

Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: July 24, 2025

TO: The Zoning Adjustments Board

FROM: Cecelia Mariscal, Associate Planner

SUBJECT: Appeal of Zoning Officer Decision of Administrative Use Permit #ZP2024-0032, 920 Oxford Street

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### RECOMMENDATION

Conduct a public hearing, and upon conclusion, dismiss the appeal and affirm the Zoning Officer's decision to approve Administrative Use Permit #ZP2024-0024. The scope includes a conversion of 616 square feet of crawl space, construction of a 65-foot square-foot addition on the west side of the dwelling, a 260 square-foot balcony and 78 square-foot enclosed sunroom, on the southern elevation at the second level. The proposal also includes a 325 square-foot deck and a 220 square-foot addition on the third floor, which exceeds the average height of 14 feet in average height and a maximum height of 20 feet.

### DE NOVO REVIEW

Pursuant to Berkeley Municipal Code Section 23.410.040(E)(1) "De Novo Review", the ZAB's review of the Zoning Officer's decision is "de novo" which means that the ZAB may take a fresh look at all the issues presented and may take action on the subject of the appeal or any aspect of the appealed project without having to find that the Zoning Officer's decision was unreasonable.

### CURRENT SITUATION AND ITS EFFECTS

On March 7, 2024, Mark Smedley, the property owner and applicant, submitted an Administrative Use Permit (AUP) application (ZP2024-0032) to construct a major residential addition in the R-1 Single-Family Zoning District within the Hillside Overlay.

Staff determined the project is Categorically Exempt pursuant to Class 32 "In-Fill Development Projects" and completed a Categorical Exemption Analysis in April, 2025.

The Zoning Officer approved AUP #ZP2024-0032 and issued a Notice of Administrative Decision on April 24, 2025.

On May 14, 2025, Laura Strazzo, an attorney representing an adjacent neighbor, Monica Rohrer 916 Oxford Street appealed the AUP approval to the Zoning Adjustments Board. The appellant has identified issues with the proposed west elevation and is requesting design modifications.

Since the appeal was received, the applicant submitted a revised design on June 23, 2025 to address the issues with setback conformance outlined in the appeal. The revised design sites the deck on the west side of the dwelling to have a 3 foot setback to comply with BMC Section 23.304.030(B)(3) “Allowed Building Projections.”

**BACKGROUND**

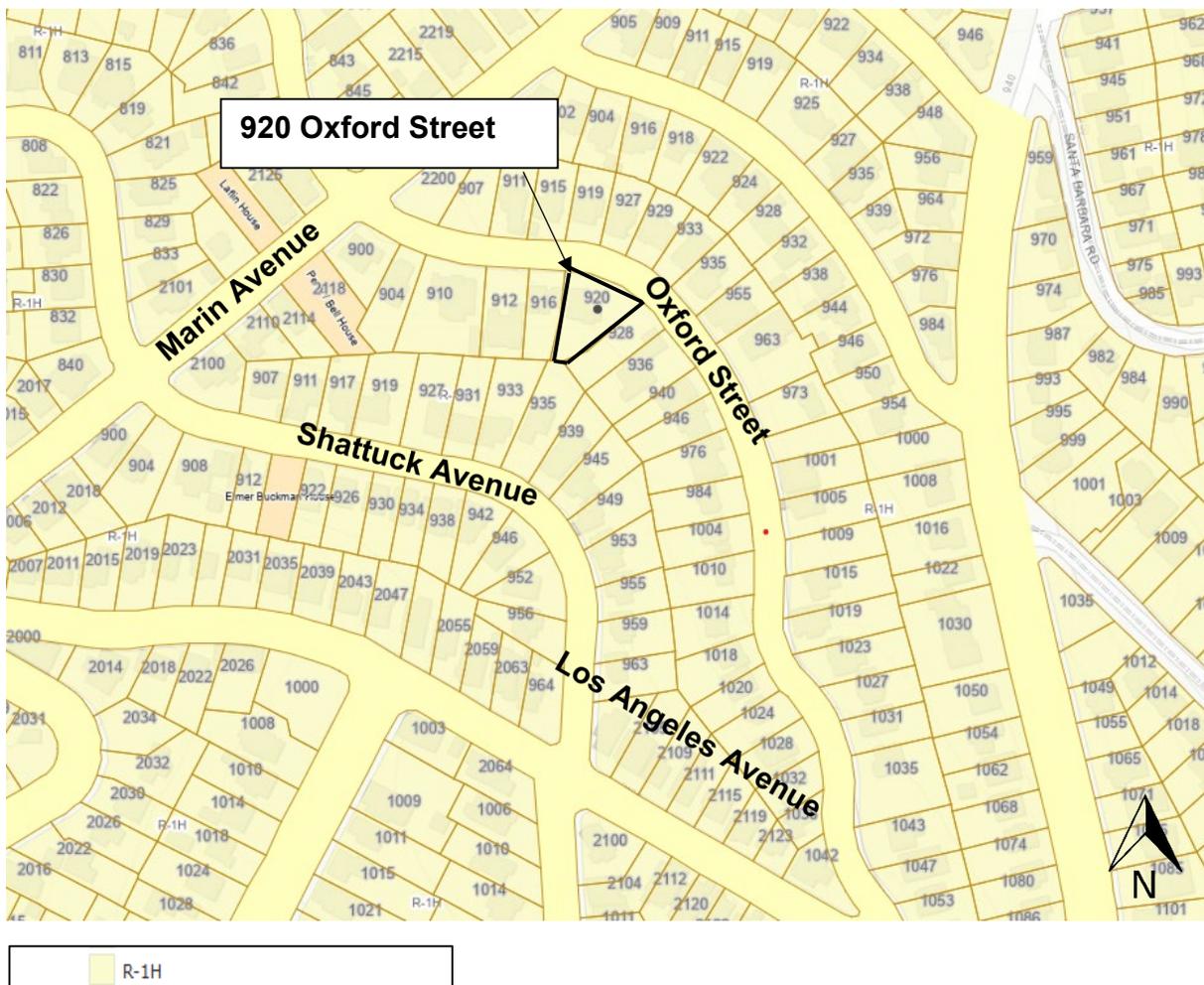
The subject property contains a 2,370 sq. ft. two-story residence built in 1925 on a 8,700 square-foot lot. The existing dwelling includes 3 bedrooms and 2 bathrooms. The architectural style of the home is Spanish Colonial characterized by its stucco cladding, tile roof, balcony, leaded glass windows, and varying structural volumes. The proposed project preserves the existing architectural features.

The project design included with the AUP submittal proposed a major residential addition approximately 1,300 square feet. A 65 square-foot addition would be constructed on the west side of the dwelling to expand the floor area of an existing basement which will also include a conversion of approximately 618 square feet of unconditioned space to habitable area.

In response to the appeal, the applicant has made design changes to the project. Conversion of the existing crawl space on the ground floor to a habitable floor area would be approximately 618 square feet. The addition will be reduced by 39 square feet and maintain a 3-foot buffer from the side property line (west), and will include a 78-square-foot enclosed sunroom. On the third level, a 325-square-foot deck would be constructed on the south side of the dwelling along with a bedroom/bathroom addition consisting of 100 square feet of converted non-habitable space and 120 added square of floor area. The project would remain within the 28-foot average height maximum and the 35-foot maximum height limits for the Single-Family Residential Zone within the Hillside Overlay (R-1H).

<b>Floor</b>	<b>Existing</b>	<b>Proposed</b>	<b>Total</b>
Basement (First Floor)	616 sq. ft.	+683 sq. ft. (Includes a 67 sq. ft. expansion)	+1,235 sq. ft.
Second Floor	1,329 sq. ft.	+15 sq. ft.	+1,344 sq. ft.
Third Floor	100 sq. ft. (non-habitable space)	+325 sq. ft. deck +120 sq. ft. bedroom +100 sq. ft. habitable space	445 sq. ft.

Table 1. Existing and Proposed Floor Area





Google Street view Front view [n.d] [Front view of 920 Oxford Street](#), Retrieved June 16, 2025

Date	Action
March 7, 2024	Administrative Use Permit Application submitted
March 26, 2024	Application deemed incomplete
March 26, 2024	Application resubmitted
March 27, 2024	Application deemed complete
April 24, 2025	Application Approved
April 24, 2025	Notice of Decision Mailed
April 25, 2025-May 14, 2025	Appeal Period
May 14, 2024	Appeal Submitted
July 24, 2025	ZAB hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

RATIONALE FOR RECOMMENDATION

**Issue 1: The Zoning Officer Improperly Concluded that the Project Would not be Detrimental to Appellant’s Health, Safety, Peace, Comfort, and General Welfare.**

The appellant states that the proposed setback of the deck and the side property line (east) from 12 feet to 18 inches would provide direct views of the appellant's backyard and hot tub and would be detrimental to the property and that a view study was not evaluated for this project and no privacy screening is being proposed. The appellant further states that the Zoning Officer failed to provide sufficient evidence for findings of approval.

**Response:** The deck design submitted with the Administrative Use Permit was proposed to be 18 inches from the west side property line, as referenced in the appellant's letter (Attachment 3). While there is a provision under Berkeley Municipal Code (BMC) Section 23.324.050(D)(2)(b) "Nonconforming Setbacks and Height," to extend a nonconforming wall, horizontally or vertically, within a required setback, pursuant to 23.304.030(B)(3), decks above 30 inches above grade may project into the side setback 1.5 feet, but must maintain 3 feet from the side lot line to meet zoning, as well as building and fire code. The deck has been re-designed in the revised plans (Attachment 2) to correct this issue and will be 3 feet from the west side lot line.

The existing deck is approximately 10 feet away from the shared property line between the neighboring property to the west (916 Oxford Street) and 920 Oxford Street. Currently, the view from the deck at 920 Oxford Street has a direct view of the hot tub and backyard of 916 Oxford Street. Neither the proposed deck design submitted with the AUP nor the revised deck design deck submitted with the appeal plans create new views of the neighboring property at 916 Oxford Street that did not already exist, as shown in Figure 1, which depicts what can be viewed looking west from the existing deck at 920 Oxford.



The deck has been redesigned to maintain 3 feet of distance from the property line required by 23.304.030(B)(3) “Allowed Building Projections,” which eliminates the

Administrative Use Permit requested to horizontally extend the wall within a nonconforming setback under BMC Section 23.324.050(D)(2)(b) "Nonconforming Setbacks and Height." The revised design reduces privacy impacts on the abutting property at 916 Oxford Street and is compliant with BMC Section 23.304.030(B)(3) "Allowed Building Projections"

The exterior wall of the proposed addition in the revised design would extend approximately 12 feet along the western property line, reduced by 17 from the original design, and would be outside of the side and rear setbacks. Additionally, the proposed extension of the western exterior wall would result in additional privacy screening between properties.

Privacy is not a required finding for Major Residential, pursuant to 23.202.030(A) "Residential Additions." Although any proposed addition would have associated impacts, the code includes these provisions to ensure that applicants can reasonably develop their property despite the presence of nonconforming conditions found throughout Berkeley.

The Zoning Officer determined that the project was not found to obstruct sunlight, views, or air unreasonably, and the revised design further reduces the impacts on neighboring properties; the findings are supported. The proposed project will comply with all relevant Health and Safety codes at the time of building permit issuance.

**Issue 2: The Zoning Officer Improperly Concluded that the Project Would not be Detrimental or Injurious to Appellant's Adjacent Property because the addition does not conform to the required west side setback.**

**Response:** BMC Section 23.324.050(D)(2)(b) "Nonconforming Setbacks and Height." states that the Zoning Officer may approve an Administrative Use Permit (AUP) for a vertical or horizontal extension of a building wall projecting into the setback if the addition or enlargement does not increase or exacerbate nonconforming setbacks and that the addition or enlargement does not exceed the maximum or calculated height limit.

The design approved with the AUP shows the west exterior wall to be 18 inches from the west side property line, which provided more relief than the existing exterior wall. However, the revised design proposes the addition on the west side of the dwelling to maintain 4 feet from the side property line and the revised relocation of the deck to maintain 3 feet from the side property line to conform with BMC Section 23.304.030(B)(3) "Allowed Building Projections." which requires a building projection, such as a deck, to maintain a minimum of 3 feet from the property line, eliminates any potential fire risk that may have resulted if the project remained as initially designed.

In response to this appeal point, the addition has been redesigned to be 4 feet from the side property line to conform with the side setback and the deck to be 3 feet from the property line, BMC Section 23.324.050(D)(2)(b) no longer applies to the project, and the findings for this permit do not need to be met. This AUP has been removed from the use permit application.

**Issue 3: The appellant states that the Zoning Officer improperly concluded that the proposed western addition does not increase or exacerbate the nonconforming setback.**

Response: As discussed above, extending a nonconforming wall would be permissible under BMC Section 23.324.050(D)(2)(b) “Nonconforming Setbacks and Height” as long as it is found not to exacerbate nonconformities or exceed calculated or maximum height limits. In the design submitted in response to the appeal, dated June 23, 2025, the exterior wall of the addition near the west property line is 4 feet from the property line. The revised project would comply with setbacks as listed in Table 23.202.-2 under BMC Section 23.202.050(D) “Development Standards” and, as a result, would not be subject to the findings required in this section.

**ENVIRONMENTAL REVIEW**

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 CEQA Guidelines Section 15332 (“Infill Development”).

The analysis was completed in April 2025 and concluded that the project meets the criteria for an Infill Categorical Exemption pursuant to CEQA Guidelines Section 15332 "Infill Development" and meets none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2. The reduced footprint of the revised design has been reviewed by the CEQA consultant retained for the project through LSA and concluded that the project continues to remain eligible for the Class 32 exemption for "Infill Development Projects (attachment 4). The site is located within an Alquist Priolo Earthquake Fault Zone and Landslide Zone within a creek setback (partially open and partially culverted), but because the project is utilizing a developed site in an urban setting, less than 5 acres and does not serve as valuable habitat to threatened or endangered species, it is eligible for a Class 32 Categorical Exemption for "Infill Development Projects."

**CONTACT PERSON**

Cecelia Mariscal, Associate Planner, (510) 981-7439

**ATTACHMENTS**

1. Findings and Conditions, dated July 24, 2025
2. Plans date received June, 23, 2025
3. Appeal Letter, received May 15, 2025
4. CEQA Memo, received July 3, 2025
5. Public Hearing Notice dated July 10, 2025

# ATTACHMENT 1

## 920 Oxford ZP2024-0032

### Findings & Conditions of Approval

#### FINDINGS FOR APPROVAL

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**As required by BMC Section 23.406.030 (F) (1-3), the following findings shall be made:**

To approve an AUP, the Zoning Officer shall find that the proposed project or use:

1. 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 the proposed use; and

Evidence: The project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area because the proposed use is an expansion of an existing established residential use in the R-1H Zoning District. The project has been redesigned to propose a 65 square-foot addition to be 4 feet from the side property line, outside of an existing nonconforming setback, to comply with BMC Section 23.202.050(D)(1) "Development Standards" and a deck to be 3 feet from the side property line to comply with BMC Section 23.304.030(B)(3) "Allowed Building Projections." The project is subject to standards of approval related to construction noise, air quality, waste diversion, toxics, and stormwater in place to promote safety and health and minimize potential construction-related risks to the environment and persons residing or working in the area or neighborhood of the proposed use.

2. Will not 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.

Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or the general welfare of the City because the project complies with the minimum setback standards, lot coverage, and usable open space requirements for the R-1H zoning district.

The project is designed to primarily utilize the existing building envelope with a modest 65-square-foot expansion on the ground floor and a 325-square-foot expansion on the third floor from the existing building footprint. This is achieved through the conversion of existing space, including a 616 square foot basement conversion, 260 square feet on the second floor, a 78 square foot, 220 square feet on the third floor, and a 325 square foot deck. This will maintain the existing 28-foot average height and 31-foot maximum height unchanged and below the limits for the district.

The proposed first floor addition, located on the west side of the dwelling will maintain the required 4-foot distance from the nonconforming side (west) setback. The proposed deck above the new first-floor addition will maintain a 3-foot distance from the existing nonconforming side setbacks. The site slopes downward toward the southeast and is shielded by mature vegetation, which obscures views from neighboring properties already shielded by mature vegetation. The project will comply with setback standards and minimize impacts on privacy.

**Sunlight:** The applicant submitted sunlight and shadow studies that recorded angles and lengths two hours before sunrise, at noon, and two hours after sunset during the summer and winter solstices. The analysis for the Summer Solstice indicates a minimal increase in shadows cast to the east, impacting a neighboring property approximately 50 feet away. There were slight increases in shadows observed on neighboring properties to the west and north at noon, as well as two hours before and two hours after sunset. During the Winter Solstice, a slight increase in sunlight was recorded at the southeast corner of 916 Oxford. Due to the dense vegetation and the existing shading from a neighboring wall, the project is not expected to obstruct sunlight. The neighboring property to the west is protected by mature vegetation, while the right-of-way separates the property to the north.

**Air:** The additions on the south and east sides are positioned 4.5 feet from the neighboring property to the west (916 Oxford Street) and over 15 feet from the neighboring property to the west. The proposed deck on the second level would maintain 3 feet of separation, compliant for building projections, pursuant to BMC Section 23.304.030(B)(3) between the structure and the side property line (west), which will maintain a greater distance between 920 Oxford and the neighboring structure at 916 Oxford due to the existing exterior wall, which has been built up to the side property line, will improve conditions related to air at the portion of the structures. Additionally, the project would be over 60 feet away from the closest property to the rear and outside of the side setbacks (east and west), and as a result, will not be detrimental to air.

**Views:** The proposed addition complies with height requirements and will not create view obstructions. The downward slope of the lot additionally helps to prevent the overshadowing of nearby properties. Due to site topography, project's orientation on a down sloping lot, the project would not be detrimental to views of the San Francisco Bay, Mt. Tamalpais, the Golden Gate Bridge, and other designated view corridors.

3. When taking action on an AUP, the Zoning Officer shall consider the following when making findings:

*(a) The proposed land use; and*

Evidence: The land use is supported by the purpose of the Hillside District, which supports the proposed land use because the district is designed for low-density development which allows construction and expansion of single-family homes. The project will improve an existing single-family dwelling within the Hillside Overlay, which is consistent with the allowed uses for the district. The project will implement General Plan policies for Hillside Development by improving the existing foundation of the dwelling, which will aid in minimizing the vulnerability of the subject property and neighboring properties to potential natural hazards, such as earthquakes or landslides.

*b) the structure or addition that accommodates that use*

Evidence: The proposed addition accommodates the use because the project will include foundation replacement, additions of gross floor area, and interior remodeling and reconfiguration to a single-family dwelling to accommodate existing residents,

while keeping its ample amount of Usable Open Space (5,547 square feet) and preserve its longevity, maintaining the existing low-density residential pattern of the Hillside Overlay because the project would not result in an intensification of use.

### **Findings of Consistency in the Hillside (H) Overlay Zone**

Pursuant to BMC 23.210.020 (C) (2) (b) the Zoning Officer may approve an AUP to increase the allowed average and maximum main building height upon finding the project is consistent with the purpose of the H overlay zone as stated in [23.210.020.A](#) (Purpose):

*Purpose.* The purpose of the Hillside (H) overlay zone is to:

1. Implement General Plan policies for hillside development;

Evidence: The project will implement General policy LU-3 “infill development,” LU-6 “Safe and Attractive Neighborhoods” applicable to hillside development, and LU-7 “Quality of Life” because it proposes improvements to an existing structure that would not allow continued use of the existing project site in a developed urban environment site that doesn’t exceed 5 acres, or have values as habitat for threatened or endangered species;

The project will be consistent with policy LU-7, as it has been designed to primarily utilize the existing footprint but construct a 65-square-foot addition on the ground floor and a 325-square-foot deck to the third floor, which will conform to height and setback standards for the Hillside Overlay, thereby minimizing negative impacts on adjacent residential uses in the area. Additionally, since the project complies with height standards, it is unlikely to impact solar access to adjacent properties.

2. 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;

Evidence: The project would 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 because the project is outside of the high fire severity zone, Improvements to reinforce the foundation, as part of the proposed scope, would improve the structures’ resiliency to hazards, potentially minimize risk to neighbors in an area prone to earthquake-induced landslides, and be subject to the standard conditions of which would prevent creek erosion, bank destabilization, increase stormwater runoff, or degrade water quality due to location within the open and culverted creek setback, the project would be consistent with district purposes aim to protect the health and safety of residents.

3. Protect the character of Berkeley’s hillside areas and their immediate environs;

Evidence: The project will protect the character of the Berkeley’s hillside areas and immediate environs because the project will renovate an existing dwelling through an interior conversion of a basement, a proposed balcony, and enclosed sunroom on the second floor to be within the existing footprint, and the addition of a deck, and a 165 square-foot addition on the third floor which will remain below the 28-foot average height maximum and the 35-foot maximum height

limit for the Hillside District which complies with the development standards as outlined in BMC Section 23.210.020(C)(2) for the Hillside Overlay which will be compatible with the existing character of the hillside, and will therefore protect the Berkeley's hillside areas and their immediate environs.

4. Give reasonable protection to views yet allow appropriate development of all property;

Evidence: The project would give reasonable protection to views yet allow appropriate development of the property because the leveling of the existing grade to accommodate conversion of the basement level, located on the south side of the dwelling on a southward down-sloping lot, and the third-floor addition would result in an unchanged average height of 28 feet and a maximum height of 35 feet, which are within allowed limits for this district, and would not result in new detrimental impacts to views. Because the basement addition, conversion occur within the existing footprint, and the proposed 65 square-foot on the west side of the ground floor, would not cause the building to deviate from the existing development pattern of 3-story single-family homes, comparable scale, and height on this block and would be in conformance with development standards for the R-1H, the project will be consistent with the District Purpose by allowing the development of the property while providing reasonable protection to views.

5. 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.

Evidence: The project will give reasonable protection to views yet allow appropriate development of the property because the leveling of the existing grade to accommodate conversion of the basement level, located on the south side of the dwelling on a southward down-sloping lot, and the third-floor addition would result in an unchanged average height of 28 feet and a maximum height of 35 feet, which are within allowed limits for this district and will not result in new detrimental impacts to views. Because the project consists primarily of a basement conversion, second and third-level reconfigurations to be within the existing footprint, and additions of 65 square feet on the ground floor, a 347 square-foot deck on the second-level, and a 325 square-foot, third-level deck, which will result in an expansion of envelope, but stay within the 3-story limit. As a result, the project would not cause the building to deviate from the existing development pattern of 3-story single-family homes, remain comparable in scale and height to other homes on this block, and will be in conformance with development standards for the R-1H. The project will be consistent with the District Purpose by allowing the development of the property while providing reasonable protection to views.

**Compliance with Development Standards**

The proposed project maintains conformance to the to the Single-Family Residential District within the Hillside Overlay (R1-H) district and parking standards (BMC Section 23.202.050 and 23.210.020) and 23.322) as described in Table 1:

**Table 1: Development Standards**

Single Family Zoning District within the Hillside Overlay (R-1H) and Parking Standards: <u>BMC Sections 23.322.080</u>		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		8,640	No change	5,000 min.
Gross Floor Area (sq. ft.)		2,370	(+1,143)	n/a
Number of Dwelling Units		1	No change	1 max.
Number of Bedrooms		4	+1	(5 with an AUP, > 5 with UPPH)
Building Height	Average	27'-0"	no change	28' (35' with AUP) max
	Maximum	27'-6"	30'-0"	35' max
	Stories	3	No change	3 max.
Building Setbacks	Front (Oxford) (North)	20'-0"	No change	20'-0" min.
	Rear (South)	<20'-0"	No change	20'-0" min.
	Right Side (West)	<4'-0"	No change	4'-0" min.
	Left Side (East)	0'4"	(+4'-0" at area of addition)	4'-0" min.
Lot Coverage (%)		21%	(+5%) 26%	40 max.
Usable Open Space (sq. ft.)		5,547	No change	400 min.
Parking	Automobile	1	No change	1 max.
Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				

## Conditions of Approval

<b>I. General Administrative Conditions</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/Monitoring</u>
1.	<p><b>Project Approval.</b> This Administrative Use Permit approval is for 920 Oxford Street, as substantially shown and described on the project plans dated June 12, 2025 except as required to be modified by conditions herein and plans as presented to the Zoning Officer on July 10, 2025 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.</p>	City of Berkeley	On-Going	Land Use Planning
2.	<p><b>Approval Limited to Proposed Project and Replacement of Existing Uses.</b> 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.</p> <p>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 reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)</p>	City of Berkeley <a href="#">BMC Section 23.404.060</a>	On-Going	Land Use Planning
3.	<p><b>Compliance Required.</b> 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.</p>	City of Berkeley	On-Going	Land Use Planning
4.	<p><b>Conformance to Approved Plans.</b> All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.</p>	City of Berkeley <a href="#">BMC Section 23.404.060. B.4</a>	On-Going	Land Use Planning

<b>I. General Administrative Conditions</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/Monitoring</u>
5.	<b>Permit Modifications.</b> No change in the use or structure for which this Use 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.	City of Berkeley <a href="#">BMC Section 23.404.070</a>	On-Going	Land Use Planning
6.	<b>Permit Revocation.</b> 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.	City of Berkeley <a href="#">BMC Section 23.404.080</a>	On-Going	Land Use Planning
7.	<b>Permit Remains Effective for Vacant Property.</b> 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.	City of Berkeley <a href="#">BMC Section 23.404.060.D</a>	On-Going	Land Use Planning
8.	<b>Exercise and Expiration of Permits</b> 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.  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).	City of Berkeley <a href="#">BMC Section 23.404.060 (C)</a> “Time Limits”	On-Going	Land Use Planning

Administrative Use Permit #ZP2024-0032

Conditions of Approval

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I. General Administrative Conditions		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/Monitoring</u>
	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.			
9.	<b>Hold Harmless.</b> 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.	City of Berkeley	On-Going	Land Use Planning
11.	<b>Demolition.</b> 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.	City of Berkeley	On-Going	Building & Safety/ Land Use Planning

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II. Conditions Imposed by the Zoning Officer		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring
1.	<b>Exterior Lighting.</b> 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.	City of Berkeley	On-Going	Land Use Planning
2.	<b>Loading.</b> 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.	City of Berkeley	On-Going	Land Use Planning
3.	<b>Hydrology Report &amp; Implementation.</b> The applicant must implement all channel and slope stability measure water quality protection measures identified in the Hydrology report dated March 8, 2023.	City of Berkeley	On-Going	Land Use Planning

III. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	<b>Conditions of Approval on Building Permit Plan Submittal</b> <b>Administrative Use Permit.</b> The Conditions of Approval for this Administrative Use Permit shall be printed on the <i>second</i> sheet of each plan set submitted for a building permit pursuant to this Administrative Use Permit, under the title 'Administrative Use Permit Conditions.'	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
2.	<b>Project Liaison.</b> The applicant shall <u>include in all building permit plans and post onsite</u> 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. <b>Please designate the name of this individual below:</b>  <input type="checkbox"/> <b>Project Liaison</b> _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning

Administrative Use Permit #ZP2024-0032

Conditions of Approval

920 Oxford Street

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3.	<b>Construction and Demolition Diversion.</b> The applicant shall submit a <a href="#">Construction Waste Management Plan</a> that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley <a href="#">BMC Chapter 19.37</a>	At Building Permit Submittal	Building & Safety Division
4.	<b>Public Works ADA.</b> 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.	City of Berkeley	At Building Permit Submittal	Public Works
5.	<b>Drainage Patterns.</b> The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. The applicant shall submit drainage plans for approval by the Building & Safety Division and Public Works Department, if required.	City of Berkeley	At Building Permit Submittal	Public Works
<b>IV. During Construction</b> <b>A. Building &amp; Safety Division</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/Monitoring</u>
1	<b>Construction Hours.</b> 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.	City of Berkeley	During Construction	Building & Safety
2.	<b>Construction Hours- Exceptions.</b> It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety
3.	<b>Construction / No Parking Permits.</b> Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 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	City of Berkeley	During Construction	Building & Safety

Administrative Use Permit #ZP2024-0032

Conditions of Approval

920 Oxford Street

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	convenience of the surrounding neighborhood. <u>A current copy of this Plan shall be available at all times at the construction site for review by City Staff.</u>			
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<b>IV. During Construction</b> <b>B. Land Use Planning</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/Monitoring</u>
1.	<b><u>Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).</u></b> 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.	City of Berkeley	During Construction	Land Use Planning

920 Oxford Street

2.	<p><b><u>Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,</u></b> 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.</p>	City of Berkeley	During Construction	Land Use Planning
3.	<p><b><u>Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).</u></b>  Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:</p> <p><b>A.</b> 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.</p> <p><b>B.</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.</p> <p><b>C.</b> 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.</p> <p><b>D.</b> 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.</p>	City of Berkeley	During Construction	Land Use Planning

	<p>E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.</p>			
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<p><b>IV. During Construction</b>  <b>C. During Construction: Public Works</b></p>		<p><u>Regulation Source</u></p>	<p><u>Timing/ Implementation</u></p>	<p><u>Enforcement/Monitoring</u></p>
<p>1.</p>	<p><b>Site Debris.</b> 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.</p>	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Public Works</p>
<p>2.</p>	<p><b>Excavation.</b> The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.</p>	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Public Works</p>
<p>3.</p>	<p><b>Site Watering &amp; Street Sweeping.</b> All active construction areas shall be watered at least twice daily, and all piles of debris, soil, sand or other loose materials shall be watered or covered. Public streets shall be swept (preferably with water sweepers) of all visible soil material carried from the site.</p>	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Public Works</p>
<p>4.</p>	<p><b>Street &amp; Sidewalk Damages.</b> 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.</p>	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Public Works</p>
<p>5.</p>	<p><b>Underground Utilities.</b> 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 &amp; Safety Division, and carry out any necessary corrective action to their satisfaction</p>	<p>City of Berkeley</p>	<p>During Construction</p>	<p>Public Works</p>

Administrative Use Permit #ZP2024-0032

Conditions of Approval

920 Oxford Street

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6.	<b>Hauling of Debris.</b> Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works
7.	<b>On-Site Drainage.</b> The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way.	City of Berkeley	During Construction	Public Works
8.	<b>Construction During the Rainy Season.</b> Any construction during the rainy season (October 15-April 15) wet season shall require submittal of a soils report with appropriate measures to minimize erosion and landslides, and the developer shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.	City of Berkeley	During Construction	Public Works





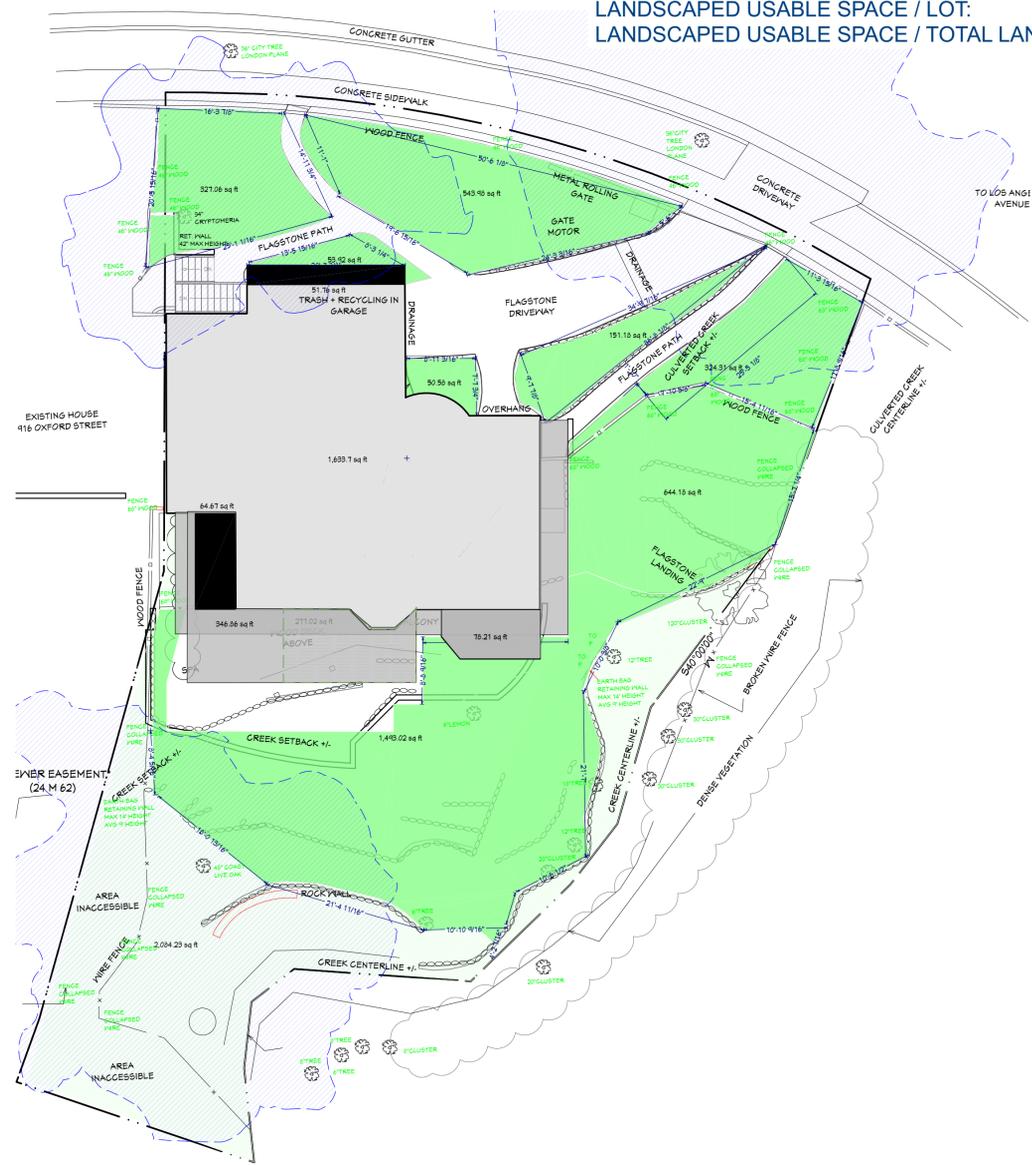
### USABLE OPEN SPACE

LOT AREA: 8,640 SQ FT  
 EXISTING LANDSCAPED USABLE SPACE: 3,514 SQ FT  
 EXISTING LANDSCAPED NON-USABLE SPACE: 2,033 SQ FT  
 NEW LANDSCAPED SPACE: 0 SQ FT  
 TOTAL LANDSCAPED SPACE: 5,547 SQ FT

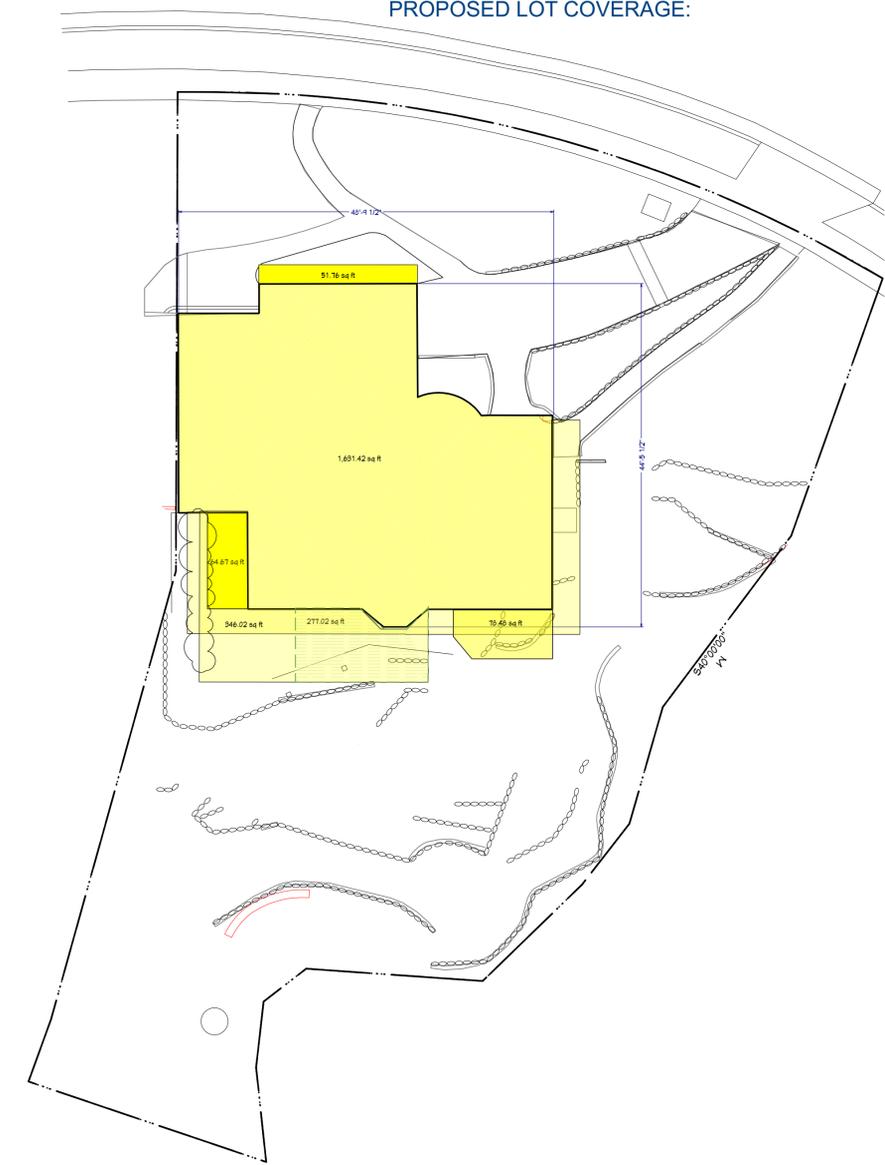
LANDSCAPED USABLE SPACE / LOT: 40.67%  
 LANDSCAPED USABLE SPACE / TOTAL LANDSCAPED SPACE 63.35%

### LOT COVERAGE

LOT AREA: 8,640 SQ FT  
 EXISTING BUILDING AREA: 1,631 SQ FT  
 EXPANSION: 117 SQ FT  
 DECK ADDITION (EXCL. OVERLAP): 485 SQ FT  
 TOTAL FOOTPRINT (INCL. DECK & GARAGE): 2,233 SQ FT  
 EXISTING LOT COVERAGE: 18.9%  
 PROPOSED LOT COVERAGE: 25.8%



2 LANDSCAPE & USABLE OPEN SPACE PLAN  
 3/32" = 1'



1 LOT COVERAGE PLAN  
 3/32" = 1'

### LEGEND

- DRIP LINE (TRACED FROM SATELLITE IMAGERY)
- PROPERTY LINE
- EXISTING IRRIGATED LANDSCAPED USABLE SPACE
- EXISTING LANDSCAPED NON-USABLE SPACE
- NEW DECK
- NEW STRUCTURE
- PERGOLA

### LEGEND

- PROPERTY LINE
- EXISTING STRUCTURE
- NEW DECK
- NEW STRUCTURE
- PERGOLA

REVISION TABLE	NUMBER	DATE	REVISION BY	DESCRIPTION
	1	3/25/24	MS	INCOMPLETE
	2	5/5/2024	MS	STATUS 1
	3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

LANDSCAPE & USABLE  
 OPEN SPACE, LOT  
 COVERAGE

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:

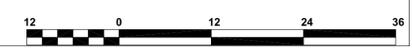
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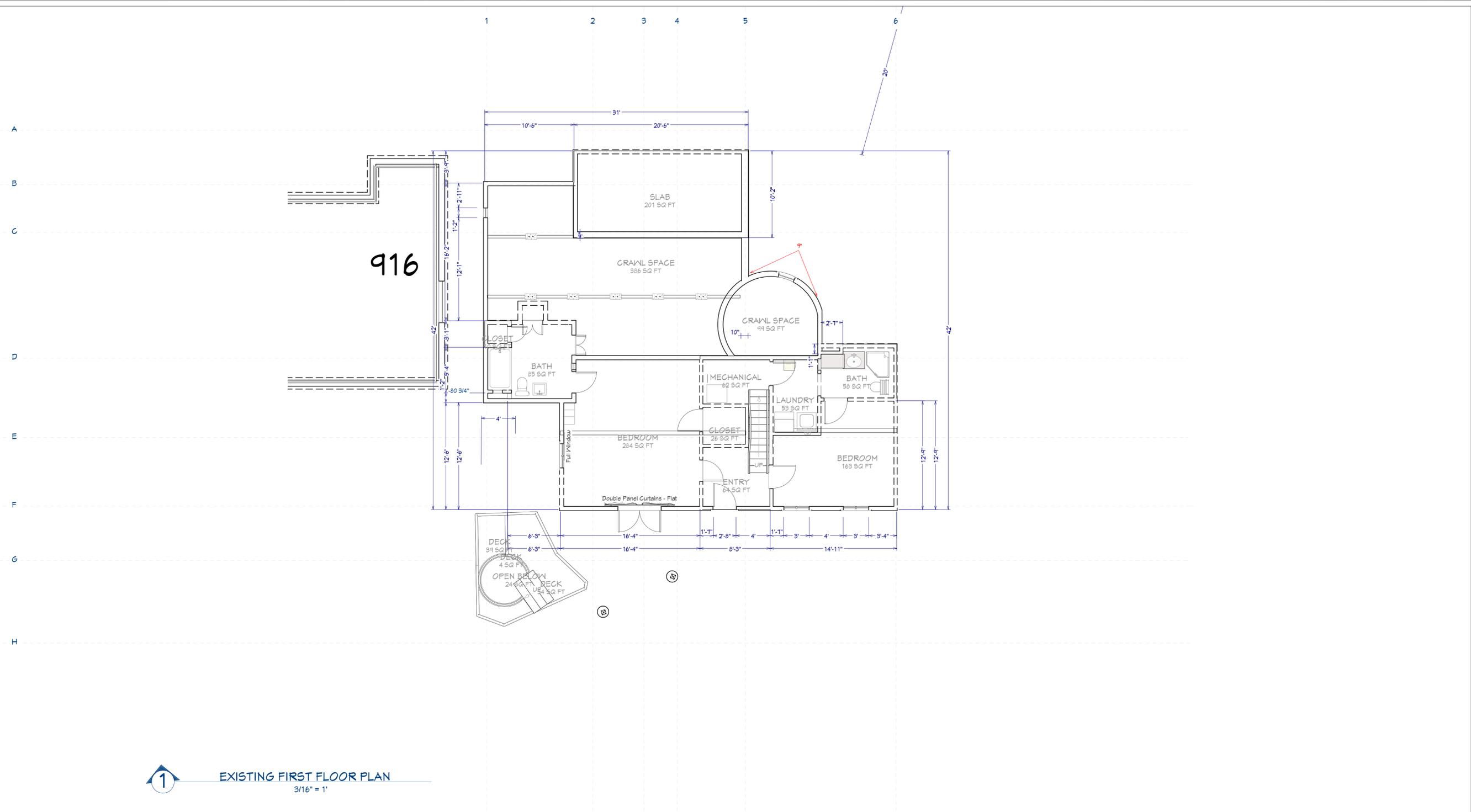
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A-2





1 EXISTING FIRST FLOOR PLAN  
 3/16" = 1'

**LEGEND**

- EXISTING WALL
- - - - - EXISTING WALL - TO BE REMOVED
- EXISTING WALL - TO BE EXTENDED VERTICALLY
- EXISTING WALL - TO BE REPAIRED (DRY ROT)
- NEW WALL

**KEYNOTES**



NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

EXISTING FIRST FLOOR  
 PLAN

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:

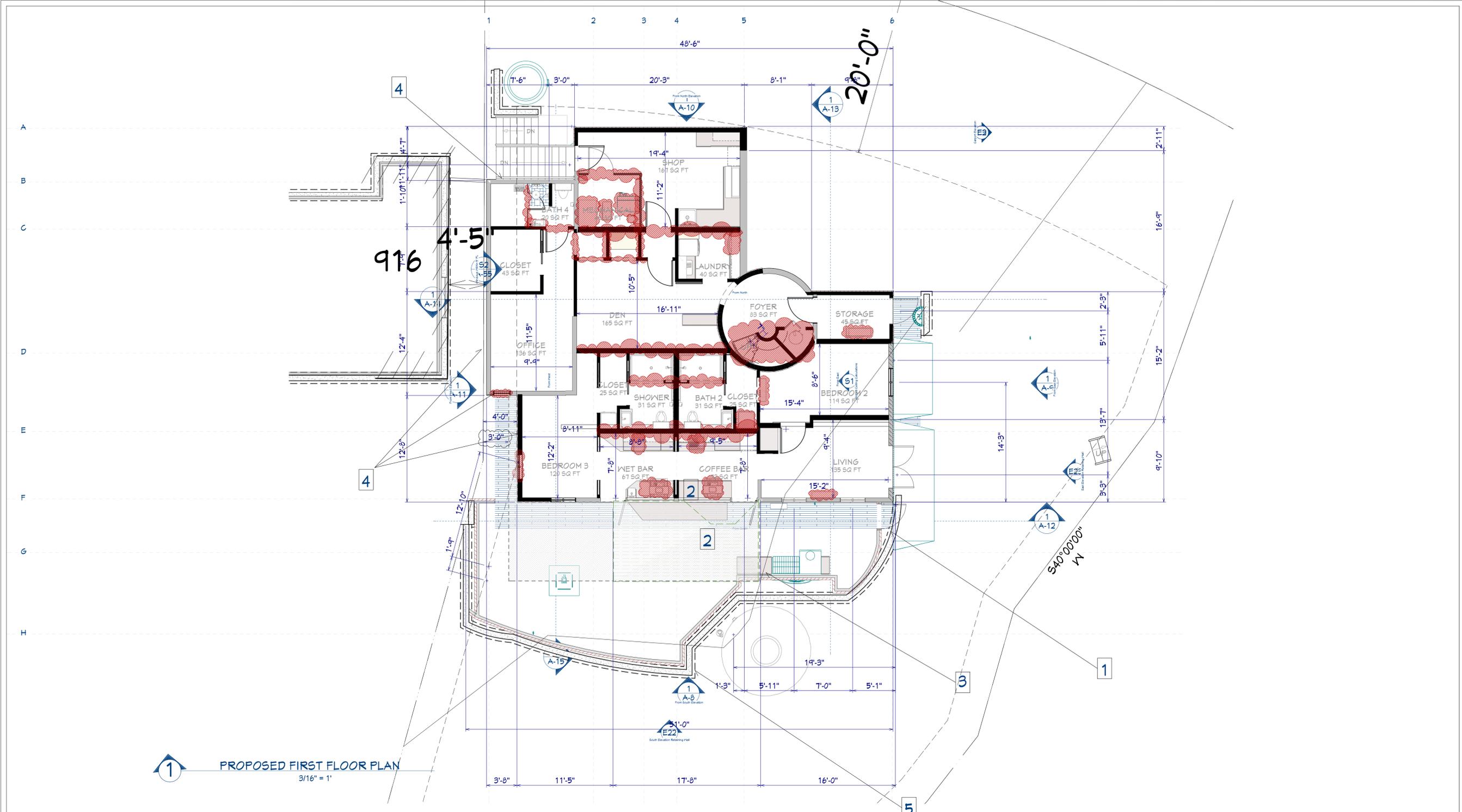
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A-3



REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION	STATUS
	1	3/25/24	MS	INCOMPLETE	
	2	5/5/2024	M5	STATUS 1	
	3	4/15/2025	M5	PLAN CHECK 1	

**SMEDLEY RESIDENCE**  
 920 OXFORD ST  
 BERKELEY, CA 94707

**PROPOSED FIRST FLOOR PLAN**

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:  
 6/20/2025

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 A-4

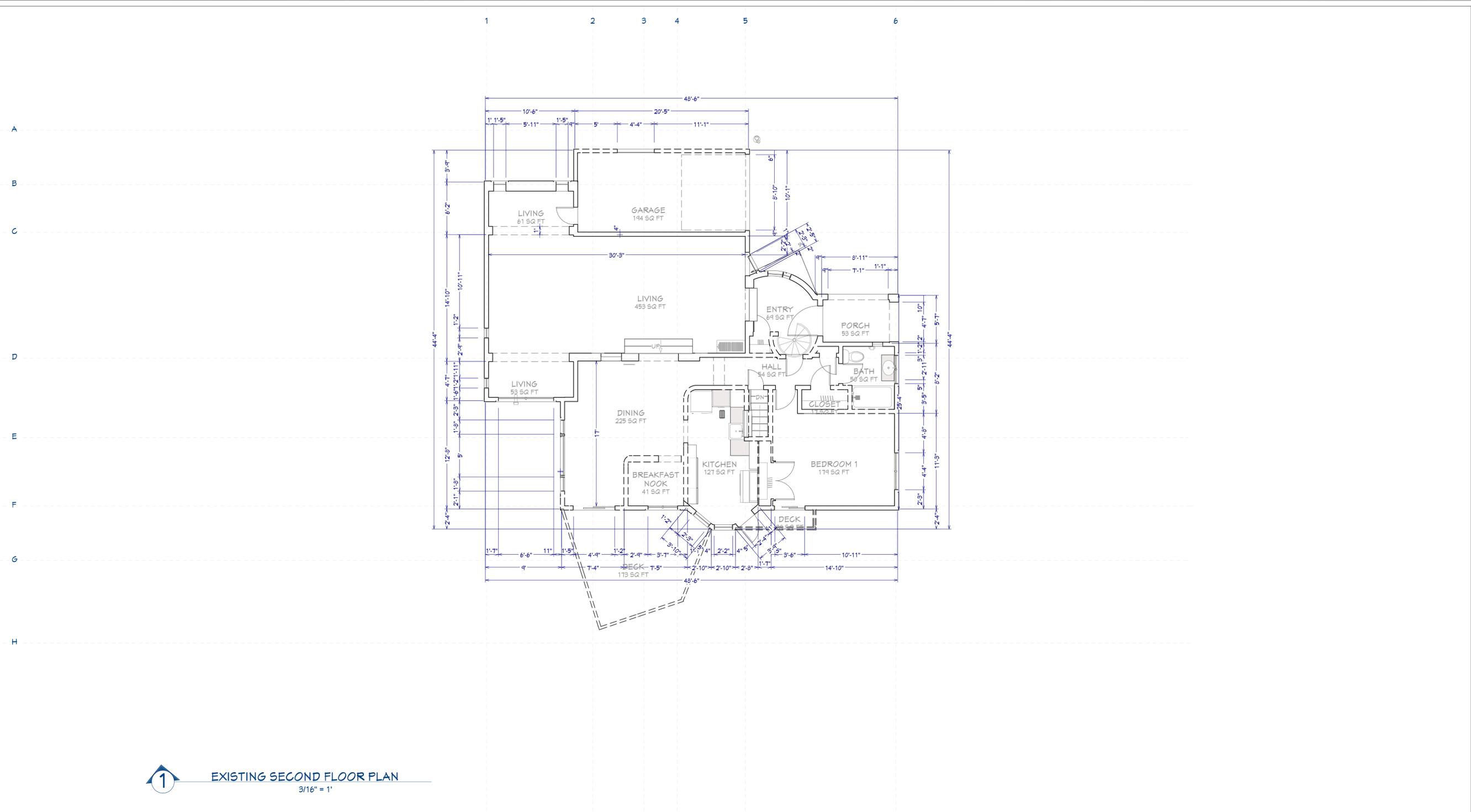
**LEGEND**

- SETBACK
- EXISTING WALL
- EXISTING WALL - TO BE REMOVED
- EXISTING WALL - TO BE EXTENDED VERTICALLY
- EXISTING WALL - TO BE REPAIRED (DRY ROT)
- NEW WALL

**KEYNOTES**

- 1** CANTILEVERED WALKING PATH CLASS A FIRE RATED DECKING (ENTIRE PATH)
- 2** TOP HUNG FOLDING DOOR
- 3** CREEK SETBACK
- 4** EXTERIOR WALLS WILL BE FIRE-RESISTANCE RATED FOR 1-HOUR TESTED IN ACCORDANCE WITH ASTM E119, UL 263 OR CBC 703.2 FOR EXPOSURE FROM BOTH SIDES. [CRC R302.1] DETAILS A-52
- 5** SITE RETAINING WALL <= 6' MAX HEIGHT





**1** EXISTING SECOND FLOOR PLAN  
 3/16" = 1'

**LEGEND**

-  EXISTING WALL
-  EXISTING WALL - TO BE REMOVED
-  EXISTING WALL - TO BE EXTENDED VERTICALLY
-  EXISTING WALL - TO BE REPAIRED (DRY ROT)
-  NEW WALL

**KEYNOTES**

NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

EXISTING SECOND  
 FLOOR PLAN

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:

6/20/2025

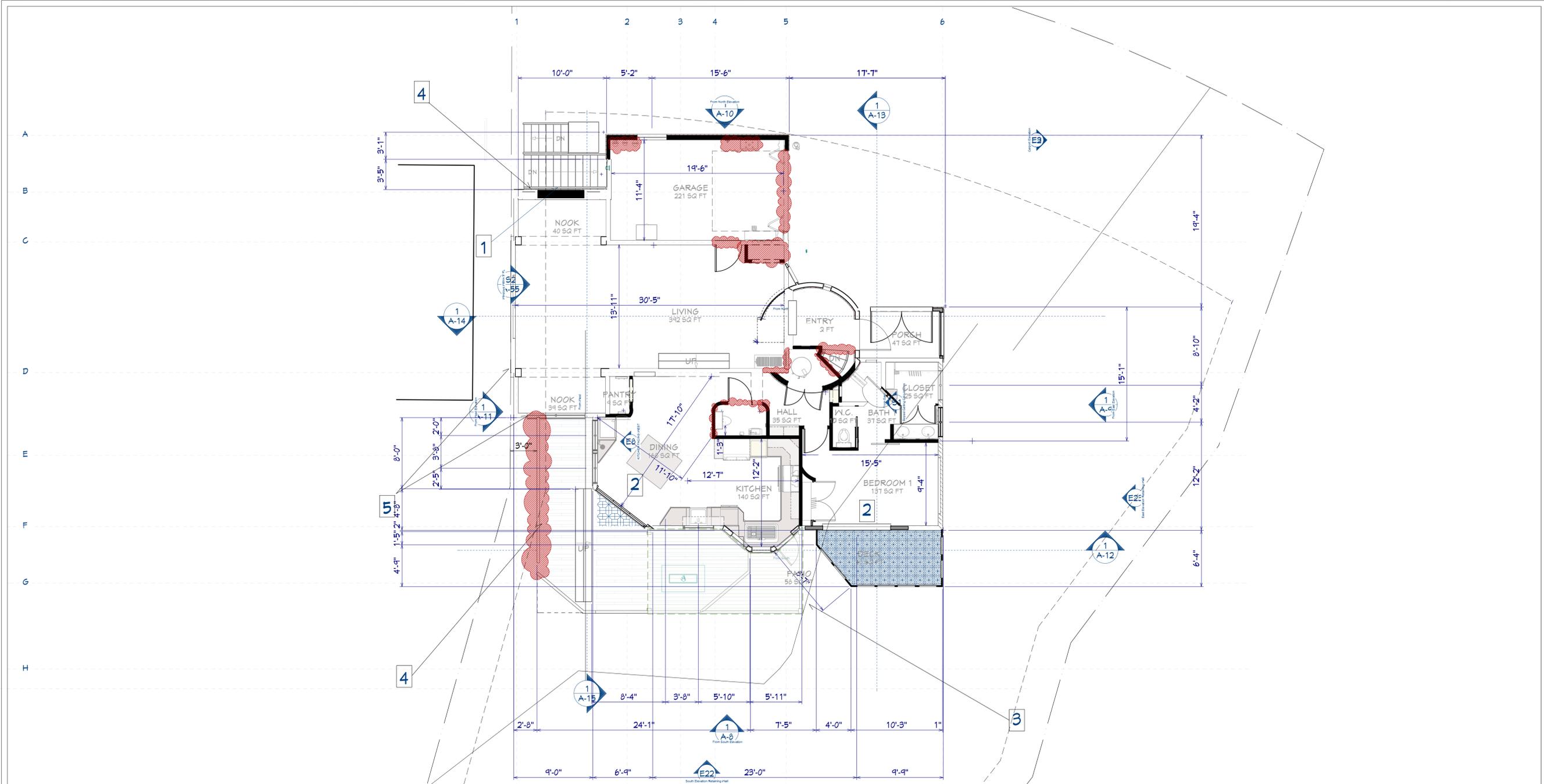
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A-5





**1** PROPOSED SECOND FLOOR PLAN  
 3/16" = 1'

**LEGEND**

- PROPERTY LINE
- EXISTING WALL
- EXISTING WALL - TO BE REMOVED
- EXISTING WALL - TO BE EXTENDED VERTICALLY
- EXISTING WALL - TO BE REPAIRED (DRY ROT)
- NEW WALL

**KEYNOTES**

- 1** REMOVE FIREPLACE AND INSTALL NEW WALL
- 2** TOP HUNG DOOR
- 3** CREEK SETBACK
- 4** CLASS A WATERTIGHT ALUMINUM DECKING WITH ALUMINUM FRAMING WITH FIRE RETARDANT JOISTS
- 5** EXTERIOR WALLS WILL BE FIRE-RESISTANCE RATED FOR 1-HOUR TESTED IN ACCORDANCE WITH ASTM E119, UL 263 OR CBC 703.2 FOR EXPOSURE FROM BOTH SIDES [CRC R302.1] DETAILS A-52



REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

**SMEDLEY RESIDENCE**  
 920 OXFORD ST  
 BERKELEY, CA 94707

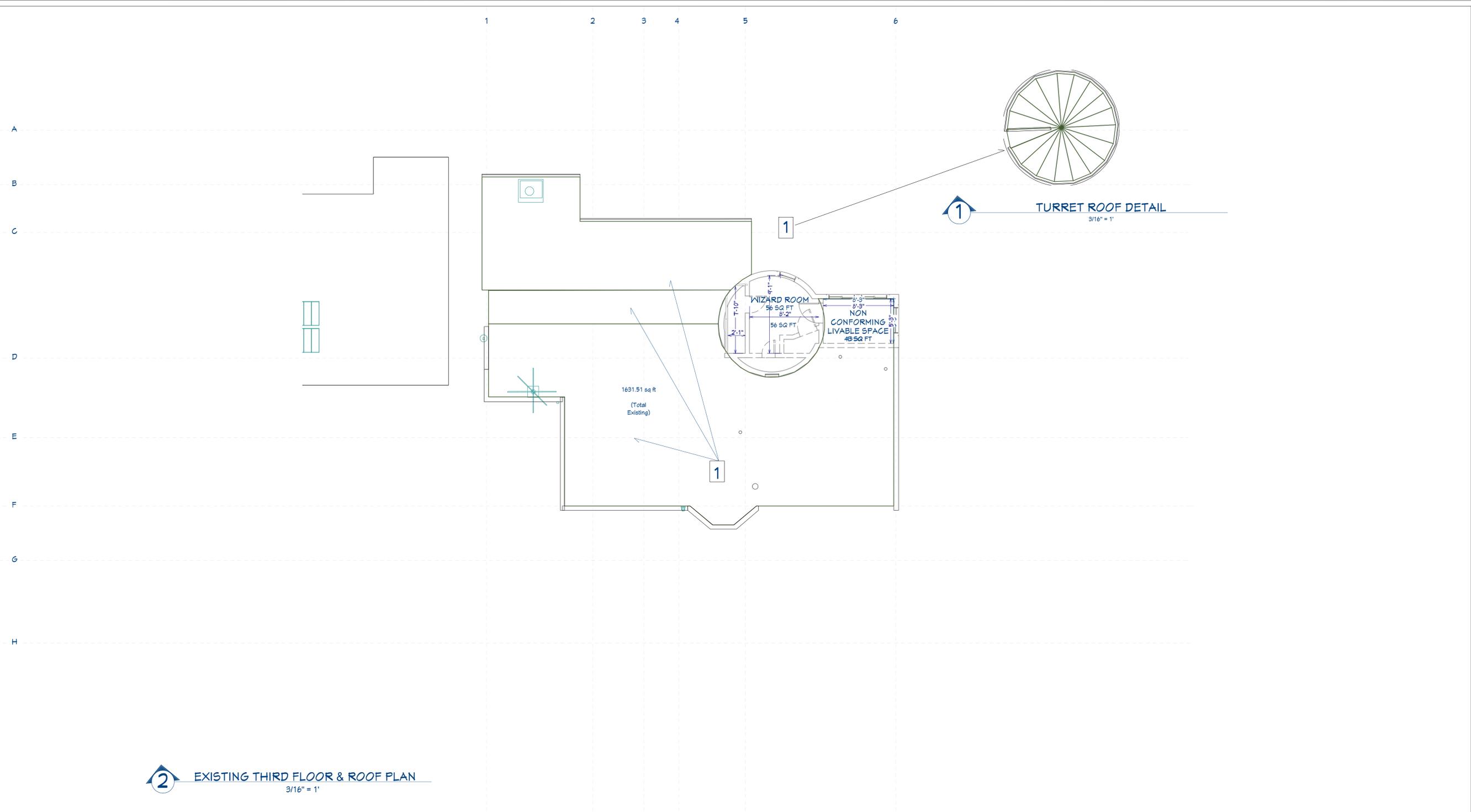
**PROPOSED SECOND FLOOR PLAN**

**2022 CALIFORNIA BUILDING CODE OCCUPANCY R3**

DATE:  
 6/20/2025

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**A-6**



**2** EXISTING THIRD FLOOR & ROOF PLAN  
 3/16" = 1'

**LEGEND**

- EXISTING WALL
- EXISTING WALL - TO BE REMOVED
- EXISTING WALL - TO BE EXTENDED VERTICALLY
- EXISTING WALL - TO BE REPAIRED (DRY ROT)
- NEW WALL

**KEYNOTES**

- 1** Existing roof to remain



REVISION TABLE	NUMBER	DATE	REVISION	DESCRIPTION	STATUS
1	3/25/24	MS	INCOMPLETE		
2	5/5/2024	MS			PLAN CHECK 1
3	4/15/2025	MS			

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

EXISTING THIRD FLOOR  
 AND ROOF PLAN

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:

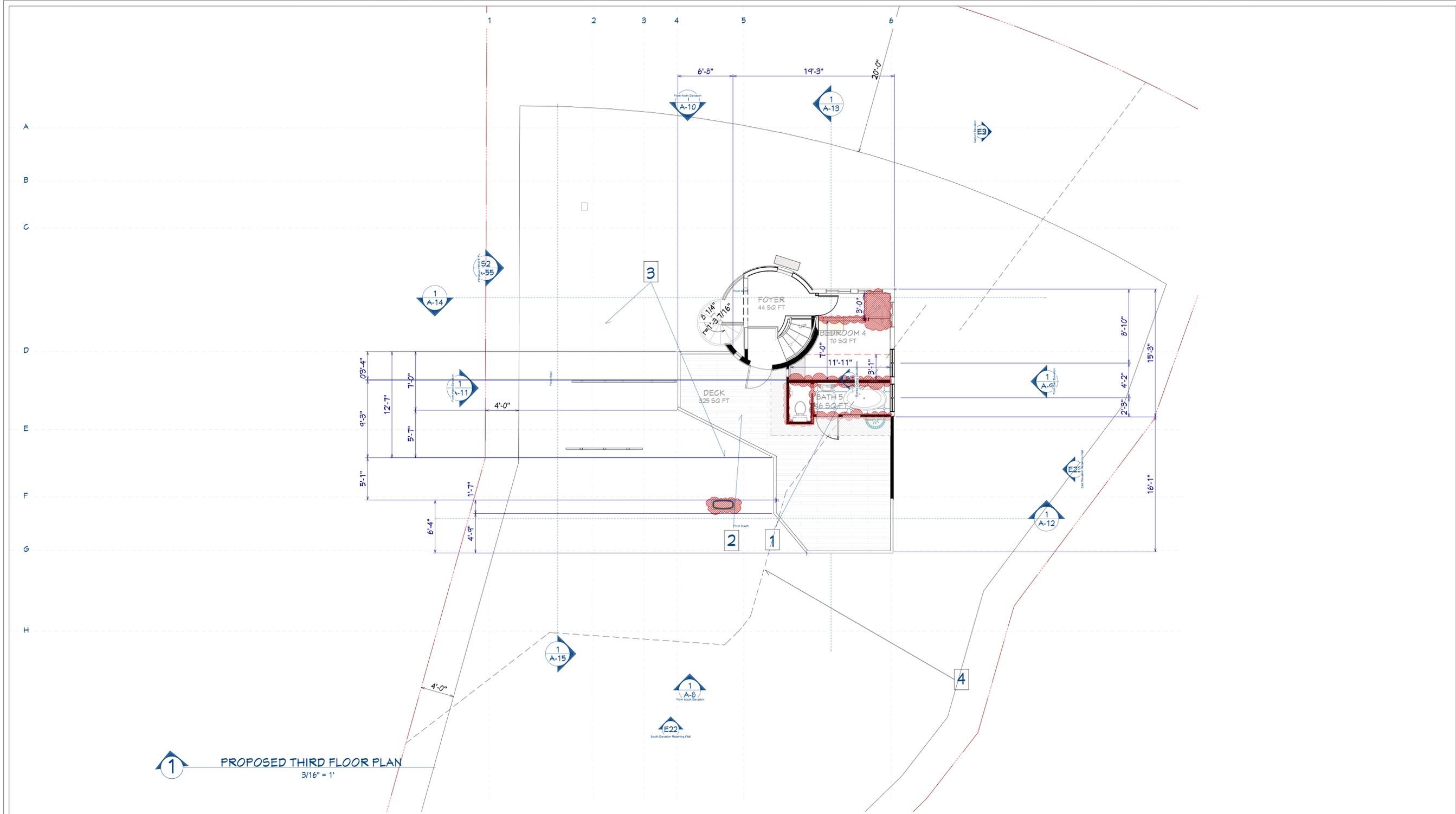
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A-7



**1** PROPOSED THIRD FLOOR PLAN  
 3/16" = 1'

**LEGEND**

- EXISTING WALL
- EXISTING WALL - TO BE REMOVED
- EXISTING WALL - TO BE EXTENDED VERTICALLY
- EXISTING WALL - TO BE REPAIRED (DRY ROT)
- NEW WALL

**KEYNOTES**

- 1** 65 GAL STONE SOAKING TUB (485 LB EMPTY)
- 2** NO ROOF PENETRATION FOR DECK + EXTRA SOUND PROOFING
- 3** SKYLIGHT
- 4** CREEK SETBACK



NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

**SMEDLEY RESIDENCE**  
 920 OXFORD ST  
 BERKELEY, CA 94707

**PROPOSED THIRD FLOOR PLAN**

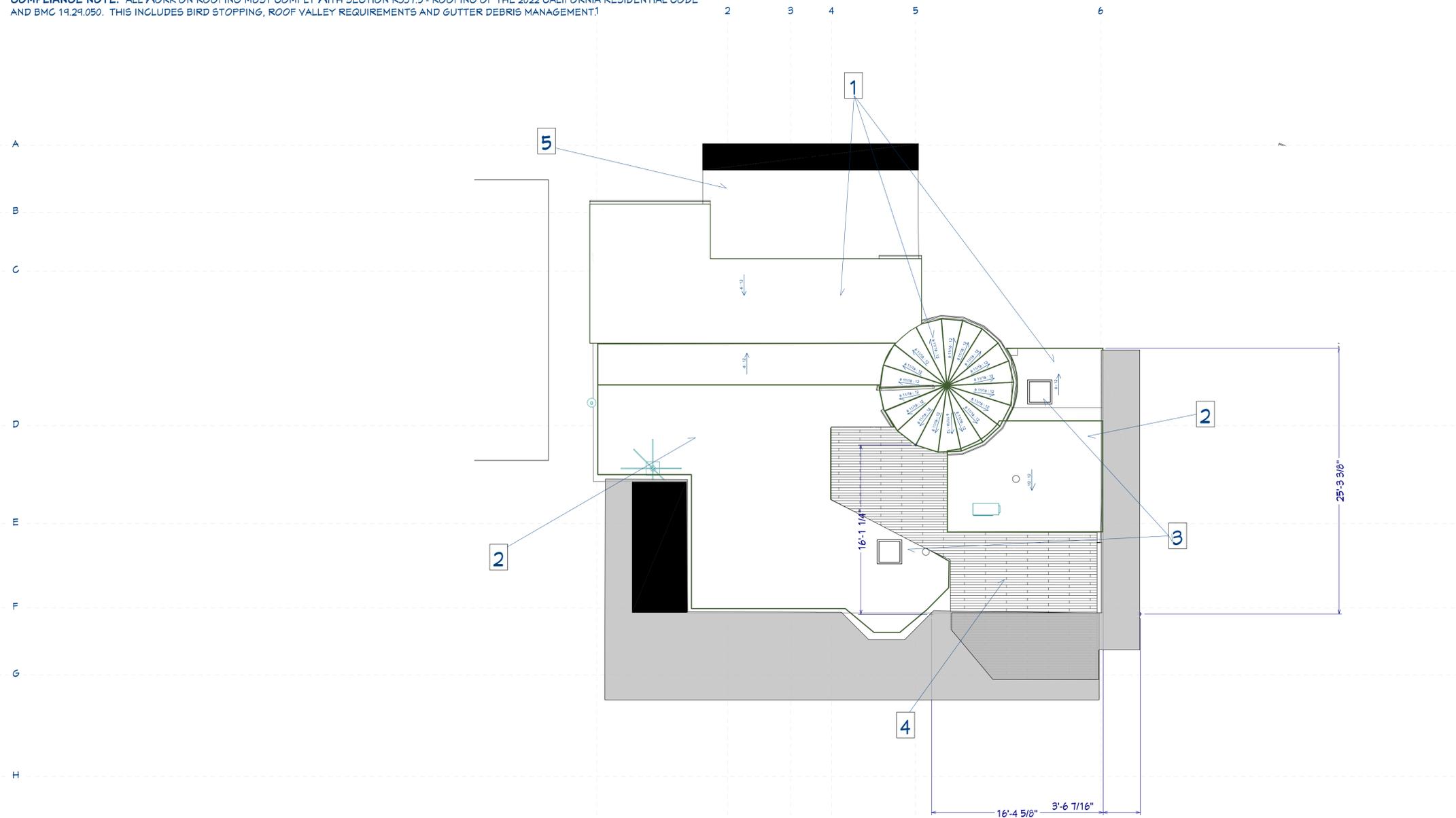
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6/20/2025

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A-8

COMPLIANCE NOTE: ALL WORK ON ROOFING MUST COMPLY WITH SECTION R337.5 - ROOFING OF THE 2022 CALIFORNIA RESIDENTIAL CODE AND BMC 19.29.050. THIS INCLUDES BIRD STOPPING, ROOF VALLEY REQUIREMENTS AND GUTTER DEBRIS MANAGEMENT.



1 PROPOSED ROOF PLAN  
 3/16" = 1'

**LEGEND**

- ===== EXISTING WALL
- EXISTING WALL - TO BE REMOVED
- ===== EXISTING WALL - TO BE EXTENDED VERTICALLY
- ===== EXISTING WALL - TO BE REPAIRED (DRY ROT)
- ===== NEW WALL

**KEYNOTES**

- 1 Refurbished (bird stopped, grouted) existing Spanish tile
- 2 New roof Class A Fire Rated aluminum Western MS2 @ <1:12, Else Western Lock
- 3 Skylight
- 4 New aluminum decking with aluminum joists
- 5 New roof Class A Fire Rated Sarnafil PVC

6 Class A Fire Rated Roof Deck



NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
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3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

PROPOSED ROOF PLAN

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:

6/20/2025

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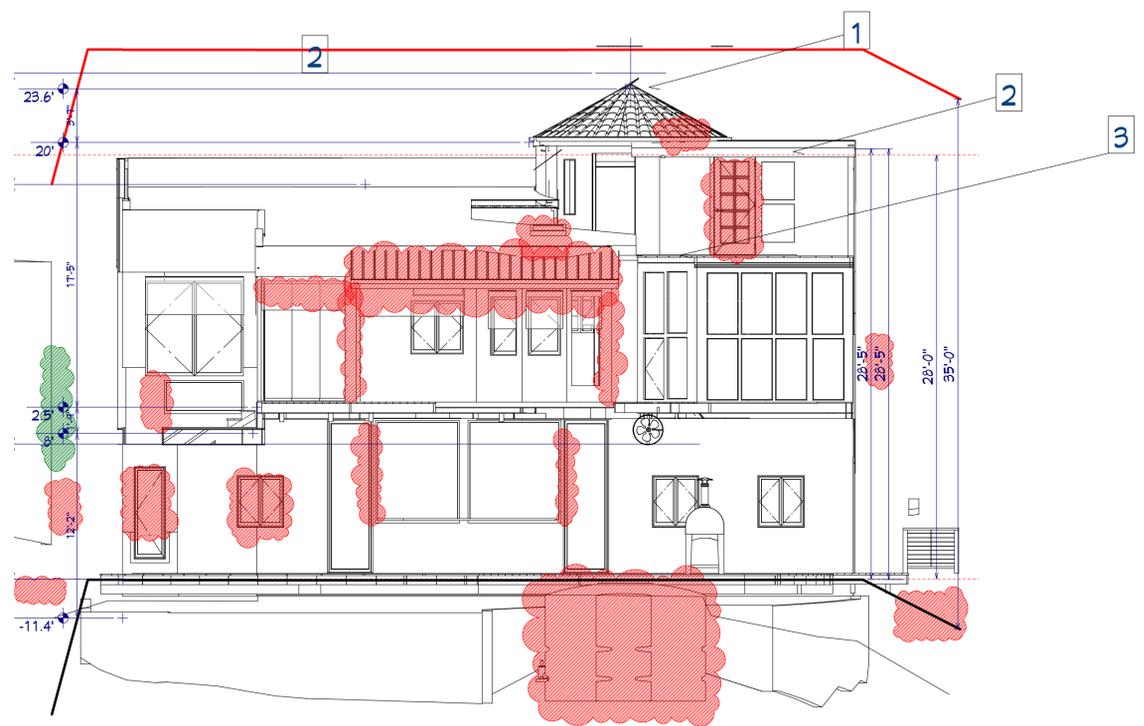
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A-9

**COMPLIANCE NOTE:** ALL SIDING WILL MEET 1 HOUR FIRE RATING AS DETAILED IN A-52 (1). ALL OTHER EXTERIOR COVERINGS TO MEET R337.7 REQUIREMENTS IN THE 2022 CALIFORNIA RESIDENTIAL CODE AND BMC 19.29.050.



② EXISTING SOUTH ELEVATION  
 3/16" = 1'



① PROPOSED SOUTH ELEVATION  
 3/16" = 1'

**LEGEND**

- - - ← MAX BUILDING HEIGHT
- - - ← AVERAGE BUILDING HEIGHT
- - - ← PROPERTY LINE

**KEYNOTES**

- ① BUILDING TO BE LIFTED APPROX. 12" FOR FOUNDATION LEVELING
- ② AREA TO BE UTILIZED FOR SOLAR PANELS (SEE SOLAR PERMIT)
- ③ SOLARIUM ENCLOSURE



NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	M5	INCOMPLETE
2	5/5/2024	M5	STATUS 1
3	4/15/2025	M5	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

SOUTH ELEVATION -  
 EXISTING AND  
 PROPOSED

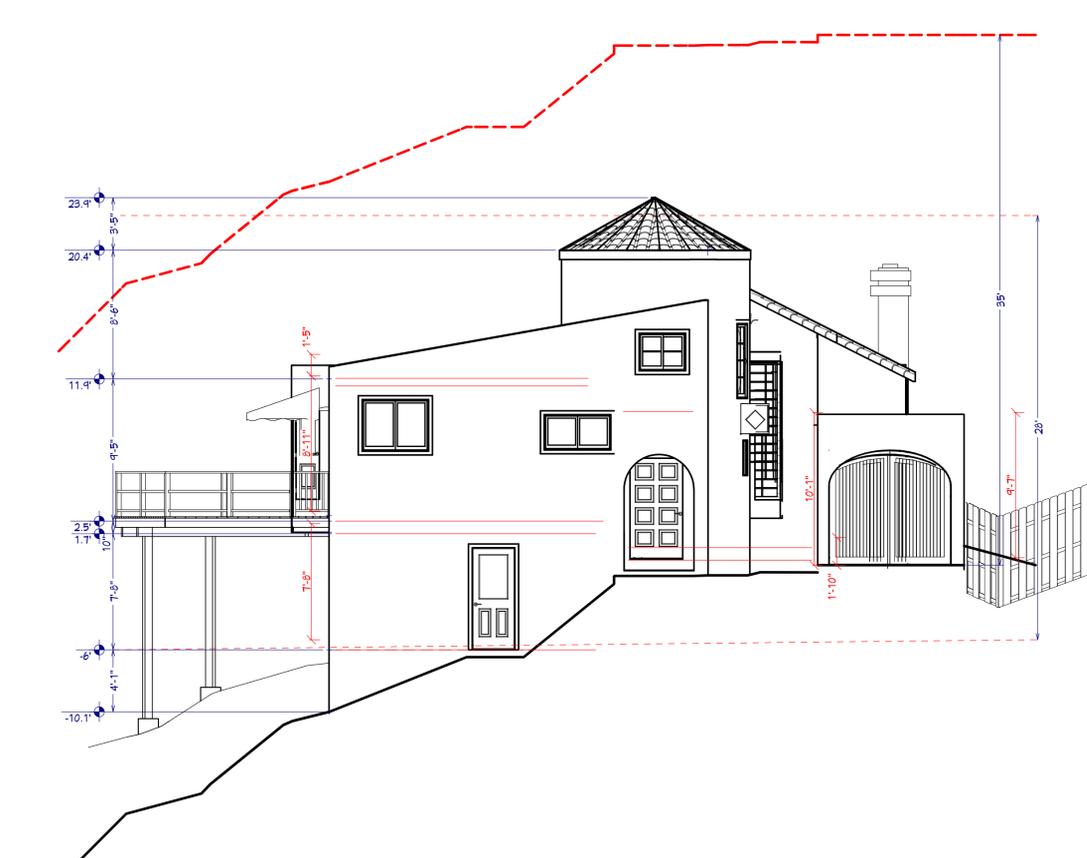
2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:  
 6/20/2025

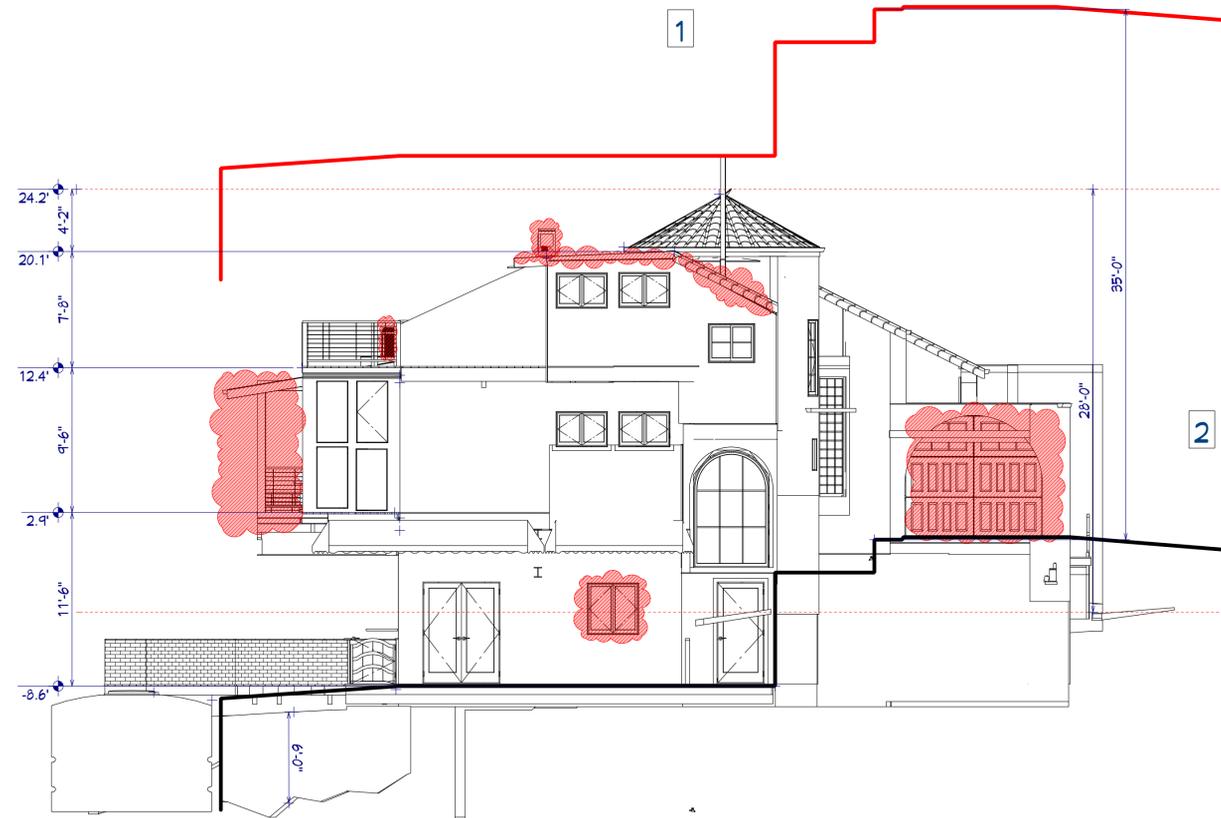
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 A-10

**COMPLIANCE NOTE:** ALL SIDING WILL MEET 1 HOUR FIRE RATING AS DETAILED IN A-52 (1). ALL OTHER EXTERIOR COVERINGS TO MEET R337.7 REQUIREMENTS IN THE 2022 CALIFORNIA RESIDENTIAL CODE AND BMC 14.29.050.



2 EXISTING EAST ELEVATION  
 3/16" = 1'



1 PROPOSED EAST ELEVATION  
 3/16" = 1'

**LEGEND**

- MAX BUILDING HEIGHT
- AVERAGE BUILDING HEIGHT
- PROPERTY LINE

**KEYNOTES**

- 1 BUILDING TO BE LIFTED APPROX. 12" FOR FOUNDATION LEVELING
- 2 GARAGE NORTH WALL AND SLAB TO BE DEMO'D AND FRONT YARD FENCE / PLANTS TO BE REMOVED FOR EASIER RIG ACCESS

REVISION TABLE	NUMBER	DATE	REVISED BY	DESCRIPTION
	1	3/25/24	MS	INCOMPLETE 1
	2	5/5/2024	MS	STATUS 1
	3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

EAST ELEVATION -  
 EXISTING AND  
 PROPOSED

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

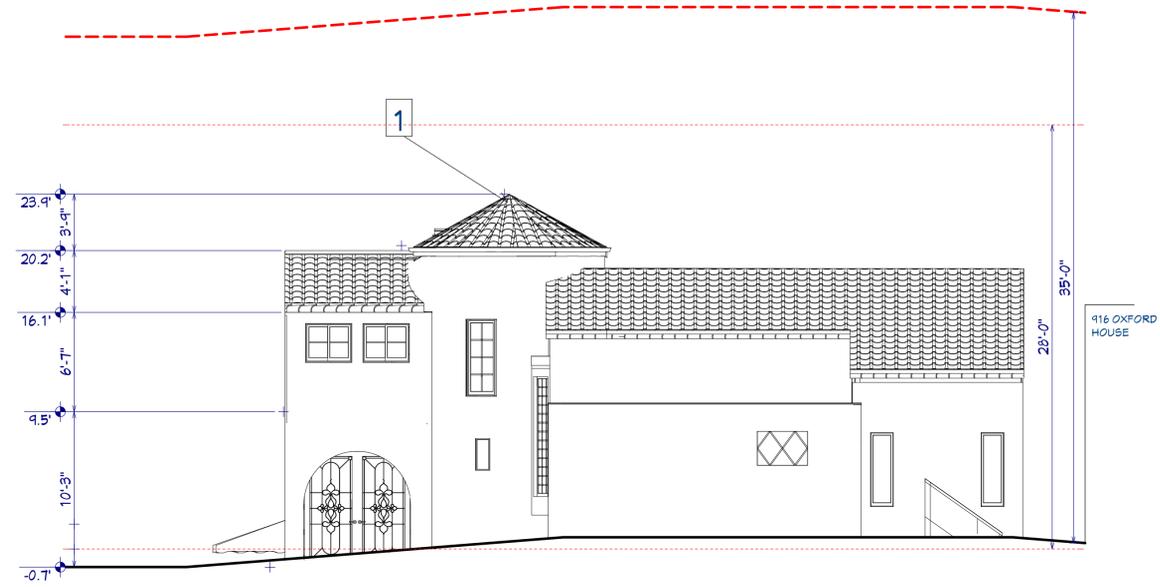
DATE:  
 6/20/2025

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 MS

SHEET:  
 A-11



**COMPLIANCE NOTE:** ALL SIDING WILL MEET 1 HOUR FIRE RATING AS DETAILED IN A-52 (1). ALL OTHER EXTERIOR COVERINGS TO MEET R337.7 REQUIREMENTS IN THE 2022 CALIFORNIA RESIDENTIAL CODE AND BMC 19.29.050.



② EXISTING NORTH ELEVATION  
 3/16" = 1'

① PROPOSED NORTH ELEVATION  
 3/16" = 1'

**LEGEND**

- MAX BUILDING HEIGHT
- AVERAGE BUILDING HEIGHT
- PROPERTY LINE

**KEYNOTES**

- ① BUILDING TO BE LIFTED APPROX. 12" FOR FOUNDATION LEVELING

NUMBER	DATE	REVISION TABLE	DESCRIPTION
1	3/29/24	MS	INCOMPLETE
2	5/9/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

**SMEDLEY RESIDENCE**  
 920 OXFORD ST  
 BERKELEY, CA 94707

**NORTH ELEVATION -**  
 EXISTING AND  
 PROPOSED

**2022 CALIFORNIA**  
**BUILDING CODE**  
**OCCUPANCY R3**

DATE:  
 6/20/2025

DRAWN BY:  
 MS

SHEET:

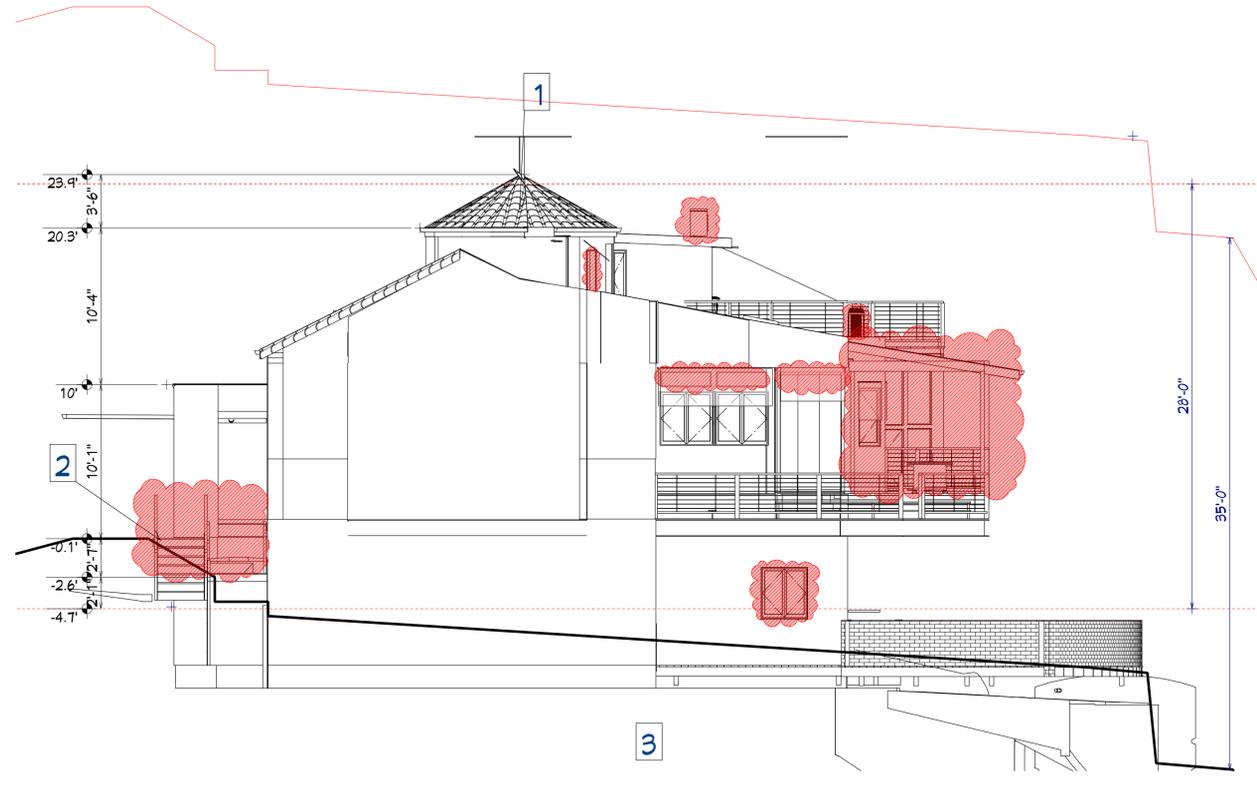
**A-12**



**COMPLIANCE NOTE:** ALL SIDING WILL MEET 1 HOUR FIRE RATING AS DETAILED IN A-52 (1). ALL OTHER EXTERIOR COVERINGS TO MEET R331.7 REQUIREMENTS IN THE 2022 CALIFORNIA RESIDENTIAL CODE AND BMC 19.29.050.



**2** EXISTING WEST ELEVATION  
 3/16" = 1'



**1** PROPOSED WEST ELEVATION  
 3/16" = 1'

**LEGEND**

- - - - - ← MAX BUILDING HEIGHT
- - - - - ← AVERAGE BUILDING HEIGHT

**KEYNOTES**

- 1** BUILDING TO BE LIFTED APPROX. 12" FOR FOUNDATION LEVELING
- 2** STAIRWELL TO BASEMENT DOOR
- 3** WINDOW <5' FROM PL IS <25% WALL AREA AS PER CRC R302.1 SEE A-53 (2) FOR DETAILS

NUMBER	DATE	REVISION TABLE	DESCRIPTION
1	9/25/24	M5	INCOMPLETE
2	5/5/2024	M5	STATUS 1
3	4/15/2025	M5	PLAN CHECK 1

**SMEDLEY RESIDENCE**  
 920 OXFORD ST  
 BERKELEY, CA 94707

**WEST ELEVATION -**  
 EXISTING AND  
 PROPOSED

**2022 CALIFORNIA**  
 BUILDING CODE  
 OCCUPANCY R3

DATE:

6/20/2025

DRAWN BY:

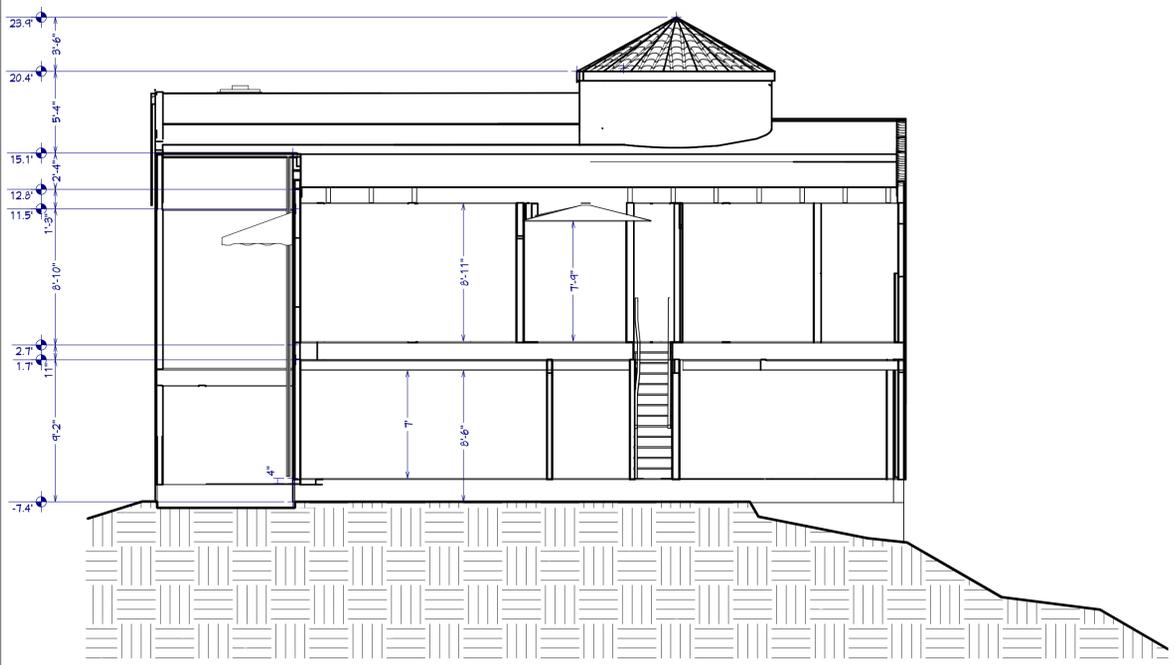
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**A-13**



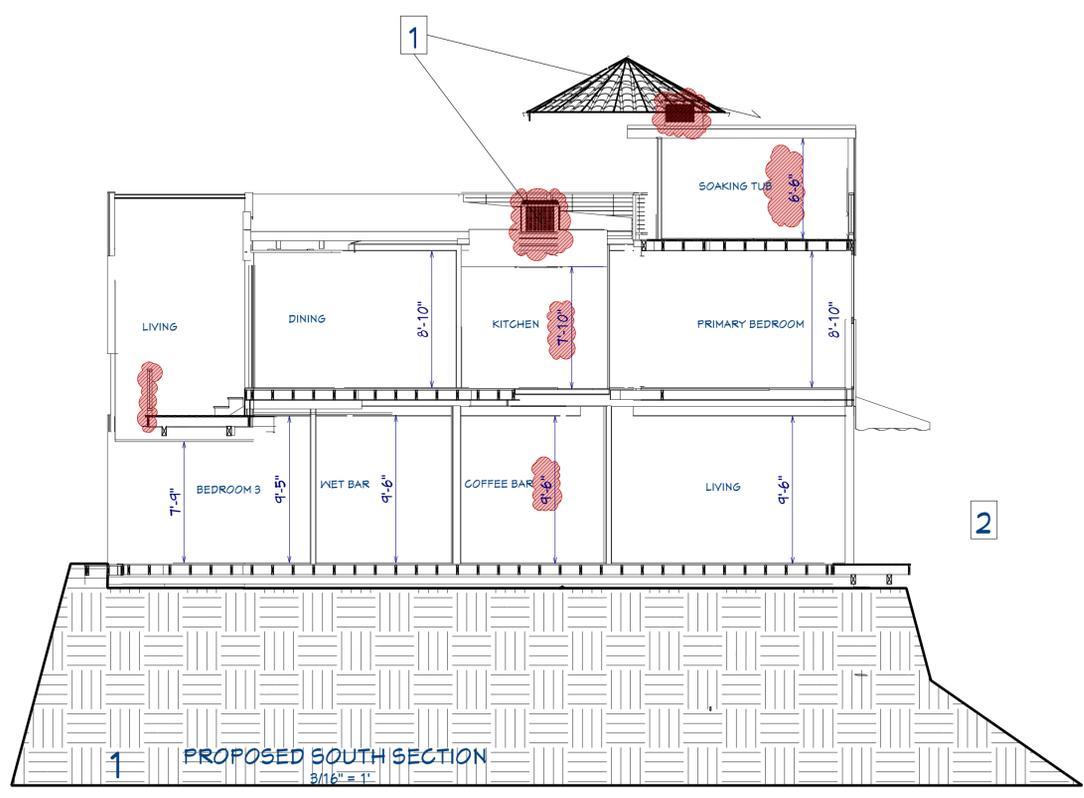
**PRESERVATION NOTE:** EXTERIOR FINISHES ARE PLANNED TO BE MAINTAINED. EXTERIOR STUCCO WILL BE REPAIRED / REPLACED WITH NEW STUCCO. EXISTING SPANISH TILE WILL BE REPAIRED / REPLACED WITH NEW SPANISH TILE. EXISTING WINDOWS WILL BE REPAIRED / REPLACED WITH CUSTOM WINDOWS TO MATCH (ASSUMING FIRE CODE EGRESS IS MET).



2 EXISTING SOUTH SECTION  
 3/16" = 1"

**KEYNOTES**

- 1 SKYLIGHTS
- 2 WALKWAY CANTILEVERED OFF STRUCTURE



1 PROPOSED SOUTH SECTION  
 3/16" = 1"

NUMBER	DATE	REVISION TABLE	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

SOUTH SECTION -  
 EXISTING AND  
 PROPOSED

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

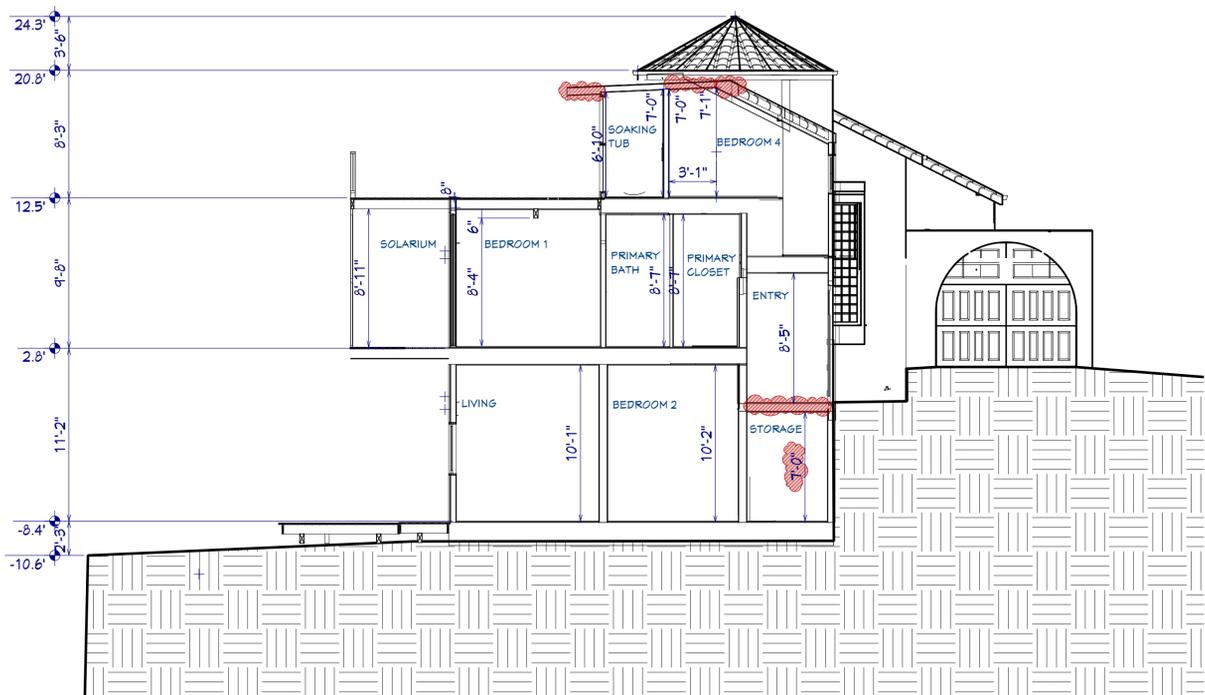
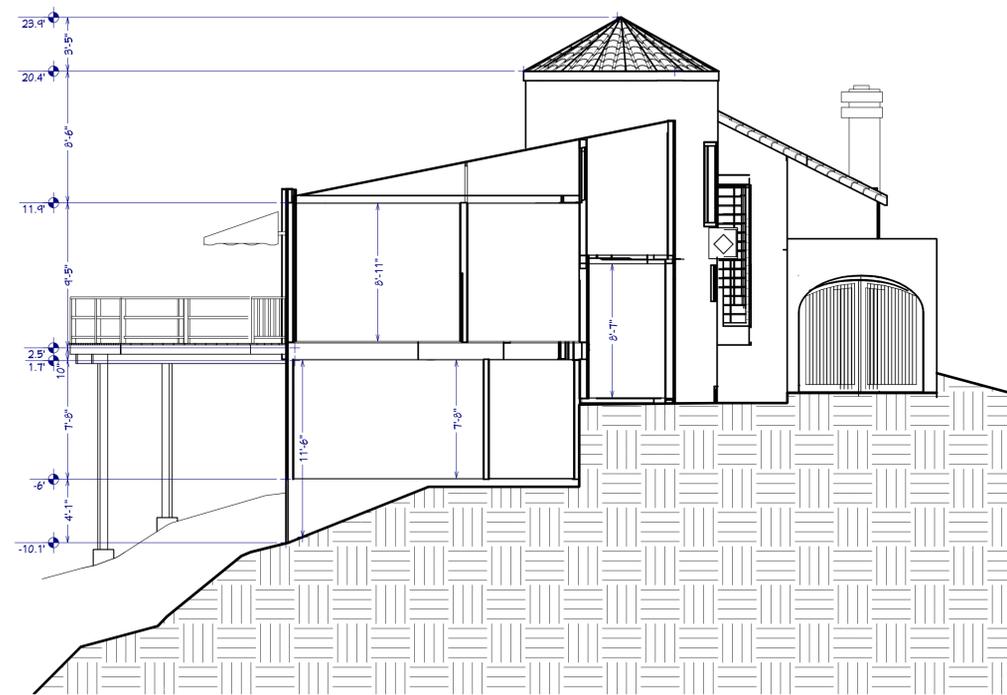
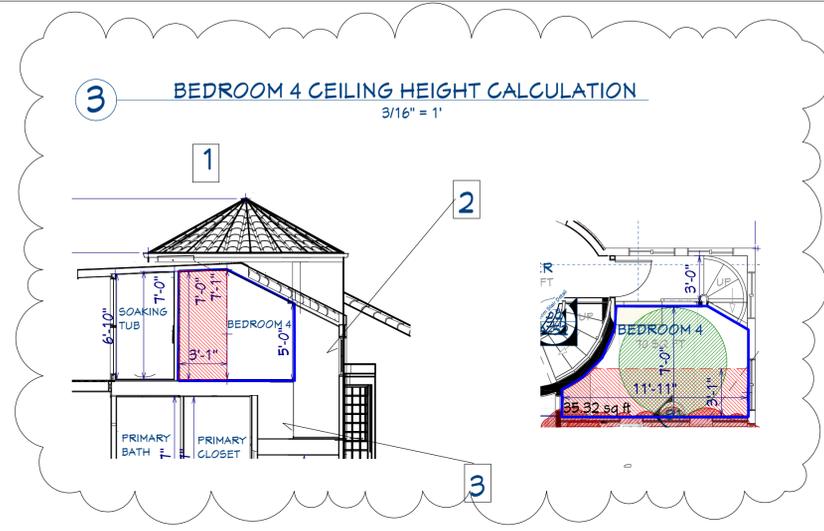
DATE:  
 6/20/2025

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SHEET:  
 A-14



**PRESERVATION NOTE:** EXTERIOR FINISHES ARE PLANNED TO BE MAINTAINED. EXTERIOR STUCCO WILL BE REPAIRED / REPLACED WITH NEW STUCCO. EXISTING SPANISH TILE WILL BE REPAIRED / REPLACED WITH NEW SPANISH TILE. EXISTING WINDOWS WILL BE REPAIRED / REPLACED WITH CUSTOM WINDOWS TO MATCH (ASSUMING FIRE CODE EGRESS IS MET).



2 EXISTING EAST SECTION  
 3/16" = 1'

1 PROPOSED EAST SECTION  
 3/16" = 1'

**KEYNOTES**

- 1 SLOPED CEILING WITH >50% ABOVE MINIMUM BATHROOM CEILING HEIGHT
- 2 BEDROOM HALL NOT COUNTED IN FLOOR AREA
- 3 LOCATION OF CIRCULAR STAIR TO REACH SLEEPING AREA



NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION
1	3/25/24	M2	M2	INCOMPLETE
2	5/5/2024	M2	M2	STATUS 1
3	4/19/2025	M2	M2	PLAN CHECK

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

EAST SECTION - EXISTING  
 AND PROPOSED

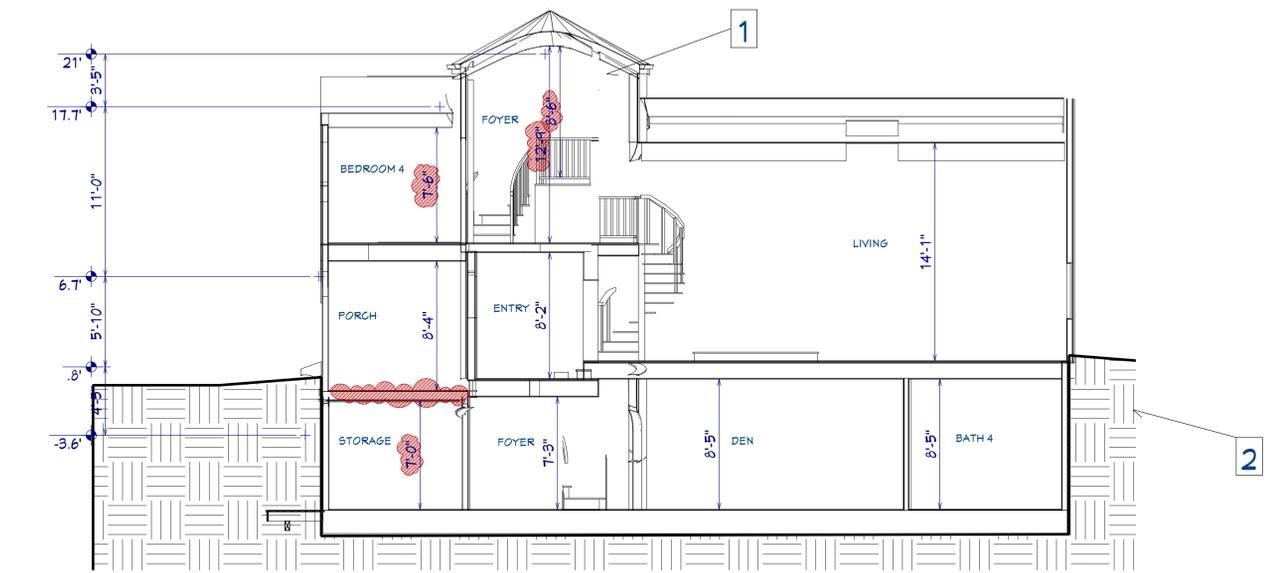
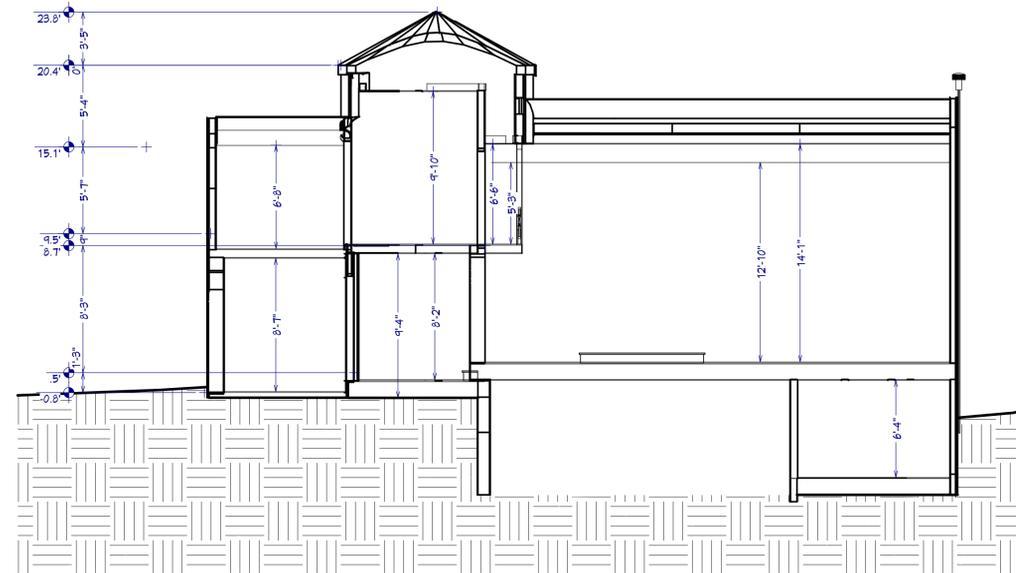
2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:  
 6/20/2025

DRAWN BY:  
 MS

SHEET:  
 A-15

**PRESERVATION NOTE:** EXTERIOR FINISHES ARE PLANNED TO BE MAINTAINED. EXTERIOR STUCCO WILL BE REPAIRED / REPLACED WITH NEW STUCCO. EXISTING SPANISH TILE WILL BE REPAIRED / REPLACED WITH NEW SPANISH TILE. EXISTING WINDOWS WILL BE REPAIRED / REPLACED WITH CUSTOM WINDOWS TO MATCH (ASSUMING FIRE CODE EGRESS IS MET).



2 EXISTING NORTH SECTION  
 3/16" = 1'

1 PROPOSED NORTH SECTION  
 3/16" = 1'

**KEYNOTES**

- 1 CURRENT CEILING TO BE REMOVED
- 2 EXCAVATED FILL TO BE DEPOSITED IN THE FRONT YARD TO BUILD UP GRADE TO OPTIMAL SLOPE AWAY FROM FOUNDATION

NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

NORTH SECTION -  
 EXISTING AND  
 PROPOSED

2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

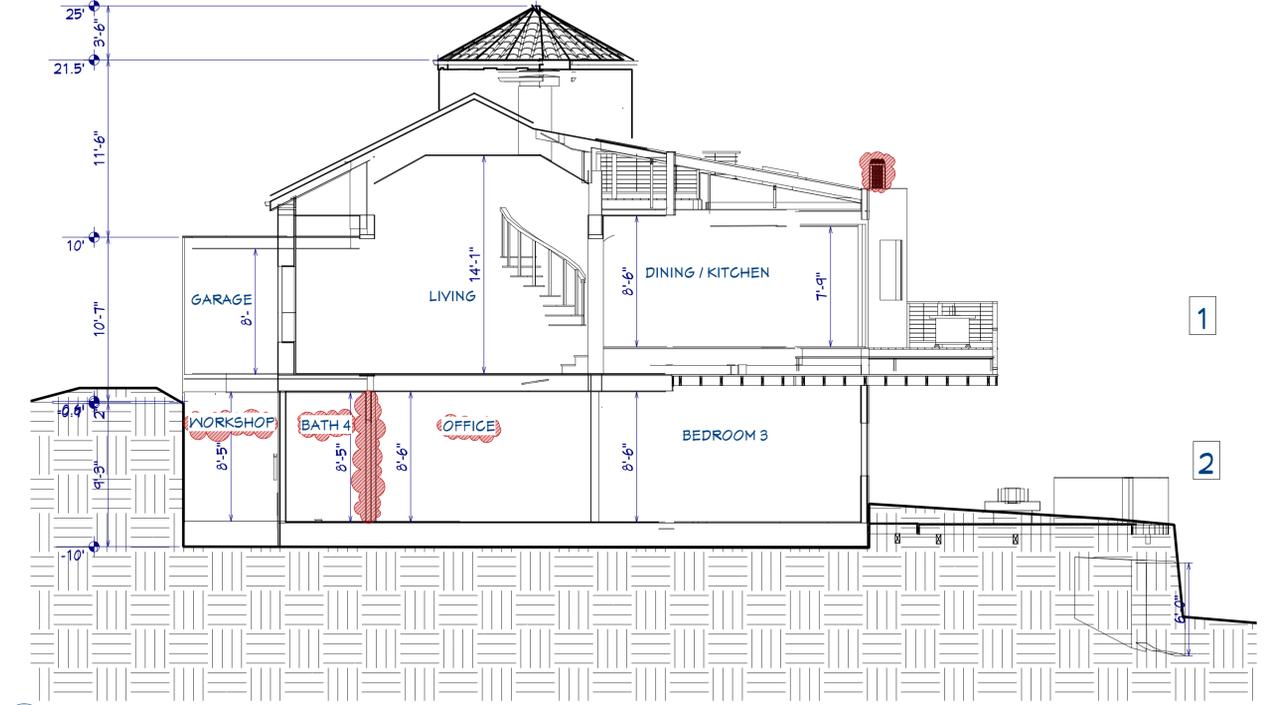
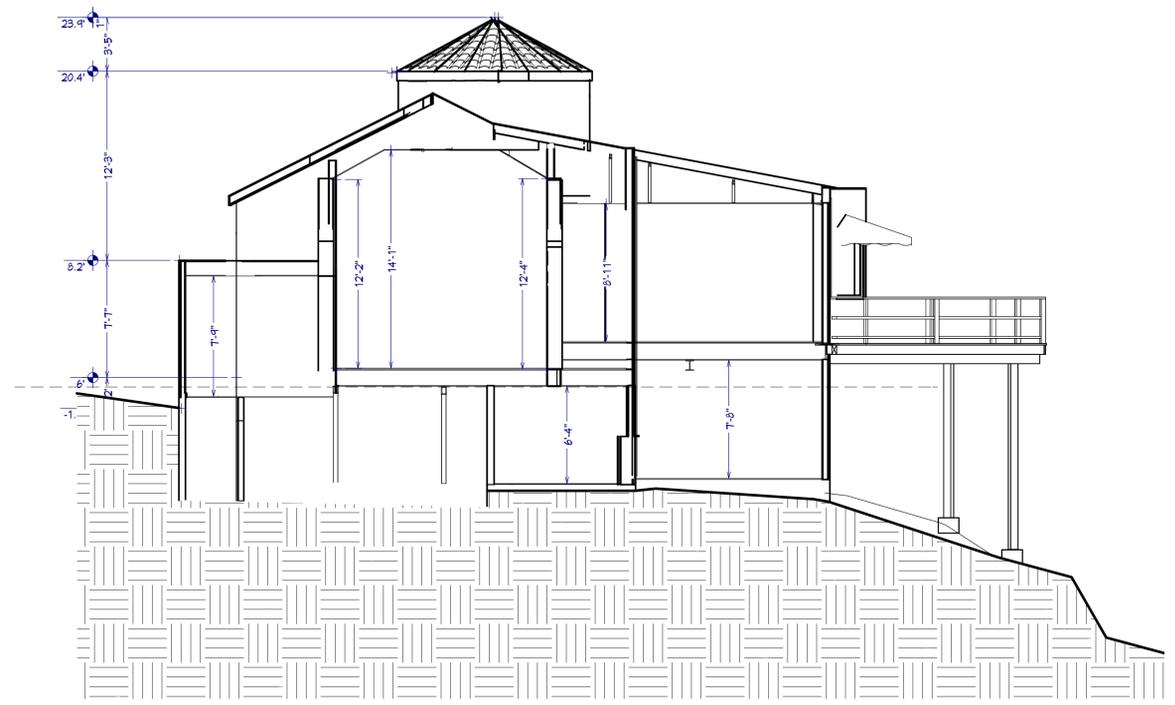
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 6/20/2025

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SHEET:  
 A-16



**PRESERVATION NOTE:** EXTERIOR FINISHES ARE PLANNED TO BE MAINTAINED. EXTERIOR STUCCO WILL BE REPAIRED / REPLACED WITH NEW STUCCO. EXISTING SPANISH TILE WILL BE REPAIRED / REPLACED WITH NEW SPANISH TILE. EXISTING WINDOWS WILL BE REPAIRED / REPLACED WITH CUSTOM WINDOWS TO MATCH (ASSUMING FIRE CODE EGRESS IS MET).



2 EXISTING WEST SECTION  
 3/16" = 1'

1 PROPOSED WEST SECTION  
 3/16" = 1'

**KEYNOTES**

- 1 DECK ABOVE ROOM; FRAMING AND ROOM HEIGHT MAY NOT BE CORRECT AS DISPLAYED
- 2 RAINWATER CISTERN

NUMBER	DATE	REVISION	DESCRIPTION
1	3/25/24	MS	INCOMPLETE
2	5/5/2024	MS	STATUS 1
3	4/15/2025	MS	PLAN CHECK 1

SMEDLEY RESIDENCE  
 920 OXFORD ST  
 BERKELEY, CA 94707

WEST SECTION -  
 EXISTING AND  
 PROPOSED

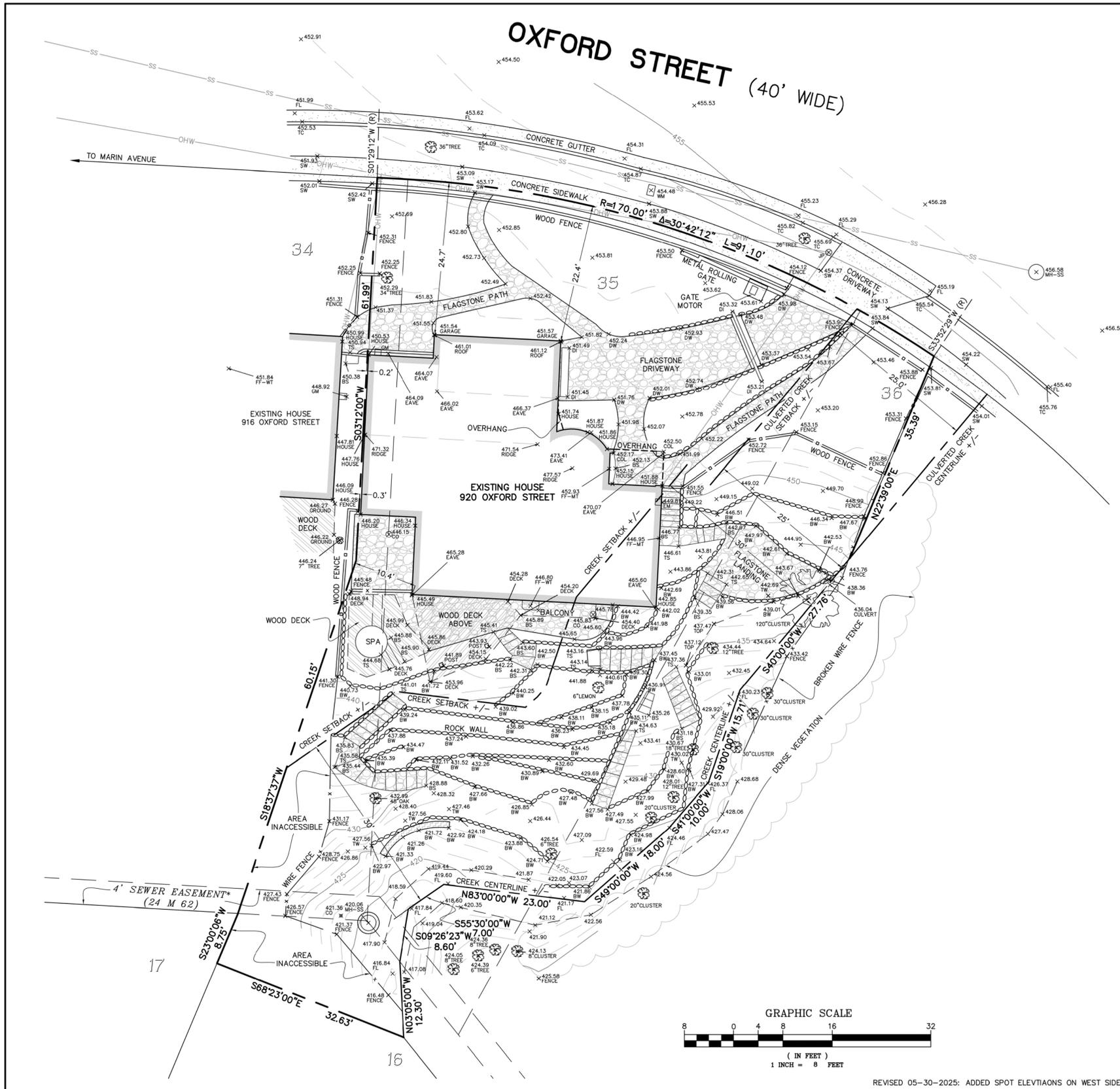
2022 CALIFORNIA  
 BUILDING CODE  
 OCCUPANCY R3

DATE:  
 6/20/2025

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 MS

SHEET:  
 A-17





**LEGEND**

BS	BASE OF STEPS
BW	BASE OF WALL
CO	CLEANOUT
COL	COLUMN
DI	DRAIN INLET
DW	DRIVEWAY
EM	ELECTRIC METER
FF	FINISHED FLOOR
FL	FLOWLINE
GM	GAS METER
JP	JOINT POLE
MH	MANHOLE
MT	METAL THRESHOLD
OHW	OVERHEAD WIRES
SS	SANITARY SEWER
SW	SIDEWALK
TC	TOP OF CURB
TS	TOP OF STEPS
TW	TOP OF WALL
TOP	TOP OF SLOPE
WM	WATER METER
WT	WOOD THRESHOLD
[Symbol]	BUILDING LINE
[Symbol]	CONCRETE SURFACE
[Symbol]	FLAGSTONE SURFACE
[Symbol]	WOOD SURFACE
[Symbol]	ROCK WALL
[Symbol]	WIRE FENCE
[Symbol]	WOOD FENCE
[Symbol]	WOOD AND WIRE FENCE

**GENERAL NOTES:**  
DIMENSIONS ARE IN FEET AND DECIMAL FEET.

DIMENSIONS SHOWN FROM BUILDINGS TO PROPERTY LINES ARE MEASURED AT BUILDING CORNERS FROM THE EXTERIOR BUILDING FACE PERPENDICULAR TO THE PROPERTY LINE.

OLD REPUBLIC TITLE COMPANY PRELIMINARY REPORT, ORDER NUMBER 1112035686-LE, DATED JULY 12, 2021, DOES NOT REFERENCE ANY ADDITIONAL EASEMENTS RELATED TO THIS PROPERTY.

\*EXCEPTION 6 OF SAID PRELIMINARY REPORT REFERENCES A 5 FOOT SEWER EASEMENT AFFECTING THE REAR 5 FEET OF LOTS 34 AND 35 PER BERKELEY HEIGHTS (24 M 62). THIS EASEMENT IS SHOWN AS 4 FEET PER SAID MAP.

THE SOUTHWESTERN BOUNDARY OF THE PROPERTY IS DEFINED BY THE LOCATION OF THE CENTERLINE OF THE CREEK PER DEED 2021-356967.

SETBACK FOR CULVERTED CREEK APPROXIMATED BASED ON THE LOCATION OF THE SOUTH END OF THE CULVERT. ESTABLISHING THE LOCATION OF THIS UNDERGROUND CULVERT WOULD REQUIRE AN UNDERGROUND UTILITY LOCATOR AND ADDITIONAL WORK.

**BASIS OF BEARINGS:**  
THE CALCULATED MONUMENT LINE IN SHATTUCK AVENUE WAS TAKEN AS NORTH 37°46'43" WEST AS SHOWN ON RECORD OF SURVEY 1303 (19 RS 2).

**BENCHMARK:**  
ELEVATIONS ARE BASED ON CITY OF BERKELEY DATUM. THE 3/8" IRON PIN AT THE INTERSECTION OF LOS ANGELES AVENUE AND OXFORD STREET, DESIGNATED "1503" WAS TAKEN AS ELEVATION = 418.82 FEET PER CORNER RECORD 8298 (79 CR 63).

**LAND MOTION NOTE:**  
DUE TO SIGNIFICANT LAND MOTION IN THIS AREA, IT IS NOT POSSIBLE TO ESTABLISH THE PROPERTY BOUNDARY WITH CERTAINTY. THE BOUNDARY SHOWN HEREON COULD VARY BASED ON THE CONSIDERATION OF ALTERNATE SURVEY REFERENCE POINTS. THE VARIANCE MAY WELL BE IN THE GENERAL 2.0'-3.0' RANGE.

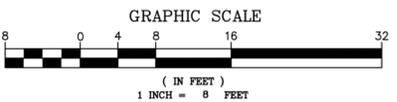
**BOUNDARY AND TOPOGRAPHIC SURVEY**

LOT 35 AND PORTIONS OF LOTS 34, 36, AND 16, BLOCK 2 BERKELEY HEIGHTS (24 M 62)  
LOCATED AT 920 OXFORD STREET  
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA



JULY 5, 2022 SCALE: 1" = 8'

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



**REVISION TABLE**

NUMBER	DATE	DESCRIPTION	REVISOR	STATUS
1	3/25/24	M5	INCOMPLETE	
2	5/5/2024	M5	STATUS 1	
3	4/15/2025	M5	PLAN CHECK 1	

**SMEDLEY RESIDENCE**  
920 OXFORD ST  
BERKELEY, CA 94707

**TOPOGRAPHIC SURVEY**

**2022 CALIFORNIA**  
**BUILDING CODE**  
**OCCUPANCY R3**

DATE:  
6/20/2025

DRAWN BY:  
MS

SHEET:

**A-18**

RECEIVED

MAY 14 2025

Land Use Planning

PATTERSON & O'NEILL, PC

235 Montgomery Street, Suite 950  
San Francisco, CA 94104  
Telephone: (415) 907-9110  
Facsimile: (415) 907-7704  
www.pattersononeill.com

May 14, 2025

MONICA ROHRER  
monica@monicakohrer.com  
510-541-4014

VIA PERSONAL DELIVERY

Zoning Adjustments Board  
Permit Service Center  
1947 Center Street, 3rd Floor  
Berkeley, CA

Re: Appeal of Administrative Use Permit No. ZP2024-0032  
920 Oxford Street

Dear Zoning Adjustments Board:

Our office represents Ms. Monica Rohrer ("Appellant") who resides at 916 Oxford Street ("Appellant's Property"), which is the adjoining property to the west. Through this letter, we hereby appeal Administrative Use Permit No. ZP2024-0032 ("AUP"), which was approved by the Zoning Officer on April 24, 2025. The basis for the appeal is that the Zoning Officer erred in granting an Administrative Use Permit and permitting the Applicant to build further into the required western side setback.

920 Oxford Street (the "Property") is a single-family home that is proposing a building expansion, including an expansion along the western property line. The property has a required four-foot setback. The western expansion proposes the construction of a roof deck on top of the first floor that comes within 1.5' of Appellant's Property and intrudes into the required side setback. Appellant resides immediately adjacent to the proposed project and is a person residing in the area or neighborhood and an adjacent property.

In approving the AUP, the Zoning Official was required to make certain findings pursuant to BMC Sections 23.406.030 and 23.324.050. The findings made were factually erroneous and fail to adequately analyze or provide the necessary evidence to support a conclusion that the proposed deck within the required side setback does not improperly affect Appellant. The AUP must be denied if the required findings cannot be made. (See BMC Section 23.406.030.) As further outlined below, the Zoning Official did not properly make the required factual findings or properly evaluate the impacts of the proposed project on Appellant. Moreover, Appellant does not believe that these findings can be properly made. Therefore, the ZAB should grant the appeal and deny the AUP permit.

**1. The Zoning Officer Improperly Concluded that the Project Would not be Detrimental to Appellant's Health, Safety, Peace, Comfort, and General Welfare**

Property line setbacks are required to provide peace, safety, and comfort to neighboring properties. The proposed deck within the required side setback impedes Appellant's privacy by providing views of her backyard and hot tub area. No view study was evaluated by the Zoning Official and no privacy screening is proposed in the design. Although there is an existing deck, it is almost 12 feet further from the property line than the currently proposed deck. The proposed deck is within 1.5' of the property line and on an uphill slope, which provides direct views into the backyard and hot tub area of Appellant's Property. The Zoning Official's decision fails to analyze these impacts and states simply that the project will not be injurious to adjacent properties because it will be subject to standard conditions of approval for construction noise and air quality, waste diversion, toxics, and stormwater. By failing to support this finding with evidence that the proposed deck would not impact Appellant, the Zoning Official erred in making this finding and approving the AUP.

**2. The Zoning Official Improperly Concluded that the Project Would Not be Detrimental or Injurious to Appellant's Adjacent Property**

The Zoning Official's evidence in making this determination is factually erroneous as it claims that the addition "conforms to the required setbacks." It does not. "A building or structure may not project into a required setback area except as specifically permitted by the Zoning Ordinance." (BMC Section 23.304.030(A).) The required western side setback is 4'. The Application proposes to improperly build into the required western setback several feet violating the mandatory setback requirements.

Furthermore, although the Zoning Official's analysis evaluates sunlight, air, and views, it does not evaluate the privacy impacts from allowing a roof top deck to be built within 1.5' of the adjacent property. This obviously has detrimental effects on Appellant's privacy. Setbacks are required under the Zoning Code to provide separation between homes, decrease fire risk, and provide privacy. Notably, no analysis of the potential fire risks has been completed, and no analysis of the privacy impacts was conducted.

Since the findings made are factually erroneous and no analysis was conducted concerning the privacy and potential fire impacts to the adjacent western property, the Zoning Official did not properly determine that the project would not have detrimental or injurious effects to Appellant's adjacent property.

**3. The Zoning Official Improperly Concluded that the Proposed Western Addition does not Increase or Exacerbate the Nonconforming Setback**

The proposed western addition horizontally extends a building wall into the minimum western required setback. Extending a building wall further into the required side setback clearly worsens the nonconforming condition of the Property by greatly expanding the nonconformity. The existing building wall is built to the western property line. The proposed addition extends an additional approximately 20' back and to within 1.5' of the western property line, which is 2.5'

into the side setback. The project also adds a deck in the side setback, which further increases the nonconformity, and increases the impact of the nonconformity to Appellant's adjacent property. The Zoning Official's analysis and evidence supporting this finding is erroneous and must be overturned.

Given the identified deficiencies in the Zoning Official's decision, Appellant respectfully requests that the ZAB grant the appeal and deny the AUP. Alternatively, the Appellant requests that the first floor roof deck be setback from the western property line a minimum of four-feet to comply with the side setback requirements.

Sincerely,

PATTERSON & O'NEILL, PC



Laura Strazzo, Esq.

*Laura@pattersononeill.com*



## MEMORANDUM

**DATE:** July 2, 2025

**To:** Cecelia Mariscal, Associate Planner, City of Berkeley

**FROM:** Florentina Craciun, Associate/Senior Environmental Planner

**SUBJECT:** 920 Oxford Street Environmental Clearance

The proposed project at 920 Oxford Street (Assessor's Parcel Number [APN] 61-2587-10-3) in the City of Berkeley was previously determined to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to **Section 15332 of the CEQA Guidelines (Class 32 – Infill Development Projects)**. This exemption is applicable to urban infill projects that meet certain criteria related to location, consistency with planning policies, environmental impacts, and infrastructure availability.

### Summary of Project Revisions

Since the initial exemption determination, the project was refined to incorporate minor architectural and structural changes, as outlined below:

- Eliminating the previously proposed lowest level expansion from extending southward.
- Extending the cantilevered decking to wrap around the lowest level.
- The deck overhung is now 3 feet from the property line.
- A window on the west elevation was narrowed to accommodate new deck railing setbacks.
- A pergola has been added to the second-story deck.
- Cantilevered wraparound stairs connecting the second-story enclosed balcony to the third-story rooftop were removed.
- The second-story enclosed balcony was extended to align with the existing east wall.
- The third-floor expanded living space was reduced in area.
- Ceiling heights were slightly increased: 4.5 inches at the lowest level and 3 inches in the third-floor bedroom.
- The shape of the site's retaining wall was modified to follow a 6 feet maximum height terrain contour.

These modifications were designed to be equal to or less intensive than what was previously approved, except for the pergola addition.

### Historic Resources

An LSA architectural historian who meets the Secretary of the Interior's Professional Qualification Standards in History and Architectural History examined the revised project plans provided to LSA on June 19, 2025. The purpose of the examination was to determine if the proposed revised project, as a whole, would remain in compliance with the Secretary's Standards for the Treatment of Historic Properties (Secretary's Standards) as described in Section 15064.5(b) of the California Code of Regulations.

LSA's analysis omitted proposed changes to interior spaces, finishes, and configurations, as CEQA does not apply to these elements unless the interior qualities convey historical significance, which are not relevant to the status of 920 Oxford Street as a Structure of Merit. The analysis focused on exterior-facing changes. The analysis found that the proposed redesign would affect a portion of the lower level of the primary, street-facing façade and on the secondary or rear-facing façades. The proposed changes harmonize with the building's intentionally informal adaptation of Spanish Revival architecture as applied by John Fredrick Altermatt in 1925. The building's character-defining features that reflect his design and underpin the building's status as a Structure of Merit include its "...irregular plan and massing, and roof forms, cylindrical turret, clay roof tile, stucco cladding, and multi-lite windows, lead wood and sash, tile and revival details" as described in the eligibility evaluation prepared by architectural historian Connor Turnbull. Therefore, the redesigned project as proposed remains in compliance with the Secretary's Standards.

### CEQA Exemption Analysis

The revised project continues to meet all requirements of the Class 32 exemption, as further discussed below in this memorandum:

1. **Urban Infill Location:** The project site would still be within the city limits on a parcel of less than five acres, surrounded by existing urban development.
2. **Plan and Zoning Consistency:** The proposed project would comply with General Plan and zoning regulations applicable to the site.
3. **No Significant Environmental Effects:** The proposed changes are minor in nature and do not introduce new or more severe environmental impacts. The project continues to be adequately served by utilities and public services, and no potentially significant effects related to air quality, traffic, noise, or biological resources would result.
4. **No Exceptions Apply:** None of the exceptions listed in CEQA Guidelines Section 15300.2 apply. The project site does not contain sensitive resources, and the changes do not result in cumulative or unusual circumstances that would preclude the use of a categorical exemption.

## **Conclusion**

The project modifications described above do not alter the basis for the original CEQA determination. The proposed project at 920 Oxford Street continues to qualify for a Class 32 exemption as an infill development project, and no additional environmental review under CEQA is required.



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

## 920 Oxford Street

**Appeal of Zoning Officer to approve Administrative Use Permit #ZP2024-0032 920 Oxford Street: that includes conversion of 750 square feet of existing crawl space, construction of a 65 square-foot addition on the west side of the dwelling, a 58 square-foot balcony on the second floor, and a 78 square-foot enclosed sunroom on the southern facade. The proposal also includes a 325 square-foot roof deck and a 165 square-foot addition on the third floor, which exceeds the average height of 14 feet and a maximum height of 20 feet.**

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, July 24, 2025, 7:00 pm

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

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

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

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

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

**A. Land Use Designations:**

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

**B. Zoning Permits Required:**

- **Major Residential Addition.** Administrative Use Permit, pursuant to BMC Section 23.202.030(A)(2) (a) construct a major residential addition.
- **Hillside Overlay.** Administrative Use Permit, pursuant to BMC Section 23.210.020(C)(2) construct an addition exceeding 20 feet in maximum height within the Hillside Overlay
- **Addition over 14 ft. in Height.** Administrative Use Permit, pursuant to BMC Section 23.202.050(D) construct an addition over 14 feet in average height.
- **Fifth Bedroom.** Administrative Use Permit pursuant to, BMC Section 23.202.030 (B) (1) (b) to add a fifth bedroom.

**D. CEQA Recommendation:** Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Infill Exemption").

**E. Project Recommendation:** Approve Use Permit #ZP2024-0032 pursuant to BMC Section 23.406.040(D) and dismiss the appeal.

**F. Parties Involved:**

- Appellant                      Monica Rohrer, Berkeley
- Property Owner              Mark Smedley, Berkeley

**Further Information:**

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

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

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

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

**Communication Disclaimer:**

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

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

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

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

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

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.



**Accessibility Information / ADA Disclaimer:**

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

**SB 343 Disclaimer:**

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

**Notice Concerning Your Legal Rights:**

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

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