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1643-1647 CALIFORNIA STREET

Use Permit #ZP2021-0001

Prepared: March 28, 2022

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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

FOR BOARD ACTION
DECEMBER 9, 2021

1643 & 1647 California Street

Use Permit #ZP2021-0001 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout, resulting in a 3,763 square foot duplex on an existing property

I. Background

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23C.04.070.C to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Use Permit, under BMC Section 23C.04.070.E to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable density;
- Administrative Use Permits, under BMC Section 23C.04.070.B to horizontally extend two non-conforming yards (front and rear);
- Administrative Use Permit under BMC section 23D.28.030 to permit a major residential addition;
- Administrative Use Permit under BMC Section 23D.28.070.C to allow an addition over 14 feet in height.; and
- Administrative Use Permit under BMC Section 23D.28.050 to construct a fifth bedroom

C. CEQA Recommendation: It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

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.

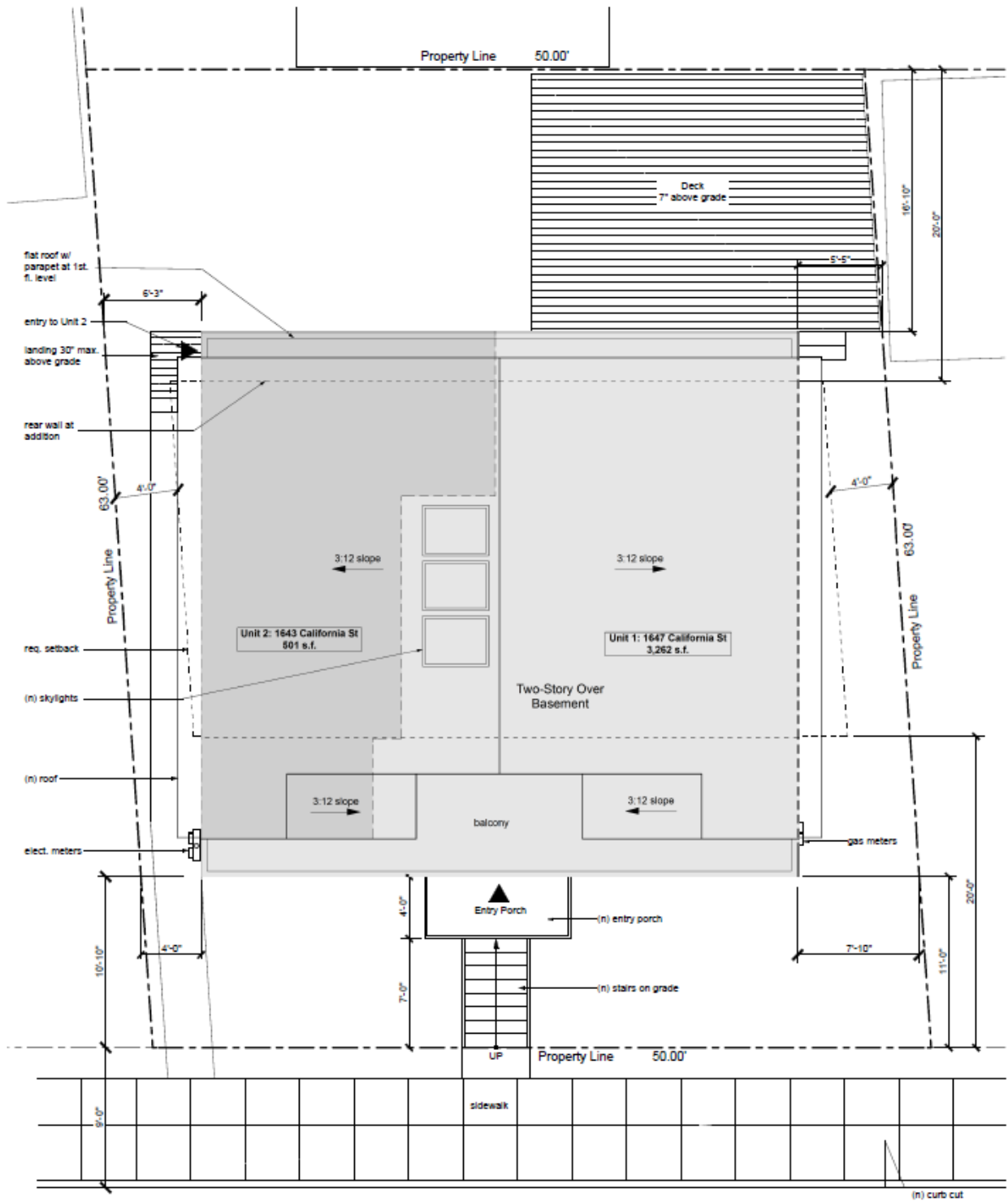
D. Parties Involved:

- Applicant Sundeep Grewel, Berkeley
- Property Owner Ido and Tamar Oppenheimer, Berkeley

Figure 1: Vicinity Map



Figure 2: Site Plan



2 Proposed Site Plan

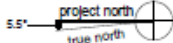
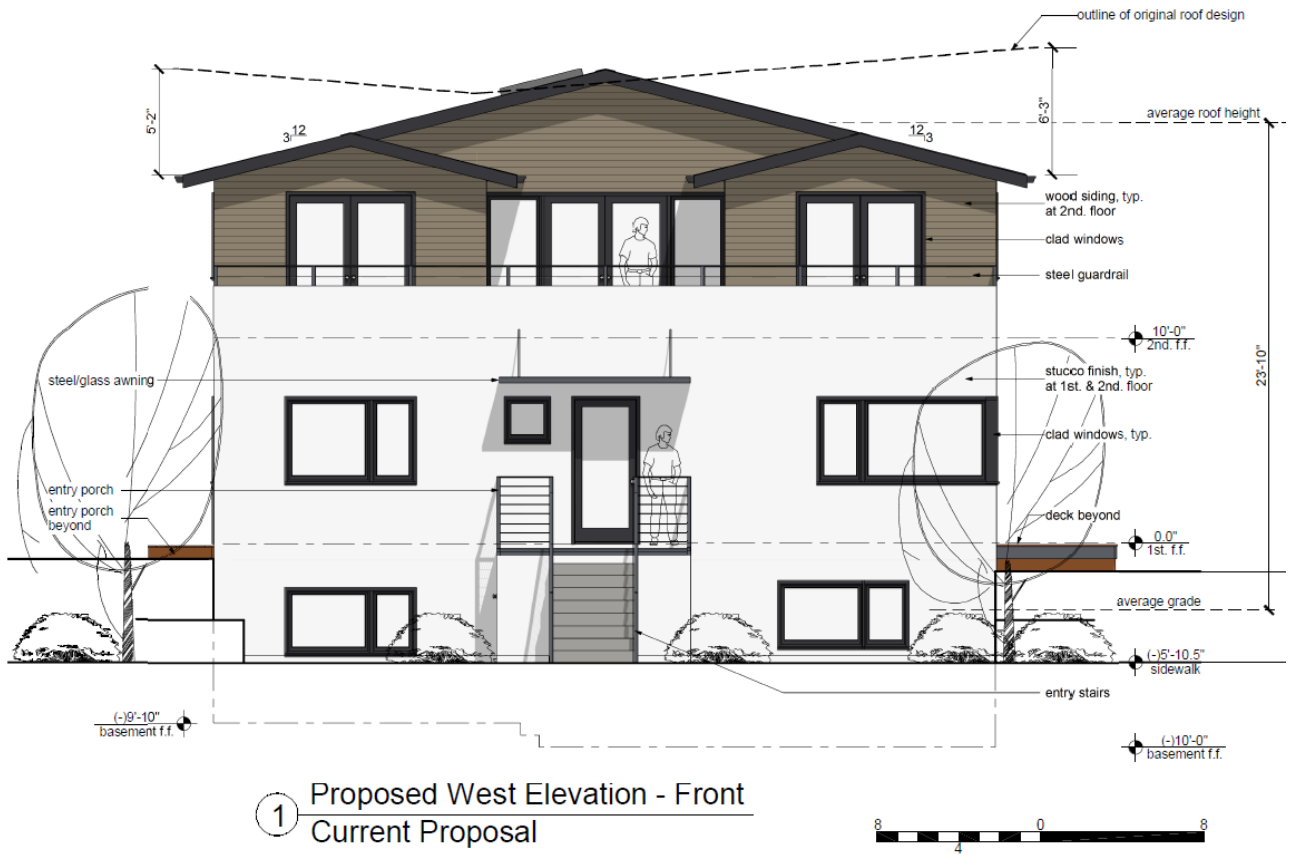


Figure 3: Front Elevation



① Proposed West Elevation - Front
Current Proposal

Figure 4: Rear Elevation



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Multi-Family	R-2	Low Medium Density Residential
Surrounding Properties	North	Single-Family		
	South	Single-Family		
	East	Single-Family		
	West	Multi-Family		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	Project is entirely residential, and therefore, this project is not subject to this resolution
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	Project is entirely residential, and therefore, this project is not subject to this resolution
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	The project proposes to maintain the two dwelling units that currently exist at the property.
Creeks	No	The site does not contain a mapped creek or a creek culvert.
Density Bonus	No	The project is not proposing to add dwelling units through a Density Bonus application

Natural Gas Prohibition (Per BMC 12.80.020)	No	This project is an application for construction to an existing two-unit structure, and is therefore not subject to the Natural Gas Prohibition.
Historic Resources	No	The project site is not designated as a Landmark by the City, nor is the application proposing to demolish the existing structure.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The existing structure is non-conforming for lot coverage, density, and yards. The proposed additions would continue these non-conformities. Therefore, the proposed project <u>does not</u> comply with the applicable, objective zoning standards. However, the project is eligible for zoning adjustments through the use permit process, and there are no objective standards or findings for considering such permits, so the HAA still applies to the project. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	The project is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. See Section V.A of this report for additional discussion on the sections of SB330 that apply to the project.
Oak Trees	No	There are no Coast Live Oak Trees on the property.
Rent Controlled Units	No	The property contains two units that are owner occupied and are not considered rent controlled.
Residential Preferred Parking (RPP)	No	This property is not located in a Residential Preferred Parking Zone
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, Fault Rupture, or Landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites). Per §15300.2 of the CEQA Guidelines, a categorical exemption may be used on sites not listed on the Cortese List.
Transit	Yes	The site is located near the corner of California and Virginia Streets, one block east of Sacramento Street. Sacramento is served by AC Transit line 52 and there are bus stops one block away to the west.

Table 3: Project Chronology

Date	Action
January 8, 2021	Application submitted
September 24, 2021	Application deemed complete
November 23, 2021	Public hearing notices mailed/posted
December 9, 2021	ZAB hearing
February 7, 2022	CEQA deadline

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23D.28.070-080				
Lot Area (sq. ft.)		3,100	No change	5,000 min
Gross Floor Area (sq. ft.)		1,334	3,763	N/A
Dwelling Units	Total	2	No Change	1 max (1 per 2,500 sq.ft. of lot area)
Building Height	Average (ft.)	13'-6"	23'-10"	28' max
	Stories	1	2	3 max
Building Setbacks (ft.)	Front	10'	No Change	20' min
	Rear	16'-10"	No Change	20' min
	Left Side	3'-11"	4'-0"	4' min
	Right Side	5'6"	5'5"	4' min
Lot Coverage (%)		50%	44%	40% max
Usable Open Space (sq. ft.)		500	1,029	800 min
Parking	Automobile	0	0	2 min

II. Project Setting

A. Neighborhood/Area Description: The project site is located in the North Berkeley neighborhood, on the east side of California Street at the corner of California and Virginia Street. It is one block east of Sacramento Street and four blocks west of Martin Luther King Jr. Way. The surrounding area consists of residential uses ranging from one- and two-story single-family dwellings, and two-story multi-family buildings. Bus service is available via transit lines on Sacramento Street.

B. Site Conditions: The subject property is a small, rectangular lot, oriented in the east-west direction, and is approximately 3,100 square feet in total area. It features a one-story main building originally constructed as a duplex. The building faces west, toward California Street. At some point in the past, the kitchen of the left side unit (1643 California) was removed without permits, and a doorway was installed between the two units, effectively converting the house to one unit, without the necessary approval of a Use Permit to remove a dwelling.

The property and structure is currently non-conforming due to several reasons: 1) the property is non-conforming to the lot coverage, currently at 50 percent coverage where 45 percent coverage is the limit for a one-story structure; 2) the property is non-conforming to the allowable residential density, containing two units when only one unit is permitted due to the lot size (prior to the unauthorized removal of 1643 California); and 3) the structure is located within the required front, rear, and left side yards.

III. Project Description

Proposed Project: The project would make several alterations to the existing property. The existing residential structure would be shifted by 1-inch to the south to create a conforming left (north) side setback of 4 feet. The proposal would restore the left dwelling unit at 1643 California, but would shrink the size of this unit from 650 square feet to 501 square feet. Additionally, the floor plan of the main level of right unit (1647 California) would be modified to serve as the main living area, with an open floor plan kitchen/dining/living room, plus a full bathroom. The structure would be expanded by creating a new basement level¹, contained below the existing building footprint, solely serving 1647 California. This level would contain a family room/home gym, half bath, one new bedroom with a full bathroom, and closet and storage area. The proposal would add a new second level on top of the existing structure, also solely serving 1647 California, which would contain three new bedrooms and two full bathrooms. The second story would step in at the front to provide a balcony, and would step in from the rear to comply with the required 20-foot rear yard setback. In total, 1647 California would expand by 2,612 square feet, from 650 square feet to 3,262 square feet in total.

Other site work includes the removal of an existing accessory shed, and the construction of an on-grade deck in the southeastern corner of the rear yard.

IV. Community Discussion

A. Neighbor/Community Concerns: On January 19, 2021, the City mailed postcards to neighboring property owners and occupants within 300 feet to inform the public of the receipt of a Zoning Permit application at this site² and posted project yellow posters.

On November 23, 2021, the City mailed public hearing notices to nearby property owners and occupants, 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 received several communications regarding the project, both in support and opposition. All communications received have been included as attachment #4.

Concerns raised include:

- a. Neighbors to the east and south have raised concerns due to the proposed increase in size of the house on a small lot.
- b. Concerns from each adjacent neighbor regarding the impacts to privacy and to shadows from the two-story design and increase in height.
- c. Concern with the project being out of scale with the neighborhood and surrounding properties, especially given the existing non-conformities of the property.

¹ The basement would not count as a story, as no portion of the basement level would be exposed to the existing grade by more than 6 feet, per the definition in BMC Section 23F.04.

² To comply with Public Health Orders related to Covid-19, the standard protocol for installation of a Project Yellow Poster and/or neighborhood contact and signatures was indefinitely waived.

- Support of the application includes:
- a. Improved structure and project site;
 - b. Restoration of the second dwelling unit.

V. Issues and Analysis

A. SB 330 – Housing Crisis Act of 2019: The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect at the time an application is deemed complete, then the city shall not conduct more than five (5) hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with §65920)).

The December 9, 2021 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to four additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code §65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

The project site is not a historic site.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on July 8, 2021. Should ZAB determine the application is categorically exempt from CEQA at the December 9, 2021 public hearing, the application must be approved or disapproved by February 7, 2021.

B. Housing Accountability Act Analysis: The Housing Accountability Act (HAA), California Government Code Section 65589.5(j), requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The existing structure is non-conforming for lot coverage, density, and yards. The proposed additions would continue these non-conformities. Therefore, the proposed project does not comply with the applicable, objective zoning standards. However, the project is eligible for zoning adjustments through the use permit process, and there are no objective standards or findings for considering such permits, so the HAA still applies to the project. Therefore, the City may not deny the project or approve the project at a reduced density without basing its decision on the written findings under Section 65589.5(j), above.

However, the City may request modifications to the project to mitigate impacts or avoid specific adverse impacts on surrounding properties, so long as the project is not approved at a reduced density.

C. Findings for Addition to a Structure on Parcel with Non-Conforming Lot Coverage: Pursuant to BMC Section 23C.04.070.C, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of lot coverage are permitted with a Use Permit if the addition/enlargement does not increase coverage or exceed the height limit. As previously mentioned, the property is non-conforming to the maximum allowable lot coverage, with 50 percent coverage, where 45 percent is the District maximum on this R-2 property. The proposed addition would remove an existing shed in the rear yard, which would reduce the lot coverage to 44 percent, while creating a two-story house, which decreases the allowable lot coverage to 40 percent. While the proposed structure would still be non-conforming to the allowable lot coverage, the project would reduce the non-conformity from 5 percent over the allowable limit to 4 percent over the allowable limit. The proposed addition is located over existing covered area, and therefore, does not increase the non-conforming lot coverage. Additionally, while the addition consists of a second story addition, reaching a total of 23 feet, 10 inches, which complies with the maximum average height limit of 28 feet.

D. Findings for Addition to a Structure on Parcel with Non-Conforming Density: Pursuant to BMC Section 23C.04.070.E, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of residential density are permitted with a Use Permit if the addition/enlargement does not increase the density or exceed the height limit. The project proposes to maintain the density at two units,

therefore, it does not increase the density. As described in Section V.C, above, the addition would comply with the allowable average height limit in the district.

- E. Findings for Addition to Vertically Extend and Alter a Structure with Non-Conforming Yards:** Pursuant to BMC Section 23C.04.070.C, additions and/or enlargements which vertically extend or alter a portion of a building which encroaches into a non-conforming yard may be of lawful non-conforming structures that are non-conforming by reason of residential density are permitted with an Administrative Use Permit if the existing use of the property is conforming and if the addition/enlargement would not 1) reduce any yard below the minimum setback requirements, or further reduce existing non-conforming yards; or 2) exceed the maximum or calculated height limits. As previously explained, the existing residential structure is non-conforming to the front, rear, and left (north) side setbacks. The proposed addition/enlargement of the house would correct the non-conforming left side setback, but is proposed to vertically extend the non-conforming front and rear setbacks. The front setback would be vertically extended both up (with the second story) and down (with the basement), while the rear setback would be vertically extended down with the expansion of the basement. The second story at the rear would comply with the required 20-foot rear yard setback. As the enlargement of the building would comply with the permitted residential use on the property, and the vertical expansions within the non-conforming setbacks would not further reduce the non-conformity, these expansions are permissible.
- F. Addition of a Fifth Bedroom to an R-2 Parcel:** Pursuant to BMC Section 23D.28.050, an Administrative Use Permit is required to approve the addition of a fifth bedroom to a parcel in the R-2 Zoning District. This project proposes to increase the total number of bedrooms on the property from four to five bedrooms. The addition of this fifth bedroom would not add density to the site, or intensify the use of the residential property.
- G. Restricted Two-Family Residential District (R-2) Findings:** This project proposes to construct a major residential addition over 14-feet in height. As required by BMC Section 23D.28.090.A and BMC 23B.32.040.A, the Zoning Adjustments Board must make a finding of general non-detriment for any Administrative Use Permit in the R-2 Zoning District. This project would add approximately 2,429 square feet to the existing 1,334 square foot duplex. The project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City because of the following reasons:
- i. The project would add a second level to the home, of which there are several examples in the neighborhood.
 - ii. The second story addition would step in and comply with the required front and rear yard setbacks.
 - iii. A basement is proposed to be added. While adding additional square footage to the building, the basement would not create any new impacts to the surrounding

neighbors due to its placement partially below grade, maintaining the existing first floor level.

- iv. The neighborhood is a mix of residential uses, including apartments and single-family and multi-family homes. Existing structures in the immediate neighborhood vary in height from one to two stories.
- v. In addition, the project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental.

H. General Plan Consistency: The following analysis of conformance with the 2002 General Plan goals and policies is provided only for information purposes and to provide context. They do not require findings of conformance because the proposed project is HAA-compliant.

1. Policy LU-3 – Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City's share of regional housing needs.
3. 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.
4. Policy UD-17 – Design Elements: In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.
5. 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.
6. Policy H-12 – Transit-Oriented New Construction: Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.

VI. Recommendation

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

- A. APPROVE ZP2021-0001 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated August 26, 2021
3. Notice of Public Hearing
4. Correspondence Received

Staff Planner: Nicholas Armour, NArmour@cityofberkeley.info, (510) 981-7485

ATTACHMENT 1

FINDINGS AND CONDITIONS

DECEMBER 9, 2021

1643 & 1647 California Street

Use Permit #ZP2021-0001 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout, resulting in a 3,763 square foot duplex on an existing property

PERMITS REQUIRED

- Use Permit, under Berkeley Municipal Code (BMC) Section 23C.04.070.C to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Use Permit, under BMC Section 23C.04.070.E to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable density;
- Administrative Use Permits, under BMC Section 23C.04.070.B to horizontally extend two non-conforming yards (front and rear);
- Administrative Use Permit under BMC section 23D.28.030 to permit a major residential addition;
- Administrative Use Permit under BMC Section 23D.28.070.C to allow an addition over 14 feet in height.; and
- Administrative Use Permit under BMC Section 23D.28.050 to construct a fifth bedroom

I. CEQA FINDINGS

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 of the CEQA Guidelines (“Existing Facilities”).
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

1. As required by Section 23B.32.040.A 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 project will add a second level to the home, of which there are several examples in the neighborhood.
 - B. The second story addition will step in and comply with the required front and rear yard setbacks.

- C. A basement is proposed to be added. While adding additional square footage to the building, the basement will not create any new impacts to the surrounding neighbors due to its placement partially below grade, maintaining the existing first floor level.
- D. The neighborhood is a mix of residential uses, including apartments and single-family and multi-family homes. Existing structures in the immediate neighborhood vary in height from one to two stories; and
- E. The project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental.

III. OTHER FINDINGS FOR APPROVAL

- 2. Pursuant to BMC Section 23C.04.070.C, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of lot coverage are permitted with a Use Permit if the addition/enlargement does not increase coverage or exceed the height limit. The property is non-conforming to the maximum allowable lot coverage, with 50 percent coverage, where 45 percent is the District maximum on this R-2 property. The proposed addition will remove an existing shed in the rear yard, which will reduce the lot coverage to 44 percent, while creating a two-story house, which decreases the allowable lot coverage to 40 percent. While the proposed structure will still be non-conforming to the allowable lot coverage, the project will reduce the non-conformity from 5 percent over the allowable limit to 4 percent over the allowable limit. The proposed addition is located over existing covered area, and therefore, does not increase the non-conforming lot coverage. Additionally, while the addition consists of a second story addition, reaching a total of 23 feet, 10 inches, which complies with the maximum average height limit of 28 feet.
- 3. Pursuant to BMC Section 23C.04.070.E, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of residential density are permitted with a Use Permit if the addition/enlargement does not increase the density or exceed the height limit. The project proposes to maintain the density at two units, therefore, it does not increase the density. As described in Section V.C of the Staff Report, the addition will comply with the allowable average height limit in the district
- 4. Pursuant to BMC Section 23C.04.070.C, additions and/or enlargements which vertically extend or alter a portion of a building which encroaches into a non-conforming yard may be of lawful non-conforming structures that are non-conforming by reason of residential density are permitted with an Administrative Use Permit if the existing use of the property is conforming and if the addition/enlargement will not 1) reduce any yard below the minimum setback requirements, or further reduce existing non-conforming yards; or 2) exceed the maximum or calculated height limits. As described in the Staff Report, the existing residential structure is non-conforming to the front, rear, and left (north) side setbacks. The proposed addition/enlargement of the house will correct the non-conforming left side setback, but is proposed to vertically extend the non-conforming front and rear setbacks. The front setback will be vertically extended both up (with the second story) and down (with the basement), while the rear setback will be vertically extended down with the expansion of the basement. The second story at the rear will comply with the required 20-foot rear yard setback. As the enlargement of the building will comply with the permitted residential use on the property, and the vertical expansions within the non-conforming setbacks will not further reduce the non-conformity, these expansions are permissible.
- 5. Pursuant to BMC Section 23D.28.050, an Administrative Use Permit is required to approve the addition of a fifth bedroom to a parcel in the R-2 Zoning District. This project proposes to increase

the total number of bedrooms on the property from four to five bedrooms. The addition of this fifth bedroom will not add density to the site, or intensify the use of the residential property.

IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. 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.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

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.

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

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

- 11. Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan 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.

- 12. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:**
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:**
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:**
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project.

Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

During Construction:

13. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
14. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
 - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
15. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
 - A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or

- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
16. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
17. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
18. 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.

19. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
20. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

- 21. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 22. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 23. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.

- 29. 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 Final Inspection or Issuance of Occupancy Permit:

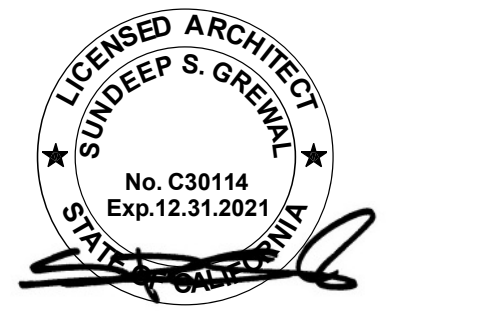
- 30. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
- 31. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 26, 2021, except as modified by conditions of approval.

At All Times:

- 32. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 33. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 34. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 35.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- 36.** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



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OPPENHEIMER RESIDENCE
 1643 & 1647 California St.
 Berkeley, CA 94703
 APN: 58-2156-18

Sheet Contents:
 Sheet Index
 Applicable Codes
 Abbreviations
 Vicinity Map
 Project Data
 Scope of Work
 Project Directory
 Photos

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: N/A

Revisions:
 Use Permit Set: 12-10-2020

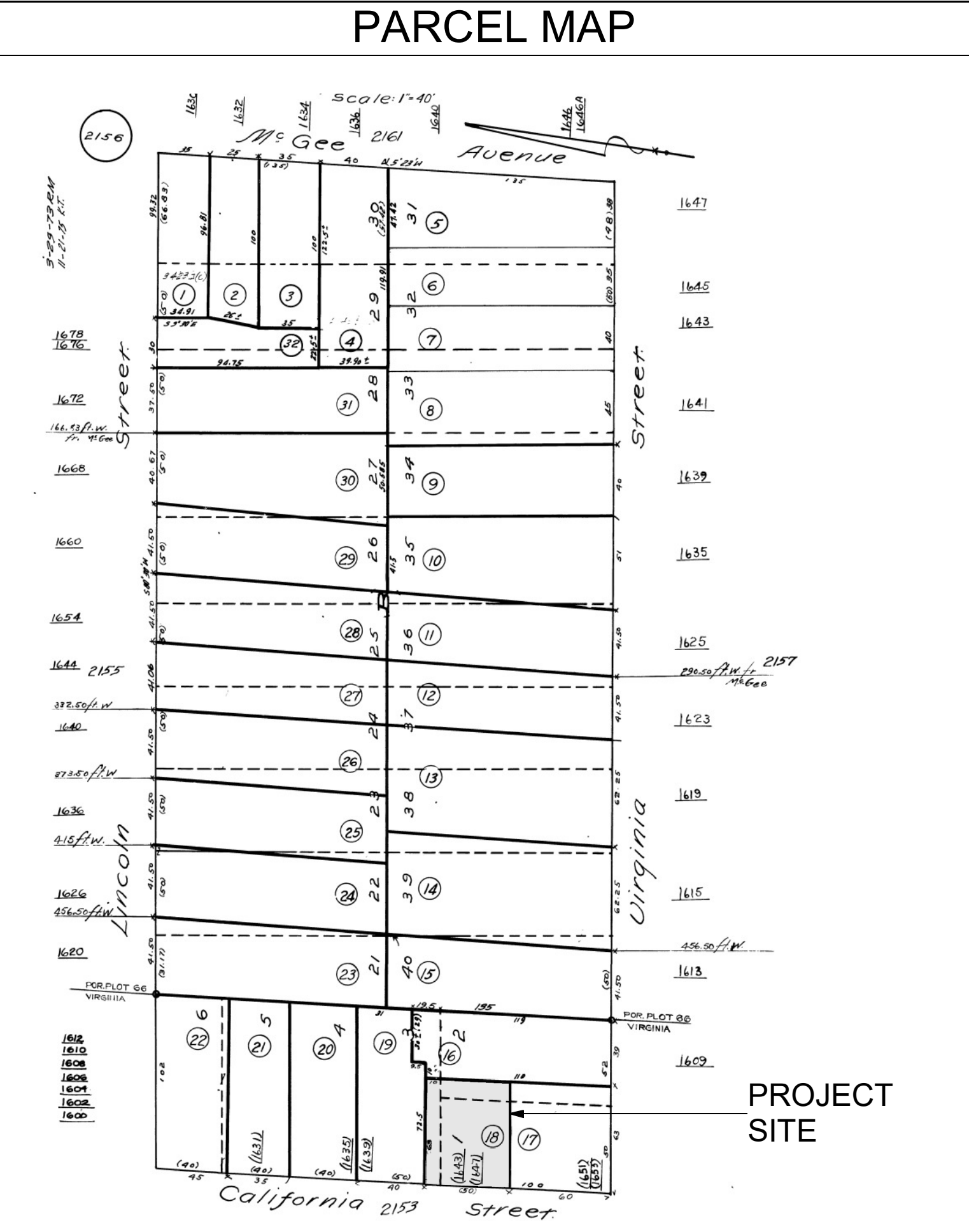
Redesign: 5-25-2021

Planning Review: 6-29-2021

Planning Review: 7-15-2021

Planning Review: 8-26-2021

Sheet **A0.0**



OPPENHEIMER RESIDENCE

1643 & 1647 California St. CA 94703

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 - A0.2 Site Survey
 - A1.1 Existing Floor Plan
Existing Exterior Elevations
 - A2.1 Proposed Floor Plan
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 - A4.3 Shadow Study
 - A5.1 Demolition Diagram

SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, one-story, two-family residence (duplex). Components of the project include:

Reconfigure existing duplex to create one larger unit and one smaller apartment. All work shall be within the building footprint. The building shall remain as a duplex. The preliminary program includes the following:

Basement/First floor:

- Excavate down to create new bedroom, full bath, home gym and family room and mech. room/storage

Second floor:

- Reconfigure layout as needed to create a larger unit with one smaller apartment
- Rebuild/reconfigure existing porch and entry stairs as required
- Create new stairs to basement floor and second floor addition

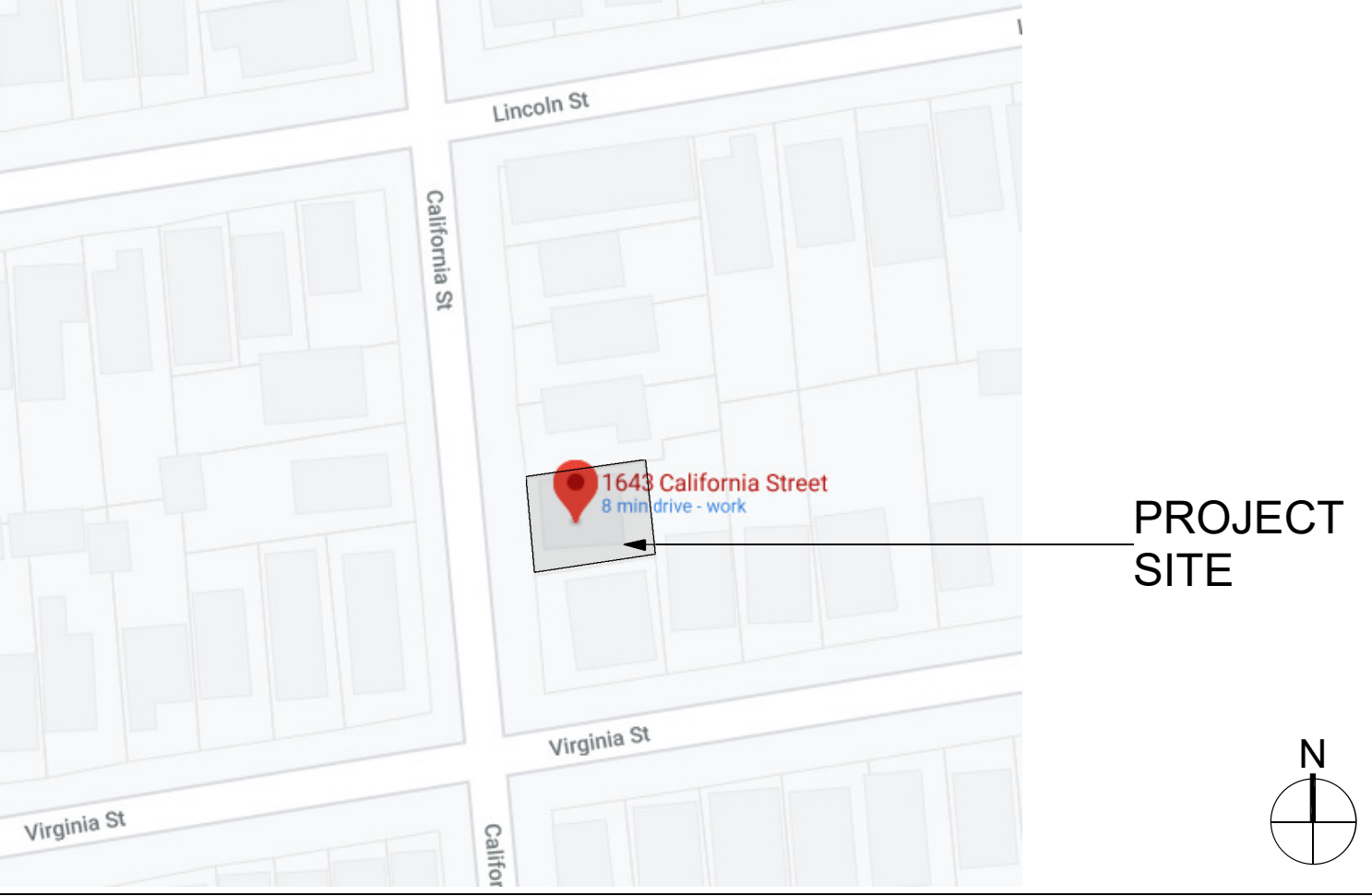
Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony at front

Miscellaneous:

- Update all mechanical, electrical and plumbing systems as required for new work
- Reconfigure and rebuild front stairs per new design

VICINITY MAP



PROJECT DIRECTORY

Owner:
 Ido and Tamar Oppenheimer
 1643 & 1647 California St.
 Berkeley, CA 94703
 Tel: 510 486-8387

Project Address:
 1643 & 1647 California St.
 Berkeley, CA 94703
 APN: 58-2156-18

Architect:
 Sundeep Grewal
 Studio G+S, Architects
 2223 5th St.
 Berkeley, CA 94710
 Tel: 510-548-7448
 sunny@sgsarch.com

PROJECT DATA

Occupancy: R-3 Duplex
 Proposed Construction: Type V-B
 Fire Sprinkler System: No

Zoning/General Plan Regulation
 Zoning District: R-2 (Restricted Two-Family Residential)
 General Plan Area: LMDR
 Downtown Arts District Overlay: No
 Commercial District With Use Quotas: No

Seismic Safety
 Earthquake Fault Rupture (Alquist-Priolo) Zone: No
 Landslide (Seismic Hazards Mapping Act): No
 Liquefaction (Seismic Hazards Mapping Act): No
 Un-reinforced Masonry Building Inventory: No

Historic Preservation
 Landmarks or Structure of Merit: No

Environmental Safety
 Creek Buffer: None
 Fire Zone: 1
 Flood Zone (100-year or 1%): No

Wildlife Urban Interface
 No

APPLICABLE CODES

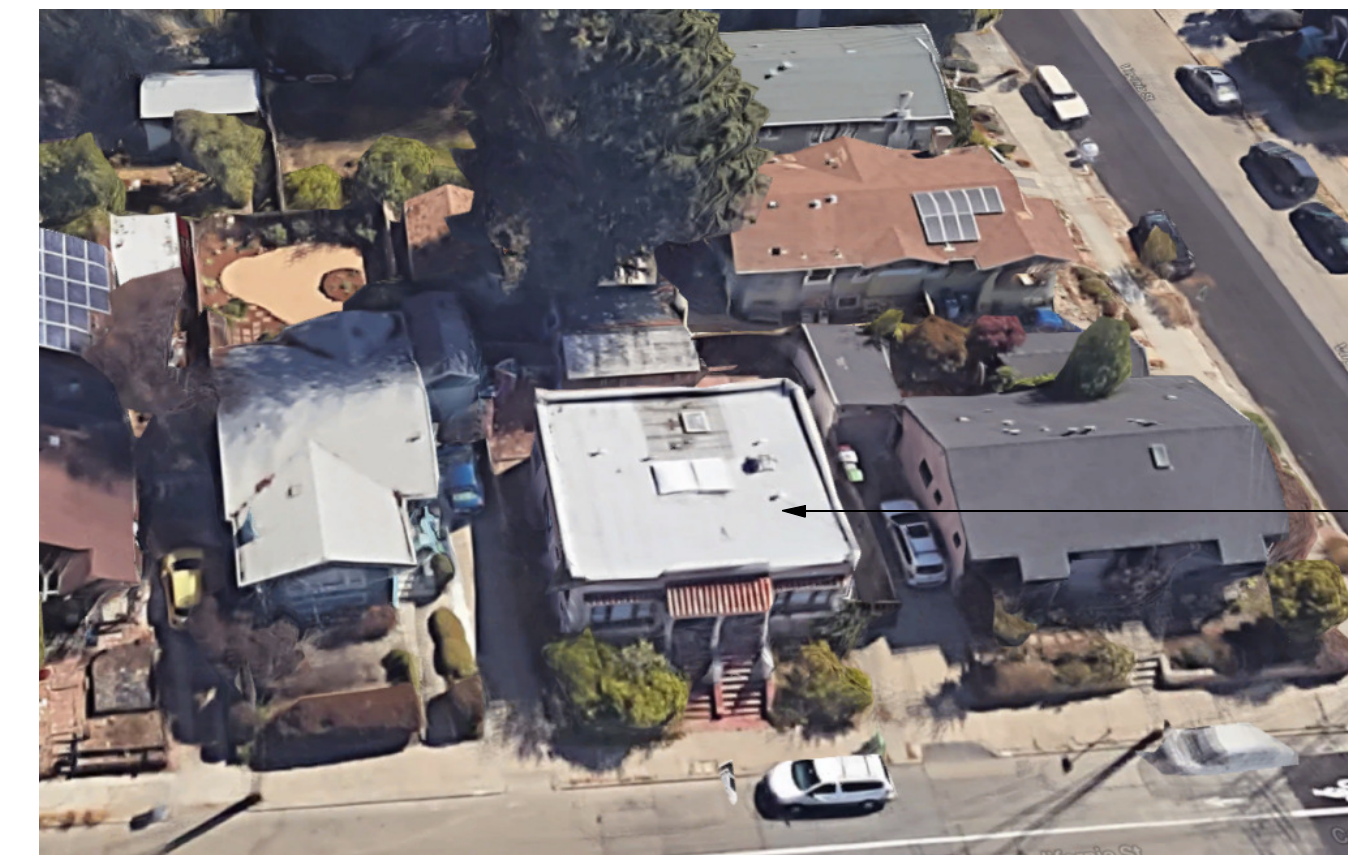
2019 California Building Code (CBC) Volume 1
 2019 California Building Code (CBC) Volume 2
 2019 California Residential Code (CRC)
 2019 California Energy Code (CBEES)
 2019 California Green Building Standards Code (CALGreen)
 2019 California Electrical Code (CEC)
 2019 California Plumbing Code (CPC)
 2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pl.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	pld.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinf.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal.	gallon	rm.	room
asph.	asphalt	galv.	galvanized sheet metal	r.o.	rough opening
bd.	board	g.m.	ground	nwd.	redwood
bdg.	building	gl.	glass	r.w.l.	rain water leader
bldg.	block	gr.	grade	s.	south
blk.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
b/w	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanic cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	t.k.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	ntl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	nece.	necessary	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encd.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

SITE PHOTOS



Aerial of existing duplex



Front and right Side of existing duplex



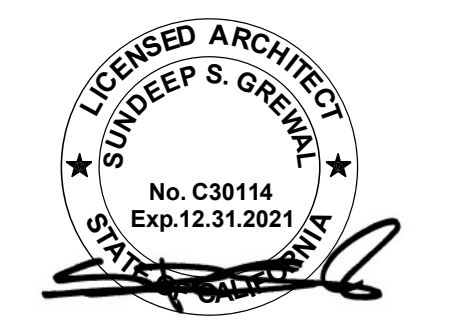
Front and left Side of existing duplex

Tabulations

	Required/Allowed	Existing	Proposed
Set Backs:			
Front	20'-0"	10'-10"	10'-10" no change
Rear	20'-0"	16'-10"	16'-10" no change
Left side:	4'-0"	3'-11"	4'-0" no change
Right side:	4'-0"	5'-6"	5'-5" no change
Habitable Floor Area:			
Unit 1:			
Basement floor:		0 s.f.	1,342 s.f.
First floor:		667 s.f.	901 s.f.
Second floor:		0 s.f.	1,019 s.f.
Total Area Unit 1:		667 s.f.	3,262 s.f. (2,595 s.f. new)
Unit 2:			
Basement floor:		0 s.f.	0 s.f.
First floor:		667 s.f.	501 s.f.
Second floor:		0 s.f.	0 s.f.
Total Area Unit 2:		667 s.f.	501 s.f.
Total Area:		1,334 s.f.	3,763 s.f. (2,229 s.f. new)
Bedroom Count:		3 total	5 total
Non-Habitable Area:			
Accessory Structure:		167 s.f.	0 s.f.
Building Height:			
Main Building:	28'-0" 35'-0" w/ AUP	13'-6" 13'-6"	23'-10"
Parking:	2	0	0
Lot Size:	4,500 s.f.	3,142 s.f.	3,142 s.f.
Total Foot Print:			
House:		1,342 s.f.	1,342 s.f.
Covered Porch:		60 s.f.	0 s.f.
Accessory Structure:		167 s.f.	0 s.f.
Total:	1,085 for 3 stories	1,569 s.f.	1,382 s.f.
Lot Coverage:	45% (1 story) 40% (2 story) 35% (3 story)	49.94%	43.98% (5.96% reduction)
Usable Open Space:	400 s.f./unit	500 s.f.	1,029 s.f.



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Sheet Contents:
 Existing Site Plan
 Proposed Site Plan

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: 1/4" = 1'-0"

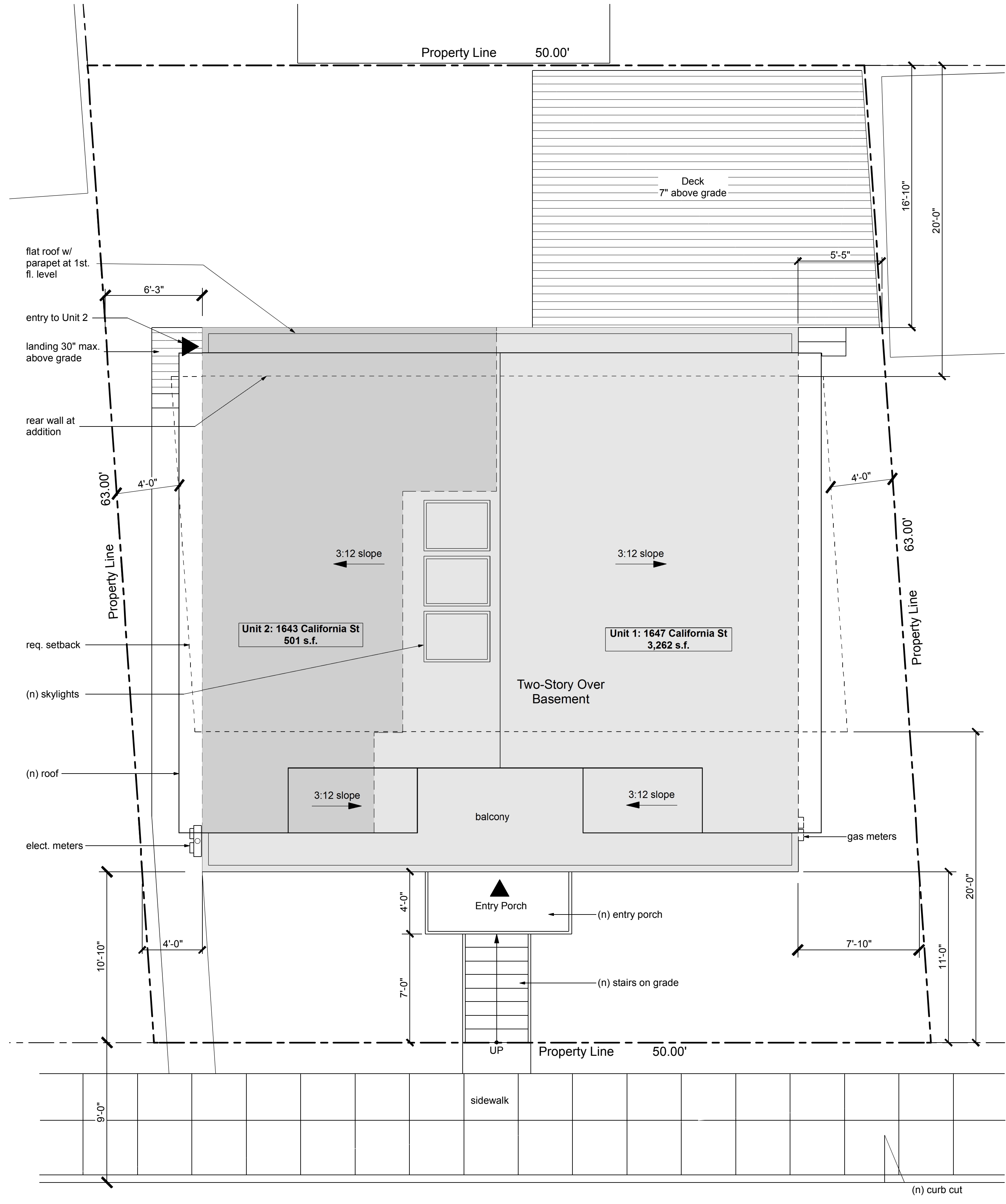
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Redesign: 5-25-2021

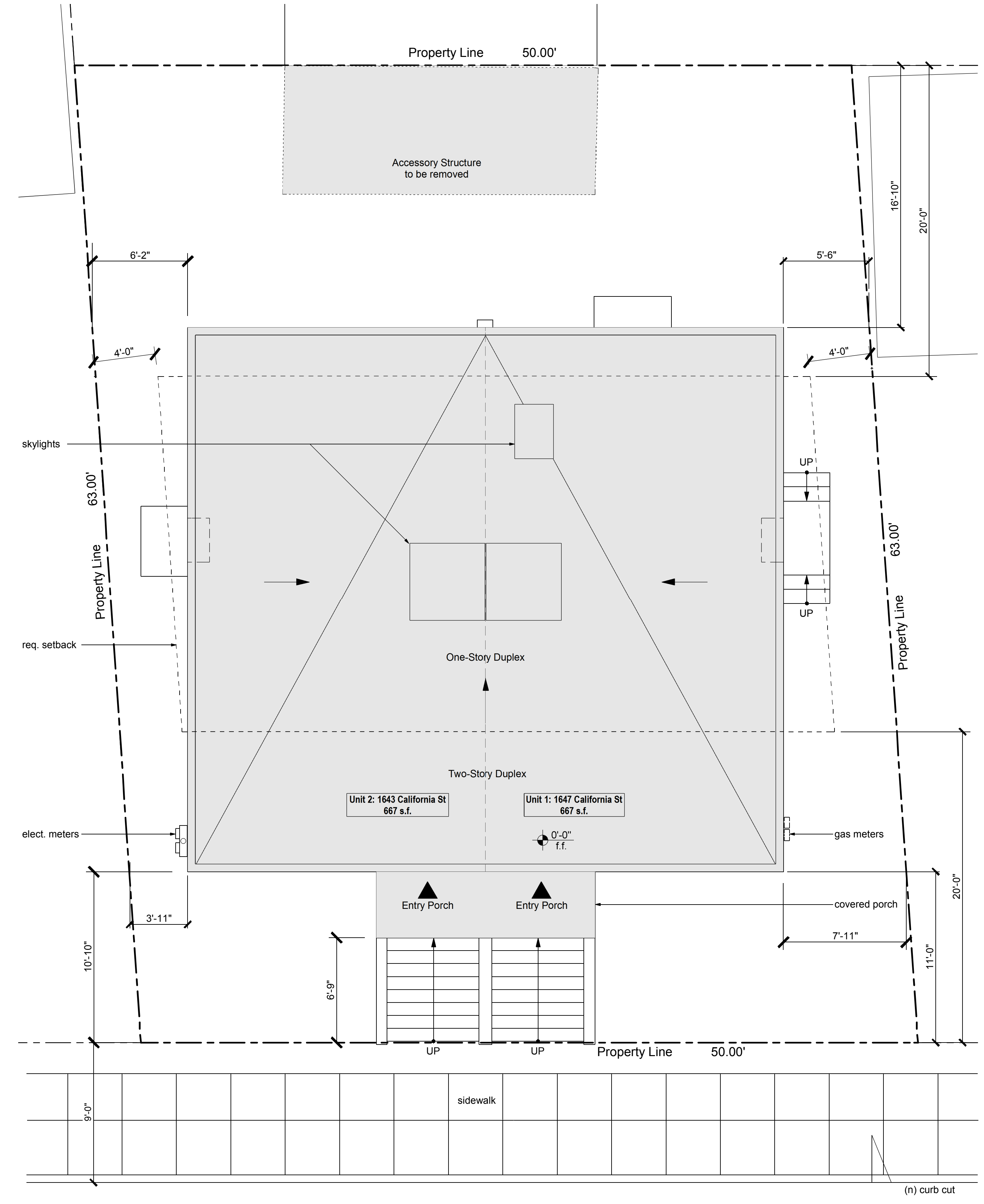
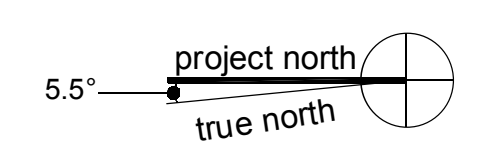
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Planning Review: 7-15-2021

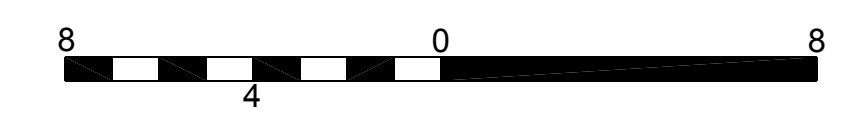
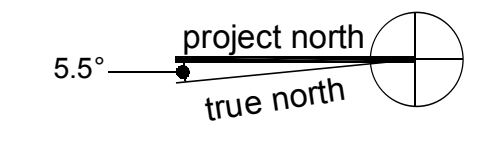
Sheet **A0.1**



2 Proposed Site Plan

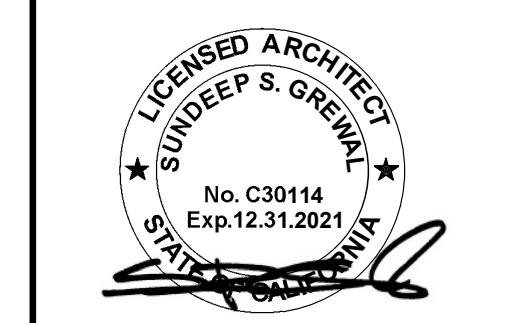


1 Existing Site Plan





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Sheet Contents:
 Site Survey

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Project No:
 20-13-420

Drawn By:
 SSG

Checked By:
 SSG

Scale:
 1" = 1'-0"

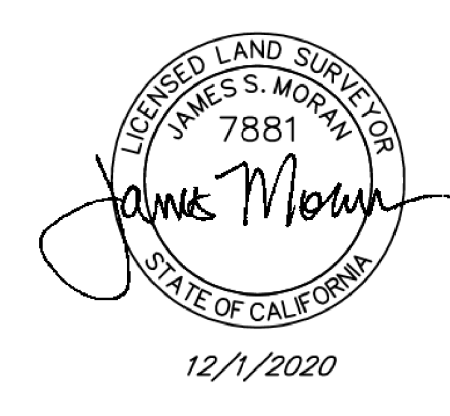
Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

Sheet
A0.2

HOUSE LOCATION SURVEY
 PORTION OF LOTS 1, 2 AND 3, MAP OF VIRGINIA TRACT, FILED OCTOBER 4, 1890 (8 M 43)
 LOCATED AT 1643-1647 CALIFORNIA STREET
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 17, 2020 SCALE: 1" = 8'

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



- LEGEND**
- FOUND MONUMENT PER PM 6679 (213 M 50)
 - BLDG. BUILDING
 - C.O. CLEAN-OUT
 - D/W DRIVEWAY
 - F.H. FIRE HYDRANT
 - J.P. JOINT POLE
 - M.H. MAN HOLE
 - S/W SIDEWALK
 - T.C. TOP OF CURB

GENERAL NOTES

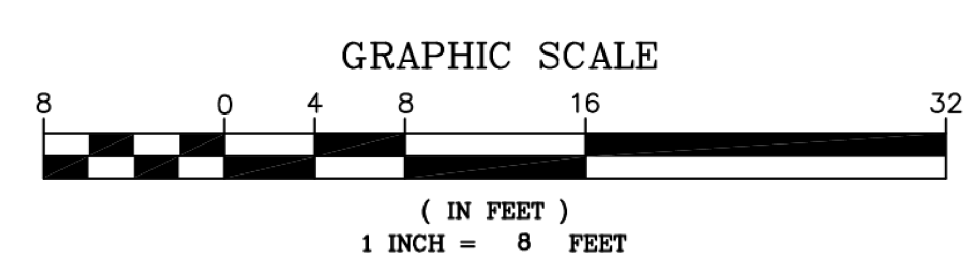
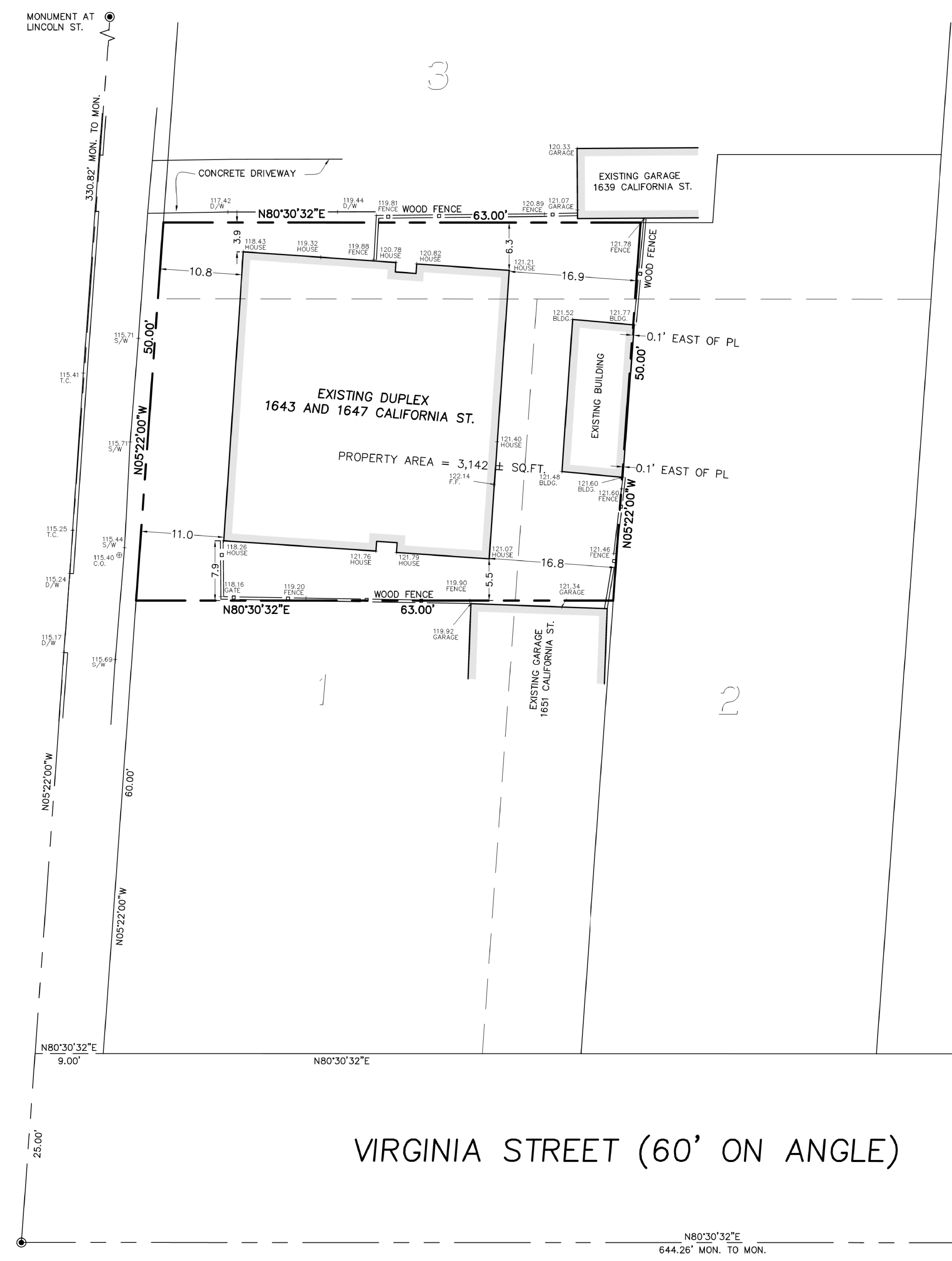
BENCHMARK: MONUMENT PIN ON THE WEST SIDE OF SACRAMENTO STREET AT VIRGINIA STREET. ELEVATION = 108.683 PER CITY OF BERKELEY ENGINEERING DIVISION RECORDS. ELEVATIONS ARE BASED UPON THE CITY OF BERKELEY DATUM.

THIS SURVEY IS BASED UPON THE GRANT DEED TO LAWYERS ASSET MANAGEMENT INC. RECORDED DECEMBER 1, 1989 SERIES 89-324628, ALAMEDA COUNTY RECORDS.

THE BEARINGS ON THIS MAP ARE BASED UPON THE MONUMENT LINE IN CALIFORNIA STREET WITH A BEARING OF N05°22'00"W AS SHOWN ON PARCEL MAP 6679 FILED MARCH 29, 1994 IN BOOK 213 OF MAPS PAGES 49-50.

CALIFORNIA STREET (60' ON ANGLE)

VIRGINIA STREET (60' ON ANGLE)





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Sheet Contents:
 Existing Floor Plans
 Existing Exterior Elevations

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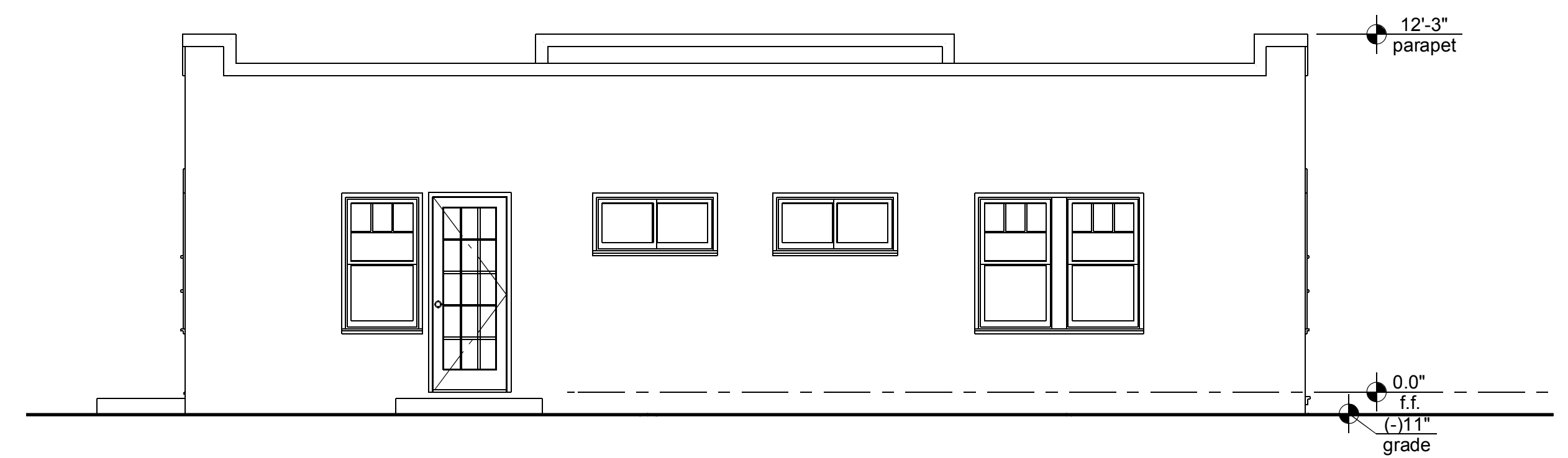
Drawn By: SSG

Checked By: SSG

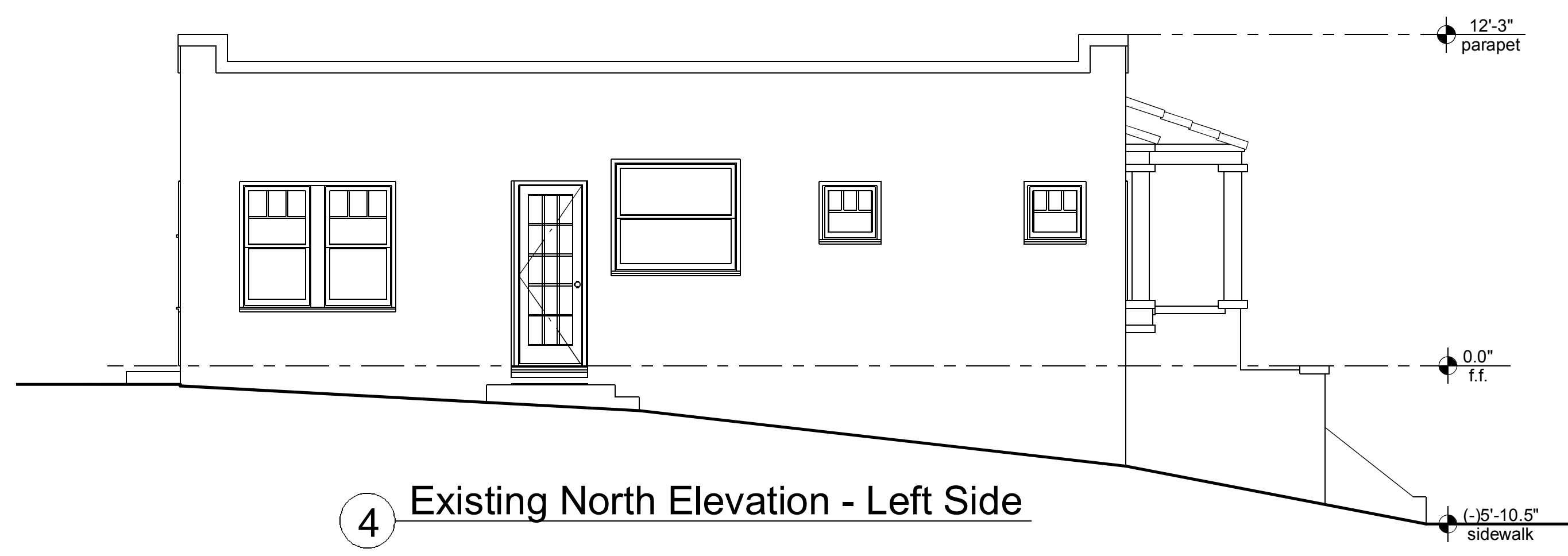
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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

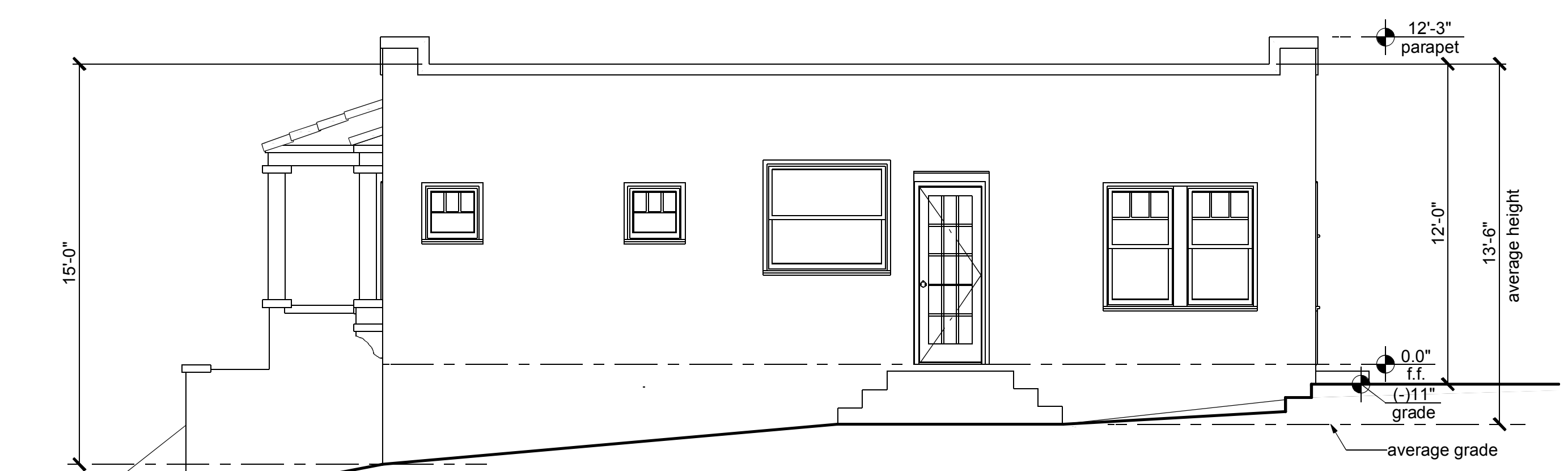
Sheet **A1.1**



5 Existing East Elevation - Rear



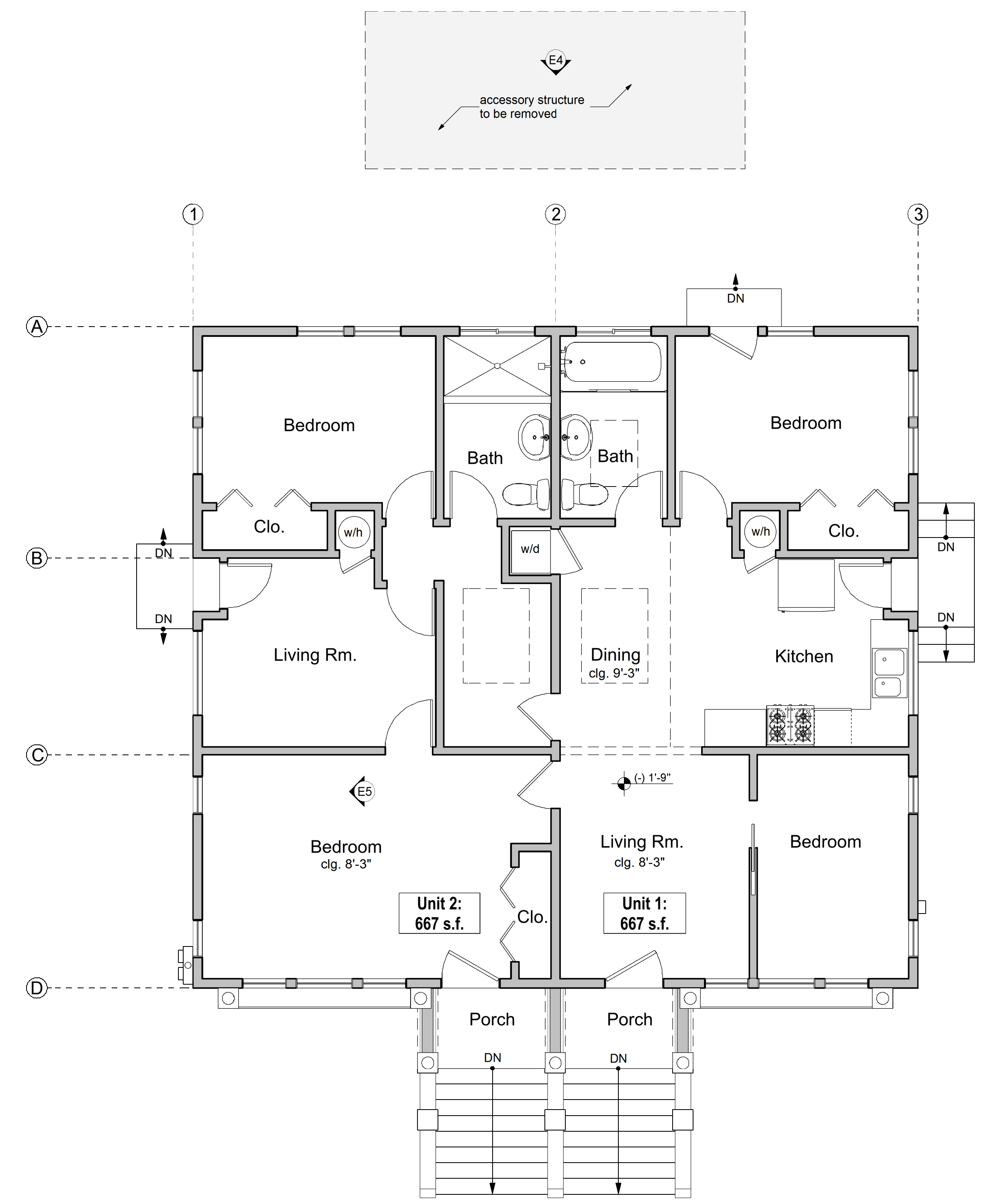
4 Existing North Elevation - Left Side



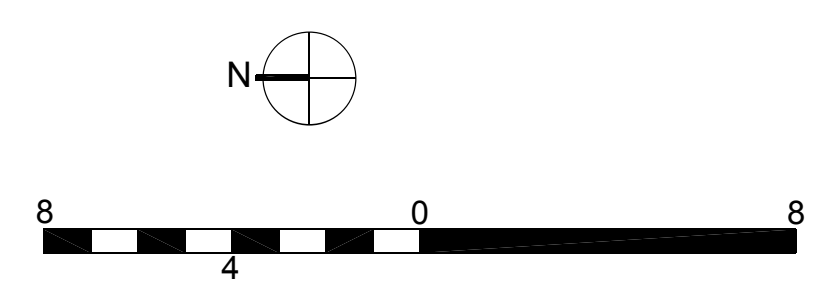
3 Existing South Elevation - Right Side



2 Existing West Elevation - Front

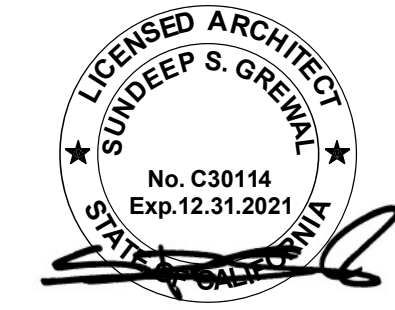


1 Existing First Floor Plan





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Sheet Contents:
Proposed Floor Plan
Proposed Site Plan

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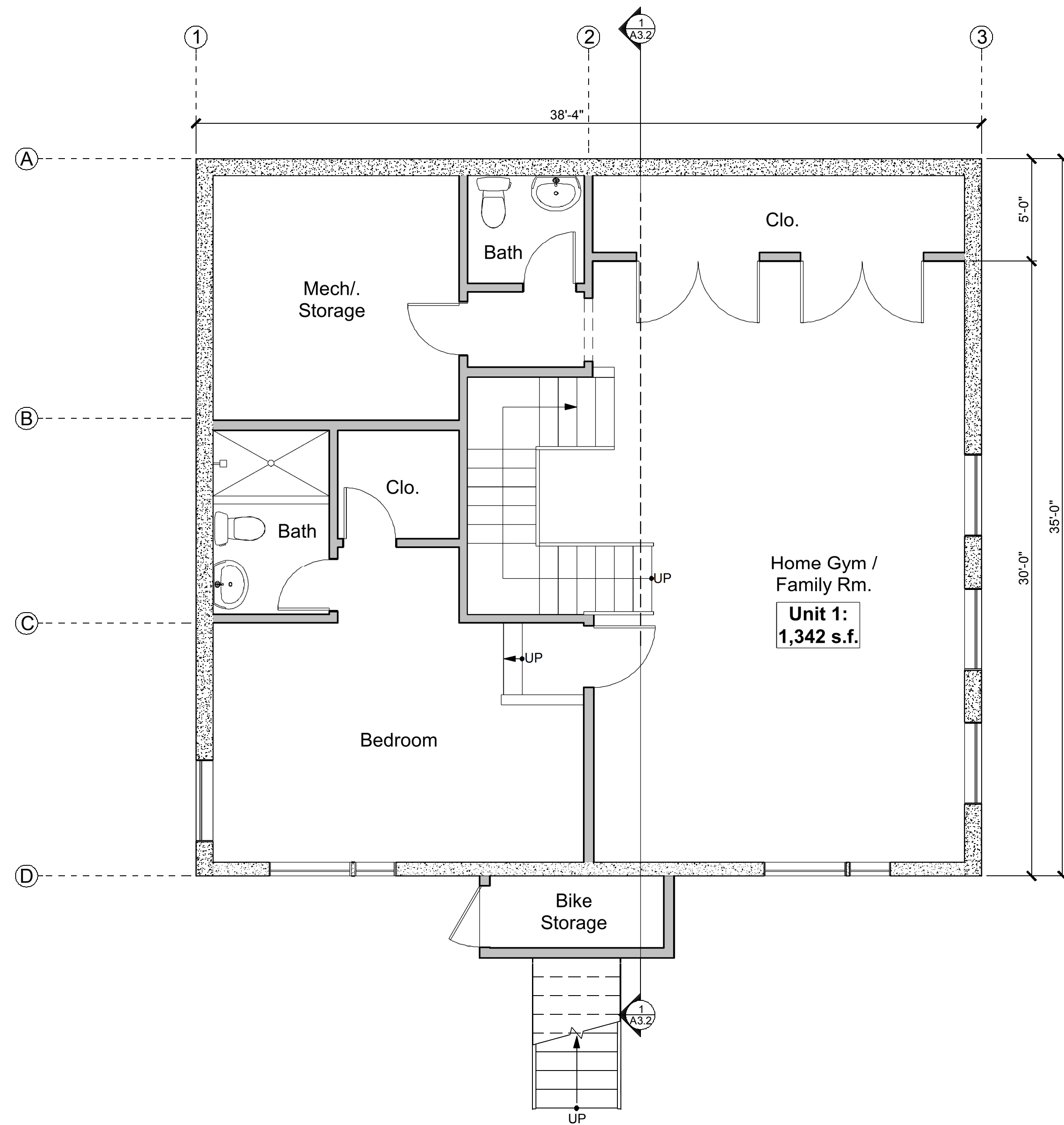
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Checked By: SSG

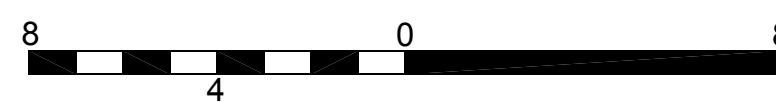
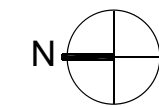
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Revisions:
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet **A2.1**

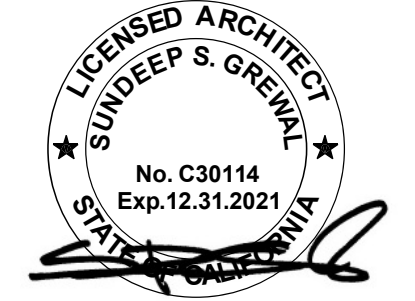


1 Proposed Basement Floor Plan





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Sheet Contents:
 Proposed Floor Plans

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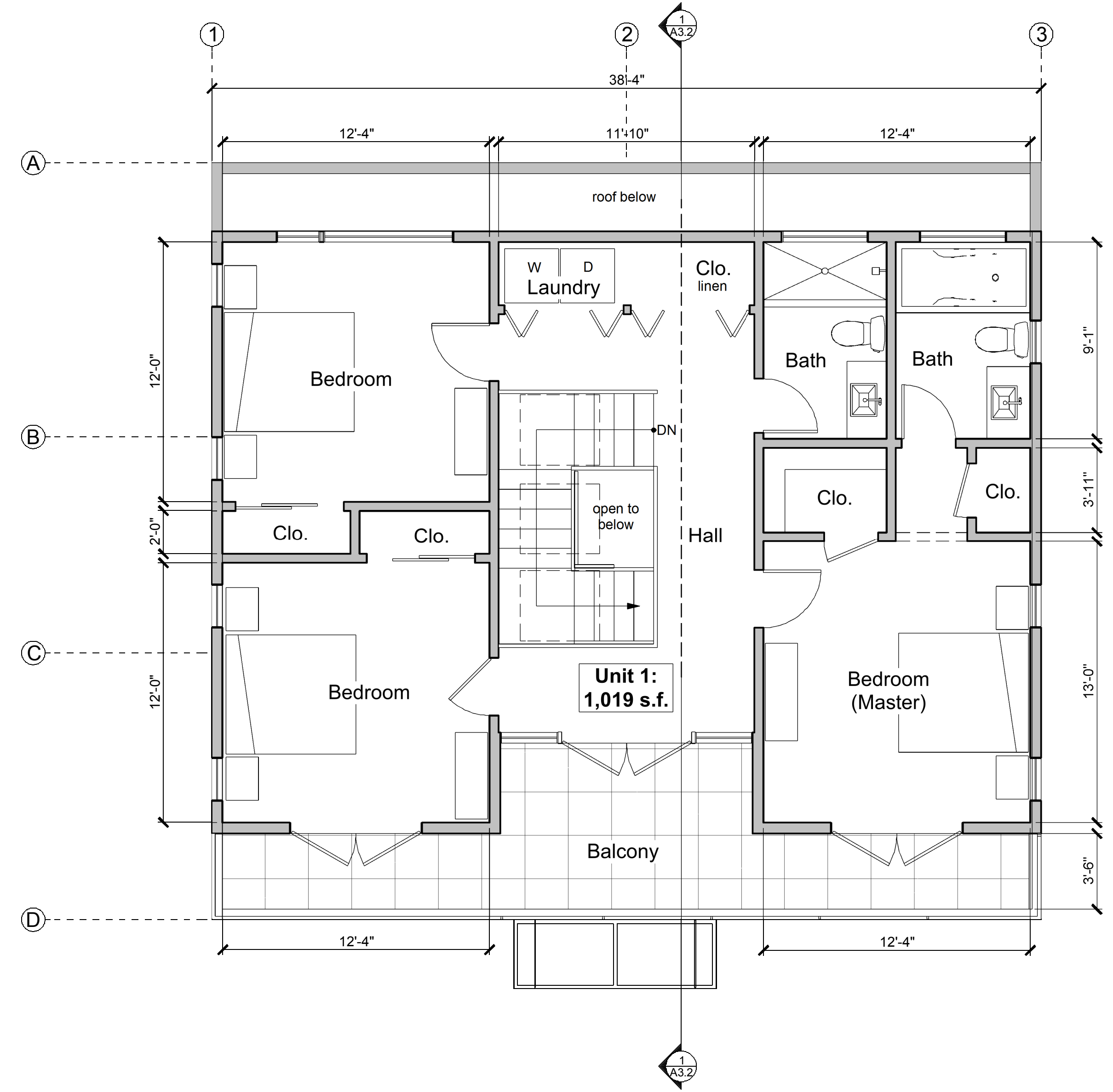
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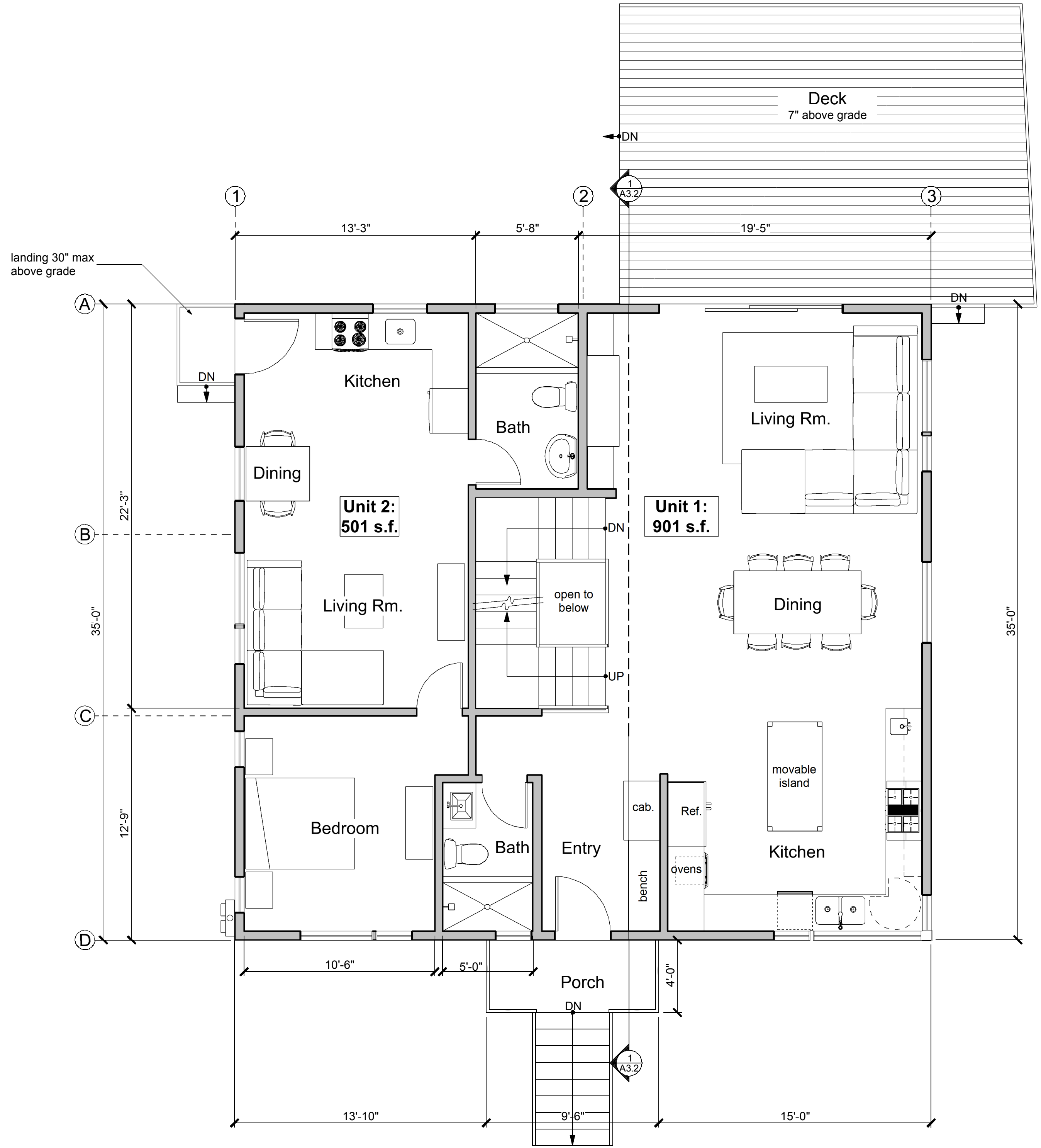
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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

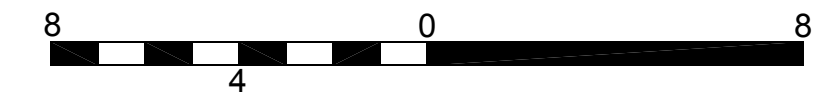
Sheet **A2.2**



2 Proposed Second Floor Plan

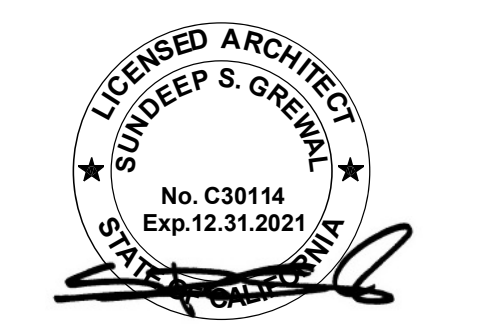


1 Proposed First Floor Plan



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g+s
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Previous Proposal



Previous Proposal



Previous Proposal



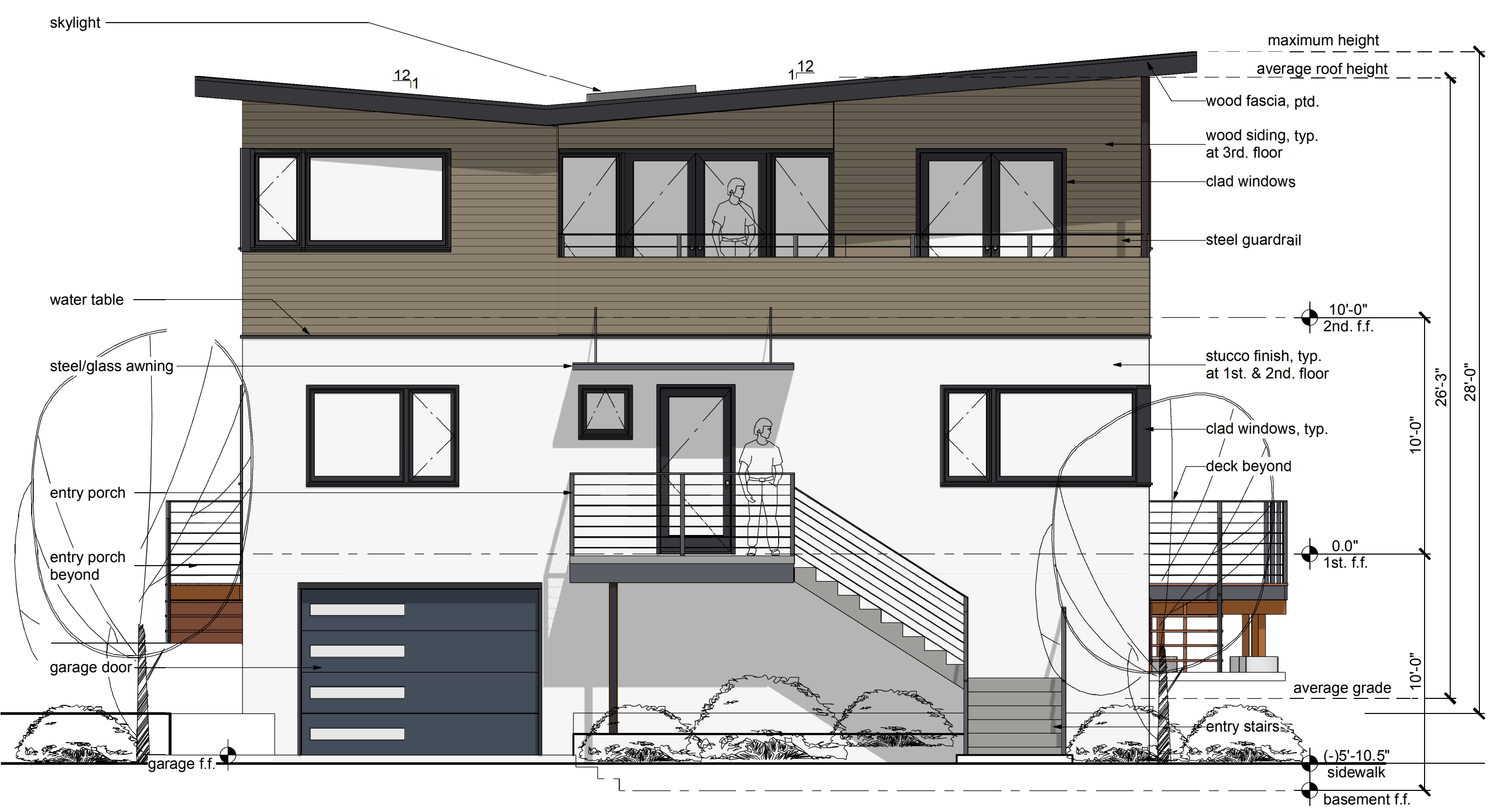
Current Proposal



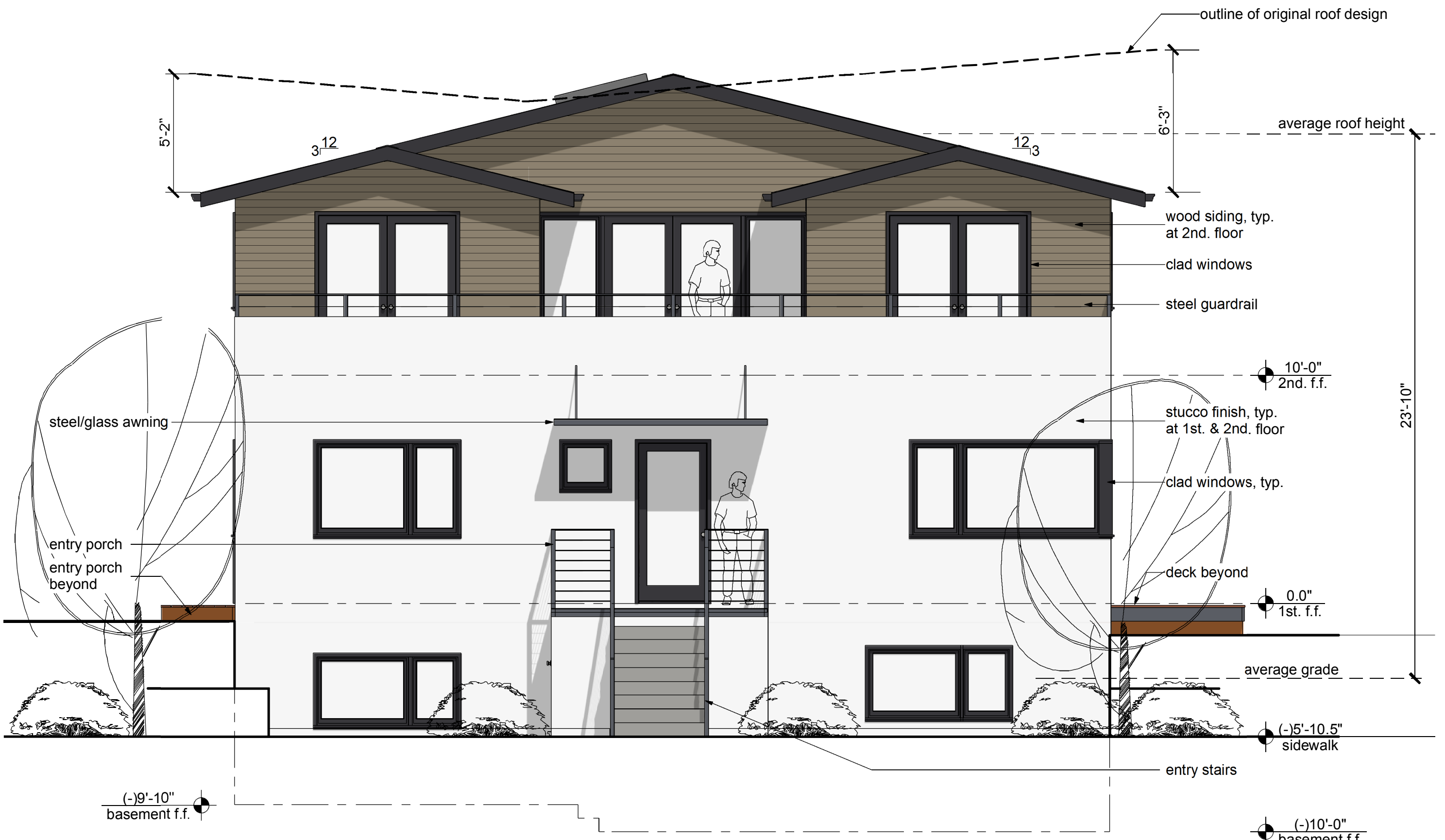
Current Proposal



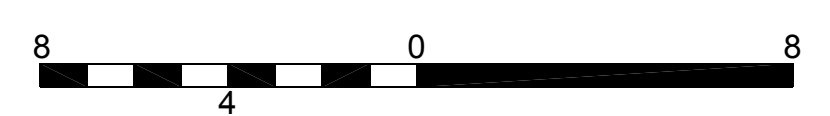
Current Proposal



② Proposed West Elevation - Front
 Original Proposal



① Proposed West Elevation - Front
 Current Proposal



Sheet Contents:
 Front Elevation Comparison

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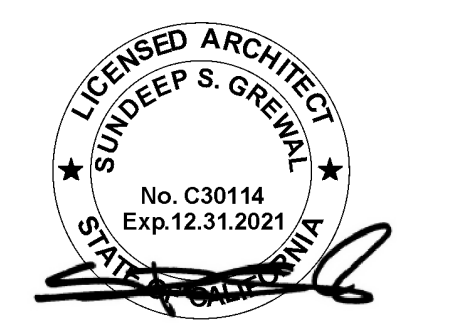
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Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
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Sheet A3.1



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Sheet Contents:
 Proposed Exterior Elevations

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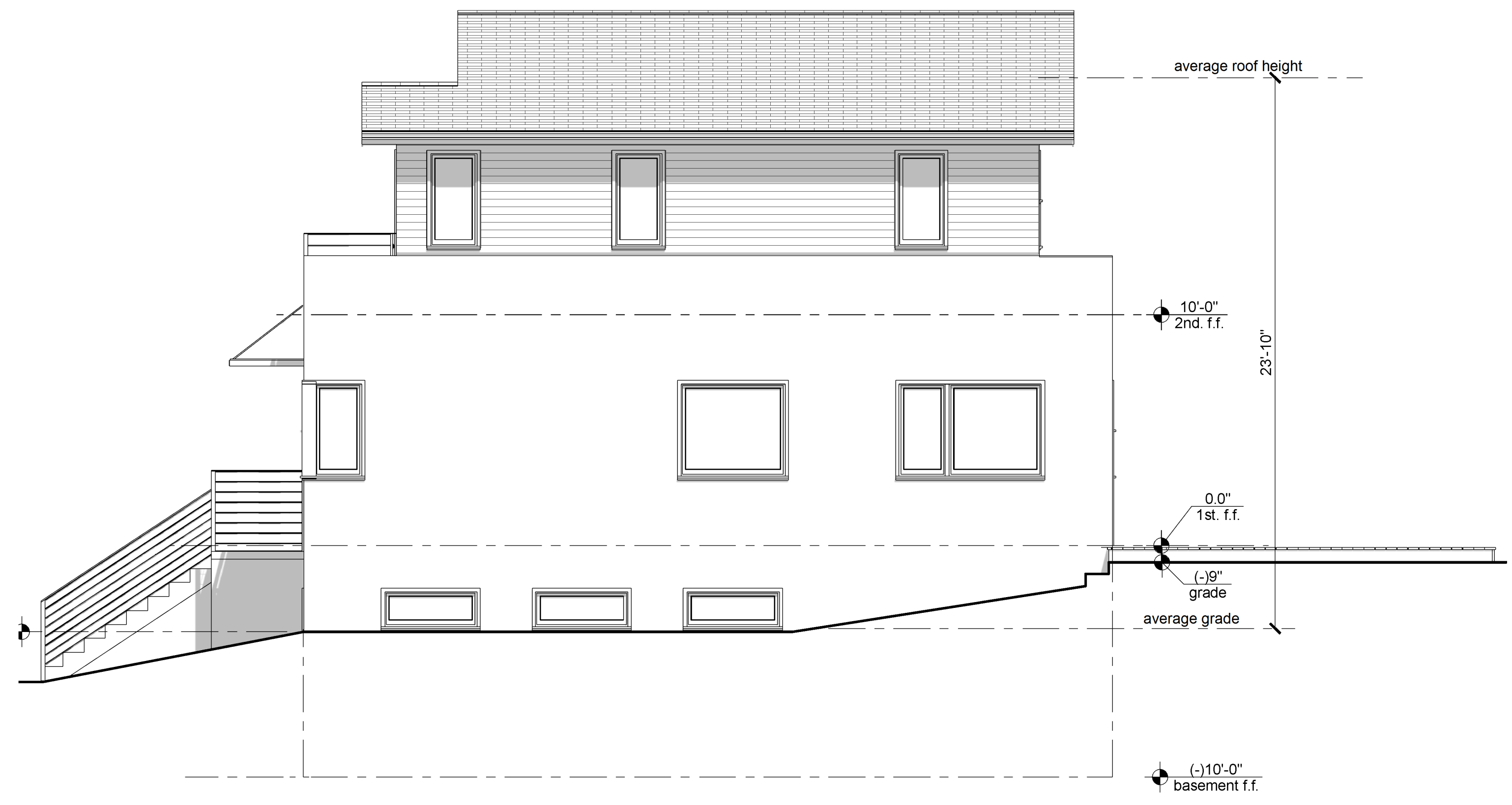
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Checked By: SSG

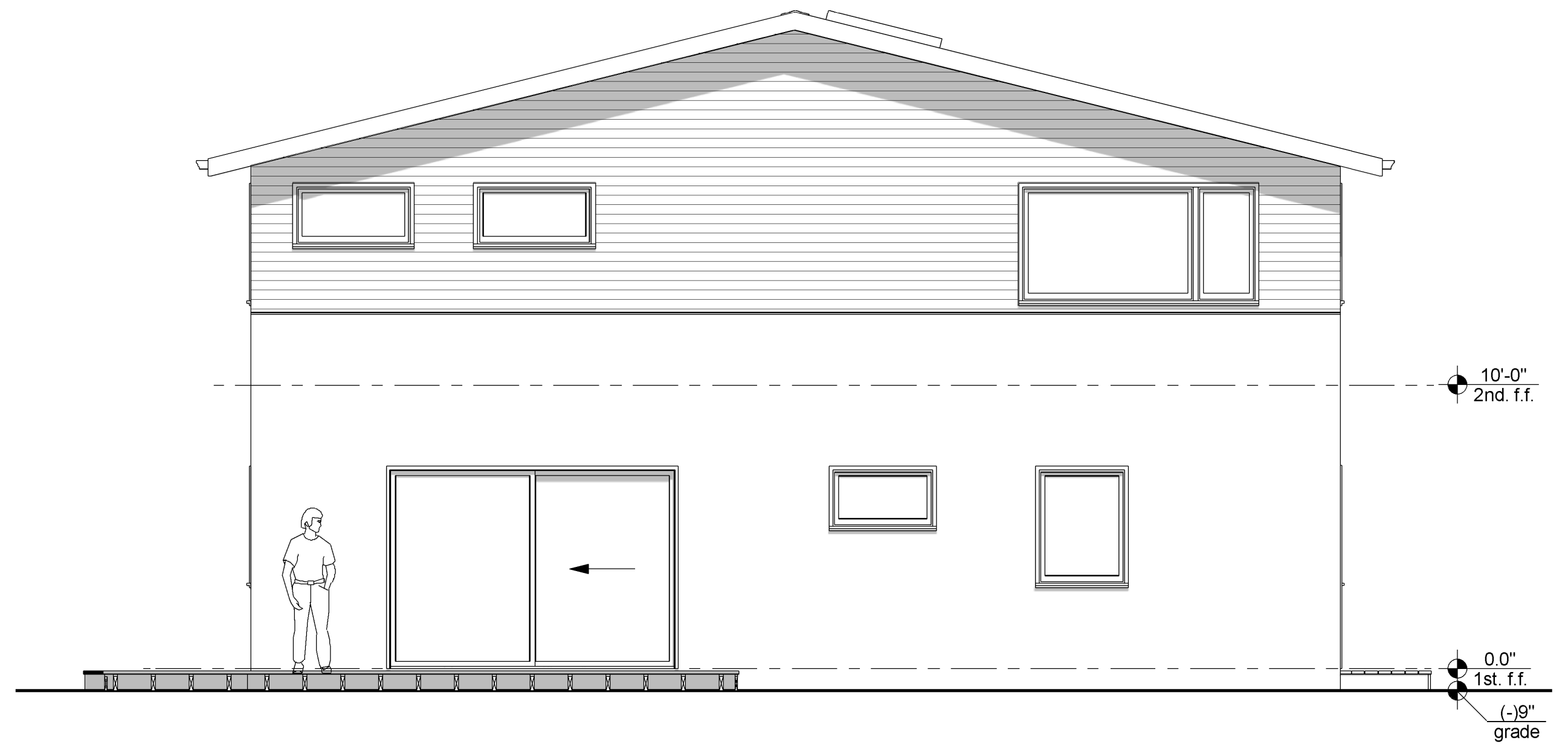
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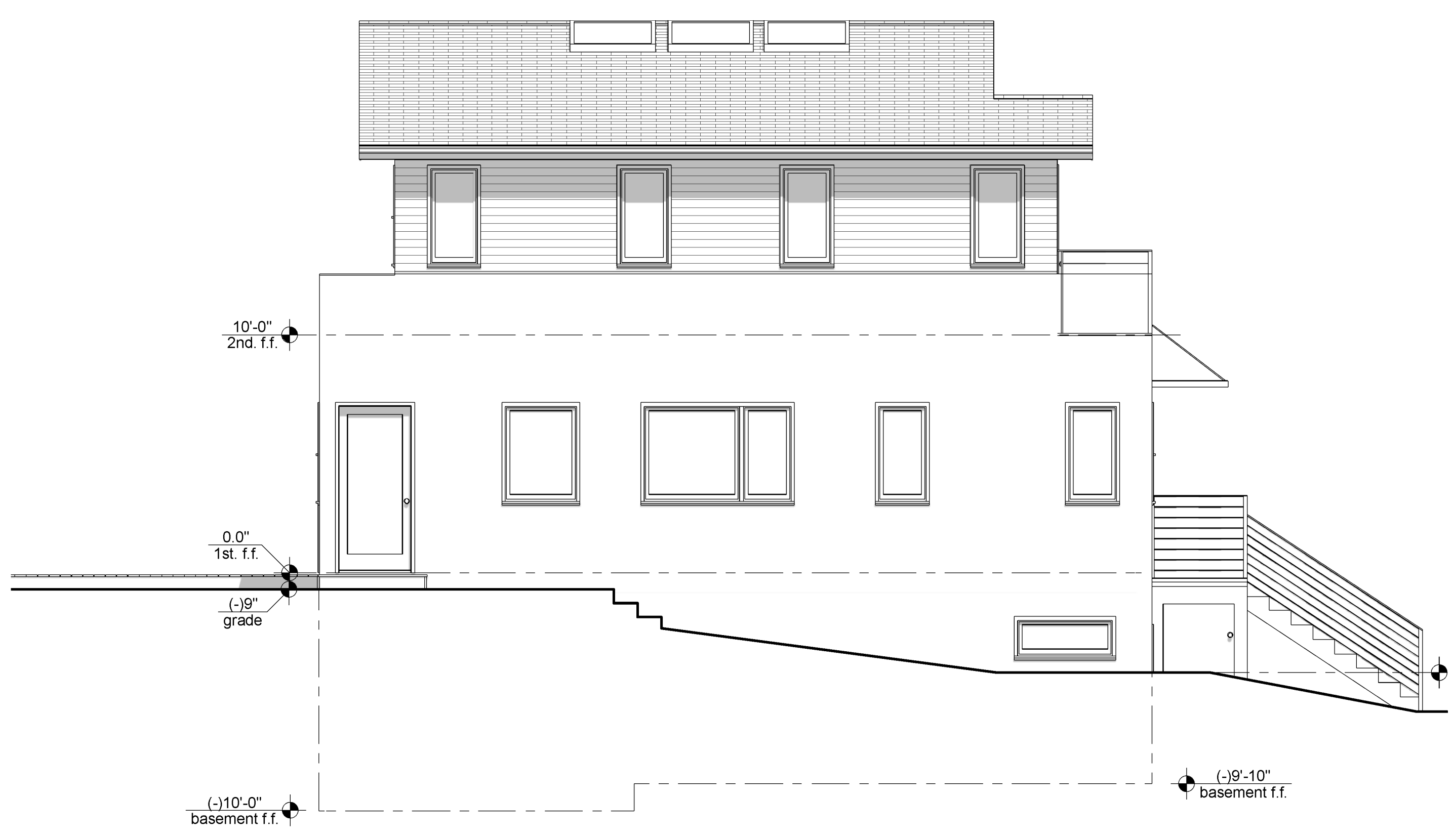
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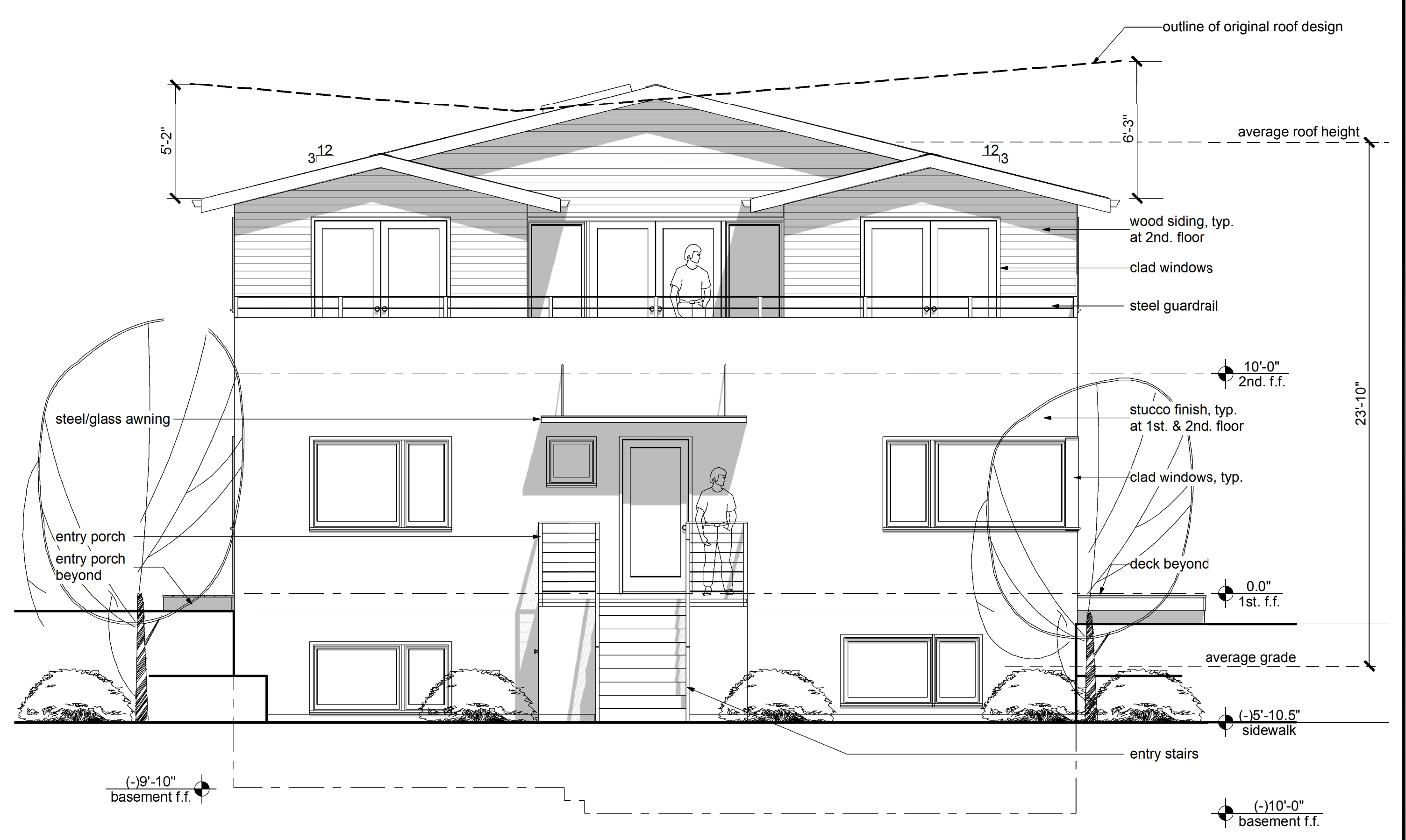
4 Proposed South Elevation - Right Side



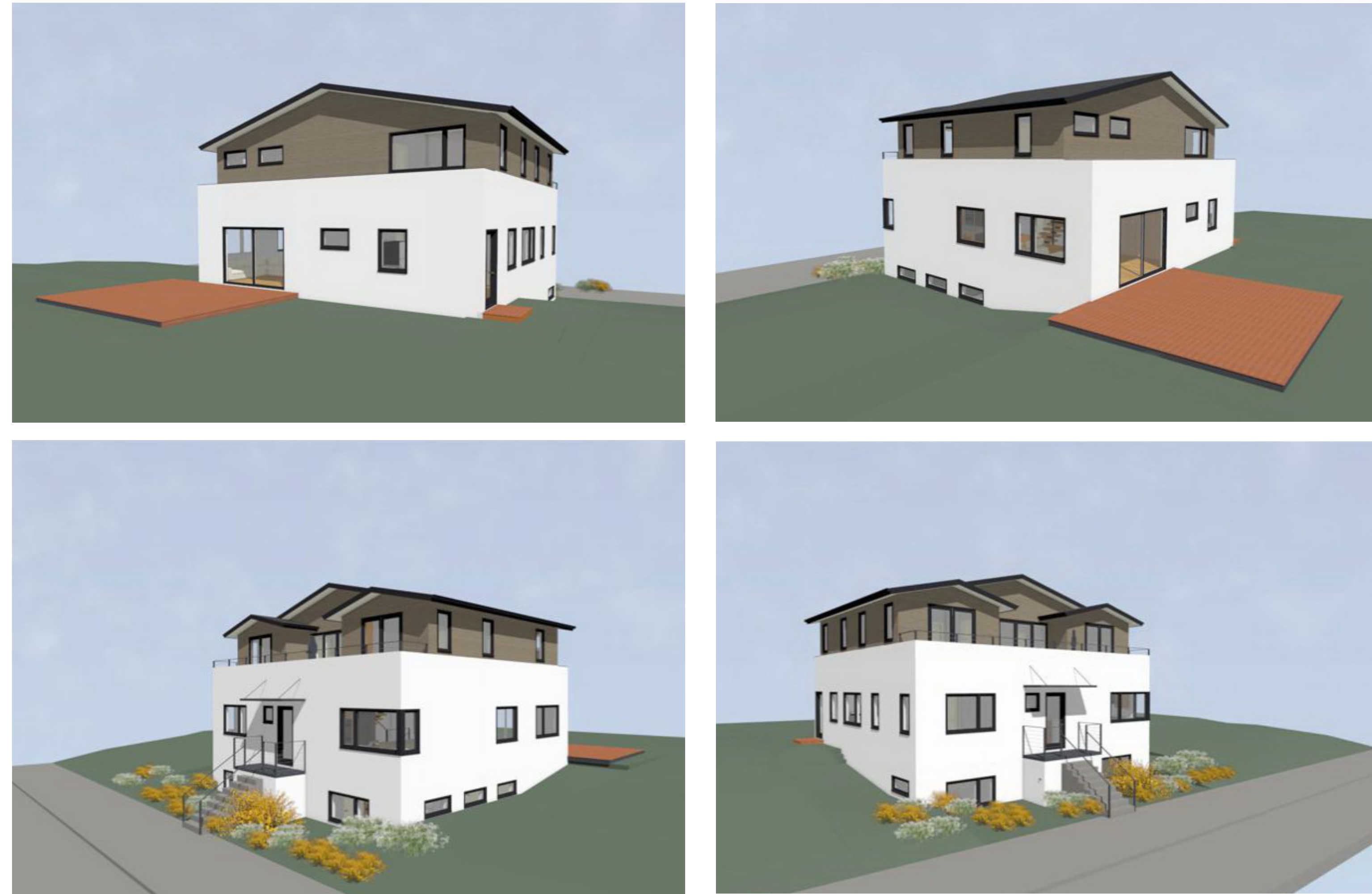
3 Proposed East Elevation - Rear



2 Proposed North Elevation - Left Side



1 Proposed West Elevation - Front



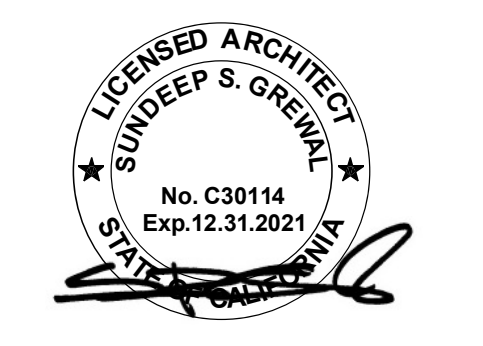
2 Renderings



1 Proposed Building Section



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Sheet Contents:
 Building Section
 Renderings

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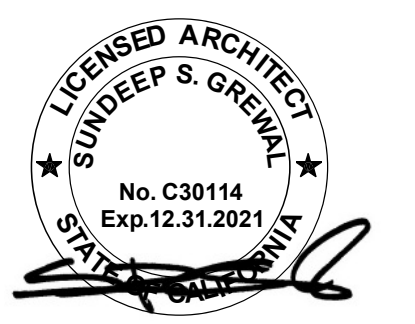
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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

Sheet A3.3

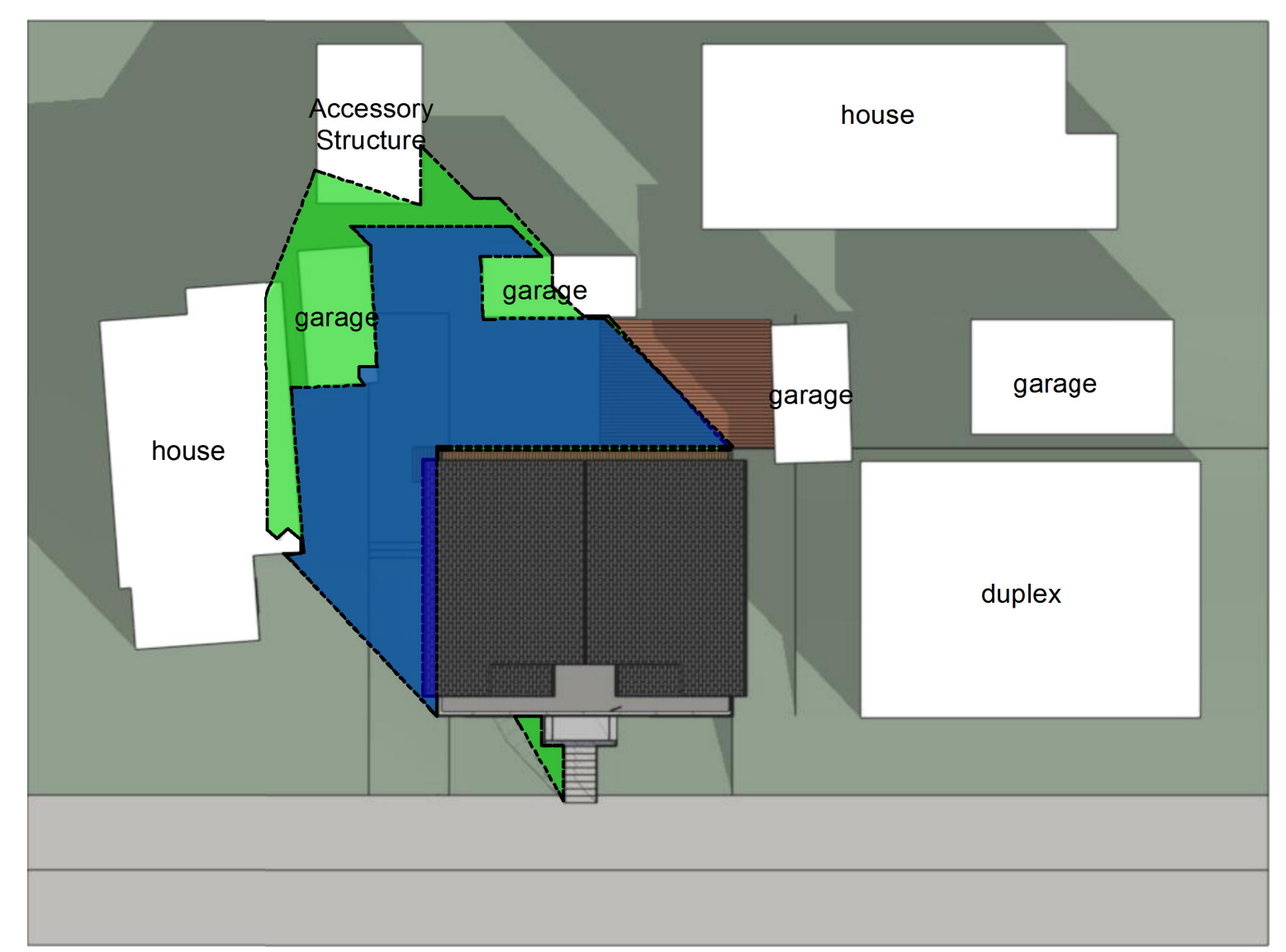


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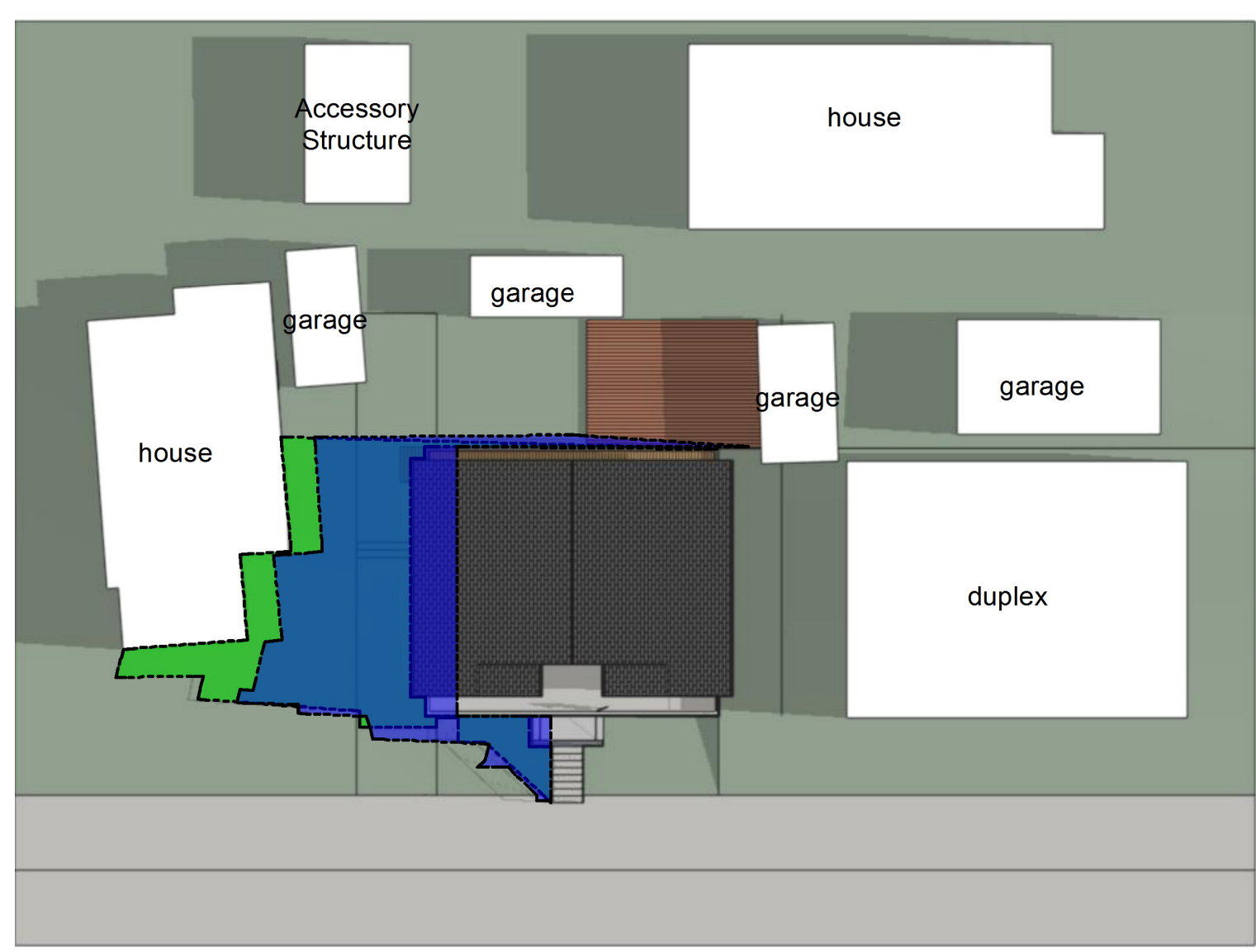
Existing Shadow Line
 New Shadow Line



Project Site

Proposed

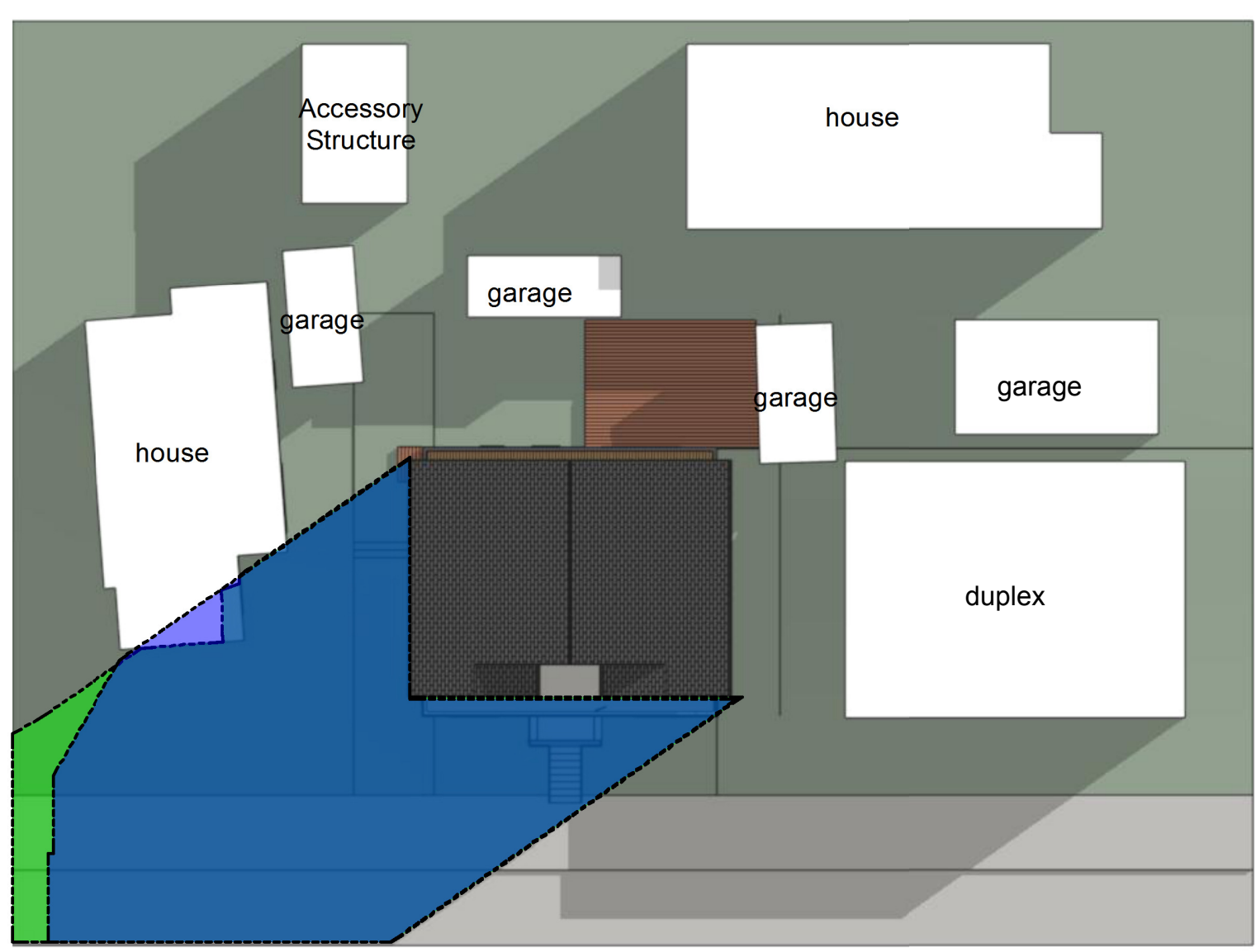
12-21-2021 / 2:54 pm



Project Site

Proposed

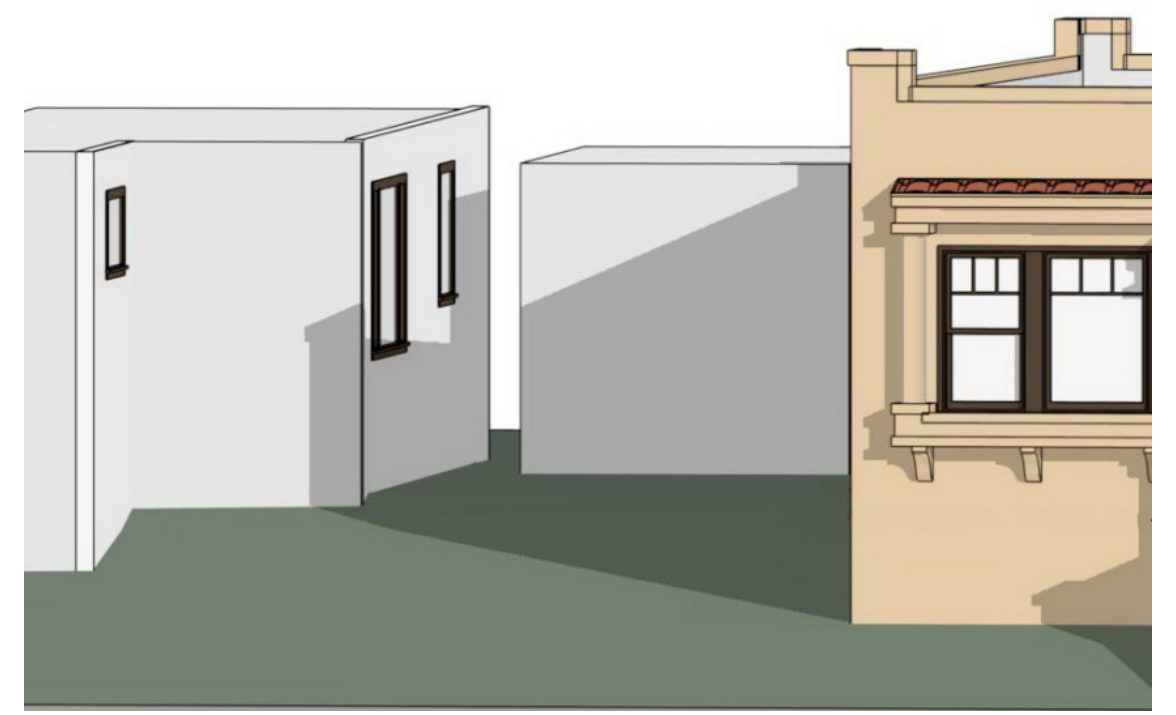
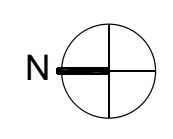
12-21-2021 / 12:00 pm



Project Site

Proposed

12-21-2021 / 9:21 am

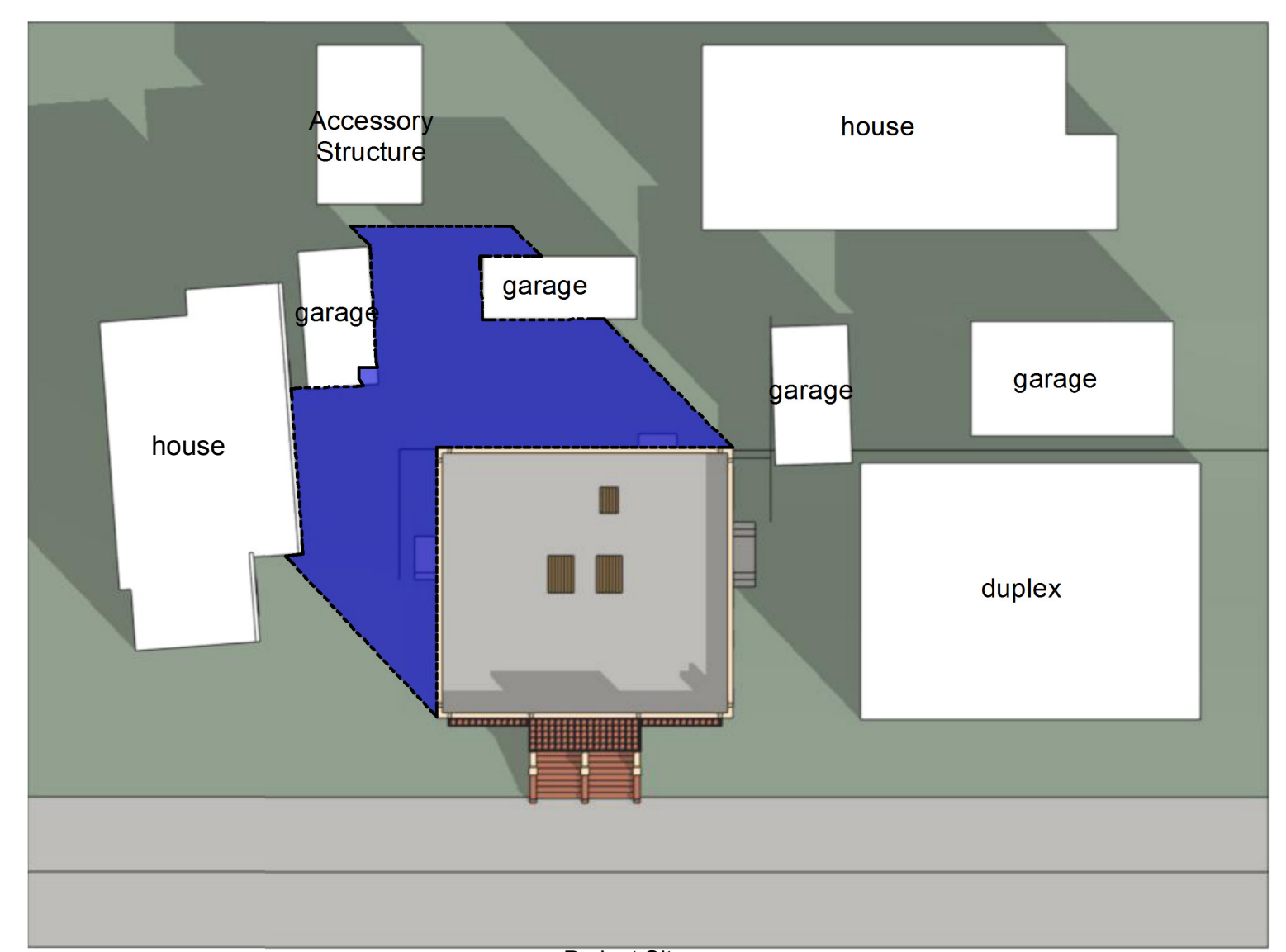


Shadow Accuracy Simulation
 12-08-2020 / 3:00 pm



Actual
 12-08-2020 / 3:00 pm

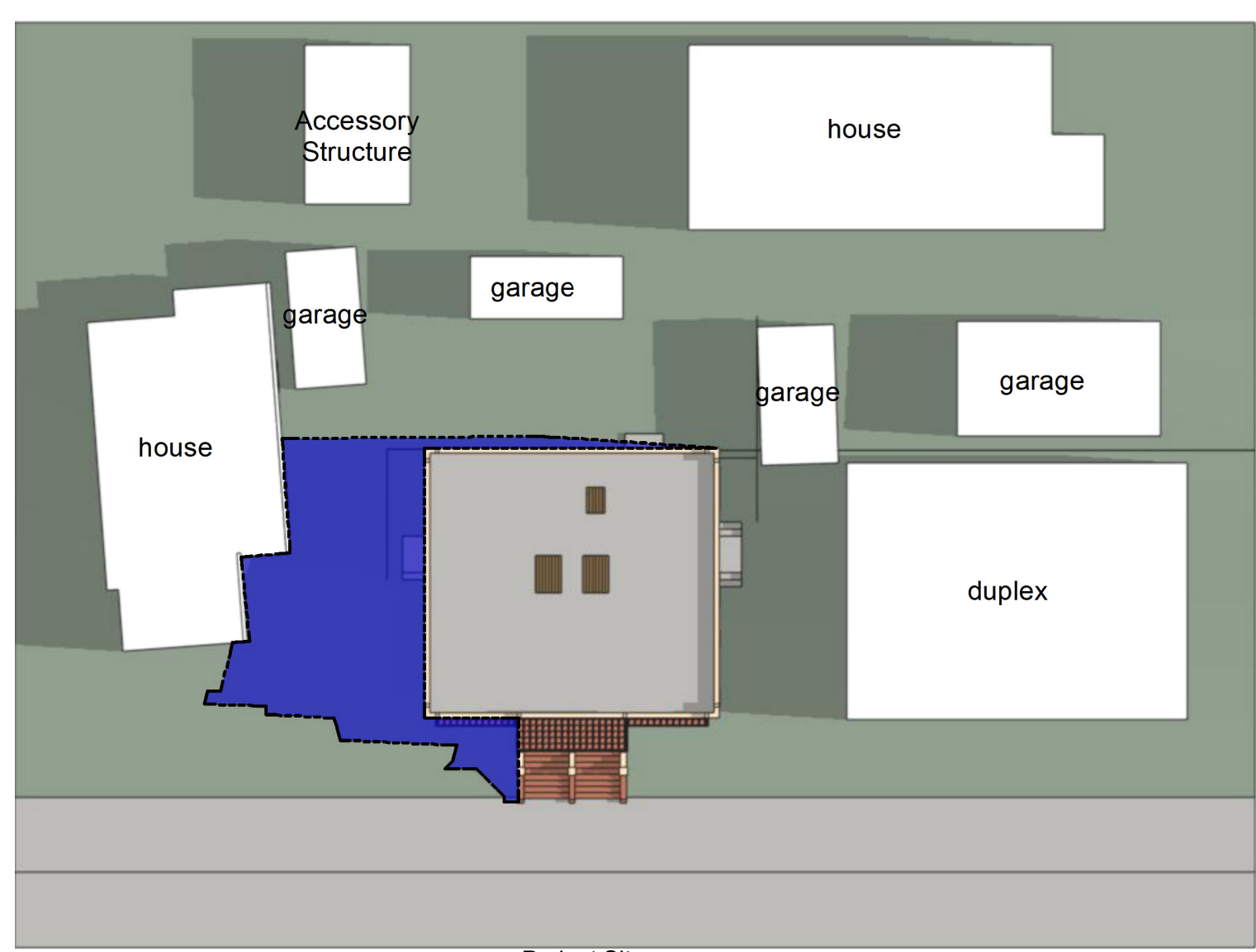
Shadow Accuracy Simulation



Project Site

Existing

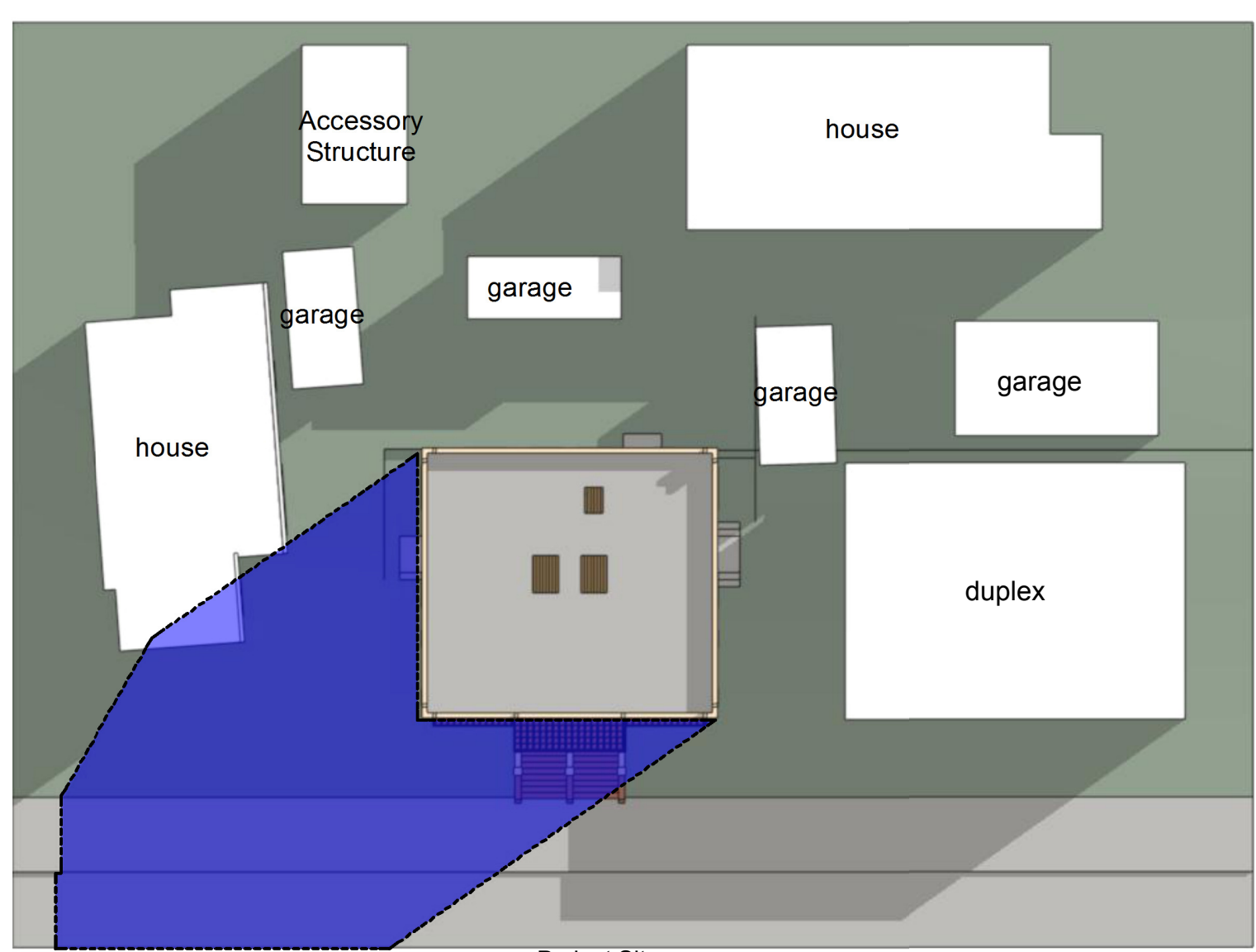
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Project Site

Existing

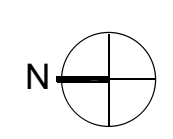
12-21-2021 / 12:00 pm



Project Site

Existing

12-21-2021 / 9:21 am



Sheet Contents:
 Shadows Studies

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: NTS

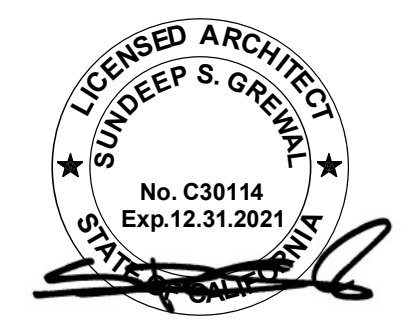
Revisions:
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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

Sheet **A4.1**

Existing Shadow Line
New Shadow Line



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Sheet Contents:
Shadows Studies

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Project No: 20-13-420

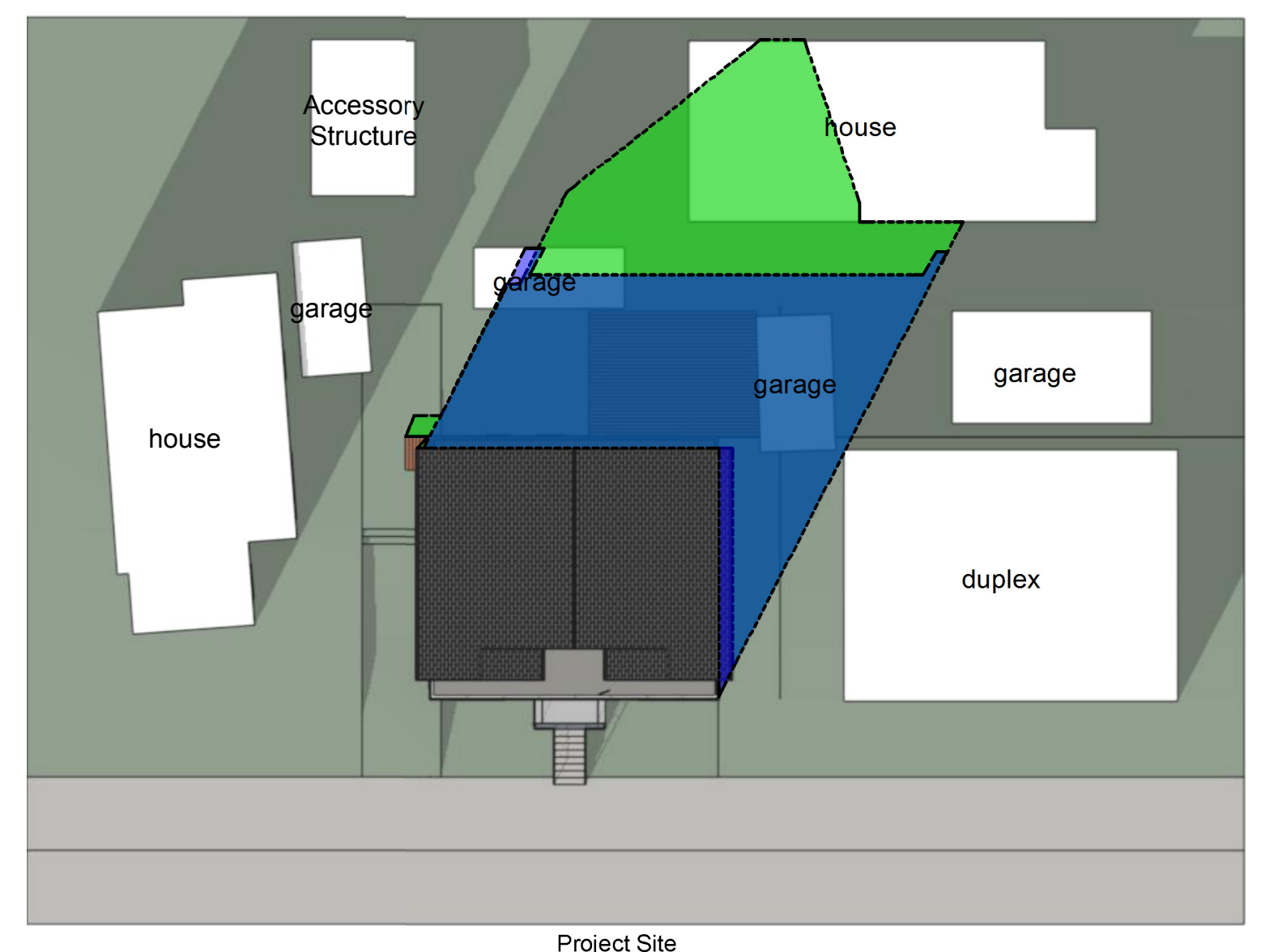
Drawn By: SSG

Checked By: SSG

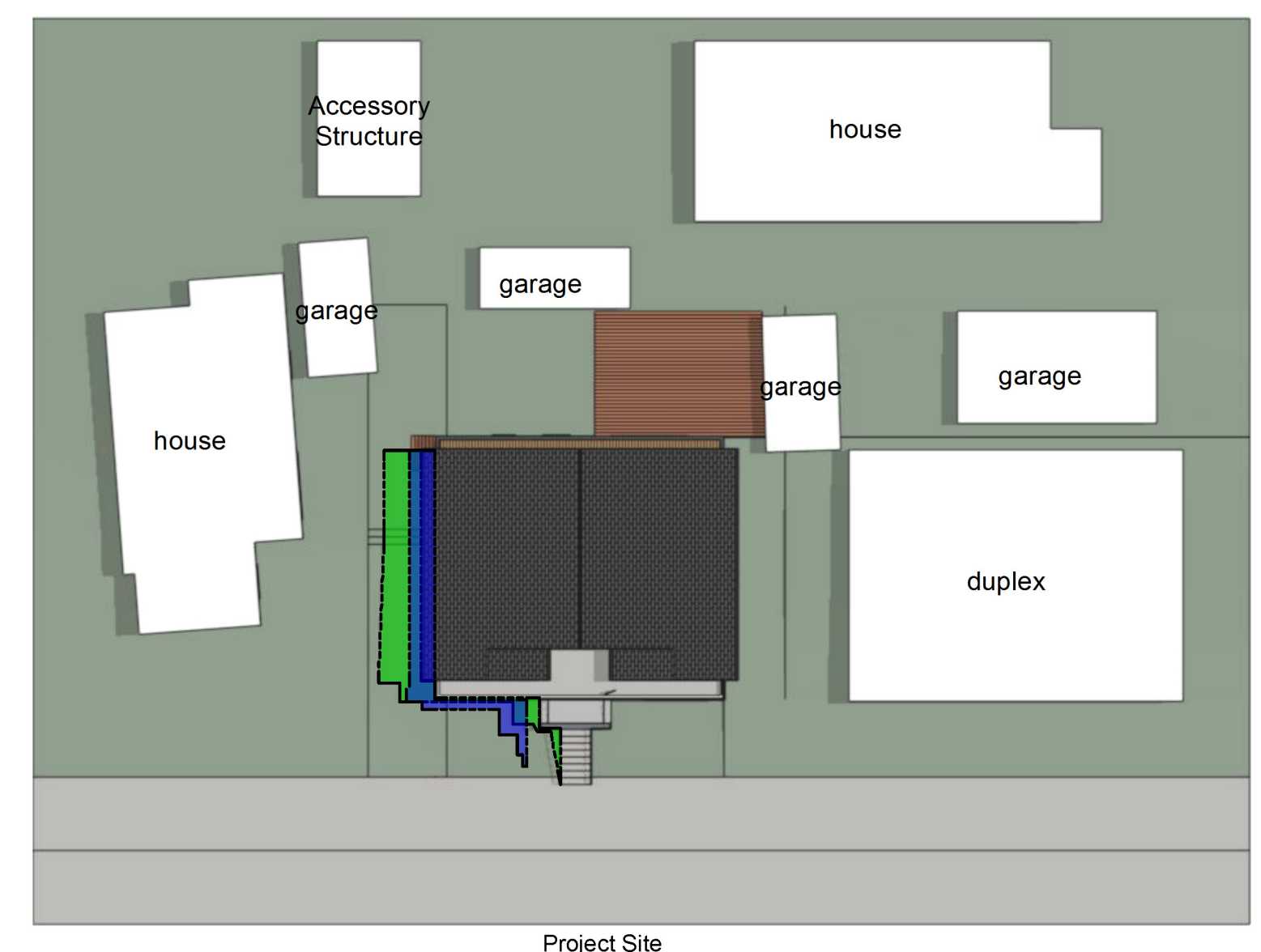
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Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet **A4.2**



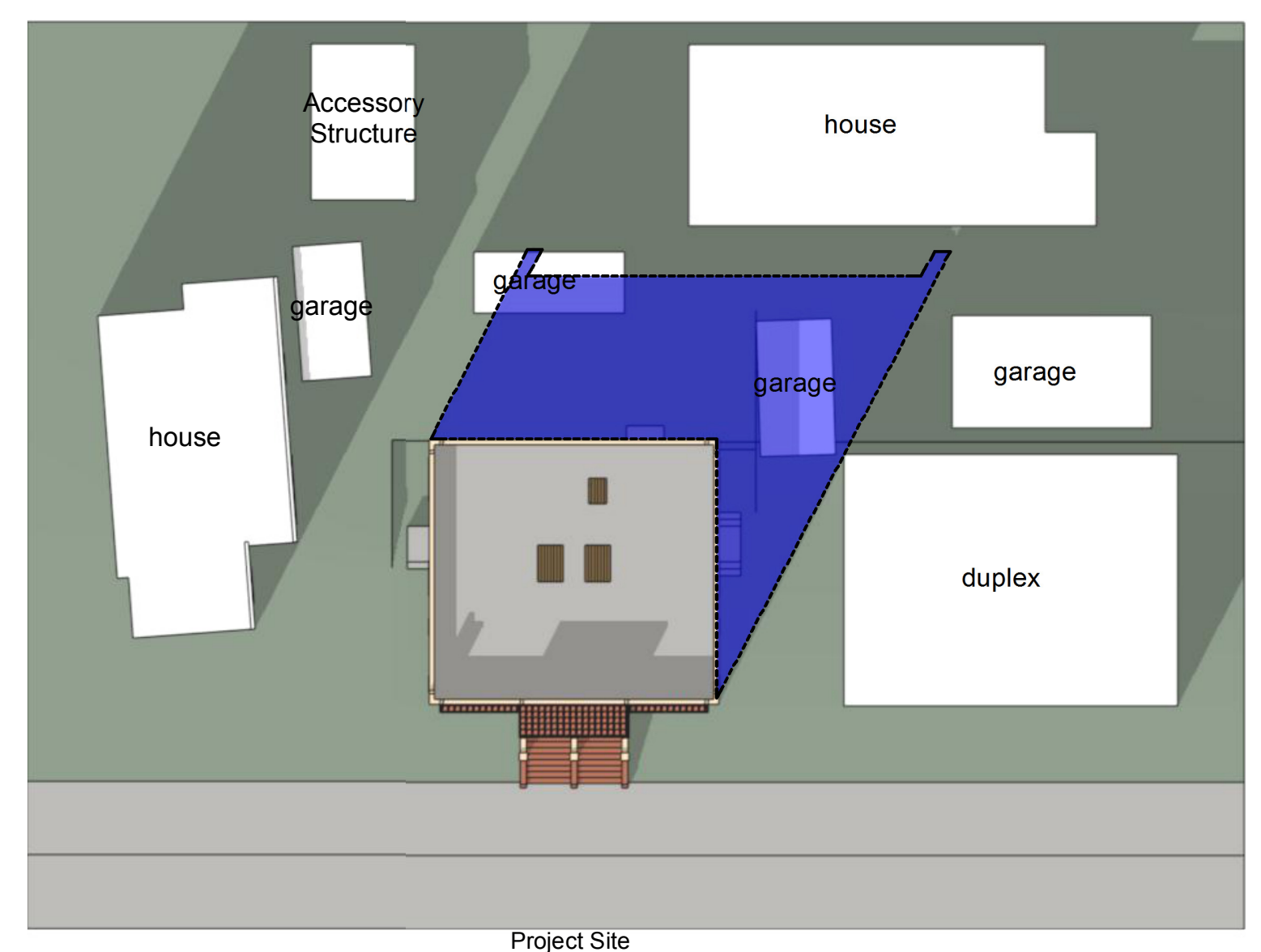
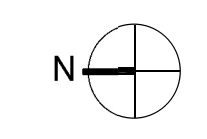
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6-21-2021 / 6:35 pm



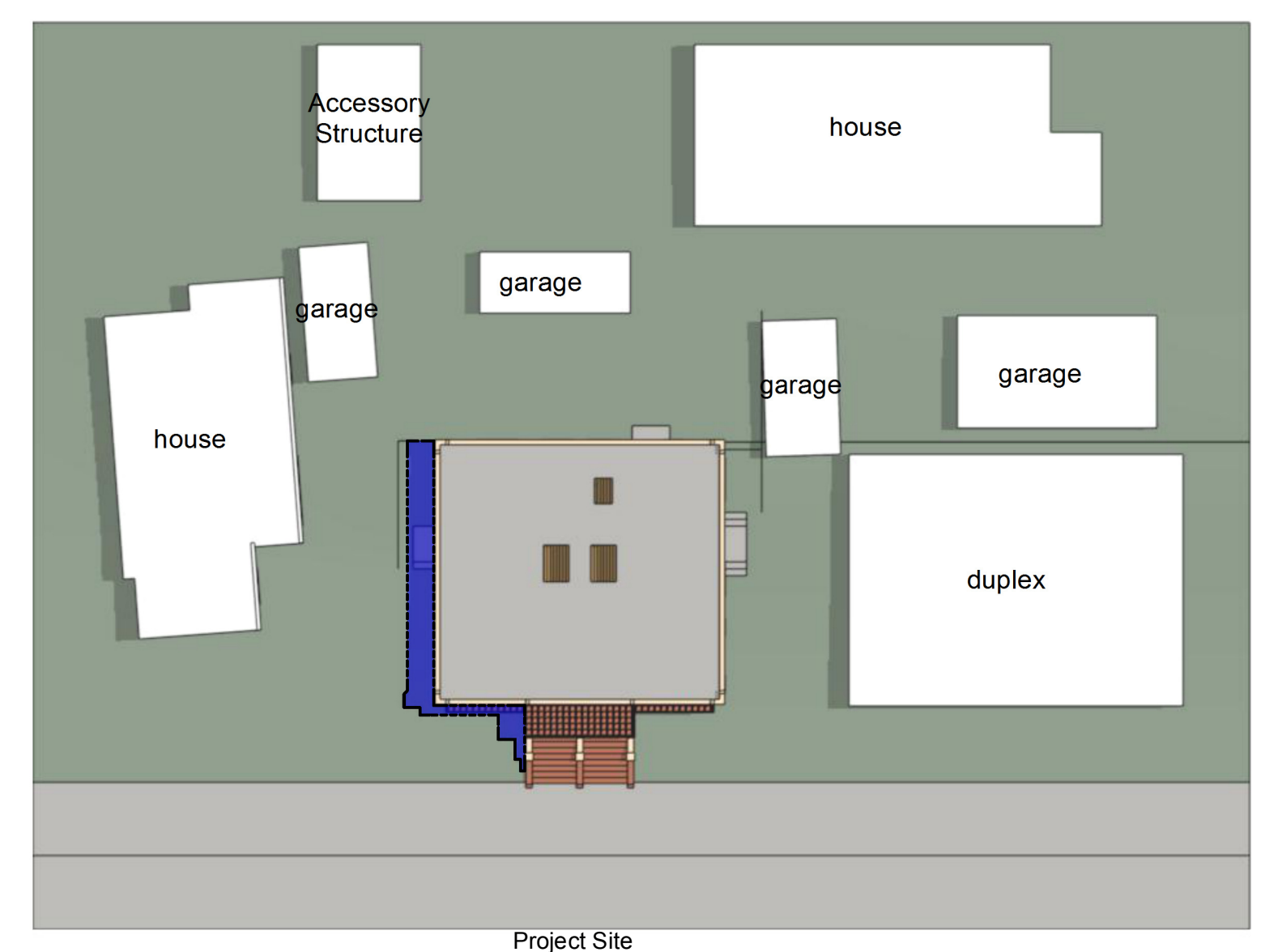
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6-21-2021 / 12:00 pm



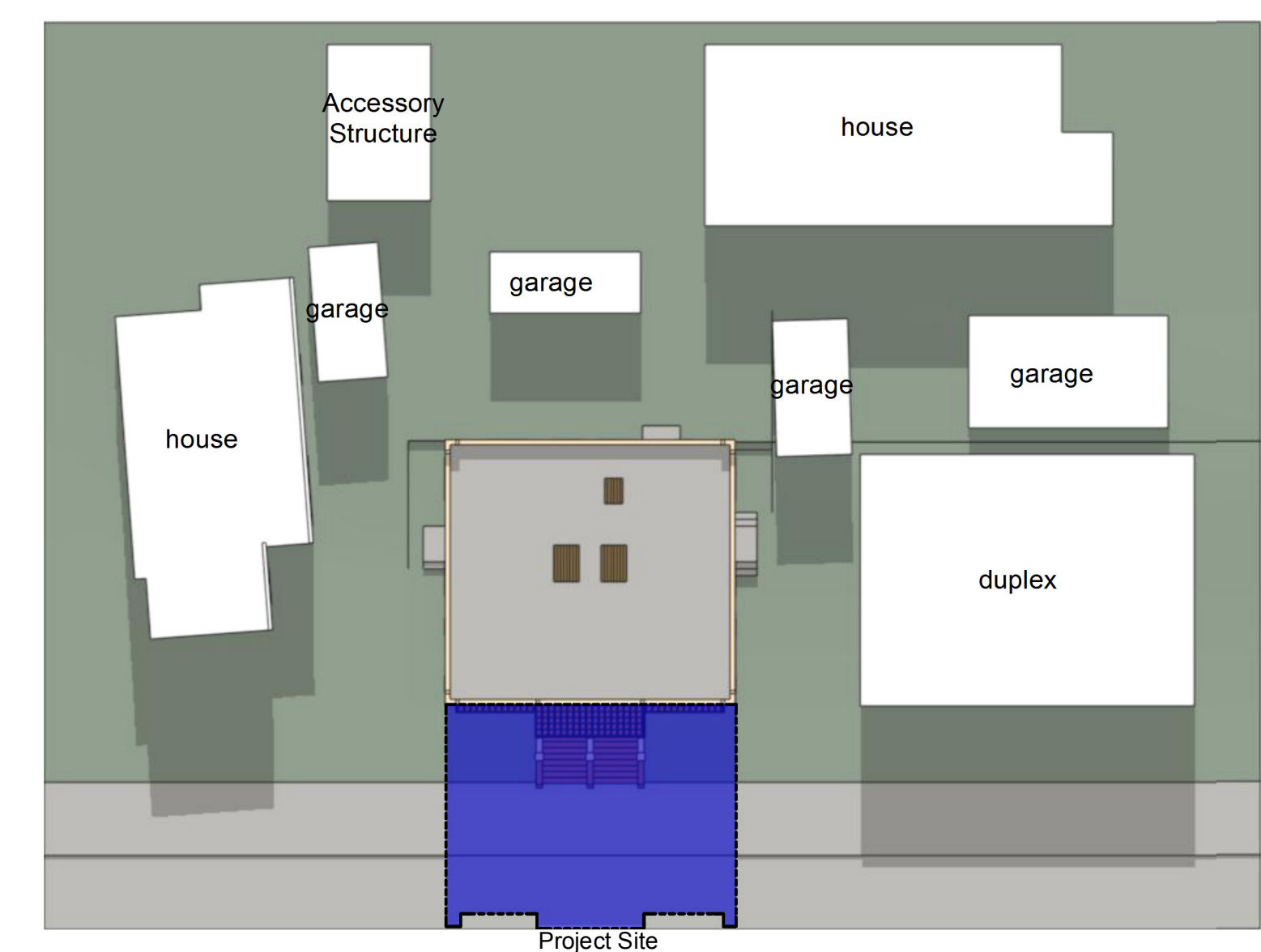
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6-21-2021 / 7:47 am



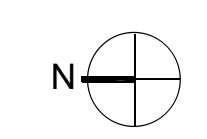
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6-21-2021 / 6:35 pm



Existing
6-21-2021 / 12:00 pm

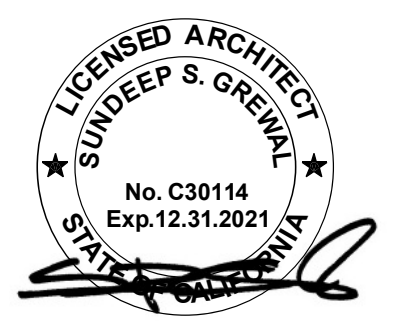


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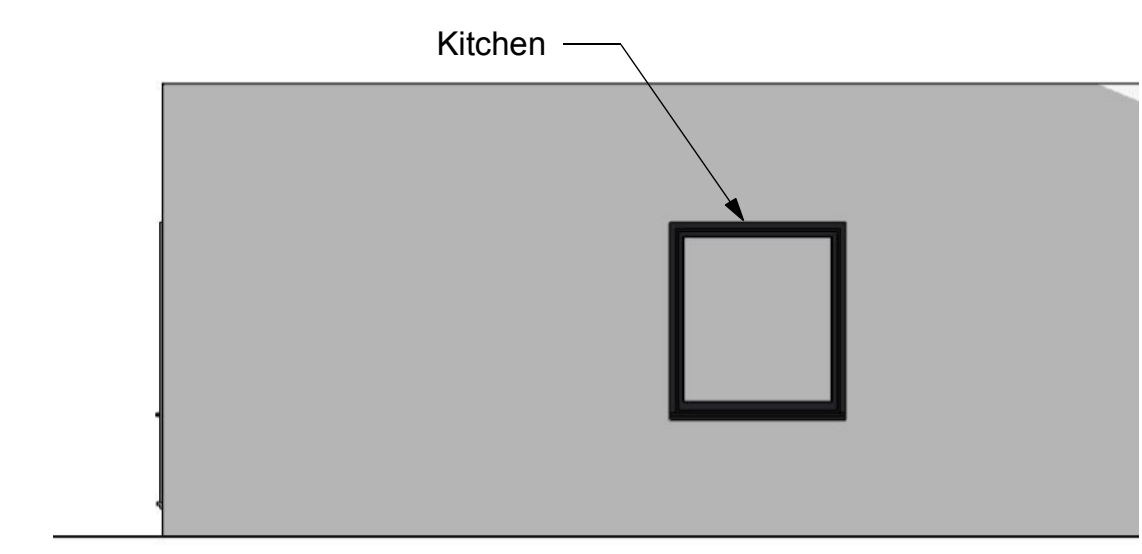


studio
g+s
ARCHITECTS

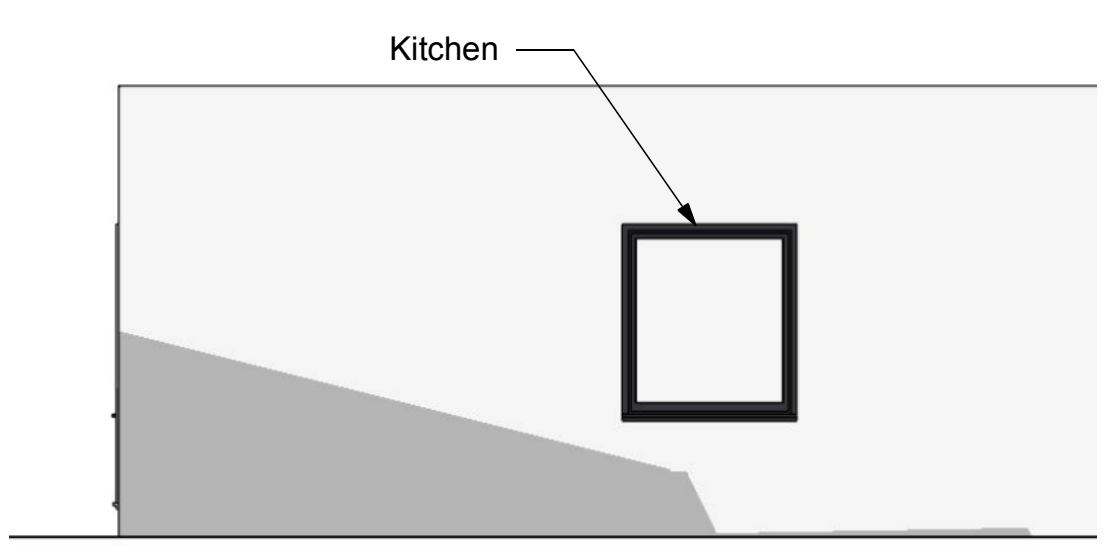
2223 Fifth St.
 Berkeley, CA 94710
 Ph: 510.548.7448
 info@sgsarch.com
 www.sgsarch.com



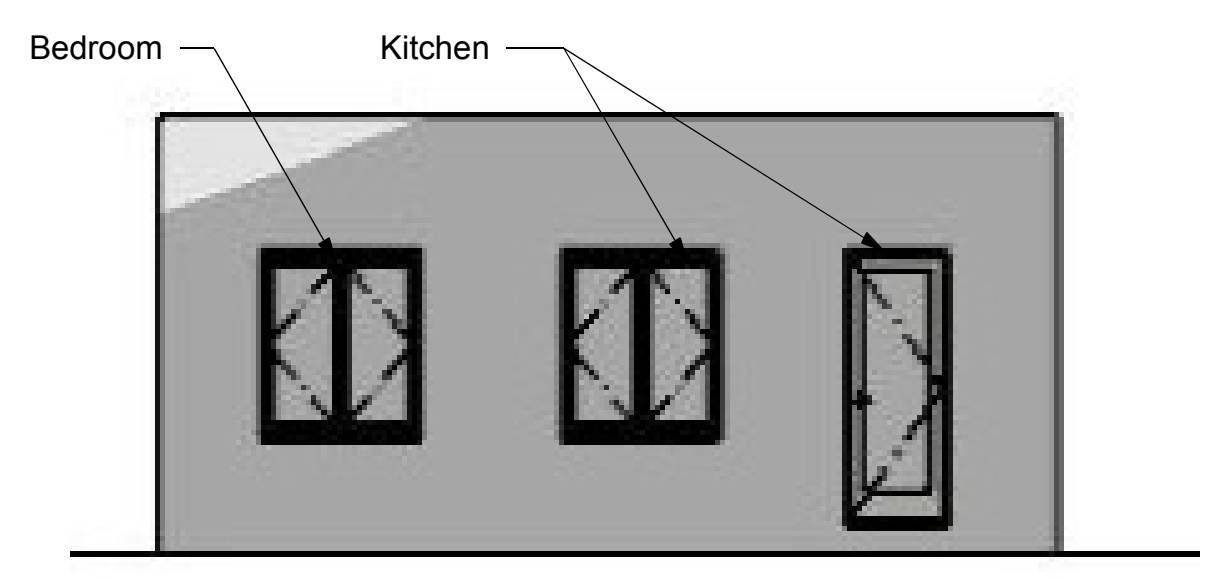
**OPPENHEIMER
 RESIDENCE**
 1643 & 1647 California St.
 Berkeley, CA 94703
 APN: 58-2156-18



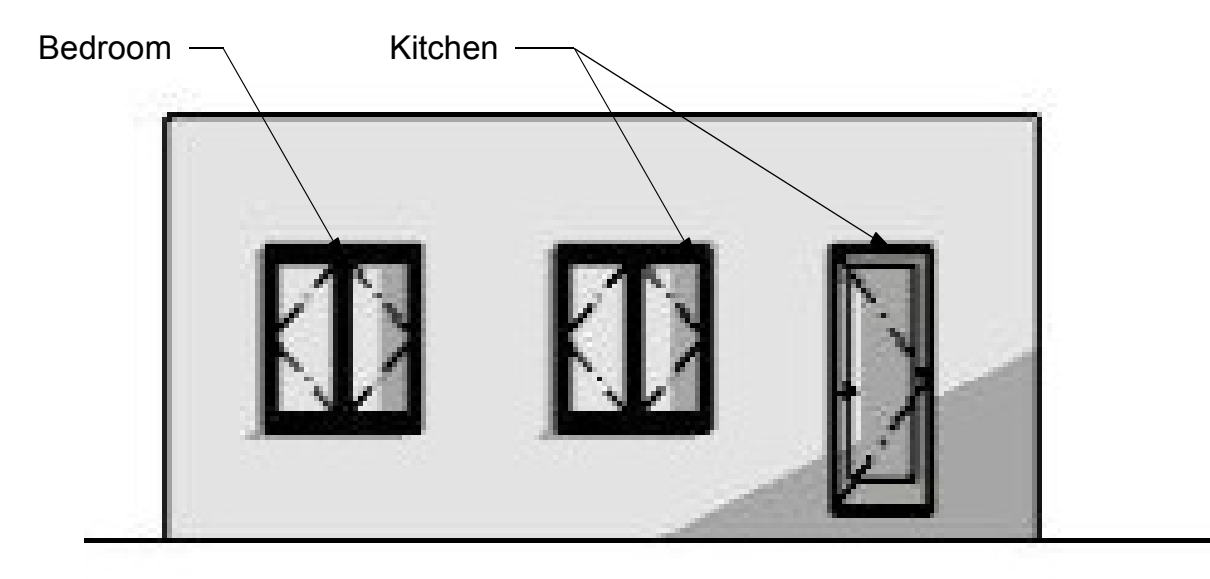
Proposed West Wall



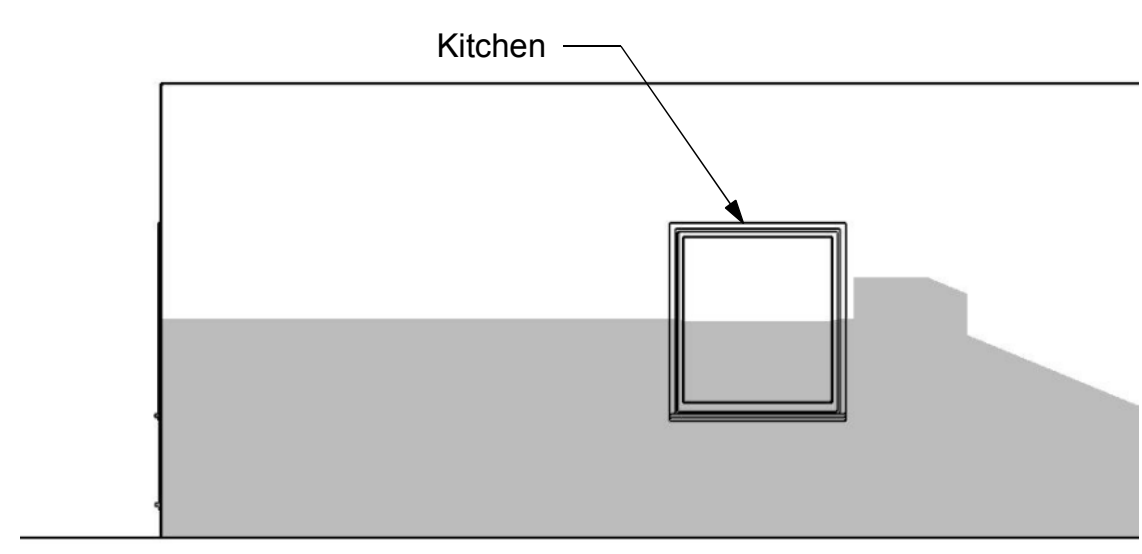
Proposed West Wall



Proposed North Wall

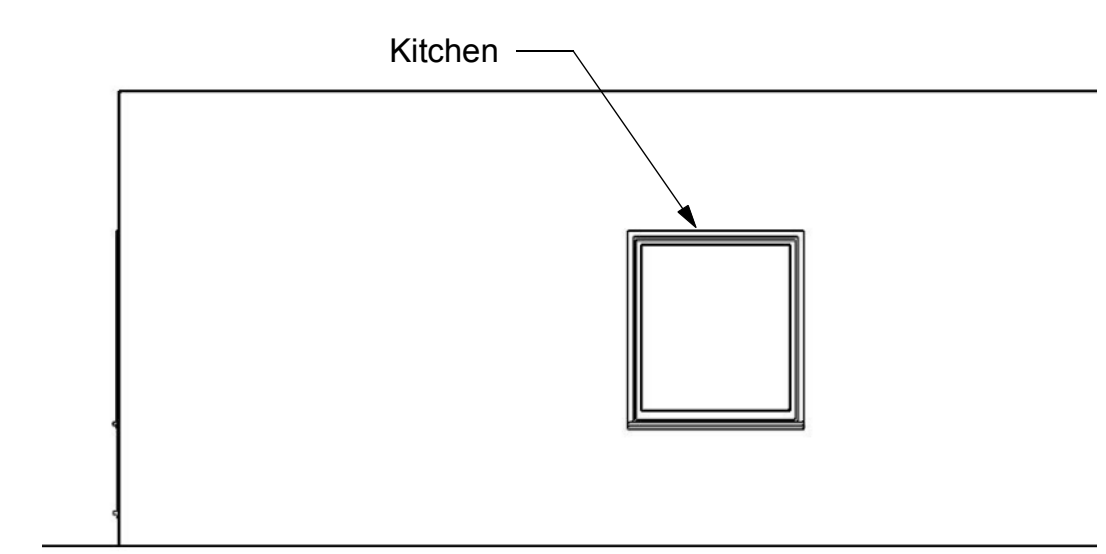


Proposed North Wall



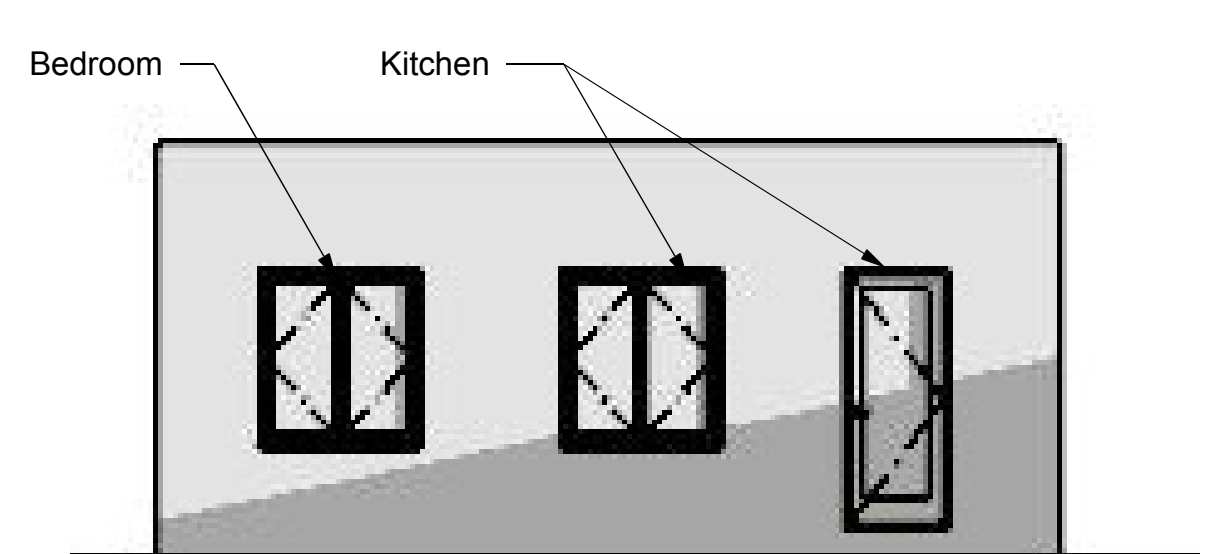
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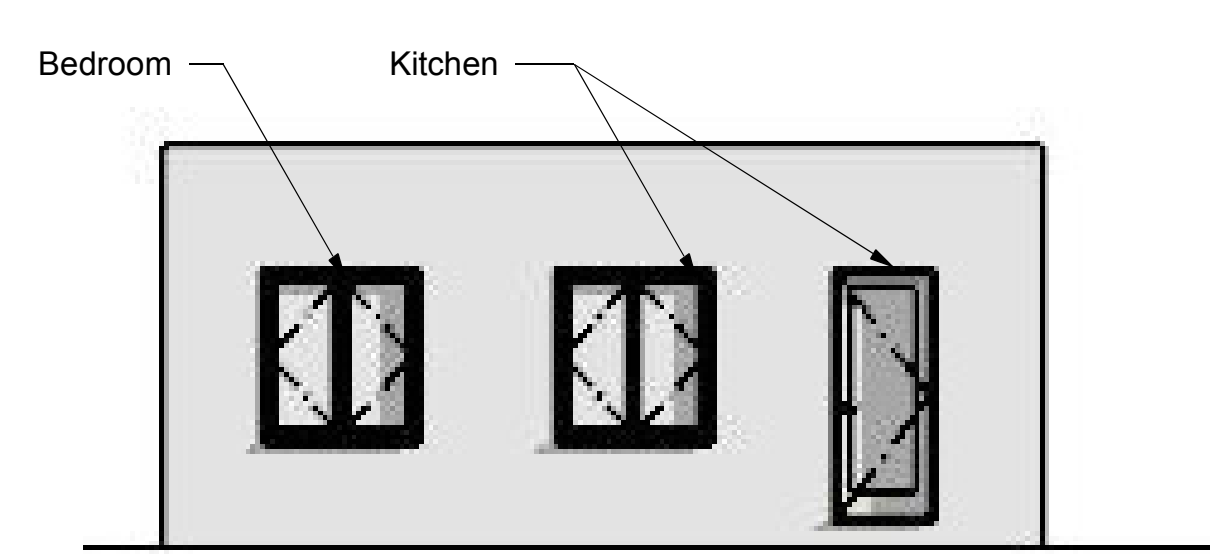
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6-21-2021 / 5:00 pm



Existing North Wall

6-21-2021 / 6:35 pm

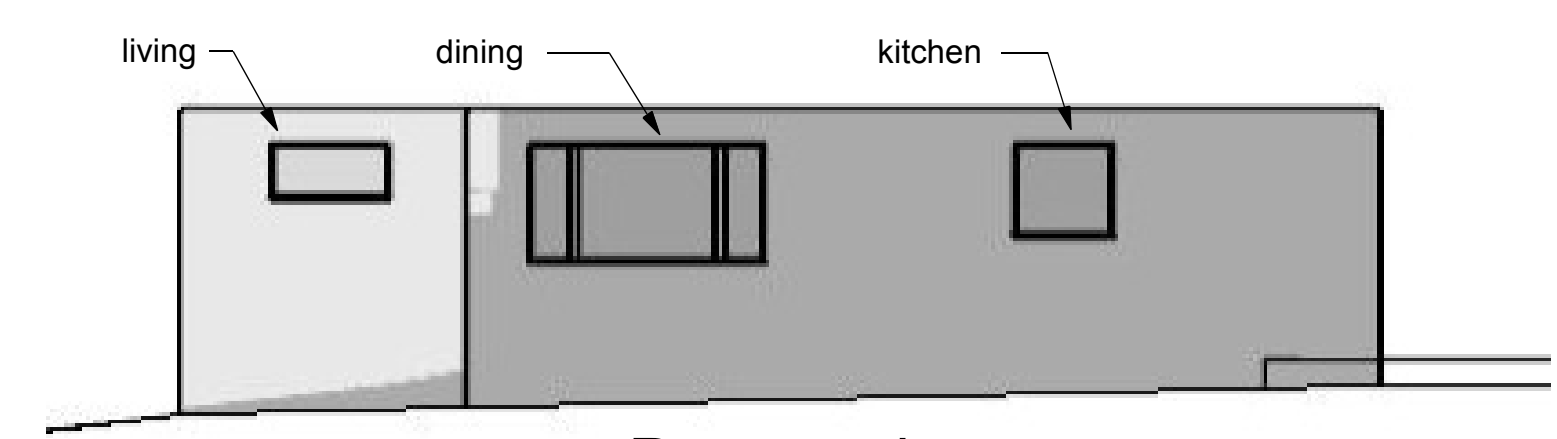


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6-21-2021 / 5:00 pm

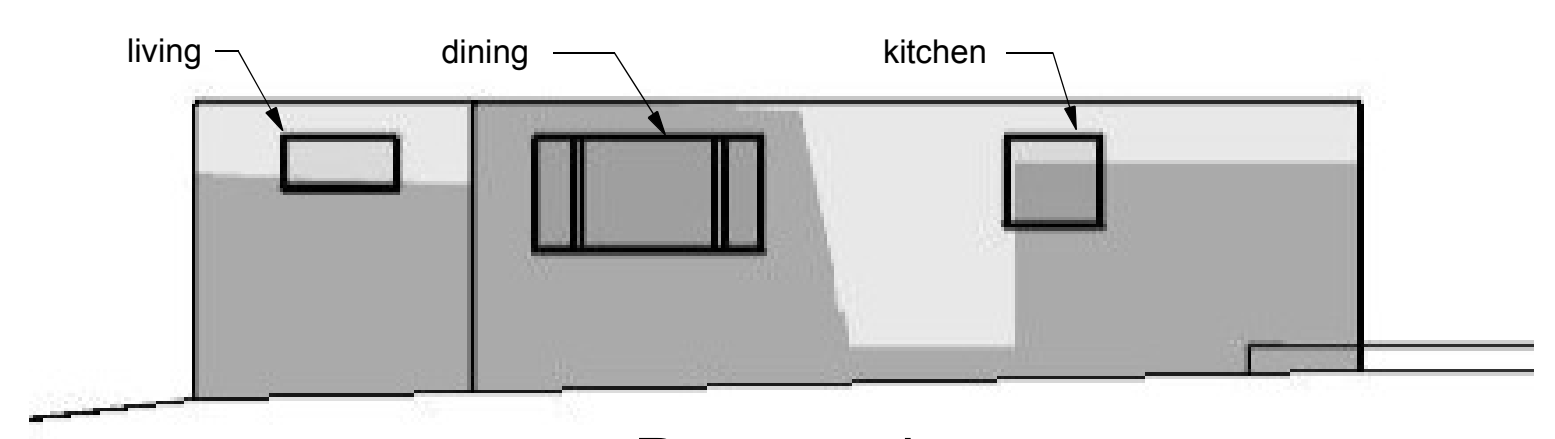
1609 Virginia St. Shadow Impact Study

Sheet Contents:
 Shadows Studies



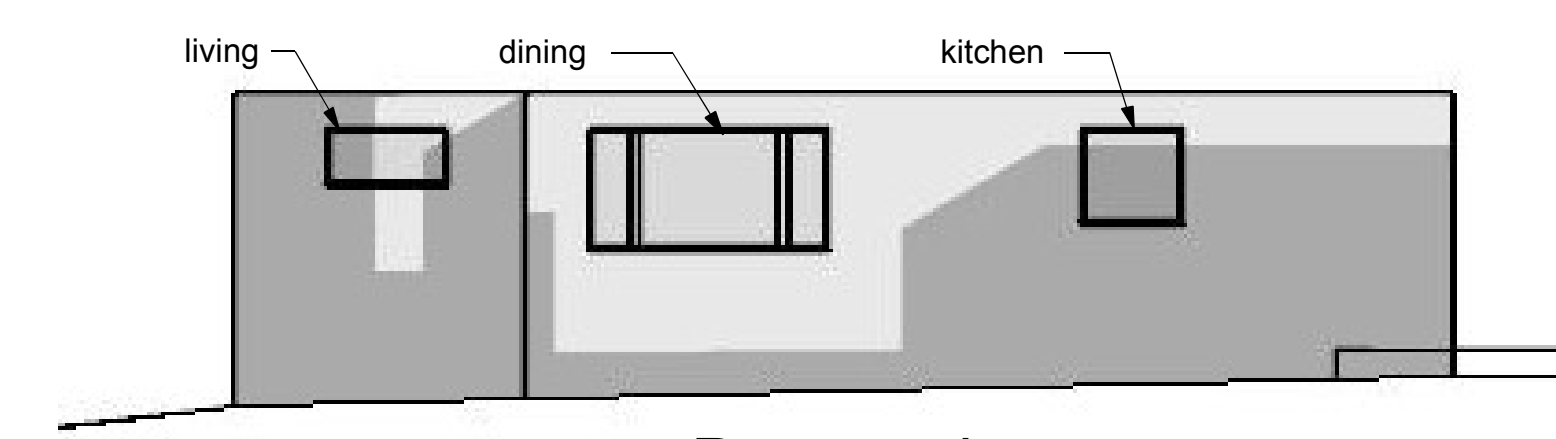
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12-21-2021 / 2:54 pm



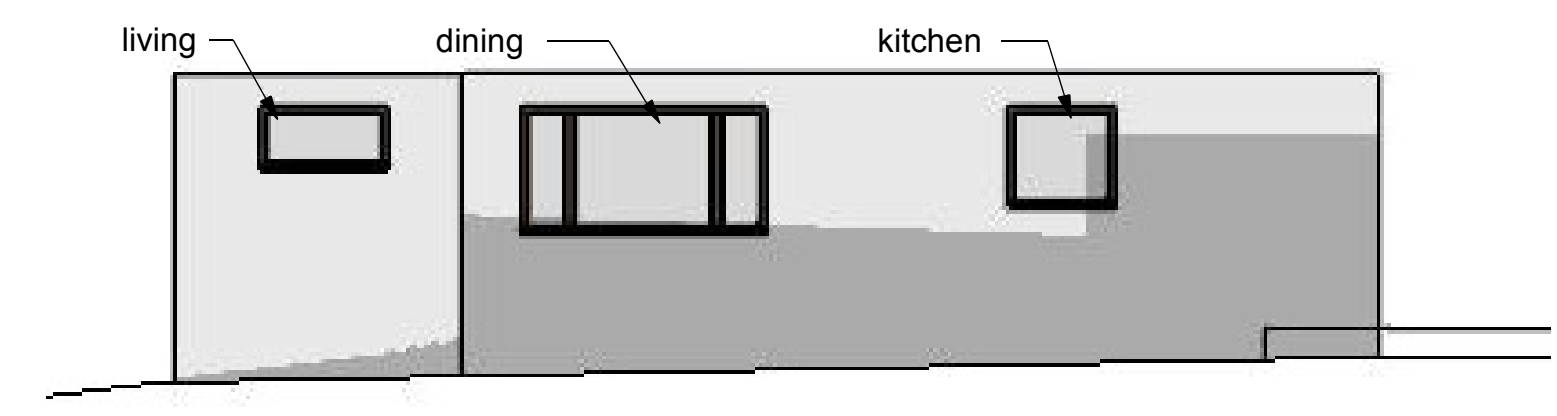
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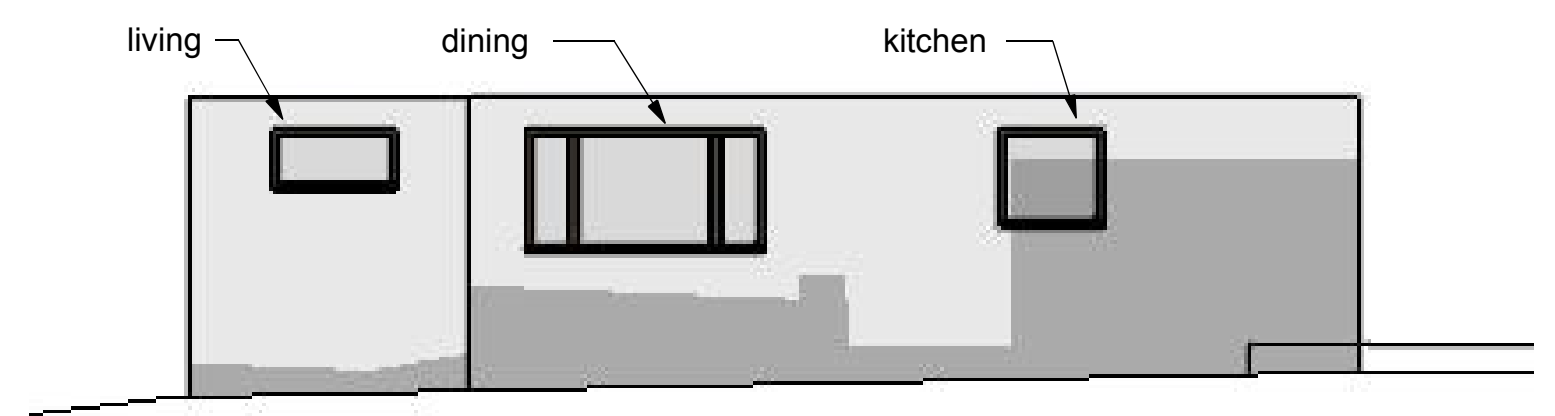


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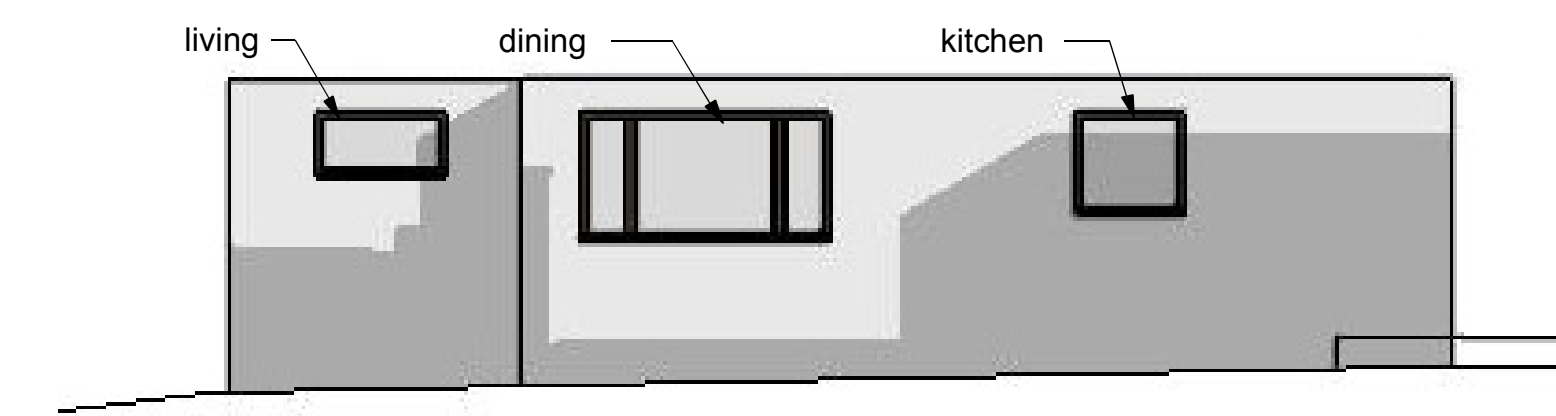
12-21-2021 / 9:21 am



Existing



Existing



Existing

1639 California St. Shadow Impact Study

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Project No: 20-13-420

Drawn By: SSG

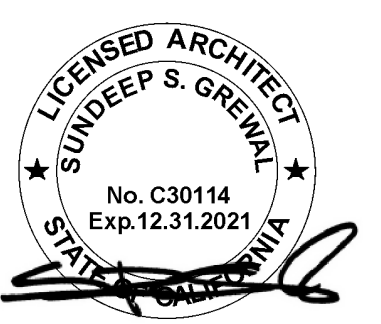
Checked By: SSG

Scale: NTS

Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

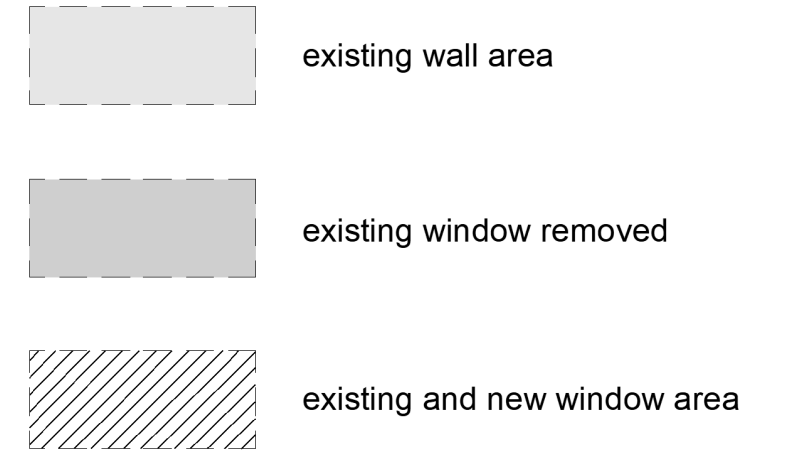
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2223 Fifth St.
 Berkeley, CA 94710
 Ph: 510.548.7448
 info@sgsarch.com
 www.sgsarch.com



**OPPENHEIMER
 RESIDENCE**
 1643 & 1647 California St.
 Berkeley, CA 94703
 APN: 58-2156-18

Wall demolition Notes:
 Total wall area: 1,921 s.f.
 Total wall removed: 520 s.f. (existing and new openings)
 Percentage removed: 27.1%



4 Proposed South Elevation - Right Side



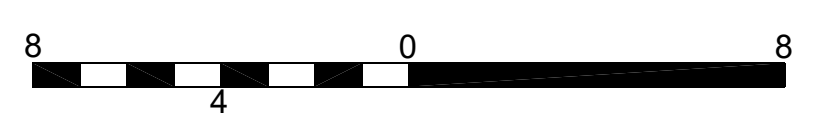
3 Proposed East Elevation - Rear



2 Proposed North Elevation - Left Side



1 Proposed West Elevation - Front



Sheet Contents:
 Demolition Diagram

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Project No:
 20-13-420

Drawn By:
 SSG

Checked By:
 SSG

Scale:
 1/4" = 1'-0"

Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021
 Planning Review: 8-26-2021

Sheet
A5.1



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

1643 & 1647 California Street

Use Permit #ZP2021-0001 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout, resulting in a 3,763 square foot duplex on an existing property

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on December 9, 2021, **conducted via Zoom, see the Agenda for details:**

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2021-12-09_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 Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23C.04.070.C to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Use Permit, under BMC Section 23C.04.070.E to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable density;
- Administrative Use Permits, under BMC Section 23C.04.070.B to horizontally extend two non-conforming yards (front and rear);
- Administrative Use Permit under BMC section 23D.28.030 to permit a major residential addition;
- Administrative Use Permit under BMC Section 23D.28.070.C to allow an addition over 14 feet in height.; and
- Administrative Use Permit under BMC Section 23D.28.050 to construct a fifth bedroom

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

D. Parties Involved:

- Applicant Sundeep Grewel, Berkeley
- Property Owner Ido and Tamar Oppenheimer, Berkeley

Further Information:

All application materials are available online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Nicholas Armour, at (510) 981-7485 or NArmour@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.

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. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

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.

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1643-1647 California ST #ZP2021-0001

From: david.hornung@gmail.com <david.hornung@gmail.com>
Sent: Saturday, November 27, 2021 8:47 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Fwd: 1643-1647 California ST #ZP2021-0001

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

Begin forwarded message:

From: david.hornung@gmail.com
Date: November 27, 2021 at 8:43:28 AM PST
To: zab@cityofberkeley.edu
Subject: 1643-1647 California ST #ZP2021-0001

Hello,

I'm writing in support of the update and enlargement of the property at 1643 California. It's been in rough shape for a long time and getting a refresh will be nice for the neighborhood and certainly the people that will live there. Hopefully it doesn't permanently displace the current tenants.

David
1536 Virginia

Cell: 415.385.5777
Jmalmuth@aol.com

The Malmuth Family
1636 California Street
Berkeley, CA 94703

December 1, 2021

Re: Proposed renovation at 1643 & 1647 California Street

Attention: The Berkeley Zoning Board:

I have had the opportunity to review Ido and Tamar Oppenheimer's original renovation plans and the renovation plans they are now proposing subsequent to modifications. I support the Oppenheimer's desire to upgrade the rather dilapidated structure they have been living in for the last 32 years. Indeed, based on my experience as a long-term Berkeley resident, I believe their project will provide the upgrade in our neighborhood that, overall, will be positive for our little section of California Street between Virginia and Lincoln. In sum, I believe the renovation will result in a positive contribution for their family and for our neighborhood.

My wife and I moved into 1636 California Street in April 1983. During the intervening 32 years we raised our 3 children and have continued to enjoy what has essentially been decades very close and stable relationships with our neighbors. Ido and Tamar Oppenheimer moved into 1643 & 1647 California Street a very small duplex, at the end of 1989. We, as our other long-term neighbors, count them as an integral part of our California Street community. During the intervening 31 years that Ido and Tamar lived across the street from us they also raised their lovely children, Gal, Tal, Or and Ron. The house that Ido and Tamar bought back in 1989 can be best described as a fixer upper. Ido was a tile installer and worked hard leaving early and getting home late. He actually tiled our home during its renovation. However, with the costs of raising their four children, Ido and Tamar could not afford the expense of renovating their home. As the years pass our neighborhood watched as their home fell into greater disrepair. It was sad to see but there was nothing they could do.

Gal, Tal, and Or are now adults, have secured jobs in the Bay Area and moved out of their childhood home at 1643 & 1647 California Street. Ron however is disabled. He has been diagnosed with a genetic disorder called X-linked retinoschisis XLR5 gene and is losing his limited sight. Ron is not permitted to drive. He relies exclusively on BART and the bus for some semblance of independence. The North Berkeley BART is two blocks from our homes as is the nearest bus stop. Now that 3 of Ido and Tamar's children have finished college they have an opportunity to renovate their home. Ido and Tamar are ecstatic, as are we, and their other neighbors; after so many years living in a rapidly dilapidating and unsafe structure, they will finally be able fix up their home while securing a place for Ron to live.

Ido and Tamar's home is very small and their lot is one of the smallest in the surrounding area. Their family has grown and they regularly have large family gatherings of one kind or another. As such, their needs have grown but the size of their house remains, small and cramped. It is for this reason I am writing the City of Berkeley. I understand that a principle exists regarding percentage of lot coverage. However, less tangible but no less important things that may not be included in the building codes include, long-term and stable neighborhoods, community, and assistance with a disabled child.

I have spoken to Ido and Tamar. Their dream is to remain in Berkeley in the house of their dreams where they have lived for 32 years, raised their children and have been such an integral part of our neighborhood. And as one of their close neighbors I pray that Berkeley will find a way to allow them to remodel their home to fit their needs and Ron's.

ATTACHMENT 4
ZAB 10-08-2020
Page 3 of 15

Cell: 415.385.5777
Jmalmuth@aol.com

The Malmuth Family
1636 California Street
Berkeley, CA 94703

Thank you,

A handwritten signature in black ink, appearing to read "Jeff Malmuth", written in a cursive style.

Jeff Malmuth

Cell: 415.385.5777
Jmalmuth@aol.com

The Malmuth Family
1636 California Street
Berkeley, CA 94703

November 1, 2020

Re: Proposed renovation at 1643 & 1647 California Street

To whom it may concern:

My wife and I moved into 1636 California Street in April 1983. During the intervening 37 years we raised our 3 children and have continued to enjoy what has essentially been decades very close and stable relationships with our neighbors. Ido and Tamar Oppenheimer moved into 1643 & 1647 California Street a very small duplex, at the end of 1989. We, as our other long-term neighbors, count them as an integral part of our California Street community. During the intervening 31 years that Ido and Tamar lived across the street from us they also raised their lovely children, Gal, Tal, Or and Ron. The house that Ido and Tamar bought back in 1989 can be best described as a fixer upper. Ido was a tile installer and worked hard leaving early and getting home late. He actually tiled our home during its renovation. However, with the costs of raising their four children, Ido and Tamar could not afford the expense of renovating their home. As the years past our neighborhood watched as their home fell into greater disrepair. It was sad to see but there was nothing they could do.

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Ido and Tamar's home is very small and their lot is one of the smallest in the surrounding area. Their family has grown and they regularly have large family gatherings of one kind or another. As such, their needs have grown but the size of their house remains, small and cramped. It is for this reason I am writing the City of Berkeley. I understand that a principle exists regarding percentage of lot coverage. However, less tangible but no less important things that may not be included in the building codes include, long-term and stable neighborhoods, community, and assistance with a disabled child.

I have reviewed the proposed renovation plans and I am in full agreement with them. I believe the renovation will result in a positive contribution for their family and for our neighborhood.

I have spoken to Ido and Tamar. Their dream is to remain in Berkeley in the house of their dreams where they have lived for 31 years, raised their children and have been such an integral part of our neighborhood. And as one of their close neighbors I pray that Berkeley will find a way to allow them to remodel their home to fit their needs and Ron's.

Thank you,



Jeff Malmuth

November 17, 2020

To Whom It May Concern:

I am the homeowner living at 1639 California St. since 1979. It has been my pleasure to be a neighbor of the Oppenheimer Family since they arrived in 1989. I have been invited to dance, circus performances, graduations, front yard visits and profited from their apricot and lemon tree for many years. As their family grew, they decided to enlarge their living space, rather than move to a bigger home. While this is against City of Berkeley housing regulations, the outside of their home has deteriorated and I support their plans to upgrade, improve and remodel their home to suit their changing needs. The stairs are steep and showing separation from the foundation. Their safety, as well as visitors and essential workers will continue to be at risk, and City of Berkeley impediments only add to the time delay in this repair. I recently invested in a complete renovation of my front yard, and this leaves the Oppenheimers home looking vulnerable and frankly, unattractive. This remodel makes sense and should be allowed to proceed.

Sincerely,

Barbara Fritz
1639 California St.
Berkeley, 94703

Nicholas Armour, City Project Planner

This is an addendum/clarification of my previous letter regarding the planned project at 1647 California St. of Ido and Tamar Oppenheimer. While I am pleased that plans to upgrade the property are in progress, the current design will have serious consequences affecting my property:

- 1) I will lose nearly all the light from the south for most of winter.
- 2) The lack of light will significantly impact the extra warmth I enjoy during those darker days. I expect an added burden relating to costs of heating the house when I am home will have a financial as well as ecological impact. As I am now retired, I am often spending more daylight hours at home, especially in the southward-facing room. Ido and Tamar are aware of my disappointment in their design, in spite of minor alterations, shade studies demonstrate loss of light.

I don't know how much my dislike of this aspect of the plans will effect City of Berkeley decisions, I am requesting some consideration of the current plan.

Sincerely,

Barbara Fritz
1639 California St.
(510) 508-1822
bfritz@sonic.net

Regarding Opposition to Application of Remodel at 1643/1647 California Street

- The proposed 3,800 sq ft, 6-bathroom, 3-level house is very excessive for the neighborhood. It will have a significant negative impact on my privacy and enjoyment of my patio and kitchen. I feel that the quality of my life will actually be degraded if this project is permitted to go forward as currently presented.
- The impact on the enjoyment of my patio will be significant. Currently, the area is very private. I have trees and bushes along the fence that divides my property with that of 1609 Virginia Street. The other three sides of the patio are flanked by the back wall of my house and the walls of my two garages. I mainly see the sky when looking up. If the owners to my north are allowed to build their proposed remodel, I would see a looming structure looking down on me and my guests instead of the sky. As I have a fairly small interior (about 800 sq ft], and we often spill onto the patio in nice weather, my privacy and the pleasure in my home would be greatly diminished. Also, privacy in my kitchen would be impacted as the remodel would allow the owners to look down into that area of my house.
- I don't think the owners of this remodel project know the comfort and enjoyment that their neighbors take from the use of their outdoors areas. They almost never use their backyard and have not developed it with sitting areas, plants, etc. That is their choice of course, but I just don't think that they realize what they are asking of their neighbors. Especially during Covid 19, I regularly have family and friends for gatherings on my patio, and we all enjoy it immensely. The lack of privacy would clearly have a very negative impact on our gatherings.
- I have invested a large amount of money in a remodel of my house/duplex: new roof line, siding, windows, and new foundation on 3 sides of the structure. I also remodeled the interior, keeping it two units and one level. My remodel did not require any variances or use permits as I kept the original footprint. The size of the owner's "duplex" at 1643/1647 California is almost identical to the size of my duplex, but my lot size is larger. I feel that I improved my property and kept within the size and spirit of the neighborhood. I think that the value and visual appeal of my house will significantly decrease with a very large adjacent house impinging on the privacy of my home.
- I know the neighbors at 1609 Virginia Street also considered the spirit and welfare of the neighborhood and the impact on neighbors in their extensive remodel and improvement of their property.
- I think that the large number of special permits that the proposed remodel needs shows that this new project is not appropriate for the neighborhood. The house would be the largest on the block and on the smallest lot. The city planning staff was concerned about the number of Use Permits and Variance requested. They also noted that the elimination

of the top floor would still allow for a large house (2,600 sq ft) for the occupants and would not impact the neighbors in such a negative way.

- I think that parking on California Street could be negatively impacted with this remodel. It is probably fine to have no off street parking for a small house, but this proposed huge house may need more cars for the occupants.
- My son and family live in south Berkeley and will inherit my duplex. I have shown him this remodel plan, and he thinks it is excessive and will decrease the value/appeal of my property.
- I am concerned that the proposed remodel is not for the owners use, and that they simply want to maximize their profit for resale. They have lived in a 1,300 sq ft house for more than 30 years while raising four children, and now they want to suddenly increase the size three times to 3,800 sq ft!
- In all of their submissions, the owners have been untrue concerning my feelings about their remodel when they indicated that I support their plan. They knew that I had significant concerns. I absolutely do not in any way support their plan and have never told them that I do. I am very disappointed about their misrepresentation since we have always had a good relationship. When the owners initially approached me about this remodel, they emailed me a narrative summary of the project. When I said that I couldn't follow the write up, I asked if they were planning a third floor. They replied "Yes" and then offered a blueprint of the project. I was now able to see that I could not endorse it. Because of how I was approached, I am now concerned that the neighbor at 1639 California Street does not realize that she will have no sun on the south side of her house during several months of the winter. Depending on when/what she saw of the remodel plans, there could be a number of things that she would not like.

Because the latest resubmission does not include many of the modifications to the plans that were requested by the City Planning Staff, and it does not consider the quality of life of the neighbors or their property values, I ask the Zoning Adjustment Board to deny or request a major modification to the plan before resubmission and continuation of the hearing.

Sincerely,

Kay Bristol
1651 California Street
Berkeley CA, 94703

(510) 872-9334

November 14th, 2021

To: City of Berkeley Project Planner (Nicholas Armour) & Berkeley Zoning Adjustments Board
RE: 1643/1647 California St., Application #ZP2021-0001

Dear Berkeley ZAB members and Mr. Armour,

As owners and residents of 1609 Virginia St., the property directly east of (behind) 1643/1647 California St., we are deeply opposed to the scope of the proposed project. We request that the Zoning Adjustment Board either deny the application outright or ask for a major modification to the plan before resubmission and continuation of the hearing on this matter. We want to clarify that this request is entirely based on the plans and scope of the proposed project and on the impact these would have on our property and the neighborhood; we have had cordial neighborly relations with the project proponents for more than 20 years and hope that will continue, but we simply cannot agree with the proposed project.

Our request is based on multiple factors:

- the impact of the proposed project on privacy, light and air to us and other adjacent neighbors,
- zoning rules and the considerable number of adjustments (Use Permits, Administrative Use Permits, and Variances) being sought via this application,
- the out of proportion scale of the proposed structure considering the small lot size and the zoning in our neighborhood,
- the removal of two small living units, in favor of one large home and an apartment, and
- the fact that the application ignores the suggestions from the city planner regarding how to make the remodel have significantly less impact on the neighborhood.

The proposed expansion from a one-story duplex to a three-story structure (two floors and a fully finished basement) would bring substantial negative impact to our privacy, air and light, and in so doing would be detrimental to the peace and comfort of our family. The value of our home both currently and considering future potential improvements would also be substantially reduced, thus causing injury to our property. This harm would stem specifically from the proposed upper floor. It is also the proposed upper floor that is the primary source of negative impact to the other adjacent properties

1. The substantial reduction in light our property and home would experience is evident in the third iteration of the shadow study Mr. Armour had to request from the applicants. This shadow study shows a considerable decrease in afternoon/evening summer sunlight into our house (through both the kitchen windows on the north and west sides, and through the bedroom windows on the north side) as well as into our deck and yard. The shadow study also shows reduced winter-time light into our accessory structure which is a bedroom/office.
2. In terms of privacy, the windows from the bedroom and bathroom on the east side of the proposed upper floor would look down not only into our yard and onto our back deck, but also directly into the very large northern windows of our kitchen and bedroom (~58 sq. ft. of glazing)

(and through the bedroom, into our bathroom), as well as into the bedroom of our backyard cottage. (Please see pictures at the end of this letter.)

3. Given the small footprint of our house, we use our yard daily, almost year-round, for eating, socializing and relaxing. As we have remodeled our home and yard we have created multiple, small outdoor spaces that we use for various purposes as if these were outside rooms. Our yard is very much an extension of our house. As a result, the harm to privacy and light from the proposed project would have a tremendously negative impact on us.

Together, these impacts to privacy and light would damage both our peace and comfort, and thus our quality of life. The proposed project would also be injurious to the value of our property and to the value of the substantial improvements we have made to our property over the years.

The proposed project is inconsistent with the lot size and the neighborhood as shown by the large number of adjustments (UP/AUP/Variance) that would be needed to proceed. When we were searching for a home to purchase more than 20 years ago, we educated ourselves about zoning ordinances -- as we feel all property owners have the responsibility to do -- so that we would understand both the limitations we might face on future renovations to our property, and the potential for construction and/or limitations on construction of the adjacent properties. It was in part with the knowledge of the non-conforming nature (lot coverage, density and setbacks) of this neighbor's duplex that we purchased our home. We similarly considered those limitations a few years ago when we remodeled our home to maximize our light and privacy without ourselves seeking any zoning adjustments. We knew what the zoning regulations would and would not allow our neighbors to do on their properties, and we redesigned our home with those parameters in mind.

Now the application before you appears to seek a total of seven UP/AUP/variances. These permits and variances are being sought to overcome the limitations of the small lot size of their property and to allow construction that would dramatically lower the value of our house. The list of requested adjustments are:

1. UP for enlarging a non-conforming density unit,
2. UP for addition/expansion of non-conforming lot coverage,
3. AUP for extension of non-conforming rear setback,*
4. AUP for extension of non-conforming front setback,
5. AUP for addition over 600 sq. ft.,
6. AUP for creation of 5th bedroom, and
7. Variance for exceeding lot coverage.

*Note that while the applicants claim in their final submission that the rear setback AUP is no longer needed because they eliminated the rear deck on the upper floor, we wonder whether this is correct given that they still propose to build the full depth of the new basement level within the setbacks. Even if the AUP for extension of non-conforming rear setback is no longer needed, the application would still be asking for six adjustments or exceptions to zoning ordinances

Just the sheer number of exceptions to zoning ordinances requested would seem to be a clear indication that the scope of the proposed project is beyond what is appropriate for this lot and neighborhood.

This exact point was raised by the city project planner in his response to the initial submission, “staff has concerns with numerous Use Permits and Variances requested to expand existing structure.” Nevertheless, the applicants’ resubmissions failed to heed his suggestions.

Considering the circumstances of this particular case and the injury that would be caused to our peace and comfort as well as to our property and improvements thereto, we hope the ZAB will find it cannot approve the requested use permits and variance.

The proposed remodel is out of character with the neighborhood while also reducing the amount of small, lower cost units on the block. Our neighborhood is zoned as R-2 Restricted Two-Family Residential, with the purpose being to promote medium density residential areas with reasonably open and spacious development including a range of housing types ranging from single-family, to duplexes to small apartment structures. The R-2 zoning exists to “make available housing for persons who desire a range of housing choice with a relatively large amount of open space... (and)... to protect adjacent properties from unreasonable obstruction of light and air.”

The property with the proposed remodel was originally built in 1924 as a 1,342 square foot duplex with a 60 sq. ft. porch and no off-street parking on a 3,142 sq. ft lot. This was a 44.6 % lot coverage, exactly the maximum allowed for a single-story structure. Such a duplex on a small lot is a perfect way to incorporate lower income units into a neighborhood. In 1952, the storage sheds (167 sq. ft. not shown on the maps in the submission) were added, further increasing lot coverage to 49.94% and thus making this a non-conforming property.

The proposal now before the board seeks to further expand the density on this lot by allowing one of the largest houses on the block to be built on one of the smallest lots on the block -- without requiring any off-street parking. The proposal seeks permission for two small (667 sq. ft.) units to be replaced by a 3,763 sq. ft structure comprising a very large home (3,262 sq. ft.) and a tiny (501 sq. ft.) apartment. We feel that this proposal does not fit with the purpose and parameters of the zoning for our neighborhood.

The project proponents try to justify their high-density proposal by saying that multi-story homes are normal, that they don’t have the space to add off-street parking, and that they are removing the storage sheds to create more yard space. Specifically, the application seems to suggest that the owners should somehow be allowed to make a *quid pro quo* trade by removing the added 167 sq. ft. storage sheds, and instead adding another floor to their structure. This makes no sense given that the initial adjustment allowed to construct the storage sheds had absolutely no impact on the neighbors, while adding another floor on top of the existing roof very much does.

The concern around the proposed structure being too large was noted in the response from the city project planner who asked for “significant modification to the proposal” and recommended elimination of the entire upper floor to eliminate impact to the neighbors. Unfortunately, the proposal resubmission ignored this suggestion.

The property in question is extremely run down and clearly in need of significant repair. While we, like many others in the neighborhood, would therefore like to see the property maintained and renovated, we do not feel it is appropriate to suggest – as the application does – that it is impossible to remodel the property if this application for a massive three-level house is not approved. Both we and other neighbors have invested substantial amounts into extensive remodels that did not adversely impact adjacent properties or require zoning adjustments.

For the above reasons we ask that the Zoning Adjustment Board either deny this proposal outright or request a major modification, in line with the changes originally suggested by the city project planner, before resubmission and continuation of the hearing. A proposal that eliminates the top floor and retains the fully finished basement would still double the size of the living space to ~2700 sq. ft. and would thus still be one of the largest houses on the block, while having no impact on the neighbors.

Most sincerely,

Adam Safir
cederfir@hotmail.com
510-725-9350

Anna Cederstav
acederstav@gmail.com
510-847-3371



Picture 1: View from our north-facing bedroom window at eye level. The beige house beyond our red garage is the one proposed for expansion. The current windows on that property are not visible from our bedroom, but windows on a top story would look directly into our bedroom.



Picture 2: View from our west-facing kitchen window at eye level. The beige and stucco house behind their metal-bar gymnastics structure is where a third level blocking the trees and sky would be built.



Picture 3: View from our north-facing kitchen window at eye level. The current windows on back of 1643/1647 California house are not visible from our kitchen, but the windows on a top story would look directly into our kitchen.

Armour, Nicholas

From: Kay Bristol <kbristol@berkeley.edu>
Sent: Friday, June 25, 2021 2:26 PM
To: Armour, Nicholas
Subject: Remodel ZP2021-0001

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

Dear Mr. Armour

I am the neighbor to the south of the proposed remodel ZP2021-0001 at 1643/1647 California St. I own the small duplex at 1651/1653 California St. I live at 1651 California St. and I really do not want this remodel to be approved. As Anna Cederstav and Adam Safir said, it would adversely effect the light, privacy, appeal and probably the property value of my duplex. I feel the submission of this remodel was misleading as to my support of it.

Anna, Adam and I have each spent a large amount of money remodeling our properties in their original footprint. We do not want the aesthetics or resale value of efforts to be diminished.

If possible, could you please advise me if this remodel project moves forward?

Regards,
Kay Bristol
1651 California St,
Berkeley, CA 94703
510-872-9334

June 25th, 2021

To: Project Planner, City of Berkeley (Nicholas Armour)
RE: 1643/1647 California Street, Application #ZP2021-0001

Dear Mr. Armour,

As the owners and residents of 1609 Virginia St., the property directly east of the above cited proposed project, we would like to express our opposition to the proposed remodel of 1643/1647 California St. The proposed project requests multiple zoning exceptions/variances to enable construction of a three-story house (two stories plus a finished basement) in place of the current one-story structure.

While we recognize that the house in question is in need of repairs, we do not agree with the proposed expansion. The proposed remodel would bring significant adverse impacts to the light, air, and privacy of our house and yard, which in turn would dramatically reduce our property value.

When we purchased our home in 1999, we researched the zoning regulations to determine whether adjoining properties could be remodeled in ways that would harm our property value. We learned that the excessive lot coverage and non-compliance with rear property setbacks meant that neither of the structures due west of ours, should be allowed to undergo substantial expansions. We can only assume that the Oppenheims did similar research before purchasing their house, and thus knew they would likely not be allowed to do this kind of remodel.

We know from personal experience how strict the City of Berkeley is with variances and rear property setbacks. In 2006, we wanted to insulate the ceiling in our backyard cottage. Yet the City would not allow us to raise the roof of that structure by the mere couple of inches required to install the insulation required by code. We can thus only assume that the City will absolutely not permit the substantial variances requested for this project

For the record, we note that the application states that "We also have support of both neighbors on each side." This is incorrect. There are three neighbors in question. We most certainly do not support the proposed project and we know that the neighbor immediately to the south is similarly opposed, again because of the proposed height increase, privacy and lot coverage issues.

Please contact us with any follow-up questions you may have, as well as to let us know if this project advances, in which case we would plan to submit more detailed comments.

Most sincerely,

Adam Safir
cederfir@hotmail.com
510-725-9350

Anna Cederstav
acederstav@gmail.com
510-847-3371

SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA

ZAB 12-09-2021

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Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Attn ZAB Secretary: Comments for 12/9 hearing on 1643-1647 California Street, Use Permit #ZP2121-00001

From: Anna Cederstav AIDA <acederstav@gmail.com>
Sent: Tuesday, December 7, 2021 11:24 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Attn ZAB Secretary: Comments for 12/9 hearing on 1643-1647 California Street, Use Permit #ZP2121-00001

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

Dear Members of the Zab -

These comments supplement the ones we have already submitted related to 1643-1647 California Street, Use Permit #ZP2021-000, and highlight our concerns regarding the process that the City of Berkeley required for the proposed project because of COVID.

We feel that the COVID- adjusted process applied in this case may have inappropriately reduced informed public participation. We would therefore like to request that if this project is for some reason resubmitted, the city require posting and adequate transfer of information, including a requirement to proactively share detailed project plans with all neighbors if any variances are being sought.

Because the city in this case did not require the placement of yellow posters illustrating project plans on the property for the duration of a remodel permitting process as per past city practice, neighbors had no easy visual access to project plans, and were thus not able to easily gain a sense of how the project could impact them. Berkeley is a very diverse community, and it cannot be assumed that everyone has a computer they can easily use to track down information on a website, or the time and bandwidth to do so, especially in the midst of a pandemic.

While the city did mail neighborhood residents to alert them of the project, those mailers did not contain the copy of the project plans or even show on a map which property was impacted. Only because we proactively checked the website did we realize the property was that of our neighbors around the corner. Moreover, the mailers were one-time events spaced far apart that could have easily been missed or forgotten. We do not feel two mailers are an appropriate substitute for an obvious visual reminder posted in the neighborhood during a period of many months.

By replacing the posting requirement with the mailers, the city in effect transferred the responsibility for investigating the project onto the potentially affected parties instead of requiring project proponents to adequately inform the neighborhood. This shift in responsibility seems inappropriate when projects may significantly impact neighbors' property and wellbeing. The burden of ensuring that the neighborhood is informed should lie with the project proponent.

Moreover, the timing of the mailers was far from ideal and did not promote informed participation. The first mailer came shortly after the initial submission, which in this case was many months before the application was complete and ready for review, while the second mailer was sent only a couple of weeks in advance of the ZAB hearing. In effect, a neighbor who is out of town or temporarily living

SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA

ZAB 12-09-2021

elsewhere for a few weeks could be completely unaware that the project proposal almost a year ago is now up for hearing.

By not guaranteeing full access to information and informed participation, the process applied opened up opportunities for mistakes to be made, and misunderstandings to be perpetuated. In our case, we were shocked to see the project proposal describing the impact to neighboring properties as being “negligible.” One of our neighbors told us that she believed that the project seeks only a “small number” of variances, clearly indicating a lack of understanding of the project scope. Perhaps most importantly, the initial project submission claims that “the proposed project has support from the adjoining neighbors” while the first resubmission similarly asserts that “We also have support of both neighbors on each side.” Both these statements are patently false. To the contrary, of the three adjoining neighbors, two are extremely opposed to the project, and the third seems to express interest in the remodel mostly because of a desire to facilitate the very significant repairs required at the property, while still being very unhappy about the proposed top floor.

We hope that the ZAB and City of Berkeley will take these comments into account and in the event that there is a resubmission of this application, as well as for others that may be undergoing a similar process, reinstate the requirements of posting and communication with neighbors as integral parts of the application.

Thank you,

Sincerely,

Anna Cederstav and Adam Safir
1609 Virginia Street
Berkeley, CA 94703

**SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA
ZAB 12-09-2021
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November 14th, 2021

To: City of Berkeley Project Planner (Nicholas Armour) & Berkeley Zoning Adjustments Board
RE: 1643/1647 California St., Application #ZP2021-0001

Dear Berkeley ZAB members and Mr. Armour,

As owners and residents of 1609 Virginia St., the property directly east of (behind) 1643/1647 California St., we are deeply opposed to the scope of the proposed project. We request that the Zoning Adjustment Board either deny the application outright or ask for a major modification to the plan before resubmission and continuation of the hearing on this matter. We want to clarify that this request is entirely based on the plans and scope of the proposed project and on the impact these would have on our property and the neighborhood; we have had cordial neighborly relations with the project proponents for more than 20 years and hope that will continue, but we simply cannot agree with the proposed project.

Our request is based on multiple factors:

- the impact of the proposed project on privacy, light and air to us and other adjacent neighbors,
- zoning rules and the considerable number of adjustments (Use Permits, Administrative Use Permits, and Variances) being sought via this application,
- the out of proportion scale of the proposed structure considering the small lot size and the zoning in our neighborhood,
- the removal of two small living units, in favor of one large home and an apartment, and
- the fact that the application ignores the suggestions from the city planner regarding how to make the remodel have significantly less impact on the neighborhood.

The proposed expansion from a one-story duplex to a three-story structure (two floors and a fully finished basement) would bring substantial negative impact to our privacy, air and light, and in so doing would be detrimental to the peace and comfort of our family. The value of our home both currently and considering future potential improvements would also be substantially reduced, thus causing injury to our property. This harm would stem specifically from the proposed upper floor. It is also the proposed upper floor that is the primary source of negative impact to the other adjacent properties

1. The substantial reduction in light our property and home would experience is evident in the third iteration of the shadow study Mr. Armour had to request from the applicants. This shadow study shows a considerable decrease in afternoon/evening summer sunlight into our house (through both the kitchen windows on the north and west sides, and through the bedroom windows on the north side) as well as into our deck and yard. The shadow study also shows reduced winter-time light into our accessory structure which is a bedroom/office.
2. In terms of privacy, the windows from the bedroom and bathroom on the east side of the proposed upper floor would look down not only into our yard and onto our back deck, but also directly into the very large northern windows of our kitchen and bedroom (~58 sq. ft. of glazing)

SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA

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- (and through the bedroom, into our bathroom), as well as into the bedroom of our backyard cottage. (Please see pictures at the end of this letter.)
3. Given the small footprint of our house, we use our yard daily, almost year-round, for eating, socializing and relaxing. As we have remodeled our home and yard we have created multiple, small outdoor spaces that we use for various purposes as if these were outside rooms. Our yard is very much an extension of our house. As a result, the harm to privacy and light from the proposed project would have a tremendously negative impact on us.

Together, these impacts to privacy and light would damage both our peace and comfort, and thus our quality of life. The proposed project would also be injurious to the value of our property and to the value of the substantial improvements we have made to our property over the years.

The proposed project is inconsistent with the lot size and the neighborhood as shown by the large number of adjustments (UP/AUP/Variance) that would be needed to proceed. When we were searching for a home to purchase more than 20 years ago, we educated ourselves about zoning ordinances -- as we feel all property owners have the responsibility to do -- so that we would understand both the limitations we might face on future renovations to our property, and the potential for construction and/or limitations on construction of the adjacent properties. It was in part with the knowledge of the non-conforming nature (lot coverage, density and setbacks) of this neighbor's duplex that we purchased our home. We similarly considered those limitations a few years ago when we remodeled our home to maximize our light and privacy without ourselves seeking any zoning adjustments. We knew what the zoning regulations would and would not allow our neighbors to do on their properties, and we redesigned our home with those parameters in mind.

Now the application before you appears to seek a total of seven UP/AUP/variances. These permits and variances are being sought to overcome the limitations of the small lot size of their property and to allow construction that would dramatically lower the value of our house. The list of requested adjustments are:

1. UP for enlarging a non-conforming density unit,
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3. AUP for extension of non-conforming rear setback,*
4. AUP for extension of non-conforming front setback,
5. AUP for addition over 600 sq. ft.,
6. AUP for creation of 5th bedroom, and
7. Variance for exceeding lot coverage.

*Note that while the applicants claim in their final submission that the rear setback AUP is no longer needed because they eliminated the rear deck on the upper floor, we wonder whether this is correct given that they still propose to build the full depth of the new basement level within the setbacks. Even if the AUP for extension of non-conforming rear setback is no longer needed, the application would still be asking for six adjustments or exceptions to zoning ordinances

Just the sheer number of exceptions to zoning ordinances requested would seem to be a clear indication that the scope of the proposed project is beyond what is appropriate for this lot and neighborhood.

**SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA
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This exact point was raised by the city project planner in his response to the initial submission, "staff has concerns with numerous Use Permits and Variances requested to expand existing structure." Nevertheless, the applicants' resubmissions failed to heed his suggestions.

Considering the circumstances of this particular case and the injury that would be caused to our peace and comfort as well as to our property and improvements thereto, we hope the ZAB will find it cannot approve the requested use permits and variance.

The proposed remodel is out of character with the neighborhood while also reducing the amount of small, lower cost units on the block. Our neighborhood is zoned as R-2 Restricted Two-Family Residential, with the purpose being to promote medium density residential areas with reasonably open and spacious development including a range of housing types ranging from single-family, to duplexes to small apartment structures. The R-2 zoning exists to "make available housing for persons who desire a range of housing choice with a relatively large amount of open space... (and)... to protect adjacent properties from unreasonable obstruction of light and air."

The property with the proposed remodel was originally built in 1924 as a 1,342 square foot duplex with a 60 sq. ft. porch and no off-street parking on a 3,142 sq. ft. lot. This was a 44.6 % lot coverage, exactly the maximum allowed for a single-story structure. Such a duplex on a small lot is a perfect way to incorporate lower income units into a neighborhood. In 1952, the storage sheds (167 sq. ft. not shown on the maps in the submission) were added, further increasing lot coverage to 49.94% and thus making this a non-conforming property.

The proposal now before the board seeks to further expand the density on this lot by allowing one of the largest houses on the block to be built on one of the smallest lots on the block -- without requiring any off-street parking. The proposal seeks permission for two small (667 sq. ft.) units to be replaced by a 3,763 sq. ft structure comprising a very large home (3,262 sq. ft.) and a tiny (501 sq. ft.) apartment. We feel that this proposal does not fit with the purpose and parameters of the zoning for our neighborhood.

The project proponents try to justify their high-density proposal by saying that multi-story homes are normal, that they don't have the space to add off-street parking, and that they are removing the storage sheds to create more yard space. Specifically, the application seems to suggest that the owners should somehow be allowed to make a *quid pro quo* trade by removing the added 167 sq. ft. storage sheds, and instead adding another floor to their structure. This makes no sense given that the initial adjustment allowed to construct the storage sheds had absolutely no impact on the neighbors, while adding another floor on top of the existing roof very much does.

The concern around the proposed structure being too large was noted in the response from the city project planner who asked for "significant modification to the proposal" and recommended elimination of the entire upper floor to eliminate impact to the neighbors. Unfortunately, the proposal resubmission ignored this suggestion.

SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA

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The property in question is extremely run down and clearly in need of significant repair. While we, like many others in the neighborhood, would therefore like to see the property maintained and renovated, we do not feel it is appropriate to suggest – as the application does – that it is impossible to remodel the property if this application for a massive three-level house is not approved. Both we and other neighbors have invested substantial amounts into extensive remodels that did not adversely impact adjacent properties or require zoning adjustments.

For the above reasons we ask that the Zoning Adjustment Board either deny this proposal outright or request a major modification, in line with the changes originally suggested by the city project planner, before resubmission and continuation of the hearing. A proposal that eliminates the top floor and retains the fully finished basement would still double the size of the living space to ~2700 sq. ft. and would thus still be one of the largest houses on the block, while having no impact on the neighbors.

Most sincerely,

Adam Safir
cederfir@hotmail.com
510-725-9350

Anna Cederstav
acederstav@gmail.com
510-847-3371



Picture 1: View from our north-facing bedroom window at eye level. The beige house beyond our red garage is the one proposed for expansion. The current windows on that property are not visible from our bedroom, but windows on a top story would look directly into our bedroom.

SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA

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Picture 2: View from our west-facing kitchen window at eye level. The beige and stucco house behind their metal-bar gymnastics structure is where a third level blocking the trees and sky would be built.



Picture 3: View from our north-facing kitchen window at eye level. The current windows on back of 1643/1647 California house are not visible from our kitchen, but the windows on a top story would look directly into our kitchen.

SUPPLEMENTAL ITEM - 1643-1647 CALIFORNIA

ZAB 12-09-2021

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Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Attn: ZAB Secretary - Comments for December 9th ZAB Public Hearing regarding ZP2021-0001
Attachments: Response to Openheimer Zoning Application.pdf

From: Adam Safir <cederfir@hotmail.com>
Sent: Thursday, December 2, 2021 4:14 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Attn: ZAB Secretary - Comments for December 9th ZAB Public Hearing regarding ZP2021-0001

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

Dear ZAB members,

Attached please find our comments related to the proposed project at 1643-1647 California Street (ZP2021-0001). Please note that these same comments were submitted to the project planner Nicholas Armour.

Sincerely,

Adam Safir & Anna Cederstav

NEXT ITEM IS 1643 CALIFORNIA STREET, 1643 AND 47 CALIFORNIA STREET. SAMANTHA, WHO IS OUR PLANNER ON THIS?

>> NICK ARMOUR.

>> LET ME SHARE MY SCREEN FOR A SECOND. ALL RIGHT. GOOD EVENING, WE ARE DISCUSSING USE PERMITS ZP2021-0001 AT 1643 AND 1647 CALIFORNIA STREET TO CREATE A NEW LOWER STOREY BASEMENT AND CONSTRUCT A NEW SECOND STOREY RESULTING IN 3,700 DUPLEX. THERE IS A USE PERMIT TO ENLARGE A CLEAR CONFORMING STANDARD. A STRUCTURE THAT IS NONCONFORMING BY REASONS OF THE ALLOWABLE DENSITY. ADMINISTRATIVE USE PERMITS TO HORIZONTALLY EXTEND TWO NONCONFORMING YARDS FRONT AND REAR AND MAJOR RESIDENTIAL A DECISION ANOTHER TO ALLOW OVER 4 FEET IN HEIGHT AND ADMINISTRATIVE USE PERMIT TO CONSTRUCT A FIFTH BEDROOM. THIS SUBJECT SIT ON THE EAST SIDE OF CALIFORNIA STREET AT THE CORNER OF CALIFORNIA AND VIRGINIA STREETS. SURROUNDING AREA CONSISTS OF ONE AND TWO-STOREY FAMILY DWELLINGS. SUBJECT PROPERTY IS A SMALL RECTANGULAR LOT. ORIENTED IN THE EAST/WEST DIRECTION AND APPROXIMATELY 3100 SQUARE FOOT IN MAIN AREA. ORIGINALLY CONSTRUCTED AS A DUPLEX. AT SOME POINT IN THE PAST THE KITCHEN OF THE LEFT SIDE UNIT WHICH IS 1643 CALIFORNIA WAS REMOVED WITHOUT PERMITS AND A DOORWAY CONVERTED THE HOUSE TO A SINGLE-FAMILY HOUSE WITHOUT THE NECESSARY APPROVAL OF A USE PERMIT TO REMOVE THE DWELLING. THE PROPERTY AND STRUCTURE IS CURRENTLY NONCONFORMING. IT'S NONCONFORMING TO THE LOT COVERAGE

AT 50% COVERAGE WHERE 45% IS THE LIMIT FOR ONE-STOREY STRUCTURE. ONE UNIT IS PERMITTED. THIS IS PRIOR TO THE UNAUTHORIZED REMOVAL OF 1643 AND THE STRUCTURE IS LOCATED WITHIN THE FRONT REAR AND LEFT SIDE YARDS. THE PROJECT WOULD MAKE SEVERAL ALTERATIONS. THE RESIDENTIAL STRUCTURE WOULD BE SHIFTED BY ONE INCH TO THE SOUTH FOR A SIDE SETBACK. PROPOSAL WOULD RESTORE THE LEFT DWELLING UNIT AND SHRINK IT TO 105 SQUARE FEET. THE FLOOR PLAN OF THE RIGHT UNIT WHICH IS 647 CALIFORNIA WOULD BE MODIFIED TO SERVE AS A MAY BE LIVING AREA WITH AN OPEN FLOOR PLAN KITCHEN, DINING, LIVING ROOM AND FULL BATHROOM. IT WILL CREATE A NEW BASEMENT LEVEL THAT IS SERVING 1647 CALIFORNIA. THIS WOULD ADD A NEW SECOND LEVEL ON TOP OF THE EXISTING STRUCTURE SOLELY SERVING 1647 CALIFORNIA AND STEP IN AT THE FRONT TO PROVIDE A BALCONY AND COMPLY WITH THE REAR YARD SET BACK. 1647 WOULD EXPAND BY 2,612 SQUARE FOOT. STAFF HAS RECEIVED SEVERAL COMMUNICATIONS REGARDING THIS PROJECT BOTH IN SUPPORT AND ON -- OPPOSITION. CONCERNS INCLUDE THE NEIGHBORS TO THE NORTHEAST AND SOUTH RAISING CONCERNS DUE TO THE PROPOSED INCREASE IN SIZE. CONCERNS FROM THE SAME NEIGHBORS REGARDING THE IMPACTS TO PRIVACY, SHADOWS AND LIGHT ACCESS FROM THE TWO-STOREY DESIGN AND INCREASE IN HEIGHT AND CONCERNS THAT THE PROJECT IS OUT OF SCALE WITH THE NEIGHBORHOOD AND THE SURROUNDING PROPERTIES ESPECIALLY GIVEN THE EXISTING NONCONFORMITY'S ON THE PROPERTY. SUPPORT OF THE APPLICATION INCLUDES THE IMPROVED STRUCTURE AND PROJECT SITE AND

RESTORATION OF THE SECOND DWELLING UNIT. THIS PROPERTY -- OR THIS PROJECT IS CONSIDERED TO BE SB-330 COMPLIANT AND THIS DECEMBER 9TH HEARING REPRESENTS THE FIRST PUBLIC HEARING FOR THE PROJECT. THE CITY CAN HOLD UP TO FOUR ADDITIONAL PUBLIC HEARINGS BUT ONE MUST BE CONCERNED FOR COUNCIL APPEAL WHEN NECESSARY. SIMILAR TO THE LAST PROJECT THAT WE DISCUSSED HERE, THE HOUSING ACCOUNTABILITY ACT IS A MAJOR COMPONENT OF THIS APPLICATION. THIS REQUIRES IF THE ZAB IS GOING TO DENY A PROJECT, IT MUST MAKE SPECIFIC WRITTEN FINDINGS SUPPORTED BY SUBSTANTIAL EVIDENCE THAT IT HAS A SIGNIFICANT IMPACT ON PUBLIC SAFETY. OR THERE IS NO FEASIBLE METHOD TO MITIGATE OR AVOID THE SPECIFIC ADVERSE IMPACTS. THIS EXISTING STRUCTURE IS NONCONFORMING. THE LOT COVERAGE DENSITY AND YARDS. THE PROPOSED CONDITIONS WOULD CONTINUE THE NONCONFORMITIES THUS IT DOES NOT COMPLY WITH THE EXISTING STANDARDS. ITAL IS ELIGIBLE FOR ZONING ADJUSTMENTS AND THERE ARE NO OBJECTIVE STANDARDS OR FINES. SO THEREFORE THE CITY MAY NOT DENY THE PROJECT OR APPROVE IT TO REDUCE DENSITY WITHOUT BASE THE DECISION ON THE FINDINGS. HOWEVER THE CITY MAY REQUEST MODIFICATIONS TO MITIGATE IMPACTS OR AVOID ADVERSE IMPACTS ON SURROUNDING NEIGHBORING PROPERTIES SO LONG THE PROJECT IS NOT APPROVED AS A REDUCED DENSITY. THERE ARE SEVERAL FINDINGS REQUIRED TO BE MADE IN ORDER TO APPROVE THE PROJECT. FIRSTLY, THIS INCLUDES AN EXPANSION OF A BUILDING THAT IS NONCONFORMING TO THE RESIDENTIAL LOTS COVERAGE. THE CURRENT SITE IS AT 50%

COVERAGE WHERE 45% IS THE LIMIT FOR THIS PROPERTY. THIS ADDITION WOULD REMOVE AN EXISTING SHED IN THE REAR YARD WHICH REDUCES THE LOT COVERAGE TO 42% AND DECREASE THE ALLOWABLE LOT COVERAGE 40%. BECAUSE THIS WOULD REDUCE IT FROM 5% TO 4% OVER THE ALLOWABLE LIMIT, THIS -- THIS ADDITION IS LOCATED OVER THE EXISTING COVERED AREA, IT DOES NOT INCREASE THE NONCONFORMING LOT COVERAGE. THE ADDITION DOES COMPLY WITH THE AVERAGE MAXIMUM HEIGHT OF 28 FEET. NEXT, THIS ADDITION IS ON A SITE OVER THE RESIDENTIAL DENSITY. BUT THAT -- BUT THAT IS ALLOWED THROUGH THE USE PERMIT IF IT DOESN'T EXCEED THE HEIGHT LIMIT. AS THIS PROPOSES TO RESTORE THE DENSITY TO TWO UNITS, IT DOES NOT INCREASE THE DENSITY ON THE SITE AND COMPLY WITH THE HEIGHT LIMIT. THIS PROJECT IS PROPOSING TO VERTICALLY EXTEND OR ALTER PORTIONS OF THE BUILDING THAT DOES NOT ENCROACH INTO NONCONFORMING YARDS. IT'S NONCONFORMING TO THE FRONT AND REAR AND SIDE YARD. THIS WOULD SHIFT IT A AN INCH TO EXPAND THE FRONT YARD EXISTING NONCONFORMITY BY GOING DOWN INTO THE BASEMENT AS WELL AS IF THE SECOND STOREY WOULD STEP BACK BY 3½ FEET, IT INCREASES HEIGHT IN THE NONCONFORMING SETBACK. IN THE REAR, THE SECOND STOREY WOULD COMPLY, BUT THE BASEMENT WOULD BE EXPANDED DOWN AT THE EXISTING NONCONFORMING REAR YARD. AS THE ENLARGEMENT WOULD COMPLY WITH THE PERMITTED USE OF THE PROPERTY AND THE VERTICAL EXPANSIONS WOULD NOT CAN [INDISCERNIBLE] ARE CONSIDERED PERMISSIBLE. THERE IS THE ADDITION OF A FIFTH BEDROOM. THIS

PROJECT PROPOSES TO INCREASE THE TOTAL BEDROOMS ON THE PROPERTY FROM FOUR TO FIVE BEDROOMS. THE ADDITION OF THE FIFTH BEDROOM WOULD NOT INTENSIFY THE USE OF THE RESIDENTIAL PROPERTY. THIS PROJECT ALSO PROPOSES THE MAJOR RESIDENTIAL ADDITION OVER 4 FEET HEIGHT AND THE ZAB MUST MAKE FINDINGS OF GENERAL NON-DETRIMENT IN THE R-2 ZONING DISTRICT. IT WOULD ADD 2429 SQUARE FEET TO THE EXISTING 1334 SQUARE FOOT COMPLEX. IT'S CONSIDERED NON-DETRIMENTAL BECAUSE IT WOULD ADD A SECOND LEVEL TO THE HOME. SECOND STOREY WOULD COMPLY WITH THE REQUIRED REAR YARD SETBACK. A BASEMENT IS PROPOSED TO BE ADDED WHILE THIS ADDS ADDITIONAL SQUARE FOOTAGE IT WOULD NOT -- IT WOULD MAINTAIN THE FIRST FLOOR LEVEL. THE NEIGHBORHOOD IS A MIX OF RESIDENTIAL UNITS OF SINGLE AND MULTI-FAMILY HOMES. EXISTING STRUCTURES IN THE NEIGHBORHOOD VARY FROM ONE TO TWO-STOREYS AND SUBJECT TO THE STANDARD CONDITIONS OF APPROVAL. BECAUSE THE PROJECT CONSISTENCY WITH THE ZONING ORDINANCE AND GENERAL PLAN ON, STAFF RECOMMENDS THE ZONING BOARD APPROVES SUBJECT TO FINDINGS AND CONDITIONS. THE ZAB COULD REQUIRE MODIFICATIONS TO REDUCE IMPACTS TO THE PROPERTY SO LONG AS IT'S NOT DENIED OR APPROVED AT A LOWER DENSITY. I CAN TAKE ANY QUESTIONS.

>> C. KAHN: GO AHEAD IGOR.

>> I. TREGUB: THANKS, NICK, FOR THAT DETAILED PRESENTATION. OBVIOUSLY UNLIKE THE LAST PROJECT, THIS ONE JUST -- THE NATURE OF THE EXISTING CONDITIONS INTRODUCED SOME UNIQUE ATTRIBUTES

THAT HAVE TO BE DISCUSSED. BUT UNLIKE THE LAST PROJECT WE WENT THROUGH, I DIDN'T SEE A DISCUSSION IN THE STAFF REPORT REALLY, AROUND PRIVACY IMPACTS, SHADOW IMPACTS. AND I HAVE TO GO THROUGH 4. X SERIES OF DRAWINGS TO GET THE INFORMATION. SINCE ACCOUNT MAJORITY OF THE COMMENTS WITH CONCERNS AHAS WITH THIS REVOLVED AROUND SHADOWS, WHAT IS YOUR GENERAL RECOMMENDATION BASED ON THE IMPACTS WE'RE STUDYING?

>> THAT'S A GREAT QUESTION. WE DID LOOK AT SHADOW STUDIES AS THEY'RE SHOWN IN THE IMPACTS ON THE NEIGHBORS. GENERALLY WE SEE SHADOW IMPACTS FROM SECOND STOREY ADDITIONS. THE OTHER ISSUE IS THAT OUR CURRENT FINDINGS ARE NOT CONSIDERED OBJECTIVE AND THERE IS NO SPECIFIC FINDING ABOUT HOW MUCH SHADOW IMPACT ON A PROPERTY, WHAT THE PRIVACY IMPACTS MAY BE ON A SPECIFIC SITE. FOR AHA PURPOSES, IT'S NOT SOMETHING THAT CAN BE LOOKED AT TO OUR UNDERSTANDING.

>> C. KAHN: A FOLLOW-UP QUESTION, IGOR?

>> I. TREGUB: I WASN'T PLANNING ON IT, BUT, YEAH, THIS IS ONE OF THE FIRST PROJECTS WE'VE SEEN WHERE THE DISCUSSION ON SHADOWS AND PRIVACY IMPACTS LITERALLY WAS NOT IN THE STAFF REPORT. I UNDERSTAND THAT IT IS NOT SOMETHING UPON WHICH WE CAN BASE OUR DECISIONS AS THERE ARE NO OBJECTIVE STANDARDS. BUT GOING FORWARD AND MAYBE THIS IS A QUESTION ACTUALLY FOR SAMANTHA, IS THIS GOING TO BE THE PRACTICE THAT IT'S NOT GOING TO BE DISCUSSED IN STAFF REPORTS AT ALL?

>> THAT'S A GREAT QUESTION COMMISSIONER TREGUB. I DON'T HAVE AN ANSWER FOR YOU. OFF THE TOP OF MY HEAD. IT IS -- IT IS CHALLENGING BECAUSE THEY ARE NOT OBJECTIVE. AND I WOULD NEED TO LOOK A LITTLE MORE INTO THAT. I THINK I'M HEARING THAT THE BOARD WOULD LIKE TO SEE THOSE -- THAT ANALYSIS EVEN IF IT'S NOT SUBJECTIVE. EVEN IF IT'S NOT OBJECTIVE. SORRY.

>> I. TREGUB: I CAN'T SPEAK FOR MY COLLEAGUES, BUT WOULD I LIKE TO SEE THAT OR CONTINUE TO SEE THAT. MORE IMPORTANTLY, I THINK MEMBERS OF THE PUBLIC -- THEY WOULD BENEFIT FROM BOTH HEARING THAT DISCUSSION DURING STAFF PRESENTATIONS AND ALSO FOR THOSE THAT CAN'T COME TO THE MEETING OR EVEN THOSE WHO CAN IN PREPARATION FOR MEETING, IT WOULD BE HELPFUL FOR THEM TO UNDERSTAND THE ACTUAL IMPACT IF THEY LIVE IN ADJACENT PROPERTIES.

>> THANK YOU FOR THAT. AND I WILL TAKE THAT BACK AND WE'LL TALK ABOUT THAT.

>> C. KAHN: I THINK, TO ADD MY TWO CENTS WORTH, THAT AS NICK POINTED OUT, WE CAN'T DEMAND THAT THE APPLICANT REDUCE THE DENSITY, NUMBER OF UNITS. WE CAN, ACCORDING TO THE MEMO FROM STEVE, DEMAND THE NUMBER OF SQUARE FEET OR NUMBER OF BEDROOMS. HOWEVER, WE CAN SPEAK TO ISSUES OF PRIVACY AS CARRIE HAS FREQUENTLY DONE -- LED THE CHARGE. IT'S GOOD TO HAVE THAT AS PART OF THE STAFF DISCUSSION SO THAT WE HAVE THE OPTION DISCUSSING THAT WITH THE APPLICANT. PARTICULARLY PRIVACY. THERE

ARE OCCASIONS WHERE WE HAVE MADE RECOMMENDATIONS WHICH HAVE BEEN ACCEPT BY THE APPLICANT, THIS IS THE ZONING ADJUSTMENTS BOARD. ADJUSTMENTS TO MITIGATE SHADOW IMPACTS OR VIEW IMPACTS. WE HAVE THE POWER TO MAKE ADJUSTMENTS AS LONG AS AHA IS NOT VIOLATED. SO, YEAH, I SUPPORT IGOR'S POINT. THANK YOU, IGOR. WHY DON'T WE KEEP THINGS MOVING HERE. WE HAVE A LOT DO AND THERE ARE A LOT OF ATTENDEES THAT WOULD LIKE TO SPEAK. DEBBIE.

>> IF YOU DON'T WANT TO ANSWER ALL THESE QUESTIONS NOW, LET ME PUT THEM ON THE TABLE. AND NICHOLAS, IF YOU WANT TO COME BACK AND ANSWER THEM, THAT'S FINE. I SPENT A FAIR AMOUNT OF TIME LOOKING AT THE SHADOW IMPACT AND PRIVACY IMPACTS. I NEED CLARITY AND I WENT THROUGH ALL THE LETTERS SEVERAL TIMES. ANY CLARITY ON ALL THESE LITTLE GARAGES THAT ARE IN THE BACKS OF THE BUILDINGS. THE DIAGRAM I FOUND MOST USEFUL TO WORK FROM IS FROM PLAN SHEET ON THE PROPOSED SITE. THE WAY I THINK I UNDERSTAND IT IS THAT STARTING FROM THE RIGHT -- LOWER RIGHT SIDE, THE DUPLEX IS 1651. THE GARAGE DIRECTLY TO ITS EAST IS ITS GARAGE AS WELL AS THE ONE IN THE CORNER OF THE PROPERTY SO 651 HAS TWO GARAGES AND THEIR SIT AREA THAT THEY DISCUSSED IS KIND OF WITHIN THAT BUILDINGS ON THREE SIDES. THEN IF YOU GO TO THE LEFT SIDE OF THAT DIAGRAM, ARE MY DIRECTIONS MAKING ANY SENSE?

>> YES.

>> D. SANDERSON: THE HOUSE TO THE LEFT WHICH WOULD BE THE NORTH OF IT IS 1639 -- WHATEVER STREET WE WERE ON AND THE GARAGE GOES

TO 1639. THEN THERE IS -- WHEN YOU'RE AT 1637, THERE IS A GARAGE DIRECTLY TO THE EAST OF THEIR PROPERTY. DOES THAT GARAGE GO WITH 1609? I KNOW THERE IS A BUILDING REMOVED THAT DOESN'T SHOW UP APPROPRIATELY ON THE SHADOW MAP. IT LOOKS LIKE THERE IS A GARAGE THAT WOULD BE DIRECTLY TO THE EAST OF THE PROPOSED DECK. NORTHEAST. DOES THAT GARAGE GO WITH 1609 VIRGINIA?

>> THAT'S MY UNDERSTANDING, YES.

>> D. SANDERSON: SO ITS DRIVEWAY GOES THE LENGTH OF THE 1609 PARCEL TOWARDS VIRGINIA. WHAT ACCEPT RATS VIRGINIA TO 1651 AND 1637 OR 40 IS THE DRIVEWAY IT'S BETWEEN THOSE TWO PROPERTIES.

>> RIGHT.

>> D. SANDERSON: THANK YOU. THAT'S VERY HELPFUL. SO I'VE SPENT -- I DON'T WANT TO GO OVER IT NOW UNLESS PEOPLE WANT ME TO, BUT I SPENT TIME LOOKING AT THE COMPLAINTS OR COMMENTS FROM THE NEIGHBORS AND THE DISTANCE BETWEEN THE BUILDING SUBJECT PROPERTY AND THE AREAS THAT PEOPLE REFER TO BECAUSE THAT WAS WITHIN OF MY CONCERNS IS WHAT IS THE PHYSICAL DISTANCE BETWEEN THE SUBJECT PROPERTY AND SITTING AREAS. WHAT IS IN BETWEEN SUBJECT PROPERTY AND SITTING AREAS AND WHAT IS -- WHAT'S ON THAT SIDE OF THE BUILDING? IF WE WANT TO TALK ABOUT THAT LATER, BUT THAT'S KIND OF WHERE I'VE SPENT A LOT OF TIME AND I WILL -- AS LONG AS I KNOW I HAVE THE LAYOUT RIGHT, THEN WE CAN GO ON. THANK YOU.

>> C. KAHN: CARRIE.

>> C. OLSON: I WANT TO SPEAK TO SAY THANK YOU IGOR AND CHARLES AND DEBBIE FOR TALKING ABOUT PRIVACY AND SHADOWS. THE SIMPLE REASON SAMANTHA IS BECAUSE THE PUBLIC DOESN'T KNOW WHAT YOU KNOW OR WHAT WE SEE IN OUR PACKET. BY THE TIME THOUGH WRITE THEIR LETTER TO US, THEY'RE REALLY MAKING SUPPOSITIONS ON THINGS THAT ARE NOT NECESSARILY RIGHT. WE NEED TO SET THE RECORD STRAIGHT. THEY NEED TO UNDERSTAND. BUT ALSO BECAUSE THERE ARE ALTERNATIVES. WE'RE NOT SHOWN -- AND I'VE ASKED FOR THIS MANY TIMES, WHAT THE CAN [INDISCERNIBLE] IS IN THE ADJACENT PROPERTIES. WE DON'T KNOW IF WE'RE ALLOWING FOR A LARGER WINDOW OR NEW WINDOW ADJACENT OR 8 FEET AWAY FROM ANOTHER PROPERTY. I GREW UP 8 FEET AWAY FROM MY NEIGHBOR'S HOUSE AND NOT KNOWING THAT THAT MAY BE WAS STARING AT ME AS A KID! IT'S REALLY CREEPY AND WE SHOULD KNOW AND THE NEIGHBORS SHOULD KNOW. IF YOU COULD PASS THAT ON TO THOSE MAKING THOSE DECISIONS, IT'S NOT THAT BIG OF AN ASK. THANK YOU.

>> C. KAHN: IF THERE ARE NO FURTHER QUESTIONS FOR STAFF FROM THIS COMMISSION, LET'S BRING IN THE APPLICANT. I BELIEVE THIS IS -- I'M LOOKING FOR THE APPLICANT.

>> IT'S SUNNY.

>> C. KAHN: THERE HE IS.

>> I BELIEVE THE PROPERTY OWNER IS --

>> C. KAHN: WOULD YOU LIKE TO JOIN FOR THE PRESENTATION? SUNNY.

, I HEAR YOU?

>> YES. CAN YOU HEAR ME?

>> C. KAHN: YES, YOU HAVE FIVE MINUTES TO PRESENT, BUT IT NEEDS TO BE YOU AND WHOEVER ELSE YOU WISH TO HAVE.

>> YES. BOTH OWNERS ARE HERE. IF THERE IS ANY TIME LEFT OVER, THEY'LL SPEAK. THANK YOU FOR THE GOOD EXPLANATION OF THE PROJECT. I WANTED TO JUST KIND OF REITERATE THAT WHEN WE FIRST STARTED THIS PROJECT, IT WAS A VERY DIFFERENT PROJECT THAN WHAT YOU ARE CURRENTLY SEEING. AND AFTER HAVING SOME DISCUSSIONS WITH THE NEIGHBORS LOOKING AT THE PRIVACY ISSUES, WE DID TAKE THOSE INTO CONSIDERATION AND ORIGINALLY WE ACTUALLY HAD A THREE-STOREY BUILDING WHERE WE DEVELOPED THE BASEMENT AS A FULL STOREY WITH A GARAGE WHICH IS WHAT THE HOMEOWNERS WANTED. BECAUSE A THREE-STOREY BUILDING WAS BECOMING PROBLEMATIC, TALKING WITH NICK WE DECIDED THAT WE WOULD ELIMINATE THE GARAGE AND DO NOT LIST THE -- WE WERE LIFTING THE EXISTING HOUSE UP TO ACCOMMODATE THE GARAGE LEVEL. IT WAS MAKING THE BUILDING MUCH TALLER. ONCE WE DECIDED THAT WE'RE GOING TO FORGO THE GARAGE AND NOT LIFT THE BUILDING AT ALL, WE WERE JUST GOING TO -- ONLY GOING TO ADD A SECOND STOREY ADDITION SO IT WOULD BE A TWO-STOREY BUILDING. AND WE CHANGED THE ROOFLINE CONSIDERABLY TO HAVE A SMALLER IMPACT ON AT ADJACENT PROPERTIES. AND WE ALSO RECONFIGURED SOME OF THE BEDROOMS ON THE UPPER FLOOR SO ON THE BACK OF THE HOUSE, WE ONLY HAVE ONE BEDROOM AND THEN WE HAVE TWO BATHROOMS WHICH HAVE HIGH WINDOWS LOOKING TOWARDS THE EAST. AND THAT WAS THE NEIGHBORS AT

1609 CONCERNS ABOUT PRIVACY. SO WE HAVE TWO HIGH WINDOWS IN THE BATHROOMS WHICH TECHNICALLY, IRE NOT REALLY LOOKING DOWN. THE OTHER BEDROOM ON THE NORTH SIDE, RIGHT ACROSS FROM THERE IS A VERY LARGE TREE. THAT'S WHAT WE WOULD BE LOOKING AT PLUS THE NEIGHBOR'S GARAGE BACK THERE AND ACCESSORY BUILDING. YOU CAN'T SEE MUCH INTO THEIR YARD. AND BY LOWERING THE BUILDING, CHANGING THE ROOFLINE, WE REDUCED THE ORIGINAL SHADOW IMPACT THAT WE WERE HAVING. SAME THING WITH THE NEIGHBORS ON THE LEFT SIDE AND THE RIGHT SIDE. WE REDUCED THE SHADOW IMPACT AND THE SHADOW IMPACT THAT WE HAVE IS MINIMAL AT THIS POINT. I CAN MIND FOR SECOND STOREY ADDITIONS IN THE BAY AREA. IT'S HARD TO DESIGN SOMETHING THAT YOU HAVE ZERO IMPACT IN THIS URBAN ENVIRONMENT. REPLY DO AS MUCH AS WE CAN. WE CHANGE ROOFLINES -- CHANGE THE ROOF PITCH. WE ARE DOING ALL THE THINGS WE DID HERE. TO MINIMIZE THE IMPACT ON THE NEIGHBORS. ORIGINALLY THE NEIGHBOR ON THE LEFT-HAND SIDE AND RIGHT-HAND SIDE HAD GIVEN US THEIR SUPPORT ON THIS PROJECT. AND THAT'S WHEN WE MOVED FORWARD WITH THINGS. AS FAR AS THE SCALE OF THE PROJECT, IT'S BASICALLY A SECOND STOREY ADDITION. AND THE BASEMENT BUILD OUT IS A BONUS AT THIS POINT, BUT THAT WHOLE BASEMENT IS GENERALLY BELOW GRADE. WE'RE ABLE TO GET WINDOWS IN THE FRONT AND NO WINDOWS IN BACK AND VERY LITTLE ON THE SIDE. YOU ASK FOR A SECOND STOREY ADDITION WHICH IS NOT UNREASONABLE, WE SET THE FRONT OF THE FACADE BACK TO STAY WITHIN THE 20-FOOT SETBACK AND DID THE SAME THING IN THE REAR. WE SET THE REAR

WALL BACK SO WE'RE 20 FEET FROM THE SETBACK. THE BUILDING ITSELF HAS A FAIRLY GOOD SEPARATION BETWEEN THE ADJACENT PROPERTIES TECHNICALLY THE PROPERTY FROM THE REAR SO PRIVACY IS IT IS THERE. WILL SOMEBODY BE ABLE TO STAND THERE AND LOOK OUT? YES, BUT I DON'T THINK IT'S THAT INTRUSIVE. WE'VE DONE AS MUCH AS WE CAN GIVEN THIS SMALL LOT WE HAVE AND THE REASON FOR ALL OF THE AMOUNT OF USE PERMITS AND ADMINISTRATIVE USE PERMITS IS BECAUSE OF THE CONSTRAINTS WE HAVE TO DEAL WITH A SMALL LOT AND IT WAS OVER-FILLED. IN ORDER -- I MEAN, IF THIS WAS AN EMPTY LOT WE'D BE BUILDING A DIFFERENT STRUCTURE ON THE SITE. BUT WE'RE WORKING WITH A GIVEN CONDITION. WE WOULD LIKE DO AS MUCH AS WE CAN AND GIFT HOMEOWNERS A PROJECT THAT THEY WANT TO CONTINUE LIVING IN. I'M RUNNING OUT OF TIME, BUT THIS IS A PROJECT THAT IS DESIGNED FOR THEIR FAMILY AND ONE OF THE SONS WHO GOING TO CONTINUE LIVING IN THE APARTMENT NEXT DOOR IS VISUALLY IMPAIRED. HE DOES NOT DRIVE.

>> C. KAHN: SUNNY, YOU'RE OUT OF TIME. THANK YOU VERY MUCH FOR THE PRESENTATION. YOU WILL HAVE A COUPLE MORE MINUTES AFTER THE PUBLIC SPEAKS TO ADDRESS ANY CONCERNS THAT THEY BRING UP. SO, NOW IS THE TIME -- ANY QUESTIONS FOR THE APPLICANT? FROM THIS COMMISSION? SEEING NONE, I WOULD LIKE TO MOVE FORWARD WITH THE PUBLIC PARTICIPATION. I SEE ONE HAND UP. IF YOU WISH TO SPEAK ON THIS PROJECT, THIS IS YOUR OPPORTUNITY. PLEASE RAISE YOUR HAND NOW. SO THAT I'LL HAVE A CLEAR IDEA OF HOW MANY PEOPLE WISH TO

SPEAK ON THIS. I ONLY SEE -- I SEE ANNA, ADAM, TAMAR AND
BARBARA. DOES ANYONE ELSE WISH TO SPEAK ON 1643, 1647
CALIFORNIA? YES NO? OKAY. WE HAVE --

>> I. TREGUB: CHAIR.

>> C. KAHN: WE HAVE FOUR PEOPLE SHOWING INTEREST IN SPEAKING.
I'LL GIVE YOU EACH TWO MINUTES TO SPEAK. IF YOU CAN KEEP IT TO
LESS, THAT'S GREAT. BUT YOU HAVE TWO MINUTES. WE'LL START WITH
ANNA. ANNA, YOU NEED TO UNMUTE.

>> CAN I RESPOND TO THE COMMENT THAT SUNNY MADE FIRST BEFORE I
BEGIN MY TWO MINUTES?

>> C. KAHN: NO, YOU HAVE TO SPEND YOUR TWO MINUTES HOWEVER YOU
WISH.

>> THE ARCHITECT OR THE NEIGHBORS HAVE NEVER SPOKEN TO US ABOUT
THIS PROJECT. SUNNY CAME TO ASK US IF WE HAD ANY QUESTIONS ON
THE SAME DAY THEY SUBMITTED THE SECOND SUBMISSIONS. OUR PROPERTY
HAS TOO MUCH LARGE TREES. THE REMAINING SUN SPOTS ARE THE REAR
DECK AND OPEN AREA TO THE WEST. THEY WOULD BE SHADED. THIS POSES
A DRAMATIC IMPACT ON OUR PROPERTY. THE PROPOSED UPPER LEVEL WILL
PROVIDE A CLEAN LINE OF SIGHT TO OUR KITCHEN AND BEDROOM. IF
THIS REMODEL HAPPENS AND WE LEAVE OUR BEDROOM AND BATHROOM DOORS
OPEN, THE PROJECT PROPONENTS WOULD BE ABLE TO SEE ME SITTING ON
THE TOILET. THE PRIVACY OF OUR HOUSE WILL BE GONE. RECENTLY
SIGNIFICANTLY REMODELED OUR HOME MAKING CHANGES SO WE WOULD NOT
HAVE TO LOOK AT THIS DILAPIDATED PROPERTY. WE MOVED THE WINDOWS.

THE VIEW PROVIDED INTO AND OUT OF OUR HOUSE ARE THREATENED BY THIS PROJECT. THE MATERIAL SUBMITTED MISSED KEY FACTS. ALL THREE ADJACENT NEIGHBORS OPPOSE THE PROJECT BECAUSE OF THE IMPACT ON PRIVACY AND SHAPE. THE RATIONALE IS TO HOUSE THE FAMILIES EVEN THOUGH THEY'RE EXTREMELY SUCCESSFUL IN THEIR CAREERS AND ABLE TO LIVE INDEPENDENTLY WHILE THE FAMILY OWNS AN APARTMENT COMPLEX LESS THAN A MILE AWAY. THIS WOULD BE A TWO UNIT SIX BEDROOM HOUSE WITH NO PARKING. IT'S KEY TO KNOW IT WAS THE OPPENHEIMERS THEMSELVES THAT WOULD --

>> C. KAHN: ANNA.

>> IT SHOULD NOT BE CONSIDERED IN FAVOR OF PROJECT.

>> C. KAHN: ANNA -- ANNA, WHAT WILL IS YOUR ADDRESS JUST SO WE KNOW WHICH PROPERTY.

>> I'M ONE OF THE RESIDENTS ON THE 1609 UNIT IN BACK OF THIS HOUSE. THEIR ENTIRE BACKYARD --

>> C. KAHN: THAT'S OKAY. I JUST WANTED TO KNOW THE ADDRESS. THANK YOU. THANK YOU FOR COMING. ADAM, YOU ARE UP. YOU NEED TO UNMUTE.

>> CAN YOU HEAR ME IN.

>> C. KAHN: YES.

>> I'M THE OTHER RESIDENT AT -- 1609 VIRGINIA STREET. AND ALONG WITH OTHER NEIGHBORS THAT ARE ADJACENT PROPERTIES, WE'RE STRONGLY AGAINST THIS SHADOW STUDIES AND IMPACT ON PRIVACY AND SO A LOT OF PEOPLE LOOK AT THAT. WE ALL DO WANT TO SEE THE

OPPENHEIMERS FIX UP THEIR HOUSE. IT'S IN BAD SHAPE ON THE EXTERIOR. OVER THE PAST 20 YEARS ALL FOUR OF THESE HOUSEHOLDS HAD GOOD RELATIONS AND IT'S UNFORTUNATE THAT THIS PROPOSED PLAN IS ASKING FOR SO MUCH AND CREATING TENSION IN OUR CORNER OF COMMUNITY. THE PROPOSAL IS ASKING FOR SEVEN USE PERMITS. THAT WOULD ALLOW FOR ADDITIONAL OVER 2600 SQUARE FEET OF LIVING SPACE AND THEY HAVE A 2800 CAN SQUARE FOOT PROPERTY AND ONLY 3100 SQUARE FOOT LOT. THIS IS ALREADY NON-CONFORMING IN COVERAGE, DENSITY, YARD AND HAS NO PARKING ON THE STREET AT ALL. APPROVING THIS WOULD DEGRADE THE VALUE OF THE ZONING RULES AND WOULD INCREASE OF VALUE OF OUR PROPERTY AND OTHER PROPERTIES IN LIEU OF INCREASING THE VALUE OF THE OPPENHEIMER'S PROPERTY. NICK STATED IN HIS REPORT, THIS WILL PROPOSED PROJECT DOES NOT COMPLY WITH THE APPLICABLE ZONING STANDARDS AND THE CITY MAY REQUEST MODIFICATIONS TO MITIGATE OR AVOID THE IMPACT TO THE SURROUNDING PROPERTIES. NICK ALSO SPECIFICALLY SUGGESTED DURING THE PROCESS LAST YEAR THAT THE APPLICANTS REDUCE THE IMPACT TO THE NEIGHBORS BY ELIMINATING THE AMOUNT OF THE FLOOR GIVING THEM A 2700 SQUARE FOOT LIVING SPACE WHICH IS LARGER THAN THE OTHER NEIGHBORS AROUND THEM. WE THUS ASK THE BOARD TO REQUEST A MAJOR MODIFICATION IN LINE WITH THE SUGGESTION PRIOR TO CONTINUING THE HEARING.

>> C. KAHN: THANK YOU A -- THANK YOU DAM. I NOTE THAT BARBARA FRITZ -- I'M GOING TO RECOGNIZE YOU NEXT. WE.

>> I'M HERE. I LIVE AT 1639 SO I'M THE NORTH NEIGHBOR AND I'M HAPPY THAT THE OPPENHEIMERS ARE FINALLY GOING TO BE ABLE TO DO THIS PROJECT. I'VE LIVED HERE 40 YEARS SO I LIVED HERE SINCE THEY MOVED IN. AND ADAM AND ANNA AND THE OTHER NEIGHBOR KAY ON THE CORNER ARE AWARE OF I'M NOT HAPPY ABOUT THE SHADOW ISSUES, BUT I APPRECIATE THE EXPLANATION THAT THE BOARD HAS GIVEN ABOUT WHAT YOU CAN AND CANNOT DEAL WITH. SO I JUST WANT TO GIVE MY SUPPORT. I'M SAD THAT I AM GOING TO LOSE A CERTAIN AMOUNT OF LIGHT IN THE WINTER. IT IS SIGNIFICANT TO ME. BUT I -- BUT I DO WANT TO -- I'M NOT LOOKING FORWARD TO THE NOISE. BUT I'M HAPPY THAT THE OPPENHEIMERS ARE GOING TO FINALLY FIX UP THEIR HOUSE WHICH NEEDS WORK FOR A LONG TIME AND I LOOK FORWARD TO HAVING THEM AS NEIGHBORS FOR A LONG TIME. THAT'S ALL. I'M DONE.

>> C. KAHN: THANKS FOR COMING AND SPEAKING. THAT'S IT FOR PUBLIC COMMENT. WE DOLL HAVE -- I NOTICED TAMAR AND [INDISCERNIBLE] OPPENHEIMER. ARE THOSE TWO THE OWNERS?

>> TAMAR IS ONE OF THE OWNERS. AND [INDISCERNIBLE] IS THEIR SON.

>> C. KAHN: I'M GOING TO BRING THEM IN BECAUSE THEY ARE ALLOWED TO PARTICIPATE IN THE RESPONSE. THIS THEY HAVE TWO MINUTES TO RESPONSE AS DO YOU. BUT YOU ONLY HAVE TWO MINUTES BETWEEN THE THREE OF YOU SO USE IT WISELY.

>> I. TREGUB: MR. CHAIR --

>> CAN YOU HEAR ME?

>> C. KAHN: YES.

>> I. TREGUB: I THINK KAY ALSO KEEPS RAISING THEIR HAND BUT IT KEEPS GOING DOWN.

>> C. KAHN: TAMAR, BEFORE YOU SPEAK, THERE IS ANOTHER PERSON TRYING TO SPEAK THAT I THINK -- KAY. IT APPEARS AND DOESN'T APPEAR. NOT -- THERE SHE IS. KAY. HER CONNECTION MUST BE BAD. SHE KEEPS CAN -- SHE KEEPS DISAPPEARING. THERE IS A PROBLEM WITH HER CONNECTION, I THINK. ALL RIGHT. I DON'T WANT TO STOP THE PROCEEDINGS. THERE IS KAY. CAN YOU -- I DON'T KNOW WHAT THE PROBLEM IS WITH KAY. KAY. IS THERE ANYTHING THAT WE CAN DO TO GIVE HER A CHANCE TO SPEAK?

>> I FEEL LIKE I CAN HEAR SOMETHING LIGHT IN THE BACKGROUND. KAY, I WONDER IF YOU HAVE A SETTING OF SOME SORT TURNED DOWN OR YOUR MICROPHONE IS COVERED?

>> C. KAHN: WE NEED TO KEEP THE MEETING MOVING ALONG. KAY, I'LL GIVE YOU THE OPPORTUNITY TO SPEAK AFTER THESE NEXT TWO MINUTES IF YOU CAN IMAGINE TO CUT IN AND SAY SOMETHING.

>> BOARD SECRETARY: KAY COULD CALL IN.

>> C. KAHN: YOU CAN TRY THAT WITH A CELL PHONE POSSIBLY.

>> BOARD SECRETARY: YEAH.

>> C. KAHN: KAY, IF YOU COULD WOULD LIKE TO TRY CALLING IN YOU CAN PUT YOUR HAND DOWN AND TRY DO THAT. OKAY. I THINK WE NEED TOO KEEP ROLLING. SORRY KAY, BUT I DON'T WANT TO HOLD THIS UP. SUNNY, START WITH YOUR TWO MINUTES.

>> I'LL HAVE EITHER TAMAR OR ORR SPEAK.

>> CAN YOU HEAR ME?

>> C. KAHN: YES.

>> I ACTUALLY -- AND MY HUSBAND IS HERE. I WANTED TO TALK ABOUT
[INDISCERNIBLE]

>> ANNA IS HEAR.

>> C. KAHN: LET'S HAVE KAY SPEAK. KAY, WE CAN HEAR YOU NOW. KAY.
SPEAK UP. WE CAN HEAR YOU.

>> A --

>> C. KAHN: I DON'T KNOW WHAT TO DO.

>> I'M ON? OKAY.

>> C. KAHN: KAY, I DON'T KNOW IF YOU CAN HEAR ME BUT --

>> CAN YOU HEAR ME?

>> C. KAHN: YES.

>> I'M KAY RISTOL AND I OWN THE SMALL DUPLEX SOUTH OF THE
PROPOSED REMODEL. I LIVE AT 1651. I JUST WANT TO ASK, IT SEEMS
LIKE IN READING THINGS, THAT THIS PROJECT HAS BEEN APPROVED. BUT
I DON'T KNOW IF THAT'S TRUE. CAN YOU TELL ME?

>> C. KAHN: NO.

>> I CAN'T HEAR YOU, BUT I GUESS YOU CAN HEAR ME. I'M WONDERING,
THERE ARE 6 TO 7 USE PERMITS OR VARIANCES NEED FOR THIS PROJECT.
I'M WONDERING IF THOSE ARE ALL APPROVED, WHAT IS THE USE OF
HAVING THOSE PERMITS? ALL OF THE NEIGHBORS I THINK FEEL STRONGLY
THREE OF THE NEIGHBORS ON THIS -- ON THE NORTHEAST AND ON THE
SOUTH FEEL STRONGLY ABOUT THE PRIVACY ISSUE. AND ALSO THE

DECREASED VALUE OF OUR PROPERTY IF THIS HUGE PROJECT IS GOING TO BE OKAYED. SO, IT SEEMS LIKE THAT A LOT OF THE CONSIDERATION OF THE SHADE HAS NOT BEEN FULLY MADE -- DONE -- HAS NOT DONE -- HAS NOT BEEN EVALUATED CORRECTLY. IT'S A BIG PROBLEM.

>> C. KAHN: PLEASE WRAP IT UP.

>> AND PRIVACY IS ALSO THE BIGGEST PROBLEM. I GUESS MY TIME IS RUNNING OUT. I JUST WANT TO SAY THAT ALL OF US FEEL SO STRONGLY ABOUT THIS. AND THANK YOU VERY MUCH FOR YOUR ATTENTION. SORRY ABOUT THE MIX-UP.

>> C. KAHN: THANK YOU. I'M GLAD YOU GOT A CHANCE TO SPEAK. WE'LL TRY TO ADDRESS YOUR QUESTIONS IN THE DISCUSSION. NOW, SUNNY OR TAMAR, YOU HAVE YOUR TWO MINUTES.

>> I'LL LET TAMAR SPEAK.

>> C. KAHN: GO FOR IT TAMAR. YOU NEED TO YOU BE MUTE IF YOU WISH TO SPEAK.

>> CAN YOU HEAR ME NOW?

>> C. KAHN: YES. THE MAIN THING IS THAT ONE OF THE UNITS WOULD -- HE'S YOUNG AND VISION IMPAIRED AND NEVER HAVE A CAR. THERE WON'T BE A PROBLEM WITH THE PARKING. HE CANNOT USE A CAR AND HE'LL USE PUBLIC TRANSPORTATION AND WALK TO SHOPS. WHEN WE GIVE HIM ONE UNIT, IF WE DON'T DO ANY REMODELING WE STAY WITH A ONE-BEDROOM APARTMENT FOR THE FAMILY WHEN WE HAVE FOUR KIDS THAT LIKE TO COME OVER AND WE HAVE A FAMILY GATHERING AND HOPE THAT WE'LL GET TO THE PART OF GRANDKIDS ONE DAY THAT WE'D LIKE TO

HOST THE BIG FAMILY PARTIES INSIDE ASK OUTSIDE IN OUR YARD LIKE WE DID MOST IN THE CORONAVIRUS TIME. I SENT A PICTURE FROM THE SECOND FLOOR AND WENT TO THE AREA WHERE THE BEDROOM IS IN THE CORNER CLOSE TO KAY'S AREA. IN THE PICTURE BEING SEE WE DON'T SEE ANY OF THE KAY'S AREA. THERE IS NO REASON TO BE CONCERNED ABOUT THAT AREA. THEY'LL HAVE BATHROOMS AND THEY WON'T BE THE WINDOWS YOU SEE THROUGH. IN ANNA'S AREA, THERE ARE TWO PICTURES IN THOSE PHOTOS THAT I SENT TODAY THAT SHOW THAT DIRECTLY FROM THAT BEDROOM IS THE TREES. SO WE DON'T SEE ANYTHING. YOU CAN SEE ON THE SIDE THE BEDROOM WINDOWS BUT DEFINITELY YOU CANNOT SEE ANYTHING IN THEIR YARD OR. ONE OF THE PICTURES SHOWS THAT RIGHT NOW WE CAN SEE THEIR KITCHEN WINDOW. AND THAT WOULD STAY SAME FROM THE YARD.

>> C. KAHN: YOU NEED TO WRAP IT UP.

>> AND CASE WINDOWS WILL BE THE SAME. WE CAN SEE IT NOW AND KEEP SEEING IT. ALSO MY HUSBAND WOULD LIKE TO TALK.

>> C. KAHN: YOU USED YOUR TIME. THANK YOU VERY MUCH. SO, I WOULD LIKE TO BRING IT BACK TO THE COMMISSION. FOR COMMENT. WE WILL HAVE ANY DISCUSSION THAT YOU MAY WANT TO HAVE. I WOULD LIKE TO RESPOND TO SOME OF THE QUESTIONS THAT WERE VOICED IN PARTICULAR BY KAY THERE. AT THE END. KAY, I APPRECIATE YOUR CONCERN THAT THIS FEELS LIKE A FOREGONE CONCLUSION. AND TO SOME EXTENT IT IS. BECAUSE OF THE STATE STATUTE THAT RESTRICTS WHAT WE CAN DO, NOT 100 PERCENT. WE CAN MAKE ADJUSTMENTS THAT CAN HELP WITH THE

PRIVACY CONCERNS. BUT WE CAN'T RULE ON PARKING BECAUSE THE CITY HALL NO LONGER REQUIRES PARKING OF NEW UNITS. AND WE AREN'T EMPOWERED TO GO AGAINST THE WILL OF THE COUNCIL AND WE CAN'T DENY THE NEW UNIT BECAUSE THE STATE LAW DOESN'T ALLOW THAT. IF ANY OF YOU MEMBERS OF THE COMMUNITY MAKE SPECIFIC REQUESTS OR RECOMMENDATION ABOUT REDUCING OR MODIFYING ARCHITECTURAL ELEMENTS TO THE BUILDING, THAT'S THE KIND OF THING THAT WE HAVE REQUESTED IN THE PAST AND WOULD REQUEST AGAIN. I DIDN'T HEAR ANYTHING SPECIFIC REQUESTS ALONG THOSE LINES. SO I DON'T -- I DON'T KNOW IF THERE IS ANYTHING WE CAN DO TO HELP YOU OUT HERE. IGOR, I SEE YOU HAVE YOUR HAND UP.

>> I. TREGUB: I HAD A COUPLE OF QUESTIONS FOR STAFF IN RESPONSE TO SOME OF THE COMMENTS I HEARD. THE FIRST ONE, ON THE NUMBER OF USE PERMITS BEING REQUESTED AND I RECOGNIZE THIS IS A TERM OF EYE ART FOR US. WE DEAL WITH THIS EVERY TWO WEEKS BUT THIS IS NEW TO A LOT OF MEMBERS OF THE PUBLIC. JUST TO CONFIRM, STAFF, CAN YOU CONFIRM THERE ARE IN TOTAL TWO USE PERMITS AND FOUR ADMINISTRATIVE USE PERMITS THAT TYPICALLY WOULD BE, YOU KNOW, IF IT WAS JUST ADMINISTRATIVE USE PERMITS AND NO USE PERMITS, THIS COULD BE APPROVED THROUGH STAFF REVIEW. WOULDN'T EVEN GO TO US.

>> YOU ARE CORRECT. TWO USE PERMITS, THERE ARE FIVE TOTAL ADMINISTRATIVE USE PERMITS. THE THIRD BULLET ON THE PERMITS REQUESTED MENTIONS ADMINISTRATIVE USE PERMITS FOR HORIZONTAL SETBACKS. THOSE ARE TWO ADMINISTRATIVE TERMS. TYPICALLY,

ADMINISTRATIVE USE PERMITS WOULD BE DONE OUTSIDE OF THE ZAB'S
PURVIEW.

>> I. TREGUB: THANK YOU SO MUCH. MY NEXT QUESTION IS IF YOU
COULD, ONCE AGAIN, CLARIFY WHAT YOU SAID ABOUT OBJECTIVE
STANDARDS BECAUSE I THINK I HEARD IT DIFFERENTLY THAN THE WAY
THAT A NEIGHBOR HEARD IT, BUT I JUST WANTED TO MAKE SURE, ARE
THERE ANY OBJECTIVE STANDARDS INVOLVED THAT GOVERN THIS PARCEL
AND IF SO, WHAT ARE THEY?

>> THERE ARE ACTUALLY THE TWO USE PERMITS HAVE SPECIFIC
OBJECTIVES REQUIREMENTS THAT MUST BE MADE. THE USE PERMIT OF
BEING OVER THE DENSITY SAYS THAT YOU'RE NOT INCREASING THE
DENSITY OR GOING OVER THE HEIGHT LIMIT. SIMILARLY WITH THE USE
PERMIT FOR NONCONFORMING LOT COVERAGE AS LONG AS THEY'RE NOT
INCREASING THE LOT COVERAGE OR GOING OVER THE HEIGHT LIMIT, THEY
ARE PERMITTED. STILL THROUGH THE USE PERMIT STANDARDS AND
GENERAL NON-DETRIMENT FINDINGS. AND THE ADDITIVE USE PERMITS
WITHOUT EXTENDING THE YARDS STIPULATES THEY'RE NOT FURTHER
DECREASING THE NONCONFORMING YARDS AND THEY ARE NOT DOING THAT.

>> I. TREGUB: THANK YOU. AND MY LAST QUESTION, ONE MEMBER OF THE
PUBLIC COMMENTED THAT IT WAS SOME BACK AND FORTH ALLEGEDLY
BETWEEN YOU AND THE APPLICANT TEAM AND RECOMMENDATIONS WERE MADE
TO REDUCE THE FLOOR AREA. COULD YOU SPEAK TO THAT? BECAUSE I
DIDN'T HEAR THAT PART IN THE INTRODUCTORY REPORT.

>> DURING THE COMPLETENESS REVIEW PROCESS OF APPLICATIONS, WE

SOMETIMES INCLUDE ISRAELI COMMENTS TO APPLICANTS. THEY AREN'T SPECIFIC INCOMPLETENESS THAT THEY MUST BE RESOLVED, BUT COMMENT THAT STAFF CAN DO IF IT NEEDS A BETTER PROJECT. WE INCLUDED ADVISORY COMMENTS SPECIFICALLY AROUND THE TOP LEVEL OF THE BUILDING. IN THE INITIAL APPLICATION AS SUNNY MENTIONED, IT WAS A THREE-STOREY DESIGN. THAT PROJECT WOULD HAVE REQUIRED A VARIANCE TO THE LOT COVERAGE. ONE OF THE ADVISORY COMMENTS WAS THAT THEY REMOVE THE VARIANCE REQUIREMENT BY WAY OF NOT LIFTING THE HOUSE AND CREATING A BASEMENT STOREY, WITH YOU BY KEEPING IT AS A TWO-STOREY ELEMENT. ONE OF THE SUGGESTIONS WAS AN AS OPTION TO LIFT THE HOUSE TO CREATE THE BASEMENT LEVEL BUT NOT TO ADD THE TOP LEVEL OF THE BUILDING. THEY CHOSE TO DO THE OTHER OPTION WHICH WAS NOT TO RAISE THE HOUSE BUT STILL KEEP THE TOP LEVEL. THEY ALSO DID MODIFY, THEY HAD A BUTTERFLY SHED ROOF DESIGN THAT PUSHED OUT THE TALLER ELEMENTS OF THE OUTER EDGES OF THE BUILDINGS AND THAT WAS MODIFIED TO A GABLED ROOF DESIGN TO REDUCE THE IMPACTS AND REDUCE THE AVERAGE HEIGHT OF THE BUILDING.

>> C. KAHN: ANY MORE QUESTIONS, IGOR?

>> I. TREGUB: THANK SO MUCH.

>> C. KAHN: DEBBIE.

>> MY QUESTION IS, I'VE BEEN STRUGGLING WITH THE SHADOW STUDIES TRYING TO FIGURE OUT WHAT KIND OF CONFIGURATION MIGHT REDUCE THE SHADOWS ON 1639 AND 1609. AND THEY'VE ALREADY MOVED THE FRONT OF

THE BUILDING BACK, THEY'VE PULLED THE BACK OF THE BUILDING IN. THE ONLY OTHER WAY I COULD SEE TO REDUCE THAT SHADOW IMPACT WOULD BE TO ACTUALLY LOWER THE ROOF. THAT GETS INTO WHAT YOU JUST DESCRIBED, NICK, ABOUT, YOU KNOW, RAISING THE HOUSE AND MAKING THE BASEMENT A FULL STOREY WHICH WOULD MAKE IT MUCH MORE FUNCTIONAL. IT'S NOT GOT A LOT OF LIGHT. IT'S GOING TO BE A REC ROOM PRIMARILY. SO IF THEY HAD RAISED THE HOUSE SO THEY HAD -- EITHER WAY, THEY WOULD HAVE HAD THE SAME AMOUNT OF SHADOW AND I GUESS THAT'S MY QUESTION. I DON'T SEE A WAY TO REDUCE THE AMOUNT OF SHADOW ON 1639 OR 1609 WITHOUT SAYING NO SECOND STOREY. I'M TRYING TO SEE IF THERE IS A WAY THAT WE COULD TWEAK THE SECOND STOREY AND HAVE LESS SPACE AND MAKE DUE WITH THE BASEMENT. THERE AREN'T MANY WINDOWS AND THEY ARE HIGH UP. I WAS TRYING TO FIND IF THERE ARE ANY OPTIONS FOR REDUCING THE SHADOWS AND IT SEEMS TO ME UNLESS WE JUST SAY REDUCE THE SQUARE FOOTAGE OF THE SECOND FLOOR, CUT THE SECOND FLOOR IN HALF, I DON'T KNOW WHAT OTHER OPTIONS WE WOULD HAVE. IT LOOKED TO ME THAT THEY HAD ALREADY MADE THE CHANGES -- MADE A NUMBER OF CHANGES THAT REDUCE SHADOWS. BUT NOT COMPLETELY. SO, AND I GUESS -- SO I GUESS MY QUESTION IS AS YOU LOOKED AT THESE POSSIBLE CHANGES OF THE FIRST FLOOR OR SECOND FLOOR AND WHAT THE RESTRICTIONS ARE ON US BY THE STATE, WE CAN'T DENY THE UNIT. CAN WE REDUCE THE SQUARE FOOTAGE? I'M NOT SAY WE GO WANT TO, BUT I WANT TO BETTER UNDERSTAND THE PARAMETERS ON WHAT WE MAY OR MAY NOT DO. IF IT'S IN THAT GRAY

AREA, I NEED SOME GUIDANCE.

>> AS ONE POINT OF CLARITY, THE SECOND UNIT IS NOT ADDED TO THE PROPERTY BECAUSE IT WILL HAVE BEEN REMOVED. THEY HAVE TO RESTORE IT. BECAUSE IT WAS ILLEGALLY REMOVED. THERE IS NOT ANYTHING IN THE AHA THAT THERE IS A STRUCTURE THAT NEEDS TO BE REMOVED BUT YOU CAN'T APPROVE IT AS A LOWER DENSITY OR DENY THE PROJECT. IT DOESN'T SAY THAT YOU COULD NOT REDUCE THE SQUARE FOOTAGE OF PROJECT.

>> C. KAHN: HOLD THAT THOUGHT, NICK. I'M REFERRING I'M PULLING UP THE DATA FROM STEVE. I'LL BE ABLE TO QUOTE IT TO MAKE SURE THAT WE'RE DOING THE RIGHT THING. ANY OTHER QUESTIONS HERE OR COMMENTS?

>> D. SANDERSON: WE'RE AT 8:55, WE'LL NEED A CAPTIONER'S BREAK AT 9:00.

>> C. KAHN: HOPEFULLY WE CAN GET TO A VOTE BEFORE THEN. MY COMPUTER IS TAKING ITS OWN SWEET TIME. I'M READING THE MEMORANDUM. THE -- LET'S SEE, IS THERE ANYONE ELSE THAT WOULD LIKE TO SPEAK WHILE I'M -- BRINGING THIS UP.

>> D. SANDERSON: CARRIE, YOU HAVE YOUR HAND UP.

>> C. KAHN: WHILE I'M LOOKING AT THIS, SHOSHANA, COULD YOU TAKE OVER AS CHAIR?

>> S. O'KEEFE: SURE, CARRIE.

>> C. OLSON: I'M NOT SURE IF WE HAVE ANY WIGGLE ROOM ON THIS. I'M ASSUMING THAT WE DON'T, BUT STAFF CAN TELL ME IF WE DO. THIS

IS -- I'M SORRY, MY KIDS GREW UP AND LEFT HOME. IT'S MY HUSBAND AND I. THIS IS A HOUSE WHERE IT'S JUST GOING TO BE MOM, DAD AND ONE SON, YET WE APPROVE SIX BEDROOMS? JUST LET ME KNOW, NICK.

>> FIVE BEDROOM.

>> C. OLSON: OKAY. FIVE BEDROOMS. I JUST DON'T WANT DO A MINI DORM HERE. SORRY.

>> S. O'KEEFE: NICK, DO YOU WANT TO ANSWER? I THINK THAT WAS ADDRESSED TO YOU.

>> AGAIN, OUR UNDERSTANDING OF AHA IS THAT IT CAN'T BE DENIED OR REDUCED IN DENSITY. IF THERE IS A SPECIFIC EFFORT, WE HAD A PROJECT THAT THE ZAB CONSIDERED PREVIOUSLY IN THE HILLSIDE THAT DID REQUIRE THE MOVING OF THE STRUCTURE WHILE HE WAS AHA COMPLIANT.

>> S. O'KEEFE: YOU SAY MOVING.

>> THE TECHNICALLY THE SQUARE FOOTAGE WAS REDUCED BUT THE MAJOR COMPONENTS WERE NOT.

>> C. KAHN: I FOUND THE PARAGRAPH. THE SMOKING GUN. THIS IS FROM PAGE 3 OF STAFF COMMUNICATION TO ZAB 8/26/2021 FROM STEVE BUCKLEY, PLANNING DIRECTOR. MANAGER, SORRY. FOR PURPOSES OF THE AHA LOWER DENSITY INCLUDES ANY CONDITIONS THAT HAVE THE SAME EFFECT OR IMPACT OF THE ABILITY FOR THE PROJECT TO PROVIDE HOUSING GENERALLY UNDERSTOOD TO BE THE TOTAL NUMBER OF DWELLING UNITS, BUT ALSO RELATED TO OVERALL SQUARE FOOTAGE, NUMBER OF BEDROOMS, ET CETERA. THAT WAS NOT THE OLD POLICY OF THE CITY.

THAT'S WHY I MADE NOTE OF IT AT THE TIME. THE PRIOR POLICY OF THE CITY WAS THAT IT WAS ONLY NUMBER OF UNIT PROTECTED BY THE AHA. HE DID HIS HOMEWORK ON THIS. THAT'S FROM 8/26/21, I'LL SEND YOU THE LINK SO YOU CAN SHARE IT. WE CAN'T REDUCE THE NUMBER OF BEDROOMS PER AHA. SO, OUR HANDS ARE -- I MEAN IT DOES SEEM LIKE OUR HANDS ARE TIDE ON THESE ISSUES. SHOSHANA, I'LL GO AHEAD AND RESUME THE CHAIR WITH YOUR PERMISSION.

>> S. O'KEEFE: I WAS GOING IT MAKE A COMMENT BUT I SEE YOU'RE BACK. SO, THAT WAS MY THING AS WELL. THANK YOU SO MUCH FOR CLARIFYING. I DON'T THINK WE CAN REDUCE THE SQUARE FOOTAGE. IN RESPONSE TO CARRIE'S COMMENTS, I WANT TO REMIND THE BOARD WHEN WE MAKE DECISIONS, WE CANNOT, SHOULD NOT AND CANNOT TAKE INTO ACCOUNT THE STATED PURPOSE BY THE APPLICANT. IT DOESN'T MATTER WHO IS GOING TO LIVE THERE BECAUSE WE'RE GRANTING A USE PERMIT THAT GOES TO THE HOUSE. THEY COULD SELL THE SECOND THEY GET THE PERMIT AND SOMEONE ELSE CAN BUILD IT. WE NEED TO LIKE CAREFULLY AT WHAT WE'RE APPROVING. THANK YOU.

>> C. KAHN: I HAVE TWO HANDS UP, CARRIE AND DEBBIE AND I'LL RECOGNIZE YOU IN THAT ORDER.

>> C. OLSON: THANK YOU SHOSHANA FOR THAT. I'M NOT ASKING FOR MYSELF, I'M ASKING BECAUSE WE HAVE VERY INTERESTED NEIGHBORS. AND THEY NEED TO UNDERSTAND WHY IT IS THAT WILL THEY NEED TO UNDERSTAND WHY THIS ZONING BOARD MAKES DECISION. THIS IS THE SIZE OF THE PROJECT WE'RE PRESENTED WITH.

>> C. KAHN: DO YOU WANT TO EXPAND ON THESE IDEAS, CARRIE? OR DO YOU WANT TO WAIT?

>> C. OLSON: I THINK THERE ARE A LOT OF WINDOWS THAT LOOK DOWN ON NEIGHBORS AND THEY'RE CONCERNED ABOUT PRIVACY. WE COULD ASK THAT THOSE WINDOWS ON THE SECOND FLOOR BE WE CUT IN HALF. A COUPLE OF THEM ON THE FIRST FLOOR ON THE NORTH SIDE THAT ARE ALREADY SMALL NOW, SO THEY COULD REMAIN SMALL. AND I THINK THAT WOULD HELP. I AGREE WITH DEBBIE, I DON'T SEE ANY WAY TO CHANGE THE BULK OF THIS THING UNLESS WE MADE THE ROOF LOWER. BUT CHARLES, I WOULD HAVE TO RELY ON YOU TO COME UP WITH AN IDEA ON THAT. THAT'S ALL I HAVE TO SUGGEST. THE OTHER THING IS THAT PATHWAY THAT GOES TO UNIT NUMBER TWO ON THE NORTH SIDE OF THE BUILDING, THERE IS NO FENCE THERE. AND IT JUST SEEMS LIKE EYE IT'S EXPECTED THIS TO BE A GATE TO AN ENTRYWAY AND DRIVEWAY THAT PROBABLY DOESN'T EXIST. SHOULD WE ASK FOR A FENCE? JUST PUTTING IT OUT THERE.

>> C. KAHN: I WOULD LIKE TO -- DEBBIE, WITH YOUR PERMISSION I WOULD LIKE TO RESPOND TO CARRIE'S QUESTION ABOUT THE WINDOWS AND STUFF.

>> WE NEED TO TAKE A BREAK.

>> C. KAHN: OKAY, IT'S 9:00. THEN I'LL HOLD THAT AND DEBBIE, YOU'LL BE THE FIRST ONE HEARD WHEN WE COME BACK. AND I GUESS IT'S STANDARD TO TAKE A 10-MINUTE BREAK. WE HAVE ONE MORE. I THINK WE HAVE TO STOP AT 10:00 ANYWAY. LET'S BE BACK AT 9:12.

WE'LL MAKE IT 9:12 ON BUTTON. THANKS.

>> C. KAHN: OKAY. LET'S GET THIS UNDERWAY. IT BY, WHY DON'T YOU GO AHEAD AND SAY YOUR PEACE. CAN YOU HEAR ME, DEBBIE? CAN ANYONE HEAR ME? HOLD YOUR THUMB UP IF YOU CAN HEAR ME. DEBBIE DOESN'T SEEM TO BE HEARING ANYTHING. I'LL TRY TO TEXT HER. DEBBIE. CAN YOU HEAR ME? HOLD YOUR THUMB UP IF YOU CAN HEAR ME. NO? WELL, I THINK WE SHOULD MOVE FORWARD. DEBBIE, CAN YOU HEAR ME? YES? NO? SAMANTHA, CAN YOU HEAR ME?

>> BOARD SECRETARY: I CAN HEAR YOU.

>> C. KAHN: THIS SEALS TO BE A PROBLEM WITH DEBBIE'S SYSTEM. I SENT HER A TEXT -- SHE IS GOING TO SIGN OFF AND TRY TO GET BACK ON. SO, MOST OF THE CONCERNS VOICED WHICH THE NEIGHBORS WERE RELATED TO SHADOW AND LIGHT. AND I DON'T SEE ANYTHING MORE THAN WE CAN DO. THIS IS AS LOW AS IT CAN GO AND RECOMMENDATION FROM STAFF TO GO UP INTO THE BUTTERFLY ROUTE WHICH THEY COULD HAVE REQUESTED TO THE AVAILABLE ROUTE IS GOOD ADVICE, VERY THOUGHTFUL THAT THE NEIGHBOR'S PRIVACY AND SHADOWING CONCERNS, LIGHT AND AIR. THAT WAS A GOOD MOVE DROPPING -- NOT PUSHING UP THE HIGHEST THAT THEY COULD GO IS HELPING. THESE ARE NOT HIGH CEILING HEIGHTS. I'M KIND OF -- OTHER THING IS THEY DID RESPECT THE 20-FOOT SETBACK AT THE REAR AND THE FRONT ON THE NEW SECOND FLOOR. WHICH REALLY DOES MITIGATE THE SHADOW LINES OF THE FLOORS SUBSTANTIALLY. I FEEL LYING MOST OF THE MITIGATIONS ARE IN PLACE. I DIDN'T HEAR ANYTHING FROM THE NEIGHBORS EXPRESSING

CONCERNS ABOUT WINDOWS AND WINDOW PRIVACY. AND I LISTENED TO NEIGHBORS AND TRY TO RESPOND TO THEIR CONCERNS RATHER THAN JUST TRYING TO APPLY A RESTRICTION FOR THE SAKE OF APPEALING TO BE APPEARING TO BE ACCOMMODATING OF NEIGHBOR'S CONCERNS. IT DOESN'T ADDRESS THE CONCERNS THAT THEY VOICED. I HEARD VOICES ABOUT PARKING AND LIGHT AND ACTUALLY, HONESTLY, I LOOKED AT THE SHADOW PLANS AND I DON'T THINK THAT THIS IS DRAMATICALLY INCREASING THE AMOUNT OF SHADOW THAT THE NEIGHBORS ARE CURRENTLY EXPERIENCING. IT'S A SECOND STOREY ADDITION AND THE OWNER HAS THE RIGHT FOR A SECOND STOREY. I'M GOING TO MOVE FOR APPROVAL. IS DEBBIE BACK ON? SHE SEEMS TO BE HAVING TROUBLE WITH HER --

>> D. SANDERSON: NO I HAVE TO REMEMBER TO TURN THE HEAD SET ON. I TURN IT OFF. I HAVE COME TO THE SAME CONCLUSION. I SPENT A FAIR AMOUNT OF TIME LOOKING AT THE DISTANCES BETWEEN THE HOUSE AND THE DIFFERENT SITTING AREAS. AND NOTICED THAT THE SOUTHEAST, THE SOUTHEAST CORNER THAT LOOKS OUT OVER -- I MEAN I UNDERSTAND FROM THE NEIGHBORS' CONCERN THAT THIS IS DIFFERENT AND IT WILL INCLUDE CHANGES IN HOW THEY ARRANGE THEIR LIVING PATTERN WITH THEIR NEIGHBORS. I LIVE IN A HOUSE WHERE I CAN SEE INTO MY A NEIGHBOR'S DINING ROOM WINDOW ON ONE SIDE AND DIRECTLY INTO THE KITCHEN WINDOW ON THE OTHER SIDE. SOMEHOW IT EVOLVED. IF YOU PUT SEE-THROUGH CURTAINS WHERE YOU CAN'T SEE THE PEOPLE BUT IT LETS THE LIGHT IN. I UNDERSTAND THAT THE CHANGE IS UPSETTING AND IRE CONCERNED WITH THE IMPACT. BUT THE IMPACT HAVE OTHER WAYS OF

BEING ACCOMMODATING WITHOUT SAYING NO, YOU CAN'T BUILD THE BUILDING. AS FAR AS THE SHADOWS GO, I DON'T SEE ANY OTHER WAY AROUND IT. THE SHADOWS MENTIONED ARE TRANSITORY. ONE TIME OF THE YEAR AND TWO OR THREE MONTHS AND IT WON'T BE THE WINDOWS WILL BE SHADED ALL DAY. SO I'M WITH YOU, CHARLES, I MEAN I'VE LOOKED AT WHO IS SITTING IN WHAT ROOM AND LOOKING OUT WHERE AND HOW FAR AWAY IT IS. I THINK IT'S -- THESE ARE THE TYPICAL IMPACTS IN AN URBAN AREA EVEN THOUGH FOR THESE NEIGHBORS, I RECOGNIZE AND APPRECIATE THAT IT'S DIFFERENT THAN WHAT YOU'RE USED TO. BUT THAT SAID, I THINK I WOULD SUPPORT THE PROJECT.

>> C. KAHN: THANK YOU FOR YOUR COMMENTS. CARRIE.

>> C. OLSON: I DON'T DISAGREE. AND -- BUT I THINK IT'S IMPORTANT THAT WE HAVE THIS DISCUSSION. AGAIN IN FRONT OF THE PUBLIC. SO THEY UNDERSTAND WHY WE'RE MAKING THE DECISIONS WE MAKE. I'LL SECOND YOUR MOTION, CHARLES.

>> C. KAHN: THANK YOU, CARRIE. OKAY. WE HAVE A MOTION, WE HAVE A SECOND. IF THERE IS NO FURTHER DISCUSSION, I WOULD LIKE TO HAVE A VOTE SO WE CAN HAVE OUR FINAL ITEM TONIGHT. SAMANTHA.

>> CLERK: THANK YOU. THIS IS TO APPROVE 1643, 1647 CALIFORNIA STREET. COMMISSIONER DUFFY.

>> YES.

>> COMMISSIONER THOMPSON.

>> YES.

>> COMMISSIONER OLSON.

>> YES.

>> COMMISSIONER GAFFNEY.

>> YES.

>> COMMISSIONER KIM.

>> YES.

>> COMMISSIONER KAHN.

>> YES.

>> COMMISSIONER SANDERSON.

>> YES.

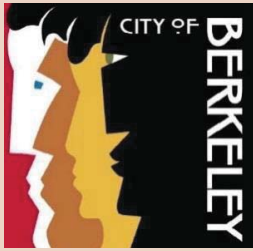
>> VICE CHAIR O'KEEFE.

>> YES.

>> AND COMMISSIONER TREGUB.

>> YES.

>> C. KAHN: THANK YOU SAMANTHA, THAT WAS A UNANIMOUS VOTE IN
FAVOR OF THE USE PERMIT WHICH IS NOW GRANTED SUBJECT TO ALL THE
TERMS AND CONDITIONS THAT APPLY.



Land Use / Zoning

Planning and
Development

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformance with the Zoning Ordinance.

Information on different types of permits can be found at the links below.

Overview of the Permitting Process

https://www.cityofberkeley.info/Planning_and_Development/Permit_Service_Center/Permitting_Process.aspx

Types of Permits

https://www.cityofberkeley.info/Planning_and_Development/Home/Types_of_Land_Use_Permits.aspx

Zoning Project Submittal Requirements

<https://tinyurl.com/rahe8ld>

Land Use / Zoning

1947 Center Street
2nd Floor
Berkeley, CA 94704
Phone: 510-981-7410
TDD: 510-981-7450
planning@cityofberkeley.info

Zoning Project Application

<i>(This box for staff use only.)</i>	DATE STAMP HERE
ZP20 _____ <input type="checkbox"/> Administrative Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Use Permit <input type="checkbox"/> Modification of any of the Above	
Zoning District(s): _____	
Intake Planner: _____	

Project Information:

Project Address: 1643 and 1647 California St. Unit/Suite #: _____

Assessor Parcel Number: 58-2156-18

Project Description:

- Reconfigure existing duplex to create one larger unit and one smaller apartment.
- All work shall be within the building footprint. The building shall remain as a duplex
- Create new new first floor and new third floor.
- See attachment for full description.

Expedited Services Requested? Yes No

Property Owner's Name: Ido and Tamar Oppenheimer

Owner's Mailing Address: 1643 & 1647 California St. Berkeley CA 94703

Phone #: 510-486-8387

Email: idoopp@gmail.com

Applicant's Name (or enter "same"): Sundeep Grewal - Studio G+S Architects

Applicant's Mailing Address: 2223 5th. St. Berkeley, CA 94710


Phone #: 510-548-7448

Email: sunny@sgsarch.com

Under penalty of perjury, I certify that:
(1) the application materials are true and complete to the best of my knowledge;
(2) the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application.
 (*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

Applicant Signature:

 Printed Name:
Sundeep Grewal
 Date: 12-22-2020

Owner Signature:

 Printed Name:
Ido Oppenheimer
 Date: 12-22-2020

(This page is for staff use only)

Zoning District(s):	
Zoning Section	Description
1. 23____.____.____	UP/AUP to
2. 23____.____.____	UP/AUP to
3. 23____.____.____	UP/AUP to
4. 23____.____.____	UP/AUP to
5. 23____.____.____	UP/AUP to
6. 23____.____.____	UP/AUP to
7. 23____.____.____	UP/AUP to
8. 23____.____.____	UP/AUP to
9. 23____.____.____	UP/AUP to
10. 23____.____.____	UP/AUP to



Permit Service Center
Building and Safety Division
1947 Center St. 3rd Floor
Berkeley, CA 94704

INVOICE

Date: 01/06/21

Invoice #: 450164

Record #: ZP2021-0001

Bill to:

Address: 1643 CALIFORNIA ST

Sundeep Grewel
2223 5TH ST
BERKELEY CA 94710-2216

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
1/6/2021	Records Management RM	\$50.00	\$0.00	\$50.00
1/6/2021	Community Planning Fee CPF1	\$300.00	\$0.00	\$300.00
1/6/2021	UPPH: Additional Use Permit (on same project) UPPH060	\$400.00	\$0.00	\$400.00
1/6/2021	VAR: Additional Variances VAR040	\$400.00	\$0.00	\$400.00
1/6/2021	Community Planning Fee (15%) ADDCPF	\$660.00	\$0.00	\$660.00
1/6/2021	UPPH: ZAB Public Hearing Fee UPPH070	\$1,025.00	\$0.00	\$1,025.00
1/6/2021	AUP: Additional Administrative Use Permits AUP080	\$2,000.00	\$0.00	\$2,000.00
1/6/2021	UPPH: Base Tier 1 (all other projects) UPPH010	\$3,600.00	\$0.00	\$3,600.00
Totals:		\$8,435.00	\$0.00	\$8,435.00



Dec. 22, 2020

Applicant's Statement

Project address:

1643 & 1647 California St.
Berkeley, CA 94702

Existing Conditions:

The existing slight uphill parcel contains a one-story duplex in the R-2 restricted two-family residential district. Each duplex is 667 square feet. The existing building and density do not conform to the current maximum density or lot coverage requirements. However, the building was legally built with building permit and hence is considered legal non-conforming. See zoning research letter from Jan. 3, 2017 attached here. Both units are currently owner occupied. Please note unit 2 (1643 California Ave.) is a rent controlled unit. There is currently no on-site parking.

Proposed project: The proposed project includes an addition to and remodeling of the two units. Major components of the project include reconfiguration of the existing duplex to create one larger unit (unit 1) and one smaller, one bedroom unit (unit 2). All work shall be within the building footprint. The building shall remain a duplex. The preliminary program includes the following:

Basement/First floor:

- Raise existing building to create new basement level for new garage (2 car parking, mech. room, storage and gym and family room.

Second floor:

- Reconfigure layout to create one large unit (unit 1) and one smaller, one bedroom unit (unit 2)
- Rebuild/reconfigure existing front entry porch and entry stairs for unit 1
- Create new side entry porch on left side for unit 2
- Create new stairs to basement and second floor levels
- Create new deck at rear of house

Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony

Miscellaneous:

- Create new driveway and curb cut for new garage
- Remove existing accessory building at rear yard

Planning Application includes:

- Use Permit (UP) for enlarging a non-conforming density
- Use Permit (UP)) for addition and expansion for non-conforming lot coverage
- Administrative Use Permit (AUP) for extension of non-conforming rear yard setback
- Administrative Use Permit (AUP) for extension of non-conforming front yard setback
- Administrative Use Permit (AUP) for major addition of 600 s.f.
- Administrative Use Permit (AUP) to create a fifth bedroom
- Administrative Use Permit (AUP) for building addition exceeding 14 feet in height
- Variance for exceeding lot coverage

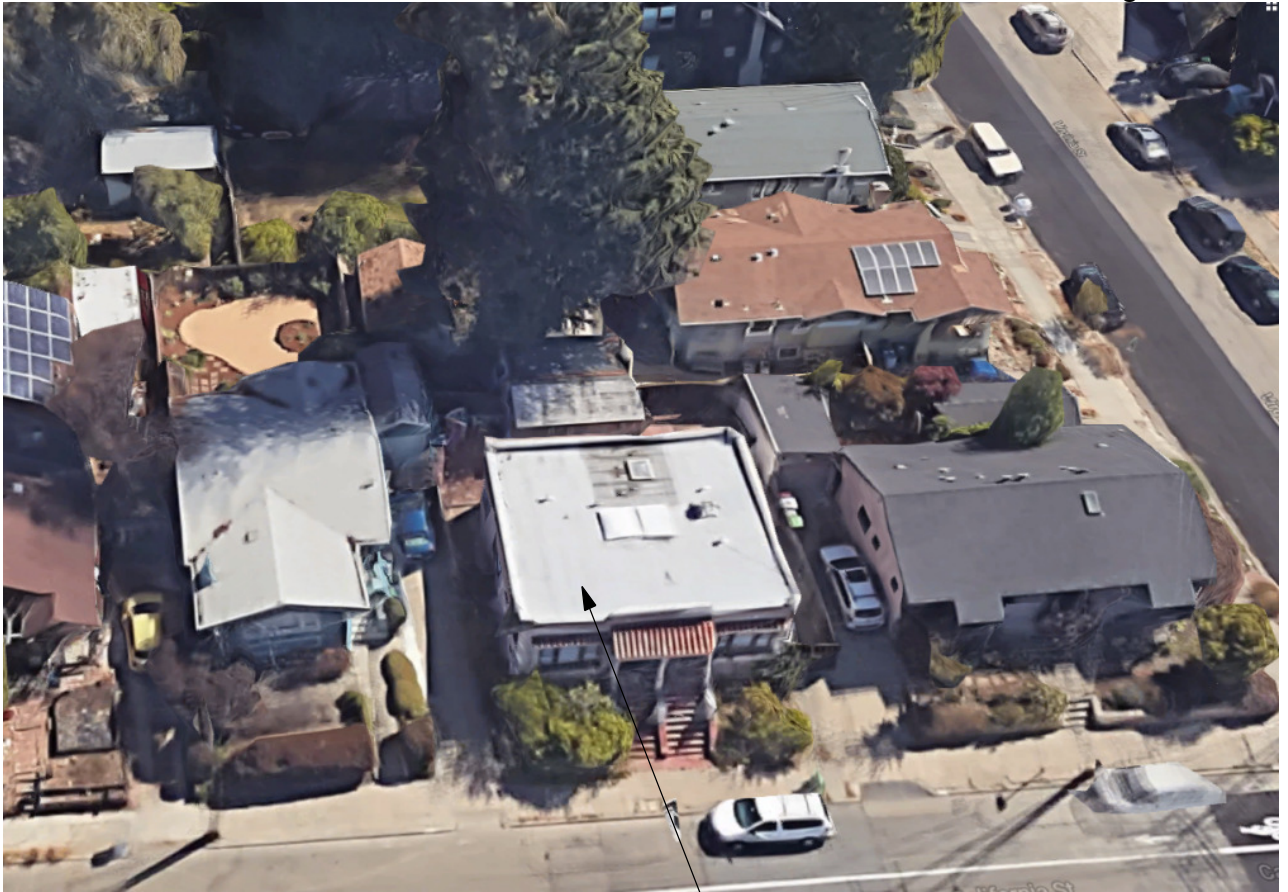
Arguments in support of this project are as follows:

- A. The requested AUPs for major addition of 600 s.f., fifth bedroom and additions exceeding 14' in height are typical for any similar proposed project. There are no special exceptions requested for these various AUPs.
- B. The AUPs for the rear and front yard setback requirement is needed to extend the non-conforming walls for new first floor basement and the third story addition. Please note existing building was originally built within the front and rear setbacks in 1924. Please note that the left side set back is currently 3'-11" where 4'-0" required. The proposed building shall be shifted to the right to meet the 4'-0" setback.
- C. The two use permits required for enlarging a non-conforming density and lot coverage are unavoidable. The two legal units are very small at 667 s.f. each. Adding even one additional square foot the building triggers this use permit.
- D. The variance is sought for exceeding the lot coverage. This too is an unavoidable situation. Any amount of expansion of the existing building triggers the variance. The existing lot is one of the smallest parcels in this neighborhood. It is only 3,142 s.f. in size. However, the proposed project makes the existing condition much better than it is currently. The existing lot coverage is 49.94% (1,569 s.f.). The proposed lot coverage is reduced to 43.98% (1,382 s.f.). But because we are going from a single story building to a three story structure, it is still over the maximum lot coverage of 35% for a three story structure. Even if we were to reduce the project to a two story structure, it would still require a variance. It appears nothing can be proposed without this variance. We believe this to be a hardship for the homeowners.
 - I believe similar variances have been granted in the past (ZP2015-0077 and ZP2017-0100).
 - **ZP2017-0100** variance was approved because *"the Zoning Adjustments Board finds that the proposed project is permissible as it will not increase the existing non-conforming density, number of units, and substandard usable open space on the site. The project would not exceed the district height limit."* This is very similar to our case.

- **ZP2015-0077** also approved a lot coverage variance. It is somewhat of a similar situation as we also have a legal non-conforming lot coverage. In our proposed project we are reducing the lot coverage from 49.94% to 43.98%. I believe we have done as much as possible that can be done without removing a substantial section of the existing structure.
 - A. Two new off-street parking spaces proposed (one regular and compact size). Therefore taking two cars off the street. Previously no parking was provided.
 - B. The proposed project meets the required height limit
 - C. The usable open space requirement now exceeds the minimum space requirement of 400 s.f. per dwelling unit. The existing open space is +/-500 s.f. The total open space proposed is over 1,000 s.f. By removing the existing accessory building at the rear of the property, we are creating a better outdoor space than existed.
 - D. Has negligible impact to neighboring properties. (See shadow study)
 - E. The proposed project has support from the adjoining neighbors. See attached letters.
 - F. The scale of the new addition is compatible with many other houses with a similar height and scale in this neighborhood.



Sundeep Grewal
Applicant and Project Architect



area of new addition



1643 & 1647 California St.

Oppenheimer Residence
1643 & 1647 California St.
Berkeley, CA 94703

Site Photos

2223 Fifth Street.
Berkeley, CA 94710
Ph: 510. 548. 7448
www.sgsarch.com





Right Side



Left Side

Oppenheimer Residence
1643 & 1647 California St.
Berkeley, CA 94703

Site Photos

2223 Fifth Street.
Berkeley, CA 94710
Ph: 510. 548. 7448
www.sgsarch.com





Rear



Rear

Oppenheimer Residence
1643 & 1647 California St.
Berkeley, CA 94703

Site Photos

2223 Fifth Street.
Berkeley, CA 94710
Ph: 510. 548. 7448
www.sgsarch.com





1636 California St.

1634 California St.



1656 California St.



1639 California St.

1643 & 1647 California St.

1651 & 1653 California St.

Oppenheimer Residence
1643 & 1647 California St.
Berkeley, CA 94703

Neighborhood Context

2223 Fifth Street.
Berkeley, CA 94710
Ph: 510. 548. 7448
www.sgsarch.com





1600 Lincoln St.
Apartments

1631 California St.

1635 California St.

1639 California St.

AUP for 2nd story
addition approved



1634 California St.

1628 California St.

Oppenheimer Residence
1643 & 1647 California St.
Berkeley, CA 94703

Neighborhood Context

2223 Fifth Street.
Berkeley, CA 94710
Ph: 510. 548. 7448
www.sgsarch.com





Zoning Project Application Submittal Requirements

Page 1 of 18

<p style="text-align: center;"><i>(This box for staff use only.)</i></p> <p>ZP202 _____ - _____</p> <p> <input type="checkbox"/> Administrative Use Permit <input type="checkbox"/> Variance <input type="checkbox"/> Use Permit <input type="checkbox"/> Modification to any of the Above </p> <p>Intake Planner: _____</p>	<p>DATE STAMP HERE</p>
---	------------------------

SUBMITTAL REQUIREMENTS DURING COVID-19 SHELTER-AT-HOME ORDER

Please note: While the City is following the County Health Official’s orders to shelter-at-home, this document has been modified to allow applicants to submit new Planning applications, while avoiding person-to-person contact. During this order, only the submittal requirements shown in **RED** will be required upon initial submittal of materials. Your project planner will review the submitted materials and contact you regarding any additional requirements for completion.

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Planning and Development Department, Land Use Division. Section 1 is a checklist of materials required for all projects; Sections 2-7 comprise a list of materials that may be required based on the project type or location. Other information not included on this checklist may be requested to address unique situations. All documents, reports and plans must be provided in hard copy and digital format.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description: 1) identifies whether an item is required, and 2) indicates how to prepare each document, drawing, material, and/or report.

Pages 1 and 2 of this packet must be completed and submitted with the Application. Staff will verify that the minimum submittal requirements have been included with your package during the application submittal appointment. Applications that are missing the materials in this checklist will not be accepted for review.

Section 1 – Required for all Projects

- A. Completed Zoning Project Application Packet comprised of the following individual sections:
 - 1. Zoning Project Application Form
 - 2. Completed copy of this Zoning Project Submittal Requirements Checklist (Pages 1-2)
- B. Applicant Statement / Waiver Request
- C. Payment of Application Fees (Please Refer to Current Fee Schedule)
- D. Hazardous Waste and Substances Statement
- E. Tabulation Form
- F. Zoning Use Questionnaire N/A
- G. Pre-Application Yellow Poster
- H. Pre-Application Neighborhood Contact



Zoning Project Application Submittal Requirements

Page 2 of 18

Section 2 – Required for All Development Projects (Involving New Structures, Additions, Demolitions, or Exterior Alterations)

- A. Site Plan
- B. Lot Coverage/Usable Open Space Plan
- C. Floor Plans
- D. Building Elevations
- E. Street Strip Elevation
- F. Section Drawings
- G. Boundary and/or Topographic Survey
- H. Grading Plan

Section 3 – Supporting Documents, Studies, Graphics, and Depictions for All Development Projects

- A. Site Photographs
- B. Shadow Study
- C. Story Pole Plan
- D. Arborist Report
- E. Structural Evaluation
- F. Parking Survey
- G. Traffic Impact Analysis Memorandum
- H. Photo Simulations
- I. Public Art Declaration

Section 4 –Environmental Review

- A. Creek Protection Documentation
- B. Historic Resource Evaluation
- C. Phase I or Phase II Site Assessment
- D. Seismic Hazard Investigation
- E. State General Construction Permit
- F. Stormwater Requirements Checklist

Section 5 – Required for Projects Subject to Affordable Housing Requirements

- A. Housing Affordability Statement
- B. Anti-Discrimination Housing Policies
- C. Density Bonus Eligibility Statement
- D. Area of Potential Effects (APE) Statement

Section 6 – Landscape and Green Building Requirements

- A. Landscape Requirements
- B. Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code
- C. Green Building Requirements

Section 7 – Related Land Use Planning Division Applications

- A. Design Review
- B. Structural Alteration Permit

PLANNING & DEVELOPMENT
Land Use Planning Division, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903
Fax: 510.981.7420 Email: Planning@CityofBerkeley.info

A note from the homeowners:

Dear planning department and Zoning Adjustment Board,

Our family purchased this home in 1989 and was very happy to move into the neighborhood and was immediately welcomed by our neighbors (many of whom still live on the street!). When we first purchased this house, we knew that it needed a lot of work to make it our home. But life had different plans. In just a few short years, we found ourselves raising four children, two of which had disabilities. We focused all of our time, energy and efforts into raising our kids and remodeling/upgrading the house just wasn't a priority anymore.

Now, after 30 years, our home is in a bad condition and in need of dire work. Our kids are all adults now, three of them graduated college and now live in the bay area while the youngest is home studying for a college degree online. We are finally able to refocus our energy and time on the house to ensure it can remain our home for a very long time. Our home is a duplex and we'd like extend our living space to meet our needs. We would like to build a larger main residence while maintaining a smaller apartment for our youngest son, Ron (22). Ron was born with retinoschisis, a vision impairment which means he will never be capable of driving a car. Hence public transportation is very important to us. Our home is in a perfect location for him: just a 5 minute walk from BART, accessible busses and grocery stores within walking distance to provide him with an independent life. No child wants to be dependent on his parents for ever.

Therefore, it's important to us that he has a home to live in while we get to remain in our neighborhood with our incredible neighbors who we've known for over 30 years. We've spoken to our neighbors on both sides of our house and across the street and all support our project to remodel our home so we can remain on the same street.

Thank you for considering our request.

Tamar and Ido Oppenheimer

Project Description:

The proposed project includes an addition to and remodeling of the two units. Major components of the project include reconfiguration of the existing duplex to create one larger unit (unit 1) and one smaller, one bedroom unit (unit 2). All work shall be within the building footprint. The building shall remain a duplex.

The preliminary program includes the following:

Basement/First floor:

- Raise existing building to create new basement level for new garage (2 car parking, mech. room, storage and gym and family room.

Second floor:

- Reconfigure layout to create one large unit (unit 1) and one smaller, one bedroom unit (unit 2)
- Rebuild/reconfigure existing front entry porch and entry stairs for unit 1
- Create new side entry porch on left side for unit 2
- Create new stairs to basement and second floor levels
- Create new deck at rear of house

Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony

Miscellaneous:

- Create new driveway and curb cut for new garage
- Remove existing accessory building at rear yard



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1643 and 1647 California St. Date: 12-22-2020

Applicant's Name: Sundeep Grewal - Studio G+S Architects

Zoning District: R-2

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	<i>Existing</i>	<i>Proposed</i>	<i>Permitted/Required¹</i>
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	2	2	1
Number of Parking Spaces (#)	0	1	2
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	3	5	N/A
Yards and Height			
Front Yard Setback (Feet)	10'-10'	10'-10"	20'-0"
Side Yard Setbacks: (facing property)			
Left: (Feet)	3'-11'	4'-0"	4'-0"
Right: (Feet)	5'-6'	5'-5"	4'-0"
Rear Yard Setback (Feet)	16'-10'	16'-10"	20'-0"
Building Height* (# Stories)	1	3	3
Average* (Feet)	13'-6'	26'-6"	28'-0"
Maximum* (Feet)	13'-6'	28'-0"	35'-0"
Areas			
Lot Area (Square-Feet)	3,100 s.f.	3,100 s.f.	4,500 s.f.
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	1,334 s.f.	3,412 s.f.	
Building Footprint* (Square-Feet) Total of All Structures	1,569 s.f.	1,382 s.f.	1,085 s.f. for 3 stories
Lot Coverage* (%) Residential only (Building Footprint/Lot Area)	49.94 %	43.98 %	35 % for 3 stories
Useable Open Space* (Square-Feet)	500 s.f.	1,029 s.f.	800 s.f. 400 s.f./unit
Floor Area Ratio* Non-Residential only (Except ES-R)	N/A	N/A	N/A

*See Definitions – Zoning Ordinance Title 23F.

Revised: 11/19

¹ See development standards for your Zoning District, per the Berkeley Municipal Code, Sub-Titles 23D and 23E
g:\landuse\forms & instructions\land use planning forms\word files\forms_zoning project application\zoning project application_tabulation form.docx



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Email: Planning@cityofberkeley.info

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section [65962.5](#) by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<https://www.envirostor.dtsc.ca.gov/public/>

Applicant's Information:

Name: Sundeep Grewal

Street Address: 2223 5th. St

City, State, Zip Code: Berkeley CA 94710

Phone Number: 510-548-7448 Email: sunny@sgsarch.com

Project Information:

Address: 1643 and 1647 California St

City, State, Zip Code: Berkeley CA 94703

Assessor's book, page, and parcel number: _____

Specify any list that the site appears on:

Regulatory identification number: _____

Date of list: _____

Site Use (if known):

Past: Residential - duplex Present: Residential - duplex

Proposed: Residential - duplex

Submittals (check all that are available):

Phase I Report Phase II Report Closure Letter Other: _____

Applicant's verification:

Signature:  Date: 12-22-2020

Cell: 415.385.5777
Jmalmuth@aol.com

The Malmuth Family
1636 California Street
Berkeley, CA 94703

November 1, 2020

Re: Proposed renovation at 1643 & 1647 California Street
To whom it may concern:

My wife and I moved into 1636 California Street in April 1983. During the intervening 37 years we raised our 3 children and have continued to enjoy what has essentially been decades very close and stable relationships with our neighbors. Ido and Tamar Oppenheimer moved into 1643 & 1647 California Street a very small duplex, at the end of 1989. We, as our other long-term neighbors, count them as an integral part of our California Street community. During the intervening 31 years that Ido and Tamar lived across the street from us they also raised their lovely children, Gal, Tal, Or and Ron. The house that Ido and Tamar bought back in 1989 can be best described as a fixer upper. Ido was a tile installer and worked hard leaving early and getting home late. He actually tiled our home during its renovation. However, with the costs of raising their four children, Ido and Tamar could not afford the expense of renovating their home. As the years past our neighborhood watched as their home fell into greater disrepair. It was sad to see but there was nothing they could do.

Gal, Tal, and Or are now adults, have secured jobs in the Bay Area and moved out of their childhood home at 1643 & 1647 California Street. Ron however is disabled. He has been diagnosed with a genetic disorder called X-linked retinoschisis XLR5 gene and is losing his limited sight. Ron is not permitted to drive. He relies exclusively on BART and the bus for some semblance of independence. The North Berkeley BART is two blocks from our homes as is the nearest bus stop. Now that 3 of Ido and Tamar's children have finished college they have an opportunity to renovate their home. Ido and Tamar are ecstatic, as are we, and their other neighbors; after so many years living in a rapidly dilapidating and unsafe structure, they will finally be able fix up their home while securing a place for Ron to live.

Ido and Tamar's home is very small and their lot is one of the smallest in the surrounding area. Their family has grown and they regularly have large family gatherings of one kind or another. As such, their needs have grown but the size of their house remains, small and cramped. It is for this reason I am writing the City of Berkeley. I understand that a principle exists regarding percentage of lot coverage. However, less tangible but no less important things that may not be included in the building codes include, long-term and stable neighborhoods, community, and assistance with a disabled child.

I have reviewed the proposed renovation plans and I am in full agreement with them. I believe the renovation will result in a positive contribution for their family and for our neighborhood.

I have spoken to Ido and Tamar. Their dream is to remain in Berkeley in the house of their dreams where they have lived for 31 years, raised their children and have been such an integral part of our neighborhood. And as one of their close neighbors I pray that Berkeley will find a way to allow them to remodel their home to fit their needs and Ron's.

Thank you,



Jeff Malmuth

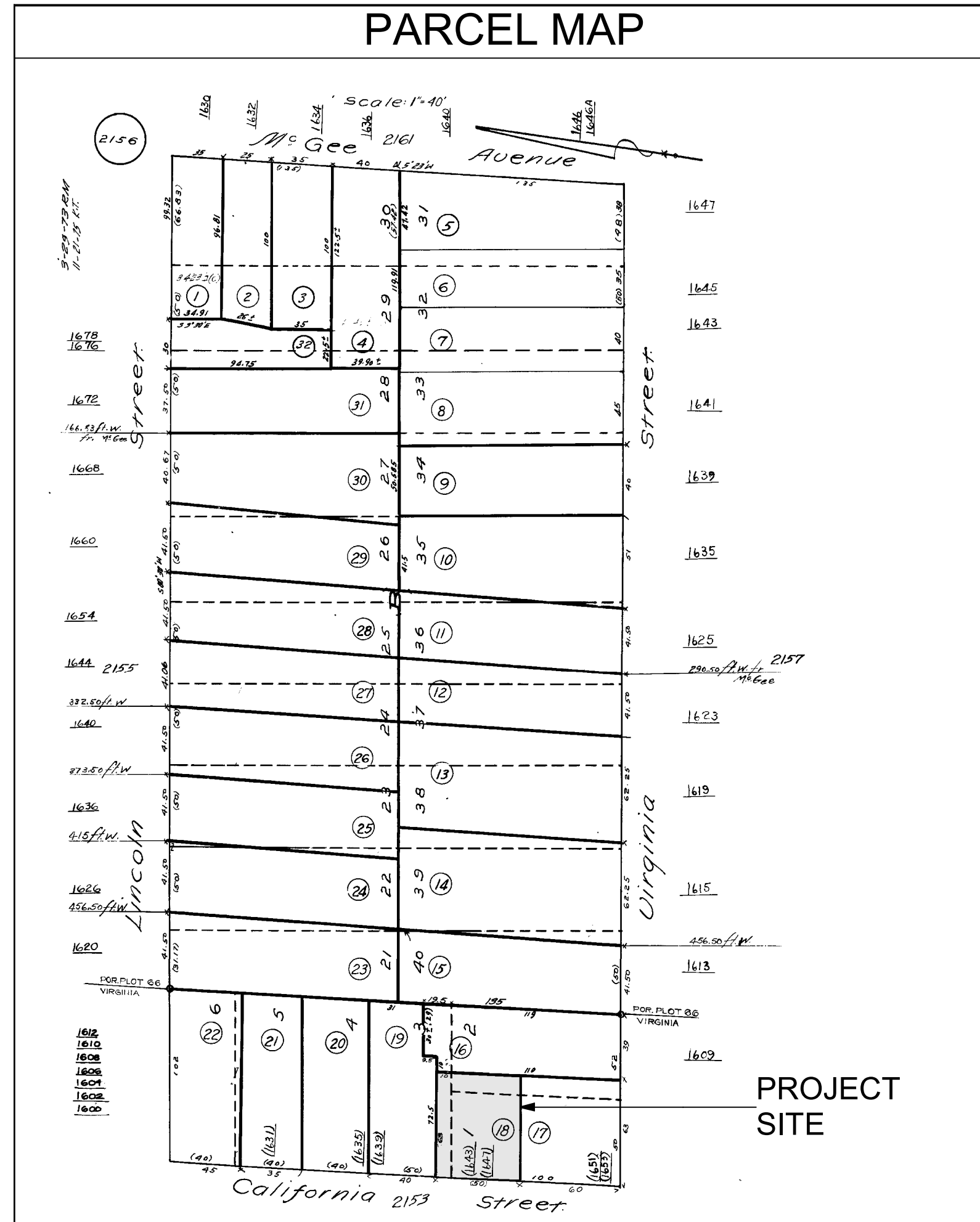
November 17, 2020

To Whom It May Concern:

I am the homeowner living at 1639 California St. since 1979. It has been my pleasure to be a neighbor of the Oppenheimer Family since they arrived in 1989. I have been invited to dance, circus performances, graduations, front yard visits and profited from their apricot and lemon tree for many years. As their family grew, they decided to enlarge their living space, rather than move to a bigger home. While this is against City of Berkeley housing regulations, the outside of their home has deteriorated and I support their plans to upgrade, improve and remodel their home to suit their changing needs. The stairs are steep and showing separation from the foundation. Their safety, as well as visitors and essential workers will continue to be at risk, and City of Berkeley impediments only add to the time delay in this repair. I recently invested in a complete renovation of my front yard, and this leaves the Oppenheimers home looking vulnerable and frankly, unattractive. This remodel makes sense and should be allowed to proceed.

Sincerely,

Barbara Fritz
1639 California St.
Berkeley, 94703



OPPENHEIMER RESIDENCE

1643 & 1647 California St. CA 94703

SHEET INDEX

- Architectural:**
- A0.0 Scope Of Work, Vicinity Map, Parcel Map, Project Data Sheet Index , Abbreviations, Applicable Codes Project Directory, Photos
 - A0.1 Existing Site Plan, Proposed Site Plans
 - A0.2 Site Survey
 - A1.1 Existing Floor Plan
Existing Exterior Elevations
 - A2.1 Proposed Floor Plan
 - A2.2 Proposed Floor Plans
 - A3.1 Proposed Exterior Elevations
 - A3.2 Proposed Building Section, Exterior Renderings
 - A4.1 Shadow Study
 - A4.1 Shadow Study

**2223 Fifth St.
Berkeley, CA 94710
Ph: 510.548.7448
info@sgsarch.com
www.sgsarch.com**



SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, one-story, two-family residence (duplex). Components of the project include:

Reconfigure existing duplex to create one larger unit and one smaller apartment. All work shall be within the building footprint. The building shall remain as a duplex. The preliminary program includes the following:

Basement/First floor:

- Raise existing building to create new basement level for new garage, mech. room, storage and gym and family room

Second floor:

- Reconfigure layout as needed to create a larger unit with one smaller apartment
- Rebuild/reconfigure existing porch and entry stairs as required
- Create new stairs to basement and second floor addition

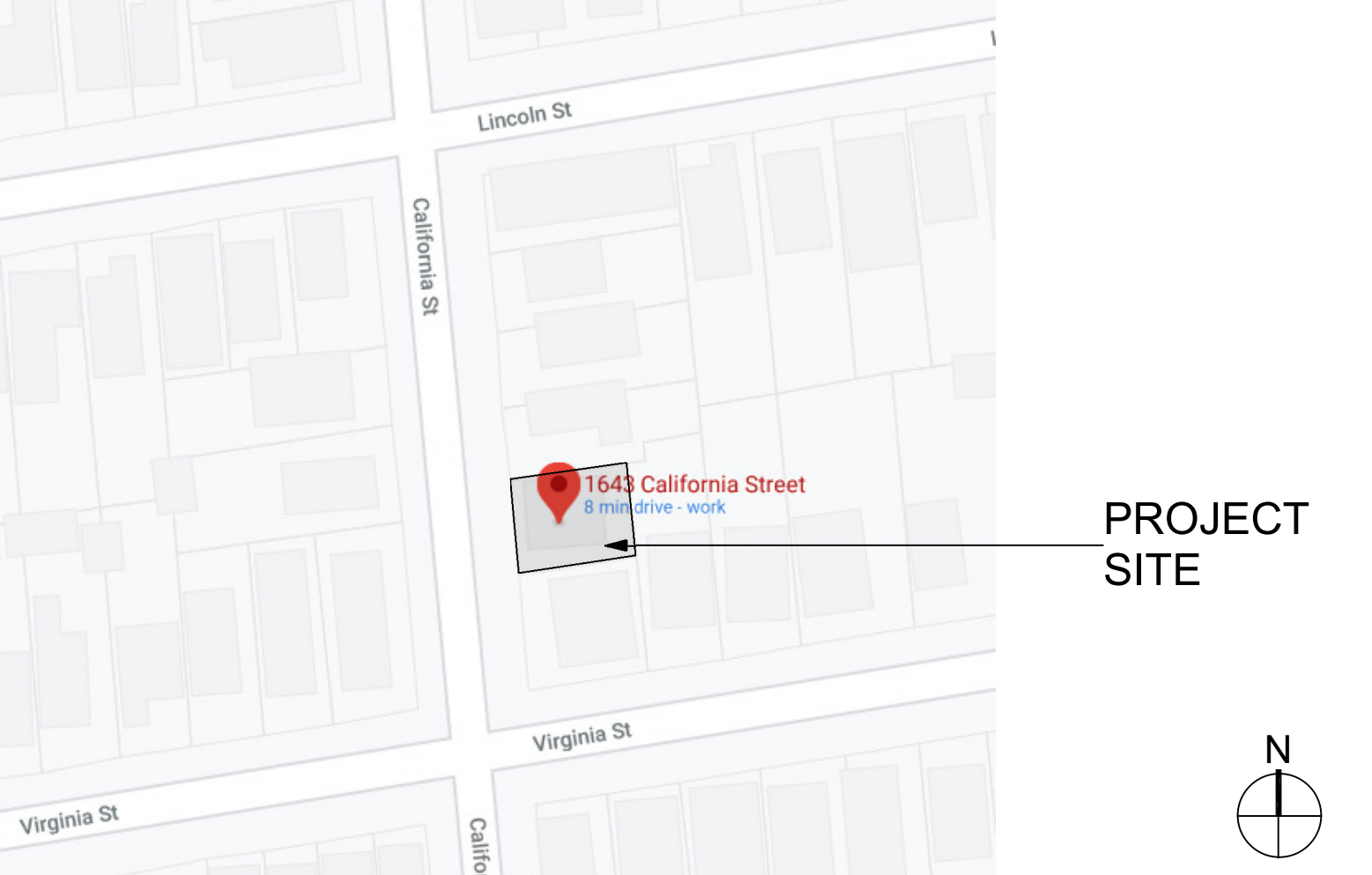
Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony

Miscellaneous:

- Update all mechanical, electrical and plumbing systems as required for new work
- Create new driveway and curb cut for new garage

VICINITY MAP



PROJECT DIRECTORY

Owner:
Ido and Tamar Oppenheimer
1643 & 1647 California St.
Berkeley, CA 94703
Tel: 510 486-8387

Architect:
Sundeep Grewal
Studio G+S, Architects
2223 5th St.
Berkeley, CA 94710
Tel: 510-548-7448
sunny@sgsarch.com

Project Address:
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

PROJECT DATA

Occupancy: R-3 Duplex
Proposed Construction: Type V-B
Fire Sprinkler System: No

Zoning/General Plan Regulation
Zoning District: R-2 (Restricted Two-Family Residential)
General Plan Area: LMDR
Downtown Arts District Overlay: No
Commercial District With Use Quotas: No

Seismic Safety
Earthquake Fault Rupture(Alquist-Priolo) Zone: No
Landslide (Seismic Hazards Mapping Act): No
Liquefaction (Seismic Hazards Mapping Act): No
Un-reinforced Masonry Building Inventory: No

Historic Preservation
Landmarks or Structure of Merit: No

Environmental Safety
Creek Buffer: None
Fire Zone: 1
Flood Zone(100-year or 1%): No

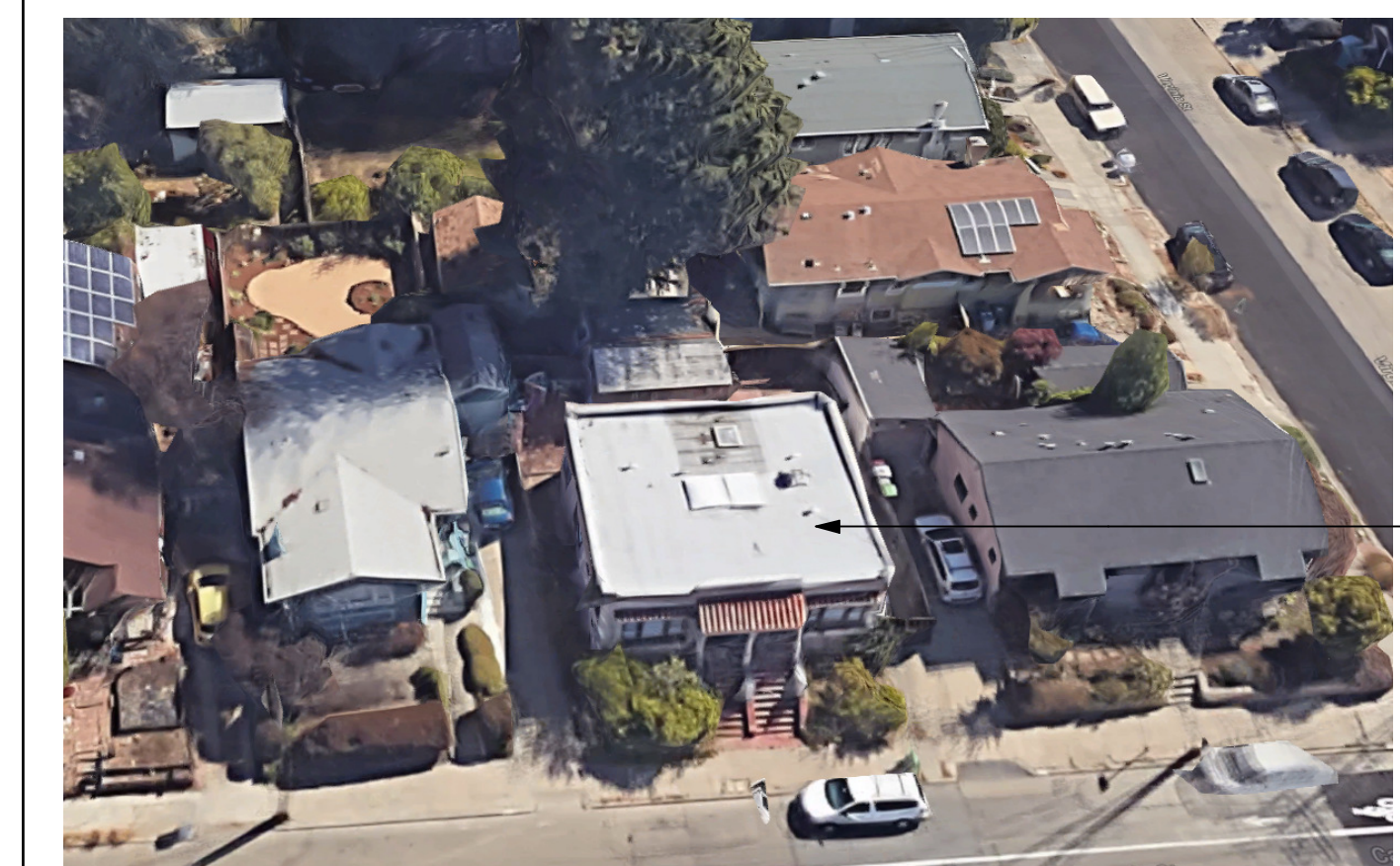
Wildlife Urban Interface: No

APPLICABLE CODES

2019 California Building Code (CBC) Volume 1
2019 California Building Code (CBC) Volume 2
2019 California Residential Code (CRC)
2019 California Energy Code (CBEES)
2019 California Green Building Standards Code (CALGreen)
2019 California Electrical Code (CEC)
2019 California Plumbing Code (CPC)
2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

SITE PHOTOS



Aerial of existing duplex

PROJECT SITE



Front and right Side of existing duplex



Front and left Side of existing duplex

Tabulations

	Required/Allowed	Existing	Proposed
Set Backs:			
Front	20'-0"	10'-10"	10'-10" no change
Rear:	20'-0"	16'-10"	16'-10" no change
Left side:	4'-0"	3'-11"	4'-0" no change
Right side:	4'-0"	5'-6"	5'-5" no change
Habitable Floor Area:			
Unit 1:			
Basement floor:		0 s.f.	817 s.f.
First floor:		667 s.f.	901 s.f.
Second floor:		0 s.f.	1,197 s.f.
Total Area Unit 1:		667 s.f.	2,914 s.f. (2,244 s.f. new)
Unit 2:			
Basement floor:		0 s.f.	0 s.f.
First floor:		667 s.f.	501 s.f.
Second floor:		0 s.f.	0 s.f.
Total Area Unit 2:		667 s.f.	501 s.f.
Total Area:		1,334 s.f.	3,412 s.f. (2,078 s.f. new)
Bedroom Count:		3 total	5 total
Non-Habitable Area:			
Accessory Structure:		167 s.f.	0 s.f.
Building Height:			
Main Building:	28'-0" 35'-0" w/ AUP	13'-6" 13'-6"	26'-3" 28'-0"
Parking:	2	0	2 (1 regular, 1 compact)
Lot Size:	4,500 s.f.	3,142 s.f.	3,142 s.f.
Total Foot Print:			
House:		1,342 s.f.	1,342 s.f.
Covered Porch:		60 s.f.	0 s.f.
Accessory Structure:		167 s.f.	0 s.f.
Total:	1,085 for 3 stories	1,569 s.f.	1,382 s.f.
Lot Coverage:	45% (1 story) 40% (2 story) 35% (3 story)	49.94%	43.98%
Usable Open Space:	400 s.f./unit	500 s.f.	1,029 s.f.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	fig.	footing	regisr.	register
alum.	aluminum	furn.	furnace	reinfr.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
bdg.	building	gnd.	ground	r.w.l.	rain water leader
blk.	block	gr.	grade	s.	solid
blkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
btw	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
column	column	max.	maximum	stor.	storage
comp.	composition	m.c.	medicine cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	tv.	television
dr.	door	nec.	necessary	typ.	typical
dwn.	down	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encl.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	plastic	w.o.	where occurs
f.	frost	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

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Sheet Contents:
Sheet Index
Applicable Codes
Abbreviations
Vicinity Map
Project Data
Scope of Work
Project Directory
Photos

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Drawn By: SSG

Checked By: SSG

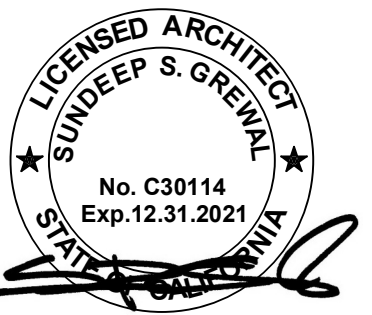
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Sheet Contents:
Existing Site Plan
Proposed Site Plan

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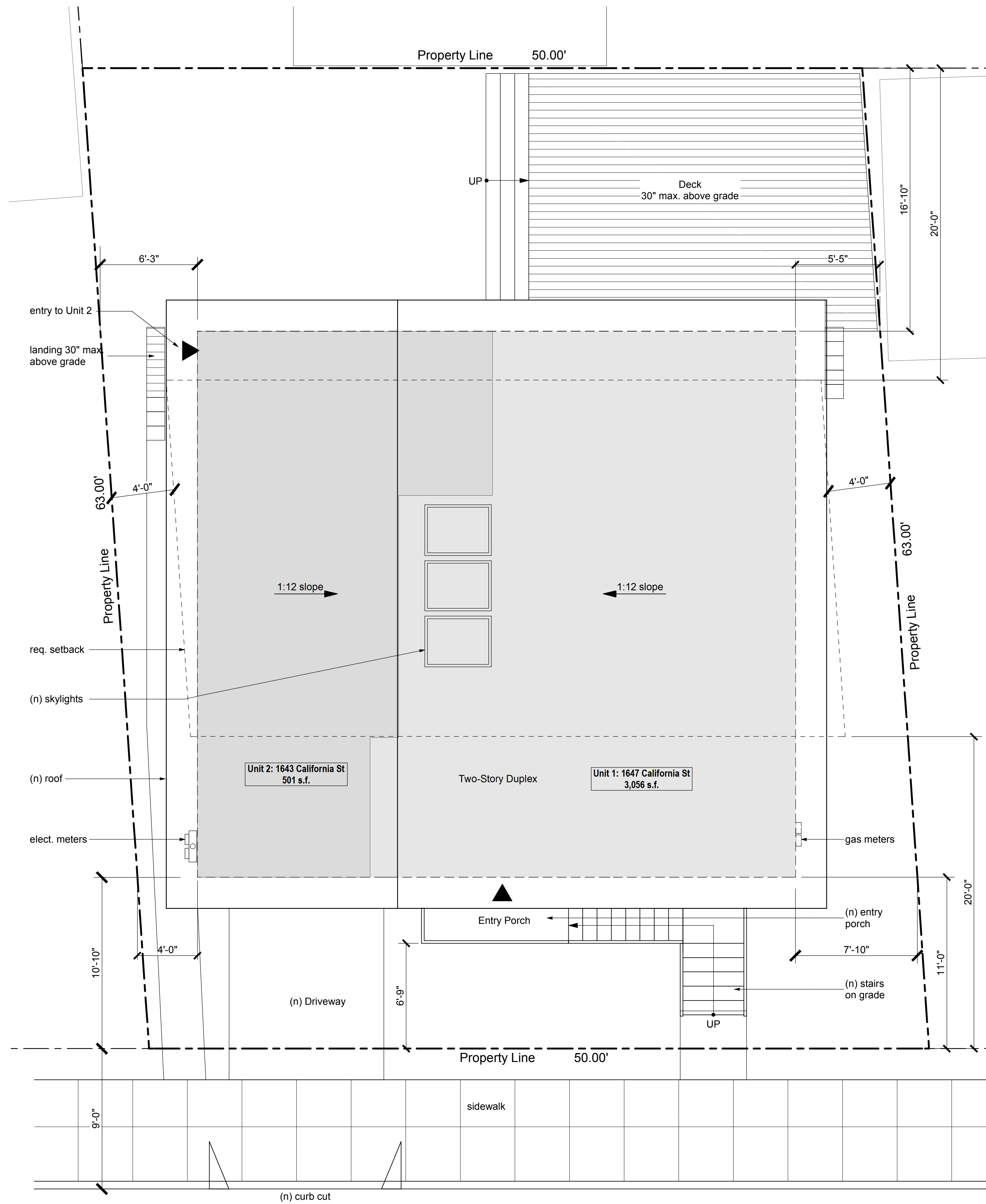
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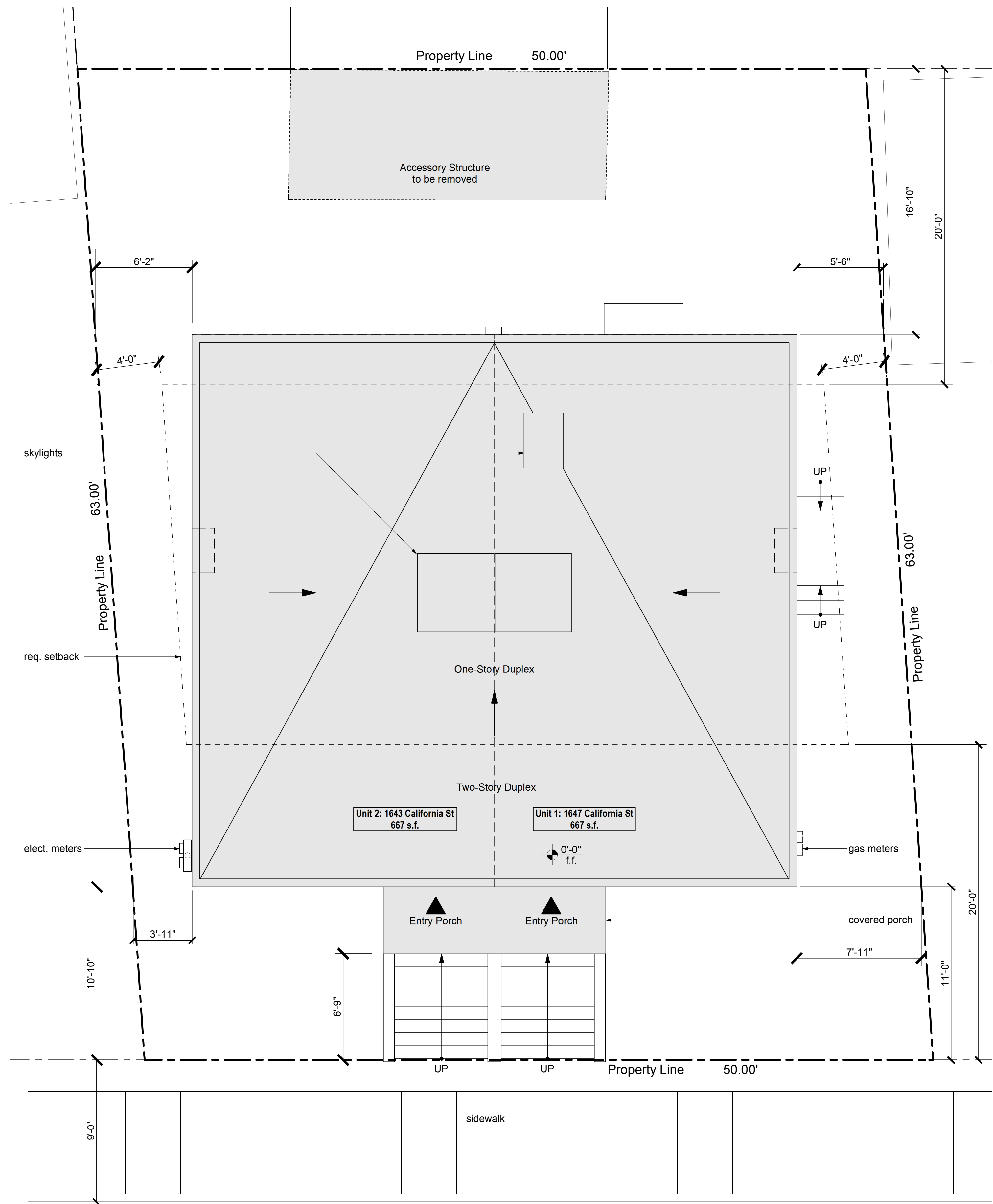
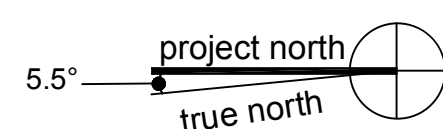
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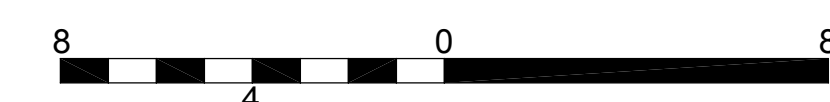
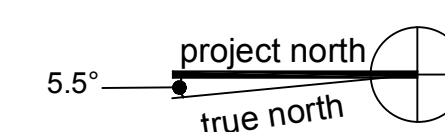
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2 Proposed Site Plan



1 Existing Site Plan





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Site Survey

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Scale:
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Revisions:
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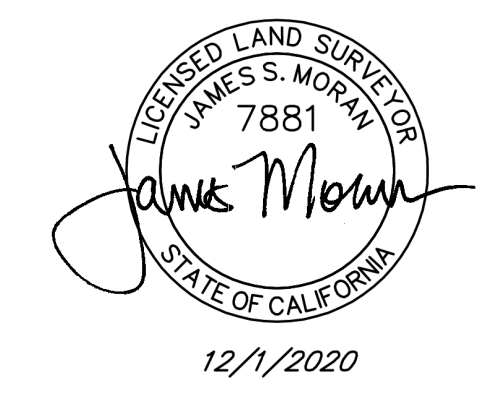
HOUSE LOCATION SURVEY

PORTION OF LOTS 1, 2 AND 3, MAP OF VIRGINIA TRACT, FILED OCTOBER 4, 1890 (8 M 43)
LOCATED AT 1643-1647 CALIFORNIA STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 17, 2020 SCALE: 1" = 8'

MORAN ENGINEERING, INC.

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



- LEGEND**
- FOUND MONUMENT PER PM 6679 (213 M 50)
 - BLDG. BUILDING
 - C.O. CLEAN-OUT
 - D/W DRIVEWAY
 - F.H. FIRE HYDRANT
 - J.P. JOINT POLE
 - M.H. MAN HOLE
 - S/W SIDEWALK
 - T.C. TOP OF CURB

GENERAL NOTES

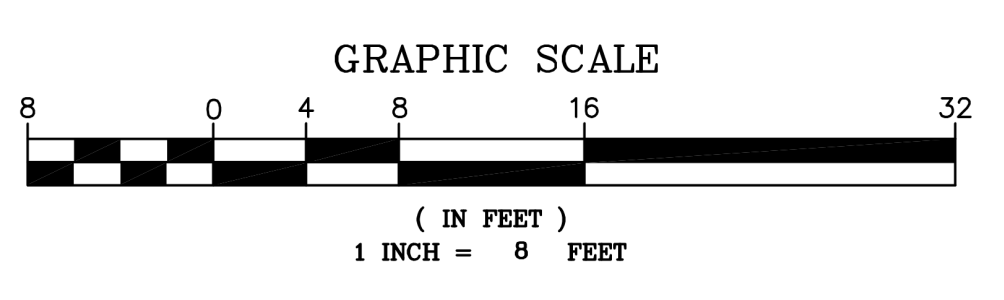
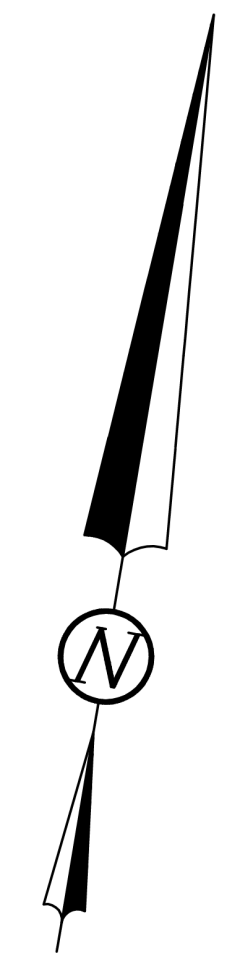
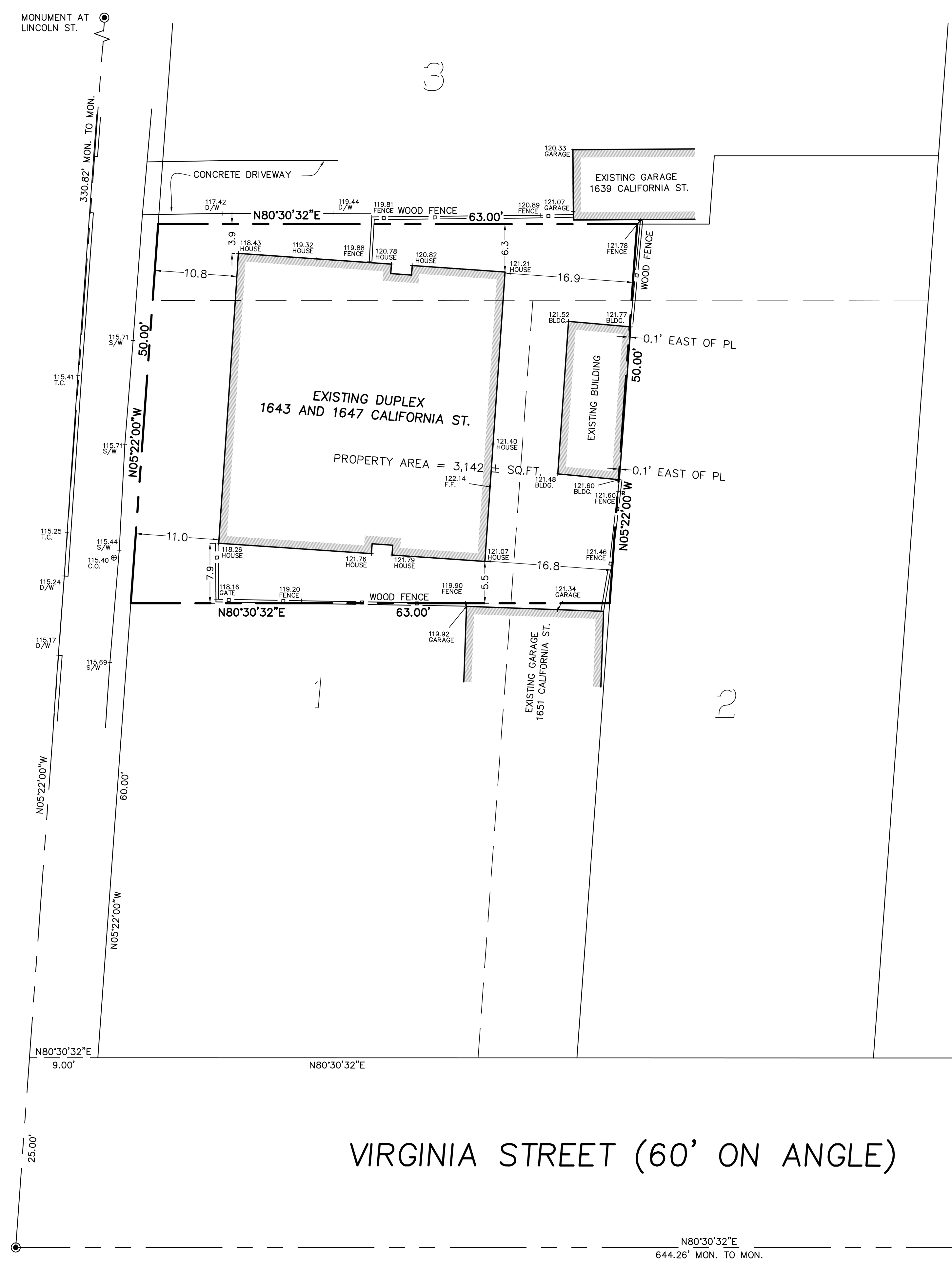
BENCHMARK: MONUMENT PIN ON THE WEST SIDE OF SACRAMENTO STREET AT VIRGINIA STREET. ELEVATION = 108.683 PER CITY OF BERKELEY ENGINEERING DIVISION RECORDS. ELEVATIONS ARE BASED UPON THE CITY OF BERKELEY DATUM.

THIS SURVEY IS BASED UPON THE GRANT DEED TO LAWYERS ASSET MANAGEMENT INC. RECORDED DECEMBER 1, 1989 SERIES 89-324628, ALAMEDA COUNTY RECORDS.

THE BEARINGS ON THIS MAP ARE BASED UPON THE MONUMENT LINE IN CALIFORNIA STREET WITH A BEARING OF N05°22'00"W AS SHOWN ON PARCEL MAP 6679 FILED MARCH 29, 1994 IN BOOK 213 OF MAPS PAGES 49-50.

CALIFORNIA STREET (60' ON ANGLE)

VIRGINIA STREET (60' ON ANGLE)





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Sheet Contents:
Existing Floor Plans
Existing Exterior Elevations

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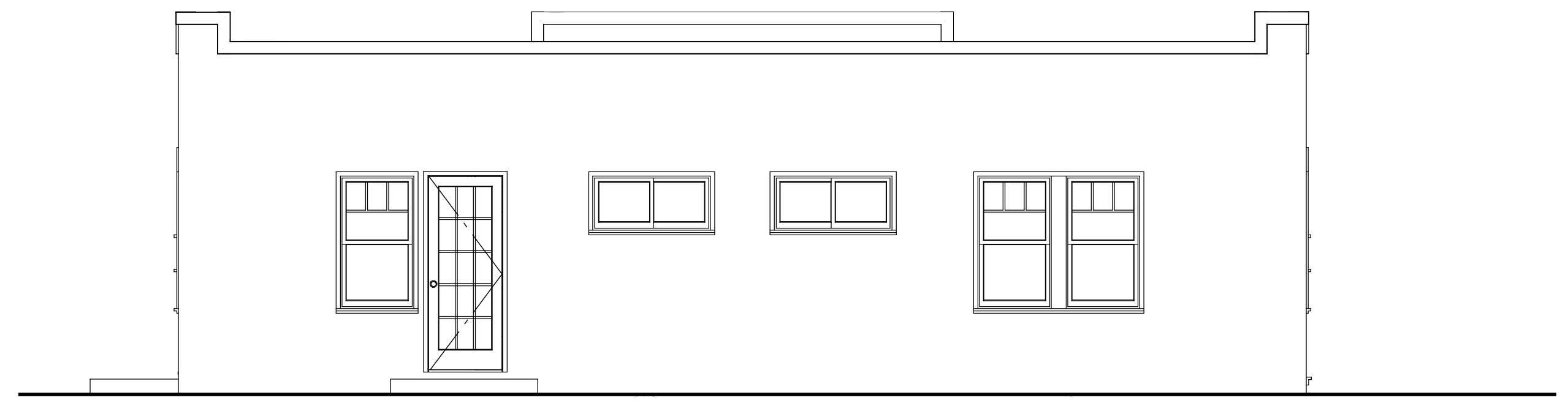
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Sheet
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5 Existing East Elevation - Rear



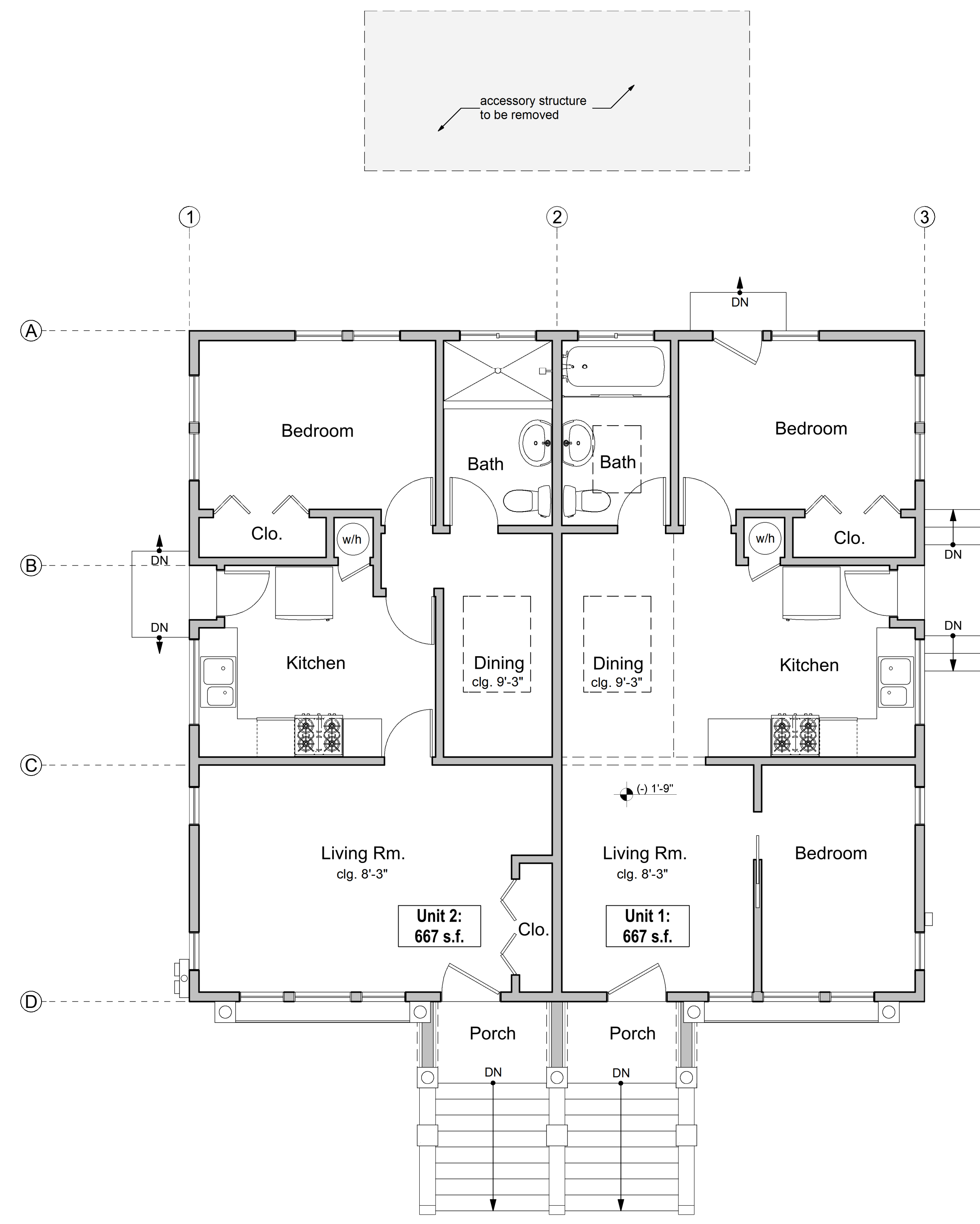
4 Existing North Elevation - Left Side



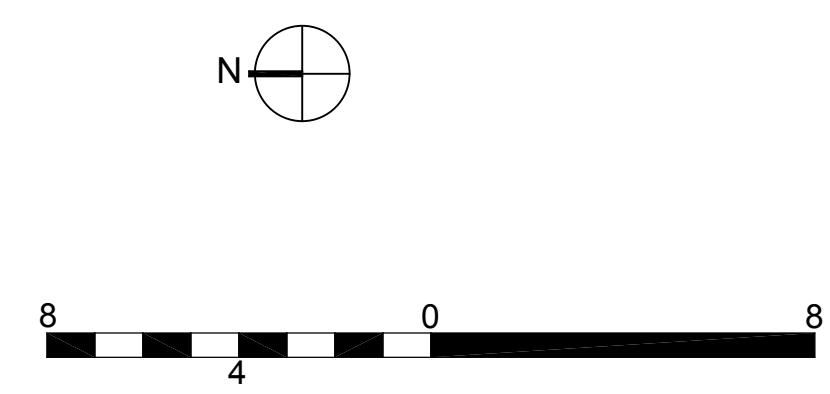
3 Existing South Elevation - Right Side



2 Existing West Elevation - Front

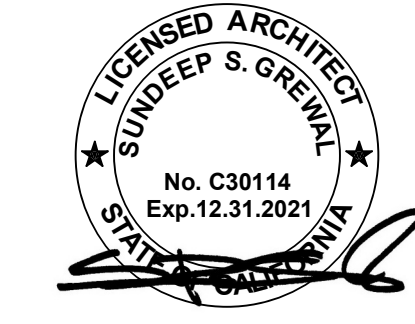


1 Existing First Floor Plan





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Proposed Floor Plan

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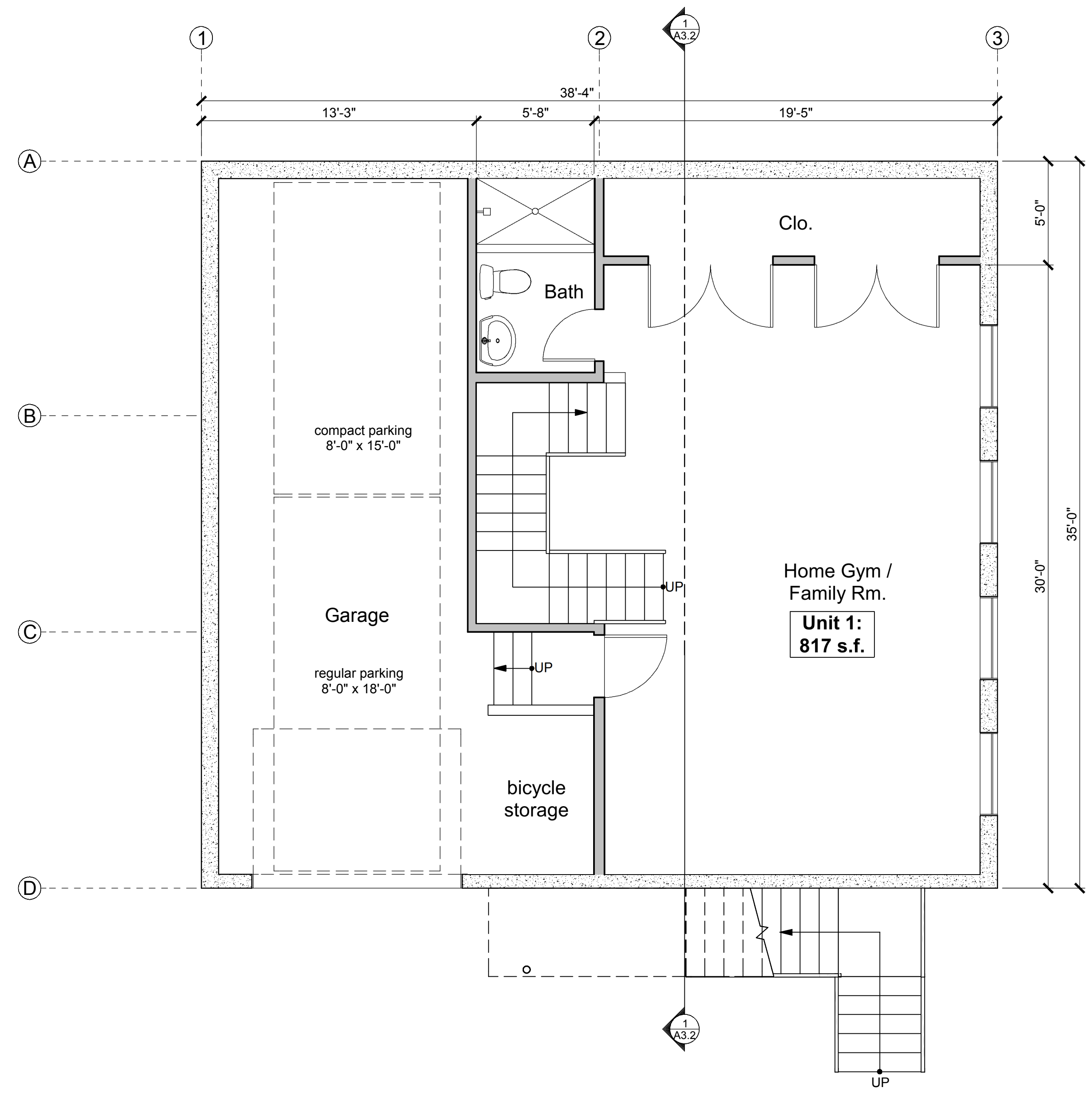
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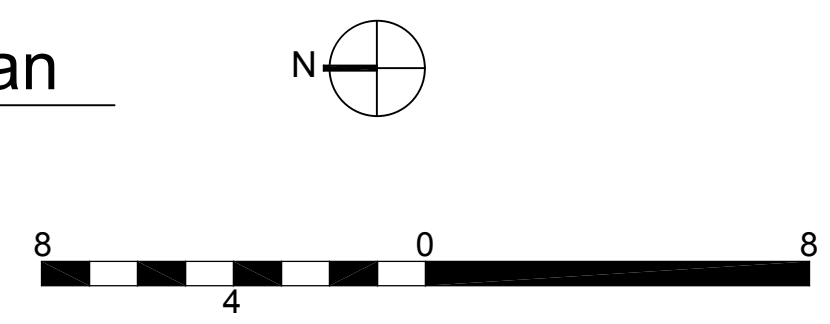
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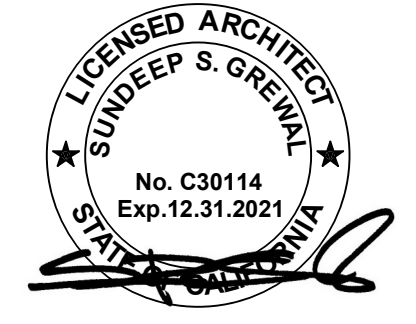


1 Proposed Garage/Basement First Floor Plan





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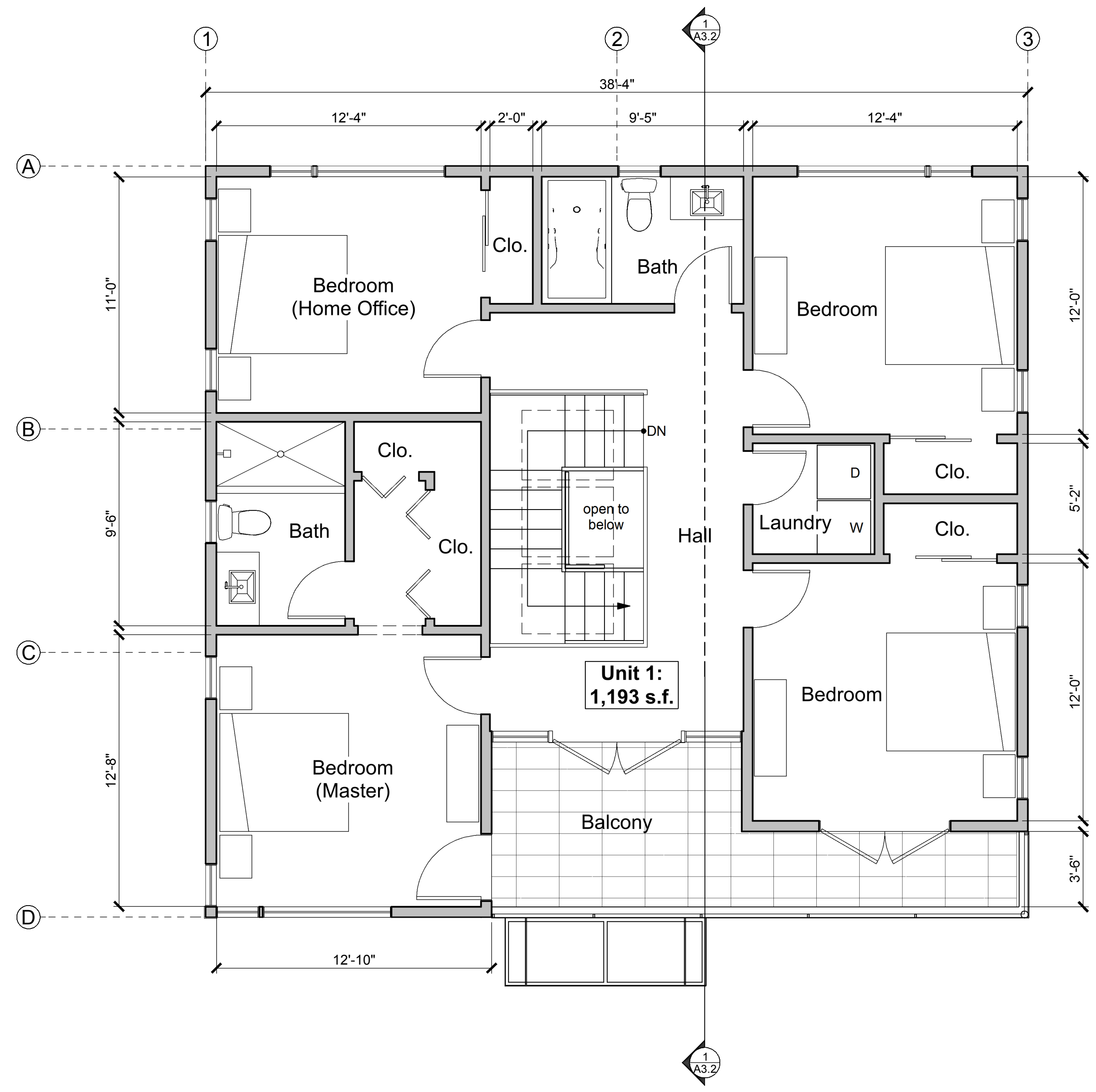
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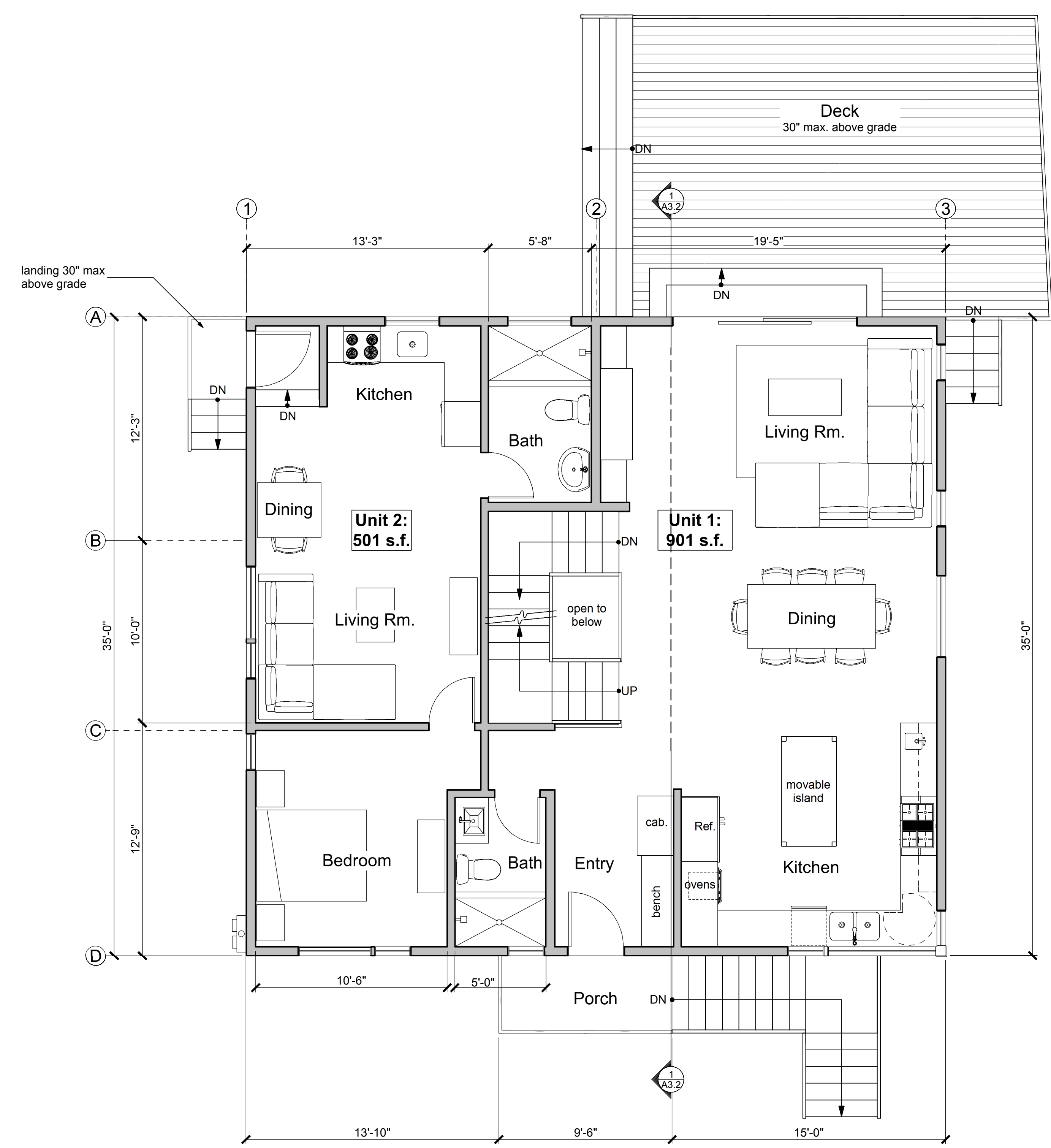
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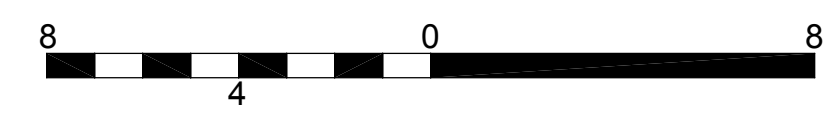
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2 Proposed Third Floor Plan

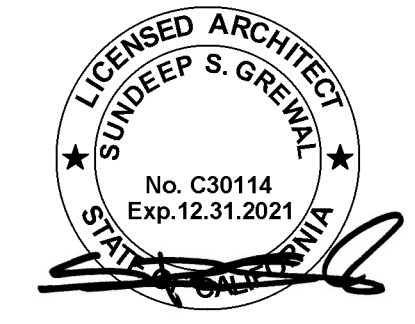


1 Proposed Second Floor Plan





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Sheet Contents:
Proposed Exterior Elevations

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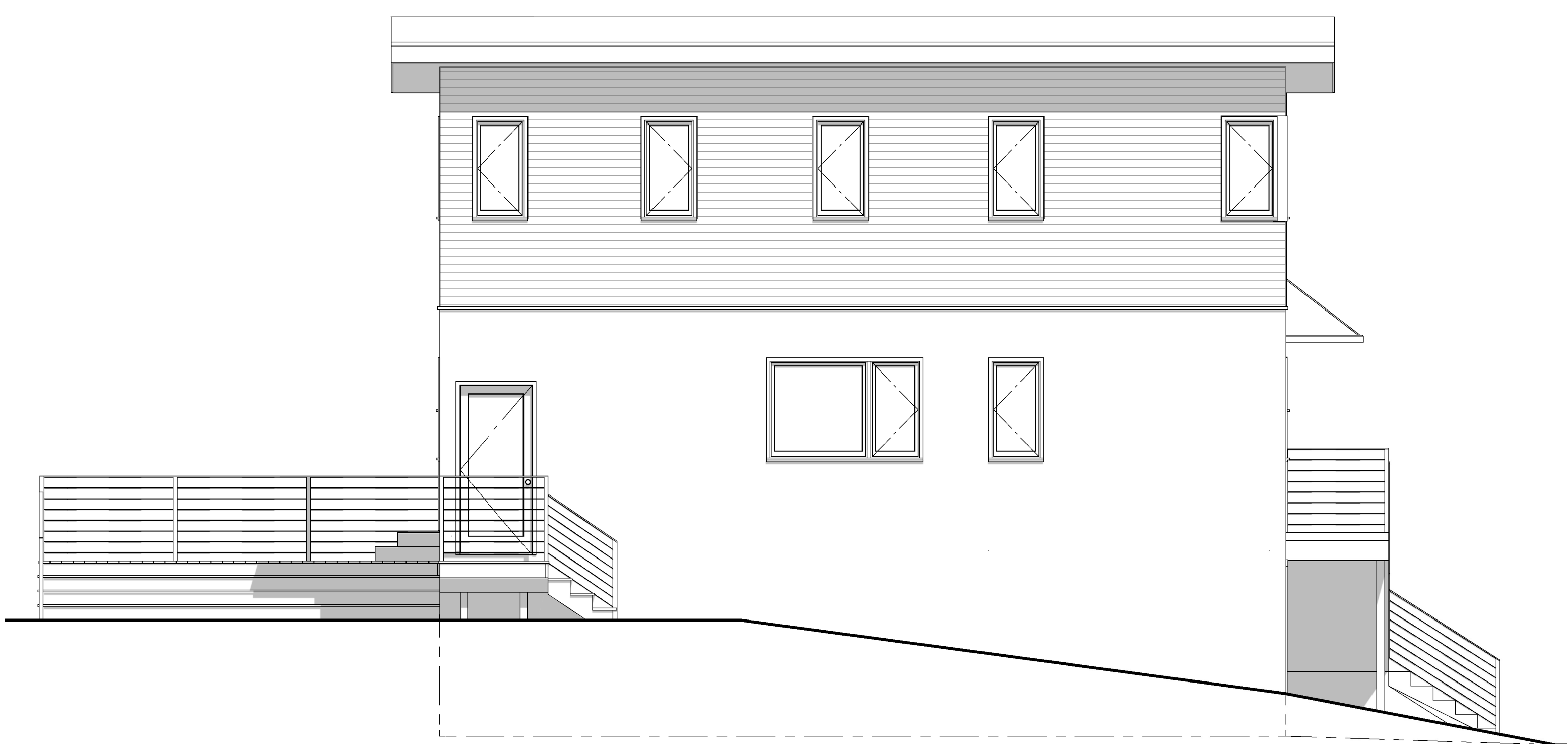
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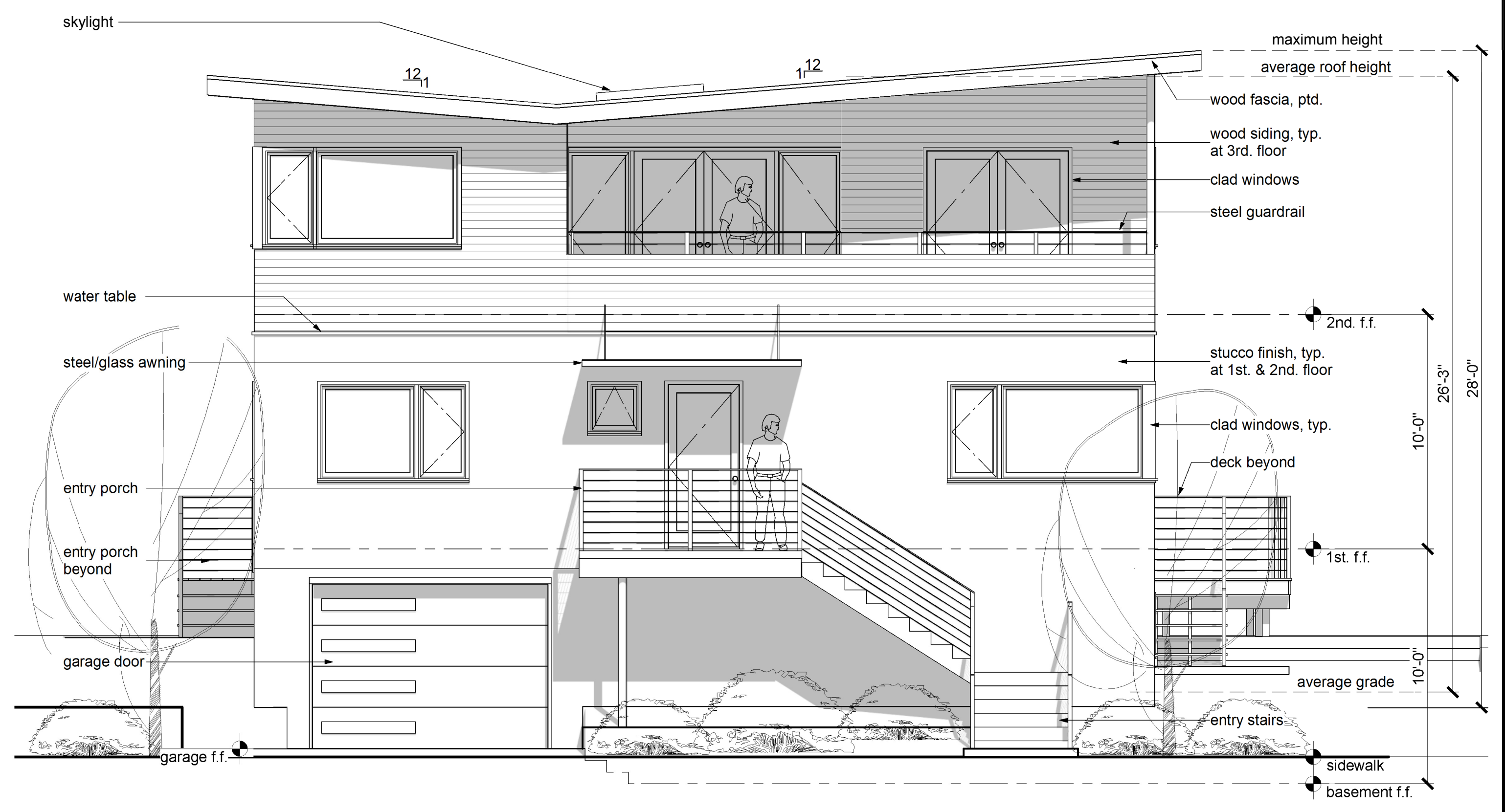
④ Proposed South Elevation - Right Side



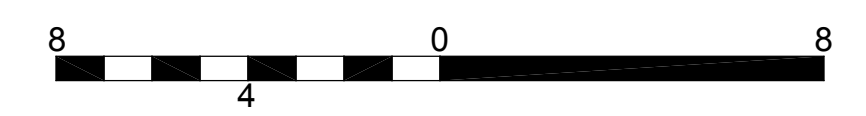
③ Proposed East Elevation - Rear



② Proposed North Elevation - Left Side

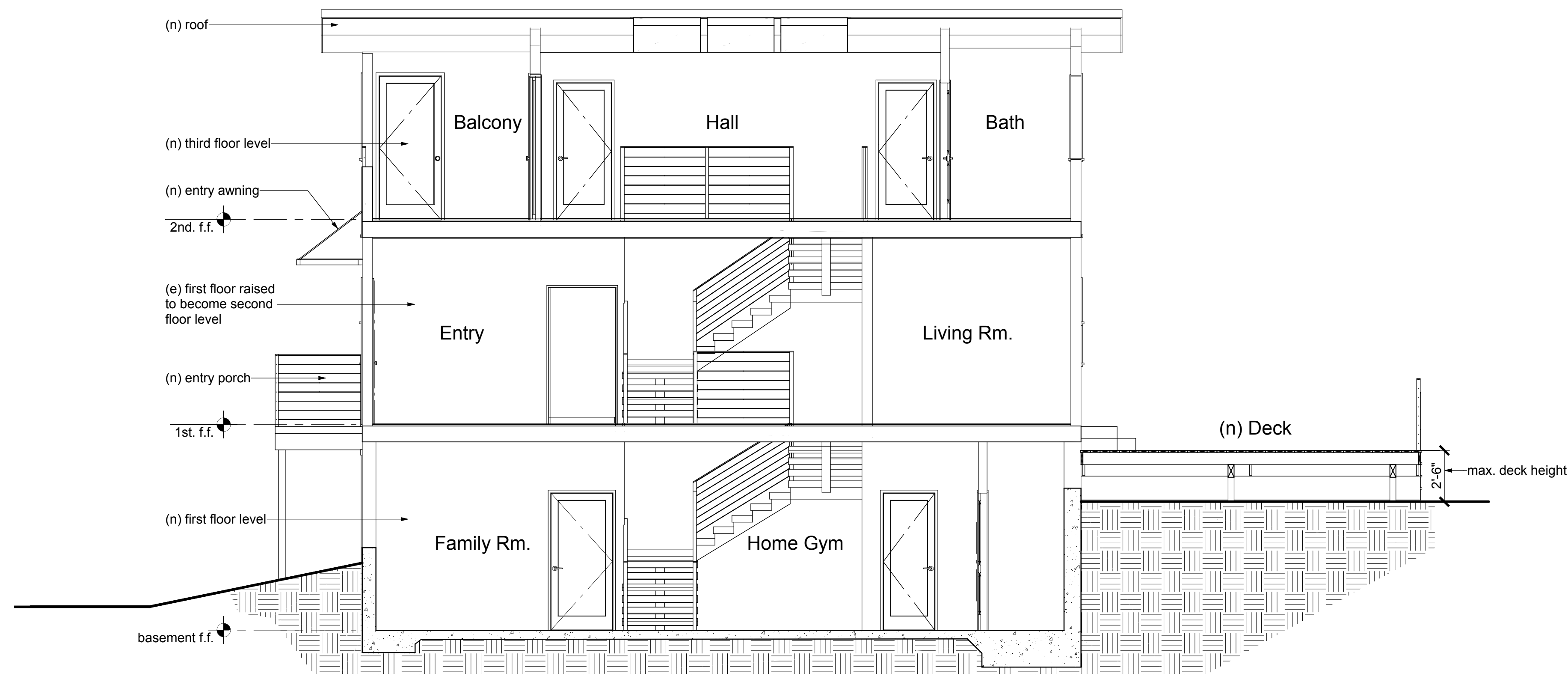


① Proposed West Elevation - Front

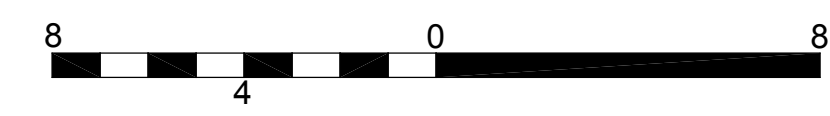




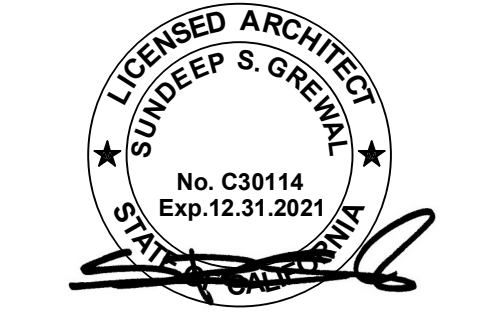
2 Renderings



1 Proposed Building Section



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Building Section
Renderings

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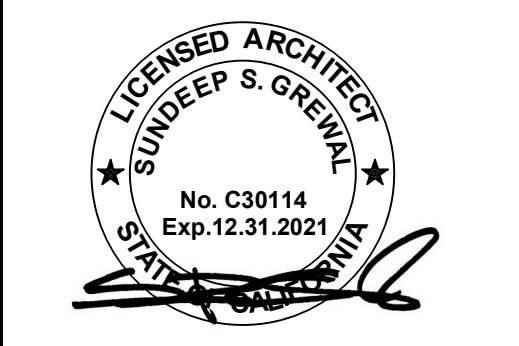
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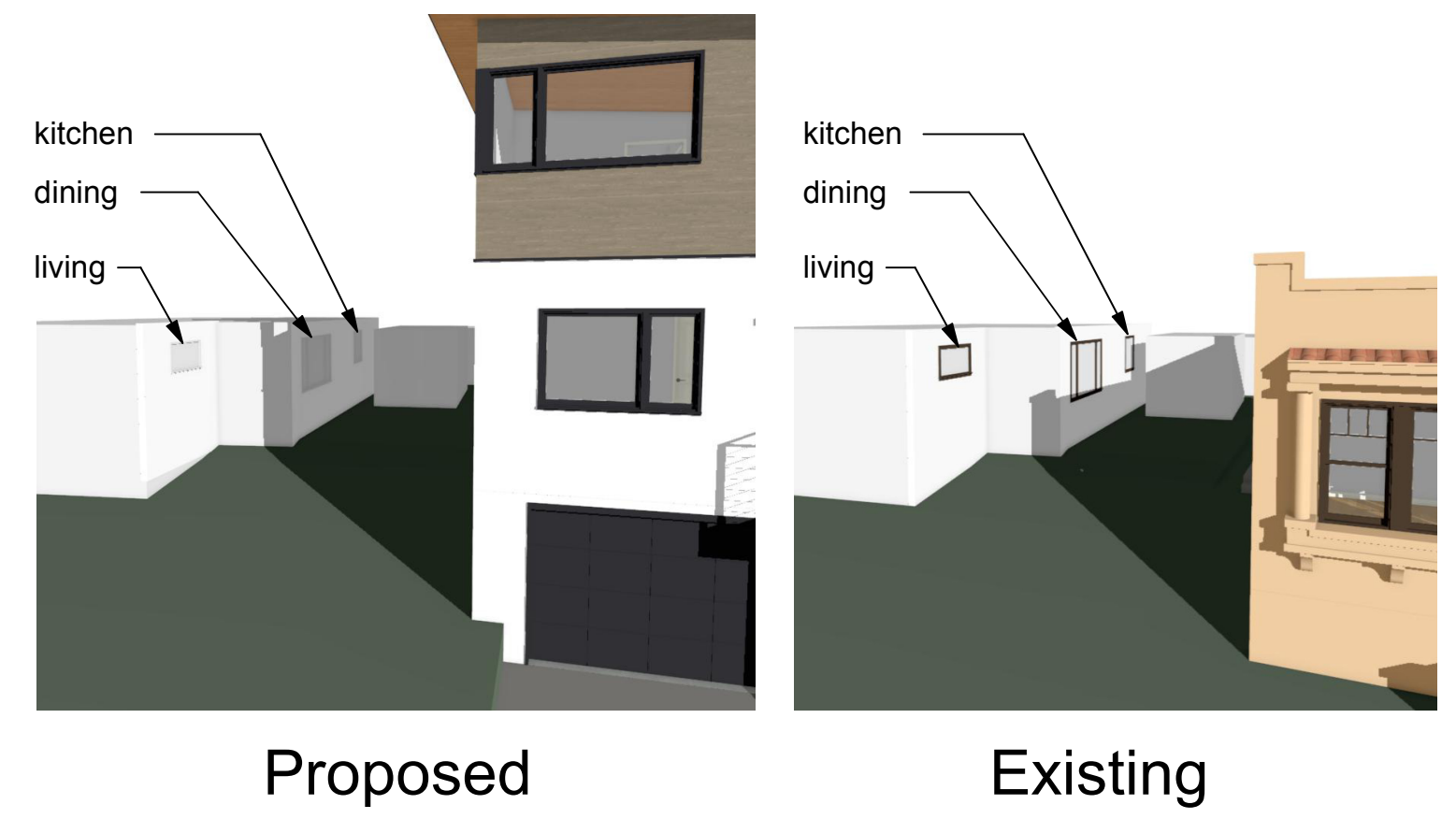
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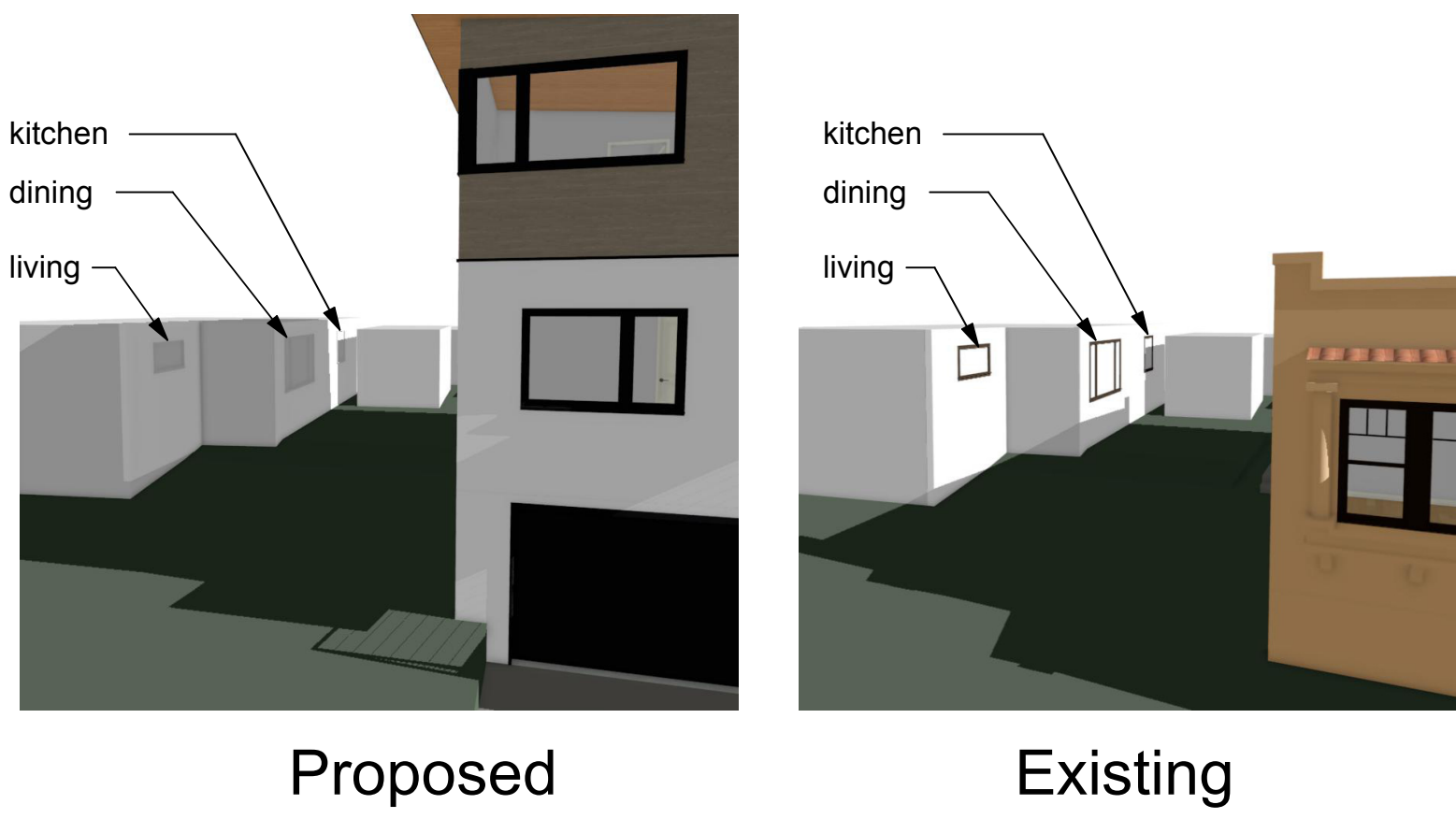
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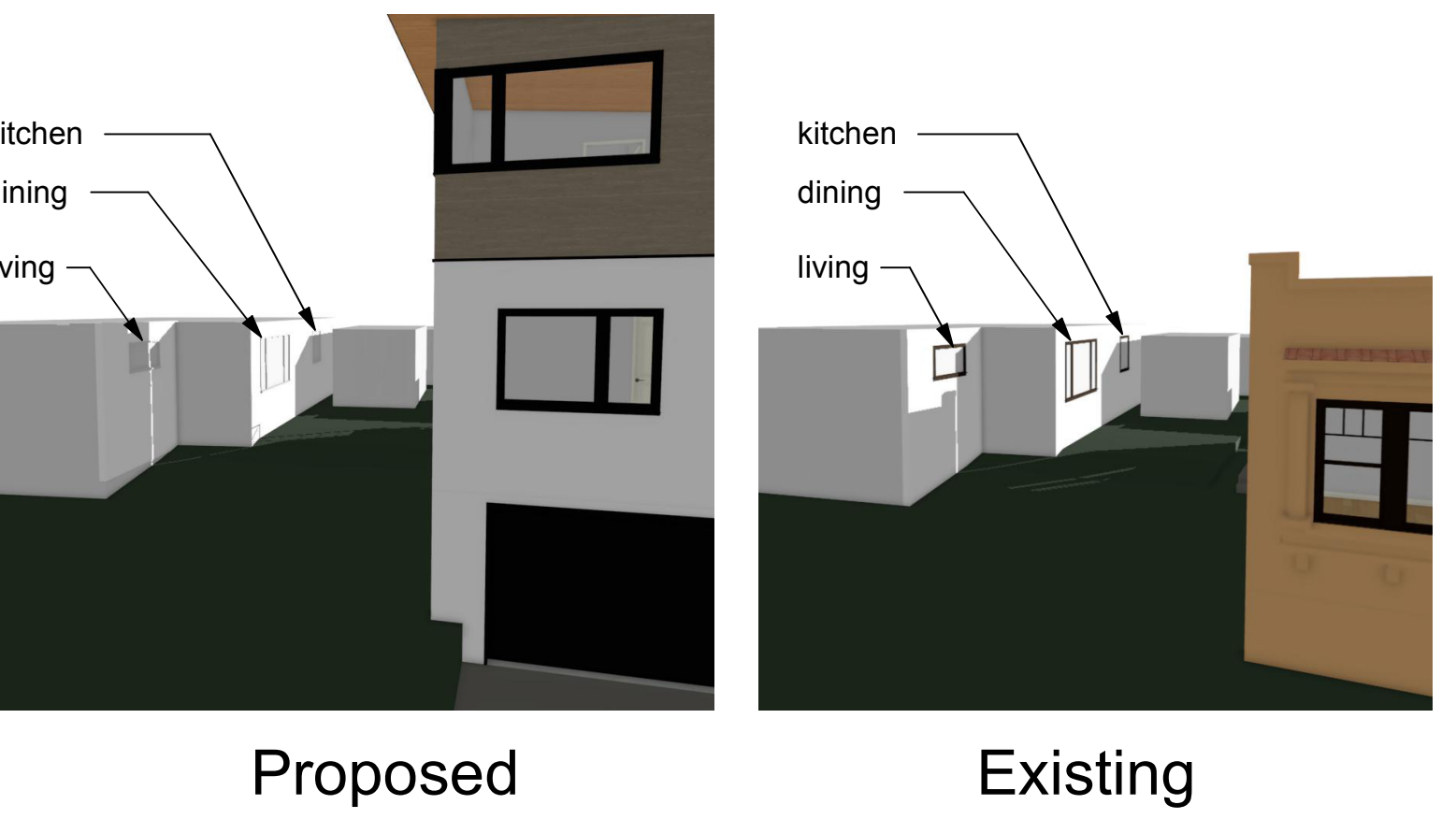
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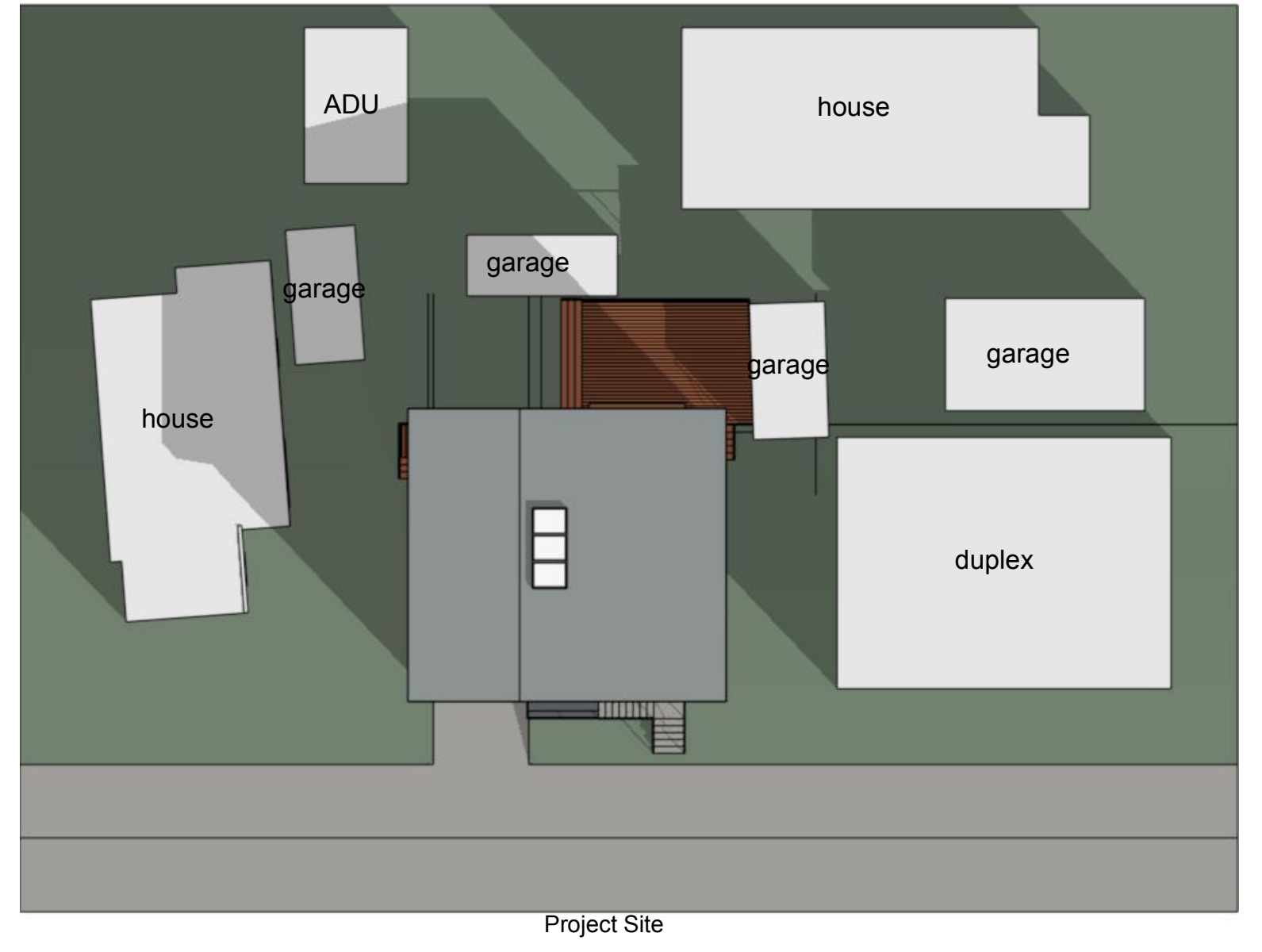
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12-21-2021 / 12:00 pm



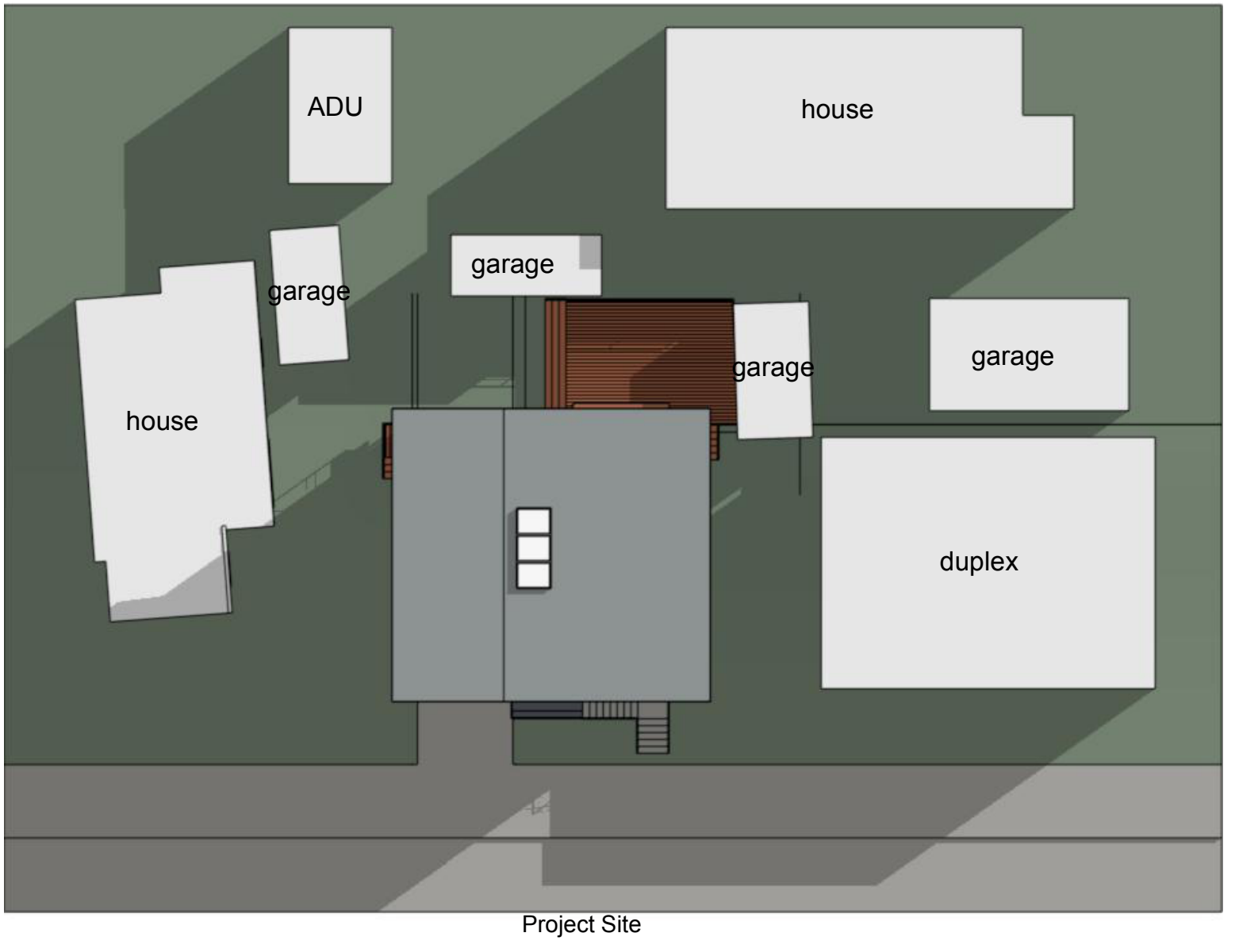
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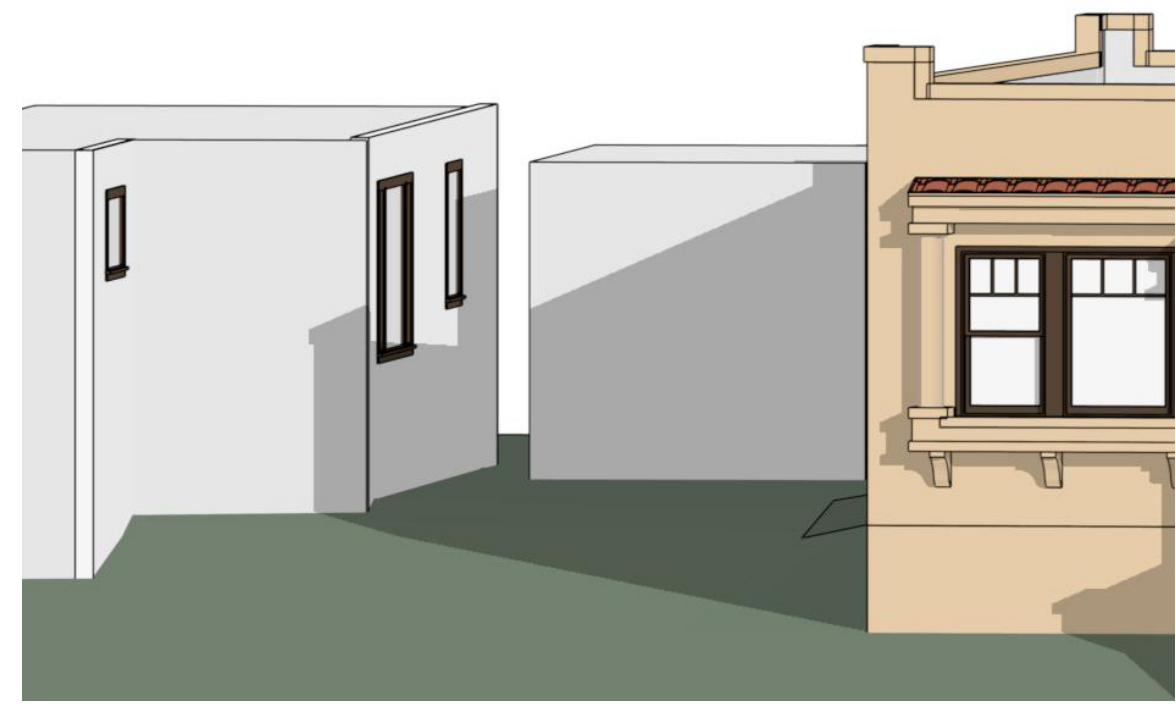
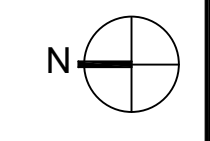
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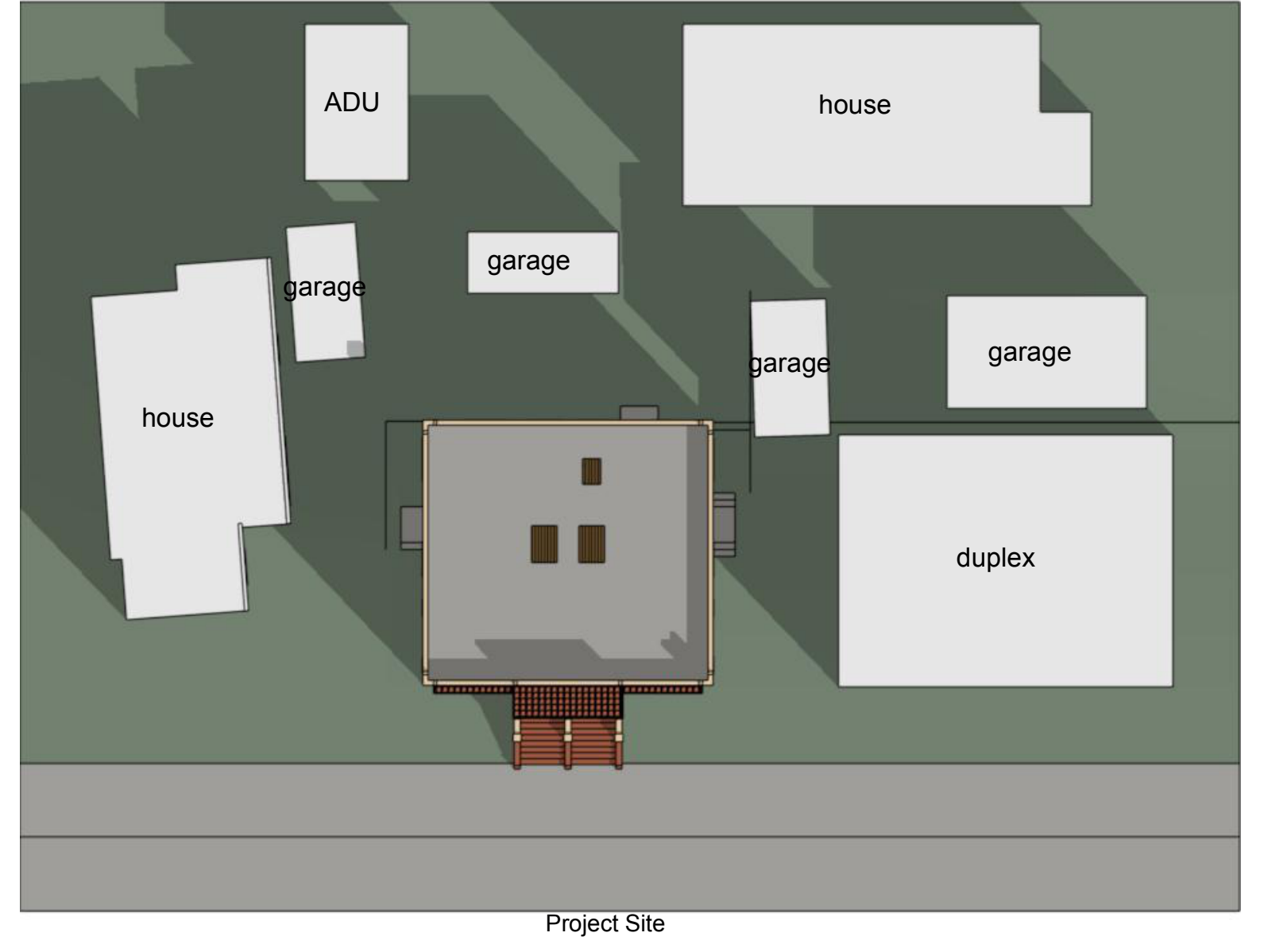
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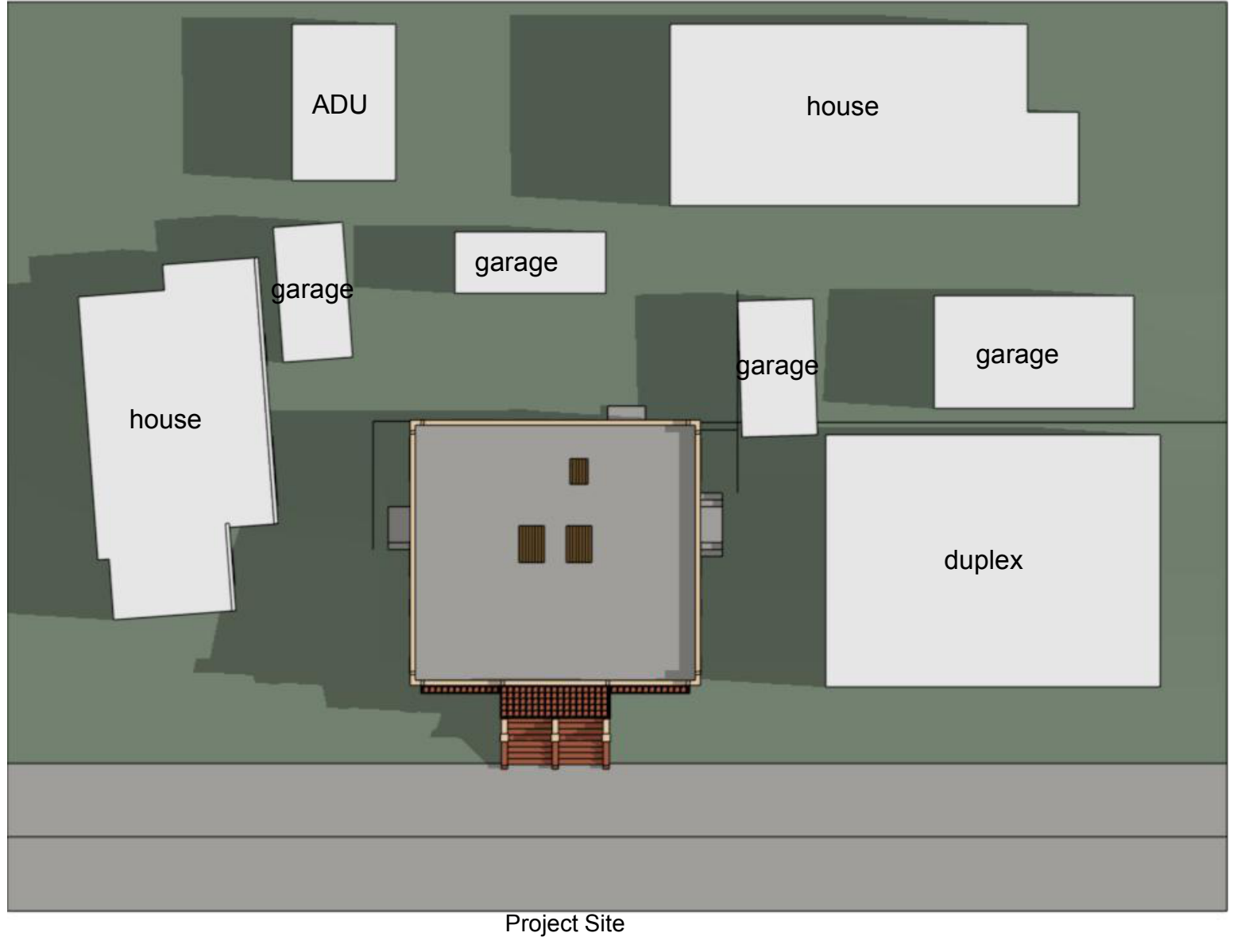
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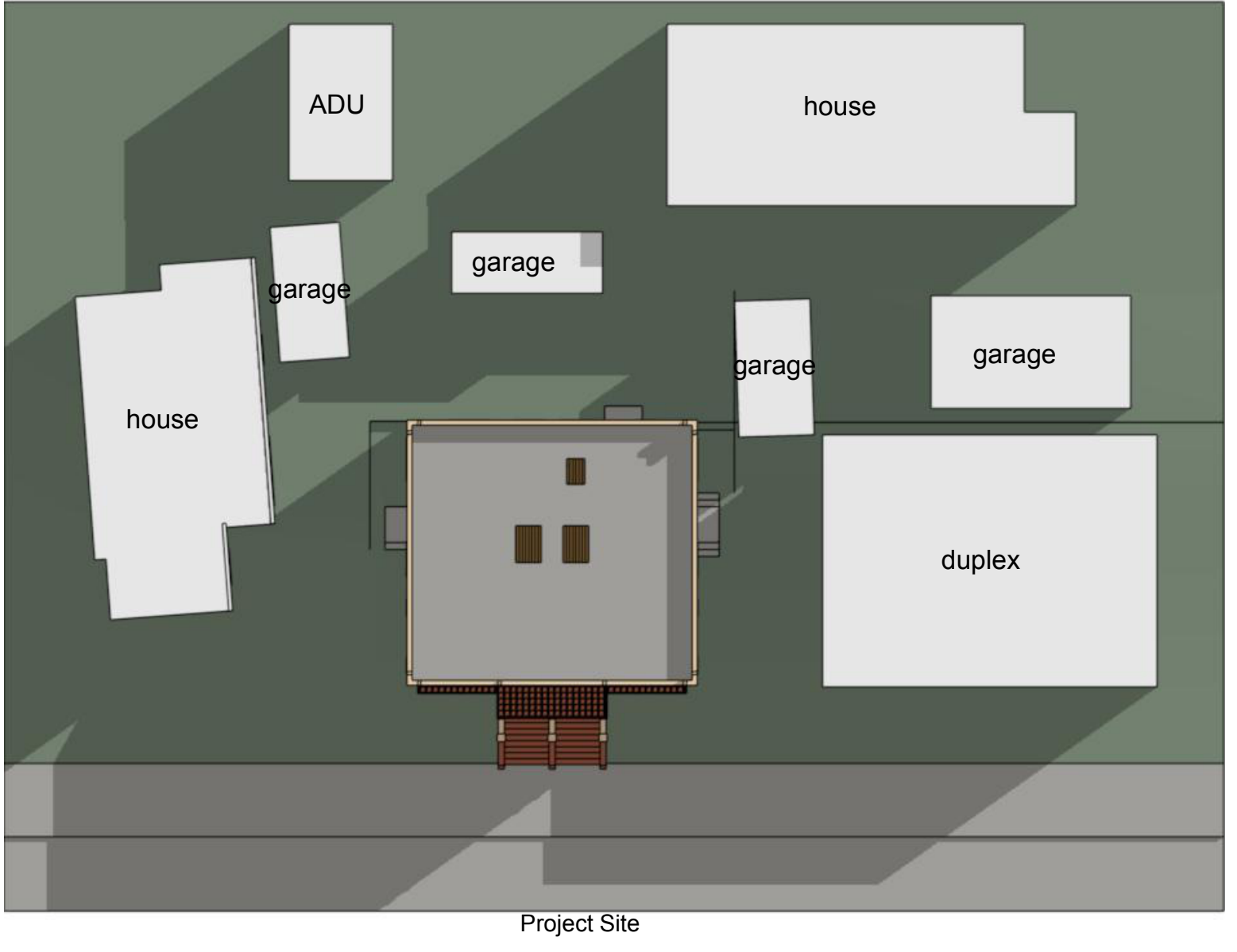
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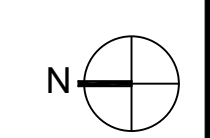
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Existing
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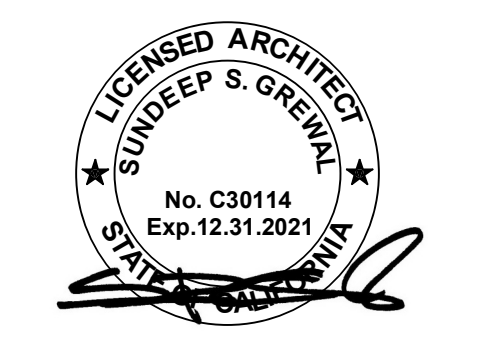


Actual
12-08-2020 / 3:00 pm

Shadow Accuracy Simulation



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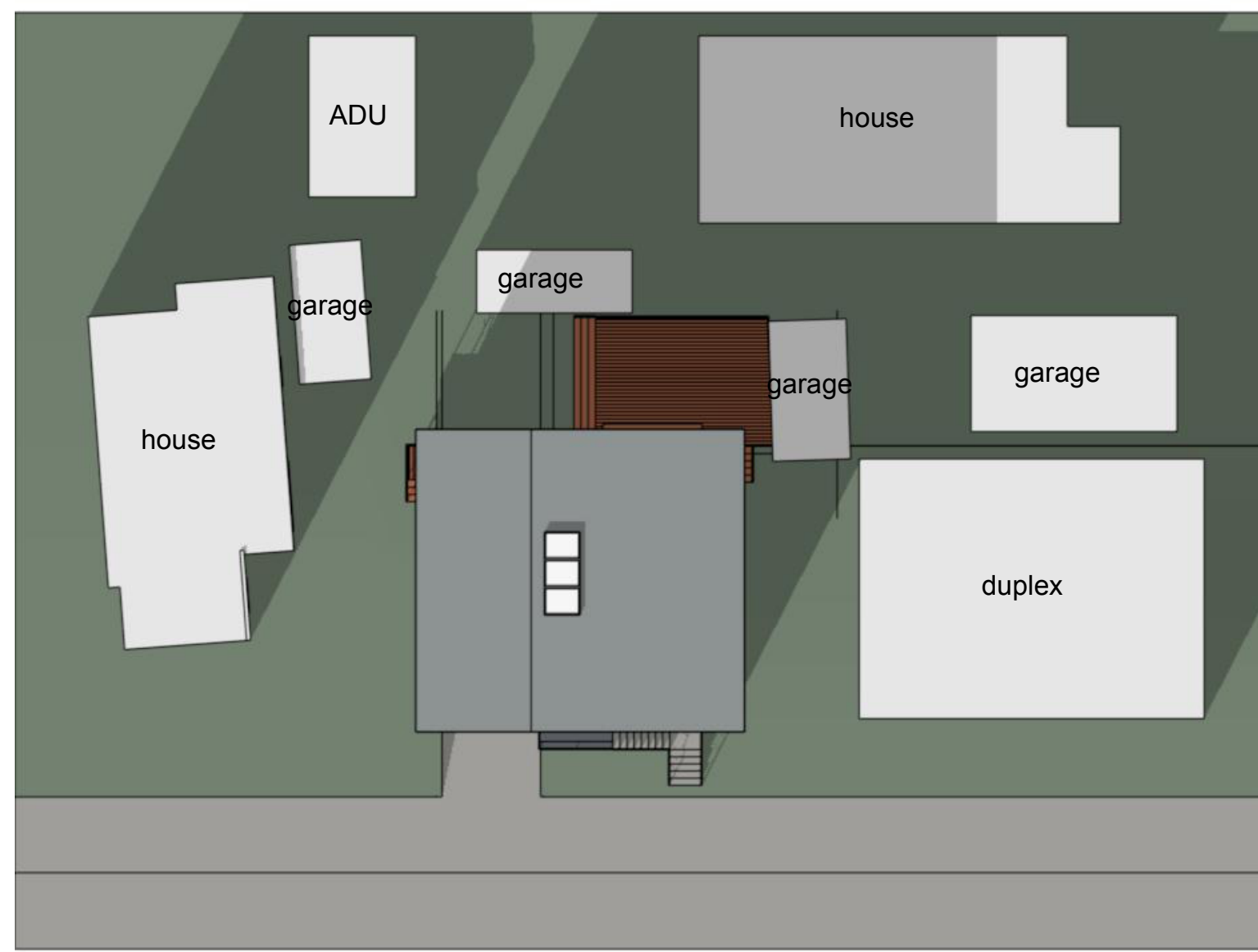
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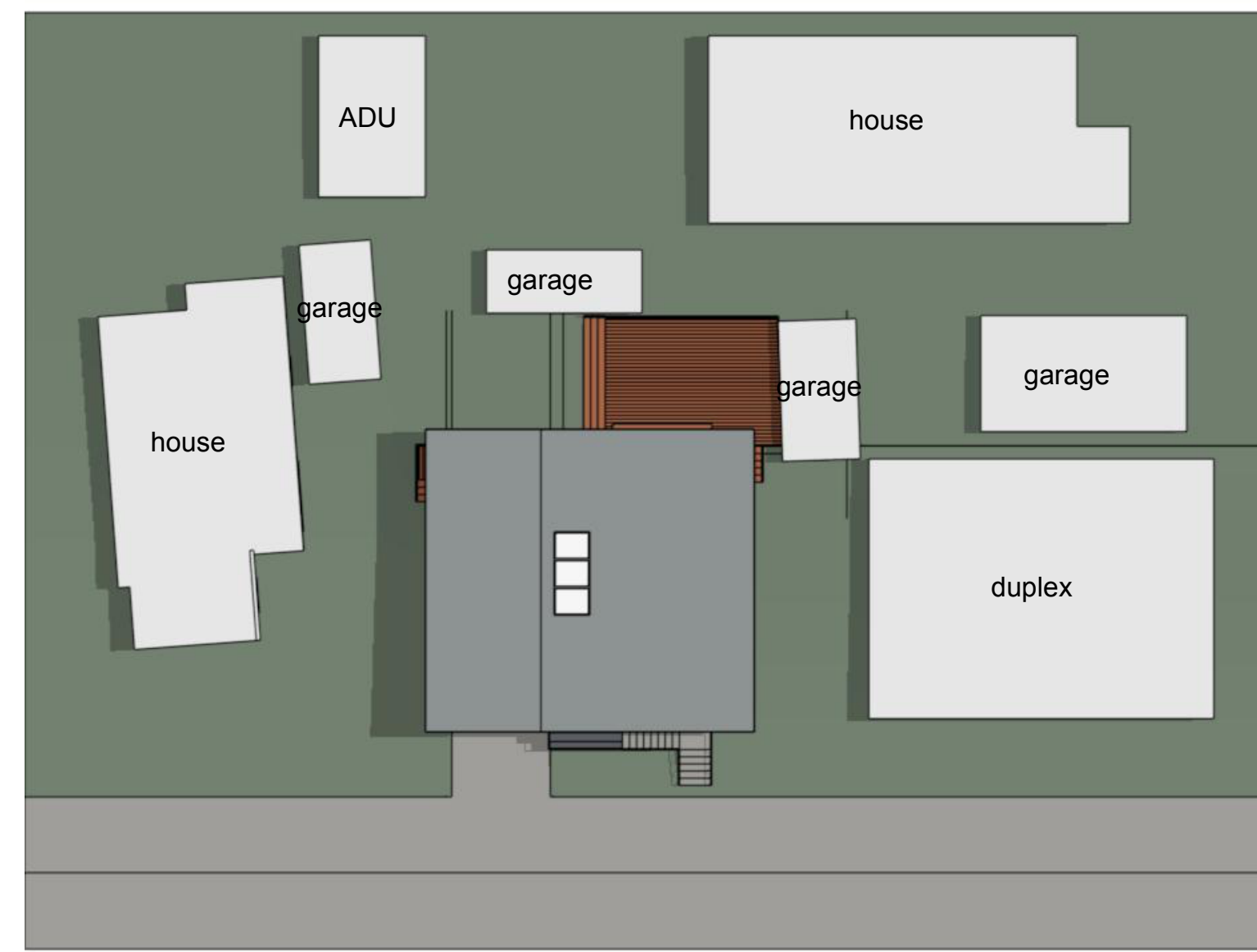
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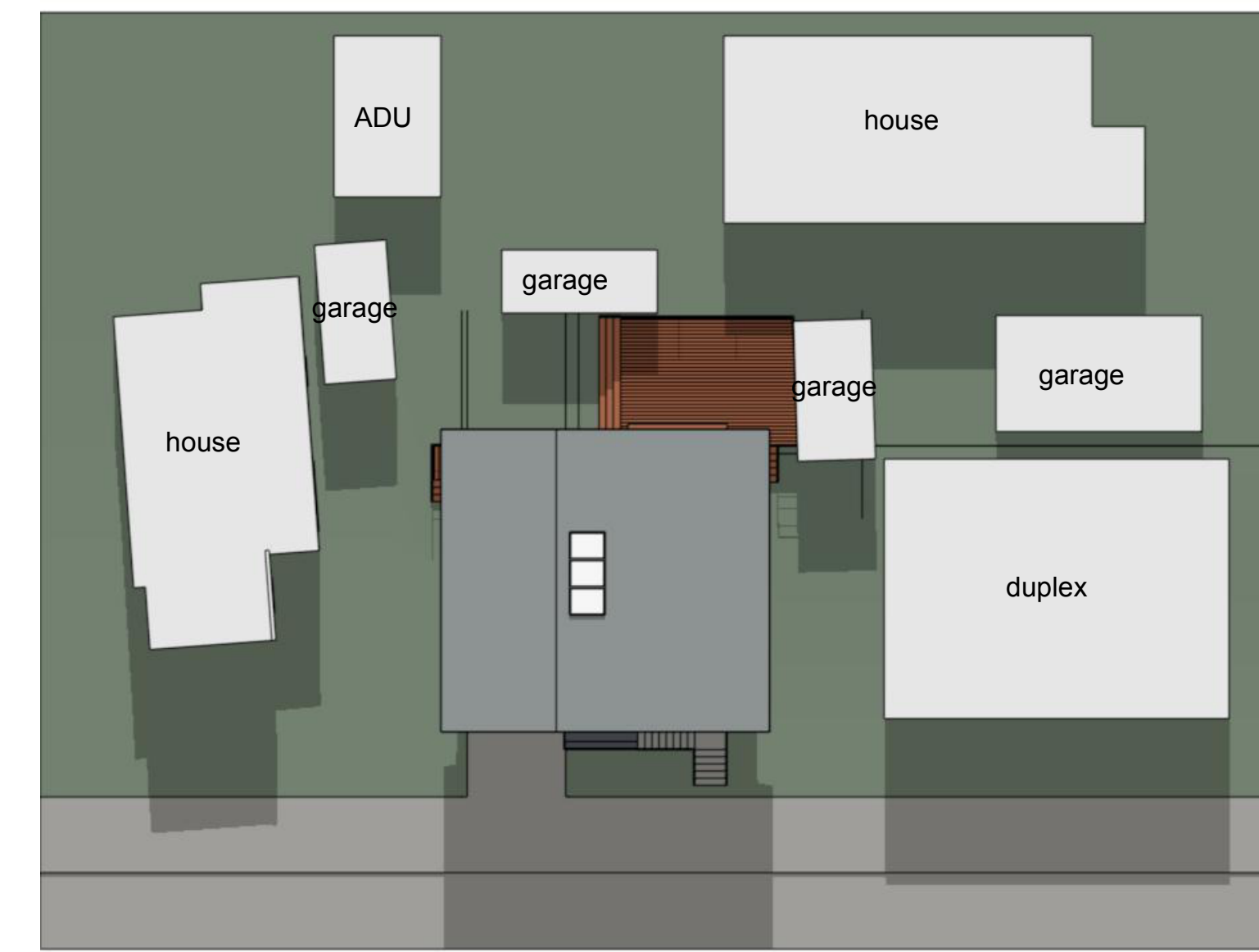
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A4.2



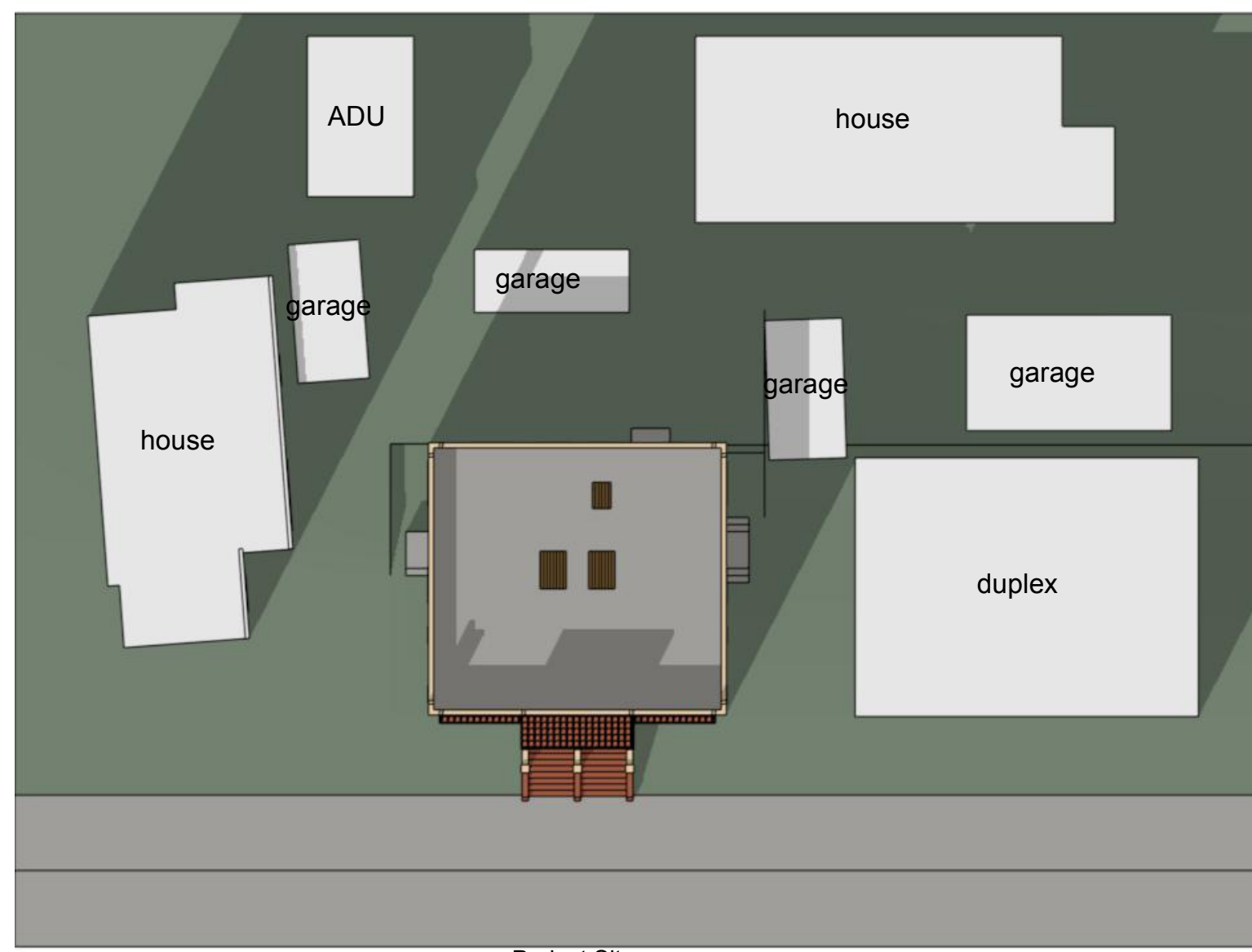
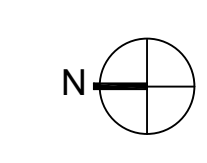
Proposed
6-21-2021 / 6:35 pm



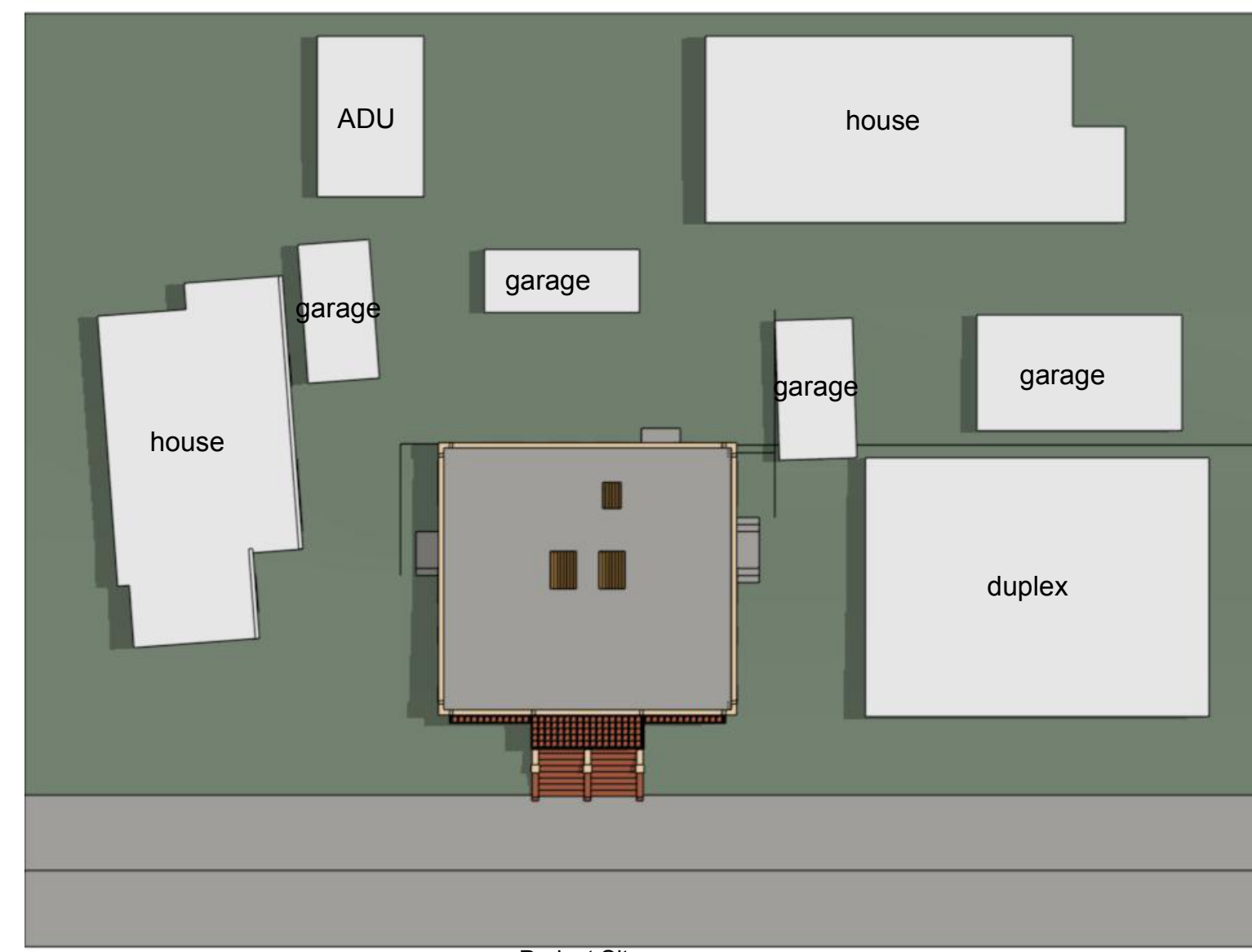
Proposed
6-21-2021 / 12:00 pm



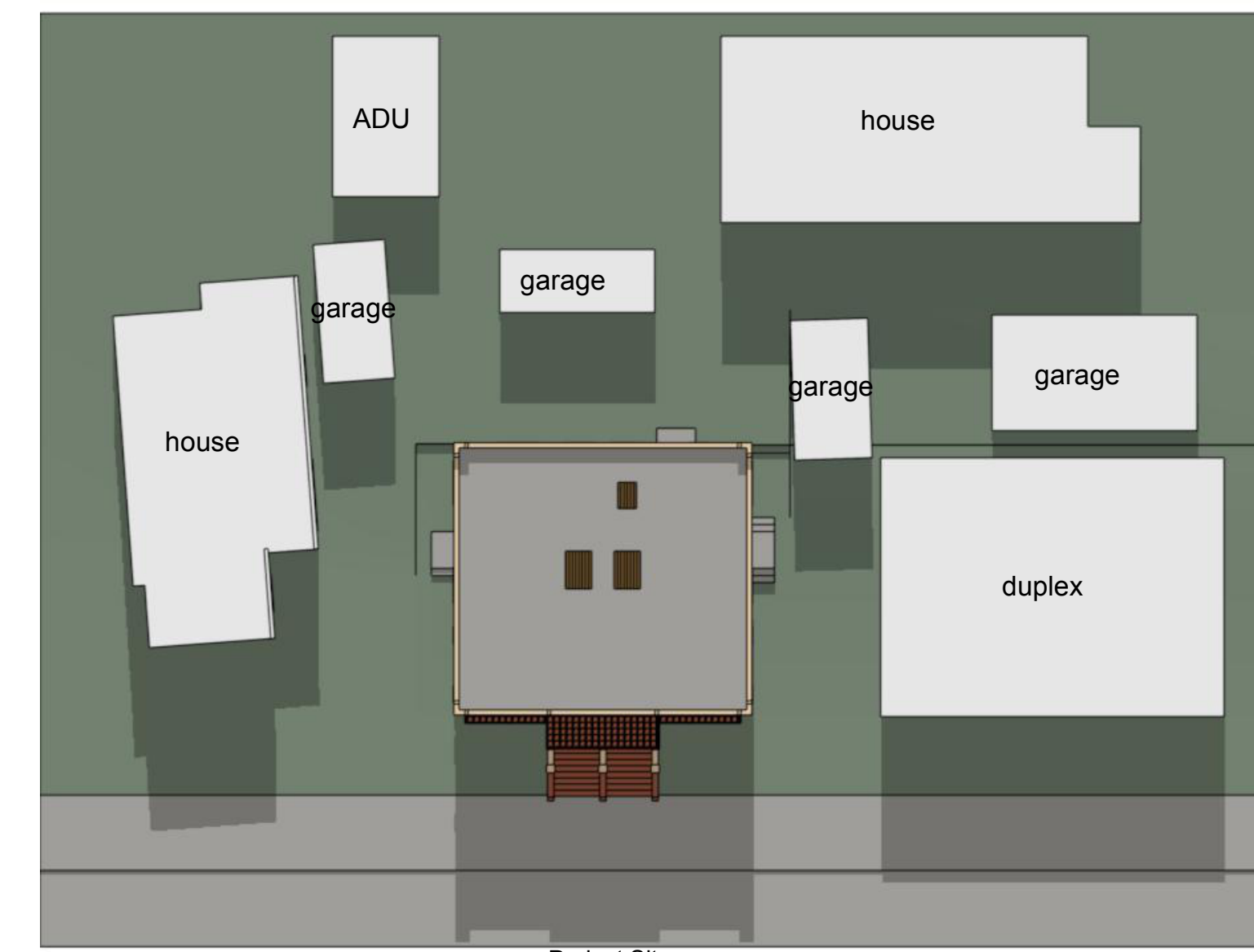
Proposed
6-21-2021 / 7:47 am



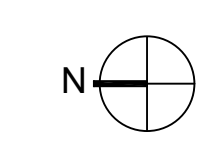
Existing
6-21-2021 / 6:35 pm



Existing
6-21-2021 / 12:00 pm



Existing
6-21-2021 / 7:47 am





Planning & Development Department
Land Use Planning Division

January 14, 2021

Sundeep Grewel
Studio G+S Architects
2223 Fifth Street
Berkeley, CA 94710

Sent via email:
sunny@sgsarch.com

RE: 1643/1647 California Street, Application #ZP2021-0001

Use Permit to:

Reconfigure existing Duplex (1643 and 1647 California); lift structure to create new lower story; third floor addition, adding approximately 2,100 sq. ft. of new floor area on lot that is non-conforming to lot coverage, density, and setbacks. Variance to lot coverage.

Dear applicant:

On behalf of the City of Berkeley, I would like to introduce myself as the project planner for the above referenced application. Staff from various City departments will be reviewing your application, including the Building and Safety, Land Use Planning and Transportation divisions, as well as other interested parties, to ensure that the project application is complete. If any questions arise, City staff will either contact you in writing or by phone at the number supplied on your application. Unless you inform us otherwise, you will be the primary contact during the application process

You can expect site visits by various staff members in the next couple of weeks. These visits will be from the public right-of-way, unless staff makes an appointment with you in advance. I will be contacting you within 30 days of your application date to follow-up with the status of the project and to request any additional information needed for your application to be deemed complete. Answers to frequently asked questions related to Use Permits can be found on the City's website at: <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=820>

Please note that due to staffing reductions and the level of permit activity, applicants should be prepared to expect longer processing times than in the past. The City has consultants available to expedite applications for an additional fee.

Please feel free to contact me if you are interested in using this service to expedite your application or if you have other questions or comments about your application. I can be reached by email at: narmour@cityofberkeley.info or by phone at (510) 981-7485.

Please know that this application is subject to the Permits Streamlining Act, Government Code Section 65921, which (1) sets forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once (and only once) by agreement between the parties.

I look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Armour".

Nicholas Armour
Associate Planner



Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Post and Mail Date:
January 19, 2021

NOTICE OF RECEIVED APPLICATION

UP #ZP2021-0001 – SUBMITTED on January 8, 2021
1643/1647 California Street
Major Residential Addition to existing duplex through lifting existing house to create new ground floor and a 3rd floor addition on a non-cnforming property.

Contact information: (see reverse)

All application materials may be viewed online:
www.cityofberkeley.info/zoningapplications, or at
www.berkeley.buildingeye.com

«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

NOTICE OF RECEIVED APPLICATION

To comply with the Shelter In Place order issued by the County Health Official, the City of Berkeley's Land Use Division of the Planning Department has temporarily waived the Neighborhood Contact and Project Yellow Poster requirements for proposed Zoning Project applications. This postcard serves as a notification that an application has been received by the City of Berkeley, proposing a development project on an adjacent property that requires a Zoning Permit. This application is currently under review.

Applicant Contact Information

Sundeep Grewal
(510) 548-7448
sunny@sgsarch.com

Project Planner Contact Information

Nicholas Armour
(510) 981-7485
NArmour@cityofberkeley.info

All application materials may be viewed online: www.cityofberkeley.info/zoningapplications, or at www.berkeley.buildingeve.com

If you have questions on this application, or would like to submit a comment, **please contact the above-listed Project Planner.**

1643-47 California St

116 notices

mailed out 01-19-21

NAME1	NAME2	ADDRESS1	ADDRESS2
HARATANI DAVID I & DALE C	1008 NAVELLIER ST	EL CERRITO CA	94530
BAEHREND DAVID & VANDERBURG KAREN	1223 PORTLAND AVE	BERKELEY CA	94706
OCONELL BEN & HANSON STEVEN TRS	1247 E 12TH ST #2	OAKLAND CA	94606
MISHIMA ELEANOR T & THOMAS J ETAL	1340 LINDA VISTA DR	EL CERRITO CA	94530
MURPHY SEAN F & MICHELLE S	1527 VIRGINIA ST	BERKELEY CA	94703
FIELDS CRAIG M & FELICIA	1530 LINCOLN ST	BERKELEY CA	94703
HAMMOND PAUL W & JACQUELINE P	1530 VIRGINIA ST	BERKELEY CA	94703
BRAND H L TR	1531 LINCOLN ST	BERKELEY CA	94703
CINTRON BERNADINE	1531 VIRGINIA ST	BERKELEY CA	94703
CHINN DOUGLAS TR	1532 LINCOLN ST	BERKELEY CA	94703
COMMON AREA PM 10707	1532 VIRGINIA ST	BERKELEY CA	94703
HUMPHREYS KATHY S	1532 VIRGINIA ST B	BERKELEY CA	94703
RAWLINS ERIC & ROSENAU ELLEN M	1535 LINCOLN ST	BERKELEY CA	94703
ZIEGLE JANET S TR & NEWMAN JONATHAN M & NAKAS ETAL	1535 VIRGINIA ST	BERKELEY CA	94703
ELMS MARGARET M TR	1536 LINCOLN ST	BERKELEY CA	94703
JACKSON MARIA E TR	1537 VIRGINIA ST	BERKELEY CA	94703
WORTH ANN E & SILBERHANS LESLIE TRS	1539 LINCOLN ST	BERKELEY CA	94703
KANEKO MIDORI	1540 LINCOLN ST	BERKELEY CA	94703
MCCARTHY MEGAN P	1541 FRANCISCO ST	BERKELEY CA	94703
WHITE ROBERT L & GENEVIEVE F TRS	1541 VIRGINIA ST	BERKELEY CA	94703
JONES EMLYN S & PALLADINO JOSEPH M	1542 LINCOLN ST	BERKELEY CA	94703
RISHER MICHAEL T & SAAVEDRA BARBARA	1542 VIRGINIA ST	BERKELEY CA	94703
CLARK GEORGE W & LIPMAN LAURA A TRS	1543 VIRGINIA ST	BERKELEY CA	94703
WOLFENDEN JOHN D JR & CATHERINE E	1544 VIRGINIA ST	BERKELEY CA	94703
MARSH ROBERT M & PATRICIA D TRS	1546 VIRGINIA ST	BERKELEY CA	94703
HOLLOWELL PAULA TR	1600 VIRGINIA ST	BERKELEY CA	94703
LASRY ARIC	1601 LINCOLN ST	BERKELEY CA	94703
TUCCILLO CHRISTINA & BANFIELD DECLAN	1607 FRANCISCO ST	BERKELEY CA	94703
LOPEZ JOSE B & GROSSMAN RHONDA R TRS	1607 LINCOLN ST	BERKELEY CA	94703
ETGAR INBAL & DINNER ALEC	1608 VIRGINIA ST	BERKELEY CA	94703
SAFIR ADAM L & CEDERSTAV ANNA K TRS	1609 VIRGINIA ST	BERKELEY CA	94703
MCCLELLAN JOAN R TR	1611 FRANCISCO ST	BERKELEY CA	94703
DIXON LINDSAY A & MCMILLAN CAROLYN TRS	1611 LINCOLN ST	BERKELEY CA	94703
SHANNON SARAH R & JAILER TODD M	1612 VIRGINIA ST	BERKELEY CA	94703
KING JOHN A & BUTLER CYNTHIA TRS	1613 VIRGINIA ST	BERKELEY CA	94703
IMAZUMI KUNIKO TR ETAL	1615 LINCOLN ST	BERKELEY CA	94703
NAPOLI STEPHEN A & GALLAHERBROWN LINDA J TRS	1616 VIRGINIA ST	BERKELEY CA	94703
BOWMAN MATTHEW J & CECILIA R	1617 FRANCISCO ST	BERKELEY CA	94703
TAYLOR KATHERINE A TR	1618 CALIFORNIA ST	BERKELEY CA	94703
SUTAKE JOHN JR	1619 LINCOLN ST	BERKELEY CA	94703
CAESARA LYNDA TR	1619 VIRGINIA ST	BERKELEY CA	94703
CASE AMANDA & MAK KEVIN	1620 CALIFORNIA ST	BERKELEY CA	94703
CHOW KATHERINE J	1620 LINCOLN ST	BERKELEY CA	94703
CUTTRISS STUART L & HOPKINS NANCY	1622 VIRGINIA ST	BERKELEY CA	94703
TONG KEN K TR	1623 VIRGINIA ST	BERKELEY CA	94703
WORSTELL GORDON TR	1623-1625 GRANT ST	BERKELEY CA	94703
RITCHIE DAVID J & FENSTERMACHER NANCY R	1624 VIRGINIA ST	BERKELEY CA	94703
THOMPSON CHARLES L TR	1625 VIRGINIA ST	BERKELEY CA	94703
PETERSON LAURA F ETAL	1626 LINCOLN ST	BERKELEY CA	94703
SCHWARTZ TANIA L	1628 CALIFORNIA ST	BERKELEY CA	94703
CORBETT JAMES D & KILBY LINDA	1631 CALIFORNIA ST	BERKELEY CA	94703
JOHNSON SCOT & GABLE FRANCISCO M	1634 CALIFORNIA ST	BERKELEY CA	94703
STARR JOAN B & IRIS C TRS	1635 CALIFORNIA ST	BERKELEY CA	94703
ELLINGER NANCY W & POPE DAVID TRS	1635 VIRGINIA ST	BERKELEY CA	94703

1643-47 California St

116 notices

mailed out 01-19-21

MALMUTH JEFFREY S & CALCIOLARI DANIELA TRS	1636 CALIFORNIA ST	BERKELEY CA	94703
ESPEJO YOLANDA M	1636 LINCOLN ST	BERKELEY CA	94703
FRITZ BARBARA J TR	1639 CALIFORNIA ST	BERKELEY CA	94703
GREINKE KATHLEEN Y TR	1640 LINCOLN ST	BERKELEY CA	94703
LAWRENCE SUSAN M & COHEN ANDREW B	1644 LINCOLN ST	BERKELEY CA	94703
OPPENHEIMER IDO & TAMAR D	1647 CALIFORNIA ST	BERKELEY CA	94703
BRISTOL KAY S TR	1651 CALIFORNIA ST	BERKELEY CA	94703
DELOSRIOS JUAN & ROGERS ANNIKA	1654 LINCOLN ST	BERKELEY CA	94703
LINKS RICHARD A TR	1656 CALIFORNIA ST	BERKELEY CA	94703
COMMON AREA OF PM 6679 32 & 33	1658 CALIFORNIA ST	BERKELEY CA	94703
LEE SPENCER J	1658 CALIFORNIA ST 1	BERKELEY CA	94703
GUTWILL JOSHUA P & WISE LAURA J TRS	1660 LINCOLN ST	BERKELEY CA	94703
ANDALMAN AARON & LEVENBERG WRENN TRS	1705 CALIFORNIA ST	BERKELEY CA	94703
BUHRMANN ERICA & DRUCKER RONALD TRS	1708 CALIFORNIA ST	BERKELEY CA	94703
DER ZOLTAN & KLOIAN ELIZABETH A	1709 CALIFORNIA ST	BERKELEY CA	94703
UCHIDA MICHAEL N & ABRENILLA AILEEN	1710 CALIFORNIA ST	BERKELEY CA	94703
HORWITZ BARRY D TR	1711 EOLA ST	BERKELEY CA	94703
MIYASAKI RONALL H & JON T TRS ETAL	2785 ST ANDREWS DR	BRENTWOOD CA	94513
HORNUNG DAVID E	2900 17TH ST	SACRAMENTO CA	95818
AUGST BERTRAND & CHANGAUGST JINLEI	496 N LATHAM ST	ALEXANDRIA VA	22304
SPERLING SUSAN & JANOWITZ MARC S	690 LEE AVE	SAN LEANDRO CA	94577
DANSBY U W HEIRS OF EST	73-1473 KALOKO DR	KAILUA KONA HI	96740
YOSHIMURADONG LOUISE	864 SYBIL AVE	SAN LEANDRO CA	94577
HO CALVIN V & DIEP LINH L	PO BOX 32894	SAN JOSE CA	95152
Occupant(s)	1528 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1533 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1536 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1544 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1600 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1601 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1602 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1604 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1604 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1605 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1606 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1608 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1610 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1612 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1612 VIRGINIA ST B	BERKELEY CA	94703
Occupant(s)	1613 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1613 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1614 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1615 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 1	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 2	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 3	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 4	BERKELEY CA	94703
Occupant(s)	1616 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1616 VIRGINIA ST A	BERKELEY CA	94703
Occupant(s)	1617 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1618 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1619 VIRGINIA ST A	BERKELEY CA	94703
Occupant(s)	1621 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1636 CALIFORNIA ST A	BERKELEY CA	94703

1643-47 California St

116 notices

mailed out 01-19-21

Occupant(s)	1643 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1653 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1656 CALIFORNIA ST COI	BERKELEY CA	94703
Occupant(s)	1709 1/2 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1709 CALIFORNIA ST A	BERKELEY CA	94703
Occupant(s)	1709 CALIFORNIA ST B	BERKELEY CA	94703
Occupant(s)	1709 CALIFORNIA ST C	BERKELEY CA	94703



LAND USE PLANNING

NOTICE OF RECEIVED APPLICATION

1643 & 1647 California Street

Use Permit #ZP2021-0001 to lift the existing duplex to create a new ground floor, 3rd floor addition, and reconfiguration of the existing duplex on a non-conforming property.

To comply with the Shelter In Place order issued by the County Health Official, the City of Berkeley's Land Use Division of the Planning Department has temporarily waived the Neighborhood Contact and Project Yellow Poster requirements for proposed Zoning Project applications. This notice serves as a notification that an application has been received by the City of Berkeley, proposing a development project on an adjacent property that requires a Zoning Permit. This application is currently under review.

A. Land Use Designations:

- Zoning: R-2 (Restricted Two Family Residential District)

B. Parties Involved:

- Applicant Sundeep Grewal, Studio G+S Architects, Berkeley
- Property Owner Ido and Tama Oppenheimer, Berkeley

C. Project Planner

- Nicholas Armour, (510) 981-7485, NArmour@cityofberkeley.info

Further Information:

- All application materials are available online at:
www.cityofberkeley.info/zoningapplications or at www.berkeley.buildingeye.com



Planning and Development Department
Land Use Planning Division

February 5, 2021

Sent via email:

sunny@sgsarch.com

Sundee Grewel
Studio G+S Architects
2223 5th Street
Berkeley, CA 94710

Re: Application for Use Permit #ZP2021-0001 for 1643/1647 California Street

Dear Applicants,

The Land Use Division has reviewed the above referenced application, submitted on January 8, 2021 to construct 1) lift the existing single family house to create new lower story, 2) construct a new third story, and 3) modify the existing duplex layout on an existing property that is non-conforming to density, lot coverage, and front, side, and rear setbacks at 1643/1647 California Street. Staff has determined that the application is incomplete and cannot take further action on the project until all the items listed below are corrected and/or submitted. Please submit an electronic copy of the following:

Items Required for Submittal or Correction:

1. Third Floor Setbacks are not code-compliant – Per Section 23D.28.070.D, 3rd stories must be set-back 6-feet from side property lines. As currently proposed, this setback is not being met. However, please first see Advisory Comment, below, related to the third floor proposal.
2. Average Height calculation of the building is not accurate – the average height calculations provided (both in the TAB form, and on plans) is not accurate to how the average height it calculated in the City of Berkeley, as the height of a house with shed-style roof is taken from the average grade to the top of the roof form (not the midpoint). Therefore, please revise the height calculation to accurately describe the average height of the building.
3. Shadow Studies – Per the [Shadow Study Instructions Guide](#) the submitted Shadow Studies must be revised in the following ways:
 - a. While some shadow impacts are shown in the shadow studies provided, additional information is necessary to understand the extent of the impacts. Specifically:
 5. *If a shadow (existing or future) hits the wall of an adjacent structure, provide a drawing in elevation view to (1) show where the existing shadow hits the wall, and (2) indicate locations of windows on walls affected.*
 6. *If increased shadowing caused by the proposed project would affect any windows on residential buildings, then indicate the use of those windows (i.e., garage, bedroom, bathroom, kitchen, living room).*

While this detail was provided in relation to the impacts to the property to the north (1639 California), no additional details were provided on the extent of the impacts to

the neighboring property to the east (1609 Virginia). Please revise Shadow Studies to include the above-described additional details to assist in the assessment of new impacts to the neighboring property to the east.

4. Historic Resource Evaluation – Following discussion with the Secretary of the Landmarks Preservation Commission, Senior Planner Fatema Crane, it has been confirmed that a Historic Resource Evaluation (HRE) will be required prior to this application being deemed complete. As indicated in Zoning Project Application Submittal Requirements Item number 4.B, an HRE is required for “substantial alteration” to a building over 40 years old. Please include an HRE with your resubmittal materials.

Staff Advisory Comments

1. Floor Plans/Existing Conditions – Staff has been notified that there may be a discrepancy between the existing floor plans and the actual existing layout of the house, including potentially work that was done that has, in effect, eliminated one of the two units on the site. As your proposed project would retain (or replace) this second unit, the situation would be resolved with this application. However, staff needs to have the full and accurate picture of what is existing on site, whether or not previous work was done (with or without permits) that has rendered the submitted floor plans inaccurate or incomplete. Please clarify what the existing condition is at the site and update the existing floor plans, if necessary. Alternatively, staff would request a site visit and short tour of the interior of the building to confirm the existing conditions.
2. Level of Staff Support of Project/3rd floor proposal – As has previously been discussed between Project Planner and Applicant (prior to official submittal of the application), staff has concerns with the numerous Use Permits and Variance request to expand the existing residential structure. As currently proposed, staff cannot make the findings to recommend approval of this project. Were it to move forward to the Zoning Adjustments Board under the current design iteration, staff would recommend that the ZAB deny the project for lack of ability to make the findings. (Attached to this letter is a list of the findings that have to be made related to these permit requests. For the Variance, if any one of the findings cannot be made, the application must be denied.)

While Staff understands that any expansion of this building will trigger Use Permits and Variances, Staff recommends a significant design modification to this proposal before Staff could potentially make the findings and consider support of the application. Specifically, staff recommends elimination of the entire third floor, while retaining the concept of lifting the house slightly to create the new lower floor. This will have a number of effects:

- a. Variance request - Firstly, the existing site has a lot coverage of approximately 50%, where 45% is the maximum allowed by code for a single story house in the R-2 zoning district (BMC Section 23D.28.070.E). This means the site exceeds the allowable lot coverage by approximately 5%. However, under your proposal, while removing an accessory structure to reduce the lot coverage to approximately 44%, a three-story structure is allowed a maximum lot coverage of 35%. This means the site would exceed the allowable lot coverage by 9%, a worsening of 4% over the maximum allowable percentage. If the project was revised to a two-story design, with the same 44% coverage, where the maximum allowable coverage of a two-story structure is 40%, while the structure would still be 4% over lot coverage, there is a net reduction of 1% exceedance of coverage for the site.

February 5, 2021
Page 3 of 3

1643/1647 CALIFORNIA STREET - LETTER OF INCOMPLETION
Use Permit #ZP2021-0001

- b. Height and related impacts – The proposed project increases the height of the residential structure from 13'-6" to approximately 28' (staff's assessment of the average height based on previously-mentioned inaccurate height calculation provided on the plans). This is an increase of 14-feet 6-inches. This 28-foot-tall structure, on a non-conforming lot (including setbacks and lot coverage), would create a number of related impacts to neighboring properties, specifically to light, air, privacy, and potentially views. All of those impacts are assessed in the "non-detriment" finding that is triggered by a number of the permits requested for this project. If the third floor was removed from this plan (while retaining the concept of lifting the house to add the lower level), staff estimates that this design would only increase the height of the building by 3-feet or so, a decrease of 11-feet 6-inches compared to the current proposal. While there would likely still be some impacts to the light, air, privacy, and/or views of neighboring properties, these impacts would be substantially reduced.

Revised submittal items should be submitted in electronic form (Box.com). Please submit responses to all requested items at once, and not incrementally. Please include a response letter addressing each of the above items, using the same numbering/format to assist staff in confirming you have addressed each item.

I look forward to working with you on this project. Do not hesitate to contact me if you have any questions or if you would like to set up a meeting. I can be reached at (510) 981-7485 or NArmour@cityofberkeley.info.

Sincerely,



Nicholas Armour
Associate Planner

Attachment: (1) Required Findings for Use Permits and Variance requests

Findings Required for Proposed Project at 1643/1647 California Street

Permits triggered:

- Use Permit (UP) per Berkeley Municipal Code (BMC) Section 23C.04.070.E for expansion of a residential structure that is non-conforming to the maximum allowable lot coverage
- Use Permit (UP) per BMC Section 23C.04.070.E for expansion of a residential structure that is non-conforming to the residential density
- Administrative Use Permit (AUP) per BMC Section 23C.04.070.B for vertical extension of non-conforming rear yard setback
- Administrative Use Permit (AUP) per BMC Section 23C.04.070.B for vertical extension of non-conforming front yard setback
- Administrative Use Permit (AUP) per BMC Section 23D.28.030 for major addition of 600 s.f.
- Administrative Use Permit (AUP) per BMC Section 23D.28.070.C for building addition exceeding 14 feet in height
- Administrative Use Permit (AUP) per BMC Section 23D.28.050 to create a fifth bedroom
- Variance per BMC Chapter 23D.28.070.E for exceeding maximum allowable lot coverage

Findings Required:

Variance: Per BMC Section 23B.44.030:

A. *After the Board has conducted a public hearing, it shall act on the application. The Board may approve a Variance application, either as submitted or modified, only if it makes all of the following findings:*

1. *There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same District;*
2. *The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the subject property's owner;*
3. *The establishment, maintenance or operation of the use or the construction of a building, structure or addition thereof, to be approved will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and that the granting of the Variance will promote the municipal health, welfare and safety and benefit the City as a whole;*
4. *Any other variance findings required by the Section of the Ordinance applicable to that particular Variance.*

B. The Board shall deny an application for a Variance if it determines that it is unable to make any of the required findings, in which case it shall state the reasons for that determination. (Ord. 6478-NS § 4 (part), 1999)

Use Permit findings (Please note, all requested Use Permits and AUPs, as listed above, must meet the findings established below): Per BMC Section 23B.32.040:

A. The Board may approve an application for a Use Permit, either as submitted or as modified, only upon finding that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

B. Prior to approving any Use Permit the Board must also make any other findings required by either the general or District regulations applicable to that particular Use Permit.

C. The Board shall deny an application for a Use Permit if it determines that it is unable to make any of the required findings, in which case it shall state the reasons for that determination.

D. The Board may attach such conditions to any Use Permit as it deems reasonable or necessary to achieve the purposes of this Ordinance, and which otherwise promote the municipal health, safety and welfare.



2223 5th St. | Berkeley, CA 94710 | 510.548.7448 | info@sgsarch.com | www.sgsarch.com

May 25, 2021

Planning review comments #1

Applications #: ZP2021-0001

Address: 1643 1647 California St Planning

Hi Nicholas,

We are resubmitting the Use Permit application per your comments. See attached drawings and responses below.

Items Required for Submittal or Correction:

1. Third Floor Setbacks are not code-compliant – Per Section 23D.28.070.D, 3rd stories must be set-back 6-feet from side property lines. As currently proposed, this setback is not being met. However, please first see Advisory Comment, below, related to the third floor proposal.

Response: Sheet A2.1 and A3.1 – Please note the proposed design no longer has a garage at the basement level. Since the garage is eliminated, the building will not be raised up 3'-0" as was in the original plan. The first floor level remains where it is now. This will reduce the overall building height. Per the building and planning definition of a floor, the basement is no longer a floor. Therefore the building is two stories over a basement.

2. Average Height calculation of the building is not accurate – the average height calculations provided (both in the TAB form, and on plans) is not accurate to how the average height is calculated in the City of Berkeley, as the height of a house with shed-style roof is taken from the average grade to the top of the roof form (not the midpoint). Therefore, please revise the height calculation to accurately describe the average height of the building.

Response: Sheet A3.1 and A3.2 – The new design has a gable roof and the average height is calculated accordingly.

3. Shadow Studies – Per the [Shadow Study Instructions Guide](#) the submitted Shadow Studies must be revised in the following ways:

a. While some shadow impacts are shown in the shadow studies provided, additional information is necessary to understand the extent of the impacts. Specifically:

Response: Sheet A4.1 – New and updated shadow study provided. Please note what was labeled an ADU at 1609 Virginia is NOT an ADU but just an accessory structure.

5. *If a shadow (existing or future) hits the wall of an adjacent structure, provide a drawing in elevation view to (1) show where the existing shadow hits the wall, and (2) indicate locations of windows on walls affected.*

6. *If increased shadowing caused by the proposed project would affect any windows on residential buildings, then indicate the use of those windows (i.e., garage, bedroom, bathroom, kitchen, living room).*

While this detail was provided in relation to the impacts to the property to the north (1639 California), no additional details were provided on the extent of the impacts to *the neighboring property to the east (1609 Virginia)*. Please revise *Shadow Studies* to include the above-described additional details to assist in the assessment of new impacts to the neighboring property to the east.

Response: Sheet A4.1 – New and updated shadow study provided.

4. Historic Resource Evaluation – Following discussion with the Secretary of the Landmarks Preservation Commission, Senior Planner Fatema Crane, it has been confirmed that a Historic Resource Evaluation (HRE) will be required prior to this application being deemed complete. As indicated in Zoning Project Application Submittal Requirements Item number 4.B, an HRE is required for “substantial alteration” to a building over 40 years old. Please include an HRE with your resubmittal materials.

Response: See HRE report. This building is not a structure of merit in any case.

Staff Advisory Comments

1. Floor Plans/Existing Conditions – Staff has been notified that there may be a discrepancy between the existing floor plans and the actual existing layout of the house, including potentially work that was done that has, in effect, eliminated one of the two units on the site. As your proposed project would retain (or replace) this second unit, the situation would be resolved with this application. However, staff needs to have the full and accurate picture of what is existing on site, whether or not previous work was done (with or without permits) that has rendered the submitted floor plans inaccurate or incomplete. Please clarify what the existing condition is at the site and update the existing floor plans, if necessary. Alternatively, staff would request a site visit and short tour of the interior of the building to confirm the existing conditions.

Response: Sheet A1.1 – See updated floor plan. This is the current condition.

2. Level of Staff Support of Project/3rd floor proposal – As has previously been discussed between Project Planner and Applicant (prior to official submittal of the application), staff has concerns with the numerous Use Permits and Variance request to expand the existing residential structure. As currently proposed, staff cannot make the findings to recommend approval of this project. Were it to move forward to the Zoning Adjustments Board under the current design iteration, staff would recommend that the ZAB deny the project for lack of ability to make the findings. (Attached to this letter is a list of the findings that have to be made related to these permit requests. For the Variance, if any one of the findings cannot be made, the application must be denied.)

While Staff understands that any expansion of this building will trigger Use Permits and Variances, Staff recommends a significant design modification to this proposal before Staff could potentially make the findings and consider support of the application. Specifically, staff recommends elimination of the entire third floor, while retaining the concept of lifting the house slightly to create the new lower floor. This will have a number of effects:

a. Variance request - Firstly, the existing site has a lot coverage of approximately 50%, where 45% is the maximum allowed by code for a single story house in the R-2 zoning district (BMC Section 23D.28.070.E). This means the site exceeds the allowable lot coverage by approximately 5%. However, under your proposal, while removing an accessory structure to reduce the lot coverage to approximately 44%, a three-story structure is allowed a maximum lot coverage of 35%. This means the site would exceed the allowable lot coverage by 9%, a worsening of 4% over the maximum allowable percentage. If the project was revised to a two-story design, with the same 44% coverage, where the maximum allowable coverage of a two-story structure is 40%, while the structure would still be 4% over lot coverage, there is a net reduction of 1% exceedance of coverage for the site.

Response: The project has been redesign. We understand planning's concerns. That is why we are willing to reduce the overall project scale. However, eliminating the second story addition is not feasible. What we can do is reduce the size of the second floor addition as much as possible to mitigate any impact on adjacent properties and make it more in scale with the neighborhood. But please keep in mind, adding a second story addition to a single story house is not an unreasonable request here. We also have support of both neighbors on each side. Letters submitted to you earlier. I am attaching them here for reference.

Reduced project scope:

1. The proposed design no longer has a garage at the basement level. Since the garage is eliminated, the building will not be raised up 3'-0" as was in the original plan. The first floor level remains where it is now. This will reduce the overall building height.
2. We have eliminated the balcony at the rear (east side). Therefore, no AUP needed for the rear yard setback.
3. We have also set back the second floor addition from the existing front house wall (set back 3'-6" - 14'-4 from front property line). The existing is set back 10'-10" from the front property line. This helps to keep the existing front facade height with minimal changes and recessing the addition back.
4. Lowered the roof height by another 1'-0" from the last iteration. This brings the overall building height down by 5'-2" on the left and 6'-3" on the right, when compared to the original submittal.
5. We made some minor changes to the building materials to isolate the second floor addition from the existing single story above the basement. When compared to the earlier version, this helps with the overall scale and massing of the house.
6. Overall, the building looks like and feels like a two-story house over a basement. Just like hundreds of houses in Berkeley.

We really hope you can see the merits of the revised design and the compromises made here.

b. Height and related impacts – The proposed project increases the height of the residential structure from 13'-6" to approximately 28' (staff's assessment of the average height based on previously-mentioned inaccurate height calculation provided on the plans). This is an increase of 14-feet 6-inches. This 28-foot-tall structure, on a non-conforming lot (including setbacks and lot coverage), would create a number of related impacts to neighboring properties, specifically to light, air, privacy, and potentially views. All of those impacts are assessed in the "non-detriment" finding that is triggered by a number of the permits requested for this project. If the third floor was removed from this plan (while retaining the concept of lifting the house to add the lower level), staff estimates that this design would only increase the height of the building by 3-feet or so, a decrease of 11-feet 6-inches compared to the current proposal. While there would likely still be some impacts to the light, air, privacy, and/or

Response: See Sheets A3.1 – The new design increases the average height by 8'-10". This is not an unseasonal request. It's similar to hundreds of second story additions in Berkeley. See additional comment above regarding the building height.

We are looking forward to moving this project along.

Sundeep Grewal



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1643 and 1647 California St. Date: 5-25-2021

Applicant's Name: Sundeep Grewal - Studio G+S Architects

Zoning District: R-2

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	<i>Existing</i>	<i>Proposed</i>	<i>Permitted/Required¹</i>
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	2	2	1
Number of Parking Spaces (#)	0	0	2
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	3	5	N/A
Yards and Height			
Front Yard Setback (Feet)	10'-10'	10'-10"	20'-0"
Side Yard Setbacks: (facing property)			
Left: (Feet)	3'-11'	4'-0"	4'-0"
Right: (Feet)	5'-6'	5'-5"	4'-0"
Rear Yard Setback (Feet)	16'-10'	16'-10"	20'-0"
Building Height* (# Stories)	1	2	3
Average* (Feet)	13'-6'	23'-10"	28'-0"
Maximum* (Feet)	13'-6'	23'-10"	35'-0"
Areas			
Lot Area (Square-Feet)	3,100 s.f.	3,100 s.f.	4,500 s.f.
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	1,334 s.f.	3,763 s.f.	
Building Footprint* (Square-Feet) Total of All Structures	1,569 s.f.	1,382 s.f.	1,258 s.f. for 2 stories
Lot Coverage* (%) Residential only (Building Footprint/Lot Area)	49.94 %	43.98 %	40 % for 2 stories
Useable Open Space* (Square-Feet)	500 s.f.	1,029 s.f.	800 s.f. 400 s.f./unit
Floor Area Ratio* Non-Residential only (Except ES-R)	N/A	N/A	N/A

*See Definitions – Zoning Ordinance Title 23F.

Revised: 11/19

¹ See development standards for your Zoning District, per the Berkeley Municipal Code, Sub-Titles 23D and 23E
g:\landuse\forms & instructions\land use planning forms\word files\forms_zoning project application\zoning project application_tabulation form.docx

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD	Primary # _____ HRI # _____ Trinomial _____ NRHP Status Code _____ Other Listings _____ Review Code _____ Reviewer _____ Date _____
---	--

Page 1 of 6 Resource name(s) or number (assigned by recorder) 1643-47 California Street

P1. Other Identifier:

*P2. Location: Not for Publication Unrestricted *a. County Alameda
 *c. Address 1643-47 California Street City Berkeley Zip 94703
 *e. Other Locational Data: Assessor's Parcel Number Block: Lot: 058 215601800

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

1643-1647 California Street sits on the east side of California between Lincoln and Virginia Streets. The building is set back from the front lot line, with planted areas at the front of the parcel. It is a one story over basement two unit building clad in stucco and capped with a flat roof. At the center of the façade, there are two concrete stairs, both with stepped concrete cheek walls and metal railings. They are separated by a center stepped cheek wall. At the top of the stairs, the primary entrances are situated on a sheltered porch. The right side entrance features a multi-lite glazed door; the left side features a flush wood door. To either side of the entrances are square bays with composite columns featuring tripartite wood sash windows with a center fixed multi-lite window flanked by four over one double hung windows. The entry porch is sheltered by a shed roof clad in red clay tiles and supported by composite columns. There are shed cornices with red clay tiles over both bays. The façade terminates with a stepped parapet with simple coping.

The building appears to be in good condition.

*P3b. Resource Attributes: (list attributes and codes) HP HP1. Unknown

*P4. Resources Present: Building Structure Object Site District Element of District Other

P5a. Photo



P5b. Photo: (view and date)
View from west. 4/30/2021

*P6. Date Constructed/Age and Sources: historic
1924 per permits

*P7. Owner and Address:

*P8. Recorded by:
Tim Kelley Consulting
2912 Diamond St #330
San Francisco, CA 94131

*P9. Date Recorded:
5/14/2021

*P10. Survey Type:
Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none")

*Attachments: None Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (list)

State of California — The Resources Agency Primary # _____
DEPARTMENT OF PARKS AND RECREATION HRI# _____
BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 6 *NRHP Status Code 6Z
 *Resource Name or # _____

- B1. Historic name: 1643-1647 California Street
- B2. Common name: 1643-1647 California Street
- B3. Original Use: two family residential
- B4. Present use: two family residential
- *B5. **Architectural Style:** vernacular
- *B6. **Construction History:** (Construction date, alterations, and date of alterations)

1643-1647 California was constructed in 1924 by builder and real estate speculator Fred F. Ingram. The left side primary entrance has been replaced; there are no other obvious alterations to the front façade.

*B7. **Moved?** No Yes Unknown Date: _____ Original Location: _____

*B8. **Related Features:**
 none

B9a. Architect: NA b. Builder: Fred F. Ingram

*B10. **Significance:** Theme NA Area NA
 Period of Significance NA Property Type residential Applicable Criteria NA
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity)

Owners and Occupants:

Original Owner: Rita Warford

1643 California occupants: 1928-1930 Radino and Leona Hickman (auditor); 1940-1944 Mandy K. Scheider (dressmaker); and 1953 William A. Lynch (property owner)

1647 California occupants: 1930-1934 Elvin and Opal Woodard (salesman); 1939 James McCabe (retired); 1940 - 1941 Robert F. Endsley (painter); and 1943-1944 Francis R. and Mary Nunley (shipyard worker).

Builder

Fred F. Ingram was a builder and real estate speculator. Buildings designed by Ingram during this period include: 1631 Francisco (1924), 1629 Sacramento (1924) and 1631 Sacramento (1924).

(continued)

B11. **Additional Resource Attributes:** (List attributes and codes) _____

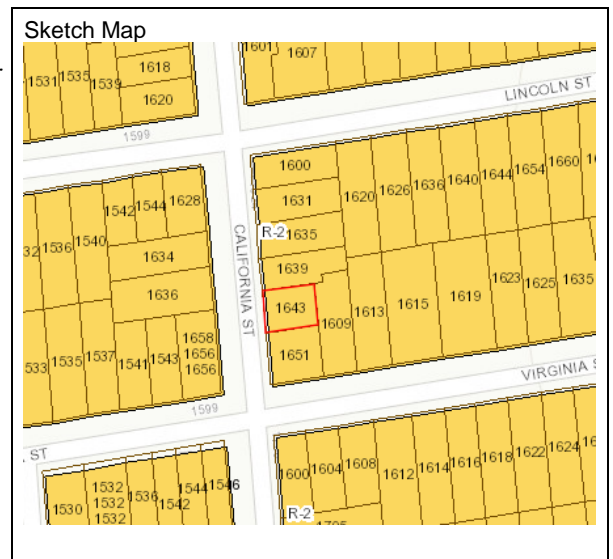
*B12. **References:**

- California Office of Historic Preservation. "Instructions for Recording Historical Resources." Sacramento, 1995.
- U.S. Department of the Interior, National Park Service. *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.* Washington, D.C.: National Park Service, rev. ed. 1998.
- Sanborn Maps, Berkeley, California, 1929, 1950

B13. **Remarks:**

*B14. **Evaluator:** Tim Kelley Consulting LLC

(This space reserved for official comments.)



*Date of Evaluation: 5/14/2021

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
 HRI # _____
 Trinomial _____

Page 3 of 6

Resource Name or # (Assigned by recorder)

*Recorded by Tim Kelley Consulting LLC
 DPR 523B (1/95)

*Date 5/14/2021

Continuation

Update

*Required information

(continued)

Permit History:

- Permit #16834, May 9, 1924 – To build a one-story two room duplex.
- Permit #72299, November 10, 1952 – To build an 8' x 20' shed
- Permit #98026, June 24, 1963 – Termite repair

Criterion 1 (Events)

1643-1647 California is not eligible for individual listing in the California Register under Criterion 1. This building did not make any significant individual contribution to the development of the neighborhood. Nor did it make a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California. Thus the property is not eligible for listing in the California Register under Criterion 1.

Criterion 2 (Persons)

This building is not eligible for individual listing in the California Register under Criterion 2. It is not associated with any significant persons in the history of Berkeley or the State of California, as none of the owners or occupants were listed newspaper indexes or otherwise indicated to be important to the history of Berkeley or the State of California. Thus the property is not eligible for listing in the California Register under Criterion 2.

Criterion 3 (Architecture)

This building is not eligible for individual listing in the California Register under Criterion 3. The builder of 1643-1647 California, Fred F. Ingram is not considered a master builder. This building does not embody distinctive characteristics of a type, period, region, or method of construction, represent the work of a master, or possess high artistic values. Thus the property is not eligible for listing in the California Register under any aspect of Criterion 3.

Criterion 4 (Information Potential)

This criterion ordinarily refers to potential archeological value. A full analysis of archeological value is beyond the scope of this report. The property does not appear eligible for listing on the California Register under Criterion 4.

Integrity

This building is not an historical resource; therefore no period of significance can be determined and integrity can not be evaluated. For information purposes, this building retains all aspects of integrity.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

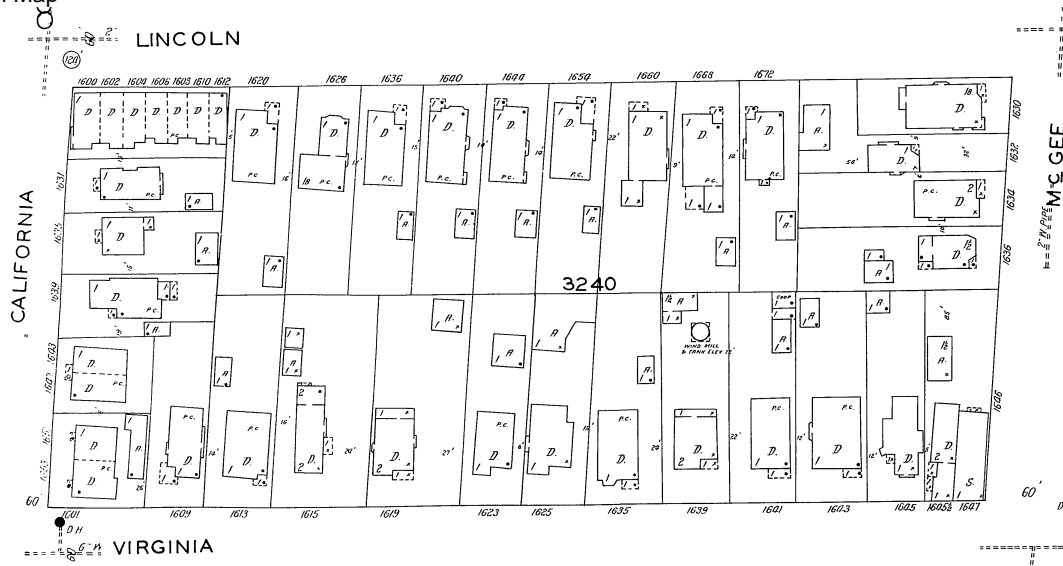
Page 4 of 6

Resource Name or # (Assigned by recorder)

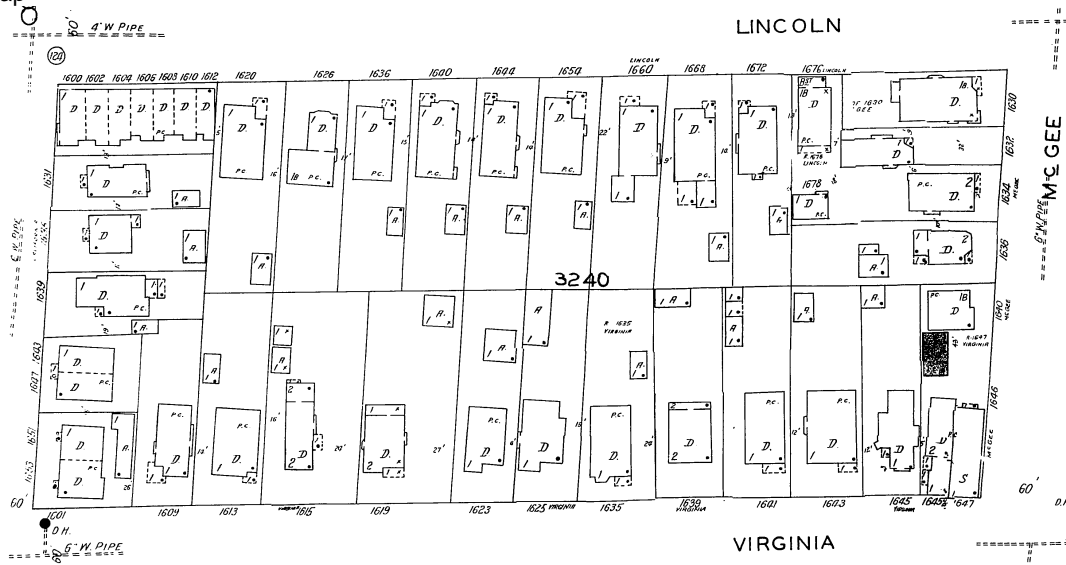
*Recorded by Tim Kelley Consulting LLC

*Date 5/14/2021 Continuation Update

1929 Sanborn Map



1950 Sanborn Map



State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 5 of 6

Resource Name or # (Assigned by recorder)

*Recorded by Tim Kelley Consulting LLC

*Date 5/14/2021 Continuation Update



Detail: Right side front façade; right side secondary façade



Detail, left side primary facade

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # _____ HRI # _____ Trinomial _____
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Page 6 of 6

Resource Name or # (Assigned by recorder)

*Recorded by Tim Kelley Consulting LLC

*Date 5/14/2021

Continuation

Update



Left side secondary facade

RESIDENTIAL

CITY OF BERKELEY

Address 1643-47 California Book 8 Par. No. 18 Block 2156

Surveyed by _____ Date _____ Remarks _____

Date	Imp. R.C.	% Gd	Table	N.R.C.L.D.	Obs. etc.	Adj. R.C.L.D.	Building Department Records		
							Permit for	Permit No.	Year Built
29	6579	53	45		-	3486	Permit for	Dwg. Shed	
1952	320	90	25			288	Permit No.	16834	72299
	75	65				49	Year Built	1924	11-10-52
							Amount		\$400
40	13923	45	50			6265	4-10-53. Additions, Alterations, etc. Shed in use. Structurally complete. JS		
12	648	54	25			349			
						6614			

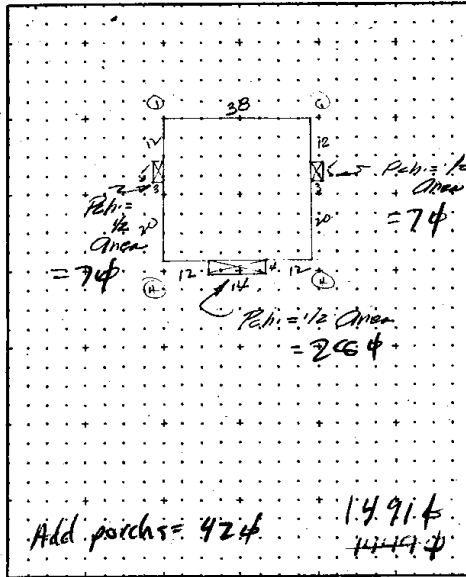
Assessment Record

1949-50	1780 ✓ ✓		
1951-52	1780 ✓ ✓		
1953-54	2000 ✓		
1956-57	2000 ✓		

Remarks, Reappraisals, etc.

Plan of Building

Scale 1" = 40'



RESIDENTIAL BUILDING RECORD

Use Type Duplex Stories 1 Constr. Class 06a
 Foundation conc. Excavation _____
 Structural Wd. Fr. Grade 3
 Exterior Walls Stucco Windows 6d. D.H.
 Roof Material T.C.G. Type Flat Pitch _____

Rooms	ROOM & FINISH DETAIL							Plumbing Detail				
	Floors						Floor Finish	Trim	Interior Finish		Fixture Acc.	No.
	B	1	2	3	Typ	Top			Walls	Ceiling		
Ent. Hall							Hard	Pine	Plaster			✓
Living Rm.	✓						Hard	Pine	Plaster			
Dining Rm.	✓						Hard	Pine	Plaster			✓
Kitchen Nk.	✓						Hard	Pine	Plaster			✓
Breakfast												✓
Study												✓
Bed Rm.	✓						Hard	Pine	Plaster			✓
Bath	✓						Hard	Pine	Plaster			✓
Laundry												✓
Recreation												✓
Furnace												✓
Garage												✓
											Fireplace	✓
											Chimney	✓
											Patent Flue	✓
											Heating	
											2 Fire Turns	
											Misc.	

Add. porch = 42\phi. 1491\phi. 1447\phi.

COMPUTATIONS		Year		Year 63-64		Year	
Unit C.	Area	Unit C.	Cost	Unit C.	Cost	Unit C.	Cost
1st Floor	1499	423	6129	885	12823		
P.P.H.			300		800		
Heat			150		300		
Misc. Equipment							
TOTAL R.C.		6579		13923			

Misc. Structures - Garages, etc.

Type	Size	Ext.	Rf.	Int.	Flr.	Area	At	Cost
Shed	8' x 20'	20'	20'	20'	20'	160	200	320
							300	480
							50	168
Parking						200	200	200



1648-47 CALIFORNIA STREET

854-B1

Plan Checking Fee _____
Bldg. Permit Fee _____

TOTAL 14.5

CITY OF BERKELEY

Building Inspection Department

APPLICATION FOR BUILDING PERMIT

Additions, Alterations and Repairs

Application is hereby made to the Building Inspection Department of the City of Berkeley for Permission to Add to, or Alter, or Repair a group I; Type V; 1 Story; 6 Room Building
Present use of building DWELLING Families 2 Rooms 8
Proposed use of building 2- PLEX Families 2 Rooms 8
Located at 1643-47 CALIFORNIA

All provisions of the Building Code will be complied with in the erection, alteration or repairing of said building whether specified herein or not.

Valuation of proposed work: Include all labor and material \$1849.00

Building to be occupied as DWELLING by E. K. WRIGHT

WRITE PLAINLY FULL DESCRIPTION OF WORK TO BE DONE

Small sketches may be drawn on the back of this sheet

TERMITE REPAIR AS PER REPORT ON JOB LOCATION

Name of Owner E. K. WRIGHT Address 1865 SOLANO Telephone _____

Name of Architect or Designer _____ Address _____

Name of Engineer _____ Address _____

Name of Builder BELEFRID TERMITE CONTROL Address 2913 OHIO AVE Telephone BE-3-2116

State License No. 2734 Workmen's Compensation Insurance Policy or Certification Filed Yes _____ No _____

City of Berkeley License No. B-1130

Expires _____

We I hereby agree to save, indemnify and keep harmless the City of Berkeley and/or its employees, against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

W. G. Belford (E.S.)
Signature of Owner, Agent or Builder.

Fire Zone No. 1. 2. 3.

FOR DEPARTMENT USE ONLY

1643-47 California Permit No. 98026
Number Street Date Issued JUN 24 1963

BLOCK BOOK NO. _____

PAGE _____ ISSUED BY [Signature]

CITY OF BERKELEY Building Department

4-00

APPLICATION FOR BUILDING PERMIT FOR A Group J Building

Application is hereby made to the Building Department of the City of Berkeley for Permission to build a
Type shed building to be occupied as a Group J occupancy for: storage
Located at 1643-1647 California St
Value 400.00

SIZE, LOCATION AND CONSTRUCTION TO BE AS FOLLOWS: (See Over For Plans)

Size: 8' x 20' Height: 8' 6" rear - 8' front
Floor: 4" thick concrete
Outside Walls: 2x4 studs - 1x4 sheathing - asbestos shingles (green)
Roof: 2x4 rafters 16" center - 1x4 sheathing - 216# composition
Distance from nearest building on the lot: 10 feet
Distance from side lot line: 13 feet north - 17 feet south
Distance from rear lot line: out line
Walls closer than 3 feet to the side and/or rear lot lines will be fireproofed as follows: with 4x6 x 1/2" building tile (hollow)

Name of Owner: Wm A. Lynch Address: 1643 Calif.
Name of Architect or Designer: self Address: _____
Name of Engineer: _____ Address: _____
Name of Builder: self Address: _____
State License No. _____

I We Hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said city in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

In Zone No. _____ Ordinance No. _____
Signature of Owner, Agent or Builder: Wm A. Lynch
Five Zone No. 3 Address: 1643 California St.

FOR DEPARTMENT USE ONLY
1643 - 1647 California Permit No. 72299
Number Street Page

Filed _____ Ready _____ Checked by _____ Date Issued NOV 10 1952

254.173 1-17

Zoning Permit

(Section 17, Ordinance No. 3018-N.S.)

Permit for Storage shed

At: 11643-4647 Calif. St. In a R-2 District

Area of lot 50 x 63 Coverage 31.50 sq. feet

Yards: Front 12 ft Left Side 7 ft Right Side 4 ft Rear 18 ft

Height: Main Building 12 ft Accessory Building 8' 6"

Issued: 11/10/52
Certificate: I hereby certify that the foregoing statement and data are in all respects to the best of my knowledge and belief true and correct.

By: [Signature]
Planning Department

Signature: [Signature]
Owner's Name

By: _____
Agent

37
35
18.5
11.1
12.7
10.1
14.5
12.8
11.5
31.50

JUN 24 1963 DATE

ADDRESS 1643-47 Calif OWNER E. Wright

GROUP F TYPE I USE free DESCRIPTION *tr. rep. COST \$ 1849.*

BUILDING PERMIT 98026 STORIES 1 ROOMS 6 CONTRACTOR *Belford*

PLUMBING PERMIT FIXTURES W. S. CONTRACTOR

GAS PIPING OUTLETS METERS CONTRACTOR

ELECTRIC WIRING OUTLETS MOTORS CONTRACTOR

ELECTRIC FIXTURE FIXTURES APPLIANCES CONTRACTOR

GAS APPLIANCES FIXTURES CONTRACTOR

GAS APPLIANCES FIXTURES CONTRACTOR

GAS APPLIANCES CONTRACTOR

FURNACES, ETC. CONTRACTOR

SEWER PERMIT CONTRACTOR

INSPECTION	DATE	INSPECTOR	DATE	INSPECTOR	REMARKS
BUILDING, ROUGH			7/1/63	P.S.	
BUILDING, FINAL			8/15/63	CR	
PLUMBING, ROUGH					
PLUMBING, FINAL					
GAS PIPING, ROUGH					
GAS PIPING, FINAL					
ELECTRIC, ROUGH					
ELECTRIC, FINAL					
GAS APPLIANCES, WH					
GAS APPLIANCES					
GAS APPLIANCES					
FURNACES, ETC., FINAL					

CERTIFICATE OF OCCUPANCY: DATE

ADDRESS 1643-47 Calif

FORM 254-66

COMPLETE

DATE		ADDRESS <i>1643-47 Calif</i>		OWNER	
GROUP	TYPE	USE	DESCRIPTION	COST \$	
BUILDING PERMIT		STORIES	ROOMS	CONTRACTOR	
PLUMBING PERMIT		FIXTURES	W. S.	CONTRACTOR	
GAS PIPING		OUTLETS	METERS	CONTRACTOR	
ELECTRIC WIRING		OUTLETS	MOTORS	CONTRACTOR	
ELECTRIC FIXTURE		FIXTURES	APPLIANCES	CONTRACTOR	
GAS APPLIANCES		FIXTURES		CONTRACTOR	
GAS APPLIANCES		FIXTURES		CONTRACTOR	
GAS APPLIANCES				CONTRACTOR	
FURNACES, ETC.				CONTRACTOR	
SEWER PERMIT <i>2646</i>				CONTRACTOR <i>Lynch</i>	
INSPECTION	DATE	INSPECTOR	DATE	INSPECTOR	REMARKS
BUILDING, ROUGH					
BUILDING, FINAL					
PLUMBING, ROUGH					
PLUMBING, FINAL					
GAS PIPING, ROUGH					
GAS PIPING, FINAL					
ELECTRIC, ROUGH					
ELECTRIC, FINAL					
GAS APPLIANCES, WH					
GAS APPLIANCES					
GAS APPLIANCES					
FURNACES, ETC., FINAL					
SEWER	<i>4/1/63</i>	<i>Dr</i>			
CERTIFICATE OF OCCUPANCY				DATE	
ADDRESS <i>1643-47 Calif</i>					FORM 254-56

COMPLETE

5-9-24

Street 1643-47 CALIFORNIA Owner RITA WILFORD

Group	Type	ic	Description	Cost \$
Building Permit	<u>16834</u>	<u>DWG</u>	Stories Rooms Contractor	<u>4500</u>
Plumbing Permit			Fixtures Contractor	<u>FRED F. INGRAM</u>
Gas Piping			Outlets Meters Contractor	
Electric Wiring			Outlets Motors Contractor	
Electric Fixture			Fixtures Appliances Contractor	
Gas Appliance			Fixtures Contractor	
Warm Air Piping			Contractor	
Furnaces, etc.			Contractor	
Sewer Permit			Contractor	

Inspection	Date	Inspect'r	Notice	REMARKS
Plumbing, rough				
Gas Piping, rough				
Electrical, rough				
Building, rough				
Warm Air Pipes				
Sewer				
Plumbing, final				
Gas Piping, final				
Building, final				
Furnaces, etc. final				
Electrical, final				Notice to Lighting Co.
Gas Appliances				

Certificate of Occupancy:.....Date.....
Form 86 5M 4-37

CONSTRUCTION PROJECT ADDRESS
1643 1/2 1647 CALIFORNIA ST



CITY OF BERKELEY
MAIL TO
Codes & Inspection Division
2180 Milvia Street
Berkeley CA 94704-1100
Phone (510) 644-8877

PERMIT NUMBER

052072

PERMIT
BUILDING - ELECTRICAL - MECHANICAL - PLUMBING

- Permits shall expire if a major inspection is not passed within 180 days of permit issue or within 180 days of a previously passed major inspection.
- Issuance of a permit shall not be construed as an approval of any violation of Building, Electrical, Mechanical, Plumbing or Municipal codes.
- Clearances from all departments and jurisdictions and payment of all applicable fees are required before final inspections will be made.

NOTE: This permit does not become valid until signed by the building official or his deputy and fees are paid, and receipt is acknowledged in the space provided.

APPLICANT	NAME	121K LIANI	TELEPHONE	549-0571
	MAILING ADDRESS	1728 PARKER ST	CITY	94703
OWNER	NAME	TAMMY LUDWIG OPENHAYMER	TELEPHONE	CA 94703
	ADDRESS	1643, 1647 CALIFORNIA	CITY	BERKELEY
	CITY	BERKELEY	STATE/ZIP	CA 94703
ARCH/ENG	NAME		LICENSE #	186-8387
	ADDRESS		TELEPHONE	
	CITY		STATE/ZIP	
CONTRACTOR	I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.			
	NAME	R.K. COMPTON	CITY BUSINESS TAX #	R-0171
	ADDRESS	883 FREDERICK	TELEPHONE	187-698
	CITY	S.F. CA	STATE/ZIP	94117
	SIGNATURE	Kulmbasser Rauten		

Check type of building:

<input type="checkbox"/> New commercial	<input type="checkbox"/> New one or two family
<input type="checkbox"/> "Shell only" commercial	<input type="checkbox"/> One/two family remodel
<input type="checkbox"/> Hazardous occupancy	<input type="checkbox"/> Apartment / condo remodel
<input type="checkbox"/> Office, tenant improvement	<input type="checkbox"/> Garage / attic remodel
<input type="checkbox"/> Retail, tenant improvement	<input type="checkbox"/> Sign
<input type="checkbox"/> Food cooking facility, tenant improvement	<input type="checkbox"/> Commercial reroof
<input type="checkbox"/> New apartment	<input type="checkbox"/> Residential reroof
No. of living units <input type="checkbox"/>	<input type="checkbox"/> Change of occupancy
	<input type="checkbox"/> CORRECTION OF VIOLATIONS

Description or scope of work:
ELECTRICAL PERMIT

COMMERCIAL OCCUPANCIES

- I am I am not required to comply with the hazardous materials requirements of Health and Safety Code Sections 25505, 25533, 25534.
- The building is is not within 1,000 feet of any school boundary.
- I have I have not met the requirements of Health and Safety Code Sections 42303 and 25514.

NOTE:
A CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL REQUIREMENTS OF HEALTH AND SAFETY CODE SECTIONS 25533, 25534 ARE MET.

052072 001 11/12/91ELECTR 40.00

FOR OFFICIAL USE

Prior to scheduling the inspections noted below, provide the clearances, certificates, calculations, special inspectors, etc. indicated.

- | | |
|---|--|
| <input type="checkbox"/> Special Inspector - start of work | <input type="checkbox"/> Pierhole cert. - Soils Engineer |
| <input type="checkbox"/> Glu-Lam certificate - Roof/floor frame | <input type="checkbox"/> Pier Inspection |
| <input type="checkbox"/> Truss Calculation - Roof/floor frame | <input type="checkbox"/> Fill/foundation compaction cert. - Foundation |
| <input type="checkbox"/> Fire Department - Final | <input type="checkbox"/> Soils engineer cert. - Final |
| <input type="checkbox"/> Engineering, PWD - Final | <input type="checkbox"/> Zoning - Final |
| <input type="checkbox"/> Traffic Engineering, PWD - Final | <input type="checkbox"/> Landmarks - Final |
| <input type="checkbox"/> Economic Development - Final | <input type="checkbox"/> Special Inspector cert. - Final |
| <input type="checkbox"/> Health Dept. - Final | |

No. of stories _____ Building height _____ Fire Sprinklers _____
Area _____ Construction type _____
No. required exits _____ Value of work _____ Occupancy load _____

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM PERMIT FEE.

PERMIT FEES	FEES DUE AT	\$ AMOUNT DUE
BUILDING PERMIT		
Total Valuation		
Filing fee	Application	
Permit fee (inspection)	Permit issuance	
Plancheck fee	Permit issuance	
Preplancheck fee	Application	
Reinspection fee	When required	
Investigation fee	Application	
Accelerated plancheck fee	Application	
Fast track/partial permits fee	Application	
Plancheck for revisions	Permit issuance	
Plancheck for fasttrack revisions	Permit issuance	
Title 24 Energy	Permit issuance	
Title 24 Disabled	Permit issuance	
SMI (earthquake)	Permit issuance	
ELECTRICAL PERMIT		
Filing fee	Application	10.00
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	30.00
MECHANICAL PERMIT		
Filing fee	Application permit	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
PLUMBING PERMIT		
Filing fee	Application	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
ZONING		
OTHER		
TOTAL FEE		40.00

Comments:

Shawn Beckman

BY: DEPUTY BUILDING OFFICIAL
APPROVED FOR THE BUILDING OFFICIAL

INSPECTION RECORD

Job Address: 1643-1647 CALIFORNIA STREET

GRADING PERMIT NO:

BUILDING PERMIT NO:

- Piers depth and size
- Set back/lot coverage
- Foundation forms/depth/size
- steel
- anchorbolts
- holddowns
- O.K. to pour foundation/grade beam
- Underfloor electric
- Underfloor mechanical
- Underfloor plumbing
- Underfloor insulation
- Under ground commercial
- Underfloor framing
- O.K. to pour slab/floor deck

ABOVE APPROVALS REQUIRED BEFORE POURING CONCRETE SLABS

- Masonry 1st Lift
- 2nd Lift
- 3rd Lift

- Concrete walls
- Concrete floor
- Frame elect - rough
- Frame mechanical - rough
- Frame plumbing - rough
- Floor/ceiling insulation
- Wall insulation
- Wall framing
- Roof framing
- Shear walls
- Tiedowns/Holddowns
- Sound control
- Framing Insulation
- Glazing - Title 24
- Floor framing 2nd story
- Electrical subpanel - rough

ABOVE INSPECTIONS REQUIRED BEFORE CLOSING WALLS

- O.K. to sheetrock
- Shear nailing
- Lath - exterior
- Lath - Drywall - Interior
- Plaster scratch
- brown
- finish
- Shower/tub tile/lacking
- Fire walls
- Fire wall penetrations

ELECTRICAL PERMIT NO:
11-12-91-52079

11-21-91 - ELEC. SUP. ILE. UPGRADE. ROUGH IS OK. PG. 4E WILL BE NOTIFIED ON 11-22-91 - J.M.D.

MECHANICAL PERMIT NO:

PLUMBING PERMIT NO:

FINAL INSPECTION

- Gas test
- Water test
- Sewer test
- Handicap Access Title 24
- Roofing
- Appliances
- Electrical
- Mechanical
- Plumbing

11-21-91 - ELEC. FINAL IS OK - J.M.D. WORK HAS BEEN COMPLETED.

CERTIFICATE OF OCCUPANCY

All the requirements must be met prior to issuance of C.O.

Temp. Co. _____

CERTIFICATE OF OCCUPANCY

Dept. Building Official

Date

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM FEE OF \$40.00
 PROJECT (CONSTRUCTION) ADDRESS: 1643 CALIFORNIA ST DATE: 11-12-91
 OWNER OR CONTRACTOR: contractor TELEPHONE: 564-6730



DESCRIPTION	Quantity	Unit Price	Amount
ELECTRICAL Permit No. _____			
New Residential additions		FILING FEE \$ 10.00	
for each 100 s.f.			7.00
Service (new or changed)			7.00
Meters (new or changed)			4.00
Altering/changing wiring - each change			16.00
Branch circuits and feeders			2.75
Fixtures (fixed appliances)			6.50
Motors (up to 10 HP)			4.00
additional HP			1.00
maximum per unit			126.00
Generators up to 10 KVA			4.00
additional KV			1.00
maximum per unit			105.00
Transformers up to 10 KVA			2.75
additional KV			1.00
maximum			126.00
Signs			16.00
Outline lighting per KVA			9.25
X-ray, capacitors			16.00
Temporary power pole			16.00
Festoon lighting per outlet			1.00
		Subtotal =	
MECHANICAL Permit No. _____			
Gas Appliances		FILING FEE \$ 10.00	
one to two mechanical units			8.00
three or more units			7.00
Central htg (furn/ac) combination unit or			
central heat alone central ac alone			
100,000 BTU - per unit			24.00
101,000 - 500,000 BTU - per unit			32.00
over 500,000 BTU - per unit			79.00
Gas piping/extension, alteration/repair			
one meter			8.00
additional meters			5.25
outlets			3.25
pressure test only			8.00
Hoods			
residential			7.00
commercial - Type II			48.00
commercial w/ fire ext. system - Type I			79.00
Flue or Chimney			8.00
Prefabricated fireplace			48.00
Ducts, fans, registers, dampers			7.00
Air handling equipment			
to 10,000 cfm			16.00
over 10,000 cfm			24.00
Boilers and equipment			
up to 100,000 BTU			24.00
100,000 - 500,000 BTU			32.00
over 500,000 BTU			79.00
		Subtotal =	
PLUMBING Permit No. _____			
New/moved/additions/residential		FILING FEE \$ 10.00	
for each 100 s.f.			6.50
Fixtures			7.25
Sewer			21.00
Stand pipe system			79.50
Water meter, 25 or less outlets			15.00
additional outlet			1.50
Water meter only			5.25
Additional meter			3.50
Water line, 25 or less outlets			15.00
additional outlet			1.50
Lawn sprinklers system			
one or two family dwellings - per system			24.00
apartment buildings - per system			64.00
commercial/industrial - per system			64.00
Swimming pool filtration system			80.00
Inside rain leader - per leader			16.00
		Subtotal =	

052072 00 11/12/91 HK VA 0.00

EXPLANATION:

ADMINIST/WORKSHEE/jas

BUILDING PERMIT APPLICATION

I hereby affirm (check one):
 LICENSED CONTRACTOR'S DECLARATION. I am licensed under provisions of Chapter 9 (commencing with Sec. 7000) of the Business and Professions Code, and my license is in full force and effect. License No. 517390. Classification: B-C-10

OWNER-BUILDER DECLARATION. I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law [Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code] or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code): The Contractor's License Law does not apply to an owner of property who builds or improves the work, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvements is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code): The Contractor's License Law does not apply to an owner of property who builds or improves thereon; and who contracts for such projects with a contract(s) licensed pursuant to the Contractor's License Law).

I am exempt under Sec. _____, Business and Professions Code, for this reason:

WORKERS' COMPENSATION DECLARATIONS (Sec. 3800 LAB.C.)

(check one):
 I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof.

Policy No. _____ Company _____
 Certified copy is hereby furnished.
 Certified copy is filed with the City of Berkeley Building Division.

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.

The permit is for \$100.00 (valuation) or less.

NOTE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Worker's Compensation provisions of the Labor Code, you must comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY (Sec. 3097, Civil Code)

I hereby affirm that there (check one)
 is _____ is not a construction lending agency for the performance of the work for which this permit is issued.

Lender's Name _____
 Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all City ordinances and State laws relating to building construction, and hereby authorize representatives of the City of Berkeley to enter upon the above-mentioned property for inspection purposes.

I also agree to waive, indemnify and hold harmless the City and its agents against all liabilities, judgments, costs, and expenses which may in any way accrue against said agency in consequence of the granting of this permit.

X Signature of Applicant _____ Date: 11-12-71

Owner Contractor Agent

CONSTRUCTION PROJECT ADDRESS
1643 E 1647 CALIFORNIA ST

PERMIT

BUILDING - ELECTRICAL - MECHANICAL - PLUMBING
 Permits shall expire if a major inspection is not passed within 300 days of permit issue or within 180 days of a previously passed major inspection.
 Issuance of a permit shall not be construed as an approval of any violation of Building, Electrical, Mechanical, Plumbing or Municipal codes.
 Clearances from all departments and jurisdictions and payment of all applicable fees are required before final inspections will be made.

NOTE: This permit does not become valid until signed by the building official or his deputy, and fees are paid, and receipt is acknowledged in the space provided.

APPLICANT NAME 121K LIAMI TELEPHONE 849-0711
 MAILING ADDRESS 1728 PERRY ST TELEPHONE 84703
 OWNER NAME TRIM SLD TELEPHONE 84703
 ADDRESS 1643 E 1647 CALIFORNIA ST CITY CA STATE CA ZIP 94703
 CITY BERKELEY LICENSE # 416-1397

ARCH/ENG NAME _____ ADDRESS _____ TELEPHONE _____
 CITY _____ STATE/ZIP _____

CONTRACTOR I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

NAME R.K. CONR CITY BUSINESS TAX # R-0171
 ADDRESS 533 FREDERICK TELEPHONE 187 698
 CITY CA STATE/ZIP 94710

SIGNATURE Robert K. Conr DATE 94117

Check type of building:
 New commercial
 "Shell only" commercial
 Hazardous occupancy
 Office, tenant improvement
 Retail, tenant improvement
 Food cooking facility, tenant improvement
 Residential remodel
 Change of occupancy
 New apartment
 CORRECTION OF VIOLATIONS

Description or scope of work: ELECTRICAL CABINET

COMMERCIAL OCCUPANCIES

- I am I am not required to comply with the hazardous materials requirements of Health and Safety Code Sections 25505, 25533, 25534.
- The building is is not within 1,000 feet of any school boundary.
- I have I have not met the requirements of Health and Safety Code Sections 42303 and 25514.

NOTE: A CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL REQUIREMENTS OF HEALTH AND SAFETY CODE SECTIONS 25533, 25534 ARE MET.

CITY OF BERKELEY
 MAIL TO
 Codes & Inspection Division
 2180 Milvia Street
 Berkeley, CA 94704-1100
 Phone (510) 644-8877



PERMIT NUMBER
1643-1647

FOR OFFICIAL USE
 Prior to scheduling the inspections noted below, provide the clearances, certificates, calculations, special inspectors, etc. indicated.

- Special Inspector - start of work
- Pierhole cert. - Soils Engineer
- Glu-Lam certificate - Roof/floor frame
- Pier inspection
- Truss Calculation - Roof/floor frame
- Fill/foundation compaction cert.
- Fire Department - Final
- Foundation
- Engineering, PWD - Final
- Soils engineer cert. - Final
- Traffic Engineering, PWD - Final
- Zoning - Final
- Economic Development - Final
- Landmarks - Final
- Health Dept. - Final
- Special Inspector cert. - Final

No. of stories _____ Building height _____ Fire Sprinklers _____
 Area _____ Construction type _____
 No. required exits _____ Value of work _____ Occupancy load _____

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM PERMIT FEE.

PERMIT FEES	FEES DUE AT	\$ AMOUNT F.U.E
Total Valuation	Application	
Filing fee	Permit issuance	
Plancheck fee (inspection)	Permit issuance	
Plancheck fee	Application	
Preplancheck fee	When required	
Reinspection fee	Application	
Investigation fee	Application	
Accelerated plancheck fee	Application	
Fast track/partial permits fee	Application	
Plancheck for revisions	Permit issuance	
Plancheck for fasttrack revisions	Permit issuance	
Title 24 Energy	Permit issuance	
Title 24 Disabled	Permit issuance	
SMI (earthquake)	Permit issuance	
ELECTRICAL PERMIT	Application	10.00
Filing fee	Application	
Plancheck fee	Permit issuance	30.00
MECHANICAL PERMIT	Application	
Filing fee	Application permit	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
PLUMBING PERMIT	Application	
Filing fee	Application	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
ZONING	Application	
OTHER	Application	
TOTAL FEE		40.00

Comments:

BY: Shawn Buckler
 DEPUTY BUILDING OFFICIAL
 APPROVED FOR THE BUILDING OFFICIAL

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM FEE OF \$40.00

PROJECT (CONSTRUCTION) ADDRESS: 1643 CALIFORNIA ST DATE: 11-12-91

OWNER OR CONTRACTOR: CONTRACTOR TELEPHONE: 564-6730



DESCRIPTION	Quantity	Unit Price	Amount
ELECTRICAL Permit No. _____		FILING FEE \$	10.00
New Residential additions for each 100 s.f.			7.00
Service (new or changed)			7.00
Meters (new or changed)			4.00
Altering/changing wiring - each change			16.00
Branch circuits and feeders			2.75
Fixtures (fixed appliances)			6.50
Motors (up to 10 HP)			4.00
additional HP			1.00
maximum per unit			125.00
Generators up to 10 KVA			4.00
additional KV			1.00
maximum per unit			105.00
Transformers up to 10 KVA			2.75
additional KV			1.00
maximum			120.00
Signs			16.00
Outline lighting per KVA			9.25
X-ray, capacitors			16.00
Temporary power pole			16.00
Festoon lighting per outlet			1.00
		Subtotal -	
MECHANICAL Permit No. _____		FILING FEE \$	10.00
Gas Appliances			
one to two mechanical units			8.00
three or more units			7.00
Central htg (furn/ac) combination unit or central heat alone central ac alone			
100,000 BTU - per unit			24.00
101,000 - 500,000 BTU - per unit			32.00
over 500,000 BTU - per unit			79.00
Gas piping/extension, alteration/repair			
one meter			8.00
additional meters			5.25
outlets			3.25
pressure test only			8.00
Hoods			
residential			7.00
commercial - Type II			48.00
commercial w/ fire ext. system - Type I			79.00
Flue or Chimney			8.00
Prefabricated fireplace			48.00
Ducts, fans, registers, dampers			7.00
Air handling equipment			
to 10,000 cfm			16.00
over 10,000 cfm			24.00
Boilers and equipment			
up to 100,000 BTU			24.00
100,000 - 500,000 BTU			32.00
over 500,000 BTU			79.00
		Subtotal -	
PLUMBING Permit No. _____		FILING FEE \$	10.00
New/moved/additions/residential for each 100 s.f.			6.50
Fixtures			7.25
Sewer			21.00
Stand pipe system			79.50
Water meter, 25 or less outlets			15.00
additional outlet			1.50
Water meter only			5.25
Additional meter			3.50
Water line, 25 or less outlets			15.00
additional outlet			1.50
Lawn sprinklers system			
one or two family dwellings - per system			24.00
apartment buildings - per system			64.00
commercial/industrial - per system			64.00
Swimming pool filtration system			80.00
Inside rain leader - per leader			16.00
		Subtotal -	

EXPLANATION:

Escrow Closing Date 12-1-89 Address of Property 1643 California
 Title Company PLACER Escrow # 802-101028
 Number of Residential Structures 1 Number of Units per Structure: A 1 B C
 D E F G H I

CITY OF BERKELEY
ORDINANCE 5802(RECO)

FORM A

RESIDENTIAL ENERGY CONSERVATION ORDINANCE
CERTIFICATE OF COMPLIANCE

Acceptance of this form by the City deems the property to be in compliance with RECO (Ordinance 5802-N.S.). It is given to property owners by the RECO Inspector after a satisfactory RECO inspection and must be filed with the City of Berkeley, Planning and Community Development Department, Codes and Inspection Division, 2180 Milvia Street, Berkeley, CA 94704.

	YES	NO	NOT APPLICABLE
1. Ceiling insulation of minimum thermal resistance value R-30 installed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Furnace heating ducts sealed at plenum and all joints in heating duct system with duct tape or mastic and insulated to minimum of R-3.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. All domestic storage water heaters insulated with external insulation blanket rated at minimum thermal resistance value of R-6.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Low-flow devices with maximum flow rate of 3 gallons per minute installed in all shower fixtures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Hot water pipes in pumped, recirculating domestic water heating systems insulated to minimum thermal resistance value of R-3.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Exposed hot and cold water pipes connected to and within 24 inches of water heater insulated to a minimum thermal resistance of R-3.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Incandescent light bulbs, located in multi-unit structure common areas, replaced with lamps of at least 25 lumens per watt.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Weatherstripping installed on all exterior doors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Dampers, doors or other devices to block air-flow and reduce heat loss through chimneys.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

[] If any items are checked "NO" because the maximum required expenditure for this sale has been met, check here and attach itemized receipts (with an explanation, if necessary) and note the maximum required expenditure amount: _____

Seller/Owner Sic WAY WONG and Louis Buyer FPO OPPENHEIMER and TAMM
 (Printed Name) (Printed Name)
 Seller/Owner _____ Buyer F. Oppenheimer
 (Signature) (Signature)
 Address _____ Address 1647 CALIFORNIA
 Phone Number () _____ Phone Number (415) 4868387
 INSPECTOR NAME AND AGENCY Adam E. Gilly 237-5315 Date 4/23/91

A \$15.00 FILING FEE IS REQUIRED VETERANS ASSISTANCE CENTER
2930 SAN PABLO AVE.
BERKELEY, CA 94702

BERKELEY'S RESIDENTIAL ENERGY CONSERVATION ORDINANCE

Under the Residential Energy Conservation Ordinance (Ordinance No. 5802-N.S.), the following steps must be taken in residential units prior to their sale:

1. Install ceiling insulation to bring the thermal resistance value of the ceiling insulation to R-30 in buildings where the existing ceiling insulation value is R-11 or less, except in those buildings having no attic or inaccessible attic space between the roof and ceiling below. Inaccessible is defined such that the roof slope is less than two and one half inches in 12 inches and the vertical clear height from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters at the roof ridge is less than twenty-four inches (24").
2. Seal leaks in furnace ducts at all joints in the ducting system and at the plenum with pressure sensitive tape or mastic, and insulate all furnace ducts to at least a thermal resistance value of R-3 except where ducts are inside heated space, between floors, inside interior walls or partitions, are asbestos coated, or otherwise inaccessible without alteration.
3. Insulate all domestic storage water heaters with an external insulation blanket rated at a minimum thermal resistance value of R-6, except where a minimum clearance of two inches from a wall or other permanent fixture does not exist, or where the thermal resistance of the total water heater insulation jacket is in excess of R-12. For purposes of safety, water heaters that are having insulation blankets installed must also meet all legal requirements including the requirement of a Pressure-Temperature (PT) Safety Release Valve.
4. Install low-flow devices with a maximum rated flow rate of three (3) gallons per minute in all shower fixtures.
5. Insulate to at least a thermal resistance value of R-3 hot water pipes in pumped, recirculating domestic water heating systems. Exemptions shall be granted where hot water pipes are between floors, inside interior walls, or otherwise inaccessible without alteration.
6. Insulate to at least a thermal resistance of R-3 exposed hot water pipes and cold water pipes within twenty-four inches (24") of water heater.
7. Replace incandescent light bulbs located in common areas of multiple unit structures with lamps that have an efficiency of at least 25 lumens per watt, such as fluorescent lamps.
8. Install weatherstripping on all exterior doors.
9. Install dampers, doors or other devices to obstruct or block air-flow to reduce heat-loss through chimneys.

If, after taking title to a residential structure or unit in Berkeley (as defined in the code), you find that it does not meet the above requirements, you may:

Bring the property into compliance, and recover your costs and damages — including higher utility bills paid due to lack of compliance with the requirements, inspection fees, and attorney's fees — from the seller and/or agent(s).

Escrow Closing Date 12-1-89 Address of Property 1647 California
 Title Company PLACER Escrow # 802-101028
 Number of Residential Structures 1 Number of Units per Structure: A 1 B C
 D E F G H I

CITY OF BERKELEY
ORDINANCE 5802(RECO)

FORM A

RESIDENTIAL ENERGY CONSERVATION ORDINANCE

CERTIFICATE OF COMPLIANCE

Acceptance of this form by the City deems the property to be in compliance with RECO (Ordinance 5802-N.S.). It is given to property owners by the RECO Inspector after a satisfactory RECO inspection and must be filed with the City of Berkeley, Planning and Community Development Department, Codes and Inspection Division, 2180 Milvia Street, Berkeley, CA 94704.

	YES	NO	NOT APPLICABLE
1. Ceiling insulation of minimum thermal resistance value R-30 installed. <u>Flat Roof</u>	[]	[]	<input checked="" type="checkbox"/>
2. Furnace heating ducts sealed at plenum and all joints in heating duct system with duct tape or mastic and insulated to minimum of R-3.	<input checked="" type="checkbox"/>	[]	[]
3. All domestic storage water heaters insulated with external insulation blanket rated at minimum thermal resistance value of R-6. <u>waived, for close to wall</u>	[]	[]	<input checked="" type="checkbox"/>
4. Low-flow devices with maximum flow rate of 3 gallons per minute installed in all shower fixtures.	<input checked="" type="checkbox"/>	[]	[]
5. Hot water pipes in pumped, recirculating domestic water heating systems insulated to minimum thermal resistance value of R-3.	[]	[]	<input checked="" type="checkbox"/>
6. Exposed hot and cold water pipes connected to and within 24 inches of water heater insulated to a minimum thermal resistance of R-3.	[]	[]	<input checked="" type="checkbox"/>
7. Incandescent light bulbs, located in multi-unit structure common areas, replaced with lamps of at least 25 lumens per watt.	[]	[]	<input checked="" type="checkbox"/>
8. Weatherstripping installed on all exterior doors.	<input checked="" type="checkbox"/>	[]	[]
9. Dampers, doors or other devices to block air-flow and reduce heat loss through chimneys.	<input checked="" type="checkbox"/>	[]	[]

045162 001 05/01/91 R.E.C. 30.00

[] If any items are checked "NO" because the maximum required expenditure for this sale has been met, check here and attach itemized receipts (with an explanation, if necessary) and note the maximum required expenditure amount: _____

Seller/Owner Sie Way Wong and Louise Buyer Edo Oppenheimer and TAMARA
 (Printed Name) WONG (Printed Name) OPPENHEIMER
 Seller/Owner _____ Buyer _____
 (Signature) (Signature)
 Address _____ Address 1647 CALIFORNIA ST
 Phone Number () _____ Phone Number (415) 486-8387
 INSPECTOR NAME AND AGENCY Adam E. Goll, 237-5315 Date 4/23/91

A \$15.00 FILING FEE IS REQUIRED

VETERANS ASSISTANCE CENTER
2930 SAN PABLO AVE.
BERKELEY, CA 94702

BERKELEY'S RESIDENTIAL ENERGY CONSERVATION ORDINANCE

Under the Residential Energy Conservation Ordinance (Ordinance No. 5802-N.S.), the following steps must be taken in residential units prior to their sale:

1. Install ceiling insulation to bring the thermal resistance value of the ceiling insulation to R-30 in buildings where the existing ceiling insulation value is R-11 or less, except in those buildings having no attic or inaccessible attic space between the roof and ceiling below. Inaccessible is defined such that the roof slope is less than two and one half inches in 12 inches and the vertical clear height from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters at the roof ridge is less than twenty-four inches (24").
2. Seal leaks in furnace ducts at all joints in the ducting system and at the plenum with pressure sensitive tape or mastic, and insulate all furnace ducts to at least a thermal resistance value of R-3 except where ducts are inside heated space, between floors, inside interior walls or partitions, are asbestos coated, or otherwise inaccessible without alteration.
3. Insulate all domestic storage water heaters with an external insulation blanket rated at a minimum thermal resistance value of R-6, except where a minimum clearance of two inches from a wall or other permanent fixture does not exist, or where the thermal resistance of the total water heater insulation jacket is in excess of R-12. For purposes of safety, water heaters that are having insulation blankets installed must also meet all legal requirements including the requirement of a Pressure-Temperature (PT) Safety Release Valve.
4. Install low-flow devices with a maximum rated flow rate of three (3) gallons per minute in all shower fixtures.
5. Insulate to at least a thermal resistance value of R-3 hot water pipes in pumped, recirculating domestic water heating systems. Exemptions shall be granted where hot water pipes are between floors, inside interior walls, or otherwise inaccessible without alteration.
6. Insulate to at least a thermal resistance of R-3 exposed hot water pipes and cold water pipes within twenty-four inches (24") of water heater.
7. Replace incandescent light bulbs located in common areas of multiple unit structures with lamps that have an efficiency of at least 25 lumens per watt, such as fluorescent lamps.
8. Install weatherstripping on all exterior doors.
9. Install dampers, doors or other devices to obstruct or block air-flow to reduce heat-loss through chimneys.

If, after taking title to a residential structure or unit in Berkeley (as defined in the code), you find that it does not meet the above requirements, you may:

Bring the property into compliance, and recover your costs and damages — including higher utility bills paid due to lack of compliance with the requirements, inspection fees, and attorney's fees — from the seller and/or agent(s).



City of Berkeley

Codes and Inspection Division
Planning and Community Development Department
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704
Telecommunications Device for the Deaf (415) 644-6915
(415) 644-6550



October 29, 1990

Filo and Tamer R. Oppenheimer
1644 California
Berkeley, CA

Re: 1643-1647 California

Dear Mr. and Mrs. Oppenheimer:

This letter is to remind you that you are required to comply with the City of Berkeley Residential Energy Conservation Ordinance 5802 N.S.

Our files indicate that you have until December 1, 1990 to complete the items listed on the attached summary, arrange for a RECO inspection and file a Certificate of Compliance, Form A (obtained from the RECO inspector upon compliance), along with a \$15 (for each structure) filing fee with the City. Inspections are available from the Veteran's Assistance Center, 843-3282 (message) or 849-2144.

If you have any questions regarding the corrective measures, please contact this office at 644-6830.

Sincerely,

HARRY S. ATTRI
Building Official

D. SOE
RECO Representative

RECO-Reminder/2:dls

CITY OF BERKELEY
MAIL TO
Planning & Community Development
Codes & Inspection Division
2180 Milvia Street
Berkeley CA 94704
Phone (415) 844-6250



PERMIT NUMBER
B _____
E 031257
M _____
P _____

PERMIT BUILDING - ELECTRICAL - MECHANICAL - PLUMBING
*This application shall expire if a permit is not issued in 180 days.
-Permits shall expire if a major inspection is not passed within 180 days of permit issue or within 180 days of a previously passed major inspection.
-Issuance of a permit shall not be construed as an approval of any violation of Building, Electrical, Mechanical, Plumbing or Municipal codes.
-Clearances from all departments and jurisdictions and payment of all applicable fees are required before final inspections will be made.

NOTE: This permit does not become valid until signed by the building official or his deputy and fees are paid, and receipt is acknowledged in the space provided.

APPLICANT NAME: EDG JOPPEHEIMER
MAILING ADDRESS: 2447 BROSSEL AVENUE 841-88X1
TELEPHONE: _____
OWNER NAME: EDG JOPPEHEIMER
ADDRESS: 2447 BROSSEL AVENUE TELEPHONE: 841-88X1
CITY: Berkeley CA STATE/ZIP: 94703
LICENSE # _____
ARCH/ENG NAME: _____ TELEPHONE: _____
CITY: _____ STATE/ZIP: _____
CONTRACTOR NAME: _____ CITY BUSINESS TAX # _____
ADDRESS: _____ TELEPHONE: _____
CITY: _____ STATE/ZIP: _____
Description or scope of work: Mechanical Permit

Estimated value of work: _____

66/90/21 100 153120

Check type of building:
 New commercial
 "Shell only" commercial
 Hazardous occupancy
 Office, tenant improvement
 One / two family remodel
 Apartment / condo remodel
 Garage/ attic conversion
 Sign
 Retail, tenant improvement
 Food cooking facility, tenant improvement
 New apartment
 No. of living units _____
 New one or two family
 Commercial retrofit
 Residential retrofit
 Change of occupancy
 Correction of violations

CONTRACTOR'S LAW

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7501) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

LICENSED CONTRACTOR'S DECLARATION: I am licensed under provisions of Chapter 9 (commencing with Sec. 7000) of the Business and Professions Code, and my license is in full force and effect.

OWNER-BUILDER DECLARATION: I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, remodel, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code); The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code); The Contractor's License Law does not apply to an owner of property who builds or improves thereon; and who contracts for such projects with a contract(s) entered pursuant to the Contractor's License Law.

I am exempt under Sec. _____ Business and Professions Code, for this reason:

WORKER'S COMPENSATION DECLARATIONS (Sec. 3800 LAB.C.)
 (check one)
 I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof.
 Policy No. _____
 Certified copy is hereby furnished.
 I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California.
 The permit is for \$100.00 (valuation) or less.

NOTE TO APPLICANT: If, after making the Certificate of Exemption, should you become subject to the Workers' Compensation provisions of the Labor Code, you must comply with such provisions or the permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY (Sec. 3097, Civil Code)
 I hereby affirm that I have (check one)
 is not a construction lending agency for the performance of the work for which this permit is issued.
 is a construction lending agency for the performance of the work for which this permit is issued.
 Lender's Name _____
 Lender's Address _____

I certify that I have read this application and state that the above information is correct, I agree to comply with all City ordinances and State laws relating to building construction, and hereby authorize representatives of the City of Berkeley to enter upon the above-mentioned property for inspection purposes. I also agree to waive, indemnify and hold harmless the City and its agents against all liabilities, judgments, costs, and expenses which may in any way accrue against said agency in consequence of the granting of this permit.

Signature of Applicant: E. Joppeheimer Date: 6-17-87
 Owner Contractor Agent

FOR OFFICIAL USE

Prior to scheduling the inspections noted below, provide the clearances, certificates, calculations, special inspectors, etc. indicated.

Special inspector - start of work
 Glo-Lam certificate - Roof/floor frame
 Truss Calculation - Roof/floor frame
 Fire Department - Final
 Engineering, PWD - Final
 Traffic Engineering, PWD - Final
 Economic Development - Final
 Pierhole cert. - Soils Engineer
 Pier Inspection
 Fill/Foundation compaction cert.
 Foundation
 Soils engineer cert. - Final
 Zoning - final
 Landmarks - Final
 Special Inspector cert. - Final

No. of stories _____ Building height _____ Fire Sprinklers
 No. required exits _____ Area _____ Occupancy load _____ Construction type _____

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM PERMIT FEE.

PERMIT FEES	FEES DUE AT	\$ AMOUNT DUE
Total Valuation		
Building Permit Filing fee	Application	
Permit fee (inspection)	Permit issuance	
Plancheck fee	Permit issuance	
Preplancheck fee	Application	
Reinspection fee	When required	
Investigation fee	Application	
Accelerated outside plancheck	Application	
Fast track plancheck fee	Application	
Plancheck for revisions	Permit issuance	
Plancheck for last-track revisions	Permit issuance	
Title 24 Energy	Permit issuance	
Title 24 Disabled	Permit issuance	
SMI (earthquake)	Permit issuance	
Electrical Permit Filing fee	Application	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
Additional fee	When required	
Mechanical Permit Filing fee	Application permit	10.00
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	50.00
Additional fee	When required	
Plumbing Permit Filing fee	Application	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
Additional fee	When required	
Miscellaneous fees		
TOTAL FEE		40.00

APPROVED BY THE BUILDING OFFICIAL 12-06-87

BY: DEPUTY BUILDING OFFICER _____

Comments: _____

PROJECT (CONSTRUCTION) ADDRESS

66/90/21 100 153120

PROJECT (CONSTRUCTION) ADDRESS 1643 CALIFORNIA ST. #1 DATE 12-5-99

DESCRIPTION	Quantity	Unit Price	Amount
PLUMBING Permit No.			
New/moved residential 100 sf		\$ 6.50	
Fixtures		7.25	
Sewer		21.00	
Stand pipe system		79.50	
Water meter, 25 or less outlets		15.00	
additional outlet		1.50	
Water meter only		5.25	
additional meter		3.50	
Water line 25 or less outlets		15.00	
additional outlet		1.50	
Lawn sprinklers			
one or two family dwellings		24.00	
apartment buildings		64.00	
commercial/industrial		64.00	
Swimming pool filtration system		80.00	
Inside rain leader		16.00	
		Subtotal =	
ELECTRICAL Permit No.			
New residences, additions		7.00	
Services		7.00	
Meters		4.00	
Altering/changing wiring		16.00	
Branch circuits and feeders		2.75	
Fixtures		6.50	
Motors		4.00	
additional HP		1.00	
maximum		126.00	
Generators		4.00	
additional KV		1.00	
maximum		105.00	
Transformers		2.75	
additional KV		1.00	
maximum		126.00	
Signs		16.00	
Outline lighting per KVA		9.25	
X-ray, capacitors		16.00	
Temporary power pole		16.00	
Festoon lighting per outlet		1.00	
		Subtotal =	
MECHANICAL Permit No.			
Gas Appliances:			
one to two units		8.00	
three or more units		7.00	
Central Htg/Furn/Ac			
100,000 BTU		24.00	
101,000 - 500,000 BTU		32.00	
over 500,000 BTU		79.00	
Gas Piping			
one meter	1	8.00	8.00
additional meters		5.25	
outlets		3.25	
pressure test only	1	8.00	8.00
Hoods			
residential		7.00	
commercial		48.00	
commercial w/fire ext. system		79.00	
Flue or chimney		8.00	
Prefabricated fireplace		48.00	
Ducts, fans, registers, dampers		7.00	
Air handling equipment			
to 10,000 cfm		16.00	
over 10,000 cfm		24.00	
Boilers and equipment			
up to 100,000 BTU		24.00	
100,000 - 500,000 BTU		32.00	
over 500,000 BTU		79.00	
		Subtotal =	16.00

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM FEE

Comments:

031257 001 12/06/99 CH VA 0.00

INSPECTION RECORD

12-06-89 Job Address: 1643 CALIFORNIA STREET

GRADING PERMIT NO:

BUILDING PERMIT NO:

- Piers depth and size
- Set back/lot coverage
- Foundation forms/doph/size
 - steel
 - anchorbolts
 - holddowns
- O.K. to pour foundation/grade beam
- Underfloor electric
- Underfloor mechanical
- Underfloor plumbing
- Underfloor insulation
- Under ground commercial
- Underfloor framing
- O.K. to pour slab/floor deck

ABOVE APPROVALS REQUIRED BEFORE POURING CONCRETE SLABS

- Masonry 1st Lift
- 2nd Lift
- 3rd Lift
- Concrete walls
- Concrete floor
- Frame elect - rough
- Frame mechanical - rough
- Frame plumbing - rough
- Floor/ceiling insulation
- Wall insulation
- Wall framing
- Roof framing
- Shear walls
- Tiedowns/Holddowns
- Sound control
- Framing insulation
- Glazing - Title 24
- Floor framing 2nd story
- Electrical subpanel - rough

ABOVE INSPECTIONS REQUIRED BEFORE CLOSING WALLS

- O.K. to sheetrock:
- Shear nailing
- Lath - exterior
- Lath - Drywall - Interior
- Plaster scratch
 - brown
 - finish
- Shower/tub tile/backing
- Fire walls
- Fire wall penetrations

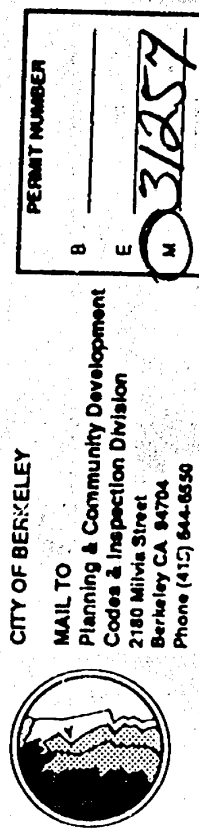
MECHANICAL PERMIT NO:

31257

PLUMBING PERMIT NO:

Final OK 12-7-89
G

FINAL INSPECTION		CERTIFICATE OF OCCUPANCY	
Gas test	Casey 12-7-89	Zoning final	All the requirements must be met prior to issuance of C.O.
Water test		Fire Dept final	
Sewer test		Engineering final	
Handicap Access Title 24		Traffic final	
Roofing		Economic Development final	Temp. Co. _____
Appliances		All fees paid:	CERTIFICATE OF OCCUPANCY
		Bldg final - Codes	Dept. Building Official _____ Date _____



CITY OF BERKELEY
MAIL TO
Planning & Community Development
Codes & Inspection Division
2180 Milvia Street
Berkeley CA 94704
Phone (415) 844-6550

PERMIT NUMBER
B _____
E _____
M 031257
P _____

PERMIT BUILDING - ELECTRICAL - MECHANICAL - PLUMBING
This application shall expire if a permit is not issued in 180 days.
-Permits shall expire if a major inspection is not passed within 180 days of permit issue or within 180 days of a previously passed major inspection.
-Issuance of a permit shall not be construed as an approval of Building, Electrical, Mechanical, Plumbing or Municipal codes.
-Clearances from all departments and jurisdictions and payment of all applicable fees are required before final inspections will be made.

NOTE: This permit does not become valid until signed by the building official or his deputy and fees are paid, and receipt is acknowledged in the space provided.

APPLICANT
NAME IDS OFFER HELMER TELEPHONE _____
MAILING ADDRESS 2447 Roselvelt Ave 841-6881
NAME IDS OFFER HELMER
ADDRESS 2447 Roselvelt Ave TELEPHONE 841-6881
CITY Berkeley CA STATE/ZIP 94703
LICENSE # _____
OWNER NAME _____ TELEPHONE _____
ADDRESS _____ TELEPHONE _____
CITY _____ STATE/ZIP _____
ANCHOR CONTRACTOR NAME _____ TELEPHONE _____
ADDRESS _____ CITY BUSINESS TAX # _____
CITY _____ TELEPHONE _____
STATE/ZIP _____
Description or scope of work Household Permit

Estimated value of work: _____

PROJECT (CONSTRUCTION) ADDRESS
68/50/21 100 25370

Check type of building:
 New commercial
 Shell only commercial
 Hazardous occupancy
 Office, tenant improvement
 One / two family remodel
 Apartment / condo remodel
 Garage attic conversion
 Sign
 Retail, tenant improvement
 Food cooking facility, tenant improvement
 New apartment
 No. of living units _____
 New one or two family
 Commercial re-roof
 Residential re-roof
 Change of occupancy
 Correction of violations

CONTRACTOR'S LAW

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

I hereby affirm (check one):
 LICENSED CONTRACTOR'S DECLARATION: I am licensed under provisions of Chapter 9 (commencing with Sec. 7000) of the Business and Professions Code, and my license is in full force and effect.
 OWNER-BUILDER DECLARATION: I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, shall also require the applicant for such permit to be a signed architect, engineer, or contractor as defined in the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that the applicant therefor and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500.00).

I, as owner of the property, or my employee with regard to their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code); The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.

I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7042, Business and Professions Code); The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contract(s) entered pursuant to the Contractor's License Law.

I am exempt under Sec. _____ Business and Professions Code, for the reason:
 WORKER'S COMPENSATION DECLARATIONS (Sec. 3800 LAB.C.)
 I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers Compensation Insurance, or a certified copy thereof.
 Policy No. _____
 Company _____
 Certified copy is hereby furnished.
 Certified copy is filed with the City of Berkeley Building Division

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation Laws of California.
 The permit is for \$100.00 (valuation) or less.
 NOTE TO APPLICANT: If, after making the Certificate of Exemption, should you become subject to the Worker's Compensation provisions of the Labor Code, you must comply with such provisions or this permit shall be deemed revoked.

CONSTRUCTION LENDING AGENCY (Sec. 3007, Civil Code)
 I hereby affirm that there (check one)
 is _____ is not a construction lending agency for the performance of the work for which this permit is issued.
 Lender's Name _____
 Lender's Address _____

I certify that I have read this application and state that the above information is correct, I agree to comply with all City ordinances and State laws relating to building construction, and hereby authorize representative of the City of Berkeley to enter upon the above-mentioned property for inspection purposes.
 I also agree to waive, indemnify and hold harmless the City and its agents against all liabilities, judgments, costs, and expenses which may in any way accrue against said agency in consequence of the granting of this permit.
 Signature of Applicant IDS Offer Helmer Date: 6-12-87
 Contractor Agent

FOR OFFICIAL USE

Prior to scheduling the inspections noted below, provide the clearances, certificates, calculations, special inspectors, etc. indicated.

Special Inspector - start of work
 Glu-Lam certificate - Roof/floor frame
 Truss Calculation - Roof/floor frame
 Fire Department - Final
 Engineering, PWD - Final
 Traffic Engineering, PWD - Final
 Economic Development - Final
 Pierhol cert. - Soils Engineer
 Pier Inspection
 Fill/foundation compaction cert.
 Foundation
 Soils engineer cert. - Final
 Zoning - final
 Landmarks - Final
 Special Inspector cert. - Final

No. of stories _____ Building height _____ Fire Sprinklers _____
 No. required exits _____ Area _____ Occupancy load _____
 Construction type _____

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM PERMIT FEE.

PERMIT FEES	FEES DUE AT	\$ AMOUNT DUE
Total Valuation		
Building Permit Filing fee	Application	
Permit fee (inspection)	Permit issuance	
Plancheck fee	Permit issuance	
Preplancheck fee	Application	
Reinspection fee	When required	
Investigation fee	Application	
Accelerated outside plancheck	Application	
Fast track plancheck fee	Application	
Plancheck for revisions	Permit issuance	
Plancheck for fast-track revisions	Permit issuance	
Title 24 Energy	Permit issuance	
SMI (earthquake)	Permit issuance	
Electrical Permit Filing fee	Application	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
Additional fee	When required	
Mechanical Permit Filing fee	Application permit	10.00
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	30.00
Additional fee	When required	
Plumbing Permit Filing fee	Application	
Plancheck fee	Application	
Permit fee (inspection)	Permit issuance	
Additional fee	When required	
Miscellaneous fees		
TOTAL FEE		40.00

APPROVED BY THE BUILDING OFFICIAL 12-06-87
 BY: DEP. UTILITY BUILDING OFFICER
 Comments: _____

PROJECT (CONSTRUCTION) ADDRESS 1643 CALIFORNIA ST DATE 12-89

DESCRIPTION	Quantity	Unit Price	Amount
PLUMBING Permit No.			
New/moved residential 100 sf		\$ 6.50	
Fixtures		7.25	
Sewer		21.00	
Stand pipe system		79.50	
Water meter, 25 or less outlets		15.00	
additional outlet		1.50	
Water meter only		5.25	
additional meter		3.50	
Water line 25 or less outlets		15.00	
additional outlet		1.50	
Lawn sprinklers			
one or two family dwellings		24.00	
apartment buildings		64.00	
commercial/industrial		64.00	
Swimming pool filtration system		80.00	
Inside rain leader		16.00	
		Subtotal =	
ELECTRICAL Permit No.			
New residences, additions		7.00	
Services		7.00	
Meters		4.00	
Altering/changing wiring		16.00	
Branch circuits and feeders		2.75	
Fixtures		6.50	
Motors		4.00	
additional HP		1.00	
maximum		126.00	
Generators		4.00	
additional KV		1.00	
maximum		105.00	
Transformers		2.75	
additional KV		1.00	
maximum		126.00	
Signs		16.00	
Outline lighting per KVA		9.25	
X-ray, capacitors		16.00	
Temporary power pole		16.00	
Festoon lighting per outlet		1.00	
		Subtotal =	0.00
MECHANICAL Permit No.			
Gas Appliances			
one to two units		8.00	
three or more units		7.00	
Central Htg/Furn/Ac			
100,000 BTU		24.00	
101,000 - 500,000 BTU		32.00	
over 500,000 BTU		79.00	
Gas Piping			
one meter	1	8.00	8.00
additional meters		5.25	
outlets		3.25	
pressure test only	1	8.00	8.00
Hoods			
residential		7.00	
commercial		48.00	
commercial w/fire ext. system		79.00	
Flue or chimney		8.00	
Prefabricated fireplace		48.00	
Ducts, fans, registers, dampers		7.00	
Air handling equipment			
to 10,000 cfm		16.00	
over 10,000 cfm		24.00	
Boilers and equipment			
up to 100,000 BTU		24.00	
100,000 - 500,000 BTU		32.00	
over 500,000 BTU		79.00	
		Subtotal =	16.00

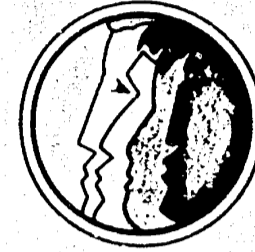
031257 001 12/06/89CH VA 0.00

Comments:

NOTE: ALL PERMITS ARE SUBJECT TO A MINIMUM FEE



City of Berkeley



Planning and Community Development Department
Codes and Inspection Division

Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704

OWNER-BUILDER VERIFICATION

(415) 644-6550
TTY (415) 644-6915

Attention Property Owner:

Under the State law we can issue building permits only to Licensed Contractors or to the Owner of the property. An "owner-builder" building permit has been applied for in your name and/or bearing your signature. Please complete and return this information to avoid unnecessary delay in processing and issuing your building permit. No building permit will be issued until this verification is received.

- 1) I personally plan to provide the major labor and materials for construction of the proposed property improvement (yes or no) yes
- 2) I (have/have not) Have signed an application for a building permit for the proposed work.
- 3) I have contracted with the following licensed person (firm) to provide the proposed construction:

Name _____
 Address _____ City _____ State _____ Zip _____
 Phone _____ Contractor's License No. _____

- 4. I plan to provide portions of the work, but I have hired the following licensed person to coordinate, supervise, and provide the major work:

Name _____
 Address _____ City _____ State _____ Zip _____
 Phone _____ Contractor's License No. 031257 001 12/06/89CHK VA 0.00

- 5. I will provide some of the work but I have contracted (hired) the following person(s) to provide the work indicated:

Name	Address	Phone	Type of Work

- 6) I agree to indemnify and hold harmless the City of Berkeley against liabilities, judgments, costs, and expenses which may in any way accrue against said City in consequence of granting this permit.

Signed: I. Oppenheimer Date 6-12-89

Property Owner's Name I. Oppenheimer Social Security Number 577-81-0909

Escrow Closing Date 12-1-89 Address of Property 1643-1647 California Street, Berkeley

Title Company Placer Title Company Escrow # NB-101028

Number of Residential Structures _____ Number of Units per Structure: A _____ B _____ C _____
D _____ E _____ F _____ G _____ H _____ I _____

CITY OF BERKELEY
ORDINANCE 5802(RECO)

FORM C

RESIDENTIAL ENERGY CONSERVATION ORDINANCE

TRANSFER OF RESPONSIBILITY FROM SELLER TO BUYER

This form transfers responsibility for compliance with RECO (Ordinance 5802-N.S.) provisions checked below from seller to buyer. Unchecked measures remain the responsibility of seller. Buyer has one year to complete the items checked below, arrange a RECO inspection, and file a Certificate of Compliance (Form A) with the City of Berkeley, Planning and Community Development Department, Codes and Inspection Division, 2180 Milvia Street, Berkeley, CA 94704. Buyers cannot transfer responsibility for any of the items to future buyers unless they have met the maximum required expenditure for this sale to comply with RECO, and have filed a Form A, Certificate of Compliance with itemized receipts attached with the City of Berkeley.

Responsibility for the following are transferred to the buyer:

- 1. Insulate ceiling to R-30
- 2. Seal and insulate furnace ducts to R-3
- 3. Insulate storage water heaters to R-6
- 4. Install low-flow shower devices
- 5. Insulate hot water pipes to R-3 in pumped recirculating water heating systems
- 6. Insulate water heater pipes to R-3
- 7. Replace incandescent lights with lamps of at least 25 lumens per watt
- 8. Weatherstrip exterior doors
- 9. Block air-flow and heat loss through chimney

Seller/Owner Louise Way Wong Buyer Elo Oppenheimer
(Printed Name) (Printed Name)
 Seller/Owner Louise Way Wong Buyer Tamas A. Oppenheimer
(Signature) (Signature)
 Address 10 Kingston Rd, Kensington, CA Address 1647 California
 Phone Number (415) 326-262 Phone Number (415) 841-6881

I have notified both buyer and seller of the requirements of Ordinance 5802-N.S. but I do not know of my own knowledge that the property is in compliance. 12/05/89 R.E.C. 15.00

I have notified both buyer and seller of the requirements of Ordinance 5802-N.S. I know that the property is in compliance and have so represented it to the buyer.

Agent Ray R. Security Pacific Address 3223 Blume Dr. Richmond CA
Subsequent to this sale, the property will be:

- 1. Owner occupied
- 2. Rental property

Selling Price: \$159,000.00

Maximum Required Expenditure Amount: _____

A \$15.00 FILING FEE IS REQUIRED

BERKELEY'S RESIDENTIAL ENERGY CONSERVATION ORDINANCE

Under the Residential Energy Conservation Ordinance (Ordinance No. 5802-N.S.), the following steps must be taken in residential units prior to their sale:

1. Install ceiling insulation to bring the thermal resistance value of the ceiling insulation to R-30 in buildings where the existing ceiling insulation value is R-11 or less, except in those buildings having no attic or inaccessible attic space between the roof and ceiling below. Inaccessible is defined such that the roof slope is less than two and one half inches in 12 inches and the vertical clear height from the top of the bottom chord of the truss or ceiling joist to the underside of the roof structural members or rafters at the roof ridge is less than twenty-four inches (24").
2. Seal leaks in furnace ducts at all joints in the ducting system and at the plenum with pressure sensitive tape or mastic, and insulate all furnace ducts to at least a thermal resistance value of R-3 except where ducts are inside heated space, between floors, inside interior walls or partitions, are asbestos coated, or otherwise inaccessible without alteration.
3. Insulate all domestic storage water heaters with an external insulation blanket rated at a minimum thermal resistance value of R-6, except where a minimum clearance of two inches from a wall or other permanent fixture does not exist, or where the thermal resistance of the total water heater insulation jacket is in excess of R-12. For purposes of safety, water heaters that are having insulation blankets installed must also meet all legal requirements including the requirement of a Pressure-Temperature (PT) Safety Release Valve.
4. Install low-flow devices with a maximum rated flow rate of three (3) gallons per minute in all shower fixtures.
5. Insulate to at least a thermal resistance value of R-3 hot water pipes in pumped, recirculating domestic water heating systems. Exemptions shall be granted where hot water pipes are between floors, inside interior walls, or otherwise inaccessible without alteration.
6. Insulate to at least a thermal resistance of R-3 exposed hot water pipes and cold water pipes within twenty-four inches (24") of water heater.
7. Replace incandescent light bulbs located in common areas of multiple unit structures with lamps that have an efficiency of at least 25 lumens per watt, such as fluorescent lamps.
8. Install weatherstripping on all exterior doors.
9. Install dampers, doors or other devices to obstruct or block air-flow to reduce heat-loss through chimneys.

If, after taking title to a residential structure or unit in Berkeley (as defined in the code), you find that it does not meet the above requirements, you may:

Bring the property into compliance, and recover your costs and damages — including higher utility bills paid due to lack of compliance with the requirements, inspection fees, and attorney's fees — from the seller and/or agent(s).

Cell: 415.385.5777
Jmalmuth@aol.com

The Malmuth Family
1636 California Street
Berkeley, CA 94703

November 1, 2020

Re: Proposed renovation at 1643 & 1647 California Street
To whom it may concern:

My wife and I moved into 1636 California Street in April 1983. During the intervening 37 years we raised our 3 children and have continued to enjoy what has essentially been decades very close and stable relationships with our neighbors. Ido and Tamar Oppenheimer moved into 1643 & 1647 California Street a very small duplex, at the end of 1989. We, as our other long-term neighbors, count them as an integral part of our California Street community. During the intervening 31 years that Ido and Tamar lived across the street from us they also raised their lovely children, Gal, Tal, Or and Ron. The house that Ido and Tamar bought back in 1989 can be best described as a fixer upper. Ido was a tile installer and worked hard leaving early and getting home late. He actually tiled our home during its renovation. However, with the costs of raising their four children, Ido and Tamar could not afford the expense of renovating their home. As the years past our neighborhood watched as their home fell into greater disrepair. It was sad to see but there was nothing they could do.

Gal, Tal, and Or are now adults, have secured jobs in the Bay Area and moved out of their childhood home at 1643 & 1647 California Street. Ron however is disabled. He has been diagnosed with a genetic disorder called X-linked retinoschisis XLR5 gene and is losing his limited sight. Ron is not permitted to drive. He relies exclusively on BART and the bus for some semblance of independence. The North Berkeley BART is two blocks from our homes as is the nearest bus stop. Now that 3 of Ido and Tamar's children have finished college they have an opportunity to renovate their home. Ido and Tamar are ecstatic, as are we, and their other neighbors; after so many years living in a rapidly dilapidating and unsafe structure, they will finally be able fix up their home while securing a place for Ron to live.

Ido and Tamar's home is very small and their lot is one of the smallest in the surrounding area. Their family has grown and they regularly have large family gatherings of one kind or another. As such, their needs have grown but the size of their house remains, small and cramped. It is for this reason I am writing the City of Berkeley. I understand that a principle exists regarding percentage of lot coverage. However, less tangible but no less important things that may not be included in the building codes include, long-term and stable neighborhoods, community, and assistance with a disabled child.

I have reviewed the proposed renovation plans and I am in full agreement with them. I believe the renovation will result in a positive contribution for their family and for our neighborhood.

I have spoken to Ido and Tamar. Their dream is to remain in Berkeley in the house of their dreams where they have lived for 31 years, raised their children and have been such an integral part of our neighborhood. And as one of their close neighbors I pray that Berkeley will find a way to allow them to remodel their home to fit their needs and Ron's.

Thank you,



Jeff Malmuth

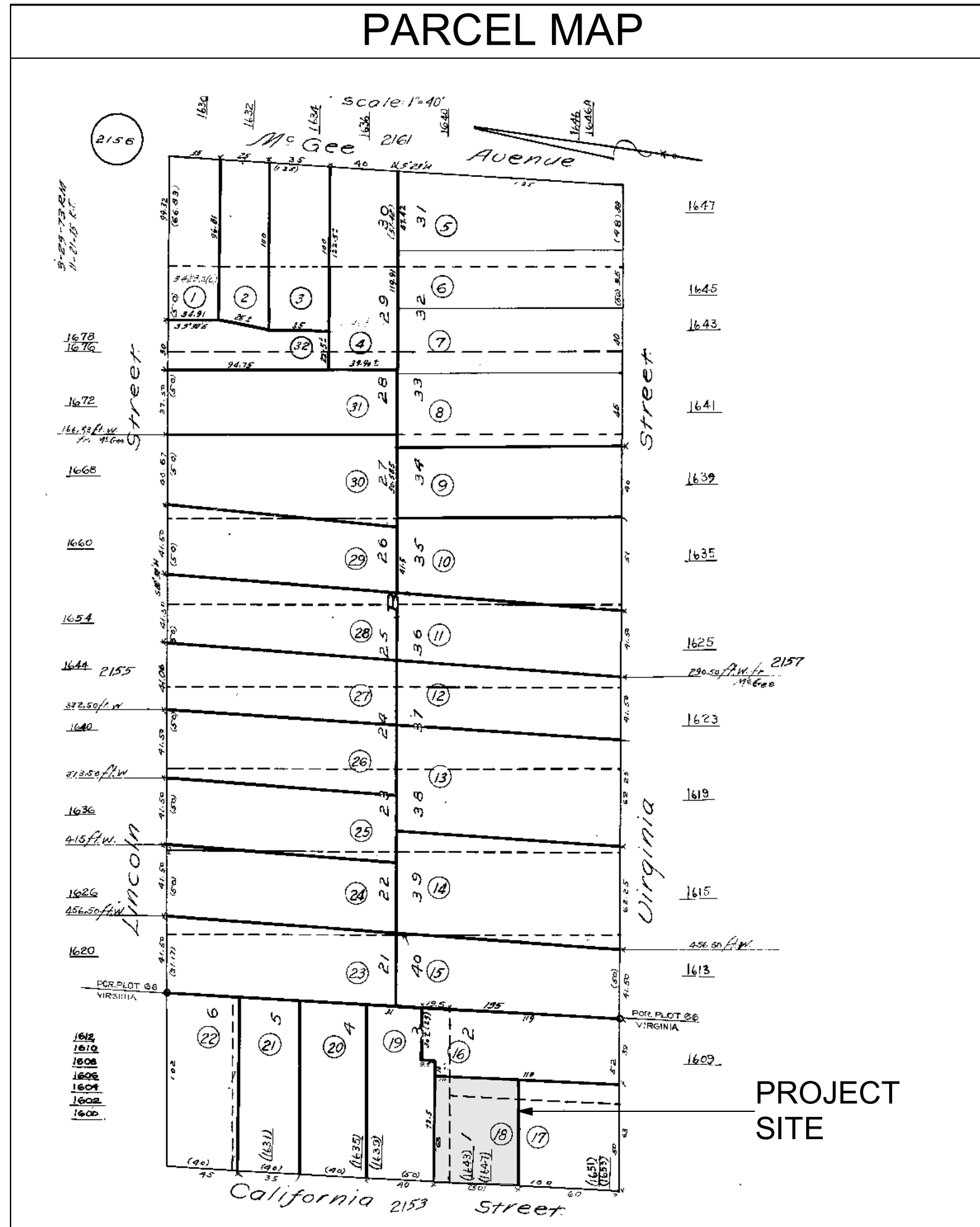
November 17, 2020

To Whom It May Concern:

I am the homeowner living at 1639 California St. since 1979. It has been my pleasure to be a neighbor of the Oppenheimer Family since they arrived in 1989. I have been invited to dance, circus performances, graduations, front yard visits and profited from their apricot and lemon tree for many years. As their family grew, they decided to enlarge their living space, rather than move to a bigger home. While this is against City of Berkeley housing regulations, the outside of their home has deteriorated and I support their plans to upgrade, improve and remodel their home to suit their changing needs. The stairs are steep and showing separation from the foundation. Their safety, as well as visitors and essential workers will continue to be at risk, and City of Berkeley impediments only add to the time delay in this repair. I recently invested in a complete renovation of my front yard, and this leaves the Oppenheimers home looking vulnerable and frankly, unattractive. This remodel makes sense and should be allowed to proceed.

Sincerely,

Barbara Fritz
1639 California St.
Berkeley, 94703



OPPENHEIMER RESIDENCE

1643 & 1647 California St. CA 94703

SHEET INDEX

- Architectural:**
- A0.0 Scope Of Work, Vicinity Map, Parcel Map, Project Data Sheet Index, Abbreviations, Applicable Codes Project Directory, Photos
 - A0.1 Existing Site Plan, Proposed Site Plans
 - A0.2 Site Survey
 - A1.1 Existing Floor Plan
Existing Exterior Elevations
 - A2.1 Proposed Floor Plan
 - A2.2 Proposed Floor Plans
 - A3.1 Front Elevation Comparison, Exterior Renderings
 - A3.2 Proposed Exterior Elevations
 - A4.1 Shadow Study
 - A4.2 Shadow Study
 - A4.3 Shadow Study



2223 Fifth St.
Berkeley, CA 94710
Ph: 510.548.7448
info@sgsarch.com
www.sgsarch.com



SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, one-story, two-family residence (duplex). Components of the project include:

Reconfigure existing duplex to create one larger unit and one smaller apartment. All work shall be within the building footprint. The building shall remain as a duplex. The preliminary program includes the following:

Basement/First floor:

- Excavate down to create new bedroom, full bath, home gym and family room and mech. room/storage

Second floor:

- Reconfigure layout as needed to create a larger unit with one smaller apartment
- Rebuild/reconfigure existing porch and entry stairs as required
- Create new stairs to basement floor and second floor addition

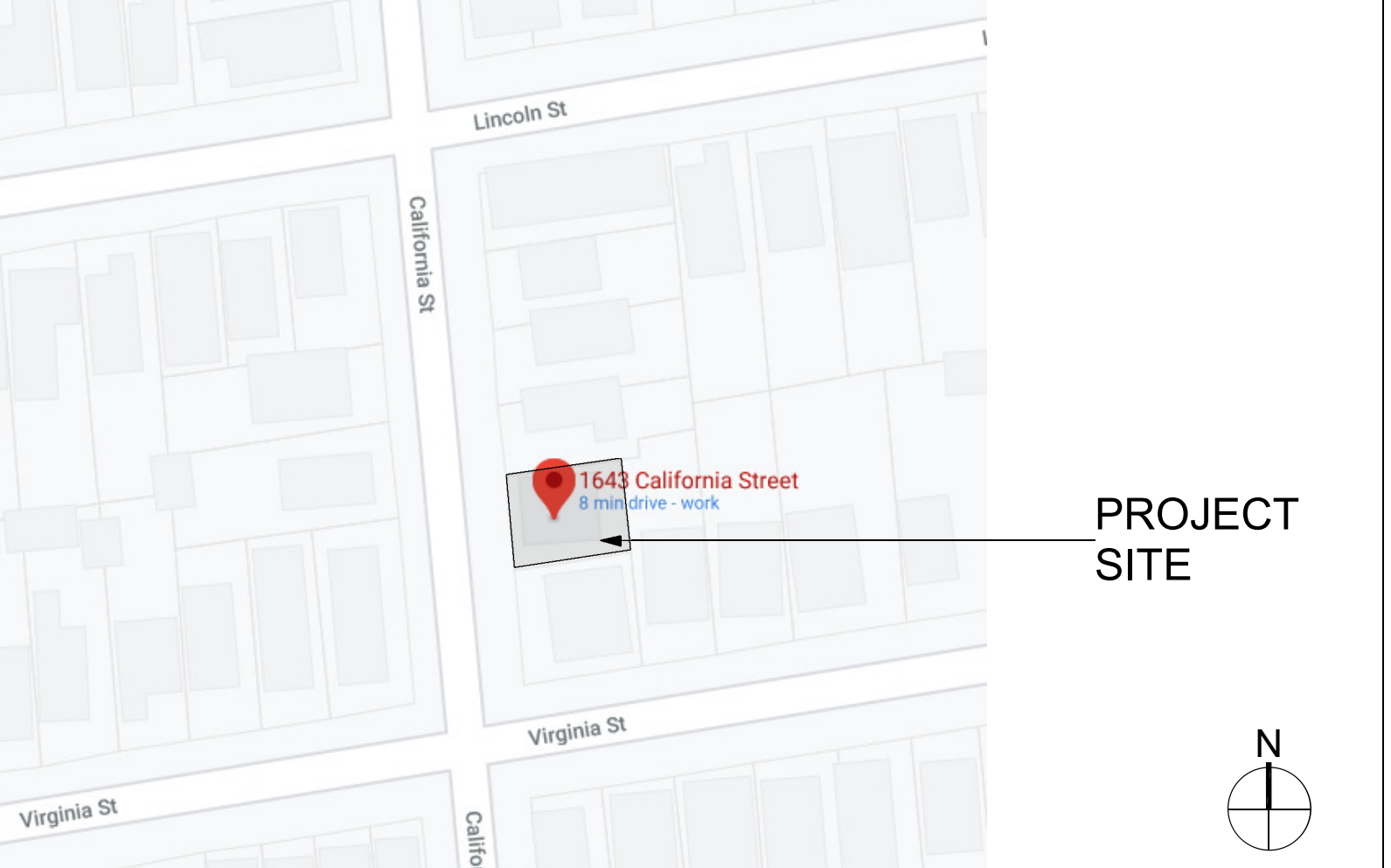
Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony at front

Miscellaneous:

- Update all mechanical, electrical and plumbing systems as required for new work
- Reconfigure and rebuild front stairs per new design

VICINITY MAP



PROJECT DIRECTORY

Owner:
Ido and Tamar Oppenheimer
1643 & 1647 California St.
Berkeley, CA 94703
Tel: 510 486-8387

Architect:
Sundeep Grewal
Studio G+S, Architects
2223 5th St.
Berkeley, CA 94710
Tel: 510-548-7448
sunny@sgsarch.com

Project Address:
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

PROJECT DATA

Occupancy: R-3 Duplex
Proposed Construction: Type V-B
Fire Sprinkler System: No

Zoning/General Plan Regulation
Zoning District: R-2 (Restricted Two-Family Residential)
General Plan Area: LMDR
Downtown Arts District Overlay: No
Commercial District With Use Quotas: No

Seismic Safety
Earthquake Fault Rupture(Alquist-Priolo) Zone: No
Landslide (Seismic Hazards Mapping Act): No
Liquefaction (Seismic Hazards Mapping Act): No
Un-reinforced Masonry Building Inventory: No

Historic Preservation
Landmarks or Structure of Merit: No

Environmental Safety
Creek Buffer: None
Fire Zone: 1
Flood Zone(100-year or 1%): No

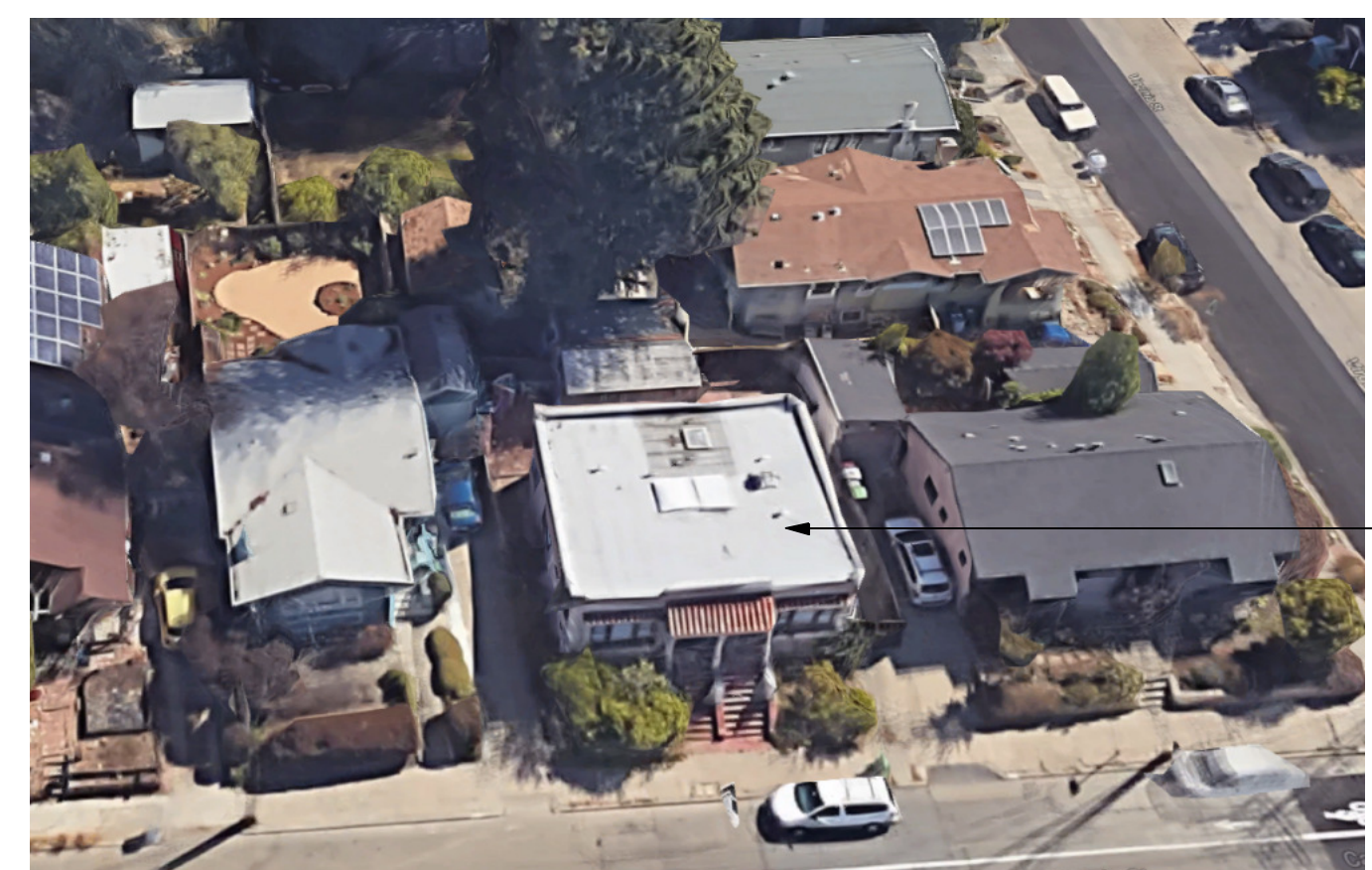
Wildlife Urban Interface: No

APPLICABLE CODES

2019 California Building Code (CBC) Volume 1
2019 California Building Code (CBC) Volume 2
2019 California Residential Code (CRC)
2019 California Energy Code (CBEES)
2019 California Green Building Standards Code (CALGreen)
2019 California Electrical Code (CEC)
2019 California Plumbing Code (CPC)
2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

SITE PHOTOS



Aerial of existing duplex



Front and right Side of existing duplex



Front and left Side of existing duplex

Tabulations

	Required/Allowed	Existing	Proposed
Set Backs:			
Front	20'-0"	10'-10"	10'-10" no change
Rear:	20'-0"	16'-10"	16'-10" no change
Left side:	4'-0"	3'-11"	4'-0" no change
Right side:	4'-0"	5'-6"	5'-5" no change
Habitable Floor Area:			
Unit 1:			
Basement floor:		0 s.f.	1,342 s.f.
First floor:		667 s.f.	901 s.f.
Second floor:		0 s.f.	1,019 s.f.
Total Area Unit 1:		667 s.f.	3,262 s.f. (2,595 s.f. new)
Unit 2:			
Basement floor:		0 s.f.	0 s.f.
First floor:		667 s.f.	501 s.f.
Second floor:		0 s.f.	0 s.f.
Total Area Unit 2:		667 s.f.	501 s.f.
Total Area:		1,334 s.f.	3,763 s.f. (2,229 s.f. new)
Bedroom Count:		3 total	5 total
Non-Habitable Area:			
Accessory Structure:		167 s.f.	0 s.f.
Building Height:			
Main Building:	28'-0" 35'-0" w/ AUP	13'-6" 13'-6"	23'-10"
Parking:	2	0	0
Lot Size:	4,500 s.f.	3,142 s.f.	3,142 s.f.
Total Foot Print:			
House:		1,342 s.f.	1,342 s.f.
Covered Porch:		60 s.f.	0 s.f.
Accessory Structure:		167 s.f.	0 s.f.
Total:	1,085 for 3 stories	1,569 s.f.	1,382 s.f.
Lot Coverage:	45% (1 story) 40% (2 story) 35% (3 story)	49.94%	43.98% (5.96% reduction)
Usable Open Space:	400 s.f./unit	500 s.f.	1,029 s.f.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flushing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	fig.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinfr.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
bldg.	building	gnd.	ground	r.w.l.	rain water leader
blk.	block	gr.	grade	s.	south
blkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
blw.	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanical cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	tv.	television
dr.	door	necc.	necessary	typ.	typical
dnw.	down	neoprene	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encd.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o.	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

OPPENHEIMER RESIDENCE
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
Sheet Index
Applicable Codes
Abbreviations
Vicinity Map
Project Data
Scope of Work
Project Directory
Photos

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: N/A

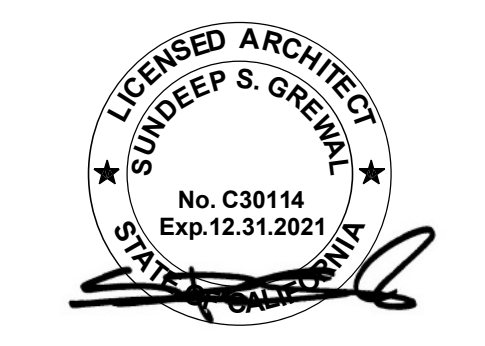
Revisions:
Use Permit Set: 12-10-2020

Redesign: 5-25-2021

Sheet **A0.0**



2223 Fifth St.
Berkeley, CA 94710
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www.sgsarch.com



OPPENHEIMER RESIDENCE
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
Existing Site Plan
Proposed Site Plan

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Project No: 20-13-420

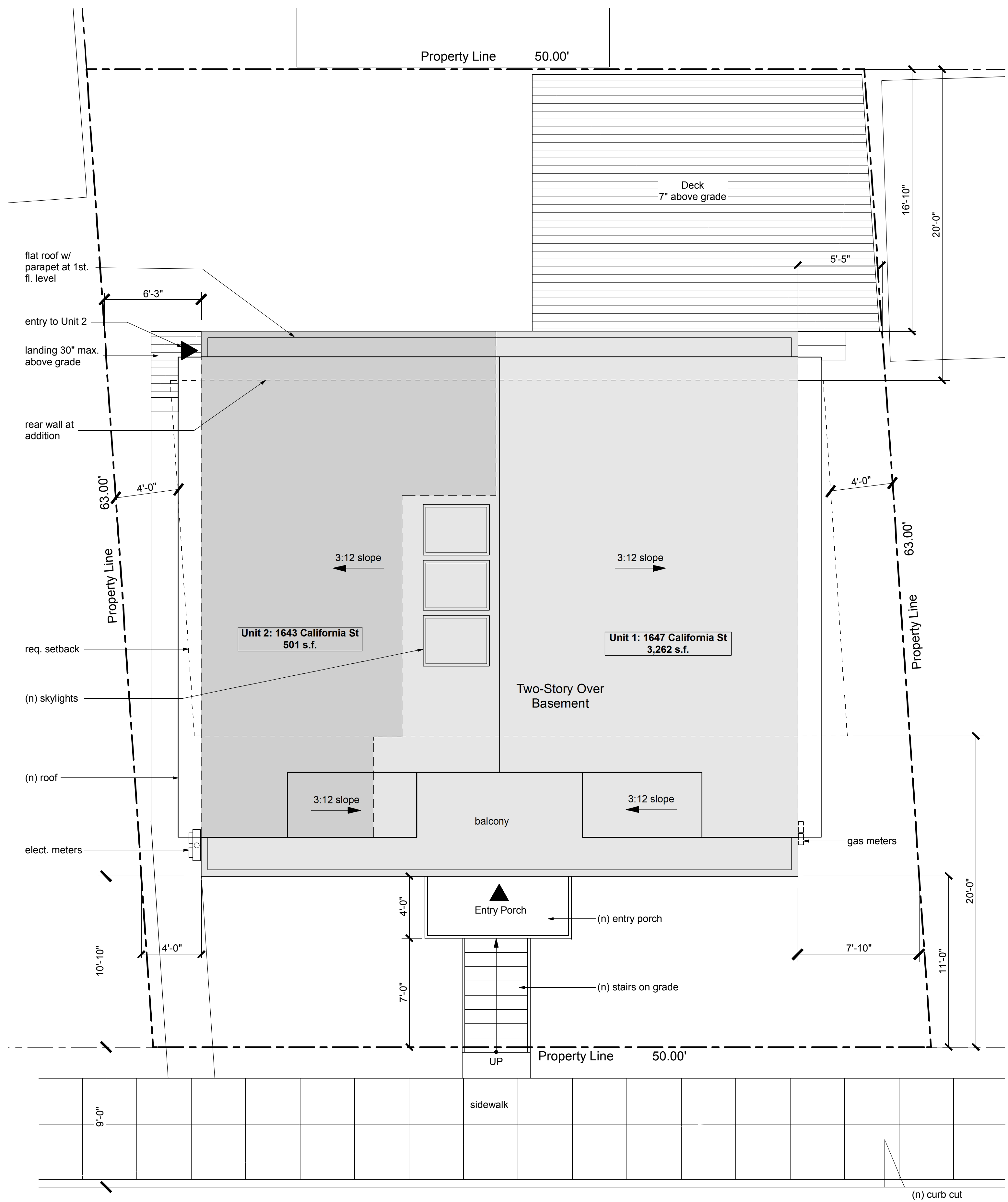
Drawn By: SSG

Checked By: SSG

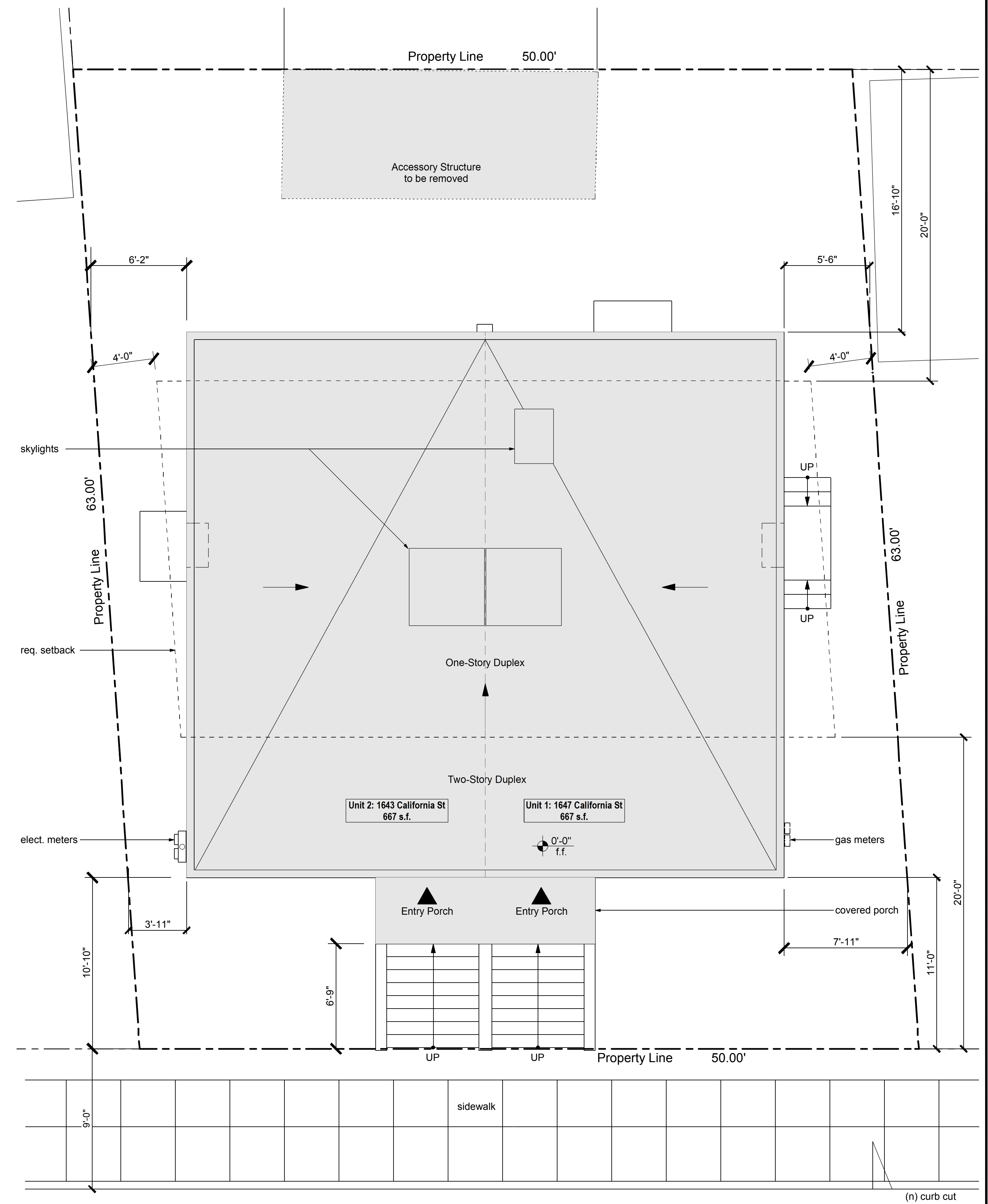
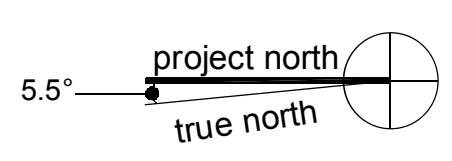
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Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

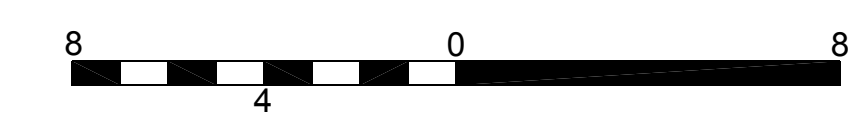
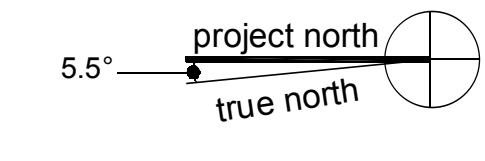
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2 Proposed Site Plan

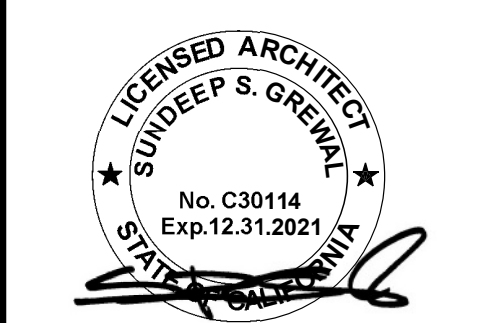


1 Existing Site Plan





2223 Fifth St.
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**OPPENHEIMER
RESIDENCE**
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
Site Survey

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Project No:
20-13-420

Drawn By:
SSG

Checked By:
SSG

Scale:
1" = 1'-0"

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

Sheet
A0.2

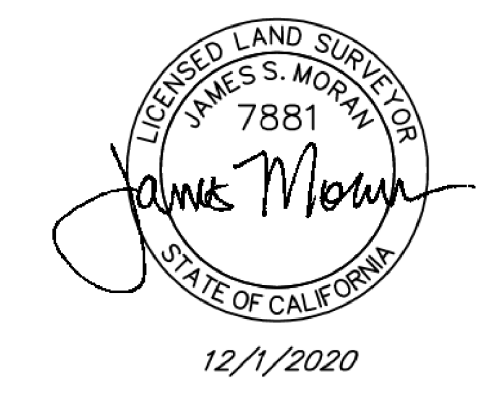
HOUSE LOCATION SURVEY

PORTION OF LOTS 1, 2 AND 3, MAP OF VIRGINIA TRACT, FILED OCTOBER 4, 1890 (8 M 43)
LOCATED AT 1643-1647 CALIFORNIA STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 17, 2020 SCALE: 1" = 8'

MORAN ENGINEERING, INC.

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



- LEGEND**
- FOUND MONUMENT PER PM 6679 (213 M 50)
 - BLDG. BUILDING
 - C.O. CLEAN-OUT
 - D/W DRIVEWAY
 - F.H. FIRE HYDRANT
 - J.P. JOINT POLE
 - M.H. MAN HOLE
 - S/W SIDEWALK
 - T.C. TOP OF CURB

GENERAL NOTES

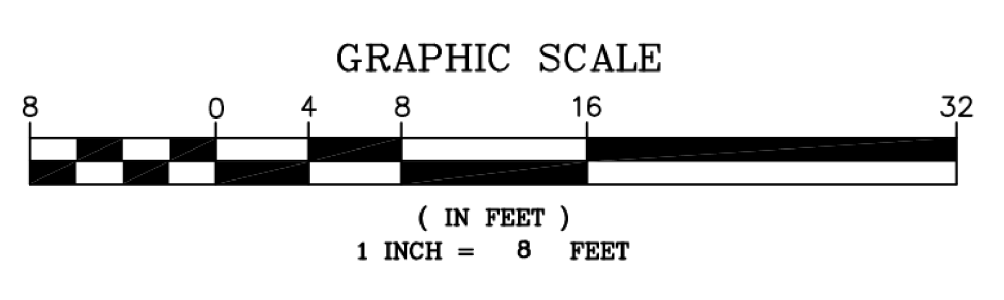
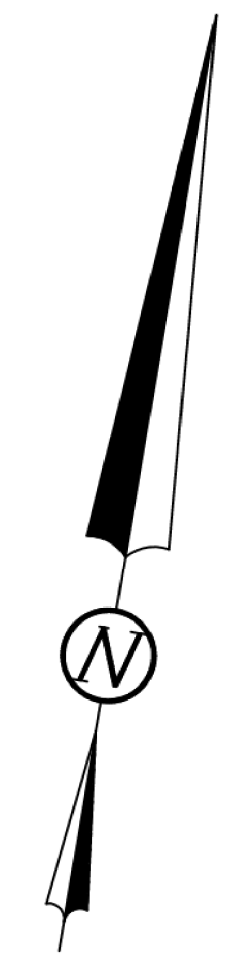
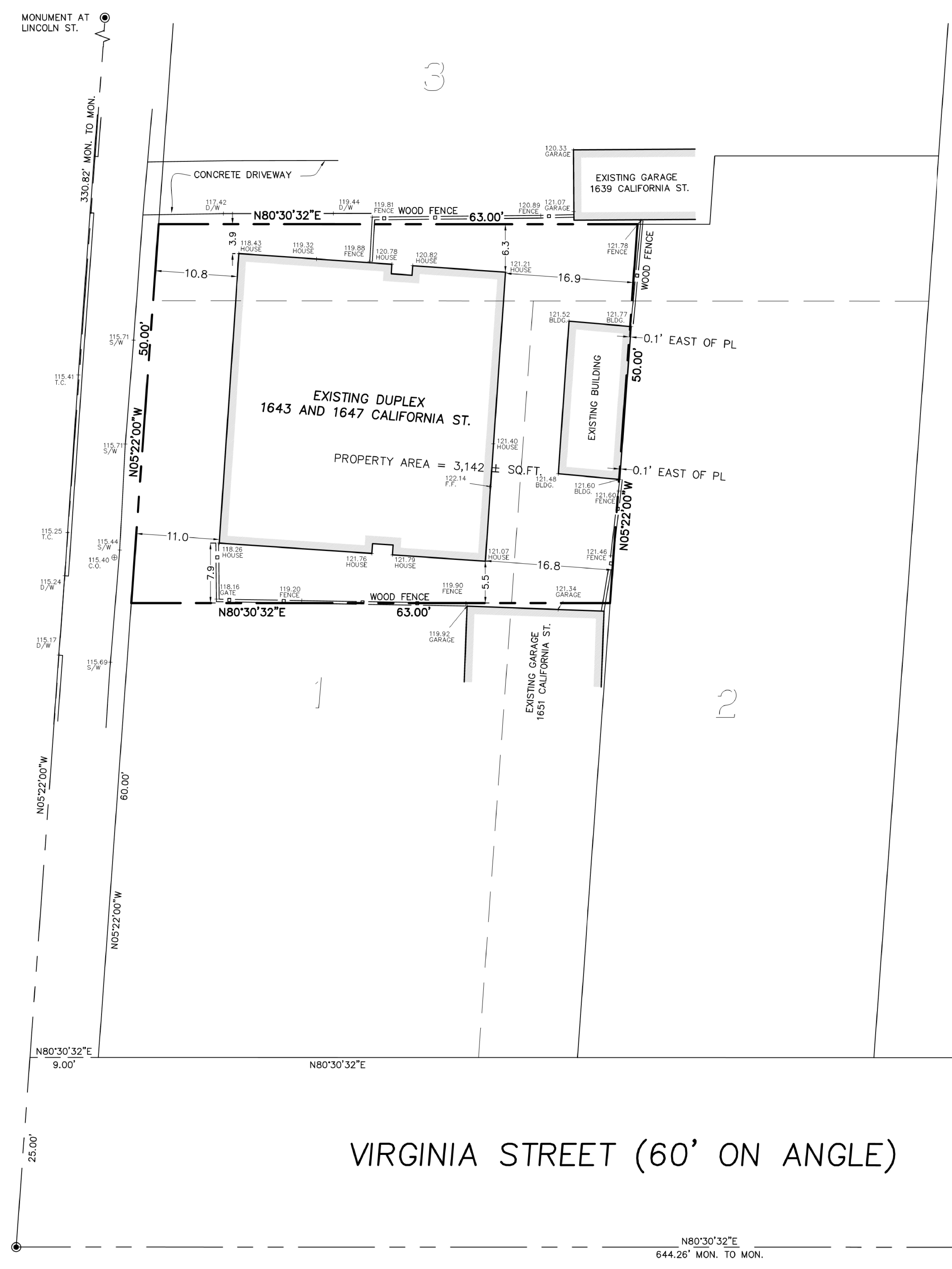
BENCHMARK: MONUMENT PIN ON THE WEST SIDE OF SACRAMENTO STREET AT VIRGINIA STREET. ELEVATION = 108.683 PER CITY OF BERKELEY ENGINEERING DIVISION RECORDS. ELEVATIONS ARE BASED UPON THE CITY OF BERKELEY DATUM.

THIS SURVEY IS BASED UPON THE GRANT DEED TO LAWYERS ASSET MANAGEMENT INC. RECORDED DECEMBER 1, 1989 SERIES 89-324628, ALAMEDA COUNTY RECORDS.

THE BEARINGS ON THIS MAP ARE BASED UPON THE MONUMENT LINE IN CALIFORNIA STREET WITH A BEARING OF N05°22'00"W AS SHOWN ON PARCEL MAP 6679 FILED MARCH 29, 1994 IN BOOK 213 OF MAPS PAGES 49-50.

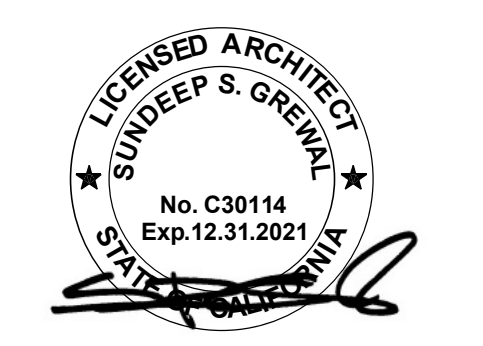
CALIFORNIA STREET (60' ON ANGLE)

VIRGINIA STREET (60' ON ANGLE)





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info@sgsarch.com
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**OPPENHEIMER
RESIDENCE**
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
Existing Floor Plans
Existing Exterior Elevations

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Project No:
20-13-420

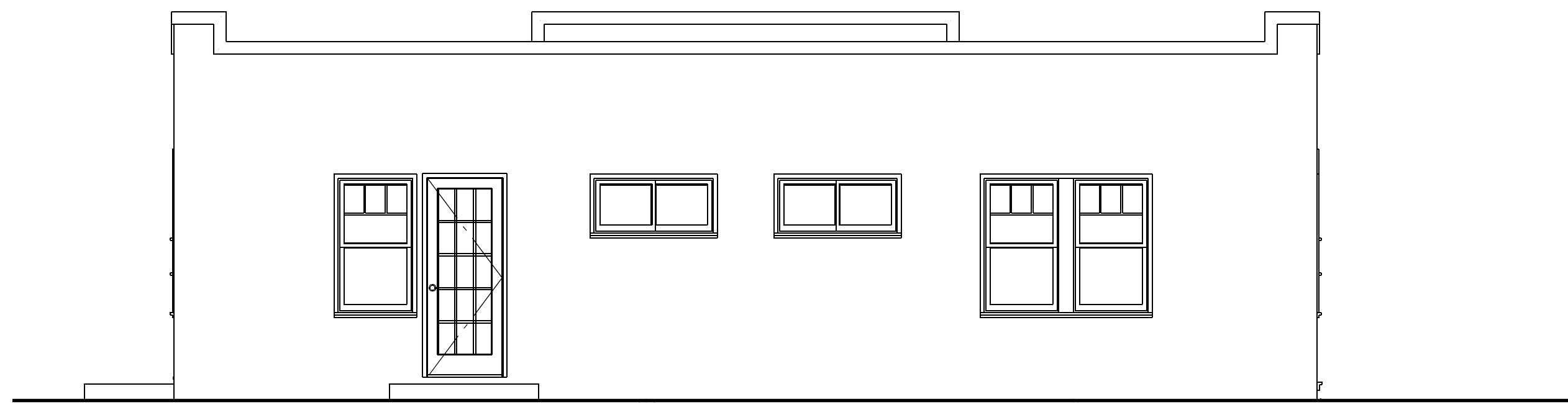
Drawn By:
SSG

Checked By:
SSG

Scale:
1/4" = 1'-0"

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

Sheet
A1.1



5 Existing East Elevation - Rear



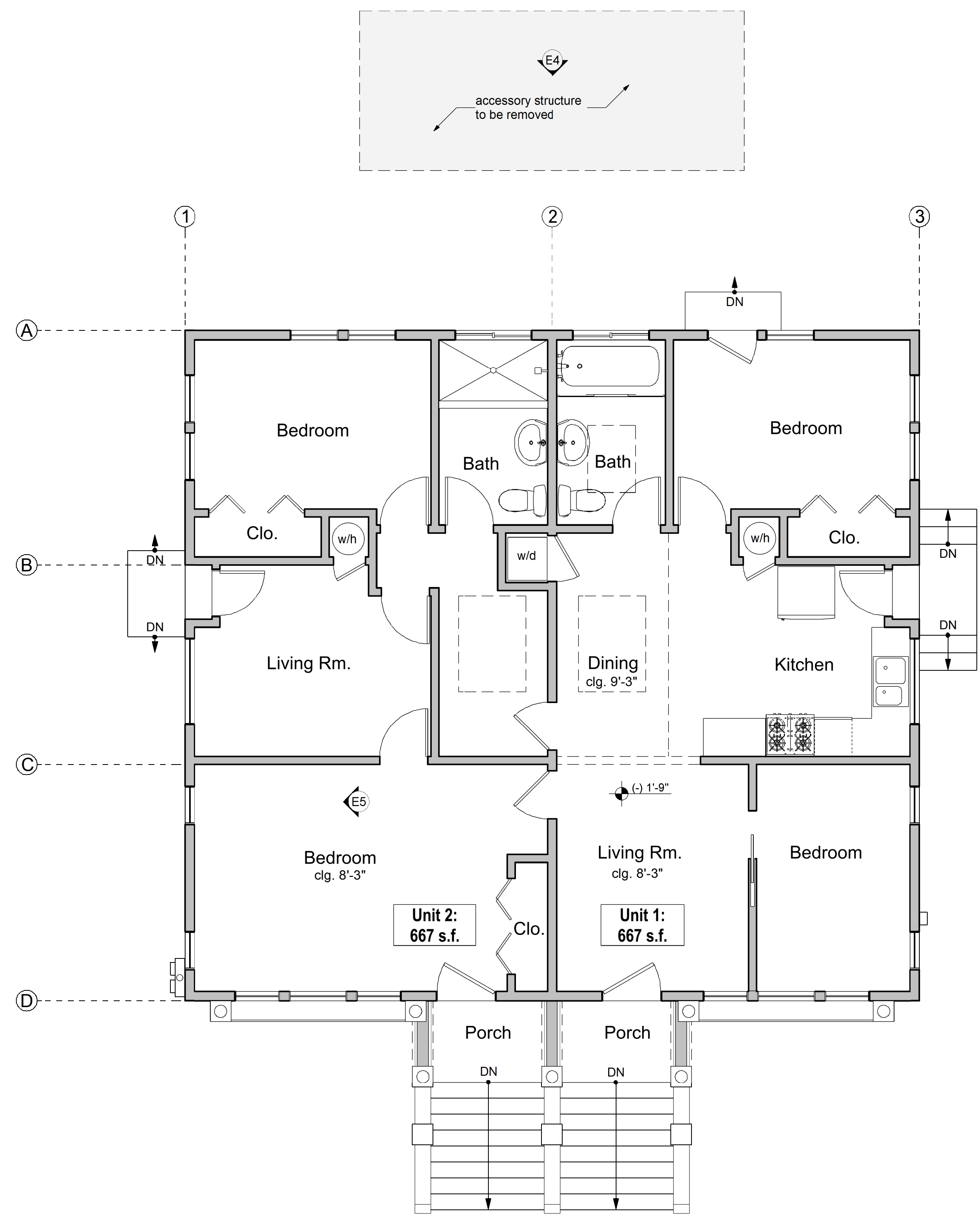
4 Existing North Elevation - Left Side



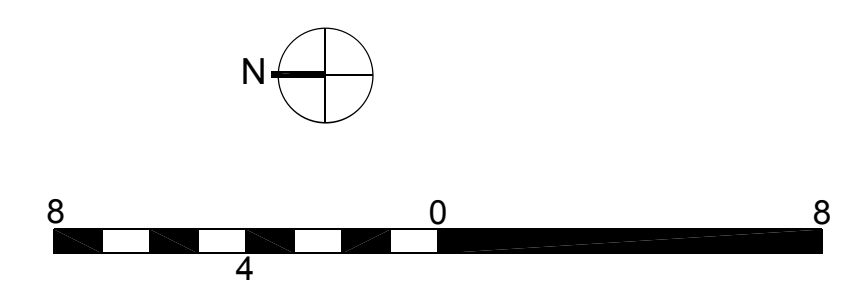
3 Existing South Elevation - Right Side



2 Existing West Elevation - Front



1 Existing First Floor Plan





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Sheet Contents:
Proposed Floor Plan
Proposed Site Plan

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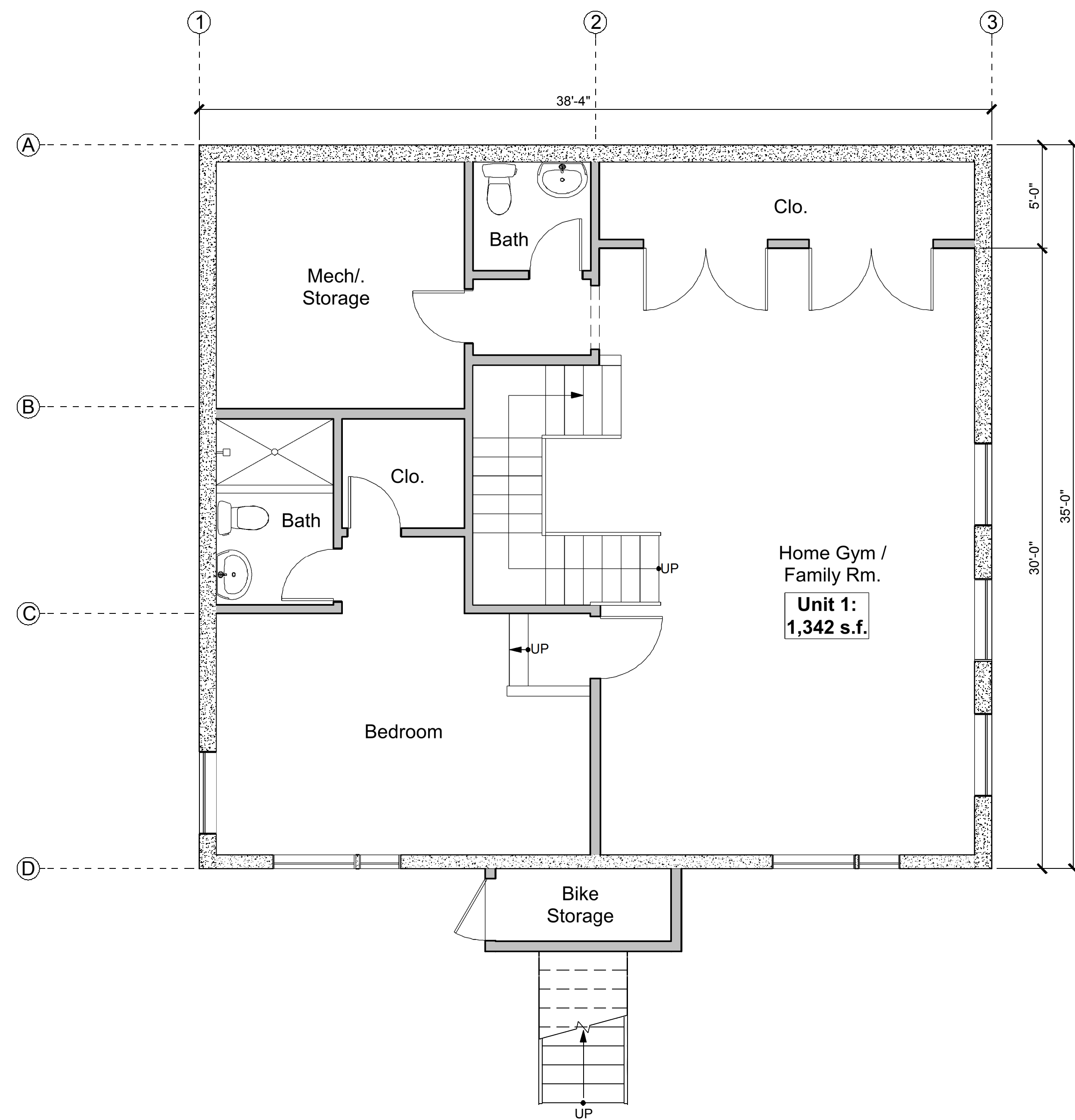
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SSG

Checked By:
SSG

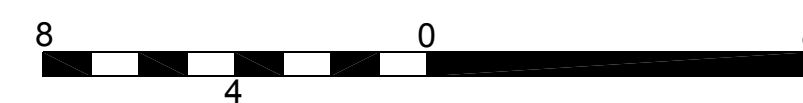
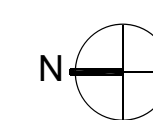
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Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

Sheet
A2.1

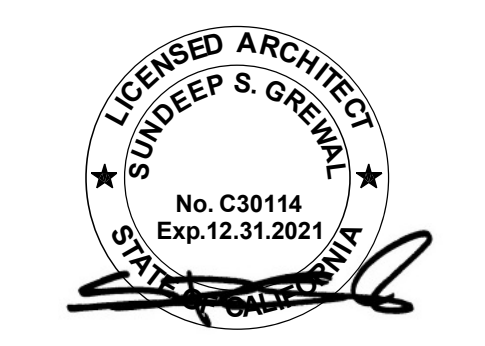


1 Proposed Basement Floor Plan





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Sheet Contents:
Proposed Floor Plans

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Project No:
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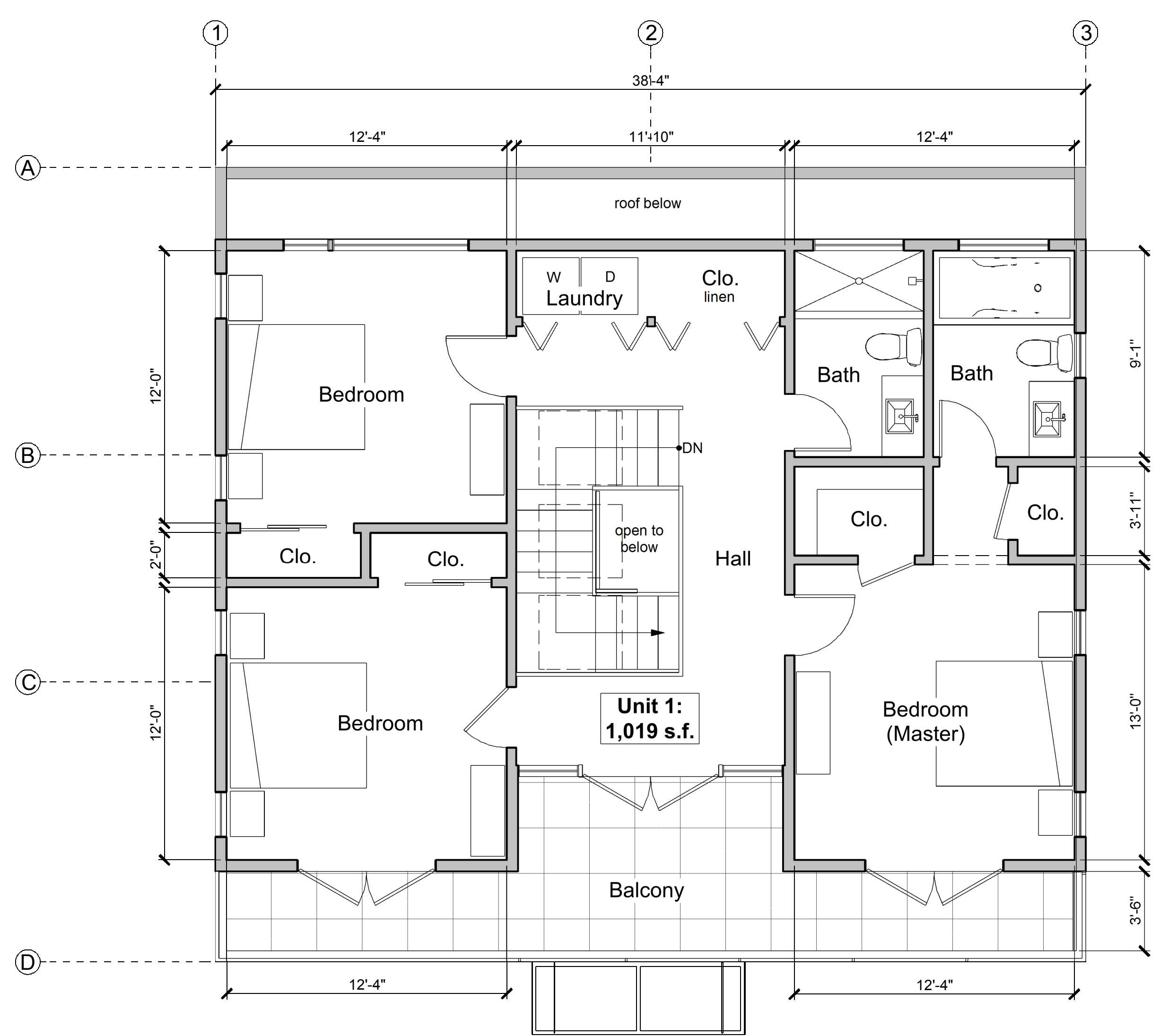
Drawn By:
SSG

Checked By:
SSG

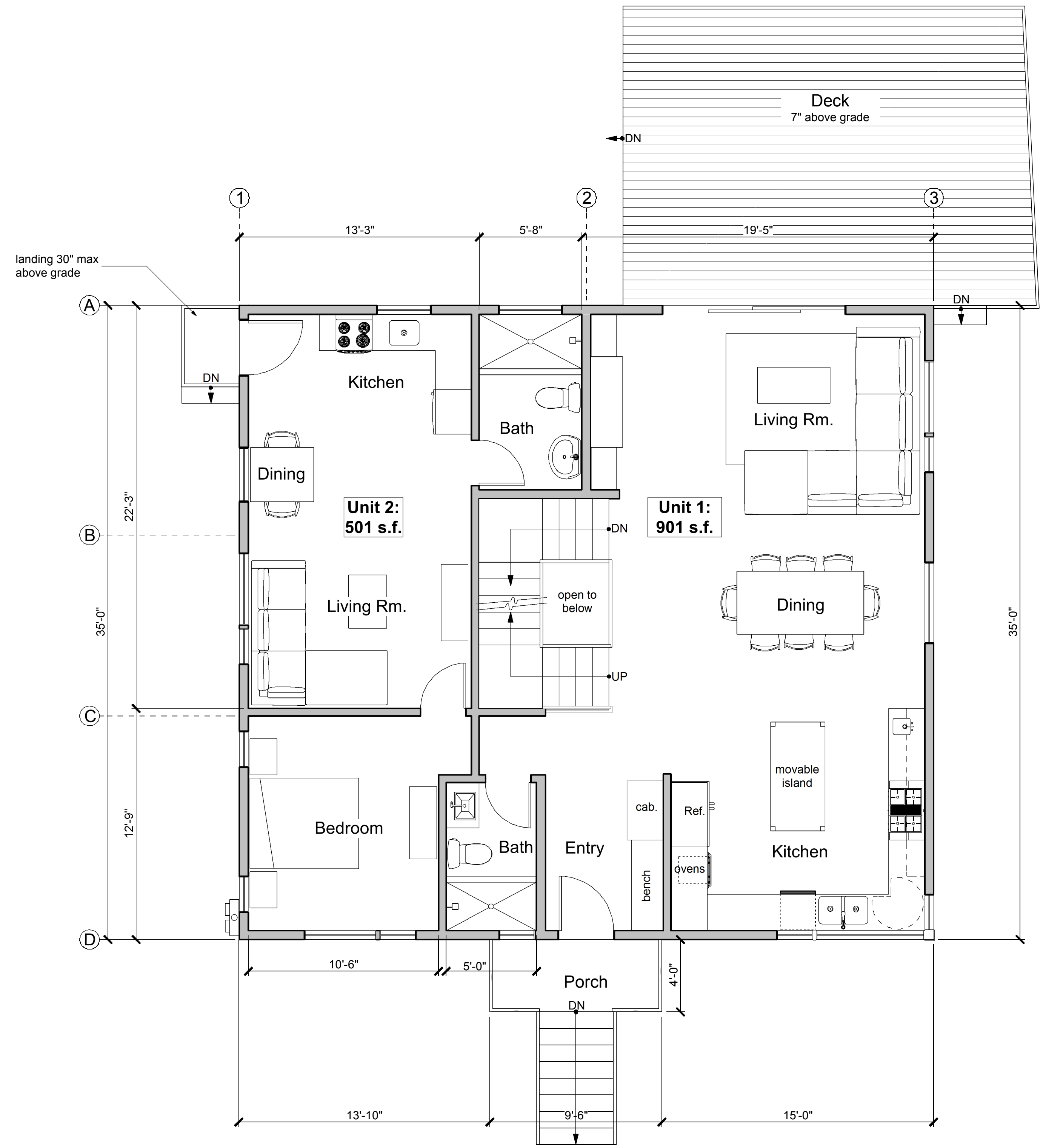
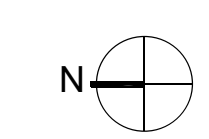
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Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

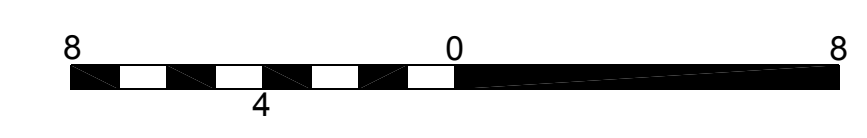
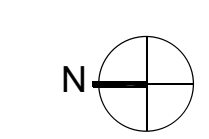
Sheet
A2.2



2 Proposed Second Floor Plan



1 Proposed First Floor Plan





Previous Proposal



Previous Proposal



Previous Proposal



Current Proposal



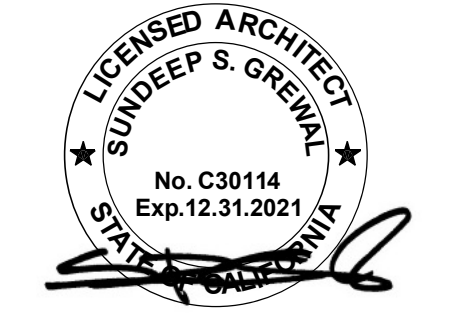
Current Proposal



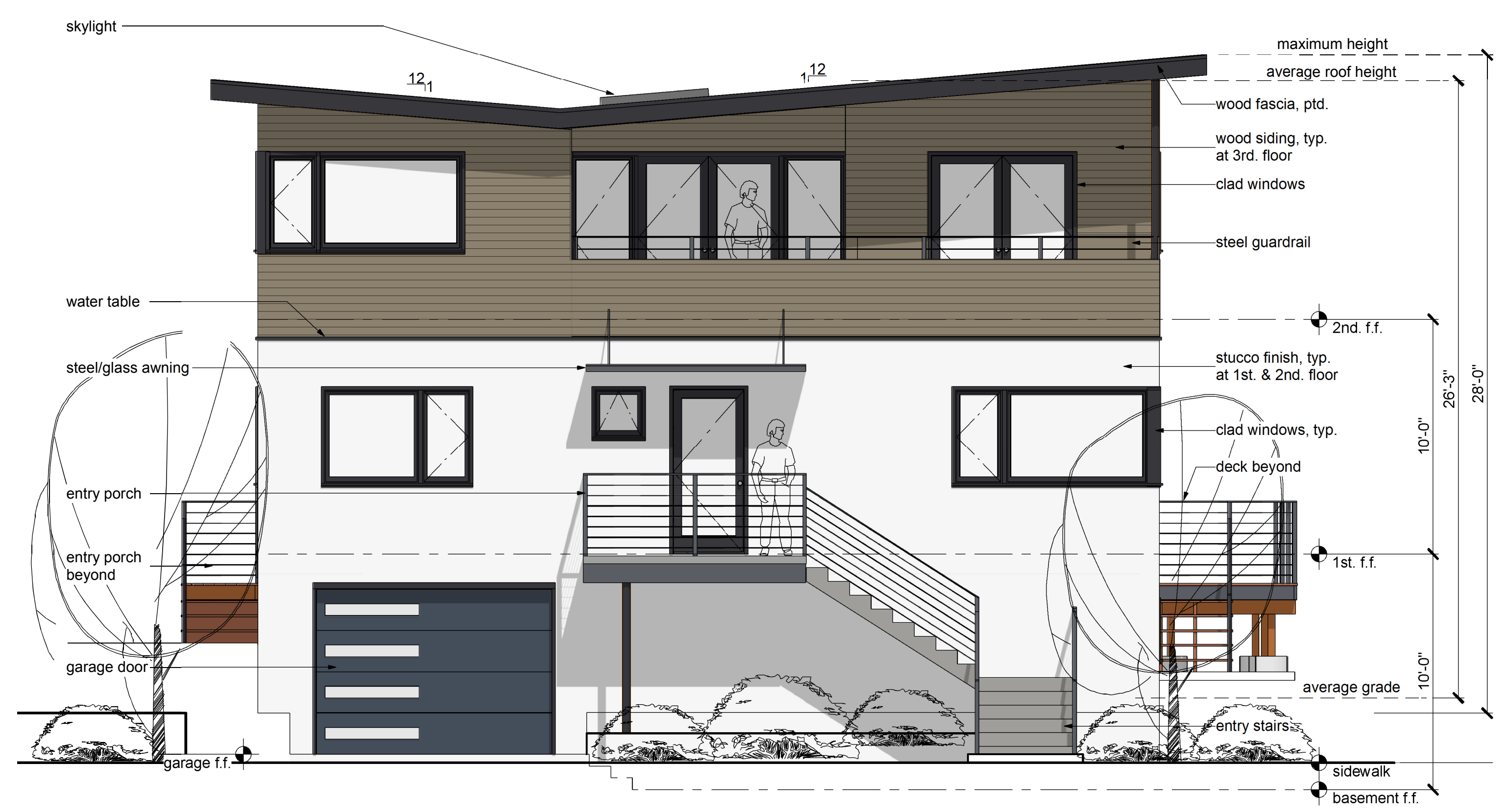
Current Proposal



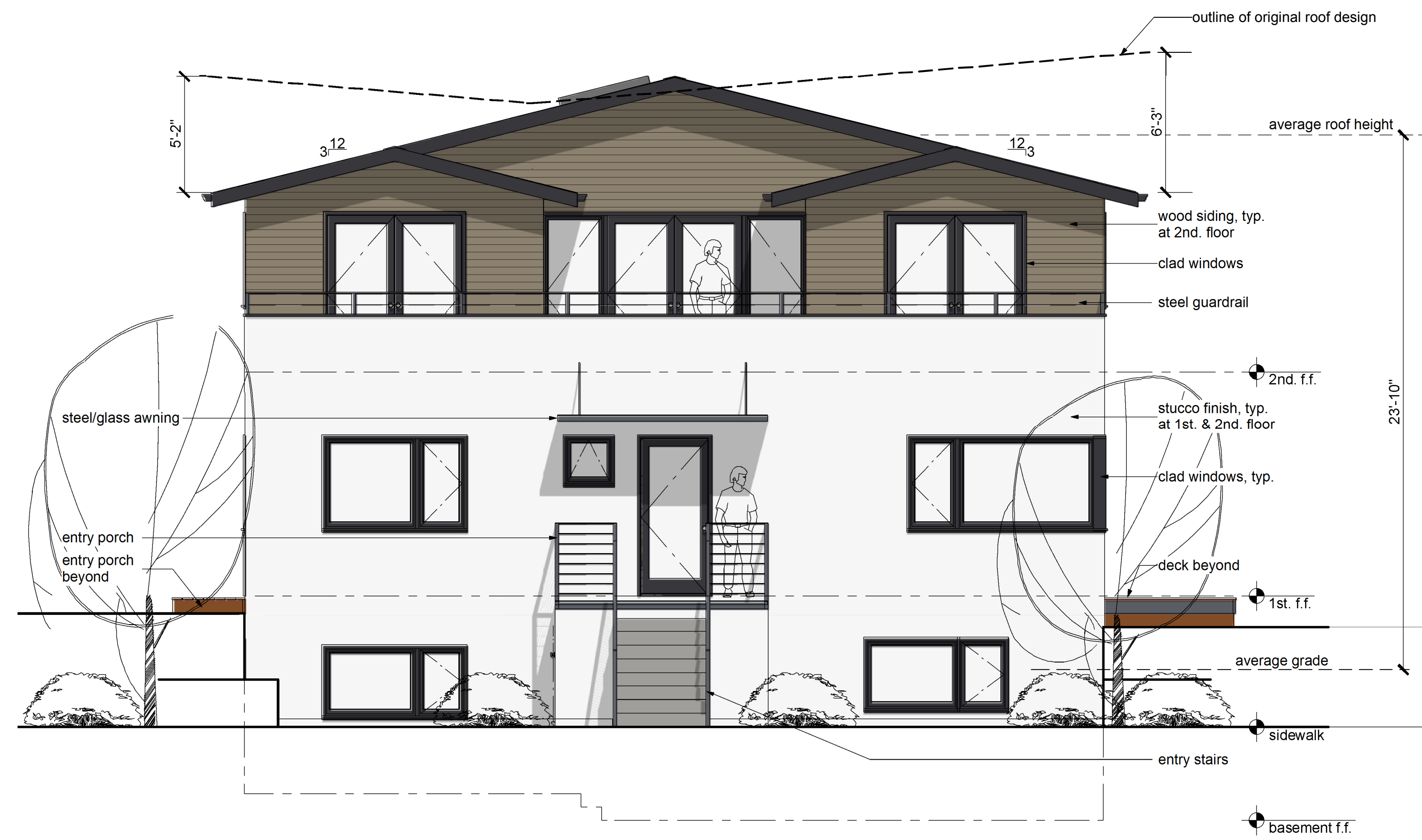
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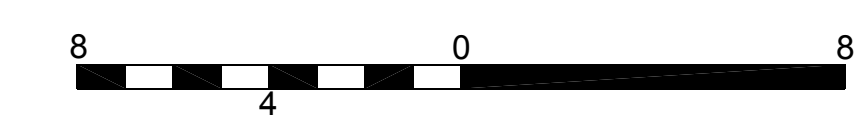
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② Proposed West Elevation - Front
Original Proposal



① Proposed West Elevation - Front
Current Proposal



Sheet Contents:
Front Elevation Comparison

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: 1/4" = 1'-0"

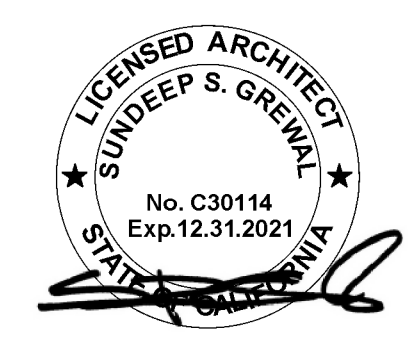
Revisions:
Use Permit Set: 12-10-2020

Redesign: 5-25-2021

Sheet **A3.1**



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Sheet Contents:
Proposed Exterior Elevations

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Project No: 20-13-420

Drawn By: SSG

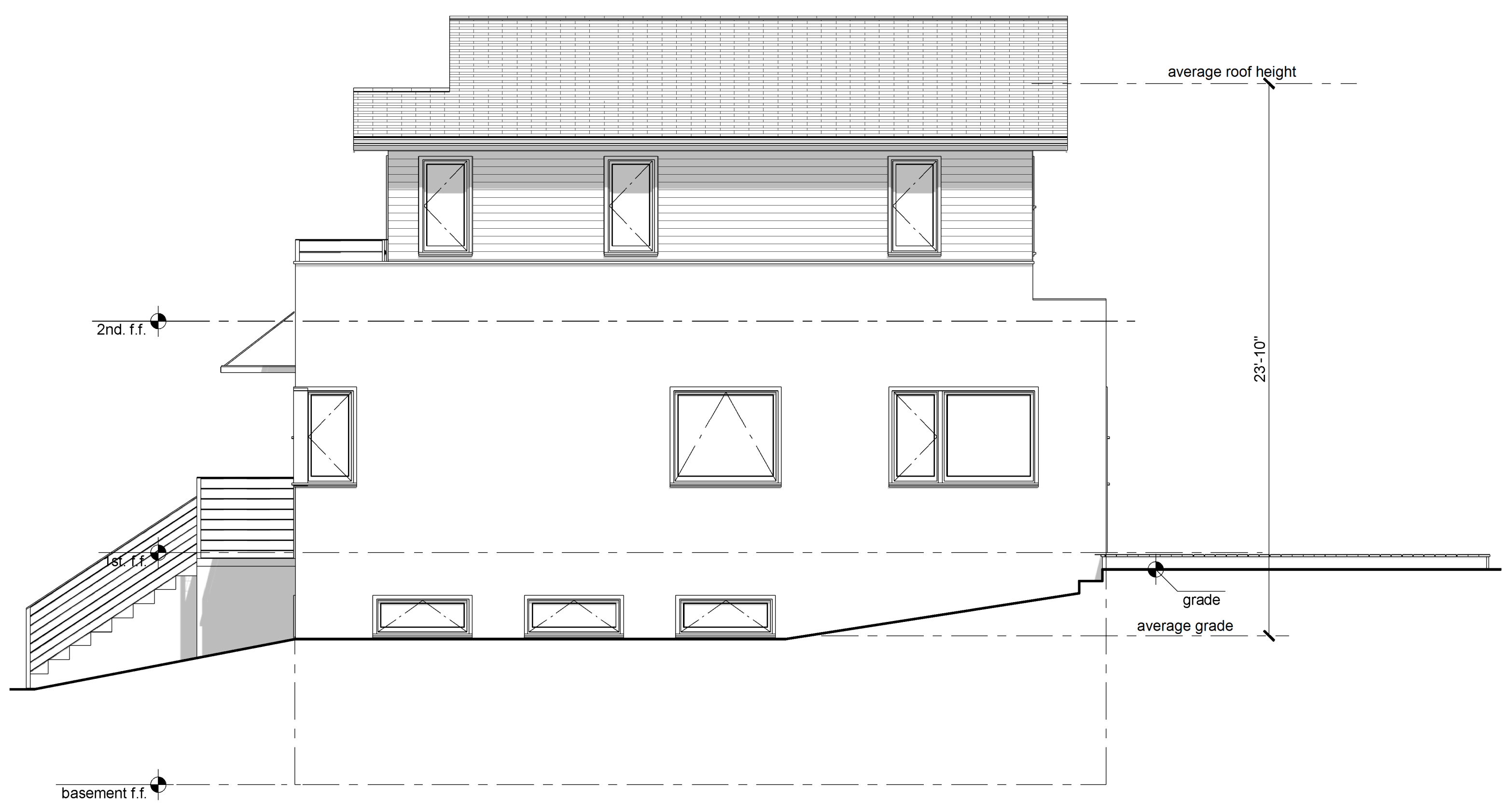
Checked By: SSG

Scale: 1/4" = 1'-0"

Revisions:
Use Permit Set: 12-10-2020

Redesign: 5-25-2021

Sheet **A3.2**



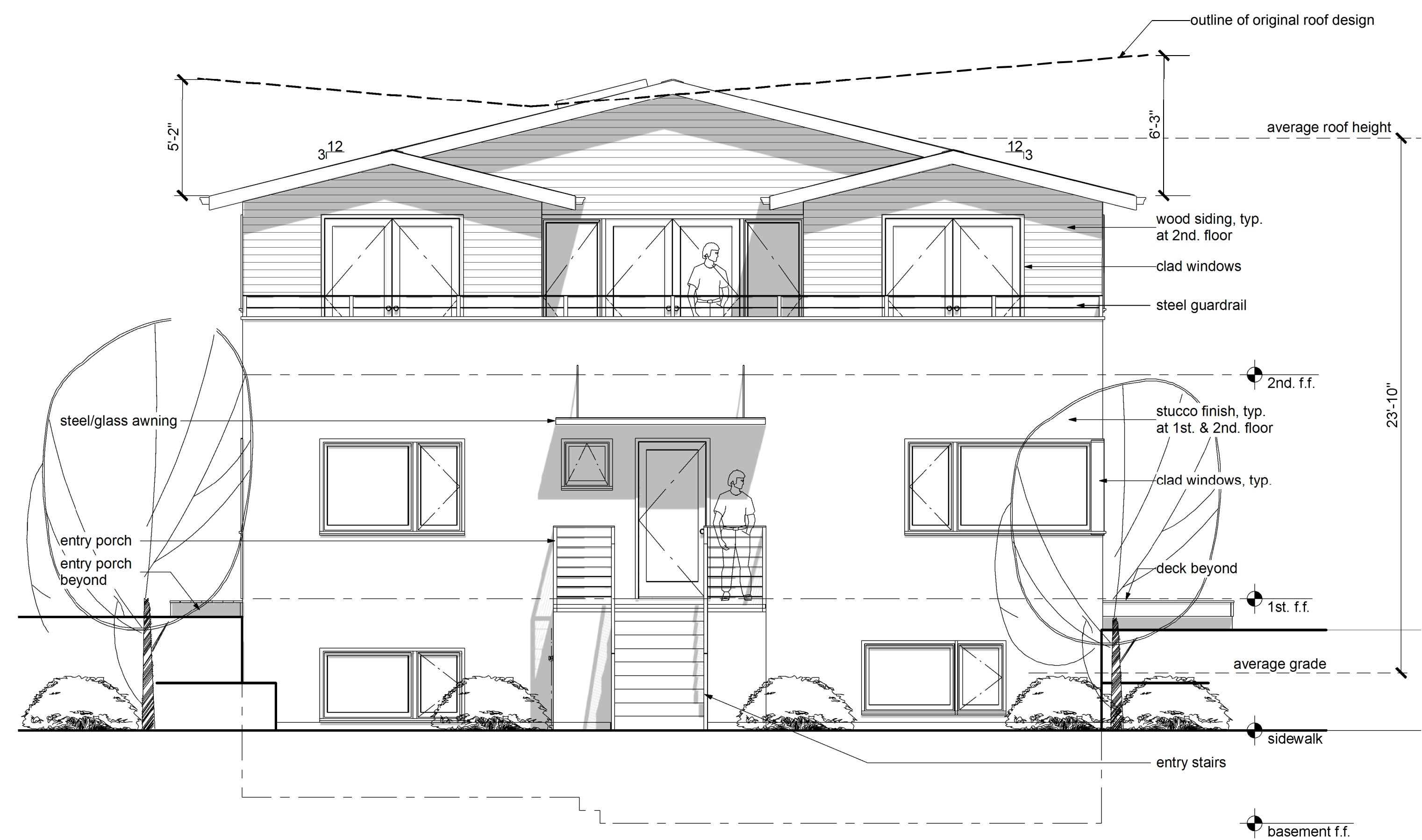
4 Proposed South Elevation - Right Side



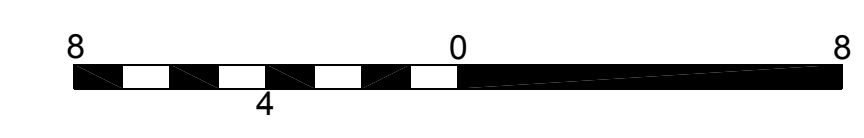
3 Proposed East Elevation - Rear



2 Proposed North Elevation - Left Side

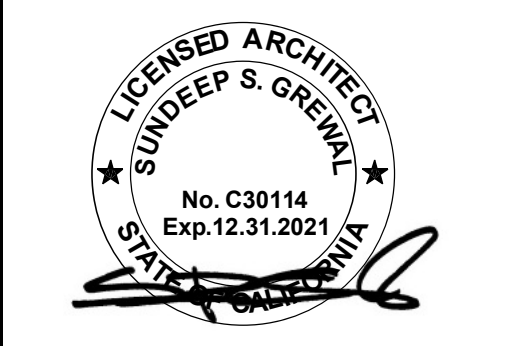


1 Proposed West Elevation - Front





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Sheet Contents:
Shadows Studies

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Project No: 20-13-420

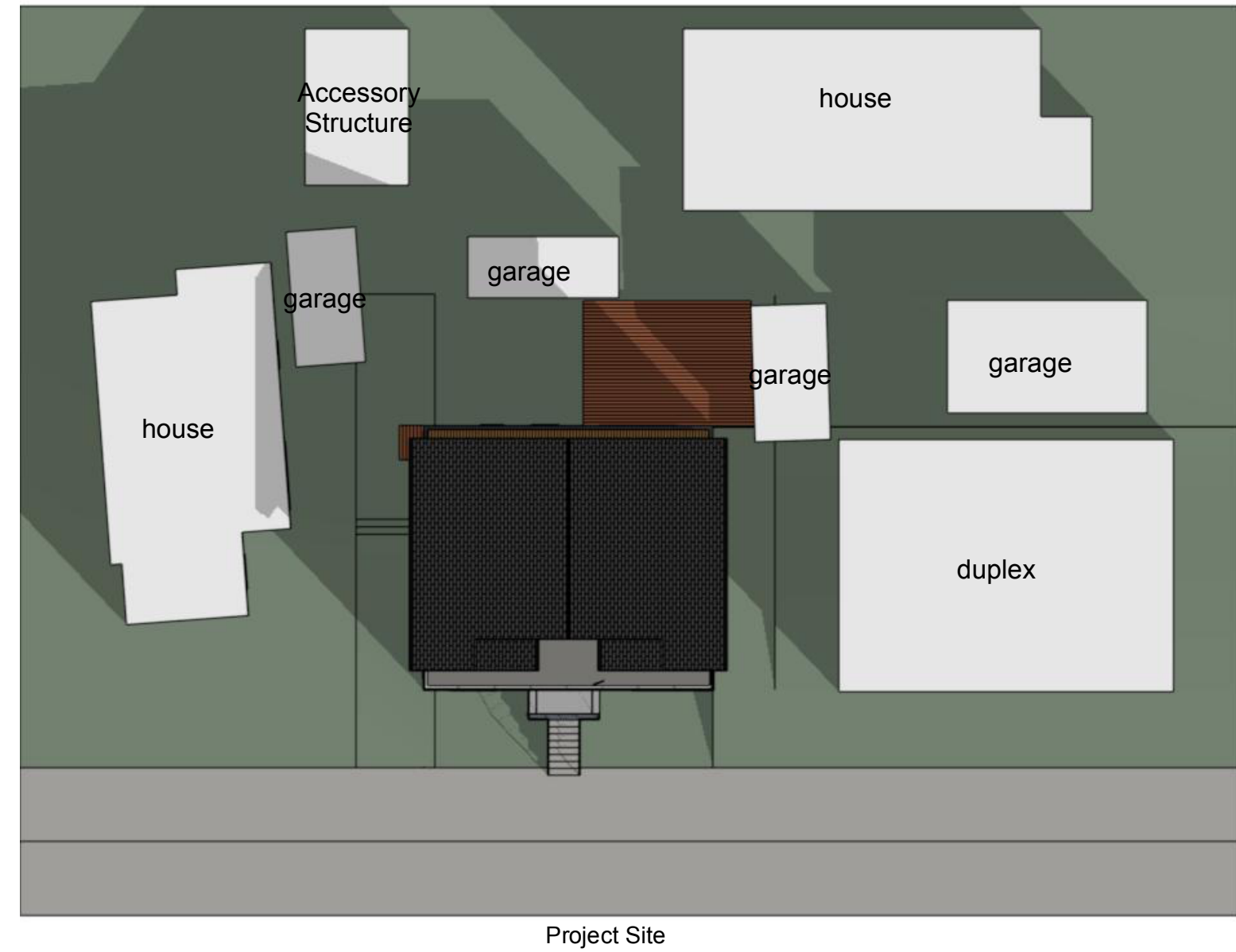
Drawn By: SSG

Checked By: SSG

Scale: NTS

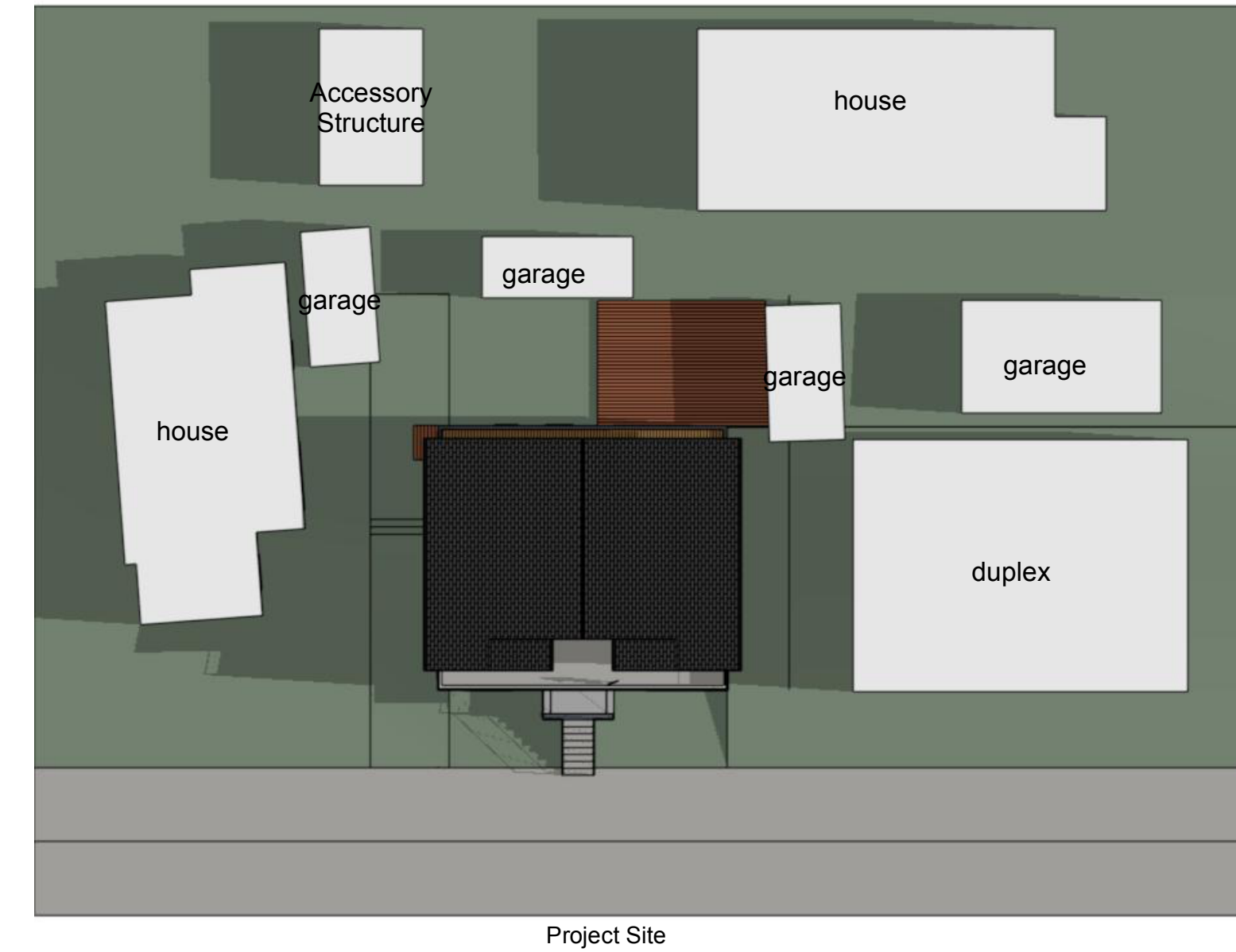
Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

Sheet **A4.1**



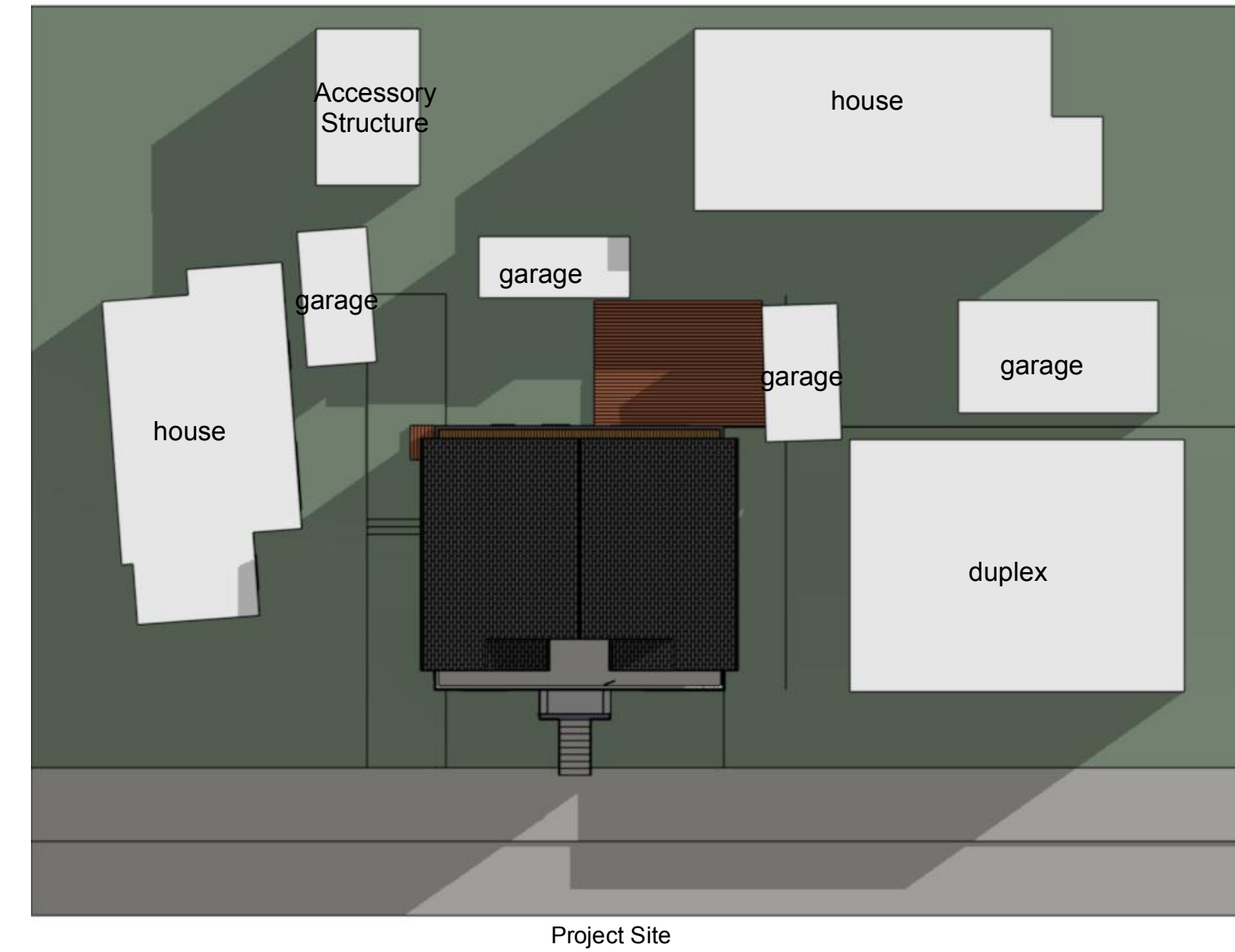
Proposed

12-21-2021 / 2:54 pm



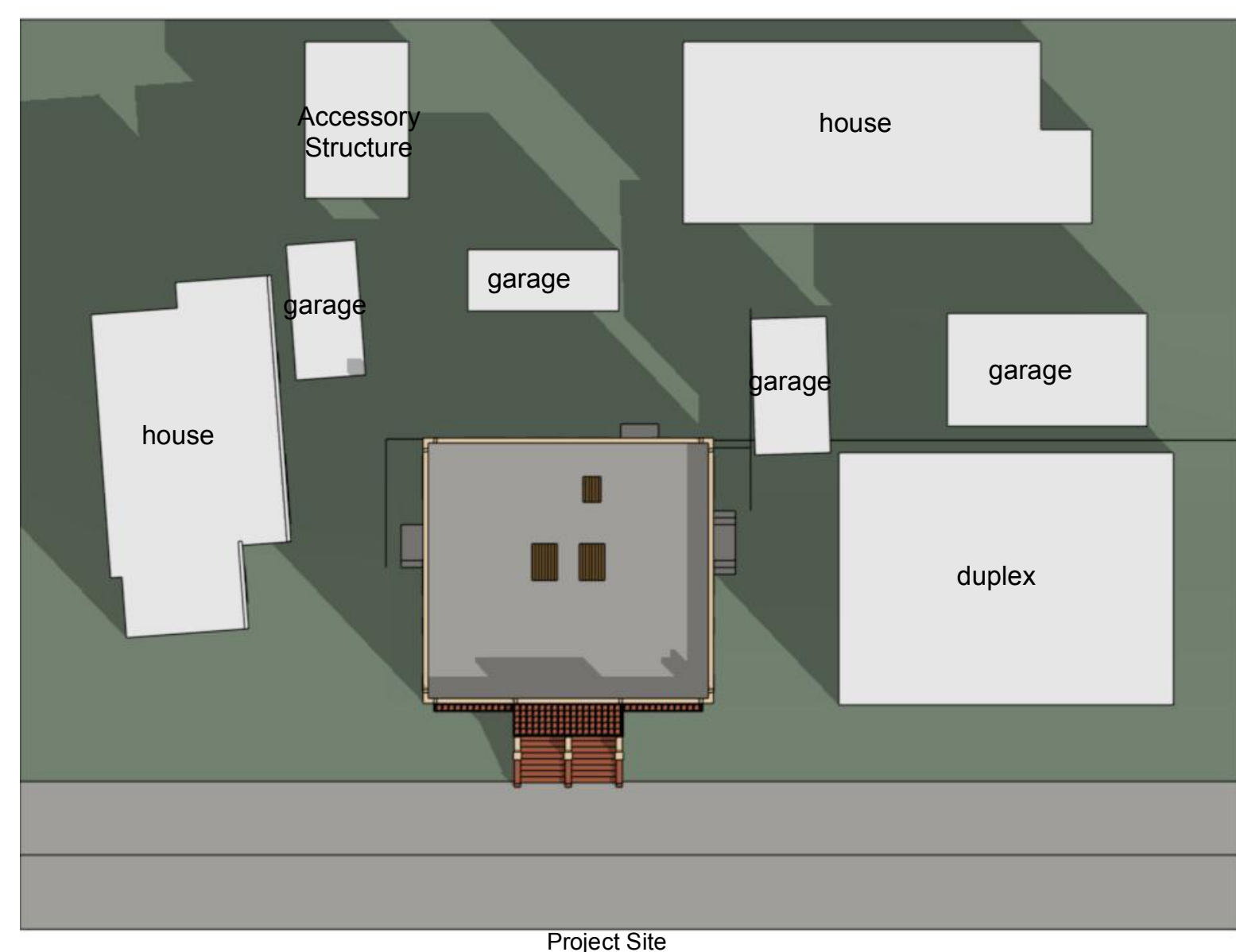
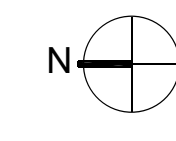
Proposed

12-21-2021 / 12:00 pm



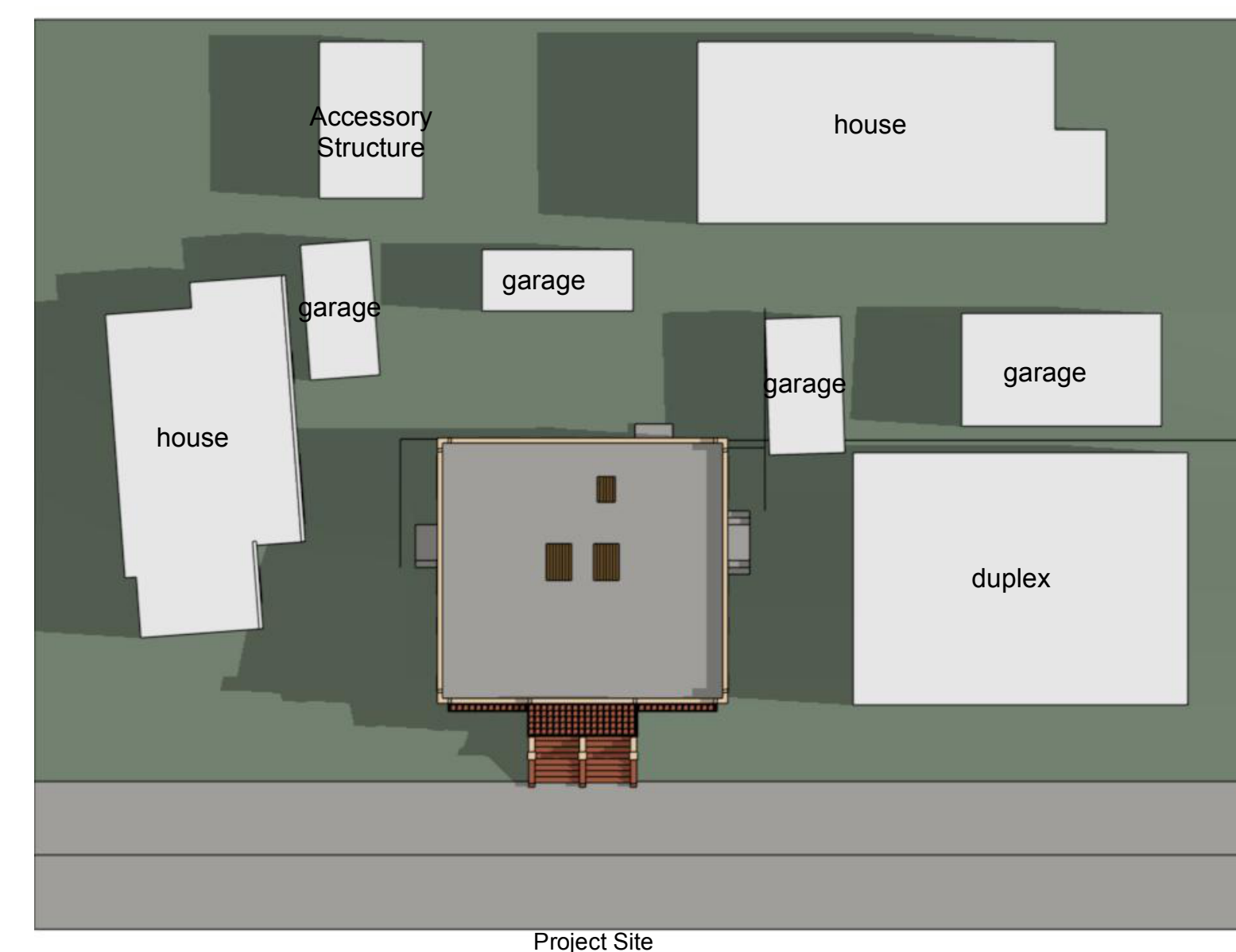
Proposed

12-21-2021 / 9:21 am



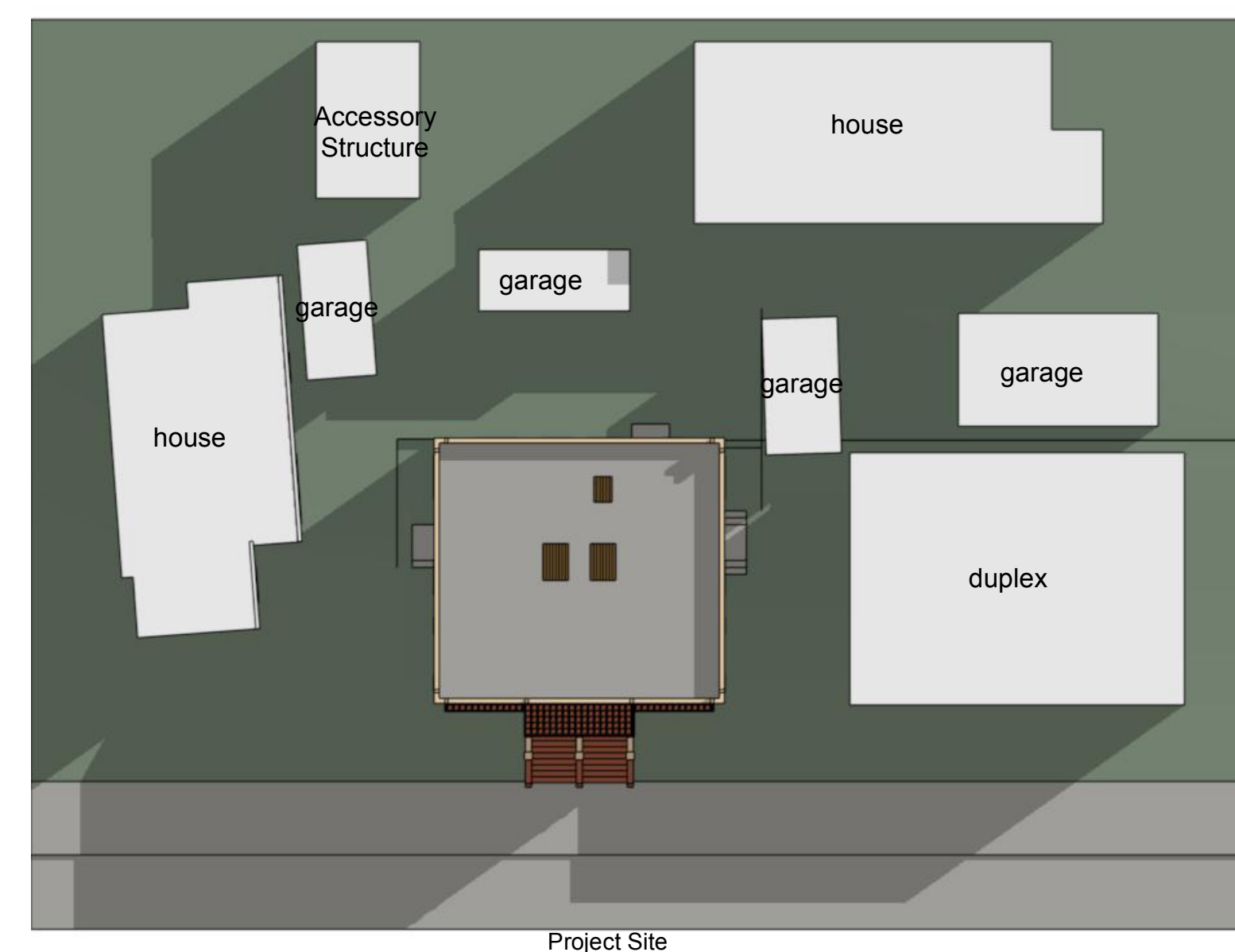
Existing

12-21-2021 / 2:54 pm



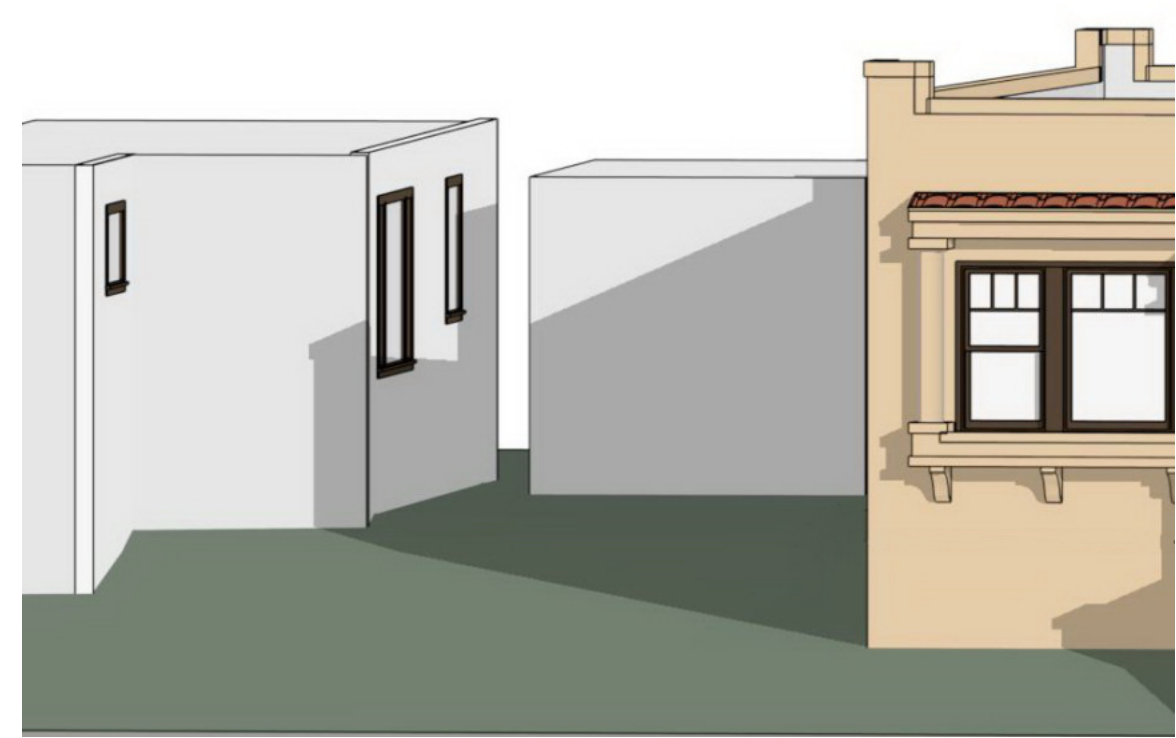
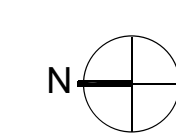
Existing

12-21-2021 / 12:00 pm



Existing

12-21-2021 / 9:21 am



Shadow Accuracy Simulation
12-08-2020 / 3:00 pm

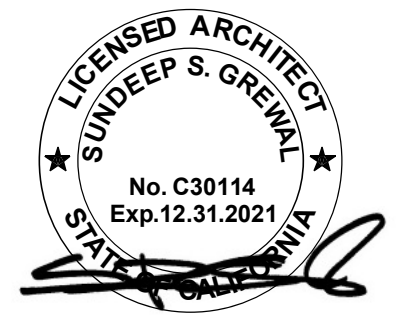


Actual
12-08-2020 / 3:00 pm

Shadow Accuracy Simulation



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Sheet Contents:
Shadows Studies

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Project No:
20-13-420

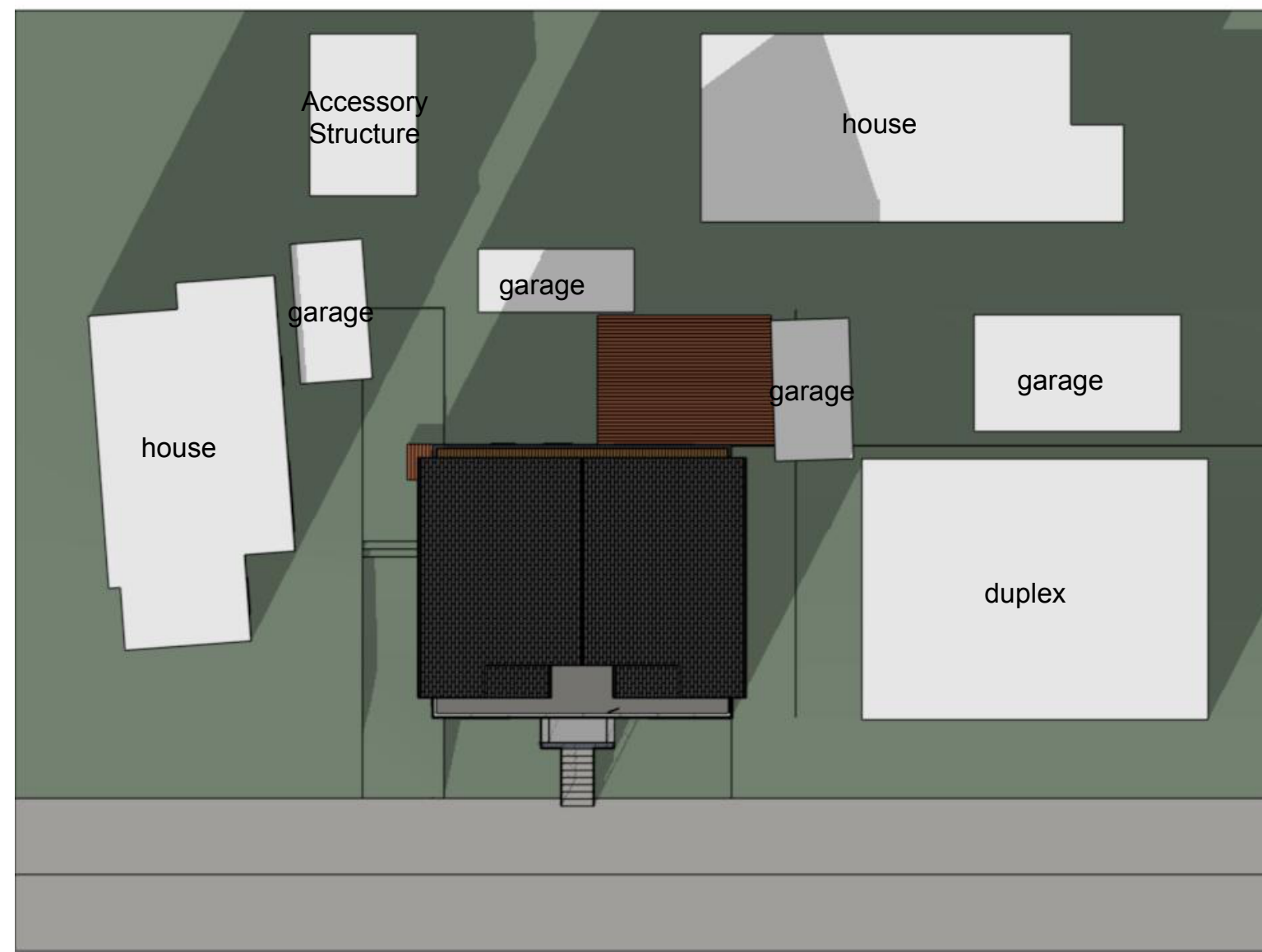
Drawn By:
SSG

Checked By:
SSG

Scale:
NTS

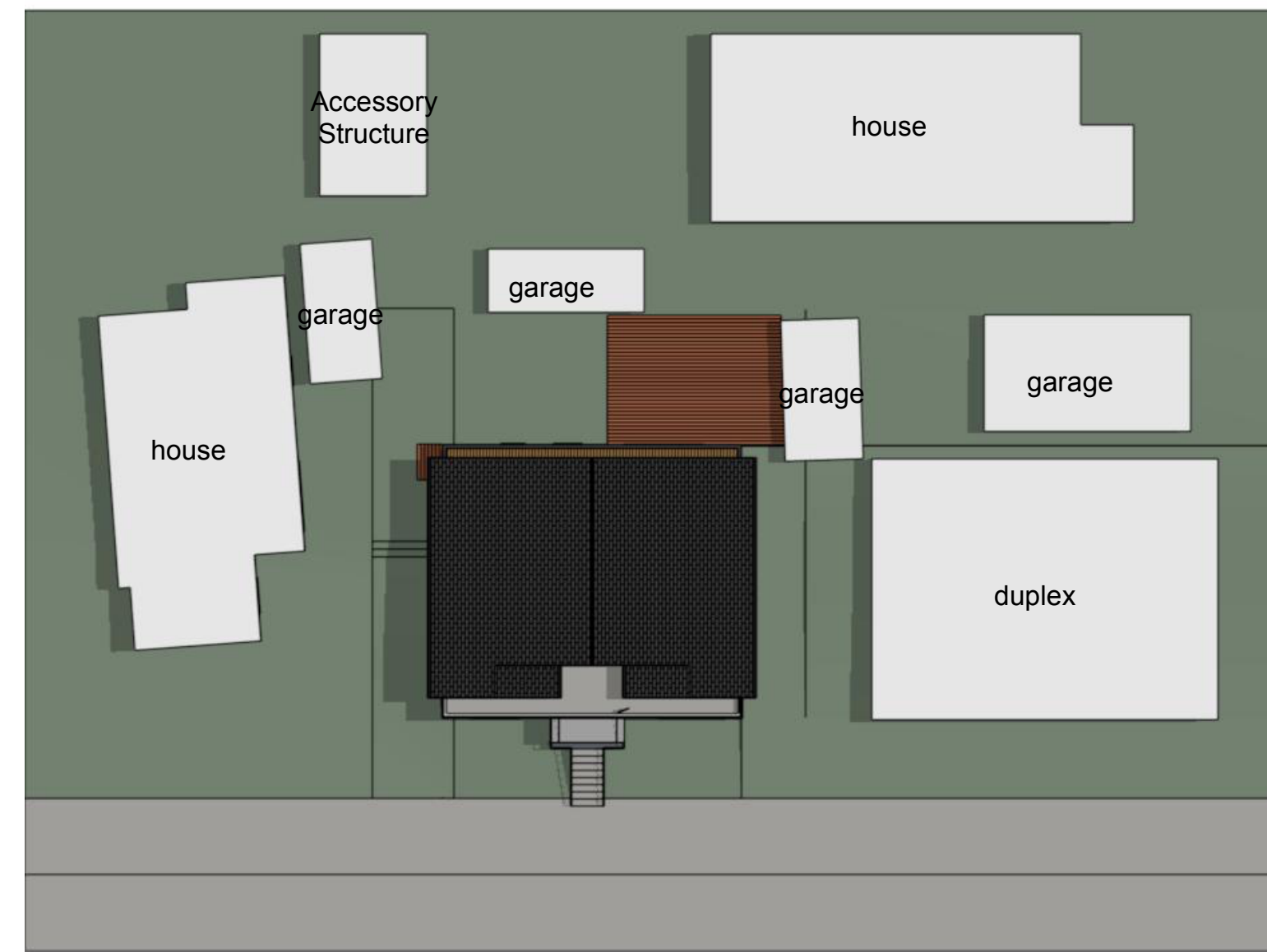
Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021

Sheet
A4.2



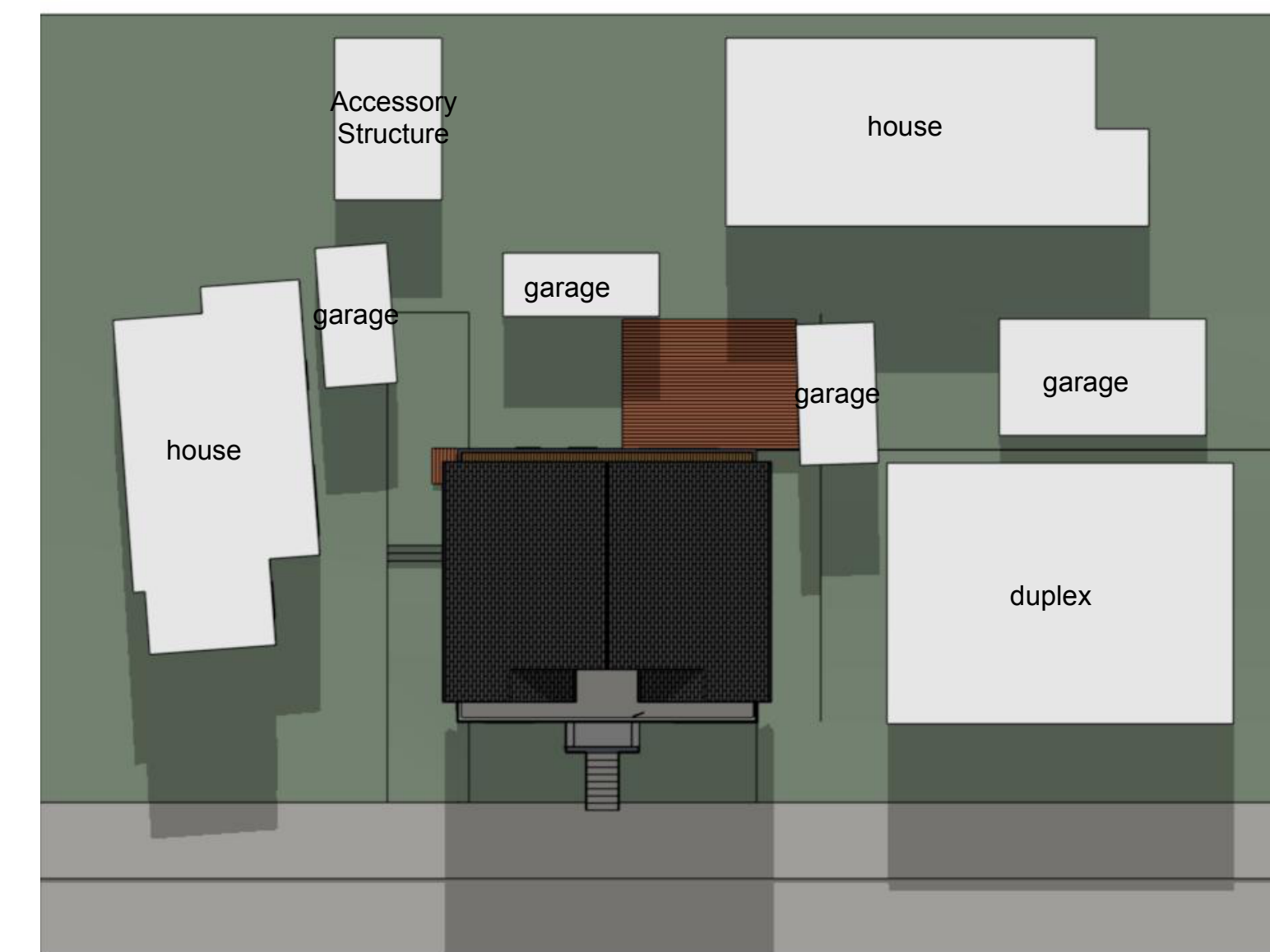
Project Site

Proposed
6-21-2021 / 6:35 pm



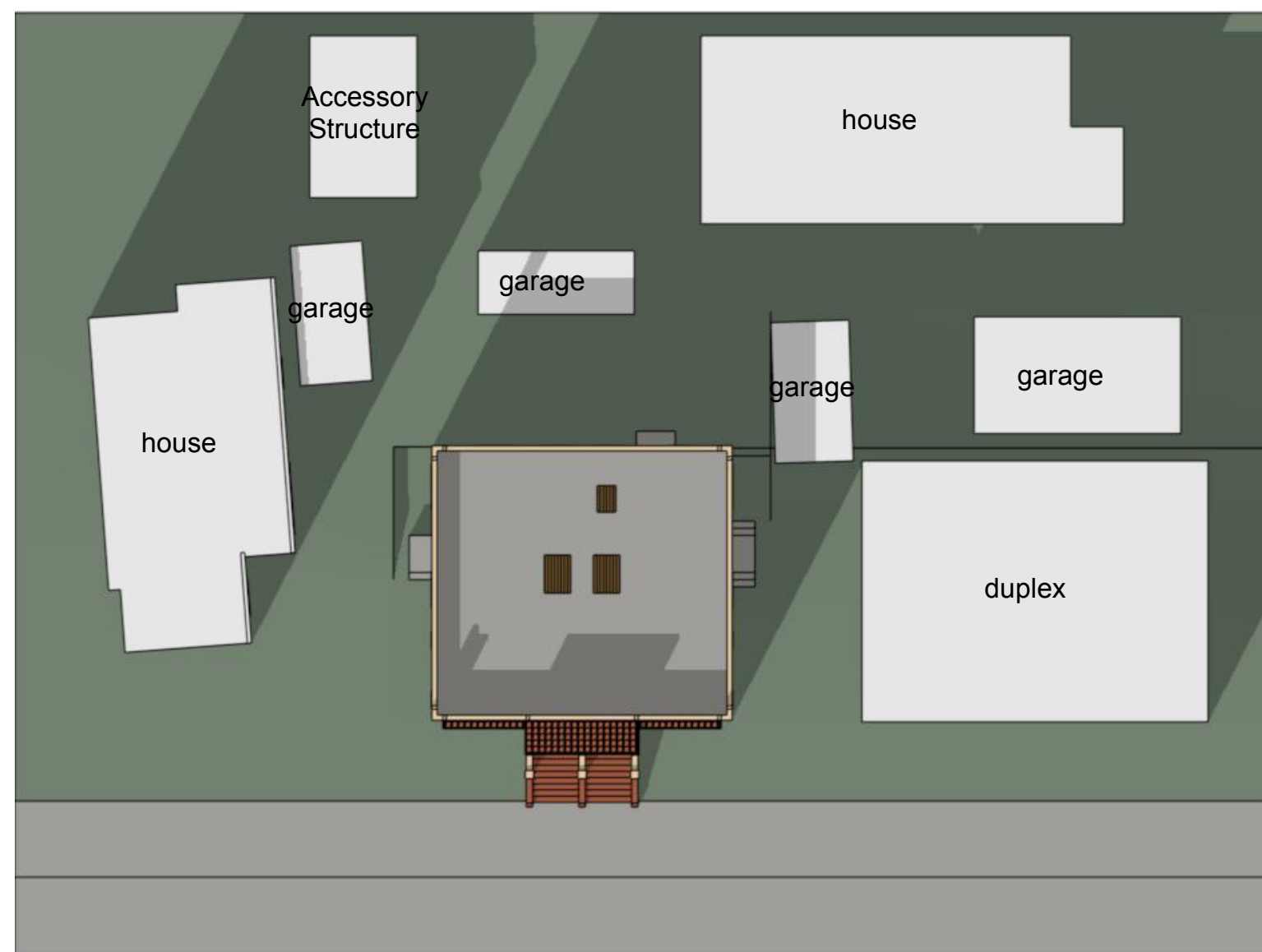
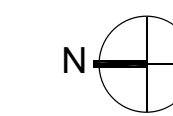
Project Site

Proposed
6-21-2021 / 12:00 pm



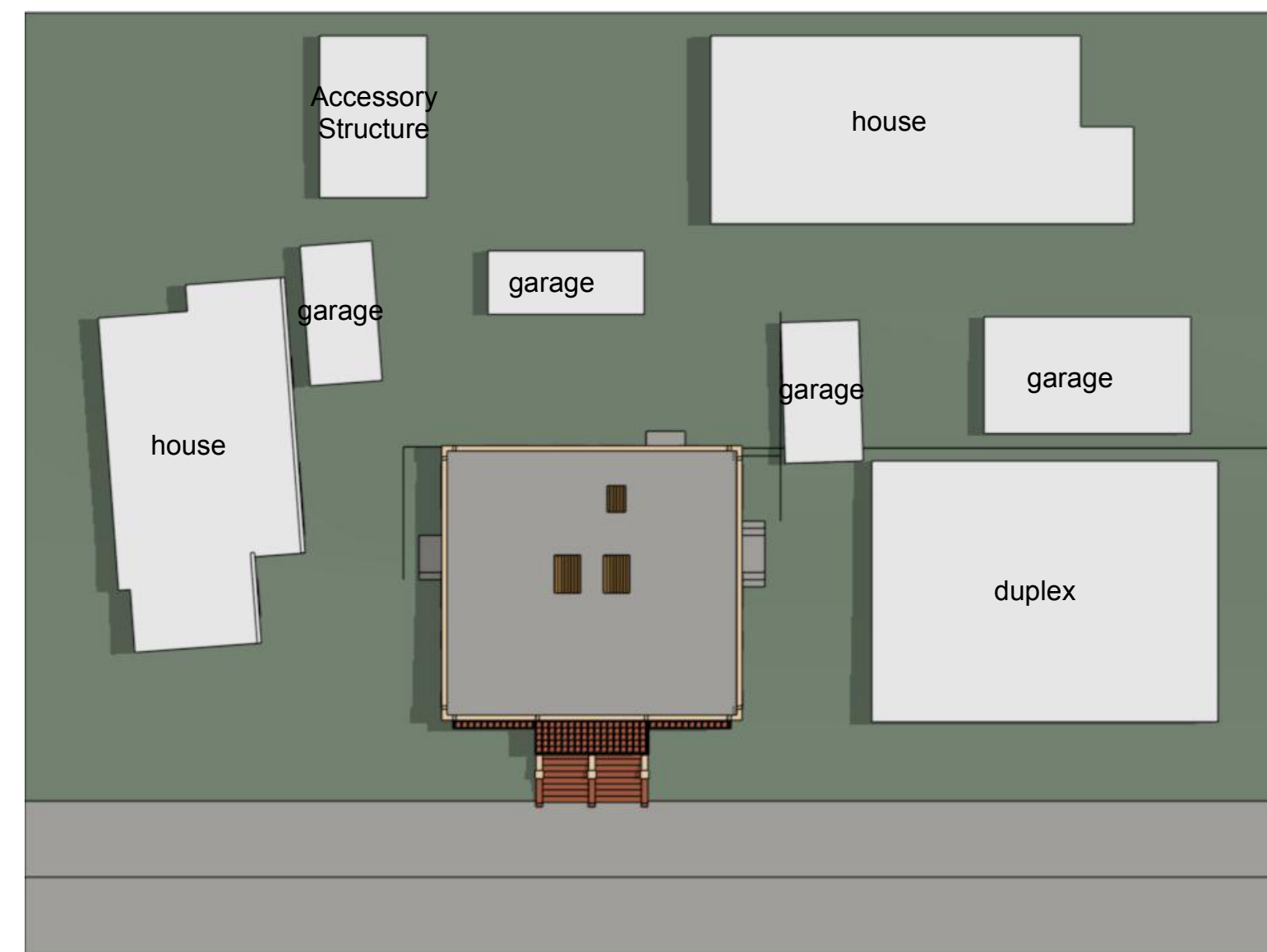
Project Site

Proposed
6-21-2021 / 7:47 am



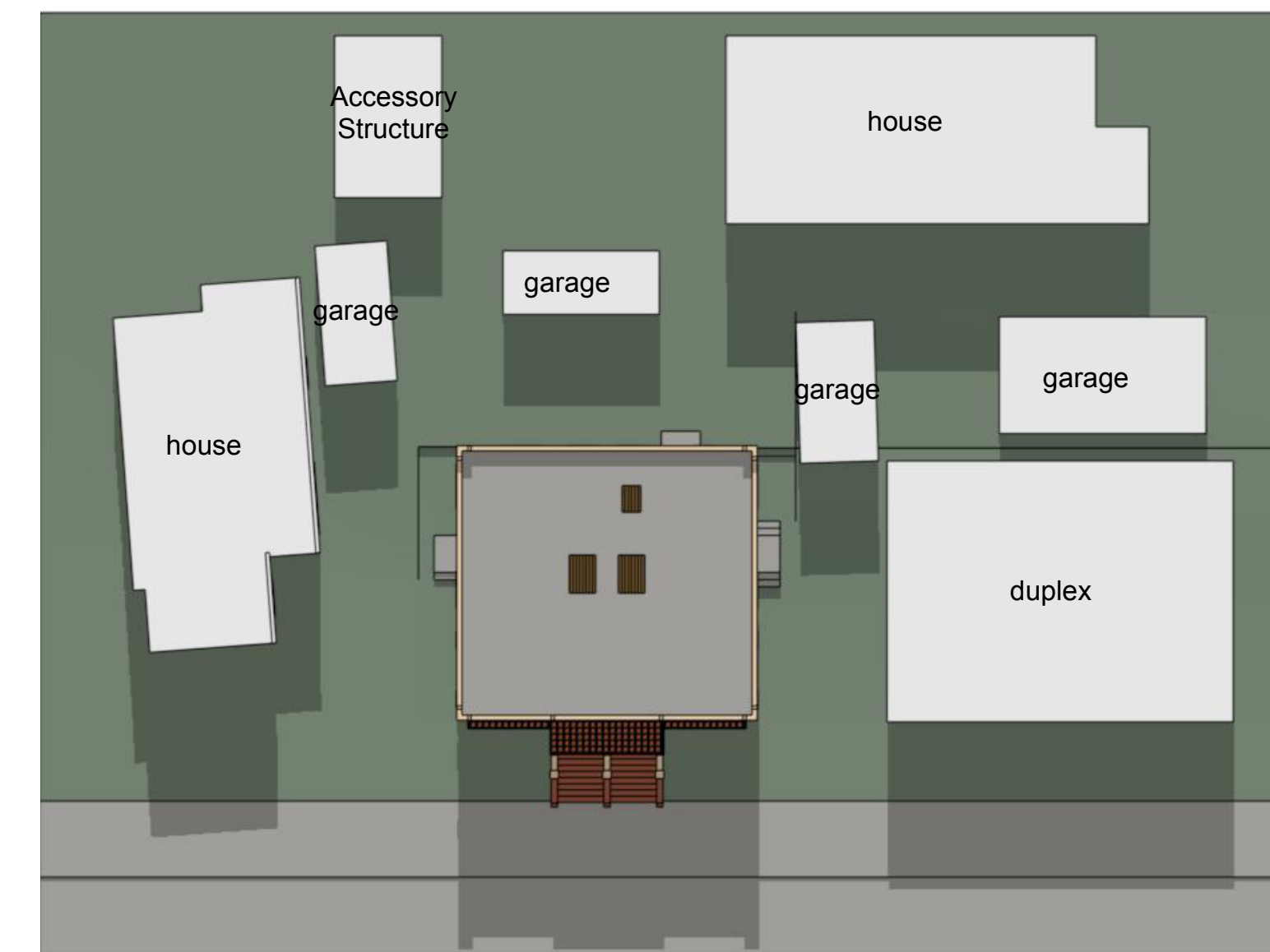
Project Site

Existing
6-21-2021 / 6:35 pm



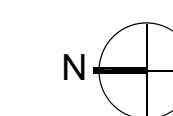
Project Site

Existing
6-21-2021 / 12:00 pm



Project Site

Existing
6-21-2021 / 7:47 am



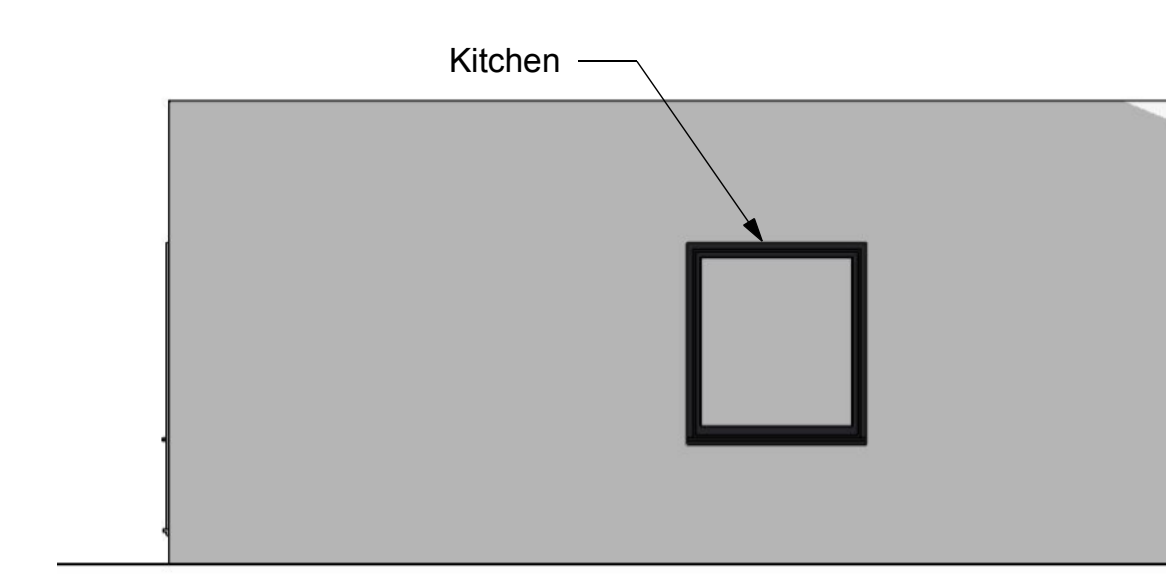


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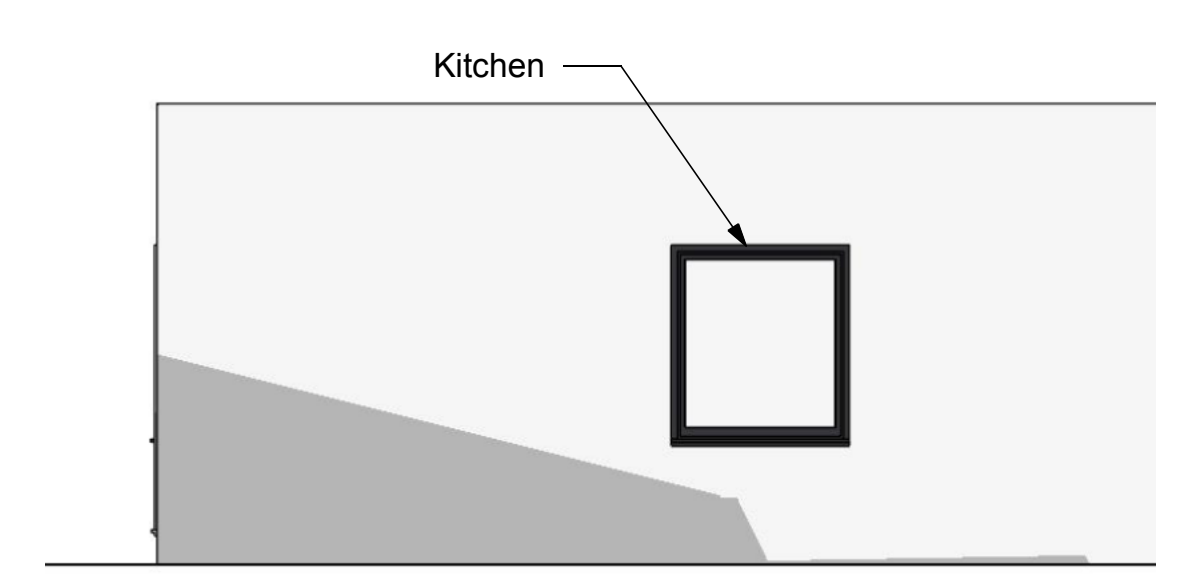
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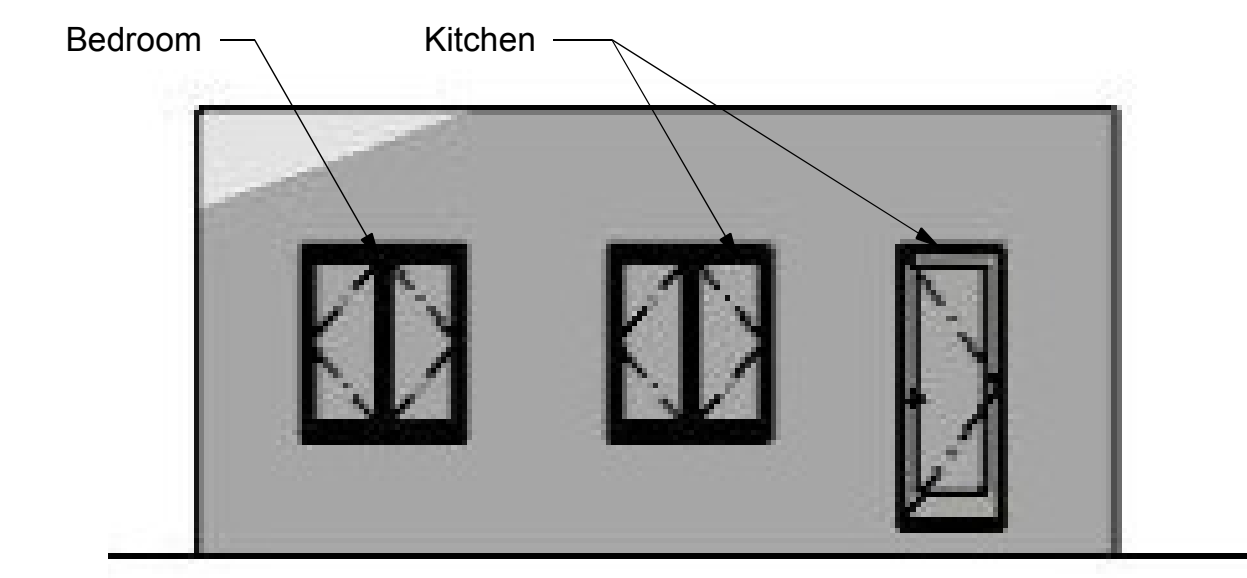
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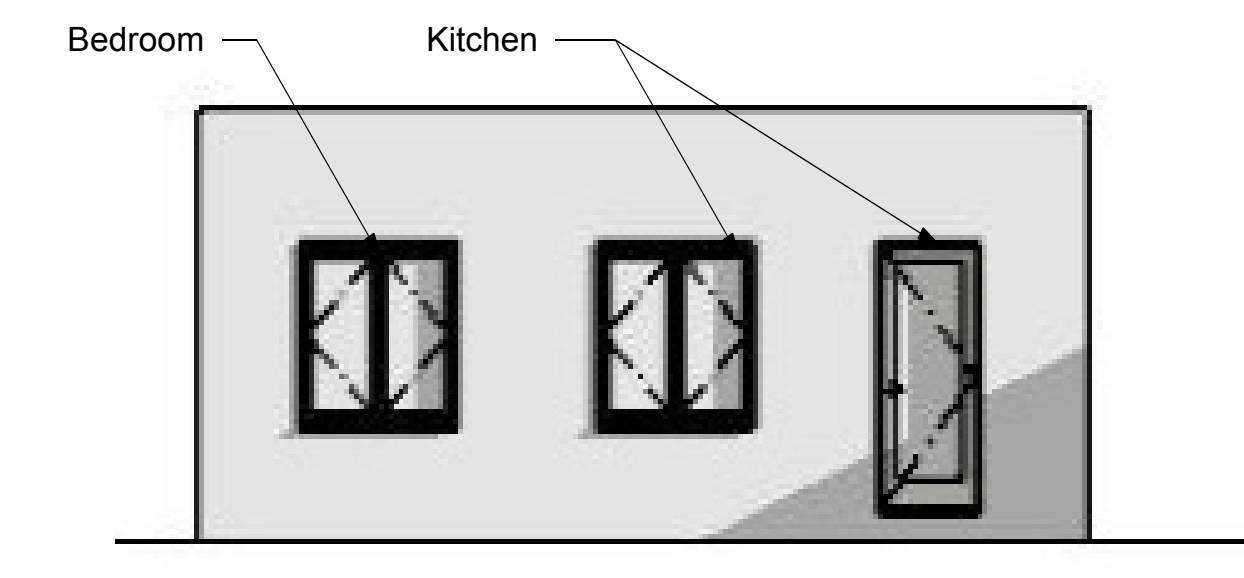
Existing West Wall



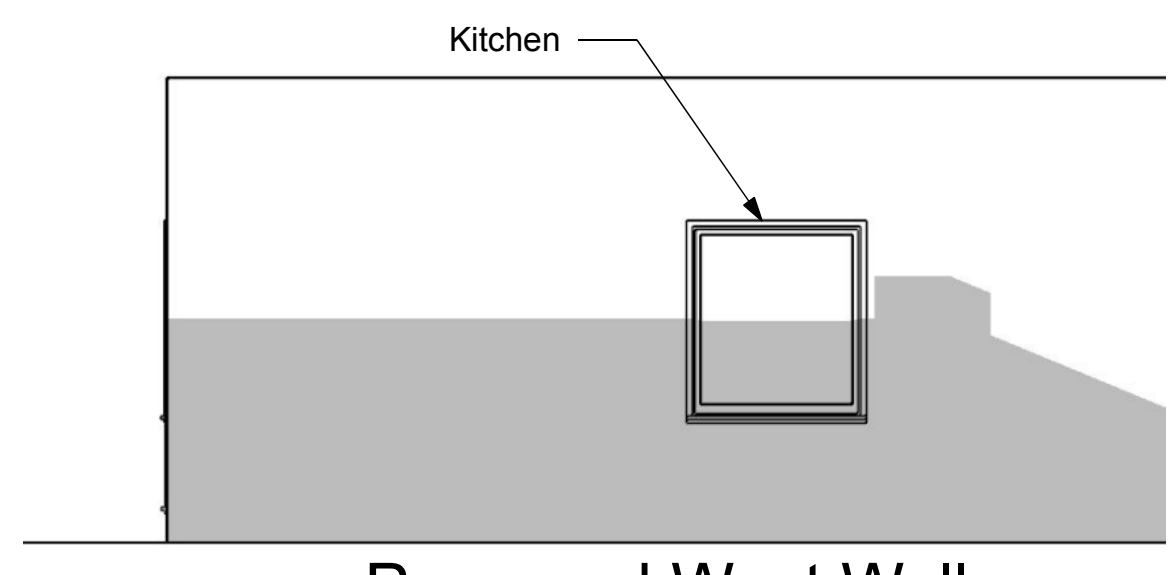
Proposed West Wall



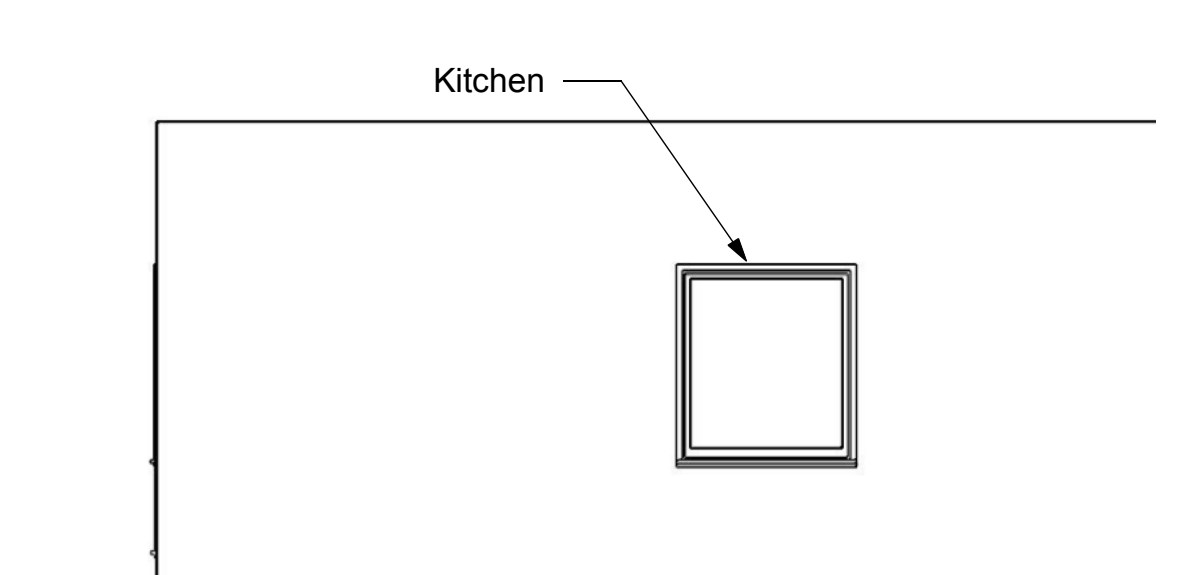
Proposed North Wall



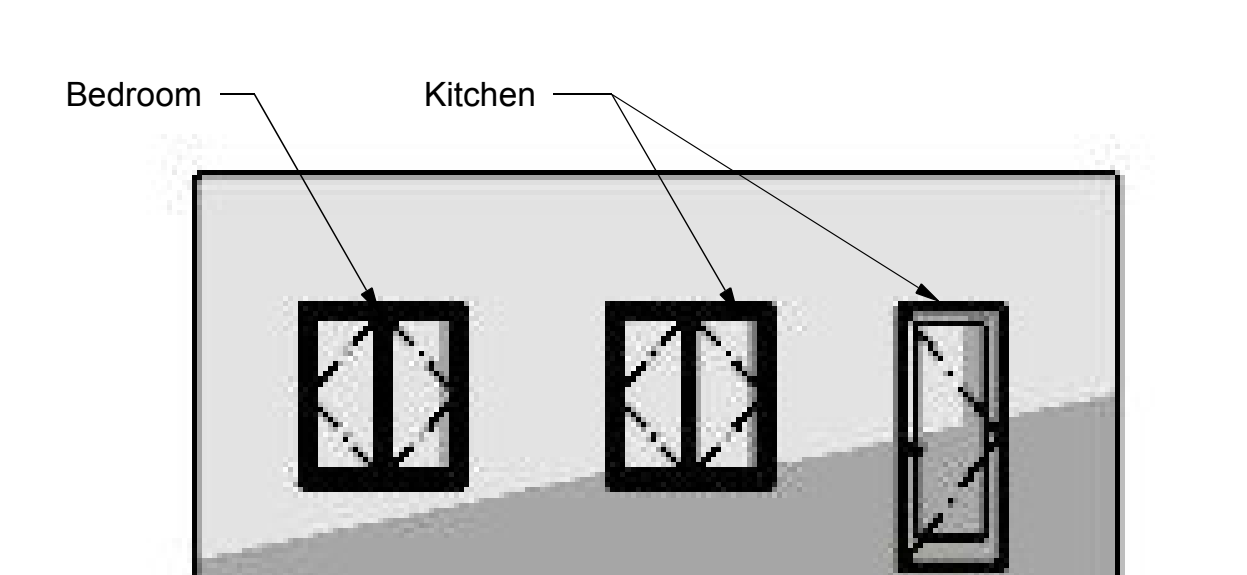
Proposed North Wall



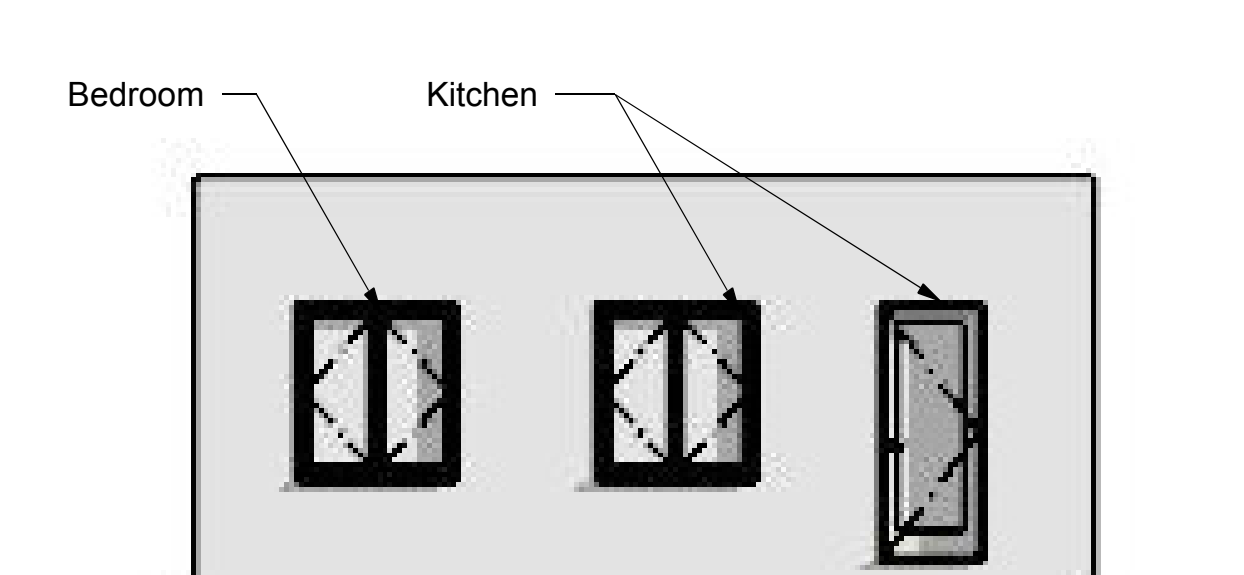
Proposed West Wall



Existing West Wall



Existing North Wall



Existing North Wall

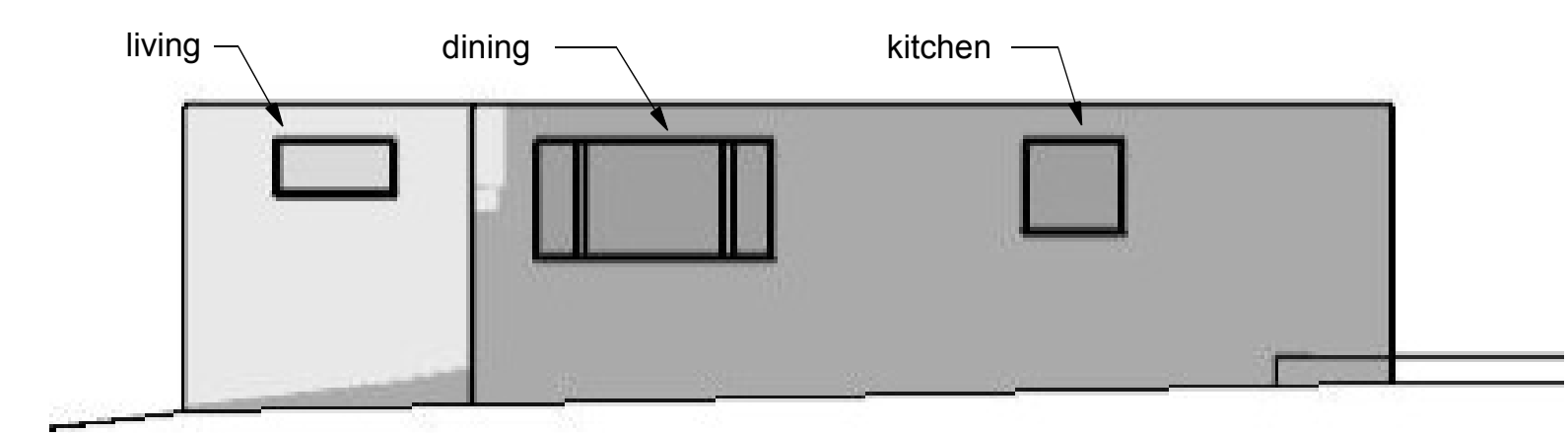
6-21-2021 / 6:35 pm

6-21-2021 / 5:00 pm

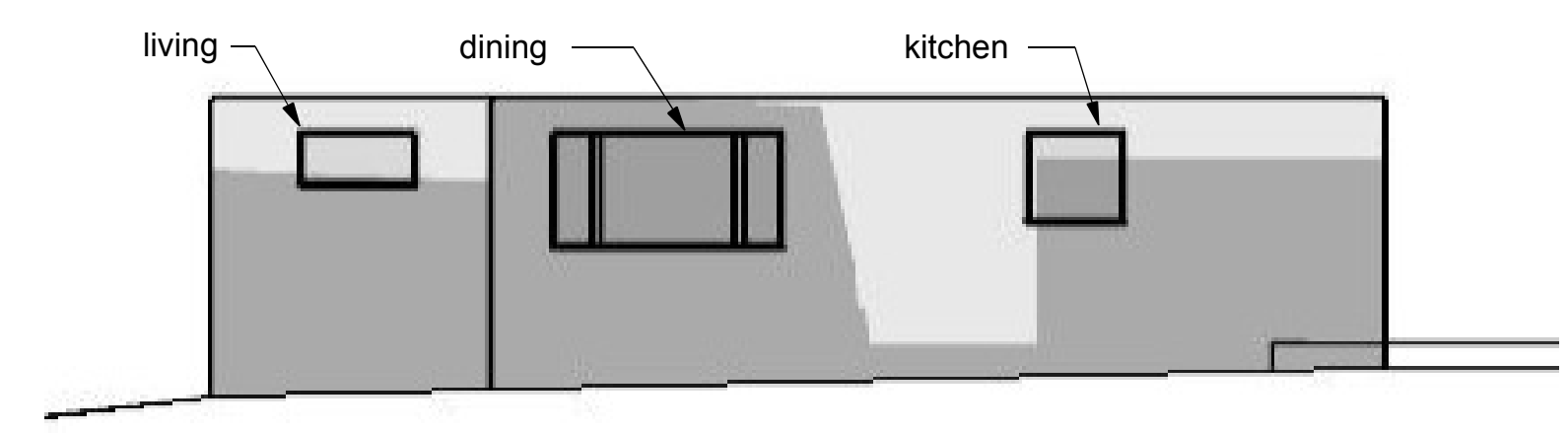
6-21-2021 / 6:35 pm

6-21-2021 / 5:00 pm

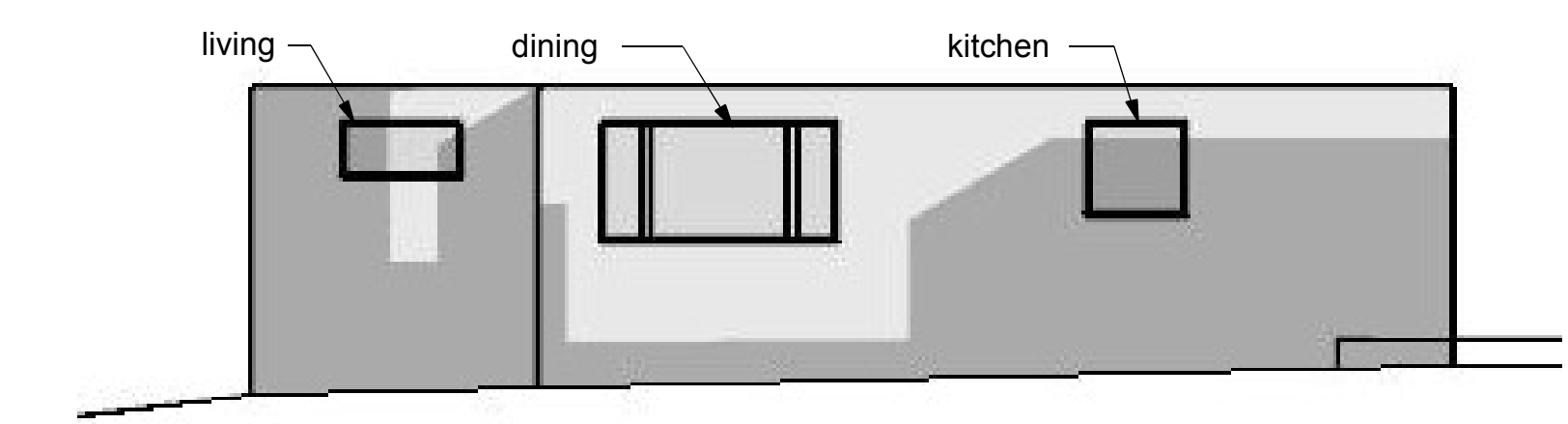
1609 Virginia St. Shadow Impact Study



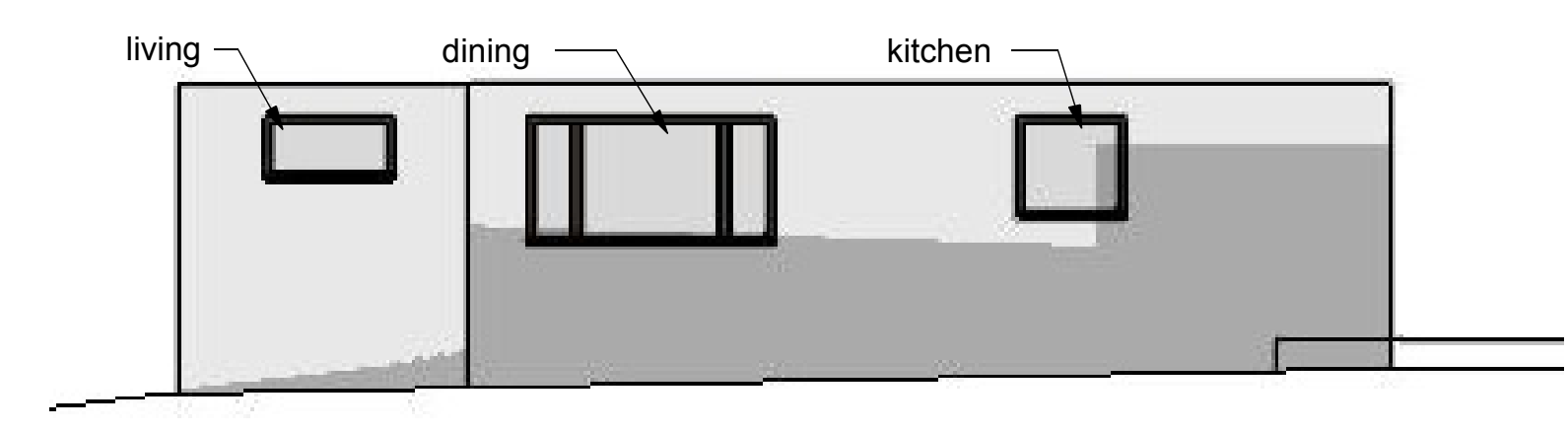
Proposed



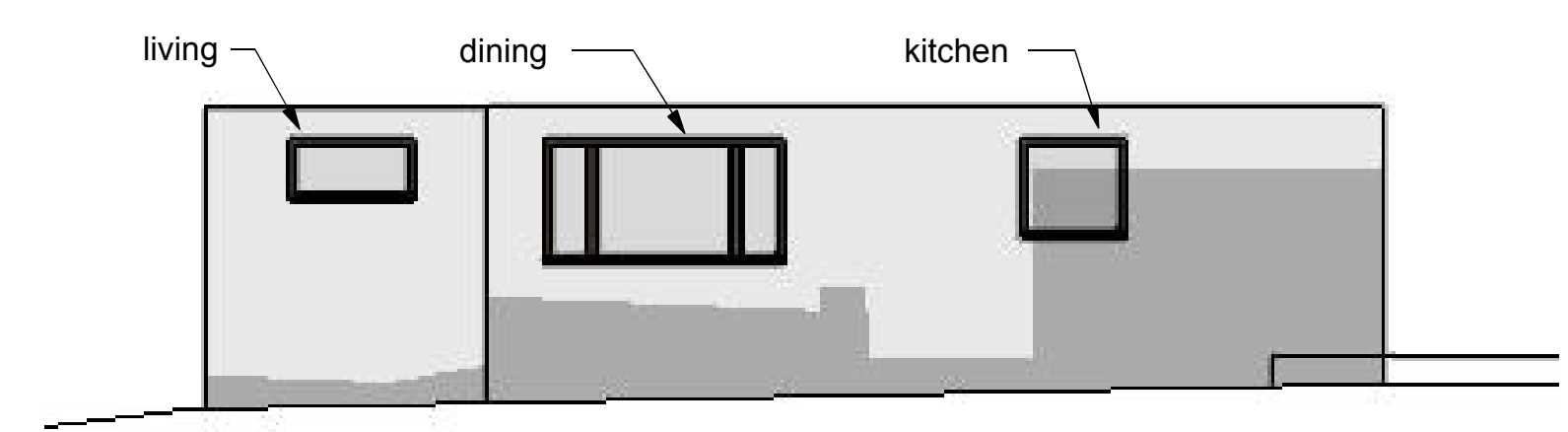
Proposed



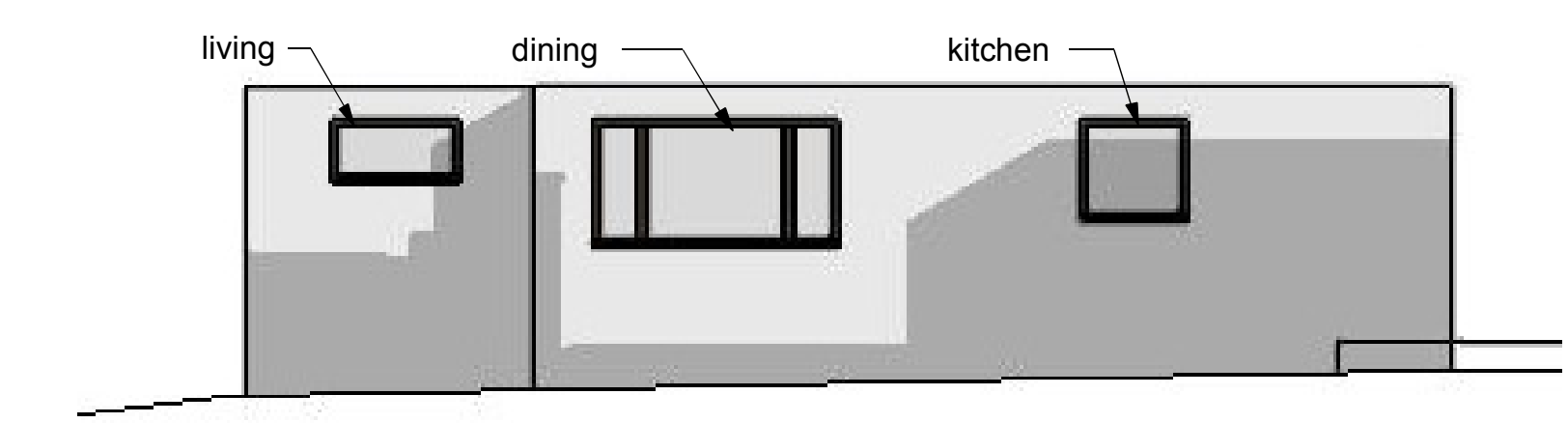
Proposed



Existing



Existing



Existing

12-21-2021 / 2:54 pm

12-21-2021 / 12:00 pm

12-21-2021 / 9:21 am

1639 California St. Shadow Impact Study

Sheet Contents:
Shadows Studies

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: NTS

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021



Planning and Development Department
Land Use Planning Division

June 24, 2021

Sent via email:

sunny@sgsarch.com

Sundeep Grewel
Studio G+S Architects
2223 5th Street
Berkeley, CA 94710

Re: Application for Use Permit #ZP2021-0001 for 1643/1647 California Street

Dear Applicants,

The Land Use Division has reviewed the above referenced application, resubmitted on May 25, 2021 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout on an existing property that is non-conforming to density, lot coverage, and front, side, and rear setbacks at 1643/1647 California Street. Staff has determined that the application is incomplete and cannot take further action on the project until all the items listed below are corrected and/or submitted. Please submit an electronic copy of the following:

Items Required for Submittal or Correction:

1. Project Plans – The project plans require the following revisions:
 - a. Sheet A0.1 appears to show the entry stairs projecting farther than the existing stairs (which are already non-conforming), and potentially over the property line into the City right-of-way. This will not be permitted. Please redesign to ensure no additional encroachment into this front yard setback, nor over the property line.
 - b. Please add elevation numbers to the elevation and section drawings.
 - c. Please add existing and finished grade and elevation numbers for each to all elevation and section drawings.
2. Shadow Studies – Per the [Shadow Study Instructions Guide](#) the submitted Shadow Studies must be revised in the following ways:
 - a. Staff is unable to understand the difference between the existing and proposed shadows on the shadow studies included on Sheets A4.1 and A4.2. Please modify the shadow studies to differentiate the color of the shading, and include a legend to help identify the differences in colors to show the new shadow impacts on surrounding properties.
 - b. The impacts shown to 1609 Virginia Street (Sheet A4.3) on 6-21-21 at 6:35pm appear to be flipped (the “Existing” and “Proposed” drawings appear to be incorrectly labeled). Please correct and resubmit.

3. Structural Evaluation Required - Per Zoning Project Application Submittal Requirements Item number 3.E, a Structural Evaluation is required for “any project that is not a demolition, but is removing between 25% and 49% of a main building’s exterior wall and between 25% and 49% of a main building’s roof.” As the entirety of the roof is being removed, applicants must confirm that no more than 49% of the exterior walls of the building are being removed. A Structural Evaluation report must be prepared by an independent, fully credentialed structural engineer, which “must assess whether, in the operator’s opinion, retention of the structural elements not proposed for removal is actually feasible.” If the retention of these other walls is not feasible, then the project will be considered a full demolition, which will require a Use Permit. Additionally, if the building is considered for demolition, the replacement building would have to comply with all applicable development standards of the R-2A zoning district, including lot coverage and setbacks.

Staff Advisory Comments

Historic Resource Evaluation – Secretary of the Landmarks Preservation Commission, Senior Planner Fatema Crane evaluated the submitted HRE and determined it was sufficient in addressing the historic merits of the property, and that this building meets the exemption under CEQA.

Revised submittal items should be submitted in electronic form (Box.com). Please submit responses to all requested items at once, and not incrementally. Please include a response letter addressing each of the above items, using the same numbering/format to assist staff in confirming you have addressed each item.

I look forward to working with you on this project. Do not hesitate to contact me if you have any questions or if you would like to set up a meeting. I can be reached at (510) 981-7485 or N Armour@cityofberkeley.info.

Sincerely,



Nicholas Armour
Associate Planner



July 15, 2021

Planning review comments #2

Applications #: ZP2021-0001

Address: 1643 1647 California St Planning

Hi Nicholas,

We are resubmitting the Use Permit application per your comments. See attached drawings and responses below.

Items Required for Submittal or Correction:

1. Project Plans – The project plans require the following revisions: a. Sheet A0.1 appears to show the entry stairs projecting farther than the existing stairs (which are already non-conforming), and potentially over the property line into the City right-of-way. This will not be permitted. Please redesign to ensure no additional encroachment into this front yard setback, or over the property line.

Response: Sheet A0.1 – Proposed site plan. Site plan updated.

b. Please add elevation numbers to the elevation and section drawings.

Response: Sheet A1.1 – Existing elevations updated

Response: Sheet A3.1 to A3.4 – Proposed elevations and section updated

c. Please add existing and finished grade and elevation numbers for each to all elevation and section drawings.

Response: Sheet A3.1 to A3.4 – Proposed elevations and section updated

2. Shadow Studies – Per the [Shadow Study Instructions Guide](#) the submitted Shadow Studies must be revised in the following ways: a. Staff is unable to understand the difference between the existing and proposed shadows on the shadow studies included on Sheets A4.1 and A4.2. Please modify the shadow studies to differentiate the color of the shading, and include a legend to help identify the differences in colors to show the new shadow impacts on surrounding properties.

Response: Sheet A4.1 to A4.2– Shadow study updated

b. The impacts shown to 1609 Virginia Street (Sheet A4.3) on 6-21-21 at 6:35pm appear to be flipped (the “Existing” and “Proposed” drawings appear to be incorrectly labeled). Please correct and resubmit.

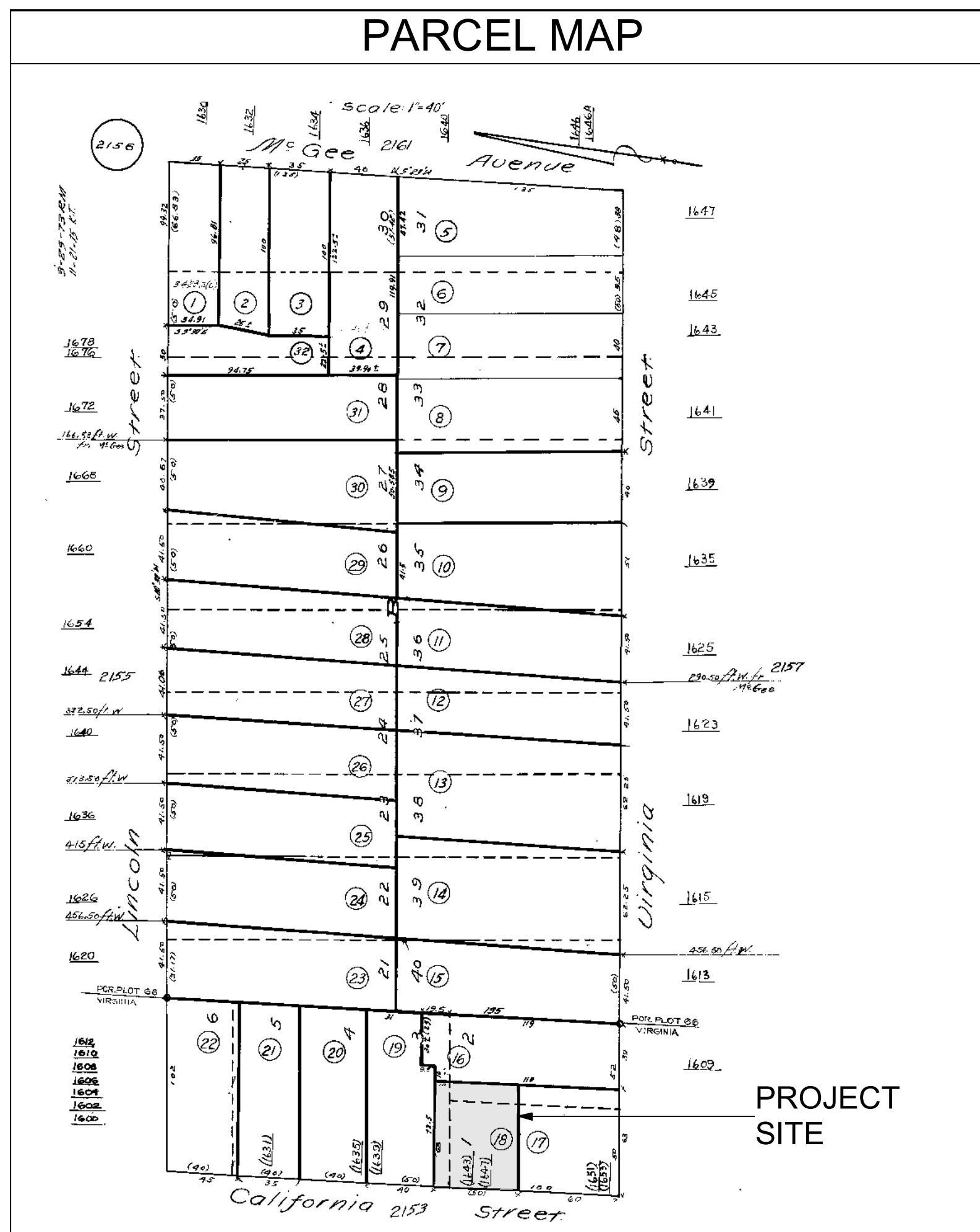
Response: Sheet A4.3 – labels corrected

3. Structural Evaluation Required - Per Zoning Project Application Submittal Requirements
Item number 3.E, a Structural Evaluation is required for “any project that is not a demolition, but is removing between 25% and 49% of a main building’s exterior wall and between 25% and 49% of a main building’s roof.” As the entirety of the roof is being removed, applicants must confirm that no more than 49% of the exterior walls of the building are being removed. A Structural Evaluation report must be prepared by an independent, fully credentialed structural engineer, which “must assess whether, in the operator’s opinion, retention of the structural elements not proposed for removal is actually feasible.” If the retention of these other walls is not feasible, then the project will be considered a full demolition, which will require a Use Permit. Additionally, if the building is considered for demolition, the replacement building would have to comply will all applicable development standards of the R-2A zoning district, including lot coverage and setbacks.

Response: See attached structural evaluation report.

We are looking forward to moving this project along.

Sundeep Grewal



OPPENHEIMER RESIDENCE

1643 & 1647 California St. CA 94703

SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, one-story, two-family residence (duplex). Components of the project include:

Reconfigure existing duplex to create one larger unit and one smaller apartment. All work shall be within the building footprint. The building shall remain as a duplex. The preliminary program includes the following:

Basement/First floor:

- Excavate down to create new bedroom, full bath, home gym and family room and mech. room/storage

Second floor:

- Reconfigure layout as needed to create a larger unit with one smaller apartment
- Rebuild/reconfigure existing porch and entry stairs as required
- Create new stairs to basement floor and second floor addition

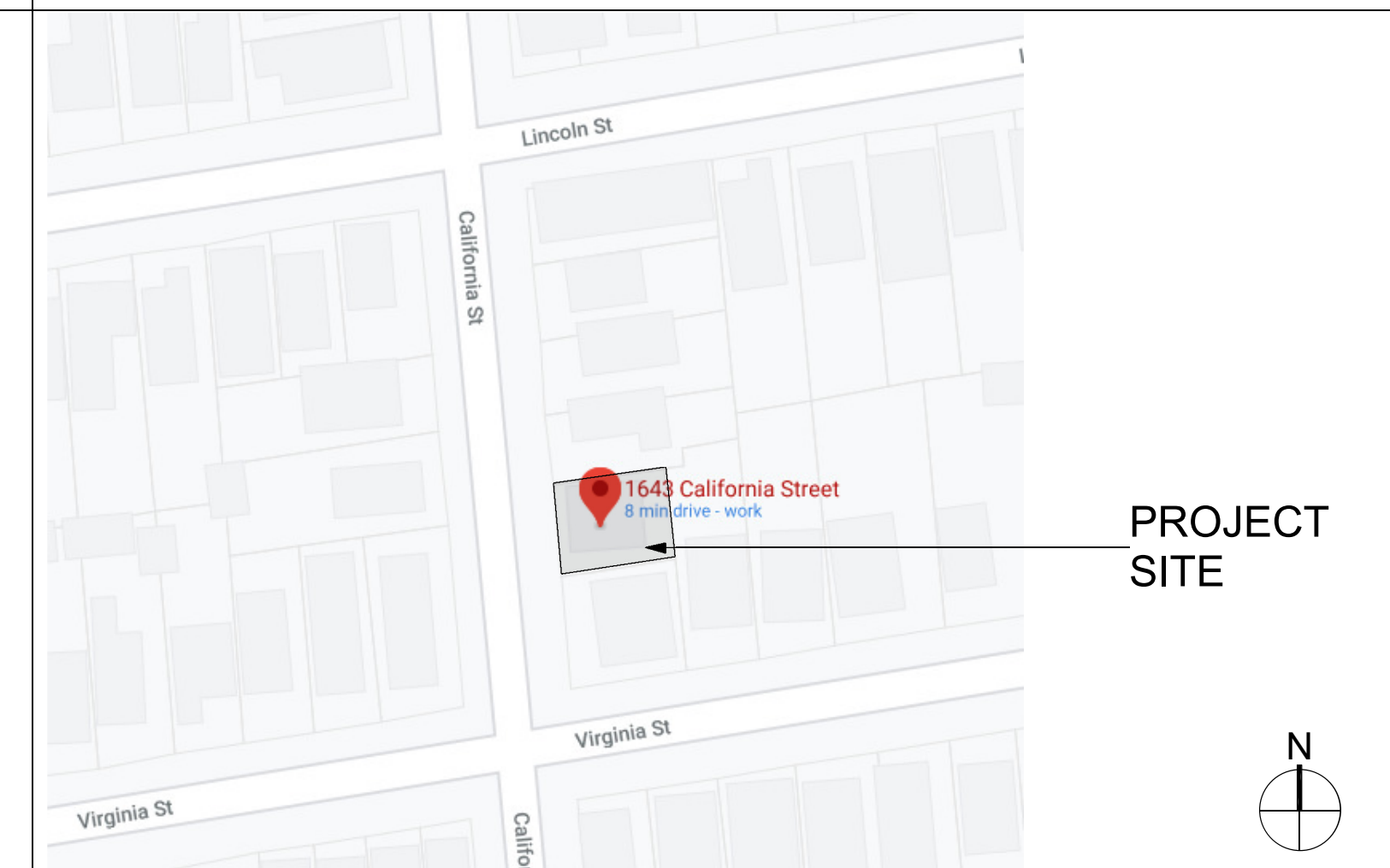
Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony at front

Miscellaneous:

- Update all mechanical, electrical and plumbing systems as required for new work
- Reconfigure and rebuild front stairs per new design

VICINITY MAP



PROJECT DIRECTORY

Owner:
Ido and Tamar Oppenheimer
1643 & 1647 California St.
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Tel: 510 486-8387

Architect:
Sundeep Grewal
Studio G+S, Architects
2223 5th St.
Berkeley, CA 94710
Tel: 510-548-7448
sunny@sgsarch.com

Project Address:
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

PROJECT DATA

Occupancy: R-3 Duplex
Proposed Construction: Type V-B
Fire Sprinkler System: No

Zoning/General Plan Regulation
Zoning District: R-2 (Restricted Two-Family Residential)
General Plan Area: LMDR
Downtown Arts District Overlay: No
Commercial District With Use Quotas: No

Seismic Safety
Earthquake Fault Rupture(Alquist-Priolo) Zone: No
Landslide (Seismic Hazards Mapping Act): No
Liquefaction (Seismic Hazards Mapping Act): No
Un-reinforced Masonry Building Inventory: No

Historic Preservation
Landmarks or Structure of Merit: No

Environmental Safety
Creek Buffer: None
Fire Zone: 1
Flood Zone(100-year or 1%): No

Wildlife Urban Interface: No

SHEET INDEX

- Architectural:**
- A0.0 Scope Of Work, Vicinity Map, Parcel Map, Project Data Sheet Index , Abbreviations, Applicable Codes Project Directory, Photos
 - A0.1 Existing Site Plan, Proposed Site Plans
 - A0.2 Site Survey
 - A1.1 Existing Floor Plan
Existing Exterior Elevations
 - A2.1 Proposed Floor Plan
 - A2.2 Proposed Floor Plans
 - A3.1 Front Elevation Comparison, Exterior Renderings
 - A3.2 Proposed Exterior Elevations
 - A3.3 Building Section, Renderings
 - A4.1 Shadow Study
 - A4.2 Shadow Study
 - A4.3 Shadow Study

APPLICABLE CODES

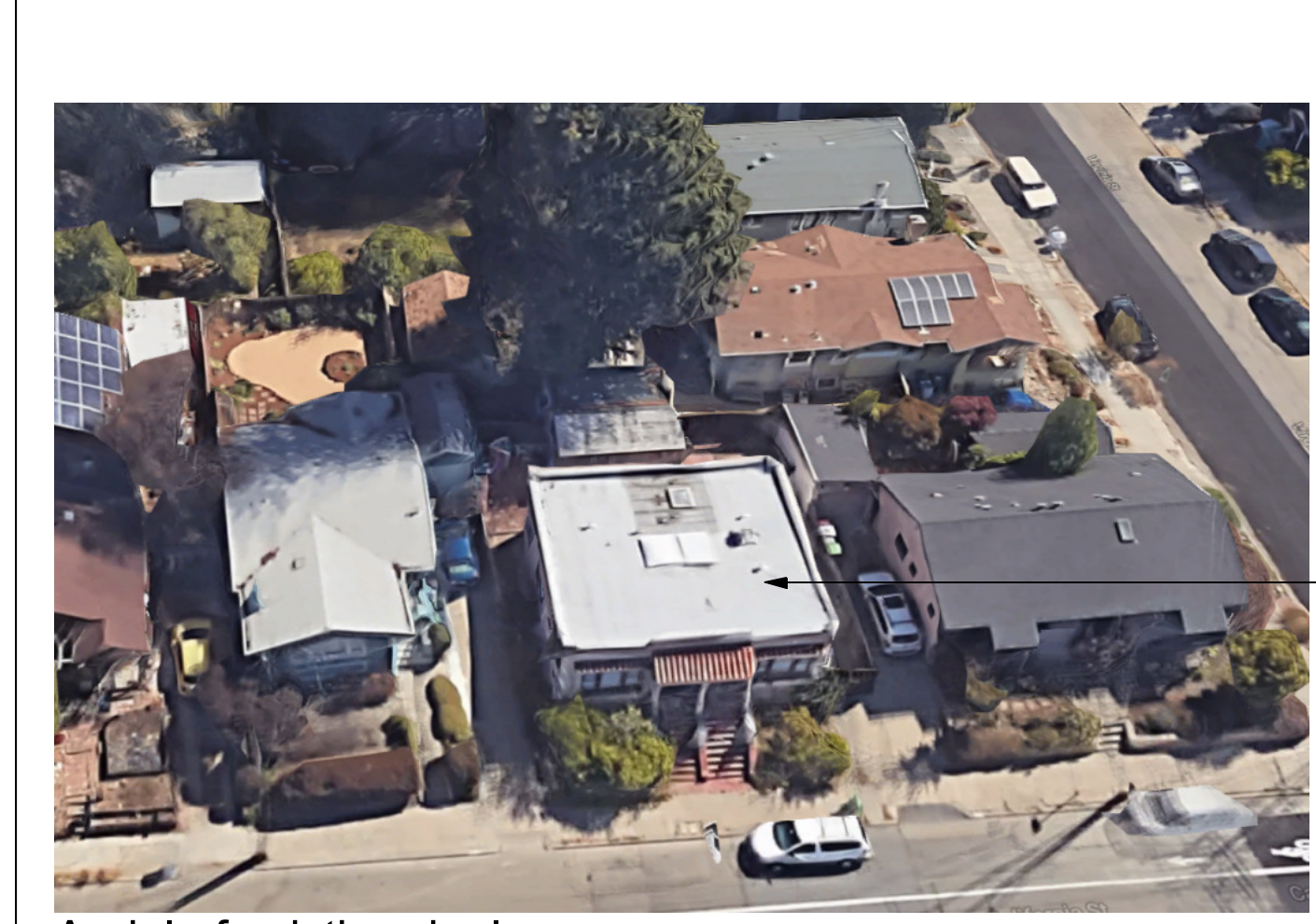
2019 California Building Code (CBC) Volume 1
2019 California Building Code (CBC) Volume 2
2019 California Residential Code (CRC)
2019 California Energy Code (CBEES)
2019 California Green Building Standards Code (CALGreen)
2019 California Electrical Code (CEC)
2019 California Plumbing Code (CPC)
2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	flour.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	fig.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinfr.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	gl.	glass	rwd.	redwood
bldg.	building	gnd.	ground	r.w.l.	rain water leader
blk.	block	gr.	grade	s.	south
blkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
blw.	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanical cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	tv.	television
dr.	door	nat.	necessary	typ.	typical
dnw.	down	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encd.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o.	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

SITE PHOTOS



Aerial of existing duplex

PROJECT SITE



Front and right Side of existing duplex

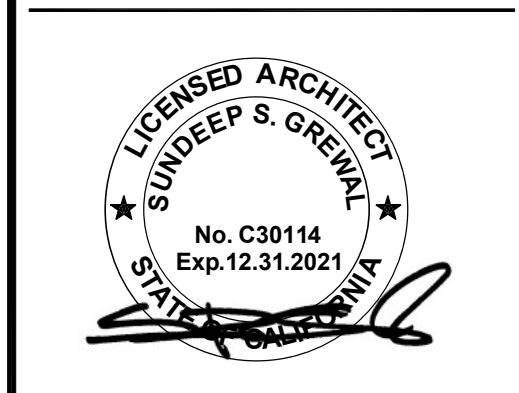


Front and left Side of existing duplex

Tabulations			
	Required/Allowed	Existing	Proposed
Set Backs:			
Front	20'-0"	10'-10"	10'-10" no change
Rear:	20'-0"	16'-10"	16'-10" no change
Left side:	4'-0"	3'-11"	4'-0" no change
Right side:	4'-0"	5'-6"	5'-5" no change
Habitable Floor Area:			
Unit 1:			
Basement floor:		0 s.f.	1,342 s.f.
First floor:		667 s.f.	901 s.f.
Second floor:		0 s.f.	1,019 s.f.
Total Area Unit 1:		667 s.f.	3,262 s.f. (2,595 s.f. new)
Unit 2:			
Basement floor:		0 s.f.	0 s.f.
First floor:		667 s.f.	501 s.f.
Second floor:		0 s.f.	0 s.f.
Total Area Unit 2:		667 s.f.	501 s.f.
Total Area:		1,334 s.f.	3,763 s.f. (2,229 s.f. new)
Bedroom Count:		3 total	5 total
Non-Habitable Area:			
Accessory Structure:		167 s.f.	0 s.f.
Building Height:			
Main Building:	28'-0" 35'-0" w/ AUP	13'-6" 13'-6"	23'-10"
Parking:	2	0	0
Lot Size:	4,500 s.f.	3,142 s.f.	3,142 s.f.
Total Foot Print:			
House:		1,342 s.f.	1,342 s.f.
Covered Porch:		60 s.f.	0 s.f.
Accessory Structure:		167 s.f.	0 s.f.
Total:	1,085 for 3 stories	1,569 s.f.	1,382 s.f.
Lot Coverage:	45% (1 story) 40% (2 story) 35% (3 story)	49.94%	43.98% (5.96% reduction)
Usable Open Space:	400 s.f./unit	500 s.f.	1,029 s.f.

studio g+s ARCHITECTS

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Sheet Contents:

- Sheet Index
- Applicable Codes
- Abbreviations
- Vicinity Map
- Project Data
- Scope of Work
- Project Directory
- Photos

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Drawn By: SSG

Checked By: SSG

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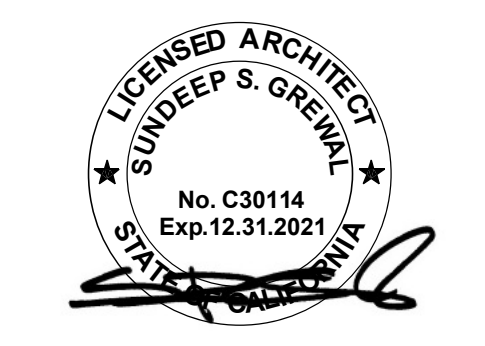
Revisions:

- Use Permit Set: 12-10-2020
- Redesign: 5-25-2021
- Planning Review: 6-29-2021
- Planning Review: 7-15-2021

Sheet A0.0



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Sheet Contents:
Existing Site Plan
Proposed Site Plan

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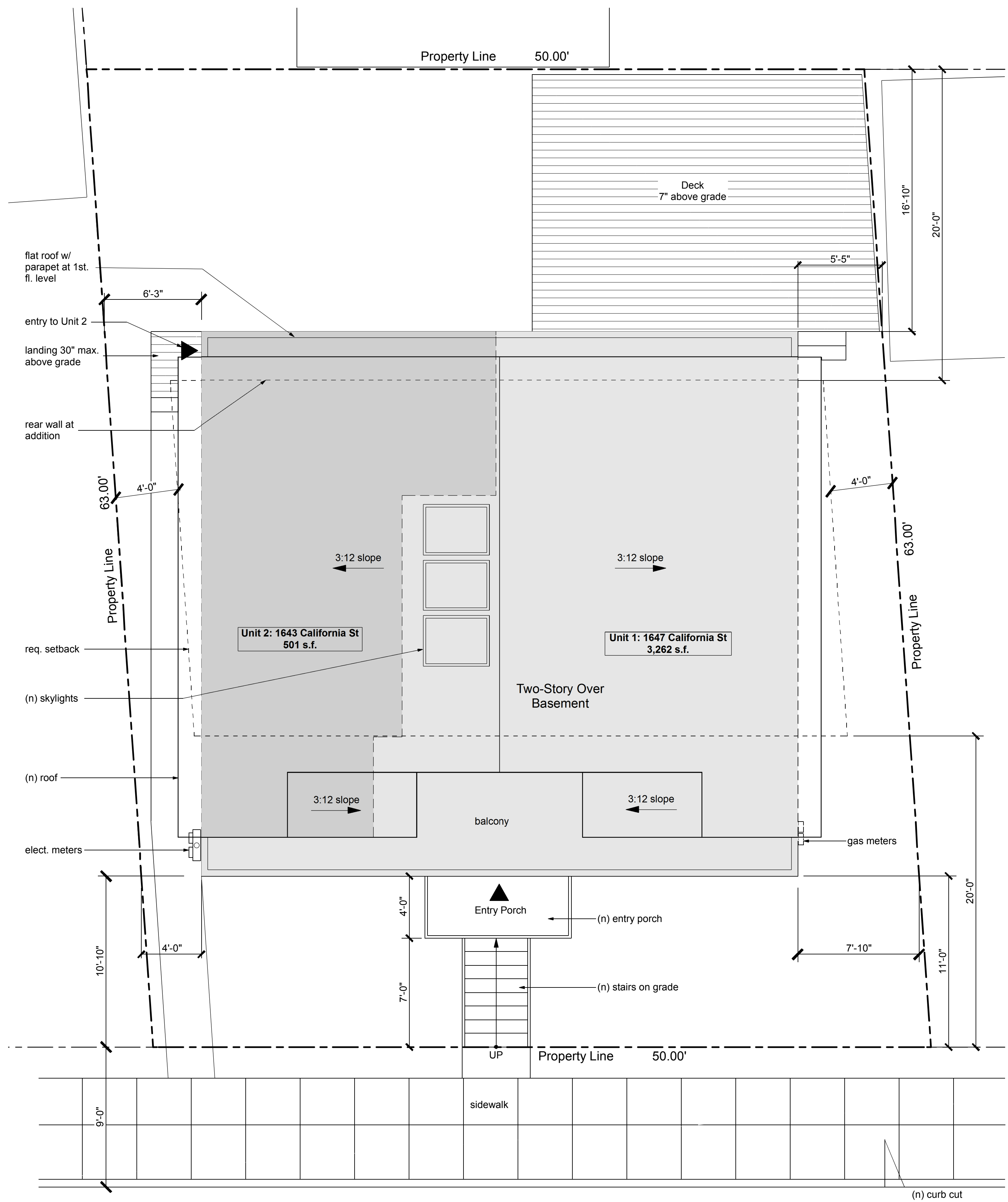
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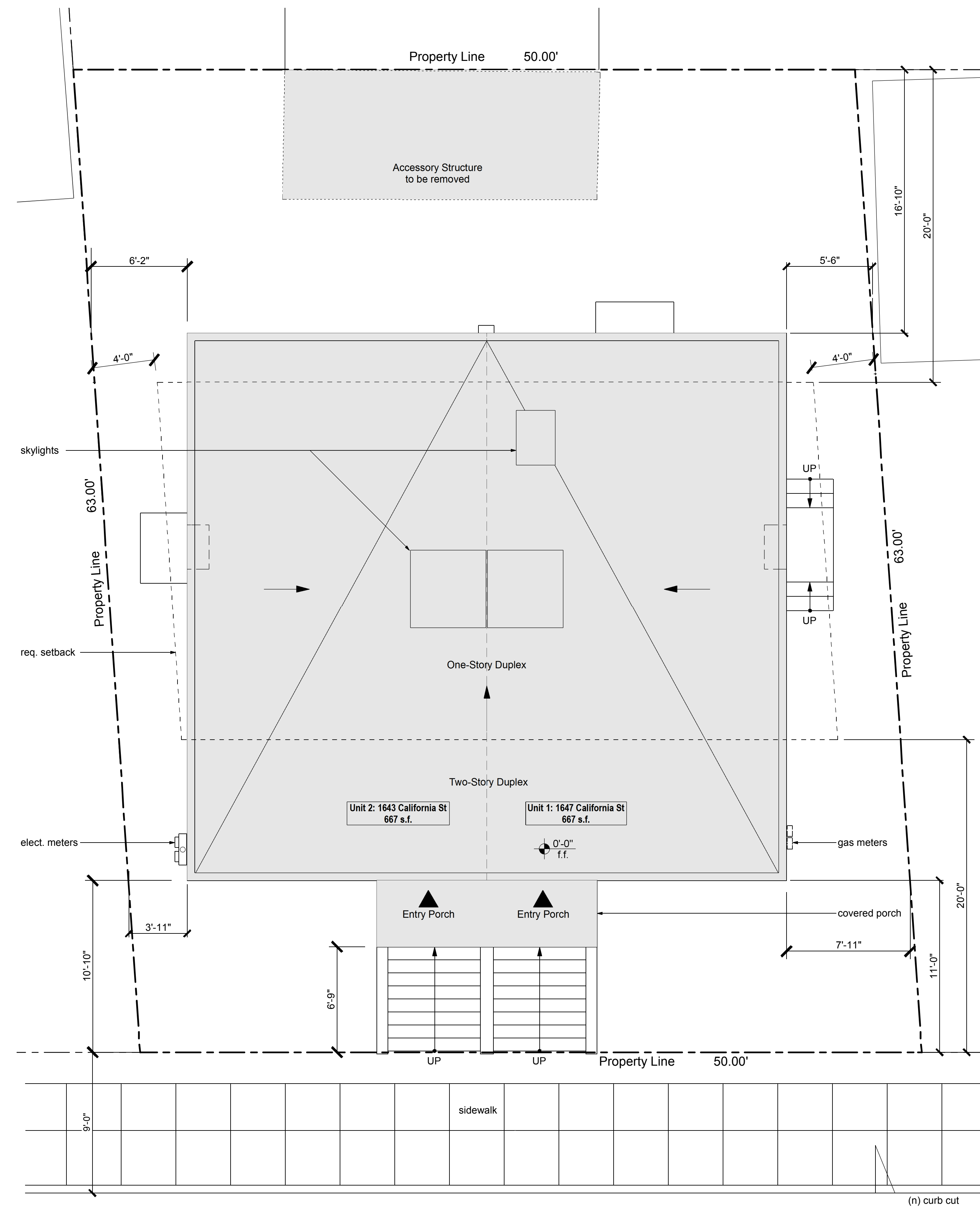
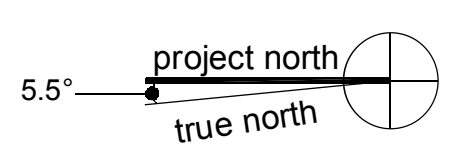
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Planning Review: 6-29-2021
Planning Review: 7-15-2021

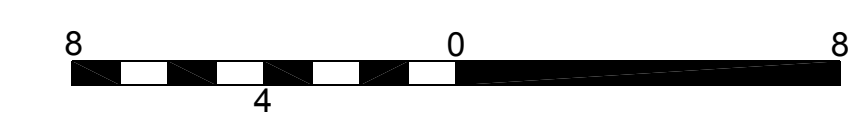
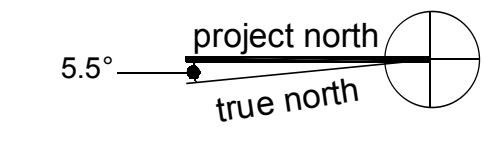
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A0.1



2 Proposed Site Plan

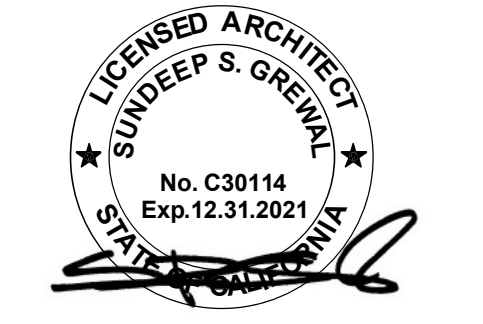


1 Existing Site Plan





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Sheet Contents:
Existing Floor Plans
Existing Exterior Elevations

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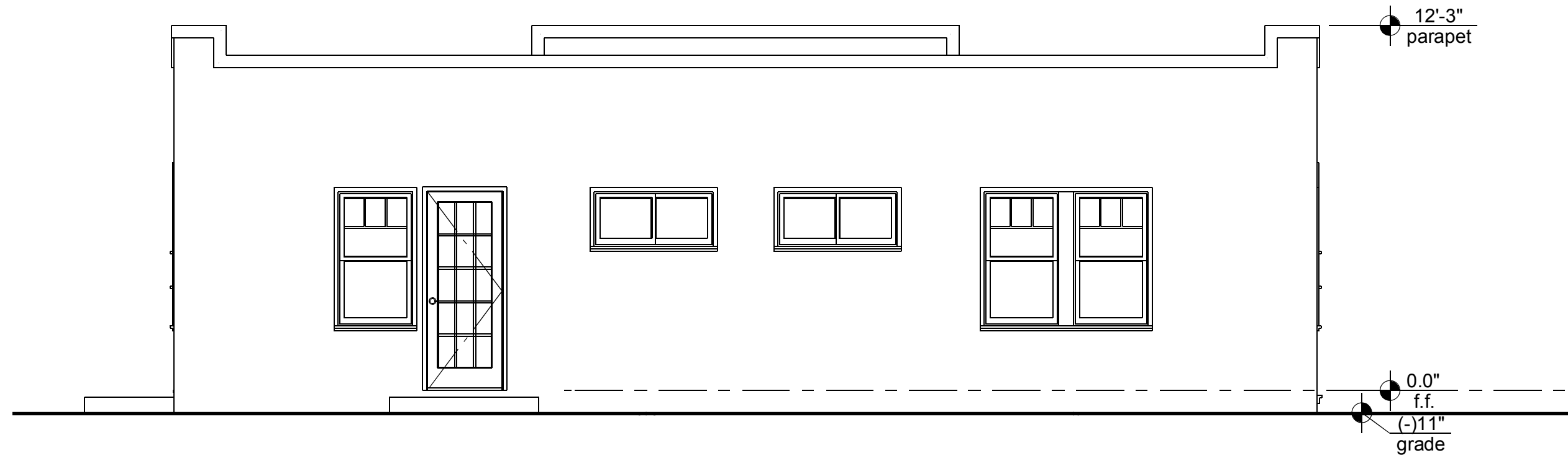
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

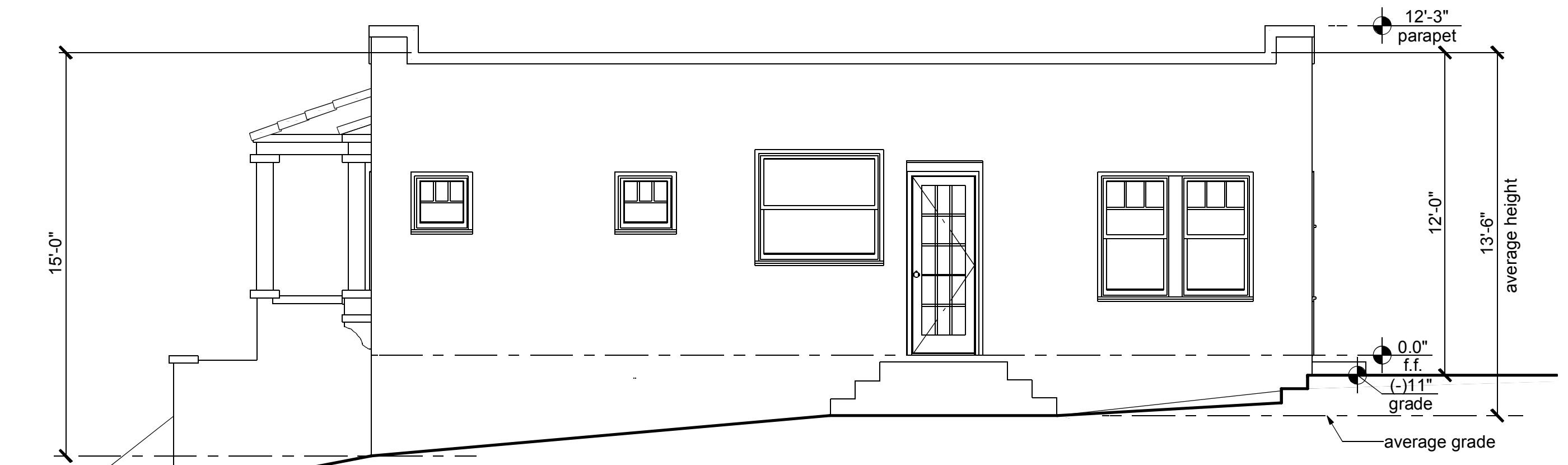
Sheet **A1.1**



5 Existing East Elevation - Rear



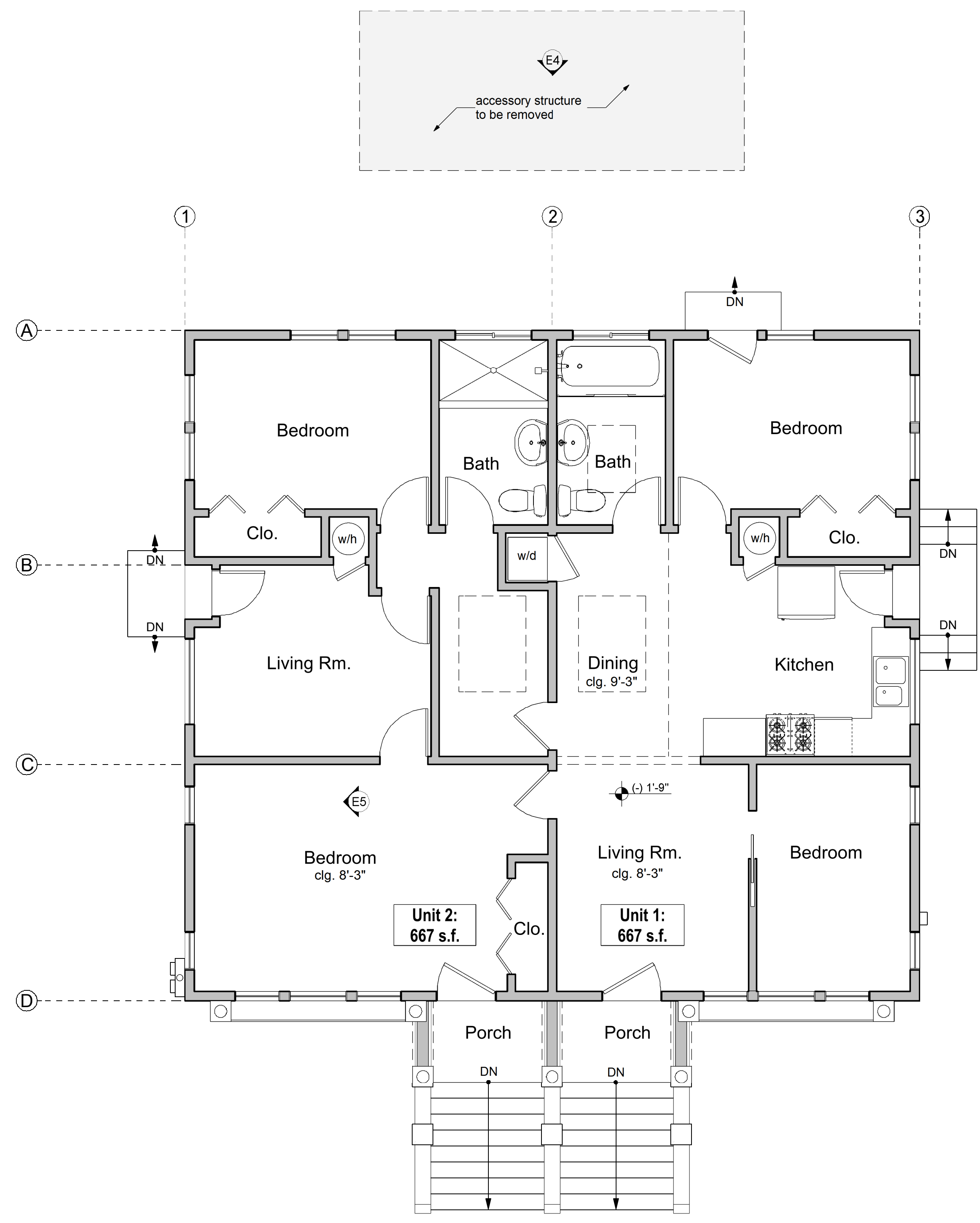
4 Existing North Elevation - Left Side



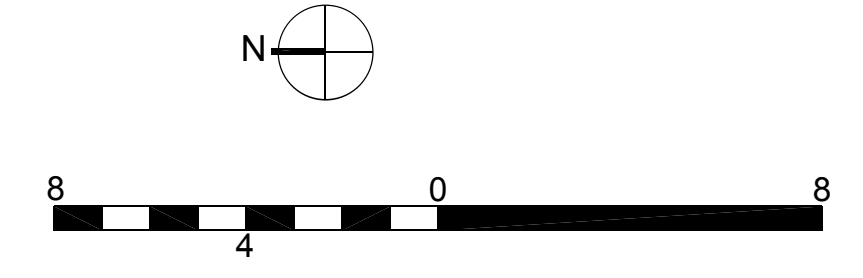
3 Existing South Elevation - Right Side



2 Existing West Elevation - Front

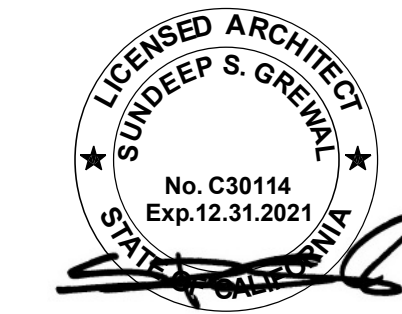


1 Existing First Floor Plan





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Sheet Contents:
Proposed Floor Plan
Proposed Site Plan

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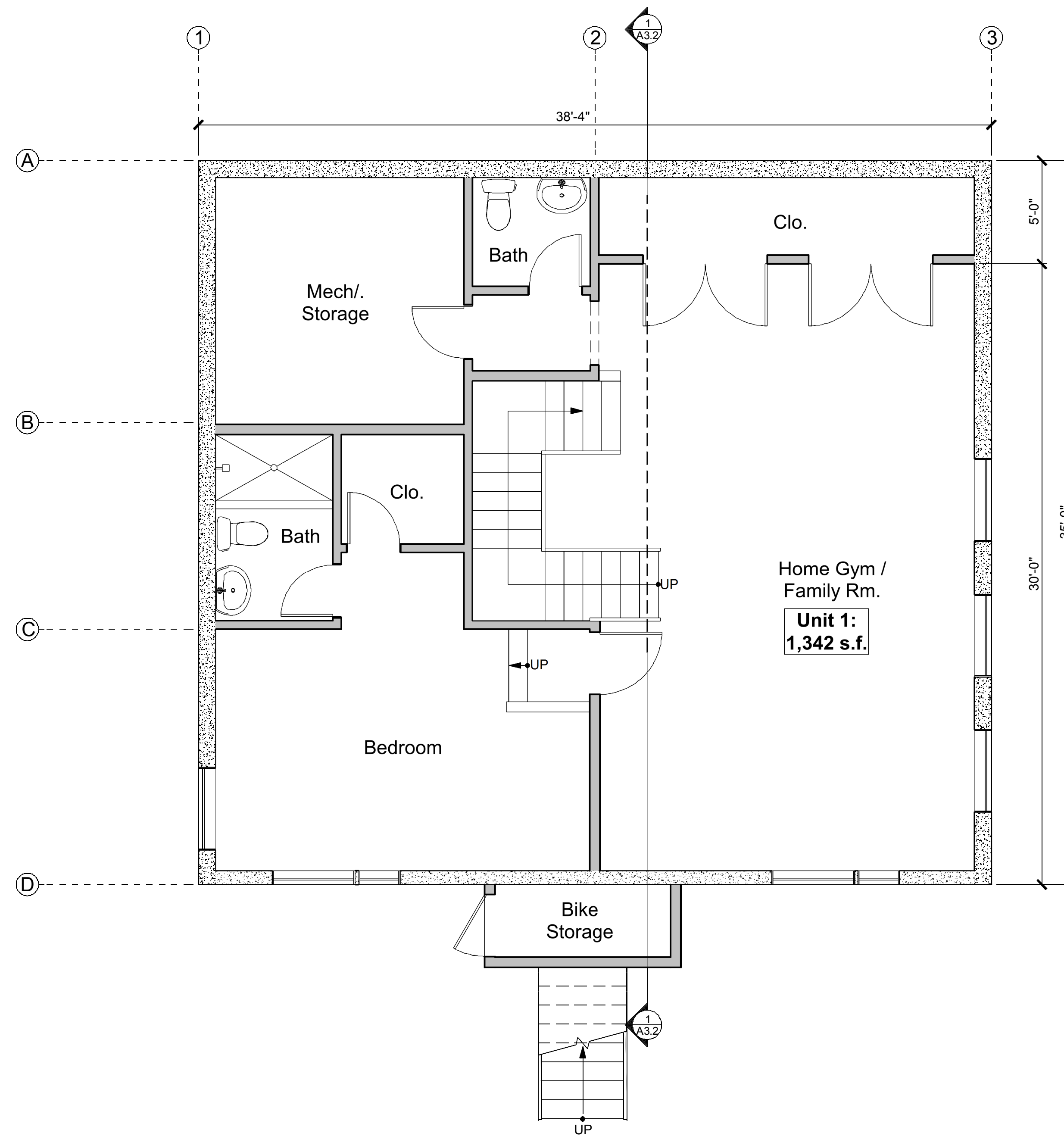
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Checked By:
SSG

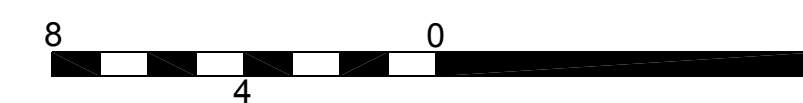
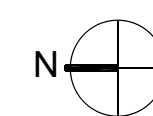
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet
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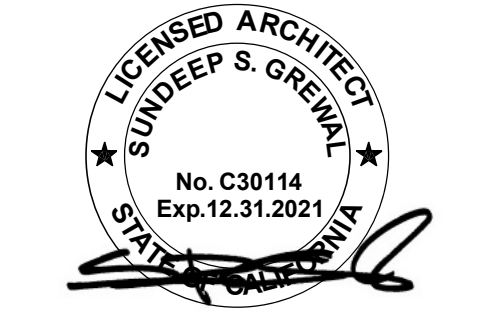


1 Proposed Basement Floor Plan





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Sheet Contents:
Proposed Floor Plans

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Project No: 20-13-420

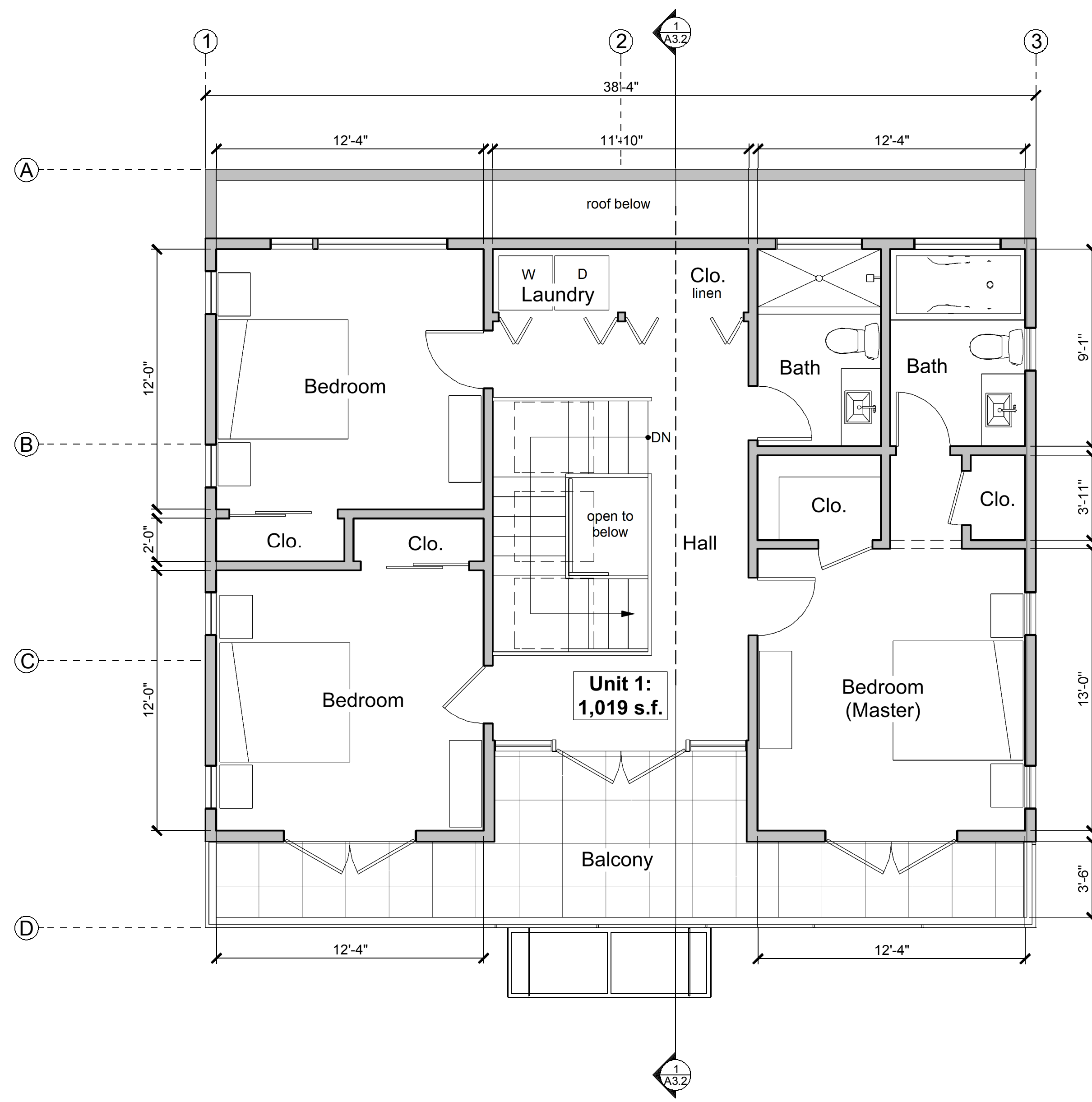
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Checked By: SSG

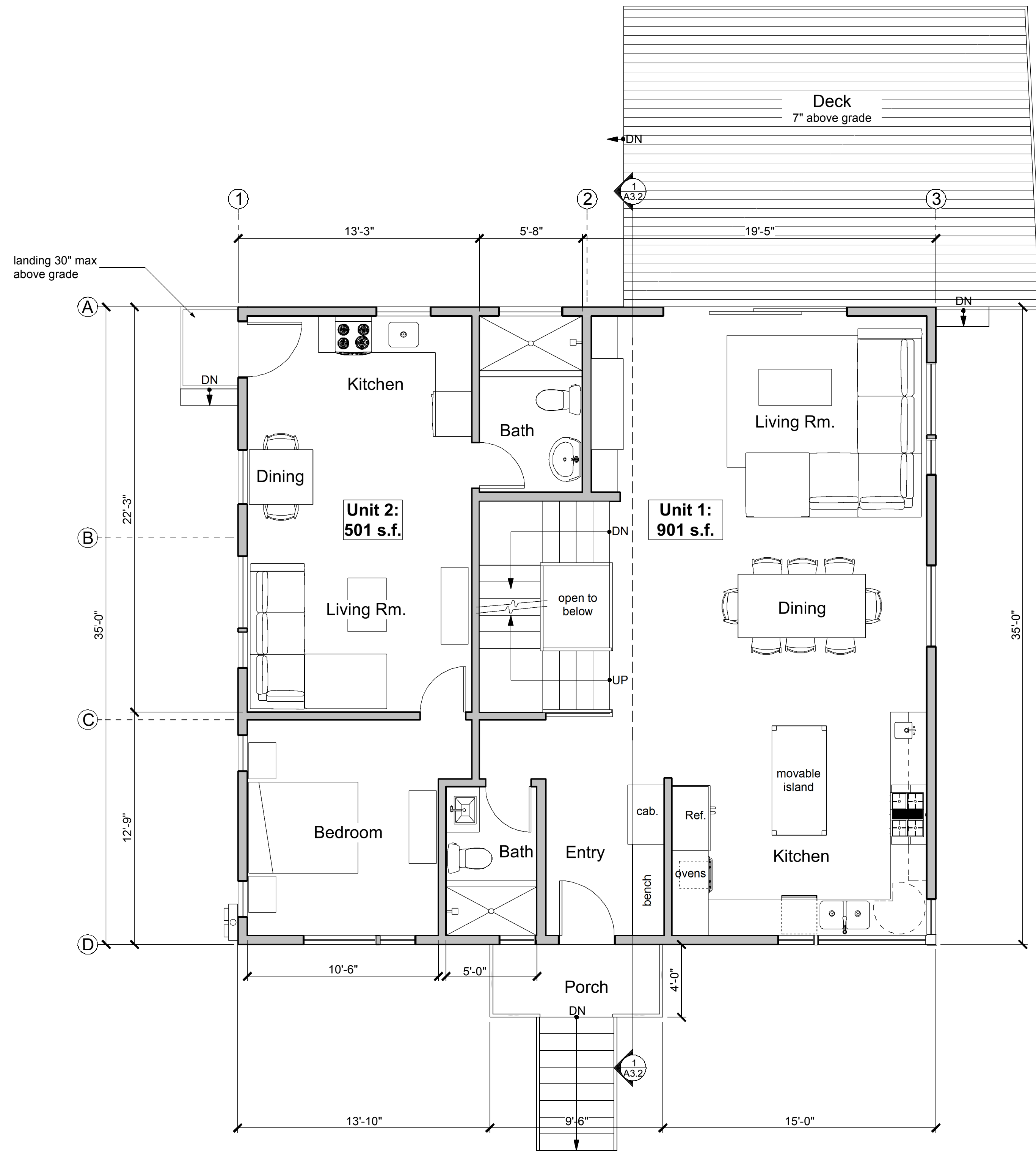
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

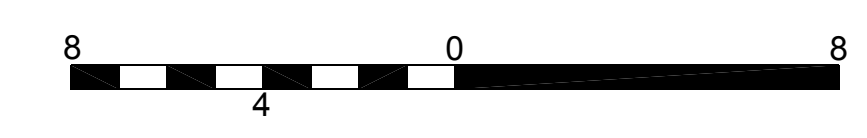
Sheet **A2.2**



2 Proposed Second Floor Plan



1 Proposed First Floor Plan





Previous Proposal



Previous Proposal



Previous Proposal



Current Proposal



Current Proposal



Current Proposal



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Sheet Contents:
Front Elevation Comparison

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: 1/4" = 1'-0"

Revisions:

Use Permit Set: 12-10-2020

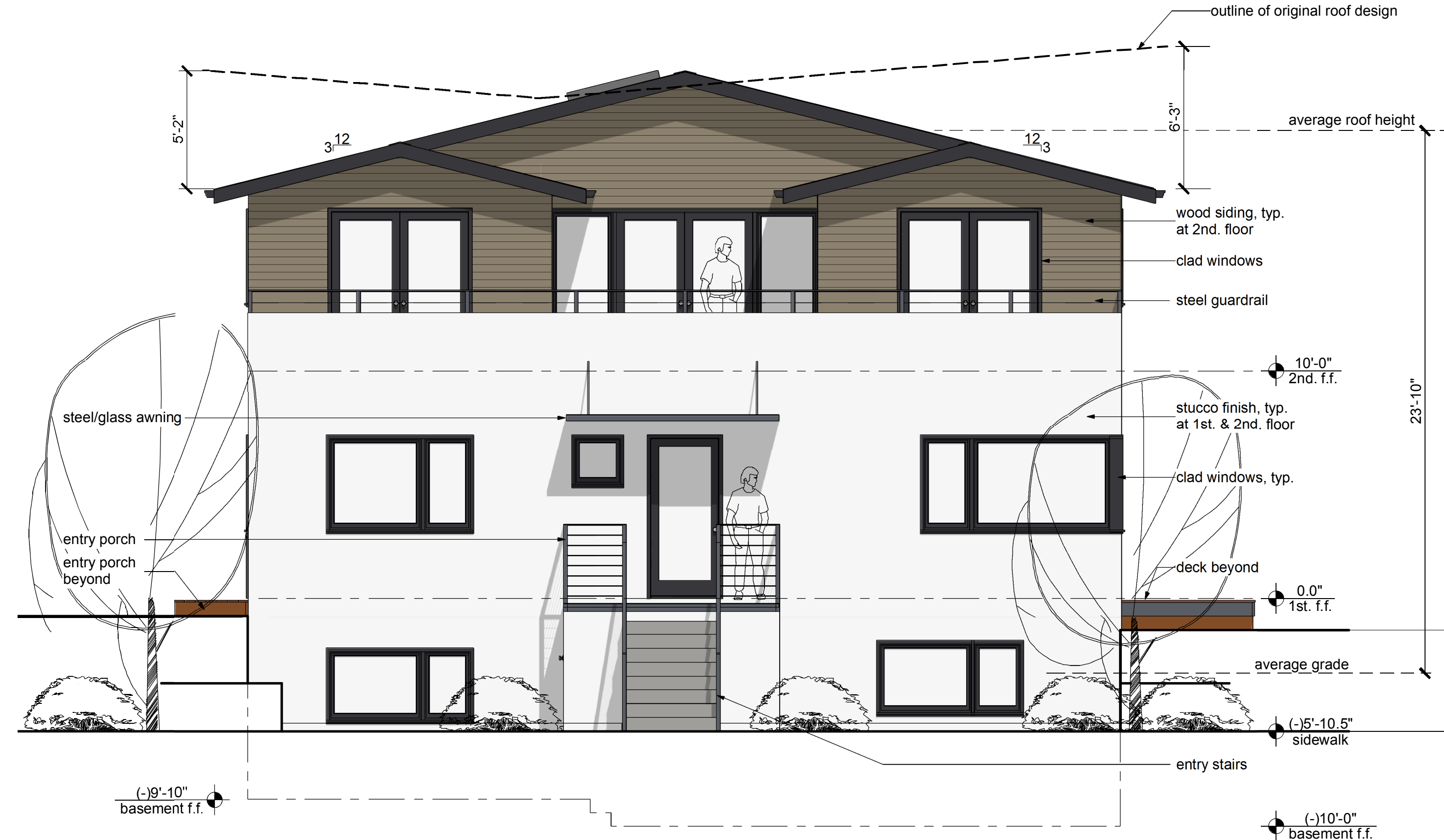
Redesign: 5-25-2021

Planning Review: 6-29-2021

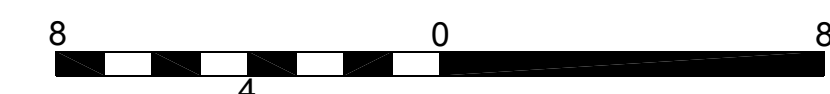
Planning Review: 7-15-2021



② Proposed West Elevation - Front
Original Proposal



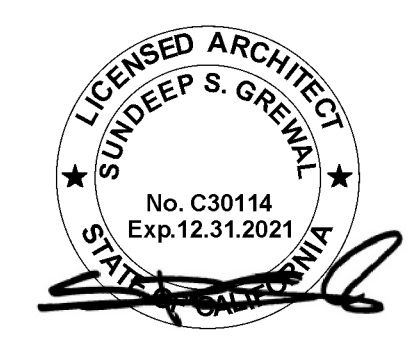
① Proposed West Elevation - Front
Current Proposal



Sheet **A3.1**



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Sheet Contents:
Proposed Exterior Elevations

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Project No: 20-13-420

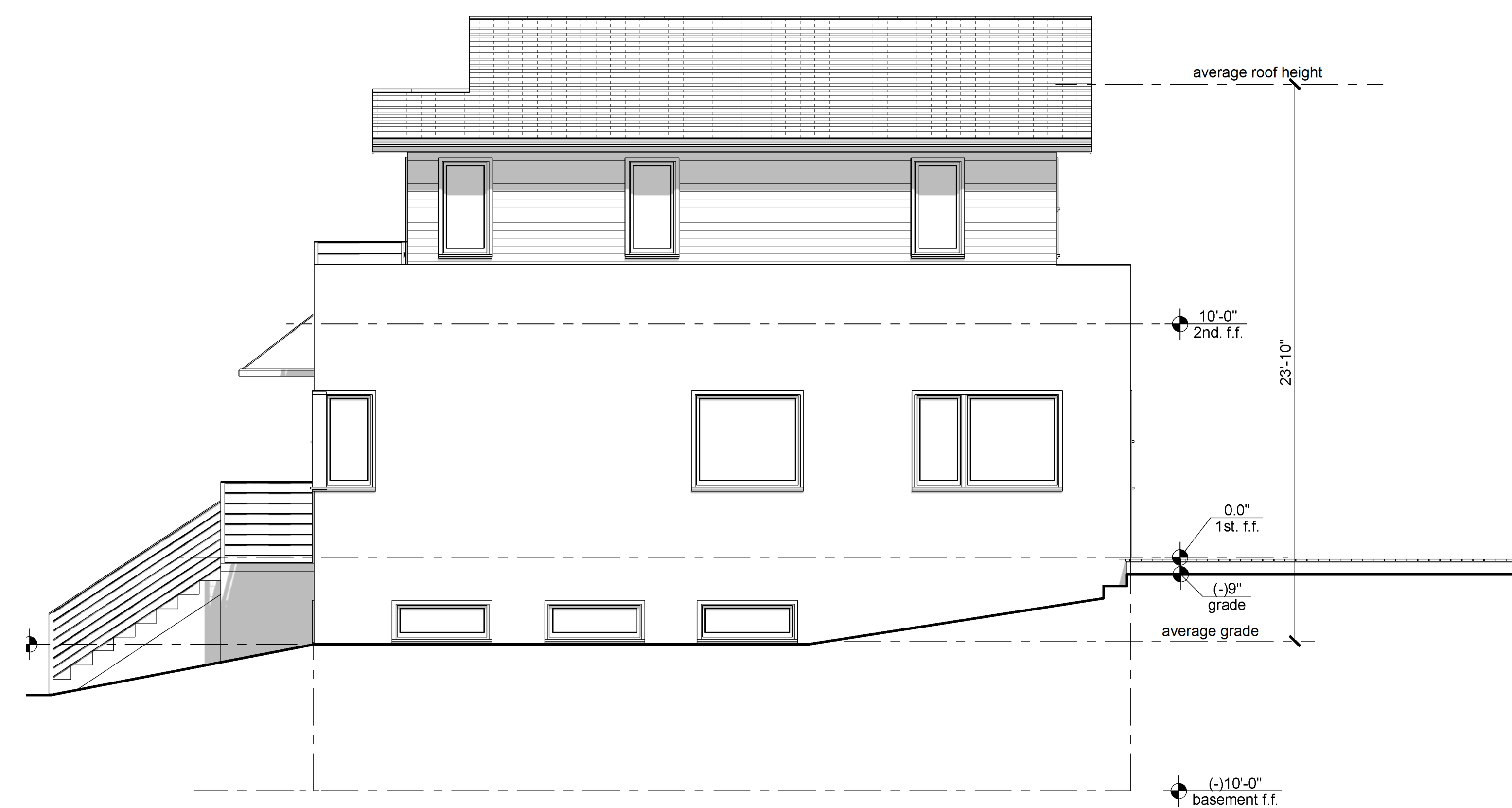
Drawn By: SSG

Checked By: SSG

Scale: 1/4" = 1'-0"

Revisions:
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

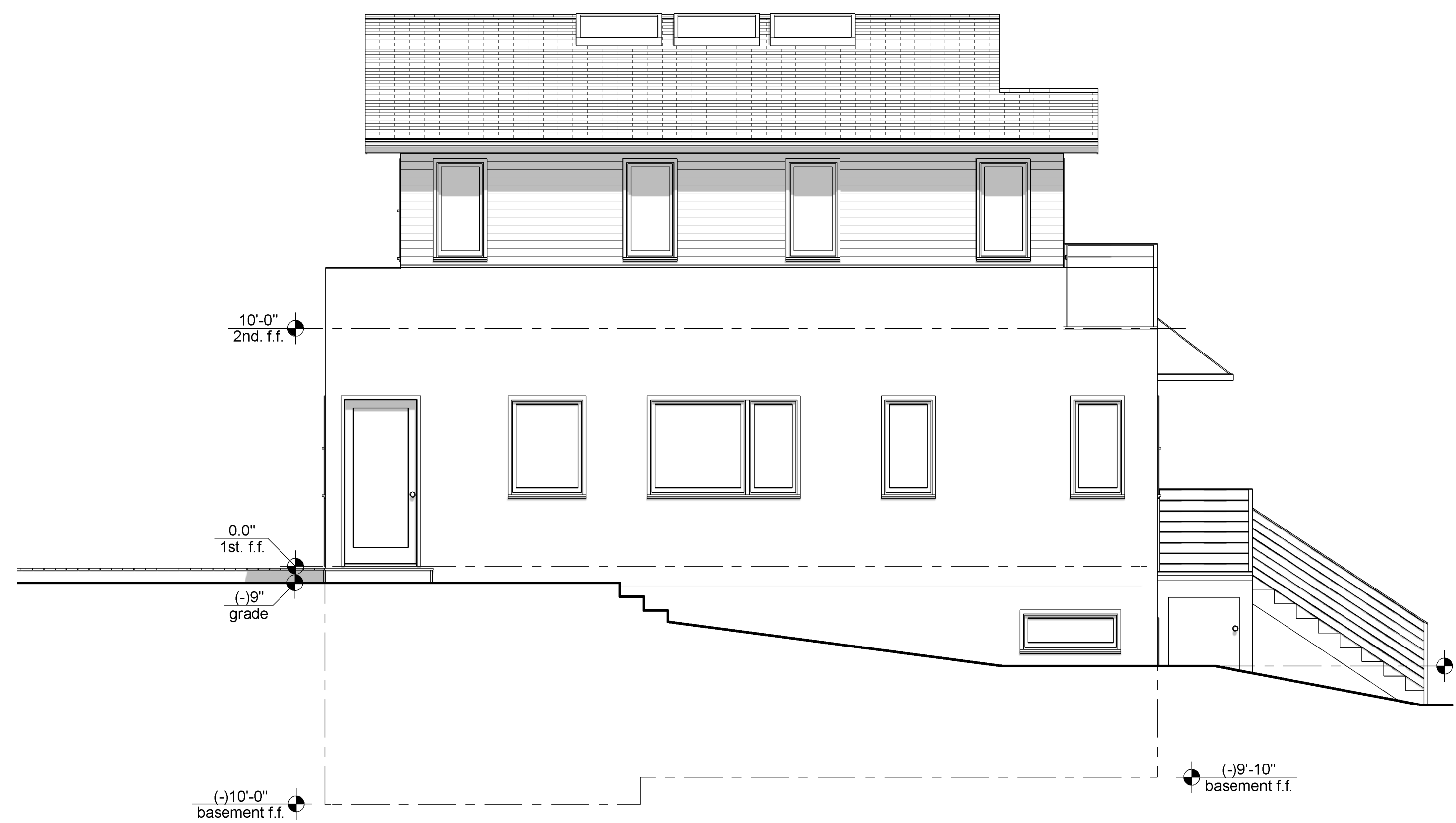
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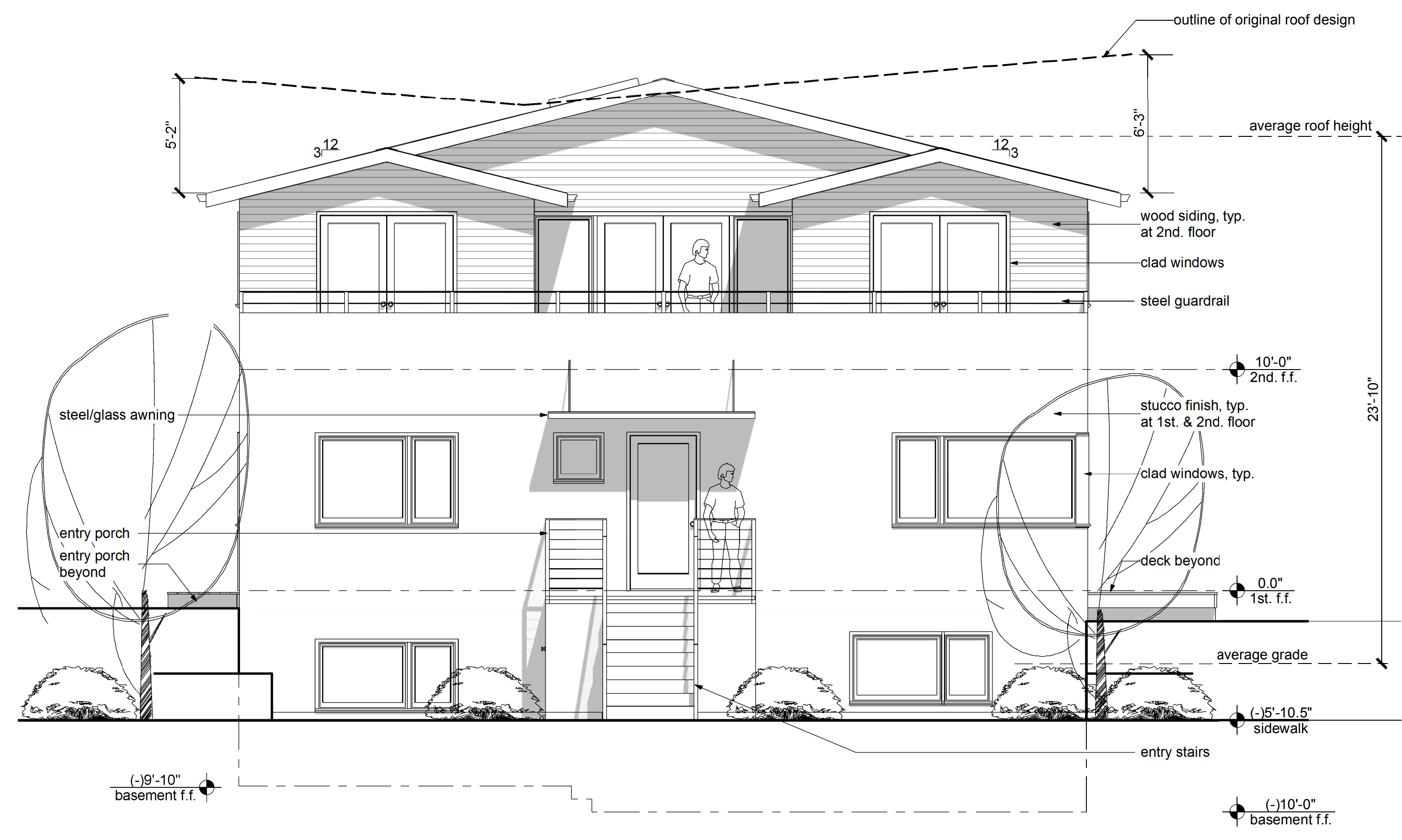
4 Proposed South Elevation - Right Side



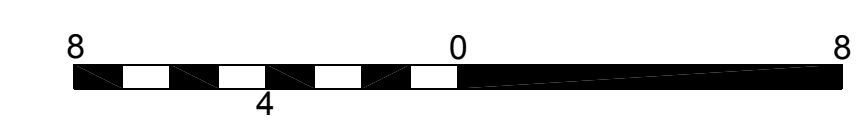
3 Proposed East Elevation - Rear



2 Proposed North Elevation - Left Side



1 Proposed West Elevation - Front

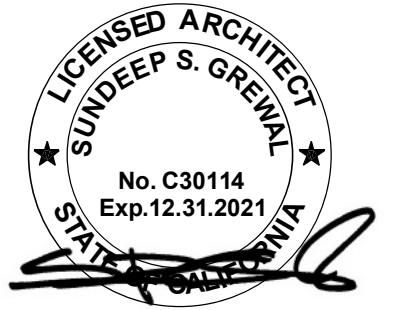




2 Renderings



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Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
Building Section
Renderings

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Project No:
20-13-420

Drawn By:
SSG

Checked By:
SSG

Scale:
1/4" = 1'-0"

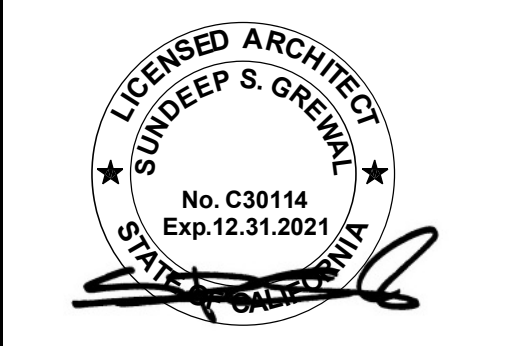
Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021



1 Proposed Building Section



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OPPENHEIMER RESIDENCE
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Sheet Contents:
Shadows Studies

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: NTS

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet **A4.1**

Existing Shadow Line
New Shadow Line



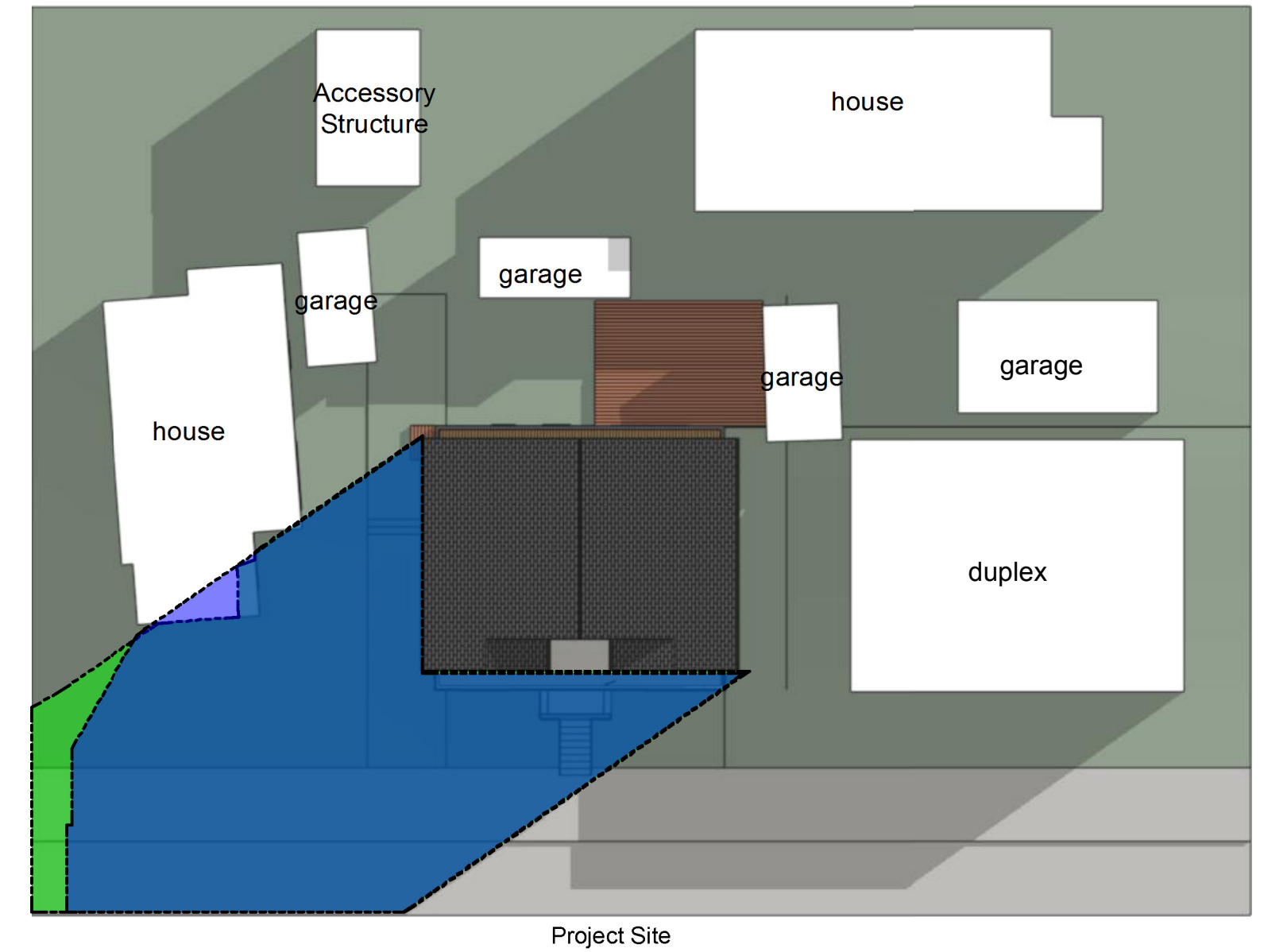
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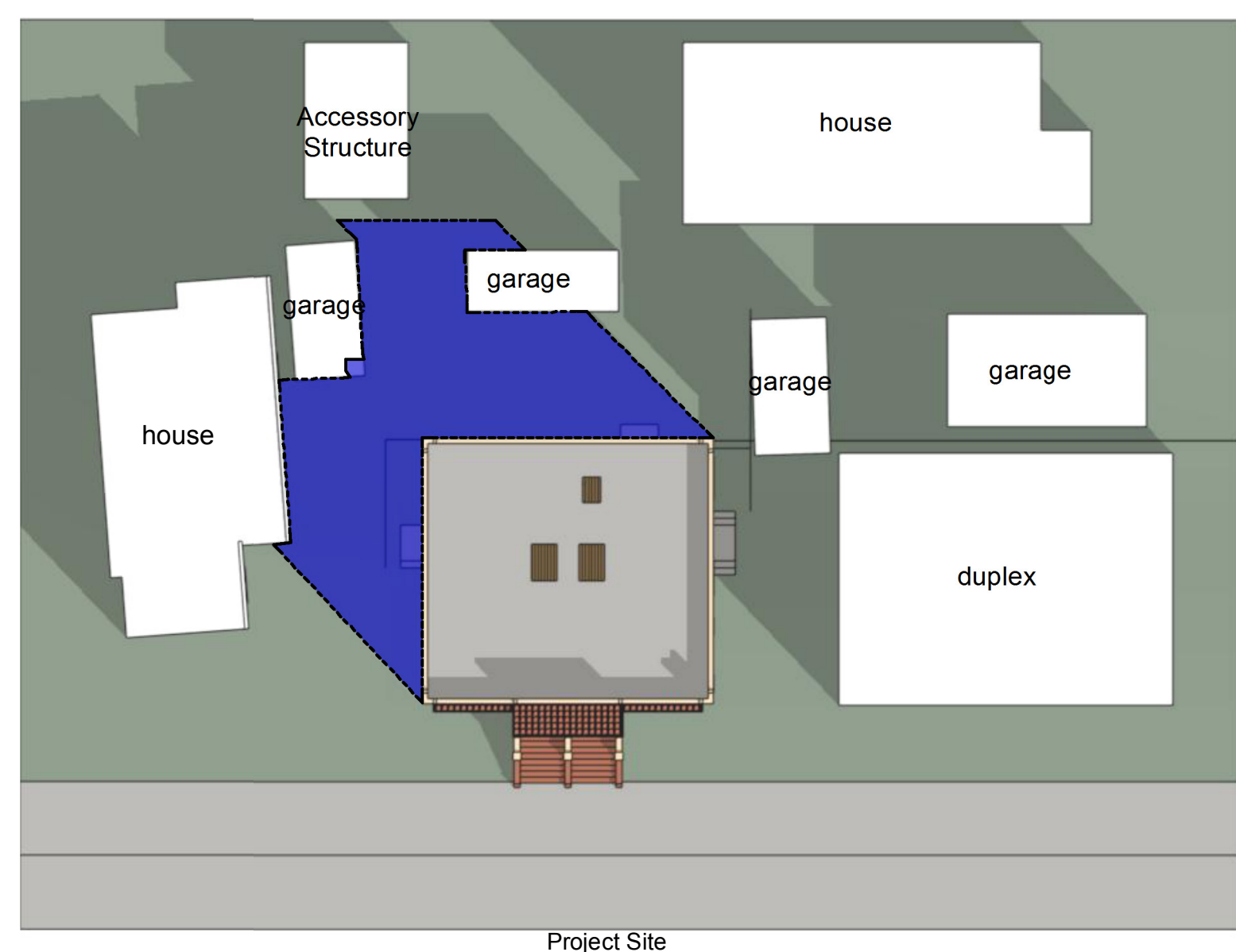
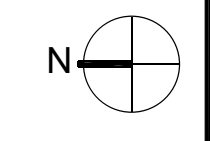
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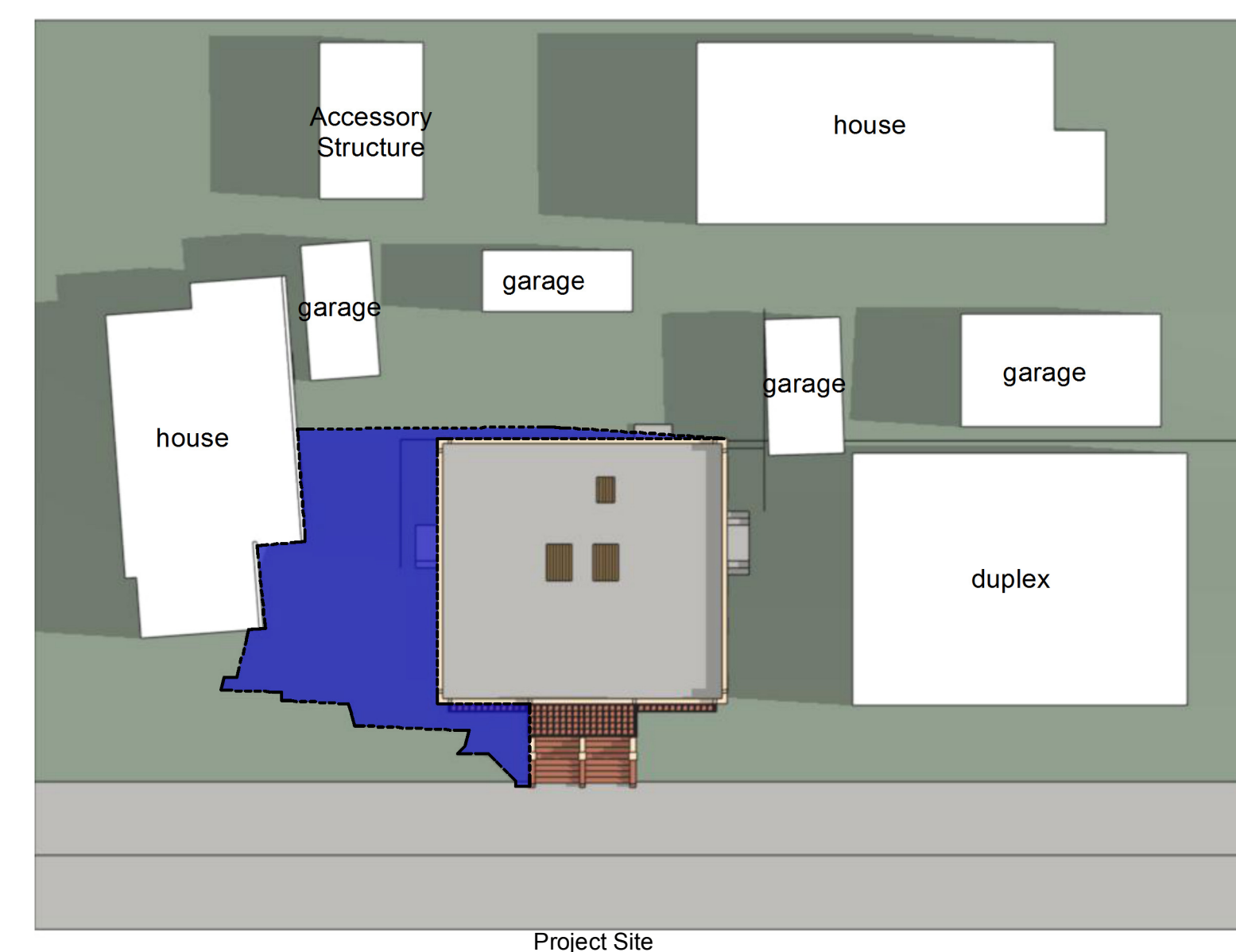
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12-21-2021 / 9:21 am



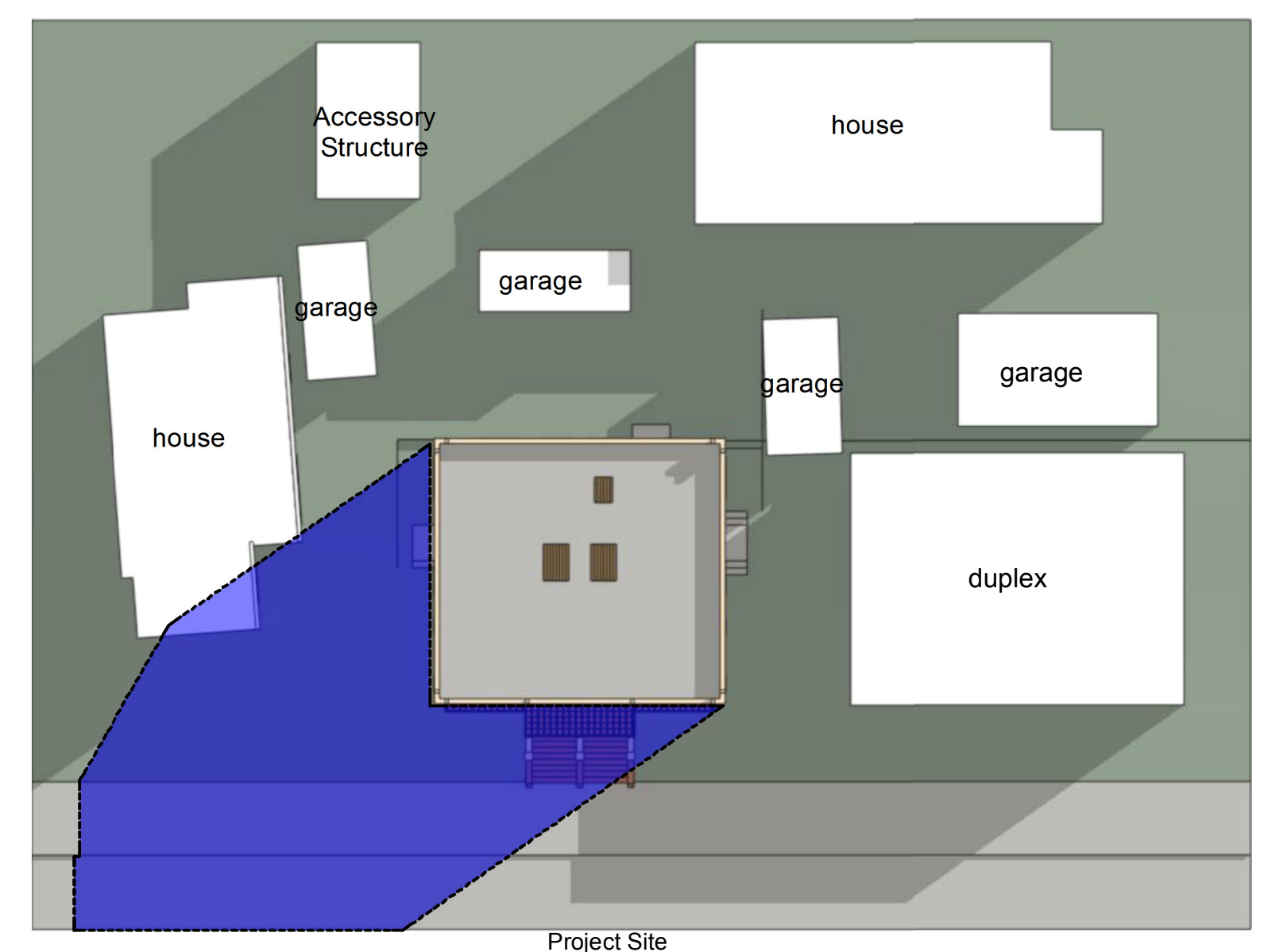
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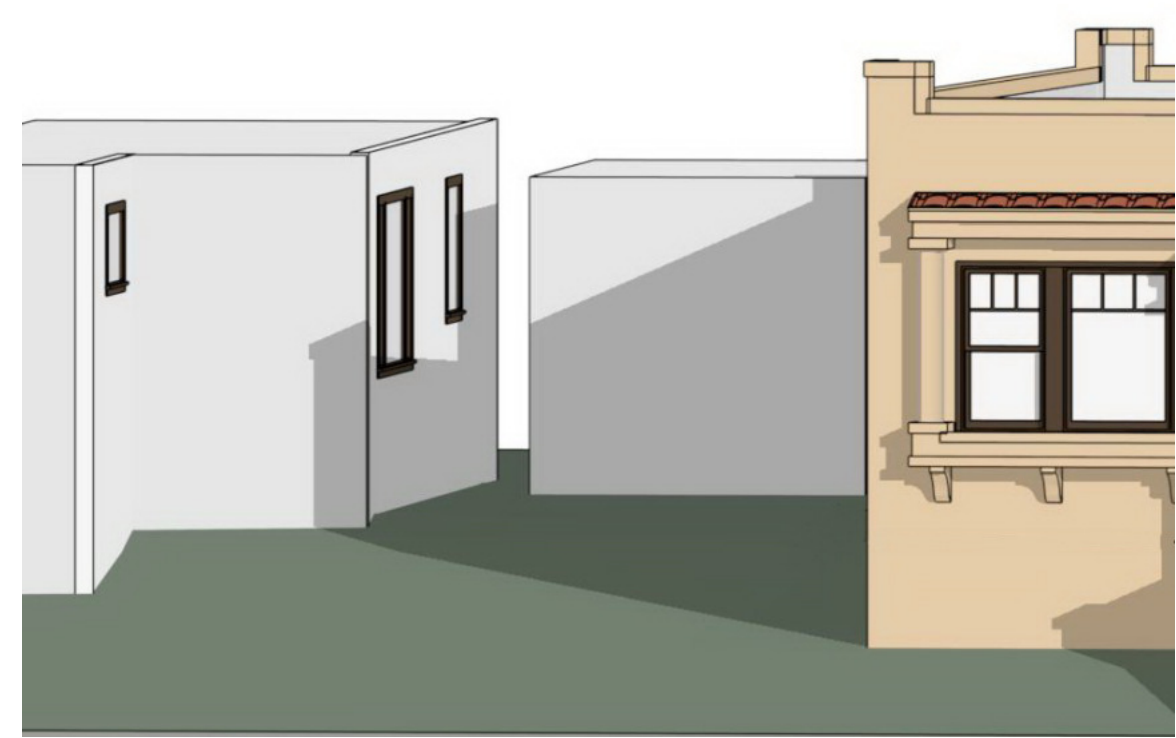
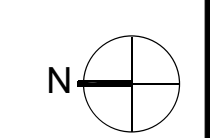
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12-21-2021 / 12:00 pm



Existing

12-21-2021 / 9:21 am



Shadow Accuracy Simulation
12-08-2020 / 3:00 pm



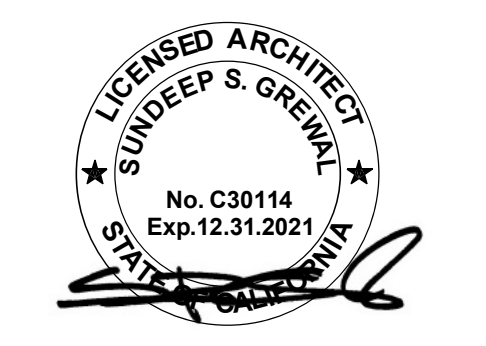
Actual
12-08-2020 / 3:00 pm

Shadow Accuracy Simulation

Existing Shadow Line
New Shadow Line



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Project No: 20-13-420

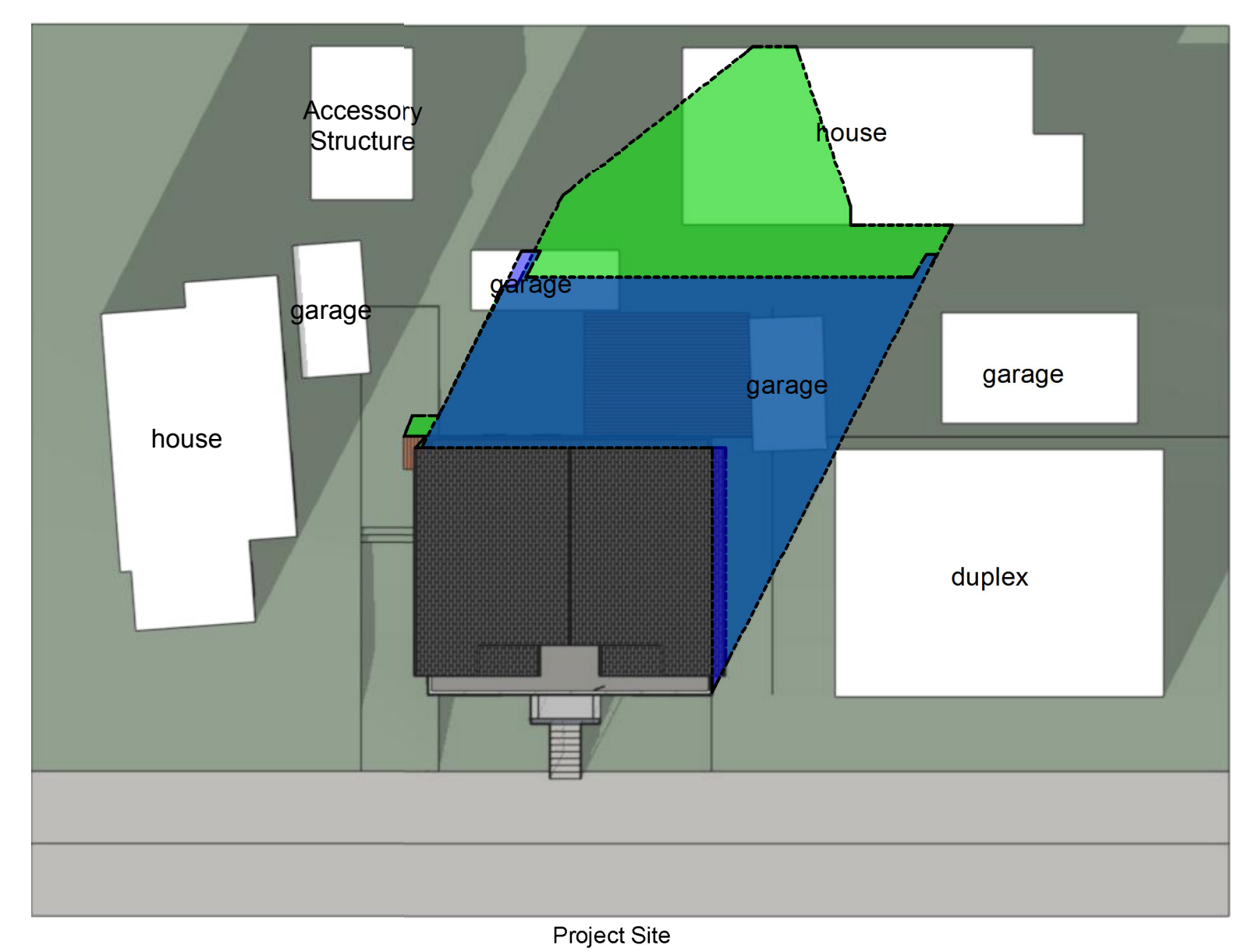
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Checked By: SSG

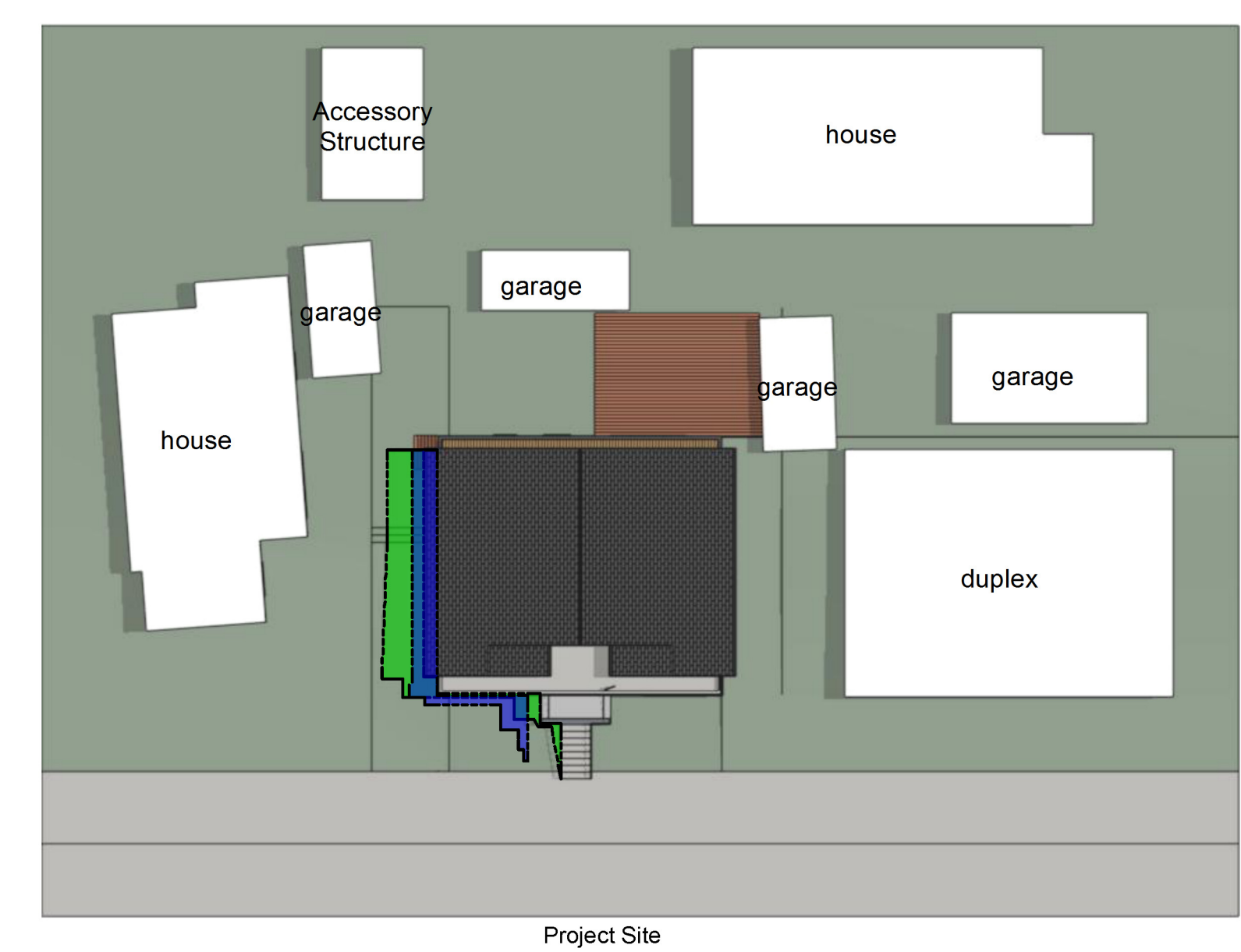
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

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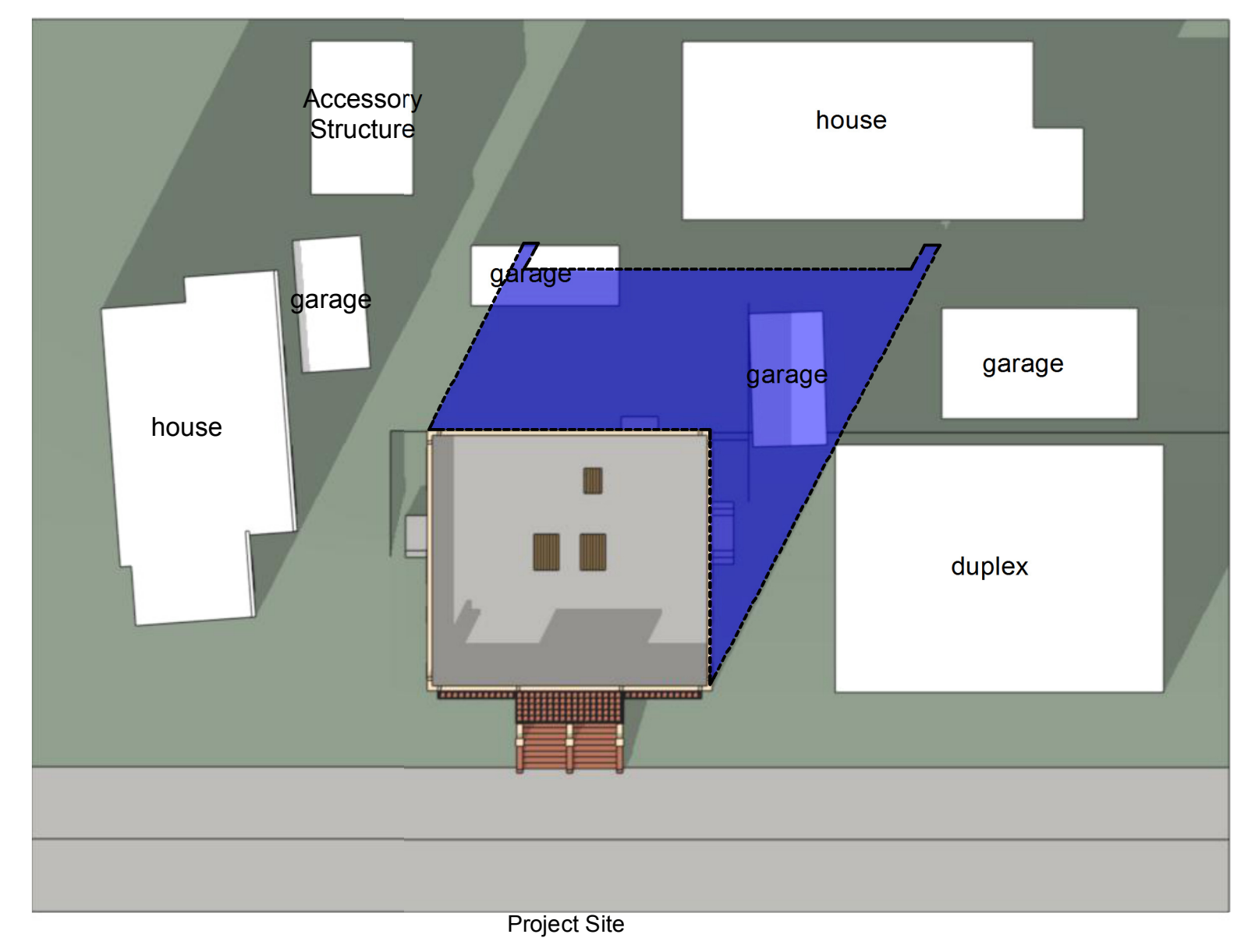
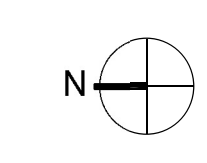
Proposed
6-21-2021 / 6:35 pm



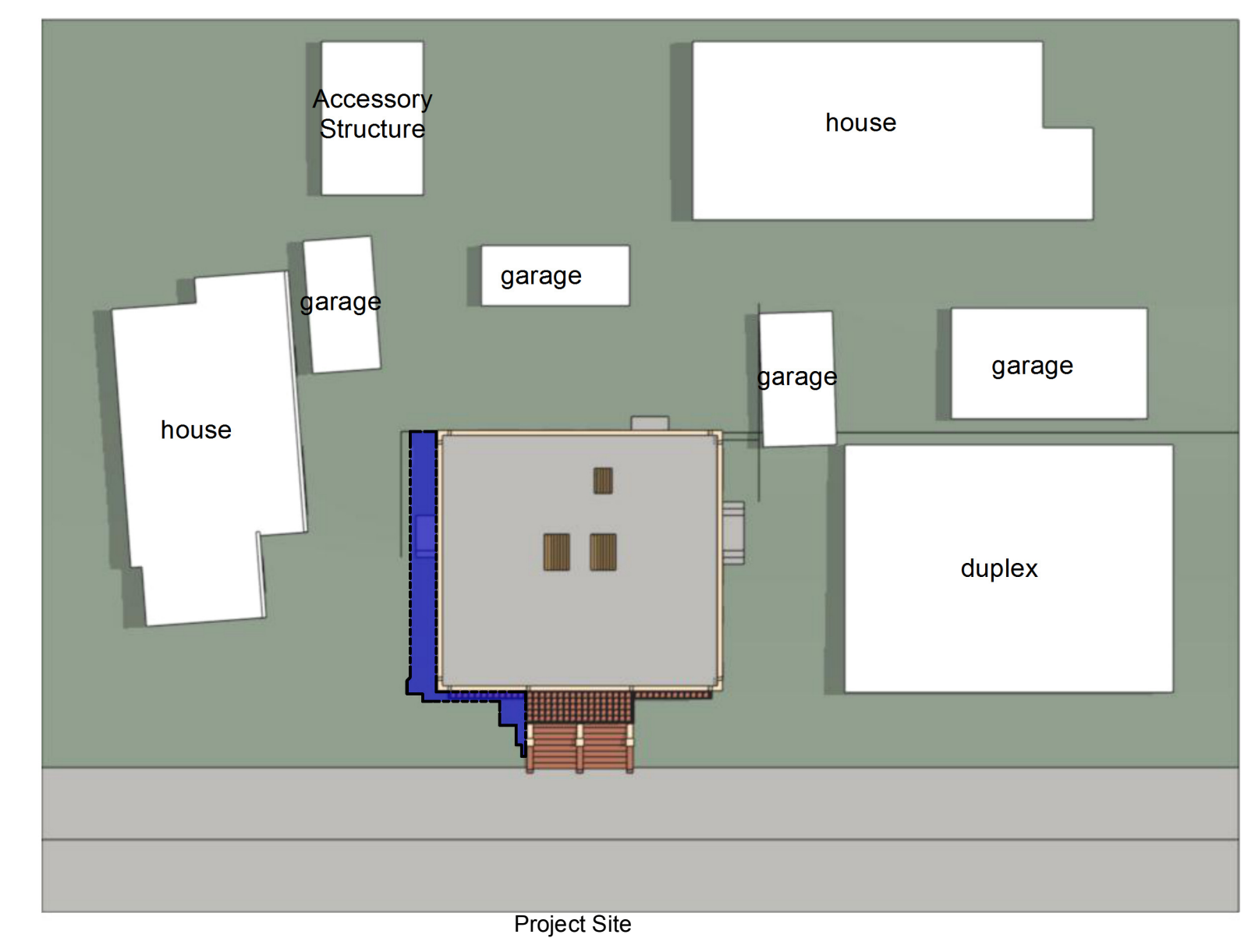
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6-21-2021 / 12:00 pm



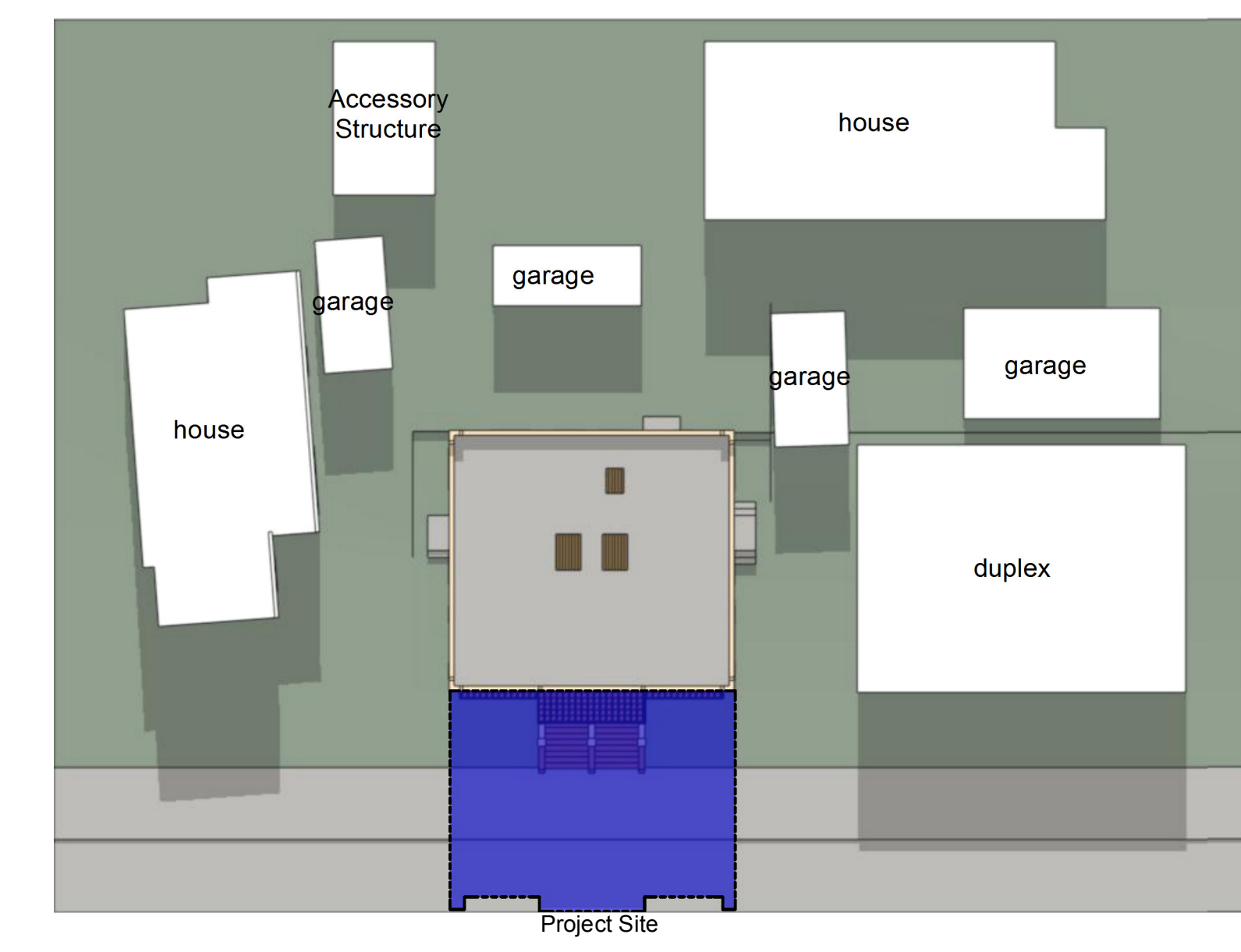
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6-21-2021 / 7:47 am



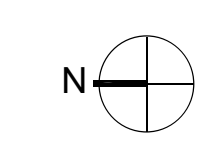
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6-21-2021 / 6:35 pm



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6-21-2021 / 12:00 pm



Existing
6-21-2021 / 7:47 am



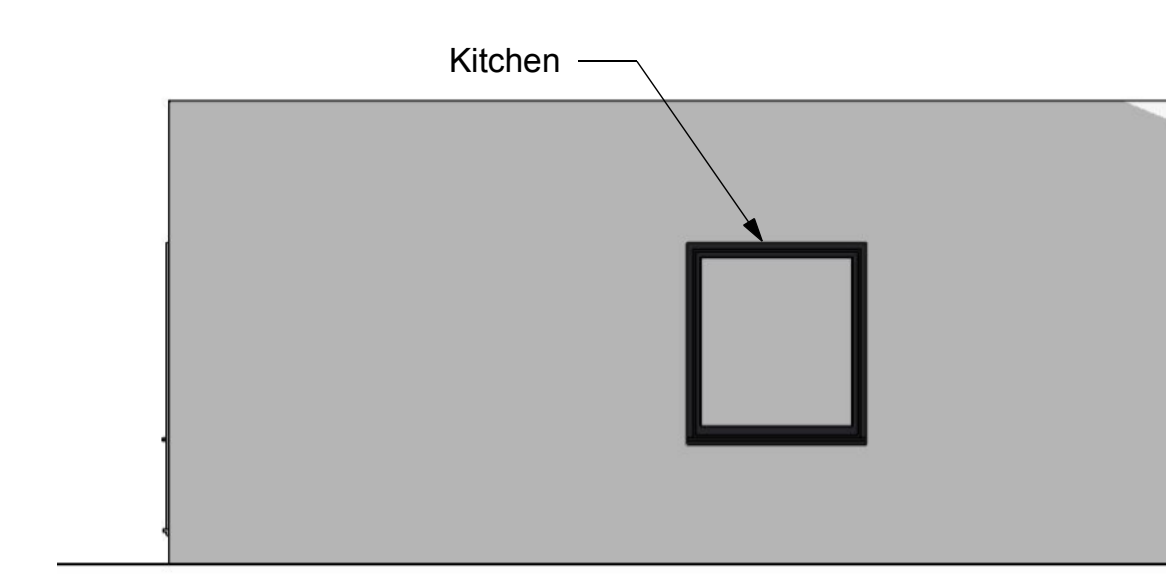


**studio
g+
ARCHITECTS**

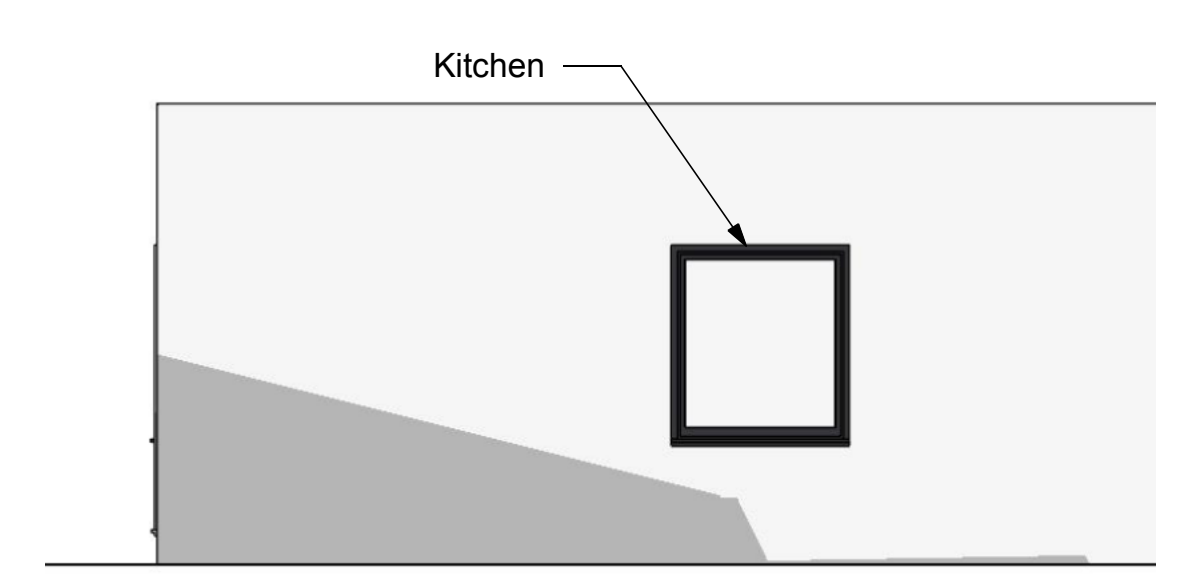
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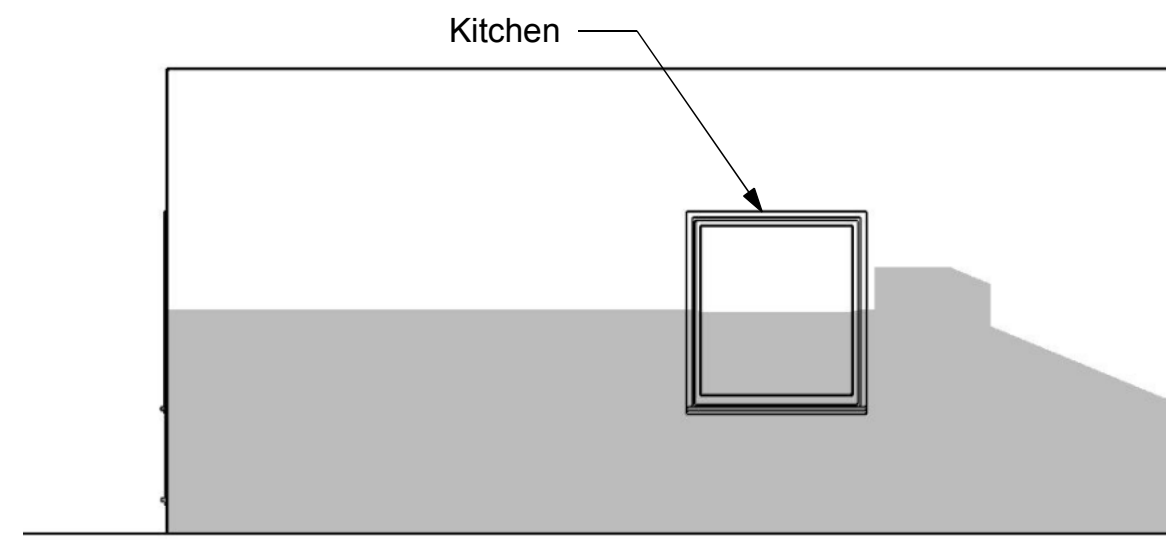
**OPPENHEIMER
RESIDENCE**
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18



Proposed West Wall

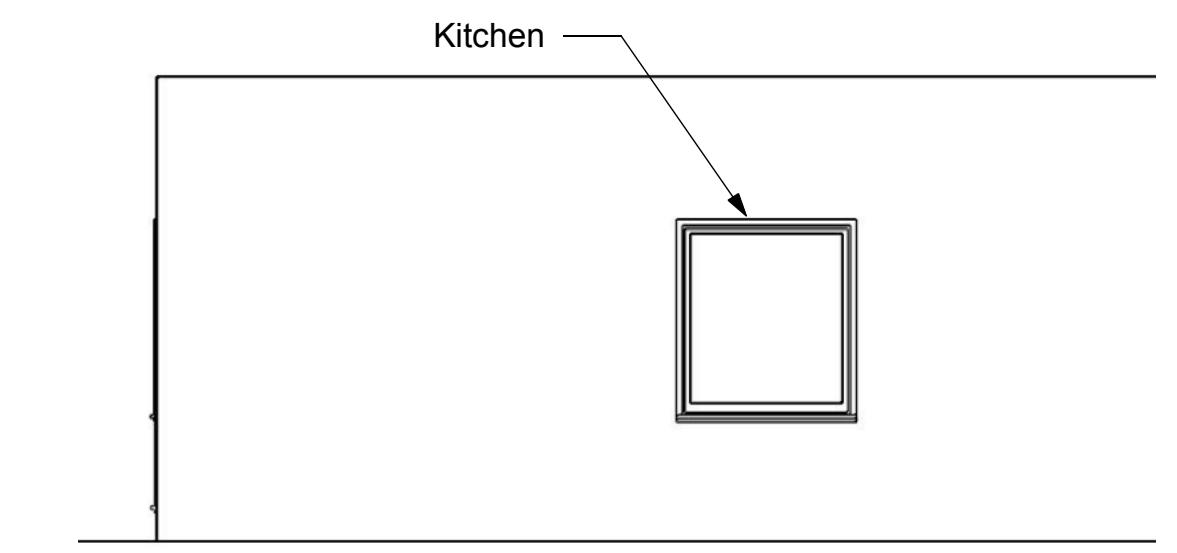


Proposed West Wall



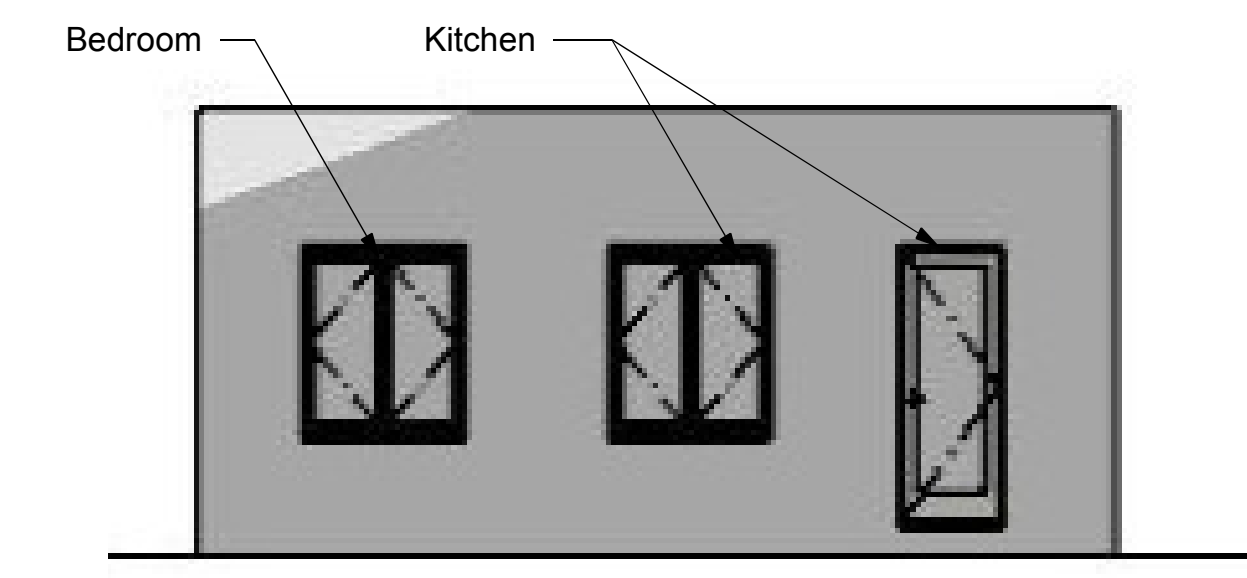
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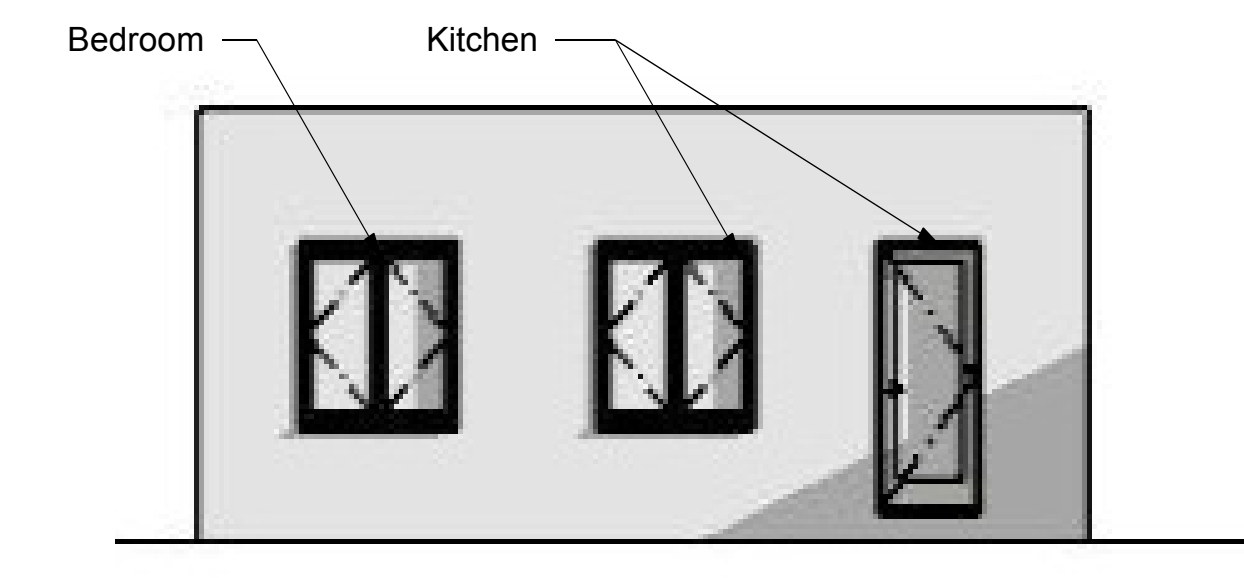


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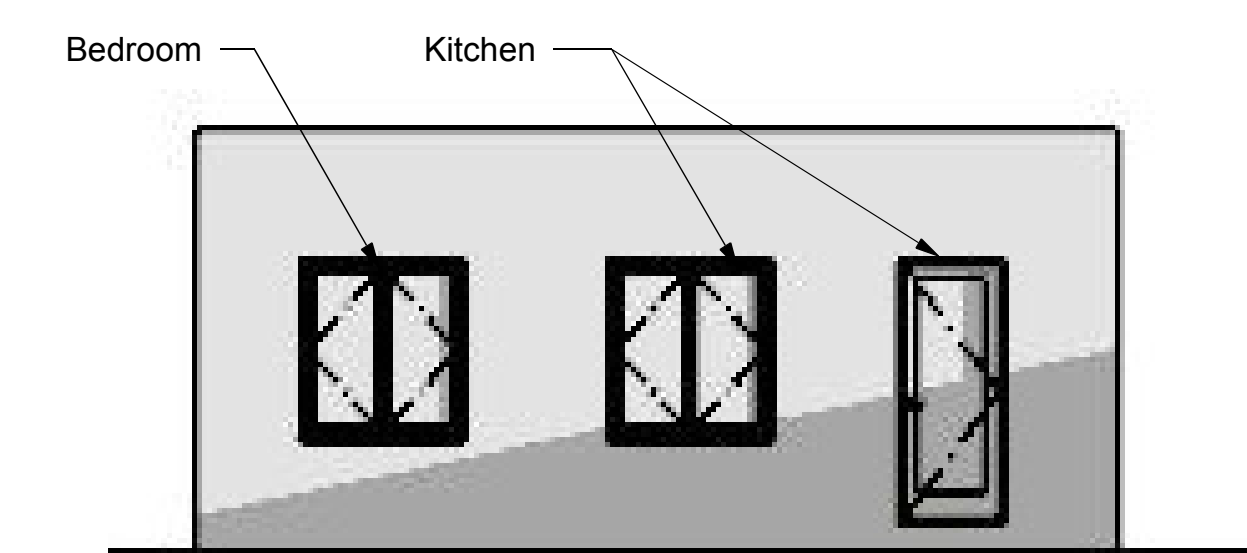
6-21-2021 / 5:00 pm



Proposed North Wall

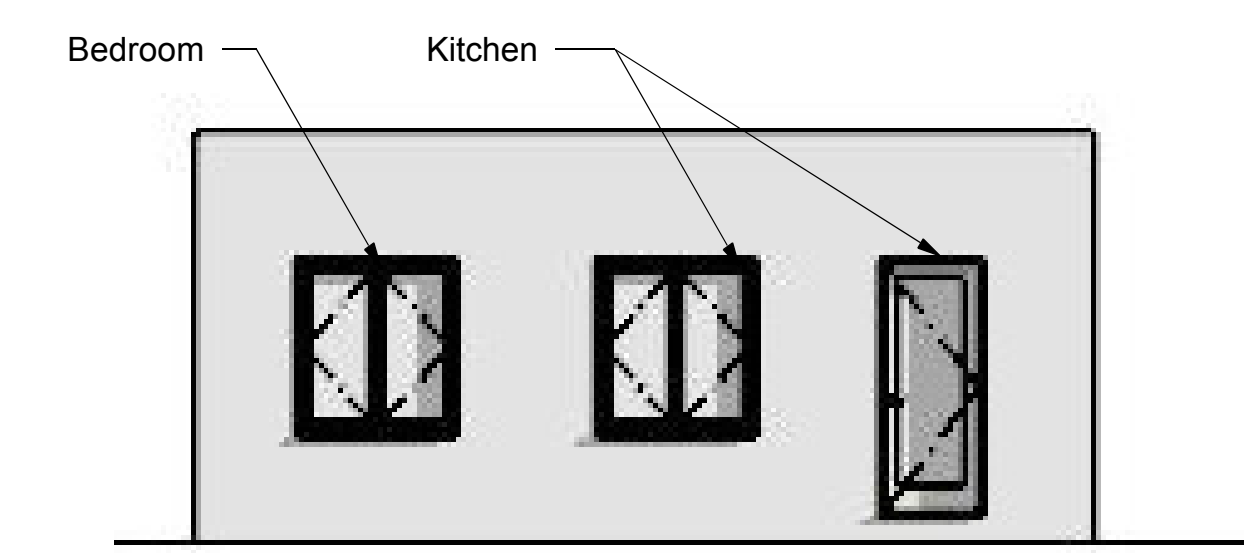


Proposed North Wall



Existing North Wall

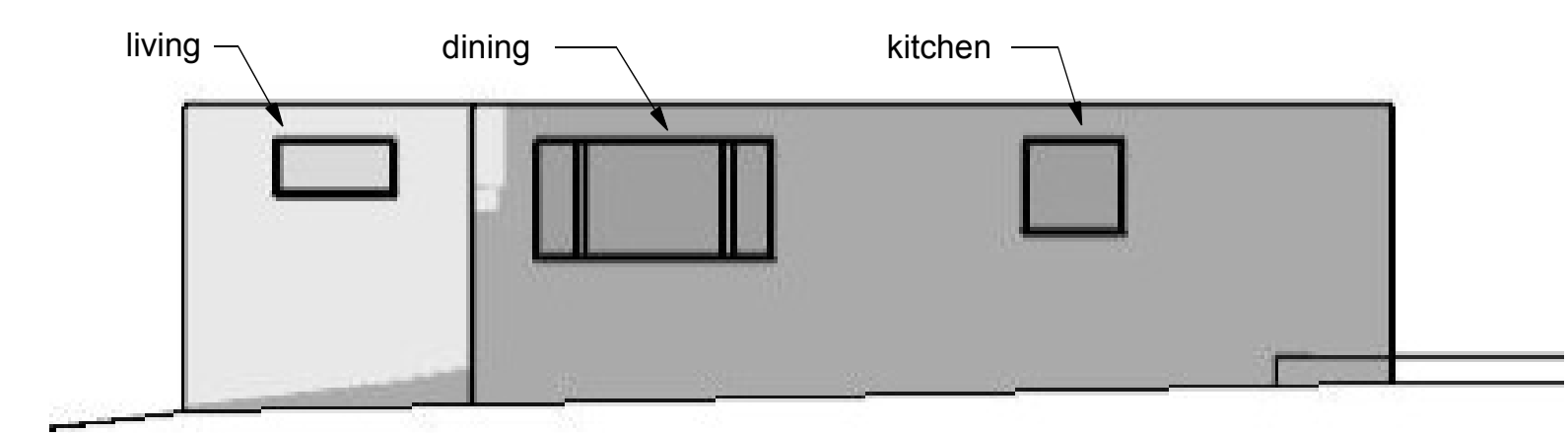
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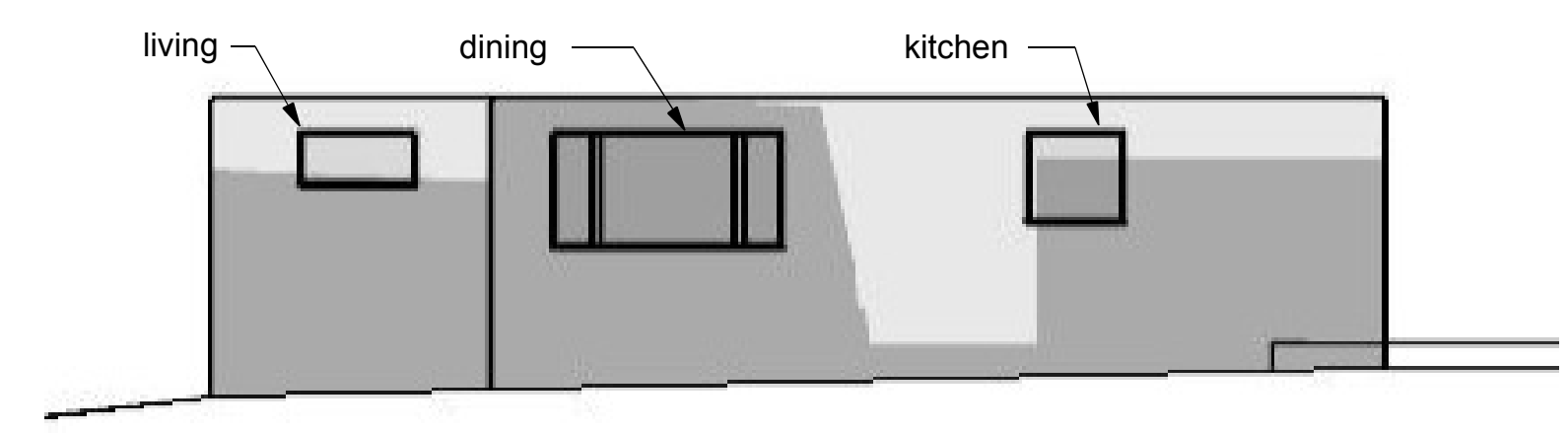
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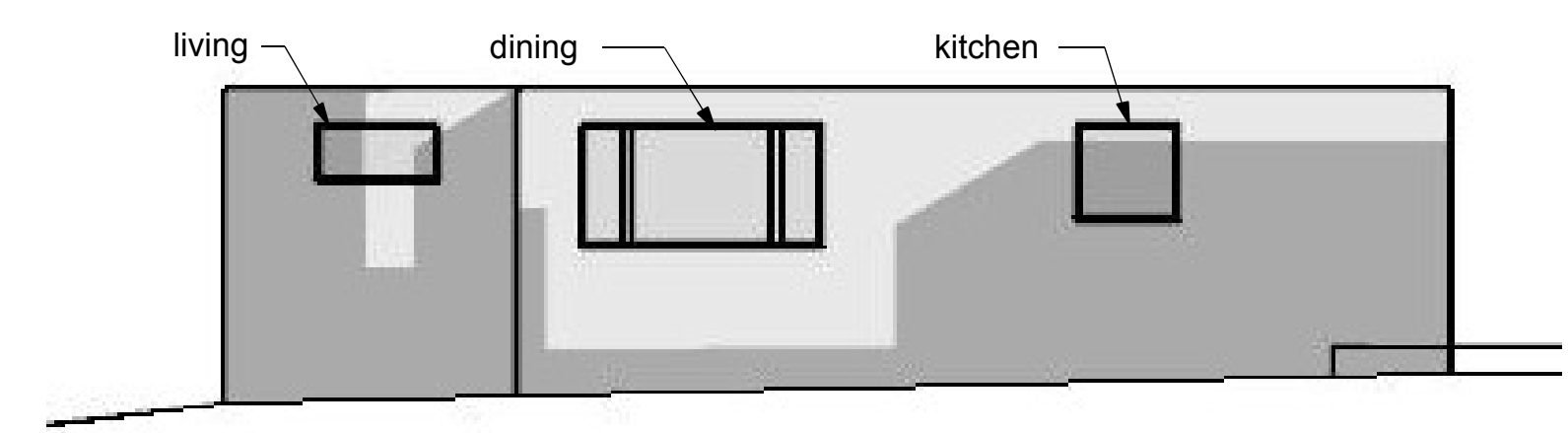
1609 Virginia St. Shadow Impact Study



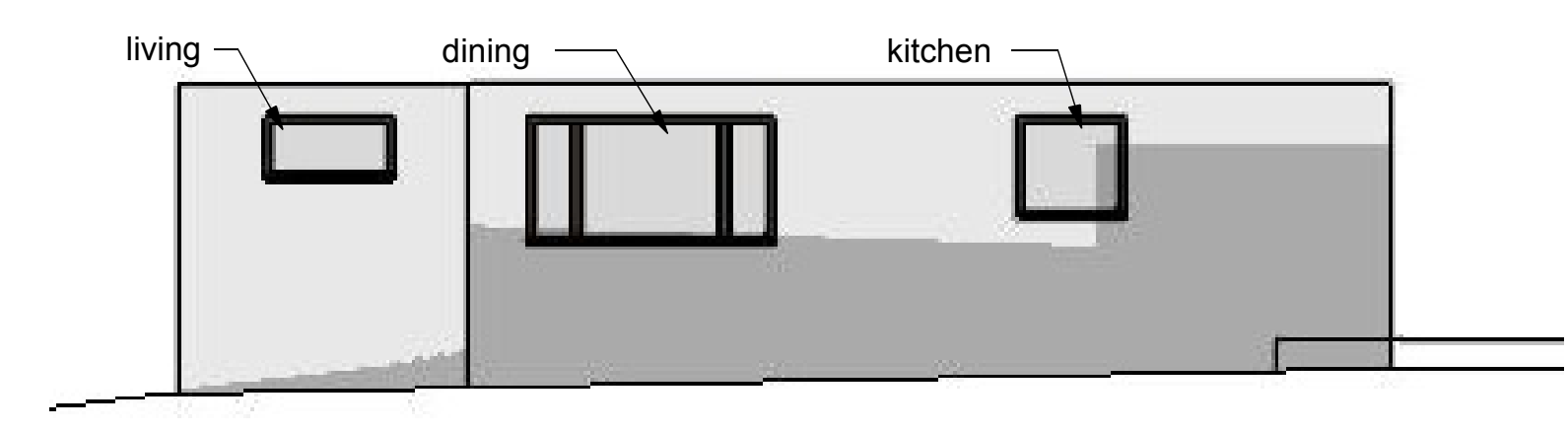
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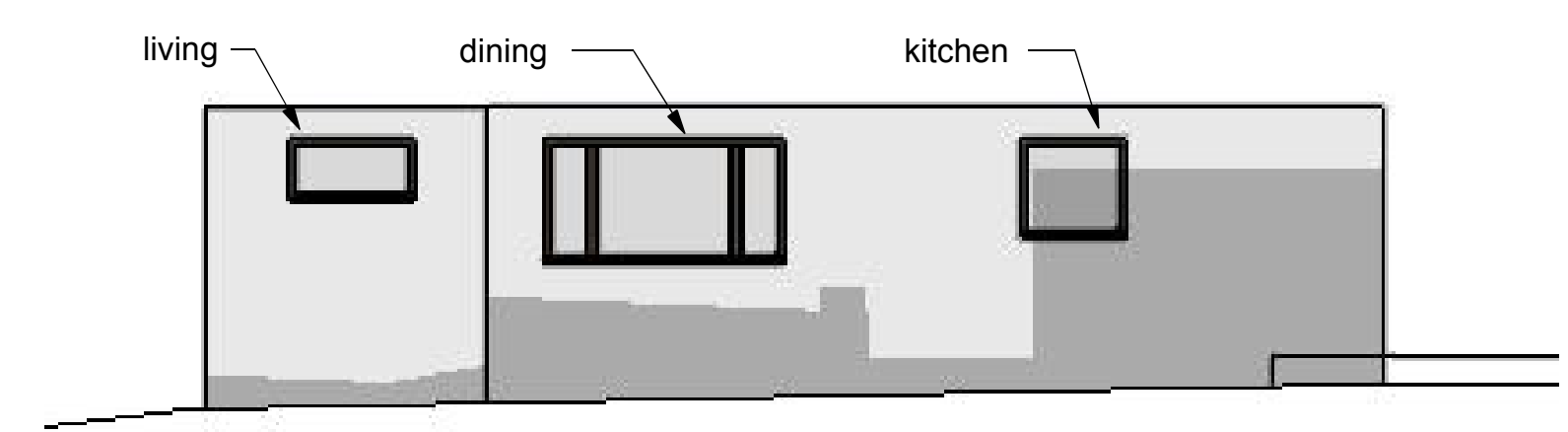


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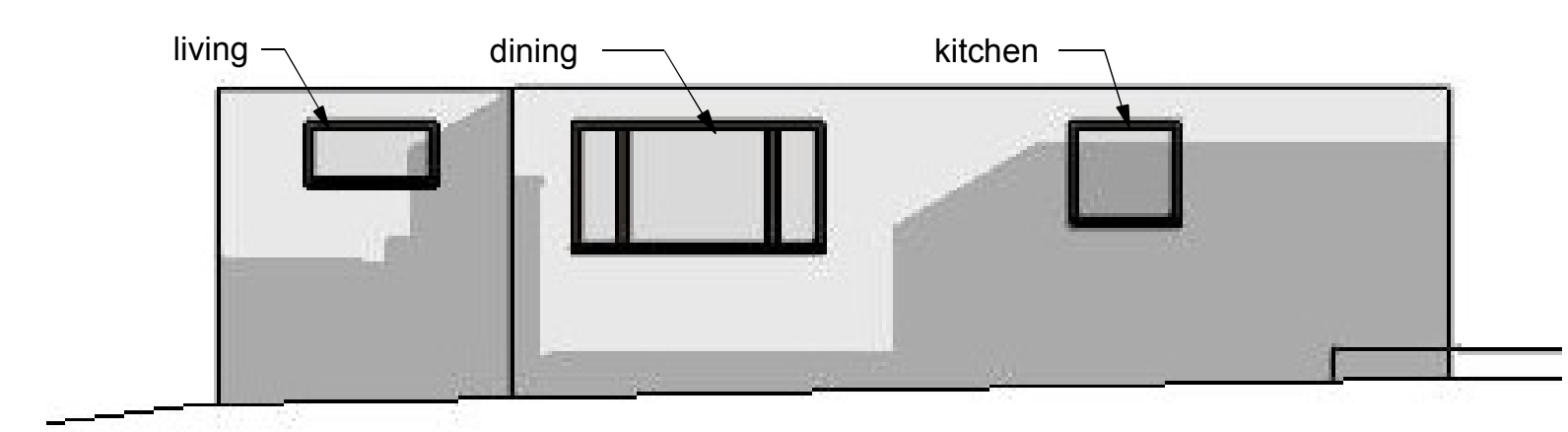
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12-21-2021 / 2:54 pm



Existing

12-21-2021 / 12:00 pm



Existing

12-21-2021 / 9:21 am

1639 California St. Shadow Impact Study

Sheet Contents:
Shadows Studies

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: NTS

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Gregory
Paul
Wallace

Structural Engineer

5865 Doyle Street, Suite 112
Emeryville, CA 94608
(510) 654 - 6903
(510) 654 - 6997 fax
gregory@gpwse.com



July 15, 2021

studio g+s ARCHITECTS
2223 5th Street
Berkeley, CA 94710

Attn: Sunny Grewal

Re: Oppenheimer Residence
1643 and 1647 California Street
Berkeley, CA 94710
APN 58-2156-18

Dear Mr. Grewal,

Per your request, we met at the above captioned project on July 12, 2021 to view the existing conditions of the duplex building. We have also reviewed the proposed renovation and expansion architectural drawings proposed for the building, prepared by your office, and dated May 25, 2021. The purpose of our site visit and review of the drawings was to determine if the existing exterior walls and ground floor framing can be retained, as is called for in the proposed plans, as part of the overall project scope to add a 2nd floor and basement above and below the existing structure. The existing roof will be removed and replaced with new second floor framing. Based on our site inspection and our review of the proposed drawings, it is our professional structural opinion that the exterior walls and first floor framing can be retained as an integral part of the final structure of the project. In addition, this is commonly done on similar projects.

If you have any questions or wish to discuss this issue further, please call.

Sincerely,


Gregory Wallace, SE





Planning and Development Department
Land Use Planning Division

August 10, 2021

Sent via email:

sunny@sgsarch.com

Sundeep Grewel
Studio G+S Architects
2223 5th Street
Berkeley, CA 94710

Re: Application for Use Permit #ZP2021-0001 for 1643/1647 California Street

Dear Applicant,

The Land Use Division has reviewed the above referenced application, resubmitted on July 15, 2021 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout on an existing property that is non-conforming to density, lot coverage, and front, side, and rear setbacks at 1643/1647 California Street. Staff has determined that the application is incomplete and cannot take further action on the project until all the items listed below are corrected and/or submitted. Please submit an electronic copy of the following:

Items Required for Submittal or Correction:

1. Structural Evaluation – Further information needed – Thank you for submitting the letter from Gregory Paul Wallace regarding the proposed modifications to the building. However, this letter is not sufficient for staff to confirm that more than 50% of the exterior walls and roof are being retained, which is necessary to determine whether the threshold for a demolition, as defined in the Berkeley Municipal Code, has been met. As the entirety of the roof is being removed, applicants must confirm that no more than 49% of the exterior walls of the building are being removed. Please submit a diagram showing that at least 50% of the exterior walls are being retained. If more than 50% of the walls are demolished/removed then the project will be considered a full demolition, which will require a Use Permit. Additionally, if the building is considered for demolition, the replacement building would have to comply with all applicable development standards of the R-2A zoning district, including lot coverage and setbacks.

Revised submittal items should be submitted in electronic form (Box.com). Please submit responses to **all** requested items at once, and not incrementally. Please include a response letter addressing each of the above items, using the same numbering/format to assist staff in confirming you have addressed each item.

I look forward to working with you on this project. Do not hesitate to contact me if you have any questions or if you would like to set up a meeting. I can be reached at (510) 981-7485 or NArmour@cityofberkeley.info.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Armour".

Nicholas Armour
Associate Planner



2223 5th St. | Berkeley, CA 94710 | 510.548.7448 | info@sgsarch.com | www.sgsarch.com

Aug. 26, 2021

Planning review comments #3

Applications #: ZP2021-0001

Address: 1643 1647 California St Planning

Hi Nicholas,

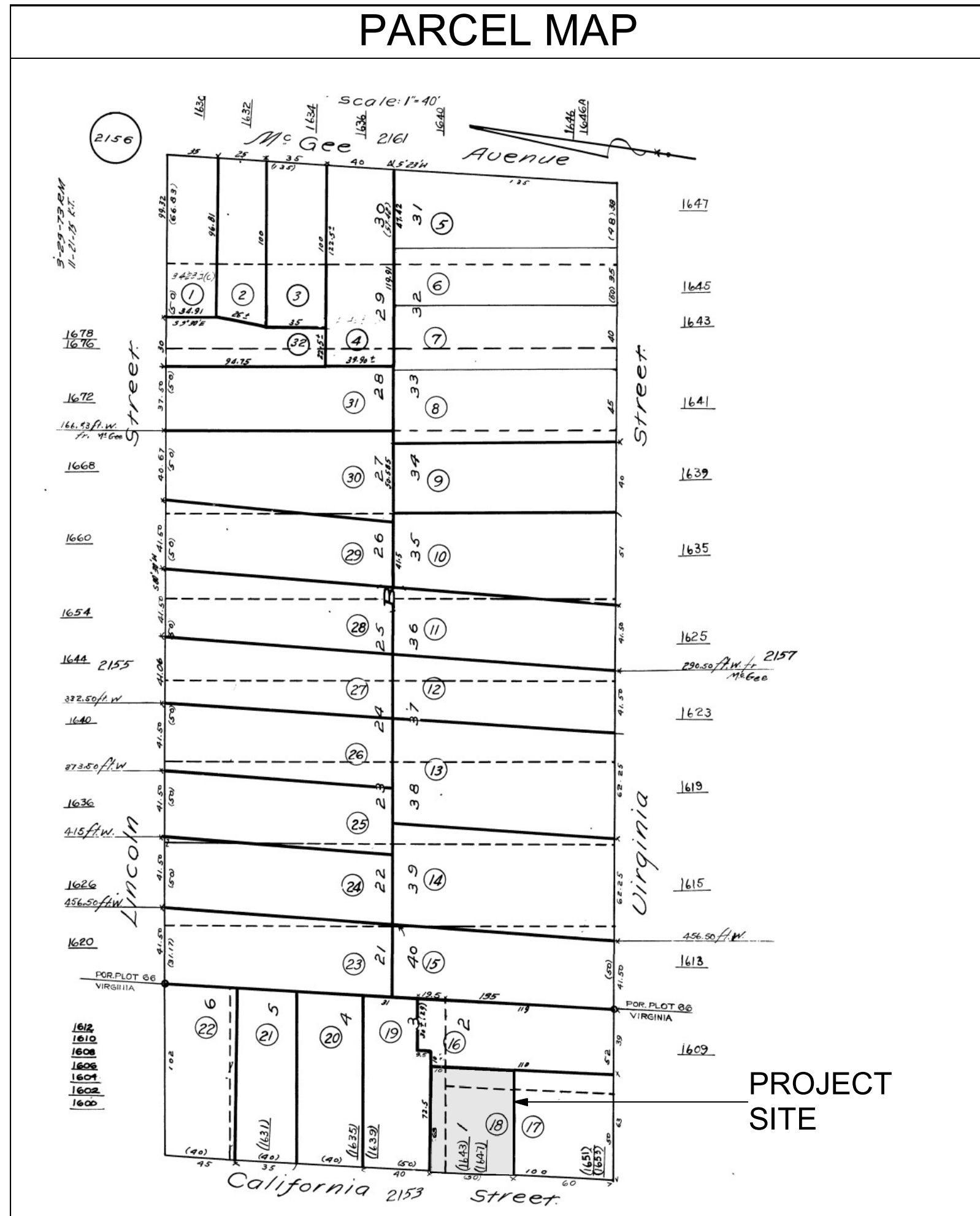
We are resubmitting the Use Permit application per your comments. See attached drawings and responses below.

1. Structural Evaluation – Further information needed – Thank you for submitting the letter from Gregory Paul Wallace regarding the proposed modifications to the building. However, this letter is not sufficient for staff to confirm that more than 50% of the exterior walls and roof are being retained, which is necessary to determine whether the threshold for a demolition, as defined in the Berkeley Municipal Code, has been met. As the entirety of the roof is being removed, applicants must confirm that no more than 49% of the exterior walls of the building are being removed. Please submit a diagram showing that at least 50% of the exterior walls are being retained. If more than 50% of the walls are demolished/removed then the project will be considered a full demolition, which will require a Use Permit. Additionally, if the building is considered for demolition, the replacement building would have to comply will all applicable development standards of the R-2A zoning district, including lot coverage and setbacks.

Response: Sheet A5.1 – Demolition diagram provided with total wall area to be removed.

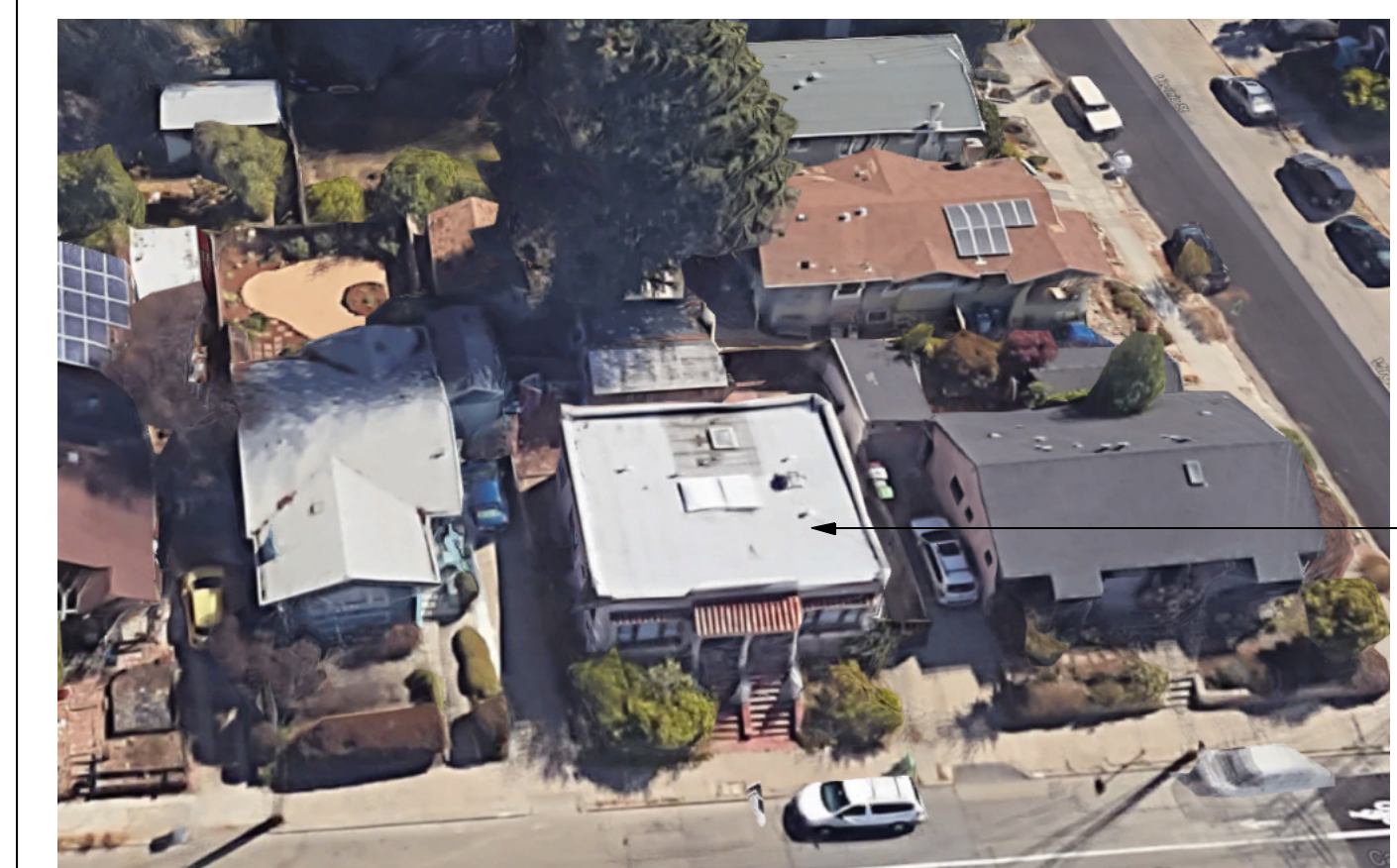
We are looking forward to moving this project along.

Sundeep Grewal



SITE PHOTOS

PROJECT SITE



Aerial of existing duplex



Front and right Side of existing duplex



Front and left Side of existing duplex

OPPENHEIMER RESIDENCE

1643 & 1647 California St. CA 94703

SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, one-story, two-family residence (duplex). Components of the project include:

Reconfigure existing duplex to create one larger unit and one smaller apartment. All work shall be within the building footprint. The building shall remain as a duplex. The preliminary program includes the following:

Basement/First floor:

- Excavate down to create new bedroom, full bath, home gym and family room and mech. room/storage

Second floor:

- Reconfigure layout as needed to create a larger unit with one smaller apartment
- Rebuild/reconfigure existing porch and entry stairs as required
- Create new stairs to basement floor and second floor addition

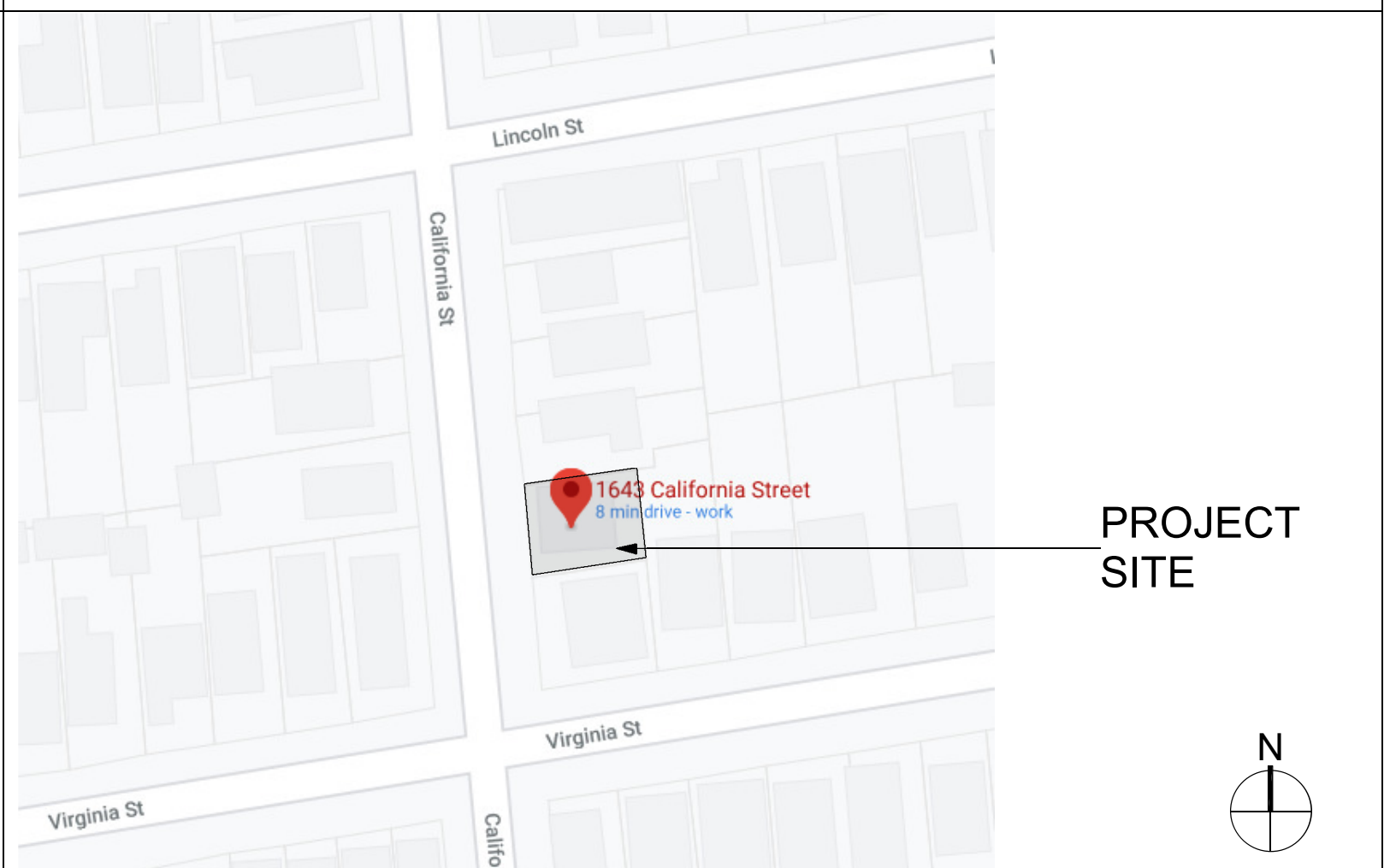
Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony at front

Miscellaneous:

- Update all mechanical, electrical and plumbing systems as required for new work
- Reconfigure and rebuild front stairs per new design

VICINITY MAP



PROJECT DIRECTORY

Owner:
Ido and Tamar Oppenheimer
1643 & 1647 California St.
Berkeley, CA 94703
Tel: 510 486-8387

Architect:
Sundeep Grewal
Studio G+S, Architects
2223 5th St.
Berkeley, CA 94710
Tel: 510-548-7448
sunny@sgsarch.com

Project Address:
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

PROJECT DATA

Occupancy:	R-3 Duplex
Proposed Construction:	Type V-B
Fire Sprinkler System:	No
Zoning/General Plan Regulation	R-2 (Restricted Two-Family Residential)
Zoning District:	LMDR
General Plan Area:	No
Downtown Arts District Overlay:	No
Commercial District With Use Quotas:	No
Seismic Safety	
Earthquake Fault Rupture(Alquist-Priolo) Zone:	No
Landslide (Seismic Hazards Mapping Act):	No
Liquefaction (Seismic Hazards Mapping Act):	No
Un-reinforced Masonry Building Inventory:	No
Historic Preservation	
Landmarks or Structure of Merit:	No
Environmental Safety	
Creek Buffer:	None
Fire Zone:	1
Flood Zone(100-year or 1%):	No
Wildlife Urban Interface	No

SHEET INDEX

- Architectural:**
- A0.0 Scope Of Work, Vicinity Map, Parcel Map, Project Data Sheet Index , Abbreviations, Applicable Codes Project Directory, Photos
 - A0.1 Existing Site Plan, Proposed Site Plans
 - A0.2 Site Survey
 - A1.1 Existing Floor Plan
Existing Exterior Elevations
 - A2.1 Proposed Floor Plan
 - A2.2 Proposed Floor Plans
 - A3.1 Front Elevation Comparison, Exterior Renderings
 - A3.2 Proposed Exterior Elevations
 - A3.3 Building Section, Renderings
 - A4.1 Shadow Study
 - A4.2 Shadow Study
 - A4.3 Shadow Study
 - A5.1 Demolition Diagram

APPLICABLE CODES

2019 California Building Code (CBC) Volume 1
2019 California Building Code (CBC) Volume 2
2019 California Residential Code (CRC)
2019 California Energy Code (CBEES)
2019 California Green Building Standards Code (CALGreen)
2019 California Electrical Code (CEC)
2019 California Plumbing Code (CPC)
2019 California Mechanical Code (CMC)

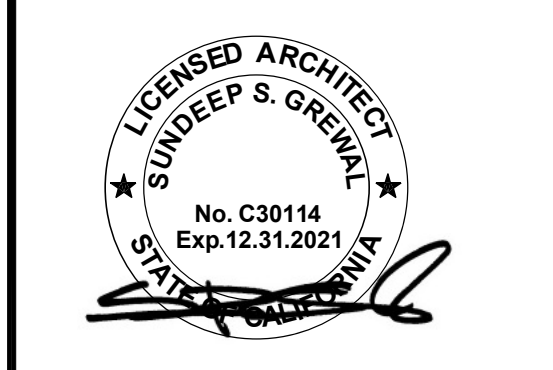
This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pt.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	ptd.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	fg.	footing	rgtr.	register
alum.	aluminum	furn.	furniture	rgtr.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal	gallon	rm.	room
asph.	asphalt	g.s.m.	galvanized sheet metal	r.o.	rough opening
bd.	board	glass	glass	rwd.	redwood
bldg.	building	gnd.	ground	r.w.l.	rain water leader
blk.	block	gr.	grade	s.	south
blkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
btw	between	hoiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	shr.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	mechanical cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	thk.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	mtl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	tv.	television
dr.	door	rec.	necessary	typ.	typical
dwn.	down	recp.	reception	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encd.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	oprg.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frost	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight



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OPPENHEIMER RESIDENCE
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
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Abbreviations
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Project Data
Scope of Work
Project Directory
Photos

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: N/A

Revisions:
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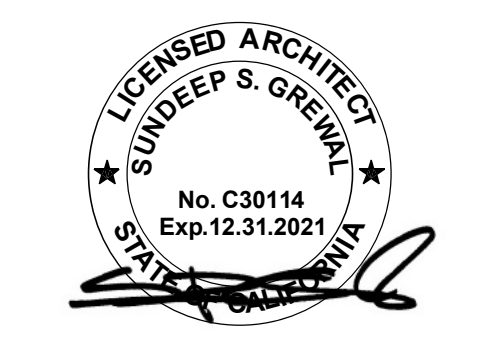
Planning Review: 7-15-2021

Planning Review: 8-26-2021

Sheet **A0.0**



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RESIDENCE**
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Sheet Contents:
Existing Site Plan
Proposed Site Plan

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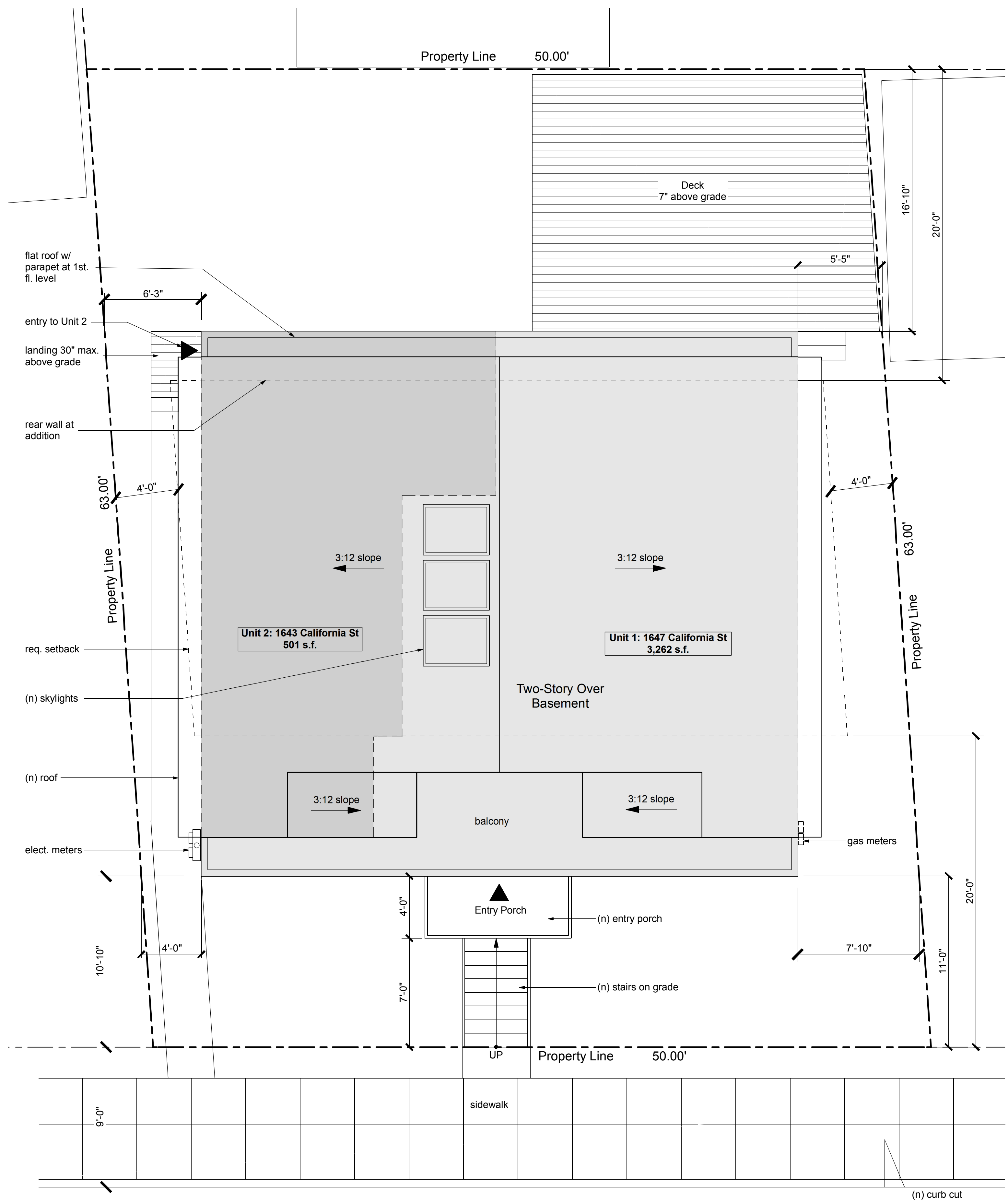
Drawn By:
SSG

Checked By:
SSG

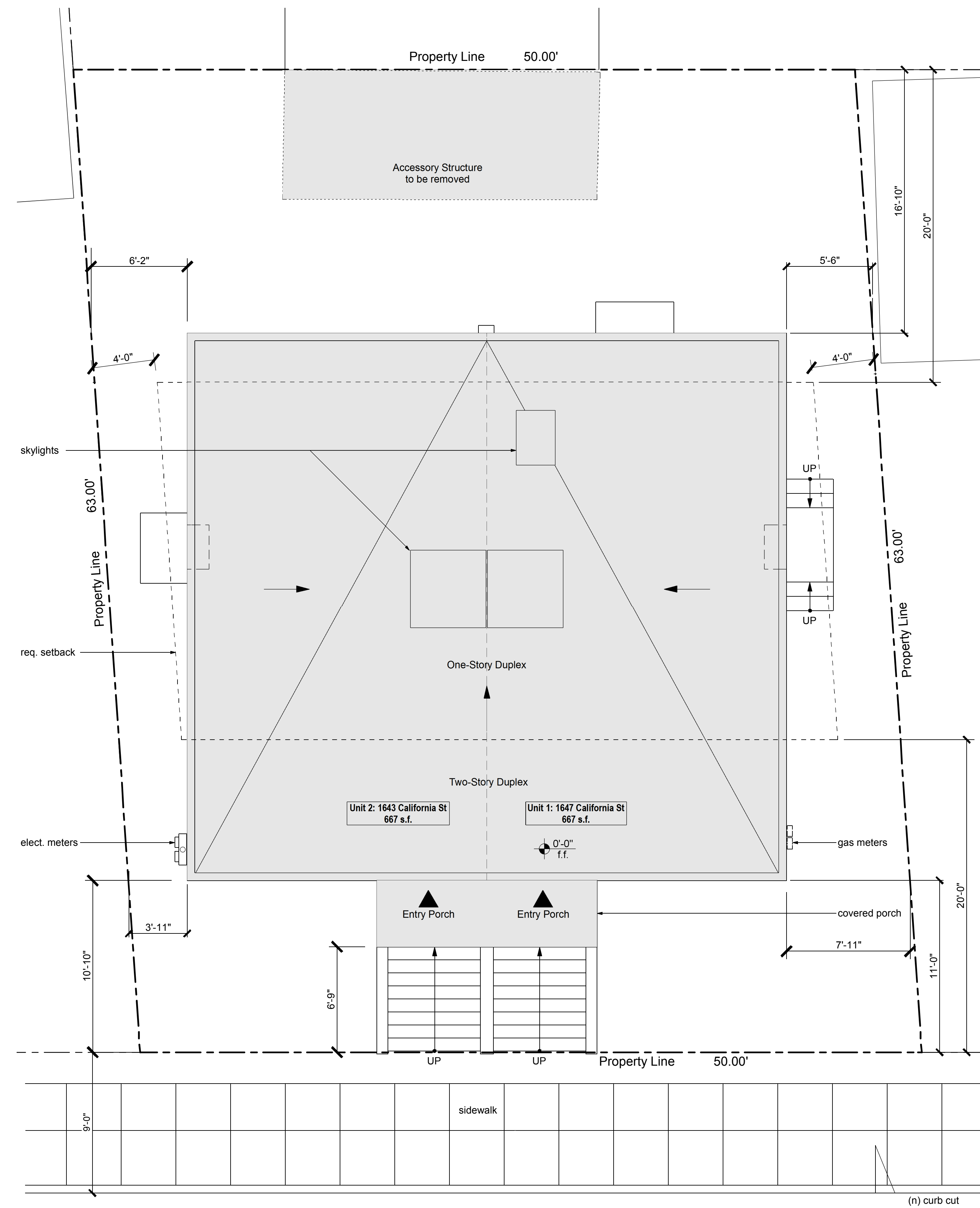
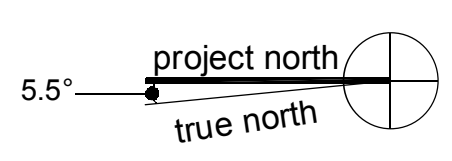
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

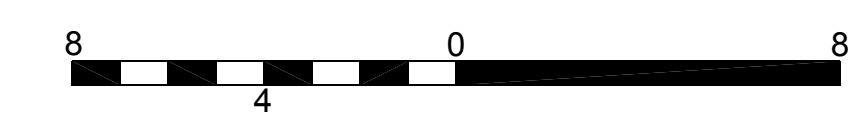
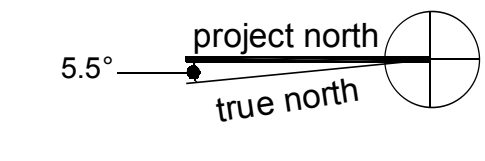
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2 Proposed Site Plan

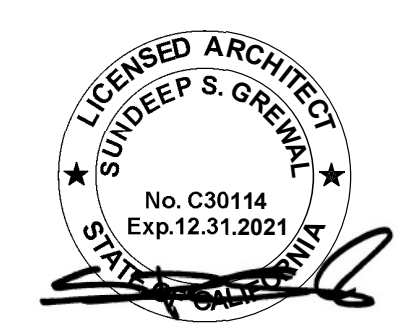


1 Existing Site Plan





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Sheet Contents:
Site Survey

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Scale:
1" = 1'-0"

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

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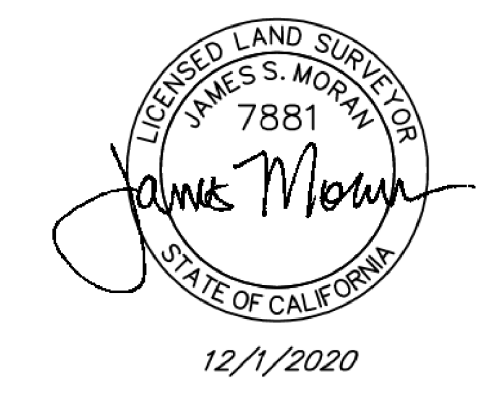
HOUSE LOCATION SURVEY

PORTION OF LOTS 1, 2 AND 3, MAP OF VIRGINIA TRACT, FILED OCTOBER 4, 1890 (8 M 43)
LOCATED AT 1643-1647 CALIFORNIA STREET
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 17, 2020 SCALE: 1" = 8'

MORAN ENGINEERING, INC.

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



- LEGEND**
- FOUND MONUMENT PER PM 6679 (213 M 50)
 - BLDG. BUILDING
 - C.O. CLEAN-OUT
 - D/W DRIVEWAY
 - F.H. FIRE HYDRANT
 - J.P. JOINT POLE
 - M.H. MAN HOLE
 - S/W SIDEWALK
 - T.C. TOP OF CURB

GENERAL NOTES

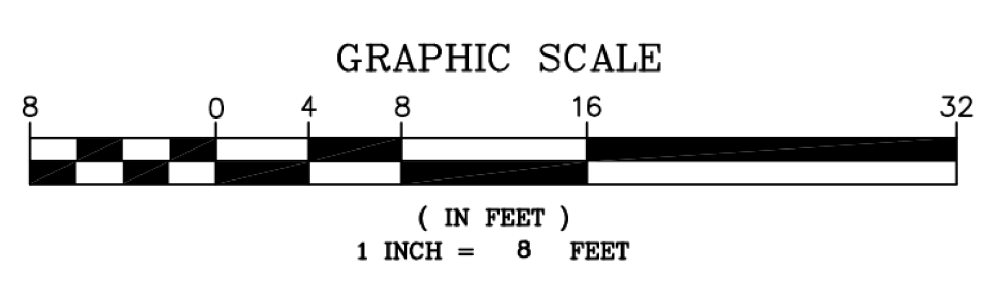
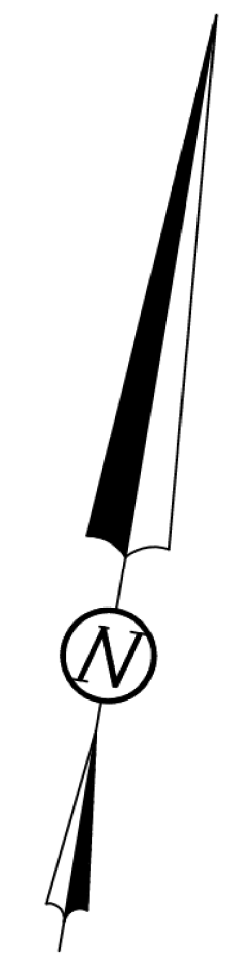
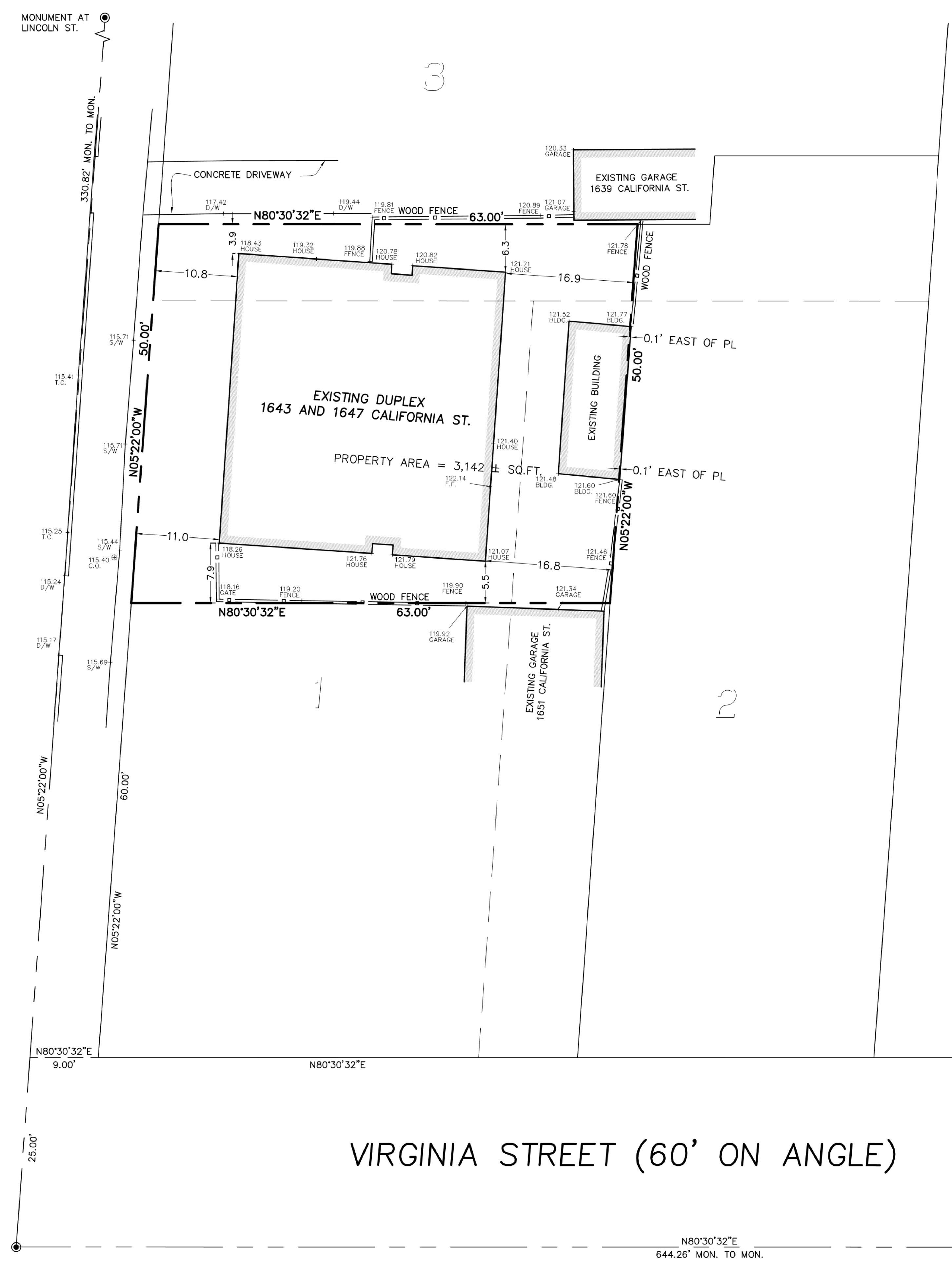
BENCHMARK: MONUMENT PIN ON THE WEST SIDE OF SACRAMENTO STREET AT VIRGINIA STREET. ELEVATION = 108.683 PER CITY OF BERKELEY ENGINEERING DIVISION RECORDS. ELEVATIONS ARE BASED UPON THE CITY OF BERKELEY DATUM.

THIS SURVEY IS BASED UPON THE GRANT DEED TO LAWYERS ASSET MANAGEMENT INC. RECORDED DECEMBER 1, 1989 SERIES 89-324628, ALAMEDA COUNTY RECORDS.

THE BEARINGS ON THIS MAP ARE BASED UPON THE MONUMENT LINE IN CALIFORNIA STREET WITH A BEARING OF N05°22'00"W AS SHOWN ON PARCEL MAP 6679 FILED MARCH 29, 1994 IN BOOK 213 OF MAPS PAGES 49-50.

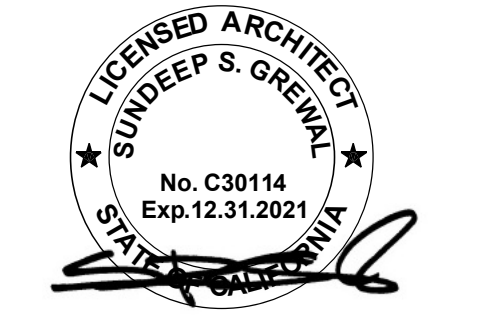
CALIFORNIA STREET (60' ON ANGLE)

VIRGINIA STREET (60' ON ANGLE)





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Sheet Contents:
Existing Floor Plans
Existing Exterior Elevations

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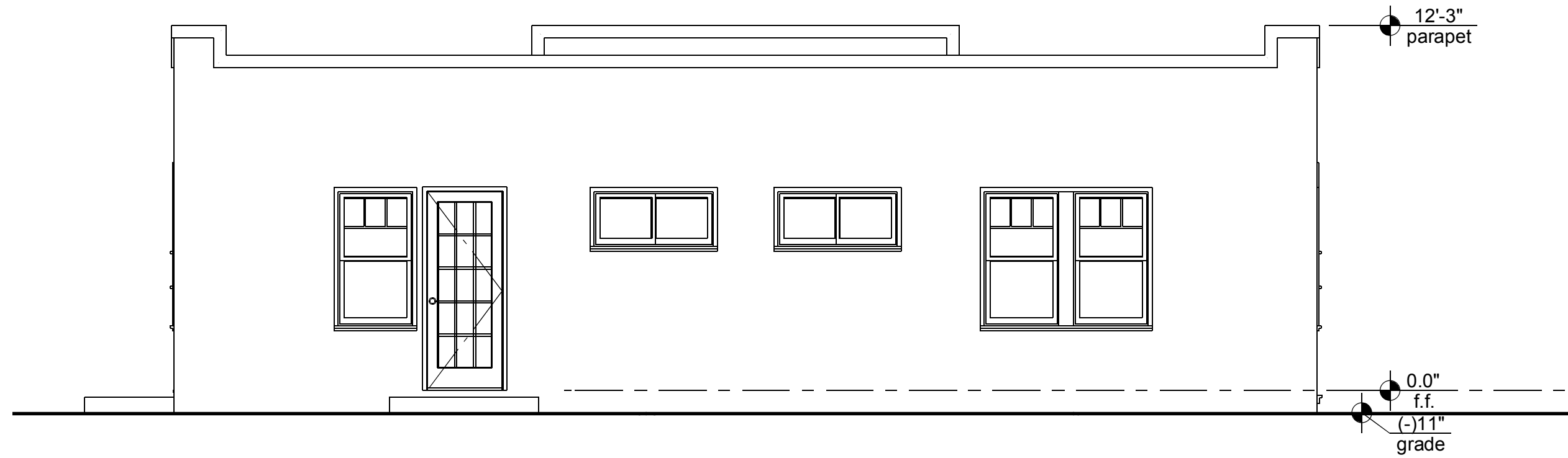
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Checked By:
SSG

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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

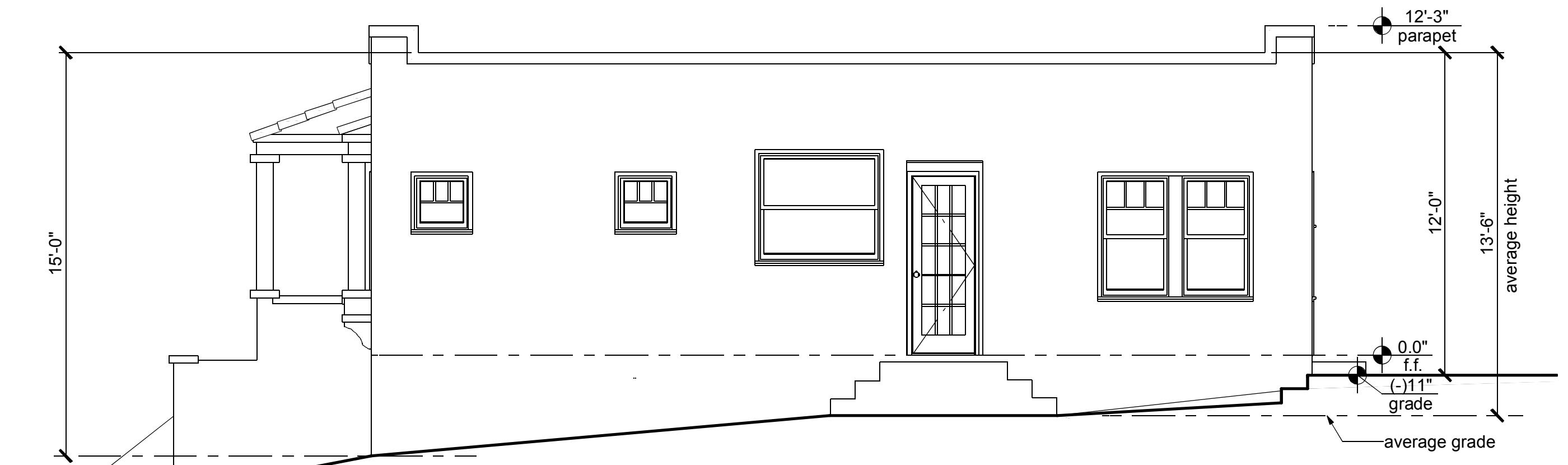
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5 Existing East Elevation - Rear



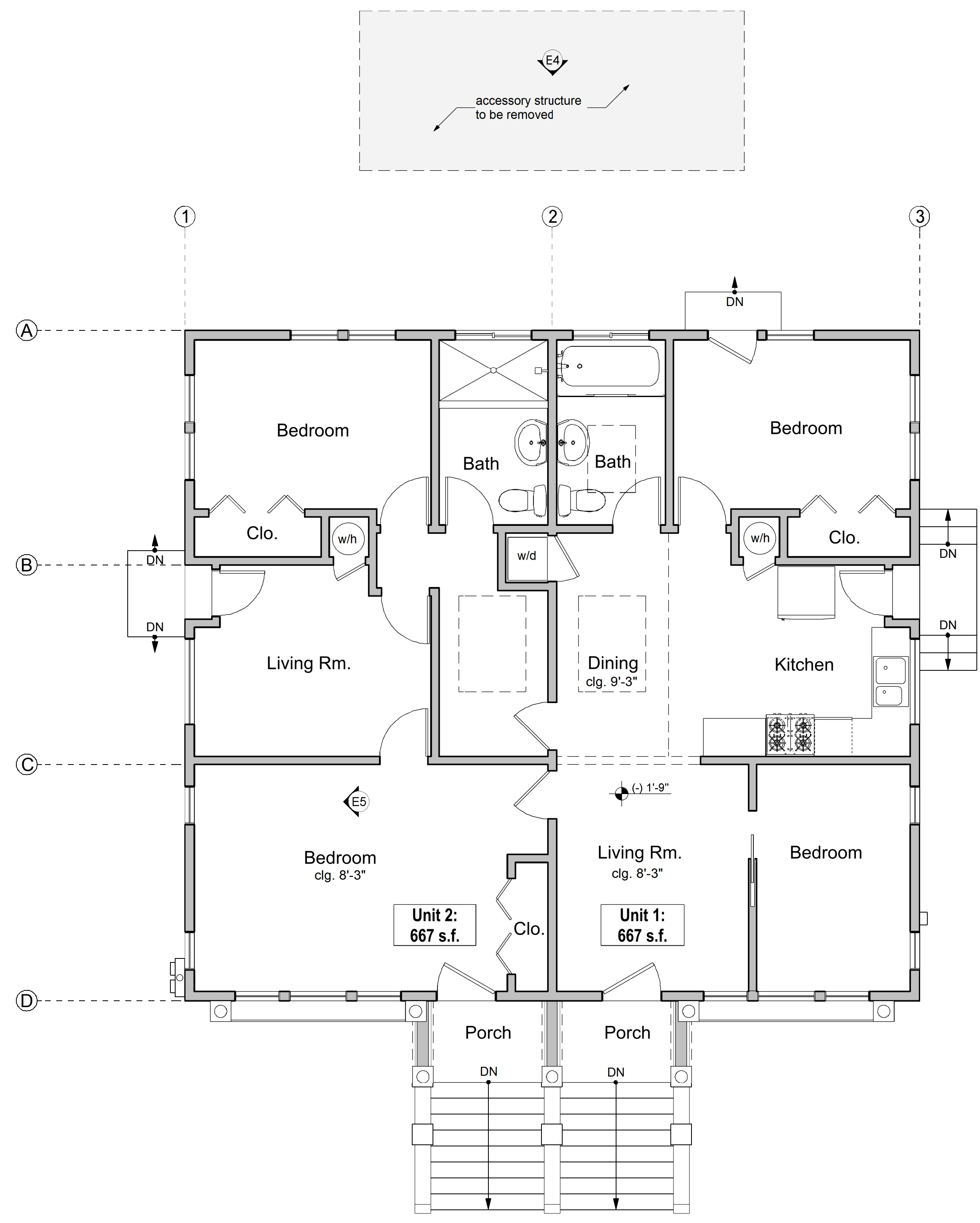
4 Existing North Elevation - Left Side



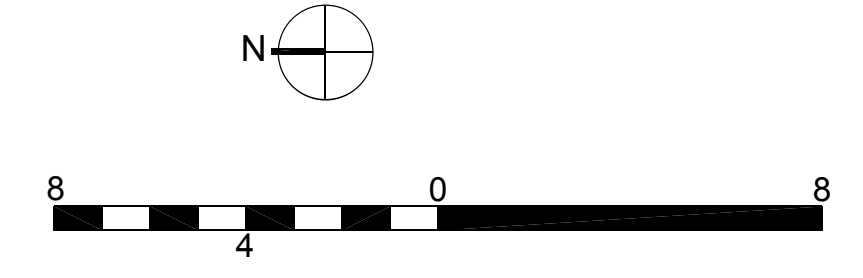
3 Existing South Elevation - Right Side



2 Existing West Elevation - Front

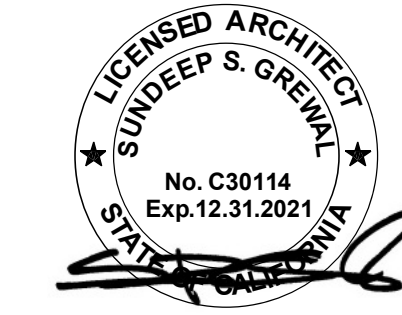


1 Existing First Floor Plan





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Sheet Contents:
Proposed Floor Plan
Proposed Site Plan

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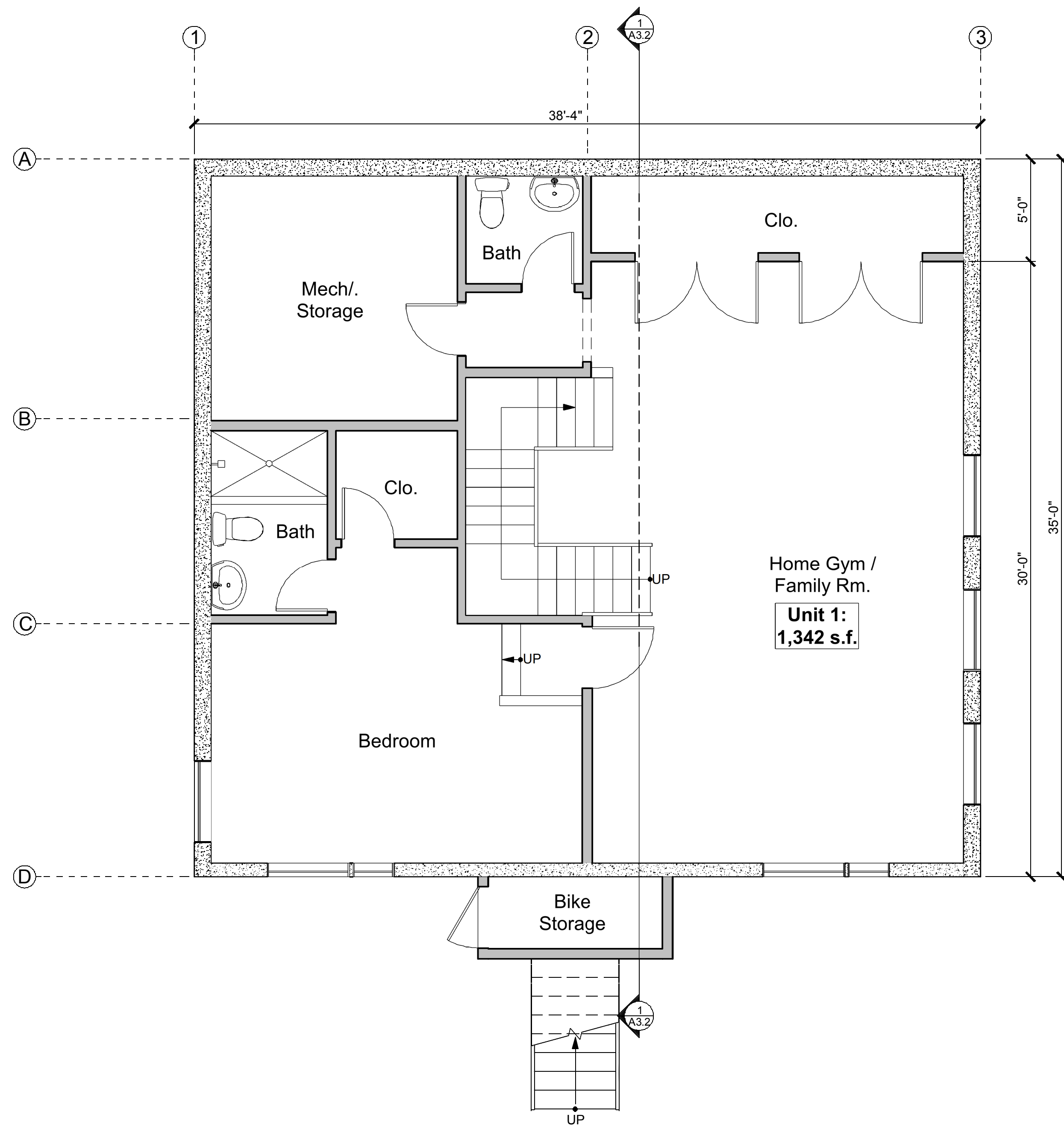
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Checked By:
SSG

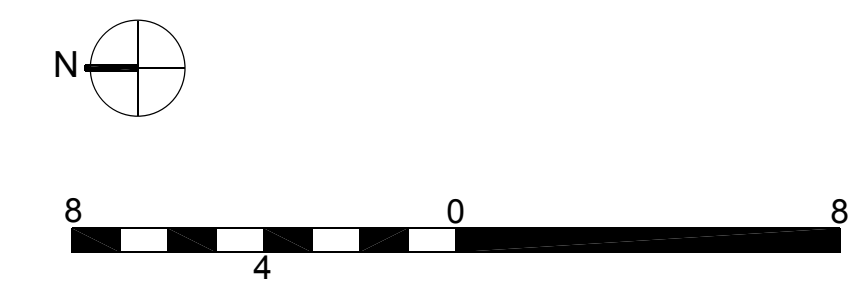
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Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet
A2.1

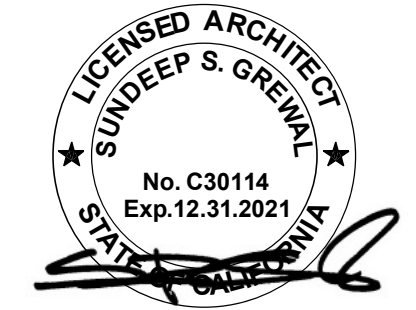


1 Proposed Basement Floor Plan





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Proposed Floor Plans

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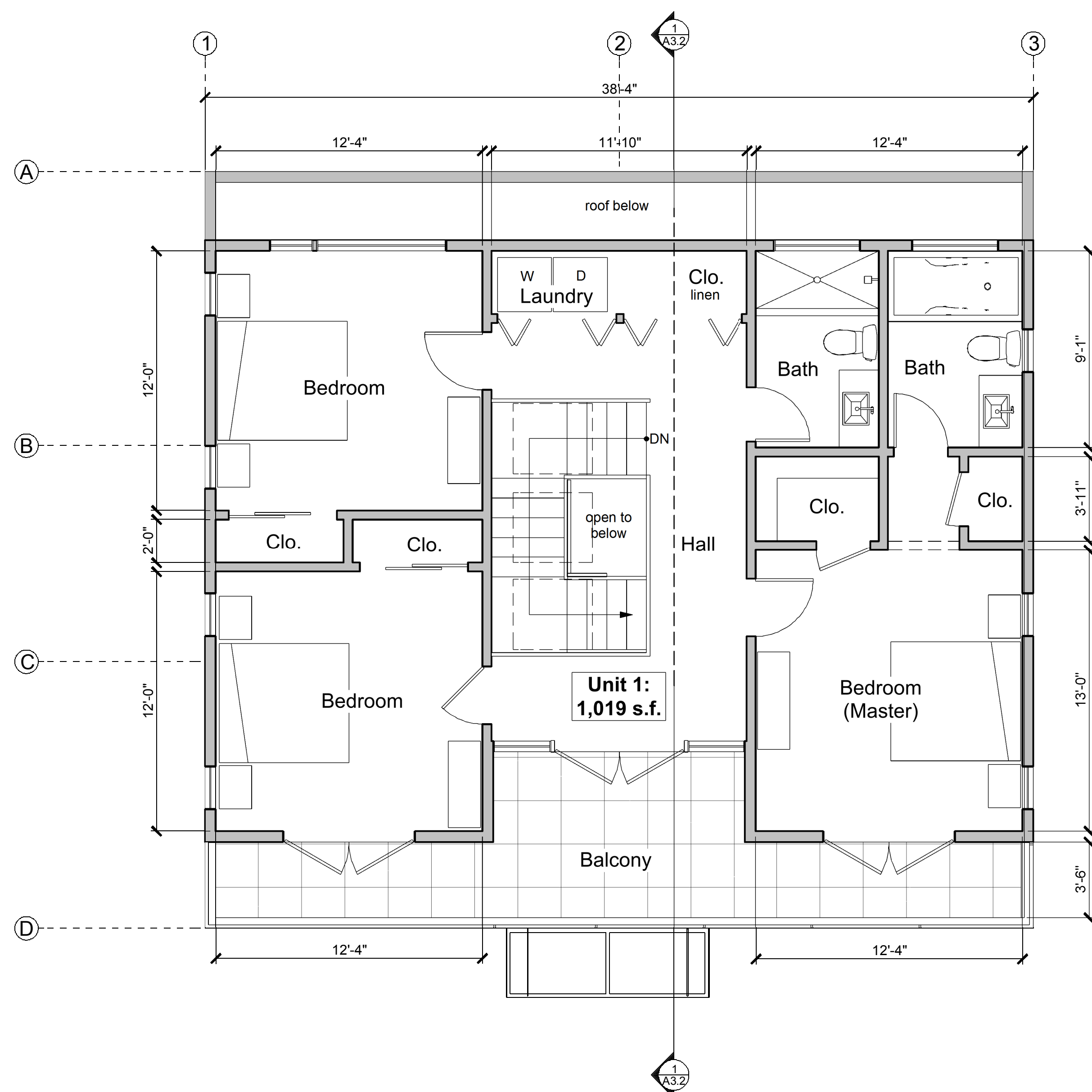
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SSG

Checked By:
SSG

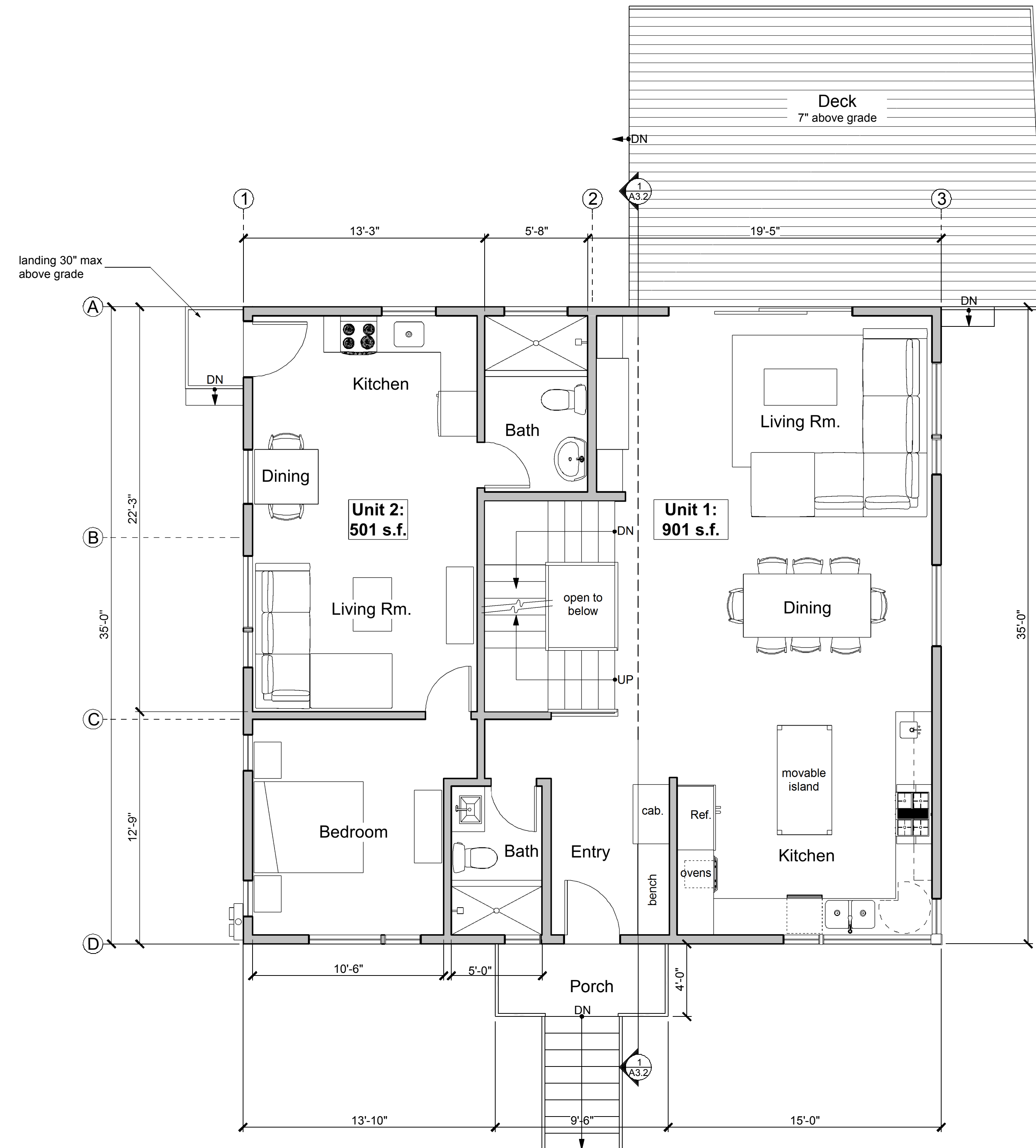
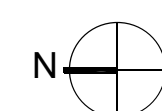
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Planning Review: 6-29-2021
Planning Review: 7-15-2021

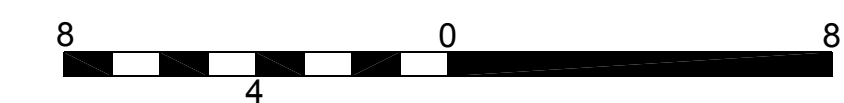
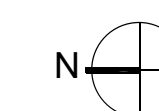
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A2.2



② Proposed Second Floor Plan



① Proposed First Floor Plan





Previous Proposal



Previous Proposal



Previous Proposal



Current Proposal



Current Proposal



Current Proposal



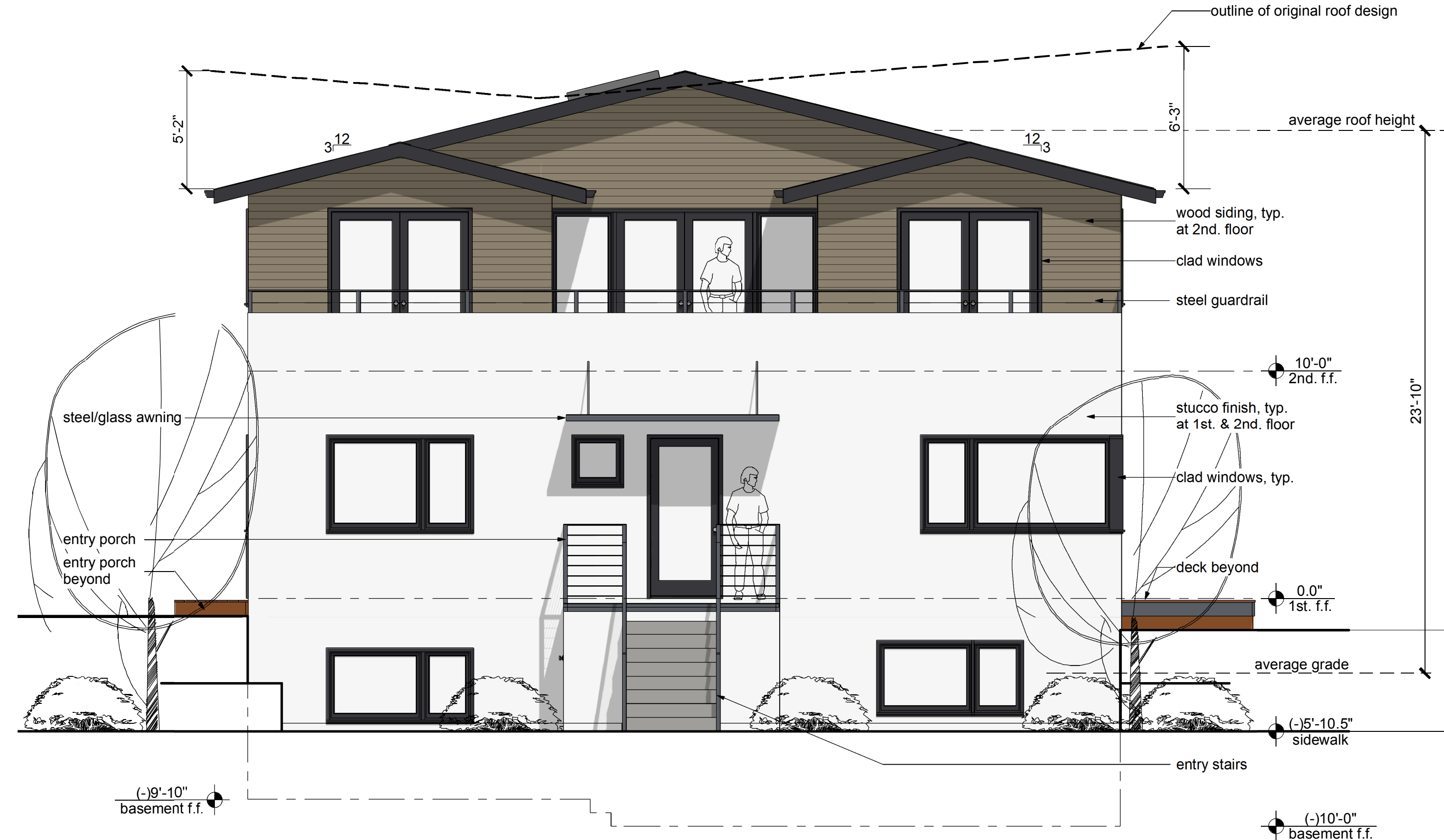
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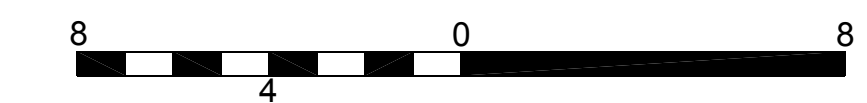
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2 Proposed West Elevation - Front
Original Proposal



1 Proposed West Elevation - Front
Current Proposal



Sheet Contents:
Front Elevation Comparison

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Checked By: SSG

Scale: 1/4" = 1'-0"

Revisions:

Use Permit Set: 12-10-2020

Redesign: 5-25-2021

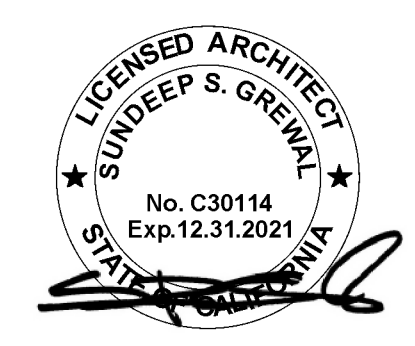
Planning Review: 6-29-2021

Planning Review: 7-15-2021

Sheet **A3.1**



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Sheet Contents:
Proposed Exterior Elevations

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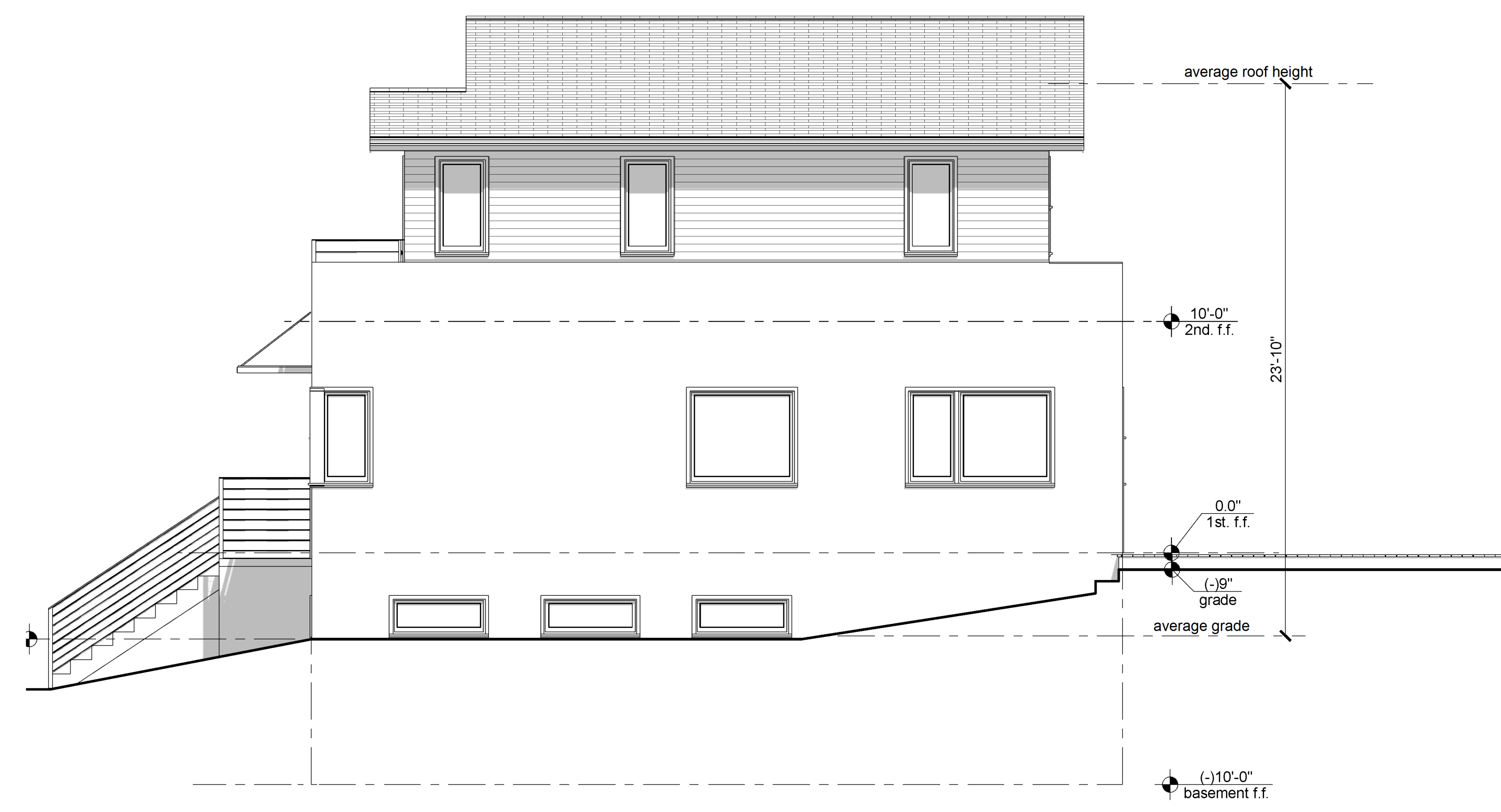
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Checked By: SSG

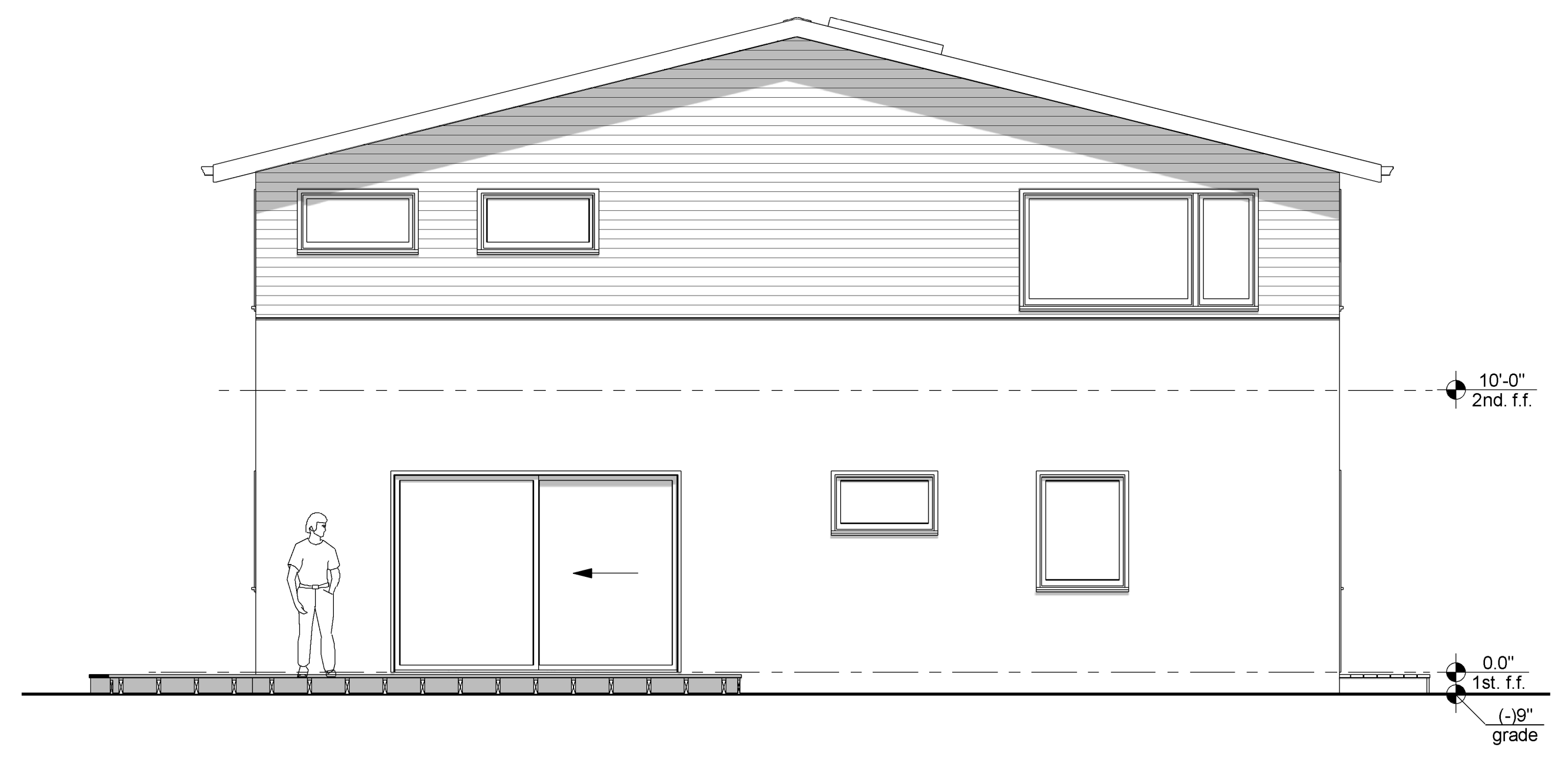
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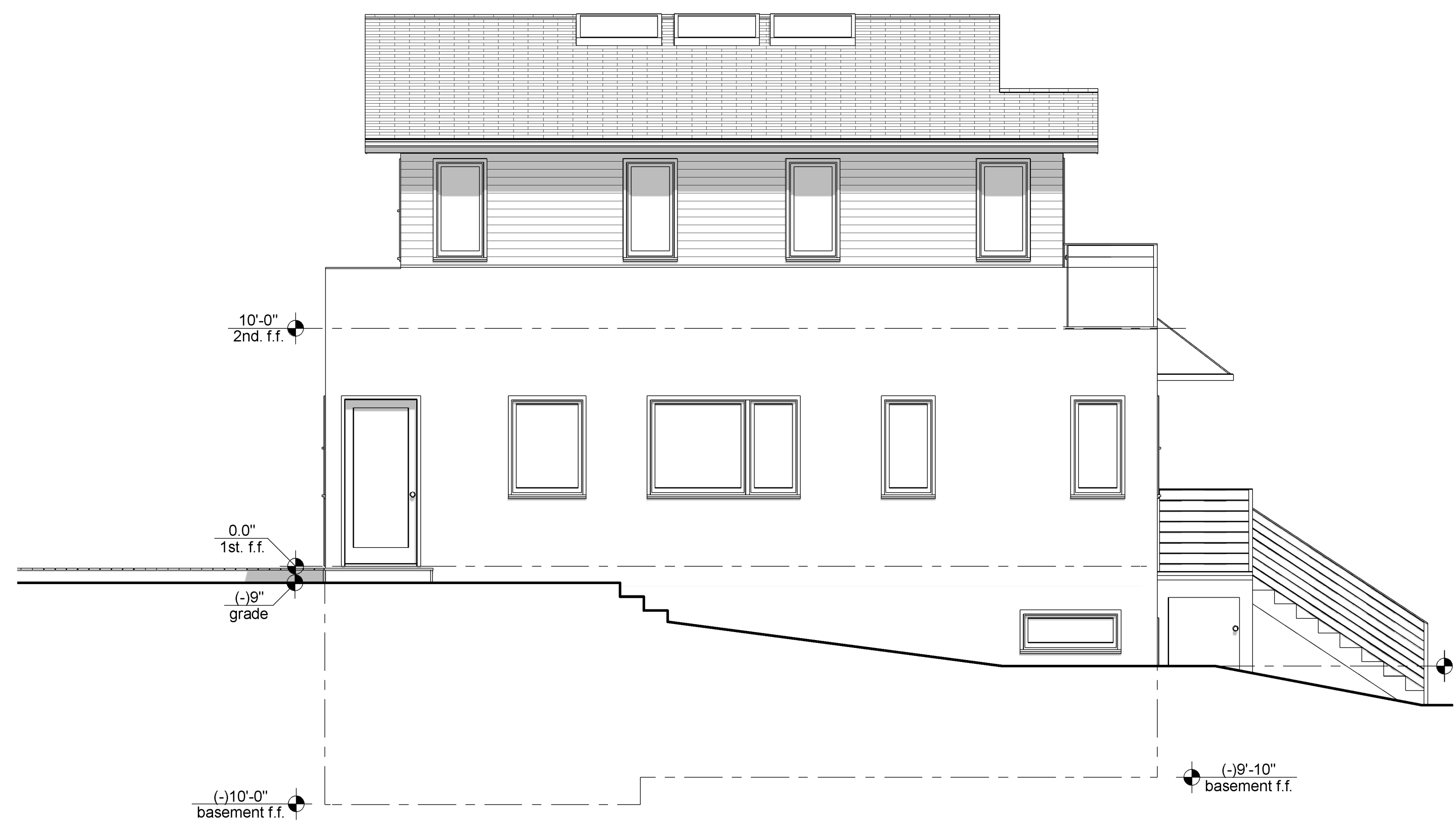
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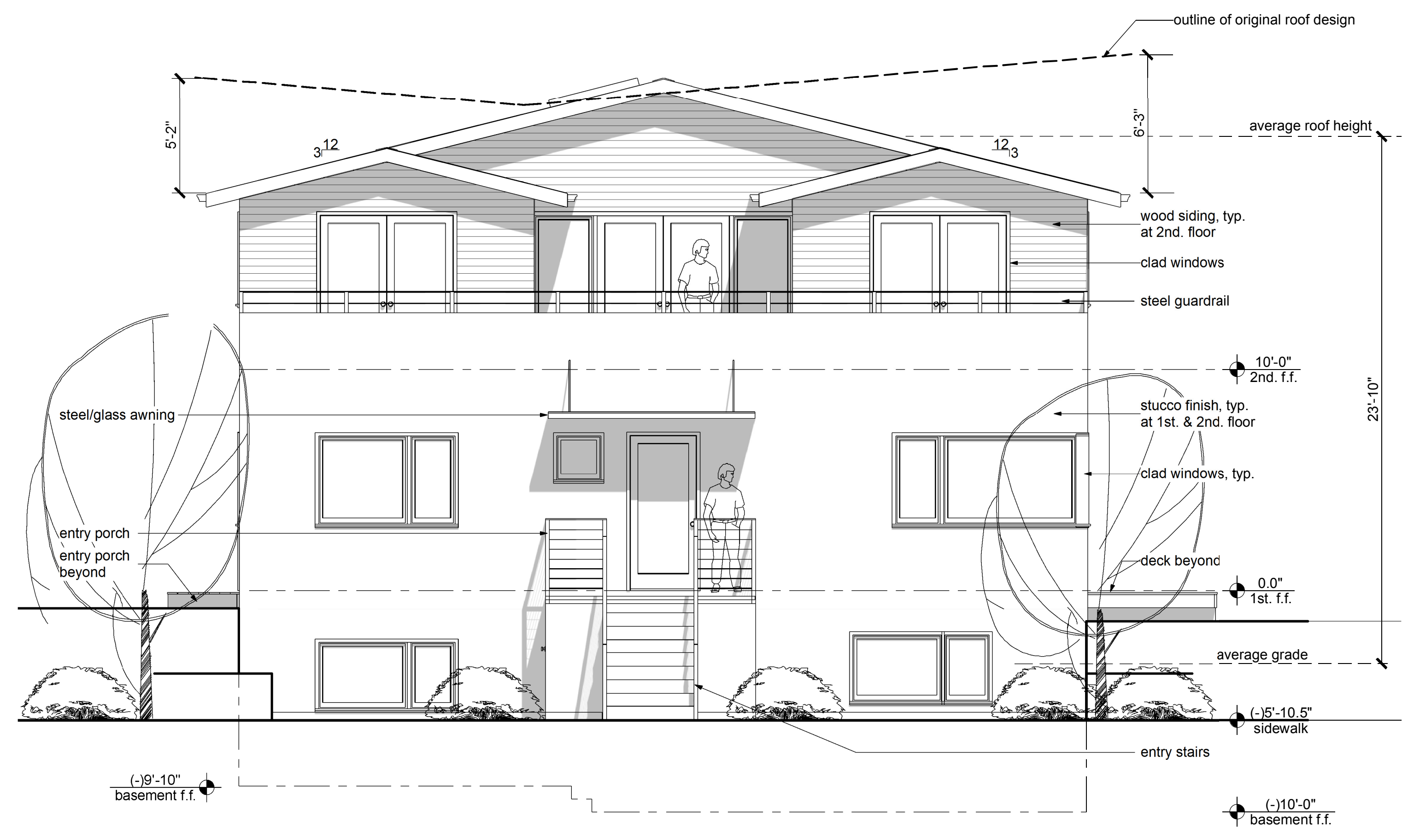
4 Proposed South Elevation - Right Side



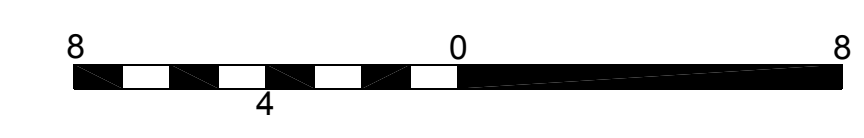
3 Proposed East Elevation - Rear



2 Proposed North Elevation - Left Side



1 Proposed West Elevation - Front

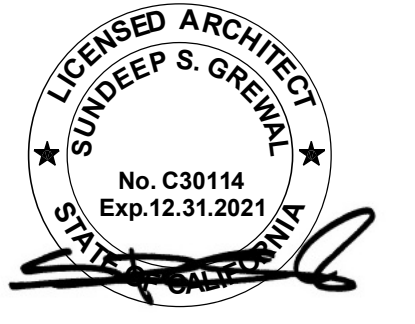




2 Renderings



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Sheet Contents:
Building Section
Renderings

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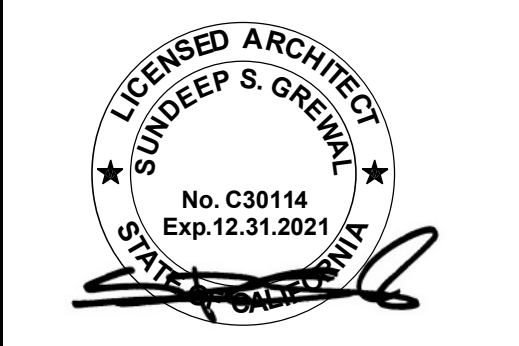


1 Proposed Building Section

Sheet
A3.3



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Sheet Contents:
Shadows Studies

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Scale: NTS

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Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet **A4.1**

Existing Shadow Line
New Shadow Line



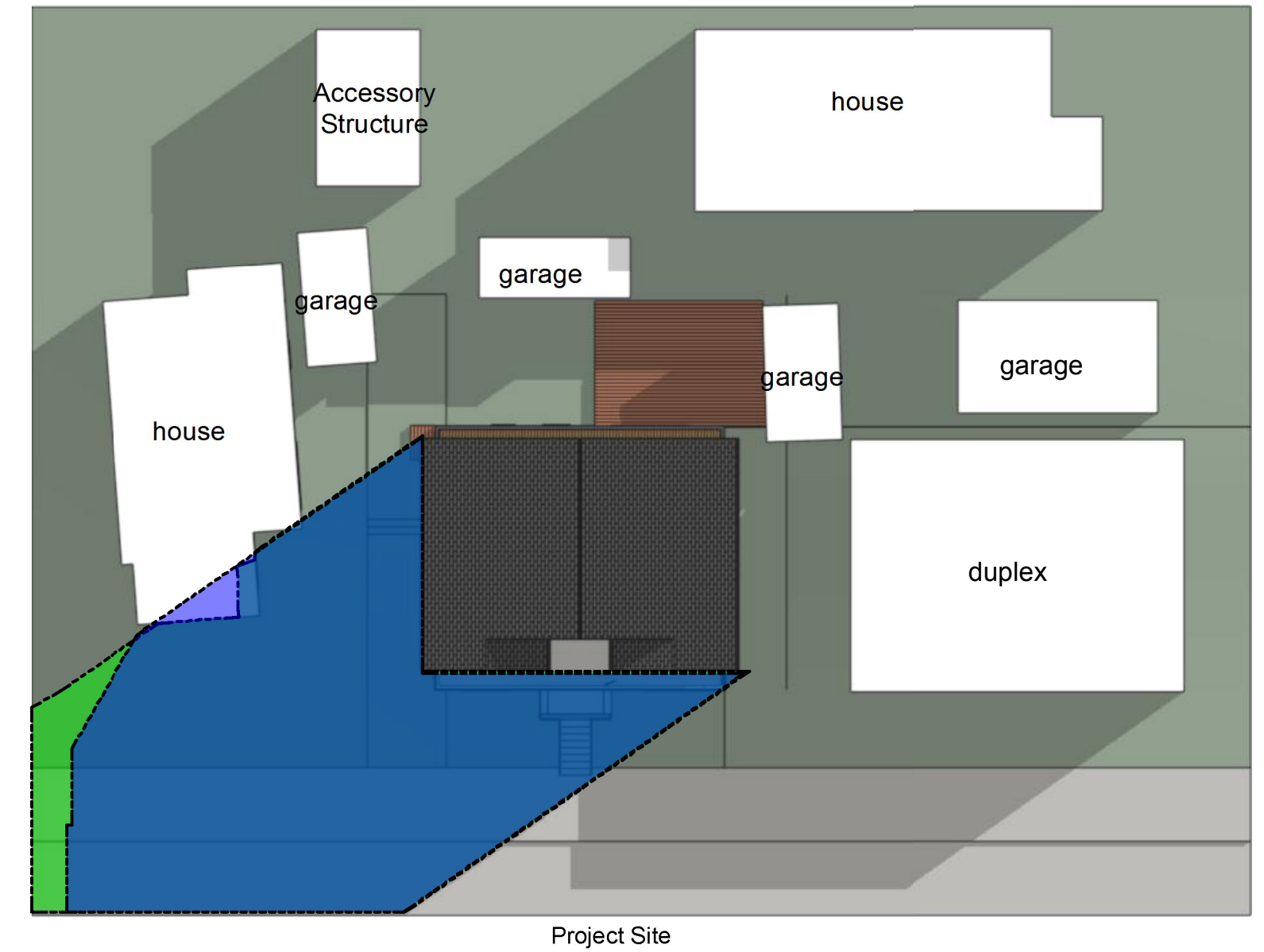
Proposed

12-21-2021 / 2:54 pm



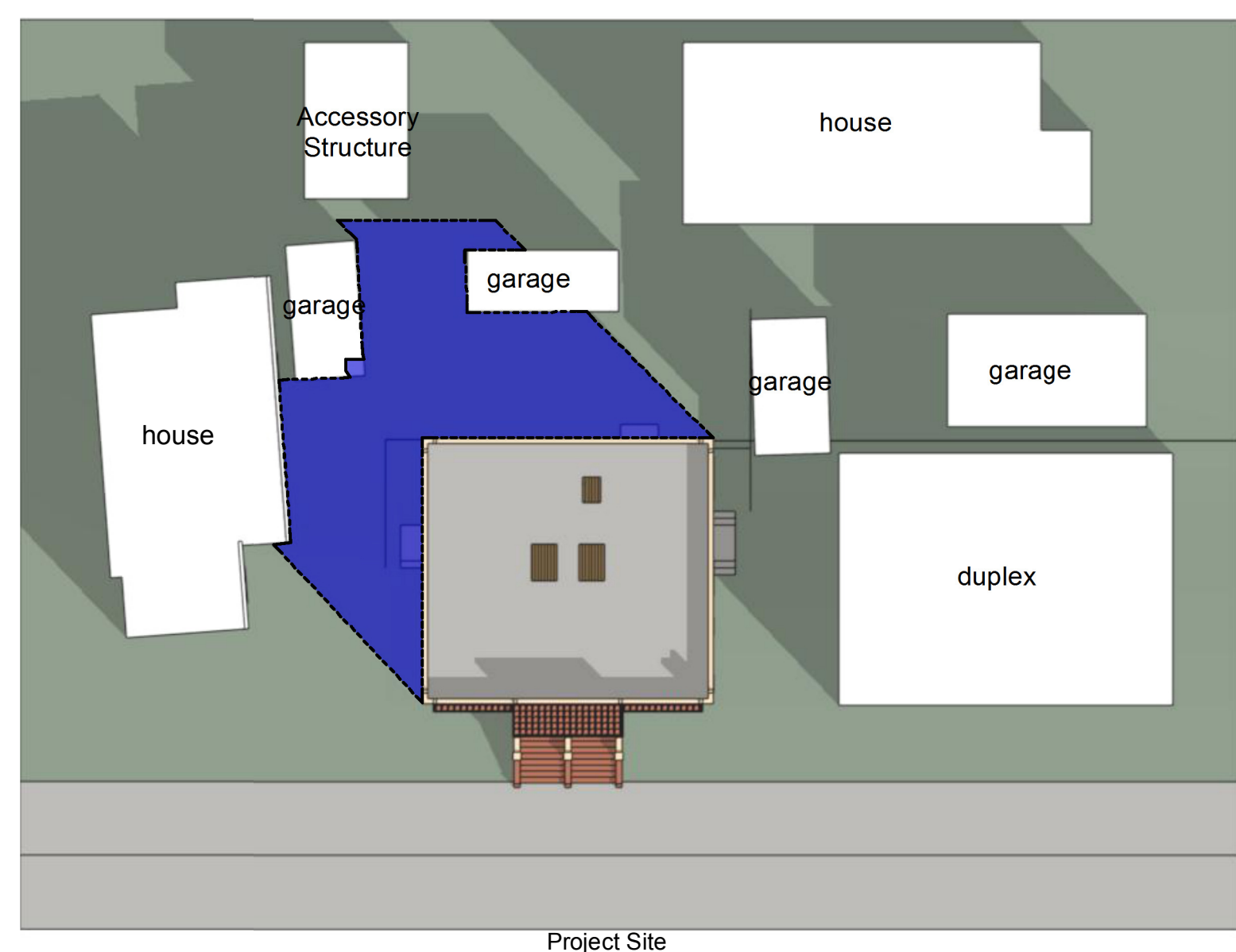
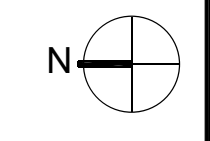
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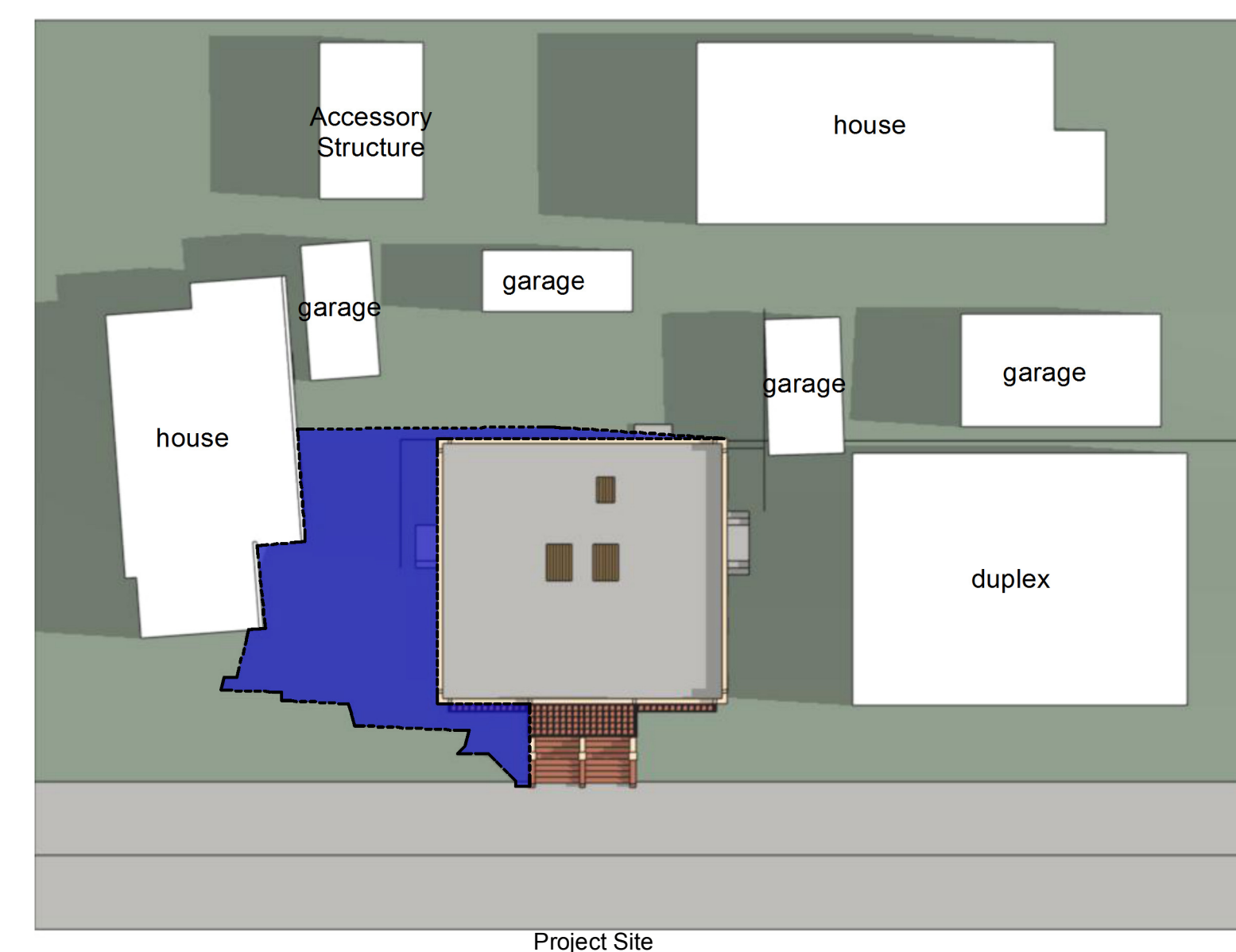
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12-21-2021 / 9:21 am



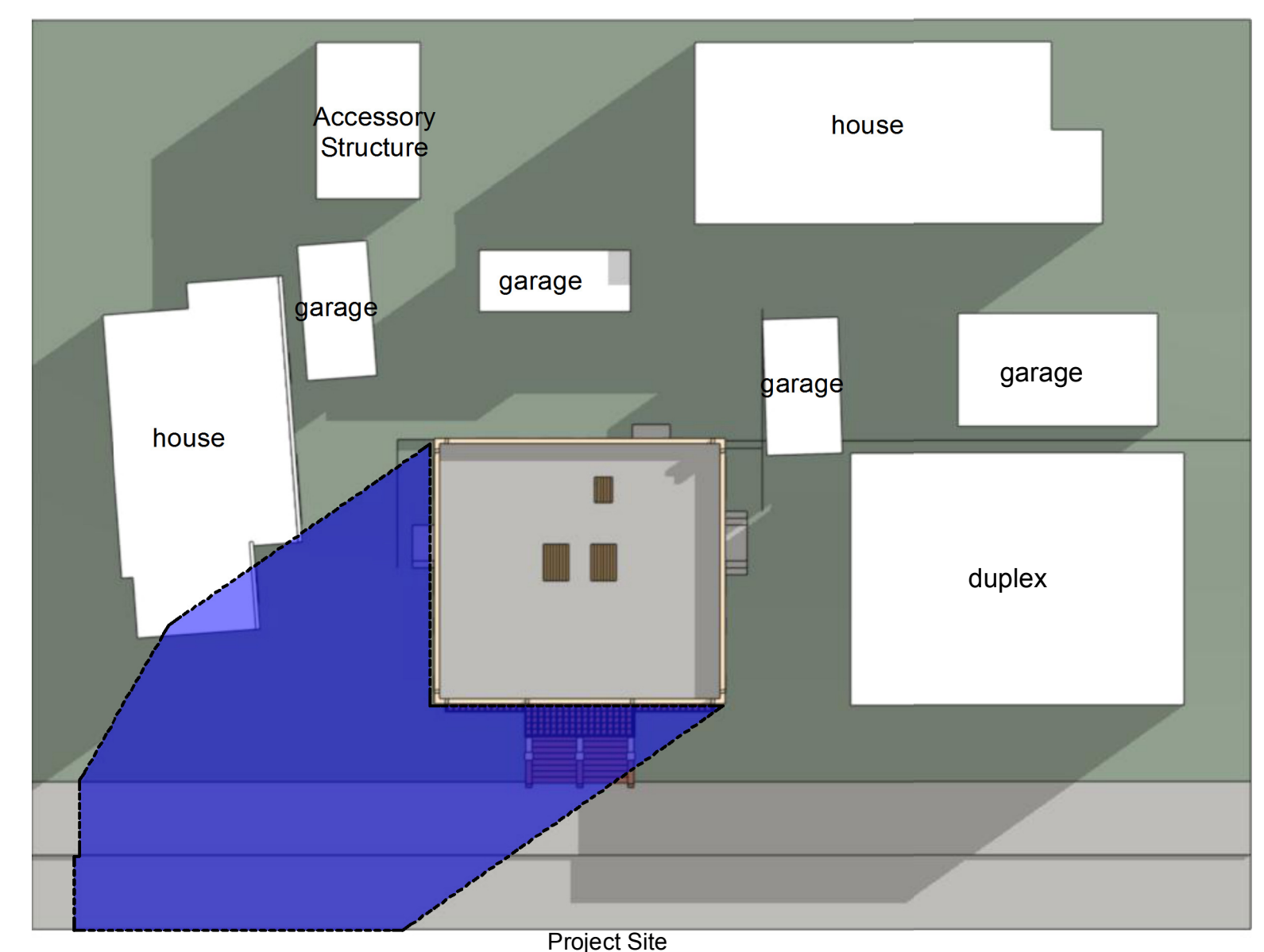
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12-21-2021 / 2:54 pm



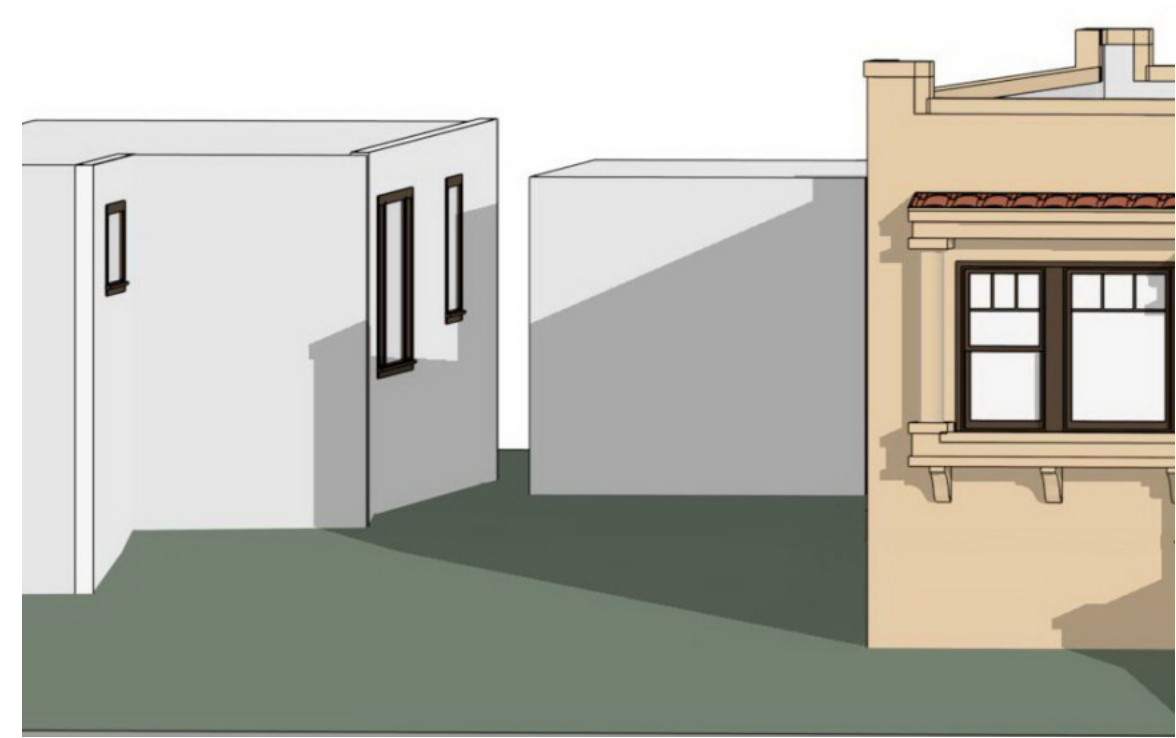
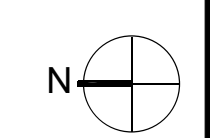
Existing

12-21-2021 / 12:00 pm



Existing

12-21-2021 / 9:21 am



Shadow Accuracy Simulation
12-08-2020 / 3:00 pm



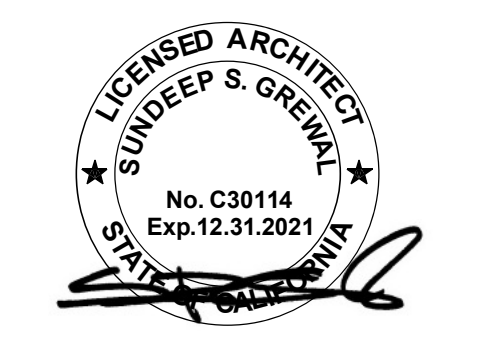
Actual
12-08-2020 / 3:00 pm

Shadow Accuracy Simulation

Existing Shadow Line
New Shadow Line



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Shadows Studies

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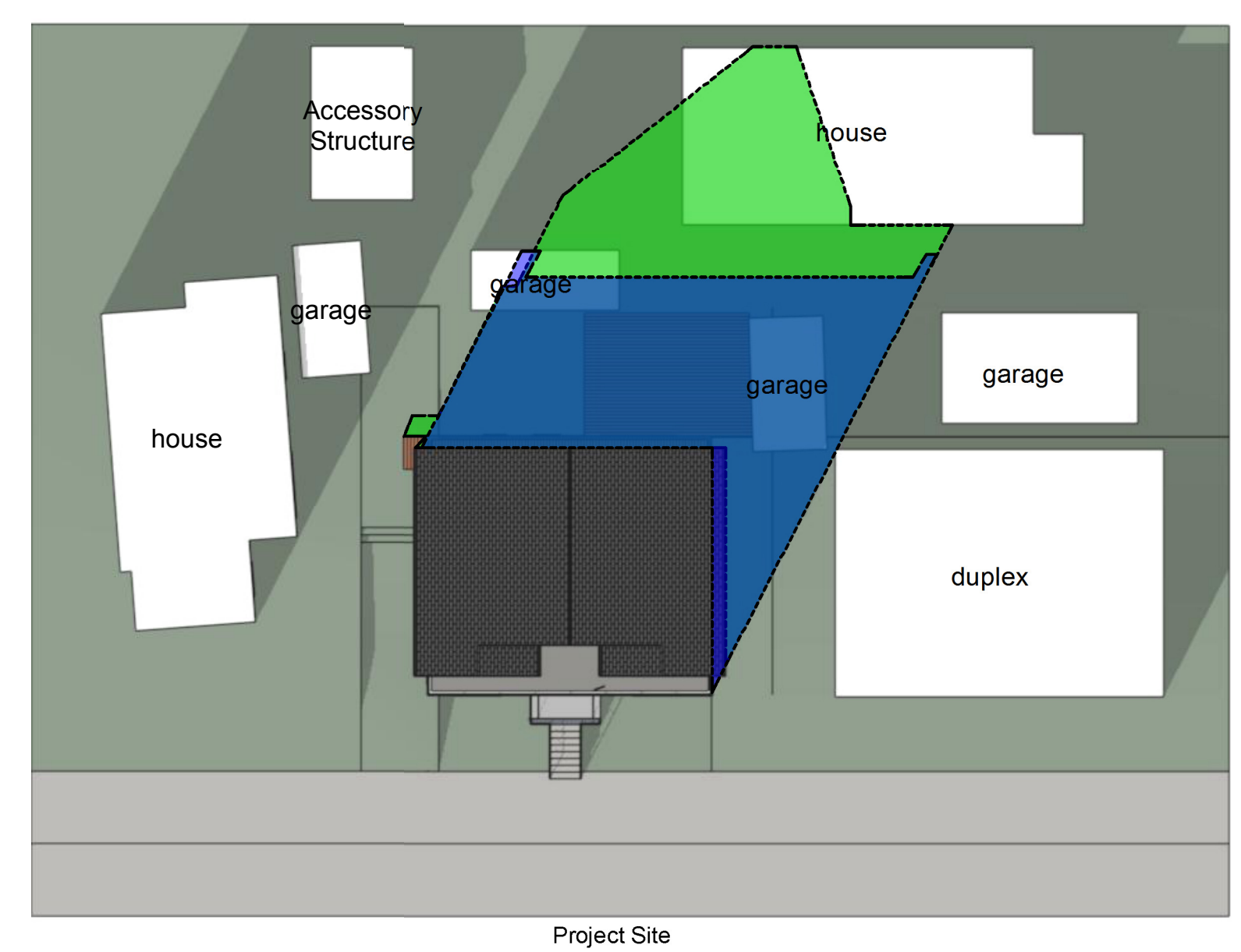
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Checked By:
SSG

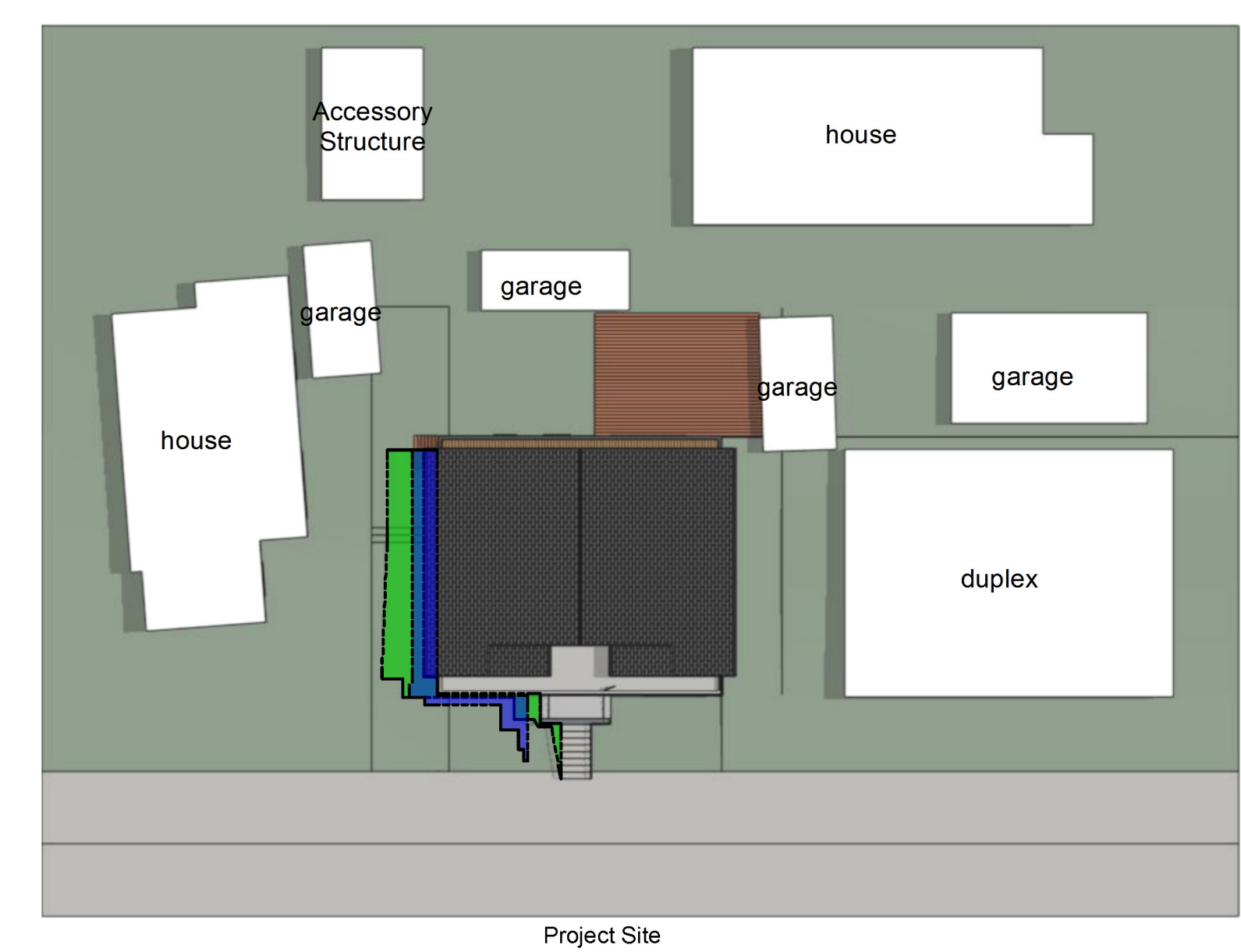
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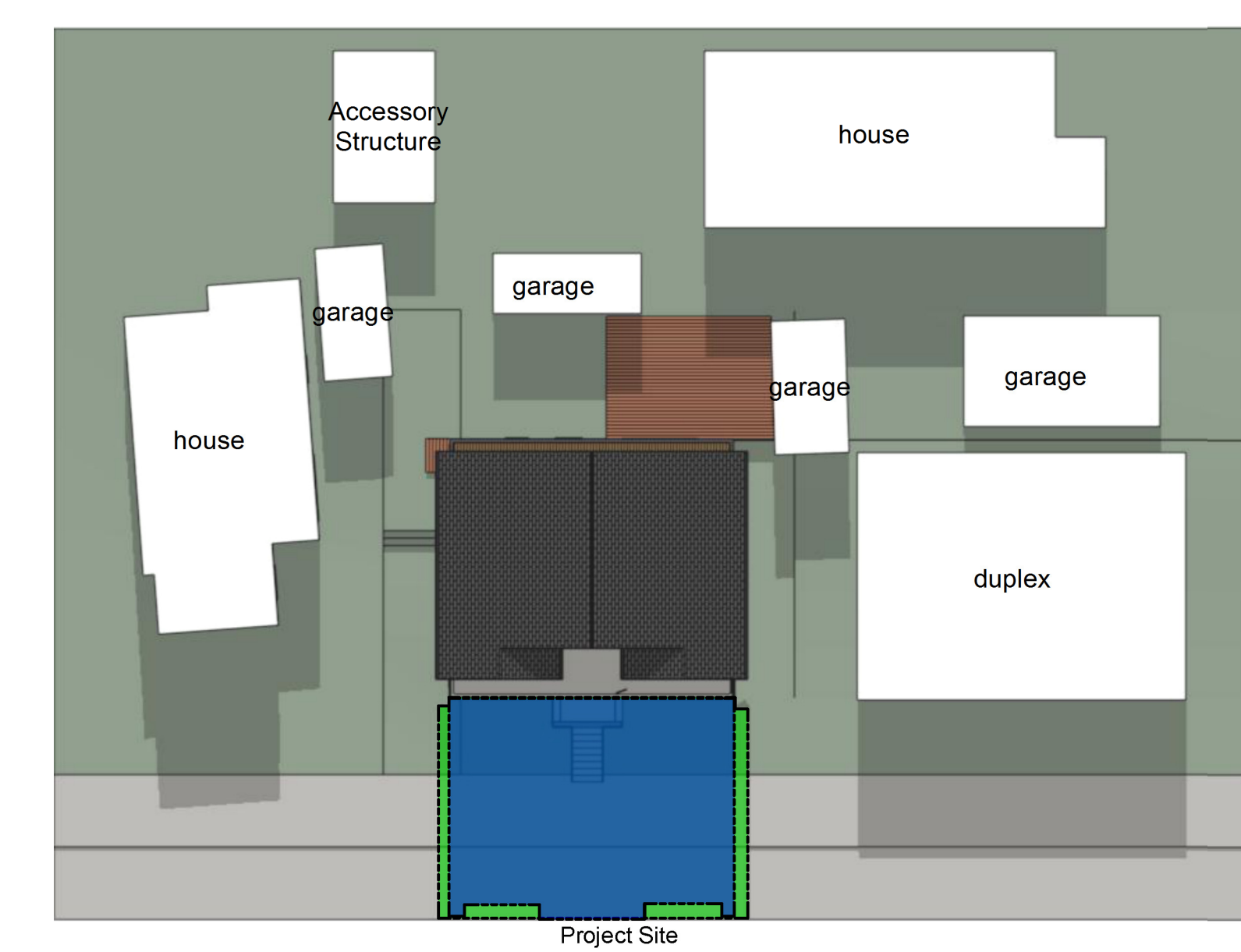
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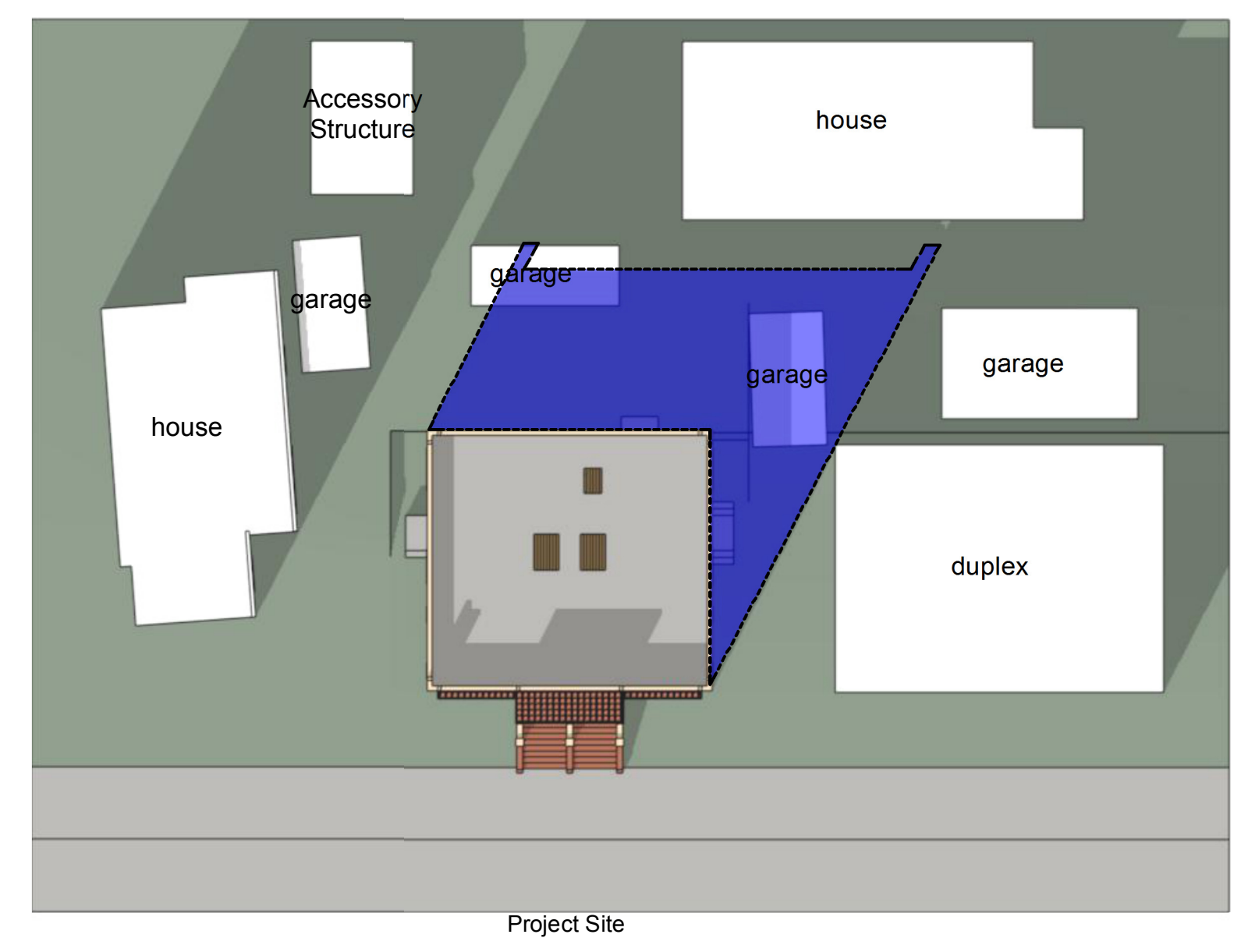
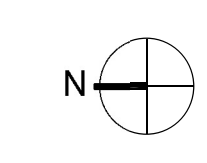
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6-21-2021 / 6:35 pm



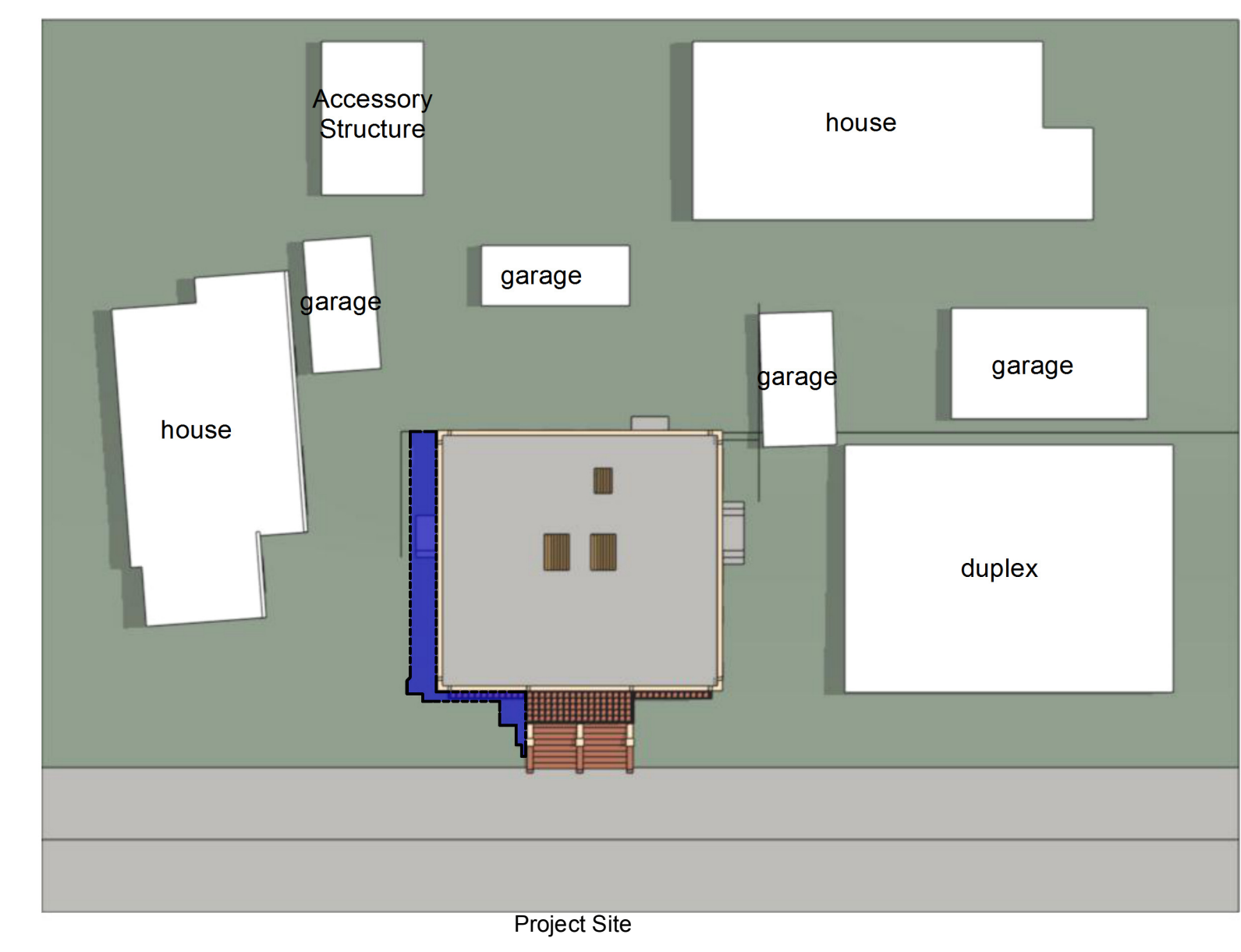
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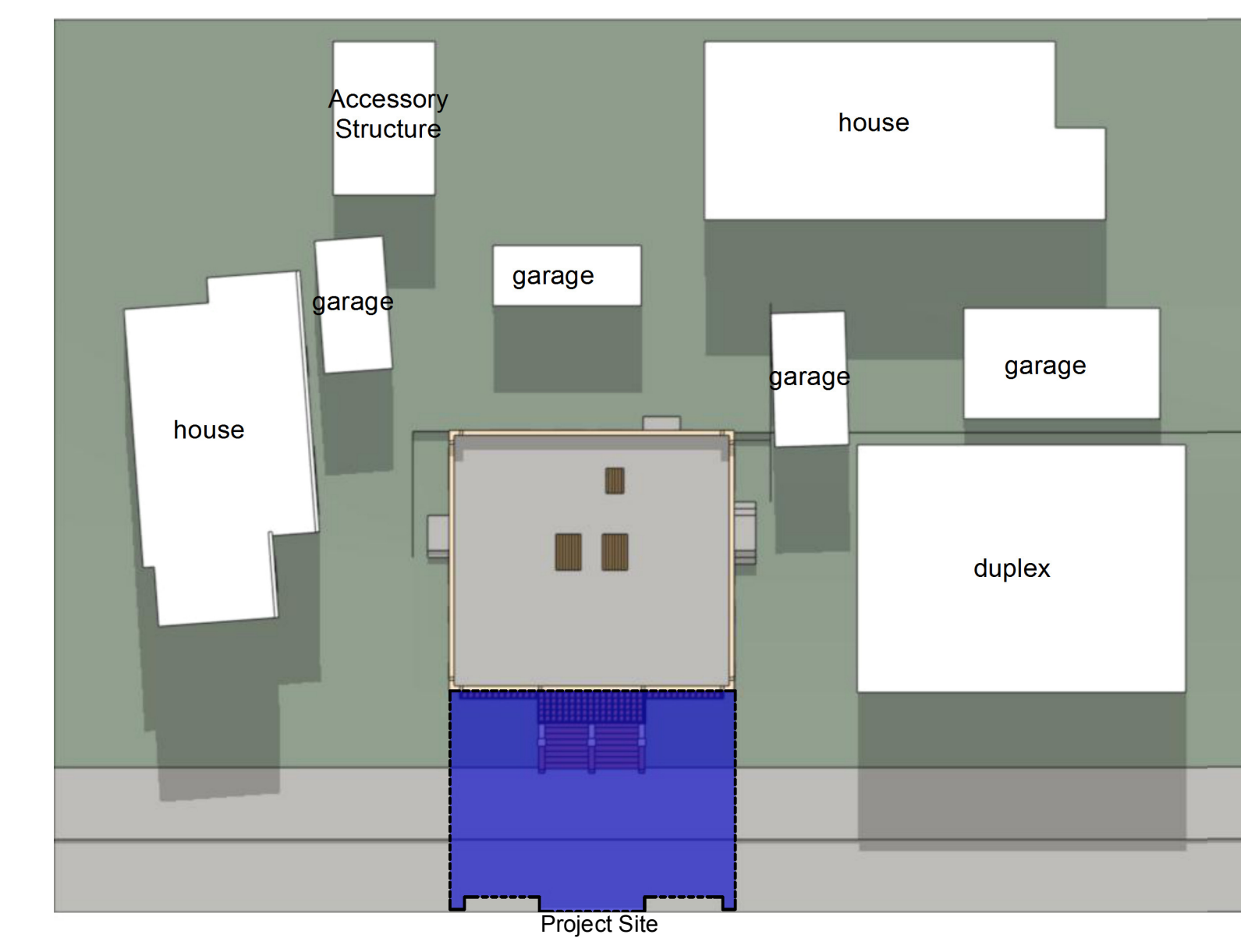
Proposed
6-21-2021 / 7:47 am



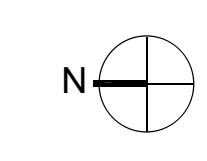
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6-21-2021 / 6:35 pm



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6-21-2021 / 12:00 pm

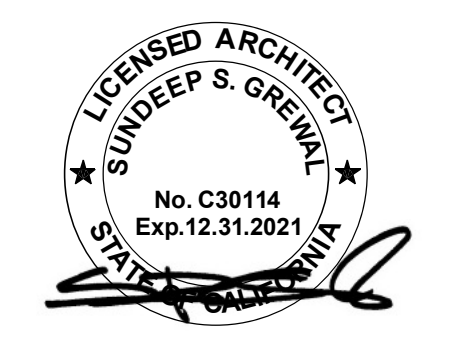


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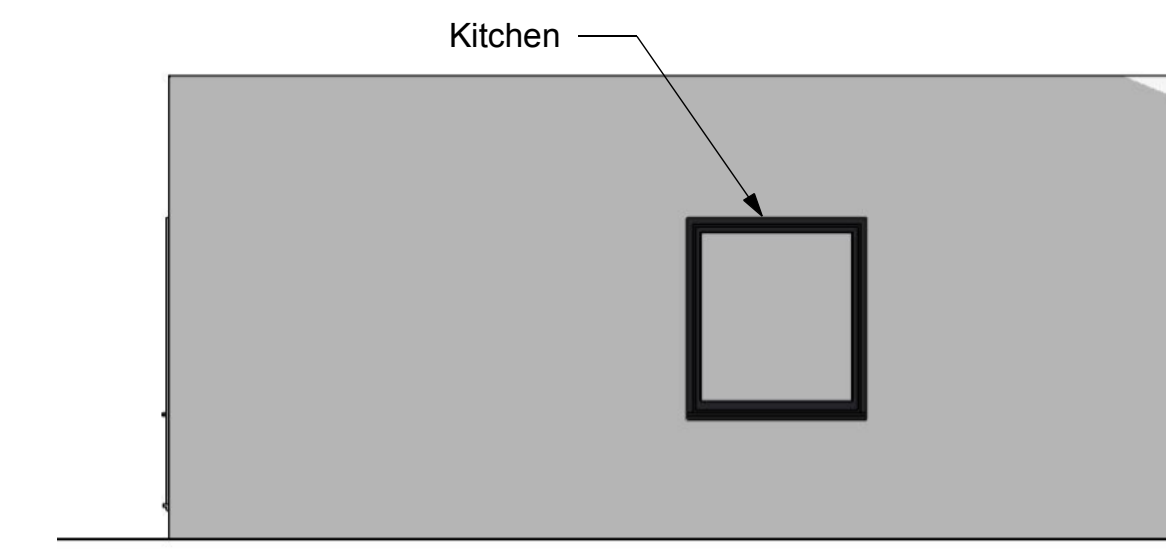




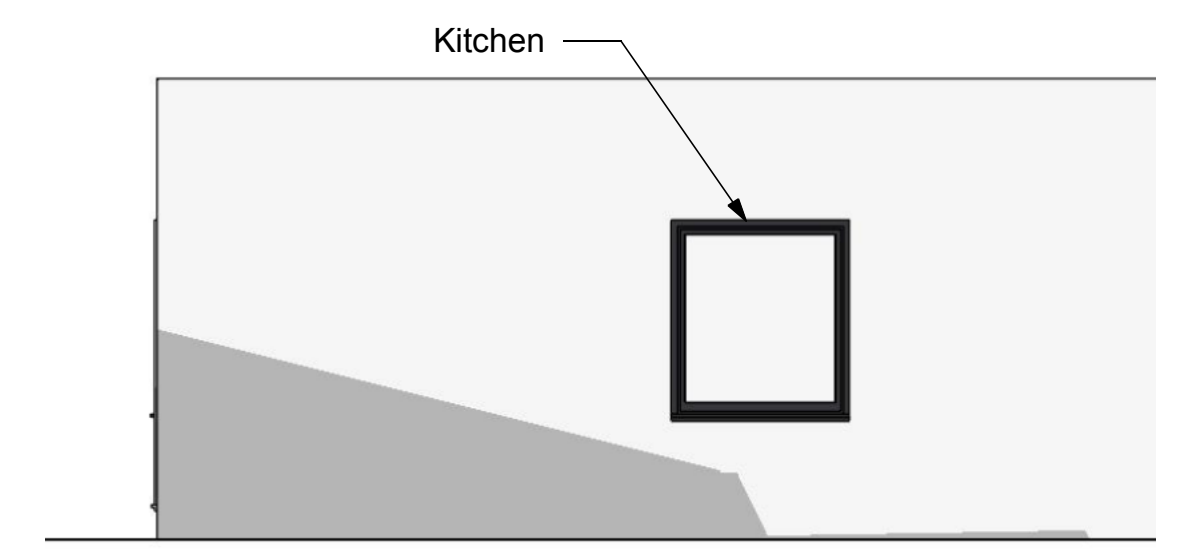
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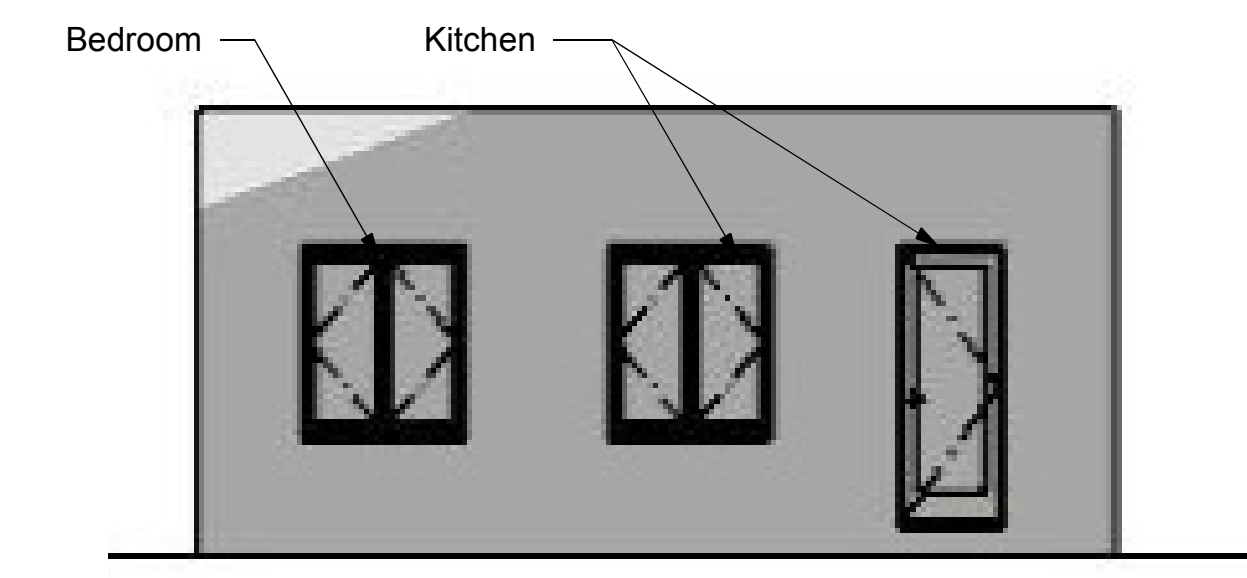
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Berkeley, CA 94703
APN: 58-2156-18



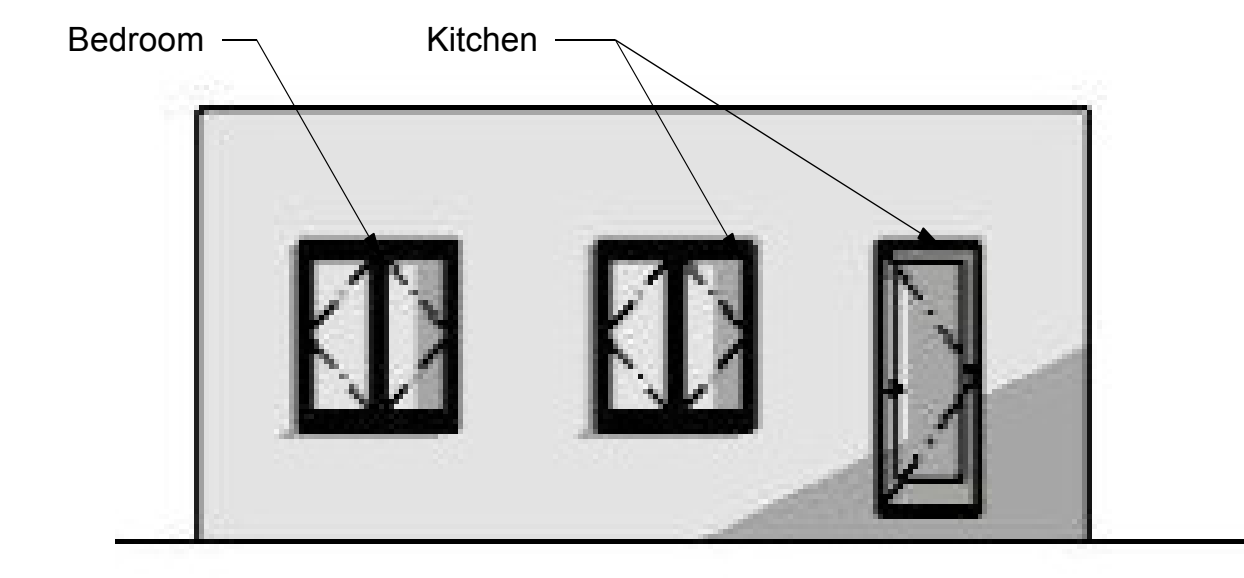
Proposed West Wall



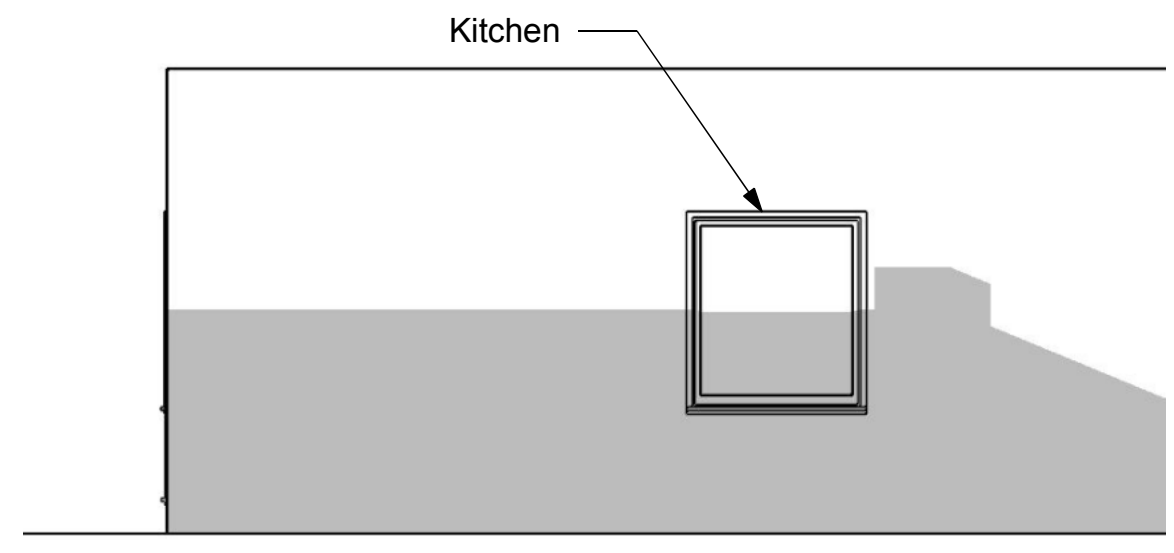
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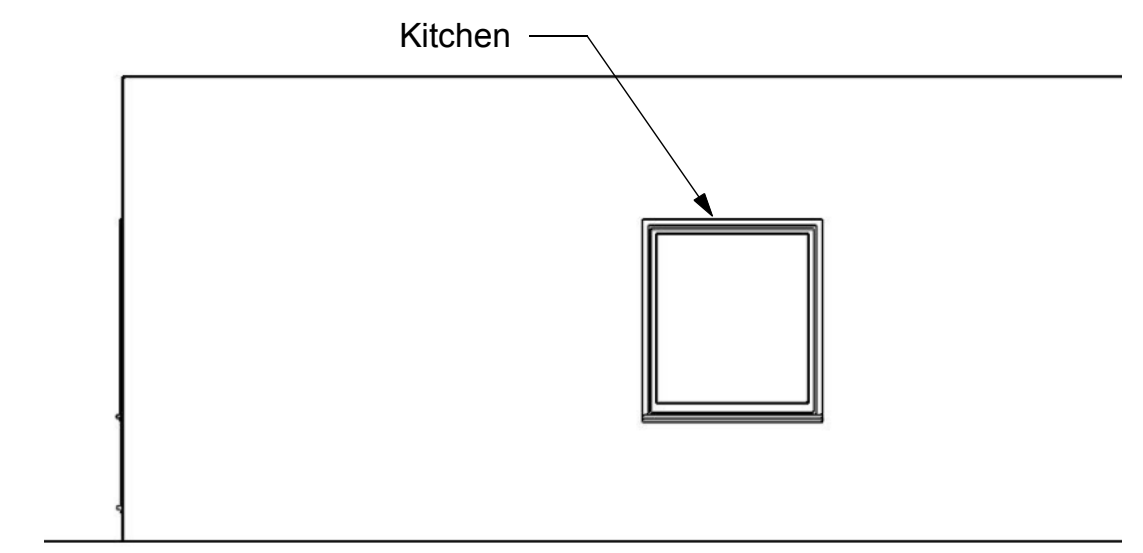
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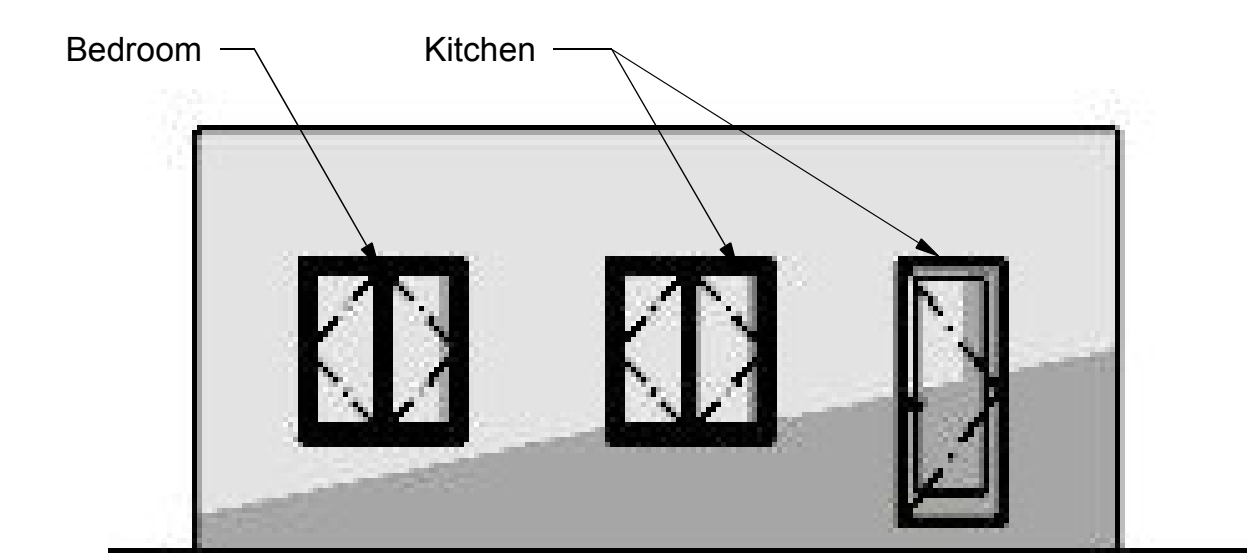
Proposed North Wall



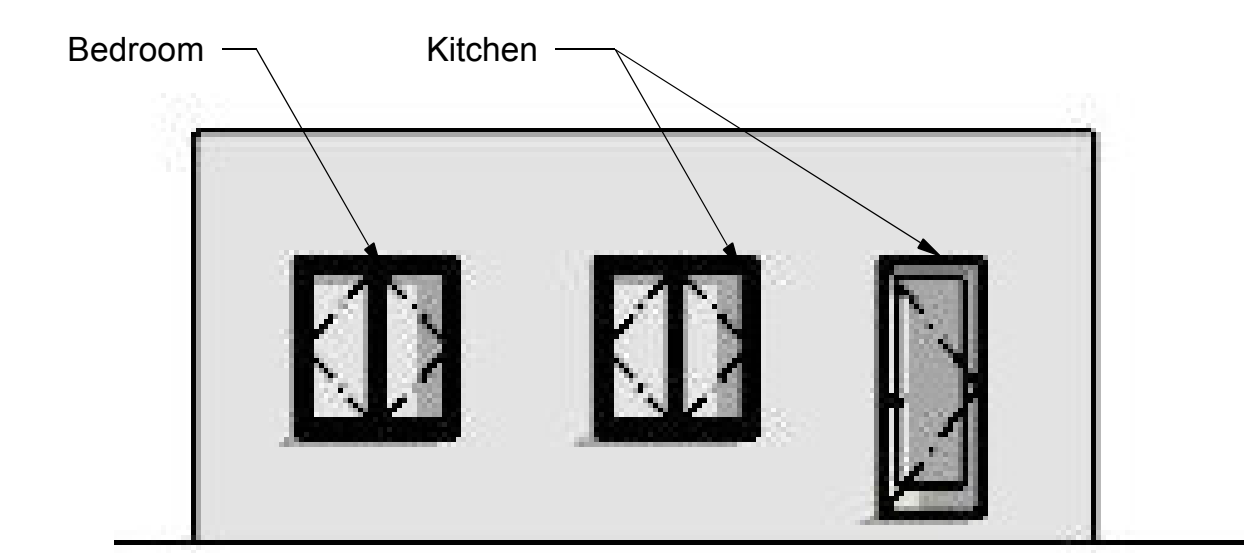
Existing West Wall



Existing West Wall



Existing North Wall



Existing North Wall

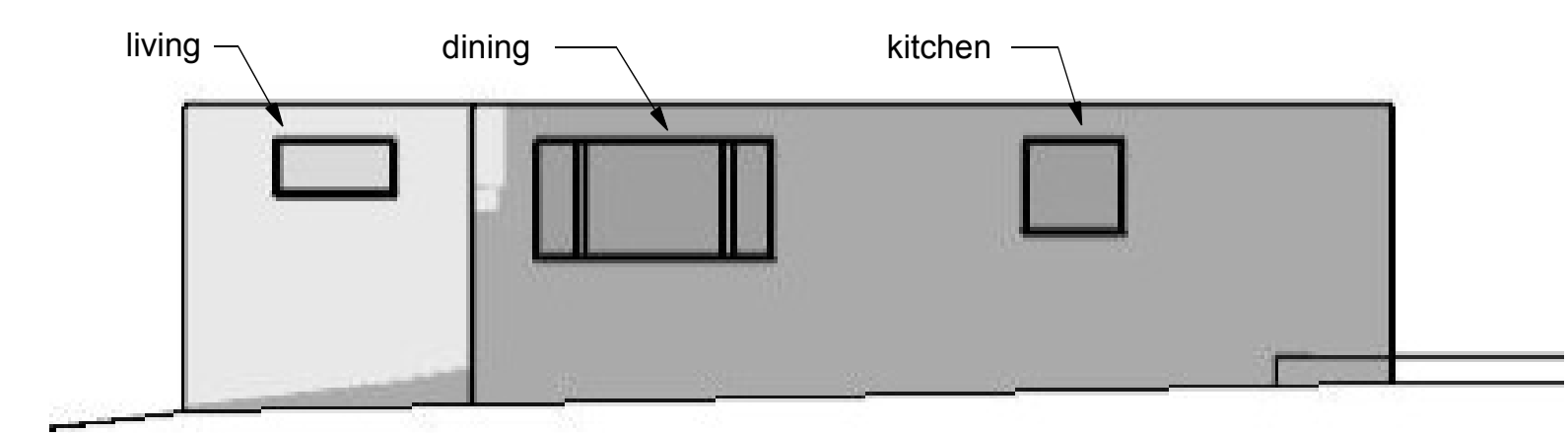
6-21-2021 / 6:35 pm

6-21-2021 / 5:00 pm

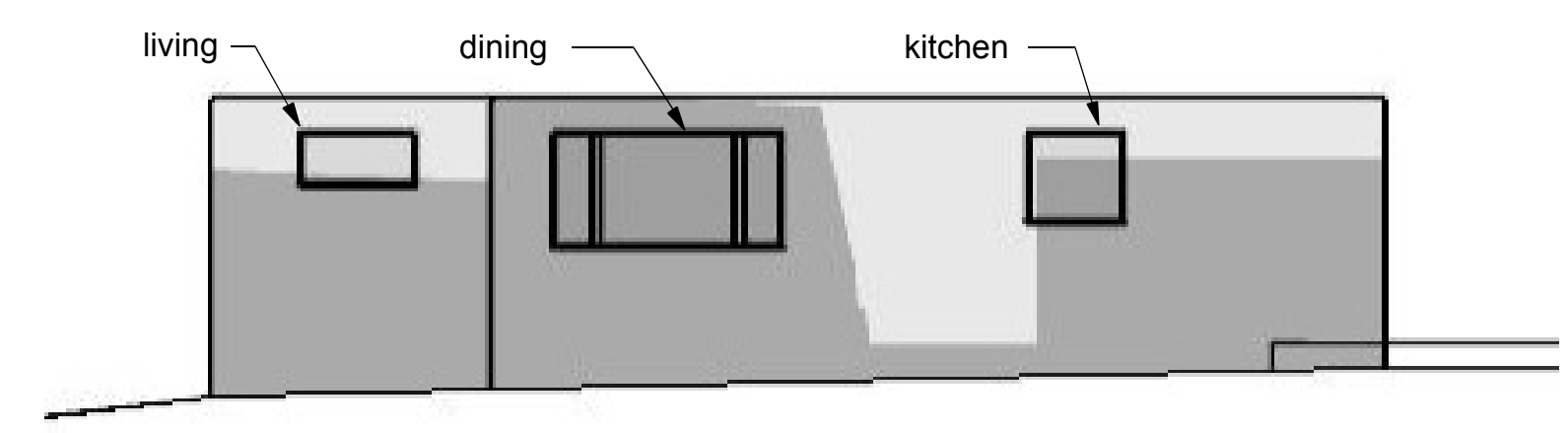
6-21-2021 / 6:35 pm

6-21-2021 / 5:00 pm

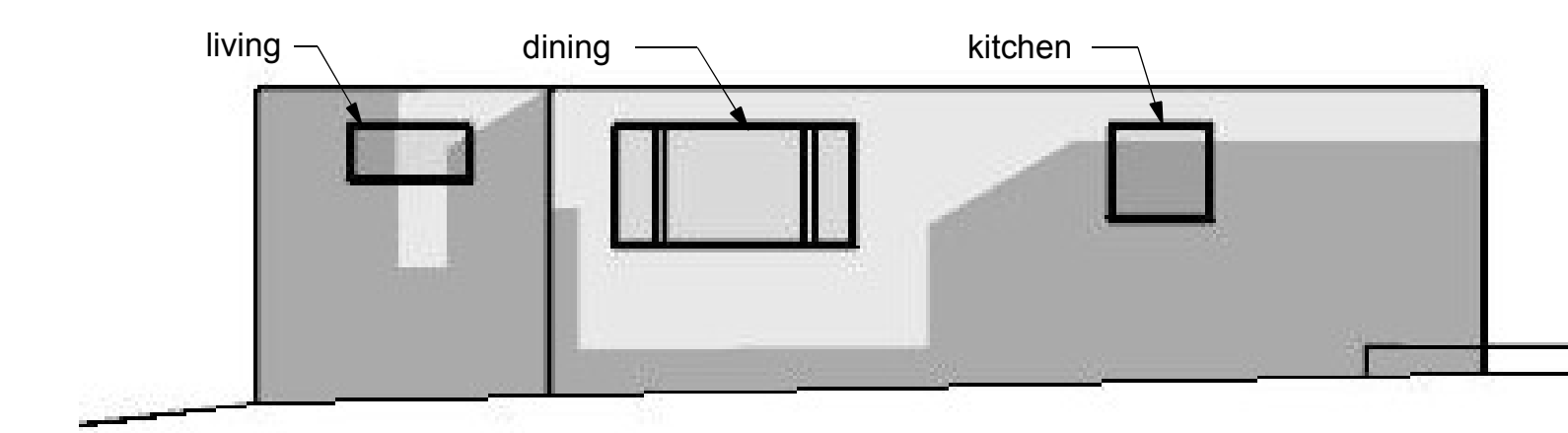
1609 Virginia St. Shadow Impact Study



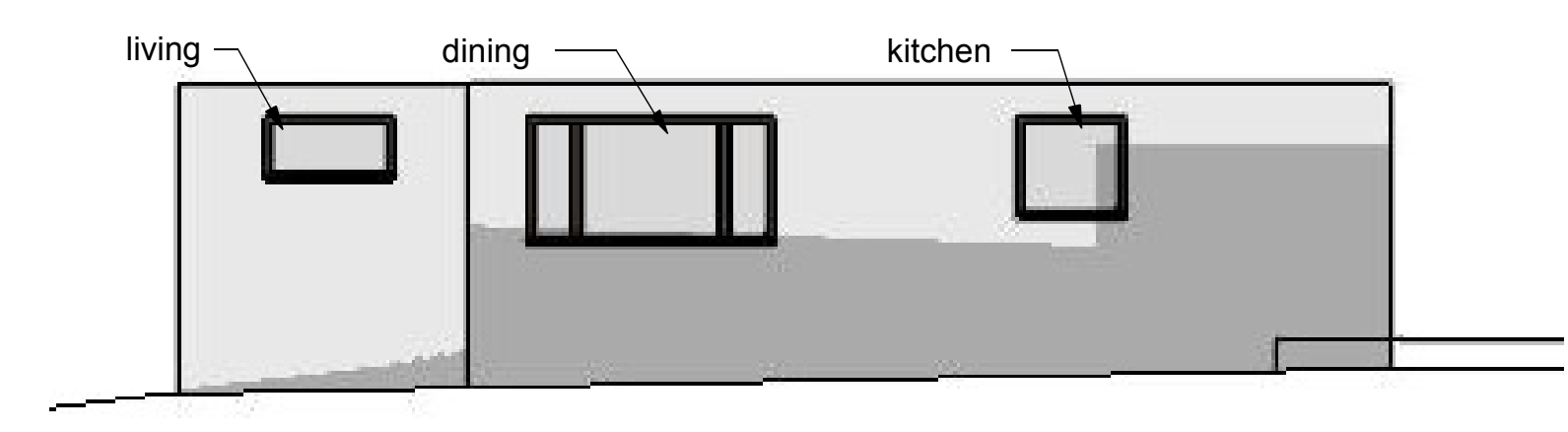
Proposed



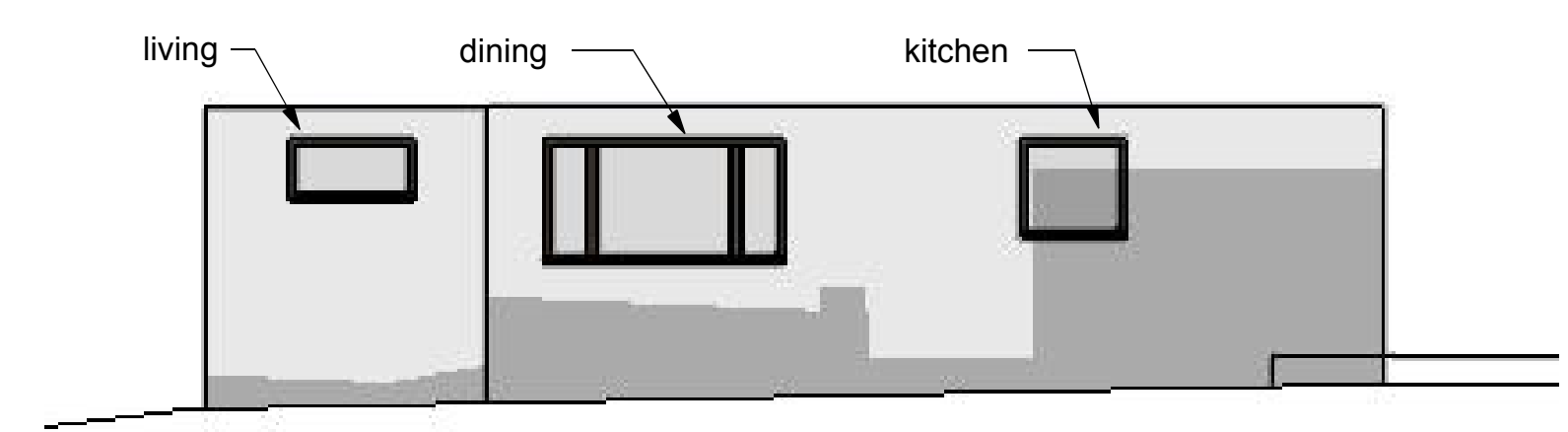
Proposed



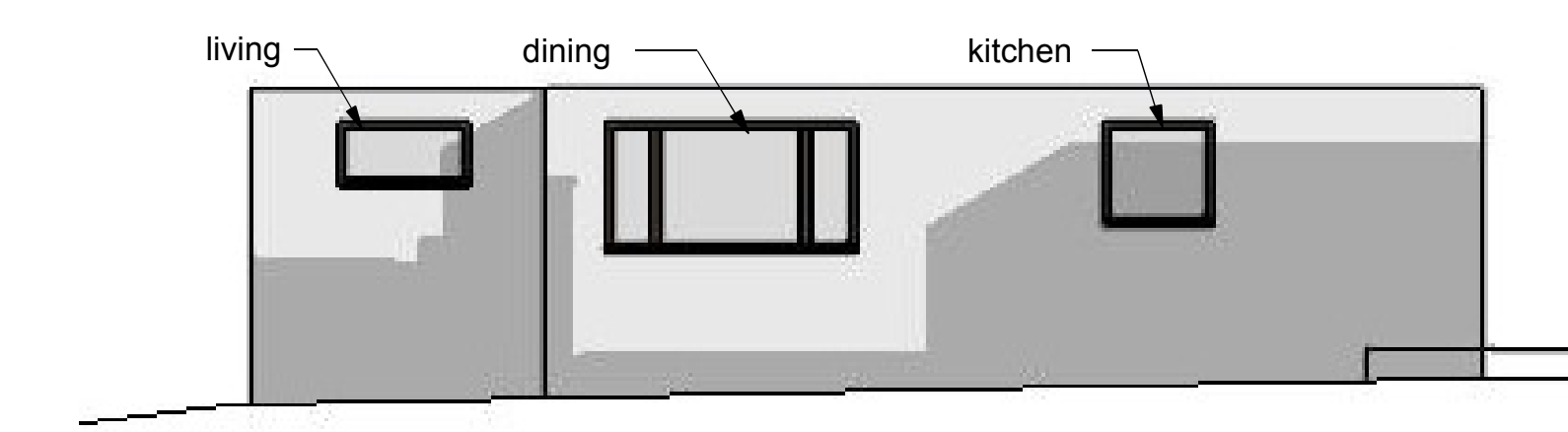
Proposed



Existing



Existing



Existing

12-21-2021 / 2:54 pm

12-21-2021 / 12:00 pm

12-21-2021 / 9:21 am

1639 California St. Shadow Impact Study

Sheet Contents:
Shadows Studies

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

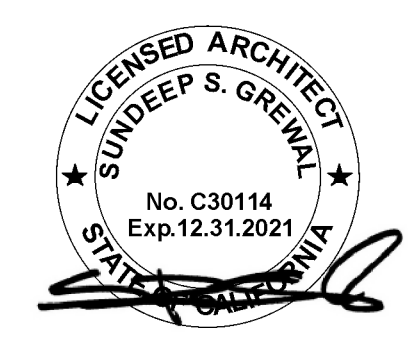
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Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021

Sheet **A4.3**

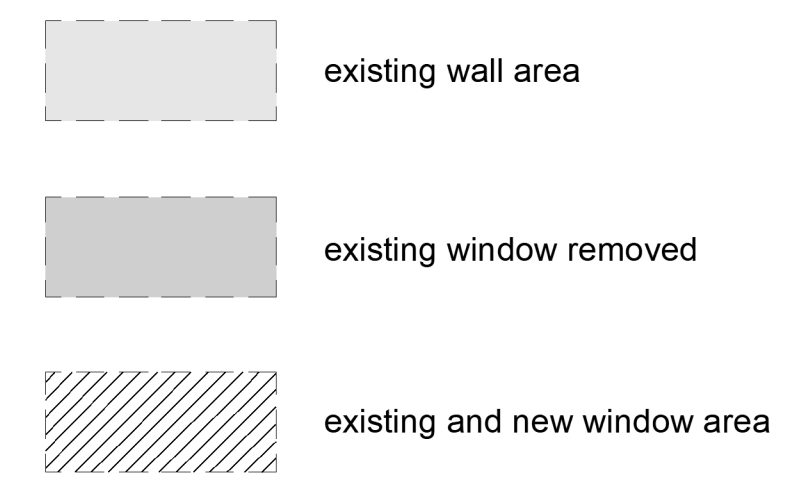


2223 Fifth St.
Berkeley, CA 94710
Ph: 510.548.7448
info@sgsarch.com
www.sgsarch.com



**OPPENHEIMER
RESIDENCE**
1643 & 1647 California St.
Berkeley, CA 94703
APN: 58-2156-18

Wall Demolition Notes:
Total wall area: 1,921 s.f.
Total wall removed: 520 s.f. (existing and new openings)
Percentage removed: 27.1%



(e) wall area: 465 s.f.
total wall removed: 107 s.f. - existing and new openings
Percentage of wall removed: 23%

4 Proposed South Elevation - Right Side



(e) wall area: 412 s.f.
total wall removed: 110 s.f. - existing and new openings
Percentage of wall removed: 26.7%

3 Proposed East Elevation - Rear



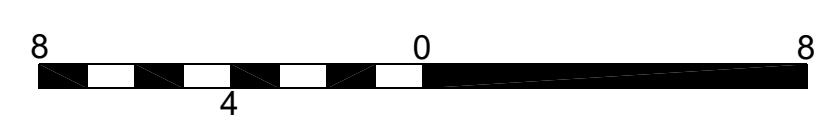
(e) wall area: 436 s.f.
total wall removed: 115 s.f. - existing and new openings
Percentage of wall removed: 33.2%

2 Proposed North Elevation - Left Side



(e) wall area: 608 s.f.
total wall removed: 188 s.f. - existing and new openings
Percentage of wall removed: 30.9%

1 Proposed West Elevation - Front



Sheet Contents:
Demolition Diagram

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Project No:
20-13-420

Drawn By:
SSG

Checked By:
SSG

Scale:
1/4" = 1'-0"

Revisions:
Use Permit Set: 12-10-2020
Redesign: 5-25-2021
Planning Review: 6-29-2021
Planning Review: 7-15-2021
Planning Review: 8-26-2021

Sheet
A5.1



Planning and Development Department
Land Use Planning Division

September 24, 2021

Sent via email:

sunny@sgsarch.com

Sundeep Grewel
Studio G+S Architects
2223 5th Street
Berkeley, CA 94710

Re: Application for Use Permit #ZP2021-0001 for 1643/1647 California Street

Dear Applicant,

The Land Use Division has reviewed the above referenced application, resubmitted on August 26, 2021 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout on an existing property that is non-conforming to density, lot coverage, and front, side, and rear setbacks at 1643/1647 California Street.

I have reviewed your resubmittal and determined that your application is complete as of September 24, 2021. Now that this application is deemed complete, I will finish my analysis of this project and prepare the Staff Report for the ZAB review of this project. I will inform you when your application has been scheduled for a public hearing.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Armour".

Nicholas Armour
Senior Planner



Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

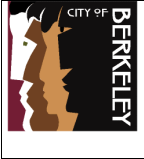
**ZONING ADJUSTMENTS BOARD
NOTICE OF PUBLIC HEARING**

SUBJECT: 1643-1647 California Street
Use Permit #ZP2021-0001

WHEN: Thursday, December 9, 2021.
Meeting starts at 7:00 pm.

WHERE: *This meeting will be conducted exclusively through videoconference and teleconference; there will not be a physical meeting location available. Please see: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2021-12-09_ZAB_Agenda.pdf or details.*

«NAME1»
«NAME2»
«ADDRESS1» «ADDRESS2»

	<p>SUBJECT: 1643-1647 California Street, Use Permit #ZP2021-0001 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout, resulting in a 3,763 square foot duplex on an existing property</p> <p>CEQA RECOMMENDATION: It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.</p>
<p>NOTICE CONCERNING YOUR LEGAL RIGHTS: If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing.</p> <p>Post and Mail Date: November 23, 2021</p>	<p>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.</p> <p>Send written comments to the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley, CA 94704 or via e-mail to: zab@cityofberkeley.info. For further information, see the Agenda at: https://www.cityofberkeley.info/uploaded/Files/Planning_and_Development/Level_3_-_ZAB/2021-10-28_ZAB_Agenda.pdf or call the Land Use Planning division (510) 981-7410.</p> <p>To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418(V) or 981-6347(TDD) at least three business days before the meeting date.</p> <p>PLEASE NOTE: If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website.</p>
<p>All application materials are available at the Land Use Planning Division online at: http://www.cityofberkeley.info/zoningapplications.</p> <p>The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: http://www.cityofberkeley.info/zoningadjustmentsboard.</p>	

Internal

NAME1	NAME2	ADDRESS1	ADDRESS2
Cedar Street Neighborhood Association	1814 CEDAR ST	BERKELEY CA 94703	
Milvia-King Alliance	1731 MILVIA ST	BERKELEY CA 94709	
Schoolhouse-Lincoln Creeks Watershed Neighborhood Assoc.	1546 MILVIA ST	BERKELEY CA 94709	
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	Berkeley, CA 94720-1382	
Urban Creeks Council	861 REGAL RD	BERKELEY CA 94708	
California Delaware McGee Neighborhood Association	1612 DELAWARE ST	BERKELEY CA 94703	
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA 94618	
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA 94704	
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000,	SOUTH SAN FRANCISCO CA 94080	
HARATANI DAVID I & DALE C	1008 NAVELLIER ST	EL CERRITO CA	94530
BAEHREND DAVID & VANDERBURG KAREN	1223 PORTLAND AVE	BERKELEY CA	94706
OCONELL BEN & HANSON STEVEN TRS	1247 E 12TH ST #2	OAKLAND CA	94606
MISHIMA ELEANOR T & THOMAS J ETAL	1340 LINDA VISTA DR	EL CERRITO CA	94530
MURPHY SEAN F & MICHELLE S	1527 VIRGINIA ST	BERKELEY CA	94703
FIELDS CRAIG M & FELICIA	1530 LINCOLN ST	BERKELEY CA	94703
HAMMOND PAUL W & JACQUELINE P	1530 VIRGINIA ST	BERKELEY CA	94703
BRAND H L TR	1531 LINCOLN ST	BERKELEY CA	94703
CINTRON BERNADINE	1531 VIRGINIA ST	BERKELEY CA	94703
CHINN DOUGLAS TR	1532 LINCOLN ST	BERKELEY CA	94703
COMMON AREA PM 10707	1532 VIRGINIA ST	BERKELEY CA	94703
HUMPHREYS KATHY S	1532 VIRGINIA ST B	BERKELEY CA	94703
RAWLINS ERIC & ROSENAU ELLEN M	1535 LINCOLN ST	BERKELEY CA	94703
ZIEGLE JANET S TR & NEWMAN JONATHAN M & NAKAS ETAL	1535 VIRGINIA ST	BERKELEY CA	94703
ELMS MARGARET M TR	1536 LINCOLN ST	BERKELEY CA	94703
JACKSON MARIA E TR	1537 VIRGINIA ST	BERKELEY CA	94703
WORTH ANN E & SILBERHANS LESLIE TRS	1539 LINCOLN ST	BERKELEY CA	94703
KANEKO MIDORI	1540 LINCOLN ST	BERKELEY CA	94703
MCCARTHY MEGAN P	1541 FRANCISCO ST	BERKELEY CA	94703
WHITE ROBERT L & GENEVIEVE F TRS	1541 VIRGINIA ST	BERKELEY CA	94703
JONES EMLYN S & PALLADINO JOSEPH M	1542 LINCOLN ST	BERKELEY CA	94703
RISHER MICHAEL T & SAAVEDRA BARBARA	1542 VIRGINIA ST	BERKELEY CA	94703
CLARK GEORGE W & LIPMAN LAURA A TRS	1543 VIRGINIA ST	BERKELEY CA	94703
WOLFENDEN JOHN D JR & CATHERINE E	1544 VIRGINIA ST	BERKELEY CA	94703
MARSH ROBERT M & PATRICIA D TRS	1546 VIRGINIA ST	BERKELEY CA	94703
HOLLOWELL PAULA TR	1600 VIRGINIA ST	BERKELEY CA	94703
LASRY ARIC	1601 LINCOLN ST	BERKELEY CA	94703
TUCCILLO CHRISTINA & BANFIELD DECLAN	1607 FRANCISCO ST	BERKELEY CA	94703
LOPEZ JOSE B & GROSSMAN RHONDA R TRS	1607 LINCOLN ST	BERKELEY CA	94703
ETGAR INBAL & DINNER ALEC	1608 VIRGINIA ST	BERKELEY CA	94703
SAFIR ADAM L & CEDERSTAV ANNA K TRS	1609 VIRGINIA ST	BERKELEY CA	94703
MCCLELLAN JOAN R TR	1611 FRANCISCO ST	BERKELEY CA	94703
DIXON LINDSAY A & MCMILLAN CAROLYN TRS	1611 LINCOLN ST	BERKELEY CA	94703

Internal

SHANNON SARAH R & JAILER TODD M	1612 VIRGINIA ST	BERKELEY CA	94703
KING JOHN A & BUTLER CYNTHIA TRS	1613 VIRGINIA ST	BERKELEY CA	94703
IMAZUMI KUNIKO TR ETAL	1615 LINCOLN ST	BERKELEY CA	94703
NAPOLI STEPHEN A & GALLAHERBROWN LINDA J TRS	1616 VIRGINIA ST	BERKELEY CA	94703
BOWMAN MATTHEW J & CECILIA R	1617 FRANCISCO ST	BERKELEY CA	94703
TAYLOR KATHERINE A TR	1618 CALIFORNIA ST	BERKELEY CA	94703
SUTAKE JOHN JR	1619 LINCOLN ST	BERKELEY CA	94703
CAESARA LYNDA TR	1619 VIRGINIA ST	BERKELEY CA	94703
CASE AMANDA & MAK KEVIN	1620 CALIFORNIA ST	BERKELEY CA	94703
CHOW KATHERINE J	1620 LINCOLN ST	BERKELEY CA	94703
CUTTRISS STUART L & HOPKINS NANCY	1622 VIRGINIA ST	BERKELEY CA	94703
TONG KEN K TR	1623 VIRGINIA ST	BERKELEY CA	94703
WORSTELL GORDON TR	1623-1625 GRANT ST	BERKELEY CA	94703
RITCHIE DAVID J & FENSTERMACHER NANCY R	1624 VIRGINIA ST	BERKELEY CA	94703
THOMPSON CHARLES L TR	1625 VIRGINIA ST	BERKELEY CA	94703
PETERSON LAURA F ETAL	1626 LINCOLN ST	BERKELEY CA	94703
SCHWARTZ TANIA L	1628 CALIFORNIA ST	BERKELEY CA	94703
CORBETT JAMES D & KILBY LINDA	1631 CALIFORNIA ST	BERKELEY CA	94703
JOHNSON SCOT & GABLE FRANCISCO M	1634 CALIFORNIA ST	BERKELEY CA	94703
STARR JOAN B & IRIS C TRS	1635 CALIFORNIA ST	BERKELEY CA	94703
ELLINGER NANCY W & POPE DAVID TRS	1635 VIRGINIA ST	BERKELEY CA	94703
MALMUTH JEFFREY S & CALCIOLARI DANIELA TRS	1636 CALIFORNIA ST	BERKELEY CA	94703
ESPEJO YOLANDA M	1636 LINCOLN ST	BERKELEY CA	94703
FRITZ BARBARA J TR	1639 CALIFORNIA ST	BERKELEY CA	94703
GREINKE KATHLEEN Y TR	1640 LINCOLN ST	BERKELEY CA	94703
LAWRENCE SUSAN M & COHEN ANDREW B	1644 LINCOLN ST	BERKELEY CA	94703
OPPENHEIMER IDO & TAMAR D	1647 CALIFORNIA ST	BERKELEY CA	94703
BRISTOL KAY S TR	1651 CALIFORNIA ST	BERKELEY CA	94703
DELOSRIOS JUAN & ROGERS ANNIKA	1654 LINCOLN ST	BERKELEY CA	94703
LINKS RICHARD A TR	1656 CALIFORNIA ST	BERKELEY CA	94703
COMMON AREA OF PM 6679 32 & 33	1658 CALIFORNIA ST	BERKELEY CA	94703
LEE SPENCER J	1658 CALIFORNIA ST 1	BERKELEY CA	94703
GUTWILL JOSHUA P & WISE LAURA J TRS	1660 LINCOLN ST	BERKELEY CA	94703
ANDALMAN AARON & LEVENBERG WRENN TRS	1705 CALIFORNIA ST	BERKELEY CA	94703
BUHRMANN ERICA & DRUCKER RONALD TRS	1708 CALIFORNIA ST	BERKELEY CA	94703
DER ZOLTAN & KLOIAN ELIZABETH A	1709 CALIFORNIA ST	BERKELEY CA	94703
UCHIDA MICHAEL N & ABRENILLA AILEEN	1710 CALIFORNIA ST	BERKELEY CA	94703
HORWITZ BARRY D TR	1711 EOLA ST	BERKELEY CA	94703
MIYASAKI RONALL H & JON T TRS ETAL	2785 ST ANDREWS DR	BRENTWOOD CA	94513
HORNUNG DAVID E	2900 17TH ST	SACRAMENTO CA	95818
AUGST BERTRAND & CHANGAUGST JINLEI	496 N LATHAM ST	ALEXANDRIA VA	22304
SPERLING SUSAN & JANOWITZ MARC S	690 LEE AVE	SAN LEANDRO CA	94577
DANSBY U W HEIRS OF EST	73-1473 KALOKO DR	KAILUA KONA HI	96740

Internal

YOSHIMURADONG LOUISE	864 SYBIL AVE	SAN LEANDRO CA	94577
HO CALVIN V & DIEP LINH L	PO BOX 32894	SAN JOSE CA	95152
Occupant(s)	1528 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1533 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1536 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1544 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1600 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1601 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1602 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1604 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1604 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1605 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1606 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1608 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1610 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1612 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1612 VIRGINIA ST B	BERKELEY CA	94703
Occupant(s)	1613 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1613 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1614 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1615 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 1	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 2	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 3	BERKELEY CA	94703
Occupant(s)	1615 VIRGINIA ST 4	BERKELEY CA	94703
Occupant(s)	1616 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1616 VIRGINIA ST A	BERKELEY CA	94703
Occupant(s)	1617 LINCOLN ST	BERKELEY CA	94703
Occupant(s)	1618 VIRGINIA ST	BERKELEY CA	94703
Occupant(s)	1619 VIRGINIA ST A	BERKELEY CA	94703
Occupant(s)	1621 FRANCISCO ST	BERKELEY CA	94703
Occupant(s)	1636 CALIFORNIA ST A	BERKELEY CA	94703
Occupant(s)	1643 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1653 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1656 CALIFORNIA ST COM	BERKELEY CA	94703
Occupant(s)	1709 1/2 CALIFORNIA ST	BERKELEY CA	94703
Occupant(s)	1709 CALIFORNIA ST A	BERKELEY CA	94703
Occupant(s)	1709 CALIFORNIA ST B	BERKELEY CA	94703
Occupant(s)	1709 CALIFORNIA ST C	BERKELEY CA	94703

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Thursday 12/9 ZAB meeting - item # - 1643 California

From: Adam Safir <cederfir@hotmail.com>
Sent: Thursday, December 9, 2021 9:08 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Thursday 12/9 ZAB meeting - item # - 1643 California

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

A few questions and comments:

- As there is an ongoing discussion about 'objective standards', why are you approving projects at all right now.
- If all use permits have to be approved anyway, this should not be discussed and should be incorporated into what the city planners are doing. You asked why we didn't have any specific asks about the project and it is specifically because we thought that we were at the stage of asking you to request major modifications because of all the UPs/AUPs. If we knew these were a forgone conclusion (which is totally bizarre) then we would absolutely have requests/suggestions.



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

DATE OF BOARD DECISION: December 9, 2021

DATE NOTICE MAILED: December 20, 2021

APPEAL PERIOD EXPIRATION: January 10, 2022

EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)¹: February 1, 2022

1643 & 1647 California Street

Use Permit #ZP2021-0001 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout, resulting in a 3,763 square foot duplex on an existing property

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23C.04.070.C to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Use Permit, under BMC Section 23C.04.070.E to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable density;
- Administrative Use Permits, under BMC Section 23C.04.070.B to horizontally extend two non-conforming yards (front and rear);
- Administrative Use Permit under BMC section 23D.28.030 to permit a major residential addition;
- Administrative Use Permit under BMC Section 23D.28.070.C to allow an addition over 14 feet in height.; and
- Administrative Use Permit under BMC Section 23D.28.050 to construct a fifth bedroom

ZONING: R-2 – Restricted Two-Family Residential District

APPLICANT: Sundeep Grewal, Studio G+S Architects, 2223 Fifth Street, Berkeley, CA 94710

¹ Pursuant to BMC Section 23B.32.090, the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

ZONING ADJUSTMENTS BOARD
December 9, 2021

1643-1647 CALIFORNIA STREET
Page 2 of 4

PROPERTY OWNER: Ido and Tamar Oppenheimer, 1643 & 1647 California Street, Berkeley
CA 94703

ENVIRONMENTAL REVIEW STATUS: It is staff's recommendation that the project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines ("Existing Facilities"). The determination is made by ZAB.

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.

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

	Yes	No	Abstain	Absent
DUFFY	X			
KAHN	X			
KIM	X			
O'KEEFE	X			
OLSON	X			
SANDERSON	X			
THOMPSON	X			
GAFFNEY	X			
TREGUB	X			
BOARD VOTE:	9	0	0	0



Samantha Updegrave, Zoning Adjustments Board
Secretary

PUBLICATION OF NOTICE:

Pursuant to BMC Section 23B.32.050, this notice shall be mailed to the applicant at the mailing address stated in the application and to any person who requests such notification by filing a written request with the Zoning Officer on or before the date of the Board action. This notice shall also be filed with the City Clerk. In addition, the notice shall be forwarded to the Zoning Adjustments Board and to the Main Library. The notice shall also be posted at a bulletin board at the Zoning Counter. The City Clerk shall make the notice available to interested members of the Council and the public.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Nick Armour, at (510) 981-7485 or narmour@cityofberkeley.info. All project application materials, including full-size plans, may be viewed online at <https://aca.cityofberkeley.info/Community/> or in the Permit Service Center at the Zoning Counter at 1947 Center Street, Third Floor, during normal office hours.

TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
 - A. The fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
 - B. The fee for all appeals by Applicants is \$2,500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

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

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

ATTACHMENT 1**FINDINGS AND CONDITIONS**

DECEMBER 9, 2021

1643 & 1647 California Street

Use Permit #ZP2021-0001 to 1) create new lower basement level, 2) construct a new, second story, and 3) modify the existing duplex layout, resulting in a 3,763 square foot duplex on an existing property

PERMITS REQUIRED

- Use Permit, under Berkeley Municipal Code (BMC) Section 23C.04.070.C to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable lot coverage;
- Use Permit, under BMC Section 23C.04.070.E to enlarge a lawful non-conforming structure that is non-conforming by reason of violation of the maximum allowable density;
- Administrative Use Permits, under BMC Section 23C.04.070.B to horizontally extend two non-conforming yards (front and rear);
- Administrative Use Permit under BMC section 23D.28.030 to permit a major residential addition;
- Administrative Use Permit under BMC Section 23D.28.070.C to allow an addition over 14 feet in height.; and
- Administrative Use Permit under BMC Section 23D.28.050 to construct a fifth bedroom

I. CEQA FINDINGS

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 of the CEQA Guidelines (“Existing Facilities”).
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

1. As required by Section 23B.32.040.A 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 project will add a second level to the home, of which there are several examples in the neighborhood.
 - B. The second story addition will step in and comply with the required front and rear yard setbacks.

- C. A basement is proposed to be added. While adding additional square footage to the building, the basement will not create any new impacts to the surrounding neighbors due to its placement partially below grade, maintaining the existing first floor level.
- D. The neighborhood is a mix of residential uses, including apartments and single-family and multi-family homes. Existing structures in the immediate neighborhood vary in height from one to two stories; and
- E. The project approval is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental.

III. OTHER FINDINGS FOR APPROVAL

2. Pursuant to BMC Section 23C.04.070.C, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of lot coverage are permitted with a Use Permit if the addition/enlargement does not increase coverage or exceed the height limit. The property is non-conforming to the maximum allowable lot coverage, with 50 percent coverage, where 45 percent is the District maximum on this R-2 property. The proposed addition will remove an existing shed in the rear yard, which will reduce the lot coverage to 44 percent, while creating a two-story house, which decreases the allowable lot coverage to 40 percent. While the proposed structure will still be non-conforming to the allowable lot coverage, the project will reduce the non-conformity from 5 percent over the allowable limit to 4 percent over the allowable limit. The proposed addition is located over existing covered area, and therefore, does not increase the non-conforming lot coverage. Additionally, while the addition consists of a second story addition, reaching a total of 23 feet, 10 inches, which complies with the maximum average height limit of 28 feet.
3. Pursuant to BMC Section 23C.04.070.E, additions and/or enlargements of lawful non-conforming structures that are non-conforming by reason of residential density are permitted with a Use Permit if the addition/enlargement does not increase the density or exceed the height limit. The project proposes to maintain the density at two units, therefore, it does not increase the density. As described in Section V.C of the Staff Report, the addition will comply with the allowable average height limit in the district
4. Pursuant to BMC Section 23C.04.070.C, additions and/or enlargements which vertically extend or alter a portion of a building which encroaches into a non-conforming yard may be of lawful non-conforming structures that are non-conforming by reason of residential density are permitted with an Administrative Use Permit if the existing use of the property is conforming and if the addition/enlargement will not 1) reduce any yard below the minimum setback requirements, or further reduce existing non-conforming yards; or 2) exceed the maximum or calculated height limits. As described in the Staff Report, the existing residential structure is non-conforming to the front, rear, and left (north) side setbacks. The proposed addition/enlargement of the house will correct the non-conforming left side setback, but is proposed to vertically extend the non-conforming front and rear setbacks. The front setback will be vertically extended both up (with the second story) and down (with the basement), while the rear setback will be vertically extended down with the expansion of the basement. The second story at the rear will comply with the required 20-foot rear yard setback. As the enlargement of the building will comply with the permitted residential use on the property, and the vertical expansions within the non-conforming setbacks will not further reduce the non-conformity, these expansions are permissible.
5. Pursuant to BMC Section 23D.28.050, an Administrative Use Permit is required to approve the addition of a fifth bedroom to a parcel in the R-2 Zoning District. This project proposes to increase

the total number of bedrooms on the property from four to five bedrooms. The addition of this fifth bedroom will not add density to the site, or intensify the use of the residential property.

IV. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. 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.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

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.

V. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

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

- 11. Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan 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.

- 12. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:**
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:**
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:**
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project.

Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

During Construction:

13. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
14. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
 - A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
15. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
 - A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or

- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
16. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
17. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
18. 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.

19. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
20. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

- 21. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 22. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 23. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.

- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.

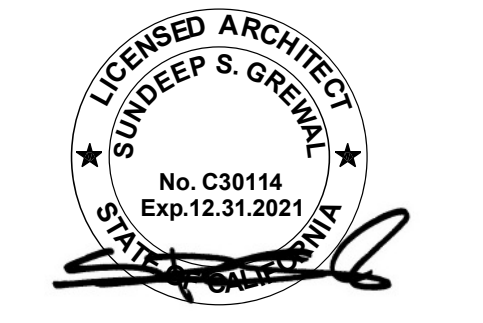
- 29. Public Works.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

- 30. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
- 31. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated August 26, 2021, except as modified by conditions of approval.

At All Times:

- 32. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 33. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 34. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 35.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- 36.** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.



OPPENHEIMER RESIDENCE
 1643 & 1647 California St.
 Berkeley, CA 94703
 APN: 58-2156-18

Sheet Contents:
 Sheet Index
 Applicable Codes
 Abbreviations
 Vicinity Map
 Project Data
 Scope of Work
 Project Directory
 Photos

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: N/A

Revisions:

Use Permit Set: 12-10-2020

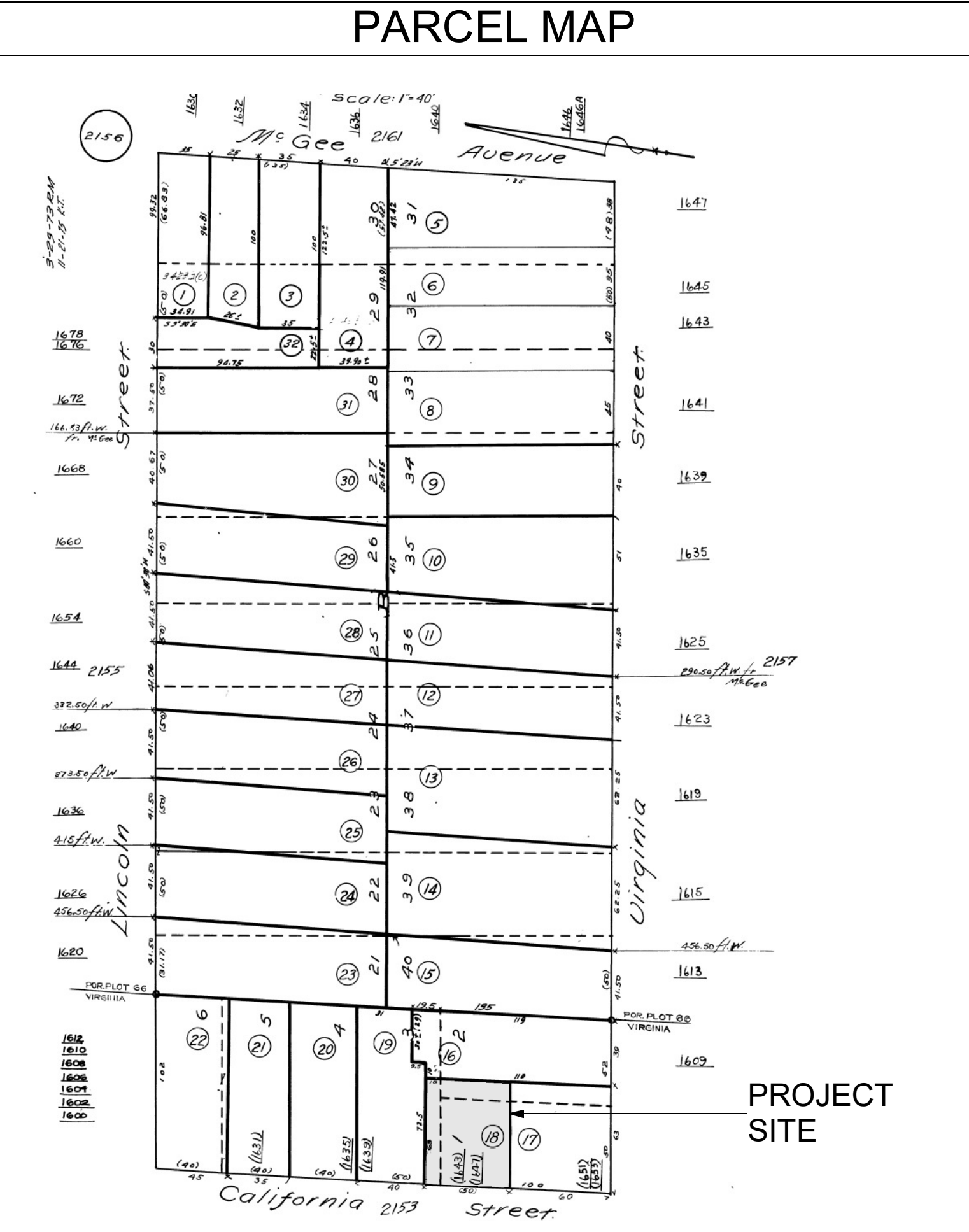
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Planning Review: 6-29-2021

Planning Review: 7-15-2021

Planning Review: 8-26-2021

Sheet **A0.0**



OPPENHEIMER RESIDENCE

1643 & 1647 California St. CA 94703

SHEET INDEX

- Architectural:**
- A0.0 Scope Of Work, Vicinity Map, Parcel Map, Project Data Sheet Index, Abbreviations, Applicable Codes Project Directory, Photos
 - A0.1 Existing Site Plan, Proposed Site Plans
 - A0.2 Site Survey
 - A1.1 Existing Floor Plan Existing Exterior Elevations
 - A2.1 Proposed Floor Plan
 - A2.2 Proposed Floor Plans
 - A3.1 Front Elevation Comparison, Exterior Renderings
 - A3.2 Proposed Exterior Elevations
 - A3.3 Building Section, Renderings
 - A4.1 Shadow Study
 - A4.2 Shadow Study
 - A4.3 Shadow Study
 - A5.1 Demolition Diagram

SCOPE OF WORK

The proposed project includes an addition to and remodel of an existing, one-story, two-family residence (duplex). Components of the project include:

Reconfigure existing duplex to create one larger unit and one smaller apartment. All work shall be within the building footprint. The building shall remain as a duplex. The preliminary program includes the following:

Basement/First floor:

- Excavate down to create new bedroom, full bath, home gym and family room and mech. room/storage

Second floor:

- Reconfigure layout as needed to create a larger unit with one smaller apartment
- Rebuild/reconfigure existing porch and entry stairs as required
- Create new stairs to basement floor and second floor addition

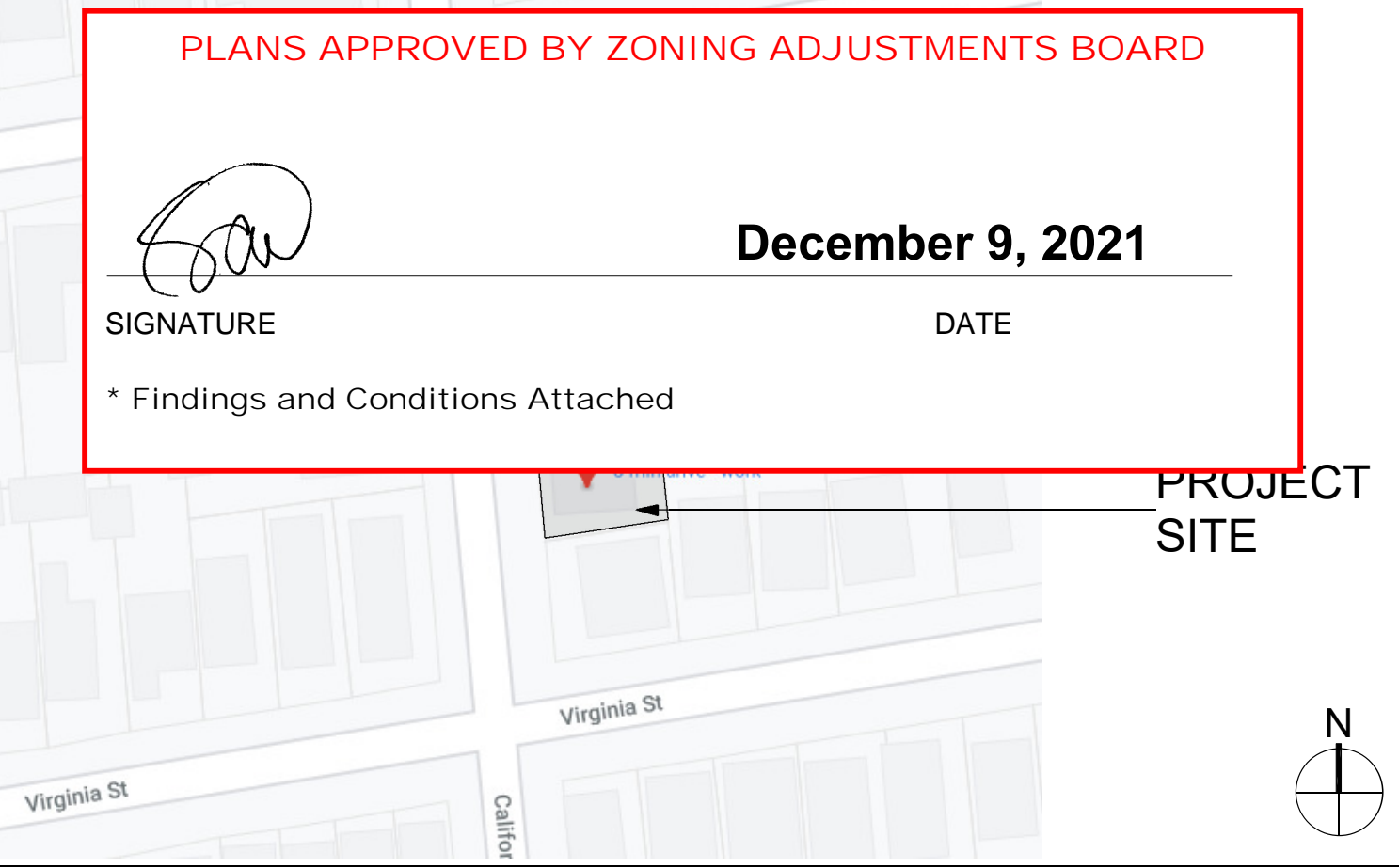
Third floor:

- Create new bedrooms, bathrooms and laundry room
- Create new balcony at front

Miscellaneous:

- Update all mechanical, electrical and plumbing systems as required for new work
- Reconfigure and rebuild front stairs per new design

VICINITY MAP



PROJECT DIRECTORY

Owner:
 Ido and Tamar Oppenheimer
 1643 & 1647 California St.
 Berkeley, CA 94703
 Tel: 510 486-8387

Architect:
 Sundeep Grewal
 Studio G+S, Architects
 2223 5th St.
 Berkeley, CA 94710
 Tel: 510-548-7448
 sunny@sgsarch.com

Project Address:
 1643 & 1647 California St.
 Berkeley, CA 94703
 APN: 58-2156-18

PROJECT DATA

Occupancy:	R-3 Duplex
Proposed Construction:	Type V-B
Fire Sprinkler System:	No
Zoning/General Plan Regulation	
Zoning District:	R-2 (Restricted Two-Family Residential)
General Plan Area:	LMDR
Downtown Arts District Overlay:	No
Commercial District With Use Quotas:	No
Seismic Safety	
Earthquake Fault Rupture(Alquist-Priolo) Zone:	No
Landslide (Seismic Hazards Mapping Act):	No
Liquefaction (Seismic Hazards Mapping Act):	No
Un-reinforced Masonry Building Inventory:	No
Historic Preservation	
Landmarks or Structure of Merit:	No
Environmental Safety	
Creek Buffer:	None
Fire Zone:	1
Flood Zone(100-year or 1%):	No
Wildlife Urban Interface	No

APPLICABLE CODES

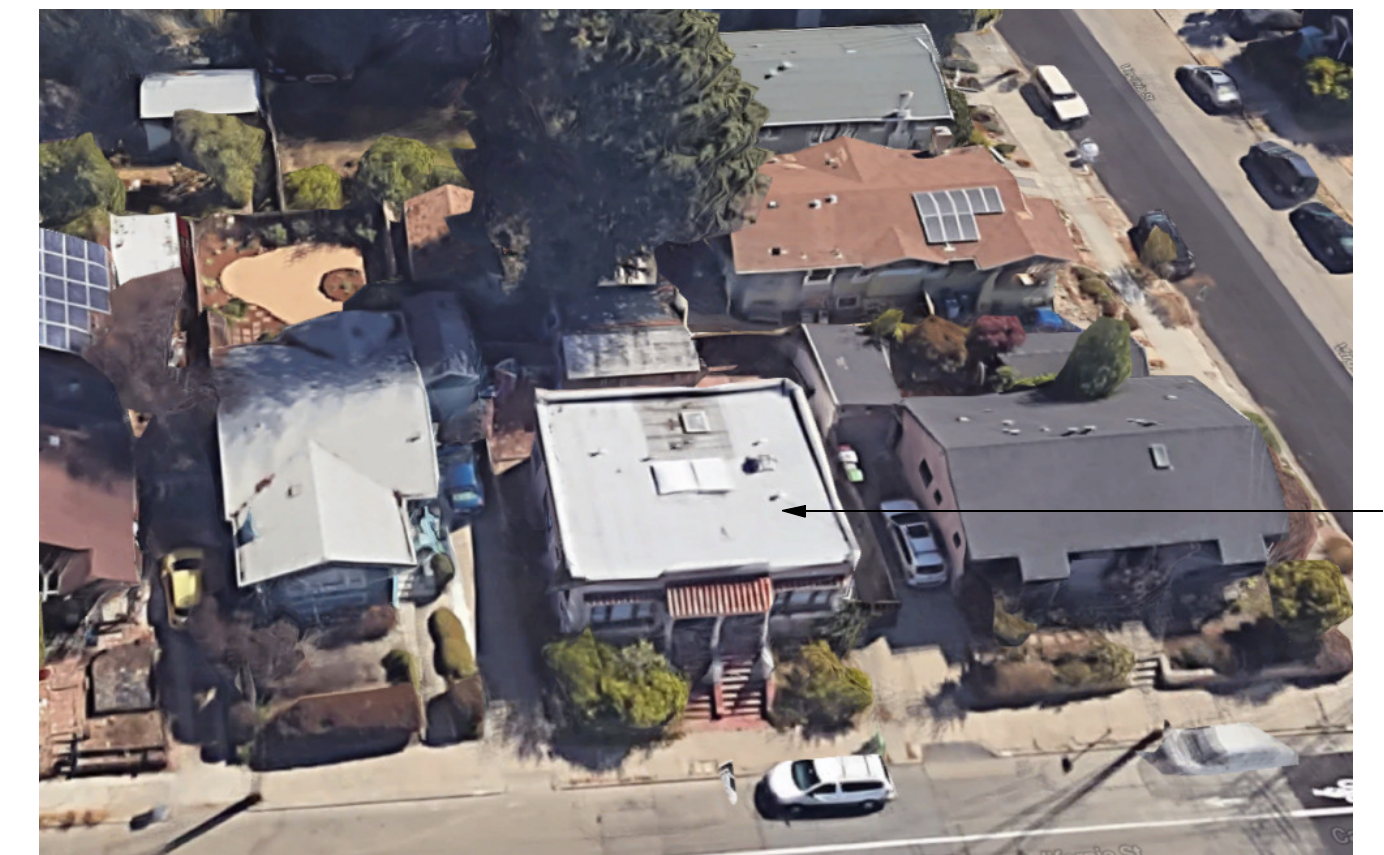
2019 California Building Code (CBC) Volume 1
 2019 California Building Code (CBC) Volume 2
 2019 California Residential Code (CRC)
 2019 California Energy Code (CBEES)
 2019 California Green Building Standards Code (CALGreen)
 2019 California Electrical Code (CEC)
 2019 California Plumbing Code (CPC)
 2019 California Mechanical Code (CMC)

This project shall conform to all the above codes and any local and state laws and regulations adopted by the City of Berkeley, CA.

ABBREVIATIONS

&	and	fdn.	foundation	pr.	pair
@	at	fin.	finish	p.s.	plumbing stack
perpen.	perpendicular	fl.	floor	pl.	point
#	pound or number	flash.	flashing	p.t.	pressure treated
(e)	existing	fluor.	fluorescent	pld.	painted
(n)	new	f.o.c.	face of concrete	r.	riser
(r)	renovated	f.o.f.	face of finish	r.a.	return air
a.f.f.	above finished floor	f.o.s.	face of studs	ref.	reference
acous.	acoustical	ft.	foot or feet	refr.	refrigerator
adj.	adjacent/ adjustable	ftg.	footing	rgtr.	register
alum.	aluminum	furn.	furnace	reinf.	reinforced
approx.	approximate	g.a.	gauge	req.	required
arch.	architectural	gal.	gallon	rm.	room
asph.	asphalt	galv.	galvanized sheet metal	r.o.	rough opening
bd.	board	g.m.	glass	nwd.	redwood
bdg.	building	gl.	ground	r.w.l.	rain water leader
bldg.	block	gr.	grade	s.	south
bkg.	blocking	gyp. bd.	gypsum board	s.c.	solid core
bm.	beam	h.b.	hose bibb	sched.	schedule
bot.	bottom	hdwd.	hardwood	sect.	section
b.p.	building paper	h.f.	hem fir	sh.	shelf
b/w	between	horiz.	horizontal	shr.	shower
cab.	cabinet	hgt.	height	sim.	similar
cem.	cement	i.d.	inside diameter (dia.)	s.mech.	see mechanical drawings
cer.	ceramic	insul.	insulation	s.o.	sash opening
cl.	center line	int.	interior	spec.	specification
clg.	ceiling	jt.	joint	sq.	square
clkg.	caulking	kit.	kitchen	s.s.d.	see structural drawings
c.o.	cleanout	lav.	lavatory	sst.	stainless steel
clo.	closet	loc.	location	std.	standard
clr.	clear	lt.	light	stl.	steel
col.	column	max.	maximum	stor.	storage
comp.	composition	m.c.	medicine cabinet	struct.	structure
conc.	concrete	mech.	mechanical	sym.	symmetrical
constr.	construction	memb.	membrane	t.	tread or tempered
cont.	continuous	mfr.	manufacturer	t.b.	towel bar
det.	detail	min.	minimum	tel.	telephone
d.f.	douglas fir	mir.	mirror	t. & g.	tongue & groove
dia.	diameter	misc.	miscellaneous	t.k.	thick
dim.	dimension	mtd.	mounted	t.b.r.	to be removed
dir.	direction	ntl.	metal	t.o.	top of
disp.	disposal	n.	north	t.p.d.	toilet paper dispenser
d.w.	dishwasher	nat.	natural	t.v.	television
dr.	door	nece.	necessary	typ.	typical
drw.	drawer	neo.	neoprene	unf.	unfinished
drg.	drawing	n.i.c.	not in contract	u.o.n.	unless otherwise noted
drgs.	drawings	no.	number	vert.	vertical
e.	east	nom.	nominal	v.g.	vertical grain
ea.	each	n.t.s.	not to scale	v.i.f.	verify in field
el.	elevation	o.a.	overall	w.h.	water heater
elec.	electrical	o.c.	on center	w.	west
encd.	enclosure	o.d.	outside diameter (dim.)	w/	with
eq.	equal	opng.	opening	wd.	wood
eqpt.	equipment	opp.	opposite	w/o	without
ext.	exterior	pl.	property line	w.o.	where occurs
f.	frosted	p.lam.	plastic laminate	wp.	waterproof
f.d.c.	fire dept. connection	plywd.	plywood	wt.	weight

SITE PHOTOS



Aerial of existing duplex



Front and right Side of existing duplex

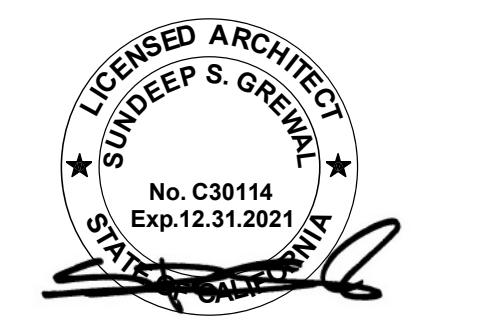


Front and left Side of existing duplex

Tabulations			
	Required/Allowed	Existing	Proposed
Set Backs:			
Front	20'-0"	10'-10"	10'-10" no change
Rear	20'-0"	16'-10"	16'-10" no change
Left side:	4'-0"	3'-11"	4'-0" no change
Right side:	4'-0"	5'-6"	5'-5" no change
Habitable Floor Area:			
Unit 1:			
Basement floor:		0 s.f.	1,342 s.f.
First floor:		667 s.f.	901 s.f.
Second floor:		0 s.f.	1,019 s.f.
Total Area Unit 1:		667 s.f.	3,262 s.f. (2,595 s.f. new)
Unit 2:			
Basement floor:		0 s.f.	0 s.f.
First floor:		667 s.f.	501 s.f.
Second floor:		0 s.f.	0 s.f.
Total Area Unit 2:		667 s.f.	501 s.f.
Total Area:		1,334 s.f.	3,763 s.f. (2,229 s.f. new)
Bedroom Count:		3 total	5 total
Non-Habitable Area:			
Accessory Structure:		167 s.f.	0 s.f.
Building Height:			
Main Building:	28'-0" 35'-0" w/ AUP	13'-6" 13'-6"	23'-10"
Parking:	2	0	0
Lot Size:	4,500 s.f.	3,142 s.f.	3,142 s.f.
Total Foot Print:			
House:		1,342 s.f.	1,342 s.f.
Covered Porch:		60 s.f.	0 s.f.
Accessory Structure:		167 s.f.	0 s.f.
Total:	1,085 for 3 stories	1,569 s.f.	1,382 s.f.
Lot Coverage:	45% (1 story) 40% (2 story) 35% (3 story)	49.94%	43.98% (5.96% reduction)
Usable Open Space:	400 s.f./unit	500 s.f.	1,029 s.f.



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OPPENHEIMER RESIDENCE
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 Berkeley, CA 94703
 APN: 58-2156-18

Sheet Contents:
 Existing Site Plan
 Proposed Site Plan

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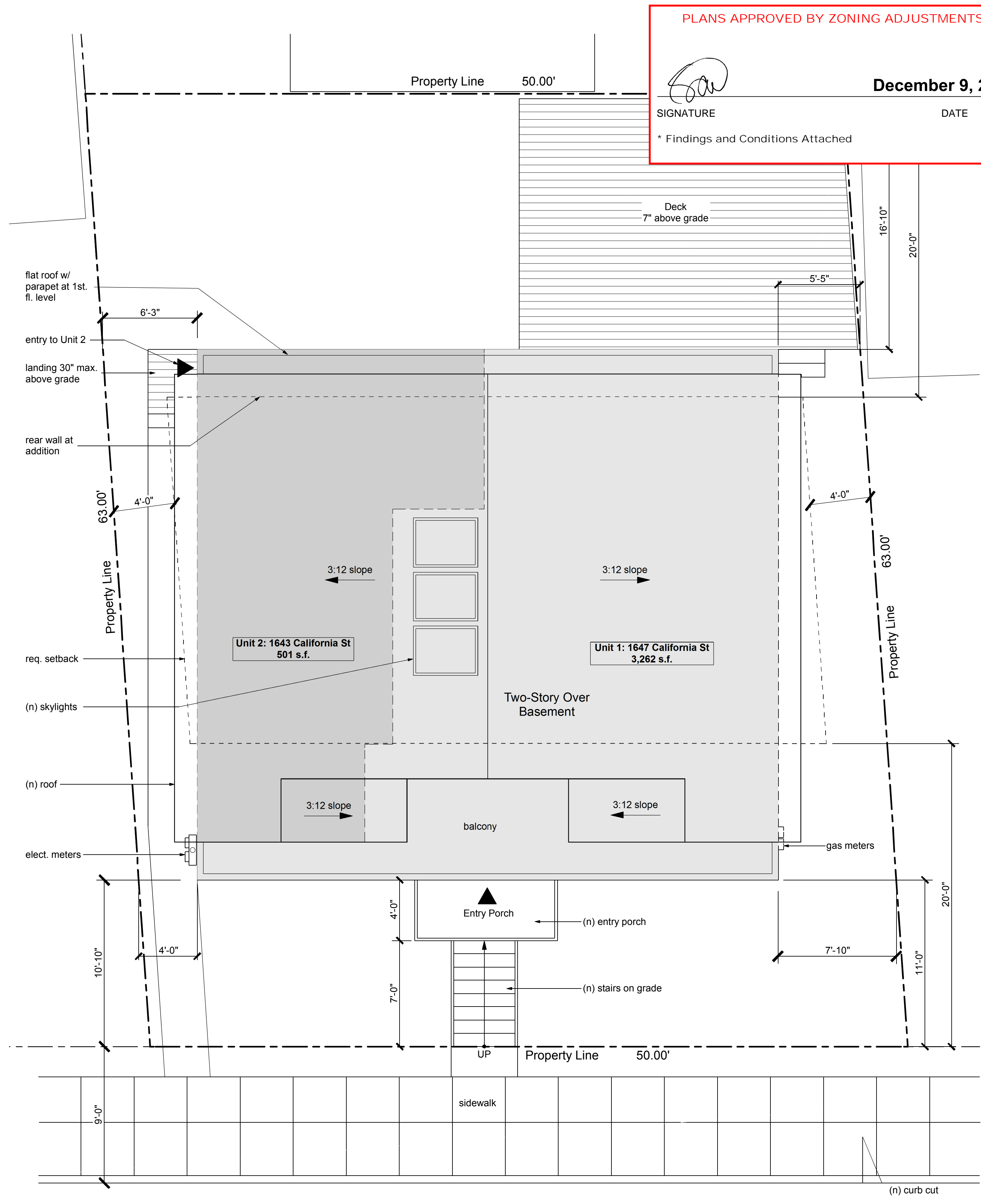
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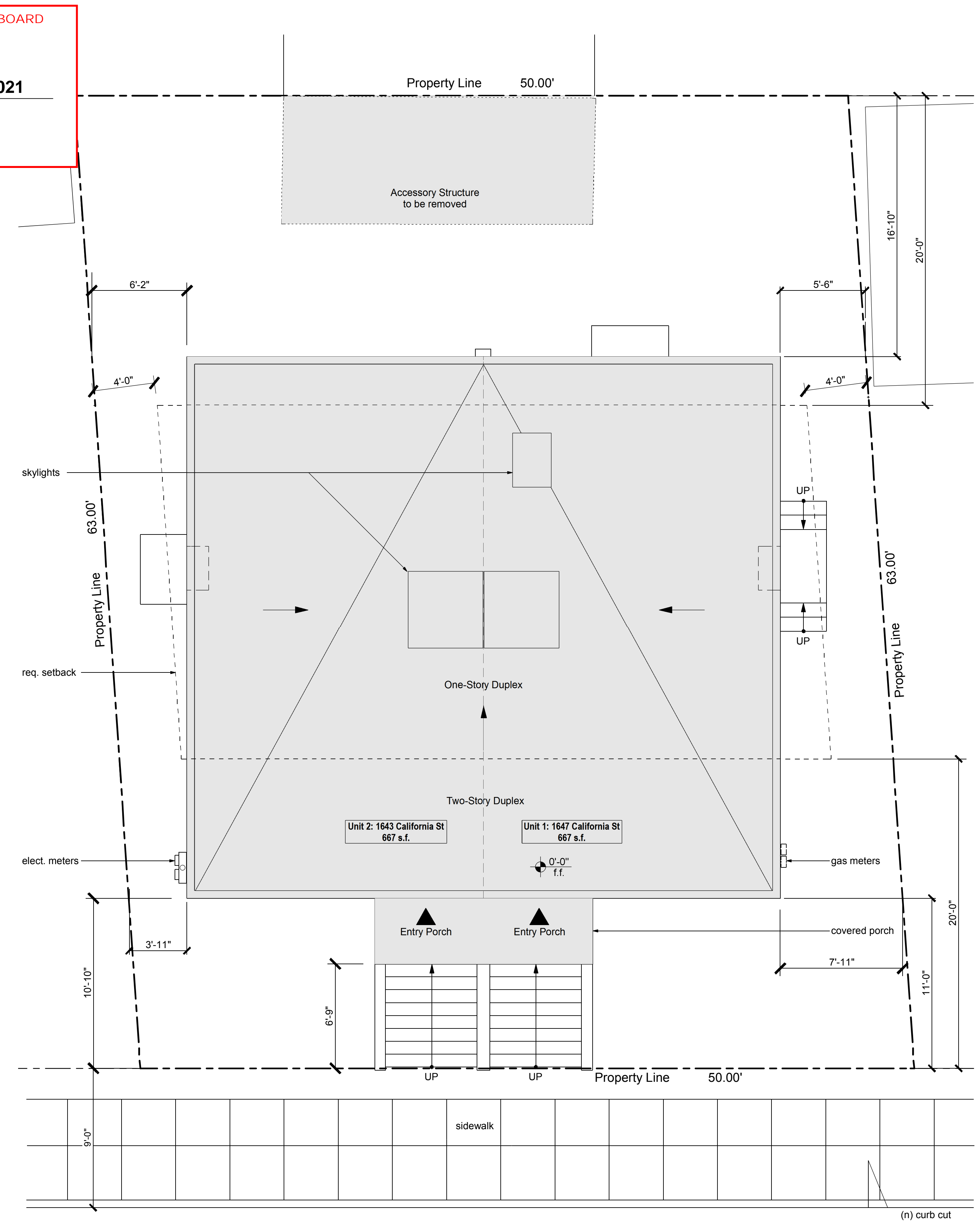
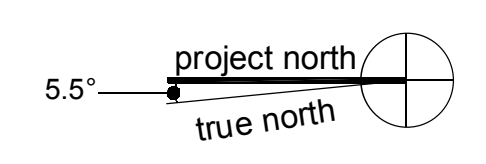
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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

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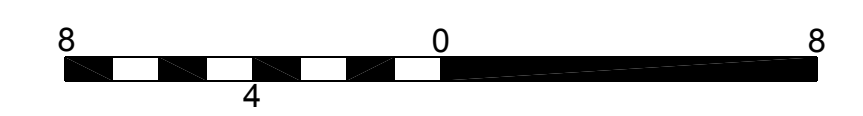
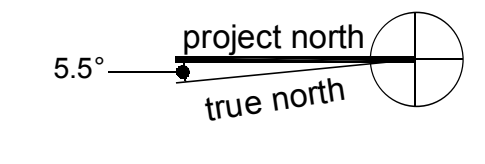
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December 9, 2021
 SIGNATURE DATE
 * Findings and Conditions Attached



2 Proposed Site Plan

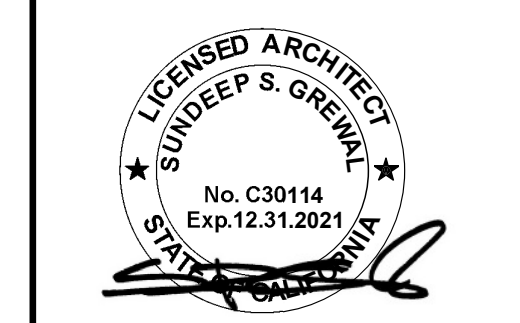


1 Existing Site Plan





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Sheet Contents:
 Site Survey

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Drawn By:
 SSG

Checked By:
 SSG

Scale:
 1" = 1'-0"

Revisions:
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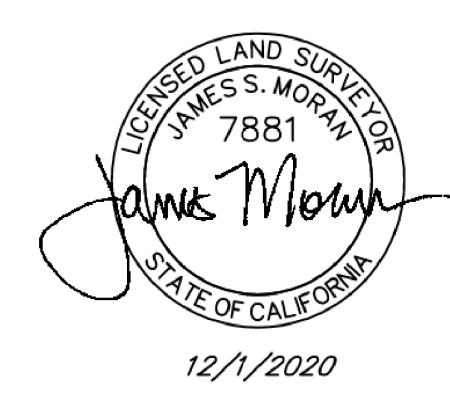
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HOUSE LOCATION SURVEY

PORTION OF LOTS 1, 2 AND 3, MAP OF VIRGINIA TRACT, FILED OCTOBER 4, 1890 (8 M 43)
 LOCATED AT 1643-1647 CALIFORNIA STREET
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 17, 2020 SCALE: 1" = 8'

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



- LEGEND**
- FOUND MONUMENT PER PM 6679 (213 M 50)
 - BLDG. BUILDING
 - C.O. CLEAN-OUT
 - D/W DRIVEWAY
 - F.H. FIRE HYDRANT
 - J.P. JOINT POLE
 - M.H. MAN HOLE
 - S/W SIDEWALK
 - T.C. TOP OF CURB

GENERAL NOTES

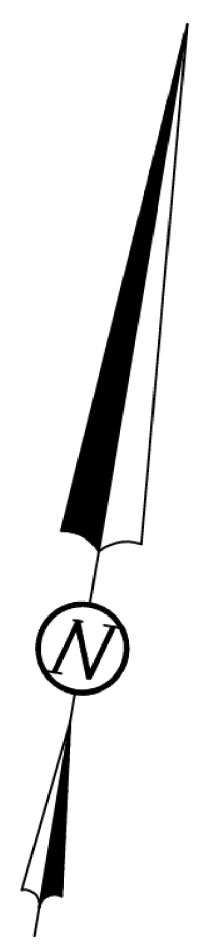
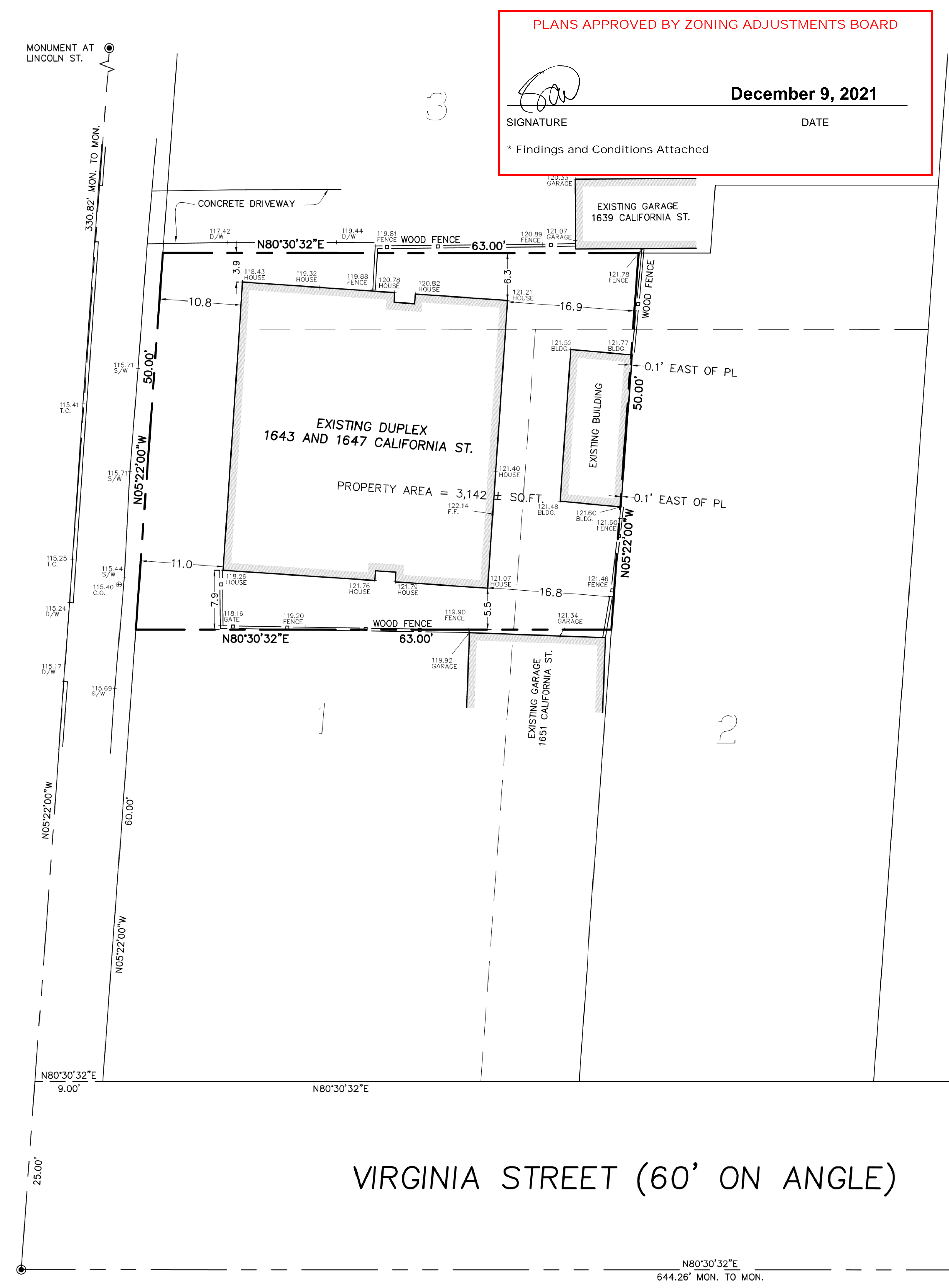
BENCHMARK: MONUMENT PIN ON THE WEST SIDE OF SACRAMENTO STREET AT VIRGINIA STREET. ELEVATION = 108.683 PER CITY OF BERKELEY ENGINEERING DIVISION RECORDS. ELEVATIONS ARE BASED UPON THE CITY OF BERKELEY DATUM.

THIS SURVEY IS BASED UPON THE GRANT DEED TO LAWYERS ASSET MANAGEMENT INC. RECORDED DECEMBER 1, 1989 SERIES 89-324628, ALAMEDA COUNTY RECORDS.

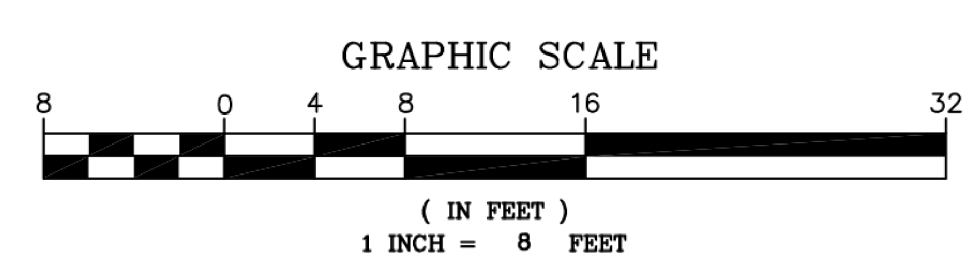
THE BEARINGS ON THIS MAP ARE BASED UPON THE MONUMENT LINE IN CALIFORNIA STREET WITH A BEARING OF N05°22'00"W AS SHOWN ON PARCEL MAP 6679 FILED MARCH 29, 1994 IN BOOK 213 OF MAPS PAGES 49-50.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

December 9, 2021
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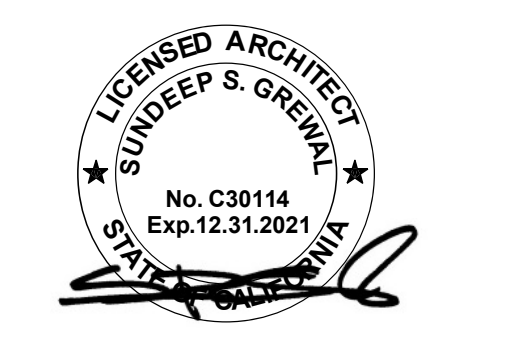
CALIFORNIA STREET (60' ON ANGLE)



VIRGINIA STREET (60' ON ANGLE)



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 APN: 58-2156-18

Sheet Contents:
 Existing Floor Plans
 Existing Exterior Elevations

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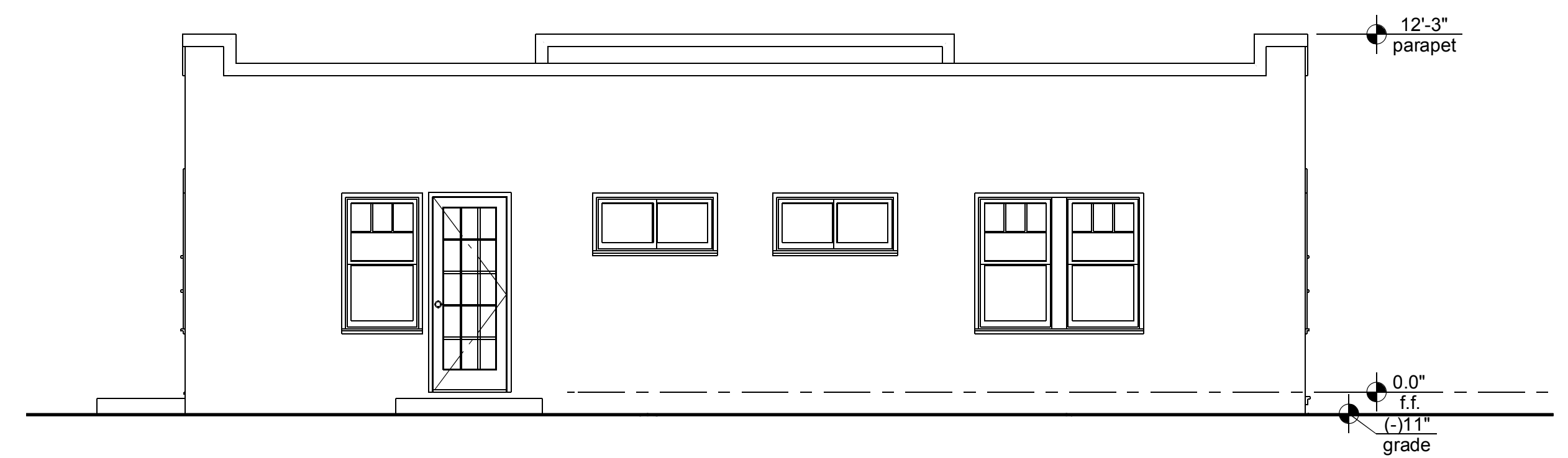
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Checked By: SSG

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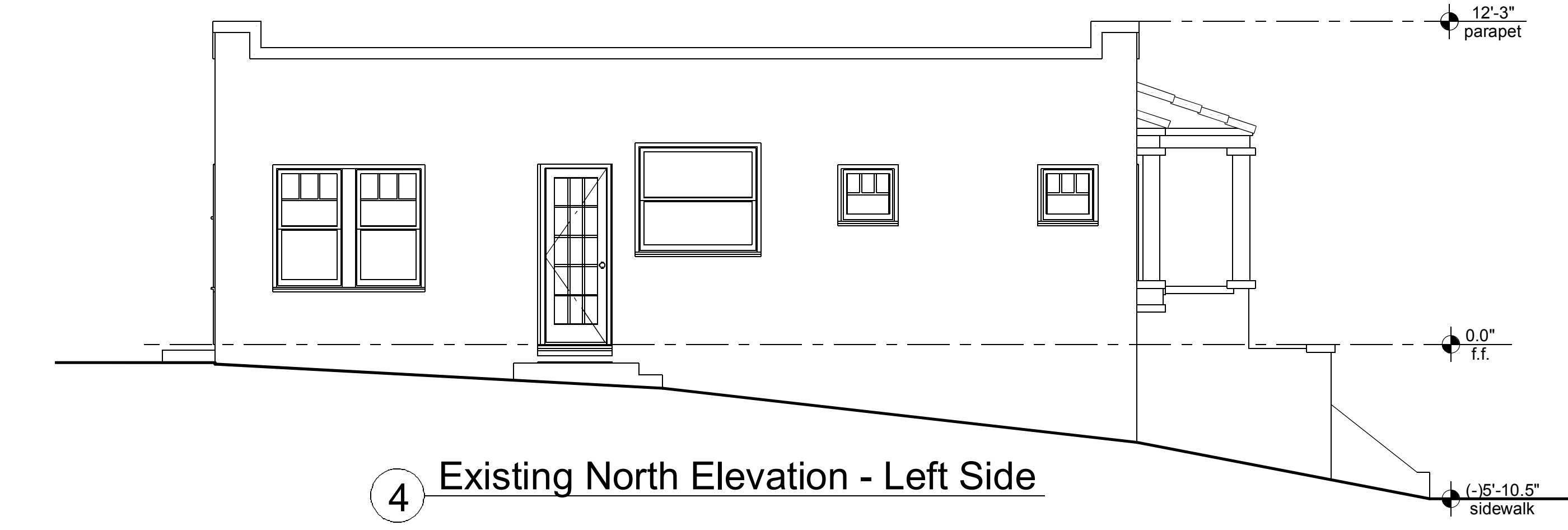
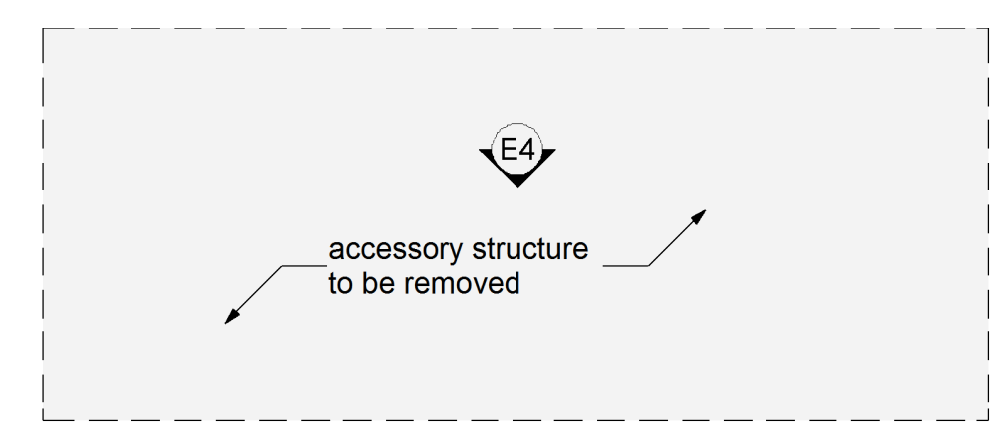
5 Existing East Elevation - Rear

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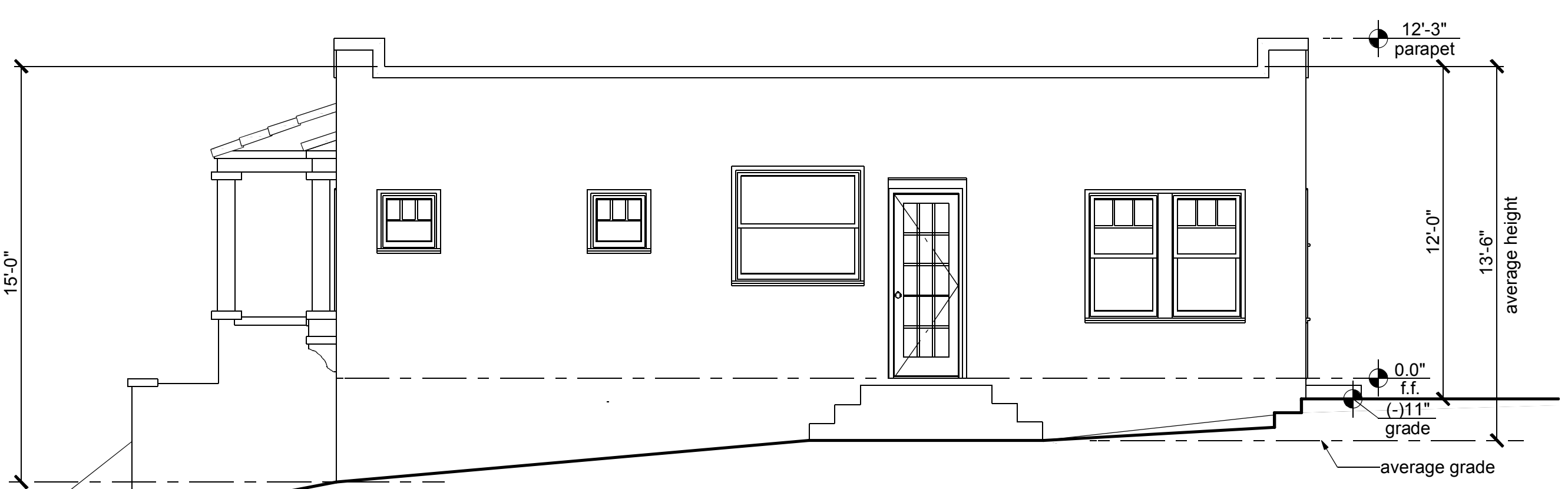
December 9, 2021

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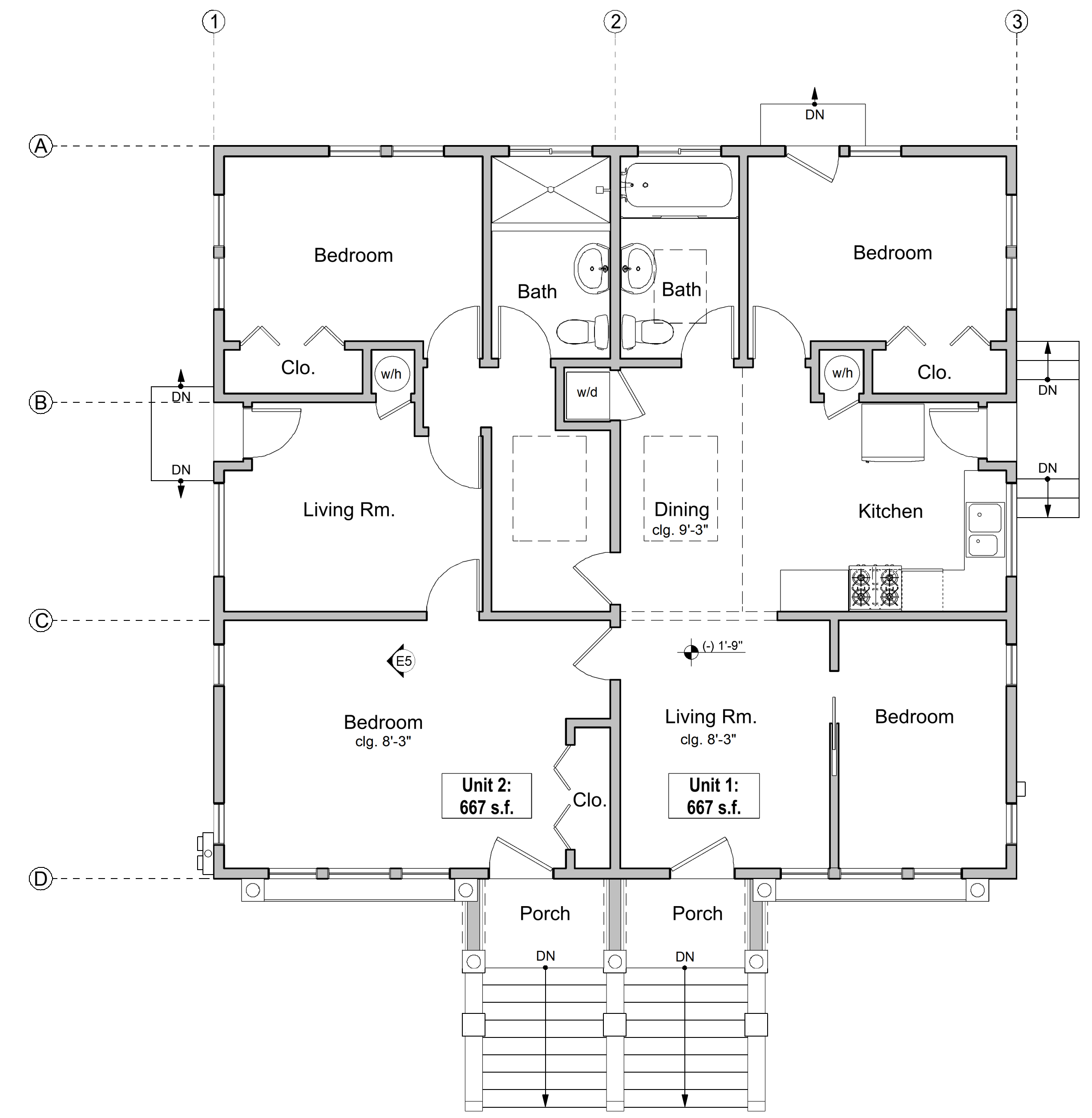
4 Existing North Elevation - Left Side



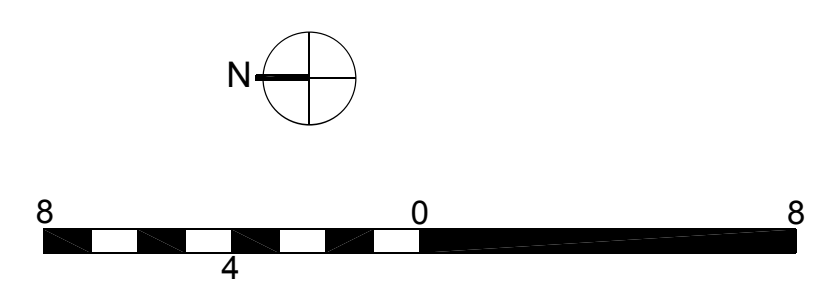
3 Existing South Elevation - Right Side




2 Existing West Elevation - Front



1 Existing First Floor Plan



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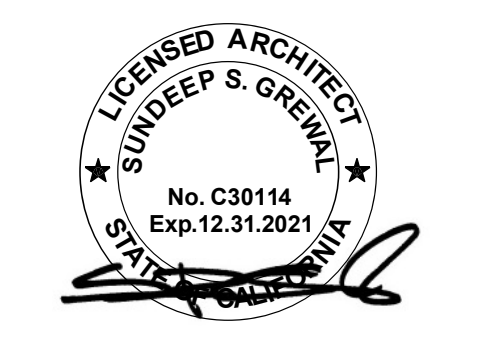

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Berkeley, CA 94703
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Sheet Contents:
Proposed Floor Plan
Proposed Site Plan

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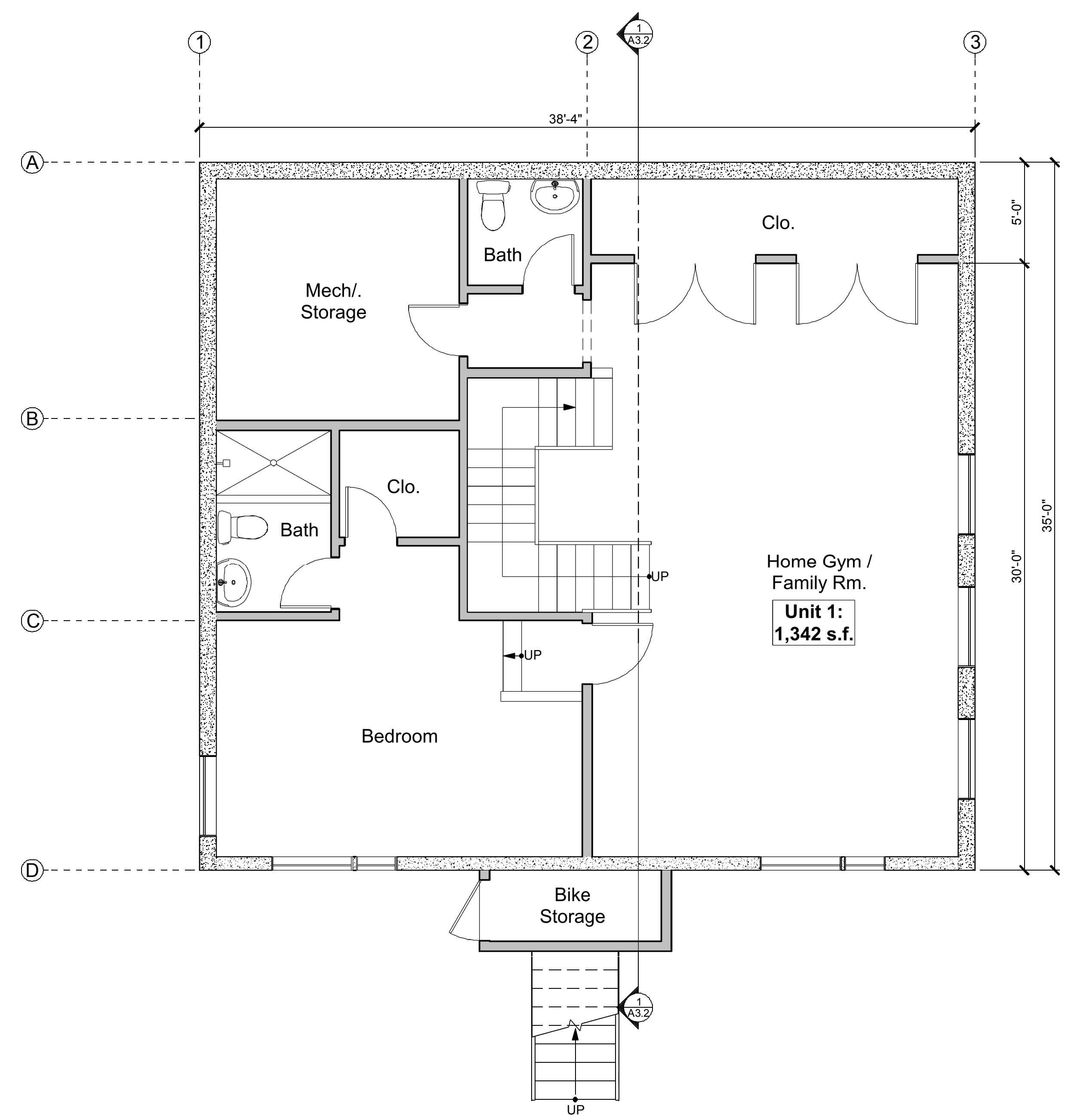
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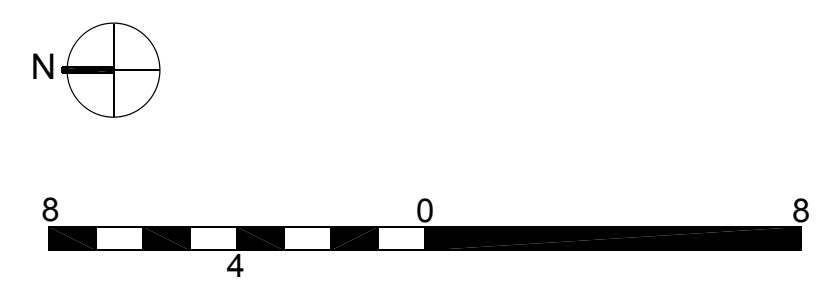
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Revisions:
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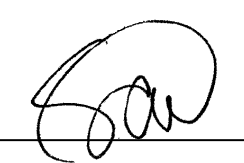
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1 Proposed Basement Floor Plan



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 SIGNATURE

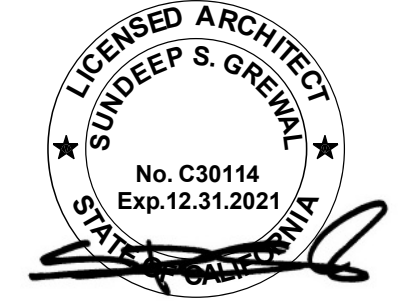
December 9, 2021

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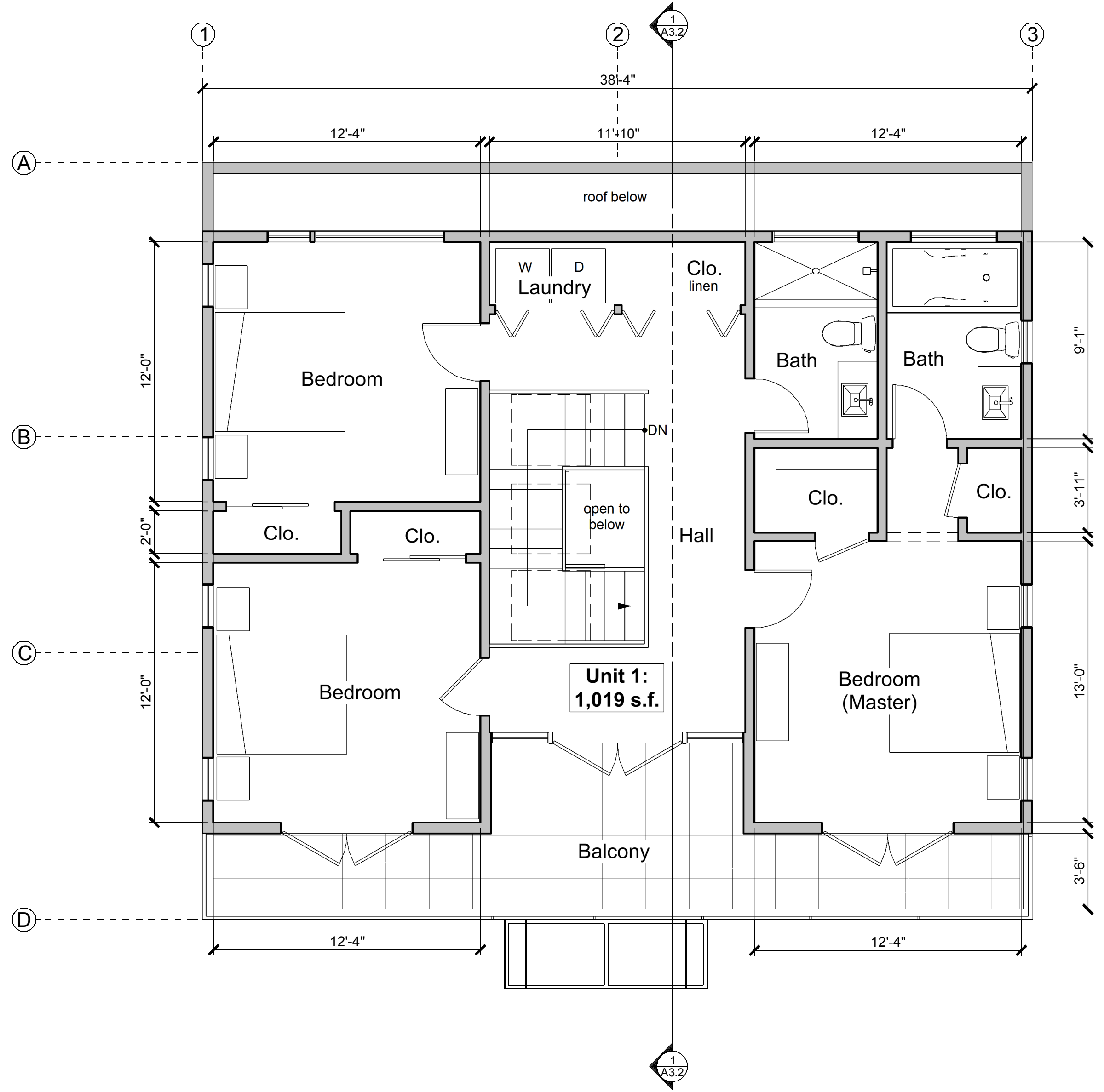
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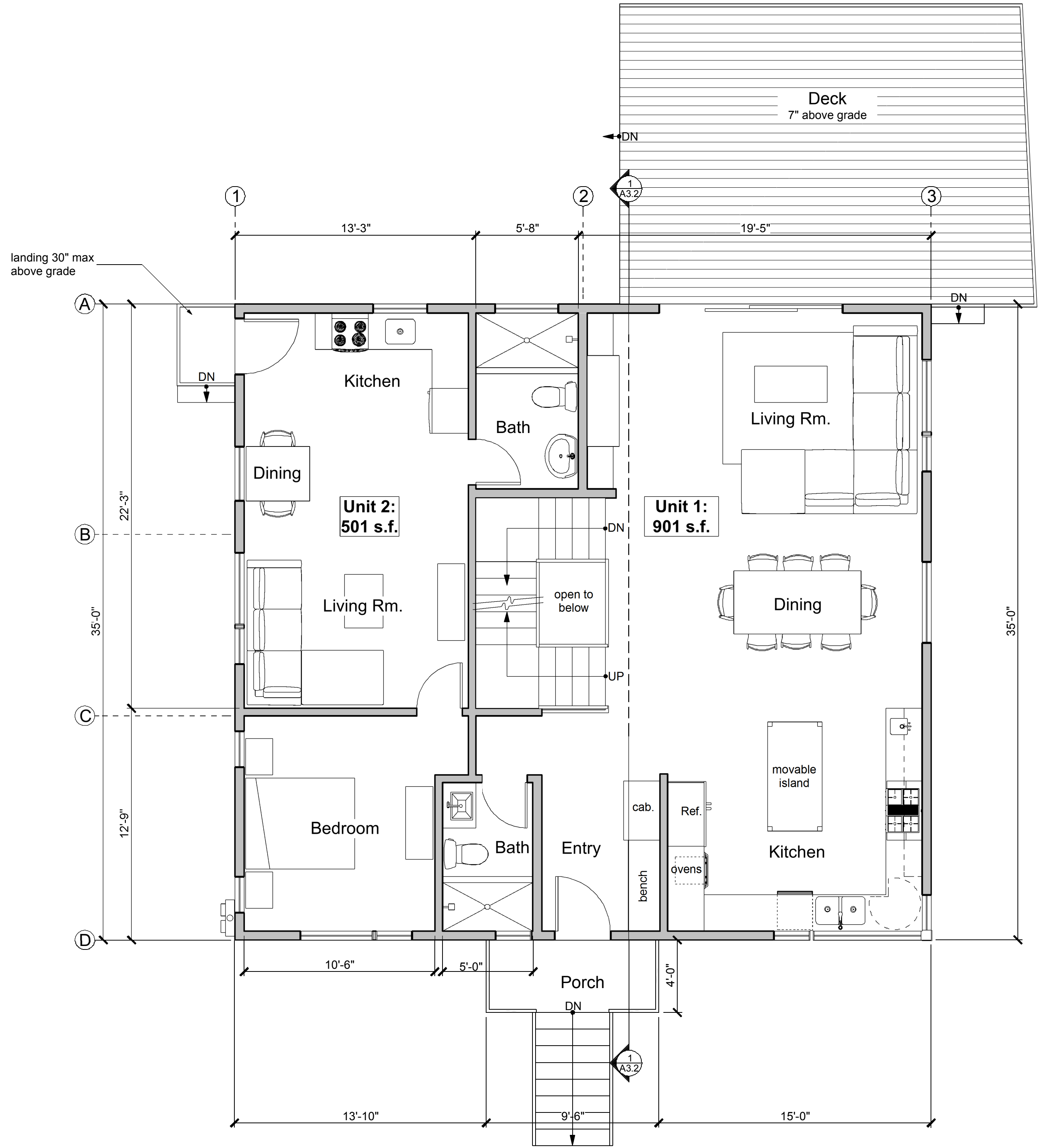
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 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

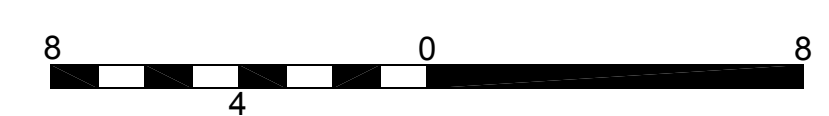
Sheet **A2.2**



2 Proposed Second Floor Plan



1 Proposed First Floor Plan



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 Berkeley, CA 94703
 APN: 58-2156-18




Previous Proposal



Previous Proposal



Previous Proposal

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 December 9, 2021
 DATE
 * Findings and Conditions Attached



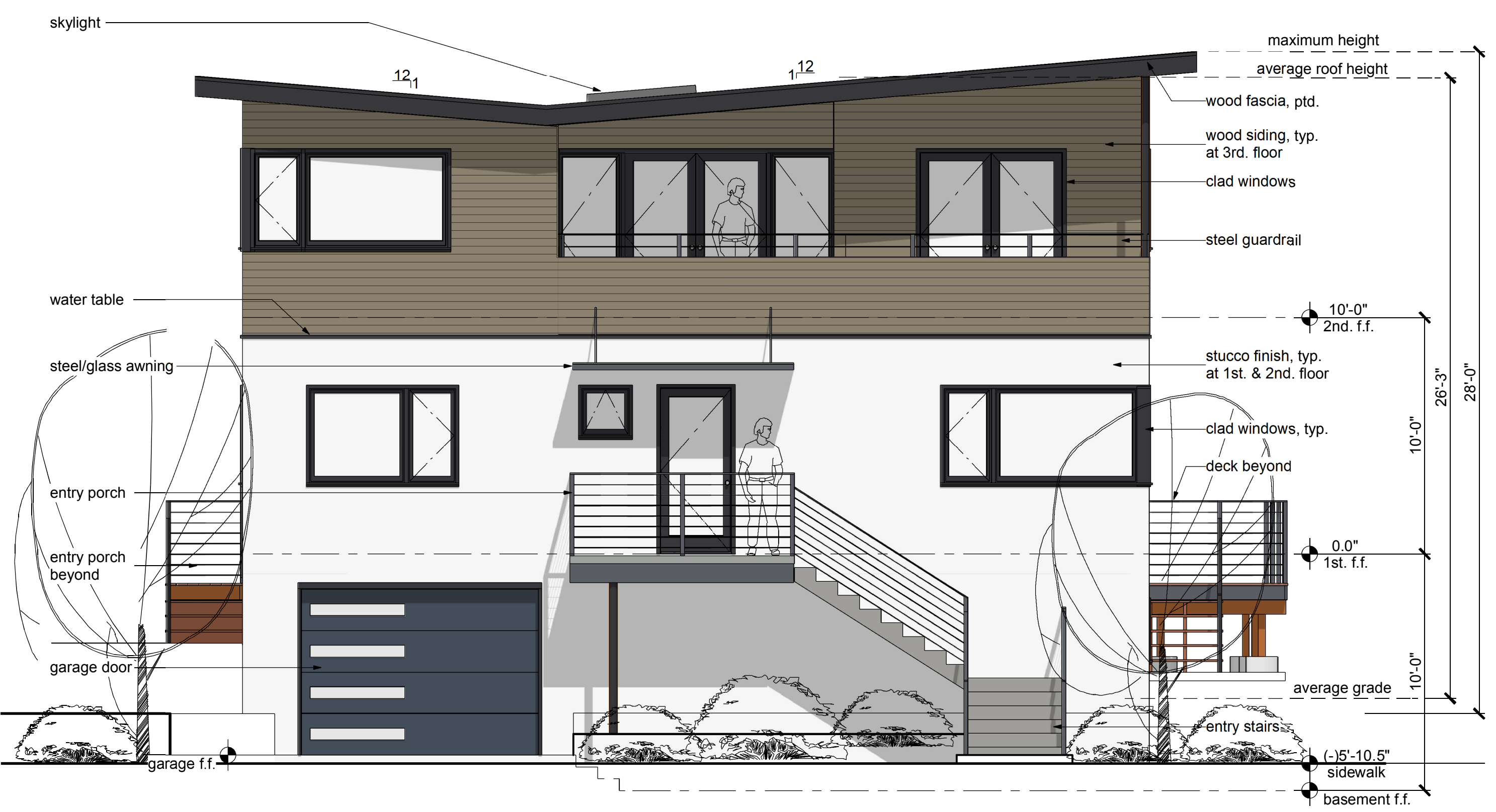
Current Proposal



Current Proposal



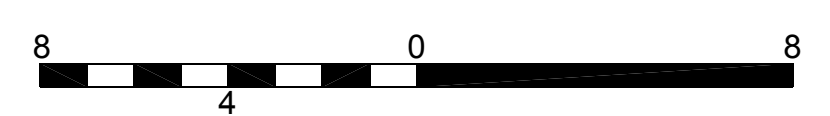
Current Proposal



2 Proposed West Elevation - Front
 Original Proposal



1 Proposed West Elevation - Front
 Current Proposal



Sheet Contents:
 Front Elevation Comparison

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

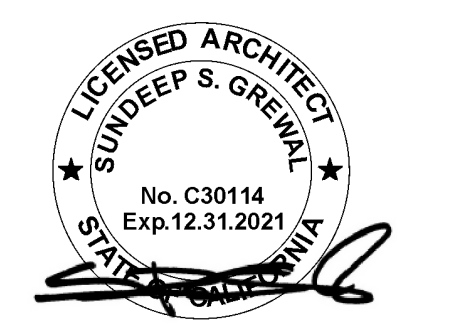
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Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

Sheet A3.1



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Sheet Contents:
 Proposed Exterior Elevations

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: 1/4" = 1'-0"

Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

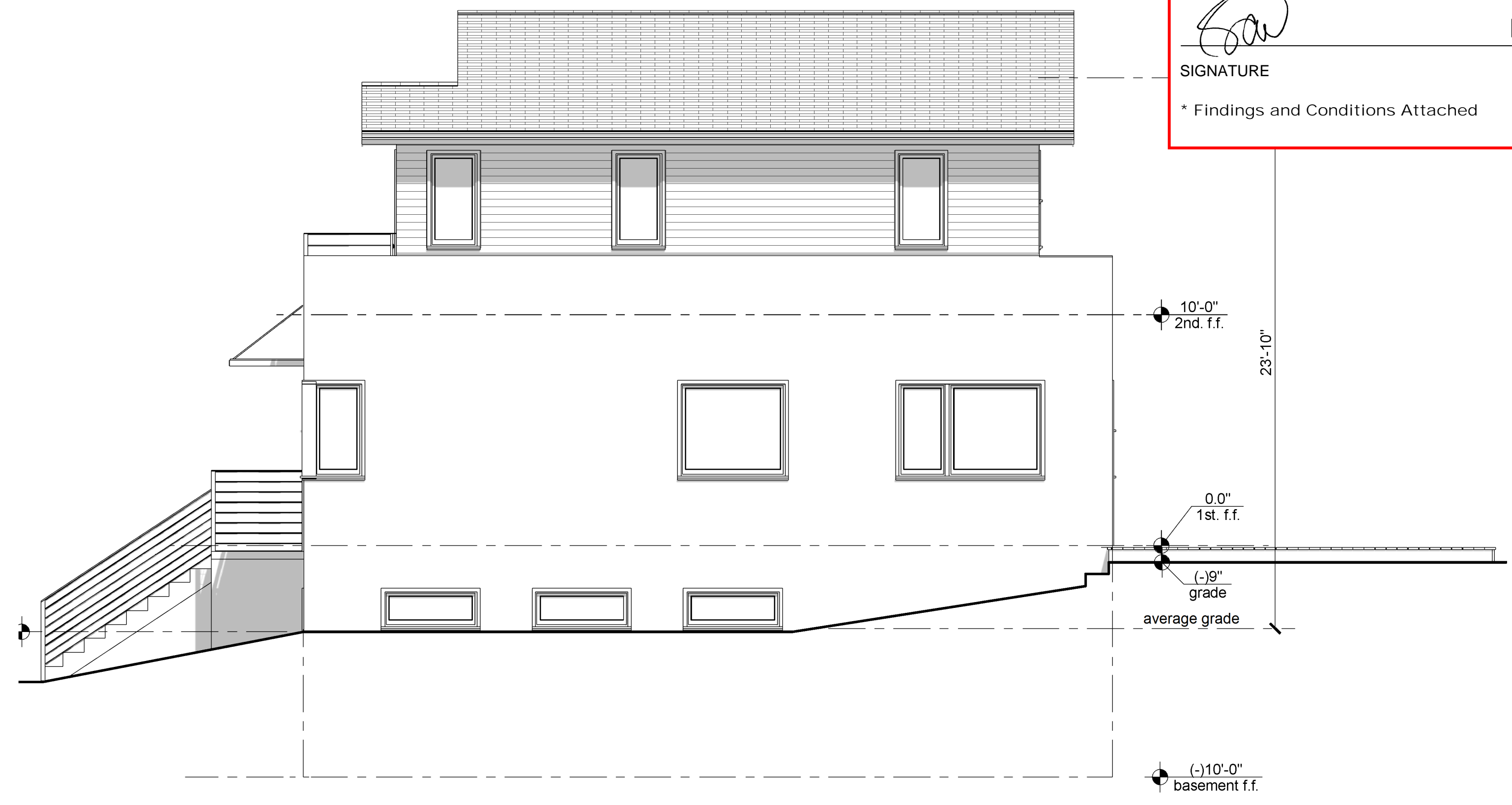
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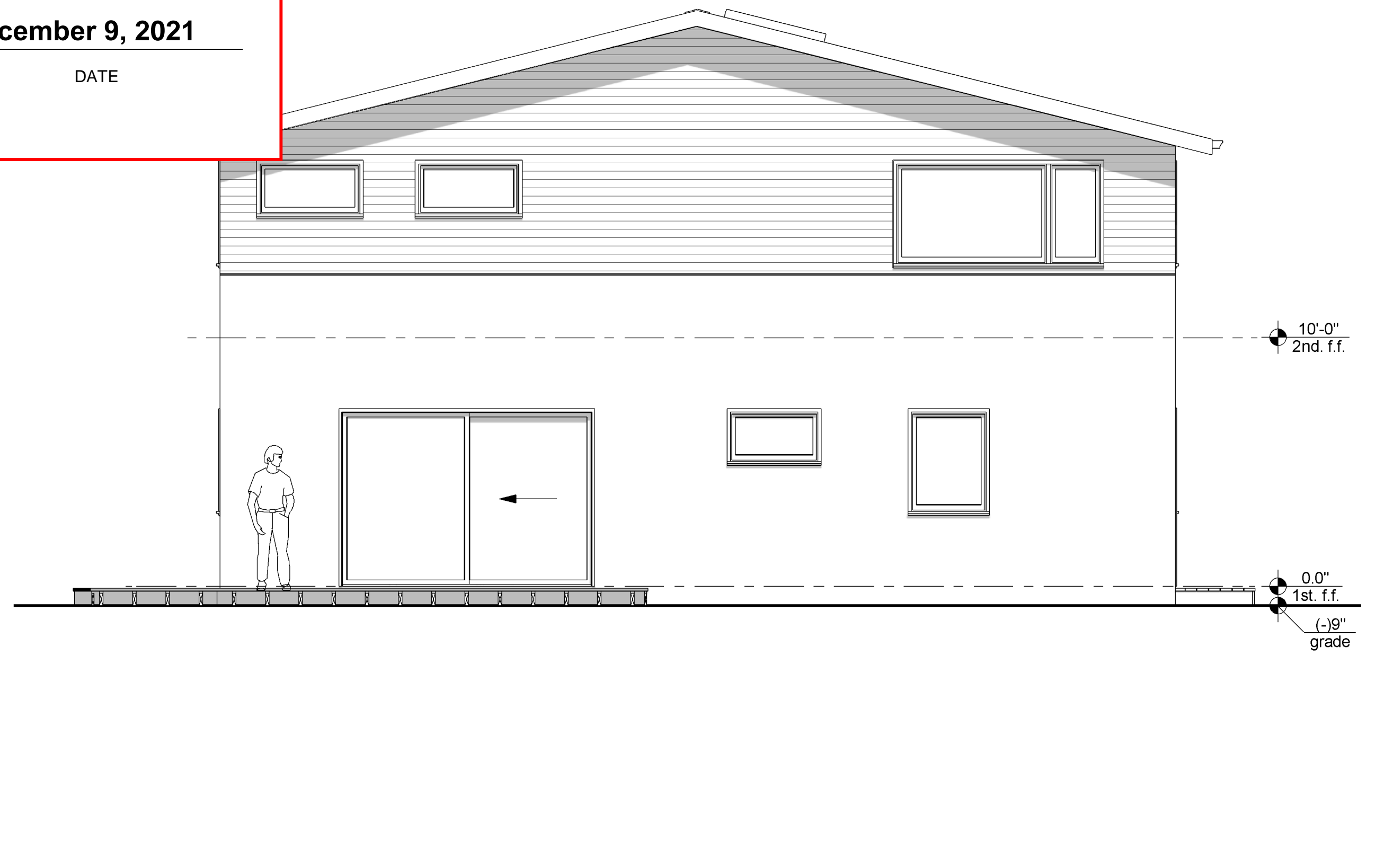
December 9, 2021

SIGNATURE _____ DATE _____

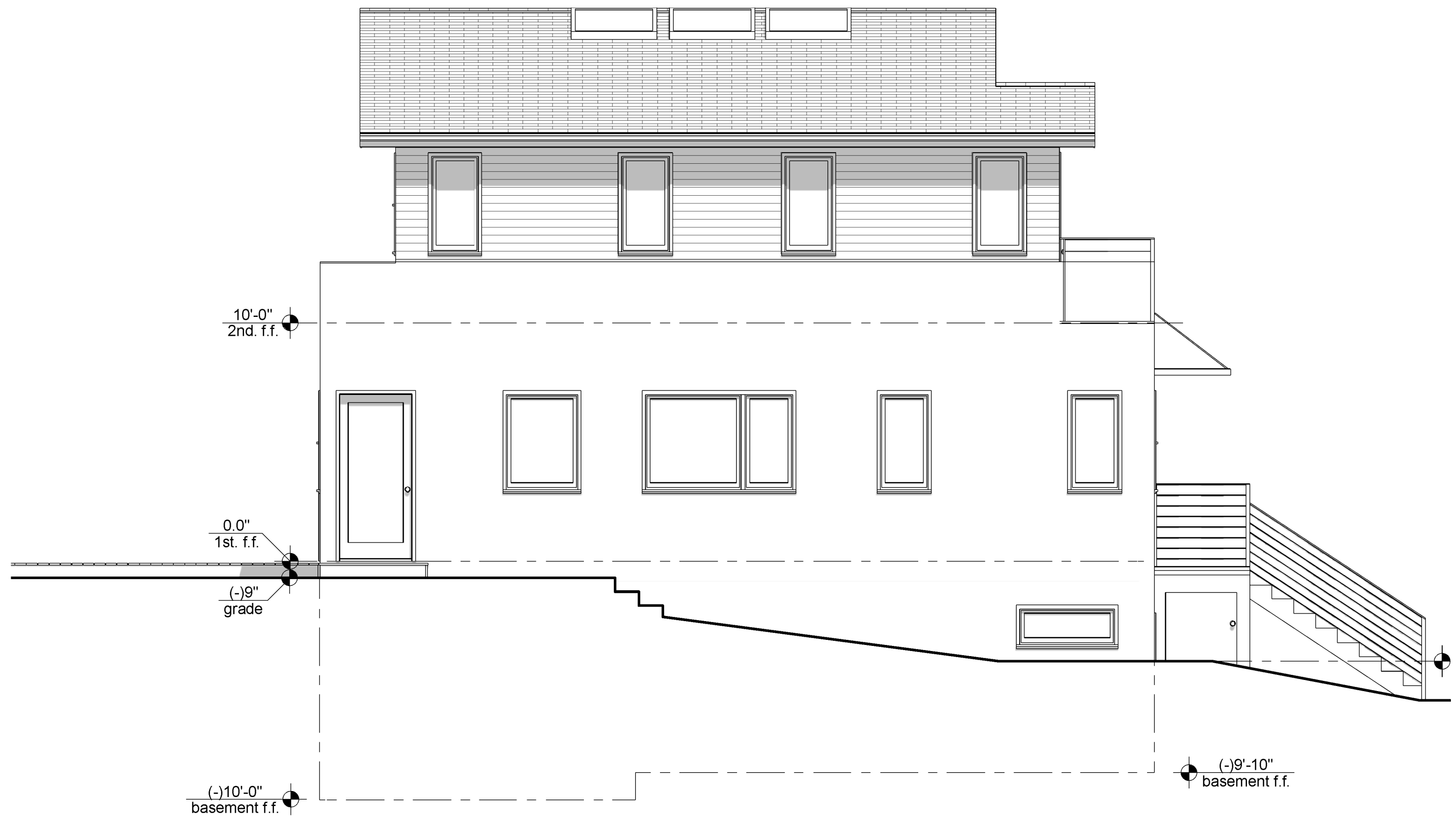
* Findings and Conditions Attached



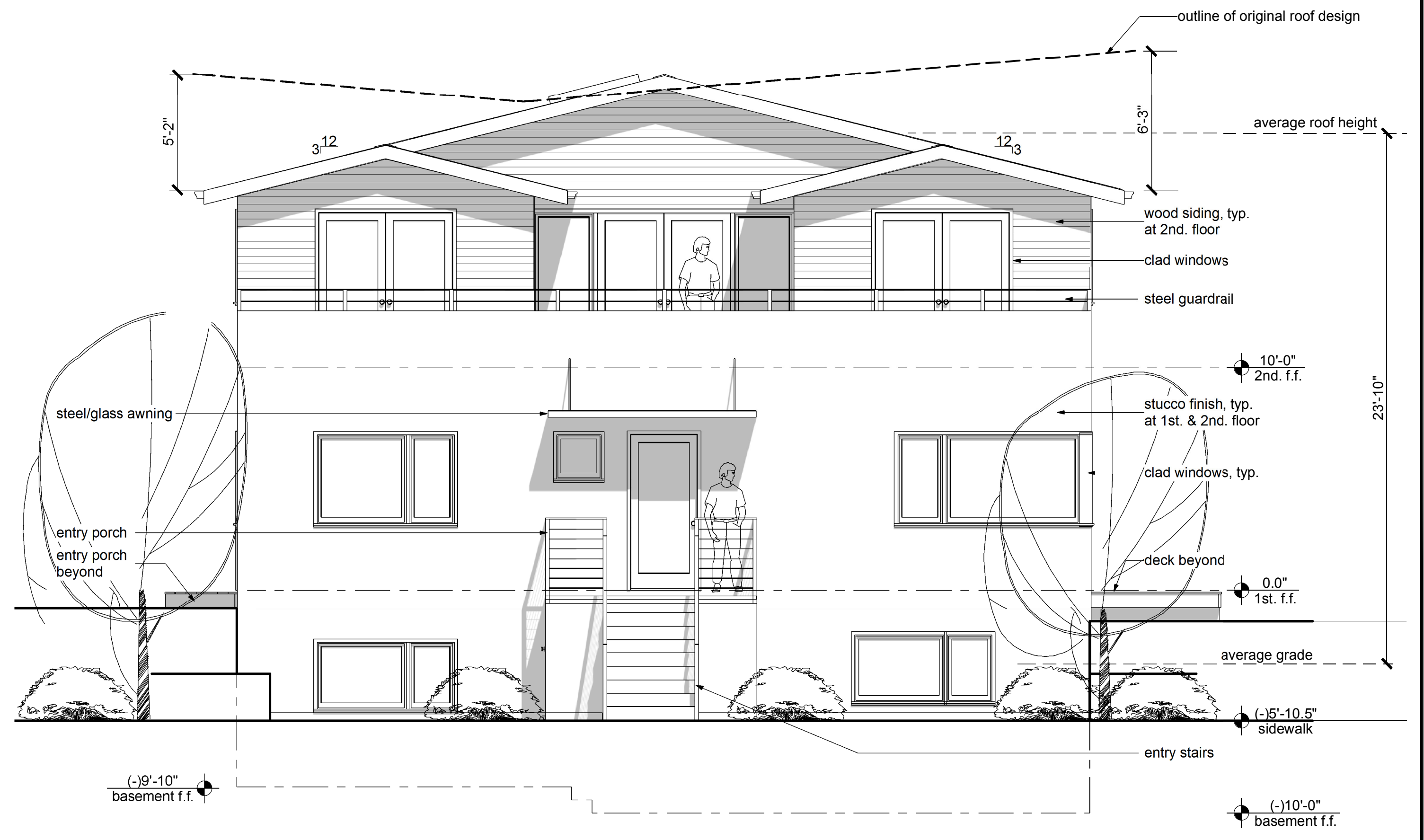
④ Proposed South Elevation - Right Side



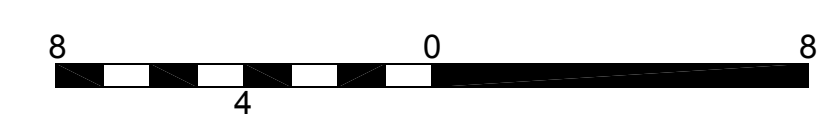
③ Proposed East Elevation - Rear



② Proposed North Elevation - Left Side

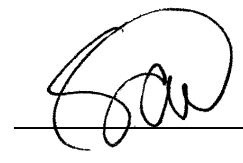


① Proposed West Elevation - Front





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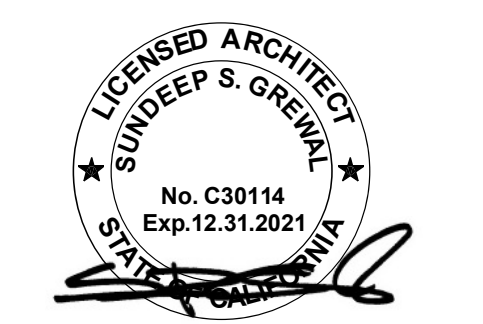

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* Findings and Conditions Attached

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2 Renderings



1 Proposed Building Section

Sheet Contents:
 Building Section
 Renderings

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Project No:
 20-13-420

Drawn By:
 SSG

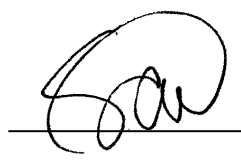
Checked By:
 SSG

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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

Sheet
A3.3

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD



December 9, 2021

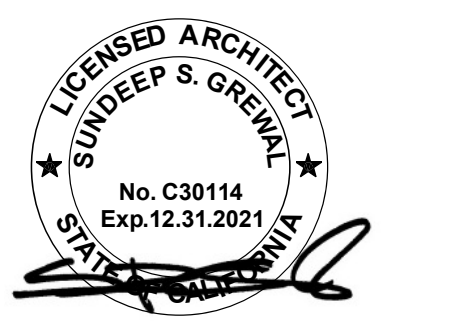
SIGNATURE DATE

* Findings and Conditions Attached

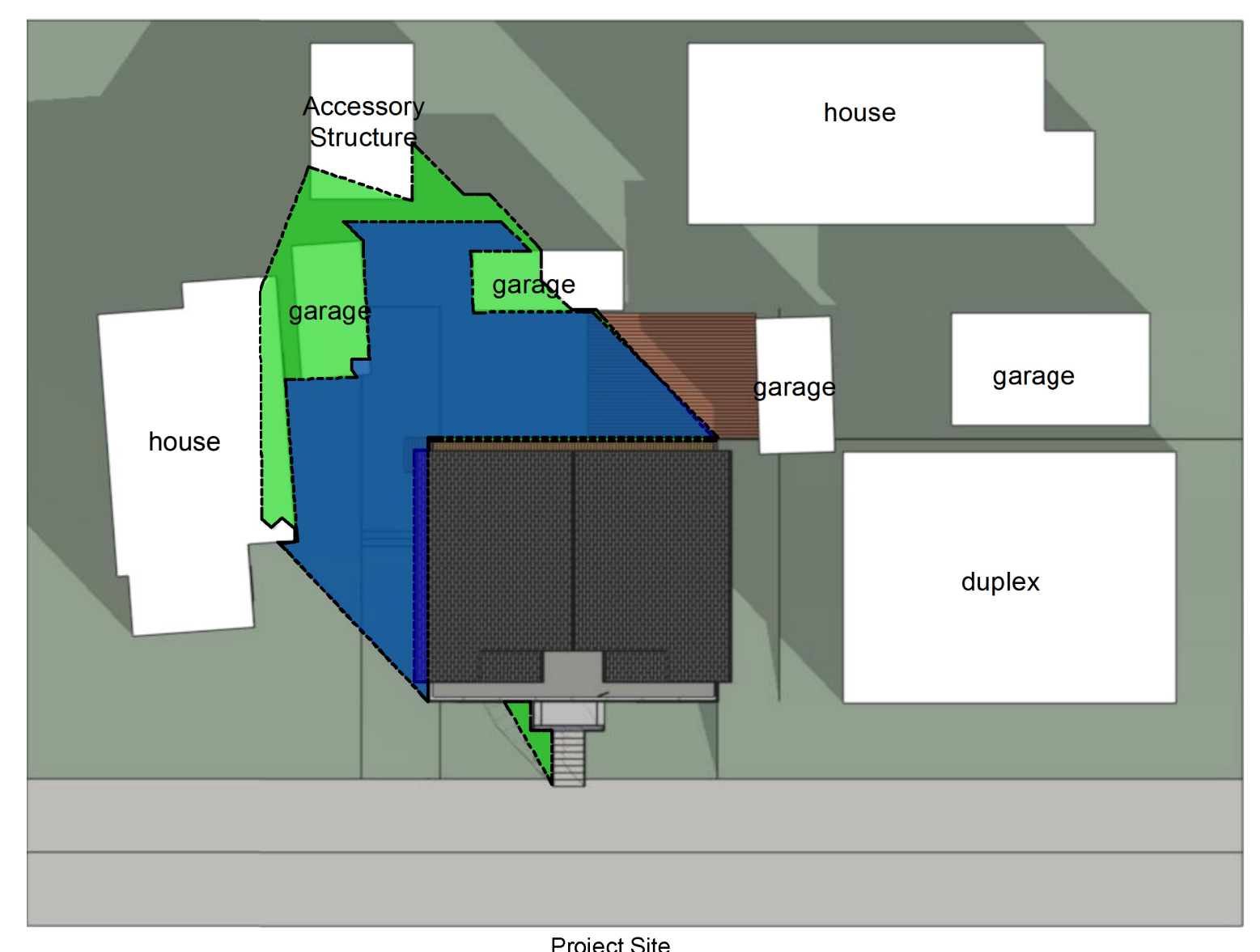
Existing Shadow Line
 New Shadow Line



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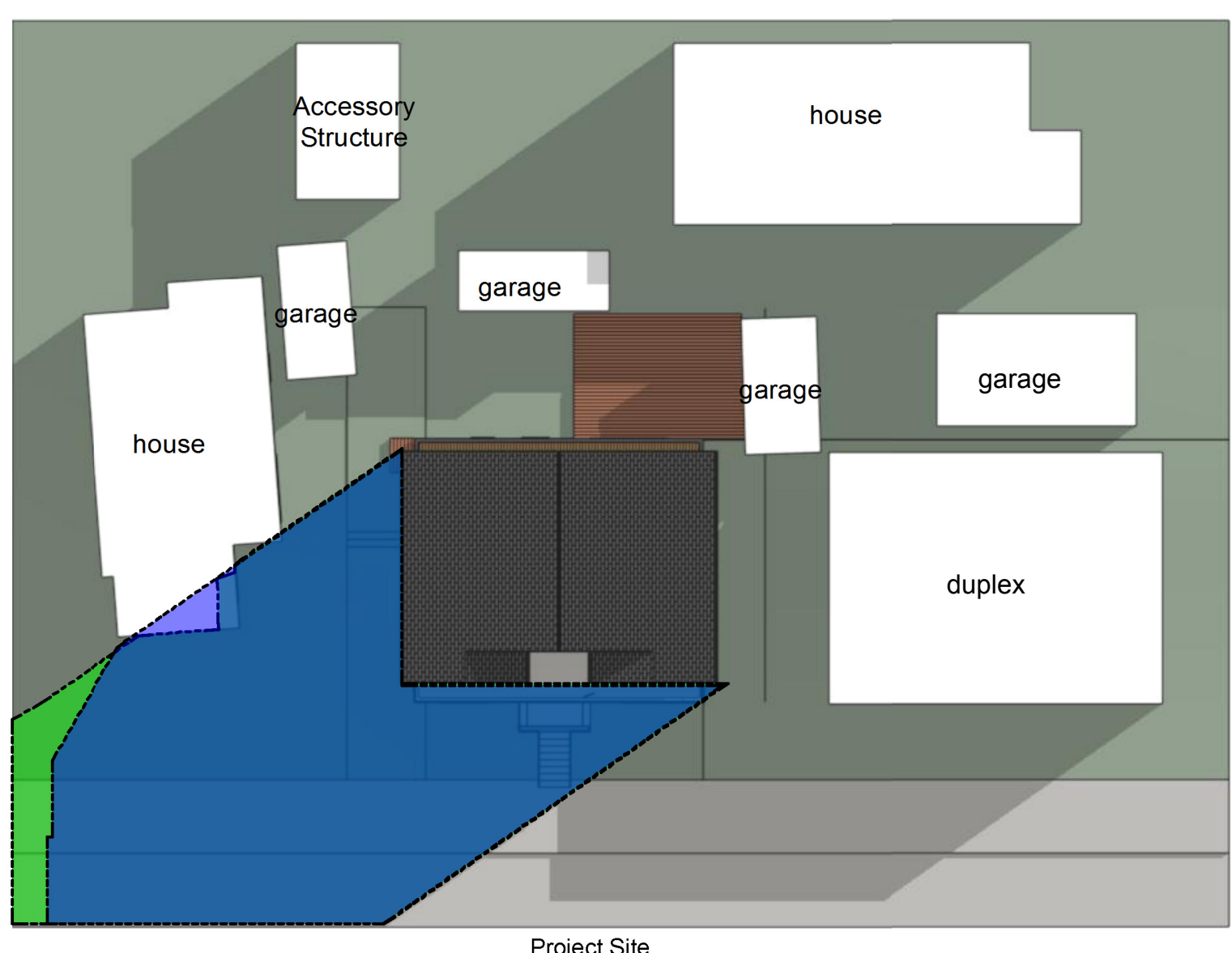
Proposed

12-21-2021 / 2:54 pm



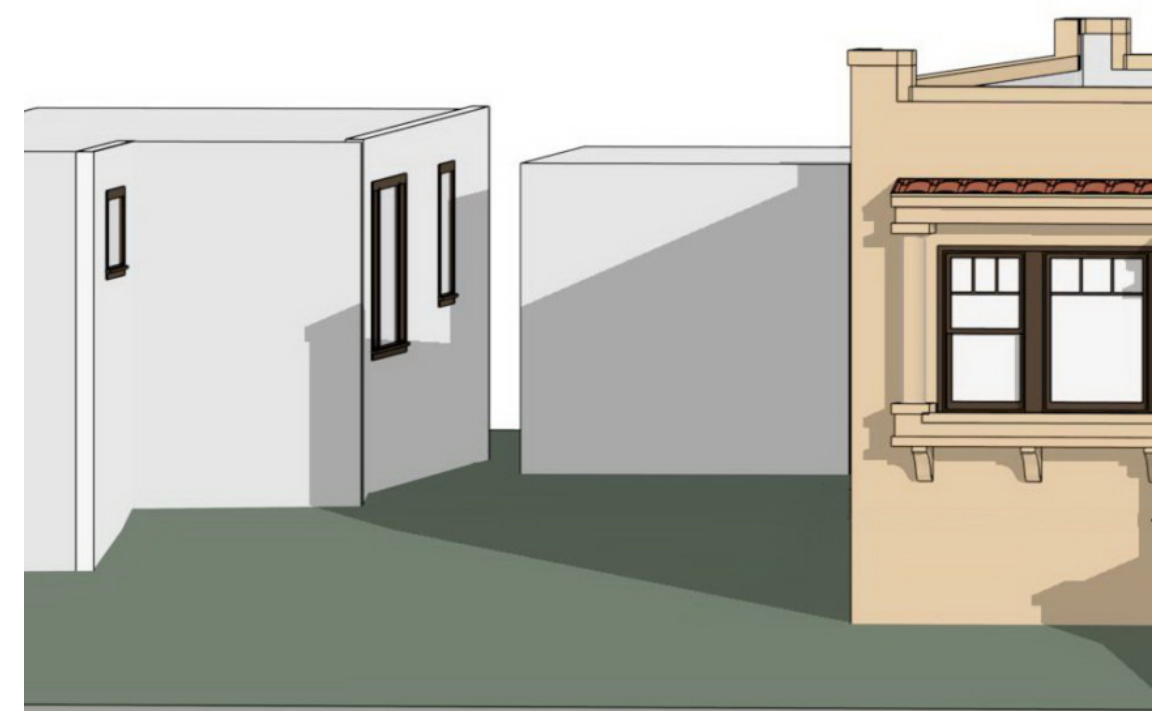
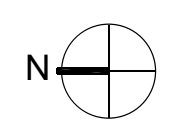
Proposed

12-21-2021 / 12:00 pm



Proposed

12-21-2021 / 9:21 am

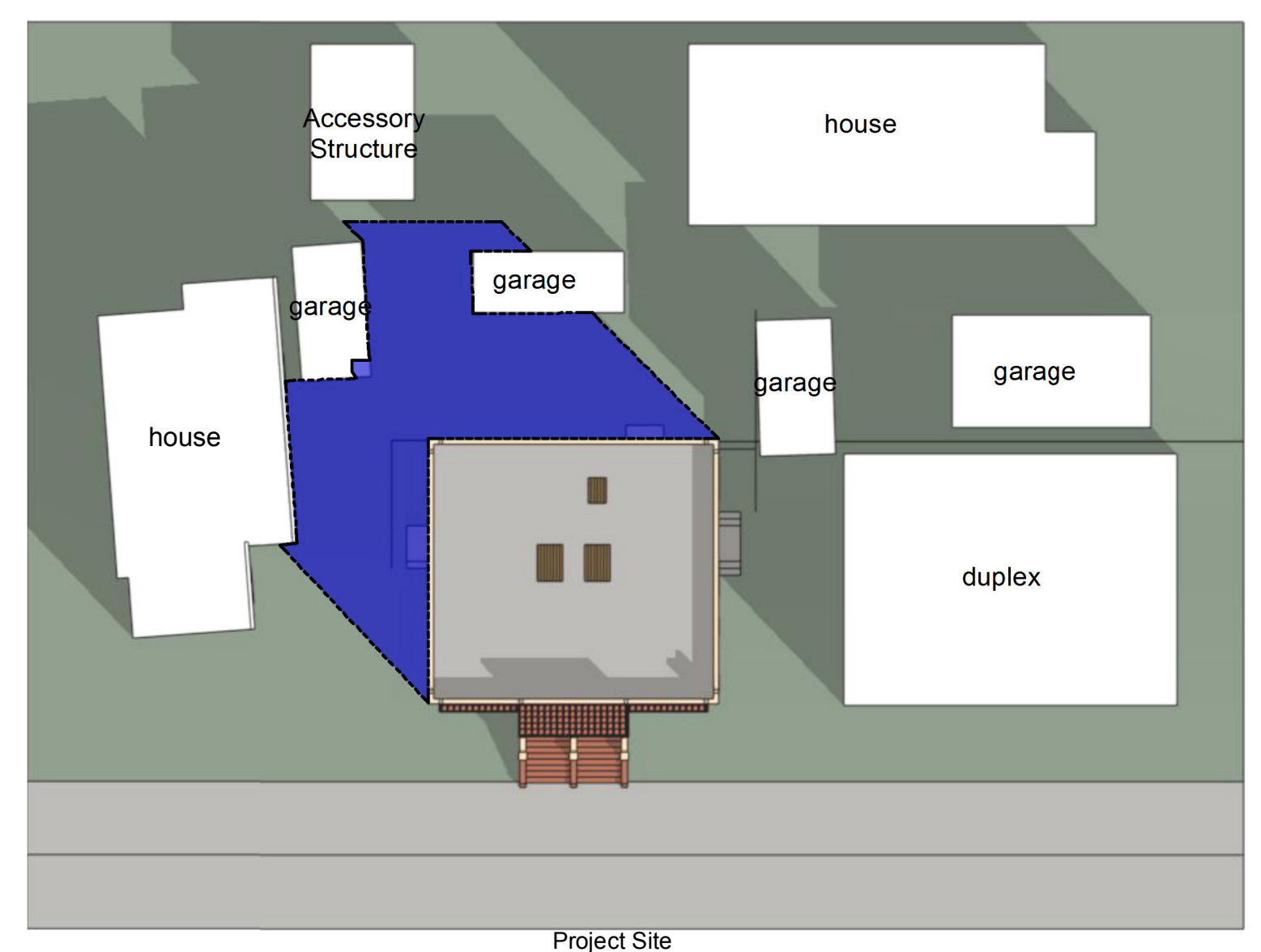


Shadow Accuracy Simulation
 12-08-2020 / 3:00 pm



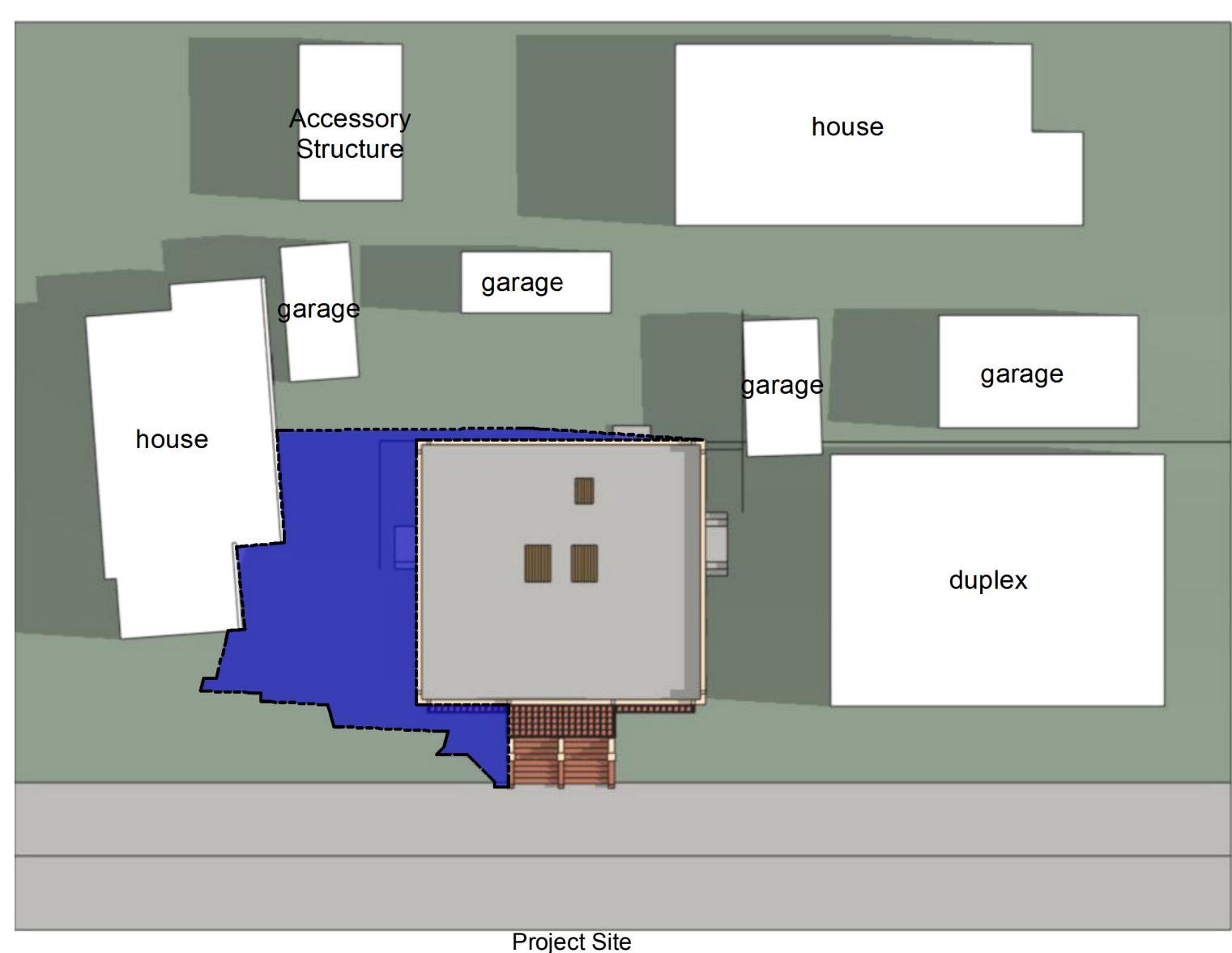
Actual
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Shadow Accuracy Simulation



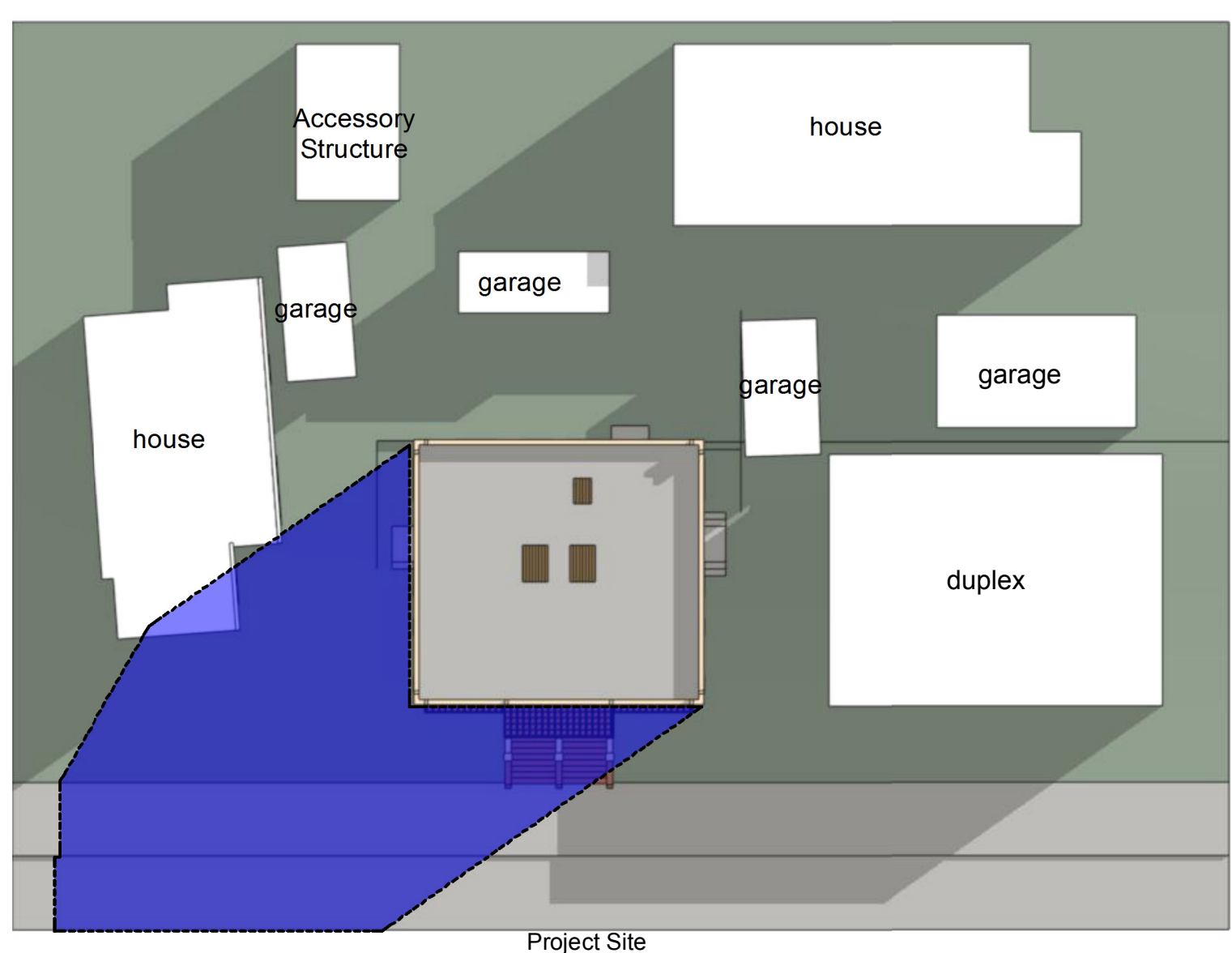
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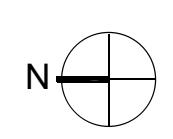
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12-21-2021 / 12:00 pm



Existing

12-21-2021 / 9:21 am



Sheet Contents:
 Shadows Studies

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Project No: 20-13-420

Drawn By: SSG


Checked By: SSG

Scale: NTS

Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

Sheet **A4.1**

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD


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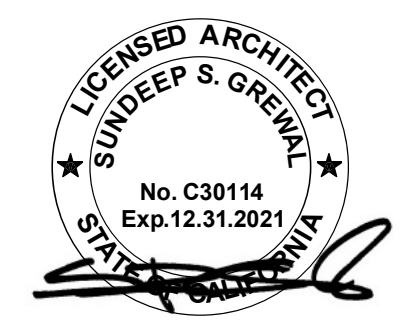
December 9, 2021
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Existing Shadow Line
 New Shadow Line



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Sheet Contents:
 Shadows Studies

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Project No: 20-13-420

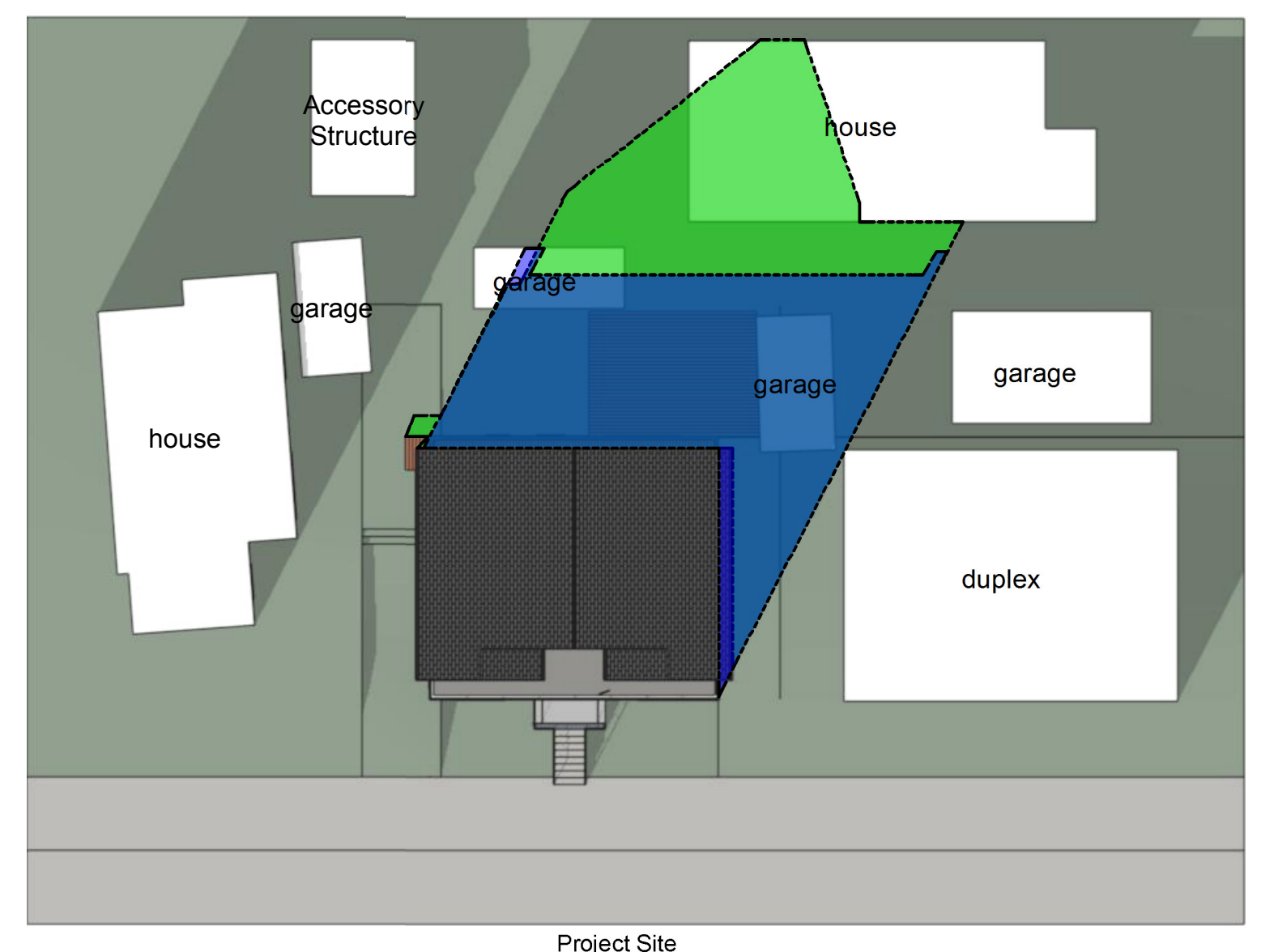
Drawn By: SSG

Checked By: SSG

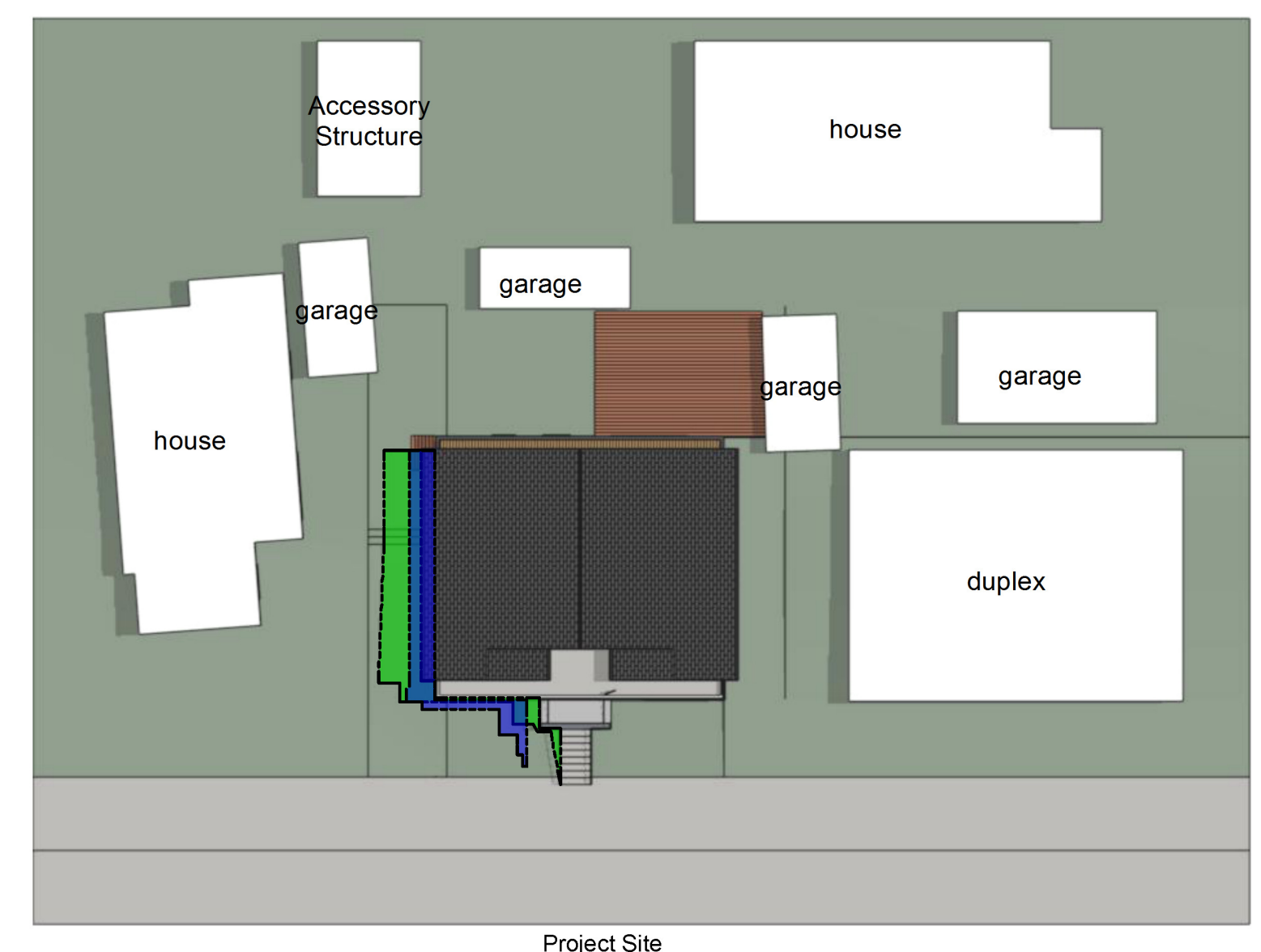
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 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

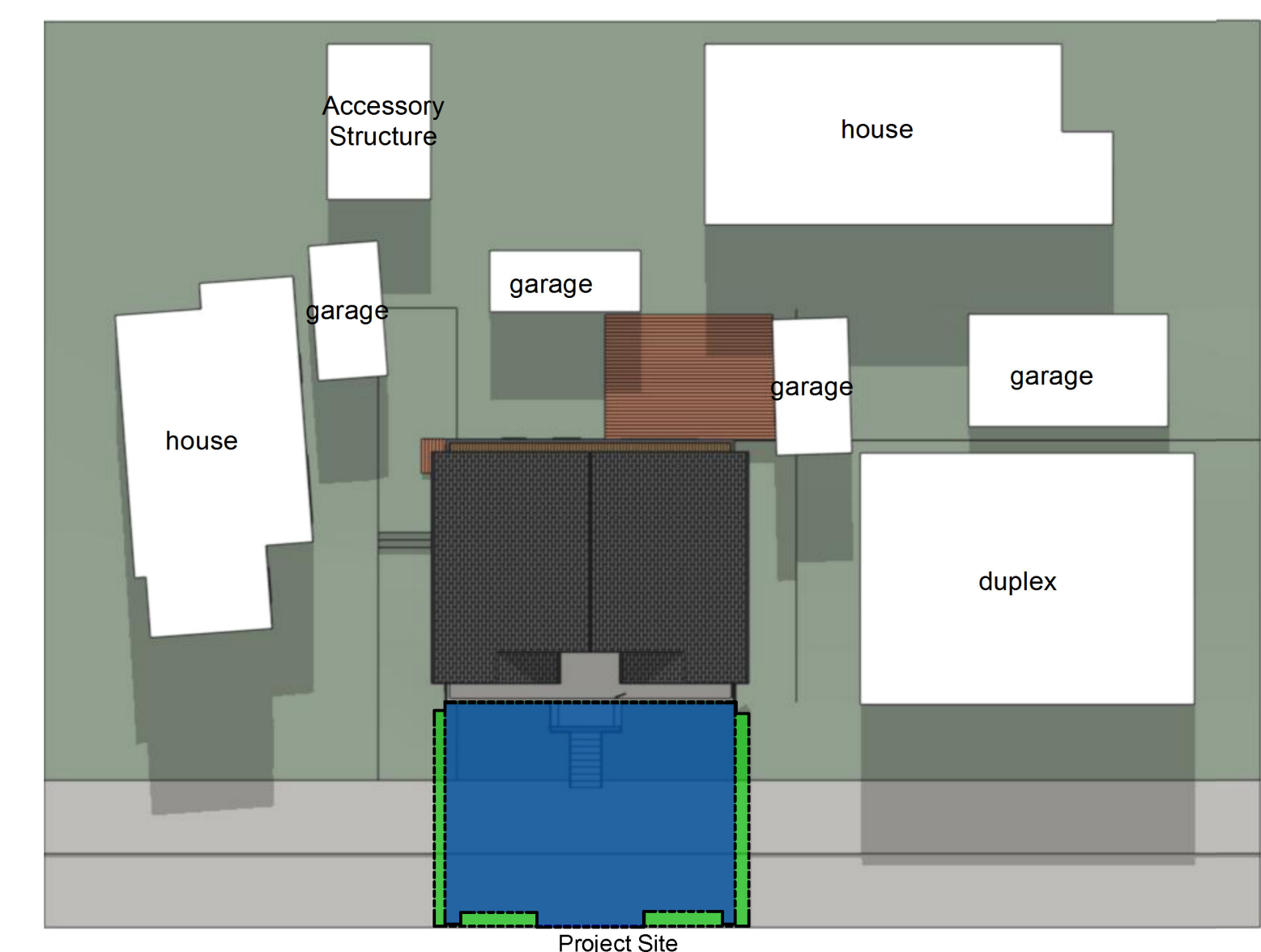
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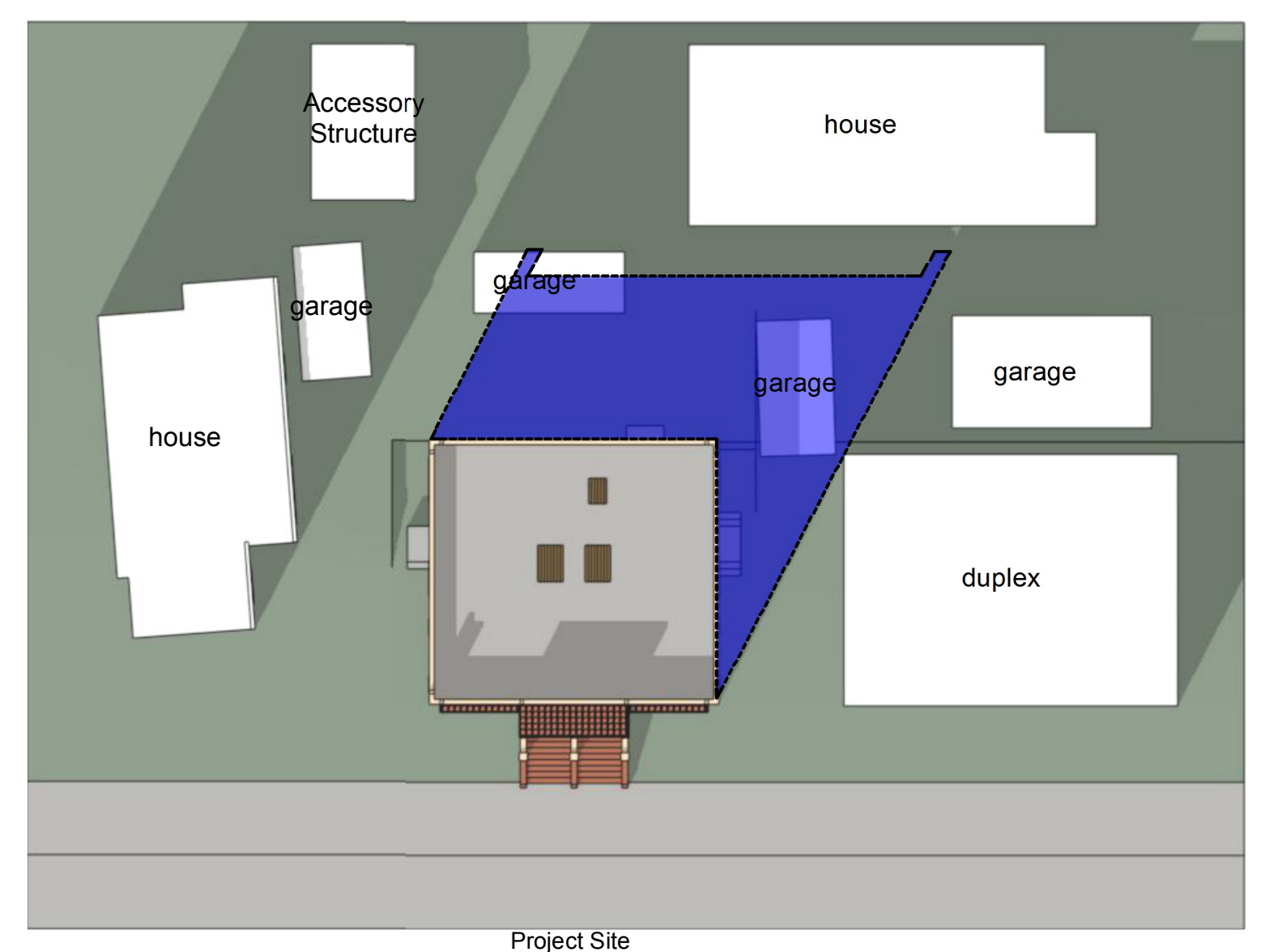
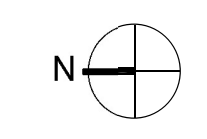
Proposed
6-21-2021 / 6:35 pm



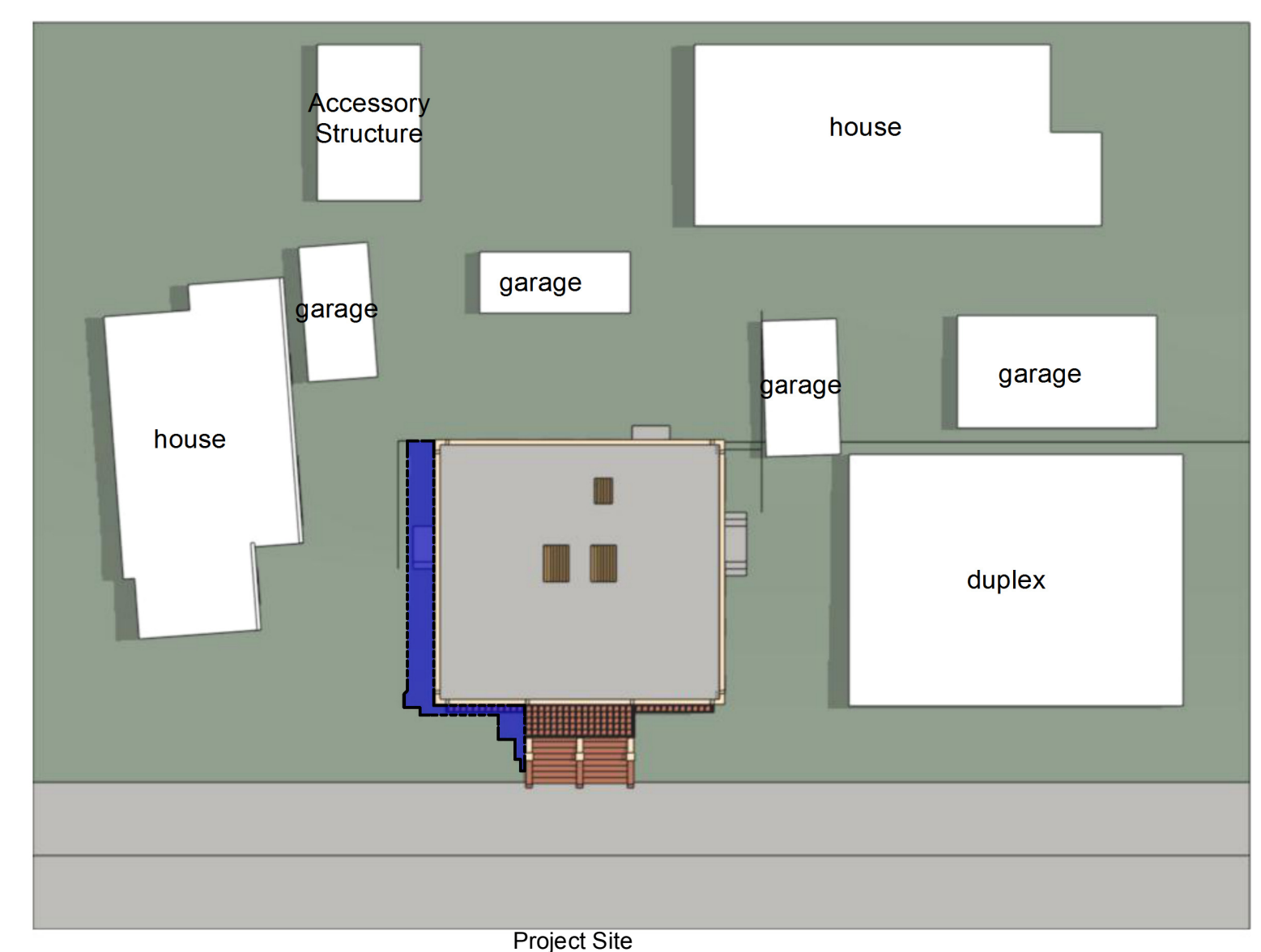
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6-21-2021 / 12:00 pm



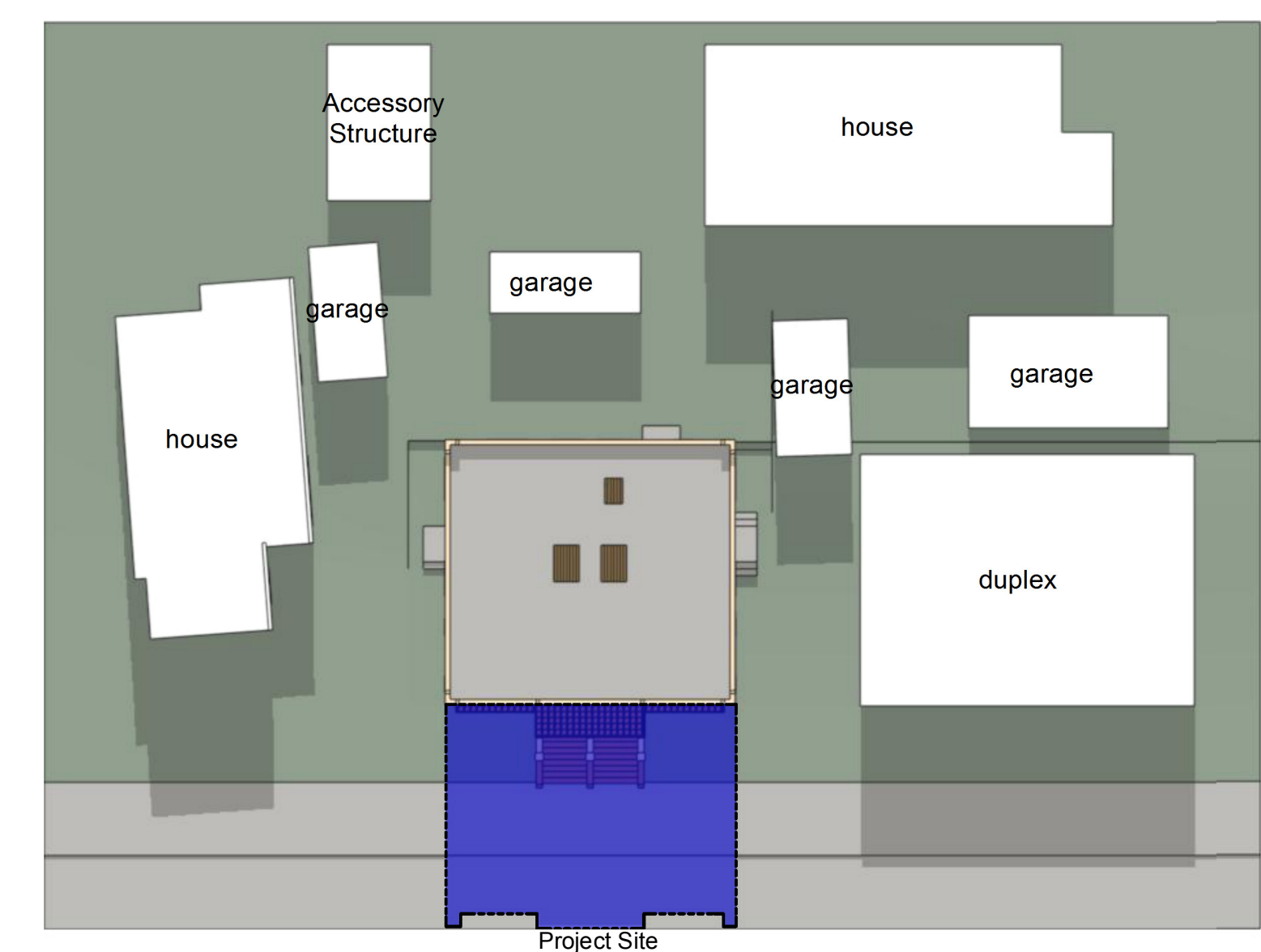
Proposed
6-21-2021 / 7:47 am



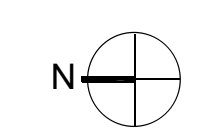
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6-21-2021 / 6:35 pm



Existing
6-21-2021 / 12:00 pm

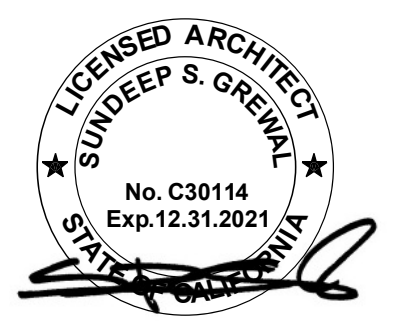


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6-21-2021 / 7:47 am

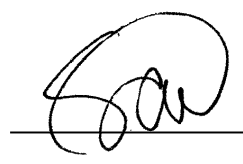


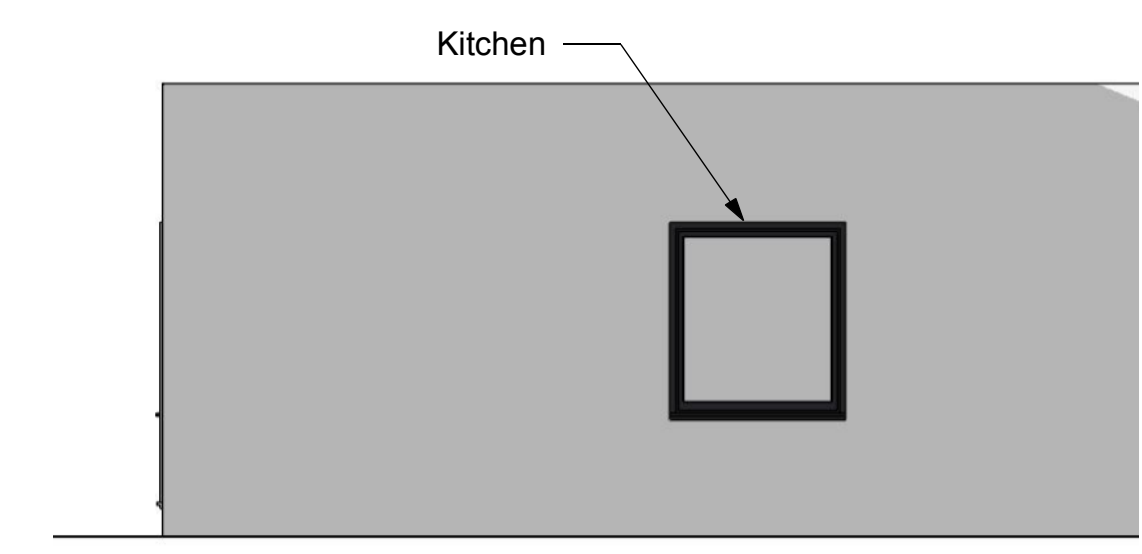
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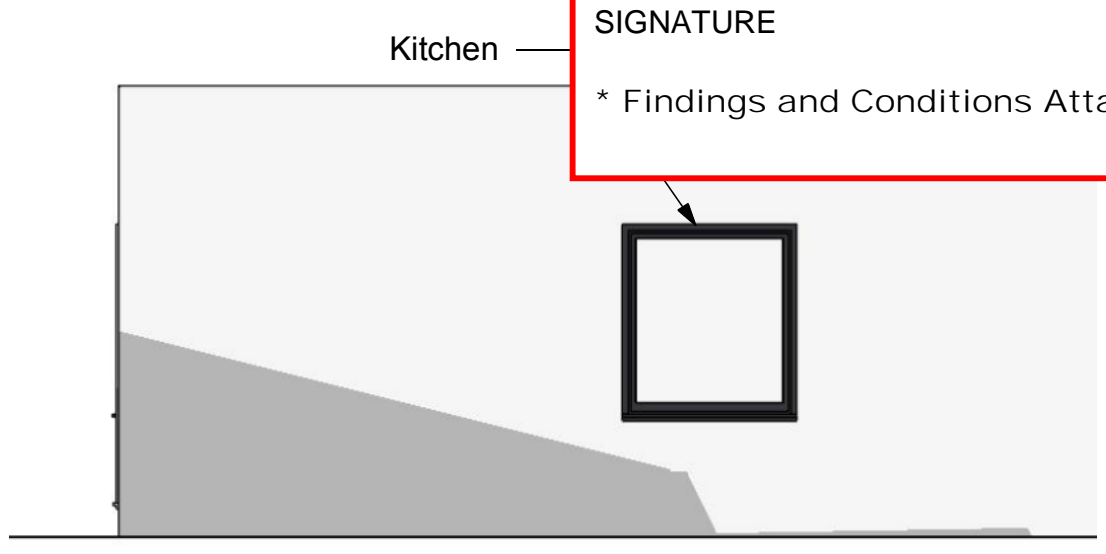


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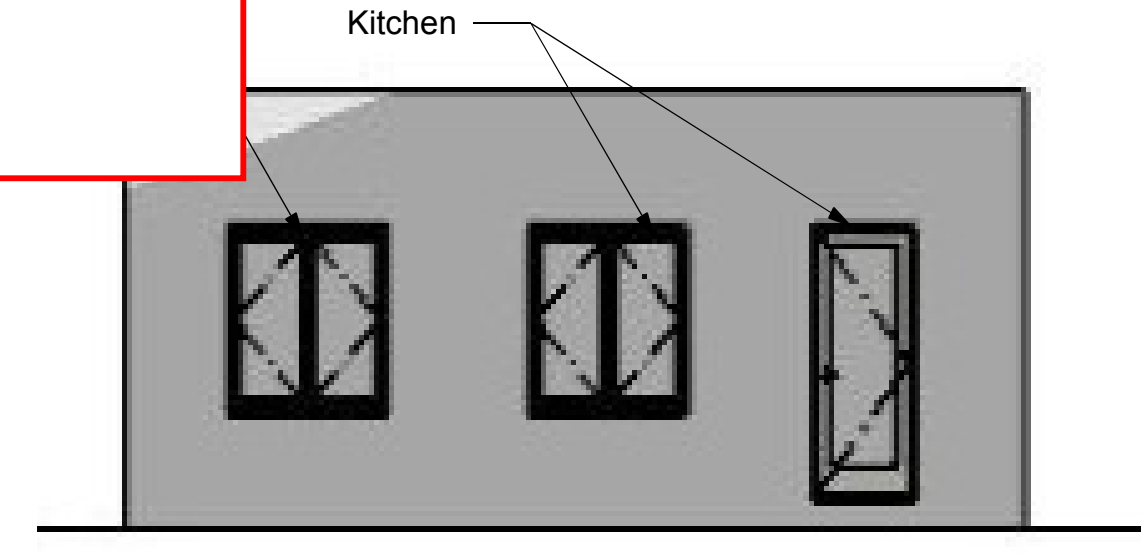
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 December 9, 2021
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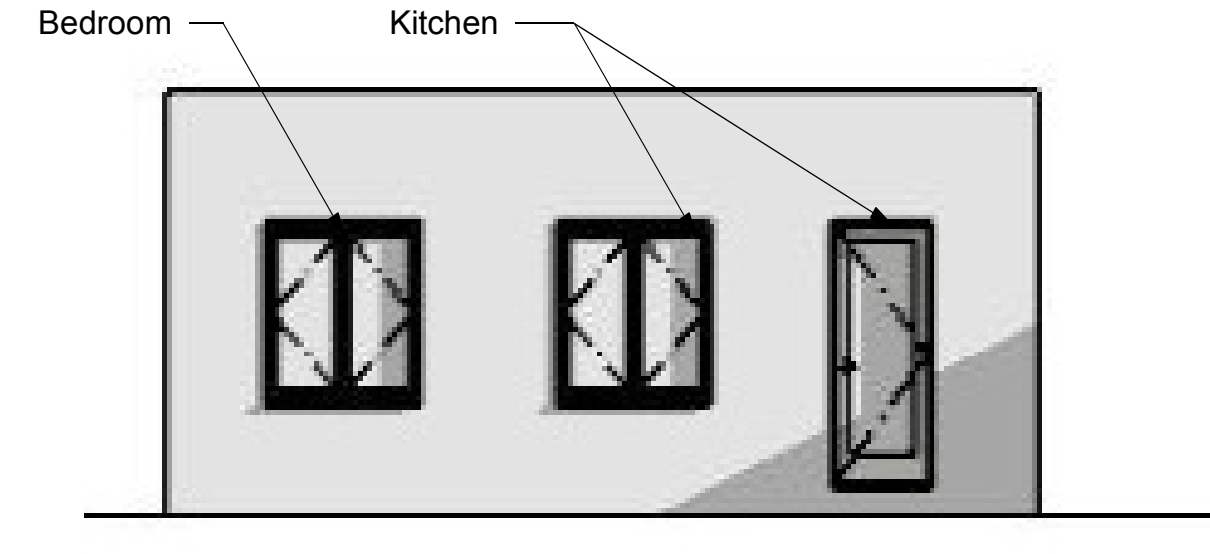
Proposed West Wall



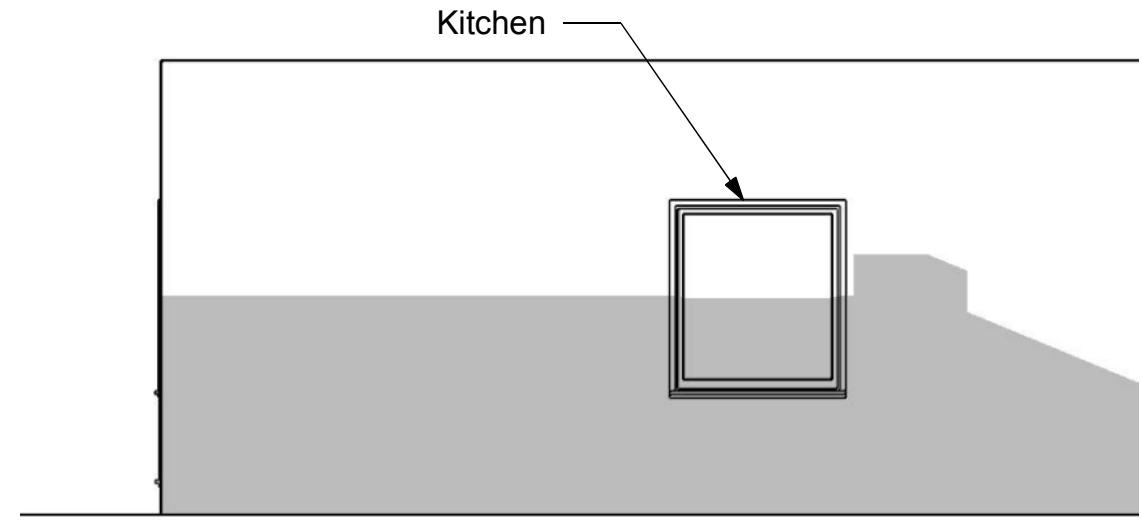
Proposed West Wall



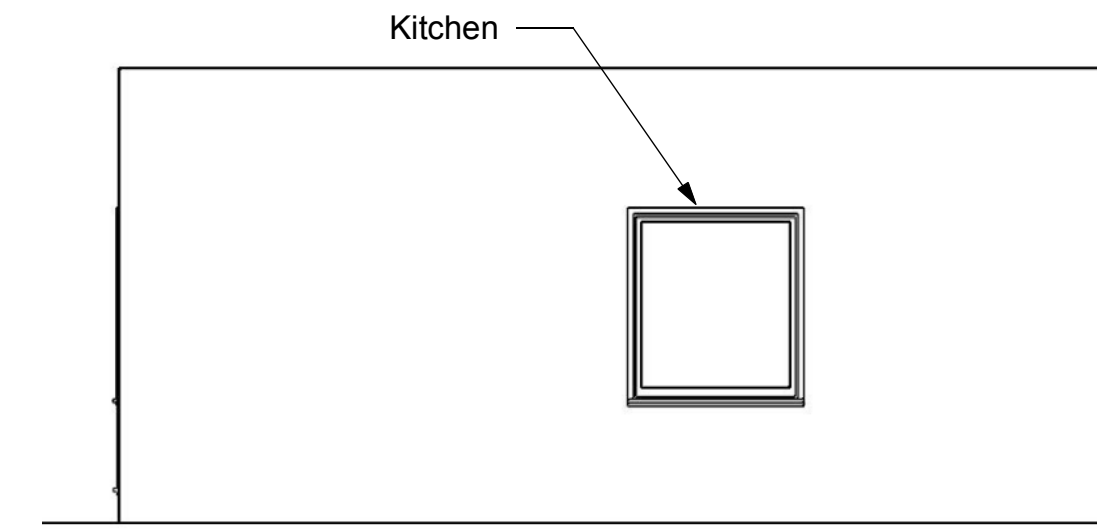
Proposed North Wall



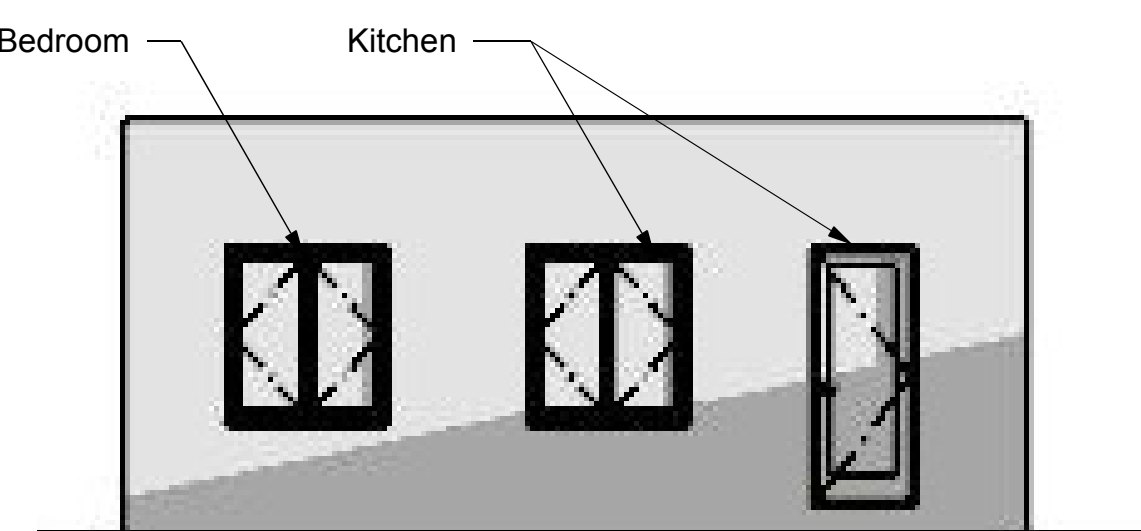
Proposed North Wall



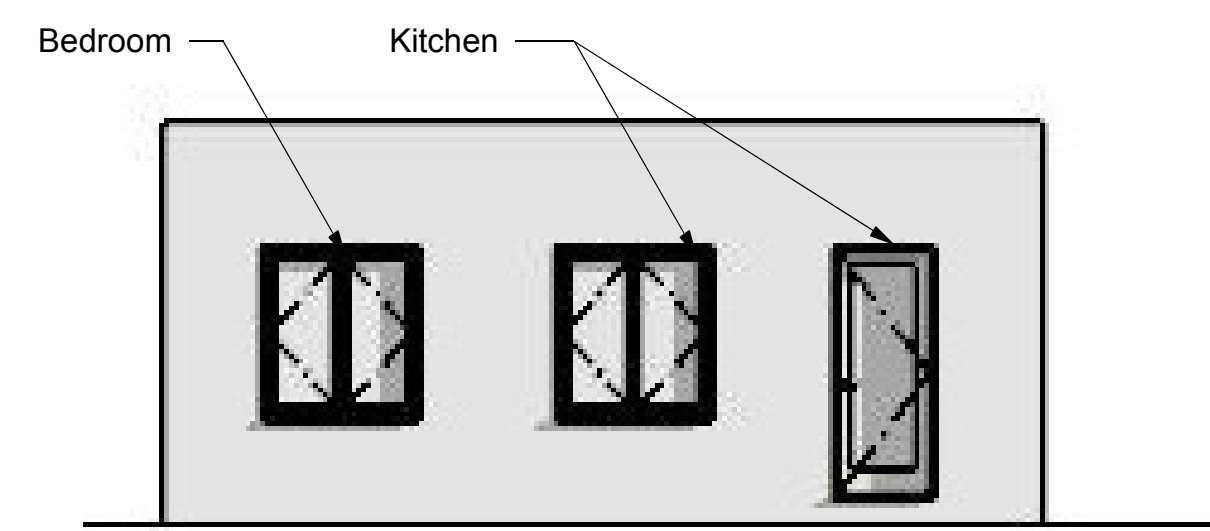
Existing West Wall



Existing West Wall



Existing North Wall



Existing North Wall

6-21-2021 / 6:35 pm

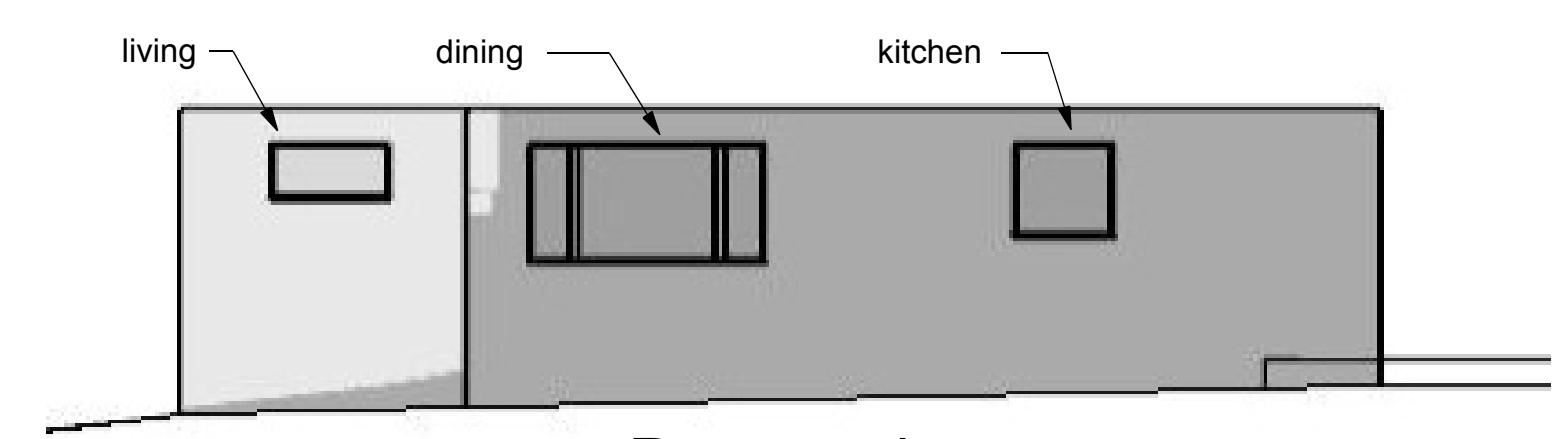
6-21-2021 / 5:00 pm

6-21-2021 / 6:35 pm

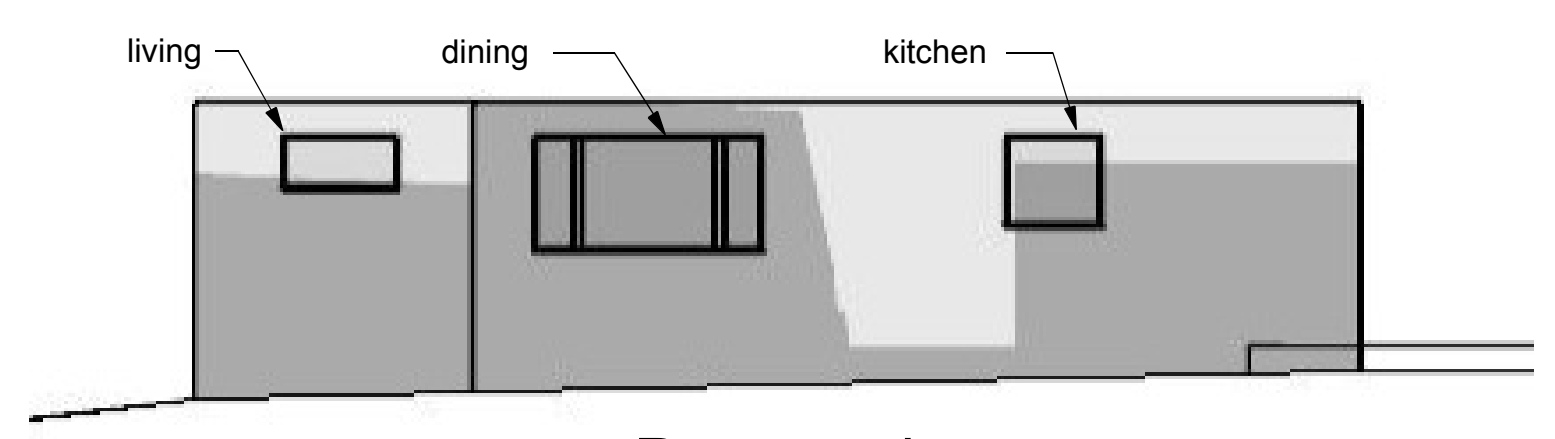
6-21-2021 / 5:00 pm

1609 Virginia St. Shadow Impact Study

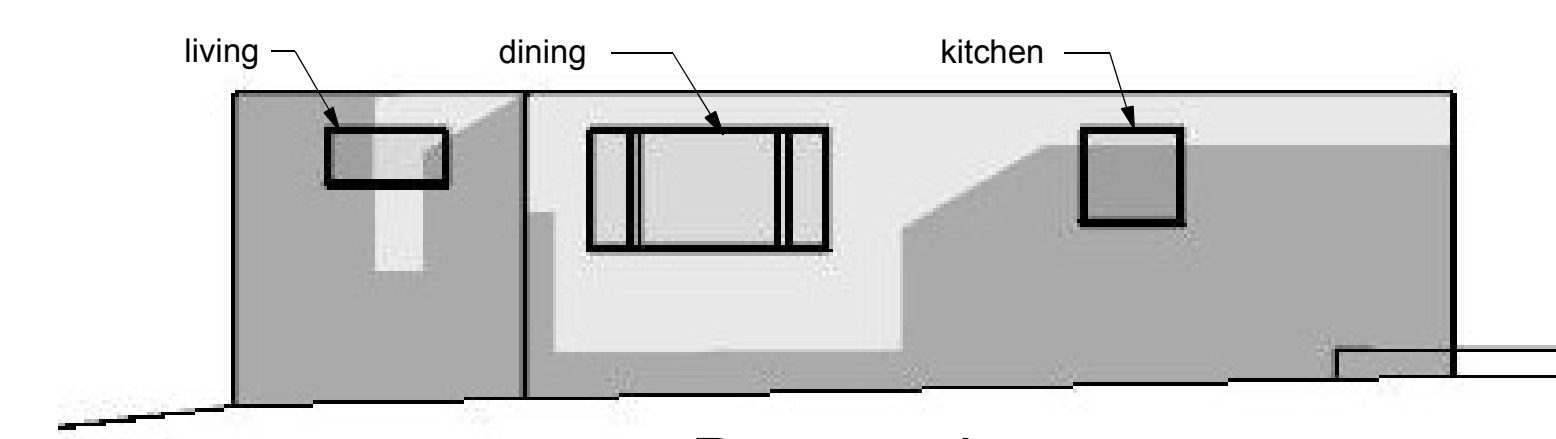
Sheet Contents:
 Shadows Studies



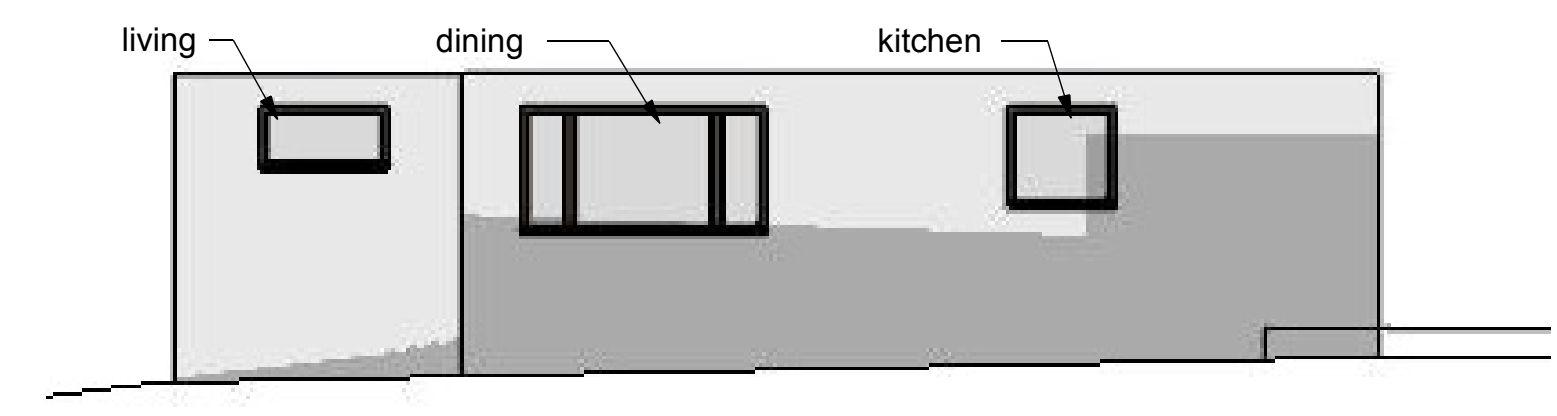
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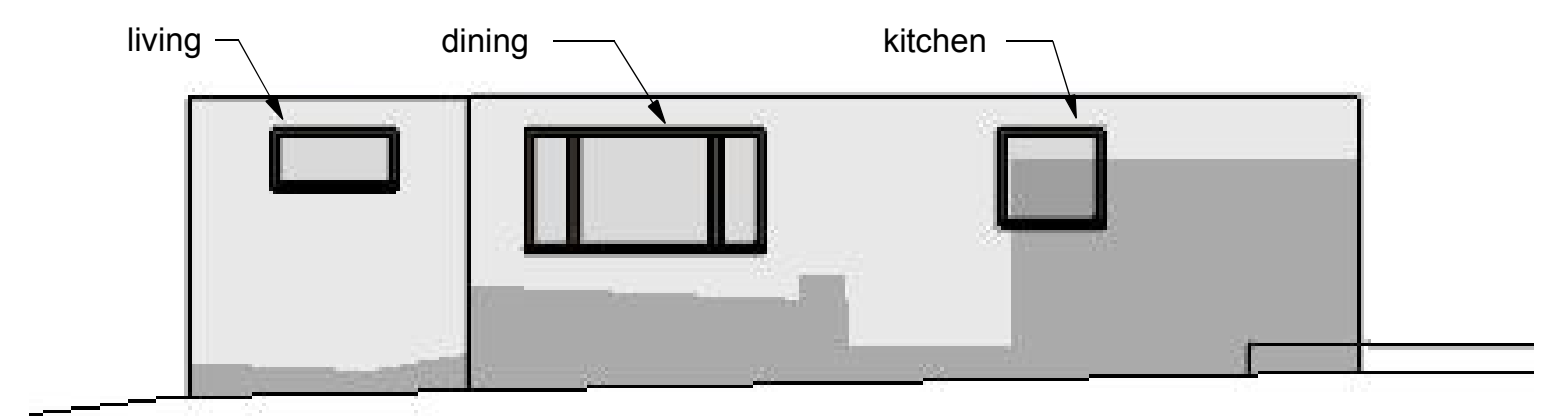
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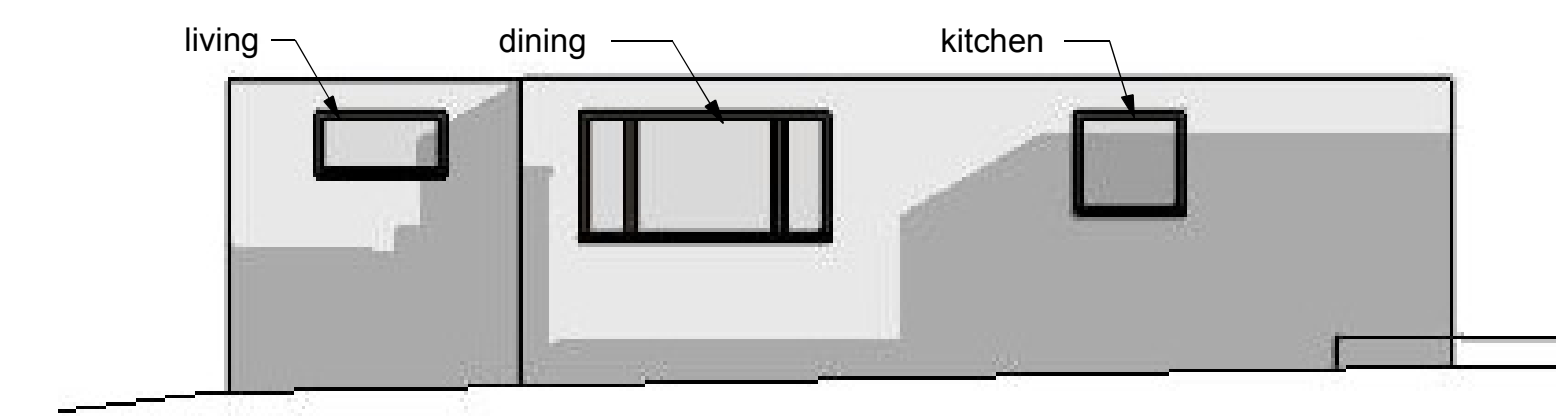
Proposed



Existing



Existing



Existing

12-21-2021 / 2:54 pm

12-21-2021 / 12:00 pm

12-21-2021 / 9:21 am

1639 California St. Shadow Impact Study

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Project No: 20-13-420

Drawn By: SSG

Checked By: SSG

Scale: NTS

Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021

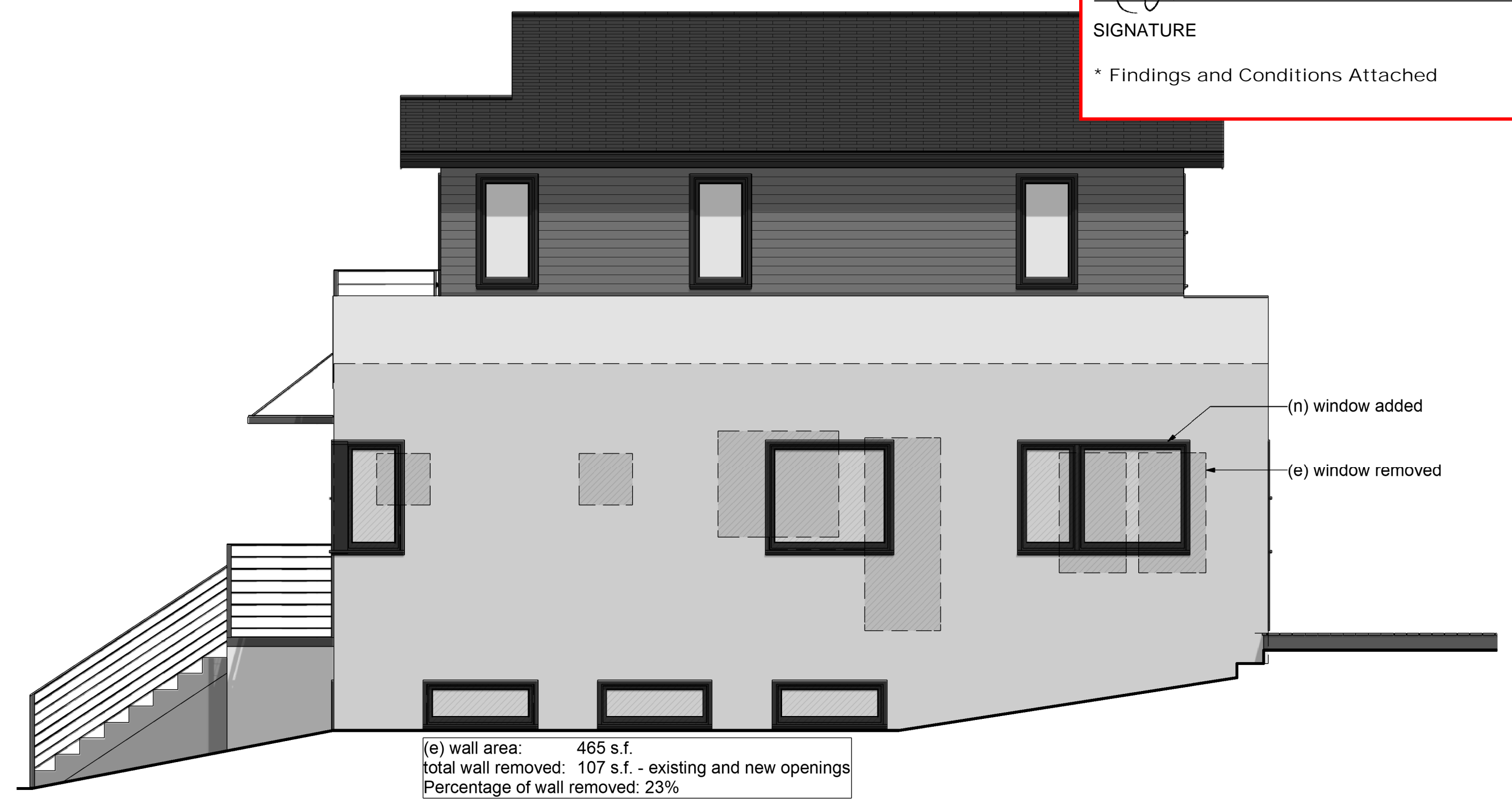
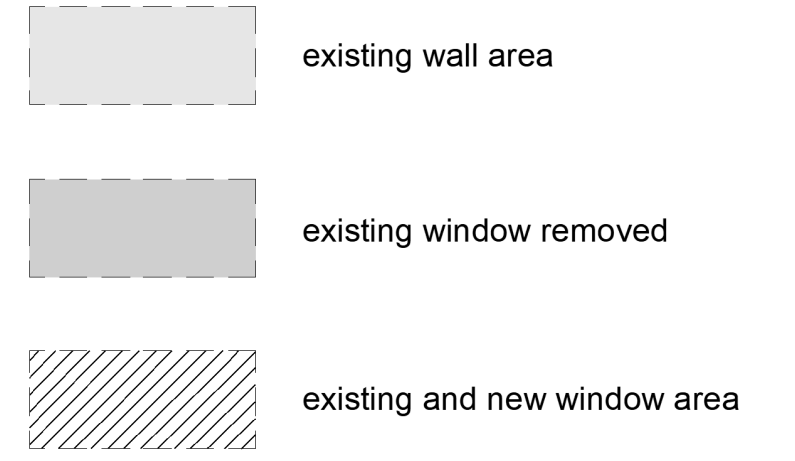
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

December 9, 2021

SIGNATURE _____ DATE _____

* Findings and Conditions Attached

Wall demolition Notes:
 Total wall area: 1,921 s.f.
 Total wall removed: 520 s.f. (existing and new openings)
 Percentage removed: 27.1%



4 Proposed South Elevation - Right Side



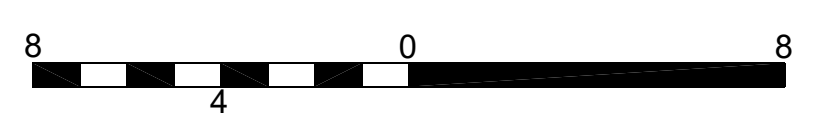
3 Proposed East Elevation - Rear



2 Proposed North Elevation - Left Side



1 Proposed West Elevation - Front



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Sheet Contents:
 Demolition Diagram

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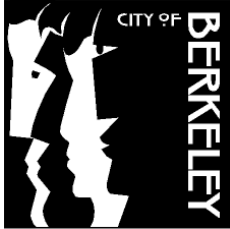
Project No:
 20-13-420

Drawn By:
 SSG

Checked By:
 SSG

Scale:
 1/4" = 1'-0"

Revisions:
 Use Permit Set: 12-10-2020
 Redesign: 5-25-2021
 Planning Review: 6-29-2021
 Planning Review: 7-15-2021
 Planning Review: 8-26-2021



Planning and Development Department
Land Use Planning Division

PROOF OF SERVICE

DATE: December 20, 2021
TO: Whom It May Concern
FROM: Melinda Jacob, OSII
SUBJECT: **USE PERMIT #ZP2021-0001 – 1643-1647 CALIFORNIA STREET**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

ZONING ADJUSTMENTS BOARD NOTICE OF DECISION

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Sundeep Grewal
Studio G+S Architects
2223 Fifth Street
Berkeley, CA 94710

Ido & Tamar Oppenheimer
1643 & 1647 California Street
Berkeley, CA 94703

- By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with First Class postage thereon fully prepaid, in Berkeley, California, for mailing to the addressee following ordinary business practices.
- By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 20, 2021 at Berkeley, California.

Melinda Jacob, OSII

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: The HAA as applied in the December 9 ZAB hearing

From: Anna Cederstav AIDA <acederstav@gmail.com>
Sent: Monday, December 27, 2021 10:31 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>; Armour, Nicholas <NArmour@cityofberkeley.info>; Adam Safir <cederfir@hotmail.com>
Subject: The HAA as applied in the December 9 ZAB hearing

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

To whom it may concern:

These comments are in reference to the December 9, 2021 ZAB hearing, in which the ZAB voted unanimously to approve a project proposed for 1643-47 California street in Berkeley. We would like to request reconsideration of that decision for multiple reasons, the most important being what we see as a potentially incorrect application of the Housing Accountability Act (HAA). If posted as decided at the ZAB hearing, we plan to appeal this decision to the City Council, but we believe it is in the City's best interest to resolve this matter and reconsider the project before it is allowed to reach that level. We are therefore submitting some of our comments about this process and decision in advance of any appeal.

In short, the decision made, if allowed to stand, threatens all of zoning in Berkeley and significantly reduces the power of the City to protect the character of its neighborhoods, as well as the availability of lower income housing within those neighborhoods. The City's interpretation of the law and the ZAB decision made based on that interpretation is entirely counter to the intended purposes of the HAA (to address the housing crisis and particularly the lack of affordable homes at below market rates in California) and could promote massive development of luxury housing in Berkeley, all but eliminating affordable residences in the City. That's because under the current interpretation, there would be no way for the city to stop property owners from enlarging their homes and building to the max limitations of their property – regardless of whether or not their properties comply with existing zoning regulations.

The project proposed for 1643-47 California is on a site where an original duplex was illegally converted by the project proponents from two one-bedroom units into one single-family residence long ago, and which has been owner occupied as such for decades. The proponents now seek to expand the building from a total of 1,342 to 3,763 square feet by reconverting it into a duplex, not creating any new units in the building but rather reducing the size of one unit to a smaller apartment (501 sq ft.), and massively increasing the size of the other unit to become an enormous 5-bedroom, 4-bathroom unit including a home gym (3,262 sq ft. total).

The project in question is – as stated in the staff report – “non-conforming for lot coverage, density, and yards” and “does not comply with the applicable, objective zoning standards.” Nevertheless, the ZAB decided to approve the project over the strong objections of adjacent neighbors and without even considering requiring modifications such as lowering the building height or reducing the amount of square footage to be added.

It was evident during the hearing that the ZAB made its decision in large part because it felt forced under the HAA to approve any project that increases housing availability – defined at one point in the discussion as being the units, number of bedrooms, or square footage in the development. The ZAB also felt it could not require modifications because there are not yet objective standards that have been passed by Berkeley for implementing the HAA.

Further, it was clear at the hearing that the ZAB had little prior experience in applying the law; one ZAB member noted that this was the first time they were asked to review this kind of project with the HAA being in force. At one point, a

section from a memo from the city attorney that much of the ZAB did not seem to fully understand was used to suggest that the ZAB had no option other than to vote to approve the project.

The process of consideration and review of this project and the decision made by the ZAB sets a dangerous precedent for zoning and housing development in Berkeley and should not be allowed to stand. If the decision made is upheld without further consideration as to the applicability of the HAA, then in effect no future expansion project in Berkeley could be denied because all such projects are likely to request an increase in units, bedrooms, or square footage. This is clearly not the intent of the law. An interpretation of the law along these lines would contravene the HAA in that it would force the city to permit all proposed housing expansions up to the maximum size allowable for the lot even when zoning standards are being violated. The result would be one in which all small – and thus affordable and lower income – housing in Berkeley would eventually disappear.

Our reading of the HAA and experience during the ZAB meeting highlights the following inconsistencies, among others.

1) The HAA states that a preliminary housing development application is to be considered complete when the applicant has provided information including “The number of proposed below market rate units and their affordability levels” (Section 65941.1.10). **This requirement exists because the restrictions placed on cities via the HAA apply largely in cases where the proposed development is intended for “very low, low, medium or moderate income housing.” (Section 65589.5(d))** We saw no information in the application for this project indicating that there has been a discussion as to whether or not the proposed project falls into these categories of affordable housing.

2) The city staff report to the ZAB, in section B “Housing Accountability Act Analysis” suggests that the ZAB can only deny approval of a project if there is a finding of significant adverse impact on public health, and no feasible way of mitigating such impact. However, **a close read of the law, shows that these conditions ONLY APPLY in the event of a “housing development project, ..., for very low, low-, or moderate-income households, or an emergency shelter” (Section 65589.5(d))**

3) Given the above limitation related to the affordability of the housing to be developed, the city should assess whether the proposed development fits into an affordable housing category prior to deciding whether this section of the HAA applies. There are two ways for a housing development to qualify under the HAA (Section 65589.5 (h) (3, 4); either 20% of the units to be developed must constitute low-income housing and be guaranteed to be maintained as such for at least 30 years, or 100% of the units to be developed must fall in the category for moderate income housing. The law provides specific guidance as to how to make these determinations based on recent local income data. Considering the units proposed in this project, we do not see how either of these two conditions could possibly be met for the proposed project, nor do we see any evidence of the city having tried to make the determination. The proponents also explicitly state that they intend to continue using the building as their personal residence and for their son.

4) **Assuming that the above affordable housing requirements are not met by the project, the section of the law cited in the staff report as limiting the rights and power of the city does not apply to this project.** The only other limitations the HAA places with respect to approval for housing developments are delineated in section 65589.5 (j). The staff report to the ZAB clearly states that “the proposed project does not comply with the applicable, objective zoning standards.” Therefore, it is only subsection 2 of section J that applies in this case:

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

5) The above suggests that – rather than believing it has to feel forced to approve this project -- the only thing the city would need to comply with the HAA in this case, is to a) request affordability data on the project to be

able to consider the project complete and b) assuming the low to moderate income limitation doesn't apply to the project, issue a finding as to why the project is not in compliance with current applicable objective zoning standards within 30 days of the project proposal being deemed complete. There is no reason for the ZAB or City to feel it must approve the project.

6) The staff report also suggested that if it chose to do so, there is nothing that hinders the ZAB from requesting "modifications to the project to mitigate impacts or avoid specific adverse impacts on surrounding properties, so long as the project is not approved at a reduced density." That fact doesn't mean that the ZAB has to approve the project, again considering that the property already fails to meet the zoning standards.

7) Further, during the hearing, it was suggested that the law should be interpreted to mean that cities are prevented from requiring that proposed developments reduce the project square footage. This is counter to the traditional interpretation of density which is taken to mean number of units. Applying a definition based on square footage or bedrooms for determining density should not be allowed because the purpose of the law – as set out in extensive detail in the beginning sections – is clearly to provide AFFORDABLE housing in California, and to make sure that cities do not develop in ways that prevent lower income residents from being able to continue living there. Interpreting this law to mean that Berkeley must approve the conversion of a duplex consisting of two one-bedroom units into a duplex consisting of a small apartment and a gigantic luxury home clearly runs counter to the purpose of the law and sets a dangerous precedent for its interpretation in Berkeley and other California cities.

8) To correctly implement the HAA in the spirit of the law and for the purpose of safeguarding affordable housing in Berkeley, the City and ZAB should-- rather than approving the conversion of a small, affordable living unit into a giant luxury home -- safeguard its right to impose limits on the conversion of affordable units into luxury properties, as it is fully entitled to do when a project that does not provide very low to moderate income housing does not comply with applicable objective zoning standards.

Again, the purpose of the HAA is to increase the amount of affordable housing available in California, and to bring clarity and efficiency to permit processes and timelines. The law should not be interpreted to prevent cities from enforcing zoning standards and laws related to projects that do not in any way contribute to – or worse, detract from—the provision of affordable or lower income housing. The project in question in fact REDUCES the amount of affordable housing in Berkeley and thus should not benefit from the HAA.

We will appreciate a response to this email as well as to our prior requests for information regarding the December 9 ZAB hearing and Berkeley City guidance on how to apply the HAA.

Thank you so much and best wishes for a happy new year!

-Anna Cederstav
1609 Virginia Street

January 10, 2022

To: The Berkeley City Council

Re: Application of the Housing Accessibility Act and flaws in participatory processes that unduly limit the City's ability to regulate development in Berkeley, as evidenced via the handling of project ZP2021-0001.

This appeal relates to the December 9, 2021 ZAB hearing, in which the ZAB voted unanimously to approve a project proposed for 1643-47 California street in Berkeley (ZP2021-0001). We are appealing the decision by the ZAB in this case for two reasons:

- 1) The ZAB and City interpreted and applied the Housing Accessibility Act (HAA) in a way that severely and inappropriately restricts the City of Berkeley's powers and authority to influence housing development and to safeguard existing lower-income housing in the City.
 - a. The City Planner incorrectly extended protections afforded by the HAA only to very-low to moderate income housing developments, to a project that does not add any new units and instead simply proposes to massively increase the square footage of one unit in an existing duplex.
 - b. The ZAB interpreted the HAA to mean that it has no authority to apply existing objective zoning standards to any project that proposes an increase in square footage of the existing structure. That interpretation is counter to the statements in the City Planner's Staff Report, the law, and existing jurisprudence interpreting the HAA. Moreover, the ZAB only discussed how to apply the law to this project AFTER the opportunity for comment had closed during the hearing, and even though none of that information was previously publicly available.

If this interpretation is allowed to stand, the City of Berkeley would find itself forced to approve all housing projects that propose increasing square footage, regardless of whether the project complies with the applicable zoning standards currently in place, in effect making all Berkeley zoning processes irrelevant.

- 2) The City failed to provide adequate opportunities for affected parties to receive information in a timely manner, be consulted, and provide meaningful input on the proposed project

Because of (1) above, we request that the Council revert the project in question to the Department of Planning & Development to work with the City Attorney and others to determine how the HAA shall apply to this project and to zoning matters in Berkeley generally, including issuing clear and public guidelines as to which specific ZAB and City authorities are limited by the HAA in what kinds of circumstances. (See Section A below.)

We further request that the City Council order that ZAB hold another hearing on this project -- AFTER the City has officially decided and provided information as to how the HAA applies in this case, also mandating that such hearing shall include appropriate public notice and public participation, and that any and all restrictions on potential project modifications be both clearly stated in the Staff Report and during the ZAB hearing before the public comment section.

We also request that the City of Berkeley revise its procedures and processes to ensure effective and informed public participation in ZAB matters, considering that the COVID crisis is no longer a short-term phenomenon and thus does not provide an excuse for compromising informed public participation. (See Section B below). This includes but is not at all limited to public postings for projects, use of story poles, and improved ZAB hearing procedures to facilitate public participation.

In the interim, because the HAA does not require approval of this project, we ask that the City exercise its authority to reject the project or require a resubmission until such time as these matters can be resolved.

Finally, because the need for this appeal stems from the City's inconsistent interpretation of the HAA as well as from public participation concerns more broadly, both of which are of great import to the City generally and not only applicable to this specific project, we request a rebate of the \$500 charge for this appeal.

SECTION A. Inappropriate application of the HAA to justify approval of the proposed project

THE FACTS

The project

As clearly stated in the staff report provided to the ZAB prior to the hearing, the proposed project is "non-conforming for lot coverage, density, and yards" and "does not comply with the applicable, objective zoning standards."

1643-47 California is a North-Berkeley duplex built in 1924 that is registered as a two-unit structure with both units being owner-occupied. The property was illegally converted by the project proponents from two single-bedroom units into one larger single-family residence more than two decades ago, removing a kitchen, and opening the wall between the units. The property has been occupied as a single-family residence ever since.

The project proponent now seeks to expand the building from a total of 1,342 to 3,763 square feet by building a substantially different structure, promising to reconstruct the illegally removed unit. The project does not add any new units beyond what is on record in the city.

Instead of recreating the original and surely more affordable one-bedroom housing units (671 sq ft. each), the proposal seeks permission to create a small apartment (501 sq ft.) and an enormous 5-bedroom, 4-bathroom unit that includes a home gym. (3,262 sq ft.) The project would add two new levels to the existing property.

To accomplish these changes, the project requires two Use Permits and five Administrative Use Permits.

The proposal states that two adults will occupy the 3,262 sq ft. 5-bedroom unit and that their adult son will live in the small apartment.

The project application contains no information regarding any restrictions being created to ensure that the smaller proposed unit would be available as low-income housing, as is required for any application seeking to benefit from the HAA under the rubric of providing low-income housing.

Similarly, the project application contains no information explaining how the 5-bedroom, 4-bathroom unit with a gym could be considered to be housing for moderate-level or below income, another way of triggering application of the HAA.

*The ZAB hearing and decision*¹

According to statements by ZAB members made during the meeting, this was the first time since the amendments to the HAA came into effect that the ZAB has had to decide whether or not to approve a project that did not meet the applicable zoning standards.

In spite of opposition by all three adjacent neighbors to the proposed third level of the structure, ZAB approved the project without considering requiring modifications such as lowering the building height or reducing the amount of square footage to be added.

It was evident during the hearing that the ZAB made this decision in large part because it felt forced under the HAA to approve any project that increases housing availability – defined broadly at one point in the discussion as being the units, number of bedrooms, or square footage of a development. The ZAB also expressed it could not require design modifications given that Berkeley does not yet have any objective design standards for minimizing impacts on neighboring properties.

At the very end of ZAB discussions, the ZAB chairman searched for, found, and read from a memo apparently produced by the city attorney and provided to the ZAB in October. That section – read out of context – was used as basis to suggest that the ZAB had no option other than to approve the project. The complete memo was shared with neither the public nor the rest of the ZAB at the meeting. We have since been unsuccessful in obtaining a copy of that memo, even after multiple requests to the ZAB and City Planner.

After dedicating much of the meeting to trying to figure out how the HAA might apply and what it was or was not allowed to do, the ZAB hurriedly voted shortly after reading from this memo to approve the proposed project.

During the meeting, ZAB members also clarified that the ZAB is not allowed to consider potential future uses of the projects it reviews even when the ZAB may doubt statements made by project applicants about such future use, thereby inferring that any determinations as to whether a project provides housing for very low to moderate income earners and thus is subject to those provisions of the HAA rests with the City Planning Department.

THE LAW

The text of the HAA (California Code 65589.5²) begins with an extensive discussion of the need for housing and especially affordable housing in California considering the “housing supply and affordability crisis of historic proportions” the State faces.

¹ We have made multiple requests to the ZAB and city planner for access to the recording of the ZAB meeting, so as to substantiate our record of the meeting. Not having received any response, these facts are based on our notes from the meeting and the written documents supplied to the ZAB by the city planner.

² See: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65589.5

It is eminently clear that the focus of the law is on providing more affordable housing, with references made to the need for safe and affordable housing; the discrimination against low-income and minority households caused by the lack of affordable housing; worsening poverty and homelessness; constrained supply and protracted unaffordability; low homeownership rates; and the high percentage of incomes paid by Californians on rent, among others.

The law also states that it is the intent of the State that the law be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.

Relevant to this case, there are two sections of the law that impose restrictions on cities in approving housing developments.

First, Subsection (d) places strict limits on cities with regard to denying an application for a "housing development project for very low, low-, or moderate-income households or an emergency shelter..." To provide clarity on which housing developments would fit into this category, the law provides detailed instructions for how to carry out the calculations to assess whether a unit will qualify as very low, low- or moderate-income housing [Subsections (h)(3) and (h)(4)].

The law further requires that "The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years." [Subsection (d)(4)]

The vast majority of the law refers to and places limitations only on housing developments that would provide the very-low to moderate level income described above, and as defined in Subsection (h). It is only for such developments or for developments that comply with all applicable objective standards that a City must make a finding of specific adverse impacts upon the public health or safety if it desires to disapprove the project.

Second, Subsection (j) defines the process and timelines by which housing developments in general should be reviewed and either approved or denied. The law sets out two options, providing guidance for what to do if the city considers that:

- a) a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete; or deems the
- b) housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision

In the case where the agency deems the project out of compliance, the law simply directs the agency to provide the project proponent with a timely explanation of the reason why the project is not in compliance. [Section(j)(2)(i)]

There is nothing in the law that suggests a local agency would be required to approve a project that does not comply with the applicable, objective zoning standards in place at the time that a project application is complete. To the contrary, section (f) of the law states that:

... nothing in this section shall be construed to prohibit a local agency from requiring the housing development project to comply with objective, quantifiable, written development standards,

conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

Other California law, such as Section 65915 discussing density, consistently speak of and define density in terms of the number of units per property or area.³

DISCUSSION AND ANALYSIS

Rather than adding low to moderate income level housing in Berkeley, this project would REDUCE the amount of such housing available. Again, the proponents seek to replace two small and more affordable housing units with one tiny apartment and one huge, 5-bedroom home. There are no provisions made that the project would provide guaranteed low or very-low income housing, and it is difficult to imagine how the very large 5-bedroom unit could be considered to be moderate income-level housing for a two-person household. The project proponents own a large 10-unit Berkeley rental building less than a mile away, and thus unlikely would qualify as a low to moderate income household.

By removing a more affordable unit and replacing it with a luxury home, the project thus runs COUNTER to the expressed purpose of the HAA of seeking to provide more affordable housing in California.

As emphasized in the staff report to the ZAB, the proposed project does not comply with the applicable, objective zoning standards.

As clearly stated on the City of Berkeley Department of Planning & Development website,⁴ Berkeley has a long history of applying zoning requirements to preserve the character of its distinctive neighborhoods and prevent impacts on neighbors. It thus seems highly unlikely that the ZAB would have approved this extremely large building on a tiny lot, in contravention of multiple zoning standards, considering the objections of all three adjacent neighbors, and without requiring modifications to address the concerns of the neighbors, if it were not for the ZAB's apparent belief that it is required to approve any proposal for expanded square footage under the HAA.

To ensure both that all parties receive fair treatment, it is critical that the law be correctly applied. As stated in the judicial opinion in the landmark case on the HAA "California Renters Legal Advocacy and Education Fund vs. the City of San Mateo,

The Legislature insists on objective criteria so as to ensure "reasonable certainty . . . to all stakeholders" about the constraints a municipality will impose. (Assem., 3d reading analysis of Assem. Bill No. 1515, as amended May 1, 2017, p. 2.) Reasonable certainty is important to Department of Housing and Community Development officials, so they understand the impact of a locality's housing element in deciding whether to approve it. Reasonable certainty is important to neighbors, who want to know how big a building can be erected next door, and it is

³ See for example:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&highlight=true&lawCode=GOV&keyword=density+definition

⁴ See: <https://www.cityofberkeley.info/planning/>

important to those who build housing, so they know what size project can be approved for a particular site. (p.19, emphasis added)

Further, the opinion states that

the HAA should not be construed to prohibit local governments from requiring compliance with “objective, quantifiable, written development standards” that are consistent with meeting the jurisdiction’s share in regional housing need (§§ 65589.5, subd. (f)(1), 65583), (p.24)

In this case, the ZAB failed to enforce the objective standards that are already in place. Those objective standards are ones that adjacent neighbors have studied and considered in both purchasing and renovating their properties. The arbitrary decision by ZAB to not apply the objective standards to deny the projects that all the neighbors oppose – when the HAA in no way limits it from doing so – therefore violates the rights of the neighbors to have reasonable certainty as to what kind of development will be allowed.

A memo⁵ read by a ZAB member during the hearing was interpreted to suggest that the HAA limits the right of the city to require a reduction in the square footage, levels, or number of bedrooms of the proposed projects, even though the project does not comply with objective zoning standards. That interpretation is not consistent with the above legal opinion, which clearly confers on cities the right to apply objective standards. It is also not consistent with either the text of the law or the City Planner’s report that was provided to both the ZAB and to all affected parties.

Section (f) of the law states that cities should facilitate development of the density allowed at the site. But density does not mean square footage, levels, or number of bedrooms. Density is commonly defined as “the amount of development per acre permitted on a parcel under the applicable zoning, commonly measured as dwelling units per acre (du/ac).”⁶ The parcel in question is approved at a density of two units, and the proposal is for two units. That does not mean Berkeley necessarily needs to approve one of those units to be enormous, in violation of the objective standards that neighbors would expect the city to enforce.

Further, as the staff report also makes clear,” the City may request modifications to the project to mitigate impacts or avoid specific adverse impacts on surrounding properties, so long as the project is not approved at a reduced density.”

If the ZAB’s interpretation of how to apply the HAA based on square footage instead of the number of units is allowed to stand, it will set a precedent that limits the rights of the City to enforce objective zoning standards, not only in Berkeley but throughout the State.

The reading of the law in this case not only unduly limits the power of cities to regulate development even further than the HAA already does, but it also prevents cities from protecting low to moderate level income housing within their districts. That’s because if cities have to approve all projects that propose infill to the absolute maximum size a property tolerates, without being able to enforce even

⁵ We have not received a copy of this document even after multiple requests to the City Planner and the ZAB.

⁶ “Understanding Density and Development Intensity,” Presentation by the League of California Cities – Planning Commissioners Academy, | Thursday, March 7, 2019, available at: [https://www.calcities.org/docs/default-source/planning-commissioners-academy---session-materials/understanding-density-and-development-intensity.pdf?sfvrsn=d6b7bb05_3#:~:text=Definition,acre%20\(du%2Fac\).](https://www.calcities.org/docs/default-source/planning-commissioners-academy---session-materials/understanding-density-and-development-intensity.pdf?sfvrsn=d6b7bb05_3#:~:text=Definition,acre%20(du%2Fac).)

existing objective standards, there would eventually be no small – and thus more affordable – houses and units left. If this were the case in Berkeley, every property owner could in effect propose adding a couple of bedrooms, thus destroying the small houses available in the city and making it impossible for lower income earners and young families afford to live here. This would entirely change the socioeconomic makeup of Berkeley.

In sum, this proposal does not provide additional housing in Berkeley and does not meet any affordable housing needs and thus should not benefit from restrictions on city powers to influence development created by the HAA This is simply a matter of one family seeking to increase the size of its property – in contravention of zoning standards – without having consulted and reached agreement with its neighbors. There is no justifiable reason why in this circumstance, the ZAB should favor the interests of one property owner over those of its neighbors.

The December 9, 2021 vote by the ZAB to approve the project without modifications was clearly influenced by an erroneous interpretation of the law, with ZAB members voting for the project because they thought they had to do so under the HAA, even after having expressed significant concerns about the size and purpose of the project and about the constraints they felt were being imposed upon them by the law. Recognizing that this was the first time after passage of the new HAA standards that the ZAB had to decide on a case in which a project does not comply with objective standards, and that the ZAB seems to not have fully understood the limitations and powers that law affords to cities, we request that the City Council return this project proposal for another hearing. At that hearing, we would expect that the project be considered for what it is - a proposed expansion that does not comply with objective standards, is not protected under the HAA, and does not count with support from the neighbors, such that the ZAB will feel free to deny the project or impose conditions considering input and requests for modifications from affected neighbors.

SECTION B. Absence of the opportunity for meaningful public participation regarding the project.

Throughout this process we experienced multiple problems with the City's process that created obstacles to the effective and timely participation in the zoning/planning review process. Our full, detailed concerns are described below.

The most egregious issue with respect to public participation in this case was that critical guidance from the City Attorney upon which the ZAB decision was based, was not available to affected parties or apparently to the City Planner until the very end of the ZAB hearing about this project. At that time – after the public participation section of the meeting was closed and with attendee microphones, chats, and videos all turned off on zoom -- and right before the vote was called -- the ZAB chairman found and read a memo to the rest of the ZAB, and in so doing changed the entire focus and purpose of the hearing. Because it had not been previously available, no participant or affected party was able to prepare for or comment on the content of that memo as it potentially applies to the project, and the ZAB made its decision after mere minutes of superficial consideration of this new information. That is not appropriate.

This ZAB hearing was held on December 9th, and the information from the City Attorney that the ZAB Chairman referenced was said to be in an October memo from the City Attorney. The memo supposedly states that any project for which the HAA applies cannot be reduced in square footage. This assertion is completely at odds with comments that the City Planner put in the Staff Report, in his Advisory Comments to the project proponents, and made to us in calls and emails prior to our writing a letter to the ZAB in opposition to the project. As described above, it also seems to be a misinterpretation of what the HAA requires.

One must presume that a memo about zoning from the City Attorney would also have been shared with the Department of Planning and Development and its staff. Nevertheless, the city planner at no point indicated that it would not be possible for the ZAB to deny permits for the proposed third level or otherwise require a significant reduction in size of the project.

In fact, the initial Advisory Comments from the city planner specifically asked for removal of the upper floor to minimize impacts on the neighbors (a reduction in square footage). When speaking with us about our letter to the ZAB he suggested we could reference these comments and ask the ZAB to request "major modifications to the plan prior to continuation of the hearing".

Further, the City Planners comments in the final Staff Report and to us in emails clearly state that the ZAB cannot reduce the number of units (two units, both already existing on this property) but can require other modifications to lessen the impact to neighbors. We therefore chose to focus the comments in our letter and during the hearing to request removal of the upper floor addition to yield a project that would still allow expansion on the non-conforming property from a 1,400 sq ft to 2,700 sq ft structure, on a tiny 3,100 sq ft lot.

The ZAB Chairman who had the additional information from the City Attorney, and presumably read the Staff Report and the submitted public written comments ('Correspondences Received') prior to the hearing, had many opportunities to bring this information to light earlier in the hearing, both right after the City Planner summarized the project, or during the lengthy discussion the ZAB members had about the impacts to lighting and privacy to adjacent neighbors prior to hearing public comment.

Moreover, any information from the City Attorney should have been in the Staff Report as it sets the boundaries for modifications to the plan. If we had been told by the City Planner about this restriction, our letter to the ZAB would have been different, and if we had heard this information from the ZAB chairman during the ZABs initial discussions our oral comments would also have been different.

We thus ask for the City Council to direct the ZAB to reschedule this permit application for a re-hearing, not only as described above in Section A on the HAA, but also so that we and other neighbors can make specific requests to the plan to mitigate the impact to our properties, if the city still decides that it will allow this non-conforming project.

Additionally, we request that the City Council direct the City Planner to require the applicants to erect story poles on their current roof, prior to that ZAB hearing, to show the positioning of the new upper

floor and the location of windows,⁷ as this was never done even though the City's website says that any additions with average heights over 14 feet require application of story poles prior to the ZAB hearing.

If, in the end, the City for some reason decides it still cannot or does not want to deny a project that clearly violates objective standards, exceeds allowed lot density, requires a very large number of UPs and AUPs, is opposed by adjacent neighbors and is completely out of character with the rest of the neighborhood, neighbors might for example request the below modifications:

1. Only permit upper floor window glazing on the south and east side of the development at a height above 5'6" from floor, to increase privacy of neighboring properties.⁸
2. Mandate the construction of a fence between the properties to a height of 8'6" to increase privacy for both neighbors and the project proponents by blocking the direct view between the windows of adjacent houses.⁹
3. Remove the parapet feature on the east side of the top floor. Currently this is set to be built identically to the parapet structure on the front of the house (west side) which is used as a balcony. The parapet feature on the west side is not needed for aesthetic continuity as it isn't continuous on the south and north sides, and on the east side will only act to collect tree droppings from the three tall trees near the property line. These trees are a constant source of complaints from the project proponents as droppings fall on their existing flat roof with a parapet feature. Moreover, to illegally convert that parapet roof structure to a balcony, the owners would only have to add a door to the bedroom on the second floor (a feature that was in their initial submission). Given the project proponent's history of illegal, non-permitted modifications to their property, as described in the fact section above and in the City Planners Staff Report, it would be best to make it impossible for that outside balcony to be easily created.

Complete list of concerns with the city's process and associated impacts to public participation

- The lack of signage and story poles means neighbors were not sufficiently alerted to potential impacts
 - COVID policies from early in the pandemic temporarily removed the requirement for posting a large yellow sign on the property applying for permits to alert neighbors to an application. Signage policies seem to have been changed back to normal during 2021, as we started seeing yellow posters in front of other houses with building proposals, before this proposal was deemed complete. However, we never saw any kind of signage on site describing this project. A few posters were eventually placed on telephone poles, but those were not nearly as noticeable as the traditional large yellow signs on site and have since been removed.

⁷ One concern with the project is whether the proposed project will create a direct clear view from the added upper level into neighbors' bedroom and bathroom, in addition to compromising the privacy of back yards.

⁸ If the project proponents want to keep the total glazing square footage the same to keep the amount of light into that room the same, they have plenty of space in that bedroom on the same wall to extend the 'high windows' toward the south end of that room.

⁹ This would likely require an additional use permit but if the City is willing to issue seven such permits, an eighth seems reasonable as well.

- The project in question never erected 'story poles' even though the City's website says that doing so is required for any addition exceeding 14 feet in height. Again, we saw story poles on other houses in Berkeley that had proposals pending, even before this project was deemed complete.
- Even if temporary COVID policies were put in place to minimize human interaction, once reinstated, requirements should have been applied to all open applications.
- For some period of time, these signage requirements were replaced by postcards the city sent to neighbors. However, those postcards simply listed the address and did not specify on a map which house was affected or what the project implied. The likelihood of people proactively turning to their computer to learn about a proposed project is far lesser after receiving a postcard about an unfamiliar address, than if someone sees signage or story poles on a site.
- This relative lack of information about the project and its impacts - especially the absence of story poles – likely impacted the level of public participation overall, reducing the ability and likelihood of the public commenting on proposals.
- Interactions with the City Planner and the ZAB
 - Over the course of 2021 we had over a dozen email exchanges with the city planner as well as two phone calls. He was very responsive and we greatly appreciate him taking the time to speak with us.
 - Before even hearing the details of our concerns, the City Planner's advisory comment letter to the applicants called out the impacts to light and privacy to adjacent lots and specifically requested the applicants to remove the upper floor of their proposal (a reduction in square footage).
 - In our final call with the city planner on September 21, 2021, he mentioned options to (1) call out the impact to our light and privacy, (2) reference the suggestions he made in his Advisory Comments to make the scope of the project more reasonably sized by removing the upper floor to minimize/eliminate impacts to neighbors, (3) ask the ZAB to request "major modifications to the plan prior to continuation of the hearing", and (4) describe the ways in which the applicants misrepresented their neighbors' support of the project. At no point did he suggest that requesting a reduction in square footage would not be possible.
 - We thus focused our comments on requesting removal of the upper floor addition, to reduce impacts on neighbors but still allow the owners to expand the duplex on their non-conforming property from ~1400 sq ft to ~2700 sq ft.
 - As of 10am on 12/8/2021, the day before the ZAB hearing, the Staff Report was still not posted for public access. At that time, we were the ones who had to reach out to the city planner to get the report from him and make sure it was posted. Thus, there was also insufficient advance time for review and consideration of that report.
- The ZAB Hearing
 - In general, with the need to conduct public hearings on zoom rather than in person, those hearings should be conducted with video and chat channels enabled for all participants so that affected parties can communicate easily. Having chat channels, microphones and videos all disabled, as was the case in this hearing, is not appropriate. The zoom December 9 ZAB meeting did not even allow participants to communicate by

raising a hand to be called on (except during the very limited public comment section). This is extremely problematic, as evidenced by one person who was trying to participate but had no way to communicate with the ZAB to let the ZAB know she for sure wanted to speak. ZAB members themselves found themselves needing to call each other via cellphone rather than being able to interact on chat.

- During the ZAB hearing on 12/9/2021 the city planner reviewed the project and made the same statements described above. The ZAB then had a discussion, and several members raised concerns about the large impact to the neighbor's light and privacy. After this the project proponents spoke, followed by several neighbors who mostly opposed particularly the upper floor addition.
- A discussion by ZAB members ensued. It was at the end of this conversation that the ZAB Chairman referenced a letter he had from the City's Attorney from October supposedly stating that for projects where the HAA applies, the ZAB cannot reduce the square footage of the project, in effect saying that all ZAB members had to vote to approve (at this point in the Zoom hearing we 'raised our hand' to comment but were not called on)
- Finally, the chairman called for a vote and got the unanimous approval that he had already stated was required.
 - The fact that this critical piece of information from the City Attorney was (i) counter to what the City Planner states in the Staff Report and to us directly, and (ii) was presumably known but not shared by the ZAB Chairman until after all public participation was complete, in effect took away the public's ability to submit comments that were meaningful in the context of this critical information.
 - Rather, the important information about how the HAA will be applied should be shared prior to the hearing. As stated above, if we had known about this supposed restriction our comment letter to the ZAB would have been different. Similarly, if we had heard this from the ZAB chairman during the ZABs initial discussions, our verbal comments would have been different.
 - We have since asked the ZAB and the City Planner for a copy of this memo from the City Attorney (and access to the ZAB hearing recording) three times, with neither party even replying to our request.
- Appeal process
 - On December 14th, a few days after the ZAB hearing, we sent an email to the ZAB and to the City Planner requesting to be informed when the 'approval' would be posted and how the 14 days from then would be counted (calendar vs. work days, and considering which holidays?). We received no response from either. We also wrote a longer letter to the ZAB and City Planner and requested this information again on December 27th.
 - Having received no information from the ZAB or the City planner, we reached out to the City Webmaster on 12/17/2021 and were at that time referred to the 'Approved Zoning Applications' site, and the 'Guidelines for Filing an Appeal' site. We checked the 'Approved Zoning Applications' site immediately and then regularly thereafter and never saw the project appear.

- On January 4th, we received information from the City Planner that we would be required to appeal, but no further information as to what the timing would be. Since we were not seeing any postings on the site to which we had been referred, we assumed the clock was not yet running.
- Even so, we reached out to the City Clerk's office by email on January 7th. They immediately responded and told us that the decision had been posted to the 'Zoning Applications in Appeal Period' site on the 27th of December (the same day we last asked the ZAB and the City Planner for this information, and during a holiday break), and that we had three days until January 10th to file our appeal.

There are clearly numerous fronts on which public participation in zoning decisions needs to be improved.

- 1) The city must provide clear and easily understandable information as to how and when the HAA will be applied.
- 2) Posting of information about projects and story poles should be required and enforced.
- 3) The zoom logistics for hearings should be improved to promote meaningful participation in times of virtual meetings. (Unruly participants could always be muted, but excluding or preventing participation should not be the default.)
- 4) Berkeley should more clearly and proactively make available information about the appeals process to everyone who participates in a public hearing.

Thank you for your consideration and action on these matters,



Anna Cederstav



Adam Safir



Kay Bristol

Owners of properties adjacent to 1643-47 California.