☐ A. Affordable Housing Compliance Plan (Preliminary)
- ☐ B. Anti-Discrimination Housing Policies
- ☐ C. Density Bonus Eligibility Statement
- ☐ D. Area of Potential Effects (APE) Statement

SECTION 6 - LANDSCAPE AND GREEN BUILDING REQUIREMENTS

- ☐ A. WELO Landscape Requirements
- ☐ B. Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code
- ☐ C. Green Building Requirements

SECTION 7 - RELATED LAND USE PLANNING DIVISION APPLICATIONS

- ☐ A. Design Review
- ☐ B. Structural Alteration Permit
- ☐ C. Zoning Use Questionnaire
- ☐ D. Home Occupation Questionnaire - Class II and III

CITY OF BERKELEY

PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Email: Planning@cityofberkeley.info

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

http://www.calepa.ca.gov/SiteCleanup/CorteseList/

https://www.envirostor.dtsc.ca.gov/public/

Applicant's Information:

Name: LINDSAY NEWMAN

Street Address: 1044 KEITH AVE

City, State, Zip Code: BERKELEY, CA 94708

Phone Number: 313.615.9400 Email: NEWMANLI26@YAHOO.COM

Project Information:

Address: 1048 KEITH AVE

City, State, Zip Code: BERKELEY, CA 94708

Assessor's book, page, and parcel number: 61-2555-31-1

Specify any list that the site appears on:

Regulatory identification number:

Date of list:

Site Use (if known):

Past: R-3 Present: R-3

Proposed: R-3 (NO CHANGE)

Submittals (check all that are available):

__Phase I Report __Phase II Report __Closure Letter __Other:

Applicant's verification:

Signature: L. Newman Date: 1.7.24

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1048 Keith Ave Date: 1.7.2024

Applicant's Name: Lindsay Newman

Zoning District: R-3

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/ Required[1]
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	1	1	
Number of Parking Spaces (#)	1	1	
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	3	4	
Yards and Height			
Front Yard Setback (Feet)	50'	52'	
Side Yard Setbacks: (facing property) Left: (Feet)	13.67'	8'	
Right: (Feet)	0.83'	11.1'	
Rear Yard Setback (Feet)	17.33'	15'	
Building Height* (# Stories)	1+crawlspace	2 (no crawlspace)	
Average* (Feet)	15.5'	20.5'	
Maximum* (Feet)	18.5'	23.5'	
Areas			
Lot Area (Square-Feet)	7,800	7,800	
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	2,760	3,600	
Building Footprint* (Square-Feet) Total of All Structures	1,410	1,800	
Lot Coverage* (%) Residential districts only (Building Footprint/Lot Area)	18.1	23.1	
Useable Open Space* (Square-Feet)	6,390	6,000	
Floor Area Ratio* Non-Residential districts only (Except ES-R)			

*See Glossary – BMC Chapter 23.502.

Revised: 12/21

[1] See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204

I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
LINDSAY NEWMAN	L. Newman	1044 KEITH AVE	OWNER	✓		✓
Lisa Rose	Lisa Rose	1047 KEITH AVE	OWNER	✓		
<see below>		1049 KEITH AVE				
<see below>		1050 KEITH AVE				
<see below>		1051 KEITH AVE				
CHRIS FERNE		1109 HIGH CT	Owner	✓		✓
Maureen Bessette		1111 HIGH CT	owner			✓
Ellice Richmond & Owen Bennett		1113 HIGH CT	owner	✓		

→ Not home 11/9/24 or 11/10/24. Stopped by 3 times each. sent by certified mail 11/11/24 (see receipts)

ADMINISTRATIVE USE PERMIT

SHEET INDEX

A1 GENERAL NOTES & SITE PLAN
A2 LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3 PROPOSED FLOOR PLANS
A4 PROPOSED ROOF AND SECOND FLOOR PLAN
A5 PROPOSED EAST & WEST ELEVATIONS
A6 PROPOSED NORTH & SOUTH ELEVATIONS
A7 PROPOSED LONGITUDINAL SECTIONS
A8 PROPOSED EAST WEST SECTIONS
A9 STREETSCAPE ELEVATION
A10 BOUNDARY & TOPOGRAPHIC SURVEY
A11 GRADING PLAN

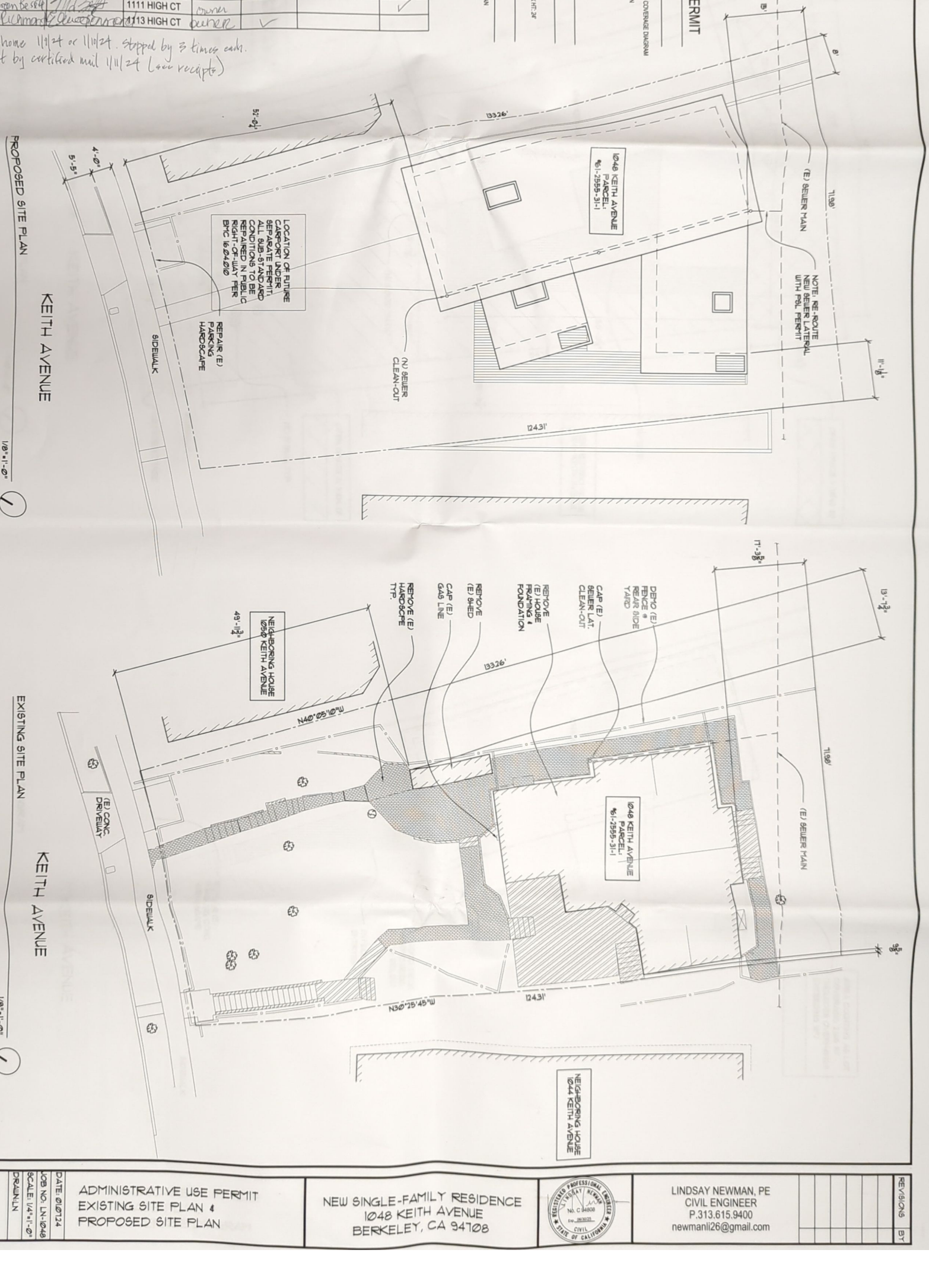
PROJECT SCOPE

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING
2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 24'

PROJECT INFORMATION

OWNERS: JOACHIM KANZ & LINDSAY NEWMAN
1048 KEITH AVENUE
BERKELEY, CA 94708
P.313.815.9400

OCCUPANCY: R-3
CONSTRUCTION TYPE: V-B RESIDENTIAL R-3



ADMINISTRATIVE USE PERMIT
EXISTING SITE PLAN & PROPOSED SITE PLAN

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

REGISTERED PROFESSIONAL ENGINEER — LINDSAY NEWMAN — No. C 84808 — Exp. 09/30/25 — CIVIL — STATE OF CALIFORNIA

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REVISIONS | BY

DATE: 01.01.24
JOB NO. LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1
OF ELEVEN SHEETS



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- Return Receipt (electronic) $0.00
- Certified Mail Restricted Delivery $0.00
- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $1.14
Total Postage and Fees $5.49

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01/11/2024

Sent To HEATHER & CHRIS
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City, State, ZIP+4® BERKELEY, CA 94708

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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Postage $1.14
Total Postage and Fees $5.49

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ALBANY CA 94706
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01/11/2024

Sent To BAHRAM & ERICA
Street and Apt. No., or PO Box No. 1050 KEITH AVE
City, State, ZIP+4® BERKELEY, CA 94708

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $1.14
Total Postage and Fees $5.49

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USPS ALBANY STATION
ALBANY CA 94706
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Sent To Our Neighbors
Street and Apt. No., or PO Box No. 1051 KEITH AVE
City, State, ZIP+4® BERKELEY, CA 94708

9589 0710 5270 1232 3241 07

PRESERVATION ARCHITECTURE

January 5, 2021

1048 Keith Ave., Berkeley
City of Berkeley Historical Evaluation

As delineated below, per the City of Berkeley's *Landmarks Preservation Ordinance (LPO)*, the residential property and building located at 1048 Keith Ave. are not eligible for designation as a City of Berkeley Landmark or Structure of Merit.

3.24.110 Landmarks, historic districts and structures of merit--Designation--Criteria for consideration.

A. Landmarks and historic districts. General criteria which the commission shall use when considering structures, sites and areas for landmark or historic district designation are as follows:

1. *Architectural merit:*

   a. *Property that is the first, last, only or most significant architectural property of its type in the region;*

   The subject residential building is not the first, last, only or most significant residence of its type in the City of Berkeley.

   b. *Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; or*

   The subject residential building is not prototypical or outstanding in any respect, has no identified architect, etc., nor was it the work of a master builder.

   c. *Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.*

   This minor residential building has no exceptional values to offer to the neighborhood fabric.

2. *Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;*

   The subject residential building was one of a large number of typical residences built in the 1920s in the immediate vicinity and beyond. Thus, in its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance

3. *Educational value: Structures worth preserving for their usefulness as an educational force;*

   The subject residential building has no educational value.

4. *Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;*

   The subject property and its building do not embody and express historic value.

446 17th Street #302 Oakland 94612
510 418 0285 mhulbert@earthlink.net

5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The subject property and building are not listed on the National Register.

B. Structures of merit. Criteria which the commission shall use when considering a structure for structure of merit designation are as follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

2. Specific criteria include, but are not limited to one or more of the following:

a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

The subject residential building is not contemporary with a designated landmark within its neighborhood or with any historic period or event of identifiable significance specific to the City of Berkeley or its neighborhoods.

b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

The subject building is not compatible with a designated structure within its neighborhood, etc.

c. The structure is a good example of architectural design.

This highly modest, minor residential building is not a good example of architectural design.

d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

The subject residential building has no identifiable historical significance relative to the City of Berkeley or to its neighborhood, etc.

In conclusion, the property and building at 1048 Keith Ave. in Berkeley do not have potential historical significance under the criteria of the City of Berkeley's LPO.

Signed:



Mark Hulbert
Preservation Architect & Historic Resources Consultant

State of California ☐ The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI #
PRIMARY RECORD
Trinomial
NRHP Status Code
Other Listings
Review Code Reviewer Date

Page 1 **of** 4 ***Resource Name or #:** 1048 Keith Ave., Berkeley, CA
P1. Other Identifier: None

*__P2. Location:__ ☐ **Not for Publication** ■ **Unrestricted**
***a. County** Alameda
***b. USGS 7.5' Quad** Oakland West **Date** 1993 **Township & Range** T1S/R3W
c. Address 1048 Keith Ave. City Berkeley Zip 94709
d. UTM: Zone __, _____ mE/ _____ mN
e. Other Locational Data: Assessor's Parcel Number: 61-2555-31-1

***P3a. Description:**
The subject residential property lies on the south side of Keith Ave. and is steeply downsloping, with the house substantially set back from and below the street. Per Alameda County Assessor's information, the lot occupies some 7,780 square feet. The wood frame, single family house is a single-story over a high crawl space with a floor area of approximately 1,400 square feet. Its plan is an inverted L-shape, its main front-gabled form the leg with a small, centered frontward extension, an east side ell that is a secondary gable and another shallow side gable facing east. Gabled roofs are low-sloped, the forward extension is flat-roofed. (cont.)

P5a. Photograph



Fig.1 – 1048 Keith Ave., front (north) and west side from street

***P3b. Resource Attributes:** HP2: Single-family property
***P4. ResourcesPresent:** ■ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
P5b. Description of Photo: (view, date, accession #)
Fig.1)MH,2020;
2)Sanborn map,1950
***P6. Date Constructed/Age and Source:** ■ Historic ☐ Prehistoric ☐ Both
1924 (bldg.permit #18401)
***P7. Owner and Address:**
Joachim Kainz & Lindsay Newman, 1044 Keith Ave., Berkeley, CA 94708
***P8. Recorded by:**
Mark Hulbert
446 17th St. #302
Oakland, CA 94612
***P9. Date Recorded:**
January 5, 2021

***P10. Survey Type:**
Intensive
***P11. Report Citation:**
none

***Attachments:** ☐NONE ☐Location Map ■Continuation Sheet ■Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California ☐ The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

***Resource Name or #**: 1048 Keith Ave., Berkeley ***NRHP Status Code**
Page 2 **of** 4

B1. Historic Name: --
B2. Common Name: 1048 Keith Ave.
B3. Original Use: Single-family residence B4. Present Use: same
***B5. Architectural Style:** Minimal Spanish/Mediterranean
***B6. Construction History:**

The subject, single-family house was permitted in Sept. 1924 thus constructed in 1924-25 on a presumably previously vacant parcel first mapped as lot 13 and a portion of lot 14 in block 2 of the April 1908 map of North Cragmont, which neighborhood was then annexed into north Berkeley.

Both the 1929 and 1950 Sanborn maps depict the plan of the existing house, including the front extension, the appearance of which is that of an addition rather than an integral part of the house.

Original permit records exist for the house and for the former single-car garage that stood at the street in the northeastern corner of the site, that original garage also depicted in both Sanborns. The 1924 permit identified the owner as Miss E. Hogue and the builder O.H. Butzke. (cont.)

***B7. Moved?** ■No ☐Yes ☐Unknown **Date:** **Original Location:**
***B8. Related Features:** None
B9a. Architect: none b. Builder: O.H. Butzke
***B10. Significance: Theme** -- **Area** North Berkeley, CA
Period of Significance -- **Property Type** Residential **Applicable Criteria** --

Per the following evaluation, the subject property and building have no identifiable associations to any events or persons important to history. Additionally, the 1924 house is a basic and undistinguished design without construction characteristics of interest, without an identifiable architect, etc., and its builder is of no identifiable importance. Consequently, as the property and residence at 1048 Keith Ave. in Berkeley do not meet any CR criteria, they are not CR eligible. (cont.)

B11. Additional Resource Attributes: none

***B12. References:**
City of Berkeley permit records (microfiche); 1929 and 1950 Sanborn maps (@sfpl.org); 1910-1940 U.S. censuses (@heritagequest.org); Alameda County directories (@loc.org).

B13. Remarks:
***B14. Evaluator:** Mark Hulbert, Preservation Arch.
***Date of Evaluation:** January 5, 2021

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



Fig.2 – 1048 Keith Ave. (arrow)

Description: (cont.)

An elevated wood deck fills the space of the L and the front entry is via an arched opening in a chamfered wall at the inside crook of the L. Exterior walls are stucco (cement plaster) with nominal wood trim at window openings and tracing the tops of walls. Windows are a mix of materials (wood, aluminum) and types (hung, casement, sliding). Sloped roofing is shingled, flat is built-up.

Construction History: (cont.)

Other permit records include:

date	*work*	*owner*
1951	Termite repairs	R. Jackson
1966	Gas	Rodney Jackson
1974	New foundation	Franklin Galves
1981	Reroof	Berck
1986	Interior alts	Peter & Janet Berck
1989	Reroof	Janet Lord
1992	Deck replaced/enlarged	Peter Berck
1999	Reroof	Cyndi Berck

The 1924 permit identified the owner as Miss E. Hogue and the builder O.H. Butzke. As discussed below, research confirms that the original owner was Ms. Effa L. Hogue (1891-1950).

Significance: (cont.)

Associated Persons
In the 1920 U.S. census, a 28 year old Effie L. Hogue was identified as a high school teacher sharing a residence with her mother on High Court, a dead end street in the ravine directly below the subject property. Hogue was also listed on High Court in the 1924 directory but was not listed in Berkeley in subsequent 1920s directories (and no directories between 1916 and 1923 are available online). The earliest indication of Hogue residing in Berkeley is a 1916 state education directory that listed Effa L. Hogue as a teacher in Richmond and a resident of Hawthorne Terrace in Berkeley. The 1930 census located her in Merced, California, also identified as a schoolteacher. During the 1930s, Hogue was again listed on High Court in Berkeley. By the 1940 census, Hogue resided in Pasadena. Death records indicate that she died in 1950 in Los Angeles.

Hogue was not listed at 1048 Keith Ave. in any directories or censuses, so evidently built this house speculatively. In fact, there is evidence that she and the builder Butzke had previously teamed up to construct another house in the vicinity, at 1173 Sutter St. (from *Organized Labor*, 18 Aug. 1923, p7).

No deed research has been undertaken as the County Assessor's office is presently closed. At this juncture, no original or early occupants have been identified. In two permit records, the first in 1951 and the second in 1966, the next name associated with 1048 Keith Ave. was Rodney Jackson and who was first listed at 1048 Keith in the 1951 directory. As Hogue died in 1950, it is possible that Jackson acquired the property from Hogue c1950. By 1967, Jackson was no longer listed at 1048 Keith Ave.

Permit records indicate a subsequent owner, Franklin Galves, in the mid-1970s, when Galves was also listed at 1048 Keith Ave. in the 1975 directory. Peter Berck first permitted work under his ownership in 1981 and the Berck family sold the property to its current owners in 2019. (cont.)

Significance: (cont.)

Evaluation

The following addresses historic resource potential per the four California Register of Historical Resources (CR) evaluation criteria:

Under ***criterion 1*****,** the 1924 residence falls under the historic context of single-family residential development in Berkeley and the San Francisco Bay region in the early 20th century. In that broad context, the subject house was one of a large number of residences of its type built in the 1920s in the immediate vicinity as well as throughout the Bay Area and California. Thus, in its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance.

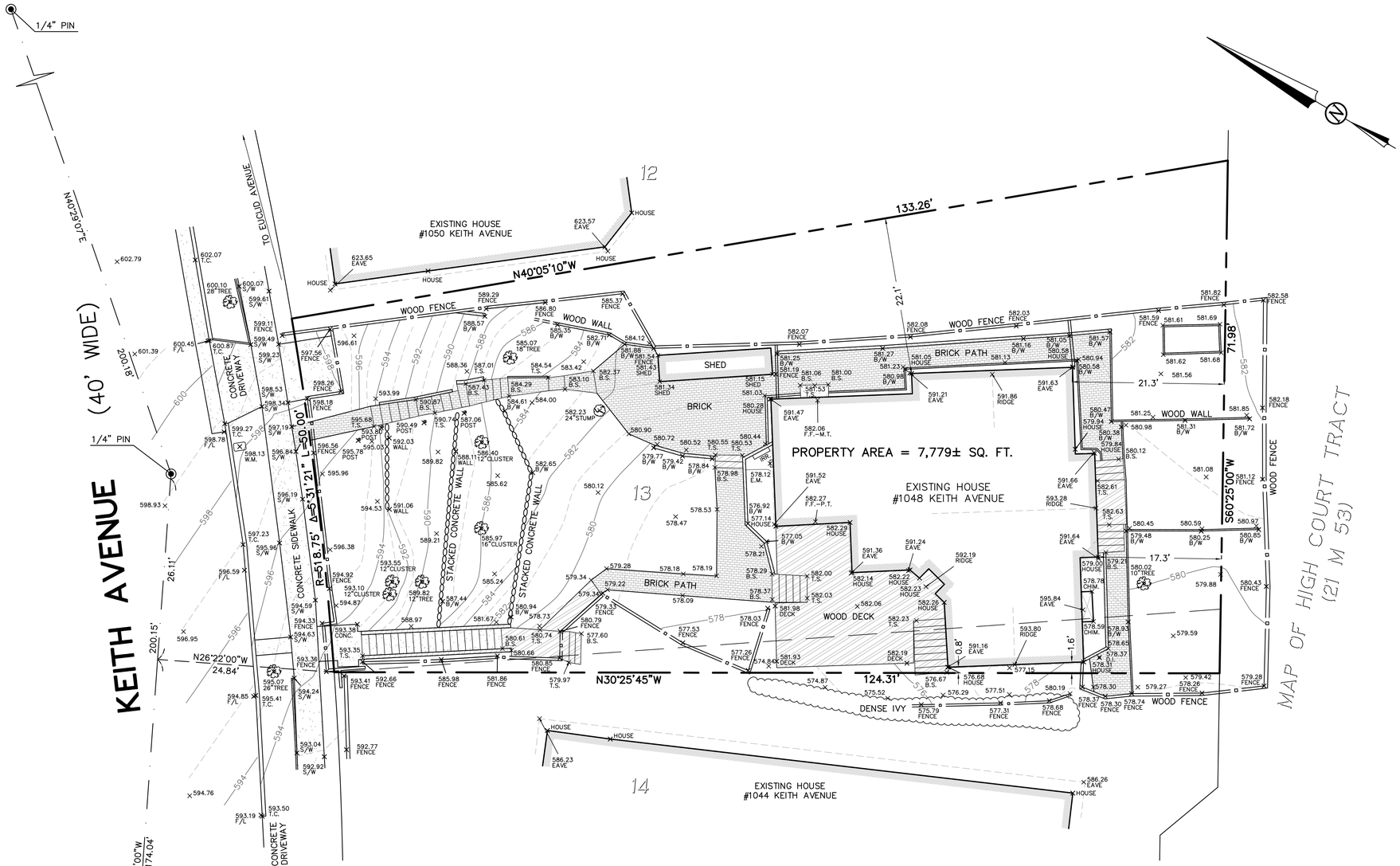
Under ***criterion 2*****,** no persons of potential historical importance are associated with the subject property.

Under ***criterion 3*****,** in terms of its design and construction, the extant residence appears to be mostly original and/or early excepting for windows and decks and its original garage, which was removed in the 1950s. The minimal Spanish/Mediterranean design of the extant house clearly lacks architectural distinction as it is a highly modest and minor residential example without any period embellishments. There is additionally no identified architect while the builder, O.H. Butzke, is also without identifiable importance.

As the subject house does not embody design or construction distinction or embody artistry, is not the work of any identifiable architect or of an historically important builder, the residence at 1048 Keith Ave. does not meet *CR criterion 3.*

Lastly, under ***criterion 4,*** beyond the current effort, the subject property and house have not yielded any historical information and do not have further historical information potential.

In conclusion, the property and residence at 1048 Keith Ave. in Berkeley do not meet any CR criteria so are not CR eligible.



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

Planning and Development Department
Land Use Planning Division

February 27, 2024

Sent via email to:
newmanli26@yahoo.com

Lindsay Newman
1044 Keith Ave
Berkeley, CA, 94708

Re: Application Status Incomplete – Use Permit #ZP2024-0014 for 1048 Keith Avenue

Dear Lindsay Newman,

Thank you for the Zoning Permit application submittal received on January 11, 2024 to demolish a single-family residence and construct a new two-story, 3,600 square-foot single-family dwelling unit in the R-1H district. The application has been evaluated for completeness with the submittal checklist and application guidelines.

Application – Based on my review, the following zoning permits are required:

- **Use Permit (Public Hearing)**, pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B), to demolish a dwelling unit.
- **Additional Use Permit (Public Hearing)**, pursuant to Berkeley Municipal Code (BMC) Section 23.202.020, to construct a two-story Single-Family Dwelling unit.
- **Additional Administrative Use Permit**, pursuant to Berkeley Municipal Code (BMC) Section BMC 23.210.020(C)(4), to reduce the building setbacks to 15 feet, consistent with purpose of the H overlay zone.

Items Required for Submittal or Correction

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 Title 7), the application has been deemed incomplete as of February 27, 2024. Please prepare and resubmit the following additionally required information:

1. **Tabulation Form**
    - After a more thorough review of the lot coverage diagram it appears that lot coverage calculation is not consistent with the percentage labeled in the tabulation form. i.e. "2,185 sqft/ 7,800 sqft = **28%**."
        - Please make sure the dimensions and the tabulation form are consistent.

2. **Building Elevations:**
    - The average building height is not accurately measured, please revise to show the correct average height of the existing elevation. See the Height instructions for Average height and Maximum Height for assistance.

Next Steps

Please submit the outstanding information for staff review. Once revised information is submitted, staff will review for application completeness.

Permit Processing Review

During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application. This may result in additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

If you have any questions about the additionally, requested information, please reach out to me directly. Thank you in advance for your cooperation.

Sincerely,

Boshi Fu

Planning Technician

bfu@berkeleyca.gov

510-981-7544

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1048 Keith Ave Date: 2.27.2024

Applicant's Name: Lindsay Newman

Zoning District: R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

		Existing	Proposed	Permitted/ Required[1]
Units, Parking Spaces & Bedrooms				
Number of Dwelling Units	(#)	1	1	1
Number of Parking Spaces	(#)	1	1	1
Number of Bedrooms (R-1, R-1A, R-2, R-2A, and R-3 only)	(#)	3	4	4
Yards and Height				
Front Yard Setback	(Feet)	50	52	20
Side Yard Setbacks: (facing property)	Left: (Feet)	13.67	8	4
	Right: (Feet)	0.83	11.1	4
Rear Yard Setback	(Feet)	17.33	15	20
Building Height*	(# Stories)	1 (+crawlspace)	2 (no crawlspace)	3
Average*	(Feet)	13.51	20.6	28
Maximum*	(Feet)	22.93	24.69	35
Areas				
Lot Area	(Square-Feet)	7,800	7,800	N/A
Gross Floor Area* Total Area Covered by All Floors	(Square-Feet)	2,760	3,600	no maximum
Building Footprint* Total of All Structures	(Square-Feet)	1,410	1,800	no maximum
Lot Coverage* Residential districts only (Building Footprint/Lot Area)	(%)	18.1	28	40% max
Useable Open Space*	(Square-Feet)	6,390	6,000	400 min
Floor Area Ratio* Non-Residential districts only (Except ES-R)				

*See Glossary – BMC Chapter 23.502.

Revised: 12/21

[1] See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204

ADMINISTRATIVE USE PERMIT

SHEET INDEX

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A2	LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3	EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4	PROPOSED GROUND FLOOR PLAN
A5	PROPOSED ROOF AND SECOND FLOOR PLAN
A6	EXISTING EAST & WEST ELEVATIONS
A7	EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8	PROPOSED EAST & WEST ELEVATIONS
A9	PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10	PROPOSED LONGITUDINAL SECTIONS
A11	PROPOSED EAST WEST SECTIONS
A12	STREET STRIP ELEVATION
A13	BOUNDARY & TOPOGRAPHIC SURVEY
A14	GRADING PLAN
A15	STORY POLE PLAN
A16	SHADOW STUDY: EXISTING DWELLING
A17	SHADOW STUDY: PROPOSED DWELLING
A18	SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.
2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

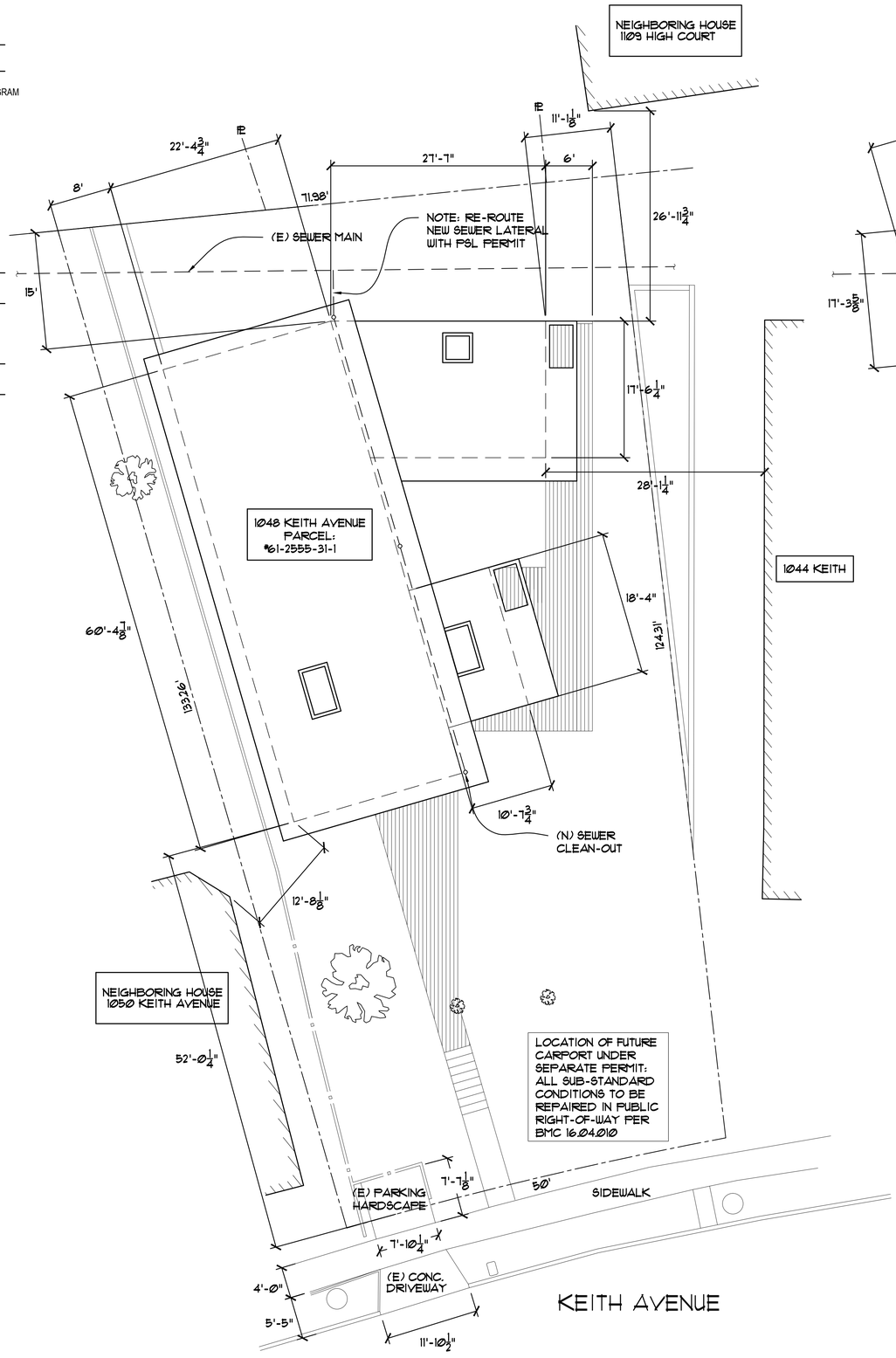
OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL R-3

CONSTRUCTION TYPE: V-B

I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

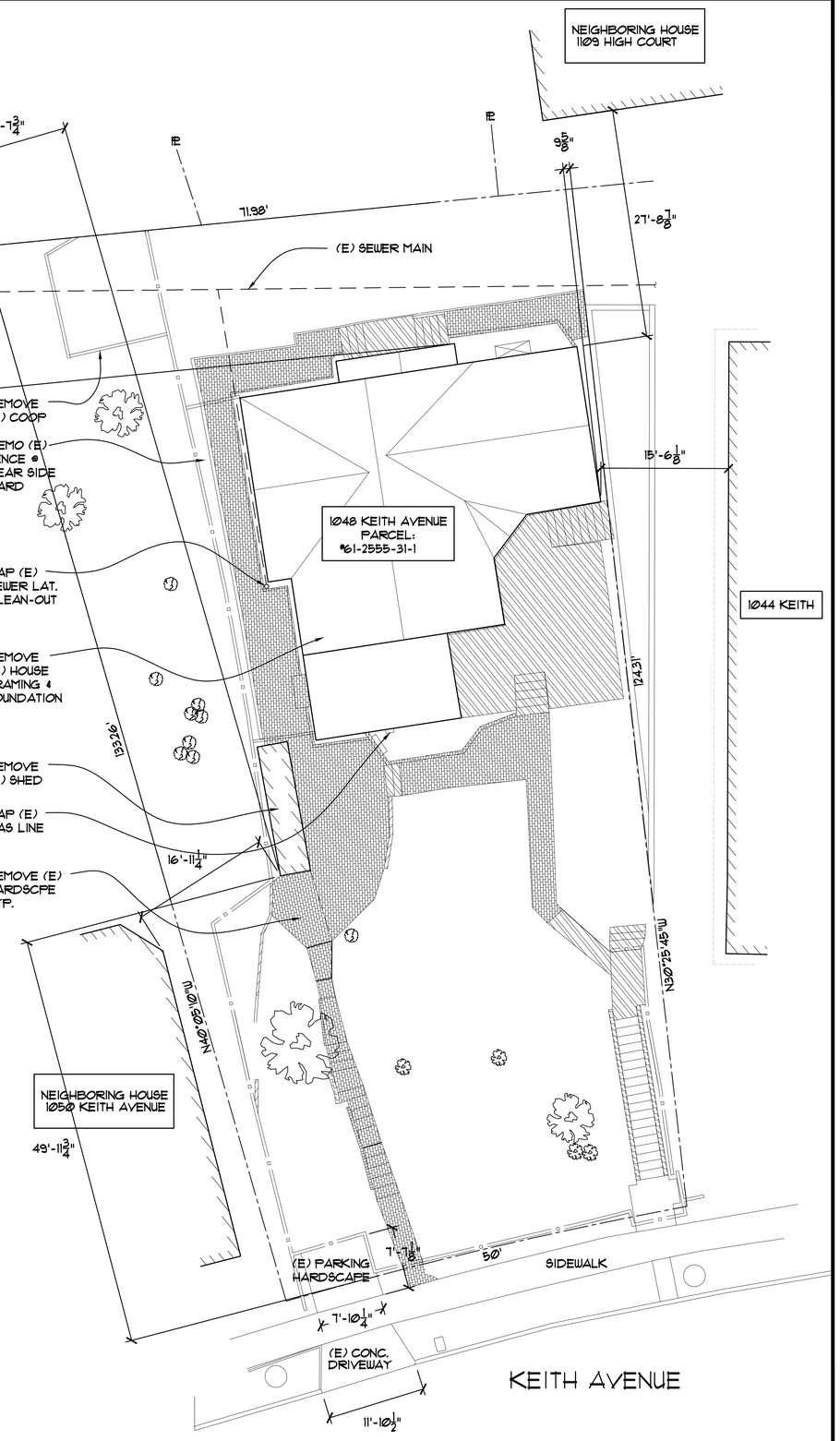
NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				



PROPOSED SITE PLAN

1/8"=1'-0"

N



EXISTING SITE PLAN

1/8"=1'-0"

N

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

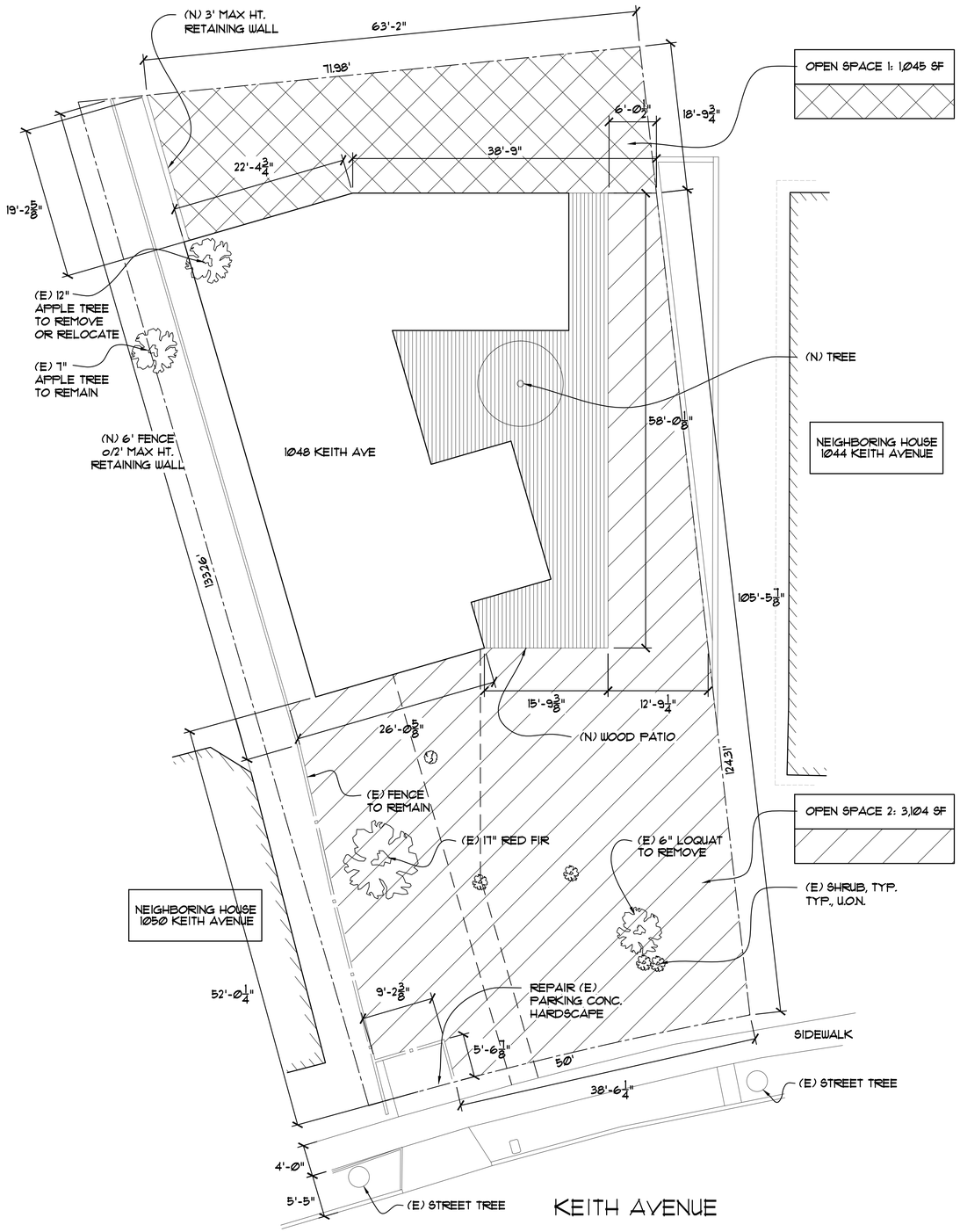
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING SITE PLAN &
PROPOSED SITE PLAN

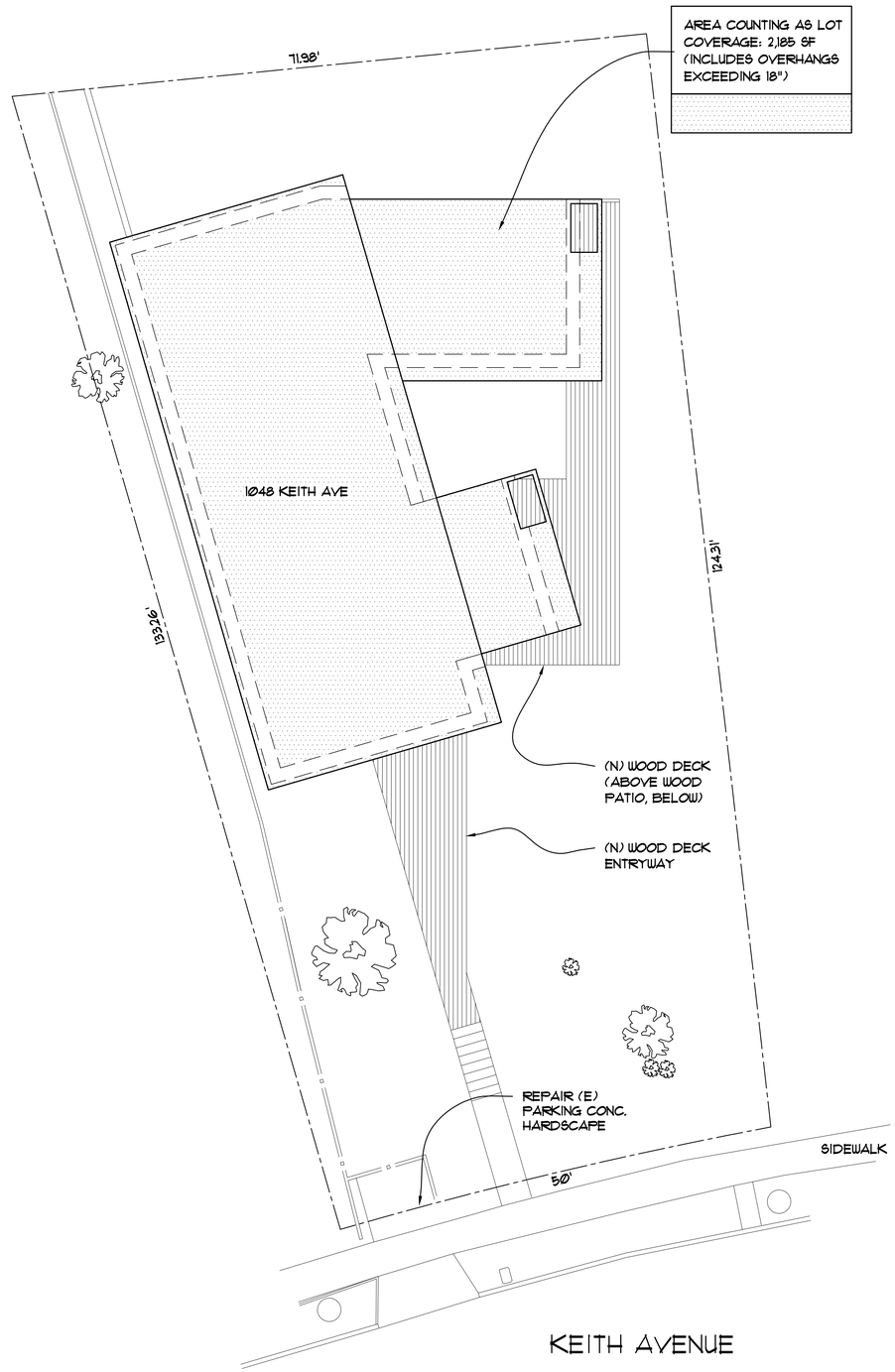
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1
OF 18 SHEETS



LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-0"



LOT COVERAGE DIAGRAM

1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34898 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

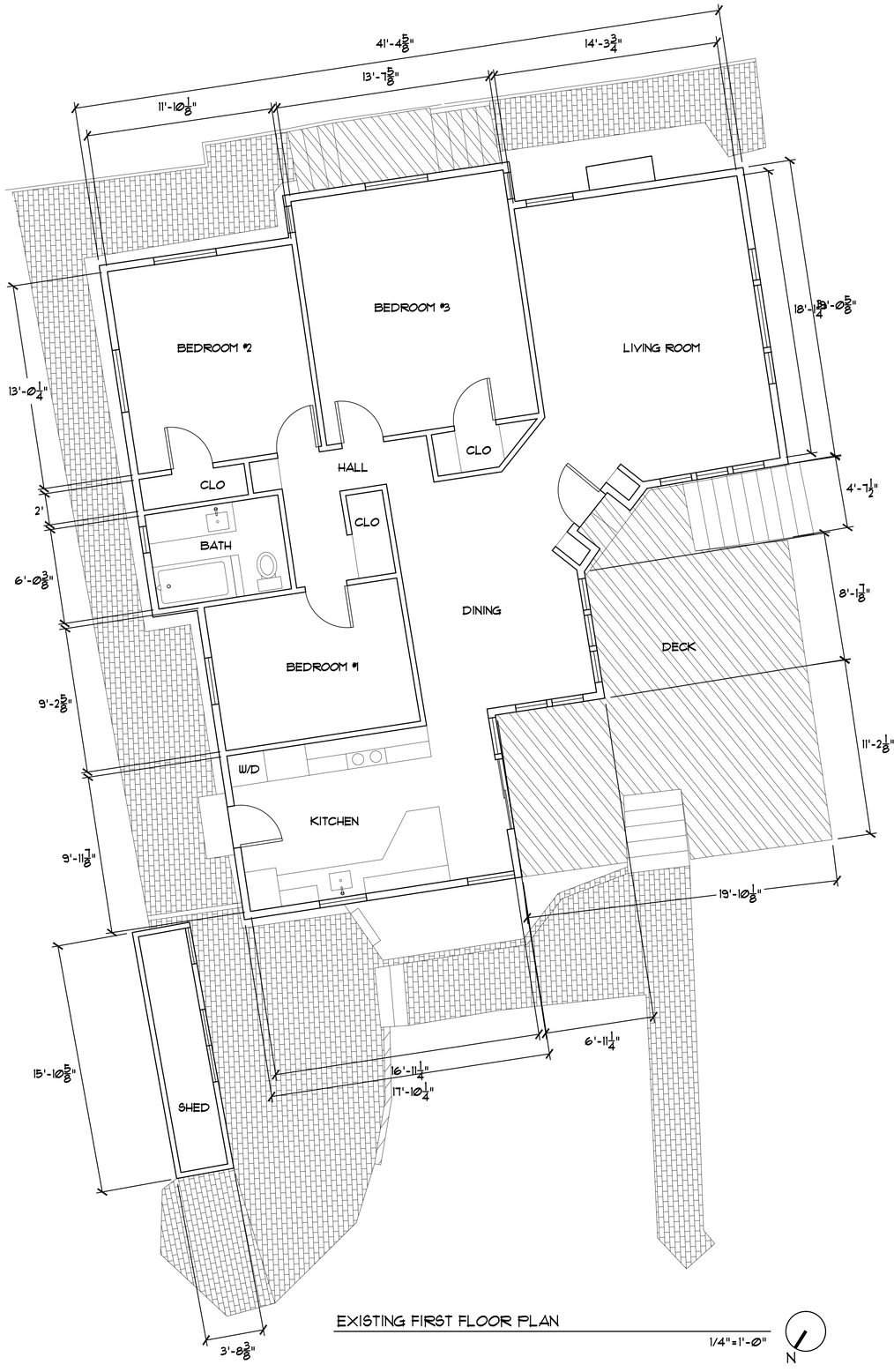
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

AUP: LANDSCAPE & USEABLE OPEN SPACE PLAN, & LOT COVERAGE DIAGRAM

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A2

OF 18 SHEETS



EXISTING FIRST FLOOR PLAN

1/4"=1'-0"

N



EXISTING CRAWLSPACE PLAN

1/4"=1'-0"

N

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

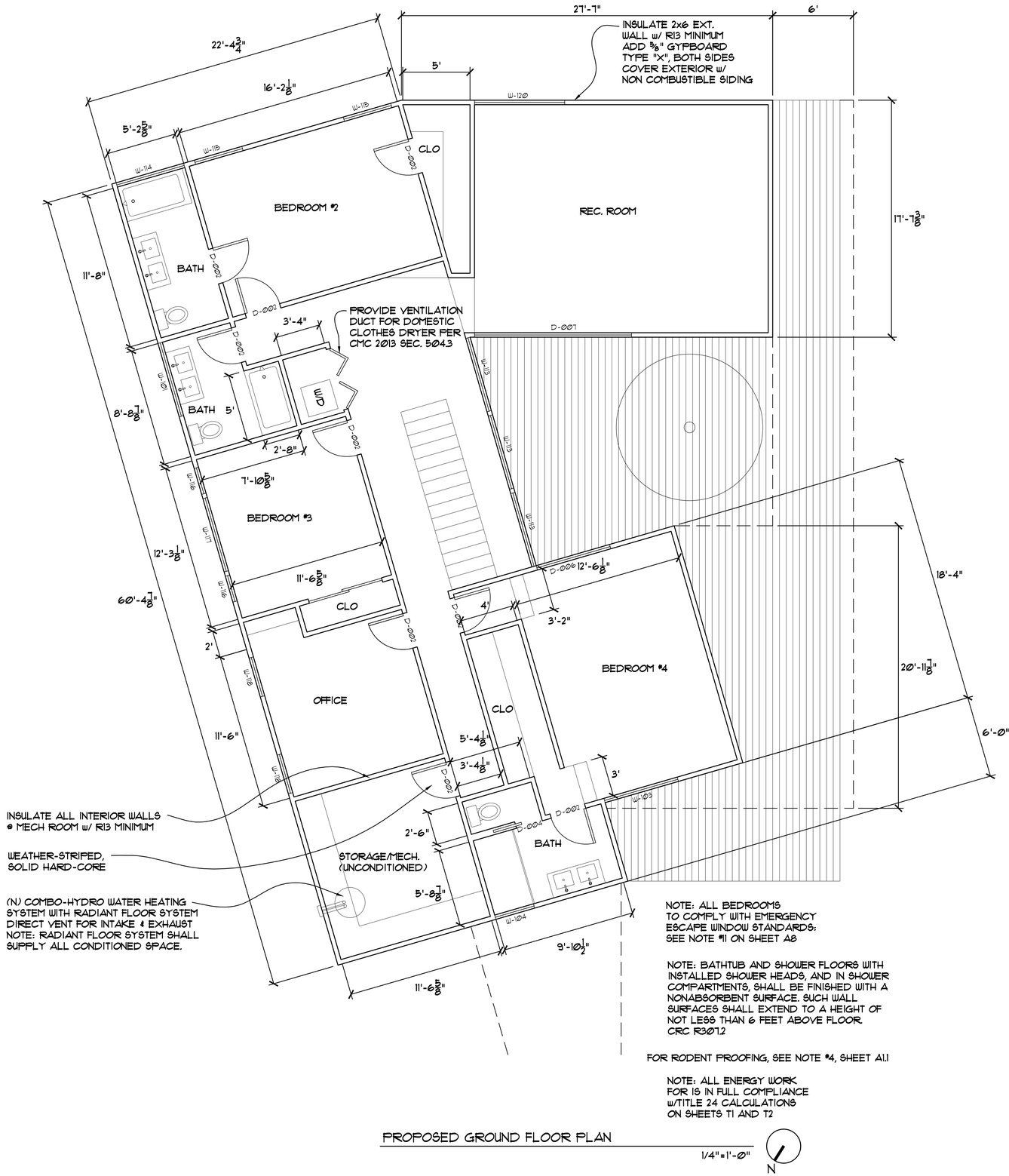
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A3

OF 18 SHEETS

LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE w/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

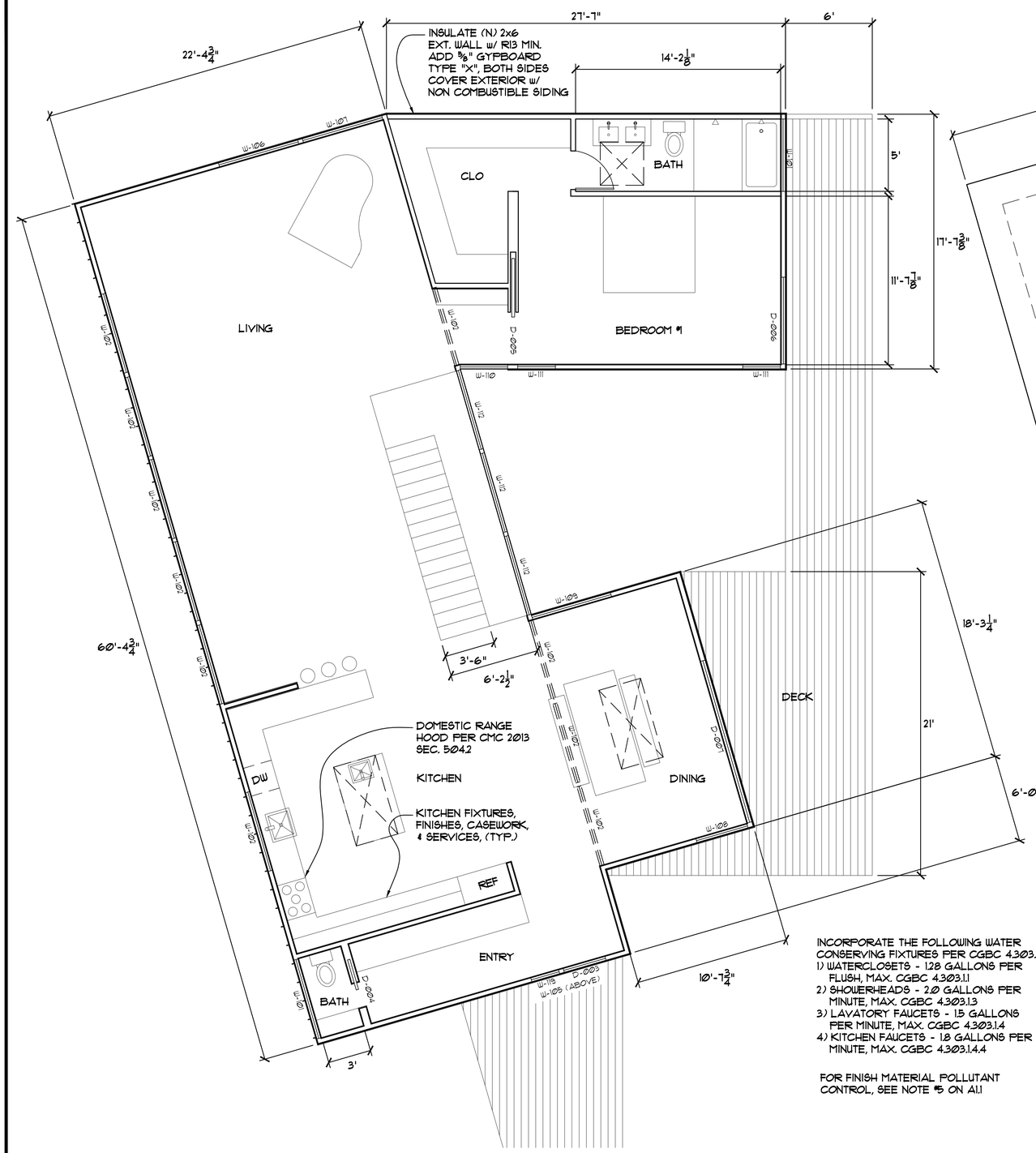
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED GROUND FLOOR PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

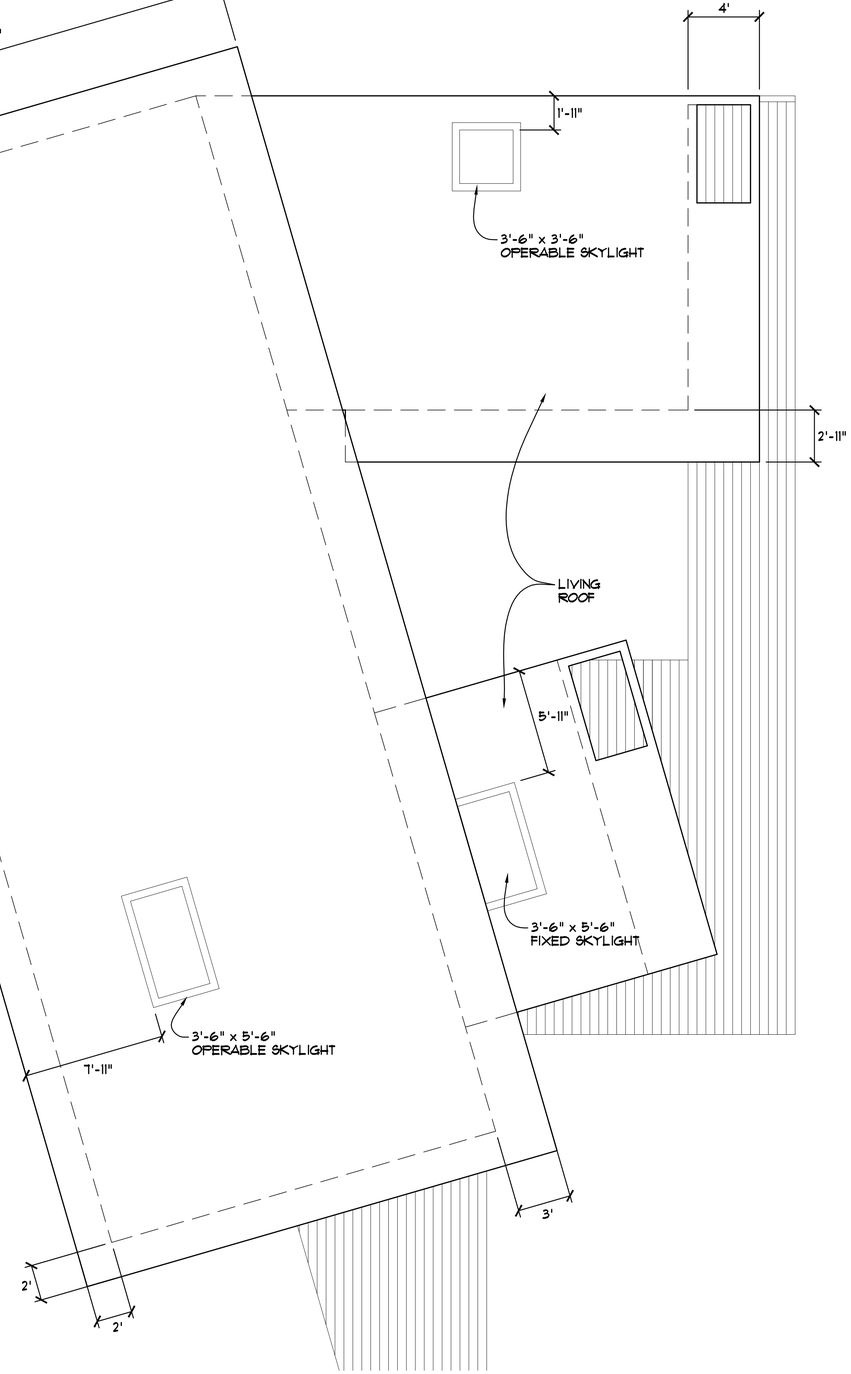
A4

OF 18 SHEETS



PROPOSED SECOND FLOOR PLAN

1/4"=1'-0"



PROPOSED ROOF PLAN

1/4"=1'-0"

N

REVISIONS	BY

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newmanli26@gmail.com

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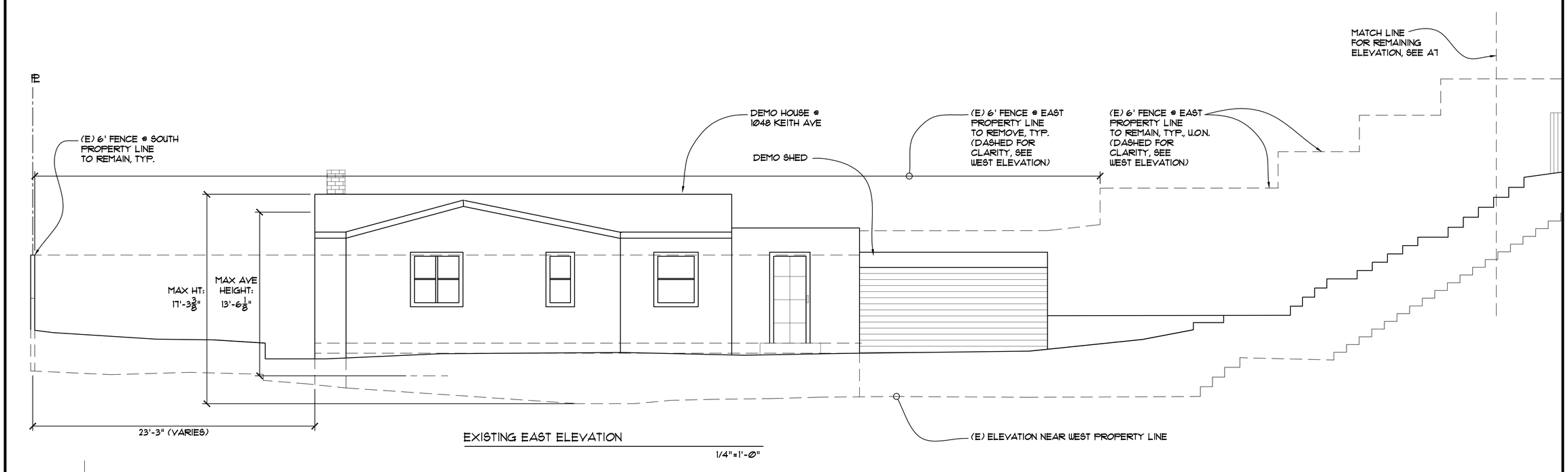
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED ROOF PLAN
& SECOND FLOOR PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

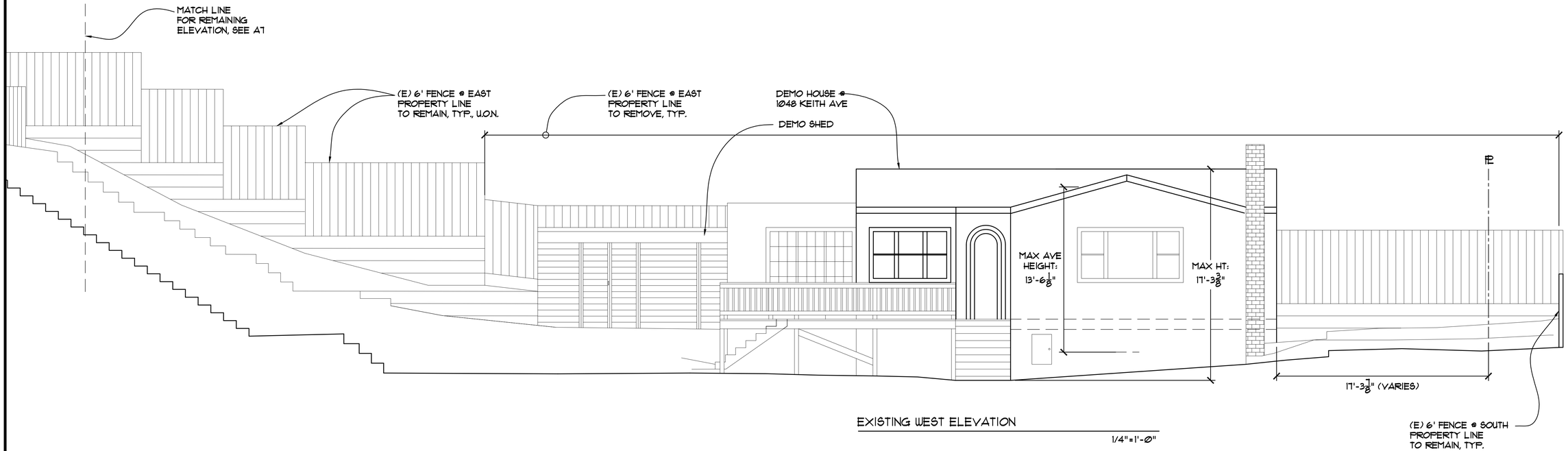
A5

OF 18 SHEETS



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

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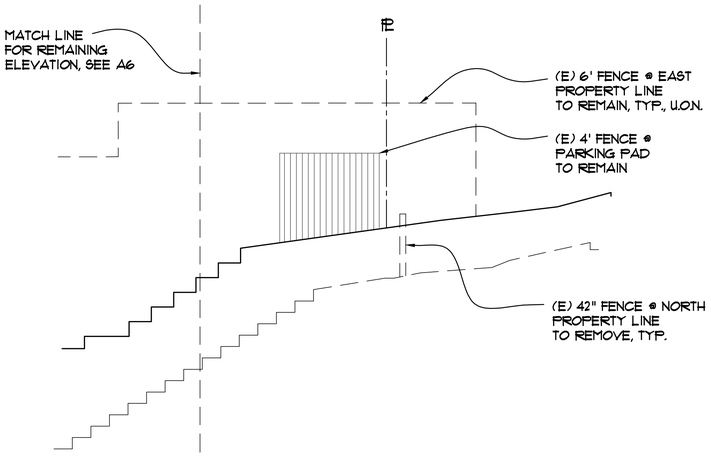
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

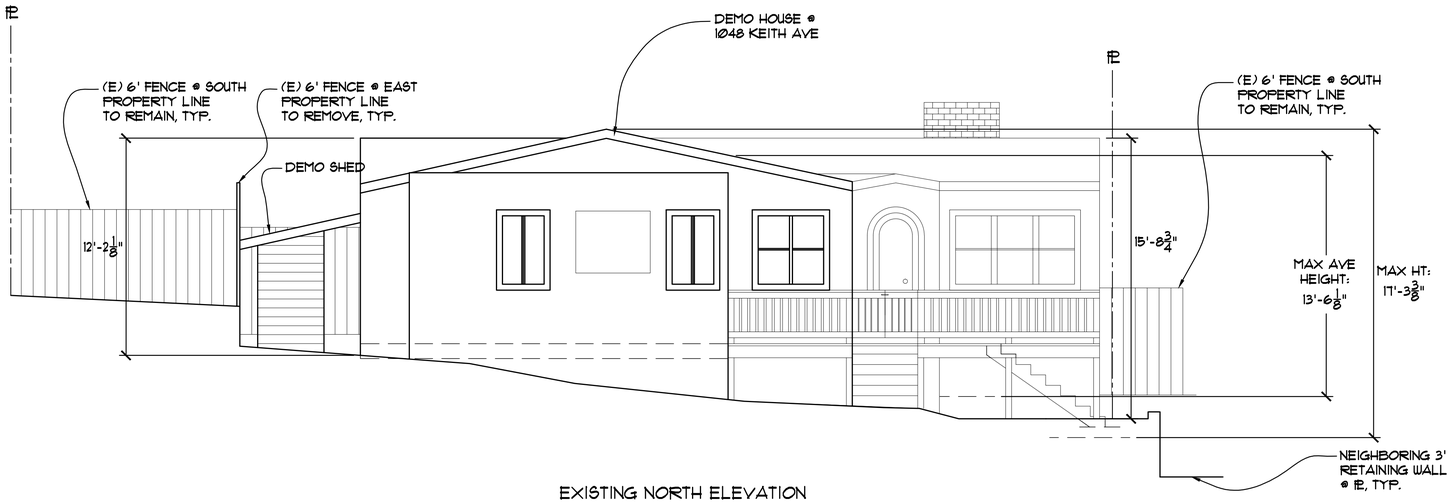
A5

OF 18 SHEETS



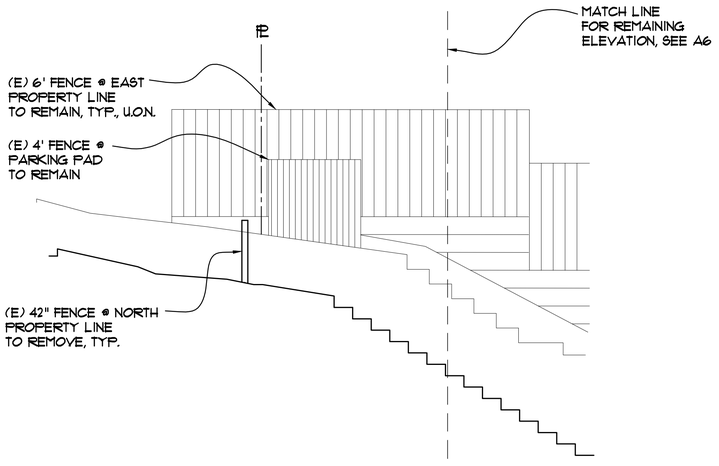
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



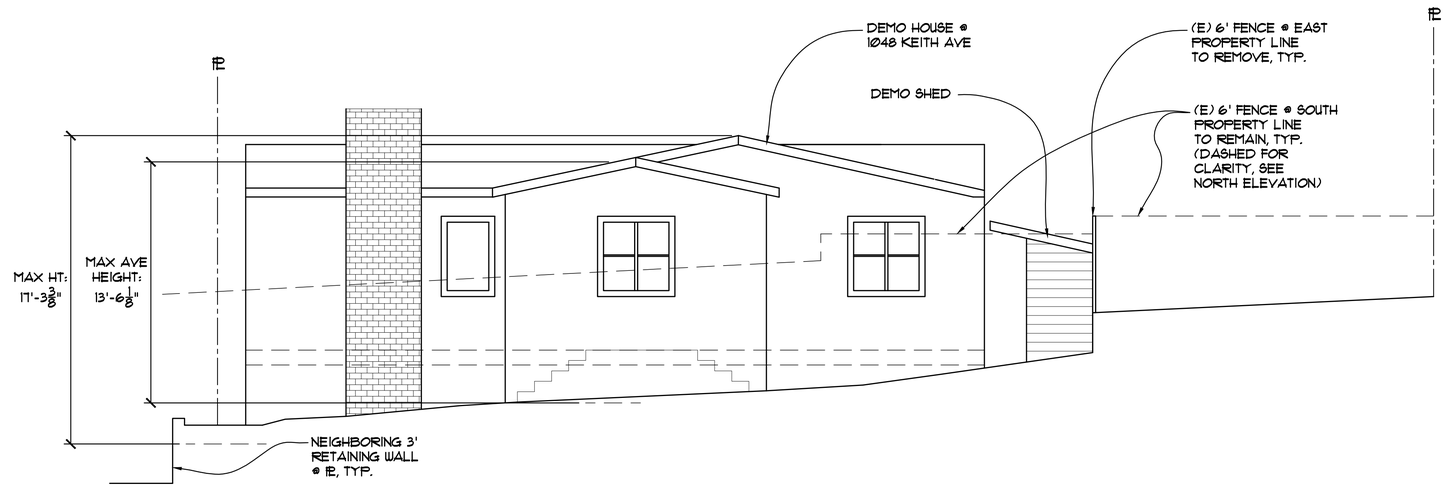
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

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newmanli26@gmail.com

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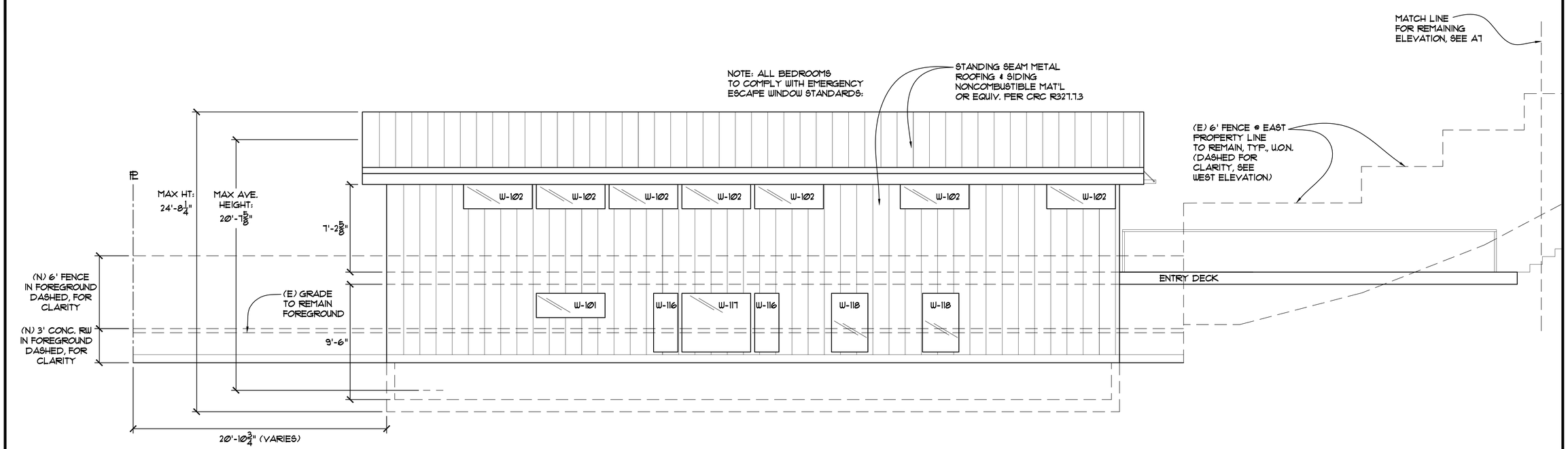
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

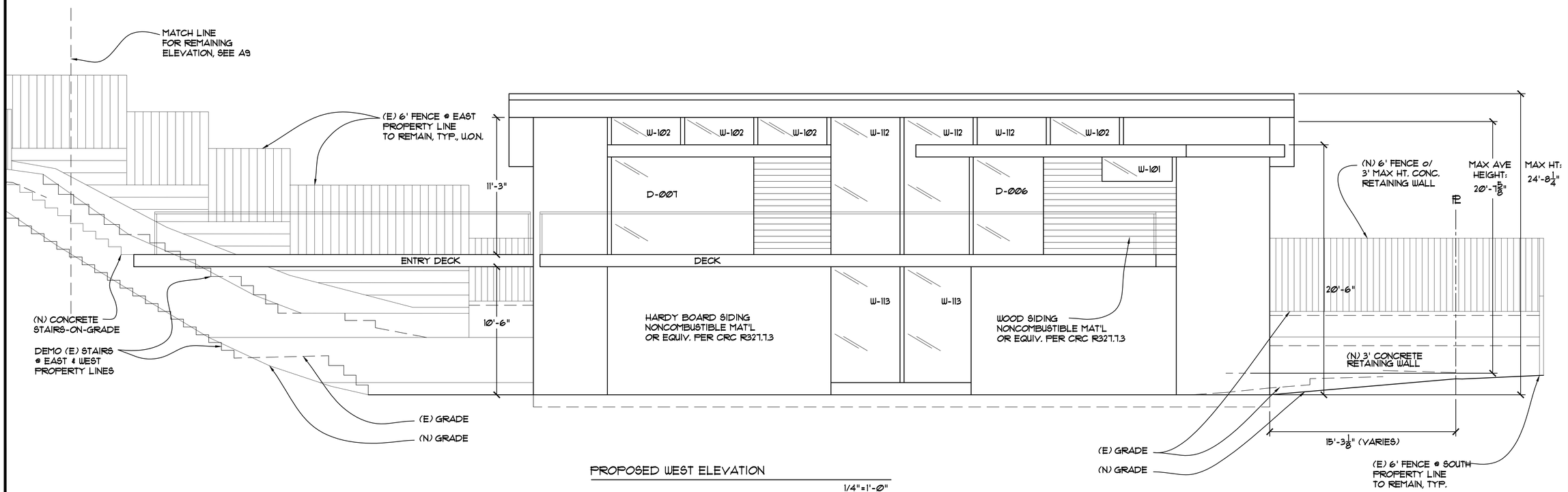
A5

OF 18 SHEETS



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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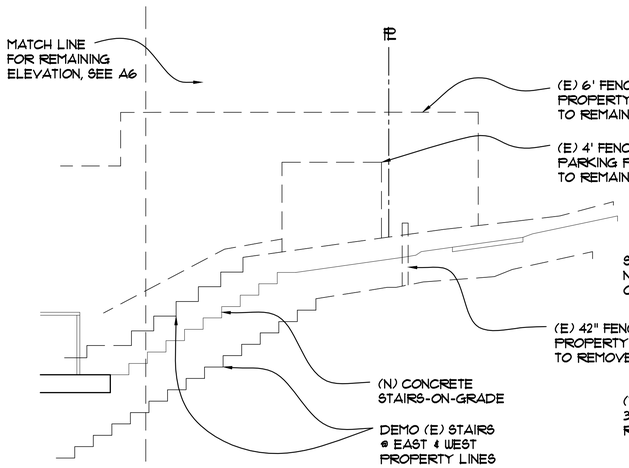
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

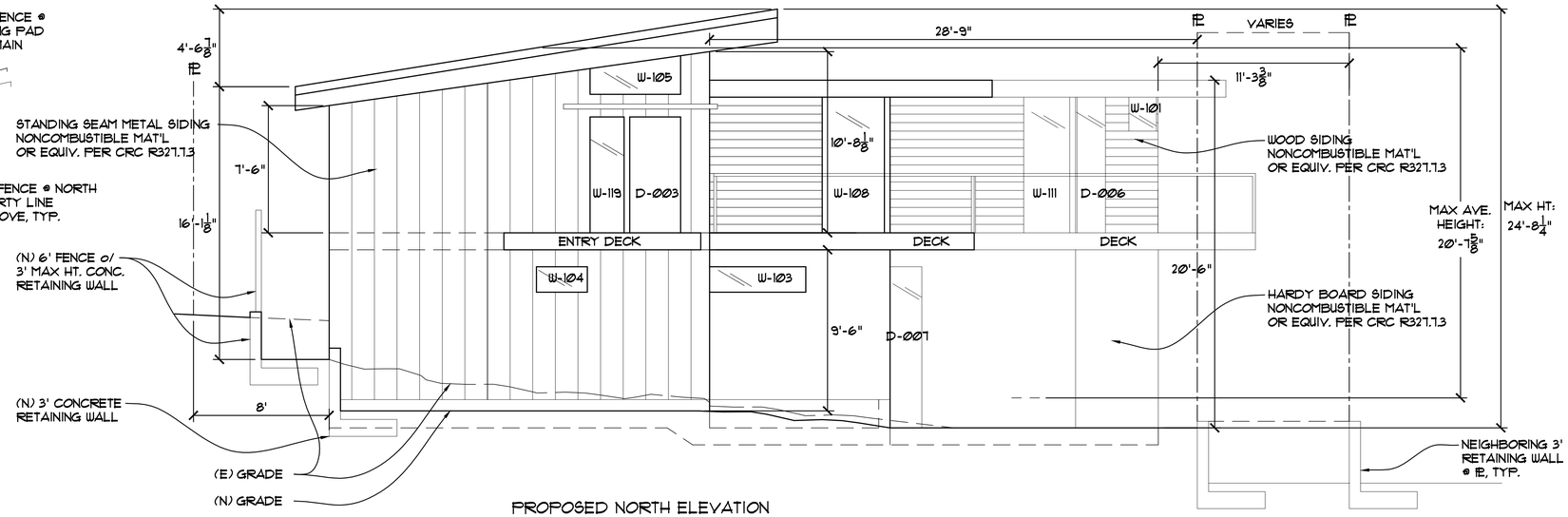
A8

OF 18 SHEETS



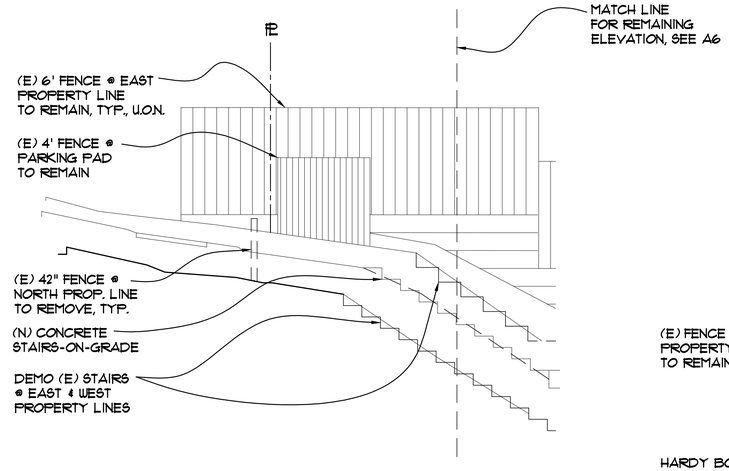
PARTIAL EXISTING EAST ELEVATION (℄ @ STREET)

1/4"=1'-0"



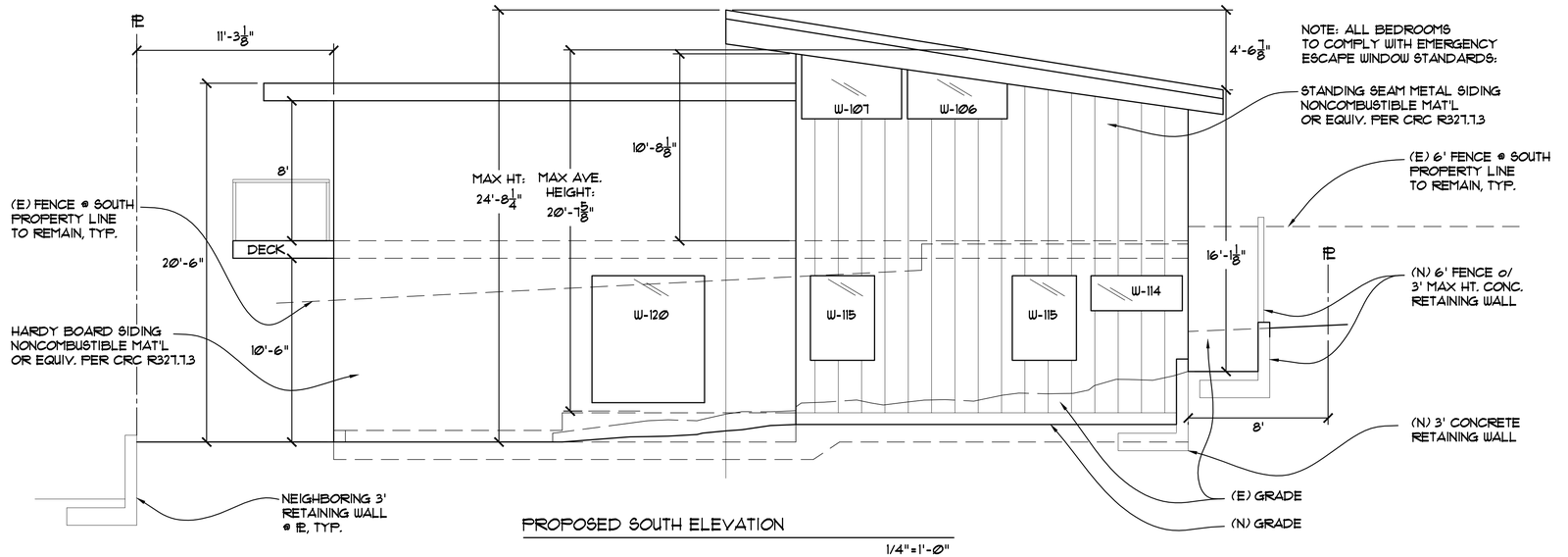
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (℄ @ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

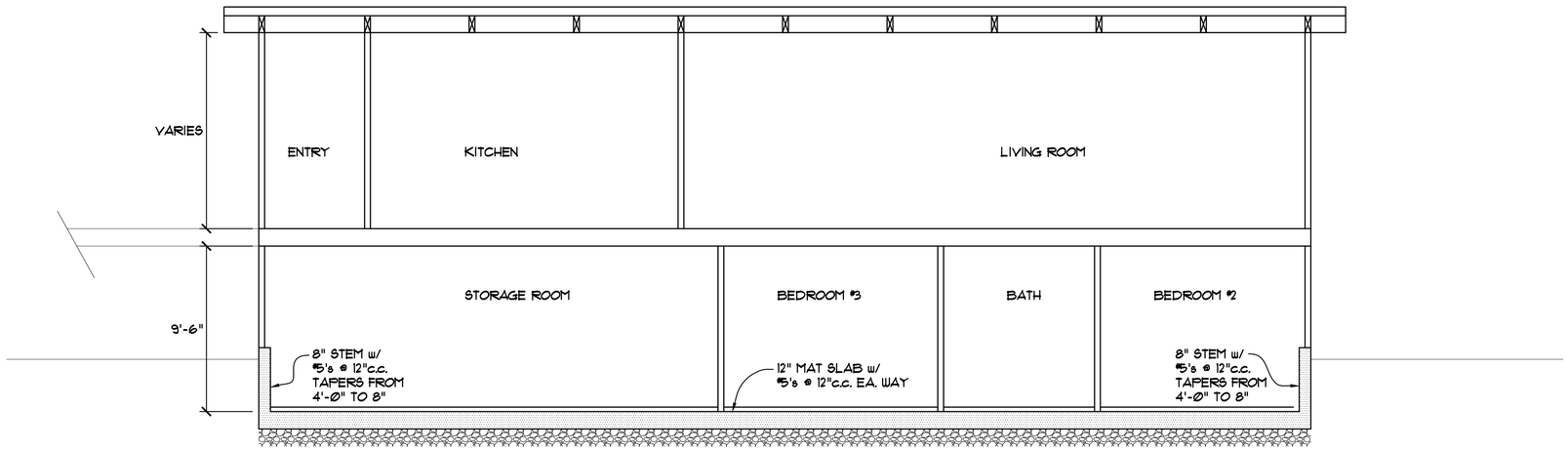
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

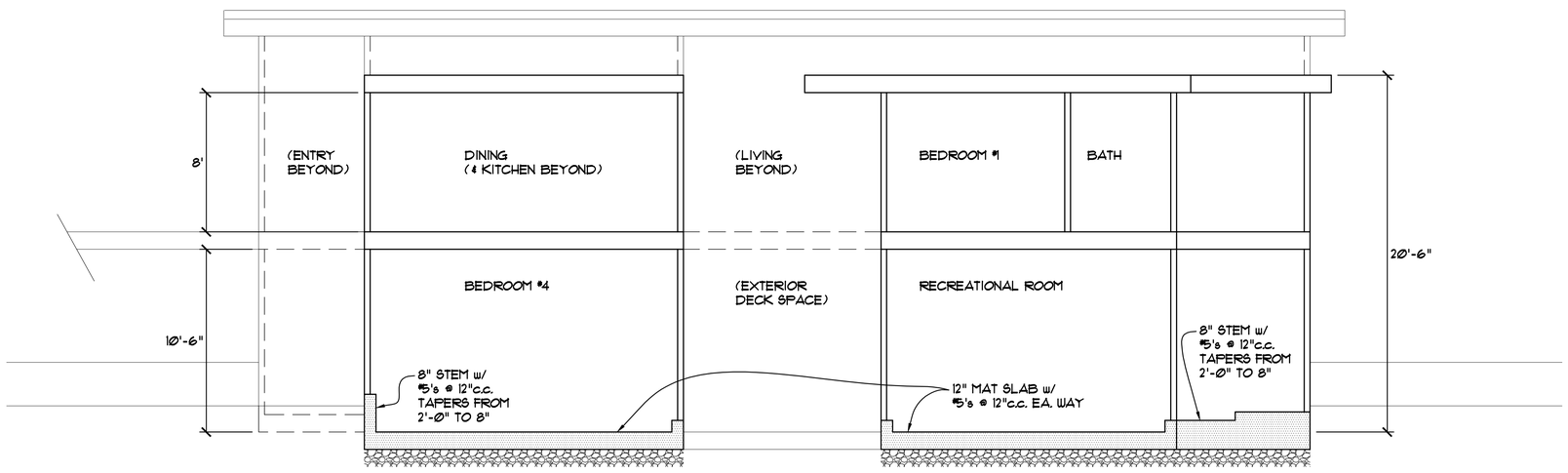
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A9

OF 18 SHEETS



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY J. NEWMAN * No. C-34868 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

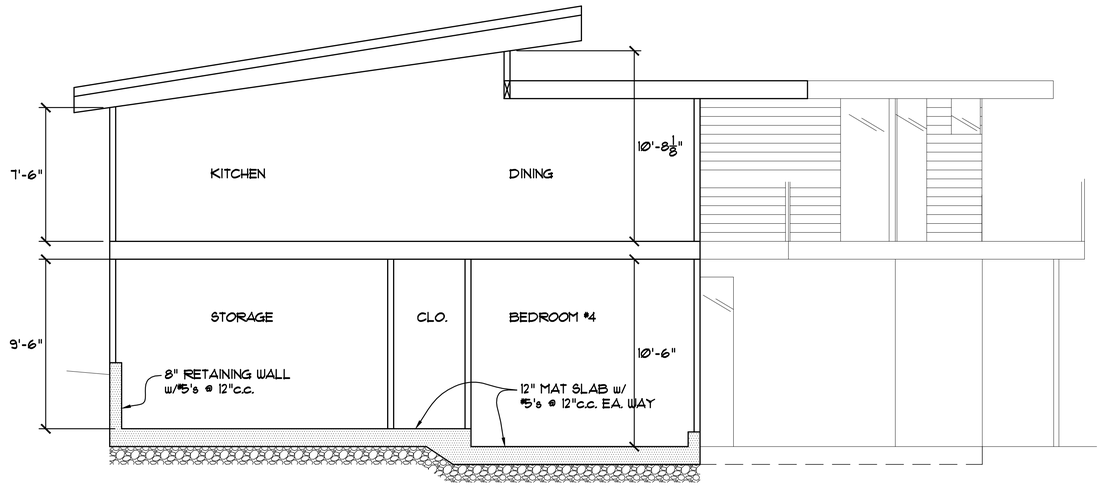
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED LONGITUDINAL SECTIONS

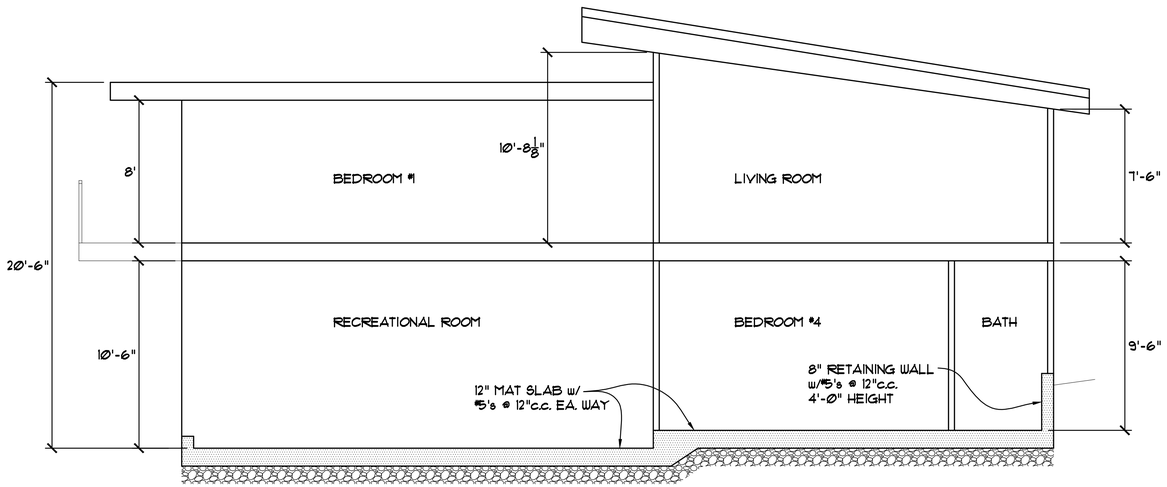
DATE: 01.01.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.0

OF 18 SHEETS



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

REVISIONS	BY

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newmanli26@gmail.com

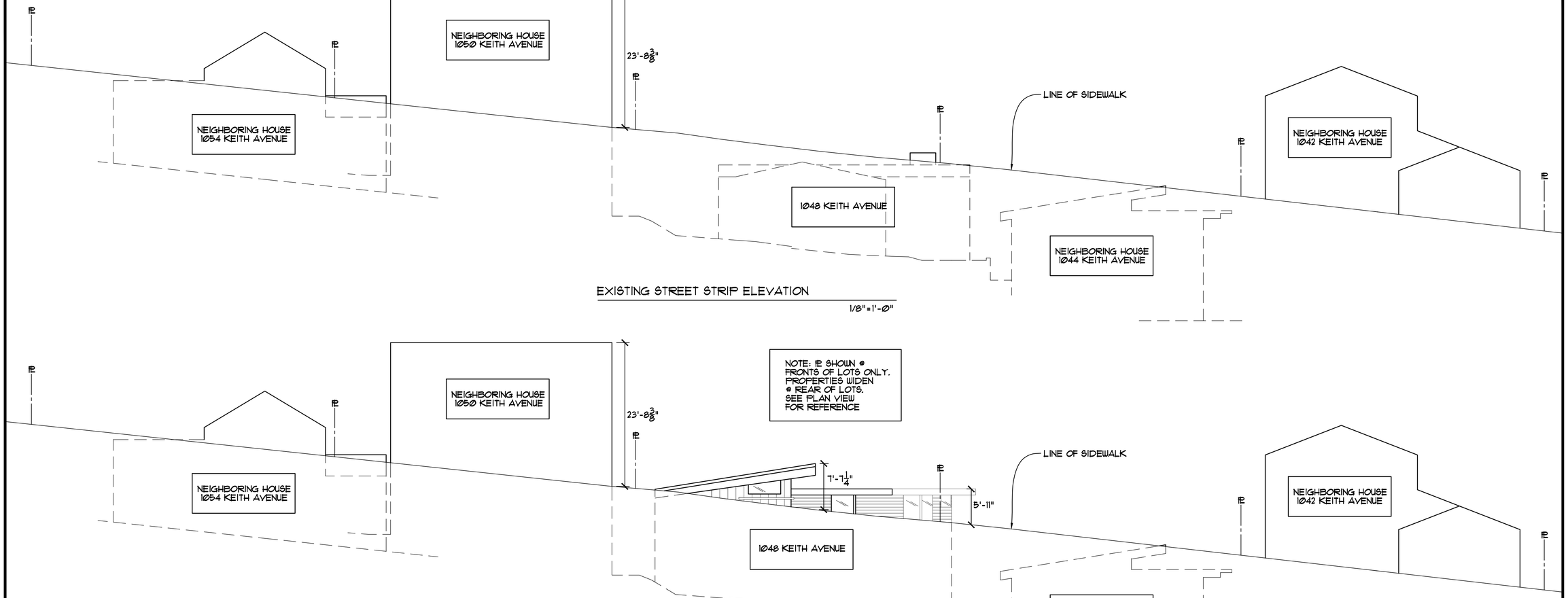
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST WEST SECTIONS

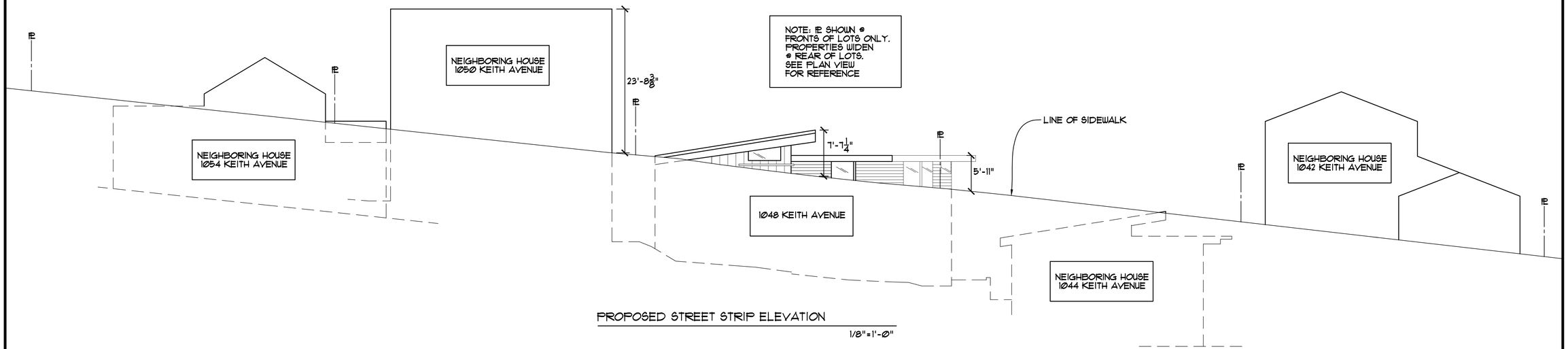
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A11
OF 18 SHEETS



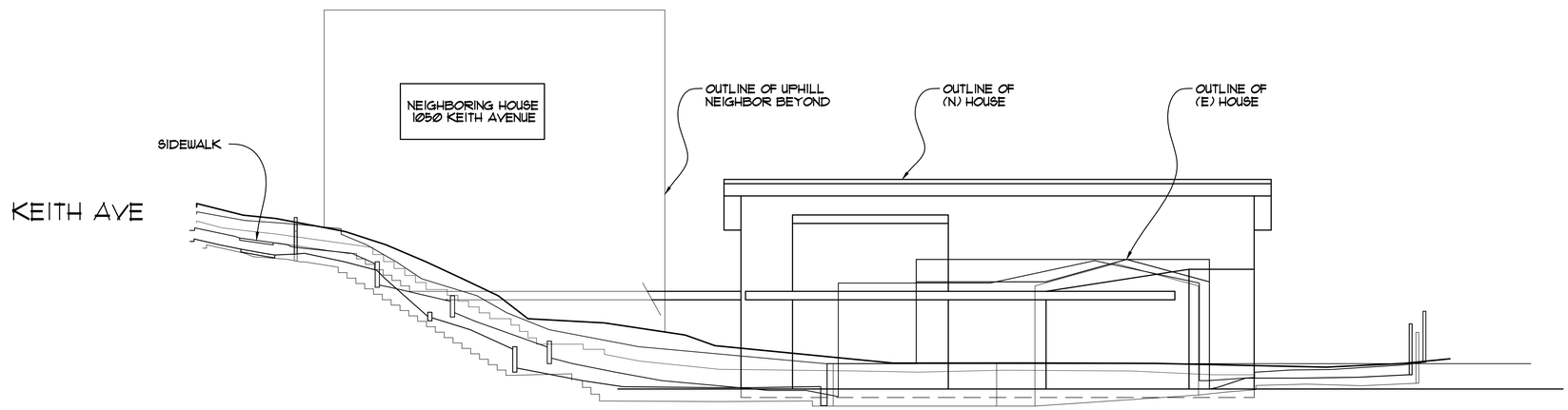
EXISTING STREET STRIP ELEVATION

1/8"=1'-0"



PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

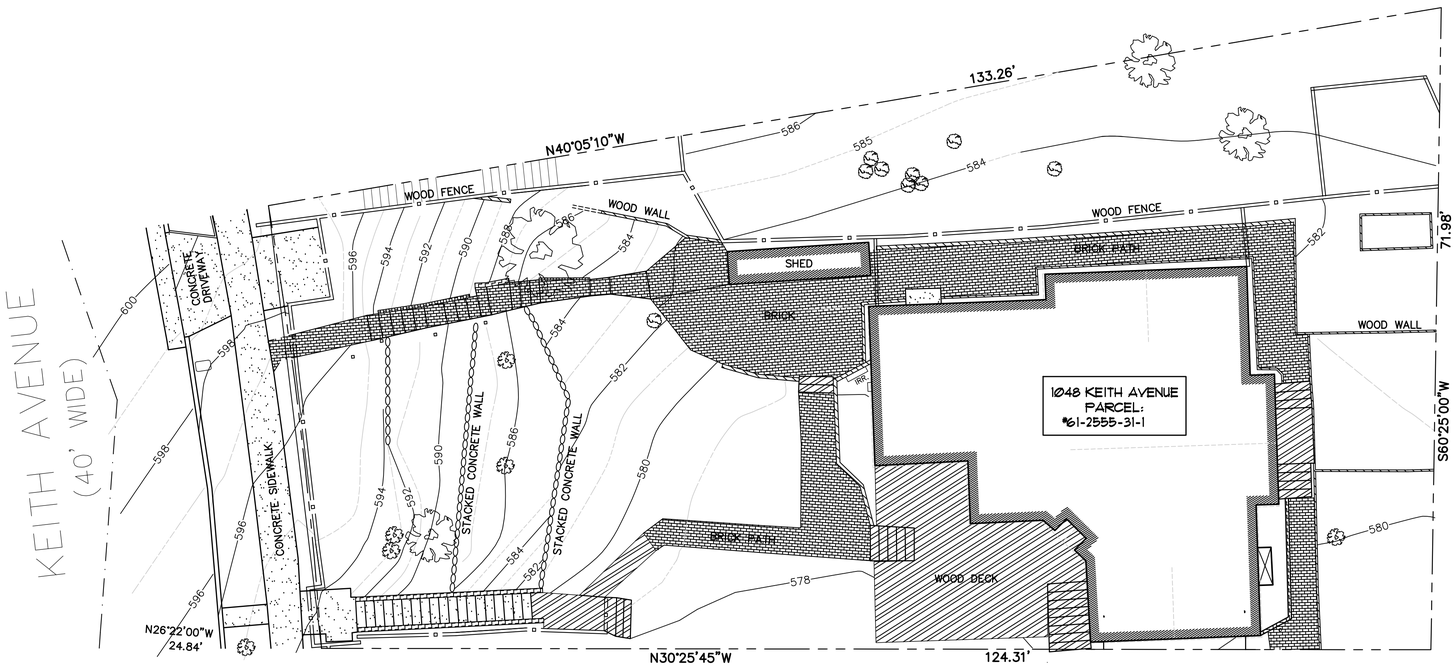
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A12

OF 18 SHEETS



BOUNDARY & TOPOGRAPHIC SURVEY

(SEE ORIGINAL SURVEY BY MORAN ENGINEERING, INC., DATED 11.20.2020)

1/8"=1'-0"

N

REVISIONS	BY

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CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

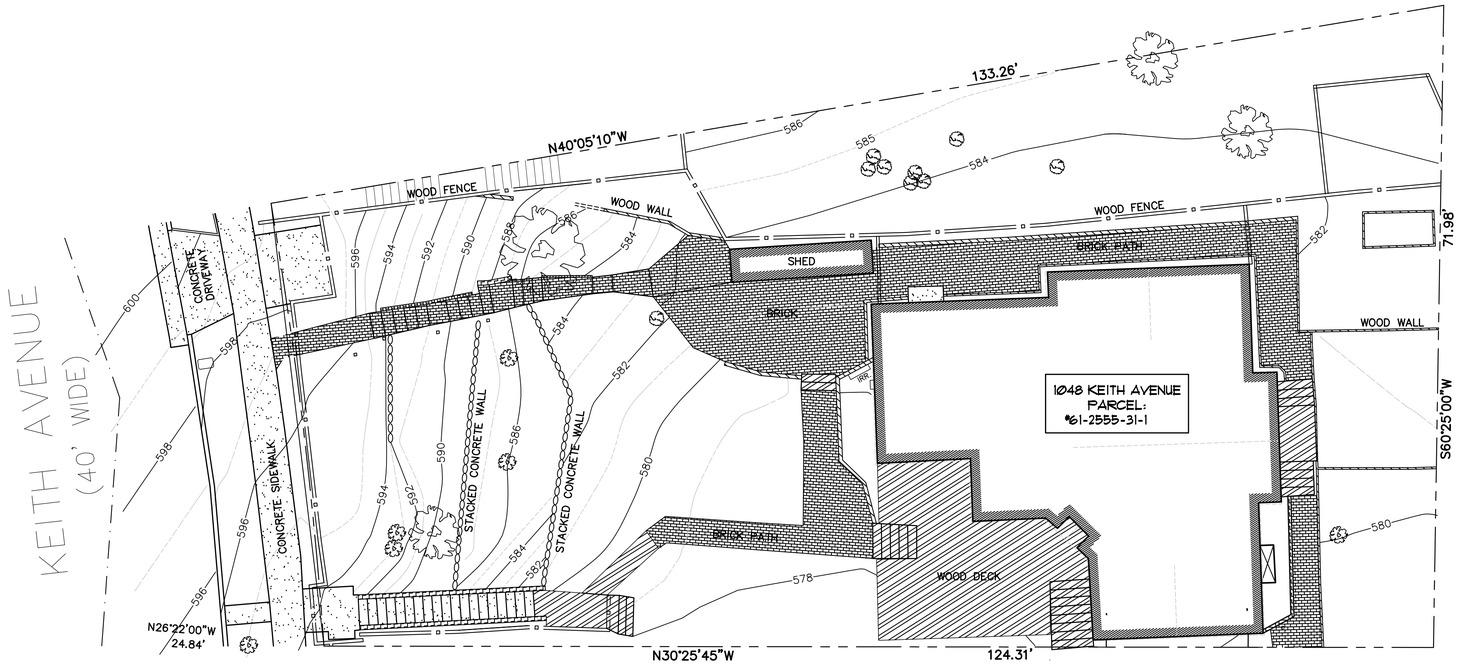
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
BOUNDARY &
TOPOGRAPHIC SURVEY

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

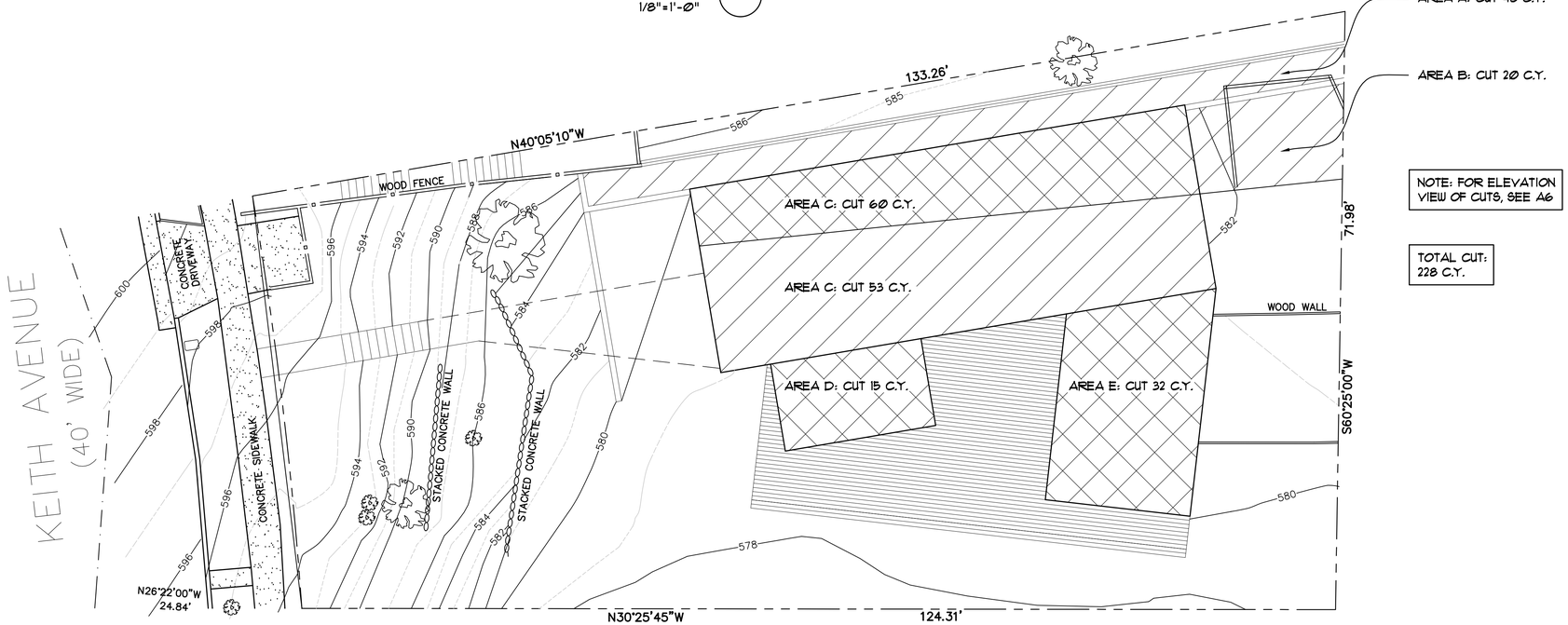
A1.3

OF 18 SHEETS



EXISTING GRADING PLAN

1/8"=1'-0"



PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

LINDSAY NEWMAN, PE
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P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
GRADING PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4
OF 18 SHEETS

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	584.1'	598.62'	14.52'
2	581.3'	598.62'/602.12'	17.32'/20.82'
3	580'	598.62'	18.62'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	579.5'	598.62'	19.12'
9	581.5'	598.62'/602.12'	17.12'/20.62'
10	581.2'	602.12'	20.92'
11	584.75'	598.62'	13.87'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

L. Newman

Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE

Name (Printed or typed)

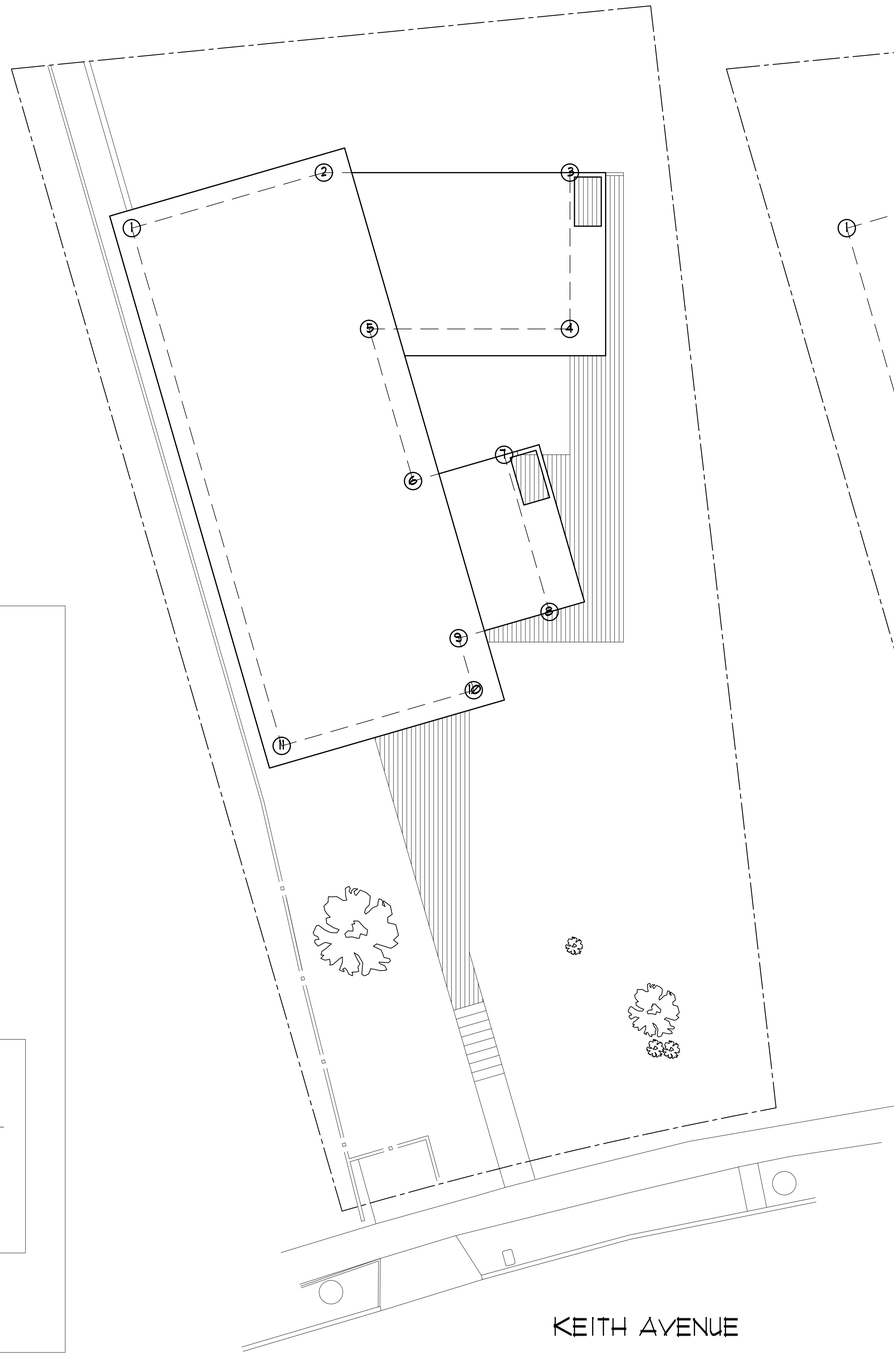
C-94808 / 06.30.2025

License No./ Expiration Date

(TBD)

Date

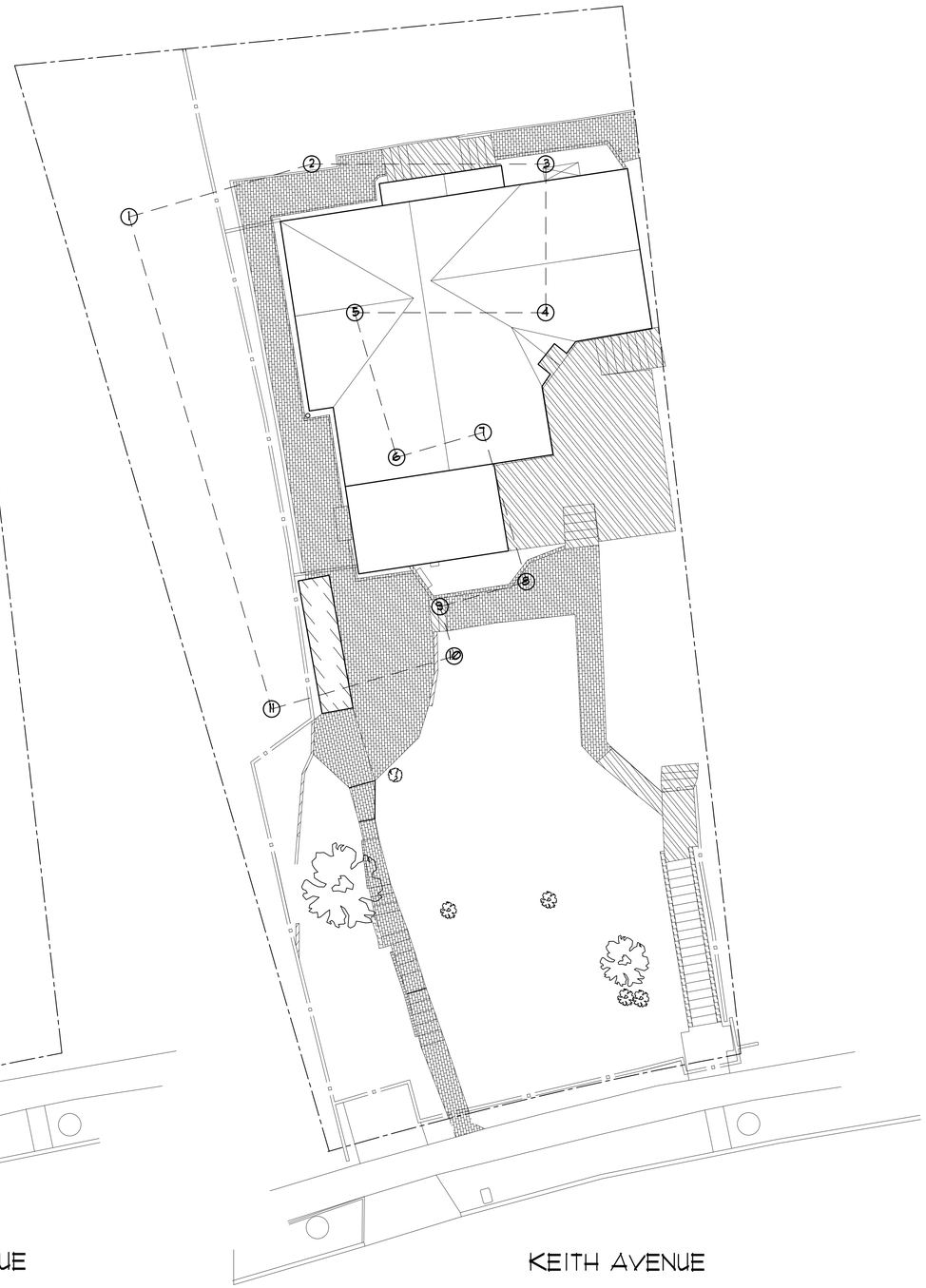
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA *



STORY POLE PLAN (PROPOSED HOUSE ONLY)

1/8"=1'-0"

N



STORY POLE PLAN (SHOWN OVER EXISTING)

1/8"=1'-0"

N

REVISIONS	BY

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P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA *

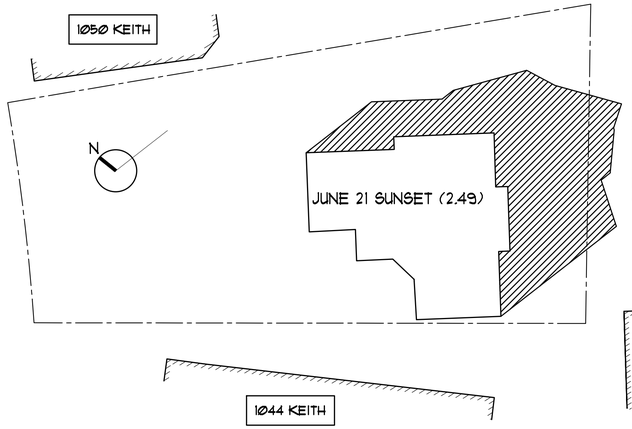
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STORY POLE PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

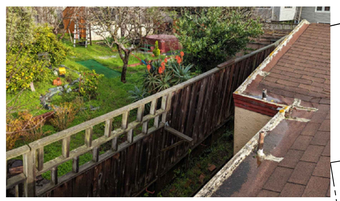
A1.5

OF 18 SHEETS

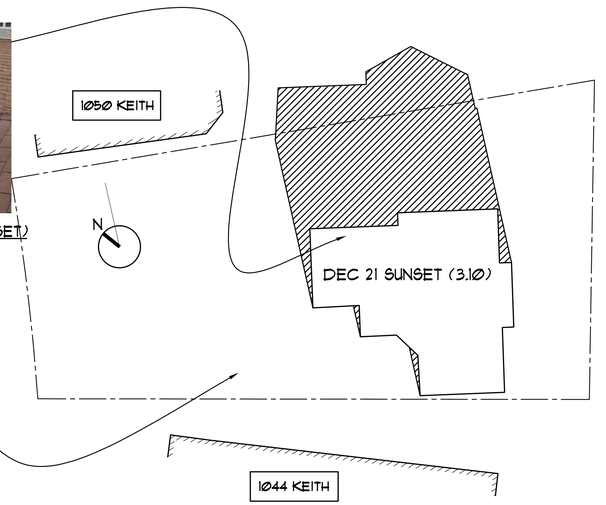




FRONT VIEW OF 1048 KEITH: 1.5.24 @ 3pm (-2h SUNSET)

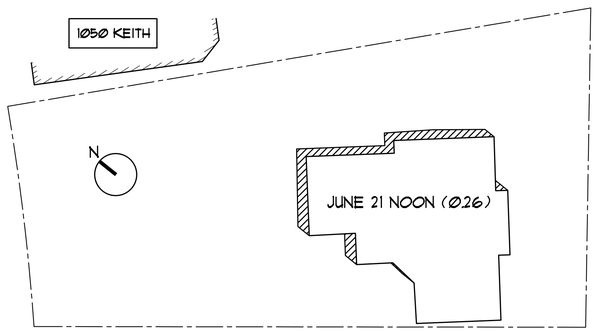


REAR ROOF VIEW: 1.5.24 @ 3pm (-2h SUNSET)



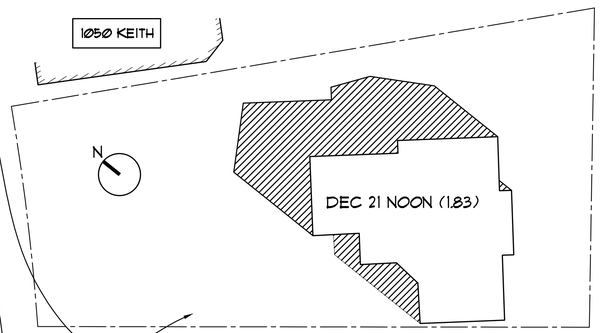


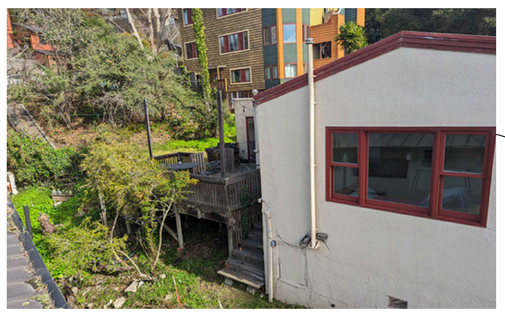
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON



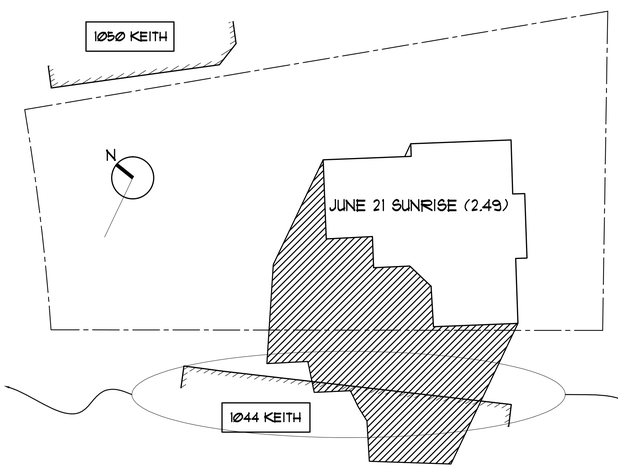


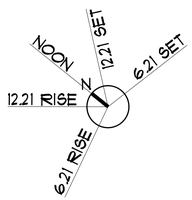
FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

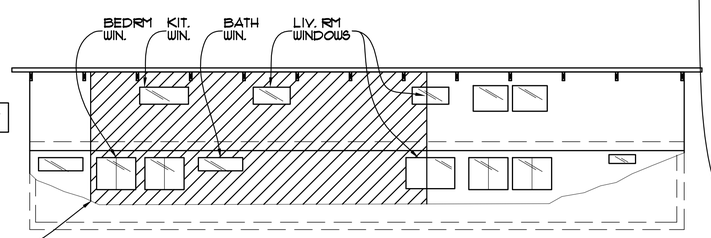




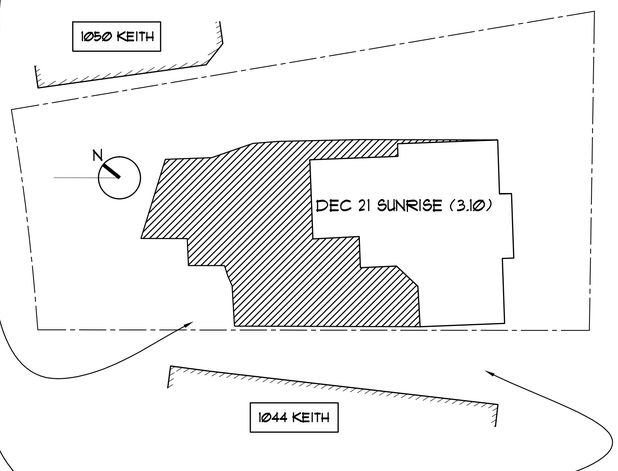
REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)







NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION



SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

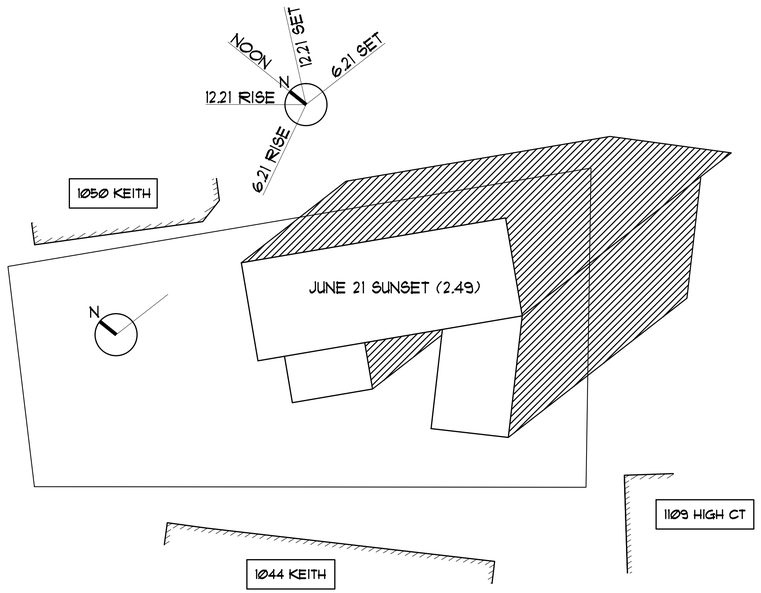
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

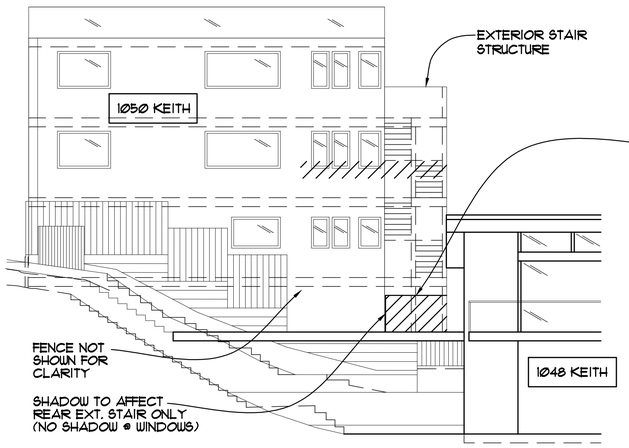
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/16"=1'-0"
DRAWN: LN

A1.6

OF 18 SHEETS



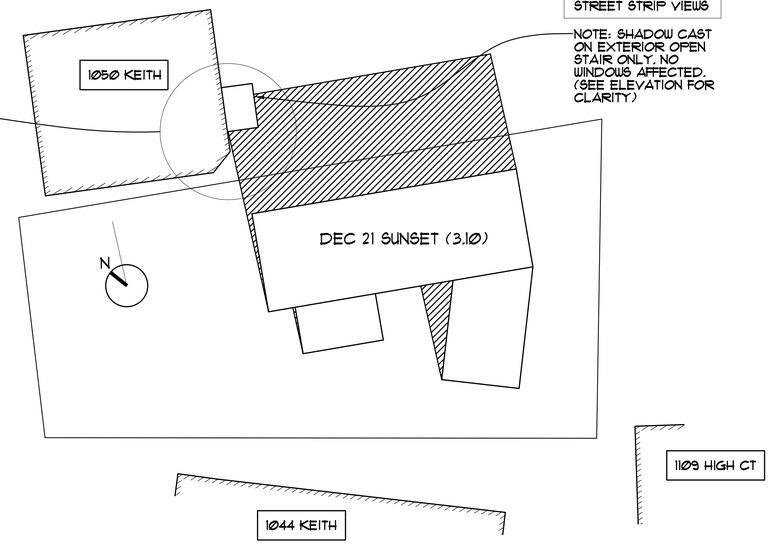


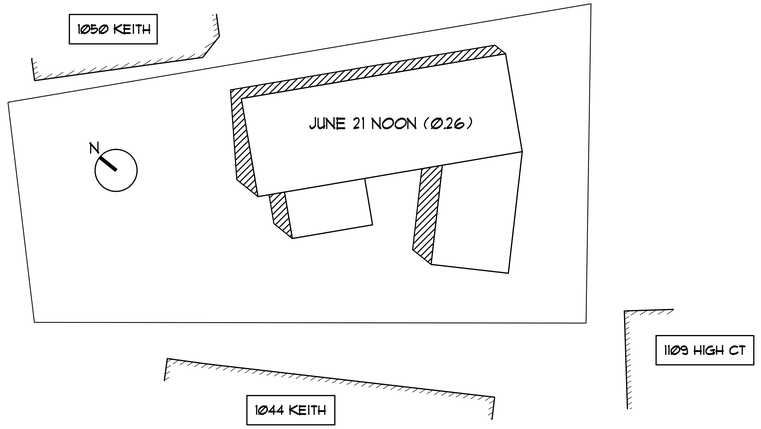
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION

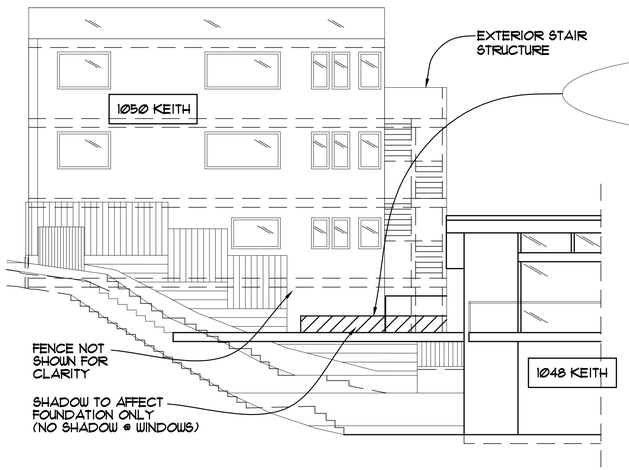
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

NOTE THAT GRADE IS SLOPING UPWARDS PER ELEVATIONS & STREET STRIP VIEWS

NOTE: SHADOW CAST ON EXTERIOR OPEN STAIR ONLY. NO WINDOWS AFFECTED. (SEE ELEVATION FOR CLARITY)

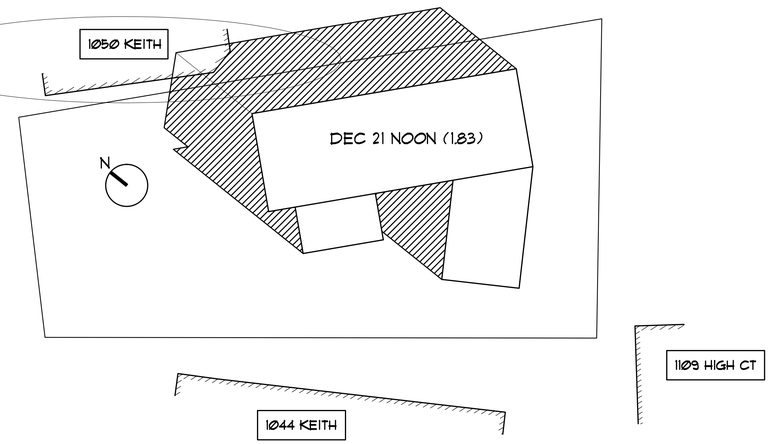


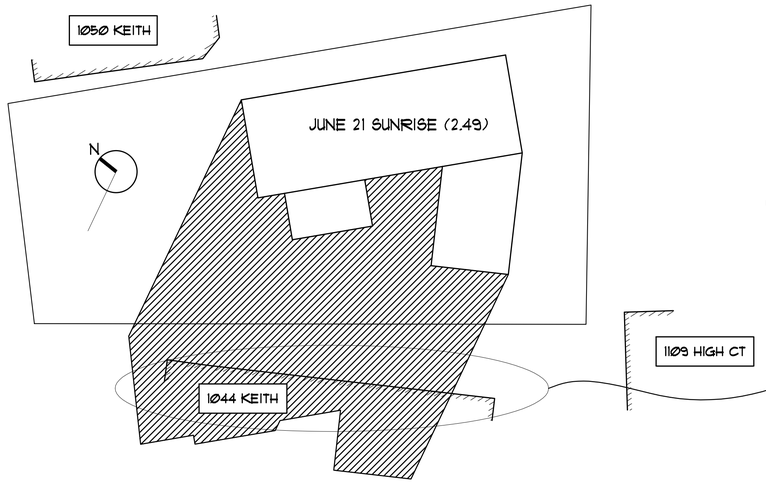




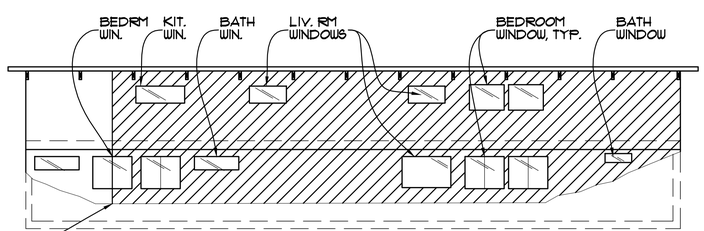
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION

SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"



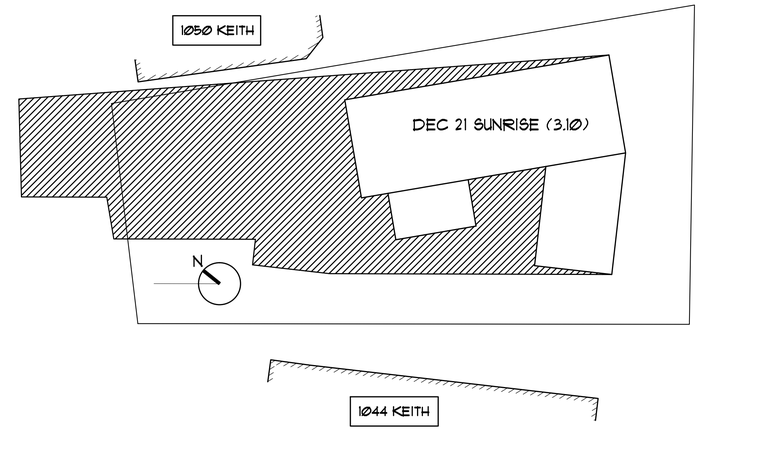


NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE. (NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION

SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



REVISIONS	BY

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newmanli26@gmail.com

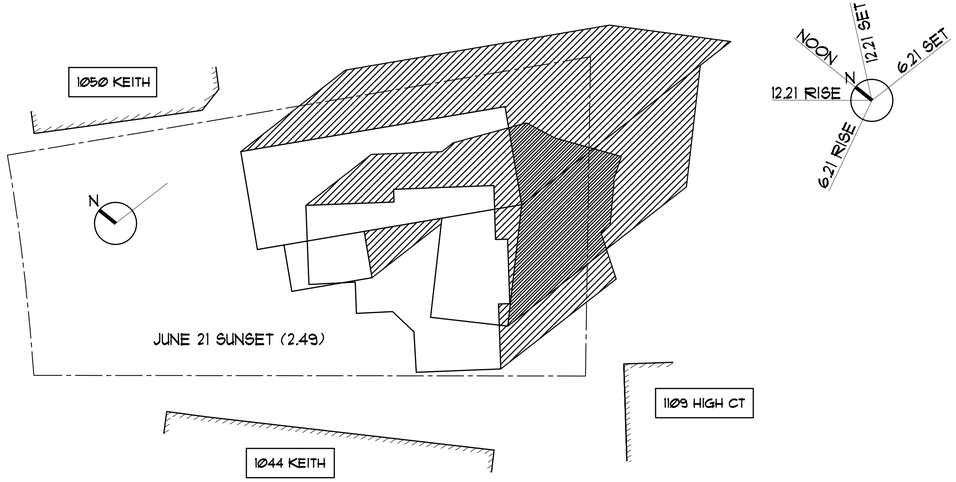
REGISTERED PROFESSIONAL ENGINEER * VIRGINIA * LINDSAY J. NEWMAN No. C-34808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *

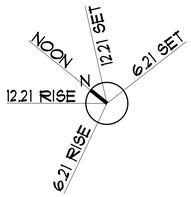
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

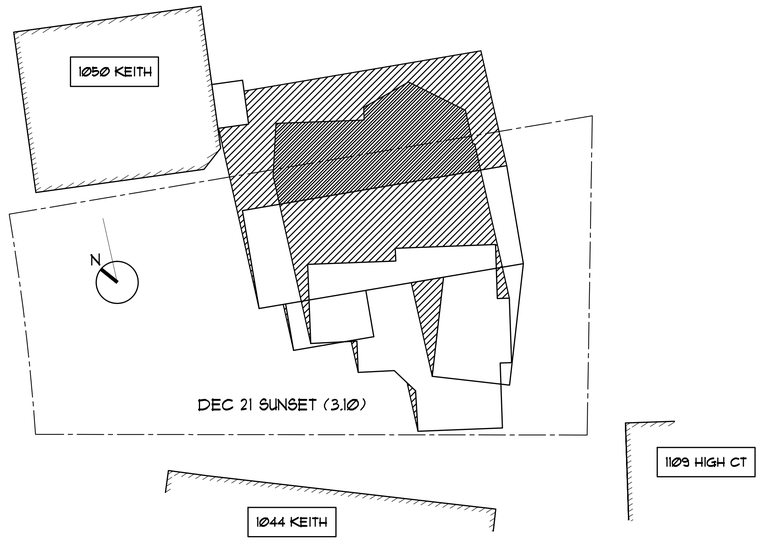
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

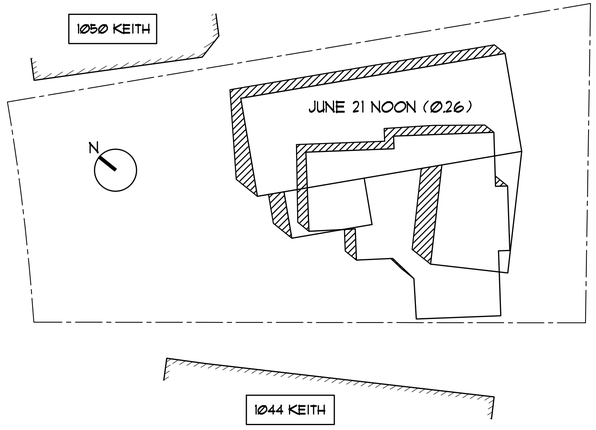
DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

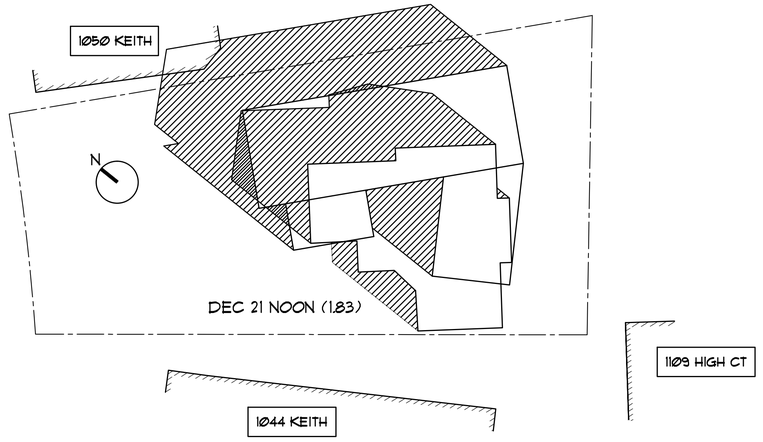
A1.7
OF 18 SHEETS

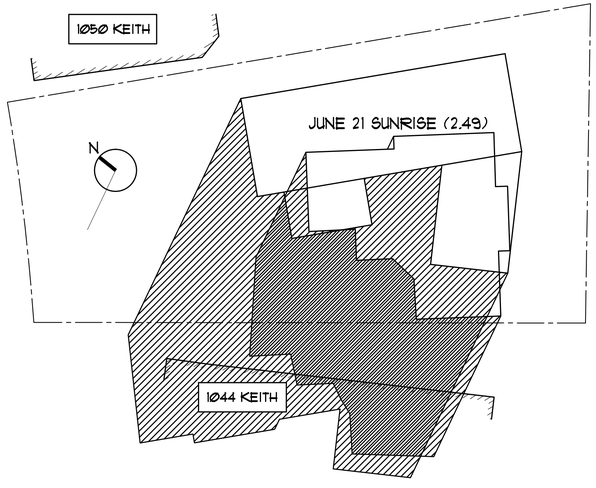


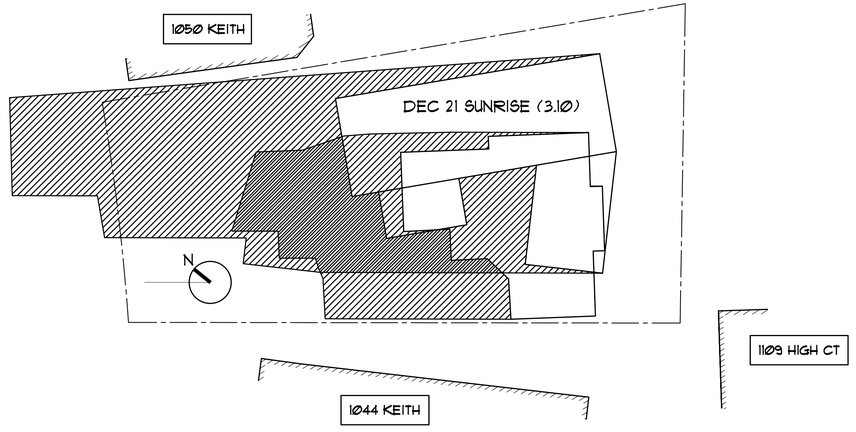












REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A18
OF 18 SHEETS

Planning and Development Department

Land Use Planning Division

Feburary 29, 2024
Lindsay Newman
1044 Keith Ave
Berkeley, CA, 94708

Sent via email to:
newmanli26@yahoo.com

Re: Application Status Complete – Use Permit (Public Hearing) #ZP2024-0014 for 1048 KEITH AVENUE

Dear Lindsay Newman,

Thank you for the Zoning Permit application submittal received on January 11, 2024, to demolish a single-family residence and construct a new two-story, 3,600 square-foot single-family dwelling unit in the R-1H district. The application has been evaluated for completeness with the submittal checklist and application guidelines.

Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 Title 7), the application has been deemed complete as of February 29, 2024. The project planner assigned to this project is Waqar Shah, and can be contacted at wshah@berkeleyca.gov & 510-981-7469.

Advisory Comment:

- While the applicant statement was provided, the assigned planner may ask for additional information and clarification on how it satisfies the findings required by the Zoning Ordinance.

Next Steps
The project planner will contact you within 30 days of the date of this letter with a CEQA determination.

Permit Processing Review
During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application. This may result in additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

If you have any questions about the project, please contact the project planner.

Sincerely,

Boshi Fu

Planning Technician

bfu@berkeleyca.gov

510-981-7544

Planning and Development Department
Land Use Planning Division

March 22, 2024
Lindsay Newman
1044 Keith Avenue
Berkeley, CA 94708

Sent via email to:
newmanli26@yahoo.com

Re: Application Processing – California Environmental Quality Act (CEQA) and Additional Information Required – Use Permit #ZP2024-0014 for 1048 Keith Avenue.

Dear Lindsay Newman,

Thank you for the third Zoning Permit application submittal received on February 27, 2024, to demolish a single-family residence and construct a two-story, 3,600 square-foot single-family dwelling unit in the R-1H district referenced above. The application has been evaluated for the level of environmental review required, and readiness for final action according to the submittal checklist and application guidelines.

Required Zoning Permit(s)
Based on my review, the following zoning permits are required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B), to demolish a dwelling unit.
- Use Permit pursuant to BMC Section 23.202.020, to construct a Single-Family Dwelling unit.
- Administrative Use Permit (AUP), pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks.

The following zoning permits may be required based on the responses provided to the comments below.

- Administrative Use Permit, pursuant to BMC Section 23.304.060(C)(2), construct an accessory structure (carport) that deviates from development standards
- Accessory Use Permit, pursuant to BMC Section 23.322.080 (E)(2)(b), to construct uncovered off street parking within in a front setback.
- Accessory Use Permit, pursuant to BMC Section 23.304.070 (C)(1) to construct retaining walls within a required setback.

Level of Review Under the California Environmental Quality Act
Under the California Environmental Quality Act (CEQA), staff determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration will be required, depending on the type of project. This determination will be made within 30 days of an application being deemed complete. If a project is exempt from CEQA, staff recommends an exemption determination to either the Zoning Officer or the Zoning Adjustments Board (ZAB).

The project as proposed may qualify for a **Categorical Exemption**, pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures"). However, additional information is required to determine the applicable CEQA level of review.

CEQA Review Items

1. An ***Air Quality Assessment Report*** is required to indicate whether the project can comply with criteria air pollutant screening thresholds established by the Bay Area Air Quality Management District (BAAQMD). As outlined in BAAQMDs 2022 CEQA Guidelines, development projects that include both demolition and construction could potentially result in the generation of construction-related criteria air pollutants or precursors that exceed the thresholds of significance, and cannot be considered less-than-significant.[1] This Air Quality Assessment Report is required for the CEQA determination by ZAB.
2. Landmarks staff has reviewed the submitted Historic Resource Evaluation (DPR Form 523) and offers the following comments to the applicant:
    a. Please provide more exterior photos of the building, including photos taken from a short distance that show the details of the building.
    b. Confirm you have visited the Berkeley Architectural Heritage Association archives. Provide a historic photo, if possible.
    c. Page 3 of the DPR forms states that no deed research has been undertaken since the Assessor's Office is closed, but that is no longer the case and the office is open to the public. Please conduct the deed research.
    d. Under Criterion 3, discuss how the building does and does not convey the Spanish/Mediterranean style.

Action Items – Corrections, Clarifications, and/or Supplemental Information Required

1. **Conforming Parking—**Per BMC Section 23.322.030 (A)(1), One (1) off- street parking space is required for roadways less than 26 feet in width in the hillside overlay district.
    a. A note on Sheet A1 says "Location of future carport under separate permit." Conforming parking is required for the approval of the new dwelling, and will need to be addressed as part of the overall Use Permit application. Please add the proposed carport to the project scope and plans. Per BMC 23.304.060(C) (2), this may require an additional Administrative Use Permit if it deviates from the standards in that section. This would be considered under the current application, not a standalone application.

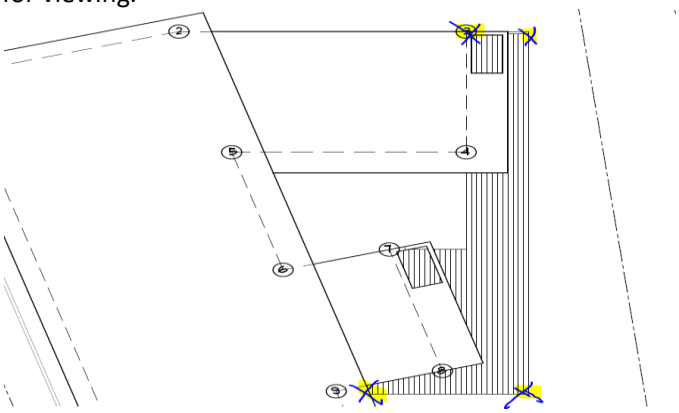
    b. Please revise Sheet A1 and all other relevant sheets to show that one parking space measuring 8 feet wide by 18 feet long will be provided on site and note that per the Parking and Driveway Design Guideline handout, parking pad slopes must be 2% maximum or as approved by a City Traffic Engineer. Note that per BMC Section 23.322.080 (E)(2), No portion of an off-street parking space may be located in a required front, street side, or rear setback area unless: b)The Zoning Officer approves an AUP, in consultation with the Traffic Engineer, and the space meets all applicable requirements in this section. Please reference the Parking and Driveway Design Guidelines sheet for parking design reference.

[1] Bay Area Air Quality Management District. CEQA Thresholds and Guidelines Update. Available online: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines

2. **Driveway Width**—As conforming parking is required, a driveway will also need to be provided on Sheet A1 and all other relevant sheets, to show a driveway width of 8 feet. Please reference the Residential Driveways Information Sheet for design reference.

3. **Retaining Walls**—An unenclosed accessory structure such as retaining walls are shown on the grading plan sheet (sheet A13 and A14). Please revise the site plan on Sheet A1 and all other relevant sheets to display the location and the top and toe elevations of the proposed retaining walls. Please note that per BMC Section 23.304.070 (C)(1), unenclosed accessory structure within a required setback, allowed height shall be specified in the AUP.

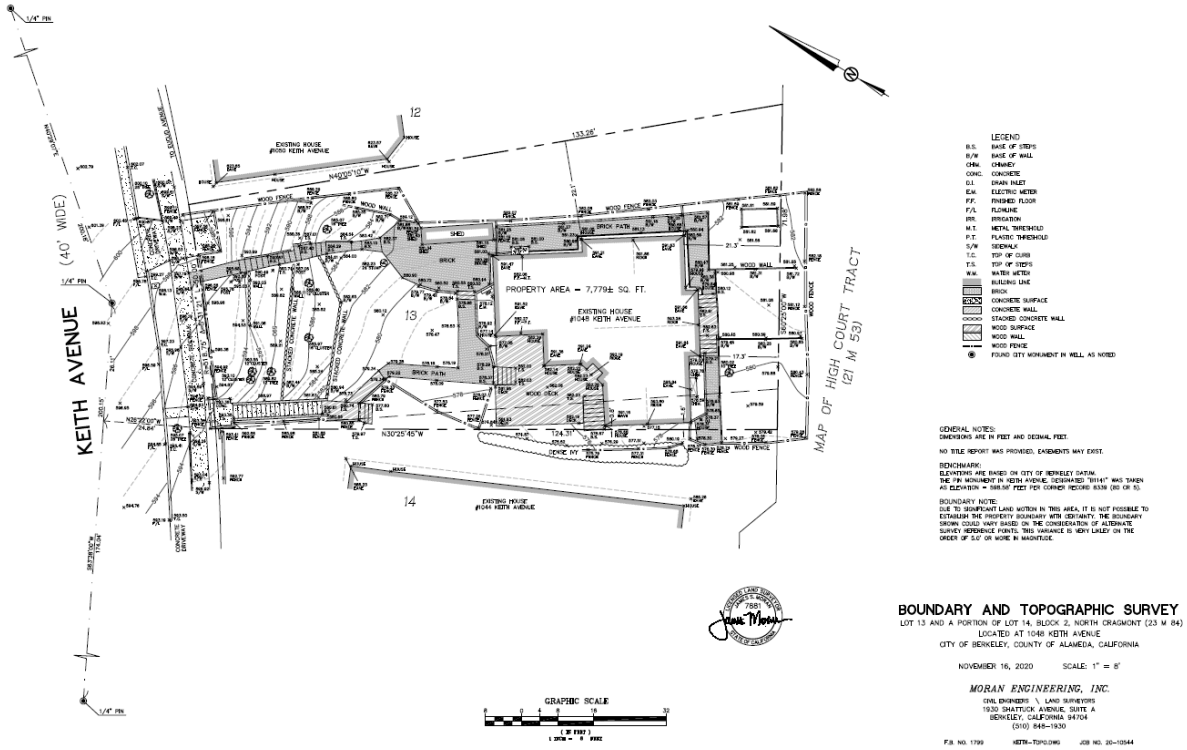
4. **Story Poles**—Revise the story pole plans on Sheet A15 to include the decks as shown in the image below. Please note that once the story poles are approved by staff, the story poles shall be installed for viewing by staff and decision-making bodies prior to scheduled Zoning Adjustment Board Public Hearing. If issues regarding the location, bulk, or scale arise, please inform me directly over email. The schedule for installing the story poles must be coordinated with the Planning staff and should generally not be done until all other necessary items of information for the project have been submitted. Once installed, the applicant shall contact staff to schedule a time for viewing.



5. **Geotechnical Review and Fee**—
   a. Thank you for providing the Geotechnical and Seismic Hazard Investigation Report with your application. This will be forwarded to our consultant for review and recommendations. Please pay the attached invoice of $1,500.00 for the required peer review.
   b. Additional comments or corrections may be required as a result of their review, and you will be notified if this is the case.
   c. This fee must be paid prior to scheduling or taking final action on the application. There are two options for payment: electronically through the Berkeley's Online Permit Portal, or at the Permit Service Center during normal business hours, Monday – Thursday (cashier closed 12:30-1:30pm).

6. **Boundary and Topographic Survey**— Please include the actual survey sheet in the revised plan set. The November 2020 signed survey below was provided as an individual document, and Sheet

A13 is not the correctly full or signed survey. Please incorporate the November 2020 in place of the 2023 survey to the plan set.



7. Per the Zoning Project Application Submittal Requirements, a **Berkeley Energy Code and Berkeley Green Code** statement and corresponding features on plans are required for newly constructed buildings. This should include information of how the proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37) including solar PV system, battery energy storage, electric vehicle charging, and low-carbon concrete requirements. Please refer to the Green Building requirements for more information.

Advisory comments – Application Processing Review.

1. Additional Permits / Fees Required. Based on the submittal documents, you were charged for the Use Permit to demolish a dwelling unit, Use Permit to construct a dwelling unit, and one additional Administrative Use Permit to reduce the rear setbacks, and the Public Hearing fee. As noted in the Permits Required and the Action Items above, there may be additional permits required related to parking and retaining walls, depending on the responses to the comments. Once the full scope of the project is determined, I will assess the additional fees and provide an invoice. Fees must be paid prior to scheduling or taking final action on the application.

2. During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application according to the Zoning

Project Application Submittal Requirements. This may result in revisions to the information provided with your submittal, additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

Next Steps

Please submit the outstanding information for staff review using this BOX link for your project, and pay the attached invoice, referenced above. Once the revised information is submitted, staff will review for application completeness within 30 days.

Please submit responses to **all** requested items at once, and not incrementally. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you.

If you have any questions about the additionally, requested information, please reach out to me directly. Thank you in advance for your cooperation.

Sincerely,

Waqar Shah
Associate Planner
510-981-7469
wshah@berkeleyca.gov

Permit Service Center
Building and Safety Division
1947 Center St. 3rd Floor
Berkeley, CA 94704

INVOICE

Date: 03/21/24

Invoice #: 564644

Record #: ZP2024-0014

Address: 1048 KEITH AVE

Bill to:

UPPH: 1048 KEITH AVENUE
LINDSAY NEWMAN
1044 KEITH AVE
BERKELEY CA 94708-1605

Date Assessed	Invoiced Fee Item		Fee	Paid	Balance
3/21/2024	Dedicated Project Review ADD040		$1,500.00	$0.00	$1,500.00
		Totals:	$1,500.00	$0.00	$1,500.00

April 30, 2024

Waqar Shah
Associate Planner
City of Berkeley
Permit Service Center
Zoning Division
Planning & Development Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Subject:	**Application Processing Notice (Response Letter)**
Project Address:	1048 Keith Avenue
Building Permit #:	ZP2024-0014
Job. No.:	LN-1048

Dear Mr. Shah,

The following are itemized responses to the plan check comments:

CEQA Review Items:

1. Please see the attached report. (Will send this via email today)
2. Please see the updated form, "0-4B Historic Resource Evaluation_DPR forms"

Action Items: "0-2 Plan Set"

1. Conforming Parking: This has been added/updated on all sheets. (Sheet A1+)
2. Existing driveway is now shown as enlarged, for larger parking hardscape area.
3. Retaining Walls shown with toe and top of wall elevations. No retaining walls are over 3 feet in height. (Sheet A1)
4. Story Poles: Updated to include deck on sheet A15. Poles are not installed, by stakes with elevations are in place.
5. Geotechnical Review and Fee: Paid 4.29.24
6. Boundary and Topographic Survey: Updated on sheet A13, as well as other sheets showing this information.
7. Energy Code & Green Code Statement: Added to sheet notes on sheet A1.

Sincerely,

Lindsay Newman, PE

State of California ☐ The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI #
PRIMARY RECORD Trinomial
NRHP Status Code
Other Listings
Review Code Reviewer Date

Page 1 **of** 6 ***Resource Name or #:** 1048 Keith Ave., Berkeley, CA
P1. Other Identifier: None

*__P2.__ **Location:** ☐ **Not for Publication** ■ **Unrestricted**
***a. County** Alameda
***b. USGS 7.5' Quad** Oakland West **Date** 1993 **Township & Range** T1S/R3W
c. Address 1048 Keith Ave. City Berkeley Zip 94709
d. UTM: Zone __, _____ mE/ _____ mN
e. Other Locational Data: Assessor's Parcel Number: 61-2555-31-1

***P3a. Description:**
The subject residential property lies on the south side of Keith Ave. and is steeply downsloping, with the house substantially set back from and below the street. Per Alameda County Assessor's information, the lot occupies some 7,780 square feet. The wood frame, single family house is a single-story over a high crawl space with a floor area of approximately 1,400 square feet. Its plan is an inverted L-shape, its main front-gabled form the leg with a small, centered frontward extension, an east side ell that is a secondary gable and another shallow side gable facing east. Gabled roofs are low-sloped, the forward extension is flat-roofed. (cont.)

P5a. Photograph



Fig.1 – 1048 Keith Ave., front (north) and west side from street

***P3b. Resource Attributes:** HP2: Single-family property
***P4. ResourcesPresent:** ■ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
P5b. Description of Photo: (view, date, accession #)
Fig.1)MH,2020; 2)Sanborn map,1950; 3-5)Newman,2024; 6)from BAHA
***P6. Date Constructed/Age and Source:** ■ Historic ☐ Prehistoric ☐ Both
1924 (bldg.permit #18401)
***P7. Owner and Address:**
Joachim Kainz & Lindsay Newman, 1044 Keith Ave., Berkeley, CA 94708
***P8. Recorded by:**
Mark Hulbert
446 17th St. #302
Oakland, CA 94612

***P9. Date Recorded:** January 5, 2021; rev.April 10, 2024
***P10. Survey Type:**
Intensive
***P11. Report Citation:**
none

***Attachments:** ☐NONE ☐Location Map ■Continuation Sheet ■Building, Structure, and Object Record ☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California □ The Resources Agency Primary #
DEPARTMENT OF PARKS AND RECREATION HRI#

BUILDING, STRUCTURE, AND OBJECT RECORD

***Resource Name or #**: 1048 Keith Ave., Berkeley ***NRHP Status Code**
Page 2 **of** 6

B1. Historic Name: --
B2. Common Name: 1048 Keith Ave.
B3. Original Use: Single-family residence B4. Present Use: same
***B5. Architectural Style:** Bungalow
***B6. Construction History:**

The subject, single-family house was permitted and constructed in 1924 on a presumably previously vacant parcel first mapped as lot 13 block 2 of the April 1908 map of North Cragmont, which neighborhood had then been annexed into Berkeley.

Both the 1929 and 1950 Sanborn maps depict the plan of the existing house, including the front extension, the appearance of which is that of an addition rather than an integral part of the house.

Original permit records exist for the house and for the former single-car garage that stood at the street in the northeastern corner of the site, that original garage also depicted in both Sanborns. The 1924 permit identified the owner as Miss E. Hogue and the builder O.H. Butzke. (cont.)

***B7. Moved?** ■**No** □**Yes** □**Unknown** **Date:** **Original Location:**
***B8. Related Features:** None
B9a. Architect: none b. Builder: O.H. Butzke
***B10. Significance: Theme** -- **Area** North Berkeley, CA
Period of Significance -- **Property Type** Residential **Applicable Criteria** --

Per the following evaluation, the subject property and building have no identifiable associations to any events or persons important to history. Additionally, the 1924 house is a basic and undistinguished design without construction characteristics of interest, without an identifiable architect, etc., and its builder is of no identifiable importance. Consequently, as the property and residence at 1048 Keith Ave. in Berkeley do not meet any CR criteria, they are not CR eligible. (cont.)

B11. Additional Resource Attributes: none

***B12. References:**
City of Berkeley permit records (microfiche); 1929 and 1950 Sanborn maps (@sfpl.org); 1910-1940 U.S. censuses (@heritagequest.org); Alameda County directories (@loc.org); Berkeley Architectural Heritage Association (BAHA) archives.

B13. Remarks:
***B14. Evaluator:** Mark Hulbert, Preservation Arch.
***Date of Evaluation:** January 5, 2021, rev. 4/10/2024

(This space reserved for official comments.)

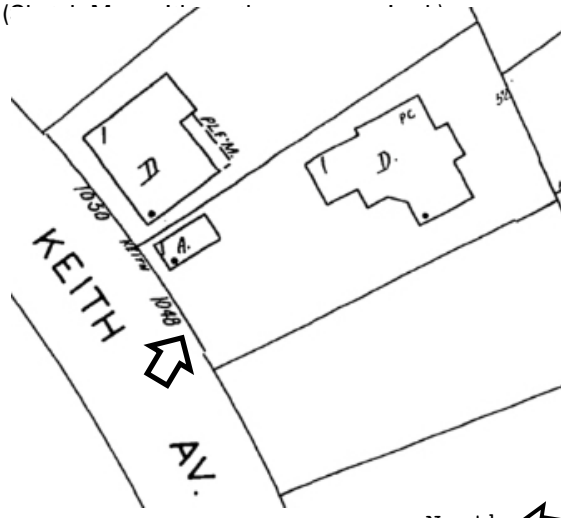


Fig.2 – 1048 Keith Ave. (arrow)

State of California - The Resources Agency Primary#
DEPARTMENT OF PARKS AND RECREATION HRI #
Trinomial

CONTINUATION SHEET

Property Name: 1048 Keith Ave., Berkeley
Page 3 of 6

Description (cont. from p1)

An elevated wood deck fills the space of the ell and the front entry is via an arched opening in a chamfered wall at the inside crook of the ell. Exterior walls are plain stucco (cement plaster) with nominal wood trim at window openings and tracing the sloped tops of walls. Windows are a mix of materials (wood, aluminum) and types (hung, casement, sliding), most replacements. Existing low-sloped roofs are cap-sheet and the flat roof is built-up, while the original roofs were, per the permit record, tar and gravel. A simple brick chimney stands at the rear (south) wall (see figs.3-5)


Fig.3 – 1048 Keith - Front (north)


Fig.4 – 1048 Keith - West side and rear (south)

State of California - The Resources Agency Primary#
DEPARTMENT OF PARKS AND RECREATION HRI #
Trinomial

CONTINUATION SHEET

Property Name: 1048 Keith Ave., Berkeley
Page 4 of 6

Descriptions (cont. from p3)



Fig.5 – 1048 Keith - Rear (south) and east side

The design of 1048 Keith Ave. is a simple contractor designed and built bungalow. The extant residence appears to be mostly original and/or early excepting for replacement windows, the added decks and its original garage, which was removed in the 1950s. The only design details are an arched front door portal, though that is likewise a simplified and amateur form, and a stepped wood roof edge molding at low slope roofs. There are no other embellishments nor is there any evidence that there were any in the original building. The one available, previous photographic image of the house, dated 1973 (fig.6), reinforces its lack of design character. Moreover, when this consultant surveyed the property, the house was minimally habitable, its design and construction poor.



Fig.6 – 1048 Keith Ave. - Front (north)m 1973 (from Donogh files, BAHA)

Construction History (cont. from p2)

Other permit records include:

date	*work*	*owner*
1951	Termite repairs	R. Jackson
1966	Gas	Rodney Jackson
1974	New foundation	Franklin Galves
1981	Reroof	Berck
1986	Interior alts	Peter & Janet Berck
1989	Reroof	Janet Lord
1992	Deck replaced/enlarged	Peter Berck
1999	Reroof	Cyndi Berck

Significance (cont. from p2)

Associated Persons

As noted, the 1924 deed and permit identified the property owner as Miss Effa (Effie) L. Hogue (1891-1950) and the builder O.H. Butzke. In the 1920 U.S. census, a 28 year old Effie L. Hogue was identified as a high school teacher sharing a residence with her mother on High Court, a dead end street in the ravine directly below the subject property. Hogue was also listed on High Court in the 1924 directory but was not listed in Berkeley in subsequent 1920s directories (and no directories between 1916 and 1923 are available online). The earliest indication of Hogue residing in Berkeley is a 1916 state education directory that listed Effa L. Hogue as a teacher in Richmond and a resident of Hawthorne Terrace in Berkeley. The 1930 census located her in Merced, California, also identified as a schoolteacher. During the 1930s, Hogue was again listed on High Court in Berkeley. By the 1940 census, Hogue resided in Pasadena. Death records indicate that she died in 1950 in Los Angeles.

Hogue was not listed at 1048 Keith Ave. in any directories or censuses, so evidently built this house speculatively. There is evidence that she and the builder Butzke had previously teamed up to construct another house in the vicinity, at 1173 Sutter St. (from *Organized Labor*, 18 Aug. 1923, p7). No other examples of Butzke's projects have been identified.

Per deeds, Hogue acquired lot 13 of the North Cragmont tract in May of 1924 from Emerson and Cordelia Lightfoot. No earlier deed to Lightfoot was located and, despite searches, neither was a subsequent deed from Hogue to its next owner. However, Hogue retained ownership at least until 1928, in October of which year she deeded the sliver of the west side of then lot 13 to lot 14, as indicated in the current parcel map. Additionally, the first identifiable occupants of 1048 Keith Ave. were Anna and Ernest F. Nelson, who were evidently tenants, the latter identified as a carpenter. The 1930 census recorded the occupants as May G. and Leslie W. Ingram, who were therein listed as owners, the latter a mechanical engineer, yet who were not again listed in subsequent directories.

Deed, directory and census records identify the subsequent range of owners of 1048 Keith:

1935-1937	Frances C. and Jonathan H. Rowell
1938-1951	Rosemarie and Richard Jochum
1951-1973	Dorothy L. and Rodney N. Jackson
1973-1979	Franklin C. Galves
1979-2019	Janet P. Lord and Peter Berck

Significance (cont. from p2)

Evaluation

The following addresses historic resource potential per the four California Register of Historical Resources (CR) evaluation criteria:

Under ***criterion 1*****,** the 1924 residence falls under the historic context of single-family residential development in Berkeley and the San Francisco Bay region in the early 20th century. In that broad context, the subject house was one of a large number of residences of its type built in the 1920s in the immediate vicinity as well as throughout the Bay Area and California. Thus, in its historic period and context, there are no specifically associated events or patterns of any identifiable historic importance.

Under ***criterion 2*****,** no persons of potential historical importance are associated with the subject property.

Under ***criterion 3*****,** in terms of its design and construction, the minimal design of the extant house clearly lacks architectural importance, no less distinction, as it is a highly modest and minor residential example without any distinctive architectural embellishments. There was additionally no architect while the designer-builder, O.H. Butzke, is also without any potential identifiable importance, as exemplified by this example of his work.

As the subject house does not embody design or construction distinction or embody artistry, is not the work of any identifiable architect or of an historically important builder, the residence at 1048 Keith Ave. does not meet *CR criterion 3.*

Lastly, under ***criterion 4,*** beyond the current effort, the subject property and house have not yielded any historical information and do not have further historical information potential.

In conclusion, the property and residence at 1048 Keith Ave. in Berkeley do not meet any CR criteria so are not CR eligible.

ADMINISTRATIVE USE PERMIT

SHEET INDEX

A1	GENERAL NOTES & SITE PLAN
A2	LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3	EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4	PROPOSED GROUND FLOOR PLAN
A5	PROPOSED ROOF AND SECOND FLOOR PLAN
A6	EXISTING EAST & WEST ELEVATIONS
A7	EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8	PROPOSED EAST & WEST ELEVATIONS
A9	PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10	PROPOSED LONGITUDINAL SECTIONS
A11	PROPOSED EAST WEST SECTIONS
A12	STREET STRIP ELEVATION
A13	BOUNDARY & TOPOGRAPHIC SURVEY
A14	GRADING PLAN
A15	STORY POLE PLAN
A16	SHADOW STUDY: EXISTING DWELLING
A17	SHADOW STUDY: PROPOSED DWELLING
A18	SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.

2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL RH-3

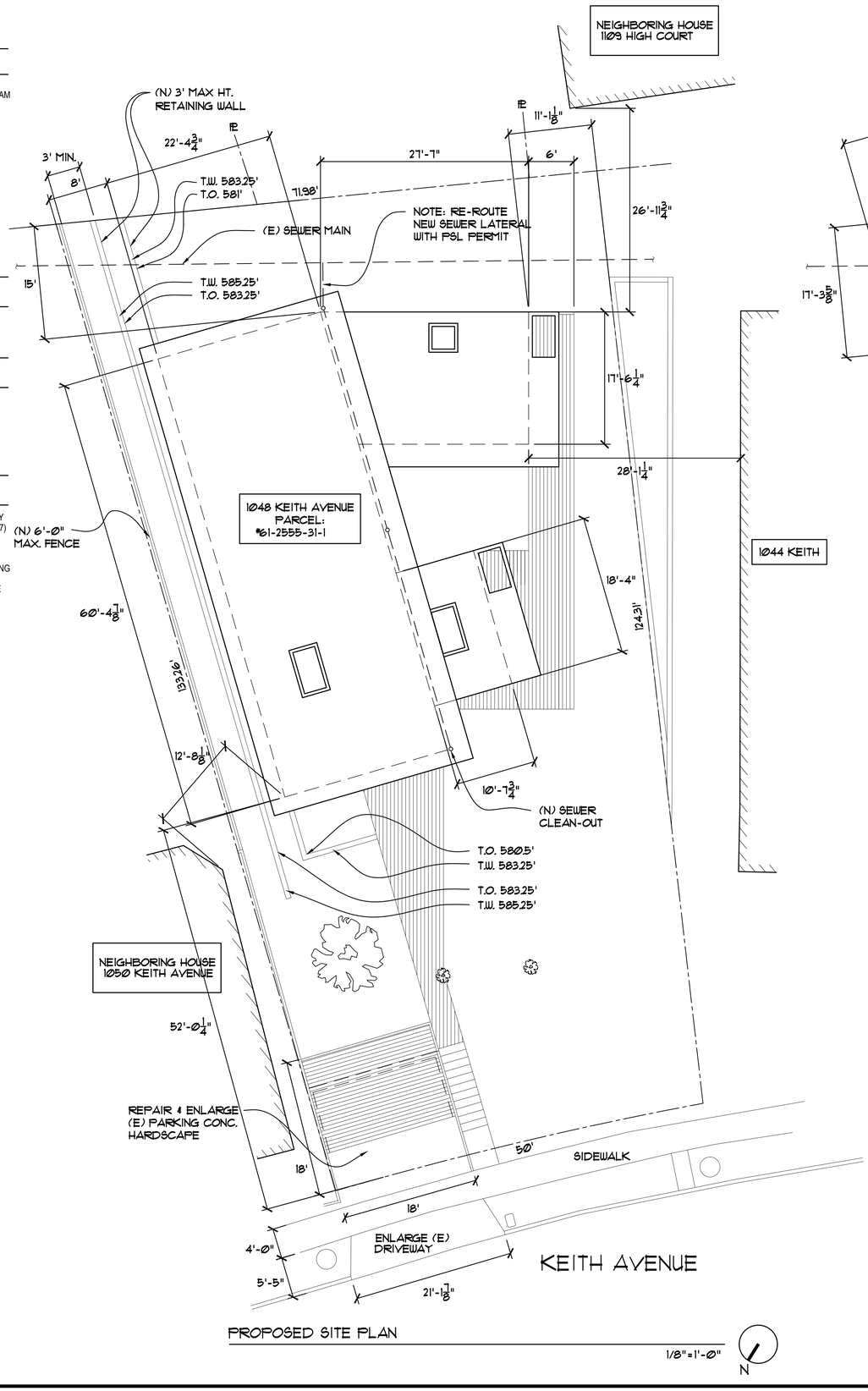
CONSTRUCTION TYPE: V-B

ENERGY CODE & GREEN CODE STATEMENT

THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CH. 19.36) & BERKELEY GREEN CODE (BMC CH. 19.37) INCLUDING SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, & LOW-CARBON CONCRETE REQUIREMENTS. NOTE THAT FOR BUILDING PERMIT SUBMITTAL, QUANTITATIVE VALUES FOR APPLIANCE FUEL EFFIECIENCY MUST BE INCLUDED IN RELEVANT BUILDING PERMIT ARCHITECTURAL SHEETS, WINDOW & DOOR SCHEDULES, & ON ARCHITECTURAL, PLUMBING, & MECHANICAL SHEETS, MATCHING THOSE VALUES STIPULATED IN PRESCRIPTIVE OR PERFORMANCE ENERGY COMPLIANCE DOCUMENTS.

I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

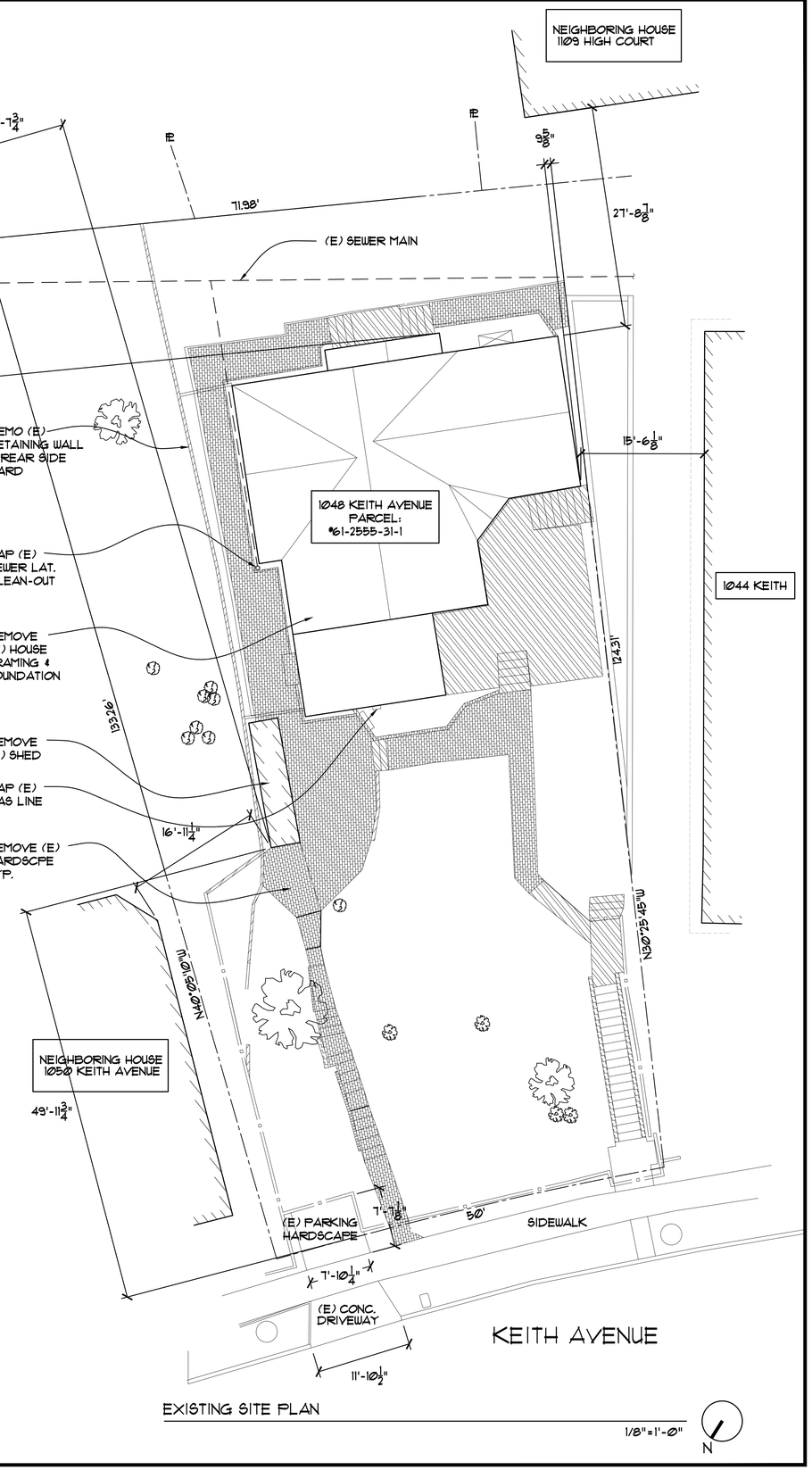
NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				



PROPOSED SITE PLAN

1/8"=1'-0"

N



EXISTING SITE PLAN

1/8"=1'-0"

N

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY L. NEWMAN * No. C 34868 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING SITE PLAN &
PROPOSED SITE PLAN

DATE: 01.07.24

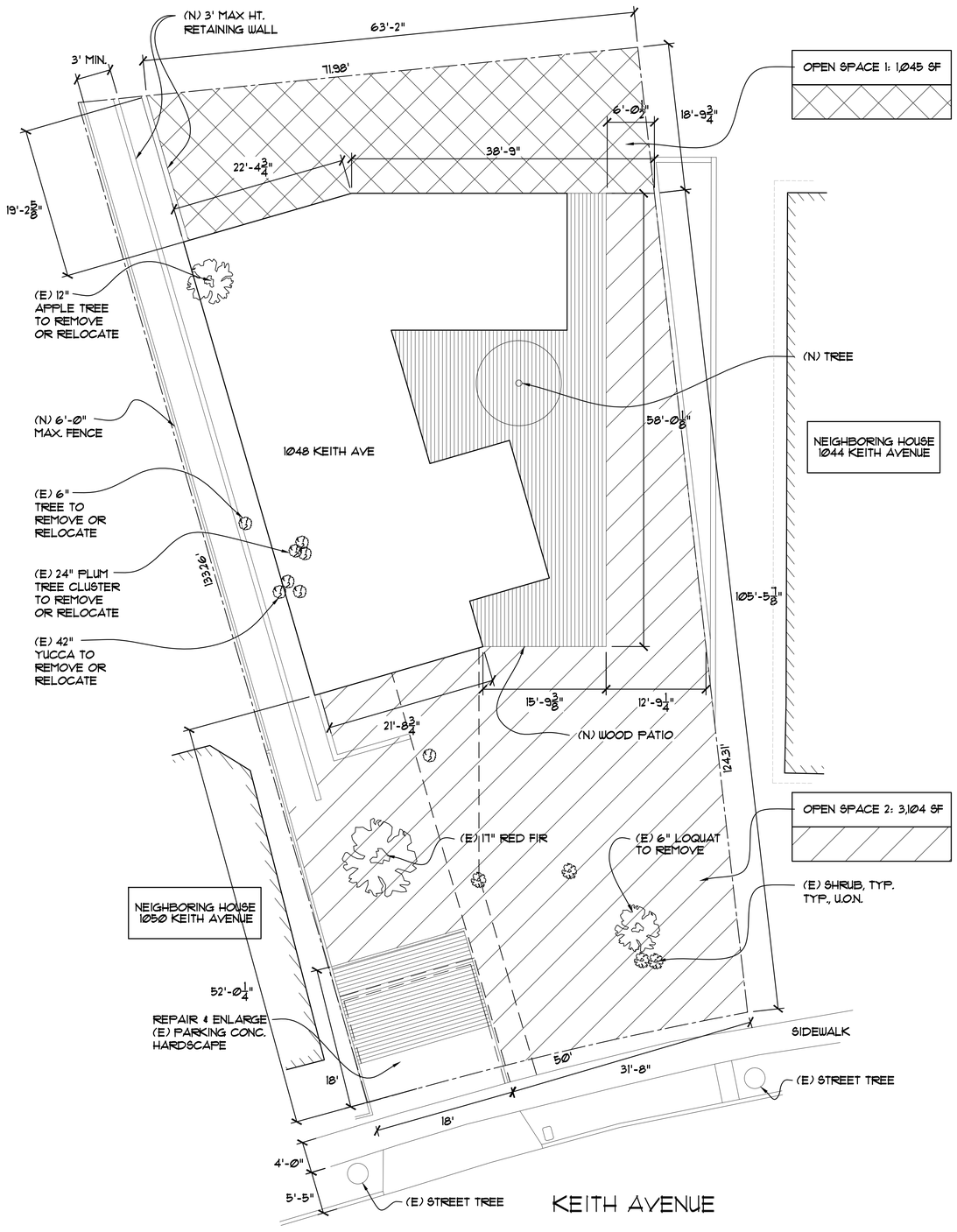
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DRAWN: LN

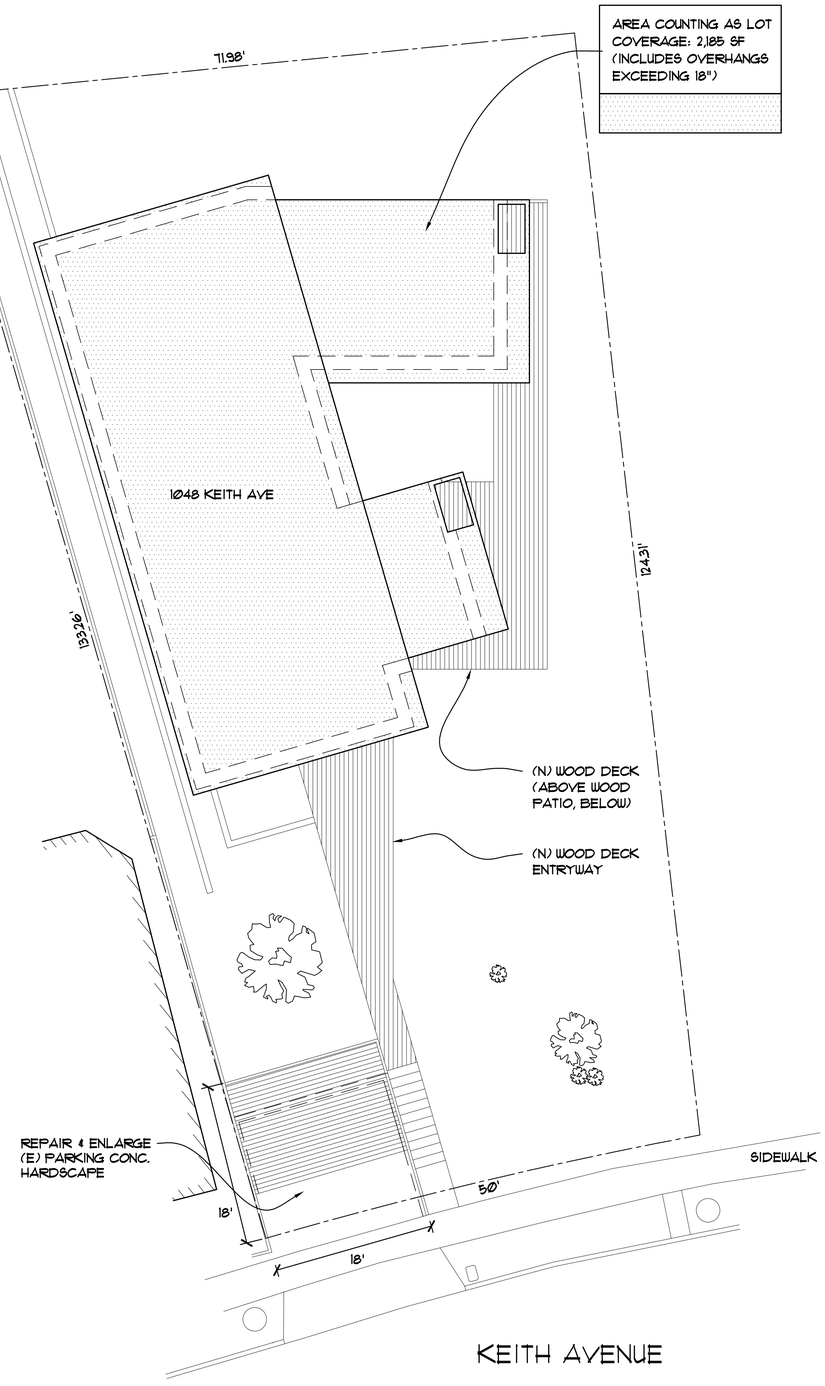
A1

OF 18 SHEETS



LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-0"



LOT COVERAGE DIAGRAM

1/8"=1'-0"

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

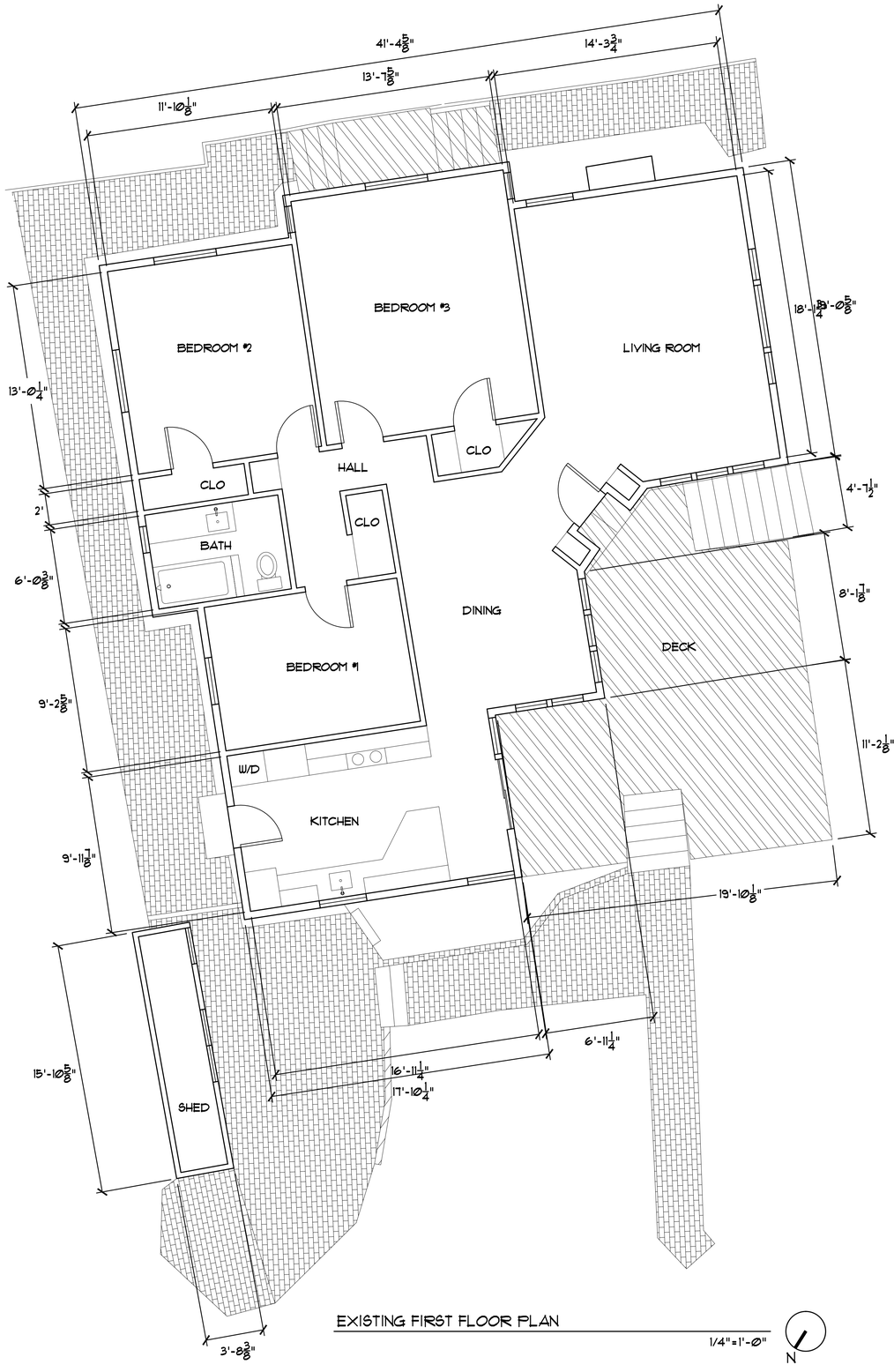
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

AUP: LANDSCAPE & USEABLE OPEN SPACE PLAN, & LOT COVERAGE DIAGRAM

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A2
OF 18 SHEETS



EXISTING FIRST FLOOR PLAN

1/4"=1'-0"

N



EXISTING CRAWLSPACE PLAN

1/4"=1'-0"

N

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

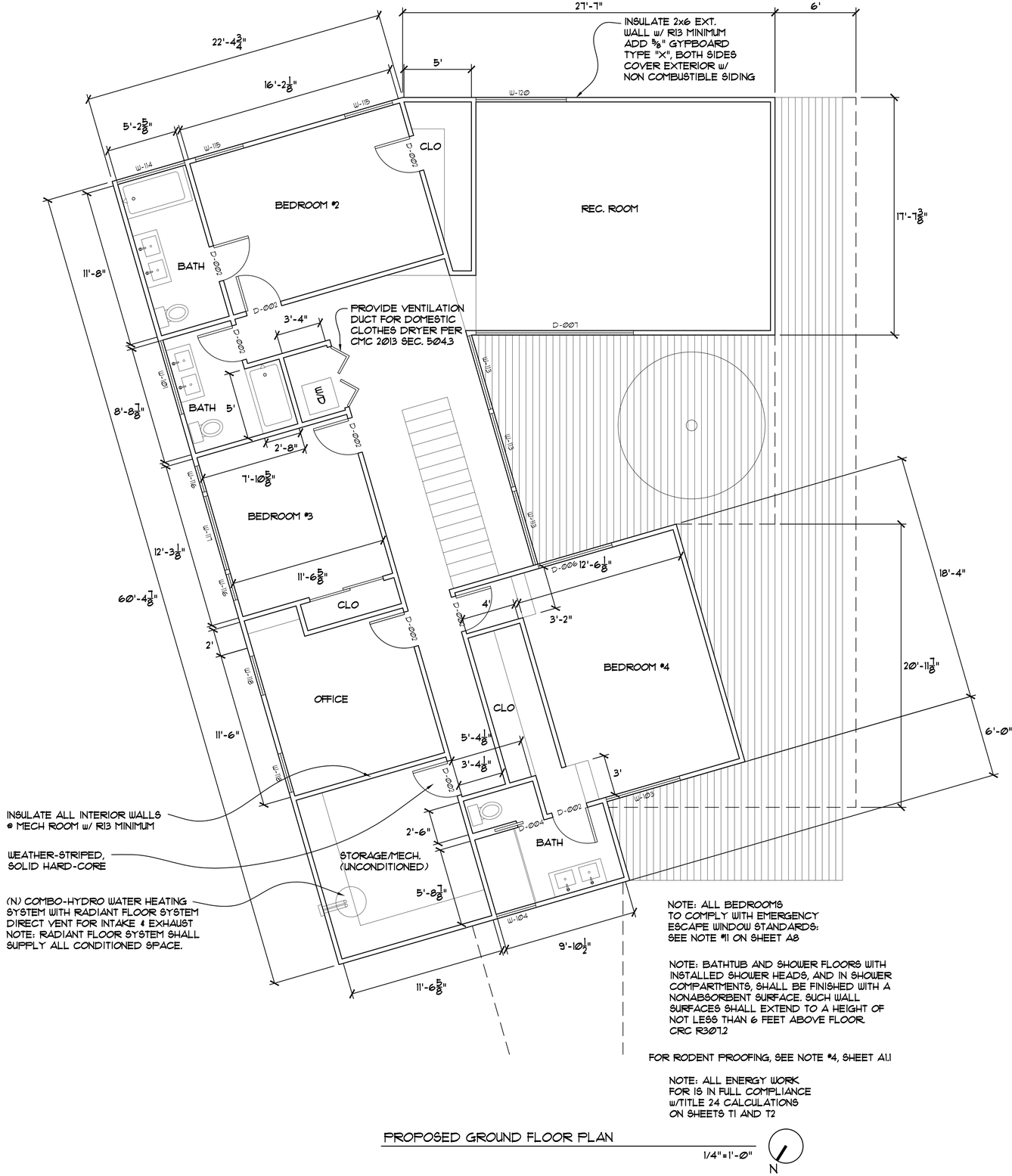
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A3

OF 18 SHEETS

LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE w/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

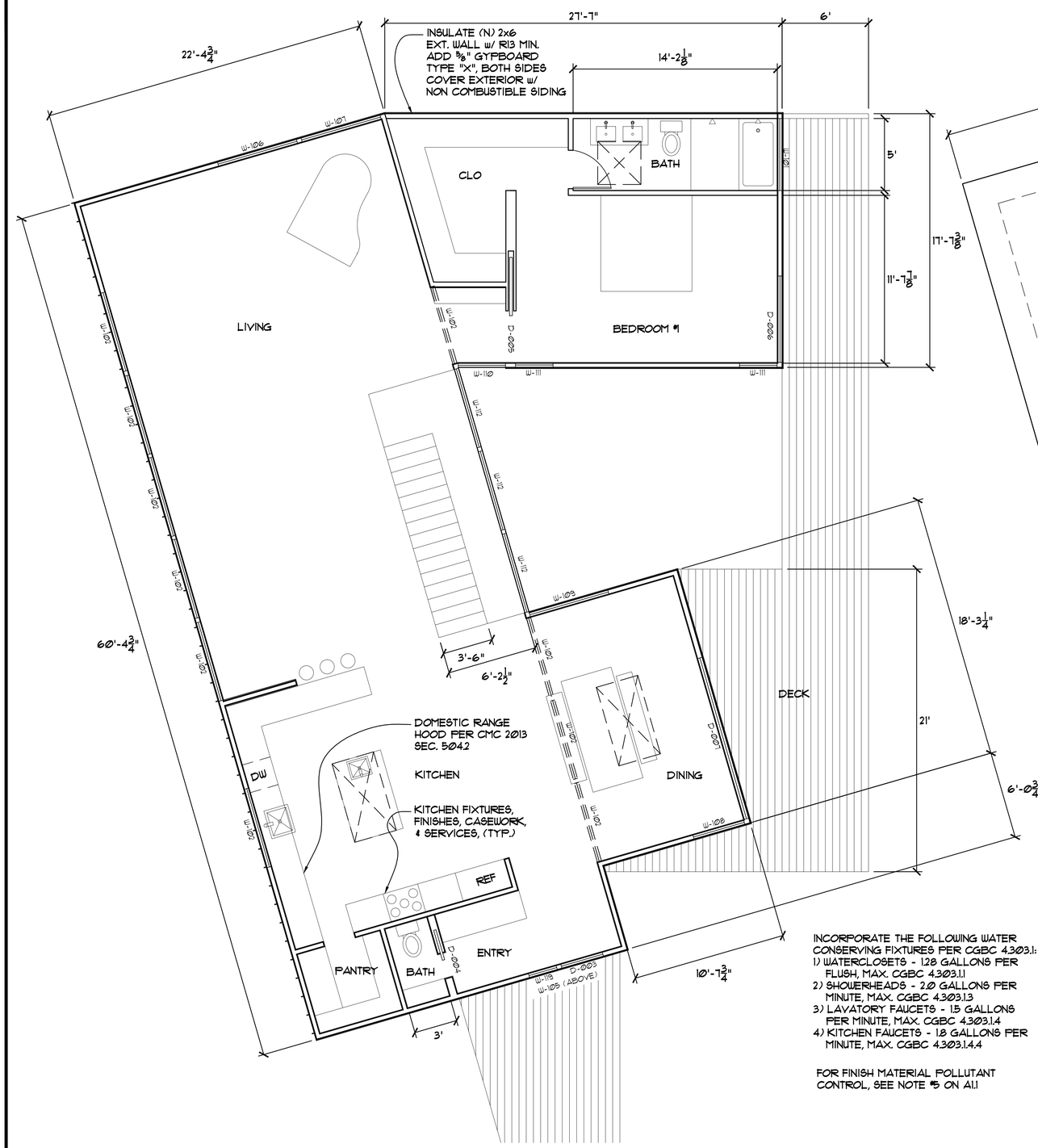
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED GROUND FLOOR PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

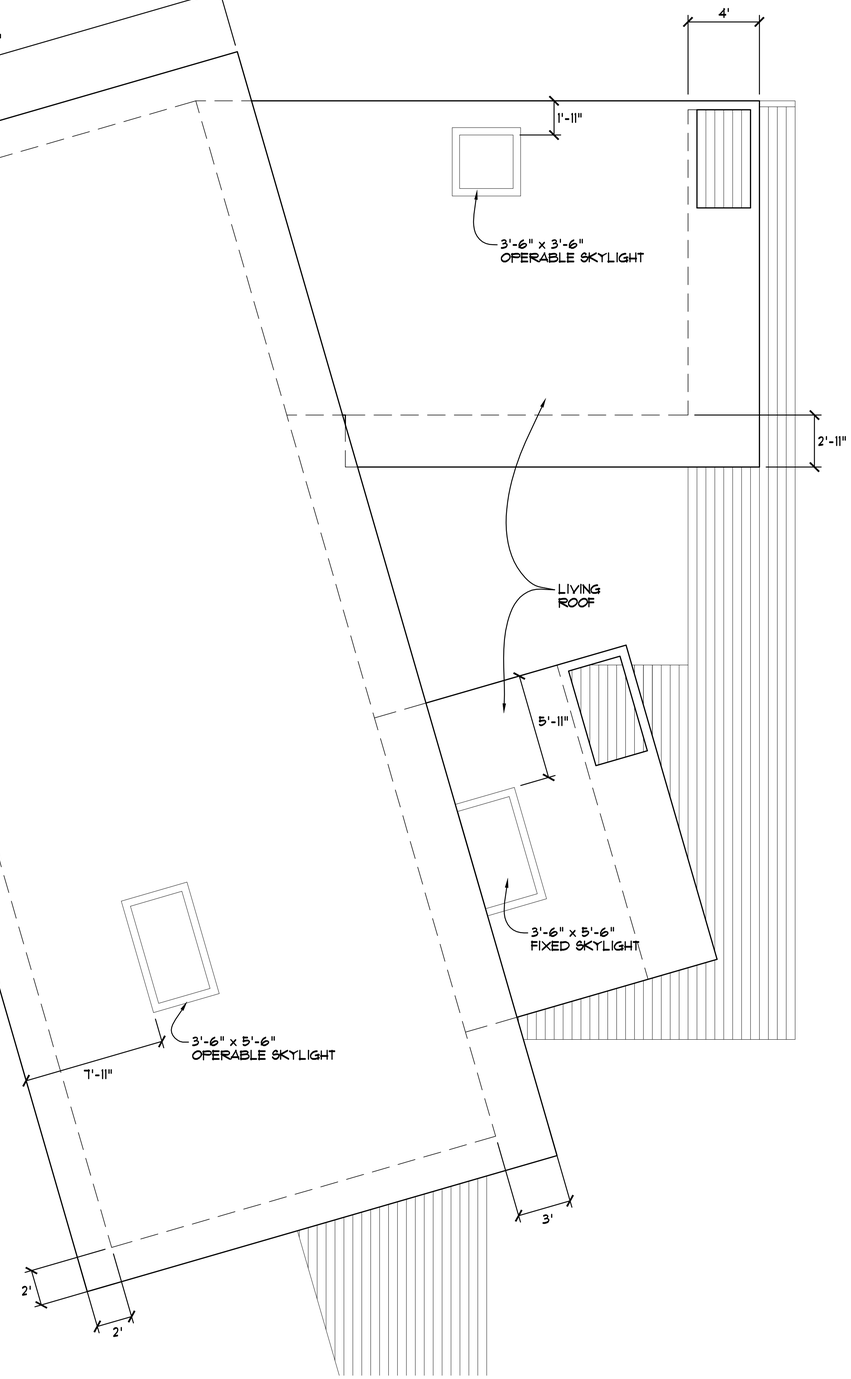
A4

OF 18 SHEETS



PROPOSED SECOND FLOOR PLAN

1/4"=1'-0"



PROPOSED ROOF PLAN

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

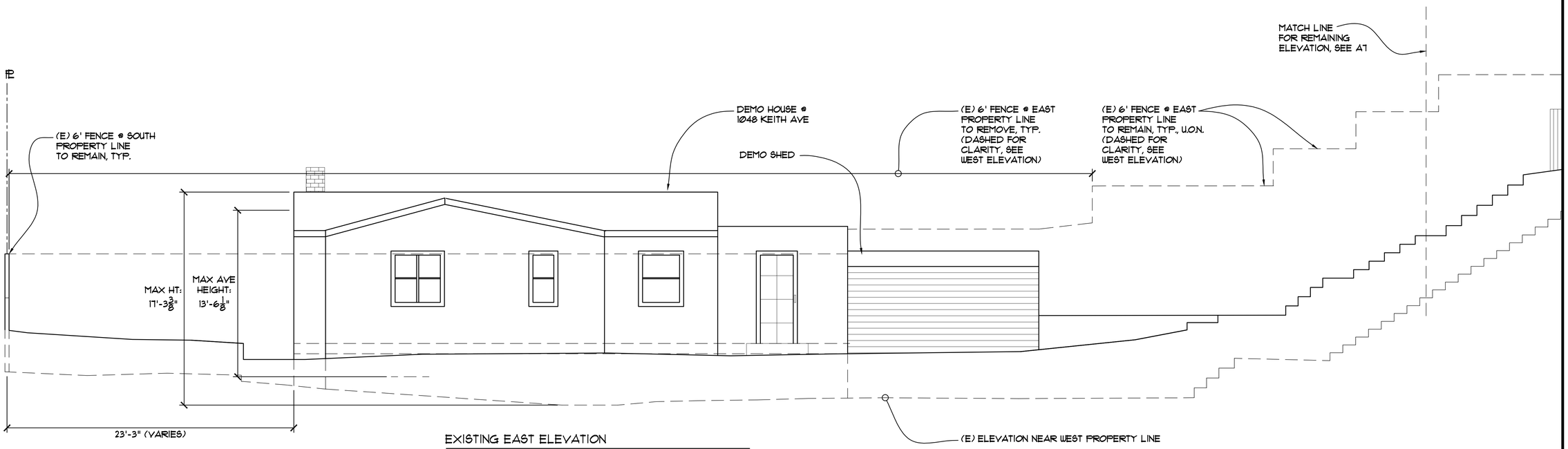
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED ROOF PLAN
& SECOND FLOOR PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

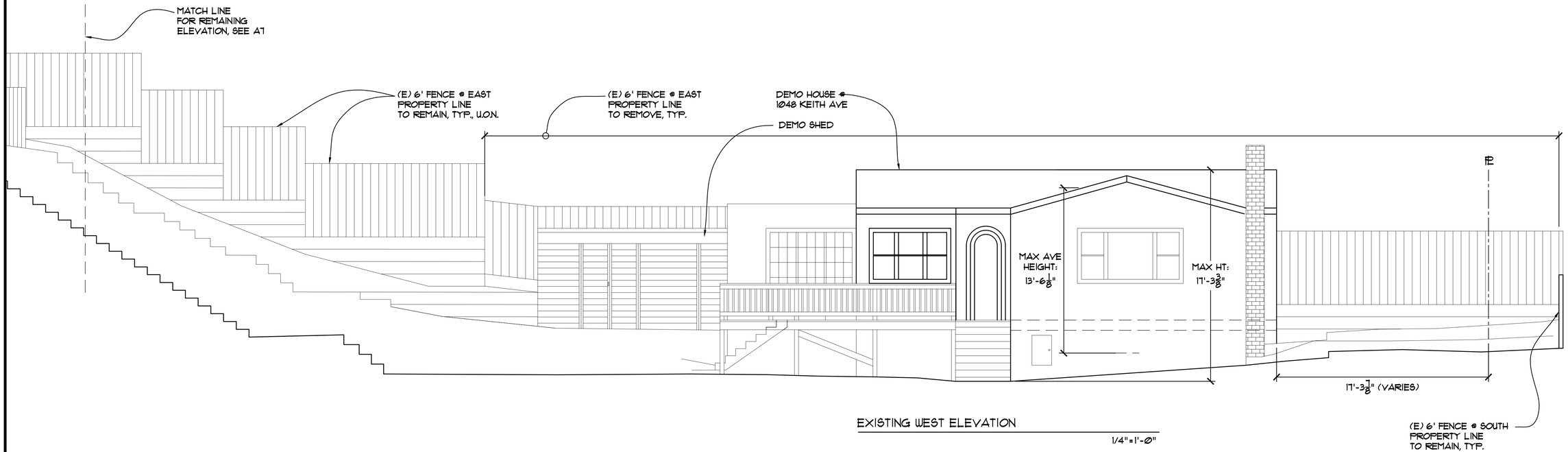
A1

OF 18 SHEETS



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

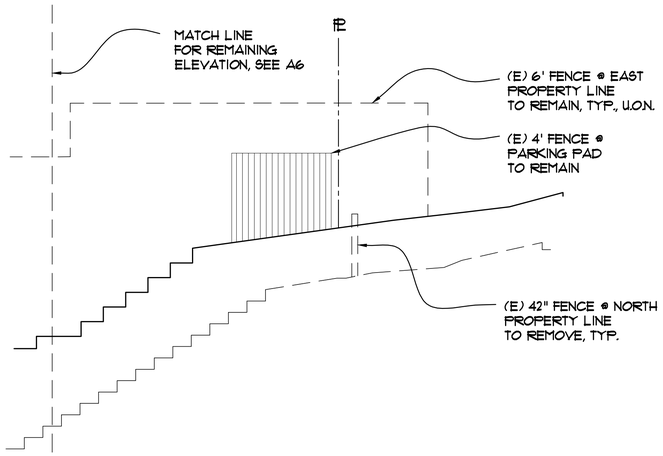
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

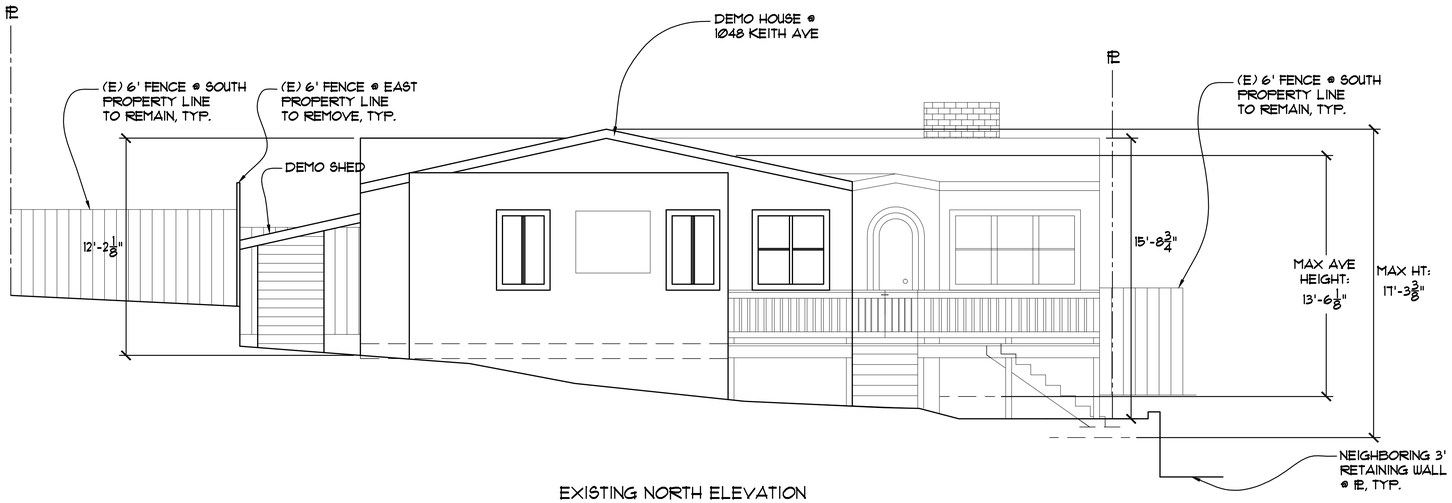
A5

OF 18 SHEETS



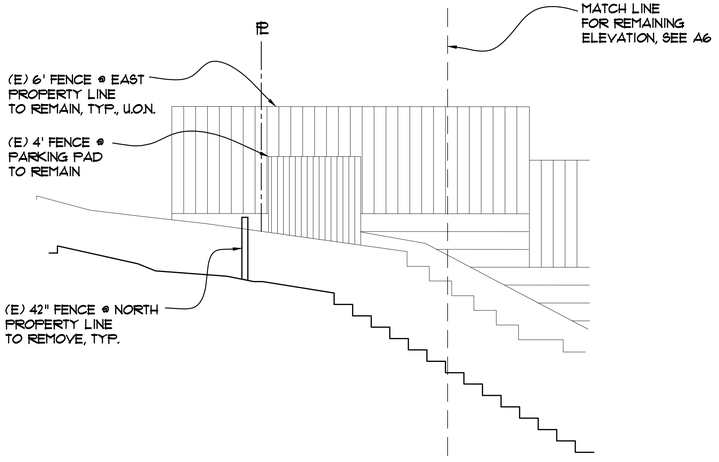
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



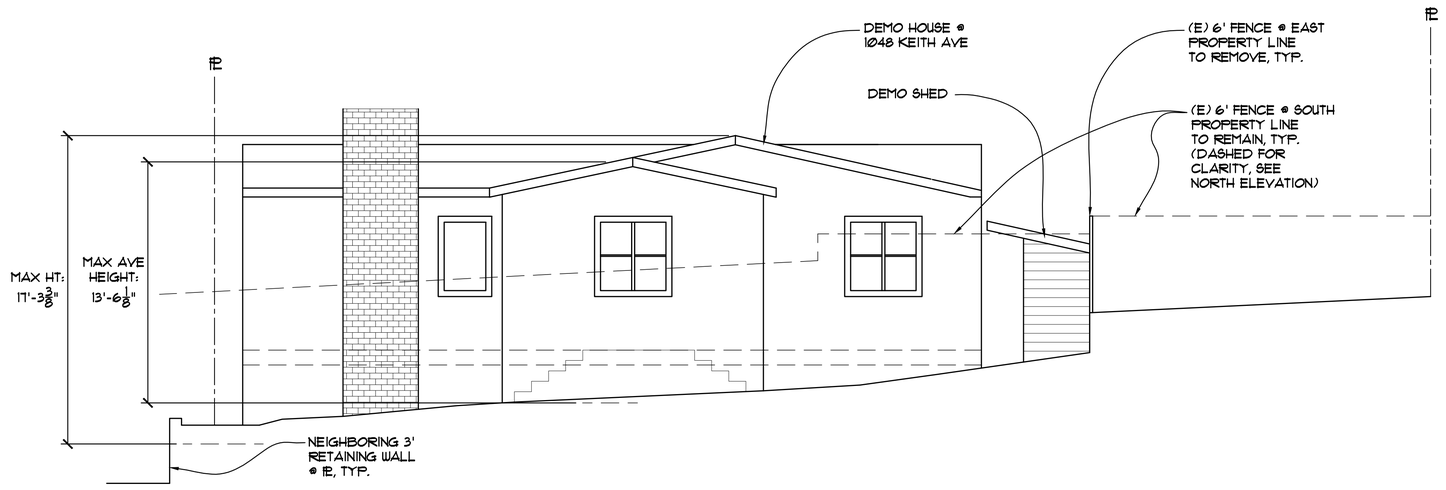
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

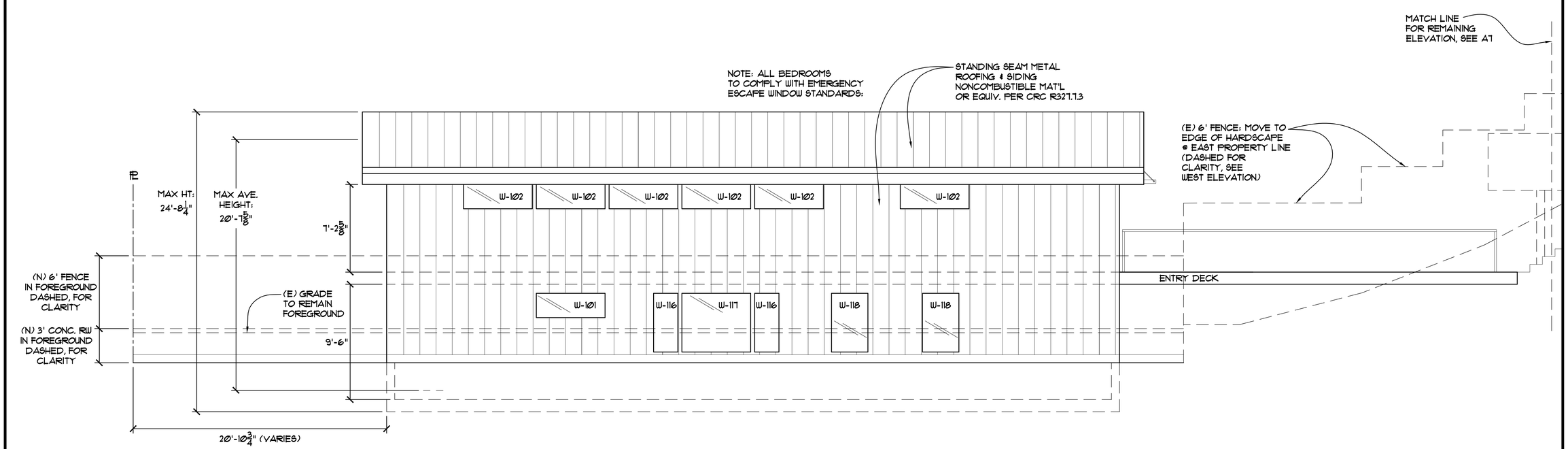
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

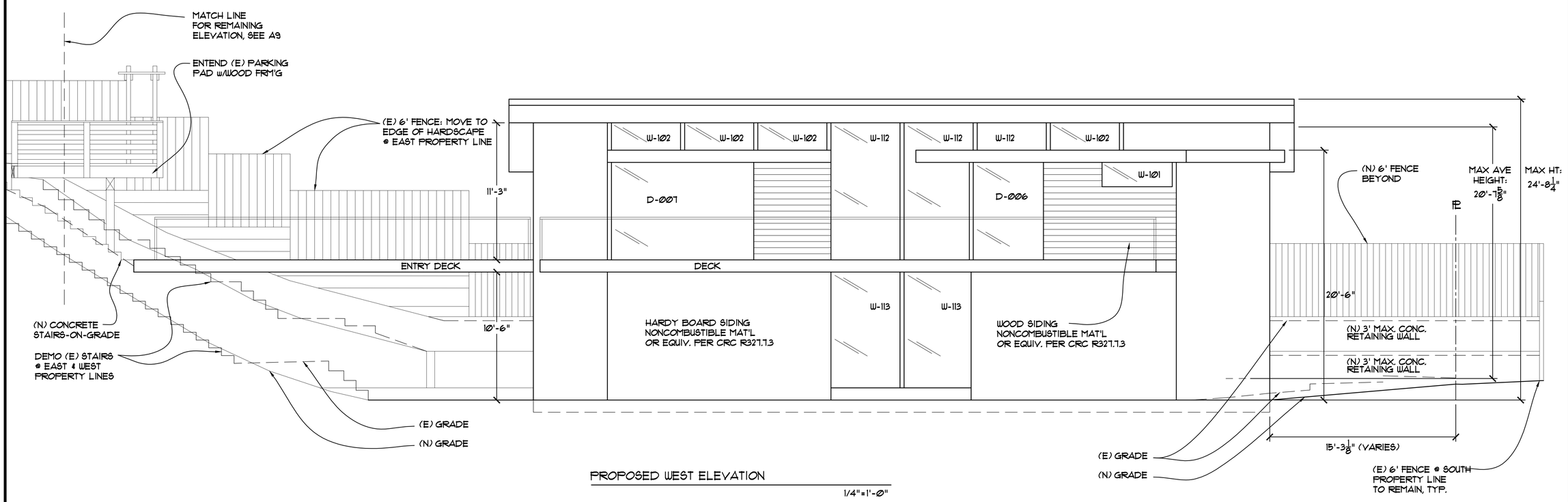
A5

OF 18 SHEETS



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY T. NEWMAN * No. C-34898 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

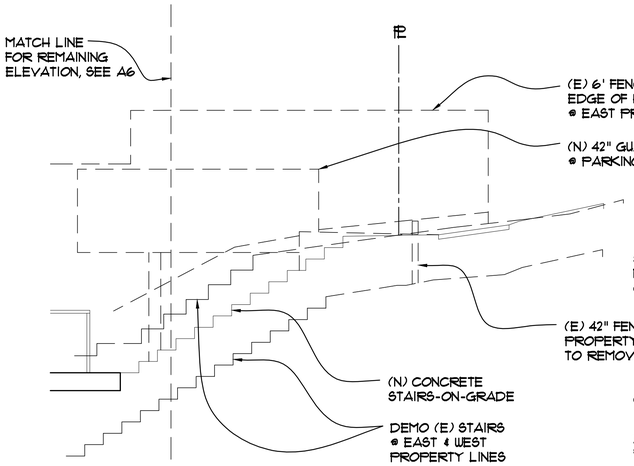
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

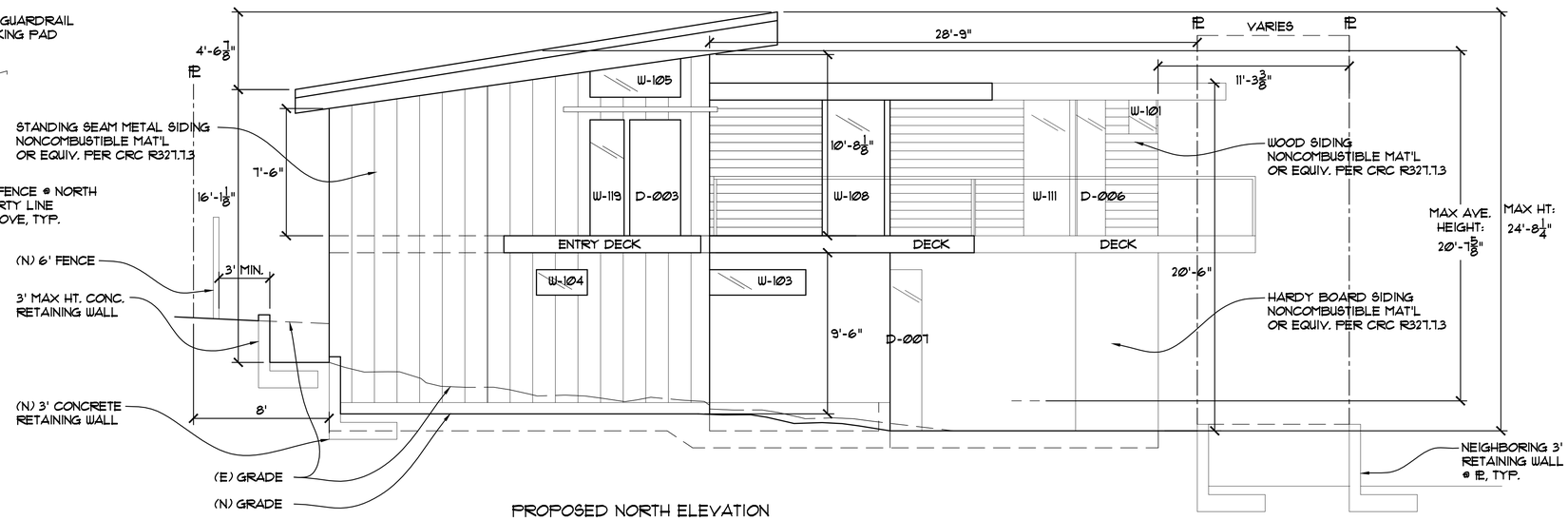
A8

OF 18 SHEETS



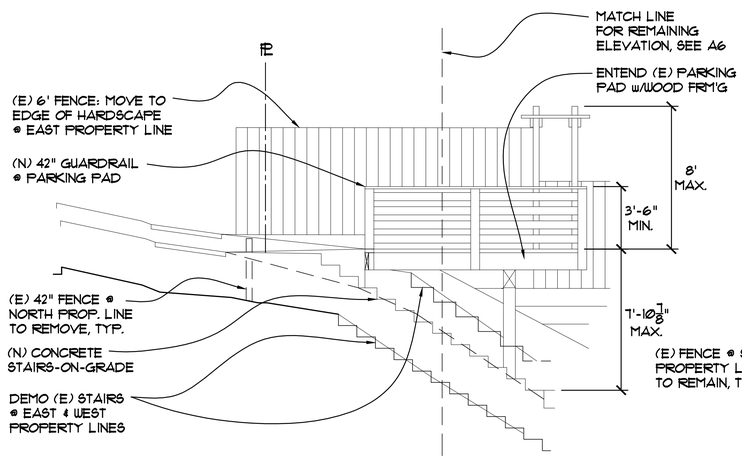
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



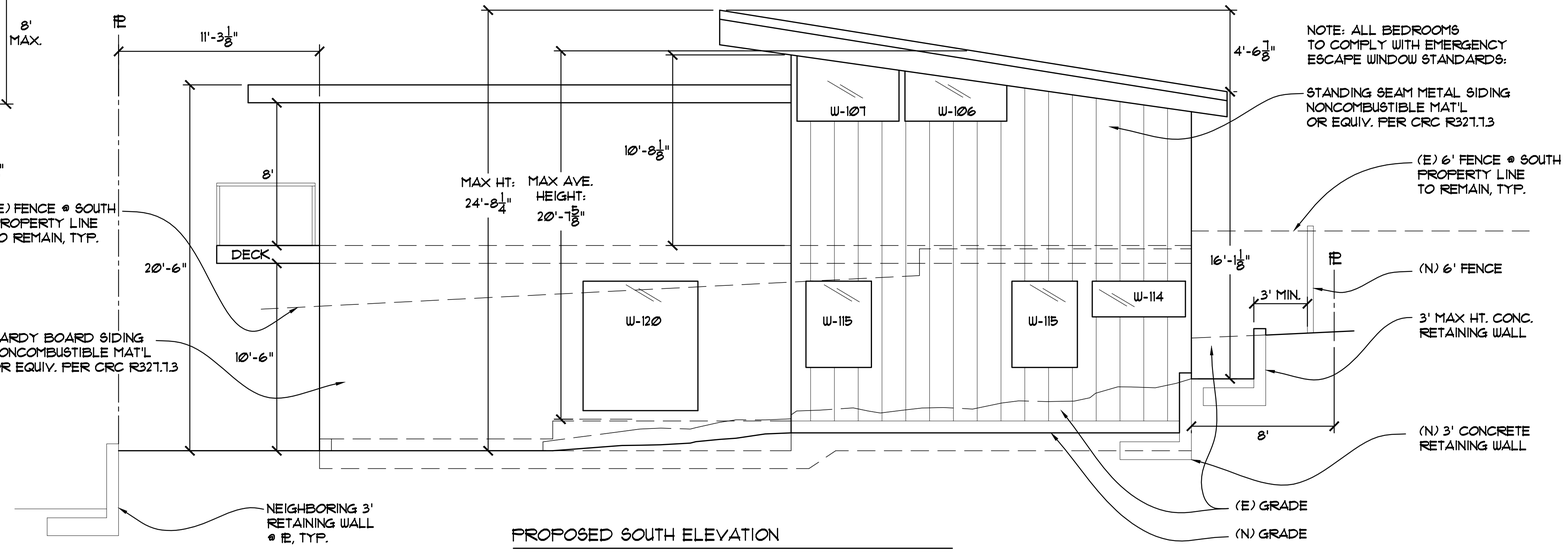
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

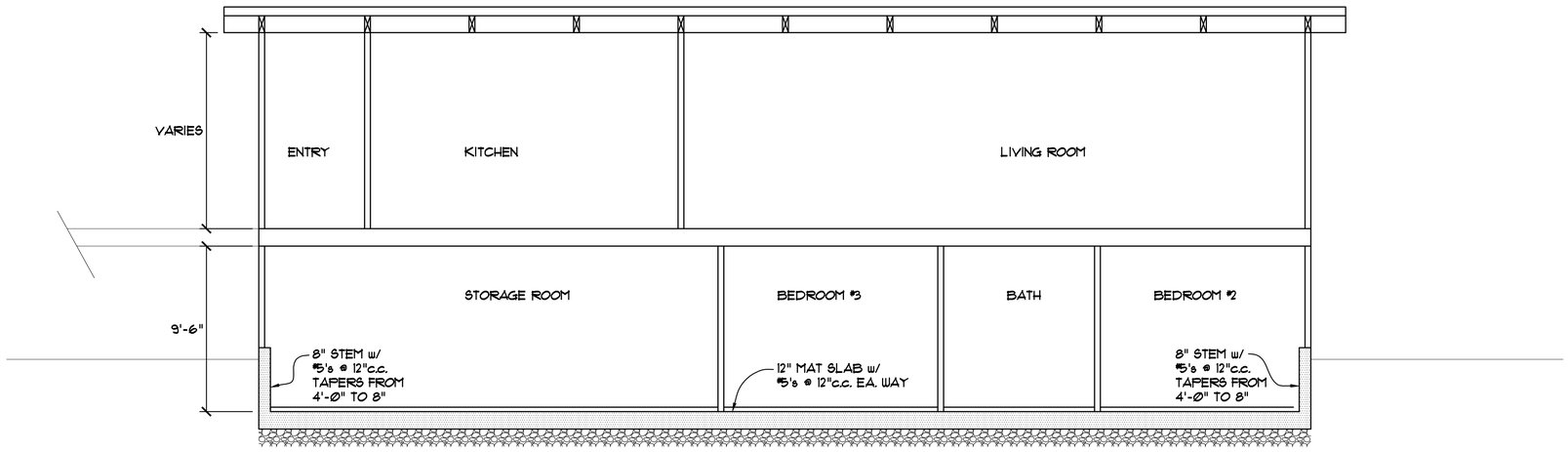
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

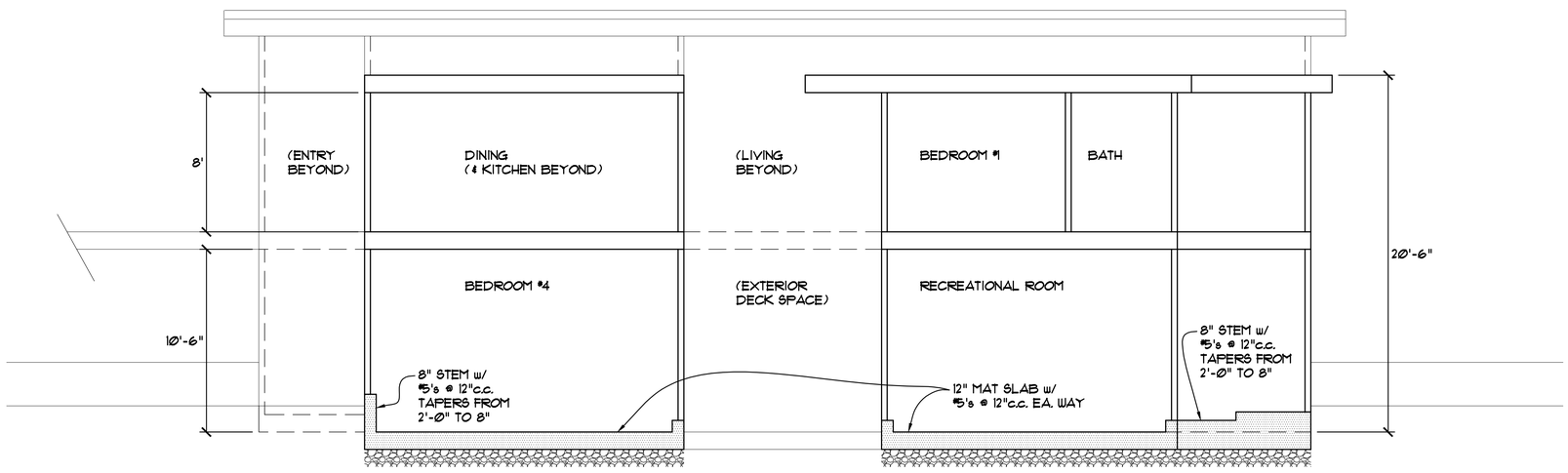
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A9

OF 18 SHEETS



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

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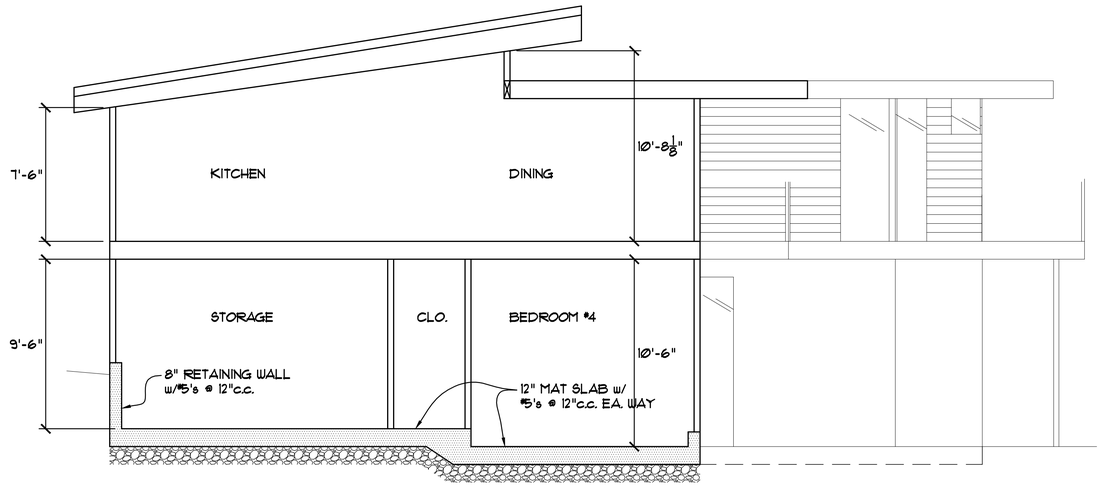
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED LONGITUDINAL SECTIONS

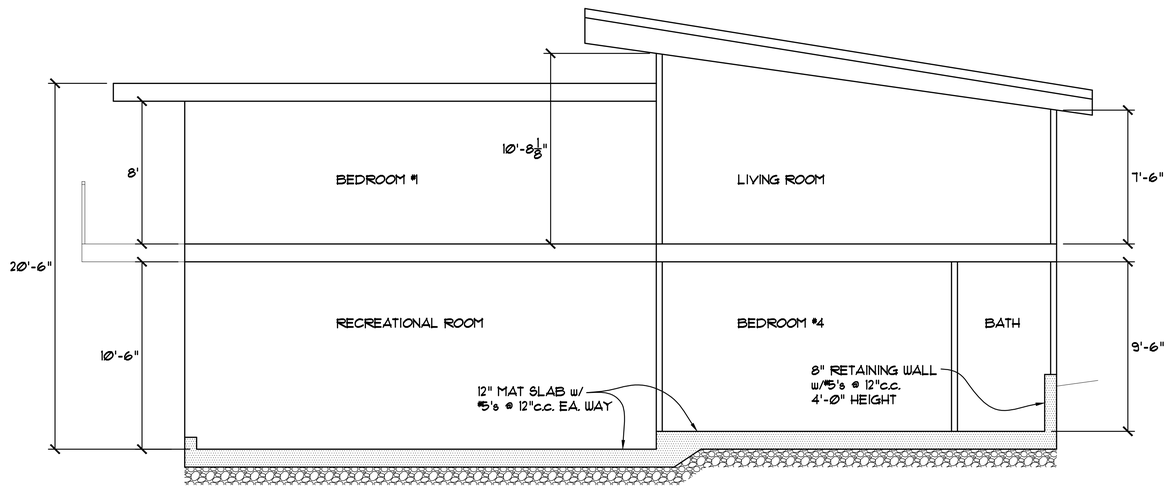
DATE: 01.01.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.0

OF 18 SHEETS



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

REVISIONS	BY

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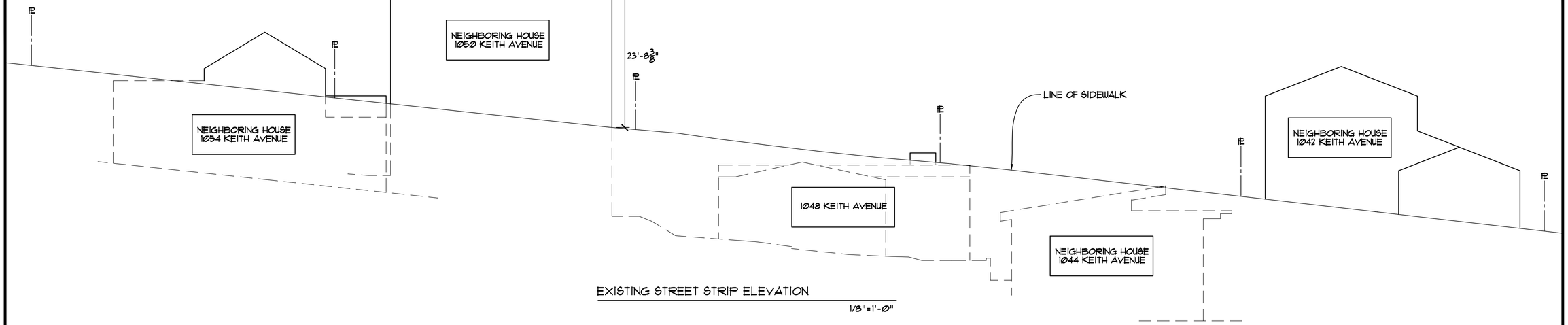
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST WEST SECTIONS

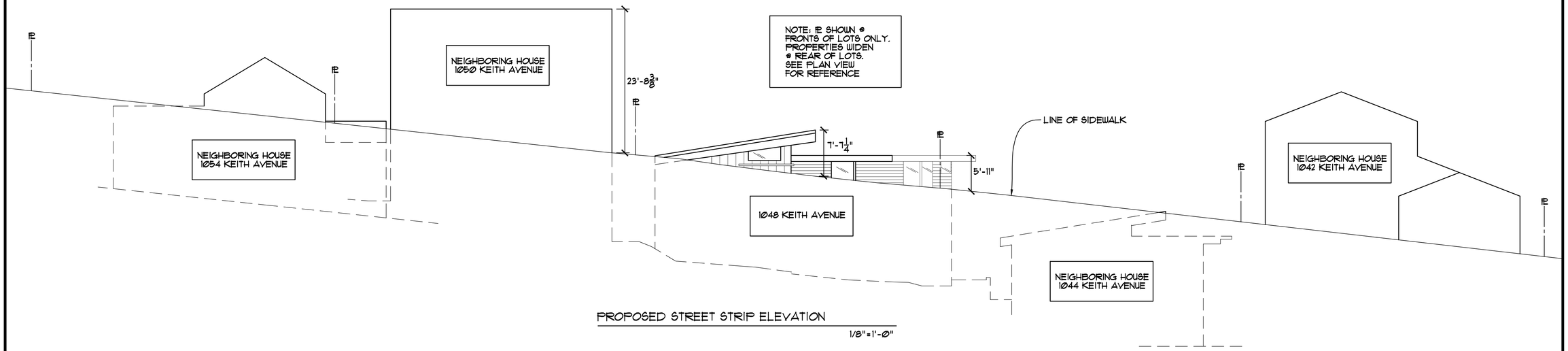
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A11
OF 18 SHEETS



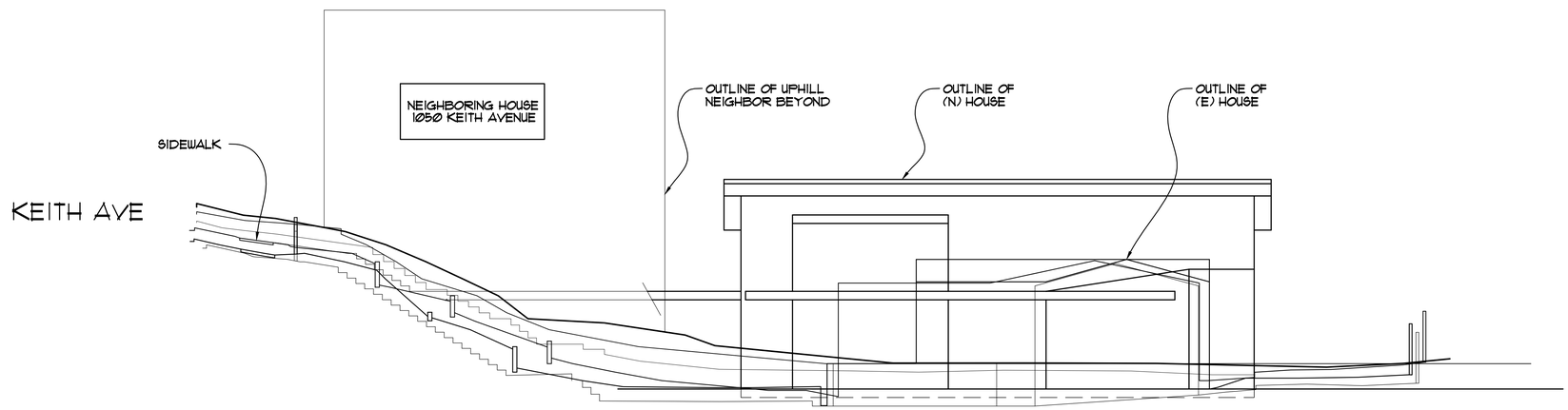
EXISTING STREET STRIP ELEVATION

1/8"=1'-0"



PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

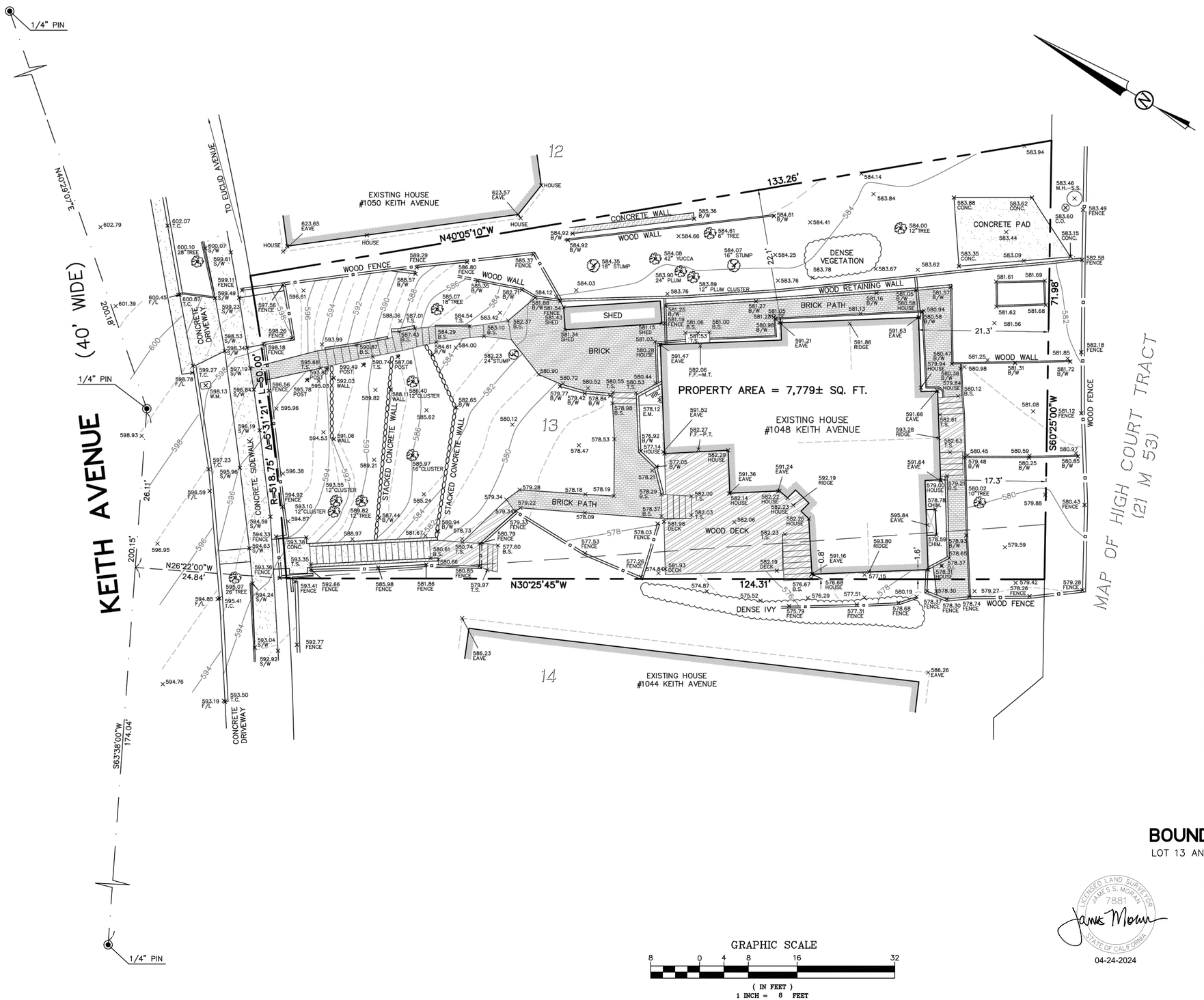
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A12

OF 18 SHEETS



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER

BUILDING LINE
BRICK
CONCRETE SURFACE
CONCRETE WALL
STACKED CONCRETE WALL
WOOD SURFACE
WOOD WALL
WOOD FENCE
FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA
04-24-2024

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848–1930

F.B. NO. 1799 KEITH–TOPO.DWG JOB NO. 20–10544

REVISIONS	BY

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CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

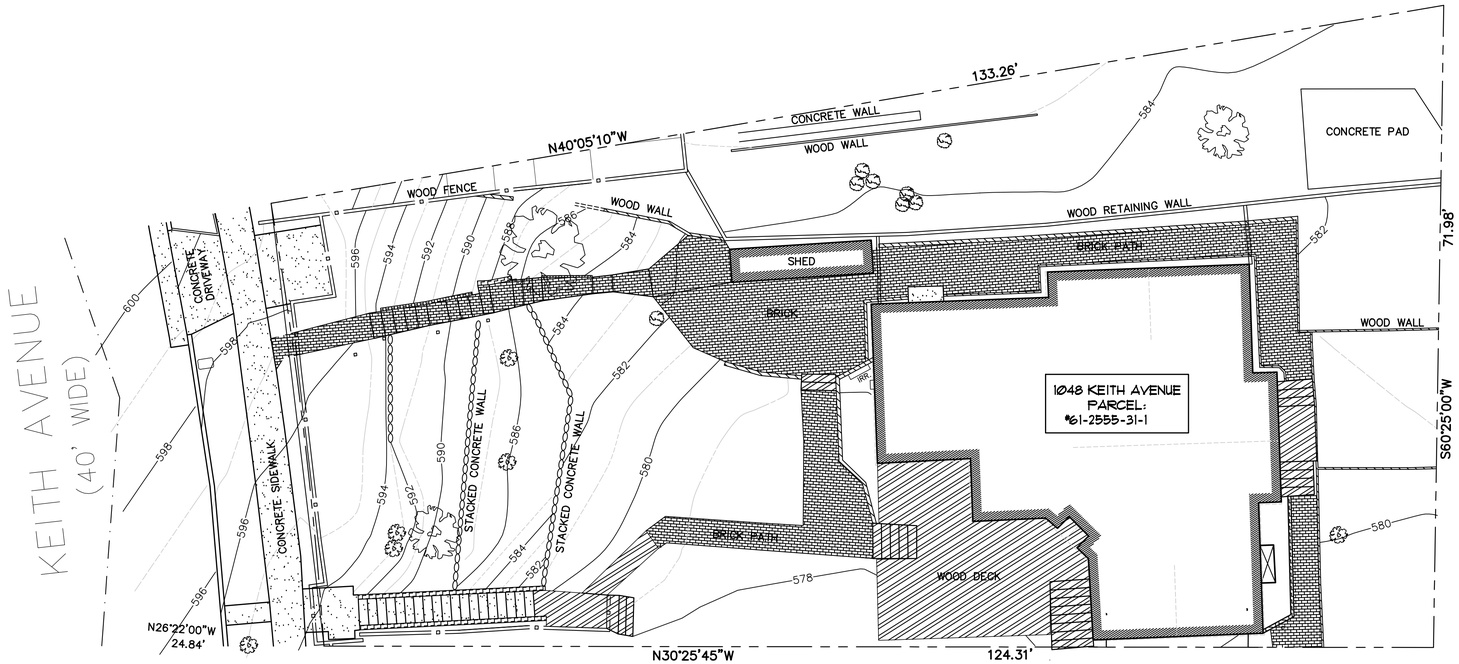
LICENSED PROFESSIONAL ENGINEER * LINDSAY L. NEWMAN * No. C 34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
BOUNDARY & TOPOGRAPHIC SURVEY

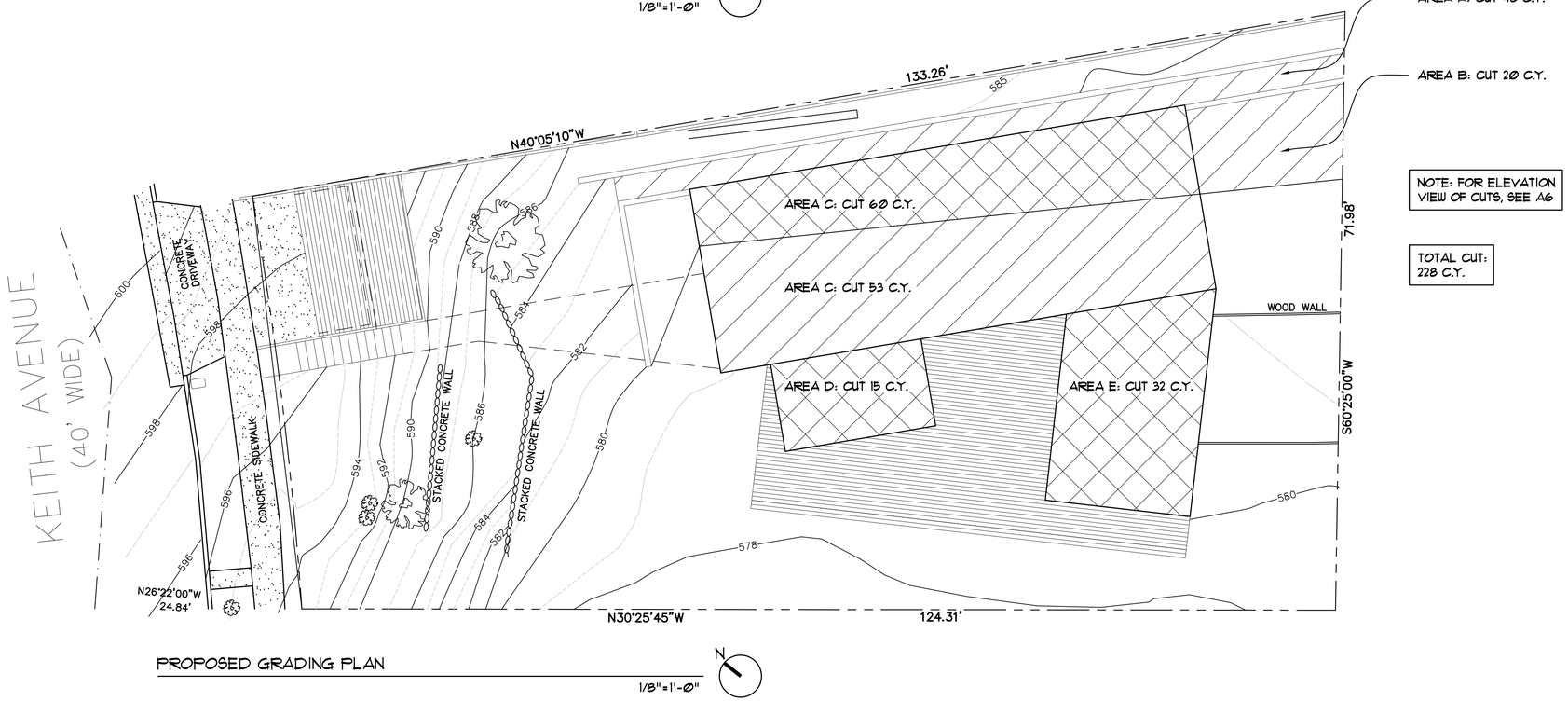
DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.3
OF 18 SHEETS



EXISTING GRADING PLAN

1/8"=1'-0"



PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
GRADING PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4

OF 18 SHEETS

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	583.97'	598.62'	14.65'
2	582.28'	598.62'/602.12'	16.34'/19.84''
3	578.9'	598.62'	19.72'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	578.32'	598.62'	20.3'
9	579.52'	598.62'/602.12'	19.1'/22.6'
10	579.16'	602.12'	22.96'
11	584.66'	598.62'	13.96'
12	578.7'	589.62'	10.92'
13	578.24'	589.62'	11.38'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

L. Newman

Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE

Name (Printed or typed)

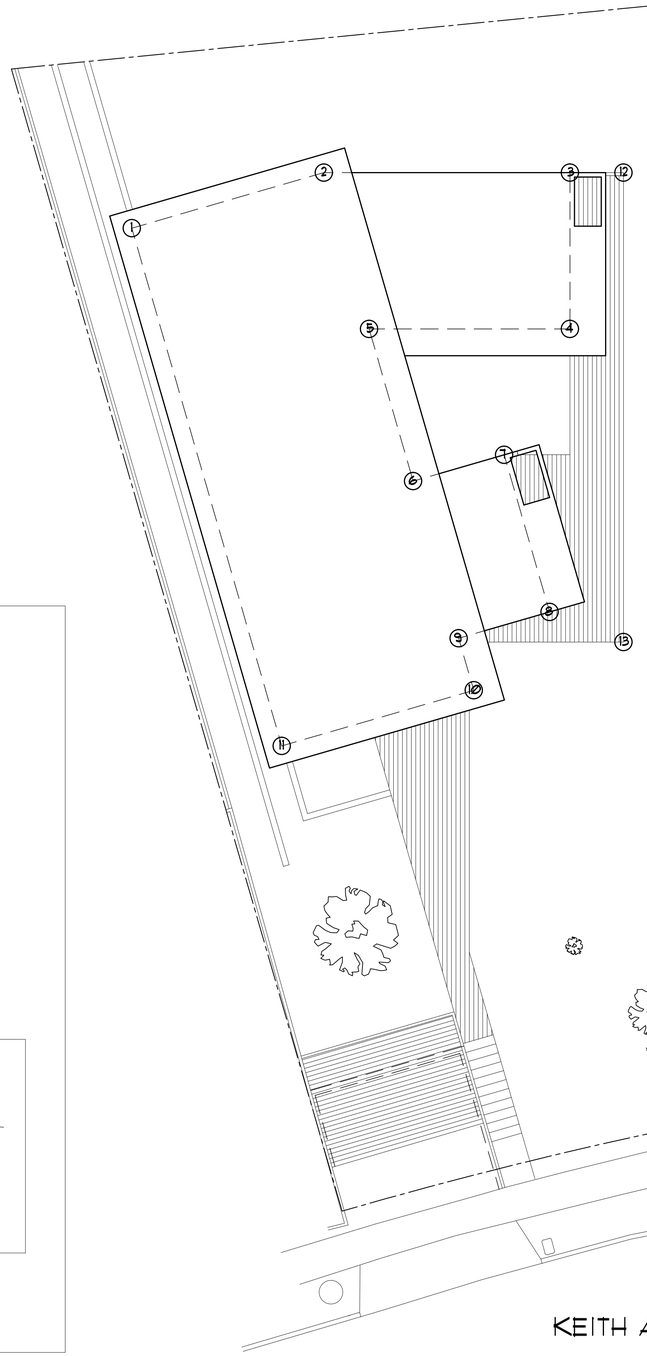
C-94808 / 06.30.2025

License No./ Expiration Date

(TBD)

Date

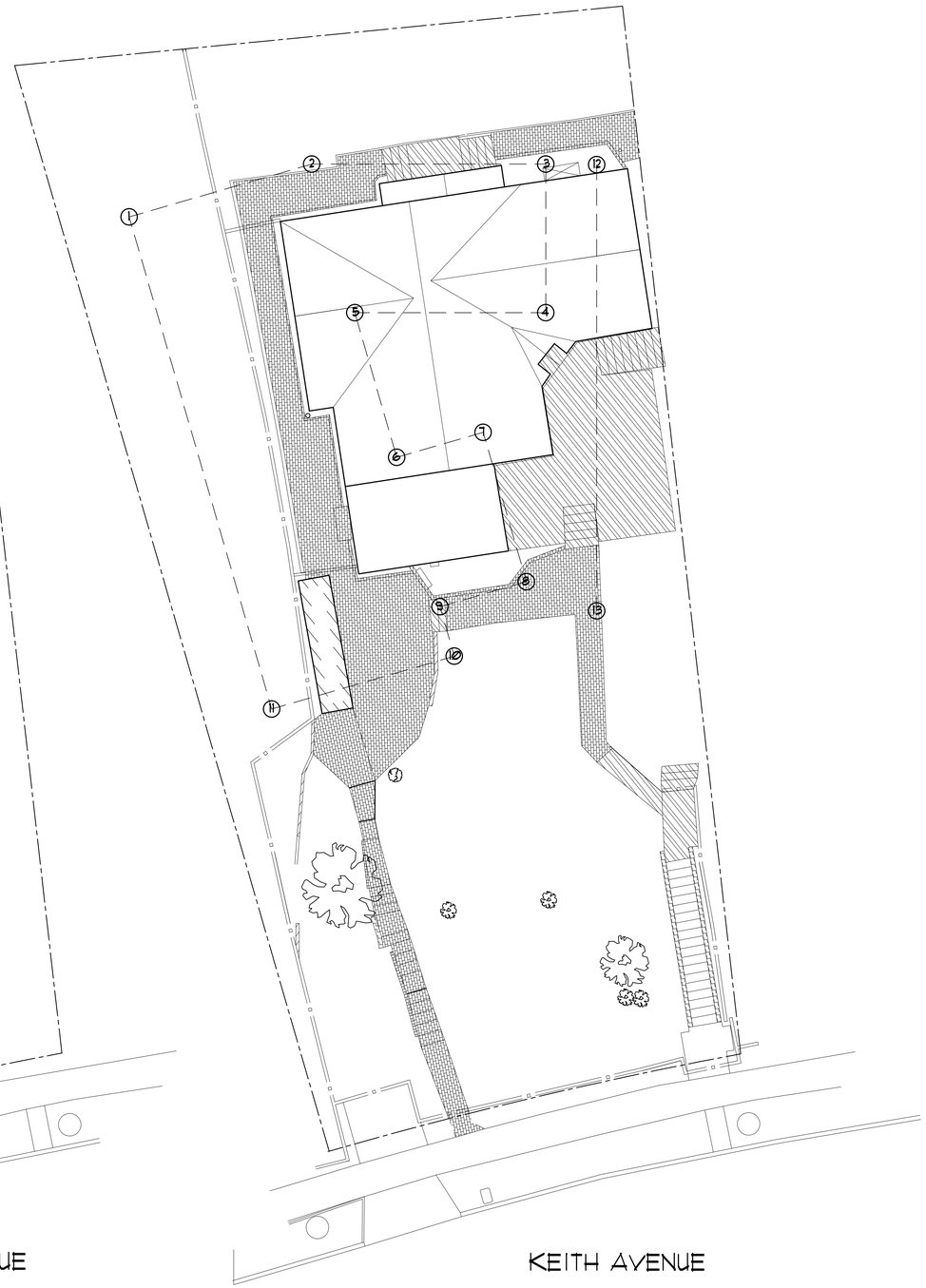
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *



STORY POLE PLAN (PROPOSED HOUSE ONLY)

1/8"=1'-0"

N



STORY POLE PLAN (SHOWN OVER EXISTING)

1/8"=1'-0"

N

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *

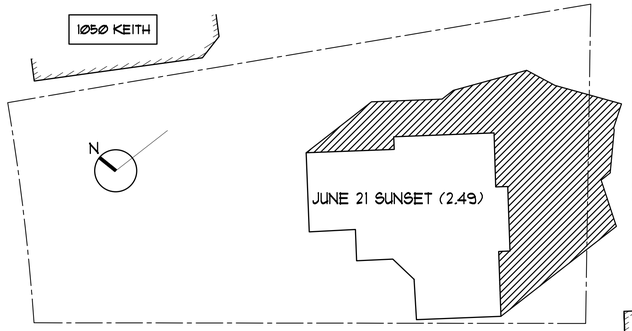
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STORY POLE PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

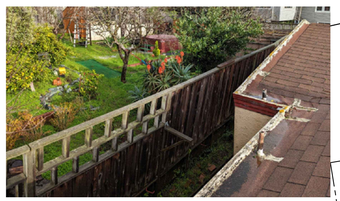
A1.5

OF 18 SHEETS

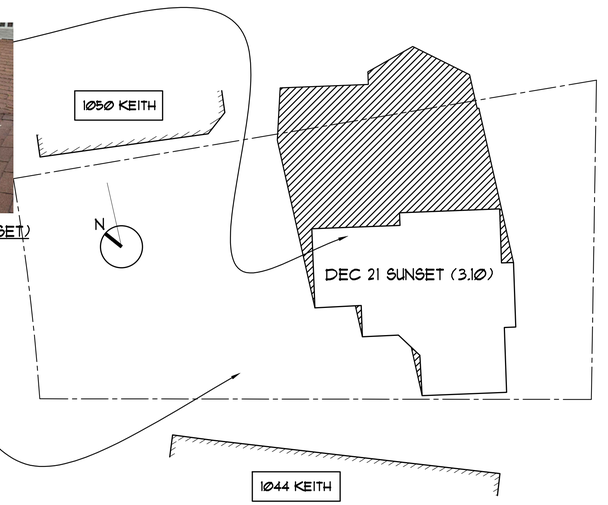




FRONT VIEW OF 1048 KEITH: 1.5.24 @ 3pm (-2h SUNSET)

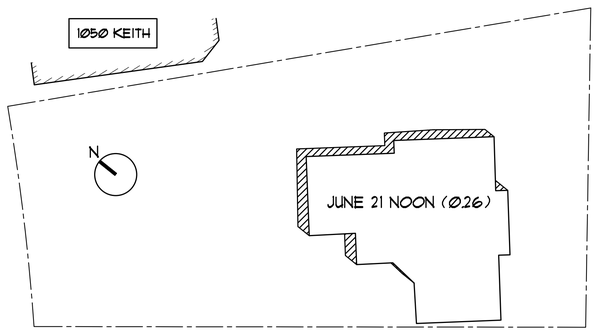


REAR ROOF VIEW: 1.5.24 @ 3pm (-2h SUNSET)



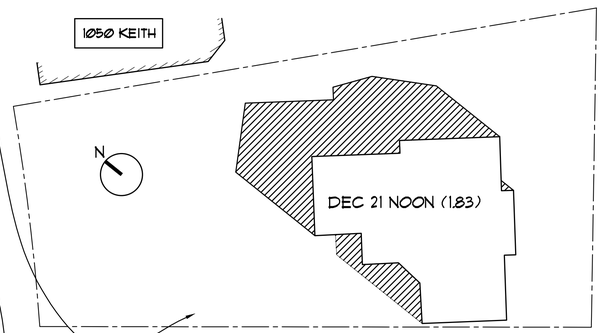


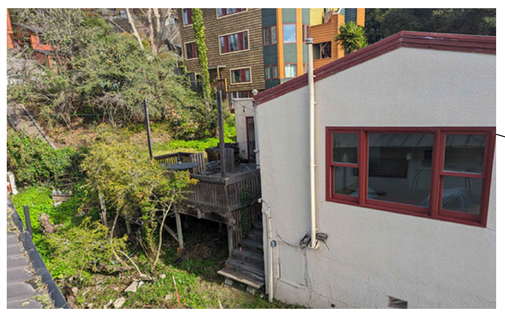
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON



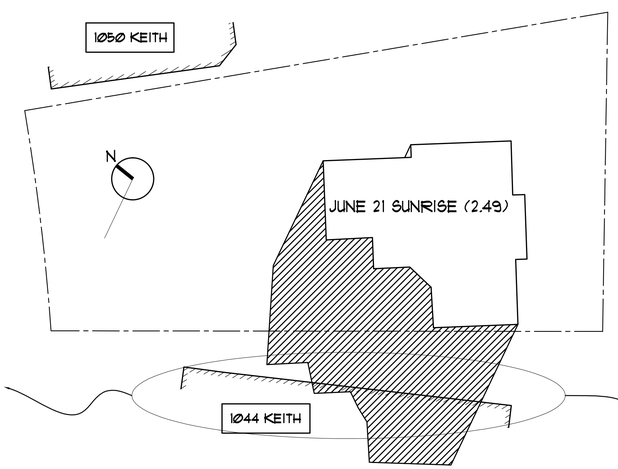


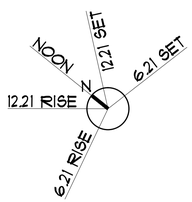
FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

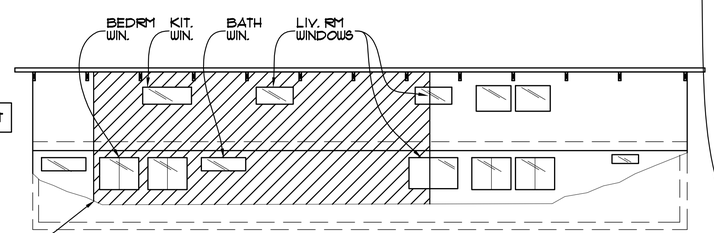




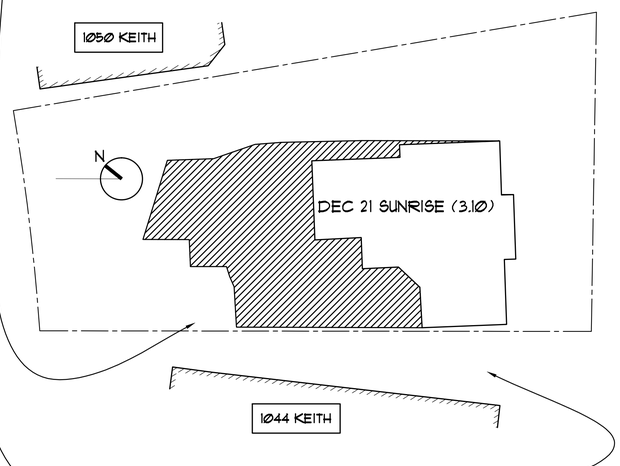
REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)







NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION



SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

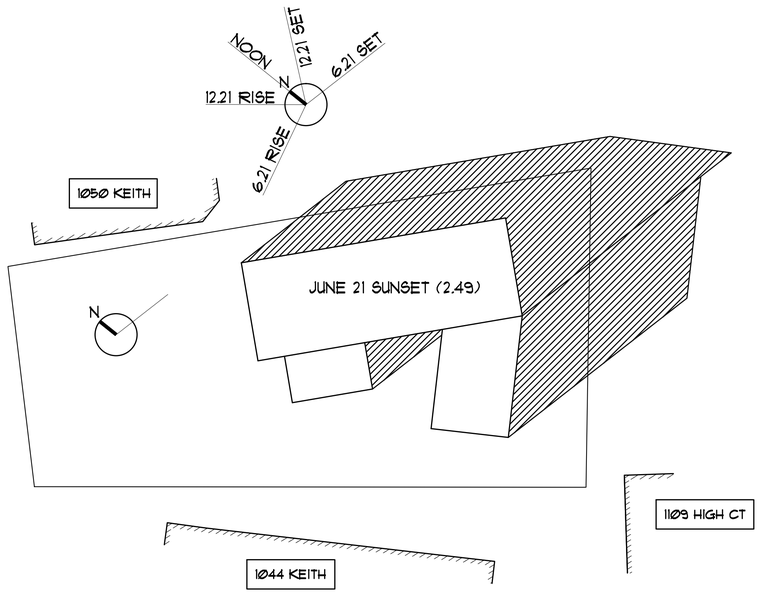
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1048 KEITH AVENUE
BERKELEY, CA 94708

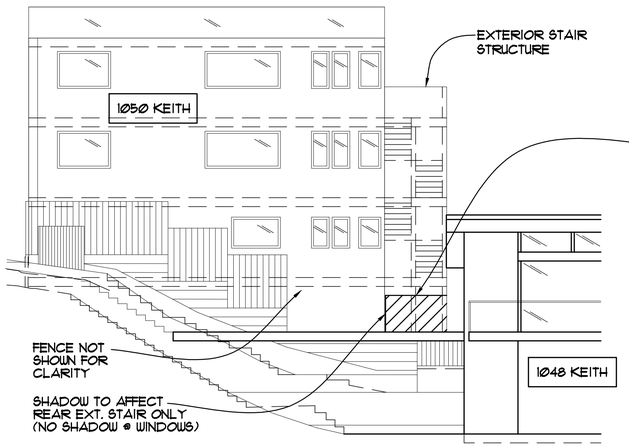
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/16"=1'-0"
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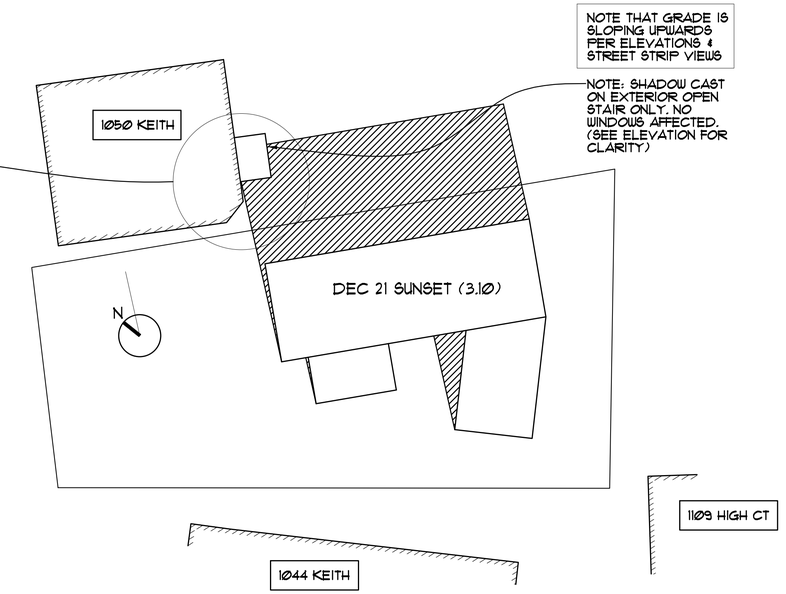
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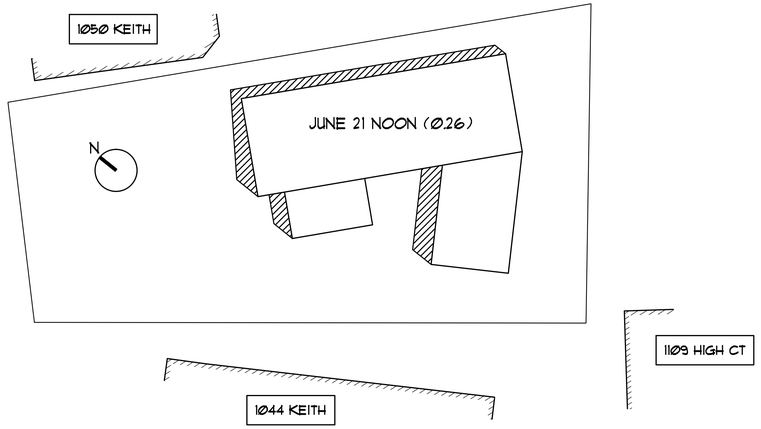
OF 18 SHEETS

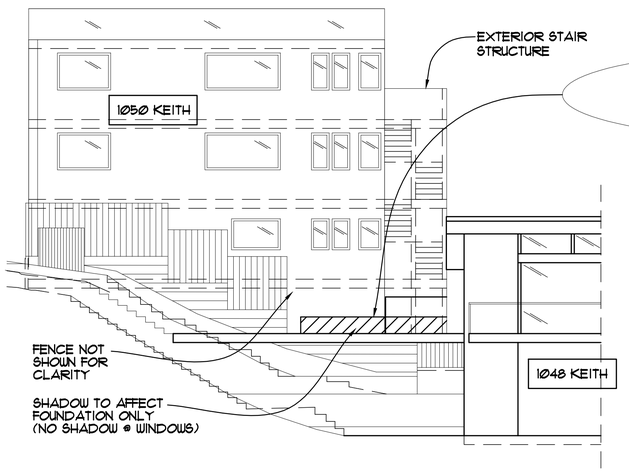




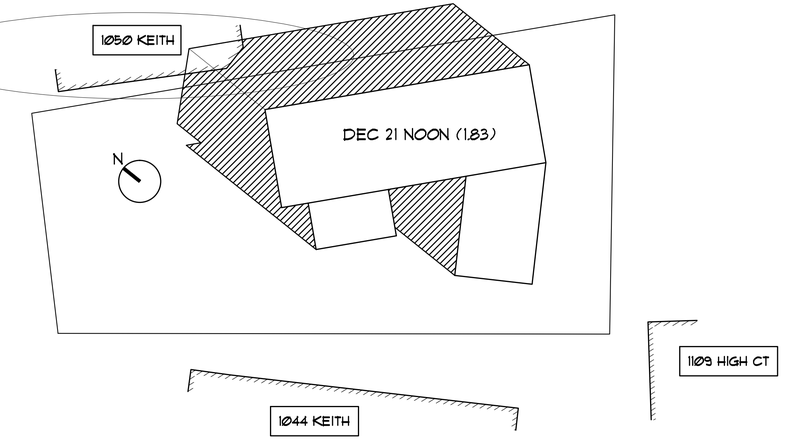
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

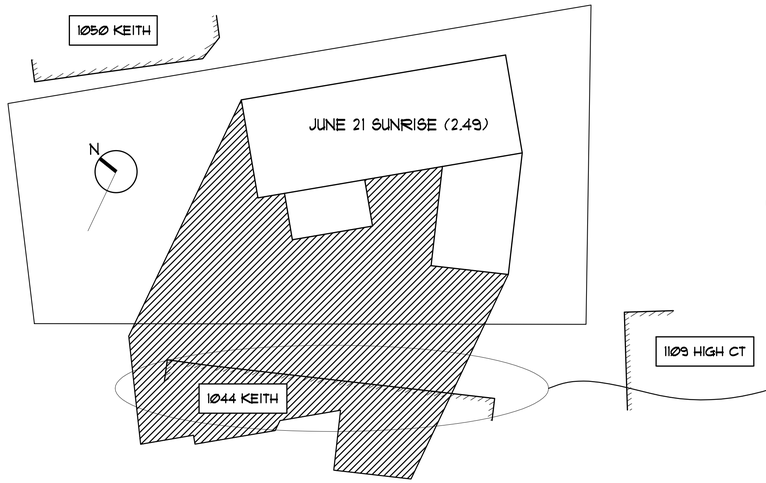




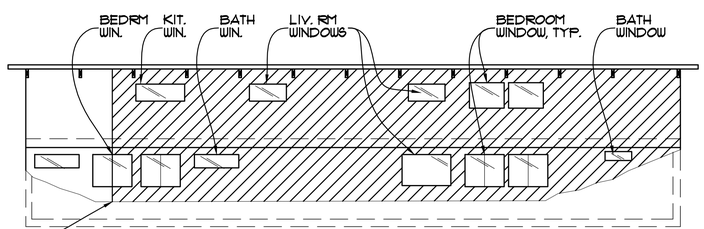


NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"

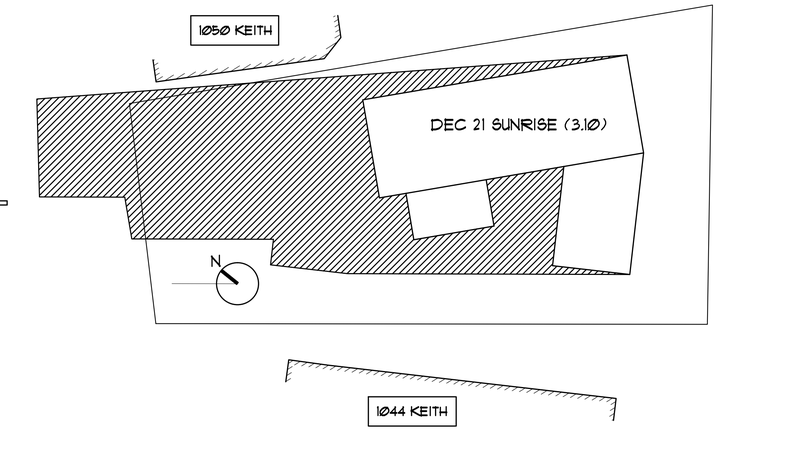




NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE. (NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



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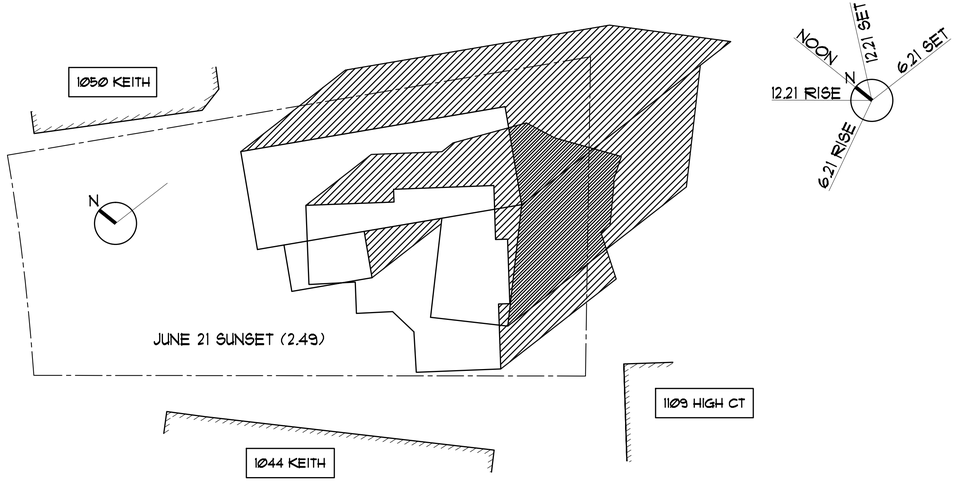
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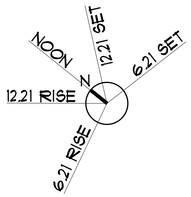
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
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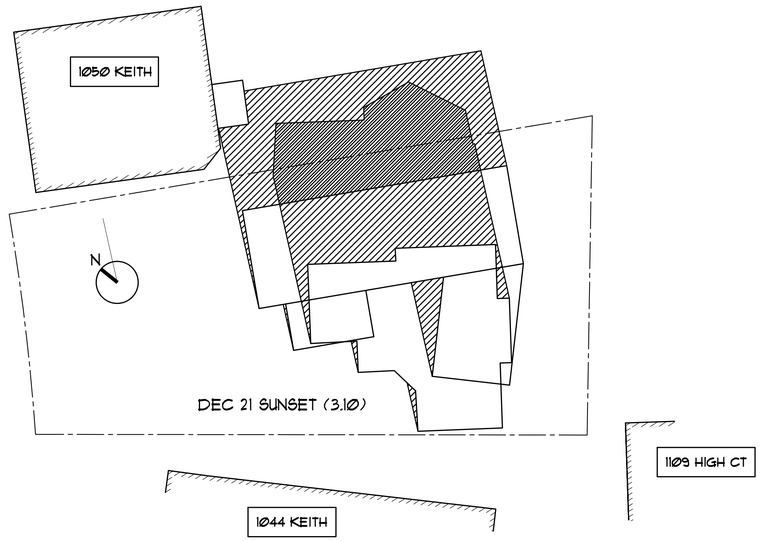
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

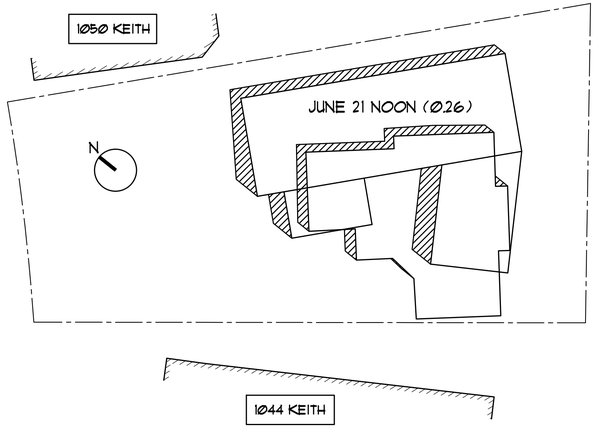
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JOB NO: LN-1048
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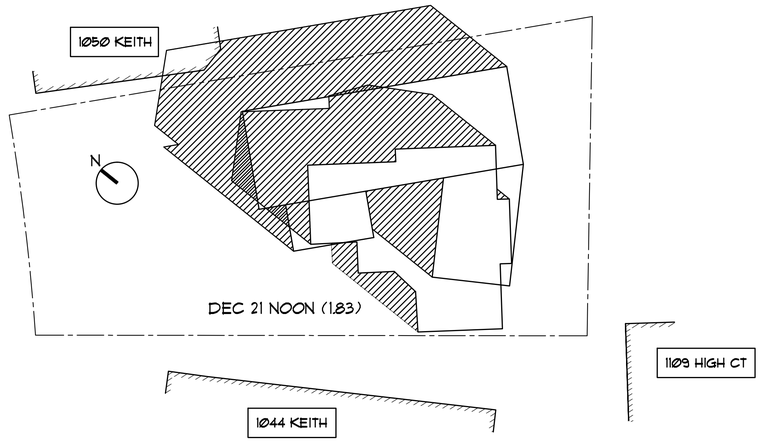
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OF 18 SHEETS

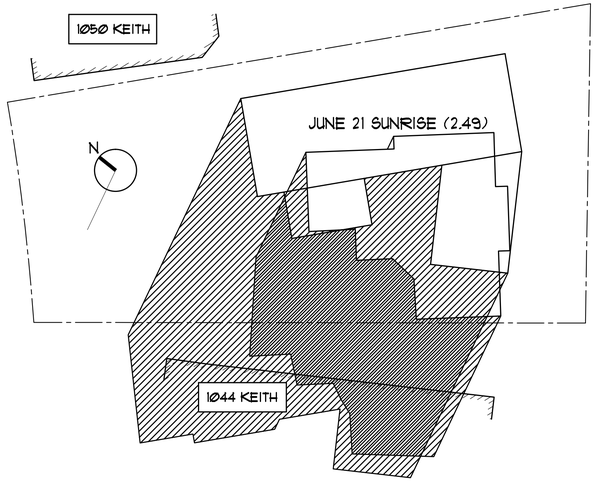


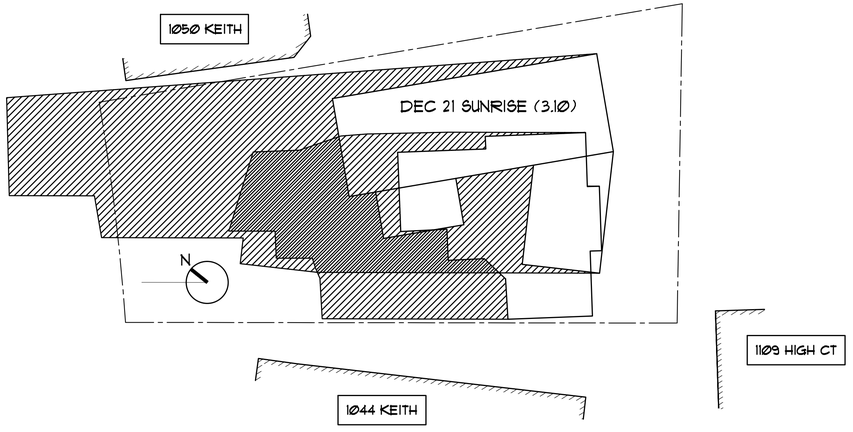












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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.8
OF 18 SHEETS

Planning and Development Department
Land Use Planning Division

May 30, 2024
Lindsay Newman
1044 Keith Avenue
Berkeley, CA 94708

Sent via email to:
newmanli26@yahoo.com

Re: Application Processing – California Environmental Quality Act (CEQA) and Additional Information Required – Use Permit #ZP2024-0014 for 1048 Keith Avenue.

Dear Lindsay Newman,

Thank you for the fourth Zoning Permit application submittal received on April 30, 2024, to demolish a single-family residence and construct a two-story, 3,600 square-foot single-family dwelling unit in the R-1H district referenced above. The application has been evaluated for the level of environmental review required, and readiness for final action according to the submittal checklist and application guidelines.

Required Zoning Permit(s)
Based on my review, the following zoning permits are required:

- **Use Permit** pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B), to demolish a dwelling unit.
- **Use Permit** pursuant to BMC Section 23.202.020, to construct a Single-Family Dwelling unit.
- **Administrative Use Permit (AUP),** pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks.

The following zoning permits may be required based on the responses provided to the comments below.

- **Administrative Use Permit**, pursuant to BMC Section 23.322.080 (E)(2)(b), to construct uncovered off street parking within in a front setback.
- **Administrative Use Permit**, pursuant to BMC Section 23.304.070 (C)(1) to construct retaining walls within a required setback.

Level of Review Under the California Environmental Quality Act
Under the California Environmental Quality Act (CEQA), staff determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration will be required, depending on the type of project. This determination will be made within 30 days of an application being deemed complete. If a project is exempt from CEQA, staff recommends an exemption determination to either the Zoning Officer or the Zoning Adjustments Board (ZAB).

The project as proposed may qualify for a **Categorical Exemption**, pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures"). However, additional CEQA review is required to determine the applicable CEQA pathway.

CEQA Review Items

1. **Air Quality Analysis:** An Air Quality Assessment report was provided on May 16, 2024 and has been determined that the report is incomplete and did not evaluate construction impacts related to criteria air pollutants and GHG emissions in accordance with the Bay Area Air Quality Management Districts (BAAQMD) 2022 CEQA Guidelines. Please revise the Air Quality Assessment Report submittal to correctly evaluate construction impacts related to criteria air pollutants and GHG emissions.

Action Items – Corrections, Clarifications, and/or Supplemental Information Required

1. **Conforming Parking—**Please revise Sheet A1 and all other relevant sheets to show that one parking space is shown **delineated** measuring 8 feet wide by 18 feet long that will be provided on site and note that per the Parking and Driveway Design Guideline handout, the proposed driveway design is approved by the City Traffic Engineer. In addition, please note that per BMC Section 23.322.080 (E)(2), No portion of an off-street parking space may be located in a required front, street side, or rear setback area unless: b)The Zoning Officer approves an **AUP**, in consultation with the Traffic Engineer, and the space meets all applicable requirements in this section.

2. **Retaining Walls**—An unenclosed accessory structure such as retaining walls are shown on the grading plan sheet (sheet A13 and A14). Please revise the site plan on Sheet A1 and all other relevant sheets to display the location and the top and toe elevations of the proposed retaining walls. Please note that per BMC Section 23.304.070 (C)(1), unenclosed accessory structure, such as retaining walls are shown within the 4 feet required side property line setback, and as such will require an **AUP**.

3. **Geotechnical Review Fee Refund and Additional AUPs**—
    a. Thank you for inquiring about the $1,500 Geotechnical Peer Review fee refund. At this time, Planning is looking into this matter and will follow up over email.
    b. Additionally, two AUPs still have not been charged and planning is holding off invoicing for the two AUP fees to address the proposed parking within the front setback and the retaining wall within the required side and rear setback – until the Geotechnical Review Fee refund is resolved.

Advisory comments – Application Processing Review.

1. Additional Permits / Fees Required. Based on the submittal documents, you were charged for the Use Permit to demolish a dwelling unit, Use Permit to construct a dwelling unit, and one additional Administrative Use Permit to reduce the rear setbacks, and the Public Hearing fee. As noted in the Permits Required and the Action Items above, there are additional permits required related to parking and retaining walls within the required setbacks, depending on the responses to the comments. Once the full scope of the project is determined, I will assess the additional fees and provide an invoice. Fees must be paid prior to scheduling or taking final action on the application.

2. During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application according to the Zoning

Project Application Submittal Requirements. This may result in revisions to the information provided with your submittal, additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

Next Steps

Please submit the outstanding information for staff review using this directly over email to wshah@berkeleyca.gov for your project, referenced above. Once the revised information is submitted, staff will review for application completeness within 30 days.

Please submit responses to **all** requested items at once, and not incrementally. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you.

If you have any questions about the additionally, requested information, please reach out to me directly. Thank you in advance for your cooperation.

Sincerely,

Waqar Shah
Associate Planner
510-981-7469
wshah@berkeleyca.gov

May 30, 2024

Waqar Shah
Associate Planner
City of Berkeley
Permit Service Center
Zoning Division
Planning & Development Department
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Subject:	**Application Processing Notice (Response Letter)**
Project Address:	1048 Keith Avenue
Building Permit #:	ZP2024-0014
Job. No.:	LN-1048

Dear Mr. Shah,

The following are itemized responses to the plan check comments:

CEQA Review Items:

1. Please see the attached report. The specialist was recommended by Claudia Garcia.

Action Items:

1. Conforming Parking: This has been added/updated on all sheets. (Sheet A1+). Instead of an 8' wide by 18' long parking space, I made the new parking pad 18' wide (for 2 cars) and 18' long.
2. Retaining Walls shown with toe and top of wall elevations. No retaining walls are over 3 feet in height. (Sheet A1). Retaining walls do not occur in the side yard setback and are more than 4' away from the property line. This dimension is now called out on A1, proposed site plan.
3. Thank you. Just let me know if there will be an additional fee.

Sincerely,

Lindsay Newman, PE

GEOFFREY H. HORNEK
Environmental Air Quality and Acoustical Consulting
1032 Irving Street, #768
San Francisco, CA 94122
(414) 241-0236
ghornek@sonic.net

May 28, 2024

Subject: 1048 Keith Avenue Residential Project – Analysis Addressing California Environmental Quality Act (CEQA) Air Quality and Greenhouse Gas (GHG) Impacts with Respect Bay Area Air Quality Management District (BAAQMD) and City of Berkeley Screening Criteria.

Ms. Lindsay Newman
newmanli26@yahoo.com

Dear Ms. Newman:

This letter assesses the impacts of the air pollutant and GHG emissions of your proposed development (the Project): the construction of a single-family residential unit at 1048 Keith Avenue in the City of Berkeley after demolition of an existing single-family residential unit now on that site. Presented below is my assessment of its potential for project-specific and cumulative impacts on local/regional air quality and global greenhouse gas emissions and its conformance with BAAQMD and City of Berkeley CEQA screening criteria.

This Project site is in the Northern Alameda/Western Contra Costa climatological sub-region of the Bay Area. In most parts of this sub-region, the air pollution potential is low due to the steady westerly marine wind flow. However, Berkeley's predominantly urban environment includes many stationary sources of air pollutants, and major freeways/highways/high-traffic-volume roadways, which are major air pollutant sources. The dispersion of pollutant emissions from these local sources is sometimes constrained by the confining terrain of the East Bay hills and by regularly occurring seasonal episodes of atmospheric stability with resultant elevated ambient pollutant concentrations.

In the Bay Area, CEQA air quality issues are typically evaluated using the BAAQMD methodologies and significance thresholds as specified in their *CEQA Air Quality Guidelines* (2022)[1]. The major air pollutant emissions requiring evaluation are ozone precursors – specifically reactive organic compounds (ROG) and nitrogen oxides (NOx) - and two forms of airborne particulate matter - PM10 and PM2.5. Health risks from project and cumulative airborne exposures to toxic air contaminants (TACs) also require evaluation, especially regarding small-diameter particulate emissions from diesel-powered construction equipment (DPM), the TAC responsible for most of California's cumulative cancer risk from airborne TAC exposures.[2] Finally, emissions of the most common greenhouse gases (GHG) also require evaluation, including carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O), with their cumulative total as expressed in carbon-dioxide-equivalent units (CO2e).

Significance Criteria

According to the *CEQA Air Quality Guidelines*, any project would have a significant potential for causing a local air quality standard violation, or making a cumulatively considerable contribution to a regional air quality problem if its pollutant emissions or TAC impacts would exceed any of the thresholds presented in **Table AQ-1** during construction or operation.

There are no similar BAAQMD quantitative significance thresholds for GHG emissions. However, quantification and disclosure of project construction and operational GHG emissions is recommended for CEQA documents. For residential development projects, the following project design elements are specified to justify finding a less-than-significant GHG impact:

- No natural gas appliances or natural gas plumbing (all electric).
- Avoidance of wasteful, inefficient, or unnecessary energy use.
- Project vehicle miles traveled (VMT) substantially below the regional average consistent with the current version of the California Climate Change Scoping Plan (i.e., 15 percent or more below the existing regional average VMT per capita)
- Compliance with the off-street electric vehicle requirements of the State energy code (CALGreen).

Project Air Pollutant Impact Assessment

The *CEQA Air Quality Guidelines* recommend quantification of construction-related and operational air pollutant emissions using the California Emissions Estimator Model (CalEEMod). This was done for Project sources using CalEEMod Version 2022.1[3] initialized with the model's "Residential – Single Family" land use subtype with a specification of one (1) single family unit to be constructed at 1048 Keith Avenue with the demolition of an existing single-family unit on that lot. Project construction and operational emissions

[1] https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines
[2] https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health
[3] http://caleemod.com/

were estimated using CalEEMod's internal defaults supplied by the model for the equipment, motor vehicles, phases, schedules, etc. associated with this land use subtype. The Project average daily air pollutant emissions during construction, and the average daily and annual operational air pollutant emissions are shown in **Table AQ-2, Table AQ-3 and Table AQ-4**, respectively, and compared with the applicable BAAQMD significance threshold for each pollutant.

Table AQ-1: CEQA Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	**Average Daily Emissions (pounds/day)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82*	82	15
$PM_{2.5}$	54*	54	10
Fugitive Dust	BAAQMD Best Management Practices (BMPs)	Not Applicable	
Project-Level Health Risk/Hazard/PM2.5 Thresholds			
Excess Cancer Risk	10 per one million		
Chronic or Acute Hazard Index	1.0		
Incremental annual average $PM_{2.5}$	0.3 µg/m^3		
Cumulative Health Risk/Hazard/PM2.5 Thresholds (total contribution from all sources within the Project site Zone of Influence)			
Excess Cancer Risk	100 per one million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
*PM_{10} and $PM_{2.5}$ thresholds for construction apply only to exhaust emissions and do not include the fugitive dust component.
µg/m^3 = micrograms per cubic meter

Table AQ-2: Project Construction Pollutant Emissions (average lbs./day)

Year	Phase	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
		Daily Average (lbs./day)			
2024	Demolition	0.01	0.13	0.01	0.00
2024	Site Preparation	0.00	0.01	0.00	0.00
2024	Grading	0.01	0.06	0.00	0.00
2024	Building Construction	0.11	1.12	0.05	0.05
2025	Building Construction	0.04	0.39	0.02	0.02
2025	Paving	0.01	0.06	0.00	0.00
2025	Architectural Coating	0.08	0.01	0.00	0.00
	Maximum Daily Average	**0.13**	**1.32**	**0.06**	**0.05**
	Significance Thresholds	**54**	**54**	**82**	**54**
	Significant Impact?	**No**	**No**	**No**	**No**

Table AQ-3: Project Daily Operational Air Pollutant Emissions (average lbs./day)

Emission Source	ROG	NO_x	PM_{10}	$PM_{2.5}$
Total Buildout (1 Unit Single-Family Residential)				
Mobile	0.03	0.02	0.00	0.00
Area	0.05	0.00	0.00	0.00
Energy	0.00	0.01	0.00	0.00
Total	0.08	0.04	0.00	0.00
Significance Thresholds	**54**	**54**	**82**	**54**
Significant Impact?	**No**	**No**	**No**	**No**

Table AQ-4: Project Annual Operational Air Pollutant Emissions (tons/year)

Emission Source	ROG	NO_x	PM_{10}	$PM_{2.5}$
Total Buildout (1 Unit Single-Family Residential)				
Mobile	0.01	0.00	0.00	0.00
Area	0.01	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00
Total	0.01	0.01	0.00	0.00
Significance Thresholds	**10**	**10**	**15**	**10**
Significant Impact?	**No**	**No**	**No**	**No**

The BAAQMD significance thresholds for Project air pollutant emissions would not be exceeded (or even closely approached) under any circumstances.

The *CEQA Air Quality Guidelines* require the implementation of the following basic **Fugitive Dust Best Management Practices (BMPs)** to assure that ambient particulate standards are not exceeded during construction at local sensitive receptors:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off site shall be covered.
- 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.
- All vehicle speeds on unpaved surfaces shall be limited to 15 miles per hour.
- 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.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Berkeley regarding dust complaints. This person shall respond and take corrective action for any complaint with 48 hours.

Ambient Toxic Air Contaminant (TAC) concentrations produced by Project sources and by other substantial TAC sources within 1000 feet of a Project site (i.e., termed the "zone of influence" by the *CEQA Air Quality Guidelines*) are considered significant if they exceed the BAAQMD CEQA health risk thresholds at sensitive receptors within the zone. A database of Bay Area permitted stationary emissions sources is available online (BAAQMD, *Stationary Source Screening Map*)[4]; no listed stationary TAC sources are within the Project site's zone of influence (i.e., the yellow circle centered on the Project site, as shown in **Figure 1)**. A database of health impacts from mobile source TAC emissions in the Bay Area is also available online (BAAQMD, *Mobile Source Screening Map*)[5].

The cancer risk from exposure to a particular TAC is the probability of developing cancer from lifetime exposure (i.e., 70 years) to it. Following health risk assessment (HRA) methodology established by the BAAQMD, the Project's incremental cancer risk from DPM emitted by construction equipment was estimated by applying established DPM toxicity factors to the DPM concentration estimated by the SCREEN3 dispersion model at the residential receptors adjacent to the Project site.

4 https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=845658c19eae4594b9f4b805fb9d89a3

5 https://mtc.maps.arcgis.com/apps/instant/sidebar/index.html?appid=c5f9b1a40326409a89076bdc0d95e429

The likelihood of non-cancer adverse chronic health risk from exposure to a particular TAC is measured using a hazard index (HI), which is defined as the ratio of a project's incremental annual TAC concentration to a published reference exposure level (REL) for the particular TAC of interest. If the HI is greater than 1.0, then the impact is considered to be significant. The Project's HI from DPM emitted by construction equipment was estimated relative to its established REL.

Additional project-level and cumulative annual ambient concentration thresholds for PM2.5 emitted by the construction equipment have also been set by the BAAQMD.

Table TAC-1 shows the Project construction cancer risk, chronic hazard index, and PM2.5 increments, and the contribution of increments from other local stationary and mobile TAC sources within the zone of influence. The Project cancer risk and chronic hazard impacts at maximally exposed sensitive receptors (MESRs), the area's residential uses surrounding the Project site, are all below the corresponding significance thresholds. However, the screening model predicts that Project construction equipment emissions could marginally exceed the BAAQMD's project-level significance threshold for annual PM2.5 concentrations (0.3 µg/m3). Local PM2.5 levels could be brought well under the BAAQMD PM2.5 threshold by requiring that all Project diesel-powered on-site construction equipment have at least EPA-rated Tier 3 engines. Substitution of equipment with even cleaner Tier 4 engines would reduce local exposure/risk even more.

Figure 1: Project Site and Vicinity Showing Zone of Influence (there are no included TAC Sources)



Figure 2a: BAAQMD Mobile Source Screening Map (Screenshot) - Cancer Risk in Northeast Berkeley (including the Project Site and Vicinity)

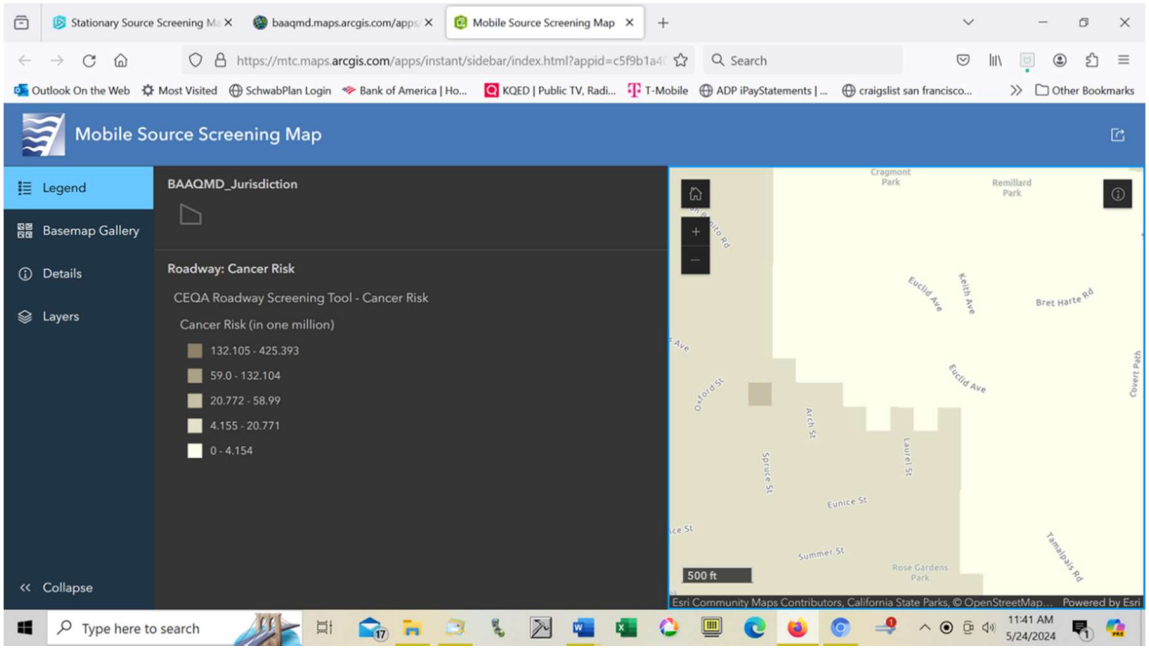


Figure 2b: BAAQMD Mobile Source Screening Map (Screenshot) – Chronic Hazard in Northeast Berkeley (including the Project Site and Vicinity)

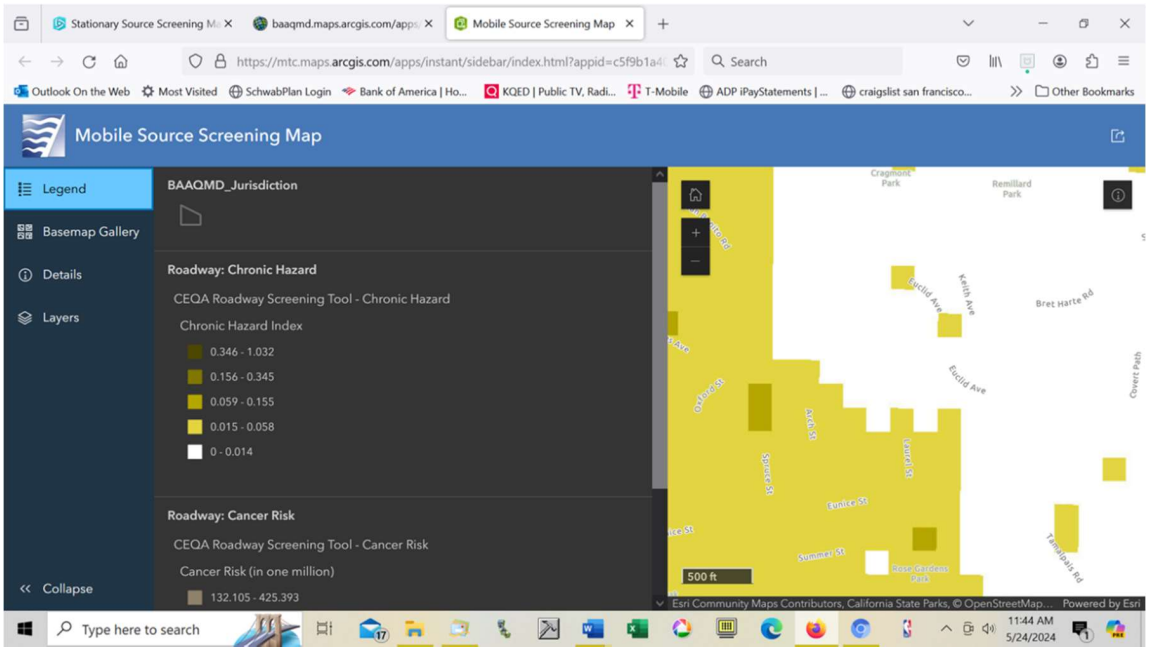


Figure 2c: BAAQMD Mobile Source Screening Map (Screenshot) – Ambient PM2.5 in Northeast Berkeley (including the Project Site and Vicinity)

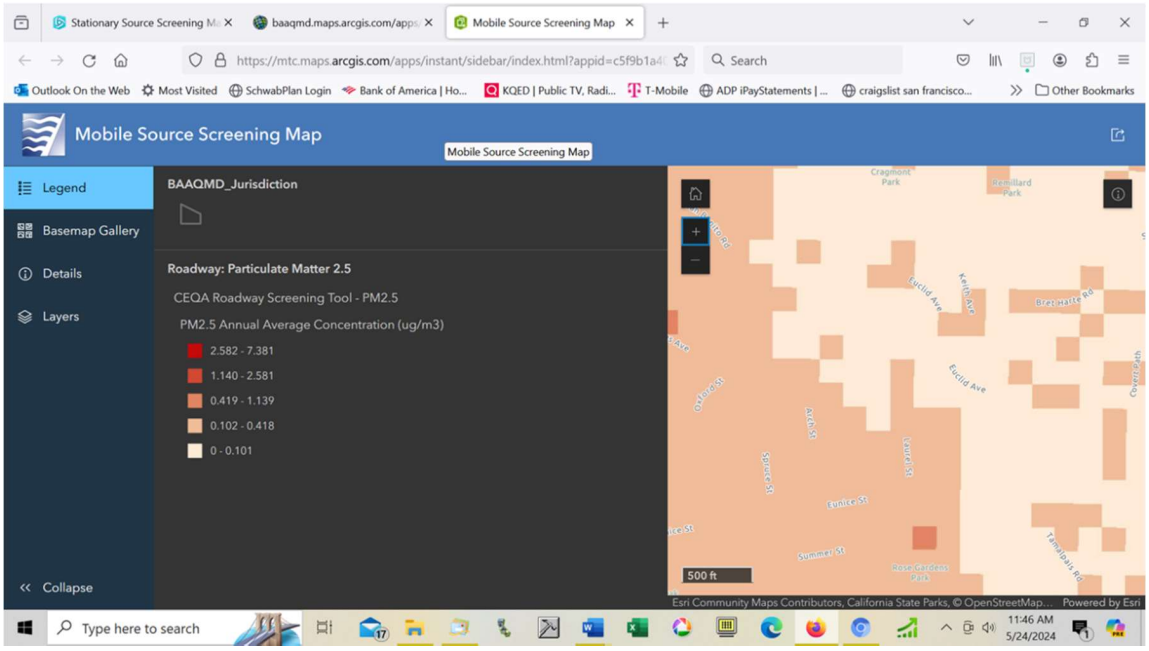


Table TAC-1: Project and Cumulative TAC Impacts on Existing Maximum Exposed Residential Receptors (MESR) in the Project Site Vicinity

BAAQMD Source #	Facility	Address	Cancer Risk	Chronic Hazard Index	$PM_{2.5}$ Concentration
From Local Permitted Stationary Sources*					
No BAAQMD-listed stationary TAC sources within 1000 feet of the Project site					
From Local Mobile Sources**					
			4.15	0.01	0.26
From Project Construction Sources***					
Project Construction TAC Impacts (without Tier 3 or higher)			2.71	0.07	**0.35**
Project Construction TAC Impacts (with Tier 3 or higher)			< 1.35	< 0.04	< 0.18
Project-Level Significance Thresholds			10	1.0	0.3
Significant Project Construction Impact (without Tier 3 or higher)?			No	No	**Yes**
Significant Project Construction Impact (with Tier 3 or higher)?			No	No	No
From Cumulative Sources					
Cumulative Sources TAC Impact (with Tier 3 or higher)			< 5.50	< 0.05	< 0.44
Cumulative Significance Thresholds			100	10	0.8
Significant Cumulative Impact?			No	No	No

*The BAAQMD's Stationary Source Screening Map shows no TAC sources within 1000 feet of the Project site.
** BAAQMD Mobile Source Screening Map shows the listed estimates of mean cancer risk, hazard index, and $PM_{2.5}$ on/near the project site.
***Project construction cancer risk, chronic hazard and $PM_{2.5}$ increments were estimated by the SCREEN3 dispersion model using Project construction equipment PM2.5 annual emission estimates from the CalEEMod model. Replacement of equipment with state-average diesel engines all with engines having an EPA rating of Tier 3 would reduce DPM emissions by about 50%, with replacement by all Tier 4 giving a reduction of about 90%.

Project Greenhouse Gas Emission Impacts

The Project's CalEEMod model estimates GHG emissions during Project construction would be about 68.9 metric tons of CO2e. The *CEQA Air Quality Guidelines* includes recommended BMPs to reduce GHG emissions from construction-related activities (see Attachment A for the complete list; BMPs are to be selected from and/or adapted to this list as appropriate to the project type and scale).

Project operational GHG emissions during the first year or operation (2025) from all source categories and their totals are shown in **Table GHG-1** below:

Table GHG-1: Project Annual Operational Greenhouse Gas Emissions (metric tons/year)

Emission Source	CO2	CH4	N2O	CO2e
Total Buildout (1 Unit Single-Family Residential)				
Mobile	7.8	0.0	0.0	8.0
Area	0.0	0.0	0.0	0.0
Energy	3.0	0.0	0.0	3.0
Water	0.1	0.0	0.0	0.1
Waste	0.1	0.0	0.0	0.2
Total	11.0	0.0	0.0	11.4

Recent amendments/additions to CEQA have identified a project's vehicle miles traveled (VMT) as the main metric of impact for transportation analysis, and in related fields such as air quality and greenhouse gas emissions analysis. Consequently, the City of Berkeley has developed its approach to addressing VMT impacts consistent with CEQA requirements, as specified in *City of Berkeley VMT Criteria and Thresholds* (*Berkeley VMT Criteria*, June 29, 2020). The City of Berkeley uses the Alameda County Transportation Commission (CTC) travel demand model as the primary source of information on countywide VMT forecasts. For projects in Berkeley, the metric *"Household VMT per Capita"* is used for residential uses and is consistent with the Alameda CTC model metric.

Berkeley VMT Criteria simplifies the analysis of smaller, less complex projects using a screening process to identify land use projects that can be expected to cause a less-than-significant impact without more detailed study. The identified screening criterion with particular applicability to the Project under consideration in this report is:

- **Small Projects:** Projects defined as generating 836 daily VMT or less (equating to 20 residential units or less).

As a "Small Project," with only one new residential unit added the lot at 1048 Keith Avenue (a zero net addition because of the demolition of an existing residential unit), the Project's GHG emissions would make a demonstrably less-than-substantial addition to City and County (and Global) GHG burden.

Report Recommendations

- Implement Measures to Reduce TAC Health Risk in the Surrounding Residential Neighborhood during Project Construction. Project dispersion modeling determined that PM2.5 emitted from diesel-powered construction equipment would marginally exceed the BAAQMD project-level threshold at the MESR in the surrounding neighborhood. This is due to a combination of factors: the quantity of PM2.5 emitted by the equipment (initially assumed to have state-average emission rates as specified by the CalEEMod model), the relatively small area of the Project site (which concentrates the pollutants on site at the start of dispersion), and the relatively high residential density of the surrounding neighborhood (which places the MESR closer to the area of active emissions). Nothing can be done about Project site size or local neighborhood character, but construction PM2.5 emissions can be reduced. Thus, all Project construction equipment shall have at least EPA-rated Tier 3 diesel engines, which would reduce the modeled PM2.5 levels by about 50%, easily achieving the BAAQMD project-level significance threshold (as shown in **Table TAC-1**). Further reductions could be achieved by substituting equipment with Tier 4 engines (up to about 90% reduction in emissions/health risk with all Tier 4 engines).

- Implement Measures to Reduce Energy Use from Natural Gas in the New Residential Unit to the Maximum Feasible Extent. The maximum benefit (100%) would come from the Project residential unit being all-electric (i.e., no internally installed natural gas appliances or natural gas plumbing). But the majority of the benefit would be maintained by limiting gas appliances only to kitchen stoves (allowing about 95% of total residential energy to be electrical)[6] or to kitchen stoves and hot water heaters/boilers (allowing about 75% of total residential energy to be electrical).[7] In addition, wasteful, inefficient, or unnecessary energy use shall be avoided, and the Project residential unit shall include an electric vehicle charging station, all as required by the City of Berkeley and/or State of California energy code (CALGreen).

Sincerely,



Geoffrey H. Hornek

[6] https://www.energy.gov/energysaver/articles/energy-efficient-cooking-winter
[7] https://www.eia.gov/energyexplained/use-of-energy/homes.php

Attachment A

Recommended BMPs to reduce GHG emissions from construction-related activities
CEQA Air Quality Guidelines **(BAAQMD, Chapter 6 – Project-Level Climate Impacts – Table 6-1)**

- Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within a BAAQMD-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.
- Require all diesel-fueled off-road construction equipment be equipped with EPA Tier 4 Final compliant engines or better as a condition of contract.
- Require all on-road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, such as model year (MY) 2024 to 2026, as a condition of contract.
- Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.
- Prohibit off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.
- Use California Air Resources Board–approved renewable diesel fuel in off-road construction equipment and on-road trucks.
- Use U.S. Environmental Protection Agency SmartWay certified trucks for deliveries and equipment transport.
- Require all construction equipment is maintained and properly tuned in accordance with manufacturer’s specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.
- Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.
- Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options onsite or shuttles to nearby meal destinations for construction employees.
- Reduce electricity use in the construction office by using LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.
- Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15% more by weight than the diversion requirement in Title 24.

- Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program.
- Use low-carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix.
- Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.
- Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.

ADMINISTRATIVE USE PERMIT

SHEET INDEX

A1	GENERAL NOTES & SITE PLAN
A2	LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3	EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4	PROPOSED GROUND FLOOR PLAN
A5	PROPOSED ROOF AND SECOND FLOOR PLAN
A6	EXISTING EAST & WEST ELEVATIONS
A7	EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8	PROPOSED EAST & WEST ELEVATIONS
A9	PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10	PROPOSED LONGITUDINAL SECTIONS
A11	PROPOSED EAST WEST SECTIONS
A12	STREET STRIP ELEVATION
A13	BOUNDARY & TOPOGRAPHIC SURVEY
A14	GRADING PLAN
A15	STORY POLE PLAN
A16	SHADOW STUDY: EXISTING DWELLING
A17	SHADOW STUDY: PROPOSED DWELLING
A18	SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.

2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL RH-3

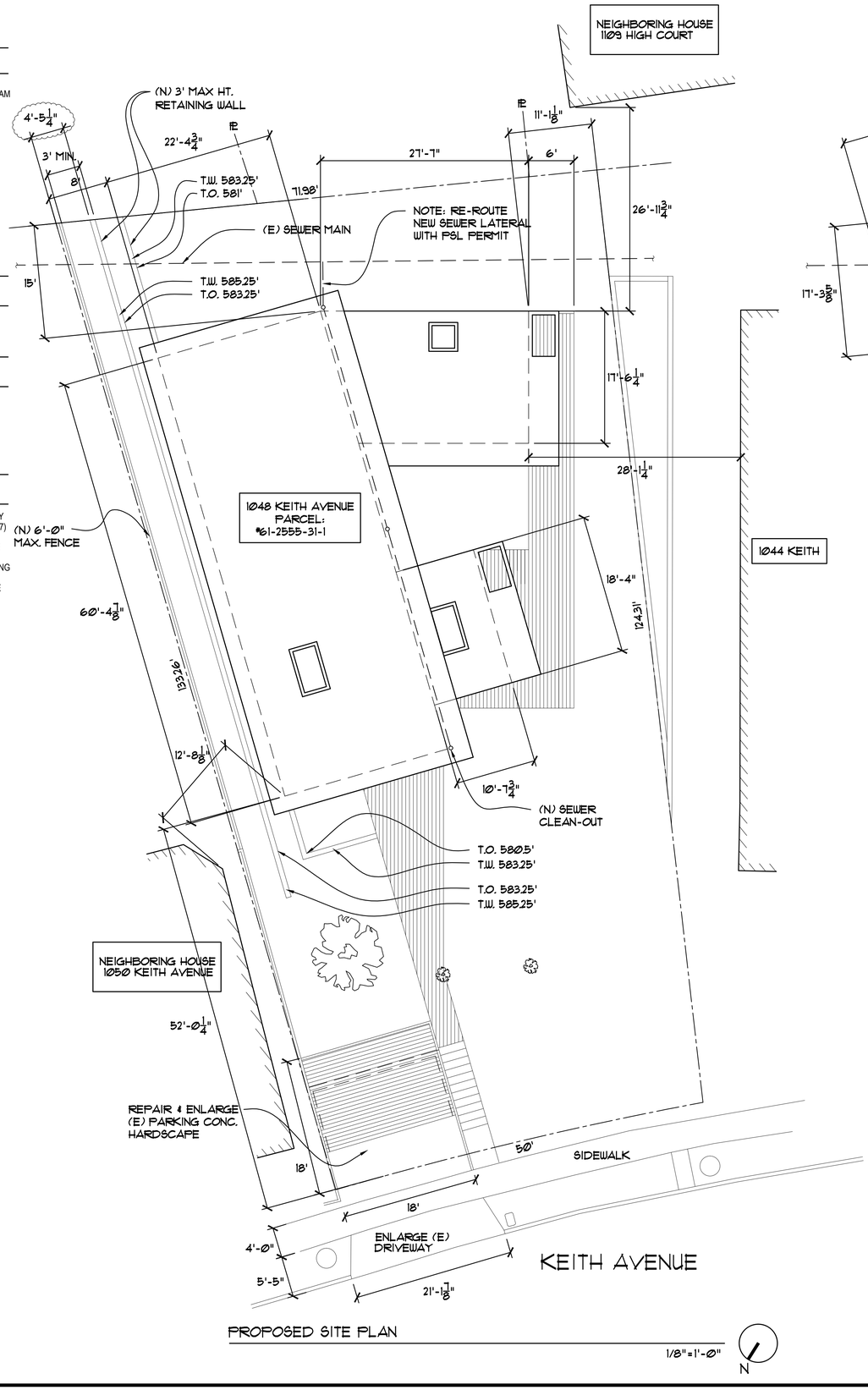
CONSTRUCTION TYPE: V-B

ENERGY CODE & GREEN CODE STATEMENT

THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CH. 19.36) & BERKELEY GREEN CODE (BMC CH. 19.37) INCLUDING SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, & LOW-CARBON CONCRETE REQUIREMENTS. NOTE THAT FOR BUILDING PERMIT SUBMITTAL, QUANTITATIVE VALUES FOR APPLIANCE FUEL EFFIECIENCY MUST BE INCLUDED IN RELEVANT BUILDING PERMIT ARCHITECTURAL SHEETS, WINDOW & DOOR SCHEDULES, & ON ARCHITECTURAL, PLUMBING, & MECHANICAL SHEETS, MATCHING THOSE VALUES STIPULATED IN PRESCRIPTIVE OR PERFORMANCE ENERGY COMPLIANCE DOCUMENTS.

I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				



REVISIONS	BY

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CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY L. NEWMAN * No. C 84868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

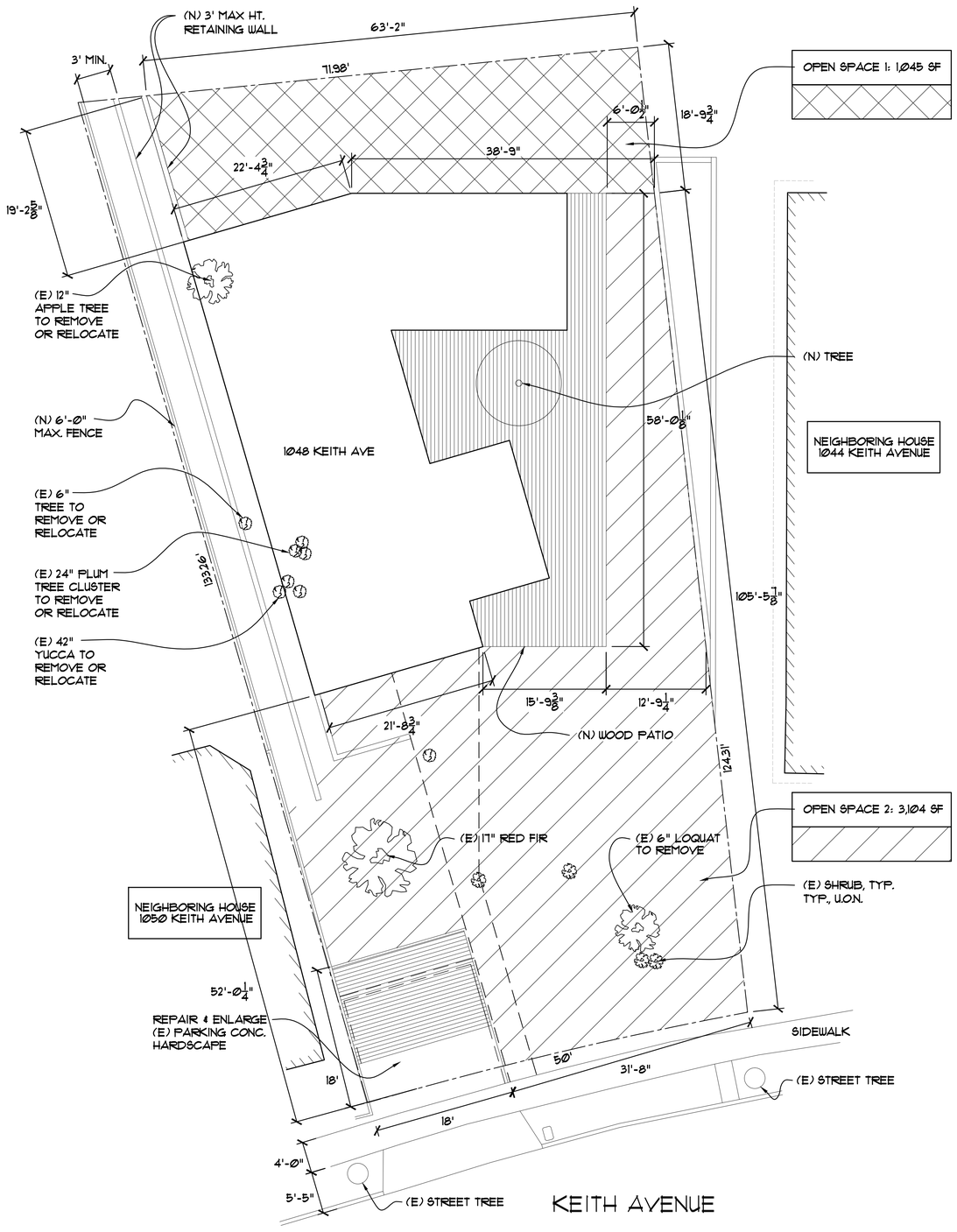
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING SITE PLAN &
PROPOSED SITE PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1

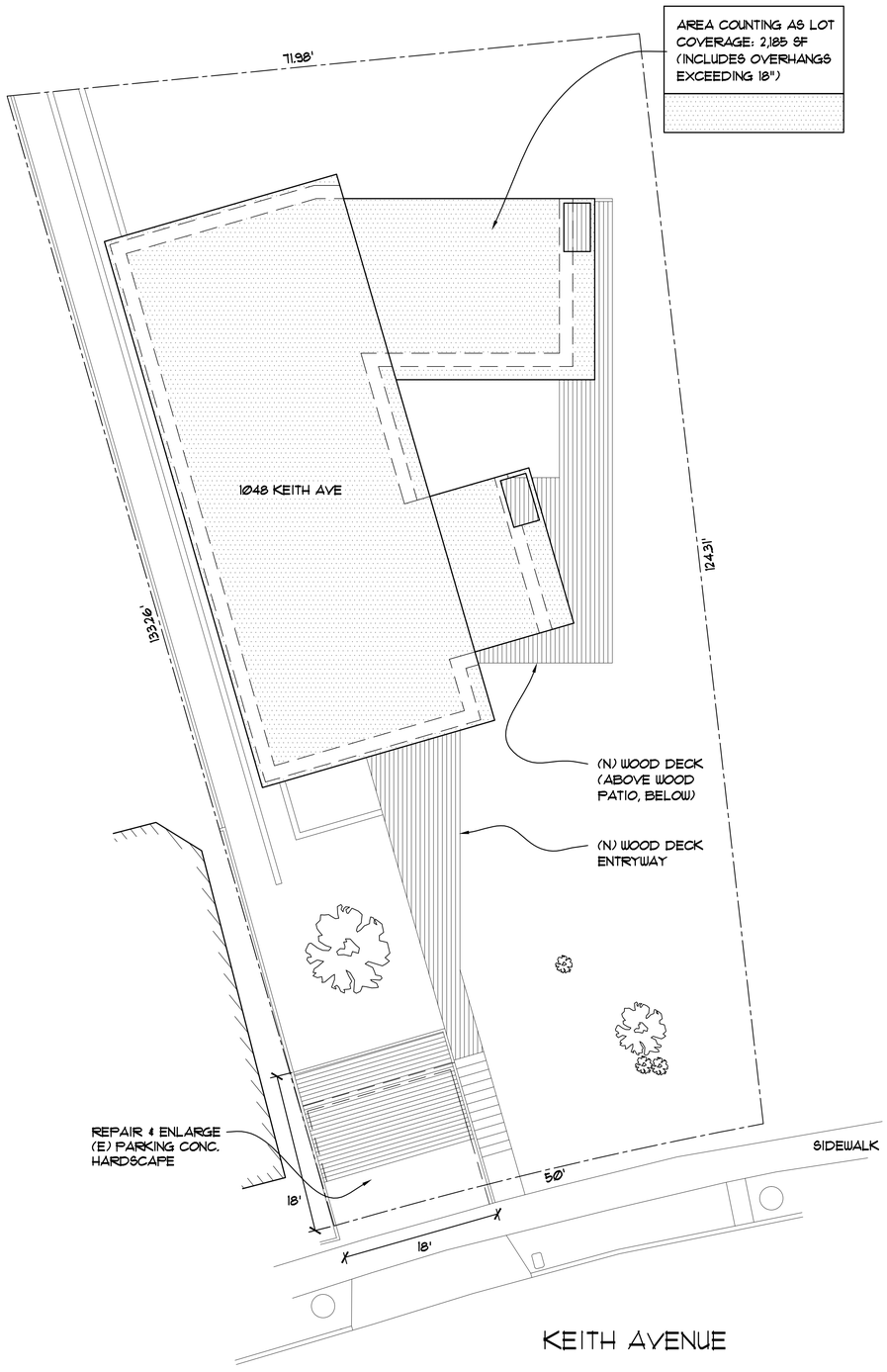
OF 18 SHEETS



LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-Ø"

N



LOT COVERAGE DIAGRAM

1/8"=1'-Ø"

N

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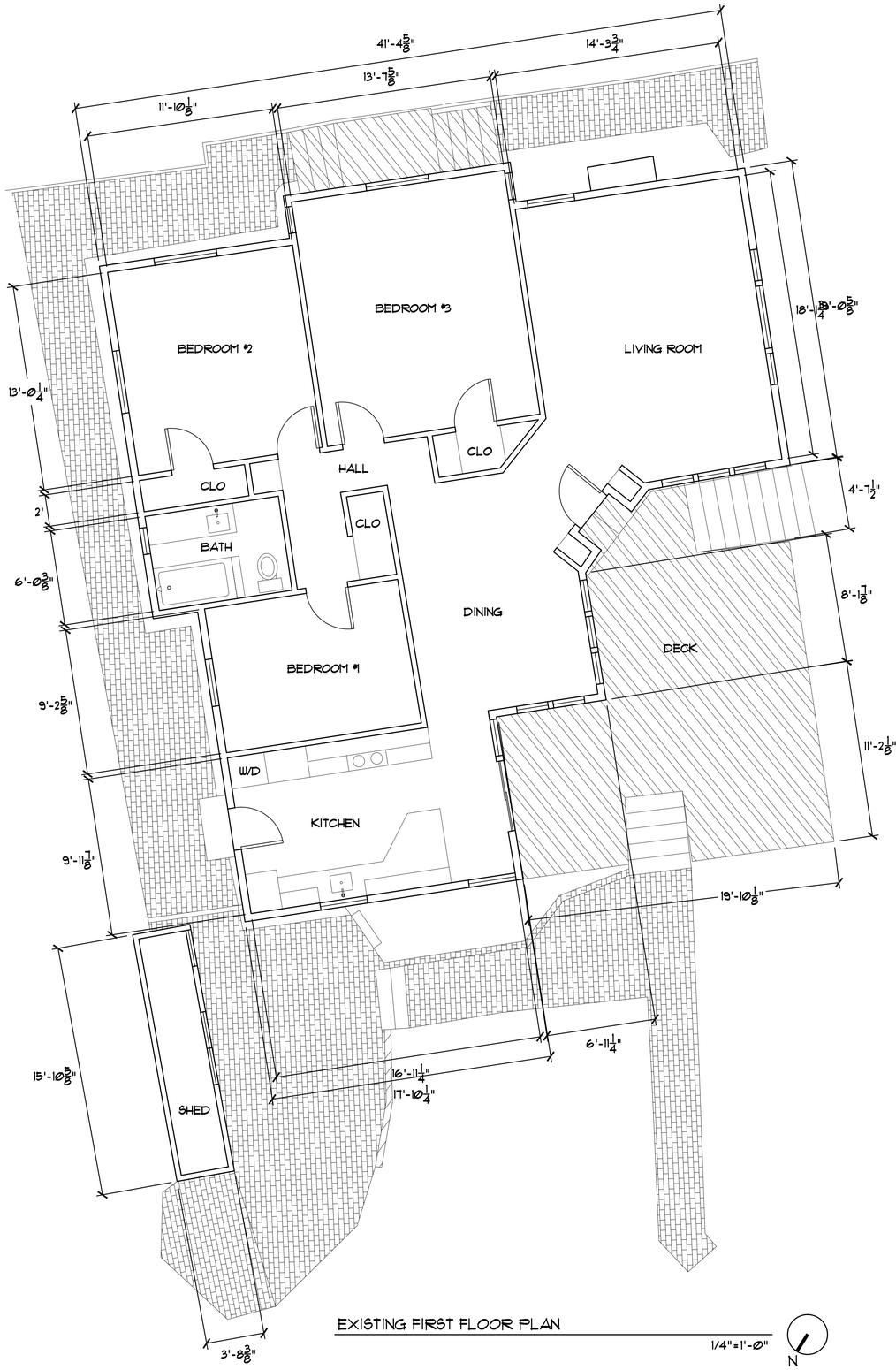
NEW SINGLE-FAMILY RESIDENCE
1Ø48 KEITH AVENUE
BERKELEY, CA 94708

AUP: LANDSCAPE & USEABLE OPEN SPACE PLAN, & LOT COVERAGE DIAGRAM

DATE: Ø1.Ø7.24
JOB NO: LN-1Ø48
SCALE: 1/4"=1'-Ø"
DRAWN: LN

A2

OF 18 SHEETS



EXISTING FIRST FLOOR PLAN

1/4"=1'-0"



EXISTING CRAWLSPACE PLAN

1/4"=1'-0"

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

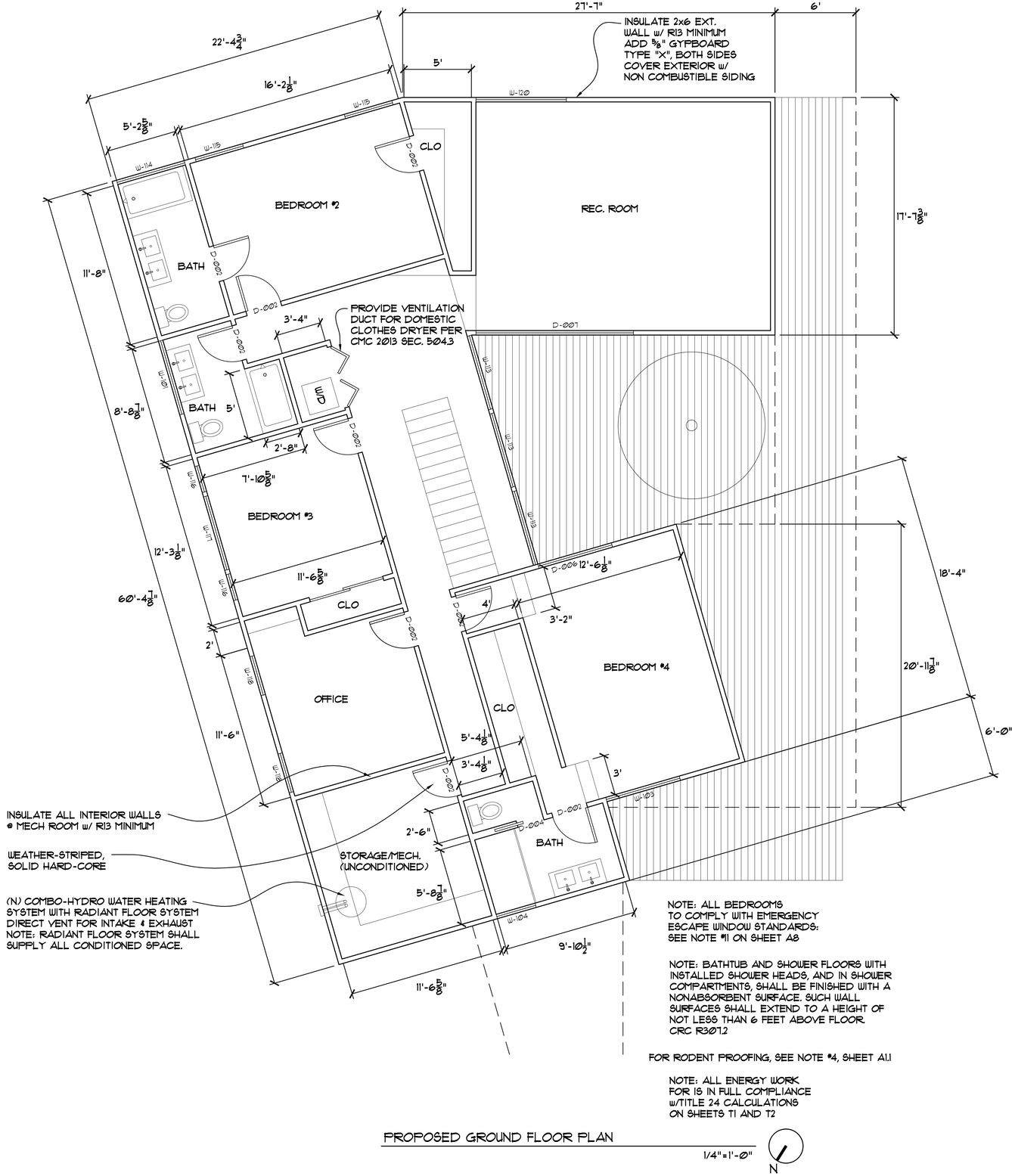
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A3

OF 18 SHEETS

LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE w/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

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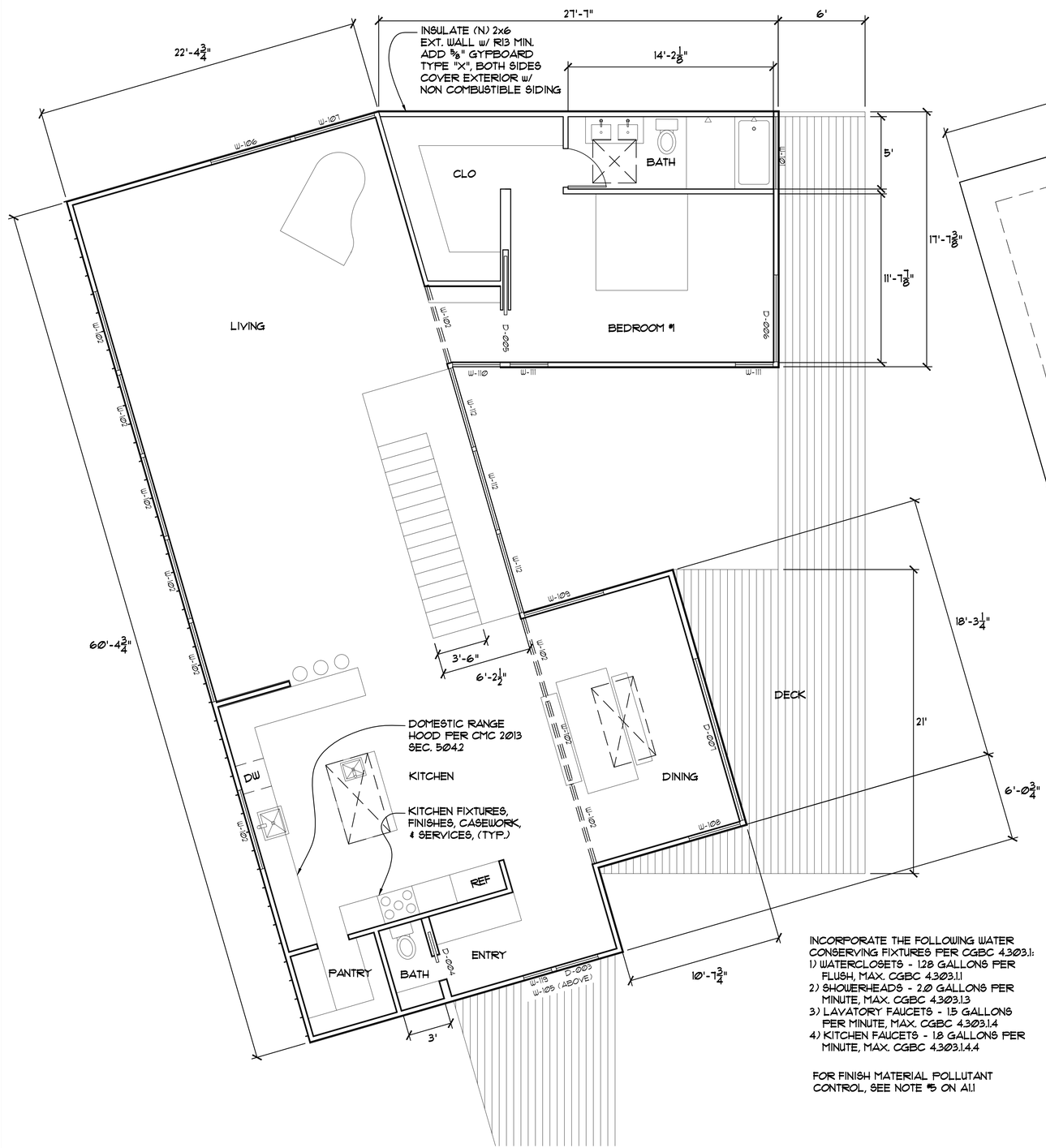
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED GROUND FLOOR PLAN

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JOB NO: LN-1048
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DRAWN: LN

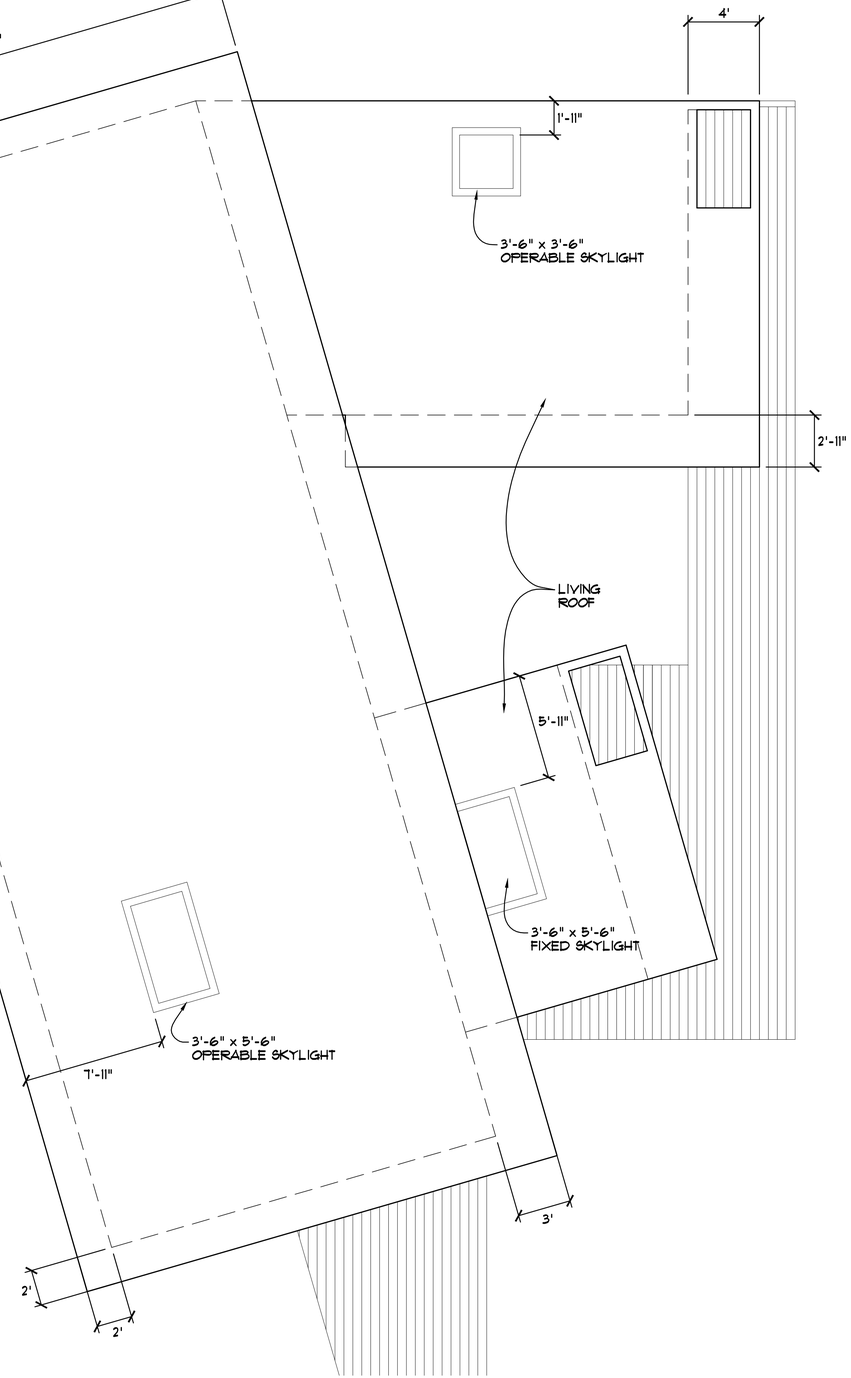
A4

OF 18 SHEETS



PROPOSED SECOND FLOOR PLAN

1/4"=1'-0"



PROPOSED ROOF PLAN

1/4"=1'-0"

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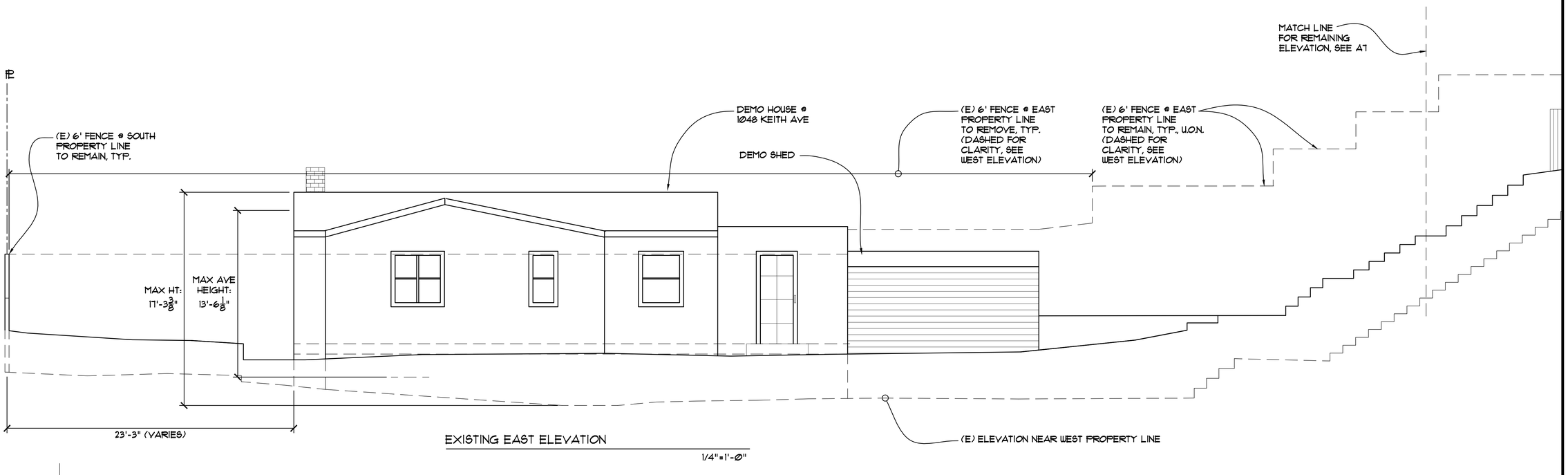
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED ROOF PLAN
& SECOND FLOOR PLAN

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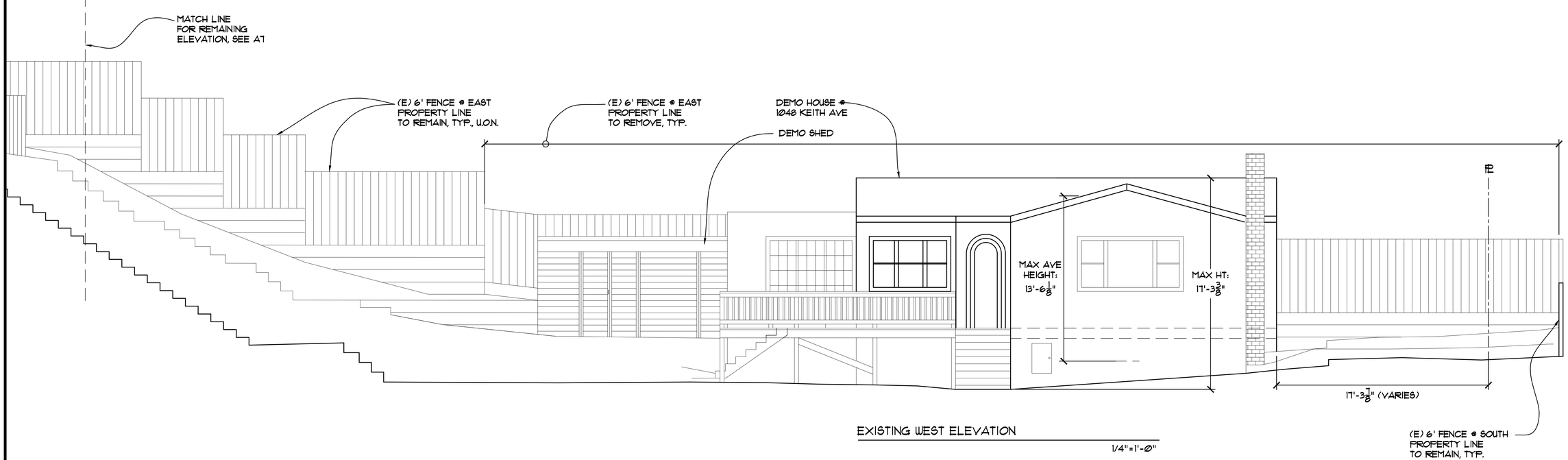
A5

OF 18 SHEETS



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

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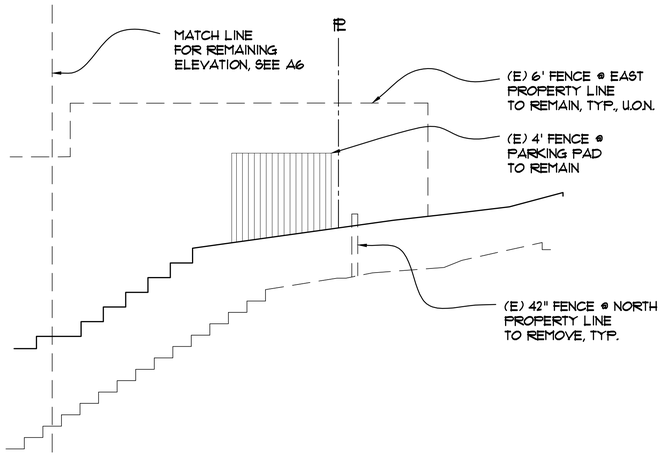
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
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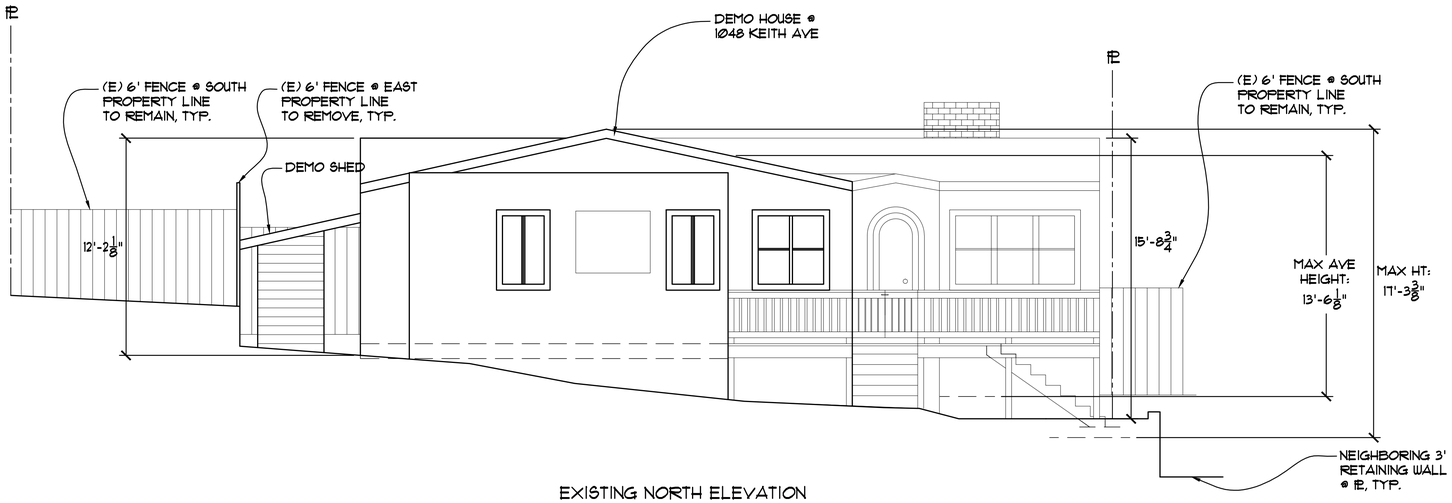
A5

OF 18 SHEETS



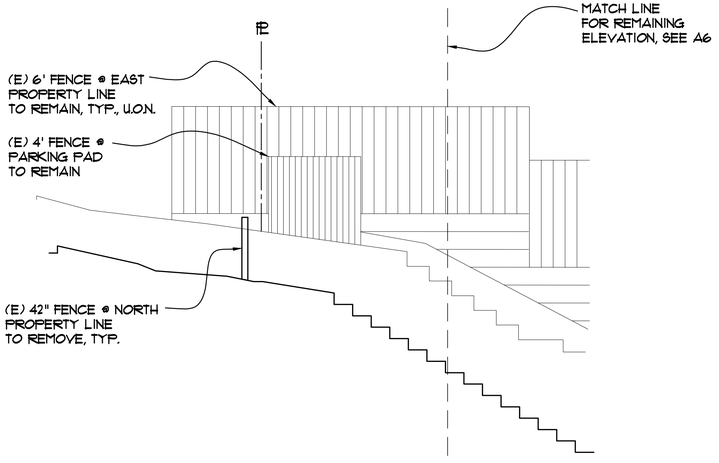
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



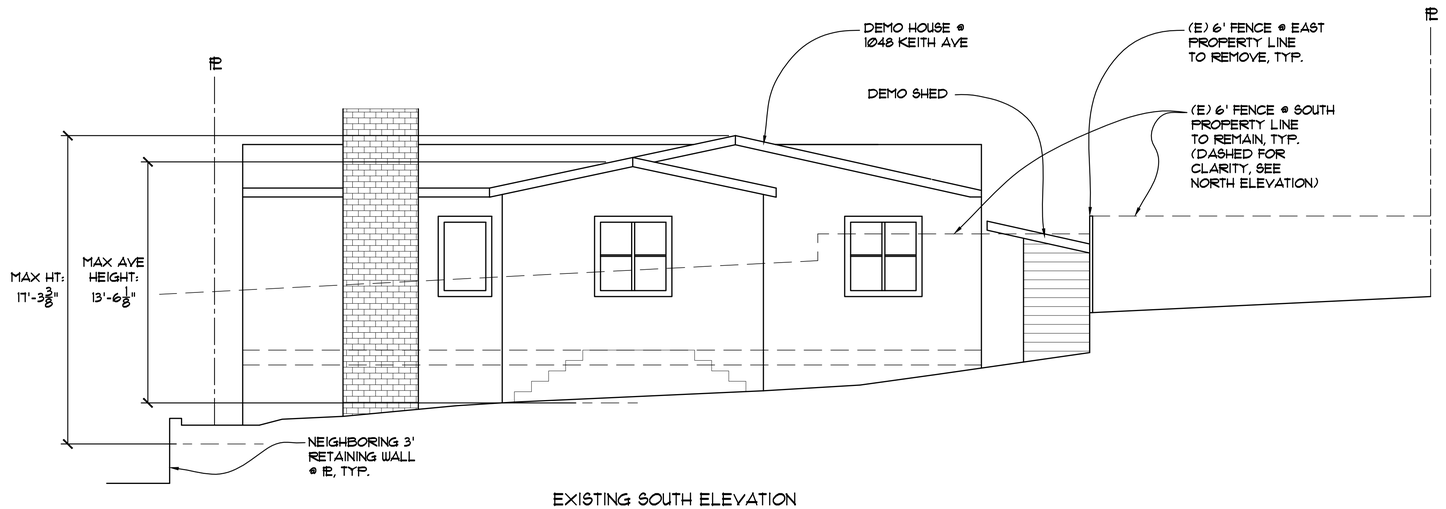
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

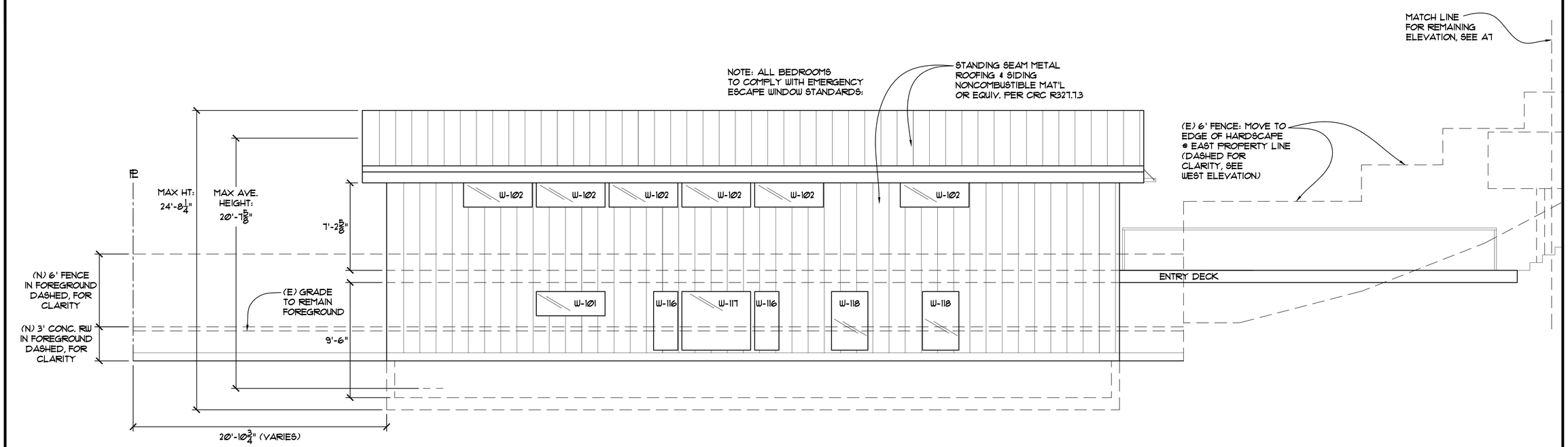
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

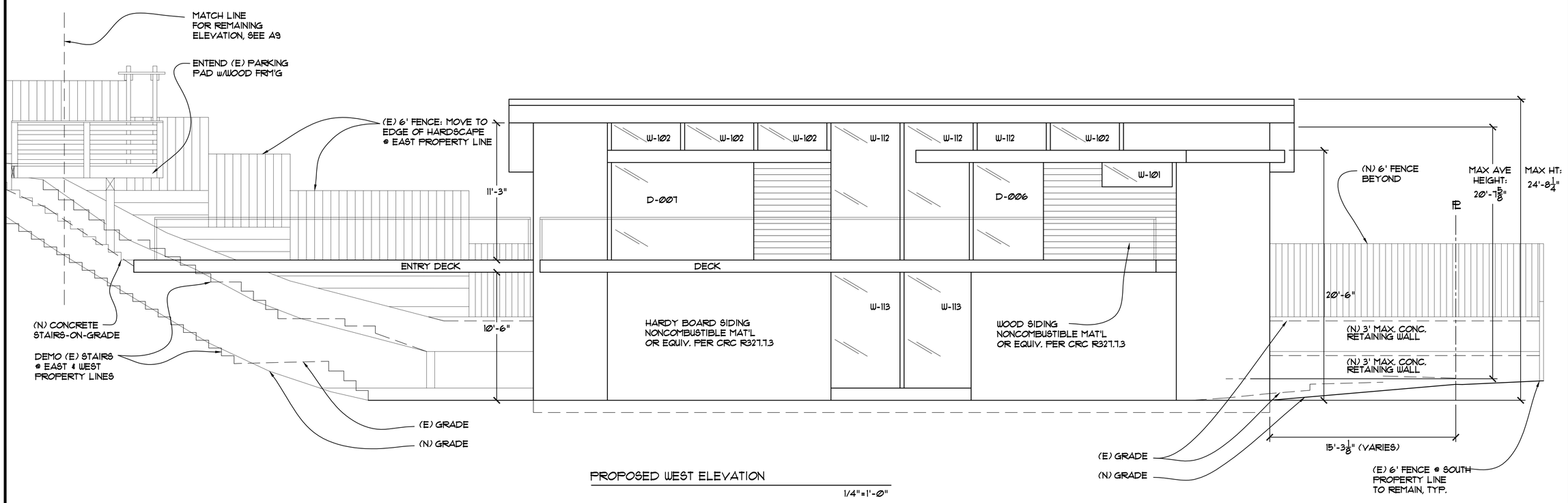
A5

OF 18 SHEETS



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34898 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

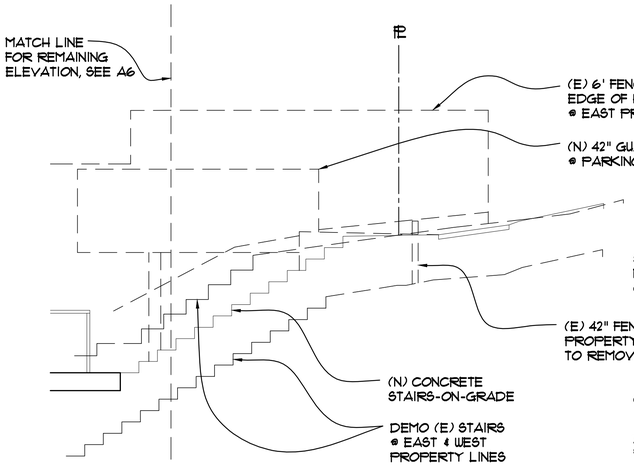
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

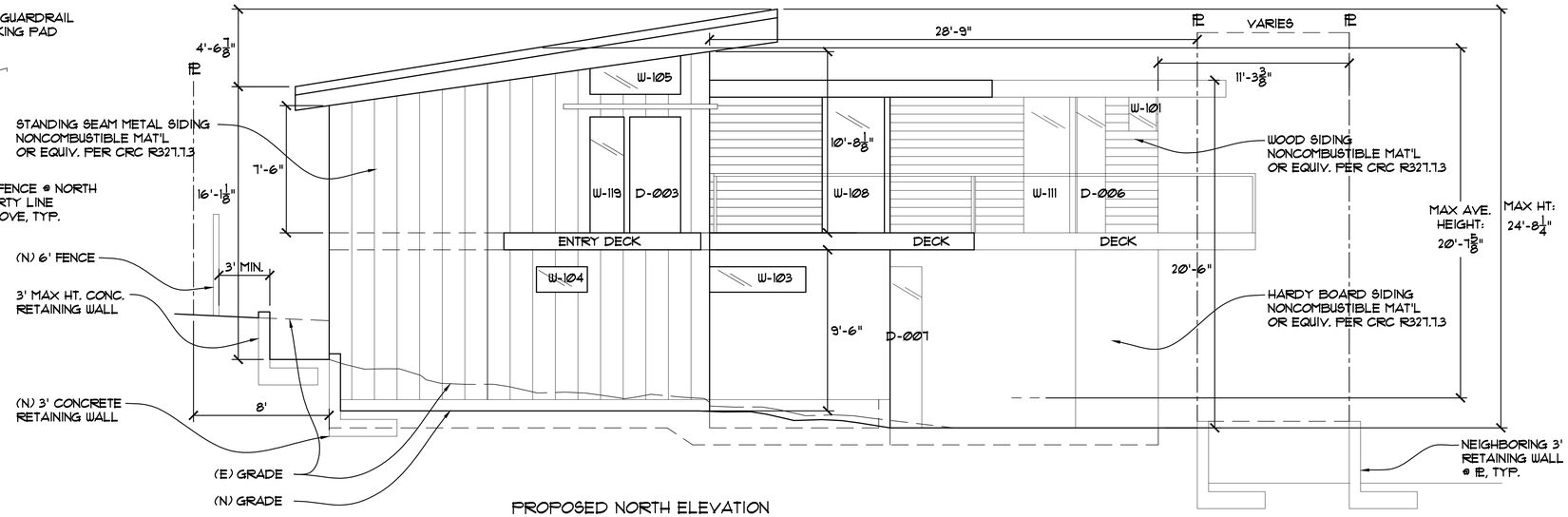
A8

OF 18 SHEETS



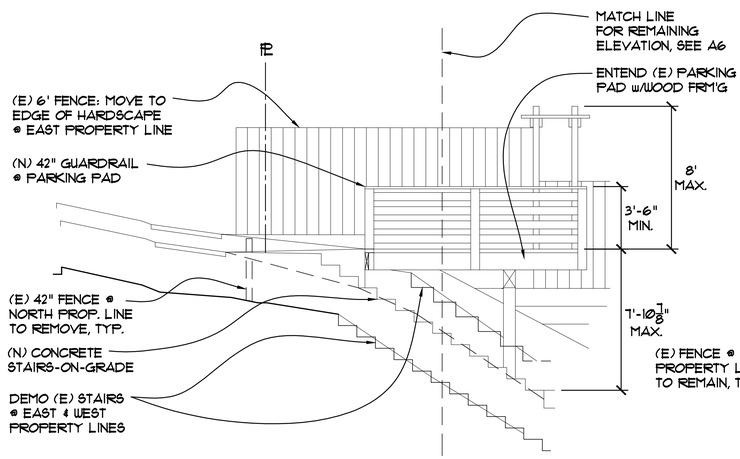
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



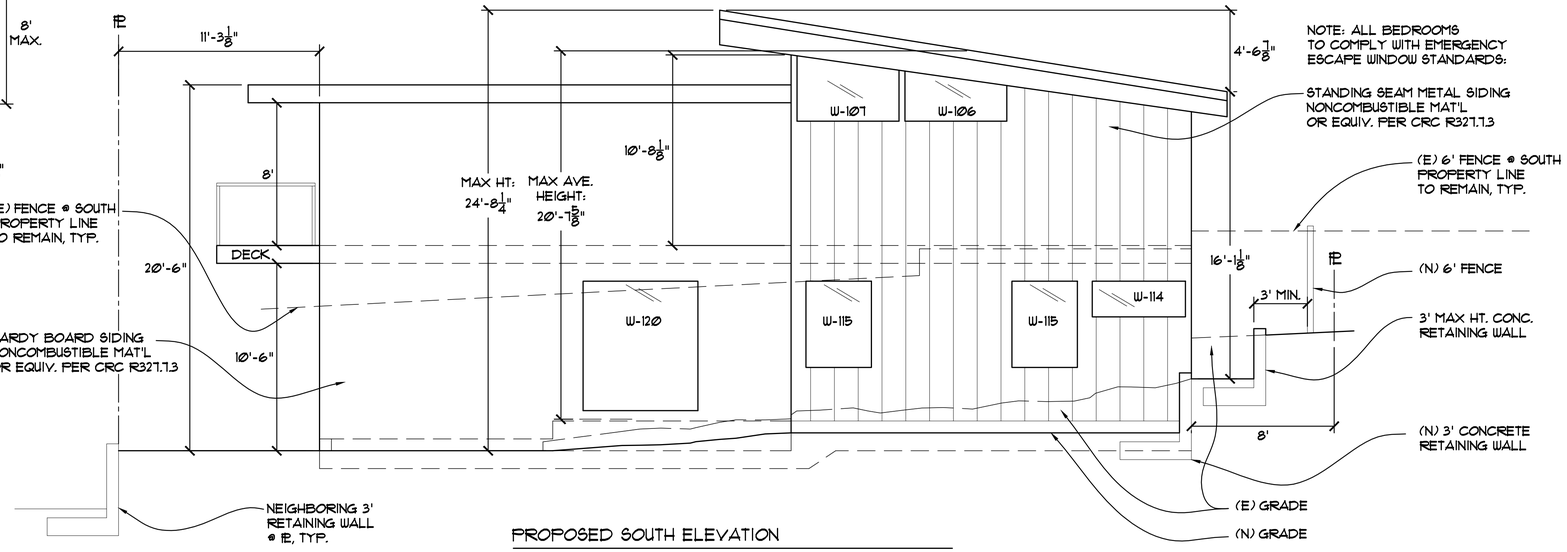
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

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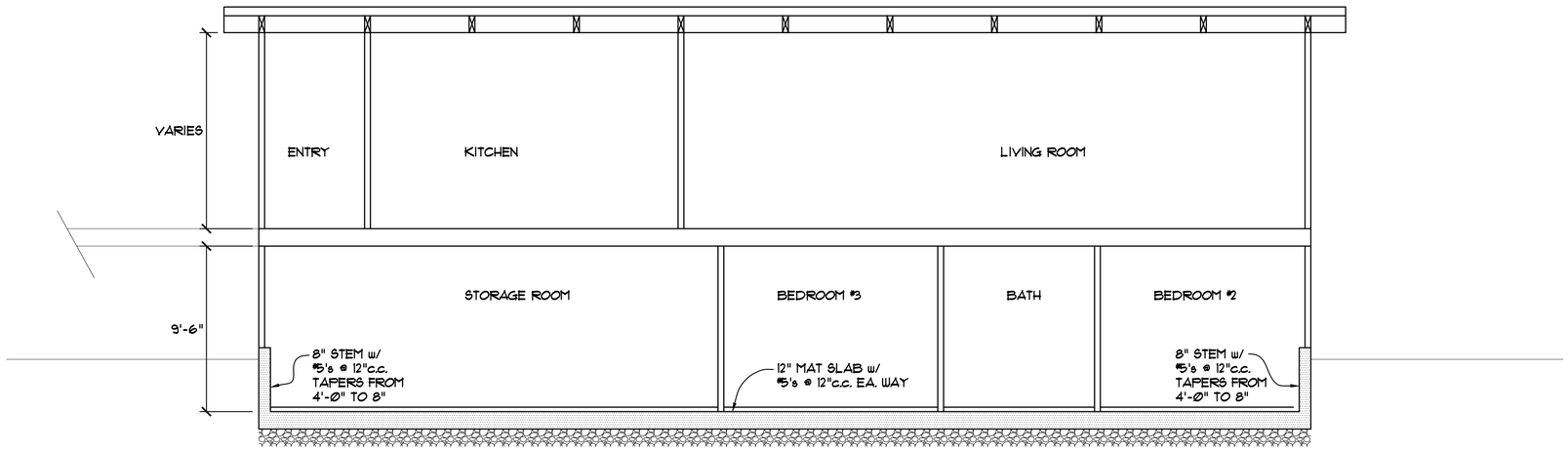
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

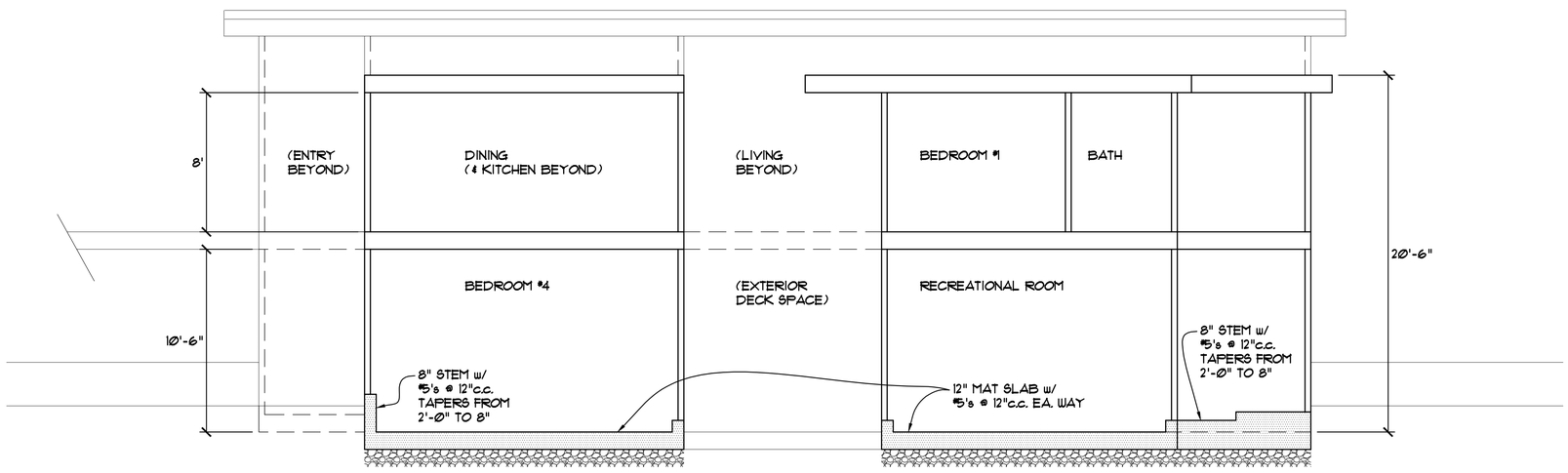
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A9

OF 18 SHEETS



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

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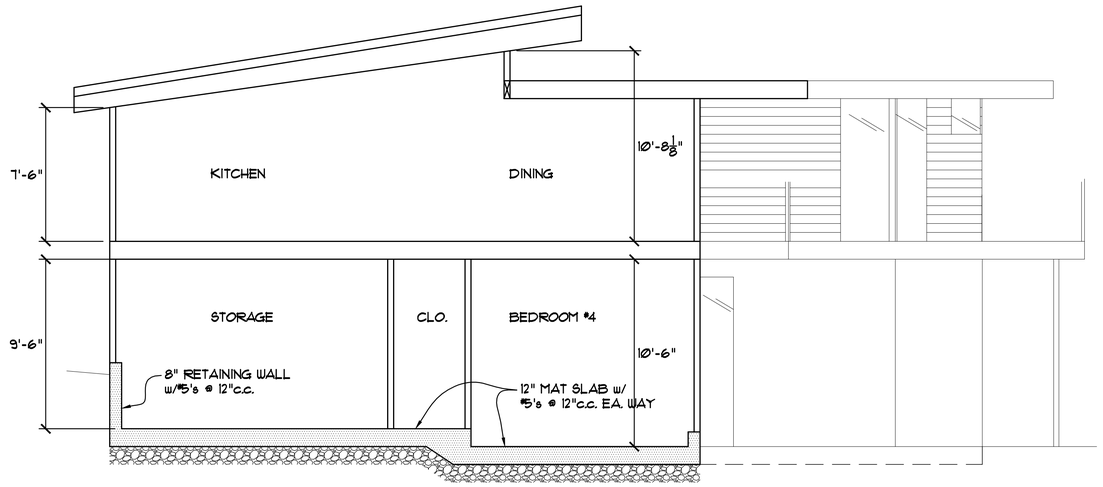
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED LONGITUDINAL SECTIONS

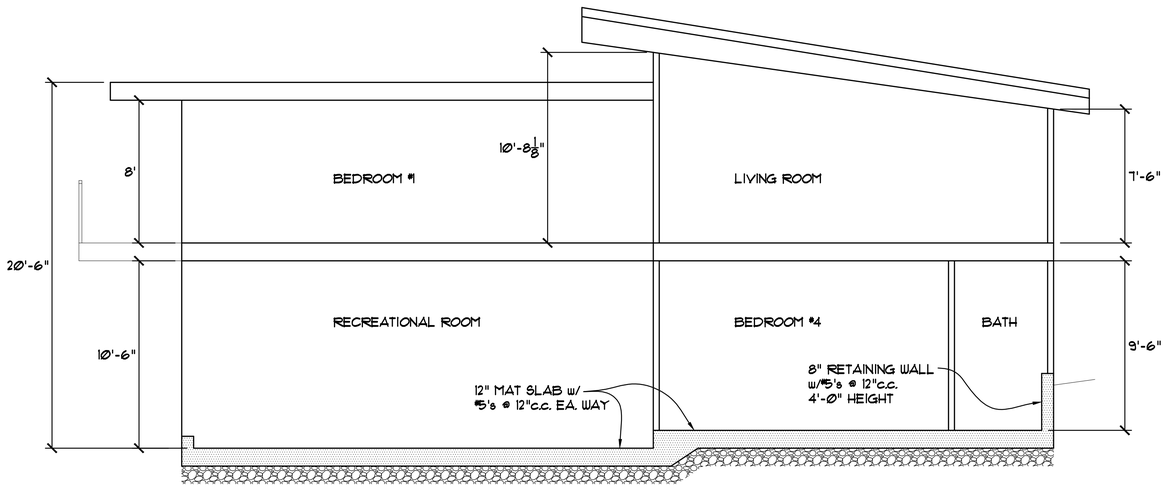
DATE: 01.01.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.0

OF 18 SHEETS



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

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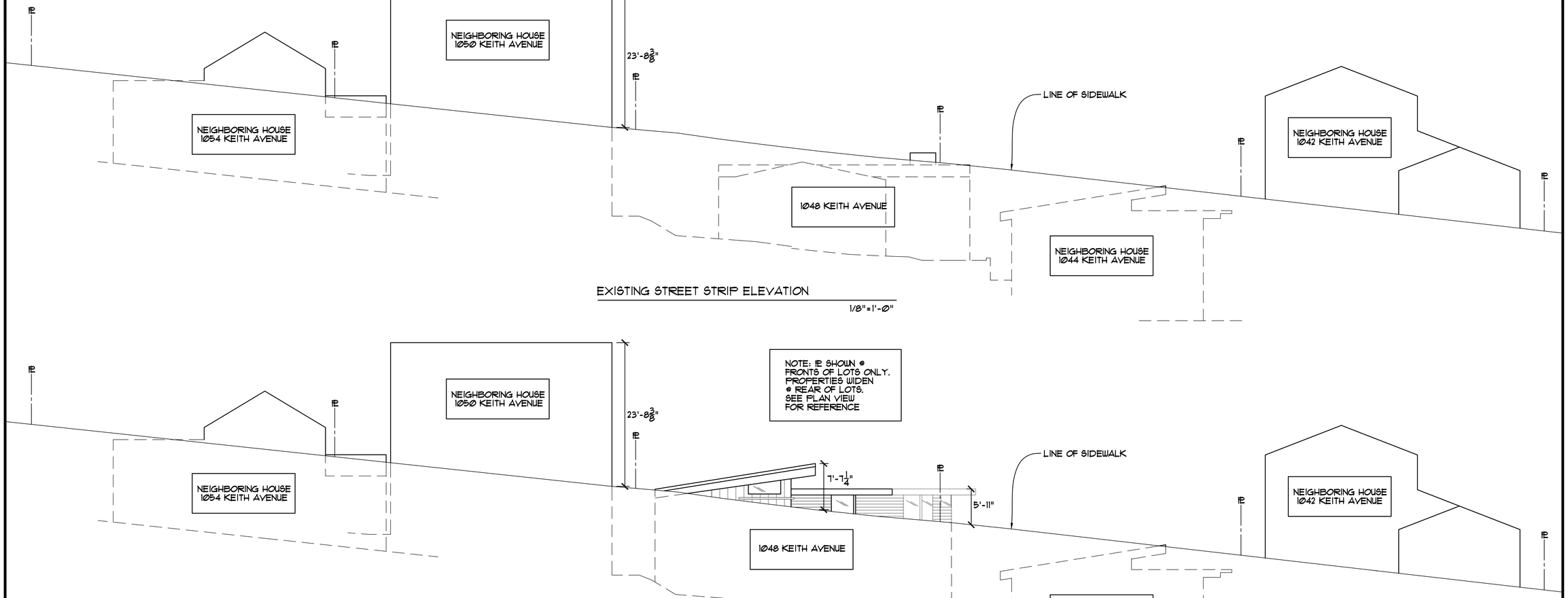
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST WEST SECTIONS

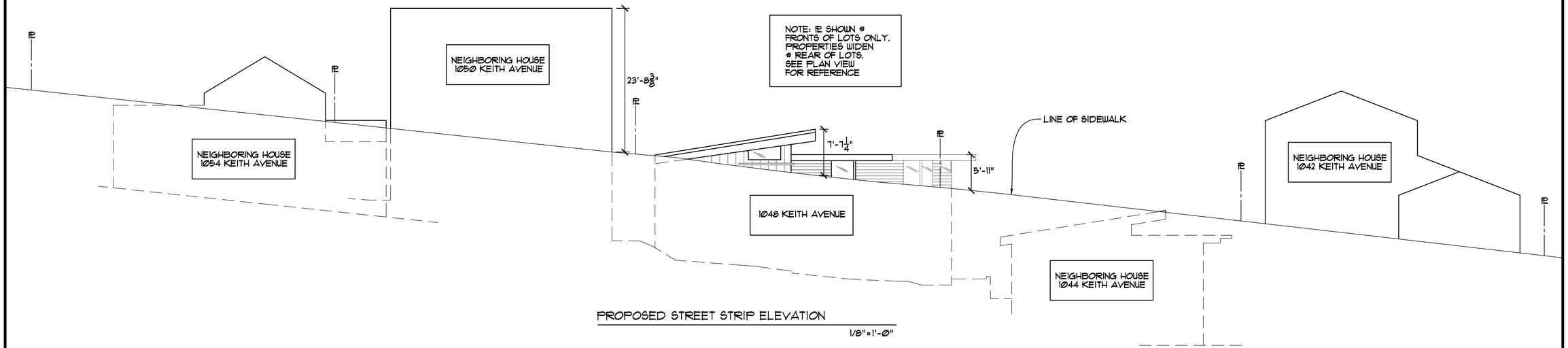
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
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A11
OF 18 SHEETS



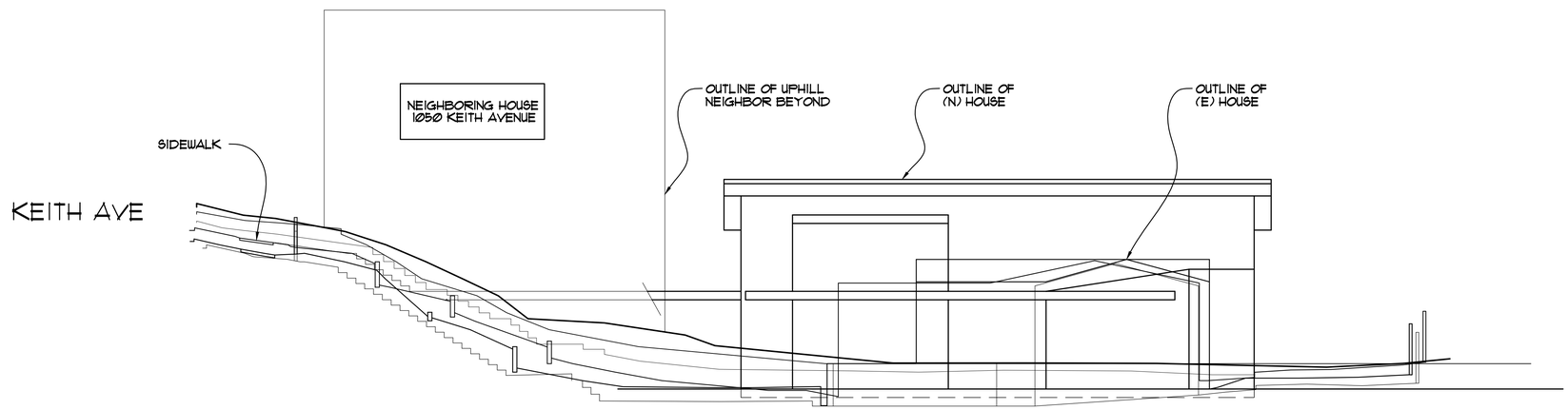
EXISTING STREET STRIP ELEVATION

1/8"=1'-0"



PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

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newmanli26@gmail.com

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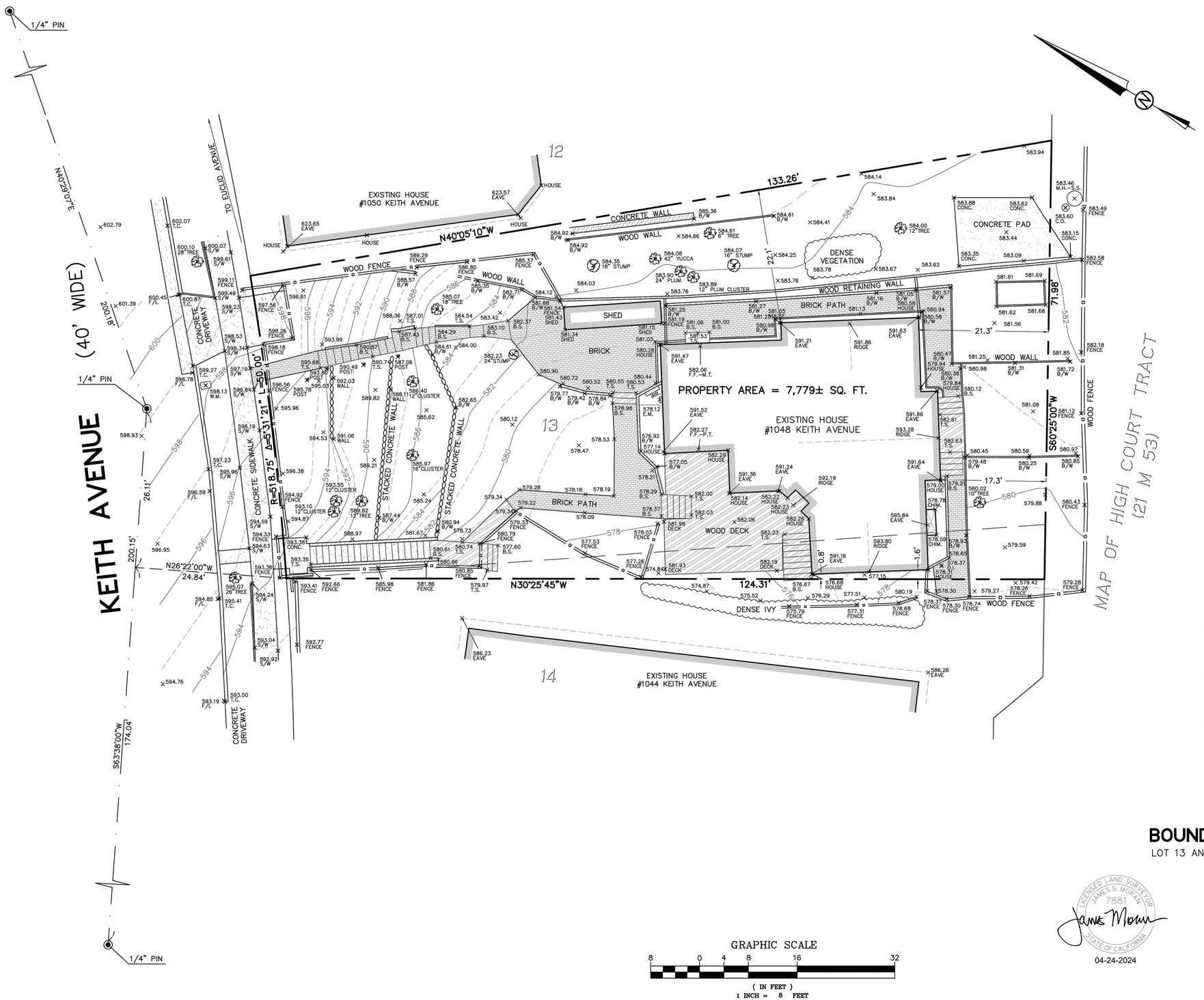
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A12

OF 18 SHEETS



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER

BUILDING LINE
BRICK
CONCRETE SURFACE
CONCRETE WALL
STACKED CONCRETE WALL
WOOD SURFACE
WOOD WALL
WOOD FENCE
FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA
04-24-2024

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

REVISIONS	BY

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newmanli26@gmail.com

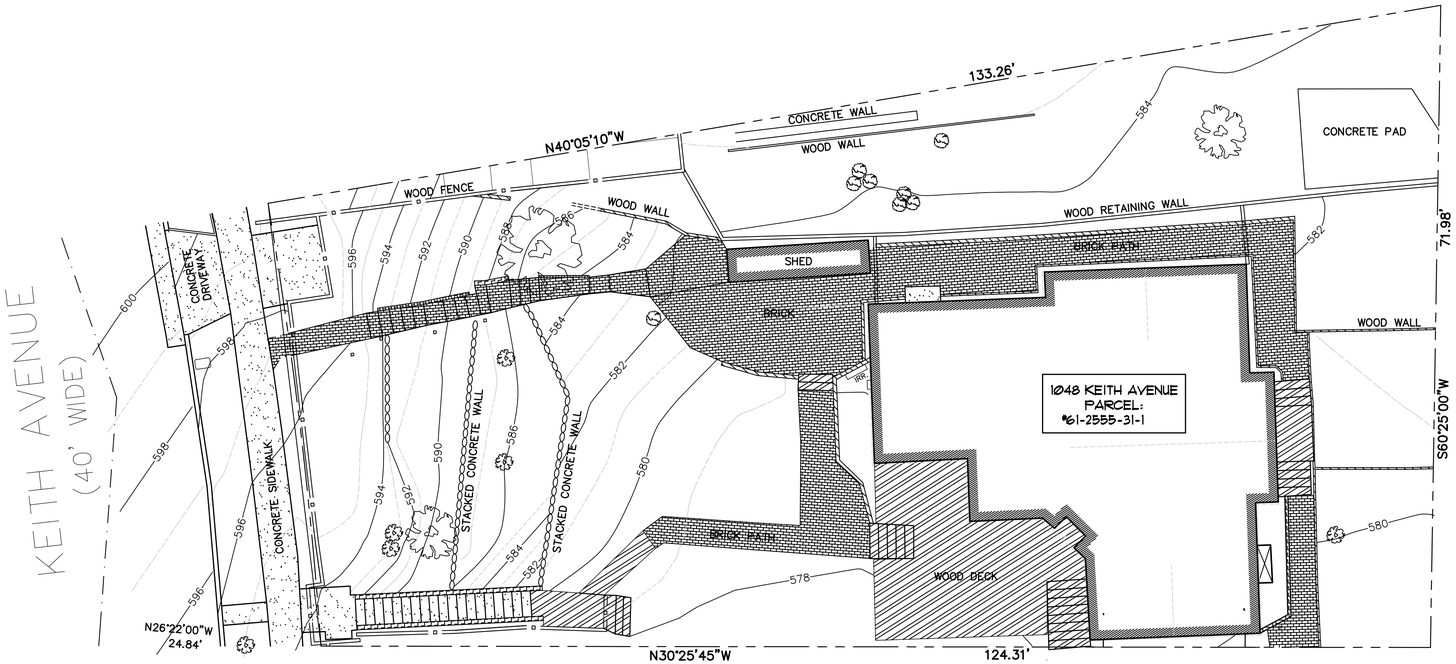
LICENSED PROFESSIONAL ENGINEER LINDSAY NEWMAN No. C 34808 Exp. 06/30/25 CIVIL STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
BOUNDARY & TOPOGRAPHIC SURVEY

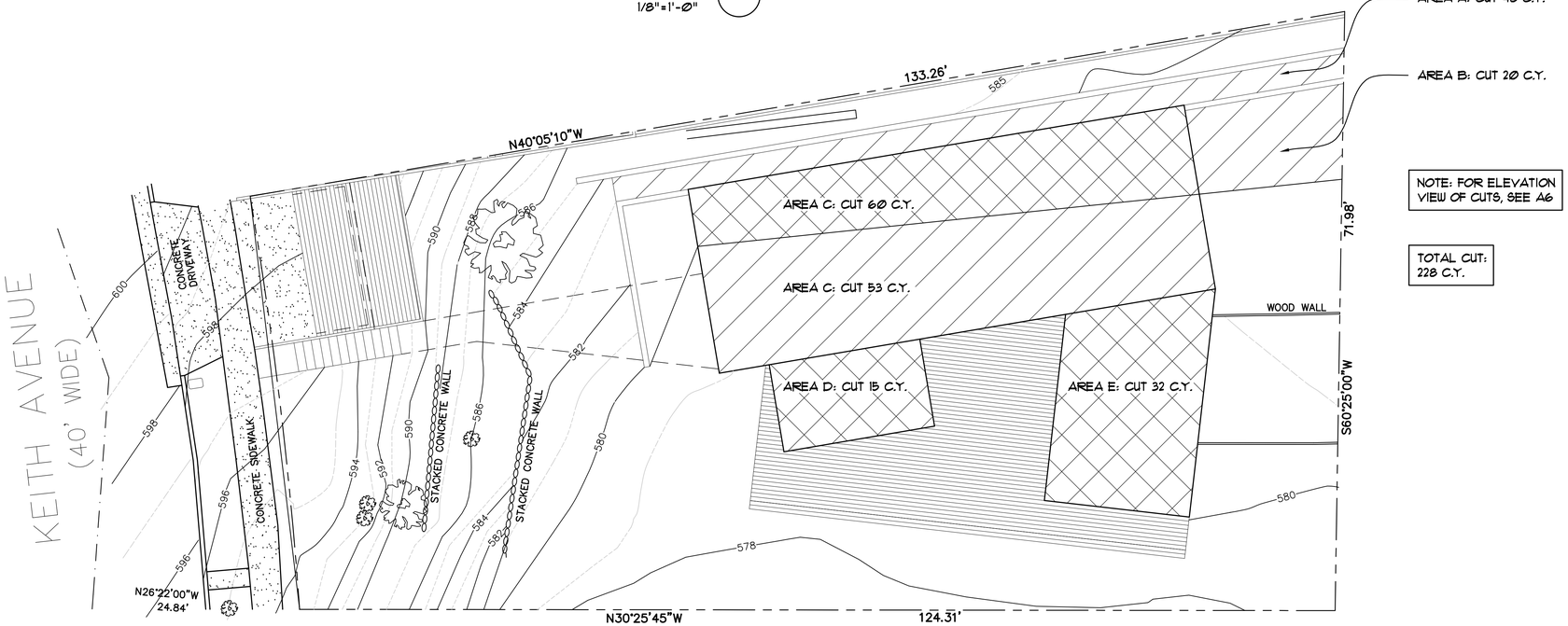
DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.3
OF 18 SHEETS



EXISTING GRADING PLAN

1/8"=1'-0"



PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
GRADING PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4
OF 18 SHEETS

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	583.97'	598.62'	14.65'
2	582.28'	598.62'/602.12'	16.34'/19.84''
3	578.9'	598.62'	19.72'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	578.32'	598.62'	20.3'
9	579.52'	598.62'/602.12'	19.1'/22.6'
10	579.16'	602.12'	22.96'
11	584.66'	598.62'	13.96'
12	578.7'	589.62'	10.92'
13	578.24'	589.62'	11.38'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

L. Newman

Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE

Name (Printed or typed)

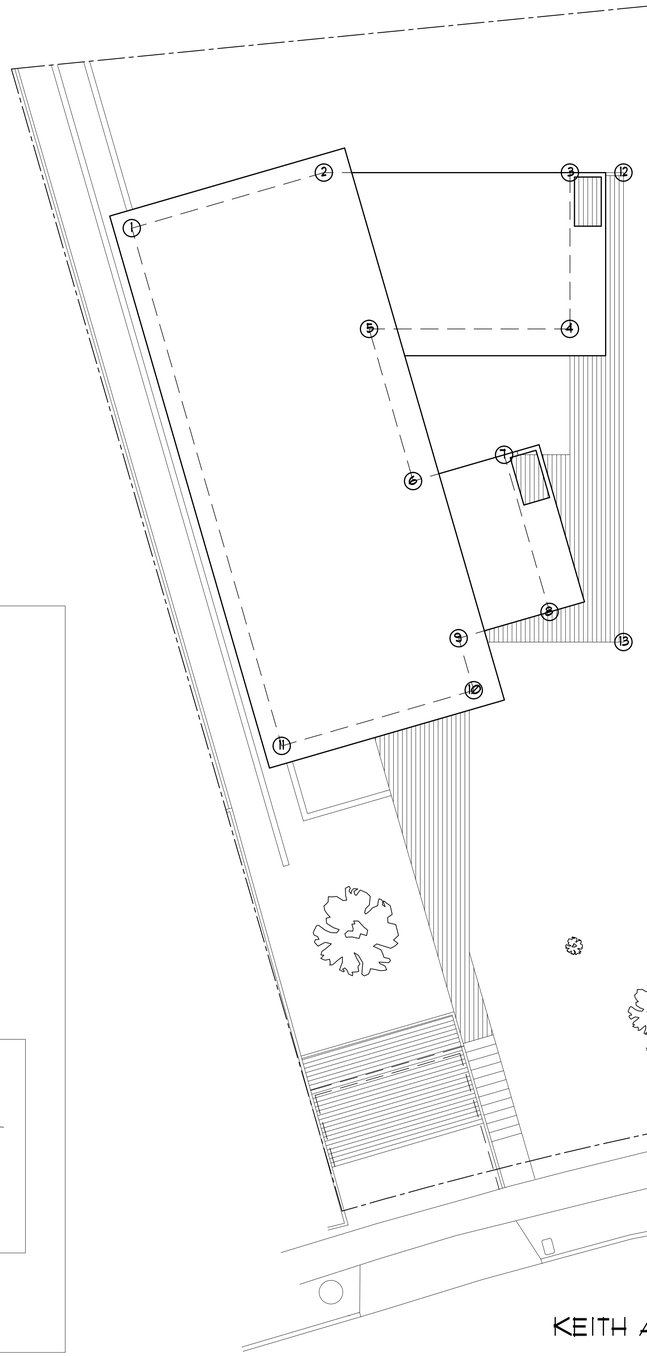
C-94808 / 06.30.2025

License No./ Expiration Date

(TBD)

Date

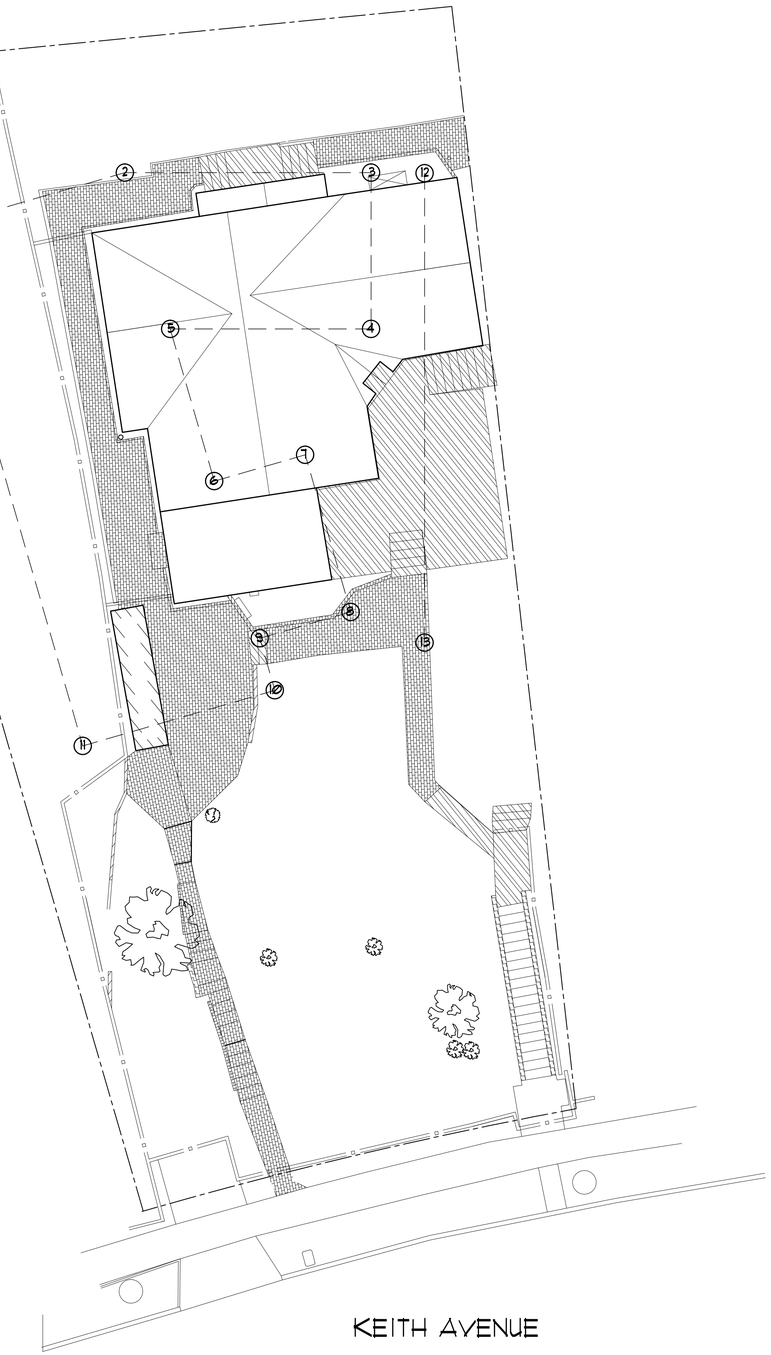
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *



STORY POLE PLAN (PROPOSED HOUSE ONLY)

1/8"=1'-0"

N



STORY POLE PLAN (SHOWN OVER EXISTING)

1/8"=1'-0"

N

REVISIONS | BY

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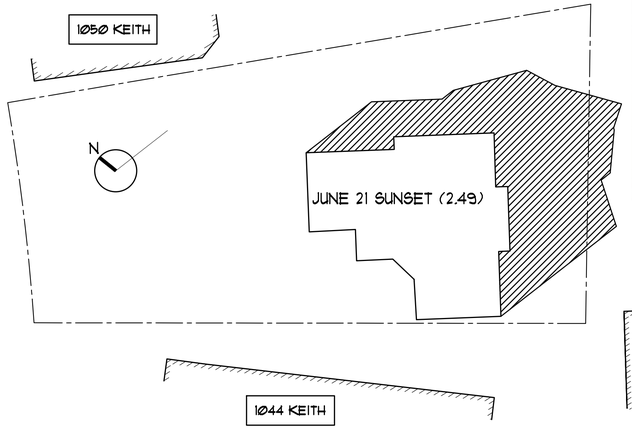
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STORY POLE PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

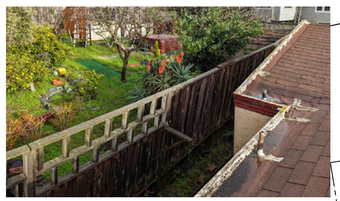
A1.5

OF 18 SHEETS

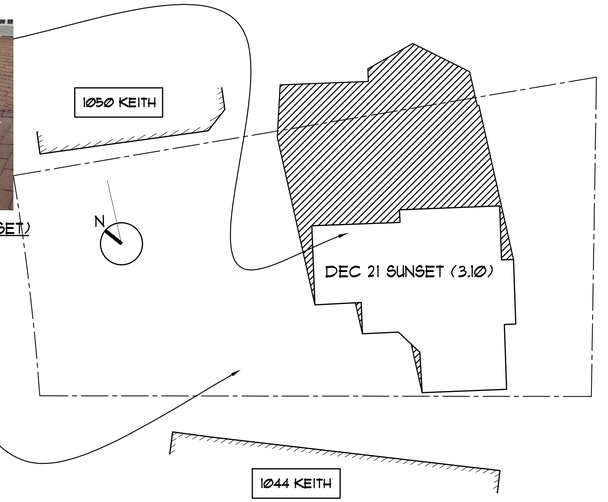




FRONT VIEW OF 1048 KEITH: 1.5.24 @ 3pm (-2h SUNSET)

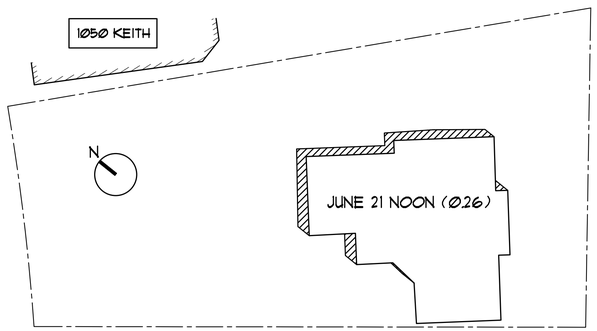


REAR ROOF VIEW: 1.5.24 @ 3pm (-2h SUNSET)



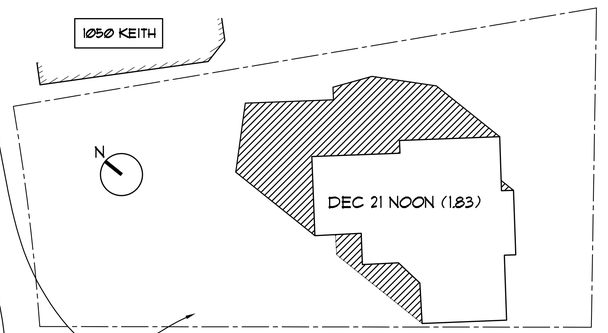


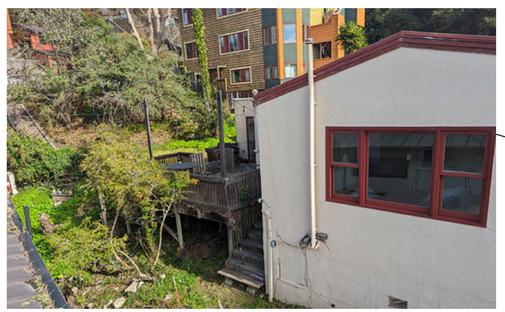
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON



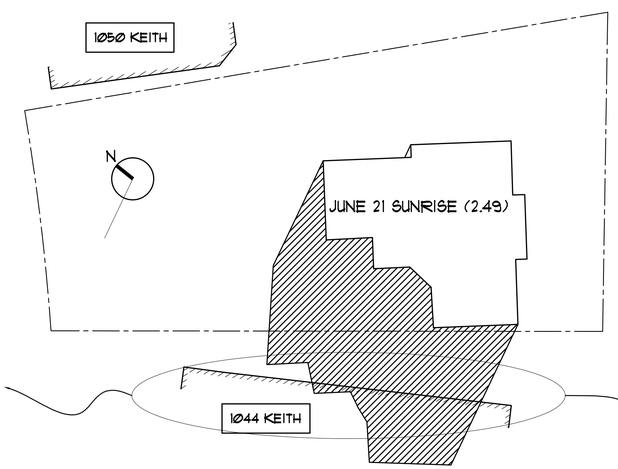


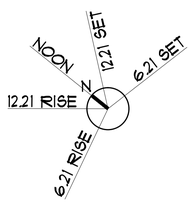
FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

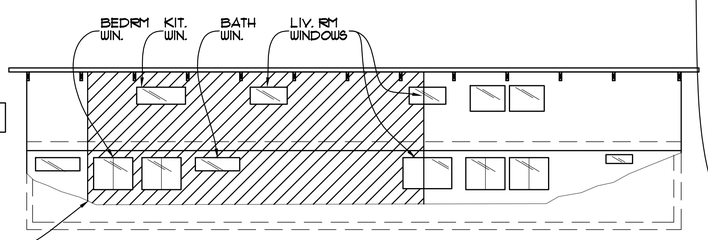




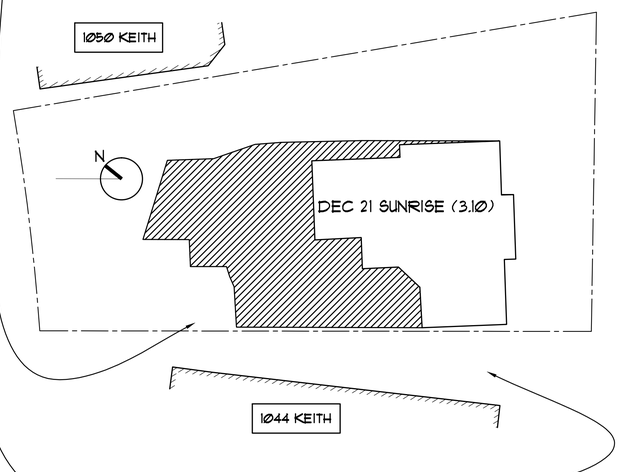
REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)







NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION



SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

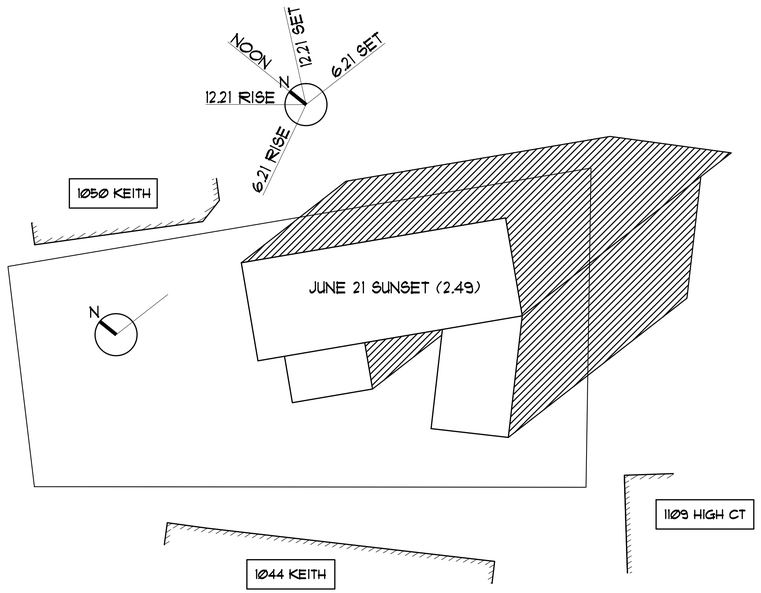
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

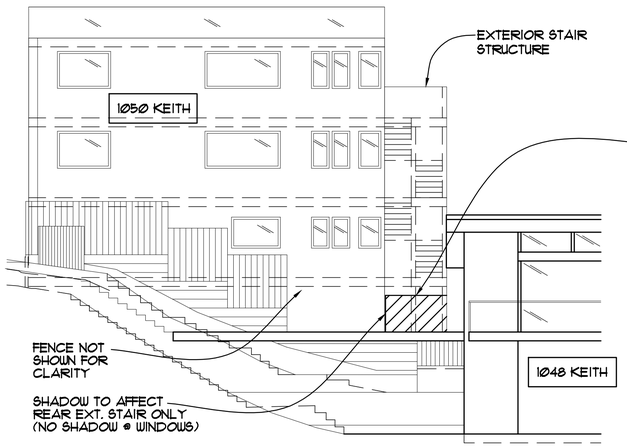
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

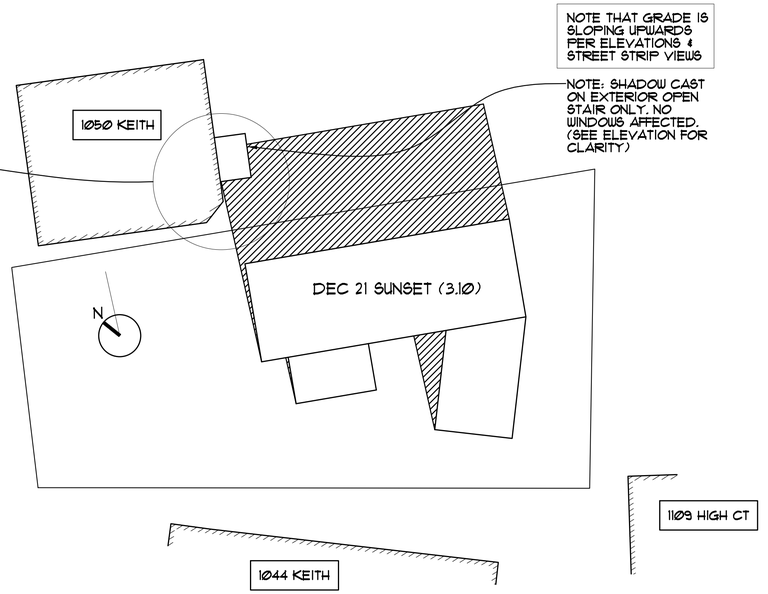
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JOB NO: LN-1048
SCALE: 1/16"=1'-0"
DRAWN: LN

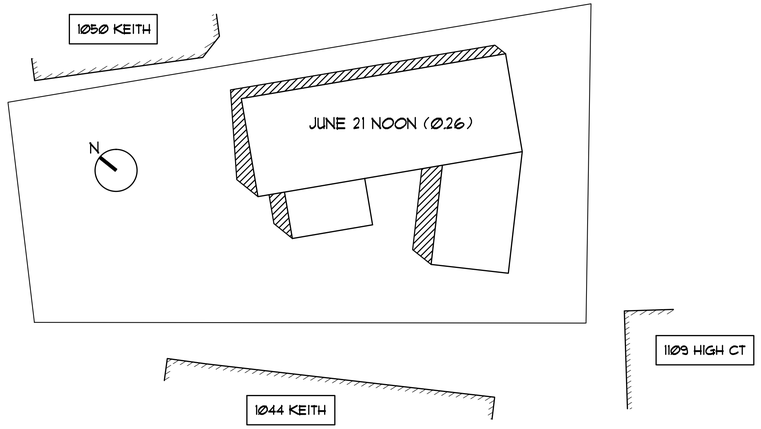
A1.6
OF 18 SHEETS

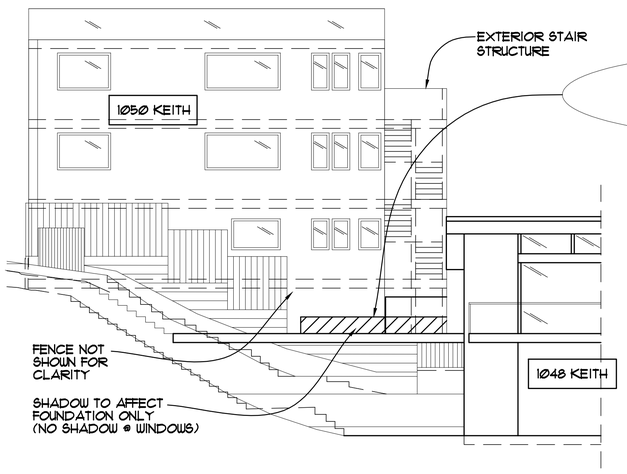




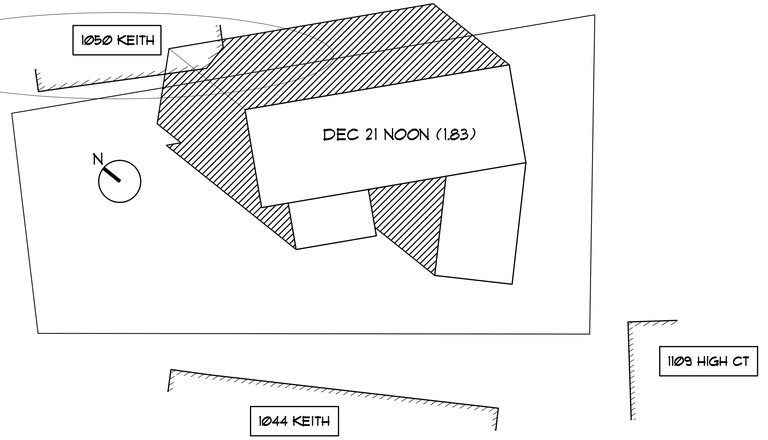
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

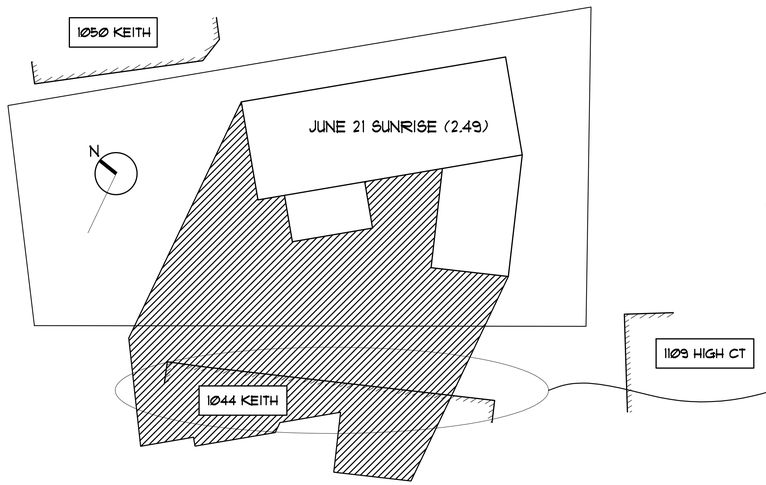




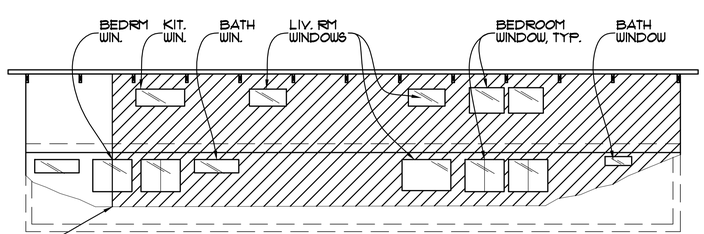


NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"

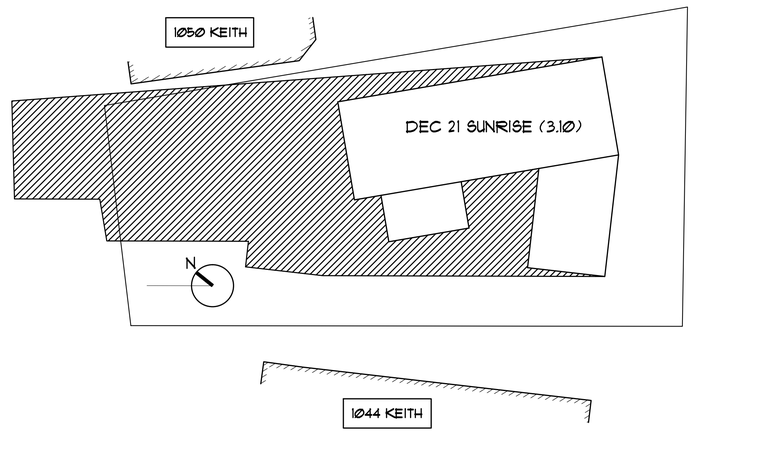




NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE. (NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



REVISIONS	BY

LINDSAY NEWMAN, PE
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P.313.615.9400
newmanli26@gmail.com

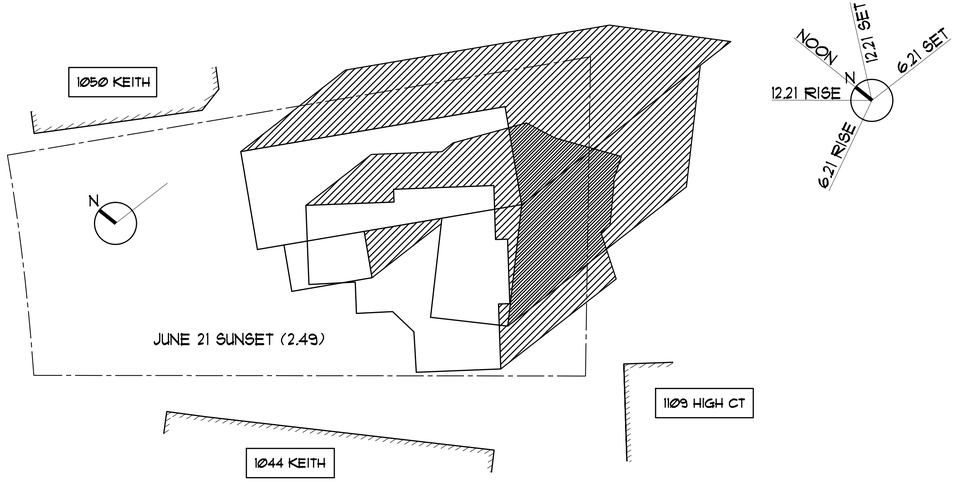
REGISTERED PROFESSIONAL ENGINEER * LINDSAY J. NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

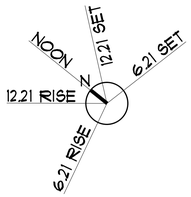
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

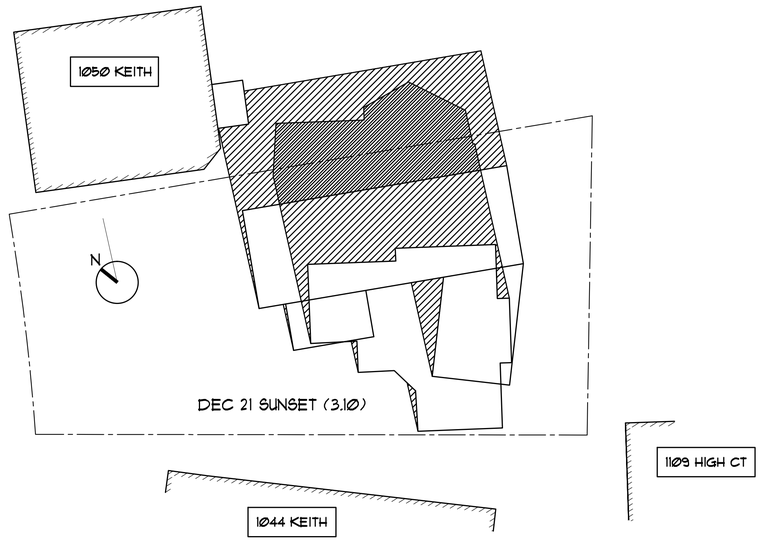
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

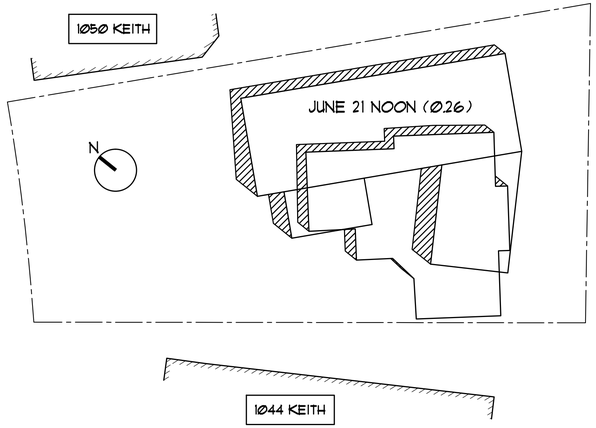
DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

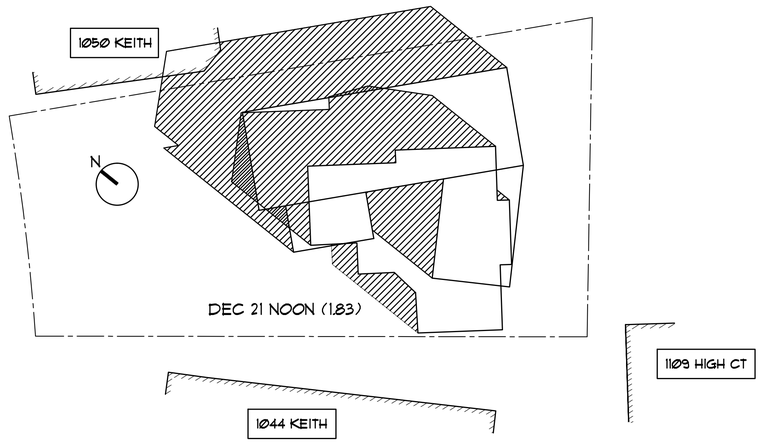
A1.1
OF 18 SHEETS

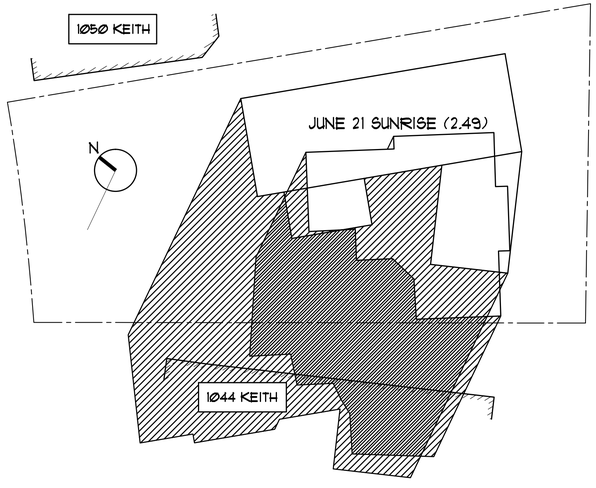


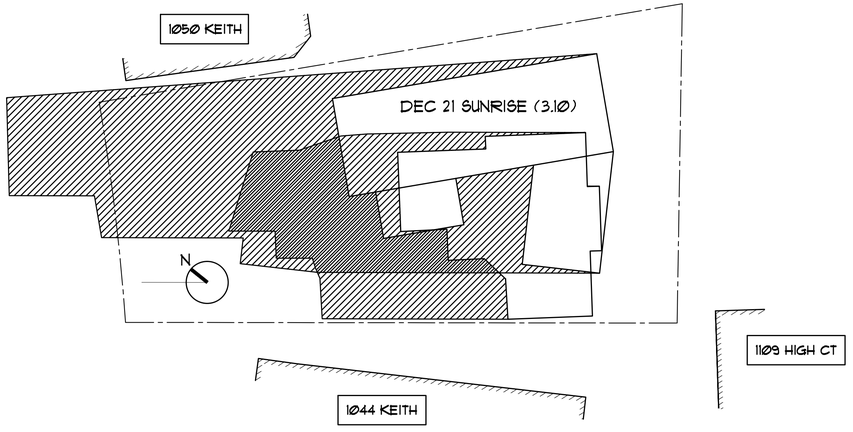












REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.8
OF 18 SHEETS

Planning and Development Department
Land Use Planning Division

June 27, 2024
Lindsay Newman
1044 Keith Avenue
Berkeley, CA 94708

Sent via email to:
newmanli26@yahoo.com

Re: Application Processing – California Environmental Quality Act (CEQA) and Additional Information Required – Use Permit #ZP2024-0014 for 1048 Keith Avenue.

Dear Lindsay Newman,

Thank you for the Zoning Permit application submittal received on May 31, 2024, to demolish a single-family residence and construct a two-story, 3,600 square-foot single-family dwelling unit in the R-1H district referenced above. The application has been evaluated for the level of environmental review required, and readiness for final action according to the submittal checklist and application guidelines.

Required Zoning Permit(s)
Based on my review of the resubmittal, the following zoning permits are required:

- **Use Permit** pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(B), to demolish a dwelling unit.
- **Use Permit** pursuant to BMC Section 23.202.020, to construct a Single-Family Dwelling unit.
- **Administrative Use Permit,** pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks.
- **Administrative Use Permit**, pursuant to BMC Section 23.322.080 (E)(2)(b), to construct uncovered off-street parking within in a front setback.
- **Administrative Use Permit**, pursuant to BMC Section 23.304.070 (C)(1) to construct retaining walls within a required setback.

Permit Fees

Thank you for providing the Refund Request for the Geotechnical Peer Review fee that was charged but not required for this project. We are processing the request. As noted above, there are two additional Administrative Use Permits required for the project that were not initially assessed. I have added the fees for these to the project, however, you do not need to pay for them as the cost will be deducted from the refund amount. The invoice is attached for reference only.

Level of Review Under the California Environmental Quality Act
Under the California Environmental Quality Act (CEQA), staff determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration will be required, depending on the type of project. This determination will be made within 30 days of an application being deemed complete. If a project is exempt from CEQA, staff recommends an exemption determination to either the Zoning Officer or the Zoning Adjustments Board (ZAB).

CEQA Review Items

1. **Air Quality Report.** The Air Quality Report dated May 28, 2024 indicated that the project is below the screening thresholds established by the Bay Area Air Quality Management District (BAAQMD) for air pollutants. In order to qualify for a Categorical Exemption, the project must propose to use construction equipment with diesel engines that are at least EPA-rated Tier 3 diesel engines.
    a. In order to document that this is a component of the proposed project and for staff to recommend that this project meets the criteria for a Categorical Exemption, pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures"), the following must be added to the site plan:

       "All Project construction equipment shall have at least EPA-rated Tier 3 diesel engines."

2. If Tier 3 (or Tier 4) diesel engines are not being used, an Initial Study is required for the proposal to evaluate air pollutants.

Advisory comments – Application Processing Review.

3. During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application according to the Zoning Project Application Submittal Requirements. This may result in revisions to the information provided with your submittal, additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

Next Steps

Please submit the outstanding information for staff review using this directly over email to wshah@berkeleyca.gov for your project, referenced above. Once the revised information is submitted, staff will review within 30 days.

Please submit responses to **all** requested items at once, and not incrementally. If you take no action to address the above items within 60 days, the application may be deemed withdrawn and returned to you.

If you have any questions about the additionally, requested information, please reach out to me directly. Thank you in advance for your cooperation.

Sincerely,

Waqar Shah
Associate Planner
510-981-7469
wshah@berkeleyca.gov

Permit Service Center
Building and Safety Division
1947 Center St. 3rd Floor
Berkeley, CA 94704

INVOICE

Date: 06/27/24

Invoice #: 573645

Record #: ZP2024-0014

Address: 1048 KEITH AVE

Bill to:

UPPH: 1048 KEITH AVENUE
LINDSAY NEWMAN
1044 KEITH AVE
BERKELEY CA 94708-1605

Date Assessed	Invoiced Fee Item		Fee	Paid	Balance
6/27/2024	Community Planning Fee (15%) ADDCPF_ACP97		$138.00	$0.00	$138.00
6/27/2024	AUP: Additional Administrative Use Permits AUP080		$920.00	$0.00	$920.00
		Totals:	$1,058.00	$0.00	$1,058.00

ADMINISTRATIVE USE PERMIT

SHEET INDEX

A1	GENERAL NOTES & SITE PLAN
A2	LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3	EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4	PROPOSED GROUND FLOOR PLAN
A5	PROPOSED ROOF AND SECOND FLOOR PLAN
A6	EXISTING EAST & WEST ELEVATIONS
A7	EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8	PROPOSED EAST & WEST ELEVATIONS
A9	PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10	PROPOSED LONGITUDINAL SECTIONS
A11	PROPOSED EAST WEST SECTIONS
A12	STREET STRIP ELEVATION
A13	BOUNDARY & TOPOGRAPHIC SURVEY
A14	GRADING PLAN
A15	STORY POLE PLAN
A16	SHADOW STUDY: EXISTING DWELLING
A17	SHADOW STUDY: PROPOSED DWELLING
A18	SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.

2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL RH-3

CONSTRUCTION TYPE: V-B

ENERGY CODE & GREEN CODE STATEMENT

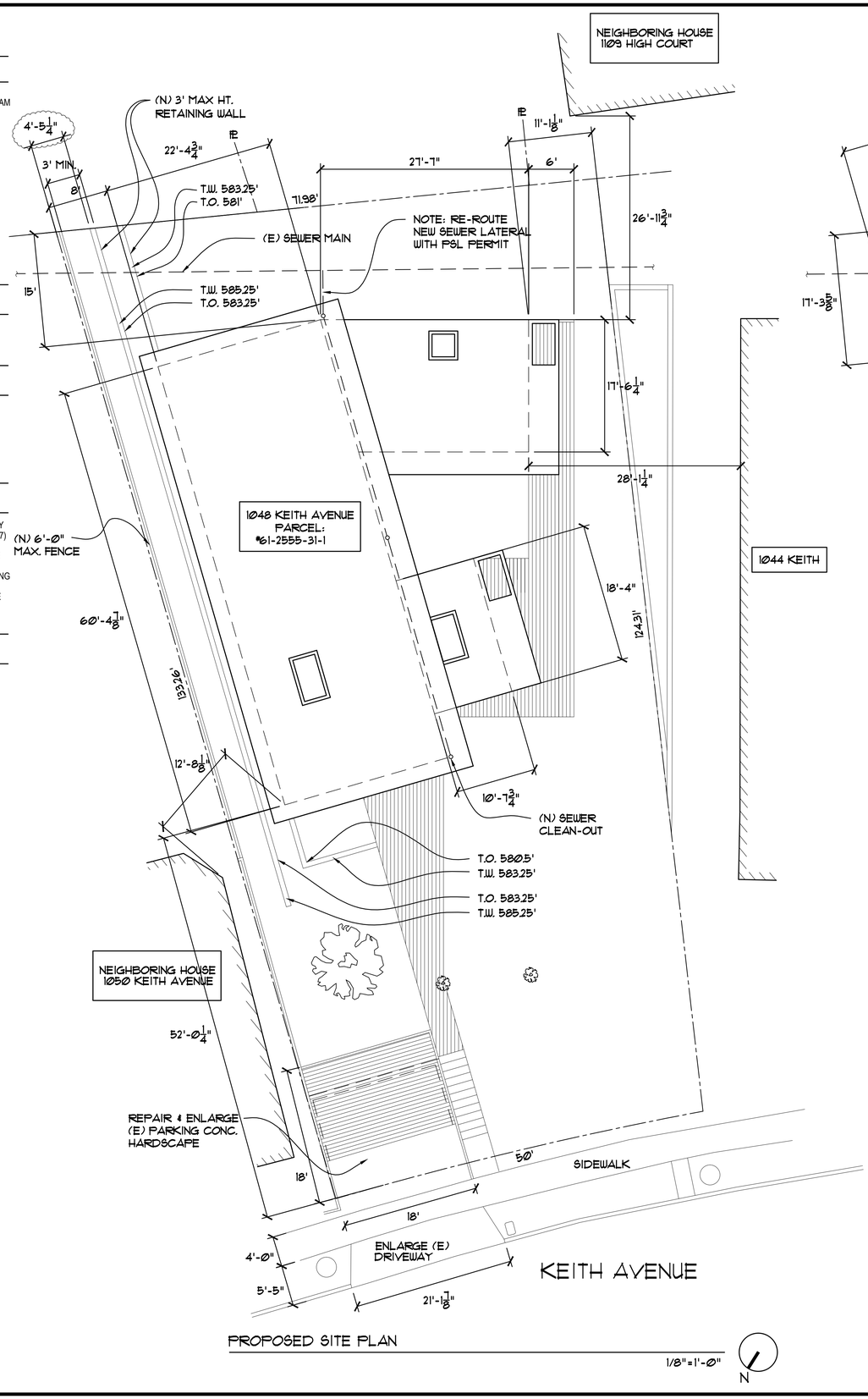
THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CH. 19.36) & BERKELEY GREEN CODE (BMC CH. 19.37) INCLUDING SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, & LOW-CARBON CONCRETE REQUIREMENTS. NOTE THAT FOR BUILDING PERMIT SUBMITTAL, QUANTITATIVE VALUES FOR APPLIANCE FUEL EFFIECIENCY MUST BE INCLUDED IN RELEVANT BUILDING PERMIT ARCHITECTURAL SHEETS, WINDOW & DOOR SCHEDULES, & ON ARCHITECTURAL, PLUMBING, & MECHANICAL SHEETS, MATCHING THOSE VALUES STIPULATED IN PRESCRIPTIVE OR PERFORMANCE ENERGY COMPLIANCE DOCUMENTS.

CEQA GUIDELINE NOTES:

ALL PROJECT CONSTRUCTION EQUIPMENT SHALL HAVE AT LEAST EPA-RATED TIER 3 DIESEL ENGINES.

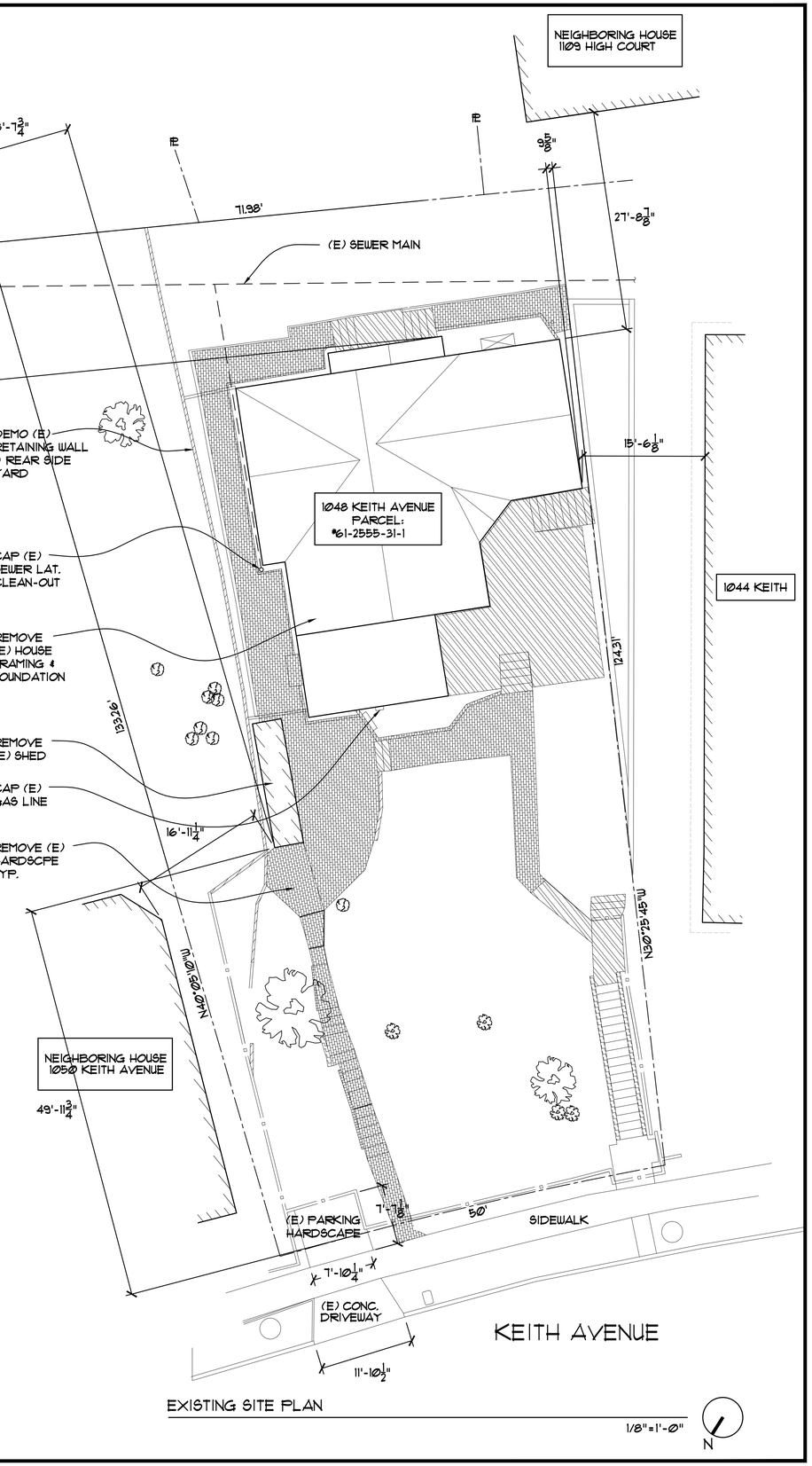
I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				



PROPOSED SITE PLAN

1/8"=1'-0"



EXISTING SITE PLAN

1/8"=1'-0"

N

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY L. NEWMAN * No. C 34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING SITE PLAN &
PROPOSED SITE PLAN

DATE: 01.07.24

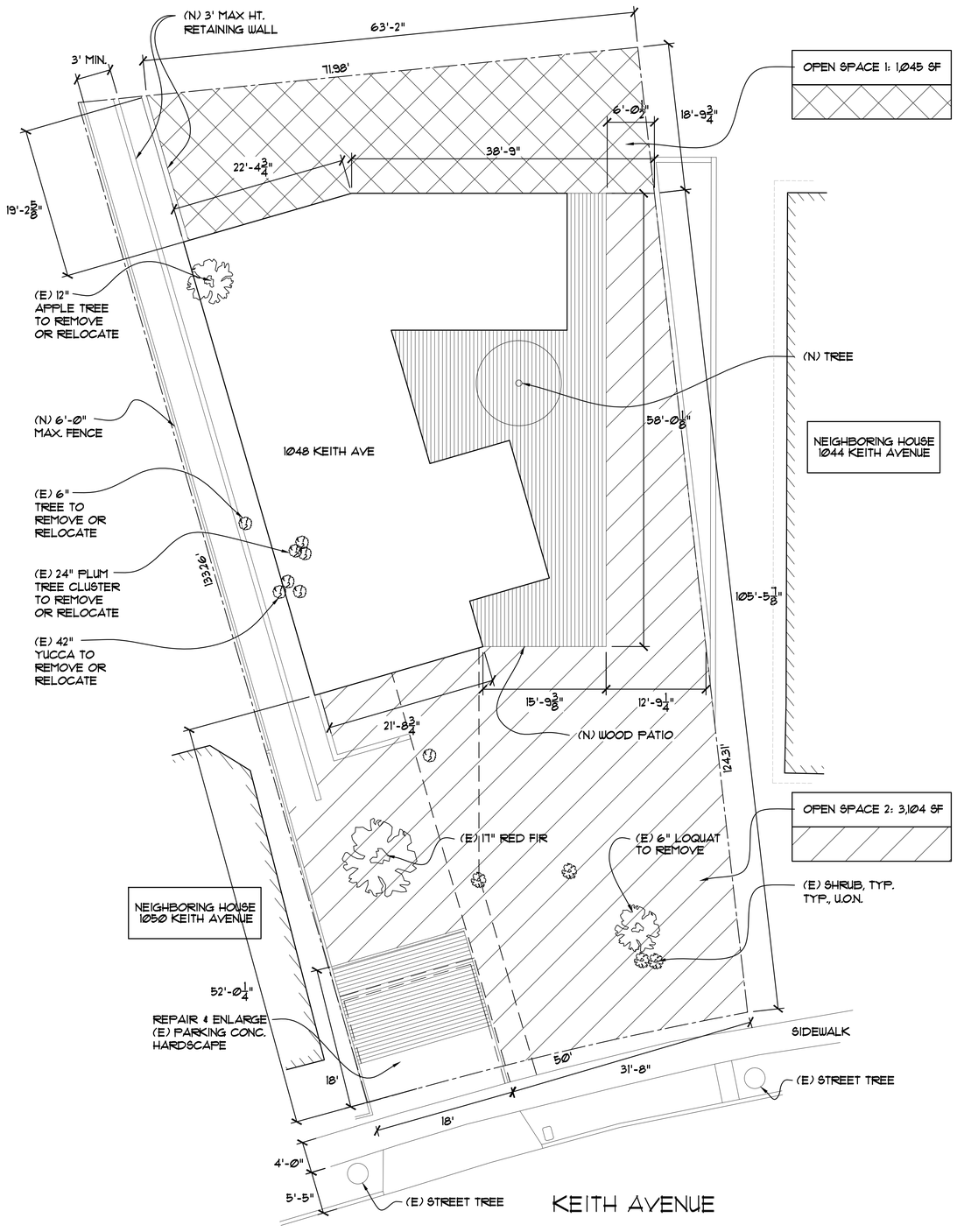
JOB NO: LN-1048

SCALE: 1/4"=1'-0"

DRAWN: LN

A1

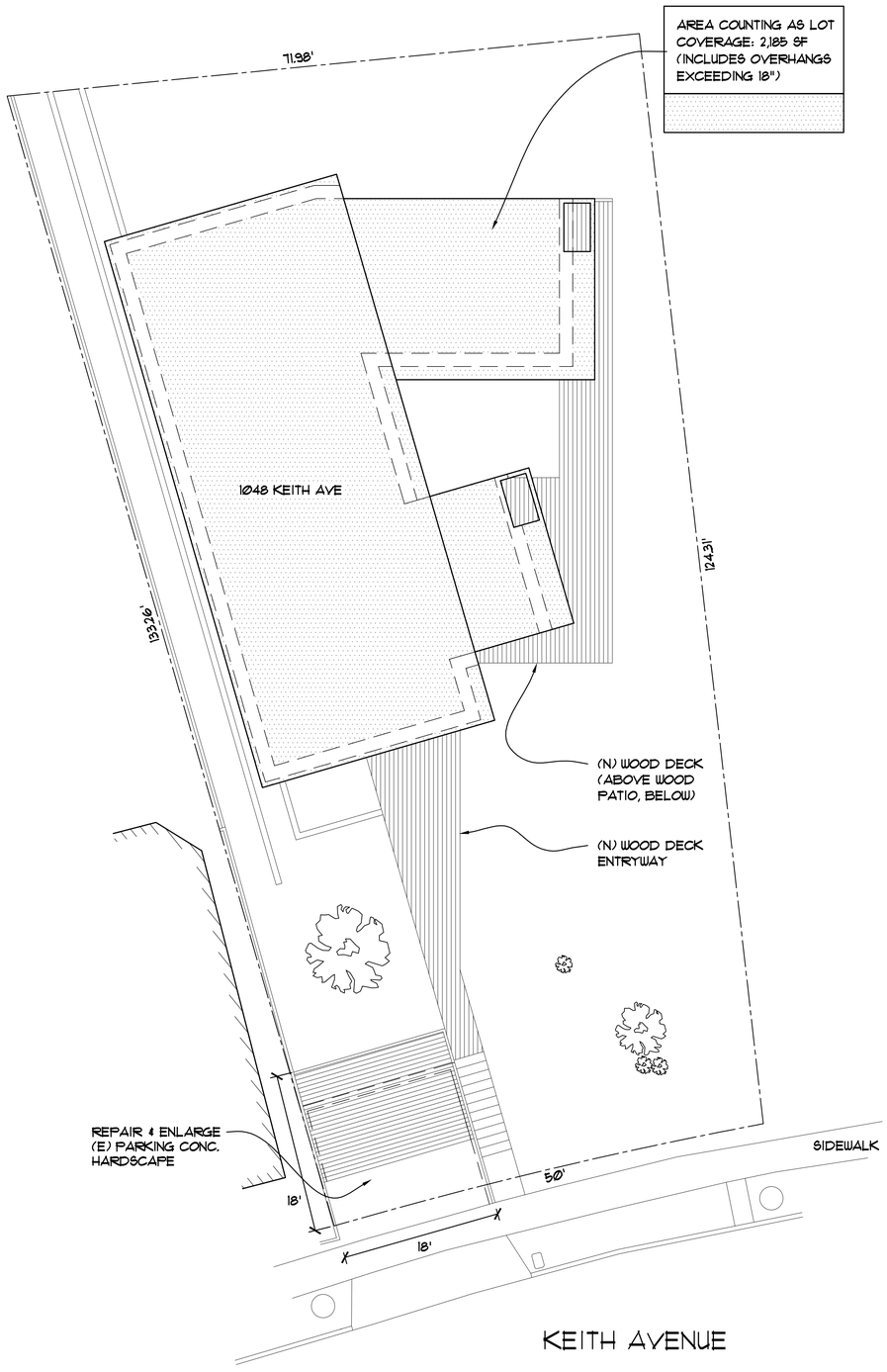
OF 18 SHEETS



LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-Ø"

N



LOT COVERAGE DIAGRAM

1/8"=1'-Ø"

N

REVISIONS	BY

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CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34898 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

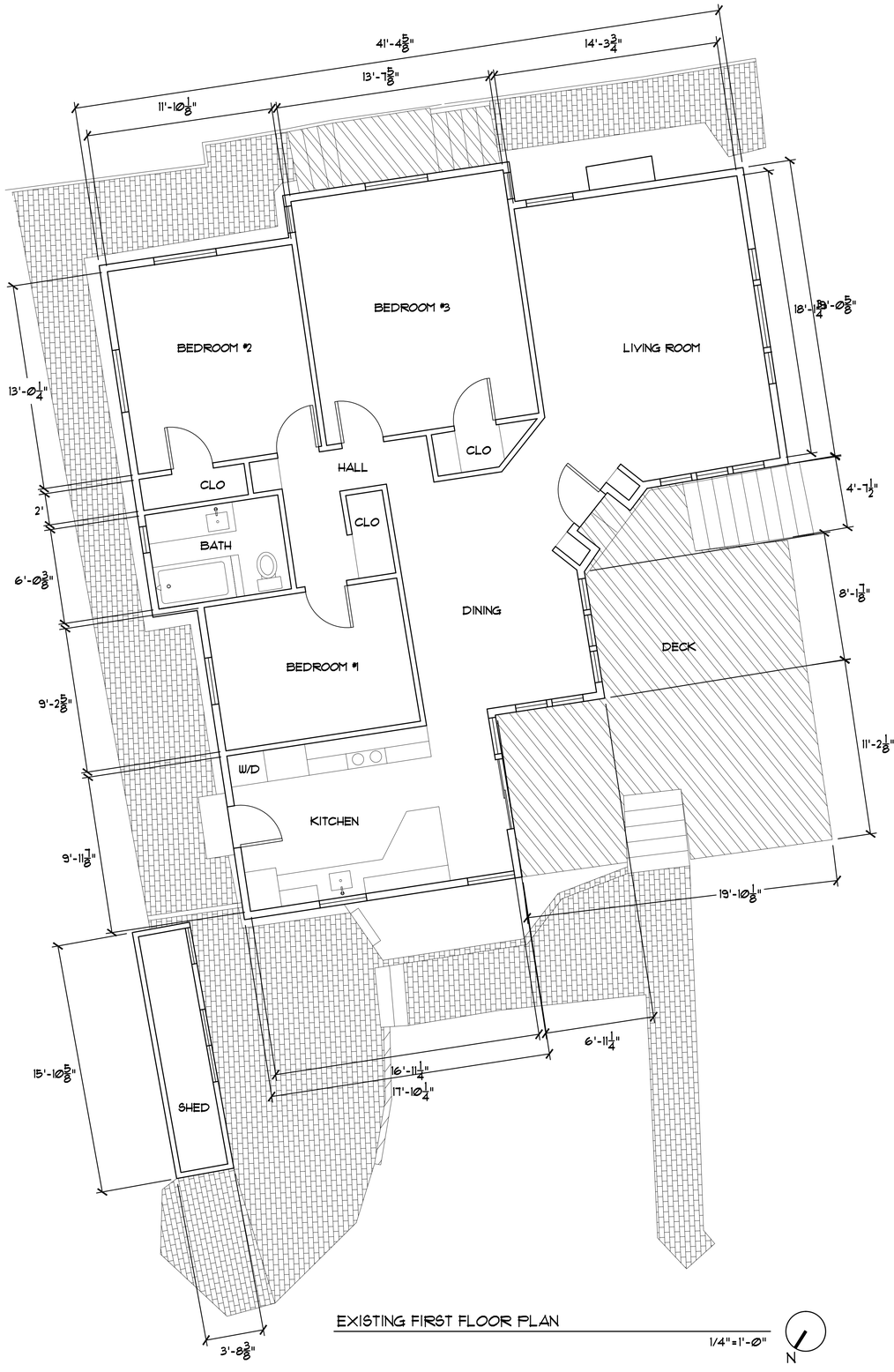
NEW SINGLE-FAMILY RESIDENCE
1Ø48 KEITH AVENUE
BERKELEY, CA 94708

AUP: LANDSCAPE & USEABLE OPEN SPACE PLAN, & LOT COVERAGE DIAGRAM

DATE: Ø1.Ø7.24
JOB NO: LN-1Ø48
SCALE: 1/4"=1'-Ø"
DRAWN: LN

A2

OF 18 SHEETS



EXISTING FIRST FLOOR PLAN

1/4"=1'-0"

N



EXISTING CRAWLSPACE PLAN

1/4"=1'-0"

N

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

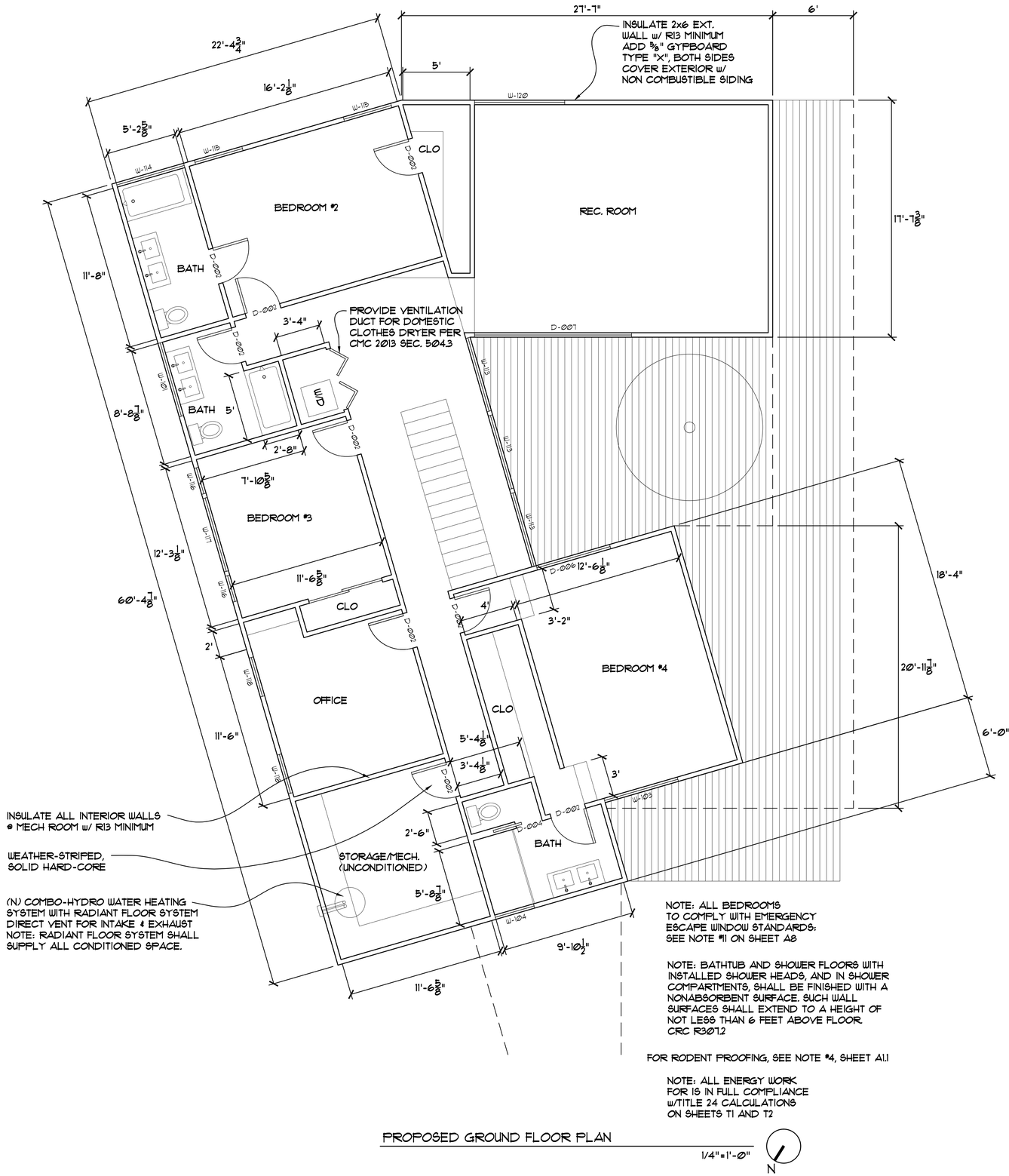
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A3

OF 18 SHEETS

LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE w/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

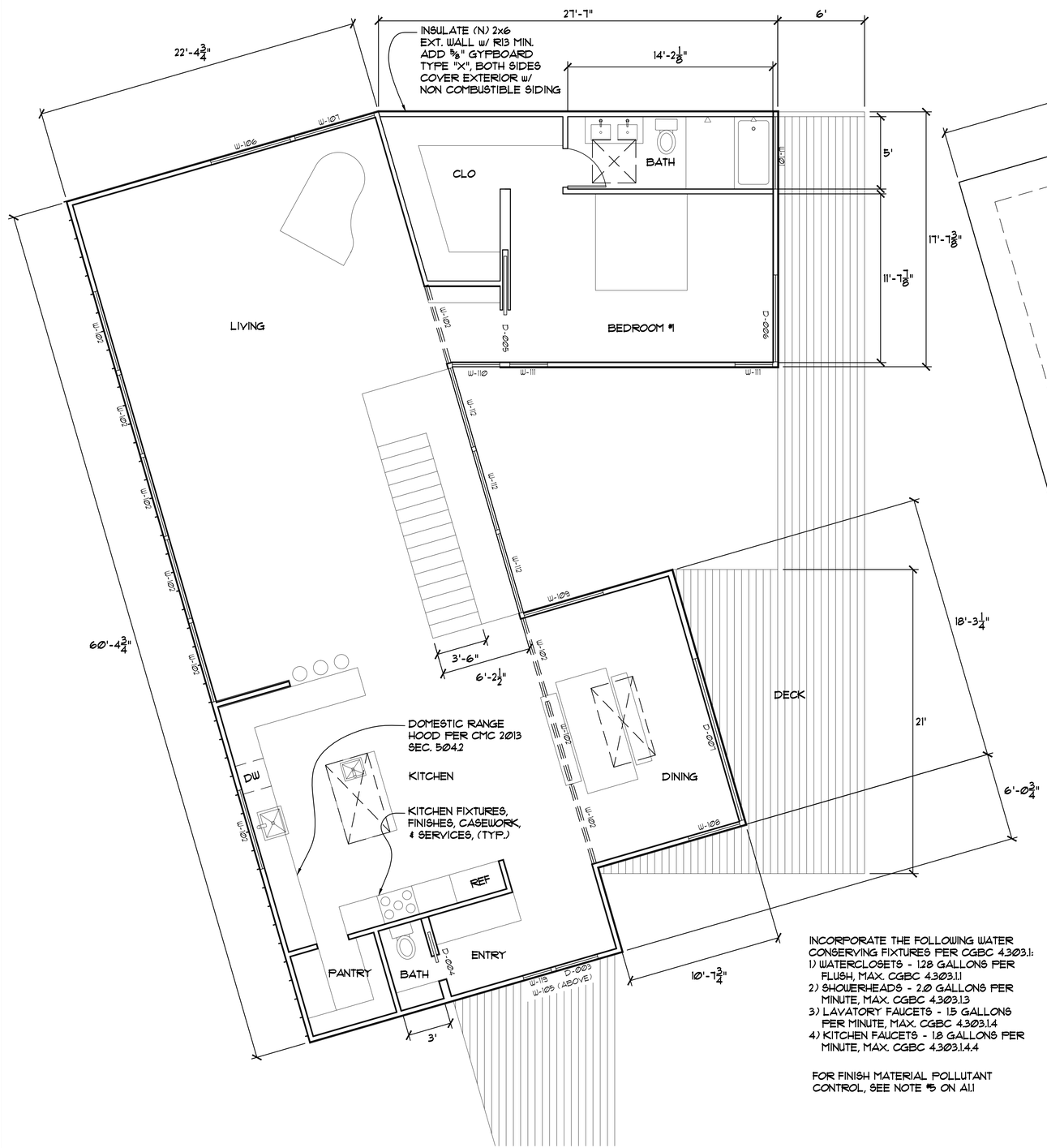
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED GROUND FLOOR PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

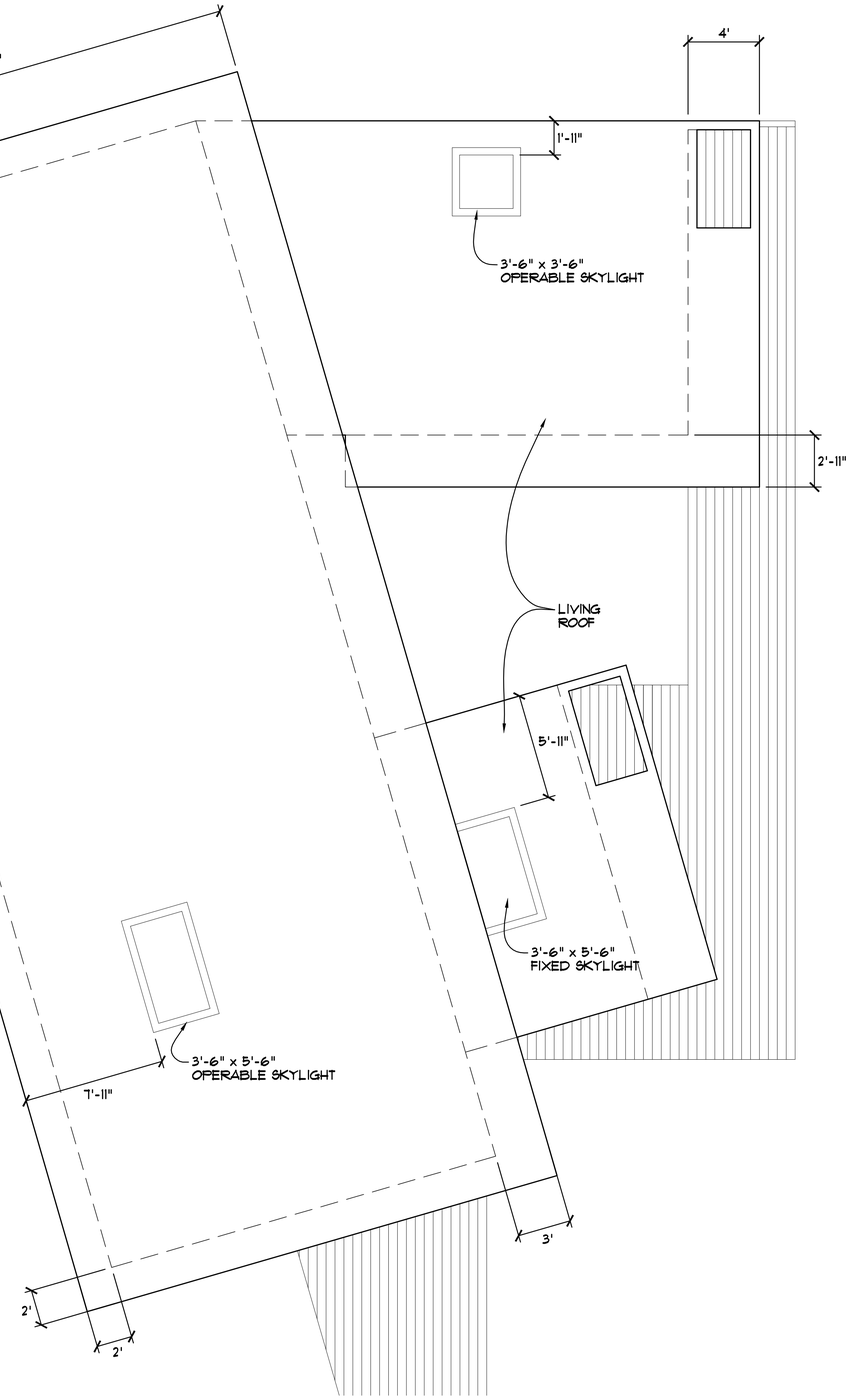
A4

OF 18 SHEETS



PROPOSED SECOND FLOOR PLAN

1/4"=1'-0"



PROPOSED ROOF PLAN

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

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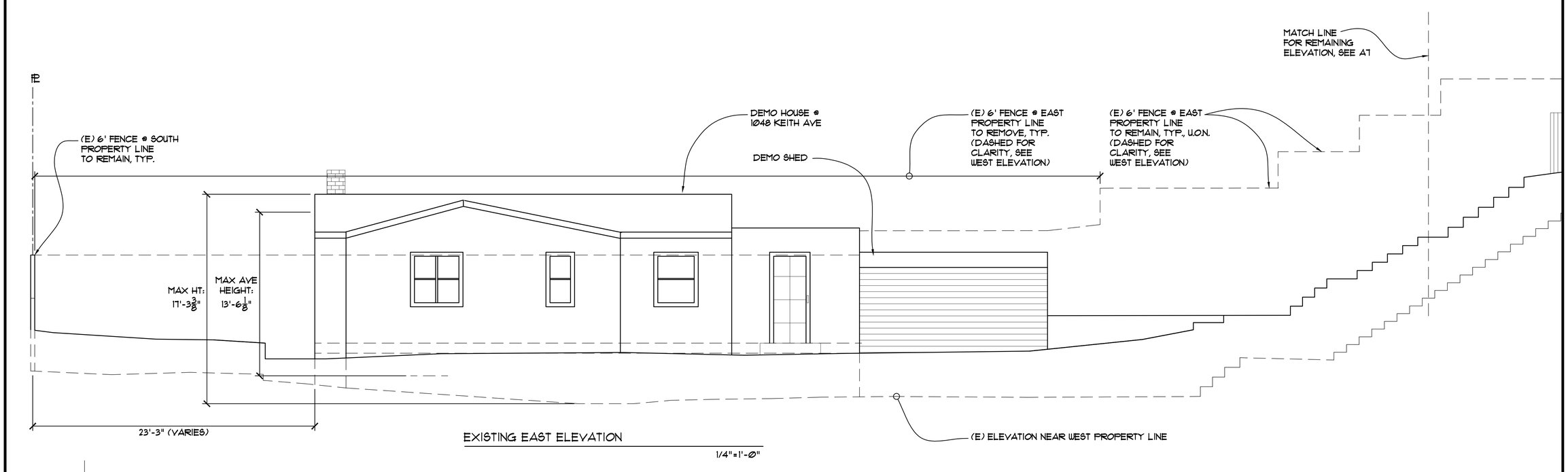
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED ROOF PLAN
& SECOND FLOOR PLAN

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

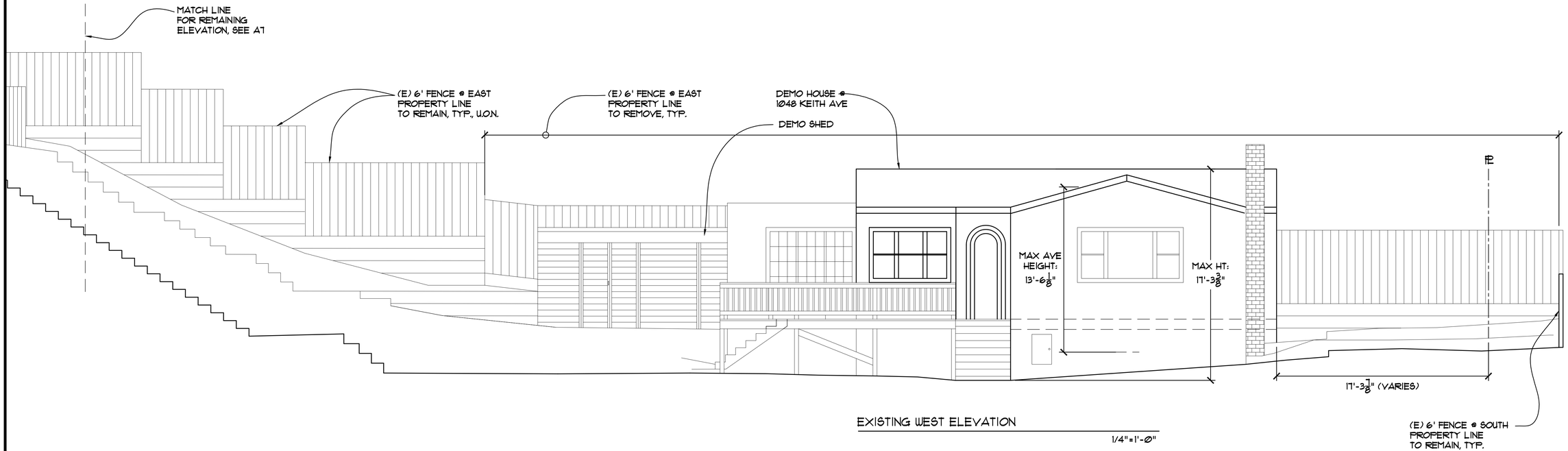
A5

OF 18 SHEETS



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 CIVIL Exp. 06/30/25 * STATE OF CALIFORNIA

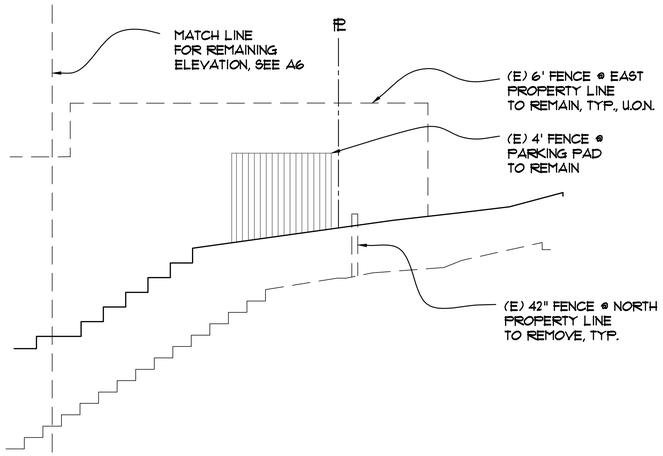
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING EAST & WEST ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

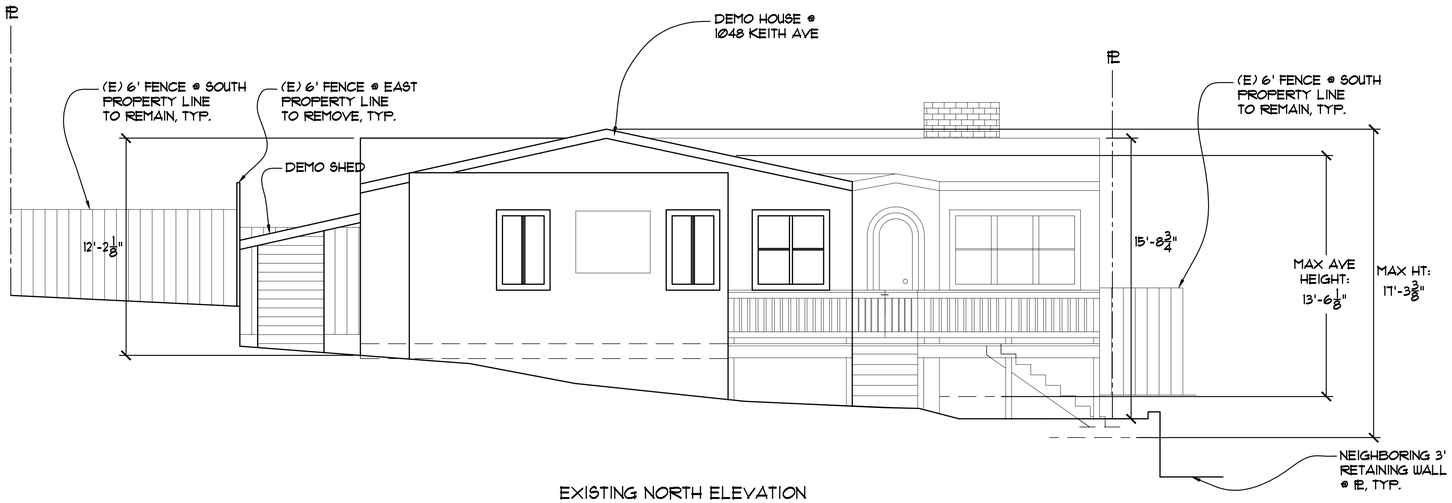
A5

OF 18 SHEETS



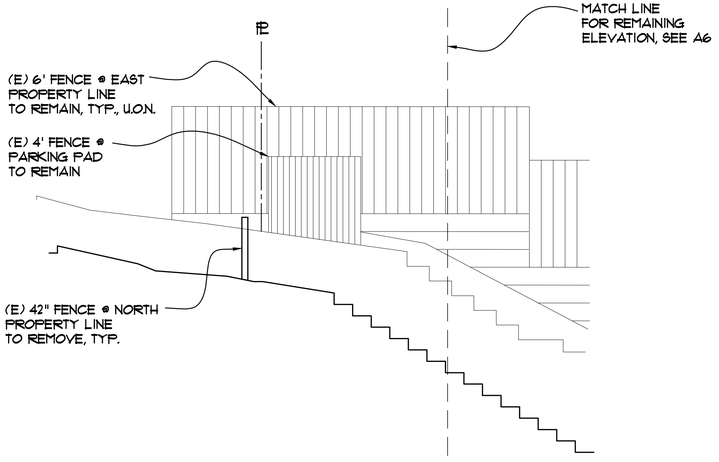
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



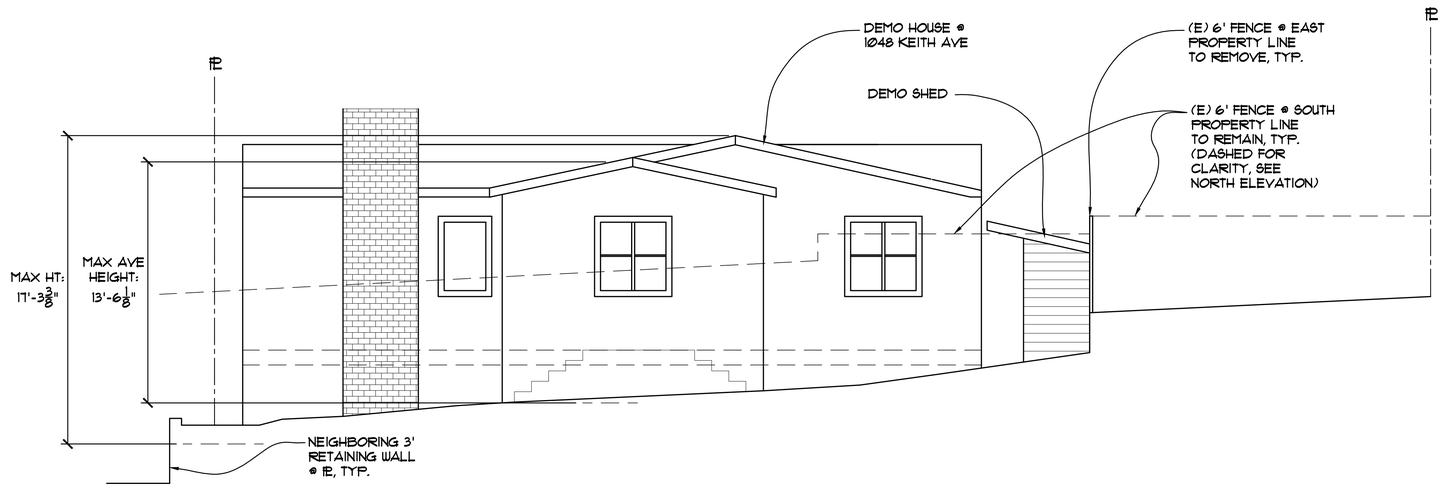
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

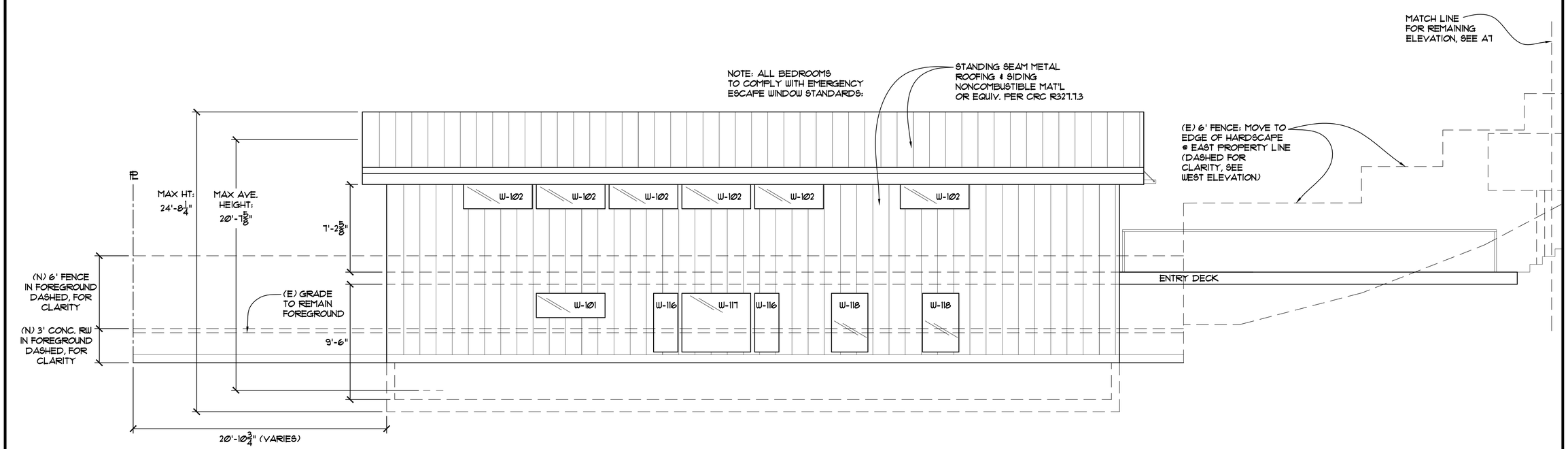
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

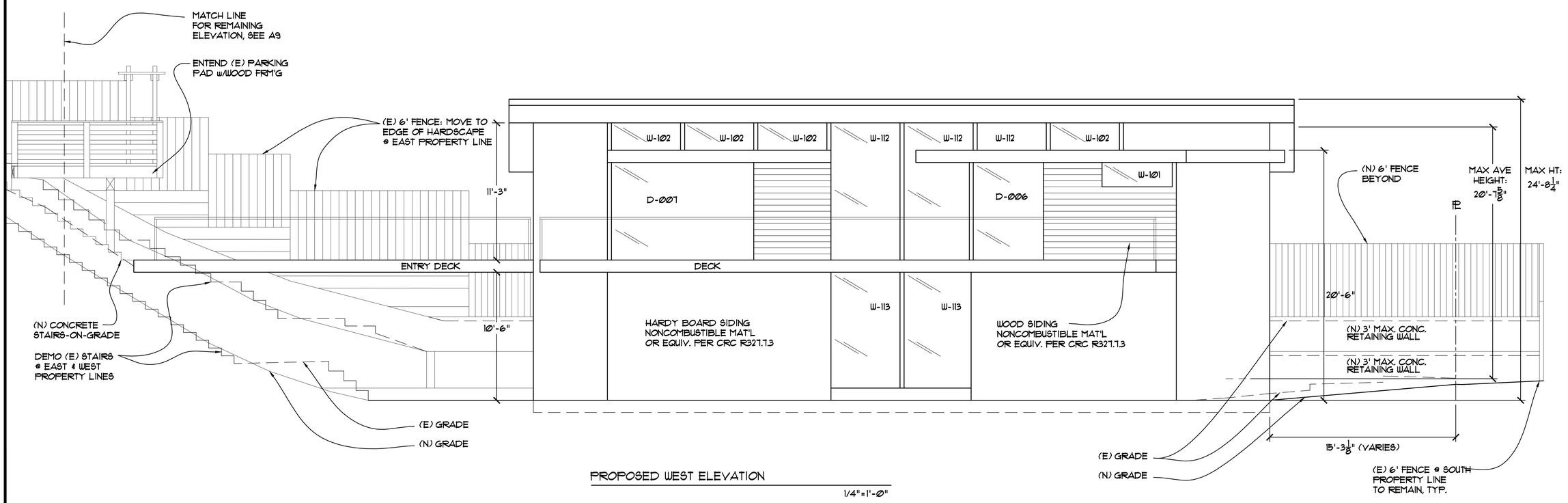
A5

OF 18 SHEETS



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34898 * CIVIL * Exp. 06/30/25 * STATE OF CALIFORNIA

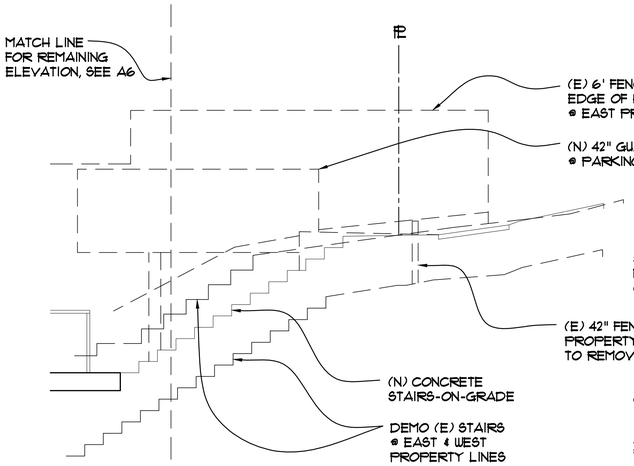
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST & WEST
ELEVATIONS

DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

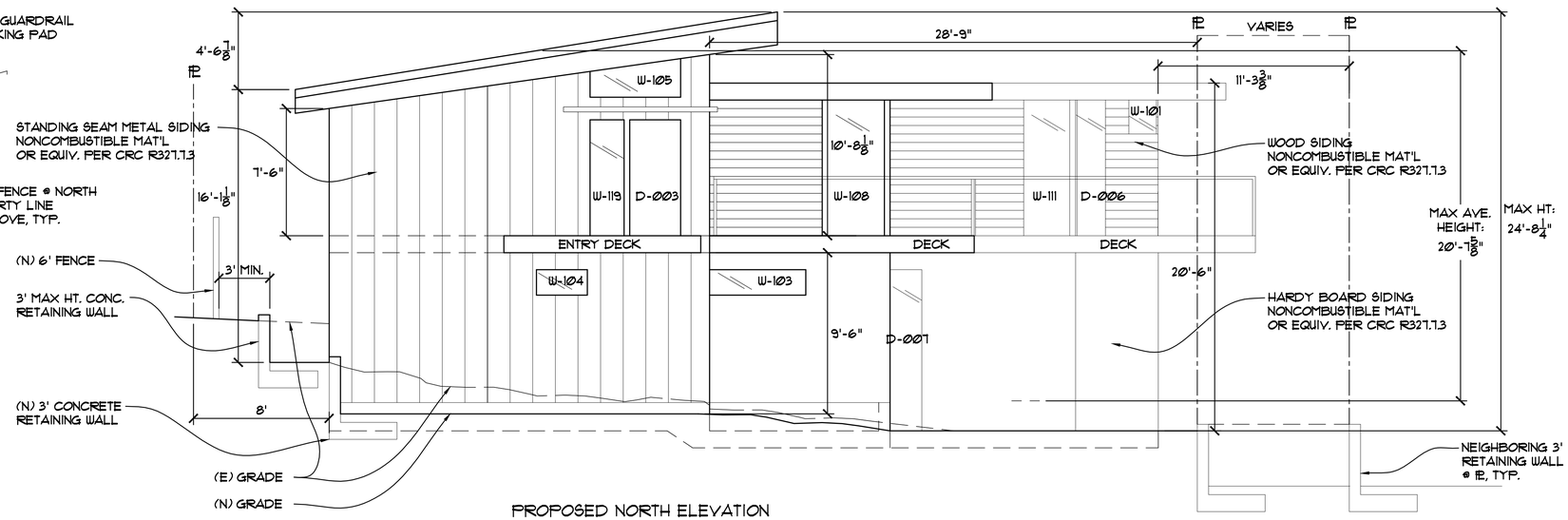
A8

OF 18 SHEETS



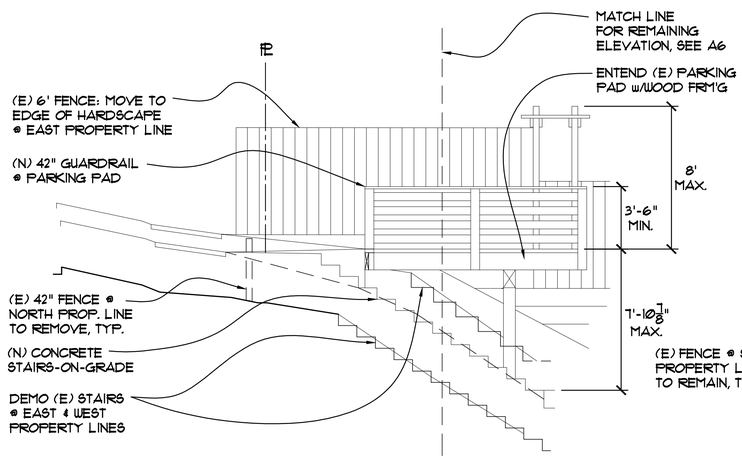
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



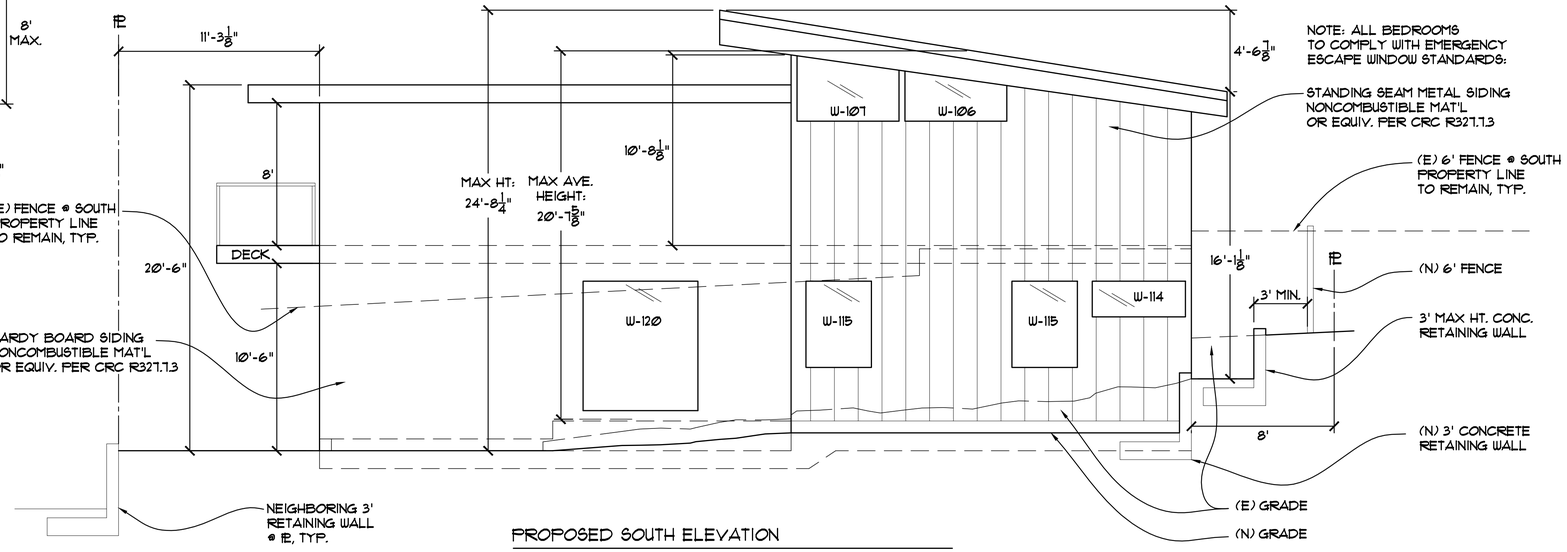
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

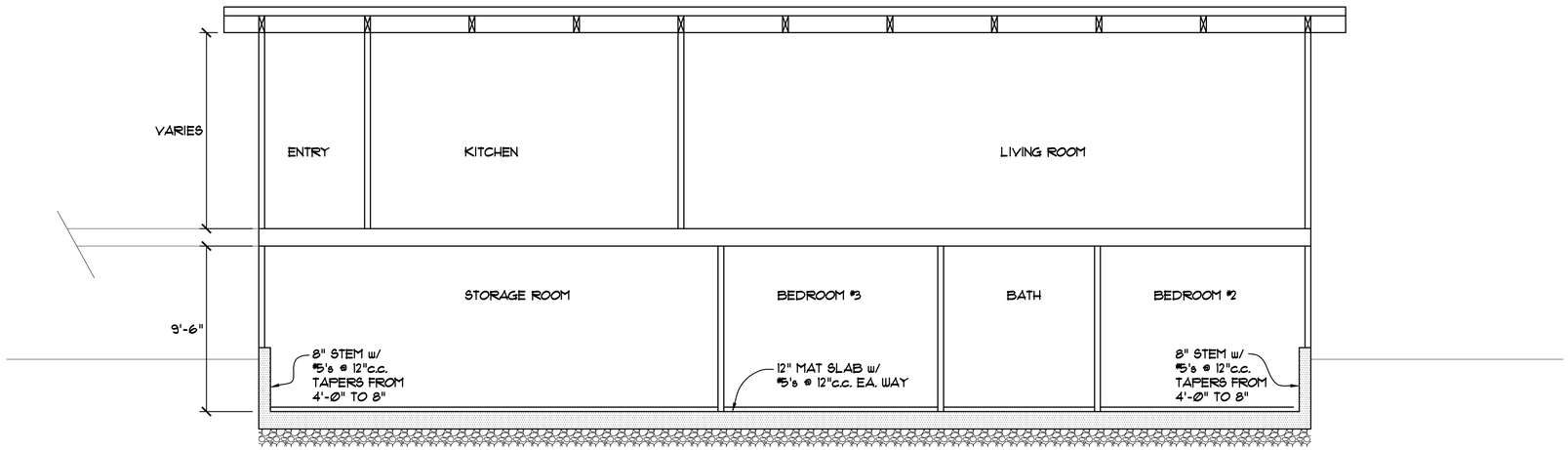
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

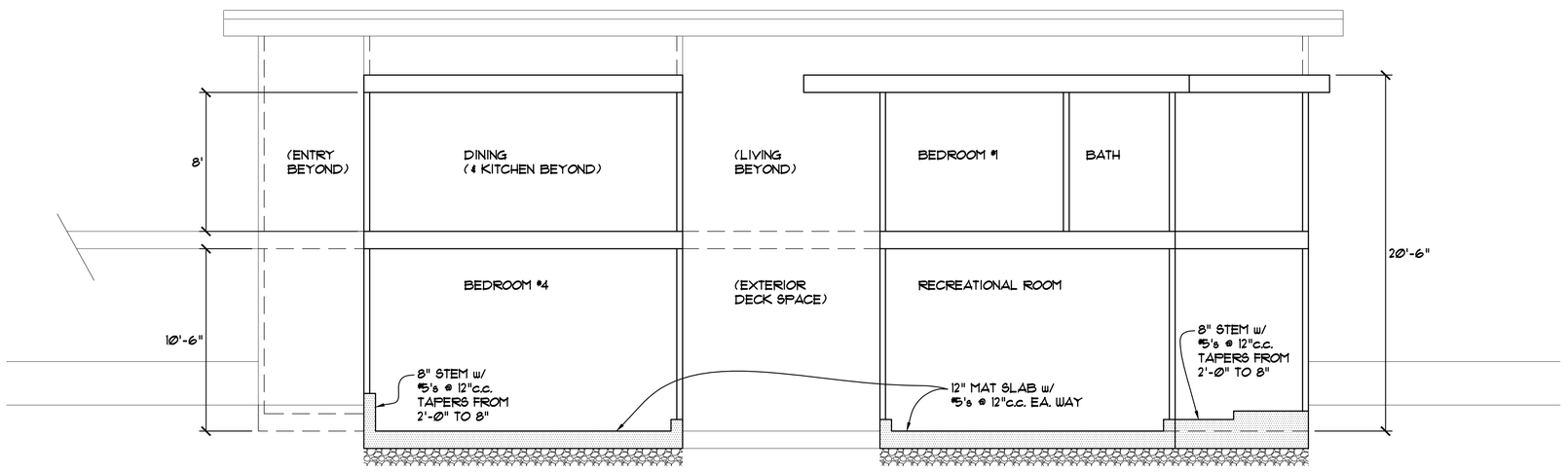
DATE: 01.07.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A9

OF 18 SHEETS



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

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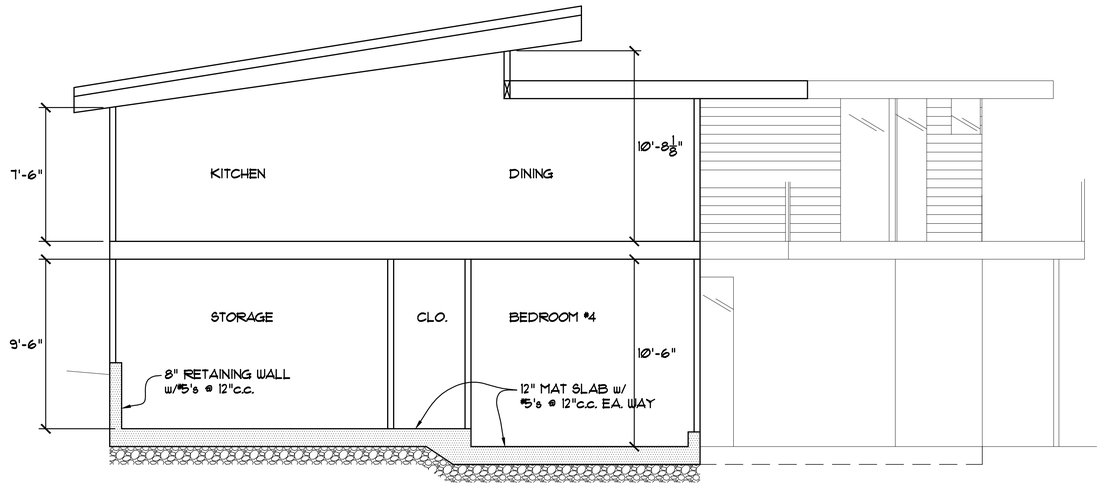
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED LONGITUDINAL SECTIONS

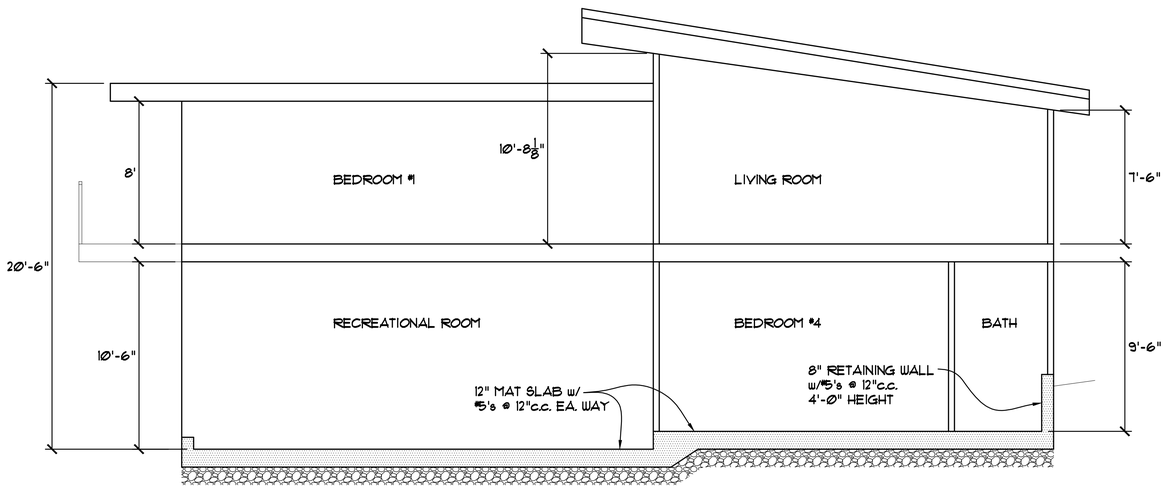
DATE: 01.01.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A10

OF 18 SHEETS



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

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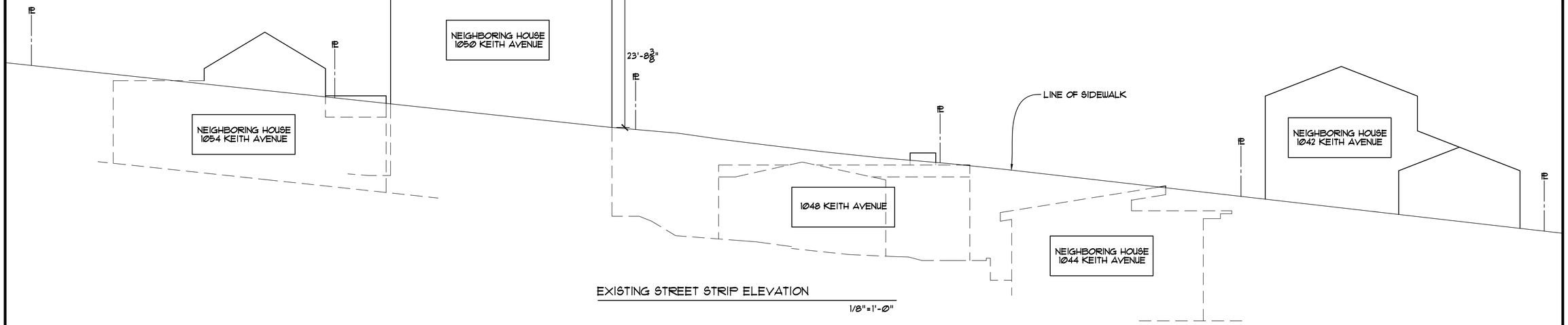
REGISTERED PROFESSIONAL ENGINEER * LINDSAY J. NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
PROPOSED EAST WEST SECTIONS

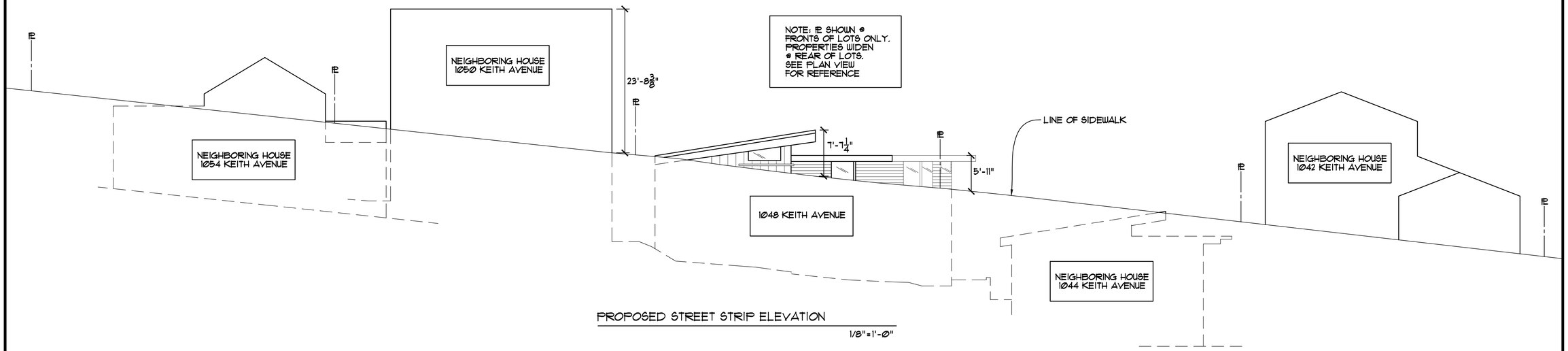
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A11
OF 18 SHEETS



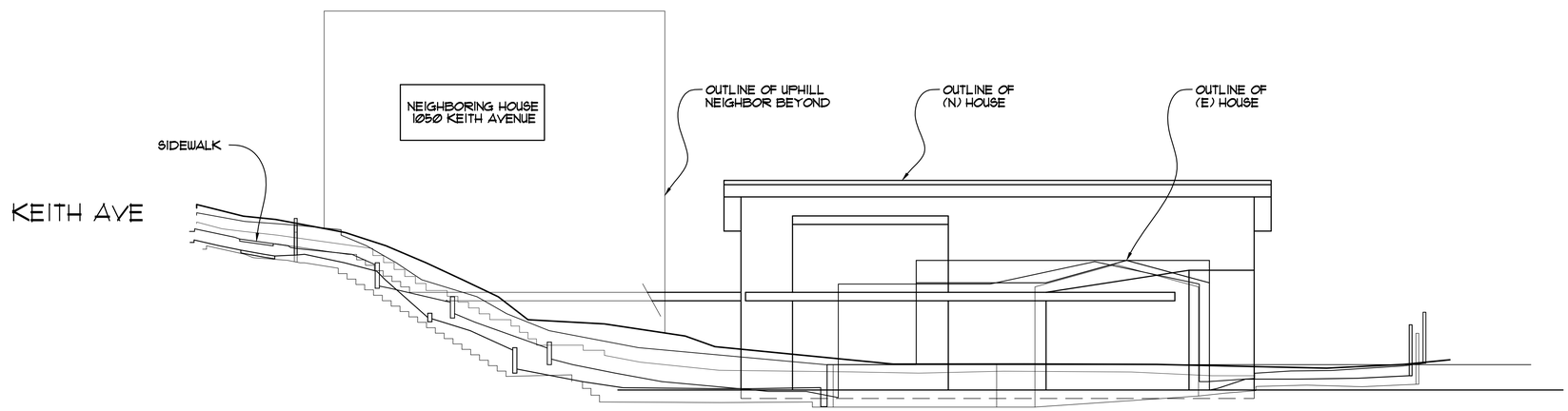
EXISTING STREET STRIP ELEVATION

1/8"=1'-0"



PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

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newmanli26@gmail.com

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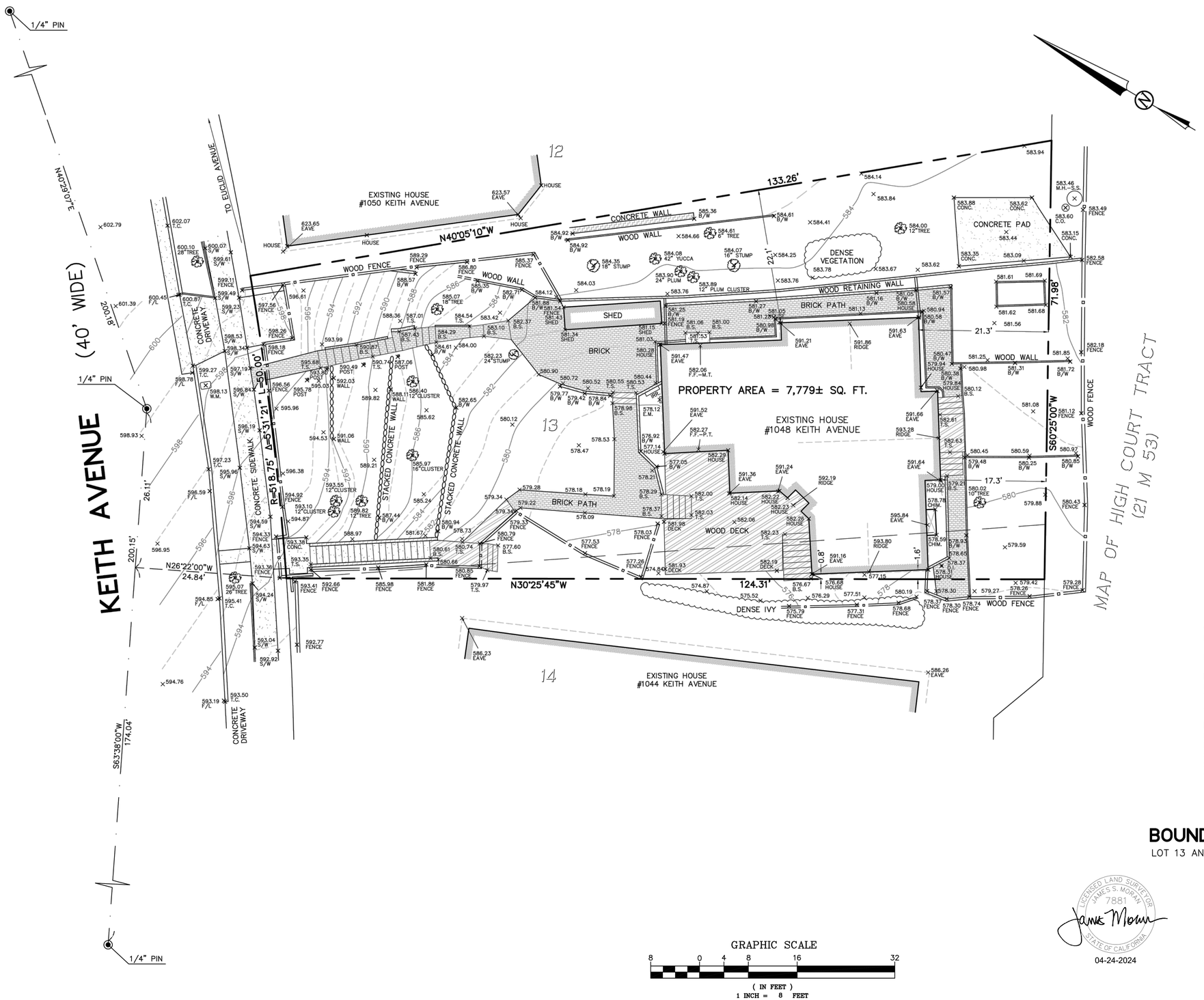
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A12

OF 18 SHEETS



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER

BUILDING LINE
BRICK
CONCRETE SURFACE
CONCRETE WALL
STACKED CONCRETE WALL
WOOD SURFACE
WOOD WALL
WOOD FENCE
FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA
04-24-2024

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

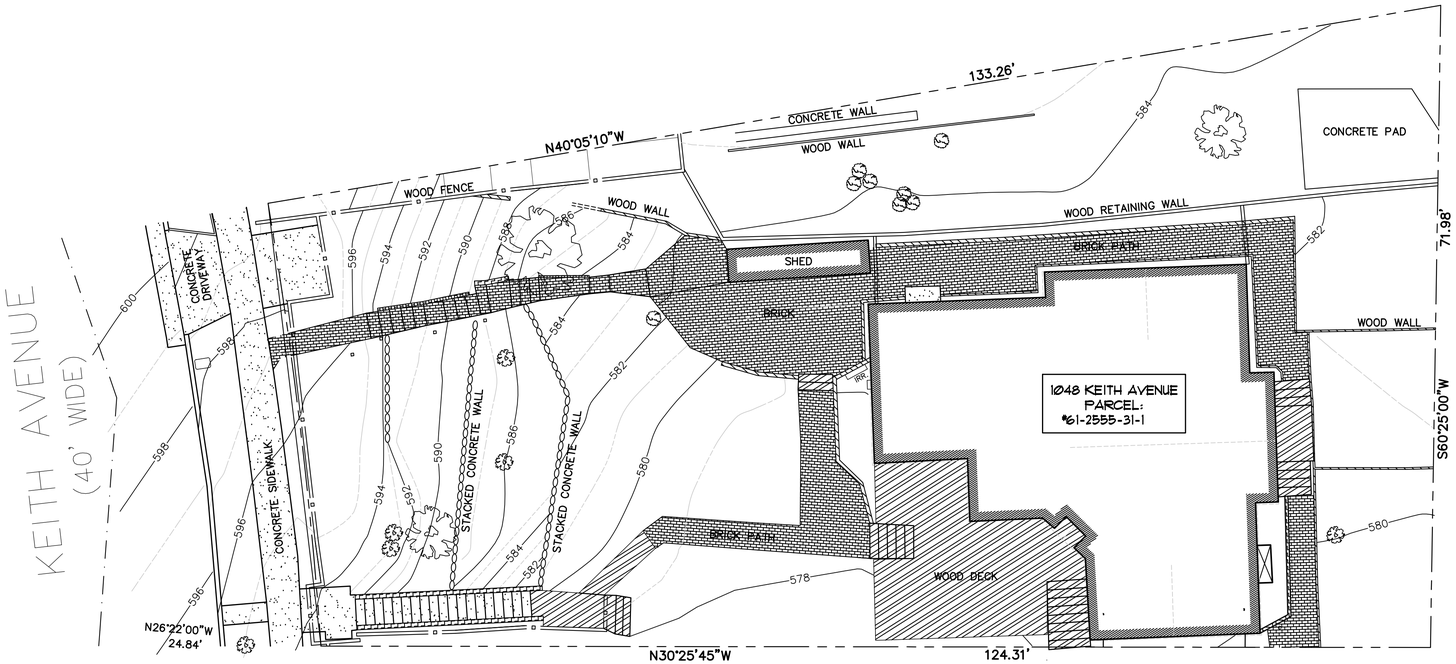
REGISTERED PROFESSIONAL ENGINEER * LINDSAY L. NEWMAN * No. C 34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
BOUNDARY & TOPOGRAPHIC SURVEY

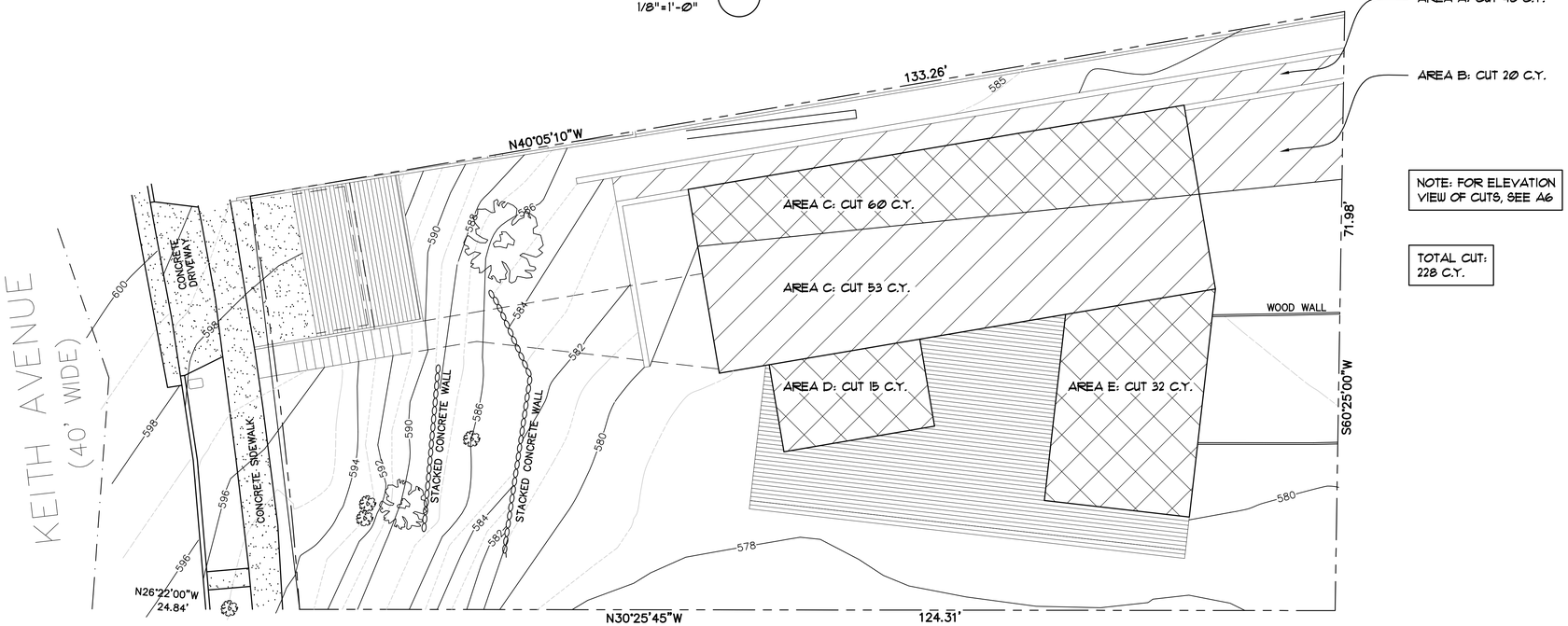
DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.3
OF 18 SHEETS



EXISTING GRADING PLAN

1/8"=1'-0"



PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
GRADING PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4
OF 18 SHEETS

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	583.97'	598.62'	14.65'
2	582.28'	598.62'/602.12'	16.34'/19.84''
3	578.9'	598.62'	19.72'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	578.32'	598.62'	20.3'
9	579.52'	598.62'/602.12'	19.1'/22.6'
10	579.16'	602.12'	22.96'
11	584.66'	598.62'	13.96'
12	578.7'	589.62'	10.92'
13	578.24'	589.62'	11.38'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

L. Newman

Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE

Name (Printed or typed)

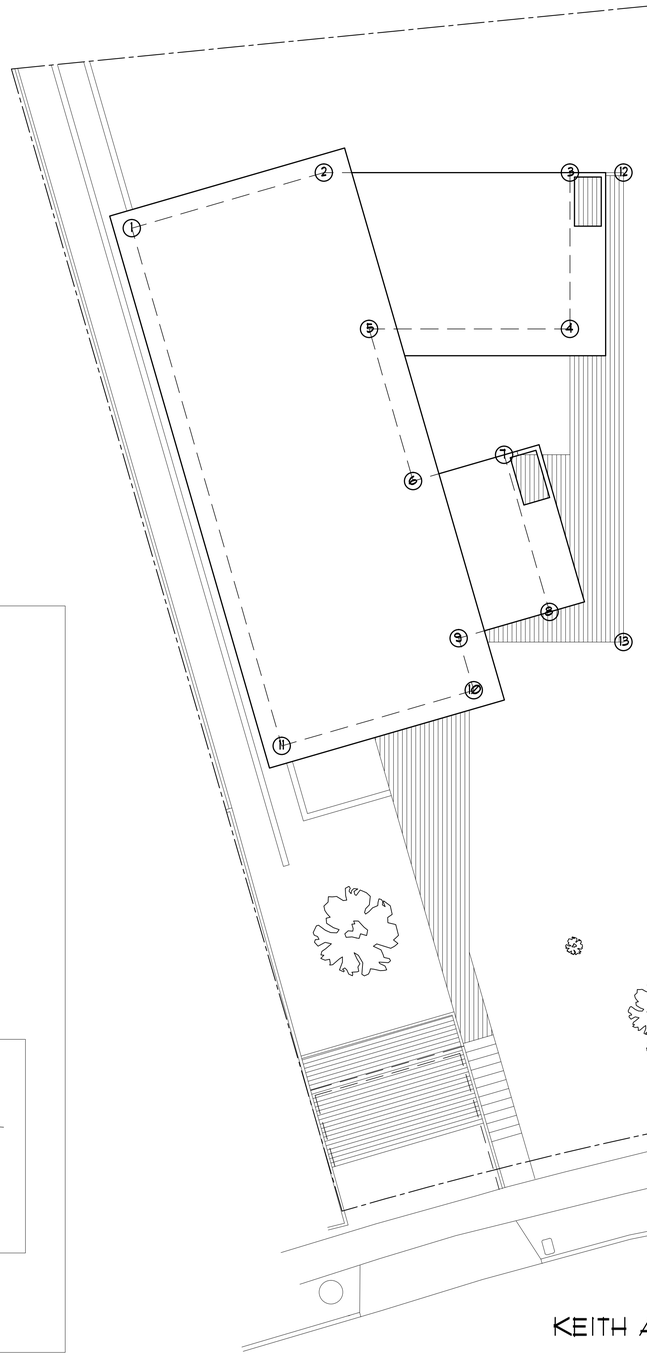
C-94808 / 06.30.2025

License No./ Expiration Date

(TBD)

Date

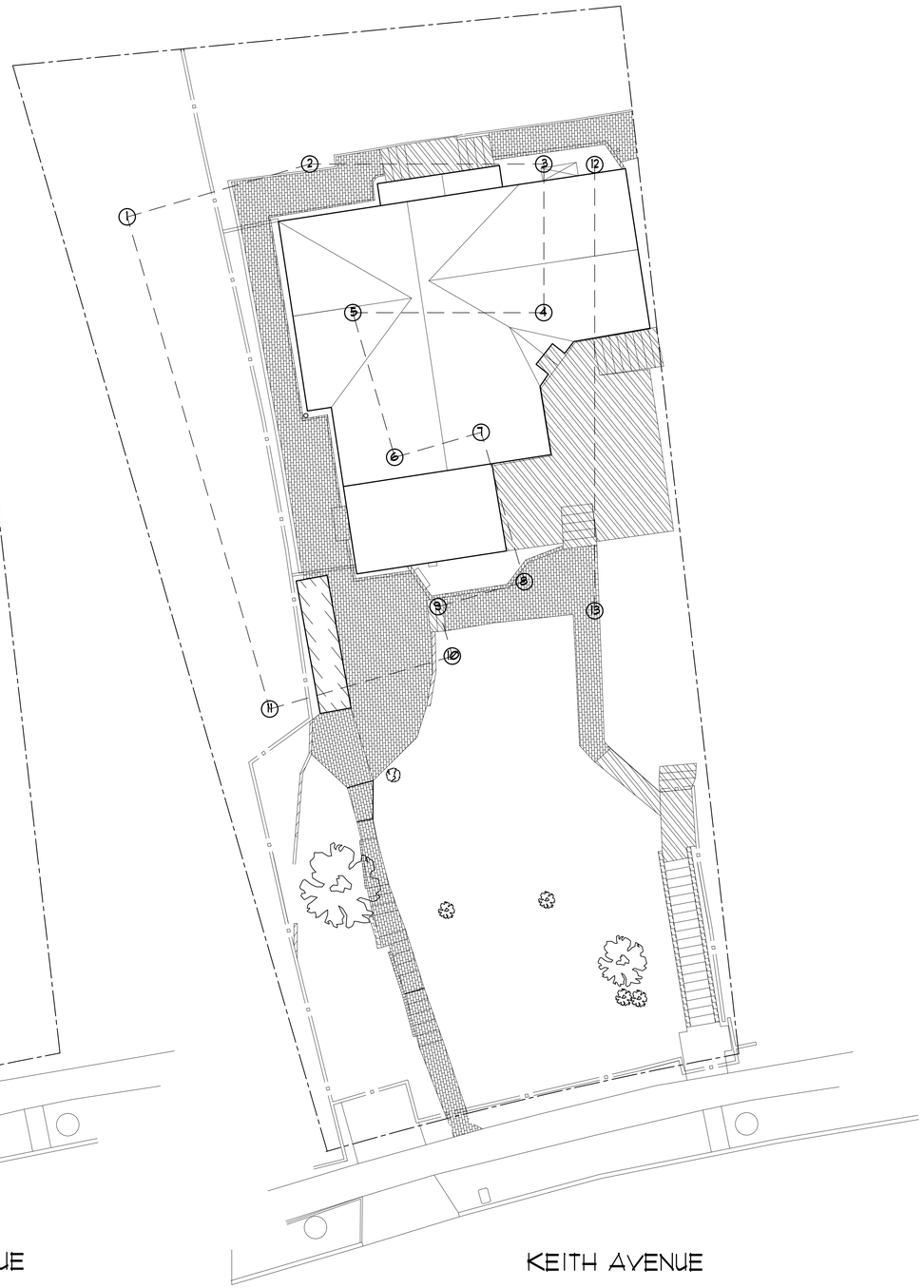
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *



STORY POLE PLAN (PROPOSED HOUSE ONLY)

1/8"=1'-0"

N



STORY POLE PLAN (SHOWN OVER EXISTING)

1/8"=1'-0"

N

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *

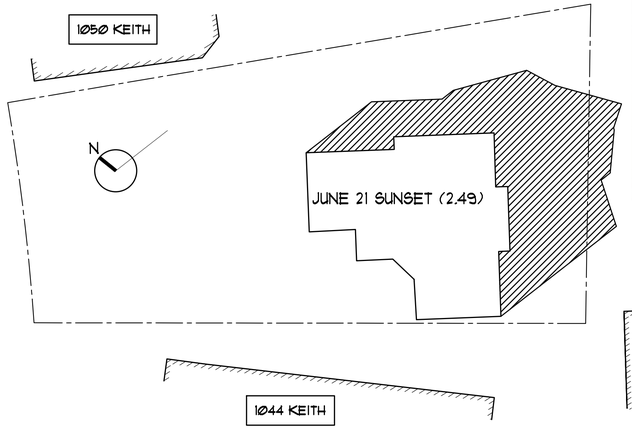
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
STORY POLE PLAN

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

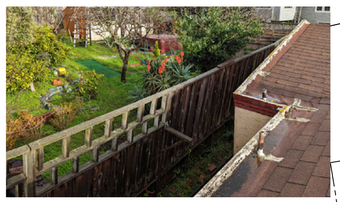
A1.5

OF 18 SHEETS

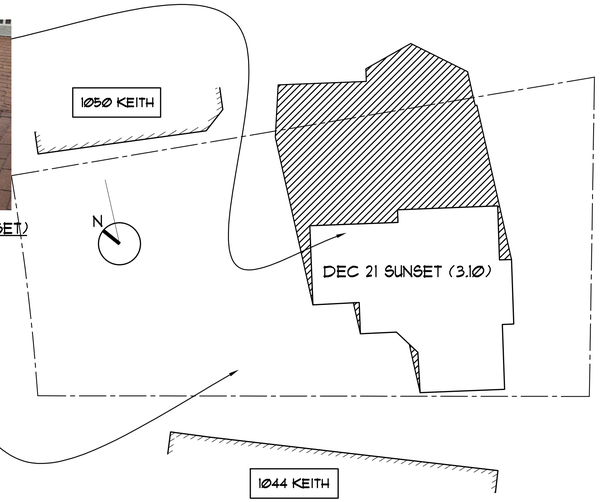




FRONT VIEW OF 1048 KEITH: 1.5.24 @ 3pm (-2h SUNSET)

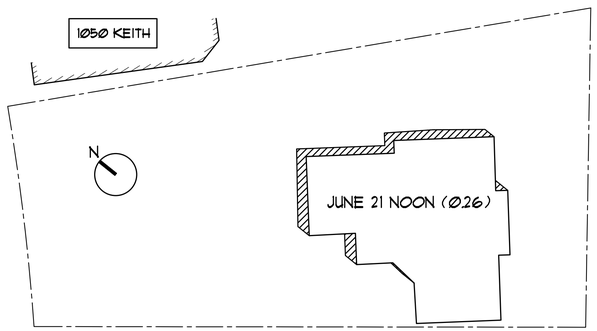


REAR ROOF VIEW: 1.5.24 @ 3pm (-2h SUNSET)



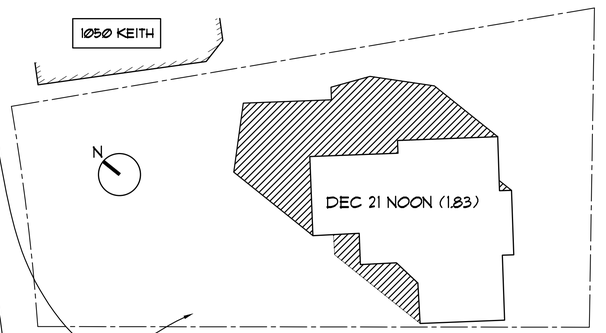


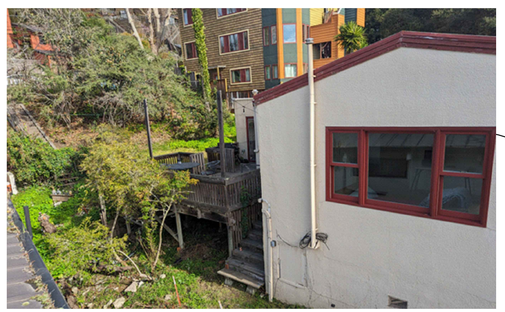
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON



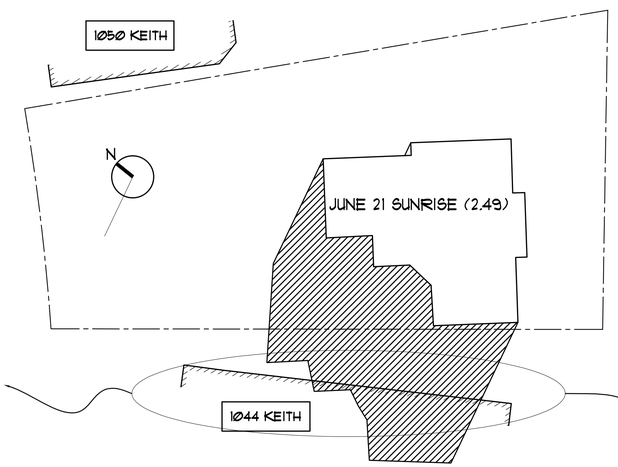


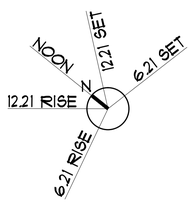
FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

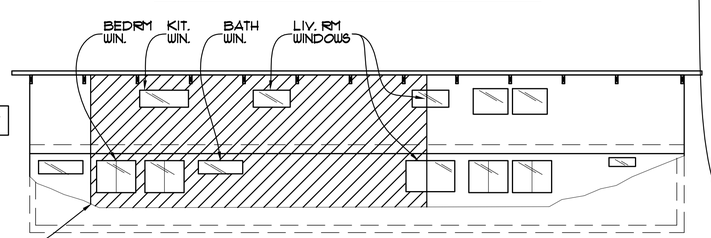




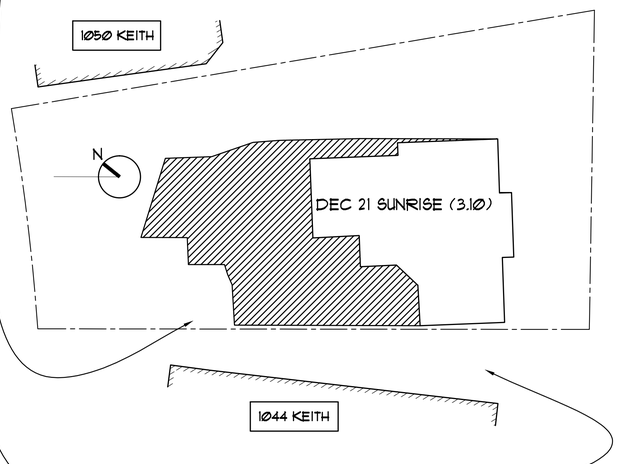
REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)







NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION



SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

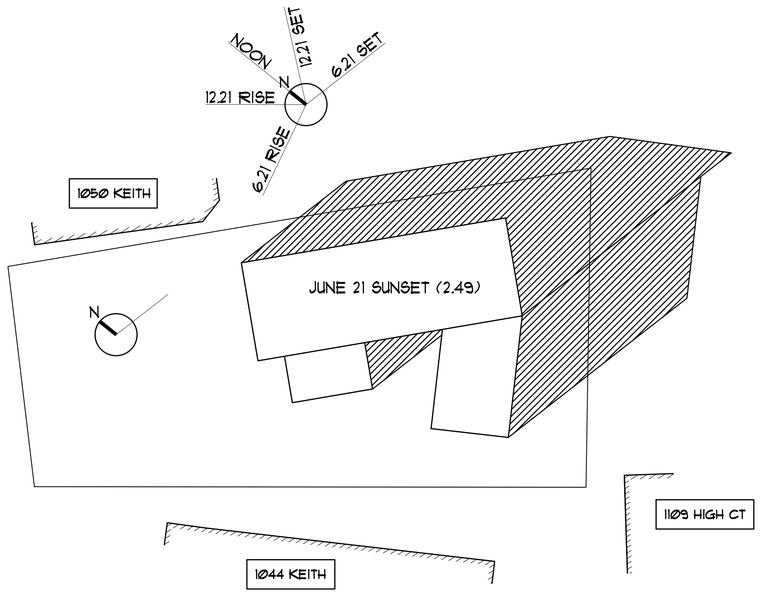
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

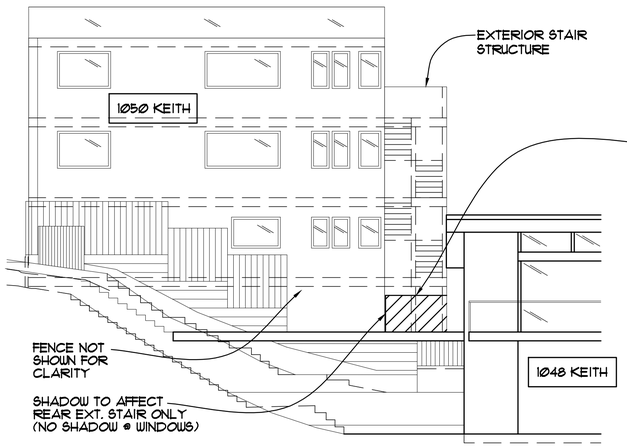
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/16"=1'-0"
DRAWN: LN

A1.6

OF 18 SHEETS

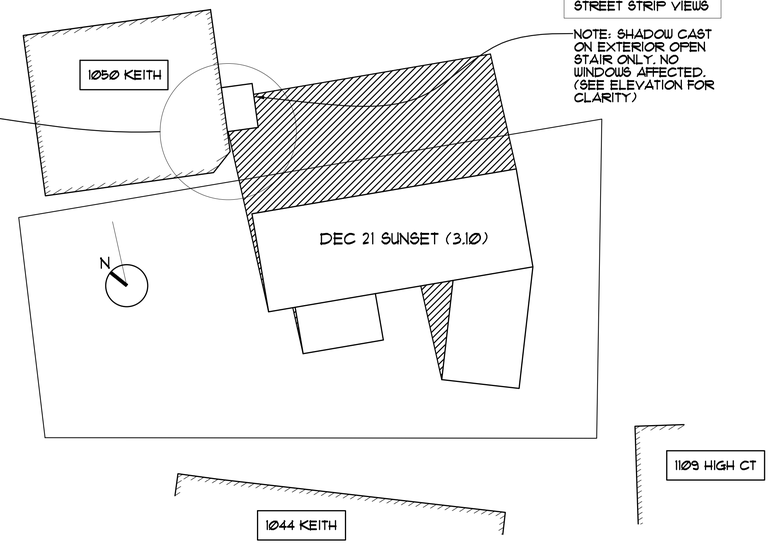


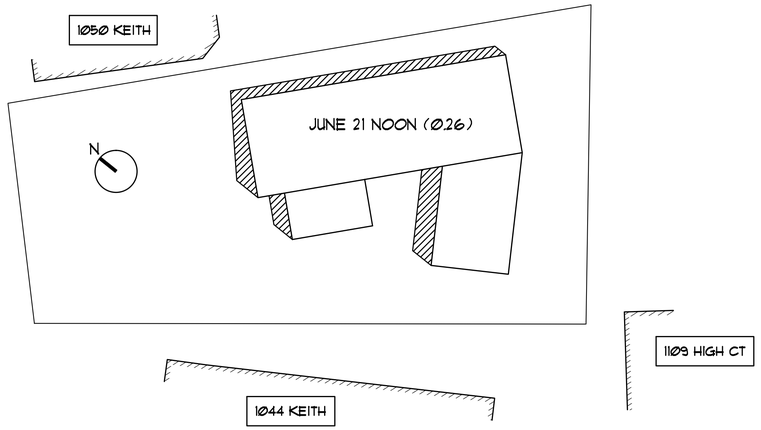


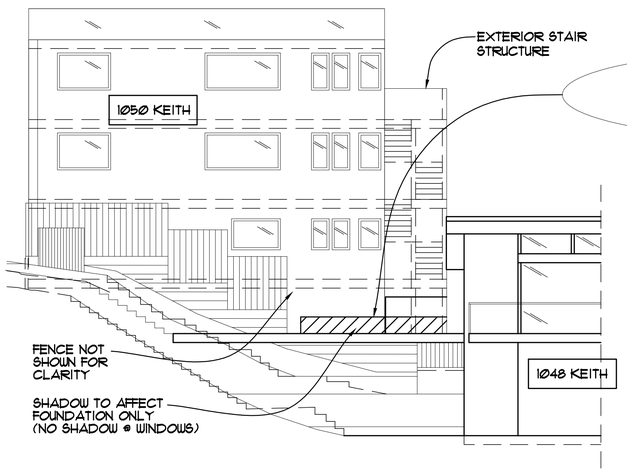
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

NOTE THAT GRADE IS SLOPING UPWARDS PER ELEVATIONS & STREET STRIP VIEWS

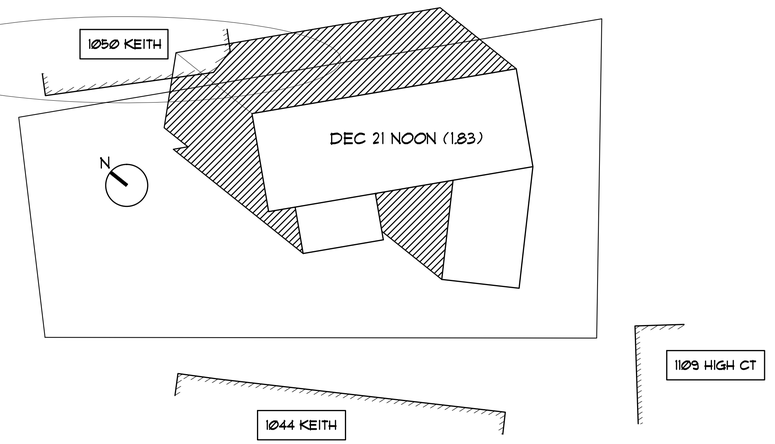
NOTE: SHADOW CAST ON EXTERIOR OPEN STAIR ONLY. NO WINDOWS AFFECTED. (SEE ELEVATION FOR CLARITY)

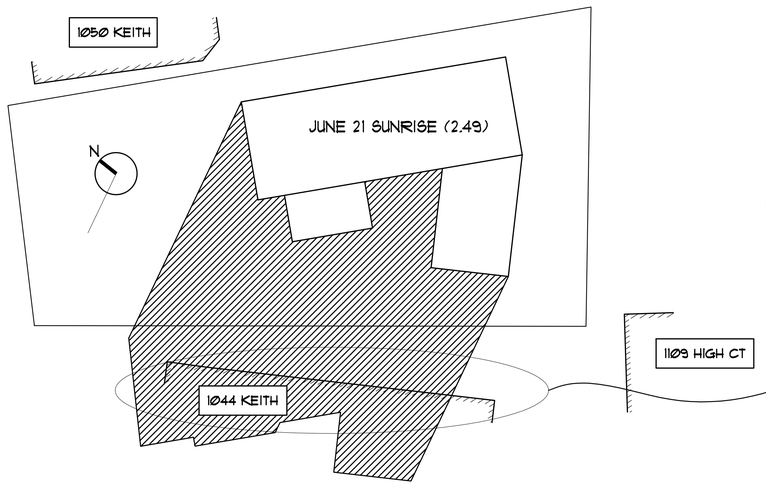




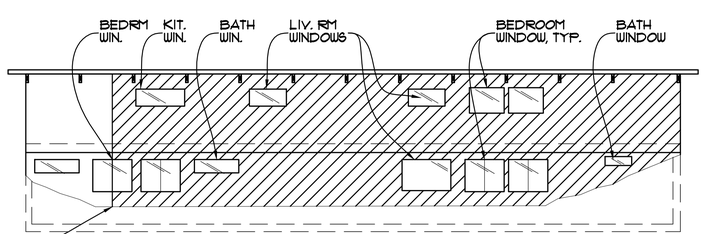


NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"

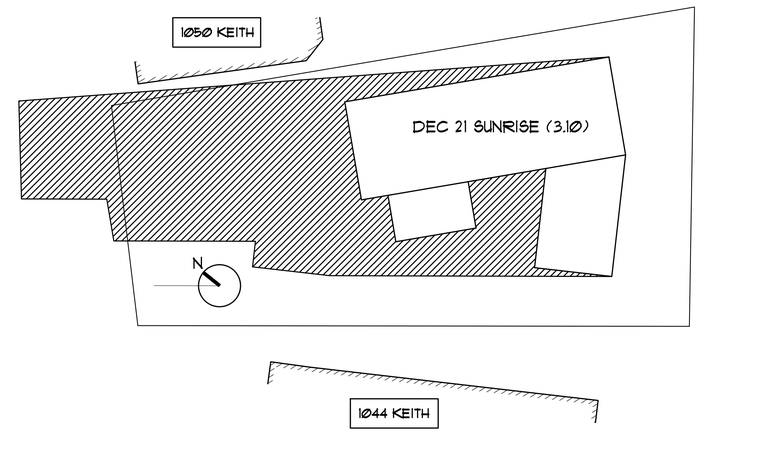




NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE. (NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

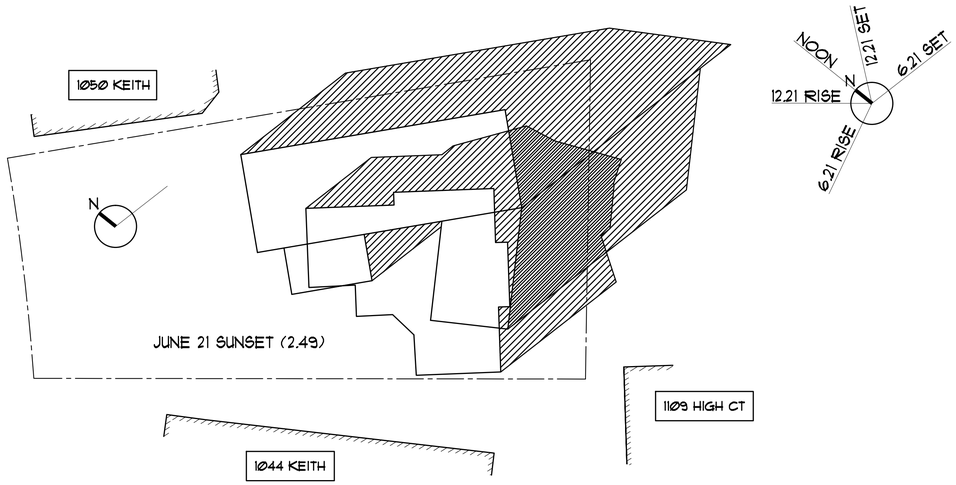
REGISTERED PROFESSIONAL ENGINEER * LINDSAY J. NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

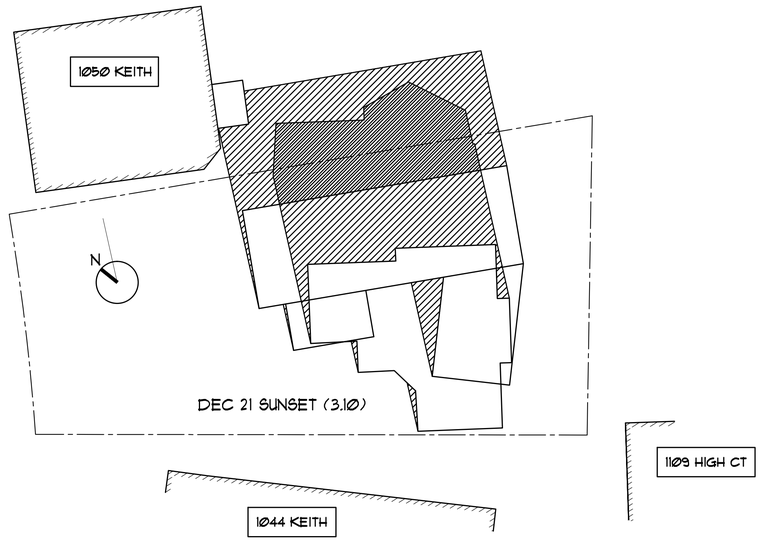
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

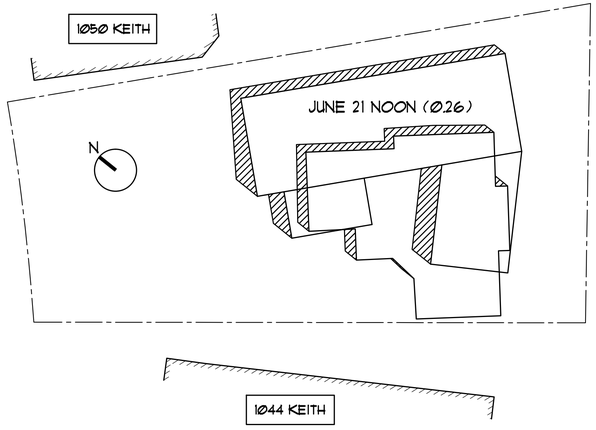
ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

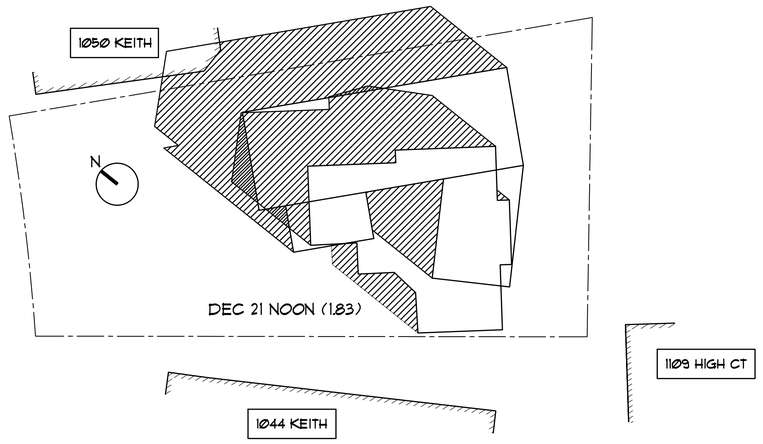
DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

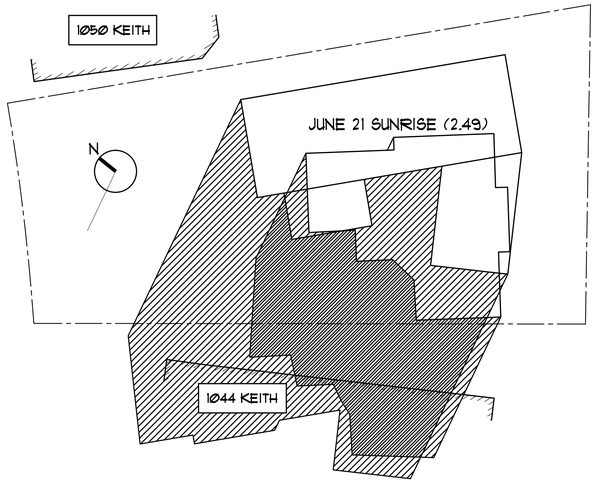
A1.7
OF 18 SHEETS

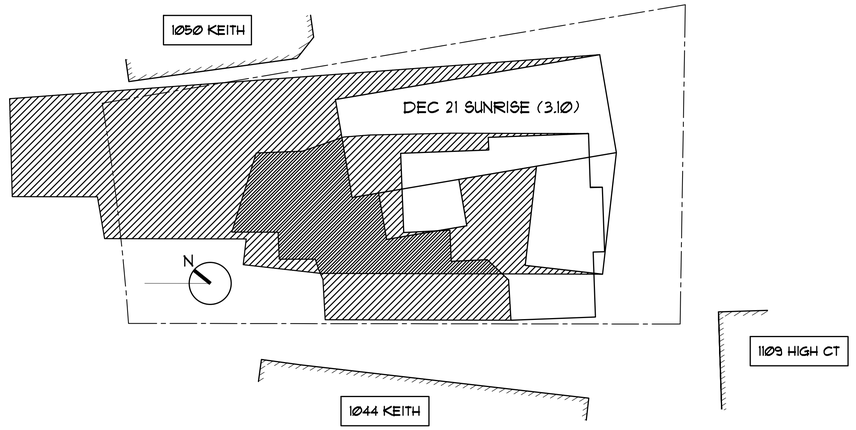












REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

ADMINISTRATIVE USE PERMIT
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 09.06.23
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.8
OF 18 SHEETS

Planning and Development Department
Land Use Planning Division

July 10, 2024

Sent via email to:
newmanli26@yahoo.com

Lindsay Newman
1044 Keith Avenue
Berkeley, CA. 94706

Re: Application Processing –Use Permit #ZP2024-0014 for 1048 Keith Avenue

Dear Lindsay Newman,

Thank you for submitting additional information on June 27, 2024 for the Zoning Permit application to demolish a single-family residence and construct a two-story, 3,600 square-foot single-family dwelling unit in the R-1H District. The application has been evaluated for the level of environmental review required, and readiness for final action according to the submittal checklist and application guidelines.

Required Zoning Permit(s)
Based on my review, the following zoning permits are required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish a dwelling unit.
- Use Permit, pursuant to BMC Section 23.202.020(A) to construct a Single-Family Dwelling Unit.
- Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks.
- Administrative Use Permit, pursuant to BMC Section 23.322.080 (E)(2)(b), to construct uncovered off-street parking within in a front setback.
- Administrative Use Permit, pursuant to BMC Section 23.304.070 (C)(1) to construct retaining walls within a required setback.

Level of Review Under the California Environmental Quality Act
Under the California Environmental Quality Act (CEQA), staff determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration will be required, depending on the type of project. This determination will be made within 30 days of an application being deemed complete. If a project is exempt from CEQA, staff recommends an exemption determination to either the Zoning Officer or the Zoning Adjustments Board (ZAB), depending on the type of permit.

Based on the information submitted, it is Staff's recommendation that this project meets the criteria for a **Categorical Exemption**, pursuant to CEQA Guidelines Section 15303 ("New Construction or Conversion of Small Structures"). However, the final determination is made by the Zoning Adjustments Board (ZAB).

Project Review
Now that your Use Permit application is deemed complete and is being reviewed, I will work to finish my analysis of this project, and prepare the staff report and recommendations for consideration by the ZAB at the public hearing.

Advisory comments – Application Processing Review
During the course of review, the project planner may request that the applicant correct, clarify, amplify, or otherwise supplement the details provided in the application according to the Zoning Project Application Submittal Requirements. This may result in revisions to the information provided with your submittal, additional fees for zoning permits, CEQA review costs, and other processes/reviews, as needed based on the City's adopted fee schedule.

Sincerely,



Waqar Shah
Associate Planner
510-981-7433
wshah@berkeleyca.gov

From: Shah, Waqar
To: Lindsay Newman
Subject: RE: Keith Ave slide zone
Date: Tuesday, September 10, 2024 2:16:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Hi Lindsay--
I'm reaching out to follow up on the property survey submitted for the 1048 Keith Avenue After reviewing the current survey, we've identified an issue with the boundary line as it appears to be incorrect. Accurate boundary identification is crucial for us to apply the appropriate development standards.
To move forward, we kindly request that you coordinate with the survey firm to provide a revised survey that correctly identifies the boundary line. Additionally, we ask that the firm provide a memo explaining the variance and its significance, as described in the boundary note . Specifically, we need clarification on the following points:

- Is the current variance within a standard range, or is it on the higher end?
- Would the firm recommend conducting another survey using alternate reference points to obtain an average?

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

This information is essential to ensure that the project meets all necessary standards. Given the importance of this issue, we need the revised survey and the accompanying memo as soon as possible.
Please note that due to this delay, it's unlikely that we will be able to present this project at the Zoning Adjustments Board (ZAB) meeting scheduled for September 26th. We will need to reschedule to a later date, and I will keep you updated on the new timeline.
Thank you for your prompt attention to this matter. If you have any questions or need further clarification, please don't hesitate to reach out.
Best regards,
Waqar

-

Waqar

Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

ZONING ADJUSTMENTS BOARD
NOTICE OF PUBLIC HEARING

SUBJECT: **1048 Keith Avenue**
Use Permit ZP#2024-0014

WHEN: **Thursday, September 26, 2024**
Meeting starts at 7:00 pm.

WHERE: **Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley**
(Wheelchair Accessible) **with remote/hybrid option (via Zoom)**

«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

ZONING ADJUSTMENTS BOARD
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«Next Record»«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

	PROJECT: 1048 Keith Avenue, Use Permit #ZP2024-0014 to demolish an existing 2,760-square-foot single-family dwelling and construct a new two-story (approximately 25 feet), 3,600-square-foot single-family dwelling within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback. **CEQA RECOMMENDATION:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").
Submit written comments: Land Use Division Attn: ZAB Secretary 1947 Center Street, Second Floor Berkeley, CA 94704 or via e-mail: **zab@berkeleyca.gov**	**All persons are welcome to attend the hearing virtually or in person. Comments may be made verbally at the public hearing and/or in writing before the hearing.** If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website. All **application materials** are available by searching the address or permit number under the Zoning tab at https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. **Draft agenda** posted online 14 days before the hearing. **Final agenda with Zoom link and staff reports** posted online six days before the hearing. 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. **Disability-related accommodation(s) requests** to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date.
Post and Mail Date: September 11, 2024	
NOTICE CONCERNING YOUR LEGAL RIGHTS: 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.	

	PROJECT: 1048 Keith Avenue, Use Permit #ZP2024-0014 to demolish an existing 2,760-square-foot single-family dwelling and construct a new two-story (approximately 25 feet), 3,600-square-foot single-family dwelling within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback. **CEQA RECOMMENDATION:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").
Submit written comments: Land Use Division Attn: ZAB Secretary 1947 Center Street, Second Floor Berkeley, CA 94704 or via e-mail: **zab@berkeleyca.gov**	**All persons are welcome to attend the hearing virtually or in person. Comments may be made verbally at the public hearing and/or in writing before the hearing.** If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website. All **application materials** are available by searching the address or permit number under the Zoning tab at https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. **Draft agenda** posted online 14 days before the hearing. **Final agenda with Zoom link and staff reports** posted online six days before the hearing. 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. **Disability-related accommodation(s) requests** to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date.
Post and Mail Date: September 11, 2024	
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Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
WULF STANLEY S & LINDA P TRS	1016 CRAGMONT AVE	BERKELEY CA	94708
HOGLUND ERIK & GEORGE ETAL	1018 CRAGMONT AVE	BERKELEY CA	94708
FOREMAN GRAHAME P	1020 CRAGMONT AVE	BERKELEY CA	94708
OMINSKY STEVEN H & JOAN B TRS	1022 CRAGMONT AVE	BERKELEY CA	94708
HENDERSON ROBERT & JULIE	1024 CRAGMONT AVE	BERKELEY CA	94708
LOUIE ROBERT E & FLORENCE H TRS	1026 CRAGMONT AVE	BERKELEY CA	94708
LYONS HANNAH A & PATRICK R	1032 KEITH AVE	BERKELEY CA	94708
VOLOSHIN GLENN	1034 KEITH AVE	BERKELEY CA	94708
ABDELGHAFFAR SAMY & BROWN JESSICA A TRS	1036 KEITH AVE	BERKELEY CA	94708
VILETT JOHN E & HELENE W TRS	1038 KEITH AVE	BERKELEY CA	94708
HARDMAN ELIZABETH & ZEV ETAL	1040 KEITH AVE	BERKELEY CA	94708
MINOR KAJSA M & ZACH TRS	1042 KEITH AVE	BERKELEY CA	94708
AWARE MINAR V & KARDA JAYA TRS	1043 KEITH AVE	BERKELEY CA	94708
KAINZ JOACHIM F & NEWMAN LINDSAY D	1044 KEITH AVE	BERKELEY CA	94708
TAI CHARLOTTE & YANG XIN	1045 KEITH AVE	BERKELEY CA	94708
WEILER PETER D & ROSE LISA M TRS	1047 KEITH AVE	BERKELEY CA	94708
SOBKY CHRISTOPHER F & HEATHER R	1049 KEITH AVE	BERKELEY CA	94708
GANGEI BAHRAM & EAGLE ERICA L	1050 KEITH AVE	BERKELEY CA	94708
DOPPKE JOHN C & NEE AARON J	1051 KEITH AVE	BERKELEY CA	94708
TRULL ROBERT & RUSSO DEBORAH	1053 KEITH AVE	BERKELEY CA	94708
JAGANNATH GAUTAM J & ABRAHAM EMILY A TRS	1056 KEITH AVE	BERKELEY CA	94708
JOHNSTON RICHARD T JR & COUCHMAN ELISHA	1057 KEITH AVE	BERKELEY CA	94708
ACOSTA ANTHONY R & FEREZI GLORIA E	1058 KEITH AVE	BERKELEY CA	94708
STANGE MARGIT K TR	1058A KEITH AVE	BERKELEY CA	94708
ROBERTS EDWARD N & WOODHAMS JANET K TRS	1059 KEITH AVE	BERKELEY CA	94708
MATHEWS ROBERT L & BOERO MOLLIE G	1060 KEITH AVE	BERKELEY CA	94708
VOBIS YASMIN & FORREST AARON D	1061 KEITH AVE	BERKELEY CA	94708
CLARK PATRICIA A	1064 KEITH AVE	BERKELEY CA	94708
NICHOLLS TIM & SHANNON	1066 KEITH AVE	BERKELEY CA	94708
CARUTH BRIAN & JACQUELINE	1084 EUCLID AVE	BERKELEY CA	94708
GATES PAUL D & ELLEN I	1088 EUCLID AVE	BERKELEY CA	94708
SING RACHEL & EISEN VITKA TR	1094 EUCLID AVE	BERKELEY CA	94708
SEGALL JUDITH & ABRAMS CARL TR	1098 EUCLID AVE	BERKELEY CA	94708
FORSBURG F E & GREEN KASS TRS	1101 HIGH CT	BERKELEY CA	94708
QUEELEY MARQUITA A & KEITH N ETAL	1102 EUCLID AVE	BERKELEY CA	94708
SMART MICHAEL G & NOVOSEL CAROLYN G	1103 HIGH CT	BERKELEY CA	94708
HARTMANKENZLER ANNA & KENZLER ERIC TRS	1104 HIGH CT	BERKELEY CA	94708
VALOR DARRELL & SARAH ETAL	1105 HIGH CT	BERKELEY CA	94708
KANAFANI OMAYYA K TR	1107 HIGH CT	BERKELEY CA	94708
GOLDSTEIN SANDRA B & DANIEL J TRS & GOLDSTEIN ETAL	1108 EUCLID AVE	BERKELEY CA	94708
LEGGETT COREY & KRISTIN TRS	1108 HIGH CT	BERKELEY CA	94708
FERNIE CHRISTOPHER G	1109 HIGH CT	BERKELEY CA	94708

Internal

ORBON JOHN & BESSETTE MAUREEN C TRS	1111 HIGH CT	BERKELEY CA	94708
RICHMOND LAUREN D & ELLISA D ETAL	1113 HIGH CT	BERKELEY CA	94708
FONG OLIVER & BLACK EMILY	1115 HIGH CT	BERKELEY CA	94708
LIU VINCENT L & YI M TRS & LOO CLINTON T ETAL	1117 HIGH CT	BERKELEY CA	94708
HANDMAN GARY P & PAMELA L TRS	1119 HIGH CT	BERKELEY CA	94708
FITTS GARY & PILLSBURY PATRICIA	1121 HIGH CT	BERKELEY CA	94708
BEROLDO STEVE & KAREN TRS	1123 HIGH CT	BERKELEY CA	94708
WINSLOW BARBARA S TR	1131 HIGH CT	BERKELEY CA	94708
LEE ALISON & PASTORCHERMAK ISAAC M	1136 HIGH CT	BERKELEY CA	94708
PERCHES ANA & BECK JONATHAN P	1138 HIGH CT	BERKELEY CA	94708
FINGADO JOHN H TR	1141 HIGH CT	BERKELEY CA	94708
DORFMAN DAN Z & LAURIE Z	1232 HINMAN AVE	EVANSTON IL	60202
HOLDEN MYRNA A TR	1328 WALNUT ST	BERKELEY CA	94709
FONG GARY & JANET TRS	155 VIA LUCIA	ALAMO CA	94507
CHANG VICKI	1601 SPRUCE ST	BERKELEY CA	94709
GLOVER KEITH	21 VILLAGE ST	SOMERVILLE MA	2143
SOMKIN BENJAMIN ETAL	216 CALLE MANZANITA	SANTA BARBARA CA	93105
CAMERON ANDREW D & LEE JIYUN C TRS	2335 CORONA CT	BERKELEY CA	94708
PASCAL STEVEN G & GILLETTEPASCAL DANNA C TRS	2345 CORONA CT	BERKELEY CA	94708
AJMANI MOHAN & CATHERINE TRS	2355 CORONA CT	BERKELEY CA	94708
DOUGHTY CHRISTINE A & ZUERCHER ANTHONY J IV	2356 CORONA CT	BERKELEY CA	94708
SCHAMBELAN MORRIS TR	2357 CORONA CT	BERKELEY CA	94708
BREIMAN LEO TR	2358 CORONA CT	BERKELEY CA	94708
VALENTINE RONALD R	3131 MARINA DR	ALAMEDA CA	94501
LEIST KARL J & VICTORIA A TRS	4170 212TH WAY SE	SAMMAMISH WA	98075
FIRTH ELLIN A & HUGHES CATHERINE J TRS ETAL	72 OAKMONT AVE	PIEDMONT CA	94610
DELAVALETTE LYNN F TR	851 SEAVIEW DR	EL CERRITO CA	94530
BRIDGES LEE C	8535 LOOKOUT MOUNTAIN AVE	LOS ANGELES CA	90046
OCCUPANT(S)	1028 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	1029 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1030 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	1031 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1032 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	1034 KEITH AV 2	BERKELEY CA	94708
OCCUPANT(S)	1034 KEITH AV A	BERKELEY CA	94708
OCCUPANT(S)	1035 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1039 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1048 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1049 KEITH AV B	BERKELEY CA	94708
OCCUPANT(S)	1054 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1058 KEITH AV A	BERKELEY CA	94708
OCCUPANT(S)	1065 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1104 EUCLID AV	BERKELEY CA	94708

Internal

OCCUPANT(S)	1106 EUCLID AV	BERKELEY CA	94708
OCCUPANT(S)	1108 EUCLID AV 1	BERKELEY CA	94708
OCCUPANT(S)	1108 EUCLID AV B	BERKELEY CA	94708
OCCUPANT(S)	1125 HIGH CT	BERKELEY CA	94708
OCCUPANT(S)	1131 HIGH CT LOWR	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT A	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT B	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT C	BERKELEY CA	94708
OCCUPANT(S)	1138 HIGH CT A	BERKELEY CA	94708
OCCUPANT(S)	2371 OAK ST	BERKELEY CA	94708
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA 94708	
North East Berkeley Association	P.O. BOX 7477	BERKELEY CA 94707	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Urban Creeks Council	861 REGAL RD	BERKELEY CA 94708	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SOUTH SAN FRANCISCO CA 94080	

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

1048 Keith Avenue

Use Permit #ZP2024-0014 to demolish an existing 2,760 square-foot single-family dwelling and construct a two-story (approximately 25 feet), 3,600 square-foot single-family dwelling within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback.

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

When: Thursday, September 26, 7:00 pm
Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

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

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

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

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

A. Land Use Designations:

- General Plan: Low Density Residential (LDR)
- Zoning: Single-Family Residential – Hillside Overlay (R-1H) District

B. Zoning Permits Required:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish a dwelling unit
- Use Permit, pursuant to BMC Section 23.202.020(A) to construct a Single-Family Dwelling Unit
- Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to construct uncovered off-street parking within in a front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(C)(1) to construct retaining walls within a required setback

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

D. Parties Involved:

- Applicant/Property Owner: Lindsay Newman, 1048 Keith Avenue, Berkeley, CA, 94708

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, Waqar Shah, at (510) 981-7469 or WSHAH@berkeleyca.gov.

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

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

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

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

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

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

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@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.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1048 Keith Avenue
Attachments: Greetings Berkley ZAP.pdf

From: Darius Gangei <dariusgangei@gmail.com>
Sent: Monday, September 23, 2024 11:08 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 1048 Keith Avenue

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 there, Zoning Adjustment Board,

I've attached our letter to add to the September 26th Meeting for the ZP2024-0014 permit. We are objecting to the permit and will be there in person to share our grievances.

Sincerely,

Darius Gangei | Lighting Designer & Architectural Designer
dariusgangei@gmail.com
Mobile Line (415) 706-3902

Please keep in mind that the contents of this e-mail and any attachments are private, confidential, and intended for the recipient. They may contain information subject to legal privilege and protected by the Electronic Communications Privacy Act, 18 U.S.C. §2510 et seq. Please also be sure to check any attachments for viruses before opening them. Thank you for your cooperation and understanding.

Greetings Berkeley Zoning Adjustment Board,

My name is Darius Gangei, Son of the Gangei Family residing at 1050 Keith since 2001. I Graduated from my Alma mater, Berkeley High School, in 2011. Growing up in a community such as Berkeley has been a blessing.

Many of you may already know that Berkeley Hills is in a Fault Zone and Landslide Zone and that movement of the land beneath our homes has caused Fences, Yards, and entire buildings to slip downhill, causing each neighbor's historically identified property corners to encroach into the neighbors and vice versa. Most good neighbors mitigate conflict by accepting the status quo. Lose some ground on the uphill side and gain some ground on the downhill side. Some neighbors wish to fight the status quo, keep their gained downhill ground, and take back land from their uphill neighbor. This is what is happening to my family.

On 9/24/2019, the Newman/ Kainz Family residing at 1044 Keith bought the next uphill home,1048 Keith, from Peter and Cyndi Berck, which abuts 1050 Keith uphill from it.
On 11/16/20 Mr. Kainz hired Moran Engineering to perform a survey of 1048 Keith, the survey showed that 20 feet of land being used at 1050 Keith for the previous 23 years, fence line, Mature 50+ year-old apple trees were inside of 1048 Keith's property lines. Subsequently, they developed a plan to Demolish the existing home at 1048 Keith and build a new 2-story house in a new location, requiring the demolition and construction of a retaining wall in what is currently my family's backyard. All are based on a survey where the surveyor states that the survey is not reliable by 5 or MORE feet. see (Exhibit A. and B).

Rather than go through the legal route to obtain approval and mutual agreement, on 4/7/24, Newman/ Kainz CUT DOWN my family's fence himself with a power saw. My family awoke to this invasion and called the police, but the police did nothing. Kainz ignored cease-and-desist letters and in-person pleas to stop as he used powered tools to clear-cut the land, rip out trees, tear down chicken coops, and remove pet grave markers to erase their existence. The invasion, harassment, and destruction has been nearly everyday since. Even as I write this letter they are creating a hostile environment in the neighborhood. My family is fearful to go into their own yard.

Neighbors have experienced and some have even called the cops as they witness the harassment and have been there to condole us as this invasion happens on a daily basis. As it states in the Berkeley city ordnance no noise on weekends before 9am but Mr.Kainz starts at 7am to remind us and the whole neighborhood of their presence while abusing the rights of the cease-and-desist, lawsuit and lis pendens filed against the property.

Multiple conversations have taken place since October of 2023 Bahram Gangei and Erica Eagle have objected in person, over email and on the phone dating back before the community outreach (Exhibit D) that stated we have not been informed and that a letter was sent certified to avoid our objection to their plans for submittal. We had tried the mediation through the city personal in recommendation from both parties but no resolution or agreement could be reached.

We ask you the Zoning Adjustment Board to halt all permit progress until a resolution in the courts can be reached.

Exhibit A.

BOUNDARY NOTE: DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY [SIC] ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

Exhibit B.

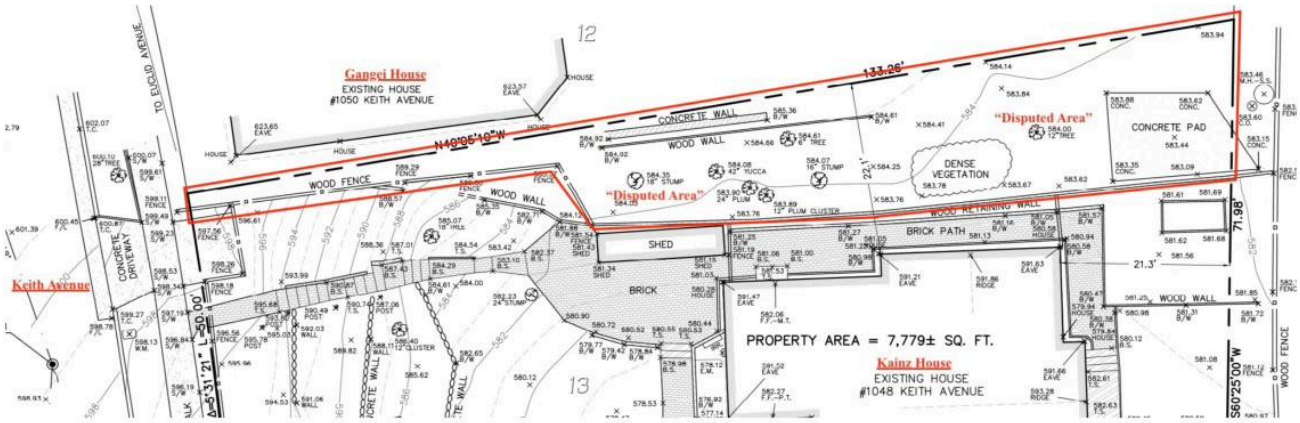


Exhibit C. A cascade of encroachments 1058 > 1056 > 1054 > 1050 > 1048 > 1044 > 1042

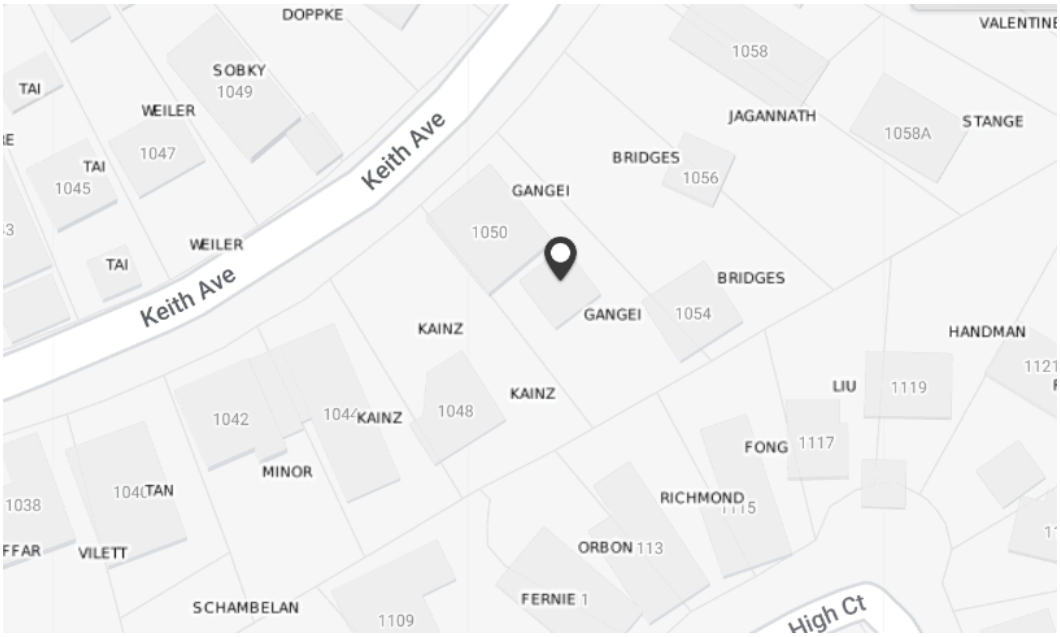
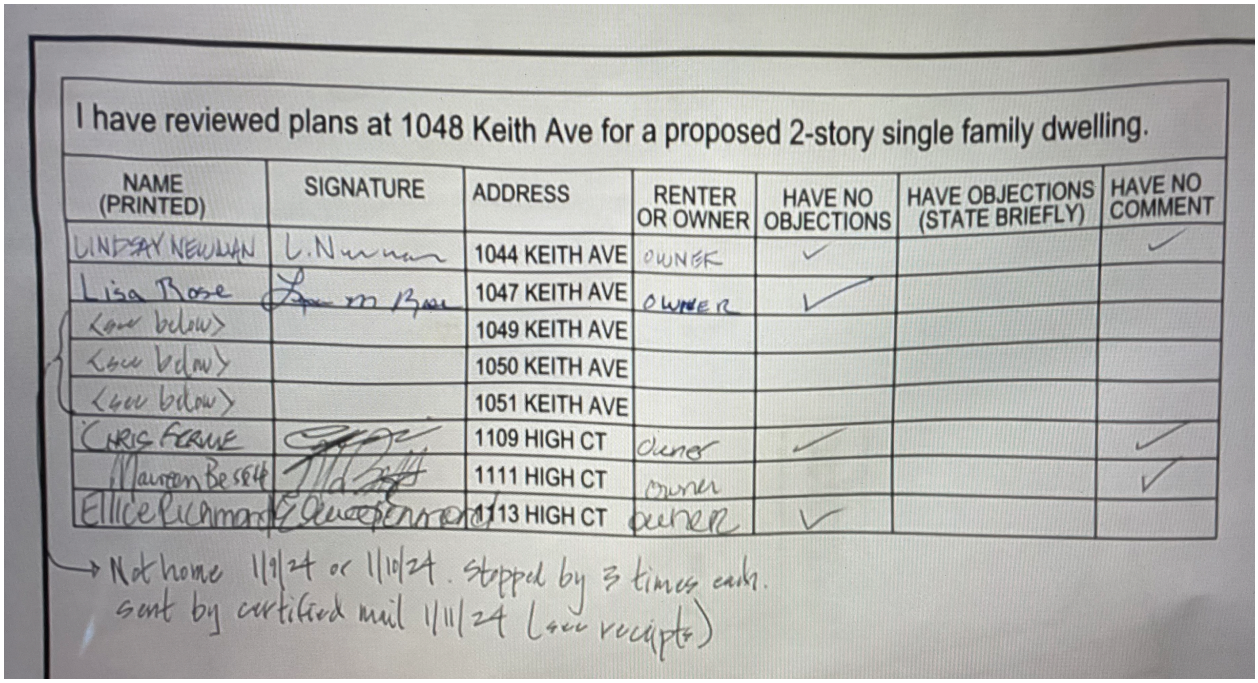


Exhibit D.



I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
LINDSAY NEWMAN	L. Newman	1044 KEITH AVE	OWNER	✓		✓
Lisa Rose	Lisa Rose	1047 KEITH AVE	owner	✓		
<see below>		1049 KEITH AVE				
<see below>		1050 KEITH AVE				
<see below>		1051 KEITH AVE				
CHRIS FRAUE		1109 HIGH CT	owner	✓		✓
Maureen Bessette		1111 HIGH CT	owner			✓
Ellice Richmond		1113 HIGH CT	owner	✓		

→ Not home 1/9/24 or 1/10/24. Stopped by 3 times each.
sent by certified mail 1/11/24 (see receipts)

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: September 26, 2024 ZAB meeting comment on 1048 Keith

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Friday, September 20, 2024 10:49 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: September 26, 2024 ZAB meeting comment on 1048 Keith

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,

This parcel at 1048 Keith looks like a foolish place to add density as this parcel sits in the fire zone, earthquake fault zone, landslide zone trifecta.

My bigger question is, if this project is what it looks like, speculation building for sale, is the developer required to inform potential buyers they have hit the Berkeley hazard trifecta of fire, earthquake and landslide? If the "two houses" are for rent instead of sale, is the same notification required?

Checked the Earthquake Zones of Required Investigation map and found **THIS PARCEL IS IN THE EARTHQUAKE FAULT ZONE practically on top of the mapped fault and A LANDSLIDE ZONE** https://maps.conservation.ca.gov/cgs/EQZApp/app/

kelly hammargren

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Comments on Public Hearing for 1048 Keith Avenue on 9.26.24

-----Original Message-----
From: khortan@mac.com <khortan@mac.com>
Sent: Thursday, September 26, 2024 5:52 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Comments on Public Hearing for 1048 Keith Avenue on 9.26.24

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 Zoning Adjustment Board Members,

We are homeowners of 1040 Keith Avenue. We respectfully request that you do NOT issue a permit to build in the disputed area until after this land dispute is resolved. To issue a permit at this time when the land dispute has not been resolved would unnecessarily further complicate matters. It would also suggest that the Board is already taking sides prematurely in favor of one side of this dispute over the other when there is no formal resolution on this land dispute.

As a matter of consistent practice, it seems prudent NOT to issue any new building permit in any disputed area in our City which has not been officially resolved.

Thank you for considering this.

Respectfully Yours,

Shu Yang Tan & Karen Khor
Homeowners of 1040 Keith Avenue, Berkeley, CA 94708

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

-----Original Message-----
From: Margit Stange <mkstange@sbcglobal.net>
Sent: Tuesday, October 8, 2024 4:02 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

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.

ATTN: ZAB Secretary
RE: Use Permit application #ZP2024-0014 1048 Keith OBJECTION
FROM: Margit Stange 1058A Keith Ave. 510 693 7032

I own the property at 1058A Keith Ave., four plots uphill from 1048 Keith. I oppose granting the referenced demo/building permit or allowing any building on the site until the ongoing property line dispute with the uphill neighbor at 1050 Keith has been settled. We on the lower side of Keith Ave. sit on the Keith Avenue Landslide. Since the original property lines were laid out more than a century ago, the land--and our structures and property lines -- has been moving downhill (S/SW) by as much as two inches a year. As long as we retained the use of the original square footage shown on the deed, we have lived peaceably with the situation, refraining from interfering with our neighbors' use of their original plot area. The owners of 1048 Keith contend there has been no land movement. Their building plan is based on a survey which redraws the property lines such that 1050's plot would shrink significantly. But this survey, like previous surveys on the Slide, includes a disclaimer: "Due to significant land motion. . . . The boundary shown could vary . . . . on the order of 5.0' or more." (11/16/20 Moran Engineering Survey of 1048 Keith). Do not approve use permit application #ZP2024-0014, as it is based on uncertain and disputed plot boundaries.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

From: John Doppke <john@doppke.com>
Sent: Wednesday, October 9, 2024 7:13 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Use Permit application #ZP2024-0014 1048 Keith Agenda item for 10/10

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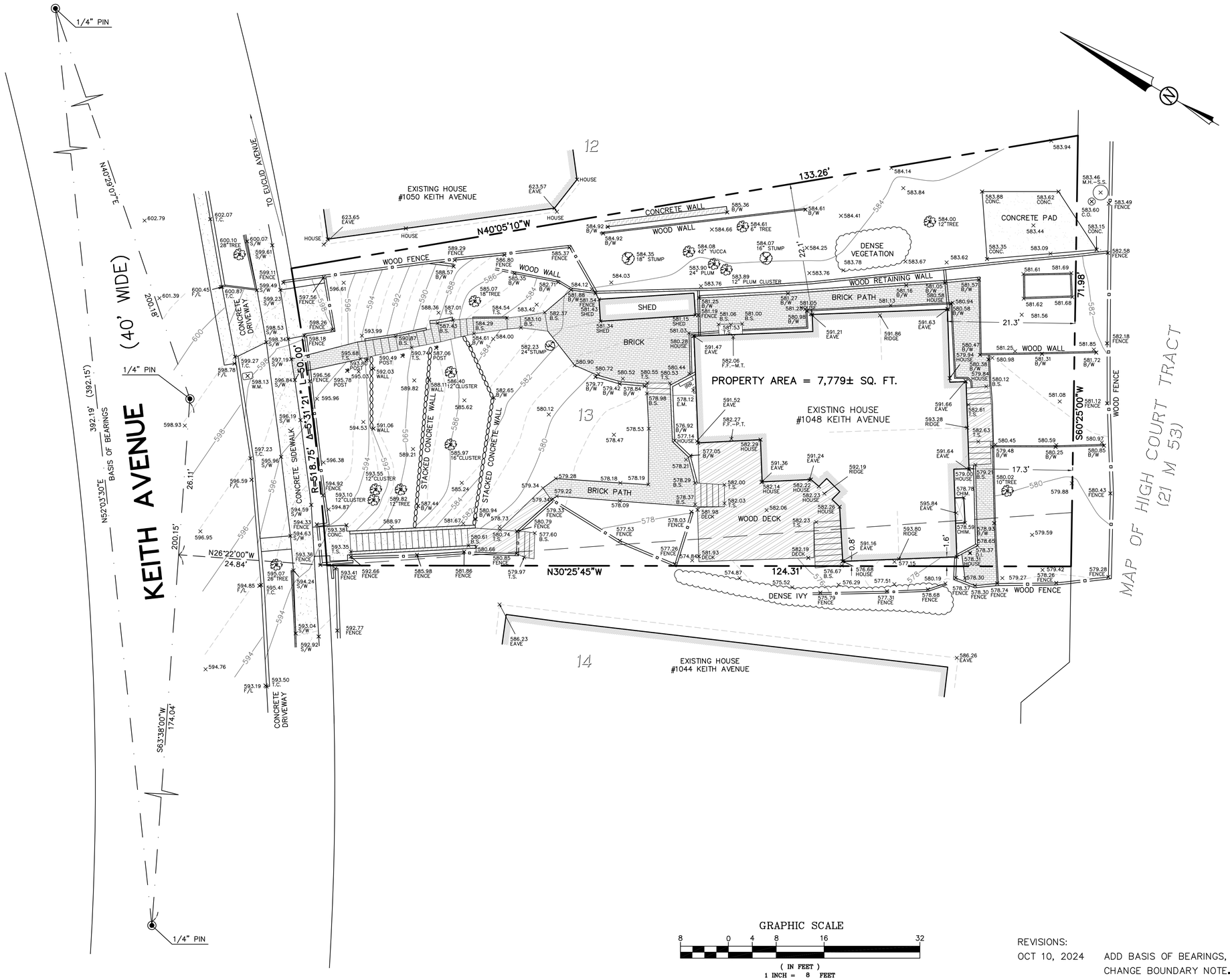
Hello,

I live at 1051 Keith Ave, and wanted to add a comment to the permit application for 1048 Keith:

Like a number of my neighbors I've spoken to, I'm very concerned by the prospect of my neighbors trying to claim land from one another in a well-known landslide zone. I have no interest in being the judge of who should own the disputed area—that's not my job. But if this process continues, it threatens to upend our whole street, leading to a chain of neighbors suing one another only to wind up with the same amount of land, just a few feet up the hill. That seems like madness to me, and not the spirit in which we've lived alongside each other for years.

I'm also disturbed by the fact that the permit applicant has already destroyed property in the disputed area—the fence, an unused chicken coop, and I believe some trees. It's possible that those actions were provoked; I don't claim to know everything that has transpired. But regardless, I think it's only fair to block any further permanent actions, including building in the disputed area, until the dispute has been resolved.

Thank you,
John Doppke



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
◉	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BASIS OF BEARINGS:
THE BASIS OF BEARINGS OF N52°03'30"E BETWEEN THE MONUMENTS IN KEITH AVENUE IS BASED ON THE MAP OF NORTH CRAGMONT (23 M 84), CALCULATED FROM THE NORTH CRAGMONT CALCULATION MAP (ON FILE IN THE CITY ENGINEERING DEPARTMENT) ROTATED BY 23' 30".

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.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

10-10-2024

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

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

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley
Attachments: attachment 1.pdf

-----Original Message-----
From: Bahram Gangei <bgangei@comcast.net>
Sent: Tuesday, October 15, 2024 11:55 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Garcia, Claudia <CGarcia@berkeleyca.gov>; dariusgangei@gmail.com
Subject: ZAB - Use Permit#ZP2024-0014 - 1048 Keith Ave. Berkeley

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 Board Members & Ms. Garcia,
Attached, please find the documents and exhibits for your review in regards to the encroachment intended by the new peoject at the referenced site.

The 44-page geological report was sent to Mr. Shah with respect to the 15-page max. limit submittal to the ZAB board members.

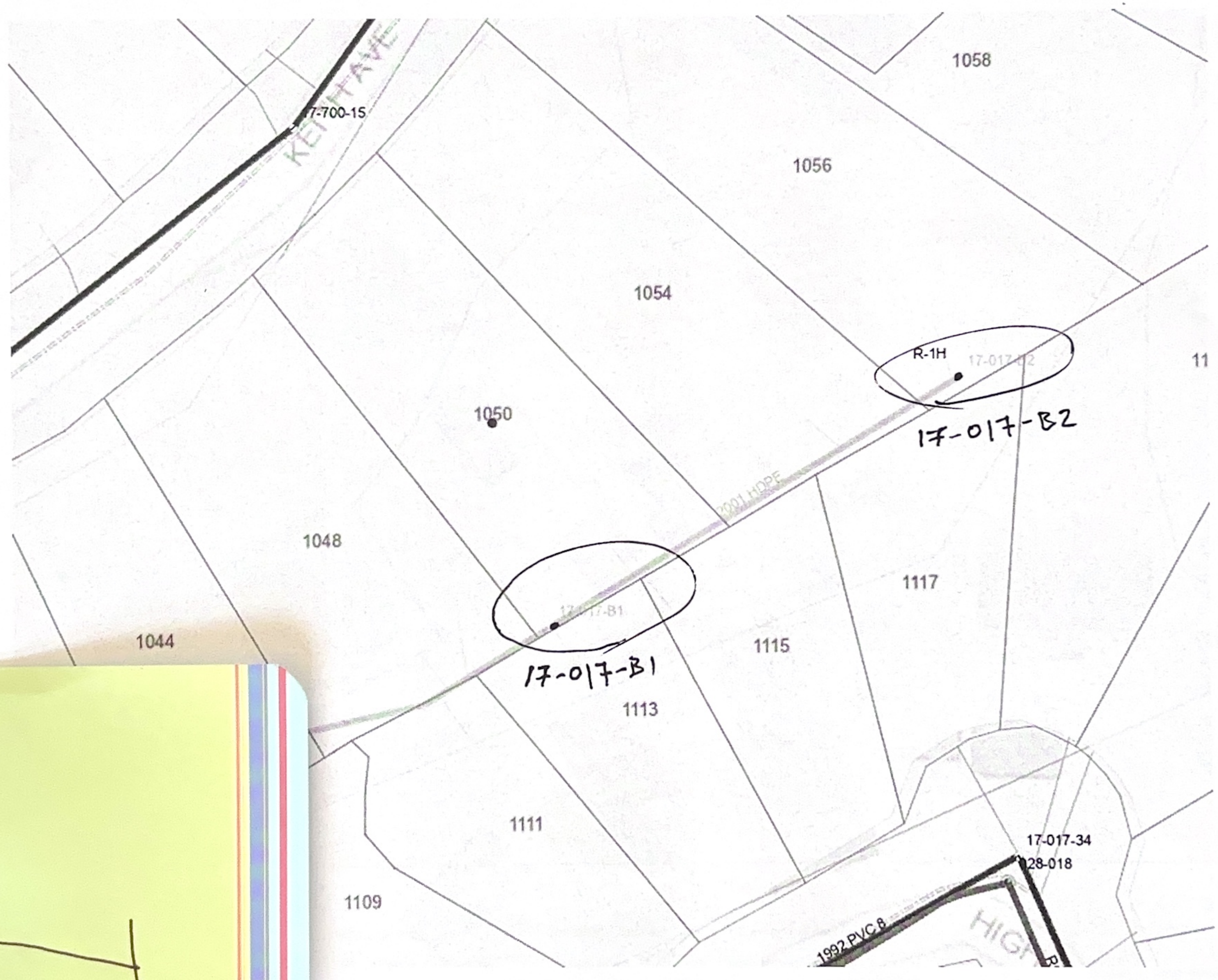
Please let me know if you have any questions.

Best Regards,
Bahram Gangei.
Mobile: 510-612-5821
Email: bgangei@comcast.net

Table of content for exhibits/documents attached for ZAB review

Documents & References	Name: Bahram Gangei Address: 1050 Keith Ave, Berkeley, Ca. 94708 Mobile: 510-612-5821 Email: bgangei@comcast.net	Permit# ZP2024-0014 Name: Lindsay Newman Address: 1048 Keith Ave. Berkeley Ca. 94708

Exhibit #	Description
1	Current Berkeley public utility plan show the existence of a 24" sewer manhole at 1050 Keith Ave. back yard. Ironically, three days ago city engineers came over to 1050 Keith ave to schedule an appointment for the sewer line inspection. It validates the accuracy of the manhole placement since it was built in 1908 or there of.
2	Letter submitted to ZAB from Cyndi Berk (Previous owner of 1048 Keith Ave address) stating the fact that Peter Berk had claims on the 1044 Keith Ave. eastern property line since 1979. The letter also confirms that the fence replaced in 2002 was installed where it was known to Mr. Berk since 1979 or beyond, possibly built in 1949 as we discussed.
3	Notice filed by Peter Berk in 08/25/2000 that references the dashed area on the site plan attached as exhibit-3. The last paragraph references the encroachment of the deck retaining wall on the South west of the house.
4	Recent survey map denoting inaccuracy of the results with a huge disclaimer that the survey could be wrong by 5 or more feet.
5	Alan Kropp extensive Geological research, studies and other legal cases compiled in collaboration with other subject matter experts providing the facts for Keith Ave. and Berkeley hills area having shifted 10-20 feet since community inception in year 1908, since Keith Ave. area is situated in a three fault line zone. The 44-page geological report was submitted to Mr. Shah via. email for your reference.
6	Lawsuit Case #24CV083292 filed with superior court Alameda County on 07/12/24
7	Plot map of Keith Ave. for ready reference. It shows 1050 back yard distance to be 65.29-feet, but we currently only have 61-feet. All other neighbors distances above us toward Euclid Ave. are also different from the distances shown on the plot-map with a few feet less than expected.
8	Email from Mr. Shah W/City of Berkeley on 3/25/24 clarifying that there are no permits issued for the referenced project, where Newman family unilaterally began demolishing the fence starting on 04/14/24 and continuing to date destroying our property, invading our privacy daily, and intentionally stealing our belongings.
9	Summary of the damages and abusive code of conduct since 03/06/24 that has taken a big toll on my family's mental health, as we have from the start looked for ways to resolve the matter amicably for both parties while the Newman family continue to harass and terrorize. Petition signed by concerned neighbors disputing the property take over by inaccurate surveys and changing the taxing brackets etc.,
Reference	The Missing 20-feet from 1048 Keith Ave, has to be claimed from the properties down the hill as supported in Exhibit-2.
Reference	There was a public pathway between 1048 and 1040 Keith Ave. address since inception in year 1908. Peter Berk told me that the pathway was discontinued to be maintained by the City of Berkeley and was distributed to the neighboring properties and the deeds. This could also attribute to the confusion to properly address the discrepancies. I could not find more specific data on the pathway with the Berkeley City staff and other city departments. ZAB board members may have resources available to investigate this matter further as this is a known subject amongst Keith Ave. neighbors.


17-700-15
KEITH AVE
1058
1056
1054
1050
R-1H
17-017-B2
11
1048
1044
17-017-B1
1115
1117
1113
1111
1109
17-017-34
028-018
1992 PVC 8

2

c of you in this forwarded email. I wish
a g this matter.

I o ZAB. The last sentence, referring to
th nowledge, should read "1997 to
2019."

Sincerely,
Cyndi

---------- Forwarded message ---------
From: **Cyndi Berck** <cyndi.berck@gmail.com>
Date: Tue, Sep 24, 2024, 1:35 PM
Subject: 1048 Keith - application # ZP2024-0014
To: <zab@berkeleyca.gov>

Dear Zoning Board:

I previously owned and lived at 1048 Keith. I have no opinion or interest as to the outcome of this application. The owners of 1050

Keith, Bahram Gangei and Erica Eagle, have asked me to share some information.

As background, my late husband, Peter Berck, owned 1048 from 1979 (initially with his first wife) until his death in 2018. I inherited the house from Peter, and sold it to Lindsay Newman (owner and resident at 1044 Keith) in 2019.

I lived at 1048 with Peter from 1997 to 2016, except for two academic sabbatical years, when the house was rented out. The house was again rented out 2016-19.

Before I sold 1048, I contacted a surveyor about the possibility of having a survey done. I was told that it is difficult to get accurate results because of land movement on that block.

During the time of my personal knowledge (1997-2019), the yard used by the residents of 1044 included some land that was part of 1048, according to a survey marker that was located in the yard used by 1044. As of 1997, these yards were separated by a hedge and , I believe, some damaged fencing. In 2000, Peter built a new fence between the yards used by 1044 and 1048. Peter

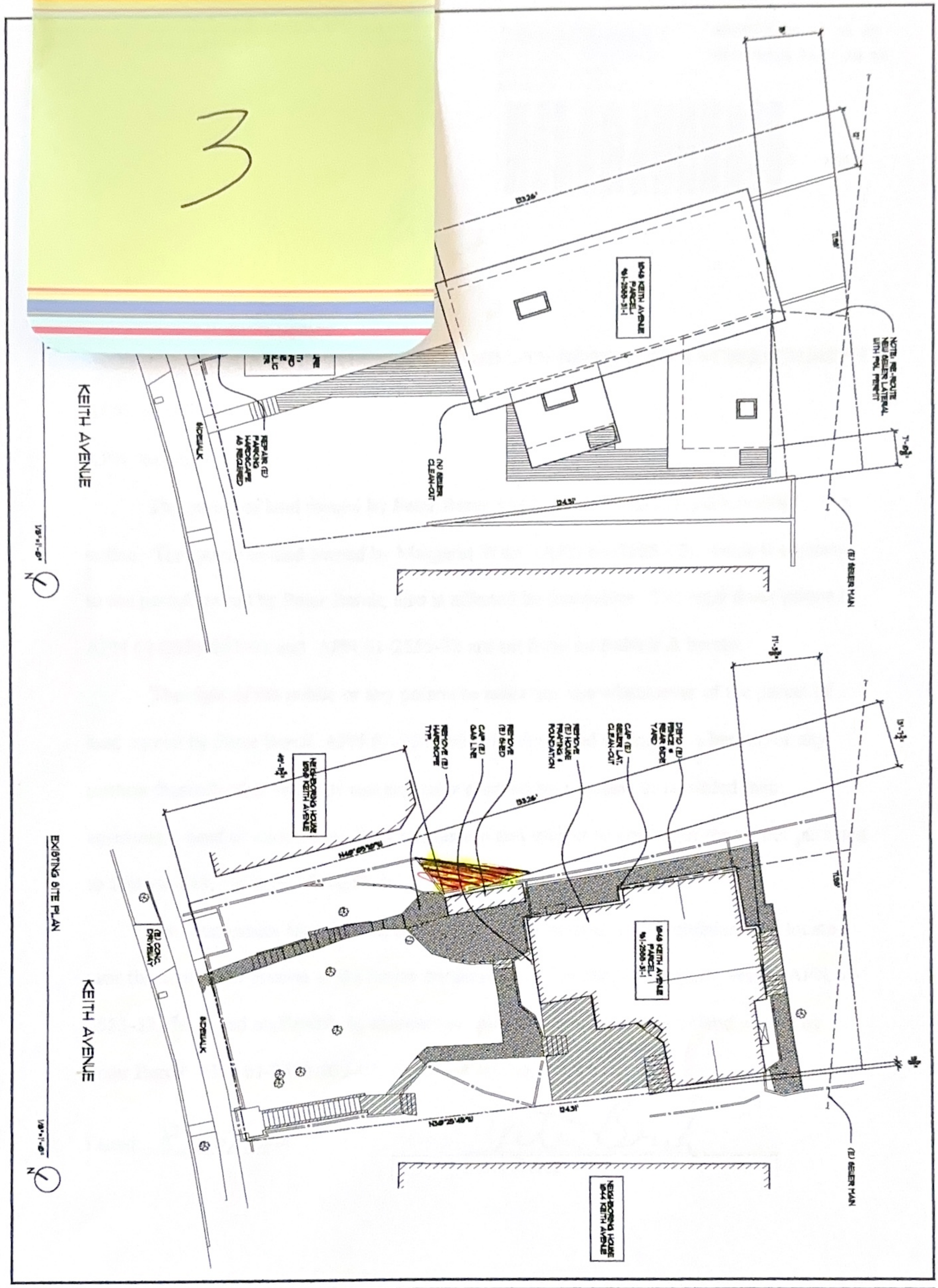
included a gate in the fence and on occasion entered onto the portion of his property located in the yard used by the residents of 1044.

In 2000, Peter had a notice of encroachment filed with the county recorder's office, regarding encroachment of a structure from 1050 onto the front yard of 1048. The notice gave revocable permission for that encroachment.

In 2000 or 2001, Bahram and Erica asked Peter for permission to build a new fence between the back yards used by 1048 and 1050, to replace a dilapidated fence. Peter gave permission and the fence was built. It followed the line of the dilapidated fence that had separated 1048's back yard from 1050's back yard prior to the construction of the new fence. During the period of my personal knowledge (1979-2019), this was the practical demarcation of the back yards.

Sincerely,
Cynd Berck

3


KEITH AVENUE
1/8"=1'-0"
N
EXISTING SITE PLAN
1048 KEITH AVENUE
PARCEL
REPAIR (E) PARKING HARDSCAPE AS REQUIRED
SIDEWALK
(N) SEWER CLEAN-OUT
D3.26'
D4.31'
(E) SEWER MAIN
NOTE: RE-ROUTE NEW SEWER LATERAL WITH FINAL PERMIT
7'-9"
11'-9"
13'-1"
NEIGHBORING HOUSE 1044 KEITH AVENUE
REMOVE (E) HARDSCAPE TYP.
CAP (E) GAS LINE
REMOVE (E) SHED
REMOVE (E) HOUSE FRAMING & FOUNDATION
CAP (E) SEWER LAT. CLEAN-OUT
DEMO (E) FENCE @ REAR SIDE YARD
(E) CONC. DRIVEWAY
N39°29'45"W
NEIGHBORING HOUSE 1041 KEITH AVENUE
EXISTING SITE PLAN
PROPOSED SITE PLAN
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708
LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com
A2
REVISIONS
BY

2000266681 09/01/2000 11:21 AM
OFFICIAL RECORDS OF RECORDING FEE: 20.00
ALAMEDA COUNTY
PATRICK O'CONNELL

3 PGS

RECORDING REQUESTED BY
Peter Berck
1048 Keith Avenue
Berkeley, CA 94708

WHEN RECORDED MAIL TO:
Peter Berck
1048 Keith Avenue
Berkeley, CA 94708

NOTICE OF CONSENT TO USE OF LAND AND NOTICE OF ENCROACHMENT

APN: 61-2555-031-01

APN: 61-2555-32

The parcel of land owned by Peter Berck (APN 61-2555-031-01) is affected by this notice. The parcel of land owned by Margaret Webb (APN 61-2555-32), which is adjacent to the parcel owned by Peter Berck, also is affected by this notice. The legal descriptions of APN 61-2555-031-01 and APN 61-2555-32 are set forth on Exhibit A hereto.

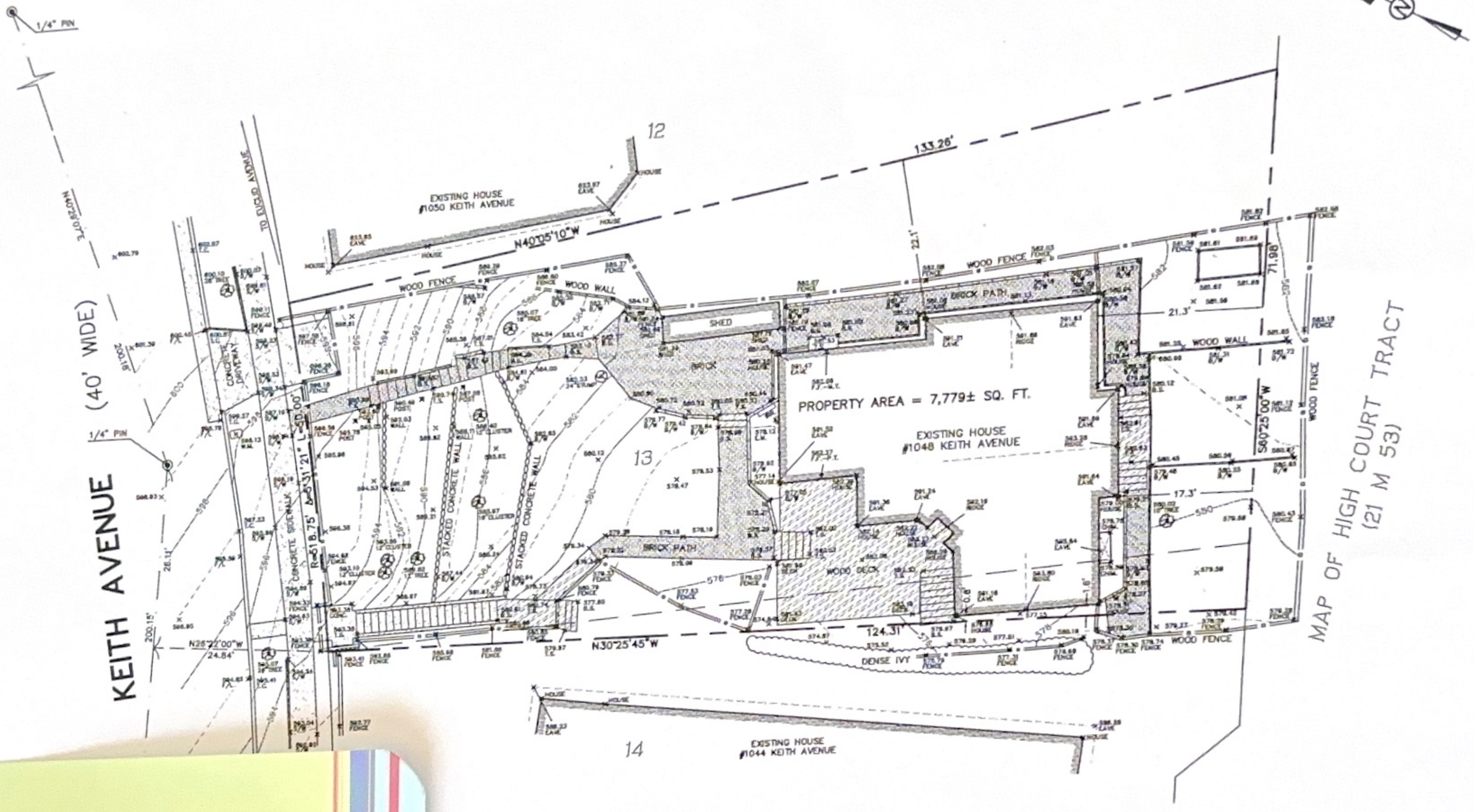
The right of the public or any person to make any use whatsoever of the parcel of land owned by Peter Berck, APN 61-2555-031-01, described in Exhibit A hereto, or any portion thereof (other than any use expressly allowed by a written or recorded map, agreement, deed or dedication), is by permission and subject to control of the owner pursuant to Section 813, California Civil Code.

This instrument also shall serve as notice that a portion of the retaining wall located near the southwest portion of the house on the property owned by Margaret Webb, APN 61-2555-32, described on Exhibit A, encroaches upon the adjacent parcel of land owned by Peter Berck, APN 61-2555-031-01, described on Exhibit A.

Dated: 8/25/2000

Peter Berck

Peter Berck



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
◉	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BOUNDARY NOTE:
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THIS VARIANCE IS VERY LIKLEY ON THE ORDER OF 5.0' OR MORE IN MAGNITUDE.

LICENSED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

4

From: Alan Kropp akropp@akropp.com
Subject: Gangei Property Movement
Date: Sep 24, 2024 at 5:55:33 PM
To: Bahram Gangei bgangei@comcast.net

Bahram-

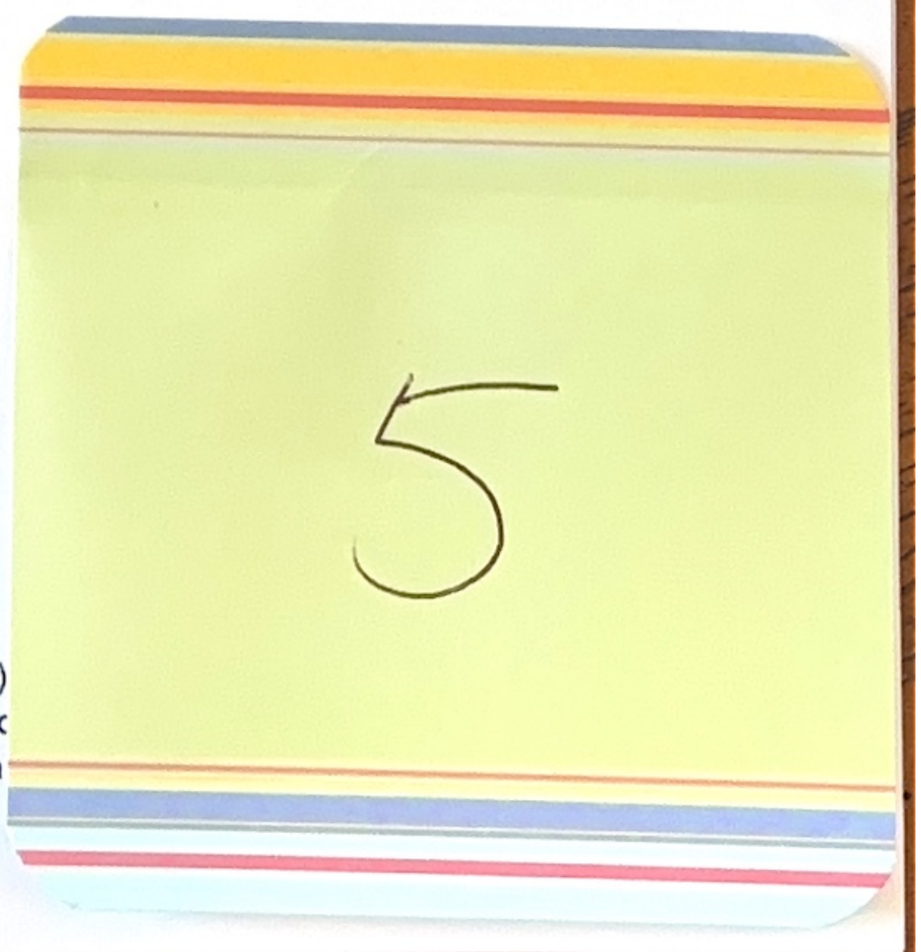
You asked that I comment on the issue of property line movement in the active Keith Avenue Landslide area where you live. You indicated that a neighbor had a survey performed and wants to build a new structure within their surveyed property lines. The problem is that the land has moved between 10 and 20 feet in your area since the property lines were established, so houses and improvements have partially migrated across property lines and this is no longer the normal situation where a person can just rely on a standard survey map. I have attached a series of articles and professional papers on this topic to help demonstrate the complexity of the situation and show how extensive the problem is. The first article is from the San Francisco Chronicle 20 years ago and focusses on this specific problem in your neighborhood, but also shows how it impacts other properties on other slowly moving landslides in the Berkley Hills and Kensington. The movement of the Keith Avenue Landslide was also highlighted in my firm's recent study of the Oxford School site located within the slide (a copy of our report can be found on our website).

I have been an expert witness in litigation on four such property line disputes in the area, and I can say that litigation never really resolved the issues. In my experience, the best way dozens of people I have worked with the situation is to acknowledge the property lines are not a good determiner of the lot limits, but simply to take the property dimensions and fit them as well as possible to the existing improvements. However, this takes cooperation between neighbors so the cascading problem from lot to lot for entire blocks can be avoided.

I hope this is helpful. Let me know if you have any questions.

Alan Kropp, G.E.
President, Principal Engineer
Alan Kropp & Associates
2140 Shattuck Avenue, Suite 910
Berkeley, CA 94704
(510) 841-5095 (office)
(510) 841-8357 (fax)
www.akropp.com

This e-mail (including any attachments to it) is intended solely for the use of the individual(s) confidential or privileged information. If you are not the intended recipient, you are hereby nc copying of this communication is strictly prohibited. If you have received this communication and delete the original message.



Schorr Law
A Professional
Corporation

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
07/12/2024 at 04:27:41 PM
By: Mar Thomas,
Deputy Clerk

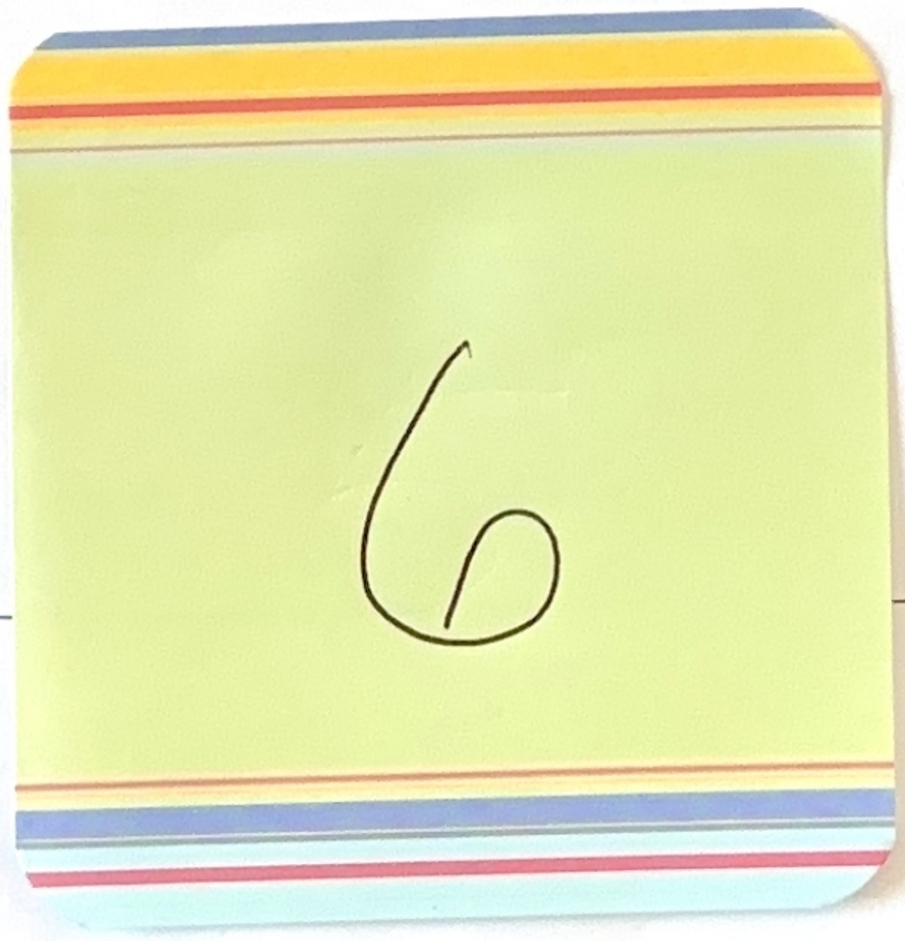
SCHORR LAW
A Professional Corporation
ZACHARY D. SCHORR (SBN 222510)
JAYANT TRIPATHY (SBN 330900)
1901 Avenue of the Stars, Suite 615
Los Angeles, California 90067
Telephone: (310) 954-1877
Facsimile: (310) 402-5972
Email: zschorr@schorr-law.com
Email: jtripathy@schorr-law.com

Attorneys for Plaintiffs
BAHRAM GANGEI AND ERICA LORENE EAGLE

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

ALAMEDA COUNTY

BAHRAM GANGEI, an individual; and ERICA LORENE EAGLE, an individual, Plaintiffs, vs. JOACHIM KAINZ, an individual; LINDSAY NEWMAN, an individual; all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property described in the complaint adverse to Plaintiffs' title, or any cloud upon Plaintiffs' title thereto; and DOES 1 through 20, inclusive, Defendants.	Case No.: 24CV083292 **PLAINTIFFS' VERIFIED COMPLAINT FOR:** **1) QUIET TITLE;** **2) PRIVATE NUISANCE;** **3) TRESPASS;** **4) CONVERSION;** **5) QUIET TITLE (IRREVOCABLE LICENSE);** **6) QUIET TITLE (EQUITABLE EASEMENT);** **7) INJUNCTIVE AND DECLARATORY RELIEF.**



For Assessment Use Only

ASSESSOR'S MAP 61

E300k63 2988

Code Area No. 13-000 Rev. 4-25-49

North Crogmont (Bk. 23 Pg. 84)

Scale 1" = 50'

2555

Page 1

EUCLID

Ave.

R= 321.50

1060 92.09

1076 51.10

1080 Rad. 251.50 50.08

1084 51.05

1088 (54.51) 37.02

Pcl. Lot 23-Blk. 1-Map of Crogmont (Bk. 23 Pg. 18)

1-1 5 70.13

1-2 4 52.78

1-3 3 55.43

1-4 2 53.18

2 1 (51.46)

38-1 6

7

8

57-1

161.26

138.80

3738

139.15

127.19

118.59

9

35-1

35-2

34 10

170.51

33 11

40.26

32 12

133.26

31-1 13

124.77

N 80° 25' 45" W 124.81

29-0 14

114.37(4) (122.37)

29-1 15

125.34

100.94

29-2 16

100.63 (135.63)

27 17

154.20

Rev: 2-26-79 BD
11-23-81DD
3-10-86 PS
6-05-91CSL
10-02-91CSL

1066 1064 1062 1060 1058 1058A 1056 1054 1050 1048 1044 1042 1040 1038

Keith Avenue

Rad. 178.76

Rad. 235.85

Rad. 217.65

E300k63

3

2551

2552

Berkeley Line Annex of 1908 N 60° 25' E

HPN- 39-1

7

From: Shah, Waqar wshah@berkeleyca.gov
Subject: RE: Zoning Project at 1048 Keith Avenue
Date: Mar 25, 2024 at 9:33:48 AM
To: BG Personal bgangei@comcast.net

The city is currently continuing to review the use permit for the demolition and rebuild of a single family residence.

The city has not approved the demolition of a fence and start of any construction. I have informed the applicant that they have to go through the use permit process and apply for a demolition permit in order to achieve permission for the proposed work.

I apologize for the inconvenience, this project is causing you. I will work with the applicant to understand what is going on and advise them on the proper plan of action.

Best,
Waqar

Waqar Shah (he/him)
Associate Planner
Planning and Development, Land Use Division
1947 Center St., 2nd Floor, Berkeley, CA 94704
Phone: (510) 981.7469
Website: www.berkeleyca.gov
Email: wshah@berkeleyca.gov

The Permit Service Center (PSC), including the zoning counter, is open between 8:30 am – 2:30 pm (final check in at 2:00 pm) Monday through Thursday.
To limit the spread of COVID-19, face masks and social distancing are required when visiting our offices, and some Planning staff continue to work remotely.



Name: Bahram Gangei
Address: 1050 keith ave, Berkeley Ca. 94708
Mobil: 510-612-5821
Email: bgangei@comcast.net

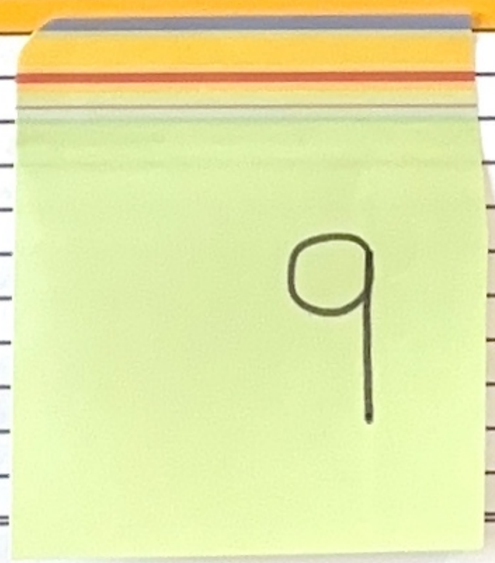
Defendant's Unilateral Self-Help assults without our permission and/or city apporoved permits

RED-FONTS highlights sentimental and other personal affiliations

	Demolished sentimental Private structures (Built with two sons in 2002-3)	Qty	Age (Years)
1	Bird Cage	1	21
2	Multi-function Chicken House with divided sections for different animals	1	21
3	Dog House	1	21
	Total		

	Stolen Private Properties	Qty.	
1	Cat House	1	19
2	Firewood 2-Chord	2	2
3	Planter Clay Round	1	5
4	Planter Box with irrigation	20-feet	7
5	Retaining wall decorative stones	45	14
6	Memorable Tombstones and plaques	4	5 & 10 Years
7	Irrigation drip systerm	40-feet	12
8	Wood Fence	110-feet	22
9	Chain link Fence enclosure panels & Door assembly	6	19
	Total		

	Stolen trees and plants	Qty.	
1	Boxwood	5	7
2	Grapefruit Tree (Grandfater gift to the kids)	1	17+
3	Japaneese Maple (Grandfater gift to the kids)	4	18+
4	Jasmine	1	35+
5	Jewish artichoke	20	35+
6	Lime Tree (Memorial Plant on the Grave)	1	4
7	Flowers aound the graves	6	4
8	Roses	4	8
9	Evergreen shrubs	15	5
10	Bogunvellia	1	3
11	Misc. Ice plants	10	3



Name: Bahram Gangei
Address: 1050 keith ave, Berkeley Ca. 94708
Mobil: 510-612-5821
Email: bgangei@comcast.net

Defendant's Unilateral Self-Help assults without our permission and/or city apporoved permits

RED-FONTS highlights sentimental and other personal affiliations

	Total		
	Damaged and Disturbed items without permission	**Qty.**	
1	Large Planters	7	5
2	Hameck	1	4
3	Personal Boxes	4	3
4	Jacuzzi steps	1	4
5	Stone fountain with statue	1	15
6	Garden chime	1	10
7	Figs and Pomegranite trees	3	3
	Total		

	6--Months Delibrate Agrressive, Threathening and provocative interactions with assult tools. At times heavily Intoxidated with foaming mouth seems to be under influence of heavy drugs All incidents below have been them acting none-verbal with literal scary zombie conduct Since 4/14/24	**Date of occurance**	
1	We met defendants to discuss and mediate the disputed area, They seemed nervous and agitated where Mr. Kains told my wife and I that he was casterated and missing one of his testicals. We had told them the sanctity of the animal graves to be dear to us	2/26/2024	
2	We met for the second time to continue our mediation and the defandants were acting nervous and agitated, after 30-min Mr. Kains started to shout loudly sweating with foaming mouth telling us they were going to act unilaterally etc.,	3/6/2024	
3	My wife felt unsafe at the second meeting on 3/6/24 and told them she feels unsafe with their conduct and we proceeded to leave while Mrs. Newman was trying to calm him down.	3/6/2024	
4	Demolishing the Fence while acting aggressive with electric tools at hand and acting MAD	4/14/2024	
5	Demolish Personal property while acting aggressive with assult tools at hand wiith evil intentions to hurt us psychologically	4/21/2024	
6	Deliberately Video taping my Younger son in his own house to make him uncomfortable	4/28/2024	
7	Cutting our flowers with weed wacker every other days to be invokive and disturbing peace on weekends most often	Ongoing	
8	We hired Zach Schorr-Law office to mediate for us in the absence of their amicable conduct	Ongoing	
9	At this point the property dispute is secondary for us than our safety and mental health at risk	Ongoing	

Name: Bahram Gangei
Address: 1050 keith ave, Berkeley Ca. 94708
Mobil: 510-612-5821
Email: bgangei@comcast.net

Defendant's Unilateral Self-Help assults without our permission and/or city apporoved permits

RED-FONTS highlights sentimental and other personal affiliations

10	Zach's office sent two cease and desist letters to stop unilateral self help while the dispute is being negotiatged but they disregarded the letters and continued their emotional and psycological assults	June & July	
11	They refused our proposal through Zach office and offered to use City of Berkeley Free SEED program mediation in which we agreed on		
12	After a few attempts for a few weeks SEED could not find any mediators and informed us all accordigly		
13	At this point my family's mental helth and safety was being jeopordised and we filed a lawsuit against them	7/12/2024	
14	Delibertately cutting flowers on CJ's Cat grave that we lost 3-months ago after 15-years	Ongoing	
15	Disturbing out pet cemetry after being told to be respectful with no disturbance.	Continual	
16	Endanger Cyrus with weed wacker while present at his own yard since he was 3-years old and getting hit with debris to invoke him for a reaction	5/4/2024	
17	Threatening CJ that he was going to get his chain saw.	5/4/2024	
18	Continual Thresspassing and damaging our yard	since 4/14	
19	They issued a TRO wrongfully to our older son and tried to deliver for days where I had told them he lives in S.Cal.	Ongoing	
20	Then they issued a new TRO for Cyrus for telling Mr Kains to leave and not to intentionally disturbe his animal sanctua	Ongoing	
21	**They tried to deliver the TRO to our house a few times but Cyrus was out and they would not hand it to me**	Ongoing	
22	**They instead decided to deliver it to a stanger at the front reception of Cyrus's work to tarnish his reputation**	Ongoing	
23	**They instead decided to deliver it to a stanger at the front reception of Cyrus's work to tarnish his reputation**	Ongoing	
24	**The delivery of the TRO may invalidate the TRO issued and none-binding**		
25	We hired Ms. Suzan Boulad to defend Cyrus against the wrongful TRO issued to Cyrus while on his own property	Ongoing	
26	Invading our privacy and being continually filmed at our own house under survalance for years	since 2019	
27	Phsychological Trauma by continually picking at the graves daily to redicule our family values with ill evil intents	since 2/22	
28	Distress and disrupt our daily life progress and business damage	since 12/23	
	Total		
	Property damage Total		
	Delibrate Family Distress and harm with threatening atmosphere		
	Grand Total		

USE PERMIT

SHEET INDEX

A1	GENERAL NOTES & SITE PLAN
A2	LANDSCAPE & USEABLE SPACE PLAN & LOT COVERAGE DIAGRAM
A3	EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4	PROPOSED GROUND FLOOR PLAN
A5	PROPOSED ROOF AND SECOND FLOOR PLAN
A6	EXISTING EAST & WEST ELEVATIONS
A7	EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8	PROPOSED EAST & WEST ELEVATIONS
A9	PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10	PROPOSED LONGITUDINAL SECTIONS
A11	PROPOSED EAST WEST SECTIONS
A12	STREET STRIP ELEVATION
A13	BOUNDARY & TOPOGRAPHIC SURVEY
A14	GRADING PLAN
A15	STORY POLE PLAN
A16	SHADOW STUDY: EXISTING DWELLING
A17	SHADOW STUDY: PROPOSED DWELLING
A18	SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

PROPOSED REAR SETBACK: 15'

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.

2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL RH-3

CONSTRUCTION TYPE: V-B

ENERGY CODE & GREEN CODE STATEMENT

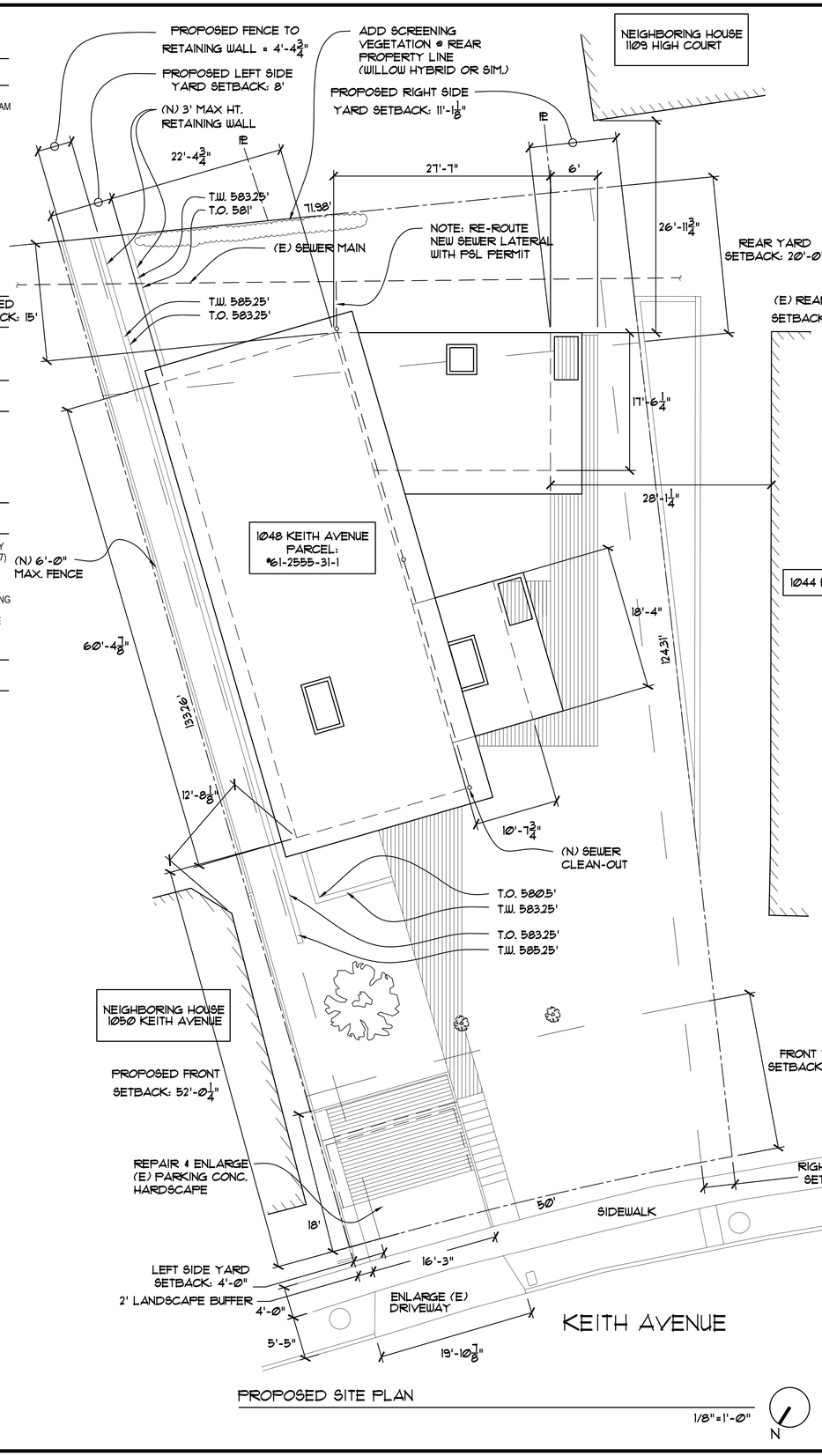
THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CH. 19.36) & BERKELEY GREEN CODE (BMC CH. 19.37) INCLUDING SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, & LOW-CARBON CONCRETE REQUIREMENTS. NOTE THAT FOR BUILDING PERMIT SUBMITTAL, QUANTITATIVE VALUES FOR APPLIANCE FUEL EFFIECIENCY MUST BE INCLUDED IN RELEVANT BUILDING PERMIT ARCHITECTURAL SHEETS, WINDOW & DOOR SCHEDULES, & ON ARCHITECTURAL, PLUMBING, & MECHANICAL SHEETS, MATCHING THOSE VALUES STIPULATED IN PRESCRIPTIVE OR PERFORMANCE ENERGY COMPLIANCE DOCUMENTS.

CEQA GUIDELINE NOTES:

ALL PROJECT CONSTRUCTION EQUIPMENT SHALL HAVE AT LEAST EPA-RATED TIER 3 DIESEL ENGINES.

I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

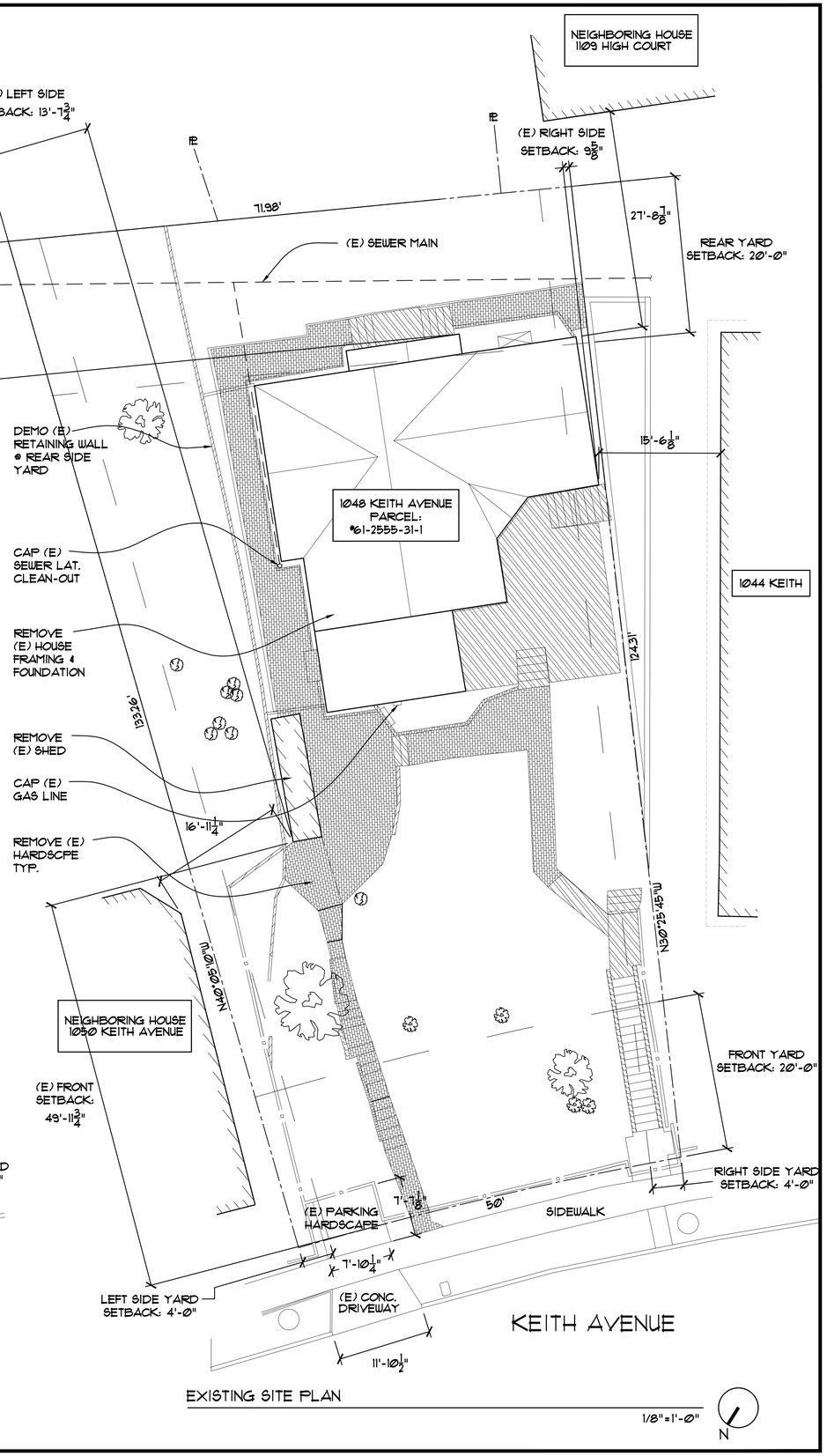
NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				



PROPOSED SITE PLAN

1/8"=1'-0"

N



EXISTING SITE PLAN

1/8"=1'-0"

N

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY T. NEWMAN * No. C 84808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING SITE PLAN &
PROPOSED SITE PLAN

DATE: 12.09.24

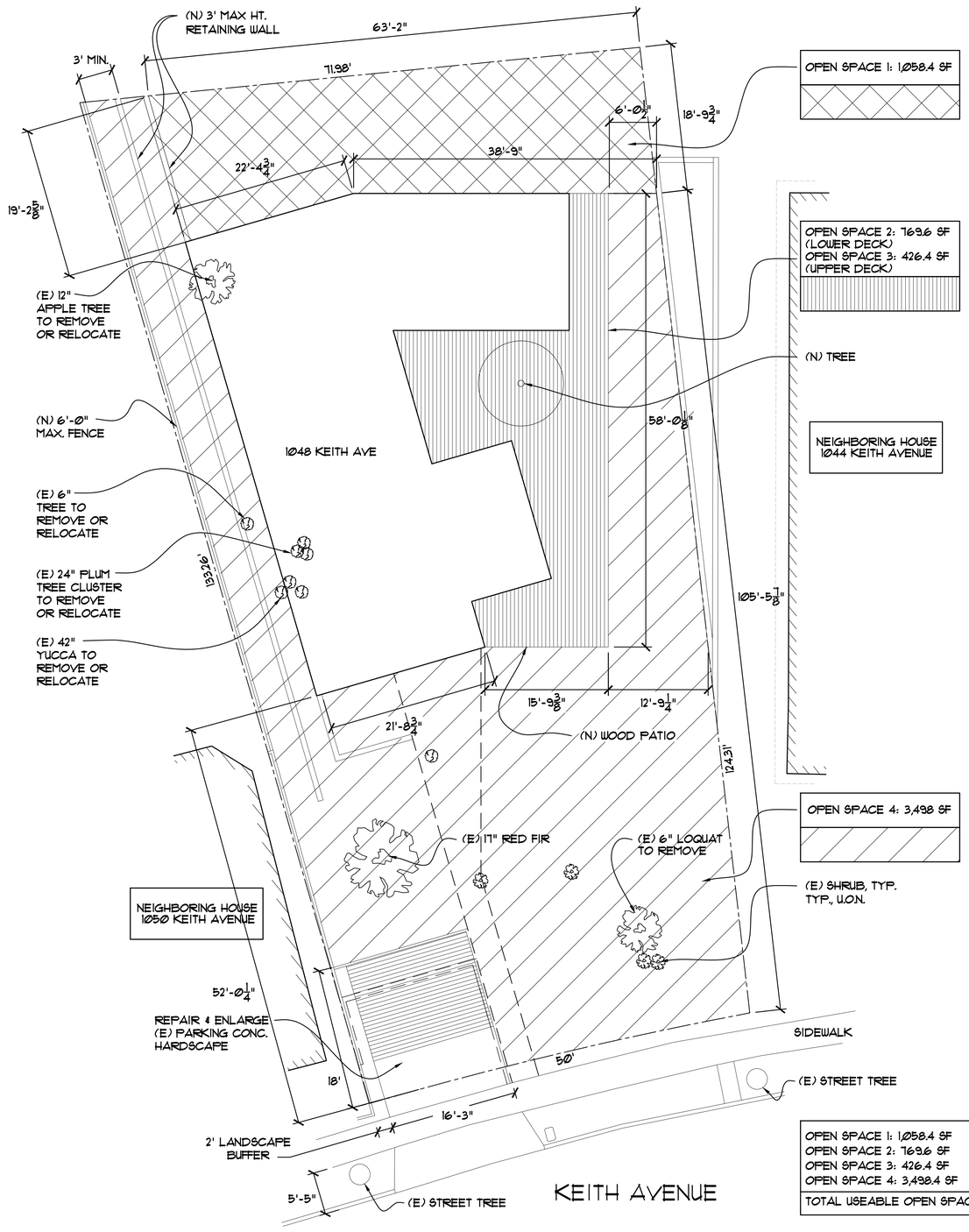
JOB NO: LN-1048

SCALE: 1/4"=1'-0"

DRAWN: LN

A1

OF 18 SHEETS

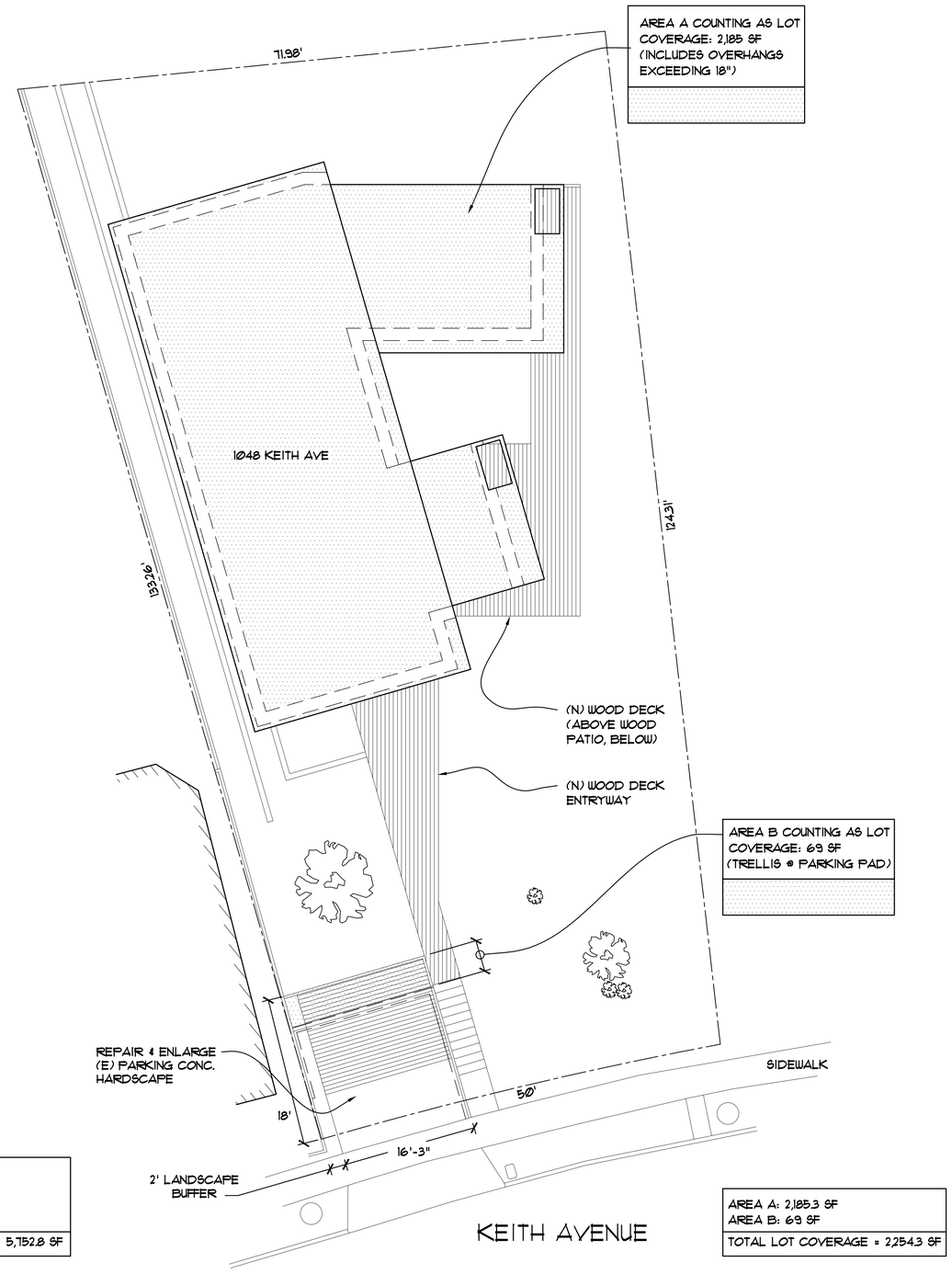


LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-0"

N

USEABLE OPEN SPACE DEFINED PER BMC CHAPTER 23.502:
OUTDOOR SPACE, INCLUDING NATURAL AND LANDSCAPED GROUND AREAS, POOLS, PATIOS, DECKS & BALCONIES DESIGNED FOR ACTIVE OR PASSIVE RECREATIONAL USE AND WHICH IS ACCESSIBLE TO THE OCCUPANTS OF A BUILDING ON THE SAME LOT.



LOT COVERAGE DIAGRAM

1/8"=1'-0"

N

LOT COVERAGE DEFINED PER BMC CHAPTER 23.502:
ALL THE AREA OF A LOT, AS PROJECTED ON A HORIZONTAL PLANE, WHICH IS:
1. ENCLOSED BY THE EXTERIOR WALLS OF BUILDINGS OR ENCLOSED ACCESSORY STRUCTURES, OR
2. COVERED BY DECKS, PORCHES, STAIRS AND/OR LANDINGS WHICH COVER AN ENCLOSED SPACE OR PAVED GROUND AREA.

REVISIONS	BY

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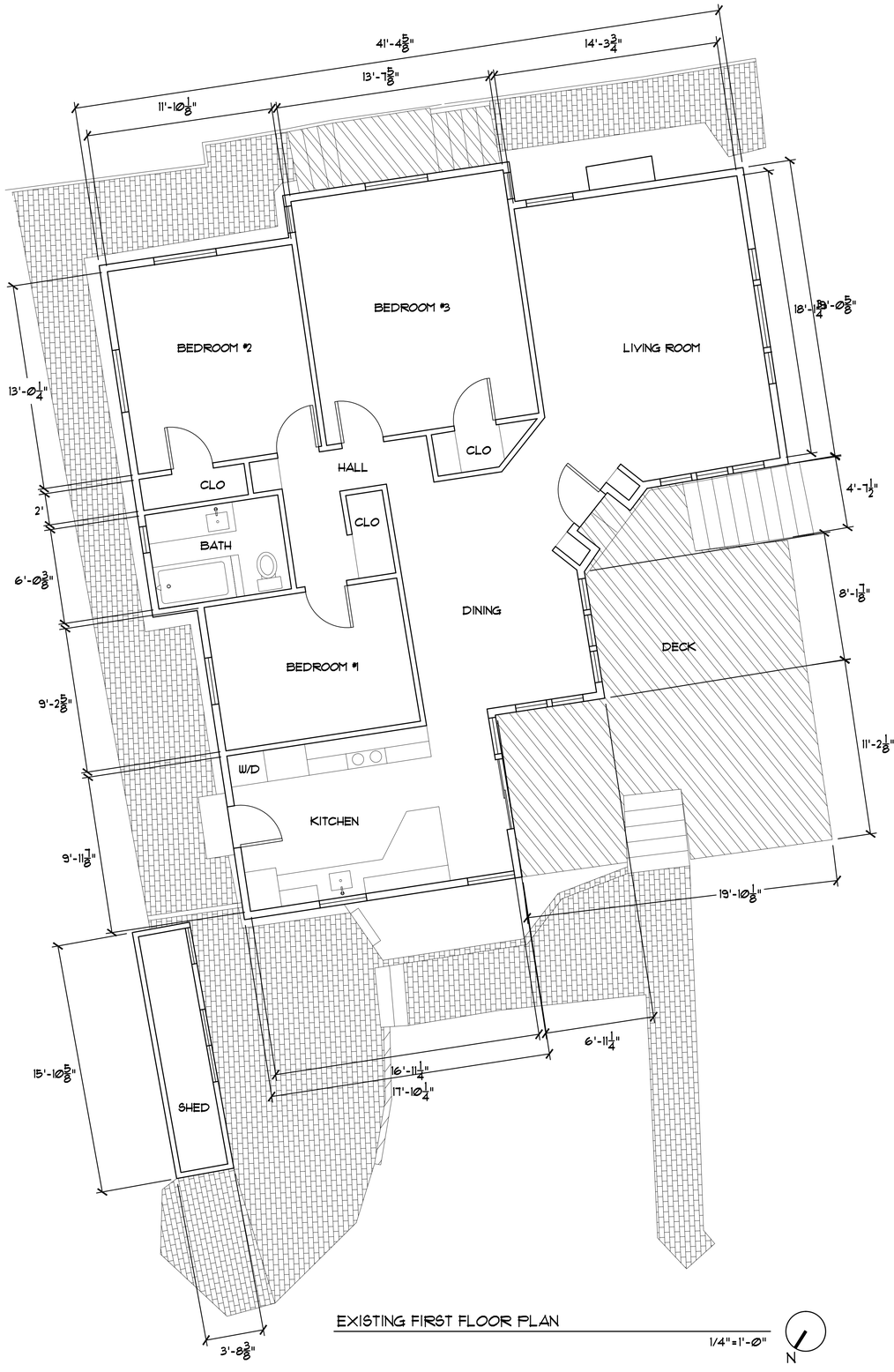
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
LANDSCAPE & USEABLE OPEN SPACE PLAN & LOT COVERAGE DIAGRAM

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A2

OF 18 SHEETS



EXISTING FIRST FLOOR PLAN

1/4"=1'-0"

N



EXISTING CRAWLSPACE PLAN

1/4"=1'-0"

N

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NEW SINGLE-FAMILY RESIDENCE
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BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

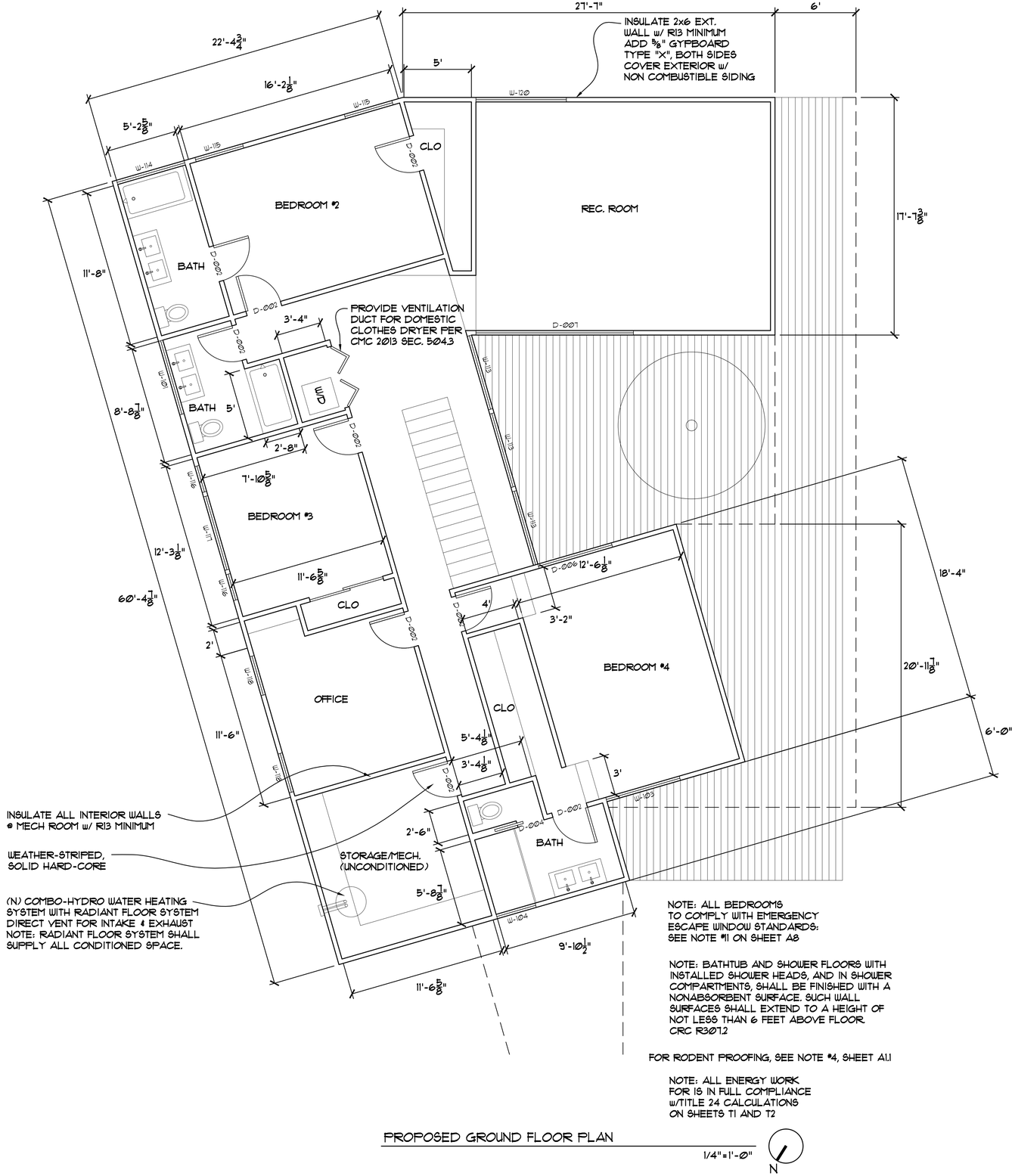
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A3

OF 18 SHEETS

LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE w/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

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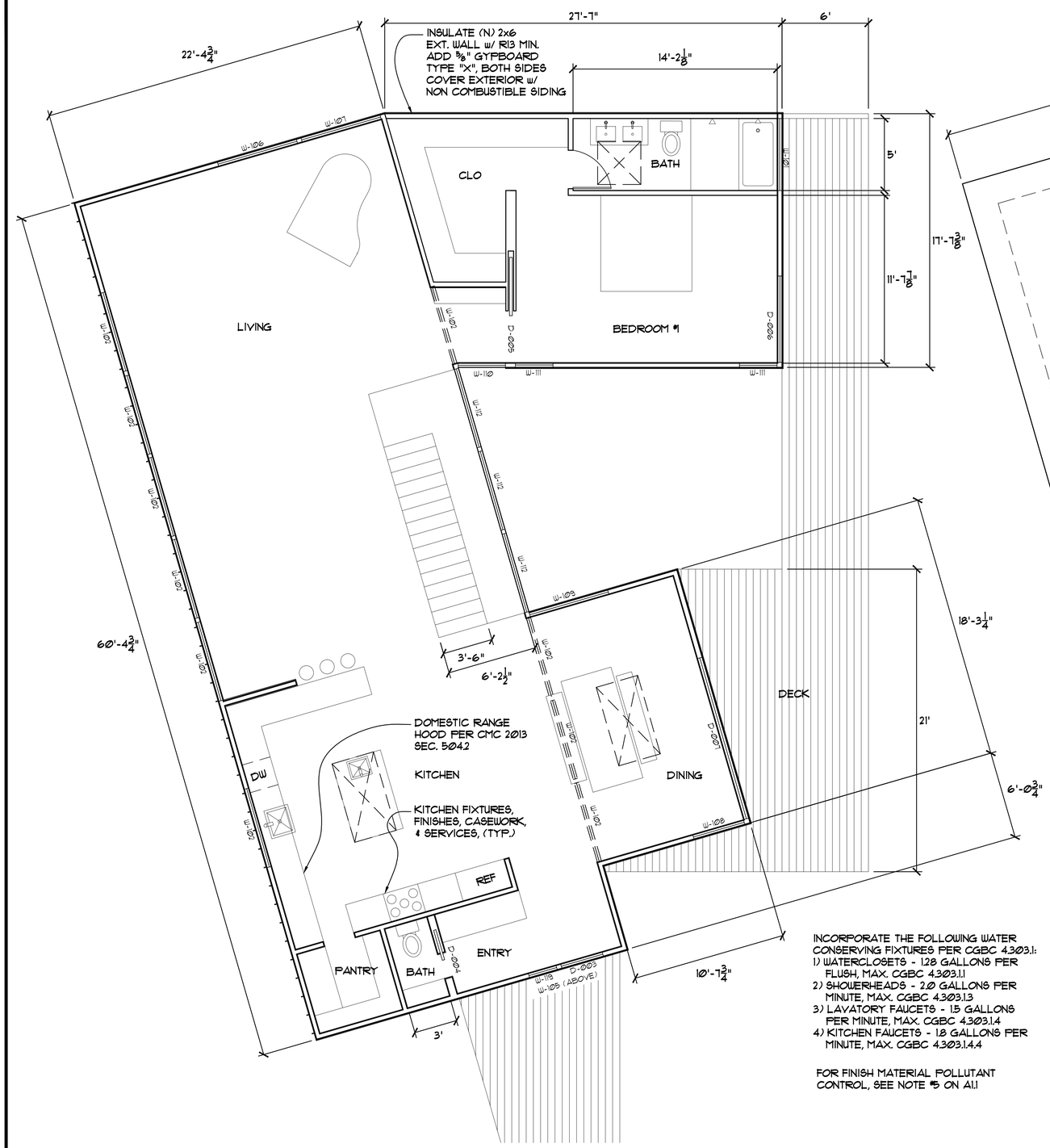
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED GROUND FLOOR PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A4

OF 18 SHEETS



INCORPORATE THE FOLLOWING WATER CONSERVING FIXTURES PER CGBC 4.303.1:
1) WATERCLOSETS - 1.28 GALLONS PER FLUSH, MAX. CGBC 4.303.1.1
2) SHOWERHEADS - 2.0 GALLONS PER MINUTE, MAX. CGBC 4.303.1.3
3) LAVATORY FAUCETS - 1.5 GALLONS PER MINUTE, MAX. CGBC 4.303.1.4
4) KITCHEN FAUCETS - 1.8 GALLONS PER MINUTE, MAX. CGBC 4.303.1.4.4

FOR FINISH MATERIAL POLLUTANT CONTROL, SEE NOTE #5 ON A1.1

PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"

PROPOSED ROOF PLAN
1/4"=1'-0"

REVISIONS	BY

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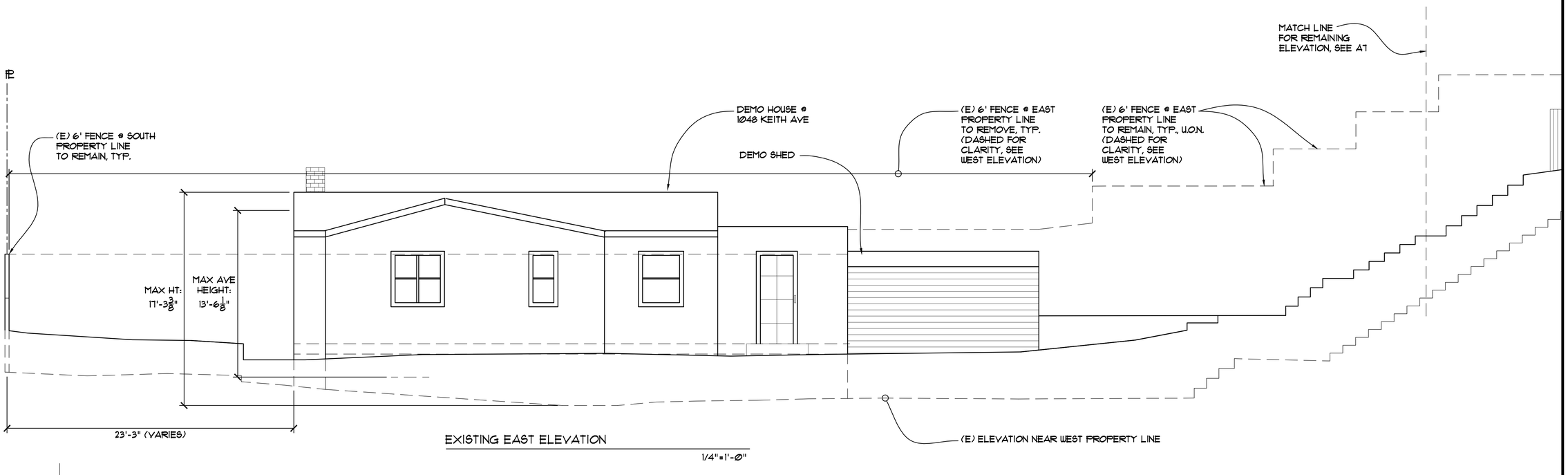
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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLAN - 1048 KEITH
PROPOSED ROOF PLAN
& SECOND FLOOR PLAN

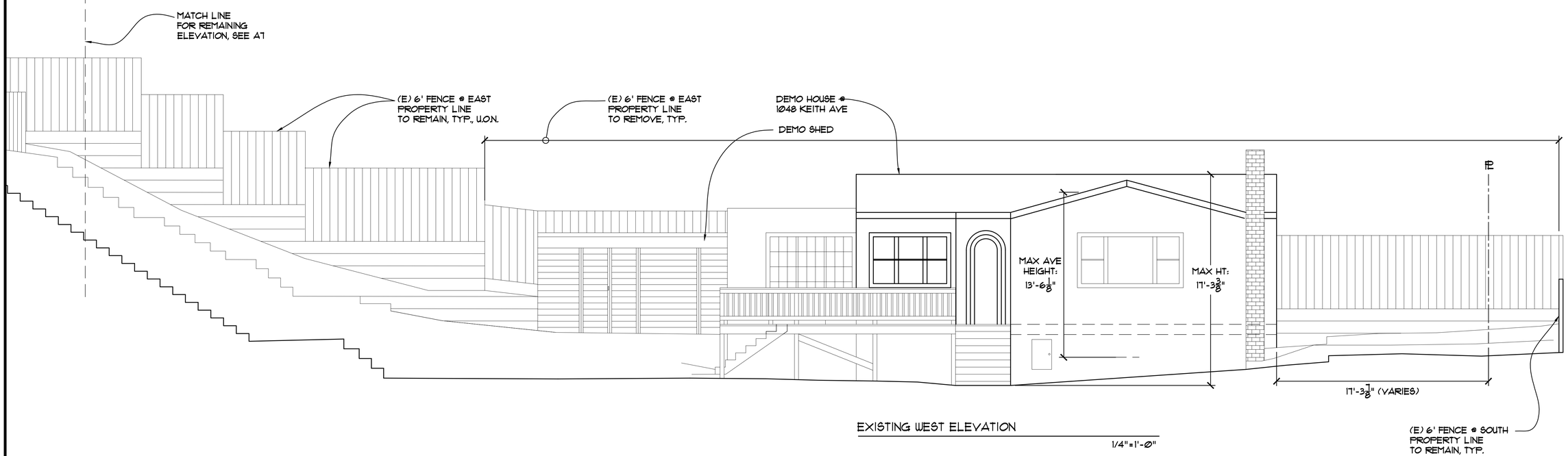
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JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A5
OF 18 SHEETS



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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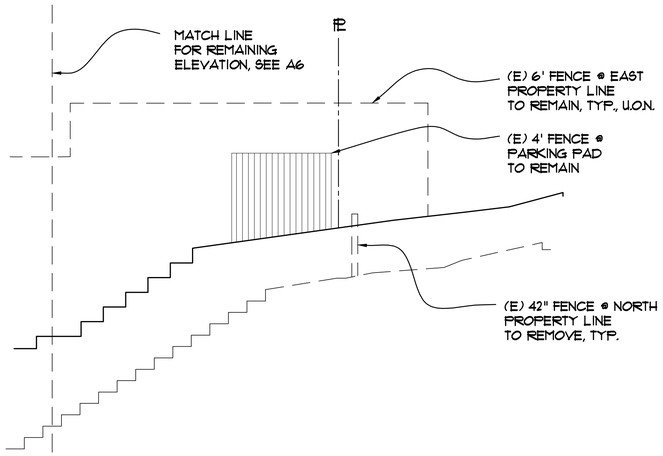
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 CIVIL Exp. 06/30/25 * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING EAST & WEST
ELEVATIONS

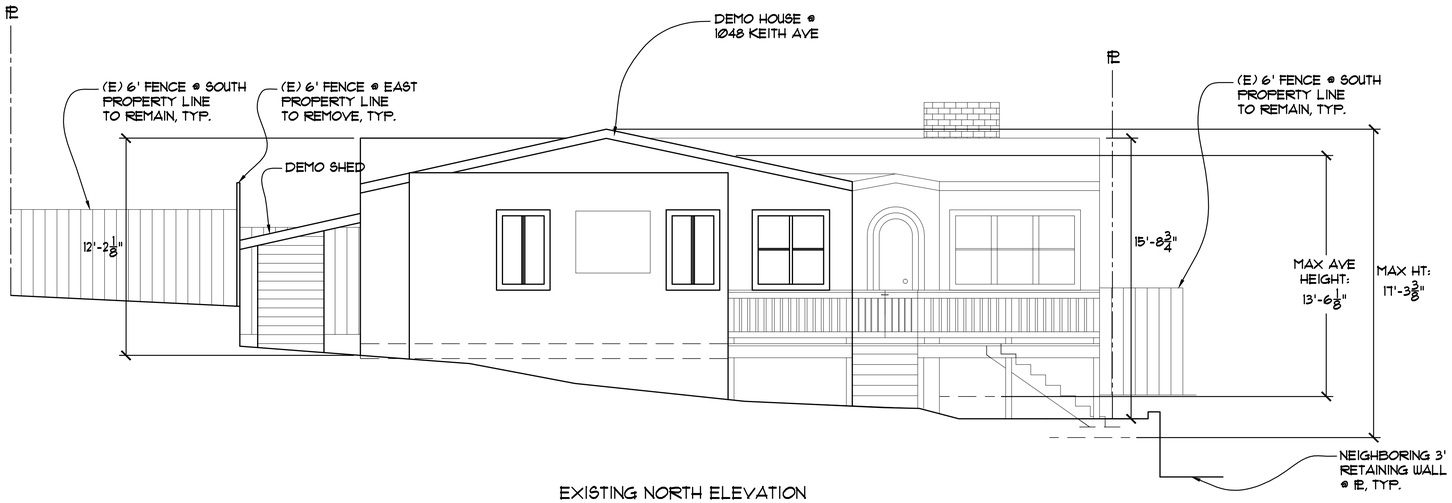
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A5
OF 18 SHEETS



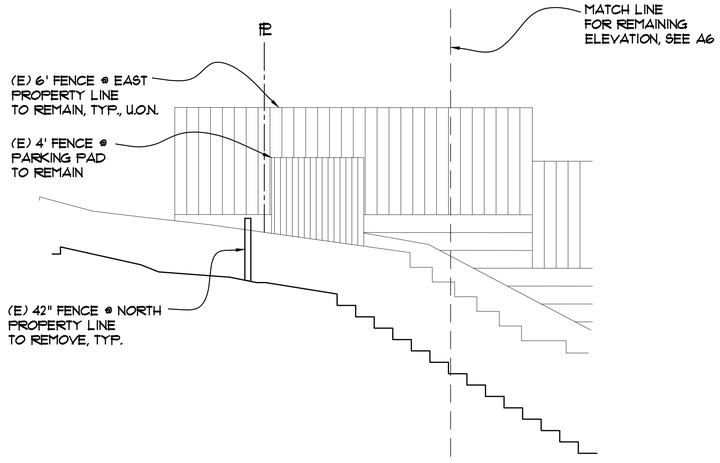
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



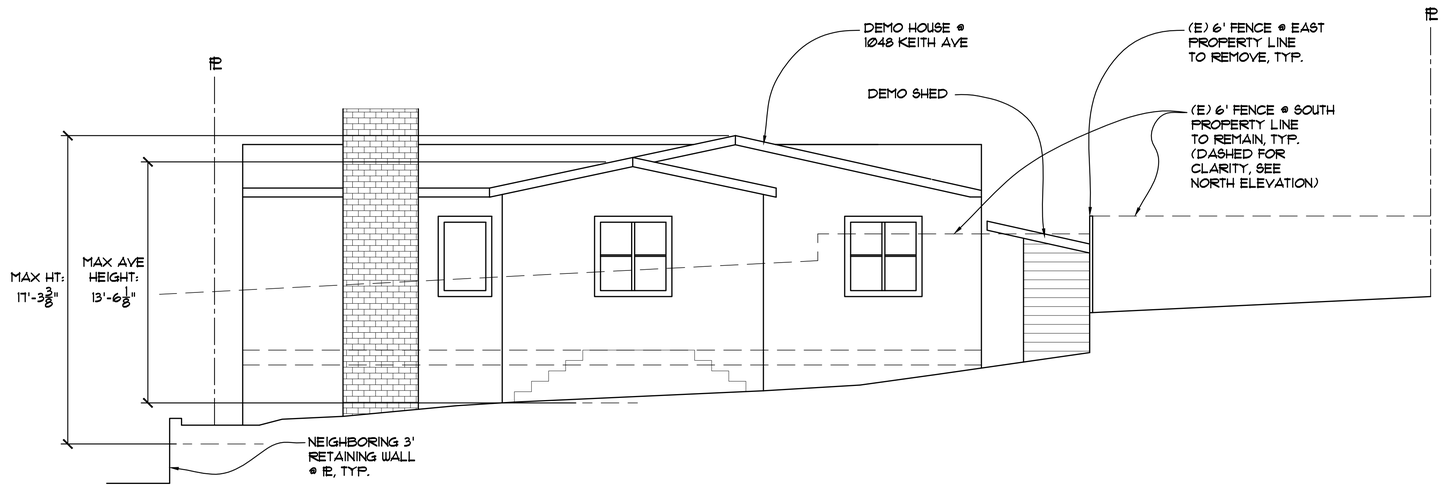
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

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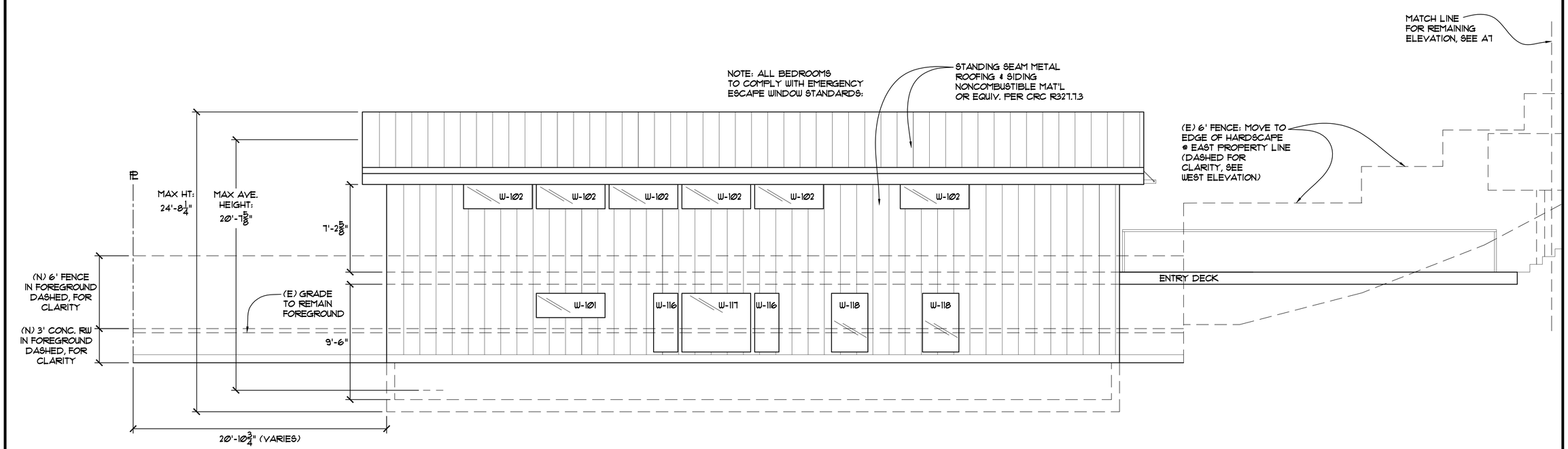
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

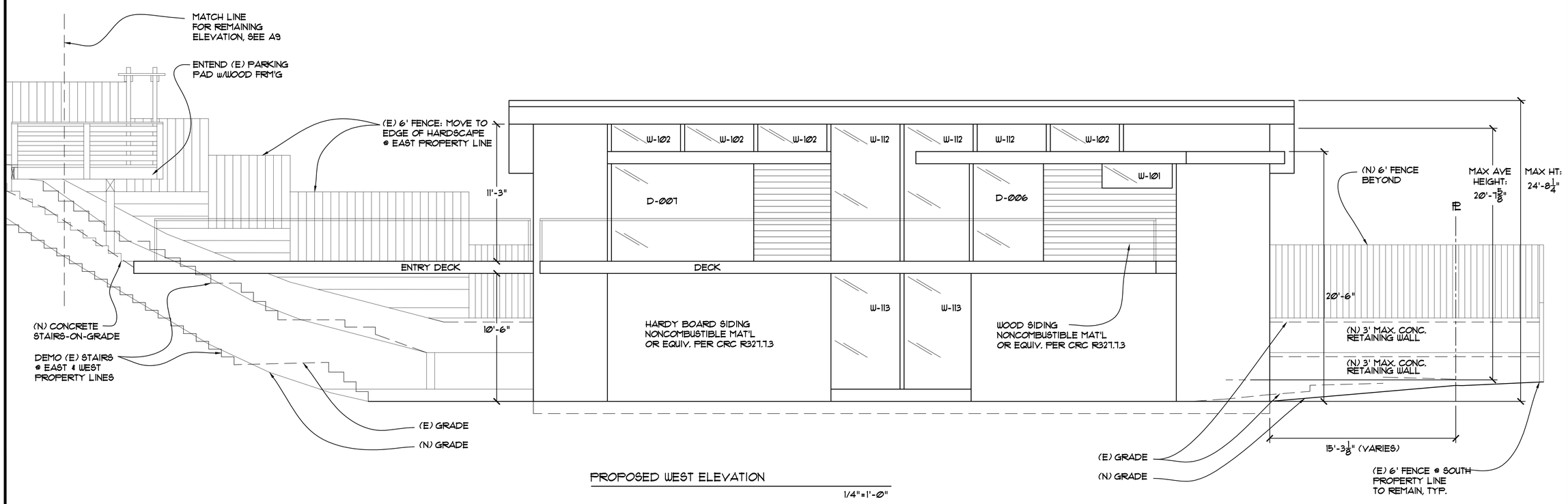
A4

OF 18 SHEETS



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

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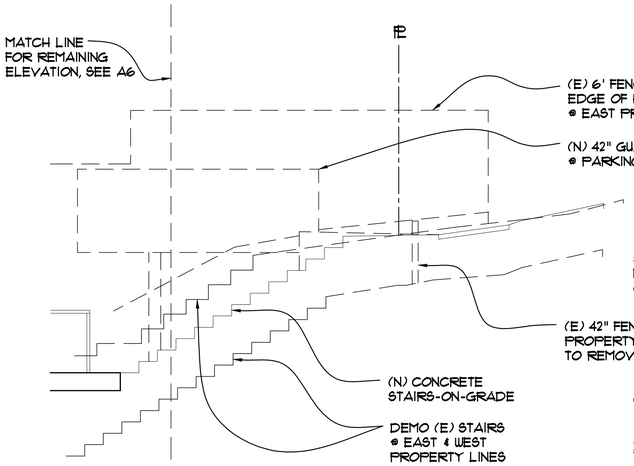
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED EAST & WEST
ELEVATIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

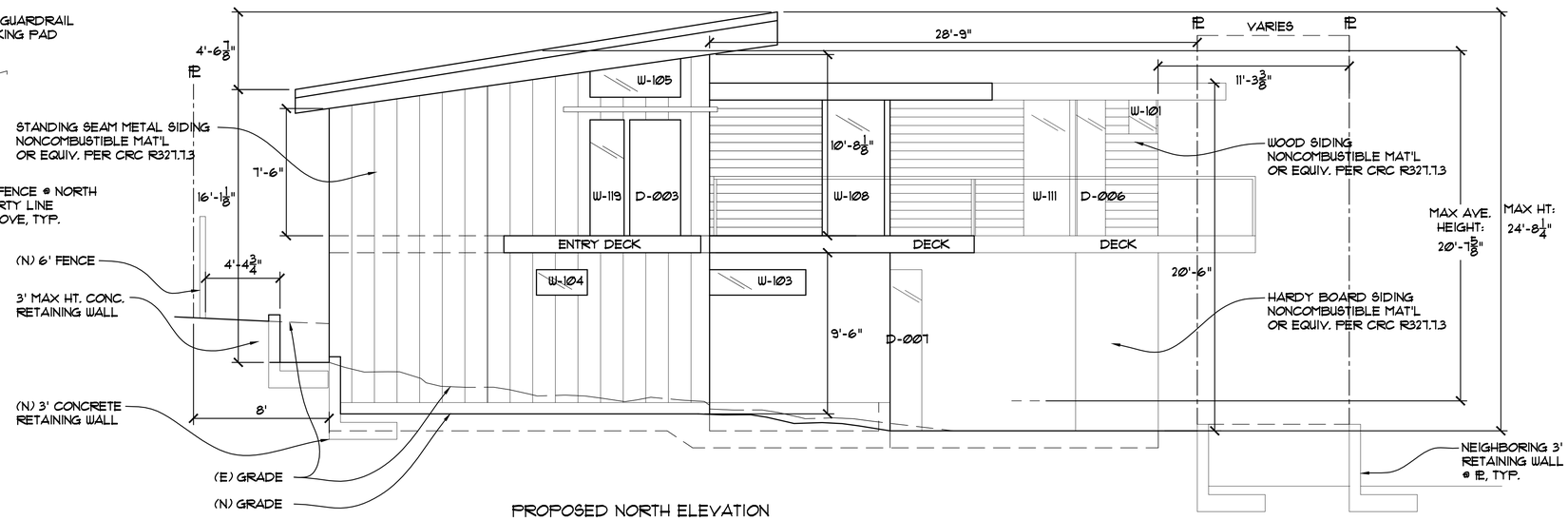
A8

OF 18 SHEETS



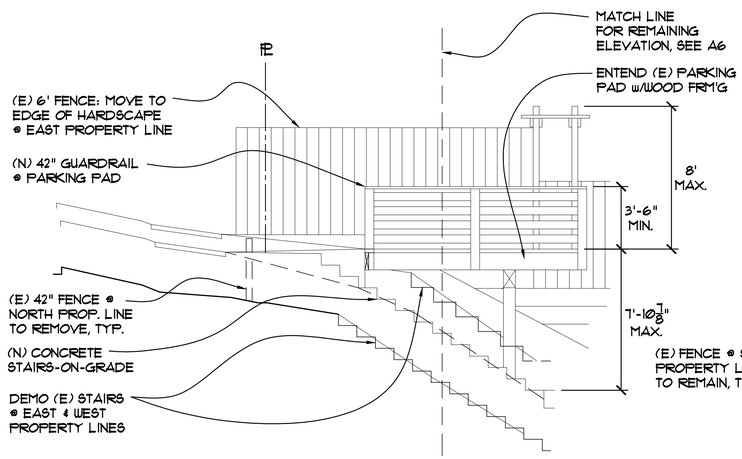
PARTIAL EXISTING EAST ELEVATION (PE @ STREET)

1/4"=1'-0"



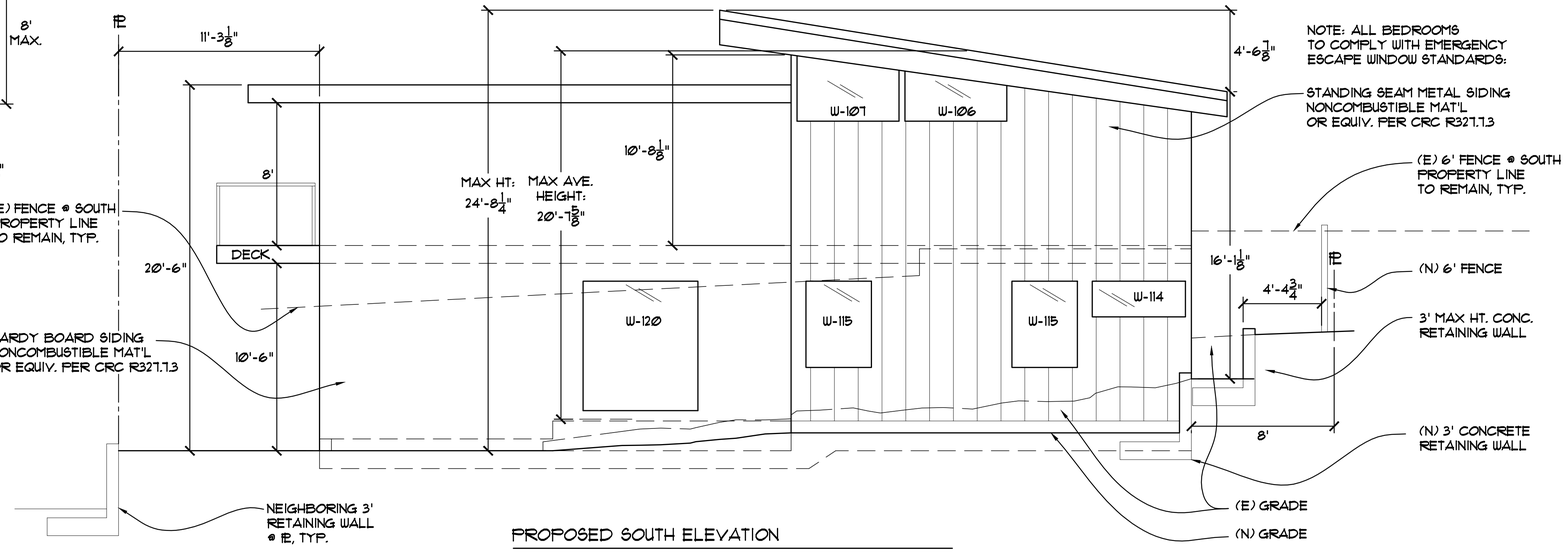
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (PE @ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

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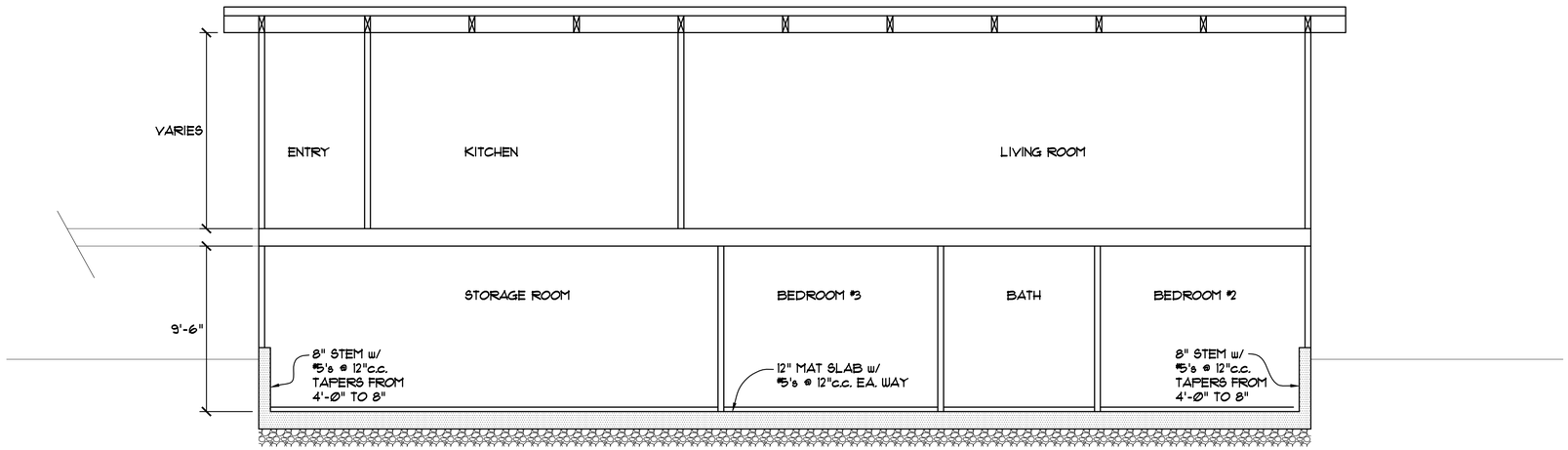
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

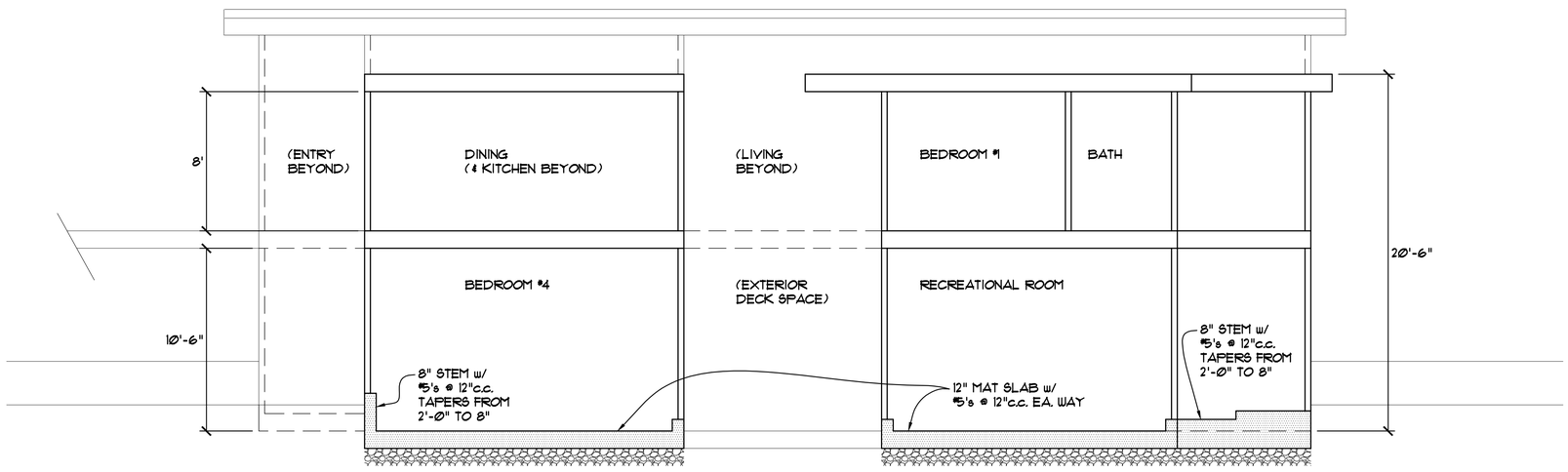
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A9

OF 18 SHEETS



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

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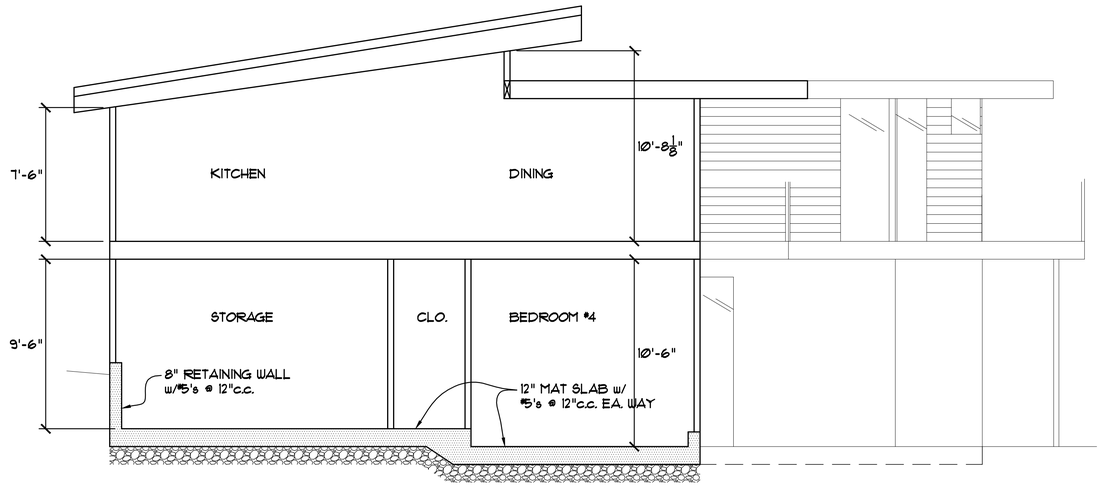
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED LONGITUDINAL SECTIONS

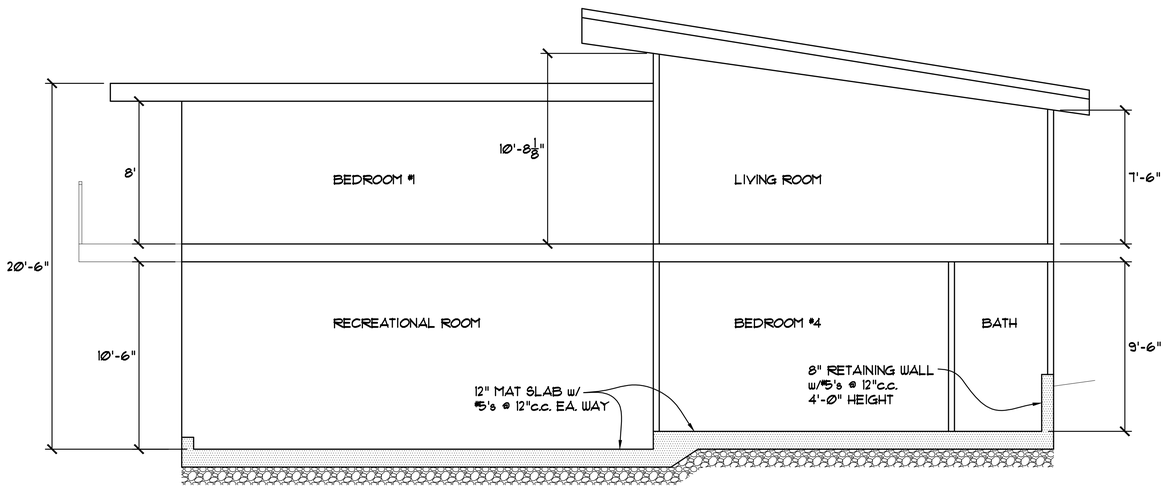
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.0

OF 18 SHEETS



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

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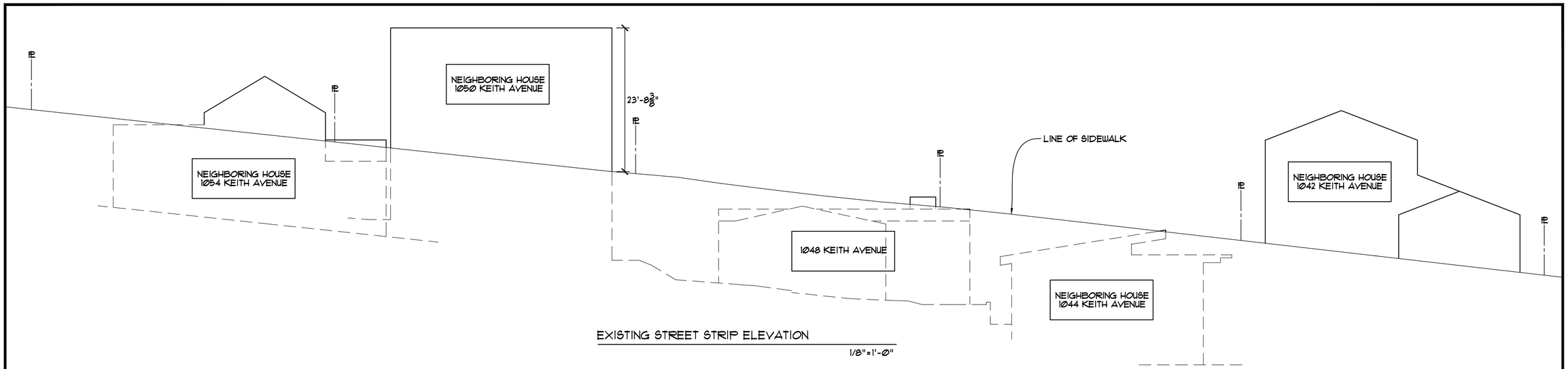
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34868 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED EAST WEST SECTIONS

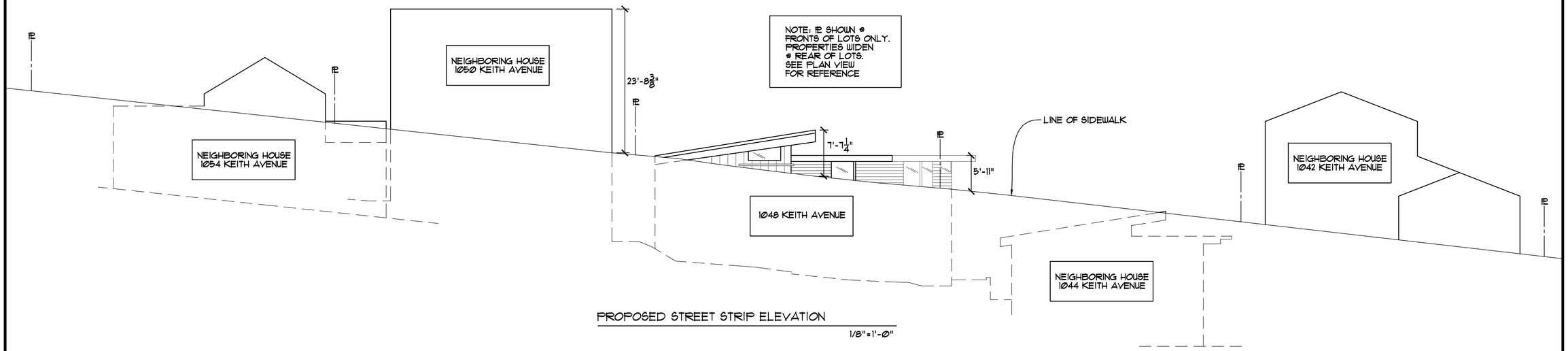
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A11
OF 18 SHEETS



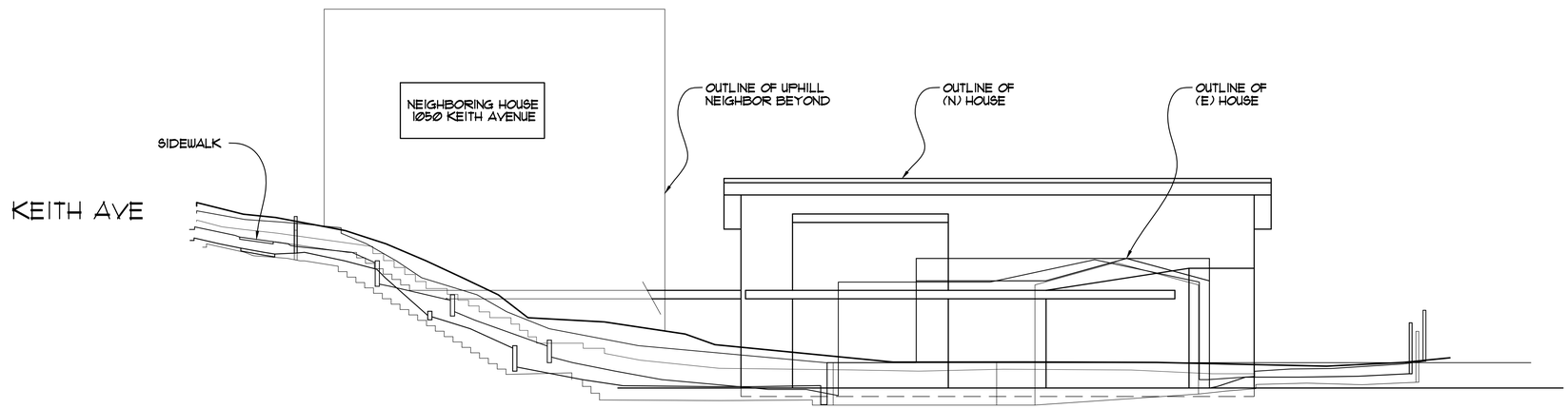
EXISTING STREET STRIP ELEVATION

1/8"=1'-0"



PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A12

OF 18 SHEETS



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER
	BUILDING LINE
	BRICK
	CONCRETE SURFACE
	CONCRETE WALL
	STACKED CONCRETE WALL
	WOOD SURFACE
	WOOD WALL
	WOOD FENCE
	FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BASIS OF BEARINGS:
THE BASIS OF BEARINGS OF N52°03'30"E BETWEEN THE MONUMENTS IN KEITH AVENUE IS BASED ON THE MAP OF NORTH CRAGMONT (23 M 84), CALCULATED FROM THE NORTH CRAGMONT CALCULATION MAP (ON FILE IN THE CITY ENGINEERING DEPARTMENT) ROTATED BY 23° 30".

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.

LICENSED LAND SURVEYOR
JAMES S. MORAN
7881
STATE OF CALIFORNIA

10-10-2024

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

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

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

MORAN ENGINEERING, INC.
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848–1930

F.B. NO. 1799 KEITH–TOPO.DWG JOB NO. 20–10544

REVISIONS	BY

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newmanli26@gmail.com

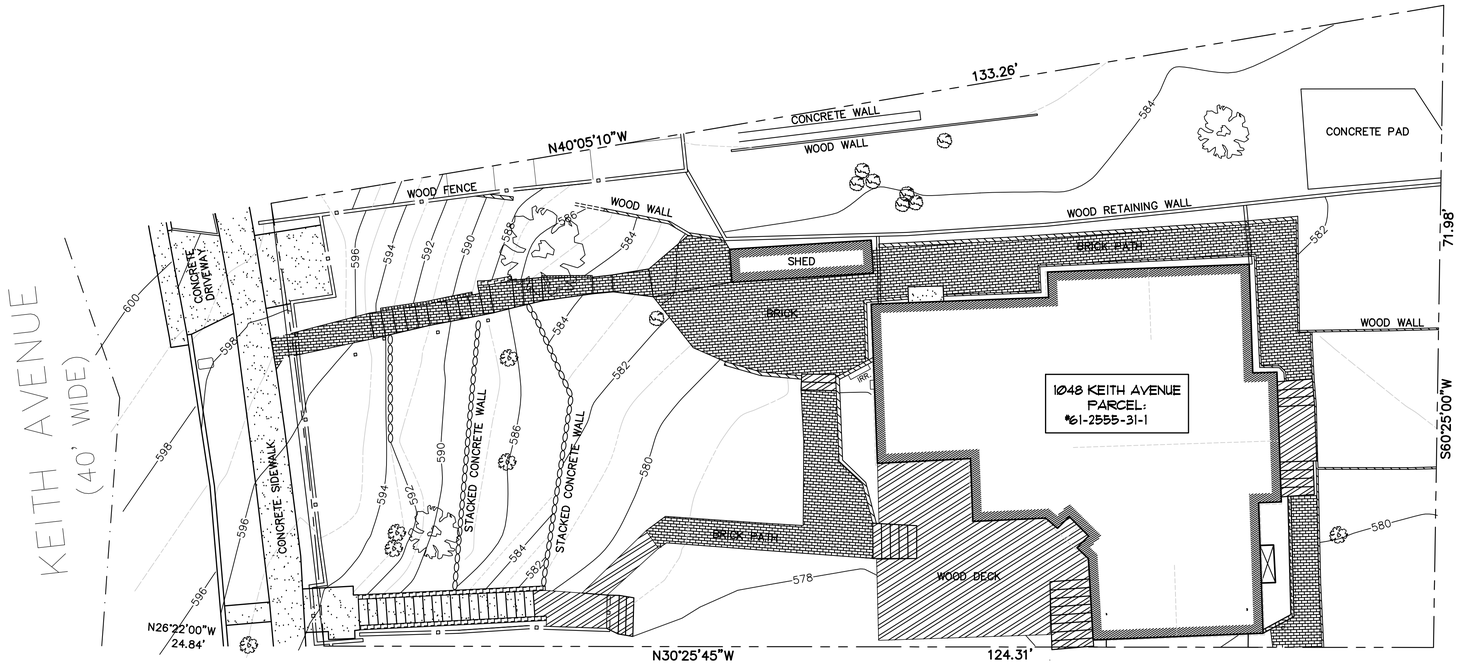
REGISTERED PROFESSIONAL ENGINEER
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No. C 34908
Exp. 06/30/25
CIVIL
STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
BOUNDARY & TOPOGRAPHIC SURVEY

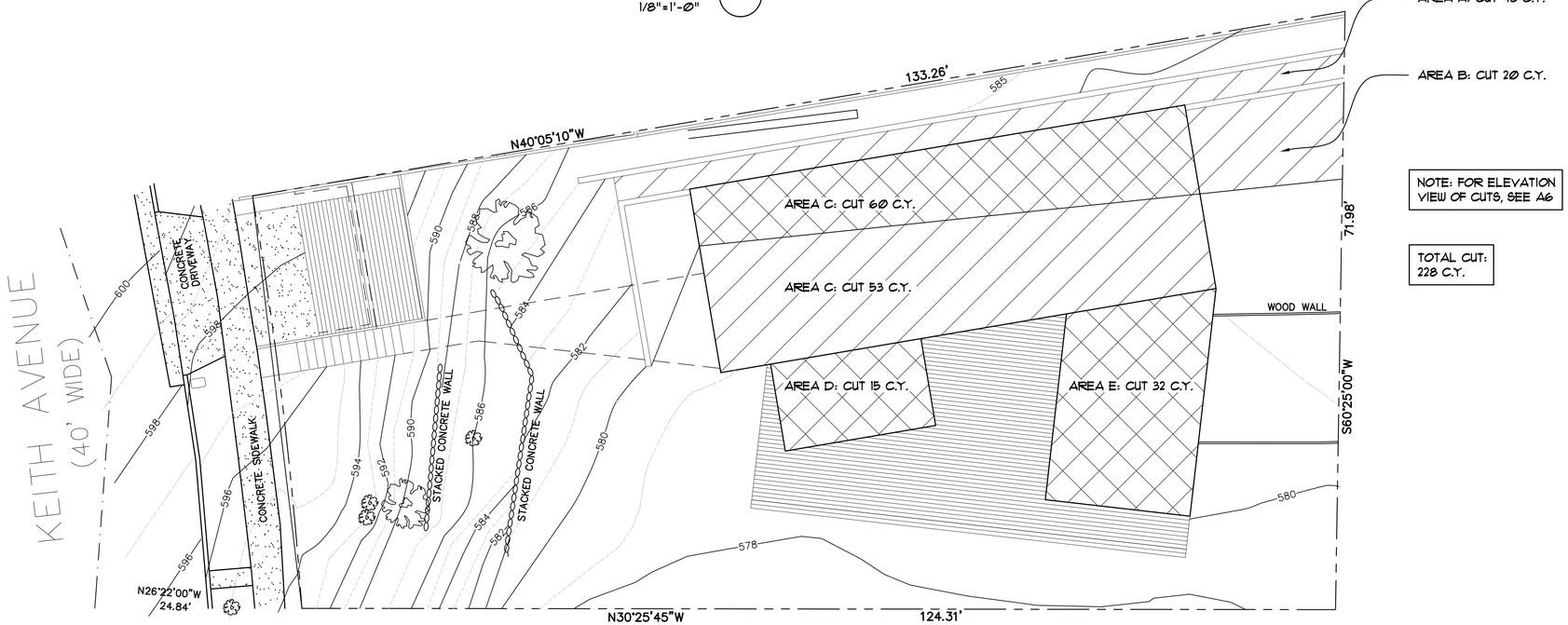
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.3
OF 18 SHEETS



EXISTING GRADING PLAN

1/8"=1'-0"



PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

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P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
GRADING PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4
OF 18 SHEETS

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	583.97'	598.62'	14.65'
2	582.28'	598.62'/602.12'	16.34'/19.84'
3	578.9'	598.62'	19.72'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	578.32'	598.62'	20.3'
9	579.52'	598.62'/602.12'	19.1'/22.6'
10	579.16'	602.12'	22.96'
11	584.66'	598.62'	13.96'
12	578.7'	589.62'	10.92'
13	578.24'	589.62'	11.38'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

L. Newman

Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE

Name (Printed or typed)

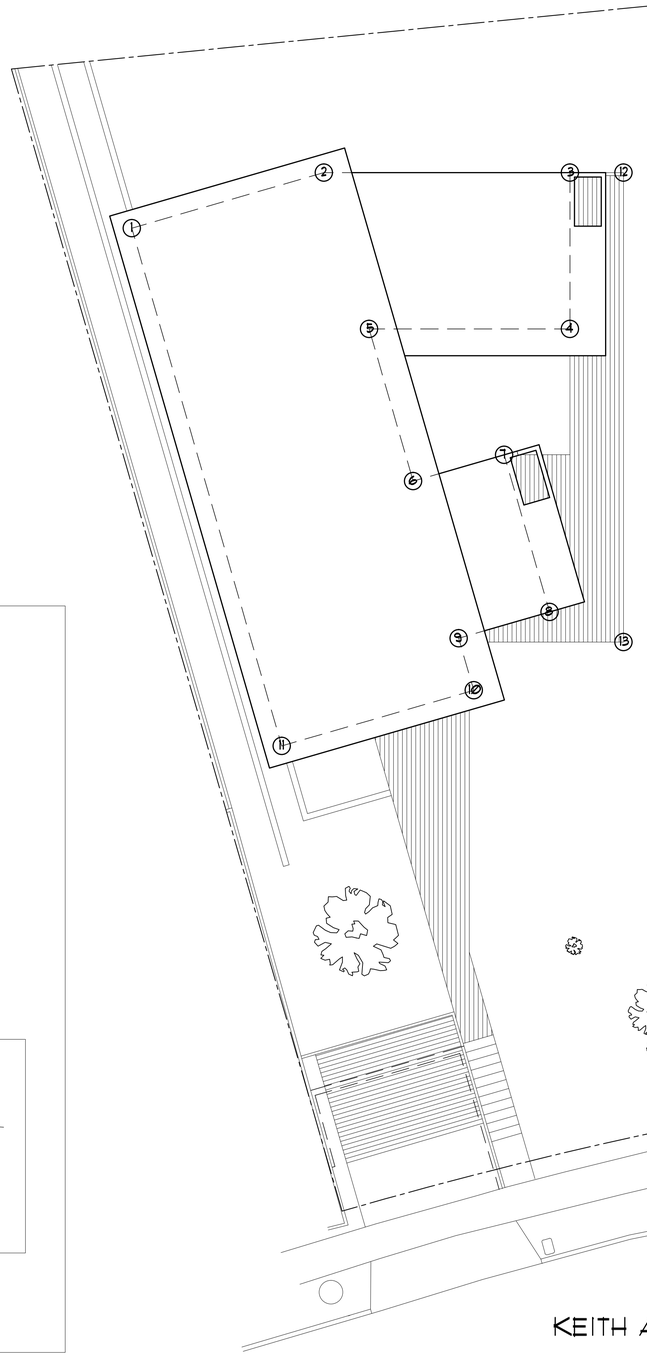
C-94808 / 06.30.2025

License No./ Expiration Date

8.21.2024

Date

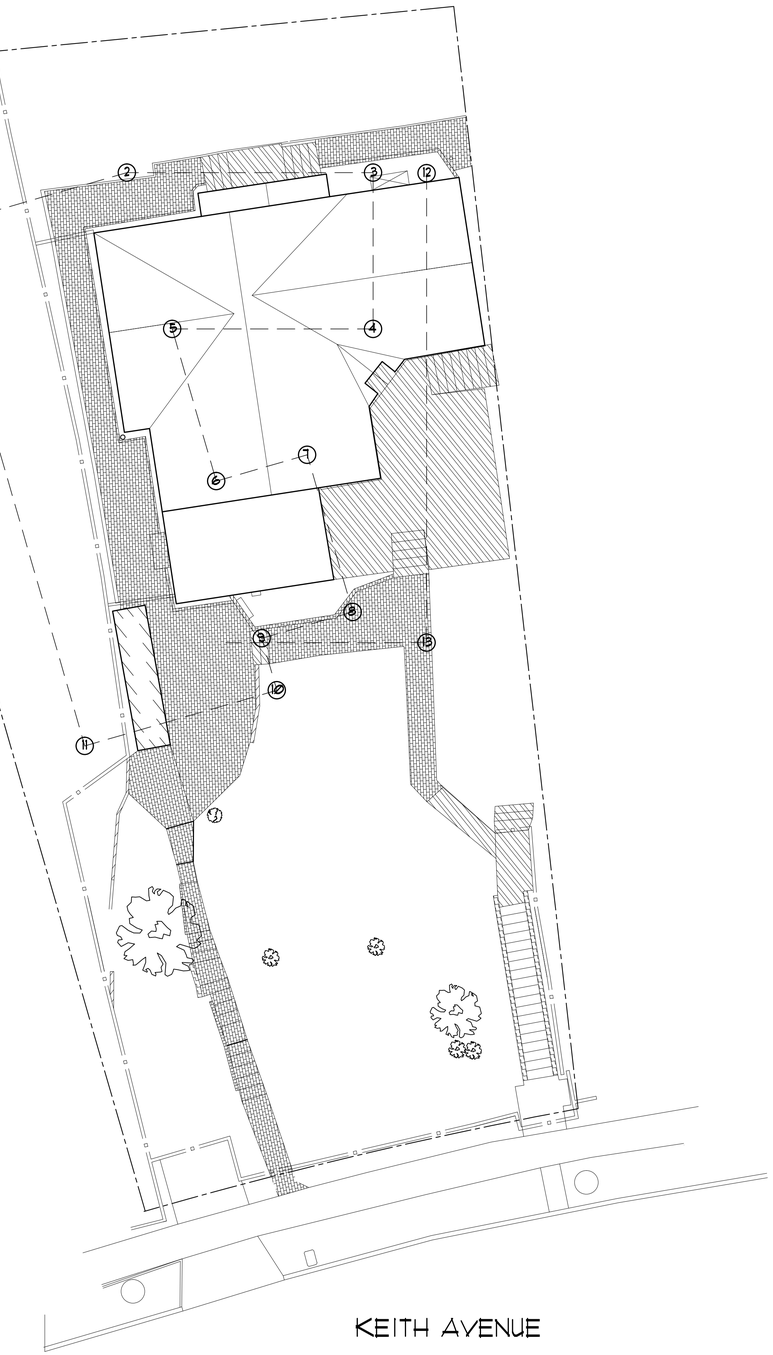
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA *



STORY POLE PLAN (PROPOSED HOUSE ONLY)

1/8"=1'-0"

N



STORY POLE PLAN (SHOWN OVER EXISTING)

1/8"=1'-0"

N

REVISIONS | BY

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P.313.615.9400
newmanli26@gmail.com

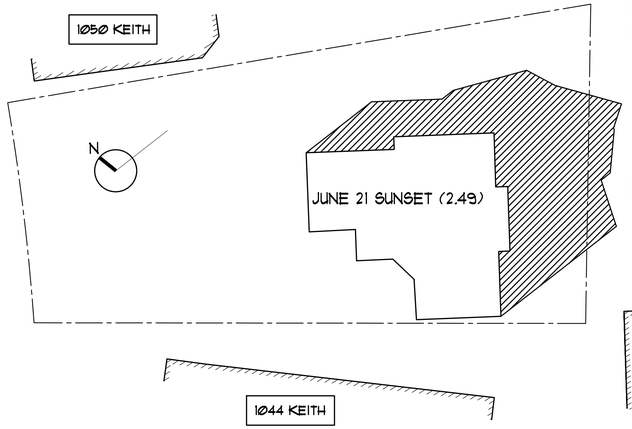
REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA *

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
STORY POLE PLAN

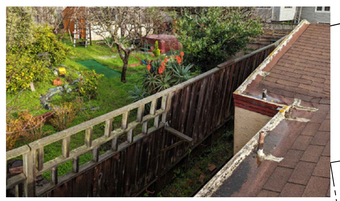
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.5
OF 18 SHEETS

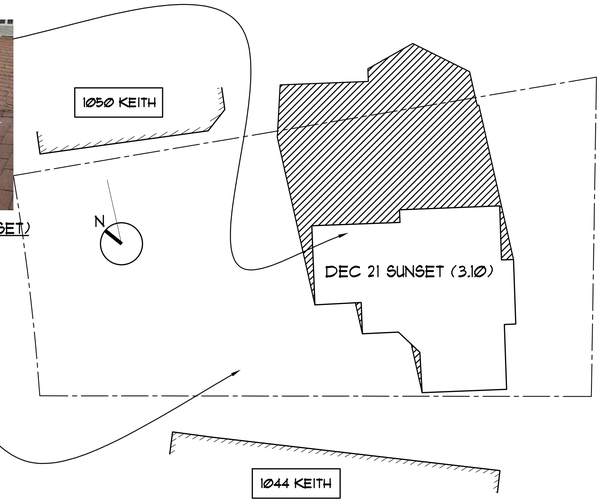




FRONT VIEW OF 1048 KEITH: 1.5.24 @ 3pm (-2h SUNSET)

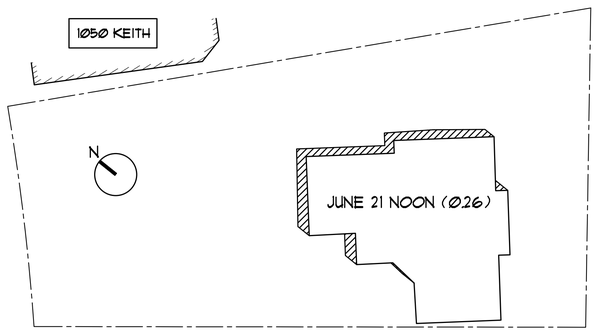


REAR ROOF VIEW: 1.5.24 @ 3pm (-2h SUNSET)



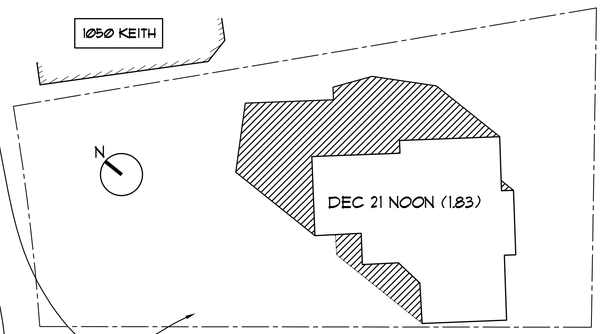


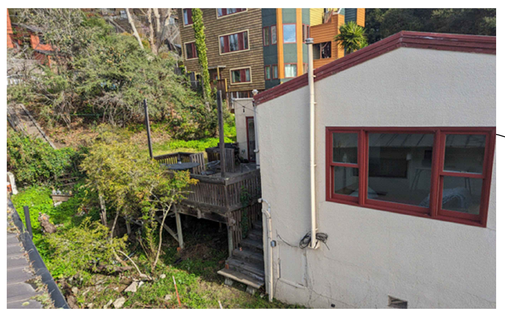
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON



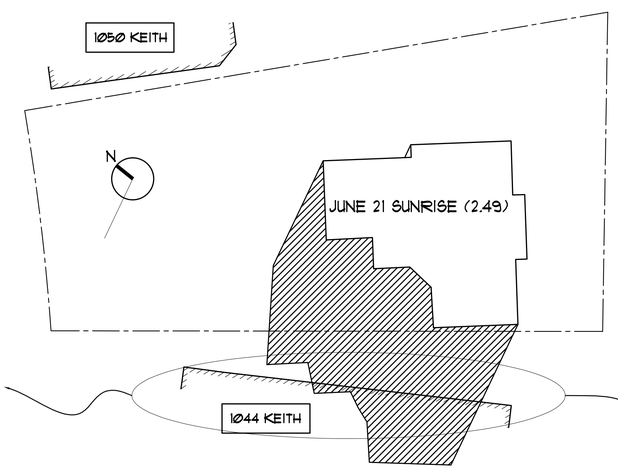


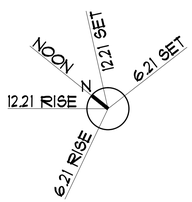
FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

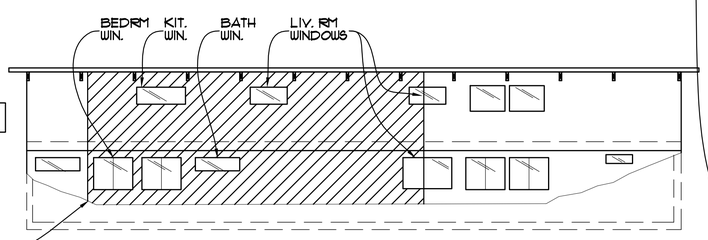




REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)

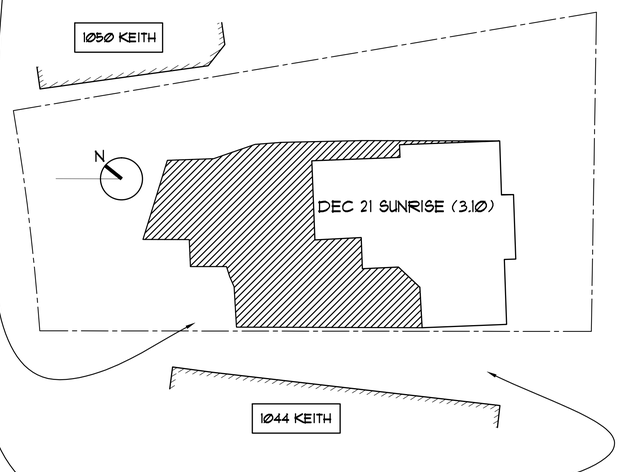






NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION

SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

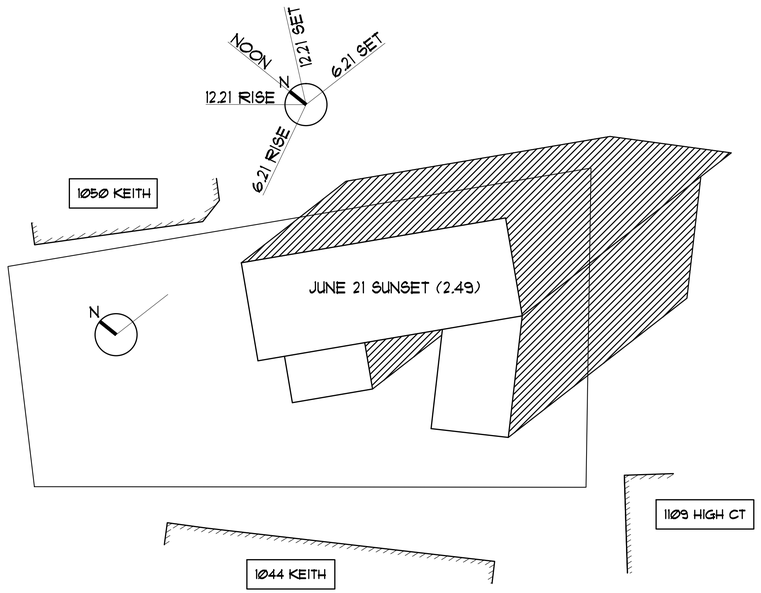
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

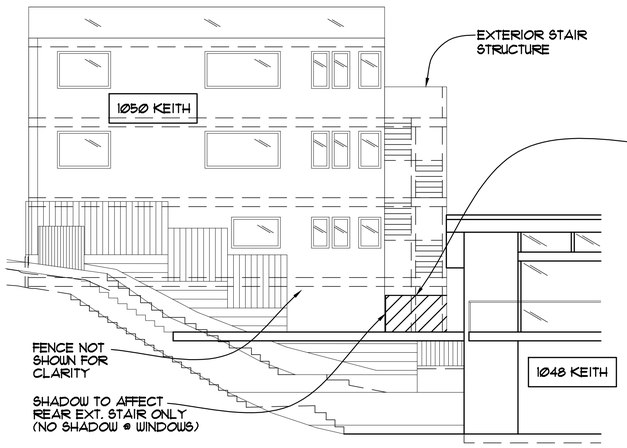
USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/16"=1'-0"
DRAWN: LN

A16

OF 18 SHEETS

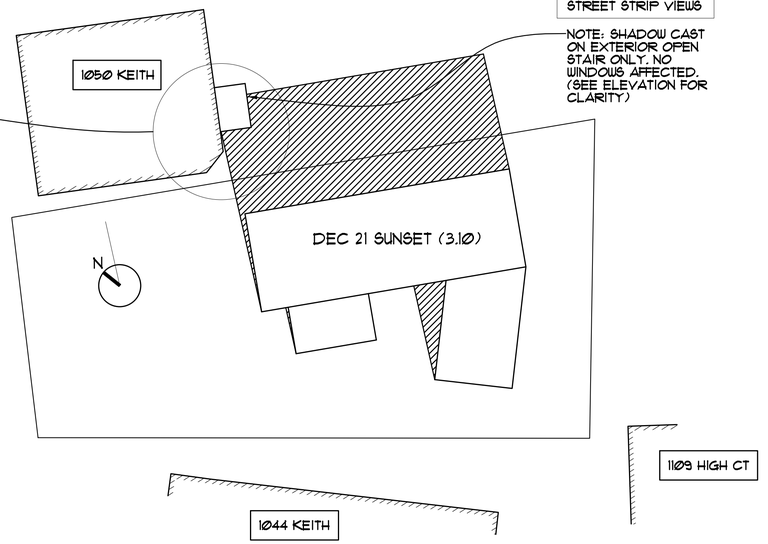


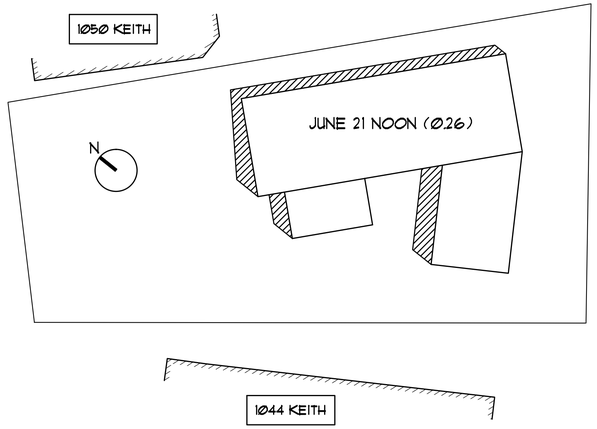


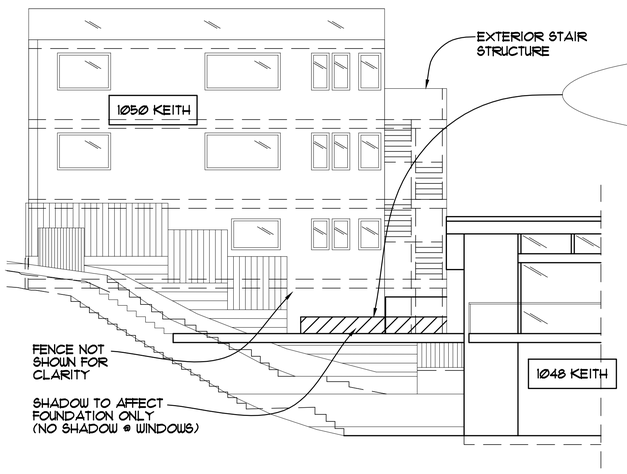
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

NOTE THAT GRADE IS SLOPING UPWARDS PER ELEVATIONS & STREET STRIP VIEWS

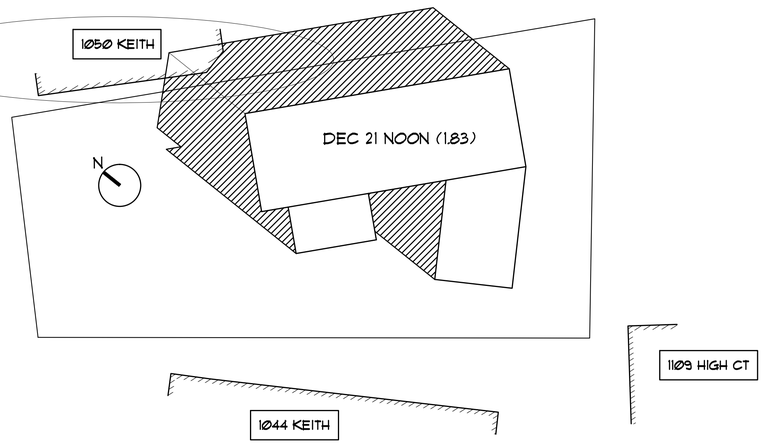
NOTE: SHADOW CAST ON EXTERIOR OPEN STAIR ONLY. NO WINDOWS AFFECTED. (SEE ELEVATION FOR CLARITY)

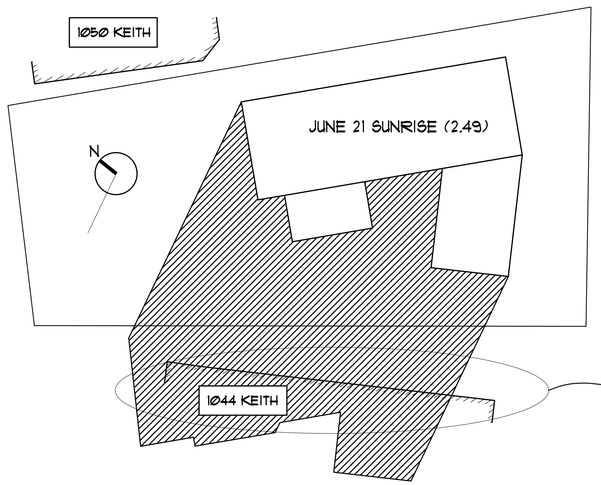




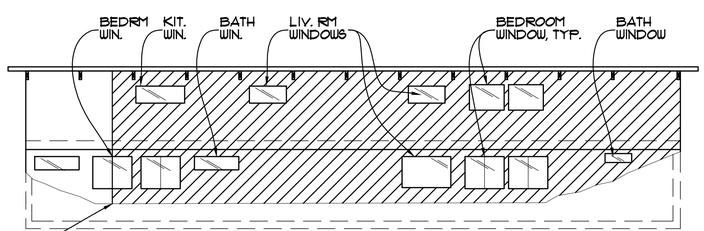


NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"

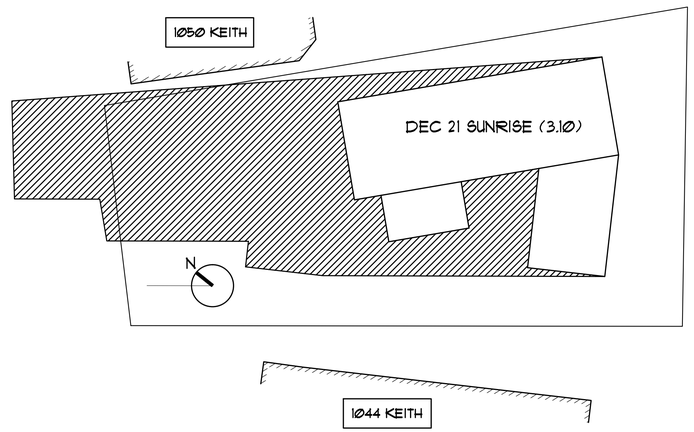




NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE. (NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



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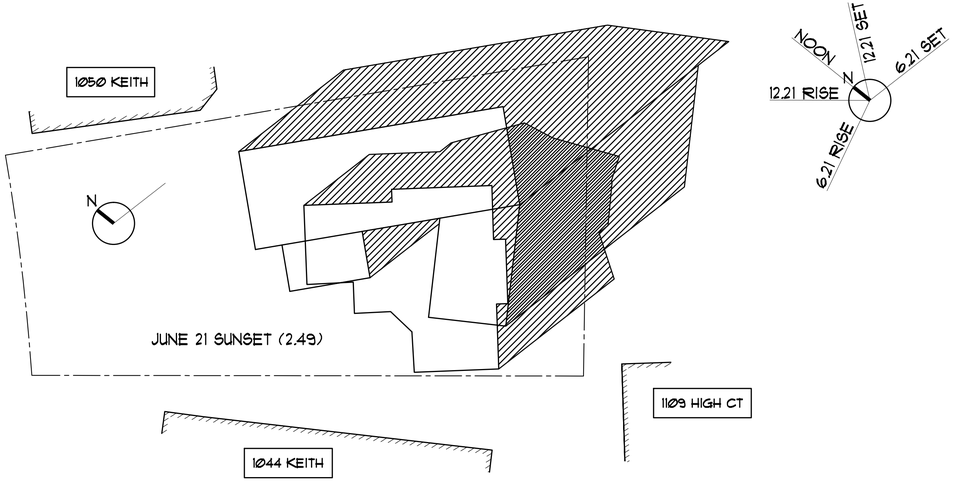
REGISTERED PROFESSIONAL ENGINEER * LINDSAY J. NEWMAN * No. C-34808 * Exp. 06/30/25 * CIVIL * STATE OF CALIFORNIA

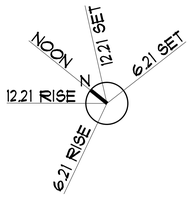
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

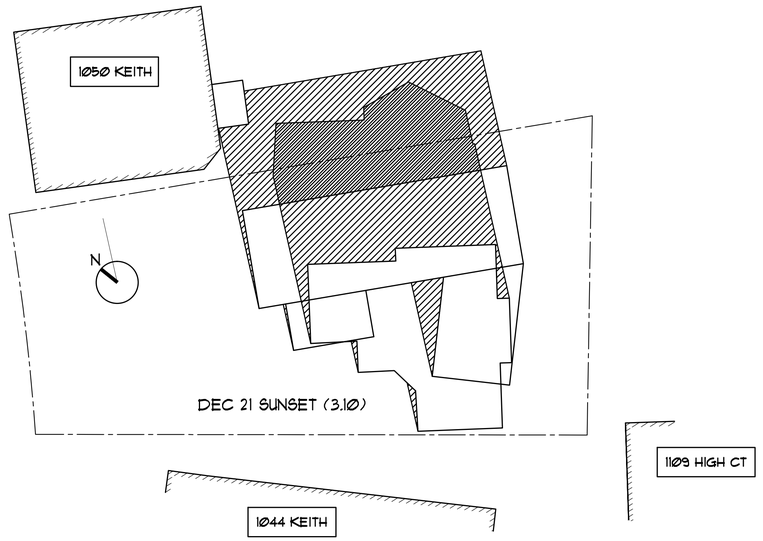
USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

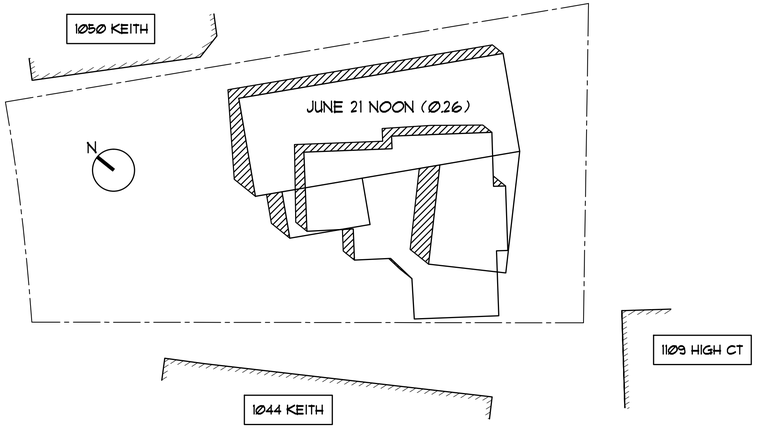
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

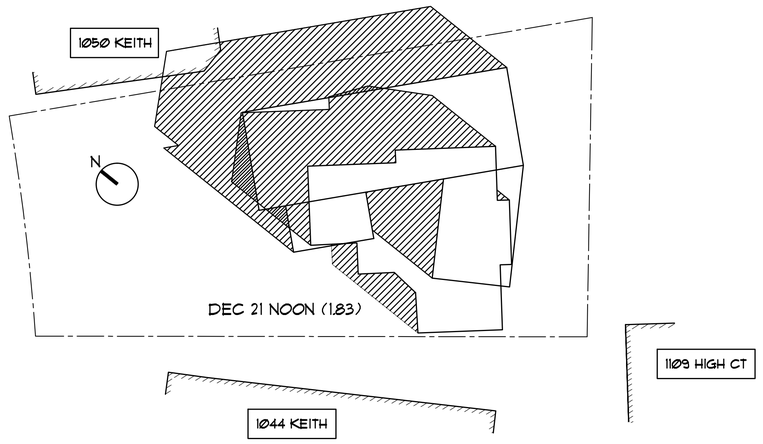
A1.1
OF 18 SHEETS



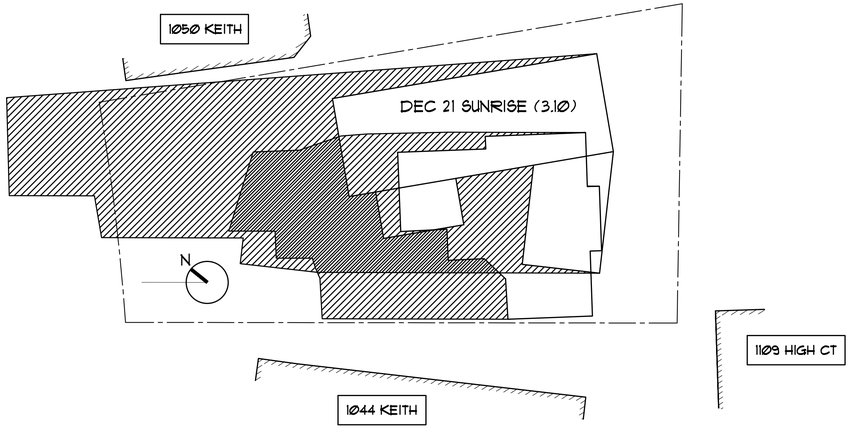












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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.8
OF 18 SHEETS

Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Zoning Adjustments Board
NOTICE OF PUBLIC HEARING

SUBJECT: **1048 Keith Avenue**
Use Permit ZP#2024-0014

WHEN: **Thursday, January 9, 2025**
Meeting starts at 7:00 pm.

WHERE: **Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley** (Wheelchair Accessible) **with remote/hybrid option (via Zoom)**

«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

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«Next Record»«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

	PROJECT: 1048 Keith Avenue, Use Permit #ZP2024-0014 to demolish an existing 2,760-square-foot single-family dwelling and construct a new two-story (approximately 25 feet), 3,600-square-foot single-family dwelling within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback. **CEQA RECOMMENDATION:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").
Submit written comments: Land Use Division Attn: ZAB Secretary 1947 Center Street, Second Floor Berkeley, CA 94704 or via e-mail: **zab@berkeleyca.gov**	**All persons are welcome to attend the hearing virtually or in person. Comments may be made verbally at the public hearing and/or in writing before the hearing.** If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website. All **application materials** are available by searching the address or permit number under the Zoning tab at https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. **Draft agenda** posted online 14 days before the hearing. **Final agenda with Zoom link and staff reports** posted online six days before the hearing. 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. **Disability-related accommodation(s) requests** to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date.
Post and Mail Date: December 18, 2024	
NOTICE CONCERNING YOUR LEGAL RIGHTS: 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.	

	PROJECT: 1048 Keith Avenue, Use Permit #ZP2024-0014 to demolish an existing 2,760-square-foot single-family dwelling and construct a new two-story (approximately 25 feet), 3,600-square-foot single-family dwelling within a rear setback, construct a parking deck in the front setback, and retaining walls in the side setback. **CEQA RECOMMENDATION:** Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures").
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Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
WULF STANLEY S & LINDA P TRS	1016 CRAGMONT AVE	BERKELEY CA	94708
HOGLUND ERIK & GEORGE ETAL	1018 CRAGMONT AVE	BERKELEY CA	94708
FOREMAN GRAHAME P	1020 CRAGMONT AVE	BERKELEY CA	94708
OMINSKY STEVEN H & JOAN B TRS	1022 CRAGMONT AVE	BERKELEY CA	94708
HENDERSON ROBERT & JULIE	1024 CRAGMONT AVE	BERKELEY CA	94708
LOUIE ROBERT E & FLORENCE H TRS	1026 CRAGMONT AVE	BERKELEY CA	94708
LYONS HANNAH A & PATRICK R	1032 KEITH AVE	BERKELEY CA	94708
VOLOSHIN GLENN	1034 KEITH AVE	BERKELEY CA	94708
ABDELGHAFFAR SAMY & BROWN JESSICA A TRS	1036 KEITH AVE	BERKELEY CA	94708
VILETT JOHN E & HELENE W TRS	1038 KEITH AVE	BERKELEY CA	94708
HARDMAN ELIZABETH & ZEV ETAL	1040 KEITH AVE	BERKELEY CA	94708
MINOR KAJSA M & ZACH TRS	1042 KEITH AVE	BERKELEY CA	94708
AWARE MINAR V & KARDA JAYA TRS	1043 KEITH AVE	BERKELEY CA	94708
KAINZ JOACHIM F & NEWMAN LINDSAY D	1044 KEITH AVE	BERKELEY CA	94708
TAI CHARLOTTE & YANG XIN	1045 KEITH AVE	BERKELEY CA	94708
WEILER PETER D & ROSE LISA M TRS	1047 KEITH AVE	BERKELEY CA	94708
SOBKY CHRISTOPHER F & HEATHER R	1049 KEITH AVE	BERKELEY CA	94708
GANGEI BAHRAM & EAGLE ERICA L	1050 KEITH AVE	BERKELEY CA	94708
DOPPKE JOHN C & NEE AARON J	1051 KEITH AVE	BERKELEY CA	94708
TRULL ROBERT & RUSSO DEBORAH	1053 KEITH AVE	BERKELEY CA	94708
JAGANNATH GAUTAM J & ABRAHAM EMILY A TRS	1056 KEITH AVE	BERKELEY CA	94708
JOHNSTON RICHARD T JR & COUCHMAN ELISHA	1057 KEITH AVE	BERKELEY CA	94708
ACOSTA ANTHONY R & FEREZI GLORIA E	1058 KEITH AVE	BERKELEY CA	94708
STANGE MARGIT K TR	1058A KEITH AVE	BERKELEY CA	94708
ROBERTS EDWARD N & WOODHAMS JANET K TRS	1059 KEITH AVE	BERKELEY CA	94708
MATHEWS ROBERT L & BOERO MOLLIE G	1060 KEITH AVE	BERKELEY CA	94708
VOBIS YASMIN & FORREST AARON D	1061 KEITH AVE	BERKELEY CA	94708
CLARK PATRICIA A	1064 KEITH AVE	BERKELEY CA	94708
NICHOLLS TIM & SHANNON	1066 KEITH AVE	BERKELEY CA	94708
CARUTH BRIAN & JACQUELINE	1084 EUCLID AVE	BERKELEY CA	94708
GATES PAUL D & ELLEN I	1088 EUCLID AVE	BERKELEY CA	94708
SING RACHEL & EISEN VITKA TR	1094 EUCLID AVE	BERKELEY CA	94708
SEGALL JUDITH & ABRAMS CARL TR	1098 EUCLID AVE	BERKELEY CA	94708
FORSBURG F E & GREEN KASS TRS	1101 HIGH CT	BERKELEY CA	94708
QUEELEY MARQUITA A & KEITH N ETAL	1102 EUCLID AVE	BERKELEY CA	94708
SMART MICHAEL G & NOVOSEL CAROLYN G	1103 HIGH CT	BERKELEY CA	94708
HARTMANKENZLER ANNA & KENZLER ERIC TRS	1104 HIGH CT	BERKELEY CA	94708
VALOR DARRELL & SARAH ETAL	1105 HIGH CT	BERKELEY CA	94708
KANAFANI OMAYYA K TR	1107 HIGH CT	BERKELEY CA	94708
GOLDSTEIN SANDRA B & DANIEL J TRS & GOLDSTEIN ETAL	1108 EUCLID AVE	BERKELEY CA	94708
LEGGETT COREY & KRISTIN TRS	1108 HIGH CT	BERKELEY CA	94708
FERNIE CHRISTOPHER G	1109 HIGH CT	BERKELEY CA	94708

Internal

ORBON JOHN & BESSETTE MAUREEN C TRS	1111 HIGH CT	BERKELEY CA	94708
RICHMOND LAUREN D & ELLISA D ETAL	1113 HIGH CT	BERKELEY CA	94708
FONG OLIVER & BLACK EMILY	1115 HIGH CT	BERKELEY CA	94708
LIU VINCENT L & YI M TRS & LOO CLINTON T ETAL	1117 HIGH CT	BERKELEY CA	94708
HANDMAN GARY P & PAMELA L TRS	1119 HIGH CT	BERKELEY CA	94708
FITTS GARY & PILLSBURY PATRICIA	1121 HIGH CT	BERKELEY CA	94708
BEROLDO STEVE & KAREN TRS	1123 HIGH CT	BERKELEY CA	94708
WINSLOW BARBARA S TR	1131 HIGH CT	BERKELEY CA	94708
LEE ALISON & PASTORCHERMAK ISAAC M	1136 HIGH CT	BERKELEY CA	94708
PERCHES ANA & BECK JONATHAN P	1138 HIGH CT	BERKELEY CA	94708
FINGADO JOHN H TR	1141 HIGH CT	BERKELEY CA	94708
DORFMAN DAN Z & LAURIE Z	1232 HINMAN AVE	EVANSTON IL	60202
HOLDEN MYRNA A TR	1328 WALNUT ST	BERKELEY CA	94709
FONG GARY & JANET TRS	155 VIA LUCIA	ALAMO CA	94507
CHANG VICKI	1601 SPRUCE ST	BERKELEY CA	94709
GLOVER KEITH	21 VILLAGE ST	SOMERVILLE MA	2143
SOMKIN BENJAMIN ETAL	216 CALLE MANZANITA	SANTA BARBARA CA	93105
CAMERON ANDREW D & LEE JIYUN C TRS	2335 CORONA CT	BERKELEY CA	94708
PASCAL STEVEN G & GILLETTEPASCAL DANNA C TRS	2345 CORONA CT	BERKELEY CA	94708
AJMANI MOHAN & CATHERINE TRS	2355 CORONA CT	BERKELEY CA	94708
DOUGHTY CHRISTINE A & ZUERCHER ANTHONY J IV	2356 CORONA CT	BERKELEY CA	94708
SCHAMBELAN MORRIS TR	2357 CORONA CT	BERKELEY CA	94708
BREIMAN LEO TR	2358 CORONA CT	BERKELEY CA	94708
VALENTINE RONALD R	3131 MARINA DR	ALAMEDA CA	94501
LEIST KARL J & VICTORIA A TRS	4170 212TH WAY SE	SAMMAMISH WA	98075
FIRTH ELLIN A & HUGHES CATHERINE J TRS ETAL	72 OAKMONT AVE	PIEDMONT CA	94610
DELAVALETTE LYNN F TR	851 SEAVIEW DR	EL CERRITO CA	94530
BRIDGES LEE C	8535 LOOKOUT MOUNTAIN AVE	LOS ANGELES CA	90046
OCCUPANT(S)	1028 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	1029 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1030 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	1031 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1032 CRAGMONT AV	BERKELEY CA	94708
OCCUPANT(S)	1034 KEITH AV 2	BERKELEY CA	94708
OCCUPANT(S)	1034 KEITH AV A	BERKELEY CA	94708
OCCUPANT(S)	1035 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1039 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1048 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1049 KEITH AV B	BERKELEY CA	94708
OCCUPANT(S)	1054 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1058 KEITH AV A	BERKELEY CA	94708
OCCUPANT(S)	1065 KEITH AV	BERKELEY CA	94708
OCCUPANT(S)	1104 EUCLID AV	BERKELEY CA	94708

Internal

OCCUPANT(S)	1106 EUCLID AV	BERKELEY CA	94708
OCCUPANT(S)	1108 EUCLID AV 1	BERKELEY CA	94708
OCCUPANT(S)	1108 EUCLID AV B	BERKELEY CA	94708
OCCUPANT(S)	1125 HIGH CT	BERKELEY CA	94708
OCCUPANT(S)	1131 HIGH CT LOWR	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT A	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT B	BERKELEY CA	94708
OCCUPANT(S)	1137 HIGH CT C	BERKELEY CA	94708
OCCUPANT(S)	1138 HIGH CT A	BERKELEY CA	94708
OCCUPANT(S)	2371 OAK ST	BERKELEY CA	94708
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA 94708	
North East Berkeley Association	P.O. BOX 7477	BERKELEY CA 94707	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Urban Creeks Council	861 REGAL RD	BERKELEY CA 94708	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SOUTH SAN FRANCISCO CA 94080	

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1048 Keith Ave Use Permit #ZP2024-0014 > Notice of Pending Litigation & Opposition to Issuance of Permit

From: Gautam Jagannath <gautam@gautam.co>
Sent: Thursday, January 9, 2025 6:24 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; wshash@berkeleyca.gov
Subject: Re: 1048 Keith Ave Use Permit #ZP2024-0014 > Notice of Pending Litigation & Opposition to Issuance of Permit

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.

Berkeley Zoning Board,

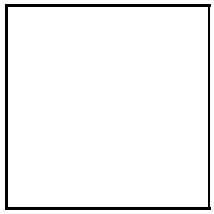
I write again as property owner at 1056 Keith Ave as to the 1048 Keith Project scheduled for a permit hearing today in 30 mins.

Please realize that litigation is still pending and the City should not approve any construction or work during the pendency of such litigation.

The property surveys are inaccurate for our homes in this area as stated with a disclaimer on the survey reports..

regards,

gautam
760.613.2942



On September 26, 2024 at 8:18 PM PDT gautam@gautam.co wrote:

Dear Berkeley Zoning Board,

My name is Gautam Jagannath, and I'm the property owner at 1056 Keith Ave, which is a very close-by to the subject property in Use Permit #ZP2024-0014. The neighbors of 1048 Keith were very vocal today at the Zoning Hearing (despite it being continued) because the issue of this permit affects everyone on the street.

The outcome of this permit process affects every single person on Keith Avenue because it relates to the encroachment of land not due to any boundary change that anyone had control over. The land movements are entirely the result of ground movement which is not within the ambit of any homeowner's control. We as homeowners cannot expect to permanently own the exact plot of land forever when the floor is literally moving.

The permit seeks to essentially take land that makes no rational sense to take because of an argument that their plot of land is a certain size. However, that's not the situation when land is sliding and moving - everyone's land moves, and they need to be happy with the plot of land that they have, not some land that they may have had decades or centuries

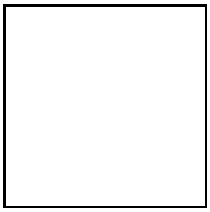
ago. As other commentators have mentioned, there is no way to use land surveys to maintain boundaries of land here on Keith.

I also think that the pending litigation needs to be ironed out in Alameda County Superior Court. See attached public filing, Case Number. I hope that the Zoning board understands that the legal disputes about the land dimensions, location and placement needs to be first ironed out before any permit can be issued on this project - **meaning that October 10, 2024 may be the next Zoning Hearing but you won't be able to decide that day in any event unless the parties have miraculously settled their lawsuit.**

I therefore **oppose** the Use Permit #ZP2024-0014 because it seems to alter the property lines unilaterally without consideration for how this would affect the use of land for all other neighbors. One person's land dimensions affects the neighbor's and it continues on. The notion that every homeowner would or could become a Defendant in neighbor's civil action is abhorrent - but has been brought up in this process.

regards,

Gautam Jagannath
760.613.2942



Planning and Development Department
Land Use Planning Division

PROOF OF SERVICE

DATE: January 13, 2025

TO: Whom It May Concern

FROM: Melinda Jacob, OSII

SUBJECT: **USE PERMIT #ZP2024-0014 – 1048 KEITH AVENUE**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

ZONING ADJUSTMENTS BOARD NOTICE OF DECISION

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Lindsay Newman
1048 Keith Avenue
Berkeley, CA 94708

☒ By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with First Class postage thereon fully prepaid, in Berkeley, California, for mailing to the addressee following ordinary business practices.

☐ By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 13, 2025 at Berkeley, California.

Melinda A. Jacob

Melinda Jacob, OSII

ZONING ADJUSTMENTS BOARD

NOTICE OF DECISION

DATE OF BOARD DECISION: **January 9, 2025**
DATE NOTICE MAILED: **January 13, 2025**
APPEAL PERIOD EXPIRATION: **January 27, 2025**
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)[1]: **January 28, 2025**

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 within the rear setback and parking pad in the front setback.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a dwelling unit
- Use Permit, pursuant to BMC Section 23.202.020(B) to construct a single-family dwelling unit
- Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks in the Hillside Overlay Zone
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to allow unenclosed off-street parking within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(B) to construct an unenclosed structure (trellis) within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.080(A), to construct a fence more than 6 ft in height on the lot line

ZONING: Single-Family Residential – Hillside Overlay (R-1H) District

APPLICANT/PROPERTY OWNER: Lindsay Newman, 1048 Keith Avenue, Berkeley, CA 94708

[1] Pursuant to BMC Section 23.410.050(C), the City Council Certifications, the City Council may take an action to review ZAB's decision on a Use Permit or Variance. This action is called certification and has the same effect as an appeal. Any member of the City Council may initiate the certification process of a ZAB decision during the 14-day appeal period after the notice of the ZAB's decision is issued. However, the Council's deadline to certify a project is suspended or tolled when the Council is on recess. Therefore, in all cases where the 14-day appeal period is scheduled to end during a Council recess, the certification deadline is extended to and through the day before the next regularly scheduled City Council meeting following any recess. *Extension of the certification deadline has no effect on the appeal deadline.*

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to Section 15303 of the CEQA Guidelines ("New Construction or Conversion of Small Structures")/

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent	Recused
KASHANI	**X**				
DUFFY	**X**				
GAFFNEY	**X**				
THOMPSON			**X**		
JERSEY			**X**		
ALLEN	**X**				
KAHN	**X**				
YUNG	**X**				
SANDERSON		**X**			
BOARD VOTE:	**6**	**1**	**2**	**0**	**0**

ATTEST: Sharon Gong, Zoning Adjustments Board Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23.404.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Waqar Shah, at (510) 981-7469 or wshah@berkeleyca.gov. All project application materials, including full-size plans, may be viewed online at: https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx. or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23.410 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
   A. The fee for persons other than the applicant is $1,500. This fee may be reduced to $500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
   B. The fee for all appeals by Applicants is $6,000.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

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

ATTACHMENT (1)

FINDINGS AND CONDITIONS

JANUARY 9, 2025

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 within the rear setback and parking pad in the front setback.

ZONING PERMITS REQUIRED

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a 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 23.210.020(C)(4), to reduce the building setbacks in the Hillside Overlay Zone
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to allow unenclosed off-street parking within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(C)(1) to construct an unenclosed structure (trellis) within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.080(A), to construct a fence more than 6 ft in height on lot line

I. CEQA FINDINGS

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

II. FINDINGS FOR APPROVAL

A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City for the reasons outlined below:

1. Shadows: Shadow studies submitted by the applicant documented sun angles at different times throughout the day, and during the summer and winter solstice. Although the project will create new shadows on neighboring residences, the projected impacts will only occur during certain times of the day at certain times of the year. Thus, the shadow impacts from the project on adjacent residences will be reasonable and not detrimental;
2. Air: The construction of the new residence will be consistent with the existing development and building-to-building separation pattern – or air – in this R-1H zoned neighborhood. The new residence's rear building wall that encroaches into the required 20-foot rear setback is sited on the flatter portion of the lot to suit the site conditions while maintaining appropriate separation and air with neighboring residences;
3. Privacy: A rear primary bedroom with new window, door openings and a deck are proposed on the second story. The second-story rear deck and openings will not result in privacy concerns with any neighboring residences. In addition, to mitigate any potential privacy concerns, the project will incorporate fencing along the eastern, western, and southern lot lines and screening trees along the southeastern portion of the property, ensuring adequate visual separation from neighboring properties. Thus, the proposed project will not be detrimental regarding privacy;
4. Views: The proposed two-story residence will replace the existing one-story residence. The overall height will increase by eight feet. Although, the proposed residence will contribute to an already diminished view of the San Francisco Bay it will not completely obstruct it. Therefore, the proposed dwelling will not result in a significant impact to views in the area;
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.

B. Pursuant to BMC Section 23.304.070 (B), unenclosed accessory structures require an AUP if placed on the ground within a required setback.

1. The project proposes installing a new 8-foot-tall unenclosed entry trellis strategically located on the southern end of the proposed parking pad within the required 20-foot front setback.
2. The trellis will be used as a provide access to the entry deck to the front of the proposed residence south of Keith Avenue and will be used as a privacy screen and will provide access to the entry deck to access the residence from the northern side of the property.
3. Its open design, scale, and use of wood materials align with nearby residences, ensuring compatibility with the neighborhood character, as well as minimizes potential impacts within its location of the required front setback.

C. Pursuant to BMC Section 23.304.080(A), an AUP is required for fences more than 6 ft in height and on lot line or within required lot line setbacks for main building.

1. The project proposes a 12-foot fence along the eastern lot line, consisting of a 6-foot wood fence atop two 3-foot staggered concrete retaining walls – measuring 6 feet, that will be used for privacy screening for the main residence and the adjacent property at 1050 Keith Avenue.
   The wood fence and concrete retaining walls will not contain barbed or razor wire, sharp or jagged glass, sharp or jagged metal components, or similar hazardous materials, adhering to the construction material restrictions in BMC Section 23.304.080(C).

III. OTHER FINDINGS FOR APPROVAL

D. Pursuant to BMC Section 23.326.030(B), the Zoning Adjustments Board (ZAB) may approve a Use Permit to eliminate or demolish a dwelling unit only upon finding that eliminating the dwelling unit will not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley.

1. The proposed project will replace an existing dwelling unit with a newly constructed dwelling unit.
2. The Rent Stabilization Board had reviewed that the existing residence has confirmed that the residence has not been removed from the rental market under the Ellis Act in the past five years, and there is no evidence of harassment or any threatened or actual illegal eviction over the past three years.
3. The dwelling proposed for demolition was vacated in July of 2024, and is not subject to tenant relocation provisions under BMC Chapter 23.326, and it does not involve the displacement of any tenants.

E. Per BMC Section 23.210.020(C)(4), the minimum required main building lot line setbacks in the underlying base district can be reduced upon finding that the reduction is consistent with BMC 23.210.020(A), Purpose of the Hillside Overlay.

The purpose of the Hillside Overlay district is to:

- Implement General Plan policies for hillside development;
- Protect the safety and health of residents where steep topography, unusual street conditions and proximity to the wildland-urban interface create severe risk from wildfire;
- Protect the character of Berkeley's hillside areas and their immediate environs;
- Give reasonable protection to views yet allow appropriate development of all property;
- Allow modifications in standard setback and height requirements when justified because of steep topography, irregular lot pattern, unusual street conditions, or other special aspects of the hillside areas.

1. The proposed two-story residence will be constructed and will encroach 5 feet into the required 20-foot required rear setback. The site is lot that has an irregular shape, and features a steep drop from the street down to a more level area, characteristics which limit the placement options for the residence and the parking pad.

2. The proposed residence is sited on the relatively flat area of the site, while the parking pad is placed within the front setback, close to the street, to eliminate the need for a steep driveway, (and its associated costs).
3. Consistent with the purpose of the Hillside Overlay district, the residence's design will allow for the structure to adhere to the aesthetic and character of the Berkeley hillside areas, through maintaining reasonable setbacks and by limiting the height to 23.5 feet, below the 35-foot maximum.

F. Pursuant to BMC Section 23.322.080(E)(2), no portion of an off-street parking space may be located in a required front, street side, or rear setback area unless: The Zoning Adjustments Board, in consultation with the Traffic Engineer, and the space meets all applicable requirements in this section.

1. The proposed project will enlarge the 12-foot driveway and construct a 16 1/4-foot-wide by 18-foot long two car parking pad within the required front setback, in order to minimize additional site grading.
2. A 2-foot-wide by 18-foot long landscaped buffer will be included to provide visual screening.
3. Residences along the southern frontages off Keith Avenue also include off-street parking within in the front setback due to limiting site conditions.
4. The proposed parking is authorized, as it was determined by the City's Traffic Engineer that the proposed parking pad, driveway approach, and increased curb cut do not present any traffic engineering concerns.

IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. **Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
2. **Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
   - **A.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
   - **B.** When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
4. **Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).** All work performed under an approved permit shall comply with the approved plans and any conditions of approval.
5. **Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**
   - **A.** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
   - **B.** A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
   - **C.** The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
   - **D.** A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

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

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

☐ **Project Liaison** _____
Name Phone #

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

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

12. **Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
13. **Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
14. **Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. **Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com)
B. Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
C. **Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
D. **Soil and Groundwater Management Plan**. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

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

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

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

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

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

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

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

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

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

i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/

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

Prior to Issuance of Any Building (Construction) Permit

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

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

17. **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. **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's Recycling Program Manager, Julia A. Heath, at jheath@berkeleyca.gov.
19. **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:

20. **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:

21. **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.
22. **Survey Required.** The height and location of the proposed structure, property lines and spot elevations shall be verified by a licensed surveyor or engineer on site after foundation forms are placed, but before pouring concrete or placing construction material in its permanent position. This verification shall be to the satisfaction of the Zoning Officer.
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 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. 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.

L. 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.

At All Times:

41. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
42. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated December 9, 2024.
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. **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.
45. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
46. **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.
47. **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.)

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 9, 2025

SIGNATURE DATE

*Approve Findings and Conditions attached

A1 COVER SHEET
A2 EXISTING SITE PLAN
A3 EXISTING FIRST FLOOR PLAN & CRAWLSPACE PLAN
A4 PROPOSED GROUND FLOOR PLAN
A5 PROPOSED ROOF AND SECOND FLOOR PLAN
A6 EXISTING EAST & WEST ELEVATIONS
A7 EXISTING NORTH & SOUTH ELEVATIONS (& PARTIAL E/W)
A8 PROPOSED EAST & WEST ELEVATIONS
A9 PROPOSED NORTH & SOUTH ELEVATIONS (& PARTIAL N/W)
A10 PROPOSED LONGITUDINAL SECTIONS
A11 PROPOSED EAST WEST SECTIONS
A12 STREET STRIP ELEVATION
A13 BOUNDARY & TOPOGRAPHIC SURVEY
A14 GRADING PLAN
A15 STORY POLE PLAN
A16 SHADOW STUDY: EXISTING DWELLING
A17 SHADOW STUDY: PROPOSED DWELLING
A18 SHADOW STUDY: COMBINED EXISTING & PROPOSED

PROJECT SCOPE

PROPOSED REAR SETBACK: 15'

1) DEMOLISH 1-STORY, SINGLE FAMILY DWELLING.

2) BUILD NEW 2-STORY, SINGLE FAMILY DWELLING, MAX HT: 25'

PROJECT INFORMATION

OWNERS: JOACHIM KAINZ & LINDSAY NEWMAN
1044 KEITH AVENUE
BERKELEY, CA 94708
P.313.615.9400

OCCUPANCY: RESIDENTIAL RH-3

CONSTRUCTION TYPE: V-B

ENERGY CODE & GREEN CODE STATEMENT

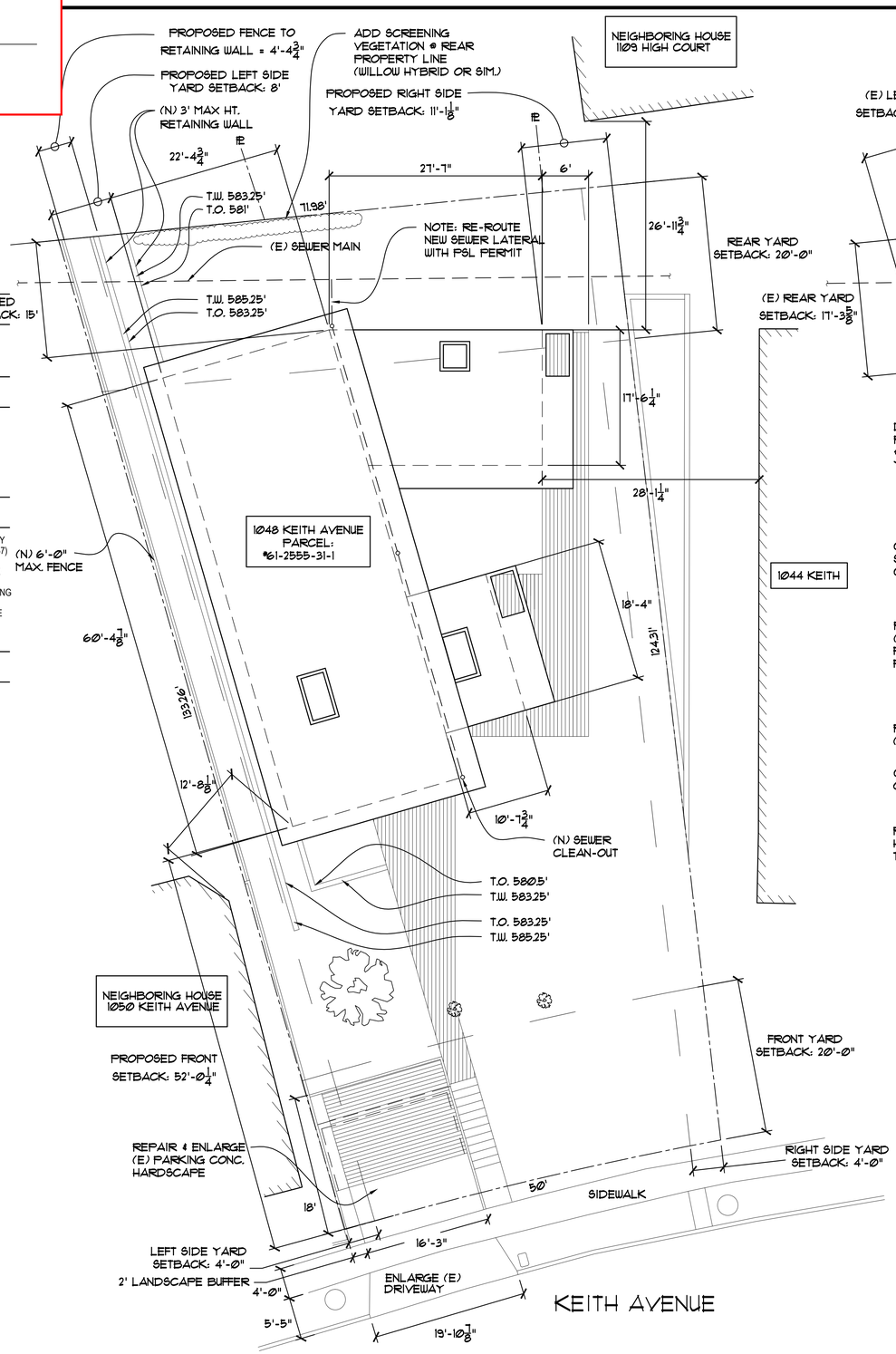
THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CH. 19.36) & BERKELEY GREEN CODE (BMC CH. 19.37) INCLUDING SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, & LOW-CARBON CONCRETE REQUIREMENTS. NOTE THAT FOR BUILDING PERMIT SUBMITTAL, QUANTITATIVE VALUES FOR APPLIANCE FUEL EFFIECIENCY MUST BE INCLUDED IN RELEVANT BUILDING PERMIT ARCHITECTURAL SHEETS, WINDOW & DOOR SCHEDULES, & ON ARCHITECTURAL, PLUMBING, & MECHANICAL SHEETS, MATCHING THOSE VALUES STIPULATED IN PRESCRIPTIVE OR PERFORMANCE ENERGY COMPLIANCE DOCUMENTS.

CEQA GUIDELINE NOTES:

ALL PROJECT CONSTRUCTION EQUIPMENT SHALL HAVE AT LEAST EPA-RATED TIER 3 DIESEL ENGINES.

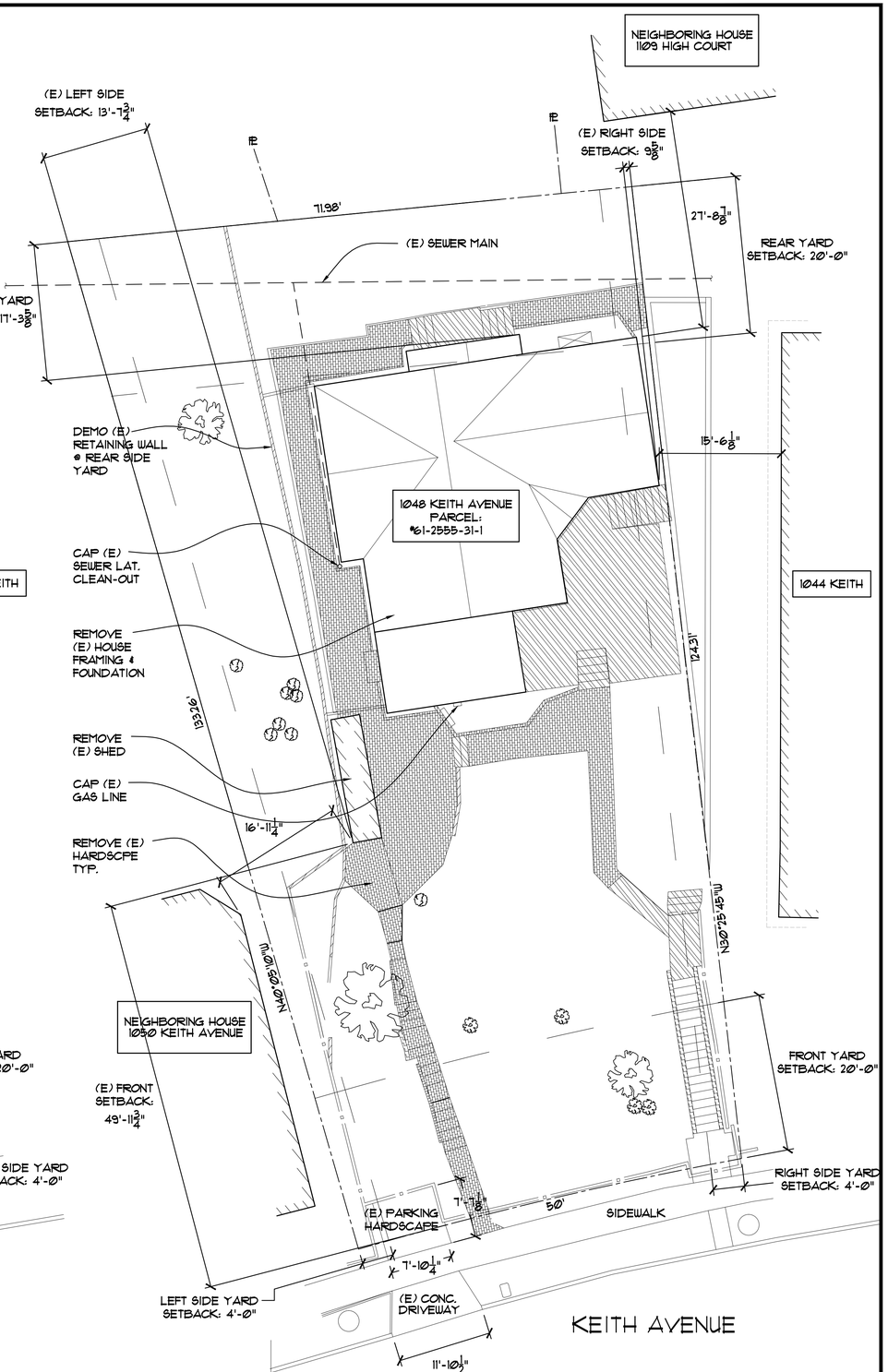
I have reviewed plans at 1048 Keith Ave for a proposed 2-story single family dwelling.

NAME (PRINTED)	SIGNATURE	ADDRESS	RENTER OR OWNER	HAVE NO OBJECTIONS	HAVE OBJECTIONS (STATE BRIEFLY)	HAVE NO COMMENT
		1044 KEITH AVE				
		1047 KEITH AVE				
		1049 KEITH AVE				
		1050 KEITH AVE				
		1051 KEITH AVE				
		1109 HIGH CT				
		1111 HIGH CT				
		1113 HIGH CT				



PROPOSED SITE PLAN

1/8"=1'-Ø"



EXISTING SITE PLAN

1/8"=1'-Ø"

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING SITE PLAN &
PROPOSED SITE PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-Ø"
DRAWN: LN

A1

OF 18 SHEETS

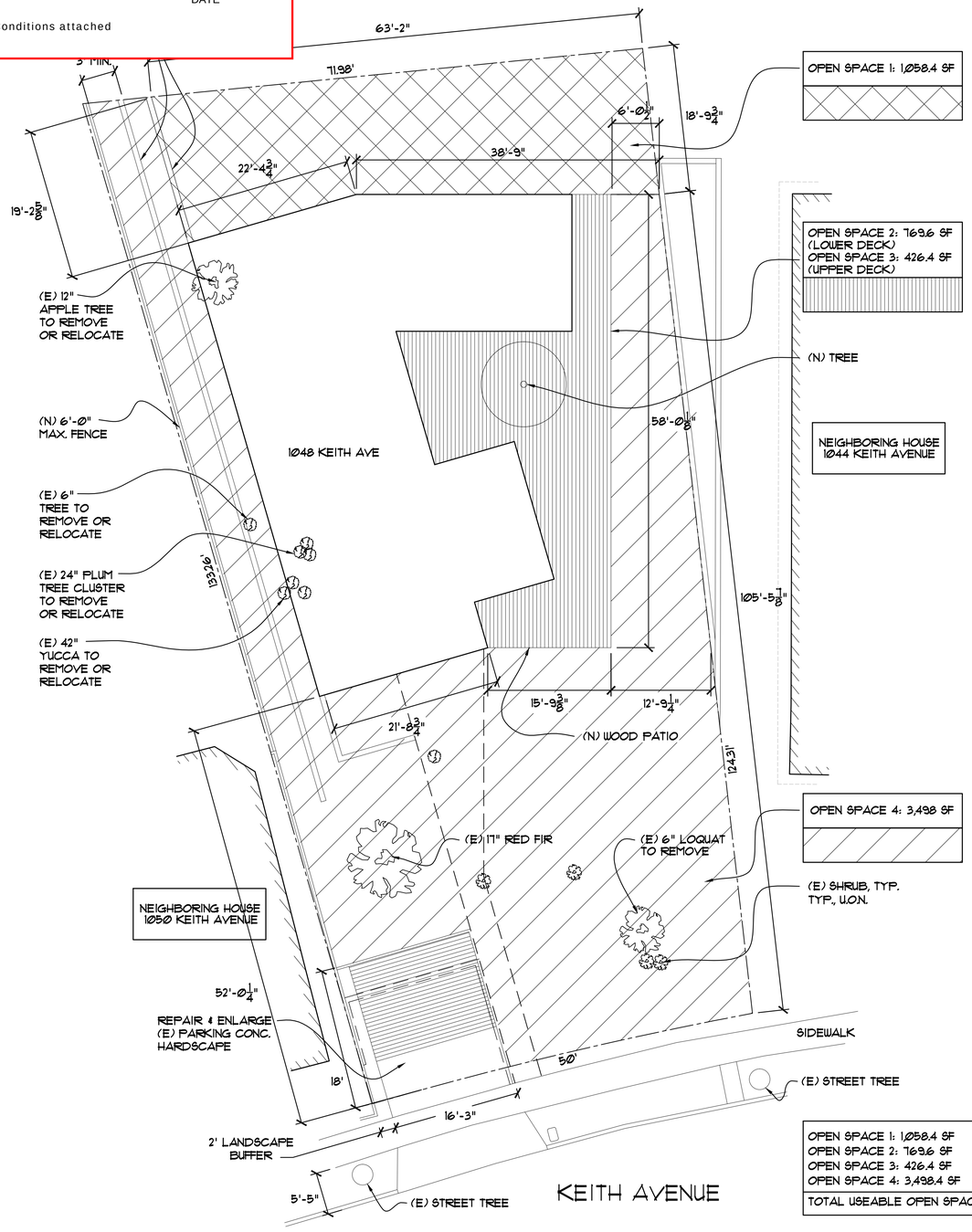
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE

January 9, 2025

DATE

*Approve Findings and Conditions attached

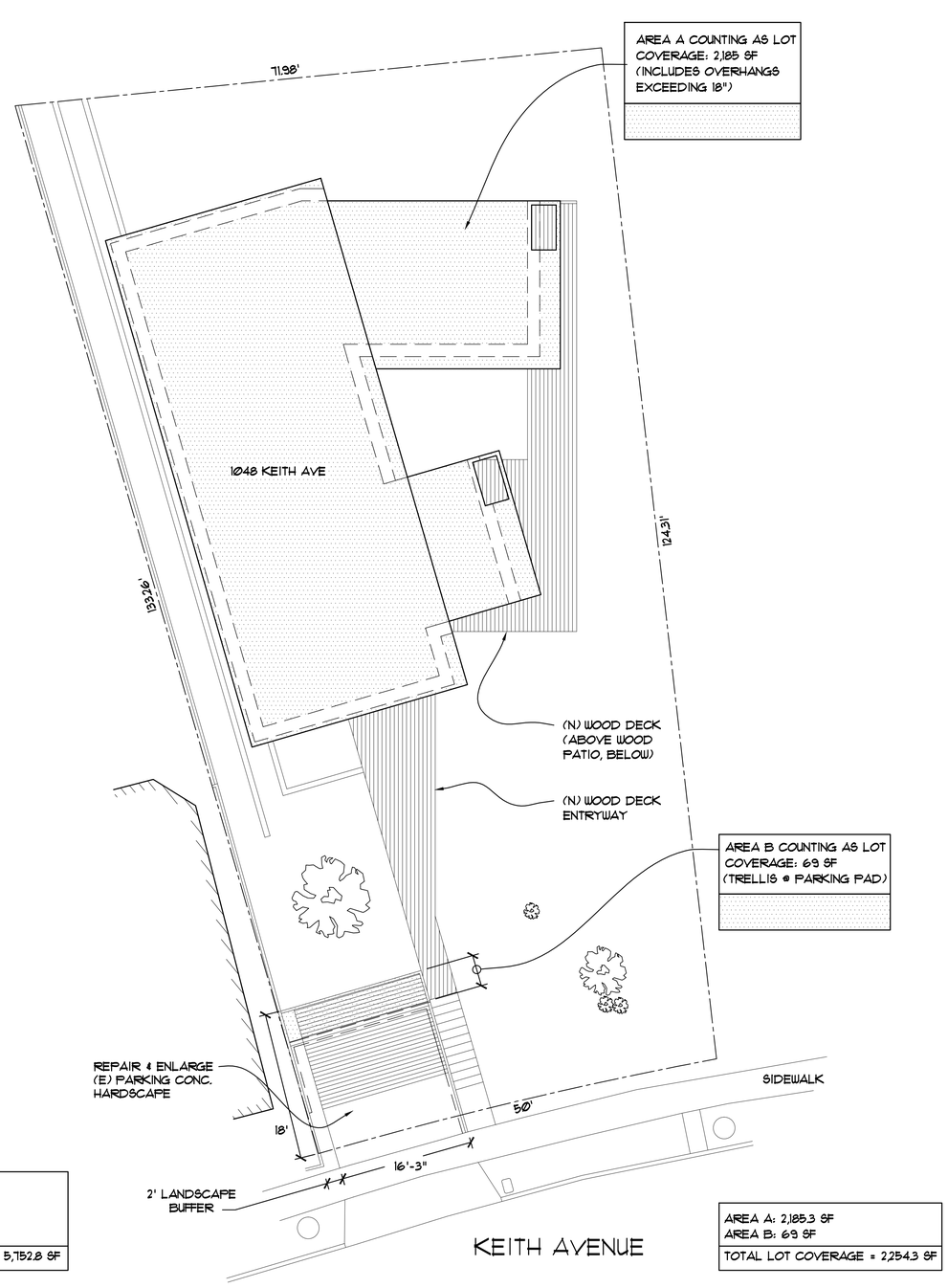


LANDSCAPE & USEABLE OPEN SPACE PLAN

1/8"=1'-0"

N

USEABLE OPEN SPACE DEFINED PER BMC CHAPTER 23.502:
OUTDOOR SPACE, INCLUDING NATURAL AND LANDSCAPED GROUND AREAS, POOLS, PATIOS, DECKS & BALCONIES DESIGNED FOR ACTIVE OR PASSIVE RECREATIONAL USE AND WHICH IS ACCESSIBLE TO THE OCCUPANTS OF A BUILDING ON THE SAME LOT.



LOT COVERAGE DIAGRAM

1/8"=1'-0"

N

LOT COVERAGE DEFINED PER BMC CHAPTER 23.502:
ALL THE AREA OF A LOT, AS PROJECTED ON A HORIZONTAL PLANE, WHICH IS:
1. ENCLOSED BY THE EXTERIOR WALLS OF BUILDINGS OR ENCLOSED ACCESSORY STRUCTURES, OR
2. COVERED BY DECKS, PORCHES, STAIRS AND/OR LANDINGS WHICH COVER AN ENCLOSED SPACE OR PAVED GROUND AREA.

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 84808 * CIVIL * Exp. 09/2025 * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
LANDSCAPE & USEABLE OPEN SPACE
PLAN & LOT COVERAGE DIAGRAM

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A2

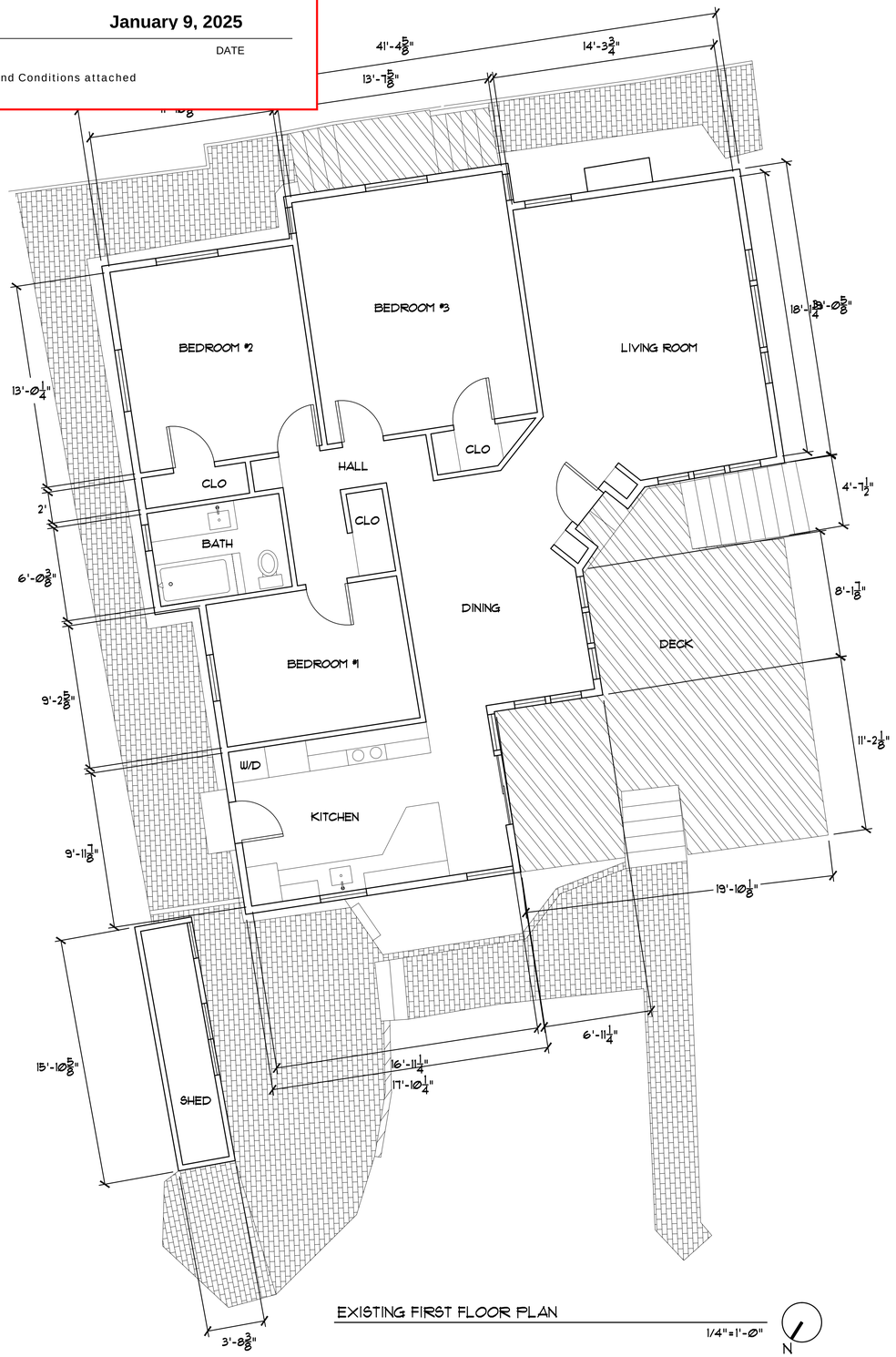
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

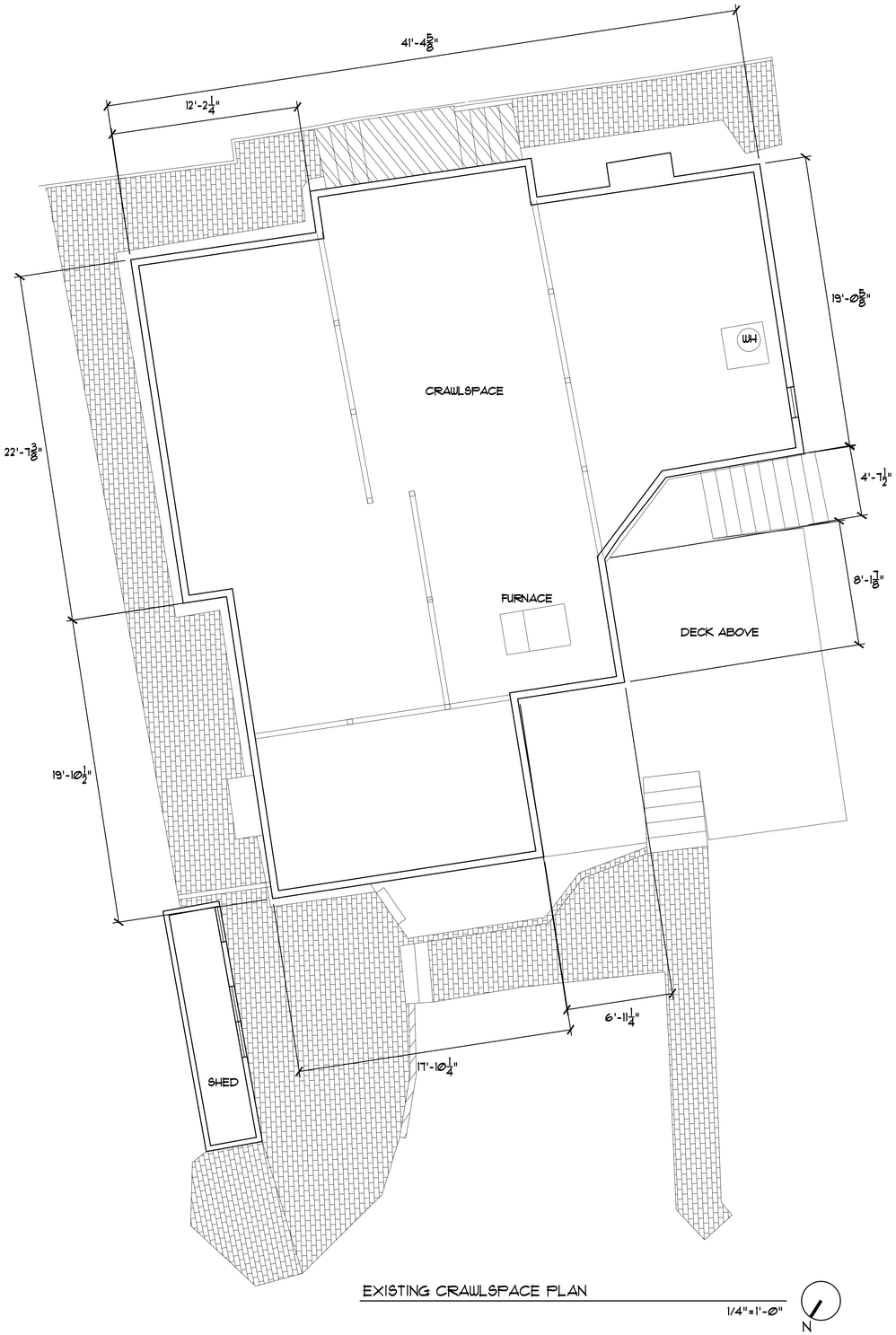
Sharon Gong — January 9, 2025

SIGNATURE — DATE

*Approve Findings and Conditions attached



EXISTING FIRST FLOOR PLAN — 1/4"=1'-0"



EXISTING CRAWLSPACE PLAN — 1/4"=1'-0"

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING FIRST FLOOR PLAN &
EXISTING CRAWLSPACE PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A3
OF 18 SHEETS

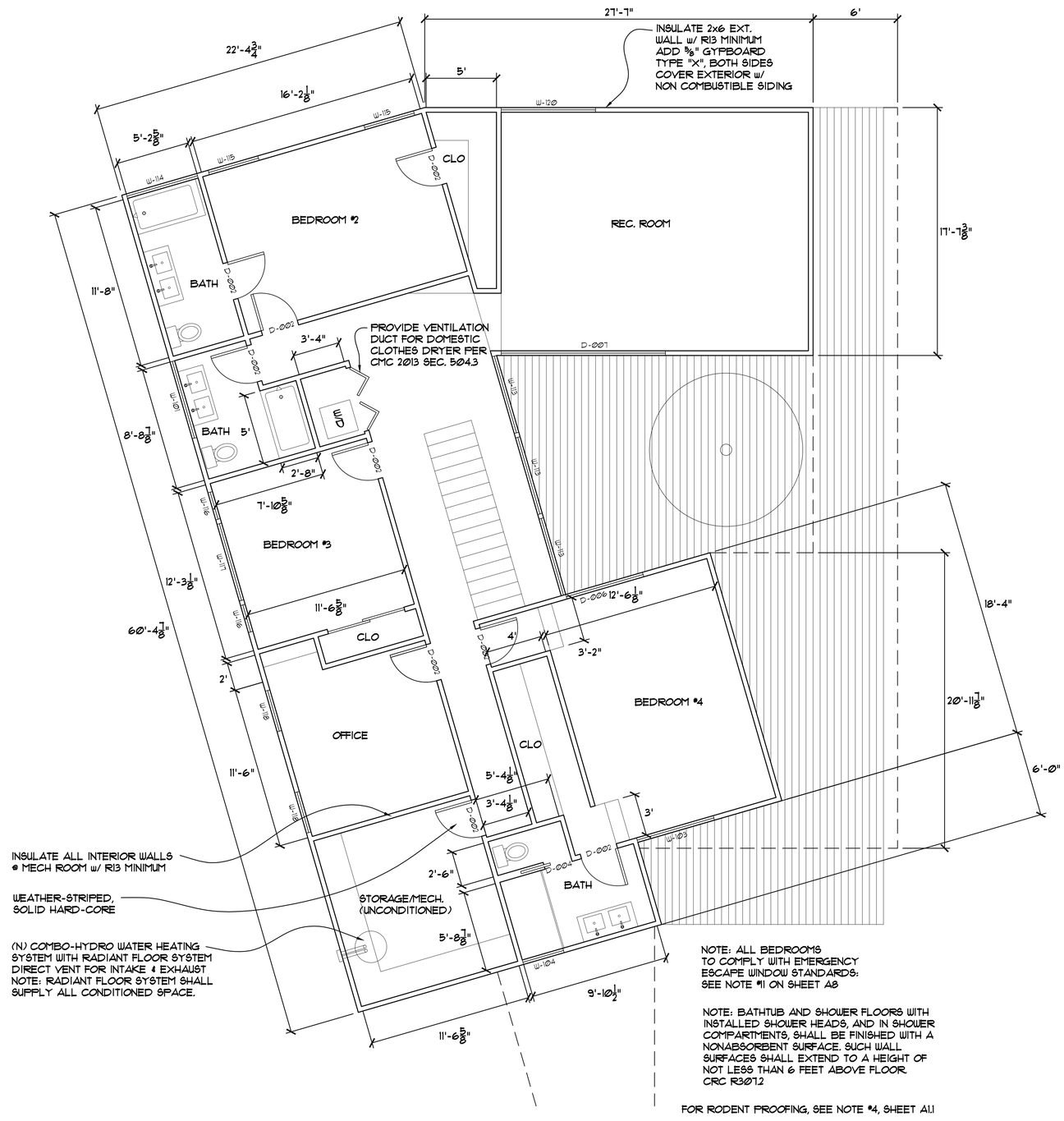
LEGEND

(N) 2x4 STUD WALL w/ 5/8" GYP. EA. SIDE, U.O.N.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **January 9, 2025**

*Approve Findings and Conditions attached



NOTE: ALL BEDROOMS TO COMPLY WITH EMERGENCY ESCAPE WINDOW STANDARDS: SEE NOTE #11 ON SHEET A8

NOTE: BATHTUB AND SHOWER FLOORS WITH INSTALLED SHOWER HEADS, AND IN SHOWER COMPARTMENTS, SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE FLOOR. CRC R307.2

FOR RODENT PROOFING, SEE NOTE #4, SHEET A1.1

NOTE: ALL ENERGY WORK FOR IS IN FULL COMPLIANCE w/TITLE 24 CALCULATIONS ON SHEETS T1 AND T2

PROPOSED GROUND FLOOR PLAN

1/4"=1'-0"

N

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED GROUND FLOOR PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A4

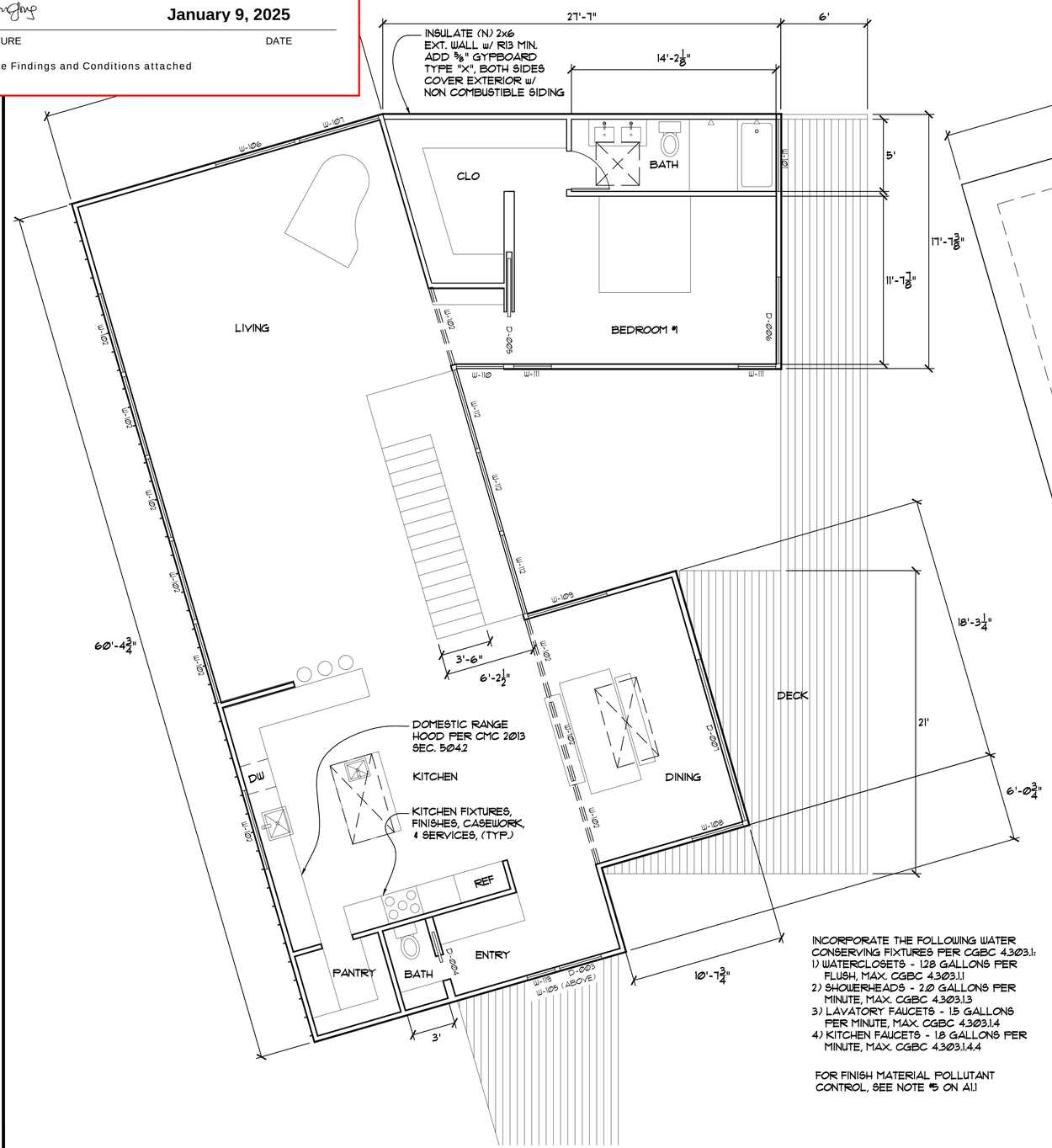
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Sharon Gong — January 9, 2025

SIGNATURE DATE

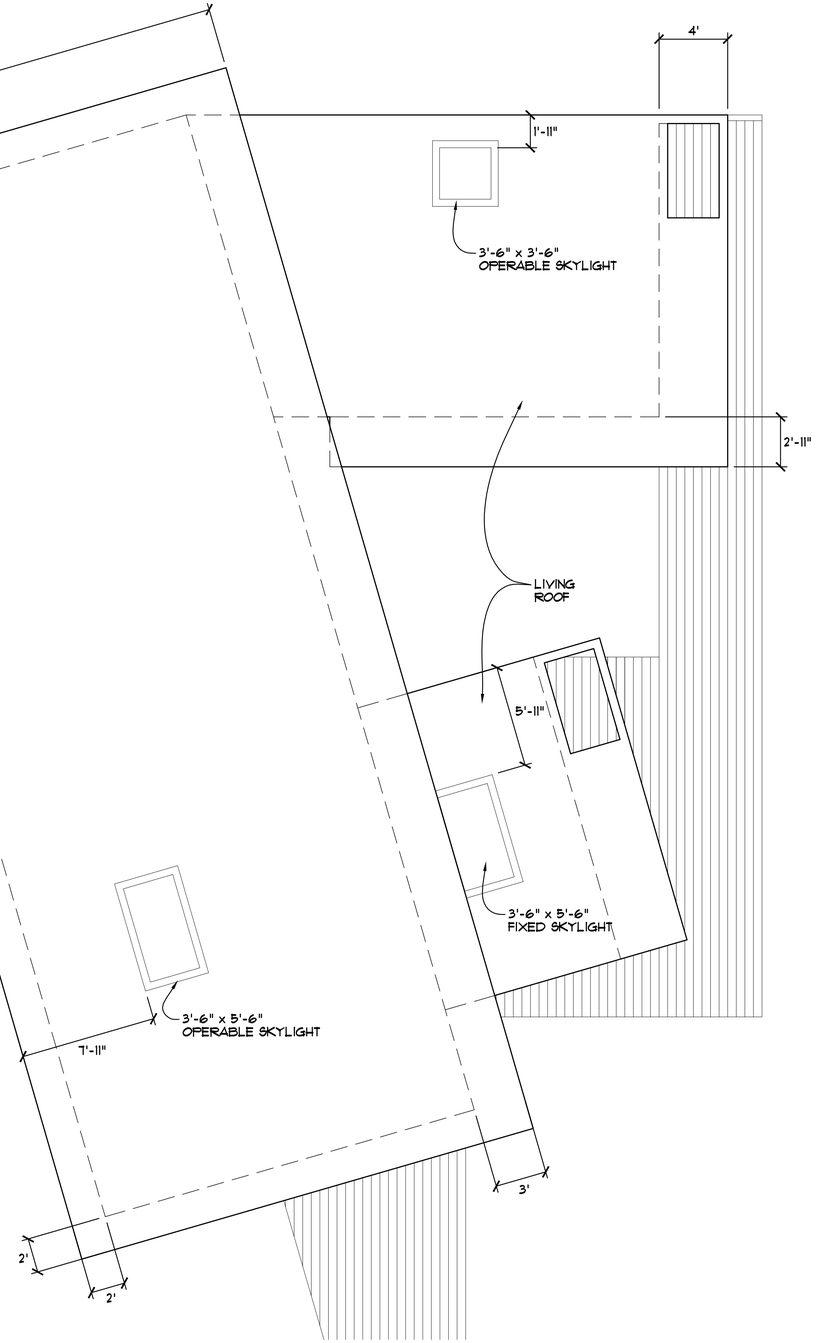
*Approve Findings and Conditions attached



INCORPORATE THE FOLLOWING WATER CONSERVING FIXTURES PER CGBC 4.303.1.:
1) WATERCLOSETS - 1.28 GALLONS PER FLUSH, MAX. CGBC 4.303.1.1
2) SHOWERHEADS - 2.0 GALLONS PER MINUTE, MAX. CGBC 4.303.1.3
3) LAVATORY FAUCETS - 1.5 GALLONS PER MINUTE, MAX. CGBC 4.303.1.4
4) KITCHEN FAUCETS - 1.8 GALLONS PER MINUTE, MAX. CGBC 4.303.1.4.4

FOR FINISH MATERIAL POLLUTANT CONTROL, SEE NOTE #5 ON A1.1

PROPOSED SECOND FLOOR PLAN
1/4"=1'-0"



PROPOSED ROOF PLAN
1/4"=1'-0"

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLAN - 1048 KEITH
PROPOSED ROOF PLAN
& SECOND FLOOR PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

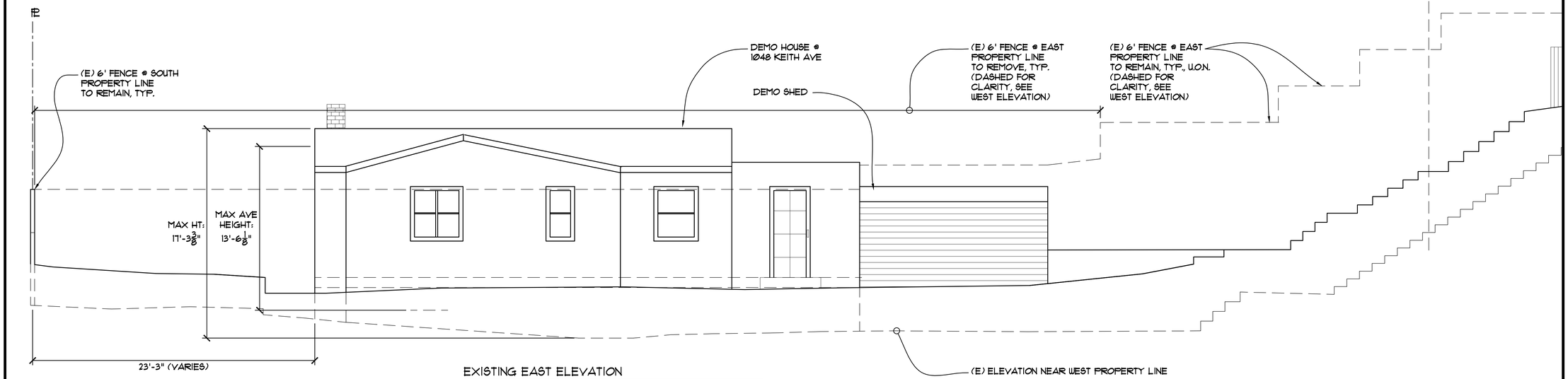
A5
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Sharon Gong — January 9, 2025

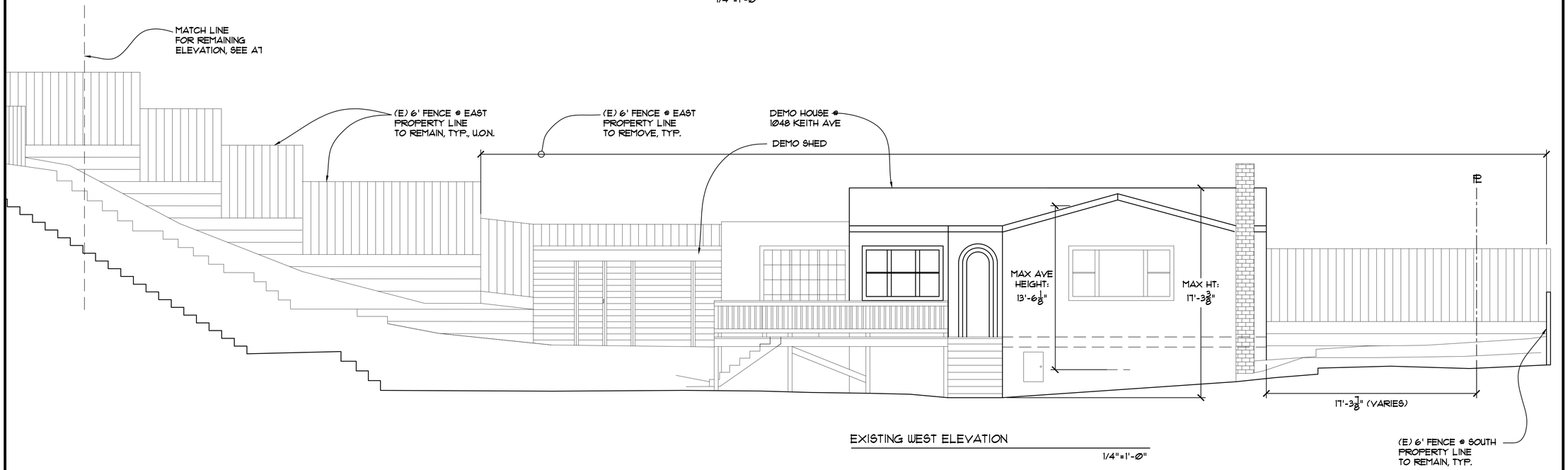
SIGNATURE — DATE

*Approve Findings and Conditions attached



EXISTING EAST ELEVATION

1/4"=1'-0"



EXISTING WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING EAST & WEST
ELEVATIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A5

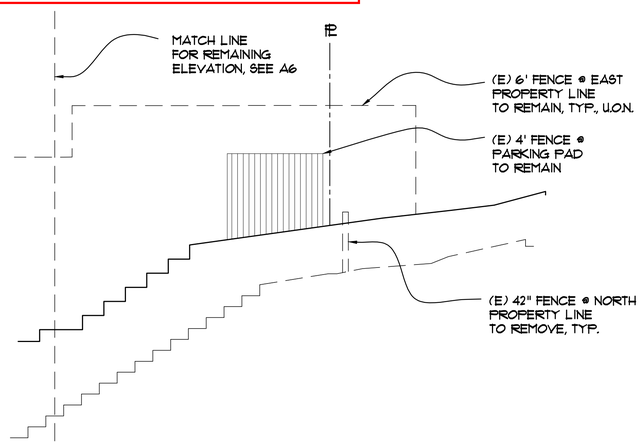
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 9, 2025

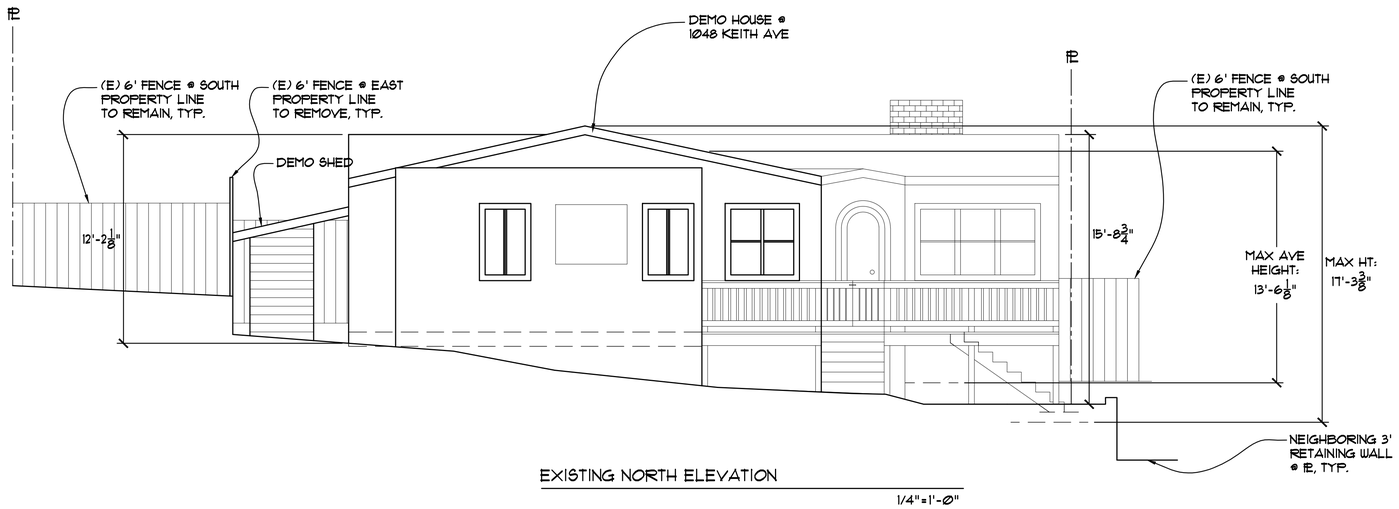
SIGNATURE DATE

*Approve Findings and Conditions attached



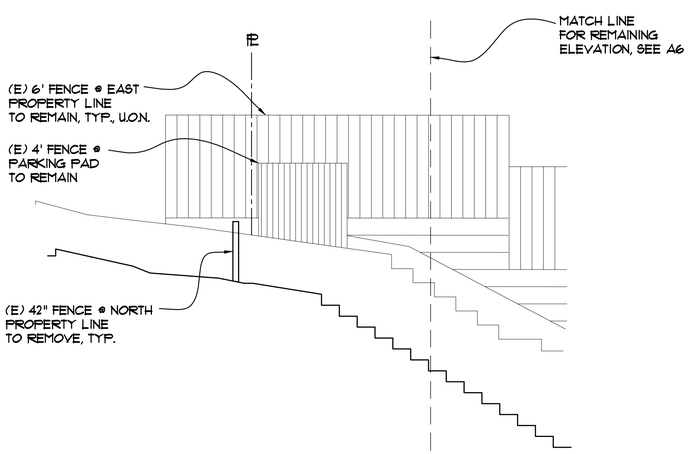
PARTIAL EXISTING EAST ELEVATION (@ STREET)

1/4"=1'-0"



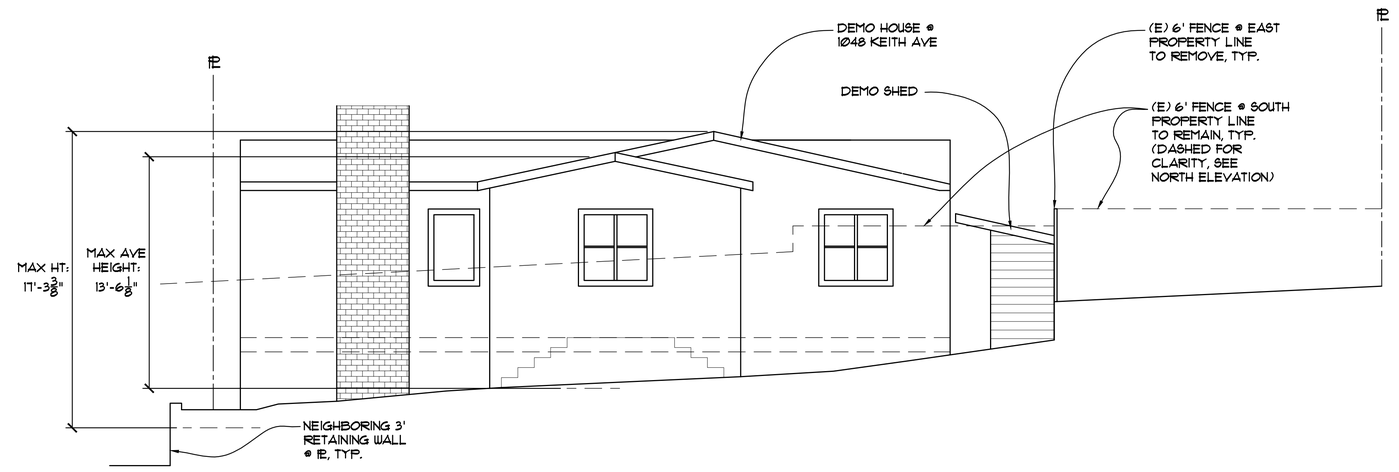
EXISTING NORTH ELEVATION

1/4"=1'-0"



PARTIAL EXISTING WEST ELEVATION (@ STREET)

1/4"=1'-0"



EXISTING SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY J. NEWMAN * No. C-34988 * CIVIL * STATE OF CALIFORNIA * Exp. 08/2025

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
EXISTING NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1

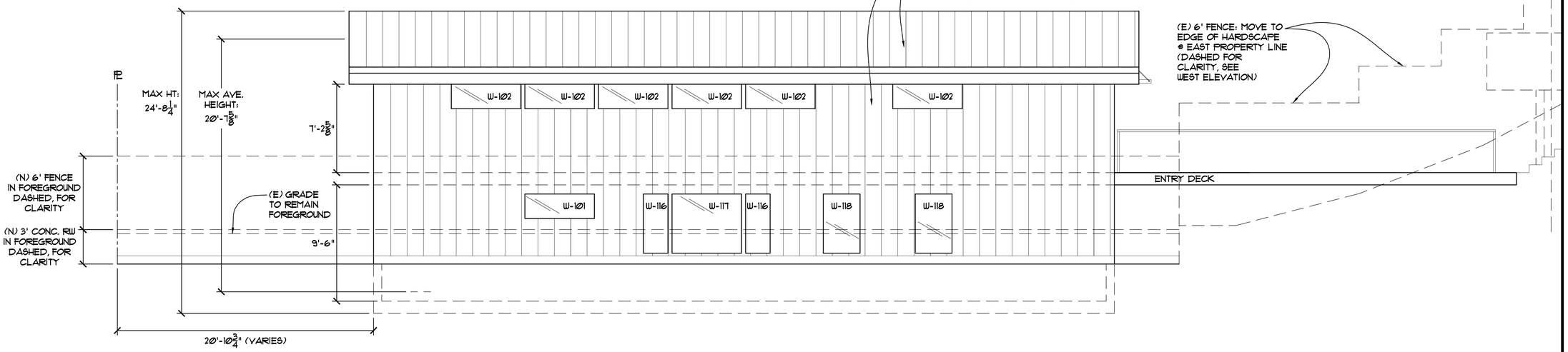
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 9, 2025

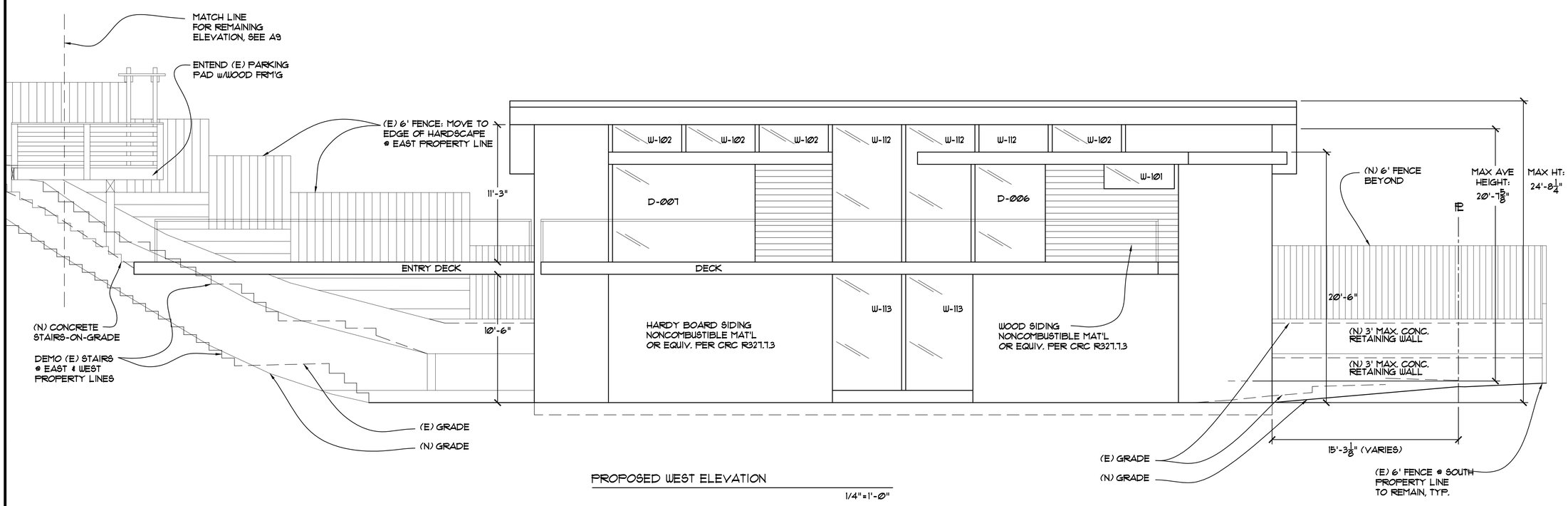
SIGNATURE DATE

*Approve Findings and Conditions attached



PROPOSED EAST ELEVATION

1/4"=1'-0"



PROPOSED WEST ELEVATION

1/4"=1'-0"

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED EAST & WEST
ELEVATIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

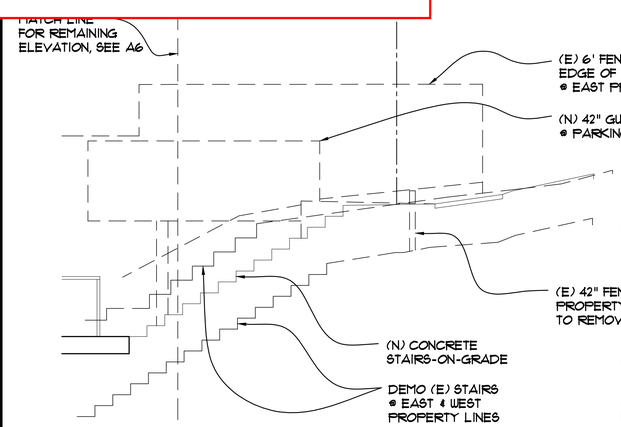
A8
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

January 9, 2025

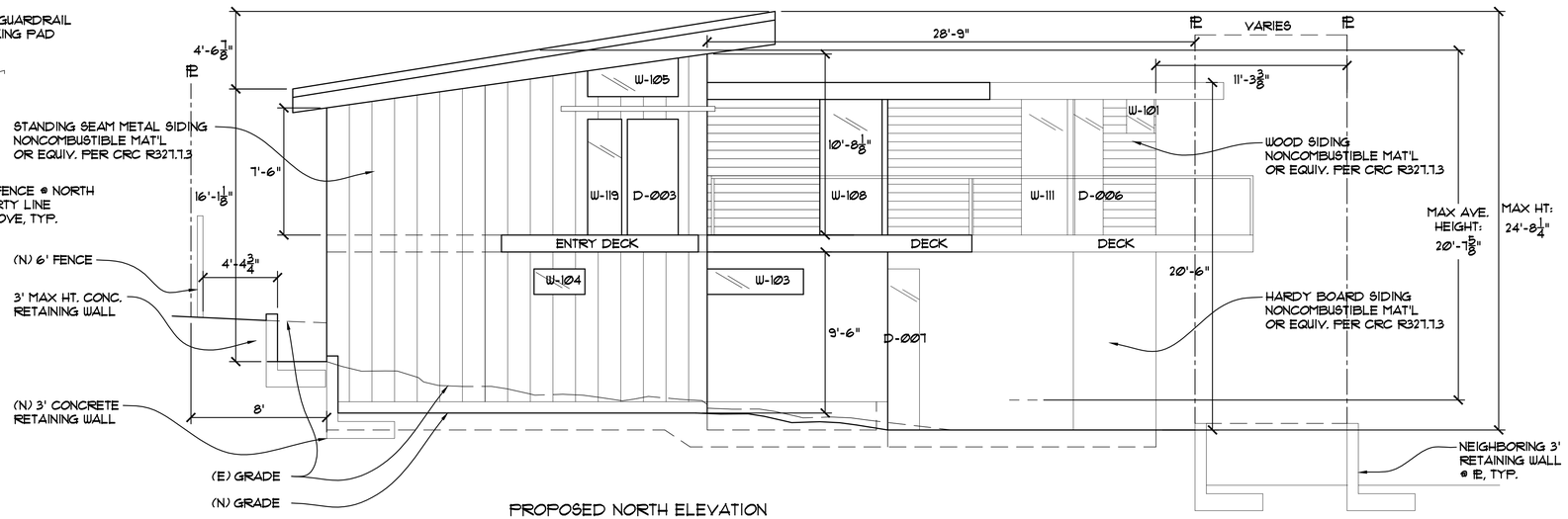
SIGNATURE DATE

*Approve Findings and Conditions attached



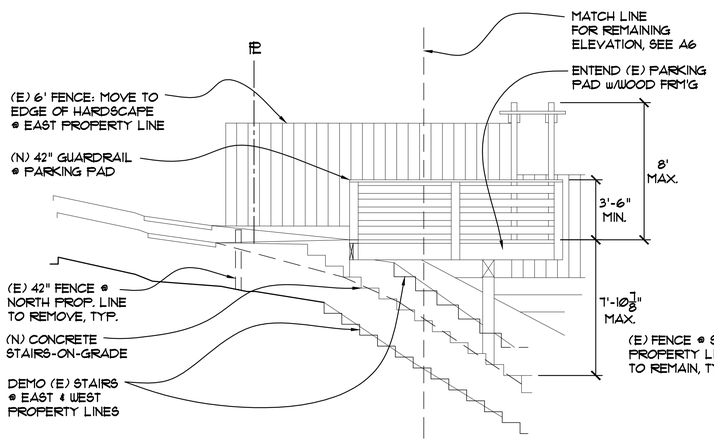
PARTIAL EXISTING EAST ELEVATION (@ STREET)

1/4"=1'-0"



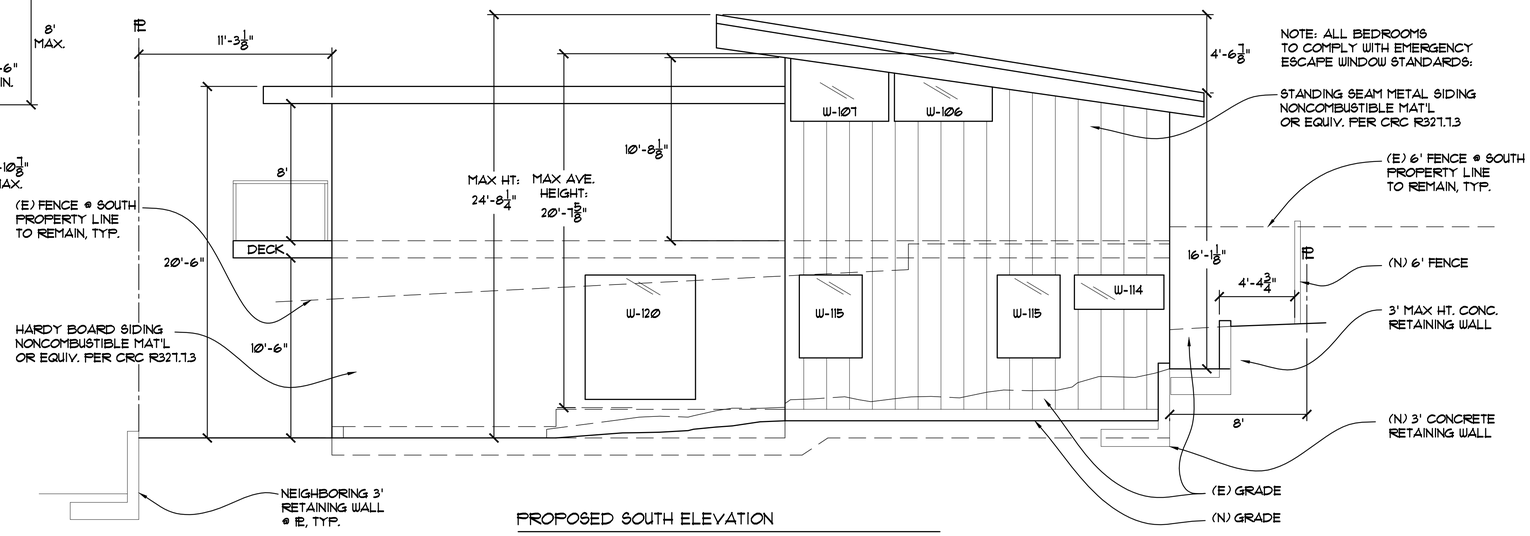
PROPOSED NORTH ELEVATION

1/4"=1'-0"



PARTIAL PROPOSED WEST ELEVATION (@ STREET)

1/4"=1'-0"



PROPOSED SOUTH ELEVATION

1/4"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 84808 Exp. 06/2025 CIVIL * STATE OF CALIFORNIA *

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED NORTH & SOUTH
ELEVATIONS (& PARTIAL E/W)

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

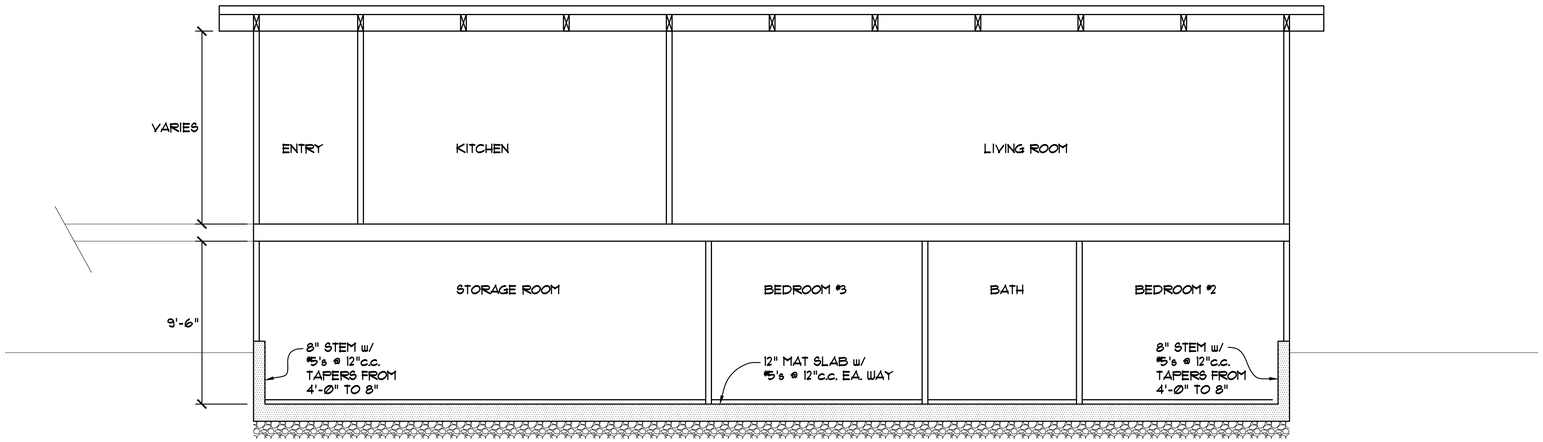
A9
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

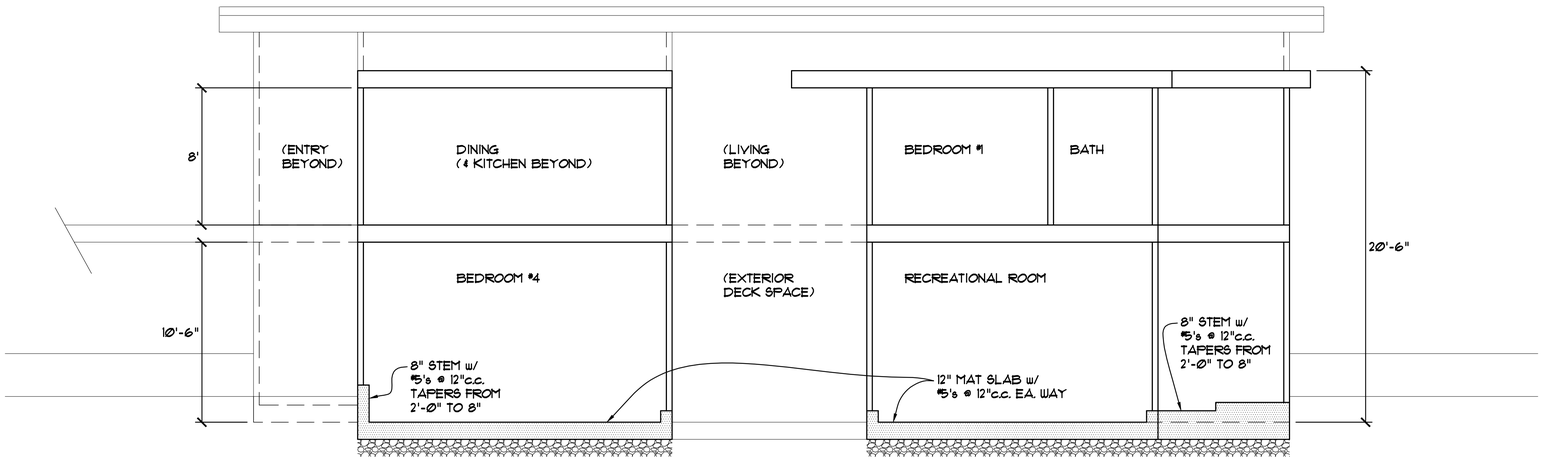
Sharon Gong — January 9, 2025

SIGNATURE DATE

*Approve Findings and Conditions attached



PROPOSED LONGITUDINAL SECTION @ MAIN HOUSE - NORTH TO SOUTH



PROPOSED LONGITUDINAL SECTION @ POP-OUTS - NORTH TO SOUTH

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED LONGITUDINAL SECTIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

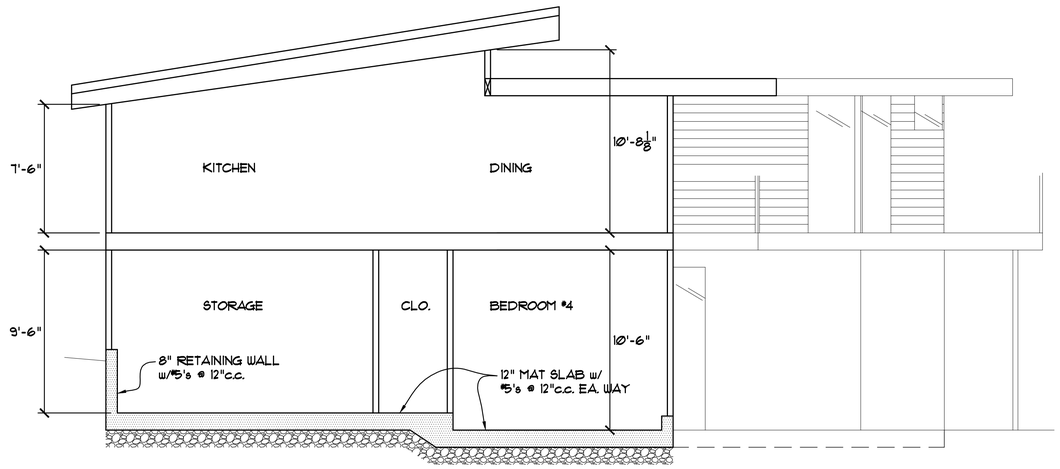
A10

OF 18 SHEETS

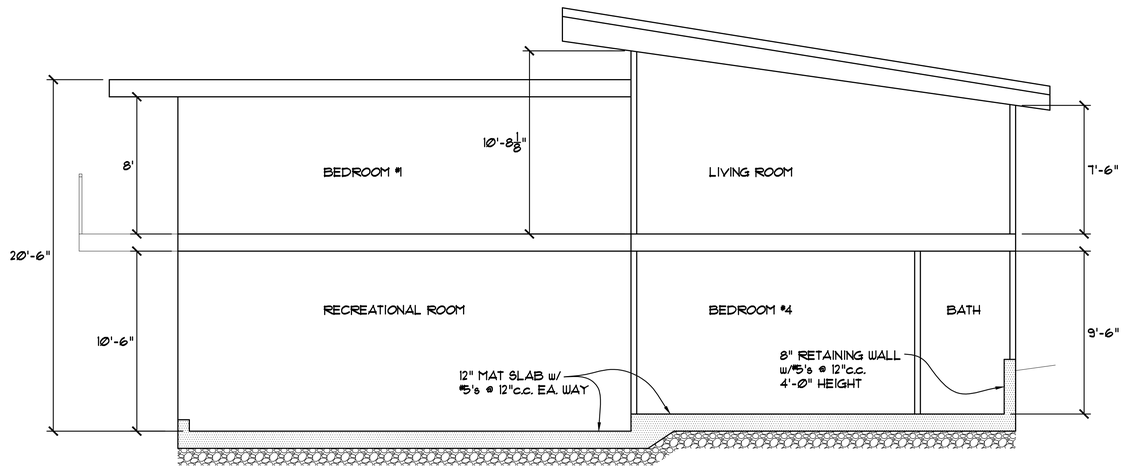
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **January 9, 2025**

*Approve Findings and Conditions attached



PROPOSED SECTION - EAST WEST @ DINING



PROPOSED SECTION - EAST WEST @ BEDROOM #1

REVISIONS	BY

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NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
PROPOSED EAST WEST SECTIONS

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

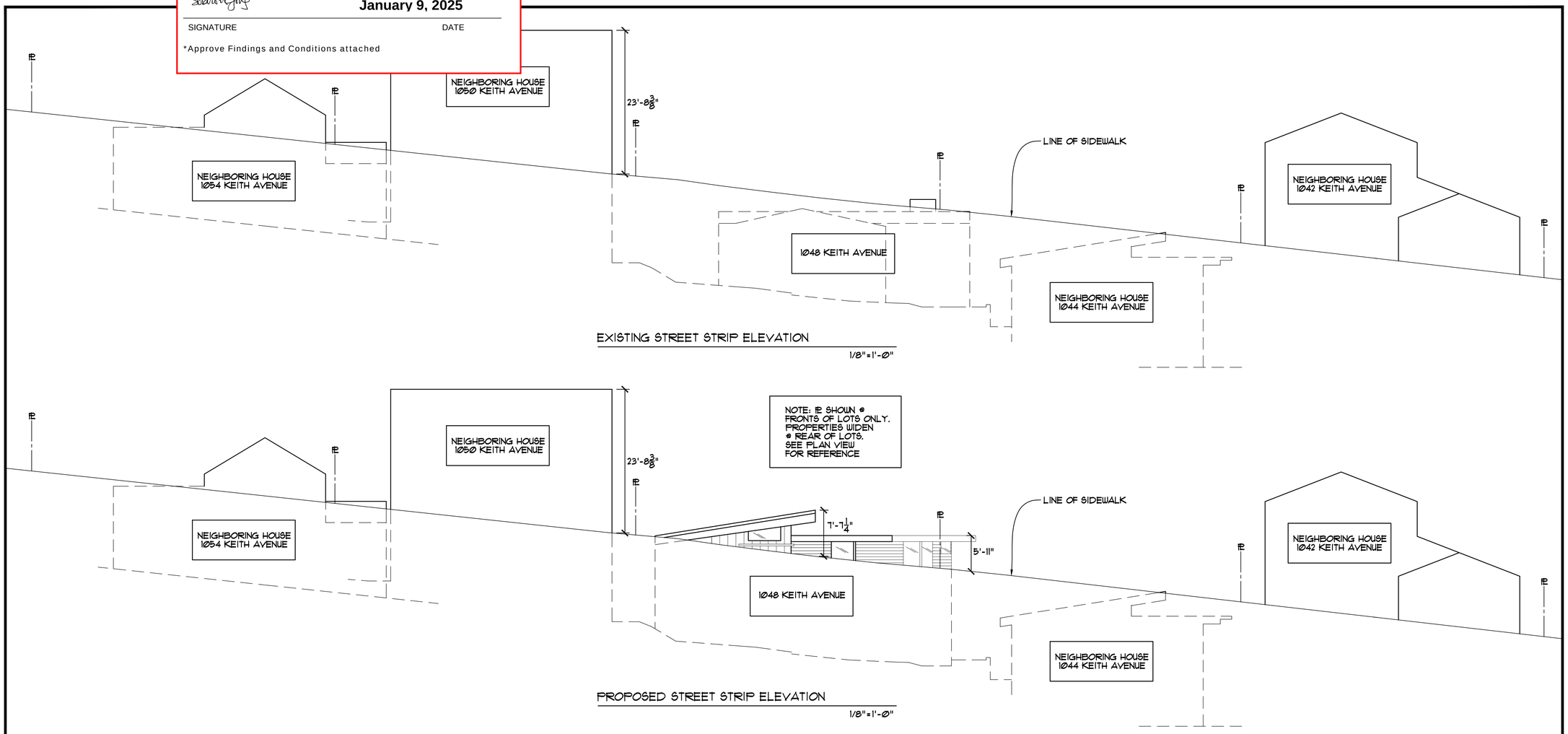
A11
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Sharon Gong — January 9, 2025

SIGNATURE — DATE

*Approve Findings and Conditions attached



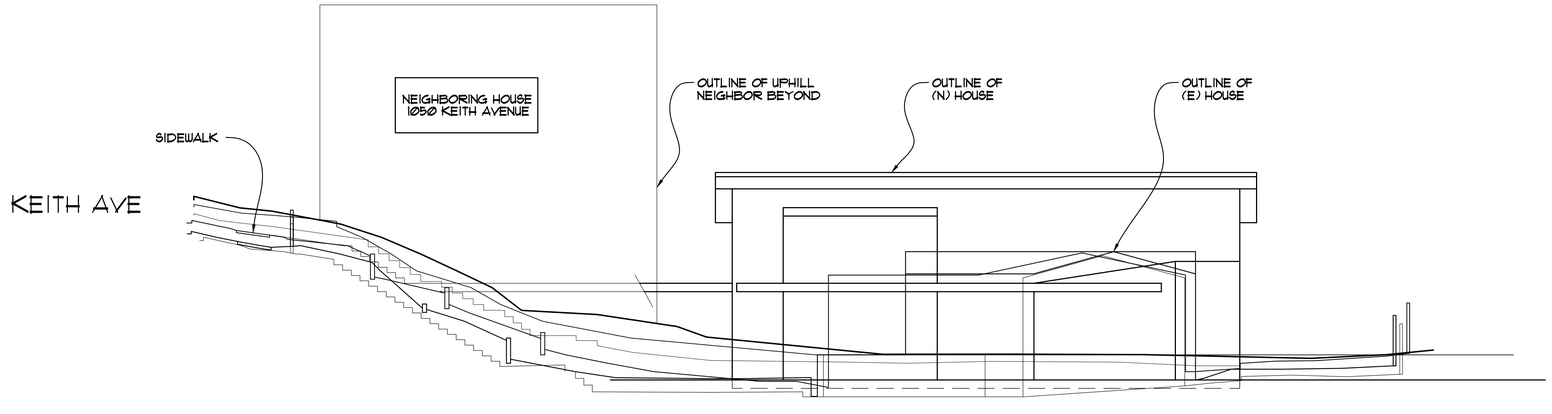
EXISTING STREET STRIP ELEVATION

1/8"=1'-0"

NOTE: TF SHOWN @ FRONTS OF LOTS ONLY. PROPERTIES WIDEN @ REAR OF LOTS. SEE PLAN VIEW FOR REFERENCE

PROPOSED STREET STRIP ELEVATION

1/8"=1'-0"



COMPILATION OF NORTH-SOUTH SECTIONS WITH UPHILL NEIGHBOR

1/8"=1'-0"

REVISIONS	BY

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newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER ★ LINDSAY NEWMAN ★ No. C 94608 Exp. 06/30/25 CIVIL ★ STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
STREET STRIP ELEVATIONS &
N-S SURVEY SECTION CUT

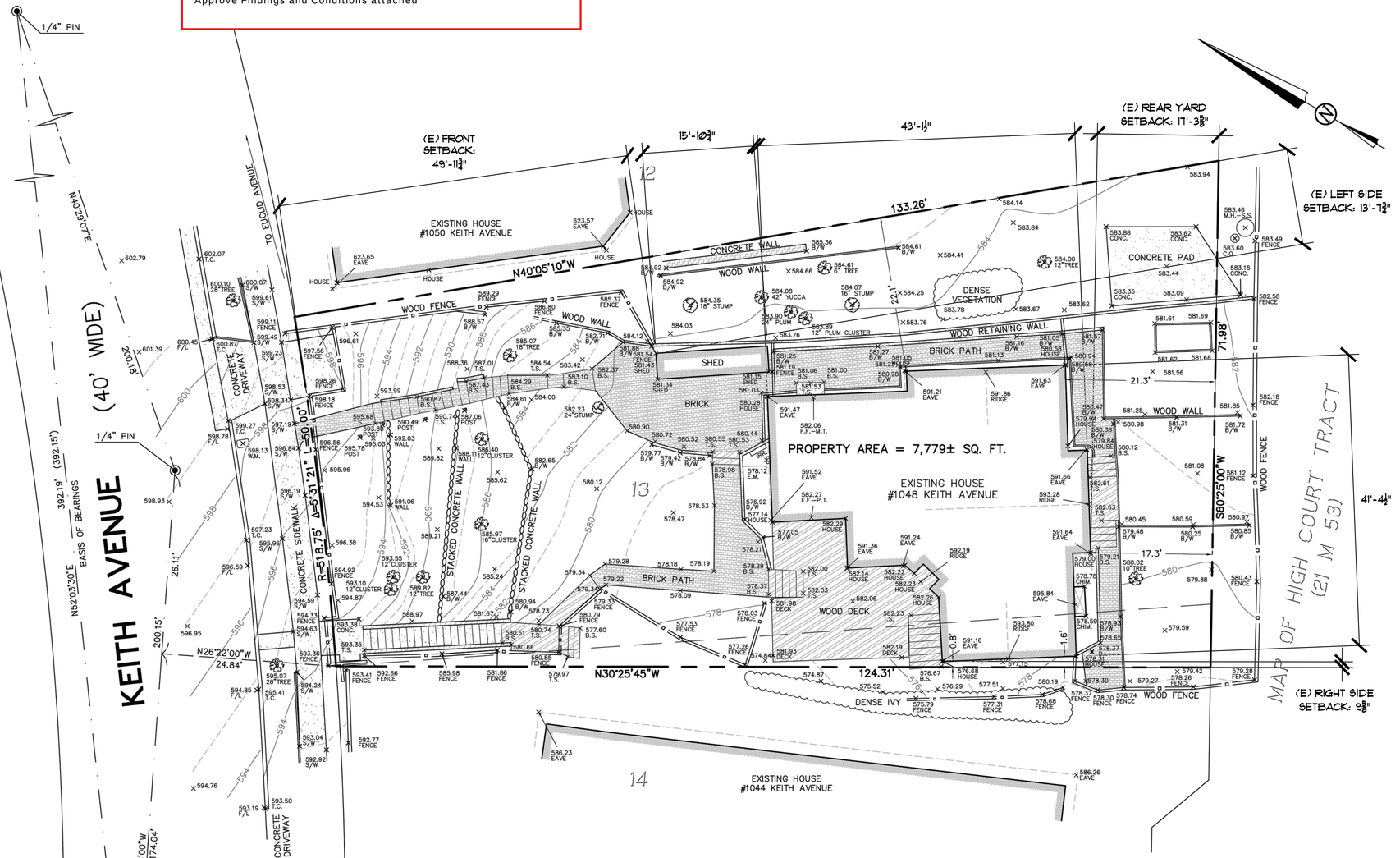
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A12
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **January 9, 2025**

*Approve Findings and Conditions attached



LEGEND

B.S.	BASE OF STEPS
B/W	BASE OF WALL
CHIM.	CHIMNEY
C.O.	CLEANOUT
CONC.	CONCRETE
D.I.	DRAIN INLET
E.M.	ELECTRIC METER
F.F.	FINISHED FLOOR
F/L	FLOWLINE
IRR.	IRRIGATION
M.H.	MAINTENANCE HOLE
M.T.	METAL THRESHOLD
P.T.	PLASTIC THRESHOLD
S.S.	SANITARY SEWER
S/W	SIDEWALK
T.C.	TOP OF CURB
T.S.	TOP OF STEPS
W.M.	WATER METER

BUILDING LINE
BRICK
CONCRETE SURFACE
CONCRETE WALL
STACKED CONCRETE WALL
WOOD SURFACE
WOOD WALL
WOOD FENCE
FOUND CITY MONUMENT IN WELL, AS NOTED

GENERAL NOTES:
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

NO TITLE REPORT WAS PROVIDED, EASEMENTS MAY EXIST.

BENCHMARK:
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM.
THE PIN MONUMENT IN KEITH AVENUE, DESIGNATED "B1141" WAS TAKEN AS ELEVATION = 598.58' FEET PER CORNER RECORD 8339 (80 CR 5).

BASIS OF BEARINGS:
THE BASIS OF BEARINGS OF N52°03'30"E BETWEEN THE MONUMENTS IN KEITH AVENUE IS BASED ON THE MAP OF NORTH CRAGMONT (23 M 84), CALCULATED FROM THE NORTH CRAGMONT CALCULATION MAP (ON FILE IN THE CITY ENGINEERING DEPARTMENT) ROTATED BY 23' 30".

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.

LICENCED LAND SURVEYOR JAMES S. MORAN 7881 STATE OF CALIFORNIA

10-10-2024

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 13 AND A PORTION OF LOT 14, BLOCK 2, NORTH CRAGMONT (23 M 84)
LOCATED AT 1048 KEITH AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 16, 2020 SCALE: 1" = 8'
UPDATED APRIL 24, 2024

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

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

F.B. NO. 1799 KEITH-TOPO.DWG JOB NO. 20-10544

REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanli26@gmail.com

REGISTERED PROFESSIONAL ENGINEER LINDSAY T. NEWMAN No. C-94808 Exp. 4/2025 CIVIL STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
BOUNDARY & TOPOGRAPHIC SURVEY

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.3
OF 18 SHEETS

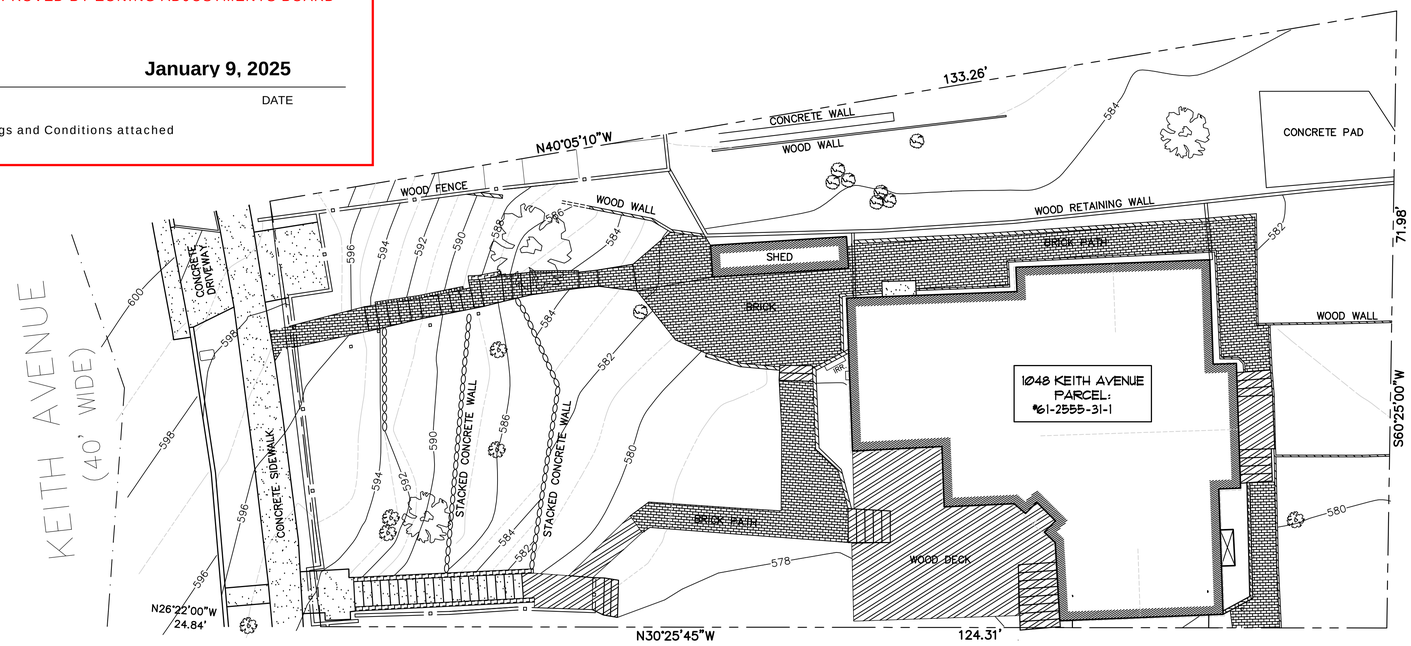
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE

January 9, 2025

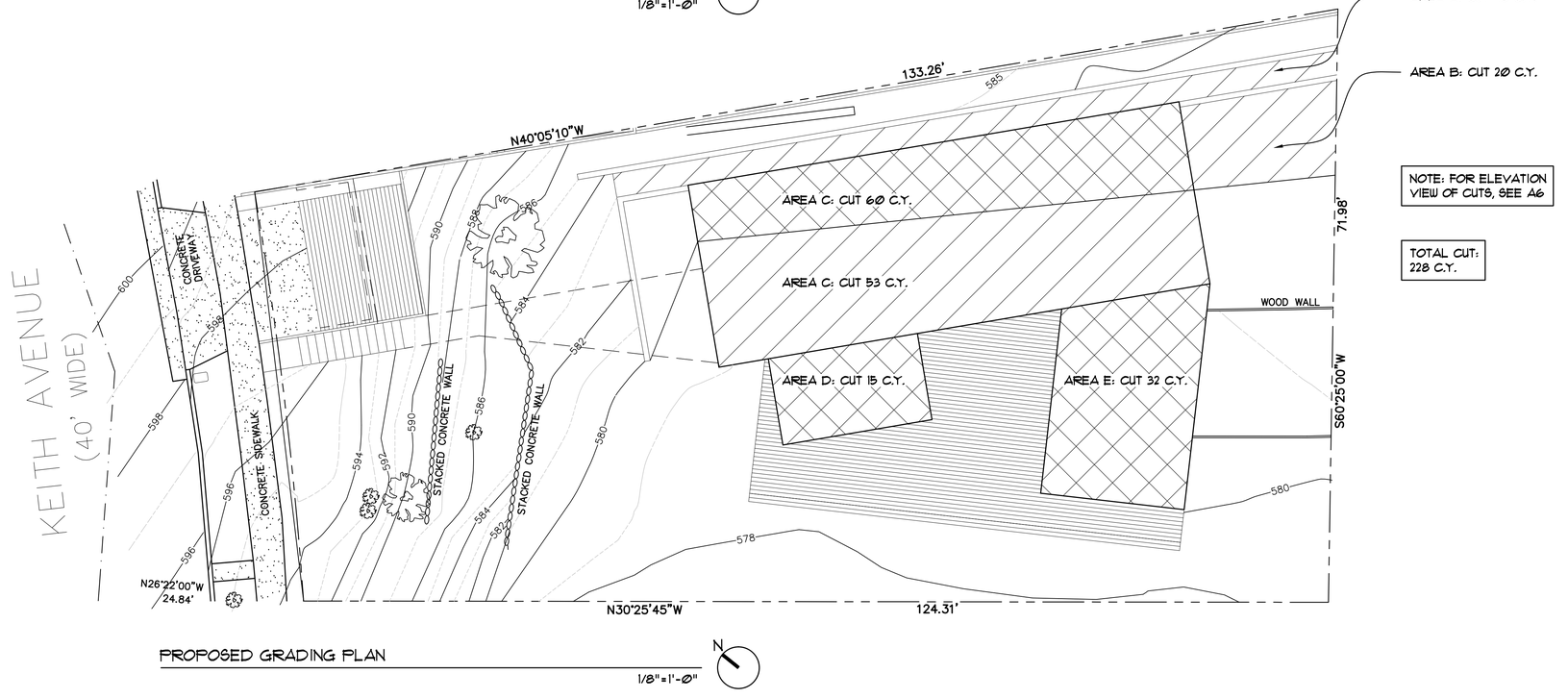
DATE

*Approve Findings and Conditions attached



EXISTING GRADING PLAN

1/8"=1'-0"



PROPOSED GRADING PLAN

1/8"=1'-0"

REVISIONS	BY

LINDSAY NEWMAN, PE
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P.313.615.9400
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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-94808 Exp. 09/2025 CIVIL * STATE OF CALIFORNIA *

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
GRADING PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

A1.4

OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE — DATE: **January 9, 2025**

*Approve Findings and Conditions attached

POLE	BASE GRADE ELEVATION	PROPOSED MAX. ELEV.	STORY POLE HT. FROM B.G. ELEV.
1	583.97'	598.62'	14.65'
2	582.28'	598.62'/602.12'	16.34'/19.84'
3	578.9'	598.62'	19.72'
4	592.5'	598.62'	6.12'
5	594.25'	598.62'/602.12'	4.37'/7.87'
6	593.25'	598.62'/602.12'	5.37'/8.87'
7	593.75'	598.62'	4.87'
8	578.32'	598.62'	20.3'
9	579.52'	598.62'/602.12'	19.1'/22.6'
10	579.16'	602.12'	22.96'
11	584.66'	598.62'	13.96'
12	578.7'	589.62'	10.92'
13	578.24'	589.62'	11.38'

STORY POLE HEIGHT AND LOACATION CERTIFICATION

Instructions: The Story Pole Height and Location Certification and Story Pole Data Table must be executed by a registered land surveyor, architect, or civil engineer, directly on a copy of the Story Pole Plan. The completed certification must be submitted to the City prior to the application being deemed complete by staff.

Required Certification Statement:
I hereby certify that the story poles loated on the referenced site were constructed under my supervision and survey, and the story poles are in conformance with the design, height, and location as shown on the story pole plan. I further certify that 1) the story pole identification numbers, 2) story pole location base grade elevations, 3) story pole heights, and 4) the proposed maximum height elevations are true and correct. I acknowledge and understand that the required project story poles are for the purpose of informing the owner, architect, designer, City staff, Zoning Adjustments Board, and the public as to the accurate location and exterior dimensions of the proposed structure or addition.

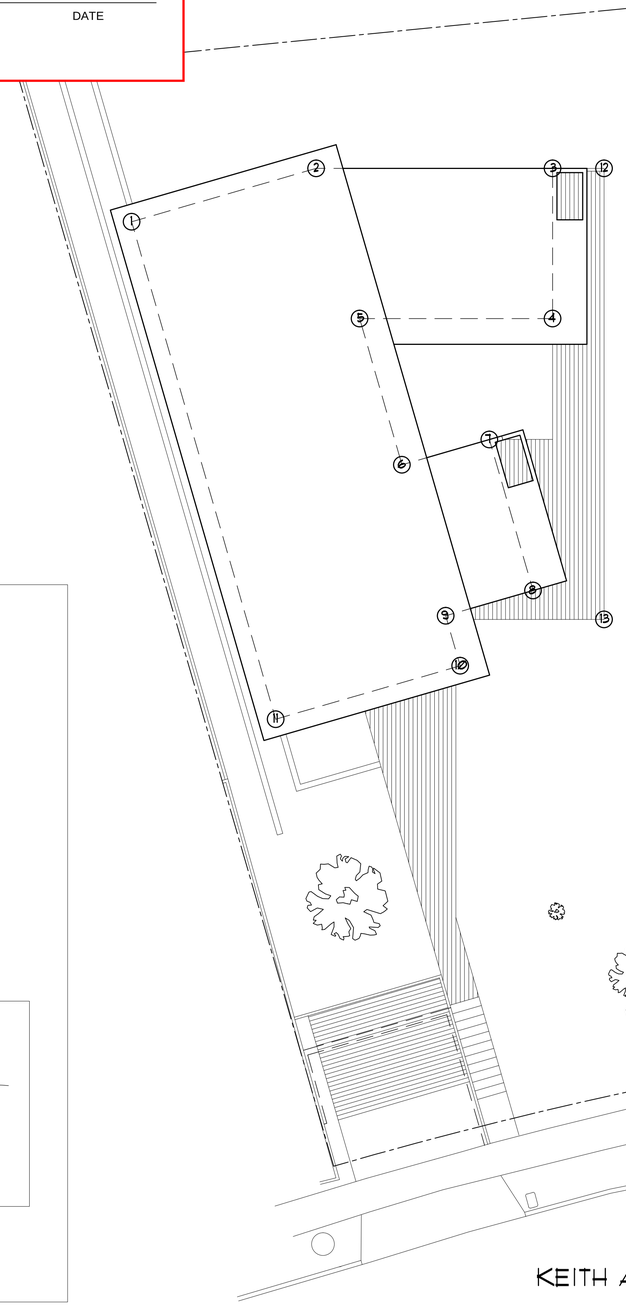
L. Newman
Signature of Architect, Registered Land Surveyor, or Civil Engineer

LINDSAY NEWMAN, PE
Name (Printed or typed)

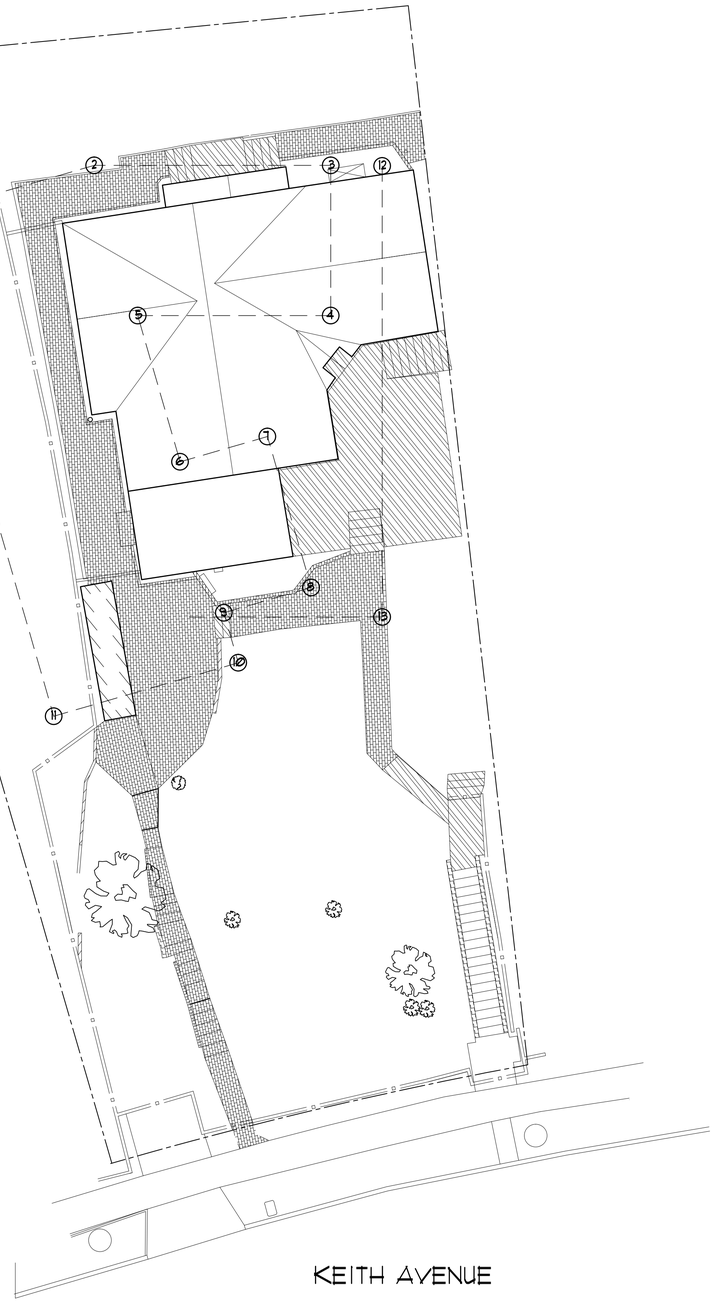
C-94808 / 06.30.2025
License No./ Expiration Date

8.21.2024
Date

REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *



STORY POLE PLAN (PROPOSED HOUSE ONLY)
1/8"=1'-0"



STORY POLE PLAN (SHOWN OVER EXISTING)
1/8"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C 94808 Exp. 06/30/25 CIVIL * STATE OF CALIFORNIA *

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
STORY POLE PLAN

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A1.5
OF 18 SHEETS

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

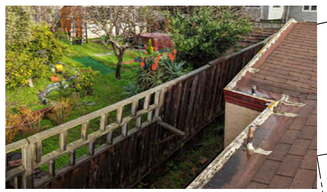
January 9, 2025

SIGNATURE DATE

*Approve Findings and Conditions attached



FRONT VIEW OF 1048 KEITH: 1.5.24 @ 3pm (-2h SUNSET)



REAR ROOF VIEW: 1.5.24 @ 3pm (-2h SUNSET)



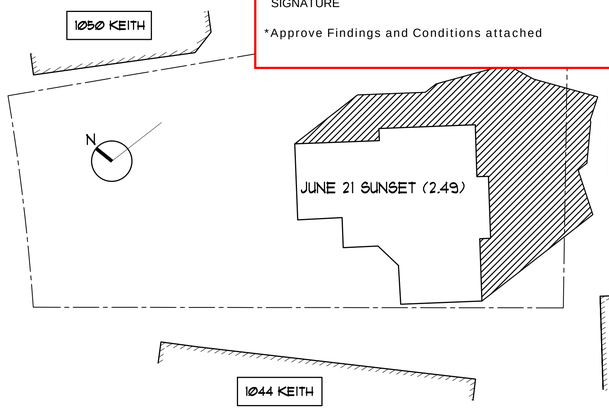
FRONT VIEW OF 1048 KEITH: 12.30.23 @ NOON

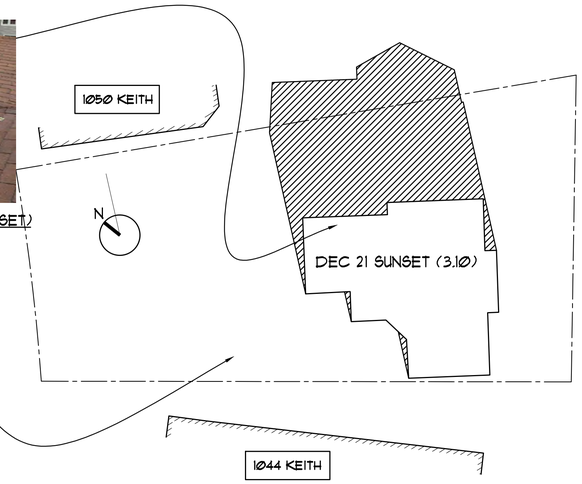


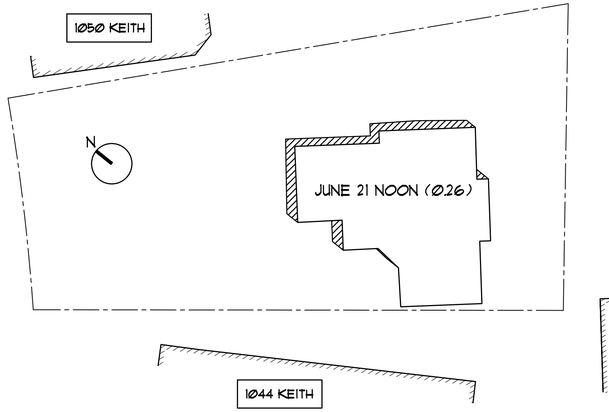
FRONT VIEW OF 1048 KEITH: 12.29.23 @ 9:30am (2h + SUNRISE)

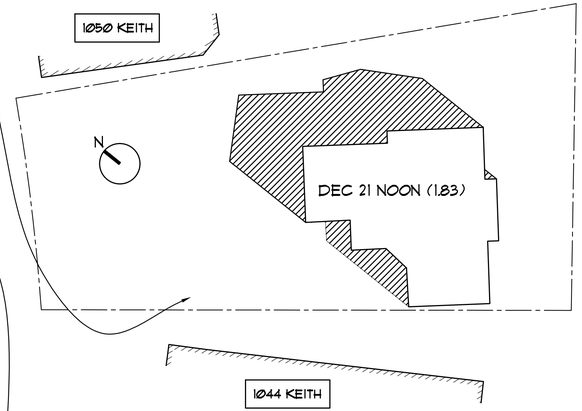


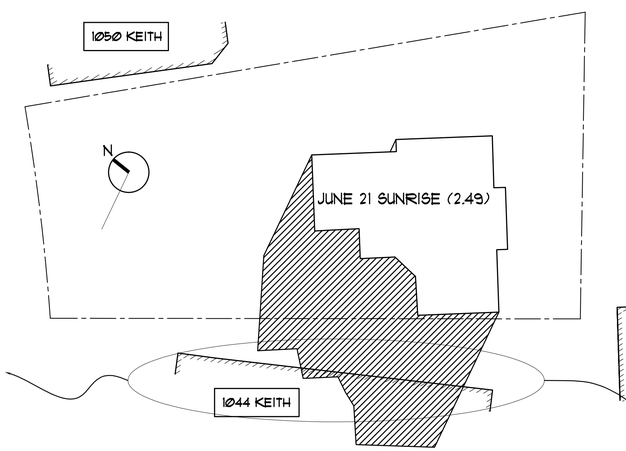
REAR SIDE VIEW: 12.29.23 @ 9:30am (2h + SUNRISE)

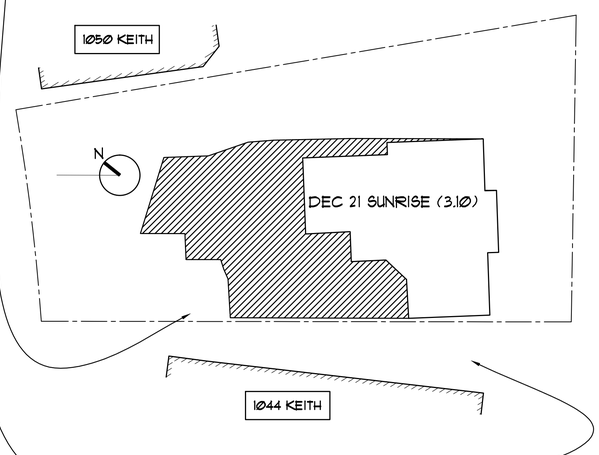


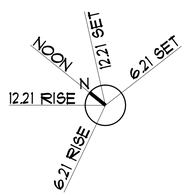


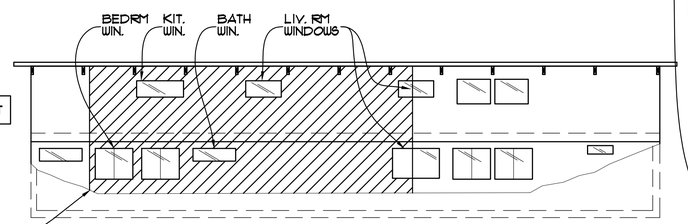












NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR EXISTING HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"

REVISIONS	BY

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REGISTERED PROFESSIONAL ENGINEER * LINDSAY NEWMAN * No. C-94808 Exp. 06/2025 CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF EXISTING
DWELLING @ 1048 KEITH AVE

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/16"=1'-0"
DRAWN:LN

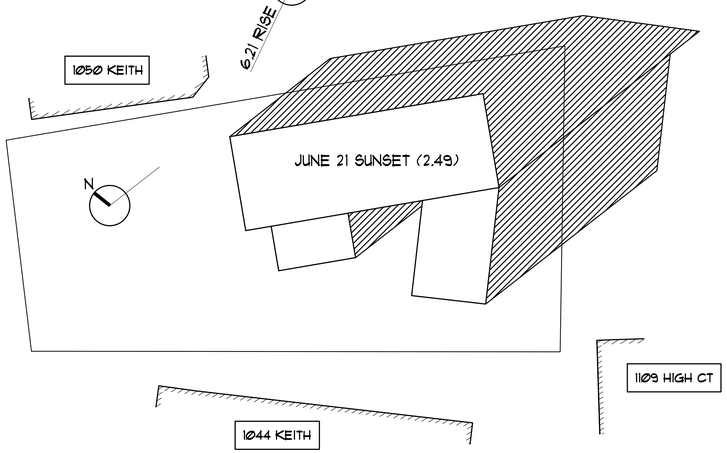
A16
OF 18 SHEETS

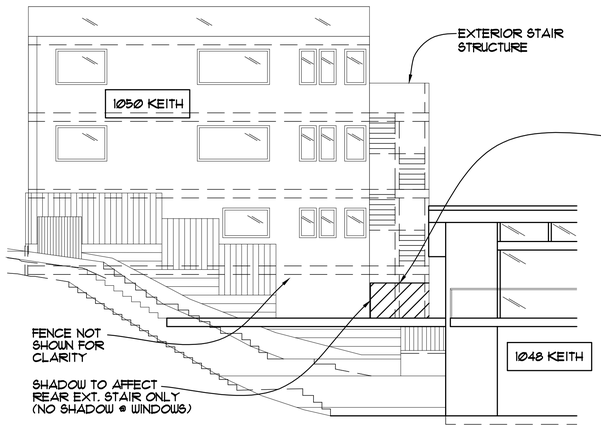
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE

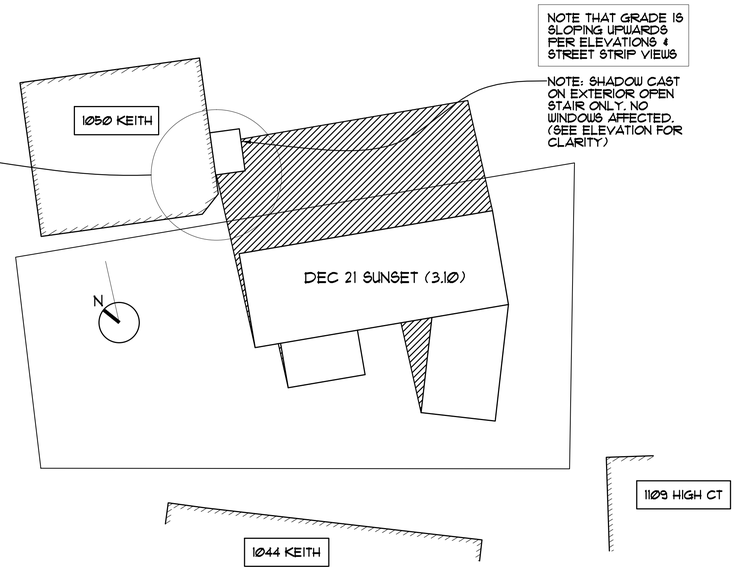
January 9, 2025
DATE

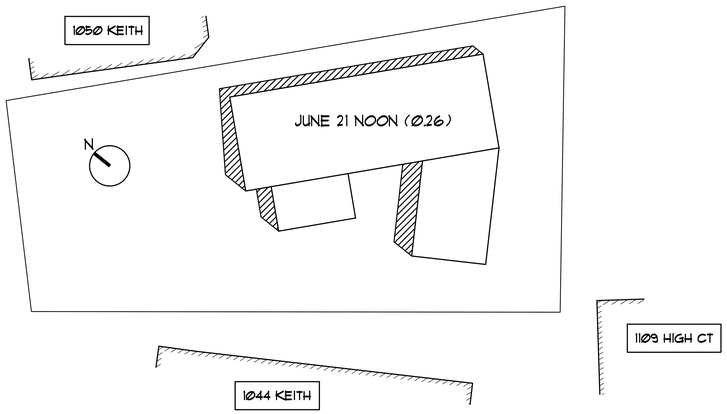
*Approve Findings and Conditions attached

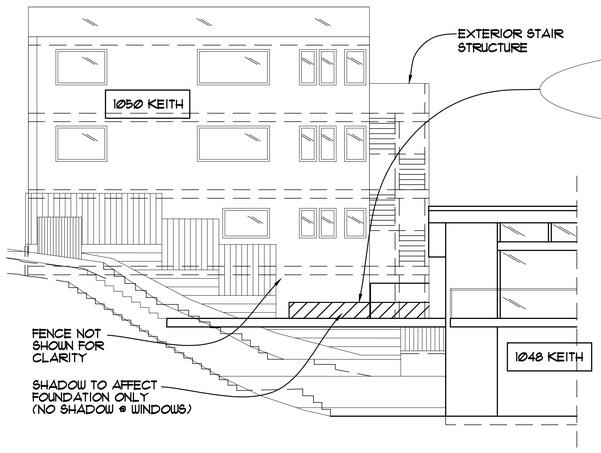




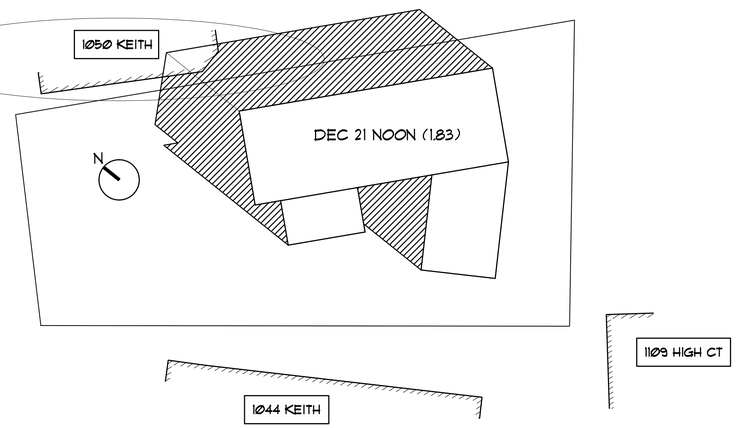
NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 SUNSET 1/8"=1'-0"

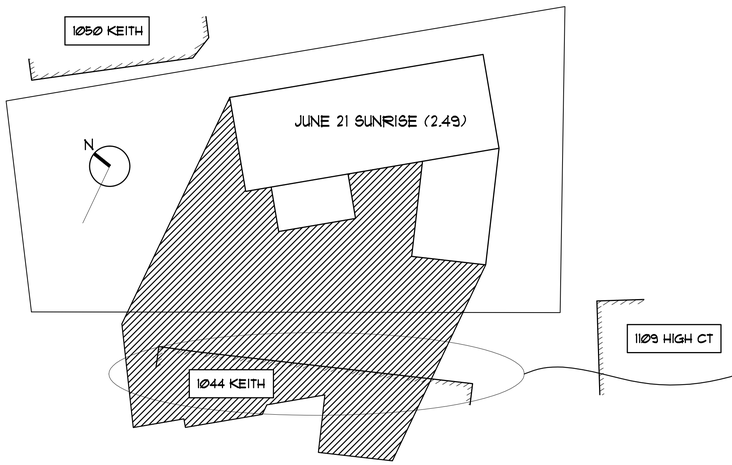




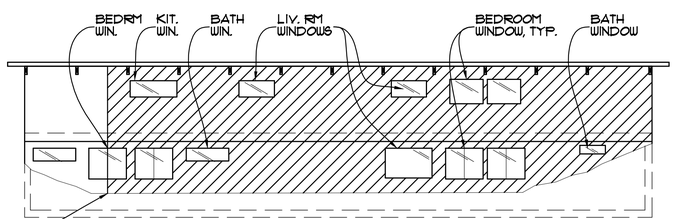


NEIGHBORING HOUSE @ 1050 KEITH: WEST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: DEC 21 NOON 1/8"=1'-0"

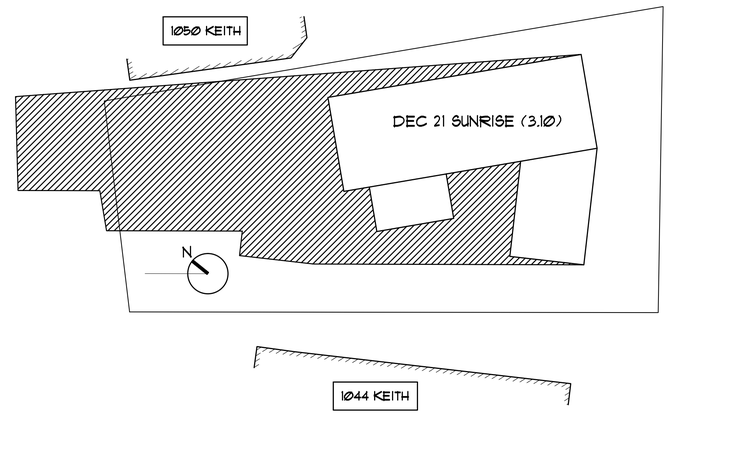




NOTE: SAME OWNER FOR BOTH PROPERTIES @ 1044 AND 1048 KEITH AVE.
(NO ISSUE WITH CHANGE IN SHADOW)



NEIGHBORING HOUSE @ 1044 KEITH: EAST ELEVATION
SHADOW FOR PROPOSED HOUSE @ 1048: JUNE 21 SUNRISE 1/8"=1'-0"



REVISIONS	BY

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P 313.615.9400
newmanl26@gmail.com

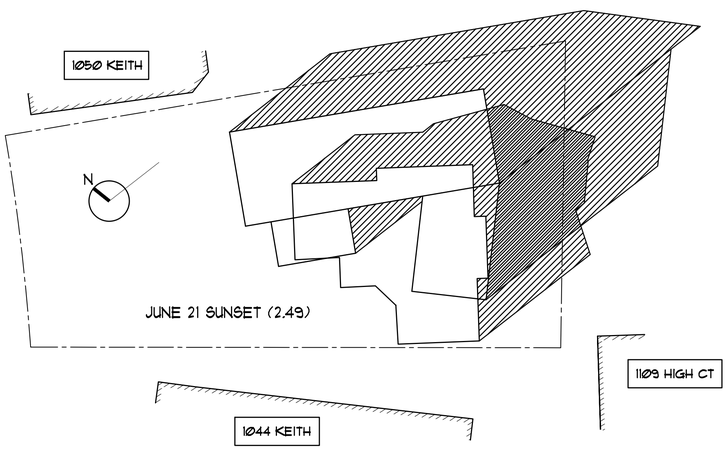
PROFESSIONAL ENGINEER * REGISTERED * LINDSAY NEWMAN * No. C-94088 * Exp. 06/2025 * CIVIL * STATE OF CALIFORNIA

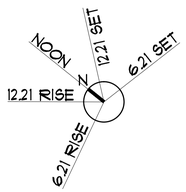
NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

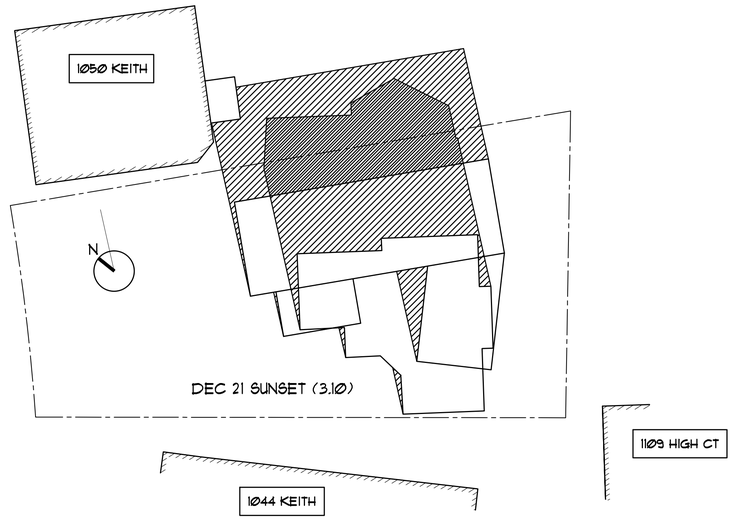
USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF PROPOSED
DWELLING @ 1048 KEITH AVE

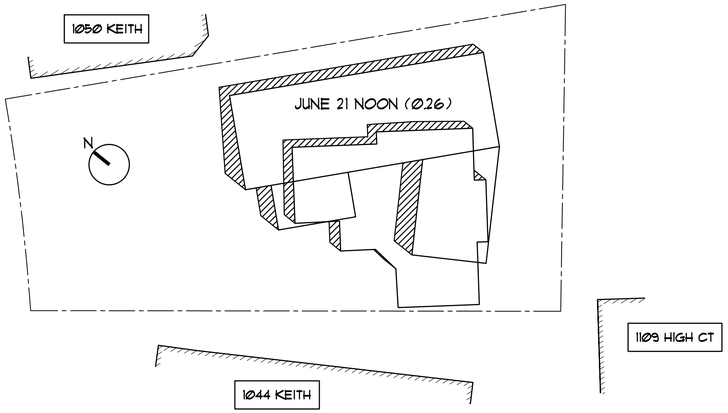
DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN: LN

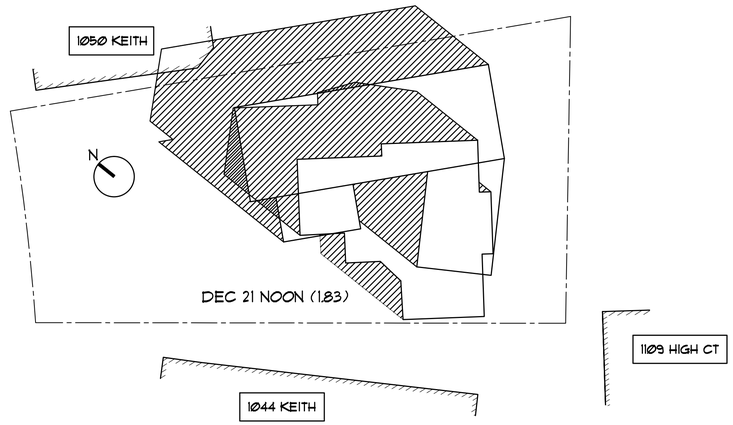
A1.7
OF 18 SHEETS



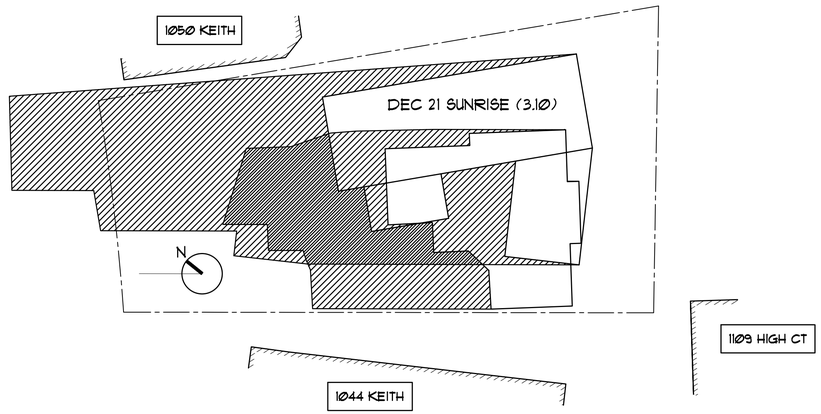












REVISIONS	BY

LINDSAY NEWMAN, PE
CIVIL ENGINEER
P.313.615.9400
newmanl126@gmail.com

REGISTERED PROFESSIONAL ENGINEER * LINDSAY T. NEWMAN * No. C-94808 Exp. 06/2025 CIVIL * STATE OF CALIFORNIA

NEW SINGLE-FAMILY RESIDENCE
1048 KEITH AVENUE
BERKELEY, CA 94708

USE PERMIT PLANS - 1048 KEITH
SHADOW STUDY OF EXISTING
& PROPOSED DWELLING

DATE: 12.09.24
JOB NO: LN-1048
SCALE: 1/4"=1'-0"
DRAWN:LN

A18
OF 18 SHEETS

CITY OF BERKELEY - CITY CLERK
2025 JAN 27 AM 9:37

To: The Mayor and City Council Members
c/o: City Clerk – 1947 Center Street, 3rd Floor, Berkeley, CA 94704

Re: 1048 Keith Avenue Use Permit ZP#2024-0014
Appeals Letter: 1050 Keith Ave. & Neighboring homeowners
Date: 01/25/2025

Dear Mayor and City of Berkeley Councilmembers,

We are writing to appeal Zoning Adjustments Board's Notice of Decision approving the new home to be built at 1048 Keith Avenue because the lot line adjustment made under this use permit encroaches on me, the uphill neighbor at 1050 Keith Avenue, and impacts 12 other homes up to Euclid Avenue and multiple homes on High Court, the backyard neighbors to 1048 Keith. This is a serious legal error, setting an unparalleled precedent for Berkeley, while a quiet deed lawsuit and mediation are in effect to resolve the underlying property dispute.

We have listed points of concern that need to be mitigated (with your help) for a fair and reasonable lot line adjustment around the immediate applicant's address to amicably mediate and resolve the issue, rather than forcing the hardship indefinitely to a domino effect across properties in the block and public right of ways. The current approved use permit will impose a multiple class action lawsuit amongst neighbors that could be prevented by the City, were it to set an equitable path, using the deeded square footages for each immediate property.

We have no objection to the proposed building itself, but to its location. Simply put, the applicants appear to be attempting to build partially on 1050 Keith property, based on nothing more than a survey with a disclaimer stating that the accuracy of the survey due to significant landslide motion in this area to be 5-feet or more. Thereafter, the applicant obtained in Moran's supplemental October 2024 supplemental survey, it reports that the street monument's accuracy is within 1". On January 14, 2025, Transit Land Surveying hired by me (1050 Keith) also confirmed the accuracy of the street monuments, but refused to do a survey because of the inability to accurately identify the neighboring property boundaries, as coordinates carried to the backyard start to go through the home at 1054 Keith and so on.

Below is a list of concerns from the neighboring community to consider:

1. The applicant of use permit ZP#2024-0014 for the property at 1048 Keith Avenue completed a preliminary historical land survey that resulted in an encroachment of approximately 20 feet into my property at 1050 Keith Avenue. That encroachment reduces the 1050 Keith Avenue deeded property width of 65 feet to 39 feet. Please note that 1050 Keith Avenue currently measures at a width of 61 feet to provide the 1054 Keith Avenue neighbor proper access around their home. In 2001 we at 1050 Keith Avenue, understood and honored the arrangement due to the ongoing landslide

conditions for this and adjacent properties. Many land survey companies do not survey properties in the Berkeley Hills due to the landslides and inaccuracies of data. We finally contracted Transit Land Surveying to survey our property at 1050 Keith Avenue. After about 4 hours of work, Transit Land Surveying decided not to complete the survey due to the shifting lot line that would run directly through the neighboring home at 1054 Keith Avenue. (Note: While the applicant used the Moran Engineering survey to absorb 20 feet of uphill property at 1050 Keith, it claims that the survey is not accurate enough to provide the land identified by the survey as 1111 High Court's property on 1048's side of the historic fence, even though it is this land that the City is using for the setback required from 1111 High Court. To be clear, the applicant uses the survey to take land uphill but refuses to use the survey to cede land to their backyard neighbor, claiming the disclaimer in the survey makes it to inaccurate to do so.)

2. Consequently, use permit ZP#2024-0014 forces the lot-line adjustment to be carried over to the property of 1054 Keith Avenue by a similar distance that will then go right through the house of that property. Applying the same methodology at the property of 1060 Keith Avenue, the lot line adjustment runs straight through the middle of the permitted structure. On the corner of Keith and Euclid Avenue, at the address 1060 Euclid Avenue, the lot line adjustment will run through the center of the street, Euclid Avenue.

3. I visited Moran Engineering which completed the survey for 1048 Keith Avenue and they stated that completion of a surrounding homes boundary alignment is crucial for equitable lot line adjustments. Moran Eng. was going to investigate with a boundary subject matter expert retired colleague for more detailed verification process for boundaries. I am awaiting this information.

4. It is of great concern that the Zoning Adjustments Board disregarded the letters and opposition from immediately affected neighbors. By not promoting proper boundary adjustments to be made amicably, all immediate neighbors on Keith Avenue and High Court are forced to settle property line disputes locally, creating inconsistent and uneven resolutions amongst the neighbors. (Note: Commissioner Todd Jersey voted to abstain, noting that 1048 Keith bought themselves the issues they are facing by not staying within the stamp of the prior house at Keith.)

5. The proposed building design of the property at 1048 Keith Avenue is to demolish and relocate their existing structure into the disputed area. The new construction would then be over the present sewer line and storm drainage for 1050 Keith Avenue, with no relocation shown or planned for in the documents. A mediation for the disputed area between 1048 Keith Avenue and 1050 Keith Avenue is scheduled for 3/25/25.

6. The applicant of use permit ZP#2024-0014 stopped talking to us in March of 2024 and unilaterally demolished our shared fence on 3/6/24. The fence was built in 2001 with the location having been agreed upon between Mr. Peter Berk, the previous owner of 1048 Keith Avenue and us. Thereafter, the applicant of use permit ZP#2024-0014 proceeded to demolish existing structures of 1050 Keith Avenue on the disputed

property. The demolished structures include my sons' animal Sanctuary, as well as our deceased animal tombstones, and numerous plants and fruit trees ranging from 15 to 40 plus years old. To this date, daily trespassing and the intimidation of my family continues. Video footage of digging on our beloved pet graves for over a year. Notably, on Christmas day the applicant was intentionally digging over our family beloved pet graves to further inflict pain and sorrow which brought tears to my wife and younger son. As well as a destructive handling of an over-40-year-old apple tree on new year's Eve that were both reported via videos to the Berkeley Police.

With this petition, we ask the City of Berkeley to revise the ZAB's decision and make property line adjustments based on deeded square footage for immediate adjacent properties to settle the issue within a few homes around 1048 address rather than pushing the hardship and uncertainties throughout the community indefinitely.

Best Regards,
Bahram Gangei and affected neighbors at:
1064, 1062, 1060, 1058, 1056, 1054, 1050, 1044, 1042 Keith Avenue
1105, 1109, 1111, 1113, 1117, 1119, 1137 High Court & 1060 Euclid Ave. AND more neighbor's signed petition with major concerns.
.....
Bahram Gangei
1050 Keith Ave,
Berkeley, CA 94708
Tel (510) 612-5821
bgangei@comcast.net

To, the Mayor and City Council Members
c/o City Clerk: 2180 Milvia St. Berkeley, CA 94704
Re: 1048 Keith Avenue Use Permit ZP#2024-0014
Appeals Letter: 1050 Keith Ave. & Neighboring home owners
Date: 01/23/2025

No.	Home Address	Name	Date	Signature
1	1053 KEITH AVE	ROBERT TRUE	1/25/25	
2	1053 Keith Ave	Deborah Russo	1/23/25	
3	1051 Keith Ave	AARON NEE	1/23/25	
4	1056 KEITH AVE	GAUTAM JAGANNATH	1/23/25	
5	1056 KEITH AVE	EMILY ABRAHAM	1/23/25	
6	1059 Keith Ave	Janet Woodhams	1/23/25	
7	1060 Keith Ave	Mollie Boero	1/23/25	
8	1066 KEITH AVE	TIM NICHOLLS	1/23/25	
9	1066 Keith Ave	Shannon Nicholls	1.23.25	
10	1060 EUCLID AVE	MICHAEL HARLAND	1 23 25	
11	1060 Euclid Ave	DENISE HARLAND	1 23 25	
12	1119 High CT.	Gary Handman	1/23/25	
13	1119 High ct	Pam Handman	1/23/25	
14	1113 High ct.	Ellice Richmond	1/23/25	
15	1113 High CT	Steve Nani	1/23/25	

To, the Mayor and City Council Members
c/o City Clerk: 2180 Milvia St. Berkeley, CA 94704
Re: 1048 Keith Avenue Use Permit ZP#2024-0014
Appeals Letter: 1050 Keith Ave. & Neighboring home owners
Date: 01/23/2025

No.	Home Address	Name	Date	Signature
16	1060 Keith Ave Berkeley CA 94708	Robert Mathews	1/23/25	R. C. Mathews
17	1057 Keith Ave	Tom Johnston	1/23/25	
18	1057 Keith Ave Berkeley CA 94708	Elisha Couchman	1/23/25	Elisha Couchman
19	1049 Keith Ave Berk	Heather Sobey	1/23/25	
20	1058A Keith Av 94708	Margit Stange	1/23/25	
21	1050 Keith Ave 94708	Erica Eagle	1/23/25	
22	1069 Keith Ave 94708	Frank Boening	1/24/25	
23	1058 Keith Berkeley CA 94708	Anthony Acosta	1/24/25	
24	1051 KEITH BERKELEY CA 94708	JOHN DOPPKE	1/24/2025	
25	1111 High Ct Berkeley CA 94708	Maureen Bessette	1/24/2025	
26	1111 High Ct Berkeley CA 94708	John Orbon	1/24/2025	
27	1137 High Ct APT A Berkeley 94708	Melissa Nance	1/25/2025	
28	1117 High Ct Berkeley, CA 94708	Clinton Loo	1/25/2025	
29	1117 High Ct Berkeley, CA 94708	Jessica Lin	1/25/2025	
30	1050 Keith Ave Berkeley 94708	Behram Grunger	1/25/2025	

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Re: 1048 Keith Avenue Use Permit ZP#2024-0014
Appeals Letter: 1050 Keith Ave. & Neighboring home owners
Date: 01/23/2025

No.	Home Address	Name	Date	Signature
31	1054 Keith Avenue	Lee Bridges	1/23/25	Lee Bridges
32	1054 Keith Avenue	Mark Bridges	1/23/25	MB
33	1115 Arch St	Lee Goodwin	1/26/25	
34	1115 Arch St	RICHARD SCHWARZHANK	1-26-25	
35	1114 Arch St	MARIE CECCANESE	1/26/25	
36	1114 ARCH ST	MARCOS TAQUECHEL	1/26/25	
37	1154 ARCH ST	LINDA AURICHIO	1/26/25	
38	1156 Arch St.	KEILEN PEARCE	1/26/2025	
39	1136 Arch St	Lynn Adler	1/26/25	
40	1136 ARCH ST	JAMES LOCKER	1/26/25	
41	1124 ARCH ST	ALEXANDER BRENNEMAN	1/26/25	
42	1124 ARCH ST	WENDY NILES	1/26/25	
43	1166 Arch St	Mark Nitzberg	1/26/25	
44	1105 High Court	Sarah Valor	1/26/25	
45	1105 High Court	Darell Valor	1/26/25	

City Clerk Department

January 29, 2025

Bahram Gangei
1050 Keith Ave
Berkeley, CA 94708

RE: 1048 Keith Avenue – Appeal ZAB Decision Use Permit #2024-0014

Dear Appellant:

This will acknowledge receipt of your appeal of the Zoning Adjustments Board decision of January 9, 2025, approving the following permits:

- Use Permit, pursuant Berkeley Municipal Code (BMC) Section 23.326.030(B)(1) to demolish a dwelling unit
- Use Permit, pursuant to BMC Section 23.202.020(B) to construct a single-family dwelling unit
- Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(4), to reduce the building setbacks in the Hillside Overlay Zone
- Administrative Use Permit, pursuant to BMC Section 23.322.080(E)(2)(b), to allow unenclosed off-street parking within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.070(B) to construct an unenclosed structure (trellis) within the front setback
- Administrative Use Permit, pursuant to BMC Section 23.304.080(A), to construct a fence more than 6 ft in height on the lot line

Your appeal has been referred to the Planning Department.

The Planning Department will transmit to Council a statement setting forth the reasons for the Zoning Adjustments Board decision. This report, as well as a copy of the appeal, will appear on the Council agenda of **May 6, 2025**.

This meeting of the Council will commence at 6:00 p.m. and will be held in the School District Board Room located at 1231 Addison Street. The meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.

Pursuant to the City Council Rules of Procedure, this appeal will appear on the City Council's agenda as a public hearing. Time shall be provided for five-minute presentations each by the appellant and applicant. Where the appellant is not the applicant, the appellants collectively shall have five minutes to comment and the

applicant shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment.

After the conclusion of the five-minute comment periods, members of the public may comment on the appeal pursuant to the Rules of Procedure in effect for the Council meeting.

The Council will then deliberate and determine to do one of three things: 1) continue the public hearing; 2) based on the record of the Council's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or requirement of the Board's original action; or 3) remand the matter to the Board to reconsider the application, or any revisions thereto submitted after the Board's action.

Communications to the City Council that are received by the City Clerk pursuant to the following deadlines will be accepted and distributed as follows:

Submission Deadline	**Distributed**	**Packet**
April 21, 2025, by 5:00 p.m. (Monday)	Twelve days before the meeting (Thursday)	Agenda Packet
April 29, 2025, by 5:00 p.m. (Tuesday)	Five days before the meeting (Thursday)	Supplemental 1
May 5, 2025, 12:00 p.m. (Monday)	By 5:00 pm the day before the meeting (Monday)	Supplemental 2

Communications should be submitted directly to the City Clerk to ensure receipt by all Councilmembers. Electronic communications may be submitted to council@berkeleyca.gov for immediate distribution to the Mayor, each City Councilmember, and the City Clerk for inclusion in the official record. Please note that for communications submitted in hardcopy, if the communication includes maps or photos or any other material not reproducible on a copy machine, fifteen copies should be provided to the City Clerk.

Please note that Berkeley's Lobbyist Registration Act (Berkeley Municipal Code Chapter 2.09) is effective beginning on January 1, 2020. Information and resources regarding the Lobbyist Registration Act are available from the City's website at: https://berkeleyca.gov/your-government/lobbyist-registration

If you have any additional questions regarding this matter, please do not hesitate to contact me at (510) 981-6908.

A copy of the staff report and a City Council agenda will be available from this office upon request after 4:00 p.m. on Thursday, April 24, 2025 or can be viewed on our website at: https://berkeleyca.gov/your-government/city-council/city-council-agendas.

Sincerely,

Mark Numainville
City Clerk

cc: Jordan Klein, Director of Planning
Anne Hersch, Land Use Planning Manager
Waqar Shah, Staff Planner
Farimah Brown, City Attorney
Lindsay Newman (Applicant/Owner)

NOTICE CONCERNING YOUR LEGAL RIGHTS: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) Pursuant to Government Code Section 66020(d)(1), 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. 3) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.