



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

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FOR BOARD ACTION  
JANUARY 12, 2023

## 1329 Albina Avenue

Use Permit #ZP2022-0008 to enclose the covered porch and replace the entry stairs in the nonconforming front setback of a single-family dwelling on a lot over lot coverage.

### I. Background

#### A. Land Use Designations:

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

#### B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D)(3), to construct an addition to a dwelling that is non-conforming to maximum allowable lot coverage.
- Administrative Use Permit pursuant to BMC Section 23.324.050(D)(2) to extend a wall in the nonconforming front setback.

**C. CEQA Recommendation:** It is staff's recommendation to ZAB that this 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 15301 ("Existing Facilities") of the CEQA Guidelines. The determination is made by ZAB.

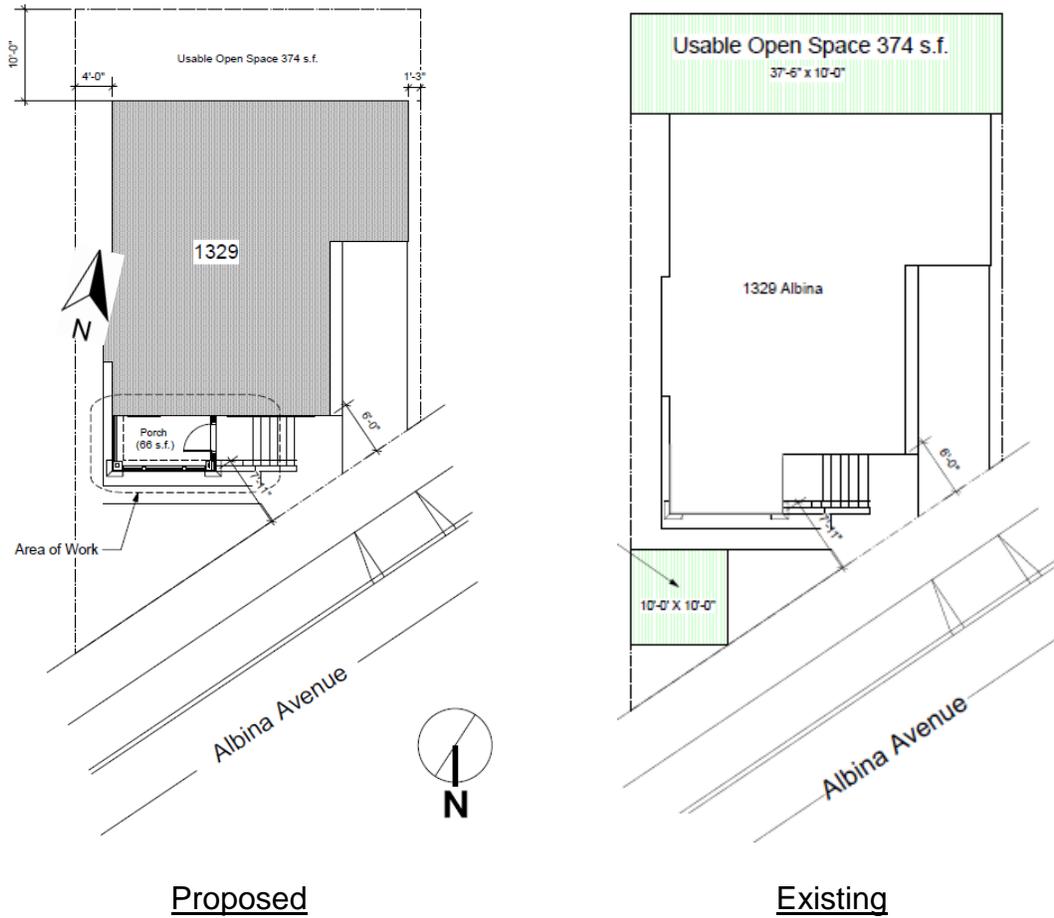
#### D. Parties Involved:

- Applicant                      Howard McNenny, 1039 Santa Fe Ave, Albany, CA 94706
- Owner                             Steven Wang, 1329 Albina Ave, Berkeley

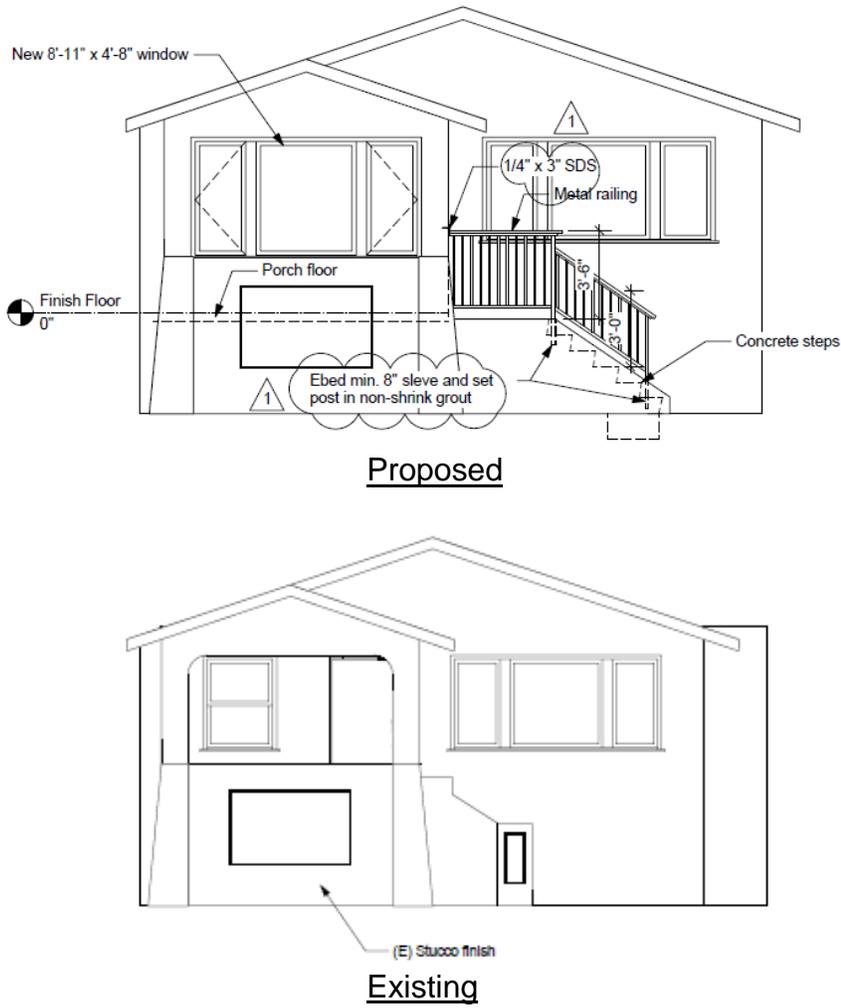
**Figure 1: Vicinity Map**



**Figure 2: Existing and Proposed Site Plan**



**Figure 3: Existing and Proposed Front Elevation**



**Table 1: Land Use Information**

Location	Existing Use	Zoning District	General Plan Designation
Subject Property	Single-Family Dwelling	R-2 – Restricted Two-Family Residential District	Low Medium Density Residential
North	Single-Family Dwelling	R-2 – Restricted Two-Family Residential District	Low Medium Density Residential
South	Single-Family Dwelling	R-2A - Restricted Multiple-Family Residential	Medium Density Residential
East	Single-Family Dwelling	R-2 – Restricted Two-Family Residential District	Low Medium Density Residential
West	Single-Family Dwelling	R-2 – Restricted Two-Family Residential District /	Medium Density Residential

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Creeks (Per BMC Section 17.08.045)	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Historic Resources (Per Gov't Code §15064.5, BMC Chapter 3.24 or BMC Chapter 23C.08)	No	The subject property is not a historical resource pursuant to CEQA Guidelines Section 15064.5 and, therefore, does not represent an exception to the categorical exemptions of Section 15300.2. The project does not propose the demolition or substantial alteration of a building over 40 years old.
Housing Accountability Act (Per Gov't Code Section 65589.5(j))	No	The project is not a "housing development project," as no additional units would be created. The project is a small addition to a single-family dwelling. Therefore, the HAA findings do not apply to this project.
Oak Trees (Per BMC Section 6.52.010)	No	There are no existing oak trees on the site.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The subject building is a single-family dwelling and is therefore not subject to BMC Chapter 13.76.
Residential Preferred Parking (RPP)	No	The project site is not within a City of Berkeley Residential Preferred Parking Zone.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	No	The project site is not located in an area susceptible to liquefaction, fault rupture or landslide, as defined by the State Seismic Hazards Mapping Act (SHMA). Thus, the project is not subject to additional review to comply with the Act.
Soil/Groundwater Contamination	No	The site is not located within the City's Environmental Management Area and is not on the Cortese List.
Transit Access	Yes	Bus stops for AC transit routes 12, and 688 are within 0.1 miles of the project site on Hopkins Avenue.

**Table 3: Project Chronology**

Date	Action
January 12, 2022	Application submitted
February 8, 2022	Application deemed incomplete
September 12, 2022	Revised application materials submitted
October 12, 2022	Application deemed incomplete
October 31, 2022	Revised application materials submitted
November 2, 2022	Application deemed complete
December 22, 2022	ZAB Public hearing notices mailed/posted
January 12, 2023	ZAB hearing

**Table 4: Development Standards**

Standard BMC Sections 23.202.050		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		2,204	No Change	5,000 min
Dwelling Units on Lot		1	No Change	1 main dwelling unit for a lot of this size
Bedrooms		2	No Change	AUP required for addition of 5th
Gross Floor Area (Sq. ft.)		2,270	2,336	n/a
Building Height	Average	16'	No Change	28' max. (35' with AUP)
	Maximum	19'-2"	No Change	35'
	Stories	2	No Change	3 max.
Building Setbacks (ft.)	Front	6'	No Change	20' min.
	Rear	10'	No Change	20' min.
	Left Side	4'	No Change	4' min.
	Right Side	1'-3"	No Change	4' min.
Lot Coverage (%)		46 %	No Change	40 max.
Usable Open Space (sq. ft.)		374	No Change	400 min.
Parking		1	No Change	n/a

## II. Project Setting

- A. Neighborhood/Area Description:** The subject property is located on Albina Avenue, between Hopkins Street and Hopkins Court. The area is residential in nature and consists predominantly of one- to three-story single-family dwellings.
- B. Site Conditions:** The subject lot is small with an irregular shape. It is 2,204 square feet in area, has a sharply angled front line, and side lot of lines that are approximately 71 feet and 45 feet long, and a rear lot line that is approximately 38 feet wide. The property is developed with a 2,270 square foot two-story single-family dwelling. The site is nonconforming for lot coverage, and front, rear, and right-side setbacks. The lot has coverage of 46 percent where 40 percent is permitted. There is an existing curb cut and driveway along the west (left) side of the parcel, which leads to a one-car attached garage.

## III. Project Description

The project proposes to enclose the existing covered front porch, which would remain unconditioned space, and re-construction of the front steps, within the nonconforming front setback. Windows will be replaced in kind and a new door will be installed at the porch entrance to enclose the space.

## IV. Community Discussion

- A. Neighbor/Community Concerns:** The applicant erected a yellow poster and contacted abutting and confronting neighboring property owners and occupants to show them a copy of the proposed project plans and obtain their signature on the proposed plans. On December 22, 2022, the City mailed notices for the ZAB hearing to property owners and occupants within a 300-foot radius, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. At the time of writing this report, staff has not received any written communications.
- B. Committee Review:** This project is not subject to review by the Design Review Committee or the Landmarks Preservation Commission because it is not located in a commercial or manufacturing district, and does not involve the demolition of a non-residential building.

## V. Issues and Analysis

- A. Addition to Structure on Parcel with Nonconforming Lot Coverage:** Pursuant to BMC Section 23.324.050(D)(3), additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of exceeding lot coverage are permitted with a Use Permit if the existing use of the property is conforming, the addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase lot coverage or exceed the height limit.

As described in Site Conditions, above, the site has a lot coverage of 46 percent where 40 percent is the maximum. Enclosing the front porch would not increase lot coverage. Furthermore, the proposed average height of the addition is less than 14 feet, below the threshold for an Administrative Use Permit (AUP). The existing residential use is conforming, and the project conforms with all other aspects of the Zoning Code, as modified by the AUP for the extension of the nonconforming wall.

- B. Extension of a Wall in a Nonconforming Setback:** Pursuant to BMC Section 23.324.050(D)(2), additions and/or enlargements of lawful non-conforming structures that vertically or horizontally extends a wall in the nonconforming setback is permitted with an AUP if the existing use of the property is conforming, the addition/enlargement complies with all applicable laws, and the addition/enlargement does not increase or exacerbate any nonconforming setbacks and does not exceed the height limit.

As described in Site Conditions, the front lot line is angled and the covered entry porch and stairs extend into the front setback. The porch would be enclosed, remain as unconditioned space, and the footprint would not be expanded. As noted above, the addition does not exceed 14 feet in average height.

The finished floor of the main level is approximately 4 feet above grade and accessed from the stairs and porch. Because of the new door on the enclosed porch, a landing is required by the building code at the exterior stairs. The concrete wall along the stairs would be removed and replaced with a metal railing.

- C. General Non-Detriment for Use Permits and Administrative Use Permits:** Pursuant to BMC Section 23.406.040, the Board may issue a Use Permit if it meets the findings for non-detriment. An analysis of sunlight/shadows, air, privacy and views follows:

Sunlight/Shadow: Shadow studies were not submitted as the proposed work is under 14 feet in average height. The residential alteration will not result in a significant loss of direct sunlight on abutting residences, and any shading impacts are not deemed detrimental.

Air: As discussed above, the alteration would not increase the footprint of the dwelling, and would not further reduce setbacks. The addition is found to be consistent with the existing development and building-to-building separation pattern – or air – in this R-2 neighborhood because the alteration would not further reduce the front and right-side setbacks, and would not exceed height or story limits. Therefore, there would be minimal, if any, air impacts.

Views: The project would enclose an existing porch and would not result in obstruction of significant views in the neighborhood as defined in BMC Section 23.502 (Glossary). This portion of the neighborhood is generally flat and developed with one- to three-story residences that filter or obscure most views that may be available of the Berkeley hills or the Golden Gate Bridge from off-site view angles.

**D. General Plan Consistency:** The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
2. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
3. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
4. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: As discussed above, the project would not substantially block views, cast shadows, or create impacts on the privacy of adjacent neighbors. The proposed alteration occurs within the existing building footprint, meets the R-2 District development standards, and would not increase the non-conforming lot coverage. Additionally, the project is consistent with the single-family use and residential design character of other buildings in the vicinity.

## VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and its minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2022-0008 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, dated October 28, 2022
3. Notice of Public Hearing

**Staff Planner:** Brian Garvey, [bgarvey@cityofberkeley.info](mailto:bgarvey@cityofberkeley.info), (510) 981-7424



# ATTACHMENT 1

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## FINDINGS AND CONDITIONS

JANUARY 12, 2023

### 1329 Albina Avenue

**Use Permit #ZP2022-0008 to enclose the covered porch and replace the entry stairs in the nonconforming front setback of a single-family dwelling on a lot over lot coverage.**

#### PERMITS REQUIRED

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- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D)(3), to construct an addition to a dwelling that is non-conforming to maximum allowable lot coverage.
- Administrative Use Permit pursuant to BMC Section 23.324.050(D)(2) to extend a wall in the nonconforming front setback.

#### I. CEQA FINDINGS

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1. 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 15301 ("Existing Facilities") of the CEQA Guidelines.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

#### II. FINDINGS FOR APPROVAL

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1. As required by Section 23.406.040.E.1 of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

A. The proposed project conforms to the R-2 District standards, with the exception of the front setback, and does not worsen any non-conforming condition. The addition is small and is allowed on a lot with a legal non-conforming lot coverage, subject to issuance of a Use Permit because the proposed project will not increase lot coverage or exceed the height limit. Therefore, air and light impacts to surrounding properties due to the project are determined to not be detrimental.

2. Pursuant to BMC Section 23.324.050(D), an expansion or enlargement of a nonconforming structure is permitted if the addition complies with all applicable laws, the use of the existing building is conforming, and the addition or enlargement obtains all permits required under BMC 23.324.050(D).

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- A. The project will comply with all applicable laws, and will be subject to review and approval under a building permit.
  - B. The existing use is a single-family dwelling, which is a permitted use in the residential district.
  - C. As required by Section 23.324.050(D)(3) of the BMC, the Zoning Adjustments Board finds that the residential addition to a nonconforming structure on a lot that is nonconforming by reason of the lot coverage will not increase the nonconforming lot coverage or exceed the height limit.
  - D. As required by Section 23.324.050(D)(2) of the BMC, the Zoning Adjustments Board finds that the vertical and horizontal extensions of the walls within the nonconforming front setback will not further reduce the non-conforming setbacks or exceed the height limit.
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### III. STANDARD CONDITIONS FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Berkeley Municipal Code, 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; 8-1/2" by 11" sheets are not acceptable.

#### 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 reestablish 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 be in compliance 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. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

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

Pursuant to BMC Section BMC 23.404.040.E, the Zoning Officer 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 #

**During Construction:**

**11. Construction Hours.** Construction activity shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday, and between 9:00 a.m. and noon on Saturday. No construction-related activity shall occur on Sunday or on any Federal Holiday.

**12. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:

- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- Storage of building materials, dumpsters, debris anywhere in the public ROW;
- Provision of exclusive contractor parking on-street; or
- Significant truck activity.

The applicant shall secure the City Traffic Engineer’s approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

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. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

**13. 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.

14. Public Works. 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.
15. 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.
16. 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.
17. 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.
18. Public Works. 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.

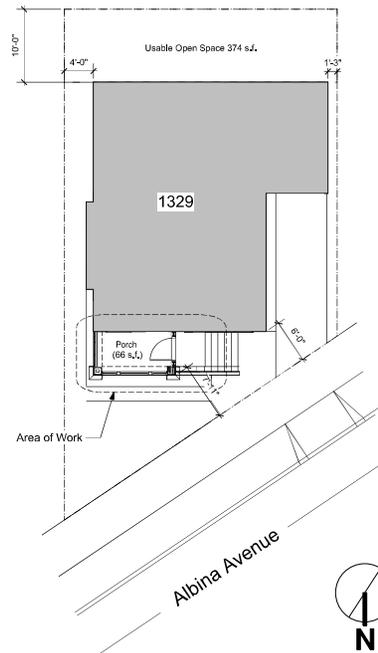
**Prior to Issuance of Occupancy Permit or Final Inspection:**

19. All construction at the subject property shall substantially conform to the approved Use Permit drawings or to modifications approved by the Zoning Officer.
20. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 28, 2022.

**At All Times (Operation):**

21. 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.

Site Plan



Porch Enclosure  
1329 Albina Avenue  
Berkeley, CA

Project Data	Project Description	Symbols and Abbreviations	Index of Drawings
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**Zoning Information**  
Assessors Parcel Number: 060-2429-52  
Zoning District: R-2  
Site Area: 2,204 sq. ft.  
Fire Zone: I  
FEMA Flood Zone: No  
Type of Construction: Type VB (not sprinklered)  
Occupancy Type: RWJ  
Setbacks: Front: 20', Side: 4', Rear: 20'

**Enclosure of existing front porch and new concrete steps. Enclosed porch to remain unconditioned space.**

AB	Anchor Bolt
A.D.	Area Drain
AFF	Above Finished Floor
Bldg	Building
BR	Bedroom
Cab	Cabinet
Cem	Cement
QIP	Cast in Place
Cng	Ceiling
CMU	Concrete Masonry Unit
C.O.	Cleanout
Conc	Concrete
Cont	Continuous
Cpt	Carpet
CT	Ceramic Tile
CW	Cold Water
Det	Detail
DN	Down
DS	Downspout
(E)	Existing
El	Elevation
EO	Equal
F.D.	Floor Drain
GSM	Galvanized Sheet Metal
GWB	Gypsum Wallboard
H	Height
HW	Hot Water
HHW	Hot Water Heater
Lav.	Lavatory
Lin	Linin
MC	Medicine Cabinet
Min	Minimum
Mf	Metal
(N)	New
NIC	Not in Contract
O.C.	On Center
O.SB	Oriented Strand Board
Part	Partial
PL	Property Line
Plas	Plaster
PLYWD	Plywood
PI	Paint
RA	Return Air
R&S	Rod and Shelf
SA	Supply Air
SD	Storm Drain
Sim	Similar
PT	Paint
TB	Towel Bar
T.O.W.	Top of Wall
TPH	Towel Paper Holder
Typ	Typical
U.O.Q.N.	Unless Otherwise Noted
RH	Robe Hook
VF	Vent in Field
w/	With
WD	Wood
WP	Weatherproof

A0.1	Title Sheet
C1.0	Site Plan
A1.1	Plans; Elevations; Sections
A1.2	Details
A1.3	Neighbor Sign-off Sheet

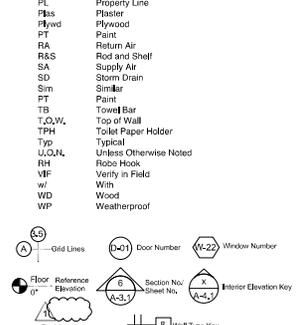
General Notes

- Dimensions are based on the following criteria:
  - Dimensions are to face of stud, face of concrete or face of concrete masonry unless otherwise noted.
  - Do not scale drawings. If dimensions are not shown and cannot be determined from information on the drawings, notify the Architect for resolution.
  - Where a drawing dimension is noted as "clear", this dimension shall indicate clearance at completed conditions, taking finish materials into account.
  - Dimensions are based on specified materials and equipment. Substitutions may affect dimensions. Requests for substitutions shall indicate the impact of those substitutions on dimensions and clearances.
  - Dimensions for or to existing conditions are to be field verified by Contractor.
- Elevations are to top of finished floor.
  - If materials suspected of containing hazardous materials are encountered, do not disturb. Immediately notify Architect and Owner. Hazardous materials will be removed under a separate contract.
- Provide backing and blocking for wall mounted elements as required for attachment, regardless of whether the elements are Contractor-provided, or Owner-provided.
- Contractor shall adhere to all conditions set forth in the Community Development Department Conditions of Approval for this project. These conditions include: permitted work hours, dust control, and storm water pollution prevention.
- Any work performed in conflict with the drawings or with code requirements shall be corrected by the Contractor at his own expense, and at no additional cost to the Owner or Architect.
- Contractor shall repair or replace in kind any existing portion of the existing building or any portion of the site including sidewalks and driveways damaged by construction.
- All piping and electrical wiring shall be inspected before cover or concealment.
- Comply with California Green Buildings Standards Code

Applicable Codes

All Construction to Comply with the following Codes:  
 2019 California Building Code (CBC), Title 24, Part 2  
 2019 California Residential Building Code (CRB), Title 24, Part 2.5  
 2019 California Electrical Code (CEC), Title 24, Part 9  
 2019 California Mechanical Code (CMC), Title 24, Part 4  
 2019 California Plumbing Code (CPC), Title 24, Part 5  
 2019 California Energy Code (CEC), Title 24, Part 6  
 2019 California Fire Code (CFC), Title 24, Part 9  
 2019 California Existing Building Code, Title 24, Part 10  
 2019 California Green Building Standards Code, Title 24, Part 11

General Notes



Project Directory

**Client**  
Ruben Arndman  
Arndman Construction  
2356 Scenic Ave.  
Martinez, CA 94553  
T4 (415) 678-2065  
randman@malco.com

**Architect**  
Howard McNenny, AIA  
1039 Santa Fe Ave.  
Albany, CA 94706  
T4 (510) 705-1671  
hmcnenny@concast.net

Public Works Requirement

**Note:** An Engineering Permit will be required for any work in the public right-of-way, including but not limited to construction staging, construction parking, sidewalk, shoring, drainage, or sewer work. The Engineering Permit can be issued after the Building Permit is approved and issued. Approval of this Building Permit does not authorize work in the public right-of-way.

Project Directory



Views from Street

architect

**H**oward F. McNenny, AIA  
address 1039 SANTA FE AVENUE  
ALBANY, CA 94706  
phone (510) 705-1671  
email hmcnenny@concast.net

stamp



All information on this drawing constitutes the original and unqualified work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.

consultant

project title

1329 Albina  
Berkeley, CA

client

Arndman Construction

address 2356 Scenic Ave, Martinez, CA

phone (415) 678-2065

email

sheet title

Title Sheet

issue date

10/20/21

revisions

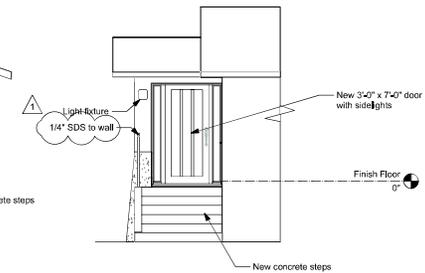
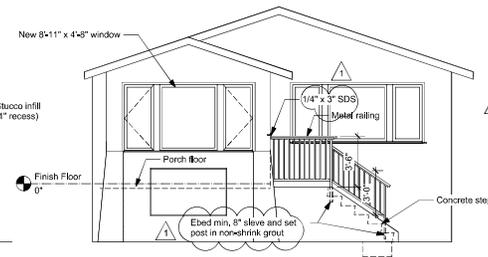
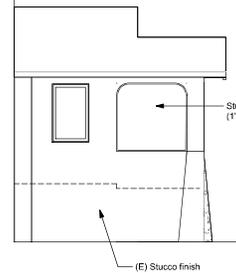
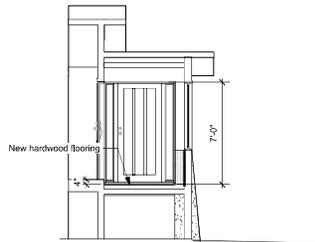
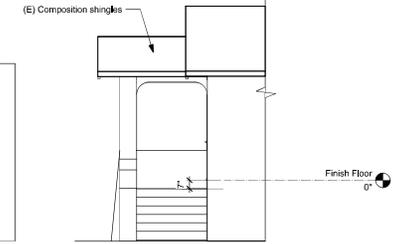
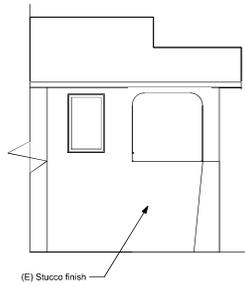
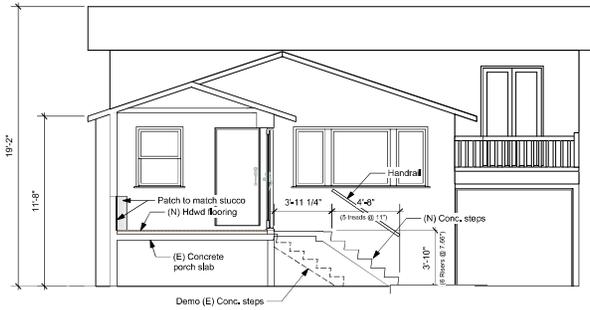
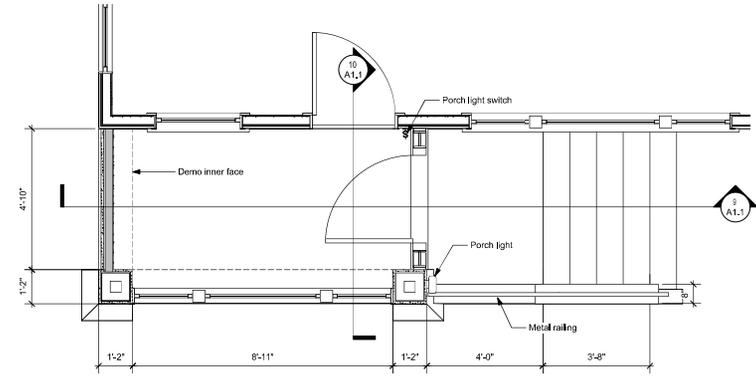
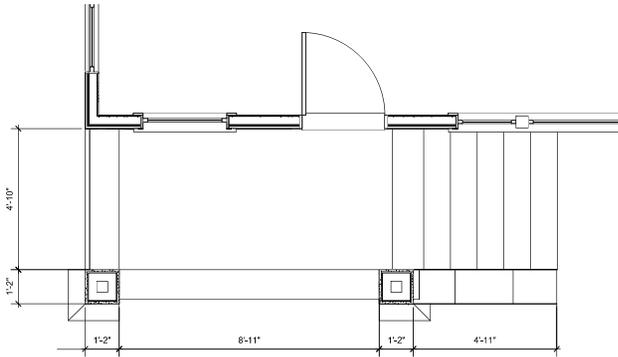
12/03/21: Plan check corrections

scale

sheet number

**A0.1**





architect

Howard F. McNenny, AIA  
address 1039 SANTA FE AVENUE ALBANY, CA 94706  
phone (510) 705-1671  
email hfmcnenny@comcast.net

stamp



All information on this drawing constitutes the original and unqualified work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.

consultant

project title

1329 Albina Berkeley, CA

client

contact(s) Andriman Construction

address 2356 scenic Ave, Martinez CA  
phone (415) 678-9085  
email

sheet title

Plans, Elevations, Sections

issue date

10/20/21

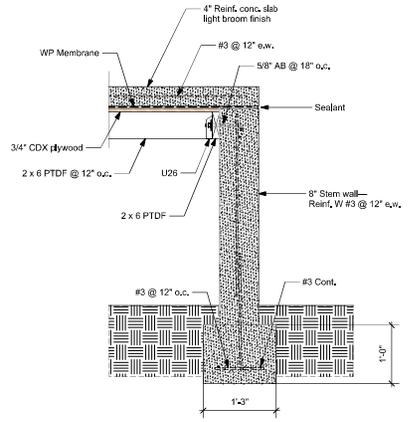
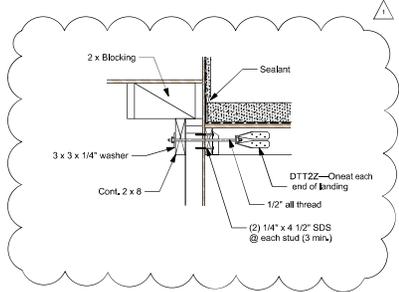
revisions

1/20/23: Plan check corrections

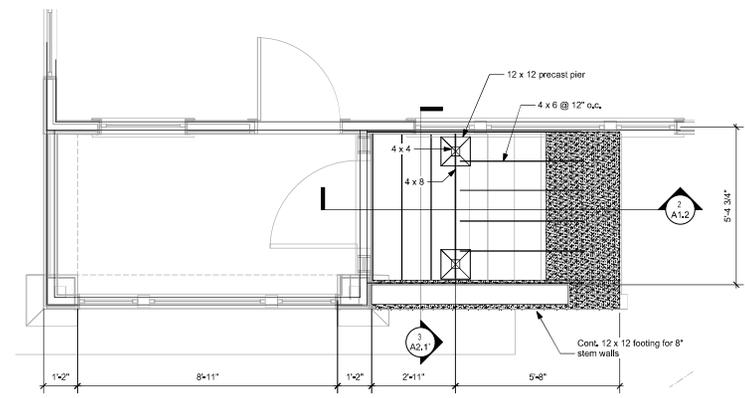
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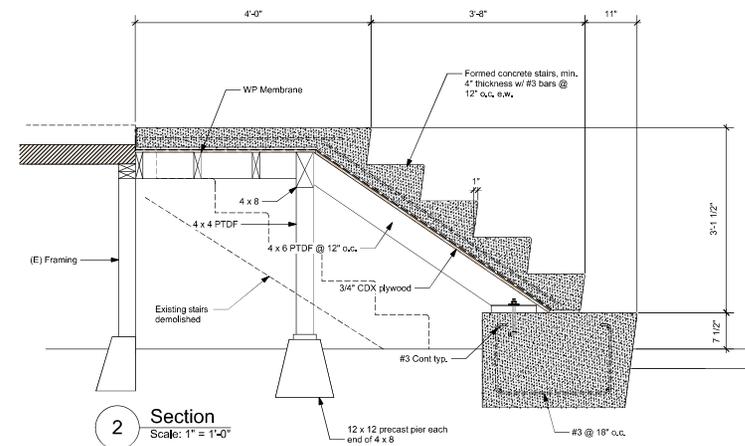
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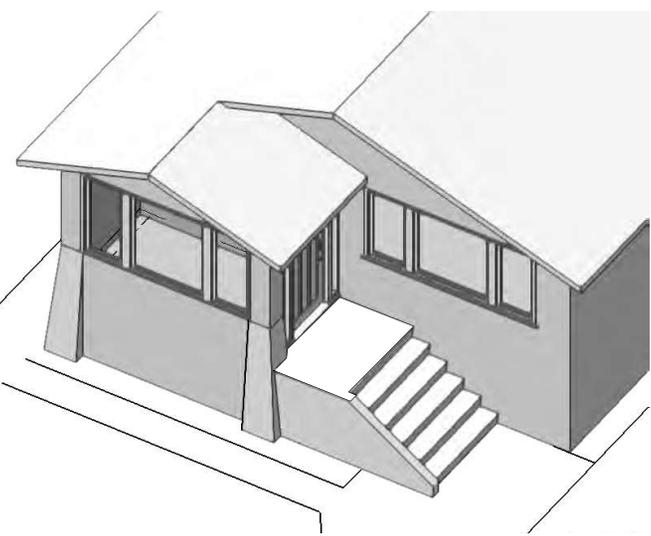
3 Section  
Scale: 1" = 1'-0"



1 Stair Framing Plan  
Scale: 1/2" = 1'-0"



2 Section  
Scale: 1" = 1'-0"



Isometric view of porch steps (railings not shown)

architect  
**H**oward F. McNenny, AIA  
address 1039 SANTA FE AVENUE ALBANY, CA 94706  
phone (510) 705-1671  
email hfmcnenny@comcast.net  
stamp  
  
All information on this drawing constitutes the original and unqualified work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.  
consultant

project title  
1329 Albina Berkeley, CA  
client  
contact(s) Andriman Construction  
address 2356 Scenic Ave, Martinez CA  
phone (415) 678-9085  
email

sheet title  
Details  
issue date  
10/20/21  
revisions  
Δ 12/03/21 Plan check corrections  
scale  
sheet number

**AI.2**







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

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NOTICE OF PUBLIC HEARING

## 1329 Albina Ave.

**Use Permit #ZP2022-0008 to enclose the covered porch and replace the entry stairs in the nonconforming front setback of a single-family dwelling on a lot over lot coverage.**

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.406.040.D, on January 12, 2023, conducted via Zoom, see the Agenda for details: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12\\_ZAB\\_Agenda.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-01-12_ZAB_Agenda.pdf). The meeting starts at 7:00 p.m.

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the Zoning Adjustments Board (ZAB) will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.**

### A. Land Use Designations:

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

### B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.324.050(D)(3), to construct an addition to a dwelling that is non-conforming to maximum allowable lot coverage.
- Administrative Use Permit pursuant to BMC Section 23.324.050(D)(2) to extend a wall in the nonconforming front setback.

**C. CEQA Recommendation:** Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities)

### Parties Involved:

- Applicant: Howard McNenny, 1039 Santa Fe Ave, Albany, CA 94706
- Property Owner: Steven Wang, 1329 Albina Ave, Berkeley, CA 94707

**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, Brian Garvey, at (510) 981-7424 or [bgarvey@cityofberkeley.info](mailto:bgarvey@cityofberkeley.info).

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

**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.

**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@cityofberkeley.info](mailto:zab@cityofberkeley.info). 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 virtual 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.

It will not be possible to submit written comments at the meeting.



**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@cityofberkeley.info) 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 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, 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.

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